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Congressional Record

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of America

PROCEEDINGS AND DEBATES OF THE 92^{d} CONGRESS, FIRST SESSION

SENATE—*Tuesday, March 9, 1971*

(Legislative day of Wednesday, February 17, 1971)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, to whom all hearts are open, all desires known, and from whom no secrets are hid, be with Thy servants in this place to inform their minds, to guide their judgments, and to unite their energies for the welfare of this Nation. Work in and through them the mission and destiny Thou hast ordained for this Nation. By their steadfast devotion to truth and justice may they be led to decisions that shall enlarge the borders of good will and help heal the wounds of these embittered days. May all that is said and done in this historic Chamber hasten the day when peace and brotherhood shall prevail in Thy kingdom, the law of which is love and the ruler of which is God, in whose holy name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, March 8, 1971, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RESCISSION OF ORDER TO RECOGNIZE SENATOR CHURCH TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the distinguished Senator from Idaho (Mr. CHURCH) to speak tomorrow be negated.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HARTKE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Indiana (Mr. HARTKE) be recognized in place of the distinguished Senator from Idaho.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SYMINGTON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow, following the disposition of the Journal and the recognition of the two leaders under the standing order, the senior Senator from Missouri (Mr. SYMINGTON) be recognized for 30 minutes for the purpose of a speech and colloquy.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HARTKE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the speech of the distinguished Senator from Missouri (Mr. SYMINGTON), the distinguished Senator from Indiana (Mr. HARTKE) be recognized for not to exceed 15 minutes, as previously ordered.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. The time when the Senate will convene tomorrow will be decided later in the day.

ORDER FOR RECOGNITION OF SENATOR TALMADGE ON THURSDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Thursday, March 11, following the disposition of the Journal and the recognition of the two leaders under the standing order, the distinguished senior Senator from Georgia (Mr. TALMADGE) be recognized for not to exceed 10 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR CHURCH ON THURSDAY

Mr. MANSFIELD. Mr. President, the distinguished Senator from Georgia will be followed by the distinguished Senator from Idaho (Mr. CHURCH), for not to exceed 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania (Mr. SCOTT) is recognized.

Mr. SCOTT. Mr. President, I yield back my time.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the distinguished Senator from Wisconsin (Mr. PROXMIRE) is recognized for 15 minutes.

THE WELL-HEELED SST LOBBY

Mr. PROXMIRE. Mr. President, in the past days and weeks, Congress has been getting hit with a blitz by the pro-SST lobby. If we have been hit by a blitz so far, this is just the beginning. As they say in that song, "Baby, you ain't seen nothin' yet." And the American public may be footing the bill for it.

To appreciate why the SST lobby is so powerful, and where it gets its money, it is essential to know what the SST lobby consists of. What groups and individuals comprise the pro-SST team?

First, it consists of aerospace contractors. This is not just Boeing and General Electric, who stand to receive $680 million and $325 million, respectively, on the SST prototype program, but the thousands of subcontractors who have been promised a share of the spoils from the production program.

Second, it consists of organized labor—which supports the SST because of the illusory and exaggerated promise of hundreds of thousands of jobs.

Third, it consists of the Senators from the State of Washington. These are two of the most popular and powerful Members of this body, who occupy commanding positions on committees and subcommittees on which 51 Senators serve.

And fourth, it consists of the administration. From the President on down, the administration is prepared to commit the vast resources at its disposal to get the SST appropriations through.

Incidentally, the Department of Transportation has a section on the supersonic transport consisting of some 140 employees, who have been working night and day on Members of the House and on Members of the Senate in trying to persuade them to vote for this legislation.

Mr. President, this is a classic case of David against Goliath. Opponents of the SST program are outgunned, outfinanced, outmanned. It will take a David-slingshot surprise to stop the SST this March.

A revealing use of the Goliath power occurred just recently in Washington. A group calling itself American Industry and Labor for the SST announced its formation on February 22, 1971. Chief sponsors of the committee are the International Association of Machinists, and Fairchild-Hiller, Inc. Fairchild-Hiller is the largest single subcontractor for the SST prototype program, with a $16 million contract to build the SST's fuselage.

The committee announced plans to spend $350,000 by March 30, the deadline for renewing SST funding.

I repeat, the committee announced plans to spend $350,000 to lobby the Congress to pass the SST funding.

That comes out to a nice, round figure of $10,000 per day. In other words, the pro-SST lobby is spending more on a daily basis to get the SST approved than the average citizen who opposes the SST earns in a year.

Full-page newspaper advertisements are a key part of this well-heeled campaign. Also radio and TV spots—all costing vast sums of money. Such enormous expenditures, financed in large measure by the aerospace industry, suggest that SST contractors and subcontractors may be using taxpayers' money to lobby for further funding of the SST.

The first of these full-page advertisements ran the week before last in the Washington Post and other large city newspapers. The ads attempt to divert attention from the legitimate concerns of environmental pollution and economics by appealing to patriotism and national pride. An example:

> The real issue has very little to do with ecology . . . The British, French, and Soviets all have put their prototype Supersonic Transports into the air . . . The question is: Will America be left on the ground?

The advertisements repeat many of the misleading and downright fallacious arguments I spoke of earlier—such as the totally specious statement that "one SST carrying 300 passengers at 1,780 miles per hour will emit no more pollutants per mile than three compact automobiles traveling at 60 miles per hour."

I shall, later this week, specify these arguments and show they are fallacious. I have a whole series of arguments by the proponents, all of which I think we can show are plainly wrong. What concerns distinguished scientists and environmentalists such as Chairman Russell Train and Dr. Gordon MacDonald of the President's Environmental Quality Council is the effect the SST's water vapor will have on the upper atmosphere. At the surface, or at low altitudes, water vapor is not a "pollutant." It is at 65,000 feet.

The fact is that automobiles do not travel at 65,000 feet. They travel at or near sea level. But SST's do fly at 65,000 feet. And their water vapor emissions will deplete the layer of ozone at that altitude. Depletion of the ozone reduces the atmosphere's ability to shield out the sun's ultraviolet radiation. The result: a potentially dangerous increase in radiation reaching the earth's surface.

In short, any comparison of automobile exhausts with SST emissions, as in the SST committee's advertisements, is extremely misleading and 100 percent specious.

Another advertisement appeared in yesterday's New York Times. The full-page spread pictures the Russian SST prototype and bears the caption:

> Announcing International SST Service—The Best That Rubles Could Buy.

The advertisement concludes:

> If you believe that American dollars can compete with Soviet rubles, write or wire your Congressman today. Urge support for America's SST.

Again this is simply a blatant effort to divert attention from the real concerns about the plane's economic and its environmental impact by an outright jingoistic appeal.

The same tack has been taken on the radio spots which urge listeners to write Congressmen and Senators on behalf of the SST. The one I heard on the radio this morning concluded with:

> Don't let the myth-makers sink America's progress!

Mr. President, a concerted effort is also underway by the companies themselves to have employees of aircraft and aerospace firms to write their Congressmen and Senators urging them to vote for the SST. As a matter of fact, I think this is where most of the $350,000 will be spent. Anyone who has served in the House of Representatives or the Senate knows how very effective those wires, letters, cards, and communications to Members of Congress are. After all, we would not be in this body if we were not sensitive to the feelings and concerns of our constituents. That is a part of being a good representative. We are going to be swamped, in the next week or two before we vote on the SST, with such communications.

These efforts have ranged from bulletin board notices posted for employees to somewhat more coercive methods. For example, a letter sent from Boeing's Supersonic Transport Division to "Suppliers and Subcontractors to the Aerospace Industry"—incidentally, they sent many to my State of Wisconsin, as I have found out—attempts to prod a massive letter writing campaign on behalf of the SST to Members of Congress. This is what it says:

> You and your people are encouraged to join with us in working for continuation of the U.S./SST prototype airplanes . . . Employees should write their Congressmen—then contact their personal friends and relatives with encouragement for them in turn to join this effort.

The memo urges aerospace management to "stimulate" this action and asks employers to use "their personal efforts in this area." It says:

> Company management assistance is vital to stimulate this action and your personal efforts in this area are requested.

Sample form letters are attached to the memorandum to prod employees still further. Here is a sample to Senator Doe.

This is the type of thing all Members of the Senate and the House of Representatives can expect to get, by the thousands. This is how the sample letter reads which Boeing is asking thousands of its employees and its subcontractors' employees to write to Members of this body:

> We have read a lot lately about how something called "technology" has gotten out of hand and ought to be stopped before horrible things happen to us. This is rather childish, but a lot of people seem to take it seriously. Sure, we've got to clean up the environment. We've got to make sure our river water is not fouled and our cities are quieter places to live in. But why blame technology, when it is our only means of solving the problems?
>
> Take the SST for example. We know that aircraft engines are getting cleaner and cleaner all the time. It stands to reason that the less time an airplane is in the air, the less it will pollute. It seems to me, then, that the SST is one good answer to our concern about the environment. As one who has followed the supersonic race with France and England, and Russia, I happen to think the American SST will be a far superior plane. We certainly shouldn't cut off the orderly development now that we are so close to flying the prototype. I hope when the vote comes up, you will back the project.

I ask unanimous consent that the entire memorandum from Boeing and the form letters be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Eagleton). Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. I also have a letter from an aerospace employee who specifically requested that arm twisting practices be brought to the attention of Congress. The letter, in part, reads as follows:

> I would think it appropriate for you to bring some of these massive campaign efforts for the SST to the attention of Congress. I would sign my name if I could afford to lose my job, which I cannot. But I would rather lose it through Congress' squashing the SST than losing it through company pressure to indicate a dishonest choice for the SST.

Mr. President, I ask unanimous consent that the full letter be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. PROXMIRE. Mr. President, these intensive efforts designed to push the SST appropriations through Congress raise a number of questions. Where is the money coming from: Can it be traced, directly or indirectly, to Federal money—taxpayers' money—received by these firms under Government contracts? Is one Federal subsidy being used to lobby for another one? To what extent are employees of aerospace firms being coerced and pressured into lobbying Members of Congress against their will?

Mr. President, if employees of defense contractors were to begin flooding congressional offices with mail urging a higher defense budget, I think most of us would be surprised, possibly suspicious. And if defense contractors themselves were to spend hundreds of thousands of dollars in behalf of more money for the Pentagon, it would be a national scandal.

I suggest, Mr. President, that the Committee for an American SST and its subgroup, American Industry and Labor for the SST, be called to account for the source of every dollar they spend. I also suggest that firms such as Boeing and other aerospace contractors that have urged employees to write letters to Congressmen and Senators on behalf of the SST provide firm assurances that such letters are being written wholly free of influence or coercion.

Mr. President, the SST is the clearest example of private power and capital versus the public interest that I have seen in my 13 years in the U.S. Senate. If money can do it, this $350,000 which is being spent at the present time and will have been spent by the time we vote, of course, will prevail. That is a whale of a lot of money to throw into a campaign in a short time. Undoubtedly it will have great influence, and the pressures that are being brought to bear right now on Members of Congress by people in the aerospace industry, by the administration, and by the labor unions undoubtedly may have their effect.

On the other side, we have the representatives of the conservation organizations, with no ax to grind, no money to gain from their efforts, just an absolute dedication to trying to keep this planet as clean as possible, insisting that we consider the cost to the environment as well as the cost to the taxpayer of proceeding with this project at this time.

Mr. President, as I say, the SST is the clearest example of private power and capital versus the public interest that I have seen in my 13 years in the U.S. Senate. No one wants or needs the SST except big labor, big industry, and big politics. The public interest is the decided underdog. Whether it can prevail against such overwhelming odds remains to be seen.

EXHIBIT 1

BOEING,
SUPERSONIC TRANSPORT DIVISION,
Seattle, Wash.

To: Suppliers and Subcontractors to the Aerospace Industry

The question of further funding for America's Supersonic Transport Program will be taken up soon by Congress. If funding is denied for this next vital step in technology we may all anticipate a continuing attempt to suppress the very means by which social, environmental and economic progress is fostered. Everyone who earns a living by "making something" should be deeply concerned about this problem.

Being a supplier to the aerospace and allied industries, you are exposed to a great deal more fact than the average individual about America's SST Program. After studying the pros and cons I am sure that you will be convinced that an excellent airplane with little or no effect on the environment will result. Any reasonable man or woman who really cares to find out the facts and to judge America's Supersonic Transport realistically will come to the same conclusion.

The thousands of direct jobs that would be lost if we don't build the SST are certainly important but don't overlook the tens of thousands of people who work for companies such as yours supplying goods to the aerospace industry; machine shops, laboratories, plastics firms, machine tooling companies and of course a myraid of electric and electronic firms. All types of companies across the nation will be affected.

You and your people are encouraged to join with us in working for continuation of the US/SST Prototype airplanes. This can best be done by exercising your American right to make your representatives in Washington, D.C. aware of your position. Employees should write their congressmen—then contact their personal friends and relatives with encouragement for them in turn to join this effort. Company management assistance is vital to stimulate this action and your personal efforts in this area are requested. Typical sample letters that may be used or modified to fit your particular efforts appear on the reverse side of this letter. Also included are sample public opinion telegrams. Past efforts of mail compaigns proved very effective during late 1970 but the need to repeat this effort is becoming more and more apparent. Your company together with several thousand others is being asked to assist.

Our use of a form letter to describe such a vital issue is certainly not desirable, however, in consideration of the magnitude and timing of the combined efforts required we trust you will react with personal effort.

Feedback regarding your company's activities for support is very important for overall assessment. It will be very much appreciated if activity status is forwarded to the following address.

SST Division Materiel Orgn. 9-5804, M/S 443-49

The Honorable (JOHN DOE)
U.S. Senate
Washington, D.C.
The Honorable (JOHN DOE)
U.S. House of Representatives
Washington, D.C.

DEAR SENATOR (DOE):
DEAR MR. (DOE):

After reading about all of the arguments about America's Supersonic Transport Program, I have concluded it is a worthwhile project. I consider the SST vital to the nation's economic future and fully deserving of Federal support.

I strongly urge that you work and vote for this important national program which will insure a healthy, competitive U.S. aviation industry. Thousands of jobs throughout the nation are at stake. Don't deny American workers the chance to contribute towards making our world a better one to live in.

Respectfully,

DEAR SENATOR (DOE):
DEAR MR. (DOE):

We have read a lot lately about how something called "technology" has gotten out of hand and ought to be stopped before horrible things happen to us. This is rather childish, but a lot of people seem to take it seriously. Sure, we've got to clean up the environment. We've got to make sure our river water is not fouled and our cities are quieter places to live in. But why blame technology, when it is our only means of solving the problems?

Take the SST for example. We know that aircraft engines are getting cleaner and cleaner all the time. It stands to reason that the less time an airplane is in the air, the less it will pollute. It seems to me, then, that the SST is one good answer to our concern about the environment. As one who has followed the supersonic race with France and England, and Russia, I happen to think the American SST will be a far superior plane. We certainly shouldn't cut off the orderly development now that we are so close to flying the prototype. I hope when the vote comes up, you will back the project.

Respectfully,

Public opinion telegrams can be sent to above addresses; 15 words for $1.00 flat rate: an American SST is needed and justified. Strongly urge you support this vital National program.

America needs the SST to keep our Nation first in aviation. Please vote for it.

EXHIBIT 2

MARCH 1, 1971.

Enclosed is the type of material used as part of a well-financed campaign at an aerospace company where I work. Bumper stickers of various sorts are also used. Even if I were for the SST, which I am not, I am against this type of organized pressure. In at least some instances at our Division supervision requests employees to sign the enclosed material in the presence of the supervisor. This type of pressure smacks more of George Orwell's 1984.

I would think it appropriate for you to bring some of these massive campaign efforts for the SST to the attention of Congress. I would sign my name if I could afford to lose my job, which I cannot. But I would rather lose it through Congress' quashing the SST than losing it through company pressure to indicate a dishonest choice for the SST.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. PROXMIRE. If I have any time remaining, I shall be happy to yield to the Senator. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. PROXMIRE. I yield to the Senator from Arizona.

Mr. GOLDWATER. I ask the Senator from Wisconsin if he would like to have investigated also the Brookings Institution, the Ford Foundation, the Peace Through Law group, and all the other organizations we see campaigning against the SST, against military expenditures, and against a strong American position in this world.

Mr. PROXMIRE. Mr. President, I would be delighted to have an investigation of those groups, and I would be astonished and very pleased if it were found that the Ford Foundation and the Brookings Institution were taking any steps whatever against the SST. They certainly have not helped me. I have received communications from many conservation groups, but the foundations have taken no position, as far as I know. If they have opinions, they have not communicated them to me.

I certainly feel that whenever a group is going to spend something like $350,000 in a matter of a few days to lobby the Congress, as this group for an American SST is doing, and when that group is getting contracts and subcontracts from the Federal Government, from the taxpayers, it seems to me it is perfectly proper to have an examination, an investigation, and a determination to find out whether or not they are using taxpayers' money in this fashion to secure more taxpayers' money for the SST.

Mr. GOLDWATER. Is the Senator suggesting that that is illegal?

Mr. PROXMIRE. I am suggesting it might very well be. I am not sure. I have not had an opportunity to examine the statutes thoroughly on that point. I think they are perfectly free to do anything they want to—buy all kinds of ads, have any kind of mail campaign they wish, as long as they spend their own money, and not the taxpayers'.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JACKSON. Mr. President, on my time.

The PRESIDING OFFICER. Pursuant to the previous order, the Chair now recognizes the Senator from Washington for a period not to exceed 10 minutes.

Mr. JACKSON. I should like to ask the Senator from Wisconsin this question: What would the Senator's opinion be if people who are employed by nonprofit foundations are, for example, actively engaged in efforts to cut the defense budget or take specific positions on what our defense posture should be?

Mr. PROXMIRE. I think that any group, whether it is a nonprofit foundation or a contractors' group, that wants to investigate and publicize their opinion should not only have every right to do so but should be encouraged to do so as well. That is part of the public debate. But when they organize a letter writing campaign, when they coerce employees—I have a letter from an employee who was coerced, and there are many others—I think that is something else.

Mr. JACKSON. What about individuals who are drawing salaries from nonprofit foundations who are involved directly in taking political positions on domestic or foreign policy matters and actively support groups here on the Hill? What is the Senator's position in that regard?

Mr. PROXMIRE. I think the Internal Revenue Service should investigate.

The Brookings Institution, for example, tells me that they are inhibited in all kinds of ways in what they can do politically. They have to be very careful. I asked a scholar from Brookings to come and testify, and he said he could not do it unless he got a letter from the chairman of the committee asking him to do so. Otherwise, they are in a difficult position.

My position is that it is perfectly proper for those people as well as contractors to make their views known, to make any studies they want, and to contribute to the dialog; and I think they are performing a great public service in doing so.

Mr. JACKSON. So the Senator from Wisconsin says that an employee of a foundation or other nonprofit organization could actively engage in and support and take political positions in connection with controversial matters before Congress?

Mr. PROXMIRE. It is my understanding that this is a matter to be determined by the Internal Revenue Service. They may lose their tax exemption if they do it.

Mr. JACKSON. What is the Senator's judgment? The Senator has indicated that there is implied wrongdoing in connection with the matter to which he has addressed himself. I assume that the Senator is well aware of the statutes and rules in this area.

Mr. PROXMIRE. I think we are talking about entirely different things. I think it is perfectly proper for a contractors' group to make any kind of study they wish and to publicize their position if they wish. But if they are going to bring pressure to bear with taxpayers' money, bring pressure to bear on their employees to write to Congress, I think that is somewhat different.

Mr. JACKSON. The Senator is saying that an employee of a foundation or other nonprofit organization can aid, support, and abet individuals who are involved or themselves take direct positions on political matters pending before Congress?

Mr. PROXMIRE. I am saying that if they do that kind of thing, they have to do it very carefully and do it in accordance with Internal Revenue Service rules.

Mr. JACKSON. The Senator means carefully in the sense of surreptitiously?

Mr. PROXMIRE. No; not surreptitiously at all. They should do it with full disclosure, but carefully, to make sure they abide by the rules.

Mr. JACKSON. What are the rules?

Mr. PROXMIRE. As I understand it, they cannot come before a congressional committee without being invited and urged to come by the chairman of the committee. Then they are free to do it.

Mr. JACKSON. The Sierra Club lost their nonprofit status because they took a political position. Is it not clear that employees of foundations or other nonprofit organizations cannot become involved, directly or indirectly, in political matters that are before Congress, under existing law and regulations of the Internal Revenue Service?

Mr. PROXMIRE. It is my understanding that if an employee of the Brookings Institution or the Ford Foundation is invited by the chairman of a congressional committee to testify on a matter, for or against the supersonic transport, he could do so without the organization losing its status or adversely affecting its status under the Internal Revenue Service Code. I could be wrong about that; and if I am wrong, I would like to be corrected.

Mr. JACKSON. I submit that the Senator has not answered my question. It is a very simple question. Can an employee of a nonprofit organization engage in overt or covert political activity when he is being paid by a nonprofit organization?

Mr. PROXMIRE. I presume the answer is that he cannot.

Mr. JACKSON. All right.

Mr. PROXMIRE. Mr. President, in the debate with Senator JACKSON, it seems that we are both making the same point and both of us really come down hard on serious impropriety of using Federal money to lobby the Congress.

I agree with him that if the funds of tax-exempt foundations are used for lobbying purposes their exemption should be taken away.

By the same token—and I might say even more strongly—I would argue that Federal tax money received by supersonic transport contractors should not be used for lobbying the Congress.

It is exactly the same principle. The taxpayers' money should not be used for lobbying the Congress.

In addition, there is a strong indication here that some of the aerospace employees may have been coerced into writing Members of Congress on behalf of the SST. There is absolutely no indication that this has happened with tax-exempt organizations.

THE SITUATION IN THE MIDDLE EAST

Mr. JACKSON. Mr. President, I wish to take just a moment of the Senate's time to commend my good friend and colleague, the Senator from Connecticut (Mr. RIBICOFF), for a most excellent statement yesterday on the floor with respect to the situation in the Middle East.

In particular, I wish to bring to the attention of the Senate my good friend's very clear and direct comment that—

> It would be . . . desirable and logical for the United States to press for the withdrawal of the more than 15,000 troops from Egypt.

I believe that the interests of peace in the Middle East will be served best by, at a minimum, the phased withdrawal of the chief source of instability in the Arab-Israeli dispute—the substantial Soviet military presence in Egypt.

There is no doubt that the Israelis can cope with any threat from the military forces of the Arab States in the region. And there is no doubt that Israel's capacity to deter such an attack is a major source of stability in the Middle East. It is by giving rise to concern that the delicate balance could be upset by direct Soviet participation in a Middle East conflict that this fragile stability is impaired. The withdrawal of Soviet forces from Egypt would greatly increase Israeli confidence at a time when confidence can be a crucial ingredient in any negotiations.

So I wish to commend the Senator from Connecticut for a cogent analysis in which he identifies the severe complications that result from Soviet ambitions in the Middle East and correctly assesses the broader implications of the Soviet presence in Egypt and throughout the Mediterranean.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, may we have a period for the transaction of routine morning business?

The PRESIDING OFFICER. Pursuant to the previous order, there will be a period for the transaction of routine morning business, not to extend beyond 12 noon.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

FEDERAL PLAN FOR METEOROLOGICAL SERVICES AND SUPPORTING RESEARCH FOR FISCAL YEAR 1972

A letter from the Assistant Director of the Office of Management and Budget transmitting, pursuant to law, the Federal plan for meteorological services and supporting research for fiscal year 1972 (with an accompanying report); to the Committee on Appropriations.

Proposed Legislation Providing for the Finality of Settlement Effected Under Certain Sections of Title 10, United States Code

A letter from the Assistant Secretary of the Air Force transmitting proposed legislation to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under sections 2733, 2734, 2734a, 2734b, or 2737 (with accompanying papers); to the Committee on Armed Services.

Proposed Legislation Providing for the Settlement of Certain Claims Incident to Noncombat Activities of the Armed Forces

A letter from the Assistant Secretary of the Air Force transmitting proposed legislation to amend sections 2734a(a) and 2734b(a) of title 10, United States Code, to provide for settlement under international agreements, of certain claims incident to the noncombat activities of the Armed Forces, and for other purposes (with accompanying papers); to the Committee on Armed Services.

Proposed Legislation for the Relief of Owners of Lost or Stolen Securities of the United States

A letter from the Secretary of the Treasury transmitting proposed legislation to remove certain limitations on the granting of relief to owners of lost or stolen bearer securities of the United States, and for other purposes (with accompanying papers); to the Committee on Banking, Housing, and Urban Affairs.

Proposed Legislation Entitled "Fair Warranty Disclosure Act of 1971"

A letter from the Attorney General transmitting proposed legislation entitled "Fair Warranty Disclosure Act of 1971" (with accompanying papers); to the Committee on Commerce.

Proposed Legislation Entitled "Federal Trade Commission Amendments of 1971"

A letter from the Attorney General transmitting proposed legislation entitled "Federal Trade Commission Act Amendments of 1971" (with accompanying papers); to the Committee on Commerce.

Annual Report of the U.S. Tariff Commission

A letter from the Presiding Commissioner of the U.S. Tariff Commission transmitting, pursuant to law, the Annual Report of the U.S. Tariff Commission for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Finance.

Proposed Legislation Relating to Certain Lands To Be Held in Trust for the Stockbridge Munsee Community, Wis.

A letter from the Assistant Secretary of the Interior transmitting proposed legislation to declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge Munsee Community, Wis. (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report From the Department of Health, Education, and Welfare, Regarding the Disposal of Excess Property in Foreign Countries

A letter from the Secretary of Health, Education, and Welfare submitting a negative report covering the disposal of excess property in foreign countries for the calendar year 1970 (with an accompanying report); to the Committee on Government Operations.

Annual Report of the Governor of Guam

A letter from the Assistant Secretary of the Interior transmitting, pursuant to law, the annual report of the Governor of Guam (with an accompanying report and papers); to the Committee on Interior and Insular Affairs.

Proceedings of the Judicial Conference, Washington, D.C., October 29, 30, 1970

A letter from the Chief Justice of the United States transmitting a copy of the proceedings of the meeting of the Judicial Conference in Washington, D.C., on October 29, 30, 1970 (with an accompanying report); to the Committee on the Judiciary.

Proposed Legislation Entitled "Consumer Fraud Prevention Act of 1971"

A letter from the Attorney General transmitting proposed legislation entitled Consumer Fraud Prevention Act of 1971 (with accompanying papers); to the Committee on the Judiciary.

Report on Exemptions From the Requirements of Section 118 of the Clean Air Act

A letter from the Administrator of the Environmental Protection Agency reporting, pursuant to law, regarding exemptions from the requirements of section 118 of the Clean Air Act; to the Committee on Public Works.

The 1971 Annual Report on Highway Relocation Assistance

A letter from the Secretary of Transportation transmitting, pursuant to law, the 1971 Annual Report on Highway Relocation Assistance (with an accompanying report); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the Legislature of the State of Washington; to the Committee on Appropriations:

"Senate Resolution 1971–17

"Whereas, the Army Corps of Engineers reports that current funding allocated for the Lower Granite Dam, on the Snake River, in Washington State will be exhausted within thirty days and, further, that an additional nine to ten million dollars would be required to continue the construction program until appropriated funds become available after July 1, 1971; and

"Whereas, the Army Corps of Engineers has already given notice of discontinuance to the contractor; and

"Whereas, A discontinuance of work on the Lower Granite Dam at this time would result in the loss of twelve hundred jobs, which would aggravate an already depressed Washington State economy; and

"Whereas, A discontinuance of construction until July 1, 1971, would cause a delay of one year in bringing on line the power generated by the dam, thus aggravating the existing power shortage in the Pacific Northwest;

"Now, therefore, be it resolved, By the Senate in legislative session assembled, that the President propose and support and the Congress enact legislation appropriating the necessary nine to ten million dollars to fund the Lower Granite Dam project until the fiscal 1972 funds become available;

"Be it further resolved, That copies of this Resolution be immediately transmitted by the Secretary of the Senate to the Honorable Richard M. Nixon, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

A joint resolution of the Legislature of the State of Nevada; to the Committee on Finance:

"File Number 55

"Senate Joint Resolution—Memorializing the Congress of the United States to allow a credit against the federal tax for slot machine taxes imposed by the states, for educational support.

"Whereas, The State of Nevada, the fastest growing state in the nation, finds it increasingly difficult to meet its obligations to its citizens, especially in the field of education, because of an increasingly tight fiscal condition; and

"Whereas, Nevada's ability to meet its needs is lessened materially because 87 percent of its land mass is federally owned, thus leaving the state a firm tax base of only 13 percent for real property levies; and

"Whereas, The State of Nevada has found that through legalizing and strictly controlling casino-type gaming, a much-needed source of state revenue has been made available, which is unique to the State of Nevada; and

"Whereas, The state's ability to provide adequate educational facilities is now seriously hampered by lack of funds and a low bonding ceiling, with no apparent way to turn for relief; and

"Whereas, The federal tax on slot machines in a state where such machines are legally taxed, regulated and rigidly controlled, may well be termed double taxation; and

"Whereas, The Nevada legislature in 1967 enacted a statute imposing a tax equal to a credit allowed against the federal tax on slot machines, which statute is to become effective when the Congress passes legislation permitting a credit against the federal tax for slot machine taxes imposed by the states; and

"Whereas, None of the tax credit allowed by the Congress will inure to the benefit of the licensed gaming establishments in Nevada, but will instead be set aside for the support of education (see NRS 463.385); and

"Whereas, Other federal support for the schools in this state under Public Law 874 of the 81st Congress has been reduced; now, therefore, be, it

"*Resolved by the Senate and Assembly of the State of Nevada, jointly,* That this legislature on behalf of the people of the State of Nevada respectfully memorializes the Congress of the United States to enact legislation providing a credit of 80 percent against the tax imposed by 26 U.S.C. § 4461 upon slot machines for the amount of any tax paid upon such machines to a state, for educational support; and be it further

"*Resolved,* That this legislature urgently requests each member of the Nevada congressional delegation to work for the enactment of such legislation; and be it further

"*Resolved,* That copies of this resolution be forwarded by the legislative counsel to the Speaker of the House of Representatives, the President of the Senate and to each member of the Nevada congressional delegation."

A resolution of the Senate of the State of Kansas; to the Committee on Foreign Relations:

"Senate Resolution No. 15

"A resolution condemning the illegal and inhumane acts of the government of North Vietnam, National Liberation Front and Lao Patriotic Front with respect to American prisoners of war/missing in action; calling on other governments and the United Nations to bring pressures upon the aforementioned governments to comply with the Geneva Convention; requesting the governor of Kansas to declare a 'Kansas week of concern for prisoners of war/missing in action.'

"Whereas, in 1957 the government of North Vietnam signed the appropriate documents of the Geneva Convention of August 12, 1949, relating to treatment of prisoners of war, and did thereby solemnly promise to adhere and abide by the covenants of that Convention, thereby joining in a common pledge with one hundred nineteen other national governments to insure the welfare and humane treatment of prisoners of war; and

"Whereas, Article 2 of the Geneva Convention specifically provides that the Convention shall apply to all cases of armed conflict which shall arise between contracting parties whether or not a state of war has been recognized or declared; and

"Whereas, the government of North Vietnam and her allies, the shadow-governments of the National Liberation Front and the Lao Patriotic Front, have willfully and continuously violated the covenants of the Geneva Convention and have maliciously ignored the provisions of said Convention requiring humane treatment of prisoners of war. Maintaining falsely, in contravention of Article 2 of said Convention, that American captives are not prisoners of war but war criminals North Vietnam and her puppet allies have refused to:

"Permit neutral inspections of prisoner of war camps;

"Provide identification of all prisoners held;

"Release those prisoners who are seriously wounded or ill;

"Allow a proper constant flow of mail to and from the prisoners;

"Provide an adequate and nutritious diet; and

"Provide adequate medical and pharmaceutical care; and

"Whereas, in addition to the foregoing, the government of North Vietnam and her puppet allies have:

"Subjected prisoners of war to public abuse;

"Subjected prisoners of war to cruel mistreatment and torture; and

"Exported prisoners of war for propaganda purposes; all of which acts are in direct violation of the Geneva Convention and the humanitarian principles of civilized society; and

"Whereas, citizens of the state of Kansas serving on active duty in the armed forces of the United States, in Southeast Asia, have been declared to be missing in action and are known or believed to be held prisoners by North Vietnam, the Viet Cong and the Pathet Lao: Now, therefore,

"Be it resolved by the Senate of the State of Kansas: That the people of the state of Kansas condemn these inhumane and illegal acts of the government of North Vietnam and of the National Liberation Front and Lao Patriotic Front and call upon them to cease their deliberate and contumacious violation of the provisions of the Geneva Convention.

"Be it further resolved: That the people of the state of Kansas call upon the government of the United States, the governments of all nations who are signatory to the Geneva Convention, and the Secretary General of the United Nations to bring such pressures as are necessary upon the government of North Vietnam, the National Liberation Front and the Lao Patriotic Front to insure immediate, full and complete compliance with the provisions of the Geneva Convention.

"Be it further revsolved: That the governor of the state of Kansas be authorized and requested to proclaim the period beginning March 21, 1971, as "Kansas week of concern for prisoners of war/missing in action," to honor those brave citizens of Kansas who have sacrificed their freedom in defense of freedom for all and that all municipalities, civic groups, fraternal organizations and like entities in the state of Kansas be informed of this resolution and requested to support its intent by every feasible means available.

"Be it further resolved: That the secretary of the senate transmit duly attested copies of this resolution to the secretary of the senate of the United States, to the clerk of the house of representatives of the United States, to each member of the congress from this state, to the government of North Vietnam and to the Secretary General of the United Nations."

A resolution of the House of the State of Kansas; to the Committee on Foreign Relations:

"HOUSE RESOLUTION No. 1036

"A resolution condemning the illegal and inhumane acts of the government of North Vietnam, National Liberation Front and Lao Patriotic Front with respect to American prisoners of war/missing in action; calling on other governments and the United Nations to bring pressures upon the aforementioned governments to comply with the Geneva Convention; requesting the governor of Kansas to declare a "Kansas week of concern for prisoners of war/missing in action."

"Whereas, in 1957 the government of North Vietnam signed the appropriate documents of the Geneva Convention of August 12, 1949, relating to treatment of prisoners of war, and did thereby solemnly promise to adhere and abide by the convenants of that Convention, thereby joining in a common pledge with one hundred nineteen other national governments to insure the welfare and humane treatment of prisoners of war; and

"Whereas, Article 2 of the Geneva Convention specifically provides that the Convention shall apply to all cases of armed conflict which shall arise between contracting parties whether or not a state of war has been recognized or declared; and

"Whereas, The government of North Vietnam and her allies, the shadow-governments of the National Liberation Front and the Lao Patriotic Front, have willfully and continuously violated the covenants of the Geneva Convention and have maliciously ignored the provisions of said Convention requiring humane treatment of prisoners of war. Maintaining falsely, in contravention of Article 2 of said Convention, that American captives are not prisoners of war but war criminals North Vietnam and her puppet allies have refused to:

"Permit neutral inspection of prisoner of war camps;

"Provide identification of all prisoners held;

"Release those prisoners who are seriously wounded or ill;

"Allow a proper and constant flow of mail to and from the prisoners;

"Provide an adequate and nutritious diet; and

"Provide adequate medical and pharmaceutical care; and

"Whereas, In addition to the foregoing, the government of North Vietnam and her puppet allies have:

"Subjected prisoners of war to public abuse;

"Subjected prisoners of war to cruel mistreatment and torture; and

"Exported prisoners of war for propaganda purposes; all of which acts are in direct violation of the Geneva Convention and the humanitarian principles of civilized society; and

"Whereas, Citizens of the state of Kansas serving on active duty in the armed forces of the United States, in Southeast Asia, have been declared to be missing in action and are known or believed to be held prisoners by North Vietnam, the Viet Cong and the Pathet Lao: Now, therefore,

"Be it resolved by the House of Representatives of the State of Kansas: That the people of the state of Kansas condemn these inhumane and illegal acts of the government of North Vietnam and of the National Liberation Front and Lao Patriotic Front and call upon them to cease their deliberate and contumacious violation of the provisions of the Geneva Convention.

"Be it further resolved: That the people of the state of Kansas call upon the government of the United States, the governments of all nations who are signatory to the Geneva Convention, and the Secretary General of the United Nations to bring such pressures as are necessary upon the government of North Vietnam, the National Liberation Front and the Lao Patriotic Front to insure immediate, full and complete compliance with the provisions of the Geneva Convention.

"Be it further resolved: That the governor of the state of Kansas be authorized and requested to proclaim the period beginning March 21, 1971, as "Kansas week of concern for prisoners of war/missing in action," to honor those brave citizens of Kansas who have sacrificed their freedom in defense of freedom for all and that all municipalities, civic groups, fraternal organizations and like entities in the state of Kansas be informed of this resolution and requested to support its intent by every feasible means available.

"Be it further resolved: That the chief clerk of the house transmit duly attested copies of this resolution to the secretary of the senate of the United States, to the clerk of the house of representatives of the United States, to each member of the congress from this state, to the government of North Vietnam and to the Secretaray General of the United Nations."

A joint resolution of the Legislature of the State of Nevada; to the Committee on Interior and Insular Affairs:

FILE No. 52

"Assembly joint resolution—Memorializing the President, the Congress, the United States Department of the Interior and the Bureau of the Budget to accelerate the funding, designing and construction of the Marble Bluff Dam and Fishway.

"Whereas, That magnificent desert lake, described by Lt. John C. Fremont in 1844 as a 'sheet of green' breaking 'upon our eyes like the ocean' which 'was set like a gem in the mountains' and which he named Pyramid Lake, is faced with numerous crises; and

"Whereas, The Secretary of the Interior and the governors of Nevada and California, recognizing the urgency of the situation, appointed many distinguished and knowledgeable citizens to investigate and recommend ways and means to use the waters of the Tahoe, Truckee and Carson basins in such a way as to provide sufficient water to preserve Pyramid Lake and to satisfy the beneficial needs of others; and

"Whereas, Those citizens have prepared and published a scholarly and thorough report on several solutions for Pyramid Lake problems; and

"Whereas, Their recommendation to complete the Marble Bluff Dam and Fishway as expeditiously as possible is a realistic and attainable goal and deserving of immediate attention; and

"Whereas, The construction of the dam would substantially reduce the erosion of lands within the Pyramid Indian Reservation, a reservation which these United States have neglected too much for too long; and

"Whereas, The construction of the fishway would again permit the renowned cui-ui and other piscine species, which are now unable to swim through the mudflats of the Truckee River, to reach their spawning grounds; and

"Whereas, The resulting benefits would immeasurably improve the lot of the Pyramid Lake Indians, who are still waiting for the white man to repay, in some small measure, the hospitality they visited upon those white men who first visited their shores; and

"Whereas, The United States Bureau of Reclamation of the United States Department of the Interior is deserving of commendation for its work with respect to the Marble Bluff Dam and Fishway, it needs the appropriations it requested here and now in order to insure the earliest possible completion of this project; now, therefore, be it

"Resolved by the Assembly and the Senate

of the State of Nevada, jointly, That the legislature of the State of Nevada memorializes the President of the United States, the Congress of the United States, the United States Department of the Interior, the Bureau of the Budget and the United States Bureau of Reclamation to accelerate the funding, designing and construction of the Marble Bluff Dam and Fishway; and be it further

"*Resolved,* That copies of this resolution be prepared and transmitted by the legislative counsel to the President and Vice President of the United States, to the Speaker of the House of Representatives, to all members of the Nevada congressional delegation, to the chairman of all committees in the Congress which deal with the subject of this resolution, to the Secretary of the United States Department of the Interior and to the Director of the Bureau of the Budget."

Resolutions of the Legislature of the Commonwealth of Massachusetts; to the Committee on the Judiciary:

"Resolutions Memorializing Congress To Enact a Federal-State Tax Sharing Program

"*Whereas,* The states have inadequate revenue sources to finance the burdens imposed upon them by mounting welfare, education and health costs; and

"*Whereas,* The federal government has greater ability to impose taxes without the problem of competing with other jurisdictions; therefore be it

"*Resolved,* That the General Court of Massachusetts hereby respectfully urges the Congress of the United States to enact legislation providing for the sharing of a fixed percentage of revenues from the individual federal income tax with state governments; and be it further

"*Resolved,* That a copy of these resolutions be sent by the Secretary of the Commonwealth to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. METCALF, from the Committee on Interior and Insular Affairs, without amendment:

S. 671. A bill to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., in Indian Claims Commission docket numbered 279–A, and for other purposes (Rept. No. 92–27).

By Mr. LONG, from the Committee on Finance, without amendment:

H.R. 4690. An act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes (Rept. No. 92–28).

By Mr. MONTOYA, from the Committee on Public Works, together with individual views:

S. 575. A bill to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended (Rept. No. 92–29).

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as indicated:

By Mr. DOLE:

S. 1139. A bill to amend the Federal Crop Insurance Act, as amended, so as to permit certain persons under 21 years of age to obtain insurance coverage under such act. Referred to the Committee on Agriculture and Forestry.

By Mr. ALLOTT (for himself and Mr. Dominick):

S. 1140. A bill to authorize the sale of certain lands of the Southern Ute Indian Tribe, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MANSFIELD (for himself and Mr. Metcalf):

S. 1141. A bill to set aside certain lands in Montana for the Indians of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont. Referred to the Committee on Interior and Insular Affairs.

By Mr. Sparkman:

S. 1142. A bill for the relief of Harold Donald Koza. Referred to the Committee on the Judiciary.

By Mr. EAGLETON (for himself and Mr. Muskie):

S. 1143. A bill to provide a national commitment for financing of expanded programs under the Federal Water Pollution Control Act, to assure better coordination in development of clean water programs, and for other purposes. Referred to the Committee on Public Works.

By Mr. MOSS:

S. 1144. A bill to authorize and direct the acquisition of certain lands within the boundaries of the Wasatch National Forest in the State of Utah by the Secretary of Agriculture. Referred to the Committee on Interior and Insular Affairs.

S. 1145. A bill to amend section 8332 of title 5, United States Code, to provide for the inclusion in the computation of accredited services of certain periods of service rendered States or instrumentalities of States, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. INOUYE:

S. 1146. A bill for the relief of Lt. Col. Lynn Freeman Cowan, U.S. Army Reserve (retired). Referred to the Committee on the Judiciary.

By Mr. BURDICK (for himself and Mr. Young):

S. 1147. A bill to authorize the Secretary of the Interior to engage in a feasibility investigation of the Dickinson reclamation project in North Dakota, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MATHIAS:

S. 1148. A bill to provide for the continued operation of the Public Health Service general hospitals. Referred to the Committee on Labor and Public Welfare.

By Mr. FONG:

S. 1149. A bill for the relief of Corazon F. Mesina. Referred to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 1150. A bill for the relief of Alisa Ramati. Referred to the Committee on the Judiciary.

By Mr. TOWER (for himself and Mr. Bentsen):

S. 1151. A bill to authorize the Secretary of the Interior to revise a repayment contract with the San Angelo Water Supply Corp., San Angelo project, Tex., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. PERCY:

S. 1152. A bill to facilitate the preservation of historic monuments, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

S. 1153. A bill to amend section 204(b) of the Federal Property and Administrative Services Act of 1949, as amended. Referred to the Committee on Government Operations.

By Mr. FONG:

S. 1154. A bill for the relief of Ulrich Paul Kruggel; and

S. 1155. A bill for the relief of Luana Gaja. Referred to the Committee on the Judiciary.

By Mr. HART (for himself, Mr. Bayh, Mr. Humphrey, Mr. Javits, Mr. Percy, Mr. Hartke, Mr. Stevenson, Mr. Taft, and Mr. Saxbe):

S. 1156. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Great Lakes Basin conservation program. Referred to the Committee on Agriculture and Forestry.

By Mr. McCLELLAN:

S. 1157. A bill to amend the Budget and Accounting Act, 1921, to require substantive authorization for appropriations made to the General Accounting Office. Referred to the Committee on Government Operations.

By Mr. BELLMON:

S. 1158. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the load limitation on certain loans. Referred to the Committee on Agriculture and Forestry.

S. 1159. A bill to amend the act entitled "An Act to authorize a study of the feasibility and desirability of establishing a unit of the national park system to commemorate the opening of the Cherokee Strip to homesteading, and for other purposes" (84 Stat. 986). Referred to the Committee on Interior and Insular Affairs.

By Mr. HANSEN:

S. 1160. A bill relating to the rehabilitation of areas damaged by deleterious mining practices, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MONDALE:

S. 1161. A bill to assist in removing the financial barriers to the acquisition of a postsecondary education by all those capable of benefiting from it. Referred to the Committee on Labor and Public Welfare.

By Mr. HART (for himself and Mr. Miller and Mr. Hughes):

S.J. Res. 67. A joint resolution to authorize the President to issue a proclamation designating the last full calendar week in April of each year as "National Secretaries Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. EAGLETON (for himself and Mr. Muskie):

S. 1143. A bill to provide a national commitment for financing of expanded programs under the Federal Water Pollution Control Act, to assure better coordination in development of clean water programs, and for other purposes. Referred to the Committee on Public Works.

MAJOR CHANGES SUGGESTED FOR WATER QUALITY PROGRAM

Mr. EAGLETON. Mr. President, on behalf of Senator Muskie and myself, I offer for introduction today, at the request of the National League of Cities and the U.S. Conference of Mayors, a bill that would authorize three major changes in the Federal water pollution control program.

These amendments are based upon a study begun by the two organizations in the summer of 1970. The study surveyed the water pollution control needs of more than 1,100 cities, counties, and special districts responsible for water pollution control.

From their survey, the two organizations estimate the Nation's needs for water pollution control over the next 5 years to be between $33 billion and $37 billion. They believe a Federal program of $3 to $4 billion a year is required to meet these needs.

The League of Cities and Conference of Mayors also believe the Federal share of the construction cost for sewage treatment plants should be increased to 75 percent and a long-term commitment of Federal funds, to be available for construction grants over a reasonable period of time, should be approved by the Congress.

Mr. President, I ask unanimous consent that the text of the bill, a background paper on these amendments, and a summary of the League of Cities-Conference of Mayors study be printed in the Record at the close of my remarks.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 1143

A bill to provide a national commitment for financing of expanded programs under the Federal Water Pollution Control Act, to assure better coordination in development of clean water programs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Clean Water Commitment Act of 1971".

Sec. 2. The Congress hereby finds and declares—

(1) that continued population growth and economic expansion require high-quality water supplies;

(2) that the Nation's waterways are currently in serious danger of becoming polluted to a degree that will be injurious to the health and welfare of the Nation; and

(3) that the urgency of this problem requires deduction of substantial public and private resources to control and abate water pollution, including a firm commitment of at least $15,000,000,000 in Federal expenditures during the next five years.

Sec. 3. (a) Subsection (a) of Section 7 of the Federal Water Pollution Control Act is amended to read as follows:

"(a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, $15,000,000, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1976, $25,000,000 for grants to states and to interstate agencies to assist them in meeting the costs of establishing and maintaining adequate measures for the prevention and control of water pollution, including the training of personnel of public agencies."

(b) Paragraph (6) of Subsection 7 (f) of the Federal Water Pollution Control Act is amended to read as follows:

"(6) sets forth the criteria used by the State in determining priority of projects as provided in Section 8(b)(6), and such criteria may consider financial need and other factors deemed relevant by the Senate in assessing individual projects in abating water pollution and improving water quality, but they must place primary emphasis on effectiveness of individual projects in abating water pollution and improving water quality."

Sec. 4. (a) Section 8(b) of the Federal Water Pollution Control Act is amended to read as follows:

"(b) Federal grants under this Section shall be subject to the following limitations: (1) no grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary and unless such project is included in a comprehensive program developed pursuant to this Act; (2) no grant shall be made for any project pursuant to this section unless enforcible water quality standards have been established for the waters into which the project discharges, in accordance with section 10(c) of this Act in the case of interstate waters, and under State law in the case of intrastate waters; (3) no grant shall be made for any project in an amount exceeding 75 per centum of the estimated reasonable cost thereof as determined by the Secretary except that this limitation shall not apply to funds allocated in accordance with paragraph (3) of Subsection (c) of this section; (4) no grant shall be made unless the grantee agrees to pay the remaining cost; (5) no grant shall be made for any project under this section until the applicant has made provision satisfactory to the Secretary for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof; and (6) no grant shall be made for any project under this section unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of Section 7 and has been certified by the appropriate State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs, except that such certification shall not be required with respect to grants made pursuant to paragraph (2) of subsection (C) of this section.

(b) Section 8(c) of such Act is amended by—

(1) adding "and prior to July 1, 1971," after "on or after July 1, 1965" wherever appearing therein; and

(2) adding at the end thereof the following: "All funds authorized for obligation pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1971, shall be allotted by the Secretary from time to time, in accordance with regulations as follows:

"(1) Seventy-five per centum of such funds shall be allocated among the states in the ratio that the population of each State bears to the population of all States. Sums allotted to a State in excess of amounts required to cover the Federal share of costs for eligible projects approved by the appropriate State water pollution control agency or agencies shall be reallocated among those States where the Federal share of eligible projects is greater than the sums allocated under the initial allocation. Reallocation of sums authorized for expenditure in the fiscal year beginning July 1, 1971, shall be determined by the Secretary on the basis of needs identified in lists of eligible projects submitted by the States no later than sixty days after the enactment of this section. Reallocation of sums authorized for expenditure in fiscal year beginning July 1, 1972, shall be determined by the Secretary on the basis of needs identified in lists of eligible projects submitted by the States on or before December 31, 1971. Reallocation of sums authorized for expenditure for each fiscal year beginning on or after July 1, 1973, shall be determined by the Secretary on the basis of needs identified in lists of eligible projects submitted by the States one year in advance of the beginning of the fiscal year for which the expenditure is authorized.

"(2) Twenty-five per centum of such funds shall be available for grants by the Secretary to any State, municipality, or intermunicipal or interstate agency, to match funds appropriated by states in accordance with paragraph (3) of this subsection and, according to criteria established by the Secretary, to provide assistance to those projects designed to abate the most severe water pollution problems for which adequate assistance is not provided under paragraph (1) of this subsection.

"(3) If a state agrees to appropriate funds equal to not less than one-third of the state allocation under paragraph (1) for any fiscal year, the Secretary shall, from funds available under paragraph (2), increase the allocation to that state by one-third, provided that the state agrees to use its appropriations and the additional Federal allocation to contribute to the non-Federal share of the costs of projects receiving assistance under paragraph (1) or (2) or to support additional projects otherwise eligible for assistance under this section."

(c) Section 8 (d) of such Act is amended by inserting "(1)" after "(d)" and by adding at the end thereof the following new paragraphs:

"(2) To finance the programs and activities under this section, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed $15,000,000,000. This amount shall become available for obligation upon the date of enactment of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this subsection not to exceed $2,000,000,000 prior to July 1, 1972, which amount may be increased not to exceed an aggregate of $4,500,000,000 prior to July 1, 1973, not to exceed an aggregate of $7,500,000,000 prior to July 1, 1974, not to exceed an aggregate of $11,000,000,000 prior to July 1, 1975, and not to exceed an aggregate of $15,000,000,000 prior to July 1, 1976. The total amounts appropriated under this subsection shall not exceed the limitations in the foregoing schedule. Sums so appropriated shall remain available until expended.

"(3) The Secretary shall report annually to the Congress, after consultation with States and municipalities, with respect to outstanding grants or other contractual agreements executed pursuant to this subsection. To assure program continuity and orderly planning and project development, the Secretary shall submit to the Congress (A) authorization requests for fiscal years 1977 and 1978 no later than February 1, 1973, (B) authorization requests for fiscal years 1979 and 1980 no later than February 1, 1975, and (C) authorization requests for fiscal years 1981 and 1982 no later than February 1, 1977. Concurrently with these authorization requests, the Secretary shall also submit his recommendations for any necessary adjustments in the schedule for liquidation of obligations."

NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS.

BACKGROUND PAPER: PROPOSAL FOR IMPROVEMENTS TO THE FEDERAL WATER POLLUTION CONTROL ACT

The grant-in-aid program under the Federal Water Pollution Control Act has been a matter of particular interest to the National League of Cities and the U.S. Conference of Mayors because of the valuable assistance which it can provide localities in controlling water pollution. This program, like few others, reaches all cities, for all cities have sewer systems and must develop methods for responsibly purifying and disposing of sewage wastes.

Since enactment of the Clean Water Restoration Act of 1966, many cities have received significant Federal assistance in constructing treatment works. Authorizations under this legislation expire on June 30, 1971. As we look to the future, we must recognize that the current structure of the Act has created many problems for localities in implementing programs with Federal assistance and that substantial revisions must be made to build an effective partnership between the Federal government, the states and cities in developing and financing a water pollution control effort which will make significant progress in cleaning up the nation's waterways.

The amount of money spent in construction of municipal waste treatment plants to control pollution has increased tremendously in the past few years. The average annual investment in waste treatment facilities has increased from $760 million in 1956–1960, to $1.4 billion in 1965–1966 and to between $1.8 and $2 billion today.

This greatly increased local commitment has come at a time when limited local revenue sources have been severely taxed to meet the rapidly growing demands imposed by many responsibilities which cities must fulfill in serving their citizens. Total general expenditures for the nation's 43 largest cities jumped from $9.8 billion in 1967 to $13 billion in 1969.

In spite of rapid growth in local commitments to pollution control, there are still great needs which must be met before those elements of the water pollution problem which are a public responsibility can be adequately controlled. Based on a needs survey of over 1100 individual municipalities, the National League of Cities and the U.S. Conference of Mayors estimate that between $33 and $37 billion in local expenditures will be required in the next five years. Considering these needs, and the necessary increase in the Federal share of costs discussed below, *we believe that Federal assistance of $3 to $4 billion a year is required for a proper water pollution control effort.*

Most of the Federal assistance will be used to construct facilities currently eligible for assistance under the Federal Water Pollution Control Act. However, an expansion in the definition of eligible facilities will be needed to allow funding of some projects necessary to control or eliminate problems caused for treatment facilities by storm water waste from combined sewers or otherwise. The storm water problem is an integral part of sewage treatment programs and will only be solved if projects to deal with storm waters receive adequate assistance.

In addition to higher levels of total financing, and increase in the basic share of Federal support provided for local programs is necessary for effective utilization of this program by many local governments. As of February, 1971, local governments in 28 states were required to pay at least 70% of project costs. Most local governments finance their share of costs through local bonds which, at current interest rates, double the actual local input and result in an effective local contribution, above the 30% Federal share, of 140% of project construction costs. The current financial difficulties facing cities make local participation in this program very difficult when such a high local contribution is required. The factors which affect the change in matching ratio and reduce the local share relate to state contributions to local programs and are entirely beyond the control of local governments.

The basic 30% Federal share also raises serious questions as to the priority assigned this program in Federal policy. Most Federal programs pay at least 50% of project costs, and many go much higher, including the 90% Federal support provided for the Interstate Highway Program. Following is a listing of representative Federal aid programs for cities with their respective Federal shares:

Assistance program—basic Federal share:

Highways:	*Percent*
Interstate System	90
Other routes	50
Law enforcement assistance	75
Urban renewal	66⅔
Mass transit	66⅔
Solid waste disposal:	
Multi-jurisdictional projects	75
Single community projects	66⅔
Airport construction	50
Water pollution control:	
With 25% State contribution	50
With no State aid	30

There has been some suggestion that the waste treatment program may differ from other Federal aid programs because municipalities can levy sewage charges to defray sewage costs. However, it is unrealistic to assume that sewage charges can support any significant portion of capital construction costs. Rapidly increasing costs for operation and maintenance of sewage facilities are likely to consume any increases in sewage charges municipalities may impose. Cities alone paid $518 million to operate and maintain sewers and sewage treatment facilities in 1969. Counties and independent sewage agencies paid many millions more. The $518 million figure represented an 11% increase from 1968 levels. In the immediate future, more rapid increases in operating and maintenance costs are expected as greater pressure is exerted by the Federal Government to upgrade the quality of treatment plant operators and improve the efficiency of plant operations. The 1969 report on the Cost of Clean Water and its Economic Impact, also indicates that operating and maintenance costs will increase, perhaps substantially, with the transformation of many communities from primary to secondary treatment or from secondary treatment to more sophisticated methods.

The urgent need to place a higher priority on pollution control, and the difficulties cities face today in financing even the most basic levels of municipal services, make a major increase in the Federal share of program costs an absolute necessity. *We urge that the Federal share of costs of all grants aiding local sewage treatment programs be increased to 75%* regardless of state participation.

A system of incentives needs to be maintained for states to aid in financing local projects, but the present system is not a good incentive mechanism. State inaction leaves localities with a wholly inadequate share of assistance, and when a state does act, the state does not receive any extra Federal assistance, it is just allowed to allocate a larger share of a fixed Federal contribution to a few less communities. As an alternative incentive, we suggest the following: Where a state agrees to appropriate a fund equal to one-third of its Federal allocation, (25% of the cost of projects to be funded under the regular state allocation), the Federal government would contribute an amount equal to the state appropriation and allow the state, at its discretion, to use these funds either to further reduce the local share of costs or to fund additional projects which could not be funded from the regular allocation to the state. This would give states a positive incentive to action by expanding the impact of state appropriations without harming localities if a state chose not to act.

A third necessary amendment is to change the financing method in the Federal Water Pollution Control Act from the present annual appropriations process to provide an assured long-term commitment of Federal assistance upon which local governments can depend in developing their pollution control programs. Planning and financing the substantial construction projects necessary for truly comprehensive local pollution control programs is a long-term process. Cities must enter into binding commitments extending over many years to provide their share of program financing. For Federal aid to be effectively integrated into this program structure, its availability must be assured at the time local governments are planning the financing element of their projects.

Under the existing annual appropriations structure there is no such assurance. Availability of funds depends on the uncertainties of the appropriations process. The result is that many localities proceed slower than they might on pollution control projects because they can only enter into financing commitments up to the extent of local resources which are likely to be available. Any Federal assistance is accepted gladly and relieves severe strains on local financing structures, but if a level of Federal assistance could be assured, many localities could proceed much more expeditiously to construct waste treatment facilities.

To provide this long-term commitment, the National League of Cities and the U. S. Conference of Mayors urge revision of the financing structure of the Federal Water Pollution Control Act to allow immediate obligation of a large sum of funds ($15 billion) to aid local projects with actual use of the Federal funds spread over a reasonable period.

A financing structure approaching these criteria was adopted for the Urban Mass Transportation Act in the 1970 Amendments (P.L. 91–453). We suggest that similar language be added to the Federal Water Pollution Control Act unless a more effective means of long-term financing, at the funding levels we propose, can be developed.

In addition to making grant-in aid support under the Federal Water Pollution Control Act more compatible with the realities of local financing, long-term financing would avoid several other problems which have developed with the present program.

1. A system could be established, under the current population based allocation formula, for reallocation of funds from those states which do not need them to states that do, ahead of the time when these funds actually become available for expenditures. This would be possible because each state could develop a long-term plan for use of water pollution control funds and accurately estimate the amount of Federal assistance required for its projects in any given year. Allocations made to those states which did not identify sufficient needs to use the full amount of their Federal assistance in any particular year could be redistributed to other states, perhaps a year in advance of the time when these funds were scheduled for expenditure under the Act.

2. Accurately estimating need levels upon which to base legislative authorizations is difficult because of changing perceptions of what level of water quality is required and improvements in water quality technology. Under the appropriations process money must first be appropriated and then projects found on which to use the money. Where projects are not found, Federal dollars remain unused for periods of time.

3. Enforcement of water quality standards as they apply to localities could proceed with much greater fairness than at present because enforcement schedules could be tied to capacity of local financing and availability of Federal assistance. With financing capability determined, enforcement schedules could be developed which assure that water clean-up programs will proceed quickly and fairly, consistent with the financing capacity of local governments. We would not face situations, as we do today, where localities have almost impossible demands placed upon them to comply with water quality standards at a time when it is very difficult and perhaps impossible to scrape together sufficient funds to finance required water pollution projects.

4. The political pressures which force some states to structure priority lists to discriminate against large projects would be reduced. Presently states must plan their allotments on the basis of their one year share of the appropriation and are reluctant to allocate all or a substantial portion of this to one project, reducing the changes of big projects receiving adequate funding. Long term financing authority would make a much larger fund available to be divided for use over several years and permit adequate funding of small and large projects, with assurance to those not funded in the first year that they would receive assistance later on.

Another change in the Act which is required is development of a more rational system of setting priorities to determine which projects within the state shall receive funding. Under the present program in which assignment or priorities is managed entirely by the states, there is no relation between priorities assigned and the areas with the greatest pollution problems or with projects which could be most effective in controlling pollution. To avoid these difficulties, two changes are suggested: First, the Act should be amended to require that a project's effectiveness in controlling pollution and the degree of a community's pollution problem be prime factors in determining state priorities. Second, instead of allocating all funds among states on a formula basis as at present, one-quarter of the funds available under the Federal Water Pollution Control Act should be retained in a discretionary fund for the Federal Water Quality Administration to use to give extra assistance to communities with particularly great needs and assure that cities have received adequate assistance before any standards enforcement actions are considered. This discretionary fund would also be used to provide the extra incentive grants for state contributions to local programs as suggested earlier.

A STUDY OF LOCAL NEEDS FOR WATER POLLUTION CONTROL FACILITIES IN FISCAL YEARS 1971–76

STUDY BACKGROUND

On April 28, 1970, during testimony of Mayor Robert W. Knecht of Boulder, Colorado and Mayor Carl B. Stokes of Cleveland, Ohio before the Subcommittee on Air and Water Pollution of the Senate Public Works Committee, Senator Edmund S. Muskie, requested NLC and USCM to provide his Committee with such specific information as they could obtain on the extent of local needs for water pollution control facilities in the next six years. To obtain this data, NLC and USCM undertook an extensive survey, sending questionnaires to all state leagues of municipalities and direct member cities of NLC and USCM. In addition, NLC and USCM staff studied local needs data developed by some states and by the Association of Metropolitan Sewerage Agencies, which also prepared a needs report at Senator Muskie's request.

As a result of the returns of questionnaires and other material studied, NLC and USCM have obtained data indicating the specific needs for water pollution control facilities in 1105 local communities covering approximately 95 million persons. The combined needs reported by these communities is $21,698,562,256. The needs were broken into three categories by the NLC questionnaire.

1. Needs for Primary and Secondary treatment facilities.
2. Needs for Tertiary treatment facilities.
3. Needs for Interceptor and Storm Sewers, including projected costs of separating storm and sanitary sewers, and/or storing storm water overflows (interceptor sewers are currently eligible for Federal assistance under the Federal Water Pollution Control Act, storm sewers are not).

Replies to NLC and USCM survey indicated that some communities counted interceptor sewer needs as part of their primary and secondary treatment facility costs. The cost breakdown as reported is:

1. For Primary and Secondary treatment	$9, 311, 987, 574
2. For Tertiary treatment	4, 100, 386, 533
3. For Interceptor and Storm sewer improvement	8, 368, 738, 149

In reply to the third survey question relating to interceptor and storm sewer needs, many cities broke down their responses into various program categories. Identified needs for interceptors and treatment programs for storm water overflows totalled $1,826,877,000 of which $542,377,000 was for interceptor needs and $1,284,500,000 was for storm overflow treatment programs. For separation and improvement of storm sewer systems, identified needs totalled $1,772,125,000. Thus it is certain that a significant portion of the needs listed in the category of storm and interceptor sewers were for interceptor sewers which are currently eligible for aid. The questionnaire did not request any data on sanitary sewer needs, and such sanitary sewer needs data as was supplied was not used.

In addition to the nearly 45 million people covered by the NLC and USCM survey, there are between 95 and 55 million persons living in the United States who are served by sewage treatment works and related facilities or should be so served by 1976. Based on this projection, and recognizing that needs in reporting jurisdictions averaging approximately $220 per capita, we estimate total national needs for state and local water pollution control facilities to be between $30 and $33 billion today. Adding a five percent inflation factor, the total costs to provide these facilities over the next six year period will range from $33 to $37 billion.

There follows a compilation of local pollution control needs by state. Following this is a listing of the needs in individual jurisdictions. Those needs figures followed by (M) are needs figures where the city reporting indicated that it was reporting needs for an area greater than its city limits, those needs figures followed by (AMSA) are gained from the survey prepared for Senator Muskie by the Association of Metropolitan Sewerage Agencies; those needs figures followed by (S) are from surveys prepared in 1970 by state governments. Wyoming is omitted from the survey as no data was provided from Wyoming.

State	Jurisdictions surveyed	Primary and secondary needs	Tertiary treatment needs	Interceptor and storm sewer needs	Total
Alabama	4	$57, 900, 000	$43, 700, 000	$19, 600, 000	$121, 200, 000
Alaska	4	168, 500, 000		40, 000, 000	208, 500, 000
Arizona	5	10, 070, 750	22, 300, 000	31, 264, 000	63, 634, 750
Arkansas	4	7, 100, 000	7, 200, 000	10, 930, 187	25, 230, 187
California	33	579, 362, 000	536, 054, 000	363, 195, 000	1, 478, 611, 000
Colorado	5	27, 000, 000	10, 865, 000	80, 500, 000	118, 365, 000
Connecticut	11	133, 080, 000	14, 500, 000	318, 330, 000	465, 910, 000
Delaware	1	12, 000, 000	8, 000, 000	2, 000, 000	22, 000, 000
Florida	12	236, 973, 260	80, 000, 000	127, 354, 900	444, 328, 160
Georgia	6	88, 200, 000	23, 400, 000	251, 500, 000	362, 600, 000
Hawaii	1	86, 000, 000	32, 000, 000	16, 000, 000	134, 000, 000
Idaho	2	6, 800, 000	22, 600, 000	10, 000, 000	39, 400, 000
Illinois	459	879, 228, 000	322, 800, 000	1, 298, 500, 000	2, 500, 528, 050
Indiana	12	99, 800, 000	62, 000, 000	436, 000, 000	597, 800, 000
Iowa	12	35, 300, 000	6, 000, 000	46, 500, 000	87, 800, 000
Kansas	6	15, 850, 000	16, 750, 000	84, 300, 000	116, 900, 000
Kentucky	3	88, 600, 000	15, 900, 000	110, 200, 000	214, 700, 000
Louisiana	4	44, 175, 000	24, 000, 000	18, 775, 000	86, 950, 000
Maine	5	32, 970, 000	13, 700, 000	38, 400, 000	85, 070, 000
Maryland	3	106, 950, 000	1, 950, 000	6, 000, 000	114, 900, 000
Massachusetts	13	295, 450, 000	29, 500, 000	314, 000, 000	638, 950, 000
Michigan	14	519, 500, 000	54, 500, 000	278, 179, 000	842, 179, 000
Minnesota	7	116, 000, 000	106, 085, 000	213, 800, 000	435, 885, 000
Mississippi	2	34, 950, 000	4, 000, 000	5, 750, 000	44, 700, 000
Missouri	13	366, 005, 500	9, 511, 000	60, 141, 000	435, 657, 500
Montana	2	12, 100, 000		34, 940, 000	47, 040, 000
Nebraska	4	$62, 599, 400	$3, 160, 000	$12, 283, 000	$78, 042, 400
Nevada	2	17, 012, 000	19, 406, 000	13, 800, 000	50, 218, 000
New Hampshire	52	168, 785, 600		45, 400, 000	214, 185, 600
New Jersey	9	508, 870, 000	59, 500, 000	108, 155, 000	676, 525, 000
New Mexico	1	12, 415, 000	5, 000, 000	39, 000, 000	56, 415, 000
New York	14	1, 599, 971, 200	2, 075, 700, 000	692, 385, 000	4, 367, 876, 200
North Carolina	8	65, 550, 000	34, 500, 000	47, 475, 000	147, 525, 000
North Dakota	2		850, 000	10, 000, 000	10, 850, 000
Ohio	21	538, 640, 000	59, 500, 000	678, 270, 500	1, 226, 230, 500
Oklahoma	6	75, 676, 750	14, 146, 553	17, 786, 467	107, 609, 770
Oregon	79	108, 161, 000	40, 500, 000	111, 145, 000	259, 933, 000
Pennsylvania	24	941, 740, 000	58, 560, 000	1, 370, 305, 095	2, 370, 605, 095
Rhode Island	2	11, 000, 000	3, 000, 000	6, 000, 000	20, 000, 000
South Carolina	5	58, 250, 000	16, 050, 000	8, 300, 000	82, 600, 000
South Dakota	69	12, 056, 564	4, 300, 000	5, 400, 000	21, 756, 564
Tennessee	3	170, 000, 000	13, 500, 000	170, 000, 000	353, 500, 000
Texas	19	133, 483, 000	130, 975, 000	95, 269, 000	369, 727, 000
Utah	2	1, 200, 000		24, 000, 000	25, 200, 000
Vermont	2	3, 800, 000	3, 300, 000	13, 000, 000	20, 100, 000
Virginia	4	102, 400, 000	1, 000, 000	58, 000, 000	161, 400, 000
Washington	70	340, 074, 900	74, 840, 000	161, 216, 000	576, 130, 900
West Virginia	2	8, 500, 000		38, 500, 000	47, 000, 000
Wisconsin	8	130, 470, 000	15, 234, 000	344, 952, 000	490, 656, 000
District of Columbia	1	181, 700, 000			181, 700, 000
Total	1, 005	9, 311, 987, 574	4, 100, 386, 533	8, 368, 738, 149	21, 698, 562, 256

By Mr. MOSS:

S. 1144. A bill to authorize and direct the acquisition of certain lands within the boundaries of the Wasatch National Forest in the State of Utah by the Secretary of Agriculture. Referred to the Committee on Interior and Insular Affairs.

ADDITIONS TO WASATCH NATIONAL FOREST

Mr. MOSS. Mr. President, I introduce for appropriate reference, a bill to authorize the U.S. Forest Service to purchase up to 3,000 acres of private land to be added to the Wasatch National Forest in Utah.

The land is located in Mill Creek Canyon above the diversion point for the proposed Little Dell Reservoir, and in Little Cottonwood and Big Cottonwood Canyons.

I first introduced this bill in January 1967, because of my growing concern that proposed private development in the areas in question would create serious sanitary and stream pollution problems and would prevent the use of the land for public recreation purposes. My concern was and is shared by the Salt Lake City Commission, which originally asked me to introduce this bill, and by Utah conservationists anxious to act before the land is damaged beyond repair. No action was taken and the bill died.

Now, however, plans for residential subdivisions or other developments on the lands have been expanded. All of the developments are close by the major sources of water for Salt Lake City and other populated areas. Both Little Cottonwood and Big Cottonwood Creeks presently are a major supply source for Salt Lake City, and the waters of Mill Creek are under consideration for use as an additional source of supply through construction of the Little Dell Reservoir.

The Forest Service cannot purchase

these private lands—although they recognize the urgency of doing so—because they must give highest priority to holdings at higher elevation. On their war-reduced budget, purchase of even these elevated lands is impossible.

Nor can the Salt Lake City Corp., afford to make the necessary investment. Admittedly, it would be preferable if the city were able to assume some of the financial burden of purchase, particularly since failure to act will cause a pollution problem which will directly affect Salt Lake County. Nonetheless, since the city cannot handle the problem, it remains for the Federal Government to take the necessary steps to protect the watershed. The preservation of the vegetation on the Wasatch Front Range is essential for flood control, for the prevention of erosion and pollution, and is essential to the stability and continuity of water supplies. This can be accomplished only if the land is not turned over to private developers.

This year, as never before, we are aware of the serious problems which have arisen and can still arise because we have not paid proper attention to our environment. There is much greater citizen demand for protection from pollution now than in 1967.

I recognize that the problem of watershed protection in the Wasatch Forest is only one small part of the national problem, but it is urgent that we begin, step by step, to act now before the damage is irreversible.

Mr. President, I ask unanimous consent that the bill which I introduce today, to acquire certain lands within the boundaries of the Wasatch National Forest, be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1144

A bill to authorize and direct the acquisition of certain lands within the boundaries of the Wasatch National Forest in the State of Utah by the Secretary of Agriculture

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to promote in a timely and adequate manner control of floods, the reduction of soil erosion and stream pollution through the maintenance of adequate vegetative cover, and the conservation of their scenic beauty and the natural environment, and to provide for their management, protection, and public use as national forest lands under programs of multiple use, the Secretary of Agriculture is authorized and directed to acquire, at not to exceed the fair market value as determined by him, such of the nonfederally owned land, not to exceed three thousand acres, in the area described in section 2 hereof as he finds suitable to accomplish the purposes of this Act.

Sec. 2. This Act shall be applicable to lands within the boundary of the Wasatch National Forest in the watersheds of Mill Creek, Big Cottonwood Creek, and Little Cottonwood Creek, being portions of townships 1, 2, and 3 south, ranges 1, 2, and 3 east, Salt Lake Base and Meridian.

Sec. 3. There is hereby authorized to be appropriated for the purposes of this Act not to exceed $, to remain available until expended.

By Mr. MOSS:

S. 1145. A bill to amend section 8332 of title 5, United States Code, to provide for the inclusion in the computation of accredited services of certain periods of service rendered States or instrumentalities of States, and for other purposes. Referred to the Committee on Post Office and Civil Service.

RETIREMENT BENEFITS FOR EMPLOYEES OF FEDERAL-STATE COOPERATIVE PROGRAMS

Mr. MOSS. Mr. President, I am today introducing a bill to bring employees of Federal-State cooperative programs under the Civil Service Retirement system. Although hearings have been held on legislation of this type in the past, no action has been taken.

Let us hope that the 92d Congress will be the one which brings to an end this long-standing inequity.

As everyone knows, retirement privileges have been extended to State and county agricultural extension workers, but most of the other employees who are now working or have worked in the past on programs financed by the Federal Government, conducted under the auspices of a Federal law, and pursued in the national interest, are excluded. They are treated like second-class citizens when it comes time to retire.

Aside from the importance of establishing a uniform Federal retirement system, passage of this bill would be most helpful in assuring to the Federal Government the experience and expertise of many men and women who now hesitate to take positions offered to them.

Some recruiting difficulties might disappear if a potential employee could be sure that his years of service would be credited toward retirement. Moreover, mobility and interchange between the States and the Federal Government is vital if national agencies are to continue to act in an effective and innovative fashion. As cooperation among Federal, State, and local units grow—and I think this definitely is the pattern of the future, we must facilitate and encourage, not hinder, the exchange of personnel.

The argument is offered that the proposed extension of benefits would cost too much. At this point, we simply do not know how many people will be covered by the law. Even if we had an up-to-date and accurate estimate of the number eligible, we still have no means of determining how many employees would elect to take advantage of the provisions of the bill or for how long annuity payments would have to be made. Some employees who have already retired may have a short life expectancy and thus may decide that the advantages of entering the retirement fund are limited.

The key point in considering cost, however, is that none of these people is asking for a Federal handout. In order to participate, the employee would have to pay into the Federal Civil Service Retirement an amount equal to the aggregate of what he would have paid into the fund during his period of service plus interest. This lump sum should more than offset the initial costs of the bill.

By Mr. MATHIAS:

S. 1148. A bill to provide for the continued operation of the Public Health Service general hospitals. Referred to the Committee on Labor and Public Welfare.

Mr. MATHIAS. Mr. President, I introduce today a bill to appropriate the $21 million needed by the Public Health Service, during fiscal year 1972, to fully maintain the present operations of the Nation's Public Health Service hospitals. Many Congressmen share with me the sense of urgency over the disposition of these important health resources. Almost one-third of the Senate joined in cosponsoring a resolution urging the administration to continue operating these hospitals.

In my own State of Maryland, concern about the PHS facilities in Baltimore has been so great that the State House of Delegates recently approved a resolution calling on Federal officials not to close any of the PHS hospitals. That resolution was cosponsored by the entire 43-member house delegation from Baltimore City.

A fairly obscure passage in the proposed budget for next year states that the administration is to consider whether the services offered by the PHS hospitals might be offered elsewhere at a saving to the taxpayers. This seems a perfectly reasonable question to ask regarding any Government program. Indeed, all of us want the Government to operate as efficiently and economically as possible.

Allow me to quote, from the explanation for the request for funds to provide services in HEW medical facilities.

> This figure includes funds to insure that beneficiaries currently served by the eight Public Health Service general hospitals will receive the care to which they are entitled, including care in community facilities or other federal hospitals, at federal expense. This policy includes consideration of the potential converting the PHS direct care facilities to community use.

Since then, we have been assured by top HEW officials that, if no such alternative arrangements can be determined, the President will request a supplemental appropriation to continue the operation of the PHS hospitals. I am told that this assurance was repeated as recently as last Friday in testimony given by HEW to this subcommittee's counterpart in the other body.

Increasingly, I think, it has become evident that no realistic prospect for making alternate arrangements. The chairman of the House Committee on Veterans' Affairs, Representative Olin E. Teague, has said he doubts the VA hospitals could handle the patient load from the PHS hospitals. And I agree, since VA hospitals themselves need all the help they can get. Indeed, the VA hospital system is already so overburdened in many places that it is turning away patients whose disabilities are unrelated to their military service. According to the executive vice president of the Maryland Hospital Association, private hospitals in the Baltimore area could not absorb the Wyman Park PHS hospital's load, which numbers over 115,000 patients annually.

Another alternative under consideration by the administration, I understand, would be to transfer of PHS hospitals and clinics to community organizations or groups for use as community health facilities. For a number of reasons, this arrangement would be almost as unsatisfactory as closing down the hospitals altogether.

Abolition of PHS control would undoubtedly raise the prospect of a sharp reduction in the hospitals' vitally important public service programs. At present, 35 of the National Cancer Institute's 120 beds around the United States are located in the Baltimore PHS hospital. Continuation of this noted program would be seriously jeopardized by any transfer of hospital control.

Essential teaching, training, and other manpower programs would also be called into question. In Baltimore alone, the PHS is involved in a very extensive array of manpower programs, including internships, residencies, and nurse training.

Nor is the education of doctors and nurses the only manpower issue at stake. As Government facilities where everyone is on salary, the PHS hospitals are a good deal less hampered by departmental rivalries than private institutions, and this has made it easier to experiment with new categories of health personnel, such as paramedics for which there is an ever-growing realization of need.

Direct service to the community by the Baltimore PHS hospital is evident in many programs, such as the provision of physicians to city schools and the development and administration of the Maryland Eye Bank.

Another probable result from loss of PHS control would be immediate dislocation of many of the hospital and clinical staff. Not only career civil servants, doctors, and other specialists, but large numbers of minority group staff would be subject to displacement. In Baltimore alone, $3 million of the hospital's $7.2 million annual payroll goes to black and other minority group employees.

What makes the fate of the PHS hospitals all the more critical, I think, is the recent enactment of the Emergency Health Personnel Act, which calls upon the Public Health Service to attack health problems in the ghetto and other doctor-shortage areas.

President Nixon is to be commended for requesting the full $10 million authorized for this innovative program. But it would be a cruel irony for the administration to move now to undercut the PHS hospitals at the very time when Congress has enacted this new health manpower legislation to meet the country's most desperate needs.

Indeed, this may be the worst possible time to sever PHS control over these facilities, many of which are strategically located near ghetto neighborhoods. Only last Thursday I announced that I would introduce a bill to provide a major new incentive for graduating doctors, dentists, and other health personnel to take up service in these doctor-deprived areas. My bill would establish a loan forgiveness mechanism whereby service with the PHS in these areas would operate to cancel Federal educational loan indebtedness at the rate of 25 percent per year.

I am, therefore, of the view that it would be extremely counter-productive to carve out the base, the PHS hospitals, to which these idealistic young health professionals would be attached.

One justification given for shaking off PHS control, we understand, is that the facilities are underutilized and do not serve a broad enough segment of the population. This, rather than being a problem, represents an opportunity. The present low occupancy can be turned to advantage for the care of the indigent.

Several PHS hospitals are eager for such assignments. After setting up a health evaluation service the Baltimore hospital could be ready to serve an indigent population of 25,000, according to its director, Dr. Edward J. Hinman. This plan, which has the enthusiastic approval of the Baltimore City Health Department, would provide ambulatory care to a black neighborhood which now has but one doctor and no dentists or drug stores.

There has of course been a great deal of talk about the poor state of PHS facilities. Further use of them would undoubtedly require extensive modernization. But the cost-factor, whether channeled through the PHS or through local authorities, would be essentially the same. The only question about modernization, then, is just how much longer we must wait.

A very significant question, relating to cost, is that of per diem expense. The average cost per day in PHS hospitals is $65 to $70 per day, which includes everything from doctors' salaries and laboratory tests to X-rays and drugs. The average daily charge in other hospitals, however, is something on the order of $95 to $115 for room and board alone. Transfer of control over these hospitals, taking them out of the hands of the PHS, might thus cost the taxpayers more, rather than less.

For all these reasons, and indeed many more, the wisest course of action, I think, would be to retain PHS operational management over all their hospitals and clinics. Not only would this accord with the 5-year-old recommendations of a prestigious Presidential Science Advisory Committee, it would maintain an essential basis for extending, through the Emergency Health Personnel Act, critically needed health services to our Nation's ailing poor.

For this reason I am introducing a bill which would provide the Public Health Service, through fiscal year 1972, with the $21 million needed to maintain the full operations of all these vitally needed hospitals. I would urge my Senate colleagues to join me in supporting this legislation.

By Mr. TOWER (for himself and Mr. BENTSEN):

S. 1151. A bill to authorize the Secretary of the Interior to revise a repayment contract with the San Angelo Water Supply Corp., San Angelo Project, Tex., and for others purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. TOWER. Mr. President, I am today introducing a bill, for myself and for the Senator from Texas (Mr. BENTSEN), to authorize the Interior Department to revise a payment schedule for a reclamation project in San Angelo, Tex. This area of our State is suffering from a drought condition. The infrequent rains have not been sufficient to keep the municipal water reservoir from dropping, and now the city must seek an alternative supply of water from another source, which will entail heavy costs and impair the payment schedule on an existing reclamation project. The Interior Department is in agreement on the need for a rescheduling of this payment plan so that there will be a total of 50 years in which to payout the project instead of the usual 40. This would enable the city to develop and utilize the new alternative source for its water supply until rains eventually replenish its reservoir source. We commend this bill to the Senate and request early consideration of this much needed measure.

By Mr. HART (for himself, Mr. BAYH, Mr. HUMPHREY, Mr. JAVITS, Mr. PERCY, Mr. HARTKE, Mr. STEVENSON, Mr. TAFT, and Mr. SAXBE):

S. 1156. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Great Lakes Basin conservation program. Referred to the Committee on Agriculture and Forestry.

Mr. HART. Mr. President, the Great Lakes are truly a national resource. Combined, the Great Lakes total 95,000 square miles forming a waterway stretching 2,300 miles from the Atlantic Ocean to Duluth, Minn. The Great Lakes Basin comprises 15 percent of the Nation's population, 50 percent of its steel production, and 25 percent of its industrial manufacturing. In 1966 a total of 246,000,000 net tons of cargo moved on the Great Lakes representing 40 percent of all traffic on U.S. waterways in terms of ton miles. The locks of Sault Ste. Marie between Lake Huron and Lake Superior are the busiest in the world. Recreational opportunities abound as search for water-based recreation increases. Demands on the Great Lakes for industrial and municipal water supplies reaches over 15 billion gallons per day. Thus, the Great Lakes truly are the lifeblood of the industrial midwest and a resource of the utmost national interest.

But the Great Lakes are dying. Many have said Lake Erie is already dead with Lakes Michigan and Ontario soon to follow. The demands of society upon the Great Lakes is taking its toll. Water quality has declined rapidly and perpetual dredging must take place to remove the pollution-laden sediment load from rivers and harbors.

It is to the problem of sediment control that I address myself in the legislation a number of us propose today. Soil erosion is one of the greatest contributors to the declining quality of the Great Lakes. An indication of the magnitude of the problem is the Corps of Engineer's estimate that maintenance dredging alone in the Great Lakes requires the removal of approximately 11 million cubic yards of sediment annually from the various harbors at a cost of some $18 million. Certainly a good portion of this expenditure could be saved with an intensive program of soil erosion control. Likewise, one of the major problems associated with sediment buildup is the pollution load that is carried downstream by soil particles. Many of the chemicals applied to agricultural and other land to serve a beneficial purpose become pollutants when washed off the land and into our rivers and lakes. In fact, research has shown that many pollutants, including phosphorus, iron, and the pesticides DDT and dieldrin, move downstream attached primarily to soil particles. Ultimately, these pollutants become deposited in our rivers and lakes and subsequently are removed by dredging. The disposal of these polluted dredge spoils is a critical problem in the Great Lakes as elsewhere.

Thus, the need for an intensive program of soil erosion prevention in the Great Lakes is urgently needed. It is in this spirit that I introduce today proposed legislation entitled the Great Lakes Basin Conservation Act. Under this proposal, the Secretary of Agriculture would be authorized to enter into 10-year contracts with any landowner or operator in the Great Lakes Basin to effectuate changes in land use or cropping systems to conserve soil and water. It is important to note that all landowners or operators would be eligible. Thus, the program would reach such diverse problem areas as farmland, streambanks, lakeshore, and other areas contributing to soil erosion in the Great Lakes Basin. The plans required under the program would incorporate, to the extent practicable, practices and measures to enhance fish and wildlife and recreation, to enhance the economic use of land, and to reduce or control agricultural related pollution.

The bill is patterned after the Great Plains conservation program which has been in existence for some 15 years. In doing so, this proposal contains the features of the Great Plains program which simplify the administration of the contracts and make them attractive to the landowners or operators. First, the contracts are between the Secretary of Agriculture and the landowner or operator thus eliminating much of the redtape involved with intermediary approvals. Second, the funds would be available without fiscal year limitation thus allowing the Secretary to obligate funds for the life of the contract from yearly appropriations. This provision will assure the contractor of a continuing source of money.

The National Association of Conservation Districts—NACD—conducted their 25th annual meeting in Chicago on February 9. At that meeting the NACD adopted a resolution bearing directly on the soil erosion problems of the Great Lakes. That resolution is as follows:

GREAT LAKES CONSERVATION PROGRAM

The Great Lakes are the greatest fresh water source on the face of the globe and contain one-quarter of the world's supply of fresh water.

The Great Lakes Basin constitutes the industrial heartland of this nation, and is one of the major social and economic complexes of the world. The basin has about 15 percent of the nation's population, 50 percent of its steel production, and 25 percent of its industrial manufacturing. The basin is blessed with ample water, the prime ingredient of outdoor recreation, and can provide recreation for 50 million or more people living within a day's drive of the Lakes.

Forty-four American ports on the Lakes handle a million or more tons of cargo each year.

It is a matter of serious concern, however, that sediment is rapidly impairing the use and life of the Great Lakes. We believe the protection of the Great Lakes has become an urgent national and international as well as regional problem.

The NACD advocates legislation in the current session of Congress to authorize and set in motion a Great Lakes Conservation Program, modelled in principle after the Great Plains Conservation Program, to deal with sediment pollution in the Lakes and their surrounding basin.

This recognition of the Great Lakes erosion problem is a strong indication that swift action is warranted.

The Great Plains conservation program was spawned out of an urgent need to control erosion during the dust-bowl days of the great depression. The current state of the Great Lakes argues strongly for a similar program to deal with a similar urgent need.

I introduce the bill for appropriate reference and ask that it be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1156

A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Great Lakes Basin conservation program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Great Lakes Basin Conservation Act".

SEC. 2. The Soil Conservation and Domestic Allotment Act, as amended, is amended by adding after section 16A a new section as follows:

"SEC. 16B. Notwithstanding any other provision of law—

"(1) the Secretary is authorized, within the amounts of such appropriations as may be provided therefor, to enter into contracts of not to exceed ten years with land owners and operators in the Great Lakes Basin area determined by him to have control for the contract period of the farms, ranches, or other lands covered thereby. Such contracts shall be designed to assist farm, ranch, or other land owners or operators to make, in orderly progression over a period of years, changes in their cropping systems and land uses which are needed to conserve the soil and water resources of their farms, ranches, and other lands and to install the soil and water conservation measures needed under such changed systems and uses. Such contracts may be entered into during the period ended not later than December 31, 1985, with respect to farms, ranches, and other lands in counties in the Great Lakes Basin area of the States of Michigan, Indiana, Illinois, New York, Ohio, Pennsylvania, Minnesota, and Wisconsin, designated by the Secretary as susceptible to serious water erosion by reason of their soil types, terrain, and climatic and other factors. The land owner or operator shall furnish to the Secretary a plan of farming operations which incorporates such soil and water conservation practices and principles as may be determined by him to be practicable for maximum mitigation of climatic hazards of the area in which the farm, ranch, or other land is located, and which outlines a schedule of proposed changes in cropping systems or land use and of the conservation measures which are to be carried out on the farm, ranch, or other land during the contract period to protect the farm, ranch, or other land from erosion and deterioration by natural causes. Such plan shall, to the extent practicable, include practices and measures for (a) enhancing fish and wildlife and recreation resources, (b) promoting the economic use of land, and (c) reducing or controlling agricultural related pollution. Under the contract the land owner or operator shall agree—

"(A) to effectuate the plan for his farm, ranch, or other land substantially in accordance with the schedule outlined therein unless any requirement thereof is waived or modified by the Secretary pursuant to paragraph (3) of this section;

"(B) to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder upon his violation of the contract at any stage during the time he has control of the farm if the Secretary determines that such violation is of such a nature as to warrant termination of the contract, or to make refunds or accept payment adjustments as the Secretary may deem appropriate if he determines that the producer's violation does not warrant termination of the contract;

"(C) upon transfer of his right and interest in the farm, ranch, or other land during the contract period to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder unless the transferee of the farm, ranch, or other land agrees with the Secretary to assume all obligations of the contract;

"(D) not to adopt any practice specified by the Secretary in the contract as a practice which would tend to defeat the purposes of the contract; and

"(E) to such additional provisions as the Secretary determines are desirable and includes in the contract to effectuate the purposes of the program or to facilitate the practical administration of the program. In return for such agreement by the land owner or operator the Secretary shall agree to share the cost of carrying out those conservation practices set forth in the contract for which he determines that cost-sharing is appropriate and in the public interest. The portion of such cost (including labor) to be shared shall be that part which the Secretary determines is necessary and appropriate to effectuate the physical installation of the conservation measures under the contract;

"(2) the Secretary may terminate any contract with a land owner or operator by mutual agreement with the owner or operator if the Secretary determines that such termination would be in the public interest, and may agree to such modification of contracts previously entered into as he may determine to be desirable to carry out the purposes of the program or facilitate the practical administration thereof, or to accomplish equitable treatment with respect to other similar conservation, land use, or commodity programs administered by the Secretary;

"(3) in applying the provisions of paragraph (6) of Public Law 74, Seventy-seventh Congress (7 U.S.C. 1340 (6)), relating to the reduction of storage amount of wheat, any acreage diverted from the production of wheat under the program carried out under this subsection shall be regarded as wheat acreage;

"(4) the Secretary shall utilize the technical services of agencies of the Department of Agriculture in determining the scope and provisions of any plan and the acceptability of the plan for effectuating the purposes of the program. The Secretary shall also, in accordance with existing law, make those technical services available to the land owner or operator to assist in developing plans under this Section. In addition, the Secretary shall take into consideration programs of State and local agencies, including soil conservation districts, having for their purposes the objectives of maximum soil and water conservation;

"(5) there is hereby authorized to be appropriated without fiscal year limitations, such sums as may be necessary to carry out this section, except that the total cost of the program (excluding administrative costs) shall not exceed $150,000,000, and for any program year payments shall not exceed $25,000,000. The funds made available for the program under this section may be expended without regard to the maximum payment limitation and small payment increases required under section 8(e) of this Act, and may be distributed among States without regard to distribution of funds formulas of section 15 of this Act. The program authorized under this subsection shall be in addition, to, and not in substitution of, other programs in such area authorized by this or any other Act."

By Mr. BELLMON:

S. 1159. A bill to amend the act entitled "An act to authorize a study of the feasibility and desirability of establishing a unit of the national park system to commemorate the opening of the Cherokee Strip to homesteading, and for other purposes" (84 Stat. 986). Referred to the Committee on Interior and Insular Affairs.

Mr. BELLMON. Mr. President, in 1970, Congress authorized a study of the feasibility and desirability of establishing a unit of the national park system to commemorate the opening of the Cherokee Strip to homesteading. The act authorizes not only a study of the Cherokee Strip but also the historical cattle trails which crossed this area and other arteries of commerce which crossed the Nation.

I am today introducing a bill to amend that act to provide that that study which will be conducted also include the area which was known as "No Man's Land." This area which lay outside the limits of the Louisiana Purchase was considered a part of Mexico until the formation of the Republic of Texas in 1836. The tradition that slavery should not exist above the thirty-six thirty caused Texas to give it up in 1850. As the boundaries of other States which surround Oklahoma were fixed, there remained literally a "No Man's Land" entirely outside the limits of any State or territory. By the Organic Act of 1890 this area was finally included as a part of the Territory of Oklahoma.

There are many historical features of this area that would contribute to the overall study. For example, the Old Santa Fe Trail crosses part of this area. Also there are dinosaur pits, lava formations, and Indian pictographs that might be lost without some consideration being given to their historical and cultural value. More important this area was important in the expansion and development of our country during those formative years.

The enactment of this legislation will insure that this area will be considered when a study of the Cherokee Strip and the cattle trails is made.

Mr. President, "No Man's Land" was once one of the most colorful and historical areas in our Nation. A wealth of knowledge about the winning of the West and about life in Pioneer America is available there today. The lives of countless Americans living and unborn can be greatly enriched by proper development of this area for historical and tourism purposes.

By Mr. HANSEN:

S. 1160. A bill relating to the rehabilitation of areas damaged by deleterious mining practices, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. HANSEN. Mr. President, today I am introducing legislation to provide for a Federal contribution through the Bureau of Mines for projects to seal and fill voids in abandoned coal mines and abandoned oil and gas wells and to reclaim and rehabilitate lands affected by the strip and surface mining and processing of coal and other minerals.

Similar legislation to aid in the rehabilitation of areas damaged by deleterious mining practices has been enacted with regard to the Appalachian area of our Nation. The Appalachian area has particularly suffered from subsidence problems resulting from the collapse from abandoned mines, and the Congress has recognized the disastrous effect this can have on the quality of human life and the economic growth of a particular area. However, Appalachia is not the only section of the country which experiences these problems. My own State of Wyoming has experienced subsidence problems. Other States such as Washington, Michigan, Oklahoma, and many others have the same experience. However, Federal assistance has been limited to the Appalachian area.

Recently, under the terms of the demonstration grant from the Department of Housing and Urban Development, the Dowell Division of Dow Chemical Co. backfilled an abandoned coal mine area under the city of Rock Springs, Wyo., using a new technique it had developed. The demonstration project was conducted last October and every indication to this date points that this technique has proven extremely successful. Official reports will be coming from the Bureau of Mines and the Department of Housing and Urban Development in the next several months. Of prime importance is the fact that the Dowell technique for backfilling abandoned mines provides greater surface support in potential subsidence areas and is much less expensive than previous techniques which have been used in the Appalachian areas.

Because the Dowell technique is a much more efficient and economically feasible method of tackling the subsidence problem, it is important that all cities and towns in this Nation which face potential subsidence be given an opportunity to solve the problem. Justice and equity require that Federal assistance which was given to the Appalachian area to solve subsidence problems in populated areas be extended to the entire Nation.

Since the Dowell technique offers a much less expensive method of treating these areas, it is certainly within the means of the Federal Government to offer its assistance to all areas of the Nation which face these problems.

Mr. President, I respectfully request that this legislation be referred to the appropriate committee and that the Senate swiftly enact the legislation.

By Mr. MONDALE:

S. 1161. A bill to assist in removing the financial barriers to the acquisition of a postsecondary education by all those capable of benefiting from it. Referred to the Committee on Labor and Public Welfare.

Mr. MONDALE. Mr. President, it will come as no surprise to students, parents, and educators to hear that the cost of college education continues to skyrocket. Our country has increasingly recognized the benefits which come to the Nation and its citizens where higher education is broadly based. We have not been content to let postsecondary education remain a privilege of the wealthy few. We have sought to make college education available to young Americans willing and able to gain from the experience, but we have failed.

Mr. President, it is for that reason that I today introduce the Student Assistant Act of 1971.

Clark Kerr, who headed the Carnegie Foundation's inquiry into higher education has said:

> Today a young man or woman whose family's income is in the top half of the national income range has three times the chance to get a college education as one whose family is in the bottom half.

It is more than mere coincidence that students coming from families with a high socioeconomic status are far more likely to attend college than students from families of low socioeconomic status. The tragedy is that this is true regardless of the student's ability.

Mr. President, I ask unanimous consent to have printed in the RECORD several tables to illustrate this situation.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—DEGREE CREDIT COLLEGE ATTENDANCE BY FEBRUARY 1967 OF OCTOBER 1965 HIGH SCHOOL SENIORS WHO GRADUATED FROM HIGH SCHOOL BY FAMILY INCOME

[In percent]

Family income	Attended college	Did not attend
Under $3,000	19.8	80.2
$3,000 to $3,999	32.3	67.7
$4,000 to $5,999	36.9	63.1
$6,000 to $7,499	41.1	58.9
$7,500 to $9,999	51.0	49.0
$10,000 to $14,999	61.3	38.7
$15,000 and over	86.7	13.3
Total entrance rate	46.9	53.1

This table indicates the differences in entrance rates between students coming from low- and high-income families. Assuming that entrance rates are to be equalized between students coming from families with incomes below $10,000 and students with family incomes in the $10,000 to $15,000 range, the following gap in entrance rates would have to be closed:

TABLE II.—*Gap in college entrance rates—Degree-credit students*

Family income:	*Percent*
Under $3,000	41.5
$3,000 to $3,999	29.0
$4,000 to $5,999	24.4
$6,000 to $7,499	20.2
$7,500 to $9,999	10.3
$10,000 to $14,999	[1] 0

[1] Equals base.

Source: Factor's Related to High School Graduation and College Attendance 1967, U.S. Census Bureau.

It should be noted that this study includes only those students attending degree-credit programs in institutions of higher education. If the students attending vocational programs in colleges and universities were included, the entrance rates shown would be higher (approximately 6%).

COLLEGE ENTRANCE RATES

The following table shows the college entrance rates by SES quartiles and ability halves for full- and part-time students in 2- and 4-year institutions offering degree credit programs. It should be noted that vocational programs are also offered by such institutions and that students taking vocational programs in degree credit institutions are reflected in the entrance rates.

TABLE III.—ENTRANCE RATES, BY ABILITY AND SOCIOECONOMIC STATUS TO 2-YEAR AND 4-YEAR INSTITUTIONS—FULL-TIME AND PART-TIME STUDENTS

[In percent]

	SES quartiles				Total enrollment rates
Ability	Low 1st	2d	3d	High 4th	
Top half	58.0	66.3	78.3	87.8	74.5
Bottom half	31.2	33.9	44.4	59.4	39.5
Total entrance rates	44.0	51.8	66.3	81.1	60.7

Source: "Growth Study" conducted by Educational Testing Service, 1967.

Mr. MONDALE. Mr. President, the information in these tables simply puts numbers on what most of us know intuitively, that high school seniors coming from families with a low income are far less likely to go to college than those coming from families with middle to high income. The tables show that the factor which is most likely to determine whether or not an individual attends college is not his or her ability, but rather his or her family's economic status.

Once again those at the bottom of the scale suffer the most. They are the people described as disadvantaged because they have so little going for them. An inordinate number of them are members of minority groups—Negroes, Indians, Mexican Americans, Asians, and Puerto Ricans. Many come from rural areas or pockets of poverty in remote areas and urban ghettos. The chance to go to college is no more than a pipedream without the necessary support from their family, friends, and educational system.

By allowing these disadvantages to continue; by allowing the cycle of poverty to repeat itself without interruption; by allowing talent to go unused, we are squandering our Nation's most precious resource. But the problem does not stop with the lowest socioeconomic classes. A large number of working class Americans are finding it more and more difficult to finance a college education for their children. Although they work hard their salaries are not high.

The meager savings they manage to set aside are quickly eaten up by health and employment emergencies. Pay increases generally just keep them abreast of the rapidly rising cost of living. Keeping this in mind, we can understand their plight when we see that the cost of college education has risen even more rapidly than the cost of living.

Mr. President, I ask unanimous consent to have printed in the RECORD a table illustrating this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE IV.—INCREASE IN THE COST OF ATTENDING PUBLIC AND NONPUBLIC 4-YEAR UNIVERSITIES FOR 1 YEAR COMPARED WITH THE INCREASE IN THE CONSUMER PRICE INDEX, 1960–70

	1960	1970	Percent increase
Consumer Price Index (1967=100)	88.7	116.1	31
Public university	$881	$1,390	58
Nonpublic university	$1,701	$2,993	76

Note: The Office of Education tells us that on the average, it costs $1,248 to attend a public institution of higher learning for 1 year, which includes 4-year universities, 4-year colleges, and 2-year institutions. For all private institutions the average is $2,722. Next year the costs will be greater.

Sources: U.S. Statistical Abstract, table 192 and Department of Labor, Bureau of Labor Statistics.

Mr. MONDALE. Mr. President, the fact is that more and more Americans are not able to pay these prices. It is estimated that over a million young people must forgo college today, not because they lack ability or desire, but because they lack the necessary money. Unless we do something now to eliminate these inequities and end this waste of manpower, higher education may once again become the privilege of the wealthy few.

If a growing number of students and parents cannot stand the rising costs of education, who can? The findings of the recently published Carnegie Commission report, "The New Depression in Higher Education," make it clear that the schools are unable to avoid the pinch of increasing costs and decreasing incomes.

After visiting a substantial mix of 41 different colleges and universities across the Nation, the study concluded that 71 percent were either in financial trouble or headed for it. The author is understandably loath to make the sweeping generalization that this 71-percent figure would hold true for all 2,729 institutions of higher education in the country. Nonetheless, it is sobering to find listed among those headed for financial trouble such distinguished schools as the University of Minnesota, the University of Michigan, the University of Chicago, and Harvard University. Among those determined already to be in financial trouble are Stanford University and the University of California at Berkeley. Our Nation's colleges and universities are clearly up against a financial wall.

A large part of the problem is that tuition covers only a part of the total expense of educating any given student. In 1968–69 students bore only 34 percent of the total cost of higher education. For private institutions, tuition and fees covered 64 percent of the cost of education, while in public institutions it came to only 19 percent.

The problem will not be solved simply by giving needy students the money they require for tuition and sending them off to school, because the schools cannot afford to take them if there is no other money coming in to meet the additional expenses. In short, the schools need nearly as much assistance as the students to meet the crush of rising costs. Clearly, we cannot expect the colleges to solve the problem unassisted.

Nor can we reasonably expect the States will step into the breach. Many observers have noted a decline in State support of higher education in the wake of student unrest during the past few years. However, a longer perspective shows that this is just part of a continuing trend. In 1957–58, State and local government support of higher education amounted to 33 percent of costs. By 1967–68, before a number of critical disturbances, the figure had dropped to 25 percent.

There are many reasons for declining support from State and local government, but one of the most important is simple financial capacity. The demands on State and local resources are constantly expandiing in both scope and magnitude. As result, even where there is willingness to increase, or at least to maintain the existing level of support, other requirements often make that impossible.

One further point is worth noting. Individuals with college training are among the most mobile elements of our society. Investing money in the education of a person who then moves to another State, may be viewed from the perspective of an individual State as a bad investment and a loss to the State economy. Certainly such a view is unreasonably narrow, but it can affect the national manpower pool and individual lives.

What I am discussing is a problem with national dimensions and national importance. The State and local governments cannot provide the solution, nor can the colleges or individuals involved. Therefore, I am proposing legislation that will provide: First, grants to undergraduate and graduate students based solely on need, up to the national average cost of attendance for the type school they are attending, either public or private; second, assistance to institutions where these students enroll, to help offset the cost of education beyond tuition and fees; third, fellowships for graduate and professional students in their third and fourth years of graduate study; fourth, a private nonprofit bank to increase the flexibility and assure the availability of student loans; fifth, outreach to identify and encourage high school students who otherwise might not seek further education; and sixth, and interagency coordinating committee to improve the administration of the various student aid programs.

I am not asking any of those who cosponsor this proposal to support all of its specific and detailed provisions. My purpose is to find the best possible legislation for dealing with the problems of providing assistance to college students and institutions of higher education.

Before explaining the particular provisions of this legislation, I think it is appropate to discuss the wisdom of this type of investment. The most important gain is also the most difficult to measure. How can we calculate what it means to a person when a blank wall is replaced with a broad horizon and when frustration is replaced with fulfillment? However, that might be measured, we know we can multiply it a million times just to get started. In human terms there is no question about the importance of the legislation I am proposing today.

In economic terms, this legislation is a bargain. The Department of Health, Education, and Welfare reports that in a lifetime of working, a college graduate will make $213,000 more than a high school graduate. What that means to a family's buying power and how it affects the next generation's capacity to go to college are obvious.

For the economy as a whole, additional skills are put to use. More money is pumped into the economy, acting to spur the growth of still more goods and services.

With regard to the Government's economic interest, according to the Internal Revenue Service, approximately two-thirds of all taxpayers pay 15 percent or more of their income in Federal personal income taxes. At this rate the minimum tax return on the additional $213,000 made possible by a college education would be $31,950.

Another way of predicting the likely impact of this program on tax revenue is to look at the GI bill, one of the most successful education programs ever undertaken by the Federal Government. The educational benefits available through this law made it possible for millions to return from war duty and complete their education; 7,800,000 World War II veterans and 2,391,000 Korean conflict veterans participated in the first two GI bills. Among these, according to the count of the Veterans' Administration, in the last Congress there were 11 U.S. Senators and 116 U.S. Representatives. I am one of these who was fortunate enough to qualify for this assistance. The total cost of these programs was $19 billion. The benefits of the first two GI bills ended in 1965 after approximately 20 years of operation. At that time, the Veterans' Administration concluded:

> An analysis of incomes of veterans and nonveterans in the same age groups, made with the help of the Department of Labor and the Department of Commerce, shows that incomes of veterans who received G.I. bill help in education averaged from $1000 to $1500 a year more than of those who did not. On this basis, we estimate that the trained and educated veterans paid additional income taxes in excess of $1 billion a year. The G.I. Bill provisions for education covered a period of 20 years; the estimate of $1 billion annually in added taxes totals a $20 billion return in taxes alone on the $19 billion cost of the program.

One billion dollars in added tax revenue per year. And this is continuing. By the time the generations who participated in the first two GI bill programs complete their work life the added tax return will more than double that of each tax dollar originally spent for the program.

The millions who have been fortunate enough to qualify for education assistance under the provisions of the GI bill have proved—in concrete ways—for all to see, what a national commitment to education can mean. We have seen how a Federal program which provides assistance directly to students has worked. This task before us now is to extend this successful approach.

WHAT THE BILL WILL DO

First. Student opportunity grants will be provided solely on the basis of need, directly to students who are pursuing postsecondary education at least half time. Eligibility will continue for 4 years—or its part-time equivalent—of postsecondary vocational or undergraduate study, unless the student is enrolled in a program that requires longer than 4 academic years for the baccalaureate degree. The longest period of eligibility is 5 academic years or its part-time equivalent.

Graduate and professional students will also be eligible for these grants for a period not to exceed 4 academic years, or its part-time equivalent enrollment beyond the baccalaureate degree.

The only requirement for eligibility in applying is enrollment in or presumed admission to a postsecondary—including vocational—or higher education institution. The student will attend the school of his or her choice, with the grant being dispensed through the institution.

Students will be able to apply for a grant as early as the 11th grade of high school. Although grants made at that time will be reviewed when the student graduates from high school, it is necessary that the student have an early indication of the amount available for postsecondary education. In a report to the President entitled, "Toward a Long-Range Plan for Federal Financial Support for Higher Education," the Department of Health, Education, and Welfare suggests that:

> There is some evidence that changes in the cost of college have a greater impact on college attendance if these chanegs are made known to students early in their high school careers. If there were a fundamental improvement in the method of financing student's education, it is likely that the long range impact of this change would be to remove some of the barriers to college attendance which we identify as motivational in the short run.

The provision for part-time study is included to increase the flexibility of this program as it responds to the needs of students. There are some students whose families require that they engage in heavy part-time work loads in order to attend school. With part-time work, plus the aid available through this program, a student who otherwise could not, will be able to attend college.

The reason for giving money to the individual student is to provide the most assistance where it is most needed. An equivalent amount of money spent on aiding institutions of higher education—as opposed to students—would not have the same impact of easing the financial burden of college attendance on families or reducing this obstacle to college attendance. That kind of aid would help institutions meet their mounting costs. It would ease the pressures for increases in tuition. But it would not provide specific assistance for those who would not decide to attend college without assurance of financial aid. The prospects for raising the money they need for attending college would be as hopeless as ever.

The amount of the grant will be determined by the amount the student will be able to contribute toward his or her own education and what it will actually cost to attend the school of his or her choice. The expected family contribution and student savings, as determned by the Commissoner, will comprise what the student is expected to pay. The cost of attendance will be the actual cost of tuition, fees, room and board at the school the student chooses. If the student is eligible for the full amount of the grant, he or she can receive 100 percent of the cost of attendance up to the first $1,400. This is more than the national average cost of attendance at public 4-year universities, which means the cost of attending most public institutions will be fully covered by the grant.

The maximum amount of any grant will be equal to the national average cost of attendance at nonpublic 4-year universities, which right now is around $3,200. As the cost of attendance rises above $1,400 the grant is increased by a percentage of the additional amount. The higher the cost, the smaller the percentage will be. One effect of this graduated scale, of course, is to provide a measure of cost control, because increasing costs are not fully reimbursed. More important though, is the fact that the doors of private institutions will finally be opened to all who have been denied simply because they did not have enough money.

If we are sincerely dedicated to the goal of equal opportunity for all students we cannot allow private institutions to remain forever beyond the reach of low income students. In addition, we cannot expect public schools to absorb all the new students this bill would create. Private schools throughout the Nation currently have vacancies which can be and should be filled by any expansion of the student population.

The student opportunity grants provided by this bill will guarantee every student with the interest and ability the chance to attend the school of his choice.

These grants will be a giant step toward making higher education a right not a privilege.

Second. A cost of education allowance will provide the additional money schools will need to educate the students assisted with grants. I have already noted that student charges do not nearly cover the cost of providing a student's education, and that we can come nowhere near solving the total problem unless we provide assistance to the schools as well as the students. Categorical grant programs offer some relief, but unfortunately they also tend unduly to alter the priorities set by individual institutions. The schools are encouraged to engage in activities which do not coincide with their greatest needs.

Therefore, institutions attended by recipients of student opportunity grants will be paid a direct cost of education allowance for each grant recipient, based on a graduated scale. For an undergraduate freshman, it would be 50 percent of the first $200 of the student's grant and 25 percent of everything over that. Because it costs more to educate students as they progress toward their degree. The 25 percent rises to 30 percent for sophomores, 35 percent for juniors, 40 percent for seniors, and 50 percent for graduate students.

The result of providing these individual and institutional grants will be to give students the money they need to go to school, and give schools the money they need to maintain high standards of instruction.

Third. A Federal Fellowship program will provide awards to assist graduate students of exceptional ability, who also demonstrate financial need, to complete their final two years of study toward the Doctor of Philosophy, or equivalent degree. These fellowships, 15,000 the first year, will be awarded directly to the student, to study in the institution of his choice.

The amount of the stipend will be determined by the Commissioner of Education in accordance with prevailing practices under comparable federally supported programs, except that the stipend will not be less than $2,800 nor more than $3,500 for each academic year of study, not to exceed 2 years. An allowance of $300 per dependent, not to exceed $1,500, will be paid to the student if he has dependents.

A cost-of-education allowance will be paid to the institution in which the student is pursuing his study. This amount will be one and one-half times the grant to the student—not including the allowance for dependents—less any amount charged the student for tuition.

They will be based solely on ability and need rather than on the student's field of study.

The rationale for extending eligibility for the student opportunity grants to graduate and professional degree students is the same for making this aid available to postsecondary vocational and undergraduate students: to remove the financial barrier to higher education.

The cost of attending graduate or professional school is often higher than that of attending undergraduate school. The student, moreover, often cannot count upon family support for graduate school. Students from high-income families are more likely than students of equal ability from low-income families to attend graduate school. This bill will seek to remove this inequality.

The new fellowships are provided for several reasons. First, graduate enrollments are increasing at a faster pace than undergraduate enrollments. This is putting an increasing strain upon present sources of graduate support, many of which are supplied by State governments, private endowments, and foundations. We must assure that the flow of this highly trained talent will continue.

Second, most of the present aid provided by the Federal Government for graduate education is tied to the field of study or the type of research a given graduate student undertakes. The effect of this has been to encourage graduate education in some areas while discouraging it in others.

Third, many of the present federally aided graduate benefits are available only through specific universities which have received the authority to grant these aids. This means that the student must be registered in an institution which participates in a program that dispenses graduate aid.

This bill will eliminate many of these deficiencies. It will not replace present federally aided graduate assistance. Many of these programs have performed successfully and will no doubt continue to do so. But this bill will make eligibility dependent upon ability and need, rather than the field of study or the particular institution in which a student is registered.

Fourth, a higher education loan bank will be chartered as a private, nonprofit corporation. Its purpose will be to provide loans to postsecondary vocational, undergraduate, graduate, and professional students for a period of up to 5 years of graduate or professional study. The amount of the loan will not exceed the cost of attendance less any other Federal aid received.

Loans will be guaranteed against default, death, and disability by the Federal Government. Interest payments and repayments of the principal will be deferred until a student has completed his schooling and for a period of time up to 3 years after that time for such services as the Peace Corps, VISTA, or the armed services. There will be no forgiveness features similar to those of the national defense student loan program. The bank, however, will be eligible to establish for each year a low earnings cancellation provision providing for canceling, in whole or in part, or annual repayment in any year in which repayment constitutes a hardship. This will encourage persons who might be reluctant to undertake these loans, because of their fear of failure in college work, or because of their hesitation to undertake the obligation of large sums, to do so. Then if their income is very low, part of their loan will be canceled.

This bank would be an improvement on the present system in several ways. A student can now go to a local bank for a guaranteed loan. However, there is often no money available for such loans. Even when there is money, the student is usually considered in relation to his or her family's credit rating with local lending institutions. Consequently some students with academic promise fail to receive these loans because of their family's credit rating. Another common problem is that loans are denied because the students' family has not had a long established account with the bank. The result, however, is the same, the student does not get the loan.

In addition, this bank will be able to tap larger pools of money than does the present guaranteed loan program. Pension funds, insurance investment funds, and other large pools of money may be available to a higher education loan bank. The managers of these funds, however, are unwilling to make this money available on a loan-by-loan basis to students at the present time. This bank will provide a structure whereby these funds may be channeled to students.

Finally, loans made by this bank should be somewhat cheaper than present loans. The provisions for the bank isolate its loans from the private market to some extent. The Federal guarantee of the securities sold by the bank and the Government guarantee of the loan itself will reduce the costs of these loans. The use of the Internal Revenue Service to collect these debts will substantially reduce collection costs.

Fifth. A student outreach program will supplement existing efforts. The present student outreach programs, Upward Bound and Talent Search, have identified and helped to motivate thousands of students during the last few years. Without the effort of these programs, thousands of students who are now in postsecondary education programs would not be there.

Nevertheless, I believe that additional efforts are needed. The number of able students who are not yet in postsecondary education programs indicates a large field that has yet to be tapped. In addition, the massive Federal effort envisioned by this bill must make its full impact felt by providing new efforts to identify and motivate students to attend college. I think that this can be done by striking out in several new directions.

We can involve high school teachers and students in these efforts more than we do now. We can do this by providing Federal training courses for high school teachers and counselors and for members of student councils. These courses can provide new ways that these trained persons can keep high school students up to date on postsecondary financial aid, study programs, and career possibilities. Many students need assistance in making their future educational plans. We must make certain that they have adequate information on which to base these plans.

We must also provide aid to the colleges for their recruitment efforts. Many sensitive educators have long remarked that if the colleges of this country would emphasize academic recruitment of students from low-income families as much as they emphasize the recruitment of athletes, the opportunity disparities between rich and poor students would be much less today. We should take advantage of the skill and know-how of universities in recruitment efforts. This bill will provide Federal assistance for this purpose to colleges which develop especially effective efforts at recruitment.

When students and their parents are making postsecondary educational plans they need ready access to information about financial aid, career, and college possibilities. This bill will establish higher education opportunity centers throughout the country for this purpose. Most can use existing Federal facilities. Some can use roving recruiters. All can make printed information available at all times.

The paucity of information about those who do not attend college is truly amazing. We know little about how to identify these people or how to orient them positively toward postsecondary education. We know little about the mix of factors, such as motivation, finances, and ability, which determine who does and who does not go to college. As a result I think it would be well to establish a special Council on College Opportunities within the Office of Education which would have independent responsibility for examining and recommending improvements in this area.

With the advice of this Council the Commissioner of Education would first fund research projects—either institutional or individual—designed to develop better ways to identify and motivate students who might potentially benefit from postsecondary education; and, second, develop measures designed to monitor the change in the postsecondary and higher education opportunity structure. This structure should be defined broadly, but it should include measures of the improvement we are making in assuring a college education for all who can benefit from it. We know, for example, that the percentage of high school graduates who attend college each year is increasing. But we do not know whether it is improving as fast—or improving at all—for the poor and lower income groups as it is for the upper income groups, whether it is increasing as fast for our rural youth as for our city youth, and others.

Sixth. An interagency coordinating committee consisting of representatives from agencies administering student aid programs will be established.

We need a structure through which these agencies can regularly exchange information. I think they should have the opportunity to discuss their programs with each other. The committee should explore possible ways that they can identify individuals potentially able to benefit from further education and encourage them in this direction.

Mr. President, we have come a long way from higher education which was a privilege for the few who could afford it to higher education for all the talented who need and want it. Unfortunately, however, we still have a long way to go. And unless we act soon, much of the progress we have made will be lost to rapidly increasing costs. Both the students and the schools need money. This bill will make that money available. Graduate students need help and the student loan system needs to be improved. This will make substantial improvements in those areas. Outreach and program coordination efforts need to be significantly increased. This bill will increase those efforts.

In short, the legislation I am introducing is a comprehensive attack on both the problems and inequities in our system of higher education. We can afford to wait no longer, and I urge the Congress to act now.

ADDITIONAL COSPONSORS OF BILLS

S. 23

At the request of Mr. Schweiker, the Senator from Alaska (Mr. Gravel) and the Senator from Massachusetts (Mr. Kennedy) were added as cosponsors of S. 23, the Ethnic Heritage Studies Centers Act of 1971.

S. 423

At the request of Mr. McIntyre, the Senator from Wisconsin (Mr. Proxmire) was added as a cosponsor of S. 423, a bill to limit Federal payments to individual farm producers to $10,000 per crop per farm.

S. 424

At the request of Mr. McIntyre, the Senator form Utah (Mr. Moss) and the Senator from Oregon (Mr. Hatfield) were added as cosponsors of S. 424, a bill to require that certain articles of wearing apparel be permanently labeled with laundering and dry cleaning instructions.

S. 649

At the request of Mr. Mansfield, the Senator from Rhode Island (Mr. Pell) was added as a cosponsor of S. 649, a bill to abolish the Interstate Commerce Commission at a future date and to establish a commission to make recommendations with respect to carrying out the functions of the Interstate Commerce Commission after such date.

S. 1030

At the request of Mr. Randolph, the Senator from Alabama (Mr. Sparkman) was added as a cosponsor of S. 1030, a bill to amend the Vocational Rehabilitation Act in order to assure rehabilitation services to older blind persons, and for other purposes.

S. 1030

Mr. BYRD of West Virginia. Mr. President, at the request of my senior colleague (Mr. Randolph), I ask unanimous consent that, at the next printing, the name of the junior Senator from Rhode Island (Mr. Pell) be added as a cosponsor of S. 1030, a bill to amend the Educational Rehabilitation Act in order to assure rehabilitation services to older blind persons, and for other purposes.

The PRESIDING OFFICER (Mr. Bellmon). Without objection, it is so ordered.

S. 1062

At the request of Mr. Javits, the Senator from Ohio (Mr. Taft) was added as a cosponsor of S. 1062, a bill to establish a National Foundation for Higher Education, and for other purposes.

SENATE CONCURRENT RESOLUTION 9—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING PRINTING OF ADDITIONAL COPIES OF CERTAIN SENATE HEARINGS

Mr. STENNIS submitted the following concurrent resolution (S. Con. Res. 9) which was referred to the Committee on Rules and Administration:

S. Con. Res. 9

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Armed Services two thousand additional copies of the hearings before the Electronic Battlefield Subcommittee of the Preparedness Investigating Subcommittee during the Ninety-first Congress, second session, entitled "Investigation Into Electronic Battlefield Program".

SENATE RESOLUTION 69—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING AS A SENATE DOCUMENT OF THE HISTORY OF THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Mr. McCLELLAN submitted the following resolution (S. Res. 69) which was referred to the Committee on Rules and Administration:

S. Res. 69

Resolved, That there be printed, with illustrations, as a Senate document a compilation of materials relating to the history of the Senate Committee on Government Operations in connection with its fiftieth anniversary (1921–1971).

Sec. 2. In addition to the usual number, there shall be printed five thousand copies of such document for the use of the Committee on Government Operations.

Sec. 3. One hundred copies shall be bound with a buckram cover and gold lettering for the use of the Committee on Government Operations.

NOTICE OF HEARINGS ON THE TRUST TERRITORY

Mr. BURDICK. Mr. President, for the information of the Senate and others who may be interested in the matter, I wish to announce that the Subcommittee on Territories and Insular Affairs of the Committee on Interior and Insular Affairs will hold a hearing on Tuesday, March 30, to take testimony from certain residents of Micronesia, who will be in the city at that time, on two pending measures.

The first bill is Senate Joint Resolution 35, to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission. The second bill is S. 860, relating to the Trust Territory of the Pacific Islands, which also embraces, among other things, the establishment of a claims commission to settle the outstanding World War II and post-World War II claims of Micronesians.

The hearing will be held in room 3110, New Senate Office Building, beginning at 10 a.m.

MIDDLE EAST TECHNICAL UNIVERSITY

Mr. BYRD of West Virginia. Mr. President, I share with all Americans the relief that the four American airmen have been released by their kidnappers in Turkey—that a senseless tragedy has been avoided, and that these men have been spared the role of being pawns in some internal Turkish struggle.

We owe a debt of gratitude to Turkey, our long-time friend and ally, which committed over 30,000 troops, police, and other investigators to the rescue efforts. I am convinced that the intensity of the efforts on the part of the Turkish Government played a major role in the kidnappers' choice of reason over insanity. And I feel certain that the Turkish Government will not cease in its efforts until the kidnappers are brought to justice.

At the same time, Mr. President, I share the concern that anti-Americanism is spreading on a number of foreign university campuses—and that this anti-Americanism is actually being supported with U.S. tax dollars.

Middle East Technical University is a case in point. The airmen were kidnapped near the campus, the Turkish officials felt strongly that leftist students at the school were responsible for the abduction. METU has been considered a hotbed of anti-Americanism in Turkey for the past few years. In 1969, former U.S. Ambassador Robert Komer visited the campus, only to have his official limousine burned.

This was but one articulation of the anti-American activities on the campus of METU. The kidnapping of the four airmen may have been another.

Two years before the limousine burning, Middle East Technical University received a $4.5 million loan from the U.S. Agency for International Development. The university has also shared in $1.67 million of technical assistance grants to two Turkish colleges since 1967—Hacettepe University is the other school which received AID money.

The United States, of course, can do nothing to halt anti-Americanism on foreign campuses—but it is inconceivable to me that our tax dollars should go to support institutions that seemingly wish to build their reputation on being a sanctuary for young anti-American revolutionaries.

The Agency for International Development should begin at once to review its direct programs to foreign universities. It should cancel loans to institutions where anti-Americanism appears to be a major preoccupation of the students.

I repeat that we cannot stop the spread of anti-American activities on foreign campuses—but we must stop indirectly condoning it. We must not support it with American tax dollars.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER (Mr. EAGLETON). Under the previous order, the time between 12 noon and 1 p.m., will be equally divided between the Senator from Idaho (Mr. CHURCH) and the Senator from North Carolina (Mr. ERVIN).

Mr. PROXMIRE. Mr. President, it is my understanding that the Senator from Idaho (Mr. CHURCH) would like me to proceed now with a very short statement in support of his position. May I do so?

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there may be a very brief quorum call, with the understanding that the time will be equally charged against both sides.

THE PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the aide, Wes Barthelmes, assistant to the distinguished Senator from Idaho (Mr. CHURCH) who is the leading opponent of the so-called filibuster, may be permitted the privilege of the floor during the rollcall vote today.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODEST CHANGE IN RULE XXII CALLED FOR AT THIS TIME

Mr. PROXMIRE. Mr. President, it is my understanding that the distinguished Senator from Idaho (Mr. CHURCH) has agreed to yield me 4 or 5 minutes to speak. I think I will take less than that time, but I should like to proceed now.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, in a short time, we will once more be voting a motion—the fourth—to close debate on a motion to take up a resolution to amend rule XXII. Since our last vote, significant progress has been made toward agreement on a very modest compromise that accommodates the views of my colleagues on both sides of the issue.

This compromise was introduced yesterday by the Senator from Iowa (Mr. MILLER) as an amendment to the pending resolution. It meets the fears of those who are concerned lest cloture by three-fifths of those present and voting erode minority party rights by insuring that a majority of both parties must vote for cloture if the three-fifths rule is to be invoked. So that if we are going to invoke the three-fifths rule—60 percent on cloture—we will get it only if we have a majority of Republicans and a majority of Democrats voting for cloture. It also provides that a two-thirds cloture vote is necessary to shut off debate on rule changes. It retains the current two-thirds requirement when a majority of both parties is not achieved.

On December 14, 1787, in the Federalist Number 22 Alexander Hamilton wrote:

> In those emergencies of a nation, in which the goodness or badness, the weakness or strength of its government, is of the greatest importance, there is commonly a necessity for action. The public business must, in some way or other, go forward. If a pertinacious minority can control the opinion of a majority, respecting the best mode of conducting it, the majority, in order that something may be done, must conform to the views of the minority; and thus the sense of the smaller number will overrule that of the greater, and give a tone to the national proceedings. Hence tedious delays; continual negotiation and intrigue; . . . compromises of the public good. And yet, in such a system, it is even happy when such compromises can take place: for upon some occasions things will not admit of accommodation; and then the measures of government must be injuriously suspended or fatally defeated. It is often, by the impracticability of obtaining the concurrence of the necessary number of votes, kept in a state of inaction. Its situation must always savor of weakness.

Mr. President, if these words were true almost 200 years ago—when our country was young, the Central Government had almost no authority, the population was 2 percent of what it is now, and life was relatively uncomplicated—how much truer they are in today's complex society. Alexander Hamilton was speaking of a government whose principal duties were to protect the States against foreign governments, guard against domestic insurrection, and promote commerce. Today the Federal Government involves itself in virtually every facet of our lives from the education of our children to the quality of the food we eat.

The proposal we are trying to take up today would not completely answer Hamilton's arguments against minority control. It would permit a minority of two-fifths plus one of those present and voting—normally an even smaller minority of the full Senate—to continue debate—to block legislation from coming to a vote. And if a majority of both parties did not vote to shut off debate a minority of one-third plus one of those present and voting could keep the Senate in a state of animated suspension—again an even smaller minority of the full Senate.

It is difficult at the present time to foresee what emergencies will require expeditious Senate action in the months and years ahead. We can only be sure that there will be emergencies. We can be equally sure that if we fail to change the cloture rule "the sense of the smaller number" in Hamilton's words "will overrule that of the greater and give a tone to the national proceedings." The result will be "compromises of the public good." And public disillusionment with the legislative branch, a disillusionment currently attested to by opinion polls, will continue to mount.

Mr. President, this is especially important now, when we have so much we can accomplish, when the country is so much larger and more complicated, and when legislation is so much more imperative, and when now working 12 months in the year is not enough time for Congress to accomplish all that needs to be done.

There was a time when certain parts of the Nation felt that the only way in which their interests could be protected against the whim of the majority was through the cloture rule we are trying to change now. But there is little room for this approach toward the affairs of the country in the 1970's. Our problems are not limited to the North or South—the East or West. We should recognize the decline of this sectionalism as well as the need for a Senate that can respond quickly to national demands by voting this afternoon to halt fruitless debate on this extremely modest change in the cloture rule.

Let us then take this opportunity to make a step toward a more equitable and more representative cloture rule. Let us help the public business to go forward by expediting our own way of conducting business.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. EAGLETON). Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time to be taken out of both sides.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, acting on behalf of the distinguished senior Senator from North Carolina (Mr. ERVIN), who is chairing a committee meeting at this time, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. ALLEN. Mr. President, every 2 years the Senate engages in a charade in which an effort is made to amend Senate rule XXII which has been a rule of the U.S. Senate since 1917. These efforts have failed, and it causes the junior Senator from Alabama to wonder if this charade is not engaged in for the purpose of extending the recess that the Senate takes between the close of one session and the start of another.

Where is the enthusiasm for this rules change to make it easier to cut off debate in the Senate? This discussion has continued for some 40 days. During that time I dare say the proponents of this resolution seeking the change in the rules have occupied the floor of the Senate for not more than 4 or 5 hours to explain their view and give their reasons for this change. It has fallen to the opponents of the rules change, those who want to maintain the right of extended debate in the Senate, those who want to see the Senate continue as the greatest deliberative body in the world, to carry on this discussion.

Has any legislation been prevented from being considered in the Senate as the result of this extended discussion? As a matter of fact, there are only three items on the Senate Calendar at this time. All three items could be disposed of today if brought up for discussion in the Senate.

So this discussion has not caused any delay in the deliberations of the Senate. It has not caused the delay of any piece of legislation.

Mr. President, at this time we are not considering the resolution providing for a change in the rules, Senate Resolution 9. We are considering a motion to proceed to the consideration of that resolution. The distinguished Senator from Wisconsin says that a compromise has been worked out between some Members of the Senate that is going to result in the adoption of this resolution.

I submit, Mr. President, that if cloture is invoked, we will not proceed to a vote on the resolution itself. We will merely take it up for consideration. And if a compromise has been worked out among some Senators, that is not binding on the Senate itself. This whole question will be opened up for any amendments that may come before the Senate, one of which is an amendment calling for a majority vote on cloture.

So, there is no compromise that can be agreed upon that will bind the Senate. The whole matter will be open for discussion. Any number of amendments can come before the Senate.

Mr. President, the best way to end this debate, of course, is to vote against the cloture motion today. As the junior Senator from Alabama understands it, this is the last attempt that is going to be made to invoke cloture on this question at this session of the Senate. Unless the junior Senator misunderstood the distinguished majority leader, he said that the vote today, unless it was successful, would be the last vote on the application for cloture.

So the best way to bring the debate to a close is to vote against the application of cloture. That will end it.

Mr. President, what is the alternative to that? If we vote to invoke cloture, then the matter continues to be debated. Each Senator is given 1 hour in which to discuss the matter. Finally a vote will be taken, not on the rules change, but on the motion to proceed to the consideration of the rules change.

Mr. President, then when the resolution for the rules change comes up for consideration, it will be subject to any number of amendments that may be offered, and extended debate could take place with respect to each one of those amendments and the main question itself. So, if we have had extended discussion for 40 days on this question, we could have a like amount in all likelihood on the resolution itself, because there is much more sentiment in the Senate to proceed to the consideration of the resolution than there is in favor of the resolution itself.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLEN. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for an additional 2 minutes.

Mr. ALLEN. Mr. President, any number of Senators have amendments they wish to offer. Today, if we vote down the attempt to apply cloture that will end the discussion. We can go on and proceed to the transaction of other business; dispose of the three items on the calendar, and then any other matters that might come before the Senate.

I hope that Senators who have been voting against the cloture motion will stand firm and vote this last time against applying cloture and end the discussion for this session of the Senate.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, will the Senator from Idaho yield to me?

Mr. CHURCH. Mr. President, I yield 3 minutes to the distinguished Senator from Rhode Island.

Mr. PASTORE. Mr. President, several days ago I expressed my views with relation to this subject matter. I had not intended to rise again to speak on the same subject. I would not want to be a party to anything that would prevent extended debate. I do not think that is the question here.

The question here is: Are the rules of the Senate as presently constituted so rigid that they actually thwart the welfare of our people?

I must say that in my experience in the Senate I have noticed that the so-called liberals have indulged in the so-called filibuster more times than the so-called conservatives. That may be an incongruity, but I think it is a fact of life.

Mr. President, it will be recalled that at the end of the last Congress, because of the rigidity of the rules of the Senate, we had thousands upon thousands of poor people in this country who are on social security who would have had an increase in benefits in the last session if it were not for the filibuster.

Mr. President, when one man in the Senate can rise and say, "Put your turkey in the oven for Thanksgiving and you can also put your turkey in the oven for Christmas because hell will freeze over before we allow a vote," I am afraid that we are not talking about extended debate. We are actually talking about thwarting the will of the American people.

Here it is almost mid-March and the people of this country who are on social security have been waiting endlessly in order to get a measly 5- or 10-percent increase on the miserable amount that is being given to them now.

I will say to my southern friends that there may be more advantage in this for them than they think, if they allow this liberalization of the rule. As I have already pointed out, we are not talking about limitation of debate; I favor extended debate. But when we have important legislation on the calendar such as we had in the last Congress and we could not bring it up for consideration and vote, to the detriment of the welfare of many of our people, I say that something needs to be done.

I do not think there is any magic about two-thirds or three-fifths; both of those figures have precedent in our Constitution. There is no question about it.

I think when a good cause is involved, cloture will not be invoked with three-fifths any more than it would be with two-thirds. But something needs to be done to correct this situation. We have handcuffed ourselves; we have put ourselves into shackles, and I say we have unwarrantably done so.

I hope today will be the end of it. I hope we can invoke a little cloture here in order that we can make some sense out of the sensibility of the greatest deliberative body in the world.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I yield 6 minutes to the distinguished Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 6 minutes.

Mr. JAVITS. Mr. President, I would like to join my colleague in arms, and I mean that literally, in saying, "Let us unshackle ourselves."

The reason I say that, without repeating the very fine argument the distinguished Senator from Rhode Island (Mr. Pastore) has made, is that we must unshackle ourselves not only in respect of the ability to act—and the Constitution requires us to act and not debate alone—but also because we are really now tangled up in our own feet in a procedural mess that is unbelievable and one out of which the Senate cannot work its way except by action of the Vice President.

Very unhappily for all of us the Vice President is not here today, which I regret, because he is the only man who can rule to get us out of the mess we are in.

I hear rumors that if this vote does not invoke cloture the majority leader intends to take down this question entirely, if he can, and it is always very difficult for us to vote against him. None of us wants to resist his control over the calendar.

But I feel that in the absence of the Vice President of the United States this would be most improvident, and I hope Senators stand up and vote to show that we deserve a further opportunity even if we do not get cloture. We should have the opportunity for a ruling by the Vice President when he is here.

The procedural snarl is as follows. There is no question the Senate can amend its rules by a majority vote. We have done it many times and, of course, we can do it, but to get to a vote we have to have a two-thirds vote. The Constitution gives us authority over our own rules. That authority is given to both Houses. But we have an extra constitutional provision here which is, in my judgment, in violation of the Constitution, which has kept us from exercising our will on the rules until two-thirds of the Senate allows us to do so.

The Vice President is the only one who can break that constitutional shackle, unless we are to have a real demarche in the Senate, which would shake the Senate to its foundations by having Senators so dissatisfied with the way Congress is permitted to perform that they could not go further and would block everything. In so trying a time none of us would dream of doing what I have just mentioned. We face this snarl, and the only man who can resolve this matter—short of two-thirds of the Senate, which is an unconstitutional exercise of power—is the Vice President of the United States.

I say that for this reason. If a majority of the Senate, which has now voted on three previous occasions, votes to close off debate, leaving rule XXII intact as the procedure to be followed, only the Vice President can say that is enough, and that as we are operating under the Constitution that ends the matter and he is going to proceed without further debate—and that goes for points of order and appeals from points of order.

Vice President Humphrey made such a ruling and he was overruled by the Senate. Now, we have a new Vice President and only he can bring about a regularity of procedure by affirming again the ruling of former Vice President Humphrey and giving the Senate another chance to get itself out of this tangle which makes a mockery of our democracy.

I notified the Vice President that I was going to make this point. He is not here. I do not find fault with that because I am sure he had good reason not to be here. Nevertheless, he is not here and no presiding officer other than the Vice President is going to act in such a critical way, in respect of the Constitution and the procedures of the Senate.

Therefore, I deeply believe this matter should not be terminated today, whatever may be the results of this vote; that it should not be taken down; and that the Vice President at the proper time—I gave him notice that I would raise this point today—should rule whether or not this constitutionally elected officer of all the people, elected with the President, will use his authority. He is the Presiding Officer of the Senate. That is one authority the Constitution gives him which is unqualified and untouched.

Whatever else the President may give or not give him—and Presidents have both built up and cut down Vice Presidents—that is his authority. I think he owes a solemn duty to the country to rule one way or the other on this question.

In answer to a question by the Senator from Alabama (Mr. Allen), the Vice President, for practical purposes, has left the issue open. This is what he said:

> In response to any point of order as to the constitutionality of the procedure or as to whether or not the Senate is a continuing body which involves a constitutional question, the Chair, under the uniform precedents of the Senate, will submit the same to the Senate for decision.

That is not the question that bothers us. Of course the Senate will decide. But the question that bothers us is, Will there be a filibuster so that the Senate can never decide until one-third lets us decide, or will the question be decided without debate? And on that question only the Vice President can rule, and it is his duty to do so, and I hope we have the opportunity to present him with that question.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, will the Senator yield me 1 minute?

Mr. CHURCH. Mr. President, I yield 1 minute to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. HART. Mr. President, the senior Senator from New York has stated effectively, I think, all that needs to be said on this point. I rise simply to support each of the suggestions he made.

I had hoped very much the Senate, and the country, could be given the opportunity the Senator from New York urges that we seek; namely, a ruling from the Vice President with respect to what is perhaps as basic an issue as this body will confront in this Congress. I thank the Senator from New York for putting it before us.

Mr. President, once again we approach the moment of decision on a proposal to modify the Senate cloture rule.

This year we have heard again all of the old arguments by opponents of reform. As for me, they are no more convincing this time than in the past. More important, they do not meet the fundamental constitutional principle upon which we who support a change of rule XXII rest our case.

While I doubt few votes will be changed at this point, it is important for the record and for the American public's understanding of what we have been trying to accomplish to sum up the essentials of this protracted debate—to try to provide some perspective.

Mr. President, proponents of reform ultimately rest our case on the constitutional right of the majority of the Senate to adopt new rules at the beginning of each Congress. Our reasoning was set forth clearly and succinctly by President Nixon in 1959, when as Vice President he presided over this body:

> The Constitution gives the Senate the power to make its rules. That means that the Members of the Senate have the right to determine the rules under which the Senate will operate. This right, in the opinion of the Chair, in order to be operative also implies the constitutional right that the majority has the power to cut off debate in order to exercise the right of changing or determining its rules.

We have heard, really, three main lines of argument against any modification of rule XXII. First, opponents of change have again attempted to divert attention from this basic constitutional principle by citing at length the Founding Fathers' view of the Senate as a body designed carefully to debate and filter pressures for hasty ill-conceived action.

We have also heard the perennial invocation of the Founding Fathers' desire to protect minorities. Both points are, of course, accurate. But neither offers any support for maintaining rule XXII in its present form. Those who framed our Constitution sought to insure legislative deliberation and protect minorities by instituting a system of checks and balances of Government and between the two Houses of Congress. The bicameral

Congress, Supreme Court review of legislation, and the Presidential veto all provide safeguards against impulsive action and protection of minority interests. Minority interests are also protected by the Bill of Rights, and by the smaller constituencies in the House of Representatives. The Founding Fathers did not seek to protect minority interests by thwarting majority vote in the Senate. They did not, as they could have, prevent majority action in the Senate, except for certain specified categories of action, such as constitutional amendments and ratification of treaties.

Indeed the Constitutional Convention repeatedly rejected requiring a two-thirds vote for general categories of legislation such as interstate commerce.

Finally, for the first several decades of our country, the Senate rules permitted closure of debate by a majority on a motion to put the previous question.

The second main argument is an exercise in semantics, which is more appealing thn persuasive. Our opponents again stress that the Senate is a "continuing body" and that, therefore, the rules carry over from the last Congress. Obviously in some sense the Senate is a continuing body, designed to retain continuity by having only one-third of its membership change at a time. Equally clearly, it is a discontinuing body in many other ways: bills must be reintroduced; officers elected, committees selected, hearings repeated, and so forth. Thus, the "continuing body" argument boils down to two propositions:

Because two-thirds of the Senators carry over, the Senate is a continuous body; because the Senate is a continuous body, the rules carry over. Striking the conclusory words "continuous body" from the formula reveals the underlying proposition: Since two-thirds of the Senators carry over, the rules carry over. This is a non sequitur. It assumes that the carryover of two-thirds of the Senate always carries over the majority in favor of the rules. The infusion of one-third newly elected Senators—both by their numbers and their power of persuasion—may very well change the majority view on rules and it is this majority view that is determinative under our constitutional democracy, not who carries over. So much for the "continuing body" argument.

The third basic argument against reforming rule XXII has been that it would prevent adequate deliberation, which is particularly important during times of stress and turmoil. Mr. President, deliberate careful action is always preferable to undo haste. But I suggest that one of the reasons for the stress and turmoil in America today is precisely that the Senate and other institutions have been incapacitated by devices for delay or dilution of serious attack on our Nation's problems. The apparent inability of our Government to take action on our domestic ills when the needs are so painfully clear is a basic cause of unrest and disaffection. Opponents of reform have argued that no significant legislation has been stopped by the present rule, particularly pointing out the civil rights statutes which eventually were passed during the past decade. Yet last year the effort to avert a political crisis and reform our presidential electoral system was filibustered even though it would have required a two-thirds vote to pass the proposed constitutional amendment. And those of us who fought for the civil rights legislation now brandished by those who opposed us well remember the many long years of delay, measures diluted and those not even offered because of the present rule which required legislation by exhaustion.

The majority, or even a substantial majority, of the Senators may not be omniscient or infallible, but certainly neither is a small minority. If the present rule is necessary to protect minority interests, why not let 10 Senators prevent action—or three?

If the true basis for opposition to reforming the rule XXII were a desire to assure adequate debate, that goal could be met by proposals which have been offered and rejected many times. The real aim can only be to retain for a small minority of Senators the right to dictate what laws shall be passed by Congress. I remain convinced this position is unfair, unwise and unconstitutional.

Mr. MILLER. Mr. President, I should, in fairness, point out that Senators who were willing to change their votes in order to effectuate the compromise we have been seeking to achieve made it very clear that unless the votes necessary to achieve cloture are assured, they would very likely continue to vote against cloture.

Mr. ALLEN. Mr. President, I yield 8 minutes to the Senator from Arkansas (Mr. FULBRIGHT).

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 8 minutes.

Mr. FULBRIGHT. Mr. President, I have the greatest respect for the Senator from New York. We have just spent the morning discussing his latest bill, which, in a sense, seeks to delineate the war power of the President. The thrust of it is, in a sense, to restrain, and I think, in effect, it is, indeed, to place a restriction upon, Presidential power.

For him now to be appealing to the Vice President, who is essentially an executive officer, although he happens to be the Presiding Officer of the Senate, to subvert the Senate—in effect, to weaken the check of the legislative body against the executive which is created in the Constitution—seems to me a bit inconsistent.

I certainly hope this will be the last vote. I think four votes on the matter is enough. It has delayed the Senate, and I insist again, as I have in the past, it is not those of us who oppose the change in the rules who have delayed the Senate; it is the insistence of the proponents of the rule change who have delayed the Senate indefinitely. We have wasted much time on it. It is not that there has been much debate. There has not been much attendance or debate on both sides of the question. But it impinges on time which we could spend profitably in committee or other work.

I find it strange, indeed, that the proponents for a change would resort to the executive branch to weaken or subvert the legislative branch. This is directly contrary to the spirit of the Constitution. If we are to preserve some balance set up under the Constitution, we have to preserve the independence of the Senate, its capacity to restrict and advise with and cause the Executive to contemplate, to consider its decisions, before it makes a decision taking us into war abroad or making improvident decisions on our domestic scene. It is just as important on the domestic scene. As a matter of fact, a number of so-called liberals have used this device with respect to domestic measures—most recently in the case of the SST.

So I, myself, find it very difficult to justify appealing to the President, or the Vice President, to step into the breach—in a sense it departs from the rules of the Senate—in order to force upon us a change in the rules which I think would substantially lessen the effectiveness of the Senate.

I think it goes a little far to refer to the Humphrey rule as if it were a rule. The Vice President made a single ruling, which was promptly overruled by the Senate. We ought to call it a nonrule. I do not think it is entitled to the dignity of being called a rule. It has never been accepted as a rule by the Senate. It was simply an aberration by a former Senator who had been committed to the civil rights cause. There was no man who had been more active or more positive in his advocacy of the civil rights cause, going back, in the most dramatic fashion, to the convention of 1948, in Philadelphia, wherein he almost disrupted that convention by his advocacy of immediate civil rights action at that time.

I respect his judgment. Those bills have been passed. As far as his judgment went as to what the Congress and the Senate and the Supreme Court would finally do, he was correct. Whether or not it was the best solution to the problem still remains for history to determine. In any case, it is not a rule, and I would say that there is no Humphrey rule today which we are under any compulsion to respect at all.

I referred a moment ago to the hearing which was held this morning. Two of the most distinguished historians in the country are testifying upon the Javits bill, which has several cosponsors, including the Senator from Virginia (Mr. SPONG), the Senator from Maryland (Mr. MATHIAS), and I think one or two others.

The whole thrust of that bill is to reestablish the constitutional role of the Senate—or of the Congress, I should say, but we are particularly interested in the Senate—in our governmental structure. Dr. Commager yesterday agreed, and in fact, both witnesses agreed. I know of very little dissent from the proposition that in the last 25 years the influence of Congress upon the course of our country's activities, especially in foreign relations, but also in domestic relations, has been overshadowed by the Executive. The enormous power of the Executive is inevitably on the increase in a time of war, in which we have been for much of the last 25 years. Everybody agreed to that. There was no dissent. All are disturbed about it. Yesterday Dr. Commager was disturbed about it.

I do not say they agree with me, but we are all in agreement that it is important to reestablish the role of the Senate in our governmental function or governmental structure—that is, the basic belief that discussion of important public matters is essential. The discussion which takes place in this House—this body—is important to reaching wise decisions. I think it is a fundamental assumption of our constitutional system that there is something to be gained by having a Senate which will deliberate upon and will consider the significance especially of the very controversial and very deeply important matters.

The Senator from Rhode Island very eloquently—and he is a most eloquent Member of this body—referred to this body as the greatest deliberative body in the world, or something to that effect. I do not think I misquote him. I submit to him that the only reason we have any reputation as a great deliberative body is because of the rules by which we reach decisions. The rules and procedures are of the very essence and are very important, far more important than any particular substantive bill that comes before us. If we give up the procedures by which the Senate reaches its decisions, which I think account for whatever greatness it still has, I think we will have taken a most serious step toward the elimination of the Senate as an effective body in our constitutional system.

The very fact that the executive knows that it has to face the possibility of stubborn resistance to its proposals, I think, enters into the decisions which they make as to how radical or how extreme are the proposals they submit.

In other words, I think it has a great effect upon the formulation of the policies in addition to the actual refinement and development of those policies after they have been introduced.

I am quite confident that the executive branch, when it is contemplating taking action, takes into consideration the fact that the Senate of the United States will have something to say about it. They do not have to bother too much about the House of Representatives; they have usually been able to control it. The attitude of many people in the House of Representatives, particularly the leadership, and they make no bones about it, is that they are there to carry out the President's policy.

That has often been the attitude of many Members of the Senate. But the institution itself is all I am interested in—the preservation of the effective influence of the Senate in making important decisions involving the security and the life of this country. I think it would be a grave mistake if we forgo that influence and turn our country completely over to the Executive.

I realize that in many areas, many people think the Executive is more efficient, that it gets action more quickly, that it is more responsive to the popular demands of the moment. In many cases, it may well be. In many cases the Senate is stubborn. But I hope this will be the last vote, and that we can go on to something else.

Mr. PEARSON. Mr. President, will the Senator yield me 1 minute?

Mr. CHURCH. Mr. President, how much time remains to the proponents?

The PRESIDING OFFICER. Nine minutes.

Mr. CHURCH. I yield 1 minute to the distinguished cosponsor of the resolution, the Senator from Kansas.

Mr. PEARSON. Mr. President, I take this opportunity to thank the leadership for permitting us to fight this issue out this year on these grounds. We feel Senate Resolution 9 is a reasonable and a balanced approach to amending the rules of the Senate to meet the issues that face us in the last third of this century—a proposal of balance between the right of full debate and the right to vote at some time, of balance between protecting the rights of the minority and then permitting the majority at some time to govern.

I would be less than candid with the Senate and with the record——

The PRESIDENT pro tempore. The Senator's 1 minute has expired.

Mr. PEARSON. One additional minute. If I did not recognize that a great deal of the crusade has gone out of this effort. It is said that some of the great issues that have come before the Senate were at the time unable to be enacted into law because of the present filibuster rules. I think that is a narrow view which does not consider the very important issues of the future.

I want also, Mr. President, to commend the distinguished Senator from Iowa (Mr. MILLER) for his attempts to make a reasonable proposal and some compromise, as well as others who have worked very hard to bring reason and some sense of balance to the rules of the Senate and to this effort.

I thank my colleague.

Mr. CHURCH. I thank the Senator from Kansas.

Mr. President, I yield 4 minutes to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I take second place to no one in upholding the institution of the Senate, especially in relation to the executive branch; and I feel that that argument has been carried out to an extreme in this debate.

I believe in a great deal of flexibility for the Senate. I believe, to a degree, in unlimited debate. But I also believe in some sort of orderly organization, and facing up to legislative matters which come before this body.

What the distinguished Senator from Idaho and the distinguished Senator from Kansas have proposed will in no way dilute that power, that prerogative, that prestige which is the Senate's, but rather, I think, it will serve as a safeguard against a possible constitutional majority being able to impose cloture in the years ahead; and that, in my opinion, would be a real disaster.

Mr. President, little remains to be said in the debate on the pending motion. Every facet of every argument on every side of the issue of reducing rule XXII to three-fifths cloture has been aired. In my judgment, the case for adjusting the rule has long since been made.

What I fear, more than ever, is that barring some accommodation on this issue at this time will only strengthen the hand of those who seek a majority cloture procedure. Such a change goes beyond the mere question of debate limits. A change to majority cloture would alter in turn the whole constitutional role of the Senate in our frame of government. In short, it would be a mistake with far-reaching implications. But the threat of that mistake occurring is increased should the Senate refuse now to impose a three-fifths rule and thereby end these biennial efforts to alleviate the unfair burden of two-thirds cloture.

Two-thirds cloture has proved unreasonable mainly because some Senators' attitude on invoking cloture is unyielding. But that fact is plain. Majority cloture would be a destructive standard and that fact is just as plain. It was for this reason that last Thursday I wrote my colleagues on this side of the Senate aisle asking that they support the three-fifths resolution. I asked that they consider carefully all means of arriving at a three-fifths rule and suggested that the necessary assurances could be obtained to guarantee that three-fifths would not be used hereafter as a means of gaining majority cloture in a future Congress. Such an assurance is indeed possible if we could only get on with our business and reach the merits of the three-fifths resolution. I ask unanimous consent that the text of my letter to all Democratic Senators be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. In closing, I would only say that before it is too late I hope those Senators who profess their intransigence on this issue now will reconsider and permit a vote for three-fifths. It is the only way to strengthen the institution of the Senate and block the effort that will lead eventually to majority cloture. I urge the Senate to adopt the pending motion.

EXHIBIT 1

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, D.C., March 4, 1971.

Hon. ———
U.S. Senate
Washington, D.C.

DEAR SENATOR: I have enclosed an excerpt from the Congressional Record of March 2, 1971, which capsulizes, in my opinion, the significance of the effort to change Rule XXII. The last opportunity to resolve this issue will occur on Tuesday next. In the meantime, efforts will be made by Senators Church and Pearson who have spearheaded this proposal to make any necessary modifications to satisfy the real concerns of many Senators.

I believe that most Senators could agree to the slight modification providing for 3/5s if assurances could be had that the 3/5s rule will not be used in a future Congress to limit debate on a resolution providing for majority cloture. I believe that this risk should and can be satisfied between now and next Tuesday.

I believe that the modest change to 3/5s will protect the Senate as an institution and its place in demanding reflection and hopefully wisdom prior to governmental action. Importantly, too, it should reduce the likelihood of success in future efforts to gain a majority cloture rule. That step would not only reduce Senate deliberations but would relegate the Senate itself to an inferior position in our scheme of government.

I urge each of you to consider again the premises upon which your past actions on changing Rule XXII have been based. I believe the bases for many of our attitudes have changed. The issues that will confront the Senate will be far different from those that have molded our opinions on Rule XXII. The Senate as an institution can be benefited by this slight modification that will preserve the status of minority viewpoint and provide insulation against further change.

Sincerely,

MIKE MANSFIELD.

The PRESIDENT pro tempore. Who yields time?

Mr. ALLEN. Mr. President, I yield myself 5 minutes.

The distinguished Senator from New York (Mr. JAVITS) a few moments ago made the point that under the Constitution, a majority of the Senators present could end debate, basing that opinion, I judge, on section 5 of article I of the Constitution, saying that each House of Congress shall have authority to make its own rules.

Of course, we have made our rules, and the rules of the Senate each session, under rule XXXII, carry over to the succeeding Congress, until amended in accordance with the rules.

Mr. President, the distinguished Senator from New York said that this question should have a ruling by the Vice President of the United States. I submit, Mr. President, that the Vice President has already ruled on the question. In answer to a question which I propounded to him when this debate first got underway, the Vice President, on January 26, said:

> In response to any point of order as to the constitutionality of the procedure, or as to whether or not the Senate is a continuing body, which involves a constitutional question, the Chair, under the uniform precedents of the Senate, will submit the same to the Senate for decision.

Then, on the first cloture vote, on February 18, when 48 Senators voted to apply cloture and 37 voted not to apply cloture, on page S1495, the Vice President, in announcing the vote, said this:

> On this vote the yeas are 48 and the nays 37. Two-thirds of the Senators present and voting not having voted in the affirmative, the motion is rejected.

So the Vice President has ruled on this question, that it takes a two-thirds vote to invoke cloture under the rules. If the distinguished Senator from New York had any argument or dispute with the Vice President on his ruling, he had his recourse under the rules to appeal from that ruling, just as the distinguished former Senator from Florida, Mr. Holland, 2 years ago appealed from a ruling by then Vice President HUMPHREY, which was to the opposite effect, and the Senate voted, in effect, that it takes a two-thirds vote of the Senate to apply cloture.

Mr. President, they say that there is a great hue and cry from the country to change the Senate rules. Let us examine for a moment the record of the 11 new Senators, those who are in the Senate for the first time, in the 92d Congress. Six of the 11 Senators voted in favor of not cutting off debate and only five in favor of cutting off debate and applying cloture. So if there is any great hue and cry from the country for a change in the Senate rules, the Senators fresh from the people would have voted in accordance with that belief.

Mr. President, I reserve the remainder of my time.

The PRESIDENT pro tempore. Who yields time?

Mr. CHURCH. Mr. President, I yield 1 minute to the Senator from Iowa.

Mr. MILLER. I thank the Senator from Idaho.

Mr. President, as Members of the Senate know, a number of us have been trying to work out a reasonable compromise on the proposed rules change. That compromise is presently at the desk; and if cloture could be invoked, we would reach it. However, it is difficult to get the number of votes necessary to invoke cloture, and even at this moment attempts are being made to get the one or two extra votes that are needed.

I commend the distinguished majority leader, the distinguished minority leader, and the two chief sponsors of Senate Resolution 9—the Senator from Idaho (Mr. CHURCH) and the Senator from Kansas (Mr. PEARSON)—for undertaking to do the best they can, along with me, to work out a compromise. This has been a very fine effort; and if it does not succeed, it will not be because a great deal of time and trouble has not been put into it.

I want to underscore the fact that certain absentee Senators have made this negotiation very difficult. Unfortunately, some Members of the Senate are not here; and if the Senators were here, I think we could have got the job done.

I thank the Senator from Idaho.

The PRESIDENT pro tempore. The time of the Senator has expired.

Who yields time?

Mr. ALLEN. Mr President, how much time is reserved to the Senator from Alabama?

The PRESIDENT pro tempore. The Senator from Alabama has 5 minutes, and the Senator from Idaho has 1 minute.

Mr. CHURCH. Mr. President, I yield the 1 remaining minute to the distinguished Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the purpose of the U.S. Senate is to legislate. Correspondingly, our constituents elected us in an anticipation that they were sending us to a legislative assembly wherein votes were recorded after a reasonable time for discussion. Instead, this desirable procedure does not obtain. We are deadlocked on many major matters—vital bills held hostage to the obstruction of a relatively few Members, while the supporting majority has a choice between abandoning the legislation or enfeebling it by constraining amendments.

The right to debate a question broadly has been recognized since this body first met 182 years ago. But when the rules of the Senate, intended to provide a deliberative method for legislating, are used—or misused—to raise an all but impossible barrier to the enactment of legislation, then these rules should be corrected.

Words of Thomas Jefferson, spoken in the early 19th century, apply well to the challenge we face today:

> As new discoveries are made, new truths discovered, and manners and opinions change with the change of circumstances, institutions must advance also and keep pace with the times.

In the specific instance to which I address myself today, the situation is even more alarming. On January 25 of this year, Senate Resolution 9 was introduced. It was cosponsored by 51 Senators from Republican and Democratic ranks. Fifty-one is a significant number because it stands for a constitutional majority of the U.S. Senate.

An observer would have every reason to assume that a resolution with such support would be acted on promptly and presumably with approval.

But what are the facts? Seven weeks have passed since Senate Resolution 9 was introduced. And what has transpired? During this time we have been engaged in a filibuster or talk-a-thon, or what have you, to prevent the resolution from being taken from the calendar and being considered directly. If this cloture effort succeeds this afternoon—and I hope it does—that only ends the debate on the motion to consider. Another period of debate of undetermined length would loom ahead before another set of cloture efforts could be launched in order to obtain a vote on Senate Resolution 9.

I suggest that such a condition within this great legislative assembly is mischievous, at the least, and obstructionist at best.

A recent Harris poll, to which the diligent Senator from Idaho (Mr. CHURCH) has alluded, indicates a loss of faith by the American people in Congress. Surely, the Senate has suffered a loss of confidence in many segments of our society because of the legislative casualties cause by the application of the filibuster, as fortified by rule XXII—or more damagingly simply by the threat of the filibuster.

These are difficult and troubled times, Mr. President. Our legislative agenda demands a more efficient and more prompt consideration of vital matters than is permitted by rule XXII as it now is written. Our legislative procedure is deteriorating. The legislative disarray that prevailed in the closing days of the 91st Congress should be a warning that business-as-usual will not suffice.

Recognition that the times call for modification of our rules reaches to the highest levels. Democratic and Republican Vice Presidents have expressed a view in this very Chamber that the cloture rule needs to be modified. Turn-of-the-century working rules may explain why we are lagging, but it is not a good reason.

We could face a time when rule XXII, as now written, could render the Senate vulnerable to legislative paralysis at some future time of national crisis.

Mr. President, we all would agree that man should dominate the machines he creates. So with our rules—they should not be permitted to reign over us.

Inflexibility, or shortsightedness, in the face of legitimate evidence that change is needed, is a foe, not a friend, of the U.S. Senate.

I will, as I have on past occasions, vote for cloture.

The PRESIDENT pro tempore. Who yields time?

Mr. ALLEN. I yield myself such time as I may consume.

Mr. President, this will be the fourth vote by the Senate on this question. There has not been one change of position by a single Senator in the some 40 days that this debate has lasted, unless there has been some change in the last day or so, as indicated by the distinguished Senator from Iowa (Mr. Miller). There has been no switching of position.

Now, Mr. President, at the last minute, on the 40th or 41st day of the debate, they come in and say, "We have a great amendment here which is going to change everything. Let us all get behind it."

It occurs to the junior Senator from Alabama that there seems to be more interest in the form of a change than in the substance of a change. That would lead the junior Senator from Alabama to conclude that those who want to cut off the right to extended debate in the U.S. Senate will accept any form of change of this rule as an entering wedge to move eventually to majority cloture, and that is apparently the effort of those who are now seeking this change.

Mr. President, I submit that if cloture is invoked in this matter, it will not end the debate. We then go to an extended discussion of the resolution itself, including the amendment to be offered by the distinguished Senator from Iowa and any other amendments—including, I assume, the amendment of the distinguished Senator from New York (Mr. Javits), to provide for 51 votes for cloture. So once cloture is invoked, the bars are down. Any amendment can be adopted that the Senate sees fit to adopt.

So, Mr. President, I hope that those who want to see the right to extended debate continue in the U.S. Senate will hold firm, and that this will be, as assurances were given by the distinguished majority leader, the last vote on cloture on this question during this session of Congress.

Mr. President, I yield back the remainder of my time.

The PRESIDENT pro tempore. Since all time has been yielded, 1 minute remains.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, under the rule.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

All time has now expired.

Pursuant to rule XXII and the hour of 1 o'clock having arrived, the Chair lays before the Senate the pending cloture motion which will be stated by the clerk.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to proceed to the consideration of the Resolution (S. Res. 9) amending Rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Hiram L. Fong, Joseph M. Montoya, Hugh Scott, Richard S. Schweiker, Jacob K. Javits, Frank E. Moss, Mike Mansfield, William Proxmire, Birch Bayh, Robert Taft, Jr., Edmund S. Muskie, Charles H. Percy, Marlow W. Cook, Clifford P. Case, Quentin N. Burdick, Hubert H. Humphrey, John O. Pastore, Jennings Randolph, Warren G. Magnuson, Charles McC. Mathias, Jr., Stuart Symington, Thomas J. McIntyre, J. Glenn Beall, Jr., John V. Tunney, Robert P. Griffin, James B. Pearson, Harrison A. Williams, Jr., Vance Hartke, Clinton P. Anderson, Alan Cranston, Abraham Ribicoff, Philip A. Hart, Frank Church, Peter H. Dominick, Mark O. Hatfield, Gordon Allott, Claiborne Pell, Edward M. Kennedy, Walter F. Mondale, Lee Metcalf, Gaylord Nelson.

The PRESIDENT pro tempore. Under rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 14 Leg.]

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin

Fannin
Fong
Fulbright
Gambrell
Goldwater
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya

Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

Mr. BYRD of West Virginia. I announce that the Senator from Alaska (Mr. Gravel) and the Senator from Maine (Mr. Muskie) are necessarily absent.

I further announce that the Senator from Texas (Mr. Bentsen) is absent on official business.

I also announce that the Senator from North Carolina (Mr. Jordan) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. Hatfield) is necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The PRESIDENT pro tempore. A quorum is present.

The question is, Is it the sense of the Senate that debate shall be brought to a close? The yeas and nays are mandatory under the rule, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska (Mr. Gravel), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I further announce that the Senator from Texas (Mr. Bentsen) is absent on official business.

I also announce that the Senator from North Carolina (Mr. Jordan) is absent because of illness.

On this vote, the Senator from Alaska (Mr. Gravel) is paired with the Senator from Texas (Mr. Bentsen) and the Senator from Maine (Mr. Muskie). If present and voting, the Senator from Alaska would vote "nay" and the Senators from Texas and Maine would each vote "yea."

I further announce that, if present and voting, the Senator from North Carolina (Mr. Jordan) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. Hatfield) is necessarily absent and, if present and voting, would vote "yea."

The Senator from South Dakota (Mr. Mundt) is absent because of illness and, if present and voting, would vote "nay."

The yeas and nays resulted—yeas 55, nays 39, as follows:

[No. 15 Leg.]

YEAS—55

Aiken
Allott
Anderson
Bayh
Beall
Bellmon
Boggs
Brooke
Burdick
Case
Church
Cook
Cranston
Dominick
Eagleton
Fong
Griffin
Harris
Hart

Hartke
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Packwood
Pastore

Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Stevens
Stevenson
Symington
Taft
Tunney
Williams

NAYS—39

Allen
Baker
Bennett
Bible
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cooper
Cotton
Curtis

Dole
Eastland
Ellender
Ervin
Fannin
Fulbright
Gambrell
Goldwater
Gurney
Hansen
Hollings
Hruska
Jordan, Idaho

Long
McClellan
McGee
Miller
Roth
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—6

Bentsen
Gravel

Hatfield
Jordan, N.C.

Mundt
Muskie

The PRESIDENT pro tempore. On this question the yeas are 55, the nays are 39. Two-thirds of the Senators present and voting not having voted in the affirmative, the motion is rejected.

Mr. JAVITS and Mr. MANSFIELD addressed the Chair.

The PRESIDENT pro tempore. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I appeal from the ruling of the Chair.

Mr. ALLEN. Mr. President, I would like to discuss this matter.

The PRESIDENT pro tempore. The question is: Is the decision of the Chair to stand as the judgment of the Senate? The question is debatable.

Mr. JAVITS. Mr. President, on that I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

QUORUM

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD and Mr. JAVITS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. MANSFIELD. I move to table the appeal.

Mr. JAVITS. Mr. President, will the Senator withhold that motion so I may explain the situation?

Mr. MANSFIELD. Briefly.

Mr. PASTORE. Mr. President, will Senators be seated, please?

The PRESIDENT pro tempore. Let us have order in the Senate. Senators will be seated.

The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I am very grateful to the majority leader for staying his hand momentarily. It is characteristic of him. I shall not presume on his courtesy by making any extended oration, but I do wish to state the basic legal situation which we face.

The Chair has ruled that two-thirds of the Senate not having voted in the affirmative, the debate is not closed under rule XXII, and the rule applies. I appealed from that decision because it is my belief that at the opening of every Congress the Senate has a constitutional right to change its rules and that right may not be inhibited by the opposition of one-third plus one, which prevents the Senate from voting normally.

Mr. BYRD of West Virginia. Mr. President, we cannot hear the Senator. Will the Senator please use his microphone.

Mr. JAVITS. I thank my colleague. I have pleaded for this improvement for years.

Mr. BYRD of West Virginia. The Senator was a leader in the movement.

Mr. JAVITS. That is correct.

Mr. President, if I may just repeat, I thank the Senator from Montana for staying his hand. I will not presume upon the time he has graciously allowed me by doing other than stating the legal situation. The legal situation is that the Chair has ruled that although a majority voted to close debate under rule XXII, two-thirds did not. Therefore, debate is not closed under rule XXII.

I appealed from that decision because it is my belief that, at the beginning of every Congress—and we are in that position; that has been preserved for us, again by the majority leader—the Senate has a right, under the Constitution, to revise its rules or change them, and that there is no acquiescence in their continuance if a Member or Members of the Senate move to amend the rule, which the Senator from Idaho (Mr. CHURCH) and the Senator from Kansas (Mr. PEARSON) have done. That ends the acquiescence question.

The proceeding to change the rules is constitutional and cannot be inhibited, because it would be unconstitutional, by the rules of the Senate which make it impossible for less than two-thirds to end debate. If, for practical purposes, debate is not ended, then the Senate cannot vote on a change in its rules and exercise its constitutional right.

Therefore, I believe, in this unique situation, the Chair should have ruled that a majority of the Senate having voted to close debate, and debate having continued for what everyone agrees has been an adequate period of time so that the Chair would not have to hear any more debate, debate should have been declared closed, and the rest of rule XXII applied. That would mean appeals as well as points of order would not be subject to debate, but would be decided without debate.

The majority leader, by moving to lay the appeal on the table, effectively, according to Senate practices, raises that question. So if the vote is to sustain the tabling motion, then I believe it presents the view of the Senate to the extent that any tabling motion does present it. If the vote against it fails and the debate continues, I think it equally is an expression by the Senate that rule XXII applies other than the section which prohibits the Senate from changing its own rules by majority action, after adequate debate.

That is the precedent laid down by Vice President HUMPHREY. His ruling was appealed from, and the Senate reversed it. But I believe every new Senate—and this is a new Senate—has a right to pass on that question itself.

Again I express my gratitude to the majority leader.

Mr. MANSFIELD. Mr. President, I appreciate the explanation made by the distinguished Senator from New York. He has laid the issue out in such a way that there can be no misunderstanding.

I have said time and time and time again that I am against a mere majority vote to bring about a change in the rules, because I think to do so would alter the position of the Senate in our scheme of Government.

If the appeal of the Senator from New York were upheld, then it would be only a matter of time before a majority would be able to cut off debate on any issue. That is the real issue at this time. The heart of this institution is at stake.

Mr. President, I move to table the appeal of the Senator from New York.

I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana to lay on the table the appeal by the Senator from New York from the ruling of the Chair.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. MONDALE), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Texas (Mr. BENTSEN) is absent on official business.

I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. JORDAN) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from Oregon(Mr. HATFIELD). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Oregon would vote "nay."

The Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The result was announced—yeas 55, nays 37, as follows:

[No. 16 Leg.]

YEAS—55

Aiken
Allen
Allott
Baker
Beall
Bellmon
Bennett
Bible
Boggs
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Church
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Griffin
Gurney
Hansen
Hollings
Hruska
Inouye
Jordan, Idaho
Long
Mansfield
McClellan
McGee
McIntyre
Miller
Pearson
Prouty
Roth
Smith
Sparkman
Spong
Stennis
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NAYS 37

Anderson
Bayh
Brooke
Burdick
Case
Cranston
Eagleton
Harris
Hart
Hartke
Hughes
Humphrey
Jackson
Javits
Kennedy
Magnuson
Mathias
McGovern
Metcalf
Montoya
Moss
Nelson
Packwood
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Stevens
Stevenson
Symington
Tunney
Williams

NOT VOTING—8

Bentsen
Goldwater
Gravel
Hatfield
Jordan, N.C.
Mondale
Mundt
Muskie

So the motion to lay on the table the appeal from the ruling of the Chair was agreed to.

ORDER FOR ADJOURNMENT UNTIL 11 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

Mr. MANSFIELD. Mr. President, I yield to the distinguished Senator from Idaho (Mr. Church).

Mr. CHURCH. Mr. President, the vote just announced on the cloture motion showed that 59 percent of the Senators voting favored the limitation of debate. This 55 to 39 vote represents the high water mark in the effort, over the years, to secure a modification of rule XXII.

Originally, in 1961, a cloture attempt to change rule XXII garnered only 37 votes, actually a minority of the total vote cast. Four years ago, 53 votes were obtained for cloture in connection with this longstanding effort to modify rule XXII. The previous high point was a vote of 54 to 42.

So, whether measured from the standpoint of the number of affirmative votes cast, or from the standpoint of the spread between the affirmative and negative votes, this represents the high water mark of the effort to date.

Mr. President, I would not want this occasion to pass without paying tribute to the great Senators who have labored in support of this cause in the past. I see in the Chamber the Senator from New Mexico (Mr. Anderson), who was one of the originators of the attempt to modify rule XXII. I see the Senator from Minnesota (Mr. Humphrey), who is back again with us once more. He has played a prominent role, along with the Senator from Michigan (Mr. Hart) and the Senator from New York (Mr. Javits).

I also give much-deserved credit to the leadership for the assistance they have given us in this fight, both our distinguished majority leader (Mr. Mansfield) and the able leader of the Republicans (Mr. Scott).

Especially, do I want to express my appreciation to the amiable Senator from Kansas (Mr. Pearson), the cosponsor of Senate Resolution 9.

I think, Mr. President, that the message is clear. If one looks back over the trend in the vote since 1963, the message is written plain: We are moving toward the day that a prudent modification will be made in the cloture rule. We make some progress with each successive attempt, and I feel reasonably confident that, at the commencement of the next Congress, it may prove possible for us to succeed.

Mr. President, I should like to conclude with the observation once made by President Wilson, who said:

> I would rather fail in a cause that will ultimately succeed than succeed in a cause that will ultimately fail.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. I thank the Senator.

Mr. President, I should like to join with Senator Church and Senator Pearson in approving very much of the stalwart nature of their struggle and approving, also, what others have done in this field.

I should like to add the name of the present President, who was then Vice President, President Nixon, when he was presiding over the Senate, who ruled, as Vice President Humphrey did—although he did not have an opportunity to bring it actually into being. I should like, also, to add the name of the Senator from Michigan (Mr. Hart), who joined me in this effort.

Mr. President, I am convinced that the Senate will not be allowed to do what it ought to do, which is to undo its own shackles. I did not argue with the majority leader, because we are all fairly sophisticated here, and there was no point in doing so at that point.

There is no effort here to make majority cloture the rule. The only question is: Shall a majority of the Senate, at the beginning of a new Senate or at the beginning of a new Congress, be in charge of writing its own rules? Can we ever undo this, unless we have what Calhoun called concurrent majorities? My answer is "no."

So I would say that the Senate will be unable to work any meaningful reform. The only thing it ever got done was with the tremendous power of the then majority leader, former President Lyndon Johnson. It was able to get a minor change—two-thirds present and voting, instead of two-thirds of the Senate. But that took the power of Lyndon Johnson in the Senate, which was enormous, and it was a very little change.

So until we bite this bullet, until we cut the Gordonian knot and make the constitutional decision that we have the power to disentangle or, as Lincoln said, to disenthrall ourselves, there will be no meaningful change in rule XXII, and one-third of the Senate can continually frustrate it.

One day, perhaps when I am long dead and gone, we will face some supervening national issue that will shake this Nation to its foundations, and a third of the Senate will stand in the way of acting on it; and the Senate will rue the day we made this legal decision, which we made once before and which we made today.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Kansas.

Mr. PEARSON. Mr. President, I just want to make the record complete and thank the leadership and thank the Senate. We took a great deal of time, but I think it was worth the fight.

I should like to concur in all that the distinguished Senator from Idaho said, in that we are gaining ground. The day will come, and I think the Senate will be a better body and a greater body at that time.

I thank the leadership. They did all we asked them to do, made every reasonable effort to help us in the final days of a compromise, and I shall always be grateful.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. CHURCH. Mr. President, I had meant, in extending my compliments earlier to those who participated in this debate, to include the leading members of the opposition. Let me do so now. Throughout the debate, I appreciated the courtesy extended to me by the distinguished Senator from Alabama, and I wish to acknowledge the worthy contributions made by the distinguished chairman of the Committee on Foreign Relations (Mr. Fulbright); by Senator Stennis, the chairman of the Committee on Armed Services; by Senator Ervin, who carried a major part of the load; by Senators Cooper, Hollings; and all others who participated on the other side of this debate.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HUMPHREY. Mr. President, I should like to express to the Senator from Idaho and the Senator from Kansas, on behalf of those of us who over the years have sought to modernize the rules of the Senate, particularly rule XXII, profound thanks for their exemplary leadership in conducting this debate and in pursuing the question of a reasonable adjustment in rule XXII.

I think the Senate has missed a real opportunity to make a sensible, rational, and reasonable change, which was the recommendation that a three-fifths vote be able to close debate.

I hope that on another occasion the Senators will continue to pursue this course. I believe that it is needed. I tend to agree with the Senator from New York that we may well be sorry for our failure at this time to do what the times require—and the times require action, and the Senate and Congress are on notice by the public for action.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. ALLEN. I thank the distinguished majority leader for yielding.

Mr. President, I want to express my appreciation to the distinguished Senator from Idaho for his gracious remarks and for the fine, courteous fashion in which he handled his advocacy of a rule change in this debate. He was always most courteous and most considerate of the opposition. His was a gallant fight, for which I salute him.

I admire very much his ability and his determined fight not only for the resolution he introduced, for which he fought so hard, but also for his unswerving opposition to majority cloture. I should like to express my appreciation to him for standing for this principle.

Some interesting statistics are involved here. The distinguished Senator from Idaho has called attention to some. I recall the vote 2 years ago on overruling the then Vice President on the opposite ruling from the ruling of the President pro tempore today. I believe that vote for overruling was 51 votes to overrule and 47 votes to sustain. The vote today on the opposite question was 55 to 37. So, apparently, the Senate is gaining in the matter of its opposition to majority cloture.

I was interested, too, in the statistic

of 39 Senators voting against the invoking of cloture, which also was a high water mark for the opposition to invoking cloture at this session of the Senate. So it would seem that the opposition to the invoking of cloture and cutting off debate on the rules change continues to mount, and the opposition to this move was at its height on the final vote today. With 39 votes against cloture it is hard to see how the extended debate can be called a filibuster of southern Senators.

Also, I should like to express my appreciation to the distinguished majority leader, who has stated time and time again his opposition to seeking to amend the rules by majority vote; and certainly the moral leadership he exhibited when he moved to table the appeal of the distinguished Senator from New York showed him to be the great statesman he always has been. I pay tribute to the distinguished majority leader.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 5, Public Law 420, 83d Congress, as amended, the Speaker had appointed Mr. Carey of New York and Mr. Ruth as members of the board of directors of Gallaudet College, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 123(a), Public Law 91-605, the Speaker had appointed Mr. WRIGHT, Mr. EDMONDSON, Mr. DON H. CLAUSEN, and Mr. SCHWENGEL as members of the Commission on Highway Beautification, on the part of the House.

COMMITTEE SERVICE

Mr. MANSFIELD. I yield to the distinguished minority leader for the purpose of presenting a resolution on behalf of the joint leadership.

Mr. SCOTT. I thank the distinguished majority leader for yielding.

Mr. President, this is a unanimous-consent request which I have cleared with the distinguished majority leader, with the distinguished junior Senator from Montana (Mr. METCALF), and with the distinguished senior Senator from Delaware (Mr. BOGGS).

Mr. President, I ask unanimous consent that in addition to the committee memberships to which a Senator may be entitled under paragraph 6 of rule XXV of the Standing Rules of the Senate, a Senator may serve as a member of any joint committee, if the Senate members of that committee may be selected only from among members of one of the standing committees named in paragraph 2 or 3 and specified in the provision of law relating to the selection of membership to such joint committee and this consent agreement shall be effective for the 92d Congress only.

Mr. President, that is the end of the request, but by way of clarification, let me say that we are having some difficulty working out committee memberships in the Joint Committee on Internal Revenue Taxation and, I believe, in the Committee on Reduction of Federal Expenditures.

The PRESIDING OFFICER (Mr. GAMBRELL). Without objection, it is so ordered.

EXTENSION OF RIGHT TO VOTE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 33, Senate Joint Resolution 7, and that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER (Mr. GAMBRELL). The joint resolution will be stated by title.

The LEGISLATIVE CLERK. Senate Joint Resolution 7, proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older.

The PRESIDING OFFICER. Is there objection to consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on the Judiciary with amendments, on page 2, line 2, after the word "is", strike out "hereby"; in line 4, after the word "Constitution", strike out "only if" and insert "when"; at the beginning of line 7, strike out "to the States"; at the beginning of line 9, insert "Section 1."; and, at the beginning of line 13, insert "Sec. 2,"; so as to make the joint resolution read:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:
>
> "ARTICLE —
>
> "SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.
>
> "SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."

Mr. MANSFIELD. Mr. President, hopefully, we may be able to dispose of this constitutional amendment resolution today, although I would not guarantee it. If we do finish it, it is then anticipated that on tomorrow we will take up the debt limit proposal, provided the Senate gives its unanimous consent. When that is disposed of, it is anticipated that some time next week, perhaps on Monday or Tuesday, we will take up the bill dealing with Appalachia.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I would express the hope that those who are interested in this most important joint resolution, one of the most important to come before this body, would come into the Chamber. I will have to leave to go a short distance away but I will be on call. I just want the Senate to know that it would be my intention, if any amendments are offered to the joint resolution, to move to table such amendments.

RAISING OF PUBLIC DEBT LIMIT—PROGRAM

Mr. LONG. Mr. President, I would like to say to the distinguished majority leader, in regard to the reports I am filing on H.R. 4690, the bill to increase the public debt limit, that I have made plans that will take me out of town on Thursday and I would hope to be here when the bill is considered. This is a rather urgent matter. It is not urgent at the moment, of course, but each day will make it more so. I would hope that it could be scheduled for consideration sometime in the early days ahead.

Mr. MANSFIELD. I had just announced, just before the Senator from Louisiana came into the Chamber, that, hopefully, it might be possible to finish the pending business today and then it was the intention of the joint leadership, with the unanimous consent of the Senate being granted, to take up the debt limit tomorrow.

Mr. LONG. I thank the distinguished Senator from Montana.

Mr. GRIFFIN. Mr. President, I wonder whether I might inquire of the majority leader whether unanimous consent to take up the debt limit ceiling bill was granted or was ordered.

Mr. MANSFIELD. No, no. It will be asked. I said contingent on that.

Mr. GRIFFIN. I thank the Senator.

Mr. SCOTT. What about Appalachia?

Mr. MANSFIELD. That will not be ready until next week.

Mr. SCOTT. I thank the distinguished majority leader.

EXTENSION OF RIGHT TO VOTE

The Senate continued with the consideration of the joint resolution (S.J. Res. 7) proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older.

Mr. BAYH. Mr. President, does the Senator from Indiana have the floor at this time?

The PRESIDING OFFICER (Mr. GAMBRELL). The Senator from Indiana is correct.

Mr. BAYH. I certainly appreciate the courtesy of the distinguished Presiding Officer.

Mr. President, today we begin an important—and historic—debate on Senate Joint Resolution 7, the proposed amendment to the Constitution which would lower the voting age to 18 for all elections, Federal, State, and local. I look forward to a thorough and spirited debate. I hope that the Senate—and the House—will pass this measure and send it to the States—because it is the right thing to do. I do not make such a recommendation casually. After spending more than 8 years as Chairman of the Subcommittee on Constitutional Amendments, and as a result of our efforts to secure passage of the 25th amendment, Mr. President, I am acutely aware that amending the Constitution is an awesome responsibility. It is a responsibility I do not take lightly. I think our Founding Fathers were correct in requiring two-thirds of both Houses and three-fourths of the State legislatures to join in concurrence before a major change could be made in the bedrock constitutional law of the land.

No constitutional change should be proposed by this body until there has been thorough study and thought, both in the Congress and in the rest of the country. I firmly believe that there has been such study and thought, and that we have achieved a nationwide political consensus favoring such a change in the voting age.

Last week the subcommittee ordered Senate Joint Resolution 7 reported to the full committee. The vote was unanimous. Last Thursday, the full committee met and ordered this measure reported to the full Senate for consideration on the floor. There, too, the vote was unanimous. Now it is time for each of us to consider this issue and decide how to vote. I plan to support this joint resolution because I believe that there is a solid series of arguments supporting an extension of the franchise to younger voters.

First, these younger citizens are fully mature enough to vote. There is no magic to the age of 21. The 21-year age of maturity is derived only from historical accident. In the 11th century 21 was the age at which most males were physically capable of carrying armor. But the physical ability to carry armor in the 11th century clearly has no relation to the intellectual and emotional qualification to vote in 20th century America. And even if physical maturity were the crucial determinant of the right to vote, 18-year olds would deserve that right: Dr. Margaret Mead and others have shown that the age of physical maturity of American youth has dropped more than 3 years since the 18th century. As Vice President Agnew said recently in endorsing a lowered voting age:

> Young people today are better educated and they mature physically much sooner than they did even 50 years ago.

The simple fact is that our younger citizens today are mentally and emotionally capable of full participation in our democratic form of Government. Today more than half of the 18- to 21-year-olds are receiving some type of higher education. Today nearly 80 percent of these young people are high school graduates. It is interesting to compare these recent statistics with some from 1920, when less than 10 percent went on to college and less than 20 percent of our youngsters actually graduated from high school.

Second, our 18-year-old citizens have earned the right to vote because they bear all or most of an adult citizen's responsibilities. Of the nearly 11 million 18- to 21-year-olds today, about half are married and more than 1 million of them are responsible for raising families. Another 1,400,000 are serving their country—serving all of us—in the Armed Forces. And tens of thousands of young people have paid the supreme sacrifice in the Indochina War over the past 5 years.

Today more than 3 million young people, ages 18 to 21, are full-time employees and taxpayers. As former Attorney General Ramsey Clark has pointed out:

> We subject 10–12 million young citizens between 17 and 21 years of age to taxation without representation. This is four times the population of the Colonies the night the tea was dumped in Boston harbor . . . It exceeds the population of all but several of the States of the Union.

In 26 States, persons at the age of 18 can make wills. In 49 States, they are treated as adults in criminal courts of law. Can we justify holding a person to be legally responsible for his or her actions in a criminal court of law when we continue to refuse to consider that same person responsible enough to take action in a polling booth? Surely a citizen's rights in our society ought to be commensurate with his responsibilities. Our younger citizens have willingly shouldered the responsibilities we have put on them, and it is morally wrong to deprive these citizens of the vote. By their actions, they clearly have earned the right to vote.

Third, these younger voters should be given the right to full participation in our political system because they will contribute a great deal to our society. Although some of the student unrest of recent years has led to deplorable violence and intolerance, much of the unrest is healthy. It reflects the interest and concern of today's youth over the important issues of our day. The deep commitment of those 18 to 21 year olds is often the idealism which Senator **Barry Goldwater** has said:

> Is exactly what we need more of in this country . . . more citizens who are concerned enough to pose high social and moral goals for the nation.

As Prof. Paul Freund of the Harvard Law School recently wrote:

> I believe that the student movement around the world is nothing less than the herald of an intellectual and moral revolution, which can portend anew enlightenment and a wider fraternity, or if repulsed and repressed can lead to a new cynicism and even deeper cleavages. The student generation, disillusioned with absolutist slogans and utopian dogmas, has long since marked the end of ideology; wars of competing isms are as intolerable to them as wars of religion became centuries ago. Youth turned to pragmatism, to the setting of specific manageable tasks and getting them done. But that has proved altogether too uninspiring, and youth has been restless for a new vision, a new set of ideals to supplant the discarded ideologies.

We must channel these energies into our political system and give young people the real opportunity to influence our society in a peaceful and constructive manner. The President's Commission on the Causes and Prevention of Violence explored the relationships between campus unrest and the ability of our younger citizens to take a constructive part in the political process:

> The nation cannot afford to ignore lawlessness . . . It is no less permissable for our nation to ignore the legitimate needs and desires of the young . . .
>
> . . . We have seen the dedication and conviction they brought to the Civil Rights movement and the skill and enthusiasm they have infused into the political process, even though they lack the vote.
>
> The anachronistic voting-age limitation tends to alienate them from systematic political processes and to drive them into a search for an alternative, sometimes violent, means to express their frustrations over the gap between the nation's ideals and actions. Lowering the voting age will provide them with a direct, constructive and democratic channel for making their views felt and for giving them a responsible stake in the future of the nation.

I believe that the time has come to extend the vote to 18-year-olds in all elections; because they are mature enough in every way to exercise the franchise; because they have earned the right to vote by bearing the responsibilities of citizenship; and because our society has so much to gain by bringing the force of their idealism and concern and energy into the constructive mechanism of elective government.

HEARINGS

The testimony presented at recent hearings of the Senate Subcommittee on Constitutional Amendments also provides strong and persuasive support for lowering the voting age. The subcommittee held a series of comprehensive hearings on May 14, 15, and 16 of 1968 in the 90th Congress, and on February 16 and 17 and March 9 and 10 of 1970, in the 91st Congress. At both sets of hearings we heard support for a lowered voting age from witnesses representing all parts of the political spectrum, as well as from representatives of a great variety of organizations.

Senator **Randolph** was the first witness at the hearings in the 91st Congress. He described his efforts since 1943 on behalf of granting 18-year-olds the vote. He said that allowing participation by these younger voters would have the beneficial results of forcing us all to take a "fresh look" at our political system. He pointed out that the history of this country has to a great extent been a history of efforts to expand the franchise and to expand the political base of our democratic processes. He said:

> We should extend our base by giving to young people not only the opportunity, but I repeat again and again, the responsibility for this active, this full participation. The future in large part belongs to young people. It is imperative that they have the opportunity to help set the course of that future.

Former presidential assistant Theodore Sorensen brought to the subcommittee's attention the conclusion of the Cox commission which studied the student disruptions at Columbia University. That commission called the present generation "the most intelligent," the "most idealistic," the "most sensitive to public issues," and with a "higher level of social conscience than preceding generations." Sorensen described the question of whether to lower the voting age as raising a "moral issue." He said:

> For the very essence of democracy requires that its electoral base be as broad as the standards of fairness and logic permit.

Dr. W. Walter Menninger testified in support of lowering the voting age as a representative of the National Commission on the Causes and Prevention of Violence. He pointed out that the commission in its final report had recommended a constitutional amendment to lower the voting age to 18.

Dr. Menninger also reminded us about the statement Senator Mansfield had made during the subcommittee's 1968 hearings:

> The age of 21 is not simply the automatic chronological door to the sound judgment and wisdom that is needed to exercise the franchise of the ballot.

He went on to point out that it is at 18 that young people traditionally "try it on their own," and "become responsible for themselves and others." It is at 18 that "the citizen has fresher knowledge and a more enthusiastic interest in government processes."

Dr. Menninger explored the experiences other jurisdictions have had with lowering the voting age. He said that:

> Nothing in the recent history of states which allow those under 21 to vote has indicated that the college-age vote is irresponsible or "radical."

And he pointed out that, according to the studies of the 1963 Commission on Voting, "where 18-year-olds were allowed to vote, they voted in larger proportions than the remainder of the population." He believed that this evidence supported his thesis that lowering the voting age would allow the younger voters to take an active part in the system when they are still subject to the "stimulation" of courses in citizenship and American history and reverse the presently poor turnout of voters in the 21-to-30 category.

Dr. S. I. Hayakawa, the president of San Francisco State University, stated that:

> Lowering of the voting age is just one of many measures that are necessary to involve young men and women from 18 years onward more and more into the life of government, of business, of the world of work in general, so that they have decisions to make that count in the world.

He said that the vote, aside from its role in the democratic process, had a "symbolic meaning." For the young citizen, voting is "like an initiation rite, acknowledging adulthood."

Deputy Attorney General Richard Kleindienst conveyed President Nixon's views about the wisdom of lowering the voting age. He said:

> America's 10 million young people between the ages of 18 and 21 are better equipped today than ever in the past to be entrusted with all of the responsibilities and privileges of citizenship. Their well-informed intelligence, enthusiastic interest, and desire to participate in public affairs at all levels exemplifies the highest qualities of mature citizenship.

Kleindienst also pointed out to the subcommittee that those States that have had experience with voting at 18 have found that "their experience with young voters has been constructive and positive."

Former Attorney General Ramsey Clark urged speedy enactment of a constitutional amendment to lower the voting age. He pointed out that while the United States has allowed more citizens to participate in the democratic process over the years, it has done so only "slowly, ineffectively, and begrudgingly." He thought that the amendment should be passed "in the name of fairness and justice." And he added:

> But there is a more urgent reason. That reason is need, and that need is to involve the young people in our processes and to learn the message that they have to tell us. Mr. Clark believes that by letting young people vote soon after high school we can "involve them in our system" and "keep them in meaningful participation in the system."

Senator GOLDWATER appeared and told us that as a result of his repeated travels to universities in every part of the country over the past few years, he is convinced that "this generation of young people is the finest generation that has ever come along." He said:

> To give a direct answer, I see no reason, from the point of judgment, why our young people should not be allowed to vote, and I am talking about 18-year-olds, in State as well as Presidential elections . . . I have confidence in these people.

Senator EDWARD M. KENNEDY said in his testimony that:

> I believe the time has come to lower the voting age in the United States, and thereby to bring American youth into the mainstream of our political process. To me, this is the most important single principle we can pursue as a nation if we are to succeed in bringing our youth into full and lasting participation in our institutions of democratic government.

Dr. Margaret Mead, the noted anthropologist, appeared before the subcommittee and particularly emphasized the fact that today's young people:

> Are not only the best educated generation that we have ever had, and the segment of the population that is better educated than any other group, but also they are more mature than young people in the past.

Testimony was heard and statements were received from individuals representing countless organizations, including: Youth Franchise Coalition; National Education Association; American Federation of Teachers; National Association for the Advancement of Colored People; American Civil Liberties Union; the American Jewish Committee; and the Association of the Bar of the City of New York.

OREGON AGAINST MITCHELL

On March 13, 1970, 3 days after the hearings were concluded, the Senate passed the Voting Rights Act of 1970, which contained a provision lowering the voting age to 18 in all elections by statute. In its meeting of July 28, 1970, the subcommittee reported the 18-year-old vote constitutional proposals to the full Judiciary Committee, with the understanding that they would remain in the full committee pending the outcome of the Supreme Court test.

Although the constitutionality of lowering the voting age by statute had been explored at length in hearings before the Senate Subcommittee on Constitutional Amendments and on the floor of both Houses, some substantial doubt remained, and the act provided for a rapid determination by the Supreme Court. On December 21, 1970, the Supreme Court ruled in Oregon against Mitchell that title III of the Voting Rights Act of 1970 is constitutional insofar as it applies to Federal elections, but that the Congress lacks power under the Constitution to lower the voting age by Federal statute in State and local elections. The Supreme Court's decision came too late in the Congress to allow action by either House before the end of the session.

The results of the Court's decision were immediately criticized by election officials and others, not merely because of the apparent inconsistency, but because it would require a dual-age system of registration and voting said to be expensive, confusing, and subject to other serious problems.

In response to these comments, I started preparing a report which would explore the scope and magnitude of these criticisms, collect and summarize the background material on the effort to lower the voting age, and survey the problems arising across the country as a result of Oregon against Mitchell. I sent telegrams to the chief election officials of each of the 50 States and election officials from some 35 major cities and counties, asking them to estimate the cost, confusion, and other problems they anticipated as a result of the dual-age voting. Newspaper reports of responses to the Court's decision were surveyed from across the country. The possibility of prompt State action to lower the voting age was analyzed for every State, and compared to the possibility of prompt ratification of a Federal constitutional amendment.

THE REPORT

In preparing that report I found that as a result of the decision in Oregon against Mitchell, 47 States face the possibilitary of having to administer the 1972 election under a system of dual-age voting—voting at age 18 in Federal elections and at a greater age in State and local elections. It is my belief that such a system of dual-age voting is morally indefensible and patently illogical; how can we deny younger voters a voice in local affairs when we allow them the right to participate in the selection of the Nation's highest officials? Moreover, according to the election officials I corresponded with, dual-age voting may also be dangerously complicated and inordinately expensive as well. These officials estimated costs amounting to at least $10 million to $20 million. Last year Congress declared that every American over the age of 18 should be entitled to vote in all elections. It is my hope that the fact that dual-age voting is devoid of principle, and the fear that it may be unworkable in practice, will encourage the Congress to reaffirm that fundamental policy judgment by prompt passage of a Federal constitutional amendment for ratification by the States.

There is no basis whatsoever, in logic, in policy or in practice, for denying 18-

year-olds the right to vote in State and local elections when they may vote in Federal elections. All of the arguments advanced in favor of lowering the voting age apply with equal force to State and local elections and to Federal elections. Indeed, many of the areas in which young people have expressed the greatest interest—for example, the quality of education and the State of the environment—are primarily matters of local concern. In a time of increasing interest in the decentralization of Government programs and resources, there is simply no justification whatsoever for excluding young people from participation in State and local elective politics when we permit them full participation on the Federal level.

The administrative problems of creating and maintaining a system of dual-age voting have led election officials to raise the danger of profound confusion and delay in the election process. In the 47 States which have not yet extended the franchise to 18-year-olds, separate systems of registration and voting must be established for nearly 10 percent of the previous voting age population—more than 10 million young people. The attorney general of Oregon has characterized the result as "an intolerable administrative burden on the States." John D. Rockefeller IV, secretary of state of West Virginia, has said that the situation at the polling places on election day may amount to "a jumble of confusion." Louisiana State Attorney General Jack Gremillion fears "chaos and confusion" in the next general election. And a memorandum prepared for the secretary of state of Minnesota predicts "a nightmare at best" in the process of instructing voters in the 1972 elections.

I found that some jurisdictions expect to meet the problem primarily by the purchase of new voting machines. However, such a solution can create what one election official referred to as a "suffocating expense." And there is substantial doubt as to whether a sufficient number of machines could be ordered, financed, and delivered in time for the 1972 elections. Other jurisdictions expect to resolve the problem by the use of lock-out devices on voting machines—where feasible—or the use of separate paper ballots. Both of these approaches will require a substantial increase in manpower, either to perform and supervise the lock-out function or to administer the paper ballots. Moreover, the use of paper ballots—a possibility being considered by many jurisdictions, including the States of Michigan, Montana and North Dakota, and the city of Chicago—raise the possibility and the temptation of vote fraud often associated with the use of paper ballots.

Whatever approach individual jurisdictions take to meet the problem, many election officials fear that the confusion and complications of dual-age voting will lead to delay at the polls. James C. Kirkpatrick, the secretary of state of Missouri, has suggested that "probably most important of all" the consequences of dual-age voting is the possibility that "the confusion may well result in long lines at the polling places on election day," causing voters "to decide against voting rather than be forced to stand in line for a long time—especially in bad weather." It would be ironic indeed if in this manner the Voting Right Act discouraged the exercise of the franchise.

Based on the estimates of election officials, the total cost of implementing a system of dual-age voting appears to be no less than 10 to 20 million dollars—and may amount to substantially more. Such estimates vary widely among jurisdictions. Moreover, some State and local officials are just beginning to analyze the problems involved in depth and to canvass the possible solutions. In jurisdictions contemplating the use of separate voting machines, at a cost of approximately $2,000 apiece, the initial cost would be staggering—$1.3 million in Connecticut, $3.5 million in New York City. In jurisdictions choosing to use voting machine "lock-out" where possible, or paper ballots, the costs are harder to estimate because they involve primarily the use of additional personnel; but election officials are nevertheless concerned about the magnitude of the expense required. A few examples of responses from election officials follow:

Paul Maraton, Recorder of Maricopa County—including Phoenix—Arizona, predicted a possible expense on the order of $60,000 resulting from dual-age voting.

California State Assemblyman John Briggs reported that, according to the California Secretary of State, it would cost more than 1.5 million dollars to implement dual-age voting in California. The Registrar-Recorder of Los Angeles County has estimated that "dual-age voting will cost approximately $400,000 to $500,000 additional" in the county.

Mrs. Gloria Schaffer, the Secretary of State of Connecticut, has estimated that the State may have to spend $1,300,000 on voting machines alone to implement dual-age voting.

In Illinois, Secretary of State John W. Lewis estimated that there would be a 40 to 50 percent increase in election costs because of the need to keep two sets of registration books, two sets of ballots, and the like. The chairman of the Chicago Board of Election Commissioners puts the extra cost for his city alone at between $150,000 and $200,000.

The Indiana State Election Board has predicted that it will cost $170,000 for separate registration facilities, and for the printing and casting of paper ballots.

In Iowa, dual-age voting could cost $125,000 to $150,000, but Secretary of State Melvin D. Synhorst added that if voting machines had to be purchased, this figure "could rise considerably higher."

According to Allen J. Beerman, the Secretary of State of Nebraska, the implementation of Oregon D. Mitchell could easily result in a 30 percent increase in election costs—an additional $300,000.

New Mexico Secretary of State Betty Fiorina expects the cost of implementing dual-age voting to total approximately $200,000.

Maurice J. O'Rourke, the President of the New York City Board of Elections has stated that such a dual-age voting procedure "would cost the city $5,000,000 minimally. We would need 1,500 new voting machines, which cost $2,000 each, and we would have to spend at least $2,000,000 for additional permanent personnel to set up and maintain the two sets of registration books necessary for two categories of voters."

Ward Fowler, of Oklahoma's State Election Board, has predicted extra costs arising from dual-age voting of $50,000 to $150,000 per election year."

Rhode Island relies heavily on voting machines, and as a result Secretary of State August P. LaFrance expects that additional expenses could total nearly "two million dollars."

Director of Elections Jack M. Perry of Shelby County Tennessee, which includes Memphis, has made a "rough estimate" that the extra expenses of dual-age voting would amount to "around $800,000."

A. Ludlow Kramer, Washington's Secretary of State, gave a careful estimate of all the expenses that dual-age voting would entail and concluded that it would cost the State $425,000, a "suffocating expense," especially when his State is "desperately struggling to avoid bankruptcy."

The difficulty of determining just what constitutes a Federal election may lead to substantial disruption of State political party organization and prolonged confusion and delay in the courts. Oregon against Mitchell grants the right to vote in all Federal primary elections to all 18-year-old voters. However, in many States the selection of nominees for Federal office is not performed in a primary but by delegates elected to State conventions. Unless young voters are able to vote for these delegates, they will have no voice in the selection of the Federal nominees who will represent their party. However, many of these elected delegates also choose nominees for statewide office and perform other State functions, and 18-year-olds are precluded by law in 47 of the 50 States from voting for State officials. If excluded from party elections which affect—directly or indirectly—the choice of Federal officials, 18-year-old voters are certain to challenge their exclusion in court, and very substantial disruption and delay may result before the numerous separate and differing problems across the country are resolved.

POSSIBILITY OF LOWERING THE VOTING AGE

A Federal constitutional amendment offers the only realistic hope in most States for 18-year-old voting before the 1972 elections. Of the 47 States having voting age in excess of 18, only eight have reported that it would be possible to lower their voting age by State action before the 1972 general election without resorting to some extraordinary procedure, such as a special statewide election. Most of the remaining States face delays that would preclude final action lowering the voting age before that date. Ratification of a Federal constitutional amendment, on the other hand, appears to be a realistic possibility by 1972. At the present time it seems likely that at least 40 State legislatures will be meeting in 1972 alone, in the absence of any special sessions, and the reapportionment required by the 1970 census is likely to make the fall of 1971 and the spring of 1972 an active period for special sessions. The three amendments proposed by Congress in the 1960's—the 23d, 24th, and 25th—were ratified in an average time of approximately 15 months; an amendment lowering the voting age to 18 would stand an excellent chance of ratification within a similar period.

CONCLUSION

I have long been concerned with the need to extend the franchise to include our younger citizens. After chairing two sets of subcommittee hearings on this issue and after preparing this report, I am now convinced—more firmly than ever before—that the time has come to lower the voting age to 18 in every election across the land—because it is right. And if the many problems of dual-age voting force us to confront the question more promptly, so much the better. Lowering the voting age is sound principle, sound policy, and sound practice. The Congress should complete its action at the earliest possible date, and send the amendment to the States for ratification.

Mr. President, I consider it a privilege to open the debate which I hope will lead to final ratification of one of the most important constitutional amendments ever to be presented to this body.

I refer, of course, to the matter which is the pending order of business, Senate Joint Resolution 7, the proposed constitutional amendment which would lower the voting age for all elections to 18.

The principal sponsor of Senate Joint Resolution 7 is the distinguished Senator from West Virginia (Mr. RANDOLPH), who has been involved in this effort since 1942. Senate Joint Resolution 7 is also cosponsored by 86 other Members of the Senate. This matter has been of great concern to the Senator from Indiana since his first days in the Indiana State Legislature back in 1955.

I think it is critical today that young Americans who are asked to bear the responsibilities of citizenship have some voice in determining what national policy shall be.

The inequity existing in the disenfranchisement of 18-, 19-, and 20-year-olds can be documented at length. But it seems to me that the most glaring inequity is manifest in the casualty lists which have been compiled over the years in Vietnam. The casualty lists disclose the tragic circumstance that half the young men who have made the supreme sacrifice for their country over the years by following the policy of their country in South Vietnam—I repeat, one-half, Mr. President, of those who died on the battlefields of Vietnam—were not old enough to vote for the public officials who sent them there.

I do not know how we can, in good conscience, continue to tolerate such a travesty. But, Mr. President, the reasons for lowering the voting age go beyond the equality that should be accorded 18-, 19-, and 20-year-old citizens.

It is the judgment of the Senator from Indiana that the country will benefit by the active inclusion in the body politic of those now kept without.

Having had the opportunity of conversing at length on our campuses, in our cities and in our factories with young people of all ages, I believe that our younger citizens are today qualified to vote as they never have been before.

There are a few young people who, by their acts and deeds, have shown they are not qualified to vote. But is there anyone here who can say that the same is not true of some of those who are older?

Young people have their weaknesses and their strengths, just as older people do.

One other aspect of this problem that I think the RECORD should contain came to light at the hearings which were held by the Senate Subcommittee on Constitutional Amendments.

Interestingly enough some of the most radical youth organizations refused to testify in support of the 18-year-old vote.

At first it was difficult for me to understand that. However, on closer examination, it became obvious why these organizations would not want to see the voting age lowered.

The main rallying cry of these groups is that we should destroy our democratic system. I say democratic system with a small "d" out of deference to the distinguished Presiding Officer, the Senator from Pennsylvania (Mr. SCHWEIKER). They say that we should destroy our system, because there is no place in it for young people today. They use this as a rallying cry on the campuses and in youth clubs. They say:

> We will destroy the system, tear it down, and build a new and better utopian one, and you as young people have a piece of the action.

How devastating it would be to the main rallying cry of those groups if the very system they say is sterile and unresponsive to change proves that it can change, and purges itself of inequities.

No other one piece of legislation can do as much to convince the younger people that there is a place for them within the system; nothing else can do more to give them an opportunity to work their will within the system than the measure which is now before the Senate.

Mr. President, perhaps a brief note on history should be interjected here so that the RECORD will be consistent.

All of use are aware that title III of the 1970 Voting Rights Act contained a provision similar to that which is now before the Senate. The Senator from Montana, the Senator from Massachusetts, and other Senators joined in introducing the amendment to the 1970 Voting Rights Act which, by statute, said that 18-year-olds should be given the franchise.

On December 21, 1970, in Oregon against Mitchell, the Supreme Court ruled that Congress had the authority to establish the voting age for Federal elections only. Thus, the result of the Supreme Court decision was to enfranchise the 18-, 19-, and 20-year-olds to vote for the President, Vice President, Senators, and Congressmen.

I think it would be rather kind to suggest that there is an inconsistency involved in a voting criteria that says that young people are qualified to vote for a President, but not qualified to vote for school board members, are qualified to vote for a U.S. Senator, but are not qualified to vote for a State Senator.

We now have an opportunity—to amend the Constitution of the United States to establish by constitutional amendment what we could not do by statute.

If there is any level of participation where young people need to feel involved, it seems to me it is at the State and local level. Young people never have the opportunity to meet their President, never know their Senators, and perhaps do not know their Congressmen. However, they come in touch day by day with their school board members, their mayor, and their local officials.

I think it is important for us to put our house in order. A comprehensive and thorough report prepared by my subcommittee on constitutional amendments—for which Mr. Peter W. Coogan and Mr. P. J. Mode did an excellent job of research—contains data from the prime election official in every State. That report carefully documents the difficulties and confusion which will result if we are not successful with this constitutional amendment.

Each election official in the country will have to compile two sets of lists—one set for those who are qualified to vote for President, Vice President, Senators, and Congressmen—including the 18-, 19-, and 20-year-olds—and another list of those who are qualified to vote for all other offices. Of course this latter list will exclude the 18-, 19-, and 20-year-olds. With all its ramifications, dual-age voting is estimated to cost between $10 and $20 million. Election officials have predicted untold confusion on election day in almost every precinct in America.

I hope that the Senate will act quickly. I hope that the House will soon follow suit. We just barely have time to refer this to the State legislatures so that we can get the necessary 38 legislatures to ratify this and make it effective before the 1972 election.

I would just like to finish with one last thought, if I may, Mr. President. As I have had the opportunity to travel around the country, I have been deeply disturbed at the number of people who have begun to lose faith in their country and in our democratic processes. I fear that many of them are losing faith in themselves.

Faith can be very strong medicine for some of the problems that confront us today. I know of no one act that can do more to shore up faith in our system, particularly as far as young people are concerned, than passing this constitutional amendment.

I do not hold it out as a panacea for all ills that confront us. However, if democracy means anything, it means the capacity, the ability, and the opportunity for people to determine their own destiny.

By acting favorably on this constitutional amendment, we will be saying to the some 11.5 million young Americans who are now treated as second-class citizens and required to bear the burdens of citizenship but not given the opportunity to develop and participate in the governmental processes, "Have faith, because this system is going to make itself available to you."

Then, Mr. President, it will be up to them to use it justly and wisely. I believe that these younger voters will help us deal more effectively with the problems that confront us now, and those which will confront yet unborn generations.

Mr. President, I ask unanimous consent that several statistical, technical, and historical articles not included in the record of hearings before the Subcommittee on Constitutional Amendments, and excerpts from my report entitled "Lowering the Voting Age to 18, a 50-State Survey of the Costs and Other Problems of Dual-Age Voting," be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LOWERING THE VOTING AGE TO 18: A 50-STATE SURVEY OF THE COSTS AND OTHER PROBLEMS OF DUAL-AGE VOTING

INTRODUCTION

Lowering the voting age to 18 has in recent years gained broad, national support from all segments of the political and ideological spectrum. Encouraging and responding to this emerging consensus, the 91st Congress enacted Title III of the Voting Rights Act of 1970, lowering the voting age to 18 in all Federal, State, and local elections, primary and general.

Although the constitutionality of lowering the voting age by statute had been explored at length in hearings before the Senate Subcommittee on Constitutional Amendments and on the floor of both Houses, some substantial doubt remained, and the Act provided for a rapid determination by the Supreme Court. On December 21, 1970, the Supreme Court ruled in *Oregon* v. *Mitchell* that Title III of the Voting Rights Act of 1970 is constitutional insofar as it applies to Federal elections, but that the Congress lacks power under the Constitution to lower the voting age by Federal statute in State and local elections. The results of the Court's decision were immediately criticized by election officials and others, not merely because of the apparent inconsistency, but because it would require a dual-age system of registration and voting said to be expensive, confusing, and subject to other serious problems.

This report was undertaken to explore the scope and magnitude of these criticisms, to collect and summarize the background material on the effort to lower the voting age, and to survey the problems arising across the country as a result of *Oregon v. Mitchell*. The chief election officials of each of the 50 States—and election officials from some 35 major cities and counties—were asked to estimate the cost, confusion, and other problems they anticipated as a result of the dual-age voting. Newspaper reports of responses to the Court's decision were surveyed from across the country. The possibility of prompt State action to lower the voting age was analyzed for every State, and compared to the possibility of prompt ratification of a Federal constitutional amendment.

This report is presented in the hope that it will speed Congressional action to adopt a proposed constitutional amendment lowering the voting age to 18 in all elections—Federal, State, and local—which can then be sent promptly to the States for ratification.

THE CASE FOR 18-YEAR-OLD VOTING

In recent years, we have achieved a nationwide political consensus favoring a lowering of the voting age to 18. In the extensive hearings of the Senate Subcommittee on Constitutional Amendments in the 91st Congress, the objective was agreed to by Senator Barry Goldwater and Senator Edward M. Kennedy, by Deputy Attorney General Richard Kleindienst and former Attorney General Ramsey Clark. This consensus has emerged from a solid series of arguments supporting an extension of the franchise to younger voters.

First, these younger citizens are fully mature enough to vote. There is no magic to the age of 21. The 21 year age of maturity is derived only from historical accident. In the eleventh century 21 was the age at which most males were physically capable of carrying armor. But the physical ability to carry armor in the eleventh century clearly has no relation to the intellectual and emotional qualifications to vote in twentieth century America. And even if physical maturity were the crucial determinant of the right to vote, 18-year-olds would deserve that right: Dr. Margaret Mead and others have shown that the age of physical maturity of American youth has dropped more than three years since the eighteenth century. As Vice President Agnew said recently in endorsing a lowered voting age, "young people today are better educated and they mature physically much sooner than they did even 50 years ago."

The simple fact is that our younger citizens today are mentally and emotionally capable of full participation in our democratic form of government. Today more than half of the 18- to 21-year olds are receiving some type of higher education. Today nearly 80 percent of these young people are high school graduates. It is interesting to compare these recent statistics with some from 1920, when less than 10 percent went on to college and less than 20 percent of our youngsters actually graduated from high school.

Second, our 18-year-old citizens have earned the right to vote because they bear all or most of an adult citizen's responsibilities. Of the nearly 11 million 18-to-21-year-olds today, about half are married and more than 1 million of them are responsible for raising families. Another 1,400,000 are serving their country, serving all of us, in the Armed Forces. And tens of thousands of young people have paid the supreme sacrifice in the Indochina War over the past five years.

Today more than 3 million young people, ages 18 to 21, are full-time employees and taxpayers. As former Attorney General Ramsey Clark has pointed out:

"We subject 10–12 million young citizens between 17 and 21 years of age to taxation without representation. This is four times the population of the Colonies the night the tea was dumped in Boston harbor. . . . It exceeds the population of all but several of the States of the Union."

In 26 States, persons at the age of 18 can make wills. In 49 States, they are treated as adults in criminal courts of law. Can we justify holding a person to be legally responsible for his or her actions in a criminal court of law when we continue to refuse to consider that same person responsible enough to take action in a polling booth? Surely a citizen's rights in our society ought to be commensurate with his responsibilities. Our younger citizens have willingly shouldered the responsibilities we have put on them, and it is morally wrong to deprive these citizens of the vote. By their actions, they clearly have earned the right to vote.

Third, these younger voters should be given the right to full participation in our political system because they will contribute a great deal to our society. Although some of the student unrest of recent years has led to deplorable violence and intolerance, much of this unrest is healthy. It reflects the interest and concern of today's youth over the important issues of our day. The deep commitment of those 18 to 21 years old is often the idealism which Senator Barry Goldwater has said "is exactly what we need more of in the country . . . more citizens who are concerned enough to pose high social and moral goals for the Nation." As Professor Paul Freund of the Harvard Law School recently wrote:

"I believe that the student movement around the world is nothing less than the herald of an intellectual and moral revolution, which can portend a new enlightenment and a wider fraternity, or if repulsed and repressed can lead to a new cynicism and even deeper cleavages. The student generation, disillusioned with absolutists slogans and utopian dogmas, has long since marked the end of ideology: wars of competing isms are as intolerable to them as wars of religion became centuries ago. Youth turned to pragmatism to the setting of specific manageable tasks and getting them done. But that has proved altogether too uninspiring, and youth has been restless for a new vision, a new set of ideals to supplant the discarded ideologies."

We must channel these energies into our political system and give young people the real opportunity to influence our society in a peaceful and constructive manner. The President's Commission on the Causes and Prevention of Violence explored the relationships between campus unrest and the ability of our younger citizens to take a constructive part in the political process:

"The nation cannot afford to ignore lawlessness. . . . It is no less permissible for our nation to ignore the legitimate needs and desires of the young. . . .

". . . We have seen the dedication and conviction they brought to the Civil Rights movement and the skill and enthusiasm they have infused into the political process, even though they lack the vote.

"The anachronistic voting-age limitation tends to alienate them from systematic political processes and to drive them into a search for an alternative, sometimes violent, means to express their frustrations over the gap between the nation's ideals and actions. Lowering the voting age will provide them with a direct, constructive and democratic channel for making their views felt and for giving them a responsible stake in the future of the nation."

Thus the time has come to extend the vote to 18-year-olds in all elections: because they are mature enough in every way to exercise the franchise; because they have earned the right to vote by bearing the responsibilities of citizenship; and because our society has so much to gain by bringing the force of their idealism and concern and energy into the constructive mechanism of elective government.

HISTORY OF EFFORTS TO LOWER THE VOTING AGE

A. Action by the States

Nine States now have voting ages under 21 although only three of these have reduced the voting age to 18. Georgia was the first to act; in 1943 its voters ratified an 18-year-old voting amendment by more than a two to one margin. In 1955 the voters of Kentucky approved a referendum—by almost a two to one margin—which lowered that State's voting age to 18. Hawaii joined the Union in 1959 and carried with it its 1950 constitution, which allowed its residents to vote once they became 20. When Alaska was admitted to the Union, its constitution—which was overwhelmingly approved by its voters on April 24, 1956—contained a 19-year-old voting age. In 1969 the State legislature proposed lowering the age to 18. This amendment was approved by the State's voters in the 1970 elections and has now taken effect.

Several other changes in State constitutions relating to voting ages were approved by the voters in the 1970 elections. Maine voters agreed to enfranchise their 20-year-olds. Massachusetts voters extended the vote to those 19 and over. Minnesota and Montana did the same thing. Nebraska lowered its voting age to 20.

In at least three other States there has been recent legislative action to lay the groundwork for a State constitutional amendment, but in these States the voting age remains 21 because the amendment process has not yet been completed. In Delaware the State legislature has approved a 19-year-old vote proposal, but final ratification requires the approval of a subsequent State legislature. The New York State Assembly has twice approved an 18-year-old vote amendment. That proposal will go to the voters for ratification in the November 1971 elections.

Nevada legislators gave approval to an 18-year-old voting amendment in 1969. If the legislature again approves this same measure, it could be voted on by the people in 1972.

The California constitutional commission has recommended lowering the voting age to 19, but the legislature has yet to take action.

In addition to the above action, there have been popular referenda and legislative action on the issue of lowering the voting age in the following additional States: Idaho, Maryland, Michigan, New Jersey, North Dakota, Ohio, Oklahoma, South Dakota, Illinois, Oregon, Washington, Florida, Wyoming, Connecticut, and Hawaii.

B. Action by the Congress

The idea of amending the Federal Constitution to lower the voting age to 18 for both Federal and State elections is not new. In modern times the first Joint Resolutions proposing such a change in the Constitution were submitted in the 77th Congress. On October 21, 1942, Jennings Randolph, then a Member of the House of Representatives, introduced House Joint Resolution 354. Since that time, more than 150 similar proposals have been introduced, at least one in each subsequent Congress. In the early years, such proposals attracted few other supporters, but over the years Congressional support for lowering the voting age has become increasingly strong. Senator Randolph's 18-year-old vote amendment in the 92nd Congress, Senate Joint Resolution 7, has 85 Members of the Senate as cosponsors.

Since the introduction of the first proposal, the issue of lowering the voting age to 18 has been thoroughly studied in the Congress. Congressman Celler, then the ranking majority member of the House Judiciary Committee, conducted hearings on the Randolph proposal on October 20, 1943, Senate Judiciary Committee hearings were conducted in the 82nd, 83rd, 87th, 90th and 91st Congresses.

While there has been thorough committee study over the years, these Joint Resolutions have not been reported out of committee, with one exception. In the 83rd Congress, Senate Joint Resolution 53 was reported out of the Senate Judiciary Committee (S. Rep. No. 1075) and debated on the floor of the Senate. It failed on a vote of 34 to 24, five votes short of the required two-thirds majority. (For floor debate, see Cong. Record, vol. 100, pp. 6911, 6956, 6963, 6969.)

C. The 1970 hearings

By far the most comprehensive hearings were those held by the Senate Subcommittee on Constitutional Amendments on May 14, 15, and 16 of 1968 in the 90th Congress, and on February 16 and 17 and March 9 and 10 of 1970, in the 91st Congress. At both sets of hearings support was heard from witnesses representing all parts of the political spectrum as well as from representatives of a great variety of organizations.

Senator Randolph was the first witness at the hearings in the 91st Congress. He described his efforts since 1943 on behalf of granting 18-year-olds the vote. He said that allowing participation by these younger voters would have the beneficial result of forcing us all to take a "fresh look" at our political system. He pointed out that the history of this country has to a great extent been a history of efforts to expand the franchise and to expand the political base of our democratic processes. He said:

"We should extend our base by giving to the young people not only the opportunity, but I repeat again and again, the responsibility for this active, this full participation. The future in large part belongs to young people. It is imperative that they have the opportunity to help set the course of that future."

Former Presidential Assistant Theodore Sorensen brought to the Subcommittee's attention the conclusion of the Cox Commission which studied the student disruptions at Columbia University. That Commission called the present generation "the most intelligent," the "most idealistic," the "most sensitive to public issues," and with a "higher level of social conscience than preceding generations." Sorensen described the question of whether to lower the voting age as raising a "moral issue." He said: "For the very essence of democracy requires that its electoral base be as broad as the standards of fairness and logic permit."

Dr. W. Walter Menninger testified in support of lowering the voting age as a representative of the National Commission on the Causes and Prevention of Violence. He pointed out that the Commission in its final report had recommended a constitutional amendment to lower the voting age to 18.

Dr. Menninger also reminded the Subcommittee about the statement Senator Mansfield had made during the Subcommittee's 1968 hearings: "The age of 21 is not simply the automatic chronological door to the sound judgment and wisdom that is needed to exercise the franchise of the ballot." He went on to point out that it is at 18 that young people traditionally "try it on their own," and "become responsible for themselves and others." It is at 18 that "the citizen has fresher knowledge and a more enthusiastic interest in government processes."

Dr. Menninger explored the experiences other jurisdictions have had with lowering the voting age. He said that "nothing in the recent history of states which allow those under 21 to vote has indicated that the college-age vote is irresponsible or 'radical.'" And he pointed out that, according to the studies of the 1963 Commission on Voting, "where 18-year-olds were allowed to vote, they voted in larger proportions than the remainder of the population." He believed that this evidence supported his thesis that lowering the voting age would allow the younger voters to take an active part in the system when they are still subject to the "stimulation" of courses in citizenship and American history and reverse the presently poor turnout of voters in the 21 to 30 category.

Dr. S. I. Hayakawa, the President of San Francisco State University, stated that "lowering of voting age is just one of many measures that are necessary to involve young men and women from 18 years onward more and more into the life of government, of business, of the world of work in general, so that they have decisions to make that count in the world." He said that the vote, aside from its role in the democratic process, had a "symbolic meaning." For the young citizen, voting is "like an initiation rite, acknowledging adulthood."

Deputy Attorney General Richard Kleindienst conveyed President Nixon's views about the wisdom of lowering the voting age. He said:

"America's 10 million young people between the ages of 18 and 21 are better equipped today than ever in the past to be entrusted with all of the responsibilities and privileges of citizenship. Their well-informed intelligence, enthusiastic interest, and desire to participate in public affairs at all levels exemplifies the highest qualities of mature citizenship."

Kleindienst also pointed out to the Subcommittee that those States that have had experience with voting at 18 have found that "their experience with young voters has been constructive and positive."

Former Attorney General Ramsey Clark urged speedy enactment of a constitutional amendment to lower the voting age. He pointed out that while the United States has allowed more citizens to participate in the democratic process over the years, it has done so only "slowly, ineffectively, and begrudgingly." He thought that the amendment should be passed "in the name of fairness and justice." And he added: "But there is a more urgent reason. That reason is need, and that need is to involve the young people in our processes and to learn the message that they have to tell us." Mr. Clark believes that by letting young people vote soon after high school we can "involve them in our system" and "keep them in meaningful participation in the system."

Senator Goldwater appeared before the Subcommittee and said that as a result of his repeated travels to universities in every part of the country over the past few years, he is convinced that "this generation of young people is the finest generation that has ever come along." He said, "to give a direct answer, I see no reason, from the point of judgment, why our young people should not be allowed to vote, and I am talking about 18-year-olds, in State as well as Presidential elections. . . . I have confidence in these people."

Senator Edward M. Kennedy said in his testimony that:

"I believe the time has come to lower the voting age in the United States, and thereby to bring American youth into the mainstream of our political process. To me, this is the most important single principle we can pursue as a nation if we are to succeed in bringing our youth into full and lasting participation in our institutions of democratic government."

Dr. Margaret Mead, the noted anthropologist, appeared before the Subcommittee and particularly emphasized the fact that today's young people "are not only the best educated generation that we have ever had, and the segment of the population that is better educated than any other group, but also they are more mature than young people in the past."

Testimony was heard and statements were received from individuals representing countless organizations, including: Youth Franchise Coalition; National Education Association; American Federation of Teachers; National Association for the Advancement of Colored People; American Civil Liberties Union; the American Jewish Committee; and the Association of the Bar of the City of New York.

On March 13, 1970, three days after the hearings were concluded, the Senate passed the Voting Rights Act of 1970, which contained a provision lowering the voting age to 18 in all elections by statute. In its meeting of July 28, 1970, the Subcommittee reported the 18-year-old vote constitutional proposals to the full Judiciary Committee, with the understanding that they would remain in the full Committee pending the outcome of the Supreme Court test. The Supreme Court's decision in *Oregon* v. *Mitchell* came too late in the Congress to allow action by either House before the end of the Session.

D. The Voting Rights Act of 1970

After the first series of 18-year-old voting hearings before the Senate Subcommittee on Constitutional Amendments in the 91st Congress, Senator Kennedy suggested that Congress might have the constitutional power to lower the voting age in all elections by statute, thus making a constitutional amendment unnecessary. Senator Mansfield—joined by Senators Magnuson, Kennedy, and other supporters—introduced such a provision as an amendment to the Voting Rights Act of 1970, which was then being debated by the Senate.

The Subcommittee immediately began a second series of hearings, devoted primarily to this issue. Support for lowering the voting age by statute was heard from a series of witnesses, including Senators Kennedy and Goldwater. The Subcommittee also studied the views of a number of experts in constitutional law. Professor Archibald

Cox of the Harvard Law School, a former Solicitor General of the United States, took the position that:

"States in which the voting age is twenty-one put those who are 18, 19, and 20 in a separate class from those who have reached their twenty-first birthday. Under the Fourteenth Amendment the question is whether the classification is reasonable or arbitrary and capricious. Undoubtedly, the Supreme Court would sustain such a State rule in the absence of federal legislation. Under Section 5 of the Fourteenth Amendment, however, the Congress has the power to make its own determination.

'If Congress upon reviewing these and related facts should find the classification invidious under contemporary conditions, the Court, if it adhered to *Katzenbach* v. *Morgan*, should sustain the legislation."

Professor Cox and his Harvard Law School colleague, Professor Paul Freund, later pointed out:

Katzenbach v. *Morgan* recognizes that under Section 5 of the Fourteenth Amendment, Congress has the power—and we think the responsibility—to make its own investigation and findings on the constitutionality of state voting classifications, which is conclusive if the Court can "perceive a basis upon which the Congress might resolve the conflict as it did."

"To limit *Katzenbach* v. *Morgan* to 'policing state restrictions on ethnic minorities' is to ignore the fact that the equal protection clause, which Section 5 gives Congress the power to enforce, condemns, in the words of the Supreme Court, 'any unjustified discrimination in determining who may participate in political affairs or the selection of public officials.' Indeed, Section 5 is the primary, if not only source of authority for eliminating all literacy tests and reducing residency requirements as proposed by the Department of Justice."

After three days of debate, the Senate adopted Senator Mansfield's Amendment No. 545 by a vote of 64 to 17, on March 12, 1970. The Amendment added Title III—providing for an 18-year-old vote in all elections, Federal, State, and local, general and primary—to the Voting Rights Act of 1970. The bill passed the Senate the following day, March 13, 1970, and was returned to the House, where it was again debated on April 8. On June 17, the House accepted the Senate amendments.

The Voting Rights Act of 1970, Public Law 19-285, was signed by the President on June 22, 1970. At that time the President issued a statement indicating that he signed the bill despite reservations about the constitutionality of lowering the voting age by statute. He gave his support for lowering the voting age by amending the Federal Constitution, concluding that: "The time has come to give 18 year olds the vote, as I have long urged. The way to do this is by amending the Constitution. . . . The Constitutional amendment now pending before the Congress should go forward to the states for ratification now."

THE SUPREME COURT'S DECISION IN OREGON V. MITCHELL

After passage of the Voting Rights Act of 1970, prompt Supreme Court tests of the constitutionality of the Act were sought by the Department of Justice, several States, and interested private parties. Four suits were finally consolidated by the Court for determination of all major issues presented. Two of the suits, *Oregon* v. *Mitchell* (No. 43 Original) and *Texas* v. *Mitchell* (No. 44 Original), were initiated by the States to invalidate Titles II and III of the Act. The other two, *United States* v. *Arizona* (No. 46 Original) and *United States* v. *Idaho* (No. 47 Original) were brought by the Department of Justice seeking a declaration that the Act was constitutional and an order forcing the States to enforce the Act. The Court heard oral argument on October 19, 1970, and handed down its decision on December 21, 1970. Excerpts from a Library of Congress analysis of the case follow:

"The best capsulization of the Court's resolution of the age reduction of Title III is probably to note that four Justices thought the Title wholly constitutional and four thought it wholly unconstitutional. Justice Black's resolution of the issue caused him to side with the former group insofar as federal elections were concerned and with the latter group insofar as State and local elections were concerned."

THE PROBLEMS OF DUAL-AGE VOTING

A. Illogical and morally indefensible

As a result of the Supreme Court's decision in *Oregon* v. *Mitchell*, our 18-, 19-, and 20-year-old citizens have the right to participate in the choice of Federal officers—President, Vice President, Senator and Congressman—but they are precluded from taking any meaningful part in the selection of State and local officials. While as a matter of constitutional law the Court's decision may have been correct, the result is morally indefensible. There is no basis whatsoever in policy or in logic for denying these citizens the right to vote in State and local elections when they may vote in Federal elections.

All of the arguments in favor of lowering the voting age are equally as applicable to State and local elections as to Federal elections. If young people are mature enough to vote, they are no less mature on State and local issues. If young people have earned the right to vote by bearing the responsibilities of citizenship, they have borne no less of State and local responsibilities. If we need the energy and idealism of the young channelled into elective politics, we need it no less at the State and local level.

Moreover, many of the problems that most concern our younger citizens are largely matters of local and State policy: the quality of education at all levels; the state of the environment; planning and community development. In these areas, participation of the young in local and State elections is particularly appropriate and necessary, and their point of view especially valuable in devising responsible programs.

Finally, we live in a time of increasing interest in decentralization, revenue sharing, and the merits of additional responsibility at the local level. We should not deny young people their share of such responsibility. We praise the efforts of local citizens' groups in working against pollution and other ills. Allowing younger citizens to vote would strengthen the process by which local progress can stimulate a broader renewal of the entire society.

B. Confusion, delay, and the danger of fraud

As a result of the Supreme Court's decision in *Oregon* v. *Mitchell*, special, separate facilities and procedures will have to be developed for younger voters who are eligible only to vote in Federal elections. This is not a small or isolated difficulty. Only three states—Georgia, Kentucky, and Alaska—now allow their 18-year-olds to vote in State and local elections. The other 47 States will have to deal specially with at least ten million potential voters; in most States the number of younger voters is close to 10 percent of the State's previous voting age population.

This separation of voters into two classes will have to be done in at least two different stages, at the time of registration and each time the voters come to the polls. When a registrant appears at the local election board office, the clerk will have to determine initially which class of voters the registrant belongs to and put him in the proper file. In most cases it will be necessary to have at least two complete registration lists. Many of the State officials who are responsible for supervising this type of operation complained about the difficulties of establishing procedures to transfer registrants automatically from the Federal-only list to the State-and-Federal list once the registrant becomes 21. Most voting lists are not now maintained in order of birthdate. Nor are the clerks used to transferring voters—on a regular basis—from one status to another.

Some State registration laws will cause trouble. In South Carolina, for example, each voter is issued a voting certificate which will describe the type of election in which he may vote. These voting certificates cannot be changed under present law to reflect the registrant's eligibility to vote in State elections once he turns 21, unless the registrant appears personally—after his 21st birthday and before the next election—to have his certificate amended. The Chairman of the Richland County Board of Registration fears that there will be "dissatisfaction and resentment" on election day.

There will be even more chance of confusion, delay and fraud on election day. Louisiana State Attorney General Jack Gremillion predicted that there would be "chaos and confusion" in the next general election—a fear shared by many election officials. John D. Rockefeller, IV, Secretary of State of West Virginia, said that the "crux of the problem" will relate to "the confusion which will be created at the polling place on election day." He indicated that "the added responsibilities passed on to the election officers . . . may create a jumble of confusion."

It will be necessary to identify and separate out the younger voters from those eligible to vote in all elections. In areas where there is registration, it will be necessary to go through the separate lists and check off each vote.. A few areas of the country do not require registration, and in such areas it will be necessary to verify not only the identity and residence of each voter, but also his exact age.

Once the voter's age is determined, the poll workers will have to give out the proper ballot or direct the voter to the proper voting machine. Poll workers generally do not receive much training and are expected to have difficulties adapting to overly complicated new procedures. A memorandum prepared for the Secretary of State of Minnesota noted that "election judges . . . are not apt to be the people who most readily understand the new and complicated regulations that will result." and concluded that giving proper instructions at the polls "will be a nightmare at best."

Voting machines are used today in more than half of all polling places, and are used exclusively in many areas of the country. Some election officials have reported that their voting machines simply cannot be adapted to service both types of electors simultaneously. Amalia Tora, the Election Attorney of the Connecticut Secretary of State's Office has predicted that it would not be "feasible" to permit both younger and older voters to use the same machines. In Nevada the Legislative Counsel Bureau predicts that it would probably be necessary to use paper ballots in the cities which now rely on voting machines.

Other election officers have been informed that it would be possible to "lock out" the State and local elections by pulling a special lever each time a younger voter came to use the machine. If this system were used, of necessity there would have to be an attendant to guard each machine and adjust the machine so that no voter could cast votes in any race for which he was not qualified. But this type of complication—like any added complexity—suggests the possibility of added confusion and added mistakes—whether brought about by fraud or simple error.

Many election officials in areas which now use voting machines have decided that this constant readjusting of the voting machines—even if possible—would be impracticable and prone to fraud, and therefore unacceptable. Some election officials—for example, in Connecticut, Rhode Island, and Shelby County Tennessee—are considering the use of a separate machine for the younger voters only in each voting place.

It has been suggested that it might be necessary to rely on paper ballots for 18-year olds in many jurisdictions—including the States of Michigan, Montana, and North Dakota and the City of Chicago. Paper ballots, of course, have been abandoned in many jurisdictions because they increase the likelihood and ease of vote fraud. And the usual problems associated with any paper ballot system will be exacerbated in those areas which rely heavily on machines, because the elaborate vote counting and fraud prevention procedures and safeguards were largely abandoned when the switch to machines took place. It will be necessary to reinstate these costly procedures and hire people to count and protect paper ballots whenever they are used.

Even where paper ballots are now used, a special ballot will have to be printed up and handed out to the right voters, thus adding even more confusion to the proliferation of such ballots—with separate ballots for referenda and the like—which now inundate the polling places.

One almost certain result of the dual-age voting confusion will be increased delay on election day. It will take more time because the two classes of voters must be separated in some manner. Moreover, it will take more time to administer two separate means of voting—whether by machine or paper ballot—than one. And delay at the polls inevitably results in diminished voter turnout, reduced political participation, contrary to the entire thrust of voting reform efforts. James C. Kirkpatrick, the Secretary of State of Missouri, indicated that "probably most important of all" was the fact that "the confusion may well result in long lines at the polling places on election day," causing voters "to decide against voting rather than be forced to stand in line for a long time—especially in bad weather."

A few States are at least considering the possibility of avoiding some confusion and delay by keeping the younger voters out of the usual polling places—requiring them to vote either in centralized locations or by absentee ballot. But this type of alternative has fostered criticism on several grounds. At least one voting official has criticized this type of segregation of the younger voters because it would give them less of a sense of participation in the election system, and they should not be removed from the heart of the process.

Moreover, it would seem unfair to force the young voters to undertake special burdens—obtaining absentee ballots, or traveling to one centralized location in each city, for example—in order to exercise their right to vote. And requiring all younger voters to undertake special burdens to exercise their franchise might will serve to dissuade them from participating in the election. Absentee ballots might have to be filled out before the election, and obtaining them might require going through a good deal of bureaucratic red tape. The travel to a centralized voting place might be impossible for many young people. Indeed, to force younger voters to go to greater pains in order to exercise their right to vote is at least inconsistent with the purpose of the Voting Rights Act, which sought to encourage greater political participation on the part of the young; such segregation might even amount to a denial of their 14th Amendment right to equal protection of the laws in the exercise of the franchise.

C. Added costs to the States

The views of most State election officials are summed up in a comment by Oregon Attorney General Lee Johnson, who characterized dual-age voting as "an intolerable administrative burden on the States," a burden that "will result in considerable cost to the taxpayers." There are basically two types of expenses which will be involved, initial expenses for new physical equipment required to handle two classes of voters, and the ongoing expenses of sustaining and maintaining two sets of registration books, election supervisors, and the like.

The estimates of actual cost resulting from dual-age voting vary widely among States. Many State and local officials are just beginning to appreciate the problems involved and to canvass the possible solutions. But the information and estimates now available from election officials suggest that the nationwide cost involved is no less than 10 million to 20 million dollars—and may in fact amount to substantially more.

The largest costs will stem from the need to purchase new voting equipment. A majority of votes cast in America today—all of the votes in some States, like Connecticut—are cast on voting machines, many of which cannot be modified to "lock-out" certain votes. New voting machines cost approximately $2,000 apiece. In the interest of the greatest accuracy, a separate machine should probably be provided in each polling place so that no administrative errors would allow an under-21 voter to vote in a State or local election. An expenditure of $2,000 or more per voting place would entail an enormous initial cost of implementing dual-age voting—1.3 million dollars in Connecticut, 3.5 million dollars in New York City.

Even for jurisdictions prepared to meet such costs, there are dangers if the issue of voting age is not quickly resolved. For it takes time to get approval of purchase orders, finance the purchases and receive delivery of such a great number of machines. It is not altogether clear whether sufficient voting machines could be produced or modified in time for the 1972 elections—even if the States and localities were to move without further delay.

Because of the enormous cost involved in purchasing new voting machines, the great majority of jurisdictions can be expected to rely on some lesser measures, either machines modified to "lock-out" the vote of young people for State and local office, or paper ballots. But although this approach will reduce the cost of equipment required, it will increase the need for election clerks and officials in the polling places—not just once, but in every election. It is simply impossible to estimate the magnitude of this cost.

Moreover, a substantial increase in voting personnel will be required by dual-age voting even in jurisdictions relying on new voting machines. More clerks will be required to fill out the two sets of registration forms. More clerks will be required to handle the extra bookkeeping which will be involved when each under-21 registrant becomes of age and has to be transferred to the regular registration list. There will also be the problems and costs involved with the establishment of a completely separate set of bookkeeping to account for these younger voters.

Each jurisdiction will have to spend more on informational campaigns to inform their voters about the new complications and registration procedure. Additional ballots will have to be printed and kept track of. Each polling place, furthermore, will have to hire additional personnel to separate out the younger voters from the others. And a greater effort would have to be made to train poll workers—who are generally hired for only one day and given little or no instruction—in the complexities of the new procedures. Clerks will have to know which people are qualified to receive which ballots. Voting machine attendants will have to distinguish between those under and over 21, and adjust the machines appropriately for each class.

In areas where voting machines are used for those over 21 and paper ballots are given to those under 21, it will be necessary to institute a completely new additional system to count paper ballots and to protect against misuse and fraud.

At this early date, it is impossible to estimate the additional expenses brought on by dual-age voting with any great certainty. But several elections officials did attempt to give rough estimates of the cost their departments would be facing under this new procedure. A few examples follow:

Paul Marston, Recorder of Maricopa County—including Phoenix—Arizona, predicted a possible expense on the order of $60,000 resulting from dual-age voting.

California State Assemblyman John Briggs reported that, according to the California Secretary of State, it would cost more than 1.5 million dollars to implement dual-age voting in California. The Registra-Recorder of Los Angeles County has estimated that "dual age voting will cost approximately $400,000 to $500,000 additional."

Mrs. Gloria Schaffer, the Secretary of State of Connecticut, has estimated that the State may have to spend $1,300,000 on voting machines alone to implement dual-age voting.

In Illinois, Secretary of State John W. Lewis estimated that there would be a 40 to 50 percent increase in election costs because of the need to keep two sets of registration books, two sets of ballots, and the like. The chairman of the Chicago Board of Election Commissioners puts the extra cost for his city alone at between $150,000 and $200,000.

The Indiana State Election Board has predicted that it will cost $170,000 for separate registration facilities, and for the printing and casting of paper ballots.

In Iowa dual-age voting could cost $125,000 to $150,000, but Secretary of State Melvin D. Synhorst added that if voting machines had to be purchased this figure "could rise considerably higher."

According to Allen J. Beerman, the Secretary of State of Nebraska, the implementation of *Oregon* v. *Mitchell* could easily result in a 30 percent increase in election costs—an additional $300,000.

New Mexico Secretary of State Betty Fiorina expects the cost of implementing dual-age voting to total approximately $200,000.

Maurice J. O'Rourke, the President of the New York City Board of Elections has stated that such a dual-age voting procedure "would cost the city $5,000,000 minimally. We would need 1,500 new voting machines, which cost $2,000 each, and we would have to spend at least $2,000,000 for additional permanent personnel to set up and maintain the two sets of registration books necessary for two categories of voters."

Ward Fowler of Oklahoma's State Election Board, has predicted extra costs arising from dual-age voting of "$50,000 to $150,000 per election year."

Rhode Island relies heavily on voting machines. Therefore, Secretary of State August P. LaFrance expects that additional expense could total nearly "two million dollars."

Director of Elections Jack M. Perry of Shelby County, Tennessee, which includes Memphis, has made a "rough estimate" that the extra expenses of dual-age voting would amount to "around $800,000."

A. Ludlow Kramer, Washington's Secretary of State, gave a careful estimate of all the expenses that dual-age voting would entail and concluded that it would cost the State $425,000, a "suffocating expense," especially when his State is "desperately struggling to avoid bankruptcy."

Several other jurisdictions have made estimates in the $50,000 range. And many election officials were unable to make precise calculations at this time but described the added expenses as "subtantial" and "considerable."

D. Determining what constitutes a Federal election

In addition to the costs and confusion which may result from dual-age voting, there is another set of difficulties—legal in nature, hitherto unexplored, and very complex—which could bring chaos and confusion to the political party structures of almost every State, and thoroughly disrupt the process by which we select our President.

By its terms, the Voting Rights Act of 1970 extends the right to "vote in any state or political subdivision in any primary or any election." It clearly was the intent of Congress to let young voters take part in all elections—not just the final determination. The right to vote in the final election is of little value to those who are excluded from the preliminary selection process. As the Supreme Court has said in many cases, party primaries are "an integral part" of the "election process that determines who shall rule and govern." *Terry* v. *Adams,* 345 U.S. 461 (1953). See also *Smith* v. *Allwright,* 321 U.S. 649 (1944); *United States* v. *Classic,* 313 U.S. 299 (1941).

However, as a result of the decision in *Oregon* v. *Mitchell* these younger voters are now limited to participating in Federal elections, and just what constitutes a Federal election remains unclear. In many States the selection of nominees for Federal offices is performed by elected delegates who are also chosen to perform State election tasks as well. In the bulk of the States, the State party—including the city and county units of the party—plays a strong role in the choice of delegates to the national convention. In Indiana, for instance, there is a State primary at which voters of both parties choose delegates to State conventions. These State delegates, in turn, then elect the delegates to the national convention. While Indiana has a Presidential preference primary, it binds only on the first ballot, so that the State delegates may in fact select the Presidential nominee.

If the State convention were concerned solely with the selection of nominees for Federal office and delegates to the national convention—and hence ultimately with the choice of the party's nominee for President—there would be little doubt that 18-year-olds should be allowed to vote in the State primary election. However, the delegates elected to the Indiana State party conventions do far more than select candidates for United States Senator and delegates to the national convention. They also choose the party's candidate for Governor and other State offices. The question will surely be raised whether 18-year-olds, who cannot vote for State officers, should be able to vote in this primary and select the delegates to the State convention.

In the absence of a drastic change in State party operating procedures, there are two alternatives. Those between 18 and 21 could well be allowed to participate in the selection of State delegates who will choose both Federal and State nominees. This would preserve their right to affect the choice of national leaders at all stages in the selection, but would have the anomalous result of allowing younger voters to have a strong role in the nomination of State candidates, even though these same voters are precluded from voting for these candidates in the ensuing general election.

The other alternative would be to bar the younger voters from any role in these State primary elections. If this were done, granting the vote in Federal elections for the younger voters—many of whom have justifiable complaints about the artificial limits we have imposed on their abilities to participate in our electoral system—would be an illogical and unjustifiable gesture. For many of the most important questions are resolved, and the framework for the whole election is set, by the choice of each party's nominee.

Passing an amendment to the Federal Constitution would end all these difficulties for every State. However, if—for want of a constitutional amendment—we must choose between these two, the first alternative is clearly preferable. It is time to open up our State party structures to concerned and able younger citizens, even if—for the time being—they are not allowed to vote in State elections. Furthermore, to bar these voters from participating in elections which so vitally affect the outcome of Federal elections might well be a violation of the Voting Rights Act.

Some States, of course, do not have the same type of State-wide party primary to choose delegates to the State convention as Indiana, and therefore do not have precisely the same type of problems. But, using the Democratic Party as an example, only 13 States and the District of Columbia choose their delegates to the national party convention in a direct primary. In the other 37 States, the delegates are chosen by the State party. The procedures vary from State to State, but quite often delegates are chosen by party caucuses and conventions throughout the State. It is clear that 18-year-old voters prevented from participating in these party caucus elections will soon be in court challenging the legality of their exclusion from any State party elections which affect—directly or indirectly—the choice of Federal officers. The time to prevent a serious disruption in the State legislatures, in party decision-making, and in the courts is now, and the only way to avoid that disruption is to lower the voting age in all the elections before confusion sets in.

THE POSSIBILITY OF PROMPT ACTION

A. By the States

In almost all the States, it would take a State constitutional amendment to lower the voting age. In a few States, including Indiana, Vermont, and Utah, there is some doubt about whether the State constitution prescribes the minimum voting age or merely mentions an age above which the State legislature may not restrict the right to vote. While there are pressures in each of these States in support of lowering the voting age by statute—rather than by constitutional amendment—in each of these States it is likely that any effort to avoid use of a State constitutional amendment would be challenged, and therefore delayed by a court test. As a result, the only sure way to lower the voting age in the States—in the absence of an amendment to the Federal Constitution—is to amend the State constitutions in each of the 47 States which now prescribe a voting age higher than 18.

Very few of these States consider it possible to complete action on a State constitutional amendment in time for the 1972 elections. Only eight States reported that it would be possible to lower their voting age by amending the State constitution before the 1972 elections without resorting to some extraordinary procedure such as a specially-called election. And of those eight States, only one, New York, already has completed legislative action on the proposed amendment and has a scheduled election for final voter ratification. Thus, of the 47 States with a voting age greater than 18 for State elections, change before the 1972 election appears impossible in 39 States in the absence of a Federal constitutional amendment. Some of those States must wait even longer: Delaware cannot act until 1973; Iowa cannot act until 1974; South Carolina cannot act before 1973; and Tennessee cannot act until 1977.

B. Through a Federal constitutional amendment

There is a realistic possibility of gaining passage and ratification of an amendment to the Federal Constitution which would lower the voting age to 18 before the 1972 election. At the present time, it appears that at least 35 State legislatures are required by law to meet in 1972. Another five legislatures can easily meet without the calling of a special session. In addition, there are likely to be a number of special sessions in 1972. During 1968 and 1969, a total of 38 special sessions were held in 24 states; the reapportionment required by the 1970 census is likely to make 1971 and 1972 an even more active period for special sessions.

In the past, constitutional amendments have often been ratified in a year or less. The 12th Amendment was ratified in 8 months; the 23rd Amendment was ratified in 9 months; the 13th, 20th, and 21st Amendments were ratified in 10 months; the 11th and 17th were ratified in 11 months; the 15th was ratified in less than 12 months; and the 18th and 19th Amendments were ratified within 13 and 14 months respectively. The three amendments proposed in the 1960's—the 23rd, 24th and 25th—were ratified in an average time of 15 months.

Fifty-State Survey of the Problems of Dual-Age Voting

METHOD OF CONDUCTING THE SURVEY

In conducting the survey, some 80 newspapers from across the country were reviewed at the Library of Congress for reports and comments by State election officials and others at or shortly after the time of the Supreme Court's decision in *Oregon* v. *Mitchell*. The majority of information was gathered through written inquiry to the chief elections official in each of the 47 States which have not lowered the voting age to 18. Similar inquiry was made of some 35 additional elections officials from major cities and counties across the country. The full text of the initial inquiry follows:

"As Chairman of the Senate Subcommittee on Constitutional Amendments, I am requesting your cooperation in providing some information about the effects on your elections of the recent Supreme Court decision lowering the voting age to 18 in Federal elections only. Such information will be of immense use to us in deciding whether to push for quick enactment of a proposed amendment to the Federal Constitution, which would allow 18-year-old citizens to vote in all elections. Since time is of the essence in this matter, I would appreciate it if you could possibly send me your reply by February 1. The questions follow:

"1. What extra expenses do you estimate will be brought about by the new dual-age voting procedure?

"2. What other possible problems do you envision as a result of the dual-age voting?

"3. Is the present voting age for State and local elections in your State set by State law or by your constitution?

"4. As a practical matter, what is the earliest date on which you could lower the voting age without a Federal Constitutional Amendment?

"Birch Bayh,
"U.S. Senator."

Various follow-up inquiries were conducted.

Detailed replies were received from election officials in each of the States. Further valuable assistance was provided by the Youth Franchise Coalition, Common Cause, and the Honorable A. Ludlow Kramer, Secretary of State of Washington.

ALABAMA

Number of voters affected

Alabama currently has a voting population for State elections of over 2 million people. About 195,000 are now eligible to vote in Federal elections but will have to be registered separately under the dual-age voting procedure.

Costs and problems of dual-age voting

According to the Secretary of State, "Nobody has been willing to hazard a guess so far" as to the extent of the expenses that would be involved with such a dual-age voting procedure.

Lowering the voting age by State action

The Secretary of State has indicated that "remedial legislation will be passed during this session" of the Alabama legislature. (Letters to Birch Bayh, January 14, 1971, and January 26, 1971.) Since the present voting age for State and local elections is set by the State constitution, it is unlikely, although not impossible, that the age can be changed by State action before the next Federal election.

Jim Ziegler, State Chairman of Southern University Student Governments, has announced that he has started a student campaign to build support for lowering the voting age in Alabama. (Alabama Journal, December 23, 1970.)

ALASKA

A State Constitutional amendment passed by the State legislature in 1969 and ratified at the general election in 1970 lowered the voting age from 19 to 18. As a result, *Oregon* v. *Mitchell* poses no problem for future elections in Alaska.

ARIZONA

Number of voters affected

Arizona currently has a voting age population for State elections of about 1 million. Between 90,000 and 100,000 additional citizens are currently eligible to vote only in Federal elections.

Costs and problems of dual-age voting

The Arizona House majority leader, Burton Barr (R., Phoenix), commented on this situation: "To say that an 18 year old can vote for President but must be 21 to vote for Barr seems a little ridiculous on the face of it. It appears to me that the Supreme Court ruling means the State has to honestly get at the problem. A duplicate system of balloting is not practical." (The Arizona Republic, December 22, 1970.)

Arizona's Secretary of State, Wesley Bolin, has reported that "Extra expense will be involved in printing two ballots and two poll lists, as well as in securing additional voting machines." He also said that another "possible problem will be the counting of the two ballots." (Letter to Birch Bayh, January 18, 1971). While the Secretary of State was unable to make an exact cost estimate without more time for study, Paul Marston, the Maricopa County Recorder, has predicted a dual-ballot system might well entail the use of 400 extra voting machines at $150 each, an expense of $60,000 for Maricopa County alone.

Lowering the voting age by State action

Arizona's voting age is established by the State Constitution. The legislature is in session this year. Several members of the State Senate have announced that they will introduce legislation to start amending the State Constitution so as to extend the State franchise to all those 18 or older. (The Arizona Republic, December 22, 1970.) If the legislature passed such a proposed amendment, theoretically it would be possible to ratify the amendment in either a primary or special election. Thus, it could be possible to lower the voting age to 18 before November of 1972. (YFC; Bolin letter to Birch Bayh, January 18, 1971)

ARKANSAS

Number of voters affected

Arkansas now has a voting age population for State elections of over 1,200,000. More than 100,000 additional voters would be fully enfranchised if the State voting age were lowered to 18.

Costs and problems of dual-age voting

Thomas Glaze, the Chairman of the Election Laws Institute, has predicted that the Supreme Court's decision will force the use of "special ballots," but that the costs, which will have to be assumed by the counties, would be "negligible." (Arkansas Democrat, December 22, 1970.)

Lowering the voting age by State action

Kelly Bryant, the Arkansas Secretary of State, reports that in the current session of the Arkansas legislature a number of proposals relating to lowering the voting age are being considered. (Letter to Birch Bayh, February 4, 1971.) In the absence of a special election, a State constitutional amendment proposed by this session of the legislature could not be ratified before the 1972 Presidential elections.

CALIFORNIA

Number of voters affected

California's State election voting population is over 12,000,000. More than 1,000,000 potential voters are now allowed to register and vote in Federal but not in State or local elections as a result of the Supreme Court's recent action.

Cost and problems of dual-age voting

According to Assemblyman John Briggs, the California Secretary of State has determined that it would cost California "over $1.5 million" to implement dual-age voting. (Letter to Birch Bayh, Jan. 28, 1971.) James S. Allison, the registrar-recorder of the County of Los Angeles, reports that, while he does not know all the additional work that may be required, dual-age voting will cost approximately "$400,000 to $500,000 additional." Allison also noted "two other" major problems. The first is having to maintain two complete registration systems, one including reference to the age of the registrant so that he can be transferred to the over-21 file on his birthday. The other involves further complications in the various different ballot styles that have to be prepared for each election. In the 1970 primary alone, the County of Los Angeles had 1,660 styles. More would be needed with dual-age voting. (Letter to Birch Bayh, Jan. 27, 1971.) According to Assemblyman Briggs, controlling the vote at the County level "would be a tremendous job—they would have to be able to identify the 18-year-olds, and there would be many legal problems involved." (Letter to Birch Bayh, Jan. 28, 1971.)

Lowering the voting age by State action

The problems involved with maintaining two independent sets of polling list have given new impetus to local efforts to lower the voting age. Several State Assemblymen have introduced legislation to lower the voting age. Governor Ronald Reagan, who previously opposed such a move, has now indicated his support as a result of the Court's decision. Briggs plans to support such a change as part of his campaign to change the law and make 18-year-olds into full-fledged adults in the eyes of the law. There is some talk of getting a special election on this issue next year, but there has been opposition from those who contend that a special election would cost about $4,000,000. Briggs still supports the idea of a special election because it would cost less than separate registration and voting facilities for the more than one million 18-to-20 year olds who now must be treated separately. (Los Angeles Times, Dec. 22, 1970.)

COLORADO

Number of voters affected

Colorado's current State voting population is about 1,200,000, and lowering the voting age to 18 would fully enfranchise an additional 10 percent of that number.

Costs and problems of dual-age voting

James L. Eitemiller, the Elections Officer of the Colorado Department of State, did not anticipate that the dual-age voting procedure would raise election costs "to any great extent." However, he did report that his office expected that there would be possible confusion from his bifurcated procedure. He reports:

"We envision at this time that the County Clerk, who is the elections officer in each county, will have to maintain a separate registration book in order to separate the 18-year-olds from the over-21-year-olds and, at this time, we anticipate that the 18-year-olds will vote by absentee ballot, or at the County Clerk's office, which is the same procedure we use when new residents vote for President.

"The reason for this is that at the Presidential election in 1972 the polling places would have two registration books—one for the 18-year-olds and one for the over-21-year-old groups. In order to avoid confusion, it might be necessary to have the 18-year-olds vote at the County Clerks' Office, or by absentee voters' ballot, inasmuch as they will not be allowed to vote for the State and local candidates." (Letter to Birch Bayh, January 12, 1971.)

Lowering the voting age by State action

In the 1970 general election, Colorado rejected a proposal to change the State's Constitution and allow 19-year-olds to vote. Elections officer Eitemiller informed us that it would be impossible, in the absence of a Federal constitutional amendment, to change the State voting age before the next set of Federal elections. (Letter to Birch Bayh, January 12, 1971.)

CONNECTICUT

Number of voters affected

Connecticut currently has a State voting population of over 1,900,000. Almost 150,000 voters are now permitted to vote in Federal elections but excluded from any participation in the State and local contests.

Costs and problems of dual-age voting

The Connecticut Secretary of State, Gloria Schaffer, has indicated considerable concern over the difficulties engendered by the Supreme Court's recent decision. Connecticut is faced with special difficulties because its vote is recorded entirely by voting machine. It does not use paper ballots. The Secretary of State's office is presently conducting detailed studies of the matter, but their preliminary studies suggest that "it is not feasible to permit voting by electors and '18 year old' Federal voters on the same voting machines." As a result, it will probably be necessary to provide separate voting machines for 18 year olds in each polling place. That plan would require the purchase of approximately 650 additional machines—none seem to be available for rental—at a cost of $1,900 per machine. Therefore, the initial cost of the dual-age voting procedure in Connecticut, not counting the continuing costs of keeping two separate sets of registration books, would be about $1,300,000. (Letter to Birch Bayh, January 13, 1971.)

Lowering the voting age by State action

In order to avoid the cost of purchasing so many additional machines, Secretary of State Schaffer has announced plans to ask the State legislature to pass a constitutional amendment in its present session. Such a proposal, which had been passed previously by the legislature, was defeated narrowly—307,530 to 336,012—in the November, 1970, election. Because of the provisions of Article 12 of the Connecticut Constitution, ratification of such an amendment could not be effective until after the November 1972 elections. Secretary Schaffer has "heartily endorsed" the "immediate enactment of a proposed amendment to the Federal constitution allowing "18 year old" citizens to vote in all elections" and she believes "this to be the only truly feasible solution." (Letter to Birch Bayh, January 13, 1971; New Haven Journal-Courier, January 21, 1971.)

DELAWARE

Number of votes affected

Delaware, with a voting population of over 300,000, has almost 30,000 potential voters who are unable to vote in State and local elections but who must be registered for Federal elections.

Costs and problems of dual-age voting

Burton D. Willis, the Delaware State Election Commissioner, submitted the following detailed memorandum as to the actions his state was planning to take to meet this problem, as well as the costs of administering the plans which he had formulated. He reported:

"1. There have been two theories advanced to implement the procedures for voting of 18 year olds:

"a. The procedure that has been advanced from this agency would create 18 year old voting districts throughout the State, consisting of one or more complete Representative Districts. I advocate five Primary Districts throughout the 27 Representative Districts within New Castle County, one Primary District for Kent County and one Primary District for Sussex County. Each of these two counties have six Representative Districts. By comparing the cost per polling place of the 1970 General Election, I anticipate that the Primary Districts will cost approximately $300.00 each or a total of $2,100.00 throughout the State.

"b. The other theory which has been advanced by some members of the Legislature would be to allow the 18 year old voters to cast their vote by a paper ballot in the Election District where they reside. This would create the problem of constructing and dismantling 368 voting booths throughout the State. I anticipate that it would be impossible to assemble and disassemble these booths for less than $25.00 each for a total of $9,200.00.

"Regardless of which way it is handled, I figure that it will create 1,200 additional man hours for our election administrative bodies. This equals the position of Clerk II at an annual salary of $4,740.00. Therefore, the anticipated cost to our State for Plan A would be $6,840.00—Plan B, $13,940.00.

"2. The problem that dual-age voting would cause will be sorting our files from 18 to 21 year old group on a monthly basis so the registered voter who has become 21 within that period could be processed to our master records. This expense is figured within the above anticipated costs.

"3. The present voting age in our State is 21, set by Section 2, Article V of our State Constitution; however, there has been an amendment that passed the 125th General Assembly to lower the voting age to 19. We anticipate that the 126th General Assembly will pass the second leg of this amendment in the early part of its Session. Therefore it will only be the 18 to 19 year old age group who would be inconvenienced to either vote in the 18 year old district or by paper ballot." (Letter to Birch Bayh, January 12, 1971.)

Lowering the voting age by State action

It would not be possible to lower the voting age to 18 in Delaware until 1973 at the earliest. While Delaware does not require ratification of proposed amendments to its State constitution by the electorate, it does require that all such amendments be passed by two successive legislatures. And the next-succeeding legislature does not meet until 1973. (Willis letter to Birch Bayh, January 12, 1971.)

FLORIDA

Number of voters affected

Florida presently has a state voting population of almost 4 million. It will now have to take steps to register separately over 320,000 18-to-20-year-olds.

Costs and problems of dual-age voting

The Director of the Division of Elections of the State of Florida, Dorothy W. Glisson, has predicted that there will not be a great deal of added expense involved with the separate registration of persons between the ages of 18 and 21. However, Mrs. Glisson did say that "in some areas where an additional ballot will be required because of already crowded ballots on machines," there will be additional costs involved with printing and the hiring of extra poll workers. She also predicted, "Additional expenses will also be incurred in setting up voting machines to accommodate this extra category of voters." (Letter to Birch Bayh, January 20, 1971.)

Martin Braterman, the Dade County Supervisor of Elections, has said that it would cost about $400,000 to purchase sufficient additional voting machines to allow the 18-21-year-olds to vote together with the rest of the voting population at all elections. He also predicted operating costs for the two primary and general elections of about $22,500. He said that, as a way to forestall extra expense and confusion at the polls, the legislature was likely to consider requiring voters eligible only for the Federal elections to deposit their paper ballots in the office of the Supervisor of Elections during the 30-day period preceding each general election. These ballots would then be counted together with absentee ballots. Florida has used this method before, and Mr. Braterman estimates that it would cost for Dade County approximately $16,500 in each election year. (Letter to Birch Bayh, January 18, 1971.)

The possibility of confusion as a result of the new complications in voting procedure was also mentioned. Mr. Braterman said that the "problems involved in setting up the voting machines . . . should be given serious consideration." Mrs. Glisson thought that the Supreme Court's decision would result in "more work for Florida's voting supervisors." (Miami Herald, December 22, 1970.)

Lowering the voting age by State action

As in most States, the voting age is set by the State constitution. A proposed amendment which would have lowered the voting age to 18 years in State elections was defeated on November 3, 1970. Mr. Braterman could not "venture a guess as to when this question may again be placed on the ballot for consideration of the electorate in the State of Florida." (Letter to Birch Bayh, January 18, 1971.)

GEORGIA

Georgia was the first state to extend its franchise to 18-year-olds. It did so in 1943.

HAWAII

Number of voters affected

Hawaii presently has approximately 425,000 citizens eligible to register for State elections. An additional 35,000 would be enfranchised as a result of lowering the voting age from the present 20 to 18.

Costs and problems of dual-age voting

Lt. Governor George R. Ariyoshi expects that the extra costs occasioned by the dual-age voting will amount to about $63,000, broken down as follows: public relations $1,000; voter lists $12,000; ballots $8000; election workers $40,000; precinct supplies $2000. He expects difficulties in "administering the election itself—avoiding getting ballots mixed up in printing and delivering them to the precincts and in giving the right ballots to each voter." (Letter to Birch Bayh, January 12, 1971)

Although it has not yet been definitely decided, Hawaii officials are now contemplating setting up separate voting units, with separate ballots, in each precinct for the younger voters. (Letter from Morris T. Takushi, Elections Administrator, January 25, 1971.)

Lowering the voting age by State action

Hawaii's 20 year old voting age is now set by the State constitution. A proposal to lower that age to 19 was defeated in the 1970 elections. No constitutional amendment "as a practical matter" could take effect until after the next Presidential election. (Letter to Birch Bayh, Jan. 12, 1971.)

IDAHO

Number of voters affected

Idaho presently has more than 400,000 voters qualified for the State elections. Nearly 45,000 others would be qualified if the voting age were lowered to 18.

Costs and problems of dual-age voting

R. L. Stephens, the Assistant Secretary of State, reports that "substantial extra expense will be involved" because of duplications in registration and voting procedures. (Letter to Birch Bayh, February 3, 1971.)

Lowering the voting age by State action

The voting age is set by the Idaho constitution. Two-thirds vote of the legislature and ratification by the electorate is required in order to amend the constitution. According to Assistant Secretary Stephens the "earliest date that such an amendment could be considered" would be November of 1972. (Stephens letter to Birch Bayh, February 3, 1971.)

ILLINOIS

Number of voters affected

Illinois has more than 6½ million people eligible to vote in State elections. More than 500,000 others would become qualified if the voting age were lowered to 18.

Costs and problems of dual-age voting

John W. Lewis, the Illinois Secretary of State reported that while it would be "impossible to determine actual expenses," he thought "there would be two sets of registration records, two sets of ballots," and "additional voting booths where electronic devices and voting machines are used." Therefore, he estimated a "40 to 50" increase in election costs. He thought that because duplicate records and separate files and voting lists would have to be kept for the 18-year-olds, the work of running an election "would be doubled and additional expenses would also be incurred." (Letter to Birch Bayh, January 15, 1971.)

For the city of Chicago alone, it has been estimated that the Supreme Court's decision will result in additional expenditures of between $150,000 and $200,000. According to Stanley T. Kusper, Jr., Commissioner of the Board of Election Commissioners of the City of Chicago, these additional costs, "will be necessitated by extraordinary procedures with regard to absentee voting, possible adaptations of our mechanical voting machines or the implementation of the use of separate paper ballots for those persons qualified to participate only in the federal aspects of the election, separate applications for ballot, possible separate ballot boxes, tally sheets and other materials, specially colored registration and identification cards, separate poll lists, etc." (Letter to Birch Bayh, January 14, 1971.) Chicago officials seemed dismayed by the prospect of implementing the decision. For example, Edward J. Barrett, the Cook County Clerk, called on the State legislature to pass a law to allow all 18-year-olds to vote even though such a proposal has been turned down in a recent general referendum election. (Chicago Sun Times, December 22, 1970.)

Sheila Wolfe and David Gilbert of the Illinois Secretary of State's Office discussed the necessity almost to double the election facilities and mechanics—and hence the cost—as a result of the Court's decision. (Chicago Tribune, December 22, 1970.)

Lowering the voting age by State action

The new Illinois constitution sets a voting age of 21 years. Secretary Lewis felt that no constitutional amendment could likely be ratified in time for the 1972 general election. (Letter to Birch Bayh, January 15, 1971.)

INDIANA

Number of voters affected

Indiana has about 3 million people eligible to vote under present State law and would enfranchise an additional 250,000 if the voting age were lowered to 18.

Costs and problems of dual-age voting

The law clerk to the Indiana State Election Board, O. Wayne Davis, has estimated that dual-age voting will cost about $170,000 for Indiana. He wrote:

"* * * every county in the State of Indiana must now maintain two separate registration files. In some cases this will necessitate additional employees and in all cases will increase the cost for supplies. A conservative estimate is that the increased cost in this area alone will exceed fifty thousand dollars. Second, every precinct in Indiana must prepare for the casting of paper ballots. Such preparations will cost at least one hundred thousand dollars. Finally, there will be increased costs in the printing of separate ballots. Approximate cost, twenty thousand dollars." (Letter to Birch Bayh, January 27, 1971.)

Lowering the voting age by State action

The Indiana constitution, in Article Two, Section Two, grants to those 21 years and over the right to vote. It is not yet clear whether this provision would preclude the State legislature from lowering the age by statute. However, if a constitutional amendment is required, it could not be as a practical matter ratified before the general election of 1972. (Davis letter to Birch Bayh, January 27, 1971.)

IOWA

Number of voters affected

Iowa has about 1,700,000 people eligible to vote; an additional 130,000 would be enfranchised under an 18-year-old vote provision.

Costs and problems of dual-age voting

Based on a report from the Polk County Auditor's Office, the Secretary of the State of Iowa, the Honorable Melvin D. Synhorst, has estimated that the State-wide cost of implementing the dual-age voting in the next Federal election would be somewhere near the "$125,000 to $150,000 mark." He added, "This figure could rise considerably higher" if additional voting machines had to be purchased. He thought that a "serious problem will be encountered in maintaining proper registration records for this new group of voters in those counties or cities where registration is required in Iowa." He said he could not estimate the cost factor for this separate registration system but that it would be "substantial." (Letter to Birch Bayh, January 19 ,1971.)

Lowering the voting age by State action

Because of the peculiarities of Iowa law, in the absence of an amendment to the Federal Constitution, it would be impossible to approve an amendment to the Iowa constitution before the November 5, 1974 general election. Thus, the lowering of the voting age could not be effective before the 1976 regular general election. (Synhorst letter to Birch Bayh, January 19, 1971.)

KANSAS

Number of voters affected

Kansas has a voting population of about 1,400,000, and about a quarter of a million new voters would be eligible to take part in State and local elections if the voting age were lowered to 18.

Costs and problems of dual-age voting

A member of the elections division of the Kansas Secretary of State's office, Lavina M. McDonald, said that separate registration records and lists are being maintained for those under the age of 21. She described the need "to set up a registration procedure to transfer the name of an elector from the list for only national elections to the regular registration file on his 21st birthday." She pointed out that separate ballots would have to be prepared and anticipated "some problems" in those areas which use voting machines. Mrs. Elwill Shanahan, the Secretary of State, said, "As I see it now, we're going to have two separate ballots." (Topeka Daily Capital, December 22, 1970.) An Assistant Secretary of State, Jack Brier, said that the Supreme Court's decision "presents an immense number of problems for state and local officials." (Wichita Eagle, December 22, 1970.)

Lowering the voting age by State action

The Kansas Constitution provides that a constitutional amendment can only be presented to the voters at a general election, and the next such election is in November of 1972. A State constitutional amendment which would change this requirement, is presently being tested in the courts. (McDonald Letter to Birch Bayh, January 18, 1971.) Therefore, it would seem that in the absence of an amendment to the Federal Constitution, Kansas is very likely to have to deal separately with voters under 21, at least in the 1972 elections.

KENTUCKY

Kentucky has allowed 18-year-olds to vote in State elections since 1955.

LOUISIANA

Number of voters affected

More than 200,000 additional Louisiana residents would be enfranchised if the voting age were lowered to 18.

Costs and problems of dual-age voting

Louisiana's Secretary of State, Wade O. Martin, Jr., said of the Supreme Court's decision: "It poses some difficult problems," but he was sure that the problems could be worked out. Jack Gremillion, the State Attorney General, predicted that the ruling would cause "chaos and confusion" in the next general election. Secretary of State Martin concluded that he expected difficulty because, "The more complications you have, the more likely it is that the whole machinery of elections will break down." (New Orleans Times-Picayune, December 22, 1970.)

On February 3, 1971, Secretary Martin reported to Senator Allen Ellender his present conclusions about the feasibility of adapting the State's voting machines to the new requirements. He wrote:

"Specifically, my conclusion at the present time is that the voting machines, in which Louisiana has invested millions of dollars to secure what I consider the nation's best voting facilities with an absolute minimum of fraud, could be adjusted so as to accommodate the numerous "classes" of voters created by the so-called Voting Rights Act, but it would be—

"1. Most difficult and time consuming.

"2. Tremendously expensive both for parts and labor.

"3. Such multiple adjustments as "lock-outs" and exclusions, along with some of the unreasonable requirements that we have at least three kinds of absentee ballots for voting in combined state and federal elections, must inevitably increase the chance of error and open the door to possible fraud because of confusion and delays."

Mr. A. E. Papale, the Registrar of Voters for the Parish of New Orleans has estimated that in the initial year of dual-age voting there will probably be about a 50% increase in annual registration costs, with about a 6% increase in succeeding years. Among the other possible problems he envisioned was "confusion in the public mind" because different voters would be eligible to vote for different combinations of candidates. (Letter to Birch Bayh, January 25, 1971.)

Lowering the voting age by State action

Secretary of State Martin said that "If any amendment to our State constitution is contemplated, it appears that the earliest date at which it could be submitted to the electorate would be the general election for State and local officers to be held February 1, 1971." (Letter to Birch Bayh, February 1, 1971.)

MAINE

Numbers of voters affected

Maine presently has a voting age of 20 as a result of ratification of a proposed constitutional amendment at the November 1970 elections. Close to 50,000 voters however, are still allowed to vote in Federal but not State contests.

Costs and problems of dual-age voting

Elden H. Shute, Jr., the Deputy Secretary of State, said of the decision, "This presents us with some real problems." (Portland Press Herald, December 22, 1970.) According to Peter M. Damborg, the Deputy Secretary of State, it would cost approximately "$10,000" for the additional ballots, instructions to voters, etc. (Letter to Birch Bayh, January 19, 1971.)

Lowering the voting age by State action

The Maine Constitution presently sets the voting age and could not be altered before November 1971. (Damborg letter to Birch Bayh, January 19, 1971.) Several bills to lower the voting age to 18 have been introduced in the State legislature this session. The Deputy Secretary of State has reported that he believes one of these bills is "certain to pass," and therefore he is urging the town clerks to "withhold setting up separate voting lists" pending the outcome of this legislation and a referendum. A referendum would cost the State approximately $25,000. (Letter from Peter M. Damborg, Deputy Secretary, Maine Department of State.)

MARYLAND

Number of voters affected

Lowering the voting age to 18 would enfranchise more than 200,000 additional Maryland voters.

Costs and problems of dual-age voting

The Administrator of the State Administrative Board of Election Laws felt that as a direct result of the Supreme Court's decision, there would be an additional expense involved in "keeping a separate book or registry" and in "printing separate absentee ballots for those persons between the ages of 18 and 21 years." Further, since Maryland votes by machine, "additional mechanical adjustments must be made" in order to adapt the machines to the different types of electors. (Letter to Birch Bayh, January 22, 1971.)

Lowering the voting age by State action

The Maryland State constitution sets the voting age. Although legislation is already being processed which would amend the constitution, according to Mr. Morris, "the earliest possible date it could be done would be November 7, 1972." Therefore, in the absence of a Federal constitutional amendment, Maryland would be forced to use dual-age voting in the next Presidential election.

MASSACHUSETTS

Number of voters affected

Even though Massachusetts has recently lowered its voting age to 19, almost 100,000 voters are still precluded from taking part in State elections.

Costs and problems of dual-age voting

John F. X. Davoren, the Secretary of the Commonwealth of Massachusetts, reports that the new ballot for younger voters should not cost more than $40,000. Massachusetts has yet to decide whether to require the younger voters to vote by absentee ballot, or in some other special manner. Davoren expects that these administrative problems "will be resolved in plenty of time." (Letter to Birch Bayh, February 4, 1971.) Norman Gleason, the State Director of Elections, has said that the administrative problems at the State level will not be difficult. (Boston Globe, December 22, 1970.)

Lowering the voting age by State action

The Massachusetts constitution requires a majority of the legislators elected, sitting in joint session, in two different legislatures to approve any proposed constitutional amendment, before it can be sent to the voters for ratification. An 18-year-old vote proposal was approved last year. If approved again, the question could be put on the 1972 ballot. (Boston Herald Traveler, December 22, 1970.) Therefore, as a practical matter it would be impossible to reduce the voting age in Massachusetts before 1973 without an amendment to the Federal Constitution. (Davoren letter to Birch Bayh, February 4, 1971.)

MICHIGAN

Number of voters affected

More than 400,000 additional voters would be eligible in Michigan State elections if the voting age were lowered to 18.

Costs and problems of dual-age voting

Richard H. Austin, the Michigan Secretary of State, reports that it was not possible to give an exact cost figure for the new voting procedures. He did say that since 85% of Michigan's voters use voting machines, the cities and townships would have to incur "large, significant" costs for the purchases of new machines unless the machines could be adapted easily. It might also be necessary to redivide the State into slightly different voting precincts because of the possible need for paper ballots.

Austin also said some questions will be raised about whether those who are registered to vote for Federal offices are to be considered "registered electors" for the purpose of signing petitions and the like. It is also unclear whether the 18-year-old vote decision applies to the election of delegates to party conventions. (Letter to Birch Bayh, January 29, 1971.)

Lowering the voting age by State action

Michigan's voting age for State and local elections is determined by the State constitution. If the legislature passed a proposed amendment in time, it would be possible to put this question to the people in November, 1971. (Austin letter to Birch Bayh, Jan. 29, 1971). Attempts to amend the State constitution will have to start anew because such a proposal was turned down in 1970 by the voters. (Detroit Free Press, Dec. 22, 1970.)

MINNESOTA

Number of voters affected

As a result of a referendum last fall, Minnesota has lowered the voting age to 19. However, more than 60,000 voters who are able to participate in Federal elections are still disenfranchised in State elections.

Costs and problems of dual-age voting

A memorandum prepared for the Secretary of State indicated that additional expenses could be expected from the need to train election judges and county officials about the complicated new voting procedures. Confusion was also an issue. "Without a doubt the most serious problem will be confusion. With two ages and both state and federal residency requirements, Minnesota can have five classes of voters . . . Election judges are usually people who have nothing else to do on election day and are not apt to be the people who will most readily understand the new and complicated regulations which will result." The memorandum concluded that instructing everyone as to who may vote for what "will be a nightmare at best." (Letter from Secretary of State Arlen I. Erdahl to Birch Bayh, January 22, 1971.)

Lowering the voting age by State action

Secretary of State, Arlen Erdahl has indicated that the secrecy of a ballot might be compromised in sparsely settled areas as a result of the 18-year-old vote decision. (Minneapolis Tribune, January 21, 1971.)

Since constitutional amendments may not be adopted in special or primary elections, no change in the State voting age could be made, in the absence of a federal constitutional amendment, which could go into effect in time for the next scheduled elections. Secretary Erdahl indicated in a letter that he is presently trying to convince the State legislature to submit a constitutional amendment to lower the voting age to 18. However, he concluded, "Even better, in my opinion, would be an amendment to the Federal Constitution permitting 18 year olds to vote in all elections . . ." (Letter to Birch Bayh, January 22, 1971.)

MISSISSIPPI

Number of voters affected

More than 130,000 Mississippians could vote for the first time in State elections if the voting age were lowered to 18.

Costs and problems of dual-age voting

The Mississippi Secretary of State Heber Ladner predicted that the Supreme Court's ruling "will bring about quite a revision in election procedures—both in registration and casting of ballots." (The Clarion-Ledger, December 22, 1970) Mr. Ladner, however, thought that the extra expenses involved in the new procedures would be "negligible" and he did not envision "any tremendous problems." (Letter to Birch Bayh, January 12, 1971.)

Lowering the voting age by State action

The voting age is set by Article 12 of the Mississippi Constitution. It appears that the Mississippi legislature will be faced with the issue of amending its constitution to lower the voting age in the coming year. Representative Dana Moore, who is chairman of the Registration and Elections Committee, talked of a "definite possibility" that such a bill would clear his committee and be taken up on the House floor. But he was not sure what the outcome of a floor vote would be. He predicted that a final vote would be "very close." (The Clarion-Ledger, December 22, 1970.)

MISSOURI

Number of voters affected

Nearly a quarter of a million voters would be newly enfranchised in State elections as a result of the establishment of a Statewide 18-year-old vote.

Costs and problems of dual-age voting

James C. Kirkpatrick, the Missouri Secretary of State, reported that it would be "extremely difficult" to project the total cost. But he did feel that the extra cost of special ballots and ballot boxes would be about $50,000. He foresaw that additional election officials might be needed across the State. Local Governments would be beset with higher registration costs because of the need to maintain separate registration books for those under 21. In those areas where registration is not required, confusion would be likely on election day as it would be necessary to determine the age of each voter and give special treatment to those under 21. Furthermore, it would be necessary to be shifting existing registration records constantly, as younger voters turned 21. Kirkpatrick thought that it would be difficult to explain to these younger voters "why they are able to vote for President and Congressmen but not eligible to vote for State and local officials." He concluded, "Probably most important of all—the confusion may well result in long lines at the polling places on election day. This could cause people . . . to decide against voting rather than be forced to stand in line for a long time—especially in bad weather." (Letter to Birch Bayh, January 13, 1971.)

The Director of Elections of the Board of Election Commissioners for the City of St. Louis, Harry F. Leitz, thought that the St. Louis voting machines probably could not be adjusted for dual-age voting. He predicted that merely providing separate, additional registration binders for each precinct to help them in their record keeping would cost $3600. (Letter to Birch Bayh, January 18, 1971)

Lowering the voting age by State action

The voting age is set by the State constitution. If a proposed amendment were to pass the State legislature this year and be ratified by the voters at a specially called election, the change could be effective before 1972. (Kirkpatrick Letter, January 13, 1971.)

MONTANA

Number of voters affected

During the 1970 election, the voters of Montana approved a constitutional amendment which lowered the voting age for State elections to 19. Over 10,000 additional voters would be enfranchised for State elections if the voting age were to be further lowered to 18.

Costs and problems of dual-age voting

Frank Murray, Montana Secretary of State, reported that costs, which he estimated to be about $5,500 statewide, would not be the greatest problem. He did think that the "lockout" mechanisms on the State's voting machines would probably be inadequate, and that paper ballots, resulting in slower counting, would have to be used. He also said that it would be "impossible to preserve the secrecy" of the ballot in small precincts, where there may be only one or two 18-year-old voters. (Letter to Birch Bayh, January 25, 1971.)

Lowering the voting age by State action

It would not be possible to amend the State constitution before the November 1972 Presidential election. (Murray Letter, January 25, 1971.)

NEBRASKA

Numbers of voters affected

Nebraska has approximately 870,000 residents of voting age for State elections under current law. An additional 50,000 would be able to vote in State elections if the voting age were lowered from the current 20 to 18.

Costs and problems of dual-age voting

Allen J. Beermann, the Nebraska Secretary of State, predicted that his State would have to face about a 30 percent increase (about $300,000) in election costs as a result of "dual sets of ballots, registration forms, poll books, and abstracts, and the printing and bookkeeping cost related to them." (Letters to Birch Bayh, January 15, and 26, 1971.) Beermann also thought that it would be necessary to devise methods "to efficiently separate the younger voters and to include them upon their reaching the state's voting age, 20." Another problem might arise in computing "total votes cast", used in determining the number of signatures necessary under State law for certain petitions, since there would be a different number of total votes cast for President and Governor.

Walter H. Loescher, Clerk of Hall County, Nebraska, estimated that for his county alone the additional registrations files and poll books, together with the extra cost of paper ballots, would cost about $3,000. He also thought there would be "sizeable" costs involved in blocking out the voting machines to provide separate facilities for those ineligible to vote for State officers. Mr. Loescher concluded, "If federal action is not forthcoming, we would be stuck in Nebraska in conducting the 1972 Primary and General Elections with the new dual age voting procedure."

Lowering the voting age by State action

A bill has been introduced by the Nebraska Legislature to amend the State constitution by reducing the minimum voting age from 20 to 18. If passed, that bill would submit the issue to the electorate in 1972. (Lincoln Star, January 14, 1971) The Secretary of State predicted that it would be possible, in theory at least, to ratify a State constitutional amendment in time for the 1972 election, but that it would require the calling of a special election. And he said that because the cost of such a special election would be "prohibitive," it appears "more practical" to talk in terms of waiting for 1972 for final ratification. (Letter to Birch Bayh, January 15, 1971.) Therefore, Nebraska is another State which will most likely face the dual-age voting procedure in 1972, in the absence of an amendment to the Federal Constitution.

NEVADA

Number of voters affected

More than 26,000 additional voters would be eligible to participate in State elections if Nevada were to lower its voting age to 18.

Costs and problems of dual-age voting

The Research Director of Nevada's Legislative Council Buerau reported that the exact dollar cost could not be computed at this time because his office had not been able to contact the 17 different jurisdictions that conduct elections in Nevada. But he did feel that there would be difficulties because of the demonstrated inflexibility of the State's voting machines. It would be necessary to establish a paper ballot system for those eligible to vote in only one part of the election. Use of the paper ballots "obviously" would require "additional printing and tabulation costs."

Lowering the voting age by State action

Under normal procedures an amendment to the Nevada constitution could not be ratified until the November 1972 elections. Thus, the change would not be in effect in time to deal with the next Presidential elections. Because of these possible difficulties there is reported to be "considerable legislative interest" in attempting to ratify such an amendment, if it should pass the State legislature, at a special election to coincide with the June 1971 city elections. (Letter from Arthur J. Palmer, Research Director, Nevada Legislative Council Bureau, to Birch Bayh, January 15, 1971.)

NEW HAMPSHIRE

Number of voters affected

Over 36,000 extra voters would be eligible to take part in State elections if New Hampshire's voting age were lowered to 18.

Cost and problems of dual-age voting

Robert L. Stark, New Hampshire's Secretary of State, predicted that the additional expense at the State level just for printing the short ballot, to be used by those eligible to vote for Federal offices only, would be about $4,000. Each of New Hampshire's 302 voting precincts maintain their own checklists, and they would be responsible for underwriting the extra cost involved in maintaining separate checklists for those under 21. The greatest problem would be the difficulty in handling, at the November 1972 election, the regular ballot, a constitutional amendment ballot, and two short form ballots (one for those eligible to vote only for the President because of short residence in the State, and one for those eligible to vote only in Federal elections because of age).

Lowering the voting age by State action

According to Mr. Stark, New Hampshire's legislature has already approved a constitutional amendment to lower the voting age to 18, and that question will be put to the voters in the November 1972 election. Therefore, the first regular Federal election at which there would be no problem of dual-age voting would be 1974. (Letter to Birch Bayh, January 14, 1971.)

NEW JERSEY

Number of voters affected

New Jersey is now making plans for registering over 300,000 citizens who are eligible to vote in Federal but not State elections.

Costs and problems of dual-age voting

The Secretary of State of New Jersey, Paul J. Sherwin, wrote saying that while it would be necessary to provide separate ballots where paper ballots are used and to lock out State and local elections on voting machines for those under 21, that cost would not be "prohibitive." (Letter Birch Bayh, January 19, 1971.)

Lowering the voting age by State action

A bill has been introduced in the New Jersey State legislature to amend the State constitution to lower the voting age. If passed by the legislature, it could be ratified at the State's general elections in 1971 and therefore be effective in time for the next general election involving Federal officials. (Sherwin Letter, January 19, 1971.)

NEW MEXICO

Number of voters affected

More than 62,000 New Mexico residents can now take part in Federal but not State elections.

Costs and problems of dual-age voting

According to an official estimate the additional cost of printing separate ballots, sample ballots, and related election supplies, together with the cost of some new voting machines, is expected to amount to about $200,000. Prediction of exact costs is difficult, partially because the cost would not be borne by the State but by the counties which run the elections. Betty Fiorina, the New Mexico Secretary of State predicted that, leaving the costs aside, problems of administration will probably provide the greatest difficulties, and many of these problems have "not yet been identified." (Letter to Birch Bayh, January 20, 1971.)

Lowering the voting age by State action

The New Mexico constitution now deals with the 21 year old voting age. Some legislators are now proposing legislation to lower the voting age. (Albuquerque Tribune, December 21, 1970.) And the Secretary of State has expressed support of moves to lower the voting age for all elections in New Mexico. (Letter to Birch Bayh, January 20, 1971). The constitution provides that any change in the voting age must be ratified by three-fourths of the electors voting in the State. Therefore, there is a greater chance that ratification would not be successful in New Mexico, as compared with other States.

NEW YORK

Number of voters affected

New York will have to make special provisions for more than 850,000 potential voters in the event a Federal election takes place on a Statewide basis before the voting age can be lowered.

Cost and problems of dual-age voting

There have been varying estimates of the possible costs involved in implementing these new procedures. Maurice J. O'Rourke, the President of the New York City Board of Elections, has stated that such a dual age voting procedure "would cost the city $5,000,000 minimally. We would need 1,500 new voting machines, which cost $2,000 each, and we would have to spend at least $2,000,000 for additional permanent personnel to set up and maintain the two sets of registration books necessary for two categories of voters." (New York Times, December 23, 1970). While some jurisdictions have considered requiring younger voters to vote separately—by absentee ballot for instance—O'Rourke refused to exclude the new voters from the polling places since this would be their first exposure to the democratic system. "It shocks me. I would resign my job before I'd agree to a system of two classes of voters." (New York Times, December 23, 1970.)

Lowering the voting age by State action

In New York it is necessary for the State legislature to pass a proposed amendment to the State constitution twice before it can be referred to the voters for ratification. In January of this year a proposed constitutional amendment passed the New York Legislature for the second time—by a vote of 51 to 3 in the Senate and 137 to 8 in the House—and it will go before the voters in November. The Legislators reportedly acted quickly to avoid what many of them considered to be a potentially "catastrophic" situation throughout the State. Others felt that lowering the voting age would convince the young to take a constructive part in the system instead of resorting to violence. State Assemblyman Peter R. Biondo (R.-Westchester) called upon his fellow legislators to end "a paradox—one that prohibits our youth from voting for Governor Rockefeller and allows them to vote for the same man should he choose to run for President next year." (New York Times, January 12, 1971.)

If approved by the State's voters the new lowered voting age would be effective on January 1, 1972, and there would be no need to establish dual-age voting procedures. The Secretary of State of New York, John P. Lomenzo, believes that "there is a strong possibility that a system of dual voting will not be necessary." (Letter to Birch Bayh, January 22, 1971.) However, several citizens are worried that the referendum might be defeated by voter apathy, as has been the case in some other States. Mr. Frederick W. Richmond recently announced the formation of the Citizens Committee to Lower the Voting Age, which hopes to raise $500,000 to make sure that the voters are not deluded by a "false belief that a proposal like this is sure to carry." (New York Times, January 21, 1971.)

NORTH CAROLINA

Number of voters affected

Approximately 300,000 voters in North Carolina are eligible to participate in Federal elections but precluded from taking a role in State and local affairs.

Costs and problems of dual-age voting

Alex K. Brock, Executive Secretary for the State Board of Elections estimates that on the State level there would be very little administrative expense at the State level in setting up procedures for differentiating between the classes of voters. (Letter to Birch Bayh, January 26, 1971.) William B. A. Culp, Jr., Executive Secretary of the Mecklenburg County Board of Elections, provided an analysis of the estimated cost to the county of implementing those procedures for separating voters. Assuming there are 10,000 younger voters in his county, he estimated that it would cost $500 to program the voting machines for each election, $3,000 for the extra clerks required to activate the "lockout" devices on the voting machines, and almost $1,800 for extra clerks to identify the under-21 voters on election day. He also thought there would be "logistical problems" and "increased potential for challenge or protest" if any younger voters inadvertently voted in State and local elections. (Letter to Birch Bayh, January 28, 1971.)

Lowering the voting age by State action

The voting age is set by the State constitution and could not, as a practical matter, be altered before the next Federal election. (Letter from Carl P. Holleman, Chairman, of the Wake County Board of Elections, to Birch Bayh, January 21, 1971.)

NORTH DAKOTA

Number of voters affected

North Dakota is faced with accounting for more than 35,000 potential voters on a basis separate from the rest of its voting population.

Costs and problems of dual-age voting

Responses to the poll are not yet complete. Grant L. Berquist has said that the voting machines he supervises in the City of Bismarck can be adjusted to lock out State candidates simply by pulling a special lever. Ben Meier, North Dakota Secretary of State, said that other areas of the State would have to use paper ballots. (Bismarck Tribune, December 23, 1970.)

Lowering the voting age by State action

A State constitutional convention has been called to meet for up to a month starting January 1, 1972, and that convention might well decide to act on the 18 year-old-vote problem. Ratification by the people of such proposed amendments takes place at a special election to be called by the Governor not less than 90 days nor more than 150 days after adjournment of the convention. (Letter from Ben Meier to Birch Bayh, January 19 1971.) Therefore, it is at least theoretically possible for North Dakota to lower its voting age before the next scheduled Statewide Federal election.

OHIO

Number of voters affected

According to the latest estimate by Secretary of State Ted W. Brown, extending the franchise to those 18 and older makes 553,000 additional Ohio citizens eligible to vote. (Cleveland Plain Dealer, December 22, 1970.)

Costs and problems of dual-age voting

Brown has estimated that it will cost about $1.50 to register each new voter. (A possible total cost of over $750,000.) Brown was unable to give an accurate estimate as to the expenses which will occur throughout the State because these are borne by the boards of elections in each of the State's 88 counties. (Letter to Birch Bayh, January 20, 1971) The Hamilton County Board of Elections, which includes Cincinnati, has predicted that it will have to spend approximately $50,000 extra to take care of separate sets of registration cards and other records. (Letter from Maurice J. Allen, Deputy Director, Hamilton County Board of Elections, to Birch Bayh, January 20, 1971.)

The complexity of the new procedure is likely to cause trouble. Secretary Brown thought there would be confusion "to the voter and confusion at the polling place for the precinct elections officials." In Hamilton County, it was thought that the dual procedure would create "confusion for the voters" and the "administrative problems and margin of error would greatly increase." (Allen Letter to Birch Bayh, January 20, 1971.) Brown added an additional point. He felt that there will be "dissatisfaction on the part of young people" who are able to vote for high Federal officials but barred from participation in the lesser State, county, and municipal offices and issues. (Brown Letter, January 20, 1971.)

Lowering the voting age by State action

The voting age in Ohio is established under the State constitution and if three-fifths of the members of both branches of the General Assembly approve, the amendment can be presented to the voters in the next general or special election. There will be a general election in November of 1971. (Brown Letter, January 20, 1971.)

OKLAHOMA

Number of voters affected

About 130,000 potential voters will have to be registered and dealt with separately as a result of the Supreme Court's decision in *Oregon* v. *Mitchell.*

Costs and problems of dual-age voting

Oklahoma expects that providing separate registration and voting facilities will cost an extra $50,000 to $150,000 per election year." (Telegram from Ward Fowler, Assistant Secretary of the Oklahoma State Election Board, to Birch Bayh, January 29, 1971.)

Lowering the voting age by State action

The voting age is set by the State constitution and the State legislature would have to submit any such amendment to the people. Several State elected officials have called for the passage, as soon as possible, of a State constitutional amendment, but the Speaker of the House has said that such an amendment would be difficult to pass. (Daily Oklahoman, December 22, 1970.) Such a proposed amendment could be ratified at the special election, but local observers predict that while a special election is possible that it is "not probable." (Fowler Telegram, January 29, 1971.)

OREGON

Number of voters affected

Over 100,000 potential voters in the State of Oregon are now eligible to vote in Federal but not in State elections.

Costs and problems of dual-age voting

Attorney General Lee Johnson, who had argued in opposition to the Voting Rights Act's age provision in the Supreme Court, said:

"Congress has an obligation to rectify the imposition of an intolerable administrative burden upon the States. As a result of the Court's decision, states will now have to hold separate elections for national officials and state and local officials. This will be administratively difficult and will result in considerable cost to the taxpayers." (Oregon Journal, December 22, 1970)

Clay Myers, the Secretary of State, hopes that a Federal constitutional amendment lowering the voting age to 18, "will pass Congress in the very near future and be referred to the States for ratification." Because of Oregon's unique combination of election laws and voting devices—it has outlawed voting machines—Myers believes that the problems of dual-age voting can be handled "simply, inexpensively, and in the best interests of the younger voters," without incurring "the tremendous additional expenses" that will beset other States. (Letter to Birch Bayh, February 2, 1971.)

Lowering the voting age by State action

The Oregon State constitution sets the present voting age at 21. No proposed constitutional amendment could be ratified, in the absence of a special election costing about $300,000, before the May, 1972 primaries. Myers reports that because the voters of Oregon turned down a 19-year-old amendment in 1970, there is "no assurance" that the voters will accept an 18-year-old vote proposal in the immediate future. (Letter to Birch Bayh, February 2, 1971.)

PENNSYLVANIA

Number of voters affected

Pennsylvania voting officials will be forced to devise procedures for separately registering and dealing with over 500,000 potential voters.

Costs and problems of dual-age voting

Edward Friedman, Pennsylvania State Counsel General, was quoted as saying that the Supreme Court decision would create an incredible logistics problem for the 1972 election. (Philadelphia Inquirer, December 22, 1970.) Various estimates of the possible costs of dual-age voting have been made, and they range from $250,000 to more than one million dollars. (Letter, prepared at the request of C. Delores Tucker, Pennsylvania Secretary of State, from Donald A. Bailey to Birch Bayh, January 29, 1971.)

Lowering the voting age by State action

The State's voting age is set by the constitution and amendment would require the approval of both two successive legislatures and a popular referendum. (Philadelphia Inquirer, December 24, 1970.) A constitutional amendment thus would not be effected until well after the next presidential election. There has been some talk of implementing the 18 year old vote at an earlier date through the use of emergency powers. (Bailey Letter to Birch Bayh, January 29, 1971.)

RHODE ISLAND

Number of voters affected

Rhode Island has over 50,000 potential voters in State elections who would be enfranchised if the voting age were lowered to 18.

Costs and problems of dual-age voting

State officials have estimated that there will be "considerable extra expense" as a result of the Supreme Court's decision. They will need separate registration and voting lists as well as separate voting machines for each voting precinct. One official estimated that such expenses could total nearly "two million dollars." (Letter from August P. LaFrance, Secretary of State of the State of Rhode Island, to Birch Bayh, January 19, 1971.)

Lowering the voting age by State action

It is possible that the State constitution could be amended during 1971, but only if a proposed amendment was passed by the State legislature and submitted to and approved by the general voting population at the next election.

SOUTH CAROLINA

Number of voters affected

South Carolina has over 165,000 potential voters in the State elections who would be enfranchised if the voting age were lowered to 18.

Costs and problems of dual-age voting

States Attorney General Daniel R. McLeod said that his State had been presented with an "illogical" situation. (Charleston Evening Post, December 22, 1970.) The Executive Director of the State Election Commission, James B. Ellisor, has calculated that the cost of the dual voting procedure will amount to between "$25,000 and $30,000" in each calendar year. He also felt that there would be "a special problem" in all the South Carolina counties which used voting machines, in adapting the machines to block out certain candidates and in identifying the under-21 voters so as to accord them special treatment. (Letter to Birch Bayh, January 15, 1971.) Richland County, which includes Columbia, South Carolina, has estimated that in that county alone the extra cost will amount to about $3,000. Johnston F. Peeples, Chairman of the Richland County Board of Registration, thinks there will be "dissatisfaction and resentment" on election day when many voters find that, even though they have recently turned 21, their voting certificates still qualify them for voting in Federal elections only. These voters will be unable to vote in State and local elections, even though they are otherwise qualified. This problem might arise because under present law, voting certificates cannot be changed in mail, but only in person. (Peeples Letter to Birch Bayh, January 18, 1971.)

Lowering the voting age by State action

It is impossible to change the State constitution in order to lower the voting age to 18 before 1973 at the earliest. The State General Assembly first has to enact a proposed amendment which could then be voted on by the people at the next statewide general election. This will be held in November 1972. If ratified by the people, the proposed amendment must then go back to the General Assembly for a further vote—which could not possibly come before 1973. (Ellisor letter to Birch Bayh, January 15, 1971; Peeples Letter to Birch Bayh, January 18, 1971.)

It is possible that any effort to put an 18 year old vote measure through the State legislature will be difficult. House Speaker Solomon Blatt is said to "bitterly oppose" the 18 year vote. (The News and Courier, December 22, 1970.)

SOUTH DAKOTA

Number of voters affected

35,000 South Dakota residents are presently eligible for participation in Federal elections but cannot vote in State contests.

Costs and problems of dual-age voting

The Secretary of State, Miss Alma Larson, reported that, "This will make each election like two separate ones at the same time." Miss Larson added that it would be likely to slow down the counting process. (Rapid City Journal, Dec. 23, 1970) The Secretary of State's Office has "estimated an additional cost of $40,000 to implement the eighteen year old voting in South Dakota for President and Congress," and that the "many different types of ballots, separate poll and registration ledgers," will cause some problems. (Letter to Birch Bayh, February 1, 1971.)

Lowering the voting age by State action

The State constitution now sets the voting age. Several State leaders have announced their intentions to make the State age conform with the national age. (The Daily Plainsman, December 22, 1970.) Any proposed constitutional amendment could not be ratified until the November 1972 election. (Larson Letter, February 1, 1971.)

TENNESSEE

Number of voters affected

More than 215,000 potential voters will require special treatment in the next Federal election, unless the Tennessee State constitution can be changed to lower the voting age before that time.

Costs and problems of dual-age voting

The State Attorney General, David Pack said the decision will "certainly complicate" the mechanics of holding a general election in Tennessee. (Nashville Banner, December 21, 1970.) The Director of Elections of the Shelby County Election Commission who supervises elections in Memphis, has estimated that in his county alone dual-age voting may cost "around $800,000", but he did point out that this was "a rough estimate." The Commission will have to maintain separate systems of records and registration and will have to decide whether or not to pay the money to insure the greatest accuracy by installing a separate voting machine in each polling place for those who are only eligible to participate in Federal elections. (Letter from John M. Perry to Birch Bayh, January 18, 1971.)

Lowering the voting age by State action

The State constitution can only be amended by calling a constitutional convention. A limited constitutional convention, which can consider only questions concerning taxes, has been called for August 1971. It could not consider the issue of 18-year-old vote. And according to the constitution, conventions may not be held more often than once in 6 years. Therefore, no constitutional convention could deal with the 18 year old vote issue until 1977, thus, precluding participation in elections by 18 year olds until 1978 at the earliest. As a result there is some pressure to attempt to alter the voting age by a State statute, but there seems general agreement that any such statute would be wide open to a court challenge. Joe C. Carr, the Tennessee Secretary of State has stated that he believes "an amendment to the Constitution will be necessary." (Letter to Birch Bayh, January 13, 1971.)

TEXAS

Number of voters affected

Over 600,000 potential voters in Texas may find that their franchise is limited to Federal questions.

Costs and problems of dual-age voting

The Office of the Secretary of State of Texas is still in the process of determining what major alterations in voting procedures will be necessary to accommodate the dual-age voting system. They have concluded, however, that the Texas counties will be subject to some additional expenses and that these expenses could be "considerable." Some "extra confusion at the polling place" might result as well. (Letter to Birch Bayh, January 21, 1971.) State Senator Mike McKool hopes the legislature will now take the first steps to lower the voting age to avoid what he thinks will be millions of dollars of extra cost. (Dallas Morning News, December 22, 1970.)

Lowering the voting age by State action

The voting age is set by the State constitution and the legislature is now considering whether to submit a State constitutional amendment to the people. If submitted, such an amendment could be ratified within a reasonable time, if a special election was called for that purpose. (Letter from Randall P. Wood, Texas Director of Elections, to Birch Bayh, January 21, 1971.)

UTAH

Number of voters affected

About 60,000 voters in Utah would have to be registered for Federal elections and then moved over to the regular State voting rolls once they became 21.

Costs and problems of dual-age voting

Several State officials greeted the Supreme Court's decision with some dismay. They said that the decision would cause confusion and that there would be mechanical problems in its implementation. (Salt Lake Tribune, Dec. 22, 1970.) Clyde L. Miller, the Utah Secretary of State, has figured there will be an increase of about 15 to 20 percent in election costs. (Letter to Birch Bayh, January 14, 1971.) The Assistant Director of the Utah Legislative Council has reported that on the basis of computations made in one county there will have to be an increased expenditure of about $45,000 Statewide as a result of the Court decision. (Letter from Lowell W. Crandall to Birch Bayh, January 25, 1971.)

The Secretary of State raised another problem. He predicted his office would be beseiged with requests from those under 21 who wish to qualify as delegates to the State party conventions. He said that without legal clarification "Utah will face confusion" because it is not clear how the Court's decision will affect State party procedures. (Letter to Birch Bayh, January 14, 1971.)

Lowering the voting age by State action

It is not clear whether the Utah Constitution sets the voting age. Governor Rampton favors lowering the age by statute, but the Attorney General believes a constitutional amendment will be necessary. (Letter from Kent Briggs, Staff Assistant to Governor Rampton, January 29, 1971.) Assuming the decision is made to amend the State constitution, both Houses must pass a joint resolution by a ⅔ vote. Then the proposed amendment would go to the people for ratification on the 1972 election ballot. Thus, no change in the voting age could be effective, in the absence of an amendment to the Federal Constitution, until the 1973 municipal and 1974 general elections. (Crandall letter; Miller letter.)

VERMONT

Number of voters affected

Vermont has more than 21,000 potential voters between the ages of 18 and 21.

Costs and problems of dual-age voting

Vermont Secretary of State Richard C. Thomas predicts that "extra effort" will be required but does not foresee "any great added expense." (Letter to Birch Bayh, January 12, 1971.)

Lowering the voting age by State action

According to Secretary Thomas, it is unclear just how the voting age can be lowered most quickly by State action. The State constitution does contain several references to the age of 21, but according to an opinion of the State Attorney General, those references were inserted as a maximum upper limit and do not preclude lowering the voting age by State legislation. Therefore, Thomas has introduced legislation to make the change by statute. (The Times-Argus, Dec. 22, 1970.) But he suspects that even if the legislation were successful in the legislature, it would have to be tested in court.

It would be possible to start the amendment process this year. Any proposed change must originate in the Senate and be passed by ⅔ vote and then garner a majority of votes in the House. Then the next succeeding General Assembly, which meets in January of 1973, must approve the measure by majority vote. Only then can the issue be sent to the people for ratification by majority vote. (Thomas Letter to Birch Bayh, January 12, 1971.) Therefore, the State constitution could not be amended before the next Federal elections.

VIRGINIA

Number of voters affected

About 290,000 residents of Virginia are between 18 and 20 years old.

Costs and problems of dual-age voting

Governor Holton has announced that as a result of the Court's decision he is going to suggest that the Virginia General Assembly take steps to lower the voting age to 18 in all elections. (Richmond News Leader, December 22, 1970)

Lowering the voting age by State action

The voting age in Virginia is set by the State constitution. If a proposed amendment were to pass the General Assembly this year, it could be presented to the people for ratification in the November 1972 election. (Letter to Birch Bayh from L. Stanley Hardaway, Executive Secretary of the Virginia State Board of Elections, January 13, 1971)

WASHINGTON

Number of voters affected

About 170,000 potential voters in Washington could go to the polls in the next national elections and find themselves barred from voting in the State contests.

Costs and problems of dual-age voting

Governor Dan Evans is reported to have said that it was "highly illogical" to allow the younger voters to participate in Federal but not State and local elections. (New Haven (Conn.) Journal-Courier, December 22, 1970) A. Ludlow Kramer, the Secretary of State of Washington, reported that dual-age voting could cost $425,000 each year. He said:

"The complications of the dual-age voting created by the recent U.S. Supreme Court decision could cost the taxpayers of the State of Washington an additional $425,000.00 in 1972. If simplified voting procedures were authorized by our state legislature, the cost could be reduced to approximately $353,000.00. However, the lower figure would require statutory authority to eliminate formal registration of the 18–20 age voter and to provide that all such balloting must be by mail in a manner similar to Service Voting.

"The distressing fact is that whichever procedure is established, the costs are not only excessive in 1972 but would be repeated at each future election held in the even-numbered years."

Kramer broke this estimated expense total down into several categories. New forms, together with the additional clerical staff for registration and filing would cost about $115,000. Printing special ballots for all the 5,927 precincts in the State would cost at least $20,000. Additional clerical staff to be on hand while counting the votes cast by paper ballot at voting machine precincts would cost about $40,000. In addition, the cost of ballot boxes and voting booths, including transportation charges, "could easily exceed $200,000." (Letter to Birch Bayh. January 28, 1971)

Lowering the voting age by State action

The State constitution, which establishes the voting age, can only be amended at a general election. Unless the State legislature decides to establish an annual general election, final ratification would be impossible to obtain before the 1972 Presidential election. Secretary Kramer is unsure whether the necessary two-thirds vote in each branch of the State legislature could be obtained for a constitutional amendment to lower the voting age this year because the voters turned down an amendment to make the voting age 19 at the November, 1970 general election. He said:

"It would not be realistic to expect this legislative session to immediately re-submit another proposition to lower the voting age if it were not for the suffocating expense of the dual-age voting, especially at a time when the state is desperately struggling to avoid bankruptcy."

(Kramer letter to Birch Bayh, January 28, 1971.)

WEST VIRGINIA

Number of voters affected

West Virginia has more than 90,000 voters who are subject to different treatment in State and Federal elections.

Costs and problems of dual-age voting

John D. Rockefeller, IV, the West Virginia Secretary of State, submitted a "rough estimate" of the costs of dual-age voting. He felt they will amount to about $20,000 for voting machines, on a one-time basis, and about $20,000 per year for separate paper ballots. But, he added that the "crux of the problem" will relate to "the confusion which will be created at the polling place at election day." He estimates that there will be seven different ballots to choose from in the next presidential primary. "The added responsibilities passed on to election officials (who receive little or no training in West Virginia) may create a jumble of confusion." Training classes for election officials have not been provided in the past because of the "prohibitive costs." (Letter to Birch Bayh, February 2, 1971)

Lowering the voting age by State action

The State constitution prohibits "minors" from voting in State and local elections. The legislature is presently considering the passage of a statute to redefine the term minor for the purposes of voting, so that 18 year olds would be entitled to vote in local elections. Any such attempt would face a likely court test. A State constitutional amendment "could not be presented to the voters" in time to alleviate these problems before the next presidential election. Rockefeller added his "whole-hearted support to the proposal for a federal constitutional amendment lowering the voting age to eighteen." (Rockefeller Letter to Birch Bayh, February 2, 1971)

WISCONSIN

Number of voters affected

The Supreme Court's decision resulted in the enfranchisement of an additional 208,000 voters for Federal elections in the State of Wisconsin. (Milwaukee Journal, December 21, 1970)

Costs and problems of dual-age voting

The Secretary of State, Robert C. Zimmerman could not furnish definite information as to costs until the legislature decided what to do about the problem.

Lowering the voting age by State action

The legislature has convened and Zimmerman reports that, according to his understanding, legislation to start the process of reducing the voting age to 18 in all elections will be introduced in this session. The Wisconsin Constitution requires any proposed amendment to be voted on by the electorate at the next general election—which is scheduled for November 1972. (Letter to Birch Bayh, January 18, 1971) Therefore, Wisconsin will be forced to deal separately with those under 21 in the next general election in the absence of Congressional passage and ratification by the States of an amendment to the Federal Constitution.

WYOMING

Number of voters affected

Nearly 20,000 Wyoming citizens became partially enfranchised as a result of the Supreme Court's recent decision.

Costs and problems of dual-age voting

Thyra Thomson, the Wyoming Secretary of State, estimated "that the dual voting procedure will raise the cost of elections in Wyoming by 25% and will greatly slow up voting, tabulating and reporting of election results . . . Perhaps the greatest complication will be in accurately ascertaining the total votes cast in any precinct and voting district for any election." (Letter to Birch Bayh, January 14, 1971)

Lowering the voting age by State action

Thomson also said that because the State constitution establishes literacy, age, and residence tests, it would be impossible to lower the voting age in time for the Federal election in 1972. If the present State legislature adopts a proposed constitutional amendment, as Thomson thinks it probably will, the amendment would be voted on by the Wyoming electorate in 1972 and would apply to the next general election—in 1974. (Letter to Birch Bayh, January 14, 1971)

(From the N.Y. Times, Jan. 24, 1971)

BOYS AND GIRLS ARE NOW MATURING EARLIER

(By Walter Sullivan)

From surveys involving thousands of girls, four generations of Harvard boys, records of the choir of Johann Sebastian Bach and numerous other studies, it has been concluded by researchers on human growth that the rate at which boys and girls mature has been increasing steadily.

Not only are sexual and physical maturity coming earlier, but some researchers have also found a parallel acceleration in mental development, a phenomenon, they point out, that could have wide social and legal implications if confirmed.

Thousands of statutes in this country and abroad provide, for example, that until a person is "of age" he or she is subject to parental control and forbidden to vote, buy liquor, serve on juries or hold certain jobs.

However, the evidence for earlier mental maturity is not nearly as clear-cut or dramatic as that for earlier physical maturity, especially as it has been observed in menarche (pronounced "men-AR-kee")—the first appearance of menstruation in girls.

Evidence from many parts of the world shows that the average age of menarche has dropped by at least two years and perhaps by as many as five years.

In the Seventeenth Century, according to Quarinonius, a contemporary author, rural girls in Austria rarely reached menarche "before their 17th, 18th or even 20th year." In 1820 working class girls in Manchester, England, did so, on the average, at 15.7 years.

In 1934, a study of 250 girls in a New York Hebrew orphan asylum showed an average age of 13.53 years. The most recent surveys, including one of 6,217 student nurses show averages in many parts of the world at about midway between 12 and 13 years.

However, some researchers believe the drop in the age of menarche may be leveling off in the more affluent populations. Dr. Alan E. Treloar of the National Institute of Child Health and Human Development, who has been studying some 1,500 Minnesota women and their daughters, even thinks the trend has reversed.

He says he has "conclusive proof" that, within the last decade, the average age of menarche in this group has risen slightly.

If so, this could mean either that, contrary to the general belief, some factor other than nutrition is at work, or that the nutritional value of some American diets has recently declined.

In this connection, one study by Dr. Isabelle Valadian at Harvard University has led her to suspect that the diet of soft drinks and candy bars favored by some girls before puberty leads to poor reproductive success later on. She has followed up on girls whose early nutritional histories were recorded by Dr. Harold C. Stuart of Harvard.

Those given "low marks" on their childhood diet proved to have a greater number of unsuccessful pregnancies than those who had ranked high on the nutritional scoreboard.

VOICE CHANGE IS EARLIER

Earlier puberty in both boys and girls has been documented in a wide variety of ways. For example, S. F. Daw of Oxford University has examined the 18th Century records of Bach's boys' choir in Leipzig. The boys ceased singing soprano because of voice change at an average age of 18.

By contrast, a study of London schoolboys in 1959 showed the average age of voice change at 13.3 years.

Of particular interest in Bach's choir, was a sudden rise in the age of voice change during the seventeen-forties, when living standards in and around Leipzig were debased by the War of the Austrian Succession.

A similar effect was recorded in Moscow during the wartime stresses of the nineteen-forties, when the average height of 13-year-old boys dropped roughly an inch.

Such hints of a strong nutritional effect run through many of the recent reports. Furthermore, the trend toward earlier puberty seems in all cases to be closely associated with the striking acceleration of childhood growth during the last century or more.

Thus, according to Dr. James M. Tanner at the University of London's Institute of Child Health, not only does the growth spurt come earlier in life but growing also stops earlier. At the turn of the century, he says, men stopped growing at about 26 years of age. Now, according to a study of French students, there is little, if any growth, after 17 or 18.

UNIFORM INCREASE IN HEIGHT

A study distributed a few days ago by the National Center for Health Statistics of the United States Public Health Service reports a rather uniform increase in the average height of 10-year-old American boys from 1875 to 1965. It amounted to roughly a half-inch per decade.

Over the last 90 years, the report says, the rise in average weight, for those in the 6-to-11 age bracket, has been 15 to 30 per cent. Much of this is related to early maturation.

"Thus," says the report, "a boy who was 10 years old in 1875 might have been only about 50 percent of the way through his growth period, while a 10-year-old boy of the mid-nineteen-sixties might be 60 to 65 percent mature."

While boys and girls of today, when they reach full adulthood, are somewhat taller than their grandparents, the margin is far less than that during their growth period.

Dr. Tanner is one of those who argue that intelligence matures earlier in those whose growth is accelerated. In the Eugenics Review he has reported a correlation between increased stature and higher mental test scores.

It is also pointed out by other researchers that, while the 18-year-old of today has not had as much experience of life as someone who is 21, he or she has experienced more of physical maturity than the 18-year-old of past generations.

One of the puzzling effects observed in a number of studies is that on the average city residents mature sexually before rural inhabitants. This was observed by Quarinonius in 1610: "The townsfolk have usually borne several children, before the peasant girls have yet menstruated."

"The cause," he added, "seems to be that the inhabitants of the town consume more fat food and drink . . ."

A Polish study, published last year, compared to 13.77 for nonagricultural girls.

Dr. Tanner, reached by telephone in London, agreed that earlier menstruation in city girls arises from better nutrition. However, he also suspects that genetic changes may play a role because of what could be called "the bicycle effect."

Until a century ago, inbreeding was typical of rural areas throughout the world. Then the introduction of mass-produced bicycles enabled young men to look further afield for their brides. The result, according to this hypothesis, was wider dissemination of the genes for tallness.

Since such genes tend to be dominant, when a tall person marries a short one the off-spring are more likely to be tall. However, Dr. Tanner and others believe this could account for only a small part of the growth changes of the last century.

Other factors that might lead to earlier menarche have been explored. The classic view that it occurs earlier in hot, humid climates has been discredited. This was noted in two review articles by Dr. Leonora Zacharias of Massachusetts General Hospital and Dr. Richard J. Wurtman of the Massachusetts Institute of Technology, one of which was coauthored by Dr. Martin Schatzoff.

The mean age of menarche for girls in Nigeria has been found to be 14.22 years. For Alaskan Eskimos it is 14.42 years. Dr. Tanner reports that Chinese girls in Hong Kong and Cuban girls of predominantly Negro stock experience menarche as early as European girls on the highest living standard.

If the Cuban and Chinese girls were better fed, he believes, they would mature even earlier. By and large, however, racial differences seem so slight that they are submerged by the effects of varying living standards.

Nor do psychological influences, such as early association with boys, seem important, according to Dr. Tanner. Those in coeducational schools do not reach menarche any sooner than those in girls' schools.

While some geographical variations have been observed, as noted by Dr. Zacharias and her colleagues, they can be explained in terms of younger maturation for city dwellers. Thus girls in the northeastern states reach menarche on the average about two months earlier than the national average.

BLINDNESS AND ALTITUDE

However, two effects are more marked: blindness (which leads to early menarche) and altitude (which delays it). Dr. Wurtman told a few days ago of a study of 338 blind girls showing that on the average the blind girls reached menarche a half year earlier than others. The effect was strongest in those completely unable to distinguish light.

It is known that light stimulation affects the hormonal system of the body, but how this might speed up menarche is a mystery.

The altitude effect was described last week by Dr. Rose E. Frisch of the Harvard Center for Population Studies. It was noted in comparing figures for growth and date of menarche, obtained between 1930 and 1950 by the Child Research Center in Denver, which is 5,300 feet above sea level, and similar records from the Guidance Council in Berkeley, Calif., which is at sea level.

In both cases the girls were defined as "upper middle class" and well-nourished. The average weight of the Denver girls at birth was 7 pounds and the mean age of menarche was 13.1 years. The California girls average 7.5 pounds at birth and reached menarche at a mean age of 12.8 years.

The low birth weight and slow growth rate of the Colorado girls was attributed to the shortage of oxygen at high altitude. The Denver girls lagged in weight throughout their development, but when they finally reached menarche their average weight was roughly the same as that of girls reaching this stage at sea level.

This and other finds have led Dr. Frisch to believe that menarche is initiated in any individual, when the body reaches a critical weight. The growth spurt that precedes puberty begins, she has found, when the weight, averaged for any age group, reaches some 68 pounds. Menarche itself occurs at a mean weight of 106 pounds.

This effect seems to occur without regard to age or height. It could explain why early body growth has led to earlier puberty.

Dr. Frisch says a particularly dramatic effect of altitude on menarche has been found in the high Andes of Peru by Jean McClung of the Harvard Medical School. Menarche is reportedly so delayed there that it is difficult, if not impossible, to find a girl who has borne children before the age of 18.

There is considerable evidence that the increase in stature of well-nourished Americans has ceased. Dr. Albert Damon of Harvard has studied families in which four successive generations have sent sons to that university. This was done to minimize the effects of genetics or economic status in a more random sampling.

The oldest generation, born about 1858, produced sons that were, on the average, a little more than an inch taller than their fathers. But the fourth generation, born about 1941, showed no increase in height.

A similar finding has been reported by Dr. Harry Bakwin of New York University. He has found that the height of boys entering Harvard from private schools in 1958–59 had not increased over those from such schools in the nineteen-thirties. Nor had that of girls entering Wellesley from either public or private schools.

However, the height of boys entering Harvard from public schools increased 1.5 inches during that period, which he attributes to improved living standards in the lower socio-economic groups.

Dr. Damon has also studied trends in menarche by comparing the date of that event as recalled by 66 women attending a prenatal clinic at Boston Lying-In Hospital with the time recorded for their 78 daughters. The average age for the mothers was 14.38; that for their daughters was 12.88.

A study is now in preparation at Harvard that will compare the ages of menarche in mothers and daughters who have attended Radcliffe, Wellesley, Mount Holyoke and Smith Colleges. This may indicate whether the century-long drop in that age has leveled off or even risen slightly in those of the upper socio-economic category.

It is obvious that the age of menarche has not been dropping throughout history. Writers of the Hippocratic school in ancient Greece refer to about 14. Dr. Frank Falkner at the Fels Research Institute for the Study of Human Development in Yellow Springs, Ohio, believes the age may vary cyclically for reasons unknown.

If people mature earlier, does this mean earlier initiation of the aging process and a shorter life span? In recent years the earlier increase in life span has leveled off, despite medical advances. Could this be because of the earlier maturation?

Specialists in human development say such an effect would be difficult to uncover. They also note that menopause in women is occurring somewhat later than before, indicating an opposite effect.

In the Fourth Century B.C., Aristotle wrote: "The menses cease in most women around the fortieth year." Furthermore, he said, they never occur after 50.

Today, menopause tends to occur at about 50, but trends are difficult to detect because of the widespread use of hormone-laden pills for birth control and to mitigate the effects of menopause.

The chief mystery, however, is the nature of the process that initiates puberty. "Why," said one researcher a few days ago, "does it happen at about 12, and not at 2 or 40?" No one knows.

MINIMUM VOTING AGE BY COUNTRY—AND APPROXIMATE PERCENTAGE OF ELIGIBLE POPULATION VOTING IN NATIONAL ELECTIONS

Country	Age	Percent
Afghanistan	21	NA
Albania	18	99
Algeria	21	NA
Andorra	[1]25	NA
Argentina	18	87
Australia	21	95
Austria	19	90
Barbados	18	70–80
Belgium	21	(2)
Bolivia	21	NA
Botswana	21	54
Brazil	18	70
Bulgaria	18	NA
Burma	18	NA
Cambodia	20	NA
Cameroon	21	97
Canada	18	75
Central African Republic	21	NA
Ceylon	18	85
Chad	21	30-40
Chile	21	86
China (Communist)	18	NA
China (Nationalist)	20	70
Colombia	21	65
Congo (Brazzaville)	18	NA
Congo (Kinshasa)	18	NA
Costa Rica	20	82
Cuba	21	NA
Cyprus	21	75–80
Czechoslovakia	21	98
Dahomey	21	NA
Denmark	21	89
Dominican Republic	18	NA
Ecuador	18	NA
El Salvador	18	NA
Equatorial Guinea	18	NA
Ethiopia	21	NA
Finland	20	85

Country	Age	Percent
France	21	80
Gabon	21	70
Germany (East)	18	NA
Germany (West)	18	70–80
Ghana	21	NA
Greece	21	75–83
Guatemala	18	NA
Guinea	21	99
Guyana	21	88–92
Haiti	21	NA
Honduras	18	80
Hungary	18	100
Iceland	20	85–90
India	21	NA
Indonesia	17	[3] 55
Iran	18	NA
Ireland	21	77
Israel	18	82
Italy	[4] 21	92
Ivory Coast	21	NA
Jamaica	21	65–72
Japan	20	65–75
Jordan	18	70–72
Kenya	21	NA
Korea (South)	20	79
Kuwait	18	NA
Laos	18	NA
Lebanon	21	67
Lesotho	21	70–85
Liberia	21	NA
Libya	21	NA
Liechtenstein	21	NA
Luxembourg	21	59
Malagasy Republic	21	NA
Malawi	21	100
Malaysia	21	NA
Maldives	21	80
Mali	21	NA
Malta	21	77
Mauritania	21	50+
Mauritius	21	80
Mexico	18	NA
Monaco	21	NA
Mongolian People's Republic	18	99
Morocco	18	80
Nepal	21	NA
Netherlands	21	69
New Zealand	20	84
Nicaragua	18	70
Niger	21	95
Nigeria	21	NA
Norway	20	80+
Pakistan	21	NA
Panama	21	60
Paraguay	18	NA
Peru	21	20
Philippines	21	NA
Poland	18	90+
Portugal	21	67
Romania	18	100
Rwanda	18	NA
San Marino	21	NA
Saudi Arabia	(5)	(5)
Senegal	21	NA
Sierra Leone	21	[3] 33
Singapore	21	(2)
Somalia	[6] 18	NA
South Africa	[7] 18	74
Spain	[8] 21	NA
Sudan	18	NA
Swaziland	21	89
Sweden	20	80+
Switzerland	20	60–80
Syria	18	N.A.
Tanzania	18	90
Thailand	20	49
Togo	21	NA
Tonga	21	NA
Trinidad and Tobago	21	NA
Tunisia	20	95
Turkey	21	65–75
Uganda	21	NA
U.S.S.R.	18	99
United Kingdom	18	75
United States	(9)	62
Upper Volta	21	94
Uruguay	18	[3] 60
Venezuela	18	90+
Vietnam (South)	18	80
Yemen	18	21
Yugoslavia	18	85
Zambia	18	72

[1] Males only.

[2] Vote is compulsory.

[3] Percentage of total population.

[4] For Senate elections, 25.

[5] No national elections.

[6] Subject to change by new Constitution.

[7] For whites. For Colored and Xhosa, 21.

[8] Heads of families and self-supporting men and women.

[9] See page 818.

Note: Voting ages shown are for national elections. In some countries, persons may vote at a younger age if they are married. The designation NA means not ava lab'e. For countries not listed, no information was available.

STATE ACTION TO LOWER THE VOTING AGE: A REPORT IN TWO PARTS

The first part of this report shows activity in the several States since 1960 to lower the voting age. The second part reprints an earlier Legislative Reference Service report on each activity between 1943 and 1960.

The primary sources for the information herein are the legislative journals of the various States. The Library of Congress does not house every State's journals and the records of some State legislatures are difficult to use because of inadequate indexing. This report is, accordingly, incomplete. We have provided the latest information available which is, in most instances, current through October 1969.

Supplementary sources have been consulted including (1) newspapers, (2) the *Weekly Reports* of the Congressional Quarterly Service, (3) the *National Civic Review,* (4) reports of State legislative reference bureaus, (5) hearings in 1968 before the Subcommittee on Constitutional Amendments, Senate Committee on the Judiciary, (6) the *Congressional Record,* (7) *Scholastic Teacher* for May 2, 1969, and (8) publications of the Council of State Governments.

To provide the reader with speedy access to the information contained in this report, a table of action since 1943 in the States is included.

In summary, it can be concluded that State action to lower the voting age has increased considerably during the past ten years, partly in response to the Vietnam War but also for other reasons. The Congressional Quarterly Service reported in its *Weekly Report* of May 23, 1969, that bills to lower the voting age had been introduced in every State legislature in 1968 or 1969 with the exception of Georgia and Kentucky, where it is already 18, and Mississippi. Since 1966, action beyond mere introduction has occurred in several States, with referendums or possible referendums occurring in 18 States: Michigan (rejected, 1966), Maryland (rejected, 1968), Nebraska (rejected, 1968; on ballot again, 1970), Tennessee (rejected as topic for constitutional convention, 1968), North Dakota (rejected, 1968), Hawaii (rejected, 1968; on ballot again, 1970), Ohio (rejected, 1969), New Jersey (rejected, 1969), Alaska (on ballot, 1970), Connecticut (on ballot, 1970), Maine (on ballot, 1970), Massachusetts (on ballot, 1970), Minnesota (on ballot, 1970), Montana (on ballot, 1970), Oregon (on ballot, 1970), Wyoming (on ballot, 1970), Delaware (must be repassed, 1970 or 1971), and Nevada (must be repassed, 1971)).

Despite this flurry of action, no State has lowered its voting age since Kentucky did so in 1955.

ACTION TO LOWER THE VOTING AGE IN THE SEVERAL STATES: 1943–1969

State	Age	Year	Legislation introduced	Passed House [1]	Passed Senate [1]	Repassed legislature [2]	Part of constitutional revision	Referendum result
Alabama	18	1943	Yes					
	18	1961	Yes					
	18	1963	Yes					
	18	1965	Yes					
	20	1967	Yes	Defeated	Yes			
Alaska	19	1959	Part of constitution					
	18	1969	Yes	Yes	Yes			On ballot, 1970.
Arizona	18	1953	Yes					
	18	1962	Yes					
	18	1964	Yes					
	18	1965	Yes					
	18	1966	Yes					
	18	1967	Yes					
	18	1968	Yes					
Arkansas	18	1943	Yes	Yes	Defeated			
California	18	1943	Yes					
	18	1963	Yes					
	?	1965	Yes					
	19	1967	Yes					
	?	1968	Yes					
Connecticut	18	1955	Yes					
	18	1957	Yes					
	18	1961	Yes					
	18	1963	Yes					
	18	1965					Rejected	
	18	1969	Yes	Yes	Yes			On ballot, 1970.
Delaware	?	1949	Yes					
	?	1951	Yes					
	18	1953	Yes	Yes	Defeated			
	18	1955	Yes	Defeated	Yes			
	19	1969	Yes	Yes	Yes	Awaiting, 1970 or 1971		Not required.
Florida	18	1943	Yes	Defeated	Defeated			
	18	1951	Yes	Yes	do			
	?	1953	Yes					
	?	1955	Yes		Defeated			
	?	1957	Yes					
	?	1959	Yes					
	18	1965	Yes	Defeated				
	18/19	1966	Tes					
Georgia	18	1943	Yes	Yes	Yes			Approved, 1953.

Footnotes at end of table.

ACTION TO LOWER THE VOTING AGE IN THE SEVERAL STATES: 1943–1969 —Continued

State	Age	Year	Legislation introduced	Passed House [1]	Passed Senate [1]	Repassed legislature [2]	Part of constitutional revision	Referendum result
Hawaii	20	1959	Part of constitution					
	18	1968					Yes	Dissapproved, 1968.
	18	1969	Yes	Yes	Yes			On ballot, 1970
Idaho	?	1951	Yes	Defeated	Defeated			
	19	1959/1960	Yes	Yes	Yes			Disapproved, 1960.
Illinois	18	1943	Yes					
	18	1945	Yes					
	18	1947	Yes					
	18	1949	Yes					
	18	1951	Yes					
	18	1953	Yes					
	18	1955	Yes	Defeated				
	18	1957	Yes	do				
	18/19	1961	Yes					
	19	1961	Yes	Defeated				
	18/19	1965	Yes					
	19	1967	Yes					
Indiana	18	1943	Yes					
	?	1945	Yes					
	19	1953	Yes	Yes	Yes	No (1955)		
Iowa	18	1943	Yes					
	18	1949	Yes					
	18	1953	Yes					
	18	1957	Yes					
	18	1959	Yes					
	18	1961	Yes					
	?	1967	Yes	Defeated				
Kansas	18	1943	Yes					
	18	1945	Yes					
	18	1947	Yes					
	18	1949	Yes					
	?	1951	Yes	Defeated				
	?	1953	Yes					
	?	1955	Yes					
	?	1957	Yes					
	?	1959	Yes					
	18	1961	Yes					
	18	1963	Yes					
	18	1967	Yes					
	19	1968	Yes					
	18	1968	Yes	Defeated				
Kentucky	?	1946	Yes					
	?	1948	Yes					
	?	1950	Yes					
	?	1952	Yes					
	18	1954	Yes	Yes	Yes			Approved, 1955.
Louisiana	?	1946	Yes	Defeated				
	18	1948	Yes	do				
	18	1950	Yes					
	20	1968	Yes	Defated				
Maine	18	1943	Yes					
	18	1945	Yes					
	18	1947	Yes					
	18	1951	Yes					
	18	1953	Yes					
	18	1957	Yes	Defeated				
	20	1963		Refused to act			Proposed by committee.	
	18	1963	Yes	Defeated	Defeated			
	18	1965	Yes	do				
	20/19	1965	Yes	do				
	20	1965	Yes	do				
	20	1969	Yes	Yes	Yes			On ballot, 1970
Maryland	18	1943	Yes		Yes			
	18	1953	Yes					
	18	1954	Yes		Defeated			
	?	1957	Yes					
	?	1959	Yes		Defeated			
	18	1963	Yes					
	18	1964	Yes					
	18	1965	Yes					
	18	1965	Yes		Defeated			
	18	1967	Yes					
	19	1968					Yes	Disapproved, 1968.
	19	1969	Yes	Defeated	Yes			
Massachusetts	18	1943	Yes					
	18	1945	Yes					
	18	1946	Yes					
	18	1948	Yes					
	18	1949	Yes					
	18	1950	Yes					
	18	1951	Yes	Favorably reported	Favorably reported			
	18	1952	Yes					
	18	1953	Yes	Favorably reported	Favorably reported			
	18	1954	Yes		Defeated			
	18	1955	Yes	Defeated	do			
	18	1956	Yes	do	do			
	18	1957	Yes					
	18	1958	Yes	Favorably reported	Favorably reported			
	18	1959	Yes	Defeated	Defeated			
	18	1960	Yes					
	18	1961	Yes					
	18	1962	Yes					
	18	1963	Yes					
	18	1964	Yes					
	18	1965	Yes					
	18	1966	Yes					
	19	1967/1969	Yes	Yes	Yes	Yes		On ballot, 1970.
Michigan	18	1943	Yes	Defeated	Defeated			
	?	1953	Yes					
	19	1954	Yes	Defeated				
	?	1955	Yes					
	?	1957	Yes					
	?	1959	Yes					
	18	1966	Yes	Yes	Yes			Disapproved, 1966.

Footnotes at end of table.

State	Age	Year	Legislation introduced	Passed House [1]	Passed Senate [1]	Repassed legislature [2]	Part of constitutional revision	Referendum result
Minnesota	18	1943	Yes					
	18	1947	Yes					
	18	1949	Yes					
	18	1953	Yes	Defeated				
	18	1965	Yes					
	18/19	1967	Yes					
	19	1969	Yes	Yes	Yes			On ballot, 1970.
Mississippi	?	1953	Yes					
	18	1954	Yes		Defeated			
Missouri	18	1943	Yes					
	18	1961	Yes	Yes	Defeated			
	18	1965	Yes	Defeated				
Montana	?	1951	Yes		Defeated			
	18	1957	Yes	Yes	do			
	19	1967	Yes	Defeated	Yes			
	19	1969	Yes	Yes	Yes			Do.
Nebraska	18	1943	Yes					
	18	1945	Yes					
	?	1953	Yes					
	18	1957	Yes					
	19	1967/1968	Yes	Passed unicameral legislature.				Disapproved, 1968.
	20	1969	Yes	do				On ballot, 1970.
Nevada	?	1953	Yes	Yes	Defeated			
	18	1965	Yes	Defeated	Yes			
	18	1969	Yes	Yes	Yes	Awaiting (1971)		
New Hampshire	18	1943	Yes					
	18	1951	Yes		Defeated			
	18	1965	Yes	Defeated				
	18	1967	Yes	do				
New Jersey	18	1943	Yes					
	18	1953	Yes					
	20	1961	Yes					
	19	1964	Yes					
	19	1966	Yes	Yes	Defeated			
	18	1969	Yes	Yes	Yes			Disapproved, 1969.
New Mexico	?	1969	Yes					
New York	18	1943	Yes	Yes	Defeated			
	18	1953	Yes		do			
	19	1957	Yes					
	18/19	1960	Yes					
	18/19/20	1961	Yes					
	18/19	1962	Yes					
	18	1963	Yes					
	18	1964	Yes					
	18	1965	Yes					
	18	1966	Yes	Yes	Defeated			
	19/20	1967	Part of constitution				Defeated in constitutional convention.	
	18	1969	Yes					
North Carolina	?	1951	Yes		Defeated			
	18	1963	Yes					
	18	1963	Yes	Defeated				
North Dakota	18	1943	Yes					
	18	1953	Yes					
	19	1967	Yes	Yes	Yes			Disapproved, 1968.
Ohio	18	1943	Yes					
	18	1958	Yes					
	18	1959	Yes	Yes	Defeated			
	18/19	1961	Yes					
	18	1963	Yes					
	19	1969	Yes	Yes	Yes			Disapproved, 1969.
Oklahoma	18	1943	Yes					
	18	1951	Yes	Yes	Yes			Disapproved, 1952.
	19?	1965	Yes		Defeated			
	19	1967	Yes	Defeated	Yes			
	[3] 19	1967	Yes					
Oregon	18	1943	Yes					
	18	1953	Yes					
	?	1955	Yes	Defeated	Yes			
	18 or 19	1957	Yes					
	18 or 19	1958	Yes					
	18 or 19	1959	Yes					
	18	1965	Yes					
	18	1967	Yes		Defeated			
	19	1969	Yes	Yes	Yes			On ballot, 1970.
Pennsylvania	18	1943	Yes					
	?	1953	Yes					
	18	1957	Yes	Yes	Yes	Defeated 1959		
	18	1963	Yes					
	18	1964	Yes					
	18	1965	Yes	Yes 1966	Defeated			
	18	1965	Yes					
	19	1969	Yes	Yes		(Died in conference)		
	18	1969	Yes		Yes	(Died in conference)		
Rhode Island	?	1953	Defeated	Defeated				
South Carolina	?	1953	Yes	Rejected by legislature				
South Dakota	18	1951	Yes	Yes				Disapproved 1952.
	18	1954	Yes	Defeated	Yes			
	18	1957	Yes	Yes	Defeated			Disapproved, 1958.
Tennessee	18	1957	Yes	Yes	Yes	Called constitutional convention.	Rejected	
	?	1967/1968	Yes					
	18	11/68	Referendum to permit constitutional convention to consider lowering the voting age.					Rejected
Texas	18	1943	Yes					
	18	1945	Yes					
	?	1949	Yes	Defeated				
	19	1963	Yes	do				
Utah	18	1943	Yes					
	18	1953	Yes					
	18	1955	Yes	Yes	Defeated			
	?	1959	Yes		do			

Footnotes at end of table.

ACTION TO LOWER THE VOTING AGE IN THE SEVERAL STATES: 1943–1969—Continued

State	Age	Year	Legislation introduced	Passed House [1]	Passed Senate [1]	Repassed legislature [2]	Part of constitutional revision	Referendum result
Virginia	18	1954	Yes					
	18	1956	Yes					
	18	1958	Yes					
	18	1966	Yes					
	[4] 18	1968	Yes					
	18	1968	Yes					
	18	1969	Yes	Defeated in legislature				
Washington	18	1943	Yes					
	?	1945	Yes	Defeated				
	?	1947	Yes					
	?	1949	Yes					
	?	1953	Yes					
	18	1955	Yes	Yes	Defeated			
	18/19	1957	Yes	Defeated				
	?	1959	Yes					
	18	1961	Yes					
	18	1963	Yes					
	19	1965	Yes	Defeated				
	19	1965	Yes					
	18	1967	Yes					
	18	1967	Yes		Defeated			
West Virginia	18	1943	Yes					
	18	1945	Yes					
	18	1949	Yes					
	18	1951	Yes	Defeated				
	18	1953	Yes	do				
	18	1963	Yes					
Wisconsin	18	1943	Yes	Yes	Defeated			
	18	1945	Yes	Defeated				
	?	1947	Yes	Defeated in legislature				
	18	1951	Yes		Defeated			
	19	1953	Yes	Defeated				
	18	1963	Yes	Yes	Defeated			
Wyoming	18	1951	Yes	Defeated by legislature				
	19	1969	Yes	Yes	Yes [5]			On ballot, 1970.

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[1] When it is stated that the House or Senate "defeated" a measure it could mean that the measure was defeated either on the floor of the House or Senate or in House or Senate committee; or it could mean that the measure simply "died" in a House or Senate committee after action in the other House; or it could mean that it was unfavorably reported. For specifics see the body of the report.

[2] In some States a proposed amendment must pass 2 consecutive legislatures before it can be placed on the ballot or obtain approval. It should also be noted that, with the exception of West Virginia, changing the voting age in every State requires amendment of the State constitution. Those States in which an amendment must be twice passed are: Delaware, Indiana, Iowa, Massachusetts, Nevada, New York, Pennsylvania, Rhode Island, South Carolina (after voter approval), Tennessee, Vermont, Virginia, and Wisconsin. In addition, consecutive session approval is required in Connecticut if a proposed amendment does not receive ¾ vote in 1 session, in Hawaii if less than ⅔ in 1 session, and in New Jersey, if less than ⅗ vote in 1 session. All States require voter approval except Delaware. (Book of the States, 1968–69, p. 16.)

[3] For members of Armed Forces and veterans.

[4] For those in Armed Forces.

[5] Wyoming Senate amended to deny the ballot to any male with long hair. This provision was dropped.

PART I: STATE ACTION SINCE 1960 TO LOWER THE VOTING AGE

Alabama

In 1961, H. B. 124 was introduced in the Alabama House of Representatives to reduce the voting age to 18. It died in committee. In 1963, S. B. 58 and H. B. 745 were introduced to reduce the voting age to 18 but no further action was taken on either measure. The same fate resulted for S. B. 240, the 18-year-old vote amendment introduced in the 1965 legislative session.

The Senate on July 27, 1967 passed 22 to 10 S. B. 24, which would have lowered the voting age to 20. Passage came on a motion to reconsider after S. B. 24 had initially failed (19–9) to receive the necessary votes. S. B. 24 died in House committee.

Alaska

No bills introduced in 1965 to lower the voting age. It is at present 19 and has been since Alaska entered the Union in 1959. In 1969 the legislature passed an amendment to lower the age to 18. It goes to the voters for action in 1970.

Arizona

In 1962, H. C. R. 8, to reduce the voting age to 18, received a favorable vote in the House on March 6, but was subsequently returned to committee. In 1964, H. C. R. 27, lowering the voting age to 18, was introduced without any subsequent action thereon. H. C. R. 7, introduced in 1965, would have lowered the voting age to 18, but no further action occurred on it. There was no action in 1966 on H. C. R. 12, or H. B. 253, both of which proposed lowering the voting age to 18. Four proposals were introduced in 1967 to lower the voting age to 18—H. B. 204, H. B. 214, H. C. R. 6, and H. C. R. 7—but all died in committee.

In 1968 four voting age bills were introduced, all to lower to 18 (S. B. 18, S. C. R. 1, H. B. 76, H. C. R. 5), and all died in committee.

California

No resolutions or bills were introduced in the 1961 legislative session. During the 1963 session, Constitution Amendment proposal 24, introduced in the Assembly, would have lowered the voting age to 18. It died in committee.

No bills introduced in 1964 or 1966. In 1965, H. Res. 389, to appoint an interim committee to study the right to vote, including the voting age, died in committee, as did A. C. A. 14, a lower voting age amendment (no age shown). In 1967, three bills to lower were introduced, A. C. A. 36 (no age shown), A. C. A. 14 (19), and A. C. A. 64 (no age shown). All died in committee. In 1968, A. C. A. 17 and A. C. A. 24 (no age shown) also died in committee. S. C. A. 8, which appears to have been a voting age proposal, was defeated in the Senate. In 1969, the California Constitutional Commission recommended lowering the voting age to 19.

Connecticut

In 1961, H. Res. 15, to lower the voting age to 18, was introduced in the House, without further action thereon. No action was taken during the 1963 session on H. Res. 25, an 18-year-old vote proposal. H. Res. 12, to lower (no age shown), died in committee in 1965. An additional proposal may have been introduced in 1967 but the journal is not clear in this regard. The Connecticut Constitutionl Convention rejected an 18-year-old vote proposal in 1965. *Congressional Quarterly Weekly Report* for May 23, 1969, reports that the Connecticut legislature approved an 18-year-old vote proposal which will go to the ballot for voter approval in November 1970.

Delaware

The State legislature passed a 19-year-old vote amendment in 1969. If repassed by the legislature in 1970, or 1971, it will take effect as Delaware does not require electorate approval of amendments to the constitution.

Florida

In the 1963 session no proposals to lower the voting age were introduced. S. J. R. 58, to lower to 18, was introduced in the Senate during the 1965 session without subsequent action. H. J. R. 675, an 18-year-old vote proposal introduced in the House during the 1965 session, was ordered from committee with recommendation that it not pass. No vote was taken on H. J. R. 675.

In 1966–67, H. J. R. 451 and H. J. R. 2426, to lower to 18, and H. J. R. 168, to lower to 19, died in committee. The new constitution of Florida, voted in 1967, retained 21 as the voting age.

Georgia

The voting age in Georgia has been 18 since 1943. (See part two of this report.)

Hawaii

Legislative proposals to lower the voting age (it is now 20) have been introduced since at least the 1961 session, according to a pamphlet on proposed amendments to the Hawaiian Constitution. In 1967, the Hawaii Legislature approved the convening of a Constitutional Convention subject to voter approval at a referendum (the voters previously expressed approval of such a convention in the fall election of 1966). The calling of the convention was once more approved by the voters and it convened and worked from July until November, 1968. The issue of lowering the voting age was debated at the convention and a proposal to lower the age to 18 was put on the ballot in 1968.

The electorate, November 1968, specifically rejected that part of the new Constitution which would have lowered the age from 20 to 18. This was the only part of the proposed Constitution the voters rejected. The vote was 72,930 (yes), 80,660 (no).

In 1969, the legislature approved an 18-year-old vote amendment. The voters will pass judgment in 1970.

Idaho

We have no record of any action in the Idaho legislature through the 1963 session.

Illinois

During the 1961 session two proposals to lower the age to 19 were introduced in the Senate—S.J.R. 16 and S.J.R. 18—without further action thereon. During that session an 18-year-old vote proposal was introduced in the House H.J.R. 4. It died in committee. H.J.R. 22, a 19-year-old vote resolution, was reported favorably from committee and voted on June 20, 1961, in the House. The vote was yea, 92, nay, 68, less than the two-thirds approval required by the Constitution.

In 1963 no proposals were introduced relative to lowering the voting age. In the 1965 session an 18-year-old vote resolution was introduced in the House (H.J.R. 32) and a 19-year-old vote resolution in the Senate (S.J.R. 23). Both died in committee.

In 1967, H.J.R. 5 and H.J.R. 39, to lower to 19, died in committee.

Indiana

The Congressional Quarterly Weekly Report for April 7, 1967, states that the 1967 session of the Indiana Legislature adjourned without taking action on proposals to lower the voting age. No other information could be found on the fate of such proposals in the Indiana Legislature.

Iowa

S.J.R. 13, an 18-year-old vote proposal introduced in the 1961 session, died in committee. H.J.R. 3, also proposing to lower the vote to 18, received an indefinite postponement. There is no record of any proposals being introduced in the 1963 session.

According, to the April 7, 1967 *Congressional Quarterly Weekly Report,* the Iowa House, by vote of 38–80, rejected during the 1967 session a proposal to lower the voting age (no age figure given in the report).

Kansas

During the 1961 session, an 18-year-old vote resolution (S.C.R. 4) died in committee. A similar proposal introduced in the 1963 session (S.C.R. 15) also died in committee. There is no record of any proposal being introduced during the 1965 session.

S.C.R. 8, to lower to 18, died in committee in 1967. In 1968, S.C.R. 36, to lower to 19, died in committee while H.C.R. 1065, to lower to 18, was unfavorably reported.

Kentucky

The voting age has been 18 in Kentucky since 1955 (see part two of this report).

Louisiana

In 1968, the House defeated, 64 to 28 (6 short of the necessary 70), a bill to lower the age to 20. As originally introduced the measure would have lowered the age to 18, but it was amended to age 20. (*The Times-Picayune,* July 5, 1968.)

Maine

In March 1963, as reported in the *National Civic Review,* the Maine Constitutional Commission recommended lowering the voting age to 20; the Legislature did not act on this recommendation.

During the 1963 session, H.P. 431 (L. D. 636), a proposal to permit those 18 years old to vote if they passed an examination in U.S. history, government, and economy, was reported from committee with recommendation that it not pass. The report was a divided one but the House sustained the majority recommendation, as did the Senate.

During the 1965 session, H.R. 433 (L. D. 562), to lower the voting age to 18, was reported with recommendation that it not pass. The House accepted this report. It also upheld do-not-pass recommendations for H. P. 676 (L. D. 478), a 20-year-old voting amendment, and for H. P. 255 (L. D. 325), a 19-year-old voting amendment.

In the Senate in 1965 S. P. 153 (L. D. 394), a proposal to lower the voting age to 20 (originally 18, but amended to 20), was passed 27–3 on May 20. In the House, S. P. 153, was defeated (yeas, 83, nays, 62) when it failed to obtain a required two-thirds approval on May 19.

In a 1966 session, no proposals to lower the voting age were introduced.

In 1969, the legislature passed a 20-year-old amendment. The voters will render their verdict in 1970.

Maryland

In the 1966 session, S. B. 78 and H. B. 133 were introduced to lower the voting age to 18. They died in committee. So did S. B. 184, an 18-year-old vote resolution introduced in the 1964 session. In 1965, H. B. 232, a proposal to submit an 18-year-old vote amendment to referendum, died in committee. S. B. 48, to lower to 18, introduced in the 1965 session, was unfavorably reported from committee. That report was sustained in the Senate by a vote of 23–6.

The Constitution submitted in 1968 for the approval of Maryland voters included a provision for voting by persons 19 and older. It was defeated by the voters 283,050 for 366,575.

In 1967, H. B. 164, to lower to 18, died in Committee. In 1969, a 19-year-old amendment was defeated in the House 73–61, after received initial approval 93–36. The Senate had earlier given its approval to 19-year-old voting 30–8 (March 6, 1969).

Massachusetts

A special report of the Legislative Research Council, prepared in 1968 under directive of S. No. 934 (1967), found that between 1943 and 1967, 91 measures to lower the voting age were introduced in the Massachusetts legislature: 86 to lower to 18, 3 to 19, and 2 to age 20.

"In some instances, the committee on Constitutional Law reported the bills favorably and one bill, Senate, No. 19 of 1955, was ordered to a third reading by the joint legislative convention. However, none of the bills were passed, and there did not appear to be any formidable support for these proposals prior to 1967."

In 1967, the General Court, in joint convention, approved House, No. 2537, reducing the voting age to 19. That approval was confirmed again by the General Court in 1969. It will be submitted to the voters in 1970. If the voters approve, the age will be lowered to 19, effective 1972.

(See above, the table of State action on voting age proposals for a recapitulation of the voting age bills introduced in Massachusetts.)

Michigan

In 1964, S. Res. 88, to create a special committee of five Senators to study the issue of a lower voting age and its ramifications, was adopted in the Senate. The House adopted a similar proposal that year, H. Res. 110.

In 1965, the Senate adopted S. Res. 166, which continued the five-member committee to study the issue of a lower voting age. In 1966, however, the Senate did not act on S. Res. 319, a resolution to appoint an interim committee to study the legal ramifications of a lower voting age.

In the 1966 elections, the Michigan voters defeated a referendum to lower the voting age to 18 by a vote of 1,267,872 to 703,076.

Minnesota

In the 1965 legislative session, three 18-year-old vote proposals were introduced but died in committee. They were S.F. No. 792, H.F. No. 271, and H.F. 1397.

In 1967, five voting age proposals, S.F. 36 (18), S.F. 47 (18), S.F. 571 (19), S.F. 900 (18), and H.F. 56 (18), died in committee.

In 1969, the legislature approved an amendment lowering the age to 19. This proposal will be on the ballot November 1970.

Mississippi

Legislative Journals for Mississippi indicate that no proposals to lower the voting age were introduced in the 1961, 1962, or 1966 sessions. These were the only Journals available.

Missouri

In 1961, H.J.R. 5 (H.J.R. 10), to lower the voting age to 18, passed the House on February 28 by a vote of 84–52. It died in the Senate.

In 1965, H.J.R. 10, to lower the voting age to 18, was defeated in the House on March 10 by a vote of 54–104.

Montana

There is no record of action in the Legislature during the 1961 session.

The Senate approved a 19-year-old vote proposal in 1967 but it died in the House.

In 1969 approval was given to a 19-year-old amendment. The House approved the measure 84–17 and the Senate 46–7. It will be submitted to the voters in 1970.

Nebraska

The Journals for 1960, 1961, 1963, 1965, and 1966 indicate that no proposals to lower the voting age were introduced in the unicameral Nebraska Legislature.

The *Congressional Quarterly Weekly Report* for April 7, 1967, reported that the 1967 session of the Legislature approved a 19-year-old voting age amendment which was submitted to the voters in a 1968 referendum. In 1968 the proposal to lower the voting age to 19 was defeated 246,672 to 255,051.

The legislature in 1969 approved a 20-year-old vote amendment. This proposal will be submitted to the voters in 1970.

Nevada

No voting age resolutions were introduced in the 1961 or the 1963–64 sessions. In the 1965 session, S.J. R. 3, to lower the voting age to 18 (as recommended by Governor Grant Sawyer), was reported from committee without recommendation. It passed the Senate on March 31, 1965, by a vote of 11–6 (in Nevada a proposed amendment must receive approval in two consecutive legislatures and then be submitted to the voters). In the House, a floor amendment to change the age from 18 to 19 was defeated. The resolution was also defeated by a 12–17 vote.

Scholastic Teacher, May 2, 1969, reports that the Nevada legislature approved an 18-year-old voting age amendment. It must reapprove in 1971 to place the question on the 1972 ballot.

New Hampshire

No voting age resolutions were introduced in either the 1961 or 1963 sessions. In the 1965 session, C. R. 3, to lower the voting age to 18, was defeated in the House June 21, 1965.

In 1967, H. C. R. 13, to lower to 18, was killed by the House on recommendation of the committee.

New Jersey

No voting age resolutions were introduced in the 1960, the 1962, the 1963, or the 1965 sessions. In 1961, A. C. R. 40 would have lowered the age to 20. It died in committee. In 1964, S. C. R. 7 proposed a referendum on lowering the voting age to 19. It died in committee.

In 1966, A. C. R. 9 (or 4), a 19-year-old amendment, died in the Senate (which probably means it passed the House).

In 1969, the legislature approved an 18-year-old amendment. The vote in the Senate was 30–0. We have no record of the vote in the Assembly. The voters rejected the proposal decisively in November 1969; yes, 788,978; No, 1,154,606.

New Mexico

Scholastic Teacher, May 2, 1969, reported that the New Mexico legislature was considering voting age proposals with a good probability of action before adjournment. However, no final action was taken.

New York

No action was taken on the following resolutions to lower the voting age to 18 introduced in the 1960 session of the legislature; (in the Assembly) 90, 1398, 2509, 3009, 3257; (in the Senate) 987, 1968. Also introduced in 1960 was a 19-year-old vote resolution (169 in the Assembly) on which no action was taken.

No action was taken on the following 18-year-old vote resolutions introduced in the 1961 session: (in the Assembly) 17, 362, 734, 1450, 1662, 1688, 1928, 2380, 2627, 4510; (in the Senate) 147, 1119. Nor was any action taken on a 19-year-old vote resolution (271) and a 20-year-old vote resolution (2402) introduced in the Assembly.

No action was taken in the 1962 session on the following 18-year-old vote resolutions: (in the Assembly) 158, 724, 1078, 1121, 1290, 1530, 1533, 2142, 2185, 2810, 3297; (in the Senate) 302, 819. Nor was action taken on a 19-year-old vote resolution (401 in the Assembly).

In 1963 no action was taken on the following 18-year-old vote resolutions introduced in the Assembly: 110, 217, 452, 664, 1956, 1970, 2063, 2116.

No action was taken on the following 18-year-old vote resolutions introduced in the 1964 session: (in the Assembly) 69, 265, 480, 882, 1326, 1646, 2759, 2831, 3058, 3261; (in the Senate) 531.

No action was taken on the following 18-year-old vote resolutions introduced in the Assembly in the 1965 session: 81, 414, 474, 1296, 1552, 1663, 2595, 3069.

The *National Civic Review* noted in its May 1966 issue that in February 1966 the Assembly approved a measure to lower the voting age to 18. The Senate Majority Leader announced, however, that the Senate would take no action on the resolution in view of the Constitutional Convention to be held in 1967.

The issue of lowering the voting age was considered during the 1967 Constitutional Convention. On July 17, the Convention delegates defeated a proposed voting age of 19 by a 165–8 vote, and a proposed voting age of 20 by a voice vote. They then voted 102–76 to maintain the voting age at 21. On July 18, the delegates gave initial approval to a provision in the Constitution stipulating 21 as the voting age but authorizing the legislature to lower that to as low as 18. Once the age was lowered, it could not then be increased. The vote of approval was 95–83. On September 7, 1967, the delegates gave final approval to this provision by a 139–30 vote after defeating an attempt to lower the voting age to 20 (97–60) and defeating an attempt to eliminate the Legislature's power to lower the voting age (92–67).

The voters of New York, however, rejected the proposed Constitution at the November 1967 election by a 3–1 margin.

The *New York Times* indicates that 18-year-old voting age amendments were killed by both House and Senate committees in 1969.

North Carolina

There were no voting age proposals introduced in the 1961 session of the legislature. In 1963 S.B. 57 and H.B. 107, to lower the voting age to 18, were introduced. H.B. 107 was reported unfavorably; no vote was taken on the report. S.B. 57 died in committee. No proposals were introduced in the 1965 session.

North Dakota

The April 7, 1967, *Congressional Quarterly Weekly Report* notes that the Legislature approved a 19-year-old voting age amendment, which went to the voters in a September 1968 referendum. It was rejected, narrowly, 59,034 to 61,813.

Ohio

No action was taken during 1961 on proposals to lower the voting age to 18 (S.J. R. 9, H.J. R. 6) or a proposal to lower to 19 (H.J. R. 17). S.J. R. 23, and 18-year-old vote resolution introduced in the 1963 session died in committee. The Ohio legislature passed a 19-year-old vote amendment in 1969, which was rejected in November of that year by the voters, 1,274,334 against to 1,226,592 for.

Oklahoma

No proposals were introduced in the 1963 session to lower the voting age.

In 1965, S.J.R. 25, to lower to 19(?), was reported by committee but died on the calendar. In 1967, S.J.R. 12, to lower to 19, passed the Senate 35–7, March 7, 1967, but died in the House Committee. S.J.R. 10, to lower to 19 for members of the armed forces or veterans, died in committee.

Oregon

The April 1962 *National Civic Review* reported that the Oregon Constitutional Revision Commission, on February 23, 1962, recommended retaining the 21-year-old voting age.

No voting age proposals were introduced in the 1963 session. In 1965, H.J.R. 43 would have lowered the voting age to 18. It died in committee.

The Oregon Senate rejected an amendment to lower the voting age (presumably to 18) in 1967. As reported in the April 7, 1967, *Congressional Quarterly Weekly Report*, the vote was 12–17.

The legislature passed a 19-year-old vote amendment in 1968. It goes to the voters in November, 1970.

Pennsylvania

In the 1963 session, S.B. 809 and H.B. 337, to lower the voting age to 18, died in committee. The same fate awaited S.B. 6, and S.B. 11, 18-year-old vote resolutions introduced in 1964.

H.B. 72, an 18-year-old vote proposal introduced in the 1965 session, was approved by the House, 149–55, on January 4, 1966. The Senate failed to take action on H.B. 72. S.B. 27 and S.B. 157, to lower to 18, were introduced in the Senate in 1965 but died in committee.

It was noted in the Congressional Record, vol. 115, pt. 6, p. 7894, that the Pennsylvania House had passed a 19-year-old vote bill and, earlier, that the Senate had passed an 18-year-old vote bill. The differing measures died in conference.

Rhode Island

A Constitutional Convention was held over a three-year period (1965–67) in Rhode Island. Newspaper reports do not indicate whether serious consideration was given to lowering the voting age. More than 200 proposals were submitted for consideration at the convening of the Convention and it is possible that a lower voting age was among them. The final document as approved in September 1967 did not contain any provision pertaining to a lower voting age. (Note: Due to negative prospects for adoption of the new charter, it was not submitted, as planned, to the voters in the 1967 fall elections. Plans now call for reconvening the Convention to make certain alterations in the document. There is no indication that any consideration might be given to debating a lower voting age.)

South Dakota

No voting age proposals were introduced during the 1961, 1963, and 1964 sessions.

Tennessee

No voting age proposals were introduced in either the 1961 or 1963 sessions.

In 1967–68, S.J.R. 13, a voting age amendment, died in committee. In November 1968, the voters rejected a referendum proposal to allow the Constitutional Convention to consider lowering the voting age to 18 (236, 214 to 290, 922).

Texas

No voting age proposals were introduced during the 1961 or 1962 sessions. In 1963, H.J.R. 12, to lower the voting age to 18, was amended on the House floor to change the age limit to 19 but defeated ultimately by a vote of 92–51. A vote of 100 is required in order for an amendment to pass the House.

Utah

No voting age proposals were introduced in either the 1961 or 1963 sessions.

Vermont

There is no record of any voting age proposals being introduced through 1966.

In 1967, H. 370, a bill to provide that any attempt to lower the voting age to 18 in 1968 must be preceded by notification at town meetings, died in committee.

Virginia

During the 1966 session, S.J.R. 33 and H.J.R. 4, to lower the voting age to 18, died in committee. In 1968, S.J.R. 7, to permit voting by those 18 and older serving in the armed forces, and S.J.R. 45, to lower to 18, died in Senate committee. H.J.R. 59, to lower to 18, died in the House committee. In 1969, the Virginia legislature, after giving thought to permitting an 18-year-old amendment on the ballot, decided not to submit the question to the voters.

Washington

In 1961, S. J. R. 29, an 18-year-old vote resolution, was introduced but died in committee. The same fate occurred to S. J. R. 3 and H. J. R. 2, 18-year-old vote resolutions introduced in the 1963 session.

In 1965, H. J. R. 10, to lower to 19, was favorably reported from committee but did not come to a vote. H. J. R. 22, to lower to 19, died in committee. In 1967, H. J. R. 14 and H. J. R. 26, to lower to 18, died in committee. S. J. R. 15, to lower to 18, with floor amendment to make 18 the age of majority, was defeated 25–20, March 6, 1967.

West Virginia

H.B. 83, an 18-year-old resolution introduced in the 1963 session, died in committee.

Wisconsin

During the 1963 session, 435, A, an 18-year-old vote referendum proposal, was approved by the Assembly, April 17, 1963, by a 54–38 vote. The Senate refused to concur in the Assembly's action. The Senate postponed action on 116, S that same year. It proposed to revise the statutes to lower the voting age to 18.

Wyoming

Scholastic Teacher, May 2, 1969, reports that the Wyoming legislature passed a 19-year-old vote proposal. It will be submitted to the voters in 1970 and, if approved, become effective in 1972. The *National Civic Review*, April 1969 (p. 165) reports that the Wyoming Senate amended this 18-year-old proposal to deny the ballot to any male with long hair. This provision, however, was not retained.

PART II: STATE ACTION TO LOWER THE VOTING AGE, 1943–1960

(NOTE: This L.R.S. Report was reprinted in an Appendix to hearings held in 1961 on the nomination and election of the President and Vice President and on qualifications for voting. The full citation to the document is given below.)

U.S. Cong., Senate. Comte. *on the* Judiciary. Subcommittee on Constitutional Amendments. Nomination & Election of President and Vice President and qualifications for voting. Appendix to hearings . . . pt. 4, Washington, U.S. Govt. Print. Off., 1961. p. 859–866.

(The following is a study prepared by Walter Kravitz, Government and General Research Division, Legislative Reference

Service, Library of Congress, dated March 28, 1961.)

INTRODUCTION

Since the introduction in the 78th Congress, 1st session, of House Joint Resolution 39, calling for a constitutional amendment to extend the right to vote to citizens 18 years of age or older, at least 47 State governments have dealt with the matter of lowering the voting age in one way or another. This report presents a State-by-State survey of such action, followed by a summary of the most important of these.

The information has been compiled from a variety of sources. A completely thorough and exhaustive study would require examination of every State journal of the period under consideration. Few of these are available to us, and it would take many months to check those that are. We have, nevertheless, spot-checked some State journals when provided with specific leads from other sources.

Undoubtedly, we have caught only a fraction of the instances in which bills were introduced only to die in committee. But we have included, we believe, every major State action in this field, especially every instance in which the matter was put to a referendum.

Except for West Virginia, specific age qualifications for voting are embodied by all States in their constitutions; any change, therefore, requires a constitutional amendment.[1] Wherever pertinent, the method of amendment is explained below.

Alabama

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. We have no record of any action since 1943.

Alaska

The State entered the Union in 1959 under a constitution approved by a 2 to 1 majority of the voters on April 24, 1956. All citizens 19 years of age and older are entitled to vote.

Arizona

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. We have no record of any action since 1943.

Arkansas

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. In the same year, the lower house approved the resolution 84–68, but the senate voted it down, 37 to 15. We have no word of any action since 1943.

California

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. We have no record of any action since 1943.

Connecticut

Proposals to lower the voting age to 18 were introduced in the legislature in 1955 and 1957. In both years the responsible house committee rejected the measures.

Delaware

In 1949 a bill to lower the voting age, H. B. 103, died in committee. In 1951 another house bill was similarly handled, while a senate measure, S. B. 187 was favorably reported but not acted upon. In 1953 a proposal to amend the constitution by lowering the voting age to 18 was passed by the lower house, 30–1; the senate did not act. An identical measure, S. B. 31, was passed by the senate by a vote of 16 to 1 in 1955 and received a 51 to 12 majority in the house, but the latter was less than the required constitutional majority and the bill failed.

Florida

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It was defeated. In 1951, five resolutions to the same effect were introduced. One, H. J. R. 71, received the required three-fifths constitutional majority of the house, by a vote of 77 to 13, on April 18. On April 24 the measure failed in the senate 9–29. In 1953, three bills were introduced; none gained committee approval.

S. J. R. 204, in the legislature of 1955, passed the constitutional test in the senate on April 26 by a vote of 26 to 10, and on the folowing day a reconsideration motion was defeated, 13–24. In the house the measure was approved by the committee and put on the calendar, but never came to a vote. Measures to lower the voting age introduced in 1957 and 1959 were either pigeon-holed or reported unfavorably.

Georgia

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It was passed by the senate on February 11, and by the house on March 8. The electorate ratified the amendment on August 3, 1943, by a majority of better than 2 to 1: yes, 42,284; no, 19,682.

Hawaii

The State entered the Union in 1959 under the constitution of 1950, which lowered the voting age to 20.

Idaho

Measures to lower the voting age were introduced in both houses in 1951, and were defeated. In 1959 a proposal to amend the constitution so as to lower the voting age to 19 received the necessary vote of two-thirds of all members of each of the two houses, voting separately. A referendum was accordingly held at the next general election, that of November 1960. The measure was defeated: yes, 113,594; no, 155,548.

Illinois

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. Similar resolutions were pigeon-holed in both houses in 1945, 1947, 1949, 1951, and 1953. In 1955 and 1957 resolutions were brought to the floor of the house, but both were defeated.

Indiana

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. Constitutional amendments must secure majorities in each house in two successive legislatures, plus a vote by the electorate, in order to succeed. A proposal to lower the voting age was passed by the legislature in 1945, but apparently failed in the next legislature. In 1953, a proposed amendment to give the vote to those 19 years of age and older was passed by both houses, but it was rejected by the 1955 legislature.

Iowa

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. Similar resolutions were pigeon-holed in 1949, 1953, 1957, and 1959.

Kansas

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee, as did similar measures in 1945, 1947, and 1949. In 1951, another resolution received the vote of a majority in one house, 69–50, but failed to get the required two-thirds vote. In the 1953, 1955, 1957, and 1959 legislatures other resolutions were introduced; none went beyond a second reading.

Kentucky

An amendment to lower the voting age was introduced in the legislature in 1946 but was never reported out of committee. In 1948, 1950, and 1952, similar proposals were released by the committees only to die or be defeated on the floor. In 1954 the legislature approved, by the required three-fifths of the members elected to each house, a proposal to submit to the voters a constitutional amendment to lower the voting age to 18. The referendum took place on November 9, 1955, and the amendment passed, by a 2 to 1 margin (192,838 to 107,650).

Louisiana

A proposal to lower the voting age was introduced in the legislature as H. 3 in 1946. It was favorably reported from committee but, on June 21, failed in a floor vote, 32–39. Of three similar measures introduced in the same session, two died in committee and the other was buried in the calendar. In 1948, a proposal to amend the constitution to lower the voting age to 18, H. 101, was reported favorably on June 3, and received a majority vote of the house, 48–39, on June 7. The State constitution, however, requires a constitutional two-thirds vote for amendments, so the measure failed. In 1950 H. 739, and in 1952 S. 27, both proposing a lowering of the voting age to 18, died either in committee or on the calendar.

Maine

Proposals for a constitutional amendment to lower the voting age to 18 were introduced to the legislature in 1943, 1945, 1947, 1951, and 1953. No action was taken on any of them. In 1957, a similar measure was unfavorably reported by the committee and the house upheld the report, 77–34, on April 26.

Maryland

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. A similar proposal died in the house of delegates in 1953. In the following year, 1954, the same measure managed to reach the senate floor, where it was defeated by a vote of 14–14. The State's constitution requires a favorable three-fifths vote of all members of each house to place a proposal on the ballot. In 1957 another attempt to lower the voting age was smothered in committee, despite the support of Governor McKeldin. In 1959 the proposal was reintroduced and, on March 6, was approved by the senate judicial proceedings committee. Three days later, in a test vote, the senate gave the bill a 16–11 majority, but on March 11 it reversed itself and defeated the measure, 15–14. A similar proposal was denied clearance, during the same year, by the house judiciary committee.

Massachusetts

A constitutional amendment was introduced in the general court in 1943 to lower the voting age to 18. It died in committee. Similar proposals were reported favorably but did not come to the floor vote in 1951, failed in committee in 1952, and were again reported favorably but did not come to the floor in 1953.

In his annual message of January 6, 1954, Gov. Christian Herter endorsed the move to amend the constitution to extend the vote to 18-year-olds. In the same year the proposal reached the floor of the senate, but was defeated. In 1955, a similar measure was taken as far as the joint session of the general court, only to fail. In 1956 the State's Governor again recommended lowering the voting age and the matter was again taken as far as a joint session, where it was defeated. In 1958 there was a favorable committee report, but no further action. In 1959 the joint session of the general court again rejected the proposal.

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[1] West Virginia's constitution bars minors, the word being defined by statute.

Michigan

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It was defeated. In 1953 four measures were introduced; all died in committee. In 1954, H. J. R. "B," a proposal to lower the voting age to 19, was reported favorably. On the floor the resolution received a 54–38 majority, but failed for lack of the required constitutional two-thirds. Measures introduced in 1955, 1957, and 1959 all died in committee.

Minnesota

Constitutional amendments to lower the voting age to 18 were introduced in the legislature in 1943, 1947, and 1949. They were all either defeated or pigeon-holed in committee. In 1953, a similar measure was put to a vote in the house, on March 3. The vote was 63 to 62 in favor, but the measure was nevertheless lost because it did not receive a majority vote of the total house membership. In the same year, a similar senate proposal died in committee.

Mississippi

In 1953 one senate and two house proposals to amend the constitution so as to lower the voting age died in committee. One house resolution was reported, but was not brought up for a vote. On March 4, 1954, the senate rejected a measure designed to lower the voting age to 18.

Missouri

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. We have no record of any action since 1943.

Montana

In 1951, S. 96, a proposal to lower the voting age, was defeated in the senate by a vote of 22 to 26. In 1957, H.B. 41, which proposed lowering the voting age to 18, passed the house 72 to 19, but was rejected by the senate.

Nebraska

Two proposals were introduced in the legislature in 1943 to amend the constitution so as to lower the voting age to 18, L.B. 345 and L.B. 382. Both were lost by postponement. In 1945, a similar measure, L.B. 129, was postponed by a vote of 28 to 10. In 1953, L.B. 201, another proposal, failed to get on the general file. In the 1957 session, L.B. 27, to lower the voting age to 18, died in committee.

Nevada

A joint resolution was introduced in the assembly in 1953 to lower the voting age. It passed that body by a vote of 25 to 18. In the senate the proposal died in committee.

New Hampshire

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. A similar proposal, S. 6, was defeated in the Senate in 1951.

New Jersey

A constitutional amendment to lower the voting age to 18 was introduced in the legislature in 1943. It died on the calendar. In 1953, a similar measure, Con. Res. 6, died in committee. In his annual message to the legislature in 1955, Governor Meyner urged that the voting age be lowered to 18. We have no record of any legislative action.

New York

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It was favorably reported and approved by the assembly, 77–59, but the senate failed to vote on the measure. In 1953 a similar proposal, S. 453, was defeated in the senate. The *New York Times*, on January 21, 1954, reported that Governor Dewey, at a news conference, expressed doubt about the advisability of lowering the voting age. In 1957, Governor Harriman urged the legislature to lower the voting age to 18. A proposal to lower it to 19 was introduced in the legislature but received no action. Governor Harriman repeated his recommendation in his 1958 annual message, without result.

North Carolina

The senate defeated a bill to lower the voting age by a vote of 15 to 30 in 1951. We have no record of any other legislative action.

North Dakota

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. In 1953 a similar proposal was defeated.

Ohio

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. The *Congressional Digest*, in its March 1954 issue, page 72, state that "several measures have been defeated on the floor during the past 19 years." In 1958, two proposals to lower the voting age to 18 died in committee, one in each house. In 1959, according to the *New York Times*, June 12, 1959, the house passed a resolution to lower the voting age to 18, and sent the measure to the senate. Apparently the latter body never acted on the proposal.

Oklahoma

A constitutional amendment to lower the voting age to 18 was introduced in the legislature in 1943. It died in committee. The 1951 session of the legislature passed H. J. R. 9, to amend the constitution to lower the voting age to 18, by the necessary constitutional majorities, and the proposal was put to a referendum in November 1952. It was overwhelmingly defeated: no, 639,224; yes, 233,094. No proposals to lower the voting age have been submitted in the legislature since 1952.

Oregon

A constitutional amendment to lower the voting age to 18 was introduced in the legislature as H. J. R. 1 in 1943. It died in committee. A similar measure, H. J. R. 7, suffered the same fate in 1953. In 1955, a senate-initiated resolution, S. J. R. 1, passed the senate on March 24 by a vote of 21 to 9, but the measure died in the house committee. Two resolutions in 1957 and one in 1959, all designed to lower the voting age to 18 or 19, were pigeonholed in committee.

Pennsylvania

A constitutional amendment to lower the voting age to 18 was introduced in the legislature in 1943. It died in committee. According to the *Congressional Digest* of March 1954, page 72, two bills to lower the voting age, S. 1, and H. 8, died in 1953, "as have other earlier measures since 1943." On May 24, 1957, the house of representatives approved, by a vote of 159 to 1, a measure to reduce the voting age to 18. The senate had previously passed the bill unanimously. Under the State's constitution, passage by the next legislature was required before the matter could be put to a referendum. Apparently the 1959 legislature did not take the necessary affirmative action.

Rhode Island

A measure to lower the voting age was defeated in the legislature in 1953. We have no record of any other action.

South Carolina

In 1953 the legislature rejected a proposal to lower the voting age. In his 1954 annual message to the legislature, Governor Byrnes recommended that the State constitution be amended to give 18-year-olds the vote. We have no record of any other legislative action.

South Dakota

This State is unique in having twice rejected by referendum proposals to lower the voting age to 18. A measure passed by the legislature in 1951 was submitted to the voters in 1952. It lost by 685 votes: no, 128,916; yes, 128,231. The legislature rejected a similar amendment in 1954, but in 1957 it again chose to put the question to the electorate. On November 5, 1958, the proposal was decisively defeated: no, 137,942; yes, 71,033.

Tennessee

In 1957 the legislature acted favorably upon a resolution to submit to the people a proposed amendment to the constitution to lower the voting age to 18. The State's amending process requires that two successive legislatures approve a measure before submission to a referendum. In 1959, instead of reapproving the 1957 proposal, the legislature called a constitutional convention to consider, as one of its four topics, the lowering of the voting age to 18. The convention met in Nashville on July 21. On July 30 the convention voted, 60–33, to leave the constitutional age provision unchanged. It also voted, 58–35, against reducing the minimum to 18, and rejected two proposals to reduce the vote age to 20.

Texas

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. A similar bill was similarly treated in 1945. In 1949 H.J.R. 6 was favorably reported by the committee, but was then recommitted by the house. We have no record of any other legislative action.

Utah

In 1943 and 1953 constitutional amendments were introduced in the legislature to lower the voting age to 18. All died in committee. In 1955, a similar resolution, H.J.R. 3, was passed by the house, 40–18, but was rejected by the senate committee. In 1959, another proposal, S.J.R. 6, was similarly disposed of by the senate committee.

Virginia

Proposals to amend the constitution so as to lower the voting age to 18 were introduced in the legislatures in 1954, 1956, and 1958. All died in committee.

Washington

Two proposals to amend the constitution so as to lower the voting age to 18 were introduced in the legislature in 1943—H. J. R. 9 and S. J. R. 6. Both died in committee. In 1945, as H. J. R. 2, the proposal was favorably reported and, on February 23, received a majority vote, 49 to 48, in the house. Since this fell far short of the required constitutional two-thirds vote, the measure was lost. Similar measures died in committee in the legislative sessions in 1947, 1949, and 1953. In 1955, another proposal to lower the minimum to 18, H. J. R. 3, was recommended by the committee and passed the house with the required constitutional vote, 71 to 28, on February 15. In the senate the measure was pigeonholed in committee and a motion to discharge the committee and put the resolution on the calender lost 28 to 18, on March 8. In 1957, three resolutions were introduced: H. J. R. 3, and S. J. R. 3 lower the minimum to 18 and S. J. R. 27 to lower it to 19. H. J. R. 3 was twice reported favorably by the committee but the proposal was never brought to the floor. In the 1959 session each house received a resolution and in each the resolutions died in committee.

West Virginia

Constitutional amendments to lower the voting age to 18 were introduced in the legislature in 1943, 1945, 1951, and 1953. In the first three sessions the measures died in committee. In 1951, on March 6, an attempt to discharge the committee in the house failed, 40 to 48. In 1953 the house committee reported favorably, but no further action was taken. We have no record of legislative action after 1953.

Wisconsin

A constitutional amendment to lower the voting age to 18 was introduced in the legislature in 1943. It was adopted by the assembly as J. R. 30 by a vote of 55 to 29, but failed to gain clearance from the senate committee. In 1945, a similar resolution was rejected by the assembly committee. In 1947, under the designation Jt. Res. 18A, the proposal to lower the voting age passed through an intricate maze of parliamentary maneuvers ending in a 48–44 vote to pass. The majority not being a constitutional one, the measure failed. In 1951 an 18-year-old voting age proposal was rejected by a senate committee, and in 1953 an assembly measure to lower the limit to 19 was unfavorably reported.

Wyoming

In 1951, Gov. Frank A. Barrett asked the legislature to lower the minimum voting age to 18. A measure was introduced and defeated. We have no record of any other legislative action.

SUMMARY

Table I lists the five States in which the question of lowering the voting age has been put to the electorate. In two, Georgia and Kentucky, the question was approved. In three, Idaho, Oklahoma, and South Dakota, it was defeated.

Table II lists the 14 States in which, in addition to those in Table I, at least one house of the legislature has approved a proposal to lower the voting age by the required constitutional majority.

TABLE I.—REFERENDUM RESULTS

State	Age	Year	Result
Georgia	18	1943	Adopted.
Idaho	19	1960	Defeated.
Kentucky	18	1955	Adopted.
Oklahoma	18	1952	Defeated.
South Dakota	18	1952	Do.
Do	18	1958	Do.

TABLE II.—STATES IN WHICH AT LEAST A SINGLE HOUSE OF THE LEGISLATURE HAS VOTED AFFIRMATIVELY

State	Age	Year	Action
Arkansas	18	1943	Passed in house; defeated in senate.
Delaware	18	1953	Passed in house.
	18	1955	Passed in senate; lacked constitutional majority in house.
Florida	18	1951	Passed in house; defeated in senate.
Indiana	18	1955	Passed in senate.
	18	1945	Passed both houses; failed in next legislature.
	19	1953	Do.
Montana	18	1957	Passed in house; defeated in senate.
Nevada	18	1953	Passed in house.
New York	18	1943	Passed in assembly.
Ohio	18	1959	Passed in house.
Oregon	18	1955	Passed in senate.
Pennsylvania	18	1957	Passed both houses; failed in next legislature.
Tennessee	18	1957	Passed both houses; failed in constitutional convention.
Utah	18	1955	Passed in house.
Washington	18	1955	Do.
Wisconsin	18	1943	Passed in assembly.

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Kentucky: Journals.
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The PRESIDING OFFICER (Mr. COTTON). The question is on agreeing to the first committee amendment.

SENATOR RANDOLPH URGES PROMPT PASSAGE OF SENATE JOINT RESOLUTION 7—CONSTITUTIONAL AMENDMENT TO LOWER THE VOTING AGE TO 18

Mr. RANDOLPH. Mr. President, the diligence of the Senator from Indiana (Mr. BAYH) as chairman of the Subcommittee on Constitutional Amendments of the Committee on the Judiciary has often been proven to this body. As a further indication of his leadership he brings this measure to us for determination. The hour is late—very late—but still, we believe, in time to accomplish the necessary procedures prior to State and Federal elections in 1972. Senate Joint Resolution 7 will complete that which already has been accomplished partially by statutory Act of Congress and which the Supreme Court of the United States has held applicable only to Federal elections—extending the franchise to those between 18 and 21. However, this has left the voting rolls and balloting procedures in the 47 States with a higher voting age in a chaotic condition. States are being confronted with the requirements of establishing separate voting rolls and ballots in primary and general elections. The only way this situation can be resolved prior to the 1972 elections is by passage of the pending resolution in both this body and in the House of Representatives and referred to the States for ratification.

I believe it is important to stress at this time that 43 State legislative bodies are in session. However, only 31 will still be in session on April 1. There will be another legislative body convening in May. As we know, action by 38 of our States is necessary for the ratification of this constitutional amendment. If we move, as frankly we should have moved long ago, Congress can assure or at least reasonably assure that this confusing and chaotic condition of dual election systems can be resolved prior to the general elections of 1972.

I am grateful for the reference of the able Senator from Indiana to my continuing efforts in connection with this problem. I did offer my first resolution on lowering the voting age in October of 1942. That was several years ago. Persons might say, "Something should have been accomplished before today."

I have discovered, however, that very frequently the processes of Congress move very slowly. I am not a carping critic, so I accept the situation. I do say to my colleagues very earnestly that at the time of my original resolution—a hearing was held on that resolution—I believed in this cause. In continuing to pursue this issue through the many resolutions that I have presented in the House of Representatives and the Senate since that time, my convictions on the need to lower the voting age have been strengthened.

I am privileged, of course, to be the sponsor of Senate Joint Resolution 7; but I am gratified also that 86 Members of the Senate have joined with me in the cosponsorship of this resolution. There is not the matter of personal satisfaction which appeals to the Senator now speaking so much as the satisfaction that will come when we really complete this job of enfranchising our 18 to 21 year olds. This task must be completed in the interest of a more workable system of government through the use of the ballot by a very important segment of our population.

The ballot is not just a piece of paper. It is, in a sense, the exercise of freedom, the exercise of responsibility. I believe that the young adults of our Nation—I just do not designate them as youth and I wish we might more often explain their role in our society as young adults—have a very real mission to perform in bettering our country. They will fulfill their responsibilities, personal and public, in thought and in action.

We have before us the report which accompanies Senate Joint Resolution 7. Reprinted in the report is a statement which the Senator from Indiana, in conducting the hearings in 1970, heard me make:

> We should extend our base by giving to young people not only the opportunity, but I repeat again and again, the responsibility for this active, this full participation. The future in large part belongs to young people. It is imperative that they have the opportunity to help set the course of that future.

I am a believer in young people. I came to the Congress of the United States at what would be considered a rather youthful age. I first ran for Congress when I was 28 years old, and I was elected 2 years later when I was still 30 years of age, after having lost on the first occasion.

I have had the opportunity through the years—and prior to standing for public office—to work literally with thousands and thousands of young adults, as I have been working with them each year in my capacity, personally and officially, as a Member of the Senate.

Of course, the dress is different, the words are different; and perhaps the symbolism of youth expresses itself in a different manner than in the earlier period I mentioned. But inside of the individual and collective youth of America today there is a deep appreciation of this country and the heritage of our institutions, and the understanding of their need to not only talk about but to participate directly in resolving issues and problems. They will work actively for a better society through use of the ballot—the franchise of freedom and of responsibility.

> It is imperative that they have the opportunity to help set the course of that future.

And, so, Mr. President, it is not my purpose, and I am sure it has not been the purpose of the able Senator who has brought the resolution to the floor this afternoon, to speak more than briefly on this matter. I repeat that there are 87 Senators who joined in the joint resolution. Senators who consented to cosponsor my resolution were not reluctant. Most of the Members of this body, regardless of which side of the aisle they are on—Democrats or Republicans—have been very eager to bring this matter to fruition.

It is my earnest hope, Mr. President, that the 26th amendment to the Constitution of the United States of America will be the extension of the full right of citizenship to Americans on attaining the age of 18. We will bring our 18, 19, and 20-year-olds into the unique system of America.

If we do this, we will broaden the base of our system of government to include approximately 7 percent more citizens in our voting population. These young adults have had this privilege partially extended, as I earlier indicated, by the Voting Rights Amendments of 1970, but the Supreme Court determined that our action was applicable only to Federal elections; and now a burden has been placed on State and local officials.

There are practices and procedures which are at variance. There would be separate voting rolls and ballots in primary and general elections. This has all been well documented and is a part of a report which has been filed by the Constitutional Amendments Subcommittee. I repeat, this will be, in a sense, not only confusing but chaotic.

The procedure by which States which do not now have 18-year-old voting—all but three—can lower their voting age can best be described as an endless process. In every case it would require amending the State Constitution. In all but one State the proposed amendment would have to be submitted to a referendum, and in several States a proposed amendment must be approved by two successive legislatures—not one, but two successive legislatures. I use my words carefully when I say this would be helter-skelter approach. It is a hit-and-miss approach. It is an approach which does not lead to balanced and well-reasoned action in connection with the voting process.

However, if there is prompt action by the Congress, the issue, as the Senator from Indiana has said over and over again, will be brought directly to the State legislative bodies for consideration. I stress again that 43 legislative bodies are in session today. Thirty-one are scheduled to be in session on April 1, less than a month away. Another will convene in May. Action by 38 States is necessary for ratification. Working this year and in the early part of next year, ratification can be achieved.

Mr. President, I believe it is the desire of the Senate to vote on this matter—I hope this afternoon. There need be no extensive debate. It has been a matter of discussion over a period of months and years, with concentrated debate during consideration of the Voting Rights Act last year.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. RANDOLPH. I am happy to yield.

Mr. BAYH. The Senator as unsual is striking at the heart of the matter. He emphasized that by moving rapidly it is possible to accomplish our goal before all the States of the Union are put to great inconvenience and great expense. If we move quickly, we can get the proposed amendment ratified. He added one important factor which needs to be emphasized, and that is that rapid action now should not be interpreted by anyone as hasty.

As the Senator from West Virginia knows, the two of us tried our best, in the closing hours of the session last year, to prevail on two or three of our colleagues, whose names will not be mentioned here, but who seemed to be the only ones who opposed moving this measure through at the close of the session, after the Supreme Court had ruled

If we had been successful then, most of the State legislatures could have considered this matter. That is past history. We cannot remedy that mistake, but we can move expeditiously and wisely now. There has been adequate consideration of the subject. We have been discussing it and studying it for years. We have discussed it in committee and on the floor of the Senate.

I commend the Senator for moving quickly.

Mr. RANDOLPH. Mr. President, the statement of the Senator from Indiana is a valid one. This is not a pleasantry, but I want to emphasize that there are many persons in this body and in the Congress who have made not only considerable but commendable contributions to the hoped-for hour when young adults in this country will be voting in all elections—Federal, State, and local.

The distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), who sits in the Chamber at this time, has again and again expressed himself, eloquently and effectively during debate, on this important proposition. I know that he joins with other Senators this afternoon in the hope that we will not permit this basic subject matter to be in a sense, diverted—and I use my words advisedly—and possibly subverted by other matter that is extraneous, especially in view of the need for prompt action and the fact that time is running out.

The New York Times of March 8 contains an editorial which I think sets forth the situation. After referring to it and reading from it I shall take my seat. The title of the editorial is "Uniform Voting Age."

The editorial reads:

> The 26th Amendment to the United States Constitution is, we hope, fairly on its way. Within two days of each other the House and Senate Judiciary Committees have approved the proposed constitutional change to lower the voting age to 18 for all elections, including state and local. So overwhelming was the vote (32 to 2 in the House panel, unanimous in the Senate's) that the indications are bright for quick passage.
>
> Since the 18-year-olds already have the right to vote in elections to Federal office—by grace of Congress, the President and the Supreme Court—an amendment now would serve only to complete their suffrage. Nevertheless, the move is highly essential. The amendment is what should have been passed in the first place instead of a Congressional law tacked on as a rider to an extension of the Voting Rights Act of 1965. That action was narrowly and only partially upheld by the Supreme Court, which found that under the Constitution as it stands, only the states could fix qualifications for voting in contests for non-Federal offices.
>
> The result now is dire confusion in most of the country's state capitals. To keep two sets of registration rolls, as well as providing two types of ballot, will be cumbersome and expensive. Yet for a state to reduce the voting age for state and local offices would generally require amendment of its own constitution, a procedure that could take years.

I close with these words from the editorial, and I hope we will realize, as I said, that a delay of even 1 day might void our efforts. Just 1 day could keep us from having participation by 18- to 21-year-olds in the general elections of 1972:

> The problem, then, is no longer one of philosophical preference, but only of smooth mechanics; very few will contend that people who may already vote for President should not have the power to vote for county sheriff or state assemblyman.
>
> Quick action by Congress and 38 legislatures is needed now to bring uniformity out of confusion—ideally in time for the 1972 elections.

Mr. President, I am not often given to appeals, but I would like to appeal to my colleagues that we act on this matter, and act promptly, and do what we should have done long ago. We now have the opportunity and the responsibility to approve a constitutional amendment to lower the voting age to 18. Our Nation will be the better for it if we act now.

Mr. MANSFIELD. Mr. President, I understand that the distinguished senior Senator from Massachusetts (Mr. KENNEDY) will offer an amendment to this measure. It is my understanding also, indirectly, that he is not opposed to a time limitation of 1 hour, or perhaps 2 hours, on the consideration of that amendment. It is a proposed amendment to the pending joint resolution proposing two Senators and two Representatives for the District of Columbia.

He knows that I intend to move to table that proposal, and I would hope, therefore, that it would be possible to face up to this matter today, so that if at all possible it could be disposed of.

What the Senate sought to do last year was to grant the right to vote to those 18 and above who are now denied the right to vote in State, local, and national elections. The House of Representatives agreed, the President signed the bill, the matter was taken by the Attorney General to the Supreme Court, and last December the Supreme Court laid down its dictum to the effect that what Congress had done and the President had signed did not apply to local and State elections, but only to national elections.

In other words, those citizens 18 and above are now eligible to vote for the President, the Vice President, Senators, and Members of the House of Representatives. If something on the order of this proposed amendment, which was reported unanimously by the Senate Judiciary Committee, and which I assume might well be passed unanimously by the Senate, is not attended to soon, a number of State legislatures will go out, and the need to get the necessary three-fourths of the States to ratify the amendment will thereby become a little more difficult.

The distinguished Senator from West Virginia (Mr. RANDOLPH) in my opinion a pioneer in this movement not only down through the years, but through the decades, has indicated that if something is not done, it will mean that the States will have to keep separate voting rolls; it will mean added expense to the States; and here we have a simple, clear-cut way, if it is unencumbered, to face up to the situation and, while there is time, to get this constitutional amendment before the requisite number of States for approval.

So I hope that the question of the amendment will be presented shortly. I would hope, if at all possible, that it could be disposed of today. But we cannot know until that matter is presented to the Senate for consideration.

Therefore, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR THE COMMITTEE ON GOVERNMENT OPERATIONS TO FILE REPORTS

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Arkansas (Mr. MCCLELLAN), I ask unanimous consent of the Senate that the time for the Committee on Government Operations to file reports of its Permanent Subcommittee on Investigations be extended to June 30, 1971. These reports are as follows:

CAMPUS DISORDERS

"Riots, Civil and Criminal Disorders in Houston, Texas, and Nashville, Tennessee"; "Riots, Civil and Criminal Disorders in Plainfield, New Jersey"; "Riots, Civil and Criminal Disorders in Detroit, Michigan"; "Riots, Civil and Criminal Disorders in Newark, New Jersey."

"Riots, Civil and Criminal Disorders, OEO grant to the Woodlawn Organization, Chicago, Illinois"; "Riots, Civil and Criminal Disorders, OEO Grant to Wilmington Youth Emergency Action Committee, Wilmington, Delaware."

The PRESIDING OFFICER (Mr. COTTON). Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF RIGHT TO VOTE TO CITIZENS 18 YEARS OF AGE OR OLDER

The Senate continued with the consideration of the joint resolution—Senate Joint Resolution 7—proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older.

Mr. BAYH. Mr. President, the Committee on the Judiciary's Subcommittee on Constitutional Amendments has prepared some perfecting amendments, really housekeeping amendments, which were adopted by the committee. I ask unanimous consent that the committee amendments be considered and agreed to en bloc.

The PRESIDING OFFICER (Mr. COTTON). Without objection, the committee amendments are considered and agreed to en bloc.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COTTON). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, what is the unfinished business? I repeat, the unfinished business.

The PRESIDING OFFICER (Mr. COTTON). There is no unfinished business at this point. The pending business is Senate Joint Resolution 7, the 18-year-old vote constitutional amendment. It is open to amendment.

Mr. MANSFIELD. Mr. President, then I ask unanimous consent that the pending resolution be made the unfinished as well as the pending business and that the Allen proposal and the motion to take up Senate Resolution 9 be obviated completely at this time, as it would be tonight, anyway, on the basis of an adjournment.

The PRESIDING OFFICER. The Parliamentarian advises the Chair that if the Senator seeks unanimous consent to continue on the pending resolution tomorrow it would become the unfinished business.

Mr. MANSFIELD. I understand the point, because when I moved that we adjourn tonight, earlier today, I know that that negated the Allen motion and the motion to take up Senate Resolution 9. All I am trying to do is to speed up the process so that there will be no doubt that the pending business will remain the unfinished business as well, and that there will be no possibility of the Allen motion or the Pearson motion coming back for consideration.

The PRESIDING OFFICER (Mr. COTTON). Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered. The Senate by the unanimous-consent agreement will continue with this resolution tomorrow when it will become the unfinished business.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PLIGHT OF OUR DAIRY FARMERS

Mr. HUMPHREY. Mr. President, the Associated Press reported on March 7 that the Secretary of Agriculture is preparing to set milk price supports at $4.92 per hundredweight. I ask unanimous consent that at this point the Associated Press article by Don Kendall be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NO INCREASE IN DAIRY PRICE SUPPORTS

Agriculture Department and Congressional sources say the Nixon Administration will not increase the rate of government dairy price supports for the year beginning April 1st. The sources said the decision will mean extension of the 85% support rate of parity for manufacturing grade milk used for cheese, butter, and other products set a year ago. There will be, however, some increase in actual price support rates because of a continuing rise in Government parity price—a formula relating costs of production with actual market prices. An announcement on the decision is expected soon. It must be made before the end of March. Under the law, Agriculture Secretary Clifford Hardin has the authority to set dairy price support level at between 75% and 90% of parity. A year ago Hardin announced the support level at $4.66/cwt on manufacturing milk—that was a 38¢ boost from $4.28 level set for the 69–70 marketing year. At that time, the new

$4.66 level amounted to about 85% of parity—but because farm expenses since have risen that price now has deteriorated to a little more than 80%.

If, as the sources indicate, Hardin goes ahead with 85% formula, dairy farmers can expect the April 1st rate to be about $4.92/cwt—an increase of around 26¢ from current year level.

Dairy groups have pushed for a full 90% level which according to the most recent parity scale would mean a guarantee of $5.21/cwt on manufacturing milk.

The sources say, however, that the full 90% rate is very unlikely particularly since it would have the effect of forcing the Agriculture Department to buy more surplus milk at that price when market prices fail to equal or exceed the support level.

While dairy prices have been good generally the past year, the Department has had to step up its surplus removal program. For the current year, a spokesman said, the Department expects to buy surplus products equivalent to more than 6.7 billion pounds of milk. This is ½ again as much as the 4.4 billion pounds of milk equivalent purchased in 1969–70.

Mr. HUMPHREY. Mr. President, the Associated Press story notes that a year ago Secretary Hardin announced the support level of $4.66 per hundredweight on manufactured milk. That was a 38-cent boost from the $4.28 level set for the marketing year 1969–70. At that time the new $4.66 level amounted to about 85 percent of parity. The present law permits the Secretary of Agriculture to set the dairy price support level at up to 90 percent of parity .

Mr. President, because farm expenses have risen since the Secretary announced the support level last year, the actual price support level has deteriorated to a little more than 80 percent. And the overall parity for American agriculture at this time is about 69 percent, which is only a few percentage points above the alltime low depression period of the thirties.

If the Secretary follows what is indicated in the Associated Press story I have referred to, the dairy farmers can expect that the April 1 price support rate will be $4.92 per hundredweight, an increase of 26 cents. The national dairy groups, of course, are advocating the full 90-percent level, which would bring about $5.2 per hundredweight.

I am privileged to represent in the Senate a State that is well known for its high quality of milk production.

The number of dairy farmers has been dropping year after year. The per capita consumption of milk has not kept up with the amount the producers would like, and the price that the farmers are receiving for their milk has not kept pace with the overall rise in production costs and costs of living.

I want to make it clear that I do not think the price indicated in this Associated Press report of $4.92 per hundredweight is adequate. Surely it is not adequate for the investment of capital and labor that our dairy families put into the production of milk. It may not even compensate them for the erosion of income resulting from lost inflation for the last 12 months. However, it is at least a move in the right direction if the Secretary should take it.

I wish to encourage Secretary Hardin to set the price at least at the level indicated in the Associated Press dispatch, which is considerably less than a fair and reasonable price. And it is my hope that he will go substantially higher than the 85-percent price support level.

Mr. President, I am addressing myself to a very serious economic problem which confronts an unusually well-qualified and high standing group of farm producers in this country known as our dairy farmers.

The dairy producers today are under very severe rules and regulations relating to sanitation and quality of milk; they are subject to every increase in cost, from taxes to transportation costs, to feed cost for cattle, to equipment and supplies, all of which have gone up very rapidly in price. That is why there is, on an annual basis under the Agriculture Act, a review by the Secretary of Agriculture as to dairy price supports.

Dairy farmers in some areas may have done a little better economically than the feed grain farmers and the cattle farmers. But this does not really indicate that they have had a very good time of it. It is merely to say they have not been as bad off as others who have been very seriously injured by the impact of falling farm prices and rising farm costs.

No administration has done too well for the American farmer. I am not here to criticize or condemn this administration. I am here to encourage the Secretary of Agriculture to do what needs to be done for our dairy farmers. I do this because if the price support level is not raised substantially we can expect a wave of farm failures the likes of which we have not experienced for many a year.

Regrettably, the great metropolitan newspapers do not bring to the attention of the American public the economic disaster that is taking place in rural America. I wonder how many of my colleagues know that the rate of farm bankruptcies is four times what it has been annually for the last 10 years. Thousands of farmers are being compelled to leave their farms. They go to the cities to find jobs that are nonexistent.

Later on this year it will be my privilege, as chairman of a Subcommittee on Rural Community Development, to attempt to demonstrate what I believe to be so true: that the migration of rural people, compelled by economic pressures to go from the rural areas to the cities, is a major contributing factor in the urban crisis. The urban crisis will not be solved simply by attacking urban problems any more than we can expect to solve the problems of floods merely by building higher dikes and dams downstream. We learned the hard way after spending billions of dollars and suffering untold billions of dollars in losses from floods that flood control has to be attacked upstream in the watersheds.

We are going to attack the problem of the urban crisis not only in the urban centers but in the rural communities, to make agriculture, to the best of our ability in the Government, an occupation that provides an opportunity for return of investment and a decent wage for labor.

At a later time I shall give more attention to the economics of agriculture. I am certain that some of my colleagues are mindful that in earlier days I spent a good deal of time doing this. I know it is much more fashionable these days to discuss Indochina and supersonic transports, and I know it is much more fashionable to be knowledgeable about science and technology. None of these things do I deprecate. All of these matters are of great interest and great concern to us. But I would remind this body of the old addage that "Depressions are farm led and farm fed," which might be revised to say, "Recessions, even the last one, may be farm fed and farm led."

Mr. President, I am appealing today to the Secretary of Agriculture to put the needs of the farmer at the head of his list. I am appealing to him to do not only what the Associated Press dispatch indicates he might do, but I am appealing to him to do better. We need our dairy products.

This Senate and this Congress has distinguished itself to the American public, particularly in its concern over hunger in this country and the problems having to do with malnutrition. There are Members of this body—my distinguished colleague from Minnesota (Mr. MONDALE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from South Carolina (Mr. HOLLINGS), and Senators on the other side of the aisle like the Senator from Vermont (Mr. AIKEN), and others—who have pointed out the great need in this country for a better food program, a better feeding program for our disadvantaged, and particularly our young people.

There is no better food, no more wholesome food, no more nutritious food than milk or dairy products. Yet I notice, and I call to the attention of my colleagues, that in the budget for fiscal 1972 there is no money provided for the special milk program—not one dollar. The special milk program has been on the books for many years. Surely there is no less need today for milk, particularly among those youngsters that have an inadequate diet, than there was 5 years ago or even last year. Fortunately Congress, in each instance when the school milk program has been reduced, restored the funds, and no doubt it will do so again. I cannot imagine this 92d Congress denying children wholesome, nutritious, clean, nourishing food, called milk.

We will have an opportunity shortly to remedy the budgetary defect and deficit in this area that is so evident.

My appeal today is for the Secretary of Agriculture to increase the dairy price support level. I urge upon him to keep in mind that the 90 percent level is not extravagant; it is 90 percent of what is called the fair price. I urge him to reject any advice to leave the level of price supports where they are now, because those levels are promoting economic disaster in America. I urge him not only to go to $4.92 a hundredweight, as indicated in the press dispatch, but to give attention to a figure over $5.

I trust that the Secretary is mindful of the fact that there has been circulating in this city a document labeled

"Review of the Dairy Situation." That document just came to my attention yesterday. I was shocked and amazed at some of its observations.

The document to which I refer recommends lowering dairy prices by keeping the same price support levels for the next marketing year that we have now, which means that in terms of real prices, due to the inflation, the farmer will be getting less this coming year than he received last year.

I, therefore, urge upon Secretary Hardin that he reject the advice and counsel of this document, known as "Review of the Dairy Situation." I hope he will not even give it serious consideration. It purports to speak for the farmers. But as I read it, it surely was not speaking for the farmers or the national interest.

This document, I repeat, calls for lower prices for dairy farmers. The end result of such a policy will be more production, because farmers will attempt to keep up their gross income by producing more. It will inevitably mean more purchases by the Government of the United States of surpluses. It will mean that thousands of dairy farmers will be literally driven from their farms due to the economic pressure of the cost-price squeeze.

The maintenance of a viable dairy industry is threatened by the low incomes that come from present untenable farm prices. If the proposal for even lower prices succeeds, it will hasten a wave of bankruptcy of dairy farmers and it will do grave damage to the national interest.

Let me state unequivocally that, despite any documents that may circulate in the high councils of Government, documents prepared by any organization purportedly representing farm interests, I do not know of a single Minnesota dairy family that does not need an increase in the milk prices support merely to stay alive.

My home is in Wright County, Minn. It is the largest dairy-producing county in the country. I can take members of the press or of this body to those fine dairy farm families and show them economic hardship today—not unemployment, because they have to stay on their farms as long as they can, hopefully to eke out an income, but with a falling farm income and ever-deepening debt.

Let me say once again, what is needed is not less income, but more; not a lower price support, but a better one. And any group or organization that pretends to speak for those dairy farmers that I am privileged to represent here in this body and asks for lower prices is, in my judgment, not acting in the best interests of the American farmer, and particularly the dairy producer.

So I urge that the Secretary of Agriculture reject out of hand this incredible document know as "Review of the Dairy Situation," and I ask him to announce promptly a reasonable increase in the dairy support level. Not to do so would be a cruel and damaging blow to some of the finest farm producers we have in this Nation—the men and the women who own and operate dairy farms. The dairy farmer not only is a producer but also is a conservationist, and his quality of production and operation is one of the great developments in American agriculture.

Mr. President, at a later date I shall present for the RECORD economic data indicating what is happening to dairy production in terms of the volume of production. I shall also present information as to the investments that are made in dairy production; the per-hour income that dairy farmers and dairy farms receive; the return, if any, upon investment.

I believe I can properly and fully answer any charge or any argument that is made which would indicate that a modest increase in price supports will saddle the Government of the United States with large expenditures for farm surpluses. The fact of the matter is that the Government of the United States is now losing income by the millions of dollars in tax revenue that could be the Government's, that could come into our general treasury, if farmers were making a profit on their investment and from their production.

So I appeal to the Secretary of Agriculture to turn away from the false prophets of low prices and lowering support levels and to follow what I believe will be his instincts and his basic good judgment, to give to this area of American agriculture the kind of help and understanding and assistance that it justly deserves.

Mr. President, I suggest the absence of a quorum——

Mr. MANSFIELD. Mr. President, will the Senator withhold that request?

Mr. HUMPHREY. I withhold it.

EXTENSION OF RIGHT TO VOTE

The Senate resumed the consideration of the joint resolution (S.J. Res. 7) proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I have discussed with the distinguished senior Senator from Massachusetts the amendment he intends to offer. I have also discussed the possibility of a time limitation not only with him but also with the distinguished minority leader and the manager of the bill, the distinguished senior Senator from Indiana (Mr. BAYH).

It is my understanding that before the Senate goes out tonight on an adjournment basis, the distinguished senior Senator from Massachusetts will offer an amendment. It is my intention at an appropriate time to move to table that amendment.

I, therefore, ask unanimous consent that, beginning at the hour of 12 o'clock noon tomorrow, there be a period for debate for not to exceed 2 hours, the time to be equally divided between the distinguished Senator from Massachusetts and the Senator from Montana, and that it apply to that amendment and all amendments thereto, and that following the disposal of that amendment, there be 1 hour allotted on the pending business, following which a final vote will be had.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, and I do not intend to object, is my understanding of the consent agreement correct, that there would be time available tomorrow between the hours of 12 and 2, when we would have an opportunity to discuss the amendment prior to the motion to table?

Mr. MANSFIELD. The Senator is correct. The time would be equally divided between us.

Mr. KENNEDY. Am I correct that, under the agreement, there could be no action that would preclude the opportunity of utilizing the full 2 hours for the debate? I believe that a number of Senators hope to be able to speak on the amendment. Am I correct in my understanding of the Senator's intention?

Mr. MANSFIELD. The Senator is correct. And if there is any time remaining on my side, and the Senator desires it, we will do our best to make it available.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. Has the Senator also included in the unanimous-consent request the 1 hour devoted to the consideration of the bill following a vote on the tabling motion?

Mr. MANSFIELD. The Senator is correct, at which time a final vote will be had.

Mr. SCOTT. Mr. President, I express the hope that perhaps that hour will not be used up, because some Senators have other engagements on tomorrow afternoon.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that rule XII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

How does the Senator from Montana desire the hour to be divided?

Mr. MANSFIELD. The hour would be under the control of the majority and minority leaders or whomever they may designate.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

Mr. KENNEDY. Mr. President, if the motion to table fails, does the majority leader wish to indicate any specific procedure with respect to subsequent votes?

Mr. MANSFIELD. Mr. President, the Senator has raised a question which I had not anticipated. However, we can always make another unanimous-consent request.

Mr. President, since the Senator has raised the point, I ask unanimous consent that the part of the motion providing that the vote take place at the end of the hour be negated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the unanimous-consent request which was recently granted be confined only to the 2 hours on the Kennedy amendment and my motion to table it, and that the time as agreed to be divided between the Senator from Massachusetts and the Senator from Montana.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The unanimous consent agreement, subsequently reduced to writing is as follows:

Ordered, That debate on the Kennedy Amendment (No. 11) relative to D. C. representation in Congress, and all amendments thereto, to S.J. Res. 7, proposing an Amendment to the Constitution, extending the voting right to citizens 18 years of age or older, be limited not to exceed 2 hours beginning at 12 o'clock noon tomorrow (March 10) to be equally divided and controlled by the Majority Leader (Mr. Mansfield) and the Senator from Massachusetts (Mr. Kennedy) after which the Senate will vote on the motion to be offered by Mr. Mansfield, to table the Kennedy Amendment.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NO. 11

Mr. KENNEDY. Mr. President, I call up my amendments No. 11.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk proceeded to read the amendments.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

Mr. KENNEDY's amendments—No. 11—are as follows:

Beginning with the word "That" in line 3, page 1, strike out all to and including the colon in line 7, page 1, and insert in lieu thereof the following: "That the following articles are hereby proposed as amendments to the Constitution of the United States, any one of which shall be valid to all intents and purposes as part of the Constitution only if ratified separately by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:".

On page 2, after line 7, insert the following:

"ARTICLE —

"SECTION 1. The people of the District constituting the seat of government of the United States shall elect two Senators and the number of Representatives in Congress to which the District would be entitled by apportionment if it were a State. Each Senator or Representative so elected shall be an inhabitant of the District and shall possess the same qualifications as to age and citizenship, shall be elected for the same term, and shall have the same rights, privileges, and obligations as a Senator or Representative from a State.

"SEC. 2. When vacancies happen in the representation of the District in either the Senate or the House of Representatives, the people of the District shall fill such vacancies by election.

"SEC. 3. This article shall have no effect on the provision made in the twenty-third article of amendment to the Constitution for determining the number of electors for President and Vice President to be appointed for the District. Each Representative or Senator from the District shall be entitled to participate in the choosing of the President or Vice President in the House of Representatives or Senate under the twelfth article of amendment as if the District were a State.

"SEC. 4. The Congress shall have power to enforce this article by appropriate legislation."

Amend the title so as to read: "Joint resolution proposing amendments to the Constitution to provide equal rights for men and women, and to provide for the representation of the District of Columbia in the Congress."

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. As I understand it, a unanimous-consent request has been propounded by the majority leader for a time limitation on this amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. So, once the Senate stands in adjournment today, my amendment will become the pending business, and will taken up at 12 noon tomorrow?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I thank the Chair.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there again be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE STATE OF VIRGINIA AND THE VOTING RIGHTS ACT OF 1965

Mr. BYRD of Virginia. Mr. President, last week an historic precedent was set—and an outrageous one.

The Governor of Virginia was forced to bring to Washington for approval four laws enacted by the Virginia General Assembly.

All these laws have to do with elections in the State. Three of them reapportion representation in the Congress and the two houses of the legislature, and the fourth amends the State's election laws pertaining to primaries and nominating conventions.

Under the Voting Rights Act of 1965, all new Virginia statutes and changes in old statutes must be approved by the Attorney General if they affect in any way the State's electoral process.

Virginia is one of six Southern States singled out for this treatment under the Voting Rights Act of 1965.

Neither the Governor of Virginia nor the Attorney General of the United States is responsible for this discriminatory situation.

The fault lies with Congress.

It was Congress which first passed the Voting Rights Act in 1965, and then extended it in 1970.

The Voting Rights Act imposed Federal control over voting procedures, contrary to the former practice of reserving this field for State action—a practice which, in my view, was constitutionally sound.

The act was aimed directly—and only—at the Southern States.

By use of a statistical formula specifically tailored for a discriminatory purpose, it singled for Federal dictation six Southern States—Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Virginia—and parts of a seventh State, North Carolina.

The 1970 amendments to the act, in an effort to give the law a veneer of fairness, resulted in extending controls to portions of six other States.

Nevertheless, the main thrust is directed against the seven Southern States originally covered.

By act of Congress, these few States became second-class members of the Union. This law resembles nothing so much as the vengeful measures of the Reconstruction period.

Under this law an illiterate, barred from voting in New York or California, can vote in Virginia.

This unjust law was passed to eliminate discrimination in elections. But no one maintained that Virginia had discriminated against her citizens in voting.

All that was required to trigger this misconceived statute was a low turnout in the 1964 election for President.

The entire act hinges upon a statistical formula: States whose turnout in the 1964 election was below 50 percent of their residents of voting age, where they made use of literacy tests or similar qualifying devices for registering voters, were put under Federal control.

The definition was designed to hit the South, as if there were no abuses in the rest of the Nation.

Let me say that I believe every American who qualifies under nondiscriminatory State laws—and Virginia's laws do not discriminate—should have the right to vote.

But I do not believe it is the province of the Federal Government to dictate who shall and who shall not cast a ballot in the individual States.

This law was not necessary, because there already was ample legal authority for challenging and overturning practices that actually discriminated against classes of voters.

Under the Voting Rights Act, the Attorney General can send Federal registrars into the affected States to make up voting lists, even without a court order empowering him to do so.

Furthermore, no State covered by the act can make any change in its voting laws—however equitable or progressive—without first obtaining a sanction from a three-judge court in the District of Columbia, or from the Attorney General.

In plain terms, the Federal Government has taken an unjustifiable degree of control over State and local matters in most of the South.

I want to make clear that I would oppose the kind of Federal controls contained in the Voting Rights Act, even if they applied to every State in the Union.

However, the act as it stands is even

more objectionable because it applies to only a few States. This adds discrimination to further centralization of power in Washington.

The full scope of the act was made evident by a recent decision of the U.S. Supreme Court.

On January 14 of this year, the Court handed down a decision dealing with a municipal annexation in Mississippi. This ruling made it clear that the Voting Rights Act imposed Federal control over—and could invalidate—every annexation, reapportionment, or redistricting in the affected Southern States.

The impact in my State of Virginia alone is staggering.

Almost 2 million people live in Virginia's independent cities, and the authority to annex territory is crucial to the continuing vitality of most of these communities.

Under Virginia law, annexation is controlled by a three-judge court, subject to appeal to the State supreme court. It is a long and costly process.

Now the independence of the Virginia judiciary and the well-being of the nearly 2 million residents of Virginia cities is at the mercy of the whim of an official of the U.S. Department of Justice.

The Voting Rights Act, as interpreted, clamps Federal controls over any change in the districts of the 140 members of the General Assembly, the 10 Members of the U.S. House of Representatives, the 452 supervisors of Virginia counties and several hundred councilmen and other officials of the State's municipalities.

According to the Attorney General of Virginia, the act also imposes controls over such details as a shift to voting machines, relocation of any of the State's 2,029 precincts, controls over absentee balloting, number of election officials, size and color of ballots, and addition of new elective officers.

The real evil in this situation is not the decision of the Supreme Court. It is the so-called Voting Rights Act itself.

For Congress to have enacted this law was a mistake. To have extended it is a tragedy.

THE MIDDLE EAST

Mr. SCOTT. Mr. President, despite the fact the official cease-fire along Israel's borders has ended, it seems very likely now that, barring a tragic miscalculation, the truce will last. There will, no doubt, be more Palestine guerrilla attacks across the borders, but the Palestine movement has never recognized the cease-fire and it would be dangerous for us to expect them to do so now.

However, the careful balance of power which President Nixon and his very capable Secretary of State, William P. Rogers, have helped establish in the area appears now to have the potential for ultimate peace. Until last August it would have been foolhardy for any Senator to make such a forecast, but the Nixon policy has now begun to bear fruit.

Both sides in the Middle East were weary of war. Even with massive Soviet assistance, Egypt was pouring a majority of its annual budget into the arms buildup and its military forces. Jordan, ground into poverty by its massive, lengthy and disastrous military commitment, needed respite. Israel, always under heavy pressure along its entire border, welcomed the easing of immediate danger of organized military incursions.

Key to the cease-fire was the assurance President Nixon was able to give Israel that a balance of forces would be maintained. The Israeli Government could not and, therefore, would not accept a situation in which it could be outgunned by its neighbors, singly or in combination.

This assurance to Israel, plus delicate negotiations directly with the Soviet Union, made possible the cease-fire back in August. The cease-fire has been maintained for 7 months through this same careful and subdued kind of diplomacy.

Egypt has announced it will no longer accept a formal cease-fire. There are, however, no indications yet that Egypt will use this lack of formal arrangement to launch an actual military adventure against any of the territory now held by Israel. Israel has also indicated she will not take steps that would unduly threaten the current uneasy peace along her frontiers.

President Nixon has given welcomed assurance the United States will not under any circumstances attempt to impose a peace settlement, nor will President Nixon be party to such an enforced peace in concert with others of the great powers. These assurances have given Israel a degree of latitude which is necessary for any meaningful peace negotiations which could bring about a permanent settlement in the area.

In short, although the cease-fire has formally come to an end with Egypt's announcement, there is still much cause to hope for continued negotiations and perhaps even an eventual settlement. If this much-hoped-for peace does come about, great credit must be given to Secretary Rogers and President Nixon. They have both worked long and hard hours to achieve it.

HEARINGS ON ADMINISTRATION ON AGING MERIT NATIONAL ATTENTION

Mr. WILLIAMS. Mr. President, the Senate Special Committee on Aging and the Subcommittee on Aging of the Senate Committee on Labor and Public Welfare—as announced elsewhere in yesterday's issue of the CONGRESSIONAL RECORD—are working together on hearings which will evaluate the performance of the administration on aging within recent years.

As chairman of the Committee on Labor and Public Welfare and as past chairman of the Committee on Aging, I applaud the joint action planned by the Chairmen of the Committee, Senator FRANK CHURCH, and the subcommittee, Senator THOMAS EAGLETON.

Their inquiry will take place less than a year before a White House Conference on Aging and a year from the time when the Congress must decide whether it will extend the Older Americans Act for another 2-year period.

It is imperative, therefore, that the Congress give some consideration during the next few months to the following issues:

First. Has the Older Americans Act fulfilled the objectives set forth when Congress unanimously passed that act in 1965?

Second. What have been the effects of recent organizational changes which appear to strip the administration on aging of two major program areas and which place it more and more under the direction of the social and rehabilitation service?

Third. How sound are preparations for the White House Conference? Will that conference really grapple with the major issues that now concern aged and aging Americans?

Fourth. How extensively would proposed cutbacks in AOA funding—as expressed in the most recent budget offered by the executive branch—damage that agency and the State units on aging which receive a large amount of their funding through the Older Americans Act?

These questions are worthy of attention, and they should receive such attention well in advance of the White House Conference and the congressional debate on extension of the Older Americans Act.

As I said on February 25 during a discussion of priority objectives for the Senate Committee on Labor and Public Welfare:

> When the Congress established the AoA, it intended that agency to be a high-level unit with direct lines of communication to the Secretary of Health, Education, and Welfare. The time has come for a thorough evaluation of the downgrading of the AoA and the Older Americans Act.

Senators CHURCH and EAGLETON have provided the vehicle for such an evaluation; and I congratulate them for taking this initiative.

GREATER PROTECTION FOR VITAL MARINE RESOURCES

Mrs. SMITH. Mr. President, for myself and on behalf of my colleague from Maine (Mr. MUSKIE), I ask unanimous consent to have printed in the RECORD a joint resolution of the Maine Legislature petitioning the Maine Congressional Delegates to provide greater protection for vital marine resources.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

JOINT RESOLUTION PETITIONING THE MAINE CONGRESSIONAL DELEGATES TO PROVIDE GREATER PROTECTION FOR VITAL MARINE RESOURCES

Whereas, the living marine resources found in the waters adjacent to the State of Maine and associated with the United States continental shelf and slope are vital as a source of seafood needs for the State of Maine and the nation; and

Whereas, the living marine resources are particularly vulnerable to damage from unrestrained harvesting and fishing; and

Whereas, the United States is handicapped in providing proper protection and management for these living marine resources by the lack of adequate jurisdiction over all domestic and foreign fishing in the area in which these resources are found; and

Whereas, the State of Maine has traditionally depended upon its commercial fishing industry for a major portion of its coastal income; and

Whereas, the State of Maine believes that the harvesting of these marine resources on a sustained basis can be effective only if a greater measure of jurisdiction is given to coastal authorities; now, therefore, be it

Resolved: That we, the members of the 105th Maine Legislature assembled, go on record as petitioning each member of the Maine Congressional delegation to use every effort at his command to investigate all possibilities of the United States' securing a fisheries jurisdiction off its coastline to the outer edge of the continenal slope or at least to such an additional distance as will give adequate protection and management of fishery resources emanating from or adjacent to the United States, and that such fishery jurisdiction be qualified to permit foreign fishing inside said United States fishery zone through agreements with foreign governments similar to those which are presently in effect; and be it further

Resolved: That duly attested copies of this Resolution be immediately transmitted to said congressional delegates with our thanks for their prompt attention to this important matter.

ALASKAN NATIVE LAND CLAIMS

Mr. EAGLETON. Mr. President, one of the most important, yet perhaps least understood, issues to be resolved by this Congress is the settlement of Alaskan Native land claims. I am therefore grateful to William K. Wyant, Jr., who reported in the St. Louis Post-Dispatch of February 25 on the various measures being advanced to settle Alaskan Native land claims. His article, entitled "Alaskan Natives' Claims Pushed," outline the major differences between S. 835, the bill (S. 35), which represents the position of the Alaska Federation of Natives and which is now cosponsored by 13 Senators and is identical to the bill passed by the Senate in the last Congress and which the Natives oppose as inadequate, and H.R. 3100, which has been introduced in the other body by Representative Aspinall and appears to be far less in keeping with the Native position than either of the Senate bills.

Mr. President, the article quotes Mr. Donald R. Wright, President of the AFN, in stating:

> The land is our life. To take almost all of it away from us . . . is to deprive us of life itself.

It appears to me that this may be the central issue involved in the complex claims settlement dispute, and I hope that other Senators will give careful consideration to the position advanced by the AFN. Mr. President, I ask unanimous consent that Mr. Wyant's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Alaskan Natives' Claims Pushed

(By William K. Wyant Jr.)

Washington, Feb. 25.—Senator Fred R. Harris (Dem.), Oklahoma, whose wife is part Comanche Indian, is trying to see to it that the Eskimos, Aleuts and Indians of Alaska get a square deal from the white man in Congress's settlement of native claims.

Harris and Senator Edward M. Kennedy (Dem.) Massachusetts, along with eight other senators, introduced a bill last week enlarging the package to be given the natives in return for final acquisition of title to Alaska.

The Harris-Kennedy measure would include a land settlement of 60,000,000 acres, compared with 10,000,000 provided in the bill that was passed by the Senate last July but failed to get action in the House.

In addition, the more liberal proposal would give the Alaska natives half a billion dollars of funds appropriated by Congresss and a 2 per cent share, in perpetuity, of revenues from public lands from oil and other minerals.

The Alaska claims bill approved by the Senate last year was reintroduced Jan. 25, by Senator Henry M. Jackson (Dem.), Washington. It provides $500,000,000 in federal funds over a 12-year period and the 2 per cent royalty on minerals. But it cuts off revenue sharing when the royalties have reached the $500,000,000 level.

Thus the Jackson bill would give the natives a total of a billion dollars from the federal treasury and from mineral royalties. Of the $500,000,000 from royalties, the federal share would be only $2,621,000 but the state would be giving up $497,300,000 in revenues it would otherwise receive.

In addition to the two Senate proposals for settlement of the claims of Alaskan natives there is a less open-handed House bill sponsored by Representative Wayne N. Aspinall (Dem.), Colorado, the chairman of the House Interior Committee.

The Aspinall bill would give the natives outright title of as little as 20,000 acres of land around their villages and permit them to use up to 40,000,000 acres for hunting and fishing without transfer of title.

Under the House proposal, the Eskimos, Aleuts and Indians would receive a federal appropriation of $25,000,000 over 10 years, plus an additional $25,000,000 from federal mineral revenues and up to $500,000,000 from state mineral revenues.

The liberal measure offered by Senators Harris and Kennedy is in line with what the Alaska Federation of Natives wants. The federation considers the land provisions of the Jackson bill inadequate.

Donald R. Wright, president of the federation pointed out to the Senate Interior Committee last week that the natives had filed formal claims to about 340,000,000 acres, or more than 90 per cent of the land in Alaska. Basis for their claim is aboriginal right. They were in Alaska first.

Wright said the Jackson bill, providing native title to only 10,000,000 acres or so would give the natives less than 3 per cent of "the land which is rightfully ours." The Harris-Kennedy bill, with 60,000,000 acres, would represent less than 20 per cent.

"The land is our life," Wright said. "To take almost all of it away from us . . . is to deprive us of life itself."

This appears to be the year of decision for the Alaskan native claims. There is great pressure from the State of Alaska, industry, and members of Congress to get the claims settled and out of the way so that the state can be developed and exploited.

For several years, a Department of the Interior "land freeze" has been holding up state selection of federal lands under the Alaska Statehood Act. The freeze was imposed by former Secretary of the Interior Stewart L. Udall and has been extended through June 30. The hope is that Congress will act by that time.

The 1970 census showed a total population for Alaska of only 300,382 persons, including only about 55,000 natives. It might seem at first blush that a settlement of a billion dollars and millions of acres of land is a great deal for so few persons.

Senator Kennedy told the Senate Feb. 9 that a billion dollars in cash might sound like a lot but recalled that $24 sounded like a lot to the Indians who sold Manhattan Island.

"Considering the natural resources beneath the tundra—beneath much of the land now claimed by the natives—a billion dollars will seem little more than the beads, hand axes, trinkets and blankets of the past."

Kennedy said money could not compensate a people "for giving up the land upon which their lives and culture depend."

WHY WE FIGHT IN LAOS

Mr. SCOTT. Mr. President, Walter Rostow, foreign affairs adviser to President Johnson, the other day wrote an excellent article, that appeared in the New York Times, detailing the history of why our support troops are backing up the South Vietnamese in Laos. Mr. Rostow makes the important point that with the closing off of the Cambodian supply route in 1970, the Laos corridor became the sole, major supply route into South Vietnam. As has been said time and again, we are buying time during the dry season to hurt the enemy in his effort to make war. We are succeeding in our mission. Mr. President, I ask unanimous consent that this fine article by Mr. Rostow be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Why We Fight in Laos

(By W. W. Rostow)

Austin, Tex.—As the critical battle shapes up for control over the infiltration routes through Laos during the current dry season, it may be useful to recall the history of that critical piece of the world's real estate.

The Hanoi delegation returned from the post-Sputnik conference in Moscow in November, 1957, content that the policies agreed to there permitted the reopening of attack on South Vietnam. Speaking to a group of North Vietnamese officials on Dec. 7, 1957, Le Duan said: "The Moscow documents have not only confirmed the line and created favorable conditions for North Vietnam to advance toward Socialism but have also shown the path of struggle for national liberation and have created favorable conditions for the revolutionary movement in South Vietnam."

By the second half of 1958 violence in South Vietnam began to increase. South Vietnamese political and military cadres, brought north in 1954, were infiltrated through the Laos corridor, joining the expanded Vietcong effort in the south. By December, 1958, there were clashes between regular North Vietnamese and Lao forces near Tchepone. This was part of the background to the grant of emergency powers to the Government of Laos in January 1959 and the coming into the Government of several army officers. But the Government in Vientiane lacked the power to assert sovereignty over its territory in the face of Pathet Lao and North Vietnamese opposition. By Jan. 20, 1967, Laos was in almost total political and military disarray.

President Kennedy convinced the Communists in his first three months that a takeover of Laos would be resisted by the United States. As a result, the Geneva Conference on Laos opened in May, 1961, against the background of a precarious cease-fire. The United States was prepared to accept a neutral Laos, headed by Souvanna Phouma; but it negotiated hard to make that neutrality real. The Laos Accords were signed on July 23, 1962. The signatories agreed that they would not introduce into Laos military personnel in any form and that they would not use the territory of Laos for interference in the internal affairs of other countries.

In addition, Harriman negotiated an understanding with Pushkin, the Soviet delegate, that Moscow would assume responsibility for assuring that the provisions of the Laos Accords would be honored by Hanoi, including explicitly an end to the transit of Laos against South Vietnam. This was not a casual understanding. It was an agreement negotiated over many months without ambiguity in either Government.

The Laos Accords went into effect in the first week of October, 1962. It was clear immediately that Hanoi did not intend to honor the agreement: infiltration continued. Moscow was apparently not prepared to accept the costs of forcing Hanoi's compliance. And the United States failed to act decisively, which might have strengthened Moscow's hand in Hanoi.

(I have said on another occasion—The New York Times, Jan. 5, 1969—that I regard the failure of the Kennedy Administration to insist promptly on the honoring of the Laos Accords of 1962 as the greatest single error in policy of the 1960's; although it is not difficult to understand why President Kennedy, in the wake of the Cuba missile crisis and with things then going relatively well in South Vietnam, would have chosen not to initiate a major crisis at that time.)

Given the arithmetic of guerrilla warfare, the infiltration of, say, 500 Communist cadres a month from the North was a most serious matter in 1961–63. Normally one guerrilla ties down 10 or 15 on the defending side.

In 1964 the meaning of infiltration changed. In the wake of the 1963 political crisis in South Vietnam, Hanoi made the momentous decision to introduce its regular forces into the battle. They came through Laos.

For a time supplies came in directly by coastal shipping until choked off by the American and South Vietnamese navies. And Hanoi made arrangements with Sihanouk for supply through Cambodia on a scale greater, even, than was understood at the time. Nevertheless, the war which Southeast Asia and all of us have suffered since 1964 could never have been mounted without the illegal use of the Laos trails.

With the closing off of the Cambodian supply route in 1970, the Laos corridor became the sole major route into South Vietnam.

Men have differed in the past and they may differ now over the meaning of this tale and the lessons to be drawn from it. For example, Roger Hilsman and I debated temperately the military significance of infiltration in 1962. But I agree with this passage from his "To Move a Nation" (p. 155): "The lessons of the Laos crises are many—that agreements with the Communists can be kept by and large intact, for example, but only if one is willing to keep up the same level of commitment to keep the agreement as one was willing to use to obtain it in the first place."

What the South Vietnamese are now trying to do is to enforce an agreement which Hanoi and Peking freely signed in July 1962; which Moscow undertook to guarantee; and for which the United States continues to bear an inescapable responsibility.

REVENUE SHARING AND FEDERAL WELFARE TAKEOVER

Mr. HUMPHREY. Mr. President, national debate and discussion on revenue-sharing and other proposals to help State and local governments is increasing. This is very heartening. States and localities who are in critical condition and literally must be kept alive through a transfusion of Federal funds.

One of the proposals being circulated unofficially is Representative MILLS' Federal takeover of welfare costs. This proposal, which includes reform of the present system, is excellent and will certainly figure in any welfare legislation. The Federal Government should assume the total costs of welfare over a 3- or 4-year period.

However, as an editorial from the Christian Science Monitor of March 1, REUSS and I believe that merely federalizing welfare would not provide assistance to those areas that do not have high welfare costs yet do have a critical need of funds if they are to continue essential services.

I believe that a combination of welfare-reform and Federal financing plus revenue-sharing, as suggested in the Humphrey-Reuss bill (S. 241), would provide a balanced assistance program to local governments.

It is not important whose program is implemented. What is important is that this vitally needed assistance reach our States and localities as soon as possible and under conditions that assure its being spent effectively and well.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

REVENUE SHARING CHALLENGED

Not all the arguments are in on the revenue-sharing battle that looms in Congress, but at this reading it looks as though the plan of Rep. Wilbur Mills for federal takeover of all welfare costs will give revenue sharing a run for the money.

Strong philosophical arguments can be made in its favor.

First, it's simple. National minimum standards would be set to determine who is a bona fide welfare client. Once a poor family proves its eligibility, monthly checks would start flowing from a computerized system, not unlike the social security system. The present creaking welfare structure, with its hordes of welfare "caseworkers," would fade away gradually. Welfare frauds would be discouraged by heavy penalties attached to a federal crime.

For congressmen, the Mills formula has one major appeal: it gets away from the Nixon plan to give away funds without strings.

On the other hand, revenue sharing under the Nixon plan would be less costly. It proposes a flat $5 billion increase to the $10 billion of aid already given cities and states. But big city mayors complain that the formula would bring them fewer dollars and pump more funds into the affluent suburbs.

In the face of growing interest in the Mills plan, the administration is showing willingness to compromise. Mr. Nixon has signaled Congress he would consider taking over some welfare costs, along with revenue sharing. (Indeed, his program to take 225,000 welfare recipients off the rolls by creating new jobs for them is a move in this direction.)

Even so, some thoughtful objections are being made to the whole concept of revenue sharing. High among these is that it would take the heat off those states that are not holding up their own end by passing a graduated corporate and individual income tax. It fails to spur states to cut out costly patronage jobs. And it gives the power to spend tax money to persons not responsible for collecting it.

Sen. Henry Reuss and Sen. Hubert Humphrey offer a compromise bill that combines the Nixon-Mills versions, though takeover of welfare would be spread out over a period of time. A new twist, not without merit, would require states to modernize their governments, knock out tiny inefficient units, and create new regional bodies.

The key question, however, must be: Which approach offers most relief to the cities and states in the most practical way, and with minimum opportunity for boondoggling? Mr. Nixon will have to work hard to convince wary congressmen that revenue sharing carries the advantage in these respects.

DOOMSAYERS—THE AMERICAN HYPOCHONDRIACS

Mr. GOLDWATER. Mr. President, to these conservative eyes, it is somewhat of a special event when one of the national weekly magazines prints a serious article reminding us as a people to keep our bearings in the stream of history. For conservatives, the lessons of the past have always served as a basic test against which we might judge the wisdom and practicality of current vogues, goals, ethics, beliefs, and demands for changes.

This is why I was so delighted recently upon discovering a scholarly presentation of the lasting values inherent in history. Though the article appeared nearly 8 months ago in the July 6, 1970, issue of Newsweek, its message remains so timely I would like to bring it to the attention of any Senator who, like me, may have overlooked it until now.

The piece was written by Dr. Daniel J. Boorstin, who is well known as Director of the Smithsonian Institution's National Museum of Science and Technology. Entitled "A Case of Hypochondria," his brief paper devastatingly exposes the ridiculous preoccupation which so many home-grown critics have with self-doubt and worry about the health of our Nation.

According to Dr. Boorstin, these critics have formed a cult of doomsayers who are overwhelmed by the ailments of the instant moment. "In a word," Dr. Boorstin warns, "we have lost our sense of history." As a result, lacking the materials of historical comparison, "We are left with nothing but abstractions, nothing but baseless utopias to compare ourselves with."

Mr. President, in the midst of a current fashion of scare headlines and hourly crises, it is refreshing to discover a sensible voice guiding our sights back to the real story of human history. In fact, I agree with Dr. Boorstin the best antidote "against ruthless absolutes and simple-minded utopias has been American history itself." It is my belief an examination of the past our people lived and of their problems and conditions and capabilities for meeting them will reveal how truly far we as a great nation have come. At the same time, a study of the past will give a sense of proportion and timing to our capacity for solving contemporary social concerns.

Mr. President, there is no question that Dr. Boorstin's penetrating article warrants our deep attention as we seek to work on national issues and distinguish honest solutions from illusory ones. For this reason, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A CASE OF HYPOCHONDRIA

(By Daniel J. Boorstin)

Our inventive, up-to-the-minute, wealthy democracy makes new tests of the human spirit. Our very instruments of education, of information and of "progress" make it harder every day for us to keep our bearings in the larger universe, in the stream of history and the whole world of peoples who feel strong ties to their past. A new price of our American standard of living is our imprisonment in the present.

That imprisonment tempts us to a morbid preoccupation with ourselves, and so induces hypochondria. That, the dictionary tells us, is "an abnormal condition characterized by a depressed emotional state and imaginary ill health; excessive worry or talk about one's health." We think we are the beginning and the end of the world. And as a result we get our nation and our lives, our strengths and our ailments, quite out of focus.

We will not be on the way to curing our national hypochondria unless we first accept the unfashionable possibility that many of our national ills are imaginary and that others may not be as serious as we imagine. Unless we begin to believe that we won't be dead before morning, we may not be up to the daily tasks of a healthy life.

We are overwhelmed by the instant moment—headlined in this morning's newspaper and flashed on this hour's newscast. As a result we can't see the whole real world around us. We don't see the actual condition of our long-lived body-national. And so we can't see clearly whatever may be the real ailments from which we actually suffer.

In a word, we have lost our sense of history. In our schools, the story of our nation has been displaced by "social studies"—which is the study of what ails us. In our churches the effort to see man sub specie aeternitatis has been displaced by the "social gospel"—which is the polemic against the supposed special evils of our time. Our book publishers and literary reviewers no longer seek the timeless and the durable, but spend most of their efforts in fruitless search for a la mode "social commentary"—which they pray won't be out of date when the issue goes to press in two weeks or when the manuscript becomes a book in six months. Our merchandizers frantically devise their 1970½ models (when will the 1970¾'s arrive?) which will cease to be voguish when their sequels appear three months hence. Neither our classroom lessons nor our sermons nor our books nor the things we live with nor the houses we live in are any longer strong ties to our past. We have become a nation of short-term doomsayers.

Without the materials of historical comparison, having lost our traditional respect for the wisdom of ancestors and the culture of kindred nations, we are left with nothing but abstractions, nothing but baseless utopias to compare ourselves with. No wonder, then, that so many of our distraught citizens label us as the worst nation in the world, or the bane of human history (as some of our noisiest young people and a few disoriented Negroes tell us). For we have wandered out of history. And all in the name of virtue and social conscience!

We have lost interest in the real examples from the human past which alone can help us shape standards of the humanly possible. So we compare ours with a mythical Trouble-Free World, where all mankind was at peace. We talk about the War in Vietnam as if it were the first war in American history—or at least the first to which many Americans were opposed. We condemn our nation for not yet having attained perfect justice, and we forget that ours is the most motley and miscellaneous great nation of history—the first to use the full force of law and constitutions and to enlist the vast majority of its citizens in a strenuous quest for justice for all races and ages and religions.

We flagellate ourselves as "poverty ridden"—by comparison only with some mythical time when there was no bottom 20 percent in the economic scale. We sputter against The Polluted Environment—as if it was invented in the age of the automobile. We compare our smoggy air not with the odor of horsedung and the plague of flies, and the smell of garbage and human excrement which filled cities in the past, but with the honeysuckle perfumes of some nonexistent City Beautiful. We forget that even if the water in many cities today is not as spring-pure as palatable as we would like, for most of history the water of the cities (and of the countryside) was undrinkable. We reproach ourselves for the ills of disease and malnourishment, and forget that until recently enteritis and measles and whooping cough, diphtheria and typhoid, were killing diseases of childhood, puerperal fever plagued mothers in childbirth, polio was a summer monster.

Flooded by screaming headlines and hourly televised "news" melodramas of dissent and "revolution," we haunt ourselves with the illusory ideal of some "whole nation" which had a deep and outspoken "faith" in its "values."

We become so obsessed by where we are that we forget where we came from and how we got here. No wonder that we begin to lack the courage to confront the normal ills of modern history's most diverse, growing, burbling Nation of Nations.

Our national hypochondria is compounded by distinctively American characteristics. The American belief in speed, which led us to build railroads farther and faster than any other nation, to invent "quick-lunch" and self-service to save the terrible ten-minute wait, to build automobiles and highways so we can commute at 70 miles an hour, which made us a nation of instant cities, instant coffee, TV-dinners, and instant everything, has bred in us a colossal impatience. Any social problem that can't be solved instantly by money and legislation seems fatal. Our appliances and our buildings and our very lives seem out of date even before they are ready for occupancy. What can't be done right now seems hardly worth doing at all.

Some of these current attitudes are themselves the late-twentieth-century perversions of the old American Booster Spirit, which has had no precise parallel anywhere else. Totalitarian nations have been marked by their obsession with "planning"—with five-year plans and ten-year plans. But planning expresses willingness to accept a sharp distinction between present and future, between the way things are and the way they might be. And that distinction has never been too popular in the U.S.A. The nineteenth-century Boosters of Western cities defended their extravagant boasts by saying there was no reason to wait, if you were actually bragging only about things that were certain to happen. To them the beauties of Oleopolis or Gopher City were none the less real simply because "they had not yet gone through the formality of taking place."

This Booster-Vagueness has always made Americans wonderfully unpedantic about the distinction between the present and the future. The amiable vagueness, which once gave an optimistic nineteenth-century America the energy and the hope to go on, still survives. But in a hypochondriac twentieth-century America its effects can be disastrous. Now that very same extravagant vagueness leads some Americans to believe that every battle is Armageddon—and that the battle is already lost. And that the nation is none the less dead simply because the national demise "has not yet gone through the formality of taking place."

An immigrant nation, without an established religion and without political dogma, had to depend heavily on its sense of a shared past (and a shared future). American history itself was an antidote to dogmatism and utopianism. It proved that a nation did not need to be altogether one thing or another. Federalism was a way of combining local control with national government. Ethnic pluralism was a way of allowing people to keep as much as they wanted of their Old World language, religion and cuisine—to live among themselves as much as they wished. The immigrant was not compelled either to keep or to abandon his Old World identity. Free public schools, and the American innovations of the free high school and the public college, tried to have standards and yet give everybody the same commodity. The nation aimed to preserve "free private enterprise" (freer and on a larger scale than anywhere else) and yet to provide social security, farm price supports and other insurance against the free market. On a priori grounds, each and all of these would have seemed impossible, and they were all messy, philosophically speaking.

The best antidote, then, against ruthless absolutes and simple-minded utopias has been American history itself. But that history becomes more and more inaccessible when the technology and institutions of our time imprison us in the present. How can we escape the prison?

First, we must awaken our desire to escape. To do this we must abandon the prevalent belief in the superior wisdom of the ignorant. Unless we give up the voguish reverence for youth and for the "culturally deprived," unless we cease to look to the vulgar community as arbiters of our schools, of our art and literature, and of all our culture, we will never have the will to de-provincialize our minds. We must make every effort to reverse the trend in our schools and colleges—to move away from the "relevant" and toward the cosmopolitanizing, the humanizing and the unfamiliar. Education is learning what you didn't even know you didn't know. The last thing the able young Negro needs is "black studies"—which simply re-enforces the unfortunate narrowness of his experience and confines him in *his* provincial present. We all need more ancient history, more medieval history, more of the history and culture of Asia and Africa.

Then, we must enlarge and widen and deepen what we mean by our history. The preoccupation with politics which has been the bane of the history classroom fosters the unreasonable notions that today governments are the root of all good and evil. The self-righteous effort by self-styled prophets of self-vaunted new "schools" of history would make history a mere tool of contemporary polemics, and so destroy the reason for exploring our past. They would make men of all other ages into the slaves of our conceit—to be used only for our purposes. We must make our history more total by incorporating the past that people lived but that historians have not talked much about. In the United States this means an effort to make more of the history of immigrants, of the history of technology, of the history of everyday life, of business and advertising and housing and eating and drinking and clothing. Democratizing our history does not mean perverting it to the current needs of demagogic or "revolutionary" politics. It does mean enlarging its once-pedantic scope to include the whole spectrum of the ways of life of men and women.

When we allow ourselves to be imprisoned in the present, to be obsessed by the "relevant," we show too little respect for ourselves and our possibilities. We assume that we can properly judge our capacities by the peculiar tests of our own day. But we must look into the whole Historical Catalogue of man's possibilities. To be really persuaded that things can be otherwise, we must see how and when and why they have actually been otherwise.

To revive our sense of history is surely no panacea for current ills. But it surely is a palliative. It may help us discover what is now curable, may help us define the timetable of the possible, and so help us become something that we are not. If history cannot give us panaceas, it is the best possible cure of the yen for panaceas. And the only proven antidote for utopianism.

"The voice of the intellect," observed Sigmund Freud (who did not underestimate the role of the irrational) in 1928, "is a soft one, but it does not rest until it has gained a hearing. Ultimately, after endlessly repeated rebuffs, it succeeds. This is one of the few points in which one may be optimistic about the future of mankind." Beneath the strident voice of the present we must try to hear the insistent whisper of reason. It does not sound "with it." It speaks only to the attentive listener. It speaks a language always unfamiliar and often archaic. It speaks the language of all past times and places, which is the language of history.

DEPARTURE OF A PROFESSIONAL STAFF MEMBER

Mr. JACKSON. Mr. President, on January 31, 1971, Mr. Stewart French retired from the professional staff of the Senate Committee on Interior and Insular Affairs.

It will be recalled that the more formalized system of professional staffing of Committees of Congress as we know it today was established by the 79th Congress in the Legislative Reorganization Act of 1946.

The intent of the act in pertinent part was that our committees should be staffed by highly skilled, impartial experts who would serve the Congress without regard to partisan, political or personal considerations.

The long service of Stewart French exemplifies one of the instances in which the intent and purpose of this Act of Congress has been fulfilled.

Stewart had served on the professional staff of the Interior Committee for almost 22 years, and as its chief counsel since 1954. Prior to his appointment to the committee at the beginning of the 81st Congress in 1949, he had been a lawyer and a newspaperman in various capacities in both Government and private enterprise.

Stewart's career on the Interior Committee staff is an example of the way the professional staff system was intended to work. He served under six different chairmen—four Democratic and two Republican. He served the members on both sides of the committee table with equal professional skill, willingness, and enthusiasm. Among the major legislative achievements in which he had a key staff role are Statehood for Alaska and Hawaii; the Submerged Lands Act; the Outer Continental Shelf Lands Act; and the Land and Water Conservation Fund Act, to name a few. We will miss him very much.

Mr. President, at its most recent executive session, the Interior Committee adopted a resolution respecting Stewart French's departure. I ask unanimous consent that the text of this resolution and the appended letter be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS,
Washington, D.C., February 3, 1971.

MR. STEWART FRENCH,
Chief Counsel, Senate Committee on Interior and Insular Affairs, Washington, D.C.

DEAR STEWART: On behalf of the other members and myself, I want to express our sincere appreciation to you for the twenty-two years of dedicated public service which you have rendered to this Committee, the United States Senate, and to the Nation.

Those of us who have worked with you through the years and who are familiar with the operations of the Senate know and appreciate the key role which you have played in initiating and shaping the important legislation which this Committee has handled over the past two decades. Your accomplishments and the zeal with which you have served this Committee and the Senate will long be remembered.

The Committee wishes you and Polly the very best in the months and years ahead. I hope that both of you will have a well-deserved opportunity to relax, travel, and enjoy some of the great national park and recreation areas which you helped preserve for the Nation.

With best personal wishes,
Sincerely yours,
HENRY M. JACKSON, *Chairman.*

SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

RESOLUTION

Whereas, Stewart French did serve as a member of the professional staff of the Senate Committee on Interior and Insular Affairs for some 22 years, having been appointed with the full concurrence of the membership of the Committee, by the late Senator Joseph C. O'Mahoney, then Chairman, at the beginning of the 81st Congress in 1949; and

Whereas, Mr. French did serve under six different Committee Chairmen, four of whom were Democrats and two of whom were Republican; and

Whereas, Mr. French's services, both professional and personal, were always equally available to all Senators on the Committee from either Party and were rendered with professional skill, enthusiasm, and conscientiousness in conformity with the highest traditions of the legal and newspaper professions of which he was a member; and

Whereas, Mr. French's career on the professional staff of the Committee does illustrate and exemplify the standards, intent, and expectation of the Congress in establishing and maintaining the concept and system of expert, non-partisan professional staffs for Committees of Congress;

Now therefore, be it resolved, That the Members of the Senate Committee on Interior and Insular Affairs in Executive Session assembled do hereby concur in and adopt as its own the letter addressed to Stewart French by the Chairman, dated February 3, 1971, as the expression of the Committee's regard for him. A copy of the said letter is attached to and made a part of this Resolution.

HIGHER EDUCATION OPPORTUNITY ACT OF 1971

Mr. GRIFFIN. Mr. President, last Thursday, March 4, 1971, I was pleased to join the distinguished Senator from Vermont (Mr. PROUTY) as a sponsor of S. 1123, the Higher Education Opportunity Act of 1971.

The aim of this legislation, as President Nixon put it, is to insure "that no qualified student who wants to go to college should be barred by lack of money."

Through a combination of grants, work-study payments, subsidized loans, and loan guarantees, this legislative package advanced by the administration would make it possible for every qualified student, regardless of economic status, to obtain such financial assistance as may be necessary to go to college.

This is a subject in which I have been interested for a long time. In 1958, I co-authored the national defense student loan program which became part of the National Defense Education Act.

It is a source of considerable satisfaction to me that since 1958 as many as 2,750,000 students have benefited from the national defense student loan program.

During the development of that legislation in 1958, I worked closely with the present Secretary of the Department of Health, Education, and Welfare, Elliot L. Richardson, who served then in the same Department. Once again, I am pleased to have the opportunity to work with Secretary Richardson in an effort to build on the national defense student loan program and to expand educational opportunities for those who are qualified to attend college.

Under S. 1123 the national defense student loan revolving fund would continue in its present form. While additional Federal money would not be added to this fund, it is estimated that $1 billion in new money for subsidized and guaranteed loans would be made available from nongovernment sources under the legislation through creation of the proposed National Student Loan Association.

Mr. President, this is important, meritorious legislation. I hope it will receive early and favorable consideration by the Congress.

Mr. President, I ask unanimous consent that the text of a statement concerning this proposal presented March 3, 1971, by Secretary Richardson before the Senate Subcommittee on Education be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY HONORABLE ELLIOT L. RICHARDSON, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, BEFORE THE SUBCOMMITTEE ON EDUCATION, COMMITTEE ON LABOR AND PUBLIC WELFARE, U.S. SENATE, WEDNESDAY, MARCH 3, 1971

Mr. Chairman and Members of the Subcommittee: Last week the President sent to the Congress his second special message on higher education, urging your prompt action on proposals which would greatly expand higher education opportunities for the people of this Nation. I am pleased to be with you this morning to discuss these proposals and to join the President in urging your immediate attention to this matter of great national concern.

The President's program for expanding higher education opportunities is based on two important proposals: expansion and reform of student financial aid programs and the encouragement of basic structural changes in higher education through the establishment of the National Foundation for Higher Education. For the first time in the history of Federal higher education policy, this Administration is also submitting a budget which requests sufficient funds to support its commitment to expanded educational opportunities.

EXPANSION AND REFORM OF STUDENT AID

The basic tenet of our program for the reform and expansion of student aid programs is the commitment that no qualified student who wants to go to college should be barred by lack of money. The legislative proposal which is before you provides that Federal funds would go first, and in the largest amounts, to the neediest students, placing them on an equal footing with students from higher-income families. In addition, the proposal provides that needy students would have advance assurance of the type and amount of Federal assistance they could expect to get for their college education.

Commissioner Marland and Mr. Muirhead will develop the profound significance of this new direction in Federal policy. For the time being, I would like to emphasize that we are proposing nothing less than an assured level of basic Federal support for every student from a low-income family who is qualified to enter college. This assurance will have an important effect on the college aspirations of high school, and even elementary school, students. In addition, it will provide, as never before, a degree of freedom for college-bound students from low-income families to choose among a variety of educational institutions with an assurance of a basic level of Federal support, regardless of which type of institution they choose to attend.

The Administration's improvements in the existing student aid programs have five major purposes:

To assure the availability of funds to every qualified student.

To assure that Federal funds go first, and in the largest amounts, to the students who need them most.

To provide potential students with as accurate information as possible concerning the aid they can expect.

To assure that all students of equal need are treated alike.

To provide additional financial aid to students attending high cost institutions.

The Administration is recommending a coordinated student aid system with two parts: (a) a combination of grants, work-study payments, and subsidized loans for undergraduate students with low to middle incomes attending post-secondary educational institutions as well as proprietary institutions of higher education; and (b) creation of a National Student Loan Association to raise money privately and make it available for all post-secondary students at all income levels.

The basic concept of the student aid system is that all students whose families can be expected to make the same contribution should have the same help available for their education from Federal sources. The combination of family contributions plus Federal grants, work-study payments, and subsidized loans would be enough to enable any student to meet minimum education expenses.

The system would work in the following manner: Each year the Secretary of HEW, after conferring with the Advisory Council on Financial Aid to Students, would publish a schedule indicating the amount of Federal funds available to students at different income levels. The college or university would calculate each student's eligibility for aid by determining the expected family contribution toward his educational costs. This determination would take into account such factors as the size of the family, the number of children in college, extraordinary family expenses, and capital assets. The deficiency between expected family contribution and the amount of resources the student should have available to him would be met by a combination of grants, work-study payments, and subsidized loans.

It should be noted that what we are proposing represents a Federal floor for educational assistance. Added to this floor will be, in a majority of cases, financial aid from State sources, institutional aid, and private financial assistance, which amounted to an estimated total of $994 million in academic year 1969–70. As an example of State programs that are available, I might note that in New York, State assistance this year will aid about 250,000 students with an average award of $280. In Ohio, a student enrolling in a private institution from a family with an income of under $3,000 receives a $900 State grant. If he enrolls in a public institution, he receives a $300 grant. In either case, that assistance would be added to his eligibility for Federal assistance. Many other States have similar programs of student aid. Institutions, particularly private ones, also devote a significant portion of their income to student assistance. We would anticipate that they would use those funds to provide supplemental awards for low-income students and whatever limited assistance might be needed for students not qualifying for direct Federal subsidy. Of course, in no instance would Federal aid, combined with other aid, exceed the cost of education at the institution in question.

Mr. Chairman, it has been charged that our proposal ignores the problems faced by middle income families in putting their children through college. I would like to emphasize how untrue this is by pointing out to the committee some concrete examples of how our proposals would work under the President's budget commitment:

A family with $12,000 income and three children in college would be eligible for almost $1,000 per student just in basic grants and loans.

Children from large families with incomes over $15,000 would often be eligible for up to $1,500 per student in "cost-of-education" loans subsidized at the very favorable rates of the NDEA loan program.

Each child from a small family with income of $13,500 and with only two children, both in college, but with medical expenses of $2,400, would be eligible for basic subsidized loans of almost $400 per student and additional subsidized cost of education loans.

If these are not "middle-income families," Mr. Chairman, I have to ask what kind of families we mean when we use this phrase. Median family income in the United States is about $9,800. I would suppose that families in the brackets on either side of this line are truly "middle income." And these families *are* going to be helped—not just by loan guarantees, but by substantial grants and subsidy allowances.

We feel that the concept of relating student aid to family contribution, and hence to family income available for support of the student's education, is the only workable way to determine the extent and type of Federal student assistance. The use of the amount of Federal income tax paid by a family, as proposed in S. 659, to determine Federal student assistance is, according to economists, nearly always more regressive than adjusted family income.

I cannot over-emphasize at this point the fact that under the Administration bill, eligibility for student assistance will be made on the basis of family income and claims on that income. The key individual in this equation will be the college financial aid officer who will make the determination of adjusted family income, and hence qualification for direct Federal subsidy.

The commitment of this Administration to increasing student aid is reflected in the President's budget for FY 1972. That budget calls for a $575 million appropriation for education opportunity grants and work-study in FY 1972, a 70% increase over the current year. It also provides funds to subsidize nearly four times the volume of loans covered in the FY 1971 budget. We believe this demonstrates quite clearly the commitment of this Administration to higher education.

The President's proposal will also provide dramatically increased access to Federally guaranteed loans for all students, regardless of their families' financial status. In the past, the supply of guaranteed loans has been arbitrarily restricted by the lack of a secondary market which could buy student loan paper and provide lenders with new loan capital. To meet this problem, we propose the establishment of the National Student Loan Association, with authority to buy and warehouse student loans made by institutions of higher education and commercial lenders. We estimate that this new marketing institution would suply as much as $1 billion in new lendable funds for guaranteed loans.

NSLA would be a private corporation, chartered and established by the Federal government. It would raise funds by issuing its own obligations for sale in private capital markets. These obligations would be guaranteed against default by the government, allowing the NSLA to pay a lower rate of interest.

With the proceeds from its sales, NSLA would buy, sell, or warehouse student loan paper from colleges, banks, or other eligible lenders. Typically, a college without funds of its own to invest in student loans would make a loan to a student and then turn immediately to NSLA to sell the student's note and regain liquidity. To insure the operation of NSLA and ease the transition into a secondary market, the fiscal 1972 budget calls for an appropriation of $400 million, which would be used to assist colleges in making loans and would be returned to the Treasury after NSLA begins operation.

NSLA would significantly increase the flow of funds into student loan markets. Both banks and colleges would be encouraged to do more student lending.

There are proposals for a secondary market before both the House and Senate which provide only for warehousing of student loans. While the warehousing function, which involves cash advances to be repaid by the lender, is vital to a secondary market institution, authority to buy and sell student loans is also essential.

Finally, several other features of the President's student aid proposals merit attention:

Educational Opportunity Grants would continue as the basic grant program, but without matching requirements.

The College Work-Study Program would continue. Colleges would continue to match work-study funds provided by the Federal Government (one dollar for four), but this requirement would be waived for institutions or work programs which it would hamper.

National Defense Student Loan benefits would continue. However, lendable capital would come from the private money markets rather than the Federal Treasury.

Institutions of higher education would preserve the option, within national limits set by the Commissioner of Education, of determining the mix of grants and work-study payments appropriate to the individual student.

The Guaranteed Loan Program would continue to be open to all college students, however high their family incomes. The interest subsidy paid by the Federal government on student loans to above-average-income students while they are in college and the special allowance paid to banks would be eliminated.

Loan ceilings would be raised to $2,500 annually and would apply to the aggregate of both subsidized and unsubsidized loans.

The length of the maximum permissible loan repayment period would be increased to twenty years from the present ten.

The student could prepay his loan at any time without penalty.

RENEWAL, REFORM, AND INNOVATION

Providing increased access to higher education is only one part of the Administration's strategy for expanding higher education opportunities. The President said in his Message on Higher Education, "If we are to make higher education financially accessible to all who are qualified, then our colleges must be prepared both for the diversity of their goals and the seriousness of their intent." To encourage basic structural change in higher education and to provide new and more meaningful educational options for students, the President proposes to establish the National Foundation for Higher Education.

For too long the relationship between the Federal Government and the Nation's colleges and universities has aggravated rather than solved problems. In many cases, the Federal Government has hired universities to do work which has had little or no relationship to their essential functions. The National Foundation for Higher Education will forge a new and constructive partnership for basic change and innovation designed to meet the needs of the American public.

Mr. Chairman, I understand that I will return tomorrow to discuss in detail the Foundation proposal. Today, however, let me make clear that I am personally responsible for, and am committed to the specific design of the Foundation.

It has been carefully drawn up to achieve independent yet coordinated action. It will be an agency within the Department of Health, Education, and Welfare, run by a Presidentially-appointed Director, and advised by a strong Board. The Director of the Foundation will have close working relationships with the Commissioner of Education and the Director of the proposed National Institute of Education. Since this Administration has made it clear that the Commissioner of Education is the chief education officer, I intend to ask the Director of the Foundation to report to me through him.

I am pleased to see that S. 659, introduced by Chairman Pell, includes a Foundation, as well as a National Institute of Education, another key request of the President in the area of education reform. NIF is also before you as S. 434, which was introduced by Senator Prouty. It would appear that the members of this subcommittee share with the President a major concern for the reform and revitalization of education in this Nation. I believe that our differences can be readily resolved and we can get on with the task at hand—making education more exciting, more challenging and more productive.

During the past year we have consulted frequently with representatives of the higher education community and of the Congress in an attempt to reach accommodation on a higher education bill which would be accepted by all concerned. These consultations have resulted in several important changes in this year's proposals over last year's. We have, for example, added a new component to our student aid proposals—cost of education loans—which will provide benefits identical to those currently received by students under the National Defense Student Loan Program, enabling low and middle income students to attend higher tuition institutions. At the suggestion of Members of Congress and leaders in the higher education community, we have also proposed a new program of loan insurance for private college facilities and requested extension of existing authority for direct loans and grants under the Higher Education Facilities Act. Finally, our consultations have resulted in important changes in our proposal for the National Foundation for Higher Education. We have removed from the Foundation the programs which clouded its reformist image last year, and we have, as noted, modified its structure to place it within the Department of Health, Education, and Welfare.

The Higher Education Opportunity Act also contains a number of other titles and provisions which either extend or modify many existing provisions of the Higher Education Act of 1965, the Higher Education Facilities Act, and the National Defense Education Act. Commissioner Marland will discuss these modifications with you in detail.

CONCLUSION

In closing I would like to emphasize the importance of prompt Congressional action on the President's proposals for higher education. Failure to act immediately could mean a denial of much-needed support for as many as one million students who have not previously had access to Federal student aid programs. Time is of the essence. We must act now in order to assure students and institutions alike that Federal resources will be available for the opening of school in the fall.

The theme common to all of the Administration's higher education proposals is expanding higher education opportunities for all who can benefit from them. The President called for a "new kind of engagement between all the citizens of our society and our system of higher education." I urge the Congress to join in this exciting new effort to make good on our National commitment to equality of educational opportunity.

HALT HEROIN IMPORTS AT SOURCE

Mr. HUMPHREY. Mr. President, heroin addiction is one of the major problems facing our Nation today. There are more than 500,000 heroin addicts in the country today, a quarter of them teenagers.

It is the greatest single cause of death among young persons between the ages of 18 and 35. It is a major cause of street crime in our cities.

Eighty percent of the heroin brought into this country comes from Turkey and 15 percent from Mexico—two of America's political and economic allies.

It is not enough to spend millions fighting drug addiction at home while the poppies grow freely abroad and produce a bumper crop of opium. We must strike at the source.

That is why I am joining the Senator from Indiana (Mr. Hartke) and other Senators in cosponsoring Senate Resolution 64, calling on the President to use all necessary diplomatic and economic means to curtail the production of heroin abroad and to halt it from being illegally imported into the United States.

SST SCARE EVAPORATES

Mr. GOLDWATER. Mr. President, for more than a year, now, we have heard a concentrated and almost unending stream of charges concerning the SST and environmental pollution. At times it seemed as though reason and fact were to be given no weight in the consideration of this problem. The campaign of the opponents of the SST was so massive that it seemed to defy the possibility of a factual debate or even a dialog based upon the truth.

As so often is the case, however, the critics of the SST have modified their own punch. They have indulged in so much verbal overkill that the Members of Congress, some segments of the press, and a greater and greater number of American laymen are now beginning to understand the truth.

The fact is that the environmental arguments against the supersonic transport are so negligible that they do not deserve to be taken seriously in a decision over whether the United States is to be permitted to build two prototypes of this airplane of the future.

As the newspaper, the National Observer, observed on March 8 the environmental arguments against the SST "are now in tatters."

The newspaper paid particular attention to a warning from Dr. James McDonald, a University of Arizona physics teacher who argued that a fleet of SST's would cause atmospheric changes and expose Americans to enough greater radiation that it would cause an extra 5,000 to 10,000 cases of skin cancer in the United States. It pointed out that Representative Sylvio Conte, of Massachusetts, who voted against the SST last year drew from Dr. McDonald the fact that he once held a belief that flying saucers may have been responsible for the power brownouts in the Northeastern United States.

Because of the importance that has been given to the environmental arguments against the SST—although very few of them ever held even a small degree of relevance—I ask unanimous consent that the National Observer article entitled "Environmental Scare Over SST Evaporates" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Environmental Scare Over SST Evaporates

(By Jude Wanniski)

The environmental arguments against the supersonic transport (SST) are now in tatters. As a result, chances have improved that later this month Congress will decide to go ahead with the airplane. Of all the horrifying concerns raised by the environmental lobby against the SST, not one has survived a barrage of intense scientific scrutiny.

In hearings last week before a House Appropriations subcommittee, the Coalition Against the SST showed its desperation. The most serious ecological warning came from Dr. James McDonald, a University of Arizona physicist, who argued that a fleet of SST's would cause atmospheric changes that would expose Americans to greater radiation, that exposure would cause an extra 5,000 to 10,000 cases of skin cancer in the United States.

This theory was too much for Rep. Silvio Conte, a Massachusetts Republican who last year voted against the SST. Mr. Conte asked Dr. McDonald if the physicist also believes, as Mr. Conte was told, that flying saucers may have been responsible for the power brown-outs in the Northeastern United States.

"I've kept the same open mind on UFOs as I have on the SST," said Dr. McDonald, who thereupon urged Mr. Conte to scour the Air Force archives for himself to see the evidence that points to the probability of the existence of flying saucers. "I wish I had the time," sighed Mr. Conte.

The most important testimony came from Dr. William Kellogg, associate director of the National Center for Atmospheric Research. Dr. Kellogg last year chaired a symposium of physicists that reviewed the climatic effects of the SST. It concluded that although some additional research was needed, there is no concrete reason for holding up SST prototype development.

Dr. S. Fred Singer, deputy Secretary of the Interior and the chairman of the American Geophysical Union's Committee on Environmental Quality, also gave the project a green light. He told the subcommittee he is "95 per cent sure" the SST would have no significant harmful effect on the environment. And within two years, before the United States would have to decide whether or not to go from prototype to production of SSTs, he believes he can be "99.99 per cent sure."

The environmental lobby should be delighted with its success to date. Through the lobby's pressures, the Administration has ruled out SST flights over land, eliminating the sonic-boom problem. It has also pledged that should the SST fail to get a clean bill of health from the scientific research of the next two years, the plane will not be built. Further, the contractors now promise that the SST will be cleaner and quieter than any of the commercial jets now in use. And if it doesn't meet these higher standards, says the Administration, it will not be certified.

But the lobby, the Coalition Against the SST, is not happy. It simply doesn't want the airplane built. A year ago, the coalition—which includes the Sierra Club, the Friends of the Earth, the Environmental Defense Fund—argued that the SST sideline noise was too high, that it measured 124 EPNdb (effective perceived noise in decibels). The coalition insisted the SST be required to meet the new regulations for subsonic jets, 108 EPNdb. The engine contractor, General Electric, redesigned the engine. It now says it will meet the 108 EPNdb standard. The Sierra Club now insists the requirement be made 98 EPNdb.

REACTION AGAINST PROGRESS

Dr. Singer has a theory about these objections. "Why has there been so much fuss raised about the SST? Why is the conflict focused on this particular new technology? I think the answer is complex, but perhaps one of the important reasons is that the SST has become a symbol. In my view, we are witnessing here a general reaction against all technological progress, and against basic science itself, on the part of a coalition of people which—paradoxically—includes scientists."

In this view, the environmental opposition to the SST is largely unreasoning, more a visceral yearning to see technological progress frozen while a way is found to cleanse water and air. Of course, this is a hopeless ideal, even a counter-productive one, especially since the United States is profoundly enmeshed in global economics. Indeed, only by more rapid advances in the "right kinds" of technology will the nation outrace pollution.

Before the end of this month, Congress will have to decide whether or not the SST is the "right kind" of technology, a decision that should be easier now that the environmental issues have become clearer. The question now: Is the SST an economically sound proposition?

Here, the Administration and the aviation industry acknowledge they will not really know until the prototypes are completed and flight-tested. But they insist the stakes are so high and the odds are so favorable that it would be near criminal not to take the gamble. The Government has already invested $1 billion; it will take $300,000,000 to complete the prototypes.

Since the British and French and the Russians are well ahead in SST development, the Administration says there is the real possibility that if the Congress says "no" on the SST a lot of unpleasant things could happen: a loss of 150,000 jobs in the U.S. aircraft industry; an accumulative loss, by 1985, in the U.S. balance of trade of more than 50 billion; loss to the U.S. Treasury not only the $1 billion so far invested, which would be repaid through royalties, but more than $6 billion in corporate and personal income taxes.

Private industry is in no position to gamble another $300,000,000 to find out if the SST will prove economic. The industry already has a $139,000,000 investment in the plane, and if the prototypes show an economic potential, the contractors will have to find more than $4 billion for production. The Government is playing for bigger stakes. If the SST is not built, industry's loss of potential profits would be small compared with the staggering losses the U.S. Government would face in damage to a basic industry. On this reasoning, the House Appropriations subcommittee last week gave its nod, by a 7-to-2 vote, to the SST.

The environmentalists refuse to recognize the chief reason the SST is attractive to the world's airline companies, although this same reason promises a beneficial impact on the environment: The SST would be twice as productive as the most productive subsonic jet, the Boeing 747. Thus, it would take half as many SSTs as 747s to handle transoceanic traffic.

RHETORICAL TRAP

If it had not been for the continuing advances in productivity in commercial aircraft, the skies would be swarming with airplanes to handle the demand and airports would have to be 10 times their current size. William Magruder, director of SST development in the Department of Transportation, points out that it would take 50,000 DC–3s to handle the air traffic now served by the U.S. jet fleet of 3,000.

In a way, the Coalition Against the SST has been trapped by its own rhetoric. It built the SST into "an ecological disaster" of such monstrous proportions—in the process allying itself with forces that don't want the SST built no matter how benign its environmental impact—that it cannot now gracefully back away.

The same coalition, which includes the American Federation of Scientists and the Council for a Liveable World, also came together to lobby against antiballistic missiles. When these groups join together, seeking strength in unity, they give up independence of action. They find they can't peel out from the coalition once they get what they would normally feel is a reasonable compromise. They must fight to the bitter end with nonnegotiable demands.

The coalition will continue to push the skin-cancer theory, but not with any enthusiasm. It recognizes it now must battle the airplane on economic grounds, and last week presented an economic case.

Russell Brown, a young chemical engineer from Idaho, appeared on the coalition's behalf, submitting a paper that "proves" the SST could not compete with the 747. When a subcommittee member praised him for his testimony, Mr. Brown could not resist boasting that he had worked out his calculations "in two evenings at a dining-room table." The arithmetic, he said, was so simple that "any eighth-grader could do it."

INTERNATIONAL DECADE OF OCEAN EXPLORATION

Mr. HOLLINGS. Mr. President, one of the little heralded programs of marine science, but one which promises great return to the United States, is the International Decade of Ocean Exploration. This program, presently housed in the National Science Foundation, will emphasize the following goals during this decade:

First, preserving the ocean environment by accelerating scientific observations of the natural state of the oceans and its interactions with the coastal margin;

Second, improve environmental forecasting;

Third, expand seabed assessment activities;

Fourth, develop an ocean monitoring system through design and deployment of ocean data buoys;

Fifth, improve worldwide data exchange; and

Sixth, acceleration of planning for international sharing of responsibilities and costs for ocean exploration.

On February 25, Mr. Feenan D. Jennings, recently appointed head of NSF's International Decade of Ocean Exploration program, addressed the American Oceanic Organization. His speech is a concise description of the IDOE. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

PRESENTATION TO THE AMERICAN OCEANIC ORGANIZATION

(By Feenan D. Jennings)

It is a genuine pleasure for me to address this meeting of the American Oceanic Organization. In particular, I am pleased because this is the first opportunity we have had to discuss the International Decade of Ocean Exploration program outside of the foundation.

As most of you know, the Vice President assigned responsibility for the management of the decade program to the National Science Foundation in November of 1969 as one of the President's five initiatives in marine sciences for fiscal year 1971. The Vice President said the United States would propose emphasis in the International Decade of Ocean Exploration on the following goals:

(1) Preserve the ocean environment by accelerating scientific observations of the natural state of the ocean and its interactions with the coastal margin—to provide a basis for (A) assessing and predicting man-induced and natural modifications of the character of the oceans; (B) identifying damaging or irreversible effects of waste disposal at sea, and (C) comprehending the interaction of various levels of marine life to permit steps to prevent depletion or extinction of valuable species as a result of man's activities.

(2) Improve environmental forecasting to help reduce hazards to life and property and permit more efficient use of marine resources—by improving physical and mathematical models of the ocean and atmosphere

which will provide the basis for increased accuracy, timeliness, and geographic precision of environmental forecasts;

(3) Expand seabed assessment activities to permit better management—domestically and internationally—of marine mineral exploration and exploitation by acquiring needed knowledge of seabed topography, structure, physical and dynamic properties, and resource potential, and to assist industry in planning more detailed investigations.

(4) Develop an ocean monitoring system to facilitate prediction of oceanographic and atmospheric conditions—through design and deployment of oceanographic data buoys and other remote sensing platforms;

(5) Improve worldwide data exchange through modernizing and standardizing national and international marine data collection, processing and distribution; and

(6) Accelerate decade planning to increase opportunities for international sharing of responsibilities and costs for ocean exploration, and to assure better use of limited exploration capabilities.

As you must recognize, the goals which I have just quoted are rather broad in their scope, and much of the effort during this first year has been devoted to refining an operating philosophy for the conduct of the program and in identifying more specifically, scientific problems upon which we should focus our attention.

First, I would like to outline three basic points of philosophy which have been used to shape the program and which we will use for the management of the projects during the coming years.

(1) The goals assigned by the vice-president were, in my opinion, well chosen in that they all involved an examination of man's interaction with the oceans. We recognized that a fledgling program such as ours would have to be designed carefully to avoid duplicating the prerogatives and even the assigned responsibilities of on-going Federal agency programs. This meant, for example, that we should not involve ourselves with research into tsunamis, tides, mapping and charting, fisheries research or operational prediction systems, all of which are responsibilities of the National Oceanic and Atmospheric Administration. Nor would we involve ourselves in detailed geological surveys which are rightfully the task of the U.S. Geological Survey; nor in an examination of the environmental quality of rivers and estuaries which, at first glance, are the responsibility of the environmental protection agency and the Federal Water Quality Administration. Having blocked out those areas which were not our concern, we then attempted to arrive at an operational philosophy which would take advantage of existing talent and resources, to stretch the money available to IDOE as far as possible in attaining the goals outlined. We concluded that IDOE and other agencies could enhance each other's activities. This could be done with the Department of Defense and other agencies by encouraging cooperation on research projects. For example, the Navy in pursuit of an oceanographic environmental prediction capability, might support research in air/sea interaction; the IDOE, charged with the task of improving environmental forecasting for the benefit of mankind, would also need to examine the processes involved in the exchange of matter and energy between the atmosphere and the oceans. If we could combine our interests and our support in looking at large-scale air/sea interaction processes, it would benefit the goals of both the Navy and the decade programs.

The other method by which we could stretch our resources, and which was an inherent part of the decade program, would be to encourage and foster international cooperation in programs to which all participating countries actively contribute. Thus, we will seek joint support of the IDOE scientific investigations from other countries whenever it is mutually advantageous to do so.

(2) We have attempted to identify, within the broad goals outlined by the Vice President, rather specific scientific problems which are—at this time—particularly susceptible to a concerted attack by the research community. This may be occasioned by the state of our theoretical understanding of a problem, or by recent advances in our technological capabilities to examine the problem, or by some combination of these and the scientific community's present involvement in them.

(3) Having identified the problems which are particularly amendable to solution by a concerted effort, we would then focus the necessary scientific talent on the problem, and provide enough resources, in terms of technology, equipment, and technical assistance, to offer the hope of really obtaining the answers to significant questions. The combined results of these philosophies is a program which focuses on a very few carefully identified scientific problems and which involves most of the scientists concerned with those problems on an inter-institutional, inter-agency, international basis.

Those philosophies then are the major operating tenets of the program.

I would now like to address the programmatic aspects of the IDOE. Three of this six goals outlined by the Vice-President fall into categories which I would define as support functions:

(1) The first of these is the development of technology for monitoring the environment. While we recognize the importance of applying truly modern technology to oceanic investigations, we do not believe that the level of funding presently available to the program will permit the support of technological development in the general sense. Instead, we will support that technology required by the IDOE scientific programs as necessary. This will involve participation by industry whereever possible. As the program grows in size and sophistication, increasing involvement of the technological excellence of industry will be required. In addition, we will foster the growth of the National Oceanographic Instrumentation Center by supporting that organization's direct involvement in the testing, calibration, and engineering evaluation of the instruments to be used in the scientific program.

(2) The second support function involves the improvement of national and international data exchange through modernization and standardization of our present systems. Once again we decided that it was not feasible to support such a program in general terms, but that it would benefit the scientific research efforts as well as the existing data management organizations if we were to involve the data centers directly in the scientific projects. Accordingly, we have made arrangements by which the environmental data centers of NOAA and the sorting centers of the Smithsonian will participate in the IDOE through the following procedures: (A) the data centers will review the research proposals submitted to the IDOE by the scientific community to insure that adequate attention has been paid to the reduction and processing of the scientific data resulting from the work; (B) the data centers and the scientists will agree on formats for submission of the data and on schedules for delivery of the data to the centers; and, (C) the data centers will estimate the added costs of handling data resulting from the decade program, over and above their on-going responsibilities, so that proper funding for those centers may be provided by the IDOE.

(3) The third support function—which is really more of an objective—concerns international sharing of responsibilities. In a sense the decade program—as we see it—is quite different from previous international cooperative studies of the oceans. For example, the international Indian Ocean expedition and the international cooperative investigations of the tropical Atlantic concern themselves with cooperative assaults on a given geographic area of the world oceans. The IDOE on the other hand, will focus on *scientific problems* which will more properly involve cooperation between various countries on a scientist-to-scientist basis, rather than a broad commitment from each country to mount an exploratory expedition to a given geographic area in an agreed upon time period.

Thus, the major emphasis on international cooperation will be to insure that the principal investigators in this country contact their counterparts in other countries and encourage their participation in the programs whenever possible. In addition, we at the program management level will present our overall program plan to intergovernmental organizations in order to obtain their assistance and support.

Having presented to you our general approach to the management of the decade program, I would now like to describe the scientific programs which we have identified within each of the three broad goals outlined by the vice president.

Although one of the primary goals of IDOE is to stimulate integrated long-term studies of environmental quality of the ocean, it quickly became apparent to the office that markedly lacking was any set of baseline data or other information against which the validity and objectives of proposals could be weighed. Unless such information is obtained, there is the danger of ending the decade without answering important questions relating to the quality of the environment.

Two national academy of sciences panels met in 1970 with the primary intent of identifying pollutants of concern in the marine environment. The first, GNEM (Global Network for Environmental Monitoring—IBP: NAS), listed among the elements and compounds of concern a suite of heavy and transitional metals including mercury, lead, cadmium, arsenic, copper, and zinc; oil and hydrocarbons of petrochemical origin; chlorinated hydrocarbons; and polychlorinated biphenyls. Subsequently, a second panel (NASCO—Williams College) recommended that no monitoring program be supported until the completion of adequate baseline studies which identified sources and rates of input, presence or absence of specific pollutants, and concentrations occurring in the ocean at present. The panel estimated that the goal could be reached in one to two years.

To accomplish the objectives outlined at the Williams College conference, primary consideration should be given to a study of the areal and shore-seaward distribution of pollutants, focusing on sources of injection into the marine environment. Specifically, these include (1) rivers (seaward from their mouths), (2) the atmosphere, and (3) accidental or intentional spillage—the first, best studied where water enters the ocean from areas of high population and industrial density; the second, at points remote from land but under the major wind systems.

Recognizing that associated problems differ from one geographical area to another, the office has invited study proposals with the intent of supporting separate studies in the North Atlantic, Northeast Pacific and Gulf of Mexico. The objectives are:

(1) To identify major suspected and unsuspected pollutants and their sources;

(2) To identify ocean processes affecting the dispersal, sedimentation, and fate of pollutants;

(3) To identify or predict the impact of pollutants on the biosphere as well as their

effect on esthetic and commercial uses of the oceans; and

(4) To identify areas of the ocean where one might expect to find high concentrations of pollutants.

Using these guidelines, surveys to obtain baseline information of the presence or absence of specific pollutants and their concentrations in the biota, sediments, and water will be made preceding the study programs. Once completed, the studies will provide adequate information to permit the logical development of sophisticated research projects to study the biological amplification, chemical reactions, ultimate fate and effect of pollutants and so forth. We have identified responsible groups in the Atlantic and Pacific and are considering the proper approach to the gulf and Caribbean.

In addition to the pollutant baseline studies, we hope to support a program to determine the present day distribution patterns of all the most important oceanic tracers—both physical and chemical—along north-south transects of the three major oceans of the world. This work will be important to our program in environmental quality, and to our long-range interests in predicting environmental conditions.

In the area of environmental prediction, we feel much more comfortable in identifying those scientific problems which hold the most hope for pay-off to the benefit of man.

The progress in both the theory and the measurement of upwelling processes over the past few years has reached the point where a concerted scientific research effort into coastal upwelling systems may give us the capability to make some early attempts at predicting the onset of upwelling. It has been estimated that over 50 percent of the world's fish catch is made in upwelling areas. If we are able to improve our capability to predict the onset of upwelling and to understand the processes taking place within the food chain, it will surely result in an increase in man's use of the oceans as a source of food.

Another program which presently has the attention of the majority of East Coast physical oceanographers is the study of the role of medium-scale eddy processes in ocean circulation. As a result of the work over the last several decades we now know something about the mean circulation of the oceans, but we have no real understanding of the perturbations which take place. We also know that a large percentage of the energy involved in such perturbations occurs on scales equivalent to the quasi-geostrophic eddies which have been observed in the Northern Atlantic over the past several years. We hope to support a program which attempts to delineate these eddies with the ultimate goal of understanding the dynamic processes which control their generation and decay.

Another area of environmental prediction which in my opinion holds great promise for pay-off is the study of the large-scale air/sea interaction processes taking place in the north Pacific. We are considering supporting a program of synoptic observations, combined with theory, which will provide us with the understanding of energy exchange between the ocean and the atmosphere. The goal of the program is to provide the proper scientific basis for increasing our long-range weather forecasting both in the marine environment and over the North American Continent. Other important parts of our environmental prediction effort are an examination of water mass formation and abyssal circulation which are important in the distribution of heat energy and pollutants in the ocean. In addition, the top layers of sediments from areas of rapid sediment deposition can be used to identify climatic changes which have occurred in the past. A knowledge of such changes will allow us to determine whether man is influencing changes now observed, or, whether they are naturally cyclic events which have nothing to do with our activities.

In the area of seabed assessment we hope to focus much of our attention on the study of the rift valleys of the mid-ocean ridge systems to determine whether the hot mineral brines observed in the Red Sea—which is itself a rift valley—might also be taking place in the deep sea. We also considered that the deep ocean trenches should be studied for two reasons: First, men are considering the deep trenches as a place for the disposal of some kinds of wastes on the basis that such waste will be buried as the sea floor slides under the continent; and, second, there is a great deal of seismic activity associated with the ocean trenches and there is a good possibility that mineralization may also be taking place there. We intend, therefore, to support research which will help us determine whether our theories are correct; if they are, an understanding of the generating mechanisms may help us to predict the occurrence of resources on the floor of the ocean.

Our understanding of the geophysical framework of the continental margins under the oceans of the world is by no means uniform. We believe that a search for minerals on these margins will require a knowledge of the geophysics of these areas and intend to support studies along continental shelves While we may support a few fine grain surveys to look at the geology of selected areas, this will not be a major thrust of our seabed program on the continental margins.

I am personally very excited about the scientific program which I have just outlined because this is the first time we will be able to bring the necessary resources to bear to provide us with the hope of obtaining some meaningful answers from our research. Although I cannot tell you today which individual projects will be funded to carry out this program, I can say that if we expend the money according to our present plan in fiscal year '71, we will spend 2.8 billion in environmental quality, 7.3 million in environmental prediction, and 4.9 million in seabed assessment. In 1972 we anticipate that these ratios of expenditures will shift as we begin to undertake full-scale investigations into the quality of the ocean environment.

The philosophies and the scientific program which I have just described have been presented to and approved by the National Science Foundation-International Decade of Ocean Exploration Advisory Panel made up of representatives from academic institutions and industry; by the inter-agency decade planning group which is composed of representatives from all government agencies; and, tentatively, by the IODE planning panel of the National Academy of Science Ocean Affairs Board and National Academy of Engineering Marine Board, which was responsible for the drafting of "an oceanic quest". We will continue to seek the advice of these groups as the program progresses.

The true strength and ultimate success of the International Decade Oceanography program will hinge on the scientific excellence of the research effort. While we will not neglect such important aspects as international cooperation, technological advancement, and the proper management of data, our major effort has been and will continue to be directed toward ensuring that the programs we support are of the highest quality. It is only through this approach that we shall make real contributions to man's understanding, treatment, and usage of the oceans during the coming decade.

FRANCO-AMERICAN COOPERATION IN CONTROL OF DRUG TRAFFIC

Mr. MATHIAS. Mr. President, it is obvious that any effort to control the drug traffic and to curb drug abuses will require international coordination for success. This is particularly true in the case of the United States and France. Our close cultural ties and the attraction of Paris for young Americans, our relative positions in the Atlantic Community and France's geographic position athwart the immemorial paths of trade between East and West all require intimate partnership to control the problems related to drugs.

Over a year ago, I visited the headquarters of the French police in Paris and spent an entire day in discussion of drug problems and related juvenile offenses. In January of this year I met with the Honorable Arthur K. Watson, U.S. Ambassador to France for a discussion of the drug problem and the steps he has been taking to improve controls on a bilateral basis. The Ambassador has been personally committed and extremely active in this area. I am happy to observe that there has been a considerable improvement in both attitudes and practice during the year that has elapsed between these two conferences.

It gives me a great deal of satisfaction, therefore, to note that the United States and France signed a historic drug control pact on February 26, 1971. It puts the two countries squarely on record to do something about the illicit narcotics and dangerous drug traffic.

The agreement was signed in Paris by Attorney General John N. Mitchell and French Interior Minister Raymond Marcellin.

It is historic in that it is the first written cooperative law enforcement agreement between two countries.

The pact, which is the result of about a year's work by top American and French officials, spells out in detail how narcotic agents of both countries work together in combatting the problem, particularly trafficking through France.

A section of the protocol preamble sets forth its basic purpose. It says in part:

> Close cooperation and mutual assistance are, therefore, essential to enable the services to meet their respective obligations in combatting the traffic narcotics and dangerous drugs.

The protocol spells out in detail the stationing of American personnel in France and French personnel to the United States to work in the common effort.

It also outlines how the two governments will conduct joint investigations and exchange intelligence and pool their resources. American agents are assigned to Paris and Marseilles and two French agents are already assigned to the New York Office.

Of primary importance to the two countries is the detection of heroin conversion laboratories in southern France and the interdicting of heroin being shipped into the United States.

Although many provisions of the protocol are already in existence, it will clarify duties and matters of cooperation.

More than anything, the protocol is symbolic of two concerned governments and their commitment to wage a vigorous attack on the illicit narcotics traffic.

Mr. President, strong efforts are being made by the Nixon administration to stem the flow of illicit drugs from Europe to America.

France and the United States have worked together in the past when critical problems confronted them.

I ask unanimous consent to have printed in the RECORD the text of Attorney General Mitchell's statement made at the signing ceremony in Paris, and an editorial from the Washington Daily News of Monday, March 1.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
February 26, 1971.

Attorney General John N. Mitchell read the following statement during the signing of an agreement between France and the United States to formalize their activities in the fight against international trafficking in drugs:

My good friend, Minister of the Interior Marcellin, and other distinguished officials and guests of France and the United States:

Our action today in signing this agreement is another noble chapter in the history of comradeship between our two countries.

Nearly two hundred years ago, we first fought together to achieve liberty on the other side of the Atlantic Ocean.

In this century we have twice been comrades in arms to preserve liberty on this side of the Atlantic, and throughout the world.

Today our two nations are, in a sense, striking another blow for liberty.

The enemy we face destroys men's liberty and makes them slaves of a drug habit.

Frenchmen and Americans have conquered tyrants together, and together we can put an end to this growing tyranny of drugs.

For many years, both of our countries have been attacking the narcotics traffic together.

We have joined other nations in getting the United Nations to establish a special fund to fight drug abuse. I am happy to report that the United States has pledged $2 million to this fund this year.

France and the United States played leading roles during the recent conference on the Convention on Psychotropic Substances that ended in Vienna last Sunday. I would like to note that one of the most effective representatives there was Dr. Jean Mabileau of France, who was chairman of the important Control Measures Committee.

And, of course, French and American law enforcement authorities have been cooperating closely in striking at international drug traffickers. Much progress has been made in arrests and seizures in both countries.

Today we are formalizing and extending this effort through this agreement.

Other international agreements have controlled the legitimate production of drugs and outlawed all other production. But something important was missing.

This agreement provides for cooperation between our nations in drug law enforcement.

The next great step is for other countries concerned with the drug traffic to join in formal agreements for police cooperation in this field.

If America and France dedicate themselves to rigid enforcement of this agreement.

And if our cooperation can light the way for other nations to make and enforce similar agreements . . .

Then I predict that the tyranny of narcotics can be encircled and overthrown.

The implementation of this agreement is now in the hands of the French Police Judiciaire and the American Bureau of Narcotics and Dangerous Drugs.

I am proud that in this crusade, as in others of the past, the banners of America and France are flying together in the vanguard.

ON THE DRUG FRONT

Attorney General John N. Mitchell has just signed an agreement with French Interior Minister Raymond Marcellin which pledges the United States and France to a joint fight against the drug traffic.

Mr. Mitchell said the new pact commits the two countries to trade information, run joint investigations and station French agents in the United States and U.S. agents in France.

He said this cooperation, now formalized in writing, already has resulted in the seizure of hundreds of pounds of dope and about 20 arrests.

The U.S. Customs Bureau reported that its "canine corps" has sniffed out large quantities of marijuana and hashish at entry ports, enabling agents to make more than 175 seizures.

These examples of Government action illustrate one aspect of the drug problem—disrupting the traffic, keeping the stuff off the market.

Another news item underlines the other aspect, which probably is even more difficult than enforcement—trying to talk student addicts out of the habit.

An organization called the National Council on Drug Abuse Education and Information is launching a training program for public school counselors who will work with student drug users across the country in an effort to steer them off the dope.

The critical need for both tough enforcement and broad antidrug education was pointed up again the other day at the annual meeting of the American Association of School Administrators. The school officials were given the results of a comprehensive survey of public school students in Cincinnati which indicated at least 18 per cent had used drugs. And 90 per cent of those who admitted using drugs said they would not go to their parents for help.

This underscores the urgency of the problem as well as the difficulties in meeting it.

It is deadly serious. Any steps, by way of enforcement or education, which can alleviate the problem are absolutely essential.

PEACE CORPS

Mr. HUMPHREY. Mr. President, it is with a great sense of pride and satisfaction that I offer my congratulations to the Peace Corps on the celebration of its 10th anniversary. It was my privilege to sponsor the legislation which established and authorized the Peace Corps. It is, therefore, most encouraging to view the work of achievements the Peace Corps and the resulting prestige it has acquired. The example of this fine organization leads me to conclude that through individual and collective efforts and dedication, institutions can be created which fit the needs of society and which can solidly improve the human condition at home and throughout the world.

Excerpts from a general letter written by Mr. Blatchford sum up the past history and its future.

Ten years ago, President John F. Kennedy stood on a windswept platform over the Capitol steps and challenged Americans to

> Ask not what your country can do for you—ask what you can do for your country.

Since then, more than 45,000 of our countrymen and countrywomen have responded to this call. They have sought not only to represent the best in America overseas, but to serve the people among whom they live as well as they serve our own Nation. Now, 10 years after the dream of a Peace Corps first began to take shape, it is fair to ask whether the early ideals are being met, whether the concept actually can be made to work. I would like to offer you some answers which may be of interest to your readers.

The Peace Corps has proved that it does work; that it can do a meaningful job overseas. Here are some facts:

The Peace Corps is now in 61 countries and operates 547 separate programs. Its volunteers practice 312 skills and speak 187 languages.

In the year just completed we sent overseas 830 experienced farmers, skilled tradesmen, and vocational education specialists—330 more than we announced as a goal 15 months ago.

The number of requests for 1971 has risen to 5,112, with more to come, because for the first time the Peace Corps is offering to provide the skills in greatest demand.

More than 100 families with children have now been accepted into the Peace Corps. The number of older volunteers going overseas trebled last year.

The Peace Corps has launched new programs for special purposes. Intern programs with colleges will bring in members of minority groups. A joint program with the Smithsonian Institution will provide highly skilled volunteers in ecology and the environment. A joint program with the Teacher Corps will provide experienced teachers in math and science.

In the past 18 months, the number of Americans on our staff overseas has decreased by 36 percent.

In the past 10 months, the number of local citizens on our staff overseas has increased by 40 percent. The overall size of the Peace Corps staff has been reduced by 24 percent to become more economical and efficient.

The Peace Corps is now entering its second decade as living, vibrant proof that America is a nation of people who care about the world in which they live, of people who are willing to put that care and concern into action, who will commit a portion of their lives to the benefit of others. One way to build a lasting peace is to help make better the quality of life for all people. Through its work in development and education, the Peace Corps is striving to build a peace of cooperation and mutual effort. National development and international peace go hand in hand. And the role played by a growing and maturing Peace Corps cannot be denied.

It is a dynamic organization which has profited from certain set-backs in the past and shows every promise of moving ahead. But in order to do so we must give it all the encouragement we can; we should in fact endorse the concept of national nonmilitary service on as wide a scale as possible so that other national service corps can carry on in the fine tradition of the Peace Corps.

NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR/MISSING IN ACTION

Mr. TOWER. Mr. President, the timely action of the Judiciary Committee in reporting and the Senate in passing Senate Joint Resolution 10 is laudable. This resolution calls for the designation of the week of March 21 as National Week of Concern for Prisoners of War/Missing in Action.

On December 30, 1969, Ambassador Philip C. Habib in his opening statement at the 48th Plenary Session of the Paris peace talks, said:

> Your side (North Vietnam and the NLF) claims that you provide humane treatment to the prisoners you hold. But you permit no independent and objective authority to verify this claim. Indeed, much of the evidence available to the outside world regarding the treatment of prisoners held by your side contradicts your claims. The prisoners have not been permitted to correspond regularly with their families, and to receive mail and packages on a regular basis. There is no assurance that the prisoners actually receive the mail sent them. Little mail is received by families from the prisoners.
>
> As for the physical treatment of prisoners, there is evidence that prisoners held by your side have been subjected to solitary confinement, as well as to other forms of physical and mental duress. Your side has made no systematic effort to repatriate sick and wounded prisoners.
>
> As President Nixon has said, this is an unconscionable position. There is no way it can be justified to the families of the prisoners or to the world at large.
>
> This is not simply a narrow question of legal obligations. This is a question of humane treatment which civilized nations accord to those who are helpless, who pose no threat and who no longer have the means to defend themselves. It is also a question of decency toward the families of those who are missing.

Mr. President, that statement was made more than a year ago, but the situation stands unaltered today.

On February 22, only 2 weeks ago, I talked personally with Mr. Habib as well as Ambassador David Bruce in Paris. They made it clear that while the North Vietnamese have demonstrated some concern over the continuing pressures brought upon them regarding POW's and MIA's, they still show no signs of mitigating their position on this most important issue.

This prolonged recalcitrance of the North Vietnamese and the Viet Cong to adhere even to the minimum requirement of international law and rudimentary human decency has deepened concern for the prisoners of war and missing in action across the Nation and around the world.

The passage of this joint resolution has provided a focus for the demonstration of this widespread concern by designating a National Week of Concern. I commend Congress for the swift action taken on this measure.

CHARLES WILLIAM ENGELHARD, JR.

Mr. WILLIAMS. Mr. President, I join Senators in expressing my sorrow at the passing of Charles William Engelhard, Jr., of Far Hills, N.J.

Those of us who had the privilege of knowing Charles Engelhard recognized him to be an exceptional man: a distinguished industrialist who served as an adviser to our Government on East-West trade relations, a determined humanitarian whose support of deserving charities and social causes is well known in our State and Nation, a noted industrialist and proponent of increased international trade, and a family man of great warmth and humor.

His involvement with many projects in the State of New Jersey will be long appreciated and remembered. His assistance to Rutgers University and to the orphans of Boystown, in Kearny, N.J., was well known, as were his efforts in behalf of such projects as the American Heritage Foundation, several libraries, museums, and foundations. His belief in the essential dignity of man pervaded his life and he made substantial efforts to improve racial understanding and cooperation throughout the world. He was an outstanding New Jerseyite and American.

PROPERTY RIGHTS

Mr. HARTKE. Mr. President, it has been fashionable for some to contend that the right to own and hold property is not also a "human right." In an article published in the February, 1971, issue of the American Bar Association Journal, Professor Thomas Shaffer, of the University of Notre Dame Law School, gently rebuts the proposition that property rights should have no important place in our contemporary society. Professor Shaffer points out that the accumulation of property fulfills a very basic need in man which cannot lightly be disputed. In a very real sense our property is an extension of "us" and the process of accumulation is "good" or "bad" only in light of the property owner's intentions.

Mr. President, I ask unanimous consent that this humorous and thoughtful article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEN AND THINGS: THE LIBERAL BIAS AGAINST PROPERTY

(By Thomas L. Shaffer)

(Note.—Ownership of property is as prevalent in human society as taxes and government, and almost as prevalent as sex. Most men are more concerned with their possessions and with what it takes to acquire and protect them than they are with righteous indignation.)

When a property teacher sets out to learn about the human facts in his subject—if, for instance, he wants to learn about the behavioral aspects of the law of the dead (wills, trusts, future interests and death taxation)—he will be discouraged by the fact that psychological literature has a great deal to say about sex, and even quite a bit about death, but almost nothing about property.

There are a couple of metaphysical essays by Jean-Paul Sartre,[1] and, from the founders of psychoanalysis, the theory that our concern about property begins at the potty chair.[2] But for the most part the men who have been most interested in studying the human spirit have not been concerned about our relationships with things. There may be a reason for that. And the reason may be useful for our profession, which necessarily deals with property and which should begin to learn what it cannot learn from behavioral science.

MOST REVOLUTIONARIES ARE NAIVE ABOUT PROPERTY

Here is a guess: The most revolutionary elements in our society are naïve about property. They say, as William Stringfellow, a distinguished lawyer, said in his book *Dissenter in a Great Society:*

> The venerable ideological conflict in our society between those who regard property, and the ownership of property, as the moral basis for society and those persuaded that human rights must have precedence in the ordering of society and the making of public policy once more dominates the American scene.[3]

Some of our revolutionaries (not including Mr. Stringfellow) say that banks must burn and some that houses should be owned communally. The aspiration is that we share our burdens and our benefits and forget about ownership. In some hard-to-get-at away this sentiment is implicit in the communal spirit—the let's-get-together ethic—of the coming generation. And something like this same spirit is implicit in the ideas and sympathies of those of us who often cheer at the irreverence of the coming generation. This is a mildly utopian idea; it is prevalent in the literature of the new left and the not-so-new, not-so-left, and it suggests a liberal bias against property. (If the word "liberal" seems bothersome, substitute "reformer's" or even "revolutionary's". "Liberal" is used here, frankly, to provoke annoyance.) There is at least the implied aspiration that it is possible to separate the ownership of property from the rights of men. Whatever it is, it seems to be erroneous, and the error could make a difference. More to the present point is that it seems to be part of the current liberalism in behavioral science.[4]

My favorite image on men and things is Humphrey Bogart on the *African Queen*, chugging down that fetid jungle river with Katherine Hepburn. The boat's ancient steam engine jammed and rattled and scattered hot steam, and Bogart jumped up, ran to the boiler and kicked it. And the boiler worked again.

Hepburn asked what was the matter with the boiler, and Bogart said it was jammed. Hepburn asked him why, and Bogart said, "I left a screwdriver in it one day when I was working on it, and the screwdriver jams a valve." Hepburn asked why he didn't take it apart and take the screwdriver out. And Bogart said, "I could do that, Miss, but I like to kick her. She's all I got."

You cannot talk about the captain of the *African Queen* as a person unless you are willing to talk about the *African Queen* as an extension of its captain—as part of his personality. That seems obvious, but it is an instinctive judgment on which the behavioral scientists have presented no data. They have defaulted on their clear duty to satisfy the curiosity of lawyers. If they had not failed us—or if they someday propose to redeem their failure—what might be the behavioral theories on man's ownership of things? Here are three ideas.[5]

"I AM WHAT I HAVE"

First, property is something I am. It is a part of what is me. Sartre makes a theoretical case for that proposition:

> The quality of being possessed does not indicate a purely extenral denomination . . . ; on the contrary, this quality affects its very depths. . . . This is the significance of primitive funeral ceremonies where the dead are buried with the objects which belong to them. . . . The corpse, the cup from which the dead man drank, the knife he used make

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Footnotes at end of article.

a single dead person. The desire to have is at bottom reducible to the desire to be related to a certain object in a certain relation of being.

* * * * *

I draw the collection of my surrroundings into being with myself. If they are taken from me, they die as my arm would die if it were severed from me.

* * * * *

The totality of my possessions reflects the totality of my being. I *am* what I have.[6]

Property personality is a common thing in the law of succession—in this culture and others. Consider the astounding respect that is shown for the wishes of a dead man on the disposition of his property. In Tahiti,[7] and in Iowa and Kansas for that matter, one reason a man makes a will is in order to prevent fights—because his survivors will not resist what he wants done as much as they will resist someone else, someone who lacks the dead man's identification with the property. Throughout the law of succession, in all cultures, there lingers the idea that the property is the personality of the dead man. Property is his immortality.[8]

Try that thought on yourself. Pretend you are going on a long trip, a trip from which you may never return. What will you take with you? What is the most valuable thing you own? And what is the most significant thing to you personally? Can you tell clearly where you end and the things on your take-along list begin?[9] Those who study the dynamics of "total institutions"—prisons and asylums—report one of the principal ways to make inmates docile is to take away everything they own.[10] The result is not only a naked man, but also a naked personality. Justice Holmes said: "A thing which you have enjoyed and used as your own for a long time, whether property or an opinion, takes root in your being and cannot be torn away without your resenting the act and trying to defend yourself, however you came by it."[11]

PROPERTY IS SOMETHING I DO

Property is more than something I am. It is also *something I do*. One of the first signs of a beginning of ownership among primitive, communistic societies is respect for primary rights in things that are the fruit of labor. Among the Yamana of South America, for instance, if I catch a whale, the blubber belongs to everyone in the village. But I get first pick and, to some extent, get to choose who gets second and third pick.[12] In the Semang society on the Malay Peninsular, there is no ownership of land or buildings, but every warrior owns his own poison tree.[13] The Eskimos of Greenland and the Arctic Siberians recognize almost no exclusive ownership, but if you want to learn a spell or a hunting song you have to pay the man who knows it.[14]

In each of these instances—and in the case of American businessmen—property is what I do. And this is true beyond consideration of wealth. I asked a veteran life insurance underwriter a couple of years ago about his business clients. He said they were always greatly concerned about what would happen to their businesses when they died. I asked him if they knew how much their businesses were worth, and he said they usually did not.

PROPERTY IS SOMETHING I USE

Property is more than what I am and more than what I do. It is also *something I use*, and there are three radically different aspects of property as *use*.

Property may be a conduit to other people; it may be a cornerstone of human relationships. Freud noticed this in his *Psychopathology of Everyday Life*.[15] I am enjoying myself at your house but have to leave, and when I leave I forget my coat. I have to go to the office on a Sunday afternoon and resent it, and find when I get there that I left my keys at home. My things—coat and keys—are where I wish I were. A patient of Freud's was having trouble with his wife; she gave him a book and he misplaced it. Six months later their relationship improved, and the patient found the book in some obvious place in his desk.

It has usually been thought that primogeniture, the legal system under which property is inherited by an eldest son to the exclusion of everyone else, is medieval and undemocratic. But societies that have observed primogeniture—including fairly modern societies—are often prosperous. This comes about because the central family—father or eldest son—takes care of everyone else. Property is used to keep the family together at least as much as the family is used to keep the property together.[16]

The line between rights in things and rights in persons is functionally obscure. Most legal systems have always recognized rights in persons as a species of property. The levirate—a custom under which a widow is given to her husband's brother—seems a cruel instance of that, but it is not really so different from child ownership, or even wife ownership, in our own society.[17] Engels saw this connection; he wrote that the institution of marriage had to decline with decline in the institution of property. The two go together—a dogma that caused great theoretical turmoil in the Soviet Union until Stalin rejected it.[18]

Property is something I *use*, in a second sense, as a significant personal expression not otherwise available to me. There is a custom among one tribe of Indians in Arizona, for example, that everything a dead man owns is destroyed when he dies. Survivors are afraid of the dead; they want solid earth between them and all extensions of the dead man—including his property personality.[19] We all know carpenters who could not be who they are without wood and tools. The only ownership recognized in many primitive societies is the ownership of things to work with. A quaint example of that is the Hopi garden. A husband may own the garden, and he may do whatever he wishes with his produce as long as he is in the garden. But if he brings the produce into the house—his wife's house, as the Hopi see it—the produce doesn't belong to him anymore and only his wife is allowed to give it away.[20]

The idea of ownership begins when self-expression with property requires exclusive rights in it. It may be that the need for exclusive control has important psychological significance. The anthropologist Rene Millon hit upon the very rude beginnings of land ownership among the Sierra Populaca of Mexico. Those people were just beginning to permit a man to demand exclusive rights in his grove of coffee trees—the land as well as the trees. They had recognized for a long time that a man could own the trees, but only recently did they expand this idea to the land itself. And the apparent explanation of the extension is that they had discovered that they could grow more and better coffee that way. Millon does not guess at the effects of this transition on the social and psychic personality of the coffee grower.[21]

There is a third sense in which property is something I use, and that is as a means of assuming and protecting power. The coffee trees of the Sierra Populaca suggest that development. There are many instances in our own history. An example is the use of land grants in the United States and in Spanish America, not only as a means of economic development, but as a means of solidifying power. For another example, the English feudal system, from which our law of property grew, was above all a system of government.[22]

TRANSMISSIONS OF STATUS AND PROPERTY ARE INSEPARABLE

The transmission of status—which is a symbol of power—and the transmission of property are functionally inseparable. Titles and positions of honor illustrate that throughout Western history; and there is more transmission of status in our own culture than we may be ready to admit. You can reflect on that fact as you run down the roster of names in the United States Senate. In societies entirely alien to our own, the transmission of corporate membership—in clan groups, in castes, in the primitive equivalent of the country club—is property used to assume and protect power.

I think Mr. Stringfellow and reformers of his persuasion, as well as revolutionaries who will doubtlessly be influenced by him, make a mistake when they equate the assumption and protection of power with property ownership. And the mistake may lead them far beyond anything they had in mind. There is a kind of revolution that is callow and therefore unwittingly inhumane. Successful revolutions—and the most successful of all revolutions, the American Revolution, was designed and implemented by lawyers—are built on a healthy respect for the way people are. Callow revolutions tend to unexpected catastrophe. I agree with Justice Holmes that "the notion that with socialized property we should have women free and a piano for everybody seems to me an empty humbug".[23] One thing every reformer ought to try for—on pain of failure—is an appreciation for what is most important to the people he proposes to reform.

In terms of national policy, an appreciation for the way people are and the way people own will tend to support, for example, the way our federal tax structure has grown up, so that businessmen are taxed just this side of destroying their desire to own more than they have. And death taxes are kept just low enough so that a man does not lose all hope of aggregating status and power and passing it along to his children.

A primary goal of the American welfare state—supported, as it is, by taxing policies that take realistic account of the way people are—is that every household should have a house. Every person should have enough property to guarantee and safeguard personality; for dignified labor; for sound relationships with those he loves; and for self-expression.

Behavioral scientists don't probe property relationships in *our* culture because they are members, by and large, of Mr. Stringfellow's species of reformer. The trite label for that species is middle-class liberal. Middle-class liberals are ambivalent about property. They are comfortable with their things. They couldn't get along without things. But social passions and consider-the-lilies-of-the-field idealism leave one somehow ashamed of ownership—and, especially, of the love of ownership.

HYPOCRISY OF PROPERTY IS A SORE SPOT

The enlightened American liberal has come to terms with his sex impulses and even has learned to live with anxiety about death—both more advertently, and more efficiently, than he has dealt with his ambivalence about the comforts of property. The rebellious kids have some pretty useless ideas about *distribution* of the property, but they hit a sore spot when they talk to their elders about the *hypocrisy* of property.

Middle-class liberals aside, most men are more concerned with their things and with what it takes to acquire and protect their things than they are with righteous indignation. The comparison is important because self-expression—the "firstness of the First" (Amendment)—appears to be a sort of primary, non-negotiable value among the vocal leaders of the coming generation, and even

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Footnotes at end of article.

more so among the admirers and supporters they have in the command generation. But most people set almost as much store by the nonvocal dimensions of their personalities.

All of us are more involved in our things than many of us care to admit. Anyone who proposes to be a revolutionary should realize that, as Judge Prettyman said, "The right of a man . . . to warm his slippered feet before his own open fireplace is as great as his right to gather with his neighbors in the corner pub and cuss the government." [24]

FOOTNOTES

[1] Sartre, Existential Psychoanalysis (1953).

[2] Ferenczi, Sex in Psycho-Analysis (1958).

[3] Stringfellow, Dissenter in a Great Society (1964); see Slater, *Cultures in Collision*, Psychology Today 31 (July 1970).

[4] See Moynihan, *Eliteland*, Psychology Today 35 (September, 1970).

[5] See also Shaffer, Death, Property, and Lawyers (1971); Shaffer, *The Psychology of Testation*, 108 Trusts & Estates 11 (1969); Shaffer, *Will Interviews, Young Family Clients, and the Psychology of Testation*, 44 Notre Dame Law. 345 (1969); and Shaffer, *The Psychological Autopsy in Judicial Opinions under Section 2035*, 3 Loyola University of Los Angeles L. Rev. 1 (1970).

[6] Sartre, *supra* note 1, at 122–123.

[7] Cairns, *The Explanatory Process in the Field of Inheritance*, 20 Iowa L. Rev. 266, 281 (1935).

[8] See generally Goody, Death, Property, and the Ancestors (1962).

[9] Thanks to Dr. Oron South, of the Midwest Group for Human Resources, for this suggestion.

[10] Goffman, Asylums (1961); Sykes, The Society of Captives (1958).

[11] Holmes, *The Path of the Law*, 10 Har. L. Rev. 457–477 (1897).

[12] Lowie, *Incorporeal Property in Primitive Society*, 37 Yale L. J. 551, 552–553 (1928).

[13] *Ibid.*

[14] *Id.* at 553–555; The return of succession and even testation to Soviet law is an interesting parallel. See Griffin, *The About Turn: Soviet Law of Inheritance*, 10 Am. J. Comp. L. 431 (1961).

[15] Freud, The Psychopathology of Everyday Life (Mentor ed., 1951); ch. II, Jones, Papers on Psycho-Analysis (Beacon ed. 1961).

[16] Cairns, *supra* note 7 at 268–281: Radcliffe-Brown, *Patrilineal and Matrilineal Succession*. 20 Iowa L. Rev. 286, 297–303 (1935); Griffin *supra* note 14.

[17] *Ibid.* (Radcliffe-Brown).

[18] Atkinson, *Succession Among Collaterals*, 20 Iowa L. Rev. 185, 186, note 3 (1935).

[19] Blauner, *Death and Social Structure*, 29 Psychiatry 378 (1966).

[20] Beaglehole, *Ownership and Inheritance in an American Indian Tribe*, 20 Iowa L. Rev. 304 (1935).

[21] Millon, *Trade, Tree Cultivation, and the Development of Private Property in Land*, 57 American Anthropologist 698 (1955).

[22] See generally Cairns, *supra* note 7; John, Land Tenure in Early England (1960).

[23] Holmes, Collected Legal Papers 306 (1921).

[24] Prettyman, Trial by Agency 15 (1969).

THE NATION'S ENERGY RESOURCES

Mr. TOWER. Mr. President, recently the Senate Interior and Insular Affairs Committee held hearings on Senate Resolution 45, a resolution which calls for an in-depth investigation of the availability of and the future requirements for our Nation's energy resources. Based on this study, the Interior and Insular Affairs Committee would recommend by September 1, 1972, policies and legislation designed to maximize the utilization of our energy resources consistent with preserving and enhancing our environment to the greatest extent possible.

As a cosponsor of this measure, I urge my colleagues to give Senate Resolution 45 their full and favorable consideration. I ask unanimous consent that my remarks before the Interior Committee be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator John G. Tower

Mr. Chairman: I appreciate this opportunity to comment upon S. Res. 45 which was introduced by my distinguished colleague, Senator Jennings Randolph. I am a cosponsor of this resolution calling for an in-depth investigation of the nation's energy resources and our future requirements for these resources. Indeed, I can think of few subjects for our deliberations here more urgent or more pervasive than the dangerous energy shortages which presently threaten our nation.

In comparison, other matters assume minor proportions. At its worst, a prolonged energy shortage could affect the amount of heat and light in virtually every home, factory, hospital and school throughout the land, at stake could be the possible cessation of all movement of automobiles, trucks, trains, buses, airplanes, and ships. Moreover, our national security could be seriously threatened. And, more importantly, our very existence could be jeopardized. Our vast energy uses are entwined in literally every facet and fibre of our lives. My imagination is able to conceive of few, if any, more pervasive or urgent concerns before this body than the preservation of adequate supplies of the four major energy resources—oil, natural gas, coal, and fissionable material—and the support of investigation into the potential of fusion power sources and solar power conversion.

In this Congress, I will reintroduce a resolution to authorize NASA to expand upon their research into small-scale solar power conversion on spacecraft to large-scale conversion through orbiting power stations. The potential of these future sources of power should be included in the Congressional consideration of our national energy policy.

While I hope that the energy shortage which I have described will never occur, I must admit that such an event is a possibility. I am convinced that immediate action is necessary to avoid an energy crisis.

The first step involved in taking such preventive action is the formulation of national energy policies. This is the thrust of Senator Randolph's resolution.

For many years, I have been concerned that the nation was losing its supplies of adequate and secure energy resources. My concern stems from the declining investment of risk capital in the energy resource exploration industries and the resulting decrease in exploration activity. For example, at the present time, domestic oil and gas exploration activity is at its lowest level since 1943. Oil and natural gas provide approximately 75 per cent of our energy requirements. Since these two resources provide the bulk of our energy requirements, my remarks in this statement will be directed primarily toward those resources.

The decline in exploration activity is, to a large degree, a direct result of policies emanating from Washington. Governmental policy has been negative during the past several years. An example of this negative attitude was the reaction of some members of the Executive Branch and the Congress to the recent 8 per cent increase in the price of domestically produced crude oil. This increase did not even offset the additional tax burdens placed upon the oil industry by the Tax Reform Act of 1969. Nor did this small increase nearly offset the increased exploration and producing costs which have risen as a result of inflation. These are the facts. Yet, the price increase was roundly criticized in Washington.

The end result of the discouraging economic and tax policies emanating from Washington has been a significant and alarming decrease in our exploration activity. This, in turn, has led to a decrease in our proven domestic reserves of oil and natural gas. In short, because of this decrease in exploration for new reserves of oil and gas, we have been consuming our proven reserves faster than we have been adding to them.

Recently we have realized the need to create comprehensive national energy policies, designed to insure adequate exploration, development, utilization and conservation of our limited, yet abundant, reserves of energy resources. Heretofore, we thought mostly in terms of individual resources.

For example, we set different regulating policies for all four resources. These resources have been regulated at different levels and by different departments of government. Ignored were the basic inter-relationships of these resources.

Let us examine one illustration of this important inter-relationship. At various levels of government, laws have been passed which greatly restrict emissions of sulphur particles into the air. Sulphur particles are emitted by the consumption of certain types of fossil fuels. Generally, these banned fuels were high-sulphur coal and fuel oil. The laws were passed to achieve a desirable and necessary result—clean air. They were passed, however, before adequate investigations were conducted to ascertain the availability of sources of fuel which could meet the strict anti-pollution requirements.

I would like to pursue further this example of the inter-relationship of energy resources to highlight the results of uncoordinated and sometimes conflicting government policies. After the laws were passed, the users of high-sulphur fuels naturally sought supplies of alternative fuels. A typical user, so affected, attempted to secure supplies of natural gas as a replacement for the banned fuel. Natural gas was chosen first because it pollutes the air least of all fuels. However, our producing reserves of natural gas have been dwindling over the past few years.

The primary cause of the diminishing supplies of natural gas has been, in my opinion, the short-sighted price setting policies of the Federal Power Commission. These policies sought to keep the price of natural gas low as an aid to consumers. However, because of the unrealistically low price of natural gas, the economic incentives to explore for new reserves were lacking. Thus, exploration for new reserves of natural gas has been declining steadily since the Federal Power Commission began to regulate the price of natural gas in 1954.

As a consequence of the demand created by new anti-pollution standards, the small amount of uncommitted producing reserves of natural gas were quickly contracted for. This left remaining a substantial amount of unsatisfied demand for other types of low-sulphur fuels.

Many users sought supplies of low-sulphur residual fuel oil. However, low cost imports had driven most domestic producers out of the market. Thus, there was virtually no excess domestic supply of this fuel to be found.

Logically, the affected user then sought supplies of low-sulphur residual fuel oil in the international markets. Here he found a convergence of peculiar, disconnected factors, which resulted in an extremely tight supply of fuel oil from foreign sources. Some of these factors included the closing of the Suez Canal in 1967, the shutting of the Trans-Arabian Pipeline for eight months in 1970, reduced production allowables imposed by Libya on producers in Libya, and a shortage of oil tankers to transport petroleum around the Cape of Good Hope.

Frustrated in their effort to locate other, more desirable fuels, the users sought domestic supplies of the least desirable alternative fuel—low-sulphur coal. In this case, the development of known deposits of low-sulphur coal had decreased over the past several years. This decreased mine development was due mainly to the expectations of the mine owners that increasing portions of future electric power generation would be fueled by fissionable materials. However, the nuclear power generating industry has encountered technical and environmental difficulties which have resulted in relatively few electric power generators being converted from coal to fissionable material. Nevertheless, long-term investment in the development of the coal mines had been forestalled or abandoned in anticipation of the coming nuclear electric power generation era.

Because some users have been unable to contract for adequate supplies of fuel, many of us have experienced the resulting effects of these shortages. By now, we are all acquainted with brown-outs and even blackouts. These disturbing results will almost certainly increase in frequency, intensity and duration as our demand for energy increases and our supplies of energy resources continue to remain in short supply.

We have experienced mild power reductions this past winter. These energy shortages could have been much worse. We must not be lulled into a feeling of security just because we have managed to get through this past winter without severe power disruptions. We have been extremely fortunate. We have luckily experienced a mild winter; we had a small excess oil producing capacity which could be converted into fuel oil; and we called upon our good neighbor to the north, Canada, who had some excess oil and gas producing capacity and could sell to us increased amounts of oil and natural gas.

But we must not continue to trust to our luck and our neighbors. We must begin to formulate coordinated comprehensive policies which will result in our being able to supply the bulk of our own energy needs.

I have cited the many problems wrought by the single and laudable decision to clean up the air. This simple decision set off a chain of events still being felt. Involved have been various levels and departments of government—state and national. Yet these agencies of government have reacted without having a coherent and unified plan based upon carefully formulated policies. And this has been only one recent example of the disjointed and conflicting consequences resulting from a lack of such policies. There are many other such examples of the havoc wrought through conflicting policies.

So, having recognized the lack of a comprehensive energy policy and the concomitant serious results which have followed, it should be evident that the formulation of such policies must be of the highest priority.

We have experienced energy shortages intermittently for several months. We have examined and recognized that the causes of the shortages of energy resources are mainly due to a lack of coherent national energy policies. Yet, we still have not even begun to formulate such policies.

I deplore the drift into a more and more serious energy situation. We must not simply slide into an era of catastrophic power shortages. To do so would be to jeopadrize the security and safety of the American people.

Instead, we must act now to formulate comprehensive, coherent energy resource policies. Only by doing so will this country be assured of secure and adequate supplies of energy resources.

S. Res. 45 would authorize an in-depth investigation of our energy situation. Based upon this investigation the Senate Interior Committee would recommend national energy policies legislation. I urge the Committee to do so.

THE DREAM OF THE LITHUANIANS—FREEDOM

Mr. McINTYRE Mr. President, as our Nation draws closer to the celebration of its own 200th birthday, it is only proper that we should consider the fate of another nation whose independence day must each year be celebrated in less happy surroundings.

This is the 53d anniversary of the independence of Lithuania, a nation whose self-determination is for the moment over-shadowed by the specter of Soviet occupation.

Mr. President, it is the dream of peoples across the world to determine their own destiny, free from the tyranny of outside interference. Sadly, this is not true today for the people of Lithuania, for ever since World War II the freedom of these people has been checked by the brutal domination of the Soviet Government.

This small nation's proud history dates back as far as 1251, with the establishment of the Kingdom of Lithuania, leading to a proud day in 1918 when that nation fully came of age, declaring its status as a fully independent, sovereign state among the nations of the world community.

Mr. President, this sovereignty was duly recognized by the Soviet Union, which at that time renounced all sovereign rights and claims over the Lithuanian people and territory. But in 1940 an era of occupation began in which the Lithuanians became a subjugated, dominated, totally controlled colony of Soviet Russia. This resulted in complete control of the political and and economic spheres of Lithuanian life. It meant rule by force, alien domination, systematic depopulation of the original inhabitants and extensive settlement by nationals of the ruling country, economic exploitation, and an attempt to impose a Russian sense of culture and spiritual values.

Mr. President, this ruthless attempt to hold in bondage a whole nation continues to this day, most recently brought to light in the unfortunate incident involving the Soviets and a Lithuanian sailor named Simas Kudirka.

Mr. President, it is altogether fitting that we should join in commemorating the anniversary of Lithuanian independence, but the courage and dedication of the people of that nation demand that we do more than declare our admiration for that courageous spirit.

Mr. President, more than words are called for here. That is why I am proud to join the distinguished Senators from Pennsylvania in urging the President of the United States, the Secretary of State and the U.S. Ambassador to the United Nations to take the following actions:

First. To initiate action in the United Nations to implement the declaration on granting of independence to colonial countries and peoples in reference to Lithuania by restoration of her independence.

Second. And to strongly urge the U.S. Government to issue explicit directives which would establish conclusive guidelines for the handling of political asylum requests so that never again will this country be faced with such tragedies as its handling of the case of Simas Kudirka.

Finally, Mr. President, let us all vow to learn from the wonderful spirit of the people of Lithuania, whose devotion to the ideals of freedom and independence has remained throughout so many years of Soviet domination.

CRIME-FIGHTING SUCCESS

Mr. GOLDWATER. Mr. President, controversy concerning the Nixon administration's revenue-sharing proposals has too often turned on personality and partisanship. It is helpful to have concrete examples of the Federal-State-municipal partnership advocated by the President.

The National Observer for March 8 contains an excellent article by Jude Wanniski on the workings of the Law Enforcement Assistance Administration—LEAA—in the Boston and New England area.

Mr. Wanniski reports that last month, for the first time, city and State police chiefs from the six New England States met to plan combined efforts against organized crime. Last year, again for the first time, Massachusetts Superior Court judges met with State penal institution officials. The judges explained their sentencing practices, the officials their rehabilitation programs. Says the article:

> As a result, the judges changed some of their sentencing practices.

This is the type of planning effort encouraged and supported by Federal funds:

> It's a novel Federal-State partnership, one the Nixon Administration holds up as an example of how government can work better. In fact, it is the model for the Administration's "special" revenue-sharing plans, through which Federal funds would go to local governments for broad purposes, such as education, manpower training, and urban development.

According to Joseph Rosetti, LEAA regional director, initial difficulties have been overcome, and State and local officials are finding it easier both to cooperate and to decide on the more basic needs of areawide law enforcement. Judges, traditionally operating their courts in independent fashion, have begun to see the benefits of improving administration.

I note that Mr. Rosetti does not adopt the patronizing manner toward his State counterparts which has been so much a part of the Federal bureaucracy in the past:

> The people in the state agencies are as good as those that any Federal agency can gather.

And even in the worst states, they're a lot better off making their own decisions than with the Feds telling them what to do.

Mr. President, I recommend this article to all Senators. It is indeed instructive.

I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Nixon Men Call Crime-Fighting Partnership "Real Success Story"

(By Jude Wanniski)

City and state police chiefs from the six New England states met last month in an office in the Boston suburbs. They closed themselves in a room with coffee and sandwiches, and spent most of a day planning a combined effort to combat organized crime. It was their first such meeting.

The Superior Court judges of Massachusetts spent a day and a half in a motel near Boston last year, meeting informally with officials of the state's penal institutions. The judges explained why they sentence as they do; the corrections people discussed their rehabilitation programs, and the kind of criminals who seem to benefit from them. As a result, the judges changed some of their sentencing practices. It was an extraordinary session. These men had never met before.

Six young men and women, who are technically police personnel, work out of a Boston office in getting to know, personally, student and black militant leaders around the state. This "crisis management team" may provide authorities with a direct line of communication with these groups, and an early-warning system, in a crisis. It's a new concept in police work.

These projects are only a few that have either been designed or approved in an office here at 80 Boylston St., the quarters of the Governors Committee on Law Enforcement and Criminal Justice. There is an office like it in each of the 50 state capitals, each basically performing the same tasks toward the same ultimate goal: to reduce crime through reform and modernization of the most stolid institutions of American society, the police, the courts, the places of correction.

"SUCCESS STORY"

Arnold Rosenfeld, who directs the Massachusetts committee, will have $9,424,000 in Federal money to spend this year toward this goal, almost double the $4,900,000 he doled out in 1970. The money comes from the Justice Department's Law Enforcement Assistance Administration (LEAA), which this year will provide more than $350,000,000 to the 50 state planning agencies for "action programs."

It's a novel Federal-state partnership, one the Nixon Administration holds up as an example of how government can work better. In fact, it is the model for the Administration's "special" revenue-sharing plans, through which Federal funds would go to local governments for broad purposes, such as education, manpower training, and urban development. Mr. Nixon last week asked Congress to give states even more discretionary power over these crime funds. He also asked the current requirement that the states and cities "match" the Federal contribution with their own funds be dropped.

The idea behind the partnership is one that is central to Mr. Nixon's design for domestic reform, especially revenue sharing. It rests on the assumption that the Federal Government is the most efficient unit for raising money, but local governments are more capable of dispensing services.

Theoretically in the LEAA arrangement, the Federal Government provides the money, with only the loosest of rules on where it should go; state and local governments decide their own priorities and then take responsibility for spending the money wisely. Hard bargaining takes place among the LEAA, Mr. Rosenfeld's committee, and the cities and towns of Massachusetts before any funds are dished out. But the essence of the idea remains: The state, not the Federal Government, has the biggest say.

"By the state getting the staff, the money, and authority," says Mr. Rosenfeld, "we can actually go out and over a period of years move things. We prod, suggest, stimulate, encourage, and make demands on the institutions. And now that they're getting Federal funds, they're [local officials] willing to do it."

His committee, he says, attempts to spend its bag of Federal money to produce a maximum of long-range reform. The state's judges are being badgered into accepting money for court-management studies—which almost always recommend that the judges give up some of their power in the interest of efficiency. Correction officials are being nudged toward reform, putting more resources into halfway houses and rehabilitation, less emphasis on penitentiaries. "Eventually, we expect only 10 percent of all prisoners—the most incorrigible—will be in maximum-security institutions," he says.

In addition to the regional organized-crime center, police chiefs are being drawn into common communication systems. Last year, through state-LEAA grants, 106 cities and towns in Massachusetts were linked to the state police information system.

As a related project, regional strike forces are forming, enabling smaller communities to share specialists, for example, to break a wide-ranging burglary ring. Regional training centers are also in operation, from riot control to police administration.

STRIKING A BARGAIN

Though the planning agency prefers to pin point its limited resources into activities that will permanently improve the system, this is not always possible. A police chief whose budget is frozen and whose fleet of patrol cars averages 60,000 miles on their odometers will not be overjoyed at finding there is money for a human-relations training course, but none for squad cars. A judge would rather have manpower than a court-management study.

It's up to the state planners to strike a bargain. "If we won't acknowledge what they think are their basic needs," says one man on Mr. Rosenfeld's staff, "they won't even deal with us." A LEAA official in the Boston regional office says this bargaining takes place in most states. "The state agencies," he explains, "put out some of their money like a lump of sugar, like bait, for the police chiefs and the judges. The chief will get some of the squad cars he says he has to have. The judge will get a piece of equipment he wants for his courtroom. But at the same time they'll go along with the planners in trying out some reforms they have in mind."

There's not much money for "sugar," though. Unless Mr. Rosenfeld and his counterparts in other states dole their allotments judiciously, this year's $350,000,000 would be quickly chewed up in police salaries, squad cars, and buildings. Indeed, the LEAA has been sharply criticized in Congress for permitting some states to dish out the lion's share of their allotments on police hardware. The LEAA has also been rapped, primarily by the League of Cities, for permitting some state agencies to spread the money thinly, giving a few dollars to every village constabulary for a walkie-talkie instead of concentrating the resources in the urban high-crime areas.

JUDICIAL "FIEFDOMS"

There will be less of this in the future, says Richard Velde, one of LEAA's directors in Washington. State planners are becoming more hard-nosed and professional in handing out funds. Courts and corrections people are becoming more adroit in competing for funds. "As more funds become available, as more professionalization builds up in the law-enforcement community, a lot of old barriers will erode away," he believes. "This has to be gradual. We can't just go in and bust up the system. Mostly, it takes persuasion."

Mr. Rosenfeld echoes these observations. "We wanted a balanced program, but often only the police would come in with reasonable ideas on what to do with the funds. Courts or corrections couldn't tell us what they needed or wanted." The courts, he says, are the most difficult to deal with in trying to bring about reforms. "They're run autocratically, as independent fiefdoms." Mr. Velde says this is true nationally. "Judges aren't accustomed to thinking in terms of management and efficiency. They're even less accustomed to sitting down to fill out and justify a request for funds."

Joseph Rosetti, the LEAA regional director for New England, New York, and New Jersey, thinks that after two years of pulling and hauling these problems are receding. More money is going into urban high-crime areas; Boston, for example, has 11 per cent of the state's population and this year will get 30 per cent of the "action" money. And courts and corrections are getting increasingly larger shares of the pie. The problem now, he says, is more basic "The states have developed a capacity to plan and to move money out. Now we're ready to see whether they can evaluate and monitor the money that goes out."

He is sure they can. "The people in the state agencies are as good as those that any Federal agency can gather. And even in the worst states, they're a lot better off making their own decisions than with the Feds telling them what to do."

The Federal-state arrangement hasn't proven itself quite to the degree Mr. Rosetti suggests. There have already been charges of misuse of some LEAA funds in Alabama and Florida, where LEAA officials are now working to straighten out the programs. For this reason, the Nixon Administration last week decided to continue requiring that all states continue to submit detailed reports on how the Federal money is spent. The Administration insists that states have more incentive to see that funds are not misused since they now have full accountability for them. This sounds right. With the usual Federal program, where Washington provides the money and the method and the local officials provide the administration, responsibility for misfeasance becomes difficult to fix. Each government blames the other.

William Powers, commissioner of the Massachusetts state police, the first up-from-the-ranks commissioner in the state's history, has become a true believer in the LEAA-state partnership. "It's providing, for the first time, the enormous opportunity for the police service to go beyond the absolute minimal, marginal posture. We're getting the resources to have people stand back from the day-to-day fight to look at where we've been and where we're going."

This may be true enough and it probably is. But Congress will likely want a little more for its money before it pronounces this a success story. The objective, after all, is to reduce crime, something this novel Federal-state partnership has not yet been able to demonstrate.

SENATOR HARTKE ASKS INCREASE IN PRICE SUPPORTS FOR DAIRY PRODUCTS

Mr. HARTKE. Mr. President, a recent bulletin issued by the Department of Agriculture noted with deserved pride the speed with which the Department has acted in the last several months to support hog prices. The same bulletin stated that, although the dairy industry could be seriously damaged by the ever-increasing import levels, the Department had done little to assist the dairy farmer.

While the Agriculture Department has begun to buy pork for school lunch programs and the Department of Defense has more than tripled its pork purchases, little or no cheese has been purchased for school lunch programs this school year and the administration apparently is intent upon killing the special milk program in the budget for fiscal year 1972.

The dairy farmer is suffering because of the lack of concern of the Nixon administration. But there is something which can be done to assist these farmers immediately.

First, the Department of Agriculture can begin to buy cheese on the open market for use in school lunch programs. The Secretary has the authority to do so and he should not delay any longer before taking action.

Second, the special milk program must be continued next year. This program benefits not only farmers but also thousands and thousands of schoolchildren.

Third, the price support level for milk should be raised to 90 percent next month. Once again, the Secretary of Agriculture already has the authority to do this.

Fourth, in light of the serious injury which is being caused dairy farmers by imports of dairy products, I believe that action must be taken to find a way to hold down such imports.

Mr. President, the dairy farmers of the United States need our help. I urge Senators to join me with their support.

FIFTY YEARS OF CONSTRUCTIVE SERVICE—THE MANCHESTER KIWANIS CLUB

Mr. McINTYRE. Mr. President, it gives me a great deal of pleasure to share with my colleagues the news that the Manchester Kiwanis Club has recently celebrated its 50th anniversary. This fine service organization—which contributes so much each year to New Hampshire's largest city—was founded on February 14, 1921.

The spirit of the Manchester Kiwanis has always been one of service, and theirs is a long tradition of working with city and State officials, as well as with private groups, to translate their concerns into constructive action. As a Kiwanis member in Laconia, N.H., I have always admired the Manchester group.

Mr. President, the Manchester Kiwanis have long been identified with their traditional project—assistance for the Manchester Girl's Club—and just a few years ago this interest led them to raise enough money to build a fine, spacious auditorium for the club.

There have been other worthwhile projects, too. For several years the Kiwanis have sponsored scholarships for girls in the Manchester area who are entering schools aimed at a career in nursing. They have also provided scholarships which have allowed some of the city's less fortunate youngsters to attend YMCA summer camps. The Kiwanis have also sponsored prizes for students at the State Industrial School in Manchester, working with young boys who have gotten in some trouble with the law, and seeing to it that they have a second chance in life.

In addition to this, the Kiwanis have been involved in fund raising for the Salvation Army, have worked to organize assistance for senior citizens, and have worked to inform themselves and others on such pressing social concerns as the abuse of drugs and the problems of pollution.

Mr. President, I commend this fine group on their record and wish them the very best on the occasion of their 50th anniversary. The Manchester Kiwanis Club is truly a service club in the fullest sense of that word.

PRIZE-WINNING ESSAY BY TIM COUGHLIN, BOISE, IDAHO

Mr. JORDAN of Idaho. Mr. President, one of the great values of the American public school system has been its fostering of discussions on democracy, liberty, individual responsibilities, and the obligations of government. This open analysis has helped keep the Government close to its people by helping them be aware of what they can expect from their Government. For some students, however, there also is a resulting feeling of frustration directed at the Government's slow response to pressures for change. Those pressures for change have increased in recent years, in part from the greater number of young people in the past decade and in part from the disillusionment of the Vietnam war, the confusion of opinions on all topics and the general state of affairs around the world. The young people caught up in the whirlwind of cries for change have little time to realize that equally trying times have existed before. Frequently, too little time is allowed from the cries for change to consider that there are many elements of the Government worth working to preserve.

Each year, under the auspices of the Veterans of Foreign Wars "Voice of Democracy" contest, thousands of high school students are given the initiative to ponder the side of the coin opposite that of change. Their topic this year was "Freedom Our Heritage." The young man who won the State of Idaho contest compared that heritage with a ship's log:

> It reminds us of where the ship has gone and how the men who sailed before us got her through other storms and shoals and kept the ship free.
>
> Like any ship, she is not steered by the hand at the wheel alone. A single lonely man, free in his courage and defiance, pulling a sheetline, can alter the course of the ship, and of history. His actions can be called mutiny and treason, but he is in his own right and he is free.
>
> In his freedom, that one man can guide the ship on to clearer waters.

The author is Tim Coughlin, a student of Bishop Kelly High School in Boise. I ask unanimous consent that his speech be printed in the Record.

There being no objection, the essay was ordered to be printed in the Record, as follows:

Freedom Our Heritage

(By Tim Coughlin)

> Webster's dictionary defines freedom as the absence of necessity, coercion, or constraint in choice of action.
>
> That same dictionary defines heritage as something transmitted or acquired from a predecessor.
>
> In these two words is summarized the better part of American history. In nearly everything that can be read of our past, you can tie these words in and apply them.
>
> Over the years, you might say, a pattern has emerged, almost a basic blueprint for a free man. Every person that we admire in history had the following qualities:
>
> First, he had the integrity and courage to follow what he knew was right, to defend his decisions when necessary, and the plain ordinary guts that took all the hard knocks that came his way.
>
> Second, he had a responsibility. He placed his beliefs and ideals first, and himself a poor second. He was self-reliant enough to do it alone if need be, to cross a continent to farm or to cross the senate floor to vote with the opposition. We could see freedom as liberty, not license.
>
> Finally, he needed an awareness of the era in which he was living, of what was going on around him, which could tell him when it was time to sit and when it was time to stand.
>
> And so indeed we have a heritage, but a bit different from what we often picture. To many of us, heritage is something down in the park, that we take the kids to see on Saturday afternoon.
>
> All the old forts, ships, planes, and so on are to remind us that in each of these old relics was a man or men who was free. Free, not by being told that he was born into a democracy, but free by thinking, being, doing, and sometimes suffering for what he believed in.
>
> To these men, freedom was not something of the past but of the present. Not something passive, but something active and real.
>
> Because they fought and won and remained free, we honor the men and the place. One word describes these battles that made and kept us free—dissent.
>
> "The Congressman from Illinois voted for the resolution of the Congressman from Massachusetts, declaring that the war had been unnecessarily and unconstitutionally begun by the President."
>
> Shades of the Cooper-Church amendment to end the war? Hardly. The date was December 22, 1847, the war was in Mexico, and the congressman's name: Abraham Lincoln.
>
> In the continent of Europe in the fifteen and sixteen hundreds, the religious beliefs of the people were determined by the rulers of the state. Those who believed differently could either face persecution or leave.
>
> Those who left became our pilgrims and puritans. They dissented, they had the integrity, the responsibility, and the awareness to act, and they began our nation.
>
> The last example is that of Edmund G. Ross, a Republican Senator from Kansas. Ross cast the not guilty vote that acquitted President Andrew Johnson at impeachment trial in 1868. By courage and adherence to his beliefs, Ross dug his political grave and saved our form of government.
>
> Each of these people demonstrated the qualities I mentioned. Each, in his actions, was not only greater but also more free in his position than those around him.
>
> Dissent then, whether it be on campus mall or senate floor is the heartbeat of freedom.
>
> Violent dissent though, is a sad mistake. It changes an open ear and mind to a closed, clenched fist.

The Boston Massacre and Kent State both look interesting in the history books, but they are complete dead ends.

Perhaps the heritage of those before us is like a ship's log: It reminds us of where the ship has gone and how the men who sailed the ship before us got her through other storms and shoals and kept the ship free.

Like any ship, she is not steered by the hand at the wheel alone. A single lonely man, free in his courage and defiance, pulling a sheetline, can alter the course of the ship, and of history. His actions can be called mutiny and treason, but he is in his own right and he is free.

In his freedom, that one man can guide the ship on to clearer waters.

THE POLITICAL RIGHTS OF WOMEN

Mr. PROXMIRE. Mr. President, since its inception, the United Nations has been concerned with the political rights of women. The establishment of the Commission on the Status of Women as a functional commission of the Economic and Social Council, and the Preamble of the United Nations Charter are examples of this concern.

The General Assembly, in December of 1946, adopted a resolution noting that not all states had granted women political rights equal to those enjoyed by men and recommended that such states take steps to do so.

In Bogota, in May 1948, the Inter-American Convention on the Granting of Political Rights to Women was signed. At the time, the Commission on the Status of Women recommended to the Secretary General of the United Nations that similar conventions be proposed to assist countries which had not granted women equal political rights. A subsequent report of the Commission noted that as of 1950, 20 nations still had not granted women equal political rights. As a result, the Commission on the Status of Women began to prepare a draft convention on the political rights of women which was submitted to the Economic and Social Council and finally to the General Assembly. The convention was adopted by the General Assembly in December 1952 and opened for signature in March 1953. As of today, 68 nations have signed the Convention on the Political Rights for Women.

The convention entitles women to vote in all elections; to be eligible to run for all publicly elected bodies established by national law; and to be entitled to hold public office and exercise all public functions established by national law on equal terms with men and without discrimination.

The struggle in the United States for women's suffrage began early in our history. The colony of New Jersey granted suffrage to women in pre-Revolutionary days. Unfortunately, even this small step in the political rights of women was lost before the colonies gained independence.

The struggle for women's suffrage was born in the 1840's, aided by the growing participation of American women in many areas of American life. Wyoming gained distinction by being the first State to grant its women the right to vote in 1890. By 1914, the number of States which had granted suffrage to women had grown to 12. The State of Montana sent the first woman to serve in the House of Representatives in 1916. After lying dormant in Congress for 41 years, the proposal for women's suffrage, introduced by Susan Anthony in 1869, was ratified on August 26, 1920, as the 19th amendment.

Unfortunately, our national respect for the political rights of women has not been equaled internationally. The United States has failed for 18 years to ratify the Convention on the Political Rights for Women. I fail to see any reason why this measure should not be wholeheartedly embraced by the United States. Our inaction is no longer tolerable. I urge this convention's speedy approval.

NEW HAMPSHIRE TV NETWORK PLAYS INCREASING ROLE IN EDUCATION

Mr. McINTYRE. Mr. President, television must accept criticism when it performs below a standard of quality which the public expects of it.

But, if we are to criticize TV we must be equally ready to praise it when it performs with excellence and contributes in a major way to the community.

The five-station New Hampshire network which began as a single station operation in 1959 has now advanced to offering, among other programs, 33 educational courses covering 25 hours of weekly television lessons in literature, science, social studies, music, art, and a variety of other subjects to the schools of New Hampshire and Maine.

These programs provide teachers with educational resources that would not be otherwise available to them. This is an enormous contribution to the education of the area.

Mr. President, I want this story told; therefore, I ask unanimous consent that an article from New Hampshire Echoes of Concord, N.H., setting forth this accomplishment of the New Hampshire Network, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

School of the Air: Television Lessons Via the New Hampshire Network

(By Patricia Merrill)

When school bells ring in New Hampshire, more than 110,000 children in Kindergarten through Grade 12 gather around television sets sometime during each week for special lessons supplementing their classroom experience.

Sixth graders investigate the physical and chemical properties of air, atoms and molecules; high school students visit ocean depths in a study of underwater ecology; primary grade classes explore the wonders of the mind and body.

Since 1959, Channel 11—now the five-station New Hampshire Network—has been offering New Hampshire and southern Maine students valuable enrichment and instruction.

According to William A. Brady, NHN instructional services director, a total of 33 courses is being offered this year by the New Hampshire School of the Air. The most extensive curriculum in NHN history includes 25 hours of weekly television lessons in literature, science, social studies, music, art and a variety of other subjects.

In telecasting these programs, the NHN provides teachers with many educational resources that would otherwise be unavailable to them. As a member of the Eastern Educational Network, the NHN draws upon production talents and teaching skills of 25 member stations throughout Eastern United States. Further, it utilizes the services of national distribution agencies such as the Great Plains National Instructional Library in Nebraska, the Midwest Program on Airborne Television Instruction in Indiana and National Instructional Television, also in Indiana.

Accessibility to national instructional television resources in cities such as New York, Boston and Washington, enables the NHN to select the best programming for its school schedule. In this way, the NHN's own production energies can be concentrated on the preparation of courses designed to meet specialized needs such as "The Curious World," encouraging fourth and fifth graders to learn the processes by which scientific data is obtained, and "Looks At Books," a modern literature series for kindergarten and first grade.

Ideally, students are encouraged to look *for* something, not just *at* the television lesson. The classroom teacher who prepares her class for the television experience, encouraging student participation and involvement with meaningful and imaginative follow-up activity, makes the best use of this rich and flexible teaching resource. Study guides—distributed free this year to all enrolled schools—describe the content of each lesson in a series and list related activities.

Schools enrolled in the New Hampshire School of the Air pay a fee of one dollar per pupil through Grade 8 and 50 cents per pupil, Grades 9–12, based on total school enrollment. The cost to an individual school system of duplicating the New Hampshire Network's total contribution to the curriculum of local school systems would be prohibitive.

New courses this year include "The Playground" to help children discover music concepts and develop an interest in music; "Let's See America," a series of visual field trips to historic and unique American landmarks such as Strawberry Banke, the Saugus Iron Works and the United Nations; "Children of the World," dealing with the customs, problems and life styles of people in other countries; and "A Matter of Fiction" an all-color series designed to encourage leisure reading among junior high students.

"A Look At Us" encourages high school students to consider issues which affect them deeply, providing a deeper insight into their own feelings and attitudes and a better understanding of the attitudes and feelings of others.

While certain grade levels are suggested for each course, "out of grade" use is widely encouraged. For example, third grade programs have been viewed by special education classes in junior high, and a portion of a junior high series has been used by a fifth grade class.

One of the new programs, "The Curious World," was produced by the New Hampshire Network under a grant-in-aid from Sanders Associates. The six program series for grades 4–5 features television teacher Kelvin Dalton (of "Science in Your Classroom").

All Instructional Service program decisions and selections are made by a curriculum committee of teachers and administrators from public and parochial schools throughout the state.

Each school year the NHN Instructional Service Department sends questionnaires to the teachers to determine which courses are most widely used and to obtain their reactions to the quality of the television lessons.

This year a new factor was added to the selection process with the establishment of a Preview Week. An entire week of daytime broadcasting in November was set aside, enabling teachers and students to view sample lessons of series being considered for the 1971–72 schedule. The reactions to these sample lessons were then sent to the NHN for compilation and analysis.

Brady points out that one of the advantages of instruction by television is that the lessons can be viewed at home as well as in school. "Children who are absent because of illness can keep up with some of their class activities," he explains. "All parents can keep informed of what their children are learning, and can share in their children's learning experiences."

A survey conducted last year revealed that well over a million student-hours of viewing were logged by the children in New Hampshire's public and parochial schools during the 1969–70 school year.

"Since the activation of the state Network," says Brady, "We are reaching students in virtually every section of the state. While we are still interested in increasing the numbers of students using our programs, our concern this year is with quality—with helping classroom teachers make the most effective use of television lessons. To that end, Brady has conducted a series of television utilization workshops for teachers in Woodsville, Claremont, Groveton, North Conway, Berlin and Littleton.

The NHN is currently conducting field strength readings in the northeast portion of the state to determine the locations of several translators, low power repeaters, used to fill in the most heavily populated limited reception areas. The first translator (Channel 70) is being built in North Conway to improve reception in Conway, North Conway and parts of Jackson.

Students are not the only ones who have been benefiting from television lessons. More than 2,500 elementary teachers in New Hampshire during the last four years have enrolled in three credit courses produced by the New Hampshire Network in cooperation with the University of New Hampshire.

"Art in Teaching," "Science in Your Classroom," and "Teaching Elementary School Reading" were designed to help elementary teachers develop creative art and science programs and to examine factors affecting reading, group and individual diagnosis, focusing on the needs of the individual child.

The three courses, which combined a study of recent methods of instruction with the development of skill in using special materials in the classroom, emphasized that techniques are a means to an end, not an end in themselves.

An estimated 78,000 school children were reached as a direct result of these courses which consisted of 15 television lessons combined with follow-up classroom workshops in regional centers located throughout the state.

Outside the classroom, the NHN provides 15 hours a week of top children's programming, largely adult oriented, combines public affairs, performance, confrontation, documentaries and adult instruction Sunday through Friday, offering a wide range of programs for viewers of all interests.

The New Hampshire Network is supported by state funds, schools enrolled in instructional services, the New Hampshire Public Broadcasting Council (representatives from 23 educational institutions forming the NHN's governing body) and gifts and contributions from business, industry, groups and individuals.

In its 11 years of telecasting, Public Television in New Hampshire has grown from a single station to a five-station network, a statewide service meeting educational needs, providing local public affairs coverage and bringing quality television into the homes of New Hampshire viewers.

UNEMPLOYMENT OF AEROSPACE TECHNICIANS AND ENGINEERS

Mr. DOLE. Mr. President, on Wednesday, March 3, 1971, Malcolm R. Lovell, Jr., Assistant Secretary of Labor for Manpower addressed the conference on employment problems of scientists and engineers in the aerospace and defense industries. In his speech he estimated that defense cutbacks have resulted in the unemployment of 50,000 to 65,000 engineers, scientists, and technicians who formerly worked in defense and aerospace jobs. He also stated that current employment opportunities fall far short of the total needed to absorb these displaced workers.

Mr. President, this problem is very serious in several areas of our country including Wichita, Kans. In March of 1970, President Nixon established the Inter-Agency Economic Adjustment Committee to assist communities adversely affected by defense cutbacks. I have asked that committee to assist local leaders in Wichita in developing a strategy for economic development.

But, Mr. President, more must be done to put those aerospace technicians and engineers back to work. On February 28, 1971, the Subcommittee on Economic Development of the Senate Public Works Committee, on which I serve, held hearings in Wichita, Kans., to determine the extent of the problem and possible legislative solutions. The witnesses appearing before our subcommittee included skilled laborers, aerospace technicians, and engineers, who repeatedly expressed a willingness to work and if necessary to restrain so they could do so.

Assistant Secretary Lovell has clearly defined this problem. I would commend this statement to the attention of all Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMARKS BY MALCOLM R. LOVELL, JR., ASSISTANT SECRETARY OF LABOR FOR MANPOWER BEFORE THE CONFERENCE ON EMPLOYMENT PROBLEMS OF SCIENTISTS AND ENGINEERS IN THE AEROSPACE AND DEFENSE INDUSTRIES

The Labor Department's Manpower Administration has been called upon to help the American worker in a variety of situations, in a variety of emergencies, in a variety of ways since it was established eight years ago.

Its nine major programs for training, for work experience, or classroom instruction have been molded in many ways to help the Nation's jobless or underemployed gain the skills and knowledge needed to win a worthwhile job. While the economy was constantly improving and there was a continued growth in job opportunities, these programs met with continuing success.

In the past two years, however, sharp reductions in defense and aerospace spending curtailed employment in these fields. Although this has happened in the past, the large numbers of unemployed engineers, scientists and technicians today has been regarded as a phenomenon on the national scene, a visible domestic problem which, despite preventive efforts by a variety of Federal agencies, is assuming major proportions in the industry.

The unemployment rate for engineers increased from less than one percent in November 1969 to more than 2.5 percent in November 1970. This was during a period when the unemployment rate for the Nation as a whole increased from 3.5 to 5.8 percent.

Our best estimates are that these cutbacks have resulted in unemployment for 50,000 to 65,000 engineers, scientists and technicians who formerly worked in defense and aerospace jobs.

In order to find out where these people were and how they were being affected, we conducted a special survey of engineer, scientist and technician unemployment in 24 cities hard hit by defense and aerospace layoffs.

For the most part, the survey indicated that employment reductions in these fields have had a serious impact on only a limited number of locations. A large share of the problem with respect to displaced defense and aerospace engineers appears to be centered in about 12 areas: Seattle, Los Angeles and Orange Counties in California, Long Island, N.Y., Wichita, Cape Kennedy, Huntsville, St. Louis, Boston, Atlanta, Philadelphia, and Dallas. Overall unemployment was not severe in some of these areas.

The occupations with the largest numbers of unemployed, the survey showed, were aeronautical engineers, aeronautical draftsmen, electrical engineers, tool designers, mechanical draftsmen, industrial engineers, mathematicians and programmers.

Demand for such professional and technical workers suggests that current employment opportunities is far short of the total needed to absorb the presently displaced worker. It is significant, however, that during the month of January, 1971, the State Employment Security agencies throughout the Nation received 5,000 job orders in scientific and engineering occupations from employers from every State in the Union except Alaska and Montana. On January 31, 1971, there were 5,023 openings *unfilled*. There were 75 different scientific, engineering and technical occupations in these unfilled openings ranging from aeronautical engineers and aircraft designer to structural draftsmen and tool designer to system programs mathematician and thermodynamics engineers.

The fact still remains, however, that vast numbers of engineers are unemployed today. Contacts with Federal agencies responsible for such activities as pollution control, highways, health services and housing—as well as the Council of State Governments and the National League of Cities, U.S. Conference of Mayors—suggested that there are sizable unfilled needs for engineering, technical and scientific personnel for these programs.

The key problem here, however, is how to translate the unmet needs of State and local governments into an actual hiring program. Such an eventuality would require sizable additional funds not now available to the Federal agencies concerned, or to State and local governments.

It is interesting to note that many of the aerospace engineers are called that because of their work experience rather than education. It is estimated that about 60 percent of this group have degrees in civil, mechanical or electrical engineering. Engineers with such backgrounds could fit into such programs as highway safety, urban renewal, construction, water control engineering—most of you know better than I where they could fit.

We have found, however, that the willingness to retrain appears to be directly proportional to the length of unemployment. The principal barrier appears to be the problem of salary readjustments. Training allowances now available under MDTA, for instance, are no where near enough to meet the heavy financial obligations many of these people have.

The Department of Labor's Manpower Administration has taken a number of significant steps to help in this situation. It became fairly clear last year that the highly specialized background of these people created a solid obstacle in finding jobs for them outside of their chosen field. Events proved that the first judgment was not nearly as discouraging as it first appeared.

The American Institute of Aeronautics and Astronautics came to us last year with the result of a highly succcessful workshop they had conducted in Los Angeles for jobless aerospace engineers.

The concept was simple: to show engineers how their education has relevance in occupational fields other than those labeled strictly engineering, and suddenly a whole new area of job opportunities becomes available.

These men, most of whom had rarely had the need to apply for a job in the past—from their college graduation days they were usually approached with a variety of good offers, first were shown the simple mechanics of selling themselves. Then they were shown how to dissect their educational background so that, for instance, the mathematics they knew, the data processing they understood, and the many disciplines in the field of physics they knew could be applied to many other occupations still in need of highly educated and trained workers.

When the AIAA told us about this, we agreed to set up similar workshops with Labor Department funds in five cities. And, shortly thereafter expanded the number of cities to 34. These workshops, consisting of three evening sessions a week apart, have thus far provided perspective and guidance to more than 6,000 professionals who have participated. The AIAA is currently compiling some placement statistics for us.

While this idea seemed an excellent approach to one aspect of the problem, it was obvious again that a jobless group of persons, whether they are called engineers or ditch-diggers or sewing machine operators, are faceless and difficult to reach unless there is a common meeting ground, a market place, let us say.

We created such a market place when we joined with the National Society of Professional Engineers and the California Human Resources Development agency in providing a national registry for scientists and engineers. This national registry, or central clearing house, brings together the applications of jobless engineers and employers with job openings.

An engineer seeking work in Wichita or Boston or Los Angeles goes to his local State Employment Service office and fills out a special form with his vital statistics and job qualifications. The local ES office transmits this information by teletype to the national registry located in Sacramento, California.

Employers seeking engineers or scientists or technicians or workers with similar qualifications, request the registry to refer qualified people to their firms.

As of mid-February, nearly 2,900 applications were received from unemployed engineers and scientists, and more than 700 referrals have been made to employers. The Registry geared up in mid-January and the word has not reached many employers or unemployed engineers yet.

Quite obviously, we have a long way to go in this endeavor. But I want to emphasize that there will be little success unless everyone steps in and helps get the message to employers.

Tied in closely with the National Registry is the Manpower Administration's expanding system of Job Banks, a system that President Nixon enthusiastically endorsed in his first month in the White House.

We have improved information on alternative job opportunities now being provided in more than 60 areas through the Job Bank program, operated by the Labor Department and affiliated State employment services. These Job Banks provide daily computerized listings of local job opportunities enabling speedier links between the jobless and a job opening. Teletypes of all job orders received from employers for engineers, scientists and technicians at the Job Banks and other ES offices will be sent to the National Registry for listing as soon as a national hookup is completed.

By the first of July we expect to cover 111 major metropolitan areas with these Job Banks.

At the same time the Labor Department is improving its area recruitment system, a nationwide program providing a mechanism to exchange labor supply and demand information between States and areas. This system is more useful to engineers and scientists willing to relocate.

Willingness is an important word in the lexicon of the unemployed professional man today. He must be willing to move around the Nation where the jobs may be. He must be willing to face periods of financial strain until the proper opening arrives. He must be willing to lower his standard of living until that moment when he is once again settled in a productive job of his choice and is once again the master of his fate.

While he is in this jobless state, the Labor Department has been assisting him to some degree through the unemployment compensation program available in every State. With the 1970 amendments to the Unemployment Insurance legislation, an additional 13 weeks of compensation will be made available under these amendments this year.

While broad-scale efforts are being made, a few localized efforts to help engineers and scientists bear exposition.

At the University of California Irvine campus, 34 middle-aged and unemployed aerospace engineers are enrolled in the Nation's first university-sponsored program to re-school them for new occupations. With Labor Department funds the engineers are being prepared in the relatively new field of environment engineering in an 11-month course.

Similarly, at the University of Tennessee Space Institute at Tullahoma, the Institute and the Labor Department have joined forces to help 50 unemployed engineers from the Tullahoma and Huntsville areas learn about jobs in environmental control work.

The Virginia Employment Commission sent 900 potential employers a computer printout listing his education, skills and other pertinent recruitment information concerning their State's unemployment professionals. The VEC has hired, on a temporary basis, some of the unemployed engineers and scientists, at a modest salary, as an example for private employers to follow.

The Labor Department is currently involved in hiring several hundred professional workers as safety inspectors to staff the new safety bureau created by the Congress. Many of the inspectors are being selected from among unemployed engineers and scientists.

Training of scientists and engineers under the Manpower Development and Training Act has mostly taken place in California—a center of aerospace and defense industries. Proposals have been funded for a total cost of $5,182,708 to provide training for an estimated 3,653 persons. About 40 percent of these individuals are professional engineers or scientists.

The training embraces a wide variety of occupations, including those in bio-medical, technical marketing, and environmental engineering fields.

The much larger on-the-job training program provides funds for distribution to local community action agencies who are actively developing OJT projects. This is a continuing ongoing process.

The Department of Housing and Urban Development is seeking out ways of hiring more of these displaced professionals for HUD's Urban Renewal and Model Cities programs.

In Boston, we have opened a special total service center, operated by the State Division of Employment Security with the cooperation of the Associated Industries of Massachusetts. This center opened on January 26 and the reports are that the response from many among the 10,000 unemployed scientists and engineers in the area has been enthusiastic. The *Boston Herald Traveler* conducted a month-long free help-wanted ad campaign for the unemployed and several thousand unemployed engineers and technicians found work, many outside their field, through this service. The new center is providing services ranging from job application writing, to advice on how to meet mortgage payments or bank loans, and to relate their background to other jobs which could easily use their fundamental education.

The Labor Department has some further plans to help in this problem.

In the 10 hardest hit areas, we are exploring the possibility of further refining the self-help methods and approaches now being used by such organizations as Talent Plus and Experience Unlimited. We are asking State agencies to hire two or three unemployed engineers or scientists to set up and operate Job Information Centers for displaced engineers. This staff can then coordinate the employment and financial counseling, resume preparation, job development, and placement efforts of the volunteer groups in these areas.

Greater stress will be placed on job development efforts, especially in high placement potential areas. These efforts will cover both the private and public sectors, and will involve circularization of appropriate industry and trade associations. As part of this promotional effort, specific information will be developed on the characteristics—education, occupational discipline, experience, etc.—of the unemployed engineers and scientists.

The Labor Department is developing a legislative proposal which would include measures to facilitate the mobility of persons displaced from previous jobs due to changes in national priorities. This legislation is patterned after the Trade Expansion Act of 1962 and would include such benefits as readjustment allowances, relocation payments, and counseling and training services. While the proposed legislation is not exclusively related to the aerospace defense unemployment problem, it could be an important tool in this area to close the gaps in existing categorical legislation.

Let me point out at this juncture that we realize how difficult and frustrating the loss of jobs can be and how discouraging it is to work in industries that are buffeted by the rise and fall in economic vagaries. I firmly believe, however, that the consortium of innovate programs advanced by President Nixon, such as general revenue and manpower revenue sharing, welfare reform, and the construction of the SST, will not only bring the economy back quickly but, in the process, create jobs.

That should be good news for the highly educated scientists and engineers without a job today. That should be good news for the poorly educated disadvantaged worker today, too.

One of the major lacks among the highly educated worker is, ironically, the same lack that afflicts the poor and uneducated: where can you go to get the right facts and the proper advice.

> Providing engineers and scientists with solid information about job opportunities, job requirements, job locations, and job trends—where the action is—is the most important thing that we can do for them in the long run. Because, in the final analysis, these are educated and intelligent men who can take care of themselves once they have the facts to work with.
>
> To help in this problem, the Labor Department, through the employment security offices and its own regional staffs, will assist local efforts by employers and engineering societies by assembling current lists of employers in the area by size and type of industry; provide technical assistance in developing survey formats for locally directed demand analyses, and collating and analyzing the data.
>
> Disseminating good, useful data about the labor market is, obviously, an important step. Local employment security offices in the nine cities hardest hit by the current cutbacks will be augmented by staff to enable them to increase their job development and information efforts.
>
> The present drop in demand for professional engineers is a painful, sobering reality—especially to the engineer who is personally affected.
>
> But I have every confidence that the drop in demand is only temporary.
>
> This Nation is going to need engineers and lots of them in the coming months and years. Right now we are, and have been, suffering from the inevitable process of adjusting to shifting priorities. When these upheavals in our national policies have settled down, and our future course is more clearly charted, engineers will be needed in numbers that will exceed the supply, I am sure.
>
> The kinds of engineers, and the kinds of *jobs* engineers will work in, may be quite different in the coming decade, however.
>
> The Department's Bureau of Labor Statistics forecasts, for example, that industry will need 87,000 additional electrical engineers, 63,000 more architects and structural engineers, 62,000 more mechanical engineers, 23,000 aeronautical engineers, 22,000 civil engineers, and more. The fields in which they will be needed include, in order of demand: computers and other electrical equipment; architectural services, machinery design, aircraft research and manufacture, construction, scientific instruments, chemical engineering, and finally, ordnance.
>
> The total number of engineers employed in the U.S. will increase from about one million at present to about 1.5 million by 1980. That means an average of 50,000 new engineers will be needed each year to fill the growth needs alone. Still more will be needed to fill in the ranks of engineers who retire, or otherwise leave the field.
>
> This is a picture of strong demand for the skilled abilities of professional engineers. They are urgently needed in our daily work of transportation, manufacturing, communications and education. And now more than ever the country needs the talents of engineers for the new crises of pollution, poverty, diseases, and crime.

A PRAYER FOR NEW HAMPSHIRE

Mr. McINTYRE. Mr. President, at a recent service on Quinquagesima Sunday, the Sunday before Lent, the Washington Cathedral honored my State of New Hampshire.

The Very Reverend Dean Francis B. Sayre, Jr., who was celebrant for the service, offered a "Prayer for New Hampshire."

I believe this prayer captures so much of the spiritual values of New Hampshire that I ask unanimous consent that it be printed in the RECORD.

There being no objection, the prayer was ordered to be printed in the RECORD, as follows:

A PRAYER FOR NEW HAMPSHIRE

(By the Very Reverend Francis B. Sayre, Jr.)

> O God, how hast Thou favored Thy children who are given to perceive Thy splendor upon the wooded terrain of New Hampshire! For hemlock and spruce and sweet maple dancing down the valleys; for granite uplifted, unmoved, eternal; for myriad lakes like eyes in the forest where shines the image of the lively sky; for the silent peace of snow, the cool verdure of summer, and autumn's gorgeous praise: Accept our thanksgiving for Thy abounding glory. May our lives too reflect Thy grace: As free as a deer upon the mountain, yet humble enough to seek Thy way and no other. So shall we dwell with Thee and one another, taking the place in Nature's harmony which Thou hast appointed to be our blessing; through Jesus Christ our Lord. Amen.

THE WORSENING OUTLOOK FOR THE CITY'S LANDMARKS IN THE NATION'S CAPITAL

Mr. HARTKE. Mr. President, the Washington Post, on February 27, published a letter to the editor entitled "The Worsening Outlook for the City's Architectural Landmarks," which noted that the "combined forces of subway, Pennsylvania Avenue plan, and downtown renewal are sure to pose a major threat to landmarks within the boundaries of the main commercial and municipal sectors of Northwest."

The article cited the recent proposal of architect Wolf Von Eckhardt to preserve the old post office as "a prime example of a new mood afoot among designers and architects who are interested in incorporating valuable 'period piece' buildings into existing renewal projects."

It concluded with a call to action:

> Now is the time for influential planning, civic and business leaders in this city to understand, and reconcile themselves to the urgent need to spare these and other structures that are significantly indispensable both from an aesthetic and an historical point of view. With so little of D.C.'s proud architectural past remaining to be observed by future generations, the least these most worthy survivors deserve is a more promising fate than the grim oblivion that they now appear destined for.

Mr. President, recently I received from Daniel Price, of the Occidental Restaurant, a list of historic landmarks in the Nation's Capital which are threatened by urban renewal and the Pennsylvania Avenue plan. This list includes:

Willard Hotel, Washington Hotel, National Theatre, Occidental Restaurant, Tariff Commission Building, Chinatown, National Press Building, Rhodes Tavern, Matthew Brady Studio, Old Ebbit Grill, Reeves Bakery, Kann's Store, Street facade, 700 block of 7th Street, northwest, National Bank of Washington, St. Patrick's Church, Greater New Hope Baptist Church, Mary Surratt House, St. Mary's Catholic Church.

I am informed by Mr. Price that this list was obtained from a study entitled "Downtown Urban Renewal Area Landmarks," published in 1970 by the National Capital Planning Commission and the District of Columbia Redevelopment Land Agency, and from plans for such federally financed programs as urban renewal, the subway, the freeway program, and the Pennsylvania Avenue plan.

In his message to Congress on February 8, 1971, President Nixon declared:

> America's cities, from Boston and Washington to Charlestown, New Orleans, San Antonio, Denver, and San Francisco, reflect in the architecture of their buildings a uniqueness and character that is too rapidly disappearing under the bulldozer. Particularly acute is the continued loss of many buildings of historic value. Since 1933 an estimated one-quarter of the buildings recorded by the Historic American Building Survey have been destroyed . . . (and) there are many historic buildings under Federal ownership for which inadequate provision has been made for restoration and preservation.

In the face of that clear statement of concern, it is rather ironic that the President has permitted plans to destroy many of the historic buildings of the Nation's Capital to continue without abatement. It is even more ironic that we are spending Federal tax dollars for this destruction.

It was equally disturbing to read an editorial in the July 1, 1970, Washington Post which indicated that the historic Willard Hotel has been kept dark for more than 2 years while the General Services Administration negotiates a swap with the Willard's owner for a potentially valuable 17 acres of land in Arlington. This transaction raises the possibility that plans to destroy historic buildings in Washington may result in significant financial rewards for speculators.

In light of these developments, it was somewhat reassuring to read an article in the February 19, 1971, Evening Star which stated:

> Under prodding from Capitol Hill, key officials of the Nixon Administration and the District's business community are moving toward agreement on a scaled-down plan for redevelopment of Pennsylvania Avenue.
>
> They also concluded the redevelopment plan should stress the renovation of existing structures wherever possible, with a minimum displacement of stores and businesses.

If the news of this new attitude is accurate, the future for Capital landmarks appears brighter. At the same time, every person who takes pride in this Nation's past as represented in its architecture would breathe easier if the President would use his powers as Chief Executive to preserve historic landmarks in the Nation's Capital.

Mr. President, we, as a nation, must be concerned with preserving and protecting our historic landmarks, not only those of great national significance, but the landmarks which make one city distinct from another. It would be a disaster to destroy the landmarks in Washington, D.C., and replace them with new buildings of little character.

A STATUS REPORT ON CHEMICAL AND BIOLOGICAL WARFARE

Mr. McINTYRE. Mr. President, for the last 2 years, as chairman of the Research and Development Subcommittee of the Committee on Armed Services, I have devoted considerable time and effort to the chemical and biological warfare program conducted by the Department of Defense.

I have just received from the White House a report on the current status of much of this program. For the information of the Senate, Mr. President, I ask unanimous consent that this report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, March 3, 1971.

Hon. THOMAS J. MCINTYRE,
U.S. Senate,
Washington, D.C.

DEAR TOM: There have been some Congressional inquiries and press speculation regarding the implementation of the President's decisions, as announced on November 25, 1969 and on February 14, 1970, to renounce biological and toxins warfare and to confine our programs to strictly defined defensive purposes. While it naturally takes time to work out the full implementation of such a major policy change, several fundamental steps have already been taken, which the President would like you to know about.

At the time of his decisions, the President requested the Defense Department to make recommendations for the safe disposal of existing stocks. Defense's plan required consultations with and the concurrence of several governmental agencies including, for example, the Council on Environmental Quality, the Surgeon General, and the President's Office of Science and Technology. On December 18, 1970, the Defense Department announced the final approval of its plan for the destruction of all stocks of biological and toxin agents and associated munitions.

The disposal operation is scheduled to begin at Pine Bluff (Arkansas), Rocky Mountain Arsenal (Colorado), Fort Detrick (Maryland) and Beale Air Force Base (California) in early 1971 as soon as necessary coordination with other interested Federal, State and local agencies is completed. All stocks will be destroyed on site. It is expected that the operation will take about 12 months at a cost of approximately $12.0 million. Needless to say, the overriding guideline for the plan is absolute adherence to strict safety and control procedures.

The matter of possible non-defense uses for biological facilities has been the subject of extensive review. On January 27, 1971, the President announced that a new, major project to investigate the health effects of a variety of chemicals (e.g., pesticides, food additives and therapeutic drugs) will be established in the biological facilities at Pine Bluff Arsenal. The Food and Drug Administration (FDA) will occupy the facilities as the Army vacates them, and it is expected that FDA will take over the entire biological facility in FY 1973. After the destruction of the stocks, the facility will be completely open for public inspection and international visitors.

While the future of the biological facilities at Fort Detrick is still under review, this too will be an open facility, after the stocks there have been destroyed, with no classified biological research programs. There are no plans in process or anticipated to relocate 190 military personnel and 250 civilians for the defensive biological program to the Deseret Test Center in Utah. Moreover, after the stocks of biological agents have been destroyed and with the possible exception of the purely medical and unclassified program of the Army Surgeon General, the existence of a group even close to such size is not anticipated in the entire defensive biological program.

The objective of the biological program will of course be protection against possible biological attack. As the President recently reiterated in his message to the opening session of the Conference of the Committee on Disarmament in Geneva, we are at the same time seeking to gain international agreement to have other countries limit their biological programs as we have done. Great Britain, Canada and Yugoslavia have announced national programs similar to ours. Our defensive measures program will be strictly defined and confined to areas such as medical research on diagnosis, therapy and immunization, research on detection and warning systems and defensive equipment, and intelligence-related vulnerability analyses. The only area of research where any classification is foreseen at the present time is that of research on warning and detection systems. Intelligence-related activities and analyses will, of course, also continue to be classified. The nature and scope of the research program for defensive purposes only continue to be periodically reviewed on an interagency basis.

With warm regards,
Sincerely,

WILLIAM E. TIMMONS,
Assistant to the President.

FEDERAL BUDGET FOR FISCAL YEAR 1972

Mr. FULBRIGHT. Mr. President, in President Nixon's announcement of his proposed Federal budget for fiscal year 1972, much was made of the point that only 34 cents of every dollar would go for military expenditures, with 42 cents going for human resources.

However, a close examination of the budget—and it is presented in such a manner that it is very difficult to get a true picture—shows that this claim is highly misleading. Nonetheless, many people seem to have accepted the President's statement without any serious effort to determine the actual facts.

I was, therefore, very much pleased to see an article on the budget in the March 5 issue of Commonweal magazine which does get beneath the surface and give a true picture of how the President actually proposes to spend our money.

Mr. Richard du Boff, associate professor in the Department of Economics at Bryn Mawr College, in Pennsylvania, correctly points out in the article that the military expenditures actually account for more than 60 percent of Federal spending.

A hard look at the budget reveals little serious change in priorities. Military spending, despite the supposed "winding down" of the war, is going up.

Mr. President, I think that Mr. Du Boff has written a most significant article. I ask unanimous consent that it be printed in the RECORD.

I also ask unanimous consent that a recent newsletter sent to my constituents be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From Commonweal, XCIII, Mar. 5, 1971]

NIXON'S SECRET PLAN: THE BUDGET

("Far from being a dry accounting of bookkeepers, a nation's budget is full of moral implications; it tells what a society cares about and what it does not care about; it tells what its values are." Senator J. W. Fulbright, August 8, 1967.)

(By Richard du Boff)

Richard Nixon's budget for fiscal year 1972 (beginning this July 1) was delivered to press and public on January 29. Among the "highlights" presented in merciful summary of the huge document (it weighs over six pounds) was this one: "Even with this increase [of $1.5 billion], defense spending will drop from 36 percent of total spending in 1971 to 34 percent in 1972. Outlays for human resource programs, continuing to rise as a share of the total, will be 42 percent of total spending in 1972."

The statement is grossly misleading. In fact, so far as federal money appropriations—real political choices—are concerned, military and war spending accounts for more than 60 percent, human resource expenditures 31 percent—a ratio of two-to-one, and this by conservative estimate. Nixon's aim is transparent: to understate Pentagon profligacy and puff up all items remotely connected with human well-being, the cities, the environment, and any other area supposed to be benefiting from "redirection of our national priorities."

To understand how the President is accomplishing this, you'll need a dash of recent history, a short review to illustrate how the present federal budget is, like so many other things, a product of "bi-partisan" policy—cooperative trickery in this instance.

Until fiscal 1969 the government's budget was presented in *administrative* form. The old administrative budget, which has apparently been phased out altogether, was a financial record of only federally-owned funds. Such funds may be distinguished from trust and deposit funds held by the government for some specified and continuing purpose (or for some person). *Receipts* in administrative budget terms, then, would be total federal revenues less transfers to trust funds, certain intra-governmental transactions (interfunds), and refunds. Administrative *expenditures* would be those payable from Congressional appropriations and borrowing.

Back in 1967 the Johnson Administration, dissatisfied with this budgetary concept for several reasons—some valid from an economist's viewpoint, as I'll concede shortly—recommended adoption of a "unified budget," which was put into effect starting two years ago. The unified budget is the old administrative budget *plus* trust funds; it's a kind of consolidated cash account. It includes revenues and outlays from social security and retirement trust funds and highway trust funds. True, it does give a more complete picture of federal activities than the administrative budget, particularly because it reflects the impact of aggregate government spending on the level of economic activity. But it gives a badly distorted picture of the budget-making process and the political priorities this process so faithfully reflects. To arrive at an understanding of basic political choices, an interested observer would spend much more time examining year-by-year appropriations and discretionary expenditures than the comparatively viscous financial flows of trust funds whose net intake or outflow depends on past accumulations and present demands largely unrelated to current Congressional (and pressure group) politics.

Whatever the original rationale behind the "unified budget," it has been a godsend for Pentagon propagandists. What they have done is to include trust fund flows—moneys for which the government is a caretaker—in the unified budget and then to lump all trust fund payments in with "human resource" spending. Through this kind of accounting, human resource outlays are vastly overstated, military spending understated. The budget "highlight" quoted above is a perfect example of this propaganda in action.

Reconstituting the old administrative

budget for fiscal 1972 conveys an impression quite different from Nixon's "highlight." The unified 1972 budget cites total receipts as $217.6 billion and outlays as $229.2 billion. If we deduct from both of these figures trust fund flows (income and outgo), administrative receipts become $160.0 billion, administrative outlays $168.5. On the basis of these revised receipt and outlay figures, let us do some recalculating of percentages:

1. Total defense spending is carried at $77.5 billion. Alone, this represents 48.4 percent of administrative receipts, 46.0 percent of administrative outlays—already well above the 34 percent figure used by Nixon.

2. "International affairs and finance" and "space research and technology" are allocated $4.0 and $3.2 billion respectively. Let us assume, understating the true amounts in all likelihood, that half of this $7.2 billion is closely related to the military (foreign aid and military assistance, probably intelligence too, are the major items). Adding $3.6 billion to the $77.5 billion for defense, we now account for 50.7 percent of administrative receipts, 48.1 percent of outlays.

3. "I can remember," I. F. Stone wrote two years ago, "when a feature of the annual federal budget presentation was a chart showing how much was absorbed by past, present and future wars. This added military expenditures, veterans' benefits and interest charges, the last item because past wars are the real reason for the public debt. These three items in the 1970 budget total more than $106 billion and will take more than 70 percent of the general revenues." Let us repeat this operation, but more conservatively than Stone, by assuming that two-thirds of both the $10.6 billion for "veterans' benefits and services" and $19.7 billion "debt interest" are attributable to past and present wars. Added to the $77.5 billion defense budget, this new total constitutes 63.3 percent of administrative receipts, 60.1 percent of outlays.

4. Finally, let us combine steps 2 and 3. Here we shall add up the $77.5 billion for defense, half of international affairs and finance, and two-thirds of veterans benefits and debt service. This grand total of current and past military spending represents 65.5 percent of administrative income, 62.2 percent of expenditures.

In all probability, these military totals are still understated. My four-step calculations exclude some of the defense-related activities of the Atomic Energy Commission and the Selective Service System (the latter has been included in nondefense "human resource" expenditures, believe it or not), as well as hidden military enterprises that we discover bit-by-bit, like the $100 million per year of military aid dsguised as "food for peace." It will be no surprise, moreover, if the $77.5 billion defense total itself creeps up over the next 18 months or proves to be a harbinger of bigger and better days ahead for the Pentagon. In the 1972 budget the Pentagon, according to *Business Week* (Jan. 30), "receives favorable treatment . . . Pay increases . . . will reverse the downward drift in military spending . . . More significant for the ailing defense industry, however, is the fact that new obligational authority is programmed to rise by $6 billion, portending a sharp increase in the spending of future years. New authority for research and development contracts is scheduled to jump $900 million. And there is an added $3.3 billion slated for new Navy vessels." Still more has been thrown in for missile modernization, North American Rockwell's B–1 bomber, and Polaris submarine replacement.

Thus, as I said at the outset, at least 60 percent of our real political budget goes to the military. It might be objected that some of these defense-oriented expenditures are as presently uncontrollable as social security trust funds: veterans' benefits and interest on the national debt do have some of the same cumulative and irreversible features. The point, however, is that they scarcely deserve to be associated with "human resources" or with the "nondefense" sector as political choice. If we put together our own estimate of genuine human resource appropriations summing agriculture, natural resources, commerce and transportation, community development and housing, education and manpower, and health, we come up with some $50 billion—roughly 30 to 31 percent of the administrative budget. This is surely generous; the transportation appropriation, for instance, covers $235 million for the SST. Thus $50 billion would be shaved down drastically if human resource spending were defined in terms of the desperate concerns now at the center of the "priorities" debate—urban redevelopment, housing, public transportation, job training, medical and health care, consumer protection, antipollution measures.

II

The other principal feature of the fiscal 1972 budget is, of course, "revenue sharing." To begin with, this too, on close inspection, turns out to be another case of false and deceptive advertising. The $5 billion of general revenue sharing proposed by Nixon becomes $3.75 billion in the budget. But the chief effect of revenue sharing in this budget, as I see it, is to reinforce the efforts to downplay the Pentagon's iron grip on our national resources.

Not that this is the sole argument against revenue sharing. Some other strong doubts have been expressed by, among others, Professor Amitai Etzioni in his *New York Times* editorial column of January 30. (He believes revenue sharing would put more funds into the coffers of government units characterized by greater corruption, less operating efficiency and worse bureaucratic snarls.) But no reason is more persuasive than the fact that, given the current political climate in the United States, revenue sharing will serve to *reduce* pressures to cut back on Pentagon spending. It will furnish the illusion of "redirecting priorities" with none of its substance, and it must be assumed that Nixon and his advisers are very well aware of this consequence. Complementing it is the general lack of inclination on the part of the state and local government officials to relate their own current financial crises to the forces making for decay of American society as a whole.

One prime example is New York's Governor Nelson Rockefeller, perhaps the most outspoken champion of revenue sharing. On a number of occasions Gov. Rockefeller has declared, accurately, that citizens of his state pay in some $23 to $24 billion in taxes to the federal government and get back less than $3 billion in federal programs. What he has consistently neglected to say is that the bulk of the difference goes to the military. The omission is understandable.

Over the past two decades Rockefeller himself has been one of the most ardent advocates of ever higher levels of military spending. He's been one of the oldest hawks in the U.S. cold war aviary. Yet, in the latest strong brief that he made for revenue sharing, before the Joint Economic Committee in Washington on January 29, the Governor again skirted his obvious political contradiction, pleading "insufficient knowledge to discuss military expenditures." It's a performance we can expect to see repeated, maybe even more awkwardly by local officials of areas with large military installations. Midst the upsurge of discussion about revenue sharing in recent months only one governor, to my knowledge, has linked the fiscal woes of his state to the voracious appetite of the Pentagon—Wisconsin's Patrick Lucey. How many others, aside from perhaps Shapp of Pennsylvania and Gilligan of Ohio, who have yet to be heard on this subject, are likely to follow Lucey's example?

The lesson, I'm afraid, is too clear. Military spending is so deeply embedded in our political and economic life that even imminent state-government disaster and urban collapse can make but feeble waves against it. In spite of all the criticism leveled at the Pentagon since 1969, despite Vietnam, the F–111, the C5–A and other gigantic cost overruns, despite the Fitzgerald case and the ABM debate, the Pentagon goes rolling on. It has successfully weathered a storm of bad publicity, it has fended off a more hostile press. At present it seems to be invulnerable to attack—which means that, through its interlocks with every sector of American life, it possesses an inner force not shared by other government bureaucracies or programs. Its growth is plainly something other than a series of mistakes or "overreaction to the Soviet threat." Nor can it be explained by absent-minded bureaucratic "disjointed incrementalism," a theory also invoked by some to account for the way we slipped into the Vietnam abomination, "a step at a time." That theory fails to explain how the whole Pentagon juggernaut got started—and it cannot answer why "incremental" increases are so open-ended for the Pentagon and not for urban, health, education, housing, poverty, transport (will it work for "Railpax"?), even the space program.

At this stage of the game it may not be out of line to conclude that the normal political mechanisms of our society are proving to be incapable of bringing about any substantial cuts in the military budget, let alone disarmament.

The Federal Budget For Fiscal Year 1972

(By Bill Fulbright)

President Nixon has proposed a $229.2 billion budget for fiscal 1972, an increase of $29 billion over the budget he proposed for 1971, and about $16.4 billion more than the current estimated expenditure for fiscal 1971. With the government spending at the rate of $628 million a day, in just eight days this would be as much as the *total* personal income for *every* Arkansas citizen last year.

Mr. Nixon's budget is based on the concept of the "full employment budget", the theory that when the economy is sluggish the Federal Government should spend not what it expects to collect in revenue, but what it would collect if business were brisk and unemployemnt much lower.

Revenue sharing, which would initially return $5 billion in federal revenues to state and local governments with little restrictions on its use, is a major part of the President's plan. I have strong reservations about this proposal, although I will not attempt a detailed analysis here. This matter is going to be carefully considered by Congressional Committees.

The President has estimated 1972 revenues at $217.6 billion, which would leave a deficit of $11.6 billion for the year. This estimated deficit is, however, based on a highly optimistic economic forecast. Some leading economists predict that the deficit will be closer to $20 or $30 billion. We have now learned that the estimated deficit for the current year is $18.6 billion, second largest since World War II, although a year ago the President predicted a $1.3 billion surplus.

Of course the budget is extremely complex and is presented in such a manner that it is difficult to get a true picture of how much money is being spent and received. Under the current "unified budget", which replaced the traditional "administrative budget" in fiscal 1969, the surplus from trust funds (social security, etc.) is counted against the deficit. Thus, only a change in bookkeeping procedures keeps the President's estimated 1972 deficit at $11.6 billion instead of $23.1 billion.

Much is made of the point that "only" 34 cents of every dollar will go for military expenditures. However, this is very misleading, because $64 billion of the $229 billion budget comes from trust funds—primarily social security and medicare. (Trust funds receipts will actually amount to $75.5 billion.) This money is already committed; it is simply being held in trust by the Government and cannot be spent for general purposes. Therefore, that portion of the budget which can be controlled is $153.7 billion and the estimated outlay of "federal funds" is $176.8 billion. (That's where the $23.1 billion deficit comes in.)

The $153.7 billion in federal receipts will come from individual ($93.7 billion) and corporate ($36.7 billion) income taxes, excise taxes ($11 billion), estate and gift taxes ($5 billion) and other duties and taxes.

Despite many promises to the contrary, the military budget of $77.5 billion is up $4 billion from the original 1971 estimate. It accounts for more than half of what the Government will spend from tax receipts and about 43 per cent of the outlay of "federal funds". *This is nearly 1000 times as much as the entire budget for the State of Arkansas.*

Allocations for other major functions

[In billions]

International Affairs/finance	$4.0
Agriculture/rural development	5.8
Commerce/transportation	10.9
Community development/housing	4.5
Veterans benefits/services	10.6
Public assistance/social services	11.7
Interest	19.7
Education/manpower	8.8
Space	3.2
Natural resources	4.2
General government	5.0
Health—includes Medicare	16.0

In President Nixon's budget "pie", he shows the biggest slice—42 per cent—going to "human resources". However, the majority of what are described as funds for human resources are in the category of "income security", most of which is for social security and retirement programs. Further, more than half the "health" funds are from the Medicare trust fund.

If you add the veterans' benefits—which I certainly support—and the national debt—essentially a war-related cost—to the military budget, the spending for these purposes totals $107.8 billion. There are many other military-related expenditures under other categories. For example, $658 million has been requested for additional supporting assistance, primarily to Vietnam and Cambodia. This is just a drop in the bucket of the tens of billions we've spent in Indochina. However, the $658 million is three times as much as the *total* expenditure on elementary and secondary education in Arkansas last year.

Within the proposed military budget is another $1.28 billion for the anti-ballistic missile system (ABM), which has already cost about $3.7 billion and could cost another $10–20 billion. The undersea long-range missile system (ULMS) is budgeted for $110 million and would probably cost at least $7–10 billion more eventually. Another $2.4 billion will go for various other missile systems. In many cases this is "seed" money and a much larger bill will come due in years ahead. Navy shipbuilding and conversion programs are budgeted for $3.3 billion, which is more than the total assets of all Arkansas banks ($3.1 billion). Also in the President's budget is $281 million for the ill-advised supersonic transport (SST) subsidy, which I will once again oppose.

Contrast the huge amounts for these projects with only $61 million for rural and $170 million for urban water and sewer grants; or $114 million for air pollution control; or $1.3 billion for higher education; $196 million for the national park service; or $290 million for constructing health facilities.

Roughly, the federal dollar (excluding social security and medicare) would be spent this way Under President Nixon's budget:

Military, Veterans, Interest on National Debt. Supporting Assistance and Space, 62 cents; Education, Health, Manpower, Public Assistance, 15 cents Agriculture/Rural Development, Natural Resources, Commerce/Transportation, Community Development and Housing, 14 cents; and Other, 9 cents.

A hard look at the budget reveals little serious change in priorities. Military spending, despite the supposed "winding down" of the war, is going up. Most of the reordering of priorities which has occurred has been the result of Congress' efforts, although the President has vetoed some bills which would have helped achieve that purpose. I will continue my efforts to bring about reductions in military spending and non-essential or low-priority programs and to provide funds for programs needed to improve the quality of life in Arkansas and the nation.

CONTROLLED THERMONUCLEAR FUSION FOR GENERATION OF ELECTRIC POWER

Mr. BAKER. Mr. President, this morning's editions of the Washington Post contain an article describing a successful preliminary testing at the Los Alamos Scientific Laboratory of a process that may well lead, at some time in the future, to the use of controlled thermonuclear fusion for the commercial generation of electrical power.

I commend the Washington Post for putting the article on page one. Although there is sporadic attention given by the press to this Nation's power crisis—usually generated by some fairly spectacular blackout or brownout—I continued to be literally haunted by the fact few people seem to be aware of the dimensions of the problem.

Energy is without question the most fundamental element of the world economy. Without energy the maintenance and expansion of human access to necessary goods and services would be unthinkable.

Amid talk by well-intended idealists of the so-called "zero growth" concept, the overwhelming majority of the human beings on this planet continue to lead lives of grinding poverty. Life for most men in most parts of the world is, as Thomas Hobbes once so compellingly described it, "poor, nasty, brutish, and short."

The remainder of this century will be dominated by continuing dissatisfaction among third world peoples as instantaneous communication reveals to the have-nots what the haves have. That nation which is first able to export a cheap source of clean, abundant electrical energy will have in its hands a diplomatic tool of preeminent significance.

I am reminded somewhat, although the scale is incomparable, of the great error made by the United States in withdrawing its support of Gamel Abdel Nasser's Aswan Dam. The Great High Dam, which will revolutionize the economy of a desert nation long at the mercy of the vagaries of the Nile, has given the Soviet Union a major claim on the loyalties of Egypt.

Should the Soviet Union maintain and widen the lead that it now has in the development of controlled thermonuclear fusion, and were she able, at some time in the future, to provide third world nations with this limitless source of cheap electrical power, it would be something less than a negligible advantage.

Although I am encouraged by the reports from Los Alamos and from the Oak Ridge National Laboratory where similar work on CTR is being done, I am by no means satisfied by the level of the U.S. effort in its civilian reactor program. Although CTR holds out the greatest known promise as an ultimate energy source, it is unlikely that it will be commercially available for a rather considerable number of years. There are other highly promising reactor concepts much closer to practical application, principally the breeder reactor, which literally creates more fuel than it consumes.

Unfortunately, the Nation's breeder program has suffered from two major flaws. First, it has been greatly underfunded. Second, it has been far too narrow in scope, restricting itself largely to the development of the fast breeder, employing the uranium-plutonium cycle, while virtually ignoring the thermal breeder, which employs the thorium-uranium cycle and has several advantages over the fast breeder, not the least of which have to do with safety.

In any event, I intend to have more to say during the course of this Congress on the development of new sources of electrical energy. For the moment, I ask unanimous consent that an article by Thomas O'Toole and a March 1 press release from the Oak Ridge National Laboratory be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

TEST OF H-MACHINE OPENS DOOR TO PLENTIFUL, "CLEAN" ELECTRICITY

(By Thomas O'Toole)

American scientists yesterday successfully activated a large experimental device to safely contain the energy of the hydrogen bomb in a major step toward abundant and pollution-free electricity.

The first successful demonstration of a test machine called Scyllac came at the Los Alamos Scientific Laboratory at Los Alamos, N.M., when scientists were able to repeatedly enclose an electrified form of hydrogen gas that had been heated to temperatures of more than 15,000 degrees Fahrenheit.

While yesterday's experiment did not produce power or demonstrate nuclear fusion as an energy source, it was hailed as a milestone in the worldwide drive by scientists to harness the power of fusion for mankind's benefit.

"We got a beautiful rosy pink glow every time we ionized the gas," said Fred Ribe, Scyllac group leader at Los Alamos and one of the world's foremost fusion experts. "This doesn't mean we're going to put Consolidated Edison out of business tomorrow, but it does mean we're on the right road to fusion."

The United States has spent almost $500 million and close to 20 years on the road to fusion, but it has rarely been the right road. For years, the machines built to contain enough gas at a high enough temperature to release the energy of fusion either failed to contain the gas or failed to achieve the desired temperatures.

"It was like some unknown law of nature was telling us we couldn't do it," said Dr. Robert Hirsch, deputy director of the Atomic Energy Commission's controlled thermonuclear fusion program. "All our experience was telling us that the plasmas were more clever than we were."

The plasmas Dr. Hirsch spoke of are the same gases that were giving off rosy pink glows in the Scyllac at Los Alamos yesterday. The first large-scale device anywhere in the world to safely contain plasma gas, the Scyllac is a $10 million machine that has been five years in the planning stage, more than two years in construction and almost seven months in testing.

"We're still firing off plasmas," Ribe said at 6 o'clock last night, more than six hours after the Scyllac was first turned on. "We've fired off hundreds so far, and not once have we seen anything but a completely successful containment of the gas."

While the scientists at Los Alamos yesterday made and contained their first plasmas, they must achieve several more milestones before reaching the longed-for goal of thermonuclear fusion.

What the Los Alamos scientists did yesterday was to fill an arc-shaped aluminum tube with deuterium gas, about a thousand trillion particles of gas per cubic centimeter. Next, they "shocked" the gas with huge amounts of power, enough to electrify the gas and create a magnetic field around the gas to pinch it down and hold it in.

It's this "pinch-and-hold" operation that has been the most critical in the past, and yesterday the Scyllac was able to squeeze the gas enough to raise its temperature to 15,000 degrees and hold the gas in pulses of as long as 30 microseconds apiece.

While 30 microseconds (30 millionths of a second) sounds like a very short time, it is almost long enough for a plasma to sustain a fusion reaction. Plasmas need only three things to reach fusion. They must be dense enough and hot enough for a period of about 250 microseconds.

The plasma in the Scyllac yesterday was dense enough, but it wasn't nearly hot enough. A temperature of 15,000 degrees is just a start. The plasma must reach a temperature of more than 50 million degrees to achieve fusion.

"We feel we're on our way," Ribe said yesterday. "We feel we've hurdled one of our toughest hurdles containg the plasma, since we've demonstrated with much smaller machines than the Scyllac that we can reach the desired temperatures."

Ribe believes that the Scyllac will be ready to produce plasmas as hot as 30 million degrees inside a month and even hotter plasmas in two months. When that's done, the present Scyllac machine will be increased to three times its present size and the goal of pure fusion will be attempted.

Scientists believe that goal is worthwhile, if only because power from fusion is the cheapest, most abundant and cleanest source of power anywhere on the horizon today.

The most likely fuel for a fusion-powered reactor is the deuterium used yesterday in the Scyllac, an isotope of hydrogen that is easily and plentifully separated from seawater.

While fusion power is a cousin of atomic fission power, it is a far cleaner and safer power source. To begin with, it won't have the troublesome waste heat discharge that atomic power plants have. Secondly it would produce a fraction of the radioactive byproducts that an atomic plant does.

Finally, a fusion plant contains less than one second's worth of fuel at any instant and could not run away from itself. Even assuming disaster—a war, an earthquake or a collision of some kind—a fusion plant would be thousands of times safer than an atomic power plant.

Oak Ridge National Laboratory Scientists Testing New Experimental Fusion Machine

Scientists at Oak Ridge National Laboratory are testing a new experimental machine they hope will be a major step toward controlled thermonuclear, or fusion, power to produce electricity.

Called the ORMAK, the device is patterned after some machines developed in the Soviet Union which were called tokamaks. Both the Russian and the ORNL machines contain a donut-shaped electromagnetic field chamber in which the experiments are conducted.

Herman Postma, director of the Thermonuclear Division, said results of current tests will not be fully assessed for several months. Successful results with the ORMAK could pave the way toward design of a second machine capable of proving that it is scientifically feasible to control fusion power, the source of energy of the sun and stars.

The principle of fusion involves the heating of tritium and deuterium, both of which are isotopes of hydrogen and can be derived in virtually inexhaustible amounts from our oceans and rocks. By means of pulsed electrical energy, these two isotopes would be heated to the hundreds of millions of degrees. This would cause the electrons to separate from the atomic nuclei (ions). The nuclei, or ions, would then fuse and give off tremendous amounts of heat which could be used to produce electrical power by conventional methods.

The two big advantages in fusion power would be the cheap and inexhaustible supply of fuel and the fact that very little radioactive waste would be given off.

Ordinarily, the heating would cause the ions to disperse in many directions, but because the donut-shaped chamber in which they are placed is surrounded by a magnetic field, the ions and electrons travel round and round the field. When heated to the ironized stage, the material is called plasma by scientists.

Scientists have long dreamed of controling the fusion reaction and harnessing its tremendous power. The process of fusion is the opposite of that involved in nuclear fission, or splitting of atoms, which occurs in nuclear reactors now in use.

The ORNL machine was given the name ORMAK because the first two letters, "OR," stand for Oak Ridge, and the last three letters, "MAK," are the same as the last three letters of the Russian word, tokamak, which means "large current." The Russians named their machines tokamaks because of the large current which flows around the donut-shaped magnetic field.

The ORMAK has a larger volume than the Russian tokamaks and ORNL researchers hope it will be twice as effective. They hope to double the greatest success of the Russians, which was to contain the plasmas within the magnetic field at temperatures of five million degrees centigrade.

More than 100 ORNL and Y-12 Plant craftsmen labored round the clock for three months to complete the ORMAK by Jan. 1. Tests were then begun and are still in progress. Significant improvements were made on the project after an investigative trip to Moscow in October 1969 by Mike Roberts and John Clarke, Thermonuclear Division researchers.

Design of the ORMAK was begun in July 1969, but underwent a major change in August 1970 after Group Leader George Kelley predicted improved results from his calculations.

Oak Ridge National Laboratory, one of the nation's largest research laboratories, is operated by Union Carbide Corporation for the U.S. Atomic Energy Commission.

VIETNAM AND WESTERN EUROPE

Mr. FULBRIGHT. Mr. President, Mr. Stanley Hoffman, chairman of the West European studies at Harvard University, has written a most perceptive article entitled "Vietnam and Western Europe." His discussion of the attitudes of three of the more experienced nations, friendly to this country, is very revealing. I particularly invite the attention of Senators to the paragraphs concerning the French attitude toward the war in Vietnam. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Growing Doubts About American Reliability—Vietnam and Western Europe

(By Stanley Hoffmann)

American policy makers, in the Nixon as well as in the Johnson Administration, have said repeatedly that any negotiated settlement of the Vietnam war which would establish a coalition government, or any other outcome tantamount to an outright abandonment of South Vietnam to the Communists (such as a precipitate withdrawal of all American forces) would be interpreted by our allies as a betrayal of US commitments. Despite years of involvement and tens of thousands of American dead, having thus sacrificed one of its allies, the United States could no longer be trusted and the America's network of alliance would snap. Do our European partners see the war in the light presented by Washington? Let us examine the three main European powers: England, West Germany, and France, two of which have a long and deep experience of Southeast Asian affairs, and one of which has made dependence on the American alliance the cornerstone of its postwar policy.

The public statements of British governments—the Wilson cabinet and now Mr. Heath's cabinet—have always been "understanding" and often approving of American policies. No British government has yet repudiated the line set by Churchill during World War II: the role Great Britain can still play in the world is that of an influential ally and adviser of the United States. Only by acting as a loyal supporter could England expect both to get her own vital interests acknowledged and protected by the US and to succeed in influencing the global course of American foreign policy. Even though in two instances at least vital English interests were disregarded by the United States (at the time of Suez and in the Skybolt affair), even though it is hard to prove that English advice has had a significant impact on American statecraft, there has as yet been no "agonizing reappraisal" of a policy that has allowed Britain to develop a nuclear force with American help, to pass on her interests in the Eastern Mediterranean to the United States, and to flatter herself with the belief that various summit meetings took place thanks to her efforts.

Britain's own interest in a non-Communist Southeast Asia—an interest which she successfully protected during years of guerrilla fighting in Malaya—also explains why American arguments against a hasty retreat from Vietnam or against a settlement along the lines laid down by Hanoi have often found an echo in England. For many years, *The Economist* managed the feat of producing polished and reasonable versions of American stands which their American defenders in the government, in Congress, or in the academic world, more often than not had made appear absurd. Concerned with the stability of fragile countries—Malaysia, Thailand, Indonesia, Burma—and with the survival of Singapore, the British governments, along with many former colonial administrators, military and foreign policy experts, have sympathized with the American determination to save South Vietnam from Communist conquest. No nation that had once supported Munich is quite immune to the domino theory afterwards—even if the Munich analogy is misleading and the domino theory dubious.

Nevertheless, British support has always been qualified. American policy has had two faces—a tough (and real) one, a soft (and vague) one. War was being waged with hideous means but the purpose was said to be a negotiated settlement. Britain has on the whole downplayed the horrors and upgraded the positive by picking up all references to peace and compromise. The first Indochina war ended in 1954, in Geneva, largely thanks to Sir Anthony Eden's efforts. British governments have always hoped that the Geneva precedent could be repeated, and that once negotiations began between the belligerents the huge gap between Hanoi's demands and America's preference for a South Vietnam in which the NLF would accept a minority status would somehow be reduced. The Wilson government patiently tried to get such negotiations started, and welcomed the bombing halts of 1968.

It has since become apparent that the gap has not narrowed, Britain's embarrassment has become more acute. On the one hand, there is still a feeling that public criticism and proddings would do no good—and it is not in the style of British policy. Moreover, the Heath cabinet is committed to slowing down the final retreat from East of Suez; a determination to remain minimally present in Southeast Asia which would hardly be comparable with a sudden shift against America's Vietnam policy. On the other hand, three factors tend to make British officials and elites privately very critical of this policy. First, there is the obvious and shocking impact of Vietnam on American domestic and foreign affairs; the sense that the obstinate pursuit of a valuable but limited interest has been allowed to jeopardize far more important concerns, such as domestic harmony, or the need for a more far-sighted East Asian policy and for a coherent Middle Eastern policy. Secondly, there is the unpopularity of the Vietnam war to many of the British, especially the youth. Third, there is the new priority of entry into Europe—and the realization that above and beyond the purely economic aspects of the Common Market, there is in the European enterprise a political ambition: that of allowing Western Europe to speak, gradually, with one voice in matters of defense and diplomacy. The British elites know that Britain's chance of admission will remain small if Britain speaks in the same language as Washington, on these matters.

One could sum up Britain's position at present as follows. There continues to be much sympathy for the American objective—a non-Communist South Vietnam. But there is increasing doubt that the quest for this goal is worth the effort. "Vietnamization" was approved because it seemed a step toward extrication, because British counterinsurgency experts (like Sir Robert Thompson, so highly appreciated in Washington) were convinced that the very scope of America's massive involvement doomed the enterprise of isolating and destroying the guerrilla, and because one could hope that negotiation would result. With the Paris talks stalled, and the memory of Cambodia—the awareness that as long as the war lasts, it risks getting larger—there is growing desire for a new effort to close the gap in Paris. For the only alternative is continuing American entrapment, which the British deem disastrous. They may agree with Mr. Nixon that a hasty "bug-out" would be shameful and damaging; they do not agree that his own past policy constitutes the sole alternative to such a debacle. And they certainly do not see in Vietnam a test of America's will and alliances everywhere.

The Federal German Republic, in contrast with France and Britain, and like Italy, has had no worldwide foreign policy since 1945: its political and strategic interests (I am not referring to its industrial and commercial ones) are concentrated in Europe. Moreover, unlike Italy, West Germany's whole existence has been dominated by an international issue—the "German question." It was under the auspices of the Western Allies that the Federal Republic was established, and Bonn has sought both its security and the restoration of its sovereignty in a close alliance with the United States.

Chancellor Erhard and his foreign minister, Schröder, were determined not to let anything or anyone interfere with the priority given to the American alliance and to NATO; hence their opposition to de Gaulle, who had partially seduced Adenauer. Bonn's Founding Father had had frequent misgivings about the wisdom of Washington (especially in the Kennedy years), and little regard for England. De Gaulle's vision of a "European Europe" had appealed to him. Erhard rejected it; he and Schröder wanted England in the Common Market, so as to make it more like a free-trade area, and so as to strengthen Europe's bonds with the United States. At the same time, the United States, eager to isolate de Gaulle, courted West Germany. Bonn was determined to hold America's hand, so as to be sure that America would always hold its own hand should there be trouble with the Russians or their satellites, and so as to avoid what had happened in 1961 at the time of the Berlin Wall. Consequently, Bonn endorsed American actions in Vietnam, and its officials often stated that Vietnam was the proof of American determination to carry on its commitments: Saigon and Berlin were two links in the free world's chain under American protection.

Ironically, what de Gaulle could not do was achieved by Mr. McNamara. It was largely his pressure on Bonn, over the issue of German financial contributions to the cost of American troops in Europe, which brought down the Erhard cabinet and resulted in a subtle change of German policy. In this second phase, from the end of 1966 to mid-1969, the so-called Grand Coalition Cabinet of Chancellor Kiesinger, with Willy Brandt as foreign minister, cautiously shifted priorities in two areas. In Western Europe, there was a new attempt at cooperation with France—not so much as to endanger NATO, yet carried out even though de Gaulle had taken France out of the military structure of the Atlantic Alliance. In Eastern Europe, there was an "opening to the East," an attempt at reconciliation with Poland and Czechoslovakia, a policy of "peaceful engagement" which no longer made of reunification a prerequisite of detente. To be sure, this policy had Washington's blessing. But Washington had hoped to pursue it along with (if not ahead of) Bonn, and soon discovered that Vietnam was thwarting such hopes—partly because of the East Europeans' coldness to American overtures in the years of American bombing of North Vietnam, partly because Vietnam diverted most of Washington's energies. The West Germans, however, persisted (with very mixed results).

The new German policy assumed that the threat from the East was no longer so overwhelming as to bury diplomacy under strategy, that security through NATO could now be reconciled with active detente in the East, and that the "situation of strength" established by NATO was in itself, despite years of mythology, incapable of guaranteeing either reunification or a rapprochement with Eastern Europe that might lead to reunification some day. This policy shift was due in large part to a feeling induced by Vietnam. The United States was still the main anchor, but its involvement in the Far East was seen as lessening its effectiveness in Europe. Under those circumstances, it was up to the Europeans to pursue their own interests. While de Gaulle and the West Germans remained separated by their respective positions on NATO and on British entry, in those years they got closer together through a shared sense of relative American irrelevance. Even if theoretically, America's stand in Saigon showed up the value of all U.S. commitments, practically America's entrapment meant an American absence from Europe's politics. When the Soviets invaded Chechoslovakia—partly in angry reply to Bonn's new line—Washington's absence, indeed its silence, were noted and resented in Bonn. The West German Ambassador still refrained from criticizing policy in Washington. But praise stopped.

The third phase began with the new cabinet of Chancellor Brandt, in September 1969. The Christian-Democrats, America's most constant supporters, were now in opposition. Brandt's loyalty to NATO has of course been made plain; security remains an imperative of any West German cabinet. But the new government has made spectacular moves in two directions less pleasing to Washington. There has been, at the conference of The Hague in Dec. 1969, a relance of West European cooperation, largely initiated by Brandt. In exchange for the lifting of their veto against Britain, the French obtained the promise and the performance of various agreements (notably in agriculture), all of which tend to make of the Common Market a more coherent and powerful economic competitor of the US. In Eastern Europe, the new West German policy has been aimed not only at resuming the effort of reconciliation with Poland, but at reaching agreements with East Germany (hitherto ignored or approached with great diffidence and with the Soviet Union (recognized, as de Gaulle had argued, as the real key to the East European scene). Although Washington has approved of the general direction, there have been serious misgivings about the speed, the implications and the possible effects of Brandt's Ostpolitik. This deliberate assertion of West German initiative is based on something more than the somewhat regretful realization of America's temporary incapacity due to Vietnam. Now, there is a widespread feeling that, while the US can still be counted as the ultimate protector in case of a major European crisis, the domestic and international impact of Vietnam has actually weakened the role of the US in European affairs in ways that could be harmful for its allies. It is because of the backlash from Vietnam that American troop reductions in Europe are deemed likely, thus obliging the West Europeans (and primarily the West Germans, most exposed) either to raise the levels—and costs—of their own defenses, or to accept a unilateral and uncompensated weakening of NATO. Thus, it is imperative for the West Europeans to develop their own policies and for the West Germans to establish with their Eastern neighbors good and active relations, even if this effort deprives NATO, in effect, of any role in the detente.

Strange as it may seem, Brandt's forceful policy can be seen as a belated West German variety of Gaullism—if the Americans are stupid enough to muddle their priorities, it is up to the Europeans, singly and together, to look after themselves. It used to be the West Europeans who feared that the U.S. in its effort at reaching an accommodation with the USSR, would recognize formally the divisions of Europe. It is now the U.S. which fears that the Bonn-Moscow agreement acknowledging the *status quo* could jeopardize the Western victors' rights in Berlin! Of course, there is nothing inherently or necessarily wrong about the *Ostpolitik*. But because of Vietnam, it takes place exactly in that context of American eclipse which de Gaulle had called for, and, in turn, the conditions and consequences of that eclipse make it easier for the Russians to extract as the price for detente that explicit recognition of their East European *imporium* which has been their aim ever since the end of World War II (and which de Gaulle had wanted to avoid). Should Washington talk out too strongly to Bonn, Bonn's reply would all too obviously be: given your own passivity on the diplomatic scene, and your own lassitude with the burdens of NATO—two by-products of Vietnam—what other choice did we have?

The French position has been clear-cut and unchanging. Never was the American argument about the indivisible credibility of U.S. pledges accepted in Paris. With a long and somewhat cold. or cynical, view of alliance history, the French believe that whether a nation carries out or reneges on a pledge is determined by its own assessment of its vital interests. A retreat from Vietnam would not undermine America's commitment to Europe, as long as the defense of Europe is deemed essential in Washington. On the other hand, the actual way in which this commitment would be carried out has always seemed uncertain to the French (much to Washington's annoyance)—not because of the impact of Vietnam, but because, even earlier, the end of America's monopoly in the nuclear field, and the coming of the era in which each super-power can annihilate the other, have undermined the U.S. guarantee to Europe.

French criticisms have often been dismissed as *Schadenfreude:* where the French had failed, the Americans simply couldn't (or shouldn't) succeed; isn't it funny to see the Americans bogged down, after all the advice they had given the French on getting out of Algeria? Actually, there has been very little gloating. The politicians of the far Right, former settlers emigrated from North Africa, who had been most vociferously opposed to France's decolonization, and most indignantly chauvinistic about American anticolonialism, have been the only forces sympathetic to America's anti-Communist stand in Vietnam. French criticisms have also been dismissed either as a continuation of that left-wing, often fellow-travelling anti-Americanism so prevalent in the intelligentsia, with its inclination to interpret every American move as part of an imperialist design, or else as a convenient ploy used by de Gaulle in his devious battle for French grandeur against "Anglo-Saxons." It is true that the war in Vietnam has been a godsend both for anti-American intelligentsia and for de Gaulle's grand design. But there is much more to the French position.

The French regime, by contrast with British or German cabinets, never deplored Vietnam because the war inhibited American diplomacy or strategy in other parts of the world. De Gaulle, in his struggle against "the two hegemonies," was most eager to see America's shadow across the world shortened (although he never wished American forces out of Europe in the present phase of world affairs). While Pompidou has given up much of de Gaulle's militancy (already curbed by the General after the troubles of May 1969), he too shows no desire for greater American activism in Europe. The French position is based on a continuing and intimate awareness of the political realities of Indochina. French contacts with North Vietnam have been encouraged by the Fifth Republic, and the men (like Jean Sainteny) with the longest experience in dealing with Hanoi have also tried to be of help, persistently and discreetly, in making negotiations between Washington and Hanoi possible. Until the fall of Sihanouk, French influence in Cambodia was very strong, and in Phnompenh as well as in Paris the French established relations with members of the NLF. They also had good relations with the beleaguered head of the Laotian government, Prince Souvana Phouma. While their critique of the American war effort and de Gaulle's foreign policy statements resulted in a deterioration of France's position in South Vietnam, especially in the Thieu-Ky era, there remained in South Vietnam a sizable French community.

The French do not deny the force of American arguments about the domino effect of a Communist takeover of South Vietnam (and now Cambodia) on the rest of Southeast Asia, or about the prospects of a bloodbath in Saigon, or about the absence of any visible sympathy for the NLF among many South Vietnamese. What the French remain deeply skeptical about, is Washington's capacity to impose the political solution preferred by the U.S. If there were a good chance for a stable largely self-sustaining and reasonably peaceful non-Communist South, the French would have no grounds for opposing such an outcome. But they doubt that this chance exists. They point to the determination of North Vietnam and the Vietcong to keep fighting as long as necessary. North Korea, to use a misleading parallel often invoked in Washington's wishful thinking, simply did not have this determination in the early 1950s. It is buttressed by the still considerable military resources of Hanoi—a factor that distinguishes this particular war from the two guerrilla wars often cited as hopeful precedents because they were lost by the Communists: Greece and Malaya. The North Vietnamese and Vietcong confidence in outlasting those whom they consider as merely the last in a long series of foreign invaders has impressed and convinced the French.

The French do not believe, moreover, that the Saigon regime (in contrast with South Korea's for instance) has the capacity to rule effectively without a massive American presence. It is essentially a military dictatorship, imposed on the South Vietnamese from the top. The lack of a popular base in the cities and in the villages, the arbitrary and brutal nature of the rule, and its frequent corruption, are such as to allow the Vietcong infrastructure to persist. Whatever the military effectiveness of the Saigon regime in the present phase (when the Vietcong and North Vietnamese are relatively inactive, either in order to recoup past losses or in order not to disrupt American withdrawals), politically the NLF remains the only effective organized and nationalist force in the South. The French—unlike many Americans—see in the Indochina War essentially a political contest: the control of the cities by the Americans and their allies is less significant than the opportunities given to the Communists to recruit soldiers and supporters, especially in the countryside, and sympathizers among the urban refugees and victims of inflation and disruption. In this respect the French do not see Cambodia as an American success but as a move that has resulted in an American obligation to support two politically fragile regimes instead of one.

Consequently, the French see only two possibilities. One is, almost literally, perpetual war, to keep the Communists from extending their control, which the French expect them to enlarge as American withdrawals continue. The French do not believe that Saigon could carry the burden alone. In the absence of a political solution, there would have to be a continued American involvement, certainly in the form of massive air support and probably a sizable body of ground soldiers and advisers. The other possibility is a negotiated settlement—but here the French position is drastically different from that of the Nixon Administration. They did not believe that the earlier American call for free, supervised elections in South Vietnam would be acceptable to the other side; in a country such as South Vietnam, after years of war and centuries of undemocratic rule, elections are won by whoever runs them. The French also do not believe that Hanoi and the NLF will ever accept the "Finnish solution" often hoped for in Washington and suggested by Mr. Nixon on October 7, 1970, a permanent minority status. They do not believe that the vague scheme once suggested by Henry Kissinger—a deal negotiated by Saigon and the NLF, to restore gradually a political process in the South, thus leaving each side with a chance to prevail at the end—will appeal to Hanoi and the Vietcong, as long as the Thieu-Ky regime rules Saigon. For Hanoi had precisely accepted such an open-ended formula in the Geneva agreements of 1954, and found itself on the losing side because of American support for Diem. Nor do the French believe that the other side—whose main asset is its capacity to fight—would consider a cease-fire before the basic underlying issues of the war are resolved.

As the French see it, the stake of the war is the political control of Indochina To keep Laos, Cambodia and South Vietnam out of Communist hands, there is only one way—continuing war, a harrowing prospect, since "victory" would require the elimination of North Vietnam (a move whose international consequences have intimidated both the Johnson and Nixon Administrations), while the maintenance of the North Vietnamese sanctuary on the one hand, and the horrors inflicted by the war on the population of the South on the other, insure the perpetuation of the "other side's" forces and appeals. To keep the war going favorably, so to speak, requires enough of an American involvement to guarantee that all the evil effects of the war on American society, on the American economy and political system, and on American foreign policy would continue. A drastic curtailment of American involvement would increase the chances of a Communist takeover in particularly humiliating conditions; that is, through the overthrow of regimes set up and supported for years by US efforts, and without any compensation.

Given those alternative outcomes of a continuing war, the French believe that it is in America's interest to seek a negotiated settlement even though it would have to be on terms U.S. governments have deemed repugnant. The French—with their own experience of negotiations with the Vietminh and with the Algerian FLN—do not agree with American officials on what constitutes humiliation. To the French, a peace settlement, even if it increases the chances for or acknowledges the possibility or even the likelihood of "enemy" control of the stakes, would be less humiliating than a political-military collapse accompanying or following an American withdrawal. For if face is what the U.S., like any major power, is concerned with, such a debacle would make the U.S. look like Pontius Pilate, even though the Administration would argue that the ultimate responsibility, and blame, rested on the "Asian regimes" that fell, and not on the U.S. It is hard to believe that American prestige and the value of American promises would be preserved in the eyes of other non-Communist Asians. And it is also hard to believe that official rhetoric could sufficiently disguise realities to ward off that right-wing backlash at home which the Administration is said to fear, yet has done so much to provoke by escalating the importance of the stakes disproportionately. On the contrary, according to the French, only a negotiated settlement which draws the inevitable conclusions from the realities of Indochina, and gives up the attempt by the U.S. to gain at the conference table what it has failed to achieve on the battlefield—secure non-Communist control—could grant to the U.S., in exchange for acknowledging this failure, various face-lifting guarantees or delays. (To be sure, the French recognize that the other side too has failed to win on the battlefield, but Raymond Aron's dictum still applies: in a revolutionary war, the rebels win as long as they don't lose, the government side loses if it fails to win).

Contrary to many American officials, the French believe that Hanoi would be willing to save America's face in a settlement that would meet its two major demands—a clear commitment to a total withdrawal of US forces and the demise of the Thieu-Ky regime. The French think that Hanoi understands that such a withdrawal could not be instant, and that Washington could not tolerate the immediate setting up of Communist rule in Saigon, or Phnompenh, or Vientiane. In his speech in the Phnompenh stadium, in September 1966, de Gaulle stressed his conviction that the decisive prerequisite was the American commitment to a complete withdrawal. Pompidou took the same stand last July. The French realize that, in practice, the fate of the Thieu-Ky regime has become, since then, the biggest obstacle, that the US can hardly afford to look as if, in order to extricate itself faster, it did not hesitate to overthrow the very government it has protected and built up for several years; and that the US cannot allow the Vietcong to pick its own partners in a coalition, as the Vietcong peace plan of last September implies. But, on the one hand, the French think that Hanoi and the NLF will never want to deal with a regime that is committed, not to compromise, but to total victory; on the other hand, the French believe that a clear American policy of total withdrawal with a deadline would unfreeze the political situation in Saigon and lead to a change in the government there.

The French realize America's repugnance to force a coalition government on the South Vietnamese. But they believe that a Saigon regime geared to peace could find an accommodation with the NLF, and they remember how, in their own dealings with the Algerians, a similar issue was resolved, not by coalition, but by a temporary regime of "third force" figures acceptable to both sides. Precisely because the French recognize the importance of face for the side that has to give up its earlier goals, and remember the successful pressure put by outside powers (including, then, the two great Communist allies of Hanoi: Russia and China) on North Vietnam in 1954—leading to concessions beyond what the French had hoped for, the French government has called for a new Geneva conference, instead of peace talks in which Washington and Saigon face only Hanoi and the NLF.

In the French view, Vietnamization is less a policy than a smokescreen—and one that risks blinding only the U.S. It postpones the moment of choice, between a settlement along the lines recommended by the French (one in which Hanoi's "demands" are—as Hanoi has suggested—taken as a *basis* for discussion), and a perpetuation of the war. By leaving the Saigon regime with the hope that America's presence will not entirely disappear, Vietnamization prevents any political change in Saigon and gives Saigon a formidable hold on American policy. It exposes the U.S. to more Cambodias, each time one of the areas American policy tries to "save" looks threatened. The French know from their own experience that a postponement of tough decisions which does not alter the essential local realities proves ultimately costly, in lives, in missed opportunities and in worsened terms of settlement. They know that an apparent and celebrated improvement of the military situation is a delusion, if the political substructure remains rotten, if the enemy's main forces remain considerable, if all that is gained, temporarily, on the battlefield, is lost at home, and if locally the war, by itself, prevents the consolidation of one's own side and provides the enemy with the fuel he needs. They know that a carefully bargained settlement, embodying a balanced and coherent design, is more likely to serve America's prestige than either an inconclusive and brutal war, which does not help America's image, or an *"après moi le déluge"* debacle—the two possible outcomes of Vietnamization without a settlement.

Many West Europeans may, in past years, have been hastily critical of American values and institutions—they had "seen the future" and hadn't liked it, but they had no doubt that it worked, and they feared that its very success would overwhelm the old continent. Now, there are serious, often wildly exaggerated doubts about the stability and effectiveness of the American political and social system. That the French shortly after May 1968, the Germans not so long after Nazism, or the British still battling with stagnation, should express such concerns may seem ironic or insulting to Americans—and yet the Europeans' impressions are derived from seeing the US in the mirror which American politicians, news media, students, businessmen, military, veterans, hard-hat workers or union officials, offer to the world.

There is a growing worry about America's capacity to wage a national foreign policy. The way in which the Cambodian decision was taken, the rhetoric in which it was blown up, the repercussions it provoked in the nation, were all interpreted as aminous signs. Whereas the Administration used to defend the war as evidence of America's predictability (i.e. reliability), the Cambodian affair, in its conception and in its consequences, could not fail to be seen as a mark of unpredictability—and not of the sort that impresses and intimidates foes. Renewed bombings of the North, of Laos and Cambodia (understandable as a tactic to protect withdrawals, yet risking provocation of the very reescalation they aim at avoiding) and recent moves and pronouncements about US war prisoners have refreshed puzzlement and consternation. At a time when Western Europe worries greatly about the new Balkans—the Middle East—nothing could be more depressing than the evidence of confusion, illusion and oscillation which the latest avatars of Vietnam have so erratically provided.

KANSAS WEEK OF CONCERN FOR PRISONERS OF WAR/MISSING IN ACTION

Mr. DOLE. Mr. President, on Friday, March 5, the Senate passed House Joint Resolution 16 to establish a national week of concern for prisoners of war and missing in action. This legislation will provide the basis for a heightened expression of national sentiment for the plight of brave American men of arms who are held captive or are missing in North Vietnam, South Vietnam, Laos, and Cambodia.

As an indication of the deep and abiding involvement of many Americans in this cause, I call to the Senate's attention a recent act of the Kansas Legislature. On March 2, the Kansas House of Representatives and Senate passed resolutions requesting the Governor of the State to declare the week of March 21, 1971, as "Kansas Week of Concern for Prisoners of War/Missing in Action," to honor those brave citizens of Kansas who have sacrificed their freedom in defense of freedom for all.

I believe the concurrent observance of this week of concern is highly appropriate and a significant expression of the concerns and feelings held by all Americans.

Mr. President, I ask unanimous consent that the text of resolutions passed by the Kansas Legislature be printed in the Record.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

House Resolution No. 1036

(A Resolution condemning the illegal and inhumane acts of the government of North Vietnam, National Liberation Front and Lao Patriotic Front with respect to American prisoners of war/missing in action; calling on other governments and the United Nations to bring pressures upon the aforementioned governments to comply with the Geneva Convention; requesting the governor of Kansas to declare a "Kansas week of concern for prisoners of war/missing in action.")

Whereas, in 1957 the government of North Vietnam signed the appropriate documents of the Geneva Convention of August 1, 1949, relating to treatment of prisoners of war, and did thereby solemnly promise to adhere and abide by the covenants of that Convention, thereby joining in a common pledge with one hundred nineteen other national governments to insure the welfare and humane treatment of prisoners of war; and

Whereas, Article 2 of the Geneva Convention specifically provides that the Convention shall apply to all cases of armed conflict which shall arise between contracting parties whether or not a state of war has been recognized or declared; and

Whereas, The government of North Vietnam and her allies, the shadow-governments of the National Liberation Front and the Lao Patriotic Front, have willfully and continuously violated the covenants of the Geneva Convention and have maliciously ignored the provisions of said Convention requiring humane treatment of prisoners of war. Maintaining falsely, in contravention of Article 2 of said Convention, that American captives are not prisoners of war but war criminals North Vietnam and her puppet allies have refused to:

Permit neutral inspections of prisoner of war camps;

Provide identification of all prisoners held;

Release those prisoners who are seriously wounded or ill;

Allow a proper and constant flow of mail to and from the prisoners;

Provide an adequate and nutritious diet; and

Provide adequate medical and pharmaceutical care; and

Whereas, In addition to the foregoing, the government of North Vietnam and her puppet allies have:

Subjected prisoners of war to public abuse;

Subjected prisoners of war to cruel mistreatment and torture; and

Exported prisoners of war for propaganda purposes;

All of which acts are in direct violation of the Geneva Convention and the humanitarian principles of civilized society; and

Whereas, Citizens of the state of Kansas serving on active duty in the armed forces of the United States, in Southeast Asia, have been declared to be missing in action and are known or believed to be held prisoners by North Vietnam, the Viet Cong and the Pathet Lao: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the people of the state of Kansas condemn these inhumane and illegal acts of the government of North Vietnam and of the National Liberation Front and Lao Patriotic Front and call upon them to cease their deliberate and contumacious violation of the provisions of the Geneva Convention.

Be it further resolved: That the people of the state of Kansas call upon the government of the United States, the governments of all nations who are signatory to the Geneva Convention, and the Secretary General of the United Nations to bring such pressures as are necessary upon the government of North Vietnam, the National Liberation Front and the Lao Patriotic Front to insure immediate, full and complete compliance with the provisions of the Geneva Convention.

Be it further resolved: That the governor of the state of Kansas be authorized and requested to proclaim the period beginning March 21, 1971, as "Kansas week of concern for prisoners of war/missing in action," to honor those brave citizens of Kansas who have sacrificed their freedom in defense of freedom for all and that all municipalities, civic groups, fraternal organizations and like entities in the state of Kansas be informed of this resolution and requested to support its intent by every feasible means available.

Be it further resolved: That the chief clerk of the house transmit duly attested copies of this resolution to the secretary of the senate of the United States, to the clerk of the house of representatives of the United States, to each member of the congress from this state, to the government of North Vietnam and to the Secretary General of the United Nations.

Senate Resolution No. 15

(A Resolution condemning the illegal and inhumane acts of the government of North Vietnam, National Liberation Front and Lao Patriotic Front with respect to American prisoners of war/missing in action; calling on other governments and the United Nations to bring pressures upon the aforementioned governments to comply with the Geneva Convention; requesting the governor of Kansas to declare a "Kansas week of concern for prisoners of war/missing in action")

Whereas, In 1957 the government of North Vietnam signed the appropriate documents of the Geneva Convention of August 12, 1949, relating to treatment of prisoners of war, and did thereby solemnly promise to adhere and abide by the covenants of that Convention, thereby joining in a common pledge with one hundred nineteen other national governments to insure the welfare and humane treatment of prisoners of war; and

Whereas, Article 2 of the Geneva Convention specifically provides that the Convention shall apply to all cases of armed conflict which shall arise between contracting parties whether or not a state of war has been recognized or declared; and

Whereas, The government of North Vietnam and her allies, the shadow-governments of the National Liberation Front and the Lao Patriotic Front, have willfully and continuously violated the covenants of the Geneva Convention and have maliciously ignored the provisions of said Convention requiring humane treatment of prisoners of war. Maintaining falsely, in contravention of Article 2 of said Convention, that American captives are not prisoners of war but war criminals North Vietnam and her puppet allies have refused to:

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Provide an adequate and nutritious diet; and

Provide adequate medical and pharmaceutical care; and

Whereas, In addition to the foregoing, the government of North Vietnam and her puppet allies have:

Subjected prisoners of war to public abuse;

Subjected prisoners of war to cruel mistreatment and torture; and

Exported prisoners of war for propaganda purposes; all of which acts are in direct violation of the Geneva Convention and the humanitarian principles of civilized society; and

Whereas, Citizens of the state of Kansas serving on active duty in the armed forces of the United States, in Southeast Asia, have been declared to be missing in action and are known or believed to be held prisoners by North Vietnam, the Viet Cong and the Pathet Lao: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the people of the state of Kansas condemn these inhumane and illegal acts of the government of North Vietnam and of the National Liberation Front and Lao Patriotic Front and call upon them to cease their deliberate and contumacious violation of the provisions of the Geneva Convention.

Be it further resolved: That the people of the state of Kansas call upon the government of the United States, the governments of all nations who are signatory to the Geneva Convention, and the Secretary General of the United Nations to bring such pressures as are necessary upon the government of North Vietnam, the National Liberation Front and the Lao Patriotic Front to insure immediate, full and complete compliance with the provisions of the Geneva Convention.

Be it further resolved: That the governor of the state of Kansas be authorized and requested to proclaim the period beginning March 21, 1971, as "Kansas week of concern for prisoners of war/missing in action," to honor those brave citizens of Kansas who have sacrificed their freedom in defense of freedom for all and that all municipalities, civic groups, fraternal organizations and like entities in the state of Kansas be informed of this resolution and requested to support its intent by every feasible means available.

Be it further resolved: That the secretary of the senate transmit duly attested copies of this resolution to the secretary of the senate of the United States, to the clerk of the house of representatives of the United States, to each member of the congress from this state, to the government of North Vietnam and to the Secretary General of the United Nations.

REVENUE SHARING AND THE APPALACHIAN REGIONAL COMMISSION

Mr. TAFT. Mr. President, I am informed by the Treasury Department that special revenue sharing would supplant the Appalachian Regional Commission with the funding of $1 billion in the broad area of rural community development. I believe that it would be a mistake to eliminate the Appalachian program. It has been one the most successful cooperative ventures between the Federal Government and the States, and has been highly effective in developing the Appalachian region. The Appalachian Regional Commission, like the Tennessee Valley Authority, performs vital developmental functions and should similarly be retained in the Revenue Sharing proposal.

The Public Works Committee of the Senate has favorably reported S. 575, authorizing funds for the extension of the Appalachian Regional Commission, including airport safety. This bill provides a 4-year extension of the program authorizing $571 million for nonhighway purposes and $925 million for the Appalachian Highway Program over a 5-year period. I expect that this bill will reach the Senate floor this week and as one of its cosponsors, I am hopeful for its speedy passage.

I am confident that the extension of the Appalachian program can be accomplished so as not to conflict with the broad objectives of President Nixon's revenue sharing and executive reorganization proposals.

The creation of the first regional commission in Appalachia grew out of the concept of a Federal-State partnership with an emphasis on local planning to promote growth in a severely underdeveloped area of our Nation. This concept is consonant with the President's comprehensive program to return Government to the people.

The voice of State and local planners and Governors make the Appalachian program consistent with the broad philosophy of the Nixon administration in strengthening the participation and effectiveness of State and local governments. Rural community development is an important item for America's agenda. I simply do not believe that the dollars which have been earmarked for Appalachia should be taken away from the regional commission. Rural development programs should be funded with other dollars and not by depriving the people in Appalachia.

The Appalachian Regional Commission has constructed highways, roads, schools, health centers, airports, water and sewage treatment plants. These are visible testimony to its effectiveness. I believe that extending the existence of this commission is vital if its achievements are not to be lost to the 70 million people in the 13-State Appalachian region.

For these reasons, I intend to introduce legislation to amend the special revenue-sharing provision for rural community development so that the Appalachian Regional Commission will not be compromised.

ADDRESS BY RITA HAUSER, U.S. REPRESENTATIVE TO U.N. COMMISSION ON HUMAN RIGHTS

Mr. JAVITS. Mr. President, the U.S. representative to the United Nations Commission on Human Rights, Ambassador Rita E. Hauser, spoke before the Triennial International Convention of B'nai B'rith Women in Washington, D.C. on February 14. Mrs. Hauser's is a significant statement on Human Rights.

As a delegate to the 25th session of the United Nations General Assembly, I worked with Mrs. Hauser in the U.S. delegation, as I have on other occasions. It is of the principles for which she works—human freedom and equal rights—that she so spoke in her address as the first woman keynoter of the International Convention of B'nai B'rith Women.

I ask unanimous consent that Mrs. Hauser's remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY MRS. RITA E. HAUSER, U.S. REPRESENTATIVE, TO THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

Honorable delegates and your distinguished guests: It is a privilege to Keynote this Triennial International Convention of B'nai B'rith Women, in attendance from many countries.

You have honored me personally by inviting me to open this great Convention. Others who have preceded me in years past included major national leaders, and I am grateful that you place me in their company. I confess to a special pleasure in being the first woman Keynoter of your Conventions. Your newspaper, called "Women's World," continually tells the story of the better world women help to make, and I cannot but be pleased when the contributions of women are recognized and praised.

To be truthful, since girlhood I have believed it is a women's world. I had a wonderful teacher who inspired me to become a lawyer. When I doubted of my destiny, she frequently repeated the tale of the suffragette who was arrested. As she went off in the paddy-wagon, her co-marchers feared for her well-being. The arrested suffragette assured them: "Don't worry about me. I'll pray to God and He will help me."

This view was somewhat shaken recently, I confess. I was in the hospital feeling awful and depressed. A nurse, robust and healthy and full of life, told me not to worry. "Believe in God, and, besides" she said "He's the only man you can believe in.

I wish, in turn, to honor you, a strong and vocal part of B'nai B'rith. Your leaders and your general membership are always on hand as a source of support and commitment to the concepts of human freedom and dignity in which I believe deeply and which I labor for as American Representative to the United Nations Commission on Human Rights. B'nai B'rith stands out as a pivotal force among the many organizations seeking peaceful means to oppose oppression and to promote the human aspirations of all peoples.

During the last year, which marked the 25th birthday of the United Nations, the world had occasion to pause and reflect on the human conditions in the face of incredible political, economic and technical changes since the end of the holocaust of World War II.

Many leaders who spoke sounded a pessimistic note, for the scope and intensity of current conflicts and deep-seated malaise are indeed profound. Yet others found cause for cheer and measured optimism as the world moves into this latter third of a millennium. By taking a long-range view, not by going back as far as the year 1000, but perhaps back to 1914 when the contours of today's world began to take shape, they could see, as I do, reasons to support the proposition that humanity has prospered this past quarter-century and that concern for the individual is greater than ever.

I state the obvious in saying that science, in all its domains but especially in medicine, has virtually eliminated the great scourges of human life recorded since the dawn of history: plague, disease, continual famine, high infant mortality, crippling and blindness caused by infection, to cite but a few. In 1914, many died in this country of influenza, typhoid or polio, just as many never went to school, and many more rarely ate a nourishing meal.

Almost every government today is committed to bettering the life of its people; human happiness is a daily concern of rulers of nations. Not every country has fully succeeded in meeting all its goals, including the United States, but no country has totally failed. The network of international organizations and agencies which work for the betterment of man bears testimony of an age in which human suffering is no longer met by official indifference.

As the physical dimensions of life have vastly altered since 1914, man's view of himself in society has also radically changed. The humanist view reigns supreme in the law and the published policies of all countries, that man is a free and independent person, and that he is entitled to be treated with respect consonant with the dignity that is the birthright of all humanity. But, here, too, not every nation has totally succeeded in translating these principles into reality, and this includes our own country, but likewise no nation today can ignore them with impunity. The Universal Declaratoin of Human Rights, adopted in 1948 by the members of the United Nations, and invoked more often since than any other document but the Charter itself, is as much a hallmark of our times as the elimination of smallpox. Men and women everywhere are moved to incredible acts of bravery and genius by the basic tenet of the Declaration: that every human being enjoys fundamental rights of freedom, liberty and equality no matter the political system under which he or she lives.

In the last few months, the world witnessed an extraordinary exhibit of concern for the fate of the Basque Separatists and the Leningrad defendants who stool trial in Spain and in the Soviet Union respectively. The facts underlying the crimes in question, the conduct and nature of the trials and the harsh sentences were followed closely. The countries involved clearly realized they were not free to ignore this world interest and concern, that they, too, were of a time in history when brutal repression of human liberty would not long be tolerated by their own citizens or by others. In both instances, death sentences were commuted and the Soviets, to date, have not gone forward with other previously announced trials.

In the Leningrad trial, it was of great interest to note that the defendants were not accused of skyjacking, but of attempting to flee abroad without permission, which in the USSR is punishable as treason. They argued, in mitigation of the crime, that had they been free to exercise the human right of all people to emigrate from one's country, a right enunciated in the Universal Declaration, they would not have been driven to desperate means.

It is just this point, it seems to me, that demarcates that part of the world dedicated to free expression of dissent and peaceful, lawful pressure for change, from those countries where liberty of thought and opinion is permitted only at the suffrage of the authorities. There is no excuse for recourse to violence in a country such as ours when every avenue for protest, dissent, disagreement and lawful challenge to authority is open and where the electorate freely chooses its leadership in a spirited campaign marked by exchange of almost every possible point of view.

Contrast this freedom with the extraordinary struggle of various Soviet intellectuals to pursue personal and professional thought free of the need of official permission and official control. All who cherish liberty are watching the fortunes of a small non-governmental Committee on Human Rights created last November 4 by Andrei Sakharov, the brilliant Soviet physicist, who played a major part in creating the Soviet hydrogen bomb. In the mid-sixties, he began his battle to resist the return of Stalinism to Soviet life. In 1968, he wrote a magnificent essay, circulated unofficially in typescript, which dealt with the real Soviet problems of anti-Semitism, national repression and threats to intellectual freedom. And in March 1970, joined by two distinguished colleagues, he addressed a public appeal to the Kremlin for freedom of information and public debate. He helped win the release on June 17 of Professor Medvedev, a prominent biologist, who had been placed in a mental institution by the authorities reportedly for his outspoken manuscripts exposing abuses of Soviet science under Stalin and the harm wrought by present-day Soviet controls on travel and exchange of information.

The Human Rights Committee Sakharov created is revolutionary for the Soviet Union, for non-governmental organizations are so rare as to be non-existent. Its members may be only those who do not belong to the Communist Party or official agencies, and its first recruit was the great writer, Aleksandr Solzhenitsyn, who declined going to Stockholm to receive his Nobel Prize for literature on the expressed fear that if he left home, his government would not permit him to come back.

All who believe in human freedom wish this tiny Committee well. Should it flourish, the prospect for world peace and security will grow in direct proportion to its success.

As man quests for his freedom, despite the risks, he also asserts his claim for equality of treatment. Indeed, the thrust for equality of nations, of races, of peoples, is the hallmark of this century. It is a bold battle, won in large part and unfinished in others. I have no doubt that the battle will continue unabated, as the underlying thrust for equality has a tremendous power. After all, it was the push to eliminate colonialism—and to gain self-determination—that ended the great French and English Empires which, to many people in 1914, looked as immutable as the setting of the sun each day.

America has forever changed in the wake of the drive for equal rights for all of our people. Discriminatory practices commonly accepted say, in 1945, are intolerable to us in 1971. Each generation coming of age digests that much more of the changes made and to be made to ensure equal treatment and equal opportunity for all Americans. The same is true everywhere in the world.

And everywhere in the world today, women, as a group of people, are also coming actively to seek equal treatment and equal opportunity. We all know that in some parts of the world women are still bartered and sold as chattel, or hidden away from public view, or forbidden to proffer an opinion or disagree in any measure with father, husband and then son. Education is not available to women in far too many parts of the world, even the basics of reading and writing, and certainly not higher education. We learn, for example, that 88% of Arab women are illiterate, and that the average age of marriage of these women is 14. To know these facts helps to understand the fervor of the 24 year old Palestinian guerrilla, Leila Khaled, who hijacked one airplane and was thwarted when attempting a second hijack. Miss Khaled said on arrest that her two great goals in life were the liberation of Palestine and the liberation of Arab women. Can anyone here doubt, ironic as it may be, that the experience and role of Israeli women have surely influenced the thinking and attitudes of younger Palestinian women.

In virtually every less-developed country, where the influence of technology is just coming to be felt, women are in a true state of revolution when compared to their mothers or grandmothers. They view themselves as part of the dynamic for positive change in their country, to spurn responsibility and contribution is, to them, antisocial.

I believe a feminine revolution, different in quality but equally real, is also underway in the United States. It is not of loud and often silly street demonstrations that I speak, for most seem to me to be counter-productive to any change or simply irrelevant. Rather, I am referring to the growing view of American women of all walks of life and all ages, that women are entitled to equal pay, equal consideration for employment and job promotion, equal education opportunities, and, above all, equal participation in the centers of power of American life. That equality is not yet a fact of life in America—or in most any other country. But the preconditions for reaching equality are there, and, I am convinced, persistent, responsible and intelligent persuasion will result in its rapid accomplishment.

The Nixon Administration, of which I am a part, is keenly aware of the inequities women still face. And it has responded with commitment and interest, taking practical steps of far-reaching importance. For example, for the first time since enactment of the Civil Rights Act of 1964, which prohibited sex discrimination in employment, the Justice Department filed suit against a major company and a major union to terminate various practices which greatly restricted job opportunities for women factory workers. The case was settled by a decree which alters these practices. The Justice Department also supported Supreme Court review of a case which deals with the refusal of a corporate employer to hire mothers of pre-school age children; the Court just ruled that in the absence of evidence showing such women to be less efficient, the employer could not continue its practice. The Administration supported bills to give husbands and children of Federally employed women the same death and other benefits that widows of Federally employed men now get, thereby recognizing that in families where husband and wife both work, both are contributors to the family standard of living and that the wife is not just earning "pin money". Executive Order 11246 has been frequently invoked by this Administration to attack discriminatory hiring in universities, and, as a result, many major educational institutions are now revising their hiring policies and opening the door to women for top positions.

It is heartening, too, to note the changes being made by business and industry to end sex discrimination. Many companies and unions are providing child-care centers for working mothers; several child care bills in the Congress call for child-care facility funding and most authorities predict these centers will soon be as much a part of American life as they are of French, German or Scandinavian life. Maternity leave with pay is also on the near horizon.

I believe the men of this country, who today almost exclusively are the legislators, governors and industry leaders, recognize the realities of unequal treatment of women and of the special problems of mothers who work. Women may have to delineate the details of the problems and demonstrate more concerted interest before change will fully come about. But I am confident that the women of America, who have cared greatly about many social issues and concertedly took far reaching steps to better things, will use the same good sense and good judgment in fighting for the changes that matter directly to them, as women, and that they will be as successful as they are true to their heritage. After all, women, almost alone, brought about the first great civil rights victory in our country, other than abolition of slavery, and one which was over 70 years in the making. They gained the right to vote by forceful but peaceful demonstrations, by diligence and, above all, by intelligent persuasion.

Just recently I addressed a state-wide gathering in Arizona called to celebrate fifty years of women's suffrage. One elderly woman, in a wheelchair but very spry indeed, held me fascinated as she told me the story of her fight, as the only woman in the State Legislature at the time, to get Arizona to adopt the 19th Amendment to the United States Constitution. And she then stated: "Now that I've had my golden anniversary, I can die happy."

Can any of us here under 70 really imagine a time in America when women not only did not have the right to vote, but when learned and respected leaders predicted that female suffrage would wreck the family and society as well as bring unmitigated evil in its wake? We know that the contrary is true: female suffrage elevated political discourse and the commitment to decent and good government. No politician today ignores the woman's vote, not only because women vote consistently and intelligently, but because they hold elected officials to a high standard of performance. Women represent a conscience vote, a command for honesty, integrity and responsibility in government. You here tonight are a striking illustration of the power of women put to use for good and great deeds.

B'nai B'rith women, as a fellow woman, united in common purpose with you, I salute you on the opening of your convention and wish you well.

LAW AND JUSTICE

Mr. CRANSTON. Mr. President, safety of person and safety of property are two absolute elements of civilization. Any society that does not secure these values for its people cannot survive.

Law and social justice are two sides of the same coin. You cannot have justice without law. And though you may have order through repression, you cannot have meaningful law and order in a democracy without justice for all.

As we try to understand the underlying causes of crime, we must reaffirm that neither individual crime nor group riot, nor civil disturbance, nor denial of others' rights shall be tolerated.

Americans have the right to walk the streets day or night in peace and confidence. Americans have the right to drive the freeways, to attend meetings, to speak their minds in peace and confidence, without fear of intimidation or molestation.

At the very time when we are most in need of good police protection and of attracting intelligent police officers, the policeman's life is made a burden and his very reason for existence is being challenged by the anarchists in the streets.

The problem that many police face is that they are being asked to do a very large job which they are not adequately manned, trained, equipped, financed, or prepared to do. And when the task is larger than the capacity, we know that the result is frustration, low morale, and sometimes excessive use of force.

It is the size of the task and the recommitment of adequate resources that we must concentrate on.

What especially will help the police is a program of police betterment—better organized, better equipped, better charged with their duties, better financed, better respected to do a better job.

Last year I introduced a program to help accomplish these goals. This multipronged program provides Federal funds for:

Establishing fellowship fund over the next 3 years that will enable 3,000 policemen and deputies to undergo full-time college training in law enforcement.

Expanding development and distribution of improved police radio communications systems.

Modernizing the equipment of small-sized police departments at lower cost.

Aiding communities that are chronic victims of civil disorder.

Improving public education in narcotics especially in elementary and high schools.

Authorizing $5 million in a cash program to speed research and testing of nonlethal weapons and police protective equipment—marking the first time that specific sums will have been earmarked for these purposes.

Strengthening police-community relations programs.

I developed these proposals after conducting a survey of all the police chiefs, sheriffs, and district attorneys in California asking them what congressional action would most help them in their war against crime.

The task of providing adequate law enforcement and alleviating the conditions which breed crime is going to be an expensive business. But the cost of crime in human and economic terms demands our immediate attention. I shall continue to direct my own efforts and attention toward these goals, as well as to the task of giving our police the training and tools they need to do their work.

LETTER BY JERRY VOORHIS ON SOUTHEAST ASIAN WAR

Mr. CRANSTON. Mr. President, a man who once served with great distinction in the House of Representatives, Jerry Voorhis, now once again living in California, has written a letter to many of us about the Southeast Asian war. I ask unanimous consent that it be printed in the RECORD.

The letter is a thoughtful one from a thoughtful man. I do not agree with all his conclusions; I believe the best way out of our tragic involvement in that conflict is to enact the Vietnam Disengagement Act of 1971. Simply that, without further complications. However, Jerry's thoughts are always creative and constructive, and I urge that they be considered with care.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 1971.

DEAR ALAN: Please forgive the fact that this letter is mimeographed. The reason is that I am sending it to a considerable number of members of Congress who, like yourself, I am sure are as deeply concerned as I over the Southeast Asian war.

This letter from an ordinary but deeply concerned citizen of the United States is sent to you because I feel sure that you are as sensitive as I to the stark tragedy in which we are involved in Southeast Asia. And, of course, with even more reason. I understand the burden you carry, for I was once for ten years a member of the House myself.

It is difficult for an average citizen to understand why our government cannot grasp, and act upon, certain evident facts.

First of these is that no government in any nation, or part of a nation, can expect to win the genuine allegiance of its own people if it owes its existence in power to the support of a foreign army on its soil. Especially if that foreign army is of a very different race and culture, and if it comes from a nation manifold times as powerful as the one being occupied. And especially again if the government of the occupied country is a corrupt one. It is, therefore, impossible for our avowed objectives to be gained as long as either the present government rules in Saigon or our troops are there shoring it up.

Second, it is altogether evident that the Communist powers, big and little, know very well that they have the United States in precisely the position in which they would like to keep us. Namely, the position of day-by-day engaging in, or inducing others to engage in, the mass destruction of the lives and the environment of small countries on the other side of the globe. The Communist powers know full well what this is costing us in lives of our men, in untold expenditure of resources, above all in the besmirching of the good name of our nation around the entire Earth. Every day this war lasts means a gain for Communism and a loss for the very cause and values our country is supposed to be trying to protect.

If, therefore, we are to be extricated from this tragic situation, we shall have to do it for ourselves: and we need expect no great amount of help from "the other side" in doing so.

Third, the very nature of this war, fought on both sides in large part by mass attacks upon whole civilian populations, is inevitably causing a deep hatred of our country and of the soldiers who bear its burdens on the part of the people of all Southeast Asia. It is exposing, too, our own men to moral dangers of whose extent we are only now beginning to become aware. And one wonders how long it will be before there are mass uprisings against Americans in *South* Vietnam. What will our forces do then? Put it down by bombing Saigon?

It is an immoral war, and to expect anything but gross immorality to result from it is to be incredibly naive. The trial of Lieutenant Calley is an attempt to make one minor officer bear the guilt which rests, in fact, upon every officer and official above Calley who ever ordered the bombing of a village and ultimately upon every single American who has permitted this carnage to go on without protest. Have we completely forgotten the Nurnberg trials and the lofty principles enumerated there?

Fourth, neither North Vietnam nor the Viet Cong can be bombed into submission. This was tried and failed. To resume it, as the President has threatened to do would only result in deepening the determination of the North to resist and increase the support given it by Russia and China. A military victory is impossible short of decimating the entire population of all Vietnam, Laos, and that tragic little country of Cambodia. Yet we do not appear to have given up the idea of military victory.

The people of the villages of Cambodia were living peaceful existences until the invasion of their country by order of the President and by forces of both the United States and South Vietnam. The traditional hatred between Cambodians and Vietnamese is a matter of historical record. Yet, here again by our action we have created a situation where a military dictatorship in Cambodia depends for its precarious existence upon the support of two hated foreign armies—American in the skies and Vietnamese on the ground. And the once peaceful and undisturbed people of Cambodian villages are subjected to death from the skies, to fighting in their fields, and to the battling of foreign armies on their soil.

Is this the way to convert people to the ideals for which our country is supposed to stand? It is, I venture to say, far more likely to convert them to Communism despite the cruelties of which "the other side" is guilty.

The threat of President Nixon to resume bombing of the North is evidence of his own fears that "Vietnamization" will not work. What that policy boils down to is that the United States proposes to keep the war going full blast, not only in Vietnam but also in Cambodia and Laos, but without the further killing of our own men. This naturally enough would bring blessed relief to American homes. But it will not be of any great help to those of Southeast Asia! And can anyone doubt that as soon as they think enough Americans have been withdrawn the North Vietnamese will launch a major attack? And what do we do then? We already have the Administration's answer. It is to start all over again with bombing of the North, thus hardening its determination to fight to the bitter end. Suppose, as is almost certain judging from past experience, that the bombing is not effective in putting a stop to the North's offensive. What then?

A reversal of the withdrawal policy would seem the only probable result. Meanwhile, it seems to me that our prisoners of war held by North Vietnam are being used as pawns in a game for the political advantage of the Administration. It is clear enough that those prisoners will be released when the war ends and not till then. The abortive, if courageous, attempts to "rescue" some of them may have been calculated to gain political support for the Administration. But its only result so far as the prisoners of war are concerned will be the possibility of reprisals against them and the certainty that they will be held under far more stringent confinement and control. I think this despicable. I also have at least a suspicion that the Administration is playing on the emotions of the American people with this prisoner of war issue in order to prepare the people for an escalation of the war, if events do not turn out as the Administration hopes.

Were South Vietnam a united nation and were its government one that could command the spontaneous allegiance of its people—were it not instead a government that must use the most repressive measures to keep itself in power—then the situation might be different.

But that is not the case.

We are, I submit, confronted by two alternatives. One is to prepare for involvement of men and treasure in Southeast Asia for an indefinite length of time. The other is to seek a peace now on almost any terms that can be negotiated. The incalculable losses from the first course, in loss of lives, in depletion of resources, in preventing effective attack on our problems at home, and in deepening the sense of guilt and moral deterioration within our own country makes the second alternative the only practical or decent one from the point of view of our nation—not to mention the war-torn population of Southeast Asia.

What then must the United States do?

First, agree to a definite date for withdrawal of *all* U.S. forces, not only ground combat forces, but air forces, logistic forces, the CIA, advisers—everyone. In short, to follow General MacArthur's admonition, though belatedly, and not to engage in any war on the Asian continent.

Second, to agree to an interim government in South Vietnam that would not include Thieu or Ky but would include all significant elements in that beleaguered country.

Third, to agree to abide by the results of internationally supervised elections to determine the future government of South Vietnam, and probably of Cambodia as well. This would surely be in accord with our professed objective of self-determination.

It is, I believe, probable that on such a basis a peace could be concluded.

And I am sure our government ought to try.

Sincerely,

JERRY VOORHIS,
A concerned citizen.

FORTY THOUSAND DOLLARS PER MINUTE

Mr. GOLDWATER. Mr. President, astronomical figures related to Government fiscal affairs have long since ceased to surprise me. During my tenure of service in the U.S. Senate our national debt limit has been raised many times to accommodate ever higher Federal expenditures.

Even so, I was brought up short recently by some statistics which show that the Nation now spends $40,000 every minute to defray the intertst on our national debt. Put another way the cost of maintaining our national debt takes 12 cents out of every tax dollar collected from the American people. The yearly cost comes to a staggering total of $20.8 billion. Think of that—$20.8 billion for interest alone on our national debt.

Mr. President, I am indebted for these figures to my son, Representative BARRY GOLDWATER, JR., of California. He listed them in a speech on March 6 to the National Automatic Laundry and Cleaning Council in Anaheim, Calif. Because of their importance at a time when Congress has just voted to increase our national debt by another $30 billion, I ask unanimous consent that the speech by Representative GOLDWATER be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY REPRESENTATIVE GOLDWATER

$40,000 per minute!

Twelve cents out of every tax dollar you pay!

Just try to guess what costs Americans $40,000 a minute! What costs the staggering total of $20.8 billion a year!

The interest alone on our national debt costs us this unbelievable sum.

And just the other day, the Congress voted to increase our national debt by another $30 billion.

Even more frightening, the Congress voted to remove the 4½ percent interest ceiling on long-term Government bonds. This means that you, the tax-payers, will be forced to pay even more than $40,000 per minute next year, since the interest on our debt will be even higher.

Where will it all stop?

We are going to spend ourselves to financial destruction!

We are going to destroy the free enterprise system. It will smother in the vast pillow of Government spending.

My friends—Let's ask ourselves—what is the traditional American formula for progress?

It is the adoption of basic policies by the

Federal Government that will maximize private effort in achieving national goals.

But the Federal Government has not adopted such policies.

It has fallen into the "Washington syndrome."'

That's the simple-minded theory that problems just disappear when the Federal Government throws enough money and statute books at them through new Government programs.

From 1960 to 1968, the number of Federal domestic grant programs jumped from 45 to 435—almost a thousand percent increase.

What has this meant for you, as individuals and as businessmen?

It has meant that the Federal Government has become your chief competitor—for money, for business, for employees.

It has meant that you are so hemmed in by regulations that you are probably breaking the law at least once a day without even realizing it.

It has meant that you are being taxed out of your very existence.

It has meant that you must stand by helplessly and watch the very principles of free enterprise that made this country great be thrown out the window!

It is time to call a halt to this whole mess. It is time to puncture the great swollen balloon of bureaucracy, let out all the hot air, and get down to business.

President Nixon has attempted to do just this thing, through his three-point economic and executive program.

I would like to discuss the meaning of this program today. It has been misrepresented, shunted aside by the democrats, and ignored.

Yet the President's proposals appear to be the only logical course to get this nation back on the right track again.

Let's look at what he wants to do.

First, President Nixon wants to get the economy back on an even keel again.

I am going to be realistic with you.

Obviously this tremendous task cannot be accomplished overnight. It took eight years of government overspending to bring the economy to the inflationary point it's at today.

The President's initial attempt to correct the situation by cutting spending showed the weakness of this inflationary balloon—one session of belt-tightening and it rapidly collapsed. Unfortunately, as we all know, this had severe results for business.

So a different approach had to be tried.

The President has chosen a more gradualistic approach. We have grown too soft as a nation to take our medicine straight.

So the administration is going to phase down government spending, while at the same time applying maximum stimulation to the private sector.

The monies derived from this economic expansion will gradually be used to balance the budget and pay on our national debt.

Unfortunately, to establish this fiscal pattern requires additional deficit spending for a short while. We must get a little further into debt—in order to get out of debt.

But the long-range goal represents a significant change in Federal policy—a return to the emphasis on the *private* sector.

At long last the true foundation of the American economy and the American spirit of progress—free enterprise business operations—is being given its rightful role.

It is up to you to fill this role—otherwise we will turn back, under *democratic* leadership, down the long road to socialism. And the eventual death of free enterprise as we have known it.

In order to cut Government spending without damaging the economy, the President has made the most original and useful proposal of our generation. *Revenue-sharing.*

The President proposes to eliminate a large number of those 435 grant-in-aid programs I mentioned before and take the money and give it directly back to the cities and States—*no strings attached.*

As businessmen you all know what this implies.

We have long known that a horrendously large percentage of funds appropriated never got to where they would do any good. This has been the true enemy of the "new frontier" programs.

Where have these monies gone?

On bureaucracy.

On new buildings, machines, personnel to administer the programs.

On unnecesary junkets by program administrators.

On "regional offices" which are supposed to bring the programs closer to the people, but which actually just perpetuate the chain of bureaucracy on the local level.

Why not, the President is asking, *eliminate the middleman*?

Why not give the money to the people and agencies that really *need* it, and that have been doing the *real* work of administration all along?

Why not *eliminate* the matching-grant requirement that has forced cities and States to overspend to keep up with the Federal Government?

Why not let cities and States set their *own* priorities, rather than being forced to obey *big brother in Washington.*

This is the true meaning of "power to the people."

It's *your* money.

Under revenue-sharing, *you* will have a direct voice on how it is spent.

You elect your local and State officials.

You can contact these men directly without difficulty.

You can express your displeasure with waste and inefficiency immediately and strongly.

No more seas of red tape in far-off Washington.

No more dictates from above.

More value for your tax dollar.

Why, you ask, doesn't the government simply phase out these programs immediately and let us keep our tax dollars at home?

I think you know. I think you, more than anyone else, realize the vast extent to which big brother has undermined the fabric of our society. Dependency on the handout from Washington has become a way of life.

If we cut out all of these programs now, a chaos would result that would make the depression look like a picnic.

Revenue-sharing is an intermediate step.

It provides for tremendous savings at the Federal level.

It puts the burden on State and local government to shape up and resume its rightful role in the governing of America.

It requires a clear development of priorities by the *people,* not by bureaucrats.

It sets the stage for eventual withdrawal of the Federal Government altogether.

As we all know to our sorrow, the Federal Government is the most efficient extractor of tax dollars in human history.

Too many of those dollars have stayed in Washington in the past. Now we want to give them directly back.

When the states and municipalities has established themselves again as strong and viable entities with the support of the people, we will turn over this last function to them.

We will leave your tax dollars *where they belong. With you.* With your local and State governments. Where you can keep an eye on them and spend them for *your* needs.

Revenue-sharing is essential if we are to get back on the right track again. We must turn away from the road to socialism, and get back on the road to federalism—the creative partnership between human enterprise, good government, and the efficiencies of scale.

Let your representatives know you *favor* revenue-sharing.

Otherwise, the Democrats will *kill* it, and the alternatives are too horrible to think about.

Wilbur Mills, chairman of the House Ways and Means Committee, has already come out *against* revenue-sharing. He plans to *ignore* the President's proposals.

What is *his* alternative?

He wants to *"federalize" welfare!*

Can you imagine what this would mean to the taxpayer?

Sure, you would get relief from your local taxes!

But imagine what would happen to your Federal taxes!

In 1961, total spending for welfare programs was almost $4 billion.

In 1970, total spending had climbed to $13 billion.

By *1972*, if welfare keeps increasing, this figure will have jumped to $20 billion.

By 1980, welfare could amount to *half* the Federal budget!

The only thing that is keeping welfare under *any* sort of control now is the willingness of such leaders as Governor Reagan to clamp a tight rein on the abuses.

Turn welfare over to the Federal bureaucracy and our big government now will look like *nothing* in five years.

The Government handout will become the most common feature of American life.

We will become a two-class Nation—the social workers and the welfare families.

Let's keep out of welfare altogether. Let's turn the money back to State and local governments, and let them set the standards for welfare.

Only those close to the problem can determine the true meaning of need.

We don't want to deprive children, old people, and handicapped people of assistance.

But we do want to establish a decent residency requirement and a proper standard of need.

We can only do this if we relocate the power of Government from Washington back to the States.

Revenue-sharing will spur this relocation.

Revenue-sharing is our last chance to start governing ourselves again.

I have spoken of the President's program to stimulate private enterprise, and to get maximum benefit from Federal tax dollars. Now I would like to turn to the third point in Mr. Nixon's proposal to revitalize America and free it from the crushing burden of Government.

I am speaking, of course, of Executive reorganization.

There are two ways of paring away a bureaucracy.

One is to take away its functions.

This is what revenue-sharing will do. It will eliminate a large number of administrative functions from the Government. Or, more plainly, all those "bosses" and "supervisors" and "program administrators" will be kicked out because there won't be any need for them any more.

The second way of reducing a bureaucracy is to make it efficient—to streamline it.

Before the creation of the Environmental Protection Agency, there were twenty-six competing and overlapping agencies in the field of environment. Some of them were doing more to harm the environment than to save it.

By creating a single agency under unified direction from the top, great efficiency, large savings, and a unified policy were created.

Now President Nixon wants to carry this savings and efficiency throughout Government. The first target will be the cabinet departments.

It seems like every interest group in America has their own department. The farmers have Agriculture. The unions have Labor. Businessmen have Commerce. The social reformers have HEW and HUD.

But who speaks for America as a whole? Who speaks for the American people?

The President.

Only the President can rise above individual interests and speak for the American people.

And even his statements get lost in the bureaucratic maze. Even the cherished traditions of the American people are ignored.

Let me just give you the most recent and terrible example.

Because of bureaucratic buckpassing, hemming and hawing, and just plain ignorance, the men of the U.S. Coast Guard cutter *Vigilante* were forced to stand helplessly to one side while Russians beat up and dragged away a Lithuanian seaman who wanted to seek asylum in the United States.

Why?

Well, the Coast Guard had a nice little "you scratch my back and I'll scratch yours" arrangement with the Russians. In exchange for the Russians staying out of certain waters, the Coast Guard let them do pretty much as they pleased elsewhere. And the top brass didn't want to upset the applecart.

The State Department was no better. It was too afraid of offending the Russians to even remember the significance of the Statue of Liberty.

And, of course, no one thought to tell the President until it was all over and America had another black mark on her slate.

Now President Nixon wants to eliminate the competition, the rivalry, the duplication, the buckpassing.

Instead of departments just caring about their own special interests, we would have four new departments based on national interests.

Human resources.

Natural resources.

Community development.

Economic development.

Take special note of this last. A cabinet department on economic development.

Think what a tremendous tool this would be for the preservation and promotion of our free enterprise system.

The very name is indicative of a national goal which has too long been left to fend for itself.

Economic development.

Economic development has been the source of America's greatness.

Economic development has produced our major technological and social advances.

Economic development has created the nearest thing to a classless society in history.

Economic development has fed, clothed, and housed 200 million people at a level unprecedented in human endeavor.

Economic development is the keynote for America's future.

Let us give a full measure of support for the President's program to reform the government and promote economic progress.

Let us stand united behind a positive program for America—a program with visible, worthwhile, and attainable goals.

Let us resume our rightful place as rulers of our own lives, maintainers of our own freedom. Let us once more enjoy the fruits of our labor.

SENATOR RICHARD B. RUSSELL

Mr. ANDERSON. Mr. President, if ever a man epitomized the finest traditions of the U.S. Senate, it was Richard B. Russell. It is our great loss that Senator Russell is no longer with us, but his accomplishments and his manner of conducting himself—always correct and fair and courteous, even courtly—shall remain a part of this Chamber for years to come.

He came here as a young man decades ago, learned quickly and worked hard, and worked himself into a position of preeminent authority and prestige. For years, he was a major national spokesman on security and defense matters as chairman of the Committee on Armed Services. Later, as chairman of the Committee on Appropriations, he watched over the Federal budget with an alertness that pleased every taxpayer. And, of course, he served as the Senate's distinguished President pro tempore.

Senator Russell did not attain such power and prestige merely by seniority, although his regular reelection with great majorities illustrated his great political popularity and success. Richard Russell was not content to sit passively and allow power to accrue to him by the passage of years. Instead, he acted vigorously to put into effect programs and policies he originated or supported, and to stymie those he opposed. That great vigor and stamina, combined with shrewdness and sagacity which confounded and amazed all of us much of the time, meant he was a man to be reckoned with on all great issues to come before this Chamber.

Senator Russell understood the Senate and its folkways of power because he worked at it, because he took nothing for granted, and because he possessed a formidable intelligence. He was able to accomplish so much and to command such respect because he always treated his colleagues with courtesy and decency, even if they were the newest of Members and even if they opposed him on the issues.

We were good friends through the years, even though we often were on opposite sides politically. He will be missed and he will be remembered.

REORDERING AMERICA'S PRIORITIES

Mr. ALLOTT. Mr. President, one of the finest achievements of the Nixon administration to date has been the reordering of America's priorities, a reordering which is reflected in the fact that under the shaping influence of President Nixon, the portion of the budget allotted to human resources has become larger than the portion allotted to military spending.

But still we hear the chant that more must be done to "reorder" our priorities. The incantation of this is especially persistent in New York City, where the mayor frequently tells the Nation about his passionate commitment to a new set of priorities.

Mr. President, the front page of the March 3 edition of the New York Times cast an interesting light on the manner in which the mayor implements his passion in his own city.

The front page of that issue contained three stories which were juxtaposed in a most interesting way.

The first story carried the headline "City Betting Unit Was Lent $800,000 in Welfare Funds." The story reported that the city's offtrack betting corporation, which is not thriving, received a large loan from the city's welfare agency which, if we are to believe the mayor, is not thriving and needs Federal help.

The second story on that interesting front page carried this headline: "School Board Orders End To Hiring of Substitutes." The first two paragraphs of the story tell a sad story:

The board of education took emergency steps yesterday to meet its $40 million budget deficit, including ordering an immediate halt in the hiring of 10,000 to 11,000 substitute teachers who are employed daily to fill in for absent teachers.

The board also directed that plans be prepared for the laying off of 6,500 other school employees, mainly teachers, on March 15 and that all those affected should be "placed on notice."

Mr. President, the third interesting headline on page one of the Times that day was this: "City To Buy Yankee Stadium in Move To Keep Two Teams." It seems that $24 million will be found for the benefit of the New York Yankees and the New York Giants.

The mayor is very eloquent and active in reminding us that we reveal our priorities by our dispersal of dollars. Using the mayor's own criteria, I would guess that the schoolchildren of New York rank somewhere below the horse players and the sports fans in the current ordering of New York City's priorities.

Mr. President, in the belief that we can better understand the advice we are getting from the mayor of New York if we understand the actions his administration takes, I ask unanimous consent that the three above-mentioned articles be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 3, 1971]

SCHOOL BOARD ORDERS END TO HIRING OF SUBSTITUTES — 10,000 AFFECTED — 6,500 OTHERS, MOSTLY TEACHERS TO BE LAID OFF MARCH 15 TO MEET DEFICIT OF $40 MILLION

(By Leonard Buder)

The Board of Education took emergency steps yesterday to meet its $40-million budget deficit, including ordering an immediate halt in the hiring of 10,000 to 11,000 substitute teachers who are employed daily to fill in for absent teachers.

The board also directed that plans be prepared for the layoff of 6,500 other school employes, mainly teachers, on March 15 and that all those affected should be "placed on notice."

"This is an agonizing directive to issue but we must comply with the law," said Murry Bergtraum, president of the board. "We hope and pray that sufficient funds will be found that the decision and processes that we must set in motion may be reversed."

Albert Shanker, president of the United Federation of Teachers, called the board's action "intolerable" and declared: "If these cuts are carried out by the board it would reduce the school system to shambles."

He added that he had summoned a meeting of union officers for today "to discuss appropriate action." He would not elaborate.

Dr. Aaron Slotkin, a spokesman for the Council of Supervisors and Administrators, said the cuts in school services and programs would create a "chaotic" situation.

"If teachers or supervisors get the ax, it's the children who will suffer," he said.

The board's action was announced a few hours after Governor Rockefeller and Mayor Lindsay had declared that they could provide no additional funds for the city school system, in which 1.1 million pupils are enrolled.

Mr. Bergtraum said the Board of Education had directed Dr. Harvey B. Scribner, the school Chancellor, to take the following actions "if sufficient funds are not made available":

Order an "immediate cessation" in the employment of day-to-day substitute teachers.

"Immediately freeze" all repair and maintenance funds, except for emergencies.

"Suspend immediately" the issuance of reducd-fare transportation passes to all children in kindergarten through second grade who live less than half a mile from school and all pupils in the third-through-eighth grades who live less than a mile from school. This will affect 77,000 pupils.

Direct the city's 31 decentralized community school districts to prepare and submit plans to reduce all personnel service expenditures by 8 per cent, effective at "the close of business" on March 15. The local districts have jurisdiction over all elementary, intermediate and junior high schools and the layoffs would affect about 4,000 teachers, supervisors and clerical employes.

Direct also the Office of High Schools to make and submit plans for an 8 per cent reduction in personnel costs, effective March 15. This would affect 1,500 school employes.

Reduce the headquarters and central administration staff to bring about a 20 per cent reduction in personnel costs, effective March 15. This would affect 1,000 employes.

Suspend all after-school activities such as community, youth and adult programs supported by tax-levy funds and reduce by 10 per cent the cost of evening academic high schools, trade schools and "fundamental" adult classes in citizenship and English.

EMPLOYEES LISTED

The city system has 65,000 teachers, 4,000 supervisors, about 15,000 school aides and teacher assistants, and tens of thousands of supporting personnel.

A Board of Education spokesman said the "immediate" actions would take effect in a day or so, as soon as the notices are received by officials in the school districts.

Last Sunday, at a meeting with officials of the central Board of Education, opposition was expressed by representatives of community boards, school unions and parent groups to any reduction in school services and programs.

They announced the formation of a coalition to seek needed school funds from government sources. A meeting of the coalition was set for today.

"DRASTIC DISLOCATION"

School officials said they could not immediately predict the precise impact of the personnel reductions on the pupils, but Mr. Bergtraum said the reductions would cause a "drastic dislocation."

The first effects will come when the schools halt the hiring of day-to-day substitutes.

Pupils whose teachers are absent will have to be divided among other classes, in most instances. The current contract between the central board and the teachers' union gives principals the authority to assign teachers on their preparation or free periods to take over uncovered classes. But teachers cannot be asked to do this for more than two 45-minute preparation periods each term without receiving extra compensation.

The lack of day-to-day substitutes could thus force schools to shuffle 250,000 or more pupils each day.

The March 15 layoffs also would probably hit substitute teachers hardest. These are the "regular" substitutes, who were called in during the first 15 days of the fall term last September and given permanent assignments for the school year, which ends June 30.

The contract requires that regular substitutes be given 10 days notice of the termination of their services. This is why the central board asked district officials and others to place on notice those who face dismissal March 15.

The layoff of regular substitutes or other classroom teachers would result in a further shuffling of pupils. The contract stipulates maximum class sizes, but while some schools have classes that are below the limit, many others do not.

METHOD UNCLEAR

There was no definite word yesterday on how central or local officials would lay off regularly licensed teachers—if this should become necessary—or supervisors. Another big question is the fate of headquarters employes, some of whom are teachers and supervisors drawn from school posts for special assignments.

Earlier in the day, Governor Rockefeller said in Albany there was "no chance" the state could come up with the funds the system needed, and he declared that efforts to obtain help should be focused "in the right direction—to where the money is—to Washington."

And a little later, Mayor Lindsay said the Board of Education's plight was "unfortunate, regrettable and very painful for everyone involved." But he said the city was currently facing a $300 million budget deficit of its own and a projected $1 billion deficit in the new fiscal year beginning July 1.

Mr. Shanker disclosed that the Board of Education had proposed on Sunday—as one of several alternatives—that teachers and other school employes voluntarily take a cut in salary to stave off a reduction in jobs and services. Mandated pay cuts would violate the board's contract with the unions.

Mr. Bergstraum confirmed the board proposal and said it was quickly rejected by Mr. Shanker; and also by Walter J. Degnan, president of the Council of Supervisors and Administrators; Victor H. Gotbaum, executive director of District Council 37 of the State, County and Municipal Employes Union.

City To Buy Yankee Stadium In Move To Keep Two Teams

(By Edward Ranzal)

In a move to keep the New York Yankees baseball team and the Football Giants here, Mayor Lindsay announced yesterday that the city planned to buy and modernize the 48-year-old Yankee Stadium, then lease it to the baseball club.

Asked at a City Hall news conference how he could justify committing $24-million in city funds for the plans in the face of a critical money shortage, the Mayor stressed that the money would not be taken from his hard-pressed expense budget, which provides for wages and operations.

Instead, he explained, 25 per cent of the funds would come from the capital budget for public construction that is financed by borrowing. The 75 per cent remaining would be raised outside the city's mandated debt limit by floating anticipation notes to be redeemed from proceeds from parking, concessions and leases.

"It will be a strain on the budget," the Mayor said, "but we are committed to it and we need to do it."

After acquiring the property through purchase or condemnation, the Mayor said, the city would lease the ball park to the Yankees on the same terms it leases city-owned Shea Stadium to the New York Mets.

The stadium, which has bulged with 70,000 baseball fans and has attracted 100,000 to religious rites, would be renovated by the Yankees, with the city ultimately footing the bill. The stadium's seating capacity is expected to be increased slightly.

The announcement of the plan was the culmination of nine months of negotiations by the Mayor to keep the Yankees and Football Giants here. It was greeted enthusiastically by Bronx legislators and Michael Burke, president of the New York Yankees.

Mr. Burke said the Yankees would certainly stay in the city "if things work out." He acknowledged that the ball club had stopped talking and negotiating with New Jersey officials who had been trying to move the team across the river.

A spokesman for Gov. William T. Cahill said that New Jersey would continue its efforts to attract the teams until "notified by officials of the major league teams that they no longer have any interest in moving."

Councilman Mario Merola, chairman of the Council's Finance Committee, said that after acquiring the property the city would probably operate the stadium at an annual loss of $300,000, the same for Shea Stadium.

However, he interjected quickly, the loss would be more than made up in terms of out-of-towners visiting the stadium, staying at hotels and motels and spending money here.

The stadium, at 161st Street and River Avenue, the Bronx, is owned by Rice University and the land is owned by the Knights of Columbus.

The Yankees lease the property, pay maintenance costs and local taxes as well as fixed annual rentals. They sublet the stadium to the Football Giants.

As the first step in the plan, legislation was introduced yesterday before the legislature in Albany to permit the city to acquire the property as a public place, lease it to the Yankees and permit them to renovate the proposed city property.

The entire property is assessed at a total of $5-million. City officials believe that it could be bought for not too much more. The remainder of the money in the fund would go toward new parking facilities and renovating the structure, often referred to as "the house that Ruth built."

The city has already announced plans for buying an abandoned rail yard five blocks from the stadium, then leasing it to a private concern for parking facilities for 800 cars. In addition, the city, in redeveloping the Bronx Terminal Market, will provide for additional parking spaces.

IMPROVEMENTS ARE LISTED

The Mayor also outlined the following improvements in the area:

Arrangements to improve traffic flow by adding additional patrolmen and a new radio communication unit to coordinate traffic in the area before and after a game.

New signs directing traffic to and from the stadium. The IND 161st Street subway station has been repainted and refurbished and renamed 161st Street-Yankee Stadium Subway Station.

Powerful lighting has been installed in the streets surrounding the stadium.

New benches, malls and colorful allweather arcades will be installed in the area. Also, plans for mini-trains to take fans to and from parking areas to the stadium are being investigated.

In renovating the ball park, Mr. Burke said that an engineering firm had reported the feasibility of moving steel columns that blocked a fan's view to the rear of the stadium and further recommending that escalators be installed to replace steep ramps.

To expedite the renovation, with the approval of the legislature, the Yankees would undertake and pay for the work, with the city returning the money afterward.

City Betting Unit Was Lent $800,000 in Welfare Funds—$2.8-Million Authorized—Unpublished Arrangement Touches Off an Uproar

(By Maurice Carroll)

An unpublicized $2.8-million loan authorization from the city's welfare agency to the floundering Offtrack Betting Corporation was disclosed yesterday, touching off an uproar at a City Hall hearing.

"It's illegal—it's a violation of the law, a violation of the Charter!" Councilman Mario Merola thundered at Jule M. Sugarman, the Human Resources Administrator.

The loan authorization, approved without notification to the Board of Estimate or the City Council—which have the authority to pass on normal budget transfers between agencies—was arranged by an assistant budget director and a Deputy Mayor, both members of the Offtrack Betting Corporation's board.

$800,000 ACTUALLY BORROWED

The betting corporation has actually borrowed $800,000, repayable in six months at 4.25 per cent annual interest. Of this, it has spent $250,000.

"May this Council assume that money appropriated for the assistance of the poor might very well have gone to pay salaries of O.T.B. officials?" Demanded Councilman Bertram R. Gelfand.

"It's very possible," Mr. Sugarman conceded.

After Mr. Merola, the Council's finance chairman, opened the subject at a hearing on the Mayor's 1971-72 capital budget, word spread and other Councilmen, hurried to the hearing room on the second floor of City Hall.

The loan, it was disclosed, came from a $37-million capital budget account for manpower training, one of the responsibilities of the Human Resources Administration.

ASKED TO EXPLAIN LOAN

Councilman Edward L. Sadowsky had started by raising a question about the manpower training program. It cost $6,500 for each trainee, he said, he called that "incredible."

Then Mr. Merola took up the questioning with a reference to an item at the bottom of page 184 of the Mayor's proposed capital budget about the repayment of a loan. He asked Mr. Sugarman to explain it.

* * * * *

Grand Central Terminal and Pennsylvania Station in Manhattan; 1614 East 16th Street, at Kings Highway, Brooklyn; 107–40 Queens Boulevard, Rego Park, Queens and 375 East 149th Street, near Melrose Avenue, in the Bronx.

Initial betting will be on races at Roosevelt Raceway, the Westbury, L.I., harness track that opens tonight, and Aqueduct, the thoroughbred track in South Ozone Park, Queens, which opens its 1971 season next Monday afternoon.

Mr. Samuels said that his agency hoped to open five more offices in April, and beginning in May, 10 more a month.

"We should have 90 offices open by the end of the year," he added. "About 40 to 45 per cent will be in Manhattan, because the state lottery has shown that most betting is done where people work."

Mr. Samuels said both the offtrack offices and the race tracks themselves would have more patrons if the results of the day's races could be shown every night on television.

"We have had discussions with the Federal Communications Commission relative to having race results reported regularly on both radio and television," he said. "The FCC has been sympathetic so far."

Mr. Samuels said that because the computers that will send the bets from the betting offices to the tracks have not yet been installed at the tracks, the wagering will be phoned in for a while. Clerks will then record the bets manually in the track betting machines. Bets will be sent in an hour before post time for each race.

Mr. Samuels said lawyers for his agency had prepared and submitted to Deputy Mayor Richard R. Aurelio a memorandum on a proposed amendment to the State Constitution that would permit the offtrack corporation to take bets on other sports and on numbers. He said legal betting on all other sport and on the numbers would cut into the illegal gambling revenues of organized crime.

Mr. Samuels discussed methods by which he hoped his corporation would compete with the numbers racket through small-wager, high-odds bets on the exact 1-2-3 order of finish of a designated race at Roosevelt Raceway.

He said the corporation has asked permission of Mayor Lindsay to use some of the money raised by the game—called the Triple by the raceway—to support day-care centers and other community programs. He said he felt the Mayor would approve.

Mr. Samuels said also that the corporation was considering using "mobile betting stations" in some areas where the numbers are popular. He said these stations, most likely in trailers, would provide the same function as regular city betting offices.

REPRESENTATIVE MILLS' VIEWS ON REVENUE SHARING

Mr. BAKER. Mr. President, there are few men, if any, for whom I have a higher regard than the distinguished chairman of the Committee on Ways and Means of the House of Representatives. Mr. Mills enjoys an unparalleled reputation, magnificently earned during years of the most extraordinary legislative accomplishments. His devotion to the people of his district in Arkansas and to the people of this Nation is above question and has been repeatedly demonstrated. He is a public servant of the very highest caliber, and I wish there were more of them.

It is well known that Mr. Mills is vigorously opposed to President Nixon's general revenue sharing proposal, embodied in S. 680, which I and 37 other Senators introduced on February 9. The opposition of Mr. Mills, to whose committee the companion bill has been referred in the House, is a very considerable factor in the whole revenue sharing picture and is perhaps the principal cloud on the horizon of the proposal's prospects.

The long years of Mr. Mills' experience in fiscal matters demand that his views on any such matter be given the most careful attention. It was thus with great interest that I read an interview with Congressman Mills which appears in the current issue of U.S. News & World Report.

I am familiar, of course, with the argument made by some against revenue sharing to the effect that the Federal Government, which raises the revenue, should retain the full responsibility for how it is spent, that this is an obligation of the Government to the taxpayers who provide the revenue. This is a philosophical argument of some consequence, and I myself would not favor returning all Federal revenues to the State and local governments. There are some areas of national interest where a strong and precise Federal role in the expenditure of funds is both necessary and efficient. Under the President's proposal of general and special revenue sharing, Federal program aid to States and cities would comprise a flexible mix of three kinds of aid: General revenue sharing, with no strings attached, special revenue sharing or block grants, funds to be spent within six broad areas of national concern, and the continuation of many categorical grant-in-aid programs where the Federal Government retains strict control over the expenditure of the funds.

What I found quite unusual about certain of Mr. Mills' remarks in this interview was his seeming objection to general revenue sharing on the grounds that it might eventually prove to be the vehicle for an expansion of Federal control over the internal affairs of a State and its local governments. He suggests, rather ominously, that the Federal Government might eventually say to the States: "There are certain things we would like for you to do to your judiciary—your legislature . . . to any State program you may want to name—in order for us to continue giving you this largesse out of the Federal Treasury." Thus Mr. Mills seems to be saying that general revenue sharing would further intrude the Federal presence into State and local affairs.

I suppose that anything can happen in this world. We may eventually repeal the Constitution and install a king in this country.

But let us look objectively at this rather fanciful suggestion. The most obvious thing to be said about it is that such a future attachment of nefarious conditions to revenue sharing would have to be imposed by the national legislature, which is theoretically made up of persons elected freely by the people of the United States. Congress could, today, impose by public law any condition it wished upon the various States of the Union, provided that such a law was within the constitutional powers of Congress. The powers of the Congress to impose odious requirements on the expenditure of Federal funds would in no way be expanded by the enactment of general revenue sharing. On the contrary, enactment of the proposal would mark the first time in the history of public finance that the Federal Government had actually relaxed its minute control over the expenditure of a small portion of its revenues.

The Congressman may very well have in his arsenal a number of weighty and considerable reasons why revenue sharing should not be enacted. But I am not persuaded that this specter is one of them.

A somewhat related criticism is that advanced by those who contemptuously speak of revenue sharing as "debt sharing," referring, of course, to the fact that the public debt is approaching $400 billion. These critics assert that there are no revenues to share. As our distinguished former colleague from Delaware, Senator Williams, was fond of saying, we have nearly $400 billion less than no money at all.

Far be it from me to embrace the idea of an enormous public debt. I wish there were no public debt at all. But to assert that the question of revenue sharing is in some way associated with the public debt issue is sheer sophistry. Precisely the same argument could be made against any Federal expenditure, whether for sewage treatment facilities, flights to the moon, or, and I hesitate, Federal assumption of welfare costs. In each instance we are technically spending money "that we do not have."

The most fundamental basis for revenue sharing is the belief on the part of its supporters that the State and local governments should be permitted to share in a small but fixed fractional part of federally collected revenues, not in a fixed fractional part of the net profits from government operations. Such a sharing will strengthen and revitalize State and local governments and tend to thwart the future development of greater centralism. I do not believe that the distinguished chairman of the Committee on Ways and Means or any of the other critics of the proposal have successfully refuted these basic arguments in support of revenue sharing.

One other comment of the Chairman's caught my eye, and I am even hopeful enough to find some encouragement in it. As is well known, Mr. MILLS has been discussing as an alternative to revenue sharing a gradual Federal assumption of all State and local welfare costs. Even though the distinguished ranking minority member of the committee, Mr. BYRNES, appears to prefer some sort of tax credit approach to either welfare takeover or revenue sharing, it is the welfare proposal that has drawn the lion's share of attention.

A number of statistical studies have revealed that only 11 of the 50 States would receive greater fiscal relief from a Federal assumption of welfare costs than they would from the enactment of the President's revenue sharing proposal. Conversely, 39 States would receive less under such a welfare scheme.

In his recent interview, Mr. MILLS is quoted as having said that:

> We could say to the states that, in order to get the government into welfare, they would have to pass on half of what they save to the cities and counties.

Mr. MILLS is not the sort of man to make such a remark off the top of his head, and I intend to read into it everything that I can. There are two things about the remark that are of particular interest. First, it seems to imply that the powerful Federal Government might actually use the assumption of welfare costs as a vehicle to impose certain conditions on State governments. But this cannot be a fair interpretation of what Mr. MILLS meant, because we have just learned how treacherous he finds such an act on the part of the Federal Government. Why, if the prospect of the Federal Government using revenue sharing as a vehicle for enforcing its own ideas on the States is such anathema to Mr. MILLS, surely he would not propose using the welfare system for such a purpose.

The second thing about this remark that interests me is the fact that he is describing something suspiciously similar to the pass-through requirement of the President's general revenue sharing proposal, which would require that roughly half of each State's allocation be passed through directly to cities and counties. If Mr. MILLS is endorsing section 501 of S. 680, it is a most welcome endorsement. Although it remains true that, under Mr. MILLS' welfare savings pass-through proposal, the cities and counties of 39 States would receive less fiscal relief than they would under the President's proposal, at least they would get something, and that is a step in the right direction.

Mr. President, I am confident that the will of the 77 percent of the American people reported by George Gallup to favor revenue sharing will not be frustrated by the Congress. Although objections to the proposal can be effectively argued, there is no doubt in my own mind that the overwhelming assets of the proposal greatly outweigh whatever tenuous liabilities it might contain.

THE UNILATERAL JAPANESE RESTRAINT ON TEXTILE EXPORTS TO THE UNITED STATES

Mr. MONDALE. Mr. President, I am extremely encouraged by the news that the Textile Federation of Japan has agreed to voluntarily limit their textile exports to the United States over the next 3 years.

The negotiations to seek a formal signed agreement by the two nations proved to be frustrating and disappointing to all concerned, and I feel that the Japanese have acted both wisely and courageously in coming up with a unilateral voluntary agreement.

I am hopeful that this agreement can provide the basis for similar agreements on the part of other textile exporting nations.

I know that our own textile industry has been extremely concerned over the recent increases in imported textiles, I know, too, that they have been seeking controls on the most favorable terms to our own domestic industry, and have held out the hope that the Congress would enact quotas.

But I would hope that our industry, and our administration, will look carefully at this Japanese agreement in light of our overall trade problems and the promise this agreement provides for resolving the most difficult question of all—the need for restraining imports without precipitating a trade war and retaliation against our exports.

I believe that this action does hold the key toward providing relief to our own industry without the threat of a disastrous international trade war which would inevitably result from the imposition of legislated quotas in violation of the GATT.

I think we have now seen an act of statesmanship on the part of the Japanese. I hope it can be met with similar conciliation on the part of our own industry and our administration, and that we can now turn toward positive, responsive, and responsible trade legislation to the benefit of American labor and industry.

SENATOR RICHARD BREVARD RUSSELL

Mr. HRUSKA. Mr. President, the Nation will long grieve the loss of the great Senator from Georgia, Richard Brevard Russell. His unfortunate death has removed not only a good and true friend but also an inspirational and dedicated leader whose equal will not soon be seen again in this body.

He gave to the Nation 38 years of devoted and exemplary service. Throughout that time his performance measured up to the highest ideals of the U.S. Senate, in the finest tradition of Webster, Clay, and Calhoun. He brought to the body thinking that was ahead of his time.

It is noteworthy that well over half of Dick Russell's life was spent in this body. The only man who served longer was Senator Carl Hayden.

Senator Russell's remarkable record of tenure provides ample evidence of his character as seen by those who know him best—the residents of his beloved native State of Georgia. In all his election campaigns, he had only one serious challenge.

Sometimes in its enthusiasm for its subject, the press understandably falls victim to exaggeration. But its erstwhile description of Senator Russell as the most powerful man in the Senate was never an understatement. None of us who knew him and worked with him would question his dominance.

What might not have been generally understood by the public which did not know him personally, however, was the reason for his power in this body. They did not have the good fortune of enjoying his charity and compassion, his sincerity and willingness to accept responsibility, and the deep personal sense of honor which guided all his actions.

Dick Russell's courtly manner and his straightforward approach to all his dealings were more than tools of the trade which helped him to rise rapidly to a position of leadership. They were such ingrained qualities of the man that any other type of behavior for him would have been impossible.

He was a statesman in the truest sense of the word. He was a man born to serve his people. His record of public service is one of the most remarkable and inspiring in our Nation's history.

He paid a fierce allegiance to the Senate as an institution and the necessity for it to function by rule and precedent. He knew so well that departure from those rules and precedents would erode and destroy the usefulness and high position of the body.

Elected to the Georgia House of Representatives 1 year after his graduation from law school, he became speaker of the house 6 years later. In another 4 years, he became the youngest Governor in the history of the State. Then he came to the U.S. Senate, for which he had been destined.

The omnipotent Creator who has watched over the Nation throughout its history has been fit to give each generation a cadre of dedicated and inspired leaders, to guide our destiny and to protect us from evil. Richard Russell served that role for the past 38 years. He will be sorely missed, but his memory will be cherished by generations to come as one of the men who has led the country on its path to glory.

ARDMORE, OKLA.—ALL-AMERICA CITY

Mr. **BELLMON**. Mr. President, a singular honor has been bestowed upon the city of Ardmore, Okla. This city of 20,881 industrious citizens in southern Oklahoma is one of 11 winners of the All-America Cities Awards contest. This annual competition, now in its 23d year, is cosponsored by the National Municipal League and Look magazine to give recognition and encouragement to citizen action.

In citing Ardmore as an All-American City, the distinguished jury of citizens and government experts had this to say about its achievements:

> An oil-production center, Ardmore shut down two all-black schools to integrate Negroes, Indians and whites. A citywide Human Relations Council pulled people together to solve racial problems in employment, education and public events. This enthusiasm also powered Operation Pride, a cleanup and sanitation program, and helped double the number of beds in the general hospital.

The current issue of Look magazine includes an excellent article detailing some of the activities that brought Ardmore this well-deserved national recognition.

Mr. President, I ask unanimous consent that the article, entitled "A Small City Tackles Problems of Jobs, School, the Races," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A SMALL CITY TACKLES PROBLEMS OF JOBS, SCHOOL, THE RACES

This lovely city was mired—deep. The gush of money and fun of oil-boom days leveled off after World War I. Apathy infected Ardmore. For decades, the small, quiet town slept, and the word "change" to many natives was a threat. Blacks (about 11 percent of the community), Indians (about 15 percent, mainly Chickasaw and Choctaw) and whites maintained estranged camps. The economy slumped. Prosperity seemed to be something that was happening to other communities. When U.S. and state integration efforts began, the word went out to East Ardmore, where the blacks live: "If things get out of hand here, there will be no more jobs for Negroes." Ardmore, some said, was hopeless.

Imperceptibly, whites nurturing visions began to stir. The city, 100 miles equidistant from Oklahoma City to the north and Dallas to the south, needed a new hospital. "You'll never do it," some warned. But more than 1,600 people pitched in to contribute $1.4 million to match Federal money for Memorial Hospital. (Built in 1955, it has since doubled in capacity, and two more hospitals have been built.)

Residents had twice defeated bond issues intended to improve water supply and sewage disposal. Then, in 1968, a $5 million bond issue was voted by an unprecedented 17–1 margin. Public education was the difference this time.

Ardmore went hunting for payroll dollars. A base long vacated by the Air Force and since turned over to the city became an industrial park and home for some 2,000 new manufacturing jobs. A $75 million Uniroyal plant opened there last fall and will employ, at capacity, another 1,300.

New local industry demanded skilled local people. Ardmore raised $600,000 in 30 days ($100,000 of it in small contributions) as its share of matching funds for a trade school for teen-agers and adults. Four years old, it is already being expanded.

Integration followed. Blacks and Indians joined the white school system in September, 1969, without major incident. Part of the credit went to a weekly series of interracial community meetings, "Let's Talk," that had begun a year earlier. Planned as a defusing confrontation, it handled fears before they erupted. It has been so successful that it meets now once a month. Integration in the work community has kept pace. A minorities job effort began to place blacks in all-white firms. The blacks stuck.

"We are," said one native, "beginning to understand and to cope."

JOE FRAZIER, WORLD HEAVYWEIGHT CHAMPION

Mr. **HOLLINGS**. Mr. President, "It's not the size of the man in the fight, but the size of the fight in the man" the old saying goes, and it was never more true than last night at Madison Square Garden. Physical size was arrayed against Joe Frazier, but the statistics of size fell victim to the force of will. Experience was arrayed against Joe Frazier, but the experience of the past fell victim to the determination of the present. Those of us who witnessed this greatest sports spectacle saw history in the making. His opponent brought into the ring a record without defeat and a boxing renown of almost legendary proportions, but it was nowhere near enough to stave off the determination of Joe Frazier. Now we have an undisputed world heavyweight champion. and judging from the clout he showed last night, he is going to be around for a while. He joins a select company of greats—Jack Dempsey, Gene Tunney, Joe Louis, and Rocky Marciano—as the holder of that most impressive sports title of all, world heavyweight champ.

South Carolinians know Joe Frazier well. He is from Beaufort, where he was born 27 years ago. We have followed his career from Olympic heavyweight champion to world champion. We knew long ago of the fire and determination within him which burned to be No. 1. And few of us doubted that he would one day make it. In doing so, he has fulfilled our hopes. More importantly, he has fulfilled his own fond hopes.

South Carolinians know yet another side of Joe Frazier. They know him as a man who has brought not just fame to his home, but service to his community. In the gym of the Parris Island Marine Base, he put on benefit exhibition matches to raise money for day-care centers, where mothers could bring their small children while they went out to work. There, also the children could be fed a nourishing breakfast and a hot lunch. They remember that he brought his singing group in to raise funds for a community health center. The community remembers the man, but the man also remembers the community.

I join my fellow South Carolinians, and all Americans, in saluting the champ. I wish him a long and successful career. Knowing his determination, I believe his career will be just that.

THE DEPARTMENT OF DEFENSE REPORT OF MARCH 9, 1971, ON THE DEFENSE PROGRAM FOR FISCAL YEAR 1970

Mr. **THURMOND**. Mr. President, the Secretary of Defense, the Honorable Melvin R. Laird, has forwarded his report to Congress on fiscal year 1972–76 defense program and the 1972 Defense budget. This report has vital information concerning the threat to our national security and the minimum necessary U.S. forces to deter any Soviet and Chinese aggressive ambitions.

This report has a very significant portion devoted to nuclear and conventional forces for deterrence. In view of the ever-increasing Soviet threat, I am not convinced the weapons and systems being programed for the 1972–76 time frame are sufficient to maintain a superiority over the U.S.S.R. which our Nation must achieve. Nevertheless, I urge my distinguished colleagues and the American people to acquaint themselves with the threat and our Nation's needs for security. I suggest that pages 75 through 110 which are devoted to critically needed systems be carefully reviewed by my colleagues.

Mr. President, I ask unanimous consent for pages 75 through 110 of the report to be printed in the Record.

There being no objection, the excerpt from the report was ordered to be printed in the Record, as follows:

REPORT BY SECRETARY OF DEFENSE MELVIN R. LAIRD

C. THEATER NUCLEAR FORCES FOR DETERRENCE

President's Foreign Policy Report to Congress 1970 and 1971: "The nuclear capability of our strategic and theater nuclear forces serves as a deterrent to full-scale Soviet attack on NATO Europe or Chinese attack on our Asian allies."

In considering theater nuclear war, i.e., enemy use of nuclear weapons overseas without a direct attack on the U.S., we must recognize both the utility of all weapons systems in contributing to deterrence including the capabilities of our allies, and the limitations that influence the use of systems designed for one level of warfare in another level.

Considering first the utility of strategic nuclear weapons in deterring theater nuclear war, it is clear that the existence of these forces can create uncertainty in the minds of nuclear-armed potential enemies, about how we would respond to their use of theater nuclear weapons; e.g., whether we would confine ourselves to a response in kind or would escalate further. Thus, for example, uncertainty about U.S. use of strategic nuclear weapons in ratallation if the Soviets use nuclear weapons against NATO can contribute to the deterrence of theater nuclear warfare in Europe. But, with the rough equality of U.S. and Soviet strategic capabilities, reliance on strategic weapons alone is not sufficient.

By the same token, but even more so, our theater and tactical nuclear weapons add to the realism of deterrence of theater conventional wars in Europe and Asia; the Soviets and Chinese Communists cannot be sure that major conventional aggression would not be met with the tactical use of nuclear weapons.

On the other hand, a realistic Free World strategy calls for the planning of forces which are sufficient to cope with each level of potential conflict at that level. Therefore, we must plan our theater nuclear weapon posture and relate it to our conventional posture in such a way that we have a realistic option in the theater without having to rely solely on strategic nuclear weapons. In other words, we plan to maintain tactical nuclear capabilities that contribute to realistic deterrence while allowing for maximum flexibility of response in every major contingency we plan for should deterrence fail.

We are currently evaluating the long-term structure of our theater and tactical nuclear programs. In the near-term, we will continue to rely on current capabilities, including theater assets, tactical aircraft, missiles, rockets, field artillery, and atomic demolition munitions. However, research and development and weapon improvement programs are planned in this area, to insure that our weapons and the associated command and control systems have both adequate capability and continue to emphasize minimum chance of accident. With such programs, we believe that we can retain or improve the essential contribution our theater nuclear forces make to our deterrent posture.

D. THEATER CONVENTIONAL FORCES FOR DETERRENCE

President's Foreign Policy Report to Congress, February 25, 1971: "The primary role of our general purpose forces is to deter and, if necessary, cope with external aggression. If aggression occurs, the use of our forces will be determined by our interests, the needs of our allies, and their defense capabilities, which we are seeking to improve. It is clear, however, that the Soviet Union's strong and balanced conventional capability enables it to project its military power to areas heretofore beyond its reach. This requires us to maintain balanced and mobile ground, sea and air forces capable of meeting challenges to our worldwide interests."

A basic planning approach used to determine the approximate size of our theater general purpose forces involves estimating the capabilities of various alternative forces in several situations that could arise in the future.

We plan our general purpose forces in peacetime to be adequate for simultaneously meeting together with our allies a major Communist attack in either Europe or Asia, assisting allies against non-Chinese threats in Asia, and contending with a minor contingency elsewhere. In planning our capabilities, we maintain the full range of air, sea, and ground forces needed to meet our planning goals.

The situation which is most demanding, of course, is in NATO. Our general purpose theater force requirements are largely determined by planning for U.S. and allied conventional forces, which, after a period of warning and of mobilization will be able to defend NATO Europe against a conventional Warsaw Pact attack. We and our allies also must insure our ability to sustain our deployed forces and those of our allies through control of the air and sea lanes.

With regard to U.S. force capabilities in Asia, we do not plan for the long term to maintain separate large U.S. ground combat forces specifically oriented just to this theater, but we do intend to maintain strong air, naval and support capabilities. If a large land war involving the United States should occur in Asia, we would, of course, be prepared to mobilize, and would initially use our non-NATO-committed forces as well as portions of those forces based in the U.S. and earmarked for NATO, if required and feasible, and with emphasis on our air and naval capabilities. In the future, we expect the emphasis in Asia more and more to be placed on U.S. support to our allies who themselves provide the required manpower.

Let me now turn to a brief discussion of the planned FY 1972 U.S. general purpose forces, basic deployment capabilities and potential allied contributions in case of conflict.

1. The Planned FY 1972 General Purpose Forces:

Table 9 includes a summary of our active General Purpose and Mobility Forces for FY 1972 and compares them to the forces in selected prior years.

(a) Army and Marine Corps Ground Forces:

By the end of FY 1971, the active Army force structure will consist of 13⅔ active division equivalents. The Marine Corps will have three active divisions and three active wings. The reserve land forces will include eight National Guard and one Marine Corps Reserve division, and 21 separate Army Reserve brigades. The above forces combine to form total U.S. General Purpose Land Forces of 25⅔ division force equivalents at the end of FY 1971, compared to 29⅓ at the end of FY 1970.

By the end of FY 1971, we will have completed most of the planned reduction in major land forces. The remaining reduction planned is a decrease in division totals of ⅓ division from the end FY 1971 levels. The end FY 1972 Army force structure will consist of 13⅓ active divisions. Mainly because of reductions in support and overhead manpower in FY 1972, the Army will be able to reduce its total active manpower from 1,107,000 to 942,000 during the fiscal year.

A determination of overall land force needs and the role of U.S. and allied forces within that total must include consideration of the following basic facts:

1. By any reasonable measure of economic capabilities and manpower, the United States and its allies in combination have adequate resources to provide for realistic deterrence of both conventional and nuclear wars.

2. The deterrent value of U.S. and local forces varies considerably over the spectrum of possible conflict situations. Local forces may have greater value than U.S. forces in many cases, particularly in meeting smaller conventional threats.

3. Military manpower is more costly for the U.S. than for any of our allies, and the differential probably will grow as we move toward an all-volunteer force.

These realities have led us to conclude that adjustments should be made in the balance of U.S. and allied contributions to our combined capabilities to better use the advantages of each country as we move toward more self-reliant allied capabilities. In some cases, our allies can and should improve the capabilities of their forces without U.S. assistance. However, other allies lack the material resources to match the manpower assets available to them, and thus cannot make their maximum potential contribution without outside assistance.

As we continue with implementing our new strategy, we may find it desirable to make modifications in both the size and composition of our future land combat and support forces. But for the present, we have decided that the FY 1972 planned forces discussed above—a total of 25⅓ active and reserve DFE's—are a realistic planning base for the future, as we proceed with modernization programs for these forces.

(b) Tactical Aircraft Forces:

Based on our assessment of force requirements and allied capabilities, we have decided to continue the reduction in Air Force active fighter and attack forces during FY 1972. We now expect to reduce active fighter and attack aircraft to about 2,170 by the end of FY 1972. The number of Air Force squadrons is expected to decrease from 74 at the end of FY 1971 to 68 at the end of FY 1972. The total number of wings will remain at 21 throughout FY 1972, but the number of squadrons will be reduced as a result of wing/squadron reorganizations associated with redeployment from Southeast Asia.

We also plan to continue reducing our sea-based tactical aircraft forces from the 12 attack carrier wings (CVWs) maintained in FY 1971, to 11 CVWs with a total of about 1,300 active fighter and attack aircraft by the end of FY 1972. We also plan to maintain about 550 Marine Corps fighter and attack aircraft, also capable of operating from carriers. These Marine Corps aircraft will make up three Marine aircraft wings (MAW), each of which will continue to be closely associated with a Marine division, operating within the concept of the air/ground team.

The Reserve tactical aircraft programs, which also form an important part of our total assets, are discussed separately in a following section.

Our tactical air forces have an ability to carry out a variety of fighter and attack missions. Attack missions can be best categorized by their proximity to friendly ground forces. Close air support missions are flown against targets close to our troops and directly support them. Interdiction missions are flown against enemy forces maneuvering behind their front lines, enemy's lines of communication, airbases and the command and support elements and storage and production facilities in the rear areas of each enemy field army. Tactical air forces provide highly mobile firepower which can be concentrated quickly to counter the aggressor's inherent advantage of being able to mass forces where he chooses to attack. As its mission carries it deeper into enemy territory, the demands on an aircraft change. For example, the ability to loiter on station for long periods becomes less important and the ability to penetrate sophisticated air defenses becomes more important.

For our attack capabilities to be effective, our tactical air forces also must be able to gain the air superiority needed to permit air support of our forces. Furthermore, aided by surface-to-air missiles and anti-aircraft artillery, these same fighters protect our forces from enemy air attack. The fighter mission places particular demands on an aircraft's ability to detect targets and to maneuver in combat.

To ensure adequate tactical air forces, military planners must strike the right compromises in both design and numbers of aircraft while organizing and supporting them correctly. Aircraft designs must reflect not only the various missions, but also the conditions under which they must be accomplished. In principle, optimum aircraft could be built in appropriate numbers for each mission. However, in fact, when and where a new aircraft will have to operate and what missions it will have to accomplish in what weather are unpredictable. Therefore, we have built multi-mission aircraft which are designed primarily for one mission, but can also accomplish several other missions. For example, the F-4 Phantom is now the principal air superiority fighter of both the Air Force, the Navy and Marine Corps. However, it is also capable of carrying out attack missions, although not as well as, say, the A7 which is primarily an attack aircraft.

Similarly we must strike compromises if we are to have forces that have the right balance of mission capability and enough flexibility to be able to meet less likely, but nonetheless important, demands.

The issues involved in force planning are further complicated by the need to make the best use of assets already on hand and to compensate for the varying capabilities of our friends and allies to contribute to their own defense in the air as well as on land. For example, while our NATO allies together have versatile tactical air forces about as large as our own tactical air forces, our Asian allies generally have small air forces containing relatively few kinds of aircraft. In addition, the levels of training and support of many of the allied air forces may need improvement. Our technically advanced allies are surely able to provide fully capable air forces, but some others can maintain credible air forces only with U.S. assistance. To the latter end, we have begun the International Fighter Aircraft Program, so that our allies can have a fighter which will be simple but able to match the threat over friendly or contested territory. Yet, even with the United States assistance, some of our friends and allies lack the technological base to support air forces. In sum, the limits of burden sharing are more restrictive when we speak of tactical air forces than land forces and will vary from country to country.

As we proceed with our planning, we are continuing to examine the many conflicting demands for our tactical aircraft, and the relationship of these forces to those of our allies. Each mission and theater presents its own unique and demanding circumstances; in the future we may be able to increase further our overall military flexibility by designing different parts of our forces for different likely conflict areas or situations. If our investigations indicate that we could achieve significantly more flexible tactical air forces in the future, we would want to gradually reorient our forces over the 1973–77 period.

In the meantime, the Air Force, Navy and Marine Corps are pursuing essential modernization programs designed to enhance the flexibility and capability of our present tactical air forces. We believe that the active and reserve force strengths we are planning, when coupled with both this modernization and the capabilities of our allies in this area, represent a realistic baseline program for the future.

(c) Naval Ships and ASW Forces:

By the end of FY 1972, we expect that Naval Ship and ASW Forces, after the reductions of the past few years, will approximate a baseline force for future planning. These forces will include 16 aircraft carriers, including both CVA and CVS, 93 nuclear and conventional attack submarines, and some 227 fleet air defense and ASW escorts. In addition, the FY 1972 forces include land-based ASW patrol and carrier-based ASW squadrons, amphibious ships to lift the assault echelons of slightly less than 1⅓ Marine Amphibious Forces and about 155 logistics and support ships. In future years, as some existing old ships and aircraft are phased out and new ones are introduced, modifications to these force levels will reflect some further small reductions in total force levels.

Our naval forces form an essential part of our assets for realistic deterrence across a broad spectrum of possible conflicts. Since the United States has been and remains a maritime nation, a strong navy is essential.

However, in planning our forces, we must consider the capabilities of our friends and allies to share the burden of defense at sea, as well as on land and in the air. Allied naval forces possess much more capability in some areas than in others. For example, we cannot anticipate that our allies will be able to make a major contribution in large attack aircraft carriers similar to those that the U.S. possesses in the foreseeable future. But in escort ships, our friends and allies around the world possess a greater number than we do. While the capability of this combined escort-ship force is difficult to measure, due in part to the fact that many are obsolescent, we feel it is substantial. Therefore, it is one of our goals for the 1970's that our Atlantic and Pacific allies should provide a major contribution to protecting the convoys that in war would be carrying material for their sustenance.

Another area in which our friends and allies should be able to make a substantial contribution is the provision of land-based anti-submarine warfare (ASW) aircraft to patrol the seas within range of their shores. Our allies now have about as many such aircraft active as we have, but again their capabilities are uncertain. We believe that a reasonable goal for the late 1970's is for nearly all of these allied aircraft to have capabilities comparable to our current P–3 A/B aircraft.

Our allies' naval forces also contain some modern, conventionally powered submarines (SS) in addition to a few nuclear attack submarines (SSN). They should be able to bear the burden of carrying out many of these missions for which conventional submarines are suitable. On the other hand, we do not foresee a time when a major part of the total need for nuclear attack submarines can be met by any free nation other than the United States. Thus, it is clear that allied capabilities will figure more prominently in our plans for escort ship and conventional submarine forces than in our plans for carriers and nuclear attack submarines.

Our long-range goal is to provide a strong, modern and effective navy. The naval modernization programs which I will disucuss in later pages are essential for meeting this goal.

2. Deployment Capabilities of FY 1972 Forces, and Potential Allied Capabilities:

Capabilities of the planned FY 1972 U.S. forces for possible deployment to meet theater-level conflicts in Europe or Asia are discussed in the following pages. These capabilities should, of course, be considered as illustrative rather than actual plans for meeting any specific contingency or conflict. They do not reflect current deployment, but represent a surge capability for meeting a conflict situation in a specific theater.

In the European theater, for example, we have deployed and immediately ready to fight, an Army combat force of 4⅓ divisions. With adequate lift, this force could be immediately augmented by redeployment of the U.S. dual-based units and subsequently, by substantial additional augmentation.

Our NATO allies, at the outset of a war in Europe, would have available in the Central Region a total of some 20 divisions. These forces could subsequently be increased.

Turning to the tactical airpower we normally have deployed in the European area, there are some 31 squadrons (about 600 fighter and attack aircraft). This level could be increased substantially as reinforcements, including both active and reserve aircraft, arrived from the U.S. The total number available would include the deployment of a number of aircraft carriers and their tactical aircraft for the primary task of protecting the essential sea lines of communications and for the support of land forces if required. At the same time, allied fighter and attack aircraft could be increased from the number originally available.

Naval forces also would be heavily involved worldwide in the event of a war with the Soviet Union. Other than the additional attack carriers available to augment those already involved, other Naval forces that could be deployed worldwide would include surface combatants and escorts, ASW aircraft and attack submarines.

Our NATO allies also possess significant naval capabilities, but their forces are much more capable in some areas than in others. They have, for example, a large number of escort ships, land-based ASW aircraft and attack submarines (almost all of them conventionally powered). Their carrier capabilities (attack and ASW) and their nuclear attack submarine forces are, however, quite limited.

The deployments which could be made to Asia provide another illustration of U.S. capabilities—though obviously not simultaneous with a deployment in support of NATO. U.S. land combat forces could, for example, be increased substantially above peacetime deployment levels. This assumes, of course, that adequate air and sea lift would be available and that we would maintain our Europe-deployed force. The number of tactical aircraft wings initially deployed could be increased as forces from the U.S. were deployed to the theater. Under our revised strategy and the Nixon Doctrine, we would be increasingly striving to keep employment of our own ground combat forces to a minimum while keeping open the option to provide local ground combat forces with the required air, sea, and logistics support.

Our Asian friends and allies also have substantial capabilities to bring forces to bear in the event of conflict. For example, in the case of a conflict on the Korean peninsula, South Korea would initially have available almost 600,000 men, over 200 fighter and attack aircraft, and several more divisions within a short time. And the Republic of China could, in the event of an attack on Taiwan, employ some 600,000 men, within a short mobilization period. In addition, the Chinese would have a substantial number of fighter and attack aircraft available for support.

However, we must recognize two important considerations which impact on our planning in this area. First, strengthening of allied forces with increased military assistance and through their own improvement programs will not be achieved immediately. A case in point is our long-range program worked out with South Korea for the improvement and modernization of their armed forces. Similarly, appropriate restructuring of our own forces with the objective of complementing allied capabilities more effectively also takes time. Thus, we believe it is essential to maintain appropriate U.S. strength as we move toward a greater sharing of the defense burden with our friends and allies.

Maintaining strong U.S. active forces with rapid deployment capability, and responsive Reserve forces, are both important factors in providing a realistic deterrent posture for the future. However, other factors relating to U.S. forces can be equally as important. I am referring to the presence which our forward force deployments provide in various areas of the world. This factor is particularly important in Europe. U.S. contributions to the defense of Western Europe have been given broad support by the Congress and by the people of the U.S. since World War II. The steadfastness of this commitment is particularly manifested by our forces stationed in Europe.

I mentioned earlier the fact that we have deployed in the European theater at the present time an Army combat force of 4⅓ divisions. In addition, many of our other military assets are firmly committed to NATO. The total assets available to NATO today are substantial and they must be kept so. As the President noted in his Foreign Policy Report last month:

"No token presence could serve our purpose. Our substantial contribution of United States forces—about 25 percent of NATO's peacetime capabilities in Central Europe—insures the viability of the strategy of flexible response. It enables us to found Alliance defense on something other than reliance on the threat of strategic nuclear war. It is the basis of our allies' confidence in us. It links European defense to a common strategy and to the nuclear power of the United States."

The FY 1972 Budget provides for the maintenance of our current force in Europe consistent with the President's pledge last December that:

"Given a similar approach by the other Allies the United States would maintain and improve its own forces in Europe and would not reduce them except in the context of reciprocal East-West action."

Other deployed forces also contribute to stability and deterrence. In this context naval forces are particularly important. For example, last fall the presence of our 6th

Fleet in the Eastern Mediterranean during the Jordanian crisis served as a reminder that outside intervention carried great risks.

The modernization programs which I will discuss next will enable us to sustain and improve our present capabilities.

Other funding in the FY 1972 Budget will help improve the readiness of our existing forces. The Services should be able to discuss these improvements in more detail when they appear before the Committee.

3. Modernization of U.S. Combat Forces in FY 1972:

Forces that can be deployed or used for actual combat must be properly equipped and in a high state of readiness if they are to be an effective deterrent.

Today, the operational readiness of the Army's active forces is lower than we would like. This has been brought about by the severe personnel imbalances stemming from the one-year tour in Vietnam and by the heavy procurement requirements that were needed for Vietnam—both to support our own Army units there and to help equip South Vietnamese units. Army Forces outside Vietnam simply have not been supported as well as have those in Vietnam.

There are some encouraging signs, however. The Army has been able to begin delivery of several new weapons systems to its forces outside Vietnam, and its FY 1972 budget request provides for continuing this effort. The Chaparral/Vulcan air defense system, the TOW anti-tank missile system, and the Sheridan armored reconnaissance vehicle are all being issued to Army units in Europe. The M-16 rifle has been issued to most active Army troops, and deliveries to the Reserve Components have begun. Other modern equipment is being issued to the Reserve Components in increasing quantities as well. Of particular importance is the growing number of modern helicopters included in these deliveries.

Our tactical air forces also need to be improved and modernized if they are to be successful in the future environment in which they must be prepared to operate. Although the operational readiness of these forces today is at a high level (owing in part to their extensive role in the Vietnam conflict) there are a number of areas where we believe the increased capabilities of a modernized force will be required. For example, the F-4 represents technology which dates back to the mid 1950's. These aircraft will not be able to cope with projected air threats of the late 1970's or early 1980's. The new F-14 and F-15 fighters are designed to provide the capability we will need. With respect to close air support, we currently have a number of aircraft which can perform this mission. Nevertheless, there is a need for relatively low-cost aircraft specifically designed to provide a specialized close air support role in the future.

There are, of course, other areas where our tactical aircraft inventories should be modernized, and they will be covered in subsequent sections relating to their missions.

As you know, our naval forces are also in need of modernization. Last year, I advised the Congress that if additional money were made available in the FY 1971 Budget, shipbuilding would have first priority. The $3,329 milion shipbuilding program contained in the FY 1972 Budget is $739 million above the FY 1971 program and $1.6 billion above the 1966–1970 five-year average for ship construction, and reflects our intention to proceed with a vigorous modernization program for the Navy.

We also plan to accelerate modernization of our own active and reserve land-based combat forces, particularly with regard to capabilities required for NATO. This modernization effort is in our view even more important with the reduced size of our land forces.

Let me now turn to a discussion of the major modernization programs we are planning for FY 1972. A summary of these programs is shown on the following pages. Although programs are grouped by primary mission, as I mentioned earlier many of the systems have inherent capabilities that permit multi-mission utilization. Table 10 provides a summary of major procurement.

SELECTED GENERAL PURPOSE AND MOBILITY FORCES MODERNIZATION AND IMPROVEMENT PROGRAMS

	Fiscal year 1971 actual funding (millions)	Fiscal year 1972 proposed funding (millions)
Ground combat capabilities:		
Continued development and advanced production engineering for main battle tank (XM-803)	$77	$87
Continued procurement and modification of M-60 tank	92	87
Procurement and testing of Tow and Dragon anti-tank missiles	131	103
Procurement of Lance missile	31	84
Procurement of army helicopters	145	35
Continued development and advance production engineering for Cheyenne helicopter	18	13
Close air support:		
Development of A-X close support aircraft	28	47
Procurement of AV-8A close support aircraft for Marine Corps	86	110
Development and initial procurement of Maverick air-to-ground missile	31	87
Air superiority and air defense:		
Continued procurement of F-4 Air Force fighter aircraft	78	143
Continued development of F-15 air superiority fighter	348	415
Procurement and continued development of F-14 multi-mission fighter	995	1, 034
Procurement of Phoenix missiles	92	104
Procurement of improved Hawk and Chaparral/Vulcan surface-to-air missile systems	106	108
Continued development of a new surface-to-air missile system, SAM-D	83	116
Interdiction, reconnaissance, and other combat aircraft:		
Continued procurement of A-7 Air Force attack aircraft	256	208
Financing of F-111 over-target costs and performance testing (includes 24 A/C in fiscal year 1971)	666	190
Procurement of A-6E and A-7E attack aircraft	272	192
Continued development and procurement of EA-6B electronic warfare aircraft and E-2C fleet early warning aircraft	300	554
Procurement of RF-4C reconnaissance aircraft	40	44
Sea-control and naval projection of power forces:		
Additional funding for CVAN 68 and 69		164
Continued procurement of the P-3C land-based ASW aircraft	166	328
Development and initial procurement of S-3A carrier-based ASW aircraft	288	580
Procurement of high-speed nuclear attack submarines (5 fiscal year 1972; 4 fiscal year 1971)	662	881
Continued development and limited procurement of MK-48 torpedo	167	182
Procurement of ASW destroyers (7 fiscal year 1972; 6 fiscal year 1971)	481	599
1 nuclear-powered guided missile frigate (DLGN-38)	211	209
Completion of funding and program adjustment, DLGN-38-class ships		49
Continued development of AEGIS ship air defense system	72	100
Development of Condor and Harpoon long-range, standoff missiles	42	56
LHA program (termination of program at 5 ships in fiscal year 1972)	13	10
Procurement of Marine Corps:		
Amphibious assault vehicles	41	61
Helicopters	18	21
Procurement of logistic and support ships		354
Mobility forces:		
Funding for unbudgeted prior year costs and implementation of the scientific advisory board recommendation for the C-5A aircraft	621	383

A. GROUND COMBAT CAPABILITY

XM803 Tank. In connection with our land forces, the Army's tank program today is focused primarily on the continued development of its new main battle tank, the XM803. As I reported to you last year, the joint effort to develop a single tank with the Federal Republic of Germany has been terminated. Since then, the Army's efforts have been directed toward developing the austere version—the XM803—with the goal of reducing the average unit production cost to about $600,000 in FY 1970 dollars. The program will be reviewed as the development and testing progress and we intend to authorize production only when we are sure the development is complete and the cost acceptable.

The resulting tank would still have all of the essential characteristics which will enable it to counter the tanks which the Soviets are capable of producing and are likely to field in the 1980's: a 152 mm gun capable of firing a new high velocity armor-piercing round and launching the Shillelagh antitank missile, as well as spaced armor, low silhouette, passive night vision, and fire-on-the-move capability. But some of the less critical features have been either eliminated or modified to save money. We are requesting $87 million in FY 1972 to continue development and Advanced Production Engineering for the XM803, which will include procurement of second generation pilot hardware, testing of components, and development of training devices. The Secretary of the Army will be prepared to discuss the details of scheduling and proposed funding for the XM803.

M60 Tank. To continue improvement and retrofit of the M60-series tanks, $46 million is included in the FY 1972 Budget. Of this, $13.3 million will be used for a modest product improvement program to upgrade the M60 and M60A1 tanks, which are the Army's standard tanks today. These improvements are to give the M60-series tanks better performance and longer life. The remainder is to apply corrective modifications to 210 of the M60A1E2 tanks which the Army has procured in previous years. The M60A1E2 is essentially an M60 tank with a modified turret and armament system which allows it to fire both conventional ammunition and the Shillelagh antitank missile. Fixes for the technical difficulties in turret stabilization, which slowed this retrofit program, have been identified. The Army assures me that the testing of these fixes is proceeding satisfactorily.

In addition, the Army plans to continue its procurement of M60A1 tank vehicles. The FY 1972 Budget includes $41 million to procure 90 M60A1 tanks and 60 Bridge Launcher Chassis. This procurement, together with the M60A1E2 modification program discussed above, will keep production at the minimum sustaining rate.

Tow and Dragon. To complement its tank capability, the Army is moving ahead with procurement of its new anti-tank missile systems for the infantry—Tow and Dragon—for which we are requesting $103 million in FY 1972. The Tow is the heavy anti-tank weapon used by infantry battalions.

Last year the Army reevaluated a proposal to use the Shillelagh missile instead of Tow in the infantry ground mode, in response to strong Congressional interest in this possibility. The Army's findings were that Shillelagh offered no technical or operational advantages over the Tow, and this action would not promise any significant cost savings. Furthermore, adaptation of Shillelagh would delay equipping of NATO-oriented units with a new anti-tank system by three or four years. For this reason, we decided last year to continue Tow procurement. At the present time, we are well into a multi-year procurement program for this system; in FY 1972 we plan to continue buying the Tow at the minimum sustaining rate. Meanwhile, the Army has sufficient prior year funds to equip its forces in Germany and some of its forces here in the United States with the Tow launcher and a partial supply of missiles. The Dragon is the lighter weight anti-tank system, designed to be handcarried by our most forward ground combat elements. It, too, is destined primarily for our European-based forces. The Dragon goes into initial production in FY 1972, and funds for the first year's increment are included in our current budget request. The budget also includes $4 million to begin Advance Production Engineering (APE) for equipping Cobra helicopters to carry the Tow missile.

We believe that our attack helicopter programs also will significantly improve our anti-armor capability.

Lance. Procurement of the Lance missile system is planned for FY 1972 and $84 million is included for this purpose. This system will replace the Honest John and Sergeant system, both of which are approaching the end of their useful life. Lance will have a primary nuclear as well as a conventional warhead capability, and with greater mobility and quicker reaction time, will provide our ground forces in Europe with considerably increased survivable firepower. In addition, these improved characteristics will allow the Army to replace Honest John and Sergeant battalions with Lance on a better than one-for-one ratio that will produce significant savings in manpower.

OH–58A. The major Army aircraft procurement planned in FY 1972 is 400 OH–58A light observation helicopters, to replace obsolete OH–13 and OH–23 helicopters. These modern helicopters will provide battlefield commanders a significantly greater capability for reconnaissance, target acquisition, and command and control. We have included $35 million for OH–58A procurement for the final year of a multi-year contract.

UH–1. No FY 1972 funds are included for procurement of the larger UH–1 "Huey" helicopters for the Army, although deliveries will continue through the period.

Advanced Attack Helicopter. The FY 1972 Budget contains funds for continued development of the CHEYENNE advanced attack helicopter. It is a far better weapons system than the COBRA, and offers the sort of major technological improvement that the Army needs to implement its air mobility concept. We have included $13 million in the budget for CHEYENNE advanced production engineering.

B. CLOSE AIR SUPPORT

Our combat experience in Vietnam has again underlined the importance of close air support for ground forces. In addition, our new concepts of air mobile warfare have led us to conclude that both organically assigned attack helicopter gunships providing direct suppressive fire support and heavier support in depth from attack aircraft do contribute to this role.

We are proposing in the FY 1972 Budget to continue development of both the A–X and attack helicopters because we believe they complement each other, through overlapping zones of coverage and diverse operating modes. At the present time, we believe that a mix of fixed wing aircraft and helicopters permits a variety of operation and deployment possibilities, a factor that may become increasingly important in the future. However, in view of the continued interest of the Congress in this area, we have established a working group to evaluate the close air support issue. Their evaluation will be complete before a production decision is made on either the CHEYENNE or the A–X.

A–X. We have included $47 million in the budget to continue development of the A–X, an Air Force program designed to provide a modern aircraft to meet the heavier close air support mission. A–X procurement could begin in FY 1974. The A–X design will be chosen using a competitive prototype program, in which a "fly off" will be held between the two designs to determine which aircraft will be developed. In this way, we hope to continue to move away from production based on paper studies and toward a "fly before buy" policy.

Although the A–X design emphasizes close air support of our troops, this aircraft also will have the capability to carry out interdiction missions behind enemy lines, and armed escort, reconnaissance and search operations. The A–X will increase our anti-tank capability, thereby providing greater support for our ground forces.

HARRIER. Since the Marine Corps operates as a closely integrated air/ground team, the AV–8A HARRIER weapon system is particularly suited to provide high performance V/STOL air support. The FY 1972 Budget includes $110 million to purchase in the United Kingdom an additional 30 AV–8As. The HARRIER is a proven aircraft that has been operational with the Royal Air Force (RAF) for two years. Currently, several HARRIERs are undergoing trials and initial squadrons are being formed in the U.S. The RAF and U.S. experience already acquired indicates that the HARRIER will prove to be an effective and valuable system.

MAVERICK. The MAVERICK is another program that is of importance in providing increased capabilities for support of troops on the battlefield. MAVERICK is a tactical air-to-ground missile for use by our current F–4 and A–7 aircraft against targets such as tanks, armored vehicles, artillery and field fortifications. It has automatic television homing guidance, that should enable it to achieve a high probability of killing its target. Testing of this missile has progressed satisfactorily and we intend to begin procuring it in FY 1972 for equipping the tactical forces. We are requesting $87 million for this program in FY 1972.

C. AIR SUPERIORITY AND AIR DEFENSE

F–4. Near term modernization of aircraft for this role is planned through continued F–4 procurement. The budget includes $143 million to buy 36 F–4 aircraft in FY 1972 for the Air Force. However, the number of active F–4s will remain at about 1,400, with older aircraft being transferred to the reserves as new ones are delivered to modernize this force.

F–15. We are concerned, however, that the F–4 may not be able to cope with future threats to air superiority, and hence, are developing an all new fighter, the F–15, in order to fulfill our future requirements. We expect the F–15 to possess a significant advantage in maneuverability over future enemy fighter threats, and have a higher overall system capability. It will be armed with short and medium range missiles, as well as a cannon. The F–15 will become our first-line air superiority fighter in the post-1975 time period. The budget includes $415 million to continue this development. We expect to begin F–15 procurement in FY 1973, and by FY 1976 to start replacing F–4 squadrons with F–15 squadrons in the active forces.

F–14. To modernize our fighter oriented naval air forces, we plan to replace F–4 aircraft in the active forces with F–14's in the mid-1970's. The budget contains $228 million for continued R&D and $806 million to procure 48 F–14 aircraft in FY 1972, as compared to 26 procured in FY 1971. As I noted last year, this increase in production rate is contingent on its performance in test flights. While we believe the F–14 is an important development, the contract was let in early 1969 and does not have some of the features we now believe necessary for good management control. Also, the crash of the first development aircraft has delayed somewhat the development program. We are reassessing the situation and may wish to modify the program, but as yet no modification program has been approved. The budget also includes $104 million to procure PHOENIX missiles for use on F–14 aircraft. The Navy will discuss the entire F–14 program in more detail.

CHAPARRAL/VULCAN. Modernization is also planned for the ground components which contribute to the air superiority-air defense role. The Chaparral/Vulcan system is currently being deployed. This missile/gun combination helps fill a void in the forward air defense of deployed ground forces. At the same time, the Army is planning additional procurement of Improved Hawk missiles, to provide a better defense against electronic countermeasures and multiple aircraft strikes. Procurement funds of $108 million for another increment of each of these systems are in the FY 1972 budget request.

SAM–D. The SAM–D air defense system continues in advanced development, and good progress is being made. This system is being developed to cope with the anticipated air threat of the 1980's—a threat which neither the present Nike Hercules nor Hawk can counter. We are requesting $116 million in FY 1972 funds to continue the basic SAM–D development program.

D. INTERDICTION, RECONNAISSANCE, AND OTHER COMBAT AIRCRAFT

A–7D. Interdiction missions are flown against enemy forces maneuvering behind their front lines, and against the command and support elements in the rear areas of each enemy field army. We presently have a variety of aircraft, including the F–100, F–105, F–4, A–6, A–7, and F–111, which are capable of performing interdiction missions. In the near term, A–7 and F–111 aircraft will replace F–100 and F–105 aircraft to modernize this part of the Air Force. We expect to procure 97 A–7Ds in FY 1972, for which $208 million is included in the budget. This order will complete our planned procurement of A–7Ds and provide for a force of three A–7 wings in the Air Force.

F–111. We currently plan that the number of tactical F–111 wings in the force will increase to four by the end of FY 1972, our planned force level for these aircraft. The F–111 should provide a significant increase in interdiction capability by virtue of its ability to operate at night or during adverse weather and fly deep into enemy territory.

The Budget includes $190 million for additional development, initial spares, and for payment of prior-year costs needed to complete the F–111 procurement program. The Air Force has tested the F–111 aircraft, and believes that the aircraft now in the force will perform satisfactorily. There are, however, Mark II Avionics System difficulties in the "D" model. The resolution of these difficulties is now being worked out with the contractor, and the Air Force will be prepared to discuss the details, including both funding aspects and program adjustments. No F–111 procurement is planned beyond FY 1971 but funds are needed to pay for aircraft procured in previous years.

A–6E/A–7E. The A–6 and A–7 aircraft are the Navy's principal all-weather and visual air-to-ground attack aircraft. The latest series, the A–6E and A–7E, are expected to provide increased performance over earlier versions through improved avionics systems. Therefore, we have concluded that A–6E and A–7E production should continue in order to modernize our sea-based attack aircraft forces. For this purpose, the budget contains $192 million to purchase 12 A–6E and 24 A–7E aircraft in FY 1972.

E–2C/EA–6B. The budget includes $554 million for continued development of the E–2C airborne early warning and EA–6B electronics countermeasure aircraft and procurement of 11 E–2Cs and 19 EA–6Bs.

RF–4C. To continue modernization of its tactical reconnaissance capability, the Air Force is procuring 12 RF–4C tactical reconnaissance aircraft in the FY 1972 Budget, for which $44 million is requested. This aircraft is equipped with multiple sensors, which will permit it to perform all-weather reconnaissance.

E. SEA CONTROL AND NAVAL PROJECTION OF POWER FORCES

Aircraft Carriers. At the end of FY 1972 the aircraft carrier force will consist of the nuclear-powered ENTERPRISE, eight FORRESTAL-class, three MIDWAY-class, and four older carriers. The NIMITZ and EISENHOWER nuclear carriers have been funded and will replace the two oldest carriers in FY 1974 and 1975. The Navy now estimates that these ships will cost $594 million and $616 million, respectively, for a total cost of $164 million above the Navy's previous cost estimates. This amount has been included in the FY 1972 Budget. Navy witnesses will, of course, be prepared to discuss in detail the reasons for these and other increased cost estimates for ship construction included in the FY 1972 Budget.

In 1978, our carrier forces will average twenty years in age with the oldest ship 33 years. At that time, the nuclear-powered carriers NIMITZ and EISENHOWER will have joined the ENTERPRISE in the fleet. I am convinced that our responsibilities in the Atlantic, the Pacific, the Mediterranean and other ocean areas will require construction of an additional nuclear powered carrier for the Navy to insure adequate attack carrier capabilities for the 1980's and beyond. The Navy is currently assessing the need for funding to keep the industrial base open with selected long lead time items in FY 1972. If preservation of the industrial base should be at issue, or if significant savings would be realized, I will seek funds for long lead time procurement for CVAN–70 in FY 1972 through reprogramming actions or budget amendments, within our overall request. This will enable us to keep the option open to authorize the next carrier in FY 1973 or FY 1974.

Patrol and ASW Aircraft. Land-based ASW aircraft are our primary means to search broad ocean areas. To increase our capability in this area, we are pursuing a continuing program to buy P–3C aircraft to modernize the active forces and transfer earlier model P–3s to the reserve forces.

In FY 1972 we plan to buy 36 P–3C aircraft at a cost of $328 million. The P–3C contains ASW equipment similar to that of the S–3A. As they are replaced in the active forces, older P–3A/B aircraft will be transferred to the Naval Reserve to increase its effectiveness.

Sea-based ASW aircraft are also needed to maintain the flexibility to meet contingencies which might occur out of range of available land bases and to conduct persistent and concentrated air ASW operations around naval forces and convoys at sea. In order to improve ASW capability, our sea-based ASW aircraft are also being modernized. We are requesting $207 million in FY 1972 for completion of most of the S–3A aircraft development program.

We also propose to procure the first 13 production aircraft in FY 1972 if flight testing shows that the aircraft is ready for production. We have included $373 million in the FY 1972 Budget for that purpose. If the procurement decisions are made on schedule, the first two S–3A squadrons would be operational in the mid-1970's.

Submarines. Important changes in submarine technology have taken place in both the United States and the Soviet Union in the last ten years, and have compounded the uncertainties inherent in our judgments of our needs for SSNs. However, because of the unique ASW capabilities of submarines and their effectiveness in other missions as well, we believe we should pursue a vigorous SSN construction program in the near term. Therefore, we have included $881 million in the FY 1972 Budget for procurement of five new "high speed" 688-class SSNs, and for long lead time procurement funding for submarines to be started in FY 1973.

The MK–48 torpedo program is of major importance to the effectiveness of U.S. submarines. Because of early development problems, the Navy began a parallel competitive torpedo development in 1965. There are now three versions of the torpedo, the MK–48–0, which is primarily an ASW weapon; the independently developed dual-purpose MK–48–1, and the dual purpose MK–48–2, the successor to the MK–48–0. The Navy plans to continue competitive development, test and evaluation until the summer of 1971, when one of the dual-purpose versions will be chosen. The total of $182 million included in the FY 1972 Budget will essentially complete the development program and provide for initial procurement of an operational inventory. Future procurement plans will depend on the version selected for full production.

Fleet Air Defense and ASW Escorts. Much of the escort ship force is old. For example, 82 ships in the planned FY 1972 force are of World War II construction. Therefore, an extensive ship construction program is in progress to modernize this force. The forty-six 1052-class destroyer escorts previously authorized are entering the fleet; a multi-year contract for 30 DD–963-class ships has been let; and two DLGN–36-class ships (the CALIFORNIA and SOUTH CAROLINA) are under construction.

Furthermore, we propose to fund a third DLGN–38-class ship in FY 1972. This is in addition to the two ships of this class funded in FY 1970 and FY 1971.

The delivery of the DLGN–38 is now scheduled for the mid-1970's with the next four ships scheduled to be delivered by the late 1970's. The Navy now estimates that the follow-on DLGN–38-class ship included in the FY 1972 Budget will cost $240 million, and we are requesting $195 million to complete its funding plus $14 million for long lead time items for DLGN–41. We are also including $49 million for DLGN–38 program escalation and cost growth adjustment.

The Navy's current estimate of the total cost for the DD–963 program is about $2.7 billion. We have included $599 million in the FY 72 Budget to fund the next seven ships. The first ship of this class is currently scheduled to be delivered in FY 1975, with delivery of all 30 ships scheduled to be completed in FY 1978.

In total, the Budget contains about $914 million of ship construction funds to modernize this force.

The FY 1972 Budget includes $100 million to continue development of the AEGIS surface-to-air missile system, which we expect will increase our ability to defend naval forces and shipping at sea against missile attacks. The Navy's current plan is to complete the technical evaluation of this system in the mid-1970s. Also included in the budget request is $56 million to continue developing the CONDOR and HARPOON long-range standoff missile systems.

Amphibious Lift. Eleven new ships will be delivered in FY 1972 and 13 older amphibious assault ships will be retired. This, with the exception of helicopter decks equates to a capability to lift the assault echelons of slightly less than one and one-third Marine Amphibious Forces. This will permit a division-sized assault in one area while maintaining the ability to land a smaller air/ground team elsewhere. These forces will be sufficient to continue current deployments of amphibious forces in the Western Pacific and Mediterranean.

By FY 1975 all but one unit of the amphibious ship force will consist of post-World War II vessels. Sixty-five will be capable of sustained 20-knot transits. Five new general purpose assault ships (LHAs) have been funded through FY 1971 and will be delivered to the fleet between FY 1974 and FY 1975. We now believe that only five LHAs are needed. The FY 1972 Budget includes $110 million to terminate the multi-year contract, which was originally for nine LHAs, and to reduce the program to the five LHAs required in the assault ship mix for the current lift capability.

Further improvement in amphibious capability in FY 1972 will be provided by procurement of 450 more LVTP–7s (assault amphibian vehicles) for which $61 million is requested, and 24 more twin-engine UH–IN helicopters, with $21 million requested in the FY 1972 Budget for this program.

Logistics and Support Ships. The age of our logistics and support fleet remains an important matter of concern for the long term. Therefore, the FY 1972 Budget includes funds for construction of one new oiler, two submarine tenders, and three ocean-going rescue and salvage ships at a cost of $354 million.

4. Modernization of Mobility and Lift Forces

A. STRATEGIC AIRLIFT

We believe that as presently programmed, our strategic airlift will provide adequate resources to meet the spectrum of deploment requirements through the late 1970's. We expect about 65 C–5A (four squadrons) and 275 C–141 (13 squadrons) aircraft to be active by the end of FY 1972. Another 15 C–5As will be added in FY 1973 to round out our military strategic airlift forces. In a rapid deployment, we also rely on the approximately 330 commercial aircraft in the Civil Reserve Air Fleet (CRAF) to move troops and a portion of the worldwide resupply requirements.

The FY 1972 Budget includes $383 million to support the C–5A program, of which $357 million is for procurement. The remainder is for additional development work implementing recommendations made to the Secretary of the Air Force by the Air Force Scientific Advisory Board, based on its comprehensive review of the C–5A development.

Secretary Packard has informed the Committee of our plan for resolving the C–5A contractual disputes with the Lockheed Aircraft Corporation in order to insure that the production program of 81 aircraft can be completed. He will discuss that plan with you in detail before the reformed contract is executed and before the FY 1971 "contingency fund" of $200 million is obligated for expenditure.

B. TACTICAL AIRLIFT

In FY 1972, we will complete the phasing of the C–130A/B aircraft from the active to the reserve forces. Our active tactical airlift force will consist of sixteen C–130E squadrons, one ski-equipped C–130 squadron, and four STOL (C–7/C–123) squadrons. Twelve more C–130E's are included in the budget at a cost of $41 million. The STOL portion of the force has been reduced significantly by the transfer of six squadrons to the Vietnamese Air Force. We anticipate rebuilding the STOL force (starting in FY 1973) and we are now in the process of determining the appropriate replacement aircraft.

C. SEALIFT

The United States and its allies have substantial sealift assets. However, we face serious sealift problems in executing the rapid deployment concept required under our national strategy in the early stages of a contingency. The only immediate capability available to DoD is the Military Sealift Command Control Fleet. The recently enacted Merchant Marine Act of 1970 will provide additional sealift resources for use during national emergencies. However, we cannot rely solely on commercial shipping assets to meet our deployment needs early in a contingency for several reasons. First, even with Presidential requisitioning, marshalling commercial ships dispersed on the worldwide trade routes consumes valuable time. If DoD has suitable vessels under its control, they can be repositioned during strategic warning periods, prior to national mobilization, in order to be immediately available to deploy forces to limit a developing crisis. Such ships will be controlled so as to facilitate repositioning upon receipt of warning.

A second reason why we cannot rely exclusively on commercial ships is that too few of them have the capability to move the heavy, outsize unit equipment of our combat and combat support forces. The commercial trend is toward containerships and other specialized ship types. Containerships, which now comprise 35% of the U.S. commercial general cargo sealift capability, are projected to increase their percentage to 55% by 1975. Such specialized vessels can carry resupply cargoes, but are of little use in the early stages of a crisis when unit equipment must be rapidly deployed to a contingency. By contrast, the commercial break bulk fleet, which can lift most unit equipment, is projected to decrease from 224 C–5–S–75a equivalents in FY 1971 to 167 in 1975.

The delay associated with activating vessels from the National Defense Reserve Fleet (NDRF) prevents these resources from meeting the shortcomings of the active fleet. The first vessels from the NDRF would not begin to become available for use in a deployment until approximately 30 days after mobilization, and thus could not be used in the early critical periods of a rapid deployment. Moreover, since virtually all of these vessels were built during World War II, their value in the event of an emergency is increasingly questionable. Because of this, these ships are gradually being disposed of and will be phased out in the next five or so years.

DoD's current shipping assets are quite limited. In the mid-1970's without acquisition of new assets, the DoD-controlled strategic sealift force will be limited to three roll-on/roll-off vessels. In light of this fact and the shortcomings of the commercial fleet, we are attempting to obtain ten Multi-Purpose Cargo Ships (MPS). These vessels are specially designed to be compatible with unit equipment, and they are considered necessary for rapid deployment in the event of a contingency. Recognizing the desirability of eliminating government competition with commercial interests, we propose to acquire these assets under long-term chartering arrangements from commercial shipping operators. The MPS's will be privately built to Defense design specifications with the DoD charter contract serving as the necessary guarantee to induce commercial interest in the program. There would be no government expenditure of funds until the vessels are in the active fleet. At that time, the government would make annual charter hire payments, as is done for other time-chartered vessels. DoD is also hopeful of obtaining nine shallow-draft tankers, which are not available commercially, under the same build and charter arrangment.

5. Modernization of the Reserve Components

An important aspect of our Total Force approach to providing the forces that might be needed in the event of major conflict is increased reliance on Reserve and National Guard forces. This requires that we place greater emphasis on the readiness of reserve component forces. To improve reserve readiness, we must recognize the importance of two interrelated factors, manning levels and the availability of equipment.

Manning levels will represent a continuing problem as we move toward an all-volunteer force. Currently they are in line with the minimum strengths set by the Congress for the Selected Reserves, except for some slippage in Navy Reserve strength which the Navy is now seeking to correct. It is apparent, however, that the downward trend in draft calls will have an effect on reserve manning, which can be seen from the fact that waiting lists for entrance into some Reserve units are declining. Our efforts in FY 1972 will be primarily oriented toward enhancing participation in the Reserve and Guard through improvements in their procedures and administration. It should be noted, however, that the recent general pay raise for active duty military personnel also accrues to Reserve and Guard personnel, which will provide some help in maintaining Reserve component strengths. In any case, it must be anticipated that, as we draw closer to FY 1973, there will be a need for real and visible incentives to encourage young men and women to join or remain in the Reserve components.

While manning levels are more of a future problem related to an all-volunteer force, equipment levels are a current and serious problem for Reserve component readiness. We must ensure that the Reserve component units are provided equipment in sufficient quantity, and in combat-serviceable condition, to be effective fighting forces upon mobilization. Operational readiness also requires that equipment be combined with realistic, timely drill periods and training. Improved equipping levels will greatly enhance our ability to train personnel, and thus provide a basis for major increases in combat readiness. The overall situation in the Reserve components today is that equipment availability and quality limit combat readiness to levels below those imposed by manpower limitations.

One of the major obstacles to improving reserve readiness in the past was that, for the most part, it was very difficult to determine exactly what happened to the funds allocated to the Reserve and Guard for operations and maintenance (O&M) or procurement. The Army and Air National Guard have separate appropriations for O&M (except depot maintenance), but not for procurement, and all of the O&M and procurement funds for the Reserves were merged within the active force appropriations.

We decided initially to deal with this situation by having the Military Departments establish separate Guard and Reserve budget accounts, within the appropriation accounts, for those funds which perviously had been included with active force appropriations. Beginning with the FY 1971 Budget, this was done for the O&M appropriations, but line item budgeting for procurement was not established. Much of the equipment provided to Guard and Reserve units is combat serviceable ("fall out") equipment released from active forces. The principle of line item identification of funding to rehabilitate "fall out" equipment has been used in the FY 1972 O&M accounts, but a different approach is now being taken with procurement of new equipment. Instead of separating the procurement funds, the Services are establishing formal procedures to schedule the allocation of specific quantities of new equipment between the Reserve components and the active forces. This system should be fully implemented by FY 1973.

Let me now discuss some of the specific details of our program to modernize Reserve forces with more and better equipment.

a. Army Reserves/Army National Guard

Reductions in the level of combat in Southeast Asia and consequent reductions in the size of the active Army are making it possible to replace some of the outmoded or unserviceable equipment now in the hands of the Army National Guard and Army Reserve with first-line combat equipment. Progress is being made in increasing equipping levels, but much more is still needed. It is estimated that at the end of 1970 the Army Reserve components had on hand about $1.6 billion worth of combat sreviceable equipment, as against mobilization requirements of about $6.1 billion, and, within that amount, training requirements of $3.8 billion in equipment. In the FY 1965–69 period the equipment inventory actually declined slightly. FY 1970 was the first year of our new initiative to improve Reserve equipping, and about $300 million of serviceable equipment was issued to Reserve component units in that year. We estimate that between $450 and $600 million in equipment will be provided in FY 1971, and at least $500 million more in FY 1972.

About $200 million of the FY 1972 total of $500 million will come from equipment in depot stocks that is in need of repair. The FY 1972 Budget includes $50 million to rehabilitate this equipment. These depot stocks are an important potential source of equipment for the Reserve forces. Because of shortages of funds, however, it was largely untapped in FY 1970 and 1971. We hope to obtain up to $1 billion in equipment from this source for the Reserve forces in the FY 1972–1974 period.

One specific indication of progress in equipping levels is that ten brigades are earmarked in our plans for early deployment in the event of a major contingency, and they are expected to have 80% of their full equipment allowances by the end of 1971. The 80% level is the amount authorized for training purposes prior to mobilization (the balance of their full equipment allowance would be maintained in depot stocks earmarked for their use in the event of mobilization). Achieving the 80% equipping level will be a major step forward for these units. It will contribute to completion of the training and preparations they need to attain the desired state of readiness.

An example of improvement in the types and quantities of equipment now being issued to Army Reserve and Guard units is that the first M–60 tanks are arriving this year. About 120 M–60s are being provided in FY 1971 and over 150 more in FY 1972. Rifles represent another important item, and 300,000 M–16 and M–14s are being issued this fiscal year—considerably more than was anticipated a year ago. The Army Reserve component aviation units are receiving the first deliveries of UH–1 helicopters, and the Army is programing heavy lift helicopters for the Reserves. In summary, we have made real progress in raising the equipment level in the Army Reserve and Army National Guard and in supplying them several types of modern equipment but we recognize that much more still needs to be done.

In addition to improving Army Reserve and National Guard equipment, we are also trying to improve their readiness with various types of association between Reserve component units and active Army forces. The objective is to enable the Reserve component unit to train with the active unit and to become familiar with the latter's equipment and methods of operation. The Reserve component unit will still need its full complement of combat serviceable equipment, but the Reserve/Active association will permit personnel to become familiar with newer and more up-to-date types of equipment that are not yet available to the Reserve component unit.

One approach is actually to integrate the Reserve component unit with the active unit. In the program now being evaluated, a number of Guard and Reserve battalions are assigned to round out two NATO-oriented divisions, and would deploy as units of those divisions. We are also examining the possibility of integrating an entire Reserve brigade with the training exercises and deployment plans of an active division.

In addition to these efforts, we are also pursuing more limited forms of association. Units which have achieved company level readiness in Army training tests (i.e., their training and equipment is up to the level needed to function as a unit in combat) may then participate in active Army exercises in order to measure their capabilities against those of active units. Moreover, the Continental Army Command has implemented a program in which company-size Reserve component units conduct training with Army units at nearby active installations. The Army Materiel Command is pursuing a similar program for Reserve component combat service support units.

B. AIR FORCE RESERVE/AIR NATIONAL GUARD

The Air Force Reserve and Air National Guard include some of our most capable and ready forces. Units of the AFR and ANG are engaged daily in air defense, air refueling, and airlift missions in support of the active forces, and many of them are capable of rapid response in the event of need. The major problem they face involves the quality of the aircraft and equipment they are operating. They need to replace obsolete aircraft such as the F–84, C–119, and C–124 with newer and more capable F–4s, F–105s and C–130s. While the primary need is for better aircraft, we are also considering the adoption or extension of certain concepts for improving AFR/ANG utilization and effectiveness. These include giving tactical and fighter interceptor units dual mission assignments, relying even more on ANG units for continental air defense, and expanding use of the associate unit concept which has proved quite successful in the airlift forces.

Fighter and Attack Forces. Turning to the specifics of modernization, the ANG fighter/attack forces are currently scheduled to receive from the active forces a considerable number of better aircraft in the FY 1972–1976 period, including F–4, F–105, and F–100 aircraft to replace older models such as F–84s and F–104s. With the phaseout of obsolete aircraft and re-equipping of some squadrons, plus units being converted from other missions, the ANG will achieve a significant increase in capability. Under current plans, the fighter forces at the end of FY 1972 will have six squadrons of F–105s, one of F–104s, and one of F–4s. The attack forces will include 18 F–100 squadrons and two A–37 units. In the years after FY 1972, the number of fighter squadrons is not currently scheduled to increase, but the capabilities of this force will be further expanded as F–105s and F–4s become available from the active forces to replace F–100s and F–104s.

Reconnaissance and Special Operations Forces. The Air National Guard tactical reconnaissance force will also receive better aircraft in FY 1971 and 1972. The units equipped with RB–57 and RF–84 aircraft will be converted to RF–4 and RF–101 aircraft, and the ANG will maintain a force of 4 RF–4 and 7 RF–101 squadrons for the next several years.

In the Air Force Reserve, Special Operations Force (SOF) units will be modernized and tactical air control units converted to the SOF mission as A–37 aircraft become available from the active forces. The AFR plans to form four A–37 squadrons in FY 1971 and 1972.

Air Defense. Modernization of the Air National Guard air defense forces is continuing in FY 1971 as the last three squadrons of F–101 aircraft are released from the active forces. With these aircraft the ANG will then have a total of 6 F–101 and 10 F–102 squadrons. The current plan is to maintain this force for the next several years until F–106 aircraft become available from the active forces. We are, however, considering the possibility of assigning this force greater responsibility for performance of the continental air defense mission.

Airlift Forces. The AFR and ANG airlift forces are being modernized as C–119s and many of the C–124's are replaced with C–130A and B aircraft. In FY 1972 we will have 18 Air Force Reserve and 11 Air National Guard units equipped with C–130 aircraft, giving us a very capable Reserve tactical airlift capability. We will also complete formation of a 13th and final C–141 reserve associate unit and the first two C–5A reserve associate units by the end of FY 1972. The associate unit program has worked quite well, and we now plan to form two more C–5 units in FY 1973. This will mean that for each active C–141 and C–5 squadron there will be an AFR associate unit which could augment its capabilities if needed.

C. NAVY AND MARINE CORPS RESERVE

Fighter and Attack Forces. During the past two years the Navy Reserve attack carrier air squadrons have been reorganized, and their aircraft upgraded. Prior to that time these units did not have combat serviceable aircraft, and they could contribute in a combat situation only by augmenting active forces with filler personnel. The Navy Reserve's fighter and attack squadrons, together with supporting units, have now been equipped with combat serviceable aircraft and organized into 2 attack carrier air wings. These squadrons are now being upgraded to combat deployable status.

The carrier air wings will continue to modernize their aircraft with the introduction of later model and type aircraft in FY 1971 and 1972. One more F–8 squadron will be formed, and three A–4 squadrons will be equipped with A–7s. In addition, as F–4s become available they will replace F–8s in the reserve inventory. The Navy now expects to convert four F–8 squadrons to F–4 aircraft by the mid-1970's.

Marine Corps Reserve air units have also been upgraded in the past year. The Reserve has received combat serviceable A–4Cs to replace obsolete older model A–4s and older model F–8s have also been modernized. During the past year the Reserve Aircraft Wing has received 18 CH–46 helicopters and should receive an additional 18 by the end of this fiscal year. In addition, by the end of FY 1972, the Marine Reserve Aircraft Wing is expected to have received its full complement of 24 CH–53s and 12 UH–1 helicopters.

ASW and Surface Forces. The Reserve ASW aircraft units have also been reorganized and upgraded to combat deployable status, in the same way as was done with the attack carrier air wings. The carrier-based ASW squadrons have been re-equipped with serviceable aircraft and organized into two groups. A training carrier is being used to train and qualify them as deployable units.

The Navy Reserve's land-based ASW patrol squadrons are also being upgraded and provided with more capable aircraft. The ten P–2 squadrons are being re-equipped with serviceable, later model P–2s, and in FY 1971, two new squadrons are being formed with more capable P–3A aircraft released from the active forces. As the active force is modernized with new P–3C aircraft, more of the P–3As will be transferred to the Reserves to replace P–2s.

Some improvements are also being made in naval reserve surface ships, which consist primarily of destroyer types and minesweepers. As we all know, the Navy's active fleet escort force is old and in great need of modernization, but the reductions in recent years have meant that the Reserve could obtain some more capable, albeit old, destroyers. By the end of FY 1973 all of the current destroyers will have been replaced by ships which have been at least partially modernized. In addition, the Navy's decision to cancel its modernization program for ocean minesweepers (MSO) will permit some of these ships to be transferred to the Reserve. Four MSOs will be provided in FY 1972, and more may be available subsequently.

E. SUBTHEATER AND LOCALIZED PROGRAMS FOR DETERRENCE

"No President can guarantee that future conflicts will never involve American personnel—but in some theaters the threshold of involvement will be raised and in some instances involvement will be much more unlikely."

(President's Foreign Policy Report to Congress, February 25, 1971)

We must face the prospect that conflicts running from localized insurgency or guerrilla warfare to the type of conventional attack which North Korea itself could mount against South Korea will continue to threaten the security of our friends and allies through the 1970's. We have chosen to discuss such potential conflict separately from large-scale conflict directly involving the Soviet Union and the Warsaw Pact, or the Chinese Peoples' Republic. Such a distinction between theater and sub-theater conflict may be considered artificial by some, particularly in the case of an intense localized conflict such as the war in Southeast Asia. It is important, however, because under the Nixon Doctrine, as exemplified by the Vietnamization Program, we believe that our allies can and must increasingly bear the primary burden for planning to cope with sub-theater and localized conflicts.

However, as we move in this direction under President Nixon's Strategy for Peace, there may be situations where only U.S. capabilities would provide the flexibility of action which may be necessary in the future. Earlier, I noted the U.S. forces which could be deployed in FY 1972 to respond to intense conflict in Korea. Let me now turn to another type of possible response—U.S. forces which could be made available for minor contingencies in a short period of time.

1. U.S. Capabilities for Quick Response.

In some situations, timeliness of response or presence could be a much more important consideration than the maximum force that could be deployed in, say, 60 or 90 days.

Depending on the circumstances and area, the quick response forces could be drawn from the forward-deployed Fleet Marine Forces in the Atlantic, Pacific, and Mediterranean, 82d Airborne Division in the U.S., a brigade of the 25th Infantry Division in Hawaii, or the 8th Infantry Division in Europe. In addition, other ready brigades or battalions are available to theatre commanders. Backing up these forces are the Marine division/wing teams on both the east and west coasts and one brigade on Hawaii, with its integral air support. All are ready to deploy on a few hours or days notice using available lift. Other tactical aircraft could be provided from the forward-deployed aircraft carriers and Air Force squadrons, or from U.S. based aircraft carriers or tactical air squadrons that can deploy very rapidly.

The ability of naval forces to operate at sea near potential trouble spots also provides a special capability for response and flexible presence. Deployments of the Sixth and Seventh Fleets include not only the aircraft carriers and the amphibious assault capabilities already mentioned, but also a large number of escort ships and patrol aircraft. In addition, the current nucleus of small combatant craft (Fast Patrol Boats, Medium and Light SEAL Support Craft, etc.), provides a basis for creating a coastal and river patrol force should circumstances again warrant such a force.

Although the rapid deployment capabilities of U.S. forces are substantial, our goal is to minimize the need for such deployments in the future—by helping our allies to build their own military capabilities against localized aggression into self-reliant capabilities. As we proceed in this direction, we will also be considering modifications to our own forces, modifications which will enhance their complementary role, rather than a supplanting role.

Security Assistance

On a national basis, security assistance can be viewed from slightly different perspectives, depending on the area and type of assistance involved. For example, with regard to Western Europe and the Mediterranean area, our strong commitment to NATO requires that our security assistance planning be closely integrated with overall NATO plans for future forces. In general, security assistance requirements are to help those less capable countries fulfill their role in NATO defense plans, as well as to provide an element of stability in the eastern Mediterranean in the face of increased Soviet activity in the region.

As I noted in my report last year, foreign military sales provide a means to help more developed recipient countries, who can support financially a larger share of their own security burden, but do not have sufficient or modern material available in country. Thus, in the general European area, where national economies are generally stronger, most of our assistance takes the form of cash and credit sales. This situation does not exist in Asia, however, and in that area, grant aid is generally emphasized.

In the Pacific and Asia, just as in Europe, our assistance programs must also be planned in consonance with our own force programs, but in a different sense. As we proceed with Vietnamization and implementing the Nixon Doctrine, we seek to replace some of our past military presence with stronger local capabilities, rather than just improving indigenous forces which complement our own retained capabilities.

Many people are not aware of the magnitude of U.S. military force reductions in the entire Asian area. In the past 2 years we have announced plans to withdraw and reduce authorized military strength in Asia by approximately 325,000. Besides the troop redeployments from Vietnam, this figure includes reductions in Japan, Okinawa, Thailand, the Philippines, and Korea. U.S. military presence in this area is going down, not up. It is being replaced by improved capabilities of nations in this area, both through their own efforts and through the assistance which we are providing them.

In Vietnam, as I noted earlier when discussing Vietnamization, the RVNAF is picking up the burden which we had assumed during our buildup. Because we are actively engaged in conflict in this area, and our planning and operations are integrated, funding military assistance through the Defense Budget is both sensible and proper.

In Korea, where the Koreans are also assuming more responsibilities, we are proceeding at a different pace and using different means for assistance. In this situation, we hope, with the cooperation of the Congress, to fund the Korean force modernization through the grant aid program over the next several years.

Limited fund availability in the past has prevented our allocating to Korea much more than the funds necessary for support of the operations and maintenance costs of its forces in being. We have been unable to make an adequate investment in the replacement of obsolescent equipment, and this has impeded the development of maximum combat effectiveness.

The $150 million requested and provided in the foreign aid supplemental legislation last fall marks an important step toward effective implementation of the Nixon Doctrine in Korea. It will begin a tailored force modernization for South Korean armed forces. This modernization program, which was developed in detailed planning with the Koreans, will strengthen their forces so that we may proceed with the planned reduction of U.S. troops without weakening the defense posture essential to deter North Korean aggression.

Although the amounts involved for Korean Armed Forces modernization are admittedly substantial, they will be more than offset by the savings which will result from the current planned reduction of U.S. forces. Total net savings—that is, U.S. withdrawal and deactivation savings minus incremental Korean modernization costs—could amount to about $450 million over a five-year period. This is not only good economy but, even more important, a long stride in the direction of a key goal of the Nixon Doctrine—that of greater sharing of the defense burden with our allies.

We would hope to structure our security assistance funding to contribute to regional security arrangements. While few countries by themselves can develop a self-defense capability against the full range of possible threats, several working in concert can present a united front to deter aggression. Although every country has a legitimate right to be prepared to defend itself, a careful balance must be struck between dollars spent for defense and dollars spent to improve economic conditions. Regional arrangements can avoid expensive redundancy in defense procurement, especially in costly air and naval weapons systems.

As the President noted last month, the Japanese have announced plans for continuing qualitative improvements in their self-defense forces, thereby enabling them to provide for substantially all of their conventional defense requirements.

Of course, such changes in the forces of our friends and allies cannot take place overnight, and just as is the case for the long leadtimes required to develop new defense weapons systems, there is leadtime associated with a shifting of the burdens of security. And as the President so emphatically pointed out in his Foreign Policy Report, the method is crucial. Developing additional capability does take time. In certain instances such as in Cambodia, where the need is urgent and the types of material required are obvious, we can provide a much quicker response. Small arms and ammunition to equip friends who are involved in conflict can be accomplished relatively quickly, but long-range programs to develop appropriate local capabilities require detailed planning and consultation, because much more than just the strict military aspects must be considered. We have taken steps to improve this planning process by beginning to develop integrated country program-budgets.

In the interim, it is essential that our friends and allies understand that the United States will live up to its commitments and continue to support them. Thus, as we proceed to implement the Nixon Doctrine, both timing and balance are critical concerns. We must maintain our strength as a complement to the growing regional strength of our friends and allies in Asia and use this strength if necessary to assist them in their efforts to provide for their own security until such time as they reach self-sufficiency.

U.S. RELATIONS WITH CHILE

Mr. ALLOTT. Mr. President, we are now in a period of decision in our relations with Chile. The crucial impending decisions are going to be made by the Chilean Government, and they will leave a lasting impression on relations between our two nations.

Today, I want to direct the attention of the Senate to the question of Chile's proposed confiscation of American copper company assets.

When another nation makes such hostile moves against American firms, too many Americans complacently view the matter as strictly a problem for the affected companies. Even if the companies were the only American entities affected, that would still be no justification for complacency. All Americans have a stake in the health of American industry.

But the important point is that Americans can be injured in two other ways when a foreign nation takes actions detrimental to the welfare of American enterprises.

First, American taxpayers have made an investment in some overseas operations of American firms. If these firms are confiscated, the American taxpayers' investment is confiscated.

Second, the reason American policy has invested tax revenues in the task of helping industrialize underdeveloped nations like Chile is that we believe it is both prudent and morally important for us to lend a helping hand to nations embarking on economic development.

Let me explain how these two factors are involved in the question of Chile's proposed moves against American copper companies.

Since 1946 the U.S. Government has extended over $1.7 billion in aid to Chile. Of this amount, nearly $1 billion in loans is still outstanding. Moreover, the United States in recent years has also insured against expropriation and war risk over $350 million in private loans by American investors, just for copper expansion alone. Thousands of new jobs have been created in Chile through these and earlier American investments.

But now, the new Chilean government of President Salvador Allende proposes to confiscate all American copper company assets in Chile, along with several other American companies. The mines themselves are to be seized with no pretense of repayment. The alleged compensation for the other facilities and equipment is theoretical only and has no substance. It would involve payment in 30 year Chilean bonds at 3 percent interest. But Chile currently has a 30 percent per year rate of inflation, and there is nothing to indicate that the policies of the Allende government will improve the situation. This means that the proposed restitution for confiscation will be nugatory for mines and plants and all other facilities.

The U.S. taxpayers will lose along with the companies through such a violation of international due process. They will lose $350 million of insured loans, extended to expand copper production by American companies in Chile. There is only $54 million available in the reserves of the Overseas Private Investment Corporation, our Federal lending and insuring agency.

Thus the American taxpayers are going to get stuck with a bill of an added $300 million to pay for this planned violation by the Chilean government both of international law and of solemn contracts.

On February 22 the Washington Daily News published a thoughtful editorial on the problem of protecting foreign investments.

Mr. President, so that all Senators can ponder the important questions involved in Chile's proposals, I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

PROTECTING FOREIGN INVESTMENTS

Most people, if they think at all about Chile's threat to confiscate U.S.-owned copper mines, tend to view the matter as between a foreign country and rich companies and their stockholders.

Sen. Jacob K. Javits, R-N.Y., has performed a service by reminding that another set of toes can get tramped on in the process—those of American taxpayers.

Three copper companies—Anaconda, Kennecott and Cerro—have about $700 million invested in Chilean mines, some of the largest and richest in the world. There is no question that they will be nationalized. President Salvador Allende, a Marxist, was elected on such a platform. The question is whether he will pay compensation or stage a confiscatory takeover.

If the companies don't get proper compensation, which is quite possible, something called the Overseas Private Investment Corporation is in trouble. It's a little known Federal agency, set up to encourage private investment in developing countries. It has sold the copper companies about $350 million in insurance against expropriation.

The O.P.I.C., however, has reserves of only $54 million. Thus, if the Chilean situation turns sour, the U.S. Congress—another way of saying all of us taxpayers—will have to put up more millions to save the insurance agency from default.

In fiscal 1970 alone, O.P.I.C. issued more than $1.4 billion in insurance on U.S. overseas investments. This suggests that the taxpayer can be hurt by the spreading habit of confiscating American property. It could lead to an unpleasant new game—they seize, we pay.

Recently, Sen. Javits correctly pointed out that expropriations in Chile would not only hit U.S. interests. They would also harm Chile's economy and frighten off needed private investment elsewhere in Latin America

The senator urges setting up an international body to assure fair treatment of foreign capital—"a G.A.T.T. for investment." His reference was to the 80-nation General Agreement on Tariffs and Trade, which enforces a code of good behavior in international trade.

A similar body for foreign investment could "mitigate trends toward destructive economic irrationalism," Sen. Javits contends.

We wonder if his idea is getting the attention it deserves in the White House.

TRIBUTE TO ARTHUR B. RIVERS

Mr. THURMOND. Mr. President, no man lives so well as he who lives for others.

The death of Arthur B. Rivers of Columbia, S.C., ended a life that had been dedicated to the welfare of the citizens of our State.

Mr. Rivers served for 28 years as director of the South Carolina Department of Public Welfare. He had already served as administrator of the Chesterfield County Emergency Relief Administration, and as assistant procurement officer for the U.S. Treasury. This outstanding career covers nearly half a century.

A graduate of Wofford College, Mr. Rivers served as a member of the State house of representatives and as mayor of Mount Croghan, S.C.

His honors were numerous. From President Truman, Mr. Rivers received the Certificate of Merit and the Selective Service Medal. In 1968, 2 years before his retirement, he received an award from the State rehabilitation association for his work in behalf of the handicapped.

He was included in the 1964 edition of "International Who's Who," in the South and Southwest, and was selected for "South Carolina Lives," in 1962.

In 1961, his alma mater, Wofford College, conferred upon him the honorary L.H.D. degree.

Mr. President, our State mourns the passing of this great man.

Several newspapers have paid tribute to Mr. Rivers, including articles which appeared in the February 8 issue of the State, Columbia, S.C., the Columbia Record, Columbia, S.C., and the February 9 issue of the Spartanburg Herald, Spartanburg, S.C.

Mr. President, I ask unanimous consent that these articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From The State, Columbia (S.C.), Feb. 8, 1971]

ARTHUR RIVERS DIES AT 72 IN COLUMBIA

Arthur B. Rivers, former director of the South Carolina Department of Public Welfare, died Sunday in his home at 106 S. Saluda Ave. in Columbia. He was 72.

A native of Mt. Croghan in Chesterfield County, Rivers became director of the department in 1942 and retired in 1970.

Rivers, who was graduated from Wofford College in 1919, served as administrator of the Chesterfield County Emergency Relief Administration from 1923–35, going from there to the U.S. Treasury as assistant procurement officer until 1942.

A former member of the State House of Representatives, he also served as mayor of Mt. Croghan and as a member of the Chesterfield County Board of Education.

President Truman and Selective Service Director Gen. Lewis B. Hershey conferred the certificate of Merit and Selective Service Medal on Rivers in 1940. He also received an award in 1968 from the State Rehabilitation Association for work on behalf of the handicapped.

Rivers, who was succeeded as welfare director by former Columbia pastor R. Archie Ellis, was conferred the honorary degree of L.H.D. by Wofford College in 1961.

Rivers was selected in 1964 for inclusion in the International Who's Who in the South and Southwest and also was included in "South Carolina Lives" in 1962.

He was a Mason and a member of the Columbia Lions Club.

Surviving are his widow, Mrs. Ida Maie Stafford Rivers; a son, Col. Robert Stafford Rivers of Washington, D.C.; a sister, Mrs. J. Sidney McNeill of Ninety Six; and four brothers, J. Ottis Rivers and Elbert E. Rivers of Mt. Croghan, S. Graydon Rivers of Chesterfield and H. Iredell Rivers of Cheraw.

Funeral services will be Tuesday at 2 p.m. in Washington Street United Methodist Church conducted by the Rev. E. Wannamaker Hardin. Burial will be in Greenlawn Memorial Park.

Pallbearers will be William E. Rivers, Cadet Harry Rivers, Dr. William R. Laney, Charles O. Rivers, Bruce Kewling and Wade S. Dunbar.

The family suggests that those who wish make memorials to the Arthur B. Rivers Scholarship Fund at Wofford College.

Dunbar Funeral Home, Gervais Street Chapel, is in charge.

[From the Columbia Record (S.C.), Feb. 8, 1971]

ARTHUR RIVERS SERVICES SET

Funeral services for Arthur B. Rivers will be held at 2 p.m. tomorrow in Washington Street United Methodist Church, conducted by the Rev. E. Wannamaker Hardin. Burial will be in Greenlawn Memorial Park.

Pallbearers will be William E. Rivers, Cadet Harry Rivers, Dr. William R. Lancy, Charles O. Rivers, Bruce Kewling and Wade S. Dunbar.

The family suggests that those who wish make memorials to the Arthur B. Rivers Scholarship Fund at Wofford College.

Dunbar Funeral Home, Gervais Street Chapel, is in charge.

Mr. Rivers, former director of the South Carolina Department of Public Welfare, died Saturday night at his home at 106 S. Saluda avenue in Columbia. He was 72.

He was the son of the late William Alfred and Mary Roxanna Burch Rivers. He received his A.B. degree from Wofford College, Class of 1919; L.H.D. degree from Wofford College in 1961. While at Wofford, he was a member of Pi Kappa Phi and the Panhellenic Society.

Mr. Rivers was a member of Washington Street United Methodist Church.

A native of Mt. Croghan in Chesterfield county, Mr. Rivers became director of the department in 1942 and retired in 1970.

Mr. Rivers, who was graduated from Wofford College in 1919, served as administrator of the Chesterfield County Emergency Relief Administration from 1923–35, going from there to the U. S. Treasury as assistant procurement officer until 1942.

A former member of the State House of Representatives, merchant and planter, he also served as mayor of Mt. Croghan and as a member of the Chesterfield County Board of Education.

President Truman and Selective Service Director Gen. Lewis B. Hershey conferred the certificate of Merit and Selective Service Medal on Rivers in 1940. He also received an award in 1968 from the State Rehabilitation Association for work on behalf of the handicapped.

Mr. Rivers, who was succeeded as welfare director by former Columbia pastor R. Archie Ellis, was conferred the honorary degree of L.H.D. by Wofford College in 1951.

Dr. R. Archie Ellis, director of the State Welfare Department, commented on River's death, saying, "South Carolina has lost one of the most faithful and dedicated public officials that I know anything about.

"For 27 years, he gave of himself to the people of South Carolina, especially to the poor people of South Carolina."

He said it would be in the future when South Carolina comes to recognize the "enormous debt" owned to Rivers for "his unselfish and self-giving service to our state."

He was selected in 1954 for inclusion in the International Who's Who in the South and Southwest and also was included in "South Carolina Lives" in 1962.

He was a Mason and a member of the Columbia Lions Club.

Surviving are his wife, Mrs. Ida Maie Stafford Rivers; a son, Col. Robert Stafford Rivers of Washington, D.C.; a sister, Mrs. J. Sidney McNeill of Ninety Six; and four brothers, J. Otis Rivers and Elbert E. Rivers of Mt. Croghan, S. Graydon Rivers of Chesterfield and H. Iredell Rivers of Cheraw.

[From the Spartanburg Herald (S.C.) Feb. 9, 1971]

FUNERAL SERVICES SET FOR ARTHUR B. RIVERS

COLUMBIA.—Funeral services for Arthur B. Rivers, 72, former director of the South

Carolina Department of Public Welfare, will be Tuesday at 2 p.m. at Washington Street United Methodist Church. Burial will be in Greenlawn Memorial Park.

He died Sunday at his home, 106 S. Saluda Avenue.

A native of Mt. Croghan in Chesterfield County, Rivers became director of the welfare department in 1942 and retired in 1970.

He was a graduate of Wofford College and served as administrator of the Chesterfield County Emergency Relief Administration from 1923–35, going from there to the U.S. Treasury as assistant procurement officer until 1942.

A former member of the State House of Representatives, he also served as mayor of Mt. Croghan and as a member of the Chesterfield County Board of Education.

President Truman and Selective Service Director Gen. Lewis B. Hershey conferred the certificate of Merit and Selective Service Medal on Rivers in 1940. He also received an award in 1968 from the State Rehabilitation Association for work on behalf of the handicapped.

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Surviving are his wife, Mrs. Ida Maie Stafford Rivers; a son Col. Robert Stafford Rivers of Washington, D.C.; a sister, Mrs. J. Sidney McNeill of Ninety Six; and four brothers, J. Otis Rivers and Elbert E. Rivers of Mt. Croghan, S. Graydon Rivers of Chesterfield and H. Iredell Rivers of Cheraw.

The family suggests that those who wish may make memorials to the Arthur B. Rivers Scholarship Fund at Wofford College.—Dunbar Funeral Home.

FOREIGN DIRECT INVESTMENT CONTROL PROGRAM

Mr. TUNNEY. Mr. President, recently a study has come to my attention which contributes significantly to the continuing debate on the effectiveness and validity of the foreign direct investment control program. This has been a subject of concern to me for years.

This analysis of a strategy for the U.S. balance-of-payments policy has been prepared by Gottfried Haberler, the Galen Stone professor of international trade at Harvard University and Thomas D. Willett, associate professor of Economics at Cornell University. I recommend the study to the attention of my colleagues as I believe that it raises several significant questions which merit consideration and review by the Members of this body.

Mr. President, I ask unanimous consent that the entire study be printed in the Record.

There being no objection, the study was ordered to be printed in the Record, as follows:

A Strategy For U.S. Balance of Payments Policy—Recent Changes in the U.S. Balance of Payments and the International Position of the Dollar

(By Gottfried Haberler and Thomas D. Willett)

INTRODUCTION

During the last three years, remarkable, and indeed somewhat paradoxical changes have taken place in the U.S. balance of payments and the international position of the dollar. It will be recalled that in 1958–60, after several years of small deficits, the U.S. balance of payments suddenly developed a deficit which was then generally regarded to be of alarming magnitude—$3.4, $3.9, and $3.9 billion in 1958, 1959, and 1960 respectively (measured on the liquidity basis). The Eisenhower administration took drastic anti-inflationary measures which prepared the ground for a remarkable period of stable prices lasting until 1965. During these years of price stability the balance of payments improved greatly. The overall deficit (liquidity definition) fell from $3.9 billion in 1959 to $2.8 in 1964 and $1.3 in 1965. Perhaps even more important, the surplus on goods and services rose from $0.3 billion in 1959 to $8.6 billion in 1964.

The new wave of inflation starting in 1965 led to a progressive deterioration of the balance of payments which again reached alarming proportions in the fourth quarter of 1967—annual rate of $6.9 billion (liquidity definition). Huge speculation in gold, heavy pressure on the dollar, and rapid decline of the U.S. gold stock (from $13.08 billion in the third quarter of 1967 to $10.7 billion in the first quarter, 1968) prompted the Johnson administration to take drastic measures of control and to propose even more extreme steps. These proposals included an unprecedented tax on tourists abroad and generalized border taxes on imports, a program which, if carried out, would almost certainly have led to full-fledged exchange control. Fortunately, Congress refused to go along with these two measures, but severe restrictions on capital exports were imposed by executive order based on "the authority vested in the President" by Congress as part of the Trading with the Enemy Act of 1917.[1]

Gold speculation continued throughout the first quarter of 1968. Then, in April 1968, the international gold pool through which the central banks of the leading industrial countries (except France which had withdrawn) had been feeding the speculators—with the U.S. contributing the major share—was abolished and the two-tier gold market established. Since then, there has existed an uncontrolled private gold market in which the price of gold is free to fluctuate under the influence of the changing pattern of demand and supply. National and international monetary authorities, on the other hand, have continued to trade gold among themselves at the official par of $35 per ounce.

Later in 1968 the situation unexpectedly improved. Huge amounts of foreign capital flowed into the U.S. For the first time in ten years, the U.S. balance of payments showed a small surplus of $0.2 billion on the liquidity basis and a much greater surplus on the "official reserve transaction" basis.[2] Foreign capital was attracted by high interest rates and the stock market boom. Moreover, the student-worker rebellion in France of May/June 1968, which almost toppled the de Gaulle regime and produced a veritable wage explosion, plus the occupation of Czechoslovakia by Russian troops, scared many investors and enhanced the comparative safety of the dollar. But while the overall balance improved, the traditional trade surplus—which had risen to almost $7 billion in 1964—all but vanished. It was clear that the improvement in the overall balance could not last. For the richest country in the world to be importing capital on a large scale was clearly an unnatural and temporary phenomenon. The expected deterioration in the balance occurred with a vengeance in 1969. In that year the deficit reached a record level of $7 billion (liquidity definition) and for 1970, according to preliminary figures, the deficit still was about $4 billion—although the trade balance substantially improved because, as a consequence of the recession in the U.S. imports into the U.S. rose less than in former years.

It is surprising, indeed paradoxical, that the large deficits of 1969 and 1970 have caused not even a ripple in foreign exchange markets for the dollar and have not disturbed the calm of U.S. policymakers, while a much smaller deficit in 1967 produced a run on the dollar and propelled the administration into frantic activity. There were several exchange crises in 1968 and 1969 affecting, for example, sterling and the French franc, which were devalued, and the German mark, which was revalued. But confidence in the dollar remained unscathed. What is the explanation?

REASONS FOR THE STRENGTH OF THE DOLLAR

There are several reasons for the strength of the dollar. Through the termination of the gold pool in 1968 and the surprising success of the two-tier gold market, the U.S. dollar has been effectively shielded from private gold speculation. Also the establishment of Special Drawing Rights (SDRs), by sharply reducing the chance of a change in the gold price, has greatly discouraged gold speculation. There has been, furthermore, a sharp decline in foreign *official* dollar balances held by foreign central banks as part of their international reserve—a decline from $15.6 billion at the end of 1967 to $10 billion at the end of 1969. When foreign capital flowed into the U.S. from their central banks whose dollar balances thus were drawn down. This was reflected in the fact that in contrast to the great deficit in the U.S. balance of payments according to the liquidity definition, the balance on the so-called official settlement basis showed a substantial surplus in 1969 ($2.7 billion). The decline in their dollar balances mollified foreign central bankers although they must have realized all along that when the private capital flow to the U.S. receded from the high levels of 1968 and early 1969, as it would have to do, foreign official dollar holdings would go up again.

Indeed, in 1970, the official settlement developed a huge deficit ($11.5 billion the first quarter, $7 billion the second quarter) and official liquid dollar holdings abroad reached a record level ($17.8 billion as of September 1970). This change has been noted with uneasiness among foreign bankers. But it has not produced an atmosphere of crisis as did the large deficits of 1967/68.

Another technical matter might be mentioned at this point. Recent rapid and pronounced changes in the balance of payments, especially the often sharply contrasting movements in the deficit as measured on the so-called "liquidity basis" and "the official reserve transactions basis," have created fresh doubts concerning the proper definition and measure of deficit and surplus. In fact, it is now fairly generally agreed that the formerly widely-accepted liquidity measure of deficit is no longer applicable (if it ever was). We shall not discuss in detail the intricate problem of the proper definition of balance-of-payments surplus and deficit for a country whose currency is used all over the world as an official international reserve medium and as a vehicle for private transactions and investment.[3] At this point it is enough to say that the liquidity definition has become obsolete and that the official reserve transactions definition, if not quite satisfactory, is certainly a much more significant measure.

DOLLAR STANDARD AND DE FACTO INCONVERTIBILITY OF THE DOLLAR

The factors mentioned so far, important though they are, do not fully explain the surprising strength of the dollar in the face of a large deficit in the balance of payments (on either of the two official definitions). More

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important, we believe, are changes in the outlook and attitudes of policymakers, both in the U.S. and abroad, which have taken place in recent years. To put it bluntly, it is now fairly generally realized that in a sense the world is on the dollar standard and that the dollar is de facto inconvertible into gold, at least for large sums. That is to say, foreign central banks cannot convert large sums of dollars into gold for the purpose of changing the composition of their reserves, as France did under de Gaulle in the 1960s.

The dollar remains, of course, fully convertible into foreign exchange for private holders at home and abroad, except that the capital export restrictions can be regarded as an infringement of the principle of unlimited convertibility as far as American residents are concerned. But these restrictions do not apply to foreigners. Despite its de facto inconvertibility into gold, the dollar remains fully usable as an international reserve medium and intervention currency. Foreign central banks can use their dollars to finance a deficit vis-à-vis the U.S. They can also use their dollars to buy other currencies, because the dollar is used by most foreign central banks as international reserves along with gold and by practically all central banks as "intervention currency." In other words, foreign central banks discharge their obligation under the International Monetary Fund charter to maintain the par value of their currency (within the allowable margin of 1 percent on each side of parity) by buying and selling dollars in the market in exchange for their own currency rather than by buying and selling gold. The U.S. alone has availed itself of the option offered by the IMF charter (Article IV, Section 4(b)) to maintain the par value of the dollar by buying and selling gold rather than by buying and selling foreign currencies.[4] But this does not alter the de facto inconvertibility of the dollar into gold for large sums. No doubt, "small" amounts of gold are still available, especially for purposes other than to change a nation's reserve composition (à la de Gaulle).

What is "large" and what is "small"? Of course, no precise figure can be given. But if we look at the size of the U.S. gold stock in relation to U.S. liquid "liabilities to foreign institutions," we find that since 1960 the gold stock has declined from $17.8 billion to $11.5 billion,[5] while liabilities have increased from $11 billion to $16.6 billion. There simply is not enough gold to permit large-scale withdrawals because, once the process is started, it could easily snowball into unmanageable proportions. Large conversion of officially held dollars into gold would, in all probability, provoke massive switches of privately held dollars into official balances. These conclusions are strengthened if we add that total liquid liabilities, to official as well as nonofficial foreign financial institutions, have grown from $21 billion in 1960 to $44 billion in October 1970.[6] Privately held dollar balances are, of course, not directly convertible into gold. But it is known that the figures for private dollar balances contain some official balances and, as recent experience has again shown, there can occur at any moment large switches from private to official holdings.

Alarming conclusions have been drawn from this apparent disproportion between the U.S. gold reserve and liquid liabilities: The gold exchange or dollar exchange standard, as the postwar international monetary system has come to be called, is inherently unstable, many claim. The growing discrepancy between the U.S. gold reserve and the superstructure of foreign held dollar balances, it is said, will inevitably undermine confidence in the dollar and lead to a crisis. Economists at opposite ends of the spectrum, Jacques Rueff and Robert Triffin, agree on the instability of the present system. Their prescriptions for remedy are, of course, different. Rueff wants to go back to the gold standard (after doubling or tripling the price of gold); Triffin wants to go forward by making the IMF a real world central bank, a lender of last resort with broad money-creating power.

For some time the international monetary system appeared indeed to be moving in the direction of a crisis as foreseen by the Cassandras on the right and on the left. But since the near crisis late in 1967 and early in 1968, the system evidently has gained in stability.[7]

What is the reason? Paradoxically it has been the growing disproportion between the U.S. gold stock and liquid foreign liabilities that has strengthened the stability of the system by making it increasingly clear that the dollar is de facto inconvertible and that the world has to live with the dollar. Let us quote Dr. Edwin Stopper, president of the Swiss National Bank. In a speech in May 1970 he pointed out that "for the past months things have been astonishingly quiet in the monetary field." He listed a number of facts that contributed to the calm. The first and evidently the most important was "the progressing acceptance of a *de facto* dollar standard after the replacement of the Gold Pool by the Two-Tier-System and the voluntary restraint exercised by the central banks in respect of conversions into gold."[8] True, Dr. Stopper speaks of "voluntary" restraint and hints that the posture of restraint could be changed at any time, for example, if inflation in the U.S. were not brought under control.

We shall return later to the problem of "balance-of-payments discipline." But the broad fact is that the "voluntary" restraint is really imposed by the logic of the situation. Nobody wants to rock the boat and provoke a serious crisis. Since the number of large dollar holders who could jeopardize the stability of the system is small, the resulting group equilibrium can be quite stable.

In the background is the ultimate, officially unmentioned, but undoubtedly well understood sanction of the equilibrium, namely, the fact that the U.S. could at any time make the dollar formally inconvertible into gold. Such a step would not even require an act of Congress.

A few academic experts have asked that this step be taken forthwith. And some have recommended that the existing gold stock should be offered for sale at the same time, thus turning the back on gold once and for all and probably bringing about its demonetization. Others would keep the gold stock intact for any future emergency.

There would be merit in these recommendations, if the only alternatives were either a painful contraction with a lot of unemployment or the imposition of severe controls on trade and payments. We shall show, however, that these are by no means inescapable alternatives, except perhaps if the U.S. inflation gets much worse than it is. It is therefore not necessary in our opinion to take the extreme step of declaring the dollar officially inconvertible into gold. De facto inconvertibility (for large sums) and the de facto dollar standard is probably sufficient. Realization that inconvertibility could be declared at any time, and that this step probably would be taken if there were large gold conversions, should be enough to ensure "voluntary restraint."

The situation was different at an earlier stage of the evolution of the dollar exchange standard. When the gold stock covered a large proportion of liquid liabilities, it was reasonable for foreign countries to assume that they would be free at any time to change the composition of their international reserve by converting dollars into gold. The growing disproportion between liquid liabilities and the gold stock has made it clear to everyone that large conversions of dollars into gold are no longer possible. The point of no return has been definitely passed.

FOOTNOTES

[1] Section 5(b) of the act of October 6, 1917. For details of balance-of-payments developments and policies until 1968 see *U.S. Balance of Payments Policies and International Monetary Reform: A Critical Analysis* by Gottfried Haberler and Thomas D. Willett (Washington: American Enterprise Institute, 1968).

[2] The official balance-of-payments statistics compiled by the Department of Commerce presents two alternative measures of deficit and surplus, the "liquidity" concept and the "official transactions" or "official settlement" concept. The liquidity concept is defined as "changes in liquid liabilities to foreign official holders, other foreign holders, and changes in official reserve assets consisting of gold, Special Drawing Rights, convertible currencies, and the U.S. gold tranche position in the IMF." The official settlement concept is defined as "changes in liquid and nonliquid liabilities to foreign official holders and changes in official reserve assets consisting of gold, Special Drawing Rights, convertible currencies, and the U.S. gold tranche position in the IMF." The official settlement definition was proposed in 1965 by a committee under the chairmanship of E. M. Bernstein. Figures for the official settlement balance are available from 1960. In earlier years, the liquidity measure was generally used.

The major difference between the two definitions is that the liquidity concept takes into account the change in U.S. liquid liabilities to all foreigners, while the official transactions or official settlement concept considers only changes in U.S. liquid liabilities to foreign official agencies.

In its recently published annual report for 1970, the Council of Economic Advisers adds two additional measures for gauging the position of the balance of payments: the "Balance on Current Accounts" and the "Balance on Current and Long-Term Capital Accounts." The latter is often called the "basic balance" and was used by the Department of Commerce until it was replaced by the liquidity definition.

[3] For recent discussions, see Charles P. Kindleberger, "Measuring Equilibrium in the Balance of Payments," *Journal of Political Economy,* November-December 1969; Raymond F. Mikesell, *The U.S. Balance of Payments and the International Role of the Dollar* (Washington: American Enterprise Institute, 1970); and Thomas D. Willett, "Measuring the U.S. Balance of Payments Position," Harvard Institute of Economic Research, Discussion Paper, 1971.

[4] In recent years the U.S. too has engaged in foreign exchange transactions and holds a fraction of its international reserves in the form of "convertible currencies" ($0.8 billion compared with a gold stock of $11.5 billion as of October 1970).

[5] To the gold stock could be added U.S. holdings of convertible currencies, its reserve position in the IMF and its Special Drawing Rights. As of October 1970, "total reserve assets" were $15.12 billion. Further adjustment in the figures of liquid assets and liabilities could be made, but the overall position and conclusions would not be changed by such refinements.

[6] All figures are taken from the *Federal Reserve Bulletin.* Stock figures relate to the end of the period mentioned.

[7] For a theoretical analysis of the stability problem, see Lawrence H. Officer and Thomas D. Willett "Reserve-Asset Preferences and the Confidence Problem," *The Quarterly Journal of Economics,* November 1969; and the same authors, "The Interaction of Adjustment and Gold Conversion Policies in a

Reserve Currency System," *Western Economic Journal*, March 1970. They show that the system never was so unstable as the pessimists say.

[8] "Elements of Stability and Instability in the Monetary Field," remarks made on May 18, 1970 at the Monetary Conference of the American Bankers Association, Hot Springs, Virginia (mimeographed).

A STRATEGY FOR U.S. BALANCE OF PAYMENTS POLICY, AMERICAN OPTIONS AND FOREIGN RESPONSE

GENERAL PRINCIPLES

We distinguish between (a) policies and measures designed to provide means for the *financing* of deficits and (b) policies and measures for the purpose of *eliminating* deficits and surpluses (disequilibria). The former pertain to the *liquidity* problem, the latter to the *adjustment* problem. To the former group belong, on the national and bilateral level, the holding of uncovered dollars by foreign central banks as international reserves, the swap agreements with foreign central banks, the placing of "Roosa bonds" and bilateral standby credits with foreign central banks and the like. On the international level, there is the creation of SDRs and, earlier, the GAB (General Agreement to Borrow) between the central banks of the group of ten.

It is now generally recognized that the adjustment problem is more fundamental and more intractable than the liquidity problem. The smoother and quicker the adjustment, the less international liquidity is needed. If the mechanism of adjustment were to work very slowly or not at all, the need for liquidity would become unmanageably large.

If the world were formally and irrevocably on the dollar standard, there would be no liquidity problem for the U.S. Any need for liquidity that might arise would be automatically satisfied by the accumulation of dollar balances in foreign central banks, if other countries were prepared routinely to accumulate dollar balances without limit.[1] In that case the U.S. would not have any adjustment problem either, because any deficit would be automatically financed.

Clearly there are limits to the amount of dollars that foreign central banks will be prepared to add to their reserves. The limit has, however, not been reached and is not around the corner. That is why we could say (chapter I) that the world is on the dollar standard and the U.S. has no acute or imminent liquidity problem. The U.S. has considerable leeway, but a limit exists somewhere ahead. Therefore, the adjustment of the balance of payments is a matter of great concern also for the U.S.

Balance-of-payments adjustment policies can be classified in three groups: (1) internal monetary and fiscal policies, which are often called "demand management"; (2) exchange rate changes, including par value changes under IMF procedures and the various types of exchange rate flexibility, for example, "wider band" or "crawling peg," that have been proposed in recent years; and (3) the method of "controls." Controls is a portmanteau expression covering a great variety of measures, or a system of measures, designed to influence particular segments or individual items in the balance of payments. Controls can be mild or severe; they can apply to capital movements or current transactions; they range from full-fledged exchange control to the imposition of more or less uniform border taxes on imports plus similar tax refunds on exports, a system which comes close to being equivalent to a change in the exchange rate. Other types of controls are tying of foreign aid, "buy American" policies for government procurement, and similar measures.

Balance-of-payments adjustment through internal financial management (expansionist or inflationary, contractive or disinflationary monetary and fiscal policies) and through exchange rate changes in one form or another can be characterized as general types of policies working with and through the price mechanism. These are the methods of adjustment that conform to, and are suitable for, our free enterprise system; they minimize interference in the price and market mechanism. Controls, on the other hand, constitute more or less serious deviations from the market system. Depending on the concrete form and degree of severity, they introduce more or less severe distortions and inefficiencies into the economy and foster the growth of an expensive bureaucracy. They, thus, reduce output and growth and are inimical to the free enterprise system. We therefore take it for granted that controls should be avoided. Their cost, degree of wastefulness, and undesirability vary, of course, greatly from type to type.

AMERICAN OPTIONS

With respect to the first type of balance-of-payments adjustment policies, that is, internal financial management, the task of American policy at the present time is, of course, to curb inflation. We take it for granted and feel strongly that inflation should be brought to an end as soon as possible for purely domestic reasons, namely, to eliminate the distortions and inequities which inflation continuously inflicts on the social economy.

At the present time, clearly there exists *no* basic conflict for domestic macroeconomic policies between the directions to be followed to achieve internal and external policy objectives. Both domestic policy objectives—price stability but also long-run stability of output and growth—and the balance of payments require that inflation be brought to an end as soon as possible. But a conflict between the magnitude of policy restraint necessary to achieve external and internal equilibrium may soon arise. Concretely, a situation may develop where it could be argued that for balance-of-payments reasons the anti-inflation policy should be intensified, although such an intensification would create much more unemployment and slack than can be justified on grounds of domestic policy objectives. Many experts feel that this point has already been reached in the U.S. They argue that it is time to relax the anti-inflationary policy because it creates too much unemployment.[2] And they assume that even with the lowest rate on inflation—say 3 or 3.5 percent a year—that in their opinion could be achieved without creating too much unemployment, the balance of payments would be in large deficit. Professor Paul Samuelson and others seem to take this position when they assert that the dollar is definitely overvalued.

We doubt whether the dollar is really overvalued, at least to any substantial degree, in the sense that the deficit in the balance of payments would be uncomfortably large, even if the rate of inflation were reduced from its present level to a level that would be acceptable from the domestic standpoint. But the recent policy of more rapid re-expansion which seems to be gathering momentum may change the picture in the near future and bring about a dilemma situation in which requirements of internal and external equilibrium conflict.

Be that as it may, we feel strongly that whenever a serious dilemma or conflict between the requirements of external and internal equilibrium arises, domestic policy objectives should take precedence over balance-of-payments considerations. To be specific, in order to stop inflation, it is practically always necessary to accept a temporary rise in unemployment and a temporary slowdown of real growth. What we argue is that for balance-of-payments reasons, the U.S. should not accept more unemployment and more retardation of growth than may be necessary on domestic grounds to bring the price level under control. We are convinced that this rule, if fully thought through and correctly understood, is not only good for the U.S. but is also in the interest of other countries and of the rest of the world. There is, after all, general agreement that a serious depression or recession in the U.S. would not be in the interest of our trading partners, and the structure of the U.S. economy with a relatively low GNP percentage of imports implies that a substantial dose of internal deflation and unemployment might be required to remove even a moderate external imbalance via domestic demand management.[3]

To explain the reasons for these statements, we turn now to the *second* type of balance-of-payments adjustment policies, namely, changes of exchange rates, par value changes under the IMF rules, or some sort of exchange flexibility.

In discussing these policies, we start from the proposition now widely accepted that, because of the special position of the dollar as the world's foremost international reserve currency, the official intervention and private transactions currency and the large absolute size of U.S. exports and imports, it is extremely unlikely that the U.S. could successfully devalue the dollar vis-a-vis other currencies, by unilateral action, even if it wanted to; and, for the same reasons, it cannot unilaterally let the dollar float.[4] If the U.S. changed the par value of the dollar (in terms of gold), practically all countries of the world (with the exception of probably not more than two or three important ones) would also depreciate their currencies (in terms of gold), because only very few countries would be prepared to expose themselves to the intensified competition from American industries that would result from an appreciation of their currencies in terms of the dollar.[5] Thus the exchange value of the dollar (in terms of other currencies, as distinguished from its gold value) would remain substantially unchanged. Similarly, if the U.S. tried to let the dollar float, most other countries, again with very few exceptions, would continue to peg their currencies to the dollar.[6]

The implications of this situation are far-reaching. Whenever there exists a conflict between domestic and external policy objectives, other countries can escape the dilemma by depreciating or appreciating their currency or by letting it float up or down, whatever the situation requires. To the U.S. this option is effectively denied. This is often regarded as a severe handicap for the U.S. which may, it is said, require and justify adoption of measures in the *third* category—controls, capital export restrictions, or even import quotas.

We shall show that, in reality, the special position of the dollar and the impossibility of depreciating the dollar need not constitute any handicap and does not justify the imposition of controls, provided the U.S. does not allow balance-of-payments considerations to deflect it from the pursuit of internal macro-economic policies that are needed for the achievement of domestic policy objectives. Suppose a conflict between external and internal equilibrium arises: that is to say, suppose that restoration of equilibrium in the balance of payments requires a more energetic anti-inflation policy through monetary or fiscal measures than can be justified on domestic grounds in view of the fact that such measures would create an unacceptable volume of unemployment. How should the U.S. deal in that case with the external disequilibrium, the balance-of-payments deficit? The answer to that question is that the U.S. should leave it to the countries whose balances of payments show the surpluses corresponding to its deficit—to the surplus countries—to choose one of several

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options. And, as we show below, all the options they have, assuming moderately rational behavior on their part, should be acceptable to the United States.

OPTIONS OF FOREIGN SURPLUS COUNTRIES

Foreign surplus countries can choose any one, or any combination, of four possible responses: (1) they can finance the American deficit by accumulating more dollars; (2) they can appreciate their currencies (or let them float as Canada did again last May); (3) they can pursue a more expansionary internal monetary policy, thereby eliminating their surpluses and the U.S. deficit; or (4) they can reduce import tariffs or other import restrictions (or export subsidies, if they have them). Let us give an example of option (4): In November 1968, instead of appreciating the DM, Germany reduced border taxes on imports and tax refunds (subsidies) on exports by four percentage points. This constituted an implicit appreciation of the DM. Later, in October 1969, when the DM was explicitly appreciated by 9.4 percent, the border tax and export subsidy were raised again by four percentage points. Thus the effective appreciation of the DM (as of October 1969) was substantially less than 9.4 percent. But compared with October 1968 (before the border tax adjustment of November 1968), the appreciation of the DM was, of course, 9.4 percent.

We assert that each of these four responses on the part of foreign surplus countries should be perfectly acceptable from the American point of view. Clearly a policy of the surplus countries which tends to reduce their surpluses and the American deficit would be very welcome, be it a reduction of trade barriers, an appreciation of the surplus country's currency (although it constitutes a depreciation of the dollar in terms of the other currency), or an internal monetary expansion (inflation) in the surplus country. From the American as well as from the world standpoint, a reduction of trade barriers would be the best response; but for obvious reasons one cannot hope that this approach will be widely adopted.

We argue that the surplus countries' first option, further accumulation of dollar balances, is also acceptable from the American standpoint, provided U.S. domestic monetary and fiscal policies are guided solely by internal policy objectives—in other words provided the U.S. tolerates no more unemployment and slack than may be needed to curb inflation. The opinion is, however, widely held that an increase in U.S. liquid liabilities to foreigners may be dangerous and damaging for two reasons.

The first is that it may endanger the U.S. liquidity position. What would happen if, for any reason, there developed a run on the dollar and dollars were thrown on the market? The answer is simple and has already been given: Private individuals cannot convert dollars into gold. They can only sell them to foreign central banks which are, under present arrangements, residual buyers for dollars. Since the dollar is de facto inconvertible into gold also for central banks, these banks could get rid of their dollars only by pursuing an expansionary monetary policy or by accepting an open or disguised appreciation of their currency. So we come back to the other three options, which clearly are acceptable for the U.S.

The second reason why an indefinite financing of a deficit by accumulation of dollar balances is said to be unacceptable can be formulated as follows: A balance-of-payments deficit implies that U.S. imports are larger and/or U.S. exports smaller than they otherwise would be. Other countries caught in such a squeeze could devalue their currency. The U.S. has to wait until the surplus countries act in any of these ways mentioned. Until they do—or if they do not—the U.S. suffers slack and unemployment. Therefore the U.S. should impose import restrictions or subsidize exports in one form or another.[7]

There would be some validity to this argument, if American domestic monetary and fiscal policy were *not* guided solely by domestic policy objectives—in other words, if the U.S. tolerated more unemployment and slack than might be needed to curb inflation, namely, the unemployment created by the shortfall of exports and increase of imports implied by the deficit. This formulation makes it clear that the argument does not hold, if internal monetary and fiscal policy (management of aggregate demand) is properly geared to domestic policy objectives.

Our analysis will perhaps be criticized on the ground that it is unreasonable to assume that monetary and fiscal policy can be so finely tuned that it irons out every dip in aggregate demand which is in excess of what must be tolerated to satisfy domestic policy objectives.

It is, of course, quite true that there are a hundred reasons—balance-of-payments changes being one of them—why there will often be slips in monetary and fiscal policies resulting in deviations of the actual level of unemployment from the target level, whatever the latter may be. But let us keep a sense of proportion. Those dips in aggregate demand that can be attributed to balance-of-payments changes are, in reality, quite small compared not only with GNP but with the annual changes in GNP, up or down, which occur as a result of the hundred other causes. Surely if there were a "gradual liquidation of American industrial potential" (to quote Professor Gottlieb) monetary and fiscal policy would cope with it.[8]

To summarize the results of our analysis in this section, surplus countries have four options: They can go on accumulating dollar balances, they can pursue an expansionary monetary policy, they can appreciate their currency or let it float, or they can reduce trade barriers. All of these options are acceptable from the American standpoint, including the first. A possible fifth option—namely, controls—is discussed in the next section of this chapter.

REACTIONS OF FOREIGN SURPLUS COUNTRIES

Spokesmen for foreign surplus countries, both official and private, do not always take kindly to the advice that it is up to them to respond to an American deficit in any of the four ways mentioned. They often resent the suggestion that they should appreciate their currency if they do not want to accumulate more dollars or to inflate or reduce their trade barriers. A pet phrase has been that appreciation of the surplus countries' currencies instead of depreciation of the deficit country's currency (i.e., of the dollar) would be tantamount to imposing a painful cure on the healthy rather than on the sick. Why the cure should be painful is not clear. At any rate, the reaction seems to be based on the picture of a highly inflationary reserve currency country imposing inflation on the rest of the world.

If this were a true picture of the present world monetary scene, if the U.S. had much more inflation than many others and if, as a consequence, the U.S. deficit were very large and were matched by (unwanted) surpluses of a large number of other countries—in such a situation, it would indeed be possible to make a case for demanding that the dollar should be depreciated in one form or another rather than that scores of other currencies be appreciated.

Obviously, however, this is not the situation which we find today. In reality, there is only a very small number of countries that have less inflation than the U.S. and, as a consequence, have a large unwanted dollar accumulation. The great majority of countries spontaneously match or even surpass the U.S. rate of inflation.[9] To put it in other words, if the dollar were devalued (in terms of gold), the vast majority of currencies would follow the dollar and only very few, two or three important currencies in the West (and presumably the Russian ruble), would keep their par value in gold unchanged and would appreciate in terms of the dollar. From the American standpoint, it really does not matter much how the change in exchange rates that may be needed is brought about—whether by depreciation of the dollar in terms of gold or by appreciation in terms of gold of two or three currencies of surplus countries. But given the fact that the dollar is the reserve currency of the world, the foremost private transactions and investment currency, that the dollar is used all over the world (including the Communist countries) as the unit of account in innumerable private and official transactions, contracts, and financial and commodity arrangements—given this fact, from the world standpoint, it would be easier and less disruptive, economically, administratively, and psychologically, to appreciate two or three surplus currencies than to depreciate the dollar along with its vast retinue of other currencies.

There is still another reason why a devaluation of the dollar in terms of gold would be very awkward: It would imply a general rise in the price of gold. A change in the gold price by a few percent would surely give great encouragement to gold speculation, without making any contribution to the solution of the liquidity problem.[10] It will be observed that the reason why the gold value of the dollar should not be changed is that such a change would violate the interests of the world as a whole. No specific or exclusive American interests are involved.

Irrespective of what spokesmen for the surplus countries say and how unhappy they may be or pretend to be, it is difficult to see what else they could do but adopt one, or a combination of some, of the four responses mentioned above—that is, accumulate dollars, appreciate their currency, inflate, or reduce trade barriers. It is sometimes suggested that they have still another, fifth option—namely, to impose controls—and that they are likely to do just that. But if the word "controls" is used in its usual meaning of import restrictions, this reaction would make no sense, because the use of such controls would make a bad situation worse; it would increase still more the foreign countries' surpluses and the U.S. deficit. To be effective the controls would have to be negative, so to speak, restraining exports and stimulating imports. Countries usually do not like that kind of control. At any rate, that kind of control would amount to a messy, inefficient, and wasteful substitute for the appreciation [11] of the surplus countries' currencies and would constitute a violation of the letter and the spirit of the IMF charter.

A type of control that the IMF charter permits is restrictions of capital movements. For example, surplus countries could forbid or restrict U.S. direct investments in their territories. We believe that it would not be in their well-considered interest to restrict American direct investment, at any rate, not on balance-of-payments grounds. But it is obviously up to them to make that decision. It has been suggested that surplus countries could try to separate the market for "current account dollars" from the market for "investment dollars." This policy was pursued for a while by Switzerland in the years immediately following World War II. Dollars for current account purposes were kept at the official parity by pegging operations conducted by the Swiss National Bank. So-called "finance dollars" (resulting from and applicable to capital flows and certain services)

Footnotes at end of article.

were traded in an uncontrolled (or mildly controlled) market at a discount. After the war, when international trade and transactions were at an extremely low level, this system could be tolerated for a while despite its inefficiencies. At present, with the enormous volume of transactions on current and capital account and mass travel in all directions, it would require a formidable bureaucracy to administer such a system—to separate current from capital transactions, to prevent capital transactions from masquerading as current transactions. It would come very close to full-fledged exchange control, would not serve any useful purpose and would at any rate amount to a partial devaluation of the dollar and partial appreciation of the foreign currency in question.[12]

Although the inflation in the U.S. in the last few years has created uneasiness and concern about the future of the dollar among the large foreign dollar holders confidence in the dollar is substantially unimpaired. Unless inflation goes on unchecked or accelerates, confidence in the dollar will be preserved. But it may be useful to consider briefly what would happen, if a serious confidence crisis and a "run on the dollar" should develop.

First, private dollar holders abroad could get rid of their dollar holdings only by selling dollars directly or indirectly to foreign central banks. Second, in the absence of the possibility of conversion into gold, foreign central banks could reduce their dollar balances[13] only by allowing their currency to appreciate, implying a depreciation of the dollar. This could be brought about either openly, by raising the par value of the foreign currency or by letting it float, or in a disguised form, by introducing "negative controls." None of these alternatives looks attractive from the point of view of foreign dollar holders. But there is no other way out.[14]

SUMMARY OF CONCLUSIONS

We have argued that American balance-of-payments policy should be "passive." An "active" balance-of-payments policy would use either measures of control (in the broad sense defined earlier) or changes in the exchange value of the dollar. The first of these approaches is inefficient, wasteful, and undesirable; the second is, under present institutional arrangements which make the dollar the world's reserve and intervention currency, unavailable to the U.S. We have pointed out that this policy of "passivity" with respect to the balance of payments is no handicap for U.S. general economic management, provided that American monetary, financial, and other policies are exclusively guided by internal policy objectives (high level of employment, growth, price stability, or whatever they are).

A passive attitude towards the balance of payments can be described as a "policy of benign neglect." It should be observed, however, that neglect of the balance of payments does *not* imply neglect of either the interests of the U.S. or of those of our trading partners. Nor does it imply lack of interest in the organization and functioning of the international monetary system. To be more specific, under present arrangements and policies, the U.S. cannot unilaterally change the exchange value of the dollar or let the dollar float. However, this does not mean that the U.S. is not interested in reforms of the international monetary system that would permit greater flexibility of exchange rates—directly and explicitly for currencies other than the dollar, but indirectly and implicitly for the dollar.

The subject of such reforms of the international monetary system is taken up in the following chapter.

FOOTNOTES

[1] Other countries would still have a liquidity problem unless the U.S. reciprocated and accepted foreign balances as part of its international reserve. U.S. officials have indicated they would be willing to follow such a practice, at least to some extent, in case the U.S. should run a persistent surplus.

[2] It is not necessary for our purposes to discuss the controversial question of whether the adoption of an incomes policy would do any good. If it were possible by means of an incomes policy to improve the inflationary situation marginally—more than that is not expected, even by the policy's supporters—the effect on the balance of payments too would be only marginal.

[3] How much unemployment constitutes a recession and how much price stability should be traded for how much unemployment, if there is such a trade-off, is a question on which views may differ, both inside the U.S. and between the U.S. and foreign countries.

[4] It is not unimportant to observe that three or four years ago this situation was well understood by only a few.

[5] Admittedly, many countries complain that they have to "import inflation" from the U.S. But when the chips are down, the foreign critics are extremely reluctant to accept the logical implication of their complaints, that is, to let their currency appreciate. There have been only three cases of currency appreciation in the whole postwar period (Germany in 1963 and 1969 and the Netherlands in 1963). But there were literally dozens of depreciations against the dollar.

Complaint about imported inflation combined with a refusal to appreciate amounts to wanting to have one's cake and eat it too. However, the situation would probably change if the inflation in the U.S. got out of hand. More on this later.

[6] It could be argued that the outcome of a change in the gold value of the dollar would be different if it were the result of international negotiations rather than of a surprise decision by the U.S. government. In the former case, it might be said, more countries would be willing *not* to follow the American example and accept an appreciation of their currency.

This may be so, but it is extremely doubtful that an internationally agreed realignment of many exchange rates is feasible. Negotiations could not be kept entirely secret and would thus give rise to very disturbing speculation.

[7] Arguments like this abound in the popular discussions, but is not easy to find clear formulations. One of the rare, explicit and straightforward statements is contained in a letter to the *New York Times*, October 18, 1970, by Professor Manuel Gottlieb.

We quote: "Many economists . . . would agree that present exchange rates significantly overvalue the dollar, especially when allowance is made for American capital outflow and governmental transfers. . . . The proper remedy for an overvalued exchange rate is exchange-rate adjustment ('Devaluation') and not import restrictions. . . . Under present institutional arrangements, our exchange rates can only be changed by decisions of our trading competitors who choose to 'revalue' ('Appreciate') their currencies or to let their currencies 'float.' I cannot watch the gradual liquidation of American industrial potential on the vain hope that foreign monetary authorities will be sensitive to our needs and capacities and will establish exchange rates that would permit competitive terms of trade at full employment. . . . Rather than that, I go for the 'quota' bill with all of its imperfections."

[8] Especially if it is "gradual." It goes without saying that not every fall in exports or rise in imports or change in the trade balance has something to do with the balance of payments. For example, from 1964 to 1969, the trade balance fell from $6.8 billion to $0.7 billion and unemployment did not go up but down—from 5.2 percent to 3.5 percent of the labor force.

It would be very difficult indeed to measure the amount of unemployment or slack (lost output) that is attributable to changes in the balance of payments or balance of trade. Fortunately, policymakers need no such measure to determine the thrust of monetary and fiscal policy that the situation requires.

[9] If there are surplus countries that have *more* inflation than the U.S., it does not affect our argument. A country with more inflation than the U.S. may have a surplus either because it has recently devalued its currency or because its exports are low-priced (compared with its general price level) or otherwise are in strong demand. France, after her devaluations in 1958 and 1969, illustrates the first possibility, Japan the second.

[10] Those economists who recommend a rise in the gold price in order to increase international liquidity rightly speak of doubling or tripling the price of gold. A small rise of 10 percent or so would do no good.

[11] It should be observed that what we call "negative" controls (export restrictions and import subsidies imposed by surplus countries) are just as inefficient, wasteful, and undesirable as the ordinary controls imposed by deficit countries. Removal of existing trade barriers is, of course, a different matter. It is desirable, although it too can be regarded as a currency appreciation in disguise.

[12] Surplus countries, such as Germany and Switzerland, have tried tax measures and the prohibition of interest payments on bank deposits of foreigners to reduce short-term capital inflow without much success in the longer run.

[13] An objection to our argument might be that they could simply refuse to add to their dollar holdings without trying to reduce their balances. But that does not change the situation. If they refuse to buy dollars which are offered for sale, their currency will appreciate in terms of dollars (and in terms of all currencies that still are pegged to the dollar).

[14] It has been suggested that the first reaction of the surplus countries would be to block further allocations of SDRs, and French officials who were reluctant to go along with the SDR creation in the first place have already voiced their opposition to further SDR allocations so long as the U.S. deficit is large. This may be a disappointment for other countries. However, for the U.S., the threat is hollow. If our assessment of the general position of the dollar is correct, it would simply mean that official dollar balances abroad would accumulate faster. It would in no way change the four options available to the surplus countries—accumulate dollars, inflate, appreciate, or reduce trade barriers.

A Strategy for U.S. Balance of Payments Policy—Reform of the International Monetary System

CREATION OF SPECIAL DRAWING RIGHTS

For many years, international monetary reform has been a topic of endless academic discussion, numerous official and unofficial conferences, and bursts of lengthy and intense negotiations on the highest level of governments. The major recent development has been the creation and "activation," by common consent of the member countries of the IMF, of a new form of international reserves, the Special Drawing Rights (SDRs). It was an unprecedented achievement of international cooperation—in fact, the first peacetime example of an international agreement to change a major feature of the international monetary system. (The Bretton Woods Charter was negotiated during the war.) We do not wish to denigrate the historic importance of that event. Nor would we argue that the creation of SDRs was in itself a harmful act. If nothing else, this action appears to have had, as already mentioned, a very useful side effect in discouraging gold speculation by greatly reducing the speculators' estimate of the probability of an increase in the official gold price.

But the scheme also has its dangers and drawbacks. Our major quarrel with SDRs concerns the opportunity cost of their creation. Years of intensive international investigation and negotiation, employing a lot of the time of scores of high-powered experts and negotiators, went into working towards the solution of the liquidity problem and so diverted attention and scarce (intellectual) resources from the search for a solution of the much more basic and difficult problem of adjustment.

Maybe the sharp and widely accepted distinction between the three problems of confidence, liquidity, and adjustment, while very useful for analyzing the working of the international monetary system, has misled policymakers into thinking that the three problems were of roughly equal importance and could be successfully solved one at a time.

The liquidity problem was chosen first, perhaps, largely because the chances of reaching international agreement in that area looked most promising.[1] To be sure, the connection between liquidity and adjustment has not gone unnoticed. In fact, the amended Articles of Agreement of the IMF which contain the provisions for SDRs state the connection explicitly: "The attainment of a better balance of payments equilibrium, as well as the likelihood of a better working of the adjustment mechanism" are mentioned as conditions to be taken "into account" when the first decision is made to allocate SDRs.[2] The first decision to allocate SDRs was taken in 1969. Although things were quiet on the dollar front in that year, it is not easy to understand what evidence justified the required "collective judgment" that the adjustment mechanism was likely to "work better" in the future. Nor do the events since that year give much ground for optimism.

But be that as it may, now we have the activated SDRs. The intellectual resources which went into their creation cannot be retrieved and diverted. Why cry over spilt milk?

Unfortunately there is a danger that some of the opportunity cost of SDRs creation will continue in the future. The management of the SDRs may not become routine for some time and may continue to absorb much expert work. Furthermore, the "link" between SDRs and development assistance which is being pushed energetically by less developed countries, by international organizations and by many influential academic and official spokesmen in the industrial countries is likely to complicate things further. Under the proposed "link" scheme, a fraction of the SDRs which are allocated to the developed countries would be ceded, via some of the international lending institutions (such as the International Development Association), to less developed countries and the industrial countries would have to "buy" them back from those countries in exchange for real resources. If such a plan were adopted, there would be continuous pressure exerted by the less developed countries and the various international institutions which specialize in development assistance to increase the portion of SDRs that is channelled through the "link." Pressure from one side will inevitably induce counter pressure from the other. An inkling of what may be in store was provided by the report [3] that a movement was under way to organize the less developed countries in the International Monetary Fund for the purpose of voting against any reform of the fund's Articles of Agreement, such as the various proposals to introduce greater flexibility of exchange rates, unless such a reform is coupled with the "link." It should be kept in mind that certain changes in the Articles of Agreement can be effectively blocked by 16 percent of the voting power in the IMF.[4]

The recently published IMB study, *The Role of Exchange Rates in the Adjustment of International Payments*,[5] is evidence that official attention has finally turned in the direction of adjustment—although belatedly and, as far as flexibility of exchange rates is concerned, grudgingly and hesitatingly.

A brief analysis of some implications of the present system, under a regime of rigidly fixed exchange rates, with or without further large SDR allocations, will show how important it is that progress is made soon in introducing some flexibility into the exchange rate structure.

SOME IMPLICATIONS FOR THE PRESENT INTERNATIONAL MONETARY SYSTEM OF FIXED EXCHANGE RATES

A very important consequence of the present system of fixed exchanges with the dollar at its center is that the rate of inflation in all countries that peg their currency to the dollar is approximately determined by the rate of inflation in the U.S. Any country that keeps its currency fully convertible into dollars at a fixed exchange rate will, in the medium and long run, be forced to have approximately the same degree of inflation as the U.S., whatever it is—positive, negative, or zero. This proposition is not generally understood and, if expressed bluntly, will be rejected by many. It is nevertheless a fairly obvious consequence of well-known facts, requiring only few qualifications which detract little from its importance.

Let us explain carefully what it means and what it does not mean. Any country is, of course, free to inflate more than the U.S. and many make use of this license. But any country inflating much more than the U.S. will be forced to devalue its currency. There are three qualifications: First, by accumulating and "sterilizing" dollar balances, a country can slightly postpone or slow down the required price adjustment. But, like any policy that goes against the grain of economic equilibrium, it is a costly struggle and likely to be progressively hampered by speculation. The second qualification is a spurious one: Up to a point a country can use controls (import restrictions, export subsidies, et cetera) to avoid depreciation. But, as is well known, such controls are just a devaluation in disguise, and a wasteful and inefficient disguise at that. The greater the price disparity and the resulting disequilibrium, the more stringent the required controls. Experience has shown a hundred times that the wastes and inefficiencies soon become intolerable, so that open devaluation has to be substituted for the disguise.

The third qualification is that if the degree of inflation is measured by the cost-of-living index (or some other broadly based index, such as the GNP deflator), there need not be perfect parallelism in the movement of these indices in diffrent countries. As mentioned earlier, it sometimes happens that a country's export prices deviate significantly from its general price level, and these deviations may be in opposite direction in different countries. For example, in the U.S., export prices have often risen somewhat faster than the general price level while in Japan the opposite has been the case.[6] This has enabled Japan to have a little more inflation than the U.S. has and still enjoy a balance-of-payments surplus.

It is, however, true that large and persistent deviations in price levels are impossible with fixed exchanges and convertible currencies because, under modern conditions, there are innumerable actual and potential export and import commodities which serve to hold the discrepancies in price levels between countries to moderate proportions in the medium and long run.

Countries that wish to inflate less than the U.S. will develop a balance-of-payments surplus and will see their price levels rise unless they prefer to let their currencies appreciate. Again the three qualifications mentioned above apply, with the difference that the controls serving as a substitute for the appreciation of the currency will have to be negative, i.e., import-stimulating and export-restricting. And as we pointed out earlier, negative controls are not popular.

It will be asked why the price connection should be asymmetrical. We said inflation in the U.S. determines the pace of inflation abroad. Is there no causal force running in the opposite direction?

The answer is that the relationship is indeed asymmetrical. This follows from the special position of the dollar, from the fact that U.S. internal monetary and fiscal policies which determine the rate of inflation in the U.S. have become almost completely independent of the state of the balance of payments, and from the fact that the feedback from the deficit or surplus in the balance of payments to the U.S. economy is negligible because of the small size of U.S. exports and imports relative to the volume of GNP. As explained earlier, if there were an appreciable feedback—for example, if a balance-of-payments deficit becomes a serious drag on the economy—monetary and fiscal policy, geared as it is to domestic policy objectives, would counteract it.

Earlier we recommended that in case of a conflict in the requirements for monetary and fiscal policy between internal and external equilibrium, domestic policy objectives should take precedence over balance-of-payments requirements. In other words the U.S. should pursue a passive balance-of-payments policy, a policy of "benign neglect" of the balance of payments. (Let it be repeated that "neglect" of the balance of payments does in no way imply neglect to U.S. interests or of the interests of our trading partners.) Now we state it as a fact that such a passive policy is actually being pushed. We believe that this is a correct description of the present situation whereas it would not have described the situation ten years ago. Gradually during the 1960s, the grip of the balance of payments on monetary and fiscal policy has been loosened and by now it is practically gone. Concern with the balance of payments is still there but it expresses itself rather in terms of the policy of controls, primarily capital export controls. First controls were introduced and tightened, and now there is reluctance to loosen and abolish them although some clearly have become redundant.

FOREIGN REACTIONS

When we speak of foreign reactions we mean largely European reaction and reactions of only a very few countries. To repeat, there are only very few countries in the world that do not match or surpass U.S. inflation spontaneously—Germany, Switzerland, perhaps the Netherlands. France has, of course, been in the forefront of the complainers about the U.S. forcing inflation on others—in between her own frequent devaluations.[7]

What the European critics have been complaining of is that the U.S. is not subject to balance-of-payments discipline. That is, of course, precisely correct. (As mentioned above, it was not quite true earlier.) It is a variation of the same theme when they complain that the U.S. uses its de facto exemption from balance-of-payments constraint, or alternatively the special position of the dollar, to finance direct investments abroad ("take over European companies"), for direct investment flows are a component of the capital account of the balance of payments.

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If foreign countries do not like U.S. direct investment, although it serves to close any "technological gap" (that may exist), they can restrict such investment without difficulty. In most countries foreign investment and takeovers are subject to government approval anyway. But the decision on this matter should not be made on balance-of-payments grounds. The U.S. would be well advised to leave this decision to the foreign countries. In fact, however, it has chosen to do much of the unpleasant work for them.

It is time for European as well as American policymakers to face up to the facts. Under fixed exchanges, foreign surplus countries have no choice but to share in the U.S. inflation (or to liberalize trade or impose negative controls unilaterally, both of which amount to a disguised appreciation of the currency). In the very short run they may avoid, or rather postpone, going along with U.S. inflation by accumulating dollars.

What else could they do? In the past they could signal their displeasure by converting dollars into gold. Except for small amounts this is now de facto barred.[8] Some proponents of fixed exchanges fully recognize these implications. Thus Professor Kindleberger has proposed to make them more palatable by placing European or other foreign representatives on the U.S. Federal Reserve Open Market Committee. In other words, he has proposed that U.S. monetary policy should be conducted jointly by all countries that have to share in its consequences. It is not necessary to add that this proposal is not likely to be accepted by U.S. policymakers.

OUTLOOK FOR THE FUTURE

What is the outlook for the future of the dollar exchange standard, still assuming that the system of fixed exchanges is to be maintained? (Highly inflationary countries cannot, of course, maintain fixed exchanges.)

Until recently, inflation in the U.S. has been moderate compared to inflation in other industrial countries, and it surely will remain so by the standards of most less developed countries. If this is the case, the chances are that most surplus countries will grow accustomed to slightly more inflation without much fuss. (The Japanese seem to have made a more or less conscious choice to accept more inflation rather than to appreciate the yen or to sufficiently liberalize trade.) Of course, there will probably always be one or two countries which are really willing and able to have less inflation (or which, through some quirk in international demand, are able to develop a surplus while having more inflation than the U.S.). Such countries will accumulate dollars and will have to make up their minds whether they should or should not let their currency appreciate.

If inflation in the U.S. is less moderate, there will be more dissatisfied surplus countries. There will be complaint and criticism about U.S. policy but the options of the surplus countries—inflation, appreciation (open or disguised), reduction of trade barriers—remain the same. The real danger is that either the surplus countries may adopt negative controls or the U.S. positive controls (tightening of the existing ones). But once the U.S. understands that nobody can force it either to adopt controls or to create more unemployment and slack than it thinks is necessary to achieve the domestic objective of curbing inflation, it will continue its passive balance-of-payments policy and leave it to the others to choose among their options.

But, some will ask, can the dollar not be dethroned from its special position, perhaps by the creation of an attractive substitute in the form of a European or Common Market currency? Would that not be a serious matter for the U.S.? Monetary integration with the declared ultimate goal of a common currency and a unified monetary management (a Federal Reserve System for Europe) has indeed been the subject of intense official investigation and negotiations in the European Economy Community (EEC). According to present plans, it will take ten years to approach the goal. And it may take even longer, especially if Great Britain joins EEC.[9]

Let us assume, however, that a common European currency in a meaningful sense comes into being. Can it replace the dollar as an official international reserve medium or private transactions currency? It will take a long time before we come to that bridge, but let us assume the goal of monetary unification is reached. A unified Europe, by pooling its members' international reserves, could certainly manage with a smaller dollar reserve, and third countries might want to hold part of their reserve in the European currency. But even if this should happen, Europe could not get rid of its dollars without letting the European currency appreciate. For reasons mentioned earlier, the chances are that European countries could think twice before taking that step. But even if they took it, perhaps because the U.S. had too much inflation in which they did not wish to participate, such a step would stimulate U.S. exports, reduce its imports. This would indeed be a burden (transfer of real resources) and would mean an increase in inflationary pressure. Repaying debt is always a burden. Quantitatively the burden would be negligible because the U.S. deficit, even at its worst, is a tiny fraction of GNP.[10]

It is indeed mentioned as one of the advantages and purposes of a common European currency that it then would be easier to depreciate the dollar by appreciating a single European currency. This may be so, but it is also possible or perhaps probable that six governments acting in concert would be even more reluctant to change the status quo than any one of its constituents now is.[11]

But these speculations and worries are largely idle and superfluous, especially from the American standpoint. They divert attention from more pressing dangers. The greatest danger in the area of international monetary relations is that deficit countries, the U.S. as well as others, will resort to controls and will restrict trade, payments, travel, and capital flows, instead of changing their exchange rate. The corresponding danger in the case of surplus countries is less acute, because countries are reluctant to use negative (i.e., import-stimulating and export-discouraging) controls. But appreciation of one's currency is even less popular than depreciation.

It is now almost universally accepted, even by those who are against any general limited or unlimited flexibility of exchange rates, that more frequent use should be made of the possibility under the IMF charter to change exchange rates in case of fundamental disequilibrium. This proposition will be examined more carefully in the following section. Here we only note that it implicitly acknowledges the acute danger of controls. Needless to add that deflation and unemployment would be equally or more destructive. There is, however, this difference: Practically no country would accept *serious* unemployment. The propensity to control is everywhere in the world much stronger than the propensity to deflate.

This brings us, finally, to the question of exchange rate flexibility.

U.S. INTEREST IN EXCHANGE RATE FLEXIBILITY

It is an implication of our analysis that the U.S. has less direct interest in exchange rate flexibility than other western countries, because the U.S. cannot, under present arrangements, let the dollar float or change its exchange value, and because in the U.S., foreign trade is a much smaller fraction of GNP than that in any other Western country. The U.S. interest in flexibility is indirect and derives from the fact that greater flexibility is of great importance for our trading partners and for the international monetary system as a whole. U.S. interest in exchange flexibility is indirect and derived but real nonetheless.

This is not the place to review in detail the whole problem of fixed vs. flexible exchange rates in the abstract.[12] The pracitcal problem is not, of course, whether the existing part value system of fixed exchange rates subject to occasional adjustments, as set up by the Bretton Woods Charter, should be replaced by a system of general flexibility under which every currency in the world would fluctuate freely in terms of every other. No such radical change is feasible, nor is it necessary to achieve a better working of the adjustment mechanism. The elements of a much more modest, although in our opinion potentially quite effective, reform may be sketched as follows: Every country that feels aggrieved because the present system, based on the dollar imposes on it too much inflation or the opposite should be allowed to let its currency float, or to widen its band of permissible deviations of the exchange rate from the par value or to adopt a crawling peg. Persistent deficit countries should be encouraged to pursue a policy of exchange rate flexibility, rather than dissuaded from doing so. The problem of persistent surplus countries is easier to deal with. Probably no more is needed than to make it clear to them what their options are—accumulation of reserves, monetary expansion, appreciation[13] or floating of the currency, or reduction of trade barriers. There can hardly be a doubt that these are, in fact, the only practical choices and that any one of them, or any combination, should be acceptable to the U.S. and other countries.

Some people may ask—are countries not more or less free now to react in any of the ways described? Unfortunately this is not the case. They can inflate or liberalize trade but the sticking point is exchange flexibility.

It is true that as far as highly inflationary less developed countries are concerned, the IMF does not object to exchange rate flexibility. It probably encourages countries such as Brazil or Chile to make frequent changes in exchange rates. In recent years, some of them—Brazil, Chile, and others—have developed a system of flexibility which may be described as the system of "the trotting peg." Under this arrangement, the currency is depreciated at short intervals by small steps. For example, in Brazil the value of the cruzeiro is reduced by something between 1.8 percent to 1.3 percent every four or five weeks. The trotting peg has been a great improvement over the earlier system of the adjustable peg under which these countries waited six months or longer and then devalued with a bang by a large amount.[14]

The reason why the International Monetary Fund has acquiesced in those cases is, no doubt, that under rapid inflation the adjustable peg system, let alone fixed exchanges, soon leads to intolerable consequences.

In the case of the industrial countries where the disadvantages of the present system are not so pronounced, the attitude of the IMF has been much less tolerant. This was clearly revealed in the case of Canada in May 1970 when Canada returned to a floating exchange rate. The move has not hurt anybody and was a great help in Canada's internal management (fight against inflation). Nevertheless, Canada was sternly rebuked for abandoning the adjustable peg and is under constant pressure to restabilize.

The above mentioned IMF report on *The Role of Exchange Rates in the Adjustment of International Payments* evidently reflects the thinking of the fund's executive directors at

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the present time. The report offers a subtle, closely reasoned and well documented analysis of all aspects of exchange rate changes. It is technically of high caliber, as one would expect from a first-rate staff and a prestigious board of directors. But as a policy statement which is supposed to show the way, if not to bold new ventures, then at least to new solutions of old problems which have not responded well to traditional treatment, the report has surprisingly academic flavor. One tends to agree with the conclusion of a thoughtful and penetrating analysis[15] that the report "is on the whole a disappointing document. It suggests no real breakthrough in the direction of a genuine adjustment mechanism based on greater flexibility of exchange rates." The report is largely a defense of the existing par value system and of the adjustable peg, although it freely admits that damage is often done because countries unduly delay exchange rate adjustments beyond the time when it should be clear that a fundamental disequilibrium exists.

The report rejects outright three proposals for greater flexibility: a system of freely fluctuating exchange rates, a substantial widening of the band for permissible exchange rate fluctuations, and the various suggestions to effect parity changes frequently and automatically according to some objective indicators (the crawling peg proposals). Instead of these, it favors a slight widening of the margin of permissible fluctuations. As George Halm points out, it is somewhat surprising, in view of the rejections of any crawling peg, that the report seriously considers the seemingly more radical suggestion that "the Articles of Agreement might be amended to allow members to make changes in their parties without the concurrence of the Fund as long as such changes did not exceed say, 3 percent in any twelve month period nor a cumulation amount of say, 10 percent in any five-year period."[16]

The main thrust of the report is that the par value system may well work quite satisfactorily if countries could be persuaded to make more frequent and prompt use of the provision of the original charter to change their exchange rate in case of "fundamental disequilibrium." But the report does not give much guidance and help to the governments which are admonished to make "prompt adjustment of parities in appropriate cases." Continuing the earlier practice of the IMF, the report refuses to give a clear-cut definition of what is a fundamental disequilibrium, and substitutes for it a long and involved description of various factors and circumstances that should be taken into consideration when a determination is made whether an existing disequilibrium, presumably a balance-of-payments deficit or surplus,[17] is to be considered fundamental or not.

We submit that the greatest weakness of the report is that it does not sufficiently consider the main drawback of the adjustable peg system—that is, comparatively large parity changes at fairly long intervals induce highly disturbing capital flows. Compared with a system of truly fixed rates, as under the old gold standard on the one side, and a crawling or trotting peg on the other side, the adjustable peg system maximizes destabilizing speculation.

To be sure, recent experience with the trotting peg and also with the brief period of managed flexibility of the German mark prior to its formal appreciation in October 1969 suggests that it is not necessary to go all the way to a system of completely unmanaged, freely floating rates in order to reduce or practically eliminate speculation. This gives rise to an important problem. For anyone who rejects as the IMF report does both continuous flexibility, either of the unlimited or crawling variety, and complete rigidity, the crucial question is this: Where does the adjustable peg end and where does flexibility, sufficient to eliminate dangerous speculation, begin? Suppose we arrange alternative changes in exchange rates (depreciations and appreciations) in such an order that the size of the change becomes smaller and the interval between changes shorter. There will then be a threshold value (or threshold zone) somewhere on the scale beyond which speculation ceases to be a problem. It would be extremely important to have an idea approximately where this threshold lies. The report is silent on this central question. There is internal evidence, however, that the authors, when they speak of "prompt parity changes in appropriate circumstances" and warn of undue delays, were thinking of intervals of, let us say, substantially more than a year.

In our opinion, rather more frequent but still fairly large changes in exchange rates[18] would not offer any substantial relief from the problem of large speculative capital movements and might even exacerbate them because of the smaller likelihood of "fixity illusion" (analogous to "money illusion") which has at times been present under the adjustable peg. At just what point a more promptly adjusted adjustable peg would become in effect a discretionary crawling peg it is difficult to say. But in order to produce substantial reduction in speculative pressures resulting from the "one way option" of the adjustable peg, adjustments much more frequently than every couple of years would be needed.[19]

The point has been made many times that disregarding highly inflationary countries, over the years the structure of exchange rates under the Bretton Woods system has become much more rigid than the founding fathers had anticipated. In our opinion this is not due to faulty or negligent management of the system, but is the consequence of the fact or suspicion, well founded in our opinion, that too frequent changes reduce the stability of the adjustable peg system.

These remarks do not pretend to give the full answer to the question posed above of where the adjustable peg ends and managed flexibility begins. But they indicate the type of problem that faces those who reject anything approaching full flexibility but recommend more frequent and "prompt adjustments in appropriate cases" than there were in the past. To repeat, the report is silent on this crucial matter.

We can be confident, however, that the report will not remain the IMF's last word on exchange flexibility. It is a milestone in a continuing process of reappraisal of the basic assumptions of the Bretton Wood system. Let us hope that in due course the crucial issue mentioned above will be faced squarely. This would force a reconsideration of some of the positions taken in the present report. A good deal of new evidence from recent experience in various parts of the world has become available and it sheds light on the question we have emphasized. No organization is in a better position to assemble and interpret the relevant facts than the IMF.

SUMMARY AND CONCLUDING REMARKS

We have argued that of the three areas of international monetary reform—confidence, liquidity, adjustment—the last mentioned is by far the most important and pressing. Problems having to do with confidence are taken care of by the close cooperation of the world's major central banks that has developed and deepened in the postwar period. The problem of liquidity has probably been brought under definite control by the creation of the SDR scheme. The task of improving the balance-of-payments adjustment mechanism remains to be accomplished.

The SDR agreement recognized the paramount importance of the adjustment problem by stipulating that, before the first decision is made to allocate SDR's, "a collective judgment" be reached to the effect that there is a good chance of "a better working of the adjustment mechanism." The first decision to allocate SDRs was made in 1969 and allocations were made on January 1, 1970 and January 1, 1971. Whether adjustment mechanism will in fact work better in the future is still very much in doubt.

The attention of the policymakers in the international monetary area has shifted to the problems of adjustment. The comprehensive IMF report, *The Role of Exchange Rates in the Adjustment of International Payments*, testifies to that shift. In our opinion, the report does not go nearly far enough in the direction of proposing new methods of adjustment through greater flexibility of exchange rates. But at least it is a beginning and it will surely not remain the IMF's last word on that important subject.

The practical problem is not to replace the par value system with a system of generalized flexibility of all currencies. Such a radical change is not only not feasible but also unnecessary to assure a better working of the adjustment mechanism. We presented the elements of a modest scheme, which in our view would be a major step forward.

We have emphasized that the American interest in greater flexibility of exchange rates is indirect, because the U.S. cannot, under present arrangements, change the value of the dollar. But nevertheless it is quite real, because the U.S. shares fully in the world interest in the smooth working of the international monetary system. The U.S. should do all it can to promote changes in the rules that will make it easier for other countries to use exchange flexibility to solve their problems—deficit countries to avoid trade restricting controls and unnecessary unemployment, surplus countries to avoid unwanted inflation and "negative" controls. By solving their own balance-of-payments problems, our trading partners also solve ours.

The special position of the dollar and the small size of U.S. foreign trade in relation to GNP makes it possible for the U.S. to continue its "passive" balance-of-payments policy, even if it takes some time and perhaps another major exchange crisis before anything decisive is done to improve the adjustment mechanism. If the U.S. is able to reduce the rate of inflation to an internally tolerable level, there will probably be very little trouble on the dollar front. But even if it is not so successful with the fight against inflation, the passive balance-of-payments policy should be continued, although in that case policymakers would have to brace themselves for continuing grumbling and criticism. But the basic strength of the dollar is such that, barring really bad inflation or any other unforeseen catastrophe, U.S. policymakers can afford to stand firm and not to change the passive stance of balance-of-payments policy in the face of foreign criticism. The U.S. should realize that nobody can force it either to impose controls or to suffer more unemployment than is needed, in its own judgment, to curb inflation.

U.S. policy should concentrate on promoting domestic economic stability, employment and growth, and should remove rather than continue to tighten barriers to international trade and capital flows. Since 1969 substantial progress has been made in the untying of foreign aid. Much less progress has been made, however, in the area of relaxing and gradually phasing out controls on capital exports. We do not wish to minimize the importance of having at least ended and even reversed a little, the trend which started early in the 1960s of ever increasing use of first voluntary and then mandatory controls and other selective measures designed to

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Footnotes at end of article.

"improve" components of the U.S. balance of payments. This change in tendency is an important step forward. But residual fears concerning the U.S. balance of payments have substantially slowed the process of dismantling these measures of the 1960s. There must be considerable doubt about the continued effectiveness of capital controls in terms of improving the balance of payments. Experience has shown many times that controls, unless they become redundant, have a tendencvy to spring leaks as time goes on and have to be continuously tightened if their effectiveness is to be maintained. But even more important, balance-of-payments improvement via the use of controls is not an appropriate objective for a country occupying the United States' unique position in the world economy.

The removal of the remaining controls in the face of a measured U.S. deficit would be a courageous act, for it would cut against conventional wisdom that is still widespread both at home and abroad. But the benefits of final, full recognition of the United States' position in the international monetary system would be enormous.

FOOTNOTES

[1] The "confidence problem" (i.e., the problems that arise when confidence in a currency is lost and a run on the currency develops) would seem to be of decidedly lesser importance in the future. Any such crisis has to be dealt with on an *ad hoc* basis. But experience has shown that the close cooperation that has developed between the monetary authorities of the major countries and that has deepened in the postwar period is capable of handling confidence crises even when they involve major currencies.

[2] Article XXIV, Section 1(b).

[3] The *New York Times*, September 29, 1970, and *The Economist*, September 26, 1970.

[4] See Gottfried Haberler, "The Case Against the Link," *Quarterly Review*, Banca Nazionale del Lavoro, Rome, March 1971.

[5] A report by the executive directors of the International Monetary Fund, Washington, D.C., 1970.

[6] It is not necessary here to go into the reasons for these deviations.

[7] It should be observed that the mere fact that the actual rise in the cost of living in a given country is equal to or a little higher than the rise in the U.S. does not prove by itself that the country in question spontaneously matches or surpasses the U.S. rate of inflation. It could be a case of induced inflation.

However, if prices in a country rise persistently and much faster than in the U.S., one gets the strong suspicion that it is not a case of induced inflation but one of spontaneous inflation. If a country is forced from time to time to devalue against the dollar or to maintain controls, the suspicion is confirmed beyond doubt.

[8] Even if the gold policy were changed, if other countries asked for conversion into gold of large parts of their dollar holdings and the U.S. were prepared to accede to that request, it would be unrealistic to assume that internal monetary and fiscal policies in the U.S. would be changed thereby. It follows that such a change in the gold policy would not relieve other countries from the necessity to follow the U.S. inflation, so long as they maintained full convertibility of their currencies into dollars at a fixed exchange rate.

[9] It is now better understood than it was a few years ago that monetary integration and the creation of a common currency presuppose far-reaching harmonization and coordination of not only monetary but also fiscal, wage, and incomes policies. The EEC countries are still far from that stage. See Gottfried Haberler, "Reflections on the Economies of International Monetary Integration" (forthcoming) and the literature quoted there, especially Wolfgang Kasper and Michael Stahl, "Integration Through Monetary Union—A Skeptical View," *Kieler Diskussionsbeitraege*, Nr. 7, Kiel, September 1970.

[10] It should be observed, assuming as we do that monetary, fiscal, and other macroeconomic policies in the U.S. are solely determined by domestic policy objectives, that the relevant comparison is with GNP. If, on the contrary, the U.S. allowed the balance-of-payments deficit to influence overall economic policies, as was the case in the early sixties, the burden could become much larger than suggested by the GNP percentage.

[11] It is sometimes said that, at present, it is difficult for any single European government to appreciate its currency vis-à-vis the dollar because it would at the same time have to appreciate also vis-à-vis the other European currencies. This is, however, hardly the case—as if, say, the DM were overvalued only in respect to the dollar, and not equally or perhaps more so vis-à-vis some European currencies!

[12] The authors have expressed their views in Haberler and Willett, *op. cit.* See also Gottfried Haberler, *Money in the International Economy*, 2d edition (Cambridge: Harvard University Press, May 1969).

[13] In the case of appreciation of a surplus country's currency, as in the case of depreciation of a deficit country's currency, a flexible approach to the change in the exchange rate is much to be preferred to the rigid, disruptive method of the adjustable peg. Instead of waiting until a huge surplus has been built up under the accompaniment of mounting speculation and then appreciating by a large amount of a bang, it is better to let the currency float up gradually. This was dramatically demonstrated by the German appreciation in September/October 1969. Let us recall the salient events. The appreciation had become an election issue. Before the election, billions of dollars had flowed into Germany. On September 24, four days before the election, the exchange market was closed. On Monday, September 29, the day after the election, the market was reopened with the exchange rate unchanged. In a few hours, huge sums poured into Germany. The market was closed again and the decision was reached to let the mark float. The next morning, Tuesday, September 30, when the market was reopened once again, the exchange value of the mark shot up and—lo and behold—the speculation had practically vanished. It simply became too risky to speculate. Even more interesting, the speculation was not revived, at least not on a substantial scale, a little later when a more or less open debate was conducted in the press on whether the mark should be restabilized at the level of 6, 8, or 10 percent above the former parity.

It is true, in many respects, that the German appreciation was a unique case. To make the appreciation of a currency an election issue is a helluva way to change an exchange rate. But the fact that some flexibility—although it was managed (with flexibility in the direction though not the magnitude of the impending change in the rate predetermined)—was insufficient to stop speculation in its track teaches a lesson of great general importance.

[14] The Brazilian system is well described and analyzed in J. B. Donges "Neue Wege in der Wechselkurspolitik der Entwicklungslaender?—Brasiliens 'Trotting Peg'," *Kieler Diskussionsbeitraege*, Kiel, Nr. 8, October 1970. An English translation of that pamphlet will be published by the American Enterprise Institute later in 1971.

Contrary to a widely held view, speculation has been no problem under the trotting peg, whereas it was a very disrupting feature of the earlier system of the adjustable peg. This teaches a lesson which is applicable also to the industrial countries: If speculative capital flows are no problem in the case of the trotting peg, it follows *a fortiori* that it would not be one under the more favorable conditions of the crawling peg or freely floating rates.

[15] George N. Halm, *The International Monetary Fund and the Flexibility of Exchange Rates*, Princeton Essays in International Finance, 1971.

[16] *Ibid.*, p. 73.

[17] It is not quite clear whether the report regards an actual or anticipated balance-of-payments surplus or deficit as a necessary, though not sufficient, condition of fundamental disequilibrium. It certainly is not a sufficient condition. Maybe the report wishes to speak of fundamental disequilibrium only in dilemma cases when requirements of internal and external equilibrium conflict. If this is a correct interpretation, attention should be given to the strong possibility (a) that the diagnosis of whether a dilemma exists or not may not be easy at all and the views of the country and that of the IMF may well diverge and (b) that a dilemma case can change easily and without notice into a non-dilemma case, and vice-versa. (On these points, see Haberler, *Money in the International Economy, op. cit.*, pp. 14–18).

The balance-of-payments disequilibrium need not be "actual." Suppose a deficit is suppressed by controls or excessive unemployment. Then a policy of de-control or re-expansion would presumably bring about a deficit. Again the diagnosis and interpretation of a concrete situation is likely to be far from clear and unambiguous, especially in its quantitative aspects: How large a deficit is to be expected and how large a depreciation of the currency would be needed to take care of the deficit?

All this highlights the difficulties of operating a par value system with discrete changes in the par value in case of fundamental disequilibrium.

[18] What is "large" has to be determined in reference to the possibility of forestalling speculation by high interest rates. For example, in Brazil it does not pay to speculate on an expected change in the exchange rate (precise data unknown) of 1 percent or 1.3 percent with interest rates running up to 40 percent.

[19] For a detailed analysis of speculation under limited exchange rate flexibility, see Thomas D. Willett, Samuel Z. Katz, and William H. Branson, *Exchange-Rate System, Interest Rates, and Capital Flows*, Princeton Essays in International Finance, No. 78, January 1970.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTION OF THE HOUSE OF DELEGATES OF WEST VIRGINIA SUPPORTING PRESIDENT NIXON'S STATEMENT CALLING FOR RELEASE OF PRISONERS OF WAR

Mr. BYRD of West Virginia. Mr. President, I have received a copy of House Resolution No. 13 adopted by the West Virginia House of Delegates on February

2, 1971. The resolution supports President Richard M. Nixon's October 7, 1970, statement calling for the immediate and unconditional release of all prisoners of war.

I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE RESOLUTION NO. 13

"WHEREAS, 19,094 citizens of West Virginia are presently serving in the armed forces; and

"WHEREAS, The citizens of this state have expressed concern for the prisoners of war and their families; and

"WHEREAS, Overwhelming approval was given by the next-of-kin of the prisoners of war for the attempted rescue at Sontay Prison near Hanoi; and

"WHEREAS, Further support should be given to our fighting men, especially those held captive by North Vietnam; therefore, be it

"Resolved by the House of Delegates:

"That support is hereby extended to President Richard M. Nixon in his attempts to gain the release of American prisoners of war; and, be it

"Further Resolved, That the clerk is hereby directed to forward copies of this resolution to the President of the United States, the Honorable Richard M. Nixon, and each member of the West Virginia congressional delegation."

ORDER PROVIDING FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, immediately following the remarks by the able Senator from Indiana (Mr. HARTKE), there be a period for the transaction of routine morning business with statements therein limited to 3 minutes, the period not to extend beyond 12 o'clock noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. BELLMON). The Chair, on behalf of the Vice President, in accordance with Public Law 85-874, appoints the Senator from California (Mr. TUNNEY) to the National Cultural Center Board.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, if there is no further morning business, I ask that morning business again be closed.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

EXTENSION OF RIGHT TO VOTE

The Senate continued with the consideration of the joint resolution—Senate Joint Resolution 7—proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older.

Mr. BYRD of West Virginia. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER (Mr. BELLMON). The question is on agreeing to the amendments—No. 11—offered by the Senator from Massachusetts (Mr. KENNEDY) to Senate Joint Resolution 7.

Mr. BYRD of West Virginia. I thank the Chair.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, I rise to support the pending measure, Senate Joint Resolution 7 proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older. I urge all my colleagues to support this resolution so that it may be submitted to the legislatures of the several States for their consideration.

Last March, almost a year ago, the Senate attached to another measure a provision to lower the voting age in State and national elections by simple statute. At that time I warned that such a course was unconstitutional and that the matter could not be resolved on the basis of legislation alone. The Senate was urged to reject that proposal and to proceed to approve a constitutional amendment for the ratification by three-fourths of the States. It was my position then as it is now that the question of voter qualifications should be left to the States for decision. In its decision on this new law, *Oregon* v. *Mitchell*, the Supreme Court upheld this position. While stating that Congress has the power to set the voting age for presidential and congressional elections, Mr. Justice Black speaking for the High Court struck down the statute as it applied to State and local elections.

The result of this decision is that election nightmares potentially face 47 States in 1972. Without an amendment such as we are considering today, all but the three States which currently permit 18-year-olds to vote may have to hold what, in effect, will be dual elections in November 1972. All voters 18 or older would be permitted to register and vote in national elections, but only those 21 or older—or whatever the minimum age for the particular State happens to be—would be eligible to participate in State and local plebiscites. Leaving aside the obvious question of why an 18-year-old citizen should be permitted to vote for President of the United States but not for city councilman, the prospect of this type of dual system is disturbing. I fear that the result would be utter chaos.

In Nebraska alone, this system would result in about a 30-percent increase in election costs, approximately $300,000—not a big sum, in terms of the sums we consider here from day to day, but for a State with approximately 1,450,000 people and without some of the spectacular forms of wealth which other States are blessed with, it is a great deal of money, almost a third of a million dollars. Of course, it would go on in that way for each election which would follow, without the adoption of the present constitutional amendment.

Secretary of State Allen J. Beermann has indicated that "dual sets of ballots, registration forms, poll books, and abstracts" would have to be maintained for the two types of elections. Across the Nation this requirement might add between $10 and $20 million to the cost of holding elections. States would be hard pressed to find these additional funds at a time when budgets are especially tight. Secretary of State Beermann also believes that it would be necessary "to efficiently separate the younger voters and to include them upon their reaching the State's voting age, 20," which is the present age in my State. Another problem might arise in computing "total votes cast" which is used in Nebraska to compute the number of signatures necessary for certain petitions. The problem would arise in that there would be a different number of votes cast for President and for Governor, respectively.

It is most important that we submit this proposed amendment to the States for ratification promptly. For this amendment to be effective in 1972, 38 State legislatures must give their approval. But time is slipping away for this approval to be achieved during the current legislative session. Nearly 20 will not meet next year unless brought into special session. Thus, time is of the essence.

This Senator has been in favor of permitting our young people to participate in the electoral process for a number of years. It has been his position, however, that that decision should be made by the States themselves in one of two ways. One way is by enacting amendments to their own State constitutions, if that is necessary, or by adopting necessary legislation to achieve that purpose. The second way in which it could be done so that the States would resolve that issue and make the decision would be the method that is submitted in Senate Joint

Resolution 7, which would propose an amendment to the Federal Constitution. In one or the other of these ways, the State would then make the decision.

Just last November, the voters of my State of Nebraska voted to lower the voting age from 21 to 20. I favored that constitutional amendment and I voted for it. In 1968 a proposal to lower the voting age to 19 was on Nebraska ballots. I favored that idea and voted for it, although a majority of my fellow citizens did not. I did so in the belief that the youth of this Nation are intelligent enough to make a significant contribution to this country through the ballot box.

One of the arguments used, of course, is that if they are old enough to fight, they are old enough to vote. I do not know that that has any particular applicability here. A much more solid, substantial, and logical basis would be that they have the intelligence and the know-how and the ability to cast a ballot and do it well—those of them who will do so. It was forecast by many of the witnesses that very likely the total number of 18 to 21 years of age citizens voting would be relatively small to start with, but in due time I would have every confidence that they would respond in bigger numbers. It is therefore a great pleasure for me to support the proposed national amendment, urge its approval in this body, and ask that the various State legislatures ratify it as promptly as possible.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. BYRD of West Virginia. Mr. President, I take just a moment to compliment the able Senator from Nebraska on the statement he has just made. I have joined with him in the past, I think, in taking the position that this matter should be effectuated by way of constitutional amendment rather than by a Federal statute.

Last year, I voted for the amendment lowering the age to 18. I voted for it as as an expression of personal support for the idea. But I voted against the act itself on final passage because I believe that the setting of qualifications of voters is a matter which has been left to the States under the Federal Constitution. Article I, section 2; article II, section 1; and the 17th amendment to the Federal Constitution all make it indubitably clear, in my judgment, that the prerogative of determining the qualifications of voters is a prerogative that is left to the respective States.

It is for that reason—believing as I did that this is a matter which the Federal Government could not legislate and that only the people could determine it under the Constitution—that I voted against the act. But I say again, I voted for the amendment as an expression of my position and as more or less a statement of principle anent the subject of lowering the voting age. I join the Senator today in expressing support, if he will allow me, for this proposal which is before the Senate and which, in my judgment, is the proper way to go about the whole matter.

We will be providing the people of the United States with an opportunity to vote upon a constitutional amendment to lower to 18 the age for voters in State and local elections.

I compliment the Senator.

Mr. HRUSKA. Of course, the bulk of the required majority approved in both bodies is the other way of going about it. There is, needless to say, but I shall say it, the fact that we would have been far ahead had we taken the words of caution to heart and proceeded a lot more providently and a little more deliberately and adopted at that time the resolution we have before us today. By this time, I have an idea that most legislatures that wanted to favor this would have acted. This is March and most legislatures meet in January, but that is water over the dam. We should pay attention to what is before us, rather than commiserate about what could or could not have happened by the adoption of another course of action.

Mr. BYRD of Virginia. Mr. President, will the Senator from Nebraska yield?

Mr. HRUSKA. I yield.

Mr. BYRD of Virginia. I feel that the Senator from Nebraska and the Senator from West Virginia have put this matter in its proper perspective. When the question of lowering the voting age came before the Senate last year, I took the same position as did the Senator from Nebraska and the Senator from West Virginia, that the question of the voting age was a matter to be determined by the citizens of the individual States. Ever since we have had a Union, each State has had the right to make its own decision as to what age would entitle its citizens to vote. As we all know, four States have lowered the voting age—two to 18, one to 20, and one to 19. In the last election, other States lowered the voting age. I think that is the appropriate procedure. I was very much opposed to the procedure taken a year ago by the Senate and Congress in attempting to lower the voting age by statute.

As a result of that, as the distinguished and able Senator from Nebraska has just pointed out, this Nation finds itself in the fix it is in today. So I think it is most appropriate that the distinguished Senator from Nebraska should present to the Senate the resolution he has now presented.

Mr. HRUSKA. I thank the Senator from Virginia for his contribution.

Mr. FANNIN. Mr. President, will the Senator from Nebraska yield?

Mr. HRUSKA. I yield.

Mr. FANNIN. I join my colleagues from West Virginia and Virginia in commending the very capable and articulate Senator from Nebraska who has so capably placed this issue in its proper perspective before the Senate today.

I, too, felt as I did, as other Senators have expressed it, that this issue should have been settled and should be settled now by a constitutional amendment.

I have always felt that the people of this country at the State level, as provided in the Constitution, have the right to make this decision. Some States have already made that decision, and the result has been beneficial. Thus, I feel that this is the proper method in which to determine this issue. I certainly commend the distinguished Senator from Nebraska for the manner in which he has presented his case.

Mr. HRUSKA. The Senator from Arizona is very generous. We all know that the State legislatures did not have to wait. They do not have to wait today, in order to take action on their own, to permit voters to vote from the age of 18 and up. Any time they wanted to, since the beginning of their entrance into the Union, they could have fashioned it into their Constitution or enacted legislation accordingly, and gone into business along that line.

The fact that they did not, may or may not mean something when this resolution comes before their legislatures to be acted upon. Only the future will tell that.

Mr. FANNIN. I wholeheartedly agree with the distinguished Senator from Nebraska.

Mr. HRUSKA. I thank the distinguished Senator from Arizona for his contribution.

GOVERNOR REAGAN SPEAKS ON WELFARE REFORM

Mr. FANNIN. Mr. President, on March 3, Governor Ronald Reagan delivered an extensive message to the California Legislature. The message contained a sweeping 70-point reform for the State's entire welfare system.

These reforms would tighten welfare eligibility and work requirments, to assue that the "truly needy," those with little or no income, would get the bulk of California's welfare benefits.

The Governor's message has aroused widespread interest and considerable debate among those who are concerned with the monumental increase in State welfare costs in recent years and who are equally concerned with the quality of assistance being made available to the many needy and deserving families and individuals covered by State and Federal programs.

Later that day, Governor Reagan addressed the people of California on the subject of his reform proposals in a speech at Town Hall in Los Angeles.

The Governor's statement was a thought-provoking and well-reasoned analysis of the problems and prospects of the welfare system in our most populous State.

I feel that the statement would be especially interesting to Members of Congress as we continue our efforts to reform the Federal role in public assistance programs, and I ask unanimous consent that the March 3 address by Governor Ronald Reagan at Town Hall, Los Angeles, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SPEECH BY GOVERNOR RONALD REAGAN, TOWN HALL, LOS ANGELES, MARCH 3, 1971

Mr. Chairman, Members of Town Hall, Ladies and Gentlemen:

First let me thank you of Town Hall for your thoughtful and timely invitation. I suspect that you were aware you were providing a forum through which the people of California could be reached. In doing so, you have been of great service because the people of California are confronted by a most serious problem.

In the last few days, I have been asked a number of times if the political honeymoon is over. I am not sure it ever started. On the wedding night someone said something about stepping into the next room to slip into something comfortable—and they never came back.

On January 4, in my inaugural remarks I said that unless we who had been elected to office were willing to completely reform our programs of social welfare, we would have to ask you for a tax increase this and every succeeding year as far as we could see into the future.

What we call California's welfare and health care system is in reality nothing more than a state implementation of federal mandates approaching $3½ billion in cost and leading us into sure bankruptcy unless we have the courage to choose another course before it is too late.

If misery loves company the theme music for the National Governors Conference in Washington last week must have been "Hearts and Flowers." Those states which have breezed along without having to tap all the potential tax sources such as the sales or statewide income tax are now adopting one or the other, or both. In an unprecedented crisis Pennsylvania ran totally out of state funds four days ago.

There was no partisanship at this conference nor in the unanimous endorsement of federal revenue sharing. But the topic dominating all others was welfare and how long government at any level could keep pace with its ever increasing cost. I might add there was great interest in California because we were the only state readying a concrete proposal for welfare reform. Surprising was the general acceptance that added revenues were only temporary expedients and not a permanent answer to the problem.

Certainly this is true in California. The biggest of our welfare programs, Aid to Dependent Children, increased its case load 39 percent last year and its cost 42 percent. Medi-Cal is increasing more than twice as fast as our normal increase in revenues. One out of nine Californians is drawing some form of welfare now and by the end of the next fiscal year, if welfare goes on increasing at the present rate, it will be one out of seven.

Even cutting back legitimate government services and postponing important and needed projects, we face the fact that to continue the present welfare and Medi-Cal programs without change will require $220 million more than we have. To save the state $220 million in welfare means reducing the total costs more than $600 million. We cannot reduce our share without reducing costs at the county and the federal level. Or put another way, if we have to ask the taxpayers for an additional $220 million in state revenue, we force the counties to raise property taxes another hundred million and add roughly $300 million to federal costs. And of course the same citizen pays it all—county, state and federal. Right now, Californians are paying $32 billion in taxes of which more than $20 billion goes to Uncle Sam. That is a tax burden that pro-rates out at $4,152 for every average family of four in California. A choice has to be made. Either we tighten government's belt or we loosen your purse strings and extract even more money than we are now taking. I am unalterably opposed to that latter choice.

Last month I submitted to the legislature a budget which can be balanced without increased taxes if we undertake a total reform of welfare and Medi-Cal. About two hours ago a message outlining this reform was delivered to both chambers of the legislature. I had planned a more personalized delivery of this message but a funny thing happened to me on the way upstairs.

Perhaps it is just as well, for the message is probably the most comprehensive and detailed ever submitted by any governor of this state. It calls for a sweeping 70 point reform of the entire welfare system. Legislation by the Senate and Assembly will be required in some of the proposed changes. Others can be made administratively and we will need the cooperation of the federal government to complete the package. The Social Security Act says that states should be encouraged to experiment with demonstration projects. On this basis, we are requesting the necessary waivers.

If there were no fiscal crisis, we would still have to urge welfare reform on the grounds of common sense. Present regulations are so ambiguous that court decisions have added $441 million to the cost of California welfare since 1967 and if we lose the cases still pending, another $1.8 billion will be added. But an even more compelling reason for reform is one of moral responsibility.

We had a task force of volunteer citizens and our own appointees and staff working on this problem last summer. The counties were doing the same and some of our reform proposals, incidentally, reflect their findings.

Reform is needed not only because welfare is an administrative disaster leading us to bankruptcy, but because it is a tragic failure for those who are destitute and who have nowhere else to turn for the most basic requirements of living. Let me emphasize this latter point because any time changes are proposed in welfare there are those who will raise a cry that we are lacking in compassion for the poor. The very opposite is true. Welfare today is spread so thin it is incapable of properly caring for the truly needy and destitute. It is spread thin in attempting to provide for too many who are not needy but who through loopholes are legally eligible to claim welfare benefits, and too many who are receiving aid illegally because there is just no way to prevent their cheating and because there is a gigantic extravagant administrative overhead bound in endless miles of red tape and born of overlapping and duplicating agencies.

I have heard the repeated statements that welfare fraud is only one or two percent and not really an item of concern—or even something you can do much about. The truth is no one knows. No one in the United States knows how many people are receiving welfare. We all know how many checks are being mailed out but we have no way of knowing how many individuals are getting several checks under different names. We do not know because regulations keep us from checking on an applicant's declaration—we must accept his word as to his need.

Recently in the San Francisco bay area, a group of citizens set out to show how easy it is to get on welfare. Some of them managed to get on as many as four times in one day in a single office. In our neighbor state of Nevada, the governor (who described himself to me as a liberal Democrat), ordered a house to house canvas of welfare recipients. (They have a limited enough population to be able to do this.) This actual head count revealed 22 percent of their welfare recipients are receiving welfare dishonestly. Some time ago a welfare conducted investigation in the District of Columbia turned up less than two percent of fraud—a congressional investigation then found it was 57 percent. Even so, I have to question whether fraud costs as much as the legal kind of cheating we have created by our own well-intentioned effort to provide work incentives. This idea (spawned in Washington) has created a whole new class of affluent poor.

An answer was needed for the individual who sees no reason to work if the dollars for working only replace the dollars he or she can get from welfare. It was decided that a proper incentive would be to supplement earnings by continuing to pay at least a part of the welfare grant. By the time they had finished "thinking of everything", the intended incentive had become a windfall known in the welfare trade as the 30 and a third formula. It goes to work when the recipient gets a job. How much of the welfare grant he keeps is determined by not counting $30 of his earnings as eligible income, nor do you count one-third of the remainder, nor deduction for income tax, union dues, or pension plan. Additional allowance is made for clothing, child care, transportation (and this includes car payments) and finally $25 miscellaneous. There is virtually no ceiling on earnings above which you become ineligible for welfare although we have found it usually does not go much above $1,200 a month. At least one man in California, however, managed to keep his welfare grant plus $16,800 a year in salary. More typical is the case I described in the current issue of "U.S. News and World Report". I gave an example of a California recipient receiving a grant of $339 a month who took a job paying $582 a month. The formula reduced the $582 to $42 countable income and thus the $339 grant was only cut by $29. This individual now has an income of $892 a month—a good portion of it tax free—and is eligible for Medi-Cal and food stamps.

Our task force surveyed those counties which together carry 40 percent of the welfare case load. We learned that working welfare recipients have average earnings of $346 a month. Their grants in aid not counting Medi-Cal (for which they remain eligible) averaged $186. The grants for those with no outside earnings or income are only $21 more or $207 a month. Simple decency suggests reducing the supplemental grant and increasing the $207 so as to provide a more decent living for the totally destitute. Our reform proposes doing this. We will first of all provide better for the truly needy. Admittedly our first requirement in these stringent times must be balancing the budget but even so we can also improve the lot of the poor and as we put our financial house in order do so even more substantially.

Some will accuse me of citing horror stories which they claim are only isolated cases. But they are wrong. Contra Costa County estimates it has 2500 people fully employed and on welfare; 148 of them earn more than $600 a month. Alameda County puts its figure at almost 4000 with 198 earning more than $600.

We can have realistic eligibility procedures to eliminate or at least curtail fraud, a ceiling on earnings above which no welfare payments will be made and a reduction in the grants to those who have outside income. Able-bodied and employable recipients will be required to work or take job training and we will go after those fathers who have deserted their families, contributing nothing to their support. In California they number 250,000. We intend to provide the counties with the financial incentive to solve this problem. Properly pursued it could be used to help the counties offset their welfare expenses.

Strengthening the role of the family is basic to our proposal. It is called: "Meeting the Challenge: a responsible plan for welfare and Medi-Cal reform." Obviously time will not permit the details of the 70 point proposal we have made, but let me summarize the more important changes. First, we think the unemployables who are in fact pensioners, the aged, the disabled and blind should be removed from the welfare structure. The state will assume all administrative and grant payments for these citizens numbering about 600,000. Their payments will be automated similar to the method used in paying Social Security. There is no need for a costly bureaucracy checking to see if the elderly are continuing to get older. With the administrative savings we should eventually be able to increase their pensions so as to give life a little more dignity, pleasure and meaning.

The state would be taking over about $92 million in present county expenses but in another area—"Aid to Families with Dependent Children"—the counties would assume an additional $84 million of cost. So the net effect of these statistics is $8 million in savings to the counties in 1971–72.

Let me say here and now to those who have charged we intend to balance state spending by dumping the load on the counties . . . they are, as usual, talking through their hats. One of the absolute musts in this reform program is that there be no net cost shift to the counties. As a matter of fact, let me repeat what I said earlier, if there is *no* reform, county costs will go up $100 million. With reform this will, of course, be eliminated. The $8 million projected savings next year will grow in future years and could be as much as $47 million in savings to the counties during 1972–73.

With the change of the elderly and disabled to a pension status, welfare will then be dealing with the potentially employable. As of now welfare is as I have described it "at sea without rudder or compass." Just putting ever increasing numbers of people on a dole and providing food and shelter is not a worthwhile goal. These people are not a faceless mass—they are individuals with individual and unique reasons why many have been unable to get into the competitive labor market. Finding and treating with that unique and personal reason will give welfare a purpose and a goal. The goal must be to eliminate, if possible, the need for itself. We must begin to measure our success by how many people we have removed from the rolls each year, not how many we have added. We intend to place the employable welfare recipient under the jurisdiction of the Department of Human Resources Development. This department's total effort is devoted to job hunting and job training. Social workers assigned to this new jurisdiction will be judged not on the basis of how many people they place on welfare, but how many they place in jobs. This entire concept was born of recommendations made by the County Supervisors Association.

California has not been hesitant about job training programs, quite the contrary. The only major government funded program now dealing with welfare job training is "WIN"—the work incentive program. Almost a third of all those who have obtained jobs through "WIN" in the entire nation, have done so in California.

Now we propose going further. The able-bodied employables will be expected to work in a public work force if they are not engaged in a job training program. They will receive the same benefits they are getting now, but will in return work at public assistance jobs which will benefit the community and the state. These will not be boondoggles or meaningless tasks for some punitive reason of "work for the sake of working." Every department of the state has been told to list those things it would do if it had the manpower and the funds. In addition, local government will be asked to provide work which can range from supervising school playgrounds and helping in child care centers, to working in the field of environment. Los Angeles County has already proposed using recipients as school watchmen to prevent vandalism. The program will be permanent but the individuals will be as temporary as we can make them. Every effort will be made to move them from this public work force into jobs in the private sector.

If an individual refuses to take a job when it is available, participate in a job training program or in this interim public work force, he or she will be denied further welfare assistance.

This, very much briefed down, is the direction our welfare reform takes. There are, in addition, changes in eligibility standards, elimination of unnecessary red tape and paperwork, increased auditing of abuses, flat grant computations and prior month budgeting to determine the size of welfare grants.

The goals are simple and straightforward: to increase our assistance to the truly needy; to require those who are able to work to seek work, train for a job or serve their community if asked as a reasonable condition for receiving welfare; and to strengthen family responsibility as the basic element in our society.

Then we propose to reform our health care program, known as Medi-Cal. This program went into operation in the spring of 1966. By spring of 1967 it was in financial trouble and was bogged down administratively with providers of service waiting six months or more for payment. Some of the management snarls have been taken care of but not the problems created by its unlimited benefits plus the caseload explosion in welfare.

The working men and women in California who pay for this program are providing a level of health care for the others, that they can't possibly afford for themselves. Most health care plans or industrial and union programs offer no more than eight services with the individual paying part of the cost for each of those. Medi-Cal offers 20 totally free services with no restriction whatsoever on utilization.

In 1967 there were 97 claims of Medi-Cal for every one hundred participants—today there are 141 claims per 100 enrollees. The per capita health care cost per year for the average citizen is $312. The average cost per Medi-Cal recipient was $517 last year. We are proposing legislation to bring Medi-Cal benefits in line with those which the tax-paying citizens can afford.

Instead of a no-limit credit card Medi-Cal will provide a card good for the same amount of health care services the average citizen uses each year. Provision will, of course, be made for the cases of catastrophic illness or accident or emergency. To control overutilization we propose a partial or token payment by every Medi-Cal patient for the services he receives—a dollar for each visit to the doctor or for each drug prescription, etc. The provider would collect this and bill Medi-Cal for the balance.

In North Carolina a test was run on drug prescriptions alone and utilization was reduced by 25 per cent. In England socialized medical program token payment resulted in almost 10 percent reduction when tried.

I know that many will see our proposed welfare reform only as a device to balance the budget and this will lead to charges that we are placing dollars above human beings. To do so is at best the cheapest kind of demagoguery and at worst selfish, irresponsible protection of self interest.

Of course, we seek to balance the budget; the Constitution and common sense require that we do so. What is the alternative? An increase in state taxes which must be accompanied by a corresponding increase in county taxes and further deficit spending at the federal level. And if all of that is done, it must be repeated again and again until the very system collapses.

In the meantime, welfare goes on failing those who need it most, destroying our most precious resource, our people. Finally faced with economic crisis, we will find ourselves no longer able to help those who turn to us because they have no other refuge. Our present fiscal plight is not the reason for welfare reform; it is the excuse. It prompts us to do at last that which has needed doing for a long, long time.

Thirty-six years ago, in the dark days of the Depression, a president of the United States who called on our people to be compassionate warned us at the same time to temper compassion with wisdom. Franklin D. Roosevelt said, "The lessons of history show conclusively that continued dependence upon relief induces a spiritual and moral disintegration fundamentaly destructive to the national fiber. To dole out relief is to administer a narcotic, a subtle destroyer of the human spirit." Was he right? Is there a sickness of spirit spreading over our land?

Last week in Washington, D.C., the "National Welfare Rights Organization," ostensibly formed to protect the interests of the needy, picketed the governor of Nevada for daring to expose those who fraudulently posed as needy in order to rob their fellow citizens. In one of our cities a man with no dependents and earning $800 a month sued to prevent a county from making him contribute $20 a month to the support of his aged mother. In St. Louis an industrial firm ran blockbuster ads in six papers offering the unskilled, jobs at $100 to $150 a week. One hundred forty-one applied, but most weren't seriously looking for work or they didn't like the money. Of the thirty-eight who finally went on the payroll, 27 didn't show up or if they did, quit in the first two days. The company is still advertising.

An unemployed young father in California, finally forced to accept welfare, is urged by the social worker to free himself of debts by declaring personal bankruptcy. His only assets, his household furnishings, are taken to pay his creditors a few cents on the dollar. But this, he is cheerfully told by the welfare worker, makes him eligible for a house full of brand new furniture courtesy of the taxpayers.

Perhaps you saw the Negro mother on the TV news telling of how she was forced into welfare. She had never been on welfare before. She worked from late afternoon until 11 or 12 at night to support her children. Each evening she left the children at home in charge of the oldest. She arrived home from work one night to find a social worker waiting for her. She was told her children were to be taken from her unless she stayed home to care for them. When she asked how she could support them if she didn't go to work, she was told to quit work and go on welfare. Wouldn't it make more sense to provide a baby sitter?

To those who say reform of welfare is impossible or unworkable, I can only say, "not to Californians." Last week we talked to Secretary Elliot Richardson of HEW and were assured of his very real interest and cooperation. We talked to the Finance Committee of the U.S. Senate and obtained their enthusiastic pledge of support in our efforts to make California welfare a pilot program. They asked how many governors would favor what we were trying to do. It was the last day of the conference and we could only contact 27. Twenty-four of them, Democrats and Republicans, signed a letter supporting our major proposals, three took the letter to consult with their congressional delegations, all of them asked for our detailed reform proposals. We are writing the other 23 and have every reason to expect most or all will sign the letter based on their views as expressed at the conference.

I asked for the opportunity to address the joint session of our legislature precisely because of the news coverage that would follow. It is absolutely imperative that the people of California understand what we are trying to accomplish.

Right now the propaganda fires are being stoked by special interest groups determined to resist and kill any effort to change welfare. In the days ahead the legislative committee hearings will be the target for demonstrations and pressure of every kind.

We have had great cooperation from some in the social welfare field who are true professionals and who want order brought out of the present mess. But others, feeling their bureaucratic empires threatened, will challenge every proposal and predict dire results if any part of our plan is adopted. Others will urge total federal takeover as the only solution. This would mean surrendering to those who caused the problem in the first place, and few in federal government want this.

Today we stand at a crossroad. We can continue to talk about welfare, complain about it and watch it grow unchecked while we raise taxes this year and every year thereafter to feed its cancerous growth. Or we can take the steps necessary to control it and reform it so that it will at last have the proud purpose of maximizing human dignity and salvaging the destitute.

This is not a jerrybuilt, hasty answer to a crisis. It is the result of months of work and study. It is perhaps our last chance. Neither Democratic or Republican, it is humanitarian—and it is ready to be tried.

I have addressed this message to the people of California because we need you.

GATT

Mr. FANNIN. Mr. President, today there was an announcement that Japan's textile industry has agreed tentatively to place restrictions on its exports to the United States.

Japanese manufacturers are not proposing any meaningful concessions. Their proposal would fall far short of curing our foreign trade problems.

First of all, the Japanese say they will limit exports only if other nations in the Far East follow their lead.

This makes the announcement so tenuous as to be almost meaningless. Japan is starting to have some of the same trade problems with other nations in the Far East that we have with Japan—that is the exodus of industry to other nations where labor is even cheaper.

Even if Japan should carry through on the proposal to limit textile exports, the proposed controls are totally inadequate in several respects.

They would not control the various types of textile exports to the United States. Therefore, we would have the same bad situation we have in the steel industry. Japanese textile manufacturers could concentrate on certain types of textiles and drive certain manufacturers in the United States out of business.

The proposed voluntary controls by Japan would provide for an unacceptable growth of the Japanese share of the American textile market. This would be at the expense of American workers.

What the Japanese apparently are trying to do is not only head off any quota legislation by Congress, but also guarantee the growth of their imports into the United States.

Most important of all, Mr. President, is the fact that we are talking here about only one industry. Textiles and textile industry jobs are important to the United States, but it is only one industry.

Last week I talked about action which could make the Japanese compete more fairly in television manufacturing. That, also was only one industry.

Mr. President, I would not want to see any so-called "voluntary" controls on Japanese textile imports lull the American people into thinking that our foreign trade dilemma has been solved.

We need legislation that will help promote fair international trade in all industries—not just textiles or television manufacturing. We must have cooperation from the powerful trading nations—Japan and the Common Market countries—in setting up new reciprocal trading agreements.

In the aftermath of World War II, the United States was in a dominant position in the world. We were so strong and so secure that we could well afford to be generous in granting trade advantages to nations struggling to recover from the war.

This boom continued in the 1950's. We actually had a shortage of workers during that decade, so there was little need to worry about competition from foreign industry.

In the 1960's, this Nation trained its sights on the moon and at the same time became bogged down in the jungles of Southeast Asia. Imported goods began flooding our Nation, and doors were closed on traditional and potential markets overseas. Again, however, this was little noticed because of the artificial guns and butter economy of our Nation.

Now, Mr. President, we are beginning to wake up. We are finding that our trade policy is the source of great controversy.

The time has come for a thorough revamping of international trading agreements to foster fair as well as free trade.

The mechanisms for world trade are based on outdated premises of the 1940's. We must reevaluate our position, revise our policy and renegotiate international trade agreements to bring them into line with the realities of the 1970's.

During the 91st Congress the Senate Finance Committee began delving into the problems of foreign trade.

As part of the Trade Act of 1970, the committee requested the executive to do a thorough study of all provisions of the General Agreement on Tariffs and Trade by December 31, 1971.

The committee was disturbed by the number of outstanding problems in the field of international trade as reflected in the following excerpt from the committee print:

> The presently constituted GATT Agreement contains certain provisions that were written in 1947 when the United States had an overwhelmingly dominant position in world trade. Some of these provisions were designed to put dollars into the hands of the then war-torn European countries. In 1947 we had a $10 billion trade surplus, and $25 billion in gold with only $7.6 billion in liquid foreign claims against that gold; in 1970 our trade surplus has virtually disappeared, our gold stock has been reduced to about $11 billion, and foreigners have $42 billion in liquid claims against our remaining gold stock. In the light of the changed international economic conditions since 1947 the committee questions whether these provisions offer the United States full reciprocity in international trade. For example, the GATT permission to rebate "indirect" taxes on exports and to apply border taxes on imports in the case of "indirect" taxes, but to deny comparable treatment for "direct" taxes (such as the U.S. income tax) is an example of lack of balance and reciprocity in the agreement.
>
> In addition, the GATT appears to allow European countries to enter into special commercial arrangements with other countries in violation of the most-favored-nation principle. The GATT fails to adequately deal with the question of agricultural trade.

Mr. President, I think it would now be appropriate to briefly trace the history of our foreign trade policy and our involvement in GATT.

In 1934, Congress approved a law to reverse the trade policy established in the Tariff Act of 1930. This 1934 law was called the Reciprocal Trade Agreements Act, and the basic idea of the program was one of reciprocity. There was no intention to engage in a unilateral tariff disarmament. Under the Trade Agreements Act, tariff reductions were permitted through negotiations and in exchange for tariff reductions by other countries. The negotiations were conducted on a bilateral basis and called for the careful trading of tariff concessions in order that no domestic industry be seriously injured. A number of trade agreements were negotiated and the downward trend in the level of U.S. tariffs had begun.

In the late 1930's, however, other countries continued to engage in tariff discriminations and competitive currency devaluations. A number of countries used trade strictly as a political weapon for their own ends. The world became divided into trade warring blocs. Complete economic warfare became a reality with the growing friendship between the Fascist countries of Germany, Italy, and Japan.

With the beginning of World War II and the entry of this country into that war, efforts to achieve liberalization of international trade were for the most part set aside. Thus, the reciprocal trade agreements program initiated in 1934 had little opportunity to bring the peace which had been promised by its supporters.

The policy embodied in the Reciprocal Trade Agreements Act of 1934 was a wise policy. I feel that the basic idea of reciprocity in our trade relations must continue to be the basis for trade relations with other countries if international trade is to make the contribution that can be made to the economic progress and development of all countries.

The broad principles on which the postwar foreign trade policy of the United States was based received their first official statement in the Atlantic Charter and in article VII of the Mutual Aid Agreement between the United States and the United Kingdom.

On August 14, 1941, the Atlantic Charter was made public, articles IV and V of the Charter declared that the two countries would—

> Endeavor, with due respect for their existing obligations, to further the enjoyment by all states, great or small, victors or vanquished of access, on equal terms, to the trade and raw materials of the world which are needed for their economic prosperity.

And that the two countries—

> Desire (d) to bring about the fullest collaboration between all nations in the economic field with the object of securing, for all improved labor standards, economic advancement and social security.

Article VII of the Mutual Aid Agreement provided:

> The terms and conditions upon which the United Kingdom receives defense aid from the United States of America and the benefits to be received by the United States of America in return therefore, as finally determined, shall be such as not to burden commerce between the two countries but to promote mutually advantageous economic relations between them and the betterment of world-wide economic relations: they shall provide against discrimination in either the United States of America or the United Kingdom against the importation of any product originating in either country; and they shall provide for the formulation of measures for the achievement of these ends.

The final draft of article VII was signed on February 23, 1942. This article was subsequently included in agreements with 13 other governments.

During the years 1942–44 planning for postwar currency stabilization, and for investment for reconstruction and commercial policy received detailed consideration by the U.S. Government.

Agreement was reached on the establishment of an International Monetary Fund and an International Bank for Reconstruction and Development at an international conference held at Bretton Woods, N.H., in 1944.

During these years the U.S. Government had been working on a proposal for an International Trade Organization which culminated in December 1945, in "Proposals for Expansion of World Trade and Employment." These proposals were partly the result of American and British discussions. They were elaborated into a draft charter, "Suggested Charter for an International Trade Organization of the United Nations" in 1946. This charter was amended in successive conferences in London, New York, Geneva, and Havana, the final version of which became known as the Havana Charter.

The ITO never came into being. Nominally all the President did in December 1950, was to withdraw consideration of the charter from Congress. There was no congressional action. Theoretically the charter retained its legal status of an international agreement awaiting ratification. Actually only Liberia ratified the charter unconditionally, Australia ratified the charter conditionally—making its adherence effective upon similar action by Britain and the United States; Sweden ratified conditionally awaiting similar action by the United States. Other nations waited for action by the United States and Britain. In 1951 Secretary of State Dean Acheson testified before a congressional committee that it was his belief that the charter would never be resubmitted to Congress, which has proved to be the case.

The first full-fledged large-scale postwar international trade conference was held in Geneva, Switzerland, in 1947. After 6 months of negotiations the document known as the General Agreement on Tariffs and Trade—GATT—was signed on October 30, 1947. It consisted of two parts, the first an agreement by the countries participating in the conference to a long list of mutual tariff reductions and tariff bindings known as schedules, and the second a protocol of provisional application of the general provisions of the agreement. President Truman proclaimed U.S. acceptance of the protocol and applicability of the new rates effective January 1, 1948. The protocol of provisional application constituted acceptance of the general provisions of the general agreement pending final approval of the charter of the ITO. Thus an interim commission was established whose function it was to administer temporarily the general provisions of the GATT until the ITO came into existence. At that time the interim commission would cease to exist.

Thus, the GATT which, originally, was intended to serve as a stopgap arrangement pending the entry into force of the ITO, has stood alone since 1948 as the only international instrument which lays down rules of conduct for trade.

Although embodying many of the features of the ITO, the GATT is not so comprehensive as the charter. The Department of State has never sent the GATT to Congress for approval. U.S. adherence to GATT as a contracting party under the President's authority is allegedly derived from the Trade Agreements Act.

Technically, the GATT has been described by some as not an organization but rather a trade agreement. As stated above, countries agreeing to its provisions are known as contracting parties rather than members. In all extensions of the Reciprocal Trade Agreements Act until passage of the Trade Expansion Act of 1962 there was a statement that the legislation enacted did not indicate approval or disapproval of the GATT by Congress.

Constitutionality of the GATT has been debated extensively.

The basic congressional delegation of power relied upon by the President in accepting the GATT protocol of provisional application is contained in the Reciprocal Trade Agreements Act as amended and extended for 3 years in 1945. The issue is whether the GATT goes beyond the authority delegated by the statute.

First, the GATT is a multilateral agreement and a question arises whether the above act authorized only bilateral agreements. An examination of the act indicates that it does not explicitly authorize multilateral trade agreements. Thus, we can conclude that there is a problem whether GATT goes beyond the statutory authority because of its multilateral nature.

Second, certain clauses of GATT appear to go beyond the statutory authorizations. If we look only to the explicit language of the statutory delegation, the argument that GATT is within its scope as a "trade agreement" is questionable. If we consider the nature of U.S. trade agreements prior to the 1945 act, and allowing for the multilateral nature of GATT, it is hard to conclude that GATT was not a substantial deviation from the pattern of prior agreements. Thus, we could further state that the general subjects of GATT were not within the contemplation of Congress when it extended its authority to the President to enter "trade agreements."

Third, the administrative provisions of GATT constituted an international organization which, questionably, the President did not have the statutory power to join. Previous U.S. trade agreements had provisions in them for certain types of administrative functions and early in the history of GATT it was recognized that some of these administrative functions would be necessary to implement GATT. It was planned that the ITO would eventually assume these functions.

In 1947, House and Senate committees held extensive hearings on the proposed ITO and GATT negotiations. Some members of Congress challenged the authority of the President to enter into GATT on the specific ground that he was not authorized to join an international provisional organization. The administration has consistently tried to maintain the fiction that GATT is not an organization. However, GATT has all the essential characteristics of an international organization. Thus, it is highly questionable whether the President had statutory authority to enter GATT.

The proponents of GATT defend our association by simply stating that to disown GATT at this point would seriously disrupt this Nation's foreign policy and perhaps the stability of international economic relations. If we concede the truth of this statement, such concession is scant legal authority to justify our participation in GATT.

Mr. President, in view of the tenuous and tortured analysis justifying our participation in GATT and the failure of the executive to submit the GATT to the Congress either for its advice and consent or for implementing legislation, it appears the time has arrived for a thorough review of the participation by the United States in the GATT.

As I mentioned at the outset, the Finance Committee recognized the many problems in the field of international trade and requested the Executive to do a thorough study of the following provisions:

> (1) The most-favored-nation (MFN) principle and the exceptions thereto; their effect of MFN exceptions on intra-regional and extra-regional trade where common markets and free trade areas are concerned;
>
> (2) The GATT provisions and interpretations on export subsidies and border taxes, the rationale underlying the differing treatment of "direct" and "indirect" taxes insofar as border tax adjustments are concerned, and the U.S. negotiating position on border tax adjustments;
>
> (3) The adequacy of GATT provisions dealing with agriculture;
>
> (4) The adequacy of the balance of payments exceptions in Article XII of GATT;
>
> (5) The GATT provisions on unfair trade practices, fair international labor standards, and relief from injurious imports;
>
> (6) The GATT provisions on "compensation" and "retaliation".
>
> OTHER IMPORTANT TRADE ISSUES
>
> In addition to the above study of GATT provisions the Committee requests a detailed study by the Executive by December 31, 1971,

of its plans for negotiating the elimination (or reduction) of foreign nontariff barriers including:

(1) The quantitive restrictions that remain in effect in many countries such as Japan;

(2) The common agricultural policy of the EEC;

(3) The border tax-export rebate system of the EEC, and the reasons why indirect tax rebates on exports are not considered "bounties or grants" within the meaning of the countervailing duty statute as interpreted by Supreme Court cases;

(4) Discriminatory government procurement policies;

(5) The probably effects of British entry into the Common Market on U.S. trade and balance of payments;

(6) The effect of foreign exchange-rate changes on United States trade and tariff concessions; and

(7) An analysis of whether or not greater flexibility in foreign exchange rates would serve in the interests of United States and world trade;

(8) The nature and extent to which other countries subsidize their exports, directly or indirectly;

(9) A comparative analysis of various proposals to extend tariff preferences to the products of less developed countries with particular emphasis on the effects on U.S. trade and investment patterns and on U.S. labor.

(10) The various agency responsibilities within the executive branch for handling all U.S. foreign trade matters, and the means by which policy coordination is achieved.

Further, Mr. President, the committee requested the Tariff Commission to conduct the following studies:

(1) The tariff and nontariff barriers among principal trading nations in the industrialized countries, including an analysis of the disparities in tariff treatment of similar articles of commerce by different countries and the reasons for the disparities;

(2) The nature and extent of the tariff concessions granted in trade agreements and other international agreements to which the United States is a party by the principal trading nations in the industrialized countries.

(3) The Customs valuation procedures of foreign countries and those of the United States with a view to developing and suggesting uniform standards of custom valuation which would operate fairly among all classes of shippers in international trade, and the economic effects which would follow if the United States were to adopt such standards of valuation, based on rates of duty which will become effective on January 1, 1972;

(4) The implications of multinational firms on the patterns of world trade and investment and on United States trade and labor.

Mr. President, during the hearings before the Committee on Finance relating to the nomination of the Honorable John B. Connally to be Secretary of the Treasury, Chairman LONG urged Secretary Connally to study a pamphlet prepared by Mr. Bob Best, a member of the Finance Committee staff.

Mr. President, I ask unanimous consent that this publication, which was prepared by the highly competent Finance Committee staff, be printed in the RECORD.

There being no objection, the publication was ordered to be printed in the RECORD, as follows:

THE GENERAL AGREEMENT ON TARIFFS AND TRADE—GATT

INTRODUCTION

The Committee on Finance directed its staff to prepare a memorandum on certain provisions of the General Agreement on Tariffs and Trade which appear to discriminate against U.S. commerce, or which appear to be inadequate guides for the establishment of fair and reciprocal principles for governing the expansion of world trade. This memorandum is not an exhaustive treatment of all the GATT principles. Rather, it attempts to highlight some of the issues raised by the GATT which the staff feels are important.

GATT AND THE INTERNATIONAL TRADE ORGANIZATION

The collapse of international trade in the 1930's and the resulting political and economic effects led some world leaders to conclude that new international economic institutions were essential for international cooperation in international trade and payments matters. The ultimate goals envisaged for such institutions were the prevention of war and the establishment of a just system of economic relations.

During World War II preparations were underway for the establishment of these institutions. The Bretton Woods Conference in 1944 resulted in the emergence of the International Monetary Fund (IMF) and the International Bank for Reconstruction and Development (IBRD). But it was recognized that an international organization to regulate trade was a necessary complement to the IMF and the IBRD.[1] During the war years, the U.S. State Department had prepared a draft charter of an International Trade Organization.[2]

At the first session of the United Nations, the Economic and Social Council resolved that a conference to draft a charter for an ITO should be called. Four conferences were held. The last of these conferences was held in Havana from November 21, 1947 to March 24, 1948.

The ITO never came into being. Many of its provisions were considered too extreme. They would have amounted to a virtual delegation of congressional tariff setting and trade regulating powers under the Constitution to the Executive.

To fill the gap caused by the death of the ITO, many of the clauses in the drafts of the ITO charter were taken and put into a document called the General Agreement on Tariffs and Trade (GATT).

The basic GATT agreement was completed in 1947 but it has never been submitted to the Congress for its study and approval. It is being observed by the United States through a "protocol of provisional application."

The "protocol of provisional application" stated that the eight governments who signed it would undertake "not later than November 15, 1947, to apply provisionally on and after January 1, 1948:

(a) Parts I and III of the General Agreement on Tariffs and Trade, and

(b) Part II of that Agreement to the fullest extent *not inconsistent* with existing legislation."[3]

This protocol is still in effect, although the GATT has been amended a number of times and affected by other protocols, including some that are not in force themselves. Thus, the basic treaty is a complex set of instruments, applying with different rigor to different countries.[4]

In spite of the fact that the GATT has never been specifically approved by the U.S. Congress as a treaty or otherwise, the executive branch trade spokesmen tend to view GATT as "the law." Whenever the Congress contemplates taking any action to protect a domestic interest, the Executive pointedly reminds it of the "international commitments" of the United States.[5] It is not clear however, that the executive branch demands the same respect for adhering to "international commitments" from other signatories of the Agreement as it demands of itself.

For example, Japan has import quotas on 98 commodities without any finding of serious injury; Britain imposed a "surtax" on imports and an "import deposit scheme," in violation of GATT; the Continental Europeans have entered into "special commercial arrangements" on citrus fruits and other products in violation of GATT MFN principles, and its common agricultural policy is significantly more protectionist than the previous individual country restrictions on agricultural imports, another violation of GATT principles. Outside of complaining, the United States has done nothing to demand compensation or to retaliate against these violations of GATT principles.

The GATT was born more than 20 years ago at a time when Europe and Japan were in ruins and the United States completely dominated world trade as well as other matters. In the year in which GATT was negotiated, 1947, the United States had a $10 billion trade surplus. The attitude of many U.S. officials at that time was one of redistributing the wealth. We embarked on an ambitious Marshall plan aid program and later on a technical assistance program. U.S. officials were worried about the so-called "dollar gap" meaning that foreign countries did not have enough dollars to purchase needed imports. It is somewhat understandable that under these circumstances, the GATT would contain certain provisions designed to favor European countries and Japan.

Conditions in 1970 are vastly different from those in 1947. At this point, the GATT should be redrawn to take out the inequitable provisions which effectually discriminate against certain countries, mainly the United States, and to put in new provisions to cope with new conditions in the world economy.

MOST-FAVORED-NATION TREATMENT

Nondiscrimination is intended to be the cardinal principle of GATT. It is embodied in article I. What you give to one you give to all. This principle is aimed at making anathema discriminatory bilateral trade agreements, preferences, and special commercial relationships.

However, the GATT sanctions the departure from unconditional MFN treatment in the case of customs unions and free trade areas (article XXIV), certain exceptions in article XIV, and the existence of certain preferences in article I, paragraph 2. These "exceptions" effectively allow European countries to depart from MFN treatment when it suits their commercial interests.

The United States generally observes the unconditional MFN principle atlhough in recent years the United States has compromised on its rigid adherence to this GATT principle.[6] This is particularly evident in the U.S. request for a GATT waiver on the United States-Canadian automobile pact and the Presidential announcements in favor of a system of special "generalized tariff preferences" for less developed countries.

One of the provisions of article XXIV in defining customs unions was that such formations were required to "facilitate trade between the parties" by eliminating regulations of commerce on "substantially all trade between constituent territories of the union." In fact, however, this was violated in 1952 when the six European nations set up the European Coal and Steel Community to pool resources of coal, steel, iron ore, and scrap

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Footnotes at end of article.

in a single market without internal frontier barriers. The GATT considered this project as limited to one sector of the economy and therefore not covered by the provisions relating to customs unions. Nevertheless, in light of the fact that the ECSC would have been agreed to by the six with or without GATT approval, the GATT granted a waiver.

France, West Germany, Italy, Belgium, Luxembourg, and The Netherlands signed in 1958 the Treaty of Rome, establishing the European Economic Community, a common market agreement. The legal question of whether the Rome Treaty is consistent with article XXIV of the GATT has never been settled but is obviously academic. Since the common market of Europe was established in 1958, other important trade blocs have also developed. The outer countries of Europe established the European Free Trade Association in 1959. The countries of South America signed the Montevideo Treaty in 1960, creating the Latin American Free Trade Area (LAFTA), a free trade association among the South American countries. A common market among the Central American countries is in existence and now at Punte del Este agreement has been reached to integrate the Central American Common Market and the Latin American Free Trade Area into a Latin American common market. Japan is currently considering the establishment of a free trade area or common market with Australia and New Zealand (which already have a free trade area between themselves) hoping that it will later include Canada and the United States.

There are also tariff preferences, "reverse preferences", and special commercial arrangements sprouting up all over the world.

In Asia, Australia has unilaterally violated MFN by granting preferences to less developed countries. There is growing sentiment of a Pacific Free Trade Area among Japan, Australia, and New Zealand. The British Commonwealth preference system violates the MFN principle. In short, there are very few countries if any, who observe unconditional MFN treatment, without exceptions.

But, the problem is that the exceptions are growing and threaten to make the MFN principle a mockery. The EEC has special preferences for its 19 former African colonies which in turn give "reverse preferences" to EEC goods. The EEC has concluded or is in the process of negotiating discriminatory commercial arrangements with Greece, Turkey, Israel, Spain, Tunisia, and Morocco. Applications for membership with the community are being considered for Austria, Spain, Ireland, Great Britain, and others. All this involves a massive movement away from MFN.

Tariff preferences are by nature discriminatory, and yet the whole developed world seems to have accepted this as a necessary concession to the demands of the less developed countries. In short, the principle of nondiscrimination is being observed more and more in the breach.

It concerns us to see developing in the world a situation in which more and more trading partners of the United States are being incorporated in regional trade blocs which do not adhere to the unconditional most-favored-nation clause. The United States has eschewed joining a free trade area with North Atlantic countries mainly because of its concern for dividing up the world into competitive regional blocs. But, we have actively supported the participation of other countries in regional trade blocs, which threaten to accomplish the same unwanted result. In addition, as more countries enter into regional trade blocs the U.S. competitive position is bound to suffer from the inherently discriminatory nature of these arrangements. This fact has important ramifications in determining a future U.S. trade policy.

GATT PROVISIONS ON SUBSIDIES AND BORDER TAXES

Another important area in which GATT principles are both inadequate and discriminatory concerns subsidies and border tax adjustments.

In essence, the GATT provisions on subsidies and border taxes have been interpreted to permit the rebate of "indirect taxes" (such as value added or turnover taxes) on exports and the imposition of such taxes on imports, but to deny equivalent treatment for "direct taxes," such as income taxes.

TAX SHIFTING ASSUMPTIONS IN GATT

The entire border tax adjustment theory and practice is based on the assumption that "indirect taxes" are always and wholly shifted forward into the final price of a product and that "direct taxes" are always and wholly shifted backward to the factors of production.

The distinction between direct and indirect taxes on the basis of their presumed difference in incidence, though generally accepted two generations ago, is now widely questioned. All taxes on business are increasingly thought of as costs, with varying effects and differential impacts depending on their form, but in one way or another constituting a cost which must be recovered from customers or those who supply resources if the enterprise is to survive. Indirect taxes, at least in the short run, are partially absorbed by the manufacturer depending upon the degree of competition in his markets, and in the markets for his raw materials. Direct taxes, especially the corporate income tax, are shifted forward to the price of the product sold to consumers to the extent that market conditions allow. Well known economists and fiscal experts brought together in a symposium, organized by the Secretary-General of the Organization for Economic Cooperation and Development, in September 1964, reached the following conclusions, (1) "In practice, indirect taxes are not fully shifted into product prices . . ." and, (2) "Certain direct taxes, and particularly the corporate profits tax, may be partially shifted into product prices: although the degree of shifting may vary from country to country."

Businessmen operate with target rates of return in mind and will pass-on all costs, including taxes, into the price structure of their products to the extent that price elasticity of demand in the market will permit. Thus, modern economic theory suggests that the distinction in the GATT treatment of direct and indirect taxes is an extreme and arbitrary assumption which does not stand the test of economic reality. The Business and Industry Advisory Committee of the OECD (BIAC) in a report on the problem of tax shifting stated: "In a strongly competitive situation the prices obtainable—and hence the degree of tax shifting—are substantially determined by the market itself." In short the GATT on border taxes are not "trade neutral."

Actually, the distinction between "direct" and "indirect" taxes is itself somewhat arbitrary and appears to be based more on prevailing practice than on reason. The distinction is, in fact, not made explicit in the GATT provisions, but flows from interpretations of, and amendments to, various provisions. For example, value added taxes, according to GATT classification are considered to be indirect taxes. However, value added taxes fall on both costs and profits of the producer (value added being defined as the difference between the value of a firm's purchases and sales) and to the extent that they fall on profits how can they be distinguished from a profits tax in effect? Corporate profits taxes are classified by GATT as "direct" falling entirely on the producer. Logically, if corporate taxes were reduced, prices should fall. But to the extent that tax reductions stimulate increased spending and demand, they could stimulate price increases. For example, there is no evidence that corporate tax reductions in 1964, led to price reductions.

History of GATT distinction

The provisions in GATT relevant to border taxes and subsidies, basically articles II, III, and XVI, are drawn from the Havana Charter of the 1940's. These provisions were themselves either a compromise (for example, article XVI) or were adapted from provisions of numerous bilateral trade treaties, including especially the United States-Canada reciprocal trade agreement of the mid-thirties.[7] The lack of precise or concentrated thinking about the border tax problem is illustrated by the absence of explicit definitions of key concepts.[8]

There is no unified section of the GATT which deals exclusively with border taxes and is quite clear that the provisions of GATT which do cover border tax adjustments were not the product of carefully reasoned theory, or of experience molded in the crucible of extensive usage.

When the present GATT language was drawn up more than two decades ago, the question of border taxes did not appear to be a major one. Levels of indirect taxes were much lower. Under these circumstances, overlying simple and sweeping assumptions about tax shifting seemed acceptable, and already existing practices were incorporated in very general terms without searching examination.

Import "equalization" charges

Border tax adjustments on the import side, i.e., import equalization charges, are permitted under Articles II and III of the GATT, but only for "indirect taxes." Article II (Schedules of Concessions) provides that its terms shall not prevent any contracting party from imposing charges "equivalent to an internal tax imposed consistently with the provisions of paragraph 2 of Article III in respect of the like domestic product or in respect of an article from which the imported product has been manufactured or produced in whole or in part". This exemption of indirect taxes gives a GATT blessing to the European practice of imposing "equalization" charges at the border. Article III (National Treatment of Internal Taxation and Regulation) provides in paragraph 2 thereof that "products of the territory of any contracting party imported into the territory of any other contracting party shall not be subject, directly or indirectly, to internal taxes or other internal charges of any kind in excess of those applied, directly or indirectly, to like domestic products." This article is apparently being ignored by European countries which impose discriminatory road taxes against larger American cars. Japan and other countries also discriminate against American cars through their tax system.

Export rebates

Article XVI, adopted in 1955 deals with the question of border tax adjustments for exports in the following terms:

> The exemption of an exported product from duties or taxes borne by the like product when destined for domestic consumption, or the remission of such duties or taxes in amounts not in excess of those which have accrued shall not be deemed to be as subsidy.

This Article contains many vague terms which need clarification. For example, what is meant by "borne by the like product when destined for domestic consumption" or "remission of such duties or taxes in amounts not in excess of those which have accrued"? These terms seem to be an attempt to apply the "destination principle" to indirect taxes, but the meaning of indirect taxes itself is not at all clear.[9]

Footnotes at end of article.

In 1960, the contracting parties adopted a Working Party Report which listed a number of practices construed to be subsidies.[10] Among these were the remission of direct taxes or social welfare charges on industrial or commercial enterprises and "the exemption in respect of exported goods, of charges or taxes, other than charges in connection with importation or indirect taxes *levied at one or several stages on the same goods* if sold for internal consumption. The implications of practices listed in (b), (c) and (d) of footnote 10 below were not fully appreciated by the United States. They, in effect permitted the European countries to impose border taxes on imports and rebate indirect taxes on exports in accordance with their value added or cascade turnover taxes.

In the late forties and early fifties it is not surprising that U.S. trade officials were willing to incorporate existing commercial practices on border tax adjustments into the GATT agreement. There were much larger problems in international trade than border tax adjustments, which at that time were low—in the range of 2–4 percent and limited to around one-sixth of the goods traded—and then only in the case of a few nations. The United States and a $10 billion trade surplus in 1947 which must have had an effect on our negotiators' attitudes.

But the failure to appreciate the consequences of excluding the so-called "indirect tax" rebates in 1960 from the general prohibition against export subsidies while including a specific prohibition against rebating "direct taxes", was a major blunder. The United States by that time had run into serious balance of payments difficulties. Western Europe had become a prosperous "third force." Giving away commercial advantages to prosperous Europe for the sake of their own internal tax harmonization objectives was an unwise and costly move, in which vague political objectives out-weighed clear commercial considerations.

BALANCE-OF-PAYMENTS SAFEGUARDS

Balance-of-payments considerations have exerted and will continue to exert a powerful influence on major countries' dispositions to deal with trade matters. Recent history shows that countries will adopt whatever measures they deem necessary to protect their balance of payments irrespective of GATT. The British imposed an import deposit scheme to control imports and prior to that they and the Canadians adopted import surcharges to protect their balance of payments. The French subsidized their exports even beyond what the inequitable GATT rules allow. In developed as well as the less developed countries quantitative restrictions and licensing arrangements are legion.

The GATT recognizes that member countries may have to protect their balance of payments and international reserve positions and to this end Article XII sanctions the use of quantitative restrictions (quotas). Export subsidies or import surcharges are not allowed under GATT rules as balance-of-payments adjustment mechanisms; import quotas are. This rigidity in the GATT flies in the face of other provisions of the GATT which are more flexible. Limiting available options to quotas also is inconsistent with the main emphasis of GATT to eliminate quotas as a trade protective device.

It is also difficult to understand why, if quotas are sanctioned by GATT as a balance of payments safeguard, the United States would be violating either the letter or the spirit of the agreement if it is imposed quotas for balance of payments reasons—a position that has been stated by administration spokesmen. The United States has experienced deficits in its balance of payments in every year since 1950, with two exceptions, and its international reserve position has deteriorated substantially. This would appear to fully justify the application of Article XII quotas for the United States. Member countries in GATT should face up to the lack of flexibility in Article XII, and decide whether quotas should be the only recourse available to a country suffering from chronic balance of payments problems. In facing this issue, the member countries should consider that in recent years many countries have not hesitated to use whatever means they deemed necessary to restore equilibrium notwithstanding the GATT.

CONCLUSION

In a number of areas the GATT is deficient and discriminatory. Its exceptions to unconditional MFN treatment favor common markets and free trade areas, and threaten to break up the trading world into competitive regional blocs. Recent bilateral commercial arrangements involving the European Common Market and other countries do not even pretend to justify their existence under article XXIV. The United States could gradually become isolated as a trading nation if it continues to adhere to a policy of encouraging other nations to join regional trade blocs which violate MFN principles, while eschewing U.S. participation in such arrangements under the theory of "multilateralism."

The GATT treatment of subsidies and import charges discriminate against countries relying principally on one form of tax structure—direct or income taxes—in favor of other countries whose revenues are derived from a different system—such as value added taxes.

The GATT safeguard on balance of payments is an anachronism and is inconsistent with other principles in GATT. Furthermore, in recent years major countries such as England and France have imposed import restrictions for balance of payments reasons in complete disdain of GATT principles.

The GATT does not even pretend to be a guide in agricultural trade which is now heavily controlled and subsidized, especially in the European Community.

In short, as presently constituted, the GATT is not a guide to fair trade. Its rules are often inequitable and outdated. It was written at a time when the United States held a virtual monopoly over production and trade and when the rest of the world suffered from an acute shortage of dollars. Trade at that time was mainly between unrelated parties at arms length transactions. Today, trade is increasingly becoming a movement of goods within a multinational business complex. The drafters of GATT may not have foreseen all the postwar economic and structural changes. But no one can claim that world conditions have not changed sufficiently to require a new look at the GATT. It is the view of the staff that the GATT should be redrawn to provide for principles of fair and free trade before the Congress approves its provisions.

FOOTNOTES

[1] The Bretton Woods Conference resolved: "Complete attainment of * * * purposes and objectives [of the IMF] * * * cannot be achieved through the instrumentality of the Fund alone; * * *" and recommended that the government seek agreement "to reduce obstacles to international trade and in other ways promote mutually advantageous international commercial relations * * *."

[2] U.S. State Department Document 2411, December 1945.

[3] The eight signatures, some with reservations, were Australia, Belgium, Canada, France, Luxembourg, The Netherlands, United Kingdom, and the United States.

[4] For example, the GATT provisions regarding subsidies apply to some countries, but not to others. Even the fundamental principle of GATT—nondiscrimination—has been compromised by numerous exceptions in recent years. The GATT provisions have not prevented the widespread use of nontariff barriers in recent years as substitutes for tariff protection.

[5] The prospect of "retaliation" against U.S. exports if the United States applied "unilateral" restrictions to foreign imports, was discussed by Secretary of State Dean Rusk before the Committee on Finance in these terms:

"Retaliation would simply be what is permitted by the rules of the game as that game is now practiced by some seventy countries accounting for about 85 percent of world trade. I refer, of course, to the General Agreement on Tariffs and Trade—the GATT.

"The GATT is essentially a code of conduct for fair play in international trade. The United States played a major role in its negotiation in 1947. Like many of the great initiatives of the early post-World War II days, it reflected a conviction that there must surely be a better way to organize man's affairs than had been the case in the preceding decades of self-centered nationalism. In the area of international trade policy, the GATT represents an attempt to prevent a repetition of some of the economic blunders of the 1930's.

"The GATT does this by establishing a *legal framework* for the stability of trade concessions negotiated in good faith among sovereign countries. We accord others access to our market in return for the right of our exporters to sell in their markets. If we impair the access we have agreed to give others, two courses of action are available under the GATT. We ourselves can offer reductions of our import barriers on other products equivalent in trade value to the impaired concession or the foreign country can withdraw concessions affecting an equivalent trade value for American exports in the foreign market. This may sound a bit complicated—*the legal language* of the GATT is much more complicated—but the idea is clear. It is retaliation—by agreement among all parties in advance that restrictive action by one party entitles the aggrieved party, *as a matter of legal right,* to compensatory action." [Emphasis supplied.]

[6] For 140 years, until 1923, the United States adhered to a "conditional" most-favored-nation principle, under which we would extend tariff and other trade benefits negotiated with one party to another, only if the latter offered reciprocal benefits. Under "conditional" MFN, no country would get a "free ride." The major considerations in the U.S. decision to change to an "unconditional" MFN principle were:

A. By 1923 international commercial relations were dominated by tariff rates and regulations, whereas previously tariffs were of relatively minor importance as compared with the right to trade at all. Bilateral negotiations with such trading partners were cumbersome and time-consuming.

B. The United States had become a major manufacturing nation and sought immunity from discrimination by other countries in order to compete abroad for markets.

C. Under the Tariff Act of 1922, the President was authorized to impose additional duties on the whole or on any part of the commerce of any country which discriminated against American commerce. Consistency, therefore, required that we not initiate discriminatory rates.

[7] 49 Stat. 3960 (1936). Effective May 14, 1936.

[8] For example, the meaning of linking the import charge at the border with "charge * * * applied, directly, or indirectly, to like domestic products" is not defined.

[9] This principle states that internationally traded commodities should be subject to some specified taxes of the importing country and exempt from similar taxes of the

exporting country in order to avoid double taxation. The principle contrasts with (a) the origin principle as applied to other forms of taxation on transactions, (b) income taxes levied according to source of income, or domicile or residence of the taxpayer, and (c) property taxes imposed according to the situs of the taxable object.

[10] Point 5 of the report adopted on November 19, 1960, dealing with subsidies stated:

"The following detailed list of measures which are considered as forms of export subsidies by a number of contracting parties was referred to in the proposal submitted by the Government of France, and the question was raised whether it was clear that these measures could not be maintained if the provisions of the first sentence of paragraph 4 of Article XVI were to become fully operative:

"(a) Currency retention schemes or any similar practices which involve a bonus on exports or re-exports;

"(b) The provision by governments of direct subsidies to exporters;

"(c) The remission, calculated in relation to exports, of direct taxes or social welfare charges on industrial or commercial enterprises;

"(d) The exemption, in respect of exported goods, of charges or taxes, other than charges in connexion with importation or indirect taxes levied at one or several stages on the same goods if sold for internal consumption; or the payment, in respect of exported goods, of amounts exceeding those effectively levied at one or several stages on these goods in the form of indirect taxes or of charges in connexion with importation or in both forms;

"(e) In respect of deliveries by governments or governmental agencies of imported raw materials for export business on different terms than for domestic business, the charging of prices below world prices;

"(f) In respect of government export credit guarantees, the charging of premiums at rates which are manifestly inadequate to cover the long-term operating costs and losses of the credit insurance institutions;

"(g) The grant by governments (or special institutions controlled by governments) of export credits at rates below those which they have to pay in order to obtain the funds so employed;

"(h) The government bearing all or part of the costs incurred by exporters in obtaining credit.

"The Working Party agreed that this list should not be considered exhaustive or to limit in any way the generality of the provisions of paragraph 4 of Article XVI. It noted that the governments prepared to accept the declaration contained in Annex A agreed that, for the purpose of that declaration, these practices generally are to be considered as subsidies in the sense of Article XVI:4 or are covered by the Articles of Agreement of the International Monetary Fund. The representatives of governments which were not prepared to accept that declaration were not able to subscribe at this juncture to a precise interpretation of the term 'subsidies,' but had no objection to the above interpretation being accepted by the future parties to that declaration for the purposes of its application."

Mr. FANNIN. Mr. President, it is time to put an end to the privileged trade position allowed some of our trading partners.

Common Market and Japanese trade has risen drastically as the United States has fallen off the pace.

The Common Market countries and Japan must now realize that they have a responsibility to play fair with the United States in trade matters.

A partial solution to the problem would be vigorous action by the United States to force other nations to abide by current fair trade agreements. I will be sponsoring legislation aimed at accomplishing this.

There is, however, a very serious question as to whether GATT can be mended to make it totally satisfactory for our time.

I urge the immediate study of GATT with the objective of either improving it or discarding it in favor of a new, equitable international trade agreement.

It is time for free trade zealots in this Nation to take their heads out of the sand, and it is time for our trading partners to show some reciprocity in dealing with the United States.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows: The Senate will convene at 11 o'clock a.m., following an adjournment.

Immediately following the disposition of the reading of the Journal and the recognition of the two leaders under the standing order, the distinguished Senator from Missouri (Mr. SYMINGTON) will be recognized for a speech and colloquy for not to exceed 30 minutes, to be followed by the able Senator from Indiana (Mr. HARTKE) for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business, with speeches therein not exceeding 3 minutes, and not extending beyond 12 o'clock meridian.

Beginning at 12 o'clock meridian, the Senate will pursue its further consideration of the pending business, which, by virtue of the adjournment, will become the unfinished business. The question pending before the Senate will be the amendment which has been offered by the able Senator from Massachusetts (Mr. KENNEDY) and the able Senator from Missouri (Mr. EAGLETON).

Time on that amendment, under the previous agreement, will be limited to 2 hours, to be equally divided and controlled by the Senator from Massachusetts (Mr. KENNEDY) and the distinguished majority leader (Mr. MANSFIELD).

At the conclusion of the 2 hours, it is anticipated that the majority leader will offer a motion to table the amendment, which is amendment No. 11. A rollcall vote on the tabling motion is expected at 2 o'clock p.m. It is also anticipated that there will be a rollcall vote on the final passage of the resolution, which is Senate Joint Resolution No. 7, offered by the Senator from West Virginia (Mr. RANDOLPH) and other Senators.

At the conclusion of action on Senate Joint Resolution No. 7, it is anticipated that the Senate will consider H.R. 4690, to increase the ceiling on the public debt.

Following that, according to the statement that was made earlier by the distinguished majority leader, it is anticipated that the Senate will consider the extension of the Appalachian Regional Development Act.

ADJOURNMENT UNTIL 11 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 33 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, March 10, 1971, at 11 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, March 9, 1971*

The House met at 12 o'clock noon.

Rabbi Abraham D. Shaw, Temple Oheb Shalom, Baltimore, Md., offered the following prayer:

God of the nations! Here in this historic Chamber where so great a part of America's destiny is determined, we ask Thy guidance and blessing for these lawgivers of our land. May they never lose the awareness of our great birthright of freedom and of equity bought for us by the blood of our heroic forebears. Strengthen the hands of all entrusted with the guardianship of our rights and liberties. Help them ever to see as our Nation's abiding purpose the binding into a cord of unity the many strands of races and creeds which are the glory and challenge of our land. May America ever be an enduring pattern of justice and peace for all the world. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

HON. WILBUR MILLS SUCCESSFUL IN EFFORTS TO DEVELOP TEXTILE IMPORT AGREEMENT

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, I want to take this time to express my appreciation to my distinguished chairman of the Ways and Means Committee, the Honorable WILBUR MILLS, for his successful efforts in developing an agreement offer on textile imports with the Japanese textile industry.

His efforts have produced a plan where the administration has failed. Although the agreement-offer falls short of the expectations of the American textile industry, it does establish the basis of a working relationship the administration should take advantage of this development.

On this vital issue, our distinguished chairman has rendered this Congress a great service. He has demonstrated the power of a legislative body to solve problems without passing new laws, by exercising the legislative power to precipitate voluntary agreements.

Trade agreements freely bargained for and openly arrived at between nations or by individuals can produce more salutary results than those compelled by the exercise of statutory power.

TRIBUTE TO HON. WILBUR MILLS

(Mr. FINDLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, in much the same vein as my colleague, the gentleman from Ohio (Mr. Vanik) I want to congratulate Chairman Mills on what appeared in today's press. In an era in which all news seems grim, a break in the world-trade clouds is especially welcome.

The announcement that Japan is unilaterally imposing restrictions on its textile exports to the United States, and the comment by the distinguished chairman of the Ways and Means Committee (Mr. Mills) that similar action by certain other textile exporters should remove quota proposals from the legislative agenda, bring sunshine to skies that yesterday were menacing indeed.

Those of us who perceive in protectionist-isolationship tendencies a real threat to mutual security can breathe easier.

These promising developments are a great tribute to the statesmanship of Chairman Mills, a statesmanship that reaches far beyond this Chamber. His skill as a legislator is now matched by skill in international diplomacy.

And I am sure President Nixon will express his appreciation to Chairman Mills for extricating the White House from textile envelopment.

TRIBUTE TO DR. A. E. MAUMENEE

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, the city of Mobile has long been rich in a heritage of providing this Nation with a legion of outstanding citizens. Many of Mobile's civic and business leaders have received noteworthy awards of merit attesting to their prominence in the economic growth of America.

The most recent Mobilian to be recognized for his contribution toward making America a better place in which to live is Dr. A. E. Maumenee, one of the Nation's foremost eye surgeons and a man who has long devoted his life to pursuing research on the prevention of blindness.

In recognition of his dedicated role in eye research, Dr. Maumenee, who currently serves as director of Johns Hopkins Hospital's Wilmer Institute, was presented a plaque by President Nixon on Monday, March 8, 1971.

I would like to take this opportunity to offer for the Record my sincerest congratulations to Dr. Maumanee, not only for the work he is performing today in the battle against blindness, but for the work he is performing for tomorrow's battle against this malady which afflicts so many countless Americans each year.

BERNADETTE DEVLIN

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, on March 1, 1971, I spoke before this body in regard to the deportation of Bernadette Devlin. At that time I made mention of the fact that I had tried to obtain information from the State Department without any avail, and cited the two instances when I had communicated with them, though I had never received an answer.

However, my appearance before this body did bring an answer. On March 2, 1971, I received an answer from the congressional liaison for the State Department indicating there was nothing they could do under the law to keep Miss Devlin from speaking because she had asked to speak in this country on a political lecture tour, a professional lecture tour, on social, economic and political causes, from Ireland. She has bragged that she is too far to the left to be a Communist except in the Soviet sense, and I objected to her entry into this country for that reason.

Last evening Miss Devlin appeared on the "Dick Cavett Show" and mentioned my name, and said that I would not know a Communist if I saw one between heaven and hell. Well, I do not know what direction she is traveling in, but I certainly recognized her.

I want to go further into this as I go along, to find out why we cannot exclude people who come here espousing radical causes, getting paid for it, and taking the money back with them.

She also confirmed my suspicion when she said:

> Congressman Hunt is bogged down in red tape and I shall have departed this country the day after tomorow before he can do anything.

I submit to you it is about time we closed some of the loopholes. We have enough radicals in this country, without importing more, and we should keep our money here to do something for this country.

APPOINTMENT AS MEMBERS OF COMMISSION ON HIGHWAY BEAUTIFICATION

The SPEAKER. Pursuant to the provisions of section 123(a), Public Law 91–605, the Chair appoints as members of the Commission on Highway Beautification the following members on the part of the House: Mr. Wright of Texas; Mr. Edmondson of Oklahoma; Mr. Don H. Clausen of California; and Mr. Schwengel of Iowa.

APPOINTMENT AS MEMBERS OF BOARD OF DIRECTORS OF GALLAUDET COLLEGE

The SPEAKER. Pursuant to the provisions of section 5, Public Law 420, 83d Congress, as amended, the Chair appoints as members of the Board of Directors of Gallaudet College the following members on the part of the House: Mr. Carey of New York; and Mr. Ruth of North Carolina.

CREATING SELECT COMMITTEE TO CONDUCT INVESTIGATION AND OF ALL ASPECTS OF CRIME AFFECTING THE UNITED STATES

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 115 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 115

Resolved, That, effective January 3, 1971, there is hereby created a select committee to be composed of seven Members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

Sec. 2. The select committee is authorized and directed to conduct a full and complete investigation and study of all aspects of crime affecting the United States, including, but not limited to, (1) its elements, causes, and extent; (2) the preparation, collection, and dissemination of statistics and data; (3) the sharing of information, statistics, and data among law enforcement agencies, Federal, State, and local, including the exchange of information, statistics, and data with foreign nations; (4) the adequacy of law enforcement and the administration of justice, including constitutional issues and problems pertaining thereto; (5) the effect of crime and disturbances in the metropolitan urban areas; (6) the effect, directly or indirectly, of crime on the commerce of the Nation; (7) the treatment and rehabilitation of persons convicted of crimes; (8) measures relating to the reduction, control, or prevention of crime; (9) measures relating to the improvement of (A) investigation and detection of crime, (B) law enforcement techniques, including, but not limited to, increased cooperation among the law enforcement agencies, and (C) the effective administration of justice; and (10) measures and programs for increased respect for the law and constituted authority.

Sec. 3. For the purpose of carrying out this resolution the select committee, or any subcommittee thereof authorized by the select committee, is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, whether the House is in session, has recessed, or has adjourned, to hold such hearings and conduct such investigations, and to require, by subpena, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued under the signature of the chairman of the select committee or any member of the select committee designated by him, and may be served by any person designated by such chairman or member.

SEC. 4. The select committee shall report to the House as soon as practicable during the present Congress the results of its investigations, hearings, and studies, together with such recommendations as it deems advisable. Any such report or reports which are made when the House is not in session shall be filed with the Clerk of the House.

With the following committee amendments:

On page 1, line 2, strike the word "seven" and insert in lieu thereof the word "eleven".

Beginning on page 2, line 19, strike all through page 3, line 9, and insert in lieu thereof the following:

"SEC. 3. For the purpose of making such investigations and studies, the committee or any subcommittee thereof is authorized to sit and act, subject to clause 31 of Rule XI of the Rules of the House of Representatives, during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, whether the House is meeting, has recessed, or has adjourned, and to hold such hearings and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued over the signature of the chairman of the committee or any member designated by him and may be served by any person designated by such chairman or member."

The committee amendments were agreed to.

The **SPEAKER**. The gentleman from Texas is recognized for 1 hour.

Mr. **YOUNG** of Texas. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts (Mr. BURKE).

(By unanimous consent, Mr. BURKE of Massachusetts was allowed to speak out of order.)

THE SO-CALLED VOLUNTARY EXPORT RESTRAINT AGREEMENT

Mr. **BURKE** of Massachusetts. Mr. Speaker, considerable attention has been paid in the press recently to the possibility that a voluntary export restraint agreement in the field of textiles between the United States and the Japanese is just around the corner. Considerable speculation centers on the likely contents of such an agreement. The whole thing reminds me of an old armchair adventure in diplomacy. Just who has agreed to what and just who has given up what is very unclear and, it goes without saying, remains to be seen. This is what one would expect in diplomacy—lots of mystery, attempts to keep the other side guessing, lots of posturing, but above all let us not forget the stuff of which diplomacy is really made, lots of bluffing. The Japanese textile interests have much to gain from the American market and it would be foolish for anyone here to forget this for one moment. Whatever the press is reporting the Japanese have agreed to do or not to do, it should be read with this in mind: they are out to get the best deal that they can for their interests.

It seems that those of us with responsibility for safeguarding American interests should be very much on the alert these next few weeks lest we let our guard down and end up accepting a promise or somthing which looks good on paper instead of something tangible and binding. Past experience with voluntary trade agreements, similar to the textile agreement under consideration now, has been all too discouraging. For example, despite the overall voluntary steel export restraint program with the Japanese, the domestic specialty steel industry is being bombarded with rising steel imports from Japan and Western Europe. Many U.S. firms are today threatened with the necessity of dissolving as a result. If there is to be an agreement and it is to be a meaningful agreement, then what is needed are precise and specific import limitations spelled out category by category. Any broad overall ceiling agreement just would not do.

I am also well aware that footwear and electronics articles apparently have not been included in the Japanese trade discussions now in progress. I am not encouraged by this failure to consider other industries, since we all know that footwear and electronics industries have suffered greatly in recent years from foreign import penetration.

Furthermore, the announcement yesterday by the Japanese Textile Federation to unilaterally restrict their exports to the United States, insofar as it fails to take into account the intentions of other nations in the Far East, is ultimately a fairly meaningless declaration. We all know the pace with which the Japanese have invested in textile and electronics plants throughout the Far East. Any restraint on exports or products from Japan should, if it is to be meaningful, also include restraint on goods produced by their subsidiaries in other parts of the world, which, if anything, enjoy a cheaper pool of labor than the Japanese themselves at home. On this point, I am in full agreement with the distinguished chairman of the Ways and Means Committee.

In my view, there is no doubt that as a diplomatic maneuver this latest Japanese proposal is designed to undercut and make ineffective a long-term cotton arrangement. I believe it would be the height of folly for the Ways and Means Committee of this House to set aside consideration of long overdue trade reform legislation which would not only extend the President's authority to set tariff adjustments, provide adjustments assistance and widen escape clause provisions, but would also demonstrate, in the most adamant terms, the alternative available to the United States in the absence of binding and meaningful bilateral agreements on footwear, electronic articles, and other products—as well as textiles—dumped on our markets. This would be to play into the hands of the Japanese negotiators who surely are negotiating today with one eye on what Ways and Means is likely to do or not do about trade reform.

To my way of thinking, the only hope for something of substance emerging which will assist the industries most affected by foreign dumping in our market is to continue the push for a trade reform bill this session of Congress. This latest action by the Textile Federation of Japan should be viewed as but another attempt to raise hopes, an exercise that we have witnessed many times in the past, only to see these same hopes die. In this connection, Mr. Speaker, I feel that Mr. ALSOP is to be taken seriously when he observes that a possible Japanese voluntary arrangement will put the final nail in the trade bill coffin. While I fail to share Mr. ALSOP's enthusiasm for the agreement, I feel that he is absolutely right in his analysis of the aims and objectives of the Textile Federation of Japan and the free trade lobby of this country. I, for one, do not plan to stand by and watch this issue be swept under the rug. Trade legislation is very much before the Ways and Means Committee for serious consideration.

The **SPEAKER**. The time of the gentleman has expired.

Mr. **YOUNG**. Mr. Speaker, I yield 2 additional minutes to the gentleman from Massachusetts.

Mr. **WYMAN**. Mr. Speaker, will the gentleman yield?

Mr. **BURKE** of Massachusetts. I yield to the gentleman from New Hampshire.

Mr. **WYMAN**. I would ask the gentleman from Massachusetts if there is anything in the present Japanese proposal to voluntarily restrict their imports to the United States to the 1970 year base period that is any way responsive to the quota formulas suggested by the Trade Act we had before us, and for which we voted in this body last year?

Mr. **BURKE** of Massachusetts. Mr. Speaker, this agreement, from what I can read, would be a very liberal agreement and would almost give the Japanese complete access to our textile market.

Mr. **WYMAN**. Do we still need a bill?

Mr. **BURKE** of Massachusetts. As to the plants in Korea and Taiwan, they would not be restricted on the imports coming from those countries.

Mr. **WYMAN**. Mr. Speaker, I agree with the gentleman from Massachusetts. The so-called voluntary restraints proposed by our Japanese friends are not an adequate response to the needs of American industry that responsibly deserves to know just how much of an import problem it must face each year.

In the first place, the Japanese proposal is too high. It is tied to the 1970 import level which is the highest in our history. The trade bill passed by this House last year established a lower period, 1967 to 1969.

Second, there is no guaranty that other

importing nations will also impose voluntary restraints. Japan is not the only country that causes serious problems for American industry.

Nor is the textile industry the only industry seriously harmed by imports. The American footwear business is close to the brink of national disaster because of tidal wave floods of foreign footwear imports that threaten to put our shoe manufacturers into bankruptcy and tens of thousands of American employees out of work in the later years of their lives largely with no place to go except to the welfare roles.

With all due respect to some very senior Members of this body who are quoted as having indicated that quota-type legislation will not be necessary if other nations in the Far East follow Japan's example on textiles, there is no question but what orderly marketing restrictions are urgently and continuingly needed to protect various American industries. These industries do not want a fence built around the United States to keep imports out. They want to be able to plan for an orderly flow of measureable imports into this country and an orderly increase therein so that they will not be put out of business if all of a sudden some ships dock in U.S. ports with their hulls loaded to the hilt with a particular type of product, flooring the American market and seriously underpricing U.S. production in that type of product.

Let us face it. The United States is deluding itself if it thinks it can maintain the highest standard of living in the world, continue to pay the highest wages, and still keep its markets wide open without restrictions to competing products made abroad at wages so low that they would be illegal in this country. A certain fair share of the American market should and must be guaranteed to American industry. This should be required by this Congress.

The weakness in the Japanese position at the present time is not confined to their selection of 1970–71 as a base year. It also lies in their self-imposed allocation of a percentage growth rate or proposed self-imposed limitations for future years. These are double the growth rate of the American market since World War II.

Mr. Speaker, I urge the present administration to support a meaningful trade bill that will provide quota limitations on foreign imports affecting certain critically affected industries. Then and only then are we likely to get meaningful agreed multilateral restrictions on imports that will enable these terribly hurt U.S. industries to survive.

Tariff adjustments, escape clause mechanisms and adjustment allowances are not a viable response to the economic crisis presented by the waves of foreign imports flooding our shores. Essentially, these are burial expenses. What is needed, and urgently so, is orderly marketing legislation substantially similar to the trade bill that passed this House last year.

Omitting the oil import concessions and eliminating the DISC arrangements, it is about time the administration overrode the countervailing protestations of the free traders in the Department of State and insisted upon meaningful protective relief for the thousands upon thousands of working men and women in America who look to it for assistance in staying on the job. They neither seek nor deserve a policy of handouts during a transitional phase leading to individual membership on the welfare roles.

I urge the immediate passage of H.R. 4276.

Mr. YOUNG of Texas. Mr. Speaker, I yield to the gentleman from New York (Mr. RYAN).

FUNDS FOR EDUCATION—NEW YORK CITY'S PLIGHT

Mr. RYAN. Mr. Speaker, the New York City Board of Education faces a massive deficit in this school year—amounting to some $36 million according to the latest estimate. As a consequence, cutbacks were announced last week when will include the layoff of some 6,500 teachers and 10,000 substitute teachers. There is to be a 20-percent reduction in headquarters staff, and a freeze on all but emergency repairs.

On Sunday the New York State Supreme Court, Kings County, issued a temporary order preventing the cutbacks from going into effect because they were "arbitrary" and done without consultation with the local boards. The court action was instituted by Assemblyman Samuel D. Wright, president of Community School District 23 in Brooklyn. A hearing on the temporary order was scheduled for this morning.

In addition, an inquiry is being conducted by the New York State Department of Education. A massive demonstration is scheduled for Friday at city hall. Between 250,000 and 1 million parents, laborers, teachers, and children are expected to participate.

Obviously, an extreme crisis exists in New York City. One of the most basic governmental services—education—is disintegrating for lack of money. I have no particular brief for the Board of Education's administration. It may be that some, if not all, of this deficit was avoidable, given better administration. However, I do make the case that the administration and the Congress have the responsibility to provide sufficient Federal funds. Last year the President vetoed the appropriation bill for the Department of Health, Education, and Welfare. And this year, the administration's budget requests for fiscal year 1972 for funding of education programs are totally inadequate.

Let me point to some of the budget requests by the administration for fiscal year 1972, which begins on July 1, 1971. Funds for equipment under title III of the National Defense Education Act are eliminated for fiscal year 1972; $50 million was provided during fiscal year 1971. Funds for students with special vocational education needs—funded in fiscal year 1971 for $20 million—are omitted. So, too, is the $18.5 million provided for cooperative vocational education during the current fiscal year.

Under the fiscal year 1972 budget requests submitted by the administration, there is a $20 million cut for title IV of the National Defense Education Act of 1958, which provides support for graduate students preparing for teaching careers at the postsecondary levels. Grants for public libraries are cut more than 50 percent from last year's appropriation; for example, New York State will receive, not the $2,906,000 it received in fiscal year 1971, but only $659,095.

These are but a few examples of the inadequate education funding contemplated by the administration. Despite the President's claim to have submitted an expansionary budget, clearly education needs have not been the recipients of any expansion.

Apart from cuts, the fiscal year 1972 budget request contains funding levels for other programs which are virtually the same as those for the current fiscal year. And this means regression, not progress. While the cost of educational goods and services has risen 9 percent in fiscal year 1971, according to the National Education Association's study entitled "Research Report 1970, R–15, Estimates of School Statistics 1970–71," the same funding for fiscal year 1972 as for 1971 is requested for title I of the Elementary and Secondary Education Act of 1965. This is particularly disastrous for New York City, and other urban areas, because the title I program is geared to providing compensatory educational programs and services to meet the special educational needs of educationally deprived children—in brief, the victims of our slums and ghettos.

Full funding of Federal education programs is essential, and adequate funds must be provided in the next fiscal year. But, meanwhile, the crisis in New York City exists now, and additional funds next year will not stave off disaster.

Last Thursday, I and several of my New York City colleagues met with Secretary Elliot Richardson of the Department of Health, Education, and Welfare and Commissioner Sidney Marland, Jr., of the Office of Education. We urged that every effort be made to help alleviate the crisis by providing additional funds. While the Secretary and the Commissioner were both sympathetic to New York City's plight—a plight similar to that in other cities and towns throughout the country, as the article from the March 8 issue of the Wall Street Journal which I will include at the end of this statement illustrates—they were not optimistic.

There is, in fact, one source of funds—a supplemental appropriation. The following chart shows how much fiscal year 1971 allocations for title I of the Elementary and Secondary Education Act of 1971 have fallen short of full funding in the 32 largest cities in New York State. New York City would receive an additional $146,392,072 were title I fully funded. The second chart gives a breakdown just for New York City.

The material follows:

FUNDING—TITLE I, ELEMENTARY AND SECONDARY EDUCATION ACT, FISCAL YEAR 1971

City	Fiscal year 1971 allocation	Fiscal year 1971 allocation if fully funded	Plus difference
1. New York City	$131, 896, 632	$278, 288, 704	$146, 392, 072
2. Buffalo	6, 783, 782	14, 313, 102	7, 529, 320
3. Rochester	3, 408, 215	7, 190, 993	3, 782, 778
4. Syracuse	2, 477, 529	5, 227, 338	2, 749, 809
5. Yonkers	1, 607, 651	3, 391, 983	1, 784, 332
6. Niagara Falls	1, 026, 946	2, 166, 753	1, 139, 807
7. Schenectady	678, 827	1, 432, 257	753, 430
8. Albany	1, 225, 911	2, 586, 550	1, 360, 639
9. Mount Vernon	994, 617	2, 098, 542	1, 103, 925
10. Utica	990, 551	2, 089, 964	1, 099, 413
11. Newburgh	631, 764	1, 332, 959	701, 195
12. Elmira	485, 174	1, 023, 669	538, 495
13. New Rochelle	376, 742	794, 888	418, 146
14. Rome	399, 464	842, 829	443, 365
15. Hempstead (No. 1)	621, 168	1, 310, 602	689, 434
16. Troy	535, 462	1, 129, 771	594, 309
17. Freeport (Hempstead No. 9)	544, 145	1, 148, 092	603, 947
18. Copiague (Babylon No. 5)	$283, 160	$597, 439	$314, 279
19. Sachem (Brookhaven No. 5)	232, 227	489, 976	257, 749
20. Poughkeepsie	401, 767	847, 688	445, 921
21. White Plains	261, 246	551, 203	289, 957
22. Long Beach	461, 792	974, 335	512, 543
23. Amsterdam	198, 378	418, 558	220, 180
24. Port Chester	308, 977	651, 911	342, 934
25. Middletown	184, 002	388, 226	204, 224
26. Jamestown	309, 006	651, 972	342, 966
27. Lackawanna	284, 684	600, 655	315, 971
28. Fulton	165, 357	348, 887	183, 530
29. Glen Cove	181, 172	382, 255	201, 083
30. Ossining	150, 179	316, 863	166, 684
31. Binghamton	581, 446	1, 226, 793	645, 347
32. Watertown	266, 180	561, 613	295, 433
Total	158, 954, 153	335, 377, 370	176, 423, 217

FUNDING—TITLE I, ELEMENTARY AND SECONDARY EDUCATION ACT, NEW YORK CITY, FISCAL YEAR 1971

County name	Allocation	Maximum amount authorized
Bronx	$35, 253, 773. 81	$74, 382, 456. 94
Kings	58, 357, 619. 01	123, 129, 600. 44
New York	27, 005, 037. 84	56, 978, 327. 34
Queens	9, 563, 173. 14	20, 177, 479. 96
Richmond	$1, 717, 028. 00	$3, 622, 782. 68
City total	131, 896, 631. 80	278, 290, 647. 36

Another source of funds lies in the supplemental appropriation for the bilingual education program—a program for which New York State and New York City have received a disproportionately small amount of Federal funds. My bill, H.R. 1589, would provide the supplemental funds—$55 million—to bring the program up to its fully authorized level for fiscal year 1971. This would certainly help New York City.

Still another source of funds resides in applications under title III of the Elementary and Secondary Education Act. Two of these, amounting to approximately $1 million, are currently pending in the Office of Education. They have been approved by the New York City Board of Education, the New York State Education Department, and the Federal Office of Education. However, actual release of the funds is frozen.

I urge Secretary Richardson and Commissionor Marland, who demonstrated in our meeting a sincere and earnest desire to be of help, to support supplemental funding for title I of the Elementary and Secondary Education Act, to support by bill H.R. 1589, providing supplemental funding for the Bilingual Education Act, and to expedite release of the funds for the title III applications currently pending in the Office of Education.

Following is the article which appeared in the March 8, 1971, issue of the Wall Street Journal, entitled "School Squeeze: Many U.S. Cities Begin Laying Off Teachers Due to Money Pinch," written by Frederick C. Klein and Richard D. James:

SCHOOL SQUEEZE: MANY U.S. CITIES BEGIN LAYING OFF TEACHERS DUE TO MONEY PINCH

(By Frederick C. Klein and Richard D. James)

The teaching profession is learning a hard economic lesson. For the first time since the Depression, teachers are learning, first-hand about layoffs.

In recent days, financially pressed school districts from New York to Los Angeles have laid off elementary and secondary school teachers or announced intentions to do so.

About 10,000 of the nation's two million full-time teachers have been affected by cutbacks ordered since Jan. 1. The majority of these are supposed to take effect next Monday in New York, where the Board of Education last week declared it would reduce its teaching and administrative force by 6,500 persons to head off a $40 million budget deficit. The New York board also said it would halt hiring of the 4,000 or so substitute teachers it employs daily to fill in for absent regulars.

If the New York layoffs go through as planned (some officials say funds might be found to at least delay the moves), the city will join Detroit, Cleveland and numerous smaller cities and suburbs paring their teaching forces this school term. The results, of course, have been increases in classroom crowding and reduction in educational services.

A GRIM OUTLOOK

Educators and other observers are almost unanimous in the belief that teacher layoffs are bound to snowball nationally in the weeks to come.

"A lot of school boards are trying to squeeze by as long as they can with inadequate funds, but they'll find out in late March or April that they can't make it. The results will make what's happened so far look pale," says Sam Lambert, executive secretary of the 1.1 million-member National Education Association, a teachers' professional and bargaining group.

The outlook for the fall term is no less grim. The California Teachers Association, an NEA affiliate, says that fully half of the 1,000 school districts in its state have notified teachers of possible layoffs in September. In Chicago, the board of education says it won't be able to rehire some 4,000 of its 24,000 teachers and administrators if it doesn't get an additional $58 million by June.

Behind the cutbacks is a financial squeeze created by rising educational bills and the increasing reluctance of taxpayers to cough up more money.

THE VOTERS SAY "NO"

The reaction against higher school taxes began in the late 1960s and is still picking up steam. According to the Investment Bankers Association, voters last year approved only 48% of the school bond issues put before them; in 1965, the approval rate was 77%, and in 1960 it was 89%.

Referendums on increasing property tax levies to meet school operating costs have met a similar fate. In Ohio, for instance, only 29% of such issues were okayed at the polls last year, down from 84% in 1960. In Illinois the approval figure plunged to 44% from 72% in that same period.

Initially, many school boards responded by cutting spending for construction, maintenance and school programs they deemed nonessential, such as art, music and sports. Indeed, just about every school district currently laying off teachers first went through such steps.

But "you can only save so much by paring things around the edges, and in many districts the money pinch has become far too severe for that," says an official of the National School Boards Association. "Teacher salaries remain the schools' biggest expense. Layoffs are the only way to make the kind of reductions we're faced with now."

FAR-REACHING CONSEQUENCES

The educational consequences of the layoffs are sure to be far-reaching. A case in point is the Detroit school system, where 192 of some 11,000 teachers were laid off last Monday and about 65 more may lose their jobs this week. In addition, the system isn't using substitutes unless a regular teacher is out more than one day. Principals or assistant principals are filling in as teachers during one-day absences, or the affected class is divided among other teachers.

Aubrey McCutcheon, Detroit's deputy schools superintendent, says the staff reductions will boost the average class size in the 290,000-pupil system only slightly, to 35 from 34, but he says this figure is highly misleading. "That's only an average; where a teacher has been laid off, other classes in his school are absorbing as many as a half-dozen more children," he says.

Mr. McCutcheon says that some pupils whose teachers have been sacked have been put into other grades because there was no room for them in classes at their proper level.

Included in the Detroit layoffs were about a dozen teachers of remedial math and reading. "This hurts the kids who need help the most," says Mr. McCutcheon. The system's program of closed-circuit televised instruction to classrooms has been sharply reduced because the eight teachers who did the TV teaching have been assigned to classrooms to fill in for laidoff colleagues.

IN THE SUBURBS, TOO

Planned layoffs in other cities are expected to have similar impact. New York school officials say that even the elimination of substitutes could result in widespread confusion in its 1.1 million-pupil system. Noting that pupils of absent teachers will have to be sent to other classrooms, one administrator says, "The possible effects of this on discipline alone are frightening."

In Cincinnati, some 275 teachers are scheduled to be laid off in September following the defeat of a tax boost last fall. Kindergarten pupils next fall will get only 10 weeks of instruction instead of the present 20 weeks, and all elementary school libraries are to be closed.

Teacher layoffs are imminent in wealthy suburbs as well as in big cities. In the Chicago area alone, layoffs have been announced in the affluent bedroom communities of Wilmette, Arlington Heights and Niles Township.

Wilmette, whose 1969 average family income of $26,355 was one of the highest in the country, says it will fire 35 teachers at the end of this term because voters twice defeated tax hike referendums last year. "There hasn't been too much of an uproar" over the cutbacks, says schools superintendent Donald V. Grote. "A lot of people here seem to think we can stand a little belt-tightening."

The layoffs are all the more severe because they come at a time when the number of teachers' college graduates is almost triple the number of new job openings being created by resignations and retirements. This is expected to make future pay boosts for teachers harder to get and make it tougher for laid-off teachers to find work elsewhere in their profession.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith), pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 115 recreates a Select Committee on Crime which was originally created on May 1, 1969. The committee would be composed of 11 Members of the House to be appointed by the Speaker, one of whom he shall designate as chairman.

The resolution authorizes the committee to conduct an investigation and study of all aspects of crime affecting the United States. For such purpose, the committee may sit and act within the United States, including any Commonwealth or possession thereof, and shall report to the House during the present Congress on the results of its investigations and studies.

We are called upon today to vote to reconstitute the House Committee on Crime, chaired in the 91st Congress by our esteemed colleague, Claude Pepper. In my opinion, casting a vote in favor of the Crime Committee is both an honor and obligation. It is an honor because this committee has served our body well. And it is an obligation because the menace that crime presents to this Nation demands that we actively participate in the fight against crime.

In its 20 months of life during the last Congress, the Select Committee on Crime compiled an impressive record of accomplishment. It has not solved the problem of crime, and, of course, we did not expect that it could in so short a period of time. But the committee did attack some of the gravest problems of crime confronting the Nation, and from these confrontations, the Nation has benefited.

I say with pride that our Select Committee on Crime virtually singehandedly alerted the Nation to the dangers of amphetamine abuse. For too long, these dangerous drugs were calmly accepted as part of the panoply of drugs Americans take for granted. The Crime Committee changed this; the Crime Committee, after exhaustive hearings and investigations, warned the Nation of the very grave consequences of amphetamine abuse. There is a new awareness in America today, an awareness that pep pills can be killer pills. For that awareness, we must thank the Select Committee on Crime. If the committee had done nothing else—and it has done more—it would have earned our abundant respect and gratitude.

But it has done more. Heroin addiction is the single most deadly form of drug abuse in America today. It is a killer drug which affects not only those addicted to it, but their families and the community at large. Heroin addiction is responsible for a substantial portion of the crime in America today, and the profits of the heroin traffic form a major bankroll for organized crime. The Select Committee on Crime has conducted an intensive investigation into the heroin crisis, and its investigation has spanned the spectrum of the problem. The committee has studied heroin from its low-level distribution on the streets right up to its growth in the mideast. The results of this investigation were embodied in the committee's report on "Heroin and Heroin Paraphernalia," one of the finest documents of its kind. But this report is more than a mere recitation of the problem, it is a program for action, a handbook for legislation that can lay the groundwork for the eventual elimination of heroin as a problem in this country and abroad. This body would not have before it this blueprint for solving the heroin problem were it not for the vision and diligence of the Select Committee on Crime.

The printed hearings of this committee provide a look at crime rare in its breadth and scope. In its 13 public hearings, the committee has sat in as many cities across the Nation. While crime is a national problem, it is also a local one, where the major responsibility for law enforcement rests. The Crime Committee has assidously sought out the views of local and State officials, as well as those of private citizens, in an effort to determine how those of us in Washington can best help the frontline troops in their fight against crime. The law enforcement agencies of this Nation are crying for help, and the Crime Committee has been seeking ways to provide that help without infringing on the rights of local government.

The committee's wide-ranging investigation into the materials used to dilute and package heroin, for example, showed the obvious need for remedial legislation. But the committee does not propose to legislate for the Nation on this matter. Rather, it plans to introduce a heroin paraphernalia statute for the District of Columbia, since that is the responsibility of the Congress, and urge the States to enact this law, with adjustment for local conditions, in their own legislatures.

In urging you to support House Resolution 115, I am only urging you to do what we must do. We, of the Congress, cannot sit idly by as crime tears at the roots of American society. The Crime Committee has proven its value, it has proven it can produce, and we owe it to ourselves to insure that the committee can continue its fine work.

Mr. Speaker, I urge the adoption of House Resolution 115 in order that the Select Committee on Crime may continue its studies.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, House Resolution 115 will recreate or reestablish or reconstitute the special select committee to study all aspects of crime affecting the House.

Now for the information of some of the new Members, may I state that this resolution, comes from the Rules Committee which has original jurisdiction on such matters. We approved it and sent it to the House for consideration. There is 1 hour of debate. We do not go into the Committee of the Whole House for any discussion so after this hour or such portion of an hour as is used is concluded, then the resolution will be voted up or down. We can bring in a resolution setting forth a special time for argument if we desire, but that is not the instance so far as this is concerned.

For background reasons, I would like to set this forth in the Record. Back in 1968 the House passed a resolution to set up a joint committee between the House and the other body. But as I indicated at the time I presented it on behalf of my side of the aisle, I did not think the other body would act on it. They did not. The following year this special committee was set up by the House on May 1, 1969.

I would like to quote a statement or part of a statement I made when that was presented as follows:

> Very frankly, I do not know what the committee can accomplish. Crime has been investigated to death. I believe if we straighten out the Supreme Court on some of their decisions and take some actions so that the law-enforcement officer is not always tried instead of the criminal, we might do a lot more than we will by passing a resolution to investigate. By the same token, I do feel that the House of Representatives should determine whether or not there is anything that it can and should do, that it is not now doing in the field of crime, which will in any way help to solve this very serious situation which certainly is among the top three problems facing the Nation. In accordance therewith, I am content to support this resolution. I hope the resolution passes, and I will cooperate in any way I possibly can with the committee based upon my previous experience in law enforcement to assist the committee in carrying out the purposes of House Resolution 17.

Mr. Speaker, I feel the same way today about the situation as I did then. I still think if there is anything the House should do or the Congress should do in connection with helping to solve the serious crime problem, we should do it. However, in all honesty, Mr. Speaker, I must state that I am a little disappointed in the functioning of this particular committee since May 1, 1969. I would have hoped that they would have checked into many of these problems and could tell us how the parole system is working and how the conditional release system is working and give us any suggestions from the district attorney's association and the attorneys general and the chiefs of police and whatever other outstanding individuals or organizations could suggest, whether our penalties are too strong or too strict, and about narcotic cases or whether they are not strict enough and in other words about what the whole situation is so we could determine whether there is anything further the Congress should or should not do.

I admit that I have not attended all of the hearings, and I do not mean in any way to criticize any member of this committee because certainly every member of the committee and every Member of this House is against crime and anything the House of Representatives can do to stop the crime situation, I know we all want to do it.

But, as I have said, I am a little disappointed that the reports do not show more of those, although I was told as late as yesterday, I believe it was, by one of the distinguished members of the committee, that they did hold hearings and talks with some of those individuals whom I have mentioned. They did have some discussion with them.

I have some concern that the committee may have been used as a sort of—and I hesitate to use the expression—a dumping ground, a place where a lot of unnecessary employees could be placed and were placed on this committee, and that it acquired a very large staff. At one time I believe they had over 40 employees on the committee. They tell me that the number now is around 22, and they are all working. It may be that that is cleared up.

However, having spent around $900,000 or a little bit more, I wish the committee would have come in with a report that would have been a little more helpful to us in determining whether there is anything the House should do.

I do hope, and I am satisfied that this committee will be recreated and reconstituted. I merely want to put in the record the hope that the distinguished chairman of this committee, the gentleman from Florida, and the other members of the committee will come in here at the end of this 92d Congress and tell us whether there is anything we should or should not do, and not simply come in and tell us that there is a big narcotic problem, a big murder problem, or things like that. We all know that. I merely seek an answer to the question, "What am I not doing as a Member of the House of Representatives that I should be doing to stop this crime situation, which still remains as one of our most serious problems in the United States?"

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Illinois.

Mr. McCLORY. I appreciate the gentleman's yielding to me. I concur with the sentiments expressed by the gentleman from California. The House Judiciary Committee, upon which I have the privilege to serve, has proceeded to take testimony and to consider many of the subjects which the gentleman has mentioned, such as the number of judges which is essential for improving the fight against crime, rehabilitation, and organized crime, in connection with which we have had a very comprehensive investigation. The volume of hearings is about 3 or 4 inches thick. We did report a new organized crime bill which, in my opinion, can go a long way toward investigating the various ramifications of organized crime and all of its impact on our society. I believe that that is one of the subjects that the select committee proposes to investigate. I might say that I only hope that their investigation will not interfere with the special grand juries we have established under the organized crime bill, which, in my opinion, can be extremely effective in the fight against organized crime.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. I wish to commend him for the statement that he has made. He has expressed some doubts, and I share those doubts, as I think many other Members of the House do.

What is the meaning of the language—

> The select committee shall report to the House as soon as practicable during the present Congress—

Is "as soon as practicable" a year from now, or next November or December?

Mr. SMITH of California. That would have to be governed by the committee. As I recall, they sent out at least two reports, which I recall receiving and reading, maybe three. Then I think several times a week they sent out sheets with comments. Under the resolution the committee would be recreated and reconstituted until January 3, 1973, to make their final report.

Mr. GROSS. If the gentleman will yield further, I noticed an automobile the other day with a tag on it stating, "House of Representatives, Crime Investigating Committee, Official Business." I wonder how many cars bearing such tags are being driven, and what their purpose. Are their drivers investigators or what are they? Does the gentleman have any knowledge as to what this staff does?

Mr. SMITH of California. I am sorry. The gentleman would have to address that question to the chairman of the committee. I yield to the chairman, the gentleman from Florida, Mr. PEPPER, to answer the question if he so desires.

Mr. PEPPER. Mr. Speaker, if the gentleman will yield, my own information is that one of the investigators, using his own car, simply put that tag on to identify himself because he is an official investigator for the committee.

Mr. GROSS. And there is only one, is that what the gentleman is saying?

Mr. PEPPER. Whatever cars are obtained by the committee in the course of this work are obtained from the General Services Administration, and that agency is reimbursed for the car used by the committee or its representative.

Mr. GROSS. Do GSA cars carry this tag? This is the first committee indication on a car that I have ever seen. Are they all equipped with this tag in the name of the House of Representatives?

Mr. PEPPER. I do not know. I guess this gentleman thought probably—I do not know whether it was a matter of pride with him or whether he thought it would aid in his identification if he indicated he was there on behalf of the committee to make some investigation. Perhaps he wanted to have some kind of indication of what his status was. But I do not think it costs the House a dime.

Mr. GROSS. Where do they get this metal tag saying it is a House Crime Investigating Committee car? Who issues it?

Mr. PEPPER. I understand there is only one of those in existence, and I do not know how this ingenious gentleman has obtained that one.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, what was the purpose of increasing the number of Members on the committee?

Mr. SMITH of California. We were informed by the committee that the leadership desired to increase the number, so there would be additional spaces available.

Mr. GROSS. With both sides of the aisle participate in the increase?

Mr. SMITH of California. This goes from seven to 11. Of the four—I am informed it is two and two, two on the Democratic side, and two on the Republican side.

Mr. GROSS. I agree with the gentleman that if this committee can bring about any improvement in the curbing of crime in this country, I am sure we are all for it, but I certainly want to see some results for the nearly $1 million spent thus far, as I believe the gentleman indicated. I am going to look forward to real results from this committee if it is to be continued.

Mr. SMITH of California. Mr. Speaker, may I say to the gentleman from Texas I have one request for time, and I will withhold if the gentleman from Texas wishes to yield to anyone.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the majority leader, the gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. Mr. Speaker, I rise in support of the resolution. I do so for a variety of reasons, but principally because of the outstanding job done by this committee headed by the able Member from Florida (Mr. PEPPER) in the field of drug abuse.

Some years ago, I was chairman of a special subcommittee of the Ways and Means Committee on narcotics abuse. We discovered at that time that there were many drugs that were not controlled at all, the so-called chemical drugs, such as amphetamines and barbiturates, and the more recent LSD and speed and others that have become a threat especially to the young people in this country. At the time I headed my subcommittee, there were probably one-third the number of addicts there are in this country today.

The amount of heroin being peddled in the high schools in this country is alarming. The amount of the chemical drugs, such as the amphetamines and barbiturates has increased. There are some people who take a barbiturate to go to sleep at night and take an amphetamine to get enough energy to move around the next day. They live a drug-induced type of life.

In the case of heroin addiction, there is so little chance for recovery, that when a young person, a student is caught up on heroin, he or she really is just committing suicide by degrees.

This committee has done a great service to the Nation in pointing up these abuses. It has carried on educational TV and radio programs, on about 500 stations in the United States.

I am happy to see that ads are now being shown on nationwide television depicting the lusting caused by drug addiction. I know this is something that is needed in this country.

There is no more dastardly human being walking the streets than the person who, in order to gain illicit money, will addict boys and girls. We have increased the penalties for these people enormously, but the educational job still needs doing.

I commend the gentleman from Florida and the other members of the committee for the fine job they have done. I intend to vote for and to support this resolution.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. Surely; I yield to the gentleman from Iowa.

Mr. GROSS. What is wrong with smoking cigarettes?

Mr. BOGGS. There is a large body of medical opinion that cigarette smoking is harmful. I know that many do not accept this conclusion.

Mr. GROSS. I thought the gentleman was condemning the smoking of cigarettes.

Mr. BOGGS. I was.

Mr. GROSS. What for? What is wrong with them?

Mr. BOGGS. I answered that question earlier. Cigarette smoking may shorten the gentleman's life.

Mr. GROSS. I doubt that the gentlemen can save me from myself.

Mr. BOGGS. No; I am sure I could not, and I would not try.

There is no one in this country today who disputes the necessity of a concerted effort to fight crime. We of the Congress are committed to fighting crime, the administration is against crime, and the people are against crime. Crime is not an issue—it is a national problem that needs urgent attention.

One of the greatest accomplishments of the Select Committee on Crime has been its ability to help us all focus our attention and thinking on those aspects of the crime problem that are most critical. Like a high-powered microscope, the Crime Committee has focused on and enlarged for the public view those areas most in need of remedial action. For our knowledge of the dangers and widespread use of amphetamines, we are in debt to the Select Committee on Crime. For a widely distributed report on marihuana, we are in debt to the Select Committee on Crime. For a radio documentary on the dangers of drug abuse broadcast by over 500 stations, we are in debt to the Select Committee on Crime.

Under the able leadership of our esteemed colleague from Florida, CLAUDE PEPPER, the Select Committee on Crime has established itself as preeminent in the field of drug abuse. Properly concluding that drug abuse is a major cause of crime, the committee has delved into the drug abuse crisis with a determination to seek solutions. This determination has brought forth two of the finest reports filed in this body in the last session: the Crime Committee's reports on "Heroin and Heroin Paraphernalia" and Amphetamines." The heroin report is a decisive move toward the ultimate solution of the heroin crisis. The recommendations in this report—many of which will reach us in the form of bills this session—form a comprehensive plan to attack an international problem. I feel sure that the Crime Committee's report will remain for many years one of the seminal documents on heroin abuse.

The committee's equally fine amphetamine report is, quite simply, just about the only one of its kind in the Nation. It embodies the Crime Committee's searching investigation into amphetamine abuse. A danger that I pointed out some years ago when I headed a Ways and Means Subcommittee on Narcotics. All over America today, there is great recognition of the dangers of amphetamine abuse, and that recognition is a credit to the work of the Crime Committee.

In seeking out the causes of crime, the committee became particularly concerned with the frightening and rising number of crimes committed by young people. The Congress has benefited greatly by the committee's interest in juvenile justice and corrections. The committee's report on that area, like its other reports, is a definitive work with carefully reasoned recommendations for remedial legislation.

All together, the committee has presented us with 53 recommendations. Since the reports containing these proposals were filed late in the life of the 91st Congress, it will be the duty of this Congress to consider these proposals.

With its mandate to investigate all aspects of crime, the Select Committee on Crime has been extremely careful to respect the jurisdictional prerogatives of our standing committees. When its investigations have uncovered information that might be of value to other committees, it has not hesitated to share that information with the standing committees.

Given the record of the Select Committee on Crime and its proved ability to do a job that certainly needs doing, I do not believe that we can do anything other than to vote overwhelmingly to permit the Crime Committee to continue its work in the 92d Congress.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Missouri (Mr. BOLLING).

Mr. BOLLING. Mr. Speaker, I should like first to ask the gentleman from Florida (Mr. PEPPER) to answer a couple of questions. I should like the gentleman to give his comments.

The gentleman from Florida knows I have opposed this resolution from the beginning and that I still oppose it, but I am very interested in knowing what his plans are in connection with the future of this committee. I have the impression that the intention of the chairman of the committee at least is to wind up this committee's function in this Congress.

I should like the gentleman to comment, without trying to put any words in his mouth. I should like him to make his own statement as to what the situation is with regard to the plans of the prospective chairman of the continued Pepper committee.

Mr. PEPPER. Mr. Speaker, I am delighted to respond to the inquiry of my distinguished friend. I am an optimist by nature, and I had hoped the distinguished gentleman, whose voice we all esteem in this House, might have changed his mind about our committee from what it was when it was set up in 1969, and that he would be supporting us today.

However, I do appreciate his kind inquiry, and I will attempt to answer as best I can.

This committee was set up by resolution adopted by the House by 300 something to 18 on May 1, 1969. The committee was charged by this House resolution with the responsibility to investigate all aspects of crime and to make due recommendations relative to the solution of crime problems to the House.

Well, that was a big order. We have worked very diligently for 18 months, substantially, in trying to discharge that obligation we have to the House. Frankly, the problem is of such magnitude that, strive as we might, hold hearings in 13 places in the United States in nine States of the United States and the District of Columbia as we did, study as diligently as we could the problem, try to make recommendations as valuable as we could devise, we simply could not conclude that task of that magnitude in the 18 months we have had.

So we have felt compelled in our duty to the House to ask for an extension through at least the 92d Congress. I do not mind saying to my friend that we never expected that this committee be set up for an indefinite or indeterminate period of time. We simply wanted to try to do a job as a select committee, where we have the advantage of being able to cut across the entire spectrum of the jurisdiction of the House and thus analyze the problems of crime and make valuable recommendations toward its solution. I will say to my friend it is my purpose as the introducer of the resolution for the select committee and the prospective chairman of the committee to try to conclude our work at the end of or by the end of the 92d Congress. I am not going to foreclose the possibility that we might continue, because we do not know what the situation might be at the end of that Congress. The able gentleman from Missouri might be imploring us to continue our activities by that time, and I would not want to have to decline his gracious request. However, seriously, if we can conclude our work in good faith and in a creditable manner, we expect and intend to do so by the end of the 92d Congress. We were set up to do something about crime, and that is what we are trying to do and that is what we intend to.

Mr. BOLLING. The gentleman from Florida has kindly answered the first question that I asked.

The second question I would like to ask him is, there has been very significant criticism on the part of a number of Members of the amount of money spent in the 18 months investigation. The figure is in the neighborhood of $900,000. I would like the gentleman from Florida to comment on his plans in that respect for the next year and the second year after that.

Mr. PEPPER. I thank the gentleman again for the inquiry.

We had to start from scratch to try to assimilate basic knowledge with regard to the crime problem in the United States. That is the reason why we had to expand our staff as we prepared for and carried on investigations and hearings. We held these investigations and hearings in Boston, Omaha, Lincoln, San Francisco, Columbia, Miami, Baltimore, Philadelphia, New York, the State of Virginia, and several times in the environs of the District of Columbia and in the Capital. We do not anticipate the necessity for as large an expenditure in this Congress as we had in the last. We expect to submit to the Committee on House Administration a reduced budget.

The SPEAKER. The time of the gentleman has expired.

Mr. YOUNG of Texas. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. BOLLING. I thank the gentleman from Florida for his response.

Now I would like to make a statement.

I opposed the creation of this select committee and I still oppose the creation of this select committee. I do it as a matter of principle. Except in very rare cases, select committees produce very little. I prefer to see the work done by a standing committee. Frankly, I do not think what has been done in the last 18 months by this committee justifies its continuance. Frankly, I think a great deal of money has been spent to no great purpose. I am not prepared to say that something has not been accomplished, but not enough for me to feel justified in voting for the continuation of the committee. However, I am reassured by the comments of the gentleman from Florida with respect to the terminal date of this committee. I had feared that it might become, like the Small Business Committee, a permanent select committee.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Speaker, approximately 2 years ago this House first considered the necessity of creating a select committee to investigate crime in the United States. As the Members know, the resolution creating the Select Crime Committee was approved overwhelmingly by the membership with some 340 Members voting in the affirmative, and only 18 opposed to the resolution.

I was one of those 18 who dissented at that time. My vote 2 years ago was largely prompted by my loyalty to the Committee on the Judiciary on which I serve, and a fear that the crime panel might step on the jurisdictional toes of the Committee on the Judiciary.

My vote in opposition to the committee 2 years ago was rewarded by the leadership, and I was placed on the committee which was sort of the application of the "fox-in-the-henhouse" principle.

During the early months of the Crime Committee I felt that some of my misgivings were justified. It is true that we had some staff problems, staff problems which have been resolved for now more than a year. It is also true that originally the committee lacked the kind of clear sense of direction and purpose that I would have hoped for, but that too has changed.

As of now, nearly 2 years after the creation of that committee, and as one of the original dissenters to its creation, I can assure the House that the Select Committee on Crime has a record of solid achievement, and deserves to be reconstituted to complete within the next 2 years its investigative functions.

That is not to say that the crime committee should be continued in perpetuity. Quite the contrary. I would oppose that. I believe that its essential functions can and must be completed within the term of the 92d Congress. But clearly, at a time when criminal activity is turning some of our largest cities into centers of fear and of violence, we as responsible Members of the Congress cannot tell the American people that the problem is so unimportant that the work of the Select Committee on Crime in its further investigation and reporting to the Congress should be abandoned at this time. In fact, if our Committee on Crime has done nothing else than to investigate and report its findings on the problem of heroin in the United States that alone would have justified its continuation. The committee, Mr. Speaker, has made major inroads in the process of packaging heroin. It has seriously interfered with the distribution processes of heroin in the District of Columbia and in New York City by looking into the oversupply of gelatin capsules and glassine envelopes, something that the Department of Justice has not done, and something that would not have been done except for the Select Committee on Crime.

I think much remains to be done, particularly further investigations into the area of organized criminal infiltration of legitimate businesses, and perhaps some inquiry into the problems of court delays. In this connection it is possible, if the committee were so inclined, to interfere with the legitimate functions of the Committee on the Judiciary, but I am mindful of the jurisdictional prerogatives of the Committee on the Judiciary, and I can assure the gentleman from Illinois that we will be careful not to step improperly on the jurisdictional toes of any other committee.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Speaker, I rise only to commend in highest terms the splendid work of the able gentleman in the well from California, who has been, since Mr. Watson left the committee, the ranking minority member on the committee, and he has done a magnificent and dedicated job, and I want to commend the gentleman for it.

Mr. WIGGINS. Mr. Speaker, I thank the gentleman from Florida for his kind comments and, Mr. Speaker, I urge the support of all Members on the resolution.

Mr. Speaker, the Select Committee on Crime was created on May 1, 1969, by House Resolution 17. The committee was authorized and directed to investigate and study all aspects of crime in America. This broad mandate allows the select committee to assist and complement the standing committees of this House in meeting their legislative responsibilities to combat crime in America.

The select committee has moved to meet its responsibilities in the past 21 months. Substantive areas of the national cirme problem have been investigated. Public hearings have been conducted in many parts of the country. Reports containing recommendations for remedial legislation have been submitted to this House for consideration.

The causes of crime are not easily understood. We must know the effect of crime on our society, yet an accurate evaluation of that effect is most difficult. The wisdom of the law and the fair administration of justice must be closely examined and constantly improved. The treatment of citizens who violate the law must be enlightening and rehabilitative rather than vengeful and harmful to our society as a whole. Although the problem of crime cannot be quickly or easily solved, I believe that every effort to do so must be made.

During the term of the 91st Congress, the Select Committee on Crime conducted the following public hearings:

Location	Crime in America inquiry	Date
Washington, D.C. and Lorton, Va	The improvement and reform of law enforcement and criminal justice in the United States.	July 28–31; Aug. 4–7, 11, 12; Sept. 17, 18, 1969.
Boston, Mass	Drug abuse and criminal justice	Aug. 25, 26, 1969.
Omaha and Lincoln, Nebr	A mid-America view	Oct. 9–11, 1969.
Washington, D.C	Views on marihuana	Oct. 14, 15, 1969.
San Francisco, Calif	Illicit and dangerous drugs	Oct. 23–25, 27, 1969.
Washington, D.C	Why 8 billion amphetamines?	Nov 18, 1969.
Columbia, S.C	Response of a mid-south community	Nov. 21, 22, 1969.
Miami, Fla	Aspects of organized crime, court delay and juvenile justice.	Dec. 4–6, 8, 1969.
Washington, D.C., Fairfax, Va., Riverdale, Md	In the Nation's Capitol	Feb. 25–28, 1970.
Baltimore, Md	Youth in trouble	Mar. 19, 20, 1970.
New York, N.Y	Heroin importation, distribution, packaging and paraphernalia.	June 25–28, 1970.
Philadelphia, Pa	Youth gang warfare	July 16, 17, 1970.
Washington, D.C	The heroin paraphernalia trade	Oct. 5, 6, 1970.

The committee's public hearings initially sought a broad view of the crime problem. The committee's attention was soon focused on juvenile delinquency and the Nation's several drug problems. The later public hearings were conducted for the purpose of engendering specific legislation to meet the problems of heroin addiction and the heroin paraphernalia trade.

Juvenile delinquency is now regarded as a major crime problem in the United States. The most recent Federal Bureau of Investigation compilation of national crime statistics shows that approximately 40 percent of those arrested for crimes of violence and 70 percent of those arrested for crimes involving property were under 21 years of age. The Select Committee attempted to find out why so many young people are turning to crime.

Millions of Americans live in degarding slums, often without adequate living space, and often without heat, light or hot water. Several experts on juvenile delinquency testified that children growing up in such circumstances are forced into the streets, and inevitably into the occasion of criminal behavior. The deplorable characteristics of slums and ghettos, including poor housing and inadequate medical services, are a source of frustration and bitterness toward the institutions of government.

The educational systems of the Nation are not responsive to culturally deprived students, slow learners, and problem children. The committee found that adequate facilities for vocational training do not exist although Federal moneys are available to fund such programs. Statistics show that a student is less likely to be involved in a crime than is a dropout. No effective educational methods to prevent students from dropping out have been found, nor are there adequate programs for re-enrolling, educating, and training the school dropout.

The committee investigated the efficacy of the Federal and State systems of the administration of juvenile justice and the effects of these systems on youthful offenders.

Many metropolitan police departments have only recently begun to educate and train officers to properly cope with young persons. In many areas of the country there is no distinction between the treatment of juvenile and adult offenders during arrest and temporary detention periods.

The judiciary has had to realine its philosophies and formats regarding juvenile case dispositions. Local courts are only slowly reacting and adjusting to recent U.S. Supreme Court decisions decreeing that young people being tried in juvenile delinquency proceedings are to be afforded much the same rights as an adult in criminal proceedings. These rights include right to legal counsel, to a formal notice of charges, the right to confront their accusers, the privilege against self-incrimination, the right to a transcript of proceedings, the right to appeal, and a showing of guilt beyond a reasonable doubt.

The professional counseling and guidance offered to youthful offenders by court probation officers is woefully inadequate. Probation officers are typically underpaid, undertrained, and greatly overworked. The Commission on Law Enforcement in the Administration of Justice recommends that a probation officer supervise no more than 35 youths. However, the committee found that probation officers are usually assigned a caseload of four times that amount.

Juvenile corrections institutions were the most disturbing portion of the committee investigation of the juvenile justice system. The committee visited several of these institutions. Although some have initiated rehabilitational techniques that have proven to be successful, implementation of these successful programs has not been widespread.

Eleven Federal Government agencies have some responsibility in the area of juvenile justice. None are meeting these responsibilities in a comprehensive or satisfactory manner. The Federal efforts that are made are not centrally directed or coordinated. Each agency goes its own way.

On January 2, 1971, the committee submitted a report entitled "Juvenile Justice and Corrections" to the 91st Congress. The report presents the facts relevant to understanding the causes and extent of the juvenile crime problem. The institutions of juvenile justice, the corrections institutions, and the Federal response to the juvenile crime problem are analyzed. The report contains specific recommendations to the Federal Government regarding construction of low-income housing, medical aid to impoverished areas, educational programs for deprived and delinquent juveniles, vocational education, effective drug education programs, and the improvement of juvenile corrections institutions. The report also contains seventeen specific programs and recommendations that the committee believes will aid local governments and private citizens fight the problem of juvenile crime.

Members of the committee have introduced a resolution to create a Juvenile Research Institute and Training Center. This institution would coordinate the Federal efforts to combat juvenile delinquency. It would also provide training for persons seeking to become professionals in this field.

The committee found that the study of the growing problem of juvenile crime leads directly into a more dangerous phenomena of crime; the use and abuse of narcotics, marihuana, and dangerous drugs. No single problem is of more concern or poses more of a threat to an orderly American way of life. A great part of the committee's resources have been spent studying certain segments of the drug problem.

Marihuana is certainly the most widely abused substance in the United States, although exactly how widespread is the abuse is not known. It is reasonably estimated that nearly a majority of juveniles have at least experimented with it. The Federal Government and all the States have laws prohibiting the possession and use of marihuana. The committee found that some States, including Nebraska, have relatively mild penalties for violating these laws. In other States, penalties for the same conduct are extremely strict. The uneven hand of the law is now punishing the youth of America for marihuana violations, while lawmakers cannot be certain why its use is not permitted. The physical and mental effects of marihuana use are relatively unknown. Medical and scientific opinions are widely divergent. No definitive study has been made.

The Select Committee on Crime directly recommended to the Surgeon General of the United States that he undertake a study to determine the physical and psychological effects of the use of marihuana. The Commission on Marihuana and Drug Abuse has since been created and has begun such a study.

The committee submitted a report to the 91st Congress on April 6, 1970, entitled "Marihuana." The report details a full view of the committee's investigation of the marihuana problem.

The second, more dangerous, drug problem involves the abuse and misuse of amphetamine-type drugs. When abused, this type of drug is known as "speed." regulations promulgated by the Food and Drug Administration and contained in the Federal Register on August 8, 1970, stated that amphetamines may be legitimately prescribed for the treatment of narcolepsy, a rare sleeping sickness, the treatment of hyperkinetic children and in the early stages of weight control. For these few uses, officials at the National Institute of Mental Health have estimated there is annual national need for a few hundred thousand doses of amphetamines. However, legitimate manufacturers are currently producing 5 to 8 billion amphetamine doses annually. The Bureau of Narcotics and Dangerous Drugs estimate that more than half of these are diverted into illegal channels. Of the supply remaining within the legal channels, medical authorities state that promiscuous prescribing has led to serious misuse.

The committee solicited the opinions of hundreds of medical authorities and heard testimony from both law enforcement officials and representatives of drug companies. At public hearings, the committee heard terrifying and explicit testimony regarding the physical and psychological consequences of amphetamine addition among the young. Dependency on amphetamines is not only a significant cause of all types of crime, but it is a deadly destroyer of minds and bodies.

The committee was told that lax laws and regulations have engendered a situation where more than 60 percent of the amphetamines exported to Mexico are smuggled back into the United States and sold in the black market. Though legitimate manufacturers are not the only source of these dangerous drugs, they are the largest single source. The committee learned that little technical expertise or experience is needed to construct and operate a crude laboratory capable of producing "speed." There is little Federal or State control over the purchase of the immediate precursors or chemical ingredients needed to manufacture amphetamines.

The committee prepared legislation designed to deal with the amphetamine problems exposed by its investigations and hearings. The first bill introduced would have prohibited the manufacture and distribution of methamphetamines—one of the most powerful and widely abused "speed" drugs. The second bill sought to place strict controls on the manufacture and distribution of all amphetamine-type drugs. Both bills would have imposed stricter limits on the sale of the chemical ingredients of amphetamines.

Unfortunately, the Drug Abuse Prevention and Control Act of 1970 did not contain adequate controls to prevent the further diversion of legally manufactured amphetamine-type drugs. The members of the Select Committee believed so strongly in the need for increased controls that they unanimously sponsored an amendment to that act rescheduling amphetamines, methamphetamines, methlyphendidate and phenmetrazine, all central nervous system stimulants, from schedule III to schedule II. The committee believes that the increased production controls, registration requirements, and export regulations applied to compounds in schedule II would greatly reduce diversion and abuse of all types of amphetamines.

The committee submitted a report to the 91st Congress on January 2, 1971, entitled "Amphetamines." The report outlined the history of amphetamine abuse in the United States, the disasterous physicial and psychological effects of the misuse and abuse of these drugs and the relationship of this problem to violence and crime. The report details the experiences of Japan and Sweden, both of which have had significant problems with amphetamine-type drugs. The report analyzes the current laws and practices which allow billions of amphetamines to be spewed out annually into the black market.

The report contains specific recommendations for stricter controls of amphetamines and the ingredients of amphetamines, the adoption of the International Psychotropic Drug Protocol, the improvement of international border security procedures, and the prohibition or tighter regulation of mail order shipments of amphetamines.

The epidemic spread of the use of heroin is the most dangerous drug problem we face today. Ten years ago heroin addiction was apparently decreasing. Within the past 3 years there has been a dramatic resurgence of heroin use, especially among the young. While heroin was once found exclusively in the ghettos, it is now found in every section of the country, and among every segment of the population. The committee endeavored to determine the scope and magnitude of the heroin problem.

Heroin can only be made from opium. The only source of opium is the opium poppy—papaver somniferum—which does not readily grow in the United States. The Bureau of Narcotics and Dangerous Drugs estimates that more than 80 percent of the heroin used in the United States originated in Turkey. The heroin smuggling routes, from the Middle East to France, and into the United States, are well known. Even so, present Federal law enforcement programs prevent less than 20 percent of the smuggled heroin from reaching American addicts.

There are presently more than 200,000 heroin addicts in the United States. More persons are being addicted each day. New York State estimates that its addict population has risen from 50,000 to 100,000 in the past 4 years. The dangers and deleterious physical effects of heroin use are well known. However, of all the terrible facts and figures regarding heroin, perhaps the most profoundly shocking is that of the 900 addict deaths in New York City in 1969, 224 were teenagers. In 1970, 48 percent of the cases disposed of in New York City by the Supreme Court of New York involved narcotics violations. Drug related cases account for more than 40 percent of the prison population in the State of New York.

The direct impact of heroin addiction on crime in America is so extensive it defies accurate measure. A confirmed addict may need up to $60 a day to support his drug habit. Since legitimate employment is usually impossible, most addicts turn in desperation to crime. It matters little to the addict whether his criminal act be petty larceny, prostitution, or a violent street crime. His need will justify almost any means.

The committee found that the heroin trade is not plied by criminals alone. "Legitimate" business plays an essential part. While the substance a drug user introduces into his body may be called heroin, that substance is usually only 10 percent heroin. The remainder is dilutants such as mannite, quinine, or lactose. The heroin street pusher typically sells his product packaged in a No. 5 gelatin capsule or a small glassine envelope. The heroin user often uses needles or syringes. Without question, there are legitimate uses for lactose, syringes, and gelatin capsules and glassine envelopes of a certain size. However, would anyone expect to find that their neighborhood pharmacy sold 4 tons of mannite, 40,000 ounces of quinine, 47 million glassine envelopes, and 25 million No. 5 gelatin capsules in the past 3 years. The committee located this very drugstore in New York City, and disturbingly this "druggist" had violated no law.

The committee submitted a report to the 91st Congress on January 2, 1971, entitled "Heroin and Heroin Paraphernalia." This far-reaching report includes a history of heroin addiction in the United States and in other parts of the world, an analysis of the existing addiction crisis, the detail of international heroin smuggling routes, and an exposé of the highly unethical heroin paraphernalia trade. The report sets forth the status of the medical search for substances that may be used to help cure heroin addiction.

The report contains 28 specific recommendations to Congress and the Federal executive branch, including measures regarding international conventions and controls of heroin smuggling, the existing legalized American opium trade, the heroin paraphernalia trade, law enforcement procedures regarding heroin, the relationship between drug related crimes, criminal laws dealing with narcotics, and the treatment and rehabilitation of heroin addicts.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Speaker, House Resolution 115 calls for the extending of the Special House Crime Committee for the duration of the 92d Congress. This resolution was introduced by our colleague and present chairman of the committee, Congressman PEPPER of Florida, and the minority ranking member, Congressman WIGGINS of California. There is no doubt in the minds of the American public that, possibly outside the Southeast Asia war, the No. 2 critical issue before the American people are the economy and the rampage of lawlessness and crime throughout our Nation.

Mr. Speaker, the members of the Crime Committee, from the hearings held throughout the country, are convinced that in the short existence of this committee it would be ill-advised to terminate the great work it has accomplished. The committee has also alerted the public and especially our youth on the dangers of the devasting effect that the drug epidemic has on our communities and schools. Favorable action on this resolution will mean this committee can continue this investigation as to the causes and sources of the underground distribution of morphine, heroin, methadone and other narcotics, and their effect on lawlessness and crime. The committee has only had time to touch upon the sources of infiltration of organized crime into the ranks of legitimate businesses.

The news media have recently revealed that crime statistics in most major cities, and especially over the Nation, have recorded a percentage of decrease. This is certainly good news. The Federal Government, States, and municipalities should expand further their fight on crime and the causes thereof.

The Special Select Committee on Crime created by the House in the last Congress has contributed greatly to this recorded decrease in lawlessness. This committee has held hearings over the Nation and especially in major cities from coast to coast during the last Congress. The newspaper, television, and radio publicity in the various localities where hearings were held extended wide information and encouragement to the law-enforcing bodies in these localities. One of the great results of the work of this committee has been through the news media inculcating into the minds of millions of our youth the dangers of the use of drugs to the human body and contribution of drugs toward "the making of criminals."

Mr. Speaker, I have followed closely the activities of the Crime Committee since its formation and I would like to briefly review its work for the benefit of our new colleagues.

In its 20 months of life during the 91st

Congress, the committee held 14 public hearings in 12 cities and towns across the Nation, as well as here in the Capital. These hearings have delved into drug abuse and criminal justice, marihuana, illicit and dangerous drugs, amphetamines, organized crime, court delay, juvenile justice and corrections, street crime, juvenile delinquency, heroin paraphernalia, and youth gang warfare.

As a result of this intensive and exhaustive study and investigation, the Select Committee on Crime also issued four comprehensive reports to the 91st Congress: "Marihuana," "Heroin and Heroin Paraphernalia," "Juvenile Justice and Corrections," and "Amphetamines." Members of the committee made available 40,000 copies of the "Marihuana" report for their colleagues to send to interested constituents. The last three reports, issued in December 1970, contain bold and imaginative proposals for dealing with grave problems facing our Nation.

The committee has also produced and made available at no cost to members of this body an excellent radio documentary, "Facts and Fables of Drug Abuse," which was broadcast by more than 500 radio stations throughout the Nation.

The Crime Committee, mindful of the jurisdiction of standing committees, has been most cooperative when its investigations disclosed information that might be of interest to other committees. The committee's study of amphetamine abuse, for example, disclosed that the U.S. military was purchasing large quantities of these drugs. This information was conveyed to the Special Subcommittee To Investigate Alleged Drug Abuse in the Military. Similarly, when a Crime Committee investigation in Philadelphia, Pa., uncovered possible violations of FHA regulations, this information was turned over to the Banking and Currency Committee for their consideration and further investigation.

Mr. Speaker, I believe that the record of the Select Committee on Crime warrants its request to be able to complete the job it has so ably begun. In an area where there is often more rhetoric than action, the Crime Committee has built a record of solid accomplishment. At a time when crime is on the minds of citizens everywhere, I think this body needs its own committee to investigate crime. I think the 92d Congress can meet the challenge by reconstituting the Select Committee on Crime, and I urge my able colleagues to join me in this worthy effort.

Mr. SCHEUER. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman.

Mr. SCHEUER. Mr. Speaker, I want to congratulate my colleague for his words.

Mr. Speaker, I have just finished a trip to Europe by virtue of the kind designation by the Speaker of the House to me as a congressional adviser to the conference on psychotropic drugs in Vienna.

I want to say that not only in Vienna, among all of the 71 countries who were represented there, but with our Federal Bureau of Narcotics and Dangerous Drugs representatives in London with whom I met, a major source of their education as to the intricacies and dangers not only of the psychotropic substances but of all of the narcotics such as heroin, opium and morphine and the like come from the very monumental reports that were produced after a year of study by this Select Committee on Crime.

I refer to the report on amphetamines and the report on heroin and other narcotic substances. I can tell you that the hard work, scholarship, and intensive energy that went into these two great reports have had reverberations and have aided in improving the approach to these problems not only in this country but in other cooperating countries around the world. I congratulate the chairman and the other members of the committee for the marvelous work they have done.

Mr. Speaker, our body today has the privilege to give new life to a committee that served so ably in the 91st Congress. The Select Committee on Crime chaired by our distinguished colleague from Florida, CLAUDE PEPPER, has compiled an exemplary record, particularly in the area of drug abuse, the greatest menace facing the youth of our country today.

The work of this committee is nowhere more evident than in the fight against heroin addiction. This dreaded narcotic is, I am sad to say, particularly prevalent in New York City, my home. Chairman PEPPER's efforts in fighting heroin addiction in that area are a matter of record in this Congress. Nowhere is the destruction of lives, property, or community structure more vividly portrayed than in the south Bronx, a once-popular and stable residential area that is now the domain of dope peddlers and junkies. Nowhere is the novelist's portrayer of fear stalking the streets and neighborhoods even in daylight hours, more starkly evident.

During its New York hearings on the heroin trade, Chairman PEPPER and the other members of the committee visited a church in my district in the Bronx and held a private afternoon session with interested parents and social workers from the community. The committee, to a man, was appalled by what they saw and heard. They left, deeply moved and determined to rout the forces of deterioration.

The committee's contributions to the fight against heroin trafficking are substantial. Because of their investigation of heroin paraphernalia, the sources of packaging materials have been seriously interrupted. This is true for both glassine envelopes as well as for empty gelatin capsules. Their disclosures of activities in this area have been of great value to law enforcement personnel. I, for one, owe a great deal to the committee's hearings and reports in adding to my personal knowldge of the drug problem.

The Select Committee on Crime made its own a crusade to curtail overproduction of amphetamines by legitimate manufacturers. It is no coincidence that the Food and Drug Administration has recently issued new policy guidelines for the legitimate uses of amphetamines. During my recent trip to Vienna, as an observer to the International Psychotropic Drug Protocol Convention, I was greatly aided by the information gathered by the committee in its "Amphetamine Report." The reputation of the committee's expertise in this area is acknowledged by all. It was this trip, along with my visit to Turkey during the last Congress, which has intensified my appreciation for the committee's contributions. There is no facile solution to the complex problem of drug abuse. But many small steps, similar to the committee's breakthroughs in heroin packaging, lead to the path of a long-lasting solution.

Time does not permit me to enumerate all of the significant contributions that the Select Committee on Crime has made to the knowledge of this body. It suffices to say that the record of the committee is a source of pride to all the Members of the House. We now have the opportunity to allow this record to be expanded.

The investment of the 91st Congress has proved to be a sound investment. To renew its activities by reconstituting the Select Committee on Crime for the 92d Congress will, I am sure, allow this body to reap more and greater dividends. I wholeheartedly urge that you join with me in the reconstitution of the Select Committee on Crime.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from Illinois (Mr. McCLORY) such time as he may consume.

Mr. McCLORY. Mr. Speaker, I take this occasion to express my sincere misgivings regarding the proposal which we are considering today. While I greatly appreciate the work which the Select Committee on Crime has done in the area of narcotics investigations, I find my enthusiasm diminished upon a review of the amount of money which the American people have spent in order to have the benefit of some very basic observations. This extravagance has not been hidden from the American public, as the Washington Star reported on Sunday, February 28, 1971, that the $900,000 spent over the past 20 months has paid for 13 public hearings in cities throughout the Nation, and has resulted in four reports and 53 legislative recommendations—none approved by the House.

Furthermore, Mr. Speaker, the August 1970 issue of the Washington Monthly contains a highly critical article on the Select Committee whose life we are being asked to extend and whose membership we are being asked to expand. I do not wish to detail the criticisms contained in this article; however, Members of this House have the responsibility to listen to such criticisms—especially when they reflect on the integrity of this great body.

Mr. Speaker, in addition to the poor economics involved in extending the life of the Select Committee on Crime, there are other reasons which compel me to point out that the machinery which we have set up is not reasonably adapted to accomplish the desired end—which is prosecution of wrongdoers. When a congressional committee compels testimony from one suspected of criminal activities such individual possesses the constitutional privilege of immunity from criminal prosecution, and while it may be necessary and useful for Congress to compel such testimony within the limits of the fifth amendment, that tool should be used sparingly for obvious reasons.

Another matter which causes me a great deal of concern is the fact that we have created a committee to investigate matters which are within the expressed jurisdiction of permanent committees of this House, namely, the Committee on Interstate and Foreign Commerce, the Committee on the Judiciary and others. In the former case, I hasten to point out that the Subcommittee on Public Health and Welfare of the Committee on Interstate and Foreign Commerce held hearings in Washington during the last Congress and produced the Comprehensive Drug Abuse Prevention and Control Act. Furthermore, the Judiciary Committee, pursuant to its responsibility to examine measures intended to strengthen the Federal effort against organized crime, held hearings during the 91st Congress in Washington. The hearings were comprehensive and resulted ultimately in passage of the Organized Crime Control Act. These hearings were held at a fraction of what it cost to conduct the hearings of the Select Committee on Crime. Now we are told that the Select Committee plans to hold hearings in this same area during the present Congress.

Mr. Speaker, I hope that these will be no duplication of effort. The increased cost to the taxpayer which will reuslt by extending the life of the Select Committee on Crime will, I hope, avoid interference with our duly constituted crime investigation agencies. I am thinking particularly of the special grand juries authorized by the organized Crime Control Act of 1970.

In the reconstitution of this Select Committee these are a great many pitfalls which the committee must avoid—if its existence is to be justified.

Mr. SMITH of California. Mr. Speaker, due to the fact that I have some time remaining, and the gentleman from Maryland (Mr. GARMATZ) has asked for 2 minutes, I now yield 2 minutes to the gentleman from Maryland.

Mr. GARMATZ. Mr. Speaker, I am pleased to rise in full support of the resolution now before us extending the life of the Select Committee on Crime. In doing so I am aware that I have something of an advantage over my colleagues. Almost a year ago I was privileged to observe this committee in action—not in the remote recesses of this Capitol—but in the heart of a community that could have been representative of many communities across the land. The occasion was the second day of a 2-day hearing in Baltimore, the focus of which was youth crime and juvenile justice. The hearing was held in the auditorium of Southern High School in Baltimore. In taking his investigation to that environment, Chairman PEPPER was fulfilling his pledge to examine the causes of crime and the adequacy of our criminal justice system at the grassroots level.

The testimony received in Baltimore was similar to testimony the committee took in other widely scattered areas of the country in that it demonstrated a clear need for vast improvements in the way juvenile offenders are now handled. The committee's efforts in the juvenile area ultimately resulted in a bill introduced by the chairman last September as H.R. 19327, the Juvenile Research Institute and Training Center Act of 1970. I am pleased to state that I cosponsored that measure. It will be reintroduced in this session and I am hopeful this measure will win the approval of the House.

The Select Committee on Crime has also worked closely with Maryland law enforcement agencies in another phase of its investigations: heroin addiction and the nefarious traffic and distribution of this drug—the cause of an enormous amount of crime in urban areas. In the course of its investigations the committee, for the first time, brought nationwide attention to the involvement of legitimate businessmen in heroin distribution. That is, businessmen who have profited by providing heroin dealers with the attendant paraphernalia, such as syringes, empty capsules, quinine, and other matter innocent in itself but essential to the deadly distribution of heroin. The committee presented 2 days of dramatic testimony and clearly demonstrated the need for legislation to take the legitimate businessman out of this illegitimate activity.

During that investigation the committee learned that the State of Maryland enacted a comprehensive drug control bill that included a section aimed at stopping this traffic in paraphernalia. The committee recommended that other States adopt similar statutes and has proposed that the Congress pass such legislation for the District of Columbia.

Juvenile justice and drug abuse are only two of this committee's wide areas of responsibility. However, I have cited these two because they serve to illustrate the ways in which the constructive work of this committee has been felt in my own city and State.

I am convinced that this committee has done all that could be expected of it in its short life. And I feel that Congress would be shortsighted in the extreme if it failed now to give the Select Committee on Crime a reasonable opportunity to achieve the objectives set forth in the resolution that created it in mid-1969. Most of its legislative recommendations, and there have been many, came too late in the 91st Congress to be referred to standing committees and to be enacted into law. If the committee were suddenly to cease to exist it is highly unlikely that these constructive recommendations would be converted into public laws.

Mr. Speaker, in my home city of Baltimore we are proud that, in contrast to most big cities, our crime rate, as reported in the FBI's annual statistics, has declined over the last year.

According to the FBI, major crime reported in Baltimore totaled 67,157 in 1968 compared to 1970's figure of 62,150. We are proud of that decline and we are proud, too, that the State of Maryland has assumed a position of progressive leadership among the States in its response to the demand for improved law enforcement and criminal justice. We are proud, but we are not complacent. We recognize that much more needs to be done.

But crime is a national problem. Congress finally recognized that fact when it enacted the Crime Control and Safe Streets Act, providing Federal funds for State and local law enforcement. If we can put a dent in crime in Maryland, then we can surely bring about a reduction in the national rate of crime as well. This is no time to relax our efforts. This is no time for the Congress of the United States to take a backward step. Let us, therefore, keep the Select Committee on Crime in business and offer the members of this committee every encouragement as they continue their difficult task of providing the rest of us in this House with firsthand, factual information and enlightened recommendations which can form the basis for enlightened legislation.

Mr. YOUNG of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I represent the 18th Congressional District of New York which is central Harlem. I wish I could have come down here with the luxury of knowing I would be fighting for legislation to improve the conditions in which my constituents live, especially in the area of housing, poverty, and education. I do not have this luxury because, unfortunately, unlike years ago when a mother used to hope and pray that her child might finish high school, mothers today hope and pray that their children will not succumb to the terrible disease that has struck my community called drug addiction.

Tragically, the record shows that central Harlem has now become the heroin addiction center of the world. If we should proceed to think about some of our other problems, we would soon find out that we cannot resolve any of those problems unless we decide what this Nation is going to do about this growing epidemic which is sweeping over us. If you want to talk about law and order let us talk in terms of lack of opportunity and the ever increasing use by children, children as young as 8 years old, of narcotics and the danger of their becoming addicted as a result of just attending school. The breakdown of quality education in the city of New York is directly related to the increase of drugs being peddled in New York City schools.

If I were to tell you about the problems we were having in our municipal hospitals caused by drug addiction, I would have to tell you about the terrible decisions that must be made by doctors as they try to decide whether a bed should be made available for the aged and sick or whether that bed should be made available for a young addict.

When our Nation talks about a volunteer Army, it necessarily will have to look to those people who really want to serve and who are physically and emotionally able to serve. Mr. Nixon would have to find out whether the poor of this Nation are physically able to serve in the U.S. Army and, if so, whether they will become addicted to drugs in the Army.

We all know that the U.S. Constitution says a man is innocent until he is proven guilty. I speak as a former U.S. attorney and I can tell my colleagues that in the city of New York this is just not so. It is not so because we have dispensed with this part of the Constitution where we find in our criminal courts that 60 to 70 percent of the criminals charged with crimes are found to be addicts. Therefore, in our houses of detention we find men waiting for 1, 2 and even 3 years in jail awaiting trial even though they have not been proven guilty of any crime.

I suggest that in my community it seems pretty hopeless. We have tried to work effectively with our 30,000 New York City police and yet we find that the billions of dollars involved in drug traffic has even diseased some of New York's finest policemen.

There was a time when we had no hope at all that the world would be concerned with what we thought was a problem of central Harlem, but we see the problem has hit the suburbs and spread throughout the Nation to touch all American youth.

We thought with the Select Committee on Crime, as the committee came into our areas and held hearings, that we would find some light at the end of a very dark and very long tunnel. I ask the Members not to snuff out that light for a people for whom the situation has been almost hopeless.

Mr. YOUNG of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Speaker, I am very happy to support this resolution. Two years ago I was happy to be the second sponsor behind the gentleman from Florida in introducing this resolution. I believe the committee is very worthwhile.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Speaker, I am pleased to say the gentleman in the well was one of the strongest supporters of this resolution, previously. We are grateful to him for his support.

Mr. HOWARD. Mr. Speaker, I thank the gentleman from Florida.

Mr. Speaker, I was in on the formation of the committee, but not one of the previous Members appointed to it. I thought they were all very fine people, but I was disturbed by the decision of the leadership that it is going to look into, as the gentleman from Florida said, all aspects of crime, and the leadership decided that all Members on this committee must be lawyers and there should be none except lawyers on this committee.

Mr. Speaker, I submit crime is more than law or lack of law. Crime is really people and why they behave and why they misbehave as they do. The solutions and causes of crime in this country will not be found in the lawbooks of America, or in our statutes. We have to look at things like narcotics, and we have to look at things like frustrations, and we have to look at deprivation in the cities, and we have to look at boredom in the suburbs if we are going to find out truly the causes of crime, and if we are going to be able adequately to eliminate crime from this country.

So I do hope we will get a broader prospectus. Crime may be psychological or physiological. Crime is not any one person. It deals with people. I do hope in the formation of the new committee we will deal with all aspects of people and people's activities if we are going to deal with all aspects of crime.

I would like to ask the gentleman from Florida if he agrees that having it limited only to lawyers may limit his work.

Mr. PEPPER. Mr. Speaker, if the gentleman will yield, I do agree with the gentleman. I think this subject is broad enough to cover all aspects of this national social problem.

Mr. YOUNG of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. MONAGAN).

(Mr. MONAGAN asked and was given permission to revise and extend his remarks.)

Mr. MONAGAN. Mr. Speaker, I should like briefly to state some concerns I have with this legislation. I am going to support this resolution, particularly in view of the expression of the intention of the gentleman from Florida that this committee would terminate with the close of the present Congress.

I do believe, however, that there are questions relating generally to our setting up of commissions, both in the legislative branch and in the executive branch that must be considered. We are just too prone to setting up commissions.

A subcommittee of the Committee on Government Operations which I head recently made a study of this proliferation of committees and found that there were some 3,000 governmental advisory commissions in existence, with costs ranging from nothing up to millions of dollars and personnel reaching up to hundreds of people.

We have involved also with such bodies the question of jurisdiction, and of conflict with existing committees. That is so in this case, as has been stated by several speakers. There is a potential and actual conflict with the area of activity of the Committee on the Judiciary.

We also have a cost here of at least $900,000, which to my way of thinking in many cases could better be distributed to existing committees. The Committee on Government Operations for example with all its duties and functions has a budget of approximately this amount. The Committee on Foreign Affairs with its wide-ranging and vital responsibilities has a budget far below the amount of $900,000.

In addition, I have had some question about the operation of the committee itself. Representatives came to the State of Connecticut and visited a rehabilitation school for problem boys there, where all of us knew that there were problems that existed as exist in every similar institution throughout the country. It seemed to me that the main result was that there was a blaze of publicity. It was a 9-day wonder. It hit the pages of all the newspapers. Then the committee went away, and that was the effect of its impact upon that community and upon that problem.

So, Mr. Speaker, in this instance, because of the potential good that the committee may do that has been mentioned by the various speakers who support it, and because of my hope that it will be more specific in its achievements in this field, I am going to support it, but I do give notice of my own reservations and the problem that I would face if a renewal were to be propelled in the future, unless there were some change, of course, in the activity of this committee.

Mr. YOUNG of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. BURKE).

Mr. BURKE of Massachusetts. Mr. Speaker, I rise in support of House Resolution 115 to reconstitute the Select Committee on Crime. It is vital that the work of this committee be continued and indeed expanded upon over the next 2 years.

Over the past 20 months, the Select Committee on Crime has held investigations into many diverse segments of the crime problem in the United States. Its statements on the widespread use and abuse of amphetamine—speed—drugs were a disturbing revelation to the Congress and the public. Its report on amphetamines presents a clear picture of the problem and proposes methods of stemming its increase.

Perhaps the most terrifying aspect of the drug and crime problem in the United States is the growing use of heroin. Inexplicably, heroin addiction, dormant for several years, is on the rise again. Its tentacles have spread to every segment of our country irrespective of economic, social, or ethnic boundaries. Children in college, high school, and, yes, even elementary school are becoming addicted.

The Select Committee on Crime was the first group to take action to attack this malignancy on our culture. In two hard-hitting hearings the committee examined the smuggling of heroin into the United States, and the distribution of the narcotic once it has arrived. It examined the plight of the heroin addict, and the effect of his addiction in terms of crimes, violence, and instability upon the rest of the society.

The committee exposed so-called legitimate businessmen, who deal in the manufacture of the paraphernalia for the preparation and administration of this dread drug. Finally, the committee examined the scientific research now going on, and the early efforts through Methadone and other techniques to stem the need of the addict for the crippling substance.

These hearings resulted in a report outlining the heroin problem, and a series of legislative recommendations, many of which will be introduced shortly. The work of this committee, easily the most definitive on the heroin problem to date, provides a definitive plan for the eradication of the disease of addiction in this country.

But there is far, far more than this, Mr. Speaker. The committee has done extensive investigation and reporting in areas of juvenile crime and corrections, problems of police and street crime and violence, and many other facets of our national tragedy of crime.

The Crime Committee has a great deal more work to do, and is now in the planning stages for several important investigations and hearings. Their work has been admirably begun, and I am sure that its future performances will be exceptional.

I cannot close without paying special tribute to the great American who heads up the Crime Committee. The committee's performance under his guiding hand and inspiration has proved a suspicion that I have long held. That is that the talents of Claude Pepper are so varied that any field he turns his attention and boundless enthusiasm to would prosper for the benefit of both this House and the Nation. The distinguished Representative from Florida (Mr. Pepper) has approached the problem of crime with the same learned zeal and scholarship that he has focused on so many other problems confronting this Nation over the decades. I feel a vote to continue the committee is in no small part a personal tribute to the record of accomplishment compiled by the distinguished chairman.

Mr. Speaker, I strongly urge the reconstitution of this committee and look forward to its future endeavors.

Mr. YOUNG of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. Pickle).

Mr. PICKLE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, 2 years ago, I cosponsored the formation of the Select Committee on Crime. Today, I support the continuation of this committee.

Originally, I supported the creation of this committee because I felt that the mounting crime rate needed the attention of a special segment of the Congress whose sole function was to make an in-depth investigation and recommendations. I do not see that the need for this committee is any less today than it was 2 years ago.

With 20 months of experience to call on, the committee today is in an even stronger position to analyze the spiraling problems of crime. Specifically, I am interested in the continuation of the committee's work in the field of drug abuse and drug education.

Mr. Speaker, I salute the committee and I vote that they should have the time—certainly for the next 2 years—to maintain their on-going status.

Mr. JAMES V. STANTON. Mr. Speaker, the select Committee on Crime under the leadership of Honorable Claude Pepper should be continued by this House.

The need to stop drug abuse in this country calls for all efforts by this Congress to spotlight the effects of drugs on the children of the Nation.

In my district nothing strikes fear in the hearts of honest people more than the fear of drugs. Our leadership in this area must continue through the Select Committee on Crime.

Drug addiction is the most serious menace that faces this country and calls for the best efforts of all its citizens to halt the purveyors of destruction who seek to destroy the fiber of young life.

I urge the support of all members to continue the Select Committee on Crime.

Mr. MURPHY of New York. Mr. Speaker, I strongly urge my colleagues in the House to vote in favor of continuation of the Select Committee on Crime. During its 20-month existence, this committee has contributed greatly to the knowledge of this body.

The Select Committee on Crime has conducted an intense investigation into heroin and heroin paraphernalia, which culminated in hearings held in New York City, my home. Heroin addiction, once confined to small areas of the city, is today present in every section of the five boroughs. My district in Staten Island and Brooklyn is no exception, I am sorry to say.

The New York City hearings of this committee, chaired by our distinguished colleague from Florida, Claude Pepper, along with the committee's hearings in other locales, have led to the examination of previously unquestioned aspects of the heroin trade. This information, coupled with the investigations in related drug abuse areas, has provided the basis for a major legislative program to curtail the distribution of illicit drugs in this country.

The Select Committee on Crime has proved to be a great source of information both for my own education about the drug problem as well as for distribution to constituents. The committee's reports on marihuana, amphetamines, and heroin and heroin paraphernalia, and its radio documentary, "Facts and Fables of Drug Abuse," have been invaluable sources of drug education material.

Nowhere is the need for action more dramatic than in the area of drug abuse. A drug problem exists in virtually every school on Staten Island, from the senior high schools to the elementary schools. Every family is touched, one way or another, by drug abuse. Clearly, every possible effort to eradicate this problem should and must be taken.

There is no way that we can measure the usefulness of the Select Committee on Crime in dollar terms. How can we estimate the value of saving one life, let alone thousands. But clearly we can see that the value of this committee greatly exceeds the cost of its operation.

The Select Committee on Crime's findings concerning heroin packaging have caused serious disruptions in the distribution of narcotic traffic in both the Metropolitan New York and Washington areas. Its efforts have substantially curbed the manufacture and sale of glassine envelopes and gelatin capsules. The committee's inquiry into the excessive legitimate production of amphetamines has led to a reevaluation of the use and distribution of this class of drugs. The proposed paraphernalia statute for the District of Columbia promises to be an invaluable aid to narcotics law enforcement in the Nation's Capital.

I agree with Chairman Pepper that if we can substantially reduce drug addiction, we will see corresponding reductions in our Nation's crime rate. The fact that more than 50 percent of all street crime is drug related is reason enough alone to continue this committee's activities.

It is clear that the work of this committee in the 91st Congress more than justifies expectations of greater returns from its work in this new Congress. We need the Crime Committee, and I urge you to join me in voting "yes" on House Resolution 115.

Mr. DANIELS of New Jersey. Mr. Speaker, I rise in support of House Resolution 115 to reconstitute the Select Committee on Crime.

My good friend and colleague, the Honorable Claude Pepper, has done an outstanding job leading the Select Committee on Crime in the last Congress. The committee's record justifies our continued support of its activities.

Since its inception, the committee has provided us with worthwhile and necessary studies on the problems of crime and law enforcement. The reports issued by the committee concerning drug abuse and narcotic addiction are outstanding. They have provided Members with the background information on the problems of drugs and many of us have made the reports available to constituents and police departments who have requested information and Federal assistance in dealing with this devastating law enforcement problem.

Mr. Speaker, the problem of law enforcement today is a problem which demands our continued attention. The statistics alone, not to mention the personal tragedies we read about or hear about and in many cases are touched by, cry out more eloquently than words the need for action.

In only 10 years, the rate of major crimes of violence increased 104 percent. In the last 3 years, the number of street crimes has increased at an increasing rate: between 1968 and 1969 the number of street robberies increased 13 percent; in the first quarter of 1970 they increased 15 percent.

I believe that the research and studies developed by the Select Committee on Crime have contributed immeasurably to our understanding and to our ability to reverse the trend borne out by the statistics. I believe that the war on crime must continue with all the weapons we have at our command, and I, therefore, support the continued activities of the Select Committee on Crime.

Mr. HARRINGTON. Mr. Speaker, it is a distinct privilege for me to have the opportunity to express my support for the resolution now before us reconstituting the Select Committee on Crime. No other committee has spent as much time working with local law enforcement officials and local representatives of our hard-pressed criminal justice system.

Until the formation of this committee, Congress had usually summoned such officials to meet with us here in Washington. In a certain sense, much of what we learned in that way was hearsay. We did not have an opportunity to confirm the testimony we received with on-the-spot visits to courts, police stations, and correctional facilities. Now, through the work of the Select Committee on Crime, Congress has been able to observe local and State crime control machinery in action within the community it serves.

I am pleased to point out that the committee launched its grassroots investigations and public hearings in my own State of Massachusetts with a 2-day hearing at Faneuil Hall in Boston. Some of the testimony received in Boston later appeared in the committee's first report to the Congress entitled, "Marijuana." This report has been widely distributed and has been most helpful to Members of Congress struggling to separate fable from fact in the national controversy over the use of this substance.

The Boston hearing also served as a starting point for the committee's investigation into the adequacy of juvenile justice in the United States, an investigation that convinced the members of the committee that greater Federal interest and support was needed now to facilitate badly needed improvements in the juvenile justice system. As a result, last September Chairman PEPPER introduced H.R. 19327, the Juvenile Research Institute and Training Center Act of 1970. The bill would be a major step along the road to providing adequate care and rehabilitation for the Nation's young people. If we are to have any success in reducing crime, surely it is obvious that we must begin with our young people. For this reason I was gratified to cosponsor this constructive legislation.

Another of the committee's more productive hearings was held in San Francisco where, for the first time, the incredible dimensions of amphetamine abuse were graphically and dramatically presented to the American people. As I see it, the Select Committee on Crime deserves commendation for its subsequent fight to amend last year's Comprehensive Drug Abuse Prevention and Control Act for the purpose of moving amphetamines from schedule III to schedule II of the act, thereby imposing a quota system on the manufacture of these deadly and overproduced drugs. Again, I was happy to cosponsor that amendment. Although it was not approved by the House, the all-out fight waged by the members of the committee for this legislation demonstrated, I believe, this committee's commitment to its stated objectives.

Still, this committee may have made its most significant contribution in another aspect of the Nation's drug problem: heroin addiction. All of us have received copies of the committee's report filed in January and entitled, "Heroin and Heroin Paraphernalia." It is the product of many hours of public hearings and many months of staff research and investigation. Its 21 recommendations taken together amount to an imaginative, comprehensive approach to the heroin-crime syndrome. Its objective is to reduce both the supply of and demand for this murderous drug. This report is worthy of serious consideration by all the Members of this body.

Up until Congress enacted the Omnibus Crime Control and Safe Streets Act of 1968, the Federal Government had traditionally let the States and localities go it alone in the struggle to control crime in our Nation's streets. That act for the first time provided Federal funds to aid law enforcement. Its full effect will not be felt for some time to come. All of us want desperately to see it work. But we cannot assume that money alone can solve our crime problem. The creation of the Select Committee on Crime was further recognition of the new Federal interest in and responsibility for turning back this rising tide of crime. The committee has only begun its difficult assignment. Let us vote for reconstitution so that these members can continue their meritorious work.

Mr. SIKES. Mr. Speaker, it gives me great personal pleasure to rise today to speak in support of House Resolution 115, introduced by my esteemed colleague from Florida, CLAUDE PEPPER, to extend for the life of this Congress the Select Committee on Crime.

Under Chairman PEPPER's direction, this committee has earned the respect and admiration of Members of this body, of law enforcement agencies throughout the Nation, and the public as well. At a time when crime is one of our most pressing domestic problems, I take great pride in the fact that some of the most important and critical work in this field has been done by this body's own Crime Committee.

Chairman PEPPER's committee is preeminent in the field of drug abuse, and its work on amphetamine abuse, in particular, alerted the Nation to the dangers of these pills. The committee has also revealed the startling overproduction of amphetamines, many of which find their way onto the illegal market. The new consciousness of the dangers of these drugs is a direct result of the fine work of this committee.

I am also pleased to note that the Crime Committee has devoted its considerable talents to the study and investigation of heroin abuse. The killer drug heroin is so intimately connected with the rising crime rate in America today that drastic action must be taken. The Crime Committee's report on heroin presents this body with a far-ranging series of recommendations that would do much to provide this Nation freedom from heroin addiction. Many of these recommendations will reach us in the form of bills this session.

Mr. Speaker, I find it inconceivable that we would not vote to reconstitute the Select Committee on Crime. With its broad mandate, the committee has just the kind of approach needed to tackle the problems of crime. Crime respects no jurisdictional niceties; there is no reason why those fighting crime should be hampered in this regard. It is clear that the Crime Committee has carefully avoided wholesale invasion of standing committee jurisdiction while at the same time enjoying the benefits that its interdisciplinary approach offers.

But despite its fine record of accomplishment in the 91st Congress, there is still much to do. We must be realistic enough to recognize that crime is a problem that will not disappear overnight, not even in the life of this Congress. That the Crime Committee is asking for two more years to solidify many of its accomplishments and seek new avenues of attack on crime seems to me totally justifiable and necessary. This body needs the Select Committee on Crime, we need its investigative talents, and we need the mass of information and specific proposals it has provided for us all. I strongly urge my colleagues to vote "yes" on House Resolution 115.

Mr. FASCELL. Mr. Speaker, at this important juncture in the Federal fight against crime in the United States, I think it entirely appropriate that we take advantage of the occasion of the consideration of House Resolution 115 to evaluate our efforts.

I want to say first that the Select Committee on Crime, and its able and distinguished chairman, CLAUDE PEPPER, deserve this vote of confidence in their progress toward the full investigation and control of crime in our country.

I am happy to say that the coordination of the efforts of the Congress and enforcement agencies has recently brought great improvements and accomplishments in our war on crime. We need look no further than the remarkable drop in the District of Columbia's crime rate to see evidence of this. The resurgence of confidence in the business community, where robberies are down as much as 50 percent in some areas, has been a real lift to the spirit of the Capital City.

The work is progressing, nevertheless there are several areas to be reviewed and explored which the expanded Select Committee on Crime can complete in the next 2 years. I believe the extension of the authority for the select committee in the 92d Congress will provide the opportunity for the committee to conclude its work in this important area.

Mr. PRICE of Illinois. Mr. Speaker, I support House Resolution 115 providing for the continuation of the House Select Committee on Crime. Under the able leadership of the gentleman from Florida (Mr. PEPPER) and his distinguished colleagues on the committee, the Select Committee has functioned effectively in developing a greater understanding and awareness of crime in the United States.

It is easy for us to state that we are opposed to crime; but in doing so we must provide the tools to wage the war against crime. The Select Committee through its hearings and reports has provided insight into the nature of crime. We have greater awareness of the need for comprehensive national policy for dealing with crime. The Select Committee has generated new data on the problem of organized crime in this country. Its studies on drug and narcotic addiction and abuse have been important contributions in understanding juvenile offenders.

At a time when considerable discussion and attention is being focused on reform of our criminal justice system, on criminal rehabilitation and penal reform, and on administration of justice, the existence of a Select Committee on Crime is of extreme importance. The mandate for such a committee was enunciated some time ago by the President's Commission on Law Enforcement and Administration of justice. That mandate nor the need for dealing with the menace of a growing crime rate in this country has not changed.

Previously, crime fighting may have been looked upon with a romanticized "gang buster" view; today it is recognized as a deadly serious business requiring skill, training and dedication. It touches every aspect of our life. The Select Committee can continue to help focus attention on the need to improve our law enforcement, crime deterrence and detection efforts. The committee can help make certain that our law enforcement officials have the support they need to function effectively.

If crime is viewed as a manifestation of our society, then we must have a framework which provides a rational, well-organized approach for dealing with it. The Select Committee can help provide that approach.

Mr. FULTON of Tennessee. Mr. Speaker, when our colleague from Florida first approached me with his proposal to establish a Select House Committee on Crime, I was eager to join with him in cosponsorship. The reasoning in support of the resolution at that time was that there was no committee within the House which had broad jurisdiction over the problem of crime, a problem which was becoming more acute and disruptive in America.

It was my understanding that the gentleman from Florida intended to treat crime as an interdisciplinary rather than a categorical subject.

The idea of the Select Committee on Crime was to attempt to look at the crime problem as a whole rather than by categories, to probe "all aspects and elements of crime" in the United States and to report its findings to the House of Representatives, "together with such recommendations as it deems advisable."

The committee was established on May 1, 1969, with the overwhelming approval of the House, 343 to 18.

Since that time the committee has organized and commenced operation, having held 13 public hearings in as many cities across the Nation.

These hearings have dealt with the drug problem as it relates to crime, juvenile justice and corrections and improvement and reform in law enforcement and justices in the United States.

Obviously, Mr. Speaker, one group in so short a time cannot hope or aspire to finding solutions to crime in America. However, this committee has been productive and reported its findings, in detail, to the House of Representatives.

Mr. Speaker, I believe the very worthwhile work being carried on by the House Select Committee on Crime should be continued and I respectfully recommend passage of House Resolution 115.

Mr. WOLFF. Mr. Speaker, I rise in support of House Resolution 115, which would reconstitute the Select Committee on Crime, extend its investigative authority through the 92d Congress, and increase the committee's size from seven to 11 members.

As a sponsor of the resolution creating the select committee in 1969, I have viewed with pride the fine work done by the gentleman from Florida (Mr. Pepper) and his colleagues. During its 20 months of existence, the Crime Committee has held 13 public hearings throughout the country, issued four reports—including reports of major significance on the traffic in heroin and amphetamines—and made 53 legislative recommendations.

In my judgment, the primary function of this type of special committee is to shed light on the conditions which exist in America today, and not necessarily to legislate. Without public support, very little can be accomplished in this country. It is the job of this select committee to make the public aware of the crime problem in the United States, and it is fulfilling its purpose through the issuance of reports and legislative recommendations. Hopefully, the legislative committees of the Congress will follow through on those recommendations by enacting the necessary legislation.

I would hope the committee will be permitted to continue its vital investigative work, for the problems we faced in 1969 are still with us. For that reason, I would like to include at this point in the Record the remarks I made on May 1, 1969, in support of the creation of the committee:

> Mr. Wolff. Mr. Speaker, I rise in support of this legislation.
>
> Mr. Speaker, as a cosponsor of this important resolution I am pleased to speak for its prompt passage. We have only to read our daily newspapers and listen to our broadcast news reports to realize the gravity of the problem of crime in all parts of our Nation.
>
> This problem stretches from organized crime with its many outlets to urban violence to suburban teenagers experimenting with dangerous drugs. The magnitude of the problem is truly awesome and prompt constructive action is necessary.
>
> In order to best define the sources of the problem and therefore offer constructive suggestions for possible solutions, a thoroughgoing congressional investigation is clearly desirable. This is, of course, the purpose of this resolution and the reason why I have joined in sponsoring the legislation drawn by my able and distinguished colleague from Florida (Mr. Pepper).
>
> I trust our colleagues recognize the importance of initiating a complete study of the problem of crime at the earliest possible date and therefore anticipate immediate positive action. Not to act now would be a grave disservice to the tens of millions of law-abiding Americans. Finally I want to join in commending the gentleman from Florida for taking the lead on this vital subject.

Mr. BRASCO. Mr. Speaker, on Law Day, May 1, 1969, the 91st Congress created the Select Committee on Crime. During the remaining 20 months of that Congress, this committee, ably chaired by our colleague from Florida, Claude Pepper, has distinguished itself through its investigations, particularly in the area of drug abuse.

Through a series of hearings in virtually every section of the United States, the Select Committee on Crime has confirmed our most dreaded expectations. Drug addiction is a national problem, not simply confined to one section or one economic class. Heroin addiction is no longer isolated in the ghettos of New York City; cocaine is no longer found only in Miami's Cuban district; the use of "speed" is no longer a west coast phenomenon alone. Today, drug addiction is just as visible in Lincoln, Nebr., as it is in the District of Columbia.

Today we are considering whether to continue the activities of the Select Committee on Crime for the 92d Congress. I strongly urge my colleagues to vote yes. The justifications for this favorable action are numerous.

Literally billions of amphetamines have been manufactured annually by legitimate drug manufacturers in this country. Amphetamines have become one of the most abused of all dangerous drugs. When taken improperly they have been found to cause rather strong reactions in the user. The commitee discovered that half the illegal amphetamines sold on the streets were manufactured by legitimate drug firms. Until this was pointed out by the Select Committee on Crime during its San Francisco hearings, few were aware of the gravity of the problem.

The use of heroin is not new to this country. But heroin addiction has grown in epidemic proportion during the past 5 years. Many legitimate businesses have unwittingly been contributing to the heroin trade. Millions of glassine envelopes and gelatin capsules have been used to package this slavemaker. Until the Select Committee on Crime questioned the manufacturers of these products during hearings in New York City and the District of Columbia, how many of them were aware of the application of their products to the drug trade?

One dose of heroin as it appears on the street market contains at most 10 percent heroin. The rest of the compound is made up of quinine, mannite, and milk sugars. The only possible use of the combination of these cutting agents is in the heroin trade. Yet presently there are very places where arrests can be made upon finding these ingredients if heroin itself is not present. As a former prosecutor in New York City for 10½ years, I am aware of the frustrations of law enforcement when during a raid all the implements of the heroin trade were found, but not the narcotic itself. The Select Committee on Crime's proposed paraphernalia statute for the District of Columbia would serve to remedy this gap in our legal structure.

It is obvious that this Congress has benefited greatly from the inquiries started by the Select Committee on Crime. A vote for the reconstitution of this committee is a vote to continue our efforts to reduce crime in our Nation. I urge you to continue the life of this valuable committee.

Mr. HAGAN. Mr. Speaker, it is with great pleasure that I rise in support of the reconstitution of the Select Committee on Crime. If Congress is to meet its responsibilities in the fight against crime and drug abuse it must be armed with the facts. We appear to know all too well the effects of crime and drug abuse. It is the causes that need further clarification. In its 20 months of existence the Crime Committee has begun to expose many of these alarming causes and has proposed specific remedies. It is essential that the committee continue its valuable work.

How many of us were aware of the dangers of the seemingly innocuous diet and pep pills before the Crime Committee alerted us to the effects of amphetamines? How many of us realized that the dangerous drug we knew of as "speed" was also being misused by unsuspecting housewives on diets and people in need of some pep? Through its hearings and extensive investigations, the committee revealed the vast overproduction of amphetamines. For these timely warnings the Nation and Congress will remain indebted to the Crime Committee.

The Special Subcommittee on Alleged Drug Abuse in the Military, of which I am privileged to serve as chairman, is particularly grateful to the Crime Committee for its thorough investigations into the overproduction of amphetamaines. When in the course of the Crime Committee's investigations, it appeared that the military medical services were purchasing large amounts of amphetamines, Chairman Pepper testified before our committee and provided us with all the information his committee had collected to date. On the basis of this, the special subcommittee held its own hearings to examine the military amphetamine purchasing policies and the need for these drugs.

It appears that the demand for these drugs is indeed decreasing. In fact, the Defense Medical Materiel Board has ordered that all amphetamine drugs be removed from survival kits. You may be sure that all amphetamine purchases and prescriptions for military personnel and dependents are being closely monitored. Cooperation of the type exercised by the Crime Committee has been most valuable to those of us charged with the specific responsibility of investigating alleged drug abuse in the military.

Amphetamine abuse, however, has been but one of the many aspects of crime examined by the Crime Committee. The committee has examined the extent and cost to society of heroin addiction. It has examined the plight of the addict trapped in a web of crime that begins in the poppy fields of Turkey and ends with the junky on the street. The findings and recommendations of the committee are contained in a report entitled "Heroin and Heroin Paraphernalia."

Armed with the facts and recommendations of this report and the reports on "Amphetamines" and "Juvenile Justice and Corrections" this Congress can hope to provide enlightened legislation to combat the problems of crime and drug abuse. However, we need more such reports, more investigations, and more research. The Crime Committee has the expertise to help and inform us all. We must permit and encourage it to perform the same valuable service in this Congress that it performed in the last. I strongly endorse its reconstitution.

Mr. PEPPER. Mr. Speaker, I welcome this opportunity to speak on behalf of House Resolution 115, which Mr. Wiggins and I introduced, to reconstitute the Select Committee on Crime, which I had the pleasure and honor of chairing during the 91st Congress.

In recent years, the House of Representatives has exercised a wise discretion in the creation of select committees. We have been careful in establishing select committees, so as not to duplicate the work of the excellent standing committees of the House.

But I am here today to ask that you look favorably upon the reconstitution of the Select Committee on Crime because I believe that the nature of crime in America demands action that often cuts across ordinary committee lines, just as it cuts across local, State, and even Federal borders.

I would suggest that this interdisciplinary study is the function that the Select Committee on Crime has and can continue to perform to great benefit to the Nation. Crime is not a phenomenon of a single cause; rather, it has many and varied causes which all contribute to the starting rise in crime this Congress is pledged to halt. Laws on drugs, for example, are often referred to this body's Committee on Interstate and Foreign Commerce. Legislation on courts is referred to the Committee on the Judiciary. Without in any way casting the slightest asperson on the excellent work of these and other standing committees, I submit that there is a compelling need for this body to have an investigating committee that can span the full range of the fight against crime, free to look into all aspects of crime and their interrelationship, while at the same time scrupulously honoring the rights and prerogatives of the standing committees.

In addition to the ability of a select committee to take an interdisciplinary look at crime, I think this body needs a committee with the investigative capacity to seek out specific kinds of abuses. Over 20,000 bills were introduced during the 91st Congress. Each of these bills was referred to a standing committee, where it received careful consideration. Consequently, I believe it is clear that we need an investigative committee whose staff is free of the weighty and important burden of considering the legislative proposals of the Members of this body.

Now that I have outlined what I consider to be the need for a Select Comtee on Crime, permit me to say a few words about what, during its life in the 91st Congress, the Crime Committee did to fulfill this need.

I said at the start that I wanted the Select Committee on Crime to be the "action committee" in the fight against crime. Although 20 months—the life of the Select Committee on Crime in the last Congress—is a mere moment given the magnitude of the problem, I think I say with justification that we have done much to fulfill our goal.

The Select Committee on Crime has held 13 public hearings in as many cities spanning the width of this Nation. We have been in the South, in the Northeast, in the Midwest, and in the West. We have, whenever possible, gone to the people to seek out information that could be of use to us.

Our first hearing, published under the title of "The Improvement and Reform of Law Enforcement and Criminal Justice in the United States," was held here in Washington over a period of 12 days. These hearings touched on all aspects of the crime problem and served as an overview, to help the members of the committee focus on specific problems in need of further study.

The committee traveled to Boston, Mass., in September 1969, to conduct its first field hearing. This hearing, "Drug Abuse and Criminal Justice," focused on the phenomenal increase in the use of narcotics and dangerous drugs and the critical necessity for better programs in the enforcement of narcotic laws, rehabilitation of drug addicts, and drug abuse education.

Another major theme of these hearings was the critical need for the improvement of our correctional institutions at the State and local levels and the role the Federal Government could play in this regard. The committee visited the Bridgewater Correctional Complex, the largest in Massachusetts, and talked at length with prison officials and inmates.

These two themes—drug abuse and correctional reform—were to become major components of the committee's program and led to the introduction of legislation which I will mention shortly.

In October 1969, the committee again traveled to the people to get a mid-America view of crime. The hearings in Omaha and Lincoln, Nebr., clearly demonstrated that the major problems of crime—narcotic and dangerous drug abuse, the rise in violent crimes, increasing involvement of juveniles in criminal activities—are the same in medium-sized cities of the Midwest as they are in the major urban concentrations of the country. The committee especially focused on the development of suggestions for areas in which the Federal Government could more effectively assist local government in meeting the crime problem. Specifically, the committee elicited much helpful testimony on the subjects of drug abuse and addict rehabilitation, juvenile justice and corrections, improvement and upgrading of police, and the eradication of the native marihuana supply in the United States.

Following up on information gathered at the Omaha/Lincoln hearing, the committee held a hearing in Washington later specifically addressed to the problem of the widespread use of marihuana. Testimony was received from acknowledged leaders in the field; officials of the Department of Health, Education, and Welfare; the National Institute of Mental Health; and doctors active in the field.

Later in October, the committee held 4 days of hearings in San Francisco, Calif., to determine what course of action should be taken by the Federal

Government to restrict the movement of dangerous drugs between legitimate manufacturers and illegitimate drug distributors. Testimony was received from Government officials, drug company representatives, and a number of witnesses subpenaed to testify on illegal drug laboratories and the operation of illegal drug distributors.

Following up on its work in San Francisco, the committee convened a hearing in Washington in November in order to take additional testimony concerning the legitimate and illegitimate uses of amphetamines and methamphetamine. This testimony was considered important to the committee in its efforts to explore all aspects of this problem prior to recommending remedial legislation. This hearing and the San Francisco hearing became the foundation of the committee's drive to greatly curtail the legitimate but abused production of amphetamines.

Later in November, the committee convened 2 days of hearings in Columbia, S.C. The committee took two field trips during this hearing; first, to meet with the inmates of the Richland County Jail, and second, to visit the Columbia Pre-Release Center, an innovative program to equip inmates for the society they are reentering.

Of particular interest at the hearing was testimony concerning the new and successful programs of the South Carolina correctional system. These programs included extensive vocational training, prerelease centers, and programs to mobilize community support for underfinanced juvenile justice systems.

In December, the committee went to Miami, Fla., to take testimony on aspects of drug abuse, organized crime, court delay, and juvenile justice. We received testimony that indicated that cocaine, a narcotic previously used only by the wealthy, is now in strong competition with narcotics like heroin and is widely used now among the middle class. Testimony was also taken on the problems of cocaine smuggling, treatment and rehabilitation of the drug addict, and the need for better drug abuse education in the schools.

The committee also devoted time to the problems of violent street crime, youth crime and juvenile justice. A panel of local businessmen discussed street crime from the victim's point of view.

The committee's first hearing of 1970 took place in February here in Washington, but not on Capitol Hill. We were concerned with street crime and its effect on citizens, and we believed we would get a more accurate picture if we went out into the community. We held 2 days of hearings in elementary schools in the District and spent 2 days in the suburbs; one in Prince Georges County, the second in Fairfax, Va.

We heard a panel of small businessmen explain how crime has influenced their businesses, even to the point of forcing them out of business. We took testimony on the rising rate of crimes within the District schools.

Our hearings in the suburbs gave us an opportunity to learn a great deal about the so-called spillover of crime from the District, as well as the indigenous crime problems of these communities.

As a result of information gathered at the Washington hearing, members of the committee introduced a bill to provide crime insurance for businessmen in high crime areas.

"Youth in Trouble" was the topic of our Baltimore, Md., hearings, held in March 1970. The committee took wide-ranging testimony on the problems of youth crime, drug abuse, and corrections. We also listened to a panel of young people describe their views on the causes of crime and what can be done to keep young people out of criminal activities.

Our next hearing, held in New York City in June, was a major effort to collect information concerning the importation, distribution, and packaging of heroin. With at least 200,000 heroin addicts in the United States today, we are convinced that heroin addiction is one of the major causes of crime, particularly the types of crime that citizens fear most—burglary, robbery, mugging.

The committee received testimony for 5 days from acknowledged experts who told of the difficulty of halting heroin smuggling and the frustration of court delay in prosecuting those indicted. The committee also conducted an intensive investigation into the materials used to dilute and package heroin for street sale. This is an area that was virtually ignored by law enforcement officials. Our investigation and subsequent cutting off of much of these supplies caused a great shock wave in the heroin community in New York. I am pleased to report that with the cooperation of major envelope manufacturers, we have virtually eliminated the production of the small glassine envelopes usually used to package heroin.

One afternoon during the New York hearings, the committee took an unpublicized visit to a church in the south Bronx, where we met with members of a community devastated by the basement horrors of heroin addiction. The area—stripped of everything of value by dope addicts—looked like the bombed-out cities of Europe after World War II.

In July, the committee convened in Philadelphia, Pa., to explore the subject of youth crime and street gang violence. Our investigation revealed that there were 93 organized gangs operating in Philadelphia, with approximately 5,300 members ranging in age from 12 to 23. In 1969, 41 persons lost their lives in gang incidents, and as of June 30, 1970, 17 persons had been slain in gang-related rampages.

A long tied-up grant from LEAA was given to Philadelphia to fight gang warfare shortly after the committee hearings there, and the committee's work was cited at the time of the announcement.

The committee's final hearing of the 91st Congress was held here in Washington in October. The purpose of this hearing was to inquire into the possible need for new legislation to control the manufacture, distribution, and sale of the items used to dilute and package heroin, usually referred to as heroin paraphernalia.

Heroin paraphernalia is essential to the pusher to cut his heroin to street sale dosage units, and the committee discovered that many pushers were getting their supplies of capsules, envelopes, quinine, and mannite from so-called legitimate businessmen.

As a result of this hearing, the Parke, Davis & Co. announced that it was discontinuing production of the gelatin capsules most often used to package heroin. Eli Lily & Co., the major capsule producer, announced that it would institute stricter controls over its shipments of the capsules.

Furthermore, as a result of our hearings, the Commonwealth of Pennsylvania instituted proceedings against a Pennsylvania pharamacist who testified at our hearing that he supplied paraphernalia to Baltimore heroin pushers.

White envelopes and capsules may seem like minor items given the magnitude of the heroin problem, we have received word from narcotics agents that the disruption caused by this committee's curtailment of these supplies has lead to the identification of a number of heroin distributors whose identity was previously unknown to law enforcement agencies.

Much of the work of the Crime Committee's first 20 months is embodied in our four reports to the Congress. Rather than issue a comprehensive report alleging to report definitively on all aspects of crime, we chose instead to report only on those subjects which we had studied in such depth so as to offer substantive recommendations.

These reports, "Marihuana," "Heroin and Heroin Paraphernalia," "Juvenile Justice and Corrections," and "Amphetamines," have received widespread circulation among Members of the House and the general public. Well over 20,000 copies of the marihuana report were distributed by Members to their constituents.

The recommendations in the latter three reports constitute, we believe, a basis for important legislation. The heroin report, for example, outlines a wide-ranging program to attack heroin abuse both here and at the overseas source of the heroin.

The Juvenile Justice Report calls for passage of the Juvenile Research and Training Center Act, which this committee drafted with the cooperation of a distinguished panel of juvenile justice experts, headed by Judge Orman Ketcham of the District of Columbia Juvenile Court.

The report on amphetamines outlines the horrible extent of the abuse of these legally manufactured drugs. We call for an amendment to the present drug laws to tighten control over the production of these deadly drugs.

While the Select Committee on Crime is not a legislative committee, of course, one of the advantages we have over Presidential Commissions, for example, is that the members of our committee are also Members of the House and can introduce legislation to carry out the recommendations in a report. I think this one of our strong points.

When our investigations have uncovered information that was clearly within the province of a standing committee, we have not hesitated to contact that committee and share our information with them. When we uncovered certain alleged violations of FHA regulations during the course of our investigation in Philadelphia, for example, we gladly shared this information with the Committee on Banking and Currency, which pursued the investigation.

During our investigation of amphetamine abuse, we discovered that the Federal Government, and the military in particular, was a large buyer of these dangerous drugs. After compiling statistics that indicated that the matter ought to be more closely scrutinized, I appeared before the Special Subcommittee To Investigate Alleged Drug Abuse in the Military to share our information with them.

The 53 recommendations set forth in the committee's final reports form the basis of several bills which members of the committee plan to submit to the 92d Congress. These bills can provide the basis of a broad range of remedial legislation in the fields of narcotics traffic, dangerous drug distribution, juvenile justice, and corrections.

In our studies of the multiple aspects of the dangerous drug problem, our committee has preliminarily concluded that we presently have sufficient synthetic substitutes for opium derivative drugs. Unfortunately, neither our governmental agencies nor our scientific community has discovered a nonaddictive substitute for opium.

If reconstituted, we would continue our study into this area and make recommendations relating to the possibility of the development of such drugs which could be used in lieu of the imported crude opium from countries like Turkey and Iran. We would also complete an investigation into the nature and extent of research presently undertaken by the Federal Government in the area of drug addiction. We have also investigated the question of the use of methadone maintenance and the decrease in crime of those addicts under such treatment. We would like to complete this investigation.

Our investigation in the drug area has inevitably led us into the complex problem of organized crime and its control of the illicit importation of heroin.

As a result of this investigation, we have touched upon the problems of organized crime's incursion into the legitimate business community. We would like to pursue this line of inquiry and to make recommendations to the House at the conclusion of our study.

Our investigation of the heroin crisis in America has revealed the relationship between drug related crimes and court delay. Court delay and the proliferation of criminal litigation are aspects of our crime problem which need immediate and thorough scrutiny. The heroin investigation has further revealed the deteriorating state of Federal and local correctional institutions and their tendency to harden criminals rather than rehabilitate them.

As I said at the opening of my statement, the Crime Committee, if reconstituted, can serve the House in these and related areas and can provide a pool of information which has been and can continue to be of inestimable value to the legislative committees and to the Members. I sincerely hope that we are given the opportunity to continue the enormous task which we assumed during the 91st Congress.

I want especially to thank all Members of the House who have cosponsored the resolutions setting up the Select Committee on Crime and who have supported our committee in its inception and in its labors.

We shall seek to vindicate the confidence of the House in whatever we may do in the discharge of our duties.

Mr. Speaker, one of the alert and most conscientious of the members of our committee in the 91st Congress until his retirement from the committee upon his being named U.S. district judge in Nebraska was Hon. Robert V. Denny—now confirmed by the Senate as district judge.

I include a telegram to me from Mr. Denny supporting the reconstitution of the committee:

FAIRBURY, NEBR.,
March 5, 1971.

HON. CLAUDE PEPPER,
Cannon House Office Building,
Washington, D.C.

DEAR CHAIRMAN CLAUDE: I am out of Congress waiting confirmation as a Federal District Judge, but it has come to my attention that the resolution for funding the works of the House Select Committee on Crime will be up next week, and this is to advise you I wish I could be there to testify, and if I was I would urge the committee to authorize the requested appropriation, as I think the one landmark thing the House Select Committee on Crime has done to excite the general public about the danger about the use of drugs in this country, and each political sub-division is now doing something about it. Best regards to you and the committee.

Mr. Speaker, in conclusion I would like to give a summary of the 53 recommendations which the House Select Committee on Crime made to the 91st Congress:

RECOMMENDATIONS SUMMARY

A. HEROIN AND HEROIN PARAPHERNALIA

The Heroin and Heroin Paraphernalia Report consists of seven sections, the final section contains the Committee's 21 Recommendations. The first six sections are in narrative form and detail the history and development of the addiction crisis in the United States. Sections 3 and 4, Smuggling and Distribution, survey the multiple problems which law enforcement faces in combating heroin trafficking, both inside and outside of the United States.

Section 5 is devoted exclusively to heroin paraphernalia, and this section draws heavily from our New York and Washington heroin hearings. The story of the 1½″ x 1½″ glassine envelope and the No. 5 empty gelatin capsule is portrayed in rather descriptive terms and emphasis is placed upon the testimony of several of our impressive and/or controversial witnesses.

Section 6, entitled Narcotics Research, reviews several of the findings which have been submitted to our Committee and staff concerning the development of methadone maintenance programs in New York City, Washington, Boston and Miami, and also the narcotics research programs undertaken by NIMH, the university communities and certain independent studies by private industry.

Significant emphasis is placed upon the federal role in narcotics addiction research. The Report notes that in the two-year period, 1969 to 1971, while law enforcement expenditures are expected to soar by *130%*, spending for narcotics research will rise only *35%*.

A sub-section within the Research section is devoted to the development of synthetic analgesics or manufactured opium substitutions. The section on synthetic substitutes reviews the testimony of witnesses at our New York hearings and also the information and documents supplied to the staff by scientists, clinicians and physicians who have worked toward the development of synthetic substitutes. This section should be used to buttress Recommendation 2, wherein the Committee calls upon the Congress to outlaw the importation of crude opium into the United States. The Report states that although the search for synthetic analgesics has been successful in that pain killing drugs, as effective as opium base drugs, have been compounded and marketed, it calls for continued research toward the development of high potency synthetic substitutes which do not produce dependency and addiction. This section may also be used to support Recommendation 1, wherein the Committee advocates the total eradication of cultivated opium.

The final sub-section of the section on Research details the need for continued addiction research and sets the stage for our future hearing wherein we will explore, among other things, methadone maintenance programs, non-addictive synthetic substitutes, and narcotic antagonists or blockage drugs such as naloxone and cyslazocine.

Recommendations

Recommendations 1 through 10 are primarily concerned with the international aspects of the heroin problem. The thrust of the Recommendations are geared to a multilateral rather than a bilateral approach to solving our problems of the illicit importation of opiates. The first recommendation calls for the total eradication of opium cultivation throughout the world. (There are 12 opium-producing countries in the world today.) Additionally, our Committee calls for the outlawing of all legal importation of crude opium and morphine. It should be noted that the terms "opium" and "morphine" are often used interchangeably. However, morphine is a refined or processed opium which is derived from crude opium. We import annually approximately 125,000 kilos of crude opium. We also import significantly smaller amounts of morphine. Recommendations 1 and 2 are supported by our conclusion (which is in turn supported by weighty scientific opinion) that we now have synthetic substitutes which will not only kill pain, but provide a euphoria-type effect for physicians treating patients with terminal diseases, like cancer.

Our Committee calls upon responsible medical and scientific leaders to join us in our fight for the acceptance of synthetic pain killers in lieu of opium derivative drugs.

In Recommendation 3, we offer a proposed short-term solution to the opium cultivation problem in that we encourage opium crop substitution and diversification programs in underdeveloped countries. We do not concede that our first Recommendation is impossible of obtainment, but rather we argue that while we are working toward total eradication, interim measures are undoubtedly necessary.

In Recommendation 4, we propose amendments to the 1961 Single Convention which would enable our international organizations to use enforcement machinery in order to implement the licensing provisions of the Single Convention and also aid internation organizations in working toward the goal of total eradication of opium cultivation. We also propose that a comprehensive multilateral plan to attack worldwide drug addiction be submitted by the United States to the United Nations. We encourage the use of embargo provisions through a multilateral rather than a bilateral method. Additionally, we recognize that there is a need to impress upon the world community the fact that addiction is an international as well as a national problem.

In commenting upon opium crop substitution, we also recognize that certain responsible people have proposed preemptive purchasing as a method of stopping illicit seepage from Turkey, and other opium producing countries. The Report concludes that as a result of conferences with leading and knowledgeable officials, it is the considered judgment of the Committee that preemptive purchasing would stimulate rather than stifle the production of the opium poppy.

In Recommendations 5, 6, 7, 8 and 9, we concentrated upon the existing international organizations which are charged with the responsibility of controlling the licit and illicit flow of opium. We recommend that the Commission on Narcotics Drugs, the International Narcotics Control Board, and the Division of Narcotics Drugs be expanded and strengthened in personnel and in responsibilities. We also recommend that active international organizations like the World Health Organization, the Food and Agricultural Organization, the International Labor Organization and NATO be employed to effect our short and long range objectives of controlling illicit narcotics flow and eventually eradicating total opium cultivation.

In Recommendation 10 we suggest that serious consideration should be given to the research and development of certain technical approaches, including a satellite surveillance system, an international computer bank, remote sensor devices and the development of chemical trace elements which could be applied to soil in order to make the products grown from that soil susceptible to detection by sensor devices.

Recommendations 11, 12 and 13 suggest now approaches for the issuance of visas to foreign travelers, for reinstating the practice of keeping lists of passengers by flight or ship, and for increased border searches and the elimination of pre-flight clearances, in certain limited cases.

Recommendation 14 ties in closely with Recommendation 2 since our Committee's conclusion set forth in Recommendation 2 is that we now have effective synthetic substitutes for opium, but that we must work toward developing non-addictive synthetic analgesics. Additionally, the Recommendation calls for increased research in order to develop effective narcotic antagonists and blockage drugs.

In Recommendation 15 we call for an improvement in our efforts and legal machinery in order to adequately cope with the problem of court congestion (much of which is directly associated with heroin and heroin related cases.)

Our Committee requests a re-evaluation of the present exclusionary policy, wherein probative and relevant evidence is excluded because of mistake, inadvertence, or unlawful activity on the part of a police officer.

We emphasize the fact that inequities are sometimes effected because of the exclusion of otherwise probative and relevant evidence. Our Committee calls for an exploration of possible avenues of relief, short of total evidentiary exclusion, for unlawful searches and seizures.

In Recommendation 16 the Committee calls for the establishment of expanded treatment facilities in federal and state prisons and detention centers.

Recommendation 17 is in three parts. The first part of the Recommendation calls for an increase in penalties for bail jumping in narcotics cases so that the court could sentence a defendant convicted of bail jumping up to the maximum allowable prison term or fine which that defendant could have received had he been convicted on the underlying narcotics or narcotics conspiracy charges. This Recommendation is supported by substantial testimony taken at our New York hearings, as well as a thorough study of bail jumping in narcotics cases in the federal districts in the country; namely, the Southern District of New York.

The second part of Recommendation 17 concerns a request that the Congress should give serious consideration to amending the Bail Reform Act in order to allow a court to exercise its discretion, in certain limited narcotics cases (prior to trial or after conviction, pending appeal) where the court finds that the narcotics trafficker poses a danger to the community at large or to any specific person in the community. It should be noted that this Recommendation asks the Congress to give serious consideration to a simplified preventive-detention statute in certain classes of narcotics trafficking cases. It also recommends that speedy trials should always be available to defendants in narcotics cases and that such speedy trials are of benefit not only to the defendant, but to the prosecution as well.

The final part of Recommendation 17 concerns the question of trial *in absentia*. The Recommendation requests that the Congress give serious consideration to legislation which would empower a court to proceed with a *trial in absentia* of a defendant in a narcotics trafficking or conspiracy case, where the defendant, after being advised by the court of his responsibility to reappear for trial, upon responsible notice, voluntarily flees the jurisdiction. The Committee suggestion is buttressed by two recent cases wherein the Second Circuit and the Supreme Court used a theory of waiver to justify the exclusion of the defendant from the courtroom and the continuation of his trial in his absence.

In Recommendation 18, the Committee suggests that the provisions of the Narcotic Addict Rehabilitation Act of 1966 be fully implemented. The Committee also recommends that states follow the example of New York and California which are the only two states to sponsor and support major comprehensive programs for civil commitment and addict rehabilitation.

In Recommendation 19, the Committee requests that the Congress determine the effectiveness of drug education programs before they further fund any additional educational programs.

Recommendation 20 embodies the Committee's findings as a result of its hearings in New York and Washington concerning the sale, distribution and transfer of narcotics paraphernalia. The Committee recommends that our proposed District Paraphernalia statute be used as a model statute by states and encourages the adoption of similar regulatory schemes. Also, the Recommendation concludes that since private industry has failed to exercise self-restraint in the manufacture and distribution of narcotics paraphernalia, Congress should give serious consideration to several proposed federal regulatory schemes including registration, licensing and prescription scheduling.

The Committee's final Recommendation (21) concerns the prospects of expanding the methadone maintenance programs, wherein such programs would be made available for all those heroin addicts who can profit from such treatment. The Recommendation does not preclude other types of treatment and emphasizes the fact that there is no substituition for total narcotic abstinence, where such abstinence is possible. The Recommendation endorses programs such as Synanon, Daytop Village, Encounter and Phoenix House where the treatment modality is abstinence rather than the distribution of narcotics like methadone.

This is the first time that the Congress, or any federal agencies, has embraced and encouraged methadone maintenance as an acceptable treatment approach.

B. JUVENILE JUSTICE AND CORRECTIONS

As a result of several hearings in the area of juvenile crime and delinquency, the Committee has found, based upon abundant evidence, that juvenile crime has been increasing at a far greater rate than our country's juvenile population. Juveniles between the ages of 15 to 17 years old make up the single largest age group of arrests in the United States.

Several experts on juvenile delinquency who testified at our hearings repeatedly stated that there is a substantial relationship between juvenile crime and the environment or living conditions of young people. Slum and ghetto dwellings without basic accoutrements of light, heat or hot water often drive young people into the streets. Once young people are in the streets, there is an immediate potential for deviant activity. The Committee recommends an increase in federal funds for the construction of low income housing.

The Committee also recognizes that the lack of medical facilities in many disadvantaged or low income areas is an increasing source of bitterness and frustration. The Committee urges that medical schools make available health facilities to people with limited financial resources. Those medical schools receiving federal funds should be required to devote a portion of their resources to community medical and mental health needs. The educational systems in this country share deeply in the blame for many of the problems we have encountered with our young people. Educational methods have been rigidly stultified and cannot cope with problem children, slow learners and the culturally deprived child. New methods must be formulated so that educators can adapt to the type of students confronting them. This Nation cannot justify, nor can it afford to have high school graduates who are functional illiterates.

Many students would be more willing to attend school, and could indeed profit more from the availability of vocational education than from traditional academic curricula. These youth have no desire for higher education. They want to learn a trade. Many dropouts have indicated that had vocational education been available, they would have readily finished school. Adjudged delinquents have also indicated that lack of vocational training cooled their enthusiasm for school. There is legislation in effect providing funding for vocational programs in schools. This should be expanded and implemented as soon as possible.

The Committee found that statistically there is a great relationship between dropping out of school and juvenile crime. Dropping out is a severe problem that could be corrected by a revamping of educational methodology and increasing vocational courses. However, there will always be dropouts. Programs must be made available for retraining and reeducating dropouts so that they may play a useful role in society.

Several jurisdictions have experimented with "on the street" techniques in attempting to prevent juvenile crime. One of the most successful programs in the country is Courtesy Patrol of Washington, D.C. This group utilizes the young people in the neighborhood in a variety of capacities. The members, all wearing bright orange team jackets, patrol the neighborhood after dark. They will escort women alone on the street, watch for fires and disturbances, and report anything of an unusual or criminal nature they observe on the street. Not only does the program give the youth involved a feeling of pride and accomplishment, but crime can be significantly affected and reduced by such programs.

The police officer, of course, is an integral part of the juvenile justice system. The youthful offenders' first contact with the law will come through our policemen. The Committee urges all police departments to make sure that the greatest possible amount of training is given to police officers in the area of handling juveniles. Youthful offenders, it must be clear, are not to be treated in the same manner as adult arrestees. In addition, each department should have a juvenile division in it with officers extensively trained in juvenile justice procedures.

There will be instances where young people will have to be arrested. It may still be possible for the young person to avoid the ignominy of incarceration, at least at the early stages of the adjudicatory process, if the situation is handled correctly.

Several jurisdictions have made use of "intake consultants." These people review each case before it gets to trial. They may feel it more beneficial to refer a young person to a social service agency, school counselor, or family counselling agency. In some circumstances, the intake consultant may order the youth to provide restitution for any damage done. Sometimes a talk with the youth and his family is enough. In any event the use of the intake consultant technique may enable the young person to avoid the always traumatic, often futile, adjudicatory process.

When it is necessary to incarcerate a young person, either before or after trial, there are certain guidelines that should be followed. Juveniles should never be mixed with adults. At best, the two groups should be in separate institutions. At the very least, they should be kept in completely separate sections of the same facility. The adult felon has much to teach and too often the young offender becomes an avid student.

The *Kent*, *Gault* and *Winship* cases have brought significant changes in the administration of justice in the juvenile courts. As a result of these cases, it is now definitively stated that young people being tried in juvenile delinquency cases are entitled to notice of charges against them, the right to confront and cross examine their accusers, the privilege against self incrimination, the right to a transcript of proceedings, and the right to appeal. In addition, in cases against juveniles wherein they conceivably could be deprived of their liberty, the burden of proof is now to be determined to be "guilt beyond a reasonable doubt."

Local courts are slowly reacting and adjusting their procedures. The Committee urges all jurisdictions to conform to the Supreme Court mandate as quickly as possible.

The Committee also suggests that there should be a reconsideration of the sentencing system in the juvenile courts.

The juvenile court is often scorned as an inferior court. However, the job of the juvenile court judge is probably the most important on the bench. The status of juvenile court must be upgraded at very least to the level of the highest trial court in the jurisdiction. The best possible people should be implored to become judges on these courts.

However, there are other personnel whose work is of great impact in the juvenile justice system. Many attorneys, both prosecution and defense, appear frequently in juvenile court but have little conception of the philosophy underlying it. Advanced training courses should be made available to legal personnel making frequent appearances before the juvenile courts.

Probation officers, too, are exceedingly significant in the rehabilitation of youthful offenders. Yet too often these men are ill trained (or not trained at all) and immensely overworked. Continuing training should be available for all probation workers and they must be urged to take advantage of it. Caseloads must be reduced until they are near the 35 cases per worker recommended by the President's Crime Commisson. Adequate salaries must be paid to keep the most qualified, highly trained workers in the field.

The youth corrections system in the United States is, on the whole, a travesty. We have hundred year old correctional institutions, flogging and corporal punishment, and lack of proper rehabilitation facilities.

This Committee visited several juvenile institutions, and part of our Report concerns the Committee's findings relative to these facilities.

There must be an immediate massive effort to renovate, both physically and procedurally, our juvenile incarceration facilities. Money and effort must be expended to bring these institutions into the twentieth century.

The Committee was most impressed, however, with one facility located in Red Wing, Minnesota. The advanced technique used with the young people there, known as "guided group interaction" has proven eminently successful.

Unfortunately, the Federal response in the juvenile justice area has been dismal. Over fifteen agencies of the Executive Branch have some responsibility in the juvenile justice area, and none are doing an adequate job.

We once again must reiterate our support of this Committee's bill, in the Juvenile Research and Training Center Act of 1970. The Act, in essence, would create a new agency whose sole interest is in the field of juvenile delinquency. It would coordinate the Federal response in the area while having central authority over all research in the area, the training of professionals in the juvenile justice system and the funding of all programs dealing with the juvenile justice system in the United States. The bill will be reintroduced at the beginning of the 92nd Congress.

C. AMPHETAMINES

No problem confronting our Nation today is more serious or critical than the matter of narcotics and dangerous drug abuse. Of all the dangerous drugs available for abuse, amphetamine-type drugs, whose street name is "speed", cause the most bizarre and sometimes violent behaviour.

Our laws are not adequate to cope with the "speed" problem. The Committee believes that there are five major areas that account for the prevalence and growth of "speed".

First, the annual overproduction of 8 billion "speed" pills by legitimate manufacturers provides enough for 40 doses for every man, woman and child in the United States, while the estimated legitimate medical need runs in the thousands. Over 50% of these drugs are diverted into illicit channels.

Second, controls over the export of dangerous drugs are inadequate. It is estimated that over 60% of the amphetamines and methamphetamines exported to Mexico are smuggled back into the United States black market.

Third, there is little federal or state control over the purchase of the immediate precursors or chemical ingredients needed to manufacture amphetamine-type drugs. It is all too easy for clandestine laboratories to purchase the necessary raw materials to make "speed."

Fourth, amphetamine-type drugs find their way into the illicit drug market through overprescription; especially by diet doctors.

Fifth, "speed" drugs can be purchased through mail order houses by almost anyone with a little ingenuity.

During 1969 and 1970, the Select Committee on Crime held hearings documenting the abuse of central nervous system stimulant amphetamine-type drugs. Two hearings in particular focused solely on "speed"—San Francisco, California, October, 1969, and Washington, D.C., November, 1969—producing the largest body of evidence in the United States on the nature and extent of amphetamine abuse.

The Committee's investigations have revealed that the most dire predictions concerning the abuse of amphetamines appear to be coming true. The problem has reached down into the elementary schools destroying the futures of helpless children. In the patterns of multi-drug abuse that are developing "speed" is an important feature, as abusers switch from psychedelics to amphetamines to barbiturates to heroin and back again. As long as amphetamine-type drugs remain readily available, comparatively inexpensive, painless to ingest orally and easily injectable, they will continue to present a temptation and danger to the abuser and a menace to society.

The non-controversial legitimate medical uses for amphetamines are very limited. In fact, it has been said that for every treatment requiring amphetamine drugs there is an adequate, less toxic drug that could be substituted. Some medical authorities have gone as far as to say that the danger and abuse potential of amphetamine drugs so outweigh their therapeutic value that their continued production is no longer justified.

Amphetamines may legitimately be prescribed for the treatment of narcolepsy (an uncontrollable impulse to fall asleep hundreds of times daily), the treatment of hyperkinetic children (inexplicable hyperactivity), and the first few weeks of diet control. The latter use is open to a great deal of medical debate. For these few uses the need has been estimated in the few hundred thousand.

The abuse of amphetamines could be broken into three categories. There are those people who take large doses of pills to remain alert or supercharged for a specific amount of time, such as cramming for an examination or sports events. There are those who have been prescribed amphetamines for such things as weight control, but who continue to take the pills in increased amounts long after the diet effort is over in order to enjoy the pep-up effect. However, the most extreme form of abuse is that which involves the injection of massive doses of amphetamines to achieve a euphoric rush.

The last form of abuse, shooting "speed", is the most alarming. The "speed freak" becomes both physically and psychologically addicted. Physical addiction means that an abuser develops a tolerance to the drug and experiences withdrawal symptoms when the drug is discontinued. A "speed freak" is subject to fits of panic and paranoias; he is likely to suffer from malnutrition; he is susceptible to nervous breakdowns and many infections. There has been some discussion that high dosage amphetamine abuse can result in brain cell damage, and a very recent discovery suggests that the abuse can result in a progressive disorder of the arteries (necrotizing angitis) which is fatal.

The amphetamine psychosis can produce dangerous virulent reactions. "Speed freaks" have been known to commit violent acts while suffering from acute paranoia. This presents a constant danger to both the abuser and society.

Widespread central nervous system stimulant abuse of epidemic proportions is relatively new in the United States. Since two countries have lived with this problem longer than we, the Committee has reviewed the Swedish and the Japanese experiences in the hope that we might better understand our own problem and to find some solutions.

Japan has struggled with the problem since the end of World War II. During the War, soldiers and production workers had used amphetamine-type drugs in an attempt to increase their efficiency. At the end of the War, the drug companies decided to dispose of their surplus stock through clever advertising campaigns to a frustrated public, susceptible to anything that would boost the morale. The effort was successful and snowballed into an amphetamine abuse epidemic by 1948.

The Japanese Government first attempted to control amphetamine abuse by enacting the Drug Abuse Control Law of 1948, which designated central nervous system stimulants as dangerous drugs. Next, the manufacture of amphetamines was controlled. At first only injectable amphetamines were permitted until it became evident that abusers preferred injections to pills and powder, at which time they too became subject to manufacturing controls.

In 1951, the epidemic was still raging. The Japanese Diet then passed a central nervous system stimulant law which subjected amphetamines to the same type of controls exercised over narcotics. Following this legislation, however, the illicit manufacture of amphetamines burgeoned, black markets developed, and the abuse continued. In response, in 1954, the government increased the criminal penalties for violations of the control law. In 1955, precursors were brought under control and penalties were further increased.

Coincident with the 1955 amendments, a national campaign against central nervous system stimulants was launched to enforce the laws, educate the public to the dangers of amphetamine abuse and to provide treatment for abusers. Hospital facilities were provided for treatment.

By 1958, the number of arrests for violations of the drug laws had decreased from a peak of 55,664 in 1954 to 271. From start to finish the Japanese epidemic lasted about 10 years and was not wiped out until the drug, as well as its precursors, was strictly controlled, violators prosecuted, treatment provided for addicts, and the public educated to the dangers of the drug.

Sweden, however, has not had the same success with its efforts to control its amphetamine abuse epidemic. When it became evident in 1943 that amphetamine-type drugs were being abused, they were designated prescription drugs and the medical profession warned its members of the dangers. In 1944, amphetamine sales were restricted in the same manner as were narcotic sales. Though sales decreased for a few years, by 1959 they soared to a record of 33 million doses. As each new central nervous system stimulant drug was introduced on the market it was abused and the government was forced to subject it to the same controls exercised over narcotics. Unfortunately, Sweden has not been able to control the precursors, or the illegal importation of amphetamine-type preparations and so has been plagued by the products of clandestine laboratories and the black market.

We learn from the Swedish experience that all central nervous system stimultants involve the risk of abuse. Amphetamine abusers are not restricted to amphetamine drugs. They will switch readily to any central nervous system stimulant. We also learn that without some form of international cooperation, it is difficult for a country to outlaw a drug without encouraging smuggling.

In the Committee's estimation, the largest illicit domestic source of amphetamines is the overproduction by the so-called legal manufacturers. As mentioned earlier, over 8 billion pills are produced each year of which over 50% are diverted into illegal channels. Amphetamines appear to be diverted either through mail order drug houses or through the export of amphetamines and their subsequent imports to the United States black markets.

The Committee's investigations prior to the San Francisco hearings revealed the ease with which a certain BNDD agent, posing as a doctor, had purchased vast amounts of amphetamines from a mail order drug house, with only the feeblest of attempts to verify his credentials.

The investigations also revealed the export of quantities of amphetamine drugs to a so-called pharmacy in Mexico which, in fact, turned out to be the 11th hole of the Tijuana Golf Course.

Clandestine laboratories are also a source of black market speed. The Committee was told of the ease with which the formulas can be learned, the precursors purchased, and a lucrative business launched. Without control of the precursors of amphetamines, the United States will be faced with the same problem that faced Japan when it tightened its controls of the legitimate production of amphetamines without controlling the raw materials.

The Committee looked into the existing leigslation that has permitted the overproduction and diversion to occur. It appears that in 1965, when the Drug Abuse Control Amendments were introduced, there already existed an amphetamine abuse and overproduction problem. This was recognized by the Congress at that time, and it was stated that the Amendments were the first step to attempt to control the problem, and that if they did not succeed, more stringent controls would have to be introduced. The Committee does not believe that the 1970 Drug Abuse Bill has provided the necessary controls.

The Committee also considered the international controls that have been proposed in the Draft Psychotropic Drug Protocol, which is to be discussed and ratified by the international community at a conference in Vienna in late January and February of 1971. At the present time, there are no international controls governing the production or trade of psychotropic drugs. The Committee believes that the proposed controls of the Protocol should be adopted and that the United States export controls should be implemented in such a way so as to conform to the intent of the Protocol.

During the course of the Committee's investigations, it was discovered that the United States Military is one of the largest purchasers of amphetamine-type drugs. The Committee questioned the Military's purchasing practices, its controls over these drugs, its prescriptions policies and its large pill per person ratio. All of its findings were turned over to the Armed Services Committee on Alleged Drug Abuse in the Military. The Crime Committee was concerned both about the possibility of diversion from military stockpiles and about the creation of an artificial demand by the maintenance of inordinately large stockpiles.

Recommendations

As a result of its investigations and hearings, the Committee has made seven recommendations:

First, Congress should immediately transfer all "speed" drugs from Schedule III to Schedule II by an amendment to the "Comprehensive Drug Abuse Prevention and Control Act of 1970". The amendment would have the effect of:

1. imposing manufacturing quotas on amphetamines, methamphetamines, methylphenidate and phenmetrazine;
2. requiring approved order forms for the transfer of all "speed" drugs;
3. requiring the maintenance of separate and segregated records;
4. providing for non-refillable prescriptions;
5. imposing stricter import and export controls, and
6. reducing the availability of amphetamine precursors.

Not only would these changes curb the domestic diversion and abuse of amphetamines, but they would also bring the United States controls in line with those proposed by the international community in the Draft Psychotropic Drug Protocol.

Second, the United States should press for immediate adoption of the proposed draft protocol on psychotropic substances, for the abuse problem cannot be solved without international cooperation.

Third, to prevent bribery at the borders, a system of monetary rewards for seizures should be established.

Fourth, if recommendation number one fails to prevent diversion from mail order drug houses, then Congress should seriously consider prohibiting the shipment of dangerous drugs through the mail. Though the Committee does not feel that it has received sufficient testimony to call for such a prohibition without further investigations, it notes with interest that the California State Legislature has recommended just such a ban on mail order sales of dangerous drugs.

Fifth, should recommendation number one fail to prevent diversion of export shipments to Mexico, then Congress should seriously consider requiring all shipments of "speed"-type drugs in bond.

Sixth, the Committee recommends that inquiry be made as to what additional controls need to be imposed on barbiturates to prevent their unconscionable diversion into illegal channels.

Seventh, manufacturers, distributors and dispensers should monitor their sales more carefully. No amount of government regulation can be as effective as the strict self-regulation by the industry. We would hope in the future that the drug industry, individually and collectively, will do a better job in seeing that their dangerous drugs are used legitimately.

D. MARIHUANA

The Committee's Report on Marihuana attempted to collect and synthesize the massive and often contradictory evidence and testimony offered on the dangers and nature of marihuana and its use. On the basis of evidence presented at Committee hearings and staff investigations, the Committee estimated that the number of regular marihuana users in the United States today may well total three million persons, and their annual expenditure for this illegal drug is estimated at $850 million.

The use of marihuana is especially prevalent among young people, and there are indications that in certain high schools, 50 percent or more of the student body has had some experience with marihuana. There is also growing evidence that marihuana experimentation is making inroads in the Nation's elementary schools.

As the testimony quoted in the Report indicates, there is nowhere near unanimity concerning the dangers and health hazards of marihuana use. Therefore, the Committee called for a definitive study to be undertaken by the Surgeon General, similar to the study on the dangers of cigarette smoking. The Committee suggested that such a study encompass the following areas:

1. The extent of the use of marihuana in the United States, including the number of users, number of arrests, number of convictions, amount of marihuana seized, type of user, nature of use;
2. An evaluation of the efficacy of existing marihuana laws;

3. The relationship of marihuana use to the commission of crime;

4. The relationship between the use of marihuana and the use of other drugs; and,

5. The physiological, psychological and behavioral effects of the use of marihuana.

In conclusion, the Committee noted that the penalties for marihuana use and possession are frequently not imposed, and that jail sentences are the exception rather than the rule. This situation, the Committee noted, was highly undesirable, since the criminal statutes must be uniformly and fairly enforced, or they make a mockery of the effective administration of criminal justice. The selective enforcement of the criminal law, the Committee believes, leads to disrespect for law enforcement in general.

Mr. MATSUNAGA. Mr. Speaker, in May of 1969, when the House of Representatives was first considering legislation to create a Select Committee on Crime, I voiced the belief that the formation of such a committee "would be a first and important step in the direction of a new legislative initiative in coping with the appalling increase in the crime rate of this Nation."

In retrospect, Mr. Speaker, I must reiterate that judgment. The Select Committee on Crime, under the able leadership of the distinguished gentleman from Florida (Mr. PEPPER) has proved its worth countless times over.

In its 2 years of existence, the Crime Committee held more than a dozen hearings, in more than a dozen cities, covering a broad range of subjects related to crime and society's methods of dealing with it.

The tangible results included a number of specific recommendations for new legislation, and four outstanding committee reports.

One of the reports on marihuana, so impressed me that I furnished every high school in Hawaii with a copy. The demand for it has since far exceeded the supply.

The educational value of these reports has been inestimable. Not until the committee directed the cold spotlight of public inquiry at certain practices did most Americans realize that the illegal sale of heroin depended in large part on the legal sale of certain drug paraphernalia, like glassine envelopes or gelatin capsules.

The committee's report on amphetamines brought out the incredible fact that, while legitimate medical needs for these pills total several hundred thousand a year, actual production—all strictly legal—is over 8 billion pills a year. We also learned that most amphetamines which are exported find their way back to the United States through illicit channels. By now almost everyone in America has heard that one legitimate buyer of speed, which received about 15 million tablets over several years, turned out to be the 11th hole of a golf course in Tijuana, Mexico.

The Crime Committee's recommendation that speed production be controlled by legislation is one that I will join when it is introduced.

These are but a few examples, Mr. Speaker, of the worth of the select committee as demonstrated in the 91st Congress.

I look forward to further positive steps toward controlling the cancer of crime in America.

On Law Day, May 1, 1969, the House overwhelmingly approved the creation of the Select Committee on Crime. The vote, I believe, was 343 to 18. I urge the House today to reconstitute the Select Committee on Crime by passing House Resolution 115 by a unanimous vote. Let us keep a good thing going.

Mr. MURPHY of Illinois. Mr. Speaker, recent statistics indicates that this country's urban areas have more than half the reported crimes in the Nation. As a Chicagoan and Representative from the Third District in Illinois, I am seriously concerned about the extensive amount of crimes committed in our cities. It is for this reason that I lend my support to the 2-year extension of the Select Committee on Crime.

Crime and its ramifications do not lend themselves easily to investigation. There are numerous aspects for consideration—police effectiveness, drug addiction, organized criminal groups, and the environment of the inner city. These difficulties, however, are no excuse for our failure to grapple with the issue of crime and its prevention.

I concur with the conclusion of the National Urban Coalition's statement on national priorities that one of the principal difficulties in evaluating present procedures and instituting reforms in the area of crime is the lack of research and data in this field. It is for this reason that I wholeheartedly support the extension of the Select Committee on Crime.

The argument has been raised by some of my distinguished colleagues that the Select Committee on Crime invades the jurisdictions of standing committees—particularly the Judiciary Committee. The legislative problems associated with crime are so numerous that it is necessary to have a committee whose prime responsibility is to investigate and report. Much care must be taken, however, to guarantee against the intrusion of one committee into the realm of another.

During the 91st Congress, the Select Commission on Crime uncovered violations under the jurisdiction of other House committees, namely the Banking and Currency Committee and Special Subcommittee To Investigate Alleged Drug Abuse in the Military. Three violations were subsequently reported to the respective committees. This record of cooperation and jurisdictional respect speaks for itself and further justifies my support for this resolution.

Mr. DRINAN. Mr. Speaker, just as crime is not restricted to any one area, age group, income bracket or business, so drug abuse has permeated and endangers the whole fabric of our society. This has been vividly portrayed through the hearings and reports of the Select Committee on Crime.

The cost of crime to society has been estimated in dollars, but what of the emotional costs, the fear and suspicion that haunt so many; have those ever been estimated? Are we in Congress to sit and wait for others to propose remedies or are we to face our responsibilities and tackle the cankers that plague society? Those of us who have the power to affect change cannot, in good conscience, ignore what needs to be done. The citizens of this country look to their Representatives for help and protection. We will have failed them if we do not provide the necessary legislation. However, to draft enlightened legislation, the Congress needs facts, statistics, reports and recommendations. The Crime Committee has ably provided these in the past and I believe should be encouraged to continue doing so.

As dean of Boston College Law School and vice president of the Massachusetts Bar Association, I was painfully aware of the complex problems encountered in the administration of criminal justice. But neither the law schools nor the bar associations are equipped to examine all aspects of crime. While they examine the legal aspects of crime, they lack the facilities to research such things as the sociological and psychological causes and effects of crime. The Congress needs a committee that can draw on all the disciplines, synthesize the information, suggest new areas of research and make recommendations. This the Select Committee on Crime has done.

Through its impressive hearings around the country, the Crime Committee unfortunately illustrated that no area is free of crime and the tragedies of drug abuse. The hearings have shown that, contrary to public belief, heroin traffic is not limited to New York City, cocaine is not limited to the southeast and dangerous drug abuse is not solely the problem of the West Coast. Yet these problems, though nationwide, have to be solved on the local and State level. The Crime Committee has sought the opinions of those intimately involved on the local level to learn what has to be done and in what way the Federal Government can and should help.

While the hearings touched on many aspects of crime, the committee reports focused on four topics: marihuana, heroin and heroin paraphernalia, juvenile justice and corrections and amphetamines. The marihuana report was one of the first congressional documents that set forth expert views on the use of marihuana.

The heroin and heroin paraphernalia report presents a most comprehensive study of the web of crime that surrounds the heroin trade from the poppy fields in Turkey to the addict in the street. The report brought into focus some alarming facts.

More people from New York State were killed by heroin in 1969 than were killed in the Vietnam war in the same year. Neither killer can be tolerated. Nor can the profits made by so-called legitimate businessmen in the heroin paraphernalia trade. Before the Crime Committee's exposé, how many of us realized that heroin could not be sold without first being cut with quinine or lactose and packaged in glassine envelopes or No. 5 capsules, all provided by legitimate businesses. These and many other quirks of the heroin trade the committee discusses in its report and provides an impressive number of far-reaching legislative recommendations.

The committee examined with the same thoroughness the problems surrounding the administration of juvenile justice and corrections. The committee realized and reminded us that just as schools train the young to become adults, so many jails are making adult criminals out of young offenders. Our young people are too valuable to waste or lose in wars, through drug abuse, or in juvenile justice systems that corrupt rather than correct. The committee furnished some enlightened recommendations for additional research and changes.

The Nation and Congress are indebted to the committee for the timely warning of the dangers of amphetamine abuse. It is the Crime Committee we have to thank for revealing the overproduction of 5 to 8 billion doses of amphetamines annually by legitimate manufacturers. There is something gravely amiss when the profit motive and not medical need is permitted to dictate the volume of drugs produced. It is my hope that this Congress, with the leadership of the Members of the Crime Committee, will see fit to correct this imbalance.

The Crime Committee's record speaks for itself. While it has done an unquestionably fine job in the 20 months of its existence, it hardly needs to be said that there is a great deal more to be done in the struggle against crime. The standing committees and the Members need the continued expert help and advice of the Crime Committee. I strongly urge that we vote for its reconstitution.

GENERAL LEAVE TO EXTEND

Mr. YOUNG of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on this resolution in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. YOUNG of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

VIETNAM LAND REFORM BILL

(Mr. MOSS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MOSS. Mr. Speaker, today I am introducing with nine of the most distinguished Members of the House legislation designed to encourage and accelerate South Vietnam's new land reform program. It is our considered opinion that adoption of this amendment to the Foreign Assistance Act will speed U.S. troop withdrawals, save American lives, and leave something in Vietnam of enduring value.

We earnestly urge the Congress and the President to unite in support of this important measure which we sincerely feel will end the war more quickly. For the first time, the agrarian peasantry of South Vietnam will be given a real stake in the future of that country.

I am inserting at this point in the Record the text of the bill and a statement explaining its provisions and rationale:

H.R. 5764

A bill to amend chapter 4 of part I of the Foreign Assistance Act of 1961 to provide additional authorization in supporting assistance for the national land reform program enacted March 26, 1970, by the Government of Vietnam

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 4 of part I of the Foreign Assistance Act of 1961, which relates to supporting assistance, is amended by adding at the end thereof the following new section:

"Sec. 404. Vietnam Land Reform Program.—There is authorized to be appropriated to the President not to exceed $100,000,000 in the aggregate for the fiscal years 1972 and 1973 to encourage and support rapid implementation of the national land reform program enacted March 26, 1970, by the Government of Vietnam. The use of supporting assistance funds for land reform in Vietnam shall be contingent upon the attainment of mutually agreed goals of accomplishment stressing economy, efficiency, and advanced implementation of the program by July 1, 1973. Land reform assistance to the Government of Vietnam shall be made at quarterly intervals based upon satisfactory achievement toward the 1973 target goal. Amounts appropriated under this section are authorized to remain available until expended."

Press Statement on Vietnam Land Reform Bill

Ten House Members today introduced legislation designed to accelerate South Vietnam's new land reform program. Faster completion would speed U.S. troop withdrawals and save American lives, the Congressmen maintain.

The bipartisan bill was proposed by five Democrats and five Republicans led by Representative John E. Moss, D-Calif. The cosponsors included: Reps. Ogden R. Reid, R-N.Y.; Cornelius E. Gallagher, D-N.J.; William S. Broomfield, R-Mich.; Clement J. Zablocki, D-Wis.; John S. Monagan, D-Conn.; F. Bradford Morse, R-Mass.; Frank Horton, R-N.Y.; Torbert H. Macdonald, D-Mass.; and Gilbert Gude, R-Md.

United States contributions totaling up to $100 million would be tied to actual performance by the Vietnamese. This amount is less than two days' cost to the United States of waging the war in Vietnam, Moss said in a statement.

"Land reform is the best chance we have of helping to transform South Vietnam into a true democracy," Moss said, "and considering the great sacrifices in blood and money America already has made there, we should leave something of enduring benefit to the people of Vietnam which will help to justify those sacrifices so they will not have been made in vain."

The legislation states that "the use of supporting assistance funds for land reform in Vietnam shall be contingent upon the attainment of mutual goals of accomplishment stressing economy, efficiency and advanced implementation of the program by July 1, 1973."

Under the bill, land reform assistance to the Government of Vietnam would be made at quarterly intervals based upon satisfactory achievement toward the 1973 target goal. The original plans by the Vietnamese called for completion of the program in four years instead of three as contemplated under the House bill.

Moss said the Communists have been successful in past years recruiting South Vietnamese peasants to fight as Vietcong guerrillas with "false" promises of land ownership.

"More than half of the American war deaths in Vietnam have been due to Vietcong-planted mines and booby traps and the mute silence of the peasants as they watched our troops walk into them," Moss said.

Moreover, he said, all enemy main force actions are dependent upon village labor to bury supplies in advance.

"With substantial numbers of peasant farmers attracted to our side by gaining ownership of the land which they have tilled paying high rents to landlords," Moss said, "enemy recruitment of guerrillas and support would drop dramatically."

CONCURRENT RESOLUTION FOR UNITED NATIONS INVOLVEMENT IN VIETNAM

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, not a day passes that I do not receive letters, calls, and visits from constituents, both young and old, imploring me to do what I can toward bringing a prompt end to the tragedy of American military involvement in Indochina. I suppose that every Member of this House is having a similar experience.

The frustrations of a large and growing majority of American people over our Nation's course in Indochina are, I am sure, matched by the frustrations of a large number of the Members of Congress. One response has been a whole series of bills to establish a definite cutoff date on American military activity in Vietnam. Another series of bills would prohibit U.S. military activity in or over Cambodia, Laos, and North Vietnam. I have supported several of these bills and believe that they merit early and favorable consideration by the Congress.

Meanwhile, the war goes on. Worse yet, in the name of protecting the withdrawal of American troops, the administration is following a policy leading to an ever-widening circle of conflict. Yesterday it was Cambodia. Today Laos. Tomorrow maybe North Vietnam. Obviously this presents a growing risk of military confrontation with the People's Republic of China.

Mr. Speaker, we in this House have an obligation to do all we can to break this vicious circle and to avoid such a confrontation.

One possible solution which has not been seriously explored is an effort once more to bring in the United Nations. Accordingly, I am offering a resolution expressing the sense of the Congress that the President of the United States should urge the United Nations to undertake the responsibility for ending the conflict in Southeast Asia and reconciling the warring parties.

I do not claim the authorship of this resolution. I am proud to say that it was drafted by a group of individual citizens, all members of Trinity Lutheran Church of Akron, Ohio. Several years ago, some members of that church, believing they had an obligation as Christians to work for peace, organized themselves informally under the title "Concerned Group Seeking Alternatives to War." I think it is a tribute to our free society and to the continued strength of our spiritual heritage that this group of people has produced a resolution of the depth and the practicality as the one that I now offer.

I include the resolution as part of my remarks and refer it to the appropriate committee for further consideration.

H. CON. RES. —

Whereas the war in Southeast Asia is now in its seventh year, making it the longest war in our history, and has cost us more casualties than any foreign war except World War II; and

Whereas many thoughtful and patriotic people question the legal and moral basis for the present U.S. involvement in Southeast Asia; and

Whereas many Americans believe that our priorities should be shifted and feel that only a fraction of the billions of dollars now being spent in Southeast Asia would permit us to help solve the many major domestic problems of poverty, race, education, health, and pollution; and

Whereas we have been supporting a government in South Vietnam that many feel is a regime opposed to many of our concepts of freedom and justice; and

Whereas the problem of ending the conflicts in Southeast Asia and reconciling the opponents is not solely an American responsibility, but should be an international responsibility: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President of the United States should urge the United Nations to undertake the responsibility for ending the conflicts in Southeast Asia and reconciling the warring parties.

SEC. 2. It is further the sense of the Congress that at the same time the President should announce that American military involvement in Southeast Asia, will be completely terminated by a specific date within the next six to twelve months whether or not the United Nations acts.

SEC. 3. It is further the sense of the Congress that the United States agree, if the United Nations accepts this responsibility, to assist the United Nations financially for a specified period of time in carrying out peacekeeping operations, providing for elections, and rebuilding the country, by contributing a fixed percentage of the amount of money the United States spent in 1969 or 1970 for military activities in Southeast Asia, but this amount should not exceed 25 percent of such expenditures.

SEC. 4. It is further the sense of the Congress that all the members of the United Nations be urged to participate financially and otherwise, but that our participation not be contingent on other participation.

STATUS OF PENDING CONTRACT MATTERS BETWEEN UNITED TRANSPORTATION UNION AND THE RAILROADS

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STAGGERS. Mr. Speaker, I am in receipt of a letter from the president of the United Transportation Union with respect to the current status of matters between the union and the railroads, which I feel it is in order for the House to have. I do not have time to read it, but I am going to place it in the RECORD.

Let us hope that this information will be followed shortly by judicial resolution of the matters in question in a form which can simultaneously avoid impairing national health and safety and preserving to labor its cherished right to make its collective bargaining effective.

I believe that it will be done, if what they say in their letter is followed.

Mr. Speaker, I include the letter in the RECORD with my remarks.

The letter is as follows:

UNITED TRANSPORTATION UNION,
Washington, D.C., March 8, 1971.

Re: Status of pending contract matters between United Transportation Union and the railroads.

Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Senate Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

Hon. HARLEY O. STAGGERS,
Chairman, House Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

MY DEAR MR. CHAIRMAN: I thought it in order to give you a current report on the situation between the United Transportation Union and the railroads.

As you know of course, the negotiations were indefinitely recessed Saturday morning. Thereafter, in support of its position in the national negotiations and in the hope of bringing some progress to the bogged down negotiations, the United Transportation Union authorized the withdrawal of service on the Burlington Northern and the Seaboard Coastline Railroads to commence 12:01 a.m. Monday, March 8. Simultaneously, the United Transportation Union sent a letter to the President of the United States with copies to the Secretaries of Transportation, Labor, and Defense, as well as to you two gentlemen, advising of the action so taken and further advising that service would be available on the two railroads in question with respect to the transportation essential to the protection of the national safety and health.

Late yesterday, Sunday afternoon, March 7, Washington counsel for United Transportation Union were advised that the railroads, acting through the National Railway Labor Conference, would at 6 p.m. appear at the home of Judge Howard Corcoran of the United States District Court for the District of Columbia in an effort to obtain a temporary restraining order to enjoin the foregoing selective strike. At the hearing on the railroads' motion, counsel for the United Transportation Union stated to the Court that, to avoid emergency or "midnight" consideration of so important an issue as the resolution of the question whether The United Transportation Union could engage in such a selective strike so to avoid affecting the national safety and health, the United Transportation Union would voluntarily suspend its proposed action with respect to the two railroads (or any other railroad) until at least 2 p.m. Thursday, March 11. This proposal was made by the United Transportation Union to give the Court adequate opportunity to explore fully all of the issues.

On the basis of the United Transportation Union's proposal, no action was taken by Judge Corcoran, but the matter presumably will be considered in a more orderly way during the interim provided.

It is, of course, our hope that the District Court will find, within the framework of existing law, that selective strikes in support of national positions but which do not involve or impair the national safety or health are permissible, thus avoiding any necessity for congressional intervention.

We will keep both of you gentlemen fully and promptly advised of any further developments in this matter.

Respectfully,

CHARLES LUNA,
President.

RAILPAX IN WYOMING–UTAH

(Mr. RONCALIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, on February 26, Senator FRANK CHURCH introduced in the Senate a bill to amend the Rail Passenger Service Act of 1970. If enacted, the Secretary of Transportation will designate, under the basic system, rail passenger service to at least a major population center in each of the 48 contiguous States.

In his introductory comments he made two major points: that the object of the bill was to insure that each of the 48 contiguous States is included in the basic system, as Congress intended in the enabling act; and, second, that the time for action is short.

Mr. CHURCH said his bill was inspired by the fear that five States, Idaho, South Dakota, Vermont, Maine, and New Hampshire, would be excluded from the basic system, and that a sixth State, Wyoming, was not certain of inclusion.

He noted that if a legislative remedy were not enacted, rail passenger services in these States would be canceled, and that restoration would be an unjust, unnecessary, and expensive responsibility assigned to those States excluded.

Therefore, in addition to the efforts of public officials and Members of Congress for these States, I am jointly sponsoring, with the gentleman from Utah (Mr. MCKAY), a companion bill in the House for the Church amendment.

We are offering this bill—H.R. 5715—in the House to expedite legislative relief for those States facing exclusion from the system and to support and back up the efforts already undertaken to insure a truly national rail passenger system.

We are hopeful that the House will see fit to act promptly to carry out the intent of the Rail Passenger Service Act of 1970 that all regions of the continental United States enjoy designation in the basic system.

Enactment of this amendment will underscore the sentiment of Congress that the 48 contiguous States are in fact represented in the basic system and that none of the States be discriminated against in this vital public service.

Mr. Speaker, H.R. 5715 is part of a sustained campaign on the part of Wyoming citizens and officials to preserve rail passenger service and to insure Wyoming's inclusion in the basic system.

In this effort, the Governor of Wyoming, Stanley K. Hathaway, and U.S. Senators Gale McGee and Clifford Hansen have ably presented the merits of this case, not only from the viewpoint of Wyoming's needs, but also from the perspective of a basic national system providing the best possible service to passengers from throughout the Nation.

My efforts have been in cooperation with these presentations. On January 14, I met with Secretary of Transportation John Volpe and with Federal Railroad Administrator Carl V. Lyon. As a followup to this meeting, I requested that the Secretary postpone his decision until Wyoming's case could be presented. On that day, a memorandum to the Wyoming communications media was issued by the entire congressional delegation. On the following day, the delegation jointly signed a letter to Secretary Volpe urging inclusion of Wyoming in the basic system.

The Wyoming State Legislature on January 22 forwarded a joint memorial requesting every effort to safeguard rail passenger service and to include Wyoming in the basic system.

Secretary Volpe responded to my letter of January 14 with a letter on January 28 stating that the final decision left with the Corporation would be in accordance with the intent of the Rail Passenger Service Act of 1970.

On February 4, I sent a more detailed letter to Administrator Lyon expressing my fear that the final report issued by Secretary Volpe on January 28 put Wyoming's route in an alternate status. It appeared that his office was recommending that the designated route put four lines into Denver and send them west through Grand Junction and Salt Lake. I pointed out that at least one route from Omaha should go through Cheyenne, across Wyoming to Ogden.

The basis for this request was the fact that the Wyoming route is the most direct, involving less time and mileage; that Wyoming's trackage and equipment are superior to the facilities available through the Denver-Grand Junction-Salt Lake route; and that assigning Wyoming to an alternate status would impose a terrible blow to the economy of Wyoming and the services of her communities.

I met with four members of the National Railroad Passenger Corporation on February 15 and was granted time for a short presentation outlining the desirability of including Wyoming in the basic system.

On February 17, I addressed the House on this matter and submitted for the consideration of my colleagues an excellent editorial from the Riverton, Wyo., Ranger newspaper again outlining Wyoming's case.

On February 26, I submitted a written report to the chairman of the National Railroad Passenger Corporation, Mr. David Kendall, providing him with a comprehensive report.

Mr. Speaker, this is a highlight of what has been done through my office to assist the overall effort of Wyoming citizens and officials. Throughout this campaign, my office has been advised and supported by many groups, including the Wyoming Public Service Commission, the Rawlins Chamber of Commerce, the Laramie Chamber of Commerce, the United Transportation Union, the Retired Railway Employees Club, from petitions signed by residents in Laramie and Rock River and from other individuals, vitally concerned with the Corporation's decision. I am indebted as well to a member of the Wyoming House of Representatives, Rodger McDaniel, who provided me with additional correspondence from State and municipal bodies, chambers of commerce, and individuals.

As you can see, Mr. Speaker, in Wyoming the residents take a personal interest in government and participate directly in campaigns to persuade the Federal Government that eliminating services vital to community growth, cannot but hamper Wyoming's future development and well-being.

I ask my colleagues to give every consideration to moving H.R. 5715 to enactment as soon as possible because it guarantees that no State will be discriminated against and that no State will ironically find its rail passenger service not improved, but destroyed, by the Rail Passenger Service Act of 1970. I cannot speculate about the consequences for other States, but for Wyoming, elimination of rail passenger service would be a bitter blow at the historical foundation of our economy and a sorry omen for that economy's future.

RAILPAX SHOULD INCLUDE BUFFALO TO CHICAGO AS END POINTS

The SPEAKER pro tempore (Mr. Pepper). Under a previous order of the House, the gentleman from New York (Mr. Kemp) is recognized for 60 minutes.

(Mr. KEMP asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. KEMP. Mr. Speaker, since the publication of the final report on the national rail passenger system issued by the Secretary of Transportation, it has been evaluated and commented upon by experts at the Interstate Commerce Commission and the Public Service Commission of New York State. I have studied this report as well as the subsequent comments and evaluations, and I have come to the conclusion that it is imperative that we convey to the Railpax Corporation the need for the inclusion of Buffalo to Chicago as end points into the basic system. As a result I have introduced legislation commensurate with this purpose in the form of Bill H.R. 4570.

A final decision by Railpax whether to continue rail service west of Buffalo by designating Buffalo as a stop on the mandated New York-Chicago route is imminent; however, the Committee on Interstate and Foreign Commerce may not have the time to call witnesses and hold hearings to confirm my thoughts on this subject before this decision is made. Therefore, I would like to take the time today to discuss them. I have invited fellow members with a direct interest in this matter to attend and I urge them to write to Railpax and Secretary Volpe in the very near future to make their views known on this important matter.

When the national rail system begins operation in May, there will be passenger service from New York to Buffalo, but there is no requirement to continue service west of Buffalo. It is possible that Buffalo will be left without even a minimum of reliable rail service to the west. I find this untenable for a number of reasons.

A: POPULATION

The population of the major cities along this route between New York and Chicago via Buffalo for 1970 are as follows:

New York City area	11,448,480
Albany, Troy, Schenectady area	710,602
Utica area	335,809
Syracuse area	629,190
Rochester area	875,636
Buffalo area	1,334,485
Erie area	136,000
Cleveland area	2,043,389
Toledo area	685,455
South Bend area	135,000
Chicago area	6,892,509
Total	25,226,555

The point is that this corridor by sheer numbers alone exhibits great passenger volume potential on an efficiently run railroad.

B. PASSENGER VOLUME

In arguing for a Buffalo to Chicago rail route, probably the most important issue is whether there will be sufficient passenger revenues generated to warrant service west of Buffalo. In this context, let me say that I was appalled to find that the condition of the rolling stock and of the service itself from Buffalo to Chicago was largely unpalatable to passengers and has artificially depressed patronage on the Buffalo to Chicago route. Let me say that I do not think that an objective decision can be made on this matter by merely viewing the present poor state of affairs and that we must look at the past record and also the future potential of this line through reasonable remedial measures.

In my study, I have found that since 1969, there has been a deliberate downgrading of passenger service by Penn Central to make a case for discontinuance due to financial difficulties. As a specific example, take the cases of trains Nos. 27, 28, 63, 64, 51, and 98. They all run between Buffalo and Chicago along the "South Shore" route; that is, along the southern shore of Lake Erie through Cleveland. Trains Nos. 51 and 98 formerly carried "through" coaches which were interchanged at Buffalo between the subject trains and trains that run to and from New York City. However, Penn Central eliminated these through coaches, and passengers were then required to change trains, with their luggage, at the Buffalo station.

The case of train No. 98 deserves special note. For many years this train has been known as No. 90 and was operated as a through train between Chicago and

New York. On December 3, 1967, Penn Central discontinued it between Buffalo and New York and instituted a connection with train No. 74 at Buffalo which required passengers to wait at Buffalo for 3½ hours between trains. After much urging by the Public Service Commission of New York, Penn Central finally, effective April 26, 1969, changed the schedule of train No. 98 so that it would arrive at 10:15 a.m. in time to make a 15-minute connection with Empire Service train No. 72. However, the railroad did not show the 10:30 a.m. departure out of Buffalo as the connection in its public timetable but continued to show train No. 74 which leaves at 2:30 p.m. This was not corrected until the spring timetable of 1970.

Another complaint has been poor ontime performance. Performance reports brought to my attention indicate in altogether too many instances the delays are attributable to defective equipment and facilities, slow orders, holding passenger trains for freight trains, and other similar causes. For example, the report of train 51's performance on March 28, 1970, indicates that it arrived in Chicago 3 hours and 15 minutes late. The delay listings are as follows:

> 30 minutes Buffalo, cars off 71; 19 minutes Buffalo, switch ACL 1653 from headend to rear account broken steam line; 6 minutes Bay-View-Berea, slow orders; 46 minutes east of QD held account SLK-1 on plant at QD with car failure; 1 hour 54 minutes Porter-Chicago block on SV-13 and manual block operation.

And, I have seen no indication of any action that has been taken by Penn Central to correct such deficiencies. On time performance data for trains Nos. 28, 64, and 98 has also been very erratic. Although they are sometimes on time, there have been many occasions when they have arrived far behind their scheduled arrival. It is generally accepted that dependable and on-time operation is one of the primary advantages of railroad travel. However, it is clear that Penn Central's service has been stripped of this advantage.

I have also read numerous reports of equipment deficiencies along this route such as air-conditioning failures, equipment breakdowns, failure to clean accommodations, and other deficiencies which by design or otherwise, have had the effect of driving passengers away. As an illustration, I am setting forth in the RECORD the testimony of one of New York's leading railroad experts in connection with the conditions encountered on his trip from Albany to Chicago through Buffalo on train 61/27 on the night of June 28, 1970:

> Q. Now, during the course of your trip out here to Chicago did you make any observations concerning the equipment which was in service on Trains 61/27 that you rode?
>
> A. Yes, I was assigned Roomette 10 in Car 614, which was No. 4219. Upon entering the train the porter said to me, 'I'm sorry, sir, we don't have any air-conditioning, and I am operating on emergency lighting.' . . .
>
> Upon talking with the conductor, whom I know, I mentioned the fact of the problem in Car 614 and he said, 'Well, I'll give you another roomette,' so he said to the porter, 'Would you put this man in Roomette No. 3, Car 613, Car No. 4334?' Thereupon a few minutes later the porter came back and he said, 'I'm sorry but I can't put him in that car, the carpet is all wet, the toilets are leaking.'
>
> So I asked the porter if I could see that, and he took me back and I saw that. And in the meantime, why, they assigned me Roomette 8 in Car 613, No. 4334, and the window was broken in that, and I noticed that all the passengers were riding backwards in Car 613. The window by the porter's seat was broken, the window was broken in Bedroom E. The public toilet in that car was just a mess, the sink and toilet were leaking. The car rode very, very hard. In fact, I think probably the last couple of hours on the train I went in the sleeper, 4219, which was much more comfortable. It was amusing that the train was 15 minutes late leaving Waterloo, Indiana, and we passed a slow order for track work and arrived in Elkhart ten minutes early. I got off the train with the conductor and the fireman nonchalantly walked up and said, 'Well, we don't have an engineer.'
>
> Time came for the departure time and we still didn't have an engineer, and finally about eight minutes after departure time we saw the engineer walking across the street towards the depot, and nonchalantly up to the headend, and we finally left about 11 or 12 minutes late. But that didn't really make any difference because he had plenty of time, and the train was held out of Union Station in Chicago ten minutes, and we still arrived five minutes ahead of time.
>
> Other than that I had a very nice trip.
>
> Q. And did you make any observations concerning the coaches that were in service on this train?
>
> A. Yes, sir. I went through the coaches, of course it was at night, and from what I observed, as far as cleanliness is concerned, I looked in the men's room, I didn't bother to look in the women's room—Coach 2908 was hot; Coach 2924 was cold. And I told the rear conductor about that and he went up and corrected that.
>
> And Coach 2952 was also hot. And Sleeper 4306 for Detroit, water was leaking out of the toilet and it was leaking so bad it came right under the partition and onto the rug in the hallway. That's Stateroom F.
>
> And also the porter told me—I didn't witness this—he had to turn the air conditioner off at each station stop because the batteries just wouldn't carry the load for the electricity.

I have also been informed that due to merger difficulties in December 1969, Penn Central had a backlog of 1,000 cars which required extraordinary cleaning and which have not been given such a cleaning for over a year.

Further, instances when bus transportation provides faster service than Penn Central's trains have been brought to my attention. In view of this, it is ironic that Penn Central has made no attempt to eliminate the unnecessary running time from its trains so as to place itself in a stronger competitive position. It is rather incredible that trains operating New York and Chicago via Buffalo consume more running time today than in 1952, despite the fact that fewer station stops are made today. One reason for the longer running times is layovers of great duration which take place at certain intermediate points. For example, passengers on train 51 between Buffalo and Chicago have a 50-minute layover at Cleveland, along with an additional 26-minute layover at Toledo.

Appendixes A, B, and C which I have entered in the RECORD indicate the amount of running time added to trains over the former New York Central route between New York and Chicago since April 1967. Under the timetable of April 30, 1967, a passenger could board a train at 4:30 p.m. and arrive in New York at 9:30 the next morning. Today, that passenger would have to board at 2:35 p.m. and would not arrive in New York until 10:10 a.m. A comparable situation exists in the westerly direction.

Appendix A illustrates the lengthening of the schedules of trains 27 and 28 which has gradually been taking over the past 2½ years. Whereas the leaving time from Chicago had been a convenient 4:30 p.m., that time has gradually been advanced so that No. 28 now leaves during the middle of the afternoon at 2:35 p.m. This schedule is hardly conducive to the needs of business travelers. Appendix B illustrates that train No. 63 used to leave New York at 11 p.m. and arrive in Chicago the next day at 4:30 p.m. It now leaves New York one-half hour earlier but does not arrive in Chicago until 7:25 p.m. and now misses the connection with Santa Fe's "Super Chief." Since December 1967, 1 hour and 10 minutes additional running time has been added to this train on the 340-mile leg between Cleveland and Chicago.

Although this matter was raised at the hearings before the Interstate Commerce Commission in finance docket No. 26106, "Penn Central Transportation Co. Discontinuance of 34 Passenger Trains," the need for such additions to scheduled times or long layovers at intermediate points was never explained by Penn Central. In view of this, two things are blatantly obvious: First, it is no wonder why patronage of this route has been declining, and second, I see no reason why the schedules could not be amended and the long layovers eliminated so as to make this route conducive and attractive to the needs and wishes of potential revenue-paying customers.

Because of the recent downgrading of service on this route, the present patronage is a poor barometer by which to measure public demand for it. Thus, I think that greater weight should be given to traffic data prior to 1969. Counts for the year 1968 for trains 63, 64, 27, 28, 51, and 98 I have introduced in the RECORD to illustrate my point—exhibit No. 24 of finance docket 26106, included at end.

In addition the Public Service Commission's staff has analyzed the weekly average number of passengers traveling between points on the Buffalo-Chicago route between May 1965 and April 1966. During this period a weekly average of 1,367 passengers had origins or destinations in the territory between Buffalo and Cleveland. In addition, 4,280—3,390 coach and 890 first class—traveled between points on the New York-Buffalo-Cleveland route to Chicago. An analysis has also been made of counts taken by the former New York Central on trains 25 and 26 "20th Century Limited"; 17 and 18 "Wolverine"; 57 and 6 "Cleveland Limited" during October 1966 and October 1967. Examination of this data reveals that even during the light-traveled month of October, the trains on this route carried relatively heavy loads. For example, during October 1966 the "20th Century Limited"—trains 25 and 26—carried a total of 6,967 passengers which equates to an average of 112 patrons per trip. During the same month in 1967 these trains carried 5,034 passengers. Likewise, during October 1966 the eastbound and westbound "Wolverines" carried a total of 7,289 passengers and during the same month in 1967 they carried 6,336 passengers. Furthermore, during October 1966 the eastbound and westbound "Cleveland Limiteds"—overnight trains between New York and Cleveland—carried a total of 10,823 passengers and during October 1967 they carried 9,524 passengers. And even in the bad year of 1969 trains 27 and 28 handled 36,727 and 47,623 passengers, respectfully, while trains 51 and 98 handled 15,848 and 12,853 passengers respectfully. I contend, along with the Public Service Commission of New York, that these patronage levels from the recent past clearly demonstrate that an attractive, properly merchandised service between New York, Buffalo, Cleveland, and Chicago would be economically viable and should be operated by the Corporation.

When Penn Central attempted to discontinue all passenger service west of Buffalo 2 years ago, the ICC directed, in Finance Docket 26106 the continuance of two of the three roundtrips between Buffalo and Chicago. Specifically, it said on page 92 of its decision:

> We conclude that Trains 27, 28, 51 and 98 should be continued in operation to serve the public convenience and necessity over the "south shore" route between Buffalo and Chicago.

Lately, on December 29, 1970, the ICC submitted its review of the preliminary report on the basic national rail passenger system. The significance of their review is that in it, ICC specifically recommended a Buffalo to Chicago route.

As a matter of fact, Mr. Speaker, Chairman George Stafford wrote to me March 8, 1971, and I quote from his letter:

> The Commission, in accordance with section 202 of Railpax, submitted its review of the preliminary system to the Secretary of Transportation on December 29, 1970. One important observation the Commission made was that ". . . the (National Railroad Passenger Service) Corporation is given such wide latitude of route choices between some widespread end points that some vast areas of the country may be left without service and the corporation cut off from revenues available in those areas . . . This is too wide a latitude of choice. Vast areas are in danger of losing *all* passenger service by rail."
>
> In this respect, the Commission, in addition to general comments, offered specific recommendations regarding the inclusion of certain cities as designated end points. One of these recommendations was the operation of a through service between Chicago and Boston. Historically, and operationally, such service has been operated via Buffalo. Unfortunately, the Secretary did not adopt our recommendation for continuation of this service in his final designated plan.

Another issue which must be brought out is whether there is alternate transportation available with the ability and the willingness to handle the public which used to travel the train from Buffalo to Chicago. In this context, let me say that if this Nation is ever to overcome the almost crisis conditions which prevail at busy airports, it is imperative that more medium-distance travel as from Buffalo to Chicago be made by train. To add the present rail passengers to the already heavy air travel would only worsen the situation. Air transportation is conspicuous by its absence at many of the smaller-sized cities served by the subject trains. For example, what air service could be used to travel between Poughkeepsie, N.Y., and South Bend, Ind.? There are many other examples of trips which can now be conviently made by train and which would otherwise require circuitous routes to be made by air.

It is a well-known fact that many persons, for various medical and other reasons, cannot or will not fly. Train service on this route is essential to these people. Further, air fares are up to twice as much as the train fares, and are simply beyond the reach of many members of our society.

Some of the same problems are encountered with bus travel. For example, no bus service exists between New York and Ada, Ohio, where a college is located, or between New York and Crestline, Ohio. Michigan City, Ind., and La Porte, Ind., have no bus service connecting them with the East. Between Elkhart, Ind., and New York there is only one bus a day, and two changes are required en route. A trip from Painesville, Ohio, to Amsterdam, N.Y., entails a distance of 415 miles and can presently be made in about 8 hours on trains. The same trip by bus would mean changes at Buffalo and Utica, with an overnight stay in Buffalo. Total time of the bus trip, including the unavoidable overnight stay in Buffalo: almost 23 hours!

In the context, the point is that before a decision is made by Railpax to positively not require service west of Buffalo, positive evidence must be presented that competing carriers have the ability and the willingness to handle the displaced Buffalo-Chicago train passengers, and to my knowledge, no such evidence has been forthcoming. While ample use is made in this geographical area of the automobile, airplane, and bus. I believe that the era of railroad passenger transportation has not passed so far out of the picture that a huge section such as between Buffalo and Chicago can be dropped without considerable hardship being caused to present and potential users of the service.

C. NO REASONABLE EFFORT

In addition to these other practices which have had a negative effect on patronage, there has not been a reasonable effort made lately to promote passenger service on this route. The reservation and information system which has been used by Penn Central is antiquated and unsuitable. Unless one made his own call from New York to the Chicago reservation bureau, it took about 4 or 5 days to obtain return reservations. One reservation system in New York handles all calls which originate in the New York area, Newark, Trenton, Albany, Schenectady, Buffalo, Rochester, Cleveland, Toledo, and New England cities. And the point is that the New York staff has been found by the Public Service Commission of New York to be understaffed and uninformed for the huge size of the operation. It is clear that such a system did not please customers and induce them to do business in such a manner again.

Additional aggravating factors which contributed to declining passenger volume were failure by Penn Central to advertise its east-west service, Penn Central stopped paying commissions to travel agencies, which both competing carriers do, and timetable information has often been misleading. Penn Central made no effort to reach many people who were undoubtedly completely unaware of its services.

D. EFFECT ON TRAIN SERVICE BETWEEN NEW YORK OR BUFFALO

One set of data that Railpax must consider is that submitted by the Public Service Commission of New York in reference to the financial effect that discontinuance of train service west of Buffalo will have on its New York to Buffalo route. The loss of through passengers from New York to Chicago via Buffalo will be a hard blow to the New York-Buffalo service. For example, the great majority of passengers traveling on the New York-Chicago trains began or ended their trips at Chicago. About 80 percent of the passengers originating east of Buffalo were destined to or beyond Chicago on train 27, while some 56 percent of the passengers at Chicago on train 28 road to destinations east of Buffalo. The following amounts were derived by the empire service trains from traffic originating or terminating west of Buffalo:

	Passenger service	Mail revenue
Train number:		
63	$63,220	$212,520
64	48,626	153,714
61–27	470,037	36,632
61–17	461,821	65,945
62–28	454,621	62,595
62–14	427,725	0
71–51	54,229	218,737
71–351	52,991	89,517
74–52	72,071	0
74–98	14,882	259,309
Total	2,110,224	1,098,969
Total passenger and mail revenue		3,209,193

In the event that the decision is made to have no train service west of Buffalo, Railpax trains in the New York-Buffalo corridor will possibly lose over $3,000,000 in annual passenger and mail revenues. Besides this, much of the lost passenger revenue will go to Canadian trains, as passengers, to continue westward, will disembark at Buffalo, then transfer to Canadian trains at Fort Erie, Canada, and continue their trip westward from there. It is clear then that Railpax will be hurt financially if it does decide to discontinue service west of Buffalo.

E. ALTERNATE ROUTE

It is my understanding that there is the possibility Pittsburgh may be chosen by Railpax as the alternate route between New York and Chicago instead of Buffalo. I respectfully submit that Pittsburgh, under the new system, will be connected between the east and west by their inclusion on two east-west routes: the New York-Kansas City route and the Kansas City-Washington route. My point is that in any case, Pittsburgh will not be cut off from east-west service.

F. CONCLUSION

In conclusion, I would again like to reiterate that both the Interstate Commerce Commission and the Public Service Commission of New York support my contentiton that train service must be continued west of Buffalo. The poor present state of affairs on the Buffalo-Chicago route can be reasonably remedied. The deliberate downgrading of service and the nonfeasance characteristic of this route will be eliminated when Railpax takes over the system in May. The Interstate Commerce Commission will set the adequacy requirements for the route, and it will be impossible to have a recurrence of the deplorable conditions which have literally driven away passengers and revenue. In view of the evidence, I am confident that passenger patronage can be stimulated along this route to the point where it will be an economically viable investment for the Railpax Corp. Finally, let me say that I think it is essential that rail passenger service be maintained between New York and such large metropolitan areas as Erie, Cleveland, Toledo, and South Bend. Likewise, it is equally essential that service be assured between upstate New York points—Poughkeepsie through Buffalo inclusive—and Cleveland, Toledo and Chicago. Failure to specifically include service west of Buffalo could result in the cutting off of the entire population of upstate New York from the Western United States via Chicago.

Mr. Speaker, at this point I include extraneous matter to which I previously referred:

APPENDIX A

SCHEDULES FOR TRAINS NOS. 26 TO 28/62 AND TRAINS NOS. 25 TO 61/27 BETWEEN NEW YORK CITY AND CHICAGO

	Train No. 26		Train No. 28/62				
Schedule effective	Apr. 30, 1967	Nov. 5, 1967	Dec. 3, 1967	Oct. 27, 1968	Apr. 27, 1969	June 29, 1969	Oct. 26, 1969
Leaving Chicago	4:30 p.m	4:45 p.m	4:00 p.m	3:45 p.m	3:15 p.m	3:15 p.m	2:35 p.m
Arriving Buffalo		2:32 a.m	2:00 a.m	2:00 a.m	2:00 a.m	1:55 a.m	1:35 a.m.
Leaving Buffalo			2:30 a.m	2:30 a.m	2:30 a.m	2:30 a.m	2:30 a.m.
Arriving Albany	6:33 a.m	7:25 a.m	7:10 a.m	7:10 a.m	7:10 a.m	7:10 a.m	7:10 a.m.
Arriving New York	9:30 a.m	10:20 a.m	10:10 a.m	10:10 a.m	10:10 a.m	10:10 a.m	10:10 a.m.

	Train No. 25		Train No. 61/27				
Schedule effective	Apr. 30, 1967	Nov. 5, 1967	Dec. 3, 1967	July 15, 1968	Oct. 27, 1968	Apr. 27, 1969	Oct. 26, 1969
Leaving New York	6:00 p.m	6:00 p.m	6:30 p.m	6:30 p.m	6:30 p.m	6:30 p.m	6:30 p.m.
Leaving Albany	8:43 p.m	8:43 p.m	9:30 p.m	9:30 p.m	9:30 p.m	9:30 p.m	9:30 p.m.
			2:15 a.m	2:30 a.m	2:30 a.m	2:35 a.m	2:35 a.m.
Leaving Buffalo			2:45 a.m	2:45 a.m	2:45 a.m	2:50 a.m	2:50 a.m.
Arriving Chicago	9:00 a.m	9:40 a.m	10:30 a.m	10:30 a.m	10:45 a.m	11:15 a.m	11:30 a.m.

APPENDIX B

SCHEDULES FOR TRAINS NOS. 6 TO 64 AND NOS. 59 TO 63 BETWEEN NEW YORK CITY AND CHICAGO

	Train No. 6		Train No. 64				
Schedule effective	Apr. 30, 1967	Nov. 5, 1967	Dec. 3, 1967	July 15, 1968	Oct. 27, 1968	Apr. 27, 1969	Oct. 26, 1969
Leaving Chicago	9:30 a.m	9:20 a.m	9:05 a.m	8:45 a.m	8:30 a.m	8:35 a.m	8:35 a.m.
Arriving Cleveland	5:01 p.m	4:51 p.m	4:40 p.m	4:30 p.m	4:30 p.m	4:30 p.m	4:40 p.m.
Leaving Cleveland	5:33 p.m	5:23 p.m	5:25 p.m	5:15 p.m	5:15 p.m	5:15 p.m	5:25 p.m.
Arriving Buffalo	9:20 p.m	9:20 p.m	9:20 p.m	9:20 p.m	9:20 p.m	9:15 p.m	9:15 p.m.
Leaving Buffalo	10:05 p.m	9:55 p.m	10:00 p.m	10:00 p.m	10:00 p.m	10:00 p.m	10:00 p.m.
Arriving Albany	4:05 a.m	3:35 a.m	3:35 a.m	3:35 a.m	3:35 a.m	3:35 a.m	3:35 a.m.
Arriving New York	7:15 a.m	7:25 a.m	7:10 a.m	7:10 a.m	7:10 a.m	7:10 a.m	7:10 a.m.

	Train No. 59		Train No. 63				
Schedule effective	Apr. 30, 1967	Nov. 5, 1967	Dec. 3, 1967	July 15, 1968	Oct. 27, 1968	Apr. 27, 1969	Oct. 26, 1969
Leaving New York	11:00 p.m	11:00 p.m	10:30 p.m	10:30 p.m	10:30 p.m	10:30 p.m	10:30 p.m.
Leaving Albany	2:15 a.m	2:22 a.m	2:05 a.m	2:05 a.m	2:05 a.m	2:05 a.m	2:00 a.m.
Leaving Buffalo	7:40 a.m	8:20 a.m	8:25 a.m	8:25 a.m	8:25 a.m	8:25 a.m	8:25 a.m.
Arriving Cleveland	10:57 a.m	11:59 a.m	11:59 a.m	12:05 p.m	12:05 p.m	12:05 p.m	12:05 p.m.
Leaving Cleveland	11:22 a.m	12:55 p.m	12:55 p.m	1:00 p.m	1:00 p.m	1:00 p.m	1:00 p.m.
Arriving Chicago	4:30 p.m	6:10 p.m	6:10 p.m	6:35 p.m	6:50 p.m	7:00 p.m	7:25 p.m.

APPENDIX C

SCHEDULE FOR TRAIN NOS. 90 TO 98/72 TO 98/74 BETWEEN CHICAGO AND NEW YORK CITY

	Train No. 90		Train No. 98/74				
Schedule effective	Apr. 30, 1967	Nov. 5, 1967	Dec. 3, 1967	July 15, 1968	Oct. 27, 1968	Oct. 26, 1969	Train No. 98/72, Apr. 26, 1970.
Leaving Chicago	9:45 p.m	9:45 p.m	9:45 p.m	9:30 p.m	9:15 p.m	9:15 p.m	9:15 p.m.
Arriving Cleveland	5:45 a.m	5:40 a.m	5:45 a.m	5:45 a.m	5:45 a.m	5:15 a.m	5:15 a.m.
Leaving Cleveland	7:05 a.m	6:35 a.m	6:55 a.m	6:55 a.m	6:55 a.m	6:25 a.m	6:25 a.m.
Arriving Buffalo	11:05 a.m	10:30 a.m	11:00 a.m	11:00 a.m	11:00 a.m	10:15 a.m	10:15 a.m.
Leaving Buffalo	11:30 a.m	11:05 a.m	2:30 p.m	2:30 p.m	2:30 p.m	2:30 p.m[1]	10:30 a.m.
Arriving Albany	4:50 p.m	4:20 p.m	7:15 p.m	7:15 p.m	7:15 p.m	7:15 p.m	3:15 p.m.
Arriving New York	8:45 p.m	8:25 p.m	10:10 p.m	10:10 p.m	10:10 p.m	10:10 p.m	6:10 p.m.

[1] Earlier train at 10:30 a.m. was not shown as connection in timetable.

PENN CENTRAL TRANSPORTATION CO., "FROM AND TO" RECORD OF REVENUE PASSENGERS CARRIED ON TRAIN NO. 27 OPERATING BETWEEN BUFFALO, N.Y. AND CHICAGO, ILL. PERIOD MAY 1 TO 7, 1968, INCLUSIVE

From—	To— Toledo	Waterloo	Elkhart	South Bend	Gary	Englewood	Chicago	Total	Average per day
Beyond Buffalo	11	2	11	16	5	4	458	507	72.4
Buffalo	1	1	2		1		33	38	5.4
Toledo				1	2	2	42	47	6.7
Waterloo				1				1	.1
Elkhart				7	1	1	37	46	6.6
South Bend						2	10	12	1.7
Total	12	3	13	25	9	9	580	651	93.0
Average per day	1.7	.4	1.9	3.6	1.3	1.3	82.9		

PERIOD NOV. 1 TO 7, 1968, INCLUSIVE

From—	Toledo	Waterloo	Elkhart	South Bend	Gary	Englewood	Chicago	Total	Average per day
Beyond Buffalo	18	5	6	14	8	2	381	434	62.0
Buffalo	6		1	3			22	32	4.6
Toledo			1	3			42	46	6.6
Waterloo			1				1	2	.3
Elkhart				2	1		27	30	4.3
South Bend							17	17	2.4
Total	24	5	9	22	9	2	490	561	80.1
Average per day	3.4	.7	1.3	3.1	1.3	.3	70.0		

PERIOD JAN. 1 TO 7, 1969, INCLUSIVE

From—	Toledo	Waterloo	Elkhart	South Bend	Gary	Englewood	Chicago	Total	Average per day
Beyond Buffalo	60	22	27	136	23	9	1,004	1,281	183.0
Buffalo	9	2		3		1	107	122	17.4
Toledo				1	6	3	122	132	18.9
Waterloo				1			6	7	1.0
Elkhart						1	43	44	6.3
South Bend							11	11	1.6
Total	69	24	27	141	29	14	1,293	1,597	228.1
Average per day	9.9	3.4	3.9	20.1	4.1	2.0	184.7		

PENN CENTRAL TRANSPORTATION CO. "FROM AND TO" RECORD OF REVENUE PASSENGERS CARRIED ON TRAIN NO. 28 OPERATING BETWEEN CHICAGO, ILL. AND BUFFALO, N.Y. DURING THE PERIOD MAY 1 TO 7, 1968, INCLUSIVE

From—	To— Gary	Laporte	South Bend	Elkhart	Waterloo	Toledo	Cleveland	Erie	Buffalo	Beyond Buffalo	Total	Average per day
Chicago	1	22	24	52	1	83	93	10	20	529	835	119.3
Englewood		3	1	7	1		1			4	17	2.4
Gary		1		2						9	12	1.7
La Porte							1				1	.1
South Bend				1						15	16	2.3
Elkhart						1	2			5	8	1.1
Waterloo							2			1	3	.4
Toledo							3	1		18	22	3.1
Cleveland								2	4	52	58	8.3
Erie										12		1.7
Total	1	26	25	62	2	84	102	13	24	645	984	140.6
Average per day	0.1	3.7	3.6	8.9	0.3	12.0	14.6	1.9	3.4	92.1		

PENN CENTRAL TRANSPORTATION CO.: "FROM AND TO" RECORD OF REVENUE PASSENGERS CARRIED ON TRAIN NO. 28 OPERATING BETWEEN CHICAGO, ILL., AND BUFFALO, N.Y., NOV. 1–7, INCLUSIVE, 1968

From—	To— La Porte	South Bend	Elkhart	Waterloo	Toledo	Cleveland	Erie	Buffalo	Beyond Buffalo	Total	Average per day
Chicago	22	18	44	1	45	82	6	23	318	559	79.9
Englewood		1	2			3		2	4	12	1.7
Gary	3				2	2			10	17	2.4
La Porte		1			2					3	.4
South Bend			1		5				7	13	1.9
Elkhart					1	2			7	10	1.4
Waterloo						1			5	6	.9
Toledo						8		1	11	20	2.9
Cleveland							8	7	43	58	8.3
Erie								1	5	5	.7
Total	25	20	47	1	55	98	14	34	409	703	100.4
Average per day	3.6	2.9	6.7	0.1	7.9	14.0	2.0	4.9	58.4		

JAN. 1 TO 7, INCLUSIVE, 1969

Chicago	11	54	110	2	87	136	12	30	678	1,120	160.0
Englewood	1		9		3	2		5	10	30	4.3
Gary					1	4			13	18	2.6
LaPorte			1		1	2				4	.6
South Bend				1	1	8			41	51	7.3
Elkhart					2				21	23	3.3
Waterloo						4		1	14	19	2.7
Toledo						15	2	2	37	56	8.0
Cleveland							46	10	111	167	23.9
Erie									20	20	2.9
Total	12	54	120	3	95	171	60	48	945	1,508	215.4
Average per day	1.7	7.7	17.1	.4	13.6	24.4	8.6	6.9	135.0		

MAR. 1 TO 7, INCLUSIVE, 1969

	To—											
From—	Gary	LaPorte	South Bend	Elkhart	Waterloo	Toledo	Cleveland	Erie	Buffalo	Beyond Buffalo	Total	Average per day
Chicago	1	17	25	65	7	41	57	9	30	302	554	79.1
Englewood		1	6	5		1	2		1	1	17	2.4
Gary		2				1			1	3	7	1.0
LaPorte			1	1							2	0.3
South Bend				1	1	2	5	1		14	24	3.4
Elkhart							1			9	10	1.4
Waterloo							4		2	5	11	1.6
Toledo							4	1		21	26	3.7
Cleveland								4	4	40	48	6.9
Erie										7	7	1.0
Total	1	20	32	72	8	45	73	15	38	402	706	100.9
Average per day	.1	2.9	4.6	10.3	1.1	6.4	10.4	2.1	5.4	57.4		

APRIL 1 TO 7, INCLUSIVE, 1969

	To—										
From—	LaPorte	South Bend	Elkhart	Waterloo	Toledo	Cleveland	Erie	Buffalo	Beyond Buffalo	Total	Average per day
Chicago	17	25	92	4	96	80	13	57	376	760	108.6
Englewood	3		1		1	1			13	19	2.7
Gary	1		2	1	8	2		2	7	23	3.3
LaPorte		1				2				3	0.4
South Bend			9	1	3	14	10	13	68	118	16.9
Elkhart					3	6			4	13	1.9
Waterloo					1	1			7	9	1.3
Toledo						3	2	2	22	29	4.1
Cleveland							10	4	61	75	10.7
Erie									5	5	0.7
Total	21	26	104	6	112	109	35	78	563	1,054	150.6
Average per day	3.0	3.7	14.9	.9	16.0	15.6	5.0	11.1	80.4		

PENN CENTRAL TRANSPORTATION CO., "FROM AND TO" RECORD OF REVENUE PASSENGERS CARRIED ON TRAIN NO. 51 OPERATING BETWEEN BUFFALO, N.Y., AND CHICAGO, ILL DURING THE PERIOD MAY 1-7, 1968, INCLUSIVE

	To—												
From—	Dunkirk	Westfield	Erie	Ashtabula	Cleveland	Sandusky	Port Clinton	Toledo	Gary	Englewood	Chicago	Total	Average per day
Beyond Buffalo	1	3	11		26			1			11	53	7.9
Buffalo	1	1	5	3	8		1				12	31	4.4
Dunkirk			1		1				1			3	.4
Westfield					1						2	3	.4
Erie				1	8				1		8	18	2.6
Ashtabula					2						3	5	.7
Cleveland						1					62	63	9.0
Elyria											1	1	.1
Sandusky								1			6	7	1.0
Toledo										1	19	20	2.9
Elkhart											7	7	1.0
South Bend											7	7	1.0
Total	2	4	17	4	46	1	1	2	2	1	138	218	31.1
Average per day	0.3	0.6	2.4	0.6	6.6	0.1	0.1	0.3	0.3	0.1	19.7		

PENN CENTRAL TRANSPORTATION CO., "FROM AND TO" RECORD OF REVENUE PASSENGERS CARRIED ON TRAIN NO. 51 OPERATING BETWEEN BUFFALO, N.Y. AND CHICAGO, ILL. DURING THE PERIOD NOV. 1-7, 1968, INCLUSIVE

To—

From—	Dunkirk	Erie	Ashtabula	Cleveland	Elyria	Sandusky	Toledo	Bryan	Elkhart	South Bend	Gary	Englewood	Chicago	Total	Average per day
Beyond Buffalo	4	10		18						1			11	44	6.3
Buffalo	1	7	1	7			1			3	1		13	34	4.9
Dunkirk		1		2					2					5	.7
Westfield				1										1	.1
Erie				7						4			6	17	2.4
Ashtabula				5							1			6	.9
Cleveland					1	1	6		2	1	1	1	40	53	7.6
Elyria													1	1	.1
Toledo								2	1	2	1		10	16	2.3
Elkhart													15	15	2.1
South Bend													3	3	.4
Total	5	18	1	40	1	1	7	2	5	11	4	1	99	195	27.9
Average per day	0.7	2.6	0.1	5.7	0.1	0.1	1.0	0.3	0.7	1.6	0.6	0.1	14.1		

DURING THE PERIOD JAN. 1-7, 1969, INCLUSIVE

TO—

From—	Dunkirk	Westfield	Erie	Ashtabula	Painesville	Cleveland	Elyria	Sandusky	Toledo	Elkhart	South Bend	Gary	Englewood	Chicago	Total	Average per day
Beyond Buffalo	12	2	39	5	2	58			3		10			65	196	28.0
Buffalo	15	3	34	1	5	30				1	19		3	30	141	20.1
Dunkirk						3								11	14	2.0
Westfield						9									9	1.3
Erie						15		2	2		7			25	51	7.3
Ashtabula						7					1	2			10	1.4
Cleveland							5	9	1	1	9	5	1	112	143	20.4
Elyria													1	2	3	.4
Sandusky									5		1			21	27	3.9
Port Clinton														1	1	.1
Toledo														41	41	5.9
Elkhart														24	24	3.4
South Bend														4	4	.6
Total	27	5	73	6	7	122	5	11	11	2	47	7	5	336	664	94.9
Average per day	3.9	0.7	10.4	0.9	1.0	17.4	0.7	1.6	1.6	0.3	6.7	1.0	0.7	48		

PENN CENTRAL TRANSPORTATION CO.—"FROM AND TO" RECORD OF REVENUE PASSENGERS CARRIED ON TRAIN NO. 63 OPERATING BETWEEN BUFFALO, N.Y., AND CHICAGO, ILL., JAN. 1 TO 7, INCLUSIVE, 1969

To—

From—	Erie	Ashtabula	Painesville	Cleveland	Toledo	Elkhart	South Bend	Chicago	Total	Average per day
Beyond Buffalo	34	1		94	13		11	45	198	28.3
Buffalo	10	1	1	44	10	1	14	62	143	20.4
Erie		2		29	5	3	19	31	89	12.7
Ashtabula				11			2	2	15	2.1
Painesville								4	4	7.6
Cleveland					8	7	40	145	200	28.6
Toledo						3	9	76	88	12.6
Elkhart							1	35	36	5.1
South Bend								7	7	1.0
Total	44	4	1	178	36	14	96	407	708	111.4
Average per day	6.3	0.6	0.1	25.4	5.1	2.0	13.7	58.1		

MAR 1-7 INCLUSIVE, 1969

From—	Erie	Ashtabula	Painesville	Cleveland	Toledo	Elkhart	South Bend	Chicago	Total	Average per day
Beyond Buffalo	17			25	3			9	54	7.7
Buffalo	3		3	20	2		2	8	38	5.4
Erie		3		14	4			12	33	4.7
Ashtabula			60	11				1	72	10.3
Cleveland					13	2	6	44	65	9.3
Toledo						1	4	24	29	4.1
Elkhart							2	33	35	5.0
South Bend								10	10	1.4
Total	20	3	63	70	22	3	14	141	336	48.0
Average per day	2.9	.4	9.0	10.0	3.1	.4	2.0	20.1		

APR. 1-7, INCLUSIVE, 1969

From—	Erie	Ashtabula	Painesville	Cleveland	Toledo	Elkhart	South Bend	Chicago	Total	Average per day
Beyond Buffalo	21	9	6	71	2	1	4	21	135	19.3
Buffalo	4	3	1	12	5	1	8	20	54	7.7
Erie		3		31	1	1	3	22	61	8.7
Ashtabula				9				3	12	1.7
Painesville				2				1	3	.4
Cleveland					24	6	9	69	108	15.4
Toledo						5	6	51	62	8.9
Elkhart								48	48	6.9
South Bend								7	7	1.0
Total	25	15	7	125	32	14	30	242	490	70.0
Average per day	3.6	2.1	1.0	17.9	4.6	2.0	4.3	34.6		

NOV. 1 - 7, INCLUSIVE, 1969

From—	To— Erie	Ashtabula	Painesville	Cleveland	Toledo	Elkhart	South Bend	Chicago	Total	Average per day
Beyond Buffalo	5	2		23	2	1		16	49	7.0
Buffalo	1			3	2	1	1	4	12	1.7
Erie				20	2	2		8	32	4.6
Ashtabula			194	8			2	2	206	29.4
Cleveland					7	1	7	45	60	8.6
Toledo						4	4	13	21	3.0
Elkhart								24	24	3.4
South Bend								3	3	.4
Total	6	2	194	54	13	9	14	115	407	58.1
Average per day	.9	.3	27.2	7.7	1.9	1.3	2.0	16.4		

PENN CENTRAL TRANSPORTATION CO. "FROM AND TO" RECORD OF REVENUE PASSENGERS CARRIED ON TRAIN NO. 64 OPERATING BETWEEN CHICAGO ILL. AND BUFFALO N.Y DURING THE PERIOD MAY 1-7, 1968, INCLUSIVE

From—	To— Gary	La Porte	South Bend	Elkhart	Toledo	Sandusky	Elyria	Cleveland	Painesville	Ashtabula	Erie	Westfield	Buffalo	Beyond Buffalo	Total	Average per day
Chicago	2	11	15	22	28	5	4	58	1	1	7	2	20	30	206	29.6
Englewood				2	2			3			1		1		9	1.3
Gary		2		1				4					2		9	1.3
La Porte			1		1										2	.3
South Bend				73	7	1	2	3			1		2		89	12.7
Elkhart					2			2		1			1		6	.9
Toledo							1	16		1	2	1	5	3	29	4.1
Sandusky								5			1				6	.9
Cleveland										12	24	3	29	25	93	13.3
Painesville											1		2		3	.3
Ashtabula													1	1	2	.4
Erie													2	2	4	.3
Westfield														1	1	.4
Dunkirk														2	2	.1
Total	2	13	16	98	40	6	7	91	1	15	37	6	65	64	461	65.9
Average per day	0.3	1.9	2.3	14.0	5.7	0.9	1.0	13.0	0.1	2.1	5.3	0.9	9.3	9.1		

DURING THE PERIOD NOV. 1 TO 7, 1968, INCLUSIVE

From—	To— Gary	La Porte	South Bend	Elkhart	Toledo	Sandusky	Elyria	Cleveland	Painesville	Ashtabula	Erie	Westfield	Dunkirk	Buffalo	Beynd Buffalo	Total	Average per day
Chicago	1	6	3	29	20	4		29		2	3	1		8	10	116	16.6
Englewood		1		1	1			1						1		5	.7
Gary				1	3		2	2						2		10	1.4
La Porte			1	1						1						3	.4
South Bend					7		1	1			2		1	2		14	2.0
Elkhart					3			8								11	1.6
Toledo							1	7		1	1	1			3	14	2.0
Sandusky								3								3	.4
Elyria								2								2	.3
Cleveland									3	18	22	3	2	21	13	82	11.7
Painesville											1					1	.1
Ashtabula											2			1		3	.4
Erie													3	5	1	9	1.3
Westfield														1	2	3	.4
Dunkirk															1	1	.1
Total	1	7	4	32	34	4	4	53	3	22	31	5	6	41	30	277	39.6
Average per day	0.1	1.0	0.6	4.6	4.9	0.6	0.6	7.6	0.4	3.1	4.4	0.7	0.9	5.9	4.3		

DURING THE PERIOD JAN. 1-7, 1969, INCLUSIVE

From—	To— Gary	La Porte	South Bend	Elkhart	Toledo	Sandusky	Elyria	Cleveland	Painesville	Ashtabula	Erie	Westfield	Dunkirk	Buffalo	Beyond Buffalo	Total	Average per day
Chicago	2	1	12	34	71	8	6	96		1	17			41	59	348	49.7
Englewood		1			5			2								8	1.1
Gary				1	2		2	1						2	2	10	1.4
La Porte			2											2		4	0.6
South Bend					13		3	13			2			7	5	43	6.1
Elkhart					4			4		1	3				3	15	2.1
Toledo								12	1	1	6			5	6	31	4.4
Port Clinton															1	1	0.1
Sandusky								9						6	4	19	2.7
Cleveland									5	24	41	2	2	37	31	142	20.3
Painesville											1			1	7	9	1.3
Ashtabula											3			3	7	13	1.9
Erie														33	34	67	9.6
Westfield														2	6	8	1.1
Dunkirk															8	8	1.1
Total	2	2	14	35	95	8	11	137	6	27	73	2	2	139	1,173	726	
Average per day	0.3	0.3	2.0	5.0	13.6	1.1	1.6	19.6	0.9	3.9	10.4	0.3	0.3	19.9	24.7		103.7

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to my distinguished colleague.

Mr. FISH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I think the gentleman is rendering a significant service by bringing this matter to the attention of the House by the legislation he has introduced. Certainly, the bipartisan support of the New York delegation will be forthcoming I know because he is speaking in behalf of a very significant part of the economy of our State and a matter of great convenience to the residents of the State of New York when he calls for the inclusion of the Buffalo-Chicago routes into the basic Railpax system.

I rise in support of H.R. 4570 and congratulate my colleague from New York for his efforts on behalf of a Buffalo to Chicago rail passenger route. Further, I strongly urge the Railpax Corporation to adopt the Buffalo-Chicago route as part of the National Rail Passenger Service, before it begins operations in May.

Last year, I supported the legislation which authorized the creation of Railpax, because I felt it held out the hope of an economical and more efficient rail service for all the citizens of this Nation. But the failure to extend the New York-Buffalo line logically on to Chicago, ignores the traditional and best route for residents of upstate New York to travel to the Midwest and West. I am hopeful that this oversight, detrimental to the residents of my own 28th Congressional District and all the residents of upstate New York, will be quickly remedied.

Again, I commend my colleague, Congressman KEMP, for his efforts in this matter.

Mr. KEMP. Mr. Speaker, I thank my distinguished colleague for his remarks and support.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to my distinguished colleague.

Mr. KING. Mr. Speaker, I want to commend the gentleman from the western part of our State for the position he has taken and for the legislation he has introduced. I join him in it and would be pleased to be a cosponsor of any such legislation together with the gentleman.

I wonder if the gentleman has any information whether or not there is a possibility of extending that railpax service from Albany to Montreal? Do you know anything about whether or not they have included that?

Mr. KEMP. I thank my colleague for his comments.

At this point, I am not aware of that type of service being included in the Railpax basic system.

Mr. KING. I would be very glad to join you in your request.

Mr. KEMP. I appreciate that.

Mr. ASHLEY. Mr. Speaker, it is entirely understandable and appropriate for the House Members assembled on this occasion to present the case for their principal city being included as an intermediate stop on the prospective New York City-Chicago and Washington, D.C.-Chicago routes of the national rail passenger system. Passenger trains, after all, are a vanishing species and the limited intercity rail service will benefit only a fortunate few of our urban centers.

It was not always so. In 1929 some 2,000 passenger trains—an essential component of any modern balanced transportation system—provided service to communities of every size and description. At the end of last year, alas, the number had dwindled to fewer than 400, many of which continued in business with demonstrated reluctance and only at the insistence of the Interstate Commerce Commission.

The next rung on the ladder, as we all know, was reached when private enterprise was finally allowed to abandon passenger service and Public Law 91–518 was enacted establishing a semipublic corporation to operate passenger trains between points designated by the Secretary of Transportation as part of a national basic rail system.

Pursuant to this legislation, the Secretary of Transportation has designated the points between which intercity passenger trains shall be operated and—again pursuant to Public Law 91–518—he is now in the process of identifying routes over which service may be provided.

Our colleague from Buffalo (Mr. KEMP) has presented a convincing case for extension of the New York City-Buffalo passenger service west to Chicago. I support his position wholeheartedly. But my interest—representing the greater Toledo area—goes further. Passenger service between New York City-Chicago and Washington-Chicago has been specified by the Secretary of Transportation and whether either or both of the intercity routes connecting these cities will include Toledo is to be decided in the immediate days ahead. The Toledo Area Chamber of Commerce has already filed a brief describing Toledo as a major transportation hub—one of the Nation's largest rail centers, eleventh largest port in the country, the leader in the Great Lakes and St. Lawrence Seaway traffic, and so forth—and has done a good job in cataloging population growth and the expanding industrial, commercial and agricultural activity throughout the Toledo standard metropolitan statistical area and northwestern Ohio.

Rather than expand on these data and other metropolitan virtues, let me simply say that the case for including Toledo in the inter-city routes—New York-Buffalo-Chicago or New York-Chicago via a southern route, and Washington-Chicago—is convincingly made and supported by the very criteria developed by the Secretary of Transportation, in keeping with the guidelines set forth in the act, for election of "points" which Railpax will be required to serve.

The first of these criteria provides that the availability of alternative transportation modes and the existing travel patterns should be considered to insure that the designated rail passenger network will make an optimum contribution to the Nation's total transportation system.

Blessed by its geographic location, Toledo is served by land, sea, and air. Easy access to Toledo is available via Interstate Routes 75 and 475, the Ohio Turnpike, and 11 State and U.S. routes. Ohio Turnpike traffic, measured at two interchanges in Toledo in 1970, was over five and a half million vehicles. Air passenger service is also immediate and substantial. During 1970, Toledo had an air passenger count of 424,925 and CAB data for 1969 showed 67,920 to and from Chicago, 73,730 to and from New York City, 19,170 to and from Washington, D.C., and 9,670 to and from Cleveland.

Toledo also is in excellent position to meet the criteria stipulating that anticipated rail ridership should be substantial and that projected ridership levels should enable the proposed rail service to operate at a cost which is competitive with the costs of alternative modes.

While Toledo's air service has increased in recent years, the fact remains that the city's proximity to Detroit and Cleveland makes it difficult to secure the number of flights and the diversity of direct service that is available to these larger communities. This very fact, of course, underscores the potential of the Toledo area if sufficient, updated rail passenger service is available.

No city better meets the criterion that selection should include cities that can be efficiently served by the Corporation as part of an integrated national rail passenger network.

Toledo's position as one of the Nation's major rail centers speaks clearly for itself. One of the reasons for Toledo's long and prominent role in rail passenger transportation is the number of large cities that can be served from Toledo through short-haul service. Within the 300-mile range that is used to define short-haul service, Toledo is in a position to serve and be served by Chicago, Cleveland, Erie, Buffalo, and Pittsburgh, with Harrisburg, Philadelphia, and Albany only slightly further in distance.

The population criterion provides that the route options between the major points should touch a large number of intermediate-population centers.

Toledo is certainly such a center. The SMSA which includes Lucas and Wood Counties in Ohio and Monroe County in Michigan climbed to 691,649 in 1970 and is listed by the U.S. Census Bureau as one of the 50 largest metropolitan areas in the United States. More importantly, Toledo's retail trading zone, comprising 12 counties in northwest Ohio and two in southeast Michigan, has a population of more than 1,175,000. From the standpoint of rail passenger potential, the composition of this population must be considered superior. More than a dozen national corporations are headquartered in retail areas just described and more than 40,000 students are currently attending colleges and universities in northwestern Ohio alone. Approximately 4,000 of these students are from out-of-State, many from the East.

From the standpoint of profitability, corporate flexibility and capital improvements required for inclusion in an intercity route, Toledo must be ranked at the top of the list. The city's pioneering role in rail transportation has been handed down generation to generation and managerial and technical competence required is already there, as is an experienced labor force.

Mr. Speaker, all of us here this afternoon are acting in the capacity as advocate for the District we represent. As the staggering highway death tolls continue to increase and as our airports become more and more congested, we recognize ever more clearly the need for a balanced transportation system and the essential role of rail passenger transportation in such a system. How quickly this can be achieved will depend in large measure on the care and consideration that is given to selection of the cities to be included in the routes soon to be established.

As an advocate for Toledo, I have tried to stress the importance of the contribution that our community can make if it is included. But from the standpoint of the Nation, the really important task is to move forward effectively in establishing rail passenger service as a component of a balanced transportation system. Fortunately, what is important to Toledo and that which is important to the Nation are in no way incompatible or inconsistent. We are anxious to participate in this new undertaking and look forward to doing so.

Mr. REID of New York. Mr. Speaker, I rise in support of the remarks of the gentleman from New York (Mr. KEMP) urging the establishment of Buffalo and Chicago as end points in the basic national rail passenger system.

Inclusion of this route in the national system is vital to the continued growth and prosperity of all the people of New York State.

Without a passenger rail line westward from Buffalo, the nearly 4 million people who live in upstate New York along the Albany-Buffalo axis will be deprived of feasible rail transportation to the Midwest and West.

The currently planned national system already incorporates the New York City-Buffalo route. To terminate this route abruptly in Buffalo would make no sense whatsoever. It would consign this route to being little more than a regional spur rather than a national trunkline. Only by its extension to Chicago can this important route serve as a truly useful link in the commerce of the Nation.

I commend the gentleman from New York (Mr. KEMP) for his initiative and heartily add my support for H.R. 4570 to establish passenger service from Buffalo to Chicago.

Mr. TERRY. Mr. Speaker, I rise in support of my colleague from Buffalo. New York is certainly a State that has done its share in trying to maintain passenger service. It has provided property tax relief to the railroads operating within the State. It purchased outright the Long Island Rail Road and is now seeking to upgrade and improve the service. In 1967, the State approved a $2.5 billion transportation capital facilities bond issue to help the suburban passenger service. In 1970, over $15 million was allocated for emergency maintenance work on the Long Island Rail Road and the Hudson, Harlem, and New Haven divisions of the Penn Central Transportation Co. So New York State has been acting to meet this crisis as it developed.

New York State has the empire service—New York City-Albany-Buffalo—and this is excellent. However, under the new Railpax no through service is planned to Chicago via this route. In my view this is a serious mistake to cut off passenger service across the northern tier of New York, Ohio, and Indiana to those who wish to travel to Chicago via rail. As a young college student, I took this route to Notre Dame. My family, furthermore, on both sides have been in railroading and it is a proud family tradition. There are still many persons, such as my own wife, who prefer the train to a plane, if the former is available. With our upstate weather, we have to have alternative means of transport available, if this last winter is any indicator of the future. My strong feeling is that the National Rail Passenger Corporation will prove to be a wise act and with the wholehearted cooperation of local, State, and Federal authorities, the United States can again have a good rail passenger system that we can all be proud of. To achieve this goal, the Buffalo to Chicago route needs urgently to be added to the National Rail Passenger Corporation.

GENERAL LEAVE TO EXTEND

Mr. KEMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on this subject.

The SPEAKER pro tempore (Mr. PEPPER). Without objection, it is so ordered.

There was no objection.

HEARINGS SET ON ABOLISHING DETENTION CAMPS

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KASTENMEIER. Mr. Speaker, as chairman of Subcommittee No. 3 of the Committee on the Judiciary, I wish to announce that a public hearing will be held on March 18, 1971, at 10 a.m., in room 2226 Rayburn House Office Building, on H.R. 234, a bill introduced by Mr. MATSUNAGA for himself, Mr. HOLIFIELD, Mr. MIKVA, and myself, to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18.

The principal purpose and effect of H.R. 234 is to repeal the Emergency Detention Act which was enacted as title II of the Internal Security Act of 1950. That act establishes procedures for the apprehension and detention, during internal security emergencies, of individuals deemed likely to engage in acts of espionage or sabotage. Unfortunately, the legislation has given rise to the belief that it may be used to apprehend and detain citizens holding unpopular beliefs. Also, some groups look upon the legislation as permitting a recurrence of the roundup and detention of Americans of Japanese ancestry during World War II.

H.R. 234 is one of 12 identical measures now pending in the House. Including multiple sponsorships, these measures reflect the view of 149 Members of the House, concurred in by the Department of Justice, that the Emergency Detention Act of 1950 should be repealed.

MODERNIZING FEDERAL ANTITRUST LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PRICE) is recognized for 15 minutes.

Mr. PRICE of Texas. Mr. Speaker, exactly 1 month ago today, I introduced legislation establishing a National Commission on the Revision of Federal Antitrust Laws. This afternoon I am reintroducing this measure with 15 cosponsors representing both political parties and a wide spectrum of political thought.

Joining me in introducing this measure are: Mr. ANDERSON of Illinois, Mr. ARCHER, Mr. BLACKBURN, Mr. COLLINS of Texas, Mr. GIBBONS, Mr. HARRINGTON, Mr. HOSMER, Mr. JOHNSON of Pennsylvania, Mr. KUYKENDALL, Mr. MANN, Mr. MAYNE, Mr. MICHEL, Mr. RAILSBACK, Mr. RARICK, and Mr. BOB WILSON.

The rationale behind this proposal is a simple one. The Federal laws which regulate the form and shape of business activity are vital ones, yet they have not been updated in over 20 years despite its rapidly changing nature and structure. Moreover, no systematic efforts have been made to determine what the current legislative needs even are in the antitrust area.

By impaneling a National Commission comprised of 24 eminent personages representing the public and the private sectors, empowering them for 1 year to make investigations and hold hearings, and requiring them to submit a report of their findings and recommendations to the President and to the Congress, a much needed perspective could be obtained on the state of Federal antitrust regulation.

Armed with this new perspective Congress can then swiftly move to update antitrust laws where needed and to shore up Federal regulations where weakened by disuse or misuse.

Mr. Speaker, the task set forth for the Commission is a task that should have been undertaken in the last Congress. Those of us who introduce this measure today can only hope that our colleagues will band together in a nonpolitical and nonpartisan spirit and approve this bill.

If impaneled, the National Commission on Revision of Federal Antitrust Laws will well serve both the interests of commerce and the interests of consumer.

NEED FOR BRIDGE IN BIG SPRINGS, TENN.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. QUILLEN) is recognized for 15 minutes.

Mr. QUILLEN. Mr. Speaker, "You can not get there from here" is not an empty phrase for the people of the Big Springs community.

They live across the river and the only way to get across is by driving some 34 miles through another State in order to get to their county seat.

For more than 100 years the people of this small community in Hancock County, Tenn., which is located in the northeast corner of my congressional district, have suffered isolation.

For the purpose of bringing my story into the proper perspective, I would like to add that, according to statistics from the U.S. Department of Commerce, Hancock County is the Nation's seventh poorest county.

Back in 1966, a group from the Big Springs community presented me with a petition asking that I help them get a bridge across the Clinch River, which runs through the county.

If you were to ask where Big Springs is located, people would say, "just across the river." If you were to ask residents of Big Springs where everything else is, the answer would probably be the same —"just across the river." But getting across the river is another thing—"you just cannot get there from here."

Over the years, some of the residents of the community have moved away in order to make contact with the outside world. Those who remain do so because they feel connected with the land they live on and the friendship they hold for their neighbors. They are staying, but they are staying against all odds, for the truth of the situation is that isolation has hemmed itself around their lives, hurting them most when they can afford it least.

Just how isolated is Big Springs? By all normal yardsticks, the answer would have to be "incredibly so." Some of the houses and roads are not even found on the county map. The lack of a bridge connecting Big Springs to the outside world necessitates the residents having to drive over 26 miles of dirt road that at times is simply bedrock and at other times greasy mud, in order to get to the nearest store or gas station. The time it takes to get anywhere sometimes prohibits men in Big Springs from getting an outside job while living at home.

I have been working on this project for more than 5 years, but we still do not have a bridge constructed across the river, although in recent months there have been encouraging developments.

The Big Springs community is involved in a unique situation. In the true sense of the word, the people of this mountain community are isolated from the rest of the world.

One hundred and sixty-three people live in Big Springs and its rich bottomlands and rolling stones are cherished by local farmers for crops and pasture. Almost everyone would have to say that the Clinch has given Hancock Countians a good life—everyone except the people of Big Springs, for here in a hidden valley the Clinch has taken life away.

Big Springs residents, like other residents of Hancock County, want to share their community with others, and they desire to have better access to commercial centers, health and educational facilities, farm markets, and jobs.

Last year, more than 53 percent of the household heads were farmers, 19 percent were retired or unable to work, and 28 percent had nonagricultural jobs in addition to part-time farming.

A majority of Big Springs families depend on the sale of crops for their income. Tobacco is the major crop, with some corn, hay, and vegetables being sold. The tobacco markets most used by farmers in the Big Springs area are in Weber City and Gate City, both of which are in Virginia. The Kingsport, Rogersville, and Sneedville tobacco markets in Tennessee are used to a lesser degree.

Cattle, hogs, and chickens are sold in Gate City, Kingsport, Rogersville, and Sneedville livestock markets.

The farmers of Big Springs are highly efficient. They know their work and they know how to get the most out of every dollar. But they are seriously handicapped. Sure, they can grow abundant crops of practically everything they farm, but getting it to the markets is another story.

In order for the residents of Big Springs to get to the county seat of Hancock County, which is Sneedville, they must travel 34 miles. If they could cross the Clinch River at a point just south of the Big Springs community, the trip would be only 18 miles, a savings of 16 miles each way, or, 32 miles for each trip. This same mileage holds true for a trip to any point to the south or west of the Big Springs community.

If they are to get to the doctor and commercial centers, and if the children of the community are to get to school, they must travel dangerously.

For instance, several years ago Hancock County consolidated its high schools, but the Big Springs children still have no way to catch the schoolbus on their side of the river. Instead, the parents of high school students must watch as their children each morning walk down to the river and paddle across the water in a leaky wooden boat. These children are in danger and the parents understandably fear for their lives. In the winter, they often have to break the ice as they negotiate the cold river. Because of these personal hardships, many of the children fail to attend high school due to the rigors of getting there. Many go through life with an eighth grade education. The community has a one-room schoolhouse, but it is outdated. When the children go out to play during a recess, they have nothing to do. The school sits on a knob and, therefore, there is no land for a playground. Some children play under the school and more times than not they are lucky if they are not cut by broken glass, old tin cans, and rusty nails. Others play bingo with kernels of corn.

I could talk for many hours telling you a variety of stories about the plight of these people, but I feel from my previous colloquy that you understand the community's unique position.

So, what can we do to help these poor people?

When I was first asked to intervene in this matter, my idea was to contact the proper authorities at the State level, and this I did.

Mr. Speaker, I strongly support the sovereignty of all States; let the States do for themselves what they can without the intervention of the Federal Government. But, in this case, it seems that it is a matter of either letting the Federal Government help or overburdening the State and county.

Consequently, I went to the Appalachian Regional Commission for whatever assistance this arm of the Federal Government could provide.

At the present time, the news that we have received from the Appalachian Regional Commission is encouraging, and I am optimistic that financial aid will be forthcoming. I would like to point out that a clause included in the ARC Act provides financial assistance for any poverty area within the Appalachian region if it would facilitate school consolidation. In the case of Big Springs, it would make it possible for students to get to school. So, it appears to me that this would be the basis for constructing a bridge across the Clinch.

If we receive a commitment from the Appalachian Regional Commission, we have promises of other help from the State Highway Department, the Upper East Tennessee Economic Opportunities Authority, the Tennessee Valley Authority, and Hancock County.

Mr. Speaker, we must not let these people suffer any longer. They are distressed and heartbroken and I sympathize with them.

Let us hope that this matter will be resolved once and for all at the very earliest date.

CORPS OF ENGINEERS' PROPOSED REGULATIONS ON THE REFUSE ACT PERMIT PROGRAM ARE INADEQUATE AND MUST BE REVISED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 20 minutes.

Mr. REUSS. Mr. Speaker, the recent hearings held on February 18 and 19 by the Senate Subcommittee on the Environment and members of the House Subcommittee on Conservation and Natural Resources, concerning the administration's proposed 1899 Refuse Act permit program reevalued that the proposed regulations of the Corps of Engineers must be strengthened.

They were published on December 31, 1970 (35 F.R. 20005) and on January 21, 1971 (36 F.R. 983), to carry out the President's Executive Order 11574 of December 23, 1970, directing the Corps and the Environmental Protection Agency to establish the Refuse Act permit program. On February 4, 1971, I inserted into the CONGRESSIONAL RECORD our subcommittee's letter of December 23, 1970 analyzing many of the deficiencies in them and urged that these be revised.

The proposed Refuse Act permit program will not achieve the objectives the public expects, unless several defects in the regulations are eliminated. The most significant of these is the failure to require industrial plants discharging their polluting wastes into intrastate waters to comply with federally established effluent standards.

On February 26, 1971, we wrote letters

to the Chairman of the Council on Environmental Quality, the Administrator of the Environmental Protection Agency, the Attorney General, and to the Corps, about these defects. We urged specific revisions to improve the regulations and procedures for administering the Refuse Act permit program and for enforcing more effectively the 1899 Refuse Act.

I insert at this point in the RECORD our subcommittee's three letters of February 26, together with Senator HART's letter of March 1 to the Chairman of the Council on Environmental Quality, and an editorial from the Washington Post of February 28, 1971:

FEBRUARY 26, 1971.

Mr. RUSSELL E. TRAIN,
Chairman, Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C.

DEAR MR. TRAIN: The hearings on February 18 and 19 before the Senate Subcommittee on the Environment and Members of the House Subcommittee on Conservation and Natural Resources on the Administration's proposed 1899 Refuse Act permit program helped to pinpoint a number of areas where we believe the proposed regulations of the Corps of Engineers should be strengthened.

As you no doubt are aware, Administration witnesses agreed that a number of revisions in the regulations were needed. They also agreed to consider all the criticisms and suggestions for improvement of the regulations made at the hearings and those expressed in letters of the House Subcommittee to the Corps, the Environmental Protection Agency, and your Council. This is certainly encouraging.

We commend especially the testimony by the Army's General Counsel, Robert E. Jordan, in which he listed several of the amendments he proposes to make in the regulations in order to incorporate the suggestions made by the subcommittees and public witnesses.

There are a number of amendments to the regulations which, on the basis of the hearings, we believe most important for a proper structuring of the proposed Refuse Act permit program.

We believe that these revisions will make the program more effective and achieve the President's, and our, objective of providing "a major strengthening of our efforts to clean up our Nation's waters."

Proposed revisions in Executive Order 11574 of December 23, 1970 (35 F.R. 19627) have been previously discussed and detailed in our Subcommittee's letters of February 4, 1971, to the President and to you.

Before dealing with our specific recommendations, we want to emphasize our conviction that the merit of the 1899 Refuse Act permit program lies not only in the fact that it will supply more accurate data concerning effluents, but, more importantly, will also, for the first time, enable the Federal Government to insist that *all* dischargers eliminate the polluting and hazardous effects of their waste discharges. Effective use of the Refuse Act means that we will not be satisfied with the status quo but, on the contrary, will insist, as a condition to the issuance of a permit, that the discharger take positive and timely steps to eliminate such effects.

It would be an empty gesture toward pollution control, and a cruel hoax upon the American public, if the Government were to issue permits which fail to treat, for example, intrastate dischargers in the same way as interstate dischargers. Such a failure would probably create significant economic disadvantages for industries discharging into interstate waterways and involved in business competition with those discharging into intrastate waters.

Industry needs the permit system in order to avoid prosecution under the Refuse Act for failure to have a Corps permit covering industry's refuse discharges into navigable waterways. The Corps is obligated to provide such a system. But it should be a system which effectively protects all waterways subject to the Refuse Act from the polluting effect of these discharges by retarding and eliminating them in a timely fashion.

Once issued, these Federal permits will immunize a discharger from prosecution under the 1899 law, except in cases where there is a violation of the permit conditions. No such immunity should be granted unless the Federal Government is assured that effective measures, requiring use of the best available technology for treatment of wastes, are included in the permit which will lead to a reduction or total elimination of pollution by the discharger.

Our comments and recommendations concerning the Corps' proposed regulations of December 31, 1970 (35 F.R. 20005), as amended on January 21, 1971 (36 F.R. 983), follow. Since the proposed regulations are all in section 209.131, this letter refers to the specific paragraphs and subsections in that section. The new language we recommend is underlined, and the deletions we propose are shown in brackets.

I. PUBLIC INTEREST CONSIDERATION

A. Section 13 of the 1899 Refuse Act prohibits the discharge or deposit of "any refuse matter of any kind or description whatever," except sewage, into navigable waterways or their tributaries. It, however, authorizes the Corps to "permit" the discharge or deposit or refuse "within limits to be defined and under conditions to be prescribed" by it.

Thus, the 1899 Federal law authorizes the Corps, in its discretion, to issue Federal permits governing the emission or discharge of refuse into navigable waterways. Yet the only non-procedural limits for issuing permits prescribed by the Corps in the proposed regulation are three provisions in paragraph (d)(2). These three provisions severely circumscribe the Corps' discretionary authority under the Refuse Act because they say that the Corps may deny or issue a permit on the basis of "the impact of the discharge or deposit on" only three matters:—(1) "anchorage and navigation," (2) Federally approved "water quality standards" established under the Water Quality Act of 1965, which apply only to *interstate* waters; and (3) "fish and wildlife resources which are not directly related to water quality standards."

Paragraph (d)(2) of the proposed regulation fails to mention any criteria for the Corps to issue or deny a permit on the basis of the "impact of the discharge or deposit on" water quality of *intrastate* waters for which there are no Federally approved water quality standards.

We understand that there are at least seven states which have no water quality standards for their intrastate waters. Yet there is no provision in the regulations describing what happens when no certification is required under section 21(b) of the Federal Water Pollution Control *Act* because "there are no applicable water quality standards." The regulation ignores the requirement of section 21(b)(9)(A) which specifies in such case that the Federal permitting or licensing agency must impose as a condition of such license or permit "a requirement that the licensee or permittee shall comply with the purposes" of the FWPC Act.

Section 21(b)(1) of the FWPC Act prevents the Corps from issuing a permit until a State certification has been either denied, obtained, or waived. It does not, however, require that the corps issue a Federal permit where such certification is obtained. Further, where there is "no applicable water quality standards" or, if they exist, they are inadequate, the Corps is not required by section 21(b) to issue a Federal permit which would immunize the discharger from prosecution under the 1899 law.

Mr. Quarles of EPA testified at our Hearing on February 19 that EPA need not accept a State certification on face value. He said that, as to the permit program—

"Where state certification applied to a discharge on navigable intrastate waters, EPA and the Corps of Engineers may review and reject state certification of a discharge in intrastate waters where an error has been made in the application of the standard to a particular discharge, or the discharge contains a hazardous substance not covered by water quality standards or there are conflicting fish and wildlife considerations. (Transcript, P. 333)."

Mr. Quarles also stated that even these steps, which we regard as inadequate, "have not yet been spelled out" in the proposed Corps' regulations or Memorandum of Understanding. (Transcript, p. 406).

We note too that these steps "have not yet been spelled out" in EPA's proposed regulations of February 5, 1971 (36 F.R. 2546) issued under section 21(b) of the FWPC Act. Section 615.13 of those regulations provide for EPA "review" of "applications and certifications," but that review appears to be solely limited to a determination under the statute that there is or is not "reason to believe that a discharge may affect the quality of the waters" of more than one State. It does not appear to encompass the review Mr. Quarles speaks of.

Even as to fish and wildlife resources, paragraph (d)(2) of the regulation directs that the Corps may not base its decision on the impact of the discharge or deposit on these resources if the discharge or deposit involves water quality standards. This limitation on the Corps' scope of review makes no distinction between Federally approved interstate standards and intrastate water quality standards which are not Federally approved.

The regulations ignore the scope of the review now made by the Interior Department pursuant to the 1967 Army-Interior Memorandum of Understanding of proposed Corps' permits under the 1899 law. That document recognizes the "responsibilities" of the Secretary of the Army under Section 13 of the 1899 Refuse Act "relating to . . . the control of refuse . . . and the interrelationship of those responsibilities with the responsibilities of the Secretary of the Interior" under three named environmental statutes, and, of course, the National Environmental Policy Act, "relating to . . . the conservation of the Nation's natural resources and related environment, including fish and wildlife and recreational values therein. . . ." In *Zabel* v. *Tabb*, 430 F. 2d 199 (C.A. 5, 1970), *cert. denied*, ——— U.S. ———, 39 U.S. L.W. 3356 (Feb. 22, 1971), the court referred to this document and said that this "Executive action had almost a virtual legislative imprimatur from the 1967 Report of the House Committee on Merchant Marine and Fisheries . . . (H. Rept. 90–989; see also Senate Commerce Committee's report, S. Rept. 90–1419). As a result of the effective operation of the Interdepartmental Memorandum . . ., the Interior Department and the (House) Committee concluded that it was not necessary to provide for dual permits from Interior and Army."

Solicitor Mitchell Melich of the Interior Department testified on February 18, 1971 (Transcript, p. 135):

"Finally, the Department has broad responsibility to protect the quality of the environment for outdoor recreation. The Department of the Interior believes that the Refuse Act procedures can be established in conjunction with the EPA, the Corps and the CEQ which will permit the Department to fulfill its statutory duties."

The severe restrictions which paragraph

(d)(2) of the proposed regulation place upon the recommendations which may be made under the Fish and Wildlife Coordination Act effectively abrogate the 1967 Memorandum of Understanding, and gravely ignore both the Interior Department's, and the National Oceanic and Atmospheric Administration's "broad responsibility to protect the quality of the environment for outdoor recreation."

We believe that adequate authority now exists under the 1899 law for the Corps to consider whether or not the issuance of a permit is in the public interest. The scope of the Corps' review of proposed discharges or deposits of refuse for which a Refuse Act permit is sought is not limited by the 1899 law to the three narrowly defined matters set forth in paragraph (d)(2) of the proposed regulation. The Corps recognized this fact in its regulations of April 10, 1970 (E.C. 1145–2–303).

For these reasons, we recommend that paragraph (d)(2) of the Corps' proposed regulation be amended as follows:

"(2) The decision as to whether a permit authorizing a discharge or deposit will or will not be issued under the Refuse Act will be based on an evaluation of the impact of the discharge or deposit on all factors affecting the public interest, including, but not limited to navigation, anchorage, fish and wildlife, water quality, economics, availability of technology for pollution control, conservation, aesthetics, recreation, water supply, ecosystems and, in general, the needs and welfare of the people. No permit shall be issued unless, in the judgment of the person authorized to make the decision, its issuance will be in the public interest. [(i) anchorage and navigation, (ii) water quality standards, which under the provisions of the Federal Water Pollution Control Act, were established "to protect the public health or welfare, enhance the quality of water and serve the purposes" of that Act, with consideration of "their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses," and (iii) in cases where the Fish and Wildlife Coordination Act is applicable (where the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modified the stream or body of water into which the discharge is made), the impact of the proposed discharge or deposit on fish and wildlife resources which are not directly related to water quality standards.]"

In light of the foregoing revision of paragraph (d)(2), we recommend that paragraph (d)(5), which is based on (d)(2) and which sets forth when a District Engineer may deny a permit, should be revised to read as follows:

"(5) In the absence of any objection by the Regional Representative to the issuance of a permit for a proposed discharge or deposit, District Engineers may take action denying or granting a permit in accordance with the provisions of paragraph (d)(2) above. [a permit only if:

"[(i) Anchorage and navigation will be impaired; or

"[(ii) Where the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modifies the stream or body of water into which the discharge is made, and after the consultations required by the Fish and Wildlife Coordination Act, the District Engineer determines that the proposed discharge or deposit will have a significant adverse impact on fish and wildlife resources.]"

B. We believe that the Corps has adequate authority to promulgate EPA's advisory guidelines as standards applicable to Refuse Act permits issued for discharges and deposits into both interstate and intrastate waterways. On February 10, 1971, the United States District Court for the Southern District of Texas, in Bass Anglers Sportsman's Society of America v. U.S. Plywood-Champion Papers, Inc., (C.A. No. 70–H–1004), considered whether the Refuse Act requires the Corps to "develop and implement a set of pollution standards governing emissions into the navigable waters," and stated that the Secretary of the Army has "adequate authority," under the Refuse Act and 33 U.S. Code 419, "to develop and implement general standards for a permit system. . . ."

EPA has entered into contracts with several research firms to collect data and establish effluent levels for 20 or more industries. These firms will provide reports to EPA within the next few months. We understand that these reports will be used by EPA to develop advisory guidelines for the treatment of industrial effluents by each of these industries, and that EPA intends to apply them in the Refuse Act permit program with respect to refuse discharged or deposited into interstate waterways. EPA believes, although others do not share this belief, that it lacks authority to promulgate these guidelines and enforce them under section 10(c) of the Federal Water Pollution Control Act.

When these advisory guidelines are developed, we recommend that the Corps, after affording the public opportunity for comment, promulgate them as additions to the proposed regulations for the Refuse Act permit program. We note that Mr. Jordan has assured us, in his letter to us of January 19, 1971, that "implementation of the permit program will not await their [the guidelines] completion and promulgation" by EPA.

II. RELATIONSHIP OF THE CORPS PERMIT PROGRAM TO THE FISH AND WILDLIFE COORDINATION ACT

Three paragraphs of the regulation would appear to paraphrase incorrectly, and thus to fail to set forth the mandatory provisions of, section 2(a) of the Fish and Wildlife Coordination Act (16 U.S. Code 602(2)). This error, which can have disastrous consequences on our Nation's fish and wildlife resources, should be corrected by using the statutory language rather than paraphrasing it. The three paragraphs are: (c)(3); (d)(2)(iii); and (d)(5)(ii).

Mr. Atkeson of CEQ in his letter of February 17, 1971 to the House Subcommittee, seeks to meet this criticism by stating that since Congress provided in section 10(c) of the FWPC Act that water quality standards take into consideration the "use and value" of an interstate waterway for "propagation of fish and wildlife," the "substance of the consultation" required by the Fish and Wildlife Coordination Act, in the case of all permits, will, "where this has been properly done . . ., have taken place." We do not agree with him for the following reasons:

In the first place, the Coordination Act applies to *all* waterways, not just interstate waterways. Section 10(c) of the FWPC Act applies *only* to interstate waterways. No similar requirement now applies to intrastate waterways. Thus, "the substance of the consultation" required by the Fish and Wildlife Coordination Act, in the case of intrastate waterways, cannot, by any stretch of the imagination, be said to "have taken place" under section 10(c) of the FWPC Act.

Even as to interstate waterways, the Congress did not state or imply that if the setting of water quality standards under section 10 (c) of the FWPC Act were "properly" carried out, the Interior and Commerce Departments should rest easy and not "consult" with the Corps on how individual discharges would affect fish and wildlife resources, including those effects which are "reflected in water quality considerations."

Solicitor Mitchell Melich of the Interior Department emphasized this when he testified on February 18. He said his Department "did not feel . . . that our participation in the establishment of the Federal water quality standards fully discharged our responsibility to the fish and wildlife resources and recreational values under our jurisdiction." Under the Fish and Wildlife Coordination Act, the Corps has a statutory duty to "consult" with these two Departments, and they are, according to Mr. Melich, "charged with the duty under the Fish and Wildlife Coordination Act of making recommendations to the Corps . . . with particular reference to the effect on fish and wildlife of all deposits or discharges of contamination and pollutants." (Transcript, pp. 133–135).

We believe this duty is not discharged by the water quality standards program.

We recommend that paragraph (c)(3) of the proposed Corps' regulation be revised as follows:

"(3) The concern of the Congress with the conservation and improvement of fish and wildlife resource is indicated in the Fish and Wildlife Coordination Act (16 U.S. Code 661–666c) [,wherein consultation with the Department of the Interior is required regarding activities affecting the course, depth, or modification of a navigable waterway]. Section 2(a) of that Act (16 U.S.C. 662(a)) requires that 'whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever . . . by any public or private agency under Federal permit or license' the permitting or licensing agency 'first shall consult with the United States Fish and Wildlife Service, Department of the Interior,' the National Oceanic and Atmospheric Administration of the Commerce Department, and the appropriate State fish and game agency 'with a view to the conservation' of fish and wildlife resources."

The Fish and Wildlife Coordination Act clearly applies to both (a) permits which authorize impoundments, diversions or channel deepening of a waterway, and (b) permits which authorize activities resulting in a waterway being "otherwise controlled or modified for any purpose whatever."

Paragraphs (d)(2)(iii) and (d)(5)(ii) refer to a discharge which "impounds, diverts, deepens the channel, or otherwise controls or similarly modified (sic) the stream or body of water." The word "similarly" plainly distorts the whole scope of the Act by limiting the phrase "controls or modifies" to only those activiites which "impounds, diverts, deepens the channel." There are all sorts of discharges of wastes, chemicals, refuse, etc., which modify a body of water, with terrible consequences to fish and wildlife, but do not impound, divert, deepen, or decrease the channel. Mr. Atkeson, in his letter of February 17, 1971, to the House Subcommittee said that this "was not intended as anything more than a paraphrase of the statute as written." Unfortunately, the "paraphrase" does not accurately reflect the plain words of the statute. Accordingly, we urge that the word "similarly" be removed from these two paragraphs.

We have made the same recommendation in regard to Executive Order 11574.

Similar changes should be made in paragraph 6(ii) of the proposed EPA-Army Memorandum of Understanding as published in the Federal Register of January 21, 1971 (36 F.R. 983).

III. PUBLIC INFORMATION

Paragraph (g)(1) of the proposed regulation describes what information the applicant for a Refuse Act permit will be required to file with an application. No mention, however, is made in the regulation about the availability of the information to the public.

Mr. Jordan of the Army testified on February 18, 1971 (transcript, pp. 14 and 55) that this information will be available to the public. Mr. Quarles of EPA, however, on February 19, 1971, said (transcript, p. 338) that all "data received from applicants unless trade secrets are involved will be made available for public inspection." In addition, Mr. Atkeson of CEQ on February 19, 1971 said (transcript, p. 349):

"The General Counsel of the Army has already said that applications for Refuse Act permits and all information, records and statements filed with these applications should be matters of public record subject to the protection of trade secrets. We anticipate the same rule on effluent data as applies to emission data on the Clean Air Act Amendments enacted last December."

Mr. Quarles testified (transcript, p. 384) that Mr. Jordan's testimony on this "is probably entitled to greater weight," but then said "there may be some legal requirements that are involved . . . and I gather from talking to Mr. Atkeson that this is not entirely resolved . . ."

This matter of disclosure of data was discussed in great detail in the report of the House Committee on Government Operations (H. Rept. 91-1717, Dec. 10, 1970) entitled "The Establishment of a National Wastes Inventory" (pp. 24-33). The report states (pp. 29-30):

"It is highly doubtful that the responses to the questionnaire would involve disclosure of any trade secret, because the questions relate not to processes or methods of operation, but only to effluents discharged into the waterways. If a discharger clearly shows that disclosure of any portion of the data in the responses to the questionnaire would involve disclosure of its trade secrets or secret processes, the committee assumes that FWQA will readily and simply resolve the problem at that time in line with the principle suggested in the subcommittee chairman's letter of September 18, 1970. Even where trade secrets or secret processes are involved, the committee believes, in line with this principle, that the public interest in controlling pollution demands that Federal agencies not be hindered in their enforcement function merely because of the discharger's private interest in protecting his trade secret or secret process.

At hearings before the House Subcommittee on Conservation and Natural Resources on September 17, 1970 which preceded the above report, Mr. Jordan testified (pp. 30-31):

"I don't believe that 'processes' and 'operations' include simply the act of dumping out a particular kind of effluent at the end of the pipe.

"I think 'processes and operations' refers to what takes place inside the plant that produces the effluent.

"And if I had to interpret that section in connection with our responsibilities, I would not give 'processes and operations' an expansive interpretation but a narrow one, which I think is wholly consistent with what I understand to be the legislative history of that act.

"So that solves a large measure of the problem, because our basic concern is with what is coming out at the end of the pipe and not how it got to be that way.

"Secondly, I don't believe that section was ever intended to apply to a public official pursuant to a lawfully established public program who, in discharging his responsibilities, found it necessary to make certain information available."

In connection with our Refuse Act program, furnishing information on effluent is not going to be voluntary. It's going to be required—required in the sense that if you want to get a permit, you must furnish the information.

The Senate Committee on Public Works discussed this trade secret problem also in its report on the Clean Air Act Amendments of 1970 (S. Rept. 91-1196, Sept. 17, 1970) as follows (pp. 31-32):

"The purpose of 18 U.S.C. 1905 is to prevent the unauthorized disclosure by Federal employees of data obtained in connection with any authorized Federal activity which would, if divulged, reveal trade secrets of secret processes. It is not aimed at preventing the disclosure of such data by Federal agency officials as part of their duty to effectively control and prevent air pollution.

"Moreover, the committee believes it is not in the public interest for data relating to the quantity and quality of the emissions to be considered confidential. The public has a right to know who is polluting the atmosphere and in what amounts."

We recommend that paragraph (g)(1) of the Corps' proposed regulation be amended by adding the following at the end thereof:

"The application for a permit and all other information furnished under this paragraph will be made available to EPA and other Federal agencies and to State, interstate, and local water pollution control agencies and to the public."

This amendment is similar to the public information provision included in EPA's voluntary industrial wastes inventory questionnaire.

IV. PERMIT CONDITIONS

Paragraph (o) specifies the conditions which will be in the permit "as a minimum." It also states that permits "shall be subject to" other conditions "determined by EPA to be necessary." There are several areas where this section of the regulation should be improved.

1. At the hearing on February 18, 1970, we discussed with Mr. Jordan a proposal to require that each permittee pay an effluent charge for discharging refuse into the public's waters. Such a charge would be an additional incentive to the permittee to meet effluent requirements of the permit. Mr. Jordan indicated that the proposal needed further consideration, but he did agree (transcript, p. 49) that the permit should include a condition which clearly "reserves [to the Corps] . . . the right to make changes in the future in the way we approach charges."

We recommend that paragraph (o)(1) be amended by adding the following subparagraph:

"(v) Provide for the establishment of effluent charges subsequent to the date of issuance of the permit, and for the payment of such charges."

2. The issuance of a Refuse Act permit will immunize a permittee from prosecution under the 1899 law for four to five years unless the permittee breaches a condition of the permit. We believe that this result should not be taken lightly. The public has a right to have assurances from its Government that when a Federal permit is issued the permittee will be under an obligation to clean up his discharges during the period. Thus, the Corps and EPA should require as a condition of the permit that the permittee provide the best system of pollution control available within an established timetable.

We recommend that there be added to paragraph (o)(1) the following subparagraph:

"(o)(1) . . . (vi) Require that the permittee shall install, use, and maintain one or more systems or methods which, using the best available technology, provide, within the shortest feasible time, for the elimination, or the maximum feasible reduction, of the refuse discharged or deposited by the permittee."

Adding this new subparagraph (vi) also requires adding the following new subparagraph to paragraph (d)(3) which authorizes EPA to give advice to the Corps on various matters relating to the permit conditions:

"(d)(3) . . . (vi) The permit conditions necessary to require the permittee to install, use, and maintain one or more systems or methods which, using the best available technology, provide, within the shortest feasible time, for the elimination, or the maximum feasible reduction, of the refuse discharged or deposited by the permittee."

3. Paragraph (o)(2) does not *require* that *all* permits be conditioned to require periodic reports as to the composition, quantity, and frequency of refuse discharges or deposits. Rather, it merely says that EPA "may" require reports as to the "nature and quantity of discharges." Also, it does not require that these reports be available to the public.

Mr. Jordan testified on February 18, 1971, (transcript, p. 59) that periodic reporting on an annual basis for discharges and deposits "will be a requirement" of all permits. He said that if the discharge disclosed at the time the permit is issued is changed later, the reports will show this and that the Corps will act to reconsider the permit. He said that these "reports will also be available to the public" (transcript, p. 61).

To accomplish this, we recommend that paragraph (o)(1) be amended by adding the following subparagraph:

"(vii) Require periodic reports as to the points of discharge or deposit and the composition, quantity, and frequency of the discharge or deposit and treatment thereof and other relevant information, and such reports will be made available to EPA and other Federal agencies and to State, interstate, and local water pollution control agencies and to the public."

4. Paragraph (o)(1)(iii) states that the permits shall provide that in case of a breach of any permit condition the permit may be suspended or revoked.

We believe that this statement is misleading. The Corps' remedies, in the case of any breach of a permit provision, are not limited to a suspension or revocation of the permit.

For example, section 13 of the 1899 Act provides that the conditions of any permit "shall be strictly complied with, and any violation thereof shall be unlawful." Thus, the Corps or the U.S. Attorney could enforce any breached condition without suspending or revoking the permit. Criminal or civil actions, or both, are possible where the condition is breached. Moreover, the Government certainly is entitled to sue, on the basis of contract law, to enforce a condition which is essentially contractual because the permittee agreed to comply with it when he accepted the permit. Indeed, the permittee, having agreed to the condition, would probably be estopped to challenge its enforceability.

We recommend that paragraph (o)(1)(iii) be revised to read as follows:

"(iii) Provide for possible suspension or revocation of the permit, or suit for specific enforcement of the condition, in the event that the permittee breaches any condition of the permit;"

5. Paragraph (o) of the proposed regulation does not include a provision requiring monitoring discharges or deposits made under a Refuse Act permit. The provisions for "periodic demonstrations of compliance" and for "site and sampling accessibility" in paragraph (o)(2) are not requirements, but merely "may" be required by EPA, and thus do not adequately protect the public interest. Mr. Jordan testified on February 18, 1971 (transcript, p. 17) that monitoring "to ensure compliance with water quality standards and permit conditions will be conducted."

We recommend that there be added to paragraph (o)(1) the following subparagraph:

"(viii) Provide that the permittee (a) install, use, and maintain such monitoring systems and sample such discharge or deposit at periodic intervals and provide information thereon in periodic reports required by this paragraph, and (b) provide, at reasonable times, entry to, upon, or through any premises in which a discharge or deposit source is located by authorized personnel to inspect such discharge or deposit and such systems and to take samples of such discharge or deposit and copy any records relating thereto."

In view of the foregoing new subparagraphs added to paragraph (o) (1), we believe that paragraph (o) (2) becomes superfluous and should be deleted.

V. PUBLIC NOTICE

Paragraph (j) of the proposed regulation provides that all "public notices" shall contain a statement similar to the language of paragraph (d) (2) of the Corps' proposed regulation.

Earlier in this letter we recommended a revision of paragraph (d) (2). Accordingly, we recommend that the statement set forth in paragraph (j) of the proposed regulation be revised as follows:

"The decision as to whether a permit authorizing a discharge or deposit will or will not be issued under the Refuse Act will be based in all cases on an evaluation of the impact of the discharge or deposit [on (1) anchorage and navigation, (2) water quality standards and related water quality considerations as determined by State authorities and the Environmental Protection Agency, and (3) in cases where the Fish and Wildlife Coordination Act is applicable (where the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modified the stream or body of water into which the discharge is made), the impact of the proposed discharge or deposit on fish and wildlife resources.] on all factors affecting the public interest, including, but not limited to, navigation, anchorage, fish and wildlife, water quality, economics, availability of technology for pollution control, conservation, aesthetics, recreation, water supply, ecosystems and, in general, the needs and welfare of the people. No permit shall be issued unless, in the judgment of the person authorized to make the decision, its issuance will be in the public interest. Permits will not be issued until the certification required under section 21(b) of the Federal Water Pollution Control Act has been obtained or has been waived."

VI. WATER QUALITY DETERMINATIONS

Paragraph (d) (6) of the Corps' proposed regulation provides that where a Corps' District Engineer disagrees with the "advice" of the Regional Representative of EPA, he shall forward the matter to the Secretary of the Army who shall then "consult" with the Administrator of EPA. After such consultation, it provides that the Army Secretary "shall accept the findings, determinations, and conclusion of the Administrator as to water quality standards [including such intrastate standards] and related water quality considerations." This same provision is also set forth in paragraph (p) (7) (Procedures) of the Corps' proposed regulation. Prior to these provisions, the objections or comments of the Regional Representative of EPA to the Corps' District Engineers are merely advisory. Paragraph (p) (2) (Policies) provides that "the Corps shall accept such advice," but apparently this mandate is only intended to apply at the Secretarial level since the Corps' District Engineer can, as we said, disagree with EPA's Regional Representative and refer the matter to the Secretary.

We note that this mandate is derived from section 2(a) (2) of Executive Order 11574 of December 23, 1970.

When asked about the legal basis for transferring this authority from Army to EPA, Mr. Jordan testified (transcript, pp. 29–30):

"I realize that questions have been raised about this, that the permit program is a responsibility of the Department of the Army, but we feel this is appropriate on the legal side and we also believe it is the only practical way to make this program work on the pragmatic side. Somebody has to decide these questions.

"I would like to add that under our regulations, if a district engineer feels that the advice furnished by EPA at the regional level is inconsistent with the purposes of the program, he is given the option of bringing that particular permit case into Washington for resolution directly between the Secretary of the Army and the Administrator of EPA."

When there is a dispute and the case is referred to Washington, Mr. Jordan said the Army would "accept the Administrator's final determination" and that it "is unlikely . . . that there would be cases in which our views would be so strong" that Army would not "accept" that determination. (Transcript, p. 30). In such cases, he said that they would look to CEQ.

We agree with Mr. Jordan that the likelihood of EPA's advice not being accepted at the Secretarial level is remote. It is for this reason that we continue to believe it foolhardy for the CEQ to jeopardize the legal stability of the permit program by insisting in the Executive Order and the regulation that EPA's role be a final one, when the law provides otherwise.

Our House Subcommittee, in its letter of February 4, 1971, to CEQ urged that the Executive Order be revised to avoid this possibility. The letter states:

* * * Whatever contentions might be advanced for putting the Corps' responsibility into EPA, the fact remains that existing law does not do so. That responsibility is now in the Corps and it is the Corps' duty to perform it. That duty can be changed only by Congress, not by Executive Order.

In *Zabel* v. *Tabb*, 430 F. 2d 199 (C.A. 5, 1970), the applicants for a Corps permit under section 10 of the 1899 law contended that the denial of a permit without a hearing before the Fish and Wildlife Service "is a deprivation of property without due process of law." The court, in that case said:

"Administrative law requires that before an agency can regulate a party, it must allow that party to be heard. Here, landholders were given such a hearing before the Corps of Engineers, the body empowered to grant or deny a permit. They were not entitled to a hearing before the Fish and Wildlife Service because it is not 'the one who decides.' *Morgan* v. *United States*, 1935, 289 U.S. 368, 481, 56 S. Ct. 906, 912, 80 L. Ed. 1288, 1295. They were allowed to rebut the findings and conclusions of the Fish and Wildlife Service before the deciding body and thus were not denied due process for lack of a hearing."

An applicant for a Corps permit under section 13 of the 1899 law may well raise this same contention because, under the Executive Order, he cannot "rebut the findings and conclusions" of EPA "before the deciding body." Under the order, the Corps must "accept the findings, determinations, and interpretations" of EPA. In regard to water quality matters, the Corps is merely a conduit. Where water quality is a significant reason for denial of a permit, the applicant, under the Executive Order, will not be afforded the opportunity for a hearing before EPA. Indeed, under the restrictive provision of the Executive Order. neither the public, nor other Federal or State agencies, would be able to rebut EPA's findings in any hearing before the Corps.

We believe that only Congress and not an Executive Order can "govern the scope of the Army's power to decide."

We recommend that the third sentence of paragraphs (d) (6) and (p) (7) of the proposed regulation be revised as follows:

"Following such consultation, the Secretary shall, if the Administrator advises that the proposed discharge or deposit [accept the findings, determinations, and conclusions of the Administrator as to] is inconsistent with water quality standards and related water quality considerations and should not be permitted or, if permitted, should be conditioned, act in accordance with the policy established in paragraph (d) (2) above and shall promptly forward the case to the District Engineer with instructions as to its disposition."

We recommend that the following sentence in paragraph (p) (2) (Policies) be deleted:

"[The Corps shall accept such advice on matters pertaining to water quality standards and related water quality considerations as conclusive and no permit shall be issued which is inconsistent with any finding, determination or interpretation of a Regional Representative with respect to such standards or considerations.]"

VII. REFUSE ACT ENFORCEMENT

Paragraph (d) (1) of the proposed Corps' regulations states that ". . . the mere filing of an application requesting permission to discharge or deposit into navigable waters or tributaries thereof will not preclude legal action in appropriate cases for Refuse Act violations.

We believe that this statement will not be very persuasive to a court since it relates only to "legal action in appropriate cases," and does not adequately inform either the applicant or the court as to what are these "appropriate cases."

Assistant Attorney General Shiro Kashiwa on December 21, 1970 testified before the House Subcommittee on Fisheries and Wildlife Conservation that he will bring such "legal action" where "dangerous toxic substances are present in an industrial discharge." Moreover, Mr. Ruckelshaus, at the White House press conference of December 23, 1970, said that the permit program ". . . is not a moratorium on polluters complying with the implementation schedule" established under applicable water quality standards. He then said: "Just because somebody has applied for a permit does not mean he is, therefore, free to go ahead and pollute not pursuant to any implementation schedule that he has been put on."

We recommend that there be added to paragrah (d) (1) of the proposed regulation, the following:

"Notice is hereby given, that the Government may institute civil or criminal proceedings, or both, under 33 U.S. Code 407 even though an application for a permit is pending before the Corps, to vigorously enforce the Refuse Act where the Government believes that the applicant's discharge or deposit (1) is not in compliance with applicable water quality standards, including implementation plans, or (2) is hazardous to the public health, safety or welfare, or (3) is otherwise contrary to the public interest."

VIII. PUBLIC HEARINGS

Paragraph (k) (1) of the proposed Corps' regulation sets forth the Corps' policy concerning the holding of public hearings by the Corps in connection with Refuse Act permit applications. When this public hearing policy is compared with the hearing policy for other Corps' permits under sections 1, 10, and 14 of the 1899 law, we find, as Mr. Jordan stated, in his letter of January 19, 1971 to our House Subcommittee, that "there has been a shift in emphasis" by the Corps.

The Corps' policy for non-Refuse Act permit applications is that *"public hearings are helpful and will be held . . . whenever* there appears to be *sufficient public interest"* therein or *"when* responsible Federal State, or local authorities, including Members of Congress, *request* that a hearing be held and it is likely that information will be presented" that will aid "in determining whether the permit" should be issued. (Italics supplied). This eminently sound policy of the Corps has been in existence for some time for applications for landfills, dredging, and other works, and in May, 1970 the Corps, pursuant to the recommendation in the report of the House Government Operations Committee of March 18, 1970 (H.

Rept. 91-917), extended this hearing policy to "applications for the establishment or modification of harbor lines" under the 1899 law (35 F.R. 8280, May 27, 1970).

Paragraph (k)(1) of the Corps' proposed regulation establishes the policy for Refuse Act permits that such hearings *"may be helpful* and *will be held . . . whenever, in the opinion of the District Engineer such hearing is advisable."* In forming this opinion, the District Engineer, under the proposed regulation, must give *"consideration* . . . to the degree of interest by the public in the permit application, requests by responsible Federal, State or local authorities, including Members of Congress, . . . and the likelihood that" the information gained will aid "in determining whether the permit applied for should be issued." Further, the proposed regulation provides that a *"public hearing will not generally be held"* if there has been a prior hearing on the proposed discharge, "unless" the hearing is "likely" to develop "significant new information."

We appreciate the fact that the Corps and EPA want to avoid unnecessary duplication and expense and to minimize delays in processing Refuse Act permits. We share that goal. But, in our opinion, the Corps' public hearing policy, in existing regulations governing sections 1, 10, and 14 permits and the establishment and modification of harbor lines, allows sufficient flexibility to accommodate that goal. It provides that, where "it is likely that information be presented" at a public hearing that will help in deciding whether or not a permit should be issued, then it "will be held." Presumably, the Corps construes the existing language as providing it with sufficient flexibility to decline to hold hearings in connection with non-Refuse Act permit applications when there has been a prior hearing and no new information is expected to develop at a second hearing.

Indeed, the statement in paragraph (k)(1) of the proposed regulation that a "hearing will not generally be held" where there was a "prior" local, State or Federal hearing means that the Corps (and EPA) will decide on granting or denying a permit without ever giving the applicant or the public an opportunity for a hearing before the agency which decides an issue of water quality. Such failure would certainly render the permit program vulnerable to legal attack on grounds of denial of due process, particularly where the denial results in forcing an existing discharger to close his facility.

We recommend that paragraph (k)(1) of the proposed regulation be amended as follows:

"It is the policy of the Corps of Engineers to conduct the civil works program in an atmosphere of public understanding, trust, and mutual cooperation and in a manner responsive to the public interest. To this end, [a public hearing may be] public hearings are helpful and will be held in connection with an application for a permit involving a discharge or deposit in navigable waters or tributaries thereof whenever there appears to be sufficient public interest to justify the holding of a public hearing or when responsible Federal, State, or local authorities, including Members of the Congress, request that a hearing be held and it is likely that information will be presented at the hearing that will be of assistance in determining whether the permit applied for should be issued. [whenever, in the opinion of the District Engineer such a hearing is advisable.]"

We also recommend that the third and fourth sentences of paragraph (k)(1) be deleted since they are not necessary in light of the above amendments.

IX. EPA REVIEW

A. Paragraph (i)(1) of the proposed Corps' regulation provides that when a permit application is received, a copy "will be promptly forwarded . . . to the Regional Representative of EPA." Paragraph (i)(2) states that if the "required certification" does not accompany the application then the applicant must be "advised that no action will be taken on his application until" it is received or until "a year" expires and that the application "will be processed only to the extent of sending a copy" to EPA.

Section 615.11 of EPA's proposed regulation of February 5, 1971 (36 F.R. 2516) states that when a licensing or permitting agency receives both an application and a certification, that agency "shall immediately notify" EPA.

We believe that the Corps' regulation is better because it allows EPA time to review the application while the certification request is pending at the State level. But the two regulations should be reconciled. Further, we believe that the proposed regulation should give the Interior and Commerce Departments the same period as EPA does to review the application.

We recommend that the words "and to the Regional Representatives of the Fish and Wildlife Service and NOAA" be inserted before the period at the end of paragraphs (i)(1) and (2).

B. Paragraph (i)(4) states that if EPA fails to act within 45 days after receiving a completed permit application, the Corps' District Engineer shall consider that the "advice furnished by a State or other certifying authority" is also EPA's advice, unless EPA ask for an extension of time. This provision causes no difficulty where the State refuses to certify, because the Corps would then simply deny the permit. But if the State either certifies, or fails to act on, the application, and EPA does not act or fails to ask for an extension, then paragraph (i)(4) compels the Corps to approve the permit even though neither EPA or the Corps has investigated or reviewed the water quality effects of the proposed discharges. Indeed, Mr. Quarles testified on February 19, 1971 (transcript, p. 389) that "Our policy will be to review all of the permit applications . . . within the limits of the manpower resources which we have." We believe this policy is in the public interest. But, in view of EPA's admittedly inadequate staff to handle the large number of applications which will be filed in the near future, it is not likely that EPA will act to carry out this policy within 45 days after a State acts. This time limitation then is unduly short. We believe that, at least for the first year of the permit program, the regulation should not place any time limitations on EPA's ability to carry out this policy.

We recommend that the third and fourth sentences of paragraph (i)(4) be deleted, and that the second sentence of that paragraph be amended, as follows:

"The Regional Representative of EPA will be asked to review the application and to (i) advise the District Engineer within 30 days whether the proposed discharge or deposit may affect the quality of waters of another State (as required by section 21(b)(2) of the Water Quality Improvement Act of 1970), and (ii) provide the other information identified in paragraph (d)(3) of this section [within 45 days] as soon as possible."

X. SCOPE OF REFUSE ACT

The second sentence of paragraph (d)(7) of the proposed Corps' regulation states:

"No permit will be issued for discharges or deposits of harmful quantities of oil, as defined in section 11 of the Federal Water Pollution Control Act *since primary permit and enforcement authority for all oil discharge is contained in that Act.* (Italics supplied)."

The phrase italicized above, implies that oil discharges are not subject to control under the Refuse Act.

The courts have repeatedly ruled that oil is "refuse matter" within the meaning of section 13 of the Refuse Act. *United States* v. *Alaska Southern Packing Co.* (*The La Merced*), 84 F. 2d 444 (C.A. 9, 1936); *United States* v. *Ballard Oil Co. of Hartford, Inc.*, 195 F. 2d 369 (C.A. 2d 1952). Similar rulings with respect to oil discharges under the Act of June 29, 1888 (25 Stat. 209, 33 U.S. Code 441) which prohibits discharge of "refuse" into New York Harbor were made in *The Albania*, 32 F. 2d 727 (D.C. S.D., N.Y. 1928); *The Columbo*, 42 F. 2d 211 (C.A. 2, 1930). Indeed, the Supreme Court, in *United States* v. *Standard Oil Co.*, 384 U.S. 224, 230 (1966), a case which invloved the discharge of petroleum products into a navigable waterway, expressly stated:

"The word 'refuse' includes all foreign substances and pollutants apart from those 'flowing from streets and sewers and passing therefrom in a liquid state' into the watercourse."

Section 24 of the Federal Water Pollution Control Act, as amended, specifically provides that it "shall not be construed as . . . affecting or impairing the provisions of sections 13 through 17" of the River and Harbor Act of 1899.

Section 11 was added to the FWPC Act by the Water Quality Improvement Act of 1970 (Public Law 91-224, April 3, 1970). There is nothing in section 11 or the 1970 Act which in any way modifies or affects the disclaimer provision of section 24 of the FWPC Act just quoted.

We note that in his letter of January 19, 1971, to us, Mr. Jordan said he "would have no objection to the deletion" of the above underlined words in the second sentence of paragraph (d)(7). We urge that those words be deleted.

The points discussed in this letter cover the principal areas of our concern. Some additional points have been mentioned in our letters of January 26, 1971 to General Clarke of the Corps and of February 16, 1971 to Mr. Jordan; and in Mr. Jordan's testimony of February 18, advising us that the Corps will make other changes which will also improve these regulations.

As we said at the close of the hearings on February 19, the staff of our subcommittees stand ready to discuss these issues further with your agency, the Corps, and EPA and to help wherever possible to get this program under way early next month.

We are sending a copy of this letter to the Secretary of the Interior, the Secretary of the Army, the Chief of the Corps, the Administrator of EPA, and the Administrator of NOAA.

Sincerely,

HENRY S. REUSS,
Chairman, Conservation and Natural Resources Subcommittee.

WASHINGTON, D.C., *February 26, 1971.*

Hon. WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection Agency, Washington, D.C.

DEAR MR. RUCKELSHAUS: Enclosed for your information, review, and comment is a copy of a letter we have today sent to Chairman Train of the Council on Environmental Quality concerning the Corps of Engineers proposed 1899 Refuse Act program.

I

We understand that your agency has entered into contracts with at least 16 research firms to collect data and establish effluent levels for 20 or more industries and to provide reports to you within the next few months. These studies, we are told, will be used by EPA to develop advisory guidelines for the treatment of industrial effluents by each of these industries.

We understand that EPA contemplates appointing several committees—one for each industry category—to review these reports and give industry a voice in the establishment of these advisory guidelines. We also understand that EPA intends to apply these guidelines in the Refuse Act permit program where the refuse is discharged into an interstate waterway.

We are concerned that EPA in the process of developing these advisory effluent guidelines, has not indicated what procedure it will follow to insure that the public participate in the development of these advisory guidelines.

We believe that such public participation can be insured only if each of the advisory guidelines are published in the Federal Register and the public is given ample time to consider and comment on them *before* they are finally adopted.

We would also like to review each of these advisory guidelines before they are adopted by EPA.

Also, we urge that EPA broaden the makeup of each of these committees reviewing these advisory guidelines to include effective representation by State Water Pollution Agency representatives and public interest groups.

We would also appreciate your providing to us:

(1) A copy of each of the reports submitted by these research firms when they are available to your agency.

(2) A list of all the interstate waterways in each State showing (a) those for which water quality standards have been fully approved, and (b) those for which water quality standards have been partially approved, under the Federal Water Pollution Control Act; and showing for each State the percentage of its waterways which are interstate waterways under that Act.

(3) A copy of all comments received by EPA concerning the permit program, proposed regulations and memoranda of understanding, under the 1899 Refuse Act.

Please also advise us whether, and the extent to which, you propose to apply the advisory guidelines to industrial effluents discharged into intrastate waters.

II

On February 5, 1971 EPA published a proposed regulation (36 F.R. 251) concerning state certifications under section 21(b) of the Federal Water Pollution Control Act. We believe that section 615.13 of EPA's regulation is inconsistent with the Corps' proposed permit program regulation, and should therefore be revised.

Section 615.13 states that EPA "shall review applications and certification" to determine if "there is reason to believe that a discharge may affect the quality of the waters of any State or States other than the State in which the discharge occurs." EPA then has 30 days to notify the affected State. Under the proposed EPA regulation, this is the only review function EPA has. However, paragraph (d)(3) of the Corps regulations states that EPA will advise the Corps on the "meaning and content of water quality standards" established under the FWPC Act, the "application of water quality standards to the proposed discharge or deposit," the "permit conditions required to comply with water quality standards," and on other matters. If the permitting or licensing agency requests such advice, EPA must under section 21(c) of the FWPC Act provide it. Nowhere are these functions mentioned in EPA's February 5 regulation, which merely authorizes EPA to provide "determinations, definitions, and interpretations" with regard to various water quality matters. Further, we fail to understand why EPA's proposed regulations do not provide that it *must* provide such advice to the Corps on dredging and fill and outfall sewer permits and to the FPC on the licenses which the FPC issues and to the Interior Department on the licenses or permits (as that term is broadly defined in section 615.1(a) of EPA's proposed regulation) which that Department issues. Certainly, the water quality considerations of these permit or license applications are no less important than those of the Refuse Act permit applications.

In his testimony of February 19, Mr. Quarles recognized that these steps "have not yet been spelled out." (Transcript, p. 406.)

III

On January 12, 1971 you entered into a Memorandum of Understanding with the Secretary of the Army concerning investigations of violations of the Refuse Act (33 U.S. Code 407). That document was published in the *Federal Register* on February 17, 1971 (36 F.R. 3074) without an opportunity for public comment, although it "incorporated . . . and made a part" thereof another proposed EPA-Army memorandum which was published as proposed rule making on January 21, 1971 (36 F.R. 983).

We believe that it was inappropriate for EPA and Army to publish this document as final without an opportunity for public comment since it affects enforcement (a) of the Refuse Act by U.S. Attorneys under new guidelines that are still in draft form, and (b) of Refuse Act permits which will be issued under a Corps' regulation that is not yet in final form.

The February 17 Memorandum of Understanding, in paragraphs IV. A and B, provides that EPA shall have "primary Federal responsibility for identifying and investigating" Refuse Act violations "which have an adverse impact on water quality," and that, when a District Engineer learns of such violations, he will inform the Regional Representative of EPA who "will make such investigation as he deems appropriate and shall advise" the Corps "whether in his opinion a violation of the Refuse Act having an adverse impact on water quality has or may have occurred."

We strongly object to these provisions for the following reasons:

First, Mr. Quarles testified on February 19 that EPA's "resources are not going to be broad enough to cover this problem," and that a "sizable increase" in EPA's personnel will be needed. He noted that the "President will shortly be transmitting a supplemental budgetary request" for this purpose (Transcript, p. 401).

This testimony makes it doubtful that EPA will be able to carry out the mandates of the memorandum in the near future. Money must first be requested by the President and appropriated by Congress. Further, EPA must then hire and train the needed personnel. In the meantime, the Corps and U.S. Attorneys who refer Refuse Act cases to EPA will get little action on them and our waterways will continue to be polluted.

Assistant Attorney General Shiro Kashiwa inserted in the Hearing on February 19 (Transcript, pp. 61–262) a letter dated February 17, 1971, from Mr. David J. Cannon, U.S. Attorney for the Eastern District of Wisconsin, in which he said he referred 131 violations of the 1899 Act in Wisconsin to EPA early last year and that he had not yet "received any report from" EPA. He said:

"I would appreciate it if you (Mr. Kashiwa) would use the power of your office to *prod* the Federal Water Pollution Control Administration people to follow through with their investigations *as they promised last June.*" (*Underlining* supplied.)

Second, the memorandum makes no distinction between Refuse Act violations and violations of Refuse Act permit conditions.

In the former case, Mr. Kashiwa testified (Transcript, pp. 282–289) that the only evidence needed was (a) proof that the discharger did not have a Corps permit, (b) a sample of the upstream water, and (c) a sample of the refuse discharge.

In the latter case, there must be evidence that, in fact, a violation of the permit occurred.

In both cases, these involve a technical review. Yet under the memorandum EPA must also advise on the "nature and seriousness of the" violation and its impact "on water quality"; on the "existence" of State or local "pollution abatement proceedings;" on the "applicability of the Federal Water Pollution Control Act;" and whether any "administrative or judicial proceeding is being taken" or, indeed, is merely being "contemplated," under that Act.

As we have said time and time again in regard to the July 10, 1970 Justice Department Guidelines on enforcement of the Refuse Act, the existence or non-existence of such actual or contemplated State, local, or Federal "proceedings" has no bearing on whether or not enforcement of the Refuse Act should be undertaken. Although the new draft Justice Department guidelines have removed this objectionable feature in the July 10 Guidelines, the guidelines are now made dependent entirely on EPA's review and EPA's advice concerning the above mentioned matters. We can only assume that if such "proceedings" exist there would be no enforcement of the Refuse Act or its permit conditions. It is imperative that the memorandum be revised to eliminate this barrier to effective enforcement of the Refuse Act and the permits thereunder.

Sincerely,

Henry S. Reuss, *Chairman.*

Washington, D.C., *February 26, 1971.*

Hon. **Shiro Kashiwa,**
Assistant Attorney General, Department of of Justice, Washington, D.C.

Dear Mr. Kashiwa: Enclosed is a copy of a letter we have today sent to the Administrator of the Environmental Protection Agency concerning enforcement of the 1899 Refuse Act (33 U.S. Code 407).

I

During the hearing on February 19, 1971 before the Senate Subcommittee on the Environment and Members of our Subcommittee, you testified that you would provide to us "a list of all of the complaints of violations" of the 1899 Refuse Act "that have been filed" with the Justice Department since January 1, 1970 and "the action taken." We enclose a table to aid you in preparing this list.

We understand that you will draw upon the assistance of the other divisions in the Justice Department and the U. S. Attorneys in preparing this list.

II

On October 16 and December 18, 1970, we wrote to you asking several questions concerning enforcement of the 1899 Refuse Act by the Justice Department in the 10 mercury discharge cases. A copy of each letter is enclosed.

Your letter of January 25, 1971 did not reply to several of these questions on the basis that the "cases were not settled."

Since all of the questions we asked related to matters made public by your Department and the Interior Department, and since each of the mercury complaints and stipulations are printed in Appendix 9 (p. 181) of this subcommittee's hearing on September 17, 1970 entitled "The Establishment of A National Industrial Wastes Inventory" (copy enclosed), we believe your Department has an obligation to explain to this subcommittee the matters raised by our questions. We therefore again request that you promptly respond to each of our questions in the enclosed letters so that we may evaluate the effectiveness of enforcement under the 1899 Refuse Act in these cases.

In our letter of December 18, 1970, we asked for a copy of each of the mercury defendant's "plans to reduce" their mercury discharges. Three plans are required to be filed under each of the stipulations entered into between the Government and 9 of the 10 defendants.

In your reply of January 25, 1971, you said that the Justice Department is "obliged to withhold" these documents, since "disclosure would not be appropriate."

We believe that you are "obliged" not to "withhold" these documents, but to make them available for public scrutiny. These plans were filed pursuant to court approved stipulations. We therefore believe they are public documents. Moreover, they have been made available to other Federal agencies by your Department. We therefore again request that you promptly provide to us a copy of each of these plans.

In your letter of January 25 you replied to one of our questions as follows:

In question 5(b) you ask whether mercury discharges must be limited to a maximum of 8 ounces per day or an average of 8 ounces per day. Paragraph 2 of the Stipulation I forwarded to you refers to "the average total net discharge of mercury," which is to be limited to no more than "the equivalent of (8) ounces per day . . ." Paragraph 3 provides for computing this average on the basis of a 21 consecutive day period. Computing the discharges on an average basis was considered essential since a variety of factors, such as a heavy rain, can cause considerable daily variations in the mercury discharge levels.

1. We would appreciate your explaining to us in greater detail how such factors "as a heavy rain" could "cause considerable daily variations in the mercury discharge levels" which, presumably, are measured at the point source of the discharge where "rain" could not be a factor.

2. Please indicate to us (a) what other factors are considered in measuring "mercury discharge levels," and (b) whether these factors are related to the discharge or to the conditions of a particular waterway into which the discharge is made.

Sincerely,

HENRY S. REUSS, *Chairman*.

WASHINGTON, D.C., *March 1, 1971*.

Hon. RUSSELL E. TRAIN,
Chairman, Council on Environmental Quality, Washington, D.C.

DEAR MR. CHAIRMAN: The Subcommittee on the Environment was fortunate ot have received testimony from so many highly qualified Administration witnesses during our Refuse Act hearings of February 18 and 19, May I, through you, express thanks and appreciation for their participation. I believe the Administration's program received a thorough and productive airing.

You are aware, I am sure, that the hearings served to pinpoint certain areas of disagreement between the Administration and some of us on the Congressional side of the table. I have read Congressman Reuss' letter of February 26 to you which discusses these points, and, as you might expect, I am in general agreement with its contents. I would like to underscore what I regard to be some of the most important of his suggestions and to elaborate somewhat on my reasons for supporting them.

First of all, it appears to me that the Administration will jeopardize unduly a potentially valuable program if, in the absence of a reorganization plan, it leaves the final determination on water quality matters to the Environmental Protection Agency. Whereas, as a matter of policy, I would agree that the final say ought to be there, the legality of the proposed methods of placing it there seems to me highly questionable.

However one phrases what is being done by the program, it amounts to the transfer of a function, or at least a part of a function, which was conferred on the Secretary of the Army by the Refuse Act. The Executive Reorganization Act by its express terms prescribes an *exclusive* procedure for the transfer of any function or part thereof from one agency of government to another. That procedure, a formal reorganization plan, has not been complied with in this instance. I would suggest that the Administration send up a plan at the earliest possible date transferring all water pollution responsibilities under the Refuse Act to EPA. Alternatively, it might consider the option of leaving the final say on water quality in the Corps, though I would regard this as less desirable.

My major concern regarding the program, however, relates not to its questionable legality, but rather to its failure in one particular respect to go as far as the law permits. At the hearings, the Administration witnesses told us that, under the program, intra-state waters would remain unprotected by federally-approved standards. They further stated that, subject to some exceptions, the federal permitting authorities would not question the adequacy of state standards in the granting of permits for discharges into intra-state waters. Mere compliance with these admittedly deficient standards would thus provide the basic condition for approval of such permits.

Whereas the witnesses admitted that this would be an unfortunate result, some of them expressed the view that in the absence of new legislation, they were without legal authority to prevent it. I cannot agree with this position. The Refuse Act authorizes the Secretary of the Army to permit the deposit of refuse "within limits to be defined and subject to conditions to be prescribed by him." It would thus by its language appear to authorize the Secretary to set standards for all navigable waters—including those now unprotected by federally-approved standards—as conditions for Refuse Act permits. *Bass Anglers Sportsman's Society of America v. U.S. Plywood-Champion Papers Inc.* (C.A. No. 70–H–1004, Feb. 10, 1971), where the United States District Court for the Southern District of Texas in a *dictum* referred to the Secretary's "adequate authority . . . to develop and implement general standards for a permit system", provides additional support for this view.

Nothing in any of the recent water quality legislation would appear to remove this authority from the Secretary. As pointed out in the hearings, all of that legislation is subject to the savings clause of Section 24 of the Federal Water Pollution Control Act which expressly leaves the operation of the Refuse Act intact. Whereas some have argued that Section 21(b) of the Water Pollution Control Act deprives him of this authority, the words of the statute do not support this view. Even if one ignores the language of Section 24, which would leave the Refuse Act totally unaffected by Section 21, 21(b) speaks in terms of necessary and not sufficient conditions for the granting of permits. Its certification requirement thus ought not to be read to exclude the establishment of additional permit requirements by the Secretary.

Finally the National Environmental Policy Act supports an expansive reading of the Refuse Act. To the extent that there is any doubt about the Secretary's standard-setting authority, the Policy Act, which requires that "to the fullest extent possible . . . public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act", would appear to resolve that doubt in his favor.

All of this is not to say that those in Congress who passed either the Refuse Act, the Water Pollution Control Act or the Policy Act actively envisioned federal standards protecting all navigable waters from pollution. It is to say, however, that in light of the language of the statutes and cases relating to water pollution control, a court would almost certainly uphold federal standards promulgated under the Refuse Act.

At the hearings, it was argued that even if such standards could legally be adopted, it would nonetheless be impractical to administer them. The tremendous additional burden that would be placed on the federal government was cited as cause for concern.

While admittedly lacking a thorough familiarity with the administration of the water pollution control program, I would not agree with this line of argument. Neither the setting nor the enforcement of federal standards would, on the face of it, seem to create the sort of burden which is feared. My understanding is that EPA is currently working out effluent guidelines interpreting for some 22 industries what is meant by "secondary or equivalent treatment" and that no permit for discharges into interstate waters will be issued unless those guidelines are met. It would seem to impose no additional burden to determine that such guidelines would apply to intra-state as well as inter-state waters. If a reorganization plan were adopted transferring Refuse Act authority for water pollution control to EPA, the Administrator could promulgate these directly as standards. If not, EPA could advise the Corps to do so.

As far as administration of these standards is concerned, again the additional federal participation would not appear to be overly demanding. We received testimony that EPA is already planning to review state certifications to ensure (1) that the applicant's discharge will in fact comply with state standards, (2) that federal hazardous substances standards will be complied with, and (3) that fish and wildlife resources will be protected. If this review is meant seriously—and we were given every indication that it is—a rather extensive federal role on intra-state waters is already in the offing. Far from vastly extending this role, the adoption of federal effluent standards might simplify the review process. Comparing a discharge to an effluent standard would appear far easier than determining whether that discharge will exceed a state's receiving water standard. Moreover, imposing adequate federal standards would seem much simpler than deciding time after time that discharges in compliance with inadequate state standards will not protect fish and wildlife.

If despite this analysis, the additional burden would be substantial, I would argue that we must nevertheless assume it. The alternative is to continue to let our waters deteriorate when it is within our power to protect them. The response that we will protect them after Congress acts six months, one year, or two years from now I find unacceptable. It is my hope that you will not accept it either.

Sincerely yours,

PHILIP A. HART,
Chairman.

[From the Washington Post, Feb. 28, 1971]

GIVING MUSCLE TO THE REFUSE ACT

Until a few years ago, the 1899 Refuse Act lay on the books virtually unnoticed and unused. It was one of many environmental protection laws written long before the recent awakening to the fact that our environment is endangered. Then, about a year ago, Rep. Henry Reuss of Wisconsin happened onto the law and saw that it was as fresh as this morning's bread. Specifically, the 1899 Refuse Act forbids any person or corporation to discharge any "refuse matter of any kind or description whatever" into the nation's navigable waters without a permit from the Corps of Engineers. On the exact meaning of refuse, the Supreme Court, in two decisions, said that the term referred to virtually all forms of industrial pollution; violating the Refuse Act was a federal crime.

The law has one major hitch, however. Conditions for granting permits is left in the hands of the Secretary of the Army; he reviews an application from, say, XYZ steel company and decides whether or not to permit it to dump its waste into a given river, and in what quantities. Nothing is said in the 1899 Act about how the Corps of Engineers establishes standards for measuring pollution; in other words, the act forbids pollution, but it authorizes the Corps of Engineers to determine what in fact pollution is.

Late last year, the administration, urged on by the new Council on Environmental Quality, announced it would use the Refuse Act to create a new permit program. It is now clear, however, that the program proposed by the administration does not flex all the muscle that could be used. A major concern is that not all of America's navigable waters will be protected by federally approved standards. That only some waters are protected, and not all, is due to the administration's reliance on the limited authority of the Water Pollution Control Act. The Refuse Act, however, extends not only to rivers, watercourses and streams that cross or form state lines (interstate), but to waters that run within a state's boundary (intrastate). The latter are being dirtied, perhaps ruined, by being the receptacle of a large part of this country's industrial waste. If the administration used the full power of the Refuse Act, these waters would be protected also.

Last week, in hearings before Senator Hart's Subcommittee on the Environment, the administration's proposed permit program received a close look from such conservation groups as the Natural Resources Defense Council, the Audubon Society and the National Wildlife Federation. Perhaps because of the administration's haste to get involved, its first efforts are understandably timid and narrow. The administration deserves credit for its interest in backing the Refuse Act; currently, it has a proposal before Congress allowing its water program to reach intrastate waters. But why wait for this authority when the Refuse Act already gives it?

Now that it has joined Representative Reuss. Senator Hart and others, the administration might as well go all the way beyond the Water Pollution Control Act by covering all navigable waters, not just some; and by considering all the environmental risks of permitting water pollution. With the wastes from thousands of factories and plants involved, not to mention the very life of our waterways, the Refuse Act is anything but a useless vestige of the last century.

SUSPENDING THE BACON-DAVIS ACT

The SPEAKER pro tempore (Mr. PEPPER). Under previous order of the House, the gentleman from Michigan (Mr. O'HARA) is recognized for 20 minutes.

Mr. O'HARA. Mr. Speaker, the President's action in suspending the Bacon-Davis Act, as an anti-inflation move, is strangely inappropriate. As part of a pattern of action by which the President seeks to reduce wage scales generally and to undercut free collective bargaining, it is more understandable, but still indefensible.

The President and his spokesmen have sought to make several points in their barrage of "justifications" for the suspension of Bacon-Davis.

First, they have alleged that the Bacon-Davis Act requires construction wages on Government contracts to be pegged to the highest wages for comparable work, or at least pegged to the union scale.

This is incorrect. The Bacon-Davis Act merely requires that Government contractors agree to pay the prevailing wage in the area—union or nonunion—and not less than the minimum wage. It was passed, not to boost construction wages, but to prevent Government contracts from being used to depress existing wages, by prohibiting wage undercutting in Government construction. Nothing in the act requires the payment of wages at an artificially high rate. It does and it should require the Government to avoid doing business with cut-rate, fly-by-night contractors.

In suspending the act, the President clearly means to suggest that the Government will begin to do business with contractors who are paying less than the prevailing wage to the detriment of reputable established contractors and their employes. This is, of course, wholly contrary to public policy, and if the President is determined to do it, he should first find someone to introduce a bill repealing Bacon-Davis. It would not pass, and it should not pass, but this approach would have the refreshing novelty of directness.

Another "justification" for this action which was apparently offered by the President himself was the amazing contention that the construction industry benefits from a unique statute in Bacon-Davis.

This too is incorrect. Government supply contractors and Government service contractors, like construction contractors, are also bound to pay their workers the prevailing wages and not to go below the minimum wage. Once again, in these two areas, as in construction, the basic principle that the United States should not be a party to catching workers between the fire of unemployment and the frying pan of substandard wages governs our contracting. That the President has chosen construction as the unique target of his abandonment of this longstanding policy is bad enough. But to assert that the policy he has abandoned applies uniquely to construction is worse.

A third argument in favor of the President's action is the repeated contention that wages are the inflationary component of construction costs. Mr. Speaker, I find it unbelievable that any public official who has seen where interest rates have gone, during and with the blessing of this administration, could have the gall to suggest that construction workers' wages are inflationary, but that bankers' profits are not. Wage increases can cause inflation, Mr. Speaker, if they are out of line with productivity. But artificially inflated interest rates are inflation pure and simple and the fact that they have now begun reluctantly and belatedly to inch downward, simply indicates that the Nixon hard-money policy had driven interest rates even beyond the profit point for the bankers.

In summary, Mr. Speaker, the President's action suspending Bacon-Davis and the silence of this administration with respect to the inflationary contributions of their banker friends does give us cause for grave concern.

HEARINGS ON LOBBYING BILL

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, as chairman of the Committee on Standards of Official Conduct, I take this means of calling attention to hearings which the committee is scheduled to open March 16 on H.R. 5259, the Legislative Activities Disclosure Act, a bill which would repeal the 1946 Regulation of Lobbying Act and replace it with a completely new body of law.

With Representative JACKSON E. BETTS, of Ohio, ranking Republican member of the committee, as cosponsor, I introduced the bill on March 1 in response to House Resolution 1031 of the 91st Congress, second session. That resolution directed our committee to study the need for new legislation in the areas of lobbying and campaign finances. The committee subsequently conducted public hearings on both subjects. H.R. 5259 is a result of our study of lobbying.

Now we are seeking to submit that bill to a broader cross-section of opinion. We solicit the views of all who want to be heard concerning its provisions. While this announcement is intended primarily for Members of Congress who are interested in giving us the benefit of their views concerning the bill, we are equally interested in gaining the opinions of others, including those who would be subject to it.

We invite anyone desiring to testify concerning the bill to get in touch with the committee staff in room 2360, Rayburn House Office Building, so that a schedule may be arranged for their appearances. We also invite statements for the record of those who are interested in the bill but who may not be able to appear before the committee.

SUPERSONIC PROTOTYPES

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, under unanimous consent to extend my remarks I would like to include the following statement of my colleague, the gentleman from Ohio, CLARENCE J. BROWN, before the Transportation Subcommittee, Committee on Appropriations, U.S. House of Representatives, on the development of the two supersonic transport prototypes.

STATEMENT BY CONGRESSMAN CLARENCE J. BROWN, OF OHIO, BEFORE THE TRANSPORTATION SUBCOMMITTEE, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, MARCH 3, 1971

Members of the Appropriations Committee: Why should the United States complete the development of two prototype airplanes of the supersonic transport? I believe there are three good reasons: economic, environmental and social. And I shall discuss each in brief factual detail.

There has been an unfortunate tendency on the part of the opponents of completion of the American SST prototypes to use demagogic "scare" charges and to continue to use such attacks even after they are outdated or disproved. I have had the opportunity to debate the question of completing the SST funding with such opponents and have been shocked to hear them use the report of an Ad Hoc Task Force of Cabinet officials which President Nixon named when he first became President. The opponents of the SST indicate that this first cursory study by the Administration indicated SST development was deferrable—but they do not indicate that the predicate of the study was that there would be no British-French Concorde or no Russian TU–144. I should like to submit with my testimony today an article on the Concorde which appeared in the February 8, 1971, issue of Aviation Week and Space Technology and a copy of an advertisement from the December 28, 1970, issue of the same publication advertising the Russian TU–144 on display and ready to be sold soon.

Distortion of facts by SST opponents has become common. When the Joint Economic Committee did its study last year on the SST, the chairman of the subcommittee making that study wrote Under Secretary of Transportation James Beggs and the members of his 1969 administration ad hoc study committee on the SST and asked for 1970 updated comments on their 1969 viewpoints. The responses favoring the SST and based on more accurate information than was available in 1969 were ignored in the Committee's final report. Specifically, the chairman wrote to Dr. Lee DuBridge, the President's science advisor, urging him to be sure and respond by May 1 so that his latest views could be included in the Joint Economic Committee's final report. Dr. DuBridge did reply on April 22, 1970, and his rather lengthy letter concluded with this comment, "Thus, on hte whole, I would strongly recommend that your Committee endorse the President's proposal that the United States proceed with the SST project." But the Committee report chose to ignore those views and proceeded to report on page 15 "the Director of the Office of Science and Technology concluded that 'the Government should not be subsidizing a device which has neither commercial attractiveness or public acceptance'."

The Joint Economic Committee's August 1970 report also distorts the views of the Under Secretary of the Treasury for Monetary Affairs in the same way by quoting from his 1969 statement which assumed no commercially viable foreign SST and then further distorted his views by proof-texting from his 1970 letter. Ignored by the Joint Economic Committee report is the conclusion of the Treasury Under Secretary's 1970 letter which says, "I am therefore not in a position to provide you with a up-to-date assessment of the commercial prospects for his plane. Nor have I personally kept in touch with recent efforts to solve the various environmental problems raised by the SST aircraft."

The opponents of the SST do not consider significant the fact that on December 7, 1970, every department of the federal government which could be remotely considered appropriate for commentary reported favorably on the development of the two SST prototypes and that the President's Council on Environmental Quality has recommended that the prototypes be completed so that the studies they will make possible may be undertaken.

In a televised debate just the other night, an opponent of the SST charged that a National Academy of Science report, supposedly representing the views of many eminent scientists, had concluded that SSTs would cause skin cancer. Apparently Dr. James E. MacDonald, a senior physicist at the Institute of Atmospheric Physics of the University of Arizona and an authority on Unidentified Flying Objects, also repeated this charge before this Committee yesterday. I asked that the matter be checked out through the National Academy of Science and the following is the reply received late yesterday:

Final telegram to be wired this afternoon 3/1/71.

To: William Magruder, Director, SST Development.

In response to your inquiry with respect to reports that the National Academy of Science has issued a statement that the SST could increase the incidence of skin cancer. I want to advise you that the NAS has not issued such a statement. I am chairman of the NAS review subgroup on weather and climate modification which is presently updating its 1966 report. The review subgroup is analyzing a number of tentative conclusions and will publish this report after these conclusions have been subjected to the normal NAS procedure of a thorough scientific review to insure their validity.

Dr. Thomas Malone,
Chairman, National Academy of Science Review Subgroup on Weather and Climate Modification.

The fact is that a number of Americans have been misled about the nature of the competition the American aerospace industry faces from the French-British and Russian developments—and some of it has been purposeful. I also am submitting to the committee a copy of a transcript of a wireless interview I had on August 19, 1970, with John Hosken of the British Broadcasting Corporation immediately following the issuance of the report on its hearings on federal transportation policy and the SST by the Joint Economic Committee. In that interview Hosken asked, "On Concorde itself, why was no first-hand evidence sought from the Anglo-French technicians. it seems to me to be a very grave loss here." He goes on to observe, "But I understand the committee only took evidence on Concorde first-hand from a British journalist; it strikes me as being a rather slap-happy way of coming to such a damning conclusion."

The fact of the matter is, Mr. Chairman, a lot of the conclusions damning the SST have been arrived at in a slap-happy manner. But the perpetuation of such conclusions on the part of public officials and responsible journalists is inexcusable and is a grave disservice to American national interests. For instance, the criticisms of take-off and landing noise of the SST by Dr. Richard Garwin are based on outdated information, but it is still liberally quoted while the recent reports of Dr. Leo Beranek of the recognized firm of acoustical experts, Bolt, Beranek and Neuman are ignored.

Similarly, the opponents of the completion of the SST prototypes are fond of quoting from the study of a work group on climatic effects of the SST at the Massachusetts Institute of Technology 1970 Summer Study of Critical Environmental Problem meeting at Williamstown, Massachusetts; but they overlook a follow-up statement by Dr. Will Kellogg, associate director of the National Center for Atmospheric Research and chairman of that work group, which says "I am very much disturbed over recent gross exaggerations and scientific misstatements regarding the SST's potentially harmful effects upon the atmosphere and man's environment. Last August a group of top scientists at the MIT Summer Study stated that there are indeed environmental uncertainties, caused in no little part by gaps in available information, which require additional research in order that they may be resolved. I pointed out at that time and want to strongly reaffirm that there is no environmental reason however to delay construction of the two prototype U.S. SST's.

"It is my profound hope that the U.S. Congress will not be mislead by these exaggerations or by scientific misstatements."

And within the past couple of weeks there was a page one story in the Washington press quoting a story in the London Observer to the effect that neither the British Overseas Aircraft Corporation nor Air France felt the Concorde could be operated economically. The next day a story appeared in which BOAC denied the earlier report, but this follow-up appeared on page nine.

Such has been the effort to mislead this Congress by those who would see us discard the project which has already received $860 million in federal funds and $140 million from prime contractors (Boeing and General Electric), subcontractors and 26 airline companies in the United States. In addition to this billion dollars of investment which would be lost if the project is not completed, another $100 million would be needed to terminate the federal obligation in orderly fashion. So we are talking about a total of $1.1 billion if we quit now as opposed to current total estimated costs of $1.68 billion to complete the prototype phase. The government's share of this completion total would run $1.3 billion; the prime and subcontractors will have put in an estimated $300 million; and the airlines will have an estimated $80 million invested.

Thus, you should really be thinking today about $340 million of federal funds—the difference between $1,300 millions of federal funding to complete the prototypes and the federal cost of at least $960 million to terminate the project as of March 31, 1971. Total liability could run as high as $1,100 millions, of course, if we stop now.

The precedents are clear for spending this kind of money on the development of the nation's transportation resources and technology. Just as the U.S. airlines have enjoyed federal subsidies for develoment, so the commercial aircraft industry itself has been the recipient of airplane technology from development of military aircraft for both wartime and peacetime uses. Subsonic commercial jets like the Boeing 707 and the DC–8 were made possible by the federally funded research which developed the Air Force's B–47 and B–52. The DC–3, the first plane to make commercial air travel economical and convenient, was originally developed as a military project for World War II use. And, of course, the very titanium technology which will make it possible for the American SST to be bigger, stronger and faster than foreign SSTs made of aluminum was originally developed for U.S. military planes now flying supersonically at altitudes even higher than the prospective cruising range of the commercial SST.

It should be unnecessary for me to list examples of the historic commitment of our U.S. government to the development of faster, more convenient and safer transportation. Such federal funding or subsidization includes the early post roads and canal systems which leaped the Appalachian Mountains, the railroads which opened the American West, the Panama Canal which linked two oceans, and the incomparable interstate highway system on which $36 billion has been spent to reduce the cost of delivery of consumer products to every corner of our nation. American bargelines have their rights-of-way built and maintained by federal funds and our oceanic merchant marine fleet has been the recipient of ship-building subsidies for years to maintain some small measure of competition with the flag vessels of other nations.

As a matter of fact, during the same period of time our federal government has been spending a potentially recoverable $860 million on the development of two SST prototypes, it has invested over two billion dollars on oceanic shipbuilding in an effort to try to restore the U. S. fleet to the competitive postition it once held.

Similarly, more federal funds (over one billion dollars in all) have been spent in the last decade trying to maintain and develop urban mass transit in the United States and $3.1 billion in federal funds have been committed to this effort over the next five years. Even such a highly specialized problem as vertical and short take-off and landing for the benefit of military and domestic commercial airplanes has been the recipient of over half a billion dollars of federal funds in recent years.

But the SST project is different from all these in that the federal government will receive all of its direct investment back in royalties by the time an estimated 300 planes have been sold and it will receive an extra billion dollars in royalties if 500 of the projected 500 to 800 sales materialize by 1990.

The SST project is also different in that we are not trying to develop a new transportation industry (as we once were with intercontinental railroads) or revive one that has collapsed (as we are with the merchant marine or uban mass transit). In our investment in the development of SST prototypes, we are merely continuing the development of an industry which is one of the great contributors to the nation's economic well-being.

The aerospace industry, one of our nation's most technology-intensive, supplies 85 percent of the world's markets for new aircraft equipment and parts and thereby contributes to a favorable balance of U. S. trade, an amount which has varied between one and two-and-a-half billion dollars annually during the past decade. It is to such technology-intensive industries that America must look in future years for a preservation of our balance of trade, according to recent testimony by Commerce Secretary Maurice Stans before the Joint Economic Committee on which I serve. In 1970 our trade balances were negative by $6.1 billion in non-technology-intensive manufactured products and by $2.3 billion in raw materials. We were only enjoying a $1.5 billion favorable trade balance in agricultural products. But in the technology-intensive industries, our favorable trade balance in 1970 was $9.6 billion—enough to offset the other categories by $2.7 billion. The significance of the over two billion dollars favorable balance contributed by the current competitive advantage enjoyed in world markets by our aerospace industry, therefore, cannot be overstated. It is from these favorable balances that we will get or hold onto some of the resources with which we can pay for the social and ecological programs which we will need in the years ahead.

The most modest estimate of the advantage we will derive from the availability of an American SST in world trade is $22 billion between now and 1990 with a possibility that this could go as high as $45 billion. Conversely, it is clear that if we lose the advantage we now enjoy in world markets we could lose as much in the next 20 years.

There is a tendency on the part of all customers to purchase from the supplier who can offer them a "family" of products and this capability will shift to the British-French and to the Russians if America eschews the opportunity to maintain its present competitive advantage by deciding not to build an SST. The European manufacturers are offering shuttle aircraft, the short-range jet and air buses in addition to the SST. Each meets a certain market need from the standpoint of economics. The SST is designed to serve the developing trans-oceanic travel market which is expected to triple by 1985 from its present level of 100 billion revenue passenger miles per year.

While the economics of the Concorde and the TU–144 are still shrouded in secrecy, the projected figures for the American SST indicate that it will be able to make something more than two trans-oceanic trips while a subsonic Boeing 747 or jumbo jet, carrying about the same payload, covers the same distance. Thus, even though the SST may cost more to own and operate, it can still be more economical at carrying passengers than current jets. It will, in fact, cost more to buy; but it will require less labor to care for passengers on flights of less than three hours to Europe than is required to serve passengers on flights taking more than seven hours on subsonic jets. With such economic advantages in view, the SST is expected to pay itself out in five years at a projected 1970 cost of about $40 million per plane—essentially the average payback time as planes now in subsonic service (including the 747, which costs $22 million per plane).

The assumption has been that the smaller-seating-capacity (125 vs. 300) and somewhat slower (1,400 mph vs. 1,800 mph) European SSTs will be in service commercially between 1972 and 1974 and our SST will not be available before 1978. Such time frames could permit the European SSTs to develop enough sales to recover their development costs and be retired without economic loss to airlines using them before American SSTs, with a better product, win the market which is expected to develop in the 1980s and afterward. The British-French have estimated the total market through 1990 at somewhere between 1,200 and 1,600 SST sales worldwide. Such figures are based on projected increases in trans-oceanic traffic volume and relate to plane load capacity and flight speed. Another way to look at this is to compare the number of planes it would take to carry the passenger miles in a certain year if new planes had not been developed. For example, all of 1971's traffic could be carried in 786 flying 747s, but the same revenue passenger miles would have required 2,188 707–100s or 8,378 Constellations or 47,416 DC–3s. By 1980, the estimate is that 500 SSTs can replace 819 747s or 6,700 707s or 145,000 DC–3s which would be required to carry the same traffic estimated in that year.

If the impact of these figures is not impressive with reference to the economics of the future of aviation, they should certainly be impressive from the ecological standpoint. The prospect of 145,000 DC–3s polluting the lower atmosphere ten years from now versus 500 SSTs gives some impact to the argument that the SST has the lowest pollution rate per passenger mile of any modern mode of transportation. One SST carrying 298 passengers at 1,780 miles per hour will spew out less unconsumed fuel pollutants than three automobiles traveling at 60 miles per hour.

Another comparable estimate is that the whole SST fleet will emit less water vapor in the stratosphere daily than the average thunderstorm and there are between 3,000 and 6,000 thunderstorms in the world each day. Contrails also do not form at SST altitudes—as established by the fact that present military aircraft have been able to do reconnaissance unobserved from those heights for years.

To dismiss ecological concerns in a new area about which so little is known would be as irresponsible as the use of Sunday-supplement "scare tactics" about the possible dangers to the environment from supersonic flight. Certain early concerns about SSTs and the ecology have been disproved by research in our space program and by research activities undertaken within the SST budget itself. The completion of the two prototypes will make possible further research in all areas of ecological concern. With an estimated $82 million of the federal expenditure on the SST project dedicated to research into environmental considerations and in the face of the current American concern about the environment, I feel certain that all environmental hazards will be resolved before any possible harm could be done. Two independent advisory committees have been established by the Department of Transportation to assure the availability of the best scientific advice and counsel in the country on noise and environmental research. The membership includes such people as Dr. Harald Rossi, professor of radiology physics at Columbia University.

To the suggestion that SSTs will deplete ozone in the stratosphere and thus affect ultraviolet radiation at the Earth's surface, as an example, the Environmental Science Services Administration and its consultants and the MIT study group have concluded that any variation that might occur would be barely detectable and would be small compared to the daily variations found between two places on earth such as Washington and Albuquerque. These effects, along with the "greenhouse", concerns about emissions of dust, gasses and water vapor, all will be fully investigated before 1978 when production of SSTs for sale and flight is now scheduled. Should we consider flight by any SSTs harmful to the world environment, we should certainly want to undertake international negotiation on this score from a thorough grounding in scientific research and facts. (As a matter of fact, the question of landing rights for SSTs is a matter negotiated between governments and our hand in this regard, no matter what our position, will be strengthened by facts developed by valid research.) But such investigation as has been made by recognized authorities has so far indicated nothing that would call for a termination of the project to build two U.S. SST prototypes.

A noise level of the American SST at the measuring points one mile from landing, three-and-a-half miles from take-off and 0.35 miles from the sideline path of the plane which would be comparable to or less than currently flying subsonic jets is considered achievable by Dr. Beranek and his SST Community Noise Advisory Committee. Because larger intakes in the SST engine reduce the shrill whine, the take-off and landing EPNdB levels for the SST are currently below the 108 level of subsonic jets. And because the SST is expected to land more sharply and take-off more steeply, this sound is expected to be audible on the ground for a shorter period of time. A year ago the sideline EPNdB figure was assumed to be 124 for the SST. But it is now clear that 118 has been reached and 108 is attainable, according to the experts on Dr. Beranek's team.

As to sonic booms, the SST will not be permitted to fly at supersonic speeds over land masses according to an enunciated regulation of the Federal Aviation Administration. Such regulations have the force of law, but should anyone in or out of Congress feel the need to enact permanent legislation to re-emphasize such a regulation, I shall be happy to join them even though I feel it is unnecessary. The fact is that American military aircraft have been flying supersonically over various populated parts of the world for years and the number and degree of damage objections have been minimal. And perhaps it is worth noting that almost all claims have been lodged as a result of pre-announced tests. It has been reported to me that prior to such announced tests of the Concorde in England recently, approximately three hundred complaints of damage from supersonic boom were lodged *before* the plane had taken off for the tests.

The impact of the SST has been mostly from the headlines to date—except for the effect of the dollars expended. Estimates are that 14,000 Americans are directly employed in the program to make the two experimental American models and that this represents some 40,000 other jobs in collateral employment. The production employment estimate is 50,000 jobs directly and 150,000 indirectly. I would not defend the development of a supersonic transport as a "make-work" project.

But similarly I find it difficult to understand the logic that wants to terminate this potentially constructive project and the economic benefits which can flow from it and yet would substitute for it some kind of non-productive job retraining or federal dole for those out of work in the aerospace industry. The ultimate social benefits to be derived from productive labor would always seem to exceed those derived from non-productive labor. A dole or retraining program would be a consumer of tax dollars which must be generated from some other productive enterprise. But estimates on the taxes to be derived from a commercially saleable U.S. SST run in excess of six billion dollars during the decade of the 1980s. While this distinction may appear to be only economic, its social ramifications cannot be overlooked.

Similarly the social ramifications of a method of closing the distance gap in the world should not be ignored. The history of mankind is filled with efforts to shorten the distance between nations and cultures. After Marco Polo returned from China, the European effort to find shorter trade routes to the Indies resulted in Vasco DaGama's voyage around Africa and the discovery of America by Columbus. But the development of geographic routes soon gave way to the mechanical methods of increasing speed to shorten distance. The clipper ships gave way to steam and the ship itself has given way to air transportation within our lifetime. As a friend of mine who works for a domestic airline commented succinctly the other day, "No one ever comes up to my counter and asks how he can take the long way to get there." Everyone wants to save time in travel whether that time is to be used for pleasure or more serious pursuits.

And six million Americans who travel abroad by air now and the estimated 25 million who will be traveling by air internationally in 1985 will not all be "jet set pleasure seekers." Twenty-six percent of those who go to Europe and 50 percent of those who fly the Pacific are traveling on business today. As that time is cut to one-third by supersonic planes, the amount of travel will be encouraged. Business with Europe will then be conducted with the same travel speed with which it can be conducted between Boston and St. Louis and the barriers between people and nations will be lowered yet a little more. As the underdeveloped countries are developed, the economic differences which threaten world peace will also be reduced as the intercourse of trade expands. Fatigue studies have indicated that the average passenger on a plane recognizes a perceptible deterioration in his comfort after three hours on a plane. Who can say that happier intercontinental relationships between America and Europe will not be beneficially impacted by that small fact alone?

But whatever our judgment on the SST, it should be made on the basis of facts and not unprovable claims and suspicions. Those of us who favor the SST have attempted to be diligent with both the facts and the logic which flows from facts. I think the facts are persuasive as to the merits of our position. I recognize valid doubts and feel that these doubts must be answered as the program develops. But none of those doubts is substantial enough to justify abrupt termination of this program now.

I must also concede to a certain emotional bias in favor of improving air travel. The men who gave it its first lift off the ground are from the area of the Congressional District I have the honor to represent in Congress. They have done much to lighten the burden of mankind by making it possible for him to spend less time traveling to and fro and more time in productive efforts in the various locations where those efforts are to be undertaken. The contribution is not unlike the discovery of the wheel, the domestication of the horse or the development of the steam engine. But within a week before the Wright Brothers flew for the first time at Kittyhawk, no less an eminent source of fact and logic than the New York Times editorially advised Samuel Langley, one of their competitors, to turn his talents to "more useful employment." I don't know what Samuel Langley did, but I am glad such advice was not pursued by the Wright Brothers and I would hope it would not be followed by the Appropriations Committee or the Congress.

TRANSCRIBED FROM A RECORDING BY RADIO DIRECTION TELEDIPHONE UNIT "EXTRACT FROM NEWSDESK"—'CONCORDE.' JOHN HOSKEN/CONGRESSMAN BROWN TRANSMISSION: 19TH AUGUST, 1970

Hosken. Congressman, why did this report concern itself with Concorde at all.

Brown. Because the question of how many sales of any SST around the World would be made will affect whether or not the American Government will be repaid for whatever investment it might make in the development of an SST to compete with the Concorde.

Hosken. They said categorically that the Concorde is going to be a commercial flop, now how much damage can this report do to Concorde.

Brown. Well I assume that it could damage the acceptance of Concorde in the British and French Governments but my guess is that it will not dissuade them from the development of the Concorde because even on this side of the Atlantic the U.S. Airline Companies, all of them, have indicated their interest in some kind of Supersonic Transport Plane. Now the issue really is whether or not for us, for the American Congress, whether or not funds from American taxes should be used by the American Government to develop an American plane competitive with the Concorde.

Hosken. How much notice is going to be taken of this report in any case in America. I understand that Senator chairman is . . . had a big bias before he really started and that two members took no part in the report and that you wrote a rebuttal. So what . . . .

Brown. Well, I think Senator ———'s views are . . . were there before the hearings were ever held and before the report was ever written. The fact of the matter is the logic and the facts . . . the facts and report are controversial and the logic is not altogether sound. However, there will be great attention given to the report because while this Committee has no legislative jurisdiction it is a prestigious advisory committee with reference to Federal Economic Investment of tax money. Now my difference simply with the Senator is that I think that a Supersonic Transport will soon be flying in the World. I feel that the United States should make every effort to see that it is a more efficient American-made SST, that it will solve the environmental problems which the SST has been accused of having. To abandon the field, that is for Americans to abandon the field of foreign competition as Senator ———'s report suggests will be an assured economic loss for American taxpayers who've already invested a good deal of money in the study of an American SST and a much greater environmental risk because if the Concorde flies, whatever it does to the environment of the world will certainly also be done to the American environment.

Hosken. On Concorde itself why was no first-hand evidence sought from the Anglo-French technicians. It seems to me to be a very grave loss here.

Brown. Well, I think it should have been definitely, although I am not sure in view of the fact that this is a highly competitive circumstance that they would have wanted to advise a committee of the American Congress about what progress had been made in . . . in the development of the Concorde because perhaps they were just ——— to see the Americans abandon their interest in building their own SST.

Hosken. But I understand the committee only took evidence on Concorde first-hand from a British journalist, it strikes me as being a rather slap-happy way of coming to such a damning conclusion.

Brown. I think that's quite correct and I think that if one knows the viewpoint of the British journalist involved one would have to conclude that the testimony was almost assuredly going to be against any SST.

STATEMENT BY DR. WILL KELLOGG, CHAIRMAN, WORK GROUP ON CLIMATIC EFFECTS, AT THE MIT SUMMER STUDY OF CRITICAL ENVIRONMENTAL PROBLEMS ASSOCIATE DIRECTOR, NATIONAL CENTER FOR ATMOSPHERIC RESEARCH

I am very much disturbed over recent gross exaggerations and scientific misstatements regarding the SST's potentially harmful effects upon the atmosphere and man's environment. Last August a group of top scientists at the MIT Summer Study stated that there are indeed environmental uncertainties, caused in no little part by gaps in available information, which require additional research in order that they may be resolved. I pointed out at that time and want to strongly reaffirm that there is no environmental reason however to delay construction of the two prototype U.S. SST's.

It is my profound hope that the U.S. Congress will not be misled by these exaggertions or by scientific misstatements.

Dr. Ed. David's statement last Sunday which Dr. Walter Roberts and I strongly endorse, says it well, let's not suppress technological advances but through research, development and experimentation make sure that those advances are obtained without undesired side effects. I strongly support a vigorous environmental research program in parallel with prototype SST construction. Don't downgrade the ability of American scientists and engineers to apply their genius to the successful resolution of uncertainty."

Dr. Will Kellogg is a widely known atmospheric scientist. He is Associate Director of the National Center for Atmospheric Research in Boulder, Colorado. Last August, Dr. Kellogg chaired a working group, which examined the SST's possible effects upon the environment, during the Summer Study of Critical Environmental Problems sponsored by MIT at Williamstown, Massachusetts. Dr. Roberts, referred to in Dr. Kellogg's statement, is Director, National Center for Atmospheric Research.

CONGRESS MUST REVIEW THE ALASKA OIL PIPELINE PROPOSAL

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, late in January, the Department of the Interior released an "Environmental Impact Statement" regarding the Trans-Alaskan Pipeline. The conclusion of that statement incorporated a "green light" recommendation for the construction of the pipeline—in spite of the dangers to the environment shown in the Department's own evaluation. It is not uncommon for the Government to "find" one thing and recommend another, but rarely has the evidence against a proposed action been publicly stated so strongly and then followed by a contrary recommendation.

The situation created by the Trans-Alaskan Pipeline proposal by the Department cries out for congressional concern, scrutiny, and ultimate sanction. To achieve this end, a number of our colleagues in the Senate introduced a measure which would prohibit the desecration of the Alaskan environment without specific authorization of the Congress of the United States.

On February 25, several of our colleagues joined me in introducing a companion bill in the House, H.R. 5059: Congressmen Dingell, Vander Jagt, O'Hara, and William D. Ford of Michigan, Reuss and Kastenmeier of Wisconsin, Udall of Arizona, Eckhardt of Texas, Leggett and Moss of California, Gude of Maryland, Fraser and Quie of Minnesota, Harrington of Massachusetts, Roncalio of Wyoming, and Brademas of Indiana.

The President of the United States has sounded what can be considered the clarion call for the protection of our environment, and in terms of the current situation with the Alaskan oil pipeline situation, his words are extremely apropos. He said:

> The step I have taken today (re, Cross-Florida Canal) will prevent a past mistake from causing permanent damage. But more important, we must assure that in the future we take not only full but also timely account of the environmental impact of such projects, so that instead of merely halting the damage, we prevent it.

Mr. Speaker, never before has the raison d'etre for the bill we are introducing been stated so succinctly. It is a statement worth constant repetition and a statement worth careful thought by Members of this House.

My colleagues and I are hopeful that other Members will introduce bills similar to ours in order to emphasize the seriousness of the potential danger to the Alaskan environment should the Congress fail to act. A copy of our bill is reproduced below:

H.R. 5059

A bill relating to the construction of an oil pipeline system in the State of Alaska

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall not issue any permit, grant any right-of-way, provide for the sale of forest products or mineral materials, or take any other action involving or in connection with the construction, operation, or maintenance of any oil pipeline system for use in transporting oil from fields in northern Alaska to any deep water port or other place, unless such action is first authorized by legislation enacted by the Congress subsequent to the date of the enactment of this Act.

REPRESENTATIVE DINGELL OUTLINES "SYSTEMS APPROACH" FOR ENVIRONMENTAL PROBLEMS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the magazine, Catalyst for Environmental Quality, devoted its fall 1970, issue to the environmental views of distinguished legislators and political leaders. Among the articles appearing in this issue of Catalyst was one by my good friend and colleague, Congressman John D. Dingell of Michigan.

As one of John's friends from the other side of the political aisle but the same side of the conservation aisle, I considered his article on systems and the environment particularly noteworthy. You will recall that our colleague from Michigan was the principal author of the National Environmental Data System bill, H.R. 17436, which passed the House during the 91st Congress.

Congressman Dingell's list of awards and achievements as a conservationist is too long to repeat in detail but I would like to remind our colleagues of the highlights of his distinguished career as one of the first of the congressional environmentalists.

In 1958, he received the National Award for Distinguished Service to Conservation presented by the Izaak Walton League of America, National Parks Association, National Wildlife Federation, Sport Fishing Institute, Wilderness Society, and the Wildlife Management Institute. In 1965, the Michigan Outdoor Writers Association gave him its Founders Award for outstanding contribution to the cleansing, preservation, and wise use of America's woods, waters, wildlife, air, water, and the land itself. In 1967, Congressman Dingell received the Award for National Distinguished Service in Conservation presented by the National Wildlife Federation and also an award from the American Scenic and Historic Preservation Society for outstanding contribution in the field of conservation and preservation of our American heritage.

During 1968, he received a Special Award of Merit by the American Association for Conservation Information and in 1970, he received the Distinguished Service Award given for work on conservation by Women's International League for Peace and Freedom, plus an award from the United Automobile Workers for his lifelong fight for his fellow man in the fields of antipollution and conservation.

I think it is clear from the brief listing of his awards that Congressman Dingell is well qualified as a "distinguished expert" in the fields of conservation and environment. His article entitled, "Systems Approach Needed for Environmental Problems," follows:

SYSTEMS APPROACH NEEDED FOR ENVIRONMENTAL PROBLEMS

(By John D. Dingell, Congressman from Michigan)

In 1976 the United States will celebrate its bicentennial—200 years of population growth, land development, agricultural and industrial expansion, and tremendous technological advance.

I am certain that if Thomas Jefferson or Benjamin Franklin could return to celebrate with us this anniversary they would be appalled and outraged by the hideous ruin that Americans have wreaked on this beautiful land in 200 short years.

Even with heroic measures taken by all levels of government—and with the most active participation of industry, agriculture and ordinary citizens—it is a certainty that the United States, like other nations of the world, will find itself confronted in 1976 with greatly increased environmental degradation and more severe problems of the three Ps—pesticides, pollution and population.

The warnings of scientists, conservationists and ecologists and the almost universally shared vague apprehensions of the citizenry, which have finally hardened into mass concern over environmental degradation in America, have found clear utterance in the first report of the President's Council on Environmental Quality.

That report, speaking with the prestige of the office of our Chief Executive, chronicles a real chamber of environmental horrors—past, present, and future. Practically no aspect of American Life escapes well justified criticism of its adverse impact on environmental quality.

Poor land use and planning; pollution of land, water, and air; litter; solid wastes; squandering of precious resources; noise; crowding and squalor in our cities—all are the subject of grave warnings. Unchecked population growth, new and exotic perils such as mercury and the other, perhaps even more deadly, heavy metals are discussed with apprehension.

This report, hastily compiled in a seven months' rush to meet statutory deadlines, had available to it the full resources of the Federal Government. It is noteworthy in many regards.

While clearly and admittedly incomplete, it lays to rest for the first time any thought that all is well with nature in the United States.

The prestige of the Council and the resources to which it has access make it impossible to whitewash over the problems, as certain interests have sought to do in the past, with platitudes that the environment is doing nicely and no Federal intervention is needed.

Reading this report brings to mind the warnings in "Silent Spring" by the gentle Rachel Carson, and makes one recall the vicious and devastating attack upon her and her work by industry apprehensive over loss of profits. One wonders whether publication of this Council report will evoke similar response. I think not.

Noteworthy, in spite of the high ability and dedication of the Council members and the immense resources available to them in preparing the report, is the obvious lack of real knowledge of the environmental problems besetting us. Equally noteworthy is the repetition of statements on the lack of complete information and indicators.

The need for environmental indicators—to know where we are, where we have been, which way and how fast we are going—is also stressed.

This lack of environmental knowledge on all levels of activity, both public and private, has been a matter of concern to me for some while. Intimately related is the need to systemize our relationship and approach to the environment and to the use and reuse of our resources.

To begin moving this country to a systems approach on environmental matters I introduced on February 17, 1969, H.R. 6750, to create a Council on Environmental Quality, to establish a national policy on the environment, and to require an annual environmental report. Shortly thereafter, similar legislation was introduced in the Senate by Senator Jackson as S. 1075.

Our joint efforts brought to fruition the Environmental Policy Act of 1969. This legislation, which was signed by the President on January 1, 1970, contained all of the above provisos and the requirement that proposed statutes and administrative actions by the Federal Government provide a clear statement of environmental effect.

This legislation constitutes an important first step toward a systems approach to the resolution of man's problem of living with his environment.

The development of such an approach, sound in purpose and practice, is, in my opinion, the most important problem faced by mankind in the world today. For to fail in this undertaking will mean increasing degradation of the quality of life, followed by probable extinction.

As a second step toward achieving a systems approach in man's activities that affect the environment, I am moving forward with my bill, H.R. 16848, to create a National Environmental Data Bank. With all our abilities and concern for data storage, retrieval, and dissemination, and with the immense numbers of Federal activities related to the environment, it is a continuing source of surprise to me that nothing of this kind has yet evolved.

The Data Bank legislation would require all Federal agencies having computers storing environmental data to take all reasonable steps to make them compatible to the maximum feasible degree.

Encouragements would be afforded to Federally financed researchers to have their computer systems as compatible as possible. Inducements to inter-relate Federal and Federally financed private computer systems would be included. A National Data Bank Board would have authority to lay down requirements for maximum storage of properly evaluated, collated, *useful* information and data on the environment obtained under Federal and Federally financed programs.

These steps would be coupled with a requirement that data and information be made available free of charge to governmental agencies—Federal, State and local—and be available on a modest "recovery charge" to others.

Following this, by law, the Environmental Data Bank Board would begin to create valid environmental quality indicators and to provide a continuing evaluation both of the indicators and monitoring of environmental events. The Board would also commence creation of a capacity for, and the actual initiation of, predictive environmental models or predictive ecological models, so that we might begin looking not only to the past and the present but also to the future.

This last tool would enable us to use mathematics, the computer, and present scientific data to gauge the impact of man and his activities on the environment of the future.

Given these things, we would be more capable of moving forward, albeit haltingly and imperfectly, with the sorely needed systems approach to the environment. Our tools would be the Council on Environmental Quality, its annual report, and the capacities of the Environmental Data Bank.

Much more will be required, perhaps the most important of which will be bringing environmental policy together with monetary and economic policy on an equal basis. Initiation of this relationship between environment and economics has begun in meetings held by the Council on Environmental Quality and the Council of Economic Advisers.

The President runs the Executive paying close heed to his Council of Economic Advisers, the Treasury and the Federal Reserve Board.

If real progress in preserving a quality environment is to be attained, advisers, policies and goals in the environmental area must have equal, even superior, importance in government to those in the economic field.

The Environmental Policy Act requires full equality, even though neither the subject of environmental quality nor the Council on Environmental Quality itself is now being given that dignity by the Executive.

If I were President for one day, I believe granting this equality between environmental concerns and economic concerns would be the most important single step I could take.

I would also assure that the Council on Environmental Quality achieved full parity with the economic advisers of the Executive.

It appears clear to me that from this kind of reform would flow an abundance of other needed reforms in the environmental field.

If the economic advisers do their jobs as well as they should, and the Council on Environmental Quality carries out its responsibility as stated in the Environmental Policy Act, and if the two national goals and systems of advisers function well on an integrated basis, it is plain to me that the major environmental policy problems will be on the way to resolution.

A glaring example of one of the problems that could be resolved is that of waste which becomes pollution of the land, the air, and the water. We try to bury it, dump it in our waters, burn it, fill holes in the ground, and still it continues to pile up, produced by the most efficient industrial system and distribution system in the world.

If we operated our households the way we operate the Nation, our backyards would be filled with litter, our fishponds and swimming pools would be full of the products of our home sewage system, the air above our houses would stink from burning waste and exhaust fumes of our autos. And our unhappiness would be fearful to behold.

It becomes plain to any intelligent student of our system of production and distribution that recycling of waste back into the system of production and distribution is the only intelligent way of solving the problem of environmental degradation.

It is also, perhaps, the best way of recovering waste which, instead of being a blight and a curse, is potentially one of our most precious natural resources.

Recycling, then, is plainly a matter of dire environmental and economic necessity. Pollution is the costly product of failure to properly recycle and recover valuable products, and under an intelligent systems approach would be found to be totally without justification on either an environmental or economic basis. Until we commence recycling our wastes of all kinds to the maximum degree, there will be no real solution to the pollution problems of this nation.

Under a crude systems approach, recycling would have many benefits. Soil-building nitrates and phosphates can be recovered from municipal sewage or delivered directly to irrigators to enrich agricultural soils. Old cars, tin cans and waste metals can provide metallic supplies for a mineral-short America. Garbage can be converted into compost, fertilizers, and fuel and lubricating oils. Waste paper properly recycled can save millions of trees and thousands of acres of recreation lands. Solid wastes can provide low pollution fuels for the generation of electricity.

Assuming that our national goals are environmental as well as economic in character, the best tax structure would seek to achieve minimum pollution and maximum recycling through incentives and penalties.

The incentives should be held down and particular attention given to legal penalties and requirements of law, and legal standards on pollution of air and water. Tax penalties would have to be heavy enough to encourage polluters to conform with the national goals and not be a license to pollute.

The concerns and activities of environmentalists embrace the entirety of man's existence. Polluted air and water filled with sewage and industrial wastes are no less degrading to the quality of life than crowded, noisy, deteriorating cities ridden with despair and crime. The language of the Environmental Policy Act of 1969 tells us that all of these matters are a part of man's environment, and the Council on Environmental Quality is directed by law to comment on all of them.

In this kind of hard circumstance one always seeks encouragement. I can offer none except the simple realization that man, who created atomic power and sent some of his kind to the moon and back, has the technological capacity to clean up the fearful mess he has created—if he but manifests the will.

The cost in human resources and money will be high: according to recent estimates $54 billion for water pollution, $3.1 billion for air pollution, and upwards of $4.2 billion for solid waste disposal. The cost in failure to try or succeed will be immeasurably higher.

Air pollution, for example, costs every American $65 per year. According to John Middleton, Commissioner of the National Air Pollution Administration, clear air can save the United States $13.5 billion per year for a total expenditure of only $2.6 billion per year. This comes to a net saving of almost $11 billion per year. Try that for a cost benefit ratio, America!

Although I have seen no recent studies of benefits of water pollution control, there must be a substantially similar cost benefit ratio in the preservation of fisheries, easy availability of water-related recreation, recovered by-products, reduced water treatment costs, and reduction in waterborne diseases and mortality.

An old saying has it that for every man chopping at the root of the tree of evil there are a thousand men hacking at its branches. In our attack on this monstrous tree of environmental degradation, let us begin at its taproot by creating an effective systems approach, rather than hacking at the myriad branches by a disjointed and often counterproductive attack on the symptoms of environmental problems.

H.R. 5060—TO PROHIBIT THE "HUNTING" OF WILDLIFE BY AIRBORNE HUMAN PREDATORS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, Congressman OBEY and I, together with 20 other concerned conservationist Members, introduced in this session a bill to prohibit the hunting of wildlife from an airplane.

Our proposal would amend the Fish and Wildlife Act of 1956 by providing a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft. It is pathetic in this sophisticated day and age to note that there are human beings so devoid of compassion, so unsportsmanlike, so eager for killing, that they must use a vehicle designed for transportation in order to prey on the Nation's wildlife. One is reminded of the 1800's when "gentlemen sportsmen" slaughtered great herds of buffalo from train platforms.

That despicable era of our history of misconcern for indigenous wildlife is reincarcerated in today's lazy "sportsman" or greedy bounty hunter who has been seen and photographed herding and killing wildlife with the use of airplanes. I am sure you recall the poignant television documentary, "The Wolf Men," wherein the practice was dramatically presented. That program was responsible for the introduction of our bill in the 91st Congress, H.R. 15188, which would have outlawed the incredible practice. The program was also responsible for the greatest outpouring of public sentiment for a conservation bill that I have witnessed in my years in Congress. Had it not been for the obstructionist tactics of certain Members of the other body, I am confident that the bill would now be public law. The House of Representatives, to its eternal credit, did its part by unanimously passing H.R. 15188. As it stands now, we must begin again.

It has been a long time since "The Wolf Men" television show; since the introduction of our first bill; since the public hearings; and, since House passage of the bill. Nevertheless, the public's interest in the legislation has not flagged in the least. I cannot begin to count the letters which I have received concerning the fate of the old bill and plans for a new measure.

Although we are starting the legislative process again with H.R. 5060, we are assured that the public's interest in the issue has remained high. Indeed, I would venture a guess that interest has been heightened for the simple reason that it is obvious that cowards who hunt from airplanes will continue the practice right up to the very minute when a Federal public law becomes enforceable. One would have thought the public's outcry would have ensured an immediate cessation of the practice. Such was not the case; we are dealing with a blood-hungry, two-legged animal whose profit depends solely upon the depletion of America's wildlife population.

Mr. Speaker, the time has come to put a stop to the disgraceful practice of hunting wildlife from an airplane. H.R. 5060 will do just that and I hope the public expresses its support of the new legislation by contacting their individual representatives in the House and Senate. We are confident of early consideration and passage of the bill in the House and look forward to equally quick action in the U.S. Senate.

THE CHANGING BASIS FOR "PROTECTIONISM"

(Mr. BETTS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BETTS. Mr. Speaker, in spite of the fact that there seems to be a lull in any discussion of trade policy, the fact remains that the situation has changed very little from the position it was in during the consideration of the trade bill last year. As a reminder of the continuing problems, Mr. O. R. Strackbein, president of the Nationwide Committee on Import-Export Policy has thoroughly reviewed the whole subject in a speech before the Mid-America Trade Conference on February 24 of this year. I am inserting it at this point in the RECORD with the sincere hope that it will be read and studied by all who feel there is a genuine need for some action in this area:

THE CHANGING BASIS FOR "PROTECTIONISM"

While the terms, "protectionism" and "free trade" are increasingly decried as obsolete forms of semantics, the evolution of this obsolescence has not been sufficiently uncovered.

The principles of free trade, as elaborated by Adam Smith *circa* 1775, assume a minimum of governmental interference with the market forces both within a country and with its external trade. The term *laissez-faire* (leave alone) has been applied to the economic philosophy of Adam Smith. It underlay the so-called free enterprise system of our own country until the severe depression of the early thirties. Essentially it meant minimum interference by Government with business and commerce.

Protectionism, on the other hand, which does represent such interference, was recognized early in our history, particularly after the War of 1812, as necessary if we were to build an industrial nation. Otherwise we faced a future of economic subordination to Britain as a supplier of raw materials and an importer of manufactured goods. The earliest avowed protectionist tariff was the Tariff of 1816.

Thereafter the tariff became a political football, kicked back and forth until 1934. Generally, until then, the Southern States were identified with free trade or a "tariff for revenue only," while the Northern industrial States preferred a protective tariff.

From 1934 to 1967 we engaged in a series of tariff-cutting international conferences and reduced our tariff an average of approximately 80%. Today our tariff on dutiable items is about 10% compared with a little over 50% in the early 'thirties. If the collected duties are averaged over *all* our imports, including those free of duty (some 38% of the total) our average duty is between 6% and 7%. The final reduction of the Kennedy Round will be made January 1, 1972.

THE GREAT DEPARTURE: ACCEPTANCE OF NATIONAL PLANNING, EXIT LAISSEZ-FAIRE

The decade of 1933–42 marked a sharp economic-political departure in this country from much that had gone before. *Laissez-faire* economists were driven from respectability into the cemetery of fallen and discredited heroes. National planning of industrial and commercial activity was enthroned as the new god of economic thought. The free enterprise system was de-spurred and tamed. The fame of the British economist, John Maynard Keynes, who had explicit ideas on governmental management of the economy, rose like a shining star over the horizon.

Where *laissez-faire* proscribed or frowned forbiddingly on state intervention in wages, hours of work, working conditions, collective bargaining and similar economic considerations; and was no less appalled over price support of agriculture, reduction of crop acreage and direct payment for non-production, the "New Deal" turned these prejudices upside down, and did not stop there. It insisted, in addition, on regulating banks, the stock exchange, railroads, and countering the harshness of the marketplace in displacing workers from their jobs. Unemployment insurance, old age pensions and similar social welfare operations were accepted as legitimate concerns of the Government. Later, public education and medical care became additional claimants for governmental attention. No longer was the marketplace to be the arbiter. *Laissez-faire* economics itself was pickled in formaldehyde and transferred in a bottle to the museum of historical monstrosities.

There was one exception. That was free trade! This theory had so beguiled all who beheld it and all who were exposed to it in all innocence in our universities, that it was divorced by main force from the otherwise blanket condemnation of *laissez-faire* economics where it belonged. Free or freer trade was caressed, adored, smiled upon, cherished, fought for and baptized as a part of the national-planning dogma. "Pale-mouthed prophets" endorsed it and nothing raised the hackles of academic economists more surely than suggestions that a philosophy that had accompanied the development and growth of our economy to the point of world industrial leadership (i.e., protectionism) could not be all bad. Even now 5,000 economists, fair and true, jump to the ramparts when they detect a movement in the dark, which, according to them, is the natural habitat of protectionists. They fire into the forbidding dark at will, which means instantaneously, hoping to inflict mortal wounds on the remnants of the Dark Ages. Recently over 5,000 of them tilted, predictably, against the Mills Trade bill.

FREE TRADE AT ODDS WITH NATIONAL PLANNING

How free trade could survive the tidal wave that swept all other fragments of *laissez-faire* like straw before it, has never been intelligibly or even humorously explained. This phenomenon must stand as a high monument to the cultural lag of the brightest stars in the Milky Way.

Unfortunately for national planning, national planning can be no better than its enforcement. Good plans are discredited and collapse if they are not carried out. Putting them into effect means warding off countervailing forces and turning aside intrusions from the outside that would subvert them.

In this respect the basic barriers to international free trade are today more formidable by far than was the Hawley-Smoot Tariff Act of 1930—that "monstrosity" fathered by selfish interests, a veritable denigration of the Adam Smith *laissez-faire* economic philosophy. This style of denigration must be left strictly to the selection of the national planners who can distinguish between good and evil *laissez-faire*. (Protectionism is, of course, anti-*laissez-faire*, and should have been dear to the national planners, but it is of the *wrong* kind.) It is necessary to be endowed with a special or even mystical insight to detect the distinction. Governmental interference, we must suppose, is of the highest good, so long as it proceeds from the planning centers. Protectionism, although itself an interference, is evidently bad because it comes from the wrong source.

Governmental control of the banks is good. Governmental control of the stockmarket is good; so also is control of the utilities, establishment of minimum wages; and also control of monopolies, intervention in agriculture, in education, in social welfare.

Times change in all fields and the change, it is held, justifies a modified attitude. A complicated society, it may be agreed, can no longer trust market forces. Selfish interests have insufficient regard for the public good. Therefore they must be regulated: That is to say, all but import trade. Apparently import trade is automatically good and unselfish, and therefore in the public interest.

THE PLANNERS' DILEMMA

Yet, with the advent and far-extension of economic planning, the economic flanks must be controlled if planning is to succeed. If we provide price support for cotton, wheat, dairy products and other farm output the purpose would fail if we did not protect the program on the seaward flank. At one time our Government purchased millions upon millions of pounds of domestic cheese in order to reduce the pressure on prices, only to see it mount in higher and higher tiers in our warehouses, because imported cheese could be bought cheaper. Had this flank not then been protected by import restrictions, the planned rescue of our dairy industry would have collapsed. Therefore these particular restrictions could be justified, particularly by the planners.

Seemingly it was a good interference with the marketplace to help our dairy farms to survive, and this objective justified the bad interference embodied in the restriction of imports. Thus, while protectionism was abominable, it was not the worst thing in the world.

The same observation may be made of our import quotas on raw cotton and on wheat and wheat flour. If the rescue of the farmers was justified, was it an evil act to restrict imports to prevent their upsetting the plan of rescuing agriculture? World cotton and wheat acreage was sufficient to swamp our market with cotton and wheat and depress prices to levels from which we sought strenuously to rescue our growers. Was the one governmental interference good, and the other evil?

In 1946 Congress enacted what has been called the Full Employment Act. It set a goal, a national plan, making the state of employment a national concern.

It follows that if as a nation we adopt a goal of full employment we cannot at the same time be indifferent to forces that if left alone would defeat the plan, whether these be of foreign or domestic origin. To carry out the purpose of the Act the Government has over a period of time utilized the power of taxation, control of money-volume, interest rates and the shaping of the budget as instruments of the policy.

Unfortunately for the success of these various controls, the United States is not an economic island free from foreign influences.

We compete internationally in some sectors sufficiently to be affected internally by the competitive factors of trade. If import competition is not taken into account hand-in-hand with other items in our balance of payments, efforts at tuning the national economy to desired ends may encounter severe turbulence and even overt disruption.

The common disturbing factor from this external source will be found to be the discrepancy in unit cost of production here and abroad.

Our high wage levels are underwritten by escalating minimum wage laws and obligatory collective bargaining. These assurances of a high consumer purchasing power were proposed by our national planners and were adopted in the Congress by heavy majorities by the representatives of the electorate over the past thirty-five years. Hand-in-hand with farm price supports, reduced hours of work, and minimum wages, accompanied by high defense expenditures, and, lately, high outlays in the public sectors of social security, education and medicine, we have inevitably increased costs of producing goods in this country at a pace beyond the capacity of our technology to counteract by way of rising productivity. The result was higher prices.

Meanwhile other industrial countries adopted our system of mass production. Their productivity grew rapidly. However, mass production is only half of the American system. Long ago Henry Ford discovered that mass production faced defeat if it were not balanced by mass consumption. Higher wages became inseparably associated with mass production.

The other countries have seemingly not yet learned this lesson. They produce at a volume that is beyond the capacity of the mass purchasing power at home to absorb. This surplus production creates a dependence on foreign markets, as Karl Marx foresaw. The United States is the largest single market in the world and therefore looms as an object of cultivation. Because of the cost discrepancy in a wide range of goods in favor of foreign industry we offer an attractive target for surplus disposal. This is especially true of many varieties of manufactured goods. The foreign cost advantage is magnified in these goods, the more so as the application of labor is extensive. In raw materials the advantage is of lesser degree because less of the lower-wage labor is applied. This fact explains the trend of the post-war mix of our imports. These have gravitated heavily to finished and semi-finished goods as distinguished from raw materials.

With very few exceptions our foreign trade in manufactured goods is conducted with a growing and appalling deficit. Our principal export advantage lies in machinery and transport equipment; and even in that sector it is shrinking.

If we were to revert to a near *laissez-faire* economy, we must first dismantle not only what is left of our tariff but also our minimum wage laws, farm price supports, bank deposit guaranties, social security, stock-exchange control, obligatory collective bargaining, control of interest rates, restrictions on immigration, medicare, regulation of utilities, subsidies of all kinds, including those on aircraft, merchant shipping, shipbuilding and other forms of transportation; but that is not all: other countries must do the same. Not only we but they too must relinquish national economic planning and the network of industrial and commercial controls that support the planning. Not only we but they too must eliminate import quotas, exchange controls, import licensing—and they must renounce currency devaluations, which represent a fertile source of hidden protection, frequently utilized by our overseas competitors.

Of course, even to suggest such a course of action is to underline its absurdity. The trend is toward more controls and regulation, not a relaxation. The interdependence of controls is too well established in experience to sustain any notion of a piecemeal reversion to *laissez-faire*. As an example, full employment depends on the institution of a whole array of other controls.

Industries burdened with rigid costs, as American industry is burdened today, are left with the most limited margin for independent action. If they are exposed to a flanking competition that is not similarly burdened, they are in overt danger of being driven from their home market by imports.

COST OF GREATER EFFICIENCY

If such exposure is widespread any notion of full employment may as well be discarded. The very base of employment is eroded by the need to become more efficient in order to remain competitive. In realistic terms greater efficiency can be achieved only by reducing the work force per unit of production. Employee compensation represents some 80% of production cost, up and down the line (in the absence of windfalls or bonanzas) and therefore greater competitive efficiency can only be achieved at the expense of employment; *and this is not the road to full employment when competitors on the outer flank rob the domestic cost reducer of the greater sales he might expect if the external competition were not there, or were neutralized.*

Insistence on freer access of imports bearing prices distinctly below our own to our market is, to repeat, at odds with the full-employment objective. Other countries know this and act accordingly, through higher tariffs or currency devaluation or other devices to defend their national economies under similar circumstances.

A supreme example of the meaning of the greater efficiency that is constantly urged on our industries as a means of remaining competitive or regaining a competitive position, is found in the experience of the coal industry. From 1950, when the industry was beset by lethal competition from oil and natural gas, to 1965 the coal industry displaced over two of every three coal miners in a desperate effort to become competitive, thus effectively cutting the cost per ton. The industry succeeded at the human cost of 334,000 jobs of coal miners of a total of 482,000.

Should the steel industry, the textile industry, the foot-wear industry and many others, such as glass, electronics, beef, typewriters, bicycles, small hardware, toys, athletic goods, fruits and vegetables, petroleum, musical instruments, handbags, etc.: should all these and others follow suit in desperate efforts to become competitive with imports, we would be swamped with unemployment. The goal of full employment would fade beyond hope of resurrection.

Let us examine the likely results in the steel industry alone. This industry was accused of a technological lag in the early nineteen-sixties. It began spending at a high rate and averaged $2 billion per year in the second half of the decade on capital expenditures. In 1970 nearly half of the steel output was produced by the oxygen process, a more efficient process than the old open-hearth method.

Nevertheless the advance did not succeed in achieving competitiveness, even though in 1969 seven thousand fewer steel workers produced 54.2% more steel per year than in 1965.

To become competitive with imports the steel industry must come much closer to the achievement of the coal industry in point of worker-displacement, as a means of reducing costs; 644,000 was the full employment of the so-called steel industry in 1969. This number, however, produced only 44% of the total value of shipments (if 1967 was a fair sample, the last year of our census of manufactures). This meant that about 56% of the final value had already been produced in the iron and coal mines, transportation services, production of supplies, banking and insurance institutions, etc.

In other words, an additional 720,000 workers derived their employment from contribution to steel-making, of a total of about 1,340,000.

A cost reduction of 20% would displace 260,000 workers. This falls short of the sacrifice in the coal industry, in which, as we have said, some 334,000 miners lost their jobs to higher efficiency.

This calculation provides some idea of the mathematics of rising efficiency in terms of employment. It could be said that these displaced workers will find employment elsewhere. *But where is elsewhere?* If many other industries are equally beset by imports, how is employment to be found for the combined victims of greater efficiency?

Since we still lead the world in productivity per man-hour, with few exceptions it is clearly not superior foreign efficiency that plagues our industries, but their lower wages. Our lead in productivity is indeed narrowing rapidly and we are no longer far enough ahead to offset the lower foreign wages.

Where we in the laissez-faire economy, we would let "nature" take its course. We would put no restrictions on imports but neither would we make federal outlays for the unemployed since to do so would interfere with the free play of market forces. The displaced workers would be forced onto their own resources. Imports would reduce prices to consumers. In a far roundabout way a variety of jobs would open up, some of which the displaced workers might fill. Wages in this country would be allowed to fall as the supply of workers exceeded the demand. Consumers would get the further benefit of lower prices. In a few years of adjustment we would have full employment again—*that is, if we also took down all the other controls that interfere with the free interplay of the market forces.*

The politics of this course of action would, of course, be disastrous to any public leader proposing such a course; and this fact would be known; and the idea would die aborning.

THE REALISM OF PRAGMATIC ECONOMICS AND POLITICS

It is bootless to spin out the theory of free trade because it is a nonexistent entity and lies beyond even the remotest hope of realization. Therefore it is necessary to adjust trade policy to the political realities. These have been enthroned by a generation of legislative effort that turned its back irrevocably on the free market concept in favor of a planned economy.

Some of the realities may be mentioned. This country's share of world exports has shrunk in recent years. From 1960–69 our imports of manufactured goods have risen twice as rapidly as our exports.

With few exceptions (machinery, including aircraft and computers; and chemicals) nearly all other manufactured goods are in a deficit position, and the surplus in machinery is shrinking. The "others" include steel, textiles, footwear, motor vehicles, petroleum, toys, meat, fish, bicycles, pottery, glass, athletic goods, radio and TV sets, nuts and bolts, plywood, tomatoes, mushrooms, strawberries, flowers, crabmeat, copper, etc.

These are the realities we must look in the face as we reshape our trade policy.

As long as we insist on proceeding economically as if two split-levels of disparate competitive forces, one high, one low, can co-exist and trade freely between them, without barriers and controls, we discredit both the planning and the future hopes of free trade.

HORTON MARKS 130TH ANNIVERSARY OF THE MACE OF THE HOUSE OF REPRESENTATIVES

(Mr. HORTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HORTON. Mr. Speaker, this year, 1971, is an historic year not only for the events which will take place, but also for those past occurrences which 1971 commemorates.

Mr. Speaker, I should like to invite my distinguished colleagues' attention to the year 1841—130 years ago—and to an event which has direct relevance upon the workings of Congress today. I refer to the creation of the present mace which serves as the symbol of authority for the Sergeant at Arms.

The first session of the First Congress, which convened in New York on March 4, 1789, adopted a resolution on April 14 providing that—

> A proper symbol of office shall be provided for the Sergeant at Arms, of such form and device as the Speaker shall direct, which shall be borne by the Sergeant when in the execution of his office.

The symbol approved by the first Speaker, Frederick A. Muhlenberg of Pennsylvania, was the mace.

The mace, Mr. Speaker, was originally used as a weapon and consisted of a staff with a heavy ball, sometimes studded, at one end. It was, no doubt, a fearsome weapon in battle and refinements, such as spikes and axe heads, developed over the years as weapons systems improved.

With the establishment of the Roman Republic, however, the mace acquired a more symbolic and civic role. Roman consuls were attended in public by 12 servants, each of whom bore an axe bound in a bundle of rods. This mace symbolized the consul's authority to flog and put to death. This symbol was used by provincial magistrates as well, and used to restore order in the courts, as well as to carry out the punishments for which it was designed.

As more sophisticated weapons were developed, the mace became more and more a symbol of authority and power.

The Romans brought that symbol to the British Isles and, hundreds of years later, the mace was used in the House of Commons as the symbol of the King's authority and his consent to the meetings of the members.

It was from this great tradition of English parliamentary procedure that our own House of Representatives authorized the creation of a mace, to symbol the authority of the Sergeant at Arms to restore order.

The first mace used by the House, from 1789 to 1814, was destroyed when the British army burned the Capitol. A second mace, made of wood, served for the next 25 years. In 1841, however, a reproduction of the original mace was made by William Adams of New York, for which he was paid a nominal sum.

The mace is an exceptionally fine example of the silversmith's art. It is 46 inches in height and consists of 13 thin ebony rods, representing the original 13 States of the Union, bound together at the bottom and at the top by engraved silver rings, 2¼ and 1½ inches, respectively. Two crossing strips of silver wind helically from the bottom to the top. From the uppermost ring protrudes a 4½-inch-in-diameter the silver globe with a detailed engraving of all seven continents and showing the degrees of longitude. The Western Hemisphere is toward the front. The globe is surmounted by an eagle with outspread wings, engraved from solid silver, standing on a silver perch affixed at the South Pole and encircling the antipodes. This circlet is engraved to indicate the degrees of latitude on the globe. In a statement of the expenditures from the contingent fund of the House of Representatives from December 1, 1841, to December 1, 1842, an item reads, "William Adams, a mace for hall, H.R., $400.00." Today, its value, real and intrinsic, far exceeds that sum.

Since 1841, the same mace has served Congress and is the one presently displayed and serving the 92d Congress. On several occasions it was "presented" before an unruly Member by the Sergeant at Arms, at the direction of the Speaker. On every such occasion, order was promptly restored.

INSTANCES OF USE OF MACE

In the annals of the House of Representatives, which go back to 1789, there are very few recorded instances of the use of the mace to restore order on the floor of the Chamber. No index of the times it has been used for such purpose has ever been made and the instances cited here are taken from books of reminiscences and personal recollection of Capitol attachés of more than 50 years' experience in the House.

Whenever, as seldom happened, an individual Member became turbulent and seemed beyond the Speaker's control, the Sergeant at Arms, on order of the Speaker, lifted the mace from its pedestal and "presented" it before the offending person. Order was promptly restored, so great was the respect for the mace as a symbol of legislative authority. Thus the Members of the House, who are themselves lawmakers, very properly set an example for the whole country of respect for discipline.

In Poor's Reminiscences there is an account of a turbulent scene preceding the election of Representative Robert C. Winthrop, a Massachusetts Whig, to the speakership of the 30th Congress in 1847. Slavery was the all-absorbing issue before the country, and it caused an acrimonious debate participated in by Representatives "Bob" Toombs, of Georgia, William Duer, of New York, and Thomas Henry Bayly and R. K. Meade, both of Virginia, during which Mr. Duer denounced Mr. Meade as a "disunionist." "It is false!" shouted Mr. Meade; "You lie, sir!" retorted Mr. Duer, and there was pandemonium until Sergeant at Arms Nathan Sargent seized the mace and quickly quelled the tumult. Mr. Winthrop was elected Speaker and the Sergeant at Arms elevated the mace, which had so recently quieted the uproar, to the pedestal at the side of the new Speaker, who proceeded to swear in new Members.

In 1880 the Speaker undertook to quell an incipient fight between two Representatives, William A. J. Sparks, of Illinois, and J. B. Weaver, of Iowa, when they used such menacing words and threatening actions toward each other that many Members rose to separate them. Whereupon the Sergeant at Arms moved about the House with the mace and order was restored.

Another blustery scene occurred in the House on February 17, 1885. Representative John D. White, of Kentucky, who was a thorn in the side of Speaker Carlisle and frequently used abusive language, was called to order by the Speaker and commanded to take his seat. Mr. White disregarded the order and refused to sit down. When confronted by the Sergeant at Arms bearing the mace he promptly took his seat.

In the 53d Congress Representative John A. Heard, of Missouri, engaged in a heated colloquy with Representative W. C. P. Breckenridge, of Kentucky. A brief scuffle ensued. The Sergeant at Arms, with the mace in hand, approached both men and brought them before the bar of the House. Subsequently, each apologized to the House and to each other, thus ending the incident.

In the 55th Congress Representative Charles L. Bartlett, of Georgia, threw a volume of United States Statutes at Representative James M. Brumm, of Pennsylvania, but further trouble was averted by the intervention of the Sergeant at Arms with the mace. Mr. Bartlett, who was a fiery but able Member, figured in another stormy incident in the House during the 60th Congress. Representative George Southwick, of New York, was aggrieved at the failure of the Committee on Accounts in the closing hours of a session to provide an increase of compensation to a House employee, and made some caustic remarks which Mr. Bartlett, ranking minority member of the committee, construed as meant for himself. He rushed at Mr. Southwick, brandishing a knife, but was intercepted in the main aisle by a number of Members. The Sergeant at Arms appeared on the scene with the mace and order was restored.

During the famous World War I Congress, the 65th, ugly words passed between Representative Tom Heflin, of Alabama, and Representative Patrick Daniel Norton, of North Dakota. Mr. Norton approached Mr. Heflin belligerently, but before damage could be done the Sergeant at Arms came between them with mace. Mr. Heflin figured in another incident with Representative John L. Burnett of his own State during the same hectic session. Mr. Heflin, a leading advocate of war with Germany, had made some remarks which were construed as casting aspersion upon the patriotism of Members opposed to the passage of the resolution which took America into World War I, whereupon Mr. Burnett inquired why his colleague did not go to war himself. The mace was required to restore order.

In the 73d Congress, during a rollcall, an encounter between Representative Eltse, of California, and Representative Deen, of Georgia, was narrowly averted by the prompt action of the Sergeant at Arms and Members of the House. Speaker Rainey, who was presiding, ordered the mace presented, but in the hubbub his voice was not heard and the incident passed over without presentation of the mace.

There were, formerly, a good many instances of disorder on the floor of the House when, by direction of the Speaker, the Sergeant at Arms passed up and down the aisles, mace in hand. It happened frequently during the boisterous 51st, known as the "Reed Congress."

In the history of the United States, Mr. Speaker, there have only been 30 Sergeants at Arms. Twenty-six of those men have carried out their responsibilities with the mace we see before us today, including Zeake W. Johnson, Jr. of Tennessee, the present Sergeant at Arms.

Those who have had the privileges of this office and the guardianship of the mace of the House are:

Joseph Wheaton of Rhode Island: May 12, 1789, to October 27, 1807—First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, and Tenth Congresses.

Thomas Dunn of Maryland: October 27, 1807, to December 5, 1824—Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, and Eighteenth Congresses.

John O. Dunn of District of Columbia: December 6, 1824, to December 3, 1833—Eighteenth, Nineteenth, Twentieth, Twenty-first, Twenty-second, and Twenty-third Congresses.

Thomas B. Randolph of Virginia: December 3, 1833, to December 15, 1835—Twenty-third and Twenty-fourth Congresses.

Roderick Dorsey of Maryland: December 15, 1835, to June 8, 1941—Twenty-fourth, Twenty-fifth, Twenty-sixth, and Twenty-seventh Congresses.

Eleazor M. Townsend of Connecticut: June 8, 1841, to December 7, 1843—Twenty-seventh and Twenty-eighth Congresses.

Newton Lane of Kentucky: December 7, 1843, to December 8, 1847—Twenty-eighth, Twenty-ninth, and Thirtieth Congresses.

Nathan Sargent of Vermont: December 8, 1847, to January 15, 1850—Thirtieth and Thirty-first Congresses.

Adam J. Glossbrenner of Pennsylvania: January 15, 1850, to February 3, 1860—Thirty-first, Thirty-second, Thirty-third, Thirty-fourth, Thirty-fifth, and Thirty-sixth Congresses.

Henry W. Hoffman of Maryland: February 3, 1860, to July 5, 1861—Thirty-sixth and Thirty-seventh Congresses.

Edward Ball of Ohio: July 5, 1861, to December 8, 1863—Thirty-seventh and Thirty-eighth Congresses.

Nathaniel G. Ordway of New Hampshire: December 8, 1863, to December 6, 1875—Thirty-eighth, Thirty-ninth, Fortieth, Forty-first, Forty-second, Forty-third, and Forty-fourth Congresses.

John G. Thompson of Ohio: December 6, 1875, to December 5, 1881—Forty-fourth, Forty-fifth, Forty-sixth, and Forty-seventh Congresses.

George W. Hooker of Vermont: December 5, 1881, to December 4, 1883—Forty-seventh and Forty-eighth Congresses.

John P. Leedom of Ohio: December 4, 1883, to December 2, 1889—Forty-eighth, Forty-ninth, Fiftieth, and Fifty-first Congresses.

Adoniram J. Holmes of Iowa: December 2, 1889, to December 8, 1891—Fifty-first and Fifty-second Congresses.

Samuel S. Yoder of Ohio: December 8, 1891, to August 7, 1893—Fifty-second and Fifty-third Congresses.

Herman W. Snow of Illinois: August 7, 1893, to December 2, 1895—Fifty-third and Fifty-fourth Congresses.

Benjamin F. Russell of Missouri: December 2, 1895, to December 4, 1899—Fifty-fourth, Fifty-fifth, and Fifty-sixth Congresses.

Henry Casson of Wisconsin: December 4, 1899, to April 4, 1911—Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth, Sixty-first and Sixty-second Congresses.

Ulysses S. Jackson of Indiana: April 4, 1911, to June 22, 1912—Sixty-second Congress.

Charles F. Riddell of Indiana: July 18, 1912, to April 7, 1913—Sixty-second and Sixty-third Congresses.

Robert B. Gordon of Ohio: April 7, 1913, to May 19, 1919—Sixty-third, Sixty-fourth, Sixty-fifth, and Sixty-sixth Congresses.

Joseph G. Rogers of Pennsylvania: May 19, 1919, to December 7, 1931—Sixty-sixth, Sixty-seventh, Sixty-eighth, Sixty-ninth, Seventieth, Seventy-first, and Seventy-second Congresses.

Kenneth Romney of Montana: December 7, 1931, to January 3, 1947—Seventy-second, Seventy-third, Seventy-fourth, Seventy-fifth, Seventy-sixth, Seventy-seventh, Seventy-eighth, and Seventy-ninth Congresses.

William F. Russell of Pennsylvania: January 3, 1947, to January 3, 1949—Eightieth Congress.

Joseph H. Callahan of Kentucky: January 3, 1949, to January 3, 1953—Eighty-first and Eighty-second Congresses.

William R. Russell of Pennsylvania: January 3, 1953, to July 7, 1953—Eighty-third Congress.

Lyle O. Snader of Illinois: July 8, 1953, to September 15, 1953—Eighty-third Congress.

William R. Bonsell of Pennsylvania: September 15, 1953, to January 5, 1955—Eighty-third Congress.

Zeake W. Johnson, Jr., of Tennessee: January 5, 1955—Eighty-fourth Congress and is serving at the present time.

During the last 130 years, the distinguished men who held this position presented the mace to restore order when tumult threatened the House.

Those years were not always peaceful ones, Mr. Speaker. Our Nation suffered a civil war and reconstruction. Crucial decisions were made in this House on the industrial revolution, big business, the labor movement, and progressive social legislation. Heated debate preceded our entry into world affairs and world wars.

Often this debate got out of control, at which time the Sergeant at Arms would present the mace, order was restored, and the process of Government continued.

Mr. Speaker, the mace of the House of Representatives and the Sergeant at Arms have thus played a vital role in the conduct of Congress. The Sergeant at Arms and the mace deserve much of the credit for the survival of our Government and Nation. They have helped control the convulsive debates in good times and bad, during years of prosperity and years of depression and despair.

Today, the mace stands on its pedestal, with all the dignity and magnificance of its 130 years of service. It stands as a symbol of strength and perseverence through difficult times.

Mr. Speaker, in these days one reads of divisions, hatred, and cynicism; of urban decay and the steady destruction of our resources, moral as well as natural. I find in the mace, however, a reassurance and reminder that Congress can again confront the problems of our Nation, if it so chooses.

Mr. Speaker, I salute the mace on its 130th year of service and I salute the distinguished Sergeant at Arms, Zeake W. Johnson, Jr., of Tennessee, on his 16 years of impressive service.

SHARING U.S. OFFSHORE INCOME

(Mr. BOGGS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BOGGS. Mr. Speaker, Louisiana is blessed with some of the largest oil and gas reserves in the world. Much of our production occurs offshore on the sea bottoms which form the outer and inner continental shelves.

For decades now, the income from this production has been the subject of a dispute between Louisiana and the National Government. At the moment, more than $1.6 billion is in escrow, awaiting a final resolution of this controversy.

It has long been the policy of the National Government to share revenues from its lands within State boundaries. Louisiana, however, which bears the expense of providing the public services which make offshore production possible, is unjustly denied a share of these revenues.

This was the topic of a recent editorial in the New Orleans Times Picayune. I am inserting it in the RECORD and calling it to the attention of my colleagues.

SHARING U.S. OFFSHORE INCOME

So the oil and gas income in the disputed seaward areas off Louisiana continues to grow as federal government puts off a decision on offshore policy and the escrowed funds—totaling $1.627 billion at the outset of this year.

Why the indecision on a settlement which has dragged for years? Federal government has a long-honored formula covering the sharing of revenues from federal lands within state boundaries.

Since 1920, states have received 37.5 per cent of the revenues from oil and gas production from United States-owned lands in the respective states. Alaska, an exception, shares 90 per cent. Louisiana is one of the states benefitting from this 1920 Mineral Leasing Act.

Three states, Montana, Utah and New Mexico, share 25 per cent of federal revenues from U.S. grazing lands. And other Western states draw 12.5 per cent of federal grazing lands income. In those states in which timber is cut from federal lands, the states draw 25 per cent of such income.

In other words, federal sharing of revenues from oil, gas, grazing and lumber generated from federal lands is a well-established practice dating back many years.

Now for the justice of it: Louisiana pays heavily on the cost of providing governmental services for those who work in the federal offshore and for their families. Yet no severance taxes—so important to the Louisiana treasury—come in from these "outside" areas. Nor does Louisiana share in the bonuses, lease payments and royalties.

Louisiana is in the position of footing the bill for services of public education, roads, police and fire protection, soil and water conservation, library service, local flood control, anti-pollution programs, agricultural service, health service—the whole roster.

Wherein the differentiation lies between federal revenue sharing on federal lands within states and federal revenue sharing on federal lands alongside states is difficult to see. From the services-rendered standpoint, there is no difference.

What we are talking about when we consider federal policy for Louisiana, of course, is federal policy for all seaboard states.

Federal government should realize that its oil-rich continental shelf is drawing investment away from public and private lands in Louisiana. Oil and gas production in the federal area where there are no severance taxes adds attractiveness to the richness of the federal area's potential.

Seaward flight of our oil and gas industry presents a clear and present danger to Louisiana's financial condition and makes imperative agreement which should have been reached years ago.

INTRODUCING HIGHER EDUCATION FUNDING BILL

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, today I am introducing a higher education funding bill to assist parent-taxpayers to meet the high costs of sending their children to institutions of higher learning.

Escalating college costs are putting an unconscionable financial strain on middle income taxpayers who must personally pay for their children's college education, and this bill is designed to alleviate the burden. I intend to continue my work to strengthen and expand existing Federal student loan programs for children from low-income families, but, at the same time, I will push for enactment of this program to bring needed relief to middle-income taxpayers who bear the greatest burden of financing the Federal Government.

Fashioned after the Self-Employed Individuals Tax Retirement Act, this bill will allow parents to make tax-deductible contributions to qualified higher education funds established for the sole purpose of financing the higher education of dependents. Under the terms of my bill, a qualified education fund is one established pursuant to a written plan for the purpose of defraying the cost of room, board, and tuition at an institution of higher learning. Parents will be allowed to contribute up to $500 per year for each beneficiary, but total tax deductible contributions will not be allowed to exceed 10 percent of the taxpayer's gross annual income per year, and in no event to exceed $2,500 in 1 year. Contributions can be made to the fund any time from the birth of the child up to his 19th birthday, and the tax deduction will be available to persons in all tax brackets.

The program established by this bill will greatly increase the amount of funds available to finance college costs, and it will not do this at the expense of existing Federal educational loan programs. I think this is a most equitable measure, and I urge my colleagues to join me in working for its passage.

H.R. —

A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Higher Education Funding Act of 1971."

SEC. 2. ALLOWANCE OF DEDUCTION.

(a) GENERAL RULE.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to deductions for individuals) is amended by redesignating section 218 as section 219, and by inserting immediately after section 217 the following new section:

"SEC. 218. DEDUCTION FOR CONTRIBUTIONS TO QUALIFIED HIGHER EDUCATION FUND.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction amounts under subsection (b), which are contributed to a qualified higher education fund described in subsection (c).

"(b) AMOUNT DEDUCTIBLE.—The amount allowable as a deduction under subsection (a) shall be limited to contributions to a qualified fund having as its beneficiary an individual described in section 151(e)(1)(B) (relating to additional exemption for dependents) and shall not exceed the lesser of—

"(1) The product of $500 times the number of qualified beneficiaries.

"(2) Ten percent of the taxpayer's adjusted gross income for the taxable year (determined without regard to this section), or

"(3) $2,500.

For purposes of the preceding sentence, dependents of the taxpayer shall include only those who are living at the end of the taxable year.

"(c) QUALIFIED HIGHER EDUCATION FUND.—

"(1) GENERAL RULE.—For purposes of this section, a qualified higher education fund is a fund established pursuant to a written plan described in paragraph (2), but only if the fund meets the requirements of paragraph (3).

"(2) PLAN.—A plan referred to in paragraph (1) is a plan established by the taxpayer—

"(A) solely for the purpose of defraying the cost of room, board, and tuition at an institution of higher education of one or more eligible beneficiaries,

"(B) which provides that no distribution shall be made by the fund (except upon termination thereof) other than to, or on behalf of, eligible beneficiaries for the purpose specified in subparagraph (A),

"(C) which provides that upon termination of the fund all assets of the funds shall be distributed to the taxpayer or to his estate,

"(D) which prohibits contributions to the fund in excess of amounts deductible under subsection (a), and

"(E) under which the taxpayer consents to the income tax treatment upon termination of the fund provided in subsection (e)(2).

For purposes of this section, costs of room and board shall not include the cost of furnishing such items in the taxpayer's household.

"(3) FUND.—A fund meets the requirements of this paragraph only if—

"(A) it constitutes a custodial account described in section 401(f) (without regard to paragraph (1)(A) thereof), or

"(B) it is a trust.

For purposes of subparagraph (A) the reference in section 401(g) to a trust described in 401(a) shall be deemed to be a reference to a trust to which this section applies. In the case of a trust referred to in subparagraph (B) the trustee must be a bank, but a person other than a bank may be granted, under the trust instrument, the power to control the investment of the trust funds either by directing investments (including reinvestments, disposals, and exchanges) or by disapproving proposed investments (including reinvestments, disposals, and exchanges). The preceding sentence shall not apply to the extent provided by regulations prescribed by the Secretary or his delegate to a trust which uses annuity, endowment, or life insurance contracts of a life insurance company exclusively as the funding media of the trust, if the life insurance company supplies annually such information about trust transactions as the Secretary or his delegate shall by forms or regulations prescribe. For purposes of this section, the term 'bank' shall have the meaning ascribed to it by the last sentence of section 401(d)(1).

"(d) DEFINITIONS.—

"(1) ELIGIBLE BENEFICIARY.—

"(A) GENERAL RULE.—Except as provided in subparagraph (B), for purposes of this section the term 'eligible beneficiary' means a person having the relationship to the taxpayer or his spouse specified in paragraph (1), (2), (3), or (6) of section 152(a). Such a person shall cease to be an eligible beneficiary—

"(i) if payments by the fund to him, or on his behalf, for the purposes specified in subsection (c)(2)(A) do not commence within 5 years after the date on which such person was graduated or separated from secondary school, or

"(ii) after the expiration of 10 years from the date of such graduation or separation.

"(B) SPECIAL RULE.—If on any day the fund ceases to have an eligible benficiary who is a child (within the meaning of section 151(e)(3)) of the taxpayer or his spouse, no person shall be an eligible beneficiary for purposes of this section unless—

"(i) distributions by the fund to, or on behalf of, such person for the purposes specified in subsection (c)(2)(A) had begun before such day, or

"(ii) the taxpayer designates such person as a beneficiary of the fund by notice in writing to the Secretary or his delegate within the period of 120 days after such day in accordance with regulations prescribed by the Secretary or his delegate.

An eligible beneficiary designated pursuant to clause (ii) means a person having the relationship to the taxpayer or his spouse specified in paragraph (1), (2), (3), or (6) of section 152(a) determined without reference to the support test described in paragraph (a) of section 152.

"A person who is an eligible beneficiary by reason of a designation pursuant to clause (ii) shall cease to be an eligible beneficiary not later than 10 years after the day on which such designation is made.

"(2) INSTITUTION OF HIGHER EDUCATION.—For purposes of this section, the term 'institution of higher education' means an educational institution (as defined in section 151(e)(4))—

"(A) which regularly offers education at a level above the twelfth grade;

"(B) contributions to or for the use of which constitute charitable contributions within the meaning of section 170(c);

"(C) which is legally authorized to provide and does provide a program of postsecondary education; and

"(D) which is accredited by a nationally recognized accrediting agency or association listed by the United States Commissioner of Education.

"(e) TERMINATION OF FUND.—

"(1) EVENTS CAUSING TERMINATION OF FUND.—A qualified higher education fund shall terminate if—

"(A) a contribution is made to the fund in excess of the amount allowable as a deduction under subsection (a);

"(B) a distribution is made by the fund other than to, or on behalf of, an eligible beneficiary for the purposes specified in subsection (c)(2)(A);

"(C) subject to paragraph (B)(ii) of subsection (d)(1) of this section, the plan ceases to have an eligible beneficiary; or

"(D) In the absence of a testamentary disposition to the contrary, upon the death of the taxpayer.

"(2) INCOME TAX TREATMENT UPON TERMINATION.—

"(A) Upon termination of a fund under paragraph (1)(A) because of an excess contribution, the taxpayer shall include in his gross income for his taxable year during which such contribution is made an amount equal to twice the value of the assets of the fund on the day on which such contribution is made.

"(B) Upon termination of a fund under paragraph (1)(B), the taxpayer shall include in his gross income for the taxable year during which the terminating distribution occurs an amount equal to twice the value of the assets of the fund immediately before such distribution.

"(C) Upon termination of a fund because of the happening of the event specified in paragraph (1) (C) or (D), an amount equal to the value of the assets upon termination, reduced by any portion of that amount which is attributable to the proceeds of life insurance contracts which are excluded from gross income by section 101(a), shall be included in gross income of the taxpayer or his estate for the taxable year during which the termination occurs. The limitation of tax provided in subsection (n) of section 72 shall apply with respect to the amount included in gross income under the preceding sentence as if such amount were an amount received to which that subsection applies.

"(f) INCOME TAX TREATMENT OF CREATOR OF A QUALIFIED HIGHER EDUCATION FUND.—Except as provided in subsection (e)(2), no amount shall be included in the gross income of a taxpayer who establishes a qualified higher education fund because of any income realized by the fund or because of any payment by the fund to, or on behalf of, an eligible beneficiary for the purpose specified in subsection (c)(2)(A)."

(g) RELATED AMENDMENTS.—

(1) AMENDMENT OF SECTION 62.—Section 62 of such code (relating to definition of adjusted gross income) is amended by adding after paragraph (8) the following new paragraph:

"(9) QUALIFIED HIGHER EDUCATION FUND.—The deduction allowed by section 218."

(2) AMENDMENT OF SECTION 501.—Section 501(a) of such code (relating to exemption from tax on corporations, certain trusts, etc.) is amended by striking out "401(a)" and inserting in lieu thereof "401(a), or a qualified higher education fund described in section 218(c)".

(h) TECHNICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such code is amended by striking out the item referring to section 218 and inserting in lieu thereof:

"Sec. 218. Deduction for contributions to qualified higher education fund.

"Sec. 219. Cross references."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall be effective for taxable years beginning after the date of enactment of this Act.

HELICOPTER HEROES

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I am proud to bring to the attention of my colleagues the courage and heroism of helicopter pilot Robert F. Sidonio, a citizen of Ridgefield in my district of Connecticut.

As a member of one of our many crack helicopter teams in Southeast Asia, Robert Sidonio has distinguished himself for his bravery and skill. His actions speak for themselves. In all, his helicopter and its three teams were credited with saving 30 outposts which might have otherwise fallen. After being shot at several times, Sidonio and his helicopter, which was given the name "Tiger Surprise," were downed during some night fighting. Fortunately, Sidonio and his copilot escaped fatal injury. For his service to his country, Sidonio has received the Purple Heart and two air medals.

The exploits of the "Tiger Surprise" have become so well known across Vietnam that the Army has outfitted another helicopter to be named "Tiger Surprise" to honor the tradition and accomplishments of the original.

We are all aware of the risks that our helicopter teams must take in Southeast Asia on every flight. We can all be proud of the courage of such men as Robert Sidonio. He and others such as he are serving their country admirably and deserve our highest tribute and thanks.

I would like to place in the RECORD at this point two newspaper articles which describe the actions of Robert Sidonio as a member of the "Tiger Surprise" team. I urge all my colleagues to read these articles as testimony to the skill and courage of our Armed Forces in Indochina.

RIDGEFIELD PILOT-HERO PROMOTED

RIDGEFIELD.—Robert F. Sidonio, 21, son of Mr. and Mrs. John Sidonio of Ramapoo Road, has been promoted to chief warrant officer.

He is on duty with the 101st Airborne Division (Airmobile) in Vietnam, about 30 miles south of the demilitarized zone. The 101st is known as "The Screaming Eagles" and is considered a crack outfit.

The Ridgefielder has received the Purple Heart and two Air Medals, second one of the latter award in November.

Seeing a picture of his old helicopter, "Tiger Surprise," in a copy of the magazine, "Uptight." The helicopter was the one in which he and his copilot, W/O Edward Scuza, were shot down.

The story accompanying the picture described the details of the crash, explosion, subsequent rescue and hospitalization of the two men.

The article states: "In a war which has created few legends, the 'Tigers' can lay claim to a helicopter famous throughout the Mekong Delta. The story of the 'Tiger Surprise' is known by aviators wherever they gather.

"The legend began in 1968 when the copter, which had been used to lay smoke screens during ground assaults, was converted to a night fighter.

"The copter and its three teams of a pilot and a co-pilot has been credited with saving 30 outposts which may have otherwise fallen."

A second helicopter has been outfitted and named "Tiger Surprise" to carry on the tradition of its predecessor and its pilots.

Sidonio and his co-pilot, W/O Scuza were shot down during night fighting in the early hours of April 1, 1970. Scuza lost his toes on both feet while Sidonio, who had zippers sewed in his boots instead of laces, was able to get the boots off quicker and escaped injury to his feet. However, he did receive first and third degree burns on his arms and neck.

A wristwatch he was wearing deflected shrapnel just enough to keep it from hitting an artery. His mother said that the watch is being repaired and preserved for a keepsake.

Mr. and Mrs. Sidonio have received a letter from Major Henry T. Brown, Jr., commanding officer, attesting to the enemy fire their son had been under and his complete recovery from injuries.

Sidonio attended St. Mary School and Christ the King Preparatory Seminary in Westport, from which he graduated. He had planned to enter the priesthood.

He attended Western Connecticut State College in Danbury for one year before entering the armed services.

HIT BY GUNFIRE 3 STRAIGHT DAYS—RIDGEFIELD HELICOPTER PILOT DODGES DEATH

(By Michael Putzel)

KHE SANH, Vietnam (AP).—Maj. Jim Newman and the pilots were sitting around their briefing room—a big metal supply container—talking about Sidonio and his little bird's latest brush with death.

CWO Robert Sidonio, 21, Ridgefield, Conn., had been shot at three times in two days over Laos and was hit twice but his tiny OH1 observation helicopter had made it back both times.

Conversation broke off as the radio crackled, Lt. Martin "Slim" Pickens, Orlando, Fla., was coming in weak, but he seemed to be saying "air burst" and "maybe a chopper blowing up."

Newman jumped for the radio and his pilots for the door. Pickens came on again to report a big CH47 Chinook supply helicopter had exploded in the air, and gave the map coordinates.

Newman raced for his command ship and the Cobra gunship pilots dashed past him, and in what seemed like seconds, Charlie Troop, 2nd Battalion, 17th Air Cavalry of the 101st Airborne Division, was on the way.

There are no Chinooks in the cavalry, so it wasn't one of their own. But that didn't make any difference. Laos, in a week and a few days, has been a nightmare for everyone's helicopters.

Within minutes they were over Laos. Sidonio—skittering in over the treetops in his agile little observation craft—reported an enemy shell burst in the air near him. He thought he wasn't hit but it turned out he was—his ship riddled with holes for the third straight day.

The Cobras turned to attack the North Vietnamese gun positions and fired all of their rockets before they reached the burned spot on the ground that had been the Chinook.

A crash like that—followed by fire—offers little hope of any survivors, but Newman, 36-year-old troop commander from Fayetteville, N.C., wanted to be sure.

So they escorted Sidonio back to Khe Sanh, rearmed the Cobras and put a platoon of Vietnamese troops—the Black Panthers of the 1st South Vietnamese Division—aboard UH1 Slicks.

These jungle-wise troops are being used to secure downed helicopters and recover the crews, alive or dead. The cavalry has its own platoons for that, but they're not allowed in Laos. So they stay at Khe Sanh, filling sandbags and griping about the Army using crack troops—themselves—for menial chores.

In a few minutes, back over Laos, Charlie Troop's ships dodged between the locations of known .51-caliber and 37mm guns and the Black Panther, or Hac Bao in Vietnamese, went into the crash site by helicopter.

Vietnamese probed the ashes and recovered the remains of five of the six Americans who had been aboard the Chinook.

On the way home, the Cobras spotted an enemy truck loaded with ammunition, destroyed it, and shot up four enemy gun positions.

Not a bad day for Charlie Troop. Not as bad, for instance, as the three days earlier, when four Cobras and four Slicks went down, two Cobras destroyed, two pilots missing and two hospitalized.

That was the day when Newman couldn't find a clearing big enough to land and pick up his wounded gunship pilots, so he went into the jungle instead, clipping the treetops with his rotor blades, while a cable was lowered, then nursing the damaged ship back to Khe Sanh with the wounded men aboard. The next day Capt. Chuck Vehlow, a 25-year-old West Pointer from Waukesha, Wis., took a .51-caliber slug in his Cobra's rocket pod and they had to call the demolition squad to disarm his pod.

That day also, CWO Robert Pascoe, Phoenix, Ariz., was flying scout for the Cobras and both radios went silent. Back at * * * to the troop to start a search just as Pascoe swooped onto the Khe Sanh airstrip, skidded to a stop and leaped out with his fire extinguisher.

"I thought I was in flames," he said sheepishly as his colleagues surrounded the helicopter, dropping to their knees to inspect the jagged hole in the main frame. Pascoe had made it, but the chopper was finished and would be shipped back to the States for repairs.

Charlie Troop has had more experience than any other air cavalry unit in the rugged border country of the northern region of South Vietnam, where the enemy gunners fire from concealed positions in the jungle-covered mountains.

The air defenses in Laos are a variety of guns designed to deal with the Air Force and Navy supersonic jets that pound the Ho Chi Minh trail. For the skilled enemy gunners, the frail slow choppers are not even good target practice.

Officials confirm 15 American and two South Vietnamese helicopters have been shot down and destroyed since the Laos incursion began. But the actual figure, including those only damaged and recovered, is higher. Still more have been shot down along the border, but on the Vietnamese side.

The pilots don't like all this and they don't pretend to. After that one bad day, a few even talked about not going back to Laos. But nobody has refused to go.

"I think the first few days were the worst," said Capt. John Stolp, 25, Bisbee, Ariz., a classmate of Vehlow at West Point.

"At one point we had only nine airplanes flying out of 27. But now the North Vietnamese know that if they shoot at us they give away their position, and it brings the whole world down on them.

"I think it's going to get better now."

ENFIELD, CONN., SELECTED AS ALL-AMERICA CITY FOR 1971

(Mrs. GRASSO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mrs. GRASSO. Enfield, Conn., a town of 50,000 residents in the Sixth Congressional District, has been selected by Look magazine and the National Municipal League as an all-America city for 1971. This yearly award designation is limited to 11 cities throughout the Nation which have brought about major improvements to their community through vigorous civic action. The distinguished panel of Government, foundation, and business leaders selected Enfield from among thousands of cities and towns throughout the Nation as an example of what involved and concerned citizens can do to improve their community.

This award is a considerable source of pleasure to me as I have seen Enfield grow from a small suburb of 20,000 to a burgeoning regional commercial center of 50,000. Many communities have experienced such growth and found that the outmoded governmental structures and municipal services were incapable of handling the increased size. A number of years ago Enfielders recognized the coming crisis and acted. A citizens government reform group convinced the community to adopt a modern council-manager plan based on the National Municipal League model. The school system, once adequate for a small community, was expanded by $23 million to include 10 new schools. An $18 million sewer construction program, a drug advisory council and a mental health center were also established.

These costs are high, but the citizens of Enfield recognized that the investments of money and energy made now would pay the dividend of a livable community in the future.

I join my colleagues in saluting Enfield, Conn., the all-America city.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Holifield (at the request of Mr. Price of Illinois), for 60 minutes, on March 10, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Kemp) to revise and extend their remarks and include extraneous matter:)

Mr. Price of Texas, for 15 minutes, today.

Mr. Quillen, for 15 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. Denholm) to revise and extend their remarks and include extraneous matter:)

Mr. Reuss, for 20 minutes, today.

Mr. O'Hara, for 20 minutes, today.

Mr. James V. Stanton, for 15 minutes, on March 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Hall, and to include pertinent matter.

Mr. Wyman, immediately following the remarks of Mr. Burke of Massachusetts, today.

(The following Members (at the request of Mr. Kemp) and to include extraneous matter:)

Mr. Price of Texas, in two instances.
Mr. Terry.
Mr. Scherle in 10 instances.
Mr. McClure.
Mr. Hogan.
Mr. Robison of New York.
Mr. Steiger of Wisconsin.
Mr. Brown of Ohio.
Mr. Wyman in two instances.
Mr. Zwach.
Mr. Spence.
Mr. McClory in two instances.
Mr. Derwinski in two instances.
Mrs. Dwyer in five instances.
Mr. Bob Wilson.
Mr. Powell.
Mr. Minshall in four instances.
Mr. Whitehurst in two instances.
Mr. Arends.
Mr. Forsythe.
Mr. Hillis in two instances.
Mr. Ashbrook in two instances.

(The following Members (at the request of Mr. Denholm) and to include extraneous matter:)

Mr. William D. Ford in three instances.
Mr. Long of Maryland.
Mr. McCormack in five instances.
Mr. Aspin in two instances.
Mr. Corman in five instances.
Mr. Edwards of California.
Mr. Badillo.
Mr. Bergland in three instances.
Mr. Jacobs.
Mr. Nix.
Mr. Rees in two instances.
Mr. Rangel.
Mr. James V. Stanton.
Mr. Mathis of Georgia in two instances.
Mr. Wolff.
Mr. Ryan in three instances.
Mr. Mikva in six instances.
Mr. Bingham.
Mr. Brinkley.
Mr. Kluczynski in two instances.
Mr. Fountain.
Mr. Obey in eight instances.
Mr. Patten in two instances.
Mr. Jones of Tennessee.
Mr. Madden in three instances.
Mr. Drinan in two instances.
Mr. Hungate.
Mr. Miller of California.

JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on March 8, 1917, present to the President, for his approval, joint resolutions of the House of the following titles:

H.J. Res. 16. Joint resolution to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action"; and

H.J. Res. 337. Joint resolution authorizing the President to proclaim the second week of March 1971 as "Volunteers of America Week."

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 25 minutes p.m.) the House adjourned until tomorrow, Wednesday, March 10, 1971, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CELLER: Committee on the Judiciary. H.J. Res. 223. Joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older (Rept. No. 92-37). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules.

H. Res. 276. Resolution providing for the consideration of H.R. 4246, a bill to extend until March 31, 1973, certain provisions of law relating to interest rates, mortgage credit controls, and cost-of-living stabilization (Rept. No. 92–38). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. H. Res. 277. Resolution providing for the consideration of H.R. 5432, a bill to provide an extension of the interest equalization tax, and for other purposes (Rept. No. 92–39). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT (for himself and Mr. Watts):

H.R. 5732. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

By Mr. ASPIN:

H.R. 5733. A bill to amend the Foreign Assistance Act of 1961 as amended; to the Committee on Foreign Affairs.

H.R. 5734. A bill to amend the Foreign Assistance Act of 1961, as amended, to prohibit any involvement or participation of U.S. Armed Forces in an invasion of North Vietnam without prior and explicit Congressional authorization; to the Committee on Foreign Affairs.

By Mr. BARRETT:

H.R. 5735. A bill to substantially reduce the personal dangers and fatalities caused by the criminal and violent behavior of those persons who lawlessly misuse firearms, by restricting the availability of such firearms for law enforcement; military purposes and for certain approved purposes including sporting and recreational uses; to the Committee on the Judiciary.

By Mr. CAREY of New York:

H.R. 5736. A bill to provide for the temporary suspension of duty on certain granulated and ground cork and on certain natural and composition cork cut or molded into rods; to the Committee on Ways and Means.

H.R. 5737. A bill to provide for the temporary suspension of duty on regranulated cork; to the Committee on Ways and Means.

By Mr. DELANEY:

H.R. 5738. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. DENT (for himself and Mr. Gaydos):

H.R. 5739. A bill to amend the Social Security Act to increase OASDI benefits by 25 percent (with a $100 minimum) and raise the earnings base, with subsequent adjustments as the cost of living rises, to provide various improvements in benefit computations, to provide full benefits for men at age 60 and women at age 55, to increase widows' and widowers' benefits, to pay wife's and widow's benefits without regard to age in disability cases, and to liberalize eligibility for disability benefits; to make disabled beneficiaries eligible for medicare without regard to age, to finance the medical insurance program entirely from general revenues, and to cover prescription drugs; to require the furnishing of drugs on a generic basis under the medicare and public assistance programs; and for other purposes; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 5740. A bill to amend the Emergency Rail Services Act of 1970 to authorize the Secretary of Transportation to purchase a railroad and its equipment in the event of a default in the payment of principal or interest with respect to a certificate issued under that act; to the Committee on Interstate and Foreign Commerce.

By Mr. DOWNING:

H.R. 5741. A bill to authorize the Secretary of Commerce to transfer surplus Liberty ships to States for use in marine life conservation programs; to the Committee on Merchant Marine and Fisheries.

By Mr. FORSYTHE:

H.R. 5742. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

H.R. 5743. A bill to provide for improved employee-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FULTON of Pennsylvania:

H.R. 5744. A bill to amend the Internal Revenue Code of 1954 to provide that pensions paid to retired law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 5745. A bill to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to improve the protection of the right of privacy by defining obscene mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GIBBONS:

H.R. 5746. A bill to amend title II of the Social Security Act to increase, in certain cases where an individual entitled to a widow's or widower's insurance benefit remarries, the portion of such benefit which such individual may continue to receive after the remarriage; to the Committee on Ways and Means.

H.R. 5747. A bill to amend title II of the Social Security Act to provide in certain cases for an exchange of credits between the old-age, survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have some coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

H.R. 5748. A bill to amend title II of the Social Security Act to eliminate the 6-month waiting period for disability insurance benefits in cases of blindness or loss of limb and in certain other cases where the severity of the impairment is immediately determinable; to the Committee on Ways and Means.

H.R. 5749. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

By Mr. GUDE (for himself, Mr. Johnson of Pennsylvania, and Mr. McClory):

H.R. 5750. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. HARSHA:

H.R. 5751. A bill to amend the Railroad Retirement Act of 1937 to provide that an individual's entitlement to retirement benefits under that act or the Social Security Act while he or she is entitled to dependent's or survivor's benefits under the other such act shall not operate to prevent any increases in his or her benefits under the 1937 act which would otherwise result under the so-called social security minimum guaranty provision; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 5752. A bill Voluntary Military Service Act; to the Committee on Rules.

By Mr. JONES of North Carolina:

H.R. 5753. A bill to amend title XVIII of the Social Security Act so as to include among the health insurance benefits covered under part B thereof, coverage of certain drugs; to the Committee on Ways and Means.

H.R. 5754. A bill to amend title 38 of the United States Code to provide that monthly social security benefit payments shall not be considered as income in determining eligibility for pensions under that title; to the Committee on Veterans' Affairs.

H.R. 5755. A bill to amend the Internal Revenue Code to remove the limitations on the amount of medical and dental expenses which may be deducted, to permit taxpayers to deduct such expenses, to arrive at their adjusted gross income, and for other purposes; to the Committee on Ways and Means.

By Mr. KARTH:

H.R. 5756. A bill to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. LEGGETT:

H.R. 5757. A bill to terminate the authority of the President to suspend the Davis-Bacon Act; to the Committee on Education and Labor.

By Mr. McCLURE:

H.R. 5758. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. McCLURE (for himself and Mr. Hansen of Idaho):

H.R. 5759. A bill to enable the Secretary of Agriculture to extend financial assistance to desertland entrymen to the same extent as such assistance is available to homestead entrymen; to the Committee on Agriculture.

By Mr. MIKVA:

H.R. 5760. A bill to prohibit the use of funds appropriated by Congress to support the use in combat zones of persons inducted under the Military Selective Service Act of 1967; to the Committee on Armed Services.

By Mr. MIKVA (for himself, Mr. Burton, Mrs. Chisholm, Mr. Conyers, Mr. Matsunaga, Mr. Ryan, and Mr. Charles H. Wilson):

H.R. 5761. A bill to protect the political rights and privacy of individuals and organizations and to define the authority of the Armed Forces to collect, distribute, and store information about civilian political activity; to the Committee on Armed Services.

By Mr. MIKVA (for himself, Mr. Adams, Mr. Annunzio, Mr. Bingham, Mr. Brasco, Mrs. Chisholm, Mr. Diggs, Mr. William D. Ford, Mr. Fraser, Mrs. Hansen of Washington, Mr. Harrington, Mr. Hathaway, Mr. Moorhead, Mr. Podell, Mr. Rodino, Mr. Rosenthal, and Mr. Halpern):

H.R. 5762. A bill: National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. MOORHEAD:

H.R. 5763. A bill to amend title II of the Social Security Act to provide a 10-percent across-the-board increase in benefits thereunder, with a minimum primary benefit of $100, and to increase to $2,400 a year the amount of outside earnings a beneficiary may have without loss of benefits; to the Committee on Ways and Means.

By Mr. MOSS (for himself, Mr. Reid of New York, Mr. Gallagher, Mr. Broomfield, Mr. Zablocki, Mr. Monagan, Mr. Morse, Mr. Horton, Mr. Macdonald of Massachusetts, and Mr. Gude):

H.R. 5764. A bill to amend chapter 4 of part I of the Foreign Assistance Act of 1961 to provide additional authorization in supporting assistance for the national land reform program enacted March 26, 1970, by the Government of Vietnam; to the Committee on Foreign Affairs.

By Mr NELSEN (for himself and Mr. Fuqua):

H.R. 5765. A bill to extend for 6 months the time for filing the comprehensive report of the Commission on the Organization of the Government of the District of Columbia; to the Committee on the District of Columbia.

By Mr. NELSEN (for himself, Mr. Carter, and Mr. Hastings):

H.R. 5766. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5767. A bill to amend the Public Health Service Act so as to provide for new health manpower educational initiatives, increase the level of financial assistance to health professions schools and other institutions training health personnel, improve the distribution and increase the supply of health personnel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE of Texas (for himself, Mr. Anderson of Illinois, Mr. Archer, Mr. Blackburn, Mr. Collins of Texas, Mr. Gibbons, Mr. Harrington, Mr. Hosmer, Mr. Johnson of Pennsylvania, Mr. Kuykendall, Mr. Mann, Mr. Mayne, Mr. Michel, Mr. Railsback, Mr. Rarick, and Mr. Bob Wilson):

H.R. 5768. A bill to establish a commission to review U.S. antitrust laws; to the Committee on the Judiciary.

By Mr. STEED:

H.R. 5769. A bill for the relief of persons who suffered damages as a result of the sonic boom test over Oklahoma City, Okla., in 1964; to the Committee on the Judiciary.

By Mr. STEELE:

H.R. 5770. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Wisconsin:

H.R. 5771. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contribution Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. TEAGUE of California:

H.R. 5772. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. THOMSON of Wisconsin:

H.R. 5773. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. VANIK:

H.R. 5774. A bill to provide for a national inventory of mineral deposits, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 5775. A bill to prohibit the use of enzymes in detergents; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITTEN:

H.R. 5776. A bill to provide for determination through judicial proceedings of claims for compensation on account of disability or death resulting from disease or injury incurred or aggravated in line of duty while serving in the active military or naval service, including those who served during peacetime, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5777. A bill to protect funds invested in series E U.S. savings bonds from inflation and to encourage persons to provide for their own security; to the Committee on Ways and Means.

By Mr. WIDNALL (for himself, Mr. Gerald R. Ford, Mrs. Dwyer, Mr. Johnson of Pennsylvania, Mr. J. William Stanton, Mr. Blackburn, Mr. Brown of Michigan, Mr. Williams, Mr. Wylie, Mrs. Heckler of Massachusetts, Mr. Crane, Mr. McKinney, Mr. Lent, Mr. Frenzel, Mr. Reuss, Mr. Ashley, Mr. Stephens, Mr. Gettys, and Mr. Annunzio):

H.R. 5778. A bill to authorize insurance in connection with loans for the preservation of residential historic properties; to the Committee on Banking and Currency.

By Mr. YATRON:

H.R. 5779. A bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft; to the Committee on Merchant Marine and Fisheries.

By Mr. WHITTEN:

H.J. Res. 447. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of President and Vice President; to the Committee on the Judiciary.

H.J. Res. 448. Joint resolution to establish the Commission for Re-establishing Constitutional Principles; to the Committee on the Judiciary.

H.J. Res. 449. Joint resolution providing that the United States shall not participate in any civil action except as a party to such civil action; to the Committee on the Judiciary.

By Mr. CONTE:

H. Res. 278. Resolution to authorize the Military Operations Subcommittee of the Committee on Government Operations to conduct an investigation and study of any alleged military surveillance of Members of Congress and other public officials; to the Committee on Rules.

By Mr. DULSKI (for himself and Mr. Corbett):

H. Res. 279. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 217; to the Committee on House Administration.

By Mr. STEED:

H. Res. 280. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. WAGGONNER:

H. Res. 281. Resolution to amend the rules of the House to abolish joint sponsorship of bills, memorials, or resolutions; to the Committee on Rules.

H. Res. 282. Resolution providing pay comparability adjustments for certain House employees whose pay rates are specifically fixed by House resolutions; to the Committee on House Administration.

By Mr. WHITTEN:

H. Res. 283. Resolution creating a select committee of the House to conduct a full and complete investigation of all aspects of the energy resources of the United States; to the Committee on Rules.

By Mr. CHARLES H. WILSON:

H. Res. 284. Resolution to amend the rules of the House to abolish joint sponsorship of bills, memorials, or resolutions; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

53. By the SPEAKER: A memorial of the Senate of the State of Kansas, relative to humane treatment for American prisoners of war/missing in action in Southeast Asia; to the Committee on Foreign Affairs.

54. Also, a memorial of the House of Representatives of the State of Kansas, relative to humane treatment for American prisoners of war/missing in action in Southeast Asia; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALBERT:

H.R. 5780. A bill for the relief of Leda Morassutti; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 5781. A bill for the relief of Carmine Corrado; to the Committee on the Judiciary.

H.R. 5782. A bill for the relief of Giacomo F. Pettito; to the Committee on the Judiciary.

By Mr. BURTON:

H.R. 5783. A bill for the relief of CWO Gordon C. Knight; to the Committee on the Judiciary.

By Mr. CAREY of New York:

H.R. 5784. A bill for the relief of Lucrezia Adragna and her children, Gioacchino Adragna and Luciano Adragna; to the Committee on the Judiciary.

H.R. 5785. A bill for the relief of Dr. Edgardo S. Alday; to the Committee on the Judiciary.

H.R. 5786. A bill for the relief of Iginio Cammarota; to the Committee on the Judiciary.

H.R. 5787. A bill for the relief of Salvatore Carollo and his wife, Antonina Carollo; to the Committee on the Judiciary.

H.R. 5788. A bill for the relief of Salvatore Gambino; to the Committee on the Judiciary.

H.R. 5789. A bill for the relief of Florence Amanda Green; to the Committee on the Judiciary.

H.R. 5790. A bill for the relief of Maria Luchi; to the Committee on the Judiciary.

H.R. 5791. A bill for the relief of Judith Novella Matthew; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 5792. A bill for the relief of Santo and Serafina Accurso; to the Committee on the Judiciary.

H.R. 5793. A bill for the relief of Maria Ciccone; to the Committee on the Judiciary.

H.R. 5794. A bill for the relief of Leandro Napoleone; to the Committee on the Judiciary.

H.R. 5795. A bill for the relief of Lydia and Salvatore Santarella; to the Committee on the Judiciary.

By Mr. McCLORY:

H.R. 5796. A bill for the relief of Mrs. Amy M. Allen Haqq; to the Committee on the Judiciary.

H.R. 5797. A bill for the relief of Bruna Molinari; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.R. 5798. A bill for the relief of Giuseppa Cordaro; to the Committee on the Judiciary.

By Mr. WYMAN:

H.R. 5799. A bill for the relief of the estate of Katharine A. Seaward; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

CONSCRIPTION IN EARLY AMERICAN HISTORY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, supporters of conscription often justify their opposition to the all-volunteer force on the grounds that the American tradition is one of a universal obligation for military service. This belief is not supported by the facts, which show that conscription is the exception rather than the rule in our Nation's history—and when the draft has been used, it has been selective and discriminatory rather than universal.

An excellent treatment of conscription in America was prepared for the Gates Commission by Jack Rafuse, of the Center for Naval Analysis. Writing of the militia tradition, Mr. Rafuse notes that—

> In its origins militia service meant *home* defense in its most narrow sense. A militiaman fought in his town, or later, his state. He did not fight elsewhere. Militia conscription was never meant to provide soldiers for distant wars . . . the colonial draft was local in function and execution. It was highly selective, infrequently used, and administered by the smallest units of local government.

According to Mr. Rafuse:

> During the Revolutionary War, when too few were willing to volunteer for long periods of time or at great distances, the states reluctantly resorted to conscripting militiamen to serve with the Continentals . . . However, payment of a fee, procurement of a substitute or marriage exempted a militiaman. In other words, many civilians were entirely exempt from the militia draft.

In part 1 of this paper, the colonial tradition, the experience during the Revolutionary War, and the militia structure of the early Republic are examined. I commend this item to your attention:

U.S. EXPERIENCE WITH VOLUNTEER AND CONSCRIPT FORCES—PART I

(By John Rafuse, Center for Naval Analyses)

THE TRADITION OF CONSCRIPTION

The polemics of conscription in America abound with references to history and tradition, but present little data or analysis. This paper examines American history with special regard for military manpower recruitment practices. One purpose of the study is to provide a historical survey of conscription in America and to convey some of the contextual flavor of the past debates. The second and principal purpose is to contrast the debates with factual data to permit judgment on the credibility of the debates and on the extent to which conscription is or is not in the American tradition.

The United States has used conscription to provide military manpower only in wartime or as an emergency expedient. Conscription was used during the Civil War, World War I, and World War II. Controversy and demonstration erupted each time. Since World War II there has been only one brief hiatus in the draft. The present draft has been in existence almost without interruption for thirty years. More than half of the U.S. population is under thirty so it has never known a time when there was no draft. Thus, the draft is now considered the natural state of affairs, though in 1940 such a situation would have been inconceivable to most people.

Prior to 1945, the only peace-time draft in this country was in 1940, when the world was not at peace, and when the United States had chosen sides. Europe went to war in 1939, but in 1940 conscription was one of the great political issues because the United States was not at war. On the other hand, it was argued that the international situation would not allow us to continue peacetime armed forces while other nations were mobilizing on a gigantic scale. The World War II draft was truly universal, a lottery which determined not who would serve, but rather in what order men would serve. More than half of the male population of the United States between the ages of 18 and 45 served in the armed forces during that war.

Today's draft dates from the Universal Military Training and Service Act of 1951, set up at a time when the manpower needs and economic requirements of the nation were much different from those of the 1960's or 1970's. Table 1 shows the demands made on the manpower pool over a 15-year period.

TABLE 1.—MILITARY SERVICE OF 26-YEAR-OLD MEN[1]

Year	Total 26-year-old men	Percent with military service
1958	1,100,000	70
1962	1,110,000	58
1964	1,190,000	52
1966	1,250,000	46
Projected 1974	1,870,000	[2] 42
		[3] 34

[1] Reference Materials from the Department of Defense Study of the Draft, Office of the Assistant Secretary of Defense (Manpower), July 1966, p. 4a.

[2] 3,000,000 military strength.

[3] 2,700,000 military strength.

The increase in numbers of men 18 to 26 years of age means that an ever-diminishing percentage serve. Despite this the draft continues, justified by "tradition." Since national conscription has existed for only 33 of the approximately 200 years since the Declaration of Independence, it is difficult to consider the draft an American tradition.

There are those, however, who feel that the real tradition is not that of national conscription, but rather of a series of laws committing every citizen to obligatory armed service. That tradition, they feel, is longer and more pervasive. If that is so, there is an important *caveat:* in its origins, militia service meant *home* defense in the most narrow sense. A militiaman fought in his town, or later, his state. He did not fight elsewhere. Militia conscription was never meant to provide soldiers for distant wars.

Probably the most complete tabulation of colonial American militia laws shows 777 provisions (laws or parts of laws) relating to militia service.[1] The total number of laws tabulated in the volume is 608,[2] of which 200 laws, and 369 provisions concern some aspect of compulsory service. Of the 369 provisions one-third (122) were delegations of authority. The remaining provisions (247) are the only ones which contain elements of compulsion, and not all of those compel citizens to serve. Further, all those laws which are compulsive also contain exemptions or exclusions.[3] In addition, several laws without provisions of compulsion increased the number of exemptions or exclusions from service. In all there were 200 laws with elements of compulsion, but 213 exempting classes such as: legislators, church officials, college faculty and administrators, Quakers, justices of the peace, doctors, lawyers, and mariners; lunatics, slaves and Papists.

The quantity of legislation reveals little, since every settlement was a separate colony with separate laws, and since no law is reenacted if it is effective as it stands. Colonial laws, once enacted, were seldom repealed though they were frequently reanacted with modifications.[4] The quantity of colonial enactments demonstrates that earlier laws were ignored or abused. Enactment and repeated reenactment of laws, with exemptions for some, and ever-stiffer penalties for others, demonstrate that neither the letter nor the spirit of the compulsive legislation was observed. Lacking and not needing unanimous participation, the ruling body in each colony tried to force some people to serve while others were exempted. The settlements grew and combined to form the familiar thirteen colonies. At the same time, the frontier dangers became more distant, and the effectiveness of the militias and the laws of the individual settlement lessened. Muster days became less frequent and turned into local festivals. During the eighteenth century British-French wars for empire, North American colonists beside sometimes fought British regulars. However, the colonial militias proved largely unfit for distant campaigns. There were exceptions, but they were few. The militias were called upon to provide men not because of their battle-effectiveness, but because they were the only semi-organized and orderly source of wartime manpower. One historian has said:

> The militia proved less useful when they were not fighting directly and obviously in defense of their own homes. The New England expeditions that took Port Royal in Acadia in 1690 and 1710—facing weak opposition—and the famous expedition that seized the fortress of Louisbourg in 1745—despite much stronger opposition—were exceptions. In general the colonial militias were not a reliable instrument of offensive war distant from their own firesides.
>
> The reasons are evident. Few men came to America to be soldiers. More likely, they came in part to escape soldiering. They would fight when they had to, to preserve the homes and farms and way of life they had crossed the ocean to find. But they did not wish to abandon homes and farms for months or a season, to go off soldiering in pursuit of objects only remotely connected with their own aspirations or security. Militia training did not prepare them for extended campaigns, nor did militia organization befit the maintenance of long expeditions. A long campaign to distant fields that also involved meeting Indian tactics of stealth and ambuscade was a campaign for which colonial militia, except units recruited from frontiersmen, were especially unsuited. When the French and Indian War demanded such campaigns, the militia system did not suffice. Therefore regiments of the British regular army appeared in America, to fight the French and their Indian allies and to add their contribution to the influences that were to shape the United States Army.[5]

Thus, the militia draft cannot be used as a parallel for the present draft. The purposes of the militia were completely different from the missions of today's army, and so discipline, term of service, code of behavior, means of advancement in rank, effectiveness of the force, and role of the organization in the community were all different. The colonial "draft" was local in function and in execution. It was highly selective, infre-

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Footnotes at end of article.

quently used and was administered by the smallest units of local government. To speak of militia conscription as a precedent or as a part of a continuing American tradition is to misunderstand the similarities which exist and ignore the differences.

THE AMERICAN REVOLUTION

In the decade before 1775 there was a trend toward some degree of colonial unity, but it should not be overstated. Prior to the revolution, colonial militia units had cooperated with each other and with British troops from time to time, but that was the extent of colonial military experience. Much of the manpower procurement difficulty General Washington encountered in the American Revolution was due to the militia tradition, to the lack of Congressional power to follow another course, and to the individual's lack of national consciousness. Men considered themselves citizens of a state, not citizens of the United States. The United States were united in approximately the same way the members of the Organization of American States are today. The term state meant nation not merely division of a nation as it has come to mean. The United States was an alliance in a common war, not a nation.

When the Second Continental Congress assumed control of the war effort in June 1775, it appointed Washington Commander-in-Chief. However, that Congress had very little centralized authority or power. The power had been retained by the individual colonies and colonists felt they were fighting against centralization. Congress could only recommend and hope for cooperation. The recruiting and supply difficulties encountered by the Continental Army are better understood in this context. Washington was forced to rely on separate colonial militias. These drew on a small, scattered manpower pool. The male population of the colonies was approximately 1.5 million, of which perhaps 250,000 were slaves and at least 250,000 more were Tories who opposed the revolution in varying degrees, and others were simply indifferent or were conscientious objectors. According to John Adams' estimate only about one-third of the colonists favored the revolution. We refer to them as patriots today, but the choice of allegiance was obviously a hard one, and the difficulty did not end once the choice was made. Contrary to current popular belief, volunteers did not swarm to the Revolutionary cause or drive out tyranny in an explosion of patriotic fervor.

In fact, Washington requested militia drafts and relied frequently on militia. Of the 396,000 enlistments of the Revolutionary War, 164,000 were short-term militia enlistments. They varied from a few hours to six months, with the majority for three months or less. The remaining militia enlistments included all reenlistments. Most Continental Army enlistment terms were for one or two years, though fighting from 1775 through 1781. Many men reenlisted one or more times, so that the total number of individuals who actually served in the Continental Army might be as low as 50,000 to 100,000 men. The Army was never larger than 47,000 at any one time, and was much smaller during most of the war.

Washington's 50,000 volunteers would be roughly equivalent to 3,500,000 today and 100,000 would be equivalent to 7,000,000 based simply on the fact that today's U.S. population is 70 times what it was in 1775. For later wars, this type of comparison can be more accurate. Such a computation assumes that all other things are equal; soldier's pay, popular view of the cause, and psychic compensation, etc., are all held constant.

The pay of a Continental soldier was not sufficient to support a family. For example, in 1780 Continental soldiers were paid $6.66 per month in paper: enough to buy a pound of mutton, a half-pound of coffee, 19 eggs or two loaves of bread.[6] Congress never changed the pay of troops during the Revolution, but it did vary enlistment bounties with time and need. The inducements to recruits were not as attractive as the options open to civilians, but the variations in bounty meant that efforts were made to lessen the economic penalty against service. Nonetheless, "The officers recruiting for Continental soldiers had much less to offer than the Militia recruiters, with their short-term enlistment and high bounties, or the privateersmen, with their glamorized booty inducements." [7] John Paul Jones complained about the situation as vociferously and frequently [8] as did George Washington. Congress officially disapproved of bounties on December 6, 1775 when American troops were paid more than European regulars. But, by June, 1776 (when some colonies offered bounties of $150 specie) Congress authorized a Continental bounty of $10 scrip. Subsequently the Congress provided for bounties of $20, then $80, $100, and $200, in addition to land grants, clothing and pensions.

Congress periodically recommended short-term militia quotas to each state. When too few were willing to volunteer for long periods of time or at great distances, the states reluctantly resorted to conscripting militiamen to serve with the Continentals. This was the militia draft. However, payment of a fee, procurements of a substitute, or marriage exempted a militiaman. In other words, many civilians were entirely exempt from militia obligations and many militiamen were exempted from the militia draft: a second set of exemptions saved them from "federal" service.

MILITARY LEGISLATION AFTER THE REVOLUTION

After the Revolution, American policy was to maintain the smallest national military establishment possible. By 1784 Congress had reduced the Army to 80 men and placed full reliance upon the militias. Under the Articles of Confederation, the lack of central authority perpetuated the separate states, rather than the United States.

The new Constitution gave Congress the central authority and the power and right to raise and support armies and to provide and maintain a navy. Congress was separately authorized to organize, arm, and discipline the militia, and call it to suppress insurrections, *repel invasions*, and enforce the law. Officers and militia training, on the other hand, were to be provided by the individual states "according to the discipline imposed by Congress."

The Constitution replaced the previous confederations with a central government. However, the double military system adopted because of tradition and lack of centralization during the Revolutionary War was perpetuated under the Constitution. The central government held the authority to maintain professional forces, but the separate states retained compensatory power in the militias. The power was checked and balanced between the federal governmnet and the states, and so the competition between the two continued.

An Act of April 30, 1790,[9] recognized the established federal military service, as opposed to the state militias. The militia was defined to include every able-bodied man, and the President was authorized to call the militia into service. The law and the practice were two different things, however.

The Knox Plan—Universal Militia Service

At the same time, to strengthen the defense of the United States, Washington's Secretary of War, Henry Knox, submitted to Congress a plan for universal militia training, with only ". . . such exceptions as the legislatures of the respective states may think proper to make, and all actual mariners . . ." [10] All 18- and 19-year-olds would train for one month, and 20-year-olds for 10 days, each year. This "Advanced Corps" would constitute the first line of defense in war and would be unpaid. At 21, each soldier would be given a certificate of attainment of full citizenship. Because citizenship and service were linked, and service was to have been universal, the Knox Plan did relate the "right" and "duty" to bear arms.

Under the Knox plan, the militias would have been divided into sections, which would respond to requisitions for men to form an army for state or federal purposes. In a rebellion or war, Advanced Corpsmen who had been requisitioned could be moved anywhere within the United States while the Main Corps (all men between 21 and 46) would be called up. The Reserve Corps (men 46 to 60) would be called only when the Advanced and Main Corps had been exhausted. Knox would have broadened the role of the militia but kept it at home. Though President Washington actively endorsed it, the plan never became law. The only American armed service proposal which combined universality with the right and duty concept remains merely a discarded idea.

In 1792, the Uniform Militia Act was passed. It stated that "each and every free, able-bodied, white, male citizen" should be enrolled in the militia. Intended to establish uniformity and universality among all the state militias, the law divided responsibility several ways. Free, white men, 18-to-45 years old, were to furnish their own kit and enroll in the local militia unit. States were to appoint the officers and to reach the agreements necessary to achieve true uniformity. Congress held no compulsory power of enforcement. This act remained on the books until 1903. Even today the law states that all male citizens between 18 and 45 are a part of the militia. The words mean no more nor less now than they did in 1792, though some people find in them proof of the tradition of obligatory service.

Through the 1790's and early 1800's, the American military establishment fluctuated in size with the pressure of the foreign affairs, but the basic theory remained the same—maintain only the smallest possible federal standing force, to be reinforced by militia units in crisis.

FOOTNOTES

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[1] Selective Service System Special Monograph No. 1, *Backgrounds of Selective Service*, 2 volumes, Washington, D.C., 1947. Volume II, *Military Obligation: The American Tradition*, p. 15 contains the table.

[2] *Ibid.*, pp. 34–69 lists, but does not count, the laws.

[3] For example, though Pennsylvania has eight provisions concerning compulsion, that Quaker colony never had compulsory militia service.

[4] *Op. cit.*, Vol. 1, *A Historical Review of the Principle of Citizen Compulsion in the Raising of Armies*, p. 34.

[5] Russell F. Weigley, *History of the United States Army*, New York, The Macmillan Company, 1967, pp. 11–12.

[6] Prices taken from U.S. Department of Labor, Bulletin of the United States Bureau of Labor Statistics No. 604: *History of Wages in the United States from Colonial Times to 1928*. Washington, Government Printing Office, 1934, p. 18.

[7] Lt. Col. Marvin A. Kreidberg and Lt. Merton G. Henry, *History of Military Mobilization in the U.S. Army 1775–1945*. Department of the Army Pamphlet No. 20–212, Washington, D.C., GPO, 1955, p. 14.

[8] Samuel Eliot Marrison, *John Paul Jones*, pp. 34–35, 66–72, discusses the problem, then quotes Jones' thoughts on pp. 66–67.

[9] The Act detailed the size and organization of the army and its pay. John F. Callan, *The Military Laws of the United States*. Philadelphia, 1863, pp. 85–86.

[10] *American State Papers*, 1789–1790, Vol. I, *Military Affairs*, contains the Knox Plan, pp. 6–13.

SUSPENSION OF DAVIS-BACON ACT, AND SOME INTERESTING FACTS ON CONSTRUCTION WAGE RATES FROM THE ST. LOUIS CARPENTERS DISTRICT COUNCIL

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1971

Mrs. SULLIVAN. Mr. Speaker, the House later this week is to take up the bill, H.R. 4246, to extend standby powers of the President to stabilize wages and prices, and to extend the authority of the Federal Reserve Board and the Home Loan Bank Board to establish flexible interest rates on time deposits.

This bill was reported last Friday by the Committee on Banking and Currency after a rollcall vote of 30 to 3. What was an extremely controversial measure when recommended by our committee last year, and was bitterly debated last July 31 on the House floor, now appears to be largely noncontroversial. Secretary of the Treasuary John B. Connally testified before us on February 23 that the administration is now willing to "accept" section 2 of the bill dealing with standby price and wage control authority, even though the President had denounced us for giving him this power last year. But Secretary Connally added that the President has no intentions under present circumstances of establishing "general wage-price controls without a specific mandate from the Congress."

However, in answer to questions, the Secretary said that while there were no present plans for a general price and wage freeze without further mandate from Congress, he did not "rule out—I don't rule that out at all" that it might be used in a specific situation such as in the construction industry. This was in response to questions dealing with then-current newspaper articles that a wage-price freeze in the construction industry was imminent.

To our surprise, the President that afternoon announced not that he was invoking price and wage controls in the construction industry, but instead was suspending the Davis-Bacon Act, which provides for the payment of prevailing wages on government construction projects.

QUESTIONABLE EFFECTIVENESS OF SUSPENSION OF DAVIS-BACON

As a result of the President's action on Davis-Bacon on February 23, our subsequent hearings on the price-wage control legislation that week included numerous references to the Davis-Bacon Act action, and the questionable effectiveness of such a step in combating inflation.

In fact, Mr. William E. Dunn, executive director of the Associated General Contractors of America, the major trade association in the heavy construction industry, said the President's action in suspending Davis-Bacon "may have some benefit in years to come but it will certainly not stop the terrible inflation with which we are now confronted." Mr. Dunn stated that, in his opinion, Davis-Bacon should have been repealed or suspended "years ago", terming it a depression-era statute. A question of mine then led to the following colloquy:

> Mrs. Sullivan. If the suspension of the Davis-Bacon Act will have no real effect on construction in the major industrial centers, where will it have any consequence—only in the areas where wage rates are already much lower than the national average?
>
> Mr. Dunn. I think it will have effect in those areas that border on the industrial areas. We have kind of analyzed it this way, Mrs. Sullivan.
>
> In the metropolitan areas like New York, Chicago, San Francisco, Boston, the union agreement will take care of the rate that will be paid regardless of what the Government says.
>
> In the South where it is largely open shop and in the South and Southwest very much it will be the prevailing rate regardless of the Davis-Bacon. But in the inbetween you will find the Mason-Dixon line area, I think in the areas away from the metropolitan area, and the gray area, you will find it will have some difference.
>
> There will be difference in competition and there might be some strong reaction to it. That is where it will have some effect.
>
> Let me make one thing clear. It will have no effect on the increases for 1971 anywhere, anyplace, and we expect $1 billion inflation increase; $1 billion in our industry will go up in inflation or down in inflation. It will be wasted unless the controls are put on this year and Davis-Bacon will take hold 2 or 3 years from now.

DECLARATION OF A NATIONAL EMERGENCY

Mr. Speaker, I am not a lawyer and would make no attempt to judge whether the President had the power he claimed on February 23 to suspend the Davis-Bacon Act. The act provides that it can be suspended by the President "in the event of a national emergency." A footnote in the United States Code Annotated indicates that this act could have been suspended between the time of President Franklin D. Roosevelt's proclamations of national emergencies on September 8, 1939, and May 27, 1941, prior to our entrance into World War II, and the enactment of a joint resolution on July 25, 1947, terminating any state of war or national emergency. However, despite our involvement in the greatest war in history, Davis-Bacon was not suspended during that time.

According to the Department of Labor, the only time it was suspended, prior to February 23 of this year, was during a period of about 24 days in 1934 when President Roosevelt suspended it in order to clarify contradictory provision of this act and of the National Recovery Act.

What puzzles me is that in announcing his suspension of the Davis-Bacon Act, President Nixon referred to "emergency conditions in the construction industry," although in his proclamation he found that "a national emergency exists within the meaning of section 6 of the Davis-Bacon Act of March 3, 1931."

I think many people will question whether "emergency conditions in the construction industry" which are not serious enough to warrant the imposition of a price-wage freeze under the standby authority we gave the President last year to fight inflation can nevertheless constitute a "national emergency" for the purpose of suspending a law providing for fair wages on Government construction work. But, Mr. Speaker, as I said, as a nonlawyer I would certainly not consider myself qualified to make that judgment. But the circumstances do puzzle me.

LETTER TO PRESIDENT NIXON FROM ST. LOUIS CARPENTERS DISTRICT COUNCIL

I was prompted to look into this background, Mr. Speaker, on receipt today of a letter from Mr. Ollie W. Langhorst, executive secretary-treasurer of the Carpenters' District Council of St. Louis enclosing a copy of a letter he had written on behalf of the Council to President Nixon.

Mr. Langhorst told me his union members feel that if the President does not choose to use the power given him by Congress to invoke wage, price and profit controls in emergency situations, but chooses instead only to suspend protections on construction workers' wage rates on government contracts, then perhaps Congress should not extend the price-wage control authority. I disagree with that position—I think the standby controls should be continued. However, many of the points made by Mr. Langhorst in his letter to the President are extremely thought-provoking and worth reading by every Member of Congress for the information his letter imparts. Under unanimous consent, therefore, I include it as part of my remarks, as follows:

Carpenters' District Council of St. Louis,
United Brotherhood of Carpenters and Joiners of America
(Affiliated With the American Federation of Labor)

St. Louis, Mo., *March 3, 1971.*

President Richard M. Nixon,
The White House
Washington, D.C.

Dear Mr. President: As a result of your proclamation suspending the Davis-Bacon Prevailing Wage Provision on all Federally financed construction projects, I, as the Executive Officer of the Carpenters' District Council of Greater St. Louis, have been instructed by our membership to voice our objections to your action.

Recently, the Federal Government has been putting a great deal of pressure on Building Trades Unions because of alleged discrimination (employment of sufficient numbers of Minority Group workers). Yet, your action against the construction unions is precisely the same thing in reverse—discrimination against the construction unions (a minority group).

If you are serious about controlling inflation, why didn't you use the power granted to you by Congress to control prices as well as wages in an emergency situation, which you have said this is? This would have at least affected everyone equally.

We object to the fact that your action does not prevent contractors from bidding on Federally financed projects at the rate of four, five, six or seven dollars per hour for construction labor, and then, should they get the job, turn around and actually pay non-union "scabs" the minimum wage of $1.65 per hour thus allowing the contractor to pocket a handsome profit.

Your order will only enhance the position of non-union contractors and other "fly-by-night" unions who are working hard to destroy the decent wages and conditions that it has taken our unions many years to build up. Allowing this to happen would be like operating the Government in 1971 with a 1776 Congress.

You are continually referring to construction labor rates as being inflationary, but, at the same time, Department of Labor figures indicate differently. The average construction worker puts in only 1200 hours per year versus 2080 hours per year for the average factory worker. Any advantage in hourly wages by building tradesmen is more than offset by fewer hours work per year.

Although you have placed heavy emphasis on the idea that wage increases in the construction industry are adding considerable fuel to the fires of inflation, the following table shows construction workers are actually *lagging* in take-home pay compared to auto, oil and chemical workers.

Industry	1964 annual earnings	1970 annual earnings	Percent increase hourly earnings
Construction workers	$6,579	$9,822	49.3
Motor vehicles	7,814	10,393	33.0
Petroleum refining	8,447	11,175	32.3
Chemical workers	7,717	10,279	33.2

It must also be taken into consideration that construction workers face extreme hazards every day that industrial and white collar workers do not have to contend with. Surely there must be some extra compensation for these hazards.

Comparing construction wages with another group closely associated with the Presidency, namely government employees, Department of Labor figures show that federal employees have fared better than construction workers between 1964 and 1970.

In 1964 a construction worker employed on general building construction earned an average of $6,579. A government employee with comparable earnings was a grade 8 who earned $6,390. By 1970 the construction worker was averaging $9,822 while the grade 8 government employee had jumped to $10,152. Putting it another way, the construction worker in 1964 earned $189 more than the Grade 8 government employee. In 1970 the construction worker's annual earnings were $330 *less* than that of the government employee.

A recent article in the *Wall Street Journal* reiterated what the Building and Construction Trades have stated repeatedly in recent years, namely that wages are not the primary cause of higher construction costs. You cannot overlook the high cost of materials, interest rates, land values, contractors and real estate profits. The percentage of increase for these costs is higher than those for labor. This further substantiates the fact that your action is discriminatory.

Unfortunately it appears that the construction industry one again may become a convenient "whipping boy". We get the feeling that political considerations outweigh economic ones in this Administration's thinking.

You have often made the point, Mr. President, and we agree, that labor unions are among the strongest organizations in this country. We take that as a compliment, because the labor movement truly represents the people—all the people, not just union members—of this great nation. As Mr. George Meany once said, Organized Labor is the "people's lobby." Your act, Mr. President, will only work to weaken a link in our society that has worked hard to preserve the American way of life. We have watched as police and law enforcement agencies in our cities have been weakened by government actions and Supreme Court decisions. This union-busting tactic is punching yet another hole in the fabric of our society. Such holes make it easy for extremist groups—including Communists—to rush in and work that much harder in their disgusting efforts to destroy our society. We cannot in all good conscience, stand by and see that happen.

Destroy America's unions and you have destroyed the only major viable force working for the average American.

These are the objections voiced by our Council Delegates at our meeting on February 23, 1971. As requested by the Council copies of his letter have been sent to Missouri Senators and Representatives and signature sheets of the Delegates are attached. These delegates represent over 11,000 union carpenters in the Greater St. Louis area. We trust that you will seriously consider these objections and rescind your proclamation order.

Mr. President, you came too late with too little!

Sincerely,

OLLIE W. LANGHORST,
Executive Secretary-Treasurer.

HE SHOT STRAIGHT

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1971

Mr. NELSEN. Mr. Speaker, Alan C. McIntosh, contributing editor of the Star-Herald, Luverne, Minn., has written a real "corker" of an editorial about our former colleague, Congressman Ben Reifel. I know many will find it of great interest, and I include it in the RECORD at this point in my remarks:

HE SHOT STRAIGHT AND COURAGEOUSLY

The average newspaperman doesn't have many heroes.

Why?

Because he has seen too many glamour personalities concealing feet of clay.

We have a hero . . . who is an inspiration in these days when there is an over supply of demagoguery and a shortage of integrity.

There are too many of us who think of ourselves and our future well being first and our country last. He always thinks of America first.

Our nomination for one of the great men of America is former South Dakota Congressman Ben Reifel.

He talks and thinks as straight as a Winchester.

The "pop" song "you've come a long ways, baby" applies to Reifel.

While others sit on their rockers and cried themselves to sleep with self pity and burning resentment at America Reifel had gone from a South Dakota log cabin to a doctorate at Harvard and a seat in congress.

He remembers his Indian grandmother who never gave in to the white man's ways. She ate all her meals sitting on the floor.

There was no farm door busing to school for the Indian youth. He walked. He had to leave the reservation to attend high school 250 miles away.

He never felt downtrodden or poor.

Right now it is socially and ideologically "in" to weep and wail for the "poor Indian."

Reifel comes in conflict with some of the most violent of the red militants.

"The Indians had this whole country for 25,000 to 30,000 years and yet never had more than one million persons," he said, "and if that is ecology and if that's life, natural balance, I don't want it.

"Very few of our people are really exercising the advantages available to them under the establishment."

Reifel is all for having the Indian adopt the white American's "time work savings syndrome" and future orientation.

Many of us have grown up believing the myth that the Sioux were the mightiest, the most courageous, the most advanced of all the tribes. Reifel sets the record straight on that. The Sioux were woodsman people in Wisconsin. Then the Chippewas got guns and power while the Sioux continued as bow and arrow people, no match for the Chippewas. They conquered the horse and then the buffalo, he said, then transferred their religion to the sun.

Reifel says Indians today must adapt themselves as the tribes of old did . . . and they must turn their backs on the past if they are to succeed and survive.

Unlike so many who never know when to quit the Indian congressman, who had left such an indelible mark on South Dakota for integrity and courage, called it "finis" at the age of 64.

He will be long remembered . . . another hero who shot straight, who didn't talk with "forked tongue" and whose integrity was 18 karat.

His success in life . . . starting from a barren, wind swept, lonely reservation to success should be an inspiration for any youngster and a rebuke to those minority cry babies who moan they "never had a chance."

It was a loss to South Dakota and America when former Congressman Reifel retired from political life.

THE MEDICAID PROGRAM

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1971

Mr. WALDIE. Mr. Speaker, the medicaid program continues to be the subject of significant controversy in many States. The program in California has been embroiled in continuing crisis. I would like to submit to my colleagues some comments recently made on this subject by Dr. George Degnan, medical director of Contra Costa County Medical Services. His suggestion for a prepayment plan is worthy of note because of his long experience with health-care services. I find Dr. Degnan's comments exceptionally interesting in the light of the prospective reimbursement plan for medicare and medicaid now before the Congress.

Dr. Degnan's comments follow:

Medicaid and Medi-Cal have recently and repeatedly made the following statements to their fiscal crises:

"We must find ways to close this open ended contract.

"We must find a means of creating incentives for economies.

"We must find alternatives in the method of delivering health services."

I would like to respond to the above challenge.

I am prepared to negotiate immediately a contract on a capitation (pre-payment) basis with the State and Federal Government. This would accomplish the following:

1. Close the open ended exposure of the Federal and State Government under the present system, because obviously their commitment would then be limited under such a prepaid arrangement.

2. Sponsor built-in economies on the part of the vendor as he will be only receiving so much per head to keep people well.

3. Promote new methods in getting people well and keeping them well. The Fee-for-Service System neither promotes nor allows for prevention. The Fee-for-Service System offers no award for health maintenance.

4. Initiate comprehensive care philosophy, and consider the patient always as a whole. Fee-for-Service meets the needs not the demands and thus only considers a part of the patient.

5. Offer a challenge to the medical industry to come up with new methods in delivery. Our success on a capitation contract would pressure the medical care indutry to negotiate beyond just the amount of the fee.

6. Avoid a large expenditure in paper work required in itemization and billing in the Fee-for-Service System.

According to Medi-Cal records our County Medical Services give a more comprehensive (liberal use and choice of drugs, appliance, etc.) at 30% less cost than main stream.

In other words, we can offer for less cost a more comprehensive program including the promotion of health than presently available elsewhere in the present system.

This is not a dream. This is what we are doing.

CINDY GOATLEY WINS ARKANSAS VOICE OF DEMOCRACY CONTEST

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1971

Mr. HAMMERSCHMIDT. Mr. Speaker, it is with much pride that I place in the RECORD today a speech by a fine young constituent who has won the annual Voice of Democracy contest in Arkansas, sponsored by the Veterans of Foreign Wars and its Ladies Auxiliary.

Miss Cindy Goatley of Harrison, will represent my State in the national competition in Washington.

I commend to your attention her speech on the contest theme, "Freedom—Our Heritage."

The speech follows:

FREEDOM—OUR HERITAGE

(By Cindy Goatley)

Leading America through our blackest pages of history is freedom. She shines as a beacon in an oppressed land; she rises tall above the highest mountain; she encompasses the area of the world; and she leads our country with the bearing of greatness. Freedom has been shouted and sought in every nook of the earth. Where oppressed, she seeks to rise again, and where accepted, rules with dignity. We Americans are blessed with her presence. Our ancestors have sought and found her, died painfully for her, but been rewarded, and walked hand in hand with her through the ages. But some of us do not realize the implications of freedom. Some of us do not realize its cost and its need for preservation. Before these statements are considered, one question must first be answered: What is freedom?

Liberty, democracy, free, independence: all these ideas compose a small portion of freedom. Webster defines freedom as a state of not being subject to an arbitrary external power. This positive concept of freedom, literally practiced, would lead to anarchy, and the triumph of the strong over the weak. We cannot call this freedom; because, tyranny, triumph of the strong over the weak, is the very idea that was opposed so violently in our Declaration of Independence. Oliver Ellsworth, a proponent of the Constitution of 1787, declared that "those who wish to enjoy the blessings of society must be willing to suffer some restraint of personal freedom." This must be true, because the world is not composed of individuals, but of organized societies who exist together in an intricate network of specific relations between their freedoms. Freedom in a democracy should not be defined as doing as one desires, but as a relationship between the varied desires of different human beings. As has been said many times before, my freedom ends where yours begins.

Why do some Americans today not realize freedom's actual worth or its cost? This is, in essence, answered by the simple fact that we did not have to fight or die for our freedom. We were born with it and assume it will always be there. The early Revolutionists felt very deeply about freedom. Thomas Paine wrote, "It is dearness only that gives everything its value. Heaven knows how to put a proper price upon its goods; and it would be strange indeed if so celestial an article as freedom would not be highly rated." Yes, freedom was rated highly. It was valued above all other possessions, therefore its price is high. How else could troops of untrained Revolutionaries numbering 12,000 men, defeat the mighty British soldiery numbering 18,000? Everything was sacrificed for our freedom, thousands died, acres of property were destroyed, so very much was suffered, but endured!! How firm the dauntless Revolutionaries remained in their endeavor! All this so that the bright beams of freedom might pierce the darkness of tyranny forever. As Nathaniel Niles wrote in a poem:

> "Life for my country, and the cause of freedom,
> Is but a trifle for a worm to part with;
> And, if preserved in so great a contest,
> Life is redoubled."

The observing eyes of the world are upon our nation.

They are watching us and waiting to see if we can govern ourselves and remain free. All despots await, prepared for action, ready for the moment our intricate structure begins to crumble, and when we are, in actuality, unfree. At this time, they will dethrone freedom and drag the chains of oppression across our soil. This day must never come! America is too great for any such catastrophe to undo that which all men for hundreds of years have been fighting. Our forefathers have struggled too hard to allow any one nation to destroy the hand of freedom. The people are the hope of a nation, especially our nation in which all power is vested in the people. Only we can seek to preserve freedom. She is not indestructible; but then, neither is life.

I have discussed freedom: its meaning and its greatness. I have attempted to realize the cost and worth of freedom and its need for preservation. May we all come to full realization of the joy of freedom, as it is almost as great as the gift of life. Soon may we feel as strongly toward it as did the great Thomas Jefferson who wrote of America:

> "Its soul, its climate, its equality, liberty, laws, people, and manners. My God; how little do my countrymen know what precious blessings they are in possession of, and which no other people on earth enjoy."

HUNTING FROM AIRCRAFT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1971

Mr. ANDERSON of California. Mr. Speaker, I am today introducing legislation designed to prohibit the shooting of wildlife from an airplane.

This piece of legislation would have the effect of putting an end to one of the most unsportsmanlike practices known to mankind—the hunting of wildlife from aircraft.

According to experts, there are only 5,400 of all species of wolves to be found on the North American Continent. Of that number, 5,000 are to be found in Alaska. In the past 4 years, approximately 1,000 wolves per year were killed in Alaska alone, and in 1968, one-third of that number were killed by airborne hunters.

Some species of the wolf have been classified as an endangered specie by the U.S. Department of the Interior. Yet, we continue to allow bounty hunters to kill and deplete the remaining wolves by shooting them from aircraft. In the past 5 years, hunters in Alaska have killed more wolves than now exist in our entire country.

It is obvious, I think, that there are many people who sincerely question the "sport" of shooting any animal from an aircraft. Anyone interested in preserving wildlife; anyone with a sense of fairplay, will grant that killing animals from an airplane is hardly legitimate sport.

This bill does not prohibit research by university or other qualified personnel, nor does it make it unlawful for authorized agents to use an aircraft in carrying out their regular duties in protecting land, water, and wildlife.

Mr. Speaker, we have an obligation in this country which we have not lived up to very well in the past to protect and preserve for future generations every species of animal which has inhabited this land. It has been estimated that before the age of civilization, species became extinct at a rate of one per thousand years. Today, the rate is one lost specie every year, for mammals alone.

I feel that this legislation will do much to protect wildlife and preserve our remaining animals for future generations.

SST: BOOM OR BUST?

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1971

Mr. HUNGATE. Mr. Speaker, the following article on the SST from Trial magazine January–February 1971, should be of interest on this current controversy:

SST: BOOM OR BUST?

With the ultimate fate of the SST still uncertain, vague hints are surfacing that the nation's airlines, already plagued by financial difficulties and declining patronage, would breathe a guarded sigh of relief if they were not compelled by competition to make the heavy financial outlay required for the "beasts of the sky."

These hints take various forms: the president of one major line describes the Anglo-French Concorde SST as a "financial loser"; another airline hedges on contracting for the Concorde by demanding a whole new battery of safety tests; a third line considers reducing the number of flights on some 'cream puff' routes because of drastic drops in patronage; yet another carrier reveals plans to reduce its fleet by public sale of some of its medium-range aircraft.

RACE RELATIONS: A NEW MILITARY MISSION FOR THE NEW AMERICAN REVOLUTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1971

Mr. RARICK. Mr. Speaker, change has now befallen the Army in keeping step with the machinations of the new American revolution. Instead of training men for combat to defend our Nation and people, they are now to undergo compulsory indoctrination in social justice for the benefit of the politicians.

Apparently those in charge do not feel an American is qualified to serve his country unless or until he first understands equality and brotherhood. The training schedules will be redrafted to include basic training and drill in race relations by the numbers. Apparently it does not matter to some whether our soldiers are trained to shoot; they must be unprejudiced.

Many will recall that the Russian and German Armies had dual command officers; that is, officers for the combat mission and officers for political indoctrination of the troops. In the German Army it was the SS, and in the Russian Army it is an ideological commissar whose duty is to see that the Russian soldiers must constantly be reeducated to the works of their glorious Communist leaders. Most impartial observers have always considered that the psychological officer's principal objective was to check morale and—by brainwashing as to the political system—prevent a military backlash or coup.

Yet, as the United States is faced with the most serious threat ever to our people, our leaders give us a Kerensky-like army by denying our men their first amendment freedom of association—which under their constitutional oath they have sworn to preserve and defend. As soldiers they are to be ordered to forgo their freedoms and submit to brainwashing.

These leaders would have us believe they advocate a volunteer army. Who would volunteer? The Peace Corps and VISTA idealists? Flower children? Peace workers for a peaceful army?

Mr. Speaker, if it were not so serious, the desecration of the military by the new American revolution would be hilarious. A soldier will be subject to court martial for insubordination in disobeying an order to love.

We must remember what has happened in history to politically dominated armies.

Just wait until our young men learn that if they exercise their first amendment freedoms that they are sworn to defend, then they are disqualified for military service. One wonders how many hours of sensitivity training they must undergo without giving up their freedom before they can be classified as unfit for military service. Perhaps we need a new draft classification of 1-F for first class free men—those who reject brainwashing and choose to retain their constitutional rights.

It will not be necessary for free men to go to Canada or Sweden to avoid military service. They need only tell their commanding officer they believe in the right to discriminate and intend to exercise their freedom.

And the political leaders think race relations offers a solution to the race problem in the military. What white man would not resent being ordered to attend classes on "The Black Soldier in History," being told that black power is but a legitimate process to gain economic benefit and political power for another minority; and that the Afro haircut and dress are but evidence of this group's unity. Military duty is bad enough without troops being ordered to believe that which they know is false.

There will be no solution to the race problem in the military because many of those in command do not even understand the problem. Rather than solve the problem that they refuse to comprehend, they would only exacerbate it by political solutions at the expense of losing the army. What man can respect or have confidence in any officer or commander whose commands are false?

If there are those black soldiers who do not want to be white, there are also white soldiers who do not want to be black. If it is an alternate solution they want, why not provide for separate racial units where each race can be with their own kind. Let them compete against each other as identified units rather than in disharmony among each other.

Segregation? So what if it gives our country back an effective fighting force instead of converting the military into a compulsory civil rights task force. Time will tell but time we do not have for political games.

I insert several newsclippings:

[From the Washington Evening Star, Mar. 6, 1971]

RACE RELATIONS PROGRAM SET FOR ALL IN MILITARY

(By Thomas A. Johnson)

"The military's job is to fight and not to lead social revolutions."

This has been a common argument of professional soldiers who opposed the moves, during the late 1940's, to integrate black and white servicemen.

But a Department of Defense move yesterday—announcing a compulsory education program in race relations for the entire U.S. military—put the armed forces even deeper into a leadership role in this particular American social revolution.

And the all-important reason for the move was simply that if the now heavily integrated American military is to be prepared to fight a foreign enemy, it must first solve internal racial difficulties that have plagued the services at home and overseas for the last three years or so.

AIM SET FORTH

In a telling paragraph, Defense Secretary Melvin R. Laird declared yesterday that: "The primary purpose of the program . . . is to achieve a more harmonious relationship among all military personnel so that organizational efficiency and combat readiness will not be impaired by racial unrest, tension or conflict."

The Department of Defense program, which also includes setting up a permanent defense race relations institute, points up the integral roles played by an 11 percent black minority in the services and a "turnabout" in racial attitudes on the part of young blacks serving in today's armed forces.

The re-enlistment rates of black enlisted men usually run two to three times higher than that of whites, so that about one out of every four Army sergeants first class is black and two out of three Army basic training drill instructors are black. While black officer recruitment rose sharply during the early 1950's, it has fallen off in recent years because of competition from industry for black college graduates.

NEW ATTITUDE ARISES

But it was a new attitude on the part of young black draftees and enlisted men that brought first the military's racial difficulties and now the military's race relations education program and the institute.

The new young black soldier was not yet in school when the U.S. Supreme Court decision of 1954 outlawed segregation in public education. Television, with its incomparable capacity to raise expectations, was his babysitter and he grew to young adulthood during a time of protest demonstrations, bombings, riots and subsequently, the near-religion of the new black consciousness.

The young black took his experiences into the military, a functionally integrated establishment that had wide vestiges of institutional racial discrimination. He objected immediately, vocally and often violently to what he found.

Racial brawls—some resulting in deaths—erupted at bases at home and around the world.

SOLUTIONS ATTEMPTED

An irregular patchwork of attempted solutions followed. On one hand, the military set up race relations councils, special investigations and equal opportunity enforcement officers to settle race-related problems. On the other, field commanders tried to use special discharges, pretrial confinement in the stockade and transfers to other units to do the same.

But the major recommendations by a Pentagon task force that looked into racial problems in Europe last fall were for universal military race relations programs and stronger efforts by field commanders to push such programs.

"If it comes from the top, from commanders and from the Secretary of Defense, it makes a difference and the difference is tremendous," said L. Howard Bennett, the black director for equal opportunity in the armed forces.

Bennett predicted: "This move should have a telling effect on the civilian community also. We will have some 25 million Americans in the military undergoing repeated study of how to help solve racial problems. This must have an impact on the civilian society because there has never before been such a widespread systematic educational attack on America's most pressing problems."

[From the Army Times, Feb. 24, 1971]

FORT DIX RECRUITS RECEIVE TRAINING IN RACE RELATIONS

FORT DIX, N.J.—A new four-hour block of instruction has been incorporated into the basic training curriculum here dealing with race relations in the Army.

During the first hour of instruction most of the time is devoted to the material contained in a feature from Conarc entitled "The Black Soldier in History." This introduction is designed to highlight the considerable achievements of the black soldier. In succeeding hours, soldiers learn steps to be taken to promote racial harmony. The trainees then are familiarized with racial problem-solving agencies within the Army and how to get in touch with them.

Soldiers are taught that "Black Power" is a term used to describe a process that every immigrant and minority group in America has gone through, namely the unity of a group to gain economic benefits and political power commensurate with the group's numbers. The soldiers gain an insight into the fact that the black power sign and salute, the Afro, and the distinctive dress are all part of the group unity.

[From the Army Times, Feb. 24, 1971]

German Youth Learn of U.S. Race Problems

Heidelberg, Germany.— Understanding America's race problems is tough for Americans, but for Germans who have had little contact with Americans and practically no direct experience in American relations, the problems can be utterly incomprehensible.

The Heidelberg chapter of KONTAKT (a German-American Youth Activities Group) recently got together on a Sunday afternoon in an effort to share their problems.

Some 80 Germans and Americans gathered here recently for a showing of "Black and White: Uptight", a race relations film presently making the training circuit throughout USAREUR. After two showings of the movie, the group, moderated by Rich Porter, a black soldier serving on the USAREUR and Seventh Army Troops Human Relations Committee, broke into an open floor discussion of the movie and related issues.

Before its end, the discussion had touched on everything from Black Panther politics to housing in Heidelberg.

Since the program was intended primarily as an orientation session for the Germans, many Americans were surprised at the depth of some of the German's understanding of the problems. For many of the Germans, however, some questions that had previously appeared to be simple right-or-wrong moral issues, began to take on complicated and confusing overtones.

German reactions varied from "The movie was strictly a whitewash," through "Oh, those problems only occur occasionally in the Southern States," and "The problems will only begin to be solved when capitalism fades," to "You Americans really don't understand your own problems."

Most of the Americans were willing to admit that they had trouble understanding their problems and that the solving of the problems would involve a long and painful universal effort.

Although the movie had its weaknesses and the discussion participants came to more confusions than conclusions, the program was considered a success, because as Porter said during the discussion, "The most important thing we can do to bring about solutions to our problems is to wake people up to the problems and to keep them aware.

Blacks Get Break in ROTC Grants

(By Larry Carney)

Washington.—The Army is setting aside several hundred ROTC scholarships annually specifically for blacks and other people residing in poverty areas in an effort to attract more minority members to the officer corps.

The new minority officer procurement program—just approved by office of the deputy chief of staff for personnel—is aimed mainly at attracting more black officers. The package contains a whole host of recommendations for increasing black officer membership in the Army.

"They're the country's biggest minority group but make up only three percent of our officer corps," one Pentagon officer told Army Times.

If current trends continue, this percentage will drop still further. In 1965, 3.5 percent of the first lieutenants in the Army were black. This percentage dropped to 1.9 percent in 1970. "Other company grade statistics are comparable," officials said.

"Ideally, the Army would like to see an officer corps that represents the fabric of the country. In the case of blacks this would mean an officer corps of 11 percent to approximate the percentage of blacks in the total population," officials said.

Beginning immediately, the Army plans to:

Sharply increase the number of blacks, Spanish Americans and Mexican Americans enrolled in officer candidate school (OCS) courses.

The Army has established a procurement objective for the OCS college option program (limited to civilian college graduates) of eight percent black and four percent Mexican American or Spanish American. For in-service recruiting, it has established a recruiting objective for 11 percent blacks and four percent Mexican or Spanish American.

Make black officers "more visible" on college campuses, in ROTC recruiting, and in ROTC summer camp assignments. This means, more black officers will be assigned to ROTC duties. Four percent of the officers currently assigned to ROTC duty are black. This compares with a 2.5 percent average of black officers Army-wide.

Encourage more predominantly black colleges to host ROTC units. Of the 120 predominately black colleges, only 17 have Army ROTC units. Of those schools which do not have ROTC or who have applied for ROTC, only seven have the capacity to produce the 20 or more graduates annually to make an on-campus program worthwhile.

The Army feels the fastest way to increase black officer strength is through ROTC. The Military Academy has made great strides in increasing the number of blacks in their new classes in recent years, going from .7 percent in 1968 to 3.1 percent in 1969 and 2.9 percent or 40 cadets in 1970. Eighty-seven blacks are currently enrolled in USMA. This upward trend won't make much of a dent in overall black officer totals.

With OCS being reduced, there appears little chance that any great increase in black officers can be accomplished through this procurement source. The Army only gets about 20 black officers annually through the direct commission route—mainly doctors and chaplains.

So it's up to ROTC. Blacks currently make up about eight percent of the ROTC enrollment. This is about the same level as the national black enrollment on college campuses. Officials point out, however, that only 2.5 percent or 138 of all scholarship cadets are black. While the eight percent appears to be high, the black attrition rate is so high that only a small percentage ever complete the course and enter the Army as second lieutenants.

To get more blacks and other disadvantaged people into ROTC, the Army has approved a plan to award one four-year scholarship annually to a cadet graduate of each of the 136 Junior ROTC or National Defense Cadet Corps schools located in poverty areas designated by the Office of Economic Opportunity. Students selected must be qualified for the scholarships just like other scholarship recipients.

Approximately 110 of these JROTC and NDCC schools are located in predominantly black areas. A dozen or more schools are predominantly Mexican-American while the remaining schools are located in poor white neighborhoods. The remaining 85 four-year scholarships will continue to be awarded on a national competitive basis.

In addition to the four-year scholarships, the Army plans to award 75 of the 400 three-year scholarships it gives annually to students from low-income families. This will be to students from families who earn less than $6000 annually.

The Army has identified about 1400 active duty black E–5s and E–6s with two years or more of college who it feels are qualified to apply for OCS. "Each of these men will be counselled by his battalion commander regarding the OCS program and encouraged to apply for OCS," the Army said.

"We are also screening the records of all blacks in the lowest four grades who have two or more years of college as potential OCS students," officials said.

The Army plans to assign still more black officers to ROTC duty. Forty-seven black officers have recently been added to the staff of the professor of military science (PMS) at 47 predominantly white institutions. Black participants on the PMS staff at white institutions is considered essential to help in attracting black students to join ROTC. Although precise figures are not available, minority participation in ROTC at predominantly white institutions is low. There are no black PMSs at white schools.

Active duty commanders of ROTC summer camps are also being urged to place black officers in "high visibility" command and staff positions. To do this Continental Army Command is making plans to require black officers to attend camps rather than remain at their institutions over the summer break.

In addition, the Army has approved the assignment of 16 minority officers and 15 minority civilians to recruiting duties. Located at Department of Army, CONARC, and each of the five CONUS armies, they will have the single responsibility of organizing and supervising procurement of ethnic minorities for the Army Officer corps. The offices will have information on ROTC, USMA and OCS.

[From the Army Times, Feb. 24, 1971]

Westmoreland Asks More Community Service Work

Washington.—Army Chief of Staff Gen. W. C. Westmoreland has called for more commander attention to Army Community Service programs.

In a message to commanders, the Chief of Staff said "ACS volunteer service requires expansion to insure wide community participation and the development of a larger support base in order to provide greater assistance to the military community. Of prime consideration in attracting volunteers is the opportunity provided to all segments of the community to make a worthwhile contribution to the community's welfare."

Westmoreland said volunteer support must be actively solicited and encouraged on every post to insure ACS aid is available to all.

The message follows comments by the Army leader at the annual commanders conference in Washington late last year. "I wish to place far greater emphasis on the ACS program to take care of families better," he said, "and improve service attractiveness to Army wives."

Dispatched as the Chief of Staff departed on a 17-day oversea visit, the message said "the unique capability of ACS for troubleshooting difficult family problems, identifying emerging community needs, and developing new responses to meet them must be fully exploited." To maintain flexibility, he said, ACS must complement, rather than incorporate, established programs such as survivor assistance, retired affairs, housing referral, domestic action activities and simiiar personnel services.

Westmoreland called on commanders to:

Make "every effort" to stabilize the assignment of key administrative and professional personnel with ACS to develop effective and continuing programs "for our highly mobile population," and

Actively support staff training programs to develop and maintain good standards of ACS service throughout the Army.

"Vigorous publicity efforts are required to make ACS a household word for all our personnel," Westmoreland said. "To this end, all, company, battery and troop commanders—at whose level requests for ACS assistance normally originate—must be knowledgeable of ACS functions and the important role of ACS in the reduction of Army family problems.

"I firmly believe that the ACS program will play an increasingly important role in our move toward the zero draft and I expect every commander to give his personal support," the Chief of Staff said.

Reports of new and successful ACS endeavors are to be sent to the Pentagon for evaluation and Army-wide use.

[From Army Times, Feb. 24, 1971]

USAREUR UNITS SOON TO BEGIN HIRING KPS

(By Felicity Hallanan)

HEIDELBERG, GERMANY.—Civilian KPs are going to be introduced in messhalls in Europe much sooner than expected.

What's more, the recent DoD directive instructing commands to get the troops out of the kitchen may be an unexpected bonus for military families overseas who are in need of some extra cash.

With dependents included as people who can be hired locally for KP duties, hundreds of wives and teenagers who normally remain jobless while they're in Europe may have a chance at some work.

The request is now being considered by the Army, but predictions are that it faces a rocky road.

Setting up operations for the change, U.S. Army Europe (USAREUR) officials are far ahead of a Pentagon request to have civilian KPs functioning over here by the beginning of the next fiscal year.

Instead, USAREUR is ready to start hiring, and plans to spend an estimated $3.5 million during the next five months of FY 71. Cost for the following year will be around $13 million.

About 3,500 spaces are waiting to be filled in USAREUR messhalls. In some areas it may be difficult to hire local national workers for these jobs because of a general labor shortage throughout Germany.

While sufficient funds have been found to make it possible for the command to offer attractive wages, there simply are not enough people in West Germany today looking for jobs.

That's where dependents would be most welcome. The result should be beneficial for both sides, providing work for Americans who want and need it and filling slots USAREUR needs filled to get the program going.

Units which are already spending nonappropriated funds to hire civilians to handle KP will be the first to receive appropriated funds, probably by the first of March. This is logical because they already have set up a system and hired personnel for the work.

About 644 civilians are presently paid for out of nonappropriated funds, while another 400 are estimated to be hired by individual soldiers.

Requirements of messhalls differ, depending on the kind and size of establishment. As a rule messhalls should have two KPs for the first 50 people using the facility, then one for every 50 people after that.

New working hours will have to be set up for the civilian KPs, particularly those wives and mothers who take on the job and want to be home evenings.

LA GRANGE EARNS GOVERNOR'S AWARD

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1971

Mr. PICKLE. Mr. Speaker, for the first time ever, the Governor of Texas, the Honorable Preston Smith, has named a small Texas city as recipient of the Governor's Award in recognition for citizen's participation in the preparation of a comprehensive plan.

The winner—La Grange, Tex., is in the 10th Congressional District. This high honor comes as no surprise to the people who know this city to be one of the most progressive of its size in the entire State, or even the entire Southwest.

La Grange was chosen for this award, because they went several steps further than do most cities. In the preparation of the city's comprehensive plan, La Grange offered direction and guidance for their consulting engineers, whereas most cities hang back waiting for the professionals to come up with a recommendation.

La Grange, however, is blessed with strong individuals who know what is best for their own city. Mayor L. W. Stolz and his council members picked a very capable engineer to do the work, but then added their own insights to the program.

Thus, this city is the first recipient of the Governor's Award since the inception of the 701 planning program for small cities. La Grange earned the honor—its citizens will always have a strong voice in their own future and I add my congratulations to the Governor's.

OF GREAT IMPORTANCE TO AMERICA

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1971

Mr. SIKES. Mr. Speaker, the article, Time of Action, by Kenneth B. Pomeroy who is chief forester of the American Forestry Association, appeared in the December 15, 1970, issue of Southern Lumberman. It is a very timely and needed summary of some important facets of the forestry legislative programs which I would like to bring to the attention of my colleagues:

TIME FOR ACTION

(By Kenneth B. Pomeroy)

What are we going to do about private forests?

We have talked about them since Ben Franklin noted a lack of fuel wood within wagon haul of Philadelphia.

We have counted them—4,500,000.

We have measured them—309,000,000 acres.

We have inspected them. Some need planting. Others are cluttered with useless relics of former tree crops. Only 29 per cent are in satisfactory condition.

We have weighed their role in the national economy. They must produce wood more efficiently if future needs are to be met.

All of these observations and more have been documented expertly by the Southern Forest Resource Council in its excellent report *The South's Third Forest*. Additional findings have been reviewed by "Trees For People," a national task force of conservation, industry and public advisors.

The time for talk and study has passed. No magic formula has been found. Nor is one likely to be devised. Techniques that work abroad fit different economic and social conditions. We must rely upon our own proven methods.

The initial stage is to place greater emphasis on activities that forest owners cannot handle adequately by themselves.

Why? Because private forests serve all the people—forests yield pure water; they shelter wildlife; they cleanse the air; they add beauty to the countryside; and they furnish wood for countless uses.

But these vital public services must be provided under threats of loss by fire, damage by wind and attack by diseases or insects. We can help our own cause by reducing the risks so that land owners can practice better forestry. There are several ways to do this.

1. *Protect forests from fire.*

Protection of present and future crops is basic to sound management. Yet 31 million acres, six per cent of all commercial forests, do not receive any protection at all. A much larger area, over 200 million acres, is not protected adequately.

Why does this situation exist? It exists because citizens, you and I, have not insisted that adequate funds be appropriated.

Federal appropriations for cooperative forest fire protection under the Clarke-McNary Act of 1924 have not been made at the level authorized by Congress. The Congress authorized an annual appropriation of $20,000,000, but after much prodding by state foresters, forest industries and conservationists, only provided $16,469,000 for the current year.

This key forestry appropriation should be increased to the full authorization of inincreased to the full authorization of $20,000,000. It can be and will be only if you insist upon it.

2. *Controlling diseases and insects.*

Disease and insects cause losses estimated in the billions of dollars annually. They attack shade trees in cities as readily as timber trees in forests. Dutch elm disease has changed the appearance of many communities. Gypsy moths defoliate hardwood forests in the Northeast. Bark beetles ravage pine forests in the South. Dwarf mistletoe damages trees in the West. Sawflies and tip moths deform young trees everywhere.

Some of these pests have been held in check in the past with DDT and other chemicals now known to be harmful to animals, birds, fish and people. Urgently needed are new, less-hazardous methods of control. Some promising leads have been found by research workers. Their efforts should be accelerated and intensified greatly.

Appropriations at the Federal level should be increased from the present allotment of $4,783,000 for insect research and $2,810,000 for disease research to at least $10,000,000 for both activities.

3. *Provide technical assistance.*

Technical assistance, some free and some at modest cost, has been available to limited numbers of forest owners for some time. More people should benefit from this service. But 4,500,000 owners are far too many to be aided by 800 cooperative Federal-State service foresters and 300 consulting foresters. At best one public forester can only aid about 100 owners in a year. Consulting foresters are more limited in their contacts because they usually work on larger properties. Add to these limitations the fact that tenure of ownership averages about 15–20 years and it becomes apparent why many forest owners are not receiving the benefits of professional guidance.

The Federal share of the Cooperative Forest Management program is now bumping against its authorized ceiling of $5,000,000 annually. In 1971 the Congress will be asked to raise the authorization in order to meet rising costs of operation. At the same time the Congress and the states should be urged to double man-power on the ground so that technical assistance programs can be implemented more fully.

The ranks of consulting foresters could be expanded ten-fold. These ten, spurred on by private incentive, can perform services a public forester can not provide. For example, a consultant can work on a property as long as it takes to get the job done, whereas a public forester may be limited to three or four days in which to show the landowner how it ought to be done.

Consulting foresters, being private businessmen, face the same hurdles as young attorneys in establishing their business. It takes money to tide them over during the year or two required to create a flow of funds. For example, work done today may not be paid for until months later. Meanwhile, there are payments to make on equipment and payrolls to meet.

The Tennessee Valley Authority and the National Association of Consulting Foresters have attempted to break this bottleneck with an agreement that enables TVA to underwrite certain establishment costs during a two-year period. Two promising young foresters have been selected for the program. They will be aided with referrals from TVA and other public agencies.

This pioneering effort holds great promise. It should be initiated in other forested regions.

4. Cost-sharing.

Conversion of useless brushy areas to productive forests, planting trees to assure a future supply of wood, protection of watersheds, improvement of wildlife habitat and enhancement of the environment are public-interest activities that usually require considerable labor to initiate but do not yield cash returns on the investments for a long time. Many forest owners may not be in a position to undertake such projects, because of age or financial limitations. Yet future economic and social needs of the nation require that private forests fulfill their role.

There are two ways to solve the problem; i.e., regulation as in some other countries, or public assistance in the form of cost-sharing. Regulation was ruled out in this country two decades ago. What about cost-sharing?

Public assistance in the form of cost-sharing under the Agricultural Conservation Program has been available since the mid-1930's. Yet total accomplishments have been but a "drop in the bucket" compared to the job that needs to be done.

Seventy-five million acres of private lands *needs* to be planted. The actual acreage *planted* annually is slightly more than one million acres. The accomplishment is not enough to keep up with new areas being denuded by fire and other causes.

One hundred forty million acres of partially productive private forests need stand improvement such as thinning and removal of useless cull trees that occupy valuable growing space. Here again annual accomplishments are pitiful in comparison to the magnitude of the job.

A separate assistance program, geared to the needs of forestry, should be devised. It should contain the following key features:

(a) Be in the public interest;

(b) Emphasize long-term activities that forest owners are not likely to undertake by themselves;

(c) Require owners to commit themselves to a forest plan of long enough duration to make assistance effective;

(d) Make assistance available over a period of years;

(e) Consider cost-effectiveness in establishing priorities for assistance.

A forestry assistance program is being drafted now by the Administration for presentation to the Congress early in 1971. When its details become available, it should be studied carefully.

5. *Other incentives.*

Utilization, marketing, taxation, leasing and insurance also are important factors in an owner's forest management program. These considerations vary considerably from one locality to another and for that reason are not being discussed in detail here. But, all are important to the successful management of the small, privately-owned forest and must be dealt with before these lands can yield their full potential.

SUMMARY

Fire protection, insect and disease control, technical assistance and cost-sharing are basic elements of efforts at the Federal level to improve management of 4,500,000 private, non-industrial forests. Aggressive action should be taken immediately on each element so that owners can achieve the objectives of which their properties are capable.

ON "THE SELLING OF THE PENTAGON"

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1971

Mr. HÉBERT. Mr. Speaker, Joe Culotta, Jr., is host of a program on WTIX radio in New Orleans called "Let's Talk It Over." On February 28, 1971, he had some comments to make about the CBS program, "The Selling of the Pentagon."

Because he is a knowledgeable individual in the field of broadcasting and because his show is one of the most popular and stimulating in New Orleans, I want to insert his remarks in the RECORD at this point.

REMARKS MADE ON "LET'S TALK IT OVER," WTIX ON FEBRUARY 28, 1971

Last week, CBS presented a program entitled, "The Selling of the Pentagon." It dealt with a so-called exposé of the military complex with special emphasis on the Public Information sector of the military service. This was nothing new since exposés in this area have been much in the news as of late. Which brings up the point that possibly, just possibly, there is an organized move about to intentionally discredit the military—who would do such a thing? Well, if CBS and other groups believe that a nebulous military contingent is trying to "sell the idea of the Pentagon", doesn't it follow that another nebulous group who is anti-military just might be trying to "sell the Pentagon" also, but that their efforts may be aimed at selling it down the river. And remember if the military does dissolve into another social arm of this already massive bureaucracy, then who's going to stand vigilant from the Halls of Montezuma to the Shores of Tripoli . . . to the coasts of California and New York?

But let's look at a point or two presented in, "The Selling of the Pentagon." CBS states that the military used taxpayers' money to propagandize against the Soviet Union and the philosophy of Communism. They stated that the military-made films are still being shown with such narrators as John Wayne, Jack Webb, Walter Cronkite and even Chet Huntley putting down the Communists for world aggression. CBS states that most of these films were made in the late 50's and early 60's, and I quote, "before our official policy was changed to one of coexistence with the Communists." They went on to state that possibly the narrators had a change of posture on the Communist world since that time. I don't know about Cronkite or Huntley, but I'll bet John Wayne and Jack Webb haven't changed their posture regarding Communism. If indeed the United States has changed its posture toward Communism in the last five to seven years, then its so-called posture toward Germany since 1945 must be completely metamorphosized. Yet in the past month at least three war films made in the 60's were shown on national TV. The enemy in these films were the usual ruthless, bloodthirsty Nazis who were incidentally made up of German people. Since the end of World War II, some 26 years ago, at least a hundred or so movies have been ground out to impress in our minds what evil people those Germans are.

During the same period of time, the military has produced films on how evil the Communists are. The Germans are supposed to be our allies, but we can depict them as bloodthirsty, aggressive and bumbling; and no furor is ever heard. But show some footage of the bloodthirsty, aggressive and bumbling Russians and all hell breaks loose because our posture with Communism is coexistence and we must grind out footage consistent with our policy.

How many major films have dealt with Communism—not nearly as many as those dealing with Nazism—but then Communists must not be aggressive any longer because our "posture has changed toward them." They really don't have a fleet in the Mediterranean—that must be the imagination of the major networks. The Communists must not have provoked and armed the Arabs to break the cease fire against Israel—that too must be a delusion by the news reporters. And the Communists are not anti-semitic (they say they are not and have let us know that they are very "thin-skinned" about that charge). The reports that many thousands of Jews want to leave the Soviet Union to emigrate to Israel but are detained must be the pipe dream of Rabbi David Kahane.

The only real difference between the Nazis and the Communists is Nazism is finished—they lost but we have to be vigilant against similar movements (and indeed Communism is a similar movement). The Communists haven't lost yet. They still exist and are still the No. 1 enemy of the United States and the free world. To bury our heads in the sand and hide behind an "official posture of co-existence" is the real "me-too" attitude which CBS was accusing the military of perpetrating upon the public.

I'm happy the military is still showing films depicting Communistic aggression. I just wish the networks would show the military films on prime time TV. They could use them to pre-empt "Hogan's Heroes", after all the Americans from that German prison camp were liberated in 1945.

JOSEPH CULOTTA, Jr.

FTC COMES ALIVE—AND HOW

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1971

Mr. HUNGATE. Mr. Speaker, in time of great concern for consumer protection, some recent actions of the Federal Trade Commission should meet with public approval, as the attached article outlines:

FTC COMES ALIVE—AND HOW

Widespread benefits are forecast for consumers now that the Federal Trade Commission—once riddled with internal friction and mired in a virtual do-nothing policy—has organized in a burst of long-needed activity.

Change began January 1970 when Caspar Weinberger succeeded Paul Rand Dixon as chairman. "We're going to try to use talent wherever we can find it," Weinberger said as he proceeded to hire, among others, one of Nader's Raiders who had antagonized the old FTC staff.

The rebirth has continued under a new chairman, Miles Kirkpatrick, who moved into the office in September when Weinberger was promoted to deputy director of the Office of Management and Budget. A Philadelphia lawyer, Kirkpatrick headed the American Bar Association study group that sharply criticized the FTC in 1969.

In recent months, the FTC has moved in on numerous problems.

Rules for car pricing. Subject to public hearings January 12 and 13, FTC would hit gimmicks that cloud auto trade-in values, price cuts, taxes and service charges in ads and on sales stickers.

Truth in ads. New sanctions would force firms found deceptive in their advertising to either stop advertising the product completely or devote one-fourth of every future ad and commercial to telling that the FTC rated previous ads false and deceptive. Actions have already been taken against Coca-Cola for advertising Hi-C as highly nutritious in Vitamin C, and Chevron gasoline for saying the additive "F-310" reduced air pollution.

Cool-off period for door sales. A drafted regulation would allow any buyer to cancel within three days any consumer goods or services costing $10 or more and bought at his door.

New credit safeguards. Stores, oil companies, credit card firms and book clubs—subject to hearings in January—could not bill customers for disputed charges until explanations are made. The creditor also could not disclose a bad credit rating until the customer himself has been notified.

Among other requirements, FTC wants companies to include on all bills the names addresses and phone numbers of employees who can handle customer complaints.

Mail order complaints. Investigations have been launched (first into Chicago-area firms frequently reported) into failures of mail order houses to deliver merchandise ordered and paid for—or to respond to queries in a reasonably prompt time.

Enzyme claims. FTC has stiff questions for detergent advertisers and manufacturers: Are ads claiming effectiveness against all stains truthful? Should health notifications be listed on products to warn that enzyme products can cause allergies, skin irritations and lung ailments?

FTC crackdown has been delayed by disagreement over which outside group should conduct an investigation.

FTC may also soon demand that cartons containing phosphate-bearing products warn that excessive use will add to water pollution.

Light bulb lifetimes. As of January 25, light bulb manufacturers must reveal the average light output and lifetime of their bulbs as well as other information essential to valid comparisons of cost savings and duration.

End business reciprocity. Although FTC has never issued a formal antitrust complaint on the old "you buy from me and I'll buy from you" practice—which bars competitive bidding—it is now openingly looking for cases to take to court.

Probe gas shortage. Because of the natural gas scarcity, the FTC staff will look for "collusion or other unlawful conduct" in the oil industry. Other broad antitrust investigation is planned for the oil, gas, electricity and coal industries.

CONGRESSIONAL IMPASSE

Consumer protection forces found victory in defeat this year in their long and vigorous battle in Congress against the proposals of an Administration-business alliance.

Although two major bills were killed, neither of the final versions contained Nixon's requirement that the proposed independent consumer agency and controversial class action suits be under Justice Department control.

LIBRARY OF CONGRESS COMPREHENSIVE REPORT ON THE CIVIL SUPERSONIC TRANSPORT PROGRAM

HON. HENRY M. JACKSON

OF WASHINGTON

IN THE SENATE OF THE UNITED STATES

Tuesday, March 9, 1971

Mr. JACKSON. Mr. President, on September 21, 1970, the Library of Congress released a report entitled "The SST: The Issues of Environmental Compatibility." That report was prepared at the request of the junior Senator from Alaska (Mr. GRAVEL) and provided a scientific and scholarly assessment of all of the environmental issues—sonic boom, noise, and effects on world climate—which could conceivably be associated with the development of a commercial fleet of supersonic transports.

It is my view that this objective report by Mr. George M. Chatham, a specialist in science and technology in the Science Policy Research Division, was instrumental in placing in proper perspective the unfounded charges which some have made over the past 6 months concerning the impact which commercial supersonic transports might have on the environment.

In the belief that the objectivity and the dispassionate scientific inquiry of a reputable, disinterested, and prestigious body such as the Science Policy Division of the Library of Congress, should be directed at a review and an analysis of the full range of issues—environmental, economic, and technological—presented by the supersonic transport program, I requested the Library to furnish me with an up-to-date report on all aspects of the program. This report has now been completed. It is entitled "The Supersonic Transport" and was prepared by Mr. George N. Chatham and Mr. Franklin P. Huddle.

Because the printing facilities of the Library of Congress are not equipped to make copies of this report available for at least the next few weeks, I ask unanimous consent that the entire report be reprinted in the Extensions of Remarks section of the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE SUPREME TRANSPORT

SST: SUMMARY OF THE CONTENTION

(By George N. Chatham and
Franklin P. Huddle)

The following statement summarizes a study by Science Policy Research Division, Congressional Research Service, Library of Congress, for issue March 1, 1971, under the title "The Supersonic Transport". The study is by George N. Chatham and Franklin P. Huddle.

Lag in commercial aircraft technology

Introductory chapters of the study trace the evolution of aircraft technology. For the first half-century of manned flight, technology of civil aircraft relied successfully on military research and development. However, by the early 1950s, military design engineering became specialized and "systems oriented." Military designs departed from lines important for civil aircraft. Technological competition of ballistic missiles jeopardized the status of the manned bomber to such an extent that no truly successful supersonic bomber has yet been commissioned. At the same time, efforts to maximize parameters of military importance slowed progress in directions important for commercial aircraft. Fuel economy, cabin space, and other commercial considerations were neglected. In particular, military engine designs failed to exploit known developments offering great promise for commercial service. The need became apparent for a separate research and development effort, explicitly aimed at the maintenance of technological advances in civil aircraft.

Plight of civil air transport in 1971

Faults of commercial air transportation began to be identified: airport congestion and inadequate terminal capacity, noise around airports, emphasis on airport-to-airport travel rather than point-to-point, and passenger-baggage separation were among these. Difficulties in coordinating the introduction of new aircraft models with use requirements put the airlines in an economic bind. After maintaining fare schedules without increase, despite inflation, for two decades after World War II, the airlines were faced with the problem of falling revenues and profits. The choice was between improved load factor and fare increases. A third alternative, used successfully in the past, was an increase in productivity of aircraft in service. It was to improve this productivity that the SST was proposed.

ADVOCACY OF THE SST BY POLITICAL LEADERSHIP

Presidents Kennedy, Johnson, and Nixon all reviewed the case for the SST as a stimulus to U.S. transportation, to strengthen civil air technological advance, and to enhance U.S. national posture in a world of technological competition. All three Presidents found in favor of the SST. British, French, and Soviet competition is already at work in this area. Foreign designs for the first generation of aircraft, while likely to appear sooner, are inferior to the U.S. SST design.

ECONOMIC ISSUES OF THE SST

Operating supersonically, the SST would be comparable to cost per seat-mile to the Boeing 747, except that the increased productivity attributable to the higher speed would enable airlines to increase service with a reduced number of aircraft. This advantage offers significant but indeterminate economies. With respect to national financial gains, the United States balance of payments would be altered to the extent of some $20 billion by producing and selling SSTs to the world market, rather than buying them from abroad.

Although the economic advantages of the SST seem clear to the advocates, it is also true that the design and management of so large an enterprise is not without risk. Much depends on management and technological skill. In any event, the large investment required for the SST inescapably calls for funding participation by the Federal Government. Although all forms of commercial transportation have received various kinds of financial assistance from the Government, aid in the development of aircraft would be a "first."

ENVIRONMENTAL ISSUES OF THE SST

Much of the study is addressed to the question of whether the SST would seriously impair the human environment. There have been many allegations as to its noise, air pollution, and possible climatic effects. After a searching investigation and analysis, the following conclusions were arrived at:

Noise

The SST requires large, powerful engines which are noisy. In addition, when traveling supersonically the SST generates a sonic boom. The boom issue has been provisionally disposed of by an understanding that the SST will travel supersonically only over oceans or uninhabited tundra. Since Congress has passed no law to insure the continuity of the sonic boom ban, many people are dubious about the permanence of the Executive commitment in the face of economic pressure by the airlines.

Engine noise is considered in five operational modes: on the ground, sideline noise on take-off, departure (climb from one mile past the end of the runway to cruise altitude), cruise, and descent. Noise is not a factor on the ground, when only minimum power is needed or in cruise when it is too far from the ground to be heard at all. During the three noisy phases, work is needed to reduce sound level. However, much has already been achieved. In the 12 years since commercial jets have been in service, the noise generated per pound of thrust has been reduced to one-tenth of its former value, and the sound (in terms of acoustical energy) per pound of thrust has been reduced to one-hundredth. In view of past progress and future engineering expectations, the Boeing Company has announced that it is committing itself to meeting FAA subsonic aircraft noise limitations (i.e., generating less noise than the 747 does now) with the SST by the time it is certified for service.

Pollution

Judged by engineering criteria, the jet engine is highly efficient in terms of units of delivered power per unit of effluent. Except on the ground at take-off, moreover, the engine diffuses its effluent. Most of the polluting ingredients result from uneconomical practices, for which incentive already exists to hold them to a minimum. Large airports for supersonic aircraft tend to be located remotely from urban areas where air pollution is most serious. Beyond this, the question of urban air pollution is a local problem, with each locality requiring its own specific measures of reduction and prevention. The role of the SST, and of jet aircraft generally, is inherently a minor one relative to the effluent from surface transportation media.

Weather modification

Traveling in a new regime at 65,000 feet, the SST is alleged to generate a variety of effluents in such quantities relative to pre-existing ingredients of the upper atmosphere as to threaten to alter the climate below. Examination of these allegations, one by one, shows the effects of the SST on the environment to be so small in comparison to natural factors of a similar nature as to make quantification extremely challenging. There is a possibility however that planned experiments during the two-lane prototype phase can bring about some resolution. With respect to particulate matter, it was found that cosmic dust and volcano effluent far exceed any possible particulate effluent from the SST without significant climatic effect. With respect to water vapor, the injection of water from thunderstorms into the stratosphere exceeds by many orders of magnitude any possible SST effect, but the stratosphere remains both low and fairly stable in water content, indicating that there are stabilizing forces at work.

The allegation that combustion of SST fuel would exhaust the oxygen in the atmosphere is disposed of by the simple statement that the combustion of all fossil fuel (of which jet engines can never consume more than a small fraction) would temporarily tie up no more than three percent of the oxygen in the atmosphere.

The conjectural effect of the carbon dioxide generated by the SST is trivial compared with that from internal combustion engines. Long-range measurements of temperature do not disclose any climatic change attributable to a measured slight increase in CO_2 content over the past century.

There is some need for attention to the possibility of hazard to passengers from radiation from the sun, especially during severe solar flares. (The last severe one was 15 years ago). With proper instruments, the pilot could be warned in plenty of time to drop down 10–20 thousand feet where atmospheric shielding would eliminate the hazard.

The SST: Remaining uncertainties to be resolved

There are many uncertainties: as to the verity of the competition from foreign SST developments; as to whether the Boeing SST will produce the economic gains claimed for it; as to the extent of engineering risk this vehicle represents; and as to whether it can stand alone, without other supporting elements of a complete system of air transportation. Many of the defects of present air transportation have nothing to do with air speed or vehicle productivity; the ground sector, for one example, is generally conceded to have been neglected.

The environmental aspects of the SST, and especially the global aspects, have received the bulk of attention of critics. Yet, upon analysis, most of these postulated effects are found to be non existent or of a scale making detection difficult. Of course, some environmental uncertainties remain. As to these uncertainties, the point is made that it is rarely if ever possible to prove a negative.

But the greater number of uncertainties appear to lie in the field of economics. It is likely that these can be resolved only by actual experience with the product in use. Much hinges on the quality of engineering management in the development of the vehicle, and the system of which it is conceived as a component. Much hinges also upon the quality of management of the airline service and its competition. Of course, these are general considerations and are therefore imponderables beyond the scope of the study.

I. INTRODUCTION

This paper examines some of the considerations governing public acceptance or rejection of the supersonic aircraft (SST) as a commercial transportation vehicle.

Mass public transportation by air has been a development of the last half-century. It is today the primary mode of long distance commercial travel. Its primary characteristic is speed. Each successive generation of passenger aircraft has achieved higher speeds coupled with larger carrying capacity than its predecessor. The issue at hand is whether by action of the United States Government this process should be continued beyond a natural barrier, the speed of sound.

The purpose of this study, based on a review of the literature of the controversy, is to provide a factual perspective from which to assess tangible and intangible costs and benefits of the SST.

The underlying question: Static versus dynamic technology

The controversy over the SST may not be so much over the political question as to the social worth of a particular technological innovation as over the broader question as to whether the processes and results of technological innovation generally are a social good that should be continued into the indefinite future. The literature of "technology assessment" has identified this question as salient for the United States today. Studies of the issue, most notably that by the Committee on Science and Public Policy (COSPUP) of the National Academy of Sciences,[1] suggest that even if the achievement of a stable condition is the goal, the level of technological achievement of today's society is inadequate to provide it, so that further technological progress is indispensable in any event. The findings of students of technology assessment reach a consensus on two further points:

(1) Each major technological innovation needs to be assessed in greater detail than ever before, and not once but repeatedly, to assure that its second- and third-order consequences are tolerable to society; and

(2) The social consequences of a technology need to be assessed along with the technical and economic consequences.

Opponents of technology appear to take various positions: (1) that technology is itself undesirable because its side effects are inescapably adverse, (2) that the pace of technological change is too fast to be accommodated to the socio-political structures of human organization, (3) that technological innovations occur so rapidly that human organizations are unable to sort out the good from the bad, or (4) that the variety of innovations produced by technology imposes such a burden of choice in the individual as to impair the quality of life.

Any substantial body of thought that opposes technological innovation per se, would be inclined to join forces with those who oppose specific innovations on their own merits. While this study is concerned with the specific advantages and disadvantages of one technology, *viz.*, the SST, the issue as to the general merit of technology needs to be disposed of. The NAS Committee on Science and Public Policy has put the matter in perspective with its conclusion:

"The future of technology holds great promise for mankind if greater thought and effort are devoted to its development. If society persists in its present course, the future holds great peril, whether from the uncontrolled effects of technology itself or from an unreasoned political reaction against all technological change."[2]

Although the economic aspects of technology tend to be decisive in determining whether or not some particular innovation should be pursued, the ultimate values and costs—which are hard to quantify—are environmental. As the COSPUP Report notes, "* * * technology * * * is nothing more than a systematic way of altering the environment." Accordingly, the report states:

"The choice * * * is between technological advance that proceeds without adequate consideration of its consequences and technological change that is influenced by a deeper concern for the interaction between man's tools and the human environment in which they do their work."[3]

Moreover, the assessment of technology requires—

"* * * not [for society] to conceive ways to curb or restrain or otherwise "fix" technology but rather to conceive ways to discover and repair the deficiencies in the processes and institutions by which society puts the tools of science and technology to work."[4]

If it be granted that technology should not—and indeed cannot—be generally arrested and frozen in today's mold, then the question of accepting or rejecting a particular innovation rests on two subsidiary questions. One is whether the system itself is or can be economically self-supporting. Will it pay for itself? Is there an economic demand for its services, sufficient to justify the investment? This issue needs to be answered quantitatively, and if the finding is adverse, the decision usually becomes academic.

The second question is whether the adverse effects of the innovation on man and on the human environment negate the beneficial effects, and also the economic values of the innovation. Since the adverse environmental effects (unless they are unmistakably catastrophic) do not automatically generate a negative decision, the issue becomes a matter for policy determination by the Govern-

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Footnotes at end of article.

ment. This decision rests nationally with the Congress. Also, there is a residual regulatory concern, now being delineated in the courts, that rests with the States and municipalities. No mechanism is yet available for the international assessment of a technological innovation.

With respect to the SST, since a substantial outlay of funds is required of the Federal Government, and since the asserted environmental effects are national—indeed global—the technology assessment decision of whether or not to proceed with this innovation rests with the Congress. It is both an economic and environmental issue. Meanwhile, two other projects are already well along toward development of commercial supersonics aircraft, one jointly by the British and French, and the other by the Soviet Union. To some extent, these competitive activities seem likely to reduce the scope of the decision: it may be not whether the global environment is to receive a civil SST, but rather whose SST.

Economic considerations of SST development

The economic questions that confront the Congress are for the most part those of straightforward cost/effectiveness and demand forecasting. They are similar, for example, to aspects of the long-range planning problem that annually confronts top management in the automobile industry.

What will be the costs of achieving commercial supersonic air transportation?

What level of engineering design risk is involved?

What dollar benefits will accrue from this capability, to the carriers, to the aircraft industry, to the using public, and to the United States Government—in other words, to the taxpayer?

How reliable are the estimates of future demand for the use of the proposed hardware?

What economic adjustments are implied by the introduction of supersonic flight, and what costs and benefits are implicit in these?

What is the proper form of management of the enterprise, if it is decided upon?

What is the appropriate method of funding of the enterprise?

What would be the effect of banning the Concorde and TU-144 from the U.S.? Would the countermeasures in international economic competition caution against such a unilateral action?

Is participation of the Federal Government in the funding of the enterprise the best use of its fiscal resoures? Is there an adequate financial return? In essence, does the SST assure an appropriate net advantage in both tangible and intangible factors, to the Nation and its citizens?

Environmental considerations of the SST

The environmental consequences of the SST appear to be both complex and controversial. Some of these tend to interact with some of the economic issues. For instance, perhaps the most salient environmental question grows out of the fact that the supersonic aircraft, by virtue of its capability to move at supersonic speeds, causes sonic booms. The question is thus raised as to whether these high-altitude effects will be an intolerable nuisance: the tacit understanding has apparently been established that the proposed aircraft would travel at supersonic speeds only over the oceans—a constraint that would seem to deprive the vehicle of a part of its potential economic advantage and flexibility.

The high power requirements for supersonic flight, and the consequent large consumption of fuel, imply that the aircraft should be large in size and carrying capacity if it is to pay its way. This requirement leads to environmental questions which involve the effects of the effluent of the aircraft: air pollution resulting from the necessarily high level of effluent during take-off, and the conjectural climatic consequences of high-altitude discharge of water vapor and particulate matter. The noise of the (necessarily highly powered) SST engines on and near the ground is also cited as an environmental degradant.

Against these allegations of undesirable effects, there are such positive factors as the reduction in number of aircraft per thousand passenger miles (or per number of passengers transported), the saving of time, the general benefits that are alleged always to result to a nation's technology from a large effort in some one direction, the undeniable benefit to the nation's technological posture where technology correlates increasingly with diplomatic influence, and the probability that the increased speed capability of aircraft in the air will generate pressure on the airlines, as well as other participants in transport services, to improve the lagging efficiency of on-the-ground operations, toward making air travel a true system.

Another consideration, often overlooked, is that a vigorous effort in the advanced technology of large-scale, supersonic flight, aiming to make it compatible with the preservation of a congenial environment for man, can be expected to yield many beneficial developments in environmental science and technology that can be useful in other problems and activities of environmental enhancement.

II. BREAKING THE BARRIER OF SOUND

The first manned vehicle to explore the regime of supersonic speed was the Bell X-1, an American aircraft piloted by Elwood Yeager.[5] During a sequence of 41 flights, all of brief duration, he took the rocket-powered X-1 to speeds exceeding Mach 2,[6] and to altitudes above 70,000 feet. The first flight through the sound barrier occurred Oct. 14, 1947.

The shape of an airplane is a combination of blunt and shallow curves, sloping planes, and edges. Air flows over each surface at a different speed, all related to the speed of the aircraft. The shape of the aircraft is designed so that the air will flow smoothly by it, whether the aircraft is moving slower or faster than the speed of sound. However, there is a critical range of speed, the transonic region, which extends a few miles per hour on both sides of Mach 1. In this region, parts of the air flow move subsonically and others move supersonically. While in this regime, the aircraft is buffeted by shock waves and turbulence. Yeager found it advisable to pass through it quickly: to remain in it too long was not only uncomfortable to the passenger but hazardous to the structural integrity of the aircraft. However, once the aircraft passed through this transonic zone," the air flow became smooth again.

Yeager's flights resolved the long debate among aerodynamicists over the possibility of controlled flight beyond the sonic barrier. Also, he opened the supersonic domain as a useful realm of any aircraft with enough power to reach it. His experiments signaled the beginning of a vigorous research program to achieve supersonic flight routinely. Military advantages of this capability seemed obvious; although the commercial advantages were less so, aeronautical enthusiasts observed that just as subsonic aircraft had drawn the four corners of the United States conveniently close, supersonic aircraft would do the same for the whole globe.

Importance of turbojet engine for supersonic flight

The key to general supersonic flight was the turbojet engine. A principal obstacle to the achievement of supersonic speeds with propeller-driven aircraft had been the aerodynamic limitations of the propeller itself. The tip of the propeller entered the transonic regime long before the speed of the aircraft did; at that point, loss in efficiency through turbulence wasted power so that a speed ceiling of around 500 mph was generally accepted by aeronuatical engineers as the ultimate top for propeller aircraft.[7]

Concern over the inherent speed limit imposed by the propeller led two independent investigators to seek and find a solution in the turbojet engine. The first successful turbojet-powered aircraft, the He 178, was produced by Ernest Heinkel in 1939; soon afterward, Frank Whittle's engines were used, in 1941, to power the Gloster E-28. The Heinkel and Whittle engines both used a centrifugal compressor as a first stage: air was compressed, expanded by burning fuel in it, and then discharged through a turbine which drove the compressor; forward impetus was provided by the jet thrust of the hot combustion products after they passed through the turbine.[8]

The turbojet engine offered a solution to the problem of propeller speed limitation. Thrust and efficiency of this new system, contrary to that of the propeller, were actually increased with increased forward speed.

Early in World War II, Whittle's insistent warnings to U.S. military authorities, together with the appearance in combat of the ME 262 (a twin-engined German fighter whose top airspeed exceeded by 100 mph the speediest planes of the Allies), persuaded the Army Air Force that the turbojet was worth examining. A Whittle engine was obtained and after a brief test, the Air Force asked the General Electric Company to produce an improved version compatible with U.S. industrial practice. An airframe was designed and built to receive the engine. The project was conducted with incredible speed under high security, camouflaged by preempting the project nomenclature of another secret aircraft development, the Bell XP which was subsequently shelved. In 1942, the Bell new XP-59 received its engine, flew successfully, and introduced U.S. military and industrial aviation to the jet age.

It took 11 years from that point to bring about the first U.S. military aircraft capable of routine supersonic flight. This was the first of the so-called "Century" series, the North American F-100[9] which flew in 1953, six years after the brief flights of the rocket-powered X-1A had breached the sonic barrier for the first time.

III. SCALING UP THE TECHNOLOGY OF SUPERSONIC FLIGHT

Military efforts to extend the application of supersonic aeronautical technology to larger aircraft produced an uninterrupted sequence of misfortunes and controversies. When the Air Force undertook a supersonic replacement for the subsonic B-52 bomber, the first result was the short-lived B-58. This three-man bomber could reach Mach 2.1 at 44,000 feet; it could cover its full range of 2000 miles in less than 2 hours. However, the B-58 was marginally useful; it fell short in payload as well as in range for its intended mission as an intercontinental strike vehicle.

The development span of the B-58 overlapped that of the B-70, of which only 2 units were actually built and flown before the program was dropped. More will be said of this development, which had considerable significance for the evolving proposal later on to build a prototype commercial transport for supersonic flight.

Meanwhile, efforts of the U.S. Navy to produce a large supersonic seaplane centered on the P6M, under development by the Glenn L. Martin Company in Baltimore. This design encountered several tragic misfortunes in flight before the project was terminated.

The last stage in the sequence was the F-111, a smaller supersonic fighter-bomber system intended (in various versions or modifications) for both Air Force and Navy use.

Footnotes at end of article.

The F-111 has remained controversial since its inception.

In view of the fact that large commercial aircraft traditionally grew out of military antecedents, it may be useful to examine the fate of one of these large supersonic bombers.

The development of the "all-purpose" B-70 Bomber

Proposed as the world's first large aircraft capable of long-range, sustained, supersonic flight, the B-70 was envisioned as the logical replacement for the subsonic B-52. It was also seen as fulfilling the need for a super-performance surveillance aircraft. The further possibility was later suggested that the general prototype might be modified into a commercial version to compete with contemporary (1959) European schemes to produce a family of short-range, intermediate, and long-range supersonic aircraft for commercial service.

Initial design specifications for the B-70 were issued by the Air Force in October, 1954, with an invitation to aircraft companies to compete for the job of prime contractor. The Air Force plan was to develop and deploy a fleet of these aircraft as long-range, multimach bombers by the mid-1960s. The plan fell victim to prolonged controversy. At first, problems centered on the wide variety of technical approaches advanced by the bidders. Then, as these were resolved, the project next came under attack as an expensive and unnecessary military alternative to the intercontinental ballistic missile. Development of the intercontinental ballistic missile, armed with a nuclear warhead, had provided a weapon competitive in destructive capability with the long-range strategic bomber. It also reduced the striking time of an intercontinental attack from hours to minutes. The military commitment to bomber aircraft was undoubtedly lessened by this alternative technology, and with it the willingness (or necessity) to make the heavy investment required for its successful development.

Opposition to the B-70 program grew steadily from the time the Air Force released its Request for Proposal in 1954. By 1959, the embryo aircraft was under attack by both missile advocates and others who saw it consuming an increasing share of the declining aircraft budget in the (also declining) budget of the Department of Defense. Presidential action came to terminate the program, November 30, 1959, although the President later granted the Air Force permission to continue the B-70 as a minimum-cost, aerodynamic research program. Some Members of Congress were critical of this decision to drop the program. The development was viewed as both an essential replacement for the aging B-52, and a prototype for a commercial SST.[10] However, the President's decision was firm, and the program came to a close with a few experimental and test flights of the two prototype vehicles.

Efforts to commercialize the B-70 technology

The possibility of a commercial version of the B-70 was raised in 1959 when General Elwood Quesada, then Administrator of the Federal Aviation Agency, called the President's attention to plans of the British aircraft industry to build two models of commercial supersonic SSTs, one for short-range domestic service and another for intercontinental service; as well as the plans of the French aircraft industry to build a medium-range SST, to be called the "Super-Caravelle." [11]

General Quesada noted that the beleagured B-70, by then jocularly referred to as the "paper airplane which would fly in a cardboard sky," was in fact superior in technology to either the British or the French SST concepts (independent at that time). The B-70 design called for continous Mach 3 flight over a range exceeding 7000 miles; the foreign firms were proposing smaller vehicles, to cruise at speeds of less than Mach 2. He therefore urged the President to consider the possibility that a commercial version of the B-70 be designed to be the U.S. entry in the emerging international competition.

In Quesada's view, the civil application would be derived from a technology developed to satisfy a purely military requirement. This had historically been the conventional pattern of innovation of commercial aircraft. As he put it—

"Ever since the Wright brothers' memorable accomplishment in 1903 the Military Establishment has had a vigorous development program designed to meet their needs for increasingly high performance aircraft. The pressing demands of national defense have characteristically given precedence to military budgets for this purpose.

"After designs were fixed and quantity production established to meet military requirements, it was often possible to build adaptations for purchase by air carriers and use in the civil fleet. This has been especially true in the development of crucial components such as engines and propellers, as well as materials and techniques of design. Thus, for over 55 years commercial aviation has had the advantage of leaning on and borrowing from a strong military development program." [12]

Evaluation of the B-70 conversion plan

There were technical advantages and disadvantages of this proposed course. The value of the B-70 as a prototype lay in its advanced aerodynamics, control methodology, high-temperature-resistant structural design, and techniques of fabrication. These were all gains that derived from a substantial history of applied research sponsored by the Department of Defense. Application of these advances, acquired at considerable cost, would give an American SST a significant edge over the foreign competition. However, Quesada's proposal had disadvantages as well. The long, slim body of the B-70 would not convert well to civilian use. In the various proposals for this conversion, the passenger seating capacities ranged from 15 to a very crowded 100. A converted version with the required upgrading for reliability and design modifications for airline service was judged likely to cost about the same as a completely new design for the specific purpose of commercial service. A study for FAA, by United Research, Inc., reported in October, 1960, that the development of a civil SST, based on the B-70 prototype, would require about $1 billion, a figure beyond the financing capability of individual firms in the aircraft industry, even if based on a backlog of firm orders.[13]

At the close of his tenure as FAA Administrator, Quesada placed contracts with two engine companies for SST power plant studies, and recommended an acceleration of the FAA program of studies of the entire system.

When President Kennedy took office, in January, 1961, he named Najeeb Halaby as Quesada's replacement. At the request of the new President, March 3, 1961, Halaby organized a team to develop a statement of national goals for aviation in the 1960s. One of the findings of this team was a recommendation for intensified efforts to produce a "Mach 3 transport." It called for an SST design with double the possible passenger accommodation of the B-70, featuring a swing-wing concept.

As to funding, the study proposed that—

"Government funds should be utilized through the research, design, development, prototype and probably production stages. Every effort must be made to recoup the Government's financial investment through some type of royalty system to be paid by the operators.[14]

Changing role of military technology

Beginning with the aftermath of World War I, civil aeronautics in the United States (and elsewhere as well) had leaned heavily on surplus military equipment and on military-trained personnel. By November of 1918, the United States possessed 10,510 aircraft—6,972 at home—and a large inventory of engines and spare parts. Military trained personnel in the air arms, being demobilized, numbered 228,368. All this surplus aeronautical hardware deterred new development or production, but provided an inefficient means for a precarious and subsidized air transport industry. Meanwhile trained fliers and mechanics sought ways of using the skills they had been taught. Further military development of aircraft in the United States lagged, and most of this activity was conducted in Europe and later Japan.

During the two decades between the two World Wars, considerable progress was made toward the development of commercial transports. Gradually, designs departed from the straitjacket of military prototypes. This trend was epitomized in the development near the end of that period, of the DC-3. This was a true trail-blazer, remarkably economical for its time to operate and maintain. It spurred the proliferation of many new feeder airlines and contributed immeasurably to the spread of air service all over the world. Although it was a far cry from combat aircraft, the military services made extensive use of it for transport purposes in World War II (the C-47).

The translation of the military advances in World War II into civil aircraft designs was more involved and complex than it had been 20 years earlier. Under the spur of military necessity the principles of aeronautical design had been vastly improved. These principles, of course, were the same, regardless of whether the function of the design was military or civilian. However, the configuration of an aircraft was profoundly influenced by its function, so that the same aeronautical design principles led to different final products. Speeds of postwar propeller-driven aircraft were not notably different for military or commercial service but cabin space was.

The power plant as key to aircraft evolution

From the Wright Brothers to the present day, developments in heavier-than-air craft have derived most importantly from innovations of engine and power-train. Without the gasoline-fueled reciprocating engine, the Wright Brothers aircraft would not have been possible. During the period following World War I, important progress was made in improving the horsepower-to-weight ratio of engines, culminating in the turbo-compound reciprocatory power plant that made Coast-to-Coast nonstop flight a commercial practicality. Again, military requirements justified and paid for the advances in engine technology. The civil market was an eager but secondary outlet for these products.

With the advent of the aircraft gas turbine engine, however, the suitability for commercial purposes of military power plants become less obvious or practical. The turbo-prop engine,[15] while first used in military aircraft, in England, in 1945, was quickly discarded for military purposes. Its efficiency was highest at moderately low altitudes. The aerodynamics of the propeller limited the speed of prop-jet aircraft to the subsonic regime. However, because of its fuel economy, freedom from vibration in flight, and capability of delivering many times the horsepower of reciprocating engines of comparable weight, it moved successfully into the commercial field. The Viscount, powered by four Rolls-Royce turbo-prop engines, became operational in 1953. The commercial utility of the turbo-prop, it should be noted, was not and still is not fully exploited because its performance characteristics did not warrant substantial military R&D investment.

The primary form of military gas turbine engine for aircraft is the turbojet.[16] This en-

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gine, which was operationally employed in both British and German military aircraft by 1942 (the Gloster Meteor and the Messerschmidt 262), derives all of its thrust from the exhaust. At low altitudes, the turbojet is inefficient but at high altitudes its efficiency is excellent. The principal problem is that it pumps in more air than it can use, so that—especially at low altitudes—adjustable restrictions are needed to limit the air intake. Although this kind of engine is now being proposed for use in the SST, which would operate predominantly at high speed and altitude, its fuel consumption at the lower speeds and altitudes of post-World War II commercial air travel have made it marginally useful for lower-performance civil aircraft. The first commercial transport to use the engine was the British Comet, in 1952. (Faulty cabin design of the Comet caused its withdrawal after two years of service; a redesigned model appeared in 1958, still using turbojet engines.) The first U.S. airliner to use turbojet engines was the Boeing 707, in 1958; it was followed in a few months by the Douglas DC 8. In the early versions, both aircraft used unmodified military jet engines. The engines were turbojets ("pure" jets) which were fine for high speed flight (speeds beyond the design capability of the 707 and DC–8) but, in stressing this vital military asset, the engines were not designed for fuel economy.

Fortunately, a sideline investigation of little military interest was to appear. One early device to deal with the surplus air which all jet engines must either use or deflect once in flight, was the "by-pass": in this model of engine, surplus air is ducted around the combustion chamber and then added again at the tail pipe. The result is augmented thrust and reduced fuel consumption especially at moderate speeds and low altitudes.

Further increases in efficiency were offered by tapping the surplus energy in the turbine system to increase the mass flow of air by accelerating it with a large, front-end fan and then ducting it around the rest of the engine assembly. This was the turbo-fan. Now in general service in U.S. airliners, it has an engine front that is larger in diameter than the rest of the engine.[17]

A belated commercial development, the turbo-fan appeared in the United States in 1961, when the Pratt & Whitney Company modified their military engine, the J–57, by adding a fan to the front end and ducting the air stream around the body of the basic engine. This modified version, designated the JT 3D, increased thrust 50% while simultaneously decreasing fuel consumption 13%. The commercial airlines quickly moved to take advantage of the innovation. Existing equipment was retrofitted, and new aircraft were equipped with turbo-fans. By 1965, virtually all non-propeller-driven civilian jets, foreign and domestic, were using the turbo-fan.

The rapidity with which the turbo-fan was adopted, once available, suggests the importance of a substantial R&D capability for the purpose of advancing the state of the art of commercial airframes and engines. Although the military version of the turbo-fan had been investigated more than two decades earlier, its failure to offer significant military advantage had resulted in a long and costly technological lag in commercial application.

IV. DETERMINING NATIONAL POLICY ISSUES OF THE SST

When President John F. Kennedy took office, early in 1961, the SST came into sharper focus. Describing himself as determined to "get America moving again," the new President invited opportunities for active causes. Responding to this opportunity, Najeeb Halaby, FAA Administrator followed his predecessor's initiative and urged consideration of a civil supersonic transport program. He found the President receptive.

As the SST project began to take a more tangible form, three interlocked questions became salient: (1) Should the Federal Government assume responsibility for the program? (2) If so, who should be in charge? (3) What fiscal arrangements would be appropriate? All three questions, of course, hinged on the overriding issue of Should there be such a program?

Previously, in the development of aeronautical hardware the military services had made all these decisions, subject of course to ultimate congressional ratification through the appropriation process. Military procedures followed a well-worn path: preparation of a strategic requirement, survey of technological alternatives, feasibility studies, preliminary design competition, selection of a prime contractor, negotiation of a contract with time-phased target objectives, and concurrently the presentation of an over-all bill to the Congress in which the specific project would be only one small element among many. But the SST project could not take this route.

Necessarily, it was a commercial project that needed to be compatible with the commercial environment. Instead of satisfying a strategic military requirement, the SST proposal was offered to match the less structured requirements of meeting and surpassing foreign competition operating from a different economic and political base, on a different time scale, with a different state-of-the-art. It raised the kinds of questions that private business organizations normally try to answer—and profit only by answering perceptively, such as:

Would the end product find an adequate market for sufficient numbers of units to go above the break-even point?

At the time it became available for scaled-up production, would it be able to compete successfully in price, performance, and maintenance with rival aircraft already on the drawing board?

What level of improved performance would be needed for it to supersede existing subsonic aircraft and outperform the new foreign competition without incurring an excessive degree of engineering risk?

Risk is an inherent element of the commercial environment. But in the appropriation of public money, elimination of risk is a compelling consideration. With the magnitude of the SST investment exceeding the capacity of available sources of private funds, to make the project go would require Government funding. How was the aspect of risk to be dealt with?

Criteria for the decision to proceed with the SST

President Kennedy announced the SST as a national objective in a Commencement address to the Air Force Academy, June 5, 1963. He had taken time out for this visit in the middle of the delicate maneuverings that preceded the negotiation of the Limited Nuclear Test Ban Treaty. Five days later, he would deliver his detente proposal at The American University, in Washington, D.C., that he hoped would lay the groundwork for an era of global peace and understanding. It is possible that he saw in the SST a dramatic illustration of the "plowshare" principle, as well as a peaceful alternative to occupy the aerospace industry. However, he also expressly interpreted the SST as evidence that the technology of manned flight—military as well as commercial—retained its vitality. The commitment to the SST, he declared, was "* * * essential to a strong and forward-looking Nation, and indicates the future of the manned aircraft as we move into a missile age as well."

The President sketched briefly the terms of reference of the project. It should be a partnership of Government with private industry. The project management should be pressed to "develop at the earliest practical date the prototype of a commercially successful supersonic transport superior to that being built in any other country of the world."

"An open, preliminary design competition will be initiated immediately among American airframe and powerplant manufacturers with a more detailed design phase to follow. If these initial phases do not produce an aircraft capable of transporting people and goods safely, swiftly, and at prices the traveler can afford and the airlines find profitable, we shall not go further."[18]

Soon after his visit to Colorado Springs, the President sent a letter to Congressional leaders in which he discussed the criteria and the method of financing of a Government-sponsored SST. He enlarged somewhat on the last item.

"The cost of such a program is large [said the President]—it would be as great as one billion dollars for a development program of about six years. This is beyond the financial capability of our aircraft manufacturers. We cannot, however, permit this high cost, nor the difficulties and risks of such an ambitious program to preclude this country from participating in the logical next development of a commercial aircraft. In order to permit this participation, the United States, through the Federal Aviation Agency, must proceed at once with a program of assistance to industry to develop an aircraft."

The program proposed would call for a participation to at least 25 percent of the development costs by the manufacturers, and a further contribution (amount unspecified) by the airlines through royalty payments. The ceiling on the Government investment would be $750 million, although additional credit assistance might be extended to manufacturers during the production process. The President stressed that "participation by industy as a risk-taking partner is an essential of this undertaking." The objective was to build a commercially sound aircraft, as well as one with superior performance characteristics. The test of its economic soundness would be measured by "industry's willingness to participate in the risk-taking."

Thus, the project would be "principally a commercial venture," although it would "yield much technological knowledge." The President summarized the further objectives of the SST as—

To "maintain the historic United States leadership in aircraft development";

To "demonstrate the technological accomplishments which can be achieved under a democratic, free enterprise system";

To "expand our international trade" through both its manufacture and operation;

To "strengthen the United States aircraft manufacturing industry * * * and provide employment to thousands of Americans."[19]

The lag in U.S. aeronautical technology

The President's decision that the Government should participate in the development of an advanced civil aircraft had followed several expressions of concern that civil aviation was failing to advance at a rate commensurate with the domestic and international markets. On September 1, 1961, President Kennedy received a report prepared at his request by the Task Force on National Aviation Goals (Project Horizon).[20] The report was intended to "define the technical, economic and military objectives of the Federal Government throughout the broad spectrum of aeronautics." It identified the emergence of the space program and the reduced emphasis by the military on the development of manned combat aircraft as major causes for the lag in civil aeronautics development. Said the Task Force:

"An adequately funded, prudently managed, continually updated research and development program is essential to the maintenance of U.S. world leadership in aviation.

Footnotes at end of article.

Federal Government responsibility for aviation research has long been recognized and its participation in such research has been extensive. However, in the past Government-sponsored aeronautical research has largely been stimulated by military requirements for advanced manned aircraft. In recent years this stimulation has declined as a result of the growing concentration on development of missiles and space systems by the military and by the National Aeronautics and Space Administration. It is no longer possible for civil aviation to progress mainly by reliance on the byproducts of military-related research and development programs.

"There is no question that aeronautics is running a poor second to space technology in the time, talents, facilities, and funds expended on it within NASA. Steps must be taken to upgrade recognition of an activity in support of this national requirement.

"With the decline of military emphasis on manned combat aircraft, some shift toward a more centralized coordination of civil aviation research and development in the United States appears needed. This need is sharpened by the forthcoming requirement for more extensive Government financial participation in essentially civil aeronautical development programs, such as the supersonic transport." [21]

These views were echoed in Congress where a staff report of the Senate Committee on Aeronautical and Space Sciences noted that U.S. aeronautical technology was falling behind: "Other countries of the world, with less responsibility than the United States for peacekeeping and international prestige, have continued developments in aeronautics which could command substantial markets and adversely affect our balance of trade." [22] The report expressed concern over the assertedly diffused responsibility for national policies for aeronautics and particularly the want of a federal policy for sustained technological development of civil aeronautics. The need for an integrated national system of air transportation was real, un-met, and under-valued. Said the report, in part:

"An obvious contrast may be noted when the research and development program for aeronautics is compared with the total NASA appropriation ($124 million out of $5.012 billion or about 2 percent for fiscal year 1967). A more meaningful question is whether the funding and the program for aeronautics are adequate, regardless of the magnitude of the space program."

Also—

"Civil aeronautics is an increasingly important part of our economic system with great potential for our international balance of trade and technological prestige. [Moreover], There is a notable absence of national transportation system policy to define the role of various modes, to study the problems of interfaces between modes, and to choose among technological alternatives." [23]

Operationally, civil aeronautics seemed on the threshold of an unprecedented potential for growth, both in the United States and abroad. The United States dominated the world market for aeronautical goods and services, yet, aeronautical services, domestically, were steadily declining in quality as unsolved problems of congestion intensified. New development activity seemed to be stagnant. The nation could ill afford either the decline of domestic service or the relinquishing of its position in the world aeronautical market.

Representative Ken Hechler, speaking for the House Subcommittee on Advanced Research and Development, warned that the U.S. position in world aeronautics could easily be lost:

"The impact of aeronautics on our Nation and on our global society over the past two decades is dramatic. Those areas we once called independent geographic regions have vanished. Self-sufficient nations are also a part of the past. The art of flight has drawn the world together and whether we like our close neighbors or not, the effect is not reversible. To the contrary, the effects of aeronautical technology on the way our world functions will become even greater with time. This is an enviable position for a technology. It is enviable because it provides a view of the future in which the world's societies can accept nothing less than the rapid growth and improvement in all aspects of aeronautical products and services.

"This committee looks at this prospect of great growth and development with enthusiasm but also with deep concern. These bright prospects are predicated on the rising world requirements for aeronautical products and services. However, the number of participants in the aeronautical communty, competitors if you will, is also rising. This bright period, as it applies to the aeronautical future of any nation, including our own, is neither automatic nor inevitable." [24]

Studies by the executive branch and in both Houses of Congress found the rate of progress in aeronautic technology inadequate for future domestic requirements or to preserve the Nation's position as the world's prime exporter of aeronautical goods. Hitherto, the flow of advanced technology into the civil sector from military R&D had nourished civil aeronautics and had enabled it to dominate the world market; in the decade of the 1950's the flow of military R&D no longer served this function. To an increasing extent, military aircraft were being developed as one component of a completely integrated weapons system. The "systems approach" was a sharp contrast to the former practice of developing an advanced aircraft and then outfitting it with weapons. Highly specialized military aircraft as system components were inappropriate for conversion to civil uses. Moreover, missile systems were far more competitive than complementary to aircraft. Advocates of new missile systems challenged manned aircraft as obsolete. The impetus for missile development and employment was a major factor in diverting emphasis from aircraft development. (Certainly, it had contributed to cancellation of the B-70, originally scheduled to replace the aged B-52 in the early 1960's.) With demise of the B-70, Air Force interest in large supersonic aircraft was blunted for almost a decade.

Other areas of military aeronautics in which developments would have served civil needs were also set aside. These included VTOL and STOL systems for tactical fighter support, as well as for heavy aerial logistics to locations lacking conventional runways.

NASA had served both the military and the civil sector as a resource for research, but not for the development of whole aircraft. Here too, aeronautics was now being superseded by the space program.

Studies leading to the President's SST decision

President Kennedy in his Air Force Academy speech and the subsequent messages to Congress had resolved for the time being the three policy issues (1) There was to be an SST, (2) the program would be under the direction of the Federal Aviation Agency, and (3) it would be funded mainly by the Federal Government, with private industry assuming one-quarter of the risk, and the Federal funds ultimately recaptured from user royalties. Many studies and analyses had led to these decisions.

The first of these was the Task Force on National Aviation Goals. Its study, "Project Horizon," had recognized in 1961 that funding by the Government would be necessary, but also that they should be recovered:

"Government funds [said the report] should be utilized through the research, design, development, prototype, and probably production stages. Every effort must be made to recoup the Government's financial investment through some type of royalty system to be paid by the operators." [25]

Even before the Task Force had made its formal report, a separate three-member "SST Steering Group" had proposed separately that a Supersonic Transport Authority be formed either independently or within the structure of an existing agency.[26]

In November, 1961, Halaby established another advisory body to serve the SST steering group. It was called the Supersonic Transport Advisory Group (STAG).[27] This group recommended Federal management for the SST program and repeated Halaby's recommendation for a Supersonic Transport Authority, headed by an individual appointed by the President with advice and consent of the Senate. The SST Authority, it said, should be placed within the FAA.

"As between the FAA and NASA [reported STAG], we believe the choice is a close one. NASA has the greater experience in aerodynamic research and in managing large research and development programs. FAA has the greater knowledge and experience in the design criteria for efficient transport aircraft, and in the difficult problem of integrating such aircraft into the air traffic patterns already under FAA supervision. [Accordingly, FAA should assume primary responsibility for SST development, but not in the sense of competing with either NASA or private industry.]" [28]

The SST design visualized by STAG [29] was quite different from the version finally selected for construction. The Group judged speed rather than size to be the primary criterion for market competition with the Concorde, and accordingly recommended an aircraft of similar size and weight (about 175 tons) but capable of Mach 3.5 as against Concorde's design speed of Mach 2.0 (2360 mph versus 1350 mph). STAG predicted a range of 2400 miles, too short for non-stop transatlantic service. They forecast a preproduction development cost of $1 billion, recommending that industry furnish 10 percent. Finally, they suggested an early announcement by the President that the development of an SST receive the status of a national objective.

STAG's report came to the President in January, 1963, at about the time Congress appropriated $31 million for SST studies. He asked Vice President Johnson to form a Cabinet committee for a final assessment; a favorable report was returned June 1, 1963. Four days later, at the Air Force Academy, he announced the SST as a national objective.

Repeated Presidential endorsement of the SST program

Lyndon Johnson as Vice President was instructed by the President to continue the effort, which he had begun in the Senate, to foster plans leading to the development of the SST. To aid him, the President established a Cabinet-level committee, chaired by the Vice President, whose mission was the coordination of plans to initiate the national program to build an SST.

Johnson assumed the Presidency on Nov. 22, 1963, only a few months following initiation of the program. In January of 1964, adhering to the timetable established by President Kennedy, a 210-member, governmental evaluation group, drawn from FAA, NASA, USAD, Navy, CAB and the Dept. of Commerce reviewed the proposals submitted by three airframe and three engine companies. The review team found all designs inadequate and reported their findings to the President.

In April 1964, President Johnson announced the negative results and simultaneously announced the formation of the President's Advisory Committee on the Supersonic Transport to be chaired by the Secretary of Defense. He instructed his com-

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mittee and the Administrator of FAA (a member) to provide further recommendation.[30]

He received an interim report, recommending design study awards to Boeing and Lockheed May, 1964. Then, May 21, 1964, he asked Halaby, FAA Administrator to make the awards.[31]

On July 1, 1965, at the swearing-in ceremony of General Wm. McKee, to replace Halaby as FAA Administrator, President Johnson's welcoming speech to General McKee was also a mandate to proceed with the SST program. The President stressed the importance of the SST as a part of his new assignment. That assignment, he said, was "* * * to develop a supersonic transport which is, first, safe for the passenger, second, superior to any other commercial aircraft, and third, economically profitable to build and operate." [32] The President devoted most of his welcoming speech to detailed instructions for the program over the following 18 months. He explicitly reconfirmed FAA's responsibility for the guidance and full management of the program.

The final selection of Boeing and General Electric as the preferred airframe and engine suppliers for the SST was announced by McKee on Dec. 31, 1966. On April 29, 1967 President Johnson authorized the Secretary of Transportation, rather than the FAA, to award prototype contracts to these firms.[33]

This action transferred the primary responsibility for management of the SST from the FAA. Presumably it was in recognition that as a regulatory agency over air transportation, the FAA would encounter a conflict of interest if it engaged in the development of a vehicle for use in air transport which it would later be called on to certify and regulate. This problem had been foreseen by the Supersonic Transport Advisory Group (STAG) in urging that an independent office be created to manage the program. However, during President Johnson's terms of office, management of the SST remained with FAA.

The 1967 design offered by the Boeing Company encountered an unexpected setback in final design evaluation. It offered a "swing wing" or variable geometry airfoil structure which, at the present state of the art, was judged to present an insoluble problem of excessive weight. President Johnson's goal of an economically sound and competitive vehicle would be jeopardized by the design constraints imposed by the swing wing. Accordingly, the Boeing engineers asked for a year's delay to go "back to the drawing board." This delay, through 1968, ran to the end of the Johnson Presidency.

On coming to office, in January, 1969, President Nixon asserted the same favorable view of the SST as had his two predecessors in office and established an Ad Hoc Committee to review the status of the program for him.[34] On January 15, Boeing submitted a new design, calling for a "fixed wing", and FAA commenced a design review. This design satisfied the criteria and on April 1, 1969, the Secretary of Transportation sent program recommendations to the President. After further study in the Executive Office, the President sent to Congress, September 23, a request for $96 million for the fiscal year 1970 and for an authorization of $622 million for use through the fiscal year 1964, to support the SST program. In answer to criticisms that were beginning to be expressed in the Congress, the President said:

"What is involved here is not just 150,000 jobs which will be lost if we don't build it, not just the fact that billions of dollars in foreign exchange will be lost if we do not build it; but what is lost here is the fact that the United States of America which has been first in the world in commercial aviation from the time of the Wright brothers decides not just to be second but not even to show.

Now not out of any sense of jingoism but because this plane is going to be built, because it's going to bring, for example, Asia not only Japan but China, in the last third of this century 3 hours from the West Coast to Asia—I think the United States should build it and I believe that we can answer the arguments of the conservationists.[35]

Transfer of Government Responsibility for Management of the SST

On April 1, 1970, an Office of the Supersonic Transport was established as an independent entity within the Department of Transportation, reporting directly to the Secretary. As its Director, the President designated William M. Magruder,[35a] with a background as an aeronautical engineer and experimental test pilot, and experience in executive management with Douglas Aircraft Company and the Lockheed California Company. Formation of the new Office coincided with completion of preliminary phases of the SST design, up to the point at which commitments could be made for actual construction of prototype aircraft.

Establishment of the New Office of the Supersonic Transport was consistent with the responsibility of the Secretary of the Department of Transportation to conduct programs to advance the transportation art. It also complied with the recommendations of various presidential advisory groups that the SST should be under a separate office. The possibility of conflict of interest was also removed, since under the previous arrangement the FAA would be in the position of certifying for commercial service its own aircraft.

Although the authorization of President Johnson for prototype construction has gone to the Secretary of Transportation, the management role of FAA had not been changed in response to this redirection of authority. However, it should also be noted that the involvement of Presidents Kennedy and Johnson in the SST program had been so deep that they, in effect, along with various special advisory groups reporting to them, were practically managing the program. Both Presidents had turned to FAA as the only aeronautical office in the Department of Transportation, and as an agency under the immediate supervision of directors appointed by them, as an appropriate resources to carry the program through its formative stages without the loss of impetus that reorganization might cause. President Nixon came into office as this formative stage drew to a close. Accordingly, establishment of the new Office and the transfer of the program from FAA constituted a maturation process along lines envisioned from the start.

Change in National Aeronautics policy evidenced by the SST program

Although both NASA and FAA had long participated in or supported research, FAA in navigation aids and NASA in the proving of aircraft concepts by the use of experimental aircraft and design systems, they had always stopped short of actual development of civil aircraft. Historically, the burden of cost had been borne first by the military services, and then by the private sector of the aircraft industry. The formative years, during which aeronautical systems had developed to their present technical level and economic status, while never smooth, had been reasonably effective.

However, by the mid-1960s, parts of the air transportation network became overcrowded. Acute congestion began to distress the public and erode airline profits. Passenger safety became of concern to the public and to the Congress.

Out of this evolving concern there emerged a new national policy for aeronautics, more tacit than explicit. In essence, it called for civil aeronautical development as well as research to be funded and managed by federal agencies, for joint analytical and anticipatory studies of needs and solutions by NASA and DOT, and a redirecting of advanced research and development to meet needs and solve problems.

As the policy took concrete form, it represented a funded attack on three sets of tasks: (1) improved productivity of aircraft through the large, supersonic transport, (2) improved compatability of aircraft with the environment through improvements in engine acoustics and combustion and (3) evolution of an air transportation system on a point-to-point basis instead of from airport-to-airport; this task implied the evolution of "short-take-off-and-landing" (STOL) and "vertical-take-off-and-landing" (VTOL) aircraft. The economic and environmental aspects of the SST, the first target objective of the changed policy, is the subject of the rest of this chapter.

V. ECONOMIC CONSIDERATIONS OF SUPERSONIC FLIGHT

This section assesses the economics of the SST in the overall context of the air transportation industry, applying the cardinal principles which have determined the evolution of today's aerial transports. Since the earliest days of the SST program, the rationale for building the aircraft has been a major issue. Is the program driven by an economically wasteful desire to win in an international competition or is the SST an essential participation in a strictly practical business venture? The price tag for the Boeing SST as now envisioned is nearly twice that of the most expensive subsonic jet.[36] Can such an investment pay—or does it represent a generous gift to the affluent air passenger?

Capacity and speed as prime determinants of profit

Some of the single engined mail planes of the 1920's could carry a paying passenger. It quickly became obvious that a slightly larger plane would have about the same fixed costs, shelter, maintenance and crew, but could carry more paying passengers. Since the fixed cost would be about the same, the higher price of the plane could be weighed against the work it would do. If it could carry four fares instead of one, the higher earning rate would usually more than justify the higher purchase price.

Successful operators (those with enough available payload to merit the purchase of two aircraft) discovered another advantage of larger capacity: A slightly larger aircraft could carry the payload which now required two aircraft. The price however, might be almost double that of small ones. Even so, the larger aircraft was usually more economically attractive for two reasons: (1) a saving of about half of the fixed costs because maintenance and crew costs would be for one instead of two aircraft; and (2) flexibility because idle space in a large aircraft is less costly than the fixed costs related to owning twice as many aircraft. In essence, increased payload capability was proportionately more important than the purchase price of the vehicle, as long as the larger aircraft enabled the operator to reduce the numbers of his fleet.

Similar benefit was conferred by aircraft speed. If payload capability of all aircraft was equal and a higher purchase price bought higher speed capability, then the operator could analyze his routes and workload to learn whether the faster aircraft might make two trips per day or at least do enough additional work to permit operating a smaller fleet.

Thus, airline income was tied to aircraft productivity: numbers of passenger miles or ton miles per day. Costs were determined more by number of aircraft needed than by their purchase price.

Footnotes at end of article.

Maximum return on investment therefore favors owning the fewest possible number of high productivity aircraft. An operator whose payload for a given route doubled, could accept this additional business by buying a second aircraft. But a more economical solution would be to dispose of his small aircraft in favor of one with twice the payload capability. In practice, he would look for somewhat more than the doubled payload capability so as to have a margin of future growth.

Aircraft costs as minor factor of airline economics

As aircraft get larger and faster, price rises sharply. The impression may be general that the price of a new plane today has already risen completely out of proportion to its slightly smaller predecessors. But the operator is buying a piece of production equipment in which price is related to how many revenue units (seat miles and ton miles) it can produce an hour. Each time aircraft have increased their size and speed, the purchase cost per seat mile yielded in an hour has become less, not more.

The price of a Boeing 747 is about 20 million dollars, almost twice the price of the Boeing 707. Yet it is slightly faster and can haul more than twice the payload. The purchase price in terms of revenue units yielded per hour is therefore lower, not higher, than the Boeing 707. In addition, the operator has reduced his fixed costs by trading two aircraft for one.

Actual financial status of U.S. airlines

Meeting the rising market for air travel with the smallest possible fleet has merits that extend far beyond the economic health of the operator. The table shows actual passenger miles for 1959 and projects totals for future years. (It is only illustrative, being based solely on passenger-mile requirements).

TABLE 1.—NUMBER OF AIRCRAFT OF VARIOUS TYPES NEEDED FOR ANNUAL TRAFFIC

Aircraft	Number of aircraft of each type required to carry annual traffic[1] 1959	1971	1980	1990
DC-3	10,167	47,416	145,150	284,833
DC-6	1,794	8,378	25,615	50,265
707	469	2,188	6,699	13,146
747		786	2,406	4,721
SST (Boeing 2707—300)			1,469	2,882

[1] Office of Supersonic Transport Development, Department of Transportation. "U.S. Supersonic Transport—Grey Book." Prepared by the Office of the Supersonic Transport (July 2, 1970), p. 6, J. 5 (mimeo).

TABLE 2.—GROWTH OF AIR TRAVEL VERSUS 6 OF COMMERCIAL FLEET

	Aircraft fleet	Percent jets	Billion passenger-miles[1]
1959	1,827	16	29.3
1969	2,403	94	95.9
Increase	576		66.6
Percent increase	31		230

[1] Table derived from information contained in Air Transport Association of America official publication, "1970 Air Transport Facts and Figures." Washington, D.C., p. 43.

In spite of the fact that the increased capability of aircraft has expanded service faster than fleet size, many of today's airports and part of the air traffic control system are saturated by today's fleet of 2,500 aircraft. The growth in domestic air travel compared with that of the commercial fleet is illustrated below.

Step function gains in aircraft productivity

The first leap in productivity of the post-war transport aircraft was the transition from the small twin engine aircraft like the DC-3 to the four engine aircraft in the DC-6 class. Speed was doubled and passenger capacity was multiplied by more than five.

Growth of air transportation shows a characteristic step function. Each new generation of vehicles has produced significant increases in capacity, performance, and economy of operation over its immediate predecessor. The decade chosen for comparison in the preceding tables covers the second leap in productivity—the transition from the piston engined plane to the jets. Both passenger capacity and speed were doubled over that of the DC-6's and DC-7's. Productivity per aircraft therefore rose by a factor of 4.

In each transition period, aircraft purchase prices rose sharply, but the additional cost was small in relation to their capability to produce revenue. The effect of the more productive equipment was reduction in operating costs despite the steady overall inflationary factors which tend to drive all costs upward. The following table shows the point at which the effect of cost reduction of the new aircraft, and the effect of cost inflation cross.

TABLE 3.[1]—AIRLINE REVENUE VERSUS PASSENGER-MILES, 1959-69

	Total, operating revenues	Total, operating expenses	Revenue passenger-miles flown (millions)	Net profit or loss	Rate of return on investment (percent)	Profit margin on sales (percent)
Total industry:						
1959	$2,618,471	$2,496,122	36,371.8	$72,881	6.2	2.8
1964	4,250,838	3,780,741	58,493.7	223,172	9.8	5.3
1965	4,957,851	4,285,923	68,676.5	367,119	12.0	7.4
1966	5,745,038	4,969,541	79,889.3	427,633	10.9	7.4
1967	6,864,726	6,156,532	98,746.6	415,388	7.6	6.1
1968	6,762,683	7,247,612	113,958.3	216,130	5.0	2.8
1969	8,792,027	8,396,219	125,414.2	55,308	3.3	.6

[1] "1970 Air Transport Facts and Figures," op. cit. pp. 26–34.

The transition to the jets began in 1959 and was completed by the middle of the 1960's. Profits rose steadily and peaked during 1965. The advantage of the improved equipment and the effect of steadily rising inflationary costs crossed during 1966 and profit began to decline even though demand continued to rise steadily. By 1968 the advantage of the improved equipment, in terms of airline operating profit had largely vanished. The financial status of the airline industry in 1969 reveals a marginal status for survival.

A general decrease in the amount of service now available could preserve profit margins for a time. A decrease in the number of flights could increase the load factor on remaining flights. Single-flight-per-day routes having light loading could be cancelled. Remaining flights could be rescheduled to use the uncrowded midnight to morning hours to reduce losses due to congestion. In the long term, however, the operators face the alternative of fare increases or new aircraft designs which will permit another transition toward higher productivity/(larger and faster aircraft).

In the ten year period between 1959 and 1969, inflation decreased the purchasing power of the dollar by 28%. Nevertheless the average passenger fare remained about the same. When this factor is considered, and 1969 fares are adjusted for constant purchasing power based on the 1959 dollar value, it may be seen that the average air fare has decreased in price by more than 25% during the decade.[40]

Passenger Amenities—a Derivative Gain of Design Advances

The little mailplanes of the 1920's, with an extra cockpit for a paying passenger were replaced by larger single engine aircraft with closed cabins which would accommodate from 2 to 6 passengers. A few twin engined and three engined fabric covered planes appeared in the late 1920's, offering up to twice as many seats. Passenger comfort rose markedly with each change. One aircraft of the late 1920's even featured a toilet. (Unfortunately its only door was an exterior one. It was for use at refueling stops which might not have terminal accommodations).

Footnotes at end of article.

With the all-metal twin engined aircraft of the early 1930's, the Douglas DC-2, the Boeing 247, and the Lockheed Electra (the first Electra), the prerequisits of courage and fortitude was greatly reduced for the air passenger. With these aircraft up to 14 passengers could be carried with a fair degree of comfort, if not convenience.

In the mid 1930's the sumptuous transoceanic four-engined flying boats of Sikorsky, Martin, and Boeing appeared. These giant aircraft were limited in payload because of the fuel their flights required. Their prime function was to carry mail, passengers being allowed to use up whatever margin of payload left after loading the mail and varying amounts of extra fuel to meet expected weather. Ten or fifteen passengers might be allowed. However, they enjoyed a degree of spacious luxury never again approached on any aircraft.

The next evolutionary step in passenger capability came in 1939 with the first pressurized aircraft, the 33-passenger Boeing Stratoliner and the unpressurized 40-passenger DC-4. These aircraft cruised at speeds around 225 mph and were the first to offer the security of long-range flights; the Boeing was even able to offer "above the weather" flying.

Incremental advances followed throughout the next two decades. The DC-4 was replaced by larger pressurized versions, the DC-6 and then the DC-7. The Lockheed Constellation appeared in competition to the DC-6 and grew in size and speed until Lockheed's second Electra (turbo-prop powered) appeared. These propeller driven transports had reached cruise speeds somewhat higher than 350 mph and passenger capacities more than double that of the 40-passenger DC-4.

Both Douglas and Boeing introduced turbojet transports in 1958. In one step, these aircraft more than doubled the productive capacity of any previous propeller-driven transport. In their "high density" seating versions, either aircraft could carry 177 passengers across the country at 500 mph. The earlier model of either jet could do the work of 3 DC-7's, thus offering unparallel savings in terms of productivity.

In the mid and latter years of the 1960s, growth versions appeared, adding vehicle productivity through extra size without notable increases in speed. Similar modifications have extended the productivity of the Boeing 747, the Lockheed 1011, and the Douglas DC-10. They have more than doubled the productivity of the 707 and DC-8 through increases in size alone.

Throughout this entire period, the price of air travel has remained almost constant. The prime consequence of the growth in size and speed of aircraft has been the economic gain of higher productivity. However, the circumstance that higher productivity, throughout this history, has also yielded improved consumer appeal, comfort and safety, has been a rewarding one to both the industry and the passenger. A decade ago the passenger miles accumulated by trains and buses exceeded air travel by 137 percent; today, air passenger miles exceed those of surface travel by 300%.

The SST as the next major increment in vehicle productivity

Although in the past, major increases in productivity resulted from the combined effect of higher speed and larger capacity, future gains for the subsonic air carrier depend on larger size alone. Except for marginal[41] improvement, the modern subsonic jet has reached upper end of its speed capability. The remaining option, greater size, remains open; the Boeing 747, the Lockheed 1011, and the DC-10 exploit this option. The table which follows compares the productivity related to increased size alone with that related to increased size combined with higher speed. It also reveals the reasoning which led to the large capacity of the Boeing SST. When the SST is operating at speeds comparable to the 707 and 747, its productive capacity becomes a size comparison, and it appears midway between these subsonic aircraft.[42] When it flys supersonically, however, its productivity is 500% greater than that of the Boeing 707 and almost 300% greater than that of competing SST's under development abroad.

TABLE 4.—RELATIVE PRODUCTIVITY INDEX IN SEAT MILES PER HOUR [1]

Aircraft	Subsonic index	Supersonic index	Passenger capacity	Cruise speed, m.p.h.
Boeing 707-320	1		179	600
Boeing 747	2.1		370	600
Boeing SST 2707-300	1.7	5	298	1,786/600
Concorde I	.7	1.6	128	1,350/600
TU-144	.67	1.7	120	1,550/600
B-70	.56	1.7	100	1,800/600

[1] Subsonic cruise speeds shown are approximate. Supersonic cruise speeds may also vary slightly from these design figures. Cruise speed data furnished by the Department of Transportation.

The index in the preceding table relates only passenger capacity and speed. Other payload is not considered. For comparative purposes, the Boeing 707 is rated as "one." Turn-around time is approximately a constant for all models. Downtime for periodic maintenance is not considered but in fact maintenance is based primarily on hours flown and therefore is less of a penalty to a fast aircraft than to a slow one so that a fast aircraft can do more work than a slow one between overhaul periods.

Early economic feasibility studies of the SST

Since 1960, the FAA various manufacturers, and the airlines have conducted virtually a continuous series of studies on supersonic transportation as capability and as a market. United Research, Inc., of Cambridge, Mass., conducted a preliminary FAA study contract in 1960. In 1963, President Kennedy initiated a study aimed at providing an economic overview of the feasibility of a national program to build a supersonic transport. The study was conducted by Eugene R. Black and Stanley J. Osborne. Completed in December of 1963, the Black/Osborne report provided a review of the economic aspects of the program and included recommendations as to the roles of the manufacturers, the airlines, financial institutions, and the United States Government.[43]

The FAA consolidated the more usable portions of prior studies and incorporated their own statistical materials. Their study, the *Economic Feasibility Report, U.S. Supersonic Transport,*[44] April 1967 provided "baseline" analysis and a format that subsequent studies could update.

Two independent studies prepared as a part of the overall economic evaluation were also completed in mid 1967.

Review of the Economic Feasibility Report for the SST and Supporting Materials, 3 April 1967, Charles River Associates.[45]

This report was the result of a review of the aircraft demand sections of the FAA *Economic Feasibility Report*. It includes revised methodology from the IDA report and recalculation of certain basic input data on costs and yields for the aircraft mix expected in the 1975-1990 time period.

SST Financial Planning Study, May 1967, Booz, Allen and Hamilton

Discussion and analysis of the production financing problem in terms of order of magnitude dollar requirements to the manufacturers and airlines, risk factors, potential sources of capital, and evaluation of the various means by which the program might be financed including alternative methods of Government support.

Progress and design decisions for the final size and operating characteristics of the SST continued to replace the assumptions in the studies with firm data. Plans to use a "swing wing" were dropped in favor of a fixed wing. Payload and number of passengers as well as range and other operating data were determined.

In May 1969, Boeing issued a study of the dynamics of SST introduction into commercial operations, based on a detailed analysis of 142 international routes. Overland flights were assumed to operate below boom producing speeds and revenues were based on current economy fares, with yields varied in relation to the degree of market penetration. The study concluded that a fleet of 500 SST's by 1990 was economically feasible and that the currently defined SST would not require increases in the current fare structure to produce a reasonable profit for the airlines.[46]

The Boeing study has a special significance in that, for the first time, the SST was evaluated in terms of real, not hypothetical data. Actual routes, curfew restrictions and time zone differentials were analyzed. Operating characteristics and cost data were based on a firm design rather than a range of assumptions.

The updated study predicted a market potential of 515 aircraft, very close to the FAA estimate of 500 to be sold by 1990. (Charles River Associates had predicted that 805 would be required within this time period.)[47] It assumed a six fold traffic increase for the twenty two year period between 1968 and 1990. All studies assumed the sonic boom restrictions, barring flights at boom-producing speeds over populated areas.

There was uniform agreement among the various later studies that by 1990 the SST would constitute approximately a sixth of the world fleet. The range of these estimates has a variation based primarily on size of aircraft sold rather than available load factors. Estimates for the total fleet (Western World) of long range aircraft (short haul aircraft for flights of 700 miles or less are omitted) are as follows:

Range of 1990 market estimate

SSTs	500- 800
Concordes	200- 400
New and replacement subsonic jets	2,425-3,870
Total airplanes	3,125-5,075

Selected highlights of the physical and operating characteristics of the Boeing and foreign SST's along with the Boeing subsonic 747 are shown below:

TABLE 5.—WEIGHT, PAYLOAD, AND OPERATING COST COMPARISON OF SST'S AND THE BOEING 747 [1]

	B2707-300 (281 B)	Concorde	TU-144	747
Aircraft characteristics:				
Gross weight (lbs.)	750,000	385,000	330,000	710,000
OEW (lbs.)	327,660	170,000		353,621
Airframe weight (lbs.)	275,260	139,600		320,021
Engine weight (lbs.)	13,100	7,600		8,400
Number of seats (10/90 split)	281	126	120	384
Total payload (lbs.)	[2] 60,200	28,000	26,400	98,200
Range, statute miles, (standard day)	4,000	4,000	4,000	4,375
Operating cost per seat-mile on comparable basis (cents):				
2,644 statute miles:				
Direct operating cost	1.12	1.54		0.93
Indirect operating cost	1.30	1.25		1.40
Total	2.42	2.79		2.33
3,565 statute miles:				
Direct operating cost	1.06	1.60		.90
Indirect operating cost	1.14	1.20		1.33
Total	2.20	2.80		2.23

[1] Data obtained from Department of Transportation, Dec. 30, 1970.

[2] Based on 200 lbs. per passenger and 4,000 lbs. cargo.

Pros and cons of international finance

Items with high export potential are viewed historically as positive[48-49] contributions to the balance of payments. The SST, as a manufactured item with high export potential, would become the latest and highest priced contribution to the world aviation market, 84% of which is now held by the United States. In the case of the SST, however, question has been raised as to whether or not the balance of payments would benefit from sales.

Some opponents of the SST program, have contended that the project would fail and thereby waste the risk capital loaned by the Government. Other opponents, expressing fear that the SST program would be successful, suggest that its very success would result in a net outflow of funds.

Footnotes at end of article.

The contribution of the proposed Boeing SST to the international balance of payments position of the United States—along with other factors, not all economic—has received considerable adverse assessment by a number of leading students of economics. Surveyed during the summer of 1970 by the Sierra Club (itself a center of opposition to the SST on environmental protection grounds), the economists[50] offered such criticisms as the following:

It had failed the test of the marketplace;

It was not necessary as an investment for the United States to achieve full employment;

Its effect on the U.S. balance of payments position would be trivial;

Its economic consequences were purely speculative;

Its speedier transit to Europe was of doubtful attractiveness to passengers;

There were alternative uses for Federal funds of greater importance, such as to fund critical social programs;

There would be adverse environmental effects;

The present program was purely opportunistic; it would be preferable to catch up with the European developments, later on, rather than to assume the lead now;

Federal funds were drawn from the whole population, while the SST would benefit only a part which was an inequity:

If the risk was too high to attract private capital it did not warrant Federal spending;

It was a subsidy for luxury spending;

It was a sophisticated version of "leaf-raking";

Its costs would be defrayed by raising fares on large subsonic aircraft.

Only Professor Wallich was ambivalent on the question. While opposed to the SST on environmental grounds, he observed that in any event the Concorde was being built, and if it proved commercially viable, then the United States should follow suit "to capture such economic advantages as are to be had by building the plane." He continued: "Failure to build would inflict lasting balance of payments damage with little compensating environmental gain."[51]

The question as to whether the U.S. balance of payments would be affected by the SST positively, negatively, or not at all, hinges on two sets of assumptions:

(1) The prospect of future overseas sales of the aircraft (or, conversely, of purchases by U.S. airlines of foreign SSTs); and

(2) The net effect on overseas travel, both business and pleasure, of the U.S. supersonic transport, with or without the existence of a foreign-made SST, and the net derivative effect of such travel on the U.S. balance of payments.

On the second issue, it seems fruitless to speculate, although many have. Perhaps the most trenchant observation to be made is that a large increase in interchange of persons across international boundaries might contribute to international understanding and thus further peace. If true, the investment in a means to facilitate international travel would be worthwhile at many times the cost. But to speculate about the future effect of crossing the Atlantic in two hours instead of six on the rate of travel or the flow of business investment can produce no useful guidance.

On the other hand, the prospect of sales of an American SST abroad is an issue of substance and consequence. Is it preferable as a matter of U.S. policy that U.S. airlines equip themselves with costly SSTs produced in England-France, or the U.S.S.R.?—Or that foreign airlines equip themselves with costly SSTs produced in the United States? If the Concorde project is abandoned should the U.S. project be also? And if one is continued, should the other be? Some measure of the quantity and flow direction of dollars associated with potential sales of the U.S. SST is shown below.

On the assumption that the American SST is competing only with the first generation Concorde (and neglecting altogether the question of the Soviet SST), it is estimated that 60 Concordes would be purchased by U.S. airlines and that 270 Boeing SSTs would be exported, yielding a net $10.1 billion in *exports*. If the Boeing SST were not built, it is estimated that U.S. airlines would acquire 300 Concordes, yielding a net $7.0 billion in *imports*. The total effect of the U.S. SST on the U.S. export-import trade balance under this assumption would be $17.1 billion.[52]

Corresponding figures under the assumption of a second-generation Concorde by 1990 are: with an American SST, $10.1 billion of net *exports;* with no American SST, $12.0 billion net *imports*, a swing of $22.1 billion.[53]

The issues of risk and the test of the market place

It is necessary to recognize that any technological innovation involves engineering risk. That such a risk is involved in the SST is obvious; the long history of military troubles with large supersonic aircraft shows this. On the other hand, the very considerable experience of the aircraft industry with such military aircraft has done much to reduce the magnitude of the engineering risk for the future.

The fact that Government funding has been found necessary for the SST—a source of criticism for some economists—is not, however, primarily attributable to the degree of engineering risk. Rather, the primary factor is the sheer magnitude of the investment required. Even if there were not engineering risk, the raising of the substantial development funds required would be difficult. In addition to engineering risk, there is also the matter of economic risk—the chance that economic conditions might be unfavorable to market reception of the SST when it is ready, chance that a superior Soviet SST or some unforeseen political development might present a future obstacle, and the sheer difficulty of managing such a large engineering development. However remote, this economic risk must be acknowledged as a possibility, and thus a handicap to low-interest-rate capital funding. These two risks and the size of the investment and the size of the project are not additive, but factors to be multiplied in assessing the difficulty of private funding.

However, the investment of Federal funds to support large-scale, high-cost, technological development beneficial to private enterprise is an activity with many precedents: agriculture, irrigation works, atomic energy, titanium, synthetic rubber, research in coal utilization, and hydroelectric projects all come under this category. Government investment to support transportation have included many commercial-type developments, of which the following are illustrative: steamships, the nuclear ship, the hydrofoil ship, the St. Lawrence Seaway, the Panama Canal, the Inland Waterways, U.S. Barge Lines, the high-speed train, the Panama Railroad and the Alaskan Railroad.

Such precedents afford assurance that U.S. funding of a potentially attractive (or essential) but high-cost technology is a reasonable course. Whether or not it is an economic success would seem to depend on the engineering skill of the builder and the managerial skill of the airlines. And whether it constitutes a serious hazard to the global environment is a question remaining to be discussed. However, it seems reasonable to conclude at this point that there is a good chance that the SST affords an economic opportunity to the airlines and perhaps also the U.S. balance of payments. Undeniably, it is an important source of job income with a tangible product.

VI. THE ISSUE OF THE ENVIRONMENTAL IMPACT OF THE SST

Whatever the nation of the aircraft that first extends supersonic travel into the civil sector, its introduction seems likely to come at a time of growing concern over the impact of technology on the environment.

The traditional use of machines and technological processes has shown little regard for the environmental burden or hazard they might offer. Today, this burden is no longer deemed acceptable as an inevitable penalty of civilization. Contaminants, unwanted noise, thermal energy, and radiation now signify impairment of the quality of life. Sentiments in favor of preserving or restoring the quality of the environment are expressed in the United States, the Soviet Union, Western Europe, Japan, and doubtless elsewhere.

In the recent past, the increasing use of civil aircraft and the increased burden of environmental consequences of such use, have brought air transportation under scrutiny—even attack. Air travel is a great consumer of space: in terms of large airports and service facilities, traffic holding patterns around large terminals, and airlanes crisscrossing the continent. Almost all engines are noisy. The soot and smell of combustion products of kerosene and gasoline fuels contribute to air pollution. Other problems are created by imperfections of air transportation as a system—the separation of passengers and luggage, the annoying sequences of transport stages, problems of aerial congestion over terminals and busy air lanes, and the conflicts over airport zoning.

With the prospective advent of the SST, attention has turned to the question as to its special effects on the environment. The question can be approached from many directions, dependiing on the point of view of the analyst. Not all critics of the SST are "anti-science" and not all advocates of technological advance are uncritical of its consequences. The study by the Committee on Science and Public Policy of the National Academy of Sciences of "technology assessment" encapsulates the issue in these words:

> "Whereas a few years ago, for example, the idea of a supersonic transport seemed to many the obvious fulfillment of man's airborne destiny, today some who might once have greeted the SST with unbounded enthusiasm are asking whether it is truly a sign of progress to fly from Watts to Harlem in two hours, vibrating millions of ears and windows in between.[54]

This reference goes on to suggest that the rational choice facing men—

> *Is between technological advance that proceeds without adequate consideration of its consequences and technological change that is influenced by a deep concern for the interaction between man's tools and the human environment in which they do their work.* [*Italics in original*][55]

In other words, technology should be assessed not from the point of view of an assumption that it is guilty, but rather to identify possible problems to be dealt with in a systematic, orderly, and effective fashion, to ensure that the final product achieves an acceptable, optimum compromise among the many objectives subsumed under "environmental quality."

There have been many criticisms of supersonic aircraft as an impairment of the environment. Supersonic vehicles offer new levels of power and a new variety of sonic disturbances. They propose to occupy a stratum of the atmosphere quite new to civil aircraft. Clearly, environmental compatibility takes its place with other more traditional performance criteria to be satisfied before this new vehicle can be accepted as useful.

A tabulation of the issues that have been raised regarding the SST in its relationship to the environment would include the following:

Footnotes at end of article.

1. Micro-environmental issues: a. Sonic boom; b. Engine noise on and near the ground; and c. Air pollution.

2. Macro-environmental issues: a. oxygen balance upset; b. excess of global carbon dioxide atmosphere; c. toxic additives; d. weather modification from water vapor and particulate matter; and e. radiation hazard (ozone layer depletion).

Apparent resolution of the sonic boom issue

Sonic boom test programs[56] conducted by the Air Force have provided a practical and a theoretical understanding of the boom and its effects. These tests also gave several million civilians a practical education in the phenomenon. Even when the booms were reduced far below any destructive potential by altitude or distance of the source they proved hard for some people to tolerate.

The announced national policy and the "FAA Notice of Proposed Rule Making," issued April 16, 1970 (39 FR 6189) would prohibit operation of civil aircraft over the United States at speeds which would cause a sonic boom on the ground. The ruling is supposed to apply to all civil aircraft, domestic or foreign, but not to military aircraft over which the Authority has no jurisdiction.

A sonic boom created by a jet fighter flying "on the deck" can cause pressure changes exceeding 100 pounds per square foot, enough pressure to damage certain types of buildings. Air Force tests, in which the pressure rise ("overpressure") of sonic booms was gradually increased, revealed that damage first appeared when the overpressure reached 7½ pounds per square foot. At this pressure, several panels of glass in a greenhouse were cracked.[57] The greenhouse was the most fragile of the test structures and the over pressure of 7½ pounds per square foot[58] was therefore regarded by the Air Force at that time as the lower edge of the pressure range at which point there is one chance in 100,000 of structural damage.

The civil aircraft ruling proposed by FAA which forbids the sonic boom over land has relaxed public concern over this aspect of the SST to some extent. However, on transoceanic routes, the SST's fly supersonically and the power of the sonic boom is therefore pertinent.

The Boeing SST will reach its supersonic cruising altitude at slightly more than 60,000 feet. It will then create a boom having a nominal overpressure on the ocean of 2 to 2½ pounds per square foot.[59] This is the pressure change experienced when one rises approximately four floors in an elevator. Fish or the hull of surface vessels in the ocean experience pressure of this magnitude from the passage of a ripple about ½" in height. This is an insignificant pressure change; however, even in the most intense of sonic booms the actual change in pressure is not particularly high. The phenomenon is noteworthy because of the suddenness with which it occurs. The low altitude pass that can damage certain types of buildings with an overpressure exceeding 100 pounds per square foot (5% of the normal atmospheric pressure) does so because the change in pressure occurs so rapidly. A far greater change in pressure, if it occurs over a longer time period, would go unnoticed. For example, a rise from sea level to 5000', the altitude of Denver, Colorado, for example, creates a pressure change of 355 pounds per square foot.

If a marked change in air pressure in 1/20th of a second or less, the change is detected as sound. The SST over-pressure of 2½ pounds per square foot occurs in milliseconds and is like a sudden clap of thunder, not painful but certainly startling, expecially when heard from a clear sky under conditions in which the boom is not masked by background noise. On an ocean voyage the startle effect would be present if the passenger was becalmed in a quiet sea. However, on an ocean liner, only those on the open deck would be likely to hear it because there its effect would largely be lost in the background sounds of the ship and the ocean.

Noise: Measuring jet engine sound

The jet aircraft engine is not only a powerful sound generator, but also a generator of sounds to which the ear is particularly sensitive. A shrill whine can stop conversation and irritate to the extreme even when its energy value is quite low. The persistence or duration of the sound also adds greatly to its irritation value.

The decibel scale, however it may be weighted to accommodate special aspects of sound measurements, is logarithmic. In essence the scale relates acoustic energy to sound perception or loudness. Each increase of ten decibels signifies a tenfold rise in energy, but because the ear responds in a logarithmic manner, the tenfold rise in energy indicates only a doubling of loudness. Conversely, if a sound is reduced by ten decibels (e.g., a reduction from 130 dB. to 120 dB.), the lower level has only 10% of its former energy, but its loudness has been reduced to only 50% of the former value.

The decibel ratings for sound energy have turned out to be inadequate in studies of jet engine noise. The irritation value of jet engines remained higher than that of the deep toned piston engines even when the decibel ratings of the jets were lower.[60]

New measuring systems were devised to scale the intensity of the tones present in accordance with the sensitivity of the ear to each tone, and also to consider their duration. The basic decibel system is still used, but when properly weighted for jet aircraft engine studies it is called *Effective Perceived Noise Decibels* (EPNdB).

When the main concern is noise intensity but not duration, the "E" is not used and the unit becomes "PNdB". The Department of Transportation uses both the PNdB and the EPNdB in its sound research. New FAA regulations limiting the intensity of jet aircraft noise apply the EPNdB.

Reduction of jet noise by categories of operation

There are three phases of flight (all of which are on or near the ground) in which the sound of jet aircraft can become objectionable. These are: 1) the approach to landing, 2) the take-off and, 3) the climb-out.

Federal Aviation Regulation part 36 (FAR 36) has limited the noise level of large subsonic jets to 108 PNdB. The regulation, however, does not apply retroactively to include aircraft certified prior to date of issuance. The McDonnell Douglas DC–10 and the Lockheed L–1011 are certified under FAR 36. However, these new aircraft are not yet in service. The familiar jets, the Boeing 707 and 747, and the McDonnell-Douglas DC–8, do not comply with the 108 PNdB stipulated by FAR 36. In some cases, such as the approach phase of a 707, the sound produced is double that permitted by FAR–36.

Existing subsonic jet noise is a continuing source of controversy. Retrofitted acoustical treatment is extremely costly, but despite the cost, the process is being considered as the only recourse to gain public acceptance.

The much large engines of the SST's, on both the Boeing and foreign aircraft, might be expected to produce much more unwanted sound than the worst of the subsonics now in service.

Several sets of unofficial decibel ratings have been associated with both the Boeing and the Concorde aircraft. No information is available concerning noise levels generated by the engines of the Soviet SST. The ratings have indeed indicated high noise levels (exceeding FAR–36) on one or more phases of flight. In the case of the Concorde, real measurements were possible, but changed as the engines and nacelles guide vanes and other devices were modified. In the case of the Boeing, the decibel ratings were either calculations or were based on tests of the engine before its installation in a prototype.

Both Boeing and the Concorde makers are aware of the necessity to quiet their high thrust engines. This seemingly formidable challenge is rapidly being resolved and noise levels equal to or less than today's subsonic jets appear to be within reach.

In a recent public disclosure,[61] Boeing commits their SST to the subsonic requirements F.A.R. 36:

"Prior to production commitment, the capability of the commercial SST to achieve noise levels consistent with those required for certification of new four engine intercontinental subsonic transport aircraft will be demonstrated."

The British Aircaft Corporation (B.A.C), are similarly encouraged with the progress of their acoustic research. In one way, their challenge is less than that faced by Boeing in that their engines are much smaller. However, in another sense, it is more difficult because their acoustical treatment must be retrofitted into a design which was "frozen" 8 years ago.

Nevertheless, their progress has already given them the assurance that their earliest commercial models will produce less noise than today's subsonic jets, and their later models will be even quieter. B.A.C. will shortly release a public statement to the effect that the Concorde will comply with all existing noise regulations at the time it enters service.[62]

So much has been said in recent times about the noise of the SST, specifically high "sideline" noise—(the sound of the takeoff) that some discussion of the statements is appropriate. The most widely quoted comment equated the sideline noise of the SST with that generated by 50 Boeing 707's departing simultaneously. The basis for the comparison was an early decibel rating of the SST engine, taken without acoustical correction.

The premature use of such a figure as a final sound rating ascribed to the aircraft, is misleading a person who is unfamiliar with the peculiarities of sound measurement systems or with the physiology of hearing would be mislead into thinking that when the SST released its brakes to depart, he would hear a sound 50 times as intense as that of a single 707. The fact is that he would not. In the situation described, he would hear a sound about twice as intense, not 50 times as intense. The figure of 50 refers, not to what the ear hears but to energy level, and energy has only a logarithmic relationship to perceived sound, not a linear one.

It must be recognized that neither Boeing nor Concorde have as yet reached their target sound emission levels. The outcome of any research cannot be known with certainty before the fact.

Acoustical correction of jet engines is a new field, about five years old. However, the early results of this research are now being applied to new jet engines. The noise of the new engines is about half that of the older ones despite a fivefold increase in thrust over the past 12 years. Boeing's confident and voluntary commitment to a target sound emission level much lower than today's subsonic jets may stem from this rapid progress and also from the fact that their schedule does not foresee commercial production for another eight years.

Radiation exposure in stratospheric flight

One environmental issue of the SST concerns only the passengers and crew in flight; this is the question of exposure to penetrating, ionizing, solar radiation at the high altitudes of supersonic flight.

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The blanket of atmosphere provides a shield that largely absorbs the changed particles and X-ray-like radiation emitted by the Sun, thus shielding the surface. But at altitudes of 60 or 70,000 feet some of this protection is removed. (Fortunately, almost ⅔ of the intensity of radiation at 80,000 feet is removed by descent to 60,000 feet.) Solar radiation is not constant, but is known to reach peaks of intensity resulting from solar flares. Variations also occur because the earth's magnetic field tends to deflect the particulate part of the solar radiation toward the poles and away from the equator and temperate zones. A "worst case" exposure would therefore be an SST flying over a polar route in sunlight at very high altitudes, and especially during a period of intense solar flare activity.

The question is whether the exposure to solar radiation in a high-flying SST would be serious enough to cause concern. In general, it can be said that except for the infrequent, intense solar flare, the risk is trivial. However, the issue is complicated enough to warrant extended discussion.

Controversy has persisted ever since the early days of the atomic energy program, as to the statistical consequences of radiological damage to man. It is generally agreed that all penetrating, ionizing radiation produces biological change in human tissue and that at some level of exposure the change is significant enough to be called "damage". What is less certain is the rate and extent to which the body is able to repair this damage. The consensus is that some repair of radiation effects does take place, and therefore the evaluation of radiological effects must be performed in relation to rate of exposure. (In other words, if the rate of exposure greatly exceeds the rate of repair, serious damage can be expected.)

The effects of ionizing radiation are measured in terms of the unit of exposure called the REM.[63] In evaluating the extent of exposure of SST passengers and crew to solar radiation, many questions need to be resolved, such as: how many flights are made? During how long a period? What is the probability of any unusually intense solar flare activity? It is also germane to ask how much other ionizing radiation the passengers might have been exposed to.

The established standards for radiation exposure used by the Federal Government deal separately with the general population and occupational exposure. X Ray technicians and others whose work exposes them to ionizing radiation may not be exposed to more than 5 REM per year. Individual members of the general public are not to be exposed to more than one/tenth of that amount.[64] Radiological health philosophy is to keep exposures well below such limits and not to regard them as "speed limits".

Wide differences in exposure from naturally present or "background" radiation on the earth's surface have been observed. Background radiation exposure varies because of the differing distributions of radioactive materials in granite, brick, monazite sands, and other stony materials. The extremes range between 0.055 REM/year in the mid-Atlantic Ocean to 17.5 REM/year at Guarapara Beach, in Brazil. Measurements taken in New York City have ranged from 0.07 to 0.13 REM; measurements in Stockholm from 0.15 to 0.52 REM.[65] (This normal background radiation level would, of course, be subtracted from the level to be encountered by an SST passenger, in order to determine the difference at high altitude flight.)

Medical x-rays constitute the largest single source of population exposure to x-ray-like radiation. The range of possible exposure varies from 0.05 REM for a chest x-ray to as much as 60 REM for a gastrointestinal examination by fluoroscopy.[66] The U.S. average annual medical x-ray exposure per person is probably between 0.05 and 0.07 REM/year according to the National Council on Radiation Protection and Measurement.

The "worst case" exposure for an SST flight over the polar regions at an altitude of 70,000 feet would represent an average inside exposure of .0018 REM/hour or about .005 REM for a three-hour flight at altitude. A pilot flying all year long on such a route would be in the air for about 900 hours, and at cruising altitude about half the time. His dose per year would be significantly less than 1 REM/year.[67] A passenger who accompanied this "worst case" pilot on half of his flights would not exceed his "maximum permissible dose" of 0.5 REM/year.

The most severe solar flare recorded, 23 February 1956, would have resulted in a significant increase in dose rate. A flight during such an event would have resulted in a dose rate as high as about 4 REM/hour. Although such events are infrequent, it would be necessary to provide against them. This can be accomplished by the use of radiation monitoring instruments aboard the aircraft. Should such an event occur, the increase in solar radiation would be immediately detected and the aircraft could descend to a lower altitude where the atmospheric shielding would be sufficient to keep the intensity within acceptable limits.

The problem of air pollution

Within the city, the work efficiency obtained from fuel becomes a matter of environmental quality. The table below compares fuel consumed per horsepower/hour for various types of power sources.[68]

TABLE 6.—*Power Source vs. Fuel Efficiency*

Power plant and lb. fuel/hp. hr.	
1. Draft Horse	10
2. Coal fired locomotive	4
3. Automobile	0.9
4. Diesel-Electric Locomotive	0.6
5. Aircraft Piston Engine	0.5
6. Fan Jet (Subsonic Aircraft)	0.4
7. Jet engine (supersonic aircraft)	0.3

Aerial commuter systems such as VTOL and STOL offer the city high production vehicles equipped with higher-temperature, cleaner-burning engines as compared with standards for surface vehicles. Of more importance to the city is the fact that exhaust from these vehicles, except while landing and taking off, is released at an altitude which gives the normal air movement a much more effective dilution rate than it can have for slow moving, densely packed, surface vehicles. It should also be noted that pollution from surface vehicles, while related to efficiency, is even more related to speed of traffic movement. Traffic congestion multiplies the running time (hence effluents) of all vehicles involved. Aircraft are not immune to the problem of traffic congestion, but increased capacity of aircraft works to reduce numbers required.

The effluents of combustion emitted outside of a city do not present a serious pollution problem when compared with those allowed to concentrate within a city. However, they can not be ignored.

Aircraft, particularly jet engined aircraft, emit the lowest quantity of pollutants in relation to the weight of fuel used of any vehicle. Also their effluents are released high in the air where they are readily dispersed.

The following table shows the pollutant yield for various vehicle engine systems, based on using the same quantity of fuel.

TABLE 7.—POUNDS POLLUTANT EMITTED PER 1,000 POUNDS FUEL CONSUMED[1]

Vehicle	Carbon monoxide	Oxides of nitrogen	Hydrocarbons	Particulates	Sulfur oxides	Total (rounded)
Auto	200.0	20.0	40.0	1	1	262.0
Piston airliner	100.0	50.0	15.0	2	1	168.0
Ocean liner	(2)	10.0	.01	1	20	31.0
SST	.9	3.5	.5	1	1	6.9
Subsonic jet	.1	3.0	.5	1	–1	6.5

[1] Table furnished by Department of Transportation.
[2] Negligible.

To compare the work potential obtained, that can be done from the same fixed amount of fuel, the next table places the comparison on the amount of effluents released per 1,000 seat miles for the same vehicles.

TABLE 8—EMISSIONS PER 1,000 SEAT-MILES; POUNDS OF POLLUTANTS EMITTED PER 1,000 SEAT-MILES[1]

Vehicle	Fuel[2]	Carbon monoxide	Oxides of nitrogen	Hydrocarbons	Particulates	Sulphur oxides	Total (rounded)
Auto	100	20	2	4	.1	0.1	26.0
Piston aircraft	133	13.3	6.6	2	.2	.1	22.3
Ocean liner	660	(3)	6.6	.1	.6	13.2	20.5
SST	193	.17	.68	.10	.19	.19	1.3
Subsonic jet	170	.17	.51	.1	.17	.17	1.1

[1] Table furnished by Department of Transportation.
[2] Pounds per thousand miles.
[3] Negligible.

Finally, the more productive a vehicle becomes, the lower the number of vehicles required to handle a given work load. A reduction in the number of vehicles required is of great importance to transportation economics as explained earlier. It is also a pollution variable.

In all comparisons, the turbine engine powered aircraft is superior to other systems considered. The piston engine, particularly when used in automobiles, is clearly the worst.

Jet aircraft account for 3 times the intercity passenger miles of all other carriers combined. In local travel and commuting however, the automobile remains unchallenged.

Research to develop low cost automobile exhaust treatment systems is progressing, but must necessarily be regarded as a first step. These systems will improve air quality by removing a percentage of the more toxic effluents from the exhaust. However, they do not alter the total quantity of fuel consumed nor the extremely low vehicle productivity.

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The comparative data shown suggest that the technology of the high temperature turbine used in modern aircraft if applied to automobiles, would significantly reduce exhaust concentration and toxicity. The aircraft turbine, as compared with the automobile engine, produces less than 3% the toxic effluents for the same amount of fuel consumed. The amount of fuel required per hp/hr is also reduced by more than 50%.

The approach taken in the preceding discussion of the impact on the urban environment of transportation effluents has employed the criterion of effluent quantity per unit of transport service. From the engineering point of view, this is a valid approach. It poses for the city dweller the question: if technology has maximized transport service with minimized effluent, but the service still produces unacceptable pollution, the city dweller has only the remaining option of foregoing whatever amount of service required to restore an acceptable quality of environment.

However, from the political point of view a different set of criteria may be judged preferable. Different economic classes use different categories of transportation. Residents use different patterns of transportation from non-residents. Economic interests in the Central City have different transportation values from interests elsewhere. Claims of these different groups for transportation services are unlikely to relate to the engineering criterion of least effluent per seat-mile. The suburbanite, for example, cannot substitute SST service for his automobile, any more than the central city dweller would prefer an auto to the faster and cheaper rapid transit system.

In spite of these considerations, there is still merit in establishing the engineering criteria of effluent/service. It serves the purpose of putting a price tag, in terms of environmental quality, on each transportation mode, so that political claims can at least be evaluated against tangible degrees of environmental degradation. On this basis, the SST does not appear to impose an unreasonable penalty relative to the service it provides. The same statement would apply to all aircraft.

Elimination of urban air pollution

Congestion in cities results in local concentrations of airborne pollutants from industry, households, electric power stations, and transportation systems. Local microclimates differ widely; some of these tend to concentrate and others to disperse the effluents produced locally. Still other urban areas trail a wide band of polluted air downwind. The air has long been regarded as a "free good," that can accept limitless pollution and quickly restore itself by rain and wind. However, as cities have grown in size and in the volume of pollutants they generate, the self-purification capacity is sometimes exceeded and local smog conditions result.

It is not evident that the airplane, whether subsonic or supersonic, is a significant contributor to air pollution over American cities, or that it needs to be. There have been episodes of air pollution caused by aircraft: emergency dumping of fuel, soot trails from badly adjusted engines, clouds of smoke from coolant injection on take-off, and even normal operation at busy airports during conditions of temperature inversion. Some of this effluent is preventable by proper regulation. Location of airports warrants closer attention to conditions of local microclimate. But size and speed of aircraft can contribute significantly to reduced pollution. As the tables in the preceding subsection demonstrated, fuel consumption per seat mile declines with increasing size of aircraft.

Another consideration is the relationship between rate of pollution and air speed. The faster an aircraft (or any vehicle) moves through the air, the less the quantity of effluent per mile traversed.

In simplest terms, if there could be less transportation, then the machines used for transportation would consume less fuel thereby reducing the quantity of pollutants released into the air. If, on the other hand, the movement of goods and people has become an essential part of our ecological systems then the causes of cleaner air are best served by fostering technologies which raises the productivity of transportation systems and equipment so that less of it will be needed. Simultaneously, improvements to power sources can be made which will reduce the release of noxious combustion products in relation to the quantity of fuel consumed.

The SST as a cause of unwanted weather modification

In the last five years ago or so, the attitude of an outspoken public segment toward the environment has emerged to challenge the idea of the environment as an immutable free good, and to contend that the environment is a delicate and fragile structure that man's technology threatens to shatter. There are cases where man has unwittingly or callously damaged ecological balances. The interdependence of dwindling wild-life shows this. The introduction of the water hyacinth into Florida (purposeful); the rabbit plague in Australia (accidental); the proliferation of the prickly pear cactus in Australia (purposeful); the war waged against the remora fish in the Great Lakes; all serve warning of the serious consequences of uninformed tinkering with sensitive aspects of ecological balances.

Accordingly, the public has been led to the conclusion that many impacts of man's technology on the global environment offer the possibility of disaster. They stress the need for proper management of "Spaceship Earth."

Something of this attitude has lead to the conclusion that the flight of 500 SST's across the stratopshere may threaten to alter some sort of fragile balance upon which the earth's climate depends. Extreme statements offer such possibilities as the following: That clouds of contrail vapor will shut out the sun or seal in the Earth's heat; that combustion of petroleum fuels will release enough carbon dioxide to turn the atmosphere into a sultry greenhouse, in which ferns will replace firs, and ice caps will melt to swell the oceans and inundate the lowlands; or that particles of solid effluent from jet exhausts will disrupt a presumed delicate thermal balance between earth and sky, perhaps to cause the onset of a new ice age. Since past geological eras have witnessed such extremes of climatic condition, and since their causes are not fully understood, these apprehensions have received some credence.

But the point should be made that the important balances in the atmosphere are remarkably durable. Examination of the effects of water vapor, carbon dioxide, and particulate matter from a flight of SSTs, and comparison of the magnitude of these effluents with those of recent historical diastrophisms is one way to testing this durability. Another is the analysis of the quantitative relationships of air, water, and carbon dioxide. Still another is the functional analysis of the physics of meteorology.

Of course, one can never point to any variable and say that "there is no effect from this item". The reason for this is known in philosophy as the impossibility of proving a "universal negative". It is also virtually impossible to prove such a negative scientifically as many researchers have discovered. For example the AD–X2 Battery Additive Case—Chapter 3 in Technical Information for Congress. Science is probabilistic. Events or effects are considered trivial or important to varying degrees based on their probability of occurrence, the entire analysis based in turn on a given state of knowledge. As knowledge is gained, estimates of probabilities become more reliable. New questions may be answered.

However, when it is shown that some specific effect of a technology under study is quantitatively trivial in comparison with the same effect from some other source, and when the derivatives of *that* effect is also shown to be trivial, it would seem appropriate to write off the issue as closed, and to turn to other issues less fully resolved.

The Boeing SST, weighing 350 tons, carrying 170 tons of fuel and 30 tons of payload 1800 miles an hour at an altitude of 62,000 feet, over regularly scheduled routs, introduces new conditions into the discussion of technology versus environmental quality. With some 500 of these vehicles in service,[69-71] some of their effects on the environment have been viewed as global in scope, advers in character, and persistent if not indeed irreversible in duration.

The SST is designed to operate at high altitudes. The stratosphere begins about 8 miles above the earth and subsonic jets usually operate a few thousand feet below this height. However, the SST's will operate best at altitudes from ten to twelve miles above the earth, four miles above the subsonic jet traffic and well within the lower part of the stratosphere.

The freedom from traffic and from this kind of weather experienced at lower altitudes makes the stratosphere an attractive location for supersonic airline routes. However, will this high stratum be adversely effected by the products of jet engine combustion? It is known that the stratosphere receives water from thunder storms, meteoric debris and dust, as well as complex chemicals and gases from volcanic emissions. What is the rate at which these substances are received by the stratosphere? How soon are they cycled out? Is the cycling-out rate of the stratosphere a constant or does it vary with the quantities of material inserted? What is the quantitative relationship of these ingredients of the stratosphere to the potential SST effluents?

Such questions are typical of many, the answers to which constitute an assessment of environmental impact. They are complex questions and in some cases require new research to derive answers.

It has been suggested that the water vapor released from the SST into the stratosphere will cut off the thermal energy from the sun, causing the surface of the earth to cool off and bring back an ice age; or alternatively, that this same insulation will capture and retain solar heat, causing a possibly lethal rise in global surface temperature. The possibility of enlarged atmospheric content of carbon dioxide is alleged to contribute to the latter effect. Another notion is that water vapor in the stratosphere might destroy the ozone layer.) The ozone layer stops certain lethal frequencies of the ultra violet spectrum, which if allowed to penetrate to the earths surface might challenge the survival of land life.) One somewhat extreme view is that the consumption of fuel for industry, electric power generation, and surface transportation will consume all the oxygen in the atmosphere.

Global atmospheric pollution versus local air pollution

To generalize from the conditions in a smoggy urban area to the whole earth disregards the enormous differences in the scale of the two classes of situation. In the city, man's technology is the primary and indeed virtually the only source of air pollution. But globally, man's technology is only one of many sources of pollution—a relatively minor one—while a number of natural phenomena contribute vastly larger quantities of pollutants than any from human activity.

There are several ways to analyze the

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causes, effects, and rates of global atmospheric pollution. One way is to compare the contaminants released by human activity with similar contaminants natural to the earth's atmosphere, or contributed by natural events.

Another criterion is the relationship between the quantitative effect of some specific pollutant from a particular source in question and the range of differences measured in the naturally-occurring level of the same pollutant. (The rates at which the natural occurrences or concentrations of particulate matter, gases, ice particles, aerosols, and the like fluctuate yields information on the tendency of the stratosphere to retain or reject them.) Oxygen and carbon dioxide occur naturally in the atmosphere, but are constantly in the process of being recycled, in nature. Plant decay combines oxygen from the atmosphere with carbon from the organic matter, producing carbon dioxide; then, in the presence of sunlight, green plants consume carbon dioxide and water to produce more organic material, with oxygen as a by-product of this process. Thus, the average content of oxygen in the atmosphere remains very nearly a constant in nature, but man's consumption of fossil fuels (coal and petroleum products) has been thought to upset this balance. One measure of global pollution, therefore, is the relationship between the amount of oxygen consumed in the burning of fuel versus the total available supply of oxygen, and conversely, the total amount of carbon dioxide in the atmosphere. Evidence of a secular (sustained one-way) change in either oxygen or carbon dioxide content of the atmosphere would be a serious matter, especially if it were shown to be substantial or increasing exponentially.

Still another measure of the significance of the seriousness of a particular pollutant is to examine historical episodes in which, by naturally-occurring events, very large quantities of this same pollutant were injected into the atmosphere and then to ascertain whether the consequences were significant and adverse.

Man's use of oxygen vs. the atmospheric oxygen supply

Oxygen accounts for 20.95% of the total atmospheric mass, and weighs about 1.3×10^{15} tons. All remaining recoverable fossil fuel reserves total 2.97×10^{12} tons. If man were to burn all of this fuel, the total recoverable reserves, he would consume 3% of the available atmospheric oxygen. The percentage of oxygen in the atmosphere would be reduced from 20.95% to 20.32%. The concentration of oxygen available for breathing reduces by an amount six times greater than this when one travels from Washington, D.C., to Denver, Colorado, due to the lower air pressure in Denver. Man is therefore incapable of exhausting, or even significantly reducing his oxygen supply.

As to the role of plant life in sustaining this reservoir, Wallace Broecker[72] offers the following comment:

"First of all, each square meter of earth surface is covered by 60,000 moles of oxygen gas. Plants living in both the ocean and on land produce annually about 8 moles of oxygen per square meter of earth surface. Animals and bacteria destroy virtually all of the products of this photosynthetic activity; hence they devour an amount of oxygen nearly identical to that generated by plants. If we use the rate at which organic carbon enters the sediments of the ocean as a measure of the amount of the photosynthetic product preserved each year we find that it is about 3×10^{-3} mole of carbon per square meter per year. Thus, animals and bacteria are destroying all but 4 parts in 10,000 of the oxygen generated each year. The net annual oxygen production corresponds to about 1 part in 15 million of the oxygen present in the atmosphere. In all likelihood even this small amount of oxygen is being destroyed through the oxidation of the reduced carbon, iron, and sulfur being exposed each year to weathering processes. Thus, in its natural state the oxygen content of our atmosphere is exceedingly well buffered and virtually immune to change in a short time scale (that is, 100 to 1000 years).

"Man has recovered altogether about 10^{16} moles of fossil carbon from the Earth's sedimentary rocks. The fuels bearing this carbon have been combusted as a source of energy. The carbon dioxide produced as a by-product of this enterprise is equal in amount to 18 percent of the carbon dioxide contained in our atmosphere. Roughly 2 moles of atmospheric oxygen was required to liberate each mole of this carbon dioxide from its fossil fuel source. By so doing we have used up only 7 out of 10,000 oxygen molecules available to us. If we continue to burn chemical fuels at our currently accelerating rate (5 percent per year), then by the year 2000 we shall have consumed only about 0.2 percent of the available oxygen (20 molecules in every 10,000). If we were to burn all known fossil fuel reserves we would use less than 3 percent of the available oxygen. Clearly a general depletion of the atmospheric oxygen supply via the consumption of fossil fuels is not possible in the foreseeable future."

The effects of increasing atmospheric carbon dioxide

When carbon dioxide (CO_2) is released as a combustion product, it is distributed throughout the entire atmosphere. Where and how it is released does not affect this dispersion. It is absorbed by the ocean and partly by plants and other life, and part remains in the air. The division of CO_2 among these three reservoirs holds a fairly constant ratio. Its distribution and absorption rate, therefore, seems to be a function of atmospheric concentration. That is, the more CO_2 there is to absorb, the more is absorbed. The atmosphere, all living organisms, and the ocean thus become reservoirs for CO_2 and the available quantity released to the air is "partitioned" among them.

Accurate measurements of the partitioning were made for the first time during the period 1958 through 1963.[73]

Beginning in 1958 and extending through 1963, two nearly continuous series of measurements of atmospheric CO_2 content were made. One of these series was taken at the U.S. Weather Bureau station near the top of Mauna Loa Mountain in Hawaii (Pales and Keeling, 1965), the other at the United States scientific station at the South Pole (Brown and Keeling, 1965). The measurements were carried out on an infrared gas spectrometer, with a relative accuracy for a single measurement of about =0.1 ppm. The observing stations are located near the centers of vast atmospheric mixing areas, far from uncontrollable sources of contaminants. Because of these nearly ideal locations, together with the high precision of the instruments, and the extreme care with which the samples were taken, these measurements make it possible to estimate the secular trend of atmospheric CO_2 with an accuracy greater by two orders of magnitude than ever before. Some fifteen thousand measurements were carried out during the five-year period.

The data show, clearly and conclusively, that from 1958 through 1963 the carbon dioxide content of the atmosphere increased by 1.36 percent. The increase from year to year was quite regular, close to the average annual value of 0.23 percent. By comparing the measured increase with the known quantity of carbon dioxide produced by fossil fuel combustion we see that almost exactly half of the fossil fuel CO_2 apparently remained in the atmosphere.

The table below shows the increase in CO_2 as a result of the complete combustion of all recoverable fossil fuels.

TABLE 9.—ESTIMATED REMAINING RECOVERABLE RESERVES OF FOSSIL FUELS[1]

	10^9 metric tons	Carbon dioxide equivalent, 10^{15} gms.	As percent of atmospheric CO_2 in 1950
Coal and lignite[2]	2,320	5.88	252
Petroleum and natural gas liquids[3]	212	.67	20
Natural gas[4]	166	.43	18
Tar sands[4]	75	.24	10
Oil shales[4]	198	.63	27
Total	2,971	7.85	336

[1] Ibid., p. 120.

[2] Assumed to be 20 percent lignite containing 45 percent carbon, and 80 percent bituminous coal containing 75 percent carbon.

[3] Assumed carbon content of petroleum, natural gas liquids, and hydrocarbons recoverable from tar sands and oil shales=86 percent.

[4] Assumed composition of natural gas by volume: CH_4=80 percent, C_2H^0=15 percent, N_{o2}=5 percent.

Source: Computed from data given by M. King Hubbart "Energy Resources, a Report to the Committee on Natural Resources of the National Academy of Sciences—National Research Council," NAS Publication 1000–D, 1962, pp. 1–141

From this data the following conclusion is reached:

We may conclude that the total CO_2 addition from fossil fuel combustion will be a little over 3 times the atmospheric content, and that, if present partitions between reservoirs are maintained, the CO_2 in the atmosphere could increase by nearly 170 percent.[75]

The atmosphere now contains CO_2 in the ratio of 3 parts in 10,000 by volume. Complete combustion of all fuel reserves would increase this by 170%. It would then become 8 parts in 10,000. Since no more CO_2 could be added (from further combustion) the amount would then show a yearly decline as it is partioned to the biosphere and to the ocean through time.

Estimates of atmospheric CO_2 have been made for the year 2000 based on various rates of fuel consumption. These calculations are summarized as follows:

Assuming further that the proportion remaining in the atmosphere continues to be half the total quantity injected, the increase in atmospheric CO_2 in the year 2000 could be somewhere between 14 percent and 30 percent [of the amount now present].[76]

In other words an increase of 30% would change the ratio from 3 parts in 10,000 to almost 4 parts in 10,000. This can be regarded as a trivial effect, and quantitatively less than the margin of error in typical field measurement.

Carbon Dioxide and the Weather: the "Greenhouse Effect"

In the quest for understanding of the mechanisms of the climate and the weather, meteorologists sometimes separate out one constituent and explore theoretically the consequences of an increase or decrease in its proportion to the other ingredients of the atmosphere. This has been done with carbon dioxide (CO_2). One conclusion of the exercise is that an increase in the CO_2 content of the atmosphere sets in motion a complex process that results in the heating-up of the lower atmosphere or "troposphere". This is called the "Greenhouse Effect". The hypothesis is described in the SCEP report in the form of a conclusion as follows:

Radiative equilibrium computations, including a convective adjustment, suggest that [an] 18 percent increase of the carbon dioxide concentration by the year 2000 * * * would result in an increase of the surface temperature of about one-half degree and a stratospheric cooling of 0.5° to 1° C. at 20

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to 25 km.; a doubling of a carbon dioxide concentration over the present level would result in an increase of the surface temperature of about 2° C., and a 2° to 4° decrease in the stratosphere at the same level.[77]

However, the study follows this comment immediately with the following warning, that other factors complicate the calculation and raise doubt sufficient to destroy the hypothesis:

We would like to emphasize [said the report], however, that these computations neglect the important interacting dynamics and thermodynamics of the atmosphere, as well as the ocean-atmosphere interaction. This neglect makes the computed temperature changes very uncertain.[78]

Carbon dioxide, like water vapor, absorbs infra-red radiation. Heat from the sun or heat reflected from the earth can pass through the oxygen and nitrogen in the atmosphere without being absorbed, hence without warning these transparent gases. But both carbon dioxide and water vapor are opaque to infra-red, absorb this heat, and cause the atmosphere to warm up. They differ sharply in the range of their proportions that occur in the atmosphere and hence in the amount of heat they can retain. The concentration of CO_2 in the atmosphere tends to remain fairly constant despite changes in air temperature, while warm air can hold much more water vapor than cold air can. Therefore the ratio of $C0_2$ to water vapor varies widely with air temperature, hence with latitude and with altitude.

Water serves as a heat pump both to air masses and to differentially heated areas of the earth. As water droplets change into water vapor (a gas) energy is absorbed. When it reaches a cooler point in the atmosphere, the water vapor condenses and releases this energy. The energy is then radiated equally in all directions, about half into space. The condensate, as a cloud, also reflects downward the heat energy radiated upward from the earth and reflects upward the incoming solar energy. The cloud may then descend as rain or it may revaporate, thereby absorbing more energy which can then be carried to still another point.

Seventy percent of the earth's surface is water and most of the earth's weather is produced by this air-water-energy exchange. There is no controversy over this role of water.

The basic role of CO_2 in the atmosphere is similarly undisputed as to its heat absorbing and re-radiating capability. However, the effect of this action is much harder to measure because the warming action of CO_2 is always confounded with other and larger heating and cooling mechanisms. It should also be noted that the net energy absorbed by the earth is related more to the reflectivity of the earth than to air temperature.

Heat absorbed by molecules in the atmosphere is re-radiated, not stored. The radiation is emitted in every direction and part of it is radiated back into space.

Both CO_2 and water vapor produce similar effects in absorbing and re-radiating heat and in warming of the air.

Were it not for the stabilizing and counterbalancing effects of larger variables such as water vapor, surface reflectivity, cloud formation, and perhaps others, the warming role of CO_2 in the atmosphere could indeed be computed as suggested in the SCEP quotation above to produce the so-called "greenhouse" effect. But this is a large "if". Moreover, the long-range history of climate and CO_2 content do not confirm but tend to confuse, if not actually to refute, the hypothesis altogether. The overall warming of the atmosphere between 1885 and 1940 was generally felt to be related to rises in the concentration of atmospheric CO_2. Unfortunately, for the hypothesis, although CO_2 insertion has increased markedly since then, temperatures have slightly declined.

As Mitchell * * * has shown, atmospheric warming between 1885 and 1940 was a worldwide phenomenon. Area-weighted averages for surface[78a] temperature over the entire earth show a rise in mean annual air temperature of about 0.5°C (0.9°F). World mean winter temperature rose about 0.9°C (1.6°F). Warming occurred in both hemispheres and at all latitudes, but the largest annual rise (0.9°C or 1.6°F was observed between 40° and 70°N latitudes. In these latitudes, the average winter temperatures rose by 1.6°C (2.8°F).

The pronounced warming of the surface air did not continue much beyond 1940. Between 1940 and 1960 additional warming occurred in northern Europe and North America, but for the world as a whole and also for the northern hemisphere, there was a slight lowering of about 0.1°C (0.2°F) in mean annual air temperature * * * Yet during this period more than 40% of the total CO_2 increase from fossil fuel combustion occurred. We must conclude that climate "noise" from other processes has at least partially masked any effects on climate due to past increases in atmospheric CO_2 content."[79]

The demonstrated overall stability of the earth's temperature (a rise of one to two degrees between 1885 and 1940 and a fall of a few tenths of a degree over the next 20 years) suggests strongly that the role of CO_2, or the potency of a "greenhouse" effect, is trivial.[79b]

In sum, increasing concentrations of CO_2 have not been shown to be a significant variable affecting the climate. It is necessary to conclude from the history of CO_2 in the atmosphere that its effect unknown, not for lack of knowledge of the infra-red absorption and heating values of CO_2, but simply because the effect of CO_2 in the context of all other atmospheric variables and stabilizing factors, is trivial.

Effects of miscellaneous toxic effluents from the SST

In assessing the relative pollution of various vehicles, three considerations dominate: 1) quality of fuel for a unit of work, 2) quantity of pollutants released per unit of fuel consumed, and 3) the impact of the pollutants on the biosphere.

The turbojet engines of the SST are essentially the same as those of subsonic jet aircraft. However, when the afterburners of the SST engines are in use, on take-off, fuel consumption and exhaust emission per passenger mile rises by about 14% above those of the subsonic jet.

Where the toxic effects of combustion products are of interest, the following points may be considered:

1. Toxic conditions require a concentration of exhaust effluents. This condition occurs only when exhaust emission rates exceed the rate of dilution due to air movement. Some studies[80] have shown that aerial commutation as opposed to surface modes would reduce city pollution by 87%. Communication with the investigators revealed that the conclusion was based on relative efficiency of surface and aerial power plants. The most significant variable was omitted: viz., dilution of the exhaust from aircraft by the flight of the vehicle at an altitude where natural air movement is not constrained by buildings and surface topology. In other words, the results of the study were understated, apart from the relative efficiency of the propulsion systems.

2. A comparison of the toxic effluents of the turbo-jet engine with the conventional automobile piston engine is relevant, however. The following comparison is made on the basis of a seat mile with the automobile moving steadily at 60 mph, while the figures for the turbo-jet engine are based on the SST engine with after-burner in use.[81]

	Turbo-jet engine	Auto engine
CO	1	109
NO_x	1	3
SO_x	2	1
Hydrocarbons	1	40

The comparison illustrates the relatively primitive technology of the conventional surface vehicle power plant. Even with improvement, however, exhaust products from surface vehicle must still be identified as the primary vehicular source of pollution to the biosphere due to the inherently lower dilution power of the atmosphere at the surface.

The foregoing analysis is essentially a "worst case" approach. It considers the toxic contaminant effect near the ground, with afterburner, an operational mode in which the jet engine is least efficient. It should be evident that these same effects when the aircraft is operating at high altitude, and at supersonic cruising speed, would be vastly more diffused. Moreover, the turbulence and cross-currents always present in the stratosphere would assure the functioning of the process of atmospheric self-purification through intermingling with the tropospheric layer and the subsequent scrubbing effect of rainfall.

Possibility of climatic changes from water vapor vented by the SST

A normal fleet of 400 supersonic transports making 4 trips per day will release 150,000 tons of water per day into the stratosphere. In addition to the water, the exhaust gases contain particulate matter, carbon dioxide, sulphur dioxide, and other gaseous products.

Speculations as to the consequences of this intrusion into a relatively unused layer of the atmosphere have included a conjecture that it might induce climatic changes. Both a lethal rise in temperature and a new ice age have been offered as possibilities, both based on the same assumption that the SST would cause a permanent cover of high clouds. Another hypothesis is the destruction of the ozone layer with a subsequent intensification of ultra violet solar radiation flux at ground level.

The stability of the stratosphere has also been questioned. On the assumption that the steady state of the stratosphere may depend on a critically sensitive balance of natural forces, it is suggested that the water vapor injected into the stratosphere from the combustion products of many SSTs might destroy the critical balance and trigger vast changes.[82]

The National Academy of Sciences, NRC Committee on Atmospheric Science, has evaluated this possibility and concludes that it is without foundation.

Our tentative conclusion, based on an assumed traffic volume of four flights per day for 400 supersonic transport planes, is that neither additional cloudiness (contrails) nor watervapor absorption of a long-wave radiation will be sufficient to disturb appreciably either stratospheric properties of the large-scale circulations that are influenced by its thermodynamic state.[83]

An analysis of the problem by the Office of Meteorological Research, ESSA, has produced a similar conclusion:

Although an equivocal answer cannot be offered, the general opinion of a large group of scientists almost unanimously rejects any significant threat to modification of the weather.[84] The reasoning in support of their conclusions merits examination.

During 1967, three common sources of combustion in the United States poured about 1.2 billion tons of water into the air,[85] as follows:

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TABLE 10.—*Fuel consumption: powerplants, automobiles, and aircraft*

Source and hydrocarbon fuel burned, millions of tons	
Powerplants	447
Automobiles	220
Aircraft	25
Total	692

Since each pound of fuel burned produces about 1½ lbs. of water, the burning of 692 million tons of hydrocarbon fuels will produce approximately a billion tons of water. This water, ejected as vapor, becomes a factor in the equilibrium of water absorbed or released by the atmosphere.

The average moisture content of the air weighs approximately 150 trillion tons. If the billion tons of water generated in a year by the sources cited could be added to the air in a single second, it would add 1 part in 100,000 to the water normally found in the atmosphere.

A projected fleet of SST's would traverse a relatively unused part of the Earth's air envelope. The cruising height of 12 mi. would be four to five miles above that of conventional jet transports. Consequently, the atmospheric volume used for air travel would be almost doubled. The useful volume of air space is now about 1.2 billion cubic miles. With the SST the useful volume would rise to about 2½ billion cubic miles.

The ratio of the water produced by fuel consumption of the fleet of SST's to the water normal to the air, would be only 1 part in 1 billion. However, the water in the atmosphere is concentrated in the warmer and more dense air near the Earth's surface. The 200,000 tons or so of water expelled by an SST fleet would be ejected over a flight path of some 2 million miles. The water would therefore be dispersed at the rate of about 200 pounds per mile.

If the relative humidity happened to be near saturation in a particular section of the stratosphere, a contrail could form. It would exist until it was dispersed into a volume of somewhat dryer air and then, as water vapor, it would become invisible. However, the stratosphere is normally dry, with only 2 to 3 percent of relative humidity. Accordingly, it is highly unlikely that such a contrail could form.

The diffusion of the water vapor behind the aircraft is rapid and continues until equilibrium with the surrounding air is achieved. Water vapor, like CO_2, absorbs energy in the infrared region of the spectrum. If one attempts to measure the change in radiation intensity on a square foot of Earth's surface within about two minutes of the fly-over, he will be seeking a change in sunlight resulting from the light penetrating an expanding band of water vapor which by that time would have merged with the wing tip vortices. These two rotating tubes of air would have a total cross section of about 200,000 square feet.

The SST requires two seconds to fly a mile. Therefore, two minutes after passage the expanding water vapor would occupy a volume of a billion cubic feet of air per mile. Measuring solar energy intensity on a square foot area directly beneath one of the tubes (about 350 ft. in diameter), existing at this instant would require detecting changes associated with the filtering efficiency of .0024 ounce of vapor (if weighed as water). Measurement would be most uncertain, if possible at all.

Gradual accumulation of water in the stratosphere

However small the daily effect may be, the question needs to be considered as to whether it would be cumulative. The SST, once in service, would remain in service. Would the year-by-year deposits of water cause a gradual accumulation which could eventually affect the normal environment? That is, would this normally dry, high layer of air preserve its equilibrium? Would the water from the SST accumulate with time or be disposed of by the natural mechanisms which now preserve the equilibrium of the stratosphere?

A recent symposium at Williams College to study critical environmental problems tentatively concluded that in polar areas, the stratosphere could accumulate enough water to produce an increase in cloudiness during the winter season. In expressing their concern, the symposium recommended that tests and research be conducted to determine, first, whether or not additional clouds would occur, and second, what effect these clouds might have.[86]

It should be noted that the stratosphere possesses natural mechanisms which tend to hold its conditions fairly constant. The higher strata of the atmosphere are not immune from the effects of low-altitude weather. A single, large, cumulonimbus (thunderstorm) cloud can inject as much water vapor into the stratosphere as would a fleet of SST's making 1600 flights on a given day.

For each 500 large cumulonimbus clouds [87a] that occur each day the stratosphere receives, but also releases, seventy-five million tons of water. The water injected by a fleet of 500 SST's would be 0.002 of this amount; this small increment would also be subject to the same cycling mechanisms. The stratosphere is dry, not because it lacks exposure to huge quantities of water, but because natural mechanisms tend to unload excesses so as to stabilize its water content at a low level.

How long does foreign matter remain in the stratosphere? The period of 18 months is often used. The figure was derived from fallout detection following a nuclear test.[87] The nuclear decay of the fall-out indicated an 18 month period from the initial explosion. This experience has provided meteorologists with a basis for their assumption that water from the SST will remain in the stratosphere for 18 months. Yet the cycle time of water placed in the stratosphere would have little bearing on stratospheric humidity because the water released each day is approximately equal to the amount received. It is neither likely nor necessary that the water either released or absorbed in a given day be the same water. When air is circulated into a cooler region, it becomes less able to carry water. A temperature change can cause condensation of water to occur, and the water will condense without regard to how long it has been there.

If it be assumed that the water placed in the stratosphere by the SST actually did take 18 months to be cycled out, the storage of water in the stratosphere would rise steadily to reach a maximum in 18 months of 8.1×10^7 tons. The Study on Critical Environmental Problems (SCEP), estimates that this quantity would increase the water concentration in the stratosphere from its present average of 3.0 ppm to a global maximum of 3.3 ppm.[88]

The hypothesis of a rise in stratospheric humidity based on a residence time assumption for water is at variance with the observation that the stratosphere does not retain the water to which it is exposed, except for the amount which sustains its steady state humidity. The increase based on assumption of a residence time is therefore a "worst case" hypothesis.

Finally, should the "worst case" be true, the increase would represent a change only one-fifth as great as the normal fluctuation noted by ESSA over the past five years.[89]

Stability of the ozone layer

The possibility has been raised that the water released by the SST could cause a degeneration of stratospheric ozone. The consequences of this loss have frequently been described as the opening of the atmosphere to the penetration of lethal ultra violet radiation, capable of killing all living things except marine life.

Molecules of ozone are diffused through a deep layer of the stratosphere, showing a peak concentration at the mid-point of the layer, which is about 80,000 ft. above sea level (about 4 miles above the cruise altitude of the SST).

Over any given point on Earth, seasonal variations in 0_3 (ozone) concentration average about 25%. Daily fluctuations over any single point on Earth are at least 10% on a given day. Over a year's time the ozone concentration above a single point would therefore vary by a third or more. (The intensity of ultraviolet radiation reading at the earth's surface on a "clear" day varies even more widely since haze and dust are more efficient than ozone in blocking short wave length radiation.) The ozone density over different parts of the earth varies through a range of more than 100%. In particular, it increases with latitude, the polar regions having double the average concentration of the tropical areas.

However, over the past five years, the steady state water content of the stratosphere has increased by 50% of its former value, from 2 ppm to 3 ppm. According to ESSA scientists, ozone measurements made by ESSA weather stations since 1962 show no correlation or change in ozone density associated with the higher levels of water vapor in the stratosphere.

The S.C.E.P. examined the potential of ozone destruction as a function of the insertion of water and other combustion products into the stratosphere. Their study of this issue included the "worst case" assumption of an 18 month cycle for all materials deposited by the SST. They concluded that if any effect could be detected, the effect would be well within the daily variation and would be of no significance.[90]

In summary, the stratosphere is not dry because it lacks exposure to water vapor. It maintains a state of low humidity due to natural mechanisms. Similarly, there is no evidence that stratosphere states or other climatic conditions are dependent on a "critical" or "delicate" balance of forces. To the contrary, much evidence exists (see section on particulates and volcanic action) that the stratosphere as well as the ozone layer (and the earth's climate) remain stable despite insertions of water and other materials in quantities vastly beyond the remotest capability of any conceivable fleet of SSTs. And, in fact, the amount of water inserted by the "standard fleet" of 500 SSTs is trivial compared with the quantity cycled in and out of the stratosphere each day.

Effects on climate of solid particles from SST effluent in the stratosphere

A solid particle is opaque to most of the spectrum of solar radiation. Solar energy impinging on the particle is partly reflected and partly absorbed by the particle as heat. The warmed particle releases its energy by re-radiating it omnidirectionally and by convection with surrounding air molecules. In essence, the solar energy intercepted by the particle is largely lost to the earth's surface [90a] but can contribute a warming effect to the surrounding air molecules.

One hypothesis derived from this observation is that particulate matter ejected into the stratosphere from SSTs might become extremely voluminous or concentrated. The stratosphere might then absorb so much of the sun's warmth that the lower atmosphere and earth's surface would at worst freeze over or at least experience undesirable climatic alteration.

The conclusion of the discussion to follow is that the hypothesis is highly improbable. Reasons for the conclusion are: 1) that cosmic dust constantly failling into the atmos-

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phere exceeds in volume the quantity expelled from any conceivable fleet of SST's; 2) that historically recorded volcanic eruptions have projected into the stratosphere vastly larger quantities of dust than any fleet of SST's could provide; and 3) that in any event, the thermal mechanism of water vapor—clouds—rain is much more influential in directing or altering the effects of solar flux than dust could possibly be. Any weather satellite photograph will show about half the earth's surface to be shaded by highly reflective clouds at all times.

Cosmic dust varies in rate of fall from season to season and year to year. Yet its effect on climate has been negligible. The earth has experienced great volcanic eruptions which have sent enormous quantities of dust aloft but the climatic effects, while validating the theory of the cooling effect, do so only to the extent of a few degrees and for a year or two.

In short, the stabilizing effect of atmospheric water has demonstrably operated to refute the hypothesis of particulate effects on weather, under repeated and sustained conditions vastly more severe than the SST or any fleet of SST's could create.

Magnitude of SST particulate effluent

The General Electric Co., manufacturer of the SST engines, estimates that carbon particles from the SST engine will total five pounds per engine per hour. The total carbon emission (20 lbs./hr./plane) would be dispersed over a distance of about 1800 miles.

The highest concentration of carbon would exist about an hour after passage of the aircraft through a calm section of the sky. Most of the exhaust is drawn into the tip vortices formed by the wing. The lift generated by the wing imparts momentum to the air. The energetic air departs from each wing tip as an expanding, whirling mass of air. These two air masses rotate in opposite directions and horizontally to the ground. They depart in a downward direction and spread away from each other. In calm air they will eventually stagnate below and to either side of the flight path. The final diameter of the becalmed horizontal columns throughout which the carbon has been mixed would be a few thousand feet across.

If all the carbon emitted is contained within these two air columns, each will contain 10 lbs. in an hour's flight. Based on a maximum diameter of 1000 feet, each column will have a volume of 7×10^{12} cu. ft. through which 19 lbs. of carbon are dispensed, or 7×10^{11} cu. ft. of air per lb. of carbon. This is not a detectable quantity. Moreover, the material is chemically inert.

The smaller the particle, the slower it will fall to the earth. As size decreases, gravitational forces become less and less important compared with convective air movements and eddy currents. Finally, particles of extreme fineness become responsive to the random movement of air molecules. The gravitational pull of the tiny particle mass is so trivial relative to the forces in the surrounding air that the particle becomes entrained, its greater density showing only as a slight downward bias in its general random movement.

Unless a stratospheric particle becomes larged[90b] for some reason a year or more could pass before its earthward bias will allow it to settle. However, the floating lifetime of the particle is shortened, perhaps ended, if it becomes a condensation nucleus.

A "normal" fleet of 500 SST's, operating ten hours per day would release a total of 50 tons of carbon per day. If an average stay time of 18 months is assumed for particulates placed in the stratosphere, then the ready state density of the carbon following an 18 month build-up is of interest. Based on an average residence time of 18 months, the carbon particulates would reach a peak concentration of less than 28,000 tons and stabilize at that level. (550 days times 50 tons per day equals 27,500 tons.)

The S.C.E.P. study added to this figure for particulate carbon a considerably larger figure for "particulate" combustion products of sulfur. The analysis offered in that study may be open to challenge on that account because sulfur in the exhaust is released as sulfur dioxide, a gas. To become a particle the sulfur dioxide must be either disolved into a droplet of water or chemically converted into a solid sulfur compound after being released. The S.C.E.P. study considered the case of a 100% conversion of all sulfur released into particulates.

For these and other reasons[91] the S.C.E.P. assumptions as to sulfur emission products must be considered to represent a "worst case" treatment of the problem. Thus, accepting these generous estimates and considering, as was done, all sulfur products as "particulate", and with a cycle time of 18 months (to reach the stable peak level) the peak concentration of sulfur products would reach 181,500 tons and the carbon total would reach 28,000 tons, a combined total of 209,000 tons of "particles". This sounds like quite a lot of dust to be scattered along the stratospheric airlanes. However, it is considerably less than the dust already there.

Comparison of SST particles with cosmic and volcanic dust

The dust from space, mostly particles ranging in size from a millionth of a micron to several microns, joins the earth's atmosphere in dependably steady and surprisingly high quantities. The micro size of the particles causes them to fall slowly, like the dust from volcanoes.

The infiltration of meteoric material does not occur at a constant rate but is relatively uniform if compared with volcanic insertions. It is a relatively uniform dispersion to which volcanic material must be considered an occasional, albeit huge, addition.

The quantity of dust received from space has proved difficult to measure and calculations of the total vary through several orders of magnitude. The assumption that a series of measurements taken in one part of the world during a given time period can be generalized to the entire globe is probably not a safe one. Also, some collection and detection methods seem more effective than others. Among the more complex of these are the remote sensing methods employed on satellites. Although the satellites remove all doubt that the materials detected are cosmic and not of earthly origin, interpretation of the sensor signals has introduced new uncertainties.

Estimates of the daily accumulation of cosmic dust now vary through five orders of magnitude (from 100 tons per day to 10 million tons per day).

Rosen and Ney[92] obtained results in the mid-range of this variation:

The particle flux with the photo-electric particle counter is about 4×10^{-2} cm^{-1} sec^{-1} for diameters between 0.5 and 2 u. This implies a mass flux of about 4×10^{6} meteoric tons per year over the earth.

Studies showing much heavier quantities were summarized by T. Grjebine.[93]

According to a research summary by Grjebine in which a variety of stratospheric sampling methods were correlated, the earth receives enough micron range particles (metallic) from space to show a stratospheric concentration (between 15 and 25 km altitude) of 2×10^{-4} grams per cubic meter. In other words a column of air one meter on a side and 5000 meters high would contain one gram of metallic dust. This is not a significant filter as far as solar energy is concerned. Yet, the quantity of cosmic dust is between 4000 and 5000 times as large as that suggested for an SST fleet under a "worst case" assumption.

Of course, cosmic dust is assumed (for want of better information) to be more or less evenly distributed. By contrast, SST flights would presumably be mainly in the northern hemisphere along established routes. This would mean repeated dispositions along relatively narrow bands in the stratosphere. This flight pattern could be expected to result in more localized concentrations of particles.

Such concentrations however are not likely to occur. The reason for this is as follows:

In their calculations, the SCEP considered the particulates as inserted in a stagnant rather than from high speed flight.[94] The instantaneous mixing characteristics of the SST (not considered by the SCEP) should also be taken into account. Assuming that all the SO_2 would become particulates, the total sulphate and carbon deposition is 67 kg./hr. The mixing vortices of air into which this material is placed totals 4 × 10'' cubic meters of air per hour. The concentration per flight is calculated to be 1.6×10^{-7} grams/m^3.

For the SST effluent to achieve the particulate density suggested by the SCEP of 330 parts per billion would require two hundred flights over precisely the same flight path during which time (50 days) absolutely natural atmospheric movement along the flight path would be assumed to occur.

These conditions are quite impossible. For example, a (very reasonable) velocity of the upper air of no more than 1/6 mile per hour would prevent the residue left by one flight from mixing with that of the next. Air movement in the stratosphere varies with attitude but is almost never still. Wind movement varies from 25 m.p.h. up to several hundred m.p.h.

The SCEP, in considering the problem of particulate concentrations resulting from repeated use of regular routes, made a comparison with the band-like dispersion resulting from the volcanic eruption of Mt. Agung. The following conditions were noted:

1. Prior to the eruption, particulate sampling by Junge showed a concentration of 12 parts per billion.

2. In 1969, several years after the eruption, Cadle et al. measured 360 parts per billion (5.8×10^{-5} grams/m^3 [94a].)

The point insertion of volcanic action can, of course, cause vast increases in stratospheric dust which may persist for several years Mt. Agung, for example, inserted large quantities of sulphates which diffused around the earth in a stratospheric band located in the tropical latitude. The concentration of the Agung sulphates was great enough to cause a detectable rise in stratospheric temperature along the track of the dust. The amount of energy required to heat this dust and all of the air containing it would be about 0.0005 of the solar flux for each degree rise in temperature. Such an absorption of energy was not great enought to cause measurable effects at lower levels of the atmosphere, nor on the surface, and none were noted.

In the Agung eruption, a quantity of particulate matter was ejected into the stratosphere in concentration about comparable to that given in the "worst case" analysis developed by the SCEP study. No significant climatic effects were detected. In fact, the National Center for Atmospheric Research (NCAR) cites six volcanic events in recent time which injected enough material to cause a decline in world temperature through reflection or absorption and reradiation of solar energy.

Volcanic dust has been held responsible for several more recent dips in world temperature means, such as the notable temper-

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ature decline in 1787, 1816 [the "year without a summer"], 1837, 1884, 1893, and 1912.[95]

But in all of these cases, the volume of materials ejected was vastly larger than that which could accrue from any conceivable SST fleet. For example, the greatest burden placed on the stratosphere in recent times occurred at Krakatoa on August 27, 1883. The Krakatoa eruption replaced an island containing 14 cubic miles of rock with a flat plane a mile across on the ocean floor lying beneath 1000' of water. Dr. Melvin A. Cook, an authority on explosives, computes the energy released by Krakatoa as equivalent to 5,000 megatons of TNT.[96] The column of efflux left the Earth's surface at velocities exceeding mach 3. The resulting sonic boom was audible 3000 miles away.

The shock wave, detectable on barographs, traveled around the earth, reflected from itself, and returned, repeating the cycle four times before dissipating below the sensitivity of available instruments.

Estimates by Ernst Behrendt indicate that the efflux included a cubic mile of sea water in the form of super heated vapor. Behrendt's account was published by the American Nature Association.[97]

Sightings at the time produced estimates of the altitude achieved by the blast as 150,000 feet. Several cubic miles of materials, rock, lava, steam and water were pulverized and blended by shock waves and heat, and brought night-time darkness to areas within a hundred miles radius.

The residue circled the Earth, giving the moon a green tint and turning the setting sun blue, gray or green for the better part of a year. Sunsets were noticeably more brilliant all over the world for several years.

Here again it would appear that several cubic miles of water, chemicals and solids, interacting with the sunlight for over a year, as they cycled out of the air, caused no noted or dramatic effects on long term temperature cycles, world weather, or life on earth due to ozone disturbance.

In summary, particulates in the effluents of a fleet of SST's do not approach the magnitude of routine natural insertions of particulates. Further the effects on the earth's climate, even of truly massive volcanic insertions (quantities that no conceivable number of SST's could approach) have been identified as being slight and transient.

Summary of assessment of weather modification possibilities of the SST

Man's technology has been shown to have many different possible effects on his environment. It is not possible to foresee all effects of any innovation. Moreover, as basic scientific research accumulates more knowledge and develops more sensitive measuring devices and techniques, new opportunities and dangers appear. This has been increasingly the course with all environmental questions over the past quarter-century. Skill in detection has disclosed the existence of mercury in many previously unsuspected places. It has identified the presence of pesticides in food chains. It has inspired development of a new science of environmental or ecological chemistry for the analysis of degradants. It has recognized the significance of both acute impacts and long-time, low-level impacts. These undeniable and important contributions of man's ability to preserve and restore his environment have also sensitized the scientific community and the public at large to the many ways in which the environment can be impaired. It is likely that this knowledge can do a disservice in the possession of those anxious to prove an *a priori* case or prone to emotional overreaction. The possibility that an innovation may be harmful in some specific way is not the same as the certainty. Science deals in probabilities, and in the relative significance of variables, but not with certainties.

With respect to the weather modification aspects of the SST, it might serve a useful purpose to consider how difficult it has been for man to achieve any positive results when he was trying to. Weather modification is difficult, precisely because the mechanisms that determine the weather and the climate are so functionally positive and on so large a scale. They have a built-in stability that is extremely difficult to alter.

Evaluation of the possibility of unintended modification should perhaps be examined by those technologists seeking to achieve purposeful modification.

It has not yet occurred, apparently, to those assessing the environmental impacts of the SST to speculate on the possibility that the combined effects of all SST effluents discharged along the airlanes in the temperate zone could establish a permanent pattern of rainfall along these itineraries. Not that this is very probable, but it is no less so than some of the apprehensions that have been expressed.

One approach to the further assessment of the weather modification potentialities of the SST might be to select that aspect of the atmosphere that is most sensitive and at the same time most dynamic, for a searching functional analysis. This is the air-water balance. It is well established that interactions based on this balance control most of the phenomena of the weather and climate. It is also the conclusion of those engaged in the study of purposeful weather modification that the manipulation of the air-water balance offers the best hope of achieving measurable results with least expenditure of effort. The results to date of this effort may not be promising, but they are the least unhopeful. Therefore, examination of the potential SST effects on weather and climate in this context, possibly in synergistic relationship to efforts at purposeful modification, might help to put the issue into clearer perspective. But as with all such issues, this one cannot be completely disposed of. It is not possible to prove a negative—only to indicate its order of probability. The present state of the knowledge is that weather and climate effects of the SST thus far investigated turn out to be trivial.

VII. OBSERVANCE AND CONCLUSIONS

This paper has reviewed the technological evolution of the commercial airliner from the 1920s to the present day, to provide a basis for the evaluation and assessment of the technology of the proposed supersonic transport. In tracing this history, it became evident that much of the early technology of commercial aircraft leaned heavily on military-sponsored developments. There was, in fact, a dependency relationship. It was also apparent that the goals of military developments were not necessarily compatible with the requirements of competitive commercial vehicles.

The deviation in military vs. civilian requirements widened with time, resulting in a decrease of technology useful to the civil sector. Civil aeronautics began to develop at too slow a pace to satisfy rising domestic and international requirements.

The lag in civil development gave rise to an important issue: whether or not the development of commercial aeronautics should become a direct function of the Federal Government as distinct from the traditional indirect support (funding military aeronautics and waiting for the technology to diffuse into the civil sector). The long time lag in the development of power plants appropriate for commercial jet airliners was cited as a cost of the failure to do this. The long history of Federal participation in the encouragement of transportation facilities, domestic and international, suggests that this function has proved acceptable in the past and warrants consideration for the future.

Another issue is the national attitude toward technology itself. A study by the National Academy of Sciences was cited to suggest that in the future technology can neither be turned loose to proceed untrammeled, nor constrained by arbitrary measures to preserve the status quo. Defects in present-day technology are acknowledged. The importance of screening and assessing further innovations, the subject of this entire study, appears to be an intermediate, balanced compromise between these two extremes. It calls for systematic and thorough examination to maximize the benefits of a technological innovation, while detecting and correcting the undesirable, second-order consequences. Criticisms and assertions of technological imperfections can be expected to be voiced throughout the development of any such large project; they need to be dealt with forthrightly and factually as they appear.

Review of economic aspects of the supersonic transport

Attention was focused on the productivity of commercial aircraft as the primary consideration in the development of competitive transport systems. Productivity is a factor of speed and carrying capacity, while the requirements of maintenance and "downtime" are a negative factor. Historically, each major increment of innovation in design that increased the positive factors or reduced the negative factors provided impetus for growth and increased efficiency of the airlines. Up to about 1968, those innovations had been frequent enough to keep air fares about constant in the face of a general inflation of the economy.

Specifically, each generation of airliners achieved higher levels of speed, and larger payloads; downtime was reduced by the improved engineering of the reciprocating engine, and even more by the advent of the turbojet engine.

On the negative side, the trend to larger aircraft meant that the airlines needed schedule changes to improve the load factor. The problem they encountered was that competing airlines running large aircraft found their planes operating at half-capacity. The immediate alternative seemed to be to raise fares or reduce the number of flights.

The hypothesis in support of the economic benefit of the SST is essentially that size alone, with its associated problems of load factor, will not accomplish the next evolutionary step in productivity. An aircraft of intermediate size, halfway between the capacity of the 707 and the giant 747, with three times the speed of these subsonic jets, would be required.

Since the constraint of avoiding sonic booms over land has been accepted—at least unless and until this environmental effect can be shown to be negligible from an aircraft at 65,000 feet altitude—the primary gain in productivity will be for trans-oceanic flights. It is claimed that the SST retains its gains in productivity on such flights, even if they originate in Chicago or perhaps St. Louis, and fly subsonically over land.

The international financial considerations of the SST center on the comparative advantage of selling American-produced aircraft to foreign-owned airlines versus buying foreign-produced aircraft for use in American-owned airlines. Stated in simple terms, as a pure case, the advantage for the United States appears to be a plus of some $20 billion by 1990 for the successful production of the Boeing SST, if the market analyses are reasonably valid. However, there remain a number of uncertainties that cloud the picture. The recent rise of the international corporation, owned jointly by stockholders in many countries, complicates the flow of value. Another uncertainty is as to the probability of economic success of either of the foreign SST projects. This success is called into question by the fact that the foreign SSTs are smaller and slower than the Boeing version, even though they are scheduled for earlier entry into service.

One critically important variable in mar-

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keting is airport accessibility and congestion. Although the problem is general to all commercial aircraft, the congestion and surface access problems have steadily grown worse with time. The SST schedule calls for its introduction in eight years. With no change in airport accessibility trends, the SST will be introduced at a time when the number of passengers carried is no longer governed by market growth but has become fixed due to system limitations.

Through the years, plans to relieve the bottleneck of air terminals have made little progress. The nature of the problem requires that planning be national (or at least interstate), but the implementation requires State and local action. Historically, coordinate action of Federal-State-local jurisdictions has proved difficult.

The more promising plans to relieve terminal congestion propose to make use of VTOL/STOL aircraft linking large terminals with smaller and dispersed satellite terminals. This scheme provides directly for the short-haul passenger, the largest single component of air passenger service. By providing for point-to-point travel for the short-haul passenger, the proposed system would alleviate the pressure of passengers and aircraft at the large terminals serving long-haul transportation. If some arrangement of this kind is not incorporated in the U.S. air transportation system, the congestion at major airports will jeopardize the marketability not only of the SST but of all other larger airliners.

The various issues of noise from the SST

The question of noise is, of course, an environmental issue. However, it differs in character from other environmental insults in that it is of brief duration and hence localized in relation to the aircraft that generates it.

Noise from the SST is of five types: (1) the sonic boom, generated when the aircraft moves at supersonic speed at cruising altitude; (2) the engine noise while the aircraft is motionless, taxiing into position for take-off, or holding; (3) the side-line noise while the aircraft is moving down the runway and taking off (up to one mile from the end of the runway); (4) the departure noise, from one mile past the end of the runway until it gains cruising altitude and reduces power to cruise level, and (5) the approach noise made as the aircraft approaches the field to land.

The question of sonic boom has presumably been disposed of for the time being by the assurance that the SST will cruise subsonically over populated land. This issue has raised considerable controversy because of the experience of the U.S. population with military jets flying supersonically at lower altitudes.

Engine noise on the ground before take-off does not appear to be a significant factor. During this phase, engines of the SST can run as quietly as those of any other aircraft. Only enough power is required to move the aircraft slowly.

Engine noise while the aircraft is moving down the runway, and up to a mile beyond, presents the principal problem for designers of aircraft and engines of the SST. Without acoustical correction the noise generated during this phase is excessive. However, the Boeing Company has offered assurances that before the SST is certified, its noise level during this phase will be brought within limits judged acceptable for new subsonic aircraft (FAR 36). Similar assurances are offered by the makers of Concorde who say that the Concorde will comply with all pertinent noise regulations extant at the time it appears on the market.

These assurances, of course, do not completely dispose of the issue. It remains to be seen whether the companies can make good on their promise, or whether they will seek an exception or interim adjustment at a later date. On the other hand, the point is made that airports are often located in areas remote from urban centers, with much open land around them. If the land is subsequently occupied by persons seeking to take advantage of convenience, economic opportunities, or sheer rise in land values attributable to the airport, it is at least a reasonable question as to whether they should not be expected to take the bitter with the sweet.

Departure noise is another question. It extends well beyond the immediate locality of the airport. Presumably, the same assurances are offered by the aircraft and engine designers as to noise reduction in this phase. The importance of this phase is that it affects a larger area, and is not associated with any of the advantages of land ownership relative to take-off noise. Since engine efficiency is likely to be impaired by innovations to reduce noise, particularly when retrofitted, there will be an inevitable trade-off between noise comfort and engine efficiency. Determination of this point can be expected to be a source of future controversy. However, the present evidence is that the designers are taking quite seriously the public concern over noise pollution, and are making strenuous efforts to alleviate it.

The micro-environmental issues of the SST

Apart from noise, two broad categories of asserted environmental effects of the SST have come under consideration. One set involves the consequences of its operation as an added pollution-producing element in the urban/suburban air environment. Public dissatisfaction with deteriorating conditions of greasy residues, corrosive chemicals, particulate matter, smog, and other noxious gases, has been exacerbated by the prospect of effluent from the big, high-powered engines of the SST.

It is incontrovertible that turbojet aircraft, whether subsonic or supersonic, add to air pollution around airports. It is not evident that they contribute a significant fraction to the total pollution load in and around cities, with the possible exception of infrequent, unintended effects such as fuel dumping and badly adjusted engines. The economics of aircraft management dictate that these should be avoided.

The questions to be resolved in the category of micro-environmental effects relate to the local geographical, meteorological, and urbanized circumstances rather than to the specific aspect of SST effluent. It is necessary in the local environment to consider such matters as—

The nature of local air movement and its capacity to diffuse pollutants;

The local tendency toward inversion layers in the atmosphere that obstruct upward diffusion of pollutants and smog;

The traffic density at airports;

The load of pollutants from other sources;

The insulation of the airport and departure lanes from housing.

As a general proposition, it rests with the local metropolitan area to insist upon a tolerable level of pollution of the air from all sources, including aircraft. Presumably, the designers of aircraft and engineers are mindful that failure to maintain progress toward cleaner engine effluents would invite the risk of costly regulatory inhibitions at airports prone to high levels of pollution.

The marco-environmental issues of the SST

The other category of asserted environmental effects of the SST encompasses global or climatic consequences. A long list of allegations have been raised as to possible adverse second-order consequences in this area. The distinction is made that the micro-effects of the SST contribute to other effluents generated by man's technology, while the macro-effects of the SST should be related to the pollutants resulting from large scale natural phenomena.

One allegation is that the big engines of the SST will contribute disproportionately to the consumption of atmospheric oxygen. This issue is not impressive, however, in view of the fact that if all the known organic matter (coal, lignite, petroleum, and standing timber, for example) were to be oxidized to ash, the reduction in atmospheric oxygen would be something like 3 percent. Moreover, there is some reason to believe that one of the products of oxidation—the carbon dioxide—when present in the atmosphere in increased percentage stimulates the process of plant photosynthesis. The process consumes CO_2 and water (the products of combustion) and generates oxygen. How precisely this reverse process counterbalances the process of oxygen depletion from combustion is not a critical problem in terms of the oxygen supply for reasons stated above.

A related allegation is that the percentage of carbon dioxide in the atmosphere will be increased by SST effluents to such an extent that the absorption of the infra-red radiation from all sources by CO_2 would cause a rise in the temperature of the troposphere (that part of the atmosphere below about 40,000 feet altitude). However, this "greenhouse effect" has not been confirmed in recent minor changes in atmospheric CO_2 content. Moreover, there are other mechanisms at work in the atmosphere that are much stronger in their effects than is the content of CO_2 and minor changes in it.

Still another contention is that the particulate matter in the SST effluent might reach so high a density as to enable the stratosphere to absorb enough solar radiation to cause the troposphere and the ground beneath to cool. An examination of the quantity of particulate matter that might be generated by the SST (a fleet of 500 on regularly scheduled service) shows that it does indeed reach the impressive figure of 209,000 tons of particles under a "worst case" assumption before stabilizing. (At that point, losses of particles would equal gains.) However, the earth's daily intake of cosmic dust is estimated to be much larger than this. Measurements of the fall of cosmic dust, taken at different times and places, show quantities which vary through three orders of magnitude, the smallest of which is much larger than the stabilized quantity from the SST fleet under a "worst case" assumption.

Another basis of comparison is the climatic effect of the very large quantities of particulate matter injected into the stratosphere by major volcanic eruptions in recent history. Although these natural effluents are many orders of magnitude larger than any conceivable accumulation from an SST fleet, no significant climatic consequences appear to have resulted from them. It might also be noted that the power of dust to affect the solar flux (hence the climate) is minuscule as compared with the reflectance of a cloud, and clouds cover about half the earth's surface at all times.

By far the largest single component of SST effluent is water. A number of possible consequences have been conjectured for this effect. As with CO_2 the hypothesis is that the absorption of solar radiation by water vapor would warm the upper atmosphere, perhaps at the expense of the lower atmosphere so as to cool it and also the Earth's surface. An opposite effect resulting in possibly lethal heating of the troposphere and ground is also conjectured to result from this same source. Certainly it is true that the water balance in the atmosphere is the most significant element in determining temperature and climate. It is also the most variable. For this reason, much of the effort in weather modification has centered on techniques to manipulate this balance. However, as far as the SST is concerned, the issue turns on the degree of stability of the water content of the stratosphere: to what extent does the operation of an SST add significant and lasting quantities of water to it?

Analysis of all apparent factors of SST water discharge suggests that the quantity of water normally held in the stratosphere is very low: normally on the order of 2 to 3 percent relative humidity. It is for this reason that high-flying supersonic jets do not make contrails in the stratosphere except on rare occasions in the polar regions where solar radiation is least significant as a factor of climate. Moreover, the quantity of water emitted per mile by a supersonic aircraft would be so small that once it underwent the diffusing action of air turbulence caused by passage of the aircraft it would amount to only .0024 ounces of vapor per square foot column of air.

The final question is: does this water vapor remain in the stratosphere, to be added to by each successive passage of other SSTs? On the basis of the evidence of what happens to the water vapor and droplets injected into the stratosphere by thunderstorms (500 % of the some 5,000 storms that occur daily around the earth inject some 75 million tons of water into the stratosphere) it appears that the water content of the stratosphere stabilizes at a low level with surplus rejected downward. Over the past few years, the average water content of the stratosphere has risen by 50% (from 2 ppm to 3 ppm). This increase is from 5 to 10 times as great as the maximum possible from a fleet of SSTs. The increase from natural causes has produced no detectable effects on climate or radiation. What has caused this change in water vapor content in the stratosphere is not known. One possibility is that the content of water in the stratosphere fluctuates above and below some very low figure. Another possibility is that the observed increase can be accounted for by errors in measurement. It would be desirable that periodic measurements of this variable (if it is a variable) be made so that if any significant trend can be established, it can be properly analyzed and interpreted.

Recapitulation

Ultimately, the issues of the SST, as with all assessments of technology, depend upon political attitudes and values rather than on the technical issues of the innovation itself. How important is air transportation for the national welfare? How important is the encouragement of the export of high technology for the national economy of the United States? How significant is technological achievement in the civil sector for U.S. international influence? Is technological advance to be arrested, whatever the consequences?

There are many uncertainties: as to the verity of the competition from foreign SST developments; as to whether the Boeing SST will produce the economic gains claimed for it; as to the extent of engineering risk this vehicle represents; and as to whether it can stand alone, without other supporting elements of a complete system of air transportation. Many of the defects of present air transportation have nothing to do with air speed or vehicle productivity; the ground sector, for one example, is generally conceded to have been neglected.

The environmental aspects of the SST, and especially the global aspects, have received the bulk of attention of critics. Yet, upon analysis, most of these postulated effects are found to be trivial. Of course, some environmental uncertainties remain. As to these uncertainties, it has been pointed out several times, earlier in this study, that it is rarely if ever possible to prove a negative.

But the greater number of uncertainties appear to lie in the field of economics. It is likely that these can be resolved only by actual experience with the product in use. Much hinges on the quality of engineering management in the development of the vehicle, and the system of which it is conceived as a component. Much hinges also upon the quality of management of the airline service and its competition. Of course, these are general considerations and are therefore imponderables beyond the scope of the present study.

FOOTNOTES

[1] U.S. Congress. House. Committee on Science and Astronautics. "Technology: Processes of Assessment and Choice." Report of the Committee on Science and Public Policy, National Academy of Sciences, July 1969. (Washington, U.S. Government Printing Office, 1969), page 118.

[2] Ibid., page 118.

[3] Ibid., pages 2–3.

[4] Ibid., page 15.

[5] Numerous claims were made by World War II pilots that they had broken the sonic barrier with their propeller-driven aircraft in full power dives from high altitude. Speeds as high as 800 mph, sometimes accompanied by sonic booms, were reported. However, during World War II, methods were not available for measuring accurately the speed of diving aircraft. Although these claims seemed plausible at the time, knowledge of compressibility effects was limited, and nothing was known about the transonic regime. Subsequent analysis has established that none of the World War II propeller-driven aircraft, designed for subsonic flight, could have exceeded 550 mph, a speed well below the speed of sound.

[6] Speed is often given in multiples of, or fractions of, the speed of sound. Mach 1 is the speed of sound. The name is that of the Austrian scientist, Ernst Mach, 1838–1916. The speed of sound (m–1 or Mach 1) in air is not a constant; it varies primarily as a function of temperature and to a lesser extent as a function of pressure. With increasing altitude, the air pressure declines lineraly, but temperature reverses direction several times. As temperature declines, so does the speed of sound. The relationship is expressed by the formula:

$$\text{Mach 1 (in mph)} = 83.5 \sqrt{\text{T (in degrees Rankine)}}$$

At cruising altitude of 60,000 feet, (the cruising altitude proposed for the SST), the normal temperature is minus 70°F. Mach 1 at this temperature is 680 mph. At an altitude of 150,000 feet, temperature has risen again, and is normally about 50°F. At this temperature, Mach 1 is about 750 mph, which is nearly what it would be at the earth's surface on a 50°F day.

[7] As of August 16, 1969, the official speed record for propeller-driven aircraft was 483 mph. The record was achieved by a modified Grumman F8F "Bearcat". Almost 7 feet of wing was removed, leaving a span of 27.5 feet; weight was reduced from a normal gross of 10,400 to 5,800 pounds, of which almost half was contributed by the oversized engine. The prior record, 469 mph, had been established 30 years earlier by the German ME 209R, which took it from the Italian Macchi Mc 72 seaplane (440 mph in 1934). Thus in 35 years the speed of propeller-driven aircraft had been raised 43 mph. The heroic measures required to accomplish this small increment of extra speed make further advances with piston-engined, propeller driven aircraft, unlikely.

[8] The Italian engineer, Campini, in 1940 tried a workable but impractical alternative in the Caproni N–1. He used a piston engine to drive a large air compressor, air from the compressor was discharged through the open tubular body of the aircraft where additional fuel was sprayed into the air blast and ignited. This was a true jet, but the system was inefficient and was abandoned.

[9] The North American F–100 was a single seat fighter powered by a Pratt & Whitney J57 turbojet. Its top speed was 925 mph at 35,000 feet altitude. Its engine could produce 10,000 pounds of static thrust in cruising, and was equipped with an "afterburner" which increased the thrust to 16,000 pounds for short periods, such as on takeoff. (An afterburner is a tubular extension or tailpipe, added to a jet engine. In its use, fuel is sprayed into it and ignited: the already hot exhaust gas is thus further heated and expanded, greatly increasing the exhaust velocity and resulting thrust of the system.)

[10] For example, the Preparedness Investigating Subcommittee of the Senate Armed Services Committee, chaired by Lyndon B. Johnson, reported at the time: "Transportation of people and cargo at three times the speed of sound and above the weather could be attained through the utilization of B–70 technology in a commercial air vehicle." (Cited in "Congress and the Nation, 1945–1964," Congressional Quarterly, page 307.)

[10] The Caravelle, built by the Sud-Aviation company, was France's first commercial jet transport airplane. Its first flight was May 27, 1955. It entered commercial service May 18, 1958, with Air France. The world's first commercial jet transport was the De Havilland Comet, DH–106, which first flew in 1949 and entered commercial service with BOAC May 2, 1952.

[12] U.S. Congress. House. Committee on Science and Astronautics. "Supersonic Air Transports", Hearings before the Special Investigating Subcommittee of the . . ., 86th Cong., 2nd sess. May 18, 1960, (Washington, U.S. Government Printing Office, 1960) page 43.

[13] Don Dwiggins. "The SST: here it comes, ready or not." (Garden City, New York, Doubleday and Company, 1968), page 117. (294 pages.)

[14] This was "Project Horizon," a report of a task force consisting of Fred. M. Glass, Stanley Gerwitz, Selig, Altschul, Leslie A. Bryan, Gerald A. Gusch, Frances T. Fox, John F. Loosbrook, and Paul Reiber. The report of Project Horizon was submitted to the President Sept. 5, 1961, and made public Sept. 10, 1961.

[15] The turbo-prop engine has a propeller attached through a gear box to the front end of the shaft that extends through a compressor stage, a fuel burning stage, and a turbine stage. The turbine provides the power to rotate the entire assembly. There is also some residual thrust from exhaust gas emitted from the turbine into the tail pipe.

[16] The turbojet, or true jet engine, derives all of its thrust from its exhaust. Air is scooped into an intake aperture, is compressed by a compressor, has fuel injected into the compressed air and ignited, and then the combustion products force their way through a turbine stage which powers the compressor stage. (Compressor and turbine are tied directly to the same central shaft.) Finally, the combustion products are expelled through the tail pipe to provide the jet thrust. Some versions attach still another stage—an "afterburner" after the turbine. The afterburner is simply an extended pipe into which more fuel is injected and burned, to augment the volume and temperature of the exhaust; thus increase the thrust. Since it is a heavy consumer of fuel, the afterburner is used only when augmented thrust is needed, such as on take-off.

[17] The turbo-fan was introduced by the British Metropolitan-Vickers Company, in 1943. This was done by modifying a turbojet engine, adding a two-stage, contra-rotating fan. This rather primitive engine increased the thrust of the basic turbojet by 66 percent, without additional fuel consumption. However, for military purposes, this concept was not attractive. The large frontal area would have too much drag for speeds approaching Mach 1. Conversely, the economy and power provided by the turbo-fan at lower speeds made it important for commercial applications. But since the development of gas turbine engines was funded almost

entirely by the military services, the turbofan was late in coming into use.

[18] U.S. President. John F. Kennedy. "Remarks at Colorado Springs to the Graduating Class of the U.S. Air Force Academy, June 5, 1963." Public Papers of the Presidents of the United States, 1963. (Washington, U.S. Government Printing Office, 1964), page 441.

[19] U.S. President. John F. Kennedy. "Letter to the President of the Senate and to the Speaker of the House on Development of a Civil Supersonic Transport. June 14, 1963." Public Papers of the Presidents of the United States, 1963. (Washington, U.S. Government Printing Office, 1964), pages 475–77.

[20] U.S. Task Force on National Aviation Goals. "Project Horizon." Report of the . . . Federal Aviation Agency. September, 1961. (Washington, U.S. Government Printing Office, 1961), 239 pages. See especially page 17.

[21] Ibid., pp. 48–49.

[22] "Policy Planning for Aeronautical Research and Development, op. cit., page 1.

[23] Ibid., page 3.

[24] U.S. Congress. House. Committee on Science and Astronautics. "Aeronautical Research." Hearings before the Subcommittee on Advanced Research and Technology of the . . . December 1, 2, 4, 8, 9, 10, and 11, 1969. 91st Congress, first session. (Washington, U.S. Government Printing Office, 1970), pages 2–3. (400 pages.)

[25] Don Dwiggins. "The SST: Here it comes ready or not." (Garden City, New York, Doubleday & Company, Inc., 1968), page 122. Members of the steering group were Najeeb Halaby, FAA Administrator; John Stack, NASA Director of Aeronautical Research; and Brockway McMillan, Assistant Secretary of the Air Force for Research and Development.

[26] "Project Horizon", op. cit., page 17.

[27] STAG was chaired by Orval R. Cook, General, U.S.A.F. (ret.), president of the Aircraft Industries Association.

[28] "The SST: Here it comes ready or not", op. cit., p. 123.

[29] The STAG report discussed an SST of Mach 6.5 as against 2.7 for the current SST version, the Boeing 2707–300. Aside from this difference, the STAG report envisioned lower estimated performance criteria. In fact, the current Boeing version under consideration at the close of the calendar year 1970 is designed to have twice the range and payload of the model judged feasible by STAG in 1963.

[30] U.S. President. Lyndon B. Johnson. "The President's News Conference of April 25, 1964." Public Papers of the President's of the United States, Lyndon B. Johnson, 1963–64. Book I. (Washington, U.S. Government Printing Office, 1965), pages 550–1.

[31] U.S. President. Lyndon B. Johnson. "Statement by the President in response to A Report on the Supersonic Transport Program." *In* Ibid., page 702.

[32] U.S. President Lyndon B. Johnson. "Remarks at the Swearing In of General McKee as Administrator, Federal Aviation Agency." July 1, 1965. Public Papers of the Presidents of the United States. Lyndon B. Johnson, Book II. 1965. (Washington, U.S. Government Printing Office, 1966), page 714.

[33] U.S. President. Lyndon B. Johnson. "Statement by the President Upon Authorizing Construction of a Prototype Supersonic Transport Aircraft. April 29, 1967". Public Papers of the President, 1967, Book I. (Washington, U.S. Government Printing Office, 1968), page 478.

[34] "Supersonic Transport Program", February 27, 1969. Weekly Compilation of Presidential Documents, (March 3, 1969), pages 329–330.

[35] "The President's News Conference of December 10, 1970." Weekly Compilation of Presidential Documents, (December 14, 1970), page 1652.

[35a] From 1967 until he joined the SST Program, Mr. Magruder was Chief Preliminary Design Engineer of Lockheed's TriJet L–1011 program. Prior to that he served as Technical Director of Lockheed's SST design in competition for the prototype contract, awarded in 1967 to Boeing Company.

[36] The SST is estimated to cost about $42 million (with spares) as compared with $22 million (with spares) for the Boeing 747 (1968 dollars).

[37-40] "1970 Air Transport Facts and Figures", op. cit., page 16.

[41] NASA research on the "Whitcombe wing" is expected to prove the feasibility of transport applications which permit operation within the transonic region. This would add from 50 to 100 mph to the cruise speed of transport aircraft.

[43] Eugene R. Black, and Stanley deJ. Osbornee, "Supersonic Transport program." (New York, 1963), 105 pages.

[44] Federal Aviation Administration. "Economic Feasibility Report, U.S. Supersonic Transport." Report of the --- (April 1967, Mimeo).

[45] Charles River Associates, Incorporated. "Review of the Economic Feasibility Report for the SST and Supporting Materials". (Cambridge, Mass., Apr. 3, 1967).

[46] Data furnished by DOT.

[47] Charles River Associates, Incorporated. "Review of the Market for the Supersonic Transport, Methodology and Sensitivity Analyses." (Cambridge, Mass., April 1969), 87 pages.

[48 49] "Positive" contributions add to the export account and "negative" one add to the import account. Neither word has a good or bad connotation. Most economists prefer whatever balance of visible and invisible imports and exports facilitates desired flows of goods, services, and capital without undue strain on prices, employment, and fiscal stability among all the nations affected. In general a high total value of reciprocal trading indicates economic health. In essence, the concept is that high productivity and high employment go with a high total in reciprocal trading.

Goods produced for domestic as well as foreign sales are produced in higher quantities than goods intended for only one of these markets. High quantity production tends to lower the cost of most items. Hence, they become available to more people and may contribute to a higher standard of living.

Conversely, the lack of an export market results in a lower production of perhaps costlier goods. If the same items are available at a lower price overseas, there is a temptation to increase imports, which could reduce domestic manufacturing even more. The nation may then seek to sharply encourage the development of exportable goods, or to limit imports. Often both are done.

[50] They were: Kenneth Arrow, Francis Bator, John Kenneth Galbraith, and Wassily Leontief of Harvard University; Richard R. Nelson, Merton J. Peck, James Tobin, and Henry C. Wallich of Yale; W. J. Baumol of Princeton; Milton Friedman of the University of Chicago; Walter W. Heller, of the University of Minnesota; Robert M. Solow, Paul Samuelson, and C. P. Kindleberger of Massachusetts Institute of Technology; and Arthur M. Okun, former chairman of the President's Council of Economic Advisers.

[51] "The SST." Remarks of the Hon. J. W. Fulbright on the floor of the Senate. Congressional Record, (September 15, 1970), pages S15398–405.

[52] "U.S. Supersonic Transport—Gray Book," op. cit., page–G–12.

[53] Idem.

[54] "Technology: Processes of Assessment and Choice," op. cit., page 1.

[55] Ibid., page 3.

[56] For example, "Sonic Boom Experiments at Edwards Air Force Base." Prepared under contract by Stanford Research Institute, For the United States Air Force through the National Sonic Boom Evaluation Office, (Arlington, Virginia, July 28, 1967).

[57] John A. Blume and Associates Research Division, "Structural Reaction Program National Sonic Boom Study Project." Report prepared for the Federal Aviation Agency, April, 1965. (Clearinghouse for Federal Scientific and Technical Information, Springfield, Virginia, 1965), pages 11–12. (Report no. AD–474–778).

[58] The dimension is in pounds per square foot and not per square inch, which is the more familiar measure of pressure. Thus sonic boom units are 1/44 of those usually encountered in air pressure reports.

[59] Under certain atmospheric conditions, the boom pressure could be amplified to double the normal 2 to 2½ psf over pressure.

[60] The problems of correlating sound energy levels with human perception are discussed in "Noise abatement: summary of the issues", by Migdon R. Segal, (Multilith Science Policy Research Division, Legislative Reference Service, Library of Congress, November 4, 1970), 44 pages (See especially "Quantifying noise: sound vs. loudness", pages 4–11.)

[61] Boeing Corporation. "The Supersonic Transport and the Environment," (Boeing Corporation, January 1971 (revised)), page 6.

[62] Letter from B.A.C. to G. Chatham, Feb. 9, 1971.

[63] The REM, or "Roentgen Equivalent, Man", is derived from the RAD, multiplied by a bio-damage constant. The RAD is equal to 100 ergs of absorbed radiation energy per gram of matter. The biodamage constant depends on the measured amount of bio-damage resulting from each specific kind of radiation. Numbers of REM indicate, directly, the extent of damage resulting from the exposure, per indicated time period, expressed as REM per year or millirem per hour .

[64] The exposure rates set by various Federal agencies are based upon guidelines prepared by the Federal Radiation Council in 1960 and subsequently approved by the President.

[65] Comparative Evaluation of the Radiation Environment in the Biosphere and in Space. Hermann J. Schaefer, Naval Aerospace Medical Institute and NASA, December, 1968, NAMI–1054, p. 2.

[66] Fundamentals of X-ray and Radium Physics, Joseph Solman, M.D., third edition, Charles C. Thomas, (date) (where) p. 329.

[67] This exposure includes "normal" solar flare activity but does not include the giant flare of 23 Feb. 1956.

[68] Table furnished by Department of Transportation.

[69–71] The figure of 500 SSTs has been accepted and used by the Department of Transportation as a conservative average of a series of independent marketing projections.

[72] Broecker, Wallace S. "Man's Oxygen Reserves," Science, (Vol. 108, No. 3939, June 20, 1970), pages 1537–1538.

[73] U.S. President's Science Advisory Committee, Environmental Pollution Panel "Restoring the Quality of Our Environment" (The White House, November 1965) pages 115–116.

[74–5] Ibid., page 126.

[76] Ibid., page 119.

[77] "Man's Impact on the Global Environment." Report of the Study of Critical Environmental Problems, op. cit., page 88.

[78] Idem.

[78a] I.e., air temperature measured by weather stations as opposed to air temperature measured by balloons or other high altitude systems.

[79] "Restoring the Quality of Our Environment," op. cit., pages 122 and 123, citing: Murray J. Mitchell, Jr., "Recent secular changes of global temperature," Annals of New York Academy of Sciences, (Vol. 95,

1963), pages 235–250, and Murray J. Mitchell, Jr., "On the world-wide pattern of secular temperature change." *In* Changes of Climate, Rome Symposium by UNESCO–WHO, Published in Arid Zone Research Volumes, (Paris, Vol. 20, 1963), pages 161–181.

[79b] In the broadest sense, all meterological phenomenon may be regarded as a reactive interface between two heat sources (the earth's internal heat and the solar flux) with the energy sink of outer space. Among these three factors, the most critical and also the most variable is the solar flux. Although short term climatic changes can be coupled to catastrophic volcanic events, longer term changes correlate closely with cyclic variations of the sun. This agreement was shown by S. J. Johnson, W. Dansgaard and H. B. Clausen, in their paper "Climatic Oscillations 1200–2000 AD," Nature, (August 1, 1970), pages 482–483.

[80] Rutgers University, Center of Transportation, "Study on pollution reduction potential of aerial commutation," FAA report, (July 1970).

[81] Data furnished by Department of Transportation.

[82] See also the section of this paper dealing with particulates and volcanic action, pages 109–120.

[83] U.S. National Academy of Sciences. "Weather and climate modification: problems and prospects; vols. 1 and 2." Final report of the Panel on Weather and Climate Modification to the Committee on Atmosphere Sciences, National Academy of Sciences, National Research Council, (Publication No. 1350. Washington, D.C. 1966), page 11.

[84] "Memo report to the Administrator of ESSA," (October 4, 1965.)

[85] Table furnished by Department of Transportation.

[86] "Man's Impact on the Global Environment." Report of Critical Environmental Problems SCEP, op. cit., page 17.

The number of thunderstorm injections per day is estimated to be between two thousand and six thousand. Seasonal variations and low altitude weather changes give a wide range to this daily insertion of water from natural causes.

The number of stratospheric penetrations within the continental United States is estimated to be 505 per year, 55 of which reach attitudes higher than 18 km. [R. F. Jones, et al. "World Meteorological Problems in the Design and Operation of Super Sonic Aircraft." *In* World Meteorological Organization, Publication No. 216. (Geneva, Switzerland, 1965).]

The water content of the stratosphere, however, remains quite stable and very low. ESSA data show that over the past five years the water content of the stratosphere has shown a slow increase and is now 50% greater than it was five years ago. In numbers, however, this 50% increase ' the difference between 2 parts per million (ppm) and 3 ppm.

About 20% of the atmosphere lies above 38,000 feet. This quantity of air weighs 11.4×10^{14} tons. Stratospheric water would therefore be approximately:

at 2 ppm—22.8×10^{8} tons
at 3 ppm—34.2×10^{8} tons

Some idea of the water cycling capability of the stratosphere can be obtained by comparing the relatively stable amount of water present in the stratosphere with the amount received from thunderstorms each day.

If we use the ESSA estimate of approximately 150,000 tons of water inserted into the tropical stratosphere from a simple large cumulonimbus cloud, then for each 500 such daily events (a conservative estimate) the stratosphere would receive 75×10^{6} tons of water.

This rate of water insertion (500 cumulonimbus clouds per day) would require 45 days to place in the stratosphere an amount of water equal to that now present. This consideration is less important than the fact that the water level in the stratosphere is extremely constant. To remain constant, or approximately so, the stratosphere *must release all the water it receives each day above that normal to its stable state.*

[87] Ibid., page 103.

[87a] The figure of 500 storms per day was selected as an arbitrary but conservative number for illustrative purposes. Estimates of the actual number of daily storms of a magnitude to penetrate into the stratosphere ranged between 5,000 and 6,000.

[88] Man's Impact on the Global Environment." op. cit., page 16.

[89] Communication from ESSA.

[90] Man's Impact on the Global Environment," op. cit., page 16.

[90a] The amount of the sun's energy actually reaching the surface of the earth is largely determined by the angle (latitude and time of day) of the earth's surface to the sun, and the clarity of the low altitude atmosphere (determined mostly by weather conditions). The absorption of solar energy by the stratosphere is minute.

[90b] Reactive particulates of sulphur (e.g. sulphurous or sulphuric acid or ammonium sulphate) may grow in size due to photochemical forces which may steadily add additional atoms to the original molecule (e.g. adding nitrogen and hydrogen to a sulphate radical to form ammonium sulphate).

[91] Among the others: fuel consumption was improperly assumed to be a constant, instead of decreasing steadily during a trip; the figure used was 66 tons/per hr./aircraft whereas a more accurate estimate would be the average consumption of 53 tons/hr. Also, an average sulfur content of .05% was used. Present-day fuels range between .09% and .004%. Sulfur is undesirable in jet engines because it produces corrosive combustion products that shorten engine life. The producers of jet fuel have been steadily reducing sulfur content and the trend is expected to continue. On the basis of past experience with this progress, a sulfur content of somewhere between .01% and .005% would be a reasonable expectation by the time the Boeing SST could become operational. The removal of sulfur from fuels of all kinds may be accelerated by the President's proposed graduated tax on sulfur bearing fuels. (Described in New York Times, (February 2, 1971), page 24).

[92] S.M. Rosen and E. P. Ney. "Vertical Distribution of Dust in the Stratosphere." *In* "Meteor Orbits and Dust." Proceedings of a symposium sponsored by the National Aeronautics and Space Administration and the Smithsonian Institution, Cambridge, Mass., August 9–13, 1965. (Washington, U.S. Government Printing Office, 1967) page 347.

[93] T. Grjebine. "Concentration of Magnetic Dust in the Stratosphere." *In* "Meteor Orbits and Dust," op. cit., pages 361–364.

[94] Personal communication with S.C.E.P. numbers.

[94a] 5.8×10^{-5} grams/^{3} based on weight of air at 60,000 feet which is 120gm/m^{3}.

[95] NCAR Quarterly (February 1969, No. 22), page 12.

[96] Melvin A. Cook. "The Science of High Explosives." (New York, Reinhold, American Chemical Society Monograph Series), 1958, page 1. (21 pages).

[97] Ernst Behrendt, "Earth's most awful blast", Nature Magazine, v. 39, No. 3, March, 1946, pp. 121–124, 160.

[98] The figure of 500 was selected as an arbitrary but conservative number for illustrative purposes. It represents about 10% of the estimated total of the daily storms capable of penetrating the stratosphere.

"THE MAN WITH THE HOE"

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. ZWACH. Mr. Speaker, Dave Gallagher, writer for the Montevideo American News in our Minnesota Sixth Congressional District, wrote a very thought-provoking editorial in the March 4 issue of that newspaper.

In order to share Mr. Gallagher's thoughts with my colleagues and all of the other people who read it, I would like to insert his editorial in the CONGRESSIONAL RECORD:

"THE MAN WITH THE HOE"

It has become an unpopular thing of late to champion the cause of the underdog, the little guy, the multitudes of people who are less fortunate than most.

Washington is full of people representing labor unions, education, agriculture and a myriad of other causes, but nowhere in the lobbies can be found a true champion of the world's downtrodden masses.

"Bowed by the weight of centuries, he leans upon his hoe and gazes on the ground, the emptiness of ages in his face, and on his back the burden of the world." Edwin Markham began his poem, "The Man With The Hoe" in this way.

He goes on. "Who made him dead to rapture and despair, a thing that grieves not and that never hopes, stolid and stunned, a brother to the ox? Who loosened and let down this brutal jaw? Whose was the hand that slanted back this brow? Whose breath blew out the light within this brain?"

And then Markham makes a comment that is as valid today as it ever was. "Is this the dream He dreamed who shaped the suns and marked their ways upon the ancient deep? Down all the caverns of hell to their last gulf there is no shape more terrible than this—more tongued with censure of the world's blind greed—more filled with signs and portents for the soul—more packed with danger to the universe."

And then he speaks to us and asks us a question that no man can answer. "O masters, lords and rulers in all lands, is this the handiwork you give to God, this monstrous thing distorted and soul-quenched?

"How will you ever straighten up this shape; touch it again with immortality; give back the upward looking and the light; rebuild in it the music and the dream; make right the immemorial infamies, perfidious wrongs immedicable woes?"

How indeed? For as our society has vaulted higher and higher with each passing year, as our homes and lives reflect a standard of living men in years past would not dare dream of, how, with all that we have can we answer the cries of those we have mangled along the way?

But there is a warning issued by Markham that we would do well by considering.

"O masters, lords and rulers in all lands, how will the future reckon with this man? How answer his brute question in that hour when whirlwinds of rebellion shake all shores? How will it be with kingdoms and with kings—with those who shaped him to the thing he is—when this dumb terror shall rise to judge the world, after the silence of the centuries?"

We can close the book and put the poem away and be done with it, but the question lingers on. The whirlwinds of rebellion are ripe in our country today and we are having to contend with peoples we do not know.

What will happen when the masses of the

world's people who have been oppressed, exploited and made to live in servitude to a "better class of people" rise up to claim what is rightfully theirs?

The Indian, the black man and countless other minority groups have been improperly treated and maligned for centuries; they have been silent for centuries, but the whirlwinds of rebellion are shaking our shores.

O masters, lords and rulers in all lands, how will the future reckon with this man? And how will the future reckon with us?—Dave Gallagher.

FIFTY-THIRD ANNIVERSARY OF LITHUANIA'S DECLARATION OF INDEPENDENCE

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. TERRY. Mr. Speaker, it is fitting that during this month of February, the birth month of the Father of our Country, George Washington, we take note of the 53d anniversary of the Lithuanian Declaration of Independence. We Americans have not fought a war on our soil since the Civil War, nor have we suffered from the ravages of a foreign invader since the War of 1812. Lithuania on the other hand was invaded by the Soviet Union in 1940. She then was under German Nazi occupation from 1941–44. In 1944, the Soviets again occupied Lithuania.

From 1944–52, the people of Lithuania fought an incredible guerrilla war against the Soviet NKVD units, as well as regular units of the Red Army. Unfortunately, the free world allowed this struggle to go unnoticed and the weight of Soviet manpower and weapons gradually overcame these heroic people. The Lithuanian nation was forced into sullen silence as the weight of the Secret Police—NKVD—and Communist Party apparatus settled down to the grim business of rooting out ideological heresy or the slightest form of deviation. Up until recently, very few non-Soviet citizens were ever permitted to travel to these areas, so very little information on the true feelings of the Lithuanians was available to the free world. However, earlier this year, the startling and tragic attempted defection of Simas Kudirka brought this almost forgotten nation back into the headlines. This, indeed, is one of the purposes of my remarks, because all too often we only think about these people languishing behind the Iron Curtain, when some startling incident like that of Simas Kudirka puts Lithuania on the front page of our newspapers. We should all realize that the people of Lithuania are not permitted to hold noisy demonstrations filmed by television camera crews, but their opposition to Soviet tyranny exists and we support their continued yearning for freedom.

It is my view, and I intend to urge this upon the State Department, that our delegate to the United Nations should continuously remind the Soviet Union of the desires of the various peoples of that nation for self-determination.

REMARKS MADE BY JROTC CADETS BEFORE THE NATIONAL COUNCIL OF THE RESERVE OFFICERS ASSOCIATION

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 9, 1971

Mr. THURMOND. Mr. President, it is a pleasure for me to bring to the attention of my distinguished colleagues and all Americans the fine remarks made by Junior Reserve Officer Training Corps—JROTC—cadets before the National Council of the Reserve Officers Association's—ROA—midwinter meeting at the Sheraton Park Hotel in Washington, D.C., on February 19, 1971.

Several of the cadets were invited to address the council and to express their views about the JROTC program. Their remarks are most impressive. It is refreshing and reassuring to hear about their high regard for the program. I wish anti-ROTC youth in America could hear how these young men feel about patriotism, dedication to country, and how this program helps mold leaders physically, mentally, socially, and spiritually.

Mr. President, I ask unanimous consent for the remarks of these cadets and a biographical sketch of them to be printed in the Extensions of Remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY CADET LT. COL. JOSEPH V. TRUHE

Mr. President and members of the National Convention: The problems confronting the military establishment in the United States are complex and varied. A generation of young people has emerged and is challenging institutions and values accepted as inalterable as recently as five or ten years ago. There is a tension in America between those who believe these challenges are just and those who reject criticism, either because it threatens to upset their long-established security or reveal to them the fundamental weaknesses in the positions they take. The military establishment, if it hopes to maintain its role in a democratic society, cannot go this same route. It cannot, nor should it, rely on its established strength to weather the storm of revolutionary feeling, since this very strength relies upon the support of these people as well as those who now defend the military establishment. It must be able to criticize its own failings with a sincerity and objectivity that will satisfy the valid criticisms of those who attack it.

To explain how the military is to do this it is necessary to look at the roots of the student unrest that has given rise to the criticism of the military. Education has played the primary role in making youth more aware, perceptive, and discerning people than their counterparts of preceding generations. The improvements in education have not resulted in merely more knowledge sooner. Rather, the change in American education has been a shift from knowledge of details to an emphasis on the ability to imaginatively analyze situations and facts, and from this analysis, the modern student is prepared and willing to make value judgments on the behaviors of past societies and apply them to today. They draw comparisons between the secret diplomacy and monumental stupidity of world leaders that resulted in World War I, and the conduct surrounding the War in Vietnam. They do not want to fall victim to manipulation by politicians and become tools in their hands for the settlement of petty quarrels that do not in any way concern the welfare of the common people, as was the case in Europe for many centuries. Students demand answers to questions like: Why are cost overruns of 100 to 200% not seriously questioned in Congress? How can top enlisted men and officers be raking in money from the exploitation of soldiers in Vietnam? What is the justification for a mammoth defense budget that dwarfs social concerns? These questions, and innumerable others like them, remain generally unanswered, and add to the major credibility loss that has affected all government, but the military establishment in particular. Students are entitled to the answers to these questions and demand a frankness and sincerity on the part of those they question that does not insult their intelligence. They cannot be satisfied or silenced with half-truths and contrived rationalizations of conduct that cannot be defended. And they will not tolerate the desperate criticism of those who vainly search faults in youth with which to justify their own closed-mindednes.

Some say that the radicals are a minority, but the vocal are only the spokesmen for the sympathetic, and I believe that the extent and potential implications of the intellectual revolt among students are rather more underestimated than otherwise. They will take the positions of leadership in the years to come, and if the military establishment believes in its own vital function in the world that these young people will live, the military must assume the burden of proof; it must prove itself by actions as well as words if it is to be allowed a place in their society, for it will not be blindly accepted and followed. This requires that the military establishment take a long hard look at itself to determine whether it will face up to a challenge more demanding than any war, a challenge of its own country to serve that country according to its true purposes.

To this end, the vast educational resources of the military system have a very clear job in the near future. In Junior ROTC especially, there exists an opportunity to gain the attention of the minds of our youth and establish a belief in the necessity and potential benefit to the country of a vital and vigorous defense establishment. Success in this endeavor will be an accomplishment at least equal to the maintenance of world peace, for it will mean success in the defense of the democratic system in America, one of the primary goals of the defense establishment.

BIOGRAPHICAL SKETCH OF CADET JOSEPH V. TRUHE, JR.

Cadet Lieutenant Colonel Joseph V. Truhe, Jr., is a student in his senior year at St. Johns College High School, Washington, D.C. He ranks first in his class academically, is the Regimental Executive Officer of the Junior Reserve Officers' Training Corps unit at St. Johns, and attended a Junior ROTC camp at Fort George G. Meade in the summer of 1970. Cadet Truhe has received numerous awards for academic excellence and participation in school activities. He played a leading roll in a recent production by the Mask and Wig, the school's dramatic club. Following graduation from St. Johns he plans to continue his education at one of the leading colleges or universities. Cadet Truhe is 18 years of age and currently resides in Falls Church, Virginia.

REMARKS BY CADET CAPT. RICHARD A. BAUMAN, JR.

Mr. President and members of the National Council: It gives me much pleasure to be the spokesman for all Marine Corps Junior ROTC units. I bring to you the greetings of the 3400 Marine Corps Junior ROTC

Cadets who compose the twenty five organized units that are located in 19 states of the nation.

Pride is a simple word with many complicated meanings. The dictionary gives six different definitions for pride, but to the Marine it has but one meaning. This meaning is not often expressed in words, it is rather an idea, an idea which is common to all who wear the "eagle, globe and anchor of the corps". The *Marine Corps Junior Reserve Officer Training Corps* is attempting to instill this pride, this understanding of one's country and what it stands for, into the youth of today.

Pride and tradition are but a part of the lesson taught. The major purpose is to produce "first class" citizens, men who will be credits to their school, community and country.

The official mission of the Marine Corps Junior ROTC is: "to develop informed citizens, strengthen character by the teachings of discipline, develop an understanding of the military responsibilities of each citizen, and promote an appreciation of and motivation for careers in the U.S. Marine Corps.

Even though only in my second year of training, I have developed some specific thoughts on the program. It is my opinion that benefits far outweigh the administrative difficulties encountered.

The benefits of the Junior ROTC program are many and varied. The nation will profit from improved citizenship among its young. The armed forces of the United States will find within its ranks Junior ROTC trained personnel willing to take on responsibilities and to perform assigned duties well. Also, the school and community will be improved by the pride which the cadet shows for all in which he is concerned. Most important, the individual cadet will profit from the loyalty and self-confidence he has learned through Junior ROTC.

However, much like our nation's armed forces, recruiting is a difficult problem for the ROTC, yet this is not as large a problem as it could be.

It is interesting to note that even with the large number of anti-ROTC movements in colleges today, the high school Junior ROTC cadets enjoy a pleasant relationship with their fellow students.

Through a recent poll taken by our school newspaper, I was pleasantly surprised to find that a majority of the students favor Jr. ROTC in our school. This kind of support can only improve the individual cadet's performance and add to the pride he has in his unit.

In an effort to help you visualize a Marine Corps Jr. ROTC unit, I will now tell you something about the average JROTC cadet. He is a young male American citizen between the ages of 14 and 18. This age group covers grades from the foolish high school freshman to his learned senior counterpart. With a wide variety of talents and academic skills, he may come from the affluent society of an urban area or the hills of rural America.

One of the major objectives of the Jr. ROTC is to help the cadet find the best way to serve his country. This aid is based not upon background but upon individual ability.

It is the hope of the Jr. ROTC to encourage and assist its most talented cadets in gaining commissions as officers in the United States armed forces.

This assistance goes beyond providing information to those interested in military careers. Today the Marine Corps Jr. ROTC unit can offer to the cadet a direct nomination to the U.S. Naval Academy or a chance to compete for a full Naval ROTC scholarship.

In direct support of the attempts to obtain all volunteer armed forces, the Jr. ROTC encourages the cadets who are unwilling or unable to seek commissions, to seek the many advantages of an enlisted career. The Marine Corps JROTC cadet who enlists in the regular Marines is guaranteed an advanced rating if he has finished the full three year course. It is difficult to conceive of anyone joining another service after a three year Marine Corps indoctrination, however, should a cadet choose to do so we won't consider him a complete loss.

The cadets who do not qualify for military service as either officers or enlisted will benefit from the improved patriotism and citizenship which the Jr. ROTC program encourages.

The Reserve Officers Association is known to have a long standing interest in the ROTC programs. It is hoped that we may look forward to the ROA's continuing support.

I am sure that many of you here today received your first taste of military life in ROTC. I hope that you will continue to support the Junior ROTC in order to further this important program in our nation's high schools.

In conclusion I would like to say that I have found Jr. ROTC to be a most worthwhile program. I am sure that the students who turn to long hair and the "anti-establishment" philosophy will never find the pride and sense of accomplishment that I have found in the Marine Corps Junior ROTC.

BIOGRAPHICAL SKETCH OF CADET CAPT. RICHARD ARNOLD BAUMAN JR.

"Rickie", the son of CDR Richard A. Bauman, USCG, and Mrs. Bauman, was born 4 June 1953 in New Bedford, Massachusetts. He is a senior at Churchland High School in Portsmouth, Virginia.

When the Marine Corps Junior Reserve Officer Training Corps was instituted at Churchland High School in June 1969, Rickie became a "plankowner" in the 18th Marine JROTC unit in the country. He rose through non-commissioned and commissioned ranks to cadet captain and senior cadet officer of his unit. In June of 1970 he was awarded the American Legion Bronze Medal for Military Excellence.

Active in school, church and community activities, he is an Eagle Scout and Junior Assistant Scout Master of Troop 260, BSA, Portsmouth, Virginia. He was a member of the President's Portsmouth Council on Youth Affairs.

Cadet Captain Bauman has long been interested in following the sea as a career. He has made ocean patrols in Coast Guard cutters, including a Florida Straits patrol which resulted in the rescue of thirteen Cuban refugees. To further this interest, he has sought and received nomination for appointment to the Federal Merchant Marine Academy at Kings Point. Should he receive this appointment, Rickie intends to enter the Navy upon completion of his schooling.

In addition to the Military Excellence Medal, he holds the ROTC II Scholastic Achievement Award and the Longevity Ribbon.

Rickie has a sister who is a student at Lynchburg College, Lynchburg, Virginia and two younger brothers at home.

REMARKS BY SQUADRON COMDR. THOMAS MICHAEL FARAH

Mr. President and members of the National Council: It is a great honor for me to be here today to speak to the members of the Reserve Officers' Association, and represent the Air Force Junior R.O.T.C. program.

This is my last year in the program, and I can say, quite confidently, that there is a great deal I have learned that will be very useful to me in the future—as a citizen of this country.

I am convinced that our form of government works best when the people are knowledgeable enough about issues to question their leaders and make intelligent and independent decisions. The system fails when, due to ignorance, the people must simply follow the lead of public officials. By broadly educating nearly every American citizen, this country has created one of the most well-informed electorates in the world, and, as a by-product, one of the most opinionated.

The time in which we live, however, by its progressiveness, is threatening the quality of government and public decisions. New technological advancements are being made every day in every area, and the public, for the most part, is unable to keep up. One of the areas in which advances are being made at a fantastic rate is aerospace. Think of the major issues surrounding such projects as the ABM, the MIRV, the SST, the F-111, and the manned space effort. If Americans are to formulate intelligent opinions concerning such costly projects, they must know something about space and aeronautics in general; yet, the average high school curriculum does not even touch upon it.

Air Force JROTC is in the forefront of developing the teaching methods, the literature, and the enthusiasm for this entirely new subject area. It has been very interesting for me to be a part of this beginning in aerospace education—as interesting as it must have been to attend one of the first algebra or chemistry classes hundreds of years ago.

There is something else that JROTC has given me—the opportunity to really understand leadership and people. Anyone can read about human behavior, motivation, and abilities, but ROTC is an operating leadership laboratory involving real people and real situations. We learn to respect one another, to work together, and to be proud of the Corps of cadets. One thing leads to another, and before you know it l'esprit de corps sets in.

Last May, during the public unrest following the American incursion into Cambodia, our JROTC unit was given a chance to test its unity. Our squadron had scheduled its annual review for the latter part of May, and several rumors and threats were circulating around the school that certain students would attempt to disrupt the event. Our instructors, Lt. Col. Pavlakis and M. Sgt. Tatman, put the question to the whole squadron—to cancel the review or go ahead with it as planned. The result was a unanimous vote to proceed with the review, and the event was held without incident.

In my opinion, there were three reasons why there was no trouble. First, was the solidarity of the cadets; second, the students at Oxon Hill Senior High who oppose the war realize that our involvement in Vietnam is not to be blamed on the military but elected public officials; and third, there is a great deal of rapport between cadets and the rest of the student body.

Our nation lives through three basic institutions—political, economic, and military. All are vital to our survival. We study politics and basic economics in our Civics, history, and Problems of Democracy classes. However, we tend to ignore the military—which I feel is a cause for the many misconceptions the public has today. I think that I have gained a more complete understanding of the military's place in our society through the JROTC program, and I think the cadets have carried this understanding to much of the student body.

I am convinced that JROTC is essential—essential to all those who seek a more complete education with respect to the structure of our nation.

BIOGRAPHICAL SKETCH OF SQUADRON COMDR. THOMAS MICHAEL FARAH

At the present time Tom is a member of: President of the National Honor Society; Vice-President of the Band; Student Council Representative; President of the ROTC Club; Member of the Constitutional Revision Committee; Member of the debate team; and a Member of the Coffee House Production.

In the past he has been: Member of the chess club; Homecoming Chairman 1970; and the Junior Class Float chairman.

In the summer of 1970 he was: Elected senior senator at Boys State; and Appointed Sec of Commerce at Boys Nation.

Tom is also a major in the corps of cadets and is the squadron commander.

REMARKS BY CADET LT. COMDR. THOMAS DIGGS

Mr. President and Members of the National Council: It is indeed an honor to be addressing you on behalf of the N.J.R.O.T.C. Program. The topic I will be speaking on is, "What N.J.R.O.T.C. means to me and to my school." Before starting I would like to give you just a short word of encouragement concerning my speech. Last night I was reviewing it in the living room. My parents were interested and asked to hear it. I delivered it to them. My father was asleep before the end of my first point.

N.J.R.O.T.C. means a lot to me because it has done so very much for me. It has helped to round me out physically, mentally, socially, and spiritually. One thing that means a lot to me is what the program is doing for my friends. I believe that many of my friends who are in the program will make good career officers. Some of them who want to go to the Naval Academy faced the problem of not being able to get an appointment because they didn't know the right people. There are now appointments allotted to N.J.R.O.T.C. graduates; my friends will be able to compete for these. N.J.R.O.T.C. has also helped many of my friends to decide in favor of military careers. One of them has an appointment to the Naval Academy and one has an appointment to the Military Academy at West Point.

We have been taught to love this country. We were not just told to love this country because we should, but rather we were given reasons. The years of hardship, the monetary expenditures and, most important, the blood of our fellow countrymen which was shed in defending our country: these are some of the reasons given. Before entering the program I had no definite reasons for loving my country. Now that I have gone through most of the program, I do. Along with a love for this country comes a strong feeling of patriotism and a desire to serve it.

We are taught to respect authority on all levels, something that is important for all citizens.

Team spirit is encouraged. We have squad and platoon competition. This type of competition is helpful in producing a strong esprit de corps. Friendly competition also teaches us how to work with, get along with, and respect others in the team.

The military training has helped me, as I said earlier, in my spiritual life. It has helped me by improving my self-discipline and self-control. These are important attributes in the service of Christ or in any other type of service. When standing in ranks being told very politely how to stand or how to hold a rifle correctly by our unit drill instructor or by a friendly, fatherly Marine drill sergeant we can't help but to gain self-control.

Our instructors cultivate our self-reliance by encouraging us to think for ourselves. Self-reliance is importance but should always be preceded by a reliance upon God. This is implied in our course.

Mr. Pfaender, our Senior Class Vice Principle, said of N.J.R.O.T.C., "It has added a dignity and respect to our school, a dignity and respect that we might not have if we did not have our unit here at Northwestern."

Mr. Reed, our Principal, is a retired Naval officer; he is very happy that the N.J. R.O.T.C. program is at Northwestern and that it was one of the original Navy units in the country. The faculty is proud of the performance of the cadets inside the classrooms, as well as outside them. Several teachers have told our Naval Science Instructor, Capt. Theobald, that the cadets look better, try harder, and are more polite than most of their other students.

In closing, I would like to say that the community appreciates and stands behind our program. The families in the Northwestern area are very proud that the school and government are jointly instilling feelings of patriotism in today's young people.

Thank you very much for your time and may God bless you.

BIOGRAPHICAL SKETCH OF LT. COMDR. THOMAS DIGGS

Thomas is the younger of two children. His sister is married and is a second semester senior at the University of Maryland. She will be a special education teacher after some graduate work. Tom's father is a Vice Principal at Northwestern High School. His mother is a homemaker.

Presently, Thomas is a senior at Northwestern High School. He was in the N.J. R.O.T.C. Ceremonial Guard in his sophomore year, and the Flag Detail in his sophomore and junior years. Thomas has been a member of the School Light Crew for two years, also the chairman of the School Sound Crew for two years. Currently, he is serving his second term as president of the Bible Club at school. In the Spring of his junior year, he was inducted into the National Honor Society. His class rank is 21 out of 720.

Thomas was the Leading Petty Officer of the U.S.S. Skipjack Division of the U.S. Naval Sea Cadet Corps until it disbanded due to unavoidable circumstances.

He is very active in his church. He sings in the Senior High Choir, participates in weekly visitation, works as an audio-visual technician, and he is a photographer for the youth department.

Tom's interests and hobbies are precision and trick military drill, boating, and photography. He enjoys creative work, such as building patios and backyard fishponds.

Thomas plans to attend the Baptist Bible College in Springfield, Missouri, starting next August. He plans to take the Pastor's Course. Upon graduation Thomas plans to start a church, or become a Navy Chaplain, depending upon how the Lord leads.

ILLINOIS DAIRY FARMERS DESERVE FAIR TREATMENT

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. McCLORY. Mr. Speaker, during 1970 the Food and Drug Administration seized countless tons of foreign cheeses for reasons ranging from "inaccurate contents statement" to "filthy, unfit for food." Important to the people of the 12th District of Illinois is the fact that thousands of pounds were barred for the latter reason by FDA inspectors in Chicago on April 29, and another 260 pounds were barred in Chicago for the stated reason that the cheese was "decomposed, held under insanitary conditions." These frightening facts alone would compel me to support legislation which would provide a more definitive set of standards to be applied to foreign cheeses.

Last year, dairy imports amounted to almost 2 billion pounds milk equivalent—almost twice the import goals previously set by both the Nixon administration and the Johnson administration. The reason for this flood of imports is basically attributable to the fact that foreign cheeses selling at more than 47 cents per pound are presently exempt from the import program, which is designed—supposedly—to protect American cheeses. If the American dairy producer must place his superior products in competition with such inexpensive foreign products, it would seem incumbent upon the Federal Government to insure that such products are at least safe for human consumption.

Mr. Speaker, the American dairymen produce some of the most nutritious products in the world. At the present time they are not enjoying a very favorable price support level. In 1970, that level was set at 85 percent of parity, but increasing dairy costs reduced the parity ratio to 81 percent, with the result that dairy income continues to lag behind the remainder of the economy. By the act of 1949, Congress authorized the Secretary of Agriculture to provide price supports of up to 90 percent of parity. It would appear that some increase is now needed to keep these intelligent, hardworking citizens in the business of providing us with the most basic of foods.

Mr. Speaker, I would urge that the Congress promptly and seriously consider imposing a requirement that foreign cheeses, at a minimum, meet the standards currently set for domestic dairy products.

FUTURE FARMERS OF AMERICA

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. JONES of Tennessee. Mr. Speaker, while I was on leave of absence, because of a death in my family, the country observed National Future Farmers of America Week in honor of a truly outstanding organization of young men.

Since its beginning in November 1928, in Kansas City, the FFA has spread to all 50 States and to Puerto Rico. Today the organization has more than 9,000 local chapters with a total active membership of over 450,000.

The theme of this year's observance was "Involved in America's Future," and I can testify from firsthand observation and experience that no group of youngsters could be more thoroughly involved in our Nation's destiny.

Through the vocational agriculture programs in their local high schools, these young men receive not only vocational instruction, but they also receive training and encouragement in leadership, citizenship, and patriotism as well. This is commendable, for in a very few years our people will be depending on these very boys to provide our Nation's supplies of food and fiber.

As a former member of the FFA and as the recipient of the organization's Alumni Service Award last year at its national convention in Kansas City, I know that FFA is indeed "involved in America's future." I salute the Future Farmers of America and commend the organization to the entire country.

SGT. GORDON R. ROBERTS OF LEBANON, OHIO, AWARDED THE MEDAL OF HONOR AT WHITE HOUSE CEREMONY

HON. WALTER E. POWELL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. POWELL. Mr. Speaker, on March 2, 1971, I had the privilege of attending the Medal of Honor ceremonies at the White House and witnessed the awarding of this high honor to Sgt. Gordon R. Roberts of Lebanon, Ohio.

This young man demonstrated courage and dedication to his country and to his men which should make every American proud. In particular, his mother and father, Mr. and Mrs. Al Russell, his friends, relatives, and all have much to be grateful for and reason to take pride in his actions.

The heroic deeds of Sergeant Roberts are described in the citation presented to him by the President and I insert the text of that citation at this point in the RECORD:

CITATION

The President of the United States of America, authorized by Act of Congress, March 3, 1863, has awarded in the name of The Congress the Medal of Honor to Sergeant Gordon R. Roberts, United States Army, for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty.

Sergeant (then Specialist Four) Gordon R. Roberts distinguished himself on July 11, 1969 while serving as a rifleman in Company B, 1st Battalion, 506th Infantry, 101st Airborne Division, during combat operations in Thua Thien Province, Republic of Vietnam. Sergeant Roberts' platoon was maneuvering along a ridge to attack heavily fortified enemy bunker positions which had pinned down an adjoining friendly company. As the platoon approached the enemy positions, it was suddenly pinned down by heavy automatic weapons and grenade fire from camouflaged enemy fortifications atop the overlooking hill. Seeing his platoon immobilized and in danger of failing in its mission, Sergeant Roberts crawled rapidly toward the closest enemy bunker. With complete disregard for his own safety, he leaped to his feet and charged the bunker, firing as he ran. Despite the intense enemy fire directed at him, Sergeant Roberts silenced the two-man bunker. Without hesitation, Sergeant Roberts continued his one-man assault on a second bunker. As he neared the second bunker, a burst of enemy fire knocked his rifle from his hands. Sergeant Roberts picked up a rifle dropped by a comrade and continued his assault, silencing the bunker. He continued his charge against a third bunker and destroyed it with well-thrown hand grenades. Although Sergeant Roberts was now cut off from his platoon, he continued his assault against a fourth enemy emplacement. He fought through a heavy hail of fire to join elements of the adjoining company which had been pinned down by the enemy fire. Although continually exposed to hostile fire, he assisted in moving wounded personnel from exposed positions on the hilltop to an evacuation area before returning to his unit. By his gallant and selfless actions, Sergeant Roberts contributed directly to saving the lives of his comrades and served as an inspiration to his fellow soldiers in the defeat of the enemy force. Sergeant Roberts' extraordinary heroism and intrepidity in action at the risk of his life were in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit and the United States Army.

ANGELO G. GEOCARIS RECEIVES ABRAHAM LINCOLN CENTRE'S HUMANITARIAN SERVICE AWARDS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. BRADEMAS. Mr. Speaker, on February 12, 1971, the Abraham Lincoln Centre in Chicago conferred its Humanitarian Service Award for 1971 on Angelo G. Geocaris.

Mr. Geocaris joins a distinguished list of recipients, including former Senator Paul H. Douglas, Senator CHARLES H. PERCY, Chicago Mayor Richard J. Daley, and former Illinois Governor Otto Kerner, who have been honored previously by the Abraham Lincoln Centre.

Mr. Speaker, it has been my pleasure to know Mr. Geocaris for many years. He has been an outstanding businessman and attorney in the metropolitan area of Chicago for nearly three decades, and throughout this period he has shared his time and resources to work for equal rights and opportunities for all Americans.

Indeed, the Humanitarian Service Award citation to Mr. Geocaris recognizes "his concern for and commitment to the welfare of all persons without regard to race, sex, creed, color, or economic condition." The citation goes on to state:

> His contributions to better race relations have been demonstrated in his business practices and by his active participation on such boards of directors as the Abraham Lincoln Centre and the Chicago Urban League. He has given his time, effort and money to better and gladden the lives of minority groups and the underprivileged through his actions in support of agencies dedicated to such ends.

Mr. Speaker, I certainly concur with this statement and know of no one deserving of this honor.

Mr. Geocaris received the award at a Lincoln's birthday dinner in Chicago. I was very pleased to attend the dinner and to hear Mr. Geocaris' eloquent remarks regarding his commitment to equal opportunities for all citizens.

The distinguished chairman of the dinner honoring Mr. Geocaris was Newton N. Minow, lawyer and former Chairman of the Federal Communications Commission.

Among the other outstanding leaders attending the dinner were:

Robert A. Wallace, Vice-Chairman, Exchange National Bank of Chicago; Robert A. Uihlein, President and Chairman of the Board, Jos. Schlitz Brewing Co.; Hon. Paul Simon, Lt. Governor of the State of Illinois; Hon. George W. Dunne, President of Cook County Board; Edwin C. Berry, former Executive Director of the Urban League and Assistant to the President of Johnson Products; Hon. Ralph H. Metcalfe, United States Congressman; Hon. Cecil A. Partee, president Pro Tem of Illinois State Senate; Henry W. McGee, Postmaster of Chicago; Dr. Michael J. Bakalis, State Superintendent of Public Instruction; and Louis H. Martin, Executive Editor of Chicago Defender.

Mr. Speaker, I believe Mr. Geocaris' address offers many constructive thoughts and I include the text in the RECORD:

ADDRESS BY ANGELO G. GEOCARIS, THE ABRAHAM LINCOLN CENTRE HUMANITARIAN SERVICE AWARD DINNER, FEBRUARY 12, 1971, CHICAGO, ILLINOIS

I am concerned, deeply concerned, about the course of our lives in the years ahead and on toward the end of this century. The pressures for change are mounting. They are building to a point where one of two things must happen.

First, the legitimacy and moral worth of the demands causing the pressures will be recognized by those of us in control and fundamental reform will be made.

Second, the cry for change will grow and go unheeded. The fragmentation of our society will continue toward ultimate breakdown, and a government of law and order will emerge. Individual dignity and freedom will be remembered as an historical accident.

Or, as a variation of this, repressive measures will accelerate as demands for basic social change gather force and a police state will be upon us before most of us become aware of it.

DRIVE FOR EQUALITY

The course is clear. Led by blacks emerging from years of bondage and discrimination and given tremendous impetus by the best educated generation in the history of man, the press for a more equitable share of our national wealth and increased regard for the quality of life must be met by the established group with generosity and understanding.

We are the managers of the Chicago community. Do we have enough confidence in American democracy's capacity for change, or do we view our American life today as something set and sacred, to love it as it is or to leave it as it is.

The ideal we were taught and, in turn, taught our children—the ideal our black brothers and sisters learned is that America is a dynamic ever-changing system—that there is or at least should be, no such thing as vested interests or status quo—that all persons born into it have an equal chance at the starting line, and an opportunity to exercise the fullest degree of their capacities and talents.

The young look at America and say how much greater, how much more just it can be and should be. Some of us jaded, and perhaps, a bit tired of the struggle, say isn' this the best nation in the world today, or for that matter, the best in recorded history? The young evaluate against the ideal that we apply relative standards. But it is only through constant striving toward lofty ends that improvement can be realized.

SOME ARE TOO CONTENT

The goals man has always sought have not changed. Perhaps the frustrations many of us feel today in comprehending these goals—charity, freedom and knowledge—is because most of us have acquired such a substantial portion of material goods, we are afraid of charity because more for the deprived may mean less for us. We are afraid of freedom because the demands of those in need, or those of social conscience are heard too often and too loudly. We are afraid of knowledge because it shakes the shell into which we have withdrawn.

The goals and the truths are here. They have been on the bookshelves, in the Bible, in the Great Books, in the classrooms for centuries.

The first of these is *Charity*—a society where no person is permitted to fall below a certain level of subsistence, where food and shelter, medical care and legal aid are available.

The second of these is *Freedom*—where above this floor common to all, each person can rise to any levels of excellence a free, unfettered creativity may carry him. The guarantee of the first need not curtail the realization of the second.

The third of these is *Education*. We must develop, and ever maintain, a top quality system of education at all levels.

And today in America we must add a fourth—*Equal Opportunity*. Charity, freedom and education must be on an equal basis to all, without regard to race, ethnic origins, sex or the affluence of parents.

We here of the Chicago community must fervently and wholeheartedly recommit ourselves to the achievement of these goals.

WAY IS NOT EASY

Because the way ahead is unknown, anxious and greedy men will not want to risk it. One of our founding fathers has said, "Timid men prefer the calm of despotism to the turbulent seas of liberty."

We must cast aside outmoded customs and institutions; the seniority system in Congress; undemocratic means of selecting delegates to our National Conventions; archaic and unfair election requirements and procedures. In short, we must update and revise the rules of the political game so every individual and any group has an equal chance.

We must adopt a plan for funding welfare, and nationally, the guaranteed annual income—or in the alternative, government as the employer of last resort.

We must adopt new aproaches in law, in business, in education, in labor—an attitude of "compensatory justice." Too many begin life far behind the starting line, because of circumstances of birth. Government must review and revise procedures and systems at all levels—national, state, and local. Industry must apply all of its vaunted ingenuity in opening more opportunities in jobs and business, and new ideas in education must be developed and financed to meet the requirements of our bulging black, inner-city school population. Labor must look anew at its bylaws and practices justified in bygone years as reasonable to protect job security and review this to ascertain if they shield some by excluding others. There is no problem in identifying goals. There they are—four of them—Charity, Freedom, Education and Equality of Opportunity. The programs implementing these goals are available or can readily be developed by our Universities and Industry.

COMMITMENT NECESSARY

My dear friends of the Chicago Community, there is lacking but one element, just one step removed from one of the most inspiring and exciting breakthroughs in the history of man, and that is commitment—profound, overriding, unqualified, uncompromising, fervent commitment.

If we do pledge ourselves—young and old, black and white, business and labor, leaders of the public sector and leaders of the private sector, then nothing can defeat us—nothing can deter us—we shall be sustained.

If we so pledge ourselves, all else can be seen in proper prospective. The war in Indo-China becomes a costly mistake which we cannot afford to continue, either in terms of material resources or in terms of our moral integrity as a nation.

If we so pledge ourselves, the young will follow us. They will believe when we counsel countries, that we are not selling their and our ideals short, but are exercising judgment born of experience in leading and working in a democratic system. When we say we must have order to achieve progress, our black fellow citizens will see that there is heavy emphasis on progress because the program will be underway.

What are we doing today? Do we delay in order to mobilize thought and program and means, or do we delay out of fear and anxiety and lack of commitment? Are we gathering the army to do battle against bigotry and discrimination, ignorance and poverty, or are we fighting a delaying action in the hope the problems will fade away?

TIME FOR ACTION

The question is being called. America over the next 30 years will, through greed and fear and shortsightedness, develop into a police state or we shall live up to the promise set forth by Jefferson in our founding papers.

My commitment to these goals has been, I like to think, of some significance. In the days and years remaining to me, my devotion to them shall be of increasing intensity.

I want to be able to "go home again," to walk the streets of 69th and Wentworth, of 63rd and Halsted, where I was raised, where I sold newspapers and shined shoes. I want to be able to drive through the Cabrini & Green houses along Division Street and not worry lest some hate-ridden black youth has me in his rifle sight as a symbol of the white establishment who kept his great grandparents in bondage and his parents and grandparents down in the basement of our national life.

We can go home again. We can reach back to the Constitution and the Bible and once again be moved by the words, "equal opportunity" and "all men are brothers unto one another and equal in the eyes of God."

I accept this generous award of the Abraham Lincoln Centre in the hope and with the praper that God grant me the physical stamina and mental discipline, the moral courage and spiritual strength and perception to rededicate myself and be sustained in the struggle to attain these noble ends.

Thank you.

THEY ARE DOING SOMETHING IN GRANT COUNTY, IND.

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. HILLIS. Mr. Speaker, today, I want to spend a few moments to pay tribute to the Jaycees of Marion and Gas City, Ind.

They have started a unique program properly and simply called, Do Something.

This program is designed to provide volunteer manpower for the various agencies and organizations which are attempting to help Grant County, Ind.

There are many civic organizations with outstanding plans in Grant County, but who lack the manpower in carrying out these plans.

The Do Something program will furnish this manpower.

The Jaycees have obtained a downtown office in Marion and are at the present time conducting a manhunt for some 1,250 volunteers who will do something.

I want to personally congratulate the Jaycees for undertaking this ambitious and very worthwhile program.

And I would like to pay special tribute to Jim Pence, the chairman of Do Something and Max Garriott, the vice chairman.

HERBERT R. RAINWATER, COMMANDER IN CHIEF, VFW

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. BOB WILSON. Mr. Speaker, this morning the distinguished chairman of the Committee on Veterans' Affairs, the Honorable OLIN TEAGUE, very graciously gave me permission to introduce the commander in chief of the Veterans of Foreign Wars, my longtime friend and adviser, "Chief" Herbert R. Rainwater. He has done an outstanding job in working on behalf of veterans and their families. I want to tell you all about him:

HERBERT R. RAINWATER

Herbert Ray Rainwater, 5250 Mountain View Avenue, San Bernardino, California, where he served as Assistant City Administrator the past three years, was elected Commander-in-Chief of the Veterans of Foreign Wars of the United States at the organization's 71st Annual National Convention held August 14–21, 1970, in Miami Beach, Florida. He was elected Senior Vice Commander-in-Chief at the V.F.W.'s 70th Annual National Convention August 15–22, 1969, in Philadelphia, Pa., and Junior Vice Commander-in-Chief at the 69th Annual National Convention August 16–23, 1968, in Detroit, Michigan.

During the years he served as Junior and Senior Vice Commander-in-Chief, he made extended visits to Vietnam and the Far East.

Born April 15, 1919, in Morrilton, Arkansas, of Irish-German parents, Rainwater attended public schools in Arkansas and Oklahoma. After graduation from high school, he took special courses in business administration and management sponsored by the U.S. Office of Emergency Planning. During World War II he served with the U.S. Army Field Artillery in China and later in the Burma-India campaign as staff sergeant, aiding in construction of the famed Burma Road.

Returning home, he owned and operated a public relations and marketing firm from 1946 to 1958 in Southern California, Arizona and Nevada, specializing in sales, promotion, merchandising and advertising. From 1959 to 1960, he served as Regional Coordinator for the California Disaster Office and was appointed Special Consultant to the California State Legislature on finance, banking and insurance committees by Governor Brown.

Prior to moving to San Bernardino in 1967, Rainwater was Vice President of Sierra Cable Corporation and President of C.A.T.V. Television Cable Service.

The Commander-in-Chief first joined the ranks of the V.F.W. while serving with the Army overseas. He is currently a member of Ship No. 1774 in San Diego, California. He served on all levels of the V.F.W. As Department of California Commander in 1959–60 he was named an All-American Commander by the National Headquarters for his efforts in organizing 32 new Posts in his home state.

Rainwater has held many offices on the V.F.W. National level, including Inspector General and Chairman of the National Community Activities and National Voice of Democracy Committees.

He was nicknamed "Chief" by V.F.W. comrades because of Cherokee Indian blood in his ancestry. His wife, Erma, who also has Cherokee Indian blood in her ancestry, has served as State President of the V.F.W. Ladies Auxiliary in California and as National Council member from California and Oregon. They have two children, Mrs. Walter Schneider, San Diego, whose husband is a member of the Scripps Institute of Oceanography, and John Kevin 11, a student in San Bernardino. The Rainwaters have two grandchildren.

SANE NATIONAL PRIORITIES

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. BRINKLEY. Mr. Speaker, in an address to the Middle Georgia Chapter of the U.S. Air Force Association, at Warner Robins, Ga., on February 25, 1971, Mr. John B. Amos, president of American Family Life Assurance Co., delivered a well-reasoned, clear-eyed analysis of the role of the military as it relates to the well-being and safety of our country.

The message, framed in a two-fisted fashion, is properly hard hitting; it is timely with national insight and perspective; it is deserving, Mr. Speaker, of the thoughtful, alert consideration of the United States of America:

TALK BY JOHN B. AMOS TO THE U.S. AIR FORCE ASSOCIATION, WARNER ROBINS, GA., FEBRUARY 25, 1971

Tonight, I want to talk about the subject of "Sane National Priorities."

Within the framework of that title, I would like to point out that there are forces at work within, and outside, our Government that are destined to weaken our defense posture through budget restriction.

Since the founding of the Republic, the American fighting man has kept a rendezvous with destiny. In the past three decades that rendezvous has taken him from Europe and Africa through the island-hopping campaigns in the Pacific to defeat hostile forces threatening the survival of liberty and democracy. Once the hard-won victories were gained, he remained behind to guard freedom's frontier in foreign lands thousands of miles from home. He is still there on a front that has grown wider with the passing of years—a front that is at times uneasily quiet or, as today in Vietnam, erupts into actual warfare. Our fighting man, like his forefathers, is ready to fight to be free.

The overriding reason for the existence of our military forces is clearly to provide this Nation with the combat readiness that will guarantee our national security and give us the military strength to safeguard and to sustain our international commitments. The Defense Department is not primarily in the business of saving the Nation's money. The military is primarily in the business of saving the Nation's life: its security, and its ultimate survival. The cost comes high in a tense and turbulent world. No President since Hoover has really believed that the cost of maintaining our military establishments can be arbitrarily limited to any pre-planned percentage of the federal budget. The instructions to our Secretary of Defense should be to procure and support whatever forces are necessary to guarantee our security—but to do it at the lowest practical cost.

There are those who say that we cannot deal simultaneously with both our defense and domestic problems—that we cannot curb communist aggression abroad and move to cure city ills and domestic problems at home at the same time. This thinking is a defeatism unworthy of this great and powerful Nation. Our defense expenditures today are a lesser percentage of the GNP than they were a decade ago. Thus, our security requirements are clearly not preventing us from meeting our needs in our society. Our urban problems are admittedly tangled and thorny—and do require action. And, that is why Congress is working on creative and concrete proposals to meet those problems.

Our own American security is at stake. Today, the threat to world peace is militant, aggressive Communism with its headquarters in Peking and Moscow, and its tentacles extending around the world. The aggression of the Communist in Southeast Asia is but the most current and immediate Communist threat. Let us not forget the global threat that Communism poses to this Hemisphere.

Si Vis Pacem—cried the Ancient Romans—Para Belum. "If you want peace, prepare for war." It is a lesson that Ancient Rome itself came, in time, to neglect. And, Ancient Rome fell.

As I mentioned earlier, there are elements of our society that want to see our defense activities curtailed. The National Urban Coalition issued last Saturday an alternative federal budget in the hope it stirs public debate on rearranging national priorities. Although Coalition officials say they are not stressing any particular point, that they want to get the issues out for public discussion, I have read this document. This is their counterbudget for the years 1972–1976. There are 400 pages here. It boils down to this. A big cut in spending for national defense and military assistance and a big increase in funds for health, income support and education, and enforcement of civil rights and equal opportunity.

The Nixon budget is far from satisfactory to me and should not be to you. It allocates only 6.8% of our Gross National Product to Defense. It spells possible doom, but this counter budget spells certain doom to our security and our society. It spells eventual enslavement by the Reds.

Let us look at this allocation to national security over the past 20 years. In 1950 it had dropped to 4.5%, and as a result came the Korean War. It was as a result of that war raised to 12.3% in 1952 and 13.3% in 1953. Since 1955 it has hovered in the high 8 and 9 with few exceptions. A cut to 6.8% is indeed drastic and dangerous—but, if I must choose between possible death and certain death, I shall choose the former—but it's a damned poor choice. Who is responsible for this choice. You and I, Mr. Civilian, because the military has a vested interest that impeaches their creditability when urging budgets. In matters of money appropriations and attendant taxes to pay the bills—it is you and me that will be heard.

Now, let us look at evil number one—this counter budget—this certain death. What does it specifically propose to do with the dollars that are taken from National Defenses.

$90 million would be spent immediately on federal civil rights enforcement.

The budget of the Office of Equal Opportunities legal service would be doubled, doubling the number of projects it is involved in, doubling its staff . . . it now has 800 field offices and employs 2,200 lawyers.

Parole and probation for criminal offenders rather than imprisonment would be subsidized in a very peculiar fashion . . . by a federal grant of $2,500 to local probation systems for, quote, "each offender placed on probation who, because of the seriousness of the offense, could have been sent to a state prison . . . an incentive for states to rely more upon and improve probation systems . . . we estimate nearly 1.3 million offenders will be placed on probation in 1976" this proposal reads. They estimate the first subsidies as costing about $650 million. They include a $500 no questions asked grant for *any* offender granted probation in this, to make the program apparently apply to illegal duck hunters or speeders on a military reservation.

Now, let me state that I am 100% in sympathy with the goals of the minorities, the poor, and the ill and my entire personal history proves it . . . but, I do not believe there would be anything accomplished for anyone if civil rights and equal employment were accomplished at the cost of taking all Americans back to the human enslavement that existed in America before President Lincoln signed the Emancipation Proclamation. You've heard the expression of the Communists—two steps forward and one step back—well, gentlemen, this is one step forward and one hundred years back—back to slavery.

In my lifetime I have heard the terms Communist, pink and fellow traveler used. I think such terms are outmoded when used to refer to Americans. The authors, financiers and supporters of this counterbudget I would term red-blooded patriotic Americans, but useful fools who can see the forest but not the trees. Useful, yes, in that their stupidity is useful to Hanoi, Peking and Moscow because they deny the danger and destroy our will and ability to resist.

But, gentlemen—let us not take this counterbudget lightly. It could well be the platform of the Democratic Party in 1972. It is today the platform of the liberal establistment—the useful fools—who are the forerunners of official Democratic Party Policy. I am a Democrat. I shall fight within the structure of that party, but I shall also fight outside that structure, if necessary, to preserve my freedom and that of my children and my children's children.

Call this *counterbudget* what you will—but to me it is the replay of a tired and worn record—isolationism. A doctrine that has repeatedly been found wanting and unrealistic in this Country. It is a head in the sand doctrine. I see no evil, I feel no evil, I fear no evil—I need not spend the money to defend against evil.

All Americans cannot help but wonder what might have happened if there had been no Paul Revere, or the frontiersmen of Maryland and Virginia, or the Army of the Potomac under General Washington. What might the alternatives have been? One also wonders what would have happened if Hitler had been allowed to march unchecked across the face of Europe in the early 1940's and then spring with his ally, Mussolini, to the south across Africa and South America—if he had been allowed to go with his Japanese ally across the Pacific, the Far East and the Middle East. He almost was, you know.

By only a single vote in the House of Representatives on August 13, 1941, selective service and the 800,000 new men it had given the Army were retained. What a blessing that was. On December 7, 1941, the Japanese struck Pearl Harbor. Four days later, Germany and Italy declared war on us.

Do we learn nothing from history—how many times in our own lifetimes has this doctrine backed our Nation into a war for which we were not prepared. In those cases we won because time was on our side. Time to mobilize our tremendous spiritual, human and economic resources. I ask you to think clearly and ask yourself—in this day of atomic and hydrogen missiles—will time be on our side? The isolationists of the past said, we've got it made and we don't need nobody and nobody can reach our shores—these modern day isolationists to the contrary say, we're so sick, we're so poor, we're polluted, our society is so run down that we can't afford to defend ourselves against an aggressor who won't even exist if we close our eyes.

The castration of the military in this

counterbudget is primarily in the area of research and development and procurement of new hardware. There is a time lag of several years between research and development and usable hardware.

Rather than military scientists they propose that the money go to social scientists. They would add about 25% to the present research programs which we are funding, for what social results you can judge for yourself, which would add to the great army of social scientists already probing the mysteries of the urban community, family planning, public housing, public health programs, etc.

And to guarantee their program of research and development, they add 100 million dollars to the Nixon budget of 1972 for administration of the whole thing.

Our internal problems are great, but no greater than those faced by previous generations of Americans—the War of Independence from England, the Indian Wars, the conquest of the frontier, the Civil War, the great Depression—but, first and foremost, we must be sure that we survive as a free Nation of free men before we can hope to solve them.

SWEDEN: DEMISE OF THE WELFARE STATE

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. HALL. Mr. Speaker, going almost undetected in the American press is the labor and social unrest in Sweden. For many years the group that composes the "left of center" of American politics would have us believe that the Swedish experiment with the welfare state was the "wave of the future." This "wave" is certainly being dashed upon the rocks of economic realities, and the Swedish people are now finding out that there is no such thing as a "free lunch."

The highly respected weekly, Barron's, graphically describes the plight of the Swedish welfare state in an article that appeared in their March 1, 1971, issue. The article, entitled "Caught in the Middle," follows:

CAUGHT IN THE MIDDLE: THE WELFARE STATE IN SWEDEN IS WAGING CLASS WAR

STOCKHOLM, February 23.—The Swedish Government, facing the most severe labor conflict in the postwar years, announced tonight that 3,000 army officers would be locked out of their bases next week in a move to bring pressure on striking Government employees. The lockout, to start March 4, would bring the number of striking and locked-out Swedes—including teachers, railwaymen and civil servants—to 50,000. It was believed that this would be the first time that a government has locked out members of its own armed forces in a labor conflict.

Defense Minister Sven O. M. Andersson said that all key officers manning radar stations and holding key mobilization positions in the army, air force and navy would be exempt from the lockout to insure the nation's security. "In a crisis situation we would, of course, call off the lockout immediately," Mr. Andersson said.

Apart from occasional lapses like granting Nazi forces transit to Norway, harboring GI deserters and furnishing economic aid and comfort to Castro's Cuba and the Vietcong, Sweden has cherished its neutrality for a century and a half. While the rest of the free world might look askance at the foregoing tactics, such a peaceful sanctuary perhaps won't even miss three thousand army officers. One way or another, however, the Swedes of late indeed have been deprived. According to the Swedish Information Service, virtually all railroad traffic has come to a halt since February 5. Customs officials have abandoned their posts, thereby sharply curtailing air freight shipments from abroad. Owing to a lockout of teachers, classes have been suspended for 700,000 students in high schools and universities. Since 2,500 members of the Swedish Confederation of Professional Associations (SACO) went on strike a month ago; walkouts and lockouts have spread far and wide, encompassing meteorologists, librarians, social workers, pilots, physicians, dentists and planning engineers. Nor is an early end to the unprecendented turmoil in sight.

In the land of the enlightened middle way, where in theory nobody has too little or too much and everyone lives at peace with his neighbor, this might be called a striking turn of events. Though sadly neglected in the American press (which could not ignore the headline making military lockout), the month-old dispute—and the Swedish government's uncompromising response—suggest that in perhaps the most overtouted workers' paradise of all, something has gone wrong. So it has. As more than one collective has learned to its cost, "equality and solidarity," watchwords of the newly elected regime of radical Socialist Olof Palme, come high. In Sweden they have led to a step-up in the rate of inflation, to a barely tolerable 6%-7% per year, as well as to heavier levies on people already burdened by a back-breaking tax load. Again, in an ominous break with tradition (not to mention the homely wisdom in the fable of the goose that laid the golden eggs), Stockholm has plunged into direct ownership and control of companies and industries. Doctrinaire passions, finally, have spawned egalitarian extremes in wage negotiations and income policy, which, in turn, have triggered the bitter reaction of underpaid professionals and public servants. In the mixed economy, by a kind of Gresham's Law, the bad inevitably drives out the good. In the 20th Century, as in the 19th, no nation can exist half-slave and half-free.

Measured in terms of what people keep of their earnings after taxes, that roughly describes the state of Sweden today. One invariably reads about the Utopian aspects of Scandinavian life: low unemployment, free university education, paid vacations for weary mothers. The cost is rarely mentioned. Yet it is very high and perennially on the rise. Swedish taxation last year exceeded 41% of the gross national product (compared to 27.7% in the U.S. and 21.8% in Switzerland). Shortly after the September elections (the Social Democrats, while losing their majority, stayed in power by making common cause with the Communists), new taxes were imposed. For 1971, a steeply graduated national and municipal income tax exacts a punitive 87% at the $29,000 salary bracket, while a new net wealth tax has been piled atop it. Furthermore, the value-added tax on home appliances, passenger cars and boats went up from 11%-14% to 15%, the levy on private consumption of electric power from 7% to 10%. To worsen the pinch, prices in 1970 advanced nearly 7%, according to official statistics, which, in Sweden as elsewhere, doubtless understate the case.

On balance, the system for a long time somehow seemed to work. Over the years, with a big assist from neutrality in two world wars, Swedes acquired a standard of living ranked (despite a miserable housing shortage) fairly close to that of the U.S.; one way or another, the Social Democrats have remained in office for a generation. Perhaps emboldened by success—or, more likely, pushed by the political imperative of their credo—the Socialists lately have taken a harder line. While professing neutrality, Stockholm has furnished economic aid to both Cuba and North Vietnam; anti-Americanism, contrariwise, has been rampant. On the domestic scene, the powers-that-be, breaking with wise and time-honored practice, have refused to settle for merely sharing (lion's share, to be sure) in the fruits of industry and labor; instead, despite a virtually unbroken record of failure, bureaucracy has opted for aggrandizement of the public sector.

On this score, a Swedish correspondent recently wrote us: "A state-owned nuclear power plant, built at a cost of, I think, around $100 million, turns out not to be usable at all, no doubt the largest white elephant in Swedish history. The government claims, with some accuracy, that technology had not developed sufficiently by the time the project was started; other authorities say the government had clear warning of the risks, but chose to ignore them. In any case, the failure does not do anything to help an already poor record. Events in recent months add to the debit side. At one point, it was discovered, (much to everyone's consternation) that one part of the sprawling state-owned-industrial sector was planning to build a plant for production of disposable hospital supplies, while another part had signed a joint-venture agreement with American Hospital Supply for that very purpose. More serious has been the failure of Kalmar Verkstads AB, a company taken over by the state some years ago with the intention of re-directing it into more promising lines in order to maintain employment in that area. One of the new products developed was an automatic parking apparatus, a kind of Ferris Wheel device that would allow several cars to be parked in one parking place. Not one of the gadgets was sold, despite considerable fanfare, and that product was abandoned.

"More solid was the development of an ultra-mini car, the 'Tjorven,' intended for use as a delivery vehicle in cities. Some of these have been sold (mainly thanks to the state's aggressive sales efforts to itself in the form of the post office), but not enough—last week it was announced that 200 employees were being laid off because of insufficient Tjorven orders. Perhaps the most embarrassing failure has been the collapse of a company which was mainly intended to promote efficiency in state enterprises and elsewhere—Rationell Planerings AB, a kind of consultant operation. Results have been so bad that the company is now being liquidated. . . ." The name of the ill-fated company, by the way, means "rational planning."

Where ideology is concerned, evidently, failure doesn't count. "Equality and solidarity" lately have thrust their way into the realm of collective bargaining. In progress for some time in heavy industry, where an effort to narrow wage differentials paid skilled labor precipitated a long and bitter dispute in a state-owned iron ore mine, the movement lately has spread from mine and mill to office. Variously dubbed the College Graduate Walkout and the Luxury Strike, the mass shutdown now afoot plainly reflects the widespread, and mounting, discontent of Swedish professionals and civil servants. Owing to lagging wages and rising prices, both groups in the past two years have forfeited an estimated 7% of their purchasing power. To make up the ground already lost (and that threatened by persistent inflation) their unions are seeking a 22% raise. The government, through its agent, the Collective Bargaining Office, has offered 7%, and, in a kind of Boulwarism with a gun, refuses to budge. Last Friday an aide to Premier Palme (whom The New York Times described as "seated beside a table on which rested Charles A. Reich's book, 'The Greening of America'") observed: "We are not an egalitarian society but the aim is to create one." Gunnar Myrdal, who has done as much as any man to further the cause, was quoted as saying: "The organized welfare state has gone mad . . . It's become a class struggle."

As the Swedes, Belgians (whose middle classes recently staged a one-day demonstration of their economic clout) and even a few Americans have begun to suspect—and as Gunnar Myrdal ought to know—it was never anything else. Stripped of philosophic camouflage and political pretense, the welfare state is a modern version of one of the oldest con games on earth, robbing Peter to pay Paul. Perhaps in Sweden, at long last, the game is up.

CBS ATTACKS MILITARY

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. HÉBERT. Mr. Speaker, Lt. Gen. Ira C. Eaker, U.S. Air Force, retired, writes a weekly syndicated column for various publications. He is respected in military and journalistic circles.

General Eaker has written a column about the CBS program, "The Selling of the Pentagon," which I want to insert at this point in the RECORD.

It is most interesting to note what a distinguished retired military officer, who is now a member of the press corps, has to say about the program.

The article follows:

COLUMBIA BROADCASTING SYSTEM ATTACKS THE MILITARY

(By Ira C. Eaker)

Any observant citizen must be aware that there has for some time been a concerted attempt to destroy the morale of our armed services and disarm the country.

A recent example of this campaign, which has now become a left-wing crusade, was the Columbia Broadcasting System's one hour television program called "Selling the Pentagon."

It began with a disarmingly admirable preamble, "Nothing is more essential to a democracy than the free flow of information. Misinformation, distortion and propaganda all interrupt that flow." It then proceeds, in its so-called "Report," to violate every single tenet of this creed.

Included in this program were untruths, half-truths, distortions, innuendos, misleading statistics and comments and falsely constructed interviews. Highly selected editing gives only one side of most arguments. Selection of biased spokesmen and distorted camera angles and compositions are commonplace.

The entire program is a not too subtle form of biased "reporting" that cannot be viewed as anything other than propaganda. In fact, the entire tone of the program is consistent with long standing antiwar, antimilitary attacks on Pentagon public affairs programs.

It was dedicated to the charge that the military services spend $30 million or more of appropriated funds to sell the taxpayers a favorable image of the military.

The facts are that the military services spend less on public relations, as a percentage of their over-all budgets, than many other departments of government. They also spend much less on creating a favorable public image than all big corporations spend on advertising their product or public service.

Most corporations spend at least 10% of their annual budget on advertising. Some go much higher. The $30 million the Columbia Broadcasting System charges the Pentagon on spending for creating a favorable image is much less than 1% of its $75 billion annual budget.

The Pentagon and its subordinate services rightly believe that they must, especially in these times, convince our citizens and the Congress of the importance of their mission and their requirements in men and munitions if they are to accomplish their assigned tasks.

For example, unless the military career can be represented to our people as a desirable career for able young men and women, there is not the slightest chance that the Administration's plan to substitute a volunteer army for the inequitable and indefensible conscript system can succeed.

If the Army, Navy and Air Force spent less on public relations, that section of the news media which now condemns such expenditures would be the first to charge that this silence was a deliberate cover-up.

It is noteworthy that those members of Congress now most critical of the military are the most demanding for complete denoument and full explanations about every prospective operation and military plan well in advance of its execution.

The Pentagon spends much less in a whole year for promoting the popular image of its people, weapons and mission than the tobacco companies spend on cigarette advertising in a single week.

Whatever the Pentagon is spending to create a favorable image is not enough, since it is not getting the 300,000 volunteers needed annually and our defenses are steadily declining in modernization, effectiveness and credibility.

For good or ill, image building is the name of the game today. Politicians who create popular images get elected. Corporations which create favorable images for their products survive and prosper.

My hope is that CBS with this distorted, inaccurate and venomous attack on the military may have overshot its mark and have exactly the opposite effect to that intended—to destroy the confidence of our people in their defense forces.

DR. CHAPMAN H. BINFORD PRESENTED 1971 DAMIEN-DUTTON AWARD

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. PATTEN. Mr. Speaker, on February 16 I had the honor of presenting the 1971 Damien-Dutton Award to Dr. Chapman H. Binford, medical director of Leonard Wood Memorial Hospital here in Washington, D.C. This award is made for outstanding contributions in the area of leprosy research.

During the ceremonies, which took place in the Rotunda of the Capitol beside a statute of Father Damien, Dr. Binford made a very startling statement about leprosy. He said:

> According to the World Health Organization there are approximately 11 million people in the world today with leprosy and there is no evidence that the disease is being checked.

Mr. Speaker, this disease affects so many people and yet we know so little about it. It was a dreaded disease back in the early history of our civilization, and it is still a dreaded disease today.

One of the finest organizations that we have today actively fighting to control and cure leprosy is the Damien-Dutton Society. The society has its national headquarters in New Brunswick, N.J., which is in my congressional district. I have the honor of serving on the board of directors where I have a wonderful opportunity to work with Mr. Howard E. Crouch, founder and present director of the society.

Much remains to be done in the fight against leprosy, but with organizations such as the Damien-Dutton Society and dedicated people like Dr. Binford and Howard Crouch we can still have hope that a cure may be found.

In closing, I would like to insert in the RECORD the full remarks of Dr. Binford at the presentation ceremony. May I urge my colleagues to hear his plea for help which is echoed by millions the world over:

FEBRUARY 16, 1971.

MR. CROUCH, CONGRESSMAN PATTEN, AND FRIENDS: I am greatly honored to be the recipient today of the Damien-Dutton Award. It is with great humility that I stand here by this memorial statue to Father Damien. Those of us who knew leprosy before the report on the sulfone drugs by Dr. Guy H. Faget and his staff at the U.S. Public Health Service Hospital, Carville, La., in 1943, can appreciate the horrible conditions of patients living in the leprosy settlement on Molokai in 1873. At that time Father Damien, a vigorous young Belgian priest, age 33, went there.

For the first 11 years there was no doctor regularly assigned to the settlement. Father Damien therefore had to minister to the physical as well as the spiritual needs of the patients. You know how well he carried out these duties. At that time the majority of the Hawaiian patients had the malignant form of the disease which we today call lepromatous leprosy. Without any medical treatment that could check leprosy, patients in the terminal stages of the disease suffered severely. Lepromatous nodules covered their skin, many were blind, masses of infected tissues prevented breathing through the nose. Many died of laryngeal obstruction. Their bodies were covered with ulcerated nodules. There were the patients with whom Father Damien worked day and night, seven days a week. And you know he later succumbed to this severe form of the disease.

It was three years before Father Damien's death that Brother Joseph Dutton, as a volunteer layman, went to work with him in caring for the people at the leprosy settlement on Molokai. For 45 years he worked efficiently and effectively carrying out in his quiet way the ministration to their physical and spiritual needs. Leprosy during Brother Dutton's years of service was still the dreadful disease that it was at the time of Father Damien.

Today in 1971, almost 100 years after Father Damien went to Molokai, we know very little more about leprosy than was known then. We do not know how to cultivate the bacillus, therefore vaccines cannot be produced. We do not know why around 5% of people like Father Damien, who are intimately exposed come down with the disease, while others, about 95%, like Brother Dutton, that are equally exposed, do not become infected. We have no way other than complete physical examination of each patient to detect the disease at an early stage. The sulfone drugs, while very useful in preventing lepromatous leprosy from advancing, must be taken for years before the disease can be considered arrested.

Sustained intensive research must be continued before the basic problems of leprosy are solved.

According to the World Health Organization there are approximately 11 million people in the world today with leprosy and there is no evidence that the disease is being checked. There is need for continuing work by organizations such as the Damien-Dutton Society to bring relief, light and help to those who are afflicted with leprosy.

I thank you.

A RESOLUTION CONCERNING THE MANNER AND TIMING OF THE WITHDRAWAL OF OUR ARMED FORCES FROM VIETNAM

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. MATHIS of Georgia. Mr. Speaker, the Georgia House of Representatives recently adopted a resolution concerning the manner and timing of the withdrawal of our Armed Forces from Vietnam.

As a U.S. Representative from the State of Georgia, I feel it is my responsibility to bring this action to the attention of the American people.

Recognizing the fact that the war in Vietnam has affected every county, city, and citizen of Georgia, to some degree, the resolution recommends that the President of the United States:

> Attempt to obtain, through negotiations, a cease-fire and exchange of prisoners of war and, if necessary, set a date certain for the withdrawal of American ground troops from Vietnam in order to bring this about.

I would like to share this resolution with my colleagues and others who read the CONGRESSIONAL RECORD. The complete text of the resolution follows:

A RESOLUTION

Expressing the opinion of the Georgia House of Representatives on the manner and timing of the withdrawal of the armed forces of the United States from Vietnam; and for other purposes.

Whereas, the war in Vietnam has affected every county, city, and citizen of Georgia, to some degree; and

Whereas, Georgia has had almost 1,500 of her citizens killed and many thousands wounded, and at least 67 families in Georgia have loved ones who are prisoners or missing as a result of the war in Vietnam; and

Whereas, the United States is beginning the second decade of the longest war in its history; and

Whereas, the war in Vietnam has been exceeded only by the two world wars and the Civil War in terms of human sacrifice; and

Whereas, it is the publicly announced policy of the United States not to seek a military victory in Vietnam, to cease the bombing, and to withdraw its armed forces, apparently without any reciprocal concession on the part of North Vietnam; and

Whereas, Georgians are still being killed, wounded and captured, and there appears to be no progress being made in the peace negotiations now taking place in Paris; and

Whereas, the Georgia House of Representatives feels that it has the right, if not the duty, to express an opinion on such a vital matter affecting the people of this State.

Now, therefore, be it resolved by the House of Representatives that this body hereby recommends that the President of the United States attempt to obtain, through negotiations, a cease-fire and exchange of prisoners of war and, if necessary, set a date certain for the withdrawal of American ground troops from Vietnam in order to bring this about; and

Whereas, the Georgia House of Representatives recognizes that the President might have already attempted this, but, because of classified information available only to him, might have decided that such action is inadvisable or impossible to accomplish.

Now, therefore, be it further resolved that if such a situation does exist, this body hereby requests that the President explain, insofar as it does not affect national security, why this cannot be accomplished.

Be it further resolved that this Resolution is in no way to be taken to support the government of North Vietnam or to reflect on military actions by members of the armed forces of the United States who are now serving, or who have served, in Vietnam.

Be it further resolved that the Clerk of the House of Representatives is hereby authorized and directed to transmit appropriate copies of this Resolution to the President of the United States and to each member of the United States Senate and House of Representatives from the State of Georgia.

BUS TRIP A TRUE LEARNING EXPERIENCE

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. WHITEHURST. Mr. Speaker, at a time when so much thought is being given to the vital need for more and better day care centers, I was delighted to learn that in Norfolk, Va., there is a gentleman to whom driving a bus means more than just transporting warm bodies from one place to another.

Mr. Richard Hassell uses his bus as an extension of the concentrated employment program day-care center. He tries to make the trip a true learning experience for the children, but more than that, he fills it with love.

Mr. Speaker, I commend to the attention of my colleagues this article by Mrs. Martha Gagliardi which appeared in the March 5, 1971, Virginian-Pilot:

CALL THIS BUS A HAPPENING

(By Martha Gagliardi)

NORFOLK.—When Richard Hassell stops his yellow school bus and beeps his horn, preschoolers come running.

Those who can't run are carried by their mothers to Hassell's bus which is literally a "show and tell" on wheels.

Hassell drives children whose mothers are training in the Concentrated Employment Program to day care homes and centers. About a month ago, he decided the bus needed brightening up.

So one Sunday morning, he decorated the bus with pictures cut from magazines, children's games, and health and safety posters.

Hassel, who has been driving the bus for five months, said, "I put up anything I thought was good for the children. I really love little children."

Hassell, the father of two married daughters and the grandfather of two little girls, indicated that children and religion are the most important things in his life.

"I decorated the bus on Sunday before going to church. I always clean and maintain the bus every Sunday," Hassell said. "The decorating was something I took up on my own because I love children. When you love the Lord, you want to do nice things for children because God loves them so."

Hassell printed name cards for each child and put them over the seats.

He hung a toy on the rail behind the driver's seat, beside a car seat used by this youngest passenger, who is six months old. Three other car seats are hung nearby.

Hassell has 22 daily passengers, ranging from six months to five years.

The youngest children go to day care homes, while the older ones attend a CEP day care center in Christ and St. Luke's Church.

Hassell tries to make the daily ride to the day care centers a learning experience for the children.

His 89-mile round-trip route covers the city from Berkley to Lambert's Point. During the ride, he plays music for the children on a tape deck by his seat. Favorites include the Jackson Five, and inspirational songs.

He also leads the children in songs they've learned at school.

Every morning Hassell stops the bus for 15 minutes to read stories or talk about nutrition and safety. He has a large color chart showing the four food groups and what constitutes a well-balanced diet at the front of the bus.

Hassell said he has never had any problems with the children. "Even the little ones never cry," he said.

Hassell is always looking for new things to delight his passengers. "I put balloons up on the ceiling this week, and often roam through the five and ten cent stores looking for surprises."

Mrs. Edith R. Hammond, CEP day care supervisor, said the reaction to Hassell's bus from both children and parents has been one of delight. "We are primarily concerned with the welfare of the children in the program, and Richard takes a real human interest in them. He makes riding the school bus a happening," she said.

VOICE OF DEMOCRACY STATEMENT BY THOMAS L. LEDGERWOOD

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. McCORMACK. Mr. Speaker, tonight at the annual conference of the Veterans of Foreign Wars being held here in Washington, D.C., the national winner in the competition for the Voice of Democracy contest will be announced. Candidates from most States will be participating. These young people are outstanding citizens of whom all in this Congress and in this country can be justifiably proud.

It is my great honor this year to have as the winner from the State of Washington a young man from Clarkston, Wash., in my congressional district. His name is Thomas L. Ledgerwood. Mr. Ledgerwood is a student at Charles Francis Adams High School in Clarkston, Wash. Mr. Ledgerwood is an outstanding young man in every way. He is a member of his student government, active in debate and oratory, a cross-country and track man, a ham radio operator, a member of the yearbook staff, and a philatelist.

Mr. Ledgerwood's father, W. Troy

Ledgerwood, is a lift truck operator; his mother, Mrs. Ann M. Ledgerwood, is a student nurse. Mr. Ledgerwood is the winner of a number of contests in oratory and script writing. Last year he was a member of the American Legion Boys' State.

Sometimes the pride that a Congressman expresses in the accomplishments of his young constituents is a matter of form; but, Mr. Speaker and my fellow Members of Congress, I can tell you without reservation that Tom Ledgerwood has sincerely impressed me as an outstanding citizen whose understanding of our democratic heritage can be an inspiration to us all.

So my pride, Mr. Speaker, lies not only in the fact that I am a member of the Veterans of Foreign Wars, and not only that the Veterans of Foreign Wars sponsors such an outstanding program as the Voice of Democracy contest, but that Tom Ledgerwood's speech is one in which all other Americans can certainly take pride. It is with great pride that I insert Tom Ledgerwood's Voice of Democracy speech into the CONGRESSIONAL RECORD:

FREEDOM—OUR HERITAGE

The longest journey a man will ever take is the one he takes looking for freedom.

You could set out looking for freedom.

You could cross and recross this giant nation without ever finding it.

Because it wouldn't be there sewn into the stars and stripes waving up there in the breeze.

You couldn't find freedom chipped into Mount Rushmore.

You couldn't find freedom riveted into the Statue of Liberty.

Nor could you find freedom molded in the Liberty Bell.

No,—if you really wanted to find freedom all you'd have to do is to stop that wandering around and take a good look at yourself.

Because that's where freedom is.

It's in *you*—and in the minds and hearts of human beings everywhere, where it can't be ripped, cracked, torn, rusted or melted away.

Freedom is an *idea*, a belief, a way of life—something you can't touch or grasp or hold onto. And for some people, freedom will remain only in the mind.

But our forefathers had a dream.

Their dream was to take freedom out of the mind and incorporate it into a government. And one and three-quarter centuries ago, a lot of people gave everything they had, including their lives, to establish that way of life.

They never dreamed that the nation, they were trying to create would prosper and grow into a giant, space-age nuclear power.

They didn't know whether it would last for ten years or ten thousand years.

They didn't know you, and they didn't know me, and they didn't know what we'd do with this thing they were trying to create.

All they knew was that here was something they believed in, something that meant so much to them that they were willing to offer and even give their lives for it.

But the most important thing was that when our forefathers took freedom out of the mind and established it into a government, a way of life, they found that *freedom ceased to be free*. That in order to live freedom, you had to pay a price, and that freedom is the most priceless thing on earth . . . so priceless, in fact, that we'll always be paying for it.

We'll never hold a deed to freedom, say that it's ours, that we own it.

We'll never be guaranteed it from one moment to the next.

We'll just keep paying.

And yet, men feel a supreme satisfaction when they pay a tremendous price for freedom. For the defense of freedom is the ultimate sacrifice. The laying down of one's life for one's country is the most priceless privilege that we could ever have.

In Arlington National Cemetery, near Washington, D.C., there is a beautiful tomb. The inscription on it reads, "HERE RESTS, IN HONORED GLORY, AN AMERICAN SOLDIER KNOWN BUT TO GOD." It's there as a testimonial to him and to 385,000 other Americans who died in the defense of freedom—many of them on foreign soil—so that we, their descendants, can feel the liberty breathing in us that they felt in themselves.

And so, as I live a free and prosperous life in this great nation, and live my day-to-day existence in freedom, I can't help but wonder if my country will some day call upon me to make that supreme sacrifice.

God willing, I'll be able to realize that what Charles Dickens said in his book, "Tale of Two Cities", is true, when he talks about men giving up their lives, making the supreme sacrifice for something they believe in. He says:

"It is a far, far better thing that I do, than I have ever done; it is a far, far better rest that I go to, than I have ever known."

DRAFT REFORM

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. MIKVA. Mr. Speaker, great amounts of energy have been expended over the past few years by citizens and elected officials around the country in a continuing effort to bring the Vietnam war and the Army under control. Everyone now agrees that we must terminate this incredible executive adventure, and must see that never again can a President, along with a handful of advisers and military brass, commit half a million American troops to an undeclared land war.

To that end, various proposals have been put forward, including a number of proposals to reform the entire structure of military procurement. There is an intimate relationship between the number of men in the Army and the extent to which the military feels free to overextend themselves around the world. Obviously, there is an equally direct relationship between the manner in which the Army recruits troops and the number of men in the military. There is little doubt in my mind that extensive American involvement in the Vietnam war could not have occurred had there not been a system of compulsory conscription by which sufficient numbers of young men could be drafted to carry out that adventure. Some therefore look upon the draft as the culprit and call for complete abolition. This is to misplace the blame. It was the availability of an unrestricted peacetime conscription system, which could be utilized to fight an undeclared war, that caused the tragedy. For that reason, I am introducing today a bill to prohibit the military from sending draftees into combat zones, except when Congress has declared war.

One alternative to the present draft system which has been suggested by some of my colleagues is a system of compulsory national service. Upon reaching a certain age, each individual would be required to spend a certain number of years serving his or her country, either in the military or in some nonmilitary volunteer capacity such as the alternative service work presently done by conscientious objectors. I firmly believe that every citizen ought to serve his country to the extent he is able and in the manner which he finds appropriate. But I firmly oppose the idea that the Government should require every individual to perform "national service" as the Government defines and approves it. The entire concept of conscription, whether for military or nonmilitary purposes, is antithetical to the fundamental principles of a free society.

Another suggestion has been the abolition of the military draft, and its replacement with a volunteer army. Quite frankly, the thought of a standing army of 3 million professional volunteers scares the hell out of me. Once freed from its reliance on millions of unwilling conscripts, who knows what the limits would be of the endeavors the army would undertake at home and abroad. The only volunteer standing army I could support would be one which is drastically smaller in size than our present force levels—so much smaller that it could not, as a practical matter, entertain any notions of large scale military intervention either at home or abroad. Conventional actions, which are still the principal means of international violence today in spite of nuclear capabilities, would be out of the question unless Congress declared war, at which point the President would be empowered to invoke involuntary conscription. In summary, a volunteer army would be acceptable only if it were accompanied by first, a drastic reduction in authorized manpower levels, and second, contingent draft powers in the event of a declaration for war. Without the former, it would threaten our free society; without the latter it would be unworkable.

In the meantime, while the national debate continues as to the type of military structure we wish for the future, my proposal would prohibit the military from sending any draftees into a combat zone unless Congress has declared war. The intention of this interim measure is twofold: first, it provides some measure of protection to those men caught up in the present system which everyone agrees is unfair; second, it forces the army to reduce its self-proclaimed warmaking adventures to a level which can be supported by volunteers.

One way or another, Mr. Speaker, the people of America will wind down the war-happy proclivities of the executive branch, and the concept of compulsory conscription on which it has relied.

MIKE ROYKO

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. HUNGATE. Mr. Speaker, one of my constituents sent me the following article which he seemed to think had some relationship to Vietnam. I insert it in support of the proposition that we need to increase our expenditures for mental health:

MIKE ROYKO: HERE'S HIS PLAN TO GET IN . . . OUT

I was visiting a sanitarium the other day when a man strolled up to me, moved both his hands in a chopping motion and said:

"I would like to make one thing perfectly clear."

Startled, I said: "What?"

"I would like to make one thing perfectly clear," he repeated.

A doctor whispered: "Just humor him. You know who he thinks he is, don't you?"

"But I thought they always think they are Napoleon," I said.

"Times change," the doctor said. "You can chat with him. He's harmless."

So I did.

What do you want to make perfectly clear? I asked.

"Let me make this point perfectly clear," he said. "I am trying to get out of here. I have a plan." He patted his robe.

Don't you belong here?

"Of course I belong here," he snapped. "I wouldn't be here if I didn't belong here. I belong anywhere I am."

Then why do you want to get out?

"Because if I don't get out, I'll never get back in."

Have you asked them to let you leave?

"Oh, they want me to leave."

But I thought you said they were keeping you here?

"They are."

How?

"They keep me here by trying to make me leave."

I don't understand.

"Then let me make it perfectly clear: Every time I decide to get out of here, they try to make me get out of here. That is why I stay."

Oh, I see. You really want to stay here.

"Of course not. I want to get out of here, and I will get out of here, I promise you that."

But if you want to get out of here and they want you to get out of here, why don't you go?

"The answer to that is perfectly clear: I will stay here until they stop trying to get me out of here."

Then you must like it here.

"No. I don't like it here."

Then why did you come here?

"I came here because I belong here."

I see. But you don't belong here any more?

"Let me make that clear: I belong anywhere I am, and anywhere I am is where I belong."

Then you do belong here.

"Yes, but I do not want to stay here."

Oh, you want to go somewhere else?

"I have already gone somewhere else. I went there to get out of here."

Then why did you come back?

"I never left."

How can that be?

"Let me make that perfectly clear. The only way for me to get out of here is to go somewhere else. So I went."

Then you were gone from here?

"No, I was still here, because I can't leave here until they stop trying to make me leave. I thought I made that perfectly clear."

I'm sorry, I forgot. So you went somewhere else while you were still here and then you came back here from somewhere else.

While you are here?

"Of course. I went there to get out of here, and I'm still there."

How do you like it there?

"I've got to get out of there."

How do you like it there?

"The same way I got out of here. By going somewhere else."

Where will you go?

"Maybe I will come here."

But you are already here.

"Yes, but I'm going to get out of here. You see, I have a plan. Let me make that perfectly clear."

On the way out, I asked the doctor how long the poor fellow has been a patient.

"Patient?" the doctor said. "Why, he's the superintendent."

ONE EARTH

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. REES. Mr. Speaker, hardly a day passes without another grim fact appearing about environmental damage. The tragedy of the oil slicks on our beaches, the thunder of jet planes over our homes, the pall of smoke over our cities, and the degraded state of our rivers and our seashores shows the necessity for urgent national action against pollution.

One way to increase public knowledge of these problems has been to set aside a special time for the Nation to study, to discuss, and to observe the environment. To this end I have cosponsored a resolution in Congress to designate an "Earth Week."

Last year more than 3,000 universities and more than 10,000 high schools participated in "Earth Week" and "Earth Day" discussions covering the entire range of problems regarding the environment, and suggesting new solutions and policies.

Similar efforts are being planned this year and one such event, to be held the first day of spring, March 21, has been scheduled by the National Council for Survival Research and Education which encourages worthwhile environmental projects and inventions and serves as a clearinghouse for environmental information.

The national council contacted a very talented writer from west Los Angeles, Mrs. Shirley Solmon of Pacific Palisades, a member of ASCAP and the Dramatists Guild, and asked her to write a strong lyric for "Earth Day" festivities, calling for national and international action to assure that the earth remains livable.

She wrote "One Earth," and Scott Seely, an ASCAP composer and arranger, wrote the music. Arrangements are now being completed by the national council for the song to be introduced at other national "Earth Day" ceremonies.

Mrs. Solomon has long been concerned about environmental problems and the preservation of the California coastline. She recently completed the book and lyrics of a musical play, "Heads Up," for which Mr. Seely wrote the score, and she is now working on the libretto of a political musical, "The Senator's Shadow."

The following lyrics to her song, "One Earth," may be of interest to my colleagues:

ONE EARTH

One Earth . . . to have and hold.
You can't buy it with gold,
So cherish it and love it
And take care of it.

One Earth . . . one world to share.
We all breathe the same air,
So honor and respect it
And let's protect it!

Our lakes and rivers are grimy.
Bulldozers level hills and trees.
Noises grow harsher and more booming
Our wild life and fish
Will soon be absentees!

It's our last chance . . . no time to lose.
It's up to us to choose.
There is no substitution,
No place to run—
One Earth, one chance—
One earth, just one!

Lyric by Shirley Solomon, A.S.C.A.P.

Music by Scott Seely, A.S.C.A.P. Copyright, 1971.

DISCRIMINATION AGAINST WOMEN

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mrs. CHISHOLM. Mr. Speaker, because of the personal feelings I have on discrimination against women and the national and international impact felt by all women, I feel it a grave importance to include in the RECORD the highly significant statement expressed by Mrs. Daisy K. Shaw before the Special Subcommittee on Education of the Committee on Education and Labor.

It is as follows:

STATEMENT OF MRS. DAISY K. SHAW, DIRECTOR OF EDUCATIONAL AND VOCATIONAL GUIDANCE OF NEW YORK CITY, AND PAST PRESIDENT, DIRECTORS OF GUIDANCE OF LARGE CITY SCHOOL SYSTEMS OF THE AMERICAN PERSONNEL AND GUIDANCE ASSOCIATION

Mrs. SHAW. Representative Green, distinguished members of the committee:

It is a great privilege for me to testify before you today with regard to section 805 (prohibition of discrimination) of H.R. 16098, the Omnibus Postsecondary Education Act of 1970.

Although women represent a majority of 51 percent of our population, they suffer from many of the same barriers to economic and social progress as do the minority groups in our society. They are paid less than men for comparable work, are often consigned to menial or routine jobs, are passed over for promotion, have a higher unemployment rate than men, and are grossly underrepresented in decisionmaking posts in politics, business, and the professions. These facts are well documented in numerous reports published by the Department of Labor, the Department of Commerce, the Women's Bureau, and various commissions and task forces.

Now, as never before, discrimination against women calls for strong new legislative action as well as vigorous enforcement of existing statutes. However, legislative remedies alone are not enough. What is needed is a thoroughgoing reappraisal of the education and guidance of our youth to determine what factors in our own methods of child rearing and schooling are contributing to this tragic and senseless underutilization of American women. For, as long as women perceive themselves as inferior, and as long as men cast them in subservient roles, legislation alone, though helpful, will not produce any substantive change in the status of American women. Fifty years after women's suffrage was won in the United States, we find only one woman in the Senate and 10 women in the House of Representatives. At the risk of being accused of female chauvinism, may I add that their quality is very high.

How do perceptions of sex roles develop? There is an old popular song of the forties that starts: "You have to be taught before it's too late, before you are six or seven or eight * * *." From their earliest years, children are introduced to picture books which practically condition them to accept males as the commanding, dominant figures in their lives. In a fascinating article published recently in the children's section of the *New York Times* book review, Elizabeth Fisher found that there were five times as many males in the titles of picture books as females, and that even animals in books are male for the most part. Furthermore, says Miss Fisher, even when females are depicted, their activities are quite limited—

They do not drive cars. Though children see their mothers driving all the time, not a single description or picture of a woman driver could I find. In the world today, women are executives, stockbrokers, taxidrivers, steelworkers; in picture books these are nonexistent—Though there have been women doctors in this country for over a hundred years, and pediatrics is one of their preferred specialties, there is not a single woman doctor to be found. Women are nurses, librarians, teachers—but the principal is always male. . . .

Let us move from the preschool years to the kindergarten. Here little girls are still encouraged to "play house" in the homemaking corner, while little boys are building, firefighting, or policing. If one examines the primers used in the first three grades of elementary school, one searches in vain for a woman depicted as a worker (except for the omnipresent teacher and an occasional nurse, waitress, or secretary). Even the most up-to-date basal readers, issued in endless series by the leading publishers, are still presenting Dick and Jane types having endless fun, while mommy waits innocuously at the garden gate or in the apartment to welcome daddy home from a hard day at the office. (By contrast, the wicked queens of the old fairy tales at least displayed some executive talent.) It is true that there has been an effort during the past few years on the part of some publishers to update reading material used in the elementary schools. However, these changes have been largely confined to presenting a more balanced view of ethnic diversity in the urban environment. With a few outstanding exceptions, as in the Bank Street readers, women are still being portrayed in the same old stereotyped roles.

I have brought with me copies of three popular basal readers. If one looks through them, one searches in vain for an illustration of a woman who is engaged in some meaningful occupation. If you will examine these and any others of dozens of similar books, you will find the same pattern.

Rarely do we find a story about a working mother, although 35.3 percent of all mothers with children under 18 were in the labor force—as of 1967. Children who read stories depicting idyllic family scenes must feel somewhat deprived if their own mommies are out working rather than baking a cake at home. Thus, we continue to nurture the "feminine mystique," the image of women developed during the Victorian era, which limited the culturally approved role to that of wife and mother.

These subtle concepts, imprinted on children's minds in the early school years, are reinforced during adolescence by the communications media. Girls are constantly reminded of the need to be attractive, so that they can acquire a mate who will provide them with all the material comforts. Labor-saving devices are advertised as easing the lot of the housewife, rather than that of the working woman—or man, for that matter. Plenty of men use laundromats, but you never see one proclaiming that his wash is "brighter than bright." With the constant and prolonged emphasis on the need to please rather than the need to be someone, it is small wonder that many girls choose easier or less time-consuming courses of study than boys, and frequently give more attention to the social rather than the intellectual aspects of college life. (There has been some deviation from this trend in the recent past, it should be noted.)

Women themselves sometimes help to perpetuate sex-related career stereotypes. For example, note this recent release from a Woman's Program Newsletter:

ATTENTION, ALL BOSSES!

"If you've been looking for a way to express special appreciation to your secretary, here's a suggestion from the State Commerce Department Woman's Program—how about saluting her during Secretaries Week, April 21–26, with the State flower to brighten her desk?"

How can it escape even a woman executive that the "boss" is "he" and the "secretary" is "she"?

American girls who are now in school will constitute 40 percent of the future labor force in our economy. Whatever their reasons for working—whether to support themselves or their dependents, to supplement family earnings, to achieve wealth or status, or to seek self-fulfillment—they will need special help from counselors in career planning. For most girls, work will be supplemental to their major responsibilities of wife and mother during a significant portion of their lives. Their career patterns will include various combinations of work, school, and marriage. Their ability to carry out their dual role successfully will be complicated by two factors: the discontinuity of their attachment to the labor force and the occupational concentration of "women's" jobs.

The sex label would seem to be a cultural rather than a biological factor in the labor market. The concentration of women in clerical occupations, teaching, nursing, sales, and service occupations is based on cultural factors and societal expectations rather than on sex-linked characteristics or aptitudes.

The broadening career opportunities which should be opened to women place upon counselors a special responsibility to raise the aspirations of girls, to assist them in achieving a satisfactory identity both as women and as workers, and to help replace past occupational stereotypes. Counselors must be continually alert to the changing values of the society for which young people are being prepared. While training for a career continues to play a central role in the education of boys, the importance of career planning for girls is less clearly understood. As the role expectations of American women continue to change in this era of technological progress and automation, counselors are faced with an important question: "Should counseling be different for girls than for boys?"

Thirty years ago, before we had counselors in most cases at all, it would not have been uncommon for a well-meaning teacher to say to a girl: "Your work in physics is excellent, but you may as well be practical. In a few years you'll be married and raising a family. Why go into a field which requires so many years of preparation." To another he might have said: "Your grades are high enough to get you into a premedical course, but you know what chance a girl has of getting into medical school. Besides, it would take you 9 or 10 years before you would be ready for private practice. Why not go into nursing instead? It's a wonderful profession now, and when you are married, you'll be able to give the best of care to your family." And to a third: "Why don't you take a business course? You'll only be working a few years anyway before you have a home and family."

The "self-image" of the individual girl is strongly influenced by society's expectation of her role. Although labor market analysts estimate that 9 out of every 10 girls in school today become workers at some time in their lives, many are still indoctrinated with the idea that work will be an optional, incidental part of their lives, if indeed they will ever work at all. Some still believe a Prince Charming will carry them off and they will live happily forever after.

Your action to assure equal opportunity for women through section 805 of the Omnibus Postsecondary Education Act of 1970 will encourage the full utilization of our human resources. May I respectfully offer for your consideration several other recommendations directed toward the same objective:

1. The formation of a commission to study the educational needs of girls with special reference to current practices in preschool and early childhood education, the adequacy and relevance of the curriculum in the light of expanded opportunities for women, and the provision of guidance and counseling for both girls and boys in elementary and secondary schools.

2. Authorization of grants to establish guidance institutes (on the NDEA model) for the in-service training of school counselors in the special guidance needs of girls.

3. Support for increased appropriations for guidance and counseling so that both girls and boys will receive adequate educational and career guidance from qualified, professionally trained counselors.

A few weeks ago, I represented our association before Senator Magnuson's Appropriations Subcommittee to request an additional appropriation of $217,500,000 under title III for guidance and counseling. At the present time, the House figure for guidance is $17 million: the Senate figure is $24,500,000. While even the latter figure falls far short of the actual need, it is our fervent hope that you and your colleagues on the House Appropriations Committee will support the higher figure.

There is great interest in the development of innovative programs in education. The greatest innovation of all would be to provide enough counselors to enable us to reach our young people, so that we could help them cope with the multiple problems which they encounter today. The pupil who comes from a disadvantaged environment plagued by discrimination, marginal subsistence, and disruption of normal family relationships, is least prepared to take advantage of cultural and educational opportunities.

In a recently completed survey conducted by our association, we found the following average counselor-pupil ratios:

City population:	*Average C-P ratio*
100,000–250,000	1–751
250,000–500,000	1–857
500,000–1,000,000	1–815
1,000,000 and over	1–750

However, in many cities the average was substantially higher (up to 1–2,600). The professionally trained counselor is uniquely qualified to work with the individual student, to encourage educational achievement and career development and to maximize human potential. To accomplish this, the counselor must have a realistic caseload. Ten years ago, accepted professional standards called for a counselor-pupil ratio of 1 to 250 in the secondary schools. An even lower ratio is required for students with special needs.

Today we recognize that girls must be prepared for their dual role as homemakers and as workers. The new life pattern of the modern women will include school, work and/or marriage, home, and a career. The two periods when women are most likely to work are during their early twenties and again starting in their early midforties until the age of retirement. Career exploration and planning for girls has equal importance with career exploration and planning for boys. Girls must be encouraged to select careers which will challenge their abilities and bring them self-fulfillment. At the same time, neither boys nor girls should be restricted to stereotyped choices based on traditional male or female role models.

We are not advocating special counselors for girls but, rather, are underscoring the need for adequate guidance for girls and boys. The lack of expert counseling can have devastating results for both, but girls are at a special disadvantage because they are so often frozen into stereotyped roles by social expectations. (Boys are also confronted by subtle psychological barriers when they seek to enter fields which are traditionally feminine, for example, nursing, early childhood education, dancing, secretarial work.) What we seek is an open society, one which offers equal opportunity and freedom of choice to all. If many, or even most, women should eventually select careers as homemakers, nurses, or office workers, it should be as a result of personal decisions, reached after careful consideration of all options, not because they feel restricted to "women's jobs." In the same spirit, those girls who opt for business, politics, or the professions should meet with no obstacles to self-realization. In summary, we plead for good guidance for all, with special attention to the disadvantaged in our society—both the disadvantaged minorities and the disadvantaged majority—our girls.

Mrs. **Green**. Thank you very much, Mrs. Shaw.

On page 3 you give some statistics about the number of women working with children under 18. I have been looking for the source. I came across it recently and forgot to write it down. I wonder if anyone in the room today has it. The figure was that 60 percent of all children in families where the mother is the head of the household are living in poverty.

Mrs. **Shaw**. This is the reference. It is from the manpower report of the President, January 1969.

Mrs. **Green**. I have that.

Mrs. **Shaw**. That is the labor force status of married women with children under 18 and the number of children involved as of March 1967.

Mrs. **Green**. I do not think that figure is in there.

Mrs. **Shaw**. Which particular figure?

Mrs. **Green**. Not too long ago I read—and it seems to me if this is true, that it has tremendous implications in terms of congressional legislation—that 60 percent of all children who are living in families headed by a woman are living in poverty as defined by the Government. The median income for women, of course, is much less than the median income for men.

It seems to me if this is fact it has tremendous social implications as well as implications for title I of the ESEA and some of the other programs. If any of you have that information or can provide it for me, I would like to have it.

Mrs. **Shaw**. There is an article in *U.S. News & World Report* published in April which offers statistics. I am surprised that the figure is as low as 60 percent. I thought it was even higher.

Mrs. **Green**. I thought 60 percent was pretty startling.

Mr. **Erlenborn**. I would join with the witness in saying I would think that figure is rather low, particularly with the type of welfare program we have, which puts a premium on the family without the father. Sixty percent sounds to me as though it might be low.

Mrs. **Shaw**. Here is a reference from the U.S. Women's Bureau. "Nearly all of the 5.8 million women workers who were divorced, widowed or separated from their husbands were found to be working for compelling economic reasons. In addition, the 4.8 million married women whose husbands earn less than $5,000 per year were presumed to be working in order to provide their families with a better standard of living."

Mrs. **Green**. Let me ask you two or three things in terms of what the schools can do.

Has any attention ever been given in the New York City schools by the guidance and counseling people to the questionnaires that the children bring home from school to be filled out? They are almost always phrased in terms that I think do psychological damage to a child if the mother is in fact working and the father perhaps is unemployed or AWOL. I think it makes the child feel that somehow his family has a social stigma or they are not quite satisfying or conforming to the social norm. It always asks first, "What is your father's occupation?" Very seldom—in fact, I do not think I have ever seen one that puts on an equal basis "What is your mother's occupation?" There may be no reference to the mother—or written in a rather slighting way to the mother—as "Has your mother any other occupation than housewife?"

I have known of instances where small boys especially see this as somehow destroying the father image or giving the impression their family is looked down upon because the mother is the real breadwinner?

It seems to me guidance and counseling should pay some attention to these questions.

Mrs. **Shaw**. Yes; you are quite right, Representative Green. I would further comment that in most role books, which are printed official documents, they always call for the father's name first, if they call for the mother's name at all.

Mrs. **Green**. Many times the mother is not even to be listed.

Mrs. **Shaw**. It is generally understood that when the parent's name is called for, unless the father is listed, the family is deemed to be without a father. If a mother is listed as the parent, then this must be a broken home. That is the general assumption.

In our guidance bureau, of course, we constantly alert counselors to the importance of career planning for girls. We issue endless mimeographed brochures, statements, pamphlets, about careers for women.

Mrs. **Green**. We cannot legislate on this, but guidance and counseling people could do a study of questionnaires that are sent out which give the child the definite impression that the only person who is working is the father and that the mother is unimportant—as if the father is unemployed—somehow he is worthless. I also agree with your statement that girls are counseled right out of positions. They are told "You must not take these courses, because a woman couldn't get a job in this area anyhow." This has happened through the years.

One other question which, again, it seems to me the schools can do something about. I ran across a figure not too long ago that of the 278,000 registered apprentices under the Bureau of Apprenticeship Training, less than 1 percent are girls. It seems to me that an effort should be made to rectify this. It seems inexcusable. The highest unemployment rate of any group in the Nation is among nonwhite girls between 16 and 21.

Mrs. **Shaw**. I would say the unions are quite resistant. Many unions, especially in the construction area, have been 100 percent male.

Mrs. **Green**. And too frequently 100 percent white-Anglosaxon male.

Mrs. **Shaw**. Yes. It probably would create a furor if a girl wished to be an apprentice plumber, for example, although there is a rather amusing television commercial currently being shown where a little girl asks Jane Withers, the perpetual detergent advertiser, "Can I be a plumber when I grow up?" That struck me as a rather interesting question. In reply to her, I think the adult said, "Why, certainly. You can also help remove all the stains from your sink by using this marvelous detergent," whatever it is. As I watched that, it occurred to me that there are practically no women plumbers.

Mrs. **Green**. It seems to me it is important that every person have the opportunity to be whatever he or she wants to be, rather than to force him into a particular area. Many women do and will continue to choose to be in the home. Many will not; they are asking for the same options that men have.

Aside from the apprenticeship program, I was shocked 2 or 3 years ago when we had visiting school superintendents testifying. They spoke of special classes that were available to boys who were potential dropouts and how successful they had been. In fact they had been so successful they were doubling the number of classes for boys, and were "even starting ONE for girls." I thought this unequal treatment in public schools was a violation of civil rights and I wrote to the Equal Employment Opportunity Commission and the Office of Education. The high unemployment and dropout rate among girls is ample evidence of the need for similar classes—but schools are exempt under title VI.

There was absolutely nothing I could do about such discrimination at that time—since it was and is legal. I hope to correct this in the current bill which is pending before the committee.

I would also think people in the schools as well as the administration could do a better job of bringing girls in the Job Corps up to 50 percent. Legislatively, the highest I have ever been able to get it as far as the law is concerned is 30 percent, over the violent opposition of some of my colleagues. It seems to me 50 percent of the places should be filled by girls if they want in. At times, the waiting list for approved girls has been long.

In the new Conservation Corps there is no quota written in for girls, and I will be amazed if they have any program for them. I repeat these matters that, I've discussed in previous hearings because I believe guidance personnel should be aware of them.

Let me ask you one other question, if I may. Last night I watched a program called "The Advocates."

Mrs. **Shaw**. I saw the last part of it.

Mrs. **Green**. What is your reaction to that proposal? Let me ask it in two parts: (1) if it were optional, if it were encouraged; and (2) if it became mandatory. Did you see it?

Mr. ERLENBORN. No.

Mrs. GREEN. In the program the suggestion was made to make half-time work available so the man is at work half-time and the woman is at work half-time, and each would spend half of the time at home. They would still have the same income as they had before when the wife was not working.

Mrs. SHAW. I think in theory it is a very good proposal, but practically it would be ineffective for the following reason: As we find the hours of work being decreased in any given occupation, whether it be professional or blue collar, we find people taking second and third and fourth jobs in order to increase their income. Such an option seems quite reasonable and, in fact, it is an ongoing practice, because many firms have part-time workers, but the effect of this would not be to equalize the homemaking responsibilities of men and women, which I gather is the rationale for the proposal. At least, so I gathered from the discussion which followed.

Wasn't it your feeling that there was a sort of hidden agenda that men should participate in child-rearing to the same extent as women and should contribute to the running of the home, and that this would be possible if men and women both worked half-time and gave half their time to the home? If it worked that way, it would be fine. But, again, I can only speak from experience in the field of education where I see a great many people having more than one job.

People who are ambitious and mobile seem to want to do all that they can do.

Mrs. GREEN. I thought one of the main objectives was that with greater flexibility, more women would be able to work half-time or part-time and still fulfill their obligations at home. In so doing they would attain greater personal fulfillment. I thought that was the second major objective. It would also make it possible for fathers to spend more time with their growing children.

Mrs. SHAW. I agree. There is one very important aspect. While there is a good deal of part-time work available today, it does not carry with it the benefits of full-time work. It does not carry pensions, sick pay, health care, and other fringe benefits that the full-time worker enjoys. If half-time work involves those additional benefits, then I think such a practice might be more effective.

Mrs. GREEN. It would seem to me that our schools, which in past years have had a shortage of personnel, could have recruited a great many highly qualified women who would be willing to come back for half a day. Today, when we still have a terrible shortage of health personnel, I do not know why hospital schedules have to be so inflexible. I do not know why nurses and social workers cannot work half-time.

Mrs. SHAW. I think in many instances the practice is in effect. I recall something of the type even in New York City a few years ago, although I have not heard about it recently. I think they have had such a flock of applicants for teaching positions that they did not find it necessary to extend this practice. I believe that this was proposed.

Mrs. GREEN. Mr. Erlenborn?

Mr. ERLENBORN. Might I ask you, Mrs. Shaw, just one question.

On page 6, you say "Thirty years ago it would not have been uncommon for a well-meaning teacher to say to a girl," and you give several examples girls were, in essence, discouraged from entering certain professions. Do you mean to indicate by that that it is uncommon today?

Mrs. SHAW. That is a good question. There are many teachers who are still speaking in those terms. Let me amplify.

A few decades ago, most teachers and whatever few counselors there were counseled in terms they considered realistic. They were deeply devoted to the children's interest. They did not want to see children hurt. So, it would not have been unusual, for example, to hear someone say to a young Jewish boy "Look, you have a great deal of talent for engineering, but why break your heart? You know perfectly well that there is so much antisemitism in that field that you will never get very far. Go into something else where you can succeed."

In the same way some counselors spoke to black students in this vein. William Booth, who is now a judge in New York, was a high school student probably 30 years ago and he frequently tells the story of how 30 or so years ago in high school he told his teacher or counselor that he wanted to become a radio announcer, and this person said to him "Why prepare to be a radio announcer? There are no black radio announcers. Go into something else. Go into law." He offers that as an example of the discriminatory attitude through the counseling of students, and of course to a degree that may have been true 30 years ago, teachers and counselors did do that sort of thing 30 years ago but they weren't doing it from malice. They were doing this in an effort to spare their students from future hardships. Today there is an entirely different attitude.

Never, for example, would a qualified counselor say to a girl "Don't go on to a Ph. D. because in a university such as Columbia only 2 percent of the tenure professors are women." As a matter of fact, the percentage of Ph. D.'s among women has dropped from about 20 percent in the 1940's to about 10 percent in the 1960's.

I am making a distinction between counselors who have special training in a study of occupations in the changing labor market who are able to reach girls and point out opportunities to them, whereas teachers reflect more or less the same attitudes as parents and other members of society. They advise girls to do what seems practical, and what may seem practical at the moment may result in a tragic underutilization of women's talent eventually. That is why I attach so much importance to the provision of adequate counseling in the schools.

In a central New York City high school a counselor will be responsible for over a thousand students. Under those circumstances the counselor cannot reach them, neither the boys nor the girls. It is only where we have these special programs, such as the college discovery program, the college-bound program, where we have counselors in a ratio of 1 to 100 that both the girls and boys succeed. They do not drop out. We have demonstrated over and over again through these special Federal projects under titles I, III, and V, and other titles that through a program of counseling the students do well, but having demonstrated that we cannot replicate it because of the lack of funds.

Right now there are 15,000 high school students in New York City who are getting superb counseling at a ratio of about 1 counselor to about 100 students but the remaining 267,000 are getting it in the ratio of about 1 to 1,200. If you lumped them together you get an overall average of about 1 to 800, but this average is meaningless. Ninety-five percent of our students are getting inadequate counseling and while boys suffer from this also there are adequate outside forces which help project boys into career planning. A boy knows that he will have a career some day; girls are not really made acquainted with all the opportunities that there are for them.

That is why we would strongly urge that a special commission or task force be appointed not so much from the civil rights aspect of looking into discrimination against women but looking into the educational practices starting with Headstart and kindergarten to see what practices we engage in that brainwash girls from an early age to see themselves in a subservient role. Why, for example, is there a homemaking corner in preschool and the nursery school, for girls, while there are building blocks and fire trucks for boys?

Mrs. GREEN. While I am in agreement with what you are saying and I feel very strongly on this, my judgment would be that it would be a small percentage of the American people that would agree with the two of us and that therefore such a commission is impossible. I would like to have your comments in terms of the Congress. I don't think it would be receptive. I think the majority of our colleagues see this as the woman's role and why have a commission to study it. I suspect, from public opinion polls, that that sentiment is shared by the American people.

Mrs. SHAW. The American people are disturbed that such a small percentage of lawyers happen to be women——

Mrs. GREEN. Not at all.

Mrs. SHAW (continuing). And that a small percentage of doctors happen to be women. They aren't?

Mrs. GREEN. No.

Mrs. SHAW. I am disturbed by it.

Mrs. GREEN. A small minority of women also are Members of Congress, if the public were really concerned they would vote differently. I think the answer is no in all of the cases you cite—though not to use women's full potential in education, law, medicine is a loss to the Nation.

Mrs. SHAW. You see, women themselves are their own worst enemies, because they are brainwashed from this very early age to see themselves in this role.

Mrs. GREEN. I want to go off the record—as I've seen some studies that dispute this.

(Discussion off the record.)

Mr. ERLENBORN. I have no further questions.

Mrs. SHAW. I agree with you as far as saying that women do like women, but I question the interpretation of that survey. It may be that women did not see themselves as favoring someone because of sex and that men didn't see themselves as favoring or not favoring someone because of sex. It is a question of identification. When people think of a leader they more generally tend to think of a man in that position because of a long process of conditioning. I see this in school systems all over the country. The majority of teachers in any given school are usually women and the principal is usually a man.

Mrs. GREEN. More recently this has been the case. At one time women were predominantly the principals in elementary schools but now they are in the minority.

Mrs. SHAW. I noted, for example, in our own Board of Education that male superintendents usually select male executive assistants. Now, surely there are just as many capable women executives. Even though these superintendents are all for women's rights, when it comes to selecting assistants they feel more comfortable working with men.

Mrs. GREEN. I think this is true.

Mrs. SHAW. And you have heard the expression from both men and women at times that they dislike working for a woman.

Mrs. GREEN. This is the same statement as against the minority—it's been repeated through the years: "How would you like to work under a Negro boss?"

Mrs. SHAW. Yes.

Mrs. GREEN. I thank you very much, Mrs. Shaw. You have been extremely helpful to our committee.

Mrs. SHAW. Thank you very much for hearing me.

(The following letter was submitted for the record.)

BOARD OF EDUCATION
OF THE CITY OF NEW YORK,
Brooklyn, N.Y., July 13, 1970.
Representative EDITH GREEN,
U.S. House of Representatives, Committee on Education and Labor, Special Subcommittee on Education, Washington, D.C.

DEAR MRS. GREEN: This is in response to an inquiry about the counselor-pupil ratio in our public schools, which was transmitted to me through the office of your counsel, Mr. Harry Hogan. In speaking before your Committee, I alluded to the fact that the counselor-pupil ratio in special Title I programs, such as College Bound, College Discovery and Development and similar programs, was excellent, averaging one counselor to 100 pupils, whereas the counselor-pupil ratio for the general population of high school students was totally inadequate. Following are the statistics showing the ratio of full-time guidance counselors to pupils in Title I programs as compared with the regular programs in the New York City high schools:

RATIO OF FULL-TIME COUNSELORS TO PUPILS

	Regular program	Special programs[1]	Total
Number of counselors	220	124	344
Number of pupils	267, 224	15, 528	282, 752
Ratio	1 to 1,215	1 to 125	1 to 822

[1] See the following table:

	Number of counselors	Number of pupils	Ratio
College bound	85	9, 000	
College discovery	10	1, 166	
Correlated curriculum	13	1, 612	
Aspiration search	16	3, 750	
Totals	124	15, 528	1 to 125.

The Title I programs referred to above have been cited as "exemplary." Indeed, they have produced the most encouraging results. For example, in the College Discovery and Development program, which provided one counselor to every 100 students as well as other educational services, 95% of the class graduating in June 1968 and 93% of the class graduating in June 1969 were admitted to degree-granting institutions. These disadvantaged students, most of whom would have become high school dropouts without this special help, were able to overcome their academic lacks because of the individual attention which they received in this program.

The problem is that special programs of this type reach only about 5% of our high school population, the remaining 95% among whom a majority need the same kind of help, do not have access to the services of full-time, professionally trained counselors. Let me cite an example in a typical high school with such a program. In Brandeis High School which has a population of 5,264, there are three counselors serving 300 pupils in the College Bound program, while the remainder of the school population, 4,964 students are served by only three other counselors, in a ratio of 1 to 1,600. The fact is, however, that the 4,900 students are just as disadvantaged as the 300 in the special program and yet do not receive the help they need. Over and over again, we hear the same plea from students: "There is no one whom we can talk to. The counselors do not have enough time for us." The counselor-pupil ratio in our elementary and junior high schools varies from about 1 to 850 to 1 to 1,600. In a recent survey completed by the school authorities in Milwaukee, the following data regarding the counselor-pupil ratios for 20 large cities were shown:

	Counselor-Pupil ratio
Portland	1–250
Detroit	328
Dade County (Miami)	350
Minneapolis	350
St. Louis	369
Baltimore City	371
Chicago	375
Buffalo	377
Boston	400
Seattle	400
Cincinnati	410
New Orleans	428
Cleveland	430
Pittsburgh	446
Broward County (Fort Lauderdale)	466
Milwaukee	488
Indianapolis	500
Los Angeles	513
Houston	600
New York	794

Except for the affluent suburbs, the lack of guidance and counseling in most of our large cities is woefully apparent.

As you know, although guidance and counseling had its origins in the first decade of the century, its real growth took place in the 1950's and 1960's, largely as a result of the impetus provided by "seed money" through NDEA and similar programs. Today, a good many counseling programs are funded under Title I and other Titles, but the "seed money" concept no longer works for the simple reason that cities and municipalities lack the funds to replicate these exemplary programs. What is most urgently needed, if we are to provide every American boy and girl with adequate counseling, is general support for counseling services rather than funds for pilot projects. It has been demonstrated over and over again, in every part of the country, that when intensive counseling services are provided, pupils make dramatic advances.

I would therefore urge your support of full funding for guidance and counseling services for all pupils in elementary and secondary schools. We know that you are a staunch friend of the guidance profession and we appreciate your continuing efforts in behalf of educational improvements.

Very sincerely yours,
DAISY K. SHAW, *Director.*

FREEDOM—OUR HERITAGE

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. McCLURE. Mr. Speaker, Tim Coughlin, a senior at Bishop Kelly High School in Boise, was the State winner in the Idaho Voice of Democracy contest this year.

This is the week when all of the State champions in the annual contest sponsored by the Veterans of Foreign Wars gather in the Nation's Capital. I would urge my colleagues in the House to take a look at these youngsters. Those who have given up on the next generation would be surprised at what they both see and hear.

I am especially proud of Tim Coughlin. His speech demonstrates so vividly that he truly understands the meaning of democracy and the type of man who has kept us free for two centuries—men with integrity and courage, with a sense of responsibility and an awareness of his era. I comment to you Tim's speech:

FREEDOM—OUR HERITAGE

(By Tim Coughlin)

Webster's dictionary defines freedom as the absence of necessity, coercion, or restraint in choice of action.

That same dictionary defines heritage as something transmitted or acquired from a predecessor.

In these two words is summarized the better part of American history. In nearly everything that can be read of our past, you can tie these words in and apply them.

Over the years, you might say, a pattern has emerged, almost a basic blueprint for a free man. Every person that we admire in history had the following qualities:

First, he had the integrity and courage to follow what he knew was right, to defend his decisions when necessary, and the plain ordinary guts that took all the hard knocks that came his way.

Second, he had a responsibility. He placed his beliefs and ideals first, and himself a poor second. He was self-reliant enough to do it alone if need be, to cross a continent to farm or to cross the senate floor to vote with the opposition. We could see freedom as liberty, not license.

Finally, he needed an awareness of the era in which he was living, of what was going on around him, which could tell him when it was time to sit and when it was time to stand.

And so indeed we have a heritage, but a bit different from what we often picture. To many of us, heritage is something down in the park, that we take the kids to see on Saturday afternoon.

All the old forts, ships, planes, and so on are to remind us that in each of these old relics was a man or men who was free. Free, not by being told that he was born into a democracy, but free by thinking, being, doing, and sometimes suffering for what he believed in.

To these men, freedom was not something of the past but of the present. Not something passive, but something active and real.

Because they fought and won and remained free, we honor the men and the place. One word describes these battles that made and kept us free—dissent.

"The Congressman from Illinois voted for the resolution of the Congressman from Massachusetts, declaring that the war had been unnecessarily and unconstitutionally begun by the President."

Shades of the Cooper-Church amendment to end the war? Hardly. The date was December 22, 1847, the war was in Mexico, and the congressman's name: Abraham Lincoln.

In the continent of Europe in the fifteen and sixteen hundreds, the religious beliefs of the people were determined by the rulers of the state. Those who believed differently could either face persecution or leave.

Those who left became our pilgrims and puritans. They dissented, they had the integrity, the responsibility, and the awareness to act, and they began our nation.

The last example is that of Edmund G. Ross, a Republican Senator from Kansas. Ross cast the not guilty vote that acquitted President Andrew Johnson at impeachment trial in 1868. By courage and adherence to his beliefs, Ross dug his political grave and saved our form of government.

Each of these people demonstrated the qualities I mentioned. Each, in his actions, was not only greater but also more free in his position than those around him.

Dissent then, whether it be on campus mall or senate floor is the heartbeat of freedom.

Violent dissent though, is a sad mistake.

It changes an open ear and mind to a closed, clenched fist.

The Boston Massacre and Kent State both look interesting in the history books, but they are complete dead ends.

Perhaps the heritage of those before us is like a ship's log: It reminds us of where the ship has gone and how the men who sailed the ship before us got her through other storms and shoals and kept the ship free.

Like any ship, she is not steered by the hand at the wheel alone. A single lonely man, free in his courage and defiance, pulling a sheetline, can alter the course of the ship, and of history. His actions can be called mutiny and treason, but he is in his own right and he is free.

In his freedom, that one man can guide the ship on to clearer waters.

EDITORIAL COMMENT ON REVENUE SHARING

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. OBEY. Mr. Speaker, the Milwaukee Journal took a recent editorial look at some revenue sharing proposals and found merit in the one proposed by Congressman HENRY REUSS and Senator HUBERT HUMPHREY.

Their proposal differs from others by requiring Governors in the second year of revenue sharing to come forward with plans for modernizing State and local governments.

How to improve the financial prospects of State and local governments is of more than passing interest to residents of Wisconsin, which supplies 1.98 percent of Federal tax revenues—excluding social security and other trust fund receipts—while receiving only 1.58 percent of categorical Federal grants paid to States.

The text of the editorial of February 25 follows:

REVENUE SHARING ON THE MOVE

The way appears to be opening for a compromise on President Nixon's far reaching revenue sharing proposals, with the administration backing down on its "no strings attached" grants to state and local governments. In Congress, too, there seems to be recognition that in the face of the need for revenue sharing of some sort it would be fatal to have a knock down, drag out battle over how to get the job done.

Secretary of the Treasury John Connally, in the first interview he has granted, told David Broder of the Washington Post that the president's goals could be accomplished by broadening present federal grant in aid programs should Congress reject the controversial $5 billion no strings attached plan.

Murray L. Weidenbaum, an assistant secretary of the Treasury, indicated to the Joint Economic Committee of Congress that the administration might accept a revenue sharing program of a different size than it has proposed and with some new restrictions. Asked about an alternative plan proposed by two Democrats, Sen. Hubert Humphrey of Minnesota and Rep. Henry Reuss of Wisconsin, he said: "They have introduced a good bill, and I will not attack it." However, Weidenbaum said later that he hoped the administration bill would be adopted and that if there were any compromise it would have to come from the White House.

Reuss and Humphrey have indicated that they want to find accommodation with the administration on the matter of revenue sharing.

The Reuss-Humphrey measure would not place any more restrictions than the administration would on how state and local governments spend any new money. But it would impose significant new requirements and restrictions in other ways. They would require governors, in the second year of revenue sharing, to come forward with plans for modernizing state and local governments. They recommend such reforms as annual legislative sessions, eased restrictions on borrowing and taxing powers of local governments, elimination of small units of government, formation of regional governmental bodies.

Reuss and Humphrey would also offer incentives for states to enact more "progressive" tax systems under which wealthy people would carry a higher share of the burden. This would entail instituting income tax systems in states that do not have them and raising such taxes in states that do. And, ultimately, the Reuss-Humphrey plan contemplates a federal takeover of welfare costs.

Revenue sharing on an increased basis seems inevitable. The administration and Congress seem to be moving toward a system mutually agreeable. No system that does not carry some restrictions or does not give incentives for better local management is desirable. It is here that compromise must come.

CONGRESS SHOULD VETO THE SST

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. JAMES V. STANTON. Mr. Speaker, the following editorial, which appeared in the Cleveland Plain Dealer on March 7, raises questions about the proposed SST project that its supporters have never completely answered. I believe this editorial will be of considerable interest to my colleagues in the House who also question the priority of the SST:

CONGRESS SHOULD VETO THE SST

The SST debate is on again in Congress. Supporters of the supersonic transport, including President Nixon, are back for more federal funds to continue development of two prototypes.

We think Congress should say "no."

The arguments for continuing the development of this plane now, when so many questions remain unanswered, are not strong.

The proponents say the work must go on to preserve jobs in the aviation industry. Cutting off federal support would cost 150,000 jobs, they say.

We agree it is important to maintain employment, but we think the capital, the design talent, the engineering genius and the work skills involved in the SST program would be better directed at other goals than production of an aircraft that could cut the trans-Atlantic flight time in half for the benefit of a relatively few jet-setters and businessmen.

Would it not serve a far greater public interest to put aviation experts at work designing short take-off aircraft that could help solve urban flight problems? Couldn't some of the managerial talent in the aviation industry be used to solve mass transportation problems on the ground? Couldn't engine designers make a far more valuable contribution to society by fashioning a pollution-free auto engine?

We are sure America would earn the world's gratitude for halting the SST if it turns out, as some scientists suspect, that flights in the stratosphere could alter the world's climate or disturb the ozone layer that screens out harmful radiation from outer space.

No country should permit large-scale flights at SST altitudes until these environmental questions are answered. And it does not take two SST prototypes to find the answers. Existing supersonic military aircraft could be used for research.

A third argument advanced, weakest of the lot, is that the nation has already sunk more than $90 million into the SST, and should continue funding the plane to protect the investment.

Many a poker player has lost a bundle following that philosophy. Sticking with a bad hand is not a good investment, but just the opposite. And the SST is a bad hand, a plane that very likely cannot be flown at a profit. British and French airline experts have the same doubts about their SST, the Concorde.

The Senate last year asked 16 leading economists—such men as Paul Samuelson, Walter Heller and Milton Friedman—what should be done about the SST. Fifteen of them said the U.S. should cut its losses and get out.

We think W. J. Baumol, one of the economists, put it well. "Neither the government nor private enterprise should be tempted to throw in good money after bad," he said. "Everything necessary should be done to facilitate the transfer of the capital and labor tied up in the development of the SST to other activities that do serve the public interest."

IN MEMORIAM TO NEW JERSEY STATE SENATOR, THE HONORABLE EDWARD M. SISCO

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. ROE. Mr. Speaker, during this past weekend the residents of my congressional district and the State of New Jersey were shocked and saddened by the sudden untimely death of one of our outstanding and distinguished statesmen and my dear personal friend, the Honorable Edward M. Sisco of Wayne, N.J. Our condolences are extended to his wife Evelyn; his daughters, Nancy and Lori; and his son Mark.

Senator Sisco suffered a stroke on February 26, 1971, and passed away on March 6, 1971, at the height of his public service career at the young age of 47 years. Let the history of his service to his fellow man, his dedication, devotion, and sincerity of purpose be forever remembered through this historical journal of the House of Representatives of the U.S. Congress.

He was born in Paterson, N.J., and was a resident of my hometown, Wayne, for almost 19 years. He was a graduate of the Paterson public school system—Paterson School 5 and Central High

School—and elected to the New Jersey State Senate from our Passaic County district in 1967 and concurrently continued to serve out his term as mayor of Wayne to which he had been elected in 1964. He was named delegate to the State Constitutional Convention in 1966 and was nearing the end of his initial term as State senator at the time of his demise.

A stanch Republican, Senator Sisco joined the Wayne organization in 1958 and was party leader before being elected Wayne's Sixth Ward Councilman in 1962. He also became the first council president that year under a new form of government, and served two terms.

A member of the Wayne Planning Board and the Wayne Library Board, he was also past president of the Lions Club and past public relations director of District 16A Lions International. He was an active member of the Elks, the Wayne Post of the American Legion, Passaic County Republican Organization, Black Oak Ridge Homeowners Association, Pica Club, Wayne Township PTA, and the Wayne Musical Theatre group. He served as Passaic County special deputy sheriff, and treasurer of the Quad-City Incinerator Solid Waste Disposal Committee.

Senator Sisco was a former employee of the Erie Railroad Co. and served 5 years as a labor representative of the Order of Railroad Telegraphers. He was a representative with the Maryland Glass Co. and president of the Lor Mark Packaging Co. and T-Bowl International. He was director and member of the executive committee of the Ramapo Bank.

The Wayne Elks Lodge, of which Senator Sisco was a member, conducted services at the Moore's Home for Funerals, Wayne Chapel, and with State policemen as honorary pallbearers and Reverend Robert Grant of Embury United Methodist Church of Paterson, where Senator Sisco had served on the board of trustees, officiating, the Senator was laid to rest this morning in Laurel Grove Cemetery, Totowa, N.J.

I ask my colleagues to join with me in a moment of silent prayer to the memory of a distinguished American, Senator Edward M. Sisco from the Township of Wayne, County of Passaic, State of New Jersey. May his wife and children soon find abiding comfort in the faith that God has given them and the knowledge that Ed is now under His eternal care.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

INVASION OF LAOS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. DRINAN. Mr. Speaker, I attach herewith an excellent document prepared by the Lawyers Committee on American Policy Toward Vietnam. This committee of which Mr. William L. Standard and Joseph H. Crown are cochairman has an advisory council made up of distinguished scholars such as Professor Stanley Hoffman of Harvard University, Professor Hans J. Morgenthau of the University of Chicago, and Professor Richard A. Falk, Milbank Professor of International Law at Princeton University.

The statement below is a clear, cogent and compelling statement on the errors and evils of the invasion of Laos by the Nixon administration.

I include the statement as follows:

LAWYERS COMMITTEE ON AMERICAN POLICY TOWARD VIETNAM

The Administration's argument that Congressional restrictions on the use of American ground combat troops in Laos and Cambodia authorize, by implication, the air war in those countries is sheer sophistry. War, under our Constitution, cannot be authorized by implication; military operations are valid only by affirmative action by Congress. In the present constitutional crisis, members of Congress have seemingly overlooked the National Commitments Resolution overwhelmingly adopted (70 to 16) by the Senate on June 25, 1969. This Resolution states (so far as here pertinent):

"Resolved, That (1) a national commitment for the purpose of this resolution means the use of the armed forces of the United States on foreign territory, * * * and (2) it is the sense of the Senate that a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the United States Government by means of a treaty, statute, or concurrent resolution of both houses of Congress specifically providing for such commitment."

It is indisputable that the President's use of American armed forces (warplanes, helicopter gunships, etc.) in Laos and Cambodia has not been authorized by any treaty, statute or concurrent resolution (specifically providing for such use). Indeed, our Government has solemnly signed the 1962 Geneva Accords, agreeing to respect the neutrality and territorial integrity of the Kingdom of Laos. The President's actions in ordering American armed forces into Laos and Cambodia flagrantly contravenes the National Commitments Resolution which was adopted to preclude such Presidential unilateral action.

In the absence of affirmative action taken by Congress specifically authorizing military measures, the President's constitutional powers under the commander-in-chief clause do not authorize him to wage war. The Founding Fathers vested in Congress alone the sole power to commit our armed forces to hostilities abroad—to safeguard our nation against unchecked executive decisions to commit our country to a trial of force. The commander-in-chief clause merely placed the President at the top of the pyramid of military command—making him, in Alexander Hamilton's words, "first general and admiral of the Confederacy."

President Nixon cannot even rely on the Tonkin Gulf Resolution on which President Johnson relied as a legal basis for waging war in Vietnam for that Resolution has been repealed and indeed the repealer was signed by President Nixon himself. There is therefore not a vestige of Congressional authorization for committing American forces to hostilities on foreign territory (Laos, Cambodia).

The national commitments resolution reflected an accurate description of the constitutional responsibilities of the President and Congress, adopted toward the end of restoring the proper constitutional balance. We believe the Foreign Relations Committee should take all measures necessary to assure compliance with the national commitments resolution and to bring to a halt the violation thereof.

Since Congress has not authorized military hostilities in Southeast Asia, President Nixon, in continuing to wage war in Indochina, has been violating the Constitution. President Nixon's constitutional powers, as Commander-in-chief, to protect the lives of American troops do not authorize him to wage war, but are limited and restricted to measures necessary to the safe and expeditious withdrawal of these troops. Two years are far too long a period within which to have fulfilled that constitutional responsibility. The best way to protect the lives of American troops is to remove them from Vietnam—not to retain them to continue military operations.

Madame Binh, Foreign Minister of the Provisional Revolutionary Government of South Vietnam, has officially proposed at the Paris Conference that if President Nixon will establish and abide by a date for the complete withdrawal of all U.S. troops, the P.R.G. will assure the safe withdrawal of our troops as well as immediate discussion for the release of prisoners of war. President Nixon has failed to explain why he rejects this offer and prefers instead a policy that jeopardizes the lives of our troops and postpones indefinitely the release of American prisoners of war. President Nixon's refusal to establish a timetable for complete U.S. withdrawal makes continuation of the war inevitable—as does his persistent support for Thieu and Ky, who have emphatically stated their opposition to the withdrawal of American military support. They wish to retain their present position as heads of a narrowly constituted military regime maintained by a massive foreign presence. But as Ambassador Harriman has so pointedly said, "Why should we give Thieu the right to dictate American policy? I can't conceive why anybody should give a veto to a foreign potentate no matter who he is." (*Look*, November 17, p. 39.)

Congress, in enacting the Cooper-Church amendments, made clear that, whatever the asserted powers of the President as Commander-in-chief, no ground troops or advisers were to be sent into Laos or Cambodia. The Cooper-Church amendments were intended to restrict American involvement in Indo-China not to exacerbate it. The air war being waged in Laos and Cambodia is contrary to the intent and spirit of Congressional restrictions as pointed out by Senator Mansfield in the T.V.-Radio program, "Face the Nation" (Jan. 4)

Since President Nixon lacks any constitutional power to wage war in IndoChina, Congress should act to halt such unconstitutional activities. If the President persists in violating the Constitution, it is Congress' responsibility to institute impeachment proceedings. Andrew Jonson was impeached for acts much less iniquitous.

We have been told that we are defending American honor; but many Americans and most of the world's nations feel that the spectacle of the enormously destructive U.S. military arsenal, especially in the case of the U.S. Air Force, arrayed against peasant soldiers, has defiled American honor as never before in our history.

We urge the Foreign Relations Committee

to forthwith endorse legislation prohibiting all offensive military action in Southeast Asia and setting an early deadline in 1971 for the withdrawal of all American forces.

We believe it would be a mistake to adopt the Javits bill designed to "regulate undeclared war" for under the guise of "protecting American lives" it could be construed to place a stamp of approval upon the military operations in Laos and Cambodia. In our view, it detracts from the force of the national commitments resolution.

Lamentably, too many members of Congress have accepted as valid the insidious false notion projected by the Administration that the President is authorized under the Commander-in-chief clause to do "anything, anywhere" merely by pronouncing the magic words—"for the protection of our troops". In *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579, 641–42 (1952), the Supreme Court rejected similar claims made by the Executive as to the scope of power conferred by the Commander-in-chief clause. The Administration's claims would confer upon the President unlimited executive power to wage war—an evil which the Founding Fathers decided to exorcise when they vested the war making power in the Congress—in the body most broadly representative of the people. The tragedy in Southeast Asia bespeaks the calamitous price we have paid for the Presidential transgression of our Constitution. We urge this Committee to take the action we have proposed.

Respectfully,

William L. Standard,
Cochairmen.

PROFESSOR ROBERT LEKACHMAN'S INCOMES POLICY RECOMMENDATIONS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. RYAN. Mr. Speaker, fashioning a sound economic policy which would control inflation without increasing unemployment constitutes one of our most critical problems. Robert Lekachman, professor of economics, State University of New York at Stony Brook, in testimony before the Joint Economic Committee on February 25, 1971, and the House Committee on Banking and Currency on February 26, 1971, showed his usual perspicacity and incisive analytical powers in examining this issue.

In outlining his proposed incomes policy, Professor Lekachman commented:

> Wherever private economic power threatens public policy, Congress and the President must take pains to regulate the people and the organizations which exert the power. The more concentrated the power is, the greater is the menace to public purpose and the more immediate is the necessity of public intervention.

I include in the Congressional Record the full text of Professor Lekachman's testimonies, which I commend to my colleagues:

Testimony Before the Joint Economic Committee of Robert Lekachman, Professor of Economics, State University of New York at Stony Brook, February 25, 1971

There is no need here to reiterate the failures of the initial Administration game plan. Mr. Nixon's original promise to control inflation without significantly increasing unemployment has been translated in real life into 6 per cent unemployment and consumer price inflation of approximately the same figure. The tale is as familiar as it is dispiriting.

I intend today to identify the reasons why Nixon economic policy Mark II is only marginally superior to its discredited predecessor. Here the President's cerebrated remark, "I am now a Keynesian in economics", ought to be evaluated within the context of the present adequacy of Keynesian policy. Keynes himself had an opinion worth recalling about the durability of economic ideas and the relationship between such ideas and political action. In the closing paragraph of "The General Theory of Employment, Interest and Money," published in England at the end of 1935, he had this to say:

". . . the ideas of economists and political philosophers, both when they are right and when they are wrong, are more powerful than is commonly understood. Indeed the world is ruled by little else. Practical men, who believe themselves to be quite exempt from all intellectual influences, are usually the slaves of some defunct economist."

It would not have shocked Keynes, the owner of one of the century's most agile minds, to observe that after a third of a century his theories of economic behavior and economic policy required drastic revision. Were he still alive, he would no doubt be leading the revisionists.

Certainly this Administration's Keynesianism is timid at least even by the criteria of 1935. The Administration now estimates a budget deficit of $18.6 billion in fiscal 1971. Obviously this substantial sum was too small to overcome the forces of recession, as the unemployment and output statistics demonstrate. Hence it is not intuitively obvious why a substantially smaller deficit of $11.6 billion for fiscal 1972 should be the salvation of the economy. The difficulties in the path of aspiring true believers are accentuated by the refusal of both the Council of Economic Advisers and the Office of Budget and Management to make the detailed sectoral forecasts upon which administration economists have in the past relied.

One explanation of the omission might be the presence in the White House of a powerful surrogate for Dr. Milton Friedman, the puissant Dr. George Schultz. An alternative explanation is the pessimism which such detailed inquiry is highly likely to instill. The respected University of Michigan continuing survey of consumer attitudes and intentions identifies few signs that ordinary Americans, afflicted by uncertainties about prices and jobs, are about to turn cheerful, run to the stores, and happily increase their burden of debt. Indeed wistful expectations that consumers will save less and spend more appear to be based on little more than the historical observation that in most years consumers have saved smaller percentages of their disposable income than lately they have been doing.

Will business investment be the answer? According to recent surveys, business spending on capital goods, a key element in any sustained expansion, will increase only moderately during the rest of 1971. If, as is now anticipated, dollar expenditures on capital goods rise by under 2 per cent, real investment will of course shrink, possibly by as much as 3–4 per cent. Nor are the revised depreciation rules a panacea. At Harvard, Professor Dale Jorgenson's econometric inquiries lead to the conclusion that in the short run the new rules will have little impact. I might observe parenthetically that this new $2.5 billion boon to corporations deserves inclusion in the next compilation of tax expenditures made by the Treasury. Although the tax expenditure notion was a parting Democratic gift by Stanley Surrey to the incoming Administration, its usefulness transcends partisan considerations.

The insufficiency of budgetary stimulus and the implausibility of consumer and investment revival, compel me to share the widespread skepticism in my trade about the ability of the economy to travel within hailing distance of the President's three 1971 targets, GNP of $1,065 billion, inflation tapering to 3 per cent by year's end, and unemployment obediently declining by the same date to below 5 per cent. Unless Congress, as I believe and hope it will do, supplies the additional budgetary stimulus, there is nowhere visible the expansionary forces upon which the Administration rather mysteriously is counting.

Here I come to the major signs of decrepitude in the Administration brand of simple-minded Keynesianism. If by some chance the rate of economic expansion picks up speed, in dutiful accord with the projections of the magical new monetarist model in high favor in the Office of Budget and Management, the White House will collide with a major uncertainty, the willingness of Dr. Arthur F. Burns and his Federal Reserve Board colleagues to underwrite a new inflationary impetus by expanding the money supply at the minimum 6 per cent rate favored by Dr. McCracken and his colleagues at the Council of Economic Advisers. What is unhappily quite possible is a scenario of the following variety: an acceleration of price inflation, a reduction by the Federal Reserve in the rate at which it creates new money, and finally either a replay of the Treasury-Federal Reserve confrontations of the Truman era or a retreat by the White House from fiscal expansion. Either outcome is guaranteed to nip an emerging recovery long before it flowers. Once faith and hope are excluded, there is no special reason to anticipate a noninflationary expansion of the character predicted by the Administration.

II

The contours of workable economic policy are not very difficult to sketch. Sensible economists and politicians accept the death of laissez-faire and do not flinch from the facts of economic power. Prices, incomes, and employment are heavily influenced by the decisions of the giant oligopolies which dominate manufacturing, the major unions which face them across collective bargaining tables, and the AMA-teaching hospital complex which determines the structure of medical costs. The potentates who run these organizations are of course influenced by market forces.

Nevertheless, typically they exercise considerable discretion in their responses to market exigencies. Thus it was that Bethlehem Steel, in the middle of a spell of flagging sales and fierce competition from foreign steelmakers, could propose to raise many of its prices over 12 per cent. It was securely protected from any unseemly price competition from its rivals in the American industry and certain that these rivals would speedily follow Bethlehem's price lead. Although Presidential intervention halved the projected price escalation, there remains something odd about increasing prices in the face of declining sales. Equally odd from the standpoint of competitive theory has been the ability of construction unions to bargain for wage increases as large as 25 per cent despite 11 per cent unemployment among building trades workers.

Both cases are almost random illustrations of the realities of market power. The concentration of this power enabled Bethlehem to choose higher prices and smaller sales in preference to lower prices and larger sales. The same circumstances permitted the construction unions tacitly to bargain for fewer jobs at higher pay rather than more jobs at lower wage rates. As Adam Smith wrote in 1776, what renders the greed of businessmen harmless and even socially beneficial is the pressure of competitive markets upon costs and prices. Where this pressure is absent for want of competitive markets, the argument is compelling either for militant anti-trust enforcement and consequently fragmenting of large corporations or for vigorous incomes policy. Since I take public support for radical anti-trust to be imperceptible but public approval of wage and price control to be substantial, I find economic logic and political feasibility in harmony.

Effective incomes policy in 1971 implies a good deal more than a revival of jawboning or even a combination of jawboning with the resurrection of the wage-price guideposts. Although there is growing evidence that the guideposts did have a perceptible anti-inflationary impact, they operated at their best in an era different from ours, a period which trailed after eight years of slow economic growth, three recessions, and high average rates of unemployment. Although the social costs of Eisenhower economic policy were too high to encourage repetition of the experience, it must be conceded that eight years of frugality certainly did rid Americans of inflationary expectations.

However, inflationary expectations remain a fact of life in the present. The need arises, therefore, for stronger medicine, in the shape of mandatory controls. My own preference combines a dash of Robert Roosa with a dram of J. K. Galbraith. Which is to say that to me it makes sense to freeze wages and prices for six months and employ the time to design a set of selective wage and price controls a la Galbraith. I share Galbraith's view that the place to impose the controls is where the markets are least free. This is of course administratively convenient: it is far easier to regulate *Fortune's* elite list of the top 500 industrial corporations and the unions with which they deal than it is to supervise myriads of small businessmen and merchants.

If the economy in 1971 is to move into a vigorous recovery, monetary and fiscal policy must march in step. It is almost certain that the prerequisite for such disciplined harmony of movement is administrative restraint of the key wage and price decisions. Such restraint will allay the inflationary fears of the central bankers and encourage the White House to persevere in its promise of budgetary stimulation.

The final component of successful post-Keynesian economic policy focuses upon employment. My co-panelist Dr. George Perry has recently conducted an important inquiry into recent changes in the Phillips curve trade-off between unemployment and inflation. The labor force is now composed of a growing percentage of female and young workers. Both groups suffer from higher than average unemployment rates. An implication of this demographic shift is the tendency of prices to stir menacingly at overall rates of unemployment which are unacceptably high, on the order of 5 per cent. A decade or so ago, the danger point was 1 or even 1½ per cent lower.

What follows is not the counsel of despair that we should give up on either employment or inflation. The moral is different. Sophisticated policy which successfully reconciles low rates of unemployment with successful price strategy requires attention to manpower as well as to incomes. Unfortunately the President vetoed a promising Congressional initiative, last session's attempt to authorize a modest number of public service jobs in hospitals, parks, museums, law enforcement agencies, and schools. Only a few years ago, President Johnson's automation commission estimated that there were over 5 million unfilled jobs in the public sector at existing levels of staffing and administration. In 1971 the number is unlikely to be smaller. A good public employment program would serve two desirable ends. It would alleviate the chronic manpower shortages to which public agencies are prey and it would cope with a component of unemployment peculiarly intractable to monetary and fiscal policies.

III

Briefly to recapitulate my four recommendations, I begin with the identification of a need for substantially more fiscal stimulus from the federal budget than the President contemplates. At a guess, a full-employment budget deficit of $10 billion would make a proper target. After Congress has done its work. I hope that Paul Samuelson will be moved to repeat the praise of your body which he expressed last year in the wake of Congressional additions to White House budget requests.

The rate of monetary expansion should rise to something over 6 per cent, possibly as high as 8 per cent.

An incomes policy fully equipped with sharp teeth is essential partly to mollify the monetary authorities, but still more to mitigate the inequities which attend continued inflation.

Finally, the assault upon unemployment must contain structural as well as aggregative elements, notably manpower training and public sector employment. As a Democrat I recall with a certain pleasure that the 1968 platform of my party incorporated a pledge to move toward a condition in which the federal government would become the employer of last resort. Even though the 1968 presidential race turned out badly, the voters were prudent enough to retain Democratic majorities in both houses.

It is something, I suppose, that that practical man, Mr. Nixon, has attached himself to an economic policy which was quite up-to-date two or three decades ago. This is not enough. The post-Keynesian universe demands attention to the facts of economic power and the circumstances of groups unable to protect themselves in markets partly free and partly privately dominated.

TESTIMONY OF ROBERT LEKACHMAN, PROFESSOR OF ECONOMICS, STATE UNIVERSITY OF NEW YORK AT STONY BROOK BEFORE THE HOUSE COMMITTEE ON BANKING AND CURRENCY, FEBRUARY 26, 1971

In preparation for my appearance before this Committee, I took the sensible precaution of examining the record of your Hearings on June and July of last year. As I suspected, I discovered that I was in the slightly embarrassing situation for an academic economist of finding myself in substantial agreement with two of your earlier witnesses, Dr. Robert Roosa and Professor J. K. Galbraith. I am consoled by the reflection that they are two of the wisest and most ingenious members of my profession.

Like them I judge that the best feasible incomes policy commences with a freeze of wages, prices, and, I would add, dividends. While the freeze is in force, the President, in consultation with leaders of the major private interests involved, should design a workable scheme of wage, price, and dividend regulation. The President shall be required to present his proposed plan of operation to Congress for approval. After such approval is registered, the President will be empowered to release from the freeze the vast majority of enterprises which operate in competitive markets. Remaining under control will be prices, wages, and dividends in industries dominated by large corporations engaged in bargaining with national trade unions.

Although I bring no new wisdom in support of these conclusions, old arguments remain persuasive. It is a hobby of conservative politicians and a majority of my professional brethren to exaggerate the extent to which the American economy is directed by free market forces. Although there is admittedly a sphere in which competition organizes economic activity and generates wages and prices, it is equally certain that the public utilities and much of manufacturing are organized as monopolies or oligopolies. And there are services, notably medicine, whose cost and fee structure has been decisively shaped by the professions capacity to regulate the training and inflow of new entrants, influence the running of hospitals, and determine the character of the medical marketplace.

Free markets produce socially tolerable results not because businessmen are particularly astute or exceptionally altruistic but because the pressure of rivalry curbs avarice and promotes efficiency. Such was the wisdom of Adam Smith. Such is much political and economic wisdom in 1971. A logical corollary is not always emphasized: in the many instances where markets are not competitive, the checks to avarice and the stimuli to efficiency operate with varying degrees of imperfection. It follows also that the price and wage policies which private market power allow are not necessarily in the public interest. The Nixon Administration's almost theological reverence for free markets leads its members to overlook the scarcity of such markets and the determination of many wages and prices by a comparatively short list of quite identifiable corporations, trade unions, and professional societies such as the American Medical Association.

Although the men of power who manage the affairs of such entities are less than totally insulated from demand and supply conditions in the markets where they hawk their wares, it is simple common sense to note that the price setters and the wage negotiators enjoy considerable discretion in the ways they choose to respond to their economic environment. Two illustrations underline the generalization. Bethlehem could rationally propose to raise structural steel prices over 12 per cent because it was protected by the knowledge that, faithful to ancient practice, the remainder of the industry would follow the price leader. Although the White House in what some suspect to have been a charade talked the increase down to 6 per cent or so, there remains something odd about any increase at all for an industry whose sales have been flagging and whose domestic markets have been invaded by agile foreigners, from whom the industry's leaders cry for protection. On the wage side, there are as usual the construction unions which, undeterred by 11 per cent unemployment among their members, have negotiated wage settlements in the 25 per cent range. Such behavior is not wicked. Market power enables the steel industry to choose a combination of higher prices and lower tonnage rather than a package of lower prices and larger tonnage. The construction unions exert similar power to select fewer jobs at higher wage rates in preference to more jobs at lower wages. One could very readily argue—indeed I do so, that neither steel nor construction supports a public interest which is much better promoted by lower prices, larger output, higher employment, and greater economic activity.

I draw a simple moral. Wherever private economic power threatens public policy, Congress and the President must take pains to regulate the people and the organizations which exert the power. The more concentrated the power is, the greater is the menace to public purpose and the more immediate is the necessity of public intervention.

II

For the reasons that immediately follow, I believe 1971 economic policy to be threatened by the probable exercise of private economic power.

Let us consider the character of 1971 needs and the responses to them by the Administration. In one of the more remarkable conversions of our day, Mr. Nixon has declared himself a Keynesian in economics. With the usual triumphant rhetoric, the President has promised the conutry many good things—notably GNP of $1,065 billion, less than 5 per cent unemployment by year's end, and 3 per cent inflation by the same date. As far as the outsider can judge, the success of these forecasts is premised upon a revival of consumer spending, the stimulus of an $11.6 billion federal deficit, and the cooperation of the Federal Reserve in the greening of America with new money and credit.

These forecasts are perilously close to wishful thinking or faith healing. The signs of a consumer boom are faint. The fact that Americans are squirreling away savings at historically high rates does not logically nominate 1971 as the year when they will resume their free spending habits. Apart from housing, the marks of an impending investment boom are equally difficult to decipher. And if an $18 billion deficit in fiscal 1971 failed to spark recovery, why should a smaller deficit in fiscal 1972 constitute economic salvation?

The most substantial hope of early recovery is in Congressional action to appropriate funds for such essential public purposes as education, housing, health, manpower training, and, almost most important of all, public service employment, substantially in excess of the President's request. Recovery and social priorities will both be promoted by such Congressional action. An appropriate target, I suggest, might be a full employment budget deficit of $10 billion.

The Administration's timid venture into fiscal expansion and still more Congressional action of this magnitude require for their success the cooperation of the monetary authorities. Yet it is implausible to expect Dr. Burns and his colleagues to enlarge the money supply at the 6–8 per cent rates that this much fiscal stimulus might require, if at the same time inflation fails to slow, or, as is highly probable, once more accelerates, as unions and corporations continue to wield in inflationary ways their discretionary powers.

The case for effective incomes policy does not rest solely upon the need to complement fiscal and monetary initiatives. In general private power cries for guidance and control by public authority. Moreover, inflation's inequities press hardest upon the elderly and the beneficiaries of public services. Within the context of immediate economic policy, I would flatly assert that rapid expansion of economic activity and speedy reduction of intolerably high levels of unemployment are equally unlikely events in the absence of the kind of wage-price regulation which soothes central bankers and encourages responsible legislators to enact the programs and appropriate the sums which serve the needs of recovery and the starved public sector.

III

Your Committee, I understand, is currently contemplating the extension of the stand-by powers over wages and prices which Congress last year granted the President. Notoriously Mr. Nixon has failed to exercise his right "to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, and salaries at levels not less than those prevailing on May 25, 1970." Of course, not having done so, he has been spared the pains of "making such adjustments as may be necessary to prevent gross inequities."

If Edwin Dale's summary of Administration attitudes in the February 14 New York Times is as accurate as it appears to be, neither persistent inflation nor the smoke signals sent up by Dr. Burns in his December Pepperdine College address has weakened the devotion of the White House to noninterference in private economic decisions. Apparently guidelines are out. In their absence jawboning will be confined to instances where the government can have direct influence through variation in tariffs and quotas, shifts in regulatory policies, or purchasing sanctions. Mr. Dale concluded his story with this depressing paragraph:

"In short, Washington is not going to bother the generality of Americans in their daily economic decisions. The Government is a little more 'active' than it was, but there is less there than meets the eye. Mr. McCracken is honest: 'Anything along this line,' he said last week, 'will be only a marginal contribution.'"

By my lights this is utter folly, the result of the attachment of economic fundamentalists to a vision of a society uncannily different from our own United States in 1971.

I am, therefore, led to wonder whether in the light of the President's aversion to price regulation simple extension of these stand-by provisions will serve anything other than the political purpose of attaching the blame of continued inflation to Mr. Nixon. As a partisan Democrat, I cannot find it in my heart utterly to denounce such a motive. Error deserves electoral punishment and as soon as possible.

Under the circumstances, it is apparent that if Congress wishes this year to take concrete action against inflation, its members will need to direct the President into a course of action which he detests—presumably not the first occasion that a Congress has imposed its will upon a President. As a Roosian and a Galbraithian, I am pleased to find the prescription for legislative action all but written for me. I quote with approval a portion of Dr. Roosa's testimony before this Committee on June 17, 1970:

"My own proposal is for a three-phase approach. And I would suggest that all three proceed simultaneously.

"The first is temporary freeze of prices, wages, rents, and dividends.

"The second, the initiation of an incomes policy.

"And the third, establishment—and this is a newer approach, something I at least have not suggested earlier—the establishment of what I am calling a 1970 version of the landmark of the late 1930's the Temporary National Economic Committee."

Dr. Roosa proceeded to suggest that the first phase, the freeze, last only a few months, that the second phase, incomes policy, endure 2–3 years, and the third mechanism, the TNEC-like inquiry, produce its fruits, "a fuller basis for improving the long-run functioning of the economy," by 1972 or 1973.

Taking into account the fuller record of Administration intransigence on this issue, I should adapt Dr. Roosa's program in the following fashion:

(1) Congress shall direct the President to freeze prices, wages, dividends, and possibly rents at the levels which obtained on February 1, 1971 or on such subsequent date as Congress prefers.

(2) The freeze will continue in effect until:

(a) The President after consultation with business, financial, and labor leaders promulgates a workable plan for the regulation of key private decisions which affect wages and prices;

(b) Congress approves the President's regulatory scheme;

(c) Congress appropriates the funds needed to administer incomes regulation.

(3) As long as the freeze lasts, the President will be empowered, as under the current legislation, to make "such adjustments as may be necessary to prevent gross inequities."

(4) The President shall promptly report to Congress the adjustments he makes pursuant to this authorization and the criteria which guided his decisions.

(5) Congress should authorize a new TNEC charged like its predecessor with sketching the map of private economic power, as well as with an additional mandate to design a long-run framework for the guidance of those who exercise private economic power. The Commission's membership should be drawn from Congress, the executive branch, and the public.

I do not offer this sketch of a policy so much as a panacea as a mode of experiment with a difficult problem.

No advanced industrial society has satisfactorily resolved the price-employment dilemma. It is worth noting, however, that for varying periods of time the Scandinavian countries, the Netherlands, and West Germany, have been able, following diverse strategies, to enjoy high levels of employment and reasonable approximations to price stability. It is tempting and possibly not entirely fruitless to wonder what our own experience would have been, save for the monstrous distortions of resources and activity imposed upon our land by a monstrous war. During the brief moment when the New Economics enjoyed its flirtation with public acclaim, circa 1961 to mid-1965, the American economy did expand steadily, prices barely stirred, and, as recent investigations suggest, the wage-price guideposts moderated the decisions of the powerful.

No one can know whether a continuation of those policies, possibly reinforced by statutory legitimization of the productivity guideposts, would have pointed the way to the reconciliation of price and employment objectives. Since no democratic society can calmly accept either high unemployment or serious inflation for any but a brief period, the search for better policy must continue. The collapse of Nixon Game Plan Mark I is a convincing demonstration of the imperfections of monetarist doctrine. The probable failure of Nixon Game Plan Mark II will pass a similar verdict upon the inadequacies of simple-minded Keynesian fiscal stimulus, unaccompanied by structural interventions into the places where private market power distorts national economic policy.

Since it is more important to rescue the pensioners, the unemployed, the schools, and other public services than it is to increase the prospects for the President's early surrender of his White House lease, I fervently hope that this Committee will report to the House of Representatives a strong legislative mandate for an effective incomes policy.

I thank the Committee for the opportunity to present these views.

NATIONAL PUBLIC EMPLOYEE RELATIONS ACT OF 1971

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. MIKVA. Mr. Speaker, today I reintroduce the National Public Employee Relations Act, to provide basic collective bargaining rights for more than 10 million Federal, State, county, and municipal workers who have to date been denied rights we have come to consider as fundamental for working men and women.

Years of experience in the private sector have proven that labor, management, and the public interest, are best served when orderly, fair, and enforceable procedures are available for the peaceful resolution of employer-employee problems. This bill would do for public employees much of what the National Labor Relations Act did for workers in private industry, by guaranteeing the right to organize and to bargain collectively, and providing a framework within which those rights can be effectively exercised.

The major provisions of the bill are as follows:

The rights of public employees are defined to include the right to organize, bargain collectively, and engage in other activities for the purpose of mutual aid or protection without interference or restraint.

Employees are free to join a labor organization and any interference by an employer with the exercise of these rights is declared an unfair labor practice.

Provision is made for deduction of union dues from wages if authorized by the employee.

A 5-man National Public Employee Relations Commission is established to administer the provisions of the Act.

The Commission is empowered to oversee elections by which representation is determined.

A grievance procedure is established to resolve complaints of employers and employees alleging violations of the Act, with court review upon application of either party.

Provision is made for mediation and fact-finding by the Federal Mediation and Conciliation Service.

Once passed, the act would apply to all Federal, State, and local employees, but any State could by law establish its own procedures for public employee-employer bargaining which, if substantially similiar to the Federal law, would then apply.

Mr. Speaker, public employees in this country through no fault of their own have been bypassed by the rest of the fast-moving labor force. In 1935, Congress adopted the National Labor Relations Act, determining that the best guarantee of fair wages and decent working conditions was to allow employees to organize and actively represent and defend their own interests. How incongruous that these same reasons should not be applied to those who perform public services. While trade unions have provided untold benefits to millions, the public sector has been locked into an antiquated, bureaucratic freezer.

Those who oppose the idea of collective bargaining for public employees will inevitably object that the right to bargain collectively ultimately means the right to strike. Although this bill neither creates nor prohibits the right to strike, it should be noted that the present system has not avoided strikes by public employees, even though such strikes are illegal. What the existing practice has proven is that when no adequate mechanisms exist to protect the interests of employees and to speak to their grievances about wages, hours, and working conditions, even the threat of jail is ineffective to keep them at their jobs. Clearly all parties can best be served by a system which recognizes public employees as employees, with all the rights and responsibilities shared by employees in the private sector.

SCOUTING SURVEY OF THE CONGRESS

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. BROWN of Ohio. Mr. Speaker, one of the most influential youth organizations in the free world and in America today is the Boy Scouts of America.

In this Nation more than 4½ million boys of Scouting age are members of Cub Scouts, Boy Scouts, and Explorers—one of every four eligible. The Cub packs, Boy Scout troops, and Explorer posts exist in every corner of the Nation, open to America's youth of every race, creed, and social and economic station. Each opens up to the young men in its area an opportunity for the leadership and character training that are the basic principles of the whole Scouting movement.

In addition to the boys involved in Scouting, the leadership opportunity involves more than a million and a half adults, dedicated to assisting America's youth to become better citizens through the programs offered in Scouting.

That Scouting can be one of the most valuable ingredients in the character and leadership training of our citizens is exemplified in outstanding fashion here in the halls of Congress. As during each of the past three Congresses, I have surveyed each new Member of the 92d Congress. The completed results show that 65 percent of all of the male Members of the current House and Senate have participated in Scouting, either as Scouts, volunteer leaders, or in both capacities. And if participation in Scouting can provide one measure of the quality of the legislative branch of Government—and I believe that it does—the quality for this Congress is higher by 1 percent than during the 91st Congress.

The results of my Scouting survey of the Congress have been turned over to the Boy Scouts of America for their use and distribution throughout the BSA organization and to others interested in the Scouting movement. As I have in the past, I also am inserting the results in the RECORD for use by my colleagues:

SURVEY OF 92D CONG., 1ST SESS., RELATIVE TO PARTICIPATION IN BOY SCOUTS OF AMERICA, CONDUCTED BY CONGRESSMAN CLARENCE J. BROWN, OHIO

	Representatives	Senators	Total
Scout (only)	156	37	193
Scout and leader	84	15	99
Leader (only)	43	6	49
No participation	139	41	180
Total eligible Members[1]	422	99	521
Women Members	12	1	13
Vacant	2	0	2
Total Members[1]	436	100	536

[1] Includes Puerto Rico Representative.

Total Members who have participated in Scouting: 341 (65% of eligibles).

Total who were Scouts: 292.

Total who were leaders: 148.

EAGLE SCOUTS

Senators Frank Moss, Utah (D), Richard Schweiker, Penn. (R), Lloyd Bentsen, Tex. (D), and Hubert Humphrey, Minn. (D).

Representatives: Bill Alexander, Ark. (D), Burt Talcott, Calif. (R), Victor Veysey, Calif. (R), Charles Bennett, Fla. (D), Roger Zion, Ind. (R), John Culver, Iowa (D), Keith J. Sebelius, Kans. (R), Larry Winn, Jr., Kans. (R), Patrick T. Caffery, La. (D), Gerald R. Ford, Mich. (R), John A. Blatnik, Minn. (D), and Durward Hall, Mo. (R).

John E. Hunt, N.J. (R), Barber B. Conable, N.Y. (R), Mark Andrews, N.D. (R), Clarence J. Brown, Ohio (R), J. William Stanton, Ohio (R), Tom Steed, Okla. (D), John R. Dellenback, Oreg. (R), Daniel J. Flood, Penn. (D), Bill Archer, Tex. (R), J. J. (Jake) Pickle, Tex. (D), John O. Marsh, Jr., Va. (D), and Henry S. Reuss, Wis. (D).

SILVER BEAVER

(Local Council Award for outstanding volunteer service)

Senators: Clinton Anderson, N.M. (D), Everett Jordan, N.C. (D), and Mark Hatfield, Oreg. (R).

Representatives: Del Clawson, Calif. (R), Larry Winn, Jr., Kans. (R), Durward Hall, Mo. (R), John McCollister, Nebr. (R), Page Belcher, Okla. (R), John N. Happy Camp, Okla. (R), and John Ware, Pa. (R).

SILVER ANTELOPE

(Regional Award for outstanding volunteer service)

Senator Mark Hatfield, Oreg. (R), Representatives Durward Hall, Mo. (R), and John Ware, Pa. (R).

CUB SCOUT DEN MOTHER

Representatives Florence P. Dwyer, N.J. (R), Louise Day Hicks, Mass. (D), and Ella T. Grasso, Conn. (D).

Scout denoted by "S"; Leader or Adult Volunteer denoted by "L"; Scout and Leader denoted by "S & L":

Alabama

Senator John Sparkman (D), S & L.
George W. Andrews (D), S.
John H. Buchanan, Jr. (R), L.
William Dickinson (R), S.
Walter W. Flowers (D), S & L.

Alaska

Senator Mike Gravel (D), S.
Senator Theodore F. Stevens (R), S, L.
Nick Begich (D), S & L.

Arizona

Senator Barry Goldwater (R), S.
Senator Paul Fannin (R), S.
John J. Rhodes (R), S.
Morris K. Udall (D), S & L.

Arkansas

Bill Alexander (D), S.
John Hammerschmidt (R), S.
Wilbur Mills (D), S & L.
David Pryor (D), S.

California

Senator Alan Cranston (D), S.
Senator John Tunney (D), L.
Alphonzo Bell (R), S.
Del Clawson (R), S & L.
James Corman (D), S.
George Danielson (D), S.
Ronald Dellums (D), S.
Don Edwards (D), S.
Barry Goldwater, Jr. (R), S.
Richard Hanna (D), S & L.
Craig Hosmer (R), S.
Harold Johnson (D), L.
Robert Leggett (D), S & L.
John McFall (D), L.
William Mailliard (R), S.
Bob Mathias (R), S.
Paul McCloskey (R), L.
John E. Moss (D), S.
Ed Reinecke (R), S & L.
John Rousselot (R), S.
Edward Roybal (D), S.
H. Allen Smith (R), S & L.
Burt Talcott (R), S & L.
Charles Teague (R), S.
Lionel Van Deerlin (D), S.
Victor Veysey (R), S & L.
Jerome Waldie (D), S.
Bob Wilson (R).

Colorado

Wayne Aspinall (D), S.
Donald Brotzman (R), S.
Frank Evans (D), S & L.
James McKevitt (R), S.

Connecticut

Senator Lowell Weicker (R), S.
Senator Abraham Ribicoff (D), S.

William Cotter (D), S.
Robert Giaimo (D), S.
Stewart McKinney (R), S.
Robert Steele (R), S.
Delaware
Senator J. Caleb Boggs (R), S, L.
Senator William Roth, Jr. (R), L.
Florida
Senator Edward Gurney (R), S.
Senator Lawton Chiles (D), S & L.
Charles Bennett (D), S.
J. Herbert Burke (R), S.
Dante B. Fascell (D), S.
Louis Frey (R), S.
Don Fuqua (D), S & L.
Sam Gibbons (D), S.
James Haley (D), L.
Paul Rogers (D), S.
Claude Pepper (D), S & L.
Robert Sikes (D), S.
C. W. Young (R), S & L.
Georgia
Benjamin Blackburn (R), S & L.
Jack Brinkley (D), L.
John Flynt, Jr. (D), S & L.
G. Elliott Hagan (D), L.
Phil Landrum (D), S.
Dawson Mathis (D), S & L.
Robert Stephens, Jr. (D), S & L.
W. S. (Bill) Stuckey, Jr. (D), S & L.
Fletcher Thompson (R), L.
Hawaii
Senator Hiram Fong (R), S & L.
Spark Matsunaga (D), S.
Idaho
Senator Frank Church (D), S.
Orval H. Hansen (R), S & L.
James McClure (R), S.
Illinois
Senator Charles Percy (R), S & L.
Frank Annunzio (D), L.
Leslie Arends (R), S.
Harold Collier (R), S.
Philip Crane (R), S.
Edward Derwinski (R), S.
John Erlenborn (R), L.
Robert McClory (D), S.
Ralph Metcalfe (D), S.
Morgan Murphy (D), S.
Roman Pucinski (D), S.
Dan Rostenkowski (D), S & L.
William Springer (R), S.
Sidney Yates (D), S.
Indiana
John Brademas (D), S & L.
William G. Bray (R), S.
David Dennis (R), S.
Lee Hamilton (D), S.
Elwood Hillis (R), S.
Andrew Jacobs, Jr. (D), S.
Roger Zion (R), S & L.
Iowa
Senator Harold E. Hughes (D), S.
Senator Jack Miller (R), S.
John C. Culver (D), S.
John Kyl (R), L.
Fred Schwengel (R), L.
Wiley Mayne (R), S.
Neal Smith (D), L.
Kansas
Senator Bob Dole (R), S.
Senator James Pearson (R), S.
Keith Sebelius (R), S.
Garner Shriver (R), S & L.
Joe Skubitz (R), L.
Larry Winn, Jr. (R), S & L.
William R. Roy (D), S.
Kentucky
Senator John S. Cooper (R), S.
Senator Marlow Cook (R), S.
William Natcher (D), S.
Gene Snyder (R), S.
Frank Stubblefield (D), S.
John C. Watts (D), S.
Louisiana
Hale Boggs (D), S.
Patrick Caffery (D), S.
Speedy O. Long (D), S.
Otto E. Passman (D), S.
Joe D. Waggonner (D), S.
Maine
Senator Edmund Muskie (D), S.
William Hathaway (D), S.
Peter Kyros (D), S.
Maryland
Senator Charles McC. Mathias (R), S.
Senator Glenn Beall (R), S.
Goodloe Byron (D), S & L.
Samuel Friedel (D), S.
Lawrence Hogan (R), L.
Gilbert Gude (R), S & L.
Clarence Long (D), S.
Paul Sarbanes (D), S.
Massachusetts
Senator Edward Brooke (R), S.
Michael Harrington (D), S.
Thomas O'Neill, Jr., (D), L.
Michigan
Senator Robert Griffin (R), S & L.
William Broomfield (R), S & L.
Garry Brown (R), S.
Elford Cederberg (R), S.
John D. Dingell (D), S & L.
Gerald R. Ford (R), S.
Edward Hutchinson (R), S.
Lucien N. Nedzi (D, L.
Philip Ruppe (R), S.
Minnesota
Senator Hubert Humphrey (D, S L.
Senator Walter Mondale (D), S.
Bob Bergland (D), S.
John Blatnik (D), S.
Donald Fraser (D), S.
Bill Frenzel (R), S.
Joseph Karth (D), S & L.
Mississippi
Thomas G. Abernethy (D), S & L.
G. V. Montgomery (D), S.
Missouri
Bill D. Burlison (D), S & L.
William Clay (D), S.
Durward Hall (R), S & L.
W. R. Hull, Jr. (D), L.
William L. Hungate (D), S.
William J. Randall (D), S.
Montana
Senator Lee Metcalf (D), S & L.
Richard Shoup (R), S.
Nebraska
Dave Martin (R), S & L.
John McCollister (R), S & L.
Nevada
Senator Howard W. Cannon (D), S.
Walter S. Baring (D), S.
New Hampshire
Senator Norris Cotton (R), S.
Senator Thomas McIntyre (D), L.
Louis C. Wyman (R), S.
New Jersey
Senator Clifford Case (R), S.
Senator Harrison Williams, Jr. (D), L.
Cornelius Gallagher (D), S.
James J. Howard (D), S.
John E. Hunt (R), S & L.
Joseph Minish (D), S.
Charles Sandman (R), S.
William Widnall (R), S & L.
New Mexico
Senator Clinton Anderson (D), L.
Manuel Lujan (R), S & L.
Harold Runnels (D), S & L.
New York
Herman Badillo (D), S.
Hugh L. Carey (D), L.
Barber Conable, Jr. (R), S & L.
John G. Dow (D), S & L.
Thaddeus Dulski (D), S & L.
Hamilton Fish (R), L.
James Grover, Jr. (R), S.
Seymour Halpern (R), S & L.
James F. Hastings (R), S.
Frank Horton (R), S & L.
Jack Kemp (R), S.
Carleton King (R), L.
Robert McEwen (R), S.
Otis Pike (D), S & L.
Bertram Podell (D), S & L.
Ogden Reid (R), S.
Howard Robinson (R), S & L.
John Rooney (D), S.
Henry Smith III (R), S & L.
Samuel S. Stratton (D), S & L.
John Terry (R), S.
John Wydler (R), S.
North Carolina
Senator B. Everett Jordan (D), L.
James Broyhill (R), S.
L. H. Fountain (D), S.
Nick Galifianakis (D), S.
David Henderson (D), S.
Walter Jones (D), S.
Charles Jonas (R), S.
Alton Lennon (D), S&L.
L. Richardson Preyer (D), S&L.
Earl Ruth (R), S.
Roy Taylor (D), S&L.
North Dakota
Mark Andrews (R), S.
Ohio
Senator William Saxbe (R), S.
Senator Robert Taft, Jr. (R), S, L.
John Ashbrook (R), L.
Jackson Betts (R), S&L.
Clarence J. Brown (R), S&L.
Samuel Devine (R), S.
William Harsha (R), S.
Wayne Hays (D), S&L.
Delbert Latta (R), S.
Clarence Miller (R), S.
William Minshall (R), S.
Charles Mosher (R), L.
Walter Powell (R), S.
J. William Stanton (R), S.
Louis Stokes (D), S&L.
Chalmers Wylie (R), S&L.
Oklahoma
Senator Fred Harris (D), S.
Carl Albert (D), S&L.
Page Belcher (R), L.
John N. Happy Camp (R), S&L.
Ed Edmondson (D), S.
John Jarman (D), L.
Tom Steed (D), S&L.
Oregon
Senator Mark Hatfield (R), S&L.
Senator Robert Packwood (R), S.
John R. Dellenback (R), S.
Al Ullman (D), L.
Pennsylvania
Senator Richard Schweiker (R), S&L.
Senator Hugh Scott (R), S.
Edward Biester (R), S.
Frank Clark (D), S&L.
Robert Corbett (R), S.
R. Lawrence Coughlin (R), S.
Joshua Eilberg (D), S&L.
Daniel Flood (D), S.
James Fulton (R), S.
Albert Johnson (R), L.
Joseph McDade (R), S.
Thomas Morgan (D), S.
Fred Rooney (D), S.
John Saylor (R), S&L.
Herman Schneebeli (R), S.
John Ware (R), S&L.
J. Irvin Whalley (R), S&L.
L. G. Williams (R), S.
Gus Yatron (D), S.
Rhode Island
Senator Claiborne Pell (D), S.
Robert Tiernan (D), S.
South Carolina
Senator Ernest Hollings (D), S.
Senator Strom Thurmond (R), S&L.
John McMillan (D), L.
Floyd Spence (R), S&L.
South Dakota
Senator Karl Mundt (R), SL.
Frank Denholm (D), S.
Tennessee
Senator William Brock III (R), S.

William Anderson (D), S.
Ray Blanton (D), S&L.
John Duncan (R), S&L.
Richard Fulton (D), S&L.
Ed Jones (D), S.
Dan Kuykendall (R), L.

Texas

Senator Lloyd Bentson (D), S&L.
Bill Archer (R), S.
Omar Burleson (D), S.
Earle Cabell (D), L.
Bob Casey (D), S&L.
James Collins (R), S.
John Dowdy (D), S&L.
O. C. Fisher (D), L.
Eligio de la Garza (D), S&L.
Henry Gonzalez (D), S&L.
Abraham Kazen, Jr. (D), S.
Wright Patman (D), L.
J. J. (Jake) Pickle (D), S.
W. R. Poage (D), L.
Robert Price (D), L.
Graham Purcell (D), L.
Ray Roberts (D), S&L.
Olin Teague (D), S.
Richard White (D), S&L.
James Wright, Jr. (D), S&L.

Utah

Senator Wallace Bennett (R), S.
Senator Frank Moss (D), S.
Sherman Lloyd (R), S&L.
K. Gunn McKay (D), S&L.

Vermont

Robert T. Stafford (R), S.

Virginia

Senator William B. Spong, Jr. (D), S, L.
W. C. Daniel (D), L.
Thomas Downing (D), S&L.
J. Kenneth Robinson (R), S&L.
David Satterfield III (D), S.
William Scott (R), L.
William Wampler (R), S.

Washington

Senator Henry Jackson (D), S.
Brock Adams (D), S.
Thomas Foley (D), S.
Lloyd Meeds (D), S&L.
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Senator Jennings Randolph (D), S.
Ken Hechler (D), S.
James Kee (D), S.
Robert Mollohan (D), S.
John M. Slack, Jr. (D), S.
Harley O. Staggers (D), L.

Wisconsin

Senator William Proxmire (D), S.
Glenn R. Davis (R), L.
Robert W. Kastenmeier (D), S.
Henry S. Reuss (D), S. & L.
William A. Steiger (R), S.
Vernon W. Thomson (R), S.

Wyoming

Senator Gale W. McGee (D), S.

Puerto Rico

Jorge L. Córdova (New Progressive), S.

NIXON'S HEALTH CARE PLAN GLOSSES OVER PROBLEMS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert in the RECORD an excellent editorial appearing in the Saturday, February 20, 1971, Detroit, Mich., Free Press entitled "Nixon's Health Care Plan Glosses Over Problems." This excellent editorial on a clearly inadequate program to meet the Nation's health needs merits careful consideration:

NIXON'S HEALTH CARE PLAN GLOSSES OVER PROBLEMS

President Nixon's health care proposals would undoubtedly plug some holes in the present system of medical care, but they seem to offer relatively little that is new and constructive, and they raise some basic problems.

The goals of any change in the system of paying for medical care should be, it seems to us:

To provide more nearly equal access to good medical care.

To improve cost control.

To reorganize methods of delivering medical care to make them more efficient and effective.

To cover those kinds of services that now, even for persons with medical insurance, pose a major burden.

To finance the cost of medical care in the most equitable and tolerable method.

Mr. Nixon's plan has at its heart a government-mandated program paid for mostly by employers, partly by employes. A portion of the cost would be recoverable through income tax deductions, but the cost would pose a substantial added problem for small companies that do not now provide medical insurance programs. The plan would broaden coverage for many of those people who do now have medical insurance to include such things as preventive child-care medicine, plus a catastrophic illness feature.

In addition, Mr. Nixon would provide a government-financed program of protection for the poor, which would supplement the medicaid program now in effect. Its benefits would be slightly less generous than those for workers.

There are other features of the plan: The Medicare supplement (Part B) would no longer be charged to the elderly, but would become a part of basic Medicare costs, financed by an increase in the Social Security wage base. More generous government financing of medical education would be provided. There would be more money for cancer and sickle cell anemia research, and there would be a government effort to promote the use of health maintenance organizations that have been tried on a limited scale in this country.

These last programs are relatively noncontroversial, although the President is probably mistaken in his hope that preventive medicine can, at least for the short run, cut the cost of medical care.

But the main thrust of the program seems to us to be an ineffective answer to those who say we should push on to a comprehensive national health insurance program, and not a particularly attractive embellishment of the present system. Moreover, we suspect it would, by itself, add to, not diminish, the problems of cost control, efficiency and effectiveness.

Mr. Nixon's plan would seem to be subject to all the objections that would greet a national health insurance program without the same strengths.

The problems of cost control and efficiency would assuredly be present in a comprehensive national health insurance program. But Americans are paying more than some other countries and getting less impressive results (as measured by mortality rates, for instance). Britain and Sweden are both spending a significantly smaller percentage of their gross national product on health care and have better mortality records, Greater efficiency is possible.

The debate over what changes Congress can or should make in medical care financing will be long and technical this year. Mr. Nixon's approach will be considered with the others. But if we are indeed ready and/or able to act on a more comprehensive answer to health care financing than we have now, then it is likely that the President's program's weaknesses will be found to outweigh its strengths. Mr. Nixon has not provided a definitive answer by a long shot.

WHEN JOBS RUN OUT

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. NIX. Mr. Speaker, Congress last year approved a public service bill tied to a comprehensive manpower training act which was vetoed by the President. A principal objection stated by the President at the time was that the legislaticn was inflationary. Just recently, the President offered a $2 billion a year manpower training program tied to revenue sharing which includes funds for public service employment for the unemployed.

Apparently what was inflationary last year has become more palatable this year in light of a soaring unemployment rate which is being felt most severely in the cities. I hope that the President's submission of a manpower training plan tied to revenue sharing will not cloud the fact that what the cities need now is immediate emergency employment relief—relief this Congress can grant without further delay.

The lack of employment for thousands of persons who want to work in Philadelphia should clearly illustrate why we must have such emergency legislation. I attempted to translate for the Select Subcommittee on Labor just what a cold unemployment rate statistic means to the lives of people in a statement submitted last Thursday, March 4. I insert the statement in the RECORD at this point:

REMARKS OF ROBERT N. C. NIX, PREPARED FOR THE SELECT SUBCOMMITTEE ON LABOR ON THE EMERGENCY EMPLOYMENT ACT OF 1971

Honorable Chairman and Members of the Subcommittee, today we are well along the road to a crisis in unemployment not unlike that which greeted President Roosevelt nearly four decades ago.

Time has elapsed, technology has improved immensely and the social structure of our society has changed, though somewhat slower than most of us would like to see. Yet the basic situation is the same: serious unemployment problems exist and especially in the large cities.

I am deeply disturbed by the January figures which show an unemployment rate of 6 percent nationally and 5.4 percent in my City of Philadelphia. Of course statistics, in cold isolation, must be translated into human terms to fully realize the seriousness of the present crisis. To state one city's problem more dramatically: there are 114,400 people in the City of Philadelphia who are seeking work and for whom no jobs are available.

It should be of little comfort to the distinguished Members of this Subcommittee to know that Philadelphia's rate of unemployment was slightly less than the national seasonally adjusted average for January, 1971. It is still high, Mr. Chairman, much too high.

It is under this set of serious circumstances that I appeal to you today for Federally sponsorsed emergency employment to provide work for those who want to work. We have a responsibility to see that they can.

At the same time, I agree with the statement of the Chairman that we must review existing manpower training programs and initiate what new measures may be necessary. But we must also, as the Chairman pointed out, provide temporary emergency employment until new programs can take effect.

Although I realize that it is speculative at this time to estimate what impact the Emergency Employment Act of 1971 would have on the City of Philadelphia, I have attempted to work out some rough figures.

Assuming that the funds would be apportioned equably and that state and local governments would bear 20 percent of the cost, Philadelphia would receive as much as $17.2 million for public service jobs the first year should unemployment continue at a national seasonally adjusted rate of 5¾ percent or greater. In terms of numbers of jobs, this could go as high as 4,290 at an earnings rate of $5,000 per person.

And what kind of employment would this be? As the Chairman pointed out last month, the National Commission on Technology, Automation and Economic Progress reports that there are 5.3 million potential public service jobs in such fields as education, beautification, welfare and home care, public protection, medical and health services, urban renewal and sanitation. Faced as we are with decay and deterioration of nearly all of our major cities, what type of employment could be of better use to communities across the country?

Last year we approved a public service bill tied to a comprehensive manpower training act after careful research by both Houses of Congress. Then, without warning, the Administration vetoed the bill, criticizing it on several points, all of which have been answered in this session's newly proposed legislation.

Let me briefly re-examine the rationale for the veto:

First, the Administration criticized the public service employment provisions as being permanent rather than temporary, and considered the conference bill unacceptable because it contained no provisions for cutting off Federal funding once the unemployment crisis has passed.

In answer to that criticism, members of this body, and the Senate as well, introduced new bills with trigger mechanisms to cut off funding when the unemployment rate recedes below a particular level for three consecutive months.

Secondly, the Administration objected to the conference bill on the grounds that the public service employment program was not linked with training or with the prospect of other employment opportunities outside of public service employment.

In answer to this criticism, bills in both houses now contain requirements that applications for financial assistance must contain assurances of efforts to provide linkages with continued or improved employment situations or training programs.

In addition the bills state that the Secretary of Labor shall not provide financial assistance for any program or activity unless he determines that the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants. This provision, above all others, gives the administration full range to approve only those applications which meet the administration's requirement of linkage of the program with other training programs or with the prospect of other employment opportunities outside of public service employment.

Having met these administration objections to proposed public service employment legislation, both Houses of Congress again invited the Secretary of Labor to testify, feeling confident, this time, of administration support. However, Secretary Hodgson testified in the Senate that he could again not support the legislation. But his reasons were just the opposite of his objections before.

Specifically, he said:

"We believe that the [emergency employment legislation] will detract from the effort to achieve lasting reforms. Rather than temporary legislation, I would hope we could join together to support permanent reforms which provide State and local governments with sustained resources to meet their communities' employment and job training needs—and in so doing better meet the needs of the nation."

But at the same time, he criticized this proposed legislation for being temporary, he also accused it of being permanent. He said, and I quote:

"Given political realities, one must question whether a program of such magnitude could be ended by either falling unemployment or impending statutory expiration."

In making this second statement, contradicting the first, Secretary Hodgson is in effect doubting two tautologies. On one hand, he doubts whether the program would be ended by falling unemployment when the trigger mechanisms specifically insure such an eventuality.

On the other hand, he doubts whether the arrival of the expiration date would indeed terminate the program. Obviously, the only way the program would continue is for it to be renewed or extended. If there is, at the time of the proposed expiration of the program, still high unemployment in this country, and no other legislation has been passed dealing with the problem, Congress might conceivably extend the program. However, there is no reason why Congress shouldn't, in the next few years, have ample time to draw up more permanent legislation to reorganize the entire Federal manpower program.

In addition to voicing rather groundless objections to the bill, and in addition to vacillating inconsistency and indecision as to what position they really want to take, there is reason to believe the Administration did not do their homework adequately before sending the Secretary of Labor to testify.

For, Secretary Hodgson said last week at the Senate hearings, and I again quote:

"It is questionable that $750 million could be effectively utilized in what remains of this fiscal year."

In actual fact, no bill submitted by members of either house authorize for expenditure the amount of $750 million between now and July 1, 1971. The Senate bill and the House bill similar to it provide for a maximum of $750 million *in the first twelve month period after the enactment of this bill*. This maximum would be authorized only if the seasonally adjusted rate of national unemployment reached 5¾%. The Perkins bill, while it authorizes funds specifically for the period between now and July 1, limits the amount authorized to $200 million.

With all due respect, I think that in view of the Administration's inconsistency, misinterpretation, and apparent indecision about the type of legislation they are willing to support, the only solution is for Congress to assume onto its own shoulders the responsibility for passing the legislation so vitally needed by loyal citizens at this crucial point in the economic history of this great country.

For I am committed to as low an unemployment rate as is feasible. Public service employment will be a means of helping to bring down our flying unemployment rate. It will provide a means of employing persons otherwise unemployed and keeping them in work until the economy regains enough strength so that they can find other jobs. At the same time, that they will be temporarily employed, they will be learning new skills or keeping old ones in tune. In addition, they will be making important contributions to the present and future of their communities in such environmental improvement areas as pollution control and conservation, housing and neighborhood improvement, rural development, and community beautification; and to the present and future well-being of the citizens of these communities in such areas as health care, public safety, recreation, education and transportation.

In short, I feel that immediate passage of this emergency legislation is mandatory if our constituents are to have faith in the ability of the Federal government to meet their urgent needs in periods of crisis. Congress is too often accused by the public of getting so bogged down in red tape and internal squabbles as to be considered ineffective and in need of circumvention in times of national emergency. This is one of those times. And I think it high time we pass this legislation and prove to the nation that we are indeed a most effective and at the same time a most consistent and concerned body whom they can rely upon to look out for and meet their urgent needs.

SUPPORT FOR VOLUNTARY MILITARY SERVICE

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. BADILLO. Mr. Speaker, yesterday's Washington Post carried a very timely and perceptive article regarding the efficacy of implementing an all-volunteer armed force. This well-written rebuttal to earlier negative arguments was prepared by the former executive director of the President's Commission on an All-Volunteer Armed Force—the Gates Commission.

As the author, William H. Meckling, accurately notes, the Gates Commission—many of whose members originally were opposed to a volunteer army concept at the beginning—carefully examined all aspects of the problem, including those objections raised by Mr. Joseph A. Califano in his earlier article. Mr. Meckling has effectively countered the objections which have been raised on the basis of economics, national defense policy, sociology and moral aspects. I believe he has substantially contributed to belying many of the myths and fears to those who would oppose its establishment on these bases.

Mr. Speaker, I believe what Mr. Meckling has to say should be carefully considered by all of us and I am pleased to present his article herewith for inclusion in the RECORD:

THE CASE FOR AN ALL-VOLUNTEER ARMED FORCE

(By William H. Meckling)

(NOTE.—*The writer, dean of the Graduate School of Management, University of Rochester, is the former executive director of the*

President's Commission on an All-Volunteer Armed Force.)

In a recent issue of The Washington Post Mr. Joseph A. Califano has questioned the desirability of an All-Volunteer Armed Force on a number of grounds. Among other things he has alleged:

1. "It could make it too cheap and easy for national leaders to make the initial decision to wage war."

2. ". . . the draft is color blind as far as economic and social status are concerned." "It (voluntarism) is likely to produce a "poor man's army."

3. "The very concept of a highly paid volunteer army reflects the continuing erosion of the will to sacrifice particularly on the part of our affluent citizens." . . .

4. "There are other problems with the volunteer army, not the least of which are the enormous financial costs."

In its deliberations the Gates Commission considered these (to some extent contradictory) arguments as well as a number of other arguments against a voluntary force. Nevertheless the members concluded, "We unanimously believe that the nation's interests will be better served by an all-volunteer force, supported by an effective standby draft, than by a mixed force of volunteers and conscripts."

The members of the commission were neither timid nor uninformed, and they did not arrive at this unanimity easily. They developed a consensus through painstaking examination of the arguments pro and con, and they were especially conscious of the implications of facts that bear upon those arguments. If they had believed that the facts are as Mr. Califano (wrongly) believes them to be, none of them would have been willing to sign the report.

It is unlikely that any member of the commission would disagree with Mr. Califano's statement that "the decision to wage war is usually the most serious that any national leader makes during his public career. . . . There should be no cheap and easy way to decide to go to war. . . ." The problem is in deciding what method of procuring manpower provides a reasonable level of inhibition. Here past experience, but especially our recent experience in Southeast Asia seems more relevant than Mr. Califano's charges about the use of foreign aid to hire mercenaries. It is hard to imagine a war in which the initial decision was easier or cheaper for our leaders to make than it was in Vietnam. Without declaring war, the President had the power not only to commit the forces to combat, but, to expand them from 2.65 to 3.5 million men and to maintain that level—all simply by instructing Mr. Hershey to increase monthly draft calls. Would Mr. Califano seriously suggest that it would have been easier for the President to persuade Congress to appropriate the funds required to raise military pay enough to expand and maintain the forces in Vietnam on a purely voluntary basis? The Southeast Asia buildup was relatively painless and was accompanied by little debate in Congress in part because conscription conceals a fraction of the manpower costs. (It is worth noting that Mr. Califano's concern over the "enormous financial costs" of a volunteer force, and his concern that an all-volunteer force will make it easy for the President to initiate wars are contradictory.)

In discussing the standby draft, the commission report points out: "A standby system which authorizes the President to invoke the draft at his discretion would capture the worst of two worlds. On the one hand, it would make it possible for the President to become involved in military actions with a minimum of public debate and popular support. On the other hand, once the nation was involved, especially in a prolonged limited conflict, the inequities of the draft would provide a convenient rallying point for opposition to the policy being pursued." If the draft inhibits a President in any way, it inhibits his ability to prosecute a long limited war on foreign soil once he has gotten into it. The "irritant and inhibition of young men who do not want to be drafted" is not an instantaneous reaction and it did not appear in this case until long after the Gulf of Tonkin.

The thesis that "the draft is color blind as far as economic and social status is concerned" is based on a widely held misconception. Conscription has not and does not produce servicemen from all walks of life. Only 2 per cent of the enlisted force in the military in 1969 were college graduates, while 83 per cent were high school graduates. The vast majority of the enlisted personnel are high school graduates from lower-middle and middle-income families. A disproportionate share of children from affluent families can and do find ways to avoid the draft.

Moreover, these facts have not, and will not, change dramatically with the introduction of the lottery, or with elimination of the educational deferment. The affluent simply turn to other bases for avoiding service—medical deferments, conscientious objection, various legal stratagems, emigration, and ultimately outright definance of the law. The Selective Service System is now beleagured by these problems. It is naive to believe that any other outcome is possible under conscription. If only a fraction serve, the affluent will always be more effective in finding ways to be among those who do not.

What of the related allegation that an all-volunteer force is likely to be a "poor man's army," that will "be paid at a rate just high enough to attract those at the lower economic levels?" This is a question on which original views tend to shift dramatically when confronted by some basic facts. If there are already a large number of true volunteers in the services, i.e., enough to constitute 80 to 90 per cent of peacetime force levels, then converting to an all-volunteer force cannot significantly change the socio-economic character of our forces—a volunteer force cannot be predominantly drawn from the lower income strata.

It is widely believed that the military services are almost entirely staffed by conscripts and draft-induced volunteers. This is far from the truth. Our military forces will be preponderantly true volunteers even if the draft is continued. There are now in the military 1.25 million men beyond the first term of service; these men are all there as volunteers. No coercion whatever is imposed on them to remain in the service.

In addition, there are many true volunteers who are in their first term of service. The commission staff estimated that in 1968 there were another 750,000 true volunteers in this category making 2 million volunteers in all. While our figures for the number of first-term true volunteers was questioned severely when the commission report first appeared, enlistments last year among individuals with high lottery numbers, who had a high probability of not being drafted, have tended to confirm the commission's estimates.

Since we already have approximately 2 million true volunteers in the service, the socio-economic makeup of an all-volunteer force of 2.25 or 2.5 million men cannot be very different from that of a mixed force of the same size. All of whatever change takes place must occur within the group of 250,000 to 500,000 additional true volunteers, and there are good reasons for believing that the socio-economic character of that increment in a volunteer force will be much the same as in a mixed force. Draftees and draft-induced volunteers in a mixed force tend to be individuals to whom the cost of military service is relatively low. They elect to serve rather than bear the costs of avoiding conscription. Individuals to whom the cost is high have a strong inducement to avoid service in one of the ways mentioned above. Thus, many draftees and draft-induced volunteers in the mixed force are likely candidates to enlist when pay is raised to provide an all-volunteer force. In brief, it appears that the worst the volunteer army can do to the poor, is make at least some of them just a little bit less poor.

Concern that the affluent bear a fair share of the cost of defending the nation is one with which everyone can sympathize. The practical question, however, is whether such equity is more effectively achieved under the draft than with a voluntary force.

In this context, it is important to understand the real issue underlying the draft, namely, whether we will continue to impose a very large tax in the form of involuntary servitude on a small fraction of the population and thereby absolve the rest of society from contributing to a portion of the cost of defense. The Gates Commission devoted a full chapter of its report to this point. Mr. Califano, nevertheless, evidences great concern over the "financial costs" of an all-volunteer force and further states that he would prefer to spend the additional funds that a volunteer force would require on "urgent domestic needs." (It is not clear why Mr. Califano ignores the possibility of using the draft to get social workers, lawyers, educators and the like to provide the government services necessary to his urgent domestic needs programs.) As the commission pointed out, this argument confuses federal budget expenditures with costs. An all-volunteer force will provide more not less resources to satisfy urgent domestic needs. For example, the lower turnover of a volunteer force will reduce training requirements and reduce the time lost due to personnel changes. A volunteer force will also reduce the very substantial efforts now expended by individuals in trying to avoid military service. There are real cost savings; they conserve real resources which can be used to satisfy urgent domestic needs.

However, the additional budget expenditures recommended by the commission for a voluntary force—the expenditures on which Mr. Califano has designs—do not represent an increase in real resources used up in defense, therefore continuing the draft instead of moving to an all-volunteer force will not release any of them for Mr. Califano's purposes.

The increased budget for a voluntary army is simply a reflection of the tax-in-kind that the draft levies on first term servicemen. When an individual is required by law to render service for government at wages lower than those for which he would volunteer, he is paying a tax in the form of personal services, and this is true whether the service he renders is buildinf roads or fighting in Vietnam. Because the tax is paid in kind, government accounts never reflect either its collection or its expenditure. With a volunteer army, however, the accounts will reflect the full costs of military personnel, and reported government expenditures will thereby rise.

While the increased budget expenditures for a volunteer force do not reflect increased use of real resources, they do reflect a shift in tax burden. One of the important consequences of introducing a volunteer force will be to lift the conscription tax from first term servicemen and place it on the general taxpaper. It is here that Mr. Califano's concern over equity should be satisfied. Whatever its shortcomings, the general tax structure is surely more progressive than the highly discriminatory tax imposed by the draft. Thus, on average, the affluent will be forced to bear a larger share of defense costs under a volunteer force than they would with the draft.

As a final comment, we cannot resist the opportunity to recount a prerogative which one member of the commission invoked in discussion of these problems. He insisted that if discussants (a la Mr. Califano) persisted in calling volunteers "mercenaries," he had a right to refer to draftees and draft-induced volunteers as "slaves."

THE TRADE ACT OF 1971 AND THE DISC PROPOSAL

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. CORMAN. Mr. Speaker, the Trade Act of 1970, as passed by the House last year, included what I consider a most objectionable provision—the Domestic International Sales Corporation—DISC—proposal—objectionable because I believe it would create a new form of tax loophole which the country can ill afford.

Recently I received a letter from Ralph Nader, in which he speaks out against the DISC proposal, especially reiterating his concern that it has been included in the 1971 version of the trade bill introduced the first day of the 92d Congress. Mr. Nader also sent me his letter of October 31, 1970, to Senator LONG, urging rejection of the DISC proposal.

I believe that Mr. Nader's views are worthy of the careful attention of every Member. They are the concerns of a highly respected man who has demonstrated his solicitude for the public interest, and I wish to include them here in the RECORD.

FEBRUARY 25, 1971.

The Honorable JAMES C. CORMAN,
203 Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN CORMAN: The Administration's Domestic International Sales Corporation (DISC) proposal has again been brought before the Congress. The DISC proposal represents an experiment in which the taxpayer is being asked to make a massive tax expenditure of a billion dollars and hope that this will result in increased exports.

The experiment is not worth the risk. It must be expected that, as a result of rational economic calculation, many businesses will pocket the DISC windfall benefits without engaging in new exports.

As was reported in the Wall Street Journal of December 1, 1970, page 7: "Charman [Russell B.] Long said the [Senate Finance] Committee decided that the [DISC] proposal would cost more than the Administration has estimated and 'wouldn't do nearly as much good as the Administration hopes.'"

Enclosed for your consideration is a copy of my earlier statement on that proposal.

Sincerely,

RALPH NADER.

OCTOBER 31, 1970.

Hon. RUSSELL LONG,
Chairman, Senate Finance Committee, Washington, D.C.

DEAR SENATOR LONG: The Administration's Domestic International Sales Corporation (DISC) proposal is currently under study by your Committee. That proposal is designed to promote export sales by virtually exempting U.S. exporters from income taxation. Instead, it will result in huge windfall profits for America's largest corporations, with an accompanying increase in the tax burdens borne by millions of small taxpayers. I urge your Committee to reject the DISC proposal.

The DISC plan is a typical example of the way in which a few powerful industry interests can successfully raid the United States Treasury by masking their intentions in the complicated language of a tax statute. DISC will allow tax-wise companies to set up dummy corporations to receive their foreign sales income. These shell corporations (known as DISCs) will not be subject to tax so long as they fulfill a multitude of technical requirements. A DISC's accumulated untaxed [1] profits can then be put at the disposal of the parent company through intra-company "loans" at low interest rates.

DISC IS A WASTE OF THE TAXPAYER'S MONEY

If the DISC proposal becomes law, it will cost taxpayers almost a billion dollars per year. Even the Treasury Department, an active proponent of the DISC idea, concedes that the revenue loss will be $630 million annually once the proposal is fully in operation. On the other hand, the dissenting members of the House Ways and Means Committee argue convincingly that the revenue loss will be over a billion dollars annually—especially if the U.S. exports continue to increase as they have over the last decade. DISC is a billion dollar boondoggle.

A billion dollars is over two thirds of the funds budgeted for the entire 1971 program of the Office of Economic Opportunity; over five times the budgeted amounts for the National Cancer Institute and the National Heart and Lung Institute; and 35 times as much as is budgeted for Programs for the Aging. President Nixon vetoed the 1970 education bill because, in his view, it was $453 million too high. DISC will cost twice as much.

THE AMERICAN PUBLIC WILL GET LITTLE IN RETURN FOR DISC'S HUGE TAX EXPENDITURES

The Treasury Department hopes that DISC will increase U.S. exports by from $1 to $1.5 billion dollars per year, with consequent benefits for the U.S. balance of payments. This estimate is necessarily based on guesswork and self-serving statements by those exporters who stand to gain if DISC is enacted. After considerable study, the staff of the Congressional Joint Committee on Internal Revenue Taxation found no basis for the Treasury's export gain estimates. More sober analysis sets the likely export gain at $315 to $480 million per year.[2] This is a pitifully small gain considering DISC's costs.

DISC's inherent structure makes it most unlikely that its adoption will lead to significant exports gains. The basic flaw is that DISC confers its benefits without requiring an exporter to increase his exports by even a single dollar. He will receive a huge tax benefit for simply doing what he is already doing.

In 1969, American exports totalled $36.5 billion. Even under the most optimistic Treasury estimates, these exports will not increase by more than four percent (1½ billion dollars) as a result of the DISC plan. This means that 96 percent of DISC's benefits will be squandered by paying businessmen to continue already profitable exports. Only 4 percent of DISC's benefits will relate to new export sales. This is the reason why DISC costs a lot, but yields few benefits.

Energetic corporations can be expected to squeeze ever-increasing fractions of their exports through the DISC loophole, until DISC finally shelters all export profits—on the whole $37 billion of sales—from US taxation.

DISC's inefficient incentive structure means that the American taxpayer will get little in return for the immense subsidy that will be granted to exporters through DISC. If we accept Treasury's optimistic figures regarding DISC's costs and benefits, it appears that the American taxpayer will have to pay a subsidy of 40 cents for each dollar of DISC-induced exports. And if we compare DISC's costs and benefits using a more realistic computation [3] we find that the American taxpayer will be required to subsidize DISC's by $2 for each $1 of increased exports. In either event, DISC is a bad bargain.

This inefficiency of the DISC proposal has aroused the concern of professional officials of the Treasury Department as well as the staff of your Joint Committee on Internal Revenue Taxation. They are also concerned because DISC introduces over a dozen new tax concepts, which will require considerable definition in a multitude of rulemaking and adjudicatory proceedings.

DISCS MAIN BENEFITS WILL GO TO A FEW GIANT CORPORATIONS, NOT SMALL EXPORTERS

The Administration claims that DISC will help smaller firms get into the export business. In fact, DISCs main benefits will go to giant, fully integrated corporations.

The Commerce Department estimates that about 100 of the largest U.S. firms account for over half of all U.S. exports. This means that over half of DISC's windfall benefits will automatically go to those same firms.

Moreover, under the proposed DISC pricing rules, a parent company may sell its export products to its DISC subsidiary at less than arms-length market prices. This means that profits can be shifted to a DISC and go untaxed, even though they are actually profits of the parent company. The larger the parent's profits, the more valuable DISC's benefits will be.

Fully integrated firms can shift profits into a DISC from the earliest stages of production. In contrast, firms that simply assemble parts made by others, or are otherwise unintegrated, will not be able to shift profits forward in this way. As a result, creation of a DISC will be much more valuable to large integrated corporations than to small processors that have fewer manufacturing profits to shift to the tax-free DISC.

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[1] Technically, DISC involves tax deferral rather than complete forgiveness of taxes. However, from an economic and fiscal point of view, there is no real difference between tax deferral for an indefinitely long period (as under DISC) and complete tax exemption.

[2] This calculation is based on a recent study by Hendrik S. Houthakker of the President's Council of Economic Advisors which concludes that the price elasticity of U.S. merchandise exports is about −1.5. This means that for each dollar of price reduction, only $1.50 of exports will result (which is only $.50 of actual new revenue.) Charitably, assuming that all of the tax subsidy will be passed on to overseas consumers in the form of lower prices, the Houthakker price elasticity figure means that exports will increase by a maximum of $480 million if the DISC proposal costs $955 million. If DISC were to cost $630 million as Treasury hopes, then the maximum export gains would be only $315 million. The speculation that DISC will alter the outlook of corporate executives toward export markets cannot, of course, be quantified in terms of increased export revenues. The Treasury Department has presented no proof that this psychological factor will result in increased exports, let alone an extra billion in exports.

[3] Even if we assume that all of the tax subsidy is passed on to overseas consumers as lower prices, the Houthakker price, elasticity figure indicates a return of only $.50 per dollar of tax subsidy. Indeed, that estimate is optimistic, not only because of the reluctance of corporate exporters to part with their windfall gains, but also because of the very real possibility that our overseas trading partners will retaliate against the Trade Bill. If import quotas are erected against U.S. products, the DISC incentive will be completely ineffective in increasing our exports.

These factors add up to favoritism for large, fully integrated firms at the expense of unintegrated producers—a policy that runs directly contrary to DISC's professed goal of aid for small exporters.

DISC SHIFTS A HEAVY BURDEN FROM CORPORATE TO INDIVIDUAL TAXPAYERS

Under DISC, the ordinary taxpayer, including wage earners and retired persons, will have to pay an extra billion or more in taxes each year to make up for tax losses in the corporate sector due to DISC. Yet the Treasury Department argues that DISC is needed to increase the equity of the tax system! Treasury begins its equity argument by pointing out that overseas manufacturing subsidiaries of U.S. firms currently enjoy tax advantages that are not available to U.S. exporters. Treasury then proposed to end this tax discrimination by creating another, larger tax loophole for U.S. exporters.[4]

DISC actually involves a double inequity. First, it will open up substantial tax discrimination in reverse between U.S. exporters who choose to organize a DISC and the U.S. owners of foreign manufacturing subsidiaries. Second, and much more important, DISC will shift a tax burden amounting to $1 billion or more per year from corporations—especially large profitable corporations—to individual taxpayers. There is certainly no equity in that.

DISC'S COSTS WILL CONTINUE LONG AFTER OUR BALANCE OF PAYMENTS PROBLEMS HAVE BEEN SOLVED

Once adopted, the DISC plan is likely to become a permanent part of the tax law. Corporations will invest legal and accounting talent in restructuring their export sales to conform to DISC requirements and will adjust their financial plans in light of DISC's tax benefits. Therefore, once the DISC plan becomes firmly entrenched, it will be almost impossible to repeal it, even when our balance of payments problem has been solved.

Furthermore, as past history in this area indicates, there will be no effective public scrutiny of the DISC proposal to see whether it really results in significantly increased exports. If DISC were a direct cash subsidy instead of a concealed tax subsidy, it would be subject to periodic Congressional review. This will be impossible if DISC is permitted to become a self-perpetuating part of the tax code. At the very least, a time limit should be placed on DISC's benefits.

CONCLUSION

The alleged intent of DISC is to improve our balance of payments; however, the plan itself is extremely defective and the cost is appalling. This is especially so since the individual American taxpayer is being asked to subsidize this country's largest and richest corporations, which already account for the lion's share of the U.S. export trade. Moreover, even if the DISC proposal fails to be effective in increasing U.S. exports significantly—as seems likely—the taxpayer will nevertheless still be obliged to grant these new huge annual tax subsidies to American exporters. The present DISC proposal should be rejected decisively.

I would appreciate your comments and reaction to this analysis.

Sincerely,

RALPH NADER.

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[4] Treasury estimates that foreign income taxes on U.S. owned firms are levied at a rate of about 39 percent, as contrasted with a U.S. tax rate of 48 percent. But under DISC corporate shells will pay no tax at any time in the foreseeable future on their retained profits; the result is that DISC offsets a 9 percentage point preference with a 100 percent tax exemption.

VOLUNTEER FORCE WILL RAISE MILITARY QUALITY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, the fear has been expressed by some that the personnel policy reforms related to the all-volunteer force will adversely affect the quality of our Armed Forces. However, Lt. Gen. George I. Forsythe, the assistant to General Westmoreland for a modern volunteer army, has stated that the all-volunteer force drive will actually raise training standards:

> Getting guys off KP, grass cutting, garbage and furnace details is going to give the sergeant a full team to train for the first time in a number of years.

General Forsythe, who commanded the 1st Cavalry Division—Airmobile—in Vietnam, and also served as commanding general of the Infantry Center at Fort Benning, is acutely aware of the need for adequate training. However, on his visits to military bases he found large numbers of soldiers "up all night firing up furnaces" and others pulling KP. "These details destroy training," he added.

Of course, the only reason we have military personnel performing these chores is because the draft allows us to keep military pay so low that it seems cheaper to have military men cut the grass than to hire civilians. This false economy not only represents a serious misallocation of labor resources, but it is also an added burden on the underpaid GI. More importantly, the disruption such chores cause in the training cycle simply lowers the combat readiness of our Armed Forces.

I commend this item from the Army Times to your attention:

REMOVAL OF IRRITANTS TO UP VOLAR CALIBER

(By Larry Carney)

WASHINGTON.—Lt. Gen. George I. Forsythe says his all-volunteer Army drive is going to raise training standards—not lower them as some people have charged.

"Getting guys off KP, grass cutting, garbage and furnance details is going to give the sergeant a full team to train for the first time in a number of years," Forsythe told Army Times.

Forsythe is Chief of Staff Gen. Will Westmoreland's special assistant for the Modern Volunteer Army.

In his trips around the country, Forsythe says he generally starts his day off at 5 a.m. "to see who's up early."

At Fort Carson, Colo., Forsythe said, he found large numbers of soldiers "up all night firing up furnaces and others pulling KP." He said men on details like this are lost to a unit when it starts its training.

"These details destroy training," Forsythe said.

He said the problem is the same in summer when soldiers must cut grass.

Forsythe said these are the types of details the Army is trying to eliminate. "Soldiers join the Army to soldier, particularly in the combat arms."

He said a major goal of the volunteer Army drive is to "free the soldier of non-soldier duties. We're trying to return him to the sergeant so the sergeant will have a full team—not three-quarters or half of a team—to train," Forsythe said.

Forsythe said the Army has also been under criticism from parents about its new liberal beer drinking rules which permits the serving of 3.2 percent beer at the evening meal and in the barracks.

"Mothers charge this is permissiveness, that we're encouraging their sons to drink beer. They think that before this decision their sons weren't drinking beer," Forsythe told Army Times.

Forsythe said the new policy will encourage soldiers to drink beer in the barracks and dayrooms rather than off-post where they might get in trouble.

The general said the idea for liberalizing beer drinking rules didn't come from topside but from a command sergent major at Fort Benning, Ga.

In recalling the incident, Forsythe said the sergeant major told him that I would probably chew him out but that "one of the best things we can do to improve Army life is to permit beer drinking in the barracks and dayrooms."

"They drink in the barracks now illegally," the sergeant told the general. He added that if an NCO comes into the barracks and sees a soldier drinking beer he now has to take some punitive action against the man.

"If a man is old enough and man enough to be a soldier in his country's Army, we ought to trust him enough to have a couple of cans of 3.2 beer in the barracks. We deliver it to him on the fire base in Vietnam, why not let him drink it in the barracks back in the States?" Forsythe said.

The Army, the general says, plans to give more responsibility to the sergeant. "We're going to turn the entire team over to him. We're going to quit looking over his shoulder and stop telling him how and when to do it. We're going to give the sergeant a greater say in the promotion of his subordinates. How we're going to do it hasn't been worked out."

Around the Pentagon, Forsythe is fondly referred to as "that crazy general" for the many ideas and suggestion he's coming up with to improve the life style and training of soldiers. Forsythe says he may be a little crazy but it will take new ideas and suggestions and different ways of doing things to accomplish "our goals in an all-volunteer Army environment."

The general says his staff have gotten several thousand suggestions on how to improve Army life. Surprisingly, he said, the best ones are coming from the commanders and cost "very little money." He urges commanders to continue sending their ideas and suggestions to MVA office in the Pentagon.

Forsythe says he's not the entire volunteer Army show. "I serve General Westmoreland and he's the biggest booster of the concept," Forsythe continued.

The general took over his MVA duties last October after serving as Combat Developments Command CG for a year. In Vietnam, Forsythe commanded the 1st Cav Div (Airmobile) and later served a three-month hitch as CG of the Infantry Center at Fort Benning.

THE AWARD-WINNING SPEECH BY LARRY STROUD, MARCH 9, 1971

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. SPENCE. Mr. Speaker, I have never lost faith in our young people or swerved in the least from my conviction that as a group they are the finest our country has ever produced. There are some, however, who have allowed themselves to become soured by the insane antics of a minority which often represents itself as the voice of youth.

Fortunately, there are still millions of young people like Larry Stroud, an outstanding University of South Carolina freshman who is from West Columbia, S.C., and one of my constituents.

Larry wrote and delivered a speech last year at a junior achievement banquet which has earned him the honor of being named to receive a George Washington Medal from Freedom Foundation. It will certainly be no mystery to anyone who reads Larry's work why he is being accorded this high honor.

Mr. Speaker, I am proud to represent Larry Stroud in Congress, as I am sure any Congressman would be. So that all my colleagues will have the opportunity to benefit from this very perceptive and valuable speech, I include certain excerpts which appeared in the West Columbia Journal, March 3, 1971, in the Extensions of Remarks at the conclusion of my comments:

SPEECH BY LARRY STROUD

The middle years of this century have brought forth a unique generation of men; men who have grown up in a world terrified by war; men who have toiled and labored through the lean years of the depression; men who have invested in America's greatest natural resources—its youth.

If men like Horace Moses and Theodore Vail, who had inspiration to start the Junior Achievement program nearly 50 years ago, could see their program now they would be proud to see the way their idea is working.

But let's also face the fact that only a relatively small number of young people take part in JA. What should be done about the rest of them? I would like to suggest a few ideas.

First, what is being said to the young people should be reconsidered and the person saying it should make sure he understands it himself. You know the old story about the dentist's children always having the poorest teeth, or the preacher's kids always being the worst behaved. Maybe some basic questions should be considered.

PURPOSE OF BUSINESS

For example, what would you say is the primary purpose of business? I think most of us would agree it's to make a profit. Some people say that is the only purpose of business. And there, in my opinion, is the first breakdown in communication . . .

It's not enough to say we're here just to make a profit. For one thing, it appears you're working only for the money, and anybody who works for money alone is a fool. We're also in business to serve the people of the country and of the world, to help people help themselves to a better chance in life, to provide the means whereby other people can do the creative work that brings satisfaction to their lives . . .

Second, we have to make more clear the advantages of our competitive system. Everyone agrees competition is a wonderful thing, especially if you win. But what if you lose? Some people think there should be no losers—no grades in school, no first prizes, no championships—because it may damage the ego of the loser. Others believe that too much competition in business is also a bad thing—that it's wasteful for the producer and confusing to the customer. In other words we ought to standardize and simplify. I believe they're both wrong.

They forget that under our system the man or the company that loses can come back stronger and tougher than ever before . . .

The free enterprise system has been tested and tried. Of course we don't want to make the mistake of thinking we have solved all the world's economic problems when the words "free enterprise" are pronounced. There is no magic in these words and it is not a perfect system. It's not claimed to be, but it's the best ever tried, and it works . . .

Study of world history shows that practically all of the fallen civilizations of the past—such as ancient Egypt, Rome, Babylon, Greece and Syria—began to decline and most of them actually fell during their most economically prosperous period. They declined when their armies were larger and better equipped than ever before in their nation's history. Why then, did these great civilizations decline, fall and finally disappear as such? Arnold Toynbee suggests the answer: Those great nations allowed their youth to become defiled—or they failed to pass on to their youth the high ideals, the basic values, the fundamental skills and the nobility of purpose which, in the first place, brought their nations to greatness. Thus the lesson of history is this: Our nation will begin to decline in strength and nobility of purpose, and could eventually fall, unless we take care to conserve and develop our most precious, and altogether indispensable resource—the youth of this nation.

ROCKING THE BOAT

Today's youth are rocking the boat. They are generating new ideas. They are seeking new values which have meaning for them. They have had a tremendous impact on the nation in the past few years.

But a small group of young people have gone beyond rocking the boat—they have gone overboard. They are going to the extremes in reacting to what they consider to be excessive materialism in this country, and they are aided by the vast publicity they get in the news media.

I am talking about the hippie with the bullhorn who has nothing to say but says is loudly enough to shout down even candidates for the presidency of the United States and to shut down campuses all over this nation. What a shameful abuse of the privileges of this great nation.

Somewhere this minute a revolution is taking place . . . Somewhere there lurks in the mind and heart of some man, or some nation, a hope of something better. That hope has been at the heart of many revolutions.

It is not at the heart of all the revolutions that sweep the world these days, for there are some who revolt just to be revolting . . .

Most revolutions just revolve. They throw out one set of bad guys for a set of good guys who become bad guys and who need themselves to be thrown out.

NO SCORE CARDS

The revolution that brought the American Republic into existence was not that kind. There were no score cards. You couldn't tell the good guys from the bad guys because this strange animal in the annals of history was a nation ruled by the people, by all the people. Not even ancient Greece could hold a candle to it.

It was a revolution that did more than revolve. It brought into existence something new—a new hope, a new dream, a new attitude. And as men stretched their spirits they found that freedom could take them to new heights. They found that they could do more, be more, create more. This way sprung a revolution in business. A system of free enterprise was born in which men invest their capital and themselves and compete with other men who invest themselves. This in itself became such a revolution that its effects still are being felt.

This revolution in business brought a revolution in industry and a revolution in labor and the revolution continues in its struggle to this very minute. . . .

NOT OF OUR MAKING

By now you must realize that a revolution is taking place that is not of our making. It does not build on our heritage. It seeks to destroy it. It does not see Americanism as a goal or a task of a dream. . . . It, too, is a new animal in the annals of history. It sees with eyes that are clouded with fear. This revolution hears with ears deafened by promises that cannot be kept. This revolution feels not with the emotion of love. It grabs and grasps at the world with the emotion of power and greed. . . . Clearly its proponents can be heard opposing this, condemning that, ridiculing, laughing, destroying, killing. It is a revolution that destroys without ever having a dream of what will be built on the wreckage. . . .

You are called to enter the laboratory of citizenship, where some mad scientists have created a citizenship that is explosive and destructive and dangerous. You are called on not just to enter the laboratory, but to continue the greatest experiment that was going on before these other revolutionaries came along. . . .

You are called on to create a society that will judge a man by his contribution and not by his color. You are called on to create a society that will judge itself by what it is able to condemn and control and destroy, but one that will judge itself by what it can give, by how it can govern and by how it can bless all people.

The laboratory you are in is the world.

Communism in its many disguises with revolutionaries on every continent is the mad scientist and communism will seek to weaken. Some of your own people will be deceived . . . but you, you must see with eyes that are not blinded by fear. You must see with eyes alert to danger. . . You must feel with all your being, with all your heart, that this still is a nation under God and that through you the experiment will continue, this experiment in freedom. . .

I offer a challenge to you expressed by the poet Robert Frost, entitled "The Road Not Taken".

"Two roads diverged in a yellow wood,
and sorry I could not travel both
and be one traveler, long I stood
and looked down one as far as I could
to where it bent in the undergrowth;

"Then took the other, as just as fair,
and having perhaps the better claim,
because it was grassy and wanted wear;
though as for that the passing there
had worn them really about the same,

"And both that morning equally lay
in leaves no step had trodden black.
Oh, I kept the first for another day!
Yet knowing how way leads on to way,
I doubted if I should ever come back.

"I shall be telling this with a sigh
somewhere ages and ages hence:
Two roads diverged in a wood, and I—
I took the one less traveled by,
And that has made all the difference."

WASHINGTON REPORT

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. MINSHALL. Mr. Speaker, under leave to extend my remarks, I wish to insert in the RECORD my March newsletter.

WASHINGTON REPORT

Long-locked doors open—For the first time in its 106-year history the House Appropriations Committee this year is opening some sessions to the public and news media. Since the creation of this powerful committee in 1865, all meetings have been held behind locked doors. *At my suggestion Chairman Mahon (D-Tex.) has also consented to permit certain open sessions of the Defense Subcommittee of which I am top-ranking minority member. Included in these public hearings will be top-level witnesses from South Vietnam, including some field commanders.* Many times over the years I have gone on record in protest against needless, often politically-motivated, secrecy in government. All of us share an intense concern over Southeast Asia and over the direction our defense policies will take as we phase into a peacetime economy—and all Americans want and deserve to have the facts. I am glad the heretofore inflexible rule that all Defense Appropriations hearings be held in top-secret session has now been relaxed.

Eisenhower Coins: Order blanks for proof and uncirculated silver Eisenhower dollar coins will be available June 18th. Orders will be taken by the Mint starting July 1st, limited to five proof and five uncirculated coins. Each proof coin will cost $10, each uncirculated coin, $3. Order forms and instuctions will be available from commercial banks, post offices and my Washington office. Cupro-nickel dollars for general circulation through commercial banks will not be available until the end of the year.

MINSHALL BILLS

Although the first session of the new 92nd Congress has been unusually slow in organizing, I have introduced and co-sponsored a number of bills, many in areas that will be the subject of great debate and controversy. Copies may be obtained by writing to my Washington office. Among the bills are:

Consumer Protection: H.R. 922, date-labeling of all packaged perishable foods for freshness; H.R. 4716, establish an Office of Consumer Affairs, Consumer Protection Agency and other consumer protections.

Education: H.R. 1476, permit deduction of college expenses from personal income taxes; H.R. 3642, prevent forced busing of school children; H. Res. 105, create a Select Committee on Quality Education.

Health/Social Security: H.R. 925, create a Federal Medical Evaluation Board to test and regulate biological products, medical devices and drugs; H.R. 1477, restore to persons 65 or over right to deduct all medical expenses from income taxes; H.R. 1479, provide disability benefits for blind persons with at least six quarters coverage; H.R. 4960, Medicredit, health insurance coverage for all citizens; H. Res. 103, $10 billion for cancer research; H.R. 940, higher Social Security benefits for eligible married couples.

Law and Order: H.R. 920, suspend federal aid to colleges failing to quell riots as well as to teachers, instructors or lecturers who take part; H.R. 926, federal penalties for killing or assaulting firemen or non-federal law-enforcement officers when interstate laws are involved; H.R. 927, federal aid to urban police departments; H.R. 928, stronger penalties for federal crimes committed with firearms; H.R. 929, benefits for firemen and non-federal law enforcement officers killed or totally disabled in line of duty; H.R. 930, curb sales of mailing lists to pornographers; H.R. 1472, federal penalties against unlawful use of credit cards; H.R. 1473, remove U.S. Supreme Court jurisdiction over final judgments by state courts that an act or publication is obscene; H.J. Res. 430, create a Special Joint Committee on Security of the U.S. Capitol.

Pollution Control: H.R. 921, ban oil drilling in Lake Erie; H.R. 923, establish an Office of Noise Pollution Control; H.R. 931, construct spoil disposal facilities in Great Lakes; H.R. 932, establish an Environmental Financing Authority; H.R. 937, tax incentives to fight air, water and solid waste pollution; H.R. 1475 and 4360, ban dumping waste in navigable waters; H.R. 3138, ban nonreturnable soft drink and beer containers; H.R. 3139, eliminate polyphosphates from detergents; H. Res. 106, create a Committee on the Environment, plus several other measures to broaden and strengthen Federal regulatory and research endeavors.

Prisoners of War: H.R. 936, extend expiration date of power of attorney given by members of Armed Forces now missing in action or held as POWs; H.J. Res. 20, observe March 21–27 as "National Week of Concern for Prisoners of War/Missing in Action."

Taxes/National Economy: H.R. 939, raise personal income tax exemptions to $1,200; H.R. 1478, increase to age 16 child-care expense deductions; H.R. 4190, Federal revenue sharing with state and local governments.

Trade: H.R. 1474, prohibit transport of articles to or from U.S. aboard foreign vessels trading with North Vietnam; H.R. 3832, provide for orderly trade in iron and steel mill products to protect domestic industries.

Veterans: H.R. 3140, permit World War II veterans with National Service Life Insurance policies to convert to permanent policies with fixed premium rates.

Cleveland Office: 2951 New Federal Office Building 522–4382.

Washington Office: 2243 Rayburn House Office Building 202–225–5731 Zip: 20515.

STUDENT SETS EXAMPLE FOR TODAY'S GENERATION

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. FORSYTHE. Mr. Speaker, many Members of this House are participating in the excellent program, "A Presidential Classroom for Loving Americans."

Recently, the first group of students participating in this program from my district in New Jersey visited with me in my office.

I was impressed with their attitudes and sincere desire to learn about those who formulate government decisions—to learn as much as possible before making their own judgments.

Moreover, I was extremely proud to have received a letter from one of the young men, Jack L. Calkins, of Cherry Hill, N.J. I would like to share it with you, since I believe it reflects well upon today's generation of youth; those who will be guiding our Nation once we step aside.

The letter follows:

MARCH 1, 1971.

DEAR SIR: I wish to express my thanks for allowing me to meet you and to discuss with you your duties, views and insights into the office you hold, while I was in Washington, D.C. Your time was well spent in helping me to gain a true insight into the House and Washington in general. Also, your staff was quite helpful in everyway and perfectly candid in answering all of our questions. Comparing the responses other students received and didn't receive in A Presidential Classroom for Loving Americans, I can say I was quite fortunate to have the Opportunity that I did. This may certainly be a credit to you and your staff.

I came away from the discussion group at Cherry Hill East last October rather disappointed in both of the candidates' performances. However, in talking with you and realizing more of the true difficulties of the office (and benefits, in some cases) I was impressed, not only by your views but also by your proposals. Young people today, from impressions I received at Presidential Classroom, are very concerned with social problems—yet seem to have unrealistic views about the means by which to resolve these problems. I saw also a large amount of intolerance to conflicting opinion and an almost self-righteous indignation on the part of many. This all points to a lack of knowledge on their parts. In the area of government and the legislative body, in particular, the means and procedure of change are misunderstood. This should be the saving grace of Presidential Classroom—the intimate exposure to the machinery of change and a close inspection of its goals and products. Yet, if one does not understand this machine (or refuses to), value judgments upon its products are singularly arbitrary. Hopefully, each student should discover the goals of Americans to differ and accordingly the resulting legislation reflects this.

Elimination or alteration of the machinery will not change these goals nor, inevitably, the product. Truly, this program should serve to present the Legislative Branch as a machinery of compromise, considering all points of view and from these producing, in the final result, legislation representing the country as a whole. This is what I learned as did, I hope, many more of my fellow students.

Thank you again and please place me on your mailing list.

JACK CALKINS,
Alumnus: A Presidential Classroom for Loving Americans, 1971

GENERAL REVENUE SHARING: A RESPONSIBLE SHORT-RUN ANSWER TO THE FISCAL CRISIS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. HORTON. Mr. Speaker, a great and heated debate is taking place in America over the best means to solve the growing revenue crisis which threatens to bankrupt many States and hundreds of cities, counties, towns, and villages.

The revenue crisis at the State and local levels has, particularly after a period of economic sluggishness, created loud and well-justified demands on the part of thousands of American families that government spending at all levels be more closely controlled, and that programs like welfare and publicly subsidized medical care, which have skyrocketing budgets, be reformed in ways which will permit them to be controlled.

Despite the fact that Federal taxes on individual citizens have been reduced twice since the start of this administration—first, by elimination of the 10-percent surcharge, and second by stepped-up increases in the personal exemption to $625 in 1970 and higher in future tax years—these reductions have all but been consumed from the taxpayers' standpoint by increasing revenue demands from State capitals and local governments.

Part of the fault for the present crisis lies with the fact that the States and localities are saddled with an unmerciful negative, and self-multiplying welfare system which has ballooned State and local budgets to a point far out of the reach of the reasonable tax resources available to these levels of government.

By adopting a totally new welfare law and structure in the 91st Congress, we could have at least provided a start toward a long-term solution to this crisis. But, regrettably, the Senate delayed and then finally killed the welfare reform proposal which we in the House adopted in 1970. Our efforts to reshape and retool welfare must continue at an accelerated pace. There can be no excuse other than neglect of the people if the 92d Congress adjourns next year without passing a comprehensive welfare reform bill, which provides for work incentives, provides for controllability of the welfare program, provides work for those who can work, and provides relief to States and localities which now are bearing tremendous administration and benefit costs in operating the current welfare octopus.

Unfortunately, the financial crisis facing States and local governments can no longer await the passage of welfare, medicaid or any other reform measures. The specter of unbearable tax burdens, and of bankruptcy of many governments is a real and an immediate one. We must take the necessary steps to lay the groundwork for a long-term solution of this fiscal crisis, preparing for the day when strict spending priority judgments exercised in a context of reasonable taxes and controllable program costs can guide every level of government and avert catastrophe. But we now are also faced with the necessity of taking some short-run steps to meet the current crisis.

One reasonable and quickly available short-run solution is general revenue sharing. The general revenue-sharing concept recognizes the fact that the Federal taxing structure is more equitable, broader-based and more productive of revenue than taxes at lower levels of government. There is no question that any revenue-sharing concept carries with it a built-in problem—the problem of allowing State and local governments to spend money which has been raised through Federal taxes, and not through taxes for which State and local legislators are responsible. Ideally, it would be better if each level of government could raise the taxes it needs to operate effectively and efficiently and to provide needed services and thus be responsible for spending only what is raised through its own taxes. But it is precisely the failure of this ideal which has brought on the present crisis. Frankly, I believe that if some States had followed more enlightened taxing policies, at least the severity of the present crisis would be lessened. However, even in States where both progressive and regressive taxes have been levied at high levels, inflation and the costs of uncontrollable public assistance programs have precipitated an extremely serious tax-cost pinch.

A general revenue-sharing program, responsibly drafted and administered would be a quick and efficient means of meeting this crisis. It is not unreasonable, considering current changes in Federal budget priorities toward domestic concerns, to share between 2 and 5 percent of Federal revenues with other levels of government. This short-run solution should not be enacted to bail out State and local officials, but in honest recognition of the fact that the costs of government at the State and local levels have almost universally outstripped both the ability and the willingness of taxpayers to pay higher proportions of their incomes in taxes. No one pretends that revenue-sharing dollars do not come from taxpayers' pockets—they do. Revenue sharing is merely an efficient way to put these tax dollars where they are needed most to avert a national crisis.

I have sponsored the administration's general revenue-sharing bill in this Congress, as I did in the last Congress, and I will work with all of my energy for its passage.

Mr. Speaker, at this point, I would like to share with our colleagues some of the statements I have made in my own congressional district to point out the wisdom and the effects of general revenue sharing. By including these in the RECORD at this point, I am hopeful that other colleagues will recognize the strong support and the strong need for this measure, which I have found in evidence in the 36th District of New York:

FEDERAL REVENUE SHARING: A TOOL TO ACHIEVE FISCAL STABILITY IN LOCAL GOVERNMENT

(By Congressman FRANK HORTON)

Setting new records is as American as baseball and apple pie. Unfortunately, our cities and towns are setting new records every year—record costs of providing essential services to their people. These costs have reached the crisis point.

The demands upon state and local governments for services are increasing at a faster rate than they can raise revenues for these needs. Government must be efficient and should cut excessive spending but we must remember that the levels of government closest to the people should also be the most responsive to the needs of their people.

Emphasis today must be placed on the costly process of rebuilding deteriorating urban areas, expanding overcrowded education facilities, providing adequate housing and health care for middle and low income families, combating crime in the streets and meeting the highway, mass transit, water and sewer needs of our suburban and rural communities. State and local governments by themselves don't have the capacity to raise the funds required to meet these demands.

Traditionally local government has depended on property taxes, and more recently sales taxes, to finance local service. The skyrocketing cost of schools, welfare, sewer and water facilities, police and fire protection makes it obvious that the local government with its limited taxing authority can no longer carry this burden alone.

During the 1960's, states across the country made over 300 increases in major taxes, either enacting new ones or raising existing rates. Despite these efforts to assist local government, the financial structure is severely strained.

Property taxes for local and school revenues have reached the breaking point. The simplest, most direct and most equitable way to provide this help is through revenue sharing by the Federal Government.

The Federal Government has long recognized the gap between public need and resources. So far, it has helped close the gap through a growing list of categorical grants in aid to state and local government. That list includes more than 500 separate and uncoordinated aid programs which fill 1,000 pages in the Catalog of Federal Domestic Assistance.

We need better systems for delivering Federal assistance programs and better methods of fiscal assistance. Since coming to Congress, I have proposed revenue sharing legislation. In October 1969, I cosponsored a bill proposed by the President to provide an annual $5 billion in Federal revenue sharing.

Governor Rockefeller, who has given strong support for revenue sharing, met recently with the New York Congressional delegation to emphasize the serious financial crisis in our own state. He has urged a $10 billion a year program.

Under the President's revenue sharing proposal, a percentage of the Federal individual income taxes would be returned to the states and each municipality. Distribution would be based on population and on the taxing efforts of the individual state and locality, thus encouraging and rewarding the most effective use of local taxing powers.

Through an innovative revenue sharing plan, the Federal Government can create a true partnership among the levels of government. This partnership can be a start toward providing localities with the resources they need to solve their own problems and to restore fiscal stability.

TEXT OF CONGRESSMAN FRANK HORTON'S STATEMENT ON CITIZEN CONCERN ABOUT THE RISING COSTS OF GOVERNMENT

I spent several days this week visiting and meeting with constituents in the 36th District. Without qualification, the overriding concern of people I talked with is the crisis in the costs of government.

Rising calls for services and increased demands on the pocketbook of each citizen have taken their toll. Even though Federal taxes have been reduced by removal of the 10 percent federal income tax surcharge and by an increase in the personal exemption to $625, the problems of State and local governments have all but erased these reductions.

Many people spoke to me about their support of Federal revenue sharing with the states. Almost everyone expressed a desire that government officials exercise the greatest kind of care in sorting out spending projects and priorities.

While revenue sharing is not a panacea that will solve overnight the revenue crisis for states and localities—it is a desperately needed measure if today's fiscal emergency is to be solved.

HORTON OUTLINES WHAT REVENUE SHARING WOULD MEAN TO MONROE AND WAYNE COUNTIES

WASHINGTON, D.C.—More than $8 million would be available to Monroe and Wayne Counties in the first year under President Nixon's proposed revenue sharing plan, Congressman Frank Horton announced.

"Allocations would amount to $7.9 million to Monroe County and its towns and cities for the first year and $282,000 to Wayne County," Horton said. "The State of New York would receive over a half billion dollars."

Horton, who sponsored the Nixon general revenue sharing bill which would make these funds available, noted that final figures will be even greater since these estimates are based on the 1960 census.

A breakdown of the figures for Monroe County shows the following: City of Rochester, $3,413,461; Towns, $852,958; County, $3,720,625.

For Wayne County the amounts are: Cities (Villages), $71,210; Towns, $87,594; County, $122,905.

"These funds would be of considerable help to localities and to the state government in meeting their increasing financial burdens," the Congressman said. "If revenue sharing is to be enacted, however, there must be a groundswell of support at the local level."

RELINQUISH TAX SOURCES, NOT FUNDS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. DERWINSKI. Mr. Speaker, a very interesting and I believe accurate analysis of the basic question in Federal revenue sharing was contained in an article Thursday, March 4 in the Suburban Life by Washington columnist, Paul Sisco.

We must not lose sight of the fact that there are continuing complications when the Federal Government has a disapportionate share of taxing power in that commitments to share the funds could, from time to time, fail to meet the expectations of State and local governments.

Mr. Sisco emphasizes a very basic question involved in our present tax structure.

The article follows:

RELINQUISH TAX SOURCES, NOT FUNDS

(By Paul Sisco)

WASHINGTON.—The question of federal tax money and whether any of it will be going to the states and cities without any strings attached is building up as a major campaign issue for 1972.

Federal revenue sharing is the name generally applied to the proposal that the Congress appropriate bloc grants to states according to their populations, without much in the way of strings attached.

President Nixon, in effect, has proposed that some $5 billion be alloted at this time.

There is no question that the nation's major urban centers, and yes, smaller cities, too, are having trouble making ends meet.

Three years ago, the National Urban Coalition was formed to help the cities, then suffering riots and worse in the wake of Martin Luther King's assassination.

Recently, Sol Linowitz, the head of the Coalition, said cities, although they are not burning, are in far worse shape today than they were during those days of riots.

Gov. Richard Ogilvie pulled into the Washington area a full day before the start of a national governors conference just to attend a Coalition meeting on the problems of the cities.

"There is no question that the federal government must help bail out the cities," Ogilvie said.

The hangup is that Congress doesn't like to pass out money without getting some assurance that the money will be spent wisely. In general, the record of states and cities in handling federal sums has not been good.

In addition, the argument is made that there are plenty of federal laws on the books for enterprising local communities to gain their share of federal revenue. The difficulty often is that there are so many complex procedures involved before the local community can get federal help.

Perhaps the answer is for the federal government not to relinquish tax moneys after it has collected them but to give some of the sources of the taxation.

In other words, don't increase taxes on individuals but change the split in the pie at the source, when the taxpayer makes out his tax return.

Meanwhile, President Nixon has shoved the Democratic-controlled Congress in a corner. Congress won't pass a meaningful federal revenue sharing bill and Mr. Nixon will use that as a campaign theme next year.

FREEDOM—OUR HERITAGE

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. RHODES. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conducts a Voice of Democracy Contest. The contest theme was "Freedom—Our Heritage." Over 400,000 students participated this year.

The winner from my State of Arizona, is a young lady from my district, Miss Shauna Levie, of Phoenix.

The content of Miss Levie's speech, I believe, deserves publication in the CONGRESSIONAL RECORD. She speaks of freedom as a share in the "most valuable corporate enterprise in the world," the United States. She speaks of the rededication of every citizen for the ideals which our Nation stands for, of the repurchase of this right to remain free and of the constant vigilance which we must maintain to preserve this heritage. These words have a special ring to each and everyone of us at this time of our history. It is indeed refreshing and heartwarming to read the contents of Miss Levie's speech which I insert at this point:

FREEDOM—OUR HERITAGE

Have you ever dreamed of owning a share in the most valuable corporate enterprise in the world? Was there a time you wished you were a wealthy shareholder, having stock in one of the greatest corporations in America? You need not dream any longer, your wish has come true! Open your eyes! Look beyond the material wealth and discover the richest possession you own. Your freedom.

Throughout the course of history, the stock market of freedom has fluctuated widely. The charter for freedom of the United States was layed, when in 1776, our forefathers signed their names to the Declaration proclaiming their independence from Great Britain. Their liberty and freedom was purchased by great sacrifice of blood. The cost of just one share in this enterprise was the utmost farthing, the price of human life.

Danger of collapse threatened and appeared imminent when the new nations was divided in a great Civil War testing, as Abraham Lincoln once said, "whether that nation or any other nation so conceived can long endure." From this great conflict unity and freedom emerged as victors over division and bondage, and the nation yet young was reunited and recovered painfully but completely.

Over a century has now passed during which countless men of courage have, in world conflicts, repurchased this right to remain free. They have invested their very lives in this great American enterprise of freedom, and have passed on to us the heritage of life, liberty, and the right to pursue happiness.

Can we afford to let our premiums lapse? We must now cherish this bounty that has been purchased and preserved as our inheritance.

We cannot safeguard this heritage of freedom as we would a precious corporate security in a safe or vault. This gem of freedom is one, as Mathew tells us in Chapter 6, Verse 19, that Moth and Rust, doth corrupt, and that thieves break through and steal.

It may be taken from us by violence, dissent or even without struggle, by those advocating anarchism or Marxist communism. It need not, however, be lost by force or by default, but we must pay the premium! The price of freedom is eternal vigilance.

The price we must invest may be small in money. The real cost is a full measure of our devotion, dedication and loyalty to law and order, justice for all, and the principals upon which freedom is founded.

What can we, as future parents do to preserve and insure this heritage of freedom for our children? First and foremost, we must provide homes where love and devotion towards America is taught. It is essential that they grow up realizing what a vast opportunity has been given to them. Loyalty to law and order must be taught and observed by all family members, in both words and actions. Young boys need to be told from their youth that they might some day be called to fight for the preservation of the liberty and freedom of America, and it is their responsibility to serve when called. So we see that our children also must pay the premiums. But it is our responsibility to help and teach them.

It is incumbent upon each generation to purchase anew this freedom in order to insure it for their posterity. Open your eyes! Look beyond the material wealth and discover the greatest possession you own! Your freedom.

COURAGE VERSUS COWARDICE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. DERWINSKI. Mr. Speaker, a very timely and forceful editorial emphasizing the value of our religious beliefs and the emphasis on respect for government was carried Wednesday, March 3, in the Tri-City Advertiser of Dolton, Ill.

This editorial commentary in my opinion is a very dramatic expression of grass roots American thinking.

The editorial follows:

COURAGE VERSUS COWARDICE

In the midst of increasing turmoil in this country and the world, of which all of you must be aware, this seems to be an appropriate time to call attention to an institution that has existed for almost a century, with a steadfast purpose and a definite goal to attain.

We refer to the World Day of Prayer. Locally, for Riverdale, Dolton and South Holland this will be celebrated Friday, March 5 at 1:30 p.m. at the Ivanhoe United Methodist church at 145th and Clark streets, Riverdale.

We are informed that this is the 84th year of this celebration and that it is sponsored by the National Ecumenical Assembly of Church Women.

A special program has been planned and priests and ministers, members of the Riverdale-Dolton Ministerial Association will participate to make this an event in which all residents of all faiths are invited to participate.

Regardless of the reader's religious beliefs, we are certain all will agree that this non-violent celebration, in a quest for some answer to the violence of the age, is useful, meritorious and worthy of our attention.

Now—look at the other side of the picture and try, if you can, to examine the purpose and goal of those who participate in anarchistic acts seeking to instill fear instead of courage, conflict instead of peace and cowardice instead of bravery to face the issues which never were unsolvable.

In a vain attempt to stop a war, never started by the men presently in charge of government, these anarchists resort to the same violence, death and punishment by destructive methods, the destruction of property belonging to all the citizens of our land, as are employed in the very war they seek to stop.

We agree with statements made by many to the effect that the war in Indo China and Asia never should have been started. We are in tune with those learned men, now dead, who said we will never understand the Asian mind. But to try to end a war by the same methods now prevalent in the present conflict seems to us to be a useless and senseless theory.

You need not be informed of the fact that the action of the anarchists is based on cowardice, deception and a distinct lack of what we call back-bone.

These acts are performed anonymously. They phone in secret, act in secret and obviously must be convinced in their own minds that they can go on forever intimidating what they must assume to be a spineless, scared-to-death, weak and timid people.

And you will note, most of them, after their purpose has been detected, flee to distant lands in the hope that the hands of lawful men will not lay hold on them.

They are mistaken theorists.

They are cowards and skunks and the sooner they carefully apprehend that our country is made up of many who understand that it takes courage to face not death—but life, unflinchingly, the sooner they will come to their inevitable end.

THE PRESIDENT, CONGRESS, AND SOUTHEAST ASIA

HON. BOB BERGLAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. BERGLAND. Mr. Speaker, last Thursday, during his news conference on foreign policy, President Nixon stated that "the jury is still out" on the invasion of Laotian territory by the ground forces of the Government of South Vietnam and the air forces of the United States. I was not critical of the President when the invasion was first announced. I believed that he should be given the opportunity to demonstrate whether or not his policies would shorten this disastrous war. I now submit that the jury is, in fact, in and that the joint expedition into Laos has failed in its objectives.

The primary objective of the Laotian operation was, according to the President, to save lives. Yet, more Americans lost their lives in Southeast Asia last week than during any week of the past several months, and South Vietnamese casualties are at their highest level since the Tet offensive of 1968.

The second objective was to hasten the withdrawal of American troops. Yet the President conceded, during his state of the world message 3 weeks after the invasion of Laos was well underway, that he sees no early end to our involvement.

A third objective was to reduce the flow of troops and supplies, over the Ho Chi Minh Trail, from North Vietnam into the South. It seems that travel over this trail has, in fact, been slowed. Unfortunately a new trail is being constructed well out of reach of South Vietnamese units in Laos.

The final objective of the incursion into Laos was to demonstrate that the Government of South Vietnam can conduct large-scale military operations without extensive support from U.S. forces. Despite all claims to the contrary, reports from the field do not instill confidence in the South Vietnamese Army. Further, there was extensive and massive support, in the form of air power, from the American Forces.

Because the Nixon administration has not fulfilled its responsibility to the American people—to bring this tragic war to a rapid end—it is necessary for the 92d Congress to take the initiative.

Our first task must be to enact legislation, which I am cosponsoring, that prohibits U.S. forces from participating in—or supporting—any invasion of North Vietnam. The President, by his constant refusal to rule out such an act, has made this specific legislation essential.

Second, we must work for early passage of the Vietnam Disengagement Act of 1971. This legislation, which I am also cosponsoring, would require the removal of all American forces by December 31, 1971; encourage the return of prisoners of war; and provide for those South Vietnamese who believe their lives would be endangered by our withdrawal.

Our tasks are immediate. We can no longer tolerate the further sacrifice of our young men. Nor can we allow the continued drain on our national resources and economy.

SENATE—*Wednesday, March 10, 1971*

The Senate met at 11 a.m. and was called to order by Hon. Robert C. Byrd, a Senator from the State of West Virginia.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou Infinite Spirit, we bow before Thee with humble hearts. In Thy presence we would rekindle the fire of faith that we may better be prepared for the duties of life, to endure its trials, to bear its crosses, and to achieve its lasting joy and satisfaction. Give us strength for our daily duty, patience in unexpected crises, and in time of trial give us the hope that sustains and the faith that wins the victory of Thy kingdom.

While we work for the welfare of others may we in our personal lives enlarge the area of friendship and good will.

Grant a full measure of Thy grace and wisdom to the President and to the Congress that together they may concert their best efforts for the making of a new and better Nation, and for a world at peace.

Through Jesus Christ our Lord. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read communication to the Senate from the President pro tempore (Mr. Ellender).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., March 10, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Robert C. Byrd, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

Allen J. Ellender,
President pro tempore.

Mr. BYRD of West Virginia thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, March 9, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the speech by the distinguished Senator from Indiana (Mr. Hartke) today, there be a period for the transaction of routine morning business not to extend beyond 12 o'clock, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION TOMORROW OF SENATORS McGOVERN AND MATHIAS

Mr. MANSFIELD. Mr. President, I ask unanimous consent on tomorrow, following the remarks under the order already granted for the Senator from Georgia (Mr. Talmadge) and the Senator from Idaho (Mr. Church), that the Senator from South Dakota (Mr. McGovern) and the Senator from Maryland (Mr. Mathias) be recognized for not to exceed 30 minutes for a colloquy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the order previously entered, the distinguished Senator from Missouri (Mr. Symington) is now recognized for not to exceed 30 minutes for a statement and colloquy.

ANNOUNCEMENT OF SOVIET MISSILERY—HERE WE GO AGAIN

Mr. SYMINGTON. Mr. President, many new occurrences inevitably come with spring—some pleasant—warmer weather, Japanese cherry blossoms; some not so pleasant—proposed higher defense budget, warnings of grave new danger to this country because of new developments in Soviet weaponry.

Last week, in a session, secret to the point where no record was kept, the Senate Armed Services Committee was briefed about Soviet missile plans. This briefing included for the first time purported details of new Soviet missilery which was not known about when the Joint Atomic Energy Committee was briefed the previous week on the same subject by the same people.

One cannot fail to remember several comparable spring announcements of previous years—in the early 1950's those thousands of new long-range bombers the Soviets were going to build, but never built; in the late 1950's those hundreds upon hundreds of long-range missiles the Soviets were going to build, but never built.

As a result of these and other inaccurate intelligence reports, however, the American taxpayer is currently bearing the burden of tens of billions of dollars of additional weaponry we now know is not needed for his security.

In Kansas City last Sunday, a member of the news media asked me about this new Soviet threat. Based on the secrecy emphasis of the already noted classified briefing, I avoided answering.

On the following morning, however, there was a front page story in the Kansas City Times, "Mighty Soviet Missile Reported"; and I ask unanimous consent that this story be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Mighty Soviet Missile Reported

Washington.—The Soviet Union is deploying huge, advanced intercontinental missiles qualitatively mightier than its known weapons, Sen. Henry M. Jackson (D. Wash.) said yesterday.

The Defense department, queried on his assertion, said "it is correct that we have detected some new I.C.B.M. construction in the Soviet Union. We are not sure exactly what it is or what Soviet intentions are." The statement was issued by Jerry W. Friedheim, Pentagon spokesman.

Military sources said Jackson disclosed as much about the construction as was known, but it was a little early to say exactly what the Soviet Union might be doing.

Defense department officials said evidence pointing in the direction of Jackson's report was collected in the last few weeks. Asked whether this changed the general picture of a Soviet missile deployment and construction slowdown one official said:

"Unfortunately, this can mean the slowdown on SS–9 missiles may not be meaningful."

The new weapon, "as big or bigger than the SS–9," currently considered Russia's most advanced missile, represents a system "superior to the SS–9 not necessarily in yield, but in quality," Jackson said.

Jackson spoke on the CBS–TV radio program Face the Nation and gave details later to the Associated Press.

"It will come as a shock to a lot of Americans, after much discussion that they (the Russians) have leveled off the deployment of SS–9's, to know that the Russians are now in the process of deploying a new generation, an advanced generation of offensive systems contrary to the position earlier indicated with the so-called leveling off of the number of SS–9 sites," Jackson said.

Jackson, a senior member of the Senate armed services committee, would not name the sources of his information about the new Soviet system, and said: "We do not know quite what it means."

He said the Soviet missile build-up would come not in the form of a first-strike nuclear attack against the United States, but the Soviets would "use this growing power to take bigger and bigger political risks" in the 1970's.

"These are huge new missiles that from a qualitative point of view certainly present a difficult problem for the United States to face in the 1970's," Jackson said.

He said he also believed Russia leveled off deployment of its SS–9 force to refit them for multiple nuclear warheads.

The question of Soviet missiles came up when Jackson was asked about U.S.-Soviet Strategic Arms Limitation talks. He said he completely backed President Richard Nixon's position that the talks and any agreement should include offensive as well as defensive strategic weapons. He called for continued U.S. development of a defensive, antiballistic missile to protect the integrity of U.S. retaliatory missile strike forces.

Mr. SYMINGTON. Mr. President, as one turns against building those weapons which, after study, look to be "an unnecessary burden" on our already overburdened taxpayers, one finds it more difficult to obtain facts about various proposed military policies and programs.

It is some consolation, however, to find out that this problem has become a problem of other organizations, including the General Accounting Office operating under the Comptroller General of the United States. This latter organization was known, and should continue to be known, as the watchdog of the Congress.

As evidence of their concern, recently the General Acounting Office issued a report entitled "Problems in Administration of the Military Assistance Training Program." In that report GAO calls attention to the difficulties they have had in obtaining access to executive branch materials; and I would read two pertinent paragraphs from that report:

> During our review of the training program on behalf of the Senate Foreign Relations Committee, representatives of the Departments of Defense and State have withheld or delayed the release of MAP reports and records essential to a full and complete review and evaluation of the program which is financed by considerable appropriated funds. The access-to-records problems experienced by our staffs during this review are a continuation of similar problems the GAO has encountered over the years in reviewing DOD programs, particularly evaluations of military assistance programs.
>
> We believe that this access-to-records problem involves a matter that critically affects our future ability to conduct on behalf of the Congress thorough and complete reviews of the MAP.
>
> In order for GAO to carry out its legal authority to make independent reviews of MAP, it must have access to and make appropriate review and analysis of all DOD reports and records which evidence the expenditure of appropriated funds.

The General Accounting Office states that it has become increasingly difficult for them to obtain enough pertinent information in other fields so as to in turn make a proper report in accordance with their assigned function under the law.

In any case, and in reasonably good humor, I say to my colleagues and the taxpayers—"Here we go again."

If the defense budget is to be increased again this year, however, and the war is going to continue in the four countries of Laos, Cambodia, North and South Vietnam, and a large contingency of our troops is to stay in Korea, and a far larger contingency is to stay in Europe, and our balance of payments continues to deteriorate, and we make any reasonable practical effort to handle our growing economic and social problems here at home, when one realizes what this can only mean to the future value of the dollar, it is going to be difficult to preserve that good humor.

DRUGS SOLD OPENLY IN SOUTH VIETNAM

Mr. SYMINGTON. Mr. President, I ask unanimous consent that an article entitled "Drugs Sold Openly in South Vietnam," written by Gloria Emerson, and published in the Kansas City Times of March 8, be printed in the Record at the conclusion of these remarks.

The PRESIDING OFFICER (Mr. Chiles). Without objection, it is so ordered.

(See exhibit 1.)

Mr. SYMINGTON. Mr. President, as mentioned to the distinguished chairman of the Senate Armed Services Committee, if stories one hears about the use of drugs on the part of our military, not only in the Far East, Middle East, and Europe, but also back here in this country are true, from the standpoint of our true future security, this problem could well be a more serious problem than the outcome of the wars in Indochina.

Exhibit 1

Drugs Sold Openly in South Vietnam

(By Gloria Emerson)

Saigon—It is so easy to buy heroin from peddlers in Vietnam wherever there are American troops or convoys that a tiny plastic vial can be purchased for $3 outside the headquarters of an American general.

On the 15-mile Bien Hoa highway, which runs from Saigon north to Long Binh, heroin can be purchased—and was, by this correspondent—in a dozen conspicuous places within a few minutes.

At Long Binh, the largest United States military installation in Vietnam, a stand where Vietnamese children sell the narcotic nearly every day of the week can be found directly across the highway from the entrance to the headquarters of Lt. Gen. Michael S. Davison, who commands the II Field Force.

The stands in the Long Binh area, usually set up by boys, are U.S. Army ponchos held on poles to provide shade. No other goods—none of the fruits or soft drinks seen in other stalls—are on display.

The vials containing the heroin are about the size of the salt shakers served with meals by airlines in the U.S.

In a drive from Saigon to Long Binh, more than a dozen stalls and three individual vendors of heroin were seen.

The tiny vial of heroin can sometimes be purchased for a carton of American cigarettes, which costs GIs $1.75 at the post exchange. The Vietnamese sell the cigarettes on the black market for three times that, if not more.

The cost of a vial ranges up to $6, depending on where the sale is made. GIs can pay in military payment certificates, the Army currency equal to the dollar, or in Vietnamese piasters.

The drug is being used more frequently by enlisted men. The military command in Saigon, which will not comment on the increase, lumps the heroin situation with the rest of the drug problem which, in Vietnam, appears to involve marijuana for the most part.

CRACK-DOWN

In January a 64-page directive from Gen. Creighton W. Abrams, commander of United States forces in Vietnam, ordered officers to help combat the widespread use of marijuana.

"But you don't hear the generals sweating over marijuana," a soldier at Long Binh said today. "It's scag they worry about."

In a brigade headquarters at Long Binh there are unconfirmed reports that the use of heroin in the unit has risen to 20 per cent from 5 per cent. Most of the officers really do not know how many of their men are using the drug.

"You can salute an officer with your right hand and take a hit with your left hand," an enlisted man from New York said.

Some GIs prefer to smoke the heroin, which they mix with cigarette tobacco, because unlike marijuana, it has no distinctive aroma. It is said that few inject it into their veins. If they do not smoke it, they snort it; used like snuff, it is pushed into the nostrils and inhaled.

On the small road leading off to the 9th replacement battalion, where soldiers arrive in Vietnam and where they are processed to leave after one year, a small boy looking not much older than 7 sits under a poncho with a monkey on a leash and a parakeet in a bamboo cage. Not to be seen are the vials of heroin he cheerfully sells.

"That kid is really a landmark around here," a soldier said.

There were no national policemen whose responsibility is to stop sales to GIs near the stands. American military policemen are entitled to detain those soldiers caught in the act of buying or with heroin in their possession.

"If the kids don't sell, the mama-san in the hootches will, or the South Vietnamese troops," a soldier said. The mama-sans are the Vietnamese maids at Army posts.

At the tiny railroad station at Long Binh, where there is a commuter train to Saigon for Vietnamese employees at the base, a middle-aged Vietnamese woman in a green blouse and black pants sells watermelons. She also sells heroin which the Vietnamese call white opium. A boy at her side nods when he sees a soldier use a forefinger and thumb to indicate that he wants a tiny vial.

"Three bucks," the boy says.

An officer at Long Binh speaks of others who have climbed an observation tower to watch a sale with soldiers tossing cigarettes over the high fence to Vietnamese men.

"If I can see that," the officer said, "I wonder why the MPs don't know it."

CURB SERVICE

American convoy drivers are also good customers. It is believed that many of them buy for resale.

Large communities of Vietnamese who live near the Long Binh base or near highways where American convoys pass have made small fortunes selling marijuana and heroin.

In the little town of Tam Hie about 20 miles from Saigon on route 1, which curves by the Long Binh base, the sellers are adolescent girls. An older woman explained why.

"It is harder for boys to approach military convoys because they might be thought of as Viet Cong," she said in Vietnamese.

She has a 17-year-old daughter, still in school, who often sells on route 13.

"More white Americans buy heroin from us than the black ones do," the schoolgirl said. "If you see an American sniffing the white opium, you will certainly die laughing. His hands shake violently when he is handed it. Immediately he begins to sniff it. Then he closes his eyes as if he is going to faint."

The girl gave a chuckle and added: "Some minutes later he wakes up and looks more intelligent."

It is believed that most of the heroin—derived from morphine, one of the alkaloids in opium—comes from Laos, but the girl and her mother do not know its source. Both said, however, that the local supply probably came from Chinese merchants in Cho Lon, the huge suburb of Saigon and once its Chinese twin city.

Not all the drugs are pure. The schoolgirl said that dried grass or tea leaves were often added to marijuana and that sugar was added to heroin.

One reason American soldiers give for using heroin is that compared with prices in America, it is cheap.

"There aren't many bargains here, either," one soldier said glumly.

THE DEBT AND THE DANGER WHEN JOHNNY COMES MARCHING HOME

Mr. SYMINGTON. Mr. President, one of the sad aftermaths of this war, and one which will be with us at least as long as any other, is the problem of the returning veteran.

In this connection, I ask unanimous consent that an article by James Reston in the Kansas City Times of Monday, March 8, "The Debt and the Danger When Johnny Comes Home," be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Debt and the Danger When Johnny Comes Home

Washington.—So "the boys," as we call them, are coming back from the war.

What are they coming back to? And what are they bringing back with them—what thoughts, what dreams, what habits?

It is easier to answer the first question than the second. They are coming back to a divided country, which has five million unemployed and a dwindling market for unskilled labor; a fabulously rich country with a shortage of houses as well as jobs, and a surplus of inflation and social tension—scarcely "a land fit for heroes."

We do not know what they are bringing back with them, but we know they are no longer "boys." They are men trained in violence and guerrilla warfare, many of them no doubt resentful of their contemporaries who stayed at home, many more brutalized by battle or corrupted by cheap and strong drugs, all of them expecting, and rightfully so, useful work and a decent life.

No doubt a majority of them, as in past wars, will slip back under the orderly and civilizing routine of work and family. General Westmoreland, for example, is persuaded that the discipline of Army life will prove to be a stronger and more lasting force than the brutality or the corruption.

Still, even if he is right, even if they are not a problem or a danger, they are surely a debt. At least on this we should be able to agree, regardless of our views on the war. It is not a debt that can await the slow return of "full employment" or "stable prices," both of which may be far down the road. Many of them are going to be mental casualties or even prisoners of war at home—restless, frustrated and out of work.

The government, of course, is conscious of all this. There is a demobilization program designed to ease the transition back to civilian life, hospital care for the wounded, educational assistance for the yearners, medical and psychiatric help for the drug addicts—even a careful security watch just in case—but the sum of all this is pitifully small compared to the magnitude of the problem.

Lately there has been a lot of talk in Washington about priorities, allocation of resources, revenue sharing and local responsibility for local problems. The Congress is deeply divided on all these. The Senate has not even been able to agree on its own rules of procedure, let alone getting down to legislating on urgent questions of policy.

The returning veterans, however, are a special question, a first priority, an obvious test for revenue sharing and local responsibility, and they need federal money and special help much faster than they are getting it now.

What is happening in most cases, despite the help of veterans' organizations and federal assistance, is that most of them are thrown in with the rest of the unemployed to seek jobs or welfare as best they can.

During the autumn months of 1970, according to the latest figures, the amount of public welfare increased faster than ever before, partly as a result of returning veterans, and already threatens to drive welfare costs up at least 1.5 billion dollars above the estimates in President Nixon's 1972 budget.

In explaining the steep rise in the nation's unemployed during the last year the administration has "blamed" much of it on the reduction in the armed forces and the layoffs in factories working for the Pentagon, but very little has been said of the human plight of the returning veterans.

The politics of this problem is not an unsuperable barrier. Few federal legislators of whatever persuasion are prepared to vote against appropriations for veterans jobs—even if this means financing public service work under the states, cities, counties and municipalities of the country.

Meanwhile, much could be done by private employers in every community if separate lists of local veterans were compiled and local committees were established to help employ the veterans as a first priority.

At the present time, the major complaint in Washington, both in the executive and the legislative branches of the government, is that officials feel trapped in vast controversies and cannot get action on new welfare, housing or job training projects.

On the conduct of the war there is of course a bitter stalemate. On the conditions of a negotiated peace and on the future of Vietnam, Cambodia and Laos it is the same. But the problem of the veterans is not a major divisive issue. The debt and the danger are widely recognized, but somehow they have been shoved aside by the more dramatic political and economic arguments.

Seldom is a speech made here about the war without verbal tribute being paid to the men of the expeditionary force and to the extraordinary sacrifices they have made under conditions unprecedented in the history of the armed forces.

But this does not really help the veterans. They need money and jobs, and the cost of providing them is likely to be far less in the long run than the cost of paying for the consequences of indifference.

LAOS, CAMBODIA, VIETNAM, AND TOMORROW

Mr. SYMINGTON. Mr. President, during the years that I paid periodic visits to South Vietnam in an effort to obtain the truth about this tragic war, no newspaperman appeared to know more about what was really going on out there than did Robert Shaplen.

In the March 6 issue of the New Yorker magazine, Mr. Shaplen has written from Saigon a thoughtful and penetrating analysis of current conditions in that war theater, including also recent relatively new developments in Laos and Cambodia.

I ask unanimous consent that this interesting military-political analysis of these present tragic wars be printed at this point in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

LETTER FROM INDO-CHINA

SAIGON, FEBRUARY 25

The invasion of Laos by South Vietnamese troops with American support seemed to offer at best some dubious short-term rewards and at worst a potential disaster. The risk was great, for as we have been reducing the number of our forces in Indo-China we have actually been increasing our commitment and involvement here—first in Cambodia and now in what is described as an "incursion" into Laos, which began in full force on February 8th. It is still too soon to render a firm appraisal of the venture, whose purpose, according to the Americans who persuaded their South Vietnamese allies to attempt it, was to cut through some of the Ho Chi Minh Trail complex, thus "turning the tap," as one American commander put it, and reducing to a trickle the flow of North Vietnamese traffic southward. The traffic had been growing heavier. Between the first of January and mid-February, the North Vietnamese poured thirty-one thousand new soldiers in at the top of the Trail, and trucks carrying supplies were moving down at the rate of twelve hundred a month—a considerable increase in both men and materiel over the average monthly flow in 1970. Most of these resources were probably headed for South Vietnam, though perhaps a third of them were destined for Cambodia. But the severe fighting that has taken place indicates that from the start the odds were against the invasion's turning out to be a success, even if the weather—which has been worse than anyone anticipated—had been favorable.

In the third week of February, taking advantage of the mist and of the fact that invading South Vietnamese vehicles and armor had been slowed if not bogged down, the North Vietnamese troops of General Vo Nguyen Giap—whose response to the new developments in Laos had been described by associates in Hanoi as "enigmatic and smiling"—struck back hard at the advanced South Vietnamese fire bases. Giap's strategy has always been to wait and adapt himself to whatever new situation arises. (He did this brilliantly against the French at Dien Bien Phu in 1954.) Faced with heavy American air support of the South Vietnamese ground troops, he at first decided to pull back, apparently on the theory that the South Vietnamese attack would not be a major one of long duration. Then, when the weather got worse, he saw his chance. Still seeking to avoid a major confrontation, he moved elements of three regiments and many anti-aircraft and artillery units south toward the South Vietnamese positions along and around Route 9. First, he threw his heaviest and most modern Russian and Chinese rockets onto his opponents' hilltop posts. Then he sent in sappers and other ground troops, striking at the most vulnerable South Vietnamese outposts and mauling élite Ranger and airborne elements, which, with several thousand soldiers of the best of the regular South Vietnamese Army (ARVN) infantry divisions, the First, composed Saigon's invading force. Shooting from hidden anti-aircraft emplacements—many of them cleverly concealed platforms deep in the jungle that covers that forbidding region—Giap's forces took a heavy toll of American and Vietnamese helicopters delivering troops and ammunition. By February 23rd, about twenty-five helicopters had been destroyed on both sides of the border and at least that many were damaged. Casualties are already heavy, and they could become heavier if Giap decides to throw in more troops and, despite American and South Vietnamese air superiority, risk a larger battle on the ground. In any event, Saigon's early claim that its forces were enjoying a seven-to-one advantage over the North Vietnamese in men killed can no longer be substantiated—if it ever could have been.

At the beginning, the invading troops were obsessed by what one veteran American official calls "the Tchepone complex." Tchepone, on Route 9 about twenty-five miles inside the Laotian border, lies athwart the major invasion path. As a key station on the Trail, it had a hard-dirt airstrip capable of taking the Russian equivalent of DC–3 transports, and, as a liaison and communications center, it had sophisticated Russian equipment for guiding the Trail traffic to destinations farther south, west, and east. According to the invasion plans drawn up by General Creighton Abrams, the American commander in Vietnam, and his Vietnamese counterpart, General Cao Van Vien, Tchepone was to be seized and held, at least long enough for the South Vietnamese to conduct sweep-and-patrol operations around it in all directions in an effort to destroy as many major Trail supply caches as possible. Even after the South Vietnamese began running into trouble from bad weather and anti-aircraft fire, the airstrip remained an objective, although the communications equipment had already been carried off, and it became increasingly apparent that the basic concept of the attack would have to be altered "in time" as well as "in space"—to use the terms President Nguyen Van Thieu used in describing the operation.

By then, though the invading forces had destroyed some sizable North Vietnamese caches near the border, it was only too clear that the success of the attack would be severely limited by the redoubtable complexity of the Trail network. Nine major Trail routes fan down from the Mu Gia Pass and two other mountain defiles in North Vietnam. (These three defiles, through which nearly all traffic passes, have been hit constantly by American B–52 and other bombers over the years, but with only limited success, since pinpoint targeting is extremely difficult in such mountainous terrain.) Of the nine Trail arteries below the passes, the South Vietnamese apparently crossed over three in the first few days of the invasion and found some caches. Much of the truck traffic is believed to use these three routes, but I learned from South Vietnamese sources that the invading forces actually discovered and blew up only a few minor relay depots. From northern Laos down to the Bolovens Plateau, about a hundred and fifty miles south of the Mu Gia Pass, where the major routes turn eastward into South Vietnam or, dwindling into jungle trails, run on south into Cambodia, there are known to be forty-two major storage centers. So far, not one of these forty-two centers has been reached by South Vietnamese ground forces, though the centers have all been bombed regularly in the past.

The sixteen thousand South Vietnamese committed to the enterprise, it is now clear, were incapable of reducing the total Trail traffic to a trickle. The most that could have been done, military experts now concede, was to slow the flow for a short time—perhaps for two or three months. This might have served the oft-stated American purpose of "protecting" the withdrawal of our troops and helping the Vietnamization program. It seems doubtful, however, under any circumstances short of a miraculous stroke of luck, that a limited Trail attack could have made a really big difference at this late date. Back in 1968, there was serious talk of having American and South Vietnamese troops cut across Route 9 all the way to the border of Thailand. That would have required upward of seventy-five thousand men, and, if it had been synchronized with an invasion of the Cambodian sanctuaries, might have altered the course of the war. Of course, it might also have brought in the Chinese Communists, who are again making noises about responding to "a grave menace." Conceivably, the Chinese could still make an "incursion" of their own into Laos, moving toward Thailand from the northwest along a new road they have been building on and off for eight years. Recently, the Chinese have extended this road from Muong Sai, in the northwest Laotian province of Luang Prabang, to a point fifty miles from the Thai border. They have also extended a road eastward from Muong Sai to connect with one that runs through Dien Bien Phu, in western North Vietnam. The Chinese have some seven thousand troops in northern Laos, mostly engineers but including some combat elements. Yet even if there should be any truth in rumors of large Chinese troop movements into Yunnan Province, in southern China, during the past month—rumors that are not substantiated by responsible Western intelligence reports—most observers do not believe that the Chinese will move in strength into either Laos or North Vietnam to reinforce the North Vietnamese, who don't particularly want them to anyway. Nevertheless, the new west-to-east road can certainly be of help to the North Vietnamese in the attack they have been mounting in northern Laos—an operation that seems to be more serious this year than it has been at any other time since 1964.

Depending on both military and political events, of course, the whole picture could change drastically overnight. The Laos invasion could escalate into a new major war, or it could place the North Vietnamese in such a difficult position that, as the Americans hope, they might be willing to negotiate seriously, or at least seriously enough to give themselves a respite. This is what President Nixon keeps talking about, but it actually seems less likely now than it did before the Trail attack was launched. Another possibility is that as we pull out of South Vietnam the South Vietnamese, primarily as a result of our planning and urging, will find themselves in the difficult position of fighting alone over ever-widening fronts in three and possibly even four countries, the fourth being North Vietnam itself. This might accord quite well with the revolutionary dynamics of the North Vietnamese and their Chinese—if not necessarily their Russian—allies. Though it would strain the Hanoi war machine to the limits of its capacity, it would also gravely interfere with all the paramilitary and political programs that have been undertaken to bring a measure of stability to South Vietnam, with the result that this beleaguered country, still the prize of Indo-China, would be torn apart beyond repair. Thus, far from having been helped as a result of the Cambodian and Laotian ventures, as many Americans would like to believe, South Vietnam could well be on the way to being lost irrevocably.

One important factor influencing those who conceived the Laotian "incursion" was that the loss by the Communists of the southern-Cambodian port of Kompong Som (formerly Sihanoukville) had made the long overland routes more vital than ever, and therefore more vulnerable. Because of a number of considerations, including terrain and logistics, the Laotian operation promised to be tougher than the Cambodian one, but, perhaps in part out of consideration for public opinion back home, no American ground troops were to take part, as they had in Cambodia. Most of the South Vietnamese divisions (including airborne and Marine elements) are now rated good or better, and giving them a chance to score a victory on their own may have been another factor in the planning. Nevertheless, contrary to some early predictions, the invading troops did not intend to stay in Laos until the end of the dry season, in May, though the possibility may not have been totally excluded. The idea was simply to stay as long, and do as much damage, as possible.

Almost six weeks ago, General Abrams' intelligence sources detected movements of North Vietnamese ground troops south toward the Demilitarized Zone. (The equivalent of about four divisions had been poised north of the Zone.) Even before the decision was made to go into Laos, it was decided to place an American blocking force along Route 9 in Quang Tri Province, where, at Khe Sanh and elsewhere, some of the fiercest fighting of the war had previously taken place. This was considered a separate preemptive measure, and it would have been taken no matter what occurred in Laos. From a public-relations standpoint, the airlift north from Saigon at the end of January of this American force and of the first South Vietnamese forces for the Laotian operation was badly botched. The now famous "embargo" of any news about troop movements in the northernmost military region of South Vietnam (Military Region 1) was quickly breached, simply because no one told correspondents they were not allowed to "speculate"—in fact, they were virtually given a license to go ahead and do so—and because, by mistake, some Japanese and Korean writers attended a briefing at American military headquarters that was supposed to be restricted to American correspondents and to one representative each from Reuters and Agence France-Presse. When the Japanese wrote stories about what they had heard (and one or two American correspondents managed to tip off their home offices), there was intense speculation in Washington about an invasion of Laos, and the possible use of America airpower "anywhere in the Indo-China area" was also discussed by various Administration spokesmen.

The entire operation has been marked by an absence of accurate information and a plethora of misinformation. During President Nixon's press conference of February 17th, more than a week after the invasion had begun, he said that "the South Vietnamese have run into very heavy resistance on the road into Tchepone." It seems that in a cable from military headquarters in Saigon a "not" was inadvertently dropped out after the word "have"—at that point there was virtually no resistance on the ground and, furthermore, the South Vietnamese had scarcely got started on the road to Tchepone. The President made a number of additional statements that can at best be described as rash, such as his declaration that the Communists "have to fight here"—which is to say, where the Trail is—"or give up the struggle to conquer South Vietnam, Cambodia, and their influence extending through other parts of Southeast Asia." Even the most sanguine American generals in South Vietnam never regarded the invasion as more than a temporary effort to stem the flow of men and supplies, and, from General Abrams on down, they fully expected the North Vietnamese to start building new trails at once. ("They never quit," one officer said.) There are few, if any, political observers who would agree with the President's statement that the long-term capabilities and intentions of the North Vietnamese might be seriously affected by the invasion.

In refusing "to place any limitation upon the use of air power," except for banning the use of nuclear weapons, the President indicated that his orders would apply even if the South Vietnamese decided to attack the Communists in the southern part of North Vietnam. Frequently mentioned by South Vietnamese hawks as likely targets are Vinh, about a hundred and fifty miles northwest of the D.M.Z., and Thanh Hoa, still farther north. Though commando raids cannot be ruled out—in fact, small ones have taken place regularly, and Hanoi also claims that defoliation raids have been made just above the D.M.Z.—one can only wonder how thinly the South Vietnamese can possibly spread themselves, what with the invasion of Laos, the activities in Cambodia, which have been stepped up considerably in recent weeks, and the preparations that are being made to deal with anticipated new Communist offensives across the Laotian and Cambodian borders in the highlands of South Vietnam. Some of the best South Vietnamese generals have recently adopted a very self-confident manner, but there is tragic irony in a joking remark made to an American visitor several weeks ago by General Do Cao Tri—who has just been killed in a helicopter crash en route to Cambodia. The visitor, a congressional investigator, asked Tri how far he intended to go. Tri, probably the ablest of the South Vietnamese generals, waved his swagger stick at his questioner and replied, "India!" The American blanched. Surely, at this point, an attack on North Vietnam by the South Vietnamese forces under American air cover could lead only to further disaster, and might well set off a larger Asian war.

The war in northern Laos, some three hundred miles northwest of the action around the Ho Chi Minh Trail, has no immediate military bearing on this action, but it is bound to affect the course of political events in Laos and produce military repercussions throughout Indo-China. In brief, the Communists, who have been launching annual attacks during the dry season in the provinces of Sam Neua, Xieng Khouang, and Luang Prabang, in northern Laos, are at least three weeks ahead of last year's schedule. Elements of two North Vietnamese divisions, supported by Pathet Lao (native Communist) troops and porters, are threatening the two large bases of Long Tieng and Sam Thong, which are operated by General Vang Pao and supported by the C.I.A. Despite reinforcements by Royal Lao Government and Thai forces, the chances that the two bases will fall to the Communists are greater at this moment than ever before. The North Vietnamese are attacking hard from the northern rim of the Plaine des Jarres and have also moved west, again threatening the royal capital of Luang Prabang. They are likely to harass that capital and turn to the south to control the road to the administrative capital of Vientiane, which might also be subjected to harassment. King Savang Vatthana, who has been courted by Hanoi for the past two years, is under heavy pressure from the North Vietnamese in the east as well as from the Pathet Lao and the Chinese Communists to the north and east of his capital, and under these circumstances Prince Souvanna Phouma, the Prime Minister in Vientiane, might be forced to resign or face being overthrown by a right-wing generals' coup. He might resign anyway. He has offered to in the past, but his bluff has never been called by the right-wingers. It is hard to imagine how Laos could survive without Souvanna, but he himself may have come to believe that by stepping down, if only temporarily, he might be in a better position to bring about some sort of political solution for his country's problems.

Though Souvanna issued a mild statement of objection to the joint South Vietnamese-American action against the Trail, he has repeatedly made the point during the past year that what happens there is no longer his business but, rather, that of Hanoi and Washington. The right-wing generals have long been discontented with Souvanna's efforts to effect a political compromise with the Communists in Laos, which would restore the coalition government established in 1962 but would increase the Communists' strength in it. Souvanna has regularly insisted that the North Vietnamese must first get out of Laos, but since this now seems more unlikely than ever, the right-wingers have become increasingly impatient with him, and they therefore welcomed the invasion in the hope that it would bring the issue to a decision. When the invasion began, Prince Souphanouvong, Souvanna's half brother, who is the leader of the Pathet Lao, recalled the delegate who had been in Vientiane negotiating with Souvanna on beginning new peace talks to restore the 1962 formula. Souphanouvong also called on all the Lao people, including elements of the Army, to rise up against his half brother's Vientiane government, which he described as a "stooge" of the Americans; in effect, he all but urged the rebellious right-wing officers to move against Souvanna. Souvanna has since ordered a general mobilization under the leadership of officers he thinks he can trust, but his situation remains extremely precarious. The more ardent right-wingers, both in the Vientiane area and in the south, are biding their time, but if the situation gets worse in the north and along the Trail, and if the central and southern heartland of Laos is threatened by more Communist pressure, Souvanna could very well be ousted. The right-wingers would then openly seek increased military help from the Thais and the Americans, and this would be another way in which the scope of the Indo-China war would be further broadened, with consequent international complications.

Ignoring the open North Vietnamese aggression in northern Laos, Souphanouvong and his followers have taken advantage of the Trail invasion to call on Russia and England, the cochairmen of the 1962 Geneva Conference on Laos, to "take effective and firm measures to compel the United States and its lackeys to halt their aggressive operation immediately." Poland, which, along with Canada and India, is a member of the International Control Commission set up under the Geneva formula—and which has for years been chiefly responsible for stalling the Commission and keeping it from functioning—has belatedly seconded Souphanouvong's complaint. There seems little the Commission or any other international body, including the United Nations, can do right now to keep the war from spreading. The Communists are surely not going to relax their pressure on Laos, and if they repel the Trail invasion their appetite for gains in that country is likely to be even greater. Souvanna will thus become increasingly isolated, especially since the southern Lao of the Champassak family—notably Prince Boun Oum and the generals around him—will undoubtedly seek to save their own skins. General Phasouk Somly, the only good "fighting general" in the country besides Vang Pao, has been doing practically nothing in Pakse, on the Mekong, for several months while the Communists have overrun most of the Bolovens Plateau, widening the Ho Chi Minh Trail complex in order to funnel men and materiel into Cambodia as well as into South Vietnam. If Souvanna and his weary Royal Lao Government forces should be able to hold out until May, when the dry season ends, the situation could again become "normalized," as they say in Vientiane, and Souvanna's and Souphanouvong's delegates might resume negotiations. However, the chances that these talks could get anywhere are not nearly as bright as they seemed a few weeks ago. If Souvanna should fall, a markedly conservative alliance of "practicality" would undoubtedly take his place, and even without a wider war the Nixon Administration's policy would be put to a new test. How far would the President go to help such a new combination of shady "allies" save their territory and their long-held political and commercial privileges? Would he supplement the C.I.A.'s long-existing counter-insurgency support to General Vang Pao with a new military-assistance program for the rest of Laos, and send Military Equipment Delivery Teams (MEDT is the newest acronym for American advisers) to central and northern Laos to stop the Communists, as he is doing in Cambodia? And how would Congress and American public opinion react to that?

The situation in Cambodia, which must also be taken into account, is no less difficult. In recent days, the Communists have continued to apply pressure on the Phnom Penh government, which is being run by Acting Prime Minister Sirik Matak in the absence of General Lon Nol, who suffered a stroke several weeks ago and is now recuperating in Hawaii. Immediately after Lon Nol became ill, there was some fear that there might be a power play by a group of officers who were disturbed about the slow pace of the government's fight against the Communists, but Sirik Matak has so far given every indication that he will prove to be an able administrator; though there have been rumblings among students and intellectuals about corruption and inefficiency, no upset has taken place. This relative stability can possibly be attributed to the presence of more and more American advisers upon whose continuing aid Cambodia obviously depends. The total of MEDT personnel inside Cambodia is only about a score, but about sixty more who are based in South Vietnam shuttle in and out by way of the Phnom Penh airport. (Late in January, the airport was partly destroyed in a Communist raid, and the Combodians lost most of their small air force of T–28 fighter-bombers and helicopters and other small planes and equipment. Both the Americans and the Australians had warned them that such an attack was to be expected, but the casual Cambodians did nothing to avert it.)

The South Vietnamese invasion of Laos coincided with a new "incursion" of more than fifteen thousand South Vietnamese troops into Cambodia. This action, being carried out by crack troops that had originally been commanded by the late General Tri, has been concentrated in the same sanctuary areas across the border that were struck last May, but this time Tri was hoping to go northwest to Kratie, on the Mekong. No matter what purposes the Communists may be hoping to accomplish in Cambodia—whether to topple the Phnom Penh government or use the country as a springboard for fresh offenses in South Vietnam—the Kratie area is probably their main communications and supply center. Fighting in relatively flat country, Tri soon ran into trouble, as was the case in Laos, and had to send for reinforcements. By the third week in February—just before he was killed—he had still not reached his first main objective, which was the bend of the Mekong north of the vast Chup rubber plantation, and so he was still a good sixty miles from Kratie.

At this point, it should have been quite apparent that the Americans as well as the South Vietnamese had all along underestimated the Communists' capacity for continuing to fight on all three Indo-China fronts, despite the loss of the port of Kompong Som and the difficulty of sending fresh supplies, especially ammunition, down the Trail. Perhaps the Communists had hidden some supply dumps west as well as east of the Mekong long before the attacks on their sanctuaries last May; they may also have managed to get a lot of what was in the sanctuary areas out before the Allied attacks occurred. At any rate, they obviously have enough materiel to keep up a staunch fight and to go on cutting all the main Cambodian highways virtually at will.

There is no doubt that the Cambodians are becoming better fighters; their army of some thirty thousand ill-trained troops has now grown to a force of more than a hundred and fifty thousand which is beginning to learn the rudiments of spreading out along the sides of the roads to avoid ambushes and is beginning to dig trenches at night. In view of these and other changes, many observers here believe that the Communists may make a serious attempt to overthrow the government before it grows too strong. American supplies, especially M–16 rifles, have undoubtedly made a difference, but the difference has created new problems for the Americans. As one European diplomat here put it, "It's a rule that when you help someone very weak you create a link by which your fortunes are bound to his." Americans in Phnom Penh now privately admit that the United States has committed itself to helping Cambodia indefinitely. This may involve more help than some people imagine. Perhaps the clearest indication of the Communists' intentions has come from a defecting North Vietnamese lieutenant, Tran Van Hong, who said late in January that Hanoi has formulated two strategies for Cambodia—designated as "a glass half full of water" and "a glass full of water." The former phrase, Hong said, denotes using the North Vietnamese, the Vietcong, the local Khmer Rouge, and elements still supporting the deposed Prince Sihanouk to occupy as much of the countryside as possible, gain food suplies, build up an infrastructure among the Khmer population, denote moving as fast as possible to establish a Communist government in Phnom Penh.

Sihanouk, who in late January and early February was allowed by his Chinese Communist "hosts" in Peking to visit Hanoi and Sam Neua, in Laos, and then to return to China, is obviously in favor of the "full-glass" policy, insisting that his government-in-exile, the National United Front of Kampuchea, has now "liberated" two-thirds of Cambodia's territory and half of its population of more than seven million. Though Sihanouk has made fresh appeals for unity and solidarity throughout Indo-China since the South Vietnamese invasion of Laos, it seems clearer than ever that his principal use to Peking and Hanoi is as window dressing. Lieutenant Hong remarked that the Communists knew eight months before Sihanouk was deposed last March by Lon Nol that he was on his way out—a statement that lends further credence to the conclusion that the Chinese do not take him very seriously, since they apparently took no steps to save him. Even if Sihanouk should someday be permitted to return to Cambodia as a Communist puppet, he wouldn't be allowed to stay there long, and he himself has all but admitted this in some recent speeches. The man whom Peking has designated to head a new Cambodian regime seems to be a former Paris exile named Thiounn Prasith, whose present job is described as Minister for the Coordination of Efforts of the Struggle for National Liberation. Hanoi has a different choice—Son Ngoc Minh, an alias for an underground Khmer leader who has not been heard of in some time but who is believed to be somewhere around Kratie or farther north.

Whatever differences North Vietnam may have with its allies, and whatever difficulties it may be experiencing internally, one thing that is abundantly evident is that Hanoi's leaders are determined to prosecute the Indo-China war to a successful conclusion, no matter how long it lasts and how many lives it takes. This determination is matched in strength by a determination to remain independent of both Moscow and Peking in as many ways as they can, despite their need for military supplies. Ultimately, the policy may prove suicidal, but one must always remember that the Vietnamese people have been at war for most of the last two thousand years and that they are both inured to it and obsessed by a desire for unity, which they have very seldom enjoyed. Consequently, if in the pursuit of that elusive goal the North Vietnamese at present appear to be courting their own destruction, one must also remember that the South Vietnamese have been unable to get together and create anything approaching a non-Communist version of North Vietnam's solidarity. To say that North Vietnam is a dictatorship is far too simple. It is one, of course, but Thieu's government in the South also has many dictatorial aspects—shadowy and ineffectual though they may be—and is far less given to self-appraisal and self-criticism. Right now, the North Vietnamese, tired of war but morally exalted, are making effective use of the Communist process of self-examination, which results in fresh exhortations to fight harder and make more sacrifices. And the people are being offered as their own "light at the end of the tunnel" the prospect of eventual victory and domination of the entire Indo-China peninsula.

Under these circumstances, the recent extension of the war in Indo-China, with the South Vietnamese spreading themselves thin as the Americans leave, may be just what Hanoi wants. In the past month, Le Thanh Nghi, the Hanoi Politburo's leading economic expert, paid visits to Peking and Moscow. In both capitals, he exacted promises of continued all-out aid. A chorus of propaganda has since been heard throughout the Communist world, warning the United States of the consequences of the new move in Laos, which one Moscow writer said might lead to "the Koreanization of the Indo-China conflict." The Chinese have been even more bellicose than usual. In mid-February, Vice-Premier Li Hsien-nien said, "The revolutionary situation is getting better and better," and, after praising the North Vietnamese for "raising the national revolutionary war against imperialism to a new level," he declared, "The Chinese people will on no account permit the United States aggressors to ride roughshod over Indo-China." Invective is cheap, of course, and it may only be that Peking is prepared to fight to the last North Vietnamese—just as, to a lesser but nevertheless sadly comparable degree, there are increasing indications that the Nixon doctrine implies an American willingness to fight to the last South Vietnamese.

Within North Vietnam, there continue to be incessant campaigns for the improvement of various cadre elements, and so far the campaigns are clearly not producing results. Oddly, on the day after the Laos invasion Hanoi announced that the election for the fourth North Vietnamese National Assembly, three years overdue, would be held on April 11th. This will be the first such election held since 1964, and the fact that it is being called now, under the leadership of Truong Chinh, the chairman of the Assembly's standing committee—who at least for a time appeared to be the chief rival of Le Duan, First Secretary of the Workers' Party, for the mantle of the late Ho Chi Minh—may be connected with reports that Chinh is dying of cancer.

Now that Chinh, who is known to be pro-Peking, realizes he will not be around much longer, he may want to leave as many of his supporters in power as possible. On the other hand, there are those who maintain that the power struggle in Hanoi is a superficial matter and that Le Duan and Truong Chinh are agreed on persevering to ultimate victory, whether this takes a few more years or a full decade. In sum, the differences may be over minor questions of priorities rather than over basic strategy, and this could be one reason the North Vietnamese feel that they can afford the unusual luxury, for a Communist country, of airing their differences in public, as they have been doing in a surprising number of pronouncements and speeches. These statements range from detailed accounts of grave economic and management problems, especially in agriculture, to criticism of the failures of workers' and peasants' organizations to perform better—both ideologically and in terms of production. The theme underlying the usual Communist self-flagellation is one of supreme confidence, and if there is an anti-Communist underground waiting to be summoned to action in North Vietnam—as some South Vietnamese, American, and neutral observers maintain—Hanoi is obviously convinced that it can be smothered by a certain amount of controlled criticism and dissent, to the accompaniment of chauvinistic appeals for more patriotism and party loyalty.

The situation in South Vietnam is far different. There is less nationalistic fervor, more concern for personal goals, and scarcely any loyalty to a cause or a man, including President Thieu. Thieu, already campaigning to be reelected, not only is concentrating on building up his apparatus of military men and government bureaucrats around the country but is travelling about more, and attempting to play the democratic politician by joking with his audiences. During Tet, the Vietnamese New Year, he is said to have spent some twenty million piastres—the current rate of exchange is two hundred and seventy-five piastres to the dollar—on printing and distributing more than a million fancily printed personal greeting cards (they were virtually small pamphlets); these were handed down the line through province and district chiefs to village chiefs and, eventually, a miscellaneous collection of citizens, ranging from rich businessmen to cyclo drivers. The trouble with Thieu, his critics contend, is that he has a political apparatus but no firm policy. (This, of course, can also be said of just about all South Vietnamese politicians.) One of the Vietnamese I have known longest and admire most remarked recently on "the sense of malaise and the immobility that still characterize this administration." There is a persistent atmosphere of intrigue and uncertainty, he said, despite the obvious progress in some areas of pacification and in the steadying of the economy. "The political air must be cleared," he went on, "but this is difficult to manage when there are so many indefinite factors, such as not knowing what either the Communist or the Americans are really going to do next year or the year after." This appraisal points up one of the dangers of escalating the war into Laos now, at a huge cost in money and possibly in men. Most experts believe that President Nixon wants to have no more than fifty thousand Americans left in the country by mid-1972—though some recent reports put the figure closer to a hundred thousand—but, whatever the number turns out to be, no one has as yet come up with an inexpensive way to fight a three- and possibly four-front war, which is still costing the United States about fourteen billion dollars a year. (Three, or sometimes four, billion dollars annually is generally regarded as the maximum the Congress would allocate to South Vietnam once most of the American troops have left.) Gerald Hickey, of the Rand Corporation, observed the other day, "The next thing that has to be done is to Vietnamize Vietnamization, and no one has thought that through yet."

The question of what the American role will be in the forthcoming South Vietnamese elections—for a new House of Representatives, late in August, and for President, early in October—is an increasingly touchy one, particularly since so much hinges, both for Thieu and for Nixon, on the progress of the military campaigns in Cambodia and Laos and on the degree of stability that can be maintained in Vietnam under the present process of Vietnamization. One astute American military leader took note of this problem the other day by commenting that it is all well and good to be happy about the progress ARVN has made but that if the rest of the present program fails to hold together—the improvement of the police and the territorial forces; the establishment of proper lines of authority for pacification all the way from Saigon, at the top, down to the villages and hamlets; and the economic programs to help ordinary people struggling to make ends meet—the whole structure will collapse and the Communists will take over. Most of the American bureaucracy, in Saigon and throughout the country, remains optimistic—though its most experienced members are less so, and skeptics have usually turned out to be the soundest prophets here. Most of my Vietnamese friends remain cynical and despairing, but then that is their nature. There has been a steady increase in xenophobia here, and, particularly, a growing anti-Americanism. For this reason, and because the policies of Thieu—never a popular figure—are so closely tied in the eyes of all Vietnamese to American policies, most people agree that the best thing President Nixon could do now is make it emphatically clear that Washington will remain completely neutral in the forthcoming Presidential contest.

Vice-President Nguyen Cao Ky assured me two weeks ago that he would definitely run for President, on a platform of "unity, integrity, social reform, and social justice," and that under no circumstances would he be Thieu's running mate again. The American mission insists that Ky will either run with Thieu once more or stay out of the race. A few days after I spoke with Ky, he saw Thieu and spoke to him openly about the political issue, thus beginning to untie the knot that has bound them together so uncomfortably. The two men now apparently detest each other, and I doubt whether even the Americans can bind them together again. If the Americans tried, all sorts of trouble might ensue, including the kind of chaos and violence that followed the overthrow of President Ugo Dinh Diem, in 1963. Whether Ky follows through on his decision to run or, as has been hinted, decides to make some sort of bargain on the Presidency with former General Duong Van Minh (Big Minh, who was once chief of state, the Americans are surely underestimating Ky's perseverance and his drawing power. He is popular with many young military men, with wide segments of the country's youth in general, and with many Catholics; he is even improving his standing among the Buddhists, whom he crushed during the so-called Struggle Movement in 1966, when he was Prime Minister. Money, of which Thieu has plenty, is a problem for Ky, but he is confident that in the next few months he can raise enough to run. People here are always willing to make bargains, and there are enough rich Vietnamese and resident non-Communist Chinese around to bargain with Ky and support either him or Minh against Thieu, who has made many enemies and, quite apart from his failure to fill the stomachs of the poor and of people on fixed salaries, is still widely regarded as being too isolated and too devious.

"No Northerner can be President of this country," the Americans say with assurances they have said so many things before, only to be proved wrong. The fact that Ky is from the northernmost part of North Vietnam is a mark against him, but things have changed over the years in South Vietnam, and many people here are now beginning to realize that if the South is to survive in its struggle with the North it may be sensible to come up with a Northern-Southern mixture in their leadership. Thieu himself, who comes from central Vietnam, is surely aware of this as he shops around for an alternative running mate. As for Minh, a southerner, he is still undecided about whether to run. He probably will, but, unlike Ky, he vacillates, believing one day that he can beat Thieu and musing the next upon the impossibility of a fair election as long as Thieu controls the nation's military and civilian bureaucracy and its purse strings. If Minh doesn't run, it will perhaps be because he is figuring on improving his chances by biding his time, in the belief, which he shares with a number of other Vietnamese, that Thieu, if he were reelected, would not be able to sustain himself in power for another four years. If all three men run, and if Ky and Minh agree not to attack each other and perhaps even agree that one will withdraw in favor of the other at a propitious moment, Thieu could lose.

In the light of the uncertain military and of the Communists' apparent intention of doing no negotiating in Paris until after the October election in South Vietnam—and possibly none until after the American election of 1972—it becomes increasingly important that a fair vote be cast here, both for the new House of Representatives and for President. Not only does the future of the still hazy Vietnamization program hang on it but the whole American policy of prematurely force-feeding Western-style democracy to the Vietnamese will very probably be put to its final test. Of course, all this must be seen against the backdrop of international politics. If Moscow and Washington show any ability to agree on some other issues—notably, on strategic-arms-limitation talks and on the Middle East—it is conceivable that they might, together, apply enough pressure to force a neutralization of the whole Indo-China area, which is what many South Vietnamese are now urging. This might momentarily outflank Peking, and thus arouse its anger as well as Hanoi's, but in the long run both the Chinese and the North Vietnamese would also benefit by such an outcome. For the fundamental truth is that there can be no winners in this awful war, and that some sort of compromise or accommodation is the only way out for everyone.

SENATOR RICHARD B. RUSSELL

Mr. SYMINGTON. Mr. President, Woodrow Wilson once said:

> There is no question what the role of honor in America is. The role of honor consists of the names of men who have squared their conduct by ideals of duty.

Such a man was Richard Brevard Russell, Governor of, and then Senator from, the State of Georgia, President pro tempore of the U.S. Senate, and chairman, successively, of the Senate Armed Services Committee and the Senate Appropriations Committee.

Very early in life Dick Russell must have "squared his conduct by ideals of duty," for he was a gentleman in the finest sense of the word, one with ingrained integrity and a deep devotion to those principles which he believed best for the people of his country and his State. In the annals of our land, his name will stand forth always among those most deserving of a place on that roll of honor.

In many ways Senator Russell was almost unique. He combined the simple dignity and forthrightness of the common man with an amazing memory and an analytical power which gave his judgments a profundity envied by his peers. He had an unerring and seemingly instinctive ability to probe to the heart a subject, to elevate its merits, and to reject what was fallacious or superfluous. He possessed a vast storehouse of knowledge, a richness of experience, and a breadth of vision that made his advice sought and cherished by all those who knew him.

In the area of national defense he was preeminent, quick to first discern the needs of the United States, then to act upon those requirements with vigor and determination.

It was back in 1946 when, as Assistant Secretary of War, I first became acquainted with Dick Russell, who in due course would succeed Senator Millard Tydings as chairman of the Armed Services Committee. Those were times of sharp controversy, heated opinions, and brittle tempers, but I found him to be amiable, perceptive, and invariably objective.

In the years that followed, I came to know him well, and learned to cherish, as I do today, the bonds of friendship which grew between us.

Knowledge does not always breed greater respect, but with Dick Russell, to know him well was to enjoy a rare privilege given to relatively few men. My association with him after I became a Senator is filled with treasured memories of pleasant camaraderie, serious discussion, and wise counsel. We were not always on the same side of every issue, but I always respected and appreciated his point of view. He never espoused a cause because it was popular and he never ducked an issue because it was not.

I was on a vacation trip with him in Florida when he first received the news that President Truman had relieved General MacArthur; and the way he handled the subsequent hearings is a proud page in American history and a noble memorial to him.

Just as I feel singularly fortunate in having known Dick Russell, so, too, do I know that our country was graced in having the benefits of his leadership during the 38 years in which he served in the U.S. Senate. His rare qualities as he dealt with so many of the critical problems of those turbulent years have been of inestimable value to the security and progress of our country.

We all do and shall miss Dick Russell, but his memory provides us all, in the Senate and elsewhere, with a desire to accomplish our own missions with integrity and devotion to the public welfare.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHILES). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON FRIDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer and the disposition of the Journal on Friday next the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) be recognized for 30 minutes for the purpose of engaging in a speech and a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS TO BOARDS OF VISITORS

The PRESIDING OFFICER (Mr. CHILES). The Chair, on behalf of the Vice President, under the provisions of Public Law 207 of the 81st Congress, appoints the Senator from Connecticut (Mr. RIBICOFF) to the Board of Visitors to the Coast Guard Academy, and the Chair announces, on behalf of the chairman of the Committee on Commerce (Mr. MAGNUSON), his appointments of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Oregon (Mr. HATFIELD) as members of the same Board of Visitors.

The Chair, on behalf of the Vice President, under the provisions of Public Law 301 of the 78th Congress, appoints the Senator from Alaska (Mr. GRAVEL) to the Board of Visitors to the U.S. Merchant Marine Academy, and the Chair announces, on behalf of the chairman of the Committee on Commerce (Mr. MAGNUSON), his appointments of the Senator from Louisiana (Mr. LONG) and the Senator from Alaska (Mr. STEVENS) as members of the same Board of Visitors.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislation clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 9 POSTPONED INDEFINITELY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senate Resolution 9, amending rule XXII of the Standing Rules of the Senate be indefinitely postponed.

The PRESIDING OFFICER. Without obection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Indiana is recognized for not to exceed 15 minutes.

(The remarks of Mr. HARTKE when he introduced S. 1162, the Revenue Adjustment Act of 1971, appear in the RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HARTKE. Mr. President, I yield my remaining time to the Senator from South Carolina (Mr. HOLLINGS).

SENATE RESOLUTION 70—SUBMISSION OF A RESOLUTION WITH RESPECT TO THE NATIONAL NUTRITION SURVEY

Mr. HOLLINGS. Mr. President, I submit, for appropriate reference, a sense-of-the-Senate resolution on the National Nutrition Survey.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 70), which reads as follows, was referred to the Committee on Labor and Public Welfare:

S. RES. 70

Whereas, the Congress of the United States in 1967 issued a mandate to the Secretary of Health, Education and Welfare to make a comprehensive survey of the incidence and location of serious hunger and malnutrition and health problems incident thereto in the United States; and

Whereas, the Nutrition Program of the United States Public Health Service was designated by the Secretary to plan, develop and carry out the mandate; and

Whereas, Dr. Arnold E. Schaefer, Chief of the Nutrition Program, National Center for Chronic Disease Control, Bureau of Disease Prevention and Environmental Control, Public Health Service, Department of Health, Education and Welfare, was placed in charge of the National Nutrition Survey; and

Whereas, Dr. Schaefer and his team of experts, using methodology devised in 33 international surveys since 1956, did conduct the National Nutrition Survey in the states of Texas, Louisiana, New York, Kentucky, Michigan, Massachusetts, California, Washington, West Virginia, and South Carolina; and

Whereas, The National Nutrition Survey has been completed with the examination of more than seventy thousand persons at a cost in excess of $5,000,000, and has produced data approved as valid by the Food and Nutrition Board of the National Academy of Sciences; and

Whereas, official results have been produced on only two states, Texas and Louisiana, in April, 1970, but no other results have been forthcoming, despite the fact that the raw data is available to be fed into computers for results; and

Whereas, the Department of Health, Education and Welfare has announced plans to undertake a continuing "probability survey" without reporting on or implementing any findings of the National Nutrition Survey, but has yet to examine the first patient; therefore, be it

Resolved, that it is the sense of the Senate that the Secretary of Health, Education and Welfare should, not later than 60 days after the date on which this resolution is agreed to, submit to the Congress the results of the comprehensive survey, required by Section 14 of the Partnership for Health Amendments Act of 1967, of the incidence and location of serious hunger and malnutrition and health problems incident thereto in the United States, together with his findings and recommendations with respect thereto.

Mr. HOLLINGS. Mr. President, on April 10, 1967, members of the Senate Subcommittee on Employment, Manpower, and Poverty held a hearing in Jackson, Miss. During that hearing, the Senators present heard testimony that many poor persons in Mississippi were suffering the effects of serious hunger and malnutrition. Twenty-four hours later, two of those Senators, Joseph Clark of Pennsylvania and the late Robert F. Kennedy of New York, toured sections of Mississippi's delta to see hunger firsthand. Their report to Secretary of Agriculture Orville Freeman touched off a controversy in this Nation which is still simmering—and one which is yet to be resolved.

Those two Senators found that women and children showed evidence of acute malnutrition, that families existed without discernible income and were unable to purchase the bare necessities of life, and that many families could not meet the purchase requirements for food stamps. Those two Senators, joined by other members of the subcommittee, dispatched a letter to President Johnson asking him to evoke emergency authority to feed the poor in Mississippi and other States. Within a week, the Office of Economic Opportunity had announced an emergency $1 million program to help poor families buy food stamps in 20 counties in the South.

The publicity and spotlight of public attention on this Nation's problem of hunger and malnutrition prodded response from the Government. The U.S. Department of Agriculture issued a study memorandum which pointed out shortcomings within its own food programs for the needy. The Field Foundation sponsored a medical study in the Mississippi Delta, and its report, "Children in Mississippi," has become part of the legend of hunger in America. It dramatically testified to the horrors of living poor and hungry.

At about that same time, July 11, 1967, to be exact, the subcommittee held further hearings.

Then Surgeon General William H. Stewart testified:

> We do not know the extent of malnutrition anywhere in the United States. I cannot say what the extent is because we just don't know.
>
> It hasn't been anybody's job to find out.
>
> We can do it all over the world, but not in the United States.

This was an appalling situation.

The U.S. Public Health Service had conducted surveys of population nutrition in 33 countries around the world—but we had never looked at our own. Two Senators, JACOB JAVITS and Robert Kennedy of New York, then proposed such a survey of this country.

After being shunted back and forth from committee to committee and from Senate to House, an amendment was finally approved.

The text was substantially as follows:

> The Secretary of Health, Education, and Welfare, in consultation and cooperation with other officials of the Federal Government and of the States, shall make a comprehensive survey of the incidence and location of serious hunger and malnutrition and health problems incident thereto and shall report his findings and recommendations for dealing with these conditions within six months from the date of enactment of this section.

Mr. President, that survey was launched in 1968.

Ten States were chosen—Texas, Louisiana, New York, Kentucky, Michigan, California, Washington, South Carolina, West Virginia, and Massachusetts.

Health officials from the Federal Government, the States, and from medical universities were brought together to conduct these studies.

Methodology was devised based on surveys in foreign countries which could be adapted to our domestic situations.

Early in the study, it was determined that a carefully developed, high priority, major effort of nationwide significance was required to combat malnutrition as a health problem.

The supporters of the National Nutrition Survey argued that to do a good job, it would have to involve the States.

Former HEW Secretary Finch promised that HEW would be responsive to State requests.

Thirteen States asked to be included in the survey, but all were turned down.

Now, Mr. President, that survey of the 10 States is finished.

Reports on each of the States have been turned over to the National Academy of Sciences but have not been released to the public.

Three million punch cards have been amassed after thorough physical examination of 70,000 persons.

Those cards, possessing valuable information about the health and nutrition of poor Americans, are stored in cardboard boxes.

Eighty percent of the data on individual examinations have been audited and is complete.

Previous experience on that auditing as well as auditing of surveys in foreign nations has showed a level of inaccuracy of less than 2 percent, which is an acceptable level and which will not affect any significant change in the overall statistics.

Now, however, most of the highly skilled staff which conducted the survey has been dismissed or transferred to other programs.

The highly respected director, Dr. Arnold E. Schaefer, has left the Public Health Service after more than 15 years of work to take an assignment with the Pan American Health Organization.

The survey results, as reported by Dr. Schaefer, can be projected to show that there are 15 million hard-core hungry and malnourished citizens in the United States.

Mr. President, that is 15 million medically found. Heretofore, you and I, as public servants, have been talking about those politically below poverty levels. We have been speaking of those politically found hungry, with no medical basis in fact. Now we have that medical basis. It shows 300,000 in South Carolina, my own State. The survey proves beyond doubt that the poorer the family, the more hunger and health problems it has. Two out of five persons below the poverty level have serious medical problems caused by malnutrition. These are startling figures, Mr. President, figures which ought to be brought before the American public. But no—those computer cards are still sitting in storage at the Center for Disease Control in Atlanta, Ga., and it will probably take an act of Congress to get them out.

That is just what I am proposing today. I am asking the Senate of the United States to state, in clear and unequivocable language, that we demand the production of the results of the National Nutrition Survey. Together with other Senators, I am introducing today a sense-of-the-Senate resolution which would have the Department of Health, Education, and Welfare produce this survey within 60 days of the date the Senate acts on the resolution.

Mr. President, there will be those who will oppose this resolution because the White House will oppose it. The White House has been critical of the National Nutrition Survey in the past. I do not know why. Perhaps it is because the findings are so alarming that they would undermine present confidence in existing programs aimed at feeding our needy citizens. Perhaps it is because the administration does not believe the American people capable of looking so deeply and critically into the moral fabric of our Nation.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. BYRD of West Virginia. Mr. President, if no other Senator seeks recognition, and if the Chair will recognize me, the Senator from South Carolina may use my time.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. HOLLINGS. I am grateful to the distinguished Senator from West Virginia.

Whatever the reasons, I do know that certain persons within the administration have criticized the survey and have questioned its scientific validity.

And yet, no less an authority than the Food and Nutrition Board of the National Academy of Sciences, composed of eminent authorities in the field, have said the sample is valid and that the data itself is also valid.

So why the delay?

One can only wonder.

We have spent $5 million in public funds to find out about our problems of hunger and malnutrition.

The survey is finished.

The results are in.

But what does the administration do?

It simply tells us, "We need more study."

Does that not have a familiar ring to it?

This month, our Government is supposed to start a brandnew nutrition survey to last through 1973.

This survey, sponsored by the National Center for Health Statistics, is supposed to tour 64 cities.

Scientists will test a "cross section" to find out who is eating too little or too much and about such esoteric subject matter as cholesterol levels.

The Advisory Committee on the survey is composed of representatives of the American Academy of Pediatrics Committee on Nutrition, the Food and Nutrition Council of the American Medical Association, and the Food and Nutrition Board of the National Academy of Science.

This committee recommended against this so-called probability survey advocated by Dr. David H. Sencer of HEW.

So did the White House Conference on Food, Nutrition, and Health, which stressed the need to target in on high-risk elements of the population.

All I can say to this, Mr. President, is that we have already studied the problem and have come up with answers.

People who are poor are often malnourished.

People who are malnourished get sick easily and suffer from diseases which prevent them from being productive members of society.

In other words, we know what our real target is—the very poor.

It may be fine scientific business to survey a cross section of our public to find out if some people are too fat or others are not varying their diet properly.

In such a survey, we might even find that, on the average, Americans are not eating properly.

That should not really surprise us.

What we must look at, however, is those who are simply not eating—not those who do not eat properly.

That is a problem we can take up some other year.

We have to solve hunger and malnutrition before we start making scientific pronouncements on the average citizen's diet.

We must do this now.

The millions of dollars dedicated to the National Nutrition Survey, the hard work by doctors in my own State and in the other nine, and the dedicated service of the survey staff demand that we produce this study.

Our Nation's poor—and the future development of American society—deserve no less.

I ask unanimous consent that the entire text of my resolution be printed in the Record.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SAXBE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE PROCEDURE

Mr. SAXBE. Mr. President, I rise with a great deal of reluctance to call the attention of the Senate to the fact that we are trying to operate under a new set of rules. I know that it is a difficult time, because the pressure of business in the Senate is not so great that we cannot give time to every Senator who wants time. But if we are going to avoid the rules now, it is going to be extremely difficult to reinstate these rules when the time comes.

I hesitate to criticize my good friend, the Senator from South Carolina, and his is a minor indiscretion. But the ways to do this are so many that it requires the cooperation of all of us if we are going to maintain our limits.

It is easy to say we are going to have a colloquy and then reserve an hour or a half hour for a colloquy when there is no one with whom to have a colloquy—this is the very essence of colloquy—or to send out an invitation to a Senator to come in and debate so that there will be a colloquy.

I admire very much the stand taken by the majority leader and the majority whip. They have made a real effort to make these suggestions work. We want to cooperate. I have discouraged the Senators on this side of the aisle—and I know that the minority leadership has discouraged the Senators on this side of the aisle—from taking advantage of easy times in the Senate when there is no great pressure of business.

I suggest that we do everything possible. There is nothing to prevent the Senator from saying, "My time is up. I ask unanimous consent to have the rest of this statement put in the Record." When no other Senator is on the floor and no great crowd is in the gallery, it escapes me why 15 or 30 minutes must be used to read a statement, when the Senator can say, "My time is up. I ask unanimous consent to have the remainder of my statement put in the Record." It goes in the Record. The two Senators on the floor know it. The few people in the gallery know that it was not read. And it does go into the Record. If a news release is made, there is no indication that the speech was not made on the floor.

I think that even as we proceed in this, we must realize that it is going to become worse unless we take a firm stand at this time. Therefore, I think we should watch this matter very closely. I am going to urge on the other regional whips who occupy the position I now occupy, and also urge the minority whip—I know that the Senator from West Virginia (Mr. Byrd) is going to watch it—that when the time speakers reserved runs out and no one is there to enter into a colloquy, objection be raised to a continuation. It is the only way we are going to be able to establish firm and orderly rules.

Mr. MANSFIELD. Mr. President, the point raised by the distinguished Senator from Ohio is well taken, and I am delighted that he has made these remarks.

I also wish to commend him, the Senator from Pennsylvania (Mr. Schweiker), the Senator from California (Mr. Cranston), and the Senator from Iowa (Mr. Hughes) for undertaking, at the request of the joint leadership, the monitoring of the very worthwhile suggestions the Senator has mentioned, which they were responsible for putting into effect this year.

There have been some practices which are open to question. In this respect, I must say that the minority leadership has done a better job than have we on this side of the aisle. But I assure the distinguished Senator from Ohio that we will try to do a better job in the future and endeavor to put into effect, as we agreed, the worthwhile rules, regulations, and procedures on which he and his three colleagues worked so long and so hard in developing and which are highly worth while.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that Mr. Philip V. McGance, a clerk to Senator Randolph, may be permitted the privilege of the floor today during the rollcall votes on Senate Joint Resolution 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Chiles) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations received today, see the end of Senate proceedings.)

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Byrd of West Virginia) laid before the Senate the following letters, which were referred as indicated:

Proposed Legislation Preventing Loss of Pay and Allowances by Officers Designated for Performance of Certain Duties

A letter from the Secretary of the Navy transmitting proposed legislation to prevent the loss of pay and allowances by certain officers designated for the performance of duties of great importance and responsibility (with accompanying papers); to the Committee on Armed Services.

Proposed Legislation Making Permanent the Authority To Make Payment of Special Allowances to Dependents of Members of the Armed Services for Evacuation Expenses

A letter from the Assistant Secretary of the Air Force transmitting proposed legislation to make permanent the authority to pay special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation (with accompanying papers); to the Committee on Armed Services.

Institutional Investor Study Report

A letter from the Commissioner of the Securities and Exchange Commission transmitting, pursuant to law, the Institutional Investor Study Report (with accompanying report and papers); to the Committee on Banking, Housing, and Urban Affairs.

Proposed Legislation Relating to the Documentation of Vessels

A letter from the Secretary of Transportation transmitting proposed legislation to revise and improve the laws relating to the documentation of vessels (with accompanying papers); to the Committee on Commerce.

Report on Adverse Effects of Producing the AN/SQS-26 Surface Ship Sonar System Before Completion of Development and Testing

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report on the adverse effects of producing the AN/SQS-26 surface ship sonar system for service use before completion of development and testing (with an accompanying report); to the Committee on Government Operation.

Reports to Congress Released in February 1971

A letter from the Comptroller General of the United States transmitting, pursuant to law, a list of reports of the General Accounting Officer for February 1971 (with an accompanying report); to the Committee on Government Operations.

Summary of the Activities of the Office of Saline Water, 1970

A letter from the Secretary of the Interior transmitting, pursuant to law, a summary of the 1970 activities of the Office of Saline Water (with an accompanying report); to the Committee on Interior and Insular Affairs.

Annual Report of the Boy Scouts of America for 1970

A letter from the Chief Scout Executive of the Boy Scouts of America transmitting, pursuant to law, the annual report of the Boy Scouts of America for 1970 (with an accompanying report); to the Committee on Labor and Public Welfare.

Annual Report of the Environmental Protection Agency

A letter from the Administrator of the Environmental Protection Agency submitting, pursuant to law, the annual report to Congress on Progress in the Prevention and Control of Air Pollution (with an accompanying report); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Byrd of West Virginia):

A joint resolution of the General Assembly of the Commonwealth of Virginia; to the Committee on Finance:

"Senate Joint Resolution No. 23

"Expressing the sense of the General Assembly as to the continued federal imposition of standards in the Virginia Unemployment Compensation Program

"Whereas, the Unemployment Compensation Program of the Commonwealth of Virginia is well recognized throughout the Nation and has the support of the business and labor communities of the Commonwealth; and

"Whereas, the employers of the Commonwealth enjoy one of the lowest tax rates of any state, while benefit payments have been increased in a manner commensurable with the advancement of the economy of the Commonwealth; and

"Whereas the federal government is now imposing upon the states certain standards and requirements which are not necessary for those states with an excellent program of low tax rates and equitable benefit payments as exist in the Commonwealth of Virginia; and

"Whereas, the experience in the Commonwealth of Virginia does not justify the application of Unemployment Compensation Programs to employers with only one employee, as now required under the federal laws; now, therefore, be it

"Resolved, by the Senate of Virginia, the House of Delegates concurring, That the General Assembly objects to the continued federal imposition of standards in the Unemployment Compensation Program.

"Resolved, further, That the General Assembly expresses its objections to the inequitably low return to the Commonwealth of Virginia of the Federal Unemployment Taxes paid by Virginia employers.

"Resolved, further, That the several federal acts applicable be amended to exempt the Commonwealth of Virginia and other states with low tax experience from the recently adopted extensions of coverage imposed by the federal law.

"Resolved, further, That the Clerk of the Senate be, and hereby is, directed to send copies of this resolution to the President and Vice-President of the United States, to each member of the Virginia delegation to the Congress of the United States, to the Secretary of Labor and to the Secretary of the Department of Health, Education, and Welfare."

A resolution of the Legislature of the State of Nebraska; to the Committee on Finance:

"Legislative Resolution 24

"Whereas, health security is important, not only to millions of Americans who need quality medical care at a cost they can afford, but will also mean genuine revenue sharing for state governments; and

"Whereas, there are two bills pending in the Ninety-Second Congress, bills Senate bill 3, and House Roll 22; and

"Whereas, these two bills are creating a National Health Security Program which will provide complete medical care benefits and institute needed reforms to insure all Americans the right to quality medical care; and

"Whereas, the National Health Security Program will assume full medicaid and medicare costs, amount to savings to states and local governments of three billion dollars, permit state employees to be covered at no cost to the state, and compensate states for participation in planning, coordination, and licensing of health education and care facilities.

"Now, therefore, be it resolved by the Members of the eighty-second Legislature of Nebraska, first session:

"1. That the Legislature endorses such program and urges the Congress of the United States to enact either Senate bill 3 or House Roll 22 into law.

"2. That copies of this resolution be sent to the President of the Senate, the Speaker of the House and to each member of Congress from Nebraska."

Resolution adopted by the Council of the City of Beverly Hills, California, approving the concept of Federal Government revenue sharing; to the Committee on Finance.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on on the Judiciary:

Rene Desolge Tegtmeyer, of Virginia, to be an Assistant Commissioner of Patents.

By Mr. THURMOND, from the Committee on the Judiciary:

John K. Grisso, of South Carolina, to be U.S. attorney for the district of South Carolina.

By Mr. ANDERSON, from the Committee on Aeronautical and Space Sciences:

James C. Fletcher, of Utah, to be Administrator of the National Aeronautics and Space Administration.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HARTKE:

S. 1162. A bill to permit the States and local governments to increase State and local income taxes by allowing a credit against the Federal income tax for a portion of such taxes; to provide for the federalization of the welfare programs authorized by the Social Security Act, and, pending such federalization, to increase the Federal share of the cost of such public welfare programs; and to authorize collection of State and local income taxes by the Internal Revenue Service. Referred to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. Williams, Mr. Church, Mr. Eagleton, Mr. Pastore, Mr. Percy, Mr. Hollings, Mr. Inouye, Mr. Pell, Mr. Bible, Mr. Harris, Mr. Cranston, Mr. Hughes, and Mr. Tunney):

S. 1163. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. SPARKMAN (for himself and Mr. Bennett):

S. 1164. A bill to limit membership on national securities exchanges. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ELLENDER (for himself and Mr. Long):

S. 1165. A bill to provide for the holding of terms of the District Court of the United States for the New Orleans Division of the Eastern District of Louisiana in Houma, La. Referred to the Committee on the Judiciary.

By Mr. ELLENDER:

S. 1166. A bill to confirm the private land claim of William Kinchen. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS (for himself and Mr. Magnuson, Mr. Bellmon, Mr. Bennett, Mr. Church, Mr. Cranston, Mr. Hart, Mr. Hatfield, Mr. Humphrey, Mr. Mondale, Mr. Pastore, Mr. Proxmire, Mr. Randolph, Mr. Stevenson, Mr. Case, Mr. Harris, Mr. Nelson, and Mr. Pell):

S. 1167. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to prohibit the mailing of unsolicited samples of cigarettes; to the Committee on Post Office and Civil Service.

By Mr. PROUTY:

S. 1168. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. BAKER:

S. 1169. A bill to preserve, for purposes of study and research, nationally televised news and public interest programs. Referred to the Committee on Rules and Administration.

By Mr. SCHWEIKER:

S. 1170. A bill for the relief of Gaetano Reale, Elisabetta Reale, Rosanna Reale, Dario Reale, Valerio Reale; and

S. 1171. A bill for the relief of Antonio Gargano, Giovanna Gargano, Francesco Gargano, Anita Gargano. Referred to the Committee on the Judiciary.

By Mr. CANNON (for himself, Mr. Bennett, Mr. Bible, Mr. Burdick, Mr. Cranston, Mr. Dole, Mr. Dominick, Mr. Eagleton, Mr. Fong, Mr. Fannin, Mr. Goldwater, Mr. Harris, Mr. Hartke, Mr. Hansen, Mr. Inouye, Mr. Javits, Mr. Kennedy, Mr. Magnuson, Mr. McIntyre, Mr. Moss, Mr. Mondale, Mr. Pearson, Mr. Pell, Mr. McGee, Mr. Randolph, Mr. Schweiker, Mr. Scott, Mr. Thurmond, Mr. Tower, Mr. Percy, and Mr. Tunney):

S. 1172. A bill to exempt citizens of the United States who are 65 years of age or over from paying entrance or admission fees for certain recreational areas. Referred to the Committee on Interior and Insular Affairs.

By Mr. METCALF (for himself, Mr. Mansfield, Mr. Bible, Mr. Burdick, Mr. Case, Mr. Eagleton, Mr. Gravel, Mr. Harris, Mr. Hart, Mr. Hughes, Mr. Inouye, Mr. Javits, Mr. Kennedy, Mr. Magnuson, Mr. McGee, Mr. McGovern, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Pell, Mr. Randolph, Mr. Stevens, and Mr. Williams):

S. 1173. A bill to amend title II of the Social Security Act so as to make more realistic and equitable the criteria for determining disability thereunder. Referred to the Committee on Finance.

By Mr. SCHWEIKER:

S. 1174. A bill to amend chapter 17 of Title 38, United States Code, to authorize the treatment of certain veterans suffering from drug addiction or drug dependency. Referred to the Committee on Veterans' Affairs.

By Mr. JACKSON (for himself and Mr. Allott) [by request]:

S. 1175. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended. Referred to the Committee on Interior and Insular Affairs.

S. 1176. A bill to provide for the cooperation between the Federal Government and the States with respect to environmental regulations for mining operations, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. RIBICOFF (for himself and Mr. Javits):

S. 1177. A bill to establish a Council of Consumer Advisers in the Executive Office of the President and to establish an independent Consumer Protection Agency in order to protect and serve the interests of consumers, and for other purposes. Referred to the Committee on Government Operations; thereafter to the Committee on Commerce.

By Mr. McINTYRE:

S. 1178. A bill for the relief of Christos Adam. Referred to the Committee on the Judiciary.

By Mr. BEALL:

S. 1179. A bill for the relief of Magdalena Pisga Mulato. Referred to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 1180. A bill to amend the District of Columbia Income and Franchise Tax Act of 1947 so as to exclude from gross income certain compensation received by members of the Armed Forces of the United States, and for other purposes. Referred to the Committee on the District of Columbia.

By Mr. SPARKMAN (for himself, Mr. Tower, and Mr. Bennett):

S. 1181. A bill to remove certain limitations on the granting of relief to owners of lost or stolen bearer securities of the United States, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. JAVITS (for himself, Mr. Baker, Mr. Beall, Mr. Bellmon, Mr. Case, Mr. Cooper, Mr. Dole, Mr. Dominick, Mr. Fannin, Mr. Fong, Mr. Griffin, Mr. Jordan of Idaho, Mr. Mathias, Mr. Percy, Mr. Prouty, Mr. Saxbe, Mr. Scott, Mr. Stevens, Mr. Taft, Mr. Weicker, and Mr. Young):

S. 1182. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. JAVITS (for himself, Mr. Baker, Mr. Beall, Mr. Bellmon, Mr. Bennett, Mr. Cooper, Mr. Dole, Mr. Dominick, Mr. Fannin, Mr. Fong, Mr. Griffin, Mr. Jordan of Idaho, Mr. Percy, Mr. Prouty, Mr. Scott, Mr. Stevens, Mr. Taft, Mr. Tower, Mr. Weicker, and Mr. Young):

S. 1183. A bill to amend the Public Health Services Act so as to provide for new health manpower educational initiatives, increase the level of financial assistance to health professions schools and other institutions training health personnel, improve the distribution and increase the supply of health personnel, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. MONTOYA (for himself, Mr. McGovern, and Mr. Humphrey):

S. 1184. A bill to establish a Department of Science and Technology, and to transfer certain agencies and functions to such Department. Referred to the Committee on Government Operations.

By Mr. BYRD of Virginia:

S.J. Res. 68. Joint resolution to restore posthumously full rights of citizenship to Gen. R. E. Lee. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARTKE:

S. 1162. A bill to permit the States and local governments to increase State and local income taxes by allowing a credit against the Federal income tax for a portion of such taxes; to provide for the federalization of the welfare programs authorized by the Social Security Act, and, pending such federalization, to increase the Federal share of the cost of such public welfare programs; and to authorize collection of State and local income taxes by the Internal Revenue Service. Referred to the Committee on Finance.

THE REVENUE ADJUSTMENT ACT OF 1971

Mr. HARTKE. Mr. President, it is clear that the extraordinary fiscal problems now faced by too many of our State and local governments will not be solved without additional assistance from the Federal Government. In an attempt to help the States and localities help themselves, I introduce for appropriate reference legislation designed to encourage the better use of the State and local income tax device and to substantially lighten the welfare cost burden.

Entitled the "Revenue Adjustment Act of 1971," it would help the States and localities meet their vital responsibilities in the following specific ways:

First, it would furnish an incentive to make fuller use of the individual income tax, by allowing taxpayers to write off 50 percent of their combined State and local income taxes against their Federal income tax liability.

Second, it would require the speedy federalization of welfare programs now authorized under the Social Security Act, and pending such federalization would increase the Federal share of the cost of these programs.

Third, it would permit the collection of State and local income taxes by the Internal Revenue Service upon the request of the authorized representative of a State or locality.

Although it is clear that a large and growing number of State and local governments are in desperate need of Federal aid, it is also clear that too few of these governments have done everything they can to help themselves. The fact that 13 States do not yet levy a personal income tax, and that in the majority of others the tax rate is negligibly small, does not speak well for the resourcefulness of the States. While understandable that the prospect of instituting a new tax, or raising the rates of an old one, does not ordinarily generate great enthusiasm among elected lawmakers, it is nevertheless incongruous that the vast revenue potential of the personal income tax remains untapped in most States while at the same time the Governors lobby feverishly on behalf of revenue sharing.

Having said this, I should emphasize that some of the demands being made upon the States and localities cannot, and should not, be answered by any government other than the national. Most importantly, it must be recognized that the problem of providing adequate levels of public assistance to the needy is national in origin and is susceptible of solution only at the Federal level. Today, the cost to State and local governments of their public assistance programs is almost $8 billion and increasing dramatically.

Disturbed that the States and localities have not more fully faced up to their revenue-raising responsibilities, but aware that the problem of welfare should not be viewed as other than a national responsibility, I am introducing legislation which I think fairly apportions responsibility for change between the Federal and State and local governments.

TAX CREDITS

Title I of the Revenue Adjustment Act would allow taxpayers to take a credit against their Federal income tax liability in an amount equal to 50 percent of their combined State and local income taxes.

This credit would be in addition to the Federal deduction for State and local tax which is already allowed.

In practice, this 50 percent credit would enable a taxpayer who owed $1,200 to the Federal Government and $200 in State and local income taxes, to substract $100 of that $200 amount from his Federal tax for a total of $1,100.

It is anticipated that such a credit would act as a very powerful incentive to the States and cities to make better use of the personal income tax. As things are now, it is often contended by State and local officials that the enormous efficiency of the Federal personal income tax has made it difficult for other levels of government to develop their own income tax levies. They point out that the Federal income tax is progressive and very responsive to economic growth, and so brings in increasing amounts of income each year, whereas the tax structure at the State and local structure is largely regressive and inelastic. Allowing that this contention is basically correct, the purpose of tax credits is to enable the States and localities to compete more effectively with the Federal Government for potential revenue. As noted above, a taxpayer would be permitted to write off 50 percent of his State and local income tax liability against his Federal income tax liability. The only limitation placed on the value of this credit is that it may not exceed 19 percent of the taxpayer's Federal income tax liability. A table prepared by the staff of the Joint Committee on Internal Revenue Taxation at my request, and appearing at the end of these remarks, indicates that the tax credit concept has great potential for relief if the States and localities are only willing to place increased reliance upon the individual income tax as a revenue raising device. Columns 4 and 5 of that table show that the potential benefit to the States and localities under a 50 percent credit is more than $24 billion, or almost five times the benefit promised under the President's general revenue sharing proposal.

Clearly, the States and localities are furnished a powerful incentive to raise— or in the case of those 13 States mentioned above, institute—their personal income taxes to a level which will take full advantage of the credit without placing the entire burden of increased taxation on the shoulders of the taxpayer. In that regard, it should be carefully noted that under this proposal a taxpayer may take both a credit and a deduction against his State and local income taxes. Presently the deduction saves the average taxpayer—with earnings between $8,000 and $12,000—approximately 25 cents on every dollar he pays in State and local income taxes. By allowing this same taxpayer to take both a 50-percent credit and a deduction, the saving to him is 70 cents on every dollar he pays to the State and local governments in income taxes.

INCREASING THE FEDERAL SHARE OF WELFARE COSTS

Title II of the Revenue Adjustment Act declares it to be the policy of the Congress that at the earliest practicable date there should be developed and considered by the Congress a national program for the provision of aid to the needy; and pending the enactment of this program, that the Federal share of public expenditures for welfare programs be increased to 90 percent. Column 6 of the Joint Committee's table indicates that this increase in the Federal share would result in an immediate saving to the States and localities of more than $2 billion. Under the proposal those large urban States with the greatest welfare cost loads would benefit the most since they currently receive proportionally less from the Federal Government than do most small, rural States.

The absolute importance of acting quickly to relieve the States and localities of what has become an oppressive and unfair burden, is underscored by the provision in title II which provides that the Secretary of Health, Education, and Welfare shall formulate and submit to the Congress, a plan for the complete federalization of welfare no later than January 1, 1972, and that the increase in the federally financed share of welfare costs to 90 percent shall not extend beyond January 1, 1973. This latter provision is designed to insure that Congress and the President will act quickly on a program for federalization of the welfare system; for if no legislation is agreed upon by the end of 1972, the Federal share of welfare costs will revert back to the level presently maintained.

FEDERAL COLLECTION OF STATE AND LOCAL INCOME TAXES

In recent years, States have increasingly tended to conform their income taxes to the Federal model. Title III of the Act capitalizes on this tendency and would permit the Federal Government and the representatives of State and local government to enter into agreements giving the Federal Internal Revenue Service responsibility for collecting State and local incomes taxes. The benefits of such a system are twofold: First, it would immediately relieve the States and localities of the administrative costs involved in collecting income tax revenue—estimated at $200 million currently for all jurisdictions—and, second, it would cut down dramatically on the rate of noncompliance with State and local income tax laws, thereby generating additional State and local revenue without any increase in tax rates. Although it is impossible to say with any real accuracy what the percentage rate of noncompliance with State and local income tax laws is in this country, it has been conservatively estimated that upward of $1 billion in additional revenue would be collected if the Federal Government and not the States were doing the job.

A SCENARIO FOR STATE AND LOCAL GOVERNMENT

I believe firmly that the Revenue Adjustment Act of 1971 is a reasonable way to help the States and localities meet their rightful responsibilities while largely relieving them of the unfair burden of welfare costs.

If the States and localities were fully to respond to the incentives contained in titles I and II of this legislation, and if the Federal share of welfare costs is increased to 90 percent, the benefit to them would be in excess of $27 billion; a sum sufficient to meet the problems of State and local government for a very long time.

The basic thrust of this proposal is to give State and local governments the opportunity to broaden, and thereby strengthen, their own tax structures in answer to the increased demand for public services. It accomplishes this objective without giving Federal funds to the State and local governments on a "no strings attached" or block-grant basis. Nor does it contemplate any radical reduction in the number of federally administered grants-in-aid programs. While it is indisputable that there are shortcomings in the administration of many grants-in-aid programs, it is my feeling that the grant-in-aid concept is still the best one available for quickly targeting and solving problems of national importance. For that reason, while I would certainly favor an exhaustive review of all grants-in-aid programs with the objective of consolidating and rationalizing whenever possible, I cannot support a program such as the revenue sharing proposal advanced by the administration which contemplates their eventual elimination.

It is estimated that this legislation will produce $15 billion in new revenue for the States during its first year of operation. In its third year more than $25 billion in new revenue will be generated. It, in short, is both more generous and more effective in its operation than is the administration's revenue sharing proposal.

Mr. President, I ask unanimous consent that the bill and the table to which I have referred be printed in the RECORD immediately following my remarks, and that the bill be appropriately referred.

There being no objection, the bill and table were ordered to be printed in the RECORD, as follows:

S. 1162

A bill to permit the States and local governments to increase State and local income taxes by allowing a credit against the Federal income tax for a portion of such taxes; to provide for the Federalization of the welfare programs authorized by the Social Security Act, and, pending such Federalization, to increase the Federal share of the cost of such public welfare programs; and to authorize collection of State and local income taxes by the Internal Revenue Service

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal-State Revenue Adjustment Act of 1971".

TITLE I—FEDERAL INCOME TAX CREDIT FOR STATE AND LOCAL INCOME TAXES

ALLOWANCE OF CREDIT

SEC. 101. Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"SEC. 40. STATE AND LOCAL INCOME TAXES

"(a) Allowance of Credit.—In the case of an individual, there shall be allowed, as a credit against the tax imposed by this chapter, an amount equal to 50 percent of the State and local income taxes imposed on such individual and paid by him during the taxable year.

"(b) Limitations.—

"(1) State income taxes.—The credit under subsection (a) for any taxable year attributable to State income taxes paid during the taxable year shall not exceed an amount equal to 12 percent of the tax imposed on the taxpayer by this chapter.

"(2) Local income taxes.—The credit under subsection (a) for any taxable year attributable to local income taxes paid during the taxable year shall not exceed an amount equal to 7 percent of the tax imposed on the taxpayer by this chapter for the taxable year.

"(3) Application with section 164.—The credit under subsection (a) for any taxable year, when added to the taxpayer's State and local income tax deduction benefit for the taxable year, shall not exceed the amount of State and local income taxes imposed on the taxpayer and paid by him during the taxable year. For purposes of this subsection, a taxpayer's State and local income tax deduction benefit for the taxable year is the amount by which (A) the tax imposed by this chapter on the taxpayer for the taxable year is less than (B) the tax which would be so imposed if the State and local income taxes were not allowable as a deduction under section 164.

"(c) Definitions and Special Rules.—For purposes of this section—

"(1) State or local income taxes.—A State or local income tax includes only an income tax imposed by a State, a political subdivision of a State, or the District of Columbia.

"(2) Taxes on partnerships.—State or local income taxes imposed on and paid by a partnership shall be treated as imposed on and paid each partner in an amount equal to his distributive share of such taxes.

"(3) Taxes on subchapter S corporations.—State or local taxes imposed on and paid by an electing small business corporation (so defined in section 1371) shall be treated as imposed on and paid by, pro rata, the persons who are shareholders of such corporation on the last day of its taxable year.

"(4) Tax imposed by this chapter.—The tax imposed by this chapter for any taxable year does not include the tax imposed by section 56 (relating to minimum tax for tax preferences).

"(d) Adjustment for Refunds.—

"(1) In general.—The amount of State and local income taxes imposed on and paid by an individual during any taxable year shall be reduced by the amount of any refund of such taxes, whether or not received during the taxable year.

"(2) Interest.—In the case of an underpayment of the tax imposed by this chapter for a taxable year resulting from the application of paragraph (1), no interest shall be assessed or collected on such underpayment if the amount thereof is paid within 60 days after the taxpayer receives the refund of State or local income taxes which caused such underpayment.

"(e) Regulation.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

TECHNICAL AND CLERICAL AMENDMENTS

SEC. 102. (a) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 is amended by striking out the item relating to section 40 and inserting in lieu thereof the following:

"Sec. 40. State and local income taxes.

"Sec. 41. Overpayments of tax."

(b) Section 37(a) of such Code (relating to retirement income) is amended by striking out "and section 35 (relating to partially tax-exempt interest)" and inserting in lieu thereof "section 35 (relating to partially tax-exempt interest), and section 40 (relating to State and local income taxes)".

(c) Section 46(a)(3) of such Code (relating to liability for tax) is amended—

(1) by striking out "and" at the end of subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof ", and"; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) section 40 (relating to State and local income taxes)."

EFFECTIVE DATE

SEC. 103. The amendments made by sections 101 and 102 shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE II—FEDERAL FINANCIAL RESPONSIBILITY FOR PUBLIC ASSISTANCE PROGRAMS

FINDINGS OF FACT AND DECLARATION OF POLICY

SEC. 201. (a) The Congress finds and declares that—

(I) existing Federal programs (under titles I, IV, X, XIV, and XVI of the Social Security Act) to assist States in providing aid or assistance to needy individuals have resulted—

(A) in a great and unjustifiable disparity (as among the various States) in the level of aid or assistance provided to needy individuals; and

(B) in the imposition of a disastrously heavy financial burden upon the States, and, in particular, upon those States which have made the greatest efforts to provide adequate levels of aid or assistance to needy individuals; and

(2) the provision of aid or assistance to the needy through a national welfare program administered and financed by the Federal Government would not only more adequately and fairly meet the needs of the poor and needy, but would relieve the States of responsibility for a problem which is national in scope and with which they lack the resources effectively to deal.

(b) Therefore, it is hereby declared to be the policy of the Congress that—

(1) at the earliest practicable date, there be developed and considered by the Congress, a national program for provision of aid to the needy which will be Federally financed and administered; and

(2) pending the development and enactment of the national program referred to in paragraph (1), that the Federal share of public assistance expenditures under existing Federal programs be increased to 90 per centum.

DEVELOPMENT OF FEDERAL WELFARE PROGRAM

SEC. 202. (a) The Secretary of Health, Education, and Welfare shall develop, and submit to the Congress, a legislative proposal under which—

(1) the provisions of titles I, IV, X, XIV, and XVI of the Social Security Act would be repealed; and

(2) the Federal Government would, through a Federally financed and administered program, undertake to provide aid and assistance to the categories of needy individuals for whom aid or assistance is currently provided under State programs established pursuant to such titles.

(b) The legislative proposal referred to in subsection (a) shall be developed and submitted (in completed form) to the Congress not later than June 30, 1972.

INCREASED FEDERAL MATCHING UNDER PUBLIC ASSISTANCE PROGRAMS

SEC. 203. (a) Title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"SEC. 1122. The amount of the Federal payments to which any State is entitled under section 3 (a), 403 (a), 1003 (a), 1403 (a), or 1603 (a) for any quarter shall, at the option of the State, be determined by application of a Federal share of 90 per centum, instead of the fractions and percentages provided under such section, to the expenditures under its State plan approved under title I, X, XIV, or XVI, or part A of title IV (as the case may be), which would be included in determining the amounts of the Federal payments to which such State is entitled under such section. The preceding sentence shall also be applicable, at the option of any State, in determining the amount of the Federal payments to which such State is entitled for any quarter by reason of any modification of a State plan (referred to in the preceding sentence) of such State pursuant to section 1121."

(b) The amendment made by subsection (a) shall be applicable with respect to expenditures (under titles I, IV, X, XIV, and XVI of the Social Security Act) in the case of calendar quarters beginning after the date of enactment of this Act, and ending before January 1, 1973.

TITLE III—COLLECTION OF STATE AND LOCAL INCOME TAXES BY INTERNAL REVENUE SERVICE

AUTHORIZATION TO ENTER INTO AGREEMENTS

SEC. 301. (a) Chapter 77 of the Internal Revenue Code of 1954 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section:

"SEC. 7517. COLLECTION OF STATE AND LOCAL INCOME TAXES.

"(a) EXAMINATION OF STATE AND LOCAL LAWS.—At the request of the chief executive officer of a State or political subdivision thereof, the Secretary or his delegate shall examine the income tax law, and related laws, of such State or political subdivision and advise such chief executive of the extent to which, and the manner in which, officers and employees of the Treasury Department, acting on behalf of such State or political subdivision, could collect the income tax imposed by such law and otherwise perform functions in the administration and enforcement of such law.

"(b) AGREEMENTS.—At the request of the chief executive officer of a State or political subdivision thereof, the Secretary is authorized to enter into an agreement with such State or political subdivision under which officers and employees of the Treasury Department, acting on behalf of such State or political subdivision, will, to the extent and in the manner provided in the agreement, collect the income tax imposed under the law of such State or political subdivision and otherwise administer and enforce such law."

(b) The table of sections for such chapter 77 is amended by adding at the end thereof the following new item:

"SEC. 7517. Collection of State and local income taxes."

(c) Section 7809 of such Code (relating to deposit of collections) is amended by adding at the end thereof the following new subsection:

"(d) DEPOSIT OF MONEYS RETAINED UNDER AGREEMENTS.—Moneys retained from collections of State or local income taxes pursuant to an agreement entered into under section 7517(b) shall be deposited in a separate account which may be used to reimburse appropriations which bore the costs incurred by the United States in carrying out its obligations under such agreement."

The table is as follows:

THE IMPACT ON STATE AND LOCAL GOVERNMENTS OF (a) GENERAL REVENUE SHARING AND (b) INCOME TAX CREDITS[1] COUPLED WITH AN EXPANDED FEDERAL ROLE IN PUBLIC ASSISTANCE

[In thousands]

State	Estimated Federal individual income tax liability, calendar year 1970[2] (1)	State individual income tax collections, fiscal year 1970[3] (2)	State income tax revenue under 50 percent credit proposal[4] (3)	Gain to States under 50 percent tax credit proposal[5] (4)	Local income tax revenue under 50 percent tax credit proposal[6] (5)	Additional Federal expenditures for public assistance with Federal share at 90 percent[7] (6)	Column (4) plus column (5) plus column (6)[8] (7)	General revenue sharing first full year under President's program (8)
Alabama	$853, 549	$85, 081	$204, 852	$119, 771	$119, 497	$18, 031	$257, 299	$82. 089
Alaska	122, 667	32, 455	29, 440	0	17, 173	3, 524	20, 697	8, 590
Arizona	633, 499	64, 974	152, 040	87, 066	88, 690	4, 368	180, 124	51, 395
Arkansas	438, 210	42, 548	105, 170	62, 622	61, 349	9, 993	133, 964	43, 028
California	9, 434, 493	1, 150, 604	2, 264, 278	1, 113, 674	1, 320, 829	511, 683	2, 946, 186	590, 219
Colorado	851, 441	129, 097	204, 346	75, 249	119, 202	22, 318	216, 769	60, 116
Connecticut	2, 130, 568	4, 916	511, 336	506, 420	298, 280	34, 625	839, 325	59, 237
Delaware	272, 448	68, 486	65, 388	0	38, 143	2, 775	40, 918	13, 411
District of Columbia	351, 549	83, 044	84, 372	1, 328	49, 217	9, 080	59, 625	22, 915
Florida	2, 906, 022	0	697, 445	697, 445	406, 843	18, 935	1, 123, 223	167, 438
Georgia	1, 405, 578	184, 943	337, 339	152, 396	196, 781	16, 556	365, 733	107, 519
Hawaii	348, 517	105, 019	83, 644	0	48, 792	7, 589	56, 381	23, 453
Idaho	201, 127	36, 662	48, 270	11, 608	28, 158	2, 837	42, 603	20, 077
Illinois	6, 270, 292	575, 601	1, 504, 870	929, 269	877, 841	125, 352	1, 932, 462	219, 760
Indiana	2, 120, 799	216, 384	508, 992	292, 608	296, 912	32, 046	621, 566	115, 772
Iowa	995, 037	112, 746	238, 809	126, 063	139, 305	23, 860	289, 228	74, 488
Kansas	834, 170	78, 423	200, 201	121, 778	116, 784	18, 054	256, 616	54, 230
Kentucky	840, 236	121, 423	201, 657	80, 234	117, 633	13, 202	211, 069	78, 194
Louisiana	1, 023, 247	47, 993	245, 579	197, 586	143, 255	22, 150	362, 991	101, 465
Maine	331, 556	18, 885	79, 573	60, 688	46, 418	5, 356	112, 462	22, 885
Maryland	2, 099. 087	413, 366	503, 781	90, 415	293, 872	25, 870	410, 157	92, 664
Massachusetts	2, 921, 553	517, 952	701, 173	183, 221	409, 017	106, 028	698, 266	136, 160
Michigan	3, 946, 210	415, 345	947, 090	531, 745	552, 469	84, 065	1, 168, 279	229, 149
Minnesota	1, 349, 636	345, 733	323, 913	0	188, 949	25, 161	214, 110	107, 791
Mississippi	416, 949	44, 162	100, 068	55, 906	58, 373	5, 930	120, 209	61, 295
Missouri	1, 795, 417	129, 654	430, 900	301, 246	251, 358	29, 069	581, 673	96, 432
Montana	176, 183	38, 871	42, 284	3, 413	24, 666	2, 466	30, 545	18, 766
Nebraska	487, 410	44, 444	116, 978	72, 534	68, 237	8, 839	149, 610	38, 992
Nevada	306, 176	0	73, 482	73, 482	42, 865	1, 483	117, 830	13, 868
New Hampshire	295, 206	3, 462	70, 849	67, 387	41, 329	3, 352	112, 068	14, 958
New Jersey	3, 992, 783	17, 643	958, 268	940, 625	558, 990	121, 083	1, 620, 698	153, 773
New Mexico	279, 486	35, 730	67, 077	31, 347	39, 128	4, 482	74, 957	31, 814
New York	10, 704, 081	2, 506, 435	2, 568, 979	62, 544	1, 498, 571	411, 519	1, 972, 634	534, 083
North Carolina	1, 498, 247	270, 945	359, 579	88, 634	209, 755	21, 372	319, 761	113, 288
North Dakota	130, 604	15, 379	31, 345	15, 966	18, 285	2, 310	36, 561	20, 502
Ohio	4, 948. 710	0	1, 187, 690	1, 187, 690	692, 819	55, 035	1, 935, 544	212, 535
Oklahoma	781, 367	50, 516	187, 528	137, 012	109, 391	21, 779	268, 182	63, 683
Oregon	791, 099	213, 053	189, 864	0	110, 754	16, 580	127, 334	56, 860
Pennsylvania	5, 094, 214	0	1, 222, 611	1, 222, 611	713, 190	113, 783	2, 049, 584	246, 210
Rhode Island	406, 366	18, 644	97, 528	78, 884	56, 891	11, 159	146, 934	20, 823
South Carolina	653, 023	95, 398	156, 726	61, 328	91, 423	2, 623	155, 374	56, 701
South Dakota	156, 360	0	37, 526	37, 526	21, 890	3, 197	62, 613	18, 826
Tennessee	1, 235, 344	12, 113	296, 483	284, 370	172, 948	13, 239	470, 557	86, 809
Texas	4, 361, 088	0	1, 046, 661	1, 046, 661	610, 552	43, 404	1, 700, 617	243, 034
Utah	318, 884	61, 335	76, 532	15, 197	44, 644	5, 424	65, 265	28, 704
Vermont	176, 419	43, 668	42, 341	0	24, 699	3, 641	28, 340	11, 942
Virginia	1, 738, 262	282, 769	417, 183	134, 414	243, 357	15, 856	393, 627	104, 608
Washington	1, 537, 580	0	369, 019	369, 019	215, 261	36, 728	621, 008	91, 958
West Virginia	508, 138	40, 061	121, 953	81, 892	71, 139	5, 842	158, 873	41, 685
Wisconsin	1, 707, 296	489, 944	409, 751	0	239, 021	25, 752	264, 773	124, 370
Wyoming	113, 117	0	27, 148	27, 148	15, 836	1, 281	44, 265	11, 436
Other	230, 698		55, 368		32, 298	11, 884		
Total	87, 521, 998	9, 265, 906	21, 005, 279	11, 838, 022	12, 253, 079	2, 142, 570	26, 189, 489	5, 000, 000

[1] Under the proposal there would be a credit against the Federal individual income tax equal to 50 percent of State and local income taxes paid but not to exceed, in the case of the credit for State individual income taxes, 12 percent of the Federal individual income tax and, in the case of the credit for local individual income taxes, 7 percent of the Federal individual income tax. The credit, when added to the taxpayer's State and local individual income tax deduction benefit, would not exceed the amount of State and local individual income taxes paid.

[2] Estimated by the staff of the Joint Committee on Internal Revenue Taxation. The State-by-State data on which these estimates are based on data compiled from Federal individual income tax returns by the Internal Revenue Service (Statistics of Income) and reflect taxpayer State of residence except for those cases in which the taxpayer filed his return in the wrong place. The reasons why returns are filed in districts or regions other than those in which the taxpayer resides are as follows: (1) filing with former district office or regional service center after moving to a new area; (2) filing from place of business rather than place of residence; (3) filing from tax lawyer's or accountant's place of business in another State; (4) filing with a place other than residence because of misunderstanding of instructions on where to file.

[3] State Tax Collections in 1970, GF No. 1, Bureau of the Census.

[4] 24 percent of the estimated Federal individual income tax in column (1). This is the minimum State income tax which would bring into play the maximum allowable credit under the proposal: 12 percent of the Federal individual income tax. Under this proposal, which combines the deduction for income tax paid with a 50 percent credit, there would be a strong incentive for States, in need of greater revenues, to enact individual income taxes which would exceed 24 percent of the Federal individual income tax, even though the limitation on the credit would remain at 12 percent of the Federal individual income tax.

[5] Column (3) minus column (2). These figures represent the minimum additional State income tax over the fiscal year 1970 tax which would take full advantage of the 12 percent of Federal income tax limitation. Under the proposal, the incentive would be strong for States, in need of additional revenues, to exceed these additions.

[6] 14 percent of the estimated Federal individual income tax in column (1). This is the minimum local income tax which would bring into play the maximum allowable credit under the proposal: 7 percent of the Federal individual income tax. See the last sentence in footnote 4.

[7] Included public assistance programs are: Old age assistance, aid to the blind, aid to the permanently and totally disabled, aid to families with dependent children, and payments to intermediate care facilities.

[8] To the extent to which States do not employ individual income taxes as high as 24 percent of the Federal individual income tax and local governments now have individual income taxes and do not employ individual income taxes as high as 14 percent of the Federal individual income tax, to that extent do the figures in this column overstate the additional resources made available to the State and local governments under the proposal for individual income tax credits and 90 percent Federal sharing in the indicated public assistance programs.

By Mr. KENNEDY (for himself, Mr. WILLIAMS, Mr. CHURCH, Mr. EAGLETON, Mr. PASTORE, Mr. PERCY, Mr. HOLLINGS, Mr. INOUYE, Mr. PELL, Mr. BIBLE, Mr. HARRIS, Mr. CRANSTON, Mr. HUGHES, and Mr. TUNNEY):

S. 1163. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes. Referred to the Committee on Labor and Public Welfare.

NUTRITION FOR THE ELDERLY

Mr. KENNEDY. Mr. President, on behalf of myself and a bipartisan group of 14 Senators, I introduce for appropriate reference the Nutrition Program for the Elderly Act.

For many of the 20 million Americans over 65, inadequate income, inadequate education, and forced isolation mean that they cannot buy the food they need for an adequate diet. Thousands are induced to accept institutionalized care because they cannot obtain adequate nutrition.

The problem is becoming more rather than less serious. For the first time, the number of elderly persons living on income below the poverty level increased from 4.6 to 4.8 million from 1968 to 1969. This jump reversed the promising 10-year trend in which the numbers of poverty-level elderly persons had decreased from 6 to 4.6 million. The recent upsurge in the number of poor older Americans is even more disturbing when it is contrasted with a 1.2 million decline in the number of poor persons under 65 during the same 1968–69 time span.

The costs alone of providing adequate nutrition are impossible for many of the elderly to meet. They spend some 27 percent of their income on food and rising food costs while the average American spends only 16 percent of his income on food.

Today adequate nutrition is recognized as a matter of primary concern for the elderly citizens of this land. The White House Conference on Food, Nutrition, and Health in 1969 spelled out the Federal responsibility to assure adequate nutrition to every elderly citizen, a responsibility that this Nation can and should meet.

The President's Task Force on Aging recently highlighted the extent of the problem:

> The lonely older person who can afford an adequtae meal, but does not eat properly, the older person who finds going to the store too great a burden, the older person who is nutritionally ignorant, the chronically ill older person unable to prepare a hot meal—all are part of the problem.

Under the Older Americans Act of 1965, some 30 demonstration projects to meet the problems of nutrition for elderly persons have been carried out by the administration on aging of the Department of Health, Education and Welfare. These projects, have demonstrated the utility of providing meals in a group setting. The first reports on the evaluation of those programs noted that the group meal approach "fosters social interaction, facilitates the delivery of other service, and meets emotional needs of the aged while improving their nutrition. It offers an effective device for teaching by example the importance of a nutritionally adequate diet and what is essential to such a diet. It provides a framework dealing with such everyday problems as transportation and housing arrangements which contribute to the nutrition problem."

In testimony last year John B. Martin, Commissioner of the Administration on Aging said that pilot projects had demonstrated that the "meals were not the only service which had to be provided through them—reaching out into the community to locate and reassure those in need of the program; providing nutrition education; and offering a wide variety of other supportive services, such as transportation, recreation, and health and social information and referral," are other essentials of a nutrition program.

In my own State of Massachusetts, the pilot projects were so successful that the State has adopted its own plan to try and keep the nutritional program in operation. Some 23 Massachusetts communities now provide hot meals for the elderly. The program applications are double that amount and the State Council on Aging estimates many times that number would have applied if there had been any chance for funding.

Building on the experience of these programs, Congressman Claude Pepper introduced a bill last year to provide these services on a permanent basis. He has reintroduced his bill with some 108 House cosponsors this year. The bill I am introducing today is identical except for its shift of the direct administration of the program from the Department of Agriculture to the Administration on Aging in the Department of Health, Education, and Welfare. Mr. President, I believe that Congressman Pepper should be congratulated for his leadership in this field. Last year, in hearings he conducted on the bill, it was clear that there is general support for a measure such as this both from the elderly citizens themselves and from specialists in the field of nutrition and aging assistance.

The bill which I am introducing today establishes the Administration on Aging as the focus for the programs. The bill's key features are:

First. States would guarantee that nutrition projects would provide at least one hot meal per day for elderly persons within its jurisdiction and that meals would contain a minimum of one-third the recommended daily dietary allowance for an elderly person. The program would provide those meals a minimum of 5 days a week.

Second. The project would be carried out in sites easily accessible to the majority of elderly residents within the community. Schools, senior citizen centers, community centers, churches, and other public and non-profit private settings could be used for the program.

Third. Outreach services to locate the isolated elderly, and assure the maximum participation of the elderly would be required.

Fourth. The sponsor would provide a setting conducive to the expansion of the nutritional program to include information, recreation, health, and welfare counseling and referral services.

Fifth. In addition, preference for staffing positions, full or part time, will be given to persons aged 65 or over. There is no reason why the programs run for elderly persons cannot be run by elderly persons.

Under this bill, the Federal Government will underwrite the cost of equipment, labor, management, supporting services, and food under a 90–10 matching formula with the States. For fiscal year 1972, $50 million is authorized. For fiscal year 1973, $100 million and for fiscal year 1974, $150 million.

Mr. President, the time is long overdue for the Federal Government to assume the challenge of providing the elderly citizens of this Nation with adequate nutrition. By offering an opportunity for a balanced diet to elderly citizens and breaking the circle of isolation and loneliness, this program can assuredly reduce the number of men and women who are forced to enter nursing homes because they cannot provide themselves with an adequate diet.

There is a special urgency to the consideration of this bill. The title IV pilot programs have been serving some 14,000 meals a week to thousands of elderly persons.

Ninety-two percent of these older persons reported incomes of less than $3,000 a year. Forty percent have incomes under $1,000. In the next few months, many of these projects are scheduled to end.

Yet the need remains great and resources exist to make those programs permanent. Passage of this legislation will not only protect the elderly person who has been receiving a hot meal a day and other social services under the pilot program, but it will also extend the proven benefits of this program to thousands of other senior citizens.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record following my statement.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1163

A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Title VII of the Older Americans Act of 1965 is redesignated as title VIII, and sections 701 through 705 of that Act are respectively redesignated as sections 801 through 805.

Sec. 2. The Older Americans Act of 1965 is amended by inserting the following new title immediately after title VI thereof:

"TITLE VII—NUTRITION PROGRAM FOR THE ELDERLY

"FINDINGS AND PURPOSE

"Sec. 701. (a) The Congress finds that the research and development grants, title IV, Older Americans Act, nutrition program has demonstrated the effectiveness of and the need for permanent nationwide programs to provide the nutritional and social needs of millions of persons aged sixty-five or older who are unable to overcome the complex and intertwining problems of inadequate diets. Many of these elderly persons do not eat adequately because they cannot afford to do so, while others, who are economically better off, do not eat well because they lack the skills to select and prepare nourishing and well-balanced meals, have limited mobility which may impair their capacity to shop and cook for themselves, and have feelings of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone. These and other physiological, psychological, social, and economic changes that occur with aging result in a pattern of living, which causes malnutrition and further physical and mental deterioration.

"(b) In addition to the food stamp program, commodity distribution systems and old-age income benefits, there is an acute need for a national policy aimed at providing the elderly with low cost, nutritionally sound meals served in strategically located centers such as community centers, senior citizen centers, schools, and other public or private nonprofit institutions suited to such use and through other means toward this purpose. Besides promoting better health among the older segment of our population through improved nutrition, such a program, implemented through the use of a variety of community resources, would be a means of promoting greater opportunity for social contact ending the isolation of old age, increasing participants' knowledge of nutrition and health in general, and promoting positive mental health and independence through the encouragement of greater physical and mental activities.

"ADMINISTRATION

"Sec. 702. (a) In order to effectively carry out the purposes of this title, the Secretary shall—

"(1) Administer the program through the Administration on Aging.

"(2) consult with the Secretary of Agriculture and make full utilization of the Federal Extension Service, the Food and Nutrition Service and other existing services of the Department of Agriculture.

"(b) In carrying out the provisions of this title, the Secretary is authorized to request the technical assistance and cooperation of the Department of Labor, the Office of Economic Opportunity, the Department of Housing and Urban Development, the Department of Transportation, and such other departments and agencies of the Federal Government as may be appropriate.

"(c) The Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel, and facilities.

"(d) In carrying out the purposes of this title, the Secretary is authorized to provide consultative services and technical assistance to any public or private nonprofit institution or organization, agency, or political subdivision of a State; to provide short-term training and technical instruction; and to collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this title.

"ALLOTMENT OF FUNDS

"SEC. 703. (a)(1) From the sum appropriated for a fiscal year under section 708(A) the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, shall each be allotted an amount equal to one-fourth of 1 per centum of such sum and (B) each other State shall be allotted an amount equal to one-half of 1 per centum of such sum.

"(2) From the remainder of the sum so appropriated for a fiscal year each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty-five or over in such State bears to the population aged sixty-five or over in all of the States, as determined by the Secretary on the basis of the most recent satisfactory data available to him.

"(3) A State's allotment for a fiscal year under this title shall be equal to the sum of the amount allotted to it under paragraphs (1) and (2).

"(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Secretary determines will not be required for that year shall be available for reallotment, from time to time and on such dates during such year as the Secretary may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Such reallotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty-five or over. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

"(c) The allotment of any State under subsection (a) for any fiscal year shall be available for grants to pay up to 90 per centum of the costs of projects in such State described in section 705 and approved by such State in accordance with its State plan approved under section 705. Such allotment to any State in any fiscal year shall be made upon the condition that the Federal allotment will be matched during each fiscal year by 10 per centum, or more, as the case may be, from funds within the State.

"(d) If, in any State, the State agency is not permitted by law to disburse the funds paid to it under this title in the State, or is not permitted by law to match Federal funds made available for use by such public or private nonprofit institution or organization, agency, or political subdivision of a State, the Secretary shall withhold the allotment of funds to such State referred to in subsection (a). The Secretary shall disburse the funds so withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision of such State in accordance with the provisions of this title, including the requirement that any such payment or payments shall be matched in the proportion specified in subsection (c) for such State, by funds from sources within the State.

"PAYMENTS TO STATES

"SEC. 704. (a) Funds allotted to any State pursuant to section 703 during a fiscal year shall be available for payment to such State for disbursement by the State agency in accordance with such agreements not inconsistent with the provisions of this title as may be entered into by the Secretary and such State agency, for the purposes of carrying out the provisions of this title, during such fiscal year in supplying—

"(1) agriculture commodities and other foods for consumption by persons aged sixty-five or over, and

"(2) nonfood assistance in furtherance of the programs authorized under this title.

"(b) The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under this section and the time or times such amounts are to be paid to any State under this section and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified.

"STATE PLANS

"SEC. 705. (a) Any State which desires to receive allotments under this title shall submit to the Secretary for approval a State plan for purposes of this title which—

"(1) establishes or designated a single State agency as the sole agency for administering or supervising the administration of the plan, which agency shall be the agency primarily responsible for coordination of State programs and activities related to the purposes of this title;

"(2) sets forth such policies and procedures as will provide satisfactory assurance that allotments paid to the State under the provisions of this title will be expended—

"(A) to make grants in cash or in kind to any public or private nonprofit institution or organization, agency, or political subdivision of a State (hereinafter referred to 'recipient of a grant or contract')—

"(i) to carry out the program as described in section 706.

"(ii) to provide up to 90 per centum of the costs of the purchase and preparation of the food; delivery of the meals; and such other reasonable expenses as may be incurred in providing nutrition services to persons aged sixty-five or over. Recipients of grants of contracts may charge participating individuals for meals furnished but such charge shall not exceed a per meal limit to be established by each State agency, taking into consideration the income ranges of eligible individuals in local communities and other sources of income of the recipients of a grant or a contract.

"(iii) to provide up to 90 per centum of the costs of such supporting services as may be absolutely necessary such as the costs of social services and local public transportation to and from the residences of participating individuals to the extent such costs are not provided by grants for these services from the Department of Transportation, Office of Economic Opportunity, or other Federal agency.

"(B) to provide for the proper and efficient administration of the State plan: *Provided,* That the amount expended for such administration and planning shall not exceed a sum which shall be agreed upon between the Secretary and the State agency—

"(i) in making report, in such form and containing such information, as the Secretary may require to carry out his functions under this title, including reports of the objective measurements required by section 706, and keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal fund under this title, and

"(ii) in providing satisfactory assurance that fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the State, including any such funds paid by the State to the recipient of a grant or contract.

"(3) provides such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are necessary for the proper and efficient operation of the plan.

"(b) The Secretary shall approve any State plan which he determines meets the requirements and purposes of this section.

"(c) Whenever the Secretary, after reasonable notice and opportunity for hearing to such State agency, finds (1) that the State plan has been so changed that it no longer complies with the provisions of this title, or (2) that in the administration of the plan there is a failure to comply substantially with any such provision or with any requirements set forth in the application of a recipient of a grant or contract approved pursuant to such plan, the Secretary shall notify such State agency that further payments will not be made to the State under the provisions of this title (or in his discretion, that further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or that the State agency shall not make further payments under this part to specified local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Secretary shall make no further payments to the State under this title, or shall limit payments to recipients of grants or contracts under, or parts of, the State plan not affected by the failure or payments to the State agency under this part shall be limited to recipients of grants or contracts not affected by the failure, as the case may be.

"(d)(1) If any State is dissatisfied with the Secretary's final action with respect to the approval of its State plan submitted under subsection (c), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"NUTRITION AND OTHER PROGRAM REQUIREMENTS

"SEC. 706. Funds allotted to any State during any fiscal year pursuant to section 703 shall be disbursed by the State agency to recipients of grants or contracts who agree—

"(1) to establish a program (hereinafter referred to as a 'nutrition program') which, five or more days per week, provides at least one hot meal per day and any additional meals, hot or cold, each of which assures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council;

"(2) to provide such nutrition program for individuals aged sixty-five or over (hereinafter referred to as 'eligible individuals');

"(3) to furnish a site for such nutrition program in as close proximity to the majority of eligible individuals' residences as feasible, and, preferably within walking distance;

"(4) to utilize methods of administration including outreach which will assure that the maximum number of eligible individuals may have an opportunity to participate in such nutrition program;

"(5) to provide a setting conducive to expanding the nutritional program to include recreational activities, informational, health and welfare counseling and referral services;

"(6) to include such training as may be necessary to enable the personnel to carry out the provisions of this title;

"(7) to establish and administer the nutritional program with the advice of persons competent in the field of service in which the nutrition program is being provided, and of persons who are knowledgeable with regard to the needs of elderly persons;

"(8) to provide an opportunity to evaluate the effectiveness, feasibility and cost of each particular type of such program; and

"(9) to give preference to persons aged sixty-five or over for any staff positions, full- or part-time, for which such persons qualify.

"SURPLUS COMMODITIES

"SEC. 707. Each recipient of a grant or contract shall, insofar as practicable, utilize in its nutrition program commodities designated from time to time by the Secretary of Agriculture as being in abundance, either nationally or in the local area, or commodities donated by the Secretary of Agriculture. Commodities purchased under the authority of section 32 of the act of August 24, 1935 (49 Stat. 774), as amended, may be donated by the Secretary of Agriculture to the recipient of a grant or contract, in accordance with the needs as determined by the recipient of a grant or contract, for utilization in the nutritional program under this title. The Secretary of Agriculture is authorized to prescribe terms and conditions respecting the use of commodities donated under such section 32, as will maximize the nutritional and financial contributions of such donated commodities in such public or private nonprofit institutions or organizations, agencies, or political subdivisions of a State.

"APPROPRIATIONS AUTHORIZED

"SEC. 708. (a) The Secretary of Agriculture may utilize the programs authorized under this title in carrying out the provisions of clause (2) of section 32 of the Act approved August 24, 1935, as amended (49 Stat. 774, 7 U.S.C. 614c).

"(b) In addition to any other funds which may be available, there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

"PROGRAM EXPENDITURES

"SEC. 709. Of the sums appropriated for any fiscal year pursuant to the authorization contained in section 708 of this title, not to exceed $50,000,000 shall be made available for the fiscal year ending June 30, 1972, not to exceed $100,000,000 for the fiscal year ending June 30, 1973, not to exceed $150,000,000 for the fiscal year ending June 30, 1974, for grants-in-aid pursuant to the provisions of this title, less—

"(1) not to exceed 3½ per centum thereof which per centum is hereby made available to the Secretary for his administrative expenses under this title;

"(2) direct expenditures by the Secretary for agricultural commodities and other foods to be distributed among the States and such public or private nonprofit institutions or organizations, agencies, or political subdivisions of a State, participating in the nutrition program under this title.

"RELATIONSHIP TO OTHER LAWS

"SEC. 710. No part of the cost of any program under this title may be treated as income or benefits to any eligible individual for the purpose of any other program or provision of State or Federal law.

"MISCELLANEOUS

"SEC. 711. None of the provisions of this title shall be construed to prevent a recipient of a grant or a contract from entering into an agreement with a profitmaking organization to carry out the provisions and purposes of this title."

NUTRITION PROGRAM FOR THE ELDERLY ACT

Mr. CHURCH. Mr. President, for many older Americans, hunger is an everyday reality.

In all probability, malnourishment affects the elderly to a much greater degree than any other age group in our population. One leading expert—Mrs. Sandra Howell of the Gerontological Society—has estimated that perhaps 8 million Americans have diets insufficient for optimum health.

Many are simply too poor to buy food. Others may lack incentives to cook for themselves, especially those who live alone. Transportation difficulties and insufficient knowledge about proper eating habits also add to the problem.

In 1968 a special emphasis research and demonstration program was launched under the Older Americans Act to improve nutrition services for the elderly. Ten projects have been completed, and 22 are still in operation.

These projects, I believe, have amply demonstrated the need for establishing a permanent nutrition program on a nationwide basis to meet the special needs of the aged. And the Nutrition Program for the Elderly Act would help to accomplish this purpose.

First, it would provide low cost and nutritious meals for the elderly in strategically located centers—such as schools, churches, senior citizen centers, and other public or private nonprofit institutions. In addition, older persons would have an opportunity to meet and talk with other people. This, in itself, could be of important therapeutic value for isolated individuals living alone.

At the White House Conference on Food, Nutrition, and Health, the need for this type of program was recognized. In fact, the very first recommendation of the Panel on Aging called for legislation contemplated in the bill that I cosponsor today. And the President's Task Force on Aging has also emphasized that:

> The Federal Government should encourage the development of local arrangements for social dining for ambulatory elderly in addition to home-delivered meals for shut-ins so that those older persons who choose to do so can receive a prepared meal once a day.

Moreover, this bill would provide the badly needed Federal funding to help local nonprofit groups serve the elderly more effectively. For example, under this measure, Idaho could be apportioned funds sufficient for as many as 300,000 nutritious meals a year at prices that the elderly can afford.

For these reasons, I urge the adoption of the Nutrition Program for the Elderly Act.

By Mr. SPARKMAN (for himself and Mr. BENNETT):

S. 1164. A bill to limit membership on national securities exchanges. Referred to the Committee on Banking, Housing, and Urban Affairs.

Mr. SPARKMAN. Mr. President, I am today introducing legislation for myself and the senior Senator from Utah (Mr. BENNETT) which would limit membership on securities exchanges to firms and corporations which are primarily engaged in business as a broker or dealer in securities. This legislation incorporates the bill which Senator BENNETT and I introduced in the last Congress—S. 4004—as later amended to exempt persons who were members of an exchange on June 23, 1970.

This bill concerns an issue of fundamental importance to the economic life of the Nation. Our economy is largely affected by the quality of the market for securities. The health of American business to a large extent depends upon its access to a democratic, open market which permits large and small companies to raise capital from the American investing public. Public investment—public confidence—depends upon the ability of the investing public confidently to rely upon an auction market operated by firms which are primarily agents for public investors, and in which the public can buy or sell securities under fair rules equally applicable to everybody, free from the domination of a few large financial institutions.

At the heart of this mechanism are the National Securities Exchanges and particularly the New York Stock Exchange which accounts for about 80 percent of the trading on all exchanges.

The New York Stock Exchange prohibits institutional membership for the fundamental reason that the primary interest of institutions must be in trading for their own account. The prohibition of institutional members is based on the principle that the exchanges should be composed of firms which primarily serve the general public as agents and as brokers and dealers in securities. The theory has always been that financial institutions which are primarily interested in trading for their own account should not be direct participants in the operation of the exchanges because their membership on the exchange would unavoidably involve a conflict of interest between their interest in buying and selling for their own account and the general public responsibility which is implicit in exchange membership.

Various regional exchanges, in a desire to increase their own volume, have admitted financial institutions to membership. The result of this diversity of rules among the exchanges has been to permit a few institutions, including some mutual fund managers, insurance companies and others, through regional exchange membership, to obtain a competitive advantage over other mutual funds, insurance companies, and so on by directly or indirectly avoiding the necessity of paying commissions for executing trades in securities.

As a consequence of the regional exchanges' action in permitting institutional membership, there has been a gradual diversion of trading in securities from the principal market in which the ordinary investor trades. The Wall Street Journal for February 24, 1971, contains an interesting and important article entitled "The Little Guy: Small Investors Fear They're at Growing Handicap." This article points out the dangers to small investors which the growth of institutions creates, and the adverse effect upon the confidence of the small investor which has resulted from the enormous increase in the activities of the great financial institutions in the securities market. I should like to read two paragraphs from the article in the Wall Street Journal:

> While critics complain of the small investor's plight today, they fear the future could be worse. For instance, many brokers and institutions are pressing for "negotiated" or "competitive" commission rates on stock trades. Such competition would probably reduce commissions for the big trades institutions make and raise rates on the small trades that many individuals make.
>
> Moreover, the New York Stock Exchange is considering letting financial institutions become members. Besides fostering commission rate cuts for institutions, this move could give institutions even more influence in the market than they already enjoy, critics fear.

I ask that the entire article from the Wall Street Journal be printed in the RECORD as part of my statement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE LITTLE GUY: SMALL INVESTORS FEAR THEY'RE AT GROWING HANDICAP

(By David McClintick)

The worst is over. The securities industry leaped alive from last year's gloom. And in spite of future brokerage house troubles, Congress has insured individual accounts for up to $50,000.

So the small investor, his spirit renewed and his pockets loaded with savings accumulated during the market slump, is about to jump back into common stocks.

That is at least the rosier view on Wall Street these days. But Michael J. Asbell will have none of it. "I'm never never, never going to invest in the stock market again," swears the Philadelphia attorney whose stocks have declined sharply in recent years. "The deck is stacked against the small investor."

Like a growing number of anxious investors, Mr. Asbell is convinced the corporate world and securities markets are organized and sometimes manipulated to serve big financial institutions, leaving the small investor a victim of forces he can't control.

Disenchantment is widespread. In a nationwide Trendex Inc. poll of 1,000 Americans earning $10,000 a year or more, 28% of those who had made market transactions in the past two years said they definitely or probably won't invest in stocks again. Among previous investors who hadn't traded in the last two years, the figure was 46%. The Trendex poll, taken for The Wall Street Journal, found that —% of the cross-section surveyed had a "negative" opinion of the stock market as a place to invest. Of these, 48% gaves as the reason: the growing handicap for the small investor.

THE BIG BOYS GET BIGGER

Of course, if the current bull market continues, some of these dissidents may return to the market. But many investors think the rise of the big institution is hurting the small stock buyer more every year. One big factor in this assessment: Institutions and brokerage houses trading for their own interests now account for more than two-thirds of all New York Stock Exchange volume, up from around 40% in the mid-1950s.

Institutions have gained in influence as they have increased their trading activity. Together with some abusive practices by investment concerns, this has put the small investor at a serious disadvantage, many such investors contend. Among their allegations:

Mutual and pension funds, insurance companies, banks and other financial institutions often receive vital information from companies and investment concerns before small investors get it. This frequently enables the institutions to buy and sell stock before the small trader and at more advantageous prices. Investing on the basis of material information known only to corporate insiders violates federal law. Despite efforts to curb the practice, it still flourishes (though more discreetly than in the past), charges a source close to the House Banking Committee.

Brokerage house stock analyses prepared for the small investor may be declining in quality. Critics have historically charged this research was often superficial. And now, to cut overhead costs, many brokerage houses have slashed their research staffs. Small investors who commonly rely on broker recommendations are thus often led into unwise decisions, they complain.

Investment firms and salesmen sometimes push stocks in which they have a major financial interest. "From first-hand experience, I know of at least two or three member firms of the New York Stock Exchange where this is a common practice, and I have more than a speaking acquaintance with the same thing at many other houses," asserts a former partner in a big New York investment house.

The securities industry shows less interest in serving the small investor—and is less able to do so—than at any time in recent years.

TIGHTENING THE RULES

Of course, the small trader can still make money in the market, and in some ways he is better protected today than even a few months ago. Late last December, Congress created the Securities Investor Protection Corp. to insure individual accounts in case of a brokerage house failure. And the Securities and Exchange Commission is moving to tighten rules governing the financial structure of investment firms.

But a look at the movement in Fairchild Camera & Instrument Corp. stock shows why some small investors still believe they are being taken advantage of. As one of the Big Board's most volatile glamor stocks in recent years, Fairchild shares ranged in price between $96 and $18 last year. Yesterday the stock closed at $33.

Last Jan. 25, C. Lester Hogan, president of the Mountain View, Calif., electronics concern, spoke at a private meeting in New York. Mabon, Nugent & Co., a securities firm, arranged the session for several of its institutional clients. Among other items, Mr. Hogan told the institutions that Fairchild finished 1970 in a strong financial position without any bank debt and that incoming orders the previous month were the best since March. (Monthly orders in semiconductors, one of Fairchild's specialties, are a closely watched indicator in the industry. Semiconductors are devices used in certain types of electrical transmission.)

Apparently the institutions liked what they heard. On the three trading days following the meeting, Fairchlid common stock faded in price. But on Jan. 29 and the first three days of February it climbed sharply on the Big Board to $32.625 a share from $24.50.

The first report on the Jan. 25 meeting to reach the general public was apparently in The Wall Street Journal of Feb. 4—too late for small investors to enjoy the stock's earlier price surge. (Inquiring about possible reasons for the stock's price rise, the Journal learned of the meeting.)

To be sure, an article in Business Week giving a fairly favorable impression of Fairchild's general prospects reached some readers Jan. 29, the day the stock began its sharp advance. That article reported that Sherman Fairchild, the company's founder and chairman, had in recent months bought additional Fairchild stock on the open market. Wall Street observers say the Business Week article and a generally buoyant market at the time influenced some investors but the Jan. 25 meeting was the key reason the stock rose so sharply.

But that session wasn't Mr. Hogan's first private meeting with institutions. On Wednesday evening, Oct. 29, 1969, the executive reportedly told institutional clients of William D. Witter Inc., a New York securities concern, of a slowdown in sales that month.

Though Mr. Hogan said he didn't know whether the slowdown was part of a longer trend, or merely a one-month problem, the stock dropped $2.125 a share the day after the meeting. The heavy volume that day of 326,500 shares included four blocks totaling 88,500 shares. The next day the price fell another $2.625 on volume of 97,200 shares. Neither the statement about the October sales nor any explanation for the stock's decline reached the national financial media until Nov. 4—six days after the private meeting had reportedly warned institutions about the unfavorable news.

The Securities and Exchange Commission is looking into trading in Fairchild stock and Mr. Hogan's disclosure record to determine whether any federal securities laws might have been violated.

But Mr. Hogan denies there is anything improper about Fairchild's disclosure policy. To question on whether he feels he has disclosed any material inside information privately to analysts or institutions, the official says: "I don't think so. We're very careful about that. We've tried to be pretty direct with anyone who calls, but we have a strict policy against giving out material information."

MASS CONFUSION FROM PRESS RELEASES

Asked whether the company had considered issuing press releases after the private meetings with institutions, Mr. Hogan replies: "If we issued a press release after each meeting or phone talk with an analyst, it would mean mass confusion." Fairchild is no isolated example; other major companies also meet privately with groups of analysts.

Besides meeting with company presidents, institutions often acquire useful information when a corporation issues new securities. Prior to an underwriting of the new securities, for instance, the principal investment banker in the deal usually prepares a "confidential underwriting memorandum." Such documents commonly contain earnings projections for years into the future and a vast amount of other information obtained from the company that isn't available to other investment concerns or to the general public.

These memoranda are supposed to be prepared solely for the guidance of underwriters, but leaks occur. "Sometimes the memo is kept completely confidential, but sometimes its contents become known to every institution in the country," says one securities industry official.

Rep. Wright Patman, chairman of the House Banking Committee, also criticizes certain aspects of the often-close relationships between companies and their commercial bankers. Sometimes bank trust officers responsible for buying and selling a company's stock have access to the bank's confidential credit files on the company, sources say.

BAILING OUT OF PENN CENTRAL

Often inside information makes a dramatic difference. A congressional subcommittee last September released figures that it said showed 12 stockbrokers and seven financial institutions including banks had probably used inside information in the Penn Central Co. debacle. Knowing of the company's shaky finances, the insiders apparently unloaded several hundred thousand shares of Penn Central common stock before the extent of the company's problems was generally realized, the subcommittee alleged.

After knowledge of the problems became widespread late last May, Penn Central stock declined to about $13 a share from about $18 earlier in the month and later declined to a low of $5.50. The SEC and Congress are continuing to investigate the alleged insider activity.

Many less-dramatic practices that critics consider abusive to small investors are deeply entrenched and routinely accepted. Much of the stock market's liquidity is widely felt to depend on institutions' getting the information first, buying a particular stock and driving its price up, then unloading on the small investor who gets "the word" last. The result—that small investors tend to buy stocks as they approach their peak—is an accepted indicator of market cycles.

Besides getting inside information from companies, institutions often receive brokerage research and analysis well before it is passed to the brokers smaller customer. With its large high-commission trades, institutional business is generally more profitable to brokers than "retail" or small investor trading. Brokers compete avidly for this institutional volume, and giving tips to institutions on future research reports is a common tactic. Even if a brokerage report doesn't contain new information, the opinion the report expresses often affects the price of the stock discussed.

To show how important this advance information is, a former official of a big New York securities firm recalls his experience seeking a new institutional sales manager. The prime candidate refused to take the job unless his department could receive the firm's research reports 60 days before they were released to the firm's retail department. The official says he suggested a 30-day lag. The two men compromised at 45 days.

Institutions sometimes use pressure to get tips. Equity Research Associates, a respected New York investment advisory service, sometimes "got some heat" from institutions because it distributed reports simultaneously to all clients, says William G. Prime, former executive vice president. Equity didn't succumb to the pressure for favoritism, Mr. Prime adds.

Fearing accusations of favoritism toward institutions, some securities concerns are switching to a simultaneous release policy, it is understood. But even when reports carry identical release dates, advance word on a major report's contents is often passed to institutions informally, sources say.

A SEQUENCE OF CALLING

One analyst for a big New York securities company says his firm's written reports are indeed distributed simultaneously, but he adds: "Half to two-thirds of the analysis we dispense goes over the phone and obviously there's a sequence of calling. You tend to favor your best clients."

While getting influential brokerage advice early can help an institution make millions, there is evidence many securities concerns are watering down the quality of the research itself. In the year through last Oct. 1, brokerage houses laid off more than 400 of their 2,700 analysts belonging to the New York Society of Security Analysts. Meanwhile, banks, insurance companies and mutual funds increased their employment of society members to 937 from 678. While institutions can draw on their own beefed-up research staffs as well as brokerage recommendations, the small investor often relies mainly on his broker, of course.

And the broker isn't always playing straight. Some securities concerns pay their salesmen bonuses to push a stock in which the concern has a major interest, sources say. Sometimes the concern's partners give salesmen shares of the same stock as an added incentive to sell it. Many salesmen will tend to recommend such stocks more enthusiastically than others, the sources add.

THE POOR DOPE OFF THE STREET

In case unfavorable news should threaten such stocks, "the partners who were in the stock in the beginning usually get tipped in time to get themselves and the salesmen out before the fall," says one broker. "So the guy who suffers is the poor dope who walked in off the street and bought on the salesman's recommendation."

In addition to these problems, many brokers in the past two years have purposely shunned small clients. Several big firms have stopped compensating salesmen on transactions that generate very small commissions. In a confidential memorandum to its account executives dated Jan. 29, Burnham & Co., New York, apparently became the latest firm to make this move.

REGIONAL CORRALS FOR THE THUNDERING HERD

Some firms are trying new ways to handle little accounts. After a successful two-year experiment, Merrill Lynch, Pierce, Fenner & Smith, Inc., the nation's largest brokerage house, moved about 50,000 of its accounts worth less than $5,000 into 23 large offices around the country. One junior representative handles all the 2,000 or so accounts in each office.

Unless the customer calls the office, the only service he receives is a monthly statement and a quarterly letter containing the firm's stock recommendations.

Though the service is far from personal, Merrill Lynch executives feel it's an improvement over the old system, which placed small and large accounts alike under an account executives' supervision "These (small) accounts got overlooked," concedes Robert Nathane, a vice president of Merrill Lynch and director of its individual sales division. "The account executive knew he couldn't do a good job on them. It's human nature to concentrate on the large accounts."

Merrill Lynch recently canceled an experimental "stock alert system" by which it mailed customers written reports when the research department's recommendation on a stock changed. A Merrill Lynch official said the program was scrapped because the firm's internal processing system wasn't handling the alerts fast enough and its distribution methods—mainly the U.S. mail—didn't prove sufficiently reliable. Changes in recommendations now are distributed by wire to account executives who are expected to inform their clients.

One Merrill Lynch customer, however, says he found the mail alerts "very helpful, but I never hear from my account executive."

It's understood part of the reason the program was canceled was fear that an opinion of a company expressed through the stock alert system might not conform to the investment banking division's opinion of the same company. "This could jeopardize an underwriting, although our internal controls are supposed to prevent things like this from happening," Mr. Nathane explains. He adds he doesn't know of any instance where an underwriting was actually affected by a stock alert recommendation during the experiment.

SWITCHING TO THE PROS

Some investors who are dissatisfied with brokerage service are apparently seeking professional management for their money. Management Asset Corp., a small New York investment advisory firm founded last October by Leonard Heine, says it has received 7,000 inquiries about its service and signed up more than 200 clients. Mr. Heine, a former executive of two large securities companies, says dissatisfaction with brokerage house service accounts for much of the new business. But unlike Management Asset, most portfolio management companies handle only fairly large accounts (most set a minimum of $25,000 or more).

While critics complain of the small investor's plight today, they fear the future could be worse. For instance, many brokers and institutions are pressing for "negotiated" or "competitive" commission rates on stock trades. Such competition would probably reduce commissions for the big trades institutions make and raise rates on the small trades that many individuals make.

Moreover, the New York Stock Exchange is considering letting financial institutions become members. Besides fostering commission rate cuts for institutions, this move could give institutions even more influence in the market than they already enjoy, critics fear.

Mr. SPARKMAN. Mr. President, the vast concentration of capital in our financial institutions such as mutual funds, insurance companies, pension plans, and banks is a source of considerable concern generally, with respect to the economic and financial welfare of the Nation. Specifically, they now account for well over 50 percent of all trades on the New York Stock Exchange alone. The securities laws enacted more than 30 years ago did not contemplate this development, particularly the tremendous growth of mutual funds and their vast influence on the securities markets.

A committee of the New York Stock Exchange has been considering the question of institutional membership for a good many months. It has recently announced that it is deferring a recommendation to the board of governors of the exchange pending completion of a study by Mr. William McChesney Martin who was retained by the New York Stock Exchange.

At the direction of the Congress, the Securities and Exchange Commission has conducted a study of institutional trading. Other agencies and groups have been studying the problem.

Inescapably, however, the Congress has the duty and responsibility of inquiring into the question of the role which the great financial institutions play and should play in the financial and economic structure of the country. Central to this is the question of their role on the national securities exchanges.

It is unavoidably the responsibility of the Congress to consider and analyze this question in terms of the broad national interest, including its economic and competitive implications. The implications and ramifications of institutional membership on the national securities exchanges are so great that the ultimate decision as to the advisability of such membership may have to be made by the Congress.

For example, consideration must be given to the fundamental question of whether the exchanges can continue to perform their function if their historic character as open, auction markets controlled by members who are agents for the public is subjected to the fundamental change that will result from institutional membership.

We must also consider the possible competitive disruption and discrimination that will result if some institutions become members of the exchanges and their competitors do not. Necessarily, the number of members on any exchange is limited. Not all banks, insurance companies, mutual funds, and so forth can possibly be members. Careful consideration must be given to the impact of institutional membership upon those who are not exchange members while their competitors have achieved this favored position.

It is also of fundamental importance to consider whether, if any institutions are permitted to be members, all types of financial institutions should be eligible. For example, there is a serious question as to whether banks should be permitted to become members.

Careful study must be made of the fundamental question of whether exchange membership by enormously powerful institutions will result in a further and undesirable concentration of financial power over the Nation's financial life and its economy.

Finally, consideration should be given to the question of what should be done with respect to institutions that have already achieved membership on the regional exchanges, and to those members of the exchanges which, although their business may be primarily that of brokers and dealers acting as agents for the public, nevertheless have organized or acquired and operate mutual funds.

This is by no means an all-inclusive list, but it suffices to show the enormous ramifications and implications of the problem with which the bill that I am introducing is concerned.

By Mr. MOSS (for himself and Mr. Magnuson, Mr. Bellmon, Mr. Bennett, Mr. Church, Mr. Cranston, Mr. Hart, Mr. Hatfield, Mr. Humphrey, Mr. Mondale, Mr. Pastore, Mr. Proxmire, Mr. Randolph, Mr. Stevenson, Mr. Case, Mr. Harris, Mr. Nelson, and Mr. Pell):

S. 1167. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to prohibit the mailing of unsolicited samples of cigarettes; to the Committee on Post Office and Civil Service.

MAILING OF UNSOLICITED CIGARETTES

Mr. MOSS. Mr. President, for myself and Senators Magnuson, Bellmon, Bennett, Case, Church, Cranston, Harris, Hart, Hatfield, Humphrey, Mondale, Nelson, Pastore, Pell, Proxmire, Randolph, and Stevenson, I introduce for appropriate reference a bill to amend title 39, United States Code, to prohibit the mailing of unsolicited samples of cigarettes.

Mr. President, now that congressional action has stopped cigarette advertising on the broadcast media, the cigarette industry is engaging in promotion activities so excessive and bizarre that they offend common decency. There has been an untold influx in print media advertising; there have been innumerable cigarette billboards erected; the country has been bombarded with promotional material for a new brand Eve, blatantly aimed at widening the cigarette market among women, young and old. Now we witness at least one company—American Brands—unleashing a broadscale unsolicited mailing of cigarette samples to millions of homes.

There is ample precedent for the enactment of the legislation which I introduce today. The use of the mails is a privilege which the Government provides for its citizens. Whenever the mails have been used in a manner which offends the public, such as pornography, the Government has moved to prevent continued use for such purposes. Similarly, in order to protect the public against unwarranted personal hazard, we have established regulations prohibiting the mailing of explosives and bottles of poisons. In the case of unsolicited sampling of cigarettes by mail, we are faced again with both a hazardous product and one which is offensive to the large majority of our people.

I am sure many of you have received letters and telephone calls from constituents resenting the stuffing of their mailboxes with cigarettes packages. On several occasions, indignant parents have called to tell of finding their young children playing with packages of cigarettes conveniently left at the door by their mailman. Others have called worrying whether their names were on the mailing list. Its not that they really wanted the cigarettes that other houses in the neighborhoods received. Their concern was aroused because their 12-year-old son brings in the mail and they did not receive a "gift" of cigarettes. What a convenience for the curious child.

And talking about minors getting their hands on these complimentary cigarettes, a woman in Arlington called and told of her daughter receiving two packages of Silva Thins in the mail. Her daughter, aged 16, had a telephone listed in her own name and the makers of Silva Thins thought it proper to use the telephone directory in compiling their mailing list.

The makers of one brand sent an invitation to smoke to Mr. R. R. Jackson of Atlanta, Ga. Imagine the feelings of his sister when she opened the package and discovered cigarettes addressed to her late brother, a heavy smoker, and victim of lung cancer.

I have asked the Federal Trade Commission to investigate the current advertising and promotional tactics of the industry. If information which I have received is correct, this legislation would not go far enough. There have been reports reaching my office from San Francisco and Kansas City that representatives of cigarette firms are passing out free samples on the street. Picture the lineup of 13-, 14-, and 15-year-olds, coming out of school and stopping off to pick up free samples from the street pushers. If, as I suspect, the Federal Trade Commission confirms that this is one of the current practices in which the industry feels free to indulge, then we shall have to see that this practice, too, stops immediately.

By Mr. PROUTY:

S. 1168. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes. Referred to the Committee on Labor and Public Welfare.

NATIONAL SCIENCE FOUNDATION ACT OF 1972

Mr. PROUTY. Mr. President, at the request of the administration, I introduce for appropriate reference the National Science Foundation Act of 1972.

The National Science Foundation program in the authorization bill I introduce for the administration includes strong support for fundamental research to broaden the base of scientific understanding and to sustain effective U.S. research capabilities in science and engineering. It is only with the strong foundation of fundamental research that the Nation can use its scientific capabilities to the fullest. Consequently, this bill proposes a major expansion of research support aimed at extending our understanding of the fundamental processes of nature, which is a principal mission of the National Science Foundation.

Basic research increases the store of knowledge we have about the world we live in. Such knowledge does not become obsolete; on the contrary, its value improves with use and with our expanding horizons of comprehension. But scientific knowledge is useful only in the hands of men and women who are familiar with its dimensions, who are experienced in working with it, interpreting it, and relating it to the major needs and interests of our society. This capability is required in order not only to produce new knowledge, but also to be ready for its exploitation. Maintaining this capability can only be guaranteed through actively supporting research in essentially all areas of science. This bill, Mr. President, will help the National Science Foundation and the Nation make that guarantee in all fields of science.

In addition to continued strong support for basic research projects, the NSF is placing significant emphasis on problem related research efforts. I believe that the Foundation can and must play an important role, along with other Federal agencies, in providing the basic knowledge and understanding necessary to help solve major national problems. This authorization bill will provide for significant research efforts to gain this knowledge and understanding as we attempt to resolve environmental, social and technological problems of national and regional concern. It is intended to provide new and expanded opportunities for science to contribute significantly to efforts to improve the quality of our environment, to improve technology and economic productivity, and to enhance the quality of life. A principal objective of the NSF program is to couple more directly the capabilities and knowledge of science and technology to the needs of society.

The NSF has taken action to focus and stimulate the application of science and technology to major national, regional, and local problems; to increase societal benefits from research; to exploit scientific and technological opportunities; and to advance national economic productivity. Several major ongoing research efforts have been grouped to form a focused interdisciplinary effort to take advantage of the scientific and technological talents in academic and other institutions and focus research efforts on targeted areas such as pollution and crime. This interdisciplinary program, in addition to other problem focused research work in NSF, implements the 1968 amendments to the NSF Act, and promises to contribute much to the Nation.

Times does not permit me to dwell on the other important NSF activities; however, they include an exciting array of exploration efforts directed toward the oceans, the atmosphere, the polar regions of the earth, and many social and economic aspects of our society. Special emphasis is being placed on the biological sciences. Ecological Studies will be supported, as will studies of fundamental life processes. The molecular biology of the human cell will be studied to provide new knowledge needed to understand and control diseases and to understand the cellular basis of drug dependency.

While this NSF authorization will provide less than 10 percent of the total Federal support for research and only about one-fifth of the Federal funds for academic science, it will have considerable impact. The programs of NSF extend over the entire range of scientific discipline and throughout the geographic regions of the country.

It is agreed that a strong, ever renewing science and technology is essential to our economic development, our national security, and to our national welfare. However, there may be some disagreement as to the yields of alternative investments in the various NSF programs.

This authorization bill reflects new priorities and directions within the NSF. While the total authorization for fiscal year 1972 exceeds the fiscal year 1971 appropriation by $116.1 million, science education programs have been cut back or discontinued. Whether we can afford to reduce the NSF support for science education will, I trust, be a key element in consideration of this bill in the Special Subcommittee on the National Science Foundation and the full Labor and Public Welfare Committee.

Mr. President, I ask unanimous consent that the bill and a sectional analysis of this measure be printed in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 1168

A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1972, to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958, out of any money in the Treasury not otherwise appropriated, $619,000,000.

SEC. 2. Appropriations made pursuant to authority provided in sections 1 and 4 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

SEC. 3. Appropriations made pursuant to this Act may be used, but not to exceed $2,500, for official reception and representation expenses upon the approval or authority of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

SEC. 4. In addition to such sums as are authorized by section 1 hereof, not to exceed $3,000,000 is authorized to be appropriated for the fiscal year ending June 30, 1972, for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

SEC. 5. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c). If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(c) The programs referred to in subsections (a) and (b) are as follows:

(1) The programs authorized by the National Science Foundation Act of 1950; and

(2) The programs authorized under title IX of the National Defense Education Act of 1958 relating to establishing the Science Information Service.

(d) (1) Nothing in this Act, or any Act amended by this Act, shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SEC. 6. This Act may be cited as the "National Science Foundation Authorization Act of 1972."

SECTIONAL ANALYSIS

A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes

SECTION 1

This section authorizes appropriations to the National Science Foundation for fiscal year 1972 in the amount of $619,000,000.

SECTION 2

This section provides that appropriations made pursuant to sections 1 and 4 shall remain available for obligation and expenditure for such period, or periods, of time as may be specified in appropriation acts.

SECTION 3

This section authorizes an allowance of up to $2,500 for official reception and representation expenses to be expended at the discretion of the Director.

SECTION 4

This section authorizes, in addition to the funds appropriated by section 1, an appropriation for fiscal year 1972 not to exceed $3,000,000 for expenses of the National Science Foundation incurred outside of the United States to be financed from foreign currencies which are determined by the Treasury Department to be in excess of the normal requirements of the United States.

SECTION 5

This section repeats the provision of the National Science Foundation Authorization Act for 1971 relating to campus unrest.

SECTION 6

This section permits the citation of the Act as the "National Science Foundation Act of 1972."

By Mr. BAKER:

S. 1169. A bill to preserve, for purposes of study and research, nationally televised news and public interest programs. Referred to the Committee on Rules and Administration.

Mr. BAKER. Mr. President, I introduce and ask that it be appropriately referred a bill to preserve, for purposes of study and research, nationally televised news and public interest programs. I ask unanimous consent that the text of the bill be printed in full at the conclusion of my remarks.

Mr. President, this legislation is identical to S. 3720, which I introduced in the 91st Congress. It would direct the Librarian of Congress to obtain, preserve, and index nationally televised evening news programs and other nationally televised programs that he determines to be of substantial public interest.

The need for such legislation was first brought to my attention by Vanderbilt University, where such a project has been underway since August 1968. The university has done a remarkable job in preserving some of this broadcasting, but it has neither the resources nor the facilities to undertake such a program on the requisite scale.

For many years historians and other scholars have relied extensively on contemporary news accounts in their research into the American past. Universities, libraries, and other institutions have long realized the value of preserving newspapers, periodicals, and other printed matter for the future use of historians and other interested persons. The advent of microfilm techniques has made this reproduction and storage a far more attractive and practicable practice.

However, few would disagree with the assertion that television has become one of the major news forces of our age. Although the print media continue to exert great influence and are capable of providing the kind of in-depth coverage often beyond the capacity of television, due to time limitations, television news reporting has become an inestimably potent factor in our national life.

I try to shy away from the use of hyperbolic or emotional adjectives, but I am prepared to assert that the failure to preserve a record of television news broadcasts is no less than tragic. It is tragic because no future historian could hope to write an accurate chronicle of this turbulent American era without access to television accounts of fast-moving world events. Because America and the world are in such ferment at the present time, it is essential that future generations be given a reasonably accurate picture of what was going on in the 1960's and 1970's. Such a picture would be impossible without reference to television news coverage.

The issue has been given an added immediacy by the controversy ignited by the Vice President over the objectivity of television news reporting. During his televised press conference on foreign policy last week, President Nixon himself asserted his belief that some news media had distorted the facts during their coverage of the Laos operation. Although anyone interested in trying to substantiate or refute the President's view might be able to do so by drawing on the Vanderbilt tape file, as I indicated earlier, I do not feel that the university should continue to bear the full burden of a project that has broad public significance, now and in the future.

Regardless of which side of this controversy one takes—and few are neutral on the question—the controversy itself only heightens the need for this legislation. I want to be determinedly explicit in making clear that this proposal in no way is meant to suggest that the Federal Government should monitor television news broadcasts for any sinister purpose, now or in the future. What it is intended to provide is a central source for research by present and future scholars and other interested individuals. If a doctoral candidate chose to seek support from these tapes for a thesis that television news had been unfair to the President or to the Sierra Club, he could attempt to make his case. If someone else chose to seek in the tapes support for the opposite view, he would be free to do so.

The Librarian of the Congress is responsible solely to the National Legislature. These video records would be as freely available for any purpose as are existing records of the printed media. The Vanderbilt project began long before the current controversy, and the need for a permanent record of television news broadcasts far transcends the objectivity controversy.

Mr. President, the estimated cost of this project is very small when compared to the great cost to future scholarship that will accrue if the project is not undertaken. The Librarian has estimated that the annual cost of maintaining the project, once it is established, would be $162,100 per year.

I am most hopeful that the committee to which the bill has been referred will take prompt and favorable action on the proposal. I feel that the need for it is virtually self-evident.

By Mr. CANNON (for himself, Mr. Bennett, Mr. Bible, Mr. Burdick, Mr. Cranston, Mr. Dole, Mr. Dominick, Mr. Eagleton, Mr. Fong, Mr. Fannin, Mr. Goldwater, Mr. Harris, Mr. Hartke, Mr. Hansen, Mr. Inouye, Mr. Javits, Mr. Kennedy, Mr. Magnuson, Mr. McIntyre, Mr. Moss, Mr. Mondale, Mr. Pearson, Mr. Pell, Mr. McGee, Mr. Randolph, Mr. Schweiker, Mr. Scott, Mr. Thurmond, Mr. Tower, Mr. Percy, and Mr. Tunney):

S. 1172. A bill to exempt citizens of the United States who are 65 years of age or over from paying entrance or admission fees for certain recreational areas. Referred to the Committee on Interior and Insular Affairs.

EXEMPTION OF SENIOR CITIZENS FROM PAYING ENTRANCE FEES TO NATIONAL PARKS AND RECREATION AREAS

Mr. CANNON. Mr. President, the highly popular Golden Eagle Passport program, providing year-long access to designated Federal recreation areas throughout the Nation, has been extended only through December 31, 1971, at which time the program will come to an end unless it is extended by legislative action. In addition the passport fee has been raised from $7 to $10—just one more inflationary pressure on the American taxpayer.

Although the passport can be used without limit to the number of visits or the number of persons in a single private vehicle, in many areas there are additional user fees for camping and other activities.

I am aware that the admission fees to Federal recreational areas do not constitute the greatest expense of recreational travel. Nonetheless, our senior citizen retirees, who usually have an abundance of free time, are often not financially able to take advantage of many leisure-time opportunities available in our national parks and recreation areas.

I am therefore introducing a bill designed to provide a tenth of the Nation's citizens, 20 million people, with an expanded opportunity to enjoy the beauty and splendor of our national parks and forests. These people—our senior citizens—are to a large extent living on fixed, small incomes which in the face of rising costs grow even smaller.

A recent report by the Senate Special Committee on Aging has come up with a pretty grim picture of income problems among older Americans. Coming after a 2-year study of the economics of aging the report finds that aged Americans live on less than half the income of those under age 65, despite the stopgap 15 percent social security increase of December 1969.

An earlier report cited the spending habits of older people. It noted older consumers followed a pattern more closely related to low income groups in general:

> For instance, the older units spent proportionately more on food, housing and household operation, and medical care than did the younger units. Younger units, on the other hand, spent proportionately more on house furnishings, clothing, transportation, alcohol, tobacco, recreation, and education.

I believe that by eliminating the entrance fee for our elderly, we will be expressing, in some small degree, our appreciation for the contributions these people have made during their working years. This is an altogether fitting and proper contribution on our part to their leisure years.

Such action is not without precedent, for in many States and municipalities there are provisions to exempt those over 65 of property or other taxes.

The State of Nevada, which has long understood the social and financial requirements of the over 65 age group, grants them exemptions from payments of hunting and fishing licenses. In addition the Nevada State Legislature is considering extending this exemption to other areas.

Mr. President, I urge the acceptance by my colleagues of this proposal to make in part a present of our country's magnificent scenery to the golden age people of our Nation.

By Mr. METCALF (for himself, Mr. Mansfield, Mr. Bible, Mr. Burdick, Mr. Case, Mr. Eagleton, Mr. Gravel, Mr. Harris, Mr. Hart, Mr. Hughes, Mr. Inouye, Mr. Javits, Mr. Kennedy, Mr. Magnuson, Mr. McGee, Mr. McGovern, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Pell, Mr. Randolph, Mr. Stevens, and Mr. Williams):

S. 1173. A bill to amend title II of the Social Security Act so as to make more realistic and equitable the criteria for determining disability thereunder. Referred to the Committee on Finance.

Mr. METCALF. Mr. President, prior to its approval of the social security amendments bill in 1967, the Senate by a vote of 34 to 20 approved my amendment to redefine disability for purposes of social security benefits. Unfortunately, the amendment was lost in conference.

In 1969, I reintroduced it as S. 1132, with 40 cosponsors, and in 1970, as an amendment to the social security bill. Today, 21 other Senators and I offer the proposal to amend the Social Security Act.

In passing the 1967 social security amendments the House of Representatives narrowed the definition of "disability" by injecting a geographical element. The original definition in the 1956 amendment, said that a finding of disability would be made only if the worker's disability "was expected to result in death or to be a long-continued and indefinite duration." In 1965, the definition was broadened to eliminate the long-continued and indefinite duration requirement. Through the years of amendment of the Social Security Act, however, disability was always held to be the "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment." In 1967, the House restricted the definition by adding to the words "substantial gainful activity" the words "which exists in the national economy."

In speaking to the Senate in 1967 in behalf of my amendment to remove the geographic restriction approved by the House and return to the earlier definition, I said:

> Actually, what the Secretary could apply under this conclusion is that a man would have to leave the geographic area in which he lived and he would have to engage in work in which he had no experience either by age, education, or training, and if such work were available in the national economy, whether he could get to it or not, whether he would be available or not, whether a vacancy existed, he would still be disqualified because of disability.

In 1970, we had the anomaly of the restrictive definition in the Social Security Act—since the House did not accept our amendment in 1967—and a broadening of the definition of disability in the administration's October revision of the family assistance bill for purposes of State aid to the disabled. It read in part:

> An individual shall be considered to be severely disabled for purposes of this title if he is unable to engage in any substantial gainful activity (available to him within a reasonable distance from his residence) by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months * * *.

Mr. President, this was a rational approach by the administration. We should do no less for a worker whose contributions to social security trust funds were intended to secure a minimum income to him in the event of the personal tragedy of a disability.

I hope that the administration will support revision of H.R. 1 for State aid to the disabled in line with its previous recommendation and I hope further that the Congress will approve our conforming amendment to redefine disability for social security purposes, as provided in the bill we introduce today.

By Mr. SCHWEIKER:

S. 1174. A bill to amend chapter 17 of title 38, United States Code, to authorize the treatment of certain veterans suffering from drug addiction or drug dependency. Referred to the Committee on Veterans' Affairs.

VETERANS DRUG REHABILITATION ACT OF 1971

Mr. SCHWEIKER. Mr. President, today, I introduce the Veterans Drug Abuse Rehabilitation Act of 1971, to provide authorization for drug abuse treatment in veterans' hospitals for veterans who have been discharged from active duty under less than honorable conditions for reason of drug abuse, and who currently are barred from receiving any veterans' benefits.

This bill is identical to the bill I introduced late in the 91st Congress, S. 4424, and incorporates into law recommendations of the Department of Defense Task Group on Drug Abuse Policy. The bill specifically amends the section of the United States Code dealing with the duties and responsibilities of the Veterans' Administration. Under the current law, anyone discharged under less than honorable conditions is barred from any use of veterans' medical facilities. This bill will make a narrow exception: where the reason for a less than honorable discharge is drug abuse, that veteran will be permitted to receive drug abuse treatment and rehabilitation at veterans' facilities.

Veterans' benefits are not granted to servicemen discharged under dishonorable conditions, or to servicemen receiving undesirable and bad conduct discharges as a result of offenses involving moral turpitude or willful and persistent misconduct. Since a drug user is considered by the military to have rendered himself unfit for further service, his discharge falls under one of these categories, and he is barred from using veterans' facilities for drug abuse treatment, and rehabilitation.

My bill will change this policy by adding a new section to the United States Code, providing that the Veterans' Administrator "within the limits of Veterans' Administration facilities, may furnish hospital care and medical services for the treatment of drug addiction or drug dependency to eligible veterans who request such care or services."

To insure that a full rehabilitation program can be carried out, the bill authorizes the Administrator to, first, require the veteran seeking treatment to agree in writing to a minimum period of time he will be required to undergo treatment, second, set any terms and conditions for treatment to insure a thorough and effective rehabilitation program, and, third, refuse further treatment of any veteran who violates the terms of any agreements and conditions under which the treatment began.

I want to emphasize that this is a voluntary program for the individual veteran. We are not forcing drug abusers onto veterans' facilities. We are however, opening the resources of our veterans' program to those individuals who seek help in eliminating drugs, and the need for drugs, from their lives.

The task group considered a proposal to modify the general discharge regulations by allowing drug abusers to receive a general discharge for unsuitability which does not bar veterans' benefits. However, the report concluded that the discharge system now in effect in the Armed Forces represents a fair and proper method of categorizing service. Rather than lower the standards and criteria within the military for discharge, a better solution would be to amend existing law, to permit treatment of drug abusers discharged under less than honorable conditions. My bill carries out this recommendation.

I feel that the serious problem of drug abuse must be handled by all levels of society: There must be cooperation between Federal, State, and local governments; there must be coordination between public and private groups; and there must be continuity between military and civilian drug education and drug abuse rehabilitation efforts.

The problem of drug abuse is not the fault of the military, and as a matter of fact, studies have shown that 15 percent of the men entering the service are already drug users. However, the DOD task group has also cited the effect of combat pressures and high availability of drugs in Vietnam on the increase of drug use among servicemen.

Therefore, I feel the military has an obligation to do whatever is feasible to treat the servicemen who have been addicted to drugs, and to make this small contribution to drug rehabilitation. With the vast resources of the Veterans' Administration already available for medical and rehabilitative care, we should take advantage of them and allow drug-addicted veterans to receive this treatment.

Although the category of men involved in this bill is narrowly drawn, since it only refers to men specifically discharged because of drug abuse, the problem is large, and I hope Congress can take this important step.

I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans Drug Abuse Rehabilitation Act of 1971."

SEC. 2. Subchapter II of chapter 17 of title 38, United States Code, is amended by adding at the end thereof a new section as follows: "620A. Hospital and medical care for veteran suffering from drug addiction or drug dependency.

"(a) As used in this section the term 'eligible veteran' means any person who served on active duty for a period of more than 60 days and who was discharged therefrom under conditions other than honorable for reasons of drug abuse.

"(b) Notwithstanding any other provision of this title, the Administrator, within the limits of Veterans' Administration facilities, may furnish hospital care and medical services for the treatment of drug addiction or drug dependency to eligible veterans who request such care of services.

"(c) If the Administrator determines it necessary to the effective treatment of any eligible veteran applying for treatment under the provisions of this section, he may require, as a condition to providing such treatment, that such veteran agree in writing to make himself available for such treatment for such minimum period of time and on such terms and conditions as the Administrator may prescribe. The Administrator may refuse further treatment under this section to any veteran who violates the terms of any agreement entered into with the Administrator under this section."

SEC. 3. The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by inserting

"620A. Hospital and medical care for veterans suffering from drug addiction or drug dependency."

immediately after

"620. Transfers for nursing home care."

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 1175. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of the senior Senator from Colorado (Mr. ALLOTT) and myself, I introduce a bill to amend the Land and Water Conservation Fund Act of 1964, as amended.

This legislation was submitted and recommended by the Department of the Interior and was referred to in that part of President Nixon's environmental message dealing with the land and water conservation fund which was submitted to the Congress on February 8, 1971. Mr. President, I ask unanimous consent that the letter from the Secretary of the Interior accompanying this draft proposal and an analysis of the bill be printed in the RECORD at this point in my remarks.

There being no objection, the letter and analysis were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., February 10, 1971.
Hon. SPIRO T. AGNEW,
President of the U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To amend the Land and Water Conservation Fund Act of 1965, as amended."

We recommend that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

This legislative proposal was referred to in that part of President Nixon's environmental message dealing with the Land and Water Conservation Fund which was submitted to the Congress on February 8, 1971.

The proposed legislation will accomplish several reforms in the administration of the Land and Water Conservation Fund, designed to increase the effectiveness of the expenditures in providing public recreation opportunities and open spaces where the unmet demands are greatest. The formula for apportionment of assistance among the States would be altered to give increased emphasis to the demands for additional recreation opportunities and open spaces in and near heavily populated urban areas. The Secretary of the Interior will be given added authority to review State implementation plans in order to assure compliance with this goal.

The bill will also authorize a State to use up to 25% of its total annual allocation to develop indoor recreation facilities within areas where the unavailability of land or climatic conditions provide no other feasible or prudent alternative to serve identified unmet demands for recreation resources.

These amendments are recommended as a part of the President's program which he mentioned in his State of the Union Message on January 22, 1971, as follows:

"And not only to meet today's needs but to anticipate those of tomorrow, I will put forward the most extensive program ever proposed by a President of the United States to expand the Nation's parks, recreation areas, open spaces, in a way that truly brings parks to the people where the people are. For only if we leave a legacy of parks will the next generation have parks to enjoy."

A detailed analysis of this draft bill is enclosed.

The Office of Management and Budget has advised that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours,
ROGERS C. B. MORTON,
Secretary of the Interior.

ANALYSIS OF DRAFT BILL

Subsection (a) would remove the requirement in the Land and Water Conservation Fund Act that financial assistance to the States for recreation planning, acquisition, or development be for *outdoor* facilities only.

Subsection (b) would change the existing formula for apportioning Land and Water Conservation Fund Moneys to the States. At present 60 percent of such moneys is apportioned on the basis of need, as determined by the Secretary of the Interior in accordance with certain prescribed considerations. One such consideration is the proportion which the population of each State bears to the total population of the United States.

The proposed apportionment in subsection (b) is based upon the following formula:

1. 20 percent on an equal basis;
2. 75 percent on the basis of need as determined by the Secretary; and
3. 5 percent on the basis of special or emergency needs as determined by the Secretary.

Subsection (c) would change the present annual limitation on the total apportionment of Fund moneys to an individual State from 7 to 10 per centum of the total amount allocated under paragraphs (1) and (2) to the several States, and would provide that if such apportionment has not been paid or obligated within a prescribed period it will be reapportioned on the basis of need as determined by the Secretary without regard to the 10 per centum limitation. In addition, the subsection would delete the provision under which the populations of the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa are included in the population computation of the United States since under subsection (b) such a computation would no longer be made.

Subsection (d) modified one of the existing requirements of State comprehensive recreation plans which must be approved by the Secretary before financial assistance may be given to the States for acquisition or development projects. The subsection requires such plans to contain an evaluation of present and future demands for and supply of outdoor recreation resources and facilities in the States.

Subsection (e) would permit a State to use up to 25 percent of its total annual allocation to develop indoor recreation facilities in those areas where the unavailability of land or climatic conditions provide no feasible or prudent alternative to serve identified unmet demands for recreation resources.

Subsection (f) would require that the Secretary withhold payments to States until he is satisfied that they have taken appropriate action to ensure, consider, or provide for certain items listed in said subsection.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 1176. A bill to provide for the cooperation between the Federal Government and the States with respect to environmental regulations for mining operations, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

MINED AREA PROTECTION ACT OF 1971

Mr. JACKSON. Mr. President, I introduce for appropriate reference the Mined Area Protection Act of 1971. This measure is proposed by the administration as a part of the President's environmental message of February 8, 1971.

At the present time there are two other measures relating to surface and strip-mine protection and reclamation pending before the Senate Interior and Insular Affairs Committee. These measures will all receive active consideration in this session of the Congress.

Mr. President, I ask unanimous consent that the executive communication from the Secretary of the Interior accompanying the administration's draft proposal together with a section-by-section anaysis be printed in the RECORD at this point in my remarks.

There being no objection, the letter and analysis were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., February 10, 1971.
Hon. SPIRO T. AGNEW,
President of the U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To provide for the cooperation between the Federal government and the States with respect to environmental regulations for mining operations, and for other purposes."

We recommend that this bill be referred to the appropriate committee for consideration and we recommend that it be enacted.

This legislative proposal was referred to in that part of President Nixon's environmental message dealing with environmental regulations for mining operations which was submitted to the Congress on February 8, 1971.

The adverse environmental effects that can result from mining operations has been a subject of growing national concern in recent years. The ever-increasing demand for minerals coupled with dramatic developments in or ability to recover them has led to an increase in mining activity, particularly surface mining.

These activities are an important part of the American economy and will continue to be. But we are coming to realize that they may contain hidden costs in terms of environmental deterioration that do not appear in the market transaction of the commodity.

Recent studies and investigations in the past 5 years documented some of the adverse environmental effects that may result from surface mining. Over 3.2 million acres of land had been disturbed by surface mining, with approximately 150,000 acres being added annually. By 1980, if this trend continues unchecked, 5 million acres will have been affected by mining activity, an area roughly the size of the State of New Jersey.

Underground mines also pose a serious threat to the environment. Like surface mines, underground mines can produce unsightly spoil-heaps which disfigure the countryside and contribute to water pollution. Mine fires and unintentional subsidence are also major problems associated with underground mines in some areas.

In varying degrees State legislatures and mining companies have responded to the problem with the result that much land is being reclaimed by the mining industry as a part of the mining operation. Twenty-two States have laws regulating some aspects of surface or underground mining. This effort, however, suffers from lack of uniformity and lack of unanimity.

There are two distinct problems involved in meeting the challenge which mining operations can present to the environment:

(1) requiring ongoing and future mining activities to be conducted in a way as to minimize the environment impact, and

(2) healing the wounds that have been inflicted by past mining operations.

The proposed bill deals only with the first problem, the solution to which is largely a matter of developing regulations which will require environmental considerations to be built into the mining operation. An integral part of this effort will be research programs promoted by the Secretary of the Interior with Federal funds.

The proposed bill recognizes that the initial responsibility for developing and enforcing regulations should rest with the States. It also recognizes, however, that the effort must be nationwide and based, to the fullest extent possible, on national standards, so that industry will be placed on an equal footing in every State.

The proposed bill therefore gives the States the opportunity to develop and submit regulations for approval by the Secretary of the Interior in accordance with certain specific criteria set forth in the bill.

If a State fails to develop an acceptable program within two years after enactment, the proposed bill authorizes the Secretary to promulgate regulations for mining operations within the State.

The problem of healing damage inflicted in the past is more complicated. Typically, the party responsible is not available for legal action to require him to repair the damage he has caused. Consequently the solution is largely a matter of spending taxpayers dollars. In order to justify a massive Federal grant program to clean up past mined-areas, a detailed cost-benefit analysis must be undertaken to assure that this problem deserves top priority among the great number of other environmental problems the solution to which requires Federal funds. The tools for such an analysis are in the formative stages. Until they have been further refined, it is felt that a restoration program is premature.

A section-by-section analysis of the bill is enclosed.

This legislation is long overdue. The longer it is put off, the larger the ultimate cost will be.

The Office of Management and Budget has advised that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

SECTION-BY-SECTION ANALYSIS

To provide for the cooperation between the Federal government and the States with respect to environmental regulations for mining operations, and for other purposes.

TITLE I

Section 101—contains definitions. "Mining operations" includes surface and underground mining but excludes extraction of minerals in a liquid or gaseous state through pipes. "Reclamation" means environmental protection built into mining operations.

Section 102—contains Congressional findings and declarations and states specifically that mining operations affect interstate commerce but that the initial and principal continuing responsibility for regulating them rests with the States.

TITLE II

Section 201—permits each State to submit for approval by the Secretary of the Interior environmental regulations for mining operations. Such regulations must cover all land within the State except Federally-owned land or land held in trust for Indians. The section contains criteria for secretarial approval, including provision that the regulations contain requirements designed to insure compliance with air or water quality standards and control or prevention of other specific types of environmental damage. The section sets up an Advisory Committee to establish guidelines further elaborating upon the criteria. The section allows the Secretary to withdraw his approval of State regulations if he finds that the State has failed to enforce the regulations adequately or otherwise failed to comply with the purposes of the Act.

Section 202—provides that if, after two years from the date of enactment of this Act, a State has failed to submit regulations to the Secretary for approval, the Secretary shall issue regulations for mining operations within that State.

Section 203—provides that, when the Secretary administers and enforces the program for a State, he shall recover the cost of so doing through permit charges levied on the mining operations within that State.

Section 204—provides that Federal regulations issued under section 202 shall cease to apply whenever the Secretary approves regulations submitted to him by the State.

Section 205—authorizes the Secretary to make inspections of mining operations in carrying out his responsibilities under the Act.

Section 206—authorizes the Attorney General to institute a civil action in the Federal district court to enforce Federal regulations, and to enforce certain other provisions of the Act.

Section 207—prescribes penalties for violation of Federal regulations.

Section 208—authorizes the Secretary to conduct research or training programs to carry out the purposes of title II.

Section 209—authorizes the Secretary to make grants to States to cover 80% of the cost of developing the regulations during the year prior to approval and to cover the following portion of the administering and enforcing costs for the four years following approval; 60% the first year, 45% the second year, 30% the third year and 15% the fourth year. The section also authorizes the Secretary to provide technical assistance to the States.

Section 210—authorizes the Secretary to utilize the services of the Secretary of Agriculture in extending technical assistance to the States.

Section 211—authorizes the Secretary to promulgate rules and regulations.

Section 212—authorizes appropriations as necessary.

TITLE III

Section 301—authorizes heads of Federal agencies to issue environmental regulations governing mining operations on lands under their jurisdiction. It directs such agency heads to require at least the same degree of environmental protection and regulation as is required by the State on other lands within the State. The section also provides that the Act shall not conflict with certain other Federal laws.

Section 302—provides for the separation of any provisions of the Act held invalid.

By Mr. RIBICOFF (for himself and Mr. JAVITS):

S. 1177. A bill to establish a Council of Consumer Advisers in the Executive Office of the President and to establish an independent Consumer Protection Agency in order to protect and serve the interests of consumers, and for other purposes. Referred to the Committee on Government Operations; thereafter to the Committee on Commerce.

CONSUMER PROTECTION ORGANIZATION ACT OF 1971

Mr. RIBICOFF. Mr. President, on behalf of the Senator from New York (Mr. JAVITS) and myself, I introduce the Consumer Protection Organization Act of 1971 and ask unanimous consent that the bill be referred to the Committee on Government Operations, and when the bill is reported by that committee that it be referred to the Committee on Commerce for 30 days for consideration of subject matters in the bill which are within its jurisdiction if the chairman of that committee desires such reference.

Mr. GRIFFIN. Mr. President, reserving the right to object, I should like to inquire of the Senator from Connecticut is he now introducing the bill; is that right?

Mr. RIBICOFF. That is right.

Mr. GRIFFIN. Is there any particular time limit or requirement insofar as when the bill must be reported by the initial committee?

Mr. RIBICOFF. None at all. This is the same bill that passed the Senate on December 1, 1970, by a 74-to-4 vote. We follow exactly the same procedure followed in the last Congress. After it was reported by the Committee on Government Operations, it was referred to the Commerce Committee, and after working it out with the Senator from Washingon (Mr. MAGNUSON), they had 30 days to make their decision. We are following exactly the same procedure now that we followed in 1970.

Mr. GRIFFIN. Has this been cleared with the chairman of the Commerce Committee?

Mr. RIBICOFF. I have not talked to him personally but we are following the same procedure. Both the Senator from Washington (Mr. MAGNUSON) and I saw eye to eye on it last year. I have no doubt he feels the same way. I worked this out with the Senator from New York (Mr. JAVITS), the ranking Republican on the committee, and we are following the same procedure that the Senator from Washington (Mr. MAGNUSON) and I agreed to last year, and I assume he agrees to it this year. Both of us support this legislation. I believe we understand one another completely.

Mr. GRIFFIN. Mr. President, I withdraw my objection.

Mr. COOK. Mr. President, reserving the right to object, and I may very well object, the only thing that I might object to is the fact that while the Government Operations Committee is not given a limited time, the Commerce Committee is given 30 days.

Mr. RIBICOFF. That is because the main jurisdiction is within the Committee on Government Operations. It is customary, where we deal with matters on the Commerce Committee.

Basically, I could report this out because we held complete hearings last year and it had complete consideration. It came out with the agreement of both the Republicans and the Democrats on the Government Operations Committee. We worked it out in this way. This was the procedure we worked out with the Senator from Washington (Mr. MAGNUSON), so we are following the same procedure we followed last year.

Mr. COOK. One reason I hope the Senator does not mind my bringing this up is that I am the ranking member on the Consumer Subcommittee and we are in hearings now on consumer legislation and will continue to be. My only objection would be to allocating the 30 days. We may very well get it out in far less than 30 days.

Mr. RIBICOFF. I will be pleased to remove that.

Mr. President, may I ask unanimous consent that this bill be referred to the Committee on Government Operations, and when the bill is reported by that committee that it then be referred to the Committee on Commerce for consideration of subject matters in the bill which are within its jurisdiction, if the chairman of that committee desires such reference. We will delete the 30 days.

Mr. COOK. Mr. President, I withdraw my objection.

Mr. RIBICOFF. Mr. President, I introduce the Consumer Protection Organization Act of 1971 for appropriate reference.

This bill is virtually the same as S. 4459, which passed the Senate 74 to 4 on December 1, 1970.

The bill would establish, first, a Council of Consumer Advisers in the Executive Office of the President to recommend policy and coordinate consumer programs, second, an independent Consumer Protection Agency with the authority to advocate the consumer interest before Federal departments, agencies, and courts, and three, a program of grants to States, localities, and private nonprofit consumer organizations for consumer protection programs.

The Council of Consumer Advisers will be composed of the Director of the independent agency and two other persons appointed by the President and confirmed by the Senate.

Similar in design to the Council of Economic Advisers, the new council will coordinate and review the effectiveness and efficiency of the many consumer programs and activities—there were 76 separate programs in 1969. The Council will evaluate these programs, help settle disputes within the executive branch, and suggest means of eliminating waste and duplication.

A principal responsibility of the council will be to provide policy guidance to the President and recommend new legislation. A related duty is to assist him in preparing an annual consumer report to the Congress.

The Consumer Protection Agency will be headed by a Director, nominated by the President and confirmed by the Senate, who will serve a 4-year term coterminous with the President.

The Agency's mandate covers a wide spectrum of activities—represent the consumer interest before Federal departments, agencies, and courts; publish information useful to consumers; conduct economic surveys and research; provide financial and technical support to State, local, and private nonprofit consumer organizations; promote consumer education; cooperate with business in consumer protection; perform or supervise such product testing as may later be authorized; and publish a Federal Consumer Register.

The most novel and important function of the Agency is consumer advocacy. Every day the Federal Government makes decisions or administers programs which affect the pocketbooks, health, and safety of millions of consumers. The Agency will intervene in the policymaking, regulatory, and judicial proceedings of the Federal Government wherever there is a significant consumer interest in the outcome.

The regulatory commissions are a place where the consumer interest has been unrepresented often in the past. In license, rate, and route hearings, for example, the Agency will be the watchdog of the consumer. It will actively oppose inflationary price hikes and unjustifiable service cutbacks.

In bringing the interest of consumers to bear on the decisionmaking processes of Government, the bill merely provides something which the business community, and other private interests, already enjoy. Business has its trade associations, a vast lobbying operation, and a Cabinet department which promotes its interests.

Consumers should have the same organization and representation. Although every American is a consumer, each person devotes only a part of his time to his role as a consumer and usually spends only a tiny fraction of his money on a given item which may prove unsatisfactory. This is one reason why the buyer has historically been less organized than the seller in the marketplace and underrepresented in the councils of Government.

This bill will help to redress this imbalance. It gives the consumer representation in the Government, improved implementation of existing programs, and a more active Federal role in promoting fair play in the private enterprise system.

I regret that the President in his consumer message to Congress has not taken a firm position on the critical issue of the advocacy function. While last year he said that advocacy belonged in the Justice Department, he now suggests that it should be given to the Federal Trade Commission, pending action to reorganize the FTC. I feel strongly, as did the vast majority of the Senate in December, that only an independent agency can provide the vigorous advocacy that the consumer needs.

The Consumer Protection Agency will be a clearinghouse for consumer complaints. It will refer them to the appropriate authorities, including the Justice Department, in cases where violations of Federal laws are alleged.

The bill authorizes the Agency to conduct and publish the results of research, surveys, and investigations on a wide variety of consumer matters. A closely related function is the publication and dissemination of information useful to consumers. Specifically authorized in this category is brand name data supplied by other agencies on products purchased for their own use.

Consumer protection is also the responsibility of the States and the localities; and remedies are often applied more effectively at these levels. In addition, nonprofit organizations make a major contribution in fighting fraud, deception, unsafe goods, and other illegal practices.

Since many States lack the funds necessary to establish effective consumer protection programs, the bill authorizes the Consumer Protection Agency to make grants to strengthen these efforts. Funds are to be distributed according to a formula similar to that used by the Law Enforcement Assistance Administration—each State submits a plan, which, after approval, entitles it to a base amount plus additional funds based on population.

The Consumer Protection Agency will be the advocate of the consumer interest and, therefore, will be immersed in specific issues and disputes on a daily basis. The Council of Consumer Advisers will provide an overview of Federal consumer programs, and, by virtue of its location in the White House, will have the visibility and the access to the President essential to the fulfillment of its policy formulation role.

The American consumer is frustrated today not only by the poor quality and high prices that he perceives in so many goods and services, but also by the indifference to his needs and desires. The Senate Commerce Committee has placed a $200 billion annual price tag on consumer fraud and deception.

The consumer rightfully is demanding action by the Federal Government. There has been a call for the enactment of a "consumer bill of rights," which I enthusiastically support. This bill recognizes that first we need the organizational framework through which we can work to guarantee the rights of consumers.

Passage of this bill is potentially the most important event in the history of the movement for consumer rights in this country.

I am delighted that Senator JAVITS, who has a longstanding interest in consumer affairs, is cosponsoring this bill with me. The bill will serve as a useful starting point for consideration this year. Neither Senator JAVITS nor myself are bound to all provisions of this bill and we are willing to consider other suggestions in the interest of passage of the best possible consumer legislation early this session.

Mr. JAVITS. Mr. President, there are a few remarks I wish to add to those of the Senator from Connecticut.

I am cosponsoring this bill principally because I wish to make it clear that the thought that a new organizational structure is needed on the Federal level to promote and safeguard the interests of consumers is not just the desire of any one political party. Republicans as well as Democrats wish to see a new, better, and more comprehensive Federal mechanism to assure the consumer that his interests will be presented and considered before decisions are made. If a separate agency with the authority to intervene before other agencies, Departments, and Federal courts, with the courts' discretion, is the best way this can be accomplished, then such an agency must be established.

This bill passed the Senate last year by the overwhelming majority of 74 to 4. It was a bipartisan effort to which many Senators on both sides of the aisle contributed. At that time I believed, as did the Senate, that its provisions—the independent agency, the three-man Council of Consumer Advisers, and the consumer protections grants—were the best vehicles to insure that the performance of Government in the area of consumer protection did in fact reflect the stated commitments of Government in this area. The provisions of the bill itself were delicately balanced to insure the most effective but responsible governmental effort for the consumer, allowing the Government to act where there were serious and substantial consumer interests which needed asserting or protecting, yet limiting the Government's actions from unduly infringing upon the legitimate activities of both Government and business.

I am cosponsoring this legislation this year because I continue to believe that this bill is substantially sound and would aid the consumer greatly. There will be alternative proposals—the President's—and I am sure the Congress will consider them carefully. Any alternative, however, must provide the balance between the consumer interest and the interest of responsible business, which this bill does, and would require the broad bipartisan support which this bill has. Both are necessary if we are to see, as I hope we will, a bill pass this year.

As Senator RIBICOFF has said this bill will serve a most useful starting point for further consideration of consumer organization legislation and in the interests of providing the best consumer legislation possible this year, I would urge all those responsible for the outcome of this and related legislation to maintain an open mind on changes so that a bill serving the interests of all may actually be passed. I believe it now may be wiser, for example, to give the newly-created Office of Consumer Affairs in the Executive Office of the President statutory permanence rather than create the three-man Council of Consumer Advisers which this bill would do, for the present Office may function just as adequately and provide the same benefits as would the Council.

Further, it remains to be seen what the President will recommend to Congress concerning consumer organization legislation—whether he will adopt the Ash Council's recommendation that the FTC be reorganized or adopt what is now his interim position of giving the FTC the authority to advocate before other departments and agencies on behalf of the general consumer interest. The details of any legislation the President may propose must be examined closely before any final decision on the provisions of this bill can be made and although Congress will undoubtedly—and should—be acting quickly on consumer legislation this year, I believe it will recognize the President's views and will not reject his proposals before it has offered him an opportunity to detail and explain his plans.

By Mr. MATHIAS:

S. 1180. A bill to amend the District of Columbia Income and Franchise Tax Act of 1947 so as to exclude from gross income certain compensation received by members of the Armed Forces of the United States, and for other purposes. Referred to the Committee on the District of Columbia.

Mr. MATHIAS. Mr. President, I am today introducing a bill to amend the District of Columbia Income and Franchise Tax Act of 1947 to bring to the residents of the District of Columbia serving in the Armed Forces certain tax advantages with respect to local income tax which accrue to them under the Federal Internal Revenue Code.

Over half of the States now have enacted special legislation affecting the liability of members of the Armed Forces for State income taxes and returns. Members of the Armed Forces returning from tours of duty in combat areas to their homes in the District of Columbia are presently given no special consideration with respect to District income taxes. Their income earned while serving in combat areas is subject to local income tax the same as other income.

The Federal Internal Revenue Code gives special treatment to income earned by members of the Armed Forces while serving in combat zones or while hospitalized as a result of wounds, disease, or injury incurred while serving in a combat zone, and the bill I introduce today would grant to residents of the District of Columbia the same tax treatment with respect to local taxation as they are afforded under the Federal Internal Revenue Code.

The bill in general provides that income of enlisted personnel earned while serving in a combat zone or while hospitalized as a result of wounds, disease, or injury incurred while serving in a combat zone shall not be included in gross income for District of Columbia tax purposes.

With respect to commissioned officers, the bill provides that the first $500 of compensation received each month while in a combat zone or while hospitalized, as a result of wounds, disease, or injury incurred while in a combat zone shall not be included in gross income for District of Columbia tax purposes.

The bill further provides that personnel serving in the Armed Forces, or serving in support of the Armed Forces, shall have 180 days after returning from a combat zone or hospitalization outside the United States to file their tax return for District of Columbia taxes.

It is evident that our local residents serving in the Armed Forces in combat zones are being given no special treatment, as their counterparts are in many States. The taxing statutes provide for no exclusions and no grace period for the filing of returns. This is a situation which is inequitable and works a hardship on those who are giving so much to their country. Every effort should be made to equalize treatment of our returning service personnel. I urge Senators to join me in supporting this measure which will bring to members of the Armed Forces from the District of Columbia, who have served in combat zones, the same considerations which are given to them under Federal income tax laws.

By Mr. JAVITS (for himself, Mr. BAKER, Mr. BEALL, Mr. BELLMON, Mr. CASE, Mr. COOPER, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. FONG, Mr. GRIFFIN, Mr. JORDAN of Idaho, Mr. MATHIAS, Mr. PERCY, Mr. PROUTY, Mr. SAXBE, Mr. SCOTT, Mr. STEVENS, Mr. TAFT, Mr. WEICKER, and Mr. YOUNG):

S. 1182. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes. Referred to the Committee on Labor and Public Welfare.

HEALTH MAINTENANCE ASSISTANCE ACT OF 1971

Mr. JAVITS. Mr. President, I introduce on behalf of myself and Senators BAKER, BEALL, BELLMON, COOPER, DOLE, DOMINICK, GRIFFIN, MATHIAS, PERCY, PROUTY, SAXBE, SCOTT, STEVENS, TAFT, YOUNG, FANNIN, JORDAN of Idaho, CASE, WEICKER, and FONG, the administration's Health Maintenance Assistance Act of 1971.

This bill would implement those recommendations in the President's February 18, 1971, health message relating to the reorganization of the delivery of health services through the stimulation of the development of health maintenance organizations.

To provide form and direction and to change the dangerously haphazard organization of health care in America, I introduced in the 91st Congress—and reintroduced this year—my "Local Comprehensive Health Services Systems Act." To accomplish that end—by putting into motion initiatives that ultimately will reshape the inequities and hardships of our present health care system—the President's health message urged we help such an organization get started and develop.

This new approach can have a variety of forms and names and sponsors. The term applied to all of these units by the President, and in the bill I introduce today on behalf of the administration, is HMO's—health maintenance organizations.

Whether these organizations be called HMO's, local comprehensive health service systems, or prepaid group practice, this new concept has two essential attributes. It brings together a comprehensive range of medical services in a single organization so that a patient is assured of convenient access to all of them. And it provides needed services for a fixed contract fee, which is paid in advance by all subscribers.

To stimulate such an innovative medical care delivery system this bill provides:

First, a program of assistance during the period January 1, 1972–June 30, 1976, to public or private organizations to plan and develop health maintenance organizations and to expand existing ones.

Second, the assistance is in the form of grants and contracts for planning costs with priority for medically underserved areas; grants and contracts for costs of initial operation in medically underserved areas; up to 90 percent loan guarantees to private organizations to cover construction or acquisition of ambulatory care facilities and initial operating deficits with priority for medically underserved areas; and direct loans to public organizations to cover initial operating costs in medically underserved areas.

Third, review of and opportunity to comment on applications by State and local health planning authorities is required.

Fourth, joint funding for all Federal assistance to any health maintenance organization, and waiver of normal contracting procedures if necessary.

Fifth, Secretary of Health, Education, and Welfare is authorized to carry out his responsibility for health care of Indians by contracting with health maintenance organizations.

We can no longer depend upon an already overburdened health care system to provide medical services; we must rationalize our health care system to benefit all Americans. I urge early enactment of such legislation. It increases the value of the services a consumer receives for each health dollar because HMO's or such similar organizations provide a strong financial incentive for better preventive care and for greater efficiency.

I ask unanimous consent that the letter of transmittal of the Secretary of Health, Education, and Welfare and a summary of the bill be made a part of my remarks.

There being no objection, the letter and summary were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
March 3, 1971.

Honorable SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a draft bill "To amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes." The bill has the short title of the "Health Maintenance Organization Assistance Act of 1971."

Also enclosed for your convenience are copies of a brief summary of the major provisions of the bill.

This proposed legislation is designed to carry out certain of the recommendations in the President's February 18, 1971, health message relating to stimulation of the development of health maintenance organizations.

The proposal would do this through grants to and contracts with private and public sponsors for planning the establishment or expansion of health maintenance organizations, and for the initial operation of such organizations in medically underserved areas. The proposal would also authorize the guarantee of loans by private lenders to private sponsors of such organizations for the construction of ambulatory care facilities and for initial operation of such organizations.

Finally, the proposal would authorize Federal loans to public sponsors in medically underserved areas for their initial operating costs.

We would appreciate it if you would refer this draft bill to the appropriate committee for its consideration.

We are advised by the Office of Management and Budget that enactment of this draft bill would be in accord with the program of the President.

Sincerely,
ELLIOT RICHARDSON,
Secretary.

SUMMARY OF THE HEALTH MAINTENANCE ASSISTANCE ACT OF 1971

1. During the period January 1, 1972–June 30, 1976, provides a program of assistance to public or private organizations to plan and develop health maintenance organizations and to expand existing ones.

2. The assistance is in the form of grants and contracts for planning costs with priority for medically underserved areas; grants and contracts for costs of initial operation in medically underserved areas; loan guarantees to private organizations to cover construction or acquisition of ambulatory care facilities and initial operating deficits with priority for medically underserved areas; and direct loans to public organizations to cover initial operating costs in medically underserved areas.

3. Review of and opportunity to comment on applications by State and local health planning authorities is required.

4. Authorizes joint funding for all federal assistance to any health maintenance organization, and waiver of normal contracting procedures if necessary.

5. Authorizes Secretary to carry out his responsibility for health care of Indians by contracting with health maintenance organizations.

Mr. DOMINICK. Mr. President, I am pleased to cosponsor the Health Manpower Assistance Act of 1971 and the Health Maintenance Organization Assistance Act of 1971, introduced today by Senator JAVITS on behalf of the administration. These bills will implement a substantial part of the legislative program proposed by the President in his health message. The bills will be referred to the Labor and Public Welfare Committee, and as the ranking minority member of the Health Subcommittee, I will be active in supporting them.

The Health Manpower Assistance Act of 1971 is designed to meet the personnel needs of our growing medical system. Since other portions of the administration's health program will greatly increase the demand for medical services by assuring everyone equal access to health care, it is absolutely essential that the additional health manpower necessary to meet that demand is made available. The "Health Manpower Assistance Act" would extend the expiring health professions education assistance and nurse training authorities for 3 years, but would make significant changes and additions. It would expand and reform medical education through an approach that would provide a more secure financial base for medical schools, and expand the production of physicians and other medical personnel with emphasis on primary care and physician's aides.

The bill provides for $6,000 per graduate capitation funding for medical schools. The present support is $500 per enrollee per year, or about $2,000 per graduate. This change would provide a more stable "first dollar" financial base for medical schools. At the same time, and equally important, it would give the medical schools strong incentives to expand their enrollments and shorten their curriculums. This feature is based in part on recommendations by the Carnegie Commission on Higher Education.

Special project grants would be authorized for priority goals such as emphasized development of physicians' assistants. There would be increased support for low-income and minority students through expanded scholarship funds and guaranteed loans, and loan forgiveness where such students failed to graduate. To deal with the shortage of general practitioners and maldistribution of physicians' problems, the bill would provide for postgraduate loan forgiveness for doctors who practice in primary care specialties and those who practice in scarcity areas. The bill also contains new loan guarantees and interest subsidies for construction of medical education facilities.

Finally, the bill would provide for new efforts in preventive health by establishing a private, nonprofit health education foundation, and expanding Federal programs in health education.

The Health Maintenance Organization Act of 1971 would implement the portion of the President's health message dealing primarily with reorganization of the system of delivering medical services. The purpose of the bill is to help change the orientation of our medical system from one which emphasizes the treatment of sicknesses to one which emphasizes keeping people healthy. It is also intended to help keep down rising medical costs, and to deal with the problem of maldistribution of medical care personnel which has resulted in inadequate access to medical care in many inner city and rural areas. These efforts would be advanced through Federal support for the development of "health maintenance organizations" which create incentives for efficient, low cost care, stress prevention, and offer convenient centralized quality care.

A "health maintenance organization" is defined essentially as a public or private organization which provides comprehensive health care to a defined population on a per capita prepayment basis. The definition is flexible enough to maintain a wide range of choice for doctors as well as patients. HMO's would not be limited to the so-called "closed-panel group practice." As long as the organization contracts to provide comprehensive health care on a prepaid basis, the doctors who are members of the organizatin are free to practice in groups or individually, and could be paid on a salaried, per capita, or fee-for-service basis. For instance, a medical foundation comprised of the members of local medical societies could qualify as an HMO, and none of the member doctors would have to change their methods of practice—provided the foundation agrees to provide comprehensive medical care on a prepaid basis, and meets other criteria established by the Secretary of Health, Education, and Welfare, such as quality standards.

The assistance for health maintenance

organizations will be in the form of grants and contracts for costs of planning and initial operation, with priority for medically underserved areas. There will be loan guarantees to private organizations to help them finance construction or acquisition of ambulatory care facilities and initial operating deficits with priority for medically underserved areas. Provision is also made for direct loans to public organizations to cover initial operating costs in medically underserved areas.

State and local health planning authorities would be guaranteed the opportunity to review and comment on applications for Federal assistance. The Secretary of Health, Education, and Welfare would be authorized to contract with health maintenance organizations in order to carry out his responsibility for health care of Indians.

Mr. President, I think these two bills are part of a very imaginative, comprehensive, and well-thought-out program to deal with the substantial health care problems of this country, and I hope that we all can put politics aside and examine their merits objectively.

Mr. President, I have been following the testimony emerging from the Senate Health Subcommittee with great interest. I certainly do not want to be an ostrich and stick my head in the sand saying that no financial crisis exists among some of our institutions that train our Nation's future physicians, but I feel that the administration's well-thought-out health manpower proposals should not be dismissed out of hand as inadequate before they are even introduced and examined.

If the President's health manpower legislation is enacted with the requested appropriations, this Nation will have almost $545 million as the Federal share of the health manpower bill in fiscal year 1972. This will be more than 55 per cent higher than the $350 million that was obligated in 1970 and more than 27 per cent higher than the 1971 amounts which, I understand, will amount to $428 million.

I would ask the officials of our country's great medical teaching institutions like Drs. Russell Nelson and David Rogers to examine how their institutions might gain a greater sense of financial stability by adapting their practices to make the most out of the administration's far-reaching health manpower proposals.

The $6,000 for each graduate of medical school provides a splendid incentive for any school to increase its production of physicians while at the same time obtaining increased Federal funding for its successful efforts.

In this one area alone, medical student education, the administration is proposing increases that amount to almost 250 percent of the 1970 funding levels. In 1970, only $59 million was obligated for this support. This year the figure will rise to $73 million, and next year, medical education will receive more than $149 million. This is just for medical student education and does not include additional support which medical schools stand to gain from their participation in the proposed expansion of health maintenance organizations and establishment of area health education centers.

The statements that refer to the financial distress of schools that we hear from testimony really need some further explanation since medical centers are in a poor position to provide information on the operating costs of their various programs. The sad fact is that many of these institutions may not even know these costs themselves and therefore may not even know why they are losing money.

I understand that a study is now underway in a group of these institutions which will provide more factual information. The most recent information from the Bureau of Health Manpower Education of the NIH is that for this year some 45 institutions have applied for continuing, new, or supplemental support for schools in financial distress and not the 61 as stated in the testimony before the Health Subcommittee.

I do not have the total budget figures from Johns Hopkins University Medical School but I do know that in the field of health manpower education, that institution received grants totaling $629,000 in 1970, and will probably receive increased grants totaling $785,500 in 1971—certainly not a downward trend for medical education.

All great medical educational institutions in the Nation, like Johns Hopkins, will, I hope, constantly reevaluate their mission. It is so essential that these schools recognize the needs of society. As they respond to these appropriately, they will receive the support of society. Research at such institutions must continue and even expand but an even greater expansion in manpower production must occur if we are ever to solve our health care problems. The great educational institutions must recognize this need and adapt their programs to these balanced objectives.

By Mr. JAVITS (for himself and Mr. Baker, Mr. Beall, Mr. Bellmon, Mr. Bennett, Mr. Cooper, Mr. Dole, Mr. Dominick, Mr. Fannin, Mr. Fong, Mr. Griffin, Mr. Jordan of Idaho, Mr. Percy, Mr. Prouty, Mr. Scott, Mr. Stevens, Mr. Taft, Mr. Tower, Mr. Weicker, and Mr. Young):

S. 1183. A bill to amend the Public Health Services Act so as to provide for new health manpower educational initiatives, increase the level of financial assistance to health professions schools and other institutions training health personnel, improve the distribution and increase the supply of health personnel, and for other purposes. Referred to the Committee on Labor and Public Welfare.

HEALTH MANPOWER ASSISTANCE ACT OF 1971

Mr. JAVITS. Mr. President, this Nation faces a deepening crisis in the provision of health and medical care for all its people. Our resources for meeting increasing demands for medical services are not keeping pace with requirements for health manpower.

This Nation must have larger numbers of the right kind of health manpower personnel, located in the right places, and utilized in the right way, to give health services to the people who need them. To put the Federal Government in the forefront of efforts to meet these needs for health personnel, I am introducing for myself and Senators Baker, Beall, Bellmon, Bennett, Cooper, Dole, Dominick, Griffin, Percy, Prouty, Scott, Stevens, Taft, Young, Fannin, Jordan of Idaho, Tower, Weicker, and Fong the administration's Health Manpower Assistance Act of 1971. I ask unanimous consent that the letter of transmittal of the Secretary of the Department of Health, Education, and Welfare for this legislation, a summary of its provisions, and the full text of the bill entitled "Health Manpower Assistance Act of 1971" be inserted in the Record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Brock). Without objection, it is so ordered.

(See exhibits 1, 2, and 3.)

Mr. JAVITS. Mr. President, I cannot overemphasize the urgency of the Federal Government's strengthening its programs to increase the supply and improve the use and distribution of health manpower. Not only must we expand and improve our resources for obtaining health personnel, but also we must take steps to keep existing educational programs in operation.

The financial burdens of health-professions schools have become so great that a number of existing schools today are considering closing their doors and it was for that reason that I introduced a bill in the 91st Congress to provide $100,000,000 in disaster relief to medical and dental schools, which passed the Senate but was modified in conference. If appropriate action is not taken soon to strengthen our health-manpower training resources, our already inadequate output of personnel could actually decline.

We must do more than simply increase the numbers of persons trained to do traditional jobs in a traditional way. Because health service needs are increasing so rapidly we will not catch up on manpower requirements on a "business as usual" basis. We must capitalize on opportunities to shorten curriculum, to make greater use of allied personnel, and otherwise to train and employ manpower in the most efficient and economical way consistent with assuring adequate quality of health care. The bill I introduce today would encourage such new approaches.

On February 18, 1971, the President transmitted a message to the Congress calling for a new health strategy built upon the cardinal principles of assuring all citizens equal access to our health care system, balancing supply and demand for care, organizing for efficiency in the provision of services, and building on existing strengths in our present system as we move toward reform in health care in America. As part of the program to carry out this strategy, a number of measures were recommended to help us use medical manpower more effectively and to produce more health professionals especially to perform critically needed services.

To implement the President's recommendations relating to health manpower training, the Health Manpower Assistance Act of 1971 provides:

First, capitation grant authority to pay $6,000 per graduate to schools of medicine, dentistry, or osteopathy. This authority would be in lieu of existing formula grant authority under which appropriated funds are divided among the above schools, plus schools of optometry, pharmacy, podiatry, and veterinary medicine, on the basis of relative enrollments and numbers of graduates. Capitation grants for graduates only would give the schools an incentive to increase their output rather than just expanding first-year enrollments; the grants would encourage the schools to shorten their curricula, promote advanced placement, and replace students lost through attrition. An almost threefold increase in the dollar amount of formula aid currently provided would establish a base of Federal support which would give financial viability to most of the schools assisted.

I believe that our Nation's schools of optometry, pharmacy, podiatry, and veterinary medicine also make an invaluable contribution to our Nation's health and capitation grant authority—at perhaps a lesser amount—should be provided to such schools for their institutional support, not provided in the bill.

Second, separate special project grant authorities for schools of medicine, osteopathy, and dentistry, and for schools of optometry, pharmacy, podiatry, and veterinary medicine, instead of a single combined authority as under existing law. Existing purposes of grants would be continued. In the case of medicine, osteopathy, and dentistry, new authority would be provided to aid students in securing a part of their education under a preceptor in family practice, pediatrics, internal medicine, or other fields designated by the Secretary. Both of the new authorities would add specific provision for grants to increase educational opportunities for disadvantaged students and to improve the geographic or specialty group distribution of such health manpower.

Third, there would be separate special project authority for aid to alleviate financial distress of schools of medicine, osteopathy, dentistry, optometry, pharmacy, podiatry, and veterinary medicine, under certain conditions as to disclosure of financial information and implementation of operational and financial reforms. While the proposed capitation grants to schools of medicine, osteopathy, and dentistry would help many of those schools get on a sound financial basis, this separate authority would allow the Federal Government to devote a portion of its resources to a direct effort to solve the exceptional financial problems of health professions schools.

Fourth, Health Manpower Education Initiative Awards would permit the Federal Government to attack special health manpower problems through support of projects to improve the supply, distribution, utilization, and efficiency of health personnel. The new authority would allow targeted aid without regard to categorical restraints for the establishment of area health education centers, consortia, and other cooperative arrangements among institutions—both educational and service—for the training of needed manpower. It would permit the development of programs to train staff for health maintenance organizations, to provide team training of physicians and allied health personnel, and otherwise to relate health manpower education more directly to the delivery of health services, with particular emphasis on interdisciplinary approaches.

Fifth, new consolidated construction assistance authority would be in lieu of five separate authorities in existing law for the construction of: health professions teaching facilities, nurse training facilities, allied health training facilities, medical research facilities, and medical library facilities. This authority would provide more flexible assistance for construction of teaching facilities, advanced or continuing education facilities, medical library facilities, and health research facilities. Among eligible applicants would be schools of medicine, osteopathy, dentistry, optometry, pharmacy, podiatry, veterinary medicine, public health, nursing, and allied health, including their affiliated hospitals, and other agencies, organizations, institutions, or combinations thereof. Grants could be made in an amount up to 67 percent of total costs. New provisions for guaranteed loans and interest subsidies would help private nonprofit schools tap private resources for the financing of construction. I would emphasize that it is my understanding that the purpose of this guaranteed loan and interest subsidy provision is to supplement the existing grant program, not to supplant it. In the face of hundreds of millions of approved but unfunded grant applications, I believe we can no longer rely solely upon the grant mechanism to meet our schools' needs but must take this innovative step of guaranteed loans and interest subsidies to overcome the substantial unmet needs.

Sixth, student aid provisions would make significant changes in existing scholarship and loan programs to help disadvantaged students, and would be coupled with incentives to improve distribution of manpower.

Health professions scholarship aid would be targeted toward low-income disadvantaged students in schools of medicine, osteopathy, and dentistry, with the maximum amount of assistance for a student increased from $2,500 to $3,000 a year. Scholarship grants would be distributed among schools of medicine, osteopathy, and dentistry on the basis of the number of low-income, disadvantaged students enrolled at those institutions. Schools of optometry, pharmacy, podiatry, or veterinary medicine would receive grants upon the Secretary's determination that such grants would help fill a national need for practitioners in these professions.

In the case of loans for health professions students, provision would be made for increased reliance on the Office of Education's guaranteed loan program. The authority for this program would be amended to allow loans up to $5,000 a year for students of medicine, osteopathy, dentistry, optometry, pharmacy, podiatry, and veterinary medicine; to extend the repayment period for these students; and to make a new provision for forgiveness of loans made to graduates who practice in a shortage area and to low-income students who fail to graduate. The new provision for forgiveness of loans for graduates who practice in a shortage area would be one important step toward improving the distribution of health personnel in our Nation.

However, I am concerned that there is no provision for direct student loans. I am not convinced that reliance solely upon a guaranteed loan program will provide the necessary assistance our students require.

Seventh, a separate 3-year authorization of such sums as may be necessary to accomplish the purposes of the act.

I am confident that not only will specific authorization levels of funding be provided before this measure is reported out to the Senate but also, that rather than a single authorization for all purposes of the act, the committee will seek to establish separate authorizations for the various purposes herein contemplated.

Although existing statutory health manpower advisory councils are abolished by this legislation, I am assured that administrative action will be taken to establish such advisory councils as are appropriate.

Although this bill does recognize that the health of the Nation depends in large measure on the availability and quality of nursing services and has many innovative provisions to meet the critical nurse shortage, I am concerned that its provisions do not provide a sufficiently balanced program of support to nursing schools and nursing students. I therefore intend to introduce a National Nursing Education Act to achieve such objectives.

The Health Manpower Assistance Act of 1971 would make possible an expanded Federal health manpower training program designed to produce the manpower resources essential to achieving national health care objectives, and I am confident this bill will receive the most serious consideration in forthcoming attempts to determine how best to extend and strengthen Federal programs of aid for training of health personnel. We must move toward early enactment of legislation to provide the health manpower required to meet national needs for health and medical care.

EXHIBIT 1

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
March 3, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a draft bill "To amend the Public Health Service Act so as to provide for new health manpower educational initiatives, increase the level of financial assistance to health professions schools and other institutions training health personnel, improve the distribution and increase the supply of health personnel, and for other purposes". The draft bill has the short title of the "Health Manpower Assistance Act of 1971".

Also enclosed for your convenience is a brief summary of the major provisions of the draft bill.

The enclosed draft bill is designed to carry out certain recommendations of the President, contained in his February 18, 1971, message on health, relating to the health manpower problem. It is designed to assist in increasing the supply of adequately trained health personnel, improving the distribution of such personnel, particularly in medically underserved areas, and abetting the more efficient and effective utilization of such personnel through health maintenance organizations and otherwise.

We would apprecite it if you would refer this draft bill to the appropriate committee for its consideration.

We are advised by the Office of Management and Budget that enactment of this draft bill would be in accord with the program of the President.

Sincerely,

ELLIOT RICHARDSON,
Secretary.

EXHIBIT 2

SUMMARY—HEALTH MANPOWER DRAFT BILL

The Health Manpower draft bill extends existing health professions education assistance and nurse training authorities for three years, but makes the following significant changes and additions:

1. Formula grant authority is provided to pay $6000 per graduate plus an additional $2000 (or $1500, depending on the length of the curriculum) per student who represents an enrollment increase, to schools of medicine, dentistry, or osteopathy, except that no more than $60000 in capitation formula grants may be paid to any school for any student during his entire course of study.

2. The above is in lieu of existing authority under which the appropriated funds are divided among the above schools, plus schools of pharmacy, optometry, podiatry, and veterinary medicine, on the basis of relative enrollment and enrollment increases (75 per cent) and the number of graduates (25 per cent).

3. Separate special project grant authorities are provided for schools of medicine, dentistry, and osteopathy and schools of pharmacy, optometry, podiatry, or veterinary medicine, instead of a single combined authority, as under existing law. Under both authorities, new authority to make grants to add disadvantaged students and to improve area or specialty group distribution of such health manpower is added. In addition, new authority to make grants to schools of medicine, dentistry, and osteopathy for traineeships is included.

4. A separate subsection for special project grants to health professions schools to alleviate financial distress is created and authority to require recipients to disclose all relevant financial information and to implement reforms recommended by the Secretary is added to existing authority.

5. New authority for Health Manpower Education Initiative Awards is added to enable the Secretary to make project grants and contracts to assist agencies, organizations, and institutions, and combinations thereof, to improve the training or retraining of health manpower personnel, to initiate new types and patterns of training, including establishment of area health education centers, to improve the distribution, supply, or utilization of such personnel, to encourage training for better delivery of personal health service through use of the team approach, health maintenance organizations, and otherwise; and including regional arrangements among schools and institutions to accomplish the objectives of this new authority.

6. Five existing advisory councils in the health manpower and medical library fields, which are established by statute, are abolished. Administrative action will be taken to establish such advisory councils as are appropriate.

7. A consolidated construction assistance authority (in lieu of five separate construction grant authorities in existing law) is provided, including authority to make grants (up to 67 per cent), and guarantee loans, and pay up to 3 per cent interest subsidies in the case of private sponsors, to assist in construction of teaching facilities, advanced or continuing education facilities, medical library facilities, and health research facilities for 7 health profession schools, schools of public health, nursing schools, affiliated hospitals, and, under certain circumstances, other agencies, organizations, institutions, or combinations thereof.

8. Formula grant authority to aid schools of nursing is repealed and existing authority to make project grants for traineeships for professional nurses is extended.

9. (a) Increases maximum insured loans to health professions students (under Higher Education Act of 1965) from $1,500 to $5,000 annually (or $2,500 for nursing students), liberalizes repayment terms, and includes Federal repayment of such loans to students who practice general, family, internal, or pediatric medicine in medically underserved areas (or, if prescribed by the Secretary, loans to students who practice other aspects of medicine, osteopathy, or dentistry, or who practice podiatry, pharmacy, optometry, or veterinary medicine, in such areas), and of such loans to students of medicine, osteopathy, dentistry, or nursing who are from low-income or disadvantaged families and who fail to complete their health studies.

(b) The existing scholarship programs for health professions students (including nurses), which are due to expire at the end of the current fiscal year, are extended for three years.

(c) The bill also makes dicretionary the present mandatory program of grants for scholarship aid to schools of optometry, podiatry, pharmacy, or veterinary medicine, but continues grants to schools of medicine, osteopathy, and dentistry on the present mandatory footing.

(d) Increases maximum health professions scholarships from $2,500 to $3,000 and limits scholarships to exceptionally needy students from low-income or disadvantaged families.

EXHIBIT 3

S. 1183

A bill to amend the Public Health Service Act so as to provide for new health manpower educational initiatives, increase the level of financial assistance to health professions schools and other institutions training health personnel, improve the distribution and increase the supply of health personnel, and for other purposes

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health Manpower Assistance Act of 1971".

INSTITUTIONAL GRANTS

SEC. 2. (a) The heading of Part E of title VII of the Public Health Service Act is amended to read as follows:

"PART E—INSTITUTIONAL GRANTS TO IMPROVE THE PRODUCTIVITY AND QUALITY OF HEALTH EDUCATION"

(b) Subsection (a) of section 770 of such Act (42 U.S.C. 295f) is amended to read as follows:

"(a) There are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1972, and for each of the two succeeding fiscal years, for special project grants to schools of medicine, dentistry, and osteopathy under subsection (a) of section 772, for special project grants to schools of pharmacy, optometry, podiatry, or veterinary medicine under subsection (b) of such section, and for financial distress special project grants to health professions schools under subsection (c) of such section, and for manpower educational initiative awards under section 773. For the fiscal year ending June 30, 1975, and the succeeding fiscal year, there are authorized to be appropriated such sums as may be necessary to make grants and carry out contracts for continuation of projects, programs, or activities for which a grant has been made or a contract entered into under section 773, for a fiscal year ending prior to July 1, 1974.

CAPITATION GRANTS

SEC. 3. (a) The heading of section 771 of such Act (42 U.S.C. 295f–1) is amended by striking out "INSTITUTIONAL GRANTS" and inserting in lieu thereof "CAPITATION GRANTS".

(b) Subsection (a) of such section is amended to read as follows:

"(a) (1) Except as provided in paragraphs (3) (B) and (4), any school of medicine, dentistry, or osteopathy with an application approved under section 774 shall be entitled, for any fiscal year ending prior to July 1, 1974, to an amount equal to $6,000 multiplied by the number of students of such school who will graduate (as determined by the Secretary in accordance with the provisions of subsection (b) (1)) from such school in such year.

"(2) Any such school with such an application for a fiscal year ending prior to July 1, 1974, which will not graduate any students in such year shall be entitled, for such fiscal year, to an amount equal to—

(A) $2,000 multiplied by the number of full-time first and second-year students pursuing a course of study leading to a degree in three years, or

(B) $1,500 multiplied by the number of full-time first, second, and third-year students pursuing a course of study leading to a degree in four years or longer, or

(C) $1,500 multiplied by the number of full-time first and second-year students pursuing a two-year course of study or its equivalent,

who will graduate (as determined by the Secretary in accordance with the provisions of subsection (b) (1) of this section) in a subsequent year from a school of medicine, dentistry, or osteopathy.

"(3) (A) Any school of medicine, dentistry, or osteopathy with such an application for a fiscal year ending prior to July 1, 1974, shall also be entitled, for such fiscal year, to an amount equal to—

"(i) $2,000 in the case of a school with a course of study leading to a degree in three years, or

"(ii) $1,500 in the case of a school with a course of study leading to a degree in four years or more,

multiplied by the number of students who are enrolled in any year-class preceeding the class which will graduate in such year; who are in excess of the number of students in the year-class which will graduate in such year; and who will graduate from such school (as determined by the Secretary in accordance with the provisions of subsection (b) (1)).

"(B) In no event shall any school be entitled under this subsection to an amount which exceeds $6,000 for any student during his entire course of study in such school (and the school, if any, from which he transferred).

"(4) The amount which any school shall be entitled to be paid under paragraph (1) for any year may be reduced for any student who will graduate in such year if a portion of his medical, dental, or osteopathic training was acquired at another school. The amount of such reduction shall be determined by the Secretary on the basis of the relative period of training received by such student in each school and such other factors as he deems appropriate."

(c) Such section is further amended by striking out subsection (b) and redesignating subsections (c) and (d) thereof as subsections (b) and (c), respectively.

(d) Paragraph (2) of the subsection of such section herein redesignated as subsection (b) is amended by striking out everything after "doctor of dentistry," and inserting in lieu thereof "or an equivalent degree, or doctor of osteopathy (and for purposes of part F, such term also means students pursuing a full-time course of study leading to a degree of bachelor of science in pharmacy or doctor of pharmacy, doctor of optometry or an equivalent degree, doctor of veterinary medicine or an equivalent degree, or doctor of podiatry or an equivalent degree)."

(e) The subsection of such section herein redesignated as subsection (c) is amended to read as follows:

"(c) Any new school of medicine, dentistry, or osteopathy with an approved application under section 774 shall be entitled, for the fiscal year preceding the fiscal year in which it will admit its first class, to an amount equal to $2,000 multiplied by the number of full-time students who the Secretary determines, on the basis of assurances provided by the school, will be enrolled in the school in the fiscal year after the fiscal year for which the grant is made."

SPECIAL PROJECT GRANTS

Sec. 4. Section 772 of such Act (42 U.S.C. 295f–2) is amended to read as follows:

"Sec. 772. (a) Grants may be made, from sums available therefor from appropriations under section 770, to assist schools of medicine, dentistry, and osteopathy, and combinations thereof, in meeting the cost of special projects to plan, develop, or establish new programs or modifications of existing programs of education in such health professions, including projects to effect significant curriculum improvements, to conduct research in the various fields related to education in such health professions, to develop training for, and to train, new levels or types of health service personnel, including physician's and dentist's assistants, to plan experimental teaching programs or facilities, to increase educational opportunities for disadvantaged students, to train students and other groups to use a team approach to the delivery of health services; projects to otherwise strengthen, improve, or expand programs to train personnel in such health professions or help to increase the supply, or improve the distribution by area or specialty group, of adequately trained personnel in such health professions necessary to meet the health needs of the Nation; and projects to provide traineeships (including costs of training and fees, stipends, and allowances for the students, including travel and subsistence expenses) for full-time students to secure part of their education under a preceptor in family practice, pediatrics, internal medicine, or other health fields designated by the Secretary.

"(b) Grants may be made from sums available therefor from appropriations under section 770, to assist schools of pharmacy, optometry, podiatry, and veterinary medicine, and combinations thereof, in meeting the cost of special projects to plan, develop, or establish new programs or modifications of existing programs of education in such health professions, including projects to effect significant curriculum improvements, to develop training for, and to train, new levels or types of health service personnel, to plan experimental teaching programs or facilities, to expand educational opportunities for disadvantaged students, and to promote preventive medicine; and projects to otherwise strengthen, improve, or expand programs to train personnel in such health professions or help to increase the supply, or improve the distribution by area or by specialty group, of adequately trained personnel in such health professions necessary to meet the health needs of the Nation. In determining eligibility of any such school to receive a grant under this subsection and in determining the amount of such grant, the Secretary shall consider the particular needs of such school, the nature and scope of the Nation's health personnel needs, and the relative capability of alternative programs for helping to fill those needs.

"(c) Grants may also be made, from sums available therefor from appropriations under section 770 for any fiscal year, to assist any school of medicine, osteopathy, dentistry, pharmacy, optometry, podiatry, or veterinary medicine, which is in serious financial straits to meet its costs of operation or which has special need for financial assistance to meet accreditation requirements. Any such grant may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress; (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary; and (3) to implement any operational and financial reforms recommended by the Secretary on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information."

HEALTH MANPOWER EDUCATIONAL INITIATIVE AWARDS

Sec. 5. Part E of title VII of such Act is amended by redesignating sections 773 and 774 as sections 774 and 775, respectively, and by inserting after section 772 the following new section:

"HEALTH MANPOWER EDUCATION INITIATIVE AWARDS

"Sec. 773.(a) In order to improve the distribution, supply, quality utilization, and efficiency of health personnel and the health services delivery system, the Secretary is authorized to make grants to public or nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, and to make contracts with public or private schools, agencies, organizations, and institutions, and combinations thereof, for programs or projects (including programs or projects to assist State, local, or other regional arrangements among schools and related organizations and institutions to carry out the objectives of this section)—

"(1) to encourage the establishment and maintenance of programs to alleviate shortages of health personnel in areas designated by the Secretary through training or retraining such personnel in facilities located in such areas or to otherwise improve the distribution of health personnel by area or by specialty group;

"(2) to utilize health personnel more efficiently through use of health maintenance organizations and otherwise;

"(3) to initiate new types and patterns or improve existing patterns of training, retraining, continuing education, and advanced training of health personnel, including teachers,, administrators, specialists, and paraprofessionals (particularly physician's and dentist's assistants and pediatric nurse practitioners), and including establishment of area health education centers and other new organizational units for this purpose;

"(4) to encourage new or more effective approaches to the organization and delivery of health services through use of the team approach to delivery of health services, use of health maintenance organizations, and otherwise; and

"(5) to otherwise help solve the Nation's health personnel or delivery of health services problems.

Grants and contracts under this section may also be made for the discovery, collection, development, or confirmation of information for, the planning, development, demonstration, establishment, or maintenance of, or the alteration or renovation of existing facilities for, any of such programs or projects.

"(b) The Secretary is authorized, during the period beginning January 1, 1972, and ending with the close of June 30, 1974, to make grants to, or to enter into contracts with any school of medicine or osteopathy, which is accredited as provided in section 701(a)(3)(A) or section 774(b)(2), to assist such school in developing or operating a health maintenance organization, or in utilizing the facilities and personnel of a health maintenance organization, in providing training for its students and for other health personnel. The amount of any grant or contract made pursuant to this subsection may not exceed the additional cost which the Secretary determines to be reasonably necessary to enable the school to utilize the facilities and personnel of a health maintenance organization (whether or not developed or operated by the school) to provide training.

APPLICATIONS FOR GRANTS

Sec. 6. (a) Subsection (a) of the section of such Act herein redesignated as section 774 (42 U.S.C. 295f–3) is amended by striking out "Surgeon General" after "The" and inserting in lieu thereof "Secretary"; and by striking out "771 or 772" after "section" and inserting in lieu thereof "771, 772, or 773".

(b) Subsection (b) of such section is amended by striking out "Surgeon General" wherever it appears therein and inserting in lieu thereof "Secretary".

(c) Such section is further amended by striking out subsection (c) thereof; redesignating subsection (d) as subsection (c); and by striking out subsection (e) thereof.

(d) The subsection herein redesignated as subsection (c) of such section is amended to read:

"(c) A grant under this part may be made only if the application therefor—

"(1) is approved by the Secretary upon his determination that the applicant meets the eligibility conditions set forth in subsection (b) of this section, in the case of a health professions school;

"(2) contains or is supported by assurances satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of medicine, dentistry, or osteopathy, as the case may be, during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which are at least as great as the amount of funds expended by such applicant for such purpose (excluding expenditures of a non-recurring nature) in the fiscal year immediately preceding the fiscal year for which such grant is sought, in the case of an application for a grant under section 771, except that this clause shall not apply in the case of Howard University;

"(3) contains such additional information as the Secretary may require to make the determination required of him under this part and such assurances as he may find necessary to carry out the purposes of this part; and

"(4) provides for such fiscal-control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require to assure proper disbursement of and accounting for Federal funds paid to an applicant under this part."

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Sec. 7. Effective July 1, 1971, the section of such Act herein redesignated as section 775 (42 U.S.C. 295f–4) is repealed.

HEALTH MANPOWER, RESEARCH, AND LIBRARY FACILITIES CONSTRUCTION ASSISTANCE

SEC. 8. Part A of title VII of the Public Health Service Act is amended to read as follows:

"PART A—HEALTH MANPOWER, RESEARCH, AND LIBRARY FACILITIES CONSTRUCTION ASSISTANCE

"CONSTRUCTION ASSISTANCE

"SEC. 701. (a) (1) There are authorized to be appropriated for the fiscal year ending June 30, 1972, and for each of the next two fiscal years, such sums as may be necessary for grants under paragraph (3) to assist in the construction of teaching facilities (including interim facilities), facilities for advanced or continuing education, medical library facilities, or facilities for the conduct of research in the sciences related to health. Sums appropriated for construction grants for a fiscal year shall remain available for obligation until expended.

"(2) (A) For the purposes of this part, 'construction' with respect to any project means the construction of new buildings, and the acquisition, expansion, remodeling, renovation, rehabilitation, and alteration of existing buildings; equipping new and existing buildings (whether or not expanded, remodeled, renovated, rehabilitated, or altered), including, in the case of medical libraries, provision of automatic data processing equipment but not books, pamphlets, or related material; and the 'cost of construction' includes architect's fees in connection with any construction but shall not include the cost of the acquisition of land (except in the case of acquisition of an existing building), nor the cost of construction of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship.

"(B) For the purposes of this part, 'teaching facilities' means areas dedicated for use by students, faculty, administrative, or maintenance personnel for clinical purposes, research activities, libraries, classrooms, offices, auditoriums, dining areas, student activities, or other related purposes necessary for, and appropriate to, the conduct of comprehensive programs of education, but shall not include off-site improvements or living quarters.

"(C) For the purposes of this part and Part E, 'nonprofit' as applied to any agency, organization, or institution, or combination thereof, means an agency, organization, or institution, or combination thereof, which is owned or operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and a "combination" of agencies, organizations, or institutions means a consortium or other cooperative arrangement between or among such agencies, organizations, or institutions;

"(D) For the purposes of this part, 'sciences related to health' includes medicine, osteopathy, dentistry, and public health, and fundamental and applied sciences when related thereto;

"(E) For the purposes of this part, 'Affiliated hospital' means a hospital as defined in section 645, which is not owned by, but is affiliated (to the extent and in the manner determined in accordance with regulations) with, any school, agency, organization, or institution, or combination thereof, which meets the eligibility conditions for assistance under this subsection;

"(F) For the purposes of this part, part E, and part F, 'school of medicine', 'school of dentistry', 'school of osteopathy', 'school of pharmacy', 'school of optometry', 'school of podiatry', 'school of veterinary medicine', and 'school of public health' mean a school which provides training leading, respectively, to a degree of doctor of medicine, a degree of doctor of dentistry or an equivalent degree, a degree of doctor of osteopathy, a degree of bachelor of science in pharmacy or an equivalent degree, a degree of doctor of optometry or any equivalent degree of doctor of podiatry, a degree of doctor of veterinary medicine or an equivalent degree, and a graduate degree in public health, and including advanced training related to such training provided by any such school;

"(G) For the purposes of this part and part B, 'school of nursing' means a collegiate, associate degree, or diploma school of nursing, as defined in subsections (c), (d), and (e), respectively of section 843, or a graduate school of nursing;

"(H) For the purposes of this part, 'interim facilities' means teaching facilities designed to provide teaching space on a short-term (less than 10 years) basis while facilities of a more permanent nature are being planned and constructed; and

"(I) For the purposes of this part, 'medical library' means a library related to the sciences related to health.

"(3) The Secretary is authorized to make grants in amounts not to exceed 67 per centum of the cost of construction of projects for public or nonprofit private—

"(A) schools of medicine, osteopathy, dentistry, pharmacy, optometry, podiatry, veterinary medicine, or public health, or combinations thereof, which are accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education, or which provide reasonable assurance that the applicable accreditation standards will be met within a reasonable time, and which provide a program of education leading to the first professional degree in such discipline;

"(B) graduate, collegiate, associate degree, or diploma schools of nursing;

"(C) agencies, organizations, and institutions, and combinations thereof, which are accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education, or which provide reasonable assurance that the applicable accreditation standards will be met within a reasonable time, and which provide on or more programs of education in an allied health field specified by regulations of the Secretary;

"(D) agencies, organizations, and institutions, and combinations thereof, which the Secretary determines need teaching facilities for the support of any health personnel educational program;

"(E) agencies, organizations, and institutions, and combinations thereof, which are determined by the Secretary to be competent to engage in the type of health research for which a facility is to be constructed; and

"(F) affiliated hospitals with applications which are approved by the schools, agencies, organizations, or institutions with which such hospitals are affiliated and which otherwise comply with the requirements of this section.

"(4) In order to assist nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, specified in paragraph (3), to carry out needed projects which have been approved under this section for the construction of such facilities as are specified in paragraph (1), the Secretary, during the period beginning May 1, 1971, and ending wtih the close of June 30, 1974, may guarantee in accordance with this section, to non-Federal lenders making loans to such schools, agencies, organizations, and institutions, and combinations thereof, for such projects, payment when due of the principal of and interest on loans for construction of the projects. The Secretary is also authorized to make commitments, on behalf of the United States, to make such guarantees prior to the making of such loans. No such loan guarantee may, except under such special circumstances and such conditions as are prescribed by regulations, apply to any amount which, when added to any grant under this or any other law of the United States, exceeds 90 per cent of the cost of construction of the project; not may any such guarantee apply to more than 40 percent of the loss of principal of and interest on the loan.

"(5) In order to assist nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, specified in paragraph (3), to carry out needed projects for the construction of facilities specified in paragraph (1), the Secretary, during the period beginning July 1, 1971, and ending with the close of June 30, 1974, may pay, to the holder of any loan guaranteed under paragraph (4) for and on behalf of such school, agency, organization, or institution, or combination thereof, amounts sufficient to reduce by not to exceed 3 per centum per annum the net effective interest rate otherwise payable on such loan. Each holder of a loan guaranteed under this section shall have a contractual right to receive from the United States interest payments required by the preceding sentence.

"(b) (1) The Secretary may from time to time set dates (not earlier than the fiscal year preceding the year for which assistance under this section is sought) by which an application therefor must be filled, except that no such application may be approved unless it is submitted to the Secretary prior to July 1, 1974. Assistance applied for under this section may be provided only if the application therefor is approved by the Secretary upon his determination that—

"(A) the applicant is among the schools, agencies, organizations, or institutions, or combinations thereof, which are eligible for the assistance applied for;

"(B) the application contains or is supported by reasonable assurances that (i) for not less than twenty years after completion of construction (or such shorter period as the Secretary may specify in the case of an interim facility), the facility will be used for the purposes for which it is to be constructed, and will not be used for sectarian instruction or as a place for religious worship, (ii) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, and (iii) sufficient funds will be available, when construction is completed, for effective use of the facility for the time specified in clause (i) for the purpose for which it is being constructed;

"(C) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment;

"(D) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5); and the Secretary of Labor shall have, with respect to the labor standards specified in this subparagraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c);

"(E) in the case of an application for assistance under this section in the construction of a facility intended, at least in part, for the provision of health services, an opportunity has been provided for comment on the project by (i) the State comprehensive health planning agency (designated by the State as required by section 314(a) (2) (A)) and (ii) the public or nonprofit private agency or organization responsible for the plan or plans referred to in section 314(b) and covering the area in which such project is to be located or, if there is no such agency, such other public or nonprofit private agency or organization (if any) as performs, as determined in accordance with criteria of the Secretary, similar functions;

"(F) contains adequate assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information as the Secretary may reasonably require;

"(G) in the case of an application for a loan guarantee or interest subsidy payment, the terms, conditions, security (if any), and schedule and amount of repayments with respect to the loan are sufficient to protect the financial interest of the United States and are otherwise reasonable, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States; and

"(H) in the case of an application for a loan guarantee, the loan would not be available on reasonable terms and conditions without the guarantee under this section.

"(2) Within such aggregate monetary limit as the Secretary may prescribe, applications which (solely by reason of the inability of the applicants to give the assurance required by clause (B) (ii) of paragraph (1) of this subsection) fail to meet the requirements for approval set forth in this subsection may be approved upon condition that the applicants give the assurance required by such clause (B) (ii) within a reasonable time and upon such other reasonable terms and conditions as are prescribed by the Secretary.

"(c) (1) Upon approval of any application for a grant under this section, the Secretary may reserve from any appropriation therefor, the amount of such grant as determined pursuant to paragraph (3) of subsection (a); and the amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with construction progress, as the Secretary may determine. The Secretary's reservation of any amount under this subsection may be amended by him either upon approval of an amendment of the application or upon revision of the estimated cost of construction of the facility. Amendment of an approved application shall be subject to approval in the same manner as an original application.

"(2) In determining the amount of any grant under this section there shall be excluded from the cost of construction an amount equal to the sum of (A) the amount of any other Federal grant which the applicant has obtained, or is assured of obtaining, with respect to the construction which is to be financed in part by the grant under this section, and (B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(3) If, within twenty years (or the shorter period specified by the Secretary pursuant to section 701(b)(1), in the case of construction of interim facilities) after completion of any construction for which a grant has been paid under this subsection—

"(A) the applicant or other owner of the facility shall cease to be an eligible school, agency, organization, or institution or combination thereof, under subsection (a), or

"(B) the facility shall cease to be used for the purposes for which it was constructed (unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so), or

"(C) the facility is used for sectarian instruction or as a place for religious worship,

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

"(4) (A) The United States shall be entitled to recover from the applicant for a loan guarantee under paragraph (4) of subsection (a) the amount of any payment made pursuant to such guarantee, unless the Secretary for good cause waives such right of recovery, and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"(B) To the extent permitted by paragraph (5), any terms and conditions applicable to a loan guarantee under this section may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

"(5) Any loan guarantee made by the Secretary pursuant to this section shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"(6) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this section may not exceed such limitations as may be specified in appropriations Acts.

"(7) There is hereby established in the Treasury a loan guarantee and interest subsidy fund (hereinafter in this section referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriations Acts, (i) to enable him to discharge his responsibilities under guarantees issued by him under this section and (ii) for payment of interest authorized by subsection (a)(5). There are authorized to be appropriated from time to time such amounts as may be necessary to provide the sums required for the fund. There shall be deposited in the fund amounts received by the Secretary or other property or assets derived by him from his operations under this section, including any money derived from the sale of assets. If at any time the sums in the fund are insufficient (i) to enable the Secretary to discharge his responsibilities under guarantees issued by him under this section or (ii) to make payments of interest authorized by subsection (a)(5), he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury, but only in such amounts as may be specified from time to time in appropriation Acts. Such notes or other obligations shall bear interest at a rate determined by the Secretary of Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which the securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this paragraph shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such fund.

"(8) The Secretary is authorized to provide technical assistance (A) to applicants under this section and other public or nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, in designing and planning the construction of any facility for which financial assistance may be provided under this section, and (B) to State or interstate planning agencies established to plan programs for relieving shortages of training capacity for health personnel."

NURSE TRAINING GRANTS AND CONTRACTS

SEC. 9. (a) Subsection (a) of section 805 of the Public Health Service Act (42 U.S.C. 296-296g) is amended by striking out "803" after "section" and inserting in lieu thereof "803"; by striking out "for the fiscal year ending June 30, 1970, and the next fiscal year" and inserting in lieu thereof "for the fiscal year ending June 30, 1972, and the next two fiscal years"; by inserting "or to develop training for, or to train, new levels or types of nursing or related health personnel," after "fields of nursing education," and by inserting "or to promote the full utilization of nursing skills" after "adequately trained nursing personnel".

(b) Subsection (b) of such section is amended to read:

"(b) The Secretary is authorized to enter into contracts with any public or private agency, organization, or institution, or combination thereof, for any of the purposes specified in subsection (a)."

(c) Such section is further amended by inserting after subsection (b) the following new subsection:

"(c) Any grants under subsection (a) to assist schools of nursing which are in serious financial straits to meet their costs of operation or to assist schools of nursing which have special need for financial assistance to meet accreditation requirements, may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, and (3) to implement operational and financial reforms recommended by the Secretary on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information."

(d) (1) Part A of title VIII of such Act is further amended by striking out sections 801, 802, 803, 804 and 806 of such Act and redesignating sections 805, 807, and 808 as sections 801, 802, and 803, respectively.

(2) The section of such Act herein redesignated as section 802 (42 U.S.C. 296f) is amended by striking out "805 or 806" and inserting in lieu thereof "801" in subsections (a) and (c) thereof; by striking out "805" in clause (1) of subsection (c) and inserting in lieu thereof "801"; and by striking out subsection (b) and redesignating subsection (c) as subsection (b).

(3) The section of such Act herein redesignated as section 803 (42 U.S.C. 296g) is amended by striking out "(a)" after "803."; by striking out subsection (b) thereof; by inserting "and such sums as may be necessary for the fiscal year ending June 30, 1972, and for each of the next two fiscal years," after "1971"; and by striking out "under section 805 and institutional grants under section 806" and inserting in lieu thereof "under section 801."

(e) Section 841 of such Act is repealed.

(f) Section 843 of such Act (42 U.S.C. 298b) is amended by inserting "and for the purposes of title VII," after "(c)", "(d)", and "(e)".

(g) Section 860(d) of such Act is amended by striking out "after consultation with the National Advisory Council on Nurse Training".

(h) Section 868 of such Act (42 U.S.C. 298c-7) is amended by striking out "enter into contracts, not to exceed $100,000 per year, with" and inserting in lieu thereof "make grants to, or enter into contracts with," in subsection (a) thereof; by striking out "organizations" and inserting in lieu thereof "agencies, organizations," in such subsection; and by striking out all in clause (1) thereof before "training in the field of nursing," and inserting in lieu thereof "identifying potential nursing candidates and encouraging them to undertake training, retraining, or education which is a prerequisite for, or part of, educational".

(i) (1) Subsection (a) of section 821 of such Act is amended to read:

"(a) There are authorized to be appropriated for the fiscal year ending June 30, 1972, and for each of the next two fiscal years, such sums as may be necessary to cover the cost of traineeships for the training of professional nurses to teach in the various fields of nurse training (including practical nurse training), to serve in administrative or supervisory capacities, or to serve in other professional nursing specialties determined by the Secretary to require advanced training."

(2) Subsections (b) and (c) of such section are amended by striking out "Surgeon General" and inserting in lieu thereof "Secretary" wherever it appears therein.

FEDERALLY INSURED LOANS TO HEALTH PROFESSIONS STUDENTS

Sec. 10. (a) Subsection (b) of section 423 of the Higher Education Act of 1965 (limiting the issuance of Federal loan insurance certificates in States where the Commissioner of Education determines that all eligible educational institutions have access to non-Federal loan insurance programs) is amended by striking out the period at the end of such subsection and inserting "or" in lieu thereof, and by adding thereafter the following:

"(3) for insurance of a loan made to a health professions student, without regard to any determination made pursuant to subsection (a)."

(b) (1) Section 435 of such Act is amended by adding at the end thereof the following new subsection:

"(i) The term 'health professions student' means a student pursuing a full-time course of study, at an institution of higher education, leading to a degree of doctor of medicine, doctor of dentistry or an equivalent degree, doctor of osteopathy, bachelor of science in pharmacy or an equivalent degree, doctor of podiatry, doctor of optometry or an equivalent degree, doctor of veterinary medicine or an equivalent degree, or a degree or diploma in nursing or an equivalent degree."

(2) (A) Such section is further amended by inserting at the end of subsection (b) thereof the following: "The term 'institution of higher education' means, also, a public or nonprofit private school of medicine, osteopathy, dentistry, pharmacy, podiatry, optometery, veterinary medicine or nursing which is located in a State and is accredited as provided in section 701(a)(3)(A), section 774(b)(2), or section 843(f) of the Public Health Service Act, or subsection (f) of this section.

(B) Subsection (b) is further amended in the second sentence thereof by striking out "any public or other nonprofit collegiate or associate degree school of nursing and".

(3) (A) Subsection (d) of section 435 is amended to read as follows:

"(d) The term 'school of nursing' means a collegiate, associate degree, or diploma school of nursing."

(B) Subsection (e) of section 435 is amended to read as follows:

"(e) (1) The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing, and including advanced training related to such program of education provided by such school, but only if such program, or such unit, college, or university is accredited.

"(2) The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively a two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree, but only if such program, or such unit, college, or university is accredited.

"(3) The term 'diploma school of nursing' means a school affiliated with a hospital or university, or an independent school, which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to a diploma or to equivalent indicia that such program has been satisfactorily completed, but only if such program, or such affiliated school or such hospital or university or such independent school is accredited."

INCREASE IN MAXIMUM AMOUNTS OF INDIVIDUAL INSURED LOANS TO HEALTH PROFESSIONS STUDENTS

Sec. 11. (a) Subsection (a) of section 425 of the Higher Education Act of 1965 (limiting the size of individual federally insured loans) is amended by inserting "(other than a health professions student)" after "student" where it appears in the first and second sentences of such subsection; by inserting "(1)" after "(a)"; and by adding at the end thereof the following new paragraph:

"(2) The total of the loans made to a health professions student in any academic year or its equivalent (as determined under regulations of the Commissioner) which may be covered by Federal loan insurance under this part may not exceed $5,000 (or, in the case of a nursing student $2,500). Amounts so covered shall be included in computing the aggregate insured unpaid principal amount of insured loans to a student for purposes of the preceding paragraph, but the limitation upon such aggregate imposed by that paragraph shall not apply to a health professions student."

(b) Clause (A) of section 428(b)(1) of such Act is amended (1) by inserting after "loans to any individual student" the following: "(other than a health professions student), and not less than $1,000 nor more than $5,000 in loans to any individual health professions student (except that such loan may not exceed $2,500 to any nursing student),"; (2) by inserting after "insured loans made to any student" the following: "(other than a health professions student)"; and (3) by inserting before the semicolon at the end thereof the following: ", in the computation of which there shall be included any amount loaned to such student while he was a health professions student".

EXTENSION OF REPAYMENT PERIOD FOR HEALTH PROFESSIONS STUDENTS

Sec. 12. (a) Clause (B) of section 427(a)(2) of the Higher Education Act of 1965 is amended (1) by inserting after "nor more than ten years" the following: "(or, in the case of a health professions student, nor more than twenty years)"; and (2) by inserting after "the period of the loan may not exceed fifteen years" the following: "(or, in the case of a health professions student, may not exceed twenty-five years)".

(b) (1) Clause (B) of section 428(b)(1) is amended by inserting after "at least six academic years of study" the following: "(and at least four additional academic years of study by any such student as a health professions student)".

(2) Clause (D) of such section is amended by inserting after "nor more than ten years" the following: "(or, in the case of a health professions student, nor more than twenty years)".

DEFERRAL OF REPAYMENT DURING PERIODS OF ADVANCED HEALTH TRAINING

Sec. 13. (a) Clause (C) of section 427(a)(2) is amended by striking out "or" before "(iv)", and by inserting after "1964," the following: "or (v) not in excess of five years, with respect to loans made to health professions students, of advanced professional training in health, including internships and residence,".

(b) Paragraph (1) of section 428(b) is amended (1) by striking out "and" at the end of clause (J) thereof, (2) by striking out the period at the end of clause (K) and inserting "; and" in lieu thereof, and (3) by adding at the end of such paragraph the following new clause:

"(L) provides, with respect to loans to health professions students, that periodic installments of principal need not be paid, but interest shall accrue and be paid, during any period, not in excess of five years, of advanced professional training in health, including internships and residences."

(c) Paragraph (A) of section 428(a)(2) is amended by inserting "(b)(1)(L) or subsection" after "described in subsection".

FEDERAL ASSUMPTION OF REPAYMENT OBLIGATION OF STUDENTS OF DESIGNATED HEALTH PROFESSIONS WHO PROVIDE PRIMARY CARE OR OTHERWISE PRACTICE IN MEDICALLY UNDERSERVED AREAS

Sec. 14. (a) part B of title IV of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"REPAYMENT BY COMMISSIONER OF LOANS TO STUDENTS OF DESIGNATED HEALTH PROFESSIONS WHO PROVIDE PRIMARY CARE OR OTHERWISE PRACTICE IN MEDICALLY UNDERSERVED AREAS

"Sec. 438. (a) If any person who, after June 30, 1971, received a loan or loans as a health professions student insured under this part (1) engages in the practice of general, family, internal, or pediatric medicine, or nursing or, if the Secretary by regulation shall so provide, in the practice of any other aspect of medicine, osteopathy, or dentistry or in the practice of pharmacy, podiatry, optometry, or veterinary medicine, and (2) does so in an area designated by the Secretary as a medically underserved area, then $5,000 (or 25 per centum in the case of a nurse) of the total of such loan or loans to any such person, plus accrued interest thereon, which is unpaid as of the date that such practice begins shall be paid thereafter by the Commissioner for each completed year of such practice. The Secretary shall make the designations of areas under the preceding sentence only after providing an opportunity for comment thereon to (A) the appropriate State comprehensive health planning agency or agencies (designated by the State or States as required by section 314(a)(2)(A) of the Public Health Service

Act), and (B) the local area health planning agency responsible for the plan or plans referred to in section 314(b) of such Act for the area involved or, if there is no such agency, such other public or nonprofit private agency or organization (if any) as performs, as determined in accordance with criteria of the Secretary, similar functions.

"(b) The Commissioner shall, on or before the due date thereof, pay any loan or loan installment which may fall due within any year for which the borrower, at the completion thereof, would be eligible to have such loan or installment paid as provided in this section, upon the declaration of such borrower, at such times and in such manner as the Commissioner may prescribe (and supported by such other evidence as the Commissioner may reasonably require), that the borrower is then engaged as described by subsection (a), and that he will continue to be so engaged for the period required (in the absence of this subsection) to entitle him to have made the payments provided by this section for such year. A borrower who fails to become eligible to have made the payments provided by subsection (a) for such year shall be liable to reimburse the Commissioner for any payments made pursuant to this subsection."

(b) Clause (2) of section 421(b) is amended by inserting "and section 438" after "section 437".

(c)(1) Clause (E) of section 427(a)(2) of such Act is amended (A) by striking out "portion of the interest on the note which is payable by the Commissioner" and inserting in lieu thereof "portion of the principal or interest on the note which is payable by the Commissioner"; and (B) by inserting before the comma at the end of the clause "or section 438".

(2) Clause (B) of section 428(b)(2) is amended by striking out "for the purpose of section 437" and inserting in lieu thereof "for the purpose of section 437 or section 438".

FEDERAL ASSUMPTION OF REPAYMENT OBLIGATION OF HEALTH PROFESSIONS STUDENTS IN EXCEPTIONAL NEED WHO ARE UNABLE TO COMPLETE THEIR STUDIES

SEC. 15. (a) Part B of title IV of the Higher Education Act of 1965, as amended by the foregoing provisions of this Act, is further amended by adding at the end thereof the following new section:

"REPAYMENT BY COMMISSIONER OF LOANS TO HEALTH PROFESSIONS STUDENTS IN EXCEPTIONAL NEED WHO ARE UNABLE TO COMPLETE THEIR STUDIES

"SEC. 439. Upon application by a person who received, and is under an obligation to repay, any loan insured under this part, which loan was made to such person as a health professions student to enable him to study medicine, osteopathy, dentistry, or nursing, the Commissioner shall undertake to repay (without liability to the applicant) all or any part of such loan, and any interest or portion thereof outstanding thereon, upon his determination, pursuant to regulations of the Secretary establishing criteria therefor, that the applicant—

"(1) failed to complete such studies leading to his first professional degree;

"(2) is in exceptionally needy circumstances;

"(3) is from a low-income or disadvantaged family as those terms may be defined by such regulations; and

"(4) has not resumed, or cannot reasonably be expected to resume, the study of medicine, osteopathy, dentistry, or nursing, within two years following the date upon which he terminated such studies."

(b) Clause (2) of section 421(b), as amended by the foregoing provisions of this Act, is further amended by striking out "and section 438" as that phrase appears in such clause (as so amended) and inserting in lieu thereof ", section 438, and section 439".

(c) Clause (E) of section 427(a)(2) and clause (B) of section 428(b)(2), as amended by the foregoing provisions of this Act, are further amended by striking out "or section 438" as that phrase appears in each such clause (as so amended) and inserting in lieu thereof ", section 438, or section 439".

HEALTH PROFESSIONS AND NURSING SCHOLARSHIP AMENDMENTS

Discretionary scholarship grants to schools of optometry, podiatry, pharmacy, and veterinary medicine in lieu of present entitlement

SEC. 16. (a)(1) Subsection (a) of section 780 of the Public Health Service Act is amended to read as follows:

"(a) The Secretary shall make grants as provided in this part to each public or other nonprofit school of medicine, osteopathy, and dentistry which is accredited as provided in section 701(a)(3)(A) or section 774(b)(2), for scholarships to be awarded annually by such school to students thereof. The Secretary may also make grants provided in this part to any public or other nonprofit school of optometry, podiatry, pharmacy, or veterinary medicine, so accredited, for such scholarships, upon his determination that such grant will help fill a national need for practitioners of optometry, podiatry, pharmacy, or veterinary medicine."

(2) Subsection (d) of such section is amended by adding at the end thereof the following: "Such regulations shall prescribe the priorities to be followed in making grants authorized by subsection (a) to schools of optometry, podiatry, pharmacy, and veterinary medicine; and may include provisions for the apportionment of scholarships from such grant, including the limitation of scholarships to one or more classes (by year) of the grantee."

Amount of Health Professions Scholarship Grant and Scholarship Award

(b)(1) Subsection (b) of such section is amended by striking out "The amount of the grant under subsection (a) to each such school shall be equal to $2,000" and inserting in lieu thereof: "The amount of the grant under the first sentence of subsection (a) to each such school shall be equal to, and the amount of the grant under the second sentence of subsection (a) to each such school shall not exceed, $3,000".

(2) Subsection (c)(2) of such section is amended by striking out "$2,500" and inserting "$3,000" in lieu thereof.

Scholarship grant determined by number of disadvantaged students enrolled at eligible institutions; eligibility of disadvantaged students for scholarship award; extension of program

(c)(1) Subsection (b) of such section is further amended by striking out "and" before "(4)" and by inserting before the period at the end of the first sentence thereof the following: "; and (5) for the fiscal year ending June 30, 1972, and each of the next two fiscal years, by the number of full-time students of such school who are from low-income or disadvantaged families as determined under regulations of the Secretary".

(2) Subsection (b) is amended by adding after the second sentence thereof the following: "For the fiscal year ending June 30, 1975, and for each of the two succeeding fiscal years, the grant under subsection (a) shall be such amount as may be necessary to enable such school to continue making payments under scholarship awards to students who initially received such awards out of grants made to the school for fiscal years ending after June 30, 1971, but prior to July 1, 1974."

(3)(A) Clause (D) of subsection (c)(1) of such section is amended by striking out "next two fiscal years" and inserting "next five fiscal years" in lieu thereof.

(B) Clause (E) of subsection (c)(1) is amended by striking out "July 1, 1971" and "June 30, 1972" and respectively inserting in lieu thereof "July 1, 1974" and "June 30, 1975".

(4) The first sentence of subsection (c)(2) of such section is amended to read as follows: "Scholarships from grants under subsection (a) for any school year shall be awarded only to students of exceptional financial need who are from low-income or disadvantaged families as determined under regulations of the Secretary, and who need such financial assistance to pursue a course of study at the school for such year, except that scholarships from such grants may be awarded to any student of exceptional need to enable him to pursue such course of study if he has received such a scholarship for a school year ending prior to July 1, 1971."

Repeal of Transfer to Student Loan Funds

(d) Section 781 is repealed.

Extension of Nursing Scholarship Program

(e)(1) Subsection (b) of section 860 is amended in the first sentence by striking out "the next fiscal year" and inserting in lieu thereof "the next four fiscal years".

(2) The second sentence of such subsection is amended by striking out "1972" and "1971" and inserting, respectively, '1975" and "1974" in lieu thereof.

(3)(A) Clause (A) of subsection (c)(1) is amended by striking out "the next fiscal year" and inserting in lieu thereof "the next four fiscal years".

(B) Clause (B) of such subsection is amended by striking out "1971" and "1972" and inserting, respectively, "1974" and "1975" in lieu thereof.

ADVANCE FUNDING OF PROGRAMS

SEC. 17. There is added after section 869 of the Public Health Service Act the following new section:

"ADVANCE OBLIGATIONAL AUTHORITY

"SEC. 870. To the end of affording adequate notice of available Federal financial assistance under title VII and this title, the Secretary may award, after January 1 of any fiscal year, grants, loans, or other payments under title VII, section 306 or 309, or this title for the first quarter of the next fiscal year, in amounts that shall not exceed amounts awarded for the fiscal year in which such award is made. Amounts so awarded shall be charged to the appropriation for that purpose for the fiscal year for which made.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 18. (a)(1) Section 390 of the Public Health Service Act (42 U.S.C. 280b) is amended by striking out clause (1) of subsection (b) thereof; by redesignating clauses (2), (3), (4), (5), (6) and (7) as clauses (1), (2), (3), (4), (5), and (6), respectively; and by striking out "facilities" in the clause herein redesignated as clause (5) and inserting in lieu thereof "resources and services".

(2) Section 391 of such Act (42 U.S.C. 280b–1) is amended by inserting ", which shall, in addition to its functions prescribed under section 373, serve as the National Medical Libraries Assistance Advisory Board" after "Act" in clause (2) thereof; and by striking out clause (3) thereof and redesignating clause (4) as clause (3).

(3) Title III of such Act is further amended by striking out sections 392 and 393 and redesignating sections 394, 395, 396, 397, 398, 399, and 399a as sections 392, 393, 394, 395, 396, 397, and 398, respectively.

(4) Subsection (a) of the section of such Act herein redesignated as section 392 (42 U.S.C. 280b–4) is amended by striking out "390(b)(2)" in subsection (a) and inserting in lieu thereof "390(b)(1)".

(5) The section of such Act herein redesignated as section 393 (42 U.S.C. 280b–5) is amended by striking out "390(b) (3)" and inserting in lieu thereof "390(b) (2)" in subsection (a) and by striking out "390(b) (4)" and inserting in lieu thereof "390(b) (3)" in subsection (a).

(6) Subsection (a) of the section of such Act herein redesignated as section 394 (42 U.S.C. 280b–6) is amended by striking out "390(b) (5)" and inserting in lieu thereof "390(b) (4)".

(7) The section of such Act herein redesignated as section 395 (42 U.S.C. 280b–7) is amended by striking out "390(b) (6)" and inserting in lieu thereof "390(b) (5)" in subsection (a); by striking out clause (5) in subsection (b); by striking out "and" at the end of clause (4) of such subsection and inserting "and" at the end of clause (3); and by striking out subsection (d) and redesignating subsection (e) as subsection (d).

(8) Subsection (a) of the section of such Act herein redesignated as section 396 (42 U.S.C. 280b–8) is amended by striking out "390(b) (7)" and inserting in lieu thereof "390(b) (6)".

(b) (1) The heading of part B of title VII of the Public Health Service Act is amended to read:

"PART B—TRAINING IN THE ALLIED HEALTH PROFESSIONS"

(2) Part G of title VII of such Act is amended by striking out "Part G—Training in the Allied Health Professions"; by striking out section 791 and clause (4) of section 795 and redesignating clause (5) of such section as clause (4); and by redesignating sections 792–799A, and all references thereto, as sections 721–729, respectively.

(c) (1) Subsection (a) of section 740 of such Act (42 U.S.C.) is amended by striking out "721(b) (1) (B)" and inserting in lieu thereof "701(a) (3) (A)".

(2) Subsection (a) of section 744 of such Act (42 U.S.C.) is amended by striking out "721(b) (1) (B)" and inserting in lieu thereof "701(a) (3) (A)".

EFFECTIVE DATE

SEC. 19. (a) The amendments made by sections 2 through 6, and sections 8 and 9 of this Act shall apply with respect to appropriations for fiscal years ending after June 30, 1971.

(b) Sections 10 through 16 of this Act shall become effective on July 1, 1971.

By Mr. MONTOYA (for himself, Mr. MCGOVERN, and Mr. HUMPHREY):

S. 1184. A bill to establish a Department of Science and Technology, and to transfer certain agencies and functions to such Department. Referred to the Committee on Government Operations.

THE DEPARTMENT OF SCIENCE AND TECHNOLOGY ACT OF 1971

Mr. MONTOYA. Mr. President, today I am reintroducing a bill to create a long-needed Department of Science and Technology. The need for such a reorganization of science affairs is becoming more evident daily. The research effort of this great country is rapidly slipping, and the potential benefits this work would bring are being left in the untapped imaginations of the men who are not allowed to follow the trail of scientific inquiry because of the lack of funds for their projects.

My bill would cause an extensive reshuffling of science in the Federal Government. This is without a doubt the most comprehensive bill ever introduced for the purpose of creating a Department of Science and Technology. It would bring under one cover virtually all of the research, development, evaluation, and testing conducted by the Federal Government's own agencies.

The National Science Foundation, Atomic Energy Commission, and the National Aeronautics and Space Administration are transferred in whole to the new department, along with "functions of all departments and agencies of Government as the President determines relate primarily to research, development, testing, or evaluation—section 8(a). The Director of the Office of Management and Budget will assist the President in the determination of the various personnel and property to be transferred. This determination will be aided by the fact that the Office of Management and Budget, in conjunction with the Office of Science and Technology, has developed detailed knowledge of the operations of the Federal Government that fall into this research, development, test, and evaluation categories. This has been a necessary part of the presentation of a research and development budget in the special analyses of the Federal budget presented annually as a companion to the President's budget, and should be a useful guideline in the reorganization provided for in this bill.

The bill also provides for the development of a national science plan. The need for this provision has become obvious. During the early 1960's, science seemed to fare well enough under the complicated, informal, and often obscure relationships that developed among the President's Science Advisory Committee, the Office of Science and Technology, the Federal Council for Science and Technology, and the National Academy of Sciences. The President's Science Adviser served as the liaison between the President and these various organizations and held a crucial role in the development of science in the Federal Government. The weakness of this arrangement has now become painfully apparent to the entire research community at all levels—academic, governmental, and industrial. D. S. Greenberg, a reporter for Science magazine who has been working in Europe, has recently returned to this country and has observed the striking decline of science affairs here. His comments are worth quoting at length:

> The difference under Nixon, of course, is that, despite a few cordial words now and then, there is little to suggest that the President accords scientific activity any special or privileged role in national life, and there is a good deal to suggest that the President, as well as many of his closest advisers, regard the scientific community as having succeeded in making unwarranted claims on national resources and political sympathy.

The best way for science to grow and maintain a stable base is to give it a solid organizational structure in the Federal Government. When the top man for science affairs in the Federal Government is an adviser who can be phased in or out easily, then science can be treated the same way. Science needs a coherent, organized base. It needs its own Cabinet-level department.

Science and technology also need a reordering of priorities. Under the Department I am proposing, the needs for new weapon systems in the Department of Defense would be measured against the needs for medical research, housing research, and all other scientific activities. All research financed by the Federal Government would come through this Department of Science and Technology, and could be allocated in a much more rational fashion than is done under the present chaotic organization. This is particularly important to accomplish during a period of contraction in the scientific community. If some central organization does not examine the priorities for scientific research, we may do irreparable damage to science in this country. In fact, that is just what is happening today. Budgets are being reduced, and the cuts often come from projects that do not have the protection a Department of Science and Technology could give them. Those projects with strong organizations to defend them often suffer less, even if they are not as justifiable. This is simply not the way this country should determine something as vital as the future of its scientific and technological well-being.

The impact of the present erratic pattern of science funding is particularly apparent in my home State of New Mexico. New Mexico has a large scientific community. The ratio of scientists and engineers to total population is the highest of any State in the Union. The economy of New Mexico is therefore geared primarily to science and technology, and any cutback directly affects the well-being of New Mexico's economy. New Mexico was chosen during and shortly after World War II as the site to locate many of the Nation's top research and development programs. The reason for selecting New Mexico was the isolation of the area, the availability of Government-owned land, and an excellent climate and geography conducive to scientific creativity. Many millions of dollars were invested by the Federal Government in constructing permanent facilities at Los Alamos, Sandia Base, Kirtland, Las Cruces—Apollo—White Sands, and Holloman. In reality, the total value of the Government investment would go into billions of dollars.

Science Columnist John Walsh said recently:

> The administration shows an inclination . . . to restrain expansion of research, and particularly, of manpower training.

Under such conditions, is it not imperative that the Nation organize its scientific effort into a coherent science plan? And should not this plan be implemented by a central organization that can pull the Federal scientific effort together, reallocate the use of existing facilities, and revitalize federally connected research centers now operating at a fraction of their capacity?

The department created by this bill would control a budget of approximately $16 billion. It would have between 600 to 700 laboratories under its direct control.

This reorganization creates a department along functional lines, and therefore is not in conflict with the President's own major reorganization proposals, for they, too, recommend a realinement based on definition by function.

America's export trade has relied heavily on "technologically intensive" products. EMILIO Q. DADDARIO, for years chairman of the House Subcommittee on Science, Research, and Development, has recently emphasized this argument in the October 1970 issue of Astronautics and Aeronautics magazine. He points out that our balance of payments will eventually suffer unless we make a better allocation of our science dollar.

I close my remarks with a request that a copy of the bill be printed in the RECORD immediately following my remarks followed by a number of attachments: First, an article by Herbert Roback detailing the history of the effort to create a Department of Science and Technology; second, a chart of some of the major funds and personnel transferred by S. 1184; third, a directory of Federal R. & D. installations; and fourth, a brief statement relating S. 1184 to my own State of New Mexico.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1184

A bill to establish a Department of Science and Technology, and to transfer certain agencies and functions to such Department

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Department of Science and Technology Act of 1971".

STATEMENT OF PURPOSE

SEC. 2. The purpose of this Act is to establish a Department of Science and Technology which will consolidate under centralized civilian authority all the existing resources of the Federal Government devoted to science and technology. This will permit the optimization of the Federal investment and the orderly and fully coordinated pursuit of a national science plan responsive to the needs of the Nation. Such Department will give the Federal Government the needed flexibility to meet the future needs for science and technology and encourage the diversification of American industry to provide the required services and products necessary to execute the national science plan. The resulting diversification of American industry will assure the orderly progression of science and technology and will promote the rapid growth of new services, products, and markets directly into the national economy.

ESTABLISHMENT OF DEPARTMENT

SEC. 3. There is hereby established an executive department of the Government to be known as the United States Department of Science and Technology (hereinafter referred to as the "Department"), at the head of which shall be a Secretary of Science and Technology (hereinafter referred to as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate provided by law for heads of executive departments.

UNDER SECRETARY AND ASSISTANT SECRETARIES

SEC. 4. There shall be in the Department an Under Secretary of Science and Technology, such Assistant Secretaries as shall be determined by the President to be necessary, and a General Counsel, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, shall perform such functions and duties as the Secretary may prescribe, and shall receive compensation at the rate provided by law for under secretaries (other than the Under Secretary of the Department of State), assistant secretaries, and general counsels, respectively, of the executive departments. The Under Secretary (or, during the absence or disability of the Under Secretary, or in the event of a vacancy in the Office of the Under Secretary, an Assistant Secretary determined according to such order as the Secretary shall prescribe) shall act as Secretary during the absence or disability of the Secretary or in the event of a vacancy in the Office of Secretary.

PROVISIONS OF LAW APPLICABLE TO THE DEPARTMENT

SEC. 5. Except to the extent inconsistent with this Act, all provisions of law applicable to the executive departments generally shall apply to the Department.

SEAL

SEC. 6. The Secretary shall cause a seal of office to be made for the Department, of such design as the President shall approve, and judicial notice shall be taken thereof.

DELEGATION OF AUTHORITY

SEC. 7. The Secretary may, without being relieved of his responsibility therefor, and unless prohibited by some specific provision of law, perform any function vested in him through or with the aid of such officials or organizational entities of the Department as he may designate.

GENERAL TRANSFERS TO DEPARTMENT

SEC. 8. (a) Except with respect to specific transfers pursuant to following sections of this Act there are transferred to the Secretary such functions of all departments and agencies of the Government as the President determines relate primarily to research, development, testing, or evaluation.

(b) All personnel, property, records, obligations, commitments, and unexpended balances of appropriations, allocations, and other funds, which the Director of the Office of Management and Budget determines are used primarily in relation to any function transferred under the provisions of this section, are transferred to the Department.

NATIONAL SCIENCE FOUNDATION

SEC. 9. The National Science Foundation, together with its personnel, property, records, obligations, commitments, and the unexpended balances of its appropriations, is transferred to the Department where it shall exercise its functions subject to the supervision and direction of the Secretary.

ATOMIC ENERGY COMMISSION

SEC. 10. The Atomic Energy Commission, together with its personnel, property, records, obligations, commitments, and the unexpended balances of its appropriations, is transferred to the Department where it shall exercise its functions subject to the supervision and direction of the Secretary and shall be known as the Atomic Energy Administration of the Department of Science and Technology.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 11. The National Aeronautics and Space Administration, together with its personnel, property, records, obligations, commitments, and the unexpended balances of its appropriations, is transferred to the Department where it shall exercise its functions subject to the supervision of the Secretary.

NATIONAL BUREAU OF STANDARDS

SEC. 12. The National Bureau of Standards in the Department of Commerce, together with such personnel, property, records, obligations, commitments, and unexpended balances of appropriations, allocations, and other funds as are determined by the Director of the Office of Management and Budget to be used primarily with respect to functions being administered through such Bureau, is transferred to the Department, and all functions of the Secretary of Commerce being administered through such Bureau are transferred to the Secretary.

TRANSFERS FROM DEPARTMENT OF DEFENSE

SEC. 13. (a) To the extent not transferred pursuant to section 8 there are transferred to the Secretary such functions of the Secretary of Defense and the Secretaries of the military departments of the Department of Defense as the President determines relate primarily to the design, development, testing, evaluation, procurement, and research with respect to, weapons systems.

(b) All civilian personnel, property, records, obligations, commitments, and unexpended balances of appropriations, allocations, and other funds which the Director of the Office of Management and Budget determines are used primarily in relation to any function transferred under the provisions of this section, are transferred to the Department.

TRANSFERS FROM SMITHSONIAN INSTITUTION

SEC. 14. (a) The following functions of the Smithsonian Institution are transferred to the Secretary:

(1) all functions being administered through the Smithsonian Astrophysical Observatory;

(2) all functions being administered through the Radiation Biology Laboratory;

(3) all functions being administered through the Smithsonian Tropical Research Institute;

(4) all functions with respect to the exchange of scientific publications being administered through the Science Information Exchange; and

(5) any other functions of such Institution which are determined by the Director of the Office of Management and Budget to relate primarily to scientific research not related to museum or zoological purposes.

(b) All personnel, property, records, obligations, commitments, and unexpended balances of appropriations, allocations, and other funds, which the Director of the Office of Management and Budget determines are used primarily in relation to any function transferred under the provisions of this section, are transferred to the Department.

(c) Nothing in this section shall be deemed to authorize any transfer which in the opinion of the Attorney General cannot be made because of the provisions of a private bequest or other grant to such Institution.

TRANSFERS FROM DEPARTMENT OF STATE

SEC. 15. (a) There are transferred to the Secretary all functions of the Secretary of State with respect to the scientific attaché program being carried out by the Department of State.

(b) All personnel, property, records, obligations, commitments, and unexpended balances of appropriations, allocations, and other funds, which the Director of the Office of Management and Budget determines are used primarily in relation to any function transferred under the provisions of this section, are transferred to the Department.

NATIONAL SCIENCE PLAN

SEC. 16. The Secretary shall, after consultation with the heads of the appropriate departments and agencies of the Government, develop a national science plan providing for the efficient execution of all activities of the Government relating to research, development, testing, and evaluation. The Secretary shall report such plan, together with his recommendations for such legislation as may be necessary to carry out such plan, to the President and the Congress as soon as practicable.

RECOMMENDATIONS WITH RESPECT TO FURTHER TRANSFERS TO THE DEPARTMENT

SEC. 17. For the purpose of promoting scientific and technical progress and efficiency in Government the Secretary shall establish and maintain a continuing investigation and study for the purpose of making recommendations to the President and the Congress with respect to transfers to the Department of functions or agencies of the Government in addition to those transferred pursuant to this Act.

COSTING AND PROCUREMENT

SEC. 18. (a) The Secretary shall establish a costing and procurement activity for the Department with the overall responsibility for cost estimating of new tasks, cost accounting on work in progress (both in-house and industry contractor), department budget estimates, procurement of all prototype and production research and development hardware, selecting most advantageous methods of procurement of research, development, and testing for the Department in consideration of price, quality, timeliness, and other factors. A close interface with the costing and procurement activity of the Department shall be maintained with the Comptroller General. The Secretary shall establish in consonance with the Comptroller General the best procedures for cost analysis and procurement. The Secretary shall request the Comptroller General to (1) regularly review the costing and procurement procedures and programs of the Department and advise him as to the fiscal responsibility of the execution of the national science and technology program and (2) provide audit and investigation recommendations prior to the entering of contracts by the Department. The Comptroller General is authorized to provide such services to the Secretary.

(b) The provisions of this section are in addition to and not in replacement of other provisions of law relating to Department procedures.

CONGRESSIONAL LIAISON

SEC. 19. The Secretary shall establish a departmental office, staffed with qualified scientific personnel, to provide the Congress with the necessary scientific expertise and program information as may be requested by congressional members and committees.

TRANSFER MATTERS

SEC. 20. All laws relating to any agency or function transferred under this Act shall, insofar as such laws are not inapplicable, remain in full force and effect. Any transfer of personnel pursuant to this Act shall be without change in classification or compensation, except that this requirement shall not operate to prevent the adjustment of classification or compensation to conform to the duties to which such transferred personnel may be assigned. All orders, rules, regulations, permits, or other privileges made, issued, or granted by any agency or in connection with any functions transferred by this Act, and in effect at the time of the transfer, shall continue in effect to the same extent as if such transfer had not occurred, until modified, superseded, or repealed. No suit, action, or other proceeding lawfully commenced by or against any agency or any officer of the United States acting in his official capacity shall abate by reason of any transfer made pursuant to this Act, but the court, on motion or supplemental petition filed at any time within twelve months after such transfer takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved may allow the same to be maintained by or against the appropriate agency or officer of the United States.

ADVISORY COMMITTEES

SEC. 21. The Secretary may establish such advisory committees as he may determine to be desirable and in furtherance of the purposes of this Act. Members of each such advisory committee who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the advisory committee or otherwise engaged in the business of the advisory committee, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the rate specified for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the advisory committee away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

EXPENDITURES AUTHORIZED

SEC. 22. The Secretary is authorized to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, for lawbooks, books of reference and periodicals, and for printing and binding) as may be necessary to carry out the provisions of this Act, and as may be provided for by the Congress from time to time.

REPORTS TO CONGRESS

SEC. 23. The Secretary shall make at the close of each fiscal year a report in writing to Congress giving an account of all moneys received and disbursed by him and the Department, describing the work done by the Department, and making such recommendations as he shall deem necessary for the effective performance of the duties and purposes of the Department.

AMENDMENT TO TITLE 5, UNITED STATES CODE

SEC. 24. Section 101 of title 5 of the United States Code is amended by inserting at the end thereof the following:

"The Department of Science and Technology."

APPROPRIATIONS AUTHORIZED

SEC. 25. There are authorized to be appropriated such sums as may be necessary to enable the Department to carry out the provisions of this Act and to perform any other duties which may be imposed upon it by law.

EFFECTIVE DATE

SEC. 26. The provisions of this Act shall be effective on its date of enactment, except that sections 8 through 15 shall be effective after ninety days following such date.

PROPOSED DEPARTMENT OF SCIENCE AND TECHNOLOGY

Departmental status for science in government is not a novel idea. It was broached 85 years ago by a committee of the National Academy of Sciences reporting on the organization of government science bureaus. The committee was appointed in 1884 at the behest of a member of the National Academy, Theodore Lyman, who was also by unique coincidence a member of Congress. The scientist-congressman, whose National Academy standing was gained by his researches on the Ophiurida, was instrumental in placing a rider on a sundry civil appropriation bill which set up a joint congressional committee (called a commission) to study the organization of the government science agencies (1). This was a compromise measure. Lyman told his House colleagues in urging its acceptance, his main concern being to save the Coast and Geodetic Survey from takeover by the Navy (2). Apparent duplication between the Coast Survey and the Navy's Hydrographic Office in charting coastal waters had led the Navy to espouse merger, a proposal which had considerable appeal in the 48th Congress. The legislative rider directed an investigation of the activities and interrelationships of the Coast and Geodetic Survey, the Hydrographic Office of the Navy, the Geological Survey, and the Signal (Weather) Service. The National Academy committee, enlisted by Lyman, gave technical support to the congressional commission.

Men of science were leery then, as they are now, of military dominance in scientific enterprises. Many of them argued that science agencies should be taken from, rather than placed in, the military departments. For example, they wanted the Naval Observatory to be a national observatory, and the weather service to be removed from the Army Signal Corps. At the same time, they recognized that better coordination of the government's scientific work was needed, and various proposals were made toward that end. The aforementioned report of the National Academy committee crystallized the issues. This group was convinced that the science agencies should be pulled together "under one central authority," but the particular form of organization they left to the future and to Congress. Then the committee ventured this cautious but significant observation (3):

> The best form would be, perhaps, the establishment of a Department of Science, the head of which should be an administrator familiar with scientific affairs, but not necessarily an investigator in any specific branch. Your committee states only the general sentiment and wish of men of science, when it says that its members believe the time is near when the country will demand the institution of a branch of the executive Government devoted especially to the direction and control of all the purely scientific work of the Government.

The NAS committee went on to say that, if public opinion was not yet ready to accept a Department of Science, the next best step would be to move the several scientific bureaus into one of the existing departments. Even then coordination would not be automatically insured, in the committee's view, and so they recommended the "organization of a permanent commission to prescribe the general policy for each of these bureaus." The commission would "examine, improve, and approve" plans of work and expenditures and recommend efficiency measures but abstain from administrative involvement. This would be a nine-member commission composed of scientists drawn from government and private life (4).

END OF AN IDEA

The congressional commission, reporting in 1886, gave short shrift to the suggestions both for a Department of Science and a supervisory commission. A new department was held not justified by the degree of duplication in existing scientific agencies; a coordinating policy group was deemed impracticable because department heads could not very well relinquish to subordinates and outsiders their responsibilities for general direction and control (5). With this dismissal by an agency of the Congress, the Department of Science idea died aborning, though it was actively debated at the time in scientific circles (6). In the ensuing decades not much was heard about it. Proposals for government departments were made in the fields of health, education, labor, industry, commerce, and agriculture, separately or in various combinations, and three cabinet departments (Agriculture, Commerce, Labor) were established between 1885 and 1945. Not until 1946 was the Department of Science idea revived, at least in the legislative halls. Clare Booth Luce, then a Representative from Connecticut, introduced a bill (H.R. 5332, 79th Congress) to create a Department of Science and Research, stressing the need for national self-preservation in the atomic age and the importance of attracting young people to science careers. Mrs. Luce said: "Only the prestige which attaches to a regular member of the cabinet will render the findings of any scientific body of sufficient weight to command the constant attention of the highest officials of the Government in the consideration and formulation of policy" (7). The bill was pigeon-holed by a House committee.

Vannevar Bush was working for the establishment of an independent agency, which he called the National Research Foundation, to sponsor research of military as well as civilian interest (8). He proposed that it be governed by a director and part-time board of nongovernment scientists. A separate group of nongovernment scientists, which he called a Science Advisory Board, would coordinate the work of government science agencies. These proposals, outlined in Bush's 1945 report to President Truman, "Science—the Endless Frontier," were modified in legislative measures to become a National Science Foundation. The bill which the Congress passed was vetoed in July 1947 by President Truman, who objected to control of government science policy by an outside board (9). The criticisms were reminiscent, in some respects, of those heard in 1884–5 to the National Academy committee's proposal for a science policy commission which would include outside as well as government scientists.

The Bush report was followed in 1947 by the Steelman report, "Science and Public Policy," which went over much of the same ground but with closer orientation to the routines of governmental administration. The Steelman report called for a National Science Foundation to be organized "on sound lines" and suggested that the agency be located in the Executive Office of the President until other federal programs in support of higher education were established, after which time consideration could be given to grouping all such activities, including the National Science Foundation, in a single agency. The Steelman report also favored a part-time governing board for the NSF, but government as well as outside scientists were to be included. It also recommended the creation of an interdepartmental committee on scientific research and development, a special unit in the Bureau of the Budget to review government science programs, and a member of the White House staff to be designated by the President for purposes of scientific liaison (10). The Steelman report eschewed any radical departure from the existing framework, presumably meaning that a Department of Science was not in the cards. Three years elapsed, however, before the differences in the several approaches to a National Science Foundation were compromised and a bill finally enacted into law (11).

LEGISLATIVE RENEWAL

Sputnik generated a new debate on departmental status for science in the Congress led by Senator Hubert H. Humphrey. On 27 January 1958 a broad-based bill, S. 3126, was jointly introduced by Senators Humphrey, McClellan, and Yarborough to create a Department of Science and Technology which would coordinate and improve federal functions relating to the gathering, retrieval, and dissemination of scientific information; provide educational loans to students in certain science fields; establish national institutes of scientific research; and establish cooperative programs abroad for collecting, translating, and distributing scientific and technological information. A day later Senator Kefauver introduced S. 3180 to create a Department of Science. Both bills were referred to the Committee on Government Operations.

Jurisdictional questions were raised, presumably because the bills went beyond organizational matters into policy, and at the request of Senator Lyndon B. Johnson, they were referred anew to his Senate Special Committee on Space and Astronautics, which had been created to consider the government's response to the Russian triumph in space. Without these bills, the Committee on Government Operations was unable to hold hearings in the 85th Congress on the proposal to establish a Department of Science and Technology, which was incorporated in Title I of the bill, but it directed its committee staff to maintain a continuing study of that area. The Humphrey subcommittee did manage, after an agreement reached with Senator Johnson, to hold some hearings in May–June 1958 on a limited aspect of Title I, the proposal for a scientific information center (*12*).

To narrow the jurisdictional issue and regain control of the organizational aspect, the sponsors of the Humphrey bill, now reinforced by Senators Ervin, Gruening, and Muskie, split off Title I and introduced it, with certain revisions, as S. 676 in the 86th Congress. It proposed a transfer to the new department of the National Science Foundation, Atomic Energy Commission, National Aeronautics and Space Administration, National Bureau of Standards, and certain activities of the Smithsonian Institution. By then the impetus for a new department was considerably diminished by NASA's presence. The thrust of science organization was less to coordinate and align than to reach out and do, for Sputnik had caused hurt pride and fear in the nation. It was difficult to make a case for legislating a new department to absorb NASA when the ink was hardly dry on the President's signature to the National Aeronautics and Space Act (*13*).

Indeed, the rush of legislative events and the flurry of organization activity in the executive branch during 1958 outpaced the committee's deliberations on the suitable form of a bill. The Congress created along with NASA an Aeronautics and Space Council and a standing committee in each house to monitor space and related activities. The Defense Education Act gave support to science education and facilities. A reorganization act for the Department of Defense established a Directorate for Defense Research and Engineering. The Advanced Research Projects Agency, previously established as the military's own response to Sputnik, was made an adjunct of the new directorate. The President acquired a Special Assistant for Science and Technology and gave White House status to the Science Advisory Committee. The Federal Council for Science and Technology replaced a looser interdepartmental committee of similar function. Science advisers were assigned to both the Secretary of State and the Secretary General of NATO. A NATO science committee signified the outward reach of science for defense, while "Atoms for Peace" and the International Geophysical Year represented a peaceful gesture to a world community of science. "Altogether," as James R. Killian, Jr., said before the AAAS in summing up government science for 1958, "the year brought an impressive array of organizational innovations for the management of government programs in science and technology and for the provision of scientific advice at policy-making levels" (*14*).

EXECUTIVE OPPOSITION

The spokesman for science at the Presidential level made plain their distaste for a Department of Science and Technology. Killian, speaking at the AAAS meeting as the President's Assistant for Science and Technology, took pains to quote from Don K. Price's 1954 study: "In the organization of the Government for the support of science we do not need to put all of science into a single agency; on the contrary, we need to see that it is infused into the program of every department and every bureau" (15). The President's Science Advisory Committee in its new eminence regarded a Federal Council for Science and Technology as the instrument for achieving coordination and cooperation among government science agencies. A single department, in PSAC's collective view, would not be able satisfactorily to administer either the mission-oriented scientific and technical functions of existing departments or the "unique" specialized programs of AEC, NASA, and NSF. This seemed to be the prevailing sentiment among scientists though there were notable exceptions. Lloyd V. Berkner would settle for a department excluding the three aforementioned independent agencies; Wallace R. Brode would combine them with a host of others, including the National Institutes of Health, in a Department of Science and Technology (16).

Perhaps the strongest argument from a practical standpoint against immediate legislative action—that the President had not recommended a new department—was made by Representative John W. McCormack as chairman of the House Select Committee on Astronautics and Space Exploration. He wrote to Senator Humphrey in 1958 (17):

"While I believe there should be a Department of Science, I feel that until whoever is President either recommends the establishment of such a Department or would not object to such a Department being established, it would be unwise to force such a Department upon them. I want you to know that I am strongly in favor of a Department of Science being established and, in my opinion, it is only a matter of time that one will be established."

In March 1959 in a review of the state of science affairs, the Humphrey subcommittee observed morosely (17, p. 19): ". . . there have been certain administrative actions taken which tend to evade the question as to whether a Department of Science and Technology is necessary or desirable, and there are a number of indications from the scientific community that there will be opposition to such a proposal, at least until the need therefor has been more clearly established."

The subcommittee held hearings in April 1959 on S. 676 and S. 586 (Senator Kefauver's bill) to establish a Department of Science. Senator Humphrey, aware of the opposition, hedged a bit. His opening statement said that the proposed Department of Science and Technology was to be considered one possible solution to the problems of centralization and coordination of federal science programs and operations, but not a final conclusion of the committee. The witnesses before the subcommittee were divided. Lewis L. Strauss, as Secretary of Commerce, opposed departmental status for science. Brode as scientific adviser to the State Department and chairman of the AAAS, strongly favored it. Others pressed for a stronger advisory apparatus at the Presidential level or a study to determine the need for a department and what agencies should be included (18). It was easier to agree on a study commission which, to the advocates of a department, appeared better than nothing, to the dubious, a means of seeking more information, and to the opponents, a device for deflecting action on a controversial subject.

At the conclusion of the April 1959 hearings, the staff of the Senate Committee on Government Operations drafted a bill proposing the establishment of a Commission on a Department of Science and Technology. This was introduced in the Senate on 5 May 1959 as S. 1851, under the joint sponsorship of Senators Humphrey, Capehart, Mundt, Gruening, Muskie, Yarborough, and Keating. In a 1-day hearing (28 May) on S. 1851, S. 676, and S. 586, the subcommittee heard no comforting words from the Eisenhower Administration, Alan S. Waterman, whose NSF budget had been increased from $50 million to $136 million after Sputnik, opposed both a Department of Science and Technology and a commission to study the matter. The Bureau of Budget representative, the official spokesman on all matters dealing with reorganization, did likewise, doubting that "the scientific members of the Commission would necessarily be best able to judge the optimum form of Government organization in this field." Leonard Carmichael, secretary of the Smithsonian Institution, endorsed the study commission but suggested that, if it were established, the membership nominations be made by the National Academy of Sciences (19).

Notwithstanding the administration's opposition, Senator Humphrey for the Committee on Government Operations reported S. 1851 favorably on 18 June 1959 (19). A bipartisan commission was needed, the report said, so that "the Congress and the President may have the benefit of the recommendations of qualified experts in the fields of science, engineering, and technology" as the basis for legislation to improve federal science programs and operations. The committee justified a study commission mainly on the ground that the Congress needed more and better information. As a case in point, Killian had politely declined an earlier invitation to appear before the committee because it might conflict with his advisory role in the White House. Science policy coordination or control at that level, in the committee's belief, would not assure an ample flow of scientific and factual data to the Congress. The Department of Science and Technology, or at least a commission to study its feasibility, was the committee's proposed solution. The Senate did not take up the bill. A companion House bill (H.R. 3325) introduced on 22 July 1959 by Representative Brooks of Louisiana, chairman of the Committee on Science and Astronautics, was referred to the Committee on Government Operations but received no action.

THE COST ALTERNATIVE

Early in 1960 Senator Humphrey put the case for a department or a commission before the American Academy of Political and Social Science (20). But those who favored strengthening the Presidential advisory apparatus rather than a new department for science found a champion in another subcommittee of the same Senate committee—that on National Policy Machinery chaired by Senator Henry M. Jackson. The Jackson subcommittee held hearings in April 1960 on the role of science and technology in foreign and national defense policy. A staff report of 14 June 1961 entitled "Science Organization and the President's Office" rejected the Department of Science idea on the by now familiar ground that the diverse scientific activities of the federal government could not be conviently extracted to form a new department. It approved such views expressed before the subcommittee by James Fisk, president of Bell Telephone Laboratories, and then observed (21):

"Eight departments and agencies support major technical programs and all parts of the Government use science in varying degrees to help meet the agency objective. This diffusion of science and technology throughout the Government is not a sign of untidy administrative housekeeping. Rather it reflects the very nature of science itself. Organizationally, science is not a definable jurisdiction. Like economics, it is a tool. It is an instrument for accomplishing things having nothing to do with science."

The staff report emphasized the President's responsibility for science policy direction and accordingly recommended the strengthening of his advisory support by the creation of an Office of Science and Technology. It pointed out that the President could take this step through submission of a reorganization plan rather than through the conventional legislative route. The Kennedy administration was asked to submit to the Congress by January 1962 "its considered findings and recommendations for action." On 29 March Reorganization Plan No. 2 of 1962 creating the OST was submitted, to take effect within 60 days if the Congress did not disapprove (22).

Before the plan was formally sent to the 87th Congress, S. 2771 was introduced on 31 January 1962, jointly sponsored by Senators McClellan, Humphrey, Mundt, Cotton, and Yarborough. S. 2771 was similar to S. 1851 of the 86th Congress, which had been reported favorably by the Senate Committee on Government Operations. The revised bill contained a broad declaration of congressional policy and objectives in science and placed more emphasis on the need for improvement in federal programs for processing the retrieval of scientific information. It also provided that the 12-member commission be strengthened by a scientific advisory panel with prescribed qualifications which included "ability to communicate not only to professional scientists but to laymen." Hearings were held on 10 May and 24 July 1962. Some moral support was provided by Carl F. Stover's report of March 1962 on "The Government of Science" to the Center for the Study of Democratic Institutions. A Department of Science and Technology, the Stover report said, would establish for science a major center of policy studies, higher stature, and a more favorable environment for scientific work. Combining all government science functions made no sense, but a single department for those functions less mission-oriented was "a sound and desirable next step in the evolution of Government action with respect to science" (23).

The committee now had to take judicial notice of the alternative scheme recommended by the Jackson subcommittee and seized upon by the Kennedy Administration as a sufficient response to the demands for improved science organizations. Administration spokesmen pointed to OST as a needed mechanism for coordinating science policies and advising the President, whatever the organization of science functions for the government as a whole. Waterman, who was assessing NSF's truncated policy role in the wake of the OST plan, again opposed a commission, as did Elmer B. Staats, deputy director of the Budget Bureau, where all reorganization plans are put together. Their plea was that OST, being new, should have a chance to work. Furthermore, by the "statutory underpinning" of a reorganization plan, OST would give the Congress the kind of access to scientific information sought by the sponsors of S. 2771. This was the persuasive point for congressional acceptance of the plan (24).

Jerome B. Wiesner, who would serve the Kennedy Administration in the quadruple capacity of OST director, President's science adviser, chairman of the President science adviser, chairman of the President's Science Advisory Committee, and chairman of the Federal Council for Science and Technology, made his first appearance before Congress as OST director when he testified on 31 July 1962 at hearings of the Holifield subcommittee (House Committee on Government Operations). In amplifying his views on science organization, Wiesner gave conditional endorsement to a Department of Science. To "set up a radically new organization" encompassing all the scientific activities of the federal government he considered unworkable. If a "less comprehensive Department of Science were created," including the Atomic Energy Commission, National Science Foundation, National Bureau of Standards, and certain other agencies, he believed the operations of these agencies might be improved. At the same time, the need would remain to coordinate and integrate the activities of these agencies with the related scientific and technical programs of the mission-oriented agencies. "In other words, the OST is neither a substitute for nor in competition with a Federal Department of Science" (25).

The Senate Committee on Government Operations, most daunted by the new presence of OST, reported favorably (with some technical revisions) on S. 2771, proposing a Commission on Science and Technology (26). The bill passed the Senate by unanimous consent on 8 August 1962 (27). In the House it was referred to the Committee on Science and Astronautics on 9 August, and there it died. The exercise was repeated in the 88th Congress. S. 816, sponsored by Senators McClellan, Humphrey, Mundt, Gruening, Javits, Cotton, and Yarborough, was introduced on 18 February 1963. Chairman McClellan, now the leading sponsor, emphasized that Wiesner, in his testimony before the Holifield subcommittee, maintained that OST and a Department of Science and Technology were not in conflict (28). The bill was approved by the Senate Committee on Government Operations and reported to the Senate on 4 March 1963 (29). It passed the Senate by unanimous consent on 8 March (30) and was referred to the House Committee on Science and Astronautics, which also had a companion bill, H.R. 4346, introduced by Representative Teague of Texas (31). No action was taken on these bills in the House Committee.

In place of a mixed commission, the reaction on the House side was to create several new subcommittees on science. Thus in August 1963, the House Committee on Science and Astronautics created a Subcommittee on Science, Research and Development, chaired by Representative Daddario of Connecticut. And the House of Representatives, a month later, created the Select Committee on Government Research, chaired by Representative Elliott of Alabama. The Select Committee took a dim view of departmental status for science, judging by its tenth and concluding report of 29 December 1964, which contained this statement (32):

"The specters of overlap, gaps, conflict, and duplication among agency programs can best be met through adequate top-level coordination of agency programs. Consolidating research and development into one or a few separate agencies—such as an often suggested Department of Science and Technology—would separate such work from the purposes for which it is performed, the committee believes, with devastating effects both to the work and to the capacities of agencies to carry out their missions."

In the 89th Congress Chairman McClellan, joined by Senators Mundt, Ribicoff, Gruening and Yarborough, reintroduced the commission bill (S. 1136) on 17 February 1965, and Representative Wolff sponsored the companion bill (H.R. 5609) in the House. By now congressional interest in the proposal had waned. No hearings were held, and the Senate committee did not bother to report it out. Humphrey, no longer a Senator, presided over the Senate as Vice President and became immersed in intricacies of space and ocean programs as statutory chairman of technical councils in these areas. Occasionally, other voices renewed the call for a department. Ralph Lapp proposed a Department of Science in his 1965 book, *The New Priesthood* *(33)*, J. Herbert Holloman, after 5 years as Assistant Secretary of Commerce for Science and Technology, recommended to the Ribicoff subcommittee in 1968 that a Department of Science and Technology be a prime subject for study by a proposed Commission on Organization and Management of the Executive Branch *(34)*. At the year's end, Donald F. Hornig, from the vantage point of "five years at the bench of U.S. science policy," spoke out before the AAAS in favor of a Department of Science as well as a strengthening of the President's science advisory setup *(35)*.

As one traces the lines of argument for and against department status for science, it is apparent that they thread back to the controversy of the 1880's. The positive side, projected by the NAS committee report of 1884, is that science will benefit from the status and prestige which go with cabinet ranks and large departmental resources. The negative side, well stated by Secretary of the Navy William E. Chandler before the congressional commission in 1884, is that science is not a government mission in itself but an aspect of other and proper departmental missions; consequently science bureaus or functions should be placed or remain within the department to which they are "naturally related" (*36.*) Contemporary formulations haven't improved much on these themes. Proponents of a separate department for science view its secretary as a protector and spokesman of science in government councils, while opponents see a bureaucratic monstrosity in which politics prevail over scientific objectivity. On both sides attitudes are hardened by conviction or softened by practical considerations. Doubtless many who are otherwise well-intentioned toward a new department fear that it would cut down opportunities for grants and contracts given by various uncoordinated government science agencies. Others who are moved by a concern for economy in government than for prestige in science believe that departmental organization would eliminate duplication and insure closer coordination of costly government programs.

CASE FOR A DEPARTMENT

That it is impracticable to tear out research and development functions from department and agency settings and bring them all together in a new department goes without saying. But the case for a Department of Science and Technology cannot be that easily dismissed. To argue that science is a means and not an end, or that science (and technology) is not by itself a major purpose of government justifying departmental organization, narrows the issue unduly and overlooks some very practical problems. Agricultural research, let us quickly agree, is properly a part of the Department of Agriculture mission, but what about the large relatively self-contained or semiautonomous agencies with missions which fall almost completely in the domain of science and technology and which overshadow in size and importance some of the older departments? If AEC's mission is atomic energy development and NASA's is space exploration, it is merely tautological to distinguish these missions from science and technology in given fields. Then it becomes a pragmatic problem of government organization (and politics) to determine whether it is advantageous to bring together in a single department selected agencies and subagencies associated by shared purposes, related functions, or some other defining element of mutual involvement. Modern precepts of government organization and administration favor a relatively few strong departments encompassing similar or related functions in place of a profusion of independent agencies. The quest here is more compelling than a desire for organizational symmetry or housekeeping tidiness. The President, as manager of the executive branch, does not have the time to deal with scores of agencies. To maintain a proper "span of control" he must strive to bring these agencies within departmental confines and depend on the department heads to administer the manifold affairs of government (37).

The challenge is that government in all its diversity does not lend itself easily to departmentalizing by major purpose or mission or any other organizing principle. Most organizational arrangements are less ambitions—expedient responses to urgent problems dictated more by politics than political science. Government takes on a patchwork appearance. From time to time attempts are made to sort out and rearrange agencies and functions in more orderly patterns, even to the extent of disestablishing or reforming old departments. Not every worthy government cause which seeks wider acceptance and ample resources through separate departmental status can be accommodated. A multiplicity of departments would defeat the rationale for departmental organization. On the other hand, if a department embraces too many missions or disparate functions, it becomes unwieldly—a conglomerate or a holding company in which the secretary struggles constantly to keep in line strong-willed administrators of operating agencies.

In a dynamic, democratic society, governmental reorganization, despite the obstacles, signifies changing policy, a new approach—and reorganization on a department scale makes the greatest impact. Accordingly every administration can be expected to give special attention to such possibilities. Since World War II, each President has opted for a new department—Truman for DOD, Eisenhower for HEW, Kennedy for HUD, and Johnson for DOT (*38*). The Nixon Administration has established an advisory group on reorganization, whose recommendations are yet to be made (*39*). Characteristically, the post-World War II departments each represent a coalescence of established agencies and resources to subserve a broader policy or purpose of government. In several instances, the way was prepared by interim coordinating organizations. Thus, the DOD was preceded by a looser federation formally known as the Military Establishment, HEW by the Federal Security Agency, and HUD by the Housing and Home Finance Agency. The Department of Transportation, the latest departmental creation, did not go through a transitional form but established transportation agencies were a base upon which to build.

Science and technology, comprising large sectors of government activity with various organizational forms, have a similar potential for departmental organization. When great national problems arose, requiring positive and pointed government response, independent agencies were created—the AEC for the control of atomic energy after Hiroshima, the NSF to preserve the post-world War II momentum of research and development, and NASA after Sputnik. With the passing years, as missions are completed or redirected and as agencies mature, it is difficult to maintain the momentum and the excitement of the early days. New problems emerge, priorities are reassessed, talents are turned elsewhere. The atomic energy program is about 25 years old, the NSF has been in business 18 years, and the space agency, past its 10th birthday, will age rather quickly after a lunar landing. Reorganization generates its own excitement, infuses new energies, develops new emissions.

CANDIDATES FOR INCLUSION

Thus AEC and NASA, independent technical agencies with multibillion-dollar yearly budgets, are prime candidates for transfer to a new department. Their interests increasingly will overlap as boosters and spacecraft come to depend more on nuclear technology. Both are sponsors of hardware development as well as basic research. Both are involved in intricate ways with Department of Defense programs. Both have large laboratory complexes and diversified resources for research and development. Both are faced with probable cutbacks and the need to reassess missions for the long term. The reassessment, in NASA's case, associated with the moon landing, which will climax a decade of technical effort directed largely to this single goal. New vistas of space exploration beckon, but in the welfare decade of the 1970's more earth-bound causes will exert a strong gravitational pull on funds.

As for the AEC, the growth of nuclear stockpiles to what many regard as overkill dimensions and the gradual shift to industry of responsibility for nuclear power development are less climatic. The safety and regulatory functions associated with nuclear power, which some foresee as AEC's major responsibility ahead, could well be transferred to the Federal Power Commission, possibly helping to rejuvenate an old-line agency, just as the Federal Communications Commission has had to grapple with the regulatory aspects of satellite communications. Nuclear ordnance development and fabrication possibly could be shifted to the Department of Defense (40). The Department of Science and Technology would have, one may conceive, a space service and an atomic service, perhaps less ambitious than at present but still performing vital scientific and technical work. The reorganization also would permit a realignment and better integration of the great laboratory complexes associated with these two agencies. Indeed, the realigning process for federal laboratories as a whole could be speeded up by this means,

The National Science Foundation is a some what different type of agency. It maintains no laboratories except a few contract research centers and builds no large projects or systems, with the exception of the ill-fated Mohole project. It values its relative independence and freedom from political influences in supporting academic science. In terms of prospective departmental status, it could be argued that NSF has as much affinity with education as with science, and if a separate Department of Education were to be created, undoubtedly there would be advocates for inclusion of NSF. On the other hand, education reaches out toward areas of contemporary concern not closely identified with science, such as job training and placement and manpower development, so that some envisage education as the organizing principle for a Department of Human Resources (41). Hornig favors the science-education nexus. He would make NSF the "core" of a Department of Science, linking basic research closely with higher education. In this concept the new department would be little concerned with technology as distinguished from science, leaving technological development to "agencies with specific tasks and missions" (35).

In the writer's view, the prospects for departmental status are greatly improved if technology and science are conjoined. Creating a new department is difficult enough in itself, but technology provides move leverage and power for organizational change than basic research or pure science. The new department would need a bigger core or a broader base than that offered by NSF alone. In any event, the writer sees no serious obstacle to making the NSF a component of a Department of Science and Technology. In that way grants and other financial support to academic institutions could be better integrated, since NASA and AEC also are substantial contributors to academic science. Furthermore, the 1968 amendments to the National Science Foundation Act and applied research to the agency's responsibilities and thereby bring it closer to the technological concerns of other government agencies (*42*).

There is good logic in establishing a Department of Science and Technology to house not only older, more mature agencies but also new ones which have not yet found a suitable home. Oceanography and related disciplines or technologies may be put in this class. Numerous government agencies are engaged in marine science activities, but the Congress has been groping for a decade or more to find the organizational base for a broad program of ocean development. The 1966 legislation, which created a temporary commission and a council for marine sciences and resources, stated a policy and provided a coordinating group but sidestepped the basic organizational problems (*43*). The Commission on Marine Sciences, Engineering and Resources, on the eve of its demise, proposed that a National Oceanic and Atmospheric Agency be created as "the principal instrumentality within the Federal Government for administration of the Nation's civil marine and atmospheric programs." At the same time, the commission pointed out that it was proposing "an organization which can easily fit into a more fundamental restructuring of the Federal Government" (*44*). Clearly, the commission was leaving the door open for incorporation of marine sciences and resources in a Department of Science and Technology.

IMMEDIATE ADVANTAGES

One of the immediate advantages in creating a new government house for science and technology is the opportunity it affords for eliminating the clutter in the Executive Office of the President or at least making room or needed new services. The Aeronautics and Space Council and the National Council on Marine Resources and Engineering Development both could be abolished or, along with PSAC and OST, shifted in whole or in part, to the new department, though it must be recognized that the President will continue to need a science adviser with some staff of his own. The Vice President, now statutory chairman of the space and marine councils, could retain his valuable association with government science and continue to gain the technical information and insight needed for leadership in our technocratic society by serving in some appropriate capacity, possibly as chairman of the advisory apparatus annexed to the new department. The Office of Telecommunications Management, for want of a better alternative, also could be housed in the Department of Science and Technology. This office needs strengthening to deal with communications problems of growing severity and technical sophistication. The Post Office and Transportation Departments each could make a claim for telecommunications management, but obviously they have enough problems of their own.

The removal from the Executive Office of its scientific or technical councils and offices is not a downgrading of science but a practical recognition that the President cannot give them sustained attention (45). Moreover, they have less impact on affairs than is usually supposed. Their directors parade before the government departments and agencies clothed in the uniform of Presidential prestige but are uncertain to what extent they can speak or act in his name. The department head directing a broad range of scientific and technical programs with a large budget has power and prestige of a more compelling kind. His command of resources, public visibility, and cabinet participation enable him to serve as principal science adviser to the President in a much more direct and positive way than the White House adviser or Executive Office functionary several steps removed from the scene of departmental action and operations. If the scientific community is concerned about prestige for science in government, there is considerable trade-off value in a department head as against the Executive Office coordinator or consultant.

Another advantage is that the new department could house technical agencies or bureaus which are obstacles to, or casualties of, other reorganizations. For example, in January 1967, President Johnson proposed a merger of the Departments of Commerce and Labor (46). He did not push the proposal when the response in congressional and some other quarters seemed unfavorable. Despite the inevitable resistance, there was merit in a merger, the objective being a department of economic affairs or economic development. Since the Department of Commerce has acquired by historical accretion a number of important technical services now encompassed in the Environmental Science Services Administration, the National Bureau of Standards, the U.S. Patent Office, and other units, it would have made sense, in the event of a Commerce-Labor merger, to extract these technical agencies and place them in a Department of Science and Technology.

Finally, a Department of Science and Technology would provide better interface with the Department of Defense. Although it would not be wise to transfer research and development commands, office, or agencies from the Department of Defense to the civilian department in any wholesale fashion, conceivably several military-managed laboratories, agencies, or programs could be transferred on a selective basis if their relationship to military needs is limited, if they now serve many government users, and if their concern is more with science than with defense (47). A civil department conveniently could assume DOD, responsibilities in supporting educational centers of excellence or sponsoring certain kinds of social or other research. This need not be a one-way transfer process, since formation of a new department might well involve assignment of certain functions to the military, as mentioned before in the case of nuclear ordnance. More systematic coordination and congruence of policy and program can be achieved by two major departments in balance than by one department on the military side dealing with assorted scientific and technical agencies on the civil side. Even a casual perusal of the numerous memoranda of understanding, working arrangements, and coordinating mechanisms between the DOD and NASA, for example, suggests the complexity of these interagency relationships. Complexity cannot be eliminated but it can be reduced. The logic here is even more persuasive as agencies wrestle with joint projects and interacting programs.

All the decisions as to the composition of the Department of Science and Technology need not, of course, be made at one time. If the universe of government agencies is surveyed and all possible candidates identified, then problems of transfer would seem too overwhelming for immediate solution. The important first step is to assemble the independent agencies and subagencies as the departmental core, and then to build around them. This in itself will be a monumental task, but the vision of the National Academy committee of 1884 may still be sound (*48*).

REFERENCES AND NOTES

1. Act of 7 July 1884, 23 Stat. 219. The commission, composed of three members each from the House and Senate, was known as the Allison Commission after its chairman, Senator William B. Allison of Iowa. Lyman served as one of the House members on the commission until the end of the 48th Congress on 3 March 1885. He was defeated for reelection.

2. *Congr. Rec.* 15, 6175 (7 July 1884).

3. The NAS committee's report was transmitted to Lyman by O. C. Marsh, president of the National Academy of Sciences, by letter dated 16 Oct. 1884. It was printed in Senate Misc. Doc. No. 82 (serial No. 2345, 49th Congress, 1st session (1886) vol. 4; also as appendix D to the *Report of the National Academy of Sciences for 1884* (Government Printing Office, Washington, D.C., 20 April 1885), p. 33.

4. The NAS committee proposed that the commission include the president of the National Academy of Sciences; the secretary of the Smithsonian Institution; two nongovernment civilian scientists of high reputation appointed by the President of the United States for 6-year terms; one officer of the Corps of Engineers; one Navy professor of mathematics skilled in astronomy (the last two to be designated by the President for 6-year terms); the superintendent of the Coast and Geodetic Survey; the director of the Geological Survey; and the officer in charge of the Meteorological Service. The secretary of the department including the science agencies would be ex officio president of the commission, and the commission would be attached to the office of the secretary.

5. Senate Rep. No. 1285, 49th Congress, 1st session (8 June 1886), p. 54.

6. See A. Hunter Dupree, *science and the Federal Government* (Harvard Univ. Press, Cambridge, 1957), p. 215. Dupree writes of this period: "In contrast to the glorious and successful defense of the new scientific bureaus, the experts had done a ragged job for a Department of Science. The National Academy had done nothing to push the brainchild of its committee, which admitted political defeat in advance" (p. 230).

7. *Congr. Rec.* 92, A14 (1 Feb. 1946). The Luce bill provided for a Secretary appointed by the President with Senate confirmation, and five Assistant Secretaries, appointed by the President, to head, respectively, the following bureaus: Physics and Mathematical Sciences, Public Health and Social Sciences, Scientific Education and Information, Biological Sciences, and Engineering and Technological Sciences. The Secretary would be empowered to appoint an advisory council of not more than 100 members representing all branches of science.

8. *Science—the Endless Frontier,* A Report to the President on a Program for Postwar Scientific Research (July 1945). The report was reprinted by the National Science Foundation (Government Printing Office, Washington, D.C., July 1960).

9. *Congr. Rec.* 93, 10567 (17 Nov. 1947). See Don K. Price, *Government and Science* (New York Univ. Press, New York, 1954), p. 48.

10. *Science and Public Policy,* Report of the President's Scientific Research Board (Government Printing Office, Washington, D.C., 4 Oct. 1947), vol. 3, p. 23.

11. Public Law 81–507, 64 Stat. 149 (10 May 1950).

12. *Progress Report on Science Programs of the Federal Government,* Senate Rep. No. 2498, 85th Congress, 2d session (9 Sept. 1958), p. 14; *Congr. Rec.* 105, 1078 (23 Jan. 1959).

13. Public Law 85–567, 72 Stat. 426 (29 July 1958).

14. Killian's address, made on 20 Dec. 1958, was printed in *Science Program—86th Congress,* Senate Rep. No. 120, 86th Congress, 1st session (23 March 1959), p. 3.

15. D. K. Price, *Government and Science* (New York Univ. Press, New York, 1954), p. 63. Price was discussing the potential role of NSF as a central science agency and not specifically a Department of Science.

16. Senate Rep. No. 120, 86th Congress, 1st session (23 March 1959), p. 26. Berkner's views were set forth in an address "National Science Policy and the Future," at Johns Hopkins University (16 Dec. 1958), published in the same report, appendix D, p. 110. Brode's address on the same subject as retiring president of the AAAS (28 Dec. 1959) was placed in the *Congressional Record,* along with press articles and editorials, by Senator Kefauver [*Congr. Rec.* 106, 615 (18 Jan. 1960)]. For additional materials on the pros and cons of a department, see *Science and Technology Act of 1958,* Analysis and Summary by the Staff of the Senate Committee on Government Operations, Senate Doc. No. 90, 85th Congress, 2d session (April 1958).

17. Senate Rep. No. 120, 86th Congress, 1st session (23 March 1959), p. 29.

18. *Create a Department of Science and Technology,* hearings before the Subcommittee on Reorganization and International Or-

ganizations, Senate Committee on Government Operations, 86th Congress, 1st session, on S. 676 and S. 586 (16–17 April 1959), pt. 1, pp. 47 and 71.

19. *Establishment of a Commission on a Department of Science and Technology,* Senate Rep. No. 408 (18 June 1959), p. 6.

20. *Ann. Amer. Acad. Polit. Soc. Sci.* (Jan. 1960), p. 27; Senator Humphrey placed this article in the *Congressional Record* [106, 5235 (10 March 1960)].

21. *Organizing for National Security: Science Organization and the President's Office,* staff study by the Subcommittee on National Policy Machinery, Senate Committee on Government Operations, 87th Congress, 1st session (committee print, 14 June 1961), p. 1.

22. House Doc. 372, 87th Congress, 2d session (29 March 1962).

23. Senator Humphrey placed an excerpt from the Stover report in the *Congressional Record* [108, 11822 (27 June 1962)]. A statement by Stover supporting the commission proposal was printed in *Establishment of a Commission on Science and Technology,* Senate Rep. No. 1828, 87th Congress, 2d session (6 Aug. 1962), p. 50. The report *The Government of Science* proposed that the Department of Science and Technology absorb the activities of NSF, PSAC, and FOST, along with the Weather Bureau, National Bureau of Standards, Office of Saline Water, Coast and Geodetic Survey, Navy Hydrographic Office, Naval Observatory, portions of the Smithsonian research work, and the Antarctic programs of the Navy and NSF. Larger agencies such as NASA and NIH were cited as candidates for inclusion, though AEC was excluded on the ground that its size and operational character could overwhelm the new department.

24. *Create a Commission on Science and Technology,* hearings before the Senate Committee on Government Operations, 87th Congress, 2d session, on S. 2771 (24 July 1962), pt. 2; *Reorganization Plan No. 2 of 1962,* hearings before a subcommittee of the House Committee on Government Operations, 87th Congress, 2d session (17 April 1962). Jerome B. Wiesner wrote later: "Possibly the most important consequence of providing a statutory basis for the scientific activities in the Executive Office of the President is that the Director may now appear before Congress to explain, when possible, the Governmentwide views of activities and problems." [*Where Science and Politics Meet* (McGraw-Hill, New York, 1965), p. 47].

25. *Systems Development and Management,* hearings before the Military Operations Subcommittee of the House Committee on Government Operations, 87th Congress, 2d session (1 July 1962), pt. 1, p. 156.

26. *Establishment of a Commission on Science and Technology,* Senate Rep. No. 1828, 87th Congress, 2d session (6 Aug. 1962).

27. *Congr. Rec.* 108, 15968 (8 Aug. 1962).

28. Senator McClellan placed excerpts from the Wiesner testimony in the *Congressional Record* on two separate occasions [109, 2395 (18 Feb. 1963) and *ibid.* (23 May 1963), p. 9299]. It was also carried in the committee report cited below (29).

29. *Establishment of a Commission on Science and Technology,* Senate Rep. No. 16, 81st Congress, 1st session (4 March 1963).

30. *Congr. Rec.* 109, 3808 (8 March 1963). In remarks accompanying the bill Senator Humphrey said an independent "Hoover-type" commission was needed to (i) counterbalance the executive's excessive dependence on a small in-group of scientists for policy, advice and program evaluation; (ii) review, with the aim to improve, the activities of the NAS–NRC as well as those of the government agencies; and (iii) examine federal organization for information retrieval.

31. Referring the bills to the House Committee on Science and Astronautics signified a change in jurisdictional policy. Heretofore such bills had been referred to the House Committee on Government Operations, which generally has jurisdiction over organization matters.

32. *National Goals and Policies,* House Rep. No. 1941, 80th Congress, 2d session (29 Dec. 1964), p. 49. The Select Committee expired with the 88th Congress on 3 Jan. 1965. In accordance with one of its recommendations, a Subcommittee on Research and Technical Programs was established within the House Committee on Government Operations. This subcommittee, chaired by Representative Reuss, was in existence through the end of the 90th Congress.

33. R. Lapp, *The New Priesthood* (Harper & Row, New York, 1965), p. 204. Lapp proposed that the Department of Science make basic research grants (on a lump-sum basis); manage the government laboratories; absorb all or part of the functions of OST, PSAC, and FCST; and take over the functions of the AEC (civilian part), NSF, ONR, Office of Saline Water, National Bureau of Standards and the Weather Bureau.

34. *Establish a Commission on the Organization and Management of the Executive Branch,* hearings before the Subcommittee on Executive Reorganization of the Senate Committee on Government Operations, 90th Congress, 2d session (23 Jan. 1968), p. 58. Hollomon proposed that the Department of Science and Technology include the NSF, NASA, ESSA, National Bureau of Standards, Geological Survey, Census Bureau "and perhaps parts of NIH and the AEC."

35. D. F. Hornig, remarks at AAAS Meeting, Dallas, Texas (29 Dec. 1968).

36. Senate Misc. Doc. No. 82 (serial No. 2345), 49th Congress, 1st session (1886), vol. 4, p. 66.

37. The usual text for this organizational approach is the report of the First Hoover Commission, "General Management of the Executive Branch" (Feb. 1949), which recommended that: "The numerous agencies of the executive branch must be grouped into departments as nearly as possible by major purposes in order to give a coherent mission to each Department" (p. 34). Senator Humphrey quoted this recommendation in his *Annals* article (*20*).

38. The Department of Housing and Urban Development actually was established during the Johnson Administration, although President Kennedy pressed for its creation from the beginning of his administration. The stumbling block to congressional acceptance was President Kennedy's announced intention to appoint Robert C. Weaver as Secretary of the new department. Similarly, congressional opposition to a putative department head (Oscar R. Ewing) prevented President Truman from getting the Department of Health, Education, and Welfare, which was created in the Eisenhower Administration.

39. President Nixon announced the appointment of an Advisory Council on Executive Organization on 5 April 1969. The members are: Roy L. Ash (chairman), president of Litton Industries, Inc.; George Baker, dean of the Graduate School of Business Administration, Harvard University; John B. Connally, former governor of Texas; Frederick R. Kappel, chairman of the executive committee, American Telephone and Telegraph Company; and Richard M. Paget, member of Cresap, McCormick and Paget.

40. Lapp *33*, p. 206, proposed that the AEC's nuclear production facilities be mothballed in part and the remainder transferred to the Department of Defense. Representatives Craig Hosmer, in an address "The Science Establishment: Where Is It Headed?" [*Congr. Rec.* (6 March 1968), p. E1606] posed the AEC problem in terms of diversification or decline: "Unless AEC's charter is revised to give it a responsibility to conduct research for other government agencies, it would seem that some of these facilities and programs would be better off under an organization more fundamentally oriented toward basic research, such as the National Science Foundation."

41. R. E. Miles, Jr., *Public Admin. Rev.* 27, 1 (March 1967). Text included in hearings before the Subcommittee on Executive Reorganization, Senate Committee on Government Operations, 90th Congress, 2d session (23 Jan. 1968), p. 115.

42. Public Law 90–407, 82 Stat. 360 (18 July 1968).

43. Public Law 85–454, 80 Stat. 203 (17 June 1966). See also Public Law 90–242, 81 Stat. 780 (2 Jan. 1968).

44. *Our Nation and the Sea,* Report of the Commission on Marine Science, Engineering and Resources (9 Jan. 1969 reprint), p. 7.

45. ". . . The easy answer to all problems in Government, scientific and nonscientific, seems to be to move them closer to the President. I don't think that tenable for all things—he is already overburdened" [D. F. Hornig (*35*)].

46. *State of the Union Message,* House Doc. No. 1, 90th Congress, 1st session (19 Jan. 1967), p. 3.

47. A current example of a government laboratory with diversified scientific capabilities and no obvious place to go upon withdrawal of military sponsorship is the Navy Radiological Defense Laboratory. It is slated for closure by the end of this year, even though its resources could be readily adapted to important research in the civil sector. The proposed closure of NRDL also illustrates the poor planning not infrequently found in government. Six months ago a $6 million cyclotron was installed for special research in biomedical effects of radiation.

48. The views expressed herein are the author's and not necessarily those of any member of the Congress.

ATTACHMENT 2

SOME OF THE MAJOR FUNDS AND PERSONNEL FOR RESEARCH AND DEVELOPMENT TRANSFERRED BY S. 1184

Agency	Estimated funding fiscal year 1971 (millions of dollars)	Total personnel as of Jan. 1, 1970	Number of R. & D. installations
NSF	513	1,735	12
NASA	3,269	32,882	40
AEC	2,283	7,270	23
NBS	42	3,834	6
Smithsonian:			4
Astrophysical Observatory	2	54	----------
Tropical Research Institute	.57	44	----------
Radiation Biological Institute	1	29	----------
SIE	1.4	50	----------
State Department: Bureau of International Scientific and Technical Affairs	.7	45	----------
Total	6,112.67	45,943	85

Directory of Federal R&D Installations for the Year Ending June 30, 1969

A REPORT TO THE FEDERAL COUNCIL FOR SCIENCE AND TECHNOLOGY

AGRICULTURE

Agricultural Research Service

Agricultural Engineering Research Stations

Agricultural Engineering Laboratory, Forest Grove, Ore.

Agricultural Engineering Research Division, Beltsville, Md.

Agricultural Engineering Research Laboratory, Tifton, Ga.

Agricultural Research Station, Salinas, Calif.

Cotton Ginning Laboratory

Cotton Ginning Research Laboratory

Cotton Research Station, Shafter, Calif.

Entomology Research Laboratory, Yakima, Wash.

Everglades Experiment Station

Federal Experiment Station, St. Croix, V.I.

Field Laboratory for Tung Investigations, Poplarville, Miss.

Insects Attractant Laboratory, Gainesville, Fla.

Livestock Insect Laboratory, Kerrville, Texas

South Central Poultry Research Laboratory

South Plains Cotton Ginning Research Laboratory

Southeastern Cotton Ginning Research Laboratory

Southeastern Fruit and Tree Nut Research Station, Byron, Ga.

Southeastern Poultry Field Station

Southern Grain Insects Research Laboratory

Southern Piedmont Soil Conservation Research Center

Tillage Machinery Laboratory

Tobacco Research Station, Oxford, N.C.

Western Cotton Insects Research Laboratory, Tucson, Ariz.

Animal Disease and Parasite Division

Animal Disease and Parasite Research Stations

Animal Disease and Parasite Laboratory

Animal Disease Research Laboratory, Denver, Colo.

Endoparasite Vector Pioneering Research Laboratory

Livestock Insect Laboratory, Kerrville, Texas

Poisonous Plant Research Laboratory

Regional Parasite Research Laboratory

Regional Poultry Research Laboratory, E. Lansing, Mich.

South Central Poultry Research Laboratory

Southeastern Poultry Field Station, Athens, Ga.

SW Veterinary Toxicol. and Livestock Insect Research Lab.

Animal Husbandry Division

Animal Husbandry Research Stations

Beef Cattle Research Station

Brooksville Beef Cattle Research Station

Dairy Cattle Experiment Station

Fort Reno Livestock Research Station

Fort Robinson Beef Cattle Research Station

Iberia Livestock Experiment Station

Meat Animal Research Center

Poultry Research Laboratory

Range Livestock Experiment Station

Regional Poultry Research Laboratory, E. Lansing, Mich.

South Central Poultry Research Laboratory

Southeastern Poultry Field Station, Athens, Ga.

Western Sheep Breeding Laboratory

Boll Weevil Research Laboratory, State College, Miss.

Consumer and Food Economics Research Laboratory

Crops Research Division

Crops Research Stations

Agricultural Research Station, Salinas, Calif.

Aquatic Weeds Research Laboratory

Barley and Malt Laboratory

Big Bend Horticultural Laboratory

Border Belt Tobacco Research Station

Brush Control Research Laboratory

Cheyenne Horticultural Field Station

Citrus, Vegetable, Soil and Water Laboratory, Weslaco, Tex.

Cotton Field Station

Cotton Research Station, Shafter, Calif.

Crops Research Laboratory, Ft. Collins, Colo.

Crops Research Laboratory, College Sta., Tex.

Crops Research Laboratory, Logan, Utah

Date and Citrus Station, Indio, Calif.

Federal Experiment Station, Mayaguez, P.R.

Field Laboratory for Tung Investigations, Poplarville, Miss.

Horticultural Field Laboratory, Orlando, Fla.

Horticultural Field Station, Fresno, Calif.

Horticultural Field Station, La Jolla, Calif.

Jornada Experiment Range

National Arboretum

National Seed Storage Laboratory, Ft. Collins, Colo.

Northern Grain Insects Research Laboratory

Northern Great Plains Research Center, Mandan, N.D.

Pacific Forest and Range Experiment Station, Berkeley, Calif.

Pecan Field Laboratory

Pecan Field Station

Plant Introduction Station, Chico, Calif.

Plant Introduction Station, Miami, Fla.

Plant Introduction Station, Savannah, Ga.

Plant Introduction Station, Glenn Dale, Maryland

Regional Pasture Research Lab., University Park, Pa.

Shade Tree and Ornamental Plants Laboratory

Small Fruit Research Station

Southeastern Fruit and Tree Nut Resch. Sta., Byron, Ga.

Southern Grain Insects Research Laboratory, Tifton, Ga.

Southern Great Plains Field Station

Southwestern Irrigation Field Station, Brawley, Calif.

Squaw Butte-Harney Experiment Station

Sugar Crops Field Station

Sugarcane Field Station, Canal Point, Fla.

Sugarcane Field Station, Houma, Louisiana

Tobacco Research Station, Oxford, N.C.

Tree Fruit Research Center

Vegetable Breeding Laboratory

Western Cotton Insects Research Laboratory, Tucson, Ariz.

Eastern utilization research laboratory

Eastern Utilization Research Stations

Dairy Products Research and Development Laboratory

Meat and Cheese Products Resch. and Development Lab.

Red River Valley Potato Research Center

Entomology research division

Entomology Research Stations

Agricultral Engineering Laboratory Forest Grove, Ore.

Animal Disease Research Laboratory

Bee Stock Center

Biological Control of Insects Laboratory

Boll Weevil Research Laboratory, Tallulah, La.

Citrus, Vegetable, Soil and Water Laboratory, Weslaco, Tex.

Cotton Insects Research Laboratory

Dried Fruit and Nut Research Laboratory, Fresno, Calif.

Entomology Field Laboratory

Entomology Research Laboratory, Mesa, Ariz.

Entomology Research Laboratory, Riverside, Calif.

Entomology Research Laboratory, Twin Falls, Idaho

Entomology Research Laboratory, Moorestown, New Jersey

Entomology Research Laboratory, Brownsville, Texas

Entomology Research Laboratory, Yakima, Washington

Entomology Research Laboratory, Rome, Italy

European Parasite Laboratory, Gif-sur-Yvette, France

Federal Experiment Station, Mayaguez, Puerto Rico

Federal Experiment Station, St. Croix, Virgin Islands

Forage Insects Laboratory

Horticultural Field Laboratory, Orlando, Fla.

Insects Affecting Man Research Laboratory

Insects Attractants Laboratory, Gainesville, Fla.

Livestock Insect Laboratory, Kerrville, Texas

Northern Grain Insects Research Laboratory

Pecan Field Laboratory

Plant Introduction Station, Miami, Fla.

Regional Pasture Research Lab., University Park, Pa.

Screwworm Research Laboratory

Southeastern Cotton Insect Laboratory

Southeastern Fruit and Tree Nut Resch. Sta., Byron, Ga.

Southern Grain Insects Research Laboratory, Tifton, Ga.

Southern Regional Plant Pest Control Headquarters

Southwest Cotton Insects Investigations Laboratory

Southwest Cotton Insects Laboratory

Southwestern Vet. Toxicol. and Livestock Insects Resch. Lab.

Sugarcane Field Station, Canal Point, Florida

Sugarcane Field Station, Houma, Louisiana

Systematic Entomology Laboratory

Tobacco Insects Laboratory

Tobacco Research Station, Oxford, N.C.

Vegetable Breeding Laboratory

Western Cotton Insects Research Laboratory, Tucson, Ariz.

Fruit and Vegetable Chemistry Laboratory

Human Nutrition Division

Market Quality Research Division

Market Quality Research Stations

Citrus, Vegetable, Soil and Water Laboratory, Weslaco, Tex.

Dried Fruit Nut Research Laboratory, Fresno, Calif.

Eastern Market Pathology Laboratory

Horticultural Field Station, Fresno, Calif.

Horticultural Field Laboratory, Orlando, Fla.

Insect Attractants Laboratory, Gainesville, Fla.

Market Quality Research Laboratory, Pomona, Calif.

Market Quality Research Laboratory, Tifton, Ga.

Market Quality Research Laboratory, Rotterdam, Netherlands

Midwest Market Pathology Laboratory

Northwestern Market Quality Laboratory

Peanut Marketing Research Laboratory, Dawson, Ga.

Plant Introduction Station, Miami, Fla.

Red River Valley Potato Research Center

Rice Pasture Research Experiment Station

Southwestern Field Crops Pathological Laboratory

Stored Products Insect Research Station, Manhattan, Kan.

Stored Products Insects Laboratory, Richmond, Va.

Metabolism and Radiation Research Laboratory

National Animal Disease Laboratory

Northern Utilization Research Laboratory

Plum Island Animal Disease Laboratory

Soil and Water Conservation Research Division

Soil and Water Conservation Research Stations

Agricultural Water Quality Management Laboratory

Big Spring Field Station

Blacklands Conservation Experiment Station

Central Great Plains Field Station, Akron, Colo.

Citrus, Vegetable, Soil and Water Laboratory, Weslaco, Tex.

Coastal Plains Soil and Water Research Center

Fresno Field Station, Fresno, Calif.

Lompoc Soil and Water Conservation Field Station, Lompoc, CA.

Newell Irrigation and Dryland Field Station
North Appalachian Experimental Watershed
North Central Soil Conservation Research Center
North Central Watershed and Research Center
Northeast Watershed Research Center
Northern Great Plains Research Center, Mandan, N.D.
Northern Plains Soil and Water Research Center
Northwest Watershed Research Center
Plant, Soils and Nutrition Laboratory
Regional Pasture Research Laboratory, University Park, Pa.
Salinity Laboratory, Riverside, Calif.
Sedimentation Laboratory
Snake River Conservation Research Center
Soil and Water Conservation Resch. Lab., Ft. Collins, Colo.
Soil and Water Conservation Resch. Sta., Danville, Vt.
Soil and Water Conservation Resch. Sta., Pullman, Wash.
Southeast Watershed Research Center
Southern Great Plains Watershed Research Center
Southern Piedmont Soil Conservation Research Center
Southwest Rangeland Watershed Research Center
Southwestern Irrigation Field Station, Brawley, Calif.
Southwestern Great Plains Research Center
Water Conservation Laboratory
Southeastern Agricultural Research Laboratory
Southern Utilization Research Laboratory
Southern Utilization Research Stations
Fruit and Vegetable Products Laboratory
Fruit and Vegetable Products Utilization Laboratory
Naval Stores Laboratory
Stored Products Insects R&D Lab., Savannah, Ga.
Transportation and Facilities Research Stations
Northwestern Market Quality Lab.
Peanut Marketing Research Lab., Dawson, Ga.
Red River Valley Potato Research Center
Transptatn. and Facilities Resch. Lab., Fresno, Calif.
Transptatn. and Facilities Resch. Lab., Hyattsville, Md.
Transptatn. and Facilities Resch. Lab., Yakima, Wash.
Transptatn. Technol. and Packaging Investigation Lab.
Western Utilization Research Laboratory

Forest Service

Forest Products Laboratory
Forestry Research Headquarters
Forest Disease Laboratory, Laurel, Md.
Forest Physiology Laboratory, Beltsville, Md.
Forestry Services Laboratory
Institute of Tropical Forestry
Intermountain Forest and Range Experiment Station
Forestry Sciences Laboratory, Boise, Idaho
Forestry Sciences Laboratory, Moscow, Idaho
Forestry Sciences Laboratory, Bozeman, Montana
Forestry Sciences Laboratory, Missoula, Montana
Forestry Sciences Laboratory, Logan, Utah
Forestry Sciences Laboratory, Provo, Utah
Intermountain Forest & Range Experiment Station
Northern Forest Fire Laboratory, Missoula, Mont.
North Central Forest Experiment Station
Forest Engineering Laboratory
Forest Watershed Laboratory, La Crosse, Wis.
Forestry Sciences Laboratory, Carbondale, Illinois.
Institute of Forest Genetics
North Central Forest Experiment Station
Northern Conifers Laboratory
Northern Hardwoods Laboratory
Northeastern Forest Experiment Stations
Forest Insect and Disease Laboratory, Hamden, Conn.
Forest Insect and Disease Laboratory, Delaware, Ohio
Forest Products Marketing Laboratory
Forestry Sciences Laboratory, Berea, Kentucky
Forestry Sciences Laboratory, Durham, N.H.
Forestry Sciences Laboratory, Columbus, Ohio
Forestry Sciences Laboratory, Warren, Pa.
Forestry Sciences Laboratory, Morgantown, W.Va.
Northeastern Forest Experiment Station,
Sugar Maple Laboratory
Timber and Watershed Laboratory
Timber Research Laboratory
Pacific Northwest Forest and Range Experiment Station
Forest Hydrology Laboratory, Wenatchee, Washington
Forestry Sciences Laboratory, College, Alaska.
Forestry Sciences Laboratory, Corvallis, Oregon
Forestry Sciences Laboratory, Olympia, Washington
Forestry Services Laboratory, Portland, Oregon
Forestry Services Laboratory, Seattle, Washington
Institute of Northern Forestry
Range and Wildlife Habitat Laboratory
Silviculture Laboratory, Bend, Oregon
Pacific Southwest Forest and Range Experiment Stations
Forest Fire Laboratory, Riverside, California
Forestry Sciences Laboratory, Arcata, California
Forestry Sciences Laboratory, Redding, California
PSW Experiment Station, Berkeley, Calif.
Rocky Mountain Forest and Range Experiment Stations
Forest Hydrology Laboratory, Tempe, Arizona
Forest Range and Watershed Laboratory
Forestry Research Laboratory
Forestry Sciences Laboratory, Flagstaff, Arizona
Forestry Sciences Laboratory, Lincoln, Nebraska
Forestry Sciences Laboratory, Albuquerque, New Mexico
Rocky Mountain Forest and Range Expt. Station
Shelterbelt Laboratory
Southeastern Forest Experiment Stations
Coweeta Hydrologic Laboratory
Forest Resources Laboratory
Forestry Sciences Laboratory, Athens, Ga.
Forestry Science Laboratory, Research Triangle Park, N.C.
Forestry Sciences Laboratory, Charleston, S.C.
Naval Stores and Timber Production Laboratory
Southeastern Forest Experiment Station
Southern Forest Fire Laboratory
Southern Forest Experiment Stations
Alexandria Forestry Center
Forest Hydrology Laboratory, Oxford, Mississippi
Forestry Sciences Laboratory, State College, Miss.
Instit. of Forest Genetics and Forest Insects & Disease Lab.
Silviculture Laboratory, Sewanee, Tennessee
Southern Forest Experiment Station
Southern Hardwoods Laboratory

ATOMIC ENERGY COMMISSION

Ames Laboratory
Argonne National Laboratory
Atomic Bomb Casualty Commission
Bettis Atomic Power Laboratory
Brookhaven National Laboratory
Cambridge Electron Accelerator
Health and Safety Laboratory
Knolls Atomic Power Laboratory
Lawrence Radiation Laboratory, Berkeley, Calif.
Lawrence Radiation Laboratory, Livermore, Calif.
Los Alamos Scientific Laboratory
Mound Laboratory
National Accelerator Laboratory
National Reactor Testing Station
Nuclear Rocket Development Station
Oak Ridge Associated Universities
Oak Ridge National Laboratory
Pacific Northwest Laboratory
Plasma Physics Laboratory
Princeton-Pennsylvania Accelerator
Sandia Laboratory
Savannah River Laboratory
Stanford Linear Accelerator Center

ATTORNEY GENERAL

Justice Department

Special Testing and Research Laboratory

COMMERCE

Census

Center for Research in Measurement Methods
Engineering Development Laboratory

Environmental Science Services Administration

Air Resources Labs: Atmospheric Turb. & Diffus. Lab.
Air Resources Laboratories
Atlantic Oceanographic and Meteorological Labs.
Earthquake Mechanisms Laboratory
Geodetic Research & Development Laboratory
Geophysical Fluid Dynamics Laboratory
Geophysics Research Group
Joint Tsunami Research Group
Laboratory for Environmental Data Research
Mauna Loa Observatory
Meteorological Satellite Laboratory
National Meteorological Center
National Severe Storms Laboratory
Office of Systems Development
Pacific Oceanographic Laboratory
Research Flight facility
Research Group, Hydrography & Oceanography
Research Laboratories
Research, Office of Aeronaut. Chart. & Cartog.
Research Vessels
Satellite Experiment Laboratory
Systems Development Office
Test and Evaluation Laboratory
Wave Propagation Laboratory

National Bureau of Standards

Center for Computer Sciences and Technology
Center for Radiation Research
Institute for Applied Technology
Institute for Basic Standards, Boulder, Colo.
Institute for Basic Standards, Gaithersburg, Md.
Institute for Materials Research

DEFENSE

Office of Secretary

Institute for Defense Analyses

Air Force

Aeromedical Laboratory (6571)
Aeropropulsion Laboratory
Aerospace Corporation
Aerospace Medical Laboratory (6570)
Aerospace Medical Research Laboratory
Aerospace Research Laboratories

Air Proving Ground Center
Analytic Service, Inc.
Arecibo Observatory, Puerto Rico
Armament Laboratory
Arnold Engineering Development Center
Avionics Laboratory
Cambridge Research Laboratories
Eastern Test Range
Electromagnetic Compatibility Analysis Center
Epidemiological Laboratory
Flight Dynamics Laboratory
Flight Test Center
Human Resources Laboratory
Lincoln Laboratory
Materials Laboratory
Missile Development Center
MITRE Corporation
Office of Research Analyses
Rand Corporation
Rocket Propulsion Laboratory
Rome Air Development Center
School of Aviation Medicine
Frank J. Seiler Research Laboratory
Special Weapons Center
Weapons Laboratory
Western Test Range

Army

Aberdeen Research and Development Center
Aeromedical Research Unit
Aeronautical Research Laboratory
Arctic Test Center
Aviation Materiel Laboratories
Aviation Test Activity
Ballistic Research Laboratory
Behavioral Science Research Laboratory
Biological Laboratories
Center for Research in Social Systems
Coating and Chemical Laboratory
Cold Regions Research and Engineering Lab.
Construction Engineering Research Laboratory
Dental Research Institute
Deseret Test Center Laboratories
Development and Proof Services
Edgewood Arsenal Laboratories

Agency or department

Electronics Laboratories
Electronic Proving Ground
Engineer Reactor Group
Engineer Topographic Laboratory
Engineer Waterways Experiment Station
Frankford Arsenal Laboratories
General Equipment Test Activity
Harry Diamond Laboratories
Human Engineering Laboratory
HumRRO
Institute for Surgical Research
Limited War Laboratory
Materials and Mechanics Research Center
Material Systems and Analysis Agency
Medical Biochemical Research Laboratory
Medical Equipment R&D Laboratory
Medical Research and Nutrition Laboratory
Medical Research Laboratory
Medical Research Unit, San Francisco, California
Medical Research Unit, Balboa Heights, Canal Zone
Medical Research Unit, Kuala Lumpur, Malaysia
Medical Unit, Ft. Detrick, Md.
Missile Command Laboratories
Mobility Equipment R&D Center
Natick Laboratories
Nuclear Defense Laboratory
Picatinny Arsenal Laboratories
Research Anaylsis Corporation
Research Institute of Environmental Medicine
Rock Island Arsenal Laboratories
Tank Automotive Command Laboratories
Tropic Test Center
Walter Reed Army Institute of Research
Watervliet Arsenal Laboratories
White Sands Missile Range
Yuma Proving Ground

Navy

Aerospace Medical Institute
Aerospace Recovery Facility
Air Development Center
Air Engineering Center
Air Propulsion Test Center
Air Test Center
Air Test Facility
Applied Physics Laboratory, Laurel, Md.
Applied Physics Laboratory, Seattle, Washington
Applied Science Laboratory
Arctic Research Laboratory
Atlantic Undersea Test and Evaluation Center
Blood Research Laboratory
Center for Naval Analyses
Civil Engineering Laboratory
Clothing and Textile Research Unit
Dental Research Institute
Electronics Laboratory Center
Electronic Syst. Test and Evaluation Facility
Expl. Ordnance Disposal Facility
Medical Field Research Laboratory
Medical Neuropsychiatric Research Unit
Medical Research Institute
Medical Research Unit No. 1
Medical Research Unit No. 2
Medical Research Unit No. 3
Medical Research Unit No. 4
Missile Center
Naval Unit, Fort Detrick
Ordnance Laboratory
Ordnance Missile Test Facility
Ordnance Research Laboratory
Ordnance Unit
Pacific Missile Range
Personnel Research Activity
Personnel Research and Development Laboratory
Radiological Defense Laboratory
Research Laboratory (NRL)
Security Engineering Facility
Ship Research and Development Center
Ship R&D Laboratory, Panama City, Florida
Ship R&D Laboratory, Annapolis, Maryland
Space Systems Activity
Submarine Medical Center
Toxicology Unit
Training Devices Center
Undersea R&D Center
Underwater Sound Laboratory
Underwater Weapons Res. and Eng. Station
Weapons Center
Weapons Evaluation Facility
Weapons Laboratory
Weather Research Facility

FEDERAL COMMUNICATIONS COMMISSION

Federal Communications Commission Laboratory

FEDERAL TRADE COMMISSION

Cigarette Testing Laboratory
Textiles and Furs Laboratory

HEALTH, EDUCATION, AND WELFARE

Consumer Protection and Environmental Health Service

Appalachian Laboratory
Arctic Health Research Center
Bureau of Radiological Health Laboratories
Bureau of Science
Bureau of Water Systems Laboratory
Chemistry & Physics Laboratory
Economic Effects Research Laboratory
Gulf Coast Water Hygiene Laboratory
Health Effects Research Laboratory
Injury Control Research Laboratory
Milk and Food Laboratories
Motor Vehicle Pollution Control Laboratory
National Center for Antibiotic and Insulin Analysts
National Center for Drug Analysts
National Center for Microbiological Analysts
Northeast Radiological Health Laboratory
Northeast Water Hygiene Laboratory
Northwest Water Hygiene Laboratory
Occupational Health Laboratory
Perrine Primate Laboratory
Process Control Engineering Laboratory
Radiological Engineering Laboratory
Radiological Health Laboratory
Solid Wastes Laboratory
Solid Wastes Laboratory: Field Station
Solid Wastes Pilot Handling Plant
Southeast Radiological Health Laboratory
Southwestern Radiological Health Laboratory
Toxicology Laboratory Branch
Uranium Mine Research Facility
Veterinary Research Laboratory
Western Area Occupational Health Laboratory

Health Services and Mental Health Administration

Addiction Research Center
Antigen Laboratory Unit
Division of Special Mental Health Research
Epidemiology Program
Experimental Laboratory Unit
Fort Collins Laboratories
Health Program Systems Center
Intramural Research Program
Kansas City Laboratory
Laboratory Division, Atlanta, Ga.
Laboratory Division, Savannah, Ga.
National Center for Prevention and Control of Alcoholism
Phoenix Laboratory
San Juan Laboratories
Veneral Disease Research Laboratory
Winfred Overholser Division of Clinical Research

National Institutes of Health

Division of Biologics Standards
Division of Computer Research and Technology
Gerontology Research Center
Middle America Research Unit
National Cancer Institute
National Heart and Lung Institute
National Institute of Allergy and Infectious Diseases
National Institute of Arthritis and Metabolic Diseases
National Institute of Child Health and Human Development
National Institute of Dental Research
National Institute of Environmental Health Sciences
National Institute of Neurological Diseases & Blindness
Pacific Research Unit
Rocky Mountain Laboratory

INTERIOR

Commercial fisheries

Biological Laboratory, Juneau, Alaska
Biological Laboratory, Milford, Conn.
Biological Laboratory, St. Petersburg, Fla.
Biological Laboratory, Honolulu, Hawaii
Biological Laboratory, West Boothbay Harbor, Maine
Biological Laboratory, Oxford, Md.
Biological Laboratory, Woods Hole, Mass.
Biological Laboratory, Galveston, Tex.
Biological Laboratory, Seattle, Wash.
Center for Estuarine and Menhaden Research
Exploratory Fish and Gear Research Base, Juneau, Alaska
Exploratory Fishing and Gear Research Base, Gloucester, Mass.
Exploratory Fish and Gear Research Base, Ann Arbor, Mich.
Exploratory Fish and Gear Research Base, Pascagoula, Miss.
Exploratory Fish and Gear Research Base, Seattle, Wash.
Exploratory Fish and Gear Research Field Station
Fishery Oceanographic Center
Food Science Laboratory
Great Lakes Fishery Laboratory
Marine Mammal Research Laboratory
National Center for Fish Protein
Ocean Research Laboratory
Research Vessels

Systematic's Laboratory-Taxonomy
Technological Laboratory, Ketchikan, Alaska
Technological Laboratory, Terminal Island, Calif.
Technological Laboratory, Gloucester, Mass.
Technological Laboratory, Ann Arbor, Michigan
Technological Laboratory, Pascagoula, Miss.
Technological Laboratory, Seattle, Washington
Tropical Atlantic Biological Laboratory

Bureau of Mines

Coal Research Center, Pittsburgh, Pa.
Coal Research Center, Morgantown, W. Virginia
Coal Research Laboratory
Helium Research Center
Marine Minerals Technology Center
Metallurgy Research Center, College Park, Maryland
Metallurgy Research Center, Minneapolis, Minnesota
Metallurgy Research Center, Rolla, Missouri
Metallurgy Research Center, Reno, Neveda
Metallurgy Research Center, Albany, Oregon
Metallurgy Research Center, Salt Lake City, Utah
Metallurgy Research Laboratory, Tuscaloosa, Alabama
Metallurgy Research Laboratory, Boulder City, Nevada
Mine Systems Engineering Group
Mining Research Center, Denver, Colorado
Mining Research Center, Minneapolis, Minnesota
Mining Research Center, Pittsburgh, Pennsylvania
Mining Research Laboratory
Petroleum Research Center, Bartlesville, Oklahoma
Petroleum Research Center, Laramie, Wyoming
Petroleum Research Laboratory
Petroleum Research Office
Research Vessel
Safety Research Center

Bureau of Reclamation

Engineering and Research Center

Bureau of Sport Fisheries and Wildlife

Bird and Mammal Laboratory
Eastern Fish Disease Laboratory
Eastern Fish Nutrition Laboratory
Fish Control Laboratory
Fish Farming Experimental Station
Fish Genetics Laboratory
Fish-Pesticide Research Laboratory
Migratory Bird Populations Station
Narragansett Marine Game Fish Laboratory
North Central Reservoir Investigations
Northern Prairie Wildlife Research Center
Patuxent Wildlife Research Center
Salmon Cultural Laboratory
Sandy Hook Marine Laboratory
Sierra Nevada Aquatic Research Laboratory
South Central Reservoir Investigations
Southeastern Fish Control Laboratory
Southeastern Fish Cultural Laboratory
Tiburon Marine Laboratory
Western Fish Disease Laboratory
Western Fish Nutrition Laboratory
Wildlife Research Center

Geological Survey

Geological Survey Headquarters
Center for Astrogeology
Pacific Coast Region Center
Rocky Mountain Region Center

National Park Service

Archeological Center, Midwest
Archeological Center, Southeast
Archeological Center, Southwest
Plant Pathology Laboratory

Office of Saline Water

Test Facility, Chula Vista, California
Test Facility, Roswell, New Mexico
Test Facility, Wrightsville Beach, N.C.
Test Facility, Webster, South Dakota
Test Facility, Freeport, Texas

Water Pollution Control Administration (FWPCA)

Advanced Waste Treatment Research Laboratory
Analytical Quality Control Laboratory
Hudson-Delaware Basins Office
Robert S. Kerr Water Research Center
National Marine Water Quality Laboratory
National Water Quality Laboratory
Newtown Fish Toxicology Laboratory
Pacific Northwest Water Laboratory
Southeast Water Laboratory

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Ames Research Center
Antenna Test Range
Atmospheric Propagation Research Facility
Bedford Flight Facility
Canoga Park Facility
Churchill Research Range
Combined Systems Test Stand
Deep Space Network
Downey Industrial Plant
Edwards F-1 Engine Test Facility
Edwards Test Station
Electronics Research Center
Ellington Support Facilities
Flight Research Center
Goddard Institute for Space Studies
Goddard Space Flight Center
Jet Propulsion Laboratory
Kennedy Space Center
Langley Research Center
Lewis Research Center
Manned Spacecraft Center
Manned Space Flight Network
Marshall Space Flight Center
Michoud Assembly Facility
Mississippi Test Facility
NASA Communications Network
Nuclear Rocket Development Station
Plum Brook Station
Sacramento Test Facility
Santa Susana Test Facility
Seal Beach Assembly Facility
Slidell Computer Facility
Sounding Rocket Launch Sites
Space Radiation Effects Laboratory
Space Tracking and Data Acquisition Network
Sycamore Canyon Test Site
Table Mountain Facility
Wallops Station
Western Test Range
White Sands Test Facility

NATIONAL SCIENCE FOUNDATION

Amundson-Scott South Pole Station
Byrd Station
Cerro Tololo Inter-American Observatory
Hallett Station
Kitt Peak National Observatory
McMurdo Station
National Center for Atmospheric Research
National Radio Astronomy Observatory
National Scientific Balloon Facility
Palmer Station
Research Ship Eltanin
Research Ship Hero

POST OFFICE

Research and Development Laboratory

SMITHSONIAN INSTITUTION

National Museum of Natural History
Radiation Biology Laboratory
Smithsonian Astrophysical Observatory
Smithsonian Tropical Research Institute

TENNESSEE VALLEY AUTHORITY

Central Laboratories
Engineering Laboratory
Environmental Biology Laboratry
Forestry and Fisheries Laboratory
Industrial Hygiene and Air Quality Laboratory
Materials Engineering Laboratory
National Fertilizer Development Center
Radiological Hygiene Laboratory
Water Quality Laboratory

TRANSPORTATION

Coast Guard

Electronics Engineering Center
Field Testing & Development Center
Oceanographic Unit
Research Vessels
(Research) Polar Icebreakers
(Research) WHEC (High Endurance) Cutters
Shipboard Fire & Safety Testing Facility
Washington Radio Station Laboratory

Federal Aviation Agency

Civil Aeromedical Institute
Fog Chamber
National Aviation Facilities Experimental Center

Federal Highway Administration

Fairbank Highway Research Station

TREASURY

Bureau of Engraving and Printing

Research and Technical Services Office Laboratory

Internal Revenue Service

Alcohol, Tobacco and Firearms Division Laboratory

VETERAN'S ADMINISTRATION

Bioengineering Research Laboratory
Research Laboratories
Research Support Center, Eastern
Research Support Center, Midwestern
Research Support Center, Southern
Research Support Center, Western

SCIENCE IN NEW MEXICO

The impact of the present erratic pattern of science funding is particularly apparent in my home State of New Mexico. New Mexico has a large scientific community. The ratio of scientists and engineers to total population is the highest of any State in the Union. The economy of New Mexico is therefore geared primarily to science and technology, and any cutback directly affects the well-being of New Mexico's economy. New Mexico was chosen during and shortly after World War II as the site to locate many of the Nation's top research and development programs. The reason for selecting New Mexico was the isolation of the area, the availability of Government-owned land, and an excellent climate and geography conducive to scientific creativity. Many millions of dollars were invested by the Federal Government in constructing permanent facilities at Los Alamos, Sandia Base, Kirtland, Las Cruces—Apollo—White Sands, and Holloman. In reality, the total value of the Government investment would go into billions of dollars.

The needed scientific community relocated to the State of New Mexico from all over the Nation and made careers of valuable national contribution and formed a solid economy for New Mexico. The change in emphasis from space defense, and atomic energy, to the domestic needs of the Nation is something that is now drastically needed, and the facilities and personnel located in the State of New Mexico should be reprogramed to accomplish these domestic needs, and not disbanded and dismantled. If the current administration continues to deemphasize science and technology the State of New Mexico will suffer a sharp setback in its basic economy and conversion to another economic base will take many years. This is neither advantageous to science and technology, the scientific community, the future of the Nation, nor the future of the State of New Mexico.

The State of New Mexico was the birthplace of atomic energy, modern missile and rocketry, and the beginning of the space program. The people of the government of the State of New Mexico welcomed and cooperated with the Federal Government in accommodating the wishes of the Federal Government to conduct large-scale programs in science and technology in the State for the past quarter century. This endeavor was, of course, mutually beneficial to both the State of New Mexico and the Federal Government. In many cases, however, personal sacrifice on use of available land to ranchers, farmers, and recreational facility promoters was encountered to accommodate the desires of the Federal Government. The loss of Federal programs in the State after so long a period of investment and successful operation harms in a remarked way the very people who supported Federal science and technology in its early days.

Five State-supported universities in New Mexico are actively engaged in several programs that are federally supported in accomplishing the R. & D. programs of the Nation. These universities have made national contribution in the past to the Nation's advancing technology. These universities have produced many outstanding scientists and engineers over the past 25 years and have made a remarkable contribution to the accomplishment of the science and technology goals of the Nation. The increase in enrollment in the sciences and engineering in these universities leveled off some time ago and now is sharply declining. It appears that it is no longer attractive for young people to enter into science and technology careers if the current administration projects a dismal future. Thus the institutions of higher learning supported by the State of New Mexico which have contributed so much to the Federal activity are now faced with a sharp decline in science involvement, scientific activity, and facility overexpansion.

The attempt to create a Department of Science and Technology has a long history. I think that it is time for Congress to give a positive answer to the question of reorganization. The history of the efforts to create such a Department, along with clear and persuasive arguments, have been summarized by Herbert Roback, and I close my remarks on this subject with a request that this article be printed at the end of my comments in the CONGRESSIONAL RECORD.

By Mr. BYRD of Virginia:

S.J. Res. 68. Joint resolution to restore posthumously full rights of citizenship to General R. E. Lee. Referred to the Committee on the Judiciary.

FULL CITIZENSHIP RIGHTS FOR GEN. ROBERT E. LEE

Mr. BYRD of Virginia. Mr. President, as a result of a discovery in the National Archives, in the last 6 months, of a bona fide amnesty oath, signed by Gen. Robert E. Lee, I am today introducing a joint resolution to restore the full citizenship rights of General Lee.

As a Virginian, I take this step with much pride, and I call to the attention of the Senate that this belated action is not sectional in nature, but rather is a step that should have been taken by the Nation as a whole long ago.

I could, of course, speak at great length on the subject of General Lee's ability as a military commander and his deeds in the service of Virginia and the South. I would rather emphasize to the Senate the sterling character of General Lee, which has stood as an unequaled example of gentlemanly demeanor, both in victory and adversity.

Historians have long recognized the beneficial effects of General Lee's conduct subsequent to the War Between the States. Instead of harboring bittnerness in his heart, General Lee, both by word and deed, put his full effort into healing the wounds of that tragic conflict. His actions represented the noblest attributes of our national character and were in full accord with the fervent desire for peaceful reunion so eloquently expressed by President Lincoln.

I regard President Lincoln and General Lee as two of our greatest Americans. Their character, their leadership, their courage and their ability will stand as a monument for all time.

Only 2 months after the surrender of the Army of Northern Virginia at Appomattox Court House, General Lee on June 13, 1865, applied to President Andrew Johnson for amnesty and restoration of his rights as a citizen, pursuant to the President's Amnesty Proclamation of May 29, 1865.

In furtherance of the conciliatory spirit and fairness he displayed to General Lee and his soldiers at Appomattox Court House, Gen. Ulysses S. Grant graciously forwarded the request to the President on June 20, 1865. Always have I been impressed with the magnanimity of General Grant. The endorsement of General Lee's affidavit follows:

> Respectfully forwarded through the Secretary of War to the President, with the earnest recommendation that this application of General R. E. Lee for amnesty and pardon may be granted him. The oath of allegiance required by recent order of the President to accompany applications does not accompany this for this reason, as I am informed by General Ord, that the order requiring it had not reached Richmond when this was forwarded.

Unknown to General Lee on June 13, when he requested amnesty and restoration of citizenship, was the requirement that an oath of allegiance accompany such a request.

The next several months in General Lee's life were busy ones; during this period, he moved to Lexington, Va., and became president of what was then Washington College, the institution which is now Washington and Lee University.

On October 2, 1865, General Lee, as an example to the people of the South, laid aside his role as a military leader and became a leader of young men. On that day he was inaugurated president of Washington College and dedicated the remaining years of his life to preparing young men to be servants of the reunited States of the Union.

On that same day, General Lee, apparently having become aware of the requirement of an amnesty oath, appeared in Lexington before Charles A. Davidson, a notary public for the County of Rockbridge, Va., to whom he gave the following oath:

> I, Robert E. Lee, of Lexington, Virginia, do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States, and the Union of the States thereunder, and that I will, in like manner, abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves, so help me God.
>
> Signed, R. E. LEE.

I believe we can safely assume that had this oath reached the hands of the President, that General Lee's citizenship would have been restored in full. But it was lost for quite some period of time, and has been discovered only recently.

In the 1970 winter issue of Prologue, the journal of the National Archives, Mr. Elmer O. Parker has written an excellent article describing the discovery of General Lee's oath among the State Department records of the National Archives. Apparently the oath was submitted separately and was never joined to General Lee's request of June 13, 1865.

I recite these facts to the Senate in order to show that General Lee fulfilled every requirement for the restoration of his citizenship.

As is known to many, on February 15, 1869, the outstanding treason indictments against General Lee, his sons, and 14 other general officers of the Confederacy, were dismissed by the United States. Thus, the only bar to the citizenship of General Lee is the third section of the 14th amendment to the Constitution, which provides that no person who has previously taken an oath as an officer of the United States and is subsequently engaged in rebellion against the same, can hold office. The amendment provides that Congress, by a two-thirds vote of each House, can remove such a disability.

Mr. President, I feel that Congress should act now to restore the full rights of citizenship to one of the greatest Americans of all time.

Mr. President, at this point I ask unanimous consent that the text of the joint resolution which I send to the desk for appropriate reference be printed in the RECORD.

There being no objection, the joint resolution ordered to be printed in the RECORD, as follows:

S.J. RES. 68

Joint resolution to restore posthumously full rights of citizenship to General R. E. Lee

Whereas, this entire Nation has long recognized the outstanding virtues of courage, patriotism and selfless devotion to duty of General R. E. Lee, and has recognized the contribution of General Lee in healing the wounds of the War Between the States, and

Whereas, in order to further the goal of reunion of this country, General Lee, on June 13, 1865, applied to the President for amnesty and pardon and restoration of his rights as a citizen, and

Whereas, this request was favorably endorsed by General Ulysses S. Grant on June 16, 1865, and

Whereas, General Lee's full citizenship was not restored to him subsequent to his request of June 13, 1865, for the reason that no accompanying oath of allegiance was submitted, and

Whereas, on October 12, 1870, General Lee died, still denied the right to hold any office and other rights of citizenship, and

Whereas, a recent discovery has revealed that General Lee did in fact on October 2, 1865, swear allegiance to the Constitution of the United States and to the Union, and

Whereas, it appears that General Lee thus fulfilled all of the legal as well as moral requirements incumbent upon him for restoration of his citizenship: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the legal disabilities placed upon General Lee as a result of his service as General of the Army of Northern Virginia, are removed, and that General R. E. Lee is posthumously restored to the full rights of citizenship, effective June 13, 1865.

Mr. BYRD of Virginia. I also ask unanimous consent that a copy of General Lee's letter of June 13, 1865, to President Johnson; his letter of the same date to General Grant; General Grant's endorsement of June 16, 1865; General Grant's letter to General Lee of June 20, 1865; a copy of the oath itself, and a copy of the article by Mr. Parker be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Richmond, Va.,
June 13, 1865.

His Excellency Andrew Johnson.

Dear Sir: Being excluded from the provisions of the amnesty and pardon in the proclamation of the 29th ult., I hereby apply for the benefits and full restoration of all rights and privileges extended to those enclosed in its terms. I graduated at the Military Academy at West Point in June 1829; resigned from the United States Army, April, 1861; was a general in the Confederate Army, and included in the surrender of the Army of Northern Virginia, April 9, 1865. I have the honor to be, very respectfully,

Your obedient servant,

R. E. Lee.

Richmond,
June 13, 1865.

Lieut. Gen. U. S. Grant,
Commanding Armies of the United States:

General: Upon reading the President's proclamation of the 29th ultimo, I came to Richmond to ascertain what was proper or required of me to do, when I learned that with others I was to be indicted for treason by the grand jury at Norfolk. I had supposed that the officers and men of the Army of Northern Virginia were, by the terms of their surrender, protected by the United States Government from molestation so long as they conformed to its conditions. I am ready to meet any charges that may be preferred against me. I do not wish to avoid trial, but if I am correct as to the protection granted by my parole, and am not to be prosecuted, I desire to comply with the provisions of the President's proclamation, and therefore inclose the required application, which I request in that event may be acted on.

I am, with great respect, your obedient servant,

R. E. Lee.

Headquarters,
Armies of the United States,
June 16, 1865.

In my opinion the officers and men paroled at Appomattox Court-House, and since, upon the same terms given to Lee, cannot be tried for treason so long as they observe the terms of their parole. This is my understanding. Good faith, as well as true policy, dictates that we should observe the conditions of that convention. Bad faith on the part of the Government, or a construction of that convention subjecting officers to trial for treason, would produce a feeling of insecurity in the minds of all the paroled officers and men. If so disposed they might even regard such an infraction of terms by the Government as an entire release from all obligations on their part. I will state further that the terms granted by me met with the hearty approval of the President at the time, and of the country generally. The action of Judge Underwood, in Norfolk, has already had an injurious effect, and I would ask that he be ordered to quash all indictments found against paroled prisoners of war, and to desist from further prosecution of them.

U. S. Grant,
Lieutenant-General.

Headquarters Armies of
the United States,
Washington, June 20, 1865.

General R. E. Lee,
Richmond, Va.:

Your communications of date of the 13th instant, stating the steps you had taken after reading the President's proclamation of the 29th ultimo, with a view of complying with its provisions when you learned that, with others, you were to be indicted for treason by the grand jury at Norfolk; that you had supposed the officers and men of the Army of Northern Virginia were by the terms of their surrender protected by the United States Government from molestation so long as they conformed to its conditions; that you were ready to meet any charges that might be preferred against you, and did not wish to avoid trial, but that if you were correct as to the protection granted by your parole, and were not to be prosecuted, you desired to avail yourself of the President's amnesty proclamation, and inclosing an application therefor, with the request that in that event it be acted on, has been received and forwarded to the Secretary of War, with the following opinion indorsed thereon by me:

"In my opinion the officers and men paroled at Appomattox Court-House, and since, upon the same terms given to Lee, cannot be tried for treason so long as they observe the terms of their parole. This is my understanding. Good faith, as well as true policy, dictates that we should observe the conditions of that convention. Bad faith on the part of the Government, or a construction of that convention subjecting the officers to trial for treason, would produce a feeling of insecurity in the minds of all the paroled officers and men. If so disposed they might even regard such an infraction of terms by the Government as an entire release from all obligations on their part. I will state further that the terms granted by me met with the hearty approval of the President at the time, and of the country generally. The action of Judge Underwood, in Norfolk, has already had an injurious effect, and I would ask that he be ordered to quash all indictments found against paroled prisoners of war, and to desist from the further prosecution of them."

This opinion, I am informed, is substantially the same as that entertained by the Government. I have forwarded your application for amnesty and pardon to the President, with the following indorsement thereon:

"Respectfully forwarded through the Secretary of War to the President, with the earnest recommendation that this application of General R. E. Lee for amnesty and pardon may be granted him. The oath of allegiance required by recent order of the President to accompany applications does not accompany this for the reason, as I am informed by General Ord, the order requiring it had not reached Richmond when this was forwarded."

U. S. Grant,
Lieutenant-General.

[Office of Notary Public, Rockbridge County, Va., October 2nd, 1865.]

Amnesty Oath

I, Robert E. Lee, of Lexington, Virginia, do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States, and the Union of the States thereunder, and that I will, in like manner, abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves, so help me God.

R. E. Lee.

Sworn to and subscribed before me, this 2nd day of October, 1865.

Chas. A. Davidson,
Notary Public.

Why Was Lee Not Pardoned?

(By Elmer Oris Parker)

Archivists have recently discovered Robert E. Lee's oath of amnesty among State Department records in the National Archives. To those historians of the Civil War and Reconstruction who believe that Lee did not satisfy the requirements for amnesty this may come as a surprise.

Facing an indictment for treason, Lee read in Richmond newspapers President Andrew Johnson's proclamation of May 29, 1865, "to induce all persons to return to their loyalty." Lee immediately informed Gen. Ulysses S. Grant that he wanted to comply with the provisions of the proclamation and enclosed "the required application." It was not in order for it was not accompanied by an oath of allegiance to the United States. Such an oath was required by an order of the President. Lee's action was premature.

General Grant attempted to justify the absence of the oath. He explained to the President that Gen. E. O. C. Ord, commanding the Department of Virginia at Richmond, informed him that the order requiring it had not reached the city when Lee's application was forwarded. Grant, therefore, earnestly recommended that amnesty and pardon be granted the old warrior.

Meanwhile, Lee had been elected president of Washington College and had proceeded on "Traveller" by easy paces to Lexington where he was inaugurated on October 2. This was an important day in his life. Not only did he take up the life of a useful citizen, he also subscribed to the amnesty oath, thereby complying fully with the provisions of Johnson's proclamation. Thus, Lee had every reason to expect he would be pardoned and restored to full citizenship.

But this never happened. Secretary of State William H. Seward gave Lee's application to a friend as a souvenir and his oath was evidently pigeonholed. Although attempts have been made in recent years to have Congress restore Lee's citizenship posthumously, all have come to naught. As far as was known Lee, after laying down his arms at Appomattox, had not sworn "to support, protect and defend the Constitution of the United States." But the discovery of his oath of amnesty proves that he had indeed done so. Furthermore, he had also sworn to "faithfully support all laws and proclamations made during the rebellion with reference to the emancipation of slaves." Lee's oath was duly executed, signed, and notarized, and for a century it has remained buried in a file in the nation's archives.

ADDITIONAL COSPONSORS OF BILLS

S. 23

At the request of Mr. Schweiker, the Senator from Alaska (Mr. Stevens) was added as a cosponsor of S. 23, the Ethnic Heritage Studies Centers Act of 1971.

S. 120

At the request of Mr. Schweiker, the Senator from Oregon (Mr. Hatfield), and the Senator from West Virginia (Mr. Randolph) were added as cosponsors of

S. 120, a bill to prohibit assaults on State and local law enforcement officers, firemen, and judicial officials.

S. 192

At the request of Mr. NELSON, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 192, a bill to ban ocean dumping.

S. 422

At the request of Mr. BYRD of West Virginia, on behalf of Mr. BURDICK, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of S. 422, to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes.

S. 604

At the request of Mr. MONTOYA, the Senator from Oklahoma (Mr. HARRIS) and the Senator from Indiana (Mr. HARTKE) were added as cosponsors of S. 604, a bill to increase the annuities of certain civil service retirees.

S. 605

At the request of Mr. MONTOYA, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 605, a bill to exclude the first $5,000 of civil service retirement annuity from gross income under the Internal Revenue Act.

S. 606

At the request of Mr. MONTOYA, the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 606, a bill to provide minimum annuities for certain civil service retirees.

S. 704

At the request of Mr. INOUYE, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 704, a bill to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces.

S. 1030

At the request of Mr. RANDOLPH, the Senator from Hawaii (Mr. FONG) was added as a cosponsor of S. 1030, a bill to amend the Vocational Rehabilitation Act in order to assure rehabilitation services to older blind persons, and for other purposes.

S. 1085

At the request of Mr. HANSEN, the Senator from Idaho (Mr. CHURCH), the Senator from Arizona (Mr. FANNIN), the Senator from Iowa (Mr. MILLER), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 1085 to amend the Federal Meat Inspection Act relating to the labeling of imported meat.

S. 1113

At the request of Mr. BAKER, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 1113, the National Environmental Laboratory Act of 1971.

ADDITIONAL COSPONSORS OF JOINT RESOLUTIONS

SENATE JOINT RESOLUTION 15

At the request of Mr. NELSON, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of Senate Joint Resolution 15 to designate the week beginning the third Monday of April as National Earth Week.

SENATE JOINT RESOLUTION 32

At the request of Mr. BAKER, the Senator from Georgia (Mr. TALMADGE) was added as a cosponsor of Senate Joint Resolution 32, proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings.

NOTICE OF HEARING ON CERTAIN NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, March 17, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Richard C. Freeman, of Georgia, to be U.S. district judge for the northern district of Georgia, vice a new position created by Public Law 91–272, approved June 2, 1970

Jerris Leonard, of Wisconsin, to be Administrator of Law Enforcement Assistance, vice Charles H. Rogovin, resigned

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Nebraska (Mr. HRUSKA), and myself as chairman.

ADDITIONAL STATEMENTS

REPORT ON THE OUTER CONTINENTAL SHELF

Mr. METCALF. Mr. President, I invite the attention of Senators to the report just issued by the Special Subcommittee on the Outer Continental Shelf of the Senate Committee on Interior and Insular Affairs.

The interest of the committee in seabed mineral development dates back to 1953 when the committee gave initial consideration to the bill which became the Outer Continental Shelf Lands Act. The committee's continuing interest in the development of offshore mineral recovery operations was notably intensified on July 23, 1969, when our chairman, Senator HENRY M. JACKSON, established a Special Subcommittee on the Outer Continental Shelf and requested that it investigate the matter of a national policy for our continental shelf and seabed.

I have enjoyed the privilege and the challenge of serving as chairman of that special subcommittee, whose members included Mr. JACKSON, Mr. MOSS, Mr. GRAVEL, Mr. BELLMON, Mr. HATFIELD, and Mr. STEVENS. Our subcommittee has conducted comprehensive hearings. The record of our hearings is contained in three volumes. The initial conclusions we have reached are laid down in a fourth volume—a summary and a report, including a response to President Nixon's May 23 proposal and the draft working paper which followed.

I will discuss today the conclusions we have reached. But before doing so, allow me to comment briefly on the approach we took in the preparation of our report.

At the outset we all became quickly aware of the gravity of the subject before us. We recognized that the mineral wealth of our continental margins contains the energy potential to fuel our Nation's needs for the next century. We also recognized that undisputed access to the vast energy resources of the entire U.S. continental margin is absolutely essential to fuel our industrial machine and thereby sustain a sound economy. In short, we soon realized that we were considering a matter so important to the future well being of the American people that it would be sheer folly to allow partisan politics to affect our deliberations in any way.

Our report was unanimous. There are no dissents, no minority views. I hope that you will each study our report. It is based wholly on the record of our hearings and is the result of hundreds of hours of meticulous preparation.

I might also add here that copies of earlier draft versions of this report were made available to the Department of State through the request of its able legal adviser, Mr. John R. Stevenson. Mr. Stevenson visited us to discuss suggested changes in our report which he thoughtfully prepared. He sent two memorandums containing a total of 30 specific recommended changes. We gratefully accepted 10 out of 14 of the changes he suggested in his first memorandum and nine out of 16 changes he proposed in his second memorandum or, in the aggregate, we accepted in whole or in part 19 out of 30 of his recommended modifications. We were not able to accept the remaining 11 changes Mr. Stevenson proposed, because our acceptance of those recommendations would have caused us to reach diametrically opposite conclusions from those upon which the subcommittee had already unanimously agreed and which were derived wholly from the record of the hearings.

The committee, nevertheless, appreciated Mr. Stevenson's helpful suggestions during the time of our hearings and while preparation of our report was progressing. We look forward to his further cooperation with the committee as it continues its review of proposals pertaining to the U.S. continental margins and the deep seabed.

Before I summarize the report, I shall digress for a moment to mention briefly what I consider to be the international setting in which the U.N.-sponsored law of the sea debates are taking place.

The international law of the sea was created and has been perpetuated in order to further the self-interests of those nations powerful enough to shape it. Hugo Grotius, the father of modern international law of the sea, was hired by the Dutch Government at the beginning of the 17th century to invent the freedom-of-the-seas doctrine. This was necessary because a Dutch sea captain had committed an act of piracy against a Portuguese vessel in the Strait of Malacca—waters claimed by the Portuguese under the authority of the Treaty of Tordesillas of 1494. The Dutch wanted to monopolize trade with the Far East, and Hugh Grotius was hired at a very handsome fee to help his Dutch Government justify acts of piracy in order to monopolize trade. Thus, the freedom-of-the seas doctrine was invented to justify unlawful actions taken by the Dutch Government against the Portuguese.

What Grotius said was that the seas are common to all nations and God did not ordain that any nation should be permitted to assert its dominion over them. What Grotius meant was that the Dutch intended to sail their vessels to the Far East to monopolize trade there and the Dutch were not going to let any Portuguese assertions of dominion over the western Atlantic and Indian Ocean—even though sanctioned by the powerful Pope Alexander VI—get in their way.

That was the origin of the freedom-of-the-seas doctrine. That doctrine has evolved over the last few centuries. Yet, today it remains quite similar when you look through all the rhetoric.

The four freedoms of the sea—as set forth in the 1958 Geneva Convention on the High Seas—are the freedom to navigate the high seas; the freedom to overfly the high seas; the freedom to fish on the high seas; and the freedom to lay submarine cables and pipelines on the bed of the high seas. There are also other implied freedoms arising out of the freedom-of-the-seas doctrine: The freedom to conduct research on the high seas and the freedom to explore and exploit the natural resources of the deep ocean floor—beyond the limits of national jurisdiction.

The crucial issues arising out of any contemporary analysis of the freedom-of-the-seas doctrine is who benefits and who is burdened?

Those nations which have navies and merchant marines which traverse the globe benefit. Those nations which have no global naval or merchant marine capabilities do not benefit.

Those nations which have transoceanic airlines and strategic airpower capabilities benefit from the freedom-of-the-seas doctrine. Those nations which have no such aircraft do not benefit.

Those nations whose modern, highly mechanized fishing fleets are capable of sailing to distant waters benefit from the freedom-of-the-seas doctrine. Those nations do not benefit which have none themselves but who are confronted with other nations' distant water fishing fleets catching millions of tons of fish within sight of foreign shores.

Those nations which have the capacity to lay submarine cables, do oceanographic research, and mine the deep ocean floor benefit from the freedom-of-the-seas doctrine. Those nations without marine technology do not benefit.

When one understands that there are dozens of nations which have never benefited from the freedom-of-the-seas doctrine, one can understand the motivation behind their growing demands for greater participation. What is proclaimed by some to be equal freedom for all nations on the high seas has become in fact unequal freedom.

One final thought before returning to our report. In 1945, President Truman issued a proclamation which later became the basis for another very important convention—the 1958 Geneva Convention on the Continental Shelf. This convention reflects the inherent and exclusive right of coastal nations to explore and exploit the national resources of their continental margins.

The Convention on the Continental Shelf, however, recognizes that the high-seas doctrine applies to uses of the water column above the continental margins of coastal nations and to uses of the continental margins not related to exploration and exploitation of seabed wealth. Thus, the two doctrines are quite compatible.

The one significant geopolitical difference between the 1958 Geneva Convention on the High Seas and the 1958 Geneva Convention on the Continental Shelf is that under the High Seas Convention the technologically underdeveloped nations do not benefit. But under the Continental Shelf doctrine all coastal nations, whether technologically advanced or not, enjoy the same exclusive right to explore and exploit the natural resources contained within their entire continental margin. All coastal nations own the mineral estate of their continental margins. The word that tells the difference between the two conventions is equity.

Under the freedom-of-the-seas doctrine there is not much equity between developed and underdeveloped coastal nations; under the Continental Shelf doctrine there is equity between the developed and less developed coastal nations.

Under the freedom-of-the-seas doctrine, a less developed nation is a second-class citizen. Under the Continental Shelf doctrine a less developed coastal nation has rights essentially equal to the large industrialized coastal nations.

The lesson to be learned is that the underdeveloped coastal nations are in the process of waking up to these differences and are beginning to assert a few rights of their own. This is what the new law of the sea revolution is all about.

Now to our report.

The threshold question we explored concerned the nature of the present rights enjoyed by the people of the United States in the continental margin. One source of law which defines these rights is the 1958 Geneva Convention on the Continental Shelf. That convention provides a definition of the seaward limits of our sovereign rights. It states that our sovereign rights extend "to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas."

Some few witnesses said this definition was imprecise. Most witnesses correctly stated that this definition was quite precise and wholly adequate. One or two State Department officials said that they were not certain of the meaning of the Geneva Convention or that they did not wish to discuss it. Every member of our subcommittee felt that the meaning of the Continental Shelf Convention was quite clear. So that there will be no doubt as to our understanding of its meaning, let me read to you our interpretation of the seaward limits of our sovereign rights over our continental margins. We unanimously agree that—

> Rights under the 1958 Geneva Convention on the Continental Shelf extend to the limit of exploitability existing at any given time within an ultimate limit of adjacency which could encompass the entire continental margin.

This is also the definition adopted by the American Branch of the International Law Association, a group of distinguished scholars and international lawyers.

In plain words, our major sovereign rights as related to our continental margins consist of the following:

First, the exclusive ownership of the mineral estate and sedentary species of the entire continental margin;

Second, the exclusive right to control access for exploration and exploitation of the entire continental margin; and

Third, the exclusive jurisdiction to regulate fully and control the exploration and exploitation of the natural resources of the entire continental margin.

We made reference in our report to the 1958 Geneva Convention on the Continental Shelf as one useful source of law which helps define the nature of our rights in our submerged land continent. We also noted the 1969 opinion of the International Court of Justice concerning the North Seas cases which affirms the principal source of our rights in our submerged land continent. That source is an inherent right which exists by virtue of our sovereignty over the land.

This is a very important point. Let me repeat it. The exclusive sovereign right we enjoy to explore and exploit the natural resources of our entire continental margin is an inherent right which exists by virtue of our sovereignty over the land.

The sovereign right of each coastal nation to exploit the natural resources of its submerged land continent is not dependent on the acquiescence of any other nation. Accordingly, no nation or group of nations may negotiate away that right without our consent. Nor may we or any group of nations negotiate away the sovereign right of any other coastal nation to explore and exploit the natural resources of its continental margin without that nation's consent.

That is why we stated in our report that any new international agreement which purported to restrict claims of national jurisdiction to which the United States is entitled under the Continental Shelf doctrine, would certainly be of far-reaching domestic importance and, therefore, of serious concern to our committee.

There are, however, some few militant factions in our Government which are hopeful that coastal nations will sacrifice their sovereign rights to the natural resources of their continental margins. These nautical hawks feel that their freedom to navigate may be hampered by the development of natural resources of the continental margins of the world.

So they wish to stop development in order to prevent any competition with their free and unregulated use of the sea and seabed.

They have suggested that a few coastal nations have been overstepping their rights under the Geneva Convention by claiming areas of exclusive national jurisdiction far in excess of those contemplated by that treaty, and that such claims qualitatively are in abrogation of the freedom-of-the-seas doctrine. We have found little evidence to support such allegations. The overwhelming majority of coastal nations which have become parties to the Shelf Convention have limited their jurisdictional claims both qualitatively and quantitatively to the terms of that treaty. They have indeed honored their solemn commitments.

Nevertheless, because of the small handful of examples of jurisdictional claims alleged to be violations of the Shelf Convention, some few persons have advocated superseding the 1958 Geneva Convention on the Continental Shelf with a new treaty designed to incorporate anew the freedom-of-the-seas doctrine. We see no more logic in such a position than we do in reenacting the criminal statutes. The best means to insure that a law is obeyed is to seek to enforce it, not to pass a new law redundantly stating an existing crime to be unlawful. Likewise, the best means to preserve the freedom-of-the-seas doctrine is to insist that it be honored. This cannot be achieved by proposing a new treaty which restates the already existent doctrine of the freedom of the seas. In short, the freedom-of-the-seas doctrine is adequately incorporated in the existing Geneva Conventions on the Law of the Seas and is well recognized in customary principles of international law.

The next point I would like to discuss concerns the President's ocean policy proposal of May 23, 1970. The President proposed that a treaty be adopted as soon as possible which would provide for the renunciation of all national claims beyond the 200-meter isobath and the establishment of an international regime to administer seabed resources exploitation beyond this limit. As stated by the President:

> The regime should include the collection of substantial mineral royalties to be used for international community purposes, particularly economic assistance to developing countries. The regime should also establish general rules to prevent unreasonable interference with other uses of the ocean, to protect the ocean from pollution, to assure the integrity of the investment necessary for such exploitation and to provide for peaceful and compulsory settlement of disputes.

The proposed international regime would include two types of machinery.

First, there would be an international trusteeship zone including the continental margins beyond the 200-meter depth, in which the coastal nations would act as trustees. The coastal nation would share the international revenues for its zone and would have discretion to impose additional taxes. It would apply and administer its own laws and regulations, within the broader rules of the international regime. Changes in U.S. domestic import and tax laws and regulations may be necessary to avoid discrimination against U.S. nationals operating in the trusteeship zone.

Second, international machinery would govern the use of seabed resources beyond the continental margins.

With regard to an interim policy, the President suggested that all permits for exploration and exploitation be issued subject to the international regime to be agreed upon, with a portion of the revenues from interim exploitation to be paid to an appropriate international development agency.

The President's proposed framework for an ocean policy contained the offer of bold and daring financial concessions on the part of the United States in the interest of international goodwill.

We construe the President's policy proposal to mean that while pressing for international acceptance of the type of legal framework outlined in it, the United States should take no action which will in any way forfeit the present sovereign rights the United States enjoys in its continental margin. Generally, we supported most of the provisions in the President's proposal.

Our only areas of initial difference with the President are his suggestions that the United States should renounce its sovereign rights to its continental margin in return for similar, but limited rights in an area designated as a trusteeship zone and his suggestion that leases applying to areas of the Continental Shelf beyond the 200-meter isobath be issued subject to an international regime to be agreed upon.

Regarding renunication of the heart of our sovereign rights, we have three objections:

First, the offer to renounce our sovereign rights beyond the 200-meter isobath could cast a cloud on our present title to the resources of our continental margin:

Second, the renunciation of our sovereign rights to the resources of our continental margin beyond the 200-meter isobath in no way guarantees the willingness of the international community to redelegate functionally to us the same rights we would renounce; and

Third, our sovereign rights to explore and exploit our continental margin, although reaffirmed by the 1958 Geneva Shelf Convention, are nevertheless inherent rights which were vested in the United States by virtue of the natural extension beneath the sea of our sovereign land territory. Our sovereign rights to the resources of this area are not dependent upon the acquiescence and approval of the international community. To renounce these inherent rights and to ask that they be returned in part to us merely requests the international community to give us that which, ipso facto and ab initio, is rightfully ours to begin with.

Recognizing, however, that all other members of the international community have rights of their own in the deep seabed, and in the high seas overlying our continental margin and on our continental margin—of course excluding any right to explore or exploit the natural resources of our continental margin—it is appropriate that, as a nation, we should continue to honor these rights.

With respect to the continental margin and the waters overlying it, this can best be achieved through affirmation of, and adherence to, existing international law.

As we previously stated, the freedom-of-the-seas doctrine, in theory, is well established in international law. Also, the freedom-of-the-seas doctrine, in practice, is adhered to by the overwhelming majority of nations. Yet, a minuscule minority of nations has been reluctant to recognize fully and respect the freedom-of-the-seas doctrine. This handful of nations is known by all the others for its violations of international law.

For the United States, or any other law-abiding nation, to offer to renounce its inherent sovereign rights to the mineral estate of its continental margin in the hope that these few recalcitrant nations would mend their ways and begin to adhere to the freedom-of-the-seas doctrine is like offering to pay ransom to bandits in order to encourage them to stop stealing.

Thus, to renounce what constitutes the heart of our sovereign rights in response to illegal demands by a handful of nations can only encourage greater violation of the freedom-of-the-seas doctrine.

Our sovereign rights to the mineral estate of our continental margin exist by virtue of our sovereignty over our land. This mineral estate is the heritage of the American people. It should be retained.

With respect to the suggestion that leases, pursuant to the Outer Continental Shelf Lands Act of 1953, applying to areas of our continental margin beyond the 200-meter isobath, be issued subject to an unknown regime to be agreed upon, we have these objections:

First, including such a provision in our leases would undoubtedly cast a cloud on our present title to the natural resources of our continental margin;

Second, casting such a cloud on our title to the natural resources of our continental margin would be tantamount to accepting as binding the U.N. moratorium resolution purporting to call a halt to further exploration and exploitation of the seabed. It is to be recalled that the United States voted against this resolution and the U.S. delegate denounced it on the floor of the U.N. General Assembly;

Third, including such a provision would create such uncertainties on the part of the potential lessee that he would decline to enter into such a leasing agreement. Witnesses before this committee confirmed these contentions. One of them stated that imposing such an open-ended condition on a lease would be asking potential lessees to "buy a pig in a poke." Such an arrangement clearly would, rather than encourage, discourage industry from making the huge investments necessary to recover the resources located at depths greater than 200 meters; and

Fourth, including such a provision in leases issued for areas beyond a depth of 200 meters would deny to the United States revenues accruing from bonus bids and royalties which would otherwise accrue to the U.S. Treasury.

Accordingly, we feel that during the interim period prior to the entry into force of a future seabeds treaty, U.S. leases beyond the 200-meter isobath should not be issued subject to any future regime. Rather, they should be governed by existing arrangements as provided for in the Outer Continental Shelf Lands Act of 1953 and the 1958 Geneva Convention on the Continental Shelf, an this can be achieved through providing within any future seabeds treaty that the treaty shall not in any way modify the terms of leases, applying to areas of the continental margin beyond the 200-meter depth contour, with respect to the rights and obligations of the lessee. Without such assurances the investor in offshore mineral development could not make a rational investment in such a high-risk venture.

Although our remarks concerning the President's proposal have been devoted largely to policy matters affecting our continental margin, we are nevertheless as concerned as he that the American people may derive their fair share of benefits from the exploration and exploitation of the deep seabed beyond the limits of exclusive national jurisdiction.

We share with the President the desire that such ocean resources be used rationally and equitably for the benefit of mankind. Rational and equitable use of deep seabed resources requires the establishment of conditions in any future seabed treaty which will encourage investment and insure protected access to those interested in, and capable of, responsibly undertaking mineral recovery operations.

Prior to adoption of a seabed treaty, however, the U.S. Government should provide measures designed to insure protection of investors who desire to exercise present high seas rights to explore and exploit the wealth of the deep seabed beyond the limits of the submerged land continent.

A brief word now about the draft working paper presented by the U.S. delegation at last August's meeting of the U.N. Seabeds Committee. The President did not provide any detailed suggestions covering a future seabeds treaty in his May 23, two-page, proposal. Yet the draft working paper, which some erroneously contend implements the President's proposal, contains 69 pages of details. It was largely through the efforts of our subcommittee that this 69-page draft was reduced to the status of a working paper. The disclaimer on its face bears this out. It states that the draft working paper raises "a number of questions with respect to which further study is clearly necessary" and that the draft working paper does "not necessarily represent the definitive views of the U.S. Government."

Many changes will have to be made in the draft working paper before the members of our committee will be willing to support it.

Let me turn to one final point before closing. The drafters of the U.S. Constitution were mindful of the danger of ill-conceived treaties purporting to affect the property rights of the United States. That is part of the reason for their including article IV, section 3, clause 2 in the U.S. Constitution. It delegates to the Congress the power to dispose of all property of the United States. All rights specified in the 1953 Outer Continental Shelf Lands Act, and in the 1958 Geneva Convention on the Continental Shelf are the property of the United States. Our designation of those rights constituting the heart of our sovereign rights is in no way intended to be an exhaustive description of all of the property rights possessed by the people of the United States in our continental margin. As we interpret article IV, section 3, clause 2 of the U.S. Constitution, renunciation of any of the rights referred to in any of the aforementioned laws, would require an act of Congress.

Thus, as we interpret the Constitution, mere ratification of the draft working paper, should it ever become a treaty, would not be sufficient to satisfy the Constitution. Legislation passed by both Houses of Congress would also be required.

I will close by quoting the conclusion of our report:

> Two main tasks lie ahead for the Committee on Interior and Insular Affairs with respect to the further development of a national seabeds policy. They are:
>
> A continuing extensive review of the working paper introduced by the U.S. Delegation at the August session of the United Nations Seabeds Committee with a view toward seeking modifications of it to conform to our interpretation of the President's intent and with our recommendations outlined above.
>
> An investigation of the special problem of an interim policy which would ensure continued exploration and exploitation of the natural resources of our continental margin under present law and would establish appropriate protection for investments related to mineral recovery by U.S. nationals in areas of the deep seabed beyond the limits of exclusive national jurisdiction.

I hope that Senators will study our report and comment on it as the Committee on Interior and Insular Affairs continues to work in this area, so important to our Nation and the world.

Mr. JACKSON. Mr. President, as chairman of the Committee on Interior and Insular Affairs, I take this opportunity to endorse the work product of the Special Subcommittee on the Outer Continental Shelf which has served under the able chairmanship of the junior Senator from Montana (Mr. METCALF). The Metcalf report, in my judgment, will come to be recognized as a historic document, and will serve as a fine example of legislative oversight by a committee of Congress. Senator METCALF is to be praised for the diligent, evenhandedness and judiciousness with which he has led the members of his subcommittee in considering the complex questions related to the status and future use of our continental shelf and the great wealth located therein.

On July 23, 1969, I asked Senator METCALF to be chairman of the Special Subcommittee on the Outer Continental Shelf for the purpose of aiding the executive branch in efforts then underway to formulate a policy position and to otherwise oversee developments generally. As I fully expected, Senator METCALF and the members of his subcommittee have done a highly commendable job and have nobly responded to the charge presented to them.

The work of the special subcommittee is reflected in three volumes containing nearly a thousand pages of testimony and has borne fruit in the report just released to Members of Congress and to the American public. The report reflects the great depth of understanding concerning the Continental Shelf and the seabed developed by members of the special subcommittee during these past 2 years. The report is one of the most thoroughly analytical treatments of the subject I have ever seen in print. The members of the subcommittee worked long hours in its preparation and their report reflects the cooperative, balanced, and nonpartisan nature of the approach they took in the conduct of the hearings and the preparation of the report. I am confident that the report will serve as a milestone in the development of U.S. policy pertaining to the mineral resources of our continental margins and the deep ocean floor which extends beyond them.

I commend this report to the attention of Senators and ask that they carefully consider its recommendations. The work of the special subcommittee will be invaluable as the Interior Committee proceeds further in our consideration of this very important matter. We expect that the committee will continue its extensive review of the working paper introduced by the U.S. delegation at the August session of the United Nations Seabeds Committee and that as a committee we will seek modifications of that working paper to conform with the policy recommendations contained in the report of the special subcommittee. I also feel that we must give priority to the special problem of an interim policy which would insure continued exploration and exploitation of the natural resources of our continental margin under present law and would establish appropriate protection for investments related to mineral recovery by U.S. nationals in the area of the deep seabed beyond the limits of exclusive national jurisdiction.

PLEA FOR A SENSIBLE OUTER CONTINENTAL SHELF POLICY

Mr. STEVENS. Mr. President, it has been a great pleasure to serve on the Special Subcommittee on the Outer Continental Shelf. During the past 2 years, we have carefully examined the mineral potential of our Continental Shelf and studied alternative policy considerations concerning it and concerning the deep seabed beyond the limits of our national jurisdiction.

As you know, the continental margin off the coast of my home State of Alaska encompasses greater area than the combined Continental Shelf of the remaining 49 States. Consequently, the interest of the people of my State in the subject matter of our special subcommittee has been very great. Many Alaskans earn their living through the harvesting of resources of the marine environment, both living resources and minerals. Thus, I was quite pleased that the members of the subcommittee were able to reach agreement on the nature and extent of our rights in the U.S. continental margin.

The position the committee took is consistent with the position I advocated in an address delivered to the section on natural resources law of the American Bar Association in August 1969. This speech was subsequently reprinted on page 7 of volume I of the hearings of the Special Committee on the Outer Continental Shelf.

As has been forcefully stated here today, our sovereign rights in the seabed adjacent to our coast "extend to the limit of exploitability existing at any given time within an ultimate limit of adjacency." This is the definition adopted by the American Branch of the International Law Association, which is a group of distinguished scholars and international lawyers, whose reports have been made a part of the record of our hearings and have been of invaluable assistance to us in our deliberation.

I share the hope of my colleagues that our report will become a milestone at home and abroad in the development of a realistic policy applying to the development of mineral resources lying on the submerged land continent which constitutes an extension of our land territory.

This past December, the U.N. General Assembly passed a resolution which calls for the convening of a law of the sea conference in 1973. Preparations for that conference are taking place in Geneva this very day. While our State Department officials are present there and attempting to accommodate the interests of the other 85 members of the U.N. Seabeds Committee, I feel that we as a committee will have a continuing responsibility to insure the protection of the interests of the American people insofar as the development of marine resources is concerned. Accordingly, I am hopeful that the full committee will continue the work begun by the subcommittee, under the able chairman of Senator METCALF.

Mr. HANSEN. Mr. President, although I was not a member of the Special Subcommittee on the Outer Continental Shelf, I was, nevertheless, invited to attend its hearings by its able chairman, Senator METCALF, who today outlined the conclusions set forth in the report of the special subcommittee. I would merely like to state that the report is one of the best I have seen prepared by a congressional subcommittee, and is a real credit to the Members of both sides of the aisle who so ably served on the special subcommittee. I am convinced that it will be highly useful in the development of U.S. policy concerning the future of the development of marine resources on our continental margin and on the deep seabed lying beyond.

One of the points to which I should like to call to the attention of Senators is one that was discussed briefly by Senator METCALF in his statement today. It concerns the ill-advised suggestion that the marine resources of the U.S. continental margin should be sacrificed as bargaining fodder to achieve greater adherence on the part of some nations to what is well recognized in international law as the "freedom of the seas doctrine." Those who advocate such a position have been adequately termed "nautical hawks." These nautical hawks feel that their freedom to navigate may be hampered by the development of the manifold natural resources contained within the continental margins of the world so they would prefer to prevent further development of these natural resources in order to prevent any competition with their free and unregulated use of the sea and seabed. Let me set the record straight that the freedom of navigation is very important to the security and well-being of the American people, but the preservation of the freedom to navigate should not be purchased at the expense of giving away the mineral estate of the American people in our continental margin. It is time that these nautical hawks learned that there are other users of the marine environment who have an equal right to exist.

Further, one of the questions that has always puzzled me as related to the myopic vision of these nautical hawks is that they seem to forget that insofar as national security is concerned undisputed access to the vast energy resources located on the U.S. continental margin is of paramount importance. The petroleum reserves located there constitute a strategic material which is absolutely essential as the principal source of energy to fuel our industrial machines and thereby sustain a sound economy. In light of the impending energy shortage, which will likely be the subject of an exhaustive study by the Senate Interior Committee, our rights to explore and exploit the marine resources of our continental margin and thereby reduce our dependency upon other nations for the fuels needed to sustain our economy takes on added significance.

A major issue of concern has been the suggestion that the United States should renounce its sovereign rights to its continental margin in return for similar but limited rights in an area designated as a trusteeship zone, and that any leases issued for areas beyond the 200-meter depth contour should be issued subject to an international regime to be agreed upon.

These two suggestions were found to be very troublesome. The concern is based upon the following grounds: The offer to renounce our sovereign rights beyond the 200-meter depth contour, in and of itself, could cast a substantial cloud on our presently clear title to the mineral resources of our continental margin. Second, the renunciation of our sovereign rights to the resources of our continental margin beyond the 200-meter depth contour would in no way guarantee the willingness of the international community to redelegate to us the same rights we would renounce. Third, since the rights we enjoy in our continental margin exist by virtue of our sovereignty over the land, the wisdom of renouncing these rights and asking that they be returned in part to us is difficult to understand because by so doing we would merely be asking the international community to give us that which is rightfully ours to begin with.

Similar reasoning applies to the suggestion that leases beyond the 200-meter depth contour be issued subject to an international regime to be agreed upon. If we included such provisions in our leases, the inclusion of such terms would cloud our present title to the natural resources of our continental margin. By clouding, or appearing to cloud, our title would, in turn, discourage exploration and development of the marine resources of our outer continental margin. Such discouragement of exploration would be contrary to the President's announced intention, and would, in effect result in adhering to a principle which the United States voted against in the 27th General Assembly. I am referring to the moratorium resolution which purported to declare unlawful the right of coastal states to proceed with further development of the marine resources of their continental margins. The United States voted against this resolution and the U.S. delegation denounced it on the floor of the General Assembly.

With respect to U.S.-leasing policy in the period between now and the time a future seabed treaty might enter into force, if we adopt a policy which would discourage exploration and development of the marine resources of our outer continental margin, we would deprive ourselves of substantial revenues accruing from bonus bids and royalties which would otherwise be paid into the U.S. Treasury. It is to be noted that to date the revenues accruing to the U.S. Treasury flowing from fees paid by industry to the U.S. Treasury pertaining to leases on the Outer Continental Shelf has exceeded $7 billion.

Finally, to date the U.S. Government has not afforded sufficient protection to the imaginative pioneers of our U.S. ocean industry who have been attempting to develop the technology necessary to mine the deep ocean floor beyond the limits of the continental shelf national jurisdiction. I feel that our reluctance to afford more adequate protection for these nautical frontiersmen has been due to a misapprehension on the part of some individuals in the executive branch that development of the minerals of the deep seabed by American oceanic pioneers could be interpreted by some of our fellow members of the U.N. Seabeds Committee as an attempt to monopolize the wealth of the deep seabed. A reading of the hearings should convince the reader that there is no such intent. Representatives of such companies made it clear that their concern is merely to involve themselves with innovative technology which must be developed before any nation will be capable of putting to mankind's use the mineral wealth of the deep seabed.

It is my hope that in the present session of this Congress we will consider means by which our oceanic pioneers will be encouraged, rather than discouraged, to brave the adverse elements of the marine environment in order to find the means to put the wealth of the deep seabed to mankind's use. It is also my hope that the Interior Committee will continue its work related to the continental shelf and deep seabed and will further examine the draft working paper introduced last summer in Geneva and amendments to it as they are proposed.

In closing, let me again compliment Senators on the outstanding job they did through a long and difficult series of hearings and for their objectivity and openmindedness in preparing the very well balanced report submitted here today.

Mr. BELLMON. Mr. President, I have had the privilege of serving as ranking minority member on the Special Subcommittee on the Outer Continental Shelf and have worked closely with Senator METCALF on this very complex and difficult subject.

The approach the subcommittee took was evenhanded and impartial. I believe that all of the members of the subcommittee approached the subject with an open mind. The future of the mineral estate of the American people in the outer continental margin is too grave a matter to be subjected to partisan disputes. Members from both sides of the aisle who participated in our subcommittee hearings and in the preparation of this milestone report agreed from the start that our approach to this subject would be one of evenhandedness and mutual cooperation.

At a meeting of the Marine Technology Society on Friday, February 26, I presented the substance of our conclusions to a large audience of professionals interested in the Continental Shelf and seabeds question, and I was very pleased to find our conclusions widely accepted there. Senator METCALF kindly included my remarks made at that meeting in the CONGRESSIONAL RECORD, and I am happy that he did so.

The second point I would like to make today is that although we support much of what the President had to say in his May 23 seabed proposal we cannot in good conscience accept his suggestion that the United States should renounce its rights to the American estate of the continental margin beyond a depth of 200 meters. This area may contain enough energy to fuel our entire economy for the next century. Accordingly, renunciation of such potential energy resources would not be in the best interest of the American people.

Mr. President, let me further set the record straight with respect to any allegations that the rights of the American people to the marine estate of the entire continental margin are subject to question or uncertainty. The subcommittee unanimously agreed that "rights under the 1958 Geneva Convention on the Continental Shelf extended to the limit of exploitation existing at any given time within an ultimate limit of adjacency." Admittedly, these words were written by lawyers but what they mean to us is that, as they now exist, the rights of the American people in our continental margins consist of the following:

First. The exclusive ownership of the mineral estate and sedentary species of the continental margin;

Second. The exclusive right to control access for exploration and exploitation of the continental margin; and

Third. The exclusive jurisdiction to regulate fully and control the exploration and exploitation of the natural resources of the continental margin. These rights are inherent rights and exist by right of our sovereignty over the land.

In conclusion, I would ask my colleagues to carefully study the report, because a time may come when we are called upon to ratify a treaty affecting our continental margin and deep seabed beyond. In the event such a treaty is ratified, we would also be called upon to pass enabling legislation, together with the House of Representatives, since such enabling legislation would be constitutionally required to implement a treaty purporting to dispose of property rights belonging to the people of the United States.

SENATOR MUSKIE WANTS AN END TO AMERICA'S PARTICIPATION IN INDOCHINA WAR

Mr. CHURCH. Mr. President, I was particularly attracted by what the Senator from Maine (Mr. MUSKIE) said in his connaissance lecture at the University of Pennsylvania on February 23 about ending America's military participation in the war in Indochina. He said:

> It is clear that we must withdraw all our troops from Vietnam. We must do so by the end of the year. We must be willing—all of us—to say, "Enough."

I wholeheartedly support these views. Such candid recommendations by so prominent a public figure, now a member of the Senate Foreign Relations Committe, are welcome.

I ask unanimous consent that Senator MUSKIE's speech be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR EDMUND S. MUSKIE AT THE CONNAISSANCE LECTURE, UNIVERSITY OF PENNSYLVANIA, PHILADELPHIA, PA., FEBRUARY 23, 1971

George Kennan once wrote that "A political society does not live to conduct foreign policy . . . it conducts foreign policy in order to live."

Our experience in Indochina is a tragic demonstration that our foreign policy affects us no less than it affects other nations.

Foreign policy is not a game. It should be a means for allowing us to get on with what ought to be our fundamental tasks—of building a whole society here in America, and of helping other nations improve the quality of life for their citizens. The time has come to return to these tasks.

Now is the time to do what we must; to end the war; to end the killing 10,000 miles away; to stop tearing our own country apart. For almost 200 years as a nation, we have proclaimed our belief in peace and in the dignity of man. Yet for too many years, we have permitted that belief to wither away in the jungles of Indochina. We have too often behaved in Indochina as if the use of force should be a first alternative rather than a last resort. We have too often behaved in Indochina as if our nation's men and resources were bargaining chips in an international game of poker. We have too often behaved, in Indochina and elsewhere, as if the preservation of the status quo abroad were essential to our survival here at home. We have too often behaved, in Indochina and elsewhere, as if international politics were a simple contest between the forces of darkness and the forces of light.

How, then, *should* we behave in a world where distrust and hostility still run deep, where the aims of nations continue to differ in fundamental respects? While remaining prepared to resist the threat or use of force, we must also be prepared to exercise the wisdom, moderation, and restraint which are necessary if man is to create the conditions for peace.

We must remember that saving men's lives is more important than saving face for governments. We must remember that a foreign policy which cannot be presented honestly to the American people does not deserve their support. I speak tonight out of deep concern that we have forgotten these very principles in Indochina, and so the war goes on.

I am deeply concerned that after this Administration has assured us it was winding down the war, it has taken new military actions across the face of Indochina. I am deeply concerned that this Administration has ruled out any further initiatives by our negotiators at the Paris Talks. I am deeply concerned by the news blackout before the invasion of Laos, and the conflicting reports of what is happening there now. Eventually, we will know, and the Administration will learn that it can embargo the news, but it cannot embargo the truth.

It is cynical for this Administration to argue that Americans are not engaged in ground combat in Laos when American helicopter gun crews are involved in ground combat, and American lives are being lost. A difference of thirty feet in altitude between helicopter gunners and the ground troops they are firing at is no difference at all in function.

I believe it was wrong to unleash South Vietnamese troops across the border of Laos and support them there, as I believed it was wrong to lead them across the border of Cambodia. What we have attempted, with a limited number of South Vietnamese, is an operation that has been rejected in the past for far stronger U.S. forces. Once again, this Administration has minimized the risks and exaggerated the benefits of a new military adventure. Whatever the apparent or illusory short-term military gains, this action has resulted in a substantial extension of our military involvement and has further undermined the Paris talks.

I believe it was right for the President to have told us last June that no combat support missions would be flown across the skies of Cambodia. I believe it was wrong for his Secretary of Defense, six months later, to characterize this pledge and the words of the Cooper-Church Amendment as matters of "semantics." If these matters are semantics, then neither the pledge nor even the laws of our government can have any reliable meaning.

I believe it is wrong to increase once again the bombing of North Vietnam. And I believe it was wrong for the President to refuse to rule out an invasion of North Vietnam by the South Vietnamese—who could not attack the North without our support.

The longer we lend our presence to this expanding conflict, the longer this conflict will endure. And the longer it endures, the more profound will be the injury done, not only to the peoples of Vietnam and Cambodia and Laos, but to our own country—to our men who are killed or maimed and to their families, to our institutions of learning, to our procedures for governing, to our confidence our society's ability to reach for its own ideals.

The President has had more than two long years to implement his so-called plan to end the war. But all that he has revealed is a program for maintaining a substantial American military presence in Indochina. Our troop level in South Vietnam will have been reduced to 284,000 men by May of this year. I welcome that reduction. I believe all Americans welcome that reduction. This Administration has tried to make us believe, however, that its policy is to train the South Vietnamese to take our the fighting so our troops can be withdrawn. But has the President said that this is his policy? No—he would only say last Wednesday that we will withdraw all our troops as part of a mutual withdrawal.

Then what are we to make of the President's refusal to say his policy will lead to a complete withdrawal of American troops? Must Americans fight and die indefinitely in Vietnam and Cambodia and Laos? Must our men in South Vietnam remain indefinitely as props for the Thieu-Ky regime? And how long must further thousands of our men in Thailand and on the seas off Indochina be committed to this war? These are the things we want this Administration to make perfectly clear.

This much we already know: Vietnamization is not the answer. Vietnamization is no answer for our American men still held captive as prisoners-of-war. Vietnamization is no sure answer for the safe withdrawal of our remaining troops. Vietnamization is no answer for a negotiated settlement to end all of the fighting. Vietnamization perpetuates the illusion of ultimate military victory.

This Administration now argues that its activities in Cambodia and Laos will protect Vietnamization and thereby hasten an end to the war. It is a curious logic that would conclude a war by widening it. What will happen if American troop levels continue to drop and our forces become more vulnerable to attack? Will there then be more invasions of Laos by the South Vietnamese, with continuing American support? Or will the President then resume the air war against North Vietnam beyond the vague limits of what is now called "protective reaction?"

Only last Wednesday, the President said he was "not going to place any limitation" on the use of conventional air power anywhere in Indochina, including North Vietnam. Let us remember that the bombing of North Vietnam accompanied a massive increase in American troops from 1965 to 1968. The bombing left hundreds of American pilots prisoner in North Vietnam. The bombing did nothing to prevent the TET offensive. And when we stopped the bombing in October 1968, our objective was to begin substantive negotiations.

The President now says he will take no new initiatives at the Paris talks. All that is left of the President's so-called plan is Vietnamization. Some say that plan will work. Some say it will not work. I say it is the wrong plan in either case.

If the plan does work, we can look forward to continued warfare among the Vietnamese and an indefinite American presence. If it doesn't work, this Administration does not exclude the possibility of attacks on North Vietnam itself. The dangers are incalculable. A plan which leaves only these alternatives, which gives us only these bleak expectations, is the wrong plan. It is the continuation of a war which must come to an end.

I am convinced that for the right policy we must look—not toward Vietnamization, but rather toward the peace negotiations and toward creating the conditions for peace. We must seek to negotiate in Paris what is negotiable and what can never be settled on the widening battlefields of Indochina.

We cannot hope to dictate the lasting terms or even the shape of a political settlement of this conflict. Only the Vietnamese can settle their political differences. Only they can fashion a settlement in which they have a stake. Only they can understand the political realities which such a settlement must reflect.

It should be clear to all of us by now that this war is essentially a war fought among the Vietnamese people for political ends. And therein lies a lesson of this tragedy. We cannot substitute our will and our political system for theirs. We cannot write the social contract for another people. We may, however, be able to reach agreements on those issues which concern us most, provided we make clear our intention to withdraw all our troops from Vietnam by a fixed and definite date.

I have no doubt we could then negotiate the release of our American prisoners-of-war before that deadline. I have no doubt we could then negotiate the safe withdrawal of all our troops now stationed in South Vietnam. In addition, there could be a cease-fire between our troops and theirs which could be the first step toward a complete standstill cease-fire among all the parties. At the same time, we could work toward agreements to end the fighting in Cambodia and Laos. And we could encourage the Vietnamese parties to negotiate a political settlement that would restore a measure of peace to all of Vietnam. These must be the goals of our policy in Indochina.

Many Americans believe that events have taken over, that things have gotten out of hand, that nothing they can do will change the policy of this Administration. But I believe you can make a difference, even before 1972. You can exert responsible public pressure upon the Executive branch for an American commitment to complete withdrawal, before 1972. You can support initiatives in the Congress to establish an Indochina policy which makes sense, before 1972.

That is why I introduced a sense of the Senate Resolution last May, calling on the President to establish a timetable for the complete and orderly withdrawal of all American troops. That is why I co-sponsored the McGovern-Hatfield Amendment in the last Congress. And that is why I have agreed to co-sponsor it in this Congress, and to support its establishment of a deadline of December 31, 1971.

It should be clear to us by now that for too many years, we have pursued the wrong policy in the wrong place in the wrong way. The price of that policy has been a terrible cost in American lives and resources. The price has been a terrible cost in the suffering of the peoples of Indochina.

We have helped to destroy their countryside, their towns and their villages, the very fabric of their lives. And if we now have any commitment in Indochina, it must be this: we must help the people of this region rebuild their countries and heal the wounds of war. We must show in Indochina that we understand what foreign poicly is all about, what wisdom and judgment and restraint are all about, what compassion and moral obligations are all about.

Isn't it clear then what we must do? After so many young Americans have felt compelled to demonstrate against their own government; after so many Americans of every description have come to doubt what their government says and to doubt that their government will listen; after so much division and disillusionment throughout this land; isn't it clear?

Of course, it is clear. It is clear that the only light at the end of the tunnel will be the one we strike ourselves. We must withdraw all our troops from Vietnam. We must do so by the end of this year. We must be willing—all of us—to say, "Enough."

INTERVIEW OF PRESIDENT NIXON BY C. L. SULZBERGER

Mr. SCOTT. Mr. President, I ask unanimous consent that the transcript of a New York Times interview with President Nixon, published on March 10, be printed in the RECORD. This interview, by Mr. C. L. Sulzberger, foreign affairs columnist, details clearly the many viewpoints of President Nixon and outlines his philosophies, particularly his commitment to end the war in Vietnam. Mr. President the last statement of the interview tells the story:

> If we manage to improve the environment and living conditions in this country we must also assure that we will be around to enjoy those improvements.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM THE INTERVIEW GRANTED BY PRESIDENT NIXON ON FOREIGN AFFAIRS

WASHINGTON.—Following are excerpts from an interview with President Nixon conducted here yesterday by C. L. Sulzberger, foreign affairs columnist of The New York Times. The transcript, which is unofficial, was prepared by Mr. Sulzberger from his notes.

I would strongly commend to you my second foreign-policy report, which I think you should read carefully. I have noticed in some quarters a tendency to discuss this matter sneeringly or condescendingly, saying there is nothing new in it.

But that isn't so. It sets forth new policy directions and outlines, the goals we hope to achieve—the goals not only for this Administration but for subsequent administrations. This is a long-range effort. It doesn't get into a country-by-country analysis except in connection with the Soviet Union.

However, everything you see there is a new philosophy of United States policy. It is the most complete and accurate description of the Nixon doctrine. This doctrine is designed for the specific purpose of maintaining a U.S. policy role in the world rather than a withdrawal from the world and international responsibilities.

The irony today, for those who look at the Washington scene, is that the great internationalists of the post-World War II period have become the neo-isolationists of the Vietnam war period and especially of the period accompanying the ending of that war. And it is ending.

This is also true of the attitude of those former internationalists with respect to our defense posture and defense spending. And, for some, it is even true of our foreign trade policy. There, of course, it depends on individuals. For example, Senator Javits is an all-out free-trader and a "European," but he takes a dim view of the United States role in Asia. He would also be for a lower defense budget. I merely cite him as an example of what I mean and the varying attitudes I mention.

The point is, why has this happened? Why have many former internationalists developed neo-isolationist tendencies, at least in some degree? Part of the answer is simply that Americans, like all idealists, are very impatient people. They feel that if a good thing is going to happen it should happen instantly.

And a great many of these people are very disillusioned with the United Nations. I am not, personally, because I never expected it could settle all problems involving major powers but could nevertheless play a useful role in development and in peacekeeping in areas where the superpowers were not directly involved.

The older a nation and a people become, the more they become conscious of history and also of what is possible. Now I will explain to you what I mean. I rate myself as a deeply committed pacifist, perhaps because of my Quaker heritage from my mother. But

I must deal with how peace can be achieved and how it must be preserved.

I know that some national leaders and some countries want to expand by conquest and are committed to expansion, and this obviously creates the danger of war. Moreover, some peoples have hated each other for years and years.

Look at the divided peoples of India and Pakistan. Look at the situation in the Middle East. You can't suddenly eliminate these differences, these hatreds, just because some political leaders get together. All you can hope for is to bring about a live-and-let-live situation.

With this in mind, I am deeply devoted to a desire that the United States should make the greatest possible contribution it can make to developing such a peaceful world.

It is not enough just to be for peace. The point is, what can we do about it?

Through an accident of history we find ourselves today in a situation where no one who is really for peace in this country can reject an American role in the rest of the world. Of course, we had our own period of colonial expansion as typified by Theodore Roosevelt and the idea of Manifest Destiny. But that period is fortunately gone.

Since then this country has fought in four wars which we didn't start, and really what they have in common is the effort to bring about a better chance for a peaceful world.

And this applies for the Vietnam war as well as the two World Wars and Korea. Obviously it was a political temptation when I started office to state simply that we would get out right away without any responsibility for what came next.

But I knew too much about history, about Asia, about the basic feeling in the United States. If we failed to achieve our limited goal—to let a small country exercise the right to choose its own way of life, without having a Communist government imposed upon it by force—if we failed to achieve this, we would not help the cause of peace.

For a time, perhaps, we would be seen as a kind of hero. But soon it would be seen that we had left behind a legacy of even greater dangers for Southeast Asia and for the Pacific region. And, after all, we are a Pacific power.

AMERICANS TIRING OF WORLD ROLE

In 1966 and 1967—culminating in 1968—the American people began to tire of playing a role in the world. We had fought four wars, selflessly and for no gain. We had provided some $100-billion in foreign aid, much of it to former enemies who are now our competitors, like Japan.

And we found ourselves committed in Vietnam, in a war where there are no heroes, only goats. Our people became sick of Vietnam and supported our men there only in order to get them out—after this period of change in mood. Somewhere a great change had taken place.

We had used our power for peace in four wars but this new attitude gained force: "If we can't handle this one, to hell with it."

We got caught up in a viscious cross fire, and it became increasingly difficult to make people understand. I must say that without television it might have been difficult for me to get people to understand a thing.

The cross fire I referred to was this. The superdoves opposed our commitment in Vietnam and *all* world responsibilities—Korea, the Philippines, the Middle East, Europe. This was the kind of isolationism of those who felt the United States shouldn't have played any role at all in Southeast Asia from the very start. For these people Vietnam was a distant, small, foreign country in just the terms that Chamberlain mentioned concerning Czechoslovakia at the time of Munich. These were the superdoves.

But on the other side, the opposite cross fire came from the superhawks. This group stood by their Commander in Chief, the President, but became fed up with the war for their own reasons. They felt that if the United States can't handle a distant little war, why then let's just pull out and build up our strength at home. Their logic also favored isolationism, but from another angle. And they want to develop a Fortress America at home and cram it full of missiles while the superdoves want us to pull out of the war also, but reducing our strength at home.

AND THOSE IN THE MIDDLE

In between there are those of us who stand in the middle of the cross fire. The superhawk feels it is his duty to support the President even if that same superhawk isn't sure he wants to see us do what we are doing. The superdove has a different attitude.

He is a good-hearted fellow, but when he looks around and sees the problems of the poor, the blacks, the Indians, the poor whites, the pot-smoking kids, crime in the cities, urban slums, the environment, he says: "We must get out of the war right away and concern ourselves only with our problems at home."

The fact is, however, that there has never been so great a challenge to U.S. leadership. This war is ending. In fact, I seriously doubt if we will ever have another war. This is probably the very last one.

In any theoretical question of a war on the basis of "either them or us," I am sure everyone in the country would join in behind me. But this is not the case in a small country so far away involved in a situation so difficult to explain.

I am certain a Gallup poll would show that the great majority of the people would want to pull out of Vietnam. But a Gallup poll would also show that a great majority of the people would want to pull three or more divisions out of Europe. And it would also show that a great majority of the people would cut our defense budget.

Polls are not the answer. You must look at the facts. The Soviets now have three times the missile strength (ICBM) of ourselves. By 1974 they will pass us in submarines carrying nuclear missiles.

MRS. MEIR UNDERSTOOD HIM

All of these things are very directly related. For example, when Mrs. Meir, the Israeli Prime Minister, visited me, she understood me right away when I said that if America winds up the war in Vietnam in failure and an image is developed that the war was fought only by stupid scoundrels, there would be a wave of isolationism. This would embrace the U.S. role everywhere—including the Middle East. Mrs. Meir saw the point immediately.

As I see it, we have to take certain specific steps. First of all, what we now have to do is end the war—as we now are doing—in a way that gives South Vietnam a reasonable chance to survive without our help. But this doesn't mean we would withdraw all our responsibilities everywhere.

As I stated in first explaining the Nixon doctrine, our idea is to create a situation in which those lands to which we have obligations or in which we have interests, if they are ready to fight a fire, should be able to count on us to furnish the hose and water.

Meanwhile, in Europe, we can't cut down our forces until there is a mutual agreement with the other side. We must stand with our European friends if they will only do a bit more themselves in NATO—as they have indicated they will do.

And we cannot foolishly fall behind in the arms competition. In the United States, we remain ahead in the navy and in the air, but the Soviets are ahead in ICBM's and soon will pass us in modern submarine strength.

But each has a kind of sufficiency. The Soviets are a great land power opposite China as well as having far-reaching interests elsewhere. We are a great sea power and we must keep our strength. I am a strong Navy man myself. I believe in a strong conventional navy which helps us to play a peacekeeping role in such areas, for example, as Latin America.

These are all elements that must be considered with respect to each other. The main thing is that I'd like to see us not end the Vietnamese war foolishly and find ourselves all alone in the world. I could have chosen that course my very first day in office. But I want the American people to be able to be led by me, or by my successor, along a course that allows us to do what is needed to help keep the peace in this world.

We used to look to other nations to do this job once upon a time. But now only the United States plays a major role of this sort in the world. Our responsibilities are not limited to this great continent but include Europe, the Middle East, Southeast Asia, East Asia, many areas whose fate affects the peace of the world.

We must above all tend to our national obligations. We must not forget our alliances or our interests. Other nations must know that the United States has both the capability and the will to defend these allies and protect these interests.

Unless people understand this and understand it well, the United States will simply retreat into isolationism, both politically and diplomatically. We would, of course, continue to be an economic giant; but that is not enough.

Let us look at the world today. There are two great powers facing us, Russia and China. They are great powers and great people. Certainly neither of them wants war. But both are motivated by a philosophy which announces itself as expansionist in character. This they will admit themselves.

And only the United States has sufficient strength to be able to help maintain a balance in Europe and other areas that might otherwise be affected.

U.S.-SOVIET COOPERATION

What I am saying is not a cold-war philosophy. I hope that we can further develop our negotiations with the Soviet Union. For, although we recognize that their ideology is expansionist, they know what it means if the genie comes out of the bottle and that their interest in survival requires that they avoid a conflict with the United States. This means that we must find a way of cooperating.

For obvious pragmatic reasons, therefore, we can see peace slowly shaping up. First, as we are doing, we must end the war in Vietnam. We must continue our Soviet negotiations and open the door of cooperation to China. And in this way there will be a chance of building a world that is relatively peaceful.

I deliberately say relatively peaceful. That doesn't mean everyone will be disarmed, safe and loving everyone else. The kind of relative peace I envision is not the dream of my Quaker youth. But it is realistic and I am convinced we can bring it about.

Yet, to do this, we can't heed either our superhawks whose policy would ultimately lead to war or to our superdoves who believe that only they are capable of achieving peace and that everyone else is a heretic. The trouble is that their policy of weakness would also quickly lead to war.

The day the United States quits playing a responsible role in the world—in Europe or Asia or the Middle East—or gives up or recedes from its efforts to maintain an adequate defense force—on that day this will become a very unsafe world to live in.

I can assure you that my words are those of a devoted pacifist. My very hardest job is to give out posthumous Medals of Honor.

I don't question the motives of those who oppose me. But I know this world. I have traveled about and talked to many leaders, and I know we have a chance to play a role in this world.

Another thing: People should be under no illusion that you can play a role in one area but wholly ignore another. Of course we're not going to get into every little firefight everywhere. The Nixon doctrine says only that we will help those who help themselves.

Sometimes people tend to forget the real situation prevailing today. When considering Asia, the great problem is that everyone overlooks the fact that non-Communist Asia—excluding India and Pakistan—produces three times as much as China. Why, Japan alone produces twice as much as China.

What is going to happen if we ignore such basic facts? The United States, as I said earlier, is a Pacific power. And the SST will be built—if not by us, by someone else. And then we will be only three hours' flight from Japan.

There will be 400 million people in non-Communist Asia relying ever more upon us. Why Prime Minister Sato said not so long ago that Japan depends on the U.S. nuclear field.

In past times the No. 1 nation was always in that position because of military conquests. But the mantle of leadership fell on American shoulders not by our desire and not for the purposes of conquest. But we have that position today, and how we handle ourselves will determine the chances of world peace.

Do you know, in all my travels, not one leader I have talked to ever said to me in private that he feared the United States as a nation bent on conquest. And I have met many Communist leaders, as you know. Whatever some of them may pretend in public, they understand our true troubles and they are also thankful that the United States wants nothing—nothing but the right for everyone to live and let live.

CONFIDENCE IN THE PEOPLE

The big question to my mind is: Will our Establishment and our people meet their responsibilities? Frankly, I have far more confidence in our people than in the Establishment. The people seem to see the problem in simple terms: "By golly, we have to do the right thing."

But the real problem, what worries me most, is: Will our Establishment see it that way? I am not talking about my critics but about a basic, strange sickness that appears to have spread among those who usually, in this country, can be expected to see clearly ahead into the future.

These are the people who, after World War II, supported the Greek-Turkish aid program, the Marshall Plan, NATO. But today they are in disarray because of two things. They are terribly disillusioned about Vietnam, which is so hard a problem to understand. And they have an enormous concern with home problems of a sort and a degree that did not face us a generation earlier.

I understand these factors. There is a vast need for reforms, for improvements in health, education and environment. But we have to assume our responsibilities both abroad and at home. We have to do both. After all, if we manage to improve the environment and living conditions in this country we must also assure that we will be around to enjoy those improvements.

THE 50TH ANNIVERSARY OF DISABLED AMERICAN VETERANS

Mr. METCALF. Mr. President, as a life member of the DAV, I am proud to join with Senators in saluting an organization which has aided our injured servicemen and their families for over 50 years: the Disabled American Veterans.

From modest beginnings at a 1919 Cincinnati Christmas party for 100 disabled veterans of World War I, the DAV has grown to an organization 300,000 strong, with more than 1,900 local chapters serving injured servicemen from all our wars. Since its inception, the DAV has helped over 3 million disabled veterans and their families obtain over $1 billion in benefits to which they were entitled.

I join with Senators and Americans everywhere in expressing a heartfelt thanks to the DAV for its many years of needed, generous service. I know the DAV will continue to aid those Americans who have sacrificed so much for all of us.

STRATEGY OF REALISTIC DETERRENCE

Mr. GRIFFIN. Mr. President, in testimony yesterday before the House Armed Services Committee, Defense Secretary Melvin Laird presented the Nixon administration's comprehensive defense program looking toward the next 5 years.

Appropriately, the report is entitled "Toward a Security Strategy of Realistic Deterrence."

Mr. President, I ask unanimous consent that a summary of the Secretary's statement be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

The Secretary's Summary

Mr. Chairman and Members of the Committee: I am privileged today to present the first comprehensive Five-Year Defense Program of the Nixon Administration, and to discuss the associated FY 1972 Budget.

This Five-Year Defense Program is keyed to the twin objectives set forth by President Nixon for the last third of the 20th century: achievement for the first time in this century of a generation of peace; and in the process, enhancement of the quality of life for all Americans, while helping to improve it for all peoples of the world.

This 1972 Defense Report to Congress and the American people contains a Five-Year Defense Program which spells out a new National Security Strategy of Realistic Deterrence. This new strategy is designed to prevent wars by furthering the President's goal of building a viable structure of peace based on adequate strength, true partnership, and meaningful negotiations.

The Strategy of Realistic Deterrence seeks to further the goal of peace by deterrence of armed conflict at all levels. I have always tried to be a realist in fulfilling my responsibilities, whether as a Member of Congress or as Secretary of Defense. I believe the strategy we are advancing is realistic for three reasons:

First, it is based on a sober and clear view of the multiple threats to peace which exist in today's world. It neither exaggerates nor underestimates those threats.

Second, it provides for the maintenance of a strong Free World military capability as the essential foundation of deterence. It rejects the view that peace is well served if our military power is unilaterally weakened.

Third, it takes account of the strategic, fiscal, manpower and political realities while steering a prudent middle course between two policy extremes—world policeman or new isolationism.

The Strategy of Realistic Deterrence is new. Those who would dismiss it as a mere continuation of past policies in new packaging would be quite mistaken. Past policy was responsive and reactive. Our new Strategy is positive and active. Past policy focused on containment and accommodation. The new Strategy emphasizes measured, meaningful involvement and vigorous negotiation from a position of strength.

The Strategy of Realistic Deterrence will provide through sufficient strength and full partnership the indispensable and realistic basis for effective Free World negotiation. Most importantly, it is designed not to manage crises but to prevent wars.

The FY 1971 program and budget, which was sent to Congress last year, was the foundation for the transition from an era of confrontation to an era of meaningful negotiation. The fiscal year 1972 program will move us closer to this goal.

It was clear at the outset of the Nixon Administration that, in order to set the stage and create the conditions for meaningful negotiation and peaceful relations, we had to move the country away from war and toward peace, away from a wartime economy and toward a peacetime economy, away from lopsided national priorities and toward a major reordering of those priorities, away from arms competition and toward arms limitation.

On the basis of the record of the past two years, it is my view that we have made significant—in some cases unprecedented—progress toward the major interim goals we have set for ourselves.

In the war to peace transition: by continuing negotiations in Paris, by progress in Vietnamization, by reducing U.S. combat activities, casualties and air sortie levels in Southeast Asia, and by an orderly, substantial and continung troop redeployment program.

In reordering national priorities: by shifting the Defense portion of the Federal Budget and Gross National Product (GNP) to its lowest level in 20 years and by spending more on human needs than on Defense needs.

In our Defense budget: by providing for the first time in this century the full peace dividend before the conclusion of a war. Defense costs in this budget already are back at pre-Vietnam levels in constant dollars.

In implementing the Nixon Doctrine: by withdrawing more than 300,000 American troops from Asia while increasing significantly security assistance levels to our friends and allies.

In NATO: by helping foster a new spirit of meaningful burden sharing and a new awareness of the strategic, fiscal, manpower and political realities we face in common.

In moving toward zero-draft: by obtaining Congressional approval for long-needed draft reform to eliminate many inequities, and by cutting draft calls almost in half from 1968 to 1970 in pursuing our goal of zero-draft by July 1, 1973.

In our program for human goals: by relating it to our objective of an all-volunteer force, by seeking to instill a new order of professionalism and dignity in military life, by seeking to remedy remaining shortcomings in such areas as housing and education and by continuing to lead the way toward full equal opportunity.

In taking new initiatives with regard to prisoners of war: by an unprecedented exchange offer at the Paris peace table, by search and rescue missions when possible, and by focusing public attention at home and abroad on their plight.

In chemical warfare and biological research, and in defoliation: by promulgating a major new policy renouncing any use of biological and toxic weapons and renouncing first use of lethal and incapacitating chemical weapons, by ending crop destruction operations in Vietnam and by restricting limited defoliation still needed for troop safety to the same regulation applied to herbicide use in the U.S.

In major improvements of defense management: by adopting many of the Blue Ribbon Panel recommendations, by emphasizing a new "fly-before-buy" policy and by increased decentralization in procurement actions.

Mr. Chairman, we are proud of the significant progress we have been able to make in establishing new directions and a steady momentum toward major goals of the American people. As I reported last year in discussing our FY 1971 transitional program, the challenges here at home which we faced upon assuming office in many ways equalled, and in some ways surpassed, the growing challenges abroad.

I will not repeat in detail what I said last year, but it is important, I believe, to repeat a concluding comment I made in last year's Defense Report:

"Transition to a new equilibrium will take time. We made a beginning in 1969 and are continuing the transition into calendar year 1970. We consider our fiscal year 1971 budget another building block in that transition."

I readily acknowledged that not all of the challenges we encountered upon assuming office had been met with the submission of the fiscal year 1971 budget. I would repeat that comment today with regard to the budget and program contained in this report. We still have a long way to go in all aspects of Defense responsibility. We have never claimed to be instant problem-solvers. But we have completed our year of transition with respect to basic Defense planning both with regard to strategy and management. We have completed our basic reviews and have made our fundamental decisions on what needs to be done. The New Strategy and Defense Program presented in this report embody the major elements of the decisions that have flowed from our assessments of the past two years. The Strategy and the Program, of course, cannot succeed without the understanding and support of Congress and the American people.

This report describes the major changes which have been made and which will be made in such areas as defense strategy, the defense budget, research and development, command and control, intelligence, procurement and, most importantly, the need to revamp our concepts about the recruitment and use of military manpower—both in active, National Guard and Reserve forces.

I would like briefly to outline for you some of the major points in the Defense Report. We focus on two fundamental aspects of Defense Planning:

In Section I—Effective Implementation of the Strategy of Realistic Deterrence.

In Section II—Better Management of Human, Material, and Economic Resources in the Department of Defense.

Our Five-Year Defense Plan projects a capability to attain our goal with an efficient and modernized force that, in peacetime, would require no more than seven percent of the Gross National Product and be made up of no more than 2.5 million men and women who are volunteers. This is discussed in the chapter on *Strategy Overview*, which states, in essence, that a realistic military strategy cannot be an end in itself but must be inseparably linked with a broader national strategy of deterrence and "meaningfully related to our pressing requirements in the domestic field."

As I discussed in the chapter on *Concepts for Defense Planning*, we intend to use a Total Force approach in which all appropriate resources for deterrence, U.S. and Free World, will be available. Through the application of all resources across the full spectrum of possible conflict and the full spectrum of capabilities of our friends and allies, we will maintain sufficient U.S. strength and will mesh this strength with other nations in a new order of partnership.

For the U.S. forces, the Total Force concept will mean increased importance for our National Guard and Reserves. In this chapter, I analyze the progress and problems of Vietnamization, and discuss its relation to the Total Force concept in its broadest applications, utilizing both military and nonmilitary resources. Looking to the future, we must continue to focus on the intimate relations of the military, economic, political and diplomatic facets of the Indochina situation as we move to terminate U.S. involvement in the fighting. This report does not address the day to day military situation in Indochina, or anywhere else. It seeks instead to explain the basic concepts that underlie our strategy for the future. To be realistic about it, there will continue to be ups and downs, gains and losses, temporary setbacks. The important thing is for the citizens of our nation to keep in sight the fixed goal of a generation of peace and to insure, as best we can that the policies we establish and the strategy we follow lead in that direction.

The chapter on *The Threats to Free World Security* provides an update of the threats to the Free World at all levels of conflict. The continued momentum of the Soviet Union in strategic missiles, aircraft, Naval forces and research and development are evaluated. Chinese weapons progress is also discussed. This threat assessment is related to the need for assuring that the United States maintains its technological leadership in order to assure the safety and survival of the American people. To maintain technological leadership, we must reverse the recent downward trend in R&D funding, which this budget does, and we must also move forward with new technological initiatives to guarantee that we have flexibility and timely options to meet possible threats of the future.

The fourth and final chapter in Section I, *Force Planning under the New Strategy*, provides a discussion of the specific programs being recommended as the "basic minimum capabilities deemed necessary and appropriate for the years ahead." We have completed our transition to what we describe as "base line planning," and are now building for the future. Of course, much will depend on the outcome of the Strategic Arms Limitation Talks. Because of uncertainty associated with SALT, we must maintain present capabilities, while preserving or creating options to adjust those capabilities upward or downward as may be required.

Mr. Chairman, no one hopes more for success at SALT than the Department of Defense because of the burdens and responsibilities we would face should SALT fail. The details of the President's decision on the FY 1972 SAFEGUARD program are contained in this section. SAFEGUARD continues to be a vital factor in the SALT negotiations.

The Chapters in Section II are focused on the need for better management of human, material and economic resources in the Department of Defense.

Chapter 1, *Organization and Management*, focuses on our management concept which is based on participatory decision-making, defined decentralization, and delegation of authority under specific guidance. I propose in this chapter the creation of an additional Deputy Secretary of Defense in order to enhance high level civilian management and to cope with the severe time demands now placed upon the single Deputy Secretary of Defense, David Packard. I also recommend creation of two additional positions for Assistant Secretary of Defense.

We will continue, of course, to make management improvements in the Department of Defense, including a modification of the Unified Command Structure which we are recommending to the President. We will continue to draw as appropriate on the recommendations of the Blue Ribbon Defense Panel which was so ably headed by Gilbert Fitzhugh.

Our examination into the intelligence activities of the Department of Defense will continue, and further changes may be anticipated, including the creation of a long-range planning group reporting directly to the Secretary of Defense. We have taken steps also to strengthen civilian control over investigative and related counter-intelligence activities.

The continued progress we expect under the Human Goals principles of the Department of Defense are reported in the Chapter on *Manpower Objectives*. Of particular importance, of course, is our program to achieve zero draft calls by mid-1973 and to accomplish further improvements of the Selective Service System which would complement last year's reduced draft calls and National Random Selection System. Many inequities in the Draft have been eliminated in the past two years, but so long as we need the Draft it must be made more equitable. One gross inequity today is the fact that the young men who attend college are given deferments which are denied to other young when who do not attend college. This is unfair and should be changed.

Once men and women are in the Armed Forces and are serving their country in uniform, we owe them respect and dignity for their service, and we owe them and their families fair play in the areas of pay, housing and educational opportunities.

Let me candidly tell you that we face some formidable problems in the manpower area that are not going to be solved overnight. In addition to complex recruiting and retention problems, we share with the rest of American society the agonizing problems related to race relations and drug abuse. We in the Department of Defense are determined to continue leading the way, as best we can, in seeking solutions to these difficult problems.

A final Chapter on *The Defense Budget and the Economy* surveys the impact of cuts in Defense personnel and expenditures over the past two years in response to our changing national priorities.

The impact of the massive cuts that have been made during the last two years in employment and expenditures related to national defense is assessed. These cuts have resulted in a considerable amount of turbulence, which results from our shift from a wartime to a peacetime economy.

This year the rate of defense reductions is declining and we are going to do everything we can to keep to a minimum this turbulence, as it relates to our civilian employees, Defense industry employees, and our military people and their families. In short, the Defense Budget has been heavily affected in our national reallocation of resources. The period of Defense dominance in national resource allocation is over. Our Fiscal Year 1972 budget, in constant dollars, will be below the prewar year of Fiscal Year 1964. This fact cannot be ignored as we plan to implement during the next five years our New Strategy of Realistic Deterrence.

In current dollars, the FY 1972 Defense Budget transmitted to the Congress by the President totals $79.2 billion in Total Obligational Authority (TOA) and $76 billion in outlays, including amounts proposed for future pay increases. This is $3.9 billion in TOA and $1.5 billion in outlays above the respective amounts for TOA and outlays we now expect in FY 1971.

In summary, Mr. Chairman, I would repeat that we have not solved all the hard problems before us nor can I tell you that hard decisions do not lie ahead. As with the Fiscal 1971 transitional budget, there is some risk attached to our FY 1972 Defense Budget for it continues the downward trend in overall Defense Department purchasing power at a time when the threats we face around the world continue to increase, not diminish. Should events dictate, I will not hesitate to recommend any action that may be required to insure the continued safety and security of the American people.

As Secretary of Defense, I seek your understanding and your support for our new Strategy and want to assure you that I will continue to work with this Committee and other Committees of the Congress to advance the goals we share in common in seeking to serve the best interests of the American people.

A RESPONSIVE AND RESPONSIBLE ALTERNATIVE TO PROTECTIONISM

Mr. MONDALE. Mr. President, on February 17, I had the honor of cosponsoring along with seven other Senators the International Trade Act of 1971.

I feel this act is extremely significant as an attempt to answer—responsively and responsibly—the frustrations and fear which lie behind much of our recent protectionist sentiment, while maintaining an emphasis on expansionary trade policies to serve the coming decades.

I invite the attention of Senators to a number of editorials which were written in support of this concept. While none of us are wedded to every clause of this bill, we do feel that it at least presents a model and an alternative toward which to focus what ought to be the mutual concerns of business, labor, the consumer, and those industries fearing growing import competition.

I ask unanimous consent that the editorials, published in the New York Times, the Washington Star, and the Scripps-Howard newspapers, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, Feb. 24, 1971]

TOWARD FREER TRADE

Congressional debate over the nation's foreign trade policies could take a decidedly constructive turn this year. The opportunity is provided by the introduction of a forward-looking trade bill by a bipartisan group of senators led by Democrats Mondale of Minnesota and Harris of Oklahoma and Republican Javits of New York.

Last year, discussion of trade policy was dominated by demands for protectionist measures from a variety of industrial and labor groups. The administration followed a wavering course, the President speaking broadly about the beauties of free trade but calling for textile quotas. The bill that emerged from the House Ways and Means Committee and won House approval would have legislated quotas on both textile and shoe imports, and would have made it easier to clamp quotas on many other foreign goods. The champions of free trade, including almost all the nation's economists, were on the defensive throughout, winning only when the restrictive bill died in the final Senate logjam.

The protectionists will be back at it in the new session, possibly making an early attempt to tack the dormant bill onto a piece of "must" legislation, like the Social Security increase. But at some point in the inevitable legislative maneuvering, Congress should give careful thought to the approaches recommended by the free-trade bloc of senators.

The new bill shifts the emphasis to efforts to expand, rather than contract, America's international commerce, by such means as giving the President more power to combat unfair trade policies of other countries. Our exporters would receive tax advantages, and steps would be taken to increase trade with Eastern Europe. At the same time, American industries and workers would get additional protection from unfair foreign competition, and would receive easier aid in cases where competition has caused suffering.

Probably the technical changes in our trade laws require further study. The administration should join in the search for positive alternatives to the protectionist measures that have threatened to involve us in a trade war and to hurt our diplomatic standing around the world. And Representative Mills' Ways and Means Committee should take a fresh look at the provisions it espoused last year, including in the equation our impending recovery from a recession that has spurred the protectionist cause.

The free-trade senators have given their colleagues a chance to raise the level of debate about the nation's traditionally enlightened role in world commerce. The arguments now should revolve around the merits of expanding trade, rather than the supposed necessity of isolating our markets.

[From the Washington Daily News, Feb. 22, 1971]

NEW TWIST ON TRADE

With so much pressure being exerted on behalf of special-interest trade legislation, it comes as something of a surprise that a new trade bill has been introduced with the interests of the consumer in mind.

A group of free-trade senators led by Fred R. Harris, D-Okla, Jacob K. Javits, R-N.Y., and Walter F. Mondale, D-Minn., are backing a proposal which would:

Require the President and the Federal Tariff Commission to consider the impact on consumers before imposing import restrictions on foreign products.

Give the President new power to reduce tariffs on foreign goods if similar concessions are made on American products sold abroad.

Expand the President's power to retaliate against countries which indulge in dumping, subsidization and other unfair trade practices.

Offer additional Federal aid to workers and companies seriously hurt by foreign competition.

The proposal—which also would authorize carefully controlled trade agreements with communist countries—is intended to encourage foreign trade rather than restrict it.

This contrast with the protectionist trade bill in the last Congress which proposed import quotas on textiles and shoes, fixed quotas on oil and possible limitations on other products.

Basically, the United States stands to lose if trade barriers go up around the world. Our exports exceeded our imports by $2.7 billion last year.

The bill introduced in the Senate the other day deserves special commendation.

[From the New York Times, Feb. 21, 1971]

REGAINING THE TRADE INITIATIVE

The Mills bill, the most protectionist trade legislation since the disastrous Smoot-Hawley Act of 1920, was blocked in the last session of Congress by a determined group of liberal traders in the Senate, aided by the Senate logjam resulting from Senator Long's folly in seeking to couple Social Security liberalization, welfare reform and trade.

Chairman Wilbur Mills of the House Ways and Means Committee has now reintroduced his bill, complete with import quotas on textiles, shoes and—via a trigger mechanism—a long list of other goods.

Aware of European warnings of "inevitable reprisals," Mr. Mills appears to lack ardor for his own measure. And the Nixon Administration would prefer less protectionist legislation, although the President is still determined to make good on his commitment to the textile industry to restrict Japanese imports. The White House continues to see the Mills bill as a useful bargaining weapon in its effort—unsuccessful to date—to get the Japanese to accept "voluntary" textile quotas.

It was Mr. Nixon's decision to seek legislated textile quotas that opened the Pandora's box for quota protection for other industries. The White House hopes to avoid a rerun of last year's fiasco by making a deal with Japan that would eliminate compulsory textile quotas from the trade bill. Even barring that, it hopes through Tariff Commission action to blunt the support of the shoe industry for import quotas.

Whatever the outcome of the moves, it is obvious that the American oil industry intends to cling to its highly restrictive import quotas, the steel industry to its voluntary quotas and the textile industry to its demands for one kind or the other. Other industries are bound to demand similar protection unless the Administration makes a real fight for liberal trade policies.

Tired of waiting for the Administration to match its actions to its liberal trade rhetoric, three Senators—Harris of Oklahoma, Javits of New York and Mondale of Minnesota—are planning to seize the initiative by introducing a trade bill of their own. Their bill would give the President authority to bargain for mutual reduction of both tariff and nontariff barriers; it would increase his ability to retaliate against unfair trade practices by others, and it would aim at building a more effective program of adjustment assistance for firms and workers hurt by rising imports.

Just as foreign governments helped to slow down the drive for American protectionism by threatening retaliation last year, they could now augment the effort for a renewed United States liberal trade initiative by showing their readiness to respond in kind.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. BROOKE. Mr. President, one of the least conspicuous Presidential commissions presently operating in Washington is the American Revolution Bicentennial Commission. Charged with the responsibility of planning and implementing a nationwide celebration of our 200th anniversary, the Commission has offered its plan to the Nation in its report submitted to the President on July 4, 1970. It is now in the process of implementing these plans in a way meaningful to all Americans.

Mr. Kevin Phillips' recent article published in the Washington Post outlines the unique opportunities presented by our national bicentennial. The Commission is actively seeking the advice and guidance of everyone in carrying out its mission. I hope that Mr. Phillips' piece will offer a clear understanding of the dimensions and importance of our 200th anniversary commemoration.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BICENTENNIAL CHANCE

(By Kevin P. Phillips)

President Nixon's decision to spend $800 million to employ 225,000 welfare recipients in public service jobs is a good beginning, but it is not enough. This country needs—

and can greatly profit from—additional public employment.

Nor is it necessary to resort to make-work. Few decades in our history have offered the opportunity that the 1970s do for a massive, yet useful public works and employment program—a Heritage Works and Projects Administration (HWPA, if you will) geared to preparing for the nation's Bicentennial in 1976.

Right now, the potential of the multi-billion dollar Bicentennial is not being realized. In its early stages, Bicentennial programming was caught up in the windstream of the urban and poverty-profiteer talk about festivals of the "Living Process of Urban Development" and the like. The original plan of Philadelphia, the principal Bicentennial city, called for putting hundreds of millions of Bicentennial dollars into 76 "neighborhood action" programs centered in minority group areas. That was dropped last year, and the blacks are angry. The President of the West Philadelphia NAACP, the Rev. Wycliffe Jangdharrie, has threatened to block the celebration "in every manner short of bombing the buildings or site" unless the neighborhood money is restored.

For both cultural and economic reasons, the Bicentennial opportunity is too precious to dissipate in this manner. Philadelphia will be presenting the President with a new Bicentennial proposal in April, and Mr. Nixon should take the occasion to rethink the entire planning for 1976.

The Bicentennial can serve America better, and provide a base for large-scale, public employment, if it is given a new thrust—securing, repairing, and cataloguing our national heritage. From Maine to California, there are historic sites and buildings to be restored and repaired; old villages, factories, farmsteads and ports to be researched and then reconstructed as they once were; wild rivers, national parks and scenic areas to be improved or cleaned up; and historic books and guides to be written to catalogue every facet of Americana—local history, architecture, folkways, ethnology, agriculture, industry—for the nation's 200th birthday.

At present, there is no exhaustive, up-to-date guidebook to these many aspects of America. The WPA compendiums produced during the Nineteen-Thirties, only a beginning even in their day, are now increasingly obscolescent. What better occasion for a new "national catalogue" effort than the Bicentennial?

In many ways, technology is hurtling our society away from the past at an ever-increasing rate, and old buildings, artifacts, folkways and recollections must be preserved and reconstructed now if we are ever to do so. Historical societies and volunteer groups cannot bear the brunt alone.

Launching a major federal effort to recapture our physical and cultural past would have many corollary benefits. First, it would provide important skilled employment for many of the engineers, researchers, academicians and other professional persons thrown out of work by the current economic slump. Second, it would provide many construction jobs, plus unskilled labor opportunities, across the nation. And young people, the age group most affected by unemployment, could profit—not just in dolalrs—by spending time in a National Heritage Corps that worked on everything from rebuilding old forts and villages to cleaning up polluted riverways and improving the national parks system.

Furthermore, it would be logical to spend a fair portion of the money in Appalachia, from Maine to Georgia. The Appalachian region, in general, is not just among the poorest sections of the United States; it also happens to be the historically rich frontier of the struggling young nation of 1776. By redevelopment of the old villages, forts, handcrafts, folkways, byways, parks and scenic vistas of the area, Appalachia would receive a badly needed infusion of cash plus the basis for the only profitable industry its resources and location can support—tourism.

The Bicentennial is not just a great moment, but also a great opportunity for America, and the President should seize it and utilize it to the full.

WILLIS TOBLER—THE DEAN OF THE AGRICULTURAL LOBBYISTS

Mr. PROXMIRE. Mr. President, too often the word lobbyist invokes visions of smoke-filled rooms and little brown bags bulging with money, but this is far from the truth. I have always felt that special interest groups as well as just plain citizens have a right and a duty to inform Members of Congress regarding the impact that a particular piece of legislation will have on them. In fact Congress rarely errs because these groups provide too much information, but can make a mistake because too little information is available as to how a particular measure will affect a given segment of our society.

To my mind, the epitome of the helpful, unassuming, and effective lobbyist is a gentleman it has been my pleasure to know since my early days in the Senate. His name is Willis Tobler, and he is a legislative adviser to the National Milk Producers Federation, a role he assumed after many years as the organization's legislative director.

An article appearing recently in Dairynews, the publication of a New York dairy cooperative, tells just why Mr. Tobler is so effective. The article is simply an interview with this dean of agricultural lobbyists. In it, Mr. Tobler makes clear that to be persuasive a lobbyist should present all pertinent facts, pro and con, know the subject matter, avoid a hardsell approach, and not mix business with pleasure. If more Washington lobbyists followed this advice, Congress would work more efficiently in the interests of all the people, and the business of lobbying would have a better reputation.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

An Interview With Dean of Ag Lobbyists, Willis Tobler

(By Jim Atkins)

(Willis Tobler of the National Milk Producers Federation is known as the dean of agricultural lobbyists on Capitol Hill. For many years he headed up lobbying operations for the Federation, and now is a legislative advisor to National Milk Producers Federation. No man knows more about farm legislation than Tobler).

Atkins. How long have you been a lobbyist?

Tobler. For almost 30 years. I started out with the American Farm Bureau Federation and, in 1949, became legislative representative for the National Milk Producers Federation.

Atkins. We hear and read a lot about lobbyists and their influence on Congress. What about it?

Tobler. They do have some influence—not so much as individuals but primarily because of the organization or group that they represent. Depending upon his facts and the manner of presenting such facts, a lobbyist as an individual does have some influence in achieving the objectives of his employer either for or against some legislative issue. However, it is the "grass roots" power that really has the influence in Congress. The lobbyist is the conduit through which this influence is directed.

Atkins. Just what is your style of lobbying?

Tobler. I use the person-to-person "soft-sell" approach. I spend as much time as possible in personal visits with members of Congress—many times with no reference to any legislative issues. I do not wait until I have some issue to discuss before I make a visit. Before I can be effective, I must have the trust and confidence of members of Congress. I get their trust and confidence by telling them the whole truth. I try to present all pertinent facts, both pro and con, with the hope that my arguments are persuasive in carrying out my responsibilities.

Atkins. What legislative victory are you most proud of? I know you have had a part in every farm bill passed by Congress over the past 25 years. But can you mention just one or two of the top ones?

Tobler. One of my biggest satisfactions was winning an increase in dairy price support under the Eisenhower Administration while there was a Democrat-controlled Congress. Nearly everyone said it did not have a chance. But we got it.

Another thrill was in connection with the school milk program. Since 1954, the program has always been extended for periods of two, three, or four years. Recently, however, efforts were made to kill the program by refusing to provide any funds in the budget.

It was an exhilarating experience to have been a part in succeeding in obtaining not only an extension of the program but to make the authority permanent. Furthermore, following this victory and securing funds to operate the program, statements were made that only poor children would be eligible for the one-half pint of milk under the program, leaving "near-poor" children discriminated against and set apart. In other words, the program was to one of welfare instead of nutrition as in the past. After many weeks of silence, an announcement was made that the program will continue under the funds appropriated to be operated as in the past. A fight long to be remembered.

Atkins. What changes have you seen over the past 30 years?

Tobler. The biggest change, involving the Congress, is the tremendous decline in the number of rural congressional districts. According to a recent study, only 31 districts out of the 435 in the House of Representatives are rural-defined where 25% or more of the population in the district live on a farm or in small towns of less than 2,500 people.

To pinpoint the situation, the study further shows that in the House Committee on Agriculture with 34 members only 20 are in districts where 10% or more of the population are farmers, with the remaining 14 less than 10%. This situation means that in order to pass major farm legislation it must have some appeal to the urban members of Congress. Although the agricultural segment of our economy is not all powerful as in the past, it still has considerable influence—it just has to work harder and be more united.

Atkins. What advice do you have for lobbyists?

Tobler. Let us say suggestions instead of advice. Know your subject matter. If there is some item or fact that you do not know—admit it—but get it. Do not use a high-pressure approach—the "softsell" is much more effective. Be seen. The more time spent on the Hill, the more you will be recognized, maybe not always by name, but so that a member of Congress will stop to chat a moment with you as you walk through the Capitol Building and congressional office buildings. Do not mix your social life with the social life of a member of Congress. I know this goes contrary to the usual practice of getting on the cocktail circuit in order to be exposed to members of Congress and various agencies of the government.

ATKINS. Tell me more about your techniques.

TOBLER. There is not much more I can add to what I have already said. I have always tried to be informed on other agricultural commodities in addition to dairy matters—not in detail but enough to be conversant with problems so that, in visiting with a member of Congress, I may discuss, in a general way, some issues in which he has a primary interest. One final point, I never overlook the secretaries and other girls. They are wonderful. Every Christmas, I give them a box of Tobler's Swiss chocolate. They never forget me.

ATKINS. How long are you going to keep working?

TOBLER. I do not have any plans to stop now. However, I am taking steps to gradually retire from active work in the Congress. In the past, I have spent almost every day on the "Hill"—now I can do much of my work by telephone.

ATKINS. You have a basic philosophy, tell us about it.

TOBLER. I don't know about a philosophy—but I have a couple of general comments to make. I enjoy my work. I am supremely happy and content. I would not trade places with anyone. I treasure the friendships of the many, many members of Congress and staff with whom it has been my pleasure to work. I am grateful for the opportunity of being a lobbyist for farmers and their cooperatives, these many years.

PROPOSAL TO CONVERT FORT DETRICK TO A CANCER RESEARCH FACILITY

Mr. MATHIAS. Mr. President, the lives of almost every American has been touched by the scourge of cancer. Few of us realized a short time ago how cancer attacks our children, or, for that matter, how impartial it is to the age of its victims. Most of us know, unhappily, how cruel it can be and how devastating it may be to entire families, physically, emotionally, and economically.

Often underestimated is the impact of cancer on the national economy. In 1969, for instance, America lost more casualties to cancer than the entire death toll of World War II. Among the dead were many who would have contributed much to the Nation, and whose cure would have repaid its cost in dollars and cents alone.

Mr. President, one of the greatest needs, in launching a national program for the conquest of cancer, will be for specially equipped laboratories capable of protecting personnel against extreme biological hazards. Needed also will be facilities capable of producing large amounts of biological raw materials for the various ongoing cancer research projects.

As the national cancer panel reported:

> Much research on important biochemical problems fail to be undertaken at present because biochemists often do not have the resources to prepare materials (such as cell fractions, viruses, etc.) in sufficient quantity to apply their techniques effectively.

Another major requirement for launching the drive against cancer, of course, will be the availability, as the panel says, of personnel "expert in the handling of dangerous materials."

For these reasons, a large number of prominent scientists have emphasized a great need for a centralized resource, a facility capable of housing the bare operations in the national cancer conquest program.

Mr. President, there now exists a facility which uniquely qualifies to play this role. I speak of Fort Detrick, located in western Maryland, and now being closed down as a center for research on chemical and biological warfare. Dr. Benno C. Schmidt, chairman of the National Cancer Panel, has said this facility should "be used as promptly as possible for the accelerated exploitation of opportunities" to find a cure for cancer.

Utilization of these facilities for this new mission has received the endorsement of a number of other eminent cancer specialists. Their letters, I think, should be made a part of the RECORD, and I ask unanimous consent that they be printed.

As Dr. James F. Holland, president of the American Association for Cancer Research, says, Fort Detrick is a "magnificently specialized laboratory" which could be rapidly transformed "to a bastion in the fight against cancer."

Because this facility offers great protection for the personnel and opportunity for large-scale production, its use would allow tax dollars to be spent on research rather than construction.

Dr. Mathilde Krim, member of the National Cancer Panel and an associate of the Sloan-Kettering Institute for Cancer Research, has said that:

> It seems to me, personally, that Fort Detrick would be eminently suited to fulfill the need for a centralized facility with stringent quality control. Conversion of Fort Detrick to the task we outlined in our report could be invaluable to the progress of cancer research.

Dr. R. Lee Clark, president of the Texas Medical Center in Houston, wrote to me commending the "invaluable facilities" at Fort Detrick, which he said would be "an ideal facility for biological research in relation to cancer and particularly in the preparation of manufacturing biologicals for many of the ongoing cancer research projects."

Dr. Sidney Farber, director of research at the Children's Research Foundation and member of the National Cancer Panel, also described the Fort Detrick facilities:

> It is ideal for the preparation and study of biological and chemical material of fundamental importance to cancer research. If Fort Detrick were not available such facilities would have to be built to meet the needs of an accelerated national program.

Vitally important also, is the immediate availability at Fort Detrick of large numbers of highly skilled personnel, researchers which Dr. Clark understands are "well qualified" to undertake the program.

Let us then move with decisiveness. As Dr. S. Spiegelman, director of the Cancer Research Institute of Columbia University has urged, let us demonstrate:

> That the United States is beating one of its most feared swords, the weapon of biological and chemical warfare, into a plowshare that would be useful for all mankind.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION
FOR CANCER RESEARCH, INC.,
February 19, 1971.

Hon. CHARLES MATHIAS, Jr.
United States Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: I am aware that current phase-outs of biological warfare methods involve the elimination of functions at Fort Detrick. It seems of high importance to me that efforts be made to activate Fort Detrick as a national resource for cancer research. I have little doubt this would be done under a National Cancer Authority.

Specially equipped laboratories capable of protecting personnel against extreme biohazards will be necessary for intense work on viruses which may cause human cancers. A variety of experiments could be expected on large scale in a facility such as Fort Detrick. Among these would be:

The large scale growth of human normal cells which might be infected with postulated cancer viruses to determine if indeed they produced cancers.

The growth of large volumes of human cancer cells to determine if viruses could be recovered from them.

The growth of large volumes of human lymphocytes, cells important in immune reactions, to determine the nature of foreign molecules introduced into the culture against which the lymphocytes could respond. It has already been demonstrated in laboratories at Roswell Park Memorial Institute that human lymphocytes growing in culture can respond to new biological molecules they have never previously encountered by producing antibodies. Such experiments carried on intensively could lead to production of large amounts of human antiserum against cancer viruses (and against other fatal human diseases where proper immune protection is not available to the affected patient).

A variety of experiments can be envisioned in which two types of cells are fused to produce a composite cell sharing the characteristics of both original members. Such experiments have been done on a small scale. On a large scale, it might be possible to fuse a cancer cell with another non-cancerous cell, thus providing an experimental system in which the normal control over cancerous cell processes could be studied. Such fused cells might also introduce new biological molecules against which a patient could respond. In such a way, a defense against the new fused cell might spill over against the cancer cell alone, leading to a type of immune eradication.

Central to all the type experiments described above, is a facility with great protection for the personnel involved, and opportunity for large scale production. It is not likely that the pharmaceutical industry in the United States will undertake such areas of investigation because of their enormous expense. Similarly, no university or cancer research institution with which I am familiar can afford the outlays required for this undertaking.

Before eliminating a magnificent specialized laboratory which could make major contributions to world health, I hope every effort will be made to look at a mechanism by which Fort Detrick could be transferred to the biological service of mankind. This could not be a piecemeal transfer of only the responsibility, without the coordinated development of resources, funds and personnel to make a broad scale attack on the molecular level and clinical level, in addition to the effort on the cellular level. To this end, I hope you will press for a National Cancer Authority which would, I am sure, rapidly transform the face of Fort Detrick to a bastion in the fight against cancer.

Sincerely yours,

JAMES F. HOLLAND, M.D.

SLOAN-KETTERING INSTITUTE
FOR CANCER RESEARCH,
New York, N.Y., February 22, 1971.
Senator CHARLES MATHIAS,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MATHIAS: As a member of the Panel of Consultants on Cancer for the Senate Committee on Labor and Public Welfare, I have recently had the opportunity to review the latest developments in cancer research and to familiarize myself with the views and the needs of a large number of prominent scientists. Many of them expressed the opinion that there is a great need for a centralized resource for the large scale production of biological materials, such as cells, cell fractions, viruses, etc. The report of our Panel therefore states on page 147, in a chapter entitled "Resources for Cancer Research":

Another kind of need is for the semi-industrial production of cells and biological products, which is easily possible with today's technology. Much research on important biochemical problems fails to be undertaken at present because biochemists often do not have the resources to prepare materials (such as cell fractions, viruses, etc.) in sufficient quantity to apply their techniques effectively to the biochemistry of the constituents of normal and cancer cells. It is important that facilities be created for the centralized production of such materials and that they be manned by personnel highly skilled both in cell and virus propagation on a large scale. The personnel must also be expert in the handling of dangerous materials, since large-scale production of oncogenic viruses with the potential of causing cancer in man will also ultimately be required. The centralization of such resources would allow stringent quality control and standardized procedures. To create facilities of this type now would not only provide for the present, but allow planning for future needs, and avoid an otherwise certain waste of effort and manpower through duplication and inefficiency.

Our report did not specify which one of the existing facilities could best be adapted to this purpose since the short time available to us did not allow us to study this problem in the necessary detail. However, it seems to me, personally, that Fort Detrick would be eminently suited to fulfill this need and I am, therefore, grateful to you for your interest in this matter and hope that you will be successful in your efforts of preserving a resource that is unique both from the standpoint of its equipment and because of its large and competent staff. The conversion of Fort Detrick to the task we outlined in our report would be invaluable to the progress of cancer research as well as to biology in general.

Very sincerely yours,

MATHILDE KRIM, Ph. D.

FEBRUARY 20, 1971.
Hon. CHARLES McC. MATHIAS, JR.,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MATHIAS: I wish to express my appreciation as a member of the Senate Panel of Consultants on the Conquest of Cancer, for your great interest in the acceleration of programs against cancer. I am particularly appreciative of the initiative you are taking in regard to the use of the laboratories and scientific facilities at Fort Detrick for the National Program Against Cancer. These facilities should be ideal for the preparation and study of biological and chemical material of fundamental importance to cancer research. If Fort Detrick were not available, such facilities would have to be built to meet the needs of an accelerated National program.

I sincerely hope that your efforts to obtain these laboratories for cancer research will be successful and will be happy to furnish any documentation that you would require in support of your proposal.

With thanks and all good wishes,

Sincerely,

SIDNEY FARBER, M.D.,
Member of the National Advisory Cancer Council, and Consultant to National Institutes of Health

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THE UNIVERSITY OF TEXAS
AT HOUSTON,
Houston, Tex., February 19, 1971.
Hon. CHARLES MATHIAS,
U.S. Senator,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MATHIAS: It has come to my attention that Fort Detrick is being considered for deactivation. The thought comes to me that this would be an ideal facility for biological research in relation to cancer and particularly in the preparation of manufacturing biologicals for many of the ongoing cancer research projects.

One of the physicians on my staff was once Chief of the Medical Research Laboratories at Edgewood Arsenal and worked closely with the facilities and personnel of Fort Detrick. He mentioned such invaluable facilities as:

1. An entirely new clinical facility with ability for metabolic research and a protected environment which is required during intensive cancer chemotherapy with laminar flow.

2. A very extensive laboratory complex designed to handle contagious and infectious agents such as one might encounter with virology and immunology.

3. Extensive laboratory equipment for tissue culture.

4. Animal quarters which are very superior.

All of these are in short supply for the cancer research effort and it would take years and countless dollars to duplicate such a facility. In the meantime by transferring this facility to the supervision of the National Cancer Institute it could be immediately in business as soon as the personnel could be obtained.

I understand from our staff member that there are many qualified scientists living in that region of Maryland who have worked at Fort Detrick who are well qualified to work in the program as I have outlined.

I would be happy to discuss this further with you if you desire.

Sincerely yours,

R. LEE CLARK, M.D., *President.*

COLLEGE OF PHYSICIANS AND SURGEONS OF COLUMBIA UNIVERSITY,
New York, N.Y., February 22, 1971.
Senator CHARLES MATHIAS,
Old Senate Office Building,
Washington, D.C.
Attention of Les Pittlow.

DEAR SENATOR MATHIAS: This letter concerns Fort Detrick and its relation to the immediate need for a national facility that will supply the biomedical research community with adequate amounts of human cells and tumor viruses required in cancer research.

Why the need? The last twenty years have witnessed an explosive development in biology that has led to a profound understanding of the nature of genes and how they function. These remarkable advances were made possible by experiments with bacteria and viruses that infect them. Biologists concentrated their efforts on the lowly bacteria in this stage of the development, not because they had no interest in man but because the bacteria provided the most convenient experimental system to get at the answers to the nature and function of the genetic material. Since they pose no health hazards, non-pathogenic bacteria like *E. coli* and its viruses can be grown and handled in large quantities easily and with complete safety.

There is a strong feeling on the part of many competent molecular biologists that the time has come to make a concerted effort to apply the information garnered from the study of *E. coli* to situations of more direct relevance to the health and welfare of man.

The cancer problem is a natural one to engage the interests of the molecular biologists. The cancer cell is one that has undergone a heritable transformation to rapid and uncontrolled growth. It has, furthermore, been demonstrated that certain viruses can induce this cancerous transformation. Very similar situations have been observed in the bacteria and much of the know how gained is likely to be useful in understanding and therefore controlling the cancer cell.

To study such problems, we must have adequate amounts of material to perform the necessary biochemical and molecular virological experiments. Growing human or animal cells is technically a much more sophisticated task than growing bacteria. In addition, when it comes to producing the cancer viruses or cells infected with them, an additional complication is introduced. These agents must be regarded and handled as potentially hazardous. Special containment facilities are required to protect both the staff and the environment from possible infection. This situation has prevented a large segment of our biochemical and biological research laboratories from becoming active participants in the attack on cancer and allied diseases. There is little doubt that the amount of research in this centrally important area could be increased overnight by a factor of 50 if a central facility could supply the necessary material to the laboratories capable of carrying out competent biochemical and biological experiments.

We now come to the question of what would be the most effective and rapid way to remedy this national and international deficiency. It is evident that one requires a facility, preferably already constructed, which could produce animal cells and tumor viruses on an industrial scale. This facility must also have the built-in know-how and devices to perform this task with due regard to biological safety.

This naturally leads one to think of Fort Detrick as the most immediate possibility for solving this problem. Fort Detrick is being phased out of existence and at present has no well-defined task. Indeed, there is danger that the whole complex may disappear from the scene. This would be a great tragedy because it is precisely the structure that could be converted to meet the need we have emphasized. The Fort Detrick professionals already have the technical devices and experience required to grow highly contagious organisms on a large scale. At the present time this collection of highly skilled and rare talent is being dissipated. Many of the Fort Detrick scientists and technicians are leaving for other jobs where their special skills will not be employed. The expenditure of a comparatively small sum by our budgetary standards would conserve these skills for a truly noble purpose and greatly catalyze the acquisition of the information required to control and ultimately cure cancer, as well as other diseases.

Aside from the concrete value that would flow from implementing this sort of decision, there is the good will that would be generated throughout the world by this act. It would be a highly visible demonstration that the United States is beating one of its most feared swords, the weapon of biological and chemical warfare, into a plowshare that would be useful for all of mankind.

Sincerely yours,
S. SPIEGELMAN, *Director*.

SLOAN-KETTERING INSTITUTE
FOR CANCER RESEARCH,
New York, N.Y., February 19, 1971.

Dr. MATHILDE KRIM,
Sloan-Kettering Institute for Cancer Research, New York, N.Y.

DEAR MATHILDE: I have long been of the opinion that scientists may be reluctant to enter many promising areas of cancer research because so much of their time must be spent in the sheer hard labour of preparing their own starting materials. This is particularly obvious in virology and immunology, where the production of purified viruses, antisera, and cellular antigens in sufficient quantity is a formidable task. As soon as we begin to study human cancers, the question of the large-scale production of sufficient biologicals is no longer academic, as witnessed by the difficulties experienced in the recent past in producing enough purified L-asparaginase for clinical trial. In the near future, a similar problem—that of simply producing enough—will face those interested in a clinical trial of human interferon. This is especially urgent, as the use of interferon holds out great promise for the treatment of cancers in man.

It seems to me that there is an outstanding need for a facility operating on a national scale, where specialized equipment, engineering know-how, and personal expertise, would all be centrally available for any production job of this kind.

Now that there is a resurgence of national interest in cancer control, I write to you, as a member of the Senate's Panel of Consultants on Cancer, to suggest that a very valuable contribution to cancer research could be made by setting up a facility of this kind. Any such proposal would have my strongest support, and, I am sure, also that of my colleagues.

Yours sincerely,
F. KINGSLEY SANDERS, M.D., D. Phil.
Vice President and Chief, Division of Cell Biology, Sloan-Kettering Institute.

SELECTIVE STRIKES IN THE RAILROAD INDUSTRY

Mr. WILLIAMS. Mr. President, on February 17, 1971, I introduced S. 832, to amend the disputes provisions of the Railway Labor Act. At that time, I pointed out that in recent years, labor disputes in the railroad industry had all too often progressed to a point which threatened shutdown of the Nation's entire railroad network at one time. A basic cause of this situation has been a series of Federal district court decisions which have ruled that once a dispute is subject to national bargaining, it constitutes a violation of the Railway Labor Act to strike against individual carriers. Court injunctions issued on the basis of such rulings have forced the railroad unions to choose between striking all railroads or not striking at all. And since, as a final recourse, Congress has regularly intervened to prohibit nationwide strikes, the practical fact is that railroad workers, unlike all other workers in private employment, are essentially deprived of any real right to strike.

Accordingly, the bill I introduced was intended to restore to the railroad industry some degree of the free collective bargaining pressures normally found in other industries, by making clear that a union may strike only a few railroads even though nationwide bargaining has been conducted.

In this connection, and in view of the concern which I know exists regarding the problem of labor disputes in vital industries, I think the Senate will be interested in knowing that Judge Parker of the U.S. District Court for the District of Columbia, in United Transportation Union against Burlington Northern, Inc., and others—a case arising out of the fireman manning dispute originating some years ago—has just ruled in favor of the selective strike principle. The court held that once Railway Labor Act proceedings have been exhausted and nationwide negotiations have legally reached impasse, selective strike activity is permissible so long as the union continues to seek a national agreement by applying economic pressure on the carriers without seeking to coerce individual carriers into deserting the multiemployer bargaining unit and settling on an individual basis. As the court pointed out, recent history demonstrates that any other view "would inevitably result in a choice of never striking, or precipitating a national emergency and an imposed settlement, thus depriving the employees of their implicitly guaranteed and most effective economic tactic—the right to strike."

This decision may have considerable significance for the current dispute between the rail carriers and the United Transportation Union. Negotiations in this dispute broke off last Saturday, and the union, in an effort not to precipitate a nationwide shutdown, has proposed initiating a selective strike against two railroads. Such strike activity has been postponed at least until Thursday of this week so that a court may rule on the legality of such a strike under the present circumstances.

Mr. Luna, President of the United Transportation Union, has reported to me on the union's intentions in this regard. I ask unanimous consent that Mr. Luna's letter and Judge Parker's most informative and well-reasoned decision be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MARCH 8, 1971.

Re status of pending contract matters between United Transportation Union and the railroads.

Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Senate Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

Hon. HARLEY O. STAGGERS,
Chairman, House Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

MY DEAR MR. CHAIRMEN: I thought it in order to give you a current report on the situation between the United Transportation Union and the railroads.

As you know of course, the negotiations were indefinitely recessed Saturday morning. Thereafter, in support of its position in the national negotiations and in the hope of bringing some progress to the bogged down negotiations, the United Transportation Union authorized the withdrawal of service on the Burlington Northern and the Seaboard Coastline Railroads to commence 12:01 a.m. Monday, March 8. Simultaneously, the United Transportation Union sent a letter to the President of the United States with copies to the Secretaries of Transportation, Labor, and Defense, as well as to you two gentlemen, advising of the action so taken and further advising that service would be available on the two railroads in question with respect to transportation essential to the protection of the national safety and health.

Late yesterday, Sunday afternoon, March 7, Washington counsel for the United Transportation Union were advised that the railroads, acting through the National Railway Labor Conference, would at 6 p.m. appear at the home of Judge Howard Corcoran of the United States District Court for the District of Columbia in an effort to obtain a temporary restraining order to enjoin the foregoing selective strike. At the hearing on the railroads' motion, counsel for the United Transportation Union stated to the Court that, to avoid emergency or "midnight" consideration of so important an issue as the resolution of the question whether the United Transportation Union could engage in such a selective strike so to avoid affecting the national safety and health, the United Transportation Union would voluntarily suspend its proposed action with respect to the two railroads (or any other railroad) until at least 2 p.m. Thursday, March 11. This proposal was made by the United Transportation Union to give the Court adequate opportunity to explore fully all of the issues.

On the basis of the United Transportation Union's proposal, no action was taken by Judge Corcoran, but the matter presumably will be considered in a more orderly way during the interim provided.

It is, of course, our hope that the District Court will find, within the framework of existing law, that selective strikes in support of national positions but which do not involve or impair the national safety or health are permissible, thus avoiding any necessity for congressional intervention.

We will keep both of you gentlemen fully and promptly advised of any further developments in this matter.

Respectfully,
CHARLES LUNA, *President*.

[U.S. District Court for the District of Columbia, Civil Action No. 2183–70]

MEMORANDUM OPINION

(United Transportation Union, Plaintiff, v. Burlington Northern, Inc., et al., Defendants)

This action, arising under the Railway Labor Act,[1] (hereafter the RLA or the Act), and brought by the United Transportation Union, (hereafter the UTU or the Union) against the major rail carriers of the nation, presents to the Court another chapter of a longstanding dispute dealing with the requirements for manning freight and yard diesel locomotives with firemen. The Union seeks a declaratory judgment that once all bargaining procedures provided under the Act have been exhausted, it has the right to strike the railroads individually and selectively and is not restricted to a nationwide strike against all the carriers. The carriers have filed a counterclaim contending that there having been so-called national handling of the fireman manning dispute, any strike by the Union against fewer than all of the carriers involved in such group bargaining violates the Act.

Footnotes at end of article.

The carriers request the Court to declare the selective strike unlawful and to grant injunctive relief against the Union's proposed course of conduct. At this posture of the proceedings, the Court considers the Union's motion for summary judgment and the motion of the carriers for a preliminary injunction.

For the reasons set forth, the Court concludes that the motion of the plaintiff Union for summary judgment should be granted and the motion of the defendant carriers for a preliminary injunction should be denied.

The underlying problem was recently described in a Report of a special panel appointed by President Nixon pursuant to the provisions of the Act.[2]

"The fireman manning issue is the Nation's longest extant labor dispute. And it is also the most studied, reviewed and volatile issue on the American Labor scene. Despite the intensive efforts of a veritable who's who of distinguished labor experts, the parties have failed to agree upon a solution. The dispute has been punctuated by recurrent national crises arising from actual and threatened nation-wide rail stoppages."

The dispute arises out of the continued use of firemen who were employed originally on steam locomotives. The carriers seek complete discretion as to the employment of these firemen on yard and freight diesel locomotives and thus to eliminate those whom they, in their own discretion, deem unnecessary. On the other hand, the Union seeks to restore positions previously eliminated, as well as to maintain existing fireman positions. The Union claims that "firemen are essential to rail operations for reasons of (1) safety, (2) avoidance of undue work burdens, (3) efficiency of operations and (4) providing a pool of trained men for promotion to engineer."[3]

The events of this particular chapter of the controversy began in 1963. At that time the Congress, confronted by a nation-wide railroad strike, responded by enacting unprecedented legislation providing for compulsory arbitration of the issue.[4] In accordance with the statute, Arbitration Board 282, composed of representatives of labor, management and the public, was created. The Board rendered an award which was operative for a two year period, expiring on March 31, 1966.

The Board's award, sustained by the Courts against a union challenge,[5] gave authority to the carriers to eliminate certain fireman positions, set forth a procedure for the gradual elimination of the affected employees, and provided for separation benefits.

In November, 1965, prior to the expiration of the award, the Brotherhood of Locomotive Firemen and Enginemen (hereafter the BLF&E) pursuant to the Act[6] served certain bargaining notices on the carriers, requesting changes in the existing contract requirements governing the manning of freight and yard diesel locomotives with firemen, as modified by the award of Arbitration Board No. 282. In January, 1966, the defendant carriers served counternotices on the BLF&E seeking the unrestricted right to determine when firemen should be used on diesel freight and yard service locomotives. While several conferences were held between the parties, the carriers contended that the Union's notices were premature, and they refused to engage in negotiations. The BLF&E argued that after expiration of the award the operative work rules were those in effect when the Arbitration Board was created. Our Circuit Court resolved the questions by ruling that the issues presented by the Union's notices were proper and that the carriers were obliged to confer and bargain under the Railway Labor Act even though the period of the award had not expired.

Further, the Court held that the carriers could no longer eliminate jobs under the terms of the award once it had expired; that the results of the award remained effective until changed in accordance with the procedures of the RLA; and that the BLF&E could not strike until those procedures were exhausted. *Brotherhood of Railroad Trainmen* v. *Akron and Barberton Belt Railroad Co.*, 128 U.S. App. D.C. 59, 385 F. 2d 581 (1967), as amended 1968, cert. denied 390 U.S. 923 (1968).

In mid-1968 the parties invoked the services of the National Mediation Board as provided under the Act.[7] Several rounds of negotiation proved unsuccessful and on November 4, 1969, after advising the parties of failure in its mediation efforts, the Board terminated its services. In accordance with the Act, the parties were then free to resort to self-help on December 5, 1969. However, negotiations were resumed in early 1970 with the assistance of a special mediator appointed by the Secretary of Labor. These negotiations were equally unsuccessful and the efforts of the special mediator were terminated.

On July , 1970, the UTU[8] invoked its right of self-help under the Act on its 1965 bargaining notices and struck four carriers. On that same day the carriers applied for and were granted a temporary restraining order by this Court.[9] The carriers challenged the legality of any selective strike by the Union. Shortly after the issuance of the temporary restraining order, and pursuant to the provisions of the Railway Labor Act, President Nixon created an emergency board to investigate and report concerning the dispute.[10] This action precluded both parties from recourse to self-help for sixty days. Following the presidential action the temporary restraining order was vacated as moot and the carriers withdrew their complaint.

On July 22, 1970, prior to the expiration of the services of Emergency Board 177, the Union filed this action for a declaration that, upon exhaustion of all procedures under the Railway Labor Act, its right to self-help is not restricted to a nationwide strike against all the carriers, but rather it is entitled to strike one or more of the carriers.

Although the Emergency Board made recommendations in its Report to the President on August 6, 1970, the parties were unable to conclude a complete and final agreement. However, negotiations continued by agreement between the Union and the carriers, as well as with the encouragement of this Court. When the matter came before the Court on the Union's motion for summary judgment and the carriers' motion for a preliminary injunction, representations were again made that negotiations would continue. The Union however emphasized that all negotiations subsequent to the report of the Emergency Board were without prejudice to its claimed right of self-help against individual carriers.

At the outset the carriers contend that the action by the Union seeking relief is premature because bargaining and negotiations continue and the possibility of reaching an agreement has not been completely lost and thus no true impasse is present.

The procedures for resolving a major dispute under the Act were recently and succinctly outlined by the Supreme Court:

". . . A party desiring to effect a change of rates of pay, rules, or working conditions must give advance written notice. § 6. The parties must confer, § 2. Second, and if conference fails to resolve the dispute, either or both may invoke the services of the National Mediation Board, which may also proffer its services *sua sponte* if it finds a labor emergency to exist. § 5 First. If mediation fails, the Board must endeavor to induce the parties to submit the controversy to binding arbitration, which can take place, however, only if both consent. §§ 5 First, 7. If arbitration is rejected and the dispute threatens 'substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service, the Mediation Board shall notify the President,' who may create an emergency board to investigate and report on the dispute. § 10. While the dispute is working its way through these stages, neither party may unilaterally alter the *status quo*. §§ 2 Seventh, 5 First, 6, 10." *Brotherhood of Railroad Trainmen, et al.* v. *Jacksonville Terminal Co.*, 394 U.S. 369, 378 (1969).

This current phase of negotiations on the fireman manning issue extends over a five year period. There have been endless and protracted bargaining conferences. The services of the National Mediation Board have been utilized. Arbitration has been rejected by the Union. Presidential action further delaying a strike has been taken. Services of special mediators have been employed. All of these efforts undertaken within the framework of the Railway Labor Act have nevertheless proved unavailing to secure a mutually satisfactory agreement.

The Court, therefore, finds from this record that all statutory procedures have been exhausted. A strike is now imminent and the Union has declared its intention to move on a selective basis. It seeks a ruling from this Court at the point when all statutory requirements have been expended. The carriers' motion for a preliminary injunction as well as their counsel's suggestion at oral argument that the Court could grant relief on their behalf by way of summary judgment appear to be veiled recognition of the futility of the bargaining process at this point.

But has the Union in its various stages of negotiations bargained in good faith and thus exhausted the statutory remedies in fact as well as within the framework of the statutory requirements?

In *Virginia Railway Co.* v. *System Federation, Etc.*, 300 U.S. 515 (1937) Justice Stone commented on this duty under the Railway Labor Act as follows:

". . . The statute does not undertake to compel agreement between the employer and employees, but it does command those preliminary steps without which no agreement can be reached. It at least requires the employer to meet and confer with the authorized representatives of its employees, . . . , to enter into a negotiation for the settlement of labor disputes such as is contemplated by § 2, First." at 548. Also, *NLRB* v. *Insurance Agents' International Union, AFL–CIO*, 361 U.S. 477, 485 (1960).

In *Atlantic Coast Line Railroad Co., et al.* v. *Brotherhood of Railroad Trainmen*, 262 F. Supp. 177, 183 (D.D.C. 1967) Judge Holtzoff stated that good faith bargaining suggests ". . . an obligation to negotiate genuinely and sincerely with the aim of amicably settling the differences between the parties and concluding an agreement. It is not sufficient to appear at a conference or a meeting with the other party and to submit an offer, or to make a demand, and yet to decline to argue its merits, or to refuse to entertain or discuss a counter-proposal. It is not a genuine negotiation to indicate that the other party has no choice except to accept the offer or accede to the demand. The service of an ultimatum does not constitute a negotiation."

But, as our Court of Appeals has noted, "The procedures of the Act are purposefully long and drawn out to afford maximum inducement to peaceful settlement, but the Act does not require efforts clearly at war with reality." *Brotherhood of Railroad Trainmen* v. *Atlantic Coast Line Railroad Company, et al.*, 127 U.S. App. D.C. 298, 302, 383 F.2d 225, 229 (1967), cert. denied 389 U.S. 1047, (1968).

Upon a review of the entire record in this proceeding within the framework of the

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Footnotes at end of article.

relevant case law, the Court finds no facts presented upon which it could conclude or infer that the Union has not bargained in good faith. In fact, it is the carriers who arguably have a vested interest in further delay since the results of Arbitration Award 282 remain in effect until changed by contract or in accordance with statutory procedures. *Brotherhood of Railroad Trainmen* v. *Akron & Barberton Belt Railroad Co., supra.*[11]

The carriers' thesis that previous national handling of labor disputes precludes the Union's resort to selective strikes finds no support in either the history of labor-management disputes in the railroad industry, the RLA, or appellate case law.[12] During the past twenty years the predecessor union, the BLF&E, and other railroad operating unions have on numerous occasions exercised the right to individual and selective strikes even though the basic dispute giving rise to the strike had been and was at the time the subject of national handling.

In early 1950, the identical issue underlying this proceeding, the extent to which diesel locomotives should be manned with firemen, gave rise to a selective strike by the BLF&E. At that time, the procedures of the Act had been exhausted through national handling by the parties without success. That union, then representing the firemen, resorted to a strike against only eight of the nation's carriers participating in negotiations. [13] This strike led to the enactment of the National Diesel agreement of May 17, 1950.

Likewise in 1952, the BLF&E, in concert with the Brotherhood of Locomotive Engineers and the Order of Railway Conductors resorted to a selective strike against several carriers.[14] The matters involved—wages and rules—were and had been subject to national handling. However, the unions saw fit to strike only a few of the carriers involved.

A similar strategy has been employed by railroad unions other than the BLF&E. In 1950 the Switchmen's Union of North America, later becoming a member of the UTU, struck five railroads on the matter of the 40-hour work week.[15] There too, immediately prior to the strike, the matter had been the subject of national handling.

And, in 1955 unions representing certain non-operating railroad employees called a strike against a group of Southeastern carriers (the Louisville and Nashville Railroad System) on matters then in national handling.[16] Involved in the national handling of negotiations were three carrier associations—the Eastern and Western Carriers' Conference Committees and the Southeastern Carriers' Conference Committee. The carriers affiliated with the Eastern and Western Committees executed a collective bargaining agreement with the unions. But the Southeastern Carriers refused to ratify the agreement executed by the other carriers. The unions then struck against the Louisville and Nashville System, part of the Southeastern Conference. That strike is also of importance since it demonstrates that on at least one occasion the carriers themselves have taken selective action on matters in national handling.

Finally, the Court notes that only several years ago the carriers, by implication, recognized selective strikes as a legitimate and legal union weapon upon exhaustion of statutory procedural requirements. *Kennedy et al.* v. *Long Island Rail Road Company, et al.*, 211 F. Supp. 478 (S.D. N.Y. 1962), aff'd. 319 F. 2d 366 (2nd Cir. 1963), cert. denied 375 U.S. 830 (1963). There, as a direct response to the union's strike against a single railroad, the Long Island, the carriers created an insurance plan designed to protect their group. No contention was made by the carriers that the selective strike against Long Island was illegal, but rather they defended the insurance plan as a necessary responsive weapon to the union's action.

The Union's position also finds irrefutable support in recent Supreme Court decisions. In *Brotherhood of Railroad Trainmen, et al.* v. *Jacksonville Terminal Co., supra,* the Court emphasized.

"Nowhere does the text of the Railway Labor Act specify what is to take place once these procedures have been exhausted without yielding resolution of the dispute. Implicit in the statutory scheme, however, is the ultimate right of the disputants to resort to self-help—'the inevitable alternative in a statutory scheme which deliberately denies the final power to compel arbitration.' . . . We have consistently so held in a long line of decisions. . . ." at 378 (citations omitted). As recent history demonstrates, support of the position of the carriers would inevitably result in a choice between never striking or precipitating a national emergency and an imposed settlement,[17] thus depriving the employees of their implicitly guaranteed and most effective economic tactic—the right to strike.

The RLA makes no provision for compulsory arbitration of major disputes.[18] And the Supreme Court has admonished against—

"... functioning as an arbiter of the sort of economic weapons the parties can use in seeking to gain acceptance of their bargaining demands . . . (by entering into) the substantive aspects of the bargaining process to an extent Congress has not countenanced." *NLRB* v. *Insurance Agents' International Union, AFL–CIO, supra.* See also *NLRB* v. *Drivers Local 639, Int'l Bro. of Teamsters, Etc. of America,* 362 U.S. 274, 281–4 (1960); *NLRB* v. *Erie Resistor Corp., et al.,* 373 U.S. 221, 234 (1963).

There is no authority for this Court to concern itself with what "economic sanctions might be permitted negotiating parties in an 'ideal' or 'balanced' state of collective bargaining." *NLRB* v. *Insurance Agents' Int'l. Union, supra,* at 500. ". . . (T) here is simply no inconsistency between the application of economic pressure and good faith collective bargaining." *Id.*, at 494, 495.

The Court concludes that national handling of the fireman manning dispute is obligatory in negotiations because of the "practical appropriateness of mass bargaining" and the 'historical experience" in these circumstances.[19] Considerations of safety and training for future locomotive engineers are uniquely appropriate for general national standards. And negotiations and past agreements concerning the fireman manning dispute indicate a clear acceptance by the parties of national handling.[20] But once the statutory procedures have been exhausted in good faith without agreement negotiations have legally reached an impasse. Selective strike action then becomes a legitimate economic tool so long as the Union continues to seek a national agreement by applying economic pressure on the carriers without seeking to coerce individual carriers into deserting the multi-employer bargaining unit and settling on an individual basis.[21] See *American Shipbuilding Co.* v. *NLRB,* 380 U.S. 300 (1965); *Morand Bros. Beverage Co.* v. *NLRB,* 190 F. 2d 576, 581–2 (7th Cir. 1951).[22]

Despite the immediate public interest and pressure for a resolution of the fireman manning dispute, support of the position of the carriers would encourage nationwide strikes [23] and read a new chapter into the provisions of the Railway Labor Act in disregard of the express mandate of Congress.

Counsel for the plaintiff will submit an appropriate order within five days.

———— J. PARKS,
Judge.

FOOTNOTES

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[1] 44 Stat. 577, as amended, 45 U.S.C. § 151, et seq.

[2] Report to the President of Emergency Board No. 177, August 6, 1970, p. 1. The Board was appointed on July 7, 1970, pursuant to 45 U.S.C. § 160.

[3] *Id.*, at 5.

[4] Pub. L. No. 88–108, 77 Stat. 129, Aug. 28, 1963.

[5] *Brotherhood of Locomotive Firemen and Enginemen* v. *Chicago, Burlington and Quincy Railroad Co.,* 225 F. Supp. 11 (D.D.C. 1964), affirmed 331 F. 2d 1020, cert. denied 377 U.S. 918 (1964).

[6] 45 U.S.C. § 156.

[7] 45 U.S.C. § 155 First.

[8] The Brotherhood of Locomotive Firemen and Enginemen and three other unions, merged on January 1, 1969, to form the United Transportation Union.

[9] *Burlington Northern, Inc., et al.* v. *United Transportation Union,* Civil Action No. 2026–70 (filed July 7, 1970).

[10] See footnote 2, *supra.*

[11] At the expiration of the Award, on March 31, 1966, 18,000 firemen's jobs, approximately 60 percent of those subject to the jurisdiction of the Award, had been eliminated.

[12] After careful consideration this Court is unable to agree with the relevant conclusions reached in *Alton & Southern Railway Company, et al.* v. *International Association of Machinists and Aerospace Workers, et al.,* 310 S. Supp. 905 (D.D.C. 1970), appeal pending No. 24217 (U.S. App. D.C.).

[13] Sixteenth Annual Report of the National Mediation Board, p. 5 (1950).

[14] Eighteenth Annual Report of the National Mediation Board, pps. 6–8 (1952).

[15] Sixteenth Annual Report of the National Mediation Board, pps. 11–13 (1950).

[16] Twenty-First Annual Report of the National Mediation Board, pps. 5–7 (1955).

[17] See: Act of August 28, 1963, Pub. L. No. 88–108, 77 Stat. 129. Also, Act of July 17, 1967, Pub. L. No. 90–54, 81 Stat. 122; Act of April 9, 1970, Pub. L. No. 91–226, 84 Stat. 118.

[18] See 45 U.S.C. §§ 157, 158 and 159.

[19] *Brotherhood of Railroad Trainmen* v. *Atlantic Coast Line Railroad Co., supra.* There the issue was whether a union is required to continue *negotiating* on a national handling basis once such a course had been undertaken. The issue of striking once negotiations had reached a statutory impasse was not considered. See also, *Chicago, Burlington & Quincy Railroad* v. *Railway Employes' Department, AFL–CIO,* 301 F. Supp. 603 (D.D.C. 1969).

[20] See especially: 1950 National Diesel Agreement; the chronology of the dispute, Report of Emergency Board No. 177, Appendix B., *supra;* and Supplementary Affidavit of Jess L. Shattuck, attached to Reply Memorandum for plaintiff, filed in this proceeding December 10, 1970, par. 7, p. 3.

[21] The Court does not decide whether selective strikes are so limited when national handling is not obligatory. And since this is a declaratory action, the Court merely prescribes what is permissible in the future. Whether previous actions failed to conform with this Memorandum Opinion need not be examined.

[22] The cases cited by the carriers, particularly at page 20 of their supplemental memorandum of points and authorities in opposition to the plaintiff's motion for summary judgment, filed September 21, 1970, all support the position that a whipsaw strike under the National Labor Relations Act is prohibited only when its purpose is to compel individual employers to withdraw from an existing multi-employer bargaining unit.

[23] Criticisms of the RLA have been directed at the delays in reaching agreement rather than the Act's rather successful record in preventing national strikes. D. Cullen, National Emergency Strikes (1968), n. 11 at 69; L. H. Silberman, National Emergency Disputes—The Considerations Behind a Legislative Proposal, 4 Georgia L. Rev. 673, 676 (1970).

THE GREGORIO CASE: II

Mr. BROOKE. Mr. President, few newspapers in our country are more famed for their thoroughness and objectivity than the Christian Science Monitor. That distinguished newspaper has printed an in-depth report on the controversy which surrounded the deportation of Mr. and Mrs. Apolinario Gregorio.

I think those comments are a valuable supplement to the remarks I made on that subject which appeared in the Congressional Record of Friday, February 26, 1971.

I ask unanimous consent that the complete text of the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Officials Blast Press: Gregorio-Deportation Stories Hit

(By Lansing R. Shepard)

Boston.—The Gregorios have gone, but they left behind an irate United States Senator and a rather red-faced Boston Press.

The Senator is Edward W. Brooke. And his consternation is over what he considers "superficial, sensational, unfair, and in some cases, untrue news reports" about events surrounding the deportation of Angelica and Apolinario Gregorio from the United States to the Philippines early last month.

The Filipino couple, who entered this country two and a half years ago on a 30-day visitor visa, appealed last December to both Massachusetts Senators Brooke and Edward M. Kennedy to stop the deportation proceedings.

The eleventh-hour petition asked the Senators to file a private bill in the United States Senate to have the Gregorios' status adjusted to permanent residents. The request capped an eight-month court battle in which the Gregorios sought to void the deportation order.

REQUEST TURNED DOWN

But both Senators turned down the requests—a fact duly reported by most of the Boston news media along with some disparaging remarks directed toward the Massachusetts lawmakers by an attorney for the Gregorios.

The reports were but a small part of similarly wide and sympathetic coverage the Gregorios' deportation had been receiving in the local press.

In the end though, the couple was deported, and Senators Brooke and Kennedy found themselves engulfed in unkind mail.

Senator Brooke had received so much mail, in fact, that he was moved last week to defend his decision on the floor of the Senate. He also sent to all Boston news media detailed reasons for his actions and a rebuttal to what he thought was slanted coverage.

The source of most of the heat in the matter was the couple's contention that because Mrs. Gregorio had married "out of her class"—she maintained she was of Filipino royalty and he was of the peasant class—they would be the "object of socio-economic persecution" back home.

TRADITION VIOLATION?

They also maintained that because their marriage violated Philippine marriage tradition, the penalty awaiting Mr. Gregorio upon his return to the islands would be death.

The contentions were accepted as fact by some Boston newspapers, and the emotionally charged stage was set.

When Senator Brooke received the Gregorio request from Senator Kennedy—it is a Kennedy policy not to file private legislation—he sent his staff digging into the case. What it came up with was a tale of a couple's unusual perseverance.

The Brooke staff found the Gregorios were married on July 20, 1968, and that less than a month and a half later they were admitted to the United States on a 30-day visitor visa.

Over the next two and a half years, the Gregorios managed to extend that visa 10 times. Twice the couple was ordered to leave the country. And on three occasions deportation proceedings were drawn against them.

During this time, two sons were born to the Gregorios.

The couple successfully fought the last deportation action from June 12, 1970, to their ultimate expulsion last Feb. 11.

Some five months before they were deported, the Gregorios retained attorneys Charles Mamakos and Christie Perdikes. The lawyers immediately filed suit for a temporary restraining order on deportation, first in United States District Court in Boston. And when that court turned them down on Oct. 19, 1970, they went to the United States First Circuit Court of Appeals in Boston.

It was two months later, while their case was still being decided, that Senators Kennedy and Brooke were approached.

In denying the Gregorios' request Senator Brooke noted that it was not his policy to introduce private bills except in case of extreme and unusual hardship, and where those factors can clearly be substantiated should the immigrant be required to leave the country. He didn't think the Gregorios met the requirement.

APPEAL FAILS

On Feb. 10, the circuit court denied the couple's appeal.

The next day, amid many tears and much sentimental copy, the Gregorios left the United States for the Philippines, leaving their two sons with relatives in Quincy.

But Senator Brooke's staff found other interesting facts during its investigation. In a communiqué from the Philippine Embassy in Washington, D.C., it was learned that the consul general in New York had had "several previous discussions" with the Gregorios' lawyers over the past two years. And the lawyers apparently had never mentioned the possibility of Mr. Gregorio's execution.

Furthermore, the Brooke staff accused the Boston news media—especially the Boston Globe—of being inaccurate in its coverage. Senator Brooke's office charged that the Boston Globe had reported that the Gregorios had lived for a year as man and wife in the Philippines in fear of being murdered by Philippine authorities.

The Senator's staff, however, found the couple had been married only one and a half months before coming to the United States.

And last Oct. 20, an assistant United States attorney had advised the Gregorios through their attorneys, that if they feared persecution due to race, religion, or political opinion by the Philippine Government, their deportation could be withheld. Yet the couple had taken no action.

In a letter to the Boston Globe that appeared in that paper Feb. 17, Judge Alferedo F. Tadiar, a Filipino trial-court judge studying at the Harvard School of Law, blasted the Globe article.

In his letter to the editor, Judge Tadiar said he "could not help being outraged at the imputation given by this 'Romeo and Juliet' story that the Philippines is still living in the benighted medieval ages when official sanction is given to the murder of anyone marrying against parental wishes! Nothing could be further from the truth, he said.

FREEDOM TO MARRY

"Under Philippine law, a woman 18 or over [Mrs. Gregorio was 21 when married] is absolutely free to marry whomsoever she pleases, irrespective of class, race, color, or religion," he wrote.

Judge Tadair said parental consent is not needed. Couples can be married even against parental wishes.

"We have had no tradition of and there exists no legal discrimination by reason of social class, race, color or religion," he said. "There is no such thing as a 'royalty' class, at least for the overwhelmingly Christian Filipinos [more than 90 percent of total population]."

The Brooke organization also noted that Philippine Consul General Vincent Reyes essentially concurred in a letter to the Boston Globe also dated Feb. 17 (actually Feb. 24).

The letter said that "under Philippine criminal law, there is no penal sanction upon the act of contracting marriage between any two persons except where such act . . . constitutes bigamy or polygamy as defined by law. The death penalty is imposed in the Philippines only on the most serious and heinous crimes."

CONFIRMATION DENIED

Consul General Reyes further attacked a story by the Globe in which it was stated that "the Philippine Consulate in New York confirmed that the death penalty still can be imposed on a peasant who marries the daughter of royalty against her family's will, as in this case."

According to Senator Brooke, the Reyes letter expressed regret that "the Boston Globe should falsely attribute such a ridiculous statement to this consulate. This consulate absolutely denies having made such a confirmation."

"We made a mistake," said Globe political editor Robert Healy, "and we won't try to get around it. But we didn't do all the things Brooke said we did."

The Globe conceded it had erred on the Philippine marriage law. But one of the Senator's contentions with which the Globe took issue was the Senator's allegation that the paper had stated that the Gregorios lived in the Philippines as man and wife for a year in fear of being murdered by authorities.

WOMEN'S POLITICAL RIGHTS

Mr. PROXMIRE. Mr. President, the United Nations Convention on the Political Rights of Women opened for signature at New York on March 31, 1953. The Convention entered into force on July 7, 1954, and has been signed by 68 nations.

The Economic and Social Council of the United Nations urged the General Assembly in 1952 to adopt a draft convention it adopted on August 27, 1951, and prepare the necessary procedural articles. The General Assembly referred the draft convention to its Third Committee—Social, Humanitarian, and Cultural—which completed its work late in 1952 and submitted its procedural articles to the General Assembly.

On December 17, 1952, the draft resolution was adopted by the General Assembly. A resolution adopted 3 days later opened the convention for signature.

U.S. representatives participated in all phases of the drafting of the convention and our country was represented on several of the committees actively urging its adoption. Ironically and unfortunately, this convention has not been signed by our country.

Dean Rusk, then Secretary of State under the late President John F. Kennedy, aptly summed up the substance of this convention in a letter to the President urging its ratification:

> The Convention consists of the preamble and 11 articles. The substantive provisions are contained in the first three articles. These articles provide that, on equal terms with men, and without discrimination, women shall be entitled to vote in all elections (art. I) they shall be eligible for election to all publicly elected bodies established by national law (art. II); and they shall be entitled to hold public office and exercise all public functions established by national law (art. III).
>
> Article IV contains provisions regarding signature and ratification, article V provides for accession, and article VI provides that the Convention shall enter into force on the 90th day following the deposit of the 6th instrument of ratification or accession. Subsequent ratifications or accessions enter into force on the 90th day after deposit by each state.
>
> Article VII relates to reservations and provides that any reservation submitted at the time of signature, ratification or accession will be communicated by the Secretary General to all states which are or may become parties. The Convention does not enter into force as between the state making the reservation and any other state which notifies the Secretary-General within 90 days from the date of such communication that it does not accept the reservation.
>
> Article VIII provides that any state may denounce the convention by written notice to the Secretary-General to take effect 1 year after the date of receipt of the notification by the Secretary-General. The Convention will cease to be in force when such denunciations have reduced the number of parties to less than six.
>
> Article IX provides that disputes concerning interpretation or application of the convention between contracting parties, not settled by negotiation, shall be referred to the International Court of Justice for decision at the request of one of the parties unless they agree to another mode of settlement.
>
> Articles X and XI provide for the performance of depositary functions by the Secretary-General of the United Nations.

No substantive legal questions are involved in the United States becoming a party to this convention. The 19th amendment to the Constitution provides that the "Right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex."

No one has had a deeper dedication to the cause of human rights than Mrs. Franklin D. Roosevelt. Her support of this convention in a speech before the Third Committee of the General Assembly in December of 1952 was most eloquent:

> As most of you know, the subject of this convention—equal suffrage for women—is very close to my heart. I believe in active citizenship, for men and women equally, as a simple matter of right and justice. I believe we will have better government in all our countries when men and women discuss public issues together and make their decisions on the basis of their differing areas of experience and their common concern for the welfare of their families and their world.
>
> In the United States, and in most countries today, women have equal suffrage. Some may feel that for this reason this convention is of little importance to them. I do not agree with this view. It is true, of course, that the first objective of this convention is to encourage equal political rights for women in all countries. But its significance reaches far deeper into the real issues of whether in fact women are recognized fully in setting the policies of our governments.
>
> I do not expect that there will ever be as many women political leaders as men, for most women are needed in their homes while their children are small, and have fewer years in which to gain public recognition. But if we are honest with ourselves, we know that all countries have a long way to go on these matters * * *.
>
> This convention on the political rights of women is not in itself an answer to the problems of modern government. But it points up, I believe in useful ways, how governments can expand their resources by taking full advantage of the energy and experience of their women citizens * * *.

As we all know, the United States has granted its women equal political rights with men. Yet, we still have an obligation to support the effort of the United Nations, through the Human Rights Conventions, to insure that the rights we take for granted here at home may someday become a reality around the world. I urge the Senate to act quickly on the Women's Political Rights Convention as well as the other Human Rights Conventions submitted to the Congress.

DOES NOT ANYONE CARE ABOUT CAIRO?

Mr. BROOKE. Mr. President, for several years an open racial conflict has embroiled the small river town of Cairo, Ill. The causes of this conflict are as deep-seated as any in America, and as difficult to resolve. Yet few comprehensive reports have been available to the public on the issues, the emotions, and the misunderstandings which divide this troubled community.

One attempt to deal with the problem was made by Miss Terry Knopf, a research associate at the Lemberg Center for the Study of Violence, at Brandeis University in Massachusetts. Her article, entitled "Doesn't Anyone Care about Cairo?" was recently published by Commonweal magazine. It is a particularly sensitive treatment of a highly complex matter, and I commend it to the attention of Senators.

I ask unanimous consent that the entire text of the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Civil War in Illinois: Does Not Anyone Care About Cairo?

A war is taking place on our own shores, involving the lives of our own people, and hardly anyone has stopped to notice. The war is being fought by whites and blacks in a small town in southern Illinois called Cairo (pronounced "care-o" or "kay-ro"). There are about 6000 people in the town, of whom 30–40 percent are black.

Underlying the current crisis are deep-seated tensions which are racial as well as economic. Civil rights activity in the community can be traced to 1946 when blacks won a suit demanding equal pay for black and white teachers. In 1963, blacks held demonstrations against a segregated swimming pool. Offsetting their victory in the courts was a decision by the city to close the pool altogether. In 1967—sandwiched in between and overshadowed by the outbreaks in Newark and Detroit—was a disturbance precipitated by the death of a black soldier.

The violence seemed to signal an increasing polarization of the races. The police said that the soldier, who had been in jail awaiting trial on AWOL charges, had committed suicide in his cell. Blacks charged the soldier had been the victim of police brutality. Lending weight to their accusations was the fact that the soldier's body was embalmed before dawn without the permission of the dead man's family. A close relative indicated that the family had wanted an autopsy, but that the coroner had decided that none was necessary.

In the same year, as the races drifted further and further apart, whites organized a vigilante group known as the White Hats because of their headgear. Calling themselves a neighborhood protective group, the White Hats armed themselves, held regular drills and launched attacks on the black neighborhoods. Pyramid Court, a low-income housing development, was their favorite target. In 1969, the White Hats were officially disbanded by the state. However, their place was soon taken by a new group with close ties to the White Citizens Council called the United Citizens for Community Action (UCCA). For all practical purposes, the White Hats are still very much alive.

Complicating things is an extremely bleak economic situation. By every standard imaginable, Cairo is economically depressed. In 1960, 56 percent of the town's housing was substandard and without plumbing. Between 1950 and 1970, the population dropped from 12,000 to its present level of about 6,000. The unemployment rate is now at 10 percent and higher among blacks. About 30 percent of the residents are on some form of public assistance. An ambitious young man seeking his fortune in the world is likely to move to St. Louis or Chicago.

The immediate crisis has been occasioned by a black boycott of white businesses. The boycott is being sponsored by the United Front, an umbrella group formed in 1969, which seeks more and better jobs for blacks. Now almost two-years-old, the boycott has definitely hurt white businessmen. Several firms have been forced to close.

Pitted against the blacks is an equally determined group of hostile, frightened whites led by the mayor, the police chief and the White Hats. Guns have been accumulated by both sides, while shootings, beatings, bombings and burnings have become a common every-day occurrence. Since the boycott was initiated, there reportedly have been more than 140 black-versus-white shooting incidents.

Most of the violence, however, appears to have been directed against blacks. A reporter for the *Guardian*, who recently visited the black neighborhoods, compared the area to a "war zone": ". . . the passage through the black neighborhoods is like a war zone tour. In nearly every block there are the ruins of a burnt-out house, often a row of four or five sets of charred wood."

Not all the facts in the situation are clear, but the dimensions of the tragedy are unmistakable. For unlike the tragedies at Kent State or Jackson State which were quick affairs over and done with, the crisis in Cairo continues unabated. What we have is the logical fruit of complete polarization—armed, prolonged racial conflict. Cairo threatens to become our domestic Vietnam, a symbol and symptom of national malaise, a possible testing-ground for future race wars to come in other communities across the country.

In recent months, the already critical situation has shown further signs of deterioration. When the federal courts threw out a local anti-picketing law aimed at blacks, the City Council promptly enacted a new set of ordinances designed to curb demonstrations. All five blacks on the police force have now resigned. Meanwhile, the police have deputized auxiliary policemen, some of whom are reputed members of the White Hats. Blacks have charged the police with making discriminatory arrests, using unnecessary force and, in some instances, actively participating in vigilante attacks.

In a highly unusual move, Governor Richard Ogilvie has stationed state troops in the area for an indefinite stay. The Governor is quoted as saying the troops "may be there for several years." Blacks, however, claim they have received no more protection from this group than from the local police, and view the troops as a kind of occupying army.

Not long ago, a black soldier on leave in Cairo died, the victim of an unknown sniper. In the last eighteen months, three police chiefs, one mayor and one county sheriff have resigned.

Given the seriousness of the situation, a question arises as to why Cairo has attracted so little attention? We can begin with the obvious lack of concern on the part of the American public. The reasons for the public's indifference are not entirely clear. Perhaps the war in Vietnam has desensitized us to violence. Perhaps the tragedy at Kent State has drained our energies. Or perhaps black people—the chief victims of this war—are simply more expendable than whites.

In any event, whatever the reasons are, the public's inattention to Cairo has been reflected, if not reinforced, by the media. Relatively few stories have been filed on the beleaguered town—an incident here and there—but hardly the sustained, extensive coverage required. Moreover, insofar as attention has been given, the media have been guilty of some gross inaccuracies and distortions.

Several weeks ago, for example, United Press International and the Associated Press—the two major wire services—issued releases about a supposed raid on a police station by "squads of armed Negro men." Hundreds of rounds of ammunition were reportedly fired in what appeared to be a deliberate, unprovoked attack on the police. The story made its merry way into scores of newspapers across the country ranging from the *New York Times* and the *Washington Post*, to the *Milwaukee Journal* and the *Ann Arbor News*, not to mention *Newsweek* magazine. Omitted from the story was the fact that a black-owned tavern, a church used for meetings of blacks, and the office of civil rights lawyer were all riddled with bullets at about the same time of the alleged raid by blacks.

The story, however, was not only misleading but inaccurate as well. A skeptical *Times'* reporter who did take the trouble to do a follow-up story for his newspaper could only find seventeen pockmarks on the police station which might have been caused by gunfire that night. *Chicago Journalism Review*, which keeps a critical eye on the media, has gone so far as to suggest that the alleged raid may never even have taken place.

The questions raised by this misreporting are: first, why both news services have continued to rely heavily on local stringers for information—individuals who have close ties to the white power structure; and second, why neither UPI nor AP has seen fit to station reporters from the outside area (say, Chicago) in Cairo on a regular basis.

If the media have failed to confront the crisis in Cairo, those in position of national leadership have not fared any better. Thus far, the Justice Department has failed to authorize a full federal grand-jury investigation, which would include a look at possible violations of civil rights.

The FBI says that it is "continuing to watch the situation," but has no plans to actively investigate—this, despite the fact that a public defender's project partially funded by the federal government has been the target of gunfire. Cars bearing Kentucky license plates reportedly have been in the area on the nights of white sniping attacks. Such activity would seem to fall under the anti-riot legislation which makes it a federal offense to cross state lines for the purpose of fomenting violence. Nevertheless, the FBI has chosen not to involve itself—an interesting stance in view of its zealousness when it comes to pursuing black militants, student radicals and other "subversives."

Meanwhile, the FCC has yet to act on a petition from the Lawyers' Committee for Civil Rights Under Law which would deny the license renewal of radio station WKRO. The lawyers' brief makes a convincing case against the station for unbelievably biased reporting, for failing to represent the entire community. It is noteworthy that the president of the station just happens to be on the board of directors of the UCCA.

Finally, we have yet to hear from our usually vocal politicians. Both the President who promised to "bring us together" and his chief deputy, who is never at a loss for words, remain strangely silent. At the same time, Congress has declined to initiate its own investigation and hold hearings, just as it does on the other war in Vietnam.

And so the crisis in Cairo—the war in the Middle West—continues. Doesn't anyone care about Cairo?

STATEMENT BY AFL–CIO PRESIDENT GEORGE MEANY ON THE CLOSURE OF HANFORD REACTORS

Mr. JACKSON. Mr. President, I ask unanimous consent that a letter to President Nixon on the proposed closure of two reactors at Hanford, Wash., and a subsequent article in the AFL–CIO News be printed in the Record.

In bringing to the attention of the Senate the views expressed by Mr. Meany, I should first like to preface them with several thoughts of my own.

After working very closely for 8 years with the Tri-City Nuclear Council, industry and Government in the painstaking job of building the landmark Hanford diversification program, I am shocked and saddened by this precipitate action. Closure of these last two reactors has the effect of unraveling a program that is a model for the Nation—an example of a community rebuilding its industry base away from defense orientation to peacetime industry through the cooperation of Government and industry.

Last year Congress heard strong testimony on the need to proceed with both reactors. The Atomic Energy Commission and the Department of Defense both argued in favor of full funding of both reactors, too. Thus, this action was taken at the White House level in spite of strong support of Congress, the Atomic Energy Commission, and the Department of Defense to continue full funding of these reactors.

Certainly, the detrimental impact on the reserve of our Northwest electric supply alone should have been sufficient cause for the administration to keep the N reactor alive. But there are other serious questions including the Nation's contingent plutonium requirement for weapons uses which have gone unanswered.

It is my understanding that a task force has been appointed by the White House to reconsider the closing of these two reactors. Incidentally, I have suggested that the task force include a representative of the Department of Defense because, as stated previously, the question of current and future plutonium needs is involved. These points are of nationwide significance, but there are other factors which must be considered including the addition of up to 12,000 unemployed people in a region where the job market is already the hardest hit in the entire country. In this context Mr. Meany's comments are of major significance.

There being no objection, the items were ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., February 8, 1971.

The President,
The White House,
Washington, D.C.

My Dear Mr. President: The Administration's decision to shut down the K EAST and New Production Reactors at Hanford, Washington, involves a fundamental change in a long-standing national defense policy and will cause serious and direct adverse consequences to the economy of the West, as well as indirect national effects. These very significant points were brought out during the hearings (executive session) held by the Joint Committee on Atomic Energy on February 4, 1971. I would like to summarize, for your personal attention, certain of the facts in the hearing record:

1. Closure of these two reactors will mean that, for the first time in the history of the Atomic Energy Commission, this Nation will not have a capability to supply plutonium beyond currently known requirements of the Department of Defense. There would be no existing capacity to deal promptly with contingencies, because of the lead-time (approximately three years) in getting closed production reactors back on the line. It is my understanding that the Department of Defense desires some production flexibility to deal with contingencies and took that position during the decision-making process. There is no explanation of the considerations which warrant such a drastic change in the national defense posture.

2. The New Production Reactor (NPR) is a dual-purpose reactor, which is used for the production of weapons plutonium and also to supply 800,000 kilowatts of electricity. For perspective, the NPR is the Nation's only dual-purpose reactor; most of the U.S.S.R.'s plutonium producing reactors are dual-purpose. Thus, the Soviets apparently do not have the long-lead time problem which is inherently associated with the reactivation of single-purpose plutonium production reactors.

3. The 800,000 kilowatts of electricity from the NPR is supplied to the Pacific Northwest under arrangements between the Atomic Energy Commission, the Bonneville Power Administration (BPA) and the Washington Public Power Supply System. The Pacific Northwest and the Southwest need the power from the NPR. Indeed, Mr. Richmond, the Administrator of Bonneville Power, testified that BPA, because of the lack of power sources, had not contracted to supply power to any industrial user since 1966. He further testified that there is no established replacement for the NPR power, and indeed, that unavailability of NPR power may force BPA to cancel or curtail some of its contractual commitments. The loss of NPR power occurs at a time when there is an existing disparity between electrical power supply and demand in the Pacific Northwest, and, indeed, in the Nation. That disparity is increasing almost daily because of the increasing demand for power which is accompanied by the increasing difficulties encountered by the producers of power. One example of the many diffi-

culties associated with the lag in the power supply is the environmental problems associated with certain low sulfur fossil fuels, particularly in the Los Angeles area. There are no easy and immediate solutions to these problems. The lead-time necessary to construct and put into operation a nuclear reactor or any other power plant which would replace the NPR output is from 5 to 7 years. In short, the unavailability of NPR power could well result in economic chaos.

This Government viewed the NPR as a distinct national asset when it was authorized in 1961, both economically and for national defense purposes. In my view, the record shows that the NPR continues to be such an asset. Continued operation of the NPR can contribute beneficially in each of the foregoing areas of national concern (plutonium production supply contingency and electrical power), and, I might add, with minimum environmental impact.

4. The Hanford, Washington, area is the only known example of a Government-industry program initiated during the 1960's at the time of earlier production cutbacks, which resulted in a conversion from a military defense war requirement to a peacetime requirement. This conversion was essentially accomplished by commitments by AEC contractors at Hanford to create a diversified economic base which would not completely depend on AEC activities at Richland. The latest shutdown, because of the severe direct and indirect economic consequences, could well result in a complete unravelling of the various economic diversification programs which are either completed or are near completion at Hanford.

It is my understanding that a task force has been appointed by the White House to reconsider the closing of these two reactors. Incidentally, I have suggested that the task force include a representative of the Department of Defense because, as stated previously, the question of current and future plutonium needs is involved. The record made at the February 4, 1971, hearing contains additional information which bears directly on the important duty to be performed by the task force. It will, of course, be made available to the task force, as well as any other additional information which may be helpful. For that purpose, Mr. Edward J. Bauser, the staff's Executive Director, will contact the task force.

The points which I have summarized are of nationwide significance. I would sincerely hope that the Administration will decide to at least ameliorate the consequences of the announced shutdowns by budgeting funds for continued operation of the NPR.

Sincerely yours,

HENRY M. JACKSON,
Chairman, Subcommittee on Military Applications, Joint Committee on Atomic Energy.

[From the AFL–CIO News, Feb. 6, 1971]

LABOR PROTESTS ORDER TO SHUT DOWN NUCLEAR PLANT

The AFL-CIO has urged Pres. Nixon to cancel an order that would shut down plutonium production at the Atomic Energy Commission's Hanford, Wash., plant, throw thousands of persons out of work, and threaten the Far West with a power shortage.

Federation Pres. George Meany wired Nixon that labor is "shocked" by the President's "precipitate decision" to deactivate the last two plutonium-producing reactors at Hanford.

"The immediate effect," Meany warned, "will be a major economic blow to a region already hard hit by unemployment." He estimated that 7,500 jobs will be lost if the action stands.

The AEC subsequently announced that it will hold off closing of one of the reactors pending further review. Some of the scheduled layoffs will be cancelled until a decision is reached.

Plutonium is a key ingredient of atomic weapons and its production has been trimmed back in recent years.

At Hanford, however, electric power has been an important by-product of the operation. Steam from the plutonium reactors is used to generate low-cost electricity which is distributed through the Bonneville Power Administration.

Meany told Nixon that "if the United States has adopted a policy of no longer producing plutonium, it must provide for an orderly transition period to cushion its effect on jobs and the economy."

DEVELOPMENT OF PARKS AND RECREATION AREAS

Mr. PERCY. Mr. President, the Federal Government, as never before, must recognize the true extent of the ecological crisis and attempt to organize a national environmental policy that will insure responsible lands and waters management. The individual's right to a clean environment has been acknowledged and now must be guaranteed. This administration, more than any other, is devoting significant attention and budgetary allocations to the development of environmental safeguards. Part of its program is the expansion of parks and recreational facilities.

Mr. Douglas Hofe, Jr., Director of the Bureau of Outdoor Recreation of the Interior Department, recently spoke before the National Symposium on Park, Recreation, and Environment Design in Chicago. His speech is excellent, for it captures the imagination and presents an optimistic view of man's survival in a threatened environment. It speaks of the aesthetic and spiritual benefits we derive from outdoor recreation through a refreshing contrast with workaday life. I ask unanimous consent that Mr. Hofe's speech be printed in its entirety at the conclusion of my remarks.

Mr. President, I have a particular interest in the development of parks and recreation areas. In Illinois, we do not have a single National Park Service area. A bill that I recently introduced would alter this situation by creating the Lincoln Homestead National Recreation Area in Coles, County, Ill. It would provide preservation of valuable prairie lands for those who wish to enjoy or study the origins of our cultural inheritance.

The State is also trying to improve its standing on State park facilities. In a special message on conservation before the Illinois Legislature, Governor Ogilvie proposed a three-point program to prevent the exploitation of recreational areas in Illinois. A 2-year acquisition program is aimed at creating seven new State parks through new land purchases amounting to more than $20 million. I believe the Governor's program is highly commendable, deserving the full support of the State's legislative body.

In a rapidly expanding urban population we have a responsibility to improve the quantity and quality of recreation areas. As the Governor pointed out:

> At a time when our people see their great natural environment deteriorating around them, there is no more far-sighted investment we can make.

I agree and look forward to working as the ranking minority member of the Interior Subcommittee of the Appropriations Committee for full funding of our park and recreation programs.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF G. DOUGLAS HOFE, JR.

It is both a personal and professional pleasure to participate in this National Symposium on Park, Recreation, and Environment Design.

If I am to follow the literal definition of being a "Keynoter," I find that my role today is to introduce "the determining principles governing the spirit of speech, thought, and action of your sessions."

But I had only to glance at the conference's imposing list of participants and topics to know that I couldn't fill that traditional role of Keynoter.

Any symposium such as this depends on two things for its success: Substance and spirit.

At the Bureau of Outdoor Recreation, we share your concern with substance every day. We do it through programs of planning, coordination, technical assistance, cooperation, research, evaluation, and environmental quality. And, you are familiar, of course, with the Bureau's contributions toward substance through financial assistance with the Land and Water Conservation Fund.

In these three days of meetings, I think you will agree that our contribution to substance is, and continues to be, a large one. Again, the word "imposing" seems appropriate.

So, if I may, I would like to discuss with you that second ingredient: "Spirit."

In the 1970's nearly every Federal agency will be working with States, local governments, and the private sector to provide all Americans an "Environmental Bill of Rights," the lack of which is felt especially by those of us living in cities.

I refer to the right of all to a safe and healthy environment.

President Nixon pledged a course of action when he signed the National Environmental Policy Act on January 1, 1970.

That law established a national policy for the environment.

President Nixon declared that upgrading the environment is a "now or never" situation. His declaration gave rise to the "Clean Land Doctrine," proclaimed this year by the Department of the Interior.

In essence, these objectives underscore:

The Nation's right to expect that our natural resources will be developed for the best uses of the people as a whole.

The need to protect population centers, large and small, from deterioration that threatens the general welfare.

The right to clean water and healthy air.

When we clean up our land, skies, and water, everybody will gain something.

These are paramount requirements to expansion of the Nation's outdoor recreation estate. If land is denuded of trees and grass, it won't be long before the water around it is ruined by one or more forms of pollution.

This long time commitment on the part of President Nixon has recently—and dramatically—been underscored and amplified.

In his State of the Union Address to the 92nd Congress, President Nixon said about one of his six major goals for 1971:

"The third great goal is to combine the effort so dramatically begun last year: to restore and enhance our natural environment.

"I will propose programs to make better use of our land, and to encourage a balanced national growth—growth that will revitalize our rural heartland and enhance the quality of life throughout America."

He continued:

"And not only to meet today's needs but to anticipate those of tomorrow, I will put forward the most extensive program ever proposed by a President of the United States to expand the nation's parks, recreation areas, and open spaces in a way that truly brings parks to the people, where the people are. For only if we leave a legacy of parks will the next generation have parks to enjoy."

Seven days later, on January 29th, the President added what might be called "exclamation points" to this commitment.

In the opening paragraph of his new Budget Message, President Nixon reminded Congress:

"In the 1971 budget, America's priorities were quietly but dramatically reordered: For the first time in 20 years, we spent more to meet human needs than we spent on defense."

In part, this is what President Nixon proposed to the Nation's lawmakers in the segments of his budget package relative to environment and outdoor recreation:

"*Recreation*—Greater opportunity for leisure is valued highly in America and, as a result, the demand for recreation facilities is growing. The 1972 budget proposes a substantial increase in grants to help State and local governments provide some of these facilities."

Said the President:

"I am recommending that the Land and Water Conservation Fund be fully funded to provide:

"Grants of $280 million to help States and localities meet local recreation needs; and

"Appropriations of $100 million for Federal acquisition to preserve nationally significant natural and historic areas."

In last week's Message on the Nation's Environment, President Nixon once more elaborated on his commitments:

"Merely acquiring land for open space and recreation is not enough," said President Nixon.

"We must bring parks to where the people are so that everyone has access to nearby recreational areas.

I am submitting legislation to reform the State grant program so that Federal grants for the purchase and development of recreation lands bear a closer relationship to the population distribution.

"I am also proposing amendments to the Internal Revenue Code which should greatly expand the use of charitable land transfers for conservation purposes and thereby enlarge the role of private citizens in preserving the best of America's landscape."

Certainly all of us in the Department of the Interior and the Bureau of Outdoor Recreation are pleased and even more determined to help reach this goal. Never before in this Nation's history has any Chief Executive so clearly placed his Presidential "Seal of Approval" on our recreational and environmental destinies. It is apparent that each of us has a big job to do.

As I look to the future, and the key role the Bureau of Outdoor Recreation will play in the environmental picture, one word continually comes to mind:

That word is "Change."

Many of us in the "Over-30 Set" can still remember when our *out*doors was just beyond our *back*doors. That isn't true for most of us any more.

For some of us, today's backyards lead to little more than other backyards.

Most of us can remember where we used to swim. But the childhood swimming hole has been replaced.

Today—for better or worse—it is a gleaming, supervised swimming pool.

Some of the nearby sandlots where we played ball are still around.

But today—our sandlots look more like mini-stadiums: complete with regulation base paths, regulation pitcher's mounds, kids in regulation uniforms, and complete with regulation adult supervision.

Most of us can remember fishing. It wasn't very complicated then: A bamboo pole from the hardware store . . . and some freshly dug worms from the backyard.

But today—the youngster who wants to take an hour or two for fishing assembles his glistening array of gear from Sears or Abercrombie & Fitch . . . then is disheartened on asking himself:

"*Where* can I fish?"

Now these refinements are probably all very worthwhile and wholesome. At least we might as well *think* so; because there is no going back.

Sandlots have a way of disappearing—covered by shopping centers.

Swimming holes have a way of vanishing—covered by housing developments.

And fishing streams have a way of drying up: especially when covered by highways.

For too long, too many have looked back and shrugged in a resigned sort of way: "Well, that's progress."

For many of us, however, there has emerged the nagging idea that something here is a little wrong. And there is something we can do.

And it must be done. For all Americans.

Because all Americans share in a marvelous legacy: a heritage of the outdoors.

Looking ahead into the 1970's and beyond, planners in recreation had to extend their definition of what we mean by "Outdoor Recreation."

Outdoor recreation is not just backpacking along the Appalachian Trail . . . it is a walk around the block.

Outdoor recreation is not just shooting some whitewater rapids on a wild river in Montana . . . it is also "driving for pleasure"; to see the leaves change or taking that traditional American Sunday drive.

Certainly it's surf-fishing along shorelines. But it is also a casual detour on the way to the office; say a stroll through a nearby historic park.

It is surfing off a public beach in California. And it is father and child getting to know one another and their relationship with nature when dad navigates a stroller through a nearby suburban park.

Outdoor recreation is a nature walk with the kids . . . attending a little league football game . . . a pick-up game of touch football with others in the neighborhood . . . swimming in an available pool or pond . . . or merely sitting on a bench beneath a tree.

Anyone who has ever photographed flowers in a park is involved in our expanded concept of outdoor recreation.

If the after-work idea of "warming up to a highball" is more attractive in one's own backyard than in the living room—well, that too is outdoor recreation, though hardly the type on which we keep statistics.

Today, the number one activity is "Walking for Pleasure" (not to be confused with Hiking, which purists say should be more work than pleasure).

Since 1960, walking for pleasure has increased in popularity faster than any other major outdoor recreation activity. Ten years ago driving for pleasure was first. Today, walking is first while driving—by the year 1980—will be fourth.

In 1980, this Nation's "Outdoor Top 10" activities will read like this:

Number 1—Swimming.

Number 2—Playing outdoor games and sports (such as volleyball and similar informal sports).

Number 3—Walking for pleasure.

Number 4—Driving for pleasure.

Number 5—Sightseeing.

Number 6—Picnicking.

Number 7—Bicycling.

Number 8—Fishing.

Number 9—Boating.

Number 10—Attending outdoor sports events.

Other outdoor experiences—such as camping, hiking, horseback riding, and water skiing—are on the increase.

To satisfy the recreation demands of a society that daily grows more affluent and mobile, we need more varied, quality recreation experiences.

We need more lands.

We need more facilities.

We need more programs and activities to serve the people attracted to our outdoor recreation areas.

As we work to meet increased needs, we must find an increase in the financial wherewithal. That's right—more money. And here is where an expanded Land and Water Conservation Fund comes into the picture.

The Fund had a small beginning in 1965—but has now become the leading source of money for recreation land acquisition and development.

On October 31, 1970, President Nixon signed into law a bill wich increases the Fund's authorized appropriations from $200 million to $300 million annually.

A large part of the increased money will go to States and their local governments.

The Fund has already provided hundreds of millions of dollars for places and spaces intended for the public to use in pursuit of outdoor recreation.

The Fund provides the money needed for new national parks, forests, seashores, and wildlife refuges. Roughly one-third of the Fund's money has gone into acquiring and preserving these lands and waters under Federal management.

Most of the Land and Water Conservation Fund money Congress appropriates each year goes to assist States and their cities and counties.

Since 1965, Congress has appropriated $503 million from the Fund to assist States.

The new law also provides a means for transferring surplus Federal property to States or local governments for park and recreation purposes at discounts ranging up to 100 percent.

Previously, as you know, surplus property could be transferred for recreation purposes only at a 50 percent discount from fair market value.

Before the Fund little had been done through the Federal Government to help upgrade State and local parks.

State and local parks provide an excellent means to help meet public demands for varied outdoor recreation opportunities. But the time has arrived to consider innovative programs in connection with them in order to bring recreation and environmental awareness closer to urban residents.

For example, these parks could be used as environmental education laboratories for people who live in cities. More creative and varied opportunities must be found for near-urban centers.

Until the 1950's the Federal interest in outdoor recreation centered primarily around preserving America's splendid natural areas—national parks, forests and wildlife preserves.

While many of these national resources attracted people and provided recreational outlets, there were many which virtually fenced people out due to their inaccessibility.

Then came the 1960's—and two painful realizations:

Most of America's outstanding parks and waters were far removed from where the people lived.

And people were concentrating farther and farther away from them all the time.

The Bureau's research and projection apparatus has enabled us to profile those outdoor activities which most Americans enjoy today and want for tomorrow.

We have found that more than 75 percent of all recreation occurs close to home, after work and school, and on short outings.

And, in urban America, where 75 percent of our population is concentrated, only 25 percent of the recreation facilities and 3 percent of public recreation lands are reasonably accessible.

Like so many national priorities, our American recreation priorities needed reshuffling.

Our Nation's outstanding national parks, forests and natural areas still are needed and are popular . . . perhaps overpopular.

At our most popular national parks, the "No Vacancy" sign is fast becoming a permanent fixture.

Because of shorter work days, longer vacation periods, more 3-day weekends, more spendable income, and because of a need for America's urban dwellers to shed themselves of the confines of the cities, we can characterize an emerging segment of the population.

We might call him "The Mobile American."

The "Mobile American" is easy enough to spot. He is seen on the Nation's highways on weekends and during vacation months.

Behind his family automobile is a new generation of auto accessories: power and sail boats . . . pop-up tent gear . . . and campers which range from modestly-rigged to ingeniously sophisticated.

Of course the end results are often packed parks, crowded campgrounds and waters where the competition is from boats, fishermen, swimmers and water skiers.

For growing numbers of affluent Americans more places and spaces must be provided. And the closer to home, the better.

If bringing new national recreation areas closer to our growing cities were the only problem, this challenge would be formidable by itself.

But providing outdoor recreation within a short driving distance for our "Mobile Americans" is not enough.

What of "The Captive American?"—living in our cities—very often our Inner Cities.

He is held captive for many reasons. And one of these is underscored by the fact that out of 200 million Americans, more than 50 million of driving age do NOT have automobiles.

In his Message on the Environment of a year ago, President Nixon said, and I quote:

"The rugged grandeur of mountains a thousand miles away means nothing to a city child who is not able to get to them.

"The boy sitting on the steps of a ghetto tenement deserves and needs a place where he can discover that the sky is larger than the little place he is able to see through the buildings." End of quotation, but—a beginning toward a new national determination.

This new determination must touch the lives of virtually every American—present and future.

We must make certain that the American youngster will never lose his capacity to communicate with himself.

Merely keeping up with the day's news must be harrowing for the young mind. It is certainly disquieting to most of our older minds.

Can the young mind accept differences between real life and the day-to-day chronicles of life we see electronically reported?

Will this young mind grow to have the judgment and perspective to understand that most of us gather together to work, not under banners . . .

That most of us burn firewood, not college buildings. . .

That most of us build not detonate . . .

That most of us neither hi-jack; nor call names; nor believe the loud and the profane have some sort of an intellectual monopoly on the belief that peace is preferable to war?

We have talked about "The Mobile American" and "The Captive American."

Neither is really very typical.

Most of us fall somewhere in between. And, we have our outdoor needs.

An outdoor experience should be a personal, everyday thing. Not just something we reserve for long weekends and vacations.

As we focus in on outdoor recreation in the 1970's, some patterns and alternatives emerge.

Many of the recreation changes we hope to see in the '70's are innovative and experimental.

Others are essentially simple.

New concepts in park and recreation programs to attract participation by a broader segment of society . . .

New lighting systems to extend the number of hours in our places of recreation . . .

More year-round facilities and activities toward getting a better return on our recreation investments . . .

Comprehensive youth programs which emphasize leadership training and wider participation . . .

Facilities—nearby—for our handicapped and our elderly.

Much of what I have discussed to this point comes from the general philosophy of our effort to bring more "parks to people." This new concept has been entrusted in large part to the Bureau of Outdoor Recreation. Its impact is felt in administration of the Land and Water Conservation Fund to provide more money for urban areas. Especially significant is the Department's "Street Scene" action program which is replacing little-used streets and alleys with neighborhood parks.

Although the demonstration concept—for the time being—seems mainly geared to inner-city, there is no reason why this program could not be extended even to the suburbs.

Imagine, if you will, the possibilities.

Green spaces—replacing cement and gutters.

A back-stop perhaps replacing a bus stop.

Benches and walkways instead of parked cars.

A springtime stroll at dusk—squinting at stars instead of car exhaust fumes.

Kids playing dodge-ball rather than "dodge-traffic."

Converting little-used streets and alleys has obvious relevance to our young people. But there could be personal relevance, too, for everyone in the neighborhood.

Housewives and toddlers on Nature's own carpeting.

A pickup basketball game between husbands and fathers—improving their hook shots against the backboard.

Our older citizens could match up in a round of horseshoes. Or they could play chess and checkers beneath a tree.

The handicapped persons could find nearby outdoor escape from the confinements of four walls.

Teenagers could vent their energies on that other kind of—less publicized—form of grass.

It is an exciting concept . . . one which we are exploring with an eye toward innovation and imagination and creative execution.

Every facet of outdoor recreation is important.

Urban recreation, State parks and local recreation areas are concerns of the Bureau of Outdoor Recreation, but so are wild and scenic rivers and a national system of trails. So are large additions to our national park system, and preservation of open spaces in and near our metropolitan centers.

Many of your agencies are, no doubt, undergoing a change in your roles, one which adds emphasis to preservation of the human resources, as well as the natural resources of your State.

We in the Bureau of Outdoor Recreation have set our sights on the Nation's densely populated urban areas, for here are the places where we are locked in the struggle to let man and nature link their complementary resources to produce a better life.

It is in the cities that population pressures are greatest . . . socioeconomic variables are the widest, and space for leisure is the smallest, and often comes in the most fragmented condition.

It is in the cities that determination must be enlivened with imagination in designing facilities and programs which give human relativity to existing spaces.

We will not, however, neglect or downgrade our responsibility to continue to assist in saving those unique natural areas which should comprise many Federal and State park systems.

To reach its goals, the Bureau makes many contributions and decisions in the fields of planning, basic research, technical assistance and information.

We evaluate natural resources, but we do not administer any park or recreation areas. We leave that task to the old-line agencies. Our role is to recommend policies and programs to the Secretary and Congress.

And while I choose not to join some of my Washington colleagues in a running dialogue with the networks, I do have a personal wish or two.

It is my wish that, soon on any Saturday morning, the friendly antics of ducks in a nearby pond be more attractive to toddlers than animated animals on the TV set.

It is my wish that an after-school stroll on a nearby nature trail be more interesting—or at least a change—from an episode of "Dark Shadows" or a session with the stereo.

It is my wish that a picnic table at a nearby park become more inviting to the mother with pre-school children who has had it up to her truffles with the Galloping Gourmet.

It is my wish that nearby paths and benches attract our elderly and handicapped into taking gulps of fresh air as an alternative to TV's unrelenting invocations decrying "Ho-Hum Mouth."

It is my personal wish that, soon, we can offer nearby sanctuaries where the young mind can do a little, uninterrupted thinking of its own.

It is also my wish that a so-called "Turned-Off Generation" would—indeed—occasionally turn off.

Turn off the record player, turn off the radio, turn off the phone, turn off the never-blinking eye of The Tube—and turn ON to himself.

But to do so, the young person—and each of us—must be attracted by alternatives. The alternatives of a renewed, balanced recreational environment.

The 1970's will see a better quality of life for all Americans. We will be richer in many things—among them leisure time. Thus, will more and more demands be made upon our recreation resources.

What is needed then is a nationwide effort of great proportions.

A coordinated effort that embraces every level of government and the private sector.

An effort that seeks and receives the enthusiastic support of individuals in every community throughout this great country.

Those of you who develop and design America's growing systems of outdoor and environmental involvement are in today's "Main Event."

And we in the Bureau of Outdoor Recreation are in your corner.

We offer you our encouragement and our resources.

And—as is the case in any viable partnership—we trust that communication and assistance will be a two-way street.

We welcome your ideas—the more innovative, the better.

We need your support.

We recognize your years of experience—close to where the local action is.

We welcome a dialogue with you when certain Federal plans and programs may not mesh with those of your State needs.

In effect, when we soon go our separate ways from this Symposium . . . be assured: our separate ways are not really separate after all.

PRIZE WINNING ORATION BY MARCUS B. ROBERTSON, GADSDEN, ALA.

Mr. ALLEN. Mr. President, the Voice of Democracy oratorical contest sponsored by the Veterans of Foreign Wars is nationally recognized as one of the outstanding youth programs of our Nation. Some 500,000 young people participate in this program each year.

Mr. President, I am particularly pleased that the national first place award winner in the 1970–71 Voice of Democracy competition is Marcus B. Robertson from my home town, Gadsden, Ala. Marc Robertson is the 16-year-old son of Dr. and Mrs. William Craig Robertson of Gadsden. Marc is a junior in Gadsden High School and an officer in the splendid organization known as the Fellowship of Christian Athletes. His extracurricular activities and interests include golf, wrestling, public speaking, fishing, swimming, piano, and harmonica. His background achievements include a 1967 Read magazine creative writing award and other awards in public speaking. Marc is a brilliant student and an accomplished speaker. This last judgment was eloquently demonstrated last night by delivery of his award-winning oration at the National Congressional Awards Dinner before Members of Congress and distinguished civic, religious, and VFW leaders from throughout our Nation.

Mr. President, the Veterans of Foreign Wars organization is to be commended for sponsoring such a splendid program for youth. The contest serves a highly valuable purpose in promoting loyalty and principles of liberty, freedom, and democracy, and I share the feeling of pride of all Alabamians and patriots throughout our Nation in the outstanding achievement of young Marcus Robertson.

Mr. President, it gives me great pleasure to ask unanimous consent that the text of the oration be printed in the RECORD. I invite every Senator to read this stirring address with the sure knowledge that each will share with me a renewed sense of pride in our youth as exemplified by the accomplishments and the thoughts and views so eloquently expressed in this address.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

FREEDOM—OUR HERITAGE

What is freedom? If you were to ask that question of the next ten people you met, I'm sure you would receive ten distinctively different answers. Upon asking a policeman, he might give you a reply like this: "Freedom is the priviledge of living in a free society and obeying the laws it has given to protect you."

You might see a businessman, and upon asking him what freedom is, he could answer, "Freedom? Why that's the means by which private enterprise grows and prospers! Without freedom in our business, our economy would collapse!"

Spying a minister, his answer to the same question might go like this: "My friend, freedom is the wonderful experience of being subject to the Divine will of God."

Curiosity then might lead you to ask a hippie what his thoughts were of freedom. "Hey, man," he might say, "freedom isn't here unless you got love—can you dig it?"

The policeman's answer, I thought, was very clear. Did you actually realize how honored we are to be Americans? The Statue of Liberty is an unwavering reminder of our freedom. But did you ever stop to think what color is the statue, or what race? Did you ever stop to think of what faith it might represent? Is its color black, or white? Maybe it is red or yellow. But isn't it more a mixture of many colors which have withstood the wind and rains of the sea over a long span of time? Although the statue is weather worn and wind beaten, does any particular color stand out? No, for that statue, just like our country, stands for nothing less than Americans. What about its religious representation? Does it represent the Protestant, Catholic, or Jewish faith, or no faith at all? Maybe it represents all religions. You know—it does.

The Statue of Liberty represents freedom, liberty, but most of all—Americans! Americans who fought at Lexington and Concord . . . Americans who fought at Shiloh and Gettysburg . . . At Guadalcanal, the Battle of the Bulge, and for Americans who are now fighting in obscure little rice paddies in Viet Nam.

Why do Americans sacrifice for others? For the same reasons Americans have tasted death for the past 200 years. That man might be free.

The businessman's answer was unique. Americans can enjoy private enterprise—not only that, but we take advantage of it! America has a higher standard of living than any other country—and I'll stake my life on it that tomorrow we will still have the highest standard; for I believe that Americans strive more for success than any other country in the world! And what is that great incentive that drives American enterprise? What is that supreme motivation that stirs Americans to take that extra step when everyone else is too exhausted or frustrated to do so? It's our love of freedom.

The minister also had a good idea. Americans have realized that in all their own glory and power, there stands only half a nation unless the Creator of freedom is laid as a foundation. This is one nation under God, but when it becomes one nation that thinks it is better than God or can do without God, it will collapse.

But I'm seeing Americans—many of them, take roots in the God of real freedom and many more are following the footsteps of these as God's army begins to grow in this nation. And if America stands, as I think it will, it will stand on the freedom of God's power—the key to liberty.

The hippie's reply seems to sum everything up; freedom isn't here unless you have love. Love and freedom walk hand in hand. If America expects to emerge from these times stronger than it has ever been, love must be the common denominator. Love of country, love for liberty, and love for God.

What is freedom to me? Freedom is that chill of excitement that runs up my spine when I find out my favorite football team has won a ballgame. It's that proud feeling I get when I receive an A on my report card in algebra. It's that big fat turkey staring me right in the face at Thanksgiving dinner as Dad carves a big piece just for me, and just when I'm about to selfishly dig in, Mom says, "Son, don't forget to say grace," and I quietly think of millions of people who live in wretched poverty, endless frustration, and constant insecurity because they don't have freedom as *their* heritage. Freedom is the Star Spangled Banner at the World Series or a Miss America Pageant, but most of all, freedom is people—Americans who died for me so I could enjoy those freedoms.

So what's our job? We don't have half the job that Americans had 200 years ago. In those days, men struggled to keep a small spark of freedom alive. Today we have a constant flame because of their valiant efforts. Our job is just to keep that flame from being snuffed out. It's just keeping that flame alive in the hearts of Americans.

SENATOR RICHARD BREVARD RUSSELL

Mrs. SMITH. Mr. President, a touching and significant tribute to the life and career of our late beloved colleague, the Honorable Richard Brevard Russell, is contained in an editorial published in the current issue of the Officer magazine.

The author is Col. John T. Carlton, the executive director of the Reserve Officers Association, who is known to many of us in this body and who was a lifelong neighbor and personal friend of Senator Russell.

I know that Members of Congress will be interested in adding to their memories of Senator Russell the thoughts contained in the editorial. They are richly merited by the great American who was the President pro tempore of the Senate, and whose work has been so important to the life of this country during the past 40 years.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HE WAS THAT SORT OF PATRIOT

"If you can talk with crowds and keep
your virtue,
Or walk with kings—nor lose the common
touch . . ."

The kind and unkind things that have been said about Richard Brevard Russell in his lifetime, and upon his death, have not touched the outstanding characteristic of a national leader, who made history but who above all else, gave a lasting humaness to public service known only to those closest to him.

Dick Russell was never known to turn his back on an old friend. In his personal relationships, he was compassionate, understanding, and helpful; he was ruthless only in pursuing an ideal and in that context the word begs appropriateness.

It was a cruel fate which took from the United States its two great champions of preparedness, Mendel Rivers and Richard Russell, within a month of each other. They were a team which helped keep their nation great and strong, and they represented a team which may have saved America more than once.

A Rivers friend, remarking on the tribute paid Rivers by Russell from his hospital, and commenting upon the Senator's observation that not until the next generation would the nation feel the loss of Rivers, told us that the Congressman looked with affection and reverence to his older colleague.

"He worshipped Russell, and tried to follow everything he said," was the way he put it.

That euphemistic tribute, like all euphemisms, is hyperbole; it was Rivers' way with men, and it was the perception of Russell that enabled him to accept sincere flattery, live with it, and turn it to agreement. Russell did as much to accept Rivers' views as Rivers did to accept Russel's convictions; but the two worked together in harmony and effectiveness.

It was our privilege to be one of the thousands who followed Russell, and among the few who worked with or for him from time to time, and who cherished a confidant's relationship with him. Russell almost made World War I, completing the student officer training courses at the University of Georgia, but seeing the Armistice come before he had more than preparatory duty. We once dug up the fact that he had been commissioned but he always asserted he never got beyond Seaman First Class. He was a progressive member of the Georgia House at 21, and then Speaker within a few years. In our latter college days, he ran successfully for Governor; one of our college mates was his principal assistant when he put through reforms, particularly in the University System, which were considered forward-looking and skillfully achieved, a system in effect in virtually all state systems throughout the nation today.

He won an uphill fight for the Senate, and as a young reporter, I was one of those who "covered" his career, some years later taking on this job in Washington.

Russell was a human person who derived pleasure from helping others, who had a prodigious memory, and drew satisfaction from the mammoth achievements which were his. Much has been written about the defense establishments he obtained for Georgia; the fact is that things just don't happen that way often in Washington, and it was the Southern climate, and the other attractions more than the importunities of Russell which sprinkled training group camps and depots throughout the state as well as other places in the South. When he worked for a client, he did so on issues in which he knew there was also right.

There were many areas where Senator Russell served the national good which were not publicized. While he was a master in his relations with the Press and understood the twist of a good publicity story, he also knew that many stories were fluff, and he disdained the mere goal of getting his name in the papers. He was masterful in dealing with his colleagues; skillful in parliamentary debate, and an authority on the Constitution because he was a student of history, and the texts which came out of the national experience. He often said he recognized the need for social reform, but he believed the benefits would be long range only if contained within the bounds of the Constitution; he was a purist where the principle of equal rights was related to national or personal issues, and he was dedicated to disdain of the appearance of any class system.

The characteristic which marked him for greatness more than any other, however, was his humility, and the warmness of his personality. He was devoted to his family and to his friends; he would have been a father whose children would have worshipped him: he missed marriage, however, and his affection and naturally deep warmth of his nature were lavished on his sisters and brothers and his nieces and nephews, and the children and grandchildren of his family friends, his associates, and all whose privilege it was to know him with any degree of intimacy.

Our relationship with him in ROA was neither parochial nor related to any interest. He dealt with us on any issue however small, and the decisions as to the weight of his influence always were sought and obtained only when he could be convinced of the right of an issue. He sought information from any source, and confided in those whose confidence could be trusted. We cherish and preserve the knowledge that in many areas we shared that confidence, and we would not violate it. If in ROA, we perpetuate the memory of Senator Russell in any sort of tribute because of what he did to advance our objective, we must keep in mind that he did so because he was convinced that it is a monument to the safety and security of the United States of America. Richard B. Russell was that sort of a Patriot.

HALL OF FAME PLAQUE PLANNED AS TRIBUTE TO SENATOR RUSSELL

ROA will include in the memorialization program in its National Headquarters building a perpetual tribute to the career of Senator Richard B. Russell for many years the nation's champion of preparedness, who died recently after serving 38 years in the U.S. Senate.

Senator Russell was one of the fourteen who had been given ROA's annual Minute Man award as "The citizen who has contributed most to National Security."

The award was made at the annual Mid-Winter banquet in 1958 when in response he made a ringing speech in exalting the citizen-reservist tradition.

An appropriate plaque dedicated to Senator Russell will be included in the Congressional Hall of Honor, the Fifth Floor of the Minute Man Memorial Building.

A similar tribute also will be placed there honoring the memory of the late Congressman L. Mendel Rivers, Chairman of the House Armed Services Committee, who was the ROA Minute Man of the Year in 1965.

PROJECT NAVAJO

Mr. MOSS. Mr. President, one of the most active Air Force Association groups in the entire country is located in the State of Utah. This group sponsors a wide variety of civic activities which benefit not only its members but the entire State.

An example of this is the Project Navajo sponsored by the Utah Air Force Association for Christmas 1970. This project gathered more than 100,000 pounds of food and clothing for distribution to needy Indians. This is an annual event for the Utah AFA.

I was pleased to note that the March issue of Air Force magazine contains an article naming all of the various other groups in Utah who participated with the AFA in its project. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UTAH AFA'S PROJECT NAVAJO

HILL AIR FORCE BASE, UTAH.—A fifty-sixton Christmas present, delivered by flying aluminum "reindeer" and diesel-powered red "sleighs," brought the spirit of Christmas in 1970 to Navajos on their 25,000-square-mile reservation, in the Four Corners area of Utah, Colorado, Arizona, and New Mexico.

"Project Navajo"—sponsored by the Utah Air Force Association—gathered more than 100,000 pounds of food and clothing for distribution to the needy Indians during the annual drive.

Two semitruck-trailers, donated by Whitfield Transportation, Inc., of El Paso, Tex., hauled 80,000 pounds of Christmas cargo to the northern half of the vast Navajo reservation.

The four-day journey to the northern half of the reservation began on December 17, 1970, when the two trucks left Salt Lake City loaded with goods collected in northern Utah.

Santa Claus rode aboard one of the trucks, to greet Navajo youngsters who awaited his arrival at four delivery points.

Stops were made at Aneth Junction and the Church of Jesus Christ of Latter-Day Saints Indian Branch, both in Utah; Seventh-day Adventist Hospital in Monument Valley and the United Presbyterian facilities at Kayenta, both in Arizona.

All the material was distributed in time for Christmas.

An additional 32,000 pounds of food and clothing had been delivered to the southern half of the reservation the previous weekend. These goods were airlifted to Kirtland AFB, Albuquerque, N.M., aboard two C-124 Globemasters from the 945th Military Airlift Group (Reserve) at Hill AFB. From Albuquerque, the items were trucked by Whitfield to St. Michael's Mission, about 135 miles northwest.

The two semitrailers pulled into the mission courtyard just at sunset. Many Indians had been waiting since early morning.

Dark eyes watched as Santa climbed from the red truck, but no one stirred. Navajo children are taught they should not trust anyone with a beard, it was explained. But a few well-chosen words in Navajo from Santa and an offer of candy soon overcome their shyness, and the children swarmed around the jovial visitor.

A sister carried one child across the courtyard to meet St. Nick. The boy, Leonard Devore, a student at the school for handicapped at the mission, has cerebral palsy. His thin legs hung limply in his braces and he was shivering. Sister Mary Jane spoke for him: "He hopes that you brought him a coat. He's never had one of his own."

One Navajo woman who had waited since 8:00 a.m. told AFA members that she was hoping for food and clothing to feed her eleven children.

Answer to the wishes of the crippled youth and the mother and her hungry brood were there, among the scores of boxes of food and clothing that were unloaded and stored at the mission under the watchful eye of Utah AFA President Harry Cleveland. It was the third straight year for the Utah AFA's "Project Navajo."

The drive began slowly in early November and built up to a crescendo after Thanksgiving. School children in Weber, Salt Lake, and Davis Counties in Utah joined the Project Navajo crusade, along with housewives, local businessmen, AFA chapters, and Hill AFB personnel. Employees of the Boeing Co., Thiokol Chemical Corp., US Internal Revenue Service, Defense Depot Ogden, and others also joined in.

The first sizable contribution for the drive came from the Ogden Rescue Mission, when the Rev. Forrest L. Stinson, Superintendent, donated 4,000 pounds of used clothing. The emphasis of Project Navajo was on food. A letter to elementary and junior high school principals invited their schools to participate.

Youngsters went home and asked their mothers if they could bring a can or two of food to school during the balance of the drive. Thus, Project Navajo was extended to the school level.

Frank Coppin, President of the Utah AFA's Golden Spike Chapter, organized a drive in Brigham City, about twenty miles north of Ogden. On one Saturday morning, he gathered 5,000 pounds of material, using Boy Scouts as door-to-door collectors. A Brigham City flour mill donated two tons of flour, which was matched by Mr. Coppin from Chapter funds.

Donated items were brought to Hill AFB for sorting, packing, and storage pending shipment.

To get the items to Hill AFB required an armada of trucks. Supplementing Air Force vehicles were the Barton and Ringsby truck lines and the Salt Lake Transfer Co., all based in Salt Lake City.

The carriers, arranged for by the Utah Chapter of the National Defense Transportation Association, picked up twice a week at collection points in four northern Utah counties.

AFA members and personnel of the nearby Clearfield Job Corps Center packed the goods, working on their own time.

Originally scheduled to use one aircraft, the project went so well that an additional C–124 was required to haul the goods to Arizona.

The first C–124 was decorated with Christmas scenes painted on both sides of the nose section. The murals depicted Christmas as the Navajos see it, with Indian braves in colorful costumes astride their mustangs, looking over a picturesque desert scene lighted by the Star of Bethlehem. The paintings were the handiwork of four Navajos from the Intermountain School in Brigham City—Randlet Kedah, Austin Desidero, Gilbert Reuben, and Harry Clay.

Summing up this year's project, Mr. Cleveland called it the most successful project that the Utah AFA has ever undertaken.

"At every distribution point, we felt the spirit of Christmas," Mr. Cleveland said. "The gifts were well received. It was success well beyond all expectations."

THE ANTI-SST LOBBY

Mr. GOLDWATER. Mr. President, now that the truth is at long last being told about the SST, we are beginning to hear arguments that the supporters of this step toward progress in American aviation is being backed by a powerful, well-financed, lobby effort. Suggestions are made, such as the one aired on the floor of the Senate yesterday by the Senator from Wisconsin (Mr. Proxmire), that the American taxpayers are being forced to pay for such a lobby.

I should like to remind the Senator from Wisconsin and all other Senators who are opposed to keeping the United States in the forefront of aviation production that the supporters and contractors for the SST were perfectly willing to let this case rest on its merits in the committees and Chambers of Congress for more than 10 years. The need for a program of public education on this issue which is so important and vital to the economy of the country did not arise until its critics mounted a blitz based on scare stories and the Big Lie.

Mr. President, I think we can all remember what happened last year. Almost overnight the opponents of the SST prototype program managed to mount a propaganda blitz of almost unprecedented proportions aimed at making defeat of the SST program in the Senate a "cause celebre" in the fight against environmental pollution. The Members of the Senate and the public generally were fed the most ridiculous kinds of propaganda. They were told, for example, that development of the SST would lead to an increase in the number of skin cancer cases throughout the world. They were told that a vote in the Senate for the SST was virtually a vote for atmospheric changes so enormous that they might melt the polar ice cap. They were fed equally ridiculous stories about a nation that would literally rock and roll to the sound of supersonic booms.

Mr. President, this does not begin to cover the misrepresentations and the scare stories which were advanced by the "anti-SST lobby" to defeat a program that George Meany says will mean an increase of 200,000 jobs in the United States.

In other words, Mr. President, if the critics of the SST are unhappy about the efforts of the Nixon administration and the workers and industries directly involved with the SST to present the actual facts, then they are unhappy with the truth; and I find myself unable to shed a single tear for their grief.

JOHN MUIR, NATURALIST

Mr. NELSON. Mr. President, every so often we hear the remark that concern for the condition of our physical environment is only a recent social phenomena. Some even have suggested that the rage of the so-called ecology movement is certain to simmer into oblivion like so many issues before it.

Undoubtedly, the deteriorated condition of our environment finally is receiving the widespread attention it deserves. And I think that events would justify my optimism that the attention accorded this critically important issue will become even more widespread.

However, the concern over environmental degradation is not a recent phenomena. The movement has a rich history and it has its latter-day philosophers.

John Muir was a giant among the philosophers. In his writings he shares his communion with nature, his deep appreciation of the delicateness of nature's life systems and man's place in the scheme of those systems. But he did more than philosophize. He was the first president of the Sierra Club, serving as the organization's leader until his death in 1914. He is the father of America's national parks and forest preserves.

Of Scottish ancestry, John Muir emigrated to America with his parents and lived his boyhood near Kingston, Wis., first on a farm near Fountain Lake and then on Hickory Hill Farm. As one writer remarked, Muir's boyhood in that beautiful Wisconsin wilderness was filled with nature education. It was that education with nature, and his later studies at the University of Wisconsin, that styled his life as a naturalist and defender of the wilderness against man's exploits.

In Wisconsin he is commemorated by Muir Lake, Muir Knoll, John Muir Park and the John Muir Chapter of the Sierra Club, among others. Throughout the country he is commemorated with numerous memorials, most of which are in the State of California in recognition of his services to mankind in that part of the country. During World War I, a liberty ship was christened the SS *John Muir*.

John Muir recently was memorialized in an excellent article written by Colman McCarthy for the Washington Post and its series on "Thinkers and Their Thoughts."

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Feb. 13, 1971]

The Odd Profession of John Muir: Living

(By Colman McCarthy)

In March 1868, a young man with a strong survival instinct left the crowded East and arrived in the open city of San Francisco. One of the many newcomers who was lighting out for the territories, he could put up with San Francisco for only a day; even then, urbanity crushed in. He asked a native for the quickest route out of the din. "Where do you want to go," inquired the townsman, to which the wanderer replied, "to any place that is wild." The directions must have been adequate; until his death in 1914, John Muir endlessly roamed the valleys, foothills, mountains and icelands of the West, a vacuum spirit that sucked in the nourishing loose ends of nature and fed on them as if no other riches existed.

Many consider John Muir to be America's most profound and most easily read naturalist. Although popular tastes often give that honor to Thoreau, next to Muir the nonconformist of Concord seems like a mere vacationer to wildness. The Sierra of California, the Yosemite and the coast of Alaska were to Muir as Walden was to Thoreau, not visited for a season but embraced for nearly the whole cycle of adulthood. As with many men of action, Muir had little time for book writing, his first one being published at age 56. Yet he rarely let a day pass that some word or thought was not jotted on an odd piece of pocket-crammed paper, stowaway thoughts traveling secretly between his soul and heart. They eventually filled 60 volumes, much of it in the fluent style of the Transcendentalism then popular and all of it in the wisdom of a man who couldn't be bribed by civilization. Muir, in a third-person passage, and his writings gathered themselves as a result of "scribbling by flickering campfires when his body was numb with fatigue; or in the dark lee of some boulder or tree while the storm raged without; or tramping over a vast glacier, his fingers stiff with cold and his eyes blinded by the snow glare."

When he left the lowlands of San Francisco that day, Muir headed for the mountain pastures of the Sierra. Early the next spring, he jotted—almost pantingly—in his diary: "The night wind is telling the wonders of the upper mountains, their snow fountains and gardens, forests and groves; even their topography is in its tones . . . Would I could understand them! The stream flowing past the camp through ferns and lilies and alders makes sweet music to the ear, but the pines marshalled around the edge of the sky makes a sweeter music to the eye. Divine beauty all. Here I could stay tethered forever with just bread and water, nor would I be lonely; loved friends and neighbors, as love for everything increased, would seem all the nearer however many the miles and mountains between us."

How does a man get to talk like that, without being put away? In Muir's case, the conversion to naturalism and conservation bucked many odds, most of them imposed by his Scotch Calvinist father. At the Wisconsin family farm, Hickory Hill, Daniel Muir couldn't believe a son of his could relish the woodland or delight in animals. The father, a doleful tartar who needed to prove his virility, believed in fighting the harshness of Nature, not seeking out its softer serenity. One approached the forests and beasts with ax and gun, and the good Bible-carrier who used them best prospered most.

This is still largely the ethic of America in its conversation with the wild, filled with big talk of success and loud shouts that more-is-better. The whole environmental struggle today is basically that: exhaling from our national lungs the foul air of progress-at-any-cost that we now breathe unthinkingly.

Many believe that ecology is a new term. Actually, battles to save the land raged 100 years ago and, unsurprisingly, John Muir, led them. Setting aside Yosemite as a national park captured his interest early. The merchants and speculators asked about Yosemite, "What are a few acres of trees and some herds of elk compared to the development of mining and lumber that will yield millions of dollars?" The axle of this logic has turned a thousand times since, whether the wheels of "progress" carry us to Adirondack timberlands or the oilfields of the north slope. No one says that "millions can be made"; that is too blunt. We now exploit Nature because of "national security," or "balance of payments." And besides, a government report says it's safe.

Thanks to his articles in the old Century magazine, Yosemite became a national park in 1890. The victory put Muir even more on the watch for industry cormorants busy against innocence. He had no doubts whose side he would choose in a conflict between nature and man: "Let a Christian hunter go to the Lord's woods and kill His well-kept beasts, or wild Indians, and it is well; but let an enterprising specimen of these proper, predestined victims go to houses and fields and kill the most worthless person of the vertical godlike killers—oh, that is horribly unorthodox, and on the part of the Indians atrocious murder. Well, I have precious little sympathey for the selfish propriety of civilized man, and if a war of races should occur between the wild beasts and Lord Man I would be tempted to sympathize with the bears."

Hard talk? Muir went further. "The world, we are told, was made especially for man—a presumption not supported by all the facts. A numerous class of men are painfully astonished whenever they find anything living or dead . . . which they cannot eat or render in some way what they call useful to themselves."

Libraries are beginning to carry some of the vast Muir literature in all its richness. Houghton Mifflin has published his works in the Sierra edition, from "A Thousand Mile Walk to the Gulf," to "John of the Mountains." The essence of Muir's life can be had in the anthology selected by naturalist Edwin Way Teale; the Twayne series published an excellent critical guide to Muir's thought in a volume by Herbert F. Smith. "Not Man Apart" is the invaluable John Muir monthly newspaper sent to members of the Friends of the Earth. An application of his philosophy to the wilderness issues of today, the newspaper is available to non-members also.

Muir liked to say, echoing Thoreau, that his "profession was living." This put him in genuine communion with nature, that term being only a grand synonym for life itself. Long before Teilhard hinted that rocks and plants are not mere slugs of deadness. Muir understood that they also had claims to livingness. "Plants," he wrote, "are credited with but dim and uncertain sensation, and minerals with positively none at all. But why may not even a mineral arrangement of matter be endowed with sensation of a kind that we in our blind exclusive perfection can have no manner of communication with?"

It is foolish to go to Muir in hopes of "feeling good" about nature. Visit the garden club greenhouse for that. Muir is saying, come be a part of wilderness, if even for an afternoon or weekend. In Cuba once, he wrote about the growth of the agave plant: "It is said to make a mighty effort to flower and mature its seeds and then to die of exhaustion. Now there is not, so far as I have seen, a mighty effort or the need of one, in wild nature. She accomplishes her ends without unquiet effort." That is what Muir wants men to be a part of. It won't hurt, and most likely nature won't mind. It is tolerant of earthquakes, blizzards, storms and all manner of destruction. So it can tolerate human beings, too. Up to a point and provided we come with neither ax nor gun.

REORGANIZATION OF EXECUTIVE BRANCH

Mr. SAXBE. Mr. President, our continuing problems with the national economy have pointed out the need for prompt action on President Nixon's plan for reorganizing the executive branch.

Today, there is no Government office directly accountable to Congress for the state of the economy. There should be such an office—one responsible for stimulating balanced and sustained economic growth.

While some regions of this country prosper, others suffer the loss of industry or agricultural poverty. The mission of the Federal Government must be to inject vitality into the national bloodstream in regions which lack the components for a healthy pulse.

In President Nixon's plan the economic functions of the present Departments of Labor, Commerce, and Agriculture would be combined in a Department of Economic Development. This should centralize the economic planning functions of the entire country. And it could assist in resolving differences between labor and management, while also representing the consumer.

In the past, labor-management disputes which should have been resolved at low Government levels have escalated into departmental squabbles. This wastes time and money. With the economic functions of Government reorganized under one roof, only one department would be responsible for employment. More time could be spent on solutions, less on perpetuating the problems.

Jobs are the key to the economic well-being of this country. For productivity to increase and for the national standard of living to improve, the Nation must keep its work force employed.

This means planning—for tomorrow, the decade, and the year 2000. Economic vision beyond that of a 4- or 8-year administration is essential. A new Department of Economic Development would assume the planning responsibility for continuous economic growth and progress.

By 1980, the labor force will have increased more than 20 percent beyond 1968 levels. That is just a statistic. What it means is more people will need jobs, money to buy food, shelter, clothing, and opportunities for education. To supply these needs, Government must exert a concentrated economic planning effort.

Because economic policies touch the pocketbook and savings of every American, I urge that we earnestly support the President's plan and place long-term economic planning in a single department, at Cabinet level, accountable to Congress.

THE TRAGEDY OF THE PEOPLE OF VIETNAM

Mr. FULBRIGHT. Mr. President, I recently received a remarkable letter from Mrs. Donald H. Dietrich, of Olympia Fields, Ill., which I believe is of interest to the Members of the Senate and to my constituents.

Mrs. Dietrich is an anthropologist with a rare capacity for observation and for understanding what she observes.

Her sensitiveness to the inhumane aspects of the tragedy of the people of Vietnam is unusual in these days of body counts and unrestricted destruction of innocent people in a distant land. She has portrayed the age-old drama of man's inhumanity to man more poignantly than anyone I have heard from. I commend it to my colleagues. I ask unanimous consent that it be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Olympia Fields, Ill.,
February 18, 1971.

Senator William Fulbright,
The Senate,
Washington, D.C.

Dear Senator Fulbright: Last night I was watching the Dick Cavett Show and Maury Amsterdam. He proceeded to tell the audience why he supported the President's Viet-Nam policy. And when the audience booed, he said, "I have been to Viet Nam. I have spoken to the Queen of Thailand, the Prime Minister of Australia, to the G.Is. We have to win this war. Have any of you ever been to Viet Nam?" Again the audience booed. And again he repeated: "I have spoken to the Heads of Governments there. I know. Has anyone here ever been to Viet Nam?"

Emotionally I was in that audience, and I *have* been to Viet Nam. This past summer, while in the Far East, I went to see.

What could I have seen in five days? What does an artist see that a layman does not, when he views a painting? What would I, an anthropologist trained to observe, see that our visiting politicians, our military, our entertainers did not see?

The people. The Vietnamese people. I met no generals, I met no G.Is. I met no officials. Just the Vietnamese. Isn't it paradoxical that in our democracy we only equate intelligence with either wealth, position or education, and never with poverty and just ability to survive? It never occurs to us that it takes intelligence to survive under incredible hardships, circumstances that would defeat the wealthy, the educated, the positioned.

For five days I lived with the people. I cannot tell you what the Queen of Thailand thinks, but I know what the monk, the student, the little boy felt as we stood close together leaning on the sill, looking out the glassless window frame. Standing in that rickety bug infested, rat infested hut perched on rotting stilts on the sewer browned water.

It was dusk and the out-line of the houses black against the still, blueblack star-silvered sky. "Vietnam is so beautiful at this time of day. When you go to Quang Ngai you must go to the top of Buddha Mountain. From there you will see how beautiful our country is and why I miss my family and my home. From there you will see the ruins of Son My and the roofs of the refugee shacks. How much I miss my home! How much I love my country!" said the student.

I thought, "This is what keeps a people going. The thoughts of happiness once known, the loveliness of such moments at sun-down, the love we store within us of families and friends, nourishing us in times like this."

"Yes, I will go to Buddha Mountain and I have heard of Son My. It was like My Lai, was it not?"

"There are many My Lais in my country. Vietnam is My Lai. And no one cares," added the student.

"Why is it so quiet?" I ask. "Is the Vietnamization program succeeding? Is the Viet Cong weaker?"

"The cities are 40% Viet Cong. The ARVN opened the roads to the countryside. But the roads are only safe during the day. At night the countryside belongs to the Viet Cong. During the day an ARVN soldier might stop you for your identification papers and regardless, should he decide that today you go into the Army, you go. At night the Viet Cong may come into your home. Perhaps they tax you or perhaps they decide you should go with them and they take you. Does this mean things have changed?"

"Why should the Viet Cong fight now? Eventually the Americans will leave. Why should the Viet Cong risk their lives for no reason now?", he continued.

"What will happen after the Americans are gone?" I asked.

"What will have to happen eventually. America has only delayed what has to be. We will have to settle our own differences. Not only the differences between the Saigon government and the Viet Cong but the differences between the Viet Cong and the Vietminh, and only the Vietnamese can do that."

"You Americans say that you must bomb while you are withdrawing to protect the remaining G.I.s How foolish! Why would the Viet Cong attack American soldiers if they know they are leaving their country? All they have to do is just do nothing until you leave."

Another Vietnamese said to me, and here is the dilemma, "I like democracy. I like what it means. But the men in power make promises they never keep and our government is not a democracy. We do not like these men. I do not like communism. But I like the men who are Viet Cong. When they promise us something they always keep their promises."

While visiting a civilian rehabilitation center a physical therapist said to me, "See that ltle boy with both legs gone? He was brought here by two G.I.'s."

"How did he lose his legs?" my friend asked the soldiers.

"We found him. His parents had been killed and so we took him into our platoon and told him he could be one of us. We even gave him a gun, clothed and fed him and taught him some English. We took him on patrol with us and sent him ahead, he stepped on a mine."

"You used him as a human mine-sweeper!"

"Hell. That's nothing. They all do. Why some G.I.'s use 8 and 9 year olds. Why this one is 12 years old."

"They left him some money and never came to see him again. And he thinks they are Gods!" said my friend.

Who is to blame? These American soldiers? Who *are* the guilty?

Before I came to Viet Nam I had read all about the black market. "How corrupt! How disgusting!" I had thought. As you know the official exchange is 118 piastres to the dollar. The black market value was 360. But in Singapore I was given one Singapore dollar for 100, or about 600 to the dollar. And that is the true value. Just buy some food at a market stall and find out what prices are for the people. We force people into being corrupt to survive and then we condemn them for being corrupt!

Senator, I wish you could meet the people, not the generals, the queens, the prime ministers, but the Vietnamese. They are a people who value devotion to one's family above all else, who revere scholarship, who are one with their land.

The only winning in this war is what we learn from our defeat.

Thank you for all that you have tried to do to bring peace.

Very truly yours,

SUSAN DIETRICH.

SOVIET SCIENTISTS AND POW'S

Mr. GRIFFIN. Mr. President, I have written a letter to Dr. Pyotr L. Kapitsa and 13 of his colleagues at the Soviet Academy of Sciences urging them to intervene with Communist authorities on behalf of American prisoners of war held in Southeast Asia.

It will be recalled that Dr. Kapitsa and his colleagues recently appealed to President Nixon to safeguard the life and rights of Angela Davis, who faces trial in California on felony charges. In their appeal they urged President Nixon "to prevent human rights from being trampled underfoot."

It will also be recalled that the Nixon administration responded promptly with an invitation to the Soviet scientists to come to the United States and to observe the trial of Miss Davis.

In the same spirit I have suggested that these same Soviet scientists join with concerned people throughout the world who seek improvement in the lot of prisoners of war whose human rights are being trampled underfoot.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 2, 1971.

DR. PYOTR L. KAPITSA,
Academy of Sciences,
Moscow, U.S.S.R.

DR. KAPITSA: This letter refers to an appeal to President Nixon which was made recently by you and thirteen of your colleagues at the Academy of Sciences of the USSR in connection with an American citizen, Miss Angela Davis.

Your appeal expressed deep concern about Miss Davis, who faces trial in the State of California on felony charges.

Your concern over the fate of a fellow human being is understandable.

It is my hope that you and your associates will accept the invitation extended on behalf of President Nixon, which made it clear that the United States Government stands ready to aid in gaining your entry into the U.S. for the purpose of observing the legal proceedings in the case of Miss Davis.

You would agree, I am sure, that your appeal "to prevent human rights from being trampled underfoot," was given prompt and sympathetic consideration.

As a fellow citizen of this Earth who is also concerned about human rights, I now appeal to you in the same spirit to join concerned people throughout the world who seek improvement in the lot of other human beings whose human rights are "being trampled underfoot."

I refer to American servicemen and others who are held prisoners of war in Southeast Asia by the Democratic Republic of Vietnam (DRV), the National Liberation Front (NLF), and the Pathet Lao. The captors are flagrantly violating both the letter and the spirit of the Geneva Convention on Prisoners of War.

I cite some of the Convention's requirements:

1. Immediate release of the sick and wounded. Only nine Americans have been released since the first was captured in August 1964. These men have reported that many seriously sick and wounded are among the prisoners.

2. Impartial inspection of prisoner-of-war facilities and treatment by international humanitarian organizations. Although the Republic of Vietnam cooperates fully with the International Red Cross, the DRV, NLF and Pathet Lao have refused to allow access to this or any other responsible international organization.

3. Release of information providing names and physical condition of all prisoners held. No satisfactory list has been provided.

4. Adequate medical treatment for all prisoners.

5. Regular flow of mail, food and comfort items between prisoners and their families and humanitarian organizations.

Now that you have received sympathetic consideration of your appeal relating to Angela Davis, I urge you and your associates to direct your humanitarian concern toward the leaders of the DRV, NLF and Pathet Lao on behalf of those held prisoners of war, some of whom have been held for more than six years.

I call upon you to insist that Communist authorities abide by the provisions of the Geneva Convention, which apply to both declared and undeclared wars, and to agree to the release by both sides of all prisoners.

As President Nixon observed when he proposed the immediate and unconditional release of all prisoners held by both sides: "War and imprisonment should be over for all these prisoners. They and their families have already suffered too much."

One additional request:

Last November I met in Paris with Mai Van Bo, the DRV's Delegate General. During the course of our visit, I asked permission to inspect personally the prisoner-of-war camps where American servicemen are being held. I offered to go blindfold and to accept other conditions to avoid compromising military security. Additionally, I suggested that a member of the other major political party in the United States might accompany me. I told Mr. Bo we would be believed if we could report to the American people on conditions in the camps.

He said he would pass the information to his superiors in Hanoi, but to this date I have had no response.

I ask you to appeal to leaders of the DRV to permit such a visit.

With every good wish for you and your associates, I am

Sincerely,

ROBERT P. GRIFFIN,
U.S. Senator.

WILD MUSTANGS

Mr. NELSON. Mr. President, on February 18, I introduced a bill to protect free-roaming horses and burros as a national heritage species. Briefly, the measure would bring these unique animals under the exclusive jurisdiction of the Secretary of the Interior who would be directed to set up protected areas for them on Federal lands. No one would be allowed to dispose of a wild mustang for any reason without the authorization of the Secretary.

The plight of wild horses and burros in this country is well documented. In the 1870's, 3.5 million of these creatures roamed the American West. Today, their numbers have diminished to an estimated 17,000, because these animals have been subjected to decades of the most cruel and inhumane treatment and the most ruthless commercial exploitation.

Since the early part of this century, the wild horses have been caught between the sheepmen and the cattlemen who persistently tried to drive them off the range to provide more room for domestic grazing stock, and professional hunters who slaughtered the animals and shipped them off for commercial use.

The hunters—called mustangers—were supported by the pet industry, who, anxious to take advantage of the ready market for horse meat introduced new, mechanized methods to increase the slaughter.

Now the wild horses and burros are threatened with extinction, another vital part of our national wildlife about to be erased in the name of profit and progress.

The intent of the bill is to preserve the remaining wild horses and burros by designating them as a national heritage species and assuring that specific areas will be provided for them to roam. Under the measure, the Secretary of the Interior is directed to cooperate with the Secretary of Agriculture and State and local authorities in moving these creatures onto protected grazing areas and to set up a seven-member board to advise him on care and protection of the animals.

Importantly, the bill provides that if an animal strays onto privately owned land, the owner may not dispose of or harass the animal in any way. He must either allow the animal to roam free or inform the nearest Federal official who shall have agents of the Secretary remove the animal.

A major reason Federal legislation is needed is because the States have clearly failed in their obligation to protect these animals, under pressure from cattlemen and other groups who seek outright elimination of these creatures on the grounds that they are an outright menace to their grazing rights on Federal lands, the States have either failed to pass or have been lax in enforcement of legislation to protect wild horses and burros.

Today, through the efforts of people such as Velma Johnston, president of the International Society for the Protection of Mustangs and Burros, and Hope Ryden, author of "Last of the Wild Horses," public support is being rallied to the defense of these mistreated creatures.

I hope that this Congress, which may prove to be the last refuge of the wild horses, will respond by passing tough legislation. I ask unanimous consent that the bill, S. 862, which was referred to the Committee on Interior and Insular Affairs, be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 862

Be it enacted, etc. That it is the sense of the Congress that free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West and it is the policy of the Congress that bands of free-roaming horses and burros shall be protected as a national heritage.

Sec. 2. As used in this Act—

(1) the term "Secretary" means the Secretary of the Interior.

(2) the term "free-roaming horses or burros" means all unbranded horses or burros on public lands except those to which private owners can establish their title to the satisfaction of the Secretary.

Sec. 3. All free-roaming horses and burros are hereby declared to be under the exclusive jurisdiction of the Secretary for the purposes of management and protection under the terms of this Act. The Secretary is hereby authorized and directed to establish and maintain ranges for the protection and preservation of such bands of free-roaming horses and burros which he deems susceptible and worthy of protection as a national heritage. The Secretary shall manage such ranges and such bands to achieve and maintain a thriving ecological balance among all fauna and flora on the range, and an environment within which such horses and burros may freely roam.

Sec. 4. (a) The Secretary is authorized to enter into cooperative agreements with private landowners and with State and local government agencies, and may issue such regulations as he deems necessary, to accomplish the purposes of the Act.

(b) In carrying out his responsibilities under this Act, the Secretary shall consult with, and seek the assistance of, the Secretary of Agriculture concerning any free-roaming horses or burros that may be found on public lands administered by the Secretary of Agriculture.

Sec. 5. (a) The Secretary is authorized and directed to appoint an advisory board of not more than seven members to advise him on any matter relating to free-roaming horses and burros and their management and protection. He shall select as advisers persons who are not employees of the Federal Government and whom he deems to have special knowledge about protection of horses and burros, management of wildlife, animal husbandry, or natural resource management.

(b) Members of the advisory board shall serve at the pleasure of the Secretary. They shall each receive $75 per diem when engaged in the actual performance of duties vested in the board. In addition, they shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

Sec. 6. If free-roaming horses or burros wander onto privately owned land, the owners of such land may inform the nearest Federal official, who, in turn, shall arrange with the agents of the Secretary to have the animals removed. In no event shall such private landowner be permitted to dispose of, or harass, such free-roaming horses or burros.

Sec. 7. Any person who violates the regulations issued by the Secretary under this Act or who processes or permits to be processed, into commercial products, in whole or in part, any free-roaming horse or burro, whether lawfully acquired or not, shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

Sec. 8. Any person who allows a domestic horse to run with, or any person who takes possession of, or molests, free-roaming horses or burros declared by the Secretary to be under his jurisdiction pursuant to section 3 of this Act, shall be fined not more than $1,000 or imprisoned for not more than one year or both.

Sec. 9. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

THE VIETNAM WAR IS ENDING

Mr. BROCK. Mr. President, our entire Nation is beginning to breath a collective sigh of relief, for we can now see that the Vietnam war is ending.

I rise today to commend President Nixon for maintaining a policy aimed at the Vietnamization of the war—bringing our boys home—achieving an orderly end to the conflict—and securing a lasting peace.

Despite the badgering of critics, who choose to ignore progress to date, while second guessing every tactical maneuver, the President is moving this Nation into an era of peace.

Because he has followed a sensible course of action, the President was recently able to report, not only that war is ending, but that we have real hope for peace around the world.

Now is the time to rally behind a President who has kept his commitment to the American people in leading us out of war. Now is the time to end the second guessing and give him our undivided support so that he may complete this task as quickly as possible.

As the conflict ends, we must not allow this Nation to be lulled into accepting a position of total isolationism. We must not forsake our alliances—forget our commitments—ignore our defenses.

Instead, we must maintain our position of strength. In this way we can focus our attention on solving some of the critical problems afflicting America at home.

JUSTICE FOR CHILDREN

Mr. MONDALE. Mr. President, I think that one of the strangest and most tragic of our many national anomalies is the reverence we pay toward youth contrasted with the terrible indiffierence we reflect in our support of programs and policies designed to bring truly free and full opportunity to every child.

I invite the attention of Senators to a remarkably vivid and succinct statement of this matter which was published as an editorial in Minnesota's North Branch Review.

I ask unanimous consent that the editorial, entitled "Justice for Children," be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Justice for Children

Elsewhere in this edition of the Review, Senator Mondale is quoted as saying we in this country must provide "justice for children." Let us add our voice to this cause. In a land which rather guiltily thinks of itself as youth-oriented, we often brutally trample upon the rights of our children.

Ours is the only major western nation which will allow a child to be born in ill health or physically handicapped and remain that way simply because its parents are not of an economic class to pay what often are massive medical bills.

Few western nations allow its children to go through years of starvation and malnutrition with the cruel justification that parents "shouldn't have children if they can't take care of them."

Poorly housed, inadequately nourished, and in poor health, large numbers of our children have no chance to live a rewarding life. It is not difficult to see the effect these pressures have as young people develop mental and emotional problems, turn to drugs and crime, and never develop into productive members of society.

We are not a youth-oriented society. Rather we are a society of adults who wish to be young. But why, in the face of our callous attitude towards children, would we ever wish to be young again?

LAST CHANCE FOR YELLOWSTONE?

Mr. HANSEN. Mr. President, the March 1971 edition of Reader's Digest contains an article by Paul Friggens concerning the impact in Yellowstone National Park of ever-increasing visitor numbers.

Mr. Friggens notes that—

> Today, in its 100th year, Yellowstone is in danger again. Jammed with nearly 2.5 million sightseers a year, the great park—about as big as Delaware and Rhode Island combined—has just about reached its carrying capacity.

The very problems Mr. Friggens discusses in his article prompted me last year to inquire of the National Park Service what might be done to ease vehicle congestion at Yellowstone. We may reach the point very soon where private cars will have to be banned from the park, and people will have to walk, bicycle, or utilize special transportation within the confines of Yellowstone.

But the automobile congestion at the park is just one aspect of the problem of overcrowding, for, as Mr. Friggens notes, huge visitor numbers are taxing the water and sewer facilities and the overnight sleeping accommodations. With people come increasing amounts of litter. Damage to some of the park's natural wonders has occurred, and a serious crime problem is developing.

Serious consideration will have to be given to means of reducing wear and tear on the park. At the same time, we cannot turn people away from parks and recreation areas that belong to us all.

One approach would be to encourage use of more recreation areas. In Wyoming, the Flaming Gorge and Big Horn Canyon National Recreation Areas offer breathtaking beauty and could become popular places to visit.

One thing is certain—as we prepare to observe the 100th anniversary in 1972 of the establishment of Yellowstone, which was the world's first national park, we must think about the next 100 years, and what we can do to insure that this most magnificant of areas is preserved.

Mr. President, I ask unanimous consent that Mr. Friggens' article entitled "Last Chance for Yellowstone," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LAST CHANCE FOR YELLOWSTONE?

(By Paul Friggens)

A century ago, an Easterner rose to register a protest before the U.S. Congress: "Why create a national park in the wilds of Wyoming? No one will ever be able to get there!"

In fact, the Wyoming-Montana area was still Indian country, and the Custer massacre was four years in the future. Yet, incredibly, at a time when few in our country were concerned with the quality of the environment, Congress, on March 1, 1872, set aside Yellowstone "as a public park or pleasuring-ground for the benefit and enjoyment of the people." This greatest concentration of natural wonders on earth thus became the world's first "national" park.

Today, in its 100th year, Yellowstone is in danger again. Jammed with nearly 2.5 million sightseers a year, the great park—about as big as Delaware and Rhode Island combined—has just about reached its carrying capacity. "The day may soon come," says Superintendent Jack Anderson, "when you'll go to Yellowstone the way you go to a football game—buying your ticket or reservations in advance." Or the public may be restricted to *daytime* sight-seeing, with most overnight accommodations outside the park altogether.

Already, traffic around Old Faithful Geyser is as congested as in any downtown in America. Human erosion has resulted in irreparable damage to many geologic features, such as famed Morning Glory Pool, where souvenir hunters have destroyed the delicately scalloped, gold-and-green algae border. Littering tourists toss coins, sticks, handkerchiefs and bottles into the hot springs and geysers, plugging up nature's intricate thermal plumbing. On peak summer days, visitors leave behind some 60 tons of solid waste and garbage, overtaxing both water and sewer facilities. Leaching into Yellowstone Lake after sewage treatment, nitrate and phosphate residues are beginning to overfertilize the aquatic plants at the expense of oxygen for the fish.

Thus, Yellowstone has come to a crossroads. "Either we place some limits on the use of the park," warns chief naturalist William Dunmire, "or we imperil its geologic wonders and its animal and plant life."

The first white man to see Yellowstone was John Colter, a daring young frontiersman and trapper who in the early winter of 1807–08 journeyed into the land of high-spouting geysers and steaming springs. Later, back in civilization, Colter's tales of Yellowstone's wonders caused folks to say he was touched in the head. But then other trappers, gold seekers and frontiersmen penetrated the region, and their tales were even taller. Finally, in the 1860s, the first organized parties undertook to verify the word-of-mouth wonders.

One of these, the Folsom-Cook-Peterson party, departed by pack-train for Yellowstone on September 6, 1869. Despite the hardship of travel through a tangle of forest and fallen timber, across wild rivers and uncharted canyons, the three-man party made the first successful exploration of the area. Imagine the excitement of one man, Charles W. Cook, on accidentally discovering the rainbow-hued Grand Canyon of the Yellowstone, smaller than the Colorado's Grand Canyon, but still a spectacular chasm 24 miles long and 1200 feet deep:

"Looking for a packhorse, I stumbled out of the woods onto the rim of the Grand Canyon," Cook recalled, "and the sight took my breath away!" The party spent that day at Yellowstone Falls, drinking in "the awful grandeur and sublimity of this masterpiece of nature's handiwork." Deeply moved, they journeyed on to trace the majestic Yellowstone River to a shimmering "inland sea"—Yellowstone Lake. Traveling west, they discovered the Great Fountain Geyser in full play: "The setting sun shining into the spray and steam gave it the appearance of burnished gold, a wonderful sight."

Small wonder that the early explorers were overwhelmed by their Yellowstone discoveries, and that around their campfires they discussed how this extraordinary land might be preserved for all the people. "None of us definitely suggested the idea of a national park," Cook recalled later. "But we knew that as soon as the wonderful character of the country was generally known outside, plenty of people would be hurrying in to get possession."

As public interest grew, Congress ordered the first official survey party into Yellowstone in 1871, led by geologist Ferdinand V. Hayden. Accompanying the expedition was a prodigious pioneer photographer, William Henry Jackson, whose pictures of Old Faithful and other spectaculars confirmed all the wonders of Yellowstone and profoundly influenced Congress. The following year, Congress passed the act creating the park.

However, having set aside our first national park, Congress almost forfeited the dream. Appropriately, Nathaniel Langford, who had explored Yellowstone lectured and most actively campaigned for a park, was named Yellowstone's first superintendent (at no salary); but Congress gave him neither the funds nor the legal means to protect his 2.3 million acres. As a result, Yellowstone was left wide open to vandalism, poaching and depredation—which soon reached scandalous proportions. Greedy visitors, prowling about with shovel and ax, broke off and carried away wagonloads of geologic formations and mineral specimens. Exploiters sought to secure choice park lands for private gain, to build railroads, racetracks and even to fence in the principal geysers. There was illicit timber cutting and livestock grazing, and saddest of all, near-decimation of the buffalo herds.

By 1886, the wanton destruction forced the Secretary of Interior to ask for U.S. troops to guard the park. Moving in a detachment of First Cavalry, the Army imposed strict military rule, protected the wildlife, constructed headquarters buildings, and laid out a road system. In 1916, after 30 years of sound administration, the Army turned its task over to the newly created National Park Service.

And so the park was saved. Or was it? Unbelievably, Yellowstone today seems to be facing many of the old problems all over again.

At the peak of the summer season, the area is thronged with sightseers who crowd every available camping space, motel and hotel accommodation, and almost inevitably become involved in accidents. "Many people want to visit here under urban conditions," says Superintendent Anderson, "and so we've got traffic, pollution, a startling increase in robberies and, lately, narcotics." The park's long-suffering rangers now spend much of their time on law enforcement.

When not playing policeman, they rush to aid victims of bear maulings,[1] rescue lost hikers by helicopter and try to keep the over-curious safe from the 200° F. pools and hot springs. (Last June, a nine-year-old Virginia boy fell into a pool and was scalded to death almost instantly.) To complicate the problem, Yellowstone has become a prime attraction for winter visitors—21,000 last season, many of them shattering the solitude with noisy snowmobiles.

All of this human impact, with its often serious consequences, is forcing the park authorities to face a pressing problem: How much should facilities be expanded to meet demands?

"What's the matter with you people?" Yellowstone visitors complain. "You've got two million acres, and you squeeze us into camps like sardines!" In fact, the public today utilizes only about five percent of the park. And only three percent of the visitors—some 75,000 a year—take a real overnight hike into back country. On the other hand, the Park Service insists that if it were to open up wilderness areas with blacktop roads and visitors centers, such as now serve at the Canyon and Old Faithful, the primitive character of Yellowstone would be destroyed. The grizzly, bison, elk, moose and bighorn sheep must have vast, empty areas in which to roam, breed, feed and die.

The park is what biologists call a nearly total "ecological system," wherein plant and animal life are in a constant shift and struggle to maintain the balance of nature. "But now man threatens to upset that balance," says supervisory research biologist Glen F. Cole. Each year, for example, visitors account for some 375,000 fishing days on the congested north shore of Yellowstone Lake. This unrelenting drain has depleted the native cutthroat trout, and reduced average fish size by two inches in the last five years.

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[1] See "Grizzlies—The Magnificent Menace," The Reader's Digest, July '69.

The important aspect is that the cutthroat serves as food for the endangered bald eagle, pelican, osprey, grizzly and other wildlife. As fishermen have interfered with the natural food chain, the Park Service has been compelled to set a limit of three fish, none under 14 inches, much to some anglers' annoyance.

What should be the ceiling for man in our first national park? "Our preliminary studies indicate probably about 35,000 visitors a day," says Superintendent Anderson. "But one thing is certain. We simply cannot continue to build more and more campgrounds and facilities to meet more and more demands from more and more visitors. There has to be an end somewhere."

Today we are in danger of losing Yellowstone. And we *will* lose it—unless we determine to preserve this magnificent enclave as one of the last great islands of total wilderness in America.

CENTENNIAL YEAR OF PESHTIGO, WIS., FIRE

Mr. NELSON. Mr. President, this year marks the centennial year of the Peshtigo fire—history's greatest recorded loss of life by fire. The blaze which struck the flourishing sawmill town of 1,700 leveled it to a desert of smoking ashes and killed 1,182 persons.

It is ironic that the horrors of the Peshtigo fire have been forgotten by history; obscured by the more widely known holocaust which engulfed part of the city of Chicago on that same night. The 250 lives taken by this fire are only one-fourth of the death toll attributable to the Peshtigo blaze. Moreover, the property damage resulting from the Chicago fire did not match the destruction visited upon northeastern Wisconsin during the same dreadful hours.

In 1871, northern Wisconsin was a center of the timber industry. Peshtigo a boom town containing the world's largest woodenware factory and railroad construction crews working nearby swelled the town's population.

This had been an unusually dry year and the town's people had become accustomed to sporadic fires. So there was not undue alarm over the fire of October 8. However, the tornado winds which whipped up early in the evening engulfed the town in flames, as well as woodlands and cropland for miles around. The death toll would have been greater if it were not for the Peshtigo River running through the center of town, where many persons were able to save themselves.

Today, the town of Peshtigo stands rebuilt from the ashes and remains a center of forest product materials. Its skilled workers, many of them third generation Americans, make up a community with typical American energy and enthusiasm.

As a tribute to the people of Peshtigo and in memory of the persons who lost their lives in this disaster, I ask unanimous consent to have printed in the Record an article published recently in the Peshtigo Times which vividly recounts the events of this natural disaster.

There being no objection, the article was ordered to be printed in the Record, as follows:

Peshtigo Fire History's Greatest Recorded Loss of Life by Fire

Fiery hell descended on Peshtigo the night of October 8, 1871, multilating northern Wisconsin with a livid scar of death and destruction still unequaled in the tragic annals of the world's great fires.

Within a few short hours, the lives of 800 persons were snuffed out in an inferno of flame and terror. A flourishing saw mill town was leveled to a desert of smoking ashes, its streets strewn with the blackened bodies of men, women and children. Miles of rich farm and wood lands were scorched into desolation and littered with the seared corpses of burned victims.

And yet for decades, the horrors of the Peshtigo fire remained forgotten in history, obscured by the more widely known holocaust that devoured a part of Chicago that very night in one of fate's grim coincidences. Chicago reckoned its toll only in the number of its homeless survivors and its gutted buildings, while Peshtigo measured its losses in stark figures of dead and injured, and total destruction.

TIMBER, KING OF BOOM TOWN

Like other communities on the northern frontier of railroad expansion, Peshtigo was a boom town in 1871. Timber was king here, and the mighty spring rush of logs down the surging Peshtigo river brought the substance of life to its industries.

Work was plentiful that year—at the machines and saws of the world's largest woodenware factory turning out pails and tubs, broomhandles and clothespins, barrel covers and shingles. Up river a ways, men hooked logs from the river booms and sheared them into gleaming planks at the saw mill. Nearby was a sash, door and blind factory, and the village boasted a foundry and blacksmith shop. There were jobs with the railroad construction crews working near town, where the Chicago and Northwestern Railroad was then extending its tracks. Hundreds of transient workmen, many of them new immigrants to this country, swelled Peshtigo's population far beyond the official census of 1,750. The stores, hotels and saloons along the main street on both sides of the river bustled with brisk activity. Farmers from the Sugar Bush—the rural area settled by some three hundred families, extending seven miles south and west of the village—came regularly to town.

Hard-living, rough-talking lumberjacks, in Peshtigo between the winter logging camp seasons, along with the settled family folks were proud of Peshtigo. Its two slender spired churches and new frame school building were as fine as any in northern Wisconsin.

DRY SPRING AND SUMMER

It was a good year, blighted only by the hot, unseasonably dry spring and summer. Just two rains fell from July through September, creeks dwindled to muddy trickles, the river level dropped, and even the normally impassable swamps dried to solid prairies of peat. Many of the village wells gave out and water became scarcer as summer ripened into fall. The woods and grasslands were already tinder dry and grew more dangerous with each cloudless day.

Spasmodic fires began breaking out near the village in mid-September, flames licked at its outskirts many times but fighting crews of volunteers beat back the threatening tongues of fire. From the Menominee river, seven miles north of Peshtigo, to far south of Green Bay conditions were the same. For almost three weeks, smoke from the smouldering peat fires dimmed the sky, the acrid smell pervading the atmosphere. The ruddy glow of the blazing grass and woods on the night horizon sharply silhouetted the black shapes of the houses and factories.

A bloody sun shone dimly through the pall of dense smoke over Peshtigo on Sunday, October 8. But the villagers were not unduly alarmed. They lived this last day before their doom much like any other Sabbath in their lives, unaware that they acted on a stage set for disaster.

With the coming of evening, the chill autumn air was suddenly whipped by a stiff, warm wind from the southwest. Flurries of fine white ashes eddied like snow flakes in the gale, and the dull red glare of the outlying fires flickered faintly through the thick curtain of smoke. As quickly as it started, the gale diminished and a dead, ominous calm settled on the village.

SILENT CALM PRECEDES FIRE

Church goers commented on the silent calm and increasingly warm air as they hurried home from evening services, glancing apprehensively at the ruddy southwestern sky. Men in the saloons paused in their drinking to remark on the growing heat, the unnatural stillness. Children stirred uneasily in their sleep.

Just after eight-thirty, a dull roar like the rumbling of a distant volcano, came out of the southwest. As it grew louder, the bloody glow in the sky flared brighter and the bell of the Catholic Church frantically tolled the fire alarm. The wind had started blowing again, strong and hot. Men pulled on their jackets and boots, and rushed to the outskirts for another night of fighting off the encroaching fires.

By ten o'clock, the roar had thundered to an earth shaking crescendo and the ferocious winds, now of tornado velocity, ripped through the village in blinding sheets of sand and smoke. The frenzied blaze whipped closer with savage speed, great gusts of wind carried balls of flaming fury hundreds of feet through the air. Like bolts from hell, they burst on the ground and hungry tongues of devouring flame streaked in every direction. In panic for their lives and families, the fire fighters flung down their buckets and fled towards their homes—Peshtigo could not be saved.

TORNADO WINDS SPREAD FIRE

The tornado ripped a flaming roof from a house on the edge of town and shredded it in a blistering rain of fire, the air was a blizzard of burning coals igniting all they touched. High over the rooftops floated giant black clouds of smoke that exploded into belching flames, and the winds lashed both sides of the river into a raging inferno. In less than twenty minutes all that could be seen for miles were swirling smoke and writhing coils of flame. All that could be heard above the thundering roar of the tornado were the screams of the victims and the crackling fury of a hungry monster unleashed.

Great sheets of fire curled and rolled over the ground, and overhead the very air seemed to be burning. One minute the brightness was blinding, and in the next, fugitives from the flames floundered sightlessly in smothering banks of smoke.

Fear for their lives had gripped those in their homes only a few minutes earlier, when the first showers of sparks began twisting through the streets. Mothers snatched sleeping children from their beds and rushed into the streets seeking safety, men struggled against the winds to reach their families and lead them out of the fire. Fleeing fugitives were hurtled to the ground by the force of the storm, some dropped dead clutching their throats as if strangled by mad unseen fingers, flaming posts smashed into groups of screaming women and children as they ran aimlessly amid the holocaust seeking help.

DEATH STRIKES CITY

A middle aged man, holding his two children, dragged his sick wife on the ground behind him for half a mile—only to drop her a few feet from the safety of the river when her body burst into sickening fire. A young woman, her long blonde hair trailing in flames, shrieked her agony as she stumbled through the stampeding mob. Clutching her infant son to her breast, a bereft mother huddled against the earth, refusing the pleas of her husband to leave their already dead child. A young bridegroom pushed his wife of three days on a wagon bound for the river and as she watched, he crumbled in a lifeless heap and was swallowed by the fire.

About 65 fugitives on the east side jammed the Peshtigo Company's boarding house—a cordon of men fought futilely to save the building but the rain of burning coals turned it into a blazing tomb. There was no sanctuary from the flames, the suffocating smoke, the choking banks of poison gases. A breath of air could be found only with the face pushed against the ground.

The river, get to the river—instinct drove the villagers and even the terrorized dumb animals to the banks of the stream in the center of town. The bridge flamed into a water bound funeral pyre, trapping scores who thought safety lay on the other side. Men, women and children leaped into the water and clung to floating logs or stood neck deep in the river. They huddled under wet blankets and splashed themselves with water to keep the flying sparks and flaming fragments from igniting their clothes and hair.

HORRORS OF THE HISSING HELL

The piercing wails of a pregnant mother in labor cut through the hissing hell. An elderly man tried to shield his fever ridden wife from the torrent of fire, as she lay on a partly submerged feather bed he had dragged to the river. Insane laughter pealed from a wild eyed young husband, gone mad after finding the woman he carried to safety was a stranger and not his young wife. Cows and horses swimming in the river pushed between the people, upsetting logs to which clung whole families. One white haired lady was upset from her log by a swimming cow, but clasped its horns and was carried to shallow water.

Scores of those who could not reach the river killed themselves. One father slashed the throats of his three children and wife then turned the knife on himself. After watching the spire of the Congregationalist church crack off and stick in the ground like a giant candle, one man rushed to a nearby well and hung himself on the bucket chain. Many ran blindly through the blaze shouting that the end of the world had come, and were silenced only when the fires claimed their lives.

In the Sugar Bush the suffering was the same—the all consuming fires that lept over open fields, the giant balls of black smoke that wafted through the air and exploded into flames, the banks of choking gases, the heat so intense it split huge boulders. Those in the Bush who lived through the night found safety in creek beds, in low ravines and freshly plowed fields where they dug holes for their faces with their hands. The toll was tremendous, even proportionately greater than in the village itself, and only eight farm houses escaped destruction.

VILLAGE LEVELED TO HOT ASHES

A few hours before dawn, the fires spent themselves, the wind died down and the autumn chill returned to the air. The survivors pulled themselves from the river and began wandering through the hot ashes of the leveled village seeking their relatives—or their bodies. The only structures jutting from the smouldering desert were the unfinished framework of a house on the east side of the river, and the brick walls of a dry kiln. Streets could be traced only by the charred and twisted bodies, the shapeless remains of iron wagon wheels. The sickened and grief stricken survivors gathered around piles of burning coals to warm themselves and dry their clothes. The only foods to be found were raw turnips, potatoes and cabbages.

Some victims had lived through the night of fire only to be claimed by the fatal fingers of fever and of shock so great their hearts could not withstand it longer. The increasingly colder autumn air chilled all the survivors, many of whom had fled their homes and garbed only in scanty night-clothes that were torn and partially burned in their flight.

Big John Mulligan, himself burned during the night of horror, walked six miles north to Marinette and solicited help for the village. By mid-morning on Monday wagon loads of supplies arrived in Peshtigo. The injured were given treatment and carried to Marinette, where one of the hotels was turned into an extra hospital. Crews worked day and night gathering the remains of the dead and carrying their sad burdens to the cemetery. Those who could not be identified were buried in a mass grave, still visible in the historic burial ground. A memorial marker has been erected there. Tents were brought to Peshtigo to shelter the homeless.

FIRE SAVES THIEF

The same fire that had taken so many lives saved one man from execution by destroying every rope in the village. On the day after the fire, a calloused thief was found rooting through the ashes and stealing the valuables from the burned and charred bodies. A hasty trial was held amid the still smoking ruins, and the looter was found guilty by a jury which unanimously condemned him to be hanged on the spot. But not a rope untouched by the fire could be found in the whole town. Someone suggested stringing him up with a heavy logging chain, and it was placed around his neck in a brutal hangman's noose. He fell to his knees and begged and pleaded for mercy from the hardfaced avengers. His cries ultimately affected the onlookers so much that they gave him his freedom.

When word of the disaster reached Green Bay via a steamer Monday night, relief supplies began pouring into the village. Over $155,000 was raised within the next few months throughout the country and in some foreign lands for the relief of the Peshtigo survivors. Putting aside their sadness, the villagers began rebuilding their homes and industries.

Many freak aspects of the holocaust still defy scientific explanation. Hundreds of humans survived the blaze in the waters of creeks, ponds and the river—yet fish life perished. Heat was intense enough in the center of a wide clearing to burn out stumps, leaving only holes in the smoking ground where the roots had been—yet a neighboring field of corn shocks was untouched. The white wooden tabernacle containing the sacred vessels of the Catholic Church was found unscorched on the bank of the river, where the priest had carried it—yet everything around it was charred into blackness.

OTHER AREAS HIT

Fires, with accompanying phenomena like that at Peshtigo, but on a much smaller scale occurred that night on Wisconsin's Door County across the bay. Although tornadoes of fierce velocity whipped both areas, schooners on the intervening bay reported no unusually strong winds.

The black balls of smoke that exploded into flames have been explained as accumulations of inflammable gases from the great fires that did not ignite until they reached air where the oxygen had not been depleted by the conflagration. The banks of poison gas mentioned by so many survivors may have been concentrations of carbon dioxide, created by the fire.

As if in partial compensation for that disaster, Peshtigo was one of the few cities in the country that was untouched by the depression of the 1930's.

NUTRITION PROGRAM FOR THE ELDERLY ACT

Mr. WILLIAMS. Mr. President, adequate nutrition is a major concern for our 20 million older Americans.

In many cases a poor diet may intensify the severity of other problems besetting the aged. For example, improper nutrition may lead to chronic disease, or even mental illness. For instance, in a study of elderly patients admitted to two psychiatric institutions in Philadelphia, approximately 60 to 70 percent were reported to have serious nutritional problems.

Several factors—such as low income or lack of information about a proper diet—contribute to the problem. Also important is the need for an effective delivery system, particularly for older single persons.

For these individuals, the Nutrition Program for the Elderly Act would be an important step forward. This measure would make it national policy to provide nutritious meals at conveniently located centers including senior citizen centers, schools, and other public and private nonprofit institutions. Federal funding in the amount of $50 million would be available to provide at least one hot meal per day and at reasonable prices for the aged. In my own State of New Jersey, funding under this program would be sufficient for about 2 million meals in 1 year for elderly persons in need.

This proposal would also help to provide a comprehensive approach to their related problems. Outreach services would be available to assure maximum participation by eligible individuals. Additionally, this special emphasis program would provide counseling, informational, health, and referral services.

Equally important, eating in a group setting would provide a new opportunity to meet others. For lonely persons, this could be an effective means for counteracting isolation. Several pilot projects under the Older Americans Act have demonstrated that a meal in a group setting is oftentimes a drawing card for bringing lonesome and frustrated individuals into a whole range of community activities.

Today the nutrition problems of the elderly are urgent and far reaching. Quite clearly, immediate and special attention is needed now. The Nutrition Program for the Elderly Act, I strongly believe, provides a sensible and coordinated approach for meeting this challenge.

HON. LESLIE C. ARENDS RECEIVES VFW CONGRESSIONAL AWARD

Mr. DOLE. Mr. President, last evening at the Veterans of Foreign Wars 23d annual congressional banquet in Washington, a great American and an outstanding Member of the House of Representatives was honored. Receiving the VFW Congressional Award was the

Honorable LESLIE C. ARENDS, of Illinois' 17th District. In accepting this award, the longtime House Republican whip and ranking Republican on the House Armed Services Committee joins a distinguished list of Congressmen and Senators who over the years have been recognized for their invaluable services to the American people by the VFW.

Given the universal respect and admiration in which LES ARENDS is held by his colleagues and his knowledge gained from years of study of our national defense needs and priorities, whenever he discusses defense and national security affairs, his words are given the utmost attention and studied consideration. Upon being presented with the VFW award last evening LES ARENDS took the opportunity to discuss several of the more prominent aspects of national defense policy as they relate to today's economic, political, and international realities. I believe his thoughts are extremely pertinent to the Senate's ongoing debate of defense policy, and I ask unanimous consent that the remarks of VFW Commander-in-Chief Herbert R. Rainwater presenting the award and the speech of the Honorable LESLIE C. ARENDS be printed in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL AWARD INTRODUCTION

(By Commander-in-Chief H. R. Rainwater, Veterans of Foreign Wars of the United States, Tuesday, March 9, 1971)

Tonight we are gathered in our nation's capital to pay homage to one of America's most respected leaders. We honor a man who has unselfishly dedicated his life to our country from the moment he was first elected to Congress during the dark days of the Great Depression nearly two score years ago.

We honor a man whose personal integrity has always been above reproach—a man who has been ever willing to listen to the plea for help and to lend a helping hand—a man who sincerely believes that being a member of Congress is being able to do things for his fellow man.

We honor a man who has been a confidant of America's great Presidents from Franklin D. Roosevelt to Richard Nixon. A man whose counsel has always been relied on for its depth of wisdom based on fact and logic—a man who is considered to be one of the most popular and well-liked members of Congress.

The gentleman we honor tonight, Les Arends, from the great state of Illinois—"the land of Abe Lincoln"—is a great American in the finest sense of that phrase. He believes in service to the nation, in our country's veterans—each and every one—and in a strong America. These are just some of the multitude of reasons that Congressman Arends is considered one of the time.

As Republican Party Whip, Les Arends is charged with making sure his party has all its votes on the floor when necessary. He was first picked by his colleagues for the honor of "Whip" in 1943, and has served in that position longer than anyone in history, on either the Democratic or Republican side of the aisle.

In this crucial position he plays a key role in the determination of party policy and strategy on various measures coming before the House of Representatives.

Friendship for the man we honor is not confined to one side of the political aisle, however, for he has just as many warm boosters on the Democratic side.

Today, only three men in the entire House of Representatives outrank him in years of service. Congressman Arends is the ranking Republican member of the important House Ethics Committee and the member with the most service on the House Armed Services Committee. As a Navy veteran, he is a stanch supporter of the men and women in our armed forces. And he realizes full well that our nation must remain strong if we are to remain a free people.

It has been said of Les Arends that he is as much a part of the House of Representatives as the statue of Freedom atop the Capitol dome. Tonight, with friendship, humility and heartfelt appreciation from all of us, it is my privilege to present the Veterans of Foreign Wars Congressional Award to Congressman Leslie Arends for his outstanding service to our Nation.

SPEECH OF CONGRESSMAN LESLIE C. ARENDS, OF ILLINOIS, HOUSE MINORITY WHIP AND RANKING MEMBER ON HOUSE ARMED SERVICES COMMITTEE, AT THE VETERANS OF FOREIGN WARS ANNUAL CONGRESSIONAL DINNER, SHERATON-PARK HOTEL, WASHINGTON, D.C., TUESDAY, MARCH 9, 1971

It is a real privilege for me to be here with you this evening.

First of all, I should like to offer my personal congratulations, not only to the winners, but to all the fine young men and women who participated in the V.F.W. National Essay Contest. I hope you will pardon my boast when I take the liberty to point out that the essay winner of the State of Illinois, Miss Bailey, is a young lady from my Congressional District.

I am proud, very proud, to have been selected by your great and splendid organization to be the recipient of this coveted Congressional Award.

When I consider the contribution which you Veterans of Foreign Wars have made to the preservation and promulgation of our American ideals, and when I reflect on the outstanding contribution made by those who have previously received this recognition, I feel very humble, very humble indeed. I would that I could be as worthy.

In my many years of service in the Congress no honor has come to me that is more meaningful than the honor you bestow this evening.

When I first came to Congress I was assigned to the House Military Affairs Committee and, of course, have served on the Armed Services Committee since it was first established in 1948, with the unification of the Military Affairs and Naval Affairs Committee. I have the distinction, if indeed it is a distinction, considering that I am not the Chairman, to have served longer on the Armed Services Committee than any member of it.

When I learned that I was to be the recipient of this award, I called our Committee Chairman, the Honorable F. Edward Hébert, of Louisiana, to tell him the good news. Perhaps I was subtly reminding him of my seniority. Perhaps I wanted to impress him with the fact that although in the minority we Republicans do, upon occasion, receive some recognition.

He congratulated me and said, "Now, Les in accepting an award as important as this from an organization as important as the Veterans of Foreign Wars, you cannot make the standard politician's bullfight speech." For those of you who are not familiar with it, that is a speech which, like a bullfight, lasts approximately one-half hour and contains only a moment of truth.

I told him my remarks this evening would be substantially less than a half hour, that what I had to say would be the truth, the whole truth and nothing but the truth, and that I did not intend to make even a non-partisan Republican speech.

As a member of the Armed Services Committee, I have always been proud of the non-partisan manner in which our Committee has dealt with all matters pertaining to our national defense. When our Committee held its first organization meeting in this new Congress, Congressman Hébert—who succeeded the late Mendel Rivers as Chairman—emphasized in his opening statement that this was one policy he wanted to see continued. I am sure it will be.

As a member of my political party's leadership in the House of Representatives, I have always been proud of the non-partisanship with which the House, as a whole, has approached national security problems.

We used to have a fine old tradition in this country known as a bipartisan foreign policy. You may recall that as Chairman of the Senate Foreign Relations Committee in the 80th Congress, the late Senator Arthur Vandenburg of Michigan, furnished the leadership for a bipartisan foreign policy during the Truman Administration. And this was during the period of the none too popular Korean "police action" as it was then characterized.

It is quite true that we who serve in the Congress, particularly in the United States Senate, have a responsibility in connection with the conduct of foreign relations and in the prosecution of a war. But under our Constitution the President of the United States has *primary* responsibility for the conduct of our foreign relations, and he is Commander-in-chief of all our armed forces. It is imperative that we give him our maximum possible support, and particularly during a period of international stresses and strains and conflict.

That does not mean we should "rubber stamp" whatever our President or any President proposes or undertakes. Bipartisanship does not mean that our voices of disagreement be silent. But let them be voices of restraint, not voices of opposition for opposition's sake.

At no time should partisan considerations enter into our decisions with respect to foreign policy or with respect to our national defense posture. One implements and supplements the other. Both pertain to our national security and to the preservation of freedom and to the mainenance of peace.

While our Constitution vests in the President primary responsibility for the formulation of foreign policy and designates him Commander-in-Chief of our armed forces, the Constitution vests in the Congress the primary responsibility for determining the size and the nature of our armed forces. It goes without saying that our national security—our safety as a free people—requires that there be maximum cooperation between the Congress and the President, whoever is our President and whatever the political complexion of the Congress.

In his recent "State of the World Report" President Nixon said: "It is essential that the United States maintain a military force sufficient to protect our interests and meet our commitments. Were we to do less, there would be no chance of creating a stable world structure."

The measure of sufficiency is not the number of dollars we annually spend on our defense establishment. The size and nature of our national defense is necessarily dictated by the nature of the world in which we live, by the threat and the potential threat we face. Our objective is to deter war, not to make war. We do not seek to impose our will on any people anywhere.

Had the conquest of territory and the subjugation of people been our objective we could readily have achieved it at the end of World War II, when we had in being the mightiest military and naval force in all the world and we were the sole possessors of the atom bomb.

Instead, we initiated the Marshall Plan to assist countries left prostrate from the ravages of war. This in itself belies the oft-repeated propaganda charge of United States imperialism.

The size and nature of our national defense is also dictated by our treaty commitments and by what our allies contribute to our mutual security. In my judgment we have been over-committed. Our interests should shape our commitments, not the other way around. We cannot police the world, and we do not seek to maintain a huge defense establishment for any such purpose.

There is no question but that our national defense budget for the current fiscal year is a very substantial sum—$71.8 billion—$76 billion if we include military assistance. Without question military spending places a heavy tax burden on all of our citizens. But I am confident the vast majority of the American taxpayers are willing to bear this burden as long as it is necessary for our country's security and provided we get a dollar's worth of defense for each dollar expended.

In the Congress, and particularly in the Senate, which incidentally is 750 feet and often one million light-years from the House of Representatives, voices are raised almost daily calling for more and more reductions in our defense budget. Over and over again we hear the quotation from President Eisenhower's Farewell Address when he said we must guard against any unwarranted influence by a military-industrial complex.

They seek to leave the impression that a great amount of this defense spending is due to the insidious influence of the military-industrial complex, whatever that is. They ignore that in the same address Eisenhower warned against other pressure groups. They conveniently ignore that in the same Farewell speech the late President Eisenhower said: "A vital element in keeping the peace is our Military Establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction".

Those who trumpet so loudly about the size of our defense budget, using the myth of a military-industrial complex as a scapegoat, invariably call for a reordering of our priorities that there may be an increase in spending on social programs. There is no denying that there is an increased need for some of our social problems—in the area of education, housing, health, environment and all such. I have and shall continue to support the President's programs to meet these human needs. But it does not follow that the way to meet these needs is to proceed to disarm unilaterally.

Insofar as the argument with respect to buget priorities is concerned, what program is entitled to a higher priority than our national security? In my judgment this hue and cry about reordering priorities is nothing more than a smoke screen to justify increased spending on programs that are thought to be politically popular.

There has already been a reordering of priorities. For fiscal years 1969, 1970 and 1971 there has been an average annual decrease of around $2 billion in military spending. And during this same period spending on nonmilitary programs—Federal, state and local—there has been an average annual increase of $23 billion.

For the first time in 20 years, the Federal Government will have spent in this fiscal year more to meet human needs than spent on our national defense. In our 1972 budget defense spending will amount to 34 percent of the total spending, and the outlays for human resources programs will amount to 42 percent of total spending in the next fiscal year.

In the 1972 budget it is proposed that we spend $76 million for our military and military assistance programs. That is a tremendous sum. Understandably, the average citizen registers "shock" when he hears the figure—$76 billion. That is why our social planners persist in emphasizing the dollar amount.

But what the average citizen does not know is that it is less than outlayed for social programs, that it is less on a percentage basis than in any year since 1950, and that is less than we actually should spend if we are to continue to have a national defense second to none.

Bear in mind that not only has there been a decrease in the number of dollars spent for defense, there has been a decrease in what these dollars will buy. Like everything else, a ship, an airplane, a tank and every one of our costly weapons systems costs more today than they did two or three years ago.

And, as is always true in an inflationary period, personnel costs have greatly increased. The average citizen does not realize that over one-half of our total defense budget represents personnel costs.

And these costs will become substantially higher if we proceed, as proposed, to phase out the draft and establish an all-volunteer force. Right now this is being considered by our Armed Services Committee.

I am not an alarmist. And I do not think there is any reason to be alarmed as to our present security. But I must frankly say that I am concerned, deeply concerned, as we look to the future.

While Soviet Russia continues to increase its defense spending, we have been in the process of substantially reducing ours. While Russia continues to build up her Navy, we have been allowing ours to stagnate. That Soviet Russia has had a number of naval ships in the Mediterranean, in the Indian Ocean, and in the Caribbean is not without significance. Their navy is impressive, not only in numbers but in quality.

Most ominous, as we look to the future, is the Soviet drive for technological superiority. It is estimated that they are spending 40 to 50 percent more on military research and development than we are—a difference of around 3 billion a year.

In nuclear power the Soviets are not only developing large warheads, much larger than any in our arsenal, but have been increasing the number and accuracy of their intercontinental missile delivery systems at an awesome rate. They have built up their strategic forces to the point where they have achieved nuclear parity and have continued costly missile development in a determination to achieve superiority.

We simply cannot let Soviet Russia control the seas. We simply cannot let the Russians move into a position of strategic superiority. Our strategic offense forces are not only the principal deterrent to global war, they are the principal deterrent to the kind of nuclear blackmail that a superior Soviet Russia could carry out—nuclear blackmail which would endanger freedom in our own country and destroy it in other parts of the world.

The security situation that confronts us today is decidedly different from what faced us before World War I and World War II. We will no longer have the time, as we did then, to delay an adversary long enough to produce the weapons and to train the men. All our defense planning must look not only to the realities of the present but to the grave potentials of the future.

You who have defended our country in foreign wars, as individuals and as an organization, have always recognized that the realities of national defense require something more than the summer soldier and the sunshine patriot. It requires men of all seasons. And we now seem to be in the winter of discontent insofar as our national defense is concerned.

Our objective is not to make war but to deter it. Our objective is to keep the peace. To achieve this objective we must at all times have a national defense second to none—a defense that is well-balanced—one that is sufficiently strong and sufficiently flexible to meet any threat to our security, whenever and wherever it may arise.

I urge you who have fought in past wars, to fight for a level of preparedness that will prevent wars. I urge you to heed the admonition of your comrades who lie in Flanders fields around the globe: "To you from failing hands we throw the torch; Be it yours to hold it high."

The safety of our country, and our cherished right to be free, is at stake. What we do today will determine our tomorrow.

FISH FARMING

Mr. FULBRIGHT. Mr. President, fish farming is one of the fastest growing agricultural industries in the Nation.

The industry has been particularly successful in Arkansas, and I am pleased to have been of some assistance in aiding the development of fish farming by sponsoring legislation which established fish farming experimental stations and other measures which encouraged this industry.

Mr. Roy Prewitt, of Lonoke, Ark., who has been one of the successful pioneers in fish farming, has written a column entitled "Rambling Along," published in the February 1971, issue of the American Fish Farmer. In his column, Mr. Prewitt traces the development of fish farming and some of the problems—past and present—faced by the industry.

Mr. President, I ask unanimous consent the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RAMBLING ALONG

(By Roy Prewitt)

Previous to World War II, efforts were made to culture channel catfish in several areas of the country. I tried it in 1927 but lost the farm during the depression two years later. Catfish culture met with some success in Kansas and at least two of the original catfish farmers, Vernon Kreibel and Bus Hartley, are still in business.

After that war, a great many people began farming minnows in many states. At that time, minnow farming was being encouraged by wildlife and conservation agencies as a means of conserving the supply of wild minnows as food for the wild fish population. A boom bit the business about 1950 and expansion set in across the nation. This lasted about three years until a series of major setbacks eliminated about 85% of the growers. There were too many reasons for these failures to detail here. It suffices to say that most of the 15% who survived slowly built their enterprises by good business practices and good management until today it is estimated minnow sales may reach $100 million annually at the retail level.

BIG MINNOW CROP

It has been estimated that at least 5 million dollars worth of minnows were exported from the vicinity of Lonoke, Arkansas during the year 1970. The 8,000 acres of minnows in Lonoke County are running a close second to the $9 million earned from 75,000 acres of soybeans grown in the county. I hope this discussion of millions of dollars does not excite some of our readers into jumping into the minnow business with get-rich-quick ideas. I can assure you that it is a tough, competitive business and is hard for a newcomer to break into. The people in the business are knowledgeable. All the weak ones fell by the wayside long ago. Even now, this business has ups and downs and recessions. Every few years, it seems that a saturation point will soon be reached, but this never quite happens. Those in the business have learned to live with these things.

About the middle 1950's, farmers were encouraged to grow bass and buffalo to utilize fallow land. This kicked off another boom which lasted about three years then collapsed. A few stayed on and their business has steadily grown. How big this business is, no one seems to know or care. There is a high demand for both species in many areas of the nation and they command prices as high or higher than other species being cultivated.

WIDESPREAD MARKET

The buffalo farmers seem to know their markets. I visited a farm last winter where an 80 acre pond was being harvested and saw fish trucks from several states waiting to be loaded. As almost everyone knows, there is perhaps an unlimited demand for live bass for fee fishing lakes and stocking purposes, so farmers are learning to grow them.

Curiously, farmers who are growing in conjunction with catfish are finding that most of them readily learn to eat catfish feed pellets. Bass even hang around the self feeders and feed on the pellets which the catfish cause to drop from the feeders. Farmers have also found that crappie, which in many areas is a gourmet fish, readily feeds and grows on pellets.

EARLY PROBLEMS

Early fish farmers in Arkansas were beset by many difficulties, legal and social. When I left a legal and political career in Little Rock and began carving a choice rice and cotton farm into a fish farm, some people thought I was crazy and many old friends and acquaintances studiously avoided contact with me. Fish farmers had a long legal battle with conservation agencies and their allied and supporting organizations. Farm organizations gave fish farmers no support, and newspapers gave them no editorial help and put news about their activities on the sports pages. The first support for fish farmers in Arkansas in a major newspaper was voiced by Victor Ray, now public relations director for the Farmers Union in Washington, D.C. who was then agricultural editor for the Arkansas Gazette. For this, he was "called on the carpet" by his superiors but was able to convince them, if not of the rightness of his editorial, at least of his right to say what he said.

RICE AND SOYBEAN CULTIVATION

Rice farming in Arkansas had a similar history. The first rice was grown near Lonoke by W. F. Fuller in 1910. His industry, which now brings into Arkansas about 125 million dollars a year, had many difficulties. One of the chief reasons rice culture was opposed was that it was considered a health hazard. At one time the Arkansas Legislature considered barring its culture on these grounds. In some areas, legal injunctions were obtained against farmers who attempted to grow rice. Fuller's mental stability became suspect and at one time, serious consideration was given to incarcerating him in a mental institution. A curious sidelight of the rice saga was that Fuller improvised a handmade device and about 1909 milled some of his rice, packaged it and had Little Rock grocers give it to their customers, for what is now known as a product acceptance test. Subsequently, customers reported that it was almost as good as imported rice, according to results published in the Little Rock papers.

Soybeans did not have the legal difficulties which beset rice and fish farmers, but there were production and marketing difficulties. I remember that my father successfully grew soybeans on our hillside Ozark farm about 1908 but could not decide what to do with them. He tried using them for hay but had insurmountable difficulties in curing them. From that time until about 1962, soybeans were an insignificant crop in Arkansas. Now we export about 209 million dollars worth a year. As late as 1961, a prominent Eastern Arkansas banker who was also a farmer with large holdings voiced the opinion to me that soybeans had no future in Arkansas. This same man in 1965 said that he was netting more money from soybeans than from rice.

BOOM PREDICTED

This brings me to the point I want to make in this column. About four years ago, catfish culture began to boom and this has been the biggest fish farming boom of all. But before 1970 ended there were widely published predictions by knowledgeable people that 1971 would witness the collapse of the catfish industry. Frankly, I don't believe this will happen, and I think that by the middle of 1971 there will be an actual shortage of farm grown catfish. If the catfish farmers will organize in some way to have their fish certified as wholesome, there will be no end to the demand.

As many of our readers know, I have been involved in fish farming a long, long time. During the past 25 years, my activities have enabled me to know, on a first name basis, most of the leaders in every facet of the fish business throughout the U.S. and most of the world. I am acquainted with the people who process and market the fish this nation eats. For 10 years I have tried to interest them in farm fish, to no avail. Suddenly, due to pollution publicity, they are calling me and wanting to know who can supply them steadily, not sporadically, with an attractively packaged farm grown fish with a certificate of wholesomeness. If ever a business was ready to really boom, it is the entire fish farming industry. In telephone conversations this week, I learned that farm grown Israeli carp were being imported to New York from Israel.

PROPOSED LEGISLATION

Much of the nation is just now becoming aware of farm grown fish. The cries that the industry is collapsing may have a tragic effect on legislation recently introduced in Congress by Congressmen Charles Griffin of Mississippi and J. J. Pickle of Texas, which is intended to supply adequate capital and marketing and other research for the entire farm fish industry. I have seen a letter from a very powerful Congressman indicating that he was already being influenced adversely by rumors that fish farming has little future. He mentioned that much of his information came from ocean and sport fishing interests.

The Griffin and Pickle bills encompass all kinds of fish farming—any fish grown under controlled conditions. It is time that all fish farmers' groups realize that they are a very, very small minority, with little power in Washington and that the time has come for them to stand together and promote an industry which has, in my humble opinion, a future as bright as that of soybeans and that is not limited, as some would like us to believe, to specific areas of the country, if we think in terms of the many different species of aquatic animals which show promise. The passage of this bill would mean that the fish farmer could take his rightful place in the business world and begin to make impressive strides toward making aquaculture as commonly known and respected as agriculture is today.

SECOND-GRADE STUDENTS' CONCERN FOR THE ENVIRONMENT

Mr. NELSON. Mr. President, a specific example of the increasing concern for our environment has come to my attention recently.

The second-grade class at the Washington Elementary School in Waupun, Wis., has been working on a project of how we can go about saving wildlife from extinction and abuse.

The students have been involved in writing letters to conservation organizations, studying the materials received in answer to their requests, and putting up displays in their classroom on the problems of saving our wildlife. Their work on this project has not only brought them greater understanding of the problems of our environment but it has also strengthened traditional skills of reading and writing.

This class and their teacher, Miss Marsha Gravitz, deserve recognition for their accomplishments. I ask unanimous consent that an article from the Fond du Lac Commonwealth Reporter describing their efforts be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Waupun Second Graders Learn of Environment

(By Thelma Kaiser)

Waupun.—"What can I do to save our diminishing wildlife from abuse and extinction?"

Twenty-nine students in Miss Marsha Gravitz' second grade at Washington Elementary School can respond with a multitude of answers to that question. They are aware of the gap of misunderstanding between humans and wildlife and "know" wild animals are meant to be free.

They have been introduced to the exploitation of our environment and of our wildlife because Miss Gravitz, a native of Fond du Lac and treasurer of the Fond du Lac Humane Society, has always been concerned about all living things.

She said she has long admired the "reverence-for-life" humanitarians, such as Albert Schweitzer. She believes that the primary functions of education are: fostering an awareness of the needs and concerns of all life; and developing a responsive, responsible empathy, which will result in a happier world for the student and all his contacts.

Miss Gravitz has embodied this philosophy in an article which is scheduled to appear in the May 1971 issue of "The Instructor," a leading elementary education journal. She is using this philosophy as a basis for her master's thesis, which will be an in-depth study of the question, "Will children develop greater empathy toward people and animals as the result of humane education?"

She said that as she presented the aspects of the wildlife problems to the children, they were dismayed as they learned of it. Their broad knowledge not only comes from the classroom discussions, but from TV specials, magazine articles and resource persons—but their concern has not ended there.

"To find comprehensive answers to these pertinent questions, each second grader in the class wrote letters to prominent experts in the conservation field, such as Sen. Gaylord Nelson, renowned naturalist, Carl O. Marty; authoress Hope Sawyer Buyukmihci; the National Wildlife Federation and Defenders of Wildlife, Inc."

"Much to their inspiration, each child received personal letters—along with a wealth of conservation brochures—from these prominent individuals and organizations. Carl Marty even took the time and expense to send each student his own wildlife record and book."

Miss Gravitz said that the children are taking immediate action on this personal advice. They proudly wear the emblem tag, "Protect and preserve our wildlife." A visit to their classroom is most rewarding as they excitedly tell of what they have learned from TV programs, such as "Penguin City," "The Florida Everglades," "Say Good-Bye" and "Elephant Country."

All hands quickly raised when the question was asked, "What can you do about it?" Their answers are childlike, yet full of wisdom, as they reply, "They should have more marsh rules, they 're not' pos, d to shoot the geese dead!" "When L'm big. I'll send more guards to guard them," "They shouldn't use the wild mustang hoof for glue" and "Animals should have just as long to live as we do."

It is evident that these second graders are "getting involved" before a visitor even enters their classroom, the corridor walls outside the door have pictures of "Penguin city," Once in the classroom, two beautiful bulletin boards, the smaller one depicting the Florida Everglades and the larger one, wildlife are worth saving, perfect examples that they are not just studying wildlife. Through this one study, they are gaining additional experience in reading writing and art work.

As Miss Gravitz pointed out, they are not limiting their knowledge to the classroom, they are taking on the responsibility of educating others of the importance of preservation. She related that one mother even commented to her that her son brings his zeal to the dinner table with the admonition, "We all must get busy before it's too late!"

THE NATION'S DAIRY ECONOMY

Mr. MONDALE. Mr. President, today I am sending a telegram to Secretary of Agriculture Clifford Hardin, urging him to take immediate action to alleviate the increasingly depressed condition of our Nation's dairy economy. Prices paid to milk producers have failed to keep pace with increases in most other areas of our economy. In the mounting inflation of food prices, farmers have steadily lost ground. It is unfair to penalize dairy farmers for price increases over which they have no control.

Costs of production for dairy farmers have increased during the past year while price support levels have remained the same. There is no reason why farmers should be made the scapegoat for this administration's failure to meet its responsibility to control inflation and assure full employment.

I have strongly urged the following actions by Secretary Hardin to insure that dairy farmers are not made step-children in the economic market place: Restoration of the full 90-percent parity that is allowed by law; follow through on administration promises for increased purchases of cheese for schools and needy families and reconsideration of President's decision not to fund the special school milk program which was approved by Congress last year.

Full 90 percent parity is needed to allow dairy farmers a fair return on large investments of capital and labor. Further, it is essential to counteract the inflationary pressure felt by farmers in purchasing replacement equipment, and in meeting tax payments, high interest rates, and other operating costs.

The inadequacy of cheese purchases by the Department of Agriculture is detrimental not only to farmers but also to those in the school lunch program, needy families, and nonprofit institutions whom such purchases are designed to serve. In order to provide an adequate amount of cheese for these programs, USDA should be purchasing between 130 and 135 million pounds of cheese annually. At the present time less than 50 million pounds are being purchased.

Last month Secretary Hardin said that USDA would step up its purchases of cheese. I note that this pledge has not been carried out. Adequate purchases would benefit the poverty stricken, supplement the diets of children in school, and help to stabilize the market price of cheese at a level that would provide a fair return to producers.

In the Child Nutrition Act of 1970, the special school milk program was extended and Congress made plain its support for this program. I am dismayed that the administration is again trying to eliminate the special school milk program. The President has not requested any funds for this program in his fiscal year 1972 budget. A note found in the appendix to the budget clearly indicates that this was not an oversight. I have protested to Secretary Hardin this deliberate effort to frustrate the will of Congress.

I have asked that the Secretary of Agriculture consider each of these recommendations, and redirect USDA policies both in fairness to farmers and for the sake of our entire economy. I have asked that he take action before April 1, 1971, to prevent present economic slippage among dairy farmers from spreading, with its disastrous consequences for farmers and nonfarmers alike.

Mr. President, I ask unanimous consent that the text of my message to Secertary Hardin be printed in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

MARCH 9, 1971.

Mr. CLIFFORD HARDIN,
Secretary of Agriculture, Department of Agriculture, Washington, D.C.:

I am very concerned about the depressed state of the dairy economy. The prices paid to producers of milk have failed to keep pace with increases in most other areas of the economy. As a result the price support which you established a year ago, that reflected 85% of parity has now been reduced to 79%.

I strongly urge you to increase the support price of manufacturing milk to the full 90% that is allowed by law. This action is necessary to insure that our dairy farmers will be full participants in the economic market place. I also urge you to increase the amount of cheese that is purchased by the Federal Government. This action is necessary to maintain a stable market for dairy products as well as to provide adequate amounts of cheese for the school lunch program, nonprofit institutions and the poverty stricken. It is my understanding that the Department of Agriculture is currently purchasing less than half of the cheese that is needed for these programs.

I was also very disappointed to learn that no funds were requested in the President's budget for the special school milk program. I would hope that this decision would be reconsidered and that the administration would support this vital program.

I hope that you realize the plight of the dairy farmers and will give serious consideration to these requests.

WALTER F. MONDALE,
U.S. Senate.

SENATOR RICHARD B. RUSSELL

Mr. NELSON. Mr. President, with the rest of the U.S. Senate, I would like to give tribute to the late Senator Russell. For 38 years, he dedicated himself to the Senate, gaining the respect of all who have served here and contributing greatly and lastingly to the character of this institution.

Honor, ability, and integrity were the hallmarks of Senator Russell's long career here. And with his unsurpassed knowledge and understanding of the Senate and its rules, he was a commanding figure in the Senate throughout his long career.

A man of enormous persuasiveness and influence, Senator Russell served as chairman of the Committee on Armed Services and the Committee on Appropriations with great decorum and effectiveness for many years.

In his State and his Nation and among his colleagues, his memory will long endure.

DIET INTAKE AND HEART DISEASE

Mr. NELSON. Mr. President, some recent, significant developments in the relationship of diet intake to the incidence of heart disease offer relief for a vast segment of the public that for years has been plagued by advertising and other propaganda urging less consumption of animal fats, including dairy products, as a means of reducing the risk of coronary heart disease.

A report by the U.S. Department of Health, Education, and Welfare, from a study conducted over a 20-year period on a carefully selected sample of 912 persons, concluded that, "With one exception, there was no discernible association between reported diet intake and serum cholesterol level" in the sample that was studied. Serum cholesterol level in the blood has been linked to the incidence of heart disease.

Only a few days ago the Federal Trade Commission and the Food and Drug Administration started an investigation of the credibility of advertisements that suggest a direct relationship between diet and heart disease.

The Government report that I have referred to is a study conducted by the National Institutes of Health under HEW's Public Health Service. It is popularly known as the Framingham Diet Study.

Results of the Framingham Study provide a dramatic refutation of the exaggerated claims and assertions contained in the public campaign that implores members of the general public to switch their diets from wholesome dairy products to margarine and other vegetable fats. The appeal is that such a switch would lower the cholesterol level in the blood, something that contributes to the development of atherosclerosis and heart attack.

Efforts by dairy farmers and other

affected producers to resist this propaganda campaign have not been successful. In light of the available study results, the record must be corrected so that the public's confidence in the high worth of dairy products can be restored.

The conclusion of the Framingham study, edited by William B. Kannel, M.D., and Tavia Gordon, speaks for itself. I quote directly from the report:

> In undertaking the diet study at Framingham the primary interest was, of course, in the relation of diet to the development of coronary heart disease (CHD). It was felt, however, that any such relationship would be an indirect one, diet influencing a serum cholesterol level and serum cholesterol level influencing the risk of CHD. However, no relationship could be discerned within the study cohort between food intake and serum cholesterol level. It does not necessarily follow, however, that food intake is unrelated to CHD incidence by some other unspecified mechanism.
>
> In the period between the taking of the diet interviews and the end of the 16-year follow-up, 47 cases of de novo CHD developed in the Diet Study group. The means for all the diet variables measured were practically the same for these cases as for the original cohort at risk. There is in short, no suggestion of any relation between diet and the subsequent development of CHD in the study group, despite a distinct elevation of serum cholesterol level in men developing CHD.
>
> CONCLUSIONS
>
> With one exception there was no discernible association between reported diet intake and serum cholesterol level in the Framingham Diet Study Group. The one exception was a weak negative association between caloric intake and serum cholesterol level in men.
>
> While negative findings on a sample can be argued to be consistent with positive findings in the universe, the data strongly suggest that if there really is any association between diet intake and serum cholesterol level in the Framingham Study population it is probably a weak one.
>
> It is important to be perfectly clear what these findings mean and what they do not mean. They mean that in the Framingham Study Group, diet (as measured here) is not associated with concurrent differentials in serum cholesterol level. It does not mean that the difference between Framingham and some other population (say the people of Japan) in serum cholesterol level is unrelated to differences between these populations in diet. Still less does it mean that serum cholesterol levels cannot be changed by changes in dietary intake.
>
> On the other hand, these findings suggest a cautionary note with respect to hypotheses relating diet to serum cholesterol levels. There is a considerable range of serum cholesterol levels within the Framingham Study Group. Something explains this inter-individual variation, but it is not diet (as measured here.) Clearly if there is to be an attempt to manipulate serum cholesterol level in a general population it would be desirable to know what these powerful but unspecified forces are.
>
> We have repeatedly stated that the findings relate to diet *as measured here*. This implies that using some other technique for measuring diet intake or measuring some other dietary parameters than this study did might yield different conclusions. It is important to recognize this possibility. It is also important in considering some other parameter to determine whether or not it is highly correlated a parameter included in this study. Furthermore, it should be remembered that, for men at least, internal evidence indicates that the measurement of food intake was relatively good in this study.
>
> Two parameters other than serum cholesterol were also considered. One was blood hemoglobin—was it directly related to iron intake? It was found there was, in fact a very weak inverse relationship between these two variables, whereas (of course) the postulated relationship was in the other direction. The other was coronary heart disease incidence—was it related prospectively to diet? No relationship was found.

The conclusion of the Framingham study is clear. Other reported studies in the issue of diet and heart disease indicate similar results.

In view of these studies, two Federal agencies—the Food and Drug Administration and the Federal Trade Commission—have begun to scrutinize the advertising claims that have caused so much confusion and bewilderment over the use of wholesome dairy products.

The actions of these two agencies, and events leading up to the actions, were outlined recently in an excellent article by Mr. Morton Mintz in the Washington Post.

I ask unanimous consent that the full text of the article by Mr. Mintz be printed in the RECORD following the printing of "The Framingham Diet Study."

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE FRAMINGHAM DIET STUDY: DIET AND THE REGULATION OF SERUM CHOLESTEROL

In 1957–1960 a diet assessment was undertaken for a sample of the Framingham Study cohort on their fifth biennial examination.[1] The method used was a modification of the dietary interview developed by Burke[2] and was directed to evaluating the "usual" long-term intake of each person interviewed.

A sample of 1049 persons was drawn according to an elaborate sampling scheme. A 25 percent random sample was drawn from a listing of the original sample respondents. This sample was then modified as follows:

(a) One half of the women sampled were removed.

(b) All persons who were known dead were removed (25 men, 7 women).

(c) All persons who had missed the last two consecutive examinations were removed (50 men, 25 women).

(d) All persons with the diagnosis of heart disease or definite hypertension were removed (Table 1). (Persons who were diagnosed as having these conditions subsequent to the sampling but prior to the interview were, however, retained). The diagnoses comprised any form of definite heart disease, including myocardial infarction, angina pectoris, and rheumatic heart disease. A total of 173 persons, 124 men and 49 women, were removed for these reasons. However, these were the only medical exclusions and other persons with known disease, some of them involving dietary therapy, are included in the dietary sample.

The wives of all the men selected for the dietary sample were then added in order to have these women available to supplement their husband's stories. The husbands of women in the random sample were not included. Since the degree of lipidemia is involved in the dietary hypotheses of atherogenesis and since this attribute had been measured in past examinations it was used as a criterion for augmenting the dietary sample. For this purpose, all male subjects in the otherwise qualified population with cholesterol levels[3] of 300 mg% or more or below 170 mg% were included in the dietary sample as "high cholesterol" and "low cholesterol males, respectively. These groups promised to be unusually potent in the evaluation of dietary hypotheses. The wives of these men were also included. These methods yielded a total sample of 1049 subjects, 503 men and 546 women. A summary of the dietary sample is shown in Table 2. These persons were to be studied in a period of 36 months.

Of the 1049 persons in the sample only 912 yielded successful interviews. The other 137 were accounted for as follows:

Not interviewed	61
Refused	33
Dead	5
Moved	23
Unsuccessful interview	76
Failed	10
No pattern	11
Dieting	11
Poor communication	4
Uncooperative	31
Other	9

It was not intended by this procedure to provide an estimate of the usual diets in the Framingham Study group as a whole but rather to collect information to test the hypotheses that "The regulation of the level of serum cholesterol and the development of coronary heart disease are related to

1. The caloric balance
2. Level of animal fat intake
3. Level of vegetable fat intake
4. Level of protein intake
5. Level of cholesterol intake . . ."

This paper presents data relating to the hypotheses respecting the regulation of serum cholesterol. To these has been added the hypothesis that serum cholesterol level is related to

6. Level of the ratio of complex to simple carbohydrates (C/S ratio).

THE MEASUREMENT OF DIET

Two reports have appeared describing the techniques used and the reliability of the measurement of dietary intake.[4][5] While the measurement of nutrient intake is exceedingly difficult the general conclusion of these methodological studies was that the procedure provided a relatively valid and reliable measure of usual daily intake.

However, diet interviews were obtained over a 4-year period and it may well be asked whether the technique remained stable over that period of time. Figures 1 and 2 indicate that the total caloric intake reported for the study group decreased measurably over the 4-year period.

In particular, levels during the last year of interviewing were substantially less than during the first three years. If one specific nutrient is considered—total grams of fat—a parallel trend is noted, as might be anticipated. That this is not easily explained by a change with time in the persons interviewed may be judged from Figures 5 and 6 which show trends in body weight. While the average weight was lower for men interviewed at the end of the study than men interviewed at the beginning of the study (a finding that might be construed as consistent with trends for total caloric intake) the opposite was true for women interviewed.

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[1] A few interviews were obtained on the fourth and sixth examinations.

[2] Burke, B.S. The dietary history as a tool in research. J. Amer. Diet. Assoc. 23: 1041–1046, December 1947.

[3] On the initial study determination.

[4] Dawber, T. R., Pearson, G., Anderson, P., Mann, G. V., Kannel, W. B., Shurtleff, D., McNamara, P. M. Dietary assessment in the epidemiologic study of coronary heart disease: the Framingham Study. Amer. J. Clinical Nutrition 11: 226–234, September 1962.

[5] Mann, G. V., Pearson, G., Gordon, T., Dawber, T. R., Lyell, L. P., Shurtleff, D. Diet and cardiovascular disease in the Framingham Study. Amer. J. Clinical Nutrition 11: 200–226, September 1962.

Figures 1 and 2 might also be examined for evidence of seasonal variation in reported intake. The interview was intended to elicit "usual" intake; that is, something more general than the recent diet of the individual. If this effort was successful there should be no evidence of seasonality in reported intake. Despite substantial variation from quarter to quarter in total calories reported, there is no evidence that this variation followed a seasonal cycle.

USUAL INTAKE

While it is difficult to specify exactly how the diet for this study group compares with that for the Framingham cohort as a whole or how the Framingham diet compares with that for United States adults generally, there may be some interest in the findings in a carefully evaluated group of American adults (Tables 3 and 4).

On the average, men consumed 3156 calories and women consumed 2142 calories. Some 40 percent of these calories came from fat and 70 percent of the fat was from animal sources. (There was little difference between men and women in these proportions). Caloric intake decreased with age in both men and women but the percent of calories from fat was about the same across the age range. A slightly larger proportion of the fat came from animal sources in older persons.

Distributions of various nutrient measures are given in Figures 7–20. There is obviously considerable variation in all these measures from one person to another. This is also evident in the standard deviations given in Table 3.

While caloric intake had a considerable range in the study group, there was a heavy concentration of reported intakes for men and women at the modal values (Figure 7). This appears visually in the marked "peakedness" of these curves. When caloric intake is expressed as calories per pound of body weight this peakedness becomes less marked (Figure 8). The curves for the major nutrients also tend to have a large number of values at the mode combined with considerable dispersion (Figures 9–20). Probably the most important feature of these curves is the evidence they show that diet as reported for this Study Group is by no means uniform. There is a wide range of intake.

All such assessments are, of course, dependent on one's perspective. In terms of diets in which only 15 or 20 percent of the calories come from fat almost all values for the Study Group are "high," with roughly 90 percent of the group receiving 30 percent or more of their calories from fat. Clearly, if the effects being assessed appear only above or below some threshold value, a population which was truncated at that value would be unsuitable for studying the effect.

An additional piece of information of some interest is the correlation between the major diet components and total caloric intake (Table 5). It will be noted that the major nutrients correlate highly with total caloric intake. Thus, it would be anticipated that any findings for total caloric intake would generally prefigure the findings for the major nutrients. On the other hand the various ratios and percentages tend to have a much lower correlation with total caloric intake.

RELATION OF SPECIFIED DIET CHARACTERISTICS TO SERUM CHOLESTEROL LEVELS

The relationship of specified diet characteristics to serum cholesterol levels is summarized briefly in Table 6, which gives correlation coefficients with serum cholesterol for a number of diet characteristics. The serum cholesterol value used is that determined at the time of the interview.

Caloric balance

The following measures related to caloric balance were looked at for a possible relation to serum cholesterol levels.

(a) Calories per day

(b) Daily caloric intake per pound of body weight

In addition, each measure (a or b) was examined separately at specified levels of physical activity. Calories per day showed a slight negative association with serum cholesterol level (over all age groups) in men but no association in women. This is evident from the correlation coefficients.

When the population is divided into persons above and below median caloric intake, (or median caloric intake per pound of body weight) those men with higher caloric intake tend to have lower serum cholesterol levels; but there is no similar difference found in women (Tables 7 and 8).

This finding is somewhat puzzling and it is reasonable to inquire if this is related in some way to the level of physical activity. In a given weight group persons who report higher activity levels also report higher caloric intakes Table 9). (This may be taken as a validation of both the diet interviews and the physical activity histories). What is more, relative weight tended to be great in men who were more sedentary (caloric intake fixed) or who had a higher level of caloric intake (physical activity fixed.) Again this tends to validate the measuring techniques used. These associations appear to be considerably stronger for men than women, although this may well be a function of the paucity of women reporting higher levels of physical activity.

If, then, the population is divided into high and low classes on the basis of both physical activity and daily caloric intake men in the same physical activity class tend to have higher serum cholesterol levels at lower caloric intake (Table 10). This finding is contrary to expectation.

Constructing a regression equation in the form

$$\text{Serum cholesterol} = a + b\ (\text{physical activity index}) + c\ (\text{calories per day}) + d\ (\text{Framingham relative weight})$$

we find that for men aged 37–49 the regression is statistically significant and that it is near statistical significance at 50–59. These regressions are primarily accounted for by the negative coefficient assigned to the daily caloric intake. For men 60–69 and for women the regressions are not statistically significant (Table 11). These findings are generally consistent with the tabular material already discussed.

Level of fat intake

The following measures related to fat intake were used:

(a) Grams of fat per day

(b) Grams of animal fat per day

(c) Percent calories from fat

(d) Ratio of daily intake of plant fat to animal fat.

Paralleling the findings for total calories there is a slight negative association between daily intake of total fat (and also of animal fat) with serum cholesterol level, in men but not in women.[6] This parallel is not surprising given the high correlation between fat intake and total caloric intake. No association between percent of calories from fat and serum cholesterol level was shown; nor between ratio of plant fat intake to animal fat intake and serum cholesterol level (Tables 12–15).

Protein intake

There was a trivial negative correlation between daily protein intake (in grams) and serum cholesterol=a+b(animal fat)+c

C/S ratio

The evidence in Table 16 when taken in the context of Table 6 can be interpreted as showing no relationship between C/S ratio and serum cholesterol level.

Dietary cholesterol

There is no indication of a relationship between dietary cholesterol and serum cholesterol level (Table 17).[6] If the intake level of animal fat is held constant there is stil no relation of cholesterol intake to serum cholesterol level (Table 18).[6] If (further) a multiple regression is calculated in the form

$$\text{serum cholesterol} = a + b(\text{animal fat}) + c\,(\text{dietary cholesterol})$$

there is also little suggestion of an association between this pair of variables and serum cholesterol level (Table 19). The age group 60–69 in men is the only exception and it may be due to sampling variability. In that age-sex group a significant positive correlation between dietary cholesterol and serum cholesterol is translated into a significant bivariate regression. (Since the correlation between cholesterol intake and fat intake ranges between .606 and .717 in these various age-sex groups, it is unlikely that relationships not evident for either singly would be evident for both jointly.)

Other analyses

The failure to turn up any positive association between food intake and serum cholesterol level in the Framingham Diet Study led to the exploration of a large number of variant analyses. These were uniformly unsuccessful in finding expected relationships. Only a fraction of these explorations are included in this report.

Two other tables might be considered beyond those already presented. One is a look at mean dietary constituents for persons with "high" (300 mg% or greater) and "low" (less than 180 mg% cholesterol levels (Table 20). These groups are defined not by the serum cholesterol measurements used for drawing the diet sample but by the blood measurements made at the time of the diet interview. Another is a multiple regression using some key diet variables (Table 21).

Neither alters the generally negative conclusions already arrived at. The regression equation for men 50–59 is statistically significant (this may be interpreted as a reflection of the significant negative correlation between total caloric intake and serum cholesterol level in this age-sex group) but the regression equations for the other age-sex groups are not. It is evident that the coefficients assigned to the independent variables follow no clear pattern from one age to another. (The multiple correlation coefficients, while low, look large compared to the univariate correlation coefficients. This is a reflection of the use of 7 independent regressors rather than one but only for 50–59 year old men does the multiple correlation coefficient achieve the 5% significance level.)

Energy balance

Food intake is part of an equation which includes relative weight and physical activity. This is a dynamic relationship in which time is an important dimension. The cross-sectional data obtained by this study may reflect this relationship poorly, if at all. The following correlations from the Framingham Diet Study are not very impressive.

	Correlation of Framingham relative weight with—		
	Physical activity index	Calories per day	Both
Men:			
37 to 49	0.075 (0.030)	0.121 (0.167)	0.125
50 to 59	–.008 (–.032)	.159 (.185)	.175
60 to 69	–.083 (–.089)	.120 (.110)	.188
Women:			
37 to 49	.048 (.024)	.007 (.033)	.048
50 to 59	.046 (.026)	.006 (–.011)	.046
60 to 69	–.196 (–.157)	–.040 (.013)	.199

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[6] The relationships indicated are unchanged if the specified nutrients are expressed in grams per pound of body weight.

The parenthetical entries are correlations with actual weight. These differ trivially from the correlations with relative weight.

The correlation of the physical activity index and daily intake of calories as expressed in the study data is moderate for men and poor for women:

	Men	Women
37 to 49 years	0.394	0.075
50 to 59 years	.372	.135
60 to 69 years	.411	.043

Considering the presumptive reliability of these two measurements the correlations for men are particularly interesting. Taking the data at face value (that is, ignoring sampling variation) one of these measurements, at least, should have a better than 0.6 correlation with the "true" values it purports to describe. While this is far from ideal, it is better than is sometimes suggested. In all likelihood the better measurement in men is the measurement of diet so that the estimate of 0.6 is really on the low side.

* * * * *

The low correlation between physical activity and caloric intake, on the one hand, and relative weight on the other, may be accounted for by the fact that for most people caloric intake and energy expenditure are closely balanced and that relative weight is the end product of minor differences between them accumulated over an extended period of time.

Thus, if the balance between energy intake and expenditure is critical in the control of serum cholesterol levels it might appear in the relationship of serum cholesterol level to weight change. An equation can be made in the form

$$\text{serum cholesterol (at Exam 4)} = a + b\ (\text{FRW}) + c\ (\text{change in FRW})$$

where FRW is the average relative weight over the first four examinations and the change in FRW is measured by the Exam 4 FRW minus the Exam 1 FRW (Table 22). In this analysis we use data from the entire Framingham cohort. Generally speaking, both weight and weight change appear to have a *weak* association with serum cholesterol level. Thus, energy balance, as contrasted with diet as such, does appear to have some relation to serum cholesterol level in this population, albeit not an impressive relation. The data on energy balance, however, deserve a more extended analysis than would be appropriate in this report.

RELATIONSHIP OF DIETARY IRON AND BLOOD HEMOGLOBIN

A secondary hypothesis of the Framingham Diet Study, quite unrelated to the atherogenesis study, was that there was a direct relationship between the intake of iron and blood hemoglobin levels. To the contrary, the study data suggest a weak negative association, not significantly different from zero in most specific age-sex groups but always negative, always about the same order of magnitude, and (for all age-sex groups combined) statistically significant.

FRAMINGHAM STUDY

	Number	Correlation
Men:		
37 to 49	209	−0.075
50 to 59	131	−0.091
60 to 69	83	−0.055
Women:		
37 to 49	221	−0.117
50 to 59	142	−0.084
60 to 69	75	−0.041

Whether this arises from a tendency of persons to take more iron in their diet when informed they have "marginal anemia" is difficult to say for sure but it seems unlikely. If mean intakes of dietary iron are examined for persons with low and high blood hemoglobin levels there is no indication of a dramatically high intake of iron in persons having low blood hemoglobin levels. Rather, there is a trivial difference between the intakes for persons with high and low blood hemoglobin levels (Table 23).

RELATIONSHIP OF DIET TO CHD INCIDENCE

In undertaking the diet study at Framingham the primary interest was, of course, in the relation of diet to the development of coronary heart disease (CHD). It was felt, however, that any such relationship would be an indirect one, diet influencing serum cholesterol level and serum cholesterol level influencing the risk of CHD. However, no relationship could be discerned within the study cohort between food intake and serum cholesterol level. It does not necessarily follow, however, that food intake is unrelated to CHD incidence by some other unspecified mechanism.

In the period between the taking of the diet interviews and the end of the 16-year follow-up, 47 cases of *de novo* CHD developed in the Diet Study group. The means for all the diet variables measured were practically the same for these cases as for the original cohort at risk (Table 24). There is, in short, no suggestion of any relation between diet and the subsequent development of CHD in the study group, despite a distinct elevation of serum cholesterol level in men developing CHD. (The large mean difference in serum cholesterol levels for men (Table 24) is exaggerated by the sampling scheme which oversampled men with very high and very low serum cholesterol levels.)

CONCLUSIONS

With one except there was no discernible association betwen reported diet intake and serum cholesterol level in the Framingham Diet Study Group. The one exception was a weak negative association betwen caloric intake and serum cholesterol level in men.

While negative findings on a sample can be argued to be consistent with positive findings in the universe, the data strongly suggest that if there really is any association between diet intake and serum cholesterol level in the Framingham Study population it is probably a weak one.

It is important to be perfectly clear what these findings mean and what they do not mean. They mean that in the Framingham Study Group, diet (as measured here) is not associated with concurrent differentials in serum cholesterol level. It does not mean that the difference between Framingham and some other population (say the people of Japan) in serum cholesterol level is unrelated to differences between these populations in diet. Still less does it mean that serum cholesterol levels cannot be changed by changes in dietary intake.

On the other hand, these findings suggest a cautionary note with respect to hypotheses relating diet to serum cholesterol levels. There is a considerable range of serum cholesterol levels within the Framington Study Group. Something explains this inter-individual variation, but it is not diet (as measured here). Clearly if there is to be an attempt to manipulate serum cholesterol level in a general population it would be desirable to know what these powerful but unspecified forces are.

We have repeatedly stated that the findings relate to diet *as measured here*. This implies that using some other technique for measuring diet intake or measuring some other dietary parameters than this study did might yield different conclusions. It is important to recognize this possibility. It is also important in considering some other parameter to determine whether or not it is highly correlated with a parameter included in this study. Furthermore, it should be remembered that, for men at least, internal evidence indicates that the measurement of food intake was relatively good in this study.

Two parameters other than serum cholesterol were also considered. One was blood hemoglobin—was it directly related to iron intake? It was found there was, in fact, a very weak inverse relationship between these two variables, whereas (of course) the postulated relationship was in the other direction. The other was coronary heart disease incidence—was it related prospectively to diet? No relationship was found.

[From the Washington Post, Mar. 1, 1971]

FDA, FTC QUESTION POLYUNSATURATE ADS

(By Morton Mintz)

For a dozen years, Americans have been confronted with advertisements in medical and lay publications that encourage use of polyunsaturated fats, usually as margarines or oils, as a means to reduce the risk of heart disease.

Presently, claims made in such ads for margarines are under scrutiny by two federal agencies, the Food and Drug Administration and the Federal Trade Commission.

The agencies' investigations are under way, moreover, as medical researchers are reporting findings that heating polyunsaturates at "temperatures that are typical for family cooking" leads to resaturation of the fats—thereby possibly negating the purpose for which polyunsaturates are advertised.

One full-page ad of this kind, for a widely sold cornoil margarine, has appeared frequently in numerous medical journals.

A photograph of a boy dominates the top half of the ad. He is blowing at candles—eight of them—on a birthday cake.

"Is there a heart attack in his future?" the caption asks.

"More and more doctors," the upbeat answer in the text begins, "are coming to the conclusion that the best time to deal with coronary disease is 30 to 40 years before it is likely to occur.

"That is why they are recommending good dietary practices, especially the low-saturated-fat diet—not only for the heart patient, but for people of *all age groups*—as a means of controlling blood cholesterol and to reduce the risk of coronary diseases later on.

"Such a regimen, of course, involves the substitution of vegetable oils for animal fats wherever possible . . ."

In publications for laymen, the manufacturer picks up the same theme, but points it directly at parents.

"Should an 8-year-old worry about cholesterol?" asks the caption in an often-published ad.

Again, the answer is hopeful: Fathers and mothers who take the precaution of giving their children corn-oil margarine, Fleischmann's, in this case, are acting to reduce "one important risk to coronary disease."

Over the years, such ads, along with similar messages from non-commercial sources—the appeals to physicians reinforcing those to laymen, and vice-versa, have hammered home an implied fear:

To refrain from recommending such margarines and oils may be to invite negligently the diseases of the heart and blood vessels that, each year, cause the deaths of more than a half-million Americans.

For millions, meanwhile, such messages have made the avoidance of animal (saturated) fats part of the conventional good-health wisdom for millions.

In the process, an enormous market has been built up for polyunsaturated fats (mainly, corn, cottonseed, safflower and soy oils. Peanut and olive oils, which are highly monosaturated, do not alter blood chloesterol levels. Coconut oil and cocoa butter are almost completely saturated).

But is it known that lowering the levels of lipids (cholesterol or other fatty substances) in the blood helps to preserve health and life?

The Food and Drug Administration says that despite a large amount of evidence, some of it conflicting, the case has not been proved.

For that reason, the FDA requires pharmaceutical manufacturers to include an "important note" in every ad for prescription medicines that lower blood lipid levels.

It has not been established, the note reminds physicians, whether drug-induced decreases in serum lipids have "a detrimental, a beneficial, or no effect on the morbidity or mortality due to atherosclerosis or coronary heart disease. Several years will be required before current investigations can yield an answer to this question."

Many eminent men of medicine share this view. "After 20 years and several hundred million dollars," Vanderbilt University biochemist George Mann has said, "we still do not see any convincing evidence" in support of the "overpromoted and overpublicized" dietary concept of the management of heart disease.

In the prestigious Lilly Lecture before the American College of Physicians last April, Swedish research scientist Lars Werko said:

"Despite considerable effort, nobody has been able to demonstrate that it is possible to reduce the incidence of . . . heart disease by lowering serum cholesterol."

Yet, in ads for foods that have the same purpose as the drugs—that is, to lower blood lipid levels—no such cautionary advice appears.

For example, a physician going through the Journal of the American Medical Association may see the "important note" on one page, in an ad for a drug. But in the pages where there are ads for cholesterol-lowering foods he never sees anything of the kind.

Yet the secretary of the AMA's Council on Foods, Dr. Philip L. White, told a recent meeting of food editors, "We are all tired by now of the unending advertisements for oils and margarines that promise to clear our arteries in much the same way a drain cleaner works."

The inconsistency of the medicine and food ads is the product of a bureaucratic division of legal responsibilities between the FDA and the Federal Trade Commission.

The FDA is able to require the "important note" in drug ads because it has responsibility to be sure that advertising as well as labeling of prescription drugs is truthful and balanced. It has no jurisdiction over the advertising of foods.

In previously undisclosed correspondence prompted by Dr. Edward R. Pinckney, a Beverly Hills, Calif., internist, FDA Commissioner Charles C. Edwards has said that his agency would not permit the claims now in the margarine ads to be made in the labeling over which the FDA does have jurisdiction.

If such claims were to be made in the labels, Dr. Edwards told Rep. L. H. Fountain (D-N.C.), chairman of the House Intergovernmental Relations Subcommittee, the FDA "would regard the products as misbranded" and would seize them.

Indeed, Dr. Edwards said "we are considering strengthening the prohibitions" on claims of the type made in three sample margarine ads submitted to him by the subcommittee.

In the absence of all effort by the FDA to treat the advertised margarines legally not only as foods, but also as "drugs" promoted for the prevention of disease, possible action is up to the FTC, because it has responsibility for food advertising.

A few days after the Fleishmann margarine ad captioned, "Should an 8-Year-Old Worry About Cholesterol?" appeared in last November's Reader Digest the commission's Food and Drug Advertising Division began an investigation.

The staff sought "to determine whether that ad and similar ads . . . were in violation of any statutes which the commission enforces, Joseph Martin Jr., the FTC's general counsel, said on Feb. 18 in response to an inquiry from Fountain.

"The staff advises me that its investigation should be completed within the next week and that it will be enforcing appropriate enforcement recommendations to the commission," Martin said.

The differing FTC-FDA policies have been but a symptom of the confusion that besets a troubled medical-scientific community as it grapples with the mysteries of coronary and atherosclerotic heart diseases.

Dr. Pickney, the Beverly Hills internist, has assembled "ample evidence" for possibly the most ironical twist of all: that heating polyunsaturates such as corn oil tends to "resaturate" them.

Pinckney, an author and former professor of medicine at Loma Linda College of Medicine, presents his case in a paper prepared for the recent Southern California meeting of the American College of Physicians in Palm Springs.

Cooking with polyunsaturates would—"if the advertised claims for these products are accepted at face value—defeat the very purpose for which polyunsaturates are commercially promoted," he said.

"Resaturation by heating," he went on, "happens at times and temperatures that are typical for family cooking."

"But the degree of saturation becomes worse if the fat or oil is reused (as is a common custom among housewives)," he continued.

"Even more dangerous—again, assuming saturated fats are as dangerous as they are commercially exploited—are the fats and oils used in restaurants and commercial cooking establishments, where this cooking media is sometimes kept at high temperatures for months at a time, or are reheated daily (new fat or oil being added, when necessary, to maintain the proper cooking level . . ."

Pinckney contends that in addition to saturating vegetable oils, heating makes them harmful in other ways. Both contentions have been disputed. But Pinckney's "main point" is:

". . . That it would seem to me to be negligence on the part of physicians to advise the use of polyunsaturated fats and oils—for the purpose of lowering laboratory-measured blood cholesterol and other fats—without stressing the fact that such oils and fats should not be heated, or used in cooking."

(The phrase, "laboratory measure" reflects evidence that stress—along with such other factors as lack of exercise and cigarette smoking—can elevate blood cholesterol.

(". . . making the patient heart-conscious every time he sits down to eat" could have a self-defeating affect, Pinckney contends. It is even "quite possible that the single act of drawing blood from a patient—especially when the patient is made aware that the blood sample is intended to reveal the condition of his heart—could alter the resultant cholesterol value to a false, elevated reading.")

As noted, the regulatory agencies with responsibilities for foods do not require either the labeling or the advertising to disclose possible hazards in heating the oils. Neither do other primary information sources.

The National Heart and Lung Institute (a unit of the National Institutes of Health), for example, has a set of printed guidelines for treating certain patients with an elevated level of blood cholesterol.

Recommend polyunsaturates for "broiling, baking, or frying," as well as for "popping corn," the guidelines urge physicians.

The American Heart Association long has encouraged the use of polyunsaturated fats to replace a portion of the saturated fat in the diet.

The organization has drawn a rebuke for this advice from the conservative American Medical Association. Dr. White of the AMA's Council of Foods, in his talk to food editors, said the AHA's promotional messages sometimes have been confusing because no one really has pinned down the relation of diet to heart disease.

In encouraging use of polyunsaturated fats, the AHA has not referred to evidence that heating them possibly could be harmful.

The AHA has no "rigid" position on the matter, a spokesman in New York City said. Rather, he said, the AHA, as of now, simply does not regard as adequate the evidence of possible ill effects from heating the oils.

This puts the AHA at an opposite pole from Dr. Pinckney. For the past two years, he has researched the medical and scientific literature, has exchanged letters with officials of the Heart and Lung Institute and others, and has tested his views before his peers in articles and letters in the Annals of Internal Medicine and other journals.

Pinckney's new paper is to be published in "Medical Counterpoint," which is widely circulated among internists. Its editor, Dr. Mark D. Altschule, an assistant clinical professor of medicine at Harvard, shares Pinckney's views on the possible hazards of heating polyunsaturates (and, in addition, contends that blood cholesterol "cannot have a primary role" in causing coronary heart disease).

Those who would dispute Pinckney and Altschule face some awkward statistics.

In the years 1909–65, the proportion of cholesterol in the American diet has changed hardly at all, while the rate of coronary heart disease (CHD) has skyrocketed.

Reporting this last July, Dr. Harold A. Kahn of the Heart and Lung Institute said, "The increased risk of CHD reported to have occurred over this period is not related to dietary fat changes to a very important degree."

During the more than 12 years in which physicians in large numbers have tried to control serum cholesterol and CHD through dietary changes, Pinckney pointed out:

The World Health Organization has reported an increase in heart disease.

But Japan, where there has been a large increase in the consumption of dairy products, eggs and saturated fat foods since 1955, has had a 14 per cent decrease in heart attack deaths, according to the WHO.

In a letter responding to inquiries from fellow physicians, Pinckney said that the following have provided "a direct refutation for the use of heated unsaturated fats in the diet for the proclaimed prevention and therapy of heart disease:"

Dr. David Kritchevsky, an organic chemist at the famed Wistar Institute in Philadelphia, has shown, Pinckney said, "that heating an unsaturated fat (especially corn oil) to 200 degrees Fahrenheit for 15 minutes (far less than normal home cooking temperature and time) actually enhanced atherosclerosis in animals." Pinckney noted that "inferential animal studies" were the basis for the removal of synthetic sweeteners from the market.

Dr. Antoine Gattereau, director of the Nutrition Laboratory at the University of Montreal's Clinical Research Institute, has written Pinckney, "I totally agree with you" that resaturation occurs with heating.

Oils chemist Fred Kummerow of the University of Illinois' Burnsides Research Laboratory, also agrees that heating resaturates fats.

"In household operations I don't think there's much trouble," he said. "It's the restaurant friers that are dangerous because they use the same hydrogenated fats over and over again. In Germany these kinds of fats are banned."

Some householders, especially among the poor, also use fats over and over, figuring they cannot afford to throw them away.

Other scientists who say that heating saturates unsaturated fats include: Drs. Laurance M. Hursh, director of health services and professor of health sciences at the University of Illinois, and Dr. Penny Wells, director of the School of Public Health Laboratory at UCLA.

Resaturation is by no means the only concern. Questions have also been raised by researchers, for example, as to whether heating polyunsaturated fats causes the formation of peroxides, which destroy cells, or decreases the fats' content of linoleic acid—the ingredient the American Heart Association considers to be what makes them valuable. Further, one study indicates the possibility that the likelihood of cancer increases in persons who depend heavily on polyunsaturated fat for a long time.

All the adverse findings cited here are sharply disputed by scientists with impressive credentials and unquestioned integrity.

Without doubt, no consensus in the scientific community about the possible harm done by the unsaturated fats is in sight.

But even among those who disagree on the possibility of harmful effects, there are many who agree with Dr. Pinckney that it is inexcusable for the federal government to, say, allow one of its agencies not to impose on food advertisers the same requirements that another of its agencies imposes on drug advertisers.

Nor is there likely to be a permanent lack of consensus on two other issues raised by Pinckney in his paper:

That answers must be found, through research, to such crucial questions as what happens to the cholesterol that diet or drugs takes out of the blood? Where in the body does it go?

That advertising promoting a dietary approach to cholesterol control and prevention of heart disease, and messages from the American Heart Association that do pretty much the same thing, are not the best way to handle one of the most serious health problems of mankind.

AMERICA'S DAIRYMEN NEED PRICE SUPPORT INCREASE

Mr. HUMPHREY. Mr. President, yesterday I addressed myself to the need for increasing Dairy Price Supports. At the present time, America's Dairy Farmers are receiving $4.66 per hundredweight of manufacturing milk. This is just slightly more than 80 percent of parity.

The Secretary of Agriculture is authorized, under the law, to increase the price support to 90 percent of parity, or about $5.21 per hundredweight. Still, this is only 90 percent of a fair price. He must make his decision by April 1—a decision that will affect the livelihood of all of America's dairy farmers.

Mr. President, an excellent analysis of the dairy situation is presented in a paper entitled, "The Dairy Industry and the Public Interest: The Need For a Price Support Increase." I hope the Secretary will give thoughtful study to this paper before making his decision and I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

The Dairy Industry and the Public Interest: The Need for a Price Support Increase

The U.S. dairy industry has led the agricultural sector of our economy in organizing so as to better serve both producers and consumers.

The Federal Order program has been an effective means of orderly marketing of dairy products and of assuring the public an adequate supply of pure and wholesome milk and milk products.

In recent years, dairymen have further improved their efficiency through the consolidation of many small and often inefficient cooperatives into more effective regional cooperatives.

The development and operation of the standby pool has made it possible for milk producers in surplus areas to share equitably in the proceeds from the higher class I markets.

Despite this progress, the economic stability of the dairy industry still largely depends upon the income floor provided by the dairy support price for manufacturing milk. Dairymen have sometimes been able to bargain for prices above the minimum. Yet they cannot depend solely on this means of improving their incomes. Dairy farmers still cannot precisely tailor production to demand. Thus, the level of dairy income is still subject to shifts in consumption, to unanticipated increases in dairy imports and to other factors that are beyond the control of the individual producer.

The dairy support price for the marketing year beginning April 1, 1970 was set at $4.66 cwt—or 85 percent of parity at that time. Increased costs since April 1, 1970 have now reduced the parity ratio for milk to 81 percent. And, unless the Government takes remedial action, inflationary pressures in prices paid by dairy farmers will reduce the parity ratio to even lower levels.

Public interest would best be served by a support level of 90 percent of parity or an estimated $5.35 cwt, for the year beginning on April 1, 1971. Both consumers and dairy farmers would benefit. The industry would have the stability needed to deal effectively with anticipated production and consumption patterns foreseen for the 1970's.

There are compelling reasons for such an increase:

(1) A stable and adequate supply of milk is critically important to the health and welfare of the people of this nation.

(2) Adequacy and stability of dairy supplies are threatened by sharp acceleration in the downward trend of milk production. Severe and irremediable contraction in the dairy industry would be catastrophic in impact upon consumers and upon the national economy.

(3) Despite recent milk price increases, average income to dairy farmers still remains extremely low. Dairy producers are now faced with a harsh and continuing cost-price squeeze that can be mitigated only by adjustment of the support price level.

4) Establishment of the support level at the legal maximum of 90 percent of parity is needed if there is to be an orderly adjustment of milk output to milk demand during the 1970's.

5) The contribution to the national interest of an increase in the support price to 90 percent of parity would far outweigh its relatively minor adverse impact.

a) The Federal budgetary impact will be fully consistent with budget commitments of previous years. Stocks acquired by Government can be used effectively in programs to which there is firm national commitment.

b) The price support increase would not cause substantially increased prices to consumers, nor would it provoke inflationary price pressures.

6) An increase of price supports to 90 percent of parity is critically needed in order to further dairy industry "self-help" activities that can lead to eventual termination of price support assistance.

I. A Stable and adequate supply of milk is critically important to the health and welfare of the people of this nation.

Milk is one of our most basic foods. A sound dairy industry is, therefore, vital to the nutritional welfare of our nation.

Milk and dairy products, excluding butter, provided the following components of consumer diets during 1968: [1]

22.6 percent of the protein supply.
13.5 percent of the fat supply.
76.2 percent of the calcium supply.
36.7 percent of the phosphorous supply.
9.9 percent of the riboflavin supply.
11.8 percent of the Vitamin A value.
1.7 percent of the niacin supply.
4.7 percent of the ascorbic acid supply.
2.2 percent of the iron supply.
7.2 percent of the carbohydrate supply, and
11.8 percent of the food energy supply.

Virtually every developed country has a national policy assuring adequate returns to its dairy farmers in order to assure an adequate and stable supply of milk and dairy products for their consumers. Such assistance often includes subsidies—both for export and domestic consumption—and even direct financial assistance in maintaining a stable dairy cow population.

The European Community promulgates price guidelines for butter and non-fat dry milk and, when necessary, the Community sets "intervention" prices, to assure adequate income to its dairy farmers. Australia has a support price program for butter and cheese. Denmark has a two-price marketing plan through which consumers pay prices that return enhanced income to producers and facilitate exports. The United Kingdom supports the price of milk used for fluid purposes and also sets prices for manufactured products to yield a blended pool price that will assure adequate domestic production. Canada supports dairy prices. New Zealand subsidizes milk consumption.

Recognizing the nutritional importance of dairy products—particularly for children—the United States has for many years undertaken to insure that we shall always have an adequate and stable and dependable supply of milk. There can be differences as how best to achieve this national objective. No one disputes the national purpose to assure that the dairy industry will remain economically viable. Accordingly, there is cause for national concern when continued deterioration in the economic condition of the dairy industry threatens this national goal.

II. Adequacy of milk supply is threatened by acceleration of the downward trend in milk production through a severe contraction of productive capacity.

To maintain an adequate supply of milk and dairy products for the growing population of the future requires protection against sudden and sharp decline in productive capacity. During the past 20 years, there has been a steady and continuing decrease in the number of dairy farms.

This contraction of numbers is expected to continue. This trend is summarized in the following table:

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[1] U.S.D.A. "Agricultural Statistics" 1969, Table 805.

Number of U.S. farms selling milk and cream

Year	(*Thousands*)
1950	1,959
1955	1,475
1960	1,032
1964	641
1969	[1] 400
1980	[2] 200

[1] *Dairy Situation,* September 1969, p. 29, U.S.D.A. estimate.

[2] *Dairying in the 1970's.* Anthony G. Mathis, Agricultural Economist, Economic Research Service, U.S. Department of Agriculture, DS-329, March 1970, p. 30.

Thus, there are now only 400,000 dairy farms in this country. Four-fifths of the dairy farms operating in 1950 have gone out of business. The Department of Agriculture considers that in 1980 there will be only one-tenth as many dairy farms as there were in 1950.

This contraction has not simply been a consolidation of dairy herds into larger farms. The number of milk cows on U.S. farms has also been declining sharply.[2]

In 1950, there were almost 22 million milk cows on American dairy farms.

By 1970, this number had decreased by nearly 10 million cows to a total of 12.5 million.

By 1980, milk cows on farms are expected to decrease by another one-third or some four million cows, to a total of eight or nine million.

Decreases in cow numbers have been offset in part by increases in milk production per cow. Thus the decreases in numbers of farms and cows does not always mean an absolute reduction in milk production. In the early years of the downtrend in numbers, offsetting increases in efficiency have tempered its impact upon output. Yet efficiency gains are increasingly hard to come by. As the number of cows decreases, capacity to maintain aggregate output becomes more difficult. Dairy cows cannot be replaced quickly and inexpensively and it is increasingly difficult to increase output per cow.

All of these factors are reflected in the steady downward trend of milk production during recent years. It is a remarkable fact that 1970 milk production of 117.4 billion pounds was no higher than the production level of 1950—despite the expansion of the American economy. Moreover, annual production of milk has declined from the 1964 high of 127 billion pounds by approximately 10 billion pounds in the past six years.[3]

U.S.D.A. estimates indicate that output rose slightly in 1970 to 117.4 billion pounds, or about one percent above the 1969 output. This is the first time since 1964 that milk output deviated from its prolonged downward tend. Even so, the sustained decline in production per capita continued through 1970.

A number of factors—such as exceptionally good weather conditions and deterioration in pork and beef prices—contributed to this slight increase. Moreover, the general slowdown of the economy during 1970 provided less off-farm employment opportunities for dairymen who might otherwise have quit dairying. It also provided sources of labor for those dairymen who wanted to expand production.

Ignoring possible statistical errors in estimating 1970 output, sustained increase in annual production is not foreseen by the Department. High economic growth will eliminate the causes for the slight upturn in 1970. General increases in wages and other costs will generate increases in dairy farm wage rates and other production costs. Currently rising dairy cattle prices are again inducing close herd culling. As unemployment rates decline, off-farm employment opportunities will attract dairy farmers and dairy labor. All of these economic factors are likely soon to reverse the 1970 increase in production and to resume the long-term downtrend projected by the Department. Indeed, U.S.D.A. economists consider that, by 1980, milk production could fall below 110 billion pounds.[4] Thus, there is standing danger that sharp contraction of output could occur, with major injury to consumers and to the national economy.

III. Despite recent milk price increases, average income to dairy farmers remain extremely low and dairy producers are faced with a continuing cost-price squeeze.

The reasons for the sustained downtrend in production are not hard to find. As in any industry, dairy farmers must have sufficient income incentive if they are to remain on the farm. They must have reasonable prospect that they can produce and market milk at prices that will yield reasonable returns for their work and investment.

These fundamental conditions do not exist today for many dairy farmers. The statistics tell the story in vivid terms: [5]

From 1952 to 1970, the wholesale price of milk increased by only 17.3 percent.

Prices paid by farmers for production items increased by 36 percent. Currently, production cost increases are outstripping price increases. Under present conditions, further production cost increases appear to be inevitable.

During these years, real per capita disposable income for all U.S. wage earners rose by 50.5 percent. There is little wonder that dairy farmers have sought better opportunities.

As a percentage of parity, average prices paid for all milk sold to plants are now lower than a year ago. In January 1971 the average price of all milk amounted to only 81 percent of the parity equivalent as compared to 82 percent in January 1970.

At the end of 1970, the Index of Prices *Paid* by Farmers was up nearly 5 percent above the previous year. The Index of Prices *Received* by Farmers was up only 3 percent. The percentage increase in prices paid for manufacturing grade milk was greater than for fluid milk, due largely to a relatively strong market for cheese. Prices for cheese may not increase as much during 1971 as in 1970, while milk production costs can be expected to increase at least as rapidly as in 1970.

Some of the production items that have increased dairy farmers costs are reported in February 1971 "Farm Cost Situation" as follows:

Farm wage rates in 1970 were nearly seven percent above 1969.

Farm machinery and equipment costs were six percent higher in 1970 than in 1969, but will likely be greater in 1971.

1970 interest cost on real estate debt rose seven percent above 1969, while interest cost on non-real estate debt was up 18 percent.

State and local taxes on farm real estate in 1969 increased by 11 percent over 1968.

Insurance related to farm production is expected to increase in cost by about ten percent in 1971.

Herbicide costs have increased by 50 percent from 1964 to 1968. If herbicide use is reduced, as expected, due to anti-pollution measures, crop production costs will be increased through increased cultivation and lower yields.

A significant feature stressed in the February 1970 *Farm Cost Situation* is that purchased inputs were three-fourths the total in 1969 whereas they were less than one-half the total in 1940. This means that farmers are increasingly vulnerable to price increases in the commercial market for purchased inputs.

The single most important expense item for dairy farms is the concentrate ration fed to milk cows. The key indicator of the relationship of feed prices to returns to dairy farmers is the milk-feed price ratio. This ratio indicates the number of pounds of concentrate ration which can be purchased with the value received from one pound of milk sold to plants and dealers.[6]

As feed prices increased without a corresponding increase in milk prices—such as we have witnessed the past six months—the milk-feed ratio is lowered. This is a prime example of the recent and continuing cost-price squeeze on dairy farmers.

Corn is a major component of the dairy ration. The cost of concentrate rations has increased rather dramatically since July of 1970.[7] The corn blight crisis, and the resulting increase in feed grain prices has definitely affected this cost increase.

Accordingly, as this ration value has increased, the milk-feed price ratio has been diluted to its lowest January level since 1968. With further indications that the corn blight may have further impact in 1971 which would further increase the cost of dairy rations, an upward adjustment of at least 30 cents per cwt in the milk price is needed to offset just this one cost increase.

The special hardship to dairymen that is caused by the downward slide of milk prices as a percent of parity is compounded by the fact that dairying is more labor intensive than most farm enterprises.

The labor intensive nature of dairying is demonstrated by the table in Exhibit F. More labor is used to generate $1,000 of cash receipts in dairying than in nearly all other enterprises for which U.S.D.A. reports such data.

Further, more operator and family labor is used to generate $1,000 of income than in most other farm enterprises. This is partly because a high quality of labor is required for a productive dairy farm. Such labor tends to be relatively scarce and high-priced even in times of high unemployment because the quality of labor required by a dairyman is also likely to be demanded by industrial enterprises.

Because of predictable increases in costs of production, milk prices as a percentage of parity—and therefore real income levels—will continue to slide downward for the next two years unless the price support level is increased. The upward trend in costs of production of at least 5 percent per year will continue at its present rate during 1971 and 1972. Indeed, a review of major items suggests that annual rates of increase may go even *higher* than 5 percent during those two years.

Recent history indicates that when dairy farmers finally respond to sharply unfavorable price relationships they often do so through massive exodus from farming. The ultimate cost of repairing such a sharp down swing could be much more than the relatively modest price increases that would avert large-scale exit of resources out of dairying.

IV. Maintenance of the support level at the legal maximum is needed to provide for an orderly adjustment of milk output to milk demand during the 1970's.

There is no real disagreement between the dairy industry and the government as to the basic economic conditions that will face the industry during the 1970's. There will be sharp and continuing contraction of the industry. There will be fewer commercial dairy farms, fewer cows, higher capital costs and a higher proportion of paid labor and other purchased inputs. While number of cows per farm will rise, aggregate milk production will continue to decline. Indeed, the U.S.D.A. forecasts that the "dairy surplus will fade" during the 1970's if price supports were maintained at the present level.[8]

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[2] See Mathis, *ibid.*

[3] See Exhibit B.

[4] Mathis, supra, p. 32.

[5] See Exhibit D.

[6] See Exhibit E.

[7] See Exhibit E.

We differ with this analysis only in degree. The surplus may well disappear, but the productive capacity to meet the needs of the nation for milk may also disappear. We believe that probable U.S.D.A. estimates of milk production place too little regard on the price-cost factors that can hasten production declines. We consider that consumption estimates are unduly pessimistic.

Our estimates of U.S.D.A. projections for 1971 both at the present price support level and at 90 percent of parity are compared with estimates derived by Associated Dairymen in Exhibit G.

The U.S.D.A. projects substantial decline in dairy production over the next ten years at current levels of price support and government acquisition of stocks. Therefore, it is unrealistic to believe that the proposed 1971 support price of 90 percent of parity would have dramatic or sustained effect upon U.S.D.A. projections. For example, average milk prices rose by $1.30 per cwt. during the 1960's. Gross dairy farm income rose by $1.5 billion. Yet, production trended *down* because net income to dairy farmers was still among the lowest in the economy.

Dairy incomes are *still* at distress levels. Prospective cost increases indicate little prospect for improvement. Given adequate and stable income, production will continue to shrink and surpluses will indeed vanish. These are the basic trends.

The challenge is so to manage this downward trend as to serve the national interest—to provide an orderly adjustment of milk output to milk demand—and to avert sudden shrinkage that bankrupts producers and deprives consumers of adequate supplies at reasonable prices. Indeed, the prevention of such liquidation and the assurance of orderly adjustment are major objectives of the price support program.

The level of price support set for the 1970 marketing year cannot fully assure against the threat of such costly and irreparable liquidation. It is not even certain that support at the maximum statutory level of 90 percent will fully serve the intent of the Congress in defining milk as a mandatory price support commodity. But it is clear that this level is needed now if the intended objectives of the program are to be achieved.

V. An increase in the support price to 90 percent of parity would not have adverse public policy consequences sufficient to offset its contribution to the national interest.

In weighing the need for higher support price, there must be consideration of likely impact upon production, consumption, prices and net Treasury costs.

A. The Federal budgetary impact would be consistent with budget costs in previous years and stocks acquired by the Government could be used effectively in programs to which there is a national commitment.

We estimate that milk production in calendar 1971 will not exceed 118.2 billion pounds if the price support goal is set at $5.35 or 90 percent of parity.[9]

Supply elasticity coefficients in use some years ago are no longer valid. Farmers do not now respond to milk price increases with production increases as they did prior to 1965. As example, the $1.26 increase in all milk wholesale prices from 1965–69, an increase of 30 percent, was accompanied by a milk production *decline* of 6.4 percent.

We also estimate that commercial consumption in 1971 will be not less than 109.3 billion pounds if support prices are set at 90 percent of parity.

Population will increase in 1971 by more than two million people. Per capita disposable income should be higher. The March, 1970, Dairy Situation points out that increases in per capita disposable income of about four percent per year can be expected.

The November, 1970, Dairy Situation states that commercial disappearance of milk in all products turned upward in the third quarter of 1970 by about one percent, and that sales for 1970 are likely to be near the 1969 total of 109 billion pounds of milk equivalent. This demand strength should be maintained in 1971, even with the proposed increased support price, as a result of the stronger economy, the larger population and increased sales promotion by producer groups, using newly authorized pool funds in Federal order markets for this purpose.

Given these production and consumption estimates, projected CCC purchases during calendar 1971—assuming an increase to $5.35 cwt.—would be 5.4 billion pounds as compared to 5.8 billion pounds in 1970. The budget cost would be approximately $324 million as compared to $331 million in 1970—a level consistent with previous budgetary commitments to this program.

Of course, it may be argued that budgetary costs would be even less if the price support were set at a lower level. But this "savings" would be achieved at the expense of denying the necessary minimum income level for dairy farmers to be able to assure an adequate supply for the dairy consumer. The nation would forego the benefits of long-term stability and incur the costs of long-term dislocation of productive capacity. This is too high a price to pay. It is much too high a price to pay when regard is given to the need for dairy products in programs for which there is already firm national commitment.

B. Price support at 90 percent would not cause substantial consumer price increases nor would it provoke inflationary price pressures.

This needed price support increase would not be at the expense of substantially higher consumer prices.

Present market prices for milk and dairy products are above the "price floor" of $4.66 established by the support price announced April 1, 1970. Thus, increase to 90 percent would not increase farm or consumer prices by as much as the increase in the support level.

Dairy farmers have increased productivity at remarkable rates since World War II. They have not shared equitably in the returns for such productivity. In fact, real wage costs of dairy products have decreased dramatically. Yet, these efficiency gains passed onward to consumers have not been paralleled by comparable increases in real income to dairy farmers.

The sharp declines in real wage costs of milk are set out below:

	Man hours required to produce 100 pounds of milk [1]	Pounds of annual milk production per cow [1]
1950	2.36	5,314
1955	1.97	5,842
1960	1.42	7,029
1965	1.04	8,304
1967	.88	8,797
1968	.82	8,992
1969	.77	9,166

[1] Derived from Changes in Farm Production and Efficiency, USDA Statistical Bulletin No. 233, June 1970, table 14 and Dairy Situation, November 1970, table 2 with revised estimates for 1968 and 1969.

As the House Committee on Agriculture states it:[10]

"One hour's work in a factory buys more food today than it did 20 or 30 years ago. Pay for one hour's factory labor would buy: Milk (delivered): 10.2 quarts in 1969, 6.5 quarts in 1949, 5.1 quarts in 1939."

With these efficiency indicators, a valid case cannot be made that an increase in the support price to 90 percent of parity would generate an inflationary effect in real wage terms.

The average price in December 1970 was $4.96 per cwt. for manufacturing milk of average butterfat test of 3.80 percent. The 90 percent of parity price proposed is approximately $5.35 for milk of average test for the year. Allowing for the difference in butterfat test of approximately 0.12%, the proposed increase over the December 1970 level would amount to about 47 cents per cwt. for manufacturing milk.

This 47 cents would not be reflected in its entirety in the cost of all milk sold to consumers. Approximately 50 percent of total marketings of milk is used for fluid purposes. Much of the fluid milk supply is priced under formulae reflecting factors other than manufacturing milk values. Other fluid milk prices based directly on the Minnesota-Wisconsin manufacturing milk series values, are currently higher than the minimum Federal order price. Such milk being sold at premium prices will not automatically reflect the higher values for manufacturing milk established by the 90 percent announcement. The average price of all milk wholesale could be expected to increase by approximately 6 percent from its January 1971 level of $5.98 to $6.34.

The American consumer has not paid a disproportionately high price for milk. As noted, the real wage cost of milk has fallen sharply. Further, increases in money prices for milk at retail have been substantially lower than for all foods or for all consumer goods. The consumer price index (1957–59 price=100), shows the following relative price increases at the end of the third quarter of 1970.[11]

The overall consumer price index was 135.0.

The retail price for all foods was 132.3.

The retail price for fluid milk was 126.6.

Thus, milk has been a "good buy" even during this inflationary period. In the balancing process between the consumer interest in reasonable prices and the dairy farmer's need for an adequate return, the consumer has continued to fare well in the marketplace.

One note of caution: There *is* a continuing danger to the consumer interests. Price instability causing losses to dairy producers could generate drastic and prolonged dislocation of production and of productive capacity. Such dislocation could in turn generate drastic and prolonged increases in consumer prices.

Thus, consumer interest is best served by stable prices at adequate levels. This is why support prices are of benefit to consumers. The requested support level will assure farm income that is reasonably related to prevailing and projected farm production costs. Assured farm prices for milk can assure stable and equitable prices for consumers.

VI. An increase of price supports to 90 percent of parity is needed to maintain dairy industry "self-help" efforts so that price support assistance may eventually be terminated.

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[8] See Mathis, *supra*.

[9] See Exhibit G.

[10] "Food Cost—Farm Prices," Report to House Committee on Agriculture, June 20, 1970.

[11] See Exhibit H.

No dairy farmer wants to be permanently dependent on the government for part of his income. In recent years, regional dairy cooperative have been formed to bargain for better prices, to enhance efficiency of dairy operations, and to assure more dependable dairy supplies. These cooperatives are instruments of "self-help" in the best sense—and they represent the best opportunity for eventual termination of price support programs.

But the dairy industry is still in a state of transition. Still unable fully to tailor production to demand, it must depend upon a "price floor" to maintain the returns needed for maintenance of adequate production capacity. With incomes still among the lowest in the economy, support prices must be set at levels that will counter inflationary pressures and cost increases if the industry is to reach the self-sufficiency that is now in view.

As the dairy industry "comes of age" through price bargaining, marketing activities, product research, nutritional education and improved organizational techniques, it is essential that dairy prices be maintained at tenable levels. The alternative is a permanent and growing dependence on the government as dairy price levels sink below the minimum necessary to sustain the individual producer.

Thus, an increase in the support price to 90 percent of parity is important—not only to assure adequate long-term supplies, to provide a more equitable income level, and to assure an orderly adjustment between production and demand—but to realize the potential for a fully self-supporting industry.

For these reasons, we submit that an increase of the support price to 90 percent of parity will best serve the interests of our nation in 1971 and in the years ahead.

EXHIBIT B.—MILK PRODUCTION AND PER CAPITA MILK PRODUCTION (UNITED STATES 1960–70)

Year	Total milk production (million pounds) [1]	Per capita milk production (pounds) [2]
1960	123,109	681
1961	125,707	684
1962	126,251	676
1963	125,202	661
1964	126,967	661
1965	124,173	638
1966	119,892	609
1967	118,769	597
1968	117,234	583
1969	116,345	573
1970	117,436	572

[1] Dairy situation, November 1970, p. 6.
[2] Milk production, SRS, USDA, February 1971, p. 6.

EXHIBIT D

	Index of prices paid by farmers for production items, interest, taxes, and wage rates (1957–59, 100)	Price of all milk wholesale [1]	Real per capita disposable income [2]
1952	100	$4.85	$1,641
1953	95	4.32	1,697
1954	95	3.97	1,693
1955	94	4.01	1,786
1956	94	4.14	1,841
1957	97	4.21	1,838
1958	100	4.13	1,818
1959	102	4.16	1,877
1960	103	4.21	1,879
1961	104	4.22	1,903
1962	106	4.09	1,958
1963	108	4.10	2,002
1964	108	4.15	2,109
1965	111	4.23	2,213
1966	116	4.81	2,298
1967	119	5.02	2,360
1968	123	5.24	2,425
1969	131	5.49	2,434
1970 (preliminary)	136	5.69	2,470
Percent change, 1952–1970		17.3	50.5

[1] Dairy Situation, November 1970, p. 10 and other issues of Dairy Situation.
[2] Dairy Situation, November 1970, p. 13.

EXHIBIT E.—MILK-FEED PRICE RATIOS AND RATION VALUE FOR UNITED STATES

Month	Milk-feed price ratio [1]						Ration value [2]					
	1966	1967	1968	1969	1970	1971	1966	1967	1968	1969	1970	1971
January	1.49	1.56	1.69	1.78	1.80	1.69	3.04	3.30	3.12	3.11	3.23	3.54
February	1.48	1.54	1.66	1.74	1.76		3.07	3.28	2.13	3.13	3.23	
March	1.48	1.51	1.62	1.72	1.73		3.06	3.28	3.13	3.11	3.20	
April	1.45	1.46	1.60	1.67	1.71		3.07	3.28	3.14	3.13	3.20	
May	1.41	1.45	1.60	1.63	1.66		3.07	3.27	3.13	3.15	3.25	
June	1.40	1.43	1.58	1.60	1.64		3.11	3.26	3.11	3.17	3.25	
July	1.49	1.48	1.64	1.64	1.66		3.17	3.24	3.09	3.18	3.29	
August	1.56	1.55	1.71	1.71	1.68		3.21	3.21	3.06	3.14	3.31	
September	1.63	1.64	1.78	1.80	1.70		3.24	3.18	3.05	3.13	3.41	
October	1.66	1.68	1.83	1.85	1.76		3.24	3.14	3.03	3.13	3.39	
November	1.66	1.71	1.86	1.87	1.79		3.23	3.12	3.05	3.14	3.39	
December	1.61	1.69	1.83	1.85	1.74		3.28	3.13	3.06	3.16	3.47	

[1] Pounds of concentrate ration equal in value to 1 pound milk sold to plants.
[2] Value per 100 pounds of concentrate ration fed to milk cows.

EXHIBIT F.—CASH RECEIPTS AND LABOR USED ON 21 TYPES OF FARM ENTERPRISE, UNITED STATES' 1968

Type enterprise	Total cash receipts	Total labor used	Operator and family labor	Hired labor
Dairy farms:				
Grade A, Central New York	$27,833	$4,480	$4,000	$480
Grade A, Southeast Wisconsin	25,642	4,560	4,000	560
Egg producing farms, New Jersey	30,076	4,820	3,950	870
Broiler farms, Georgia	3,474	1,850	1,700	150
Hog-beef:				
Raising farms, Corn Belt	16,387	3,600	3,000	600
Fattening farms, Corn Belt	47,627	4,210	3,200	1,010
Cash grain farms, Corn Belt	24,791	2,580	2,070	510
Cotton farms, Mississippi Delta	84,215	15,670	3,000	12,670
Tobacco:				
Farms, coastal plain, North Carolina	10,883	3,780	1,760	2,020
Livestock farms, inner Bluegrass area, Kentucky	18,815	4,030	2,420	1,610
Dairy farms, outer Bluegrass area, Kentucky	14,421	4,650	3,950	700
Beef farms, Pennyroyal area, Kentucky-Tennessee	$15,755	$4,220	$2,850	$1,370
Dairy, Pennyroyal area, Kentucky-Tennessee	17,979	5,210	3,800	1,410
Wheat-fallow farms, northern plains	16,093	2,820	2,600	220
Winter wheat farms, southern plains	18,617	3,400	3,160	240
Wheat-fallow farms, Washington and Oregon	33,632	4,110	3,570	540
Cattle:				
Ranches, northern plains-livestock area	39,844	6,570	3,000	3,570
Ranches, northern Rocky Mountain	40,259	6,700	3,000	3,700
Ranches, southwest	16,799	3,690	2,320	1,370
Sheep:				
Ranches, Utah, Nevada	48,676	6,570	3,000	3,570
Ranches, southwest	20,983	4,910	2,600	2,310

Source: "Farm Costs and Returns," Agricultural Information Bul. No. 230, revised September 1969, ERS–USDE, Washington 1969.

EXHIBIT G.—MILK SUPPLY USE AND CCC PURCHASES (MILK EQUIVALENT IN BILLION POUNDS)

	1970 actual	Anticipated USDA estimate 1971		Associated dairymen estimate calendar 1971	
		$4.66 (no change in supports)	$5.35	$4.66 (no change in supports)	$5.35
Supply:					
Milk production	117.4	117.9	118.9	117.4	118.2
Less farm use	4.1	4.0	4.0	4.0	4.0
Marketings	113.3	113.9	114.9	113.4	114.2
Beginning inventory	3.8	3.6	3.6	3.6	3.6
Imports	1.9	1.4	1.4	1.4	1.4
Total supply	119.0	118.9	119.9	118.4	119.2
Utilization:					
Commercial:					
Domestic	108.7	107.6	106.9	109.5	109.3
Foreign	.9	.9	.9	.9	.9
Total	109.6	108.5	107.8	110.4	110.2
Ending inventory	3.6	3.6	3.6	3.6	3.6
Total use	113.2	112.1	111.4	114.0	113.8
CCC purchases	5.8	6.8	8.5	4.4	5.4
USDA cost (millions)	331.0	388.0	535.0	251.0	324.0

EXHIBIT H.—COMPARISON OF INDEX OF AVERAGE RETAIL PRICES FOR MILK (GRO); INDEX OF AVERAGE PRICES FOR ALL FOODS AND CONSUMER PRICE INDEX, BY YEARS, 1950-70[1]

	Average retail prices		
	Fluid milk[2] (grocery)	All foods[2]	Consumer Price Index[2]
Year:			
1950	81.8	85.8	83.8
1951	90.7	95.4	90.5
1952	95.2	97.1	92.5
1953	94.1	95.6	93.2
1954	92.1	95.4	93.6
1955	92.3	94.0	93.3
1956	95.1	94.7	94.7
1957	98.4	97.8	98.0
1958	100.3	101.9	100.7
1959	101.3	100.3	101.5
1960	103.7	101.4	103.1
1961	104.0	102.6	104.2
1962	103.5	103.6	105.4
1963	103.0	105.1	106.7
1964	103.3	106.4	108.1
1965	102.8	108.8	109.9
1966	109.4	114.2	113.3
1967	113.8	115.2	116.3
1968	118.5	119.3	121.2
1969	121.8	125.5	127.7
1970	[3] 126.6	[3] 132.3	[3] 135.0

[1] Source: "Dairy Situation" November 1970, p. 13.

[2] 1957-59=100.

[3] Nine month average.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, so ordered.

EXTENSION OF RIGHT TO VOTE

The PRESIDING OFFICER (Mr. CHILES). Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The ASSISTANT LEGISLATIVE CLERK. Senate Joint Resolution 7, proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older.

The Senate resumed the consideration of the joint resolution.

The PRESIDING OFFICER. Pursuant to the previous order, the pending question is on agreeing to the amendment (No. 11) of the Senator from Massachusetts (Mr. KENNEDY).

Under the previous order, there will now be 2 hours of debate, to be controlled by the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD) and the distinguished Senator from Massachusetts (Mr. KENNEDY).

Who yields time?

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum with the time to be taken out of my time.

The PRESIDING OFFICER. The clerk will call the roll, with the time to be deducted from the majority leader's time.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I send a modification of amendment No. 11 to the desk which modifies the pending amendment so that it is applicable to the reported resolution, and I ask that the modification be stated.

The PRESIDING OFFICER. The modification will be reported.

The assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the modified amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the modified amendment will be printed in the RECORD.

The amendment reads as follows:

Beginning with the word "That" in line 1, page 2, strike out all to and including the colon in line 7, page 2, and insert in lieu thereof the following: "That the following articles are hereby proposed as amendments to the Constitution of the United States, any one of which shall be valid to all intents and purposes as part of the Constitution only if ratified separately by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:".

On page 2, after line 4, insert the following:

"ARTICLE —

"SECTION 1. The people of the District constituting the seat of government of the United States shall elect two Senators and the number of Representatives in Congress to which the District would be entitled by apportionment if it were a State. Each Senator or Representative so elected shall be an inhabitant of the District and shall possess the same qualifications as to age and citizenship, shall be elected for the same term, and shall have the same rights, privileges, and obligations as a Senator or Representative from a State.

"SEC. 2. When vacancies happen in the representation of the District in either the Senate or the House of Representatives, the people of the District shall fill such vacancies by election.

"SEC. 3. This article shall have no effect on the provision made in the twenty-third article of amendment to the Constitution for determining the number of electors for President and Vice President to be appointed for the District. Each Representative or Senator from the District shall be entitled to participate in the choosing of the President or Vice President in the House of Representatives or Senate under the twelfth article of amendment as if the District were a State.

"SEC. 4. The Congress shall have power to enforce this article by appropriate legislation."

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. STEVENSON). The Senator from Massachusetts has 59 minutes remaining. The Senator from Montana has 49 minutes remaining.

Mr. KENNEDY. Mr. President, I yield myself such time as I shall require.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, first of all I commend the authors of the constitutional amendment that the Senate is considering today which will provide by constitutional amendment the right for 18-year-olds to participate in all elections throughout the country. I think a great deal of the credit must go to the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Indiana (Mr. BAYH).

The Senator from Indiana (Mr. BAYH) chaired the various hearings that have been held and has been greatly interested in providing the right to vote to 18-year-olds, the millions of Americans who have for so long been denied that right and privilege.

I also congratulate the majority leader who played such an important and significant role in the passage of the statute last year, the amendment to the Voting Rights Act, which was upheld by the Supreme Court as it applied to national elections. It has been through his interest in the matter and his feeling of a sense of urgency that we in the Senate have the opportunity, hopefully, to act today to provide to all 18-year-old Americans the right to vote.

Mr. President, as one who is greatly committed to this proposal and who worked closely with the majority leader and the Senator from Washington (Mr. MAGNUSON) in the last session on the amendment which provided the vote for 18-year-olds, I enthusiastically support what I am sure will be the action taken by the Senate this afternoon and by the House of Representatives at a later date. It will at least indicate, as 86 Members of the Senate have indicated, our confidence in the young people of this country participating in a meaningful way in the democratic process in the selection of the people who will represent the citizens in the various offices across the land.

Today we are offering an amendment to this measure which, I think, is completely consistent with the spirit of the constitutional amendment to extend the right to voting to 18-year-olds, a group of citizens in our society who have been disadvantaged and disenfranchised invidiously because of not having the right to vote.

It is entirely appropriate that we consider another group of people who are disadvantaged and have been disenfranchised invidiously—the 750,000 people who live in our Nation's Capital, the District of Columbia. These citizens are similarly denied the opportunity to have representation in the House of Representatives and the Senate of the United States. They have been denied the right of representation which I think all Americans realize is so fundamental to our system and to our society.

I know, Mr. President, that there will be arguments made on the floor today that this amendment is, out of order for various procedural reasons, despite the fact those same critics know how worthy and valuable this amendment is. I am sure that there will be those who will suggest that this is a matter that ought to go through the various committee processes and that we ought to have the due deliberation of the various committees in the Senate and in the House of Representatives. However, the fact remains that this proposition providing for the representation of the people in the District of Columbia has been considered in one form or another by the Congress of the United States for some 70 or 80 years. It has been in the form of legislative proposals for some 40 years.

Yet there has not been one time over this period of time when the Congress of the United States has had a single chance to vote on this proposition. There have been few proposals that have been considered by the Members of the Senate which have been diverted and frustrated as much as the proposition we are considering today.

I think, therefore, that when we consider the days of hearings that have been held by the respective committees of the House and Senate and when we realize the simplicity of the issue, justice demands and compels us to take this action on the floor of the Senate this afternoon.

I think that the Senate will be acting completely responsively and completely within its rights in offering this amendment to the measure we are considering which would lower the voting age to the 18-years of age.

We can ask why on the basis of the merits the 750,000 individuals living in the District of Columbia should not be entitled to some representation.

The Constitution of the United States provides quite clearly that Congress will provide laws to regulate the conduct of business in the District of Columbia.

I for one cannot believe that the Founding Fathers ever thought that someday the environs of the District of Columbia would include 750,000 American citizens. Perhaps a narrow Federal triangle, yes. However, certainly they did not consider disenfranchising the number of citizens that now reside in the Federal Capital. The mothers of the District of Columbia have sent their sons to Southeast Asia to fight and die in that war.

I am mindful that more citizens from the District of Columbia have died in South Vietnam than in nine of the other States. Each one of those nine States has representation in Congress. Each of those States has two Senators and at least one Representative in the House of Representatives. The citizens of the District of Columbia know that they have lost more men in Southeast Asia than any of those nine States.

We know of the hundreds of millions of dollars that are paid in Federal income taxes that go to the various Federal programs that are approved in Congress, and still there is no spokesman in our committees, on the floor of the Senate, or in the House of Representatives speaking for the people who pay Federal income taxes. Simple justice requires and demands that we move toward consideration and enactment of this proposal.

I suppose it must appear as an extraordinary irony to the citizens of the District of Columbia when they send their sons 10,000 miles away to fight in Southeast Asia for the right of self-government of the South Vietnamese; and I suppose this must rise in their minds time and time again when their sons are in training, or traveling across the South Pacific, or in the jungles of Southeast Asia. They must wonder why they are out there fighting for self-determination on the part of the South Vietnamese when they are denied that right in the Nation's Capital. Certainly, very little justice is suggested by this course of action.

Finally, it is extraordinary that we in this Nation who pride ourselves on being the bastion of freedom and democracy in the world should have the citizens of the Nation's Capital denied the opportunity and the role of participating in decisions and judgments which affect directly their lives and well being.

We hear time and time again talk about participatory democracy and bringing more people into the system. Well, there is no example which presents itself more vividly than the fact that the citizens of this great community are denied the opportunity to participate in the routine decisions which affect so dramatically their welfare.

It has been said that the District of Columbia is America's last colony. I think this comment is entirely accurate. We admit it with no sense of pride. We admit it and I think today we have an opportunity to move in a significant and important way to remedy that situation.

That is why the distinguished Senator from Missouri (Mr. EAGLETON), and Members on both sides of the aisle, Republicans as well as Democrats, join in this effort to eliminate this injustice.

Mr. EAGLETON and Mr. COOK addressed the Chair.

Mr. KENNEDY. Mr. President, we are under a time limitation. If the Senator from Kentucky wishes to be recognized I will be glad to yield to him but first I yield to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. EAGLETON. Mr. President, I wish to support the remarks just made by the distinguished Senator from Massachusetts. I desire not to be repetitive but to approach the matter from perhaps an additional and different point of view.

The notion of full voting representation for the 750,000 of the people of the District of Columbia is not new. It did not originate ab initio in the mind of the Senator from Massachusetts. It had a long history before this Congress, a history of inaction and inattention.

It has been proposed by Presidents of the United States, including the most recent three Presidents of the United States, Presidents Kennedy, Johnson, and the incumbent in the White House, President Nixon. In his April 1969, message to Congress. President Nixon said:

> It should offend the democratic sense of this Nation that the citizens of its capital comprising a population larger than ten of the States, have no voice in Congress.

So there is nothing new about this matter; there is nothing sudden about it; and there is nothing unforeseen.

The question that arises, Is this an appropriate time and place, and is the 18-year-old vote amendment an appropriate vehicle to consider full voting representation for the District of Columbia? I submit that it is unquestionably.

We have before us now in the 18-year-old vote proposition a measure which will afford voting rights to a class of individuals throughout the length and breadth of this Nation who have up until now been denied the right to cast their votes for President, U.S. Senator, Representative, and so forth. We will attempt to remedy that long-standing omission by passing a constitutional amendment to be submitted to the 50 States for ratification so that individuals of this country who are 18, 19, and 20 years of age can fully participate in the fruits of democracy.

Just as that class of citizens has been denied the right to participate—and by participation I mean to be able to vote for people of their choice by ballot—so, too, for the entire history of this country has a class, a group of citizens likewise been denied full participation in the selection of their public officials, namely, the residents of the District of Columbia. Therefore, I think this is the right time and this is the right vehicle to debate, discuss, and hopefully to adopt this particular measure.

The constitutional amendment providing for the 18-year-old vote presumably will be moved along expeditiously and sent to the 50 States for ratification in the hope that three-fourths of them may act promptly enough so as to avoid the disparity in the voting process by the 1972 election which might flow from the Supreme Court decision of a few months ago. The District of Columbia amendment of the Senator from Massachusetts (Mr. KENNEDY) in no way encumbers this process. It is, by its own words, separable. It would go to the States and those States that wish to act promptly and quickly with respect to the 18-year-old vote provision could do so and hold in abeyance for greater debate, if they desire, for a year or so, or to a later date, the efficacy of giving the vote to the residents of the District of Columbia. It in no way impedes or obstructs the quick ratification of the 18-year-old vote amendment by the several States.

That is the history, in brief, and the procedure, as I view it, that we face at this time. Why is it important that the residents of the District of Columbia have a full voice in Congress and not a muffled voice, not a voice that can speak when permitted, but a full voice that can be heard not only in terms of speechmaking, but in voting. And is that not what counts in Congress? The ultimate test of success of legislation is the number of votes obtained. In the Senate 51 votes are required now and 218 are now required in the House of Representatives. Speechmaking is fine. We are indulging in that now and there will be other speeches. But the point is, Mr. President, can you vote yes or no on a particular piece of legislation as it may affect your constituents? That is what the residents of the District of Columbia are denied and have been denied.

We in Congress come from 50 States outside the District of Columbia, from as far away as Alaska and Hawaii, to as close by as Maryland and Virginia—100 Senators and 435 Representatives—and make decisions, some minuscule and some of tremendous importance as to the destiny of the District of Columbia, and at no time is a spokesman of the District of Columbia, accountable to the people of the District, permitted to participate in that process.

What are some of these decisions that we make on behalf of our constituents, and I use that word loosely—accountable or unaccountable constituents? We have a part of Mayor Washington's legislative package before us at the present time in the Committee on the District of Columbia. One of the measures Congress will be called upon to decide this year—and I suggest we can dispose of it more quickly than the SST—is whether we should authorize members of the District of Columbia Fire Department and the Park Police to participate in the Metropolitan Police Department Band.

That is going to be a Federal statute, apparently, that one of these days 100 U.S. Senators and 435 Members of the House are going to be called upon to decide.

Last year, in order to make life easier in the District of Columbia, we passed a reform statute that permits the flying of kites in the District of Columbia, so that the international fly-out contest could be held at the base of the Washington Monument.

We passed, I think, a good reform procedure last year relating to snow and ice removal.

Another one of our reforms last year related to license fees for the District of Columbia. In order to alleviate the financial crisis in the District of Columbia, we imposed license fees by Federal statute so that a registration fee of 25 cents was reequired for each dog owned or kept in the District of Columbia. We are also going to charge $2 if it is necessary that we impound the dog of a resident of the District of Columbia, and we do that by Federal statute.

One hundred of us in this body from without the District of Columbia passed legislation—a Federal law—requiring a $100 fee if one wishes to conduct a closeout sale.

In previous years we have passed such fine pieces of legislation on behalf of these constituents who are voiceless as those which I now name:

In the 90th Congress we amended an act to provide for a public crematorium.

Also, to make life easier in the District of Columbia, we passed a Federal statute in the 90th Congress to permit the name of a spouse to be added to a trailer registration.

Perhaps most significant of all—and I am sure life is much better by reason of it—in the 89th Congress this body considered a provision for construction of a velodrome in the District of Columbia. For those of you who are not athletically inclined, as I am, a velodrome is a place where bicycles are raced.

This is the minuscule; this is what 100 people from 50 States spend their time for on behalf of the District of Columbia residents who have no voice. I do not know that anybody wanted a velodrome in the District of Columbia. I guess somebody did. I suppose somebody wanted to impose a $100 license fee for a closeout sale. I guess; I guess; I do not know.

But the truth is, if we are going to continue in this exercise of minutia, in this endeavor to pass Federal statutes on matters which even most city councils would not do by ordinance, at the very least there ought to be two Members in this body from the District of Columbia who can speak up for their people and who are accountable to their people, to see whether they want some of these unimportant statutes or, more importantly, whether they want something which is more significant. For example, should they not have a right to vote in the District of Columbia to decide whether they ought to have an elected mayor or elected city council? Here we have Federal statutes to cover the "itty-bitty" matters I have mentioned. They should have a right to decide whether there should be a Federal law providing for a 30-percent Federal contribution. That is important. There should be an ongoing Federal contribution.

Should there not be two men or women in this body who have just as much interest in what is good for the District of Columbia and what they want, as every one of the States has, some of them very small, 10 of them smaller in population than the District of Columbia, who can keep ever present in their minds the question, "Is it good for my people," as they do for Nevada or Utah or the Dakotas or Montana?

Why should the people of the District of Columbia be represented either by absence or by sufferance or by tag-along? I am a perfect example of what is representation by tag-along. I am chairman of the District of Columbia Committee, not the most coveted position in the U.S. Senate, I assure my colleagues. In my normal routine day, after trying to dispose and contemplate those matters that I think have some direct bearing on the people of my home State, Missouri, the people who sent me here—and I hope will keep me here—and then considering such matters as are before committees of the Senate that have some national scope insofar as jurisdiction is concerned, and after perhaps attending to personal chores, if I have 5 minutes, or perhaps 10 minutes, then I can contemplate and guess at what might be good for 750,000 people that I do not know, and to whom I am not accountable. They cannot elect me and they cannot defeat me. And if I have time, if I want to give it some time, that is what they get from me. That is what they get from other members of the District of Columbia Committee, and I daresay they get even less from the other 93 Members of the Senate who do not serve on the District of Columbia Committee.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. HUMPHREY. Will the Senator explain if his particular proposal contains what we call separability, so that the constitutional amendment proposal for the 18-year-old voting would not in any way be jeopardized by the tie-in of the District of Columbia proposal?

Mr. EAGLETON. The Senator from Minnesota is correct. It is separable. If the Minnesota Legislature, when it met this year, said "We want to ratify the constitutional amendment for 18-year-olds to vote," it could ratify it—and we hope three-fourths of the States will do that—but it could also say, "We want to think for 2 more years about the District of Columbia representation in Congress, so we will postpone that until later."

Mr. HUMPHREY. Mr. President, will the Senator yield further?

Mr. EAGLETON. I yield.

Mr. HUMPHREY. In other words, is the proposal of the Senator from Massachusetts and the Senator from Missouri that we should get before the States in the process of amending the national Constitution the proposal for adequate representation in the Senate and the House for the District of Columbia, equivalent to the representation of the States?

Mr. EAGLETON. That is precisely our position.

Mr. HUMPHREY. So it is wrong to assume that the passage of this particular proposal would in any way impair the 18-year-old-vote constitutional amendment?

Mr. EAGLETON. That is the way the Senator from Massachusetts and I view it.

Mr. HUMPHREY. Permit me to take just a moment, if the Senator will yield for that purpose. I have another appointment, and there is no need for me to say more——

Mr. EAGLETON. With the permission of the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield.

Mr. HUMPHREY. Mr. President, I want to take about 2 minutes to say that I have long been an advocate of home rule for the District of Columbia. We have made some progress with an elected school board. We now have an appointed mayor and an appointed city council.

The argument that has been made, year in and year out, for home rule, I believe is a solid, irrefutable argument, justified by the history of this country and justified by the simple arguments for equal treatment.

The Senator from Missouri, chairman of the Senate Committee on the District of Columbia, has stated directly the problems that the committee and this body and this Congress face in dealing with all the tag and minutia of local government. There is an old American maxim or slogan, "No taxation without representation," and here we are in the

Nation's Capital, one of the great cities of America, larger in population than several States, in which citizens are required to pay substantial amounts of Federal taxes, voted by representatives in Congress but taxes paid by people who have no representation in Congress.

I think it is indefensible. I do not care what the history of the Federal city may be. The fact is that there are American citizens living here who only recently were given even the right to vote. We treat them worse than we treat people in other parts of the world.

The Senator from Massachusetts and the Senator from Missouri are once again asking the Senate to do what is just, to do what is right, and to do what is fair. If their proposal were tied in to the point where it would jeopardize the 18-year-old vote amendment, I could not support it; but I must say I believe it is time the people of the United States faced up to the facts of this great Federal city. The fact is that this city has no representation in the Congress of the United States. The fact is it is getting very difficult to get Members of Congress to serve on the Committee on the District of Columbia.

The facts are that people here have no real representation, except out of the kindness and goodness of heart of men like the Senator from Missouri. The facts are that it is time for reform. We have been talking a great deal about modernizing and reforming the Government, and I think one of the necessary reforms is reform for the District of Columbia.

I commend the Senators. I think they have again demonstrated their insight into the problems of government. This city is not going to be the kind of city it ought to be until the people of the city feel that they have a stake in their Government. I think it was John Stuart Mill who once said:

> Let a man have nothing to do for his country, and he will have no love for it.

If a man have no participation in his government, and no representation in his government, why should he call it his government, then? A community of almost a million people cannot or should not be long denied the opportunity to call its government its own.

I thank the Senator.

Mr. EAGLETON. Mr. President, I am deeply grateful, as I know the Senator from Massachusetts is grateful, for the most compelling and persuasive remarks of one who has labored long and hard in this body on behalf of the residents of the District of Columbia.

Mr. MANSFIELD. Mr. President, I yield not to exceed 10 minutes to the Senator from Kentucky.

Mr. COOK. Mr. President, I rise first to state that on the introduction of Senate Joint Resolution 7 my name appears as a cosponsor. I must say in all fairness to the distingushed Senator from Massachusetts and the distinguished Senator from Missouri that I did not authorize the use of my name as a cosponsor of this resolution, and I would like the RECORD to so show.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senator's name be withdrawn.

I point out at this time that there must have been a breakdown in communications, because it was my understanding that there was authorization; but I ask unanimous consent that the Senator's name be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Second, Mr. President, I rise to oppose the amendment and the remarks that have been made in support of it by the Senator from Massachusetts, the Senator from Missouri, and the Senator from Minnesota. I oppose it because of its limitations.

Its limtations are that regardless of the size of the District of Columbia, regardless of how big it may become in the future, regardless of how many representatives it may be entitled to, it still is completely and thoroughly subjected to the limitations of the 23d amendment to the Constitution, which say that under no circumstances will the District of Columbia and its people ever be allowed more than the electoral votes of the smallest State of this Union.

I refer to section 3 of the pending amendment, which says:

> This article shall have no effect on the provision made in the twenty-third article of amendment to the Constitution for determining the number of electors for President and Vice President to be appointed for the District.

In other words, they have taken care of the matter on a piecemeal basis. They say that the District of Columbia should be entitled to voting representatives; that the District of Columbia should be entitled to Senators; that the two or three or four political parties can have political races; but we would say to the people themselves according to this amendment:

> The built-in inequality of the Twenty-third Amendment as to you, the inequality that regardless of your size, you shall be considered no greater in force under the present system of electing a President and a Vice President than the smallest State in this Union, shall remain.

I suggest, Mr. President, that there are many American citizens in this position. For instance, I serve on the ad hoc committee to determine the availability of the presidential and vice-presidential vote for the people of the Island of Puerto Rico. Every one of them are American citizens, Mr. President. The people of the Virgin Islands are American citizens. Yet they do not even have the opportunity to vote for President or Vice President. The people of the Virgin Islands pay Federal income taxes, and yet they have no vote.

If we are to determine, Mr. President, that the people of Puerto Rico, for instance, when we make our report to the President, should be entitled to vote, how do we get around the 23d amendment, which says that we have taken, for the first time, with the adoption of the 23d amendment, a territory other than a State, given them the right to vote for President and Vice President, and yet said to them, "Your proportion of the electoral vote for President and Vice President shall be limited to that of the smallest State?"

The population of Puerto Rico is almost 3 million. Would they really want to be limited to the built-in inequality of the 23d amendment? I think not. So I can only say that when we talk in terms of seeing to it that the people of the District of Columbia are entitled to representation, let us not talk about whether the people of the District of Columbia are entitled to two Senators, or a number of Representatives proportionate to their population; let us talk about all of the people of the District of Columbia, Mr. President. Let us talk about whether all of the people of the District of Columbia have an equal say in the selection of the President and the Vice President.

This community may grow in size to 5 million. It would then be entitled to two Senators and nine Representatives. Yet under this amendment, they would still have only three electoral votes.

In essence, I am asking, Are the people of the District of Columbia really being represented by reason of this proposal? I ask the question sincerely. And I can only say, in that respect, that if section 3 means what it says, that—

> This article shall have no effect on the provision made in the twenty-third article of amendment to the Constitution—

And I read the 23d amendment, the second paragraph:

> A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State.

That means, right now, that they have three electoral votes. So I can only say, Mr. President, that if we are going to take care of the problems of the District of Columbia, in all fairness, let us take care of all the problems. Let us take care of the built-in inequality that was built into the 23d amendment. If we do that, we take care of the problems that present themselves to the other millions of American citizens who do not live in States, who live on the island of Puerto Rico, which has belonged to us ever since we acquired it from the Spanish.

Under the 23d amendment, we have limited the representation of the people of the District of Columbia, in choosing their President and their Vice President, to equality with the least State of this Nation; and the amendment proposed by the distinguished Senator from Massachusetts and the distinguished Senator from Missouri retains that problem.

So, Mr. President, I have risen to speak against the amendment only because I think when one tackles a problem, one should tackle the whole problem. I think the amendment tackles a very serious part of the problem, but I do not believe it tackles all of it.

I do not think we should have to come back at a later date and say, "Now, we have one more problem that has to be solved for the people of the District of Columbia, that of amending the 23d amendment to give full equality for the citizens of the District of Columbia."

Mr. President, I yield the floor.

Mr. KENNEDY. I yield myself 3 minutes, and then I will yield to the distinguished Senator from Maryland.

Mr. President, it amazes me that my good friend, the Senator from Kentucky, would like to use the quotation from the 23d amendment, which is one additional kind of example of discrimination against the people in the District of Columbia. In order for them to get the right to vote, one of the most basic and fundamental rights, they had to make adjustments and compromises to limit their representation in terms of the electoral system. It is one additional example of invidious discrimination. To use the 23d amendment as justification for denying this right today is just compounding the felony.

The examples that the distinguished Senator from Kentucky used are a good deal different from the proposal we have here today. The people of Puerto Rico had an opportunity to vote and indicate whether they wanted statehood. Procedures were established. They had an opportunity to vote for commonwealth or independence or statehood, and they made a determination based on their desires. Perhaps sometime in the future they will change that judgment. Nevertheless, they have been afforded that opportunity, which the people of the District of Columbia have for too long been denied. If the people of the Virgin Islands want to make some proposal and want some admission and representation here, too, we should not deny them that opportunity. We have a procedure for permitting them to make some indication as to what they want for their future. But the District of Columbia is the only example written into the Constitution that denies them the right for representation, and this is the basic and fundamental question. That is why this matter is of such urgency and importance.

The whole tradition, the whole history, in terms of consideration of the District of Columbia, is sufficiently unique to bring about a distinction.

If the Senator from Kentucky would like to say that just because our proposal for two Members of the Senate and two Members of the House of Representatives would be, in effect, four electoral votes, and he thinks that under the 23d amendment they are allowed only three, would he be willing to support two Members in the Senate and one Member in the House? Why are we setting up this kind of test for the District of Columbia?

The distinguished Senator from Kentucky was not in the Senate when Hawaii became a State but when it became a State, they got two Members of the Senate and two Members of the House of Representatives. Why were we not standing up then or saying they had to come in as the smallest or the least of the States because they would have more electoral votes than a number of other States? Once again, we are advancing a proposal to work to the disadvantage of the people of the District of Columbia, and I think this has really been all too well written into our tradition in the past.

Mr. COOK. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. I yield.

Mr. COOK. Did I correctly understand the Senator to say that the people of Puerto Rico had a choice as to whether they wanted to be a State?

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. MANSFIELD. I yield the Senator 2 minutes.

Mr. COOK. Whether they wanted to be a State or whether they did not want to be a State? Did I correctly understand the Senator to say that?

Mr. KENNEDY. In 1967 there was a plebiscite in which, as I understand, the alternatives were suggested or the people of Puerto Rico had an opportunity to express themselves on the question of independent commonwealth status or procedures to move to statehood. No such procedure has ever been advanced for the District of Columbia.

It is always interesting that those who oppose any kind of representation are always throwing up roadblocks in the final hours before we have a chance to vote on this. I am for establishing similar kinds of procedures for the District of Columbia and let them decide eventually whether or not they want statehood.

Mr. COOK. I hope that the Senator from Massachusetts does not think that I am throwing up roadblocks. I have presented what I thought was a serious problem and serious defect in this resolution. It is not my resolution. If this cure could be made in this resolution, I would vote for this resolution, because I think the 23d amendment is an inequality developed for the purpose of seeing to it that the District of Columbia has no greater representation than the smallest State. If that could be cured, I would be in favor of the Senator's resolution, and I want him to know that.

Mr. KENNEDY. Mr. President, will the Senator yield, on my time?

Mr. COOK. No. I have been yielded 2 minutes by the majority leader.

Mr. KENNEDY. I mean that I would use my time to make a response, instead of using the Senator's time.

Mr. COOK. I yield.

Mr. KENNEDY. Do I correctly understand the position of the Senator from Kentucky to be that he supports the representation of two Members from the District of Columbia in the U.S. Senate?

Mr. COOK. I am for representation for the District of Columbia as if it were adopted and considered a State of the Union, on an equal basis for all its people, not representation for its people only in the House or in the Senate, but for the selection of the President and Vice President as well. The 23d amendment denies them equality in the selection of the President and the Vice President.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 24 minutes remaining.

Mr. KENNEDY. I yield to the Senator from Maryland whatever time he desires.

Mr. MATHIAS. I thank the Senator from Massachusetts for yielding.

Mr. President, my reaction to the remarks of the Senator from Kentucky is somewhat different from that of the Senator from Massachusetts. My reaction is that the Senator from Kentucky has done a very thoughtful and valuable thing here today, because what he has underscored and emphasized is the shabby treatment that the District of Columbia and the people of the District of Columbia have received from Congress from the day the District of Columbia was established pursuant to the provisions of the Constitution of the United States.

I think this is shabby treatment today, because, while I am in great sympathy with the motives and goals of the Senator from Massachusetts and the Senator from Missouri, the distinguished chairman of the Committee on the District of Columbia, it is almost inconceivable that a proposition with the merit of the proposition for which we seek to gain the support of the Senate today would not sit on its own bottom, would not sail through the Senate with nearly unanimous approval. Yet, here we are, because of the long history of shabby treatment that has been given to the Nation's Capital, forced to resort to treating this subject as a rider on another measure of proven popularity. I think that is part of the shabby history.

Mr. President, I am going to vote for this amendment, and will vote against any motion that may be made to table it, because I think that clearly we are here dealing with one of the anomalies of history that has plagued the District of Columbia for almost 200 years.

The reason for the District of Columbia is this: Before there was a city of Washington, before there was a District of Columbia, the Continental Congress was sitting in Philadelphia. The unhappy fact is that troops, who were desperate because of poor pay and inflated money and various other grievances, mutinied and threatened the Continental Congress. The Continental Congress felt that neither the city of Philadelphia, the municipal authority, nor the Commonwealth of Pennsylvania, the State police power, exerted itself to protect Congress. The Members of the Continental Congress, who were in some cases the same Members who later were elected to the Constitutional Convention, determined that never again would the Federal Government be placed in a position where there was a State or municipal police power interposed between the people and the Federal Government.

So they wrote the constitutional provision for the establishment of a seat of national government with no police power interposed between Congress and the people, so that the police power at the seat of government would be the police power of the Federal Government.

I think that is sound constitutional policy. I do not think that anything we are doing here today impinges upon that. Once we have removed the police power of a State or a city from between the Federal Government and the people, then we have accomplished the full constitutional purpose of the founders of this Republic. That has been done. Once that purpose has been accomplished, there is no other reason why the people of the District of Columbia should be any less American citizens than anyone else in any one of the 50 States. They are entitled to full citizenship.

I have not come to this position lightly. When I first came to Congress nearly 12 years ago, I was rather opposed to some of these ideas about home rule and representation for the District of Columbia. But my experience on the District Committee in the other body and on the District Committee in the Senate, my experience and observation of what is really the neglect of the essential interests of the people of the District of Columbia, plus the fact that they are more numerous than the populations of a number of States which are represented here in the Senate, and the fact that we deny, by the conditions which exist here, some of the most fundamental principles of this Republic—all of these have slowly led me to the belief that home rule, as desirable as it is, is not enough without that full representation in Congress which is an attribute of American citizenship. There is no constitutional reason and no reason in principle why that attribute of citizenship should not belong to the people of the District of Columbia.

I, therefore, hope that the Senate will recognize and advance this right this afternoon. I intend to support the measure offered by the distinguished Senator from Massachusetts (Mr. Kennedy) and the distinguished Senator from Missouri (Mr. Eagleton), the chairman of the Senate District Committee.

Mr. KENNEDY. Mr. President, I thank the distinguished Senator from Maryland for his comments.

Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. Stevenson). The Senator from Massachusetts has 19 minutes and the Senator from Montana has 40 minutes remaining.

Mr. MANSFIELD. Mr. President, so far as the Senator from Montana is concerned, he would be prepared to allot to himself the last 9 minutes to wind up this debate and turn the other time over to the distinguished senior Senator from Massachusetts.

Mr. KENNEDY. What we would like the opportunity to do is to develop these points further with the distinguished majority leader and those who have reservations about procedures which we follow regarding the merits of our cause. Both the Senator from Missouri (Mr. Eagleton) and I have additional comments to make but we are interested, I think, in trying to respond to the questions of those who have reservations about either the procedures we are following here or the merits of our proposal.

The PRESIDING OFFICER. Who yields time?

Mr. RANDOLPH. Mr. President, will the distinguished Senator from Massachusetts yield to me at this point for a question?

Mr. KENNEDY. I yield.

Mr. RANDOLPH. As the Senator knows, I am a cosponsor of the legislation which he introduced earlier this year on this subject. I have not cosponsored the amendment being discussed today. The purpose of his legislation has my support. It is a needed measure to secure full representation for the citizens of the District of Columbia. And I will vote in the Senate on the merits of that resolution when it is before us, but I cannot today vote for it in connection with Senate Joint Resolution 7. I just make this statement for the Record, indicating that I believe presentation of the amendment now, worthy as it is—and it is understandable that the Senator, joined by the Senator from Missouri (Mr. Eagleton), would present it—is not the opportune time. I say that in good purpose, believing in the subject matter and in the cause which the Senator and others have advocated.

Mr. KENNEDY. Mr. President, I appreciate the comments of the Senator from West Virginia. As the Senator might be aware, I have commended him on his efforts to bring about a constitutional amendment to provide for the 18-year-old vote which we are about to consider in the Senate. I believe he has been the earliest sponsor of such a proposition and he deserves great credit for bringing it to the point where we are now having the opportunity to consider it here today.

On the question of timing, we can always consider various alternatives. I remember, when we were considering proposing this as an amendment to the electoral reform bill, there were those who said, "Well, if we put this amendment onto electoral reform, where we need only five more votes to get two-thirds for electoral reform, and if this gets attached to it, we will send electoral reform down to defeat and therefore it is not timely to have that."

There have been those who opposed it in terms of an amendment to the equal rights for women, saying that it would not be able to make it if it has to go with that proposition as well.

So there is always a question of timeliness. I am aware of the observations that have been made by some Senators that if we attached this to the 18-year-old vote we will see a delay and even frustration in the purpose of the direction of the legislation. I am very much aware of those propositions, because I heard them all last year when we were talking about amending the Voting Rights Act with the 18-year-old amendment. There were those prophets of gloom and doom who said that if we attached the 18-year-old vote to the Voting Rights Act we would find delay in the most basic right, the right to vote, and if we attached it the Senate would not take it, and so forth, and there would also be the question of more complication.

We took the better part of wisdom and moved forward. The Senate, on both sides of the aisle, responded admirably to the 18-year-old proposal. The House of Representatives passed it and it was upheld in terms of national elections for 18-year-olds. I think in terms of our present procedures, we are acting prudently and we are acting responsibly.

I know there are those who say that this may be blocked in conference, but we can come to that when we have to come to it. We are not there at the present time.

There are also those who say the different State legislatures, if this is delayed for a few days, will not be in session. But once again that proposition has to fall when we realize that coming into next year there will be some 34 State legislatures that will meet in 1972 and nine others later this year, to ratify this 18-year-old voting constitutional amendment even if the District of Columbia amendment is attached to it. There are many other State legislatures that will be meeting to consider reapportionment. There are congressional districts also, so I think we are providing adequately for a possibility of this nature.

So I would hope that those who feel this would serve as some kind of hindrance, in terms of reaching orderly consideration of the 18-year-old constitutional amendment by the respective States, would have some appreciation for these facts.

Mr. RANDOLPH. Mr. President, will the distinguished senior Senator from Massachusetts yield further?

Mr. KENNEDY. I yield.

Mr. RANDOLPH. When I was serving in the House of Representatives, I introduced legislation for District of Columbia representation in Congress. I believed in it then and I believe in it now. I will welcome the opportunity to support such legislation as a separate measure.

I am not critical of the commendable efforts being made at this time to attach the amendment to the pending resolution. I am only saying that each Senator in his own thinking has to resolve a matter of this kind. That is why I have explained my position today.

Mr. KENNEDY. Mr. President, I appreciate that, and I understand the Senator's position.

Mr. EAGLETON. Mr. President, will the Senator from Massachusetts yield me 3 minutes?

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from Missouri.

Mr. EAGLETON. Mr. President, I address myself to the only objections that have been voiced vocally by the Senator from Kentucky and will then, in a shadowboxing way, try to address myself to such objections as I can conjure that might be raised by others who have not spoken and will not speak before 2 o'clock. It is a bit difficult and rather hypothetical, but it is about the best we can do under these circumstances in this debate.

Insofar as the objection of the Senator from Kentucky is concerned, he loves the Kennedy-Eagleton amendment. He loves it to death. He loves it so much that he says it does not go far enough. It is not good enough for him to have two Senators and two Congressmen, which is what the current population of the District of Columbia would warrant if it were a State. He is very much worried what will happen when the city has 5 million people with the gigantic high-rises by that time built on the Four Sisters Bridge, or will it be the Five Sisters Bridge or the Six Sisters Bridge.

He wonders what we will do when we

have 5 million people. He thinks that we must provide for this contingency. I am sure that the Senator from Massachusetts and I will be very willing to accept a perfecting amendment to this amendment from the Senator from Kentucky to this amendment, which we hope will be the 26th amendment to the Constitution, that would rectify the inequities that have been created by the 23d amendment.

Mr. President, we appreciate his warm embrace of our proposal. We wish he loved it a bit more realistically than stated on the floor.

As to the objections that might be raised, the Senator from Minnesota raised a question in a very appropriate way. He asked what would happen if this proposed amendment to the Constitution containing both the right for the 18-year-olds to vote and congressional representation for the District of Columbia goes to the 50 State legislatures. He asked whether they must ratify it en bloc or separate it and act expeditiously and promptly on one part and be deliberative on the other. The answer is a categorical yes. Any State legislature can ratify it en bloc, in toto, or one part or the other, as they see fit. In no way, in my judgment, will it impede the ultimate progress and success of the 18-year-old amendment.

Finally, the point may be raised that this is not the way to do it procedurally. As is so often the case, we have with us people who agree with us on the merits but say that procedurally this is not the way to do it. They say that we should take the clean bill reported from the committee.

Mr. President, if we were to do that, this would be a long way down the road. Mr. President, District of Columbia home rule bills, representation bills, and the constitutional amendments relating to the District of Columbia have been pending in the committees of Congress, I guess, since the very first day that Congress convened.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I yield the Senator from Missouri 2 additional minutes.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 2 additional minutes.

Mr. EAGLETON. Mr. President, if procedure be a hangup—and I am not sure that it is—I point out that the 23d amendment to the Constitution, which was promptly acted on by the Senate committee, was adopted by the Senate as a floor amendment. That was the only way we could get it acted on. It could not come out of the committee. That is the amendment that provides that the people of the District of Columbia could vote for the President and have three electoral votes. That measure had been kicked around in Congress not for a millenium, but for a century.

Interestingly enough, that was one of the most swiftly ratified constitutional amendments in the Nation's history. From the time in 1960 that Congress tacked the 23d amendment on as a floor amendment to the time it went to the States and was ratified, it took 10 months. That is almost a track record for brevity insofar as State ratification of a proposed or submitted constitutional amendment.

So, in my judgment, talking somewhat legalistically, it is a precedent. It is a case in point, first, for doing this by the amendment route on the floor; and, second, it is illustrative of the fact that it in no way impedes, impairs, obstructs, or delays action. That amendment, as I have pointed out, was one of the most swiftly ratified of all constitutional amendments.

Mr. President, I attempt, as best I can, to meet objections that have been voiced and try to anticipate the objections that might be raised in the minds of some.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. KENNEDY. Mr. President, would not the Senator agree with me, as suggested by his recent comments, that this is really a question on which the American people really do not understand that there are 750,000 people in the District of Columbia that really do not have voting representation?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I yield myself such time as we might require.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I am convinced that great numbers of American people never realized that the people in the District of Columbia did not have the right to vote in presidential elections.

As pointed out by the Senator from Missouri, when the people realized that fact, they were just as amazed and surprised as one could possibly imagine. They then took action to insure that the people of the District of Columbia would have the right to vote.

I think it is an exact parallel in terms of representatives in the Government. Obviously if they have the right to vote in presidential elections, they should have the right to vote for people who would represent them.

Would not the Senator agree with me that the people of this country are, by and large, unaware of the fact that the District of Columbia does not have voting representation in the House of Representatives or in the Senate?

Mr. EAGLETON. Mr. President, in response to the Senator from Massachusetts, I state that he is unquestionably correct. The unawareness and, I am sad to say, the unconcernedness—pardon my sematics—of the American people in the 50 States for the governmental structure, the problems, and the plight of those in the District of Columbia are appalling.

Let me cite one example. When it was announced that I had become a part of the Senate power structure, having become chairman of the District of Columbia Committee, I went back to my State.

They inquired at the Kiwanis Clubs and the Rotary Clubs lunches as to the job I held. I told them it involves whether one can fly a kite in the District, what a dog license will cost, and also that I sponsored a bill to provide for $100 closing costs in the District of Columbia.

Without trying to be clever, the truth is that people in my State do not know, and, I am sad to say, do not care whether in the District of Columbia people vote for President, for a Senator, for a Congressman, whether they have a Governor or a mayor, an elected or an appointed council.

They do not know. It is out of sight. It is out of mind. It is out of heart.

It is going to take an educational campaign to acquaint the people of this country with this problem, and the only way we can get one going is by passing this amendment today so that we can then submit it to the 50 State legislatures.

Then the Senator from Massachusetts (Mr. KENNEDY) can go to Boston, I can go to Boston, I can go to Jefferson City, and the Senator from West Virginia (Mr. RANDOLPH) can go to his State capital. We can educate our general assemblies that there are 750,000 American citizens in the District of Columbia who pay $345 million in Federal taxes, who have had more sons—as the Senator from Massachusetts pointed out—that died in Vietnam than 14 other States.

They are fit to pay taxes. They are fit to die. But they are not fit to vote for the Senators who ratify treaties, and who vote on the most pressing national issues. They have no voice in that. But they are fit to pay taxes which pay the costs of these proposals.

It came as a shock to the Nation, as the Senator knows, when the people of this country first learned a few years ago that the people in the District of Columbia could not vote for President. They admitted that that was unfair.

Three-fourths of the States quickly ratified that in 10 months. I will wager—even though I predicted the victory of Mohammed Ali——

[Laughter.]

Mr. BYRD of West Virginia. Mr. President, may we have order in the galleries.

The PRESIDING OFFICER. The galleries will be in order.

Mr. EAGLETON. I will wager that if we adopt this amendment at this time as part of the 18-year-old vote measure, it will be ratified by three-fourths of the States in under 10 months. If I am wrong someone will point it out.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Mr. President, I was under the impression that the majority leader had yielded the remainder of his time, reserving the final 9 minutes of his time. Am I correct?

The PRESIDING OFFICER (Mr. GAMBRELL). According to the understanding of the Chair, a statement was made to that effect but a unanimous-consent agreement was not entered into.

Mr. BYRD of West Virginia. Mr. President, the able Senator from Massachusetts has clearly stated the position of the majority leader. He did indicate he would like to yield all the time, with the understanding that the final 9 minutes be reserved.

The PRESIDING OFFICER. Is there objection to that agreement? If not, it is so ordered.

Mr. KENNEDY. I thank the Senator.

Mr. President, I wish to discuss the final point.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, if I have time remaining from the Senator from Montana, I would like to yield to myself whatever time I might use, with the understanding that the Senator from Montana reserves the final 9 minutes, and with the understanding that if he wants any of that time, it will be yielded to him.

Mr. MANSFIELD. No, I do not want it back. Nine minutes is plenty.

Mr. KENNEDY. I thank the Senator

Mr. President, the fact remains that the great majority of the American people really do not understand the lack of representation on the part of the people of the District of Columbia. When they have been made aware of it, they have been extremely sympathetic to this proposition.

I am reminded of the fact that the League of Women Voters made this proposition one of their priority items last year and they were able to get 1.5 million signatures from people all over the country on this question. Time and time again when they presented this matter to their constituents, on every occasion when they went to the American people, the people were willing to sign up; and they were amazed by the fact that there was no representation of the people of the District of Columbia in Congress. I think this supports the argument of the Senator from Missouri and myself that most Americans are unaware of the situation and that once they are aware, if given the chance to address this question, they would support the kind of proposition we have advanced here today.

On the question of adequacy of hearings, I would like to include a short excerpt from the Record in the Senate of September 16, 1970, which is a partial list of congressional hearings on representation for the District of Columbia in Congress. There is a list of the different hearings going back from June 1, 1970, by the Committee on the Judiciary, to February 24, and March 9, 1960, by the Senate District Committee. The list contains page after page and hour after hour of testimony, in many instances with recognition of the fundamental tenet which motivates our amendment today, and that is the fact that the District of Columbia does not have representative government.

I ask unanimous consent that the list to which I have referred be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

PARTIAL LIST OF CONGRESSIONAL HEARINGS ON REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA

Congressional Representation for the District of Columbia—June 1, 1970; 91st Congress, 2d session; Senate Judiciary Committee.

Congressional Representation for D.C.—November 8, 9, 1967; 90th Congress, 1st session; Senate Judiciary Committee.

D.C. Representation in Congress—July 19–August 2, 1967; 90th Congress, 1st session; House Judiciary Committee.

Congressional Representation for D.C.—May 23, 25, 1962; 87th Congress, Senate Judiciary Committee.

D.C. Enfranchisement—April 6, 7, 1960; 86th Congress; House Judiciary Committee.

D.C. Enfranchisement—September 9, 1959; 86th Congress; Senate Judiciary Committee.

D.C. Enfranchisement—August 17, 27, 1959; 86th Congress; Senate Judiciary Committee.

National Representation for D.C.—May 20, 1954; 83d Congress; Senate Judiciary.

Delegate to Congress for D.C.—July 1, 1953; 83d Congress; Senate District Committee.

Congressional Representation for D.C.—September 25, 1945; 79th Congress; Senate Judiciary Committee.

Congressional Representation for D.C.—February 14, 1945; 79th Congress; House Judiciary Committee.

Congressional Representation for D.C.—June 16, 1943; 78th Congress; House Judiciary Committee.

Congressional Representation for D.C.—April 16, 17, 29, May 6, 8, 1941; 77th Congress; Senate Judiciary Committee.

Suffrage for D.C.—May 18, 19, 20, 1938; 75th Congress; House Judiciary Committee.

National Representation for D.C.—January 24, February 2, 6, March 8, 15, 1928; 70th Congress, 1st Session; House Judiciary Committee.

National Representation for D.C.—April 20, 21, 28, 1926; 69th Congress; House Judiciary Committee.

Delegate to House of Representatives for D.C.—January 15, 1923; 67th Congress, 4th session; House District Committee.

Suffrage for D.C.—November 8, 14, 21; December 13, 1921; January 12, 13, 1922; 67th Congress; Senate District Committee.

Representation of D.C. in Congress and Electoral College—January 11, 12, 15, 1921; 66th Congress; House Judiciary Committee.

Representation of D.C. in Congress—February 24, 29, March 2, 1916; 64th Congress; Senate District Committee.

Mr. KENNEDY. Mr. President, I would like to include at this time a comment from Senate Report No. 507, 67th Congress which states:

> Yet in the District of Columbia, the seat of the government of the United States, 437,571 Americans, performing justly and honorably all the duties of peace and war, remain without any representation whatever in the Government which rules and taxes them, makes the laws they must obey, and sends their sons to battle.
>
> What is there in our scheme of government that requires that the Capital of the United States should be the one capital among the civilized nations, the inhabitants of which are excluded, deliberately and of set purpose, from all participation in their government?

Mr. President, the excerpt I have just read is taken from a Senate committee report prepared in 1922. One could make the same statement today about the situation in our Nation's capital. Except that now the population figure should read 760,000 Americans. The situation is the same today as it was in 1922; and some 50 years later we in this body should be able to meet the responsibilities in providing for representative government.

Finally, I observe that those of us who are sponsors of this amendment have been trying to respond to the interrogatories that might be addressed to us in the best way we can, and the reasons we have put forward this proposition in terms of its procedures, and the substance of the issue. We are prepared to discuss and debate this matter within the framework of time, but we are frustrated by the fact that we are unable to engage in the kind of illumination which I think would be of great service and great value to the Members of this body.

I think once again it is part of the tradition, and that is when the Congress considers questions affecting the District of Columbia, that far too often those questions are decided in the quietness of the committee room or in the isolation of the Senate Chamber. That obviously has been part of the tragic tradition of this measure. But we are still firm in support of this proposal and we are extremely hopeful that we may be able to get the kind of support necessary to have it implemented.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I shall not speak long. I wish to touch on a few points in support of the amendment, on which shortly a motion to table will be made. There are a few final observations that I would like to make.

First of all, the amendment which will be considered in just a few moments has bipartisan support. Only yesterday we had a meeting with some of the leaders of the Republican Party in the District of Columbia and with national committeemen from the District of Columbia who represent the national party, who expressed quite clearly and unequivocably support of the members of the Republican Party for the efforts we are undertaking here this afternoon.

I think the support and cosponsorship we have been able to gather for the total amendment, as an independent proposition as well as the proposition we are making here today, indicates that there is strong bipartisan support for this proposition, as there should be. I commend those leaders of the Republican Party who have taken this position and for the support they have indicated for it. So there is no issue of partisanship involved in the consideration of this matter.

Second, I am certainly hopeful that the contemplation of representatives from the District of Columbia who might be elected by people whose skin is black would not be a justification for rejecting this proposal. I think it is significant and important to realize that, in view of the fact that the overwhelming majority of the people who live in this community have black skin, there is every reason to believe and justifiably so, that those who would be sent to represent them in the House of Representatives and in the Senate would have black skin as well. And that is as it should be. I certainly am hopeful we have moved beyond the point where there would be any reservation on the part of any Member of the Senate in terms of opposition to this proposal because of the possibility that in the future individuals who would be selected to this body would be of a different color.

There are those who say, well, the District of Columbia is just another American city; there are many cities in this country that have a larger population, with many of the same kinds of problems that are attendant in the District of Columbia, whether they be in education, health, welfare, rebuilding of the cities, or pollution. If we are going to provide representation for the District of Columbia in terms of two Senators and two Members of the House of Representatives, why should we not do the same kind of thing for New York City, Maimi, or Boston, and ensure that there will be appropriate representation?

There is, of course, one obvious distinction, and that is that the cities of this country and the inhabitants of those cities are represented uniformly throughout the country by spokesmen within the Senate and the House of Representatives. The District of Columbia is the only city that fails to have that kind of representation. Therefore, it is a unique situation, which requires a unique but fully justified proposal.

Finally, there is the proposition that article V of the Constitution provides that no State's representation shall be diluted in the Senate of the United States. That proposition has been interpreted as meaning that if we are in fact to allow the District of Columbia representation in the Senate, in effect we are diluting the voting power of the representatives of the 50 States.

There has been no such interpretation of article V, nor could there be, because if we were to follow the rationale of that argument, we would still be 13 States scattered along the eastern seaboard. Time and time again when new States have been admitted to the Union that article has been interpreted to permit representatives to come to this body to represent the people of their respective States. Therefore, there should not be any reasonable interpretation of that position as justifying the exclusion of Members here in the Senate.

Finally, let me just reiterate that the Senator from Missouri (Mr. EAGLETON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Maryland (Mr. MATHIAS), and other Senators who have stated unequivocal support for this proposal have indicated that we would not advance this proposal as an amendment to the 18-year-old voting amendment if we thought there was a chance of jeopardizing the ratification of that proposition.

There is no such justification made by those who are opposed to it, that this would be the case. And there will be no substantial delays, Mr. President, in achieving this 18-year-old proposition. This is a proposal whose time is well overdue. The equities require, I believe, that we provide this opportunity for representative government to the 760,000 people who live in the District of Columbia, and I am exceedingly hopeful that we can have favorable consideration of it.

Finally, Mr. President, I would like to make a brief summary of the issue.

The time has come for Congress to bring the people of the District of Columbia out of the shadows and into the sunlight of American democracy. For nearly 200 years, we have condemned the people of the Nation's Capital to the status of second-class citizens—subject to all the burdens and responsibilities of American citizens, but deprived of the most basic right of all in a democratic society, the right to vote, the right to a voice in making the laws by which they are governed.

For too long, Congress has played George III to the colonists of the District of Columbia. At a time when 50,000 Americans have fought and died thousands of miles away in Asia to secure the right of self-government for the people of Vietnam, it is intolerable that we should deny the self-same right to the people on our own doorstep, the people of the Nation's Capital. By some cruel irony, a nation founded as a haven from oppression and tyranny denies to the citizens of its Capital the blessings of democracy.

The facts of the situation are clear:

Washington, D.C., today is a city of 756,000 people. It has a population greater than that of 10 States. Yet, each of these States has two Senators and at least one Congressman to help in writing the Nation's laws. The District of Columbia has none.

Washington, D.C., has had more sons killed in Vietnam than nine States. Yet, the people of Washington have no voice or vote in making the laws by which their sons are drafted to fight and die half way around the world.

In 1970, Washington, D.C., paid $990 million in taxes to the Federal Government—more Federal taxes than were paid by 15 States. In addition, the people of the District of Columbia paid $341 million in local taxes—more local taxes than were paid by the people of 12 States. Per capita, the District of Columbia has one of the heaviest tax burdens in the Nation—$427 per person, heavier than in 43 States. The 200 million Americans in the 50 States have a voice in determining the taxes they pay. Yet, "taxation without representation," the war cry of the American revolution, is a way of life for the people of the Nation's Capital.

Tragically, the plight of the citizens of Washington is virtually unknown to the people of America at large. But that ignorance, however much it may explain our years of neglect for the basic rights of the people of the District of Columbia, cannot excuse our inaction. Wherever I travel in the Nation, I find people amazed to learn that self-government is a myth for the people of Washington. Wherever I travel, however, I also find people anxious to remedy this glaring injustice, if only we give them the opportunity.

At last, the call for an end to this mockery of American democracy has reached the floor of the U.S. Senate. The movement for reform has begun in earnest. We are no longer whistling pious platitudes in House and Senate hearing rooms.

Earlier in this decade, we saw what can happen when the Nation is aroused to the plight of the District of Columbia. In 1961, the people of Washington obtained the right to vote for their President. The constitutional amendment that accomplished that goal—the 23d amendment—was one of the most rapidly ratified amendments in our history. I am confident that the same rapid ratification would be granted for the District of Columbia representation in Congress amendment, if only we can get the issue to the people and give them a chance to work their will.

Indeed, the 23d amendment is a striking precedent for our action today. That reform itself began its life as a Senate floor amendment, offered by Senator Kenneth Keating of New York to give the citizens of Washington the right to vote in presidential elections. It is precisely this procedure, justified by recent history, that I seek to follow for the amendment to achieve full voting representation in Congress for the people of the District.

Although the present opportunity to achieve District of Columbia representation has come up quickly, I believe it may be the only real chance we will have—now and for the foreseeable future—to reach the goal.

We start with the proposition that the District of Columbia amendment, on its own, simply cannot survive the gauntlet it has always been forced to run in the Senate Judiciary Committee and the House Rules Committee. For nearly a century, since the first District of Columbia representation amendment was introduced in 1888, hundreds of amendments and dozens of legislative hearings in the Senate and the House have been ignored by Congress. It is a tragic commentary on the fate of these amendments that the hearings held in 1970 are almost a precise replay of hearings held half a century ago. The record is always the same. All we ever do is change the needle.

I doubt, therefore, that there has ever been a more meritorious case in Congress that called out for the unusual procedure of legislation by rider. For generations, the basic rights of hundreds of thousands of our citizens have been ignored—or worse, actively suppressed—behind the closed doors of congressional committees. Now, however, the debate has reached the bright light of the Senate floor.

The record we make today is a record of a new kind. It will be heard by millions of Americans throughout the Nation. I am confident that the people will respond, that the conscience of the Nation will be seared, and that we will be farther toward our goal.

It is entirely appropriate that the vote today seeks to use the 18-year-old voting amendment as a vehicle to win District of Columbia representation in Congress. At a time when Congress is moving to extend the franchise to millions of 18-, 19-, and 20-year-olds in State and local elections, it is extremely fitting that we should also seek to give the franchise to the hundreds of thousands of Washingtonians who have been denied this right for so long.

The argument that somehow the District of Columbia amendment will jeopardize the voting age amendment is false. Indeed, the present parliamentary situation has a double irony.

Many of the Senators who so vigorously oppose the District of Columbia amendment today as a threat to the voting age amendment were the same Senators who joined me so vigorously last year in our successful effort to amend the Voting Rights Act on the Senate floor to lower the voting age to 18 by statute. We heard the same claims last year—that our floor amendment would jeopardize the Voting Rights Act. We know that argument was false, just as I believe the argument of jeopardy is false today, and even more so. Support for the voting age amendment is overwhelming. Rarely, if ever, have so many Senators—86—supported any measure as it reached the Senate floor.

Last year, when we sought to add the District of Columbia amendment to the direct election amendment, many Senators asked us to delay, to wait for a vehicle that had clear support in the Senate. Today, we have that vehicle, but still they ask us to wait. The message is clear. So far as the District of Columbia is concerned, the time is never now.

At the very most, if the Senate accepts the District of Columbia amendment, there will be a brief delay—of the order of days, not weeks—while the two amendments proceed through the House of Representatives. I believe that the House will accept the District of Columbia amendment. But if the House should refuse to do so, I would fully acquiesce in action by the conference committee to remove the District of Columbia provision. The point is that we should try, and abide by the result.

A brief delay now is a small price to pay to achieve the great goal of District of Columbia representation in Congress. Whether or not the District of Columbia amendment is added, the voting age amendment can easily be ratified in time for the 1972 elections.

In 1972 alone, at least 34 State legislatures will meet and have the opportunity to ratify the amendment. Another nine legislatures will have the opportunity to ratify it in their regular sessions later this year, 1971. In addition, in both 1971 and 1972, many State legislatures will be meeting in special session to reapportion their congressional districts on the basis of the 1970 census.

Clearly, there will be ample opportunity to ratify the voting age amendment before the 1972 elections. It makes no sense to me to pass by this extraordinary opportunity. We must end the long night of injustice for the citizens of Washington. We must reject the cruel and myopic argument that we have to get the voting age amendment to the States today and not tomorrow.

The opportunity is at hand to perform an act of simple justice for the people of this city, and I urge the Senate to embrace it.

CONSUMER FRAUD CONVENTION ACT OF 1971—MULTIPLE REFERENCE

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that a communication from the office of the Attorney General on the Consumer Fraud Convention Act of 1971, which has been referred to the Committee on the Judiciary only, be jointly referred to the Committee on the Judiciary and the Committee on Commerce.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT ON RURAL COMMUNITY DEVELOPMENT—MULTIPLE REFERENCE

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the message from the President of the United States on rural community development, received today, be referred jointly to the Committee on Agriculture and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, and the Committee on Public Works.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The message from the President is as follows:

To the Congress of the United States:

I am today proposing a new program of Rural Community Development through revenue sharing—the fourth of my six Special Revenue Sharing proposals. I have spoken of revenue sharing as a new partnership between the Federal Government and the State and local governments within our Federal system. The proposal I am advancing today would use that essential government partnership to strengthen an equally essential social and economic partnership between rural America, where the farms that feed us and the great open spaces that renew our spirit are found, and urban America, where the majority of our people and the greater share of our wealth are concentrated. Rural Americans deserve a full share in the Nation's prosperity and growth, just as urban Americans deserve cities that are livable and alive. Both objectives are attainable—and rural development revenue sharing, linked to urban development revenue sharing by the comprehensive planning proposal also put forward in this message, could be a giant step toward them.

RURAL AMERICA IN TRANSITION

Rural America begins with farm America. Agriculture was America's first industry, and it remains one of the keystones of our national economy today. It has made Americans the best-fed people in history, and now exports the produce of one-fourth of its acreage to help feed the world. American farmers have led all sectors of the economy in annual increases in productivity for most of the years in this century. This Nation's farms are among our most efficient producers, and they are of central importance to a strong future for rural America.

Yet, there is sharp irony in this success. Ever more fruitful, American agriculture has required fewer people every year to produce food and fibers for our people, and to supply the expanding export market for our commodities abroad.

Hence the departure of people from the farms began to swell as farming grew more mechanized, efficient, and large-scale. Americans living on farms numbered more than 30,000,000 in 1940; today that figure is only about 10,000,000. Once the farm people had left their homes—often the homes of generations in their families—the opportunities often did not exist in rural America to keep them close to those roots. While some jobs began to open up in agricultural service, supply, and processing enterprises, usually known as "agri-business," the number of openings was not nearly enough to match the number of people cast adrift by technological progress.

Migration began toward where people thought opportunities existed—the cities. Not only were there more jobs in the cities, but they paid more. For most decades in this century, the gap between median income in the cities and that in non-metropolitan areas has been wide. Even though income gains outside the metropolis have been almost half again as great as those in the cities during the last decade, median family income in non-metropolitan areas is still 22 percent below that in metropolitan areas.

While the people who have been leaving rural America by the millions have often improved their own and their families' situations by leaving, the trend they represent has had several disturbing effects.

First, in rural America itself, the loss in human resources has compounded the problems of diversifying the economy and fostering a vigorous and progressive community life. Those who have chosen to stay have found it harder and harder to pay for and provide services such as good schools, health facilities, transportation systems, and other infrastructure attractive enough to keep people *in* rural America, or to lure jobs and opportunity *to* rural America. Many of the small towns which dot the countryside have to struggle for existence; they often have difficulty attracting good school teachers or physicians; many fight stagnation while most of the economy is expanding;

they cannot give the older, the disadvantaged, the less educated people needed assistance and care.

THE URBAN STAKE IN RURAL DEVELOPMENT

At the same time the urban effects of migration have been profound. While the explosive growth in the proportion of Americans living in cities has not been fed solely by the influx of people from rural America—immigration from other countries has also been massive—the millions who have moved from the South and the Midwest to the North and the West have been a major factor in making a nation that was 75 percent rural a century ago, 73 percent urban today.

Many of these people pouring into the cities in search of opportunity have experienced difficulties in adapting to urban life and have required supportive services. Some made the transition successfully—but others have remained tax users rather than taxpayers.

Furthermore, the very size and density of many of our largest cities has produced new problems: whereas in the most rural areas it is hard to achieve economies of scale in public activities, the most heavily urban areas have grown far past the size range in which a community can function most economically. It often costs far more per capita to provide essential services, such as police protection, sanitation collection, and public transportation in our dense urban areas than in less congested smaller and medium-sized cities. Many of our cities have, in short, become inefficient and less and less governable. At times, this has led to near-paralysis of public services in our largest cities. Current trends indicate that unless there is a marked shift in public and private attitudes, the increase of population in and around our great metropolitan centers will continue, and the problems of urban management will be further aggravated.

In addition, by even conservative estimates, there will be some 75 million additional Americans by the end of the twentieth century. Whether this growth is beneficial or burdensome depends on our foresight in planning and preparing for it—a process that must begin now and must take a broader view than merely feeding the expansion of the megalopolis.

As never before, the Nation is beginning to see that urban America has a vital stake in the well-being and progress of rural America. This is one Nation, and for the good of all Americans we need one national policy of balanced growth.

FEDERAL RESOURCES FOR RURAL DEVELOPMENT

For the sake of balanced growth, therefore, but even more for the sake of the farmer and all his neighbors in rural America—first-class citizens who deserve to live in first-class communities—I am proposing that the Federal Government *re-think* America's rural development needs and *rededicate* itself to providing the resources and the creative leadership those needs demand.

It takes many different kinds of activities to create rural development—to create opportunity. One must start with the individual—his education, his skill training, and his health. Next the individual needs to be linked to resources and markets through transportation. Public sector infrastructure such as water and sewers is needed to encourage industry to locate in new areas. The environment is also becoming an increasingly important factor in industrial locations.

Essentially what I am proposing is to unite the funding for a number of programs operating directly in rural areas and smaller cities into a Rural Community Development Revenue Sharing Program, to add $179 million to that fund, and then to bolster this effort with new initiatives in critically related areas, such as health and welfare reform.

The following chart shows the programs which I propose to combine into the Rural Development Revenue Sharing Program:

PROGRAMS COMBINED UNDER RURAL DEVELOPMENT REVENUE SHARING

GENERAL

New Money $179 Million
Title V Regional Commissions
Appalachian Regional Commission
Economic Development Administration
Resource Conservation and Development Program

EDUCATION

Cooperative Agricultural Extension Service

WATER AND SEWER

Rural Water and Waste Disposal Grants

ENVIRONMENT

Rural Environmental Assistance Program
Forestry Assistance Grants
Great Plains Agricultural Conservation Program
Water Bank Program
Tree Planting Grants

Altogether, the 11 programs listed above are spending $921 million in fiscal 1971.

But much more is needed to extend to rural Americans the full share of national prosperity and the full participation in the rich benefits of our society, which they rightly deserve. Much more would be done if the Congress acts to set in motion the broad strategy for accelerated rural development which I have placed before it in recent weeks.

Rural communities throughout the nation would share in the $5 billion of General Revenue Sharing which I have proposed. Rural communities would receive direct assistance in building their human resources, their social services, and their economic base through my Special Revenue Sharing proposals for manpower, education, transportation and law enforcement. My proposals for improving our system of health care include Area Health Education Centers to be located in rural areas and financial incentives for doctors and providing medical care in scarcity areas. My welfare reform proposals would have immediate and dramatic effects on rural poverty: in the first year nearly $1 billion in new cash benefits would go into rural areas to add to the incomes of the millions of rural Americans who are poor or underemployed.

To unify and consolidate the rural development effort in each State—I am today proposing that the Federal Government establish a $1.1 billion fund to be shared among all the States for fully discretionary spending to meet their rural needs and accelerate their rural development. This would be accomplished by combining programs which I listed above into a new program of Special Revenue Sharing for Rural Community Development, and by increasing their present annual funding of $921 million by $179 million during the first year.

HOW REVENUE SHARING WORKS

Beginning January 1, 1972, these funds would be paid out to the States and to Puerto Rico, the Virgin Islands, and Guam, in regular installments on a formula basis, according to an index of need based on three factors: the State's rural population, the State's rural per capita income compared to the national average of per capita incomes, and the State's change in rural population compared to the change in population of all States. All 53 recipients would share equally in 1 percent of the funds. Every State would receive at least as much from Special Revenue Sharing for Rural Community Development, as it now receives from the eleven existing rural assistance programs combined.

This proposal recognizes that patterns of development potential vary widely within the different States and seldom conform neatly to intra-State governmental jurisdictions. It therefore imposes no Federally dictated distribution of shared revenues within the States. Neither would it require matching or maintenance of effort spending by a State in return for the shared rural development funds. Indeed the shared funds could if necessary be used to match other Federal grants-in-aid for rural assistance. But there would be a firm requirement that all rural community development funds be spent for the direct benefit of *rural people*. The funds could be spent for any of the purposes now authorized under the existing aid programs, including the option of direct grant assistance to private firms which locate in rural communities.

Rural areas would be defined in this Act as counties with a population density less than 100 people per square mile, and all other counties, regardless of population density, which are not included in one of the 247 Standard Metropolitan Statistical Areas (SMSAs) which the U.S. Census Bureau defines around cities of 50,000 or more.

I will also propose $100 million in additional non-formula funds for the Urban Community Development Special Revenue Sharing program, to assist those smaller cities of population between 20,000 and 50,000 which have been receiving grant assistance from the Department of Housing and Urban Development but which would not now be eligible for a formula share of Urban Community Development Revenue Sharing. The

Secretary of Housing and Urban Development would administer this fund on a discretionary basis. Such communities would thus be eligible for funds from both the urban and rural revenue sharing programs—as they should be, since many communities of this size have not only urban problems and needs but also strong rural development potential as economic and social opportunity centers for nearby rural counties. The same overlap would be true as well of some of the smaller and less densely populated Standard Metropolitan Statistical Areas which have less than 100 people per square mile, and thus qualify for both formula grants under Urban Community Development Special Revenue Sharing, and use of funds from the Rural Community Development Special Revenue Sharing.

The act would apply the requirements of title VI of the Civil Rights Act of 1964 to prohibit discriminatory use of the Federal money.

BUILDING ON SUCCESS

Conversion of the existing categorical aid programs for agriculture and development into Special Revenue Sharing for Rural Community Development is a logical evolution in line with the history of these efforts and consistent with their basic purposes.

Over a number of years the Department of Agriculture has been moving to make its assistance to farmers and rural residents more effective and flexible by a steady process of decentralization. Placing these programs fully in the hands of the States is just one more step in sharpening their ability to deliver the services they were designed to provide. Whether the transfer will be beneficial and the transition smooth is a question to which the example of the Cooperative Extension Service may provide a partial answer. The States are ready to take charge of the Extension Service, which they already largely administer and which all States now fund above the present Federal contribution.

In the case of EDA, the Appalachian Regional Commission and the Title V Commissions, revenue sharing in superseding them would actually incorporate the coordinated development approach that has made them successful, at the same time it removed some of the Federal "fences" that may have restricted their activities unduly in the past. The grass roots planning process which has proved itself under the Appalachian Regional Commission is carried over into the statewide development plan I am now proposing for *all* States under rural and urban development revenue sharing. Close account would be taken of the human factor and of the continuity of ongoing development efforts as the program transition is effected. Counties that have launched projects under the Appalachian Regional Commission, for example, would continue to receive adequate funding to make good on the money already obligated for such projects.

With revenue sharing, therefore, as with all change, there would be adjustments to make but great benefits to be gained. Every single activity now carried on under the Commissions and categorical programs could be continued in any State whose own people decide it is worth continuing. The farm, forest, and conservation programs that have succeeded in the past could go right on doing so—and freed of Federal restrictions, they could probably reach out farther and keep better pace with changing needs and technologies. In each instance the people of the State would make the decision.

STREAMLINING THE RURAL ASSISTANCE EFFORT

What Special Revenue Sharing for Rural Community Development *would* do is to remove many of the negative and inhibiting side effects which now plague rural assistance as a result of categorical narrowness, lack of coordination, and excessive Federal involvement. *By combining these programs we could produce a new whole significantly greater than the sum of the present parts.* It is worthwhile here to discuss some of the problems that would be eliminated—principally inflexibility, priority distortion and flawed accountability.

Inflexibility: As well-intentioned as past rural development efforts have been, strict Federal eligibility rules have often stood in the way of fair sharing of all the Federal resources for rural development, or have made it difficult for States and localities to do what they must to attract industry and services. For instance, many parts of the Midwest, which experienced some of the heaviest rural outmigration in the Nation during the 1960s, still do not qualify for Economic Development Administration grants.

In other cases Federal standards have acted to bar aid from those communities in a region where it could do the most good. Experts in rural development feel that the most leverage is achieved by reinforcing healthy development trends, rather than fighting them—that is, by concentrating aid in these smaller and medium sized cities of a rural area which have shown strength and effort in attracting industry. Every area of rural America has such centers of potential growth. Using government assistance to strengthen their development trends could make the difference in attracting new job-producing industry and expanding employment opportunities for rural people living in the surrounding counties. It could also help these communities attract doctors, teachers and others whose services are so needed in or near rural areas. Yet current Federal program restrictions, by and large, do not permit aid to be used this way, because of a "worst-first" criterion which often puts funds into areas that lack the development potential to help either themselves or others near them—rather than using funds to open up new opportunities regionally so that benefits flow out to low-potential areas nearby.

Distortion of State Budgets: Narrow Federal project definitions can force States and localities to spend scarce revenues on "matching shares," urgent community priorities aside, or risk the loss of Federal funds. Once begun, a Federal project may demand additional local spending, beyond the matching money, for support facilities to tie the project into community usefulness.

Flawed Accountability: The quasi-governmental agencies which often exercise a determining influence on the conduct of these programs tend to obscure and fragment responsibility for decisions made and therefore to subvert the democratic accountability of elected officials. Regional commissions, comprised of a Federal Co-chairman and Governors from member States, take part in many program and planning decisions which really affect only one Governor's State. Too often the Federal officials responsible for rural assistance are geographically distant, and the local, State or multi-State institutions that have a say are politically insulated or remote.

THE STATEWIDE DEVELOPMENT PLAN

Special Revenue Sharing for Rural Community Development would be administered initially by the Secretary of Agriculture; eventually both this program and the urban community development program would come under the direction of the Department of Community Development whose formation I have proposed. In addition to paying out each year's rural development funds to the States and territories, the Secretary of Agriculture would stay abreast of rural development aspects of the statewide development plans which each Governor would file with him annually.

The statewide planning process which would help States and localities coordinate activities carried on under both urban and rural community development revenue sharing will be established in legislation that I will submit shortly. It would require annual preparation of a comprehensive statewide development plan outlining spending intentions for programs in metropolitan, suburban, smaller city, and rural areas alike. The $100 million Planning and Management Assistance program which I proposed in my message to the Congress on Urban Community Development Revenue Sharing would provide funds which States and local jurisdictions could use in this planning process.

The Governor of each State would be given the responsibility for drawing up the statewide development plan. Formation of the plan would be based on a consultative process which considers plans submitted by State-established, multi-jurisdictional planning districts covering all areas of the State. Planning bodies of these districts would be composed of local elected officials. One member from each of the district planning bodies would sit on a panel which would assist the Governor in the planning process. The Secretaries of Housing and Urban Development and Agriculture could accept an alternative consultative process proposed by the State.

The completed plan would be filed with the Secretaries of Agriculture and of Housing and Urban Development—not for their approval, but as a declaration of intent; a Governor could amend his plan by letter during the course of a year.

The process of developing the statewide plan would focus official concern and public attention upon the inter-relationship of urban and rural community development within the State. The plan could identify potential growth areas, potential new community development sites, and environmentally important areas. It should seek to integrate all important community development factors, including land use.

All the money a State receives under Special Revenue Sharing for Rural Community Development would have to be spent for the benefit of persons in rural areas as outlined in the statewide plan. A State could of course also supplement its own rural development activities with money received under General Revenue Sharing and under other Special Revenue Sharing programs within program definitions. The Secretary of Agriculture would conduct an annual post-audit of State rural development activities, with payment of the next year's rural revenue sharing funds conditional upon State compliance with rural development spending plans for the year past.

THE LOGIC OF RURAL DEVELOPMENT REVENUE SHARING

To review briefly:

The major challenge facing rural America is to diversify its economy and to provide full opportunity for its people to enjoy the benefits of American life. Meeting this challenge will enhance the quality of life for those who remain to operate the nation's family farms and for all their neighbors in the small towns and countryside of America. As a secondary effect—like upstream watershed management for downstream flood control—meeting the rural challenge will also help to relieve the overburdened urban structure by stemming rural outmigration and attracting a share of future growth to rural communities.

The key to a rural development strategy is my proposal for $1.1 billion in Special Revenue Sharing for Rural Community Development—money which all States and territories would share and which they could spend in their rural areas as they deem wisest. Other proposed Federal assistance for rural America includes part of the $5 billion General Revenue Sharing program and part of five Special Revenue Sharing programs, as well as the benefits of a reformed welfare system and an improved health care system.

At the core of rural development revenue sharing would be eight agricultural grant programs and three broad development assistance programs now in being. Consolidating them, the revenue sharing approach would build on decentralizing trends in the agricultural programs and on the multi-State, State, and multi-county development planning experience accumulated under EDA and the regional commissions. It would do away with narrow aid categories, spending restrictions, duplication, and red tape now surrounding these programs. It would make the money now devoted to them go further and would provide more money.

Existing programs and development projects could continue or not at the discretion of each State, and the right of choice would rest close to the rural people at whom the aid is directed. A statewide planning requirement with a broadly representative input would promote coordinated development of a sort not now approached and would insure that all areas of the State have a voice in the planning process; but in no case could rural development revenue sharing money be diverted from rural needs.

URBAN-RURAL PARTNERSHIP

More money, plus more freedom to spend it, plus better planning in doing so, add up to better living for rural Americans and brighter futures for rural communities. Mutual benefits of the urban-rural partnership would be manifest as cities enjoyed the fruits of a healthy agricultural economy and the relief of more evenly distributed population growth, while rural areas felt the effect of new social and economic advantages. Rural and urban communities would no longer siphon off one another's strengths and resources nor shunt problems and burdens from one to the other. They would progress together in a dynamic balance, as partners in the best sense.

RICHARD NIXON.

THE WHITE HOUSE, *March 10, 1971.*

EXTENSION OF RIGHT TO VOTE

The Senate continued with the consideration of the joint resolution (S.J. Res. 7) proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older.

Mr. BAYH. Mr. President, amendment No. 11 would add to the 18-year-old vote amendment, Senate Joint Resolution 7, a second constitutional amendment. This amendment is identical to the text of Senate Joint Resolution 6, which would provide for full voting representation for the District of Columbia in the U.S. Congress.

Mr. President, I am one of the three principal sponsors of the measure giving the District of Columbia full voting representation, together with the distinguished Senators from Massachusetts (Mr. KENNEDY) and Maryland (Mr. MATHIAS). No one who has studied the arguments on this question, as I have in the course of hearings before the Subcommittee on Constitutional Amendment, can have any doubt of the desperate need for full voting representation for the District of Columbia. Here in the Nation's Capital we have completely disenfranchised—with the exception of presidential elections—nearly 800,000 of the Nation's citizens, a population larger than that of each of the 10 least populous States.

The people who live in the District are subject to the most complete control by the Congress of the United States. The Congress imposes their taxes, conscripts them into the military service, and even regulates the most minute detail of municipal government and civil law. Yet the people have no vote for any Member of the U.S. Senate, and they are entitled only to nonvoting representation in the House. This is the kind of immoral imposition, the kind of political hypocrisy, that has no place in a democratic society.

But I am deeply troubled at the prospect of achieving reform in this area by the manner proposed today.

First, I fear that this amendment, if successful, could substantially delay the prospects for passage and ratification of the 18-year-old vote amendment. It would be less than candid not to recognize the danger of a filibuster if amendment No. 11 were to carry. Although some 40 legislatures are expected to be in session sometime next year, we must recognize that securing ratification by 38 legislatures is a difficult and time-consuming process. It is currently expected that at least 47 legislatures will be in session during this calendar year. However, many of these 47 are either required by law or expected by custom to adjourn by the end of March. Indeed, by the end of April, 24 of these legislatures are expected to have concluded their sessions. Therefore, the delay of any protracted filibuster could be a very serious handicap.

Second, I have very serious doubts whether a fundamental constitutional change of any kind should be undertaken by this mechanism. I agree with the distinguished Senator from Massachusetts (Mr. KENNEDY) who has shown such progressive and forceful leadership on this issue, when he condemns the committee structure which allows an issue of this magnitude and significance to be stymied without debate, to be prevented from coming to the floor of the Senate. But I believe that a different question is involved when we are discussing the mandate of the Constitution, in article V, that proposed constitutional amendments must secure a two-thirds vote in both Houses of the Congress. That requirement was written into the Constitution to provide a fundamental safeguard and to insure that basic changes are made only when they have gained the very broadest kind of national support.

I do not mean to imply that this amendment is unconstitutional. I believe that is constitutional, and I recognize that in at least one other case, the 23d and 24th amendments, the Senate and the House were forced to vote on proposing two constitutional amendments at the same time.

However, I think it vitally important that we recognize that procedures of this kind can be used in other cases but this one. Those of us who believe Senate Joint Resolution 6 proposes a commendable and desirable constitutional amendment may not agree that other possible constitutional amendments are commendable or desirable. The Senator from Indiana has fought for many years for passage not only of the amendment proposing full voting representation for the District of Columbia, but for constitutional amendments providing for the election of the President by a system of direct popular vote, and for the equal rights amendment. These are measures which this body has faced in the past. I am hopeful that we will face them again in the near future, and with somewhat more success. But I believe that the Senate has a right to face each constitutional issue on its merits, and to vote it up or down by a two-thirds vote. If we follow other procedures when it suits us, we weaken our moral force for the day it may not suit us.

Despite the objections, Mr. President, I will vote against a motion to table this amendment. I do so because, in my judgment, this vote will be taken as a test of strength for District of Columbia representation. I do not think such a vote is a true test, but I am not prepared to diminish the support for District of Columbia representation in any way. But I cast this vote with substantial doubt as to the effect of this procedure if we continue on this course. I hope we will have the opportunity to fight this battle on its merits in the very near future.

Mr. TAFT. Mr. President, for too many years the political role of young Americans, 18 to 21 years of age, has been restricted to ringing doorbells and licking postage stamps. Now for the first time these young people will be able to vote in Federal elections.

I have long been a supporter of lowering the voting age to 18 and was pleased to support this legislation in the last Congress. I believe that the decision of the Supreme Court to uphold the constitutionality of the 18-year-old vote in national elections was a sound one.

It seems logical that this right to vote should be extended to 18-year-olds in State and local elections as well. I am a cosponsor of Senate Resolution 7 which would amend the Constitution to lower the voting age to 18 in all elections.

Never before has America's youth had a better opportunity to exercise its influence. Today's young people are more highly educated and better informed than ever. I believe that they are willing to work through the system to achieve progress and they deserve the opportunity to do so.

Unfortunately, election statistics indicate that a large percentage of young people, 21 to 24, have not exercised the right to vote. The task of improving the country is too important for young people not to be involved.

Passage of this resolution will give young people who want to make our Nation a better place in which to live, an opportunity and an obligation to become participants in the political process. I believe that our political parties will benefit from increased active participation of young people and respond to their concerns in a meaningful way.

This resolution is too important to be clouded by additional amendments. I oppose any attempt to complicate the issue with consideration of voting representation for the District of Columbia. Each of these proposals merits separate and careful consideration and neither should suffer from opposition generated by the other.

Mr. MANSFIELD. Mr. President, it is with the greatest reluctance that I rise at this time to explain the action that I am about to take. What I intend to do is move to table the pending amendment. In my judgment, prevailing circumstances justify such action. The circumstances are as follows: There are at present two issues pending before the Senate. Each is distinct. Each stands alone on its merits.

With respect to the 18-year-old proposition, it will be recalled that last year many of my colleagues on both sides of the Senate aisle, including the distinguished senior Senator from Massachusetts (Mr. KENNEDY), offered an amendment to the Voting Rights Act which by law would have granted voting rights to all citizens 18 years of age and over in all elections—Federal, State, and local. That amendment was eventually enacted into law on the basis of responsible legal authority. When the issue was reviewed by the Supreme Court, however, so much of the proposal that applied to State and local elections was struck down as not authorized by the Constitution. The States are thus confronted with a most serious dilemma. They are now required to permit—quite correctly—citizens who are 18, 19, and 20 to register to vote in all elections for Federal office. When it comes to State and local elections, however, the registration rolls—just as correctly—must be limited to citizens qualified under State law and the age requirement is 21 years in all but nine States. As discussed fully by the distinguished Senator from Indiana (Mr. BAYH), and the Senator from West Virginia (Mr. RANDOLPH)—the granddaddy, if I may say so of this legislation—such a dual-age voting system can result only in added cost, confusion, delay, and waste, to say nothing of the unjust and unreasonable burden it imposes upon those citizens who are 18, 19, and 20 years of age. The adoption of Senate Joint Resolution 7, as reported by the committee, provides the exclusive way out of this dilemma.

It is imperative, in my judgment, that no action be taken to jeopardize the effort to extend to 18-, 19-, and 20-year-olds the full franchise of the ballot in all elections. I have advocated such an extension ever since coming to the Senate, and before. I have advocated the extension not only to Federal elections, but to all elections. I have done so and I do so today because our young men and women 18 years of age and older should participate fully in the political processes of this Nation. They have demonstrated their capability of assuming obligations and responsibilities in keeping with this right—in school, in work and in military service. Their contribution to the electoral process is not only welcome, it will be indispensable in the years ahead.

It is not enough to say that they now enjoy the right to vote for the President of the United States. Nor is it enough to say that they are now permitted to vote for the Senators from their States and for the Representatives from their Congressional districts. This last barrier ought also to be removed. They must be fully enfranchised, and no action should be tolerated that would jeopardize this effort to give them the ballot in State and local elections. With that proposition, I believe just about every Member of this body agrees.

But there is far from unanimity on the second proposition now confronting the Senate. It is the issue of representation in Congress for the people of the District of Columbia as provided by the amendment of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mr. EAGLETON), and others.

Unquestionably, the people of the District deserve full and fair representation. Unquestionably, there is a rational basis for providing such representation. It is no secret, however, that many Members of this body—not to mention the other body—would insist that such a proposal undergo exhaustive examination and have at least full benefit of committee consideration before allowing it to come to a vote. The prospect of such a filibuster can have no effect but to jeopardize the whole effort to gain full voting rights for citizens 18 years old and older in all elections all across the land.

And if this measure should be brought before the Senate as an appendage to the 18-year-old voting measure, what of other constitutional proposals? What about public school prayer, electoral college reform, equal rights for women, and all the rest—all of which I favor? It is my intention to move to table all of these proposals that would serve only to endanger full access to the ballot box by all citizens 18 and older.

In closing, it should be said that I am not unsympathetic to the position in which the Senator from Massachusetts finds himself. I know how sincerely he has devoted himself to this cause, as he did, last year, to the passage of the 18-year-old amendment. He was, in reality, the initiator and father of the amendment giving to all 18- to 20-year-olds the right to vote in State and local as well as national elections. I only suggest that this is not the time; nor is it the place for pressing the proposal he now advocates.

Mr. President, I wish to see the full franchise of the ballot a reality for 18-, 19-, and 20-year-olds next year in all elections. I move to table the pending amendment.

Mr. President, I withhold that motion for the time being, and yield to the distinguished Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that Miss Nancy Camden and Mr. Carey Parker, assistants to Mr. EAGLETON and Mr. KENNEDY, respectively, the coauthors of the amendment, be permitted the privilege of the floor during the rollcall vote on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, before I renew my motion, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I move to table the pending amendment, and I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the standing order, the Sergeant at Arms will clear the Senate Chamber of all aides to Senators during the yea and nay vote.

The Chair would remind visitors in the gallery that the rules of the Senate prohibit demonstrations of any type by occupants of the gallery. Unless order is observed by our visitors, the Chair will be compelled to direct attendants in the gallery to remove those causing the disturbance, so that the Senate may conduct its business in an orderly manner.

The question is on agreeing to the motion to table. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Maine (Mr. MUSKIE), the Senator from Idaho (Mr. CHURCH), the Senator from Indiana (Mr. HARTKE), and the Senator from Wisconsin (Mr. NELSON) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS) would vote "nay."

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. HATFIELD) and the Senator from South Dakota (Mr. MUNDT) would each vote "yea."

The result was announced—yeas 68, nays 23, as follows:

[No. 17 Leg.]

YEAS—68

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Cook
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gurney
Hansen
Hollings
Hruska
Jordan, Idaho
Long
Magnuson
Mansfield
McClellan
McGee
McIntyre
Miller
Moss
Packwood
Pearson
Pell
Percy
Prouty
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Williams
Young

NAYS—23

Bayh
Brooke
Cooper
Cranston
Eagleton
Griffin
Hart
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Mathias
McGovern
Metcalf
Mondale
Montoya
Pastore
Proxmire
Ribicoff
Stevenson
Tunney

NOT VOTING—9

Church
Gravel
Harris
Hartke
Hatfield
Jordan, N.C.
Mundt
Muskie
Nelson

So Mr. MANSFIELD's motion to table Mr. KENNEDY's amendment was agreed to.

Mr. NELSON subsequently said: Mr. President, when the vote was held on the motion to table an hour ago, I was in the Senate dining room and did not hear the bell. If I had been present, I would have voted "nay."

The PRESIDING OFFICER. The joint resolution is open to amendment.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I would like to inquire of the majority leader if he can give us some information as to the order of business for the rest of this week and perhaps for the beginning of the next week.

Mr. BYRD of West Virginia. Mr. President, may we have order so that Senators can hear the majority leader?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, in response may I say that——

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The majority leader will suspend until we have order in the Senate. There will be order in the Senate.

The Senator from Montana may proceed.

Mr. MANSFIELD. Mr. President, may I say that on yesterday the joint leadership, with the approval of the manager of the bill, the Senator from Indiana (Mr. BAYH), and the sponsors of the amendment just considered, the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Missouri (Mr. EAGLETON), did ask and did receive the unanimous consent of the Senate to continue for 1 hour after the disposal of the amendment. But that consent agreement was later negated.

If the distinguished minority leader would like me to discuss this matter, I would like to ask unanimous consent at this time that there be an hour on the pending resolution, at the conclusion of which the vote will take place.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, it is anticipated that S. 575, the so-called Appalachian Regional Development Act of 1965, will be laid before the Senate this afternoon. However, there will be no debate on that measure—unless someone wants to debate it—until tomorrow.

That will be followed on Friday by H.R. 4690, an act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes—the so-called Debt Ceiling Act. There may well be some contention on that bill.

Mr. BYRD of West Virginia, Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, there are indications that an amendment dealing with social security will be offered. It is quite possible that on Friday there will be votes. It is quite possible that that measure will have to be carried over until Monday.

Following that, it is hoped, with the approval of the distinguished Senator from New Hampshire (Mr. COTTON), and my distinguished colleague, the junior Senator from Montana (Mr. METCALF), that the Senate will take up Senate Joint Resolution 17, a joint resolution to establish a Joint Committee on the Environment.

Following that, if nothing intervenes, there is the possibility of taking up Senate Resolution 17, a resolution submitted by the distinguished Senator from Oklahome (Mr. HARRIS), the distinguished Senator from Maryland (Mr. MATHIAS).

At some time or other, the Senate will consider the bill introduced by my distinguished colleague, Senator METCALF, and me having to do with the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., may well be taken up.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield further?

Mr. MANSFIELD. I had nothing to do with placing that bill on the calendar, I assure the distinguished minority leader.

Mr. SCOTT. I was going to praise the majority leader for mentioning Montana twice in one sentence. But I want to revert to the question of the debt limit bill and social security. If we are going to have votes on Friday, we want to have everyone here. If there is any way to work out agreements on time, since there is the possibility there will be a great deal of debate on the social security aspect, I want to express the hope that the manager of the bill might consider whether Senators can expect votes on Friday or whether they could come on Monday. I realize that if we are not able to work out something, we will have to be here.

Mr. MANSFIELD. The debt limit matter cannot be taken up until Friday because the chairman of the Committee on Finance (Mr. LONG) will be absent on official business tomorrow, but any agreement which he and the distinguished ranking minority Member, the Senator from Utah (Mr. BENNETT), would care to advance I am sure the joint leadership would be happy to consider in an effort to try to accommodate Senators. But I should point out that on the basis of the recess schedule which has been laid down on the basis of 4 or 5 days off at the end of certain months, it really behooves us to be here and I am happy to note that no Senator up to this time on either side has asked that he be given special consideration with respect to voting on a day certain; but wherever the leadership can, we will try to accommodate Senators.

Mr. SCOTT. I thank the Senator.

EXTENSION OF RIGHT TO VOTE

The Senate continued with the consideration of the joint resolution (S.J. Res. 7) proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older.

The PRESIDING OFFICER. The Chair wishes to inquire of the Senator from Montana if the time for colloquy which has just taken place is to be subtracted from the allotted time.

Mr. MANSFIELD. Yes.

Mr. PERCY and Mr. BAYH addressed the Chair.

The PRESIDING OFFICER. The Chair believes the Senator from Illinois had requested recognition.

Mr. PERCY. Mr. President, because we are under controlled time I will limit my comments. If the Senator from Indiana wishes to be recognized, my remarks on this subject will only take 5 or 6 minutes.

Mr. BAYH. I was going to make a 30 second observation relative to the question that I thought was rightfully posed by the Chair. We are in the midst of debating a major matter, and I think 1 hour is not excessive for Senators to express their thoughts. I will be quiet now so Senators can express themselves.

I yield to the Senator from Illinois.

Mr. MANSFIELD. Mr. President, the Senator from Indiana will be in charge of the time.

Mr. PERCY. Mr. President, I agree that this is an extremely important subject. I have long advocated the extension of the franchise to 18-year-olds. I cosponsored legislation which passed in the last Congress lowering the voting age, and I was very pleased when the Supreme Court ruled the 18-year-old vote constitutional when applied to Federal elections.

Unfortunately, however, the Supreme Court decided that the new law franchising citizens 18, 19, and 20 years old was unconstitutional for State and local elections. As a consequence, State and local election boards face what may be an administrative nightmare unless we take the remedial action that is available to us today.

I speak with deep feeling with reference to the administrative nightmare facing State and local election boards. I have spent every election since 1948 in the polling booths in Cook County, and particularly in Chicago. I have observed the voting practices, the charges of irregularity, and the great problem we have in the two party system, even in a simple election, to insure an honest vote and an honest count.

I cannot imagine the complexities that will be added if we impose this tremendous burden. I do not make this charge in a partisan sense. Republicans through the years have charged that elections in Cook County have been stolen; and the Democrats, in turn, have charged that down State elections have been derelict in assuring honest elections and count; but there is no use adding to the complexities.

The mere prospect of dual voting machines or separate paper ballots, one listing all offices and candidates and the other—for younger voters—listing only Federal candidates, should by itself be enough to convince us to support the constitutional amendment that is now before us. If it is enacted by the Congress and ratified by three-quarters of the States, we will have a uniform national voting age for all elections—Federal, State and local. Not only would this relieve the States and localities of the administrative burdens connected with dual election procedures, but it would also save them the millions of dollars that implementing such procedures would unquestionably entail.

But the principal reason for my support of the constitutional amendment giving the right to vote to 18-year-olds in State and local elections goes far beyond the serious mechanical problems posed by dual elections.

It also goes beyond the often cited issue of the "voteless soldier." The argument that an individual who is old enough to fight and die for his country should also be old enough to vote is certainly very persuasive, but there are others that are equally impressive. Eighteen-year-olds are regarded as adults by the penal codes, by the insurance companies, by the state agencies which issue automobile operator's licenses. They can enter the Federal Civil Service; they can be taxed; they are legally entitled to marry in any State.

In brief, Americans who are 18, 19 and 20 are adults in virtually every legal sense. There is no justifiable reason for withholding from them the most basic of their civil rights—the right to vote, in any and all elections.

It makes no sense to young people today to say that they are qualified and empowered to vote for President and Vice President, for Senator and Congressman, but that they cannot vote for their mayor, city councilman, Governor, and in Cook County they cannot even vote for a sanitary district candidate.

The contention that young people are too ill-informed about public affairs to exercise wisely the right to vote can have little credence. Perhaps this argument had some validity at the turn of the century, when only 6 percent of the Americans who had reached 18 were high school graduates, or in 1940, when only about half had completed high school.

But in the year 1971, when 81 percent of all Americans have graduated from high school by the age of 18 and when nearly half of the 18-, 19-, and 20-year-olds are college students, young Americans have the education and the maturity to participate fully in our political process. Anyone who watches television or reads a newspaper understands that they already are deeply involved in questions of public policy. Their commitment is likely to become even deeper if we give them a peaceful means to achieve the ends they seek.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRIFFIN. Mr. President, how much additional time does the Senator need?

Mr. PERCY. Mr. President, will the Senator yield to me for 3 additional minutes?

Mr. GRIFFIN. Mr. President, I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 additional minutes.

Mr. PERCY. Mr. President, the argument that the vote should be denied to young people because a small minority of them hold views that are unacceptable to many adults would not be worth discussing if it were not so prevalent. To do so would be comparable to taking the franchise away from any group whose views are not held by a majority of Americans—whether they be prohibitionists, Presbyterians or—for that matter—Republicans. Diversity of belief is one of this country's most important assets. It must be encouraged—not merely tolerated—if we wish to avoid the intellectual stagnation that is characteristic of nations in which ideas are imposed upon the people.

It is true, of course, that if the State legislatures were to act to lower the voting age to 18 in State and local elections, a constitutional amendment would not be required. But even if this is theoretically possible, I do not believe that any among us is naive enough to believe that the legislatures will act swiftly enough to avoid chaos by the next general election. If we wish to have a uniform voting age requirement—and to have it in time for the 1972 elections—we must amend the Constitution.

My own State of Illinois is one of the several States that have rejected the 18-year-old vote proposition at the polls. But these decisions were made before the Supreme Court affirmed the constitutionality of the 18-year-old vote in Federal elections. I strongly believe that, in light of this ruling, it is very likely that the electorates in these States would now view the question somewhat differently. I cannot conceive of any State's voluntarily selecting a dual system of voting.

The Census Bureau's projections indicate that approximately 11.5 million Americans between 18 and 20 years old will be eligible to vote in the 1972 elections. We will determine today whether or not they will be fully or partially enfranchised citizens, eligible to vote in all elections or simply in presidential and congressional contests.

Mr. President, this is not a partisan issue. The distinguished Senator from Kentucky (Mr. COOK) has noted that in his State, which has permitted 18-year-olds to vote for 15 years, the rise of the Republican Party has paralleled the enfranchisement and increased participation in politics of 18-to-20-year-olds. Many other political analysts feel that a majority of young people tend to be Democrats. And Richard M. Scammon, the perceptive director of the Elections Research Center, has suggested that young voters will in all likelihood behave in much the same way at the polls as their elders do.

Obviously we will be dealing principally in speculation until young people actually begin to vote in large numbers. I, for one, am perfectly willing to compete for the allegiance of young people, and I am sure that my colleagues on both sides of the aisle will agree that this type of healthy competition is the essence of politics.

The basic question we are examining today has nothing to do with political parties. It can be summarized in one word—justice. We must give 18- to 20-year-olds the vote because it is right. Mr. President, I strongly urge the adoption by the Senate of this constitutional amendment.

I would like to close by stating that young people in this country have had a tremendous impact on public affairs. It was young people who went South to register voters, and had their skulls cracked open sometimes, but that resulted in the Voting Rights Act of 1964 and a whole new policy. It was young people who started the trend to get out of Vietnam rather than deeper into it. Young people saw that this war was getting no place fast, and we had to have a policy of getting out and a clear-cut policy enunciated to the South Vietnamese, rather than getting into it deeper. They were right. Everyone agrees with that. Young people brought about the environmental control situation we face today.

The **PRESIDING OFFICER** (Mr. TAFT). The time of the Senator has expired.

Mr. **PERCY**. May I have 30 seconds more?

Mr. **GRIFFIN**. Mr. President, I yield 30 seconds to the Senator from Illinois.

Mr. **PERCY**. I would like to explain that my vote in favor of the tabling motion was not a vote against representation for Washington, D.C. I believe deeply in a voting representation for Washington, D.C., but I firmly believe that this issue on the 18-year-old vote before us is so important that we should not encumber it with any other single issue.

Mr. **BAYH**. Mr. President, I yield 5 minutes to the Senator from Kentucky (Mr. COOK). However, I would like to preface the Senator's remarks with an observation that I think should go into the RECORD. He has been an eloquent and faithful member of the Subcommittee on Constitutional Amendments, who has advocated lowering the voting age since he came to the Senate. The State of Kentucky has practiced that principle, and I think we can look to him because of his firsthand experience. The chairman of the Constitutional Amendments Subcommittee is deeply grateful to the Senator from Kentucky for the time and effort he has devoted to that subject, and to the subcommittee.

Mr. **COOK**. Mr. President, I thank the Senator from Indiana for his remarks.

It is a pleasure to rise in support of Senate Joint Resolution 7, a measure permitting 18-year-olds to vote in all elections—State and local as well as Federal.

Since 1955, when the voters of the Commonwealth of Kentucky ratified an amendment to the State constitution, this age group has voted in all primary and general, local, State, and National elections subject to the same residency and registration requirements as all other voters. We have now had the benefit of 14 years' experience, and it has been a complete success. I know of no public official in Kentucky who has not been satisfied with this experience.

As is often the case, the Federal Government is often behind some States in the enactment of progressive and rational legislation. Since 1942, when the first joint resolution was introduced, by then Congressman JENNINGS RANDOLPH, to amend the Constitution and lower the voting age to 18 for both Federal and State elections, a similar proposal has been introduced in every Congress. Each year it gained momentum and support. It was endorsed by President Eisenhower in his 1954 state of the Union address, again by President Johnson in a message to the 90th Congress, and by the Nixon administration in the 91st Congress. Deputy Attorney General Richard Kleindienst said in testimony before the Constitutional Amendments Subcommittee:

> America's 10 million young people between the ages of 18 and 21 are better equipped today then ever in the past to be entrusted with all of the responsibilities and privileges of citizenship. Their well-formed intelligence, enthusiastic interest, and desire to participate in public affairs at all levels exemplifies the highest qualities of mature citizenship.

By March of last year, the question of lowering the voting age became by which method, rather than why or when. At hearings held by the Subcommittee on Constitutional Amendments a number of leading constitutional law scholars suggested that the Congress, under the 14th amendment, could accomplish this by a Federal statute. The concept gathered broad support from such diverse thinkers as Senator EDWARD KENNEDY and Senator BARRY GOLDWATER.

On March 9, 1970, I introduced with the support of Senators GOLDWATER, DOMINICK, SCOTT, JAVITS, PACKWOOD, HATFIELD, CASE, BOGGS, SCHWEIKER, BROOKE, FONG, PERCY, YOUNG of Ohio, BAYH, RIBICOFF, MCGEE, CHURCH, CRANSTON, and HUGHES, S. 3560, a bill to lower the voting age to 18 years by statute.

I ask that my remarks concerning that bill be inserted in the RECORD at the end of this speech.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **COOK**. Mr. President, 3 days later Senator MANSFIELD offered an amendment to the Voting Rights Act of 1970, the pending Senate business, which would accomplish this same purpose. Within 3 months the measure was passed by the Congress. After having been signed into law by President Nixon, an early decision by the Supreme Court was sought to determine the bill's constitutionality.

In Oregon against Mitchell, by a narrow 5-to-4 decision, the Court upheld those sections of the act allowing 18-year-olds to participate in Federal elections but denying them a similar right in State and local elections. As a result of this ruling, 10 million young people from ages 18 to 20 in 47 States may vote for their President, Senator, and Congressman, but not for their Governor, mayor, and other local officials.

While the Court may have been constitutionally correct, its decision lacked reason, understanding, and practicality. All of the arguments made in favor of enfranchising this age group have been brought forth, debated, and accepted. That they apply equally to both Federal and State elections cannot be denied.

A report by the Constitutional Amendments Subcommittee, "A 50-State Survey of the Costs and Other Problems of Dual-Age Voting," pointed out the difficulties in implementing this decision at the State and local level. Because of the Court's decision, special and separate facilities and procedures will become a necessity in order to accommodate two classes of voters. By age, voters will have to be separated at the time of registration and at each election. In those areas of the country which do not require registration it will be necessary to verify not only the voter's identification and residence but also his exact age.

The **PRESIDING OFFICER**. The 5 minutes of the Senator has expired.

Mr. **COOK**. May I have 3 more minutes?

Mr. **BAYH**. Mr. President, I yield 3 minutes to the Senator from Kentucky.

Mr. **COOK**. Mr. President, at least 50 percent of the country's voters vote by machine. Some election officials have stated that their voting machines cannot be adapted in order to "lock out" State and local elections. Others say it is possible but that it would require an additional person at the polls and would likely result in delay, confusion, and possible fraud. Reliance on paper ballots put an additional burden on those using machines. Where paper ballots are still in use, special ballots will have to be used. Also, additional administrative burden will necessarily result in added costs to the States. There will be the initial expense for new equipment and the continuing expenses of maintaining dual sets of registration books, additional election supervisors, and voting personnel clerks. The subcommittee report estimated this cost to be between $10 and $20 million.

To avoid this additional cost and to grant full and complete citizenship to this age group, there are two alternatives. The most difficult would be amending each State constitution. Only eight States reported to the subcommittee that it would be possible to complete such action in time for the 1972 elections. The quickest method is the passage and ratification of an amendment to the Federal constitution. Should the Congress report out such a measure, at least 35 State legislatures may act upon it before 1972. In addition, a number of legislatures will be holding special sessions for various reasons, including apportionment required by the 1970 census.

The right to vote—in all elections—is a basic right for the young people between 18 and 21. We must not tarry in the fulfillment of this objective. As President Johnson so eloquently stated:

> Today, the young people of America are asking the opportunity to give of their talents and abilities, their energies and enthusiasms, to the greater tasks of their times. I believe their proper request can and must be properly answered by a national affirmation of our faith in them. For a nation without faith in its sons and daughters is a nation without faith in itself.

EXHIBIT 1

[From the CONGRESSIONAL RECORD, Mar. 9, 1970]

ALLOWING 18-YEAR-OLDS TO VOTE

Mr. COOK. Mr. President, the question of allowing 18-year-olds to vote has become not whether but when and how. With the exception of a few aged relics in Congress, the overwhelming majority of the peoples' representatives now realize we must enfranchise 18-year-olds and do it as soon as possible.

Since almost all Senators now recognize the need to lower the age of democratic participation to 18 and are familiar with the arguments for such a step, I will be very brief in describing the other ways in which this age group fully participates in our society. Deputy Attorney General Kleindienst, indicating the support of the Nixon administration for lowering the voting age, named just some of the ways in which they are currently involved, in his testimony before the Constitutional Amendments Subcommittee the other day. He stated:

"We do not wait until 21 years of age to permit our young people to enter the labor market or to require the payment of income taxes. Before 21 many states permit our young men and women to shoulder the responsibility of marriage; we ask that they man our Armed Forces and "provide for the common defense." We hold them liable for their civil and criminal actions."

In that regard, I should like to note for the Record that, according to Defense Department statistics of June 1968, of the 3,510,000 men in the Armed Forces, 27,000 were 17 years of age, 123,000 were 18 years of age, 266,000 were 19 years of age, and 567,000 were 20 years of age. In other words, of the 3,510,000, 983,000 were under 21.

With regard to the present conflict in Vietnam, I should like the RECORD to show that of this group and of those who have lost their lives for this country, nine were 17, 2,413 were 18, 6,368 were 19, and 10,421 were 20.

Little more needs to be said in answering the question "whether?" except to relate, briefly, the experience in my own State of Kentucky. In 1954, the general assembly of my State enacted a bill submitting to the electorate the matter of lowering the voting age to 18. In November 1955 the voters ratified the proposal with little or no controversy.

We have now had the benefit of 14 years experience with responsible voter participation by this block. Contrary to the allegations of many of my conservative friends, there has not been any discernible pattern of voting behavior. In fact, it could be strongly contended that the growth of the Republican Party in Kentucky, generally considered to be the more conservative of the two parties, has directly paralleled the enfranchisement and increase in participation of this age group.

Every major statewide candidate in recent memory has had a fulltime youth chairman whose sole function it was to seek out and secure the support of this block of roughly 100,000 potential voters. For those who attend a college in Kentucky, politics is a way of life. Some argue we should keep politics off the campuses. I agree to the extent that that means political interference by State officials or even Federal officials with academic and political freedom of thought and expression. I most emphatically do not agree if it means college people should not be allowed to vote and in a meaningful way support the candidates of their choice.

Politics on the campus in Kentucky means that for a candidate to be credible he must appear and subject himself to the intelligence and insight of today's politically sagacious youth. Our bright young Kentuckians are a great force against the hypocritical handshaking, backslapping, baby kissers of the old school of politics. In fact, it could be argued very persuasively that their participation has significantly up-graded both the caliber and the campaigns of the Kentucky politician of today.

In summary, the Kentucky experience has been a complete success, and I would venture a wager that one could not find 1 percent of Kentuckians, whether liberal or conservative, mountaineer or farmer, city dweller or tobacco grower, who would advocate raising the age.

The next question is, "How?" We have traditionally believed that lowering the voting age must be done by constitutional amendment, primarily because we took this course in enfranchising blacks and women. This view, however, does not take into account our living Constitution and the expanding role of the 14th amendment when aided by an act of Congress, in striking down the irrational barriers which States have placed between those who would otherwise be qualified to vote and the ballot box.

The expanded role of the 14th amendment in this area, when supported by an act of Congress, is a relatively new feature in the constitutional law of our land traceable to the historic Voting Rights Act of 1965 and the case of *Katzenbach* v. *Morgan*, 384 U.S. 641, which rules section 4(e) of that act constitutional. It is upon the authority of this case that we can reasonably predict that a statute lowering the voting age to 18 under the authority of the 14th amendment, section (5), would be upheld as constitutional.

Let us look briefly at the facts of that case to see how they apply to what we are seeking to do this year. The Morgan case tested the constitutionality of section 4(e) of the Voting Rights Act which provides that no person who has successfully completed the sixth primary grade in a public school in, or a private school accredited by, the Commonwealth of Puerto Rico in which the language of instruction was other than English shall be denied the right to vote in any election because of his inability to read or write English. New York claimed the statute to be justified because of a State interest in assuring intelligent use of the franchise.

As Prof. Archibald Cox pointed out in his testimony before the Constitutional Amendments Subcommittee, in the absence of statute, the Supreme Court might have sustained New York's position. However, the court said, in effect, as Professor Cox put it, that "Congress may decide, within broad limits, how the general principle of equal protection applied to actual conditions."

The Court cited, in Morgan, the early case of *Ex parte Virginia*, 100 U.S. 339, 345, in describing what section (5) of the 14th amendment intended to give to Congress—

"It is the power of Congress which has been enlarged. Congress is authorized to enforce the prohibitions by appropriate legislation. Some legislation is contemplated to make the amendment fully effective."

Section (1) of the 14th amendment provides that no State shall deny to any person within its jurisdiction equal protection of the laws. The equal protection clause is violated by any State which imposes an arbitrary or unreasonable discrimination or an invidious classification. This is then followed by section (5) of the amendment which gives Congress the power to enforce the amendment by "appropriate" legislation.

It would be entirely possible to find two different results on the same set of facts where in one instance Congress had acted pursuant to section (5) to strike down invidious discrimination and in the other case where it had not so acted. Thus, the speculation earlier that the result might have been different in Morgan in the absence of the passage of 4(e) of the Voting Rights Bill pursuant to section (5) of the 14th amendment.

In support of this assertion, the Court said in the Morgan case:

"Without regard to whether the Judiciary would find that the equal protection clause itself nullifies New York's English literacy requirement as so applied, could Congress prohibit the enforcement of the state law by legislating under section (5) of the 14th Amendment? In answering this question, our task is limited to determining whether such legislation is, as required by section (5), *appropriate* [emphasis added] legislation to enforce the equal protection clause."

The Court then proceeded to consider whether section 4(e) was "appropriate" legislation—the *McCulloch* v. *Maryland*, 4 Wheat 316, 421, standard. In deciding what was appropriate legislation to enforce the equal protection clause, the Court said:

"It was for Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations—the risk of pervasiveness of the discrimination in government services, the effectiveness of eliminating the state restriction on the right to vote as a means of dealing with the evil, the adequacy or availability of alternative remedies, and the nature and significance of the state interests that would be affected by the nullification of the English literacy requirement as applied to residents who have successfully completed the sixth grade in a Puerto Rican school. *It is not for us to review the Congressional resolution of these factors. It is enough that we are able to perceive a basis upon which the Congress might resolve the conflict as it did.*" [Emphasis added.]

The question, then, is whether the language and logic of Morgan would be equally applicable to a statute passed by Congress pursuant to section (5) of the 14th amendment lowering the voting age to 18. Under the 14th amendment, in the absence of statute, the question would be whether denying the right to vote to 18-, 19-, and 20-year-olds is arbitrary or capricious. I agree with Professor Cox that the Supreme Court would not so hold.

However, if Congress passed legislation under section (5) of the 14th amendment then the Court, it is reasonable to predict, would uphold the constitutionality of such a statute, with a supporting statute the Court's inquiry would be, under Morgan, could it "perceive a basis upon which the Congress might resolve the conflict (between state interest in not allowing 18, 19 and 20 year olds to vote and Congress' interest in lowering the age to 18) as it did."

In examining the congressional basis for the passage of such a statute the Court would surely find as Cox put it:

"Congress would seem to have power [under section (5), 14th Amendment] to make a similar finding [as in *Morgan*, that English language requirement is constitutionally irrelevant] about the state laws denying the franchise to eighteen, nineteen, and twenty year olds even though they work, pay taxes, raise families, and are subjects to military service."

I might suggest, for those who would deny the vote to 18-, 19-, and 20-year-olds, in regard to that service, that we allow young men at 18 to go into officers' candidate school in this country and become officers in the military service of this Nation.

It is clear to me that we are constitutionally able to proceed with the long-overdue task of lowering the voting age to 18 in all elections in one of two ways.

The final question is "when?" We may, out of some inexplicable reverence for the past, choose the difficult route of the constitutional amendment or we may, recognizing that we exist under a living, changing Constitution, choose a more expeditious alternative. I see no virtue in masochistically proceeding with a constitutional amendment which will require years to ratify, when the Congress could have the courage to act now to remedy one of the most pervasive injustices of our day.

I, therefore, introduce for appropriate reference a bill to provide for lowering the minimum age at which citizens shall be allowed to vote in all elections to 18. Also, I ask unanimous consent that the bill be printed in its entirety at the end of my remarks, and that the following Senators be added as cosponsors: Mr. GOLDWATER, Mr.

Dominick, Mr. Scott, Mr. Javits, Mr. Packwood, Mr. Hatfield, Mr. Case, Mr. Boggs, Mr. Schweiker, Mr. Brooke, Mr. Fong, Mr. Percy, Mr. Young of Ohio, Mr. Bayh, Mr. Ribicoff, Mr. McGee, Mr. Church, Mr. Cranston, and Mr. Hughes.

The Presiding Officer (Mr. Byrd of West Virginia in the chair). The bill will be received and appropriately referred; and, without objection, will be printed in the Record at this point.

The bill (S. 3560) to provide for lowering the minimum age of which citizens shall be eligible to vote in elections, was received, read twice by its title, referred to the Committee on Rules and Administration, and ordered to be printed in the Record, as follows:

S. 3560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Voting at Eighteen Act".

Sec. 2. (a) The Congress finds and declares that the imposition and application of the requirement that a citizen be twenty-one years of age as a precondition to voting in any primary or in any election—

(1) denies and abridges the inherent constitutional rights of citizens who are eighteen years of age but not twenty-one years of age to vote, which is unfair in view of the national defense burdens imposed on such citizens;

(2) has the purpose and effect of denying to citizens who are eighteen years of age but not twenty-one years of age the due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment of the Constitution, particularly in view of the unreasonable classification based upon the proposition that such citizens are not intelligent or mature enough to exercise the right to vote; and

(3) does not bear a reasonable relationship to any compelling State interest in the conduct of elections.

(b) In order to secure the constitutional rights set forth in subsection (a), the Congress declares that it is necessary to prohibit the denial of the right to vote to citizens of the United States eighteen years of age or over.

Sec. 3. No citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any primary or in any election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older.

Sec. 4. (a) In the exercise of the powers of the Congress under the necessary and proper clause of section 8, article I of the Constitution and section 5 of the fourteenth amendment of the Constitution the Attorney General is authorized and directed to institute in the name of the United States such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the purposes of this Act.

(b) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this Act, which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

Sec. 5. Whoever shall deny or attempt to deny any person of any right secured by this Act shall be fined not more than $5,000 or imprisoned not more than five years, or both.

Sec. 6. As used in this Act the term "State" includes the District of Columbia.

Sec. 7. The provisions of this Act shall take effect with respect to any primary or election held on or after January 1, 1971.

Mr. Cook. Mr. President, I also ask unanimous consent to have printed in the Record a statement made today by the Senator from Arizona (Mr. Goldwater) before the Subcommittee on Constitutional Amendments entitled "18 Is Old Enough."

This is one of the finest statements I have ever read on this subject, and I recommend it to the reading of all Senators.

Eighteen Is Old Enough

Mr. Chairman and Members of the Subcommittee: It is a pleasure to have the opportunity to testify on the important question of whether or not the minimum voting age should be lowered to 18.

Mr. Chairman, I want to say at the outset that I think it should. This is a goal that I have worked for over a long period of years. And I am delighted to be able to restate my position at this time.

The main argument that I have heard against the proposal is the claim that young persons are not mature enough. They are said to be too rebellious and militant.

But I want to say here and now that this kind of reasoning is nonsense. Talk about young people being irrational. What about the supposedly mature persons who would deny the right to vote to nearly 11 million citizens just because a tiny minority has engaged in militant behavior?

When will people learn that what they see and hear through the mass media is not necessarily typical of the way things really are? Yes, if all people do is to sit in front of their T.V. screens or skim over the headlines, then the predominate image which they are going to get of our young men and women is one of an unclean, vile-tongued, rock-throwing, campus-storming, street-rioting bunch of hoodlums and misfits.

But, Mr. Chairman, I want to state as firmly as I can that this picture is distorted, stupid, and absolutely wrong. All that the major networks and liberal newspayers have achieved by their endless over-exposure of the extremist tactics used by a piddling few of our young Americans is to prejudice the judgment of many of their elders against youth in general.

Mr. Chairman, I ask the public to think for themselves. I want the average American to make his impressions from what he himself has actually seen. Don't rely upon the defamatory bunk which you are being fed by liberal journalists and reporters who are falling all over each other to see who can shock their audience the most.

If the average viewer or the average reader could travel through the length and breadth of our nation as I have to meet with students on the campuses of universities, both large and small, then I know that they would agree with me that this generation of young people is the finest generation that has ever come along.

Mr. Chairman, I have probably visited more colleges and universities in the last decade than anyone in the country. And I am constantly impressed by the wisdom and interest, and concern with vital matters, that is shown by the students whom I have met.

In fact, their grasp of national issues is downright amazing. Far from being the possible victims of demagogues, I think the challenging, probing minds of today's youth will serve to expose the dishonest politician quicker than anything else.

Unless a person has honest convictions and sincere principles, these eighteen year olds, and 19 year olds, will shatter his veil of hypocrisy in short order. They will see through the phony promise and the faked crisis sooner than many of their elders do.

Mr. Chairman, I have confidence in our nation's educational system. I have pride in the way our young people are being taught to analyze issues and to think things through for themselves. Unlike many older persons, these young Americans are willing to question what they read and what they watch in the mass media.

Some people, who should know better, say eighteen-year-olds are too idealistic. They are said to be unable to follow the complicated, practical reasons why the things politicians promise them don't really happen.

Well, I want to say that this is exactly what we need more of in this country. We need more citizens who are concerned enough to pose high social and more goals for the nation. Civil servants and legislators, of any political party, need to be prodded to cut through the bureaucratic jungle of red tape so that the government will serve the people in the way it is intended.

Some more idealism will do us all good. It will help remove the crusty, shop-worn reasons why the policies and goals which are promised to voters don't ever seem to get accomplished. It wil make us find the positive answers that will put us on the right track. Instead of explaining why this law or that program can't benefit the public the way we thought it would when it was passed, idealism will send us searching for innovations and new departures that will get the job done.

Whether we are speaking of world peace, cleaning the air and water, stopping crime in the streets, eliminating smut in the mails, or any other important goal, the energies and enthusiasm and urgings of young Americans will help us do our best.

Mr. Chairman, I support extending the vote to young citizens because I know it is right. I do not rely on the argument that because a person is old enough to serve in the Armed Forces he is old enough to vote. That is a duty of citizenship.

But there are other impressive arguments which demonstrate that eighteen-year-olds have reached maturity. Insurance companies hold a person to be an adult when he is eighteen. Eighteen-year olds are treated as adults by penal codes. Eighteen-year-olds are allowed to obtain unrestricted automobile operator's licenses in every State. Young Americans can enter the Federal Civil Service at 18, be taxed at 18, and marry in any State at 18. Indeed, 25% of all girls are married at 18 and 19, and 50% are married at 20.

So they can raise families, hold jobs, be taxed, be tried in adult courts, and be trusted on the public highways. And yet they are not allowed to vote.

Mr. Chairman, this attitude is outmoded and archaic. It is literally based on a tradition which dates back to medieval times.

Perhaps, in the days around the turn of the century, it once had meaning. In 1900 only 6% of Americans who had reached 18 were high school graduates. In fact, as late as 1940, only one-half of all 18-year-olds had completed high school.

But this is 1970. This is the age of instant communications, all-news radio stations, T.V. news, and the most avid political concern on the part of young Americans that I have ever witnessed.

Today fully 81% of Americans have graduated from high school before they reach 18. Almost 50% of 18-, 19-, and 20-year olds are enrolled in college. And the education which they are receiving is more advanced and intense than at any time in our history.

In short, youth today is better informed and better equipped than any previous generation. They are without a doubt equally mature, both mentally and physically, as the average citizen who had reached 25 when I was growing up. In fact, they may be better able to comprehend the dramatic technological advances and changing perspectives of modern life than many of their parents.

Therefore, I hold that there is no sensible reason for denying the vote to 18-year-olds. What's more, I think we have studied the issue long enough. The voting age should be lowered and lowered at once across the entire nation.

To my mind, the change can validly be achieved by either a Constitutional Amendment or a statute. For once a person reaches the conclusion, as I have, that there is no reasonable justification for denying the right to vote to eighteen-year-olds, then it is quite clear that Congress can act to protect and enhance that right.

It is true that the States possess a power to set reasonable qualifications for voters in their elections. When these requirements are applied in a sensible way, they should not be altered by Federal intrusion.

But not even the strongest advocate of State's rights could claim that a State may limit the right to vote on arbitrary or unreasonable grounds. It would be nonsense to say that a State could fence out all left-handed persons from the polls. Or all Catholics. Or all males with long hair.

Clearly there are limits as to how this authority may be used. To say that the States may establish voting qualifications is not to say that their power is absolute.

To me, where there is a conflict between the fundamental, personal right to vote and the purely administrative power of a State to regulate its elections, the State power may prevail over the right of the individual citizen only if it serves a major and compelling State interest. Since no such interest has been shown in the case at hand, I believe it is entirely fitting for Congress to act to protect the freedom to vote of young Americans.

While I am not a lawyer, I would like to present a few arguments which will establish the principles on which I base my conclusion.

The first principle which I want to set forth is as old as our Union itself. This is the concept that Congress may act by statute to secure the rights which are inherent in National citizenship.

Mr. Chairman, one of the most firmly imbedded concepts of Constitutional law is the premise that there are certain fundamental personal rights of citizenship which arise out of the very nature and existence of the Federal government. Without these basic rights, there would be no national government and no meaning to United States citizenship.

Thus, in the case of *Ward* v. *Maryland*, 12 Wallace 418, 430 (1870), the rights of National citizenship were held to embrace "nearly every civil right for the establishment and protection of which organized government is instituted."

The Supreme Court has consistently interpreted these rights as belonging to United States citizenship, as distinguished from citizenship of a State. In the *Slaughter-House Cases*, 16 Wallace 36, 79 (1872), the Court remarked that these fundamental rights "are dependent upon citizenship of the United States, and not citizenship of a State."

Perhaps the best exposition of the scope of National citizenship is found in the opinion written by Justice Frankfurter in *United States* v. *Williams*, 341 U.S. 70 (1951). At pages 79 and 80, the learned Justice presents a history of the broad recognition accorded to what he calls the "rights which arise from the relationship of the individual with the Federal government."

Consqeuently, the existence of a separate category of implied rights that are based upon the nature and character of the national government has been confirmed in case after case throughout the history of the nation.

Furthermore, it is well settled that the right to vote is included among these fundamental rights, *Ex parte Yarbrough*, 110 U.S. 651, 663, (1884), is but one of many decisions by the Court in which the right to vote for Federal officers has been held to be a right granted or secured by the Constitution and not one that is dependent upon State law.

The rule was expanded by the recent case of *Texas* v. *United States*, 384 U.S. 155 (1966), in which the Supreme Court affirmed the decision of a three-judge District Court that the right to vote in all elections, State or Federal, "clearly constitutes one of the most basic elements of our freedom—the 'core of our constitutional system."

It is clear that Congress may act to protect a national right under the Necessary and Proper Clause. As it was said by Chief Justice Waite in *United States* v. *Reese*, 92 U.S. 214, 217 (1875), "Rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress. The form and manner of the protection may be such as Congress in the legitimate exercise of its legislative discretion shall provide."

The doctrine was also defined in *Strauder* v. *West Virginia*, 100 U.S. 303, 310 (1879), where the Court held that: "A right or an immunity, whether created by the Constitution or only guaranteed by it, even without any express delegation of power, may be protected by Congress."

Mr. Chairman, the test to be applied in cases where Congress is acting to enforce or enhance an inherent Constitutional right is the one laid down by Chief Justice Marshall for all cases involving the power of Congress under the Necessary and Proper Clause.

According to this rule, three questions must be asked: (1) Is the end "legitimate?" (2) Is the statute "plainly adapted to that end?" and (3) Is the approach used "not prohibited, but consistent with the letter and spirit of Constitution." *McCulloch v. Maryland*, 4 Wheaton, 316, 420 (1819).

In applying these standards to the proposal at hand, I believe the Courts would uphold the power of Congress to pass a statute reducing the voting age in all elections, Federal, State and local.

First, there can be no doubt that the end is "legitimate." The legislation would be designed to protect the fundamental right to vote for almost 11 million citizens.

Second, the proposal is "plainly adapted to that end." By removing a voting impediment which Congress has found to be unnecessary and unfair, the Constitutional right to vote will be immediately and effectively enhanced for millions of Americans.

Third, the law is "not prohibited, but consistent with the letter and spirit of the constitution."

Here is where the crux of the whole issue must stand or fall. It will unquestionably be argued by some that since the Constitution allows the States to create reasonable voting qualifications, Congress may not override those State requirements.

However, I believe that the rule of *United States* v. *Texas*, 252 Federal Supplement 234 (1966), which I have cited above, settles the question.

In this case, a three-judge District Court, convened under section 10 of the Voting Rights Act of 1965, sustained the power of Congress to prohibit the use of the poll tax as a prerequisite to voting in State elections.

Although the Court recognized that the poll tax system in Texas had the important function of serving "as a substitute for a registration system," it held that payment of the tax as a precondition to voting must fall because it restricted "one of the fundamental rights included within the concept of liberty." (252 Federal Supplement 250.)

In reaching its decision, the Court said it was following the rule announced by the Supreme Court that "Where there is a significant encroachment upon personal liberty, the State may prevail only upon showing a subordinating interest which is compelling," *Bates* v. *City of Little Rock*, 361 U.S. 516, 524 (1959).

Also, the lower Court cited the principle of *McLaughlin* v. *State of Florida*, 379 U.S. 184, 196 (1964), that such a State law "will be upheld only if it is necessary, and not merely rationally related, to the accomplishment of a permissible state policy."

Since the judgment of the District Court was affirmed by the Supreme Court, 384, U.S. 155 (1966), I believe it offers the controlling principle which must be applied to cases involving a conflict between the assertion of an individual's Constitutional right and a State law that touches on that right but serves a permissible State objective.

Another recent case that follows the same rule is *Shapiro v. Thompson*, 394 U.S. 618 (1969). This case concerned the validity of waiting periods imposed by the States to deny welfare assistance to new residents of the States.

The case is relevant to the question which we are considering because the Court specifically rejected the argument that a mere showing of a rational relationship between the qualification and a permissible State purpose is enough to justify the denial of welfare benefits to otherwise elegible applicants.

The Court held that "in moving from State to State or to the District of Columbia appellees were exercising a constitutional right, and any classification which serves to penalize the exercise of that right, unless shown to be necessary to promote a *compelling* governmental interest, is unconstitutional." (394 U.S. 634)

Since the State qualifications involved here also touch on the exercise of a fundamental Constitutional right, I believe the same rule will be applied. Congress may, in order to protect the exercise of the right to vote, regulate State laws which deny that right, unless the State laws are shown to be necessary in order to promote a "compelling" State interest.

Under this standard, I conclude that Congress may, consistent with the Constitution, establish a minimum voting age of 18 years.

There simply is no compelling reason why a State has to deprive citizens who are between the ages of 18 and 21 of their right to vote. As I have discussed earlier in my statement, the only reason put forth to justify the present minimum of 21 is a distrust of the intelligence of maturity of young persons.

There is no rhyme or reason to either of these points in today's setting. They are based strictly on emotion rather than facts. Unless a State can come up with a better explanation than this; I believe Congress can and should act to enhance the right of young citizens to vote.

Mr. Chairman, there is another ground upon which Congress may act. For the Supreme Court has held that Congress may act independently of the courts to enforce the guarantees of the Fourteenth Amendment.

This doctrine was first announced in the recent case of *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966).

There the Court was faced with deciding whether or not Congress could preclude the enforcement of New York's English language literacy test as applied to Puerto Rican residents of that State. The Court was also faced with its decision in *Lassiter* v. *Northampton Election Board*, 360 U.S. 45 (1959), in which it had rejected a challenge to the English literacy test of North Carolina.

Nevertheless the Court held that Congress could override the New York law. In writing the Court's opinion, Justice Brennan said that the true question was: "Without regard to whether the judiciary would find that the Equal Protection Clause itself nullifies New York's English literacy requirement as so applied, could Congress prohibit the enforcement of the State law by legislating under section 5 of the Fourteenth Amendment?" (384 U.S. 649)

Justice Brennan said: "In answering this question, our task is limited to determining whether such legislation is, as required by section 5, appropriate legislation to enforce the Equal Protection Clause." (384 U.S. 649–650).

The basic test of what constitutes "appropriate legislation," according to the *Morgan* decision, is the same as the one formulated by Chief Justice Marshall in *McCulloch* v. *Maryland*, when he defined the powers of Congress under the Necessary and Proper Clause. As adapted to legislation passed under section 5, this test requires that three questions shall be asked: (1) Is the statute designed to enforce the Fourteenth Amendment? (2) Is it "plainly adapted" to that end? and (3) Is it consistent with "the letter and spirit of the Constitution?" (384 U.S. 651).

In deciding the answers to these questions, the Court said: "it is enough that we are able to perceive a basis upon which the Congress might predicate a judgment" for acting as it did. (384 U.S. 653).

Thus the Court upheld the power of Congress to preclude the enforcement of the New York literacy requirement. And so, I believe it would uphold the power of Congress to preclude the enforcement of State laws which deny the right to vote to eighteen-year-olds.

It may be granted that the Courts have never held that the enforcement of a 21-year-old voting requirement is invalid. But according to the rule of *Morgan* this doesn't matter. When the case involves an enactment of Congress which is designed to enforce the guarantees of the Fourteenth Amendment, the question is not whether the judicial branch itself would decide that the State law violates that Amendment. Rather the question is whether or not the Congressional measure is appropriate legislation under section 5 of the Fourteenth Amendment.

Under this doctrine, I have no difficulty in believing that the enactment of a uniform voting age is Constitutional. The identical analysis would apply here that I have given above with regard to the power of Congress to act under the Necessary and Proper Clause.

The proposed statute is clearly meant to carry out the legitimate purpose of enhancing the right to vote, is plainly adapted to that end, and is consistent with the Constitution in the absence of a compelling State interest.

Mr. Chairman, this completes my discussion of the authority under which Congress may act. But we must also consider the policy questions. Is this an appropriate issue to tackle by legislation? And is this the time to do it?

Only two States have set the voting age at 18. Should we impose a standard on 48 States which has been accepted in merely two States?

Since 1960, voters in nine States have turned thumbs down on proposals to reduce the voting age below 21. Should we change the laws in these States whose residents have expressly voted not to do so?

In 1970 the voters of ten States will be asked to pass on amendments which would lower the voting age in their States. Should we preempt the issue and remove the choice from the local citizens themselves?

These are the kinds of hard questions which we must consider and discuss in detail. We must set out the conflicting considerations fully and fairly. We must balance a proper concern for the preservation of State authority against the attractive opportunity to enhance the right to vote for nearly 11 million citizens—a full 15% of the number of Americans who went to the polls in 1968.

So, let each of us make his own decision. Let us determine what we believe the citizens in our State want us to do and what we believe to be right.

To me, one thing is clear. The idea has found its time. This is the year to act. The proposal for giving full citizenship to young Americans is right. I know it in my heart.

For my part, I shall join with the distinguished Senator from Kentucky (Mr. Cook) in proposing a bill to extend complete voting privileges to all Americans between 18 and 21.

Our bill is not a gesture. It is not put forth merely to promote a discussion. We are firmly convinced that Congress may act by way of a statute.

But we don't intend to risk the voting opportunities of tens of millions of Americans by tossing the age issue into the Voting Rights struggle.

Nor do we intend to cast a cloud over the 1970 general elections by enacting a law whose validity is likely to be unsettled by the time the elections are held.

Let's face it. There have been no prior extensive hearings in the Senate. There has been no previous consideration of the Constitutional issues in the House of Representatives. And the Chairman of the House Committee which holds jurisdiction over the subject is known to possess a career-long record of opposition to dropping the voting age.

In circumstances such as these, the House is not about to follow the statutory route until it can study the matter for itself.

This means that passage of the Voting Rights bill is certain to be endangered, and at the very least held up, if the voting age question is tied to the pending Senate bill.

Let's also face up to the fact that we do not yet have the kind of solid legislative record that is needed to bring the issue before the Courts. We have only the testimony of two or three United States Senators and two Professors of law to show that this can be done by a statute.

While this might be impressive to those of us who are among this group, I am not so certain we have won our case before the entire Congress or before the nine men in black robes who sit in the chamber across the street.

We still need to hear the ring of clashing viewpoints that will help us sort out and refine the strongest legal arguments for our cause.

We still have not heard from any State or local officials who might want to advise us of their problems or give us their recommendations as to the swiftest way in which the Constitutional questions can be decided in the courts.

Therefore, the junior Senator from Kentucky and I will seek to lower the voting age by means of a separate bill, which can be considered on its own merits.

Our bill will provide for the unusual step of an appeal directly to the Supreme Court from a three-judge District Court. By removing the Court of Appeals as the "middle man," the time between the filing of the case and its disposition by the Supreme Court will be greatly shortened.

And if there are any other means by which we can improve this feature of our bill, I will stand ready to support it.

For example, I am working on the draft of a provision which would allow a court action to be filed for the purpose of obtaining a declaratory judgment as to the validity of the statute. Something on this order has been used in the original Voting Rights Act of 1965, and if appropriate here, it would provide a means to settle the legal issues without tying up an election.

In any event, Mr. Chairman, I agree 100% with the proposal to grant full voting rights to our young Americans. To me, 18 is old enough.

Mr. Chairman, I have prepared a four-part summary on the most recent State actions to lower the voting age, and I ask that this material be inserted at the end of my statement.

APPENDIX TO SENATOR GOLDWATER'S TESTIMONY

I. 18-, 19-, AND 20-YEAR-OLD POPULATION

1. Age 18:	
Male	1,830,000
Female	1,776,000
2. Age 19:	
Male	1,781,000
Female	1,729,000
3. Age 20:	
Male	1,791,000
Female	1,747,000
Total males	5,402,000
Total females	5,252,000
Total population	10,654,000

SOURCE.—United States Bureau of the Census, as of July 1, 1969.

II. RECENT STATE ACTION TO LOWER THE VOTING AGE

1. *Alaska*. In 1969 the legislature passed an amendment to lower the voting age from 19 to 18. The proposal will go to the voters in the 1970 elections.

2. *California*. In 1969 the California Constitutional Commission recommended lowering the voting age to 19.

3. *Connecticut*. In 1969 the Connecticut legislature approved an 18-year-old vote proposal which will go on the ballot in November, 1970.

4. *Delaware*. The State legislature passed a 19-year-old vote amendment in 1969. If repassed by the legislature in 1970 or 1971, it will take effect.

5. *Hawaii*. In 1969 the legislature approved an 18-year-old vote amendment. It will be on the ballot in 1970.

6. *Maine*. In 1969 the legislature passed a 20-year-old amendment. It will go before the voters in 1970.

7. *Massachusetts*. In 1967 the General Court approved a reduction in the voting age to 19. That approval was confirmed again by the General Court in 1969. It will be submitted to the voters in 1970.

8. *Minnesota*. In 1969 the legislature approved an amendment lowering the voting age to 19. This proposal will be on the ballot in 1970.

9. *Montana*. In 1969 approval was given to a 19-year-old amendment by the legislature. It will be submitted to the voters in 1970.

10. *Nebraska*. The legislature approved a 20-year-old vote amendment in 1969. This proposal will be submitted to the voters in 1970.

11. *Nevada*. In 1969 the legislature approved an 18-year-old voting amendment. It must reapprove in 1971 to place the question on the 1972 ballot.

12. *Oregon*. The legislature passed a 19-year-old vote amendment in 1968. It will go to the voters in 1970.

13. *Wyoming*. In 1969 the legislature passed a 19-year-old vote proposal. It will be submitted to the voters in 1970.

III. VOTER APPROVAL OF PROPOSALS TO LOWER THE VOTING AGE

1. *Alaska*. The State constitution contains a provision making all citizens 19 years of age and older entitled to vote. The constitution was approved by a 2 to 1 majority of the voters on April 24, 1956.

2. *Georgia*. In 1943 the voters ratified the 18-year-old voting amendment. The vote was 42,284 (yes) and 19,682 (no).

3. *Hawaii*. The State entered the Union in 1959 under the constitution of 1950, which lowered the voting age to 20. Ratification: 82,788 (for) and 27,109 (against).

4. *Kentucky*. In 1955 a referendum was held to lower the voting age to 18. The proposal passed by a 2½ to 1 margin: 190,838 (for) and 107,650 (against).

IV. VOTER REJECTIONS OF PROPOSALS TO LOWER THE VOTING AGE

1. *Idaho*. In 1960 a referendum was held on the proposal to amend the constitution to lower the voting age to 19. The measure was defeated: 113,594 (yes) and 155,548 (no).

2. *Hawaii*. In 1968 the voters specifically rejected a part of the new constitution which would have lowered the voting age to 18. The vote was 72,930 (yes) and 80,660 (no).

3. *Maryland*. In 1968 a constitutional provision to lower the voting age to 19 was defeated by the electorate. The vote was 283,050 (yes) and 366,575 (no).

4. *Michigan*. In the 1966 elections, the Michigan voters defeated a referendum to lower the voting age to 18. The vote was 1,267,872 (yes) and 703,076 (no).

5. *Nebraska*. In 1968 a proposal to lower the voting age to 19 was submitted to the voters. The vote was 246,672 (yes) and 255,051 (no).

6. *New Jersey*. In 1969 the voters decisively rejected a proposal to lower the voting age to 18 years old. The vote was 788,978 (yes) and 1,154,606 (no).

7. *North Dakota*. In 1968 a 19-year-old voting age amendment went to the voters. It was rejected: 59,034 (yes) and 61,813 (no).

8. *Ohio*. In 1969 the voters considered a 19-year-old vote amendment. It was rejected: 1,226,590 (for) and 1,274,334 (against).

9. *Oklahoma*. In 1952 the proposal to lower the voting age to 18 was overwhelmingly defeated at the referendum. The vote was 233,094 (yes) and 639,224 (no).

10. *South Dakota*. In 1958 the voters defeated a proposal to lower the voting age to 18. The vote was 71,033 (yes) and 137,942 (no).

11. *Tennessee*. In 1968, the voters rejected a referendum proposal to allow the Constitutional Convention to consider lowering the voting age to 18. The vote was 236,214 (yes) and 290,922 (no).

Source.—For Items 2, 3, and 4: Library of Congress, Legislative Reference Service, Report Number 69, 241, December 11, 1969.

Resumption of Proceedings

Mr. Goldwater. Mr. President, the goal of extending full voting rights to all Americans 18 and over is one which I have worked for throughout a long time.

Today it was my privilege to restate my position before the Senate Subcommittee on Constitutional Amendments. At that time I announced that it was my intention to join as a coauthor of a bill to be introduced today by the distinguished Senator from Kentucky (Mr. Cook).

Our bill is designed to establish a nationwide minimum voting age of 18 and to obtain a swift judicial decision on the constitutional issues involved.

Our bill is not a gesture. It is not put forth merely to promote a discussion. We are firmly convinced that Congress may act by way of a statute.

But we do not wish to risk the voting opportunities of tens of millions of Americans by adding the age issue into the voting right struggle.

Nor do we intend to cast a cloud over the 1970 general elections by enacting a law whose validity is likely to be unsettled by the time the elections are held.

In our view, the responsible way to handle this proposal is to offer a completely separate bill to lower the voting age, which can be considered in committee and stand on its own merits.

One important feature of our bill is that it provides for the unusual step of an appeal directly to the Supreme Court from a three-judge district court. By removing the court of appeals as the middle man, the time between the filing of the case and its disposition by the Supreme Court will be greatly shortened.

And if there are any other means by which we can carry out this goal of our bill, I will stand ready to support it.

For example, I am working on the draft of a provision which would allow a court action to be filed for the purpose of obtaining a declaratory judgment as to the validity of the statute. Something like this has been used in section 10(b) of the original Voting Rights Act of 1965. And, if appropriate here, it would provide a means to settle the legal issues without tying up an election.

It is this kind of question that we need time to study in detail.

We also need to hear the ring of clashing viewpoints that will help us sort out and refine the strongest legal arguments that will support our cause.

Mr. President, it is for these reasons that I believe the wisest course is for Congress to act on separate legislation, rather than on an amendment to the voting rights bill.

Mr. President, to my mind Congress may properly act by means of a statute.

To me, the proposal for giving full voting privileges to our young Americans is right. It should be enacted sometime in this year.

But let us do it right. Let us build a strong legislative history and work on shaping a means of judicial review that can produce a court ruling without throwing an election in doubt.

Mr. President, I am pleased to join with my good friend from Kentucky in this effort and I hope that most of our colleagues will see fit to pursue this goal in the manner we suggest.

Mr. Percy. Mr. President, the distinguished minority leader, the Senator from Pennsylvania (Mr. Scott) intended to be here at this time in order to compliment the Senator from Kentucky (Mr. Cook) on his presentation. However, he was called away for a speech he had to give and is not in the Chamber now. I, therefore, ask unanimous consent that the statement he intended to deliver in person be printed in the Record.

The Presiding Officer. Without objection, it is so ordered.

Statement by Senator Scott

Mr. President, I rise to compliment the distinguished Senator from Kentucky on his presentation on lowering the voting age to 18. I cosponsored this legislation with nine other distinguished Senators.

The time has come to lower the voting age in the U.S. and to bring our young people into the main stream of our political process. We can do no less than to give the legislation introduced today by Senator Cook, my colleagues, and me, the fullest attention and consideration. I think it is possible, constitutionally, for the Congress to adopt a statute permitting the lowering of the voting age. As I have stated before, I tend to feel that 19 may perhaps be a better age than 18. However, I have cosponsored this legislation in order to stress my particularly strong feelings that the legislation now before this body—the Voting Rights legislation—not be encumbered with what, in essence, is a very complex and complicated matter. The legislation which the distinguished Senator from Kentucky has proposed would permit voting at the age of 18 in all elections, but would not be operative until January 1, 1971. There are, of course, many alternatives to be considered including a constitutional amendment.

I believe it possible and essential for this body to act favorably on the issue of lowering the voting age this session. But I do not feel that an amendment to the present legislation is the proper way to proceed. Hearings on this subject are progressing well within the Judiciary Committee and I would think the members of this body would want to avail themselves of the opportunity to study the alternative which Senator Cook, my colleagues, and I have proposed today in detail.

However, I do not want to delay the consideration of an 18 or 19 year old vote beyond a reasonable time.

I am suggesting, however, that we should not risk embroiling the extension of the Voting Rights Act of 1965 with the subject of an 18 or 19 year old voting age.

Federal action on lowering the voting age is both necessary and appropriate this year. I believe that Congress has the authority to act in this area by statute, by establishing a uniform minimum voting age applicable to all states and to all elections.

Resumption of Proceedings

Mr. Percy. Mr. President, I too, should like to commend the distinguished Senator from Kentucky (Mr. Cook) on his presentation this morning. He has answered the questions thoroughly and completely which I had in my own mind as to whether we could, by statute, provide for 18 year olds to vote. I am content that his arguments are complete and thorough in that regard.

Second, I think that we are blessed by the fact that four States have had tested the 18-year-old vote. As the Senator from Kentucky has indicated, it has been a successful experience in Kentucky, and in other areas. We see that England itself has gone to the 18-year-old vote so it is not a radical proposal. It has been tested here and in other countries.

The Senator has pointed out, and the research I have done myself has proved, that the young vote is not a radical vote; it follows pretty much the patterns of the established vote in the various regions.

We need to acknowledge that there is presently, an anti-youth feeling in the country. Two States have tried to lower the voting age, and the effort was rejected at the polls. But I believe that those voters who feel antagonistic toward youths are penalizing the majority of the young today for the excesses of some of them.

In studying the violence on campus in the Committee on Government Operations, we determined that less than one-half of 1 percent of college and university students in the United States were engaged in any kind of disruptions that involved violence.

I look upon the college and university student as an intelligent, concerned, and deeply involved individual. I think he is worthy of support, and the privilege to vote.

Mr. President, I think the proposal of the Senator from Kentucky is an excellent one and ask unanimous consent that my name be added as a cosponsor of the bill he has just introduced.

The Presiding Officer. Without objection, it is so ordered.

Mr. Cooper. Mr. President, I join in congratulating and commending my colleague from Kentucky on his very able presentation.

I recall that I made five statewide races in Kentucky before the voting age was lowered to 18. The contrast since that time is remarkable. In days before, meetings were usually attended by partisan members of one's party and seldom were questions directed to the candidate about the points at issue. But now, candidates speak before colleges and even high school classes and are subjected and properly so, to important and penetrating questioning. I believe that it has attained its greatest purpose and value, in that it gives the young men and women of our country the right of participating in their government, State, local, and national, in its decisions, and under the processes of law.

I understand that the Senator is not intending to offer the bill as an amendment to the Voting Rights Act. Is that correct?

Mr. Cook. That is correct.

Mr. Cooper. I thank my colleague. I am glad because in my studies of two recent cases—South Carolina against Katzenbach and Katzenbach against Morgan—the court indicated that the Congress must provide the facts upon which the country can determine that the Congress has acted rationally, under section 5 of the 14th amendment. The purpose of the Senator's bill is one in which I concur, but there are grave questions about the constitutionality of a statute as compared to an amendment. I am very happy to have heard my colleague from Kentucky.

Mr. GRIFFIN. Mr. President, I yield now to the distinguished Senator from South Carolina (Mr. THURMOND) 8 minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 8 minutes.

Mr. THURMOND. Mr. President, today we are presented with a unique opportunity to register a vote of confidence in the youth of our country. By approving Senate Joint Resolution 7, proposing a Constitutional amendment which would lower the voting age to 18 for all elections, we can entrust our young citizens to expand their role in the process of self-government and reaffirm our faith in the principles of our Nation's founders.

Mr. President, I have long advocated reducing the voting age to 18. I have always maintained, however, that this goal must be achieved within the framework of the Constitution. That is why I was a cosponsor of an amendment to the Constitution last year, and of the proposed amendment this year.

The Congress took an unconstitutional approach to enfranchising 18-year-olds by enacting the Voting Rights Act of 1970. The right to vote for the 18- to 20-year-old age group should never have been attempted by Federal legislation. In my opinion, this right should only be granted by an amendment to the Constitution.

The Supreme Court, however, upheld the constitutionality of the Voting Rights Act of 1970 as it applies to Federal elections only. Since the right to vote in State and local elections has only been granted by three States, we, therefore, presently have a burdensome and unworkable system. This situation should be corrected by amending the Constitution to grant the right to vote to 18-year-olds in all elections.

Mr. President, by its very nature, a dual-age voting system imposes a financial burden on the States and generates confusion among the electorate. According to a 50-State survey of election officials recently completed by the Constitutional Amendments Subcommittee, putting the dual-age system into effect would cost the Nation's taxpayers a minimum of from $10 to $20 million. In my home State of South Carolina alone, the costs of maintaining a dual system for the more than 165,000 of our citizens in the 18 to 21 age bracket are estimated at between $25,000 and $30,000 per calendar year.

Unless a uniform minimum age is established for voting in all elections, separate registration and voting procedures will have to be established in most of our States. More manpower will be needed in handling elections. More voting machines, or special "lock-out" devices for existing machines, will have to be bought by all communities.

Mr. President, dual-age voting would also prove unworkable because of the difficulty in determining just what constitutes a Federal election. Some States select nominees for Federal office in State conventions. Delegates to these State conventions are often selected in State elections or caucuses. The existing law prohibits the young voter from participating in this vital activity, thus denying him even an indirect voice in choosing his party's candidates for Federal office.

The greatest cost of not allowing our young people full participation cannot be measured in monetary terms. In traveling throughout this country and talking with young citizens from many different backgrounds I am deeply impressed with the knowledge and maturity of the great majority of our youth. They are the most highly educated of any generation this Nation has produced. By the age of 18 the majority have completed their high school education, and many are continuing their education in trade schools, colleges, and universities. Nearly 1 million young men and women in this age bracket are serving with honor in the Armed Forces. More than 3 million work at full-time jobs, and countless more serve as part-time employees, paying taxes on their earnings to finance the operations of our local and State governments.

Mr. President, I believe young people have proven their responsibility, and should be granted full citizenship. It just does not make sense to permit young people to have a voice in choosing national leaders while denying them the opportunity to participate in local government. I am convinced that government functions best at the local level, where citizens have the greatest individual effect by working with their elected officials to solve their own problems. Effective local government demands greater citizen involvement. To stifle the potentially productive power of the young—especially at a time when our youth have a greater appreciation of government and are stimulated to become involved in its processes—would be a grave error.

I believe in the young people of our country, for they are our Nation's future. The self-styled revolutionaries performing on the nightly news are not the real spokesmen for their generation. The responsible actions of the majority of our young people speak for themselves. I look forward to working with them in finding solutions to our common problems, in helping to make this Nation a better place through what President Nixon has called "those small, splendid efforts" made at the local level.

Mr. President, there must be no generation gap barring the path to the voting booth. Our 18-year-olds are not preparing for citizenship, they are living as citizens; thus they should be accorded all the attendant rights and responsibilities. This is why I have cosponsored this resolution and urge my colleagues to join in granting our young citizens full partnership in the political process.

Mr. JACKSON. Mr. President, if the Constitution of the United States is amended to lower the voting age to 18, this will be thanks more than anything else to the efforts of one man—the distinguished senior Senator from West Virginia.

Senator RANDOLPH is the staunchest friend the 18-year-old vote ever had. Twenty-nine years ago, back in 1942, Senator RANDOLPH, who was then a Member of the other body, introduced his first joint resolution to enfranchise 18-year-olds. Since that time, he has introduced 10 other resolutions with the same aim—two in the House and eight in the Senate. In his quiet personal style and without ever seeking the limelight, Senator RANDOLPH has continued to champion a cause that he believes in, and in the 29 years that have elapsed since his first House joint resolution, he has seen an increasing number of people come to feel the way he does about the 18-year-old vote.

More and more people now agree with Senator RANDOLPH that there is something deeply unfair about requiring a man to fight for his country while at the same time denying him the right to vote for his country's elected officials. More and more people now see that if 18-year-olds are considered responsible citizens by one standard—because they are treated as adults in courts of law, because they can be sued in many States and make wills and purchase insurance—then they should also be considered responsible citizens by the standard that gives them the right to vote.

Personally, Mr. President, I feel that Senator RANDOLPH's confidence in the intelligence, commonsense, and high ideals of our young people is justified. I have never seen any evidence to suggest that 18-year-olds are incapable of exercising sound judgment as responsible voters, and I am proud to be a cosponsor of this resolution, Senate Joint Resolution 7.

Mr. MONDALE. Mr. President, I want to register my strong support for Senate Joint Resolution 7, the proposed constitutional amendment to lower the voting age to 18 in all elections—State and local, as well as Federal.

This resolution is a singular tribute to the wisdom and fortitude of its principal author, the distinguished senior Senator from West Virginia (Mr. RANDOLPH) who has worked with such dedication for almost three decades for this progressive extension of the franchise.

The case for this amendment could not be more clear or compelling.

We have given the vote to our young citizens in Federal elections. To withhold that right in State and local elections would be a senseless travesty.

But there is much more here than a matter of consistency. The enormous problems and the fateful choices we will face in the 1970's are too big for any single level of Government.

If ever there was a moment when we had to make "grassroots democracy" more than rhetorical flourish, it is now.

And the way to breathe life into our political institutions at every level is to engage in the political process the energy, the idealism, the critical intelligence, and the fresh integrity of our young people.

This resolution is an essential step in that direction. The passage of Senate Joint Resolution 7 is a responsibility that

Congress must meet. The rest will be up to the young people of this country.

It makes no sense to continually admonish young people to work within the system—while denying them the basic tool for making the system work.

There are many legitimate ways to bring about social change. But nothing is so effective as the right to vote.

The vast potential for constructive and orderly change inherent in the right to vote cannot be overestimated. In the past several years, we have witnessed the dramatic changes in this country resulting from the passage of the Voting Rights Act of 1965.

In 1972, there will be over 15 million Americans between the ages of 18 and 21. We have an obligation to bring that vital part of our population into the political decisions that will shape their future.

There are those who argue that young Americans no longer care about their country.

But I am convinced that they do care—that they are concerned about the plight of their communities and their Nation as never before.

This amendment can be a building block for a new America. I am proud to join the distinguished senior Senator from West Virginia in urging its passage.

Mr. BROOKE. Mr. President, I am pleased to cosponsor and to vote for final passage of Senate Joint Resolution 7, a constitutional amendment extending the right to vote in all elections—Federal, State, and local—to citizens 18 years and older.

Approval of this proposal will represent a highly significant event in the history of the effort to extend the voting franchise. Millions of individuals who rightly merit a voice in the operation of the government that affects their lives in many ways will be afforded an opportunity to shape the policies of their country.

This amendment represents democracy at its best; it assumes that those who are obligated to pay taxes, who are held legally responsible for their actions, and who are required to defend their Nation can have an equal voice with their peers in setting its laws and policies. Indeed, it could well be said that ratification of this constitutional amendment will remove one of the last vestiges of compulsory servitude in our legal system.

But more than that, our support of this proposal will be a clear message to young people that in the eyes of their country they possess the maturity and wisdom to register a full voice in the functioning of government. It will be a firm statement to them that they can work to change the system while operating within the system. At a time when many of them have an opportunity to do intensive thinking about American tradition and its social and legal structures, college-age individuals will now have a greater incentive to test their own ideas and to be able to judge as well as to influence their Nation's direction.

The average 18-year-old in 1969 had completed 12.2 years of education. More than 50 percent of those age 18—male and female—are today enrolled in school. This, of course, is a great change—and a welcome one—from the statistics of a generation ago, when only 16 percent of all young people went to college in 1940.

Our young adults have conclusively proven, I believe, that they do deserve and will use wisely the full political rights which this proposal will bestow upon them.

From a practical standpoint, there is another important reason why this constitutional amendment should be ratified as soon as possible. As a result of the Supreme Court decision last December upholding a provision of the 1970 Voting Rights Act which lowered the voting age to 18—but making it applicable only to Federal elections—there are bound to be many complex administrative problems and added expenses for election officials for so long as there are different minimum ages for voter qualification in State and local as opposed to Federal elections. The best and most expeditious solution to the problem will be for the Senate and House to each pass the amendment and then for at least three-fourths of the State legislatures to approve it.

Congressional action followed by the Supreme Court's ruling will, hopefully, have the effect of hastening the implementation of this proposal which so many distinguished individuals and groups have been advocating for so many years.

It is a change which I have long advocated. I firmly believe that the millions of young people who will be given the right to vote by this amendment will use that right proudly and honestly, and that our country will benefit greatly from their contributions.

SENATOR JENNINGS RANDOLPH, FATHER OF THE 18-YEAR-OLD VOTE

Mr. CRANSTON. Mr. President, no Member of the Congress deserves more credit for action on lowering the voting age to 18 than my distinguished friend and colleague, the Senator from West Virginia (Mr. RANDOLPH). The Senator has been fighting for this measure for 29 years, in both Houses. In 1942, while serving in the other body, Senator RANDOLPH introduced his first joint resolution to achieve his conviction that more of our young people should be given full participation in setting the course of this country. Senate Joint Resolution 7, now before us, is the 12th such measure my colleague has proposed. I have made clear my own firm support of Senate Joint Resolution 7, as have 86 other Senators.

I feel certain that not one of my colleagues does not share my gratitude and sincere appreciation for the nearly three decades of diligent work given this legislation by the Senator from West Virginia. I think he is deserving of our highest commendation. It was Senator RANDOLPH, testifying before the Senate Committee on the Judiciary, who gave the most compelling reason why this measure should be favored by every Member of the Congress.

"The future in large part," he said, "belongs to young people. It is imperative that they have the opportunity to help set the course of that future."

Mr. President, I am personally confident that Senate Joint Resolution 7 will be passed by the Congress. We owe this eventuality to Senator RANDOLPH. Millions of American young people, and the Congress, are already in his debt.

THE 18-YEAR-OLD VOTE: A LONG, HARD BATTLE

Mr. WILLIAMS. Mr. President, I wish to applaud the efforts of the Senator from West Virginia in his attempt to extend the right to vote, one of the most privileged rights of our democratic society, to those Americans between the ages of 18 and 21 who are presently disenfranchised by State and local regulations.

The recent decision of the U.S. Supreme Court, which has brought this dream partly to fruition, marks a turning point in the history of Senator RANDOLPH's long struggle in behalf of this measure. As a Congressman in 1952, Senator RANDOLPH submitted his first proposed constitutional amendment to this effect, and the degree of his dedication and persistence in attaining this goal is reflected in the fact that Senate Joint Resolution 7, which now has the support of a total of 86 cosponsors, is the 11th in a series of proposed constitutional amendments that the Senator from West Virginia has sponsored since 1942.

Few times in my memory has a proposed constitutional amendment had such overwhelming support from the Senate. This is a tribute not only to the diligence of the senior Senator from West Virginia, but to the basic justice inherent in his proposed resolution.

Those young Americans who are now required to bear arms in the furtherance of our foreign policy—indeed all young people who share full citizenship responsibility in every other way—should have a right to participate, through the electoral process, in the formulation of national policies and goals. This has been affirmed in principle by our Supreme Court and by the overwhelming support that the Senate has given to this measure.

The correctness of this stand is also attested to by the unmistakably high level of political maturity evident in young people today. Due to the impact of our media and educational system, they are extremely well-informed and interested in the political issues of our day, and, overwhelmingly interested in participation in the political process. It is important that we afford them this opportunity to increase their participation in this respect, not only because it is fair, but because I firmly believe that Americans in the 18- to 21-year-old category can make very positive contributions to our society. Through their idealism, their energy, and their ability to take a fresh look at our unsuccessful attempts to solve problems, they can be of invaluable assistance. I have created a Subcommittee on Youth within Labor and Public Welfare Committee for essentially this same purpose, to provide for the channeling of this constructive potential into our governmental process.

The resolution of the Senator from West Virginia provides young Americans with an even more direct access to our democratic institutions. It is a resolution I wholeheartedly support. I am proud to have been associated with him in this determined and relentless pursuit of this goal.

Mr. TUNNEY. Mr. President, we are here today to decide whether or not 18-year-olds ought to be granted the right to vote. All of us in the Senate are aware of the fact that since 1942 the distinguished Senator from West Virginia, Senator RANDOLPH, has championed the cause of providing 18-year-olds with voting rights. It is most appropriate that we are today considering his bill.

Mr. President, we are here today while, half a world away, 18-year-olds are fighting and dying for their country in Southeast Asia.

We are here today as Senators; as elected representatives of the 50 States, trying to deal with the issues of war and peace, of race, of justice, of repression, and of civil liberties. We deal with many issues. That is our mandate.

All of these issues affect 10 million Americans between the ages of 18 and 21. They are taxed. They are drafted. They fight and die in wars. They can marry. They have children. They can be jailed; but they cannot vote.

They carry all of the responsibilities of adults and yet they do not carry the most important right that can be granted to any American citizen, the right to vote. They are both disillusioned and disenfranchised. They have played an important part in American politics within the last 5 years. They have helped lead our country on the most important single issue of our times—the war. They have canvassed the land on behalf of new priorities and new candidates. They have represented a trend toward conscience instead of consensus. They have relied on issues and not merely ideology. They have stood for their beliefs.

And yet, despite all of their interest, their awareness, and their activity, they have been denied the right to vote.

I feel that it is long past time that we lower the voting age to 18 in every election across the land. We cannot, in good conscience, continue to ask 10 million Americans to share in the responsibilities of democracy while denying them a real voice in shaping the policies that they live with and die for.

Mr. MONTOYA. Mr. President, I want to commend those workers in the vineyard who have labored hard and whose determination has finally brought general acceptance to the proposition which is before the Senate today.

For years the distinguished senior Senator from West Virginia (Mr. RANDOLPH) was the prime mover and sponsor of this resolution. Little by little he gained a following which mushroomed into today's general acceptance. I congratulate him for his tenacity and perseverance and for the culmination of his great efforts in this fine victory which is about to be realized.

The distinguished Senator from Indiana has been the real shepherd of this legislation in its journey through the Judiciary Committee and his presentation has been most effective.

THE 18-YEAR-OLD VOTE

Mr. DOLE. Mr. President, last year Congress and the Supreme Court took significant steps toward expanding the franchise to a large segment of the American public. Congress enacted the Voting Rights Act Amendments of 1970 which by legislative authority sought to reduce the minimum voting age from 21 to 18 years in all elections. Later, in passing on the validity of this congressional action, the Court held that the 18-year-old-vote provisions were "constitutional and enforceable as they pertain to State and local elections." Going further, Mr. Justice Black, in delivering the judgment of the Court, said:

> It is obvious that the whole constitution reserves to the States the power to set voter qualifications in State and local elections, except to the limited extent that the people through constitutional amendments have specifically narrowed the powers of the States.

This decision confirmed the apprehension of many constitutional scholars who held serious doubts as to the propriety and validity of legislative action in this area. The President and many Members of Congress submitted their belief last year that a constitutional amendment to lower the minimum voting age was the appropriate vehicle for realizing this commendable and worthwhile goal. Nonetheless, Congress chose to utilize its legislative powers, and we are faced with the obligations of ameliorating the consequences.

The Court's decision created a formidable problem for State and local officials charged with administering elections in jurisdictions which have not adopted the 18-year-old minimum age. Under the present state of the law, separate registration and balloting procedures will be required for those individuals who are qualified to vote only for presidential and vice presidential electors, Senators and Congressmen, and for those qualified to vote for all candidates and issues presented to the electorate. Needless to say, this requirement will impose a substantial burden on State and local election officials. In my State of Kansas alone approximately a quarter-million new voters have been granted the Federal franchise. The monetary and administrative factors are staggering; the cost for implementing dual systems in the 47 States required to deal specifically with at least 10 million voters between 18 and 21 is estimated to be in excess of $20 million. In view of the Congress' creation of this problem it is imperative for Congress to act expeditiously to remedy it.

Swift approval of Senate Joint Resolution 7 is the best and most appropriate means of providing an 18-year-old minimum voting age for all elections. As the Senator from West Virginia (Mr. RANDOLPH) said yesterday, the hour is late, but it is still possible to arrange a solution in time for the 1972 elections. The Senate can do its part by approving the proposed constitutional amendment contained in this joint resolution and sending it to the House, from where it can be sent to the State legislatures, which, it is hoped, will cooperate in solving this expensive and invidious form of discrimination.

At this point I believe it would be appropriate to remark on the vision, foresight, and persistence of the distinguished senior Senator from West Virginia, who since 1942, as a Member of the House of Representatives, has been in the forefront of efforts to secure passage of an 18-year-old vote amendment. As the author of Senate Joint Resolution 7 he has again this year championed the cause of constitutional approbation for the 18-year-old vote, and he must take well-deserved pride in being associated with an ideal, the ripeness and momentum of which are nearly universally recognized.

I have had the privilege of being associated with the Senator from West Virginia's efforts in this cause since coming to the Senate, and prior to entering the Senate I was associated with similar efforts in the House of Representatives. I wholeheartedly support the goal of universal 18-year-old suffrage and commend the Senator from West Virginia for his efforts.

As the list of cosponsors of Senate Joint Resolution 7 attests, this measure has exceptional bipartisan support, and I urge that, as amended by the Committee on the Judiciary, it receive the approval of which it is so deserving.

Mr. RANDOLPH. Mr. President, I rise at this point to express general appreciation to those Senators who have just reiterated their support of Senate Joint Resolution 7. A total of 86 Senators have joined as cosponsors of the resolution we are now considering. I ask unanimous consent to have printed in the RECORD at this point the list of Senators who have joined me as cosponsors of Senate Joint Resolution 7.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Mr. Aiken, Mr. Allen, Mr. Allott, Mr. Baker, Mr. Bayh, Mr. Beall, Mr. Bellmon, Mr. Bible, Mr. Boggs, Mr. Brock, Mr. Brooke, Mr. Burdick, Mr. Byrd of West Virginia, Mr. Cannon, Mr Case, Mr. Chiles, Mr. Church, Mr. Cook, Mr. Cooper, Mr. Cotton, Mr. Cranston, Mr. Dole, Mr. Dominick, Mr. Eagleton, Mr. Fannin, Mr. Fong, Mr. Gambrell, Mr. Goldwater, Mr. Gravel, Mr. Griffin, Mr. Gurney, Mr. Hansen, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hatfield, Mr. Hollings, Mr. Hruska, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Jordan of Idaho, Mr. Jordan of North Carolina, Mr. Kennedy, Mr. McClellan, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Magnuson, Mr. Mansfield, Mr. Mathias, Mr. Metcalf, Mr. Miller, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Packwood, Mr. Pastore, Mr. Pearson, Mr. Pell, Mr. Percy, Mr. Prouty, Mr. Proxmire, Mr. Ribicoff, Mr. Roth, Mr. Saxbe, Mr. Schweiker, Mr. Scott, Mrs. Smith, Mr. Sparkman, Mr. Spong, Mr. Stevens, Mr. Stevenson, Mr. Symington, Mr. Taft, Mr. Talmadge, Mr. Thurmond, Mr. Tower, Mr. Tunney, Mr. Weicker, Mr. Williams, and Mr. Young.

Mr. BAYH. Mr. President, I yield 1 minute to the distinguished Senator from Kentucky (Mr. COOPER).

Mr. COOPER. Mr. President, I want to pay my tribute to the Senator from Indiana (Mr. BAYH) and my colleague from Kentucky (Mr. COOK) for their work in bringing this amendment from the Committee on the Judiciary to the Senate. I particularly wish to pay honor to the distinguished senior Senator from West Virginia (Mr. RANDOLPH) for sponsoring this amendment, and for his earlier sponsorship of 1942 similar amendments in, and since that time. He should be very proud that he was one of the first to propose this constitutional amendment 29 years ago, even in broader form, and that at last his work and his hopes will be realized. We owe him our appreciation, but his greatest satisfaction will come in the knowledge that he has played a major part in strengthening the democratic process, and our country.

My reason for speaking, other than commending our colleagues, is to speak of the experience of my State of Kentucky. It was the second State in the Union to give, in 1955, to its 18-year-old citizens the right to vote. I had participated in five general State elections before that date, and three since then, and I know that giving to these young men and women the right to vote invigorated the election process in Kentucky.

They have not only participated in their parties as Democrats and Republicans, but they have broken away from parties when they felt they should do so. They brought into the debate between candidates and the people a fuller discussion of the issues.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. COOPER. Could I have an additional half minute?

Mr. RANDOLPH. Mr. President, acting for the chairman of our Subcommittee on Constitutional Amendments (Mr. BAYH), and with his authority, I yield 2 additional minutes to the Senator.

Mr. COOPER. I wanted only to finish the sentence.

I have said they brought into political debate and discussion in our State a fuller inquiry. They ask questions; they do not just listen to candidates' speeches, but they want to know the reasons for their stands upon issues. They have brought to our State and to our people a wider intelligence, a better understanding of the issues, and a more faithful democratic process. I believe the experience of Kentucky will be confirmed throughout the United States when this amendment is ratified.

The PRESIDING OFFICER. Who yields time?

Mr. RANDOLPH. I yield myself 1 minute.

Mr. President, I am appreciative of the reference of my cherished friend from Kentucky (Mr. COOPER) in referring to the intense interest, over a considerable number of years, which I have had in this very important, very vital, and very basic subject.

Mr. President, I yield 2 minutes to my able colleague from West Virginia (Mr. BYRD).

Mr. BYRD of West Virginia. I thank the Senator.

Mr. President, I wish to pay tribute to my senior colleague today. It was 29 years ago when, as a Representative from the Second District of West Virginia in the U.S. House of Representatives, the then Representative JENNINGS RANDOLPH initiated the effort which is going to culminate today, certainly with respect to this body's action, in the adoption of a resolution putting before the people of the United States an amendment to the Federal Constitution to allow 18-year-old citizens to vote in State and local elections.

I commend my colleague on his statesmanship, his vision, his dedication, and his never tiring efforts to see this amendment ultimately brought before the people of the United States for their decision. He has been very active here in the Senate in obtaining cosponsors of which I am one. He has actively urged upon the Committee on the Judiciary and the appropriate subcommittee the favorable reporting of this resolution. He cast his "bread upon the waters" 29 years ago, and it is returning now, after "many days."

I also want to express commendation and appreciation to the distinguished Senator from Indiana (Mr. BAYH), who has so ably guided the proposed legislation through his subcommittee. It was largely through his vigorous leadership on the subcommittee and in the full Committee on the Judiciary that favorable action was taken by the subcommittee and the full committee.

So, I join my colleagues today in paying very deserved tribute again to my senior colleague (Mr. RANDOLPH), and also to the Senator from Indiana (Mr. BAYH), and to the Members on both sides of the aisle who have worked in the subcommittee and on the full committee to bring this proposed legislation to its fruition. They have done an excellent job.

Not only the young people of the United States are going to benefit from the vision and the work of these Senators, but also, this great Nation as a whole may benefit therefrom.

I know that my senior colleague looks upon the action of the Senate today with great satisfaction and pride as it prepares to vote on this measure, which he has so long diligently supported and endeavored to bring to a final decision. I congratulate him.

Mr. RANDOLPH. Mr. President, will the Senator yield me 2 additional minutes?

Mr. BAYH. I yield 2 minutes to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, perhaps I rise too often, but I do so because of the statements, rather of a personal as well as of an official nature, which are being made as we near the time for a vote on this important matter.

The Senator from West Virginia (Mr. BYRD) is a cosponsor of the resolution. He has been an effective advocate.

I have noted, Mr. President, that approximately 35 young people are sitting in the gallery at this time, in one particular section. As they came in and took their seats, I thought again, as I have thought through the years, how important it is to implement the body politic, as we know it, with the franchise of freedom and responsibility to this group of 18-, 19-, and 20-year-olds, whom I call young adults. I think we perhaps emphasize too much that they are just youth. They are young adults, and they are faced with the problems that we, who are older, are faced with in considerable degree. To have them, in a sense, not on the sidelines but in the main arena, as participants is a satisfaction which I have anticipated.

I earnestly set forth my thinking now, as I have on many, many occasions, that if we refer this matter to the States, as I believe we should, and if a sufficient number of the States ratify, as I believe they will, we will have strengthened the process under which the elective system of government moves forward, meeting the changes and the challenges of this Republic and all its people.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRIFFIN. Mr. President, I yield 5 minutes to the distinguished Senator from Alabama.

Mr. ALLEN. I thank the distinguished minority leader.

Mr. President, usually it is said that there are two sides to every question; but, apparently, there is only one side to the issue now before the Senate, and that is the matter of granting the vote to young people of the age of 18 years and older.

I, too, want to commend the distinguished senior Senator from West Virginia (Mr. RANDOLPH) on his statesmanship and on his determination and the dedication he has had to the cause of providing the vote for 18-year-olds. He initiated this movement in Congress in October 1942, when he introduced a resolution in the House, of which he was then a Member. He has never let up in this drive to submit a constitutional amendment back to the States, and during the 91st Congress he was the author and the chief sponsor of Senate Joint Resolution 147, of which there were 73 cosponsors. I am proud to say that the junior Senator from Alabama was one of the cosponsors of Senate Joint Resolution 147, which should have been submitted to the States in the 91st Congress. We are running 7 months behind the schedule that we would have been on had the amendment been submitted back at the time the 18-year-old by statute effort was made in the Senate and the amendment added to the voting rights bill.

At that time, the junior Senator from Alabama and several other Senators urged that we follow the route of submitting the constitutional amendment to the States at that time. Senate Joint Resolution 147 provided for giving the franchise to 18-year-olds in all elections. That would have been the better practice, and it would have avoided the chaos and confusion that has been created by the opinion of the Supreme Court. The purpose of Senate Joint Resolution 7 is to mop up and clean up the confusion caused by that decision of the Supreme Court.

In the 91st Congress, the junior Senator from Alabama argued that it would be unconstitutional to change by statute a right given to the States by the Constitution. Considered legal opinion in this country is that the Supreme Court resorted to the worst sort of legal gymnastics in coming to a 5-to-4 decision authorizing 18-year-olds to vote in national elections but denying that right in State and local elections.

It is interesting to note that five separate opinions were written by the Justices in the 18-year-olds vote case and that the supposed majority opinion held that 18-year-olds are authorized to vote in Federal elections but not in State and local elections, and that the majority opinion was not agreed to by a single other of the Justices, because not a single other Justice agreed with the conclusion that 18-year-old voting is authorized in one and not authorized in the other.

So it is significant to note that Senate Joint Resolution 7 is not confined to giving the franchise to 18-year-olds in State and local elections. It gives the franchise to those 18 years of age and older in all elections.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLEN. I ask for 1 additional minute.

This should have been done during the last Congress. If it had been done at that time, then we would be 7 months ahead of the schedule we are on now. The junior Senator from Alabama is one of only 17 who voted against doing by statute what should have been done at that time by constitutional amendment.

I am proud to be a cosponsor of Senate Joint Resolution 7 in the 92d Congress, just as I am proud that I was a cosponsor of Senate Joint Resolution in the 91st Congress, and just as I am proud that I opposed 18-year-old voting authorization by statute and insisted that it be authorized by constitutional amendment.

Mr. GRIFFIN. Mr. President, may I inquire how much time is left?

The PRESIDING OFFICER (Mr. BROCK). Three minutes to the Senator from Michigan and 9 minutes to the Senator from Indiana (Mr. BAYH).

Mr. GRIFFIN. Mr. President, I yield myself the remaining 3 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 3 minutes.

Mr. GRIFFIN. Mr. President, I rise to indicate my strong support for this proposed constitutional amendment to lower the voting age to 18 years for all elections.

Mr. President, proposals similar to Senate Joint Resolution 7 have been before Congress since 1941. Since that time literally hundreds of bills and resolutions have been introduced to lower the voting age.

Yet today is only the second time that either House of Congress has had the opportunity to vote to extend the franchise to 18-,19-, and 20-year-olds by means of a constitutional amendment—the first opportunity was in 1954 when the Senate by a vote of 34 to 24 fell short of the necessary two-thirds majority.

Last June Congress passed the Voting Rights Amendments of 1970 which included a provision purporting to lower the voting age to 18 by statute. I indicated my serious concern then that such an attempt to lower the voting age by statute would run into grave constitutional questions. I urged then that the Senate proceed instead to adopt a constitutional amendment such as the one before us now.

Six months later, on December 21, 1970, the Supreme Court, in Oregon against Mitchell, struck down the statute at it applied to non-Federal elections.

As a result, we are confronted with a confusing, nonsensical situation in which persons 18 to 20 years old are entitled to vote in Federal elections but they are precluded in most States from voting in State and local elections.

I agreed with the President when, as he signed the voting rights amendments on June 22, 1970, he said:

> The time has also come to give 18-year-olds the vote, as I have long urged.
>
> The way to do this is by amending the Constitution. Because of the likelihood that the 18-year-old vote provision of the law will not survive its court test, the Constitutional amendment pending before the Congress should go forward to the states for ratification now.

This appeal by the President is all the more meaningful now that the Supreme Court's predictable decision has left in its wake a confusing, chaotic situation.

Mr. President, I cosponsored a resolution proposing a constitutional amendment to lower the voting age in the 91st Congress, and I was pleased this year to be a cosponsor of Senate Joint Resolution 7, now before the Senate.

Our 18-, 19-, and 20-year-olds are the best educated and best informed young people in our Nation's history.

Two hundred years ago, the average 18-year-old had received only 5 years of education.

Today the typical 18- and 19-year-old has more than 12 years of education.

Today, of the 11½ million persons in the 18- to 20-year group, 80 percent are high school graduates and 46 percent are college students.

That young people today are politically aware hardly needs to be stated. Indeed, there has been no lack of criticism of extreme behavior on the part of a very small minority of these young people, particularly during the past few years. However, we need to keep in mind, as reported by the Eisenhower Commission on the Causes and Prevention of Violence, that less than 2 percent of young people in this country have been involved in violent behavior.

The remaining 98 percent—the concerned but law-abiding majority—are entitled to assurances that avenues are open for responsible and constructive political expression. If these young people are to work "within the system," they need access to the system. The right to vote will provide that access.

Mr. President, there is another important reason why Congress should act now to send a constitutional amendment to the States for ratification.

Since 18-year-olds in most States can vote only in Federal elections, the prospect, in the absence of such a constitutional amendment, is confusion and added expense if election officials should be required to conduct divided elections.

In Michigan, it is reported that an additional 400,000 new voters will be eligible to participate in Federal elections. Although exact figures are not yet available, it has been estimated that dual age voting could cost the State of Michigan several hundred thousand dollars by 1972.

Estimates in other States run much higher. For example, the extra cost of dual voting arrangements may run as high as $5 million for New York City alone.

Prompt action is necessary if we are to save these extra costs by extending the franchise to young people in time for them to vote in local and State elections, as well as Federal elections in 1972.

The Senate Subcommittee on Constitutional Amendments reported in February 1971 that—

> Of the 47 States with a voting age greater than 18 for State elections, change before the 1972 election appears impossible in 39 States in the absence of a Federal constitutional amendment.

On the other hand, the subcommittee has indicated that there is a "realistic possibility" of ratification of a Federal constitutional amendment by the requisite 38 States before the 1972 election.

In this regard it may be significant to recall that when Congress approved a constitutional amendment extending the vote to women in 1919, many predicted that the States would not ratify it. In fact, however, the 19th amendment was ratified by the required number of States in less than 15 months.

Mr. President, I was pleased to note that a special commission on the age of majority appointed by Michigan's Governor, William A. Milliken, recommended last Monday, after a 6-month study, that the voting age in Michigan be lowered from 21 to 18 for all elections.

I heartily endorse Governor Milliken's recommendation, and I hope that Michigan will be among the first States in the Union to ratify this proposed amendment to the Constitution. I am happy to report that my own State representative, the Hon. Mike Dively, who serves as vice chairman of the Youth and Student Participation Committee of the Michigan House of Representatives, is confident and optimistic about the prospects for prompt ratification by the State Legislature of Michigan.

For the sake of equity and clarity, as well as economy, I urge the Senate to give its overwhelming approval to this historic amendment.

Mr. RANDOLPH. Mr. President, I rise to express appreciation to Senators ALLEN and GRIFFIN who have just spoken. I remember the effective leadership in the constitutional amendment approach which the Senator from Alabama (Mr. ALLEN) ardently advocated during consideration of the Voting Rights Act in the 91st Congress.

I think he might take some solace—if that is the correct word—in the comments contained in an editorial published in the New York Times last Sunday, which expressed the belief that it would have been preferable, or it would have been the right way, if we had pursued a constitutional amendment.

I am in agreement with the distinguished assistant minority leader, the Senator from Michigan (Mr. GRIFFIN). He is, as always, factual. He has referred to the situation which obtains in his own State of Michigan with reference to the action which has been taken there. Of course, considerable problems would not only affect that great State and its people, but also the people of the United States generally, if we do not act promptly and bring to fruition the effort which is now being made.

I express my thanks again to these two Senators who have just spoken.

Mr. BAYH. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Indiana has 6 minutes remaining.

Mr. BAYH. Mr. President, just about everything has been said that conceivably could be said about the merits of this proposed constitutional amendment, which will soon be voted on. In the course of the debate much praise has been heard for many Members of this body, but there has been special praise—and deservedly so—for the distinguished Senator from West Virginia (Mr. RANDOLPH).

I have already expressed my deep appreciation to the Senator from West Virginia for his untiring efforts in this cause. I had the opportunity to be on three college and university campuses in the last 4 or 5 days. Some of the younger generation tend to think that the problems confronting us today might be the result of the generation gap. That is not true. The Senator from West Virginia—who, I have just learned to my surprise, turned 69 a day or so ago—has been in the forefront of very far-reaching legislation not only here, but also in the other body.

Senator RANDOLPH has been an effective advocate in the formulation and enactment of numerous programs of vision which have as their aim the betterment of our society. His philosophy in promoting projects and programs is to offer a basis on which people can work out their needs in common undertakings and through which more segments of our population have greater flexibility and alternatives in a creative partnership with their government. The senior West Virginia Senator is a staunch believer in providing a helping hand—not a handout to those in need.

The meaningful programs in health, education, training, public facilities, pollution control, and environmental improvement, which have been fashioned through the dedicated efforts of Senator RANDOLPH reflect his philosophy and are impressive.

In reviewing these achievements, it is well to remember that, in many of these areas, this is the first time our Government, in focusing on the needs of the people, has developed comprehensive attacks on problems too long overlooked and neglected.

The Senator from West Virginia was the principal sponsor and Senate floor manager of the Appalachian Regional Development Act of 1965—and subsequent renewal amendments—which authorizes a program of regional economic development in all of West Virginia and parts of 12 other States. Shortly, he will bring reauthorization amendments to the Senate for consideration.

The Public Works and Economic Development Act was cosponsored by Senator RANDOLPH and he assisted in the floor management of these measures. He has now directed the Public Works Subcommittee on Economic Development to undertake extensive economic development hearings in preparation for new legislation this year.

As a member of the Senate Committee on Labor and Public Welfare and its Subcommittees on Education, Employment, Manpower, and Poverty, Labor, and Alcoholism and Narcotics, Senator RANDOLPH has been an active sponsor of legislation to develop human resources and health care and medical facility programs and increased educational and training opportunities for all citizens. He has been an effective force in the formulation and passage of the Manpower Development and Training Act, the Elementary and Secondary Education Act, Higher Education Facilities Act, Library Services and Construction Act, Economic Opportunity Act, and the Juvenile Delinquency Prevention and Control Act. The Senator's efforts in the area of education and human resources span the entire spectrum of education and training needs of our society. Despite the remarkable successes in the existing programs, the senior West Virginia Senator is the first to recognize that much remains to be done and that the Nation's efforts must be redoubled.

The Randolph-Sheppard Act, authored by Senator RANDOLPH when he was a Member of the House of Representatives, established the program of vending facilities operated by blind persons. There are approximately 3,400 blind persons who are gainfully employed under the vending stand program.

From the enactment of the original Fair Labor Standards Act in 1938 to the passage in the 91st Congress of the Coal Mine Health and Safety Act and the Occupational Safety and Health Act, Senator RANDOLPH's name has been synonymous with the efforts and programs to aid the working people of our Nation. In the House of Representatives, he was an active advocate in the fight to secure a minimum-wage program. He participated in the formulation of the National Labor Relations Act and the Full Employment Act. Throughout his public service career, he has consistently endeavored to secure programs to assist our working people and to better working conditions.

Senator RANDOLPH's advocacy of effective programs to improve public facilities, transportation systems, and the environment goes back many years. His record of achievement in these fields of endeavor is known throughout our Nation. As a member of the Senate Committee on Public Works since 1958 and its chairman since 1966, the West Virginia Senator has been intimately involved with the legislative leadership in the areas of air and water pollution control, solid waste disposal, highways, and water resources development.

Truly, Senator RANDOLPH is one of the influential Members of Congress who for several years have been providing active opposition to the continued environmental degradation that has now aroused national outrage. Under his guidance, the Committee on Public Works has moved on numerous fronts to develop a national policy to halt destruction of America's natural resources and reversing the pollution that is making increasingly large parts of the Nation undesirable. The landmark pollution control and environmental measures of recent years, including the Federal Water Pollution Control Act, Solid Waste Disposal and Resource Recovery Acts, Water Quality Improvement Act, the Air Quality Act, the Clean Air Act, and the Environmental Quality Act, bear the imprint of my esteemed colleague's work and represent significant steps toward enhancement of environmental quality.

The Senator from West Virginia has had a long and distinguished record in the field of highway legislation. This notable record had its beginning when he was a Member of the House of Representatives and authorized legislation prior to World War II which led to the consideration and establishment of the National System of Interstate and Defense Highways. Today, he is recognized as the leading authority on highways in the U.S. Senate. The highway measures which the Senator has sponsored or cosponsored have covered every aspect of highways from planning, design, and research to their safe and efficient use by the motoring public. Among them are such landmark measures as the Federal Aid Highway Act of 1964, the Highway Beautification Act of 1965, the Federal Aid Highway Act of 1966, the Highway Safety Act of 1966, the Federal Aid Highway Act of 1968, and the Federal Aid Highway Act of 1970.

Among public officials, he is probably the one most aware of the importance of a soundly developed road program to provide the Nation with the safest and most efficient means of transporting people and goods. During Senator RANDOLPH's chairmanship, highway legislation has reflected the changing needs and wishes of the public and reflects a move toward greater public responsibility in the relationship of highways and the communities. Highway laws developed in the committee now require the consideration of social and environmental goals and objectives in the location of proposed highway projects.

Today, Mr. President, I believe that the Senate will pass yet another one of Senator RANDOLPH's fine proposals. I think that this measure will pass the Senate today, that it will pass the House of Representatives, and that it will be ratified in time for the 1972 elections.

I think that we ought to ask ourselves what will happen after ratification. I have said to young and old that lowering the age is not a panacea for the problems confronting us. Both young and old have both strengths and weaknesses. There are young peoeple who will not vote just as there are older people who will not vote.

This amendment will not solve all our problems and sweep away all our woes. It will give the 11½ million young people who are outside of much of the legislative process, young people who are subject to all laws passed in this body and in all other legislative bodies, the right to participate in the election process and shape and mold their own futures.

Passage of this amendment will challenge young Americans to accept even more responsibility and show that they will participate. I have faith that they will participate.

I think the RECORD ought to show that, according to material the Senator from Kentucky submitted during the hearings, young people do vote when they have the opportunity. The record of the participation in the franchise is one of the real tragedies in our democratic society. There should be no reason under the sun why less than 60 percent of our citizens vote.

I predict that young people will vote, in large numbers. I believe that once these younger citizens have the right they have sought, they will use it.

Mr. COOK. Mr. President, will the Senator yield before the Senator from West Virginia closes? Obviously he should do so, because this really has been his project for 30 years.

Mr. BAYH. I yield to the Senator from Kentucky.

Mr. COOK. Mr President, with all due respect to all people who have worked in this of recent vintage, I really hope that someone in the country after this measure passes does the Senator from West Virginia the honor of referring to this as the Randolph amendment.

Mr. RANDOLPH. Mr. President, I am genuinely grateful for the thoughtful remarks of the Senator from Kentucky. He is very kind.

The PRESIDING OFFICER. All time has expired.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS), the Senator from Maine (Mr. MUSKIE), the Senator from Alaska (Mr. GRAVEL), and the Senator from North Carolina (Mr. JORDAN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. HATFIELD), and the Senator from South Dakota (Mr. MUNDT) would each vote "yea."

The yeas and nays resulted—yeas 94, nays 0, as follows:

[No. 18 Leg.]

YEAS—94

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hart
Hartke
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—6

Gravel
Harris
Hatfield
Jordan, N.C.
Mundt
Muskie

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the joint resolution (S.J. Res. 7) is passed.

The joint resolution as passed reads as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."

Mr. BAYH. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of Senate Joint Resolution 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURDICK. Mr. President, I commend the subcommittee for its expeditious handling of this amendment. I would like also to say that this is a supreme moment for our colleague from West Virginia (Mr. RANDOLPH). The passage of this resolution today marks the end of a fight which has been waged by him since 1942, when he first introduced a House joint resolution for a constitutional amendment permitting 18-year-olds to vote.

Time after time he introduced his resolution, and doggedly pursued it. The resolution we have passed today was the 11th he had sponsored since the original one.

So today we see the culmination of years of effort with success. I congratulate the able Senator from West Virginia (Mr. RANDOLPH) upon the successful passage by the Senate of Senate Joint Resolution 7, which affects the rights of so many people.

APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 1971

Mr. MANSFIELD. Mr. President, before I yield to the distinguished Senator from Wisconsin (Mr. NELSON), I ask unanimous consent that the Senate turn to the consideration of Calendar No. 36, S. 575. I do this so that it may be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 575) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works with amendments on page 2, after line 24, insert a new section, as follows:

SEC. 105. There is inserted after section 201 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) a new section as follows:

"APPALACHIAN AIRPORT SAFETY IMPROVEMENTS

"SEC. 201A. (a) In order to provide a system of airports in the appalachian region which can accommodate a greater number of passengers in safety and thereby increase commerce and communication in areas with developmental potential, the Secretary of Transportation (hereafter in this section referred to as the "Secretary") is authorized to make grants to existing airports for the purpose of enhancing the safety of aviation and airport operations.

"(b) Such airport safety improvement projects may include (A) approach clearance, the removal, lowering, relocation, and marking and lighting of airport hazards, navigation aids, site preparation for navigation aids, and the acquisition of adequate safety equipment (including fire-fighting and rescue equipment), and (B) any acquisition of land or of any interest therein, or of any easement through or other interest in airspace which is necessary for such projects or to remove or mitigate or prevent or limit the establishment of, airport hazards.

"(c) Grants under this section shall be made solely from funds specifically made available to the President for the purpose of carrying out this Act in accordance with the provisions of this Act, and shall not be taken into account in the computation of the allotments among the States made pursuant to any other provisions of law.

"(d) Except as context otherwise indicates, words and phrases used in this section shall have the same meaning as in the Airport and Airway Development Act of 1970 and the Federal Aviation Act of 1958, as amended.

"(e) Federal assistance to any project under this section shall not exceed 90 per centum of the costs of the project, except for assistance for navigation aids which may be 100 per centum.

"(f) The Secretary is authorized to incur obligations to make grants for airport safety improvement projects, in a total amount not to exceed $40,000,000 during the period ending June 30, 1975. There are authorized to be appropriated to the President such sums as may be required for liquidation of the obligations incurred under this section."

On page 4, after line 16, insert a new section, as follows:

Sec. 106. (a) The third sentence of subsection (c) of section 202 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 202) is amended by striking out "health services" and inserting in lieu thereof the following: "health and child development services, including title IV, parts A and B, of the Social Security Act. Notwithstanding any provision of law requiring assistance or services on a statewide basis, if a State provides assistance or services under such a program in any area of the region approved by the Commission, such State shall be considered as meeting such requirement".

(b) Subsection (d) of such section is amended by adding at the end the following: "The Federal contribution to such expenses of planning may be provided entirely from funds authorized under this section or in combination with funds provided under other Federal or Federal grant-in-aid programs. Notwithstanding any provision of law limiting the Federal share in any such other program, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by this subsection."

On page 5, after line 12, insert a new section, as follows:

Sec. 107. (a) The first sentence of subsection (a)(1) of section 205 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 205) is amended by inserting before the period at the end: "; and to control or abate mine drainage pollution."

(b) Subsection (b) of such section is amended to read as follows:

"(b) Notwithstanding any other provision of law, the Federal share of mining area restoration project costs, including reasonable planning, engineering, and costs of land acquisition (limited to the reasonable value of the land in its unreclaimed state as determined by the Commission), carried out under subsection (a) of this section and conducted on lands other than federally owned lands, shall not exceed 75 per centum of the total cost thereof."

(c) Subsection (d) of such section is amended to read as follows:

"(d) No moneys authorized by this Act shall be expended for the purposes of reclaiming, improving, grading, seeding, or reforestation of strip-mined areas (except on lands owned by Federal, State, or local government bodies or by private nonprofit entities organized under State law for public recreation, conservation, or economic development purposes, including the construction of low- or moderate-income housing) until authorized by law. As a condition of any grant made pursuant to this section, provision shall be made for the recovery of such grant from the proceeds of the sale or lease for private purposes of lands reclaimed with such a grant, for the purpose of further reclamation projects."

On page 6, after line 16, insert a new section, as follows:

Sec. 108. (a) The catchline for section 207 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 207) is amended to read: "ASSISTANCE FOR PLANNING AND OTHER PRELIMINARY EXPENSES OF PROPOSED LOW- AND MODERATE-INCOME HOUSING PROJECTS".

(b) Subsections (a), (b), and (c) of such section are amended to read as follows:

"(a) In order to encourage and facilitate the construction or rehabilitation of housing to meet the needs of low- and moderate-income families and individuals, the Secretary of Housing and Urban Development (hereafter in this section referred to as the "Secretary") is authorized to make grants and loans from the Appalachian Housing Fund established by this section, under such terms and conditions as he may prescribe, for necessary expenses of nonprofit, limited dividend, or cooperative organizations, or of public bodies, in planning and obtaining federally insured mortgage financing for housing construction or rehabilitation projects for low- and moderate-income families and individuals, under section 221, 235, or 236 of the National Housing Act or any other Federal law, in any area of the Appalachian region determined by the Commission.

"(b) No loan under subsection (a) of this section shall exceed 80 per centum of the cost of planning and obtaining financing for a project, including, but not limited to, preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts. Such loans shall be made without interest, except that any loan made to an organization established for profit shall bear interest at the prevailing market rate authorized for an insured or guaranteed loan for such project. The Secretary shall require repayment of loans made under this section, under such terms and conditions as he may require, upon completion of the project or sooner, and except in the case of a loan to an organization established for profit, may cancel any part or all of such a loan, if he determines that a permanent loan to finance such project cannot be obtained in an amount adequate for repayment of such loan under this section.

"(c)(1) Except as provided in paragraph (2) of this subsection, no grant under this section shall exceed 80 per centum of those expenses, incident to planning and obtaining financing for a project, which the Secretary considers not to be recoverable from the proceeds of any permanent loan made to finance such project, and no such grant shall be made to an organization established for profit.

"(2) The Secretary is authorized to make grants and commitments for grants, and may advance funds under such terms and conditions as he may require, to nonprofit organization and public bodies for reasonable site development costs and necessary off-site improvements, such as sewer and water line extensions, whenever such a grant, commitment, or advance is essential to the economic feasibility of any housing construction or rehabilitation project for low- and moderate-income families and individuals which otherwise meets the requirements for assistance under this section, except that no such grant shall exceed 10 per centum of the cost of such project."

(c) Subsection (e) of such section is amended by striking out "The Secretary is further authorized to" and inserting in lieu thereof "The Secretary or the Commission may".

On page 9, after line 3, insert a new section, as follows:

Sec. 109. (a) The catchline for section 211 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 211) is amended by adding at the end "AND EDUCATION DEMONSTRATION PROJECTS".

(b) The first sentence of subsection (a) of such section is amended by inserting "or operation" after "equipment".

(c) Subsection (b) of such section is amended to read as follows:

"(b)(1) In order to assist in the expansion and improvement of educational opportunities and services for the people of the region, the Secretary of the Department of Health, Education, and Welfare is authorized to make grants for planning, construction, equipping, and operating educational projects which will serve to demonstrate area wide educational planning, services, and programs. Grants under this section shall be made solely out of funds specifically appropriated for the purposes of this Act and shall not be taken into account in any computation of allotments among the States pursuant to any other law.

"(2) No grant for the construction or equipment of any component of an education demonstration project shall exceed 80 per centum of its cost.

"(3) Grants under this section for operation of components of education demonstration projects, whether or not constructed by funds authorized by this Act, may be made for up to 100 per centum of the costs thereof for the two-year period beginning on the first day that such component is in operation as a part of the project. For the next three years of operation, such grants shall not exceed 75 per centum of such costs. No grants for operation of demonstration education projects shall be made after five years following the commencement of the initial grant for operation of the project. Notwithstanding section 104 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3134), an education-related facility constructed under title I of that Act may be a component of a demonstration education project eligible for operating grant assistance under this section.

"(4) No grant for expenses of planning necessary for the development and operation of an education demonstration project shall exceed 75 per centum of such expenses.

"(5) No grant for planning, construction, operation, or equipment of a demonstration education project shall be made unless the facility is publicly owned, or owned by a public or private, nonprofit organization, and is not operation for profit.

"(6) Any Federal contribution referred to in this section may be provided entirely from funds appropriated to carry out this section, or in combination with funds available under other Federal grant-in-aid programs providing assistance for education-related facilities or services. Notwithstanding any provision of law limiting the Federal share in such programs, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by the applicable paragraph of this subsection."

On page 11, at the beginning of line 9 change the section number from "105" to "110"; on page 13, after line 6, insert a new section, as follows:

Sec. 111. Section 224(b) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 224) is amended by striking out "or" immediately preceding "(4)", and inserting before the period at the end of such subsection: "or (5) for any land reclamation, water resource, or other environmental project under section 203, 204, 205, 212, or 214, except in furtherance of a comprehensive environmental improvement plan for an area of the region to be served by such a project, which is approved in the manner provided for programs or projects under sections 223 and 303."

After line 16, insert a new section, as follows:

Sec. 112. Subsection (a)(2) of section 302 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 302) is amended to read as follows:

"(a)(2) to make grants to the Commission for investigation, research, studies, evaluations, and assessments of needs, potentials, or attainments of the people of the region, technical assistance, training programs, demonstrations, and the construction of necessary facilities incident to such activities, which will further the purposes of this Act. Grant funds may be provided entirely from appropriations to carry out this section or in combination with funds available under other Federal or Federal grant-in-aid programs or from any other source. Notwithstanding any provision of law limiting the Federal share in any such other program, funds appropriated to carry out this section may be used to increase such Federal share, as the Commission determines appropriate."

On page 14, at the beginning of line 8, change the section number from "106" to "113"; in line 12, after the word "expenses", strike out "and"; in line 14, after the word "Roads", insert a comma and "and in section 201A for Appalachian Airport Safety Improvements,"; in line 20, after "June 30,", strike out "1975, of which amounts so authorized for such periods ending June 30, 1973, and June 30, 1975, not to exceed $155,000,000 is authorized for the two-fiscal-year period ending June 30, 1973, and not to exceed $170,000,000 is authorized for the two-fiscal-year period ending June 30, 1975, to carry out sections 202 and 211; not to exceed $15,000,000 is authorized for the two-fiscal-year period ending June 30, 1973, and not to exceed $15,000,000 is authorized for the two-fiscal-year period ending June 30, 1975, to carry out sections 203, 204, 205, 206, and 212; not to exceed $4,000,000 is authorized for the two-fiscal-year period ending June 30, 1973, and not to exceed $6,000,000 is authorized for the two-fiscal-year period ending June 30, 1975, to carry out section 207; not to exceed $90,000,000 is authorized for the two-fiscal-year period ending June 30, 1973, and not to exceed $90,000,000 is authorized for the two-fiscal-year period ending June 30, 1975, to carry out section 214; and not to exceed $13,000,000 is authorized for the two-fiscal-year period ending June 30, 1973, and not to exceed $13,000,000 is authorized for the two-fiscal-year period ending June 30, 1975, to carry out section 302." and insert "1975"; and, on page 15, at the beginning of line 17, change the section number from "107" to "114"; so as to make the bill read:

S. 575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Appalachian Regional Development Act Amendments of 1971".

Sec. 102. Subsection (b) of section 105 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 105) is amended to read as follows:

"(b) To carry out this section, there is hereby authorized to be appropriated to the Commission, to be available until expended, such sums as may be necessary."

Sec. 103. Section 106(7) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 106(7) is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1975".

Sec. 104. Section (g) of section 201 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) is amended to read as follows:

"(g) To carry out this section, there is hereby authorized to be appropriated to the President, to be available until expended, $175,000,000 for the fiscal year ending June 30, 1971; $175,000,000 for the fiscal year ending June 30, 1972; $180,000,000 for the fiscal year ending June 30, 1973; $180,000,000 for the fiscal year ending June 30, 1974; $185,000,000 for the fiscal year ending June 30, 1975; $185,000,000 for the fiscal year ending June 30, 1976; $185,000,000 for the fiscal year ending June 30, 1977; and $180,000,000 for the fiscal year ending June 30, 1978."

Sec. 105. There is inserted after section 201 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) a new section as follows:

"APPALACHIAN AIRPORT SAFETY IMPROVEMENTS

"Sec. 201A. (a) In order to provide a system of airports in the Appalachian region which can accommodate a greater number of passengers in safety and thereby increase commerce and communication in areas with developmental potential, the Secretary of Transportation (hereafter in this section referred to as the "Secretary") is authorized to make grants to existing airports for the purpose of enhancing the safety of aviation and airport operations.

"(b) Such airport safety improvement projects may include (A) approach clearance, the removal, lowering, relocation, and marking and lighting of airport hazards, navigation aids, site preparation for navigation aids, and the acquisition of adequate safety equipment (including fire-fighting and rescue equipment), and (B) any acquisition of land or of any interest therein, or of any easement through or other interest in airspace which is necessary for such projects or to remove or mitigate or prevent or limit the establishment of, airport hazards.

"(c) Grants under this section shall be made solely from funds specifically made available to the President for the purpose of carrying out this Act in accordance with the provisions of this Act, and shall not be taken into account in the computation of the allotments among the States made pursuant to any other provisions of law.

"(d) Except as context otherwise indicates, words and phrases used in this section shall have the same meaning as in the Airport and Airway Development Act of 1970 and the Federal Aviation Act of 1958, as amended.

"(e) Federal assistance to any project under this section shall not exceed 90 per centum of the costs of the project, except for assistance for navigation aids which may be 100 per centum.

"(f) The Secretary is authorized to incur obligations to make grants for airport safety improvement projects, in a total amount not to exceed $40,000,000 during the period ending June 30, 1975. There are authorized to be appropriated to the President such sums as may be required for liquidation of the obligations incurred under this section."

Sec. 106. (a) The third sentence of subsection (c) of section 202 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 202) is amended by striking out "health services" and inserting in lieu thereof the following: "health and child development services, including title IV, parts A and B, of the Social Security Act. Notwithstanding any provision of law requiring assistance or services on a statewide basis, if a State provides assistance or services under such a program in any area of the region approved by the Commission, such State shall be considered as meeting such requirement".

(b) Subsection (d) of such section is amended by adding at the end the following: "The Federal contribution to such expenses of planning may be provided entirely from funds authorized under this section or in combination with funds provided under other Federal or Federal grant-in-aid programs. Notwithstanding any provision of law limiting the Federal share in any such other program, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by this subsection."

Sec. 107. (a) The first sentence of subsection (a)(1) of section 205 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 205) is amended by inserting before the period at the end: "; and to control or abate mine drainage pollution."

(b) Subsection (b) of such section is amended to read as follows:

"(b) Notwithstanding any other provision of law, the Federal share of mining area restoration project costs, including reasonable planning, engineering, and costs of land acquisition (limited to the reasonable value of the land in its unreclaimed state as determined by the Commission), carried out under subsection (a) of this section and conducted on lands other than federally owned lands, shall not exceed 75 per centum of the total cost thereof."

(c) Subsection (d) of such section is amended to read as follows:

"(d) No moneys authorized by this Act shall be expended for the purposes of reclaiming, improving, grading, seeding, or reforestation of strip-mined areas (except on lands owned by Federal, State, or local government bodies or by private nonprofit entities organized under State law for public recreation, conservation, or economic development purposes, including the construction of low- or moderate-income housing) until authorized by law. As a condition of any grant made pursuant to this section, provision shall be made for the recovery of such grant from the proceeds of the sale or lease for private purposes of lands reclaimed with such a grant, for the purpose of further reclamation projects."

Sec. 108. (a) The catchline for section 207 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 207) is amended to read: "ASSISTANCE FOR PLANNING AND OTHER PRELIMINARY EXPENSES OF PROPOSED LOW- AND MODERATE-INCOME HOUSING PROJECTS".

(b) Subsections (a), (b), and (c) of such section are amended to read as follows:

"(a) In order to encourage and facilitate the construction or rehabilitation of housing to meet the needs of low- and moderate-income families and individuals, the Secretary of Housing and Urban Development (hereafter in this section referred to as the "Secretary") is authorized to make grants and loans from the Appalachian Housing Fund established by this section, under such terms and conditions as he may prescribe, for necessary expenses of nonprofit, limited dividend, or cooperative organizations, or of public bodies, in planning and obtaining federally insured mortgage financing for housing construction or rehabilitation projects for low- and moderate-income families and individuals, under sections 221, 235, or 236 of the National Housing Act or any other Federal law, in any area of the Appalachian region determined by the Commission.

"(b) No loan under subsection (a) of this section shall exceed 80 per centum of the cost of planning and obtaining financing for a project, including, but not limited to, preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts. Such loans shall be made without interest, except that any loan made to an organization established for pofit shall bear interest at the prevailing market rate authorized for an insured or guaranteed loan for such project. The Secretary shall require repayment of loans made under this section, under such terms and conditions as he may require, upon completion of the project or sooner, and except in the case of a loan to an organization established for profit, may cancel any part or all of such a loan, if he determines that a permanent loan to finance such project cannot be obtained in an amount adequate for repayment of such loan under this section.

"(c) (1) Except as provided in paragraph (2) of this subsection, no grant under this section shall exceed 80 per centum of those expenses, incident to planning and obtaining financing for a project, which the Secretary considers not to be recoverable from the proceeds of any permanent loan made to finance such project, and no such grant shall be made to an organization established for profit.

"(2) The Secretary is authorized to make grants and commitments for grants, and may advance funds under such terms and conditions as he may require, to nonprofit organizations and public bodies for reasonable site development costs and necessary off-site improvements, such as sewer and water line extensions, whenever such a grant, commitment, or advance is essential to the economic feasibility of any housing construction or rehabilitation project for low- and moderate-income families and individuals which otherwise meets the requirements for assistance under this section, except that no such grant shall exceed 10 per centum of the cost of such project."

(c) Subsection (e) of such section is amended by striking out "The Secretary is further authorized to" and inserting in lieu thereof "The Secretary or the Commission may".

Sec. 109. (a) The catchline for section 211 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 211) is amended by adding at the end "AND EDUCATION DEMONSTRATION PROJECTS".

(b) The first sentence of subsection (a) of such section is amended by inserting "or operation" after "equipment".

(c) Subsection (b) of such section is amended to read as follows:

"(b) (1) In order to assist in the expansion and improvement of educational opportunities and services for the people of the region, the Secretary of the Department of Health, Education, and Welfare is authorized to make grants for planning, construction, equipping, and operating educational projects which will serve to demonstrate areawide educational planning, services, and programs. Grants under this section shall be made solely out of funds specifically appropriated for the purposes of this Act and shall not be taken into account in any computation of allotments among the States pursuant to any other law.

"(2) No grant for the construction or equipment of any component of an education demonstration project shall exceed 80 per centum of its costs.

"(3) Grants under this section for operation of components of education demonstration projects, whether or not constructed by funds authorized by this Act, may be made for up to 100 per centum of the costs thereof for the two-year period beginning on the first day that such component is in operation as a part of the project. For the next three years of operation, such grants shall not exceed 75 per centum of such costs. No grants for operation of demonstration education projects shall be made after five years following the commencement of the initial grant for operation of the project. Notwithstanding section 104 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3134), an education-related facility constructed under title I of that Act may be a component of a demonstration education project eligible for operating grant assistance under this section.

"(4) No grant for expenses of planning necessary for the development and operation of an education demonstration project shall exceed 75 per centum of such expenses.

"(5) No grant for planning, construction, operation, or equipment of a demonstration education project shall be made unless the facility is publicly owned, or owned by a public or private, nonprofit organization, and is not operated for profit.

"(6) Any Federal contribution referred to in this section may be provided entirely from funds appropriated to carry out this section, or in combination with funds available under other Federal grant-in-aid programs providing assistance for education-related facilities or services. Notwithstanding any provision of law limiting the Federal share in such programs, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by the applicable paragraph of this subsection."

Sec. 110. (a) Section 214 (a) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 214) is amended to read as follows:

"Sec. 214 (a) In order to enable the people, States, and local communities of the region, including local development districts, to take maximum advantage of Federal grant-in-aid programs (as hereinafter defined) for which they are eligible but for which, because of their economic situation, they cannot supply the required matching share, or for which there are insufficient funds available under the Federal grant-in-aid Act authorizing such programs to meet pressing needs of the region, the President is authorized to provide funds to the Federal Cochairman to be used for all or any portion of the basic Federal contribution to projects under such Federal grant-in-aid programs authorized by Federal grant-in-aid Acts, and for the purpose of increasing the Federal contribution to projects under such programs, as hereafter defined, above the fixed maximum portion of the cost of such projects otherwise authorized by the applicable law. In the case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant-in-aid program is proposed to be made under this subsection, no such Federal contribution shall be made until the responsible Federal official administering the Federal grant-in-aid Act authorizing such contribution certifies that such program or project meets the applicable requirements of such Federal grant-in-aid Act and could be approved for Federal contribution under such Act if funds were available under such Act for such program or project. Funds may be provided for programs and projects in a State under this subsection only if the Commission determines that the level of Federal and State financial assistance under Acts other than this Act, for the same type of programs or projects in that portion of the State within the region, will not be diminished in order to substitute funds authorized by this subsection. Funds provided pursuant to this Act shall be available without regard to any limitations on areas eligible for assistance or authorizations for appropriation in any other Act. Any findings, report, certification, or documentation required to be submitted to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of any Federal grant-in-aid program shall be accepted by the Federal Cochairman with respect to a supplemental grant for any project under such program."

(b) The first sentence of subsection (c) of such section is amended by striking out "December 31, 1970" and inserting in lieu thereof "December 31, 1974".

Sec. 111. Section 224 (b) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 224) is amended by striking out "or" immediately preceding "(4)", and inserting before the period at the end of such subsection: "or (5) for any land reclamation, water resource, or other environmental project under section 203, 204, 205, 212, or 214, except in furtherance of a comprehensive environmental improvement plan for an area of the region to be served by such a project, which is approved in the manner provided for programs or projects under sections 223 and 303."

Sec. 112. Subsection (a) (2) of section 302 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 302) is amended to read as follows:

"(a) (2) to make grants to the Commission for investigation, research, studies, evaluations, and assessments of needs, potentials, or attainments of the people of the region, technical assistance, training programs, demonstrations, and the construction of necessary facilities incident to such activities, which will further the purposes of this Act. Grant funds may be provided entirely from appropriations to carry out this section or in combination with funds available under other Federal or Federal grant-in-aid programs or from any other source. Notwithstanding any provision of law limiting the Federal share in any such other program, funds appropriated to carry out this section may be used to increase such Federal share, as the Commission determines appropriate."

Sec. 113. Section 401 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 401) is amended to read as follows:

"Sec. 401. In addition to the appropriations authorized in section 105 for administrative expenses, in section 201 for the Appalachian Development Highway System and Local Access Roads, and in section 201A for Appalachian Airport Safety Improvements, there is hereby authorized to be appropriated to the President, to be available until expended, to carry out this Act, $268,500,000 for the two-fiscal-year period ending June 30, 1971; $277,000,000 for the two-fiscal-year period ending June 30, 1973; and $294,000,000 for the two-fiscal-year period ending June 30, 1975."

Sec. 114. Section 405 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 405) is amended by striking "1971" and inserting in lieu thereof "1975".

Mr. MANSFIELD. Mr. President, it is my understanding that there will be no action on the bill today; that the introductory remarks and debate will occur tomorrow.

SUMMER JOBS FOR YOUTH

Mr. JAVITS. Mr. President, on February 23, with 14 other Members of this body, we wrote the Vice President, who is the chairman of the President's Council on Youth Opportunity, urging the Council to fulfill at an early date its responsibility of assuring summer jobs and other manpower and recreational programs adequate to meet the growing unemployment problem faced by white and nonwhite youths in poor neighborhoods.

We were moved by the facts that while the most recently available quarterly statistics place teenage unemployment at 18.8 percent and among poor black teenagers at a startling 42.4 percent and while everyone—including the administration—expects continued unemployment above the 4.5 percent benchmark well into fiscal year 1972, the President's budget for that year would permit the funding of only 49,600 more employment and training opportunities under current authorizations than in this fiscal year, meeting less than one-tenth of the so-called "target" population.

Of particular and immediate concern is the inadequacy of funding for next summer's Neighborhood Youth Corps summer job program, which provides work experience for disadvantaged youths 14 to 21 years of age. The funds appropriated for projects under that program for this summer's program—which begins in June and which is—contained in the fiscal year 1971 budget—total $164,000,000, some $18,600,000 below the $182,600,000 available last summer.

Despite this cut, the Department of Labor proposes to provide the same number of opportunities as provided last year—414,000—by reducing the program from 10 weeks to 8 weeks. This, in our opinion, is most inadvisable.

The fact is that the needs for the coming summer's programs extend well beyond even last year's level. As a letter dated December 4, 1970, and a city-by-city chart from the National League of Cities and U.S. Conference of Mayors has documented, there is a total need of at least 641,639 full-time opportunities nationwide, consisting of 330,973 in the 50 largest cities and 310,666 in rural and other areas, for example, in Wilmington, Del., Little Rock, Ark., and South Bend, Ind.

Since a Federal expenditure of $481—compared with $442 last year—will be required to provide each opportunity, without cutting the hours of participation, the documented needs can be met only if a total of $308,628,359 in Federal funds is made available for the program. Thus, an additional appropriation of $144,628,359 should be requested to supplement the $164,000,000 already available.

Our letter urged both in respect to these programs and other programs that the Council assess the overall job and recreational situation for the period of expected continued high unemployment and recommend that the appropriate agencies of the Federal Government submit revised budget requests to the appropriations committees of the Congress in time for a meaningful response. In particular, to insure effective planning, we urged that the Council's annual report on the summer job situation be issued at an early date, and that the Department of Labor and other concerned agencies be encouraged to submit revised budget requests for the Neighborhood Youth Corp summer job and related recreational programs.

Mr. President, so that Members will be able to assess the extent to which the needs in their particular areas will be met under current plans, I ask unanimous consent that there be included in the RECORD at this point a chart prepared by my office comparing the slot allocation for the 50 major cities under present funds with the needs documented by the National League of Cities—U.S. Conference of Mayors, along with the supportive materials consisting of the following: a letter dated February 17, 1971 from the Secretary of Labor; three tables provided on March 4, 1971, by the Department of Labor; the letter dated December 4, 1970, from the League of Cities, and a copy of the letter which we have sent to the Vice President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEEDS FOR ADDITIONAL NEIGHBORHOOD YOUTH CORPS SUMMER OPPORTUNITIES IN THE NATION'S 50 LARGEST CITIES

	Opportunities as documented by League of Cities—U.S. Conference of Mayors [1]	Opportunities allocated by the DOL with funds now appropriated [2]	Additional opportunities needed
City:			
Akron	1,200	477	723
Atlanta	3,408	1,795	1,613
Baltimore	8,000	5,068	2,932
Birmingham	2,086	1,186	900
Boston	3,500	2,156	1,344
Buffalo	4,268	2,159	2,109
Chicago	40,000	23,434	16,566
Cincinnatti	3,000	1,512	1,488
Cleveland	10,000	5,315	4,685
Columbus	2,000	852	1,148
Dade County (Miami)	8,226	2,492	5,734
Dallas	2,280	1,194	1,086
Dayton	930	572	358
Denver	2,100	739	1,361
Detroit	11,670	8,270	3,400
El Paso	1,125	517	608
Fort Worth	1,178	604	574
Gary	4,300	1,584	2,716
Honolulu	2,191	405	1,786
Houston	3,000	2,106	894
Indianapolis	2,500	710	1,790
Jersey City	1,993	1,076	917
Kansas City Mo	4,000	1,300	2,700
Los Angeles (including Long Beach)	20,000	12,459	7,541
Louisville	3,500	1,874	1,626
Memphis	2,394	1,214	1,180
Milwaukee	3,000	1,656	1,079
Minneapolis	2,735	1,286	1,449
Newark	14,563	3,415	11,148
New Orleans	5,000	1,412	3,588
New York	77,500	31,362	46,138
Norfolk	2,625	1,386	1,239
Oakland	5,785	3,114	2,671
Oklahoma City	1,000	931	69
Omaha	700	1,056	−356
Philadelphia	12,500	4,339	8,161
Phoenix	17,000	2,388	14,612
Pittsburgh	2,500	4,321	−1,821
Portland, Oreg	5,000	1,075	3,925
Rochester	1,000	918	82
St. Louis	1,500	1,755	−255
St. Paul	1,025	386	639
San Antonio	5,514	2,782	2,732
San Diego	2,500	2,172	328
San Francisco	5,000	2,152	2,848
Seattle	5,000	1,558	3,442
Tampa	2,887	2,384	503
Toledo	990	545	445
Tulsa	850	311	539
Washington, D.C	36,000	10,775	25,225
Total	330,973	141,064	189,909

[1] See letter dated Dec. 4, 1970, and accompanying chart.

[2] See table III provided by U.S. Department of Labor, Mar. 4, 1971.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., February 17, 1971.

HON. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This is in response to your letter of January 28, 1971, concerning the funding and enrollment opportunity levels for the 1971 Neighborhood Youth Corps (NYC) summer program.

A total of 414 thousand enrollment opportunities is planned for summer 1971. This is the same as the full-term equivalent opportunity level of the summer 1970 program, which included a number of short-term opportunities which raised the contracted level above 414 thousand.

In 1970, obligations for the regular NYC summer program were $182.6 million, including obligations against the supplemental appropriation. The average cost per full-term equivalent enrollment was $442.

The funding level for 1971 is $165.7 million. Subtracting National Office costs for audit, $164.0 million are available for allocation to project sponsors. The minimum wage will be $1.60 per hour compared to $1.45 per hour last year. The unit per enrollment, at the higher wage, is estimated at $481 if the same 260 hours allowed each enrollee last summer is repealed.

With fewer total dollars and higher wage costs it is evident that either the number enrolled, or the hours of participation and the earnings of enrollees would have to be adjusted.

We plan to continue to finance the program with 90 percent of Federal money and 10 percent cash or in-kind contributions from local sponsors. Therefore, it is our judgment that it is best to maintain enrollment at 414 thousand but reduce each enrollee's maximum participation from 260 to 212 hours for the summer.

I appreciate your continued interest in the Neighborhood Youth Corps.

Sincerely,

J. D. HODGSON,
Secretary of Labor.

TABLE I.—FISCAL YEAR 1971 NYC SUMMER PROGRAM SLOT ALLOCATIONS

Region and State	1970	Fiscal year 1971 slot initial slot allocation	Fiscal year 1971 slot allocation
Region I		12,409	16,631
Connecticut		2,636	3,765
Maine		10,360	1,813
Massachusetts		5,590	7,588
New Hampshire		690	894
Rhode Island		1,430	1,727
Vermont		703	844
Region II		51,626	64,545
New Jersey		8,633	10,891
New York		36,927	45,561
Puerto Rico		5,936	7,937
Virgin Islands		130	156
Region III		32,546	40,270
Delaware		552	818
Maryland		6,116	7,285
Pennsylvania		13,507	17,339
Virginia		6,091	7,351
West Virginia		6,280	2,447
Region IV		60,070	75,772
Alabama		6,186	8,204
Florida		6,234	9,760
Georgia		8,375	10,298
Kentucky		9,245	11,010
Mississippi		5,879	7,500
North Carolina		11,253	13,401
South Carolina		5,476	6,523
Tennessee		7,422	9,076
Region V		61,236	77,644
Illinois		24,111	28,715
Indiana		4,612	6,808
Michigan		10,125	14,258
Minnesota		5,189	6,179
Ohio		12,433	15,692
Wisconsin		4,766	5,992
Region VI		37,881	45,874
Arkansas		5,215	6,212
Louisiana		7,564	9,399
New Mexico		2,553	3,041
Oklahoma		4,453	5,303

TABLE I.—FISCAL YEAR 1971 NYC SUMMER PROGRAM SLOT ALLOCATIONS—Continued

Region and State	1970 Fiscal year 1971 slot initial slot allocation	Fiscal year 1971 slot allocation
Texas	18, 096	21, 919
Region VII	13, 644	17, 381
Iowa	3, 198	3, 894
Kansas	2, 219	2, 929
Missouri	6, 122	8, 050
Nebraska	2, 105	2, 508
Region VIII	8, 002	10, 104
Colorado	2, 214	3, 134
Montana	1, 578	1, 879
North Dakota	1, 077	1, 283
South Dakota	1, 331	1, 583
Utah	1, 394	1, 684
Wyoming	408	541
Region IX	34, 235	43, 788
Arizona	5, 636	6, 712
California	27, 032	34, 977
Hawaii	889	1, 061
Nevada	592	788
Guam	86	205
American Samoa and Trust Territories	0	45
Region X	7, 821	11, 216
Alaska	1, 117	1, 561
Idaho	670	930
Oregon	2, 366	3, 273
Washington	3, 668	5, 452
District of Columbia	8, 530	10, 775
National total	328, 000	414, 000

Source: Department of Labor (Mar. 4, 1971).

TABLE 2.—FISCAL YEAR 1971 NEIGHBORHOOD YOUTH CORPS SUMMER PROGRAM, NOA FUNDS ALLOCATION

[In thousands of dollars]

Region and State	EOA	MDTA	Total fiscal year 1971 NOA funds allocation
Region I	$5, 475	$1, 111	$6, 586
Connecticut	1, 240	251	1, 491
Maine	597	121	718
Massachusetts	2, 497	508	3, 005
New Hampshire	294	60	354
Rhode Island	569	115	684
Vermont	278	56	334
Region II	21, 240	4, 320	25, 560
New Jersey	3, 585	728	4, 313
New York	14, 450	3, 592	18, 042
Puerto Rico	3, 143	0	3, 143
Virgin Islands	62	0	62
Region III	13, 252	2, 695	15, 947
Delaware	269	55	324
Maryland	2, 398	487	2, 885
Pennsylvania	5, 706	1, 160	6, 866
Virginia	2, 419	492	2, 911
West Virginia	2, 400	501	2, 961
Region IV	24, 935	5, 071	30, 006
Alabama	2, 700	549	3, 249
Florida	3, 212	653	3, 865
Georgia	3, 389	689	4, 078
Kentucky	3, 623	737	4, 360
Mississippi	2, 468	502	2, 970
North Carolina	4, 410	897	5, 307
South Carolina	2, 146	437	2, 583
Tennessee	2, 987	607	3, 594
Region V	25, 553	5, 194	30, 747
Illinois	9, 450	1, 921	11, 371
Indiana	2, 240	456	2, 696
Michigan	4, 692	954	5, 646
Minnesota	2, 034	413	2, 447
Ohio	5, 164	1, 050	6, 214
Wisconsin	1, 973	400	2, 373
Region VI	15, 100	3, 066	18, 166
Arkansas	2, 045	415	2, 460
Louisiana	3, 095	627	3, 722
New Mexico	1, 000	204	1, 204
Oklahoma	1, 745	355	2, 100
Texas	7, 215	1, 465	8, 680
Region VII	5, 720	1, 163	6, 883
Iowa	1, 282	260	1, 542
Kansas	964	196	1, 160
Missouri	2, 649	539	3, 188
Nebraska	825	168	993
Region VIII	3, 325	676	4, 001
Colorado	1, 031	210	1, 241
Montana	618	126	744
North Dakota	422	86	508
South Dakota	521	106	627
Utah	555	112	667
Wyoming	178	36	214
Region IX	14, 410	2, 930	17, 340
Arizona	2, 209	449	2, 658
California	11, 370	2, 481	13, 851
Hawaii	420	0	420
Nevada	312	0	312
Guam	81	0	81
American Samoa and Trust Territory	18	0	18
Region X	3, 807	774	4, 581
Alaska	758	0	758
Idaho	368	0	368
Oregon	1, 077	219	1, 296
Washington	1, 604	555	2, 159
District of Columbia	4, 267	0	4, 267
Total	137, 084	27, 000	164, 084

Source: Department of Labor (Mar. 4, 1971).

TABLE 3.—FISCAL YEAR 1971 NEIGHBORHOOD YOUTH CORPS SUMMER PROGRAM—50 CITY ALLOCATIONS

	Fiscal year 1970 initial slot allocation	Fiscal year 1971 slot allocation	Fiscal year 1971 NOA funds allocation
Region I:			
Boston	1, 588	2, 156	$853, 780
Region II:			
Jersey City	853	1, 076	426, 100
Newark	2, 707	3, 415	1, 352, 340
Buffalo	1, 750	2, 159	854, 960
New York	25, 419	31, 362	12, 419, 350
Rochester	744	918	363, 530
Region III:			
Baltimore	4, 255	5, 068	2, 006, 930
Philadelphia	3, 380	4, 339	1, 718, 240
Pittsburgh	3, 366	4, 321	1, 711, 120
Norfolk	1, 148	1, 386	548, 860
Region IV:			
Birmingham	894	1, 186	469, 660
Dade County (Miami)	1, 592	2, 492	986, 830
Tampa	1, 523	2, 384	944, 060
Atlanta	1, 460	1, 795	710, 820
Louisville	1, 574	1, 874	742, 100
Memphis	993	1, 214	480, 740
Region V:			
Chicago	19, 676	23, 434	9, 279, 860
Gary	1, 073	1, 584	627, 260
Indianapolis	481	710	281, 160
Detroit	5, 873	8, 270	3, 274, 920
Minneapolis	1, 080	1, 286	509, 260
St. Paul	324	386	152, 860
Akron	378	477	188, 890
Cincinnati	1, 198	1, 512	598, 750
Cleveland	4, 211	5, 315	2, 104, 740
Columbus	675	852	337, 390
Dayton	453	572	226, 510
Toledo	432	545	215, 820
Milwaukee	1, 317	1, 656	655, 780
Region VI:			
New Orleans	1, 136	1, 412	$559, 150
Oklahoma City	782	931	368, 680
Tulsa	261	311	123, 160
Dallas	986	1, 194	472, 820
El Paso	427	517	204, 730
Ft. Worth	499	604	239, 180
Houston	1, 739	2, 106	833, 980
San Antonio	2, 297	2, 782	1, 101, 670
Region VII:			
Kansas City	989	1, 300	$514, 800
St. Louis	1, 335	1, 755	694, 980
Omaha	886	1, 056	418, 180
Region VIII: Denver	522	739	292, 640
Region IX:			
Phoenix	2, 005	2, 388	945, 650
Los Angeles (Incl. Long Beach)	9, 629	12, 459	4, 933, 760
Oakland	2, 407	3, 114	1, 233, 140
San Diego	1, 679	2, 172	860, 110
San Francisco	1, 663	2, 152	852, 190
Honolulu	339	405	160, 380
Region X:			
Portland	777	1, 075	425, 700
Seattle	1, 048	1, 558	616, 970
Washington, D.C.	8, 530	10, 775	4, 267, 000
Total	130, 353	164, 549	65, 161, 490

Source: Department of Labor, Mar. 4, 1971.

NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS,
December 4, 1970.

HON. JACOB K. JAVITS,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: In response to your request for information, we have made inquiries as to the cities' 1971 needs for the summer Neighborhood Youth Corps slots. The information we have received from the fifty largest cities shows that the total number of slots these cities could effectively use this summer is 330,973.

On the basis of our contacts with a sample of smaller cities, we estimate their needs and the number of slots these cities could effectively utilize to total 310,666.

Combining these figures—the total for the fifty largest cities with estimated needs for the balance of the nation, the present real need for 1971 is 641,639 slots nationwide.

We trust that these statistics will be helpful to you in pointing up the critical need for an enlarged appropriation for the summer Neighborhood Youth Corps.

Sincerely,

JOHN J. GUNTHER,
Executive Director, U.S. Conference of Mayors.

PATRICK HEALY,
Executive Vice President, National League of Cities.

THE NEEDS OF THE 50 LARGEST CITIES

City	1969 total need	1970 total need	1971 total need
Akron	612	765	1, 200
Atlanta	2, 267	1, 460	3, 408
Baltimore	7, 000	8, 000	8, 000
Birmingham	1, 390	1, 738	2, 086
Boston	2, 200	2, 750	3, 500
Buffalo	2, 845	3, 557	4, 268
Chicago	31, 000	38, 750	40, 000
Cincinnatti	1, 935	2, 419	3, 000
Cleveland	6, 900	8, 000	10, 000
Columbus	1, 100	1, 378	2, 000
Dade County (Miami)	2, 150	2, 668	8, 226
Dallas	1, 520	1, 900	2, 280
Dayton	620	775	930
Denver	800	1, 000	2, 100
Detroit	7, 780	9, 725	11, 670
El Paso	719	900	1, 125
Fort Worth	785	981	1, 178
Gary	1, 380	1, 725	4, 300
Honolulu	1, 461	1, 826	2, 191
Houston	2, 844	3, 555	3, 000
Indianapolis	650	812	2, 500
Jersey City	1, 275	1, 584	1, 993
Kansas City Mo	1, 400	2, 225	4, 000
Los Angeles (including Long Beach)	12, 828	16, 000	20, 000
Louisville	2, 605	3, 256	3, 500
Memphis	1, 500	1, 875	2, 394
Milwaukee	1, 925	2, 406	3, 000
Minneapolis	1, 750	2, 188	2, 735
Newark	1, 480	12, 000	14, 563
New Orleans	8, 490	10, 615	5, 000

THE NEEDS OF THE 50 LARGEST CITIES—Continued

City	1969 total need	1970 total need	1971 total need
New York	50,000	62,500	77,500
Norfolk	1,750	2,188	2,625
Oakland	3,857	4,821	5,785
Oklahoma City	1,270	1,588	1,000
Ohmaha	1,455	1,819	700
Piladelphia	4,105	12,500	12,500
Phoenix	3,285	4,106	17,000
Pittsburgh	3,915	4,894	2,500
Portland, Oreg	1,066	1,328	5,000
Rochester	1,225	1,531	1,000
St. Louis	1,834	4,000	1,500
St. Paul	683	854	1,025
San Antonio	3,742	4,678	5,514
San Diego	2,689	2,616	2,500
San Francisco	2,625	3,291	5,000
Seattle	1,496	1,500	5,000
Tampa	1,925	2,405	2,887
Toledo	700	825	990
Tulsa	420	525	850
Washington, D.C	12,805	30,000	36,000
Total need: For the 50 largest cities	214,758	296,201	333,973

1970 estimate need balance of Nation, selected smaller cities

[1971 total need]

Wilmington, Del	2,000
Fort Lauderdale, Fla	400
Winston-Salem, N.C	250
Little Rock, Ark	300
Providence, R.I	1,100
Utica, N.Y	400
South Bend, Ind	450
Estimated need balance of Nation	310,666
Estimated total need of 1971 for Nation	641,639

(Source: League of Cities.)

U.S. Senate,
Washington, D.C., February 22, 1971.

Dear Mr. Vice President: We are writing you to urge that the President's Council on Youth Opportunity fulfill at the earliest possible date its responsibility of assuring effective program planning for summer and other youth programs of the Federal Government.

The current national unemployment rate of 6 percent falls very heavily on disadvantaged youth. The most recent available statistics show a jobless rate among all teenagers in poor neighborhoods of 27.8 percent in the last quarter of 1970—compared with 17.4 percent in the last quarter of 1969; the rate among white teenagers in such neighborhoods was 18.8 percent—compared with 11 percent in 1969; and the rate among black teenagers in such areas was 42.4 percent—or almost half—compared with 26.7 percent in the last quarter of 1969.

While we hope that the situation will be otherwise, past experience indicates that unemployment usually reaches its highest point after the economy has started its recovery and expert opinion holds that high levels of unemployment will continue into 1972. In that connection, we note the recent Economic Report of the President which indicates that the Administration's own plan is to set a path that will probably not reduce the unemployment rate to "the 4½ percent zone" at the earliest until the second quarter of 1972.

Accordingly, we are concerned that the appropriations already made or requested for manpower training and employment programs from now through mid 1972 will not be adequate to alleviate the hardship imposed upon youth, as well as others, by these conditions.

For example, the appropriation for projects under the Neighborhood Youth Corp Summer job program—which provides opportunities to disadvantaged youth 14-21 years—is at a level (funded under this fiscal 1971 budget) of $164,000,000 for next summer, $18,600,000 below the $182,600,000 available last summer.

We understand that despite the lower federal funding level, the Department of Labor intends to provide approximately the same number of opportunities, 414,000, by reducing the hours of participation for each youth to 212 (approximately 8 weeks) compared with 260 (approximately ten weeks) in past years.

In our opinion, this new policy is regrettable in light of the need to provide a full experience for youths enrolled in the programs, particularly under the current economic circumstances.

Indeed, the established needs for the coming summer's programs extend well beyond even last year's level. As the enclosed letter dated December 4, 1970 and a city-by-city chart from the National League of Cities and U.S. Conference of Mayors shows, there is a total need of at least 641,639 opportunities, consisting of 330,973 in the 50 largest cities and 310,666 in rural and other areas.

Since a federal expenditure of $481 (compared with $442 last year) will be required to provide each opportunity, without cutting the hours of participation, the documented needs can be met only if a total of $308,628,359 in federal funds is made available for the program. Thus, an additional appropriation of $144,628,359 should be requested to supplement the $164,000,000 already available.

We also note with concern that, although the adoption of the President's revenue sharing proposals might improve the situation, the President's budget for fiscal year 1972 for currently authorized manpower programs will permit the funding of only 49,600 more employment and training opportunities than in this fiscal year. Of special concern is the fact that public sector programs which particularly reach youth—for example, the Neighborhood Youth Corp out-of-school program and the Public Sector on the Job Training program would be held at the current funding levels.

Accordingly, we hope that the Council will assess the overall job and recreational situation for the period of expected continued high unemployment and will recommend that the appropriate agencies of the federal government submit revised budget requests to the appropriations committees of the Congress in time for a meaningful response.

In particular, to ensure effective planning, we urge that the Council's annual report on the summer job situation be issued at an early date, and that the Department of Labor and other concerned agencies be encouraged to submit revised budget requests for the Neighborhood Youth Corp summer and related recreational programs.

It is clear that as in the past summer, economic conditions will also make it difficult for the private sector to take up the slack through such voluntary job programs as those conducted by the National Alliance of Businessmen.

As members of the Senate, we share responsibility with the Council and the concerned agencies to help to alleviate the problem of unemployment as it affects youth and we hope to work together to that end.

Sincerely,

Jacob K. Javits, Alan Cranston, Jennings Randolph, Abraham Ribicoff, Gaylord Nelson, Birch Bayh, Adlai Stevenson III, Clifford P. Case, Walter F. Mondale, Edward W. Brooke, William Proxmire, Thomas F. Eagleton, George McGovern, Edward M. Kennedy, Philip A. Hart.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will cal the roll.

The legislative clerk proceeded to call will call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10:30 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the colloquy for which an order already has been entered, recognizing the Senator from South Dakota (Mr. McGovern) and the Senator from Maryland (Mr. Mathias) for 30 minutes, the able senior Senator from New York (Mr. Javits) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the remarks by the able Senator from New York (Mr. Javits) on tomorrow, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the time for the transaction of routine morning business not to exceed 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM THURSDAY, MARCH 11, UNTIL 10 A.M., FRIDAY, MARCH 12, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 10 a.m. on Friday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR ADDITIONAL TIME TO FILE COMMITTEE REPORT

Mr. CHURCH. Mr. President, I ask unanimous consent, on behalf of both the minority and majority members of the Special Committee on Aging, that the time for filing the report of the committee be extended from March 10, today, to March 24, 1971.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA AND SENATOR DOLE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, immediately following the disposition of the reading of the Journal, the recognition of the two leaders under the standing order, and the disposition of any unobjected to items on the calendar, if there be any, the able Senator from Virginia (Mr. BYRD) and the able Senator from Kansas (Mr. DOLE) be recognized for not to exceed 20 minutes for the purpose of conducting a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene, following an adjournment, at 10:30 a.m. and, following the recognition of the two leaders under the standing order, and the disposition of any unobjected to items on the Calendar, if there be any, there will be colloquy for not to exceed 20 minutes, the time to be controlled by the distinguished senior Senator from Virginia, (Mr. BYRD) and the distinguished junior Senator from Kansas (Mr. DOLE).

Following the aforementioned colloquy, the distinguished senior Senator from Georgia (Mr. TALMADGE) will be recognized under a previous order for not to exceed 10 minutes; to be followed by the equally distinguished senior Senator from Idaho (Mr. CHURCH) for not to exceed 15 minutes.

Following the remarks of the able Senator from Idaho (Mr. CHURCH), there will be a colloquy for not to exceed 30 minutes with the time to be controlled by the distinguished Senator from South Dakota (Mr. MCGOVERN) and the able Senator from Maryland (Mr. MATHIAS); following which the able senior Senator from New York (Mr. JAVITS) will be recognized for not to exceed 15 minutes; to be followed at about 12 o'clock meridian by a period for the transaction of routine morning business not to exceed 45 minutes, with statements therein limited to 3 minutes.

At the close of the period for the transaction of routine morning business, the pending business—which by virtue of the adjournment will become the unfinished business—will be laid before the Senate and the Senate will continue its consideration thereof.

The unfinished business will be S. 575, a bill to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965 as amended.

It is likely that one or more rollcall votes will occur tomorrow.

Mr. President, as a reminder to Senators, the able majority leader has indicated that following action—hopefully tomorrow—on S. 575, extending the Appalachian Regional Development Act, the Senate is expected to take up H.R. 4690, the bill to raise the ceiling on the public debt. Action on that bill is expected to occur on Friday.

The able majority leader has indicated that there might be some contention on the bill raising the debt ceiling and that a social security amendment will likely be offered thereto.

The majority leader has indicated that there will likely be rollcall votes on Friday and that if action on that bill, H.R. 4690, is not completed on Friday, the Senate will continue to consider the matter on Monday next.

The majority leader also indicated that, following action on H.R. 4690, there would likely be action on Senate Joint Resolution 17, to establish a Joint Committee on the Environment.

The majority leader stated that there is a possibility, following action on the measures heretofore enumerated, that the Senate will likely consider S. Res. 17, a resolution amending rule XXIV of the Standing Rules of the Senate, by the Senator from Oklahoma (Mr. HARRIS) and the Senator from Maryland (Mr. MATHIAS).

The majority leader further indicated that at some time—sooner or later—there is a likelihood that the Senate will act on S. 671, a bill introduced by Senators METCALF and MANSFIELD, to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana.

So, Senators are reminded that rollcall votes are anticipated on tomorrow and Friday and perhaps Monday. That is as far into the future as we can see for the present.

ADJOURNMENT TO 10:30 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10:30 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 10 minutes p.m.) the Senate adjourned until tomorrow, Thursday, March 11, 1971, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 10, 1971:

IN THE AIR FORCE

Ernest F. Hasselbrink, [redacted] for reappointment to the active list of the Regular Air Force, in the grade of captain, from the temporary disability retired list, under the provisions of sections 1210 and 1211, title 10, United States Code.

The following officers for appointment in the Regular Air Force, in the grade indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duty indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenant (judge advocate)

Lyman D. Bedford, [redacted].
Jack S. Bender III, [redacted].
Michael R. Emerson, [redacted].
Frank J. Falk, Jr. [redacted].
William C. Thompson, Jr., [redacted].
Frank M. Wells, [redacted].

The following Air Force officers for appointment in the Regular Air Force in the grade of first lieutenant, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Abbott, Sherwood S., [redacted].
Abney, Billy W., [redacted].
Adkins, Joel E., [redacted].
Adler, Bradley B., [redacted].
Alexander, Joseph D., [redacted].
Alexander, Thomas L., [redacted].
Allen, George W., [redacted].
Allen, Richard H., [redacted].
Alley, Charles E., [redacted].
Allgaier, William A., III, [redacted].
Allick, Samual O., [redacted].
Alvord, Robert A., [redacted].
Alwood, Gary L., [redacted].
Ambrose, John W., III, [redacted].
Amick, Michael D., [redacted].
Anderson, Frank W., Jr., [redacted].
Anderson, John M., Jr. [redacted].
Anderson, Jon J., [redacted].
Anderson, Morris E., [redacted].
Angelo, William J., [redacted].
Armstrong, Francis C., III [redacted].
Arzola, Nelson, [redacted].
Asadourian, George G., Jr., [redacted].
Ashman, David, [redacted].
Atchley, Gordon H., [redacted].
Augspurger, David E., [redacted].
Austin, Charles E., [redacted].

Azuma, Robert T., [redacted].
Backers, Glen E., [redacted].
Bainbridge, Richard R. [redacted].
Bair, Charles A., Jr., [redacted].
Baker, George L., [redacted].
Bakonyi, Laszlo J. [redacted].
Baldwin, Ralph H., III [redacted].
Ball, Norman K., [redacted].
Balmanno, William F. [redacted].
Bangeman, Mark P. [redacted].
Baratelli, Philip J. [redacted].
Barber, David M., [redacted].
Barnhardt, James W., Jr. [redacted].
Barr, Charles M., [redacted].
Barr, Tommy D., [redacted].
Barrett, Gerald F., Jr. [redacted].
Barrett, John R. [redacted].
Barry, Maurice H., [redacted].
Bartenfeld, Chelsea L. [redacted].
Barton, Richard W. [redacted].
Bartos, Henry S., [redacted].
Bass, Charles A., [redacted].
Bassham, Cecil N., [redacted].
Baugh, John E. [redacted].
Baxter, Ronald L. [redacted].
Beal, John F. [redacted].
Beard, Faye L., [redacted].
Beaver, Phillip E., [redacted].
Beck, Gerald D., [redacted].
Beggs, Richard G., [redacted].
Beierschmitt, Gerald A., Jr. [redacted].
Bell, Craig S., [redacted].
Belman, Larry J. [redacted].
Bencks, Edward G., [redacted].
Benedict, Andrew H., [redacted].
Benedict, Stephen L. [redacted].
Benner, Joseph G. [redacted].
Bennett, Stephen L. [redacted].
Benson, Joseph L., [redacted].
Bentley, Edward F. [redacted].
Bergo, Kenneth M. [redacted].
Bernard, Julius A., Jr. [redacted].
Berry, Danny L., [redacted].
Berta, William C. [redacted].
Best Stoddard L. [redacted].
Bevan, Wayne, R., [redacted].
Biezad, Daniel J. [redacted].
Biggs, John C., [redacted].
Birch, Craig A., [redacted].
Bird, Ronald W., [redacted].
Bishop, William R., [redacted].
Blackwell, Joe E., [redacted].
Blair, Harry B., [redacted].
Blake, Earl G., Jr. [redacted].
Bochicchio, Leonard P. [redacted].
Bolhm, Albert R., [redacted].
Bor, Frederick C. [redacted].
Bond, James F., [redacted].
Bonner, Lawrence M., [redacted].
Borandi, Bernard A., [redacted].
Borders, Gerald D., [redacted].
Borgon, Frank A., [redacted].
Boswell, Lance, [redacted].
Bothwell, Robert L., Jr. [redacted].
Boudreaux, Ray M., [redacted].
Bowen, Vernon W., Jr. [redacted].
Bowman, John G., Jr. [redacted].
Boyle, Matthew A., [redacted].
Brackenhoff, Don M., [redacted].
Bradley, John L., III [redacted].
Brady, Cedric T., [redacted].
Brady, John M., [redacted].
Brady, Thomas F., Jr. [redacted].
Braeutigam, Robert E. [redacted].
Bremer, Donald H., [redacted].
Brickman, Larry E. [redacted].
Britton, Jack W. [redacted].
Brock, James D. [redacted].
Brooks, Frank S., III [redacted].
Brust, William P. [redacted].
Brothers, Douglas A. [redacted].
Brown, Benjamin J. [redacted].
Brown, Edward C. [redacted].
Brown, James R., [redacted].
Brown, Louis C., Jr. [redacted].
Brown, Robert L. [redacted].
Bruce, David J., [redacted].
Bruer, Charles R. [redacted].
Brunstetter, David A. [redacted].
Brus, Robert A., [redacted].
Bryson, Bernard E., [redacted].
Bryson, Jon H., [redacted].
Buchanan, Norman H. [redacted].
Buettell, Roger B., III [redacted].
Butler, Billy G., [redacted].
Butler, Marlin J. [redacted].
Butler, Robert L. [redacted].
Butterfield, William F. [redacted].
Buyniski, Edward F., Jr. [redacted].
Byron, Robert A., [redacted].
Calder, William T. [redacted].
Callahan, John C. [redacted].
Camacho, Francisco P. [redacted].
Cameron, Charles D. [redacted].
Campbell, Donald D. [redacted].
Campbell, Tom J., [redacted].
Canavan, Thomas [redacted].
Canida, H. B., [redacted].
Cannon, Roger S. [redacted].
Carington, Thomas C. [redacted].
Carlson, Rodney L., [redacted].
Carpeaux, Walter B. [redacted].
Carpenter, Charles L. [redacted].
Carpenter, Dennis D. [redacted].
Carr, Ronald L., [redacted].
Carrillo, John [redacted].
Carrington, Henry G. [redacted].
Carroll, Gerard M., Jr. [redacted].
Carter, Edward B. [redacted].
Carter, Larry G. [redacted].
Carter, Robert W. [redacted].
Cassulo, Frank A. [redacted].
Castonguay, Joseph L. [redacted].
Cathers, George R. [redacted].
Center, James W. [redacted].
Chadwick, Charles R. [redacted].
Chaffee, Robert G. [redacted].
Charlton, John T. [redacted].
Childs, Charles I. [redacted].
Christenson, Gerald A. [redacted].
Christian, Don O. [redacted].
Christian, James D. [redacted].
Clark, Gary L., [redacted].
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Collard, Robert L., Jr. [redacted].
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Connors, Paul C., [redacted].
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Cooper, David W., [redacted].
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Core, Charles M., Jr. [redacted].
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Councilman, Richard A. [redacted].
Counts, Jake S., [redacted].
Cox, Joseph E., Jr. [redacted].
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Lair, Claude W., [redacted].
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Lapierre, Robert L. [redacted].
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Luke, Merlyn L., [redacted].
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Zinsser, Harry F., Jr. [redacted].
Ziuber, Richard J., [redacted].
Zody, James G., [redacted].

HOUSE OF REPRESENTATIVES—*Wednesday, March 10, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Blessed is everyone that feareth the Lord: That walketh in His ways.

—Psalms 128: 1.

Eternal God, our Father, we turn aside from the noise and clamor of the world seeking wisdom for our minds, strength for our spirits, and love for our hearts. To Thee we bring our sins to be forgiven, our wounds to be healed, our courage to be renewed, and our faith to be strengthened. Fill us with Thy love and truth that we may ever be noble in spirit, humble in heart, and considerate of others as we face the duties of these days.

May Thy blessing rest upon us, upon our Nation, and upon all people in all lands. Hasten the time when Thy children shall learn to live together in peace.

In the Master's name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

AIRLINE ADVERTISING

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, in recent weeks, the press and the other communication media have been barraged with commercial airline advertising based on the width of the passenger seat.

TWA says:

> On board, if the plane is not crowded, you will find our twin seat in coach.

American Airlines says:

> Stretch out in the widest 2 and 2 coach seat in the air—load factors permitting.

On its 747 flight to the coast, American advertises "specially cushioned lumbar seats."

United tape measures its seat at 23 inches in claiming to offer "the widest coach seat to California."

The year before last the advertising was directed toward the quality of food. Last year the competition was a choice of movies between a John Wayne or a Jerry Lewis classic—either of which would provide a reason not to fly.

This wasteful kind of stupid and ridiculous advertising for air travel on commercial aircraft which go to the same places at the same time in the same kind of equipment completely disregards the overwhelming public interest in air travel based on safe, low-cost transportation.

Present policies of price escalation and seat elimination will drive more potential air travelers to the automobile where five can still travel for the price of one.

RESTRUCTURING THE EXECUTIVE BRANCH

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, I hope that the Federal reorganization proposals to be submitted by President Nixon will receive our prompt attention. Comprehensive committee hearings should reveal how Government functions can be improved to better serve our constituencies.

The President's legislation would streamline Government functions by making one department secretary directly accountable for each of the major purposes of Government.

We all know only too well that this is not presently the case. When constituents come to us with problems needing prompt solutions—not next month, or next year—we frequently discover that several offices in different departments exercise overlapping authority.

It is often difficult to get a direct and clear ruling for our constituents. Therefore, I urge my colleagues to reflect on the benefits of consolidating similar groups within Government, bringing activities in line with real purposes. Let us make Government truly accountable to the people.

SPECIAL REVENUE-SHARING PROGRAM OF RURAL COMMUNITY DEVELOPMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-66)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

I am today proposing a new program of Rural Community Development through revenue sharing—the fourth of my six Special Revenue Sharing proposals. I have spoken of revenue sharing as a new partnership between the Federal Government and the State and local government within our Federal system. The proposal I am advancing today would use that essential government partnership to strengthen an equally essential social and economic partnership between rural America, where the farms that feed us and the great open spaces that renew our spirit are found, and urban America, where the majority of our people and the greater share of our wealth are concentrated. Rural Americans deserve a full share in the Nation's prosperity and growth, just as urban Americans deserve cities that are livable and alive. Both objectives are attainable—and rural development revenue sharing, linked to urban development revenue sharing by the comprehensive planning proposal also put forward in this message, could be a giant step toward them.

RURAL AMERICA IN TRANSITION

Rural America begins with farm America. Agriculture was America's first industry, and it remains one of the keystones of our national economy today. It has made Americans the best-fed people in history, and now exports the produce of one-fourth of its acreage to help feed the world. American farmers have led all sectors of the economy in annual increases in productivity for most of the years in this century. This Nation's farms are among our most efficient producers, and they are of central importance to a strong future for rural America.

Yet, there is sharp irony in this success. Ever more fruitful, American agriculture has required fewer people every year to produce food and fibers for our people, and to supply the expanding export market for our commodities abroad.

Hence the departure of people from the farms began to swell as farming grew more mechanized, efficient, and large-scale. Americans living on farms numbered more than 30,000,000 in 1940; today that figure is only about 10,000,000. Once the farm people had left their homes—often the homes of generations in their families—the opportunities often did not exist in rural America to keep them close to those roots. While some jobs began to open up in agricultural service, supply, and processing enterprises, usually known as "agribusiness," the number of openings was not nearly enough to match the number of people cast adrift by technological progress.

Migration began toward where people thought opportunities existed—the cities. Not only were there more jobs in the cities, but they paid more. For most decades in this century, the gap between median income in the cities and that in non-metropolitan areas has been wide. Even though income gains outside the metropolis have been almost half again as great as those in the cities during the last decade, median family income in non-metropolitan areas is still 22 percent below that in metropolitan areas.

While the people who have been leaving rural America by the millions have often improved their own and their families' situations by leaving, the trend they represent has had several disturbing effects.

First, in rural America itself, the loss in human resources has compounded the problems of diversifying the economy and fostering a vigorous and progressive community life. Those who have chosen to stay have found it harder and harder to pay for and provide services such as good schools, health facilities, transportation systems, and other infrastructure attractive enough to keep people *in* rural America, or to lure jobs and opportunity *to* rural America. Many of the small towns which dot the countryside have to struggle for existence; they often have difficulty attracting good school teachers or physicians; many fight stagnation while most of the economy is expanding; they cannot give the older, the disadvantaged, the less educated people needed assistance and care.

THE URBAN STAKE IN RURAL DEVELOPMENT

At the same time the urban effects of migration have been profound. While the explosive growth in the proportion of Americans living in cities has not been fed solely by the influx of people from rural America—immigration from other countries has also been massive—the millions who have moved from the South and the Midwest to the North and the West have been a major factor in making a nation that was 75 percent rural a century ago, 73 percent urban today.

Many of these people pouring into the cities in search of opportunity have experienced difficulties in adapting to urban life and have required supportive services. Some made the transition successfully—but others have remained tax users rather than taxpayers.

Furthermore, the very size and density of many of our largest cities has produced new problems: whereas in the most rural areas it is hard to achieve economies of scale in public activities, the most heavily urban areas have grown far past the size range in which a community can function most economically. It often costs far more per capita to provide essential services, such as police protection, sanitation collection, and public transportation in our dense urban areas than in less congested smaller and medium-sized cities. Many of our cities have, in short, become inefficient and less and less governable. At times, this has led to near-paralysis of public services in our largest cities. Current trends indicate that unless there is a marked shift in public and private attitudes, the increase of population in and around our great metropolitan centers will continue, and the problems of urban management will be further aggravated.

In addition, by even conservative estimates, there will be some 75 million additional Americans by the end of the twentieth century. Whether this growth is beneficial or burdensome depends on our foresight in planning and preparing for it—a process that must begin now and must take a broader view than merely feeding the expansion of the megalopolis.

As never before, the Nation is beginning to see that urban America has a vital stake in the well-being and progress of rural America. This is one Nation, and for the good of all Americans we need one national policy of balanced growth.

FEDERAL RESOURCES FOR RURAL DEVELOPMENT

For the sake of balanced growth, therefore, but even more for the sake of the farmer and all his neighbors in rural America—first-class citizens who deserve to live in first-class communities—I am proposing that the Federal Government *re-think* America's rural development needs and *rededicate* itself to providing the resources and the creative leadership those needs demand.

It takes many different kinds of activities to create rural development—to create opportunity. One must start with the individual—his education, his skill training, and his health. Next the individual needs to be linked to resources and markets through transportation. Public sector infrastructure such as water and sewers is needed to encourage industry to locate in new areas. The environment is also becoming an increasingly important factor in industrial locations.

Essentially what I am proposing is to unite the funding for a number of programs operating directly in rural areas and smaller cities into a Rural Community Development Revenue Sharing Program, to add $179 million to that fund, and then to bolster this effort with new initiatives in critically related areas, such as health and welfare reform.

The following chart shows the programs which I propose to combine into the Rural Development Revenue Sharing Program:

PROGRAMS COMBINED UNDER RURAL DEVELOPMENT REVENUE SHARING

GENERAL

New Money $179 Million.

Title V Regional Commissions.

Appalachian Regional Commission.

Economic Development Administration.

Resource Conservation and Development Program.

EDUCATION

Cooperative Agricultural Extension Service.

WATER AND SEWER

Rural Water and Waste Disposal Grants.

ENVIRONMENT

Rural Environmental Assistance Program.

Forestry Assistance Grants.

Great Plains Agricultural Conservation Program.

Water Bank Program.

Tree Planting Grants.

Altogether, the eleven programs listed above are spending $921 million in Fiscal 1971.

But much more is needed to extend to rural Americans the full share of national prosperity and the full participation in the rich benefits of our Society, which they rightly deserve. Much more would be done if the Congress acts to set in motion the broad strategy for accelerated rural development which I have placed before it in recent weeks.

Rural communities throughout the nation would share in the $5 billion of General Revenue Sharing which I have proposed. Rural communities would receive direct assistance in building their human resources, their social services, and their economic base through my Special Revenue Sharing proposals for manpower, education, transportation and law enforcement. My proposals for improving our system of health care include Area Health Education Centers to be located in rural areas and financial incentives for doctors and providing medical care in scarcity areas. My welfare reform proposals would have immediate and dramatic effects on rural poverty: in the first year nearly $1 billion in new cash benefits would go into rural areas to add to the incomes of the millions of rural Americans who are poor or underemployed.

To unify and consolidate the rural development effort in each State—I am today proposing that the Federal Government establish a $1.1 billion fund to be shared among all the States for fully discretionary spending to meet their rural needs and accelerate their rural development. This would be accomplished by combining programs which I listed above into a new program of Special Revenue Sharing for Rural Community Development, and by increasing their present annual funding of $921 million by $179 million during the first year.

HOW REVENUE SHARING WORKS

Beginning January 1, 1972, these funds would be paid out to the States and to Puerto Rico, the Virgin Islands, and Guam, in regular installments on a formula basis, according to an index of need based on three factors: the State's rural population, the State's rural per capita income compared to the national average of per capita incomes, and the State's change in rural population compared to the change in population of all States. All 53 recipients would share equally in 1 percent of the funds. Every State would receive at least as much from Special Revenue Sharing for Rural Community Development as it now receives from the 11 existing rural assistance programs combined.

This proposal recognizes that patterns of development potential vary widely within the different States and seldom conform neatly to intra-State governmental jurisdictions. It therefore imposes no federally dictated distribution of shared revenues within the States. Neither would it require matching or maintenance of effort spending by a State in return for the shared rural development funds. Indeed the shared funds could if necessary be used to match other Federal grants-in-aid for rural assistance. But there would be a firm requirement that all rural community development funds be spent for the direct benefit of *rural people*. The funds could be spent for any of the purposes now authorized under the existing aid programs, including the option of direct grant assistance to private firms which locate in rural communities.

Rural areas would be defined in this act as counties with a population density less than 100 people per square mile, and all other counties, regardless of population density, which are not included in one of the 247 Standard Metropolitan Statistical Areas (SMSAs) which the U.S. Census Bureau defines around cities of 50,000 or more.

I will also propose $100 million in additional non-formula funds for the Urban Community Development Special Revenue Sharing program, to assist those smaller cities of population between 20,000 and 50,000 which have been re-

ceiving grant assistance from the Department of Housing and Urban Development but which would not now be eligible for a formula share of Urban Community Development Revenue Sharing. The Secretary of Housing and Urban Development would administer this fund on a discretionary basis. Such communities would thus be eligible for funds from both the urban and rural revenue sharing programs—as they should be, since many communities of this size have not only urban problems and needs but also strong rural development potential as economic and social opportunity centers for nearby rural counties. The same overlap would be true as well of some of the smaller and less densely populated Standard Metropolitan Statistical Areas which have less than 100 people per square mile, and thus qualify for both formula grants under Urban Community Development Special Revenue Sharing, and use of funds from the Rural Community Development Special Revenue Sharing.

The Act would apply the requirements of Title VI of the Civil Rights Act of 1964 to prohibit discriminatory use of the Federal money.

BUILDING ON SUCCESS

Conversion of the existing categorical aid programs for agriculture and development into Special Revenue Sharing for Rural Community Development is a logical evolution in line with the history of these efforts and consistent with their basic purposes.

Over a number of years the Department of Agriculture has been moving to make its assistance to farmers and rural residents more effective and flexible by a steady process of decentralization. Placing these programs fully in the hands of the States is just one more step in sharpening their ability to deliver the services they were designed to provide. Whether the transfer will be beneficial and the transition smooth is a question to which the example of the Cooperative Extension Service may provide a partial answer. The States are ready to take charge of the Extension Service, which they already largely administer and which all States now fund above the present Federal contribution.

In the case of EDA, the Appalachian Regional Commission and the Title V Commissions, revenue sharing in superseding them would actually incorporate the coordinated development approach that has made them successful, at the same time it removed some of the Federal "fences" that may have restricted their activities unduly in the past. The grass roots planning process which has proved itself under the Appalachian Regional Commission is carried over into the statewide development plan I am now proposing for *all* States under rural and urban development revenue sharing. Close account would be taken of the human factor and of the continuity of on-going development efforts as the program transition is effected. Counties that have launched projects under the Appalachian Regional Commission, for example, would continue to receive adequate funding to make good on the money already obligated for such projects.

With revenue sharing, therefore, as with all change, there would be adjustments to make but great benefits to be gained. Every single activity now carried on under the Commissions and categorical programs could be continued in any State whose own people decide it is worth continuing. The farm, forest, and conservation programs that have succeeded in the past could go right on doing so—and freed of Federal restrictions, they could probably reach out farther and keep better pace with changing needs and technologies. In each instance the people of the State would make the decision.

STREAMLINING THE RURAL ASSISTANCE EFFORT

What Special Revenue Sharing for Rural Community Development *would* do is to remove many of the negative and inhibiting side effects which now plague rural assistance as a result of categorical narrowness, lack of coordination, and excessive Federal involvement. *By combining these programs we could produce a new whole significantly greater than the sum of the present parts.* It is worthwhile here to discuss some of the problems that would be eliminated—principally inflexibility, priority distortion and flawed accountability.

Inflexibility: As well-intentioned as past rural development efforts have been, strict Federal eligibility rules have often stood in the way of fair sharing of all the Federal resources for rural development, or have made it difficult for States and localities to do what they must to attract industry and services. For instance, many parts of the Midwest, which experienced some of the heaviest rural outmigration in the Nation during the 1960s, still do not qualify for Economic Development Administration grants.

In other cases Federal standards have acted to bar aid from those communities in a region where it could do the most good. Experts in rural development feel that the most leverage is achieved by reinforcing healthy development trends, rather than fighting them—that is, by concentrating aid in these smaller and medium sized cities of a rural area which have shown strength and effort in attracting industry. Every area of rural America has such centers of potential growth. Using government assistance to strengthen their development trends could make the difference in attracting new job-producing industry and expanding employment opportunities for rural people living in the surrounding counties. It could also help these communities attract doctors, teachers and others whose services are so needed in or near rural areas. Yet current Federal program restrictions, by and large, do not permit aid to be used this way, because of a "worst-first" criterion which often puts funds into areas that lack the development potential to help either themselves or others near them—rather than using funds to open up new opportunities regionally so that benefits flow out to low-potential areas nearby.

Distortion of State Budgets: Narrow Federal project definitions can force States and localities to spend scarce revenues on "matching shares," urgent community priorities aside, or risk the loss of Federal funds. Once begun, a Federal project may demand additional local spending, beyond the matching money, for support facilities to tie the project into community usefulness.

Flawed Accountability: The quasi-governmental agencies which often exercise a determining influence on the conduct of these programs tend to obscure and fragment responsibility for decisions made and therefore to subvert the democratic accountability of elected officials. Regional commissions, comprised of a Federal Co-chairman and Governors from member States, take part in many program and planning decisions which really affect only one Governor's State. Too often the Federal officials responsible for rural assistance are geographically distant, and the local, State or multi-State institutions that have a say are politically insulated or remote.

THE STATEWIDE DEVELOPMENT PLAN

Special Revenue Sharing for Rural Community Development would be administered initially by the Secretary of Agriculture; eventually both this program and the urban community development program would come under the direction of the Department of Community Development whose formation I have proposed. In addition to paying out each year's rural development funds to the States and territories, the Secretary of Agriculture would stay abreast of rural development aspects of the statewide development plans which each Governor would file with him annually.

The statewide planning process which would help States and localities coordinate activities carried on under both urban and rural community development revenue sharing will be established in legislation that I will submit shortly. It would require annual preparation of a comprehensive statewide development plan outlining spending intentions for programs in metropolitan, suburban, smaller city, and rural areas alike. The $100 million Planning and Management Assistance program which I proposed in my message to the Congress on Urban Community Development Revenue Sharing would provide funds which States and local jurisdictions could use in this planning process.

The Governor of each State would be given the responsibility for drawing up the statewide development plan. Formation of the plan would be based on a consultative process which considers plans submitted by State-established, multi-jurisdictional planning districts covering all areas of the State. Planning bodies of these districts would be composed of local elected officials. One member from each of the district planning bodies would sit on a panel which would assist the Governor in the planning process. The Secretaries of Housing and Urban Development and Agriculture could accept an alternative consultative process proposed by the State.

The completed plan would be filed with

the Secretaries of Agriculture and of Housing and Urban Development—not for their approval, but as a declaration of intent; a Governor could amend his plan by letter during the course of a year.

The process of developing the statewide plan would focus official concern and public attention upon the inter-relationship of urban and rural community development within the State. The plan could identify potential growth areas, potential new community development sites, and environmentally important areas. It should seek to integrate all important community development factors, including land use.

All the money a State receives under Special Revenue Sharing for Rural Community Development would have to be spent for the benefit of persons in rural areas as outlined in the statewide plan. A State could of course also supplement its own rural development activities with money received under General Revenue Sharing and under other Special Revenue Sharing programs within program definitions. The Secretary of Agriculture would conduct an annual post-audit of State rural development activities, with payment of the next year's rural revenue sharing funds conditional upon State compliance with rural development spending plans for the year past.

THE LOGIC OF RURAL DEVELOPMENT REVENUE SHARING

To review briefly:

The major challenge facing rural America is to diversify its economy and to provide full opportunity for its people to enjoy the benefits of American life. Meeting this challenge will enhance the quality of life for those who remain to operate the nation's family farms and for all their neighbors in the small towns and countryside of America. As a secondary effect—like upstream watershed management for downstream flood control—meeting the rural challenge will also help to relieve the overburdened urban structure by stemming rural out-migration and attracting a share of future growth to rural communities.

The key to rural development strategy is my proposal for $1.1 billion in Special Revenue Sharing for Rural Community Development—money which all States and territories would share and which they could spend in their rural areas as they deem wisest. Other proposed Federal assistance for rural America includes part of the $5 billion General Revenue Sharing program and part of five Special Revenue Sharing programs, as well as the benefits of a reformed welfare system and an improved health care system.

At the core of rural development revenue sharing would be eight agricultural grant programs and three broad development assistance programs now in being. Consolidating them, the revenue sharing approach would build on decentralizing trends in the agricultural programs and on the multi-State, State, and multicounty development planning experience accumulated under EDA and the regional commissions. It would do away with narrow aid categories, spending restrictions, duplication, and red tape now surrounding these programs. It would make the money now devoted to them go further and would provide more money.

Existing programs and development projects could continue or not at the discretion of each State, and the right of choice would rest close to the rural people at whom the aid is directed. A statewide planning requirement with a broadly representative input would promote coordinated development of a sort not now approached and would insure that all areas of the State have a voice in the planning process; but in no case could rural development revenue sharing money be diverted from rural needs.

URBAN-RURAL PARTNERSHIP

More money, plus more freedom to spend it, plus better planning in doing so, add up to better living for rural Americans and brighter futures for rural communities. Mutual benefits of the urban-rural partnership would be manifest as cities enjoyed the fruits of a healthy agricultural economy and the relief of more evenly distributed population growth, while rural areas felt the effect of new social and economic advantages. Rural and urban communities would no longer siphon off one another's strengths and resources nor shunt problems and burdens from one to the other. They would progress together in a dynamic balance, as partners in the best sense.

RICHARD NIXON.

THE WHITE HOUSE, *March 10, 1971*.

REVENUE SHARING FOR RURAL DEVELOPMENT

Mr. GERALD R. FORD. Mr Speaker, the President has sent the Congress a program of special revenue sharing designed to accelerate rural development in America.

If there are any Americans who need special help today it is those of our citizens who live in our rural communities.

They need 100 percent of opportunity to achieve to their fullest capacity, to realize all of their potentialities. But opportunity in agriculture has shrunk dramatically due to tremendous advances in farm technology. This means new fields—new opportunities—must be opened up in rural America.

The President's special revenue sharing program for rural development is offered as a doorway to such opportunities, the opening of opportunities for a richer life in our sparsely populated communities. The paramount need is to develop and diversify the economy of rural America. This is the challenge that faces us, and the administration's special revenue sharing program for rural development comes before us as a proper vehicle by which that challenge can be met.

Mr. Speaker, I urge the careful attention of Congress for this program laid before us by the President today. We must build a new road to progress for rural Americans. Action is needed—and now.

PROVIDING FOR CONSIDERATION OF H.R. 4246, EXTENDING UNTIL MARCH 1, 1973, CERTAIN PROVISIONS OF LAW RELATING TO INTEREST RATES AND COST-OF-LIVING STABILIZATION

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 276 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 276

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4246) to extend until March 31, 1973, certain provisions of law relating to interest rates, mortgage credit controls, and cost-of-living stabilization. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 4246, it shall be in order in the House to take from the Speaker's table the joint resolution S.J. Res. 55 and to move to strike out all after the resolving clause of the said Senate joint resolution and insert in lieu thereof the provisions contained in H.R. 4246 as passed by the House.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN) and pending that I yield myself such time as I may consume.

Mr. Speaker, this rule is an ordinary one with 2 hours of general debate. This is an open rule but it does have one provision that should be briefly discussed. On the second page of the resolution there is this language:

> After the passage of H.R. 4246, it shall be in order in the House to take from the Speaker's table the joint resolution S.J. Res. 55 and to move to strike out all after the resolving clause of the said Senate joint resolution and insert in lieu thereof the provisions contained in H.R. 4246 as passed by the House.

Some Members may remember that the Committee on Rules had stopped providing that language in resolutions for a number of months during the last Congress. The Committee on Rules did so because a rule of the House, designed to prevent a conference from reporting matter that had not been considered and adopted in one of the two Houses, had been interpreted in the past in such a way that when this procedure was followed, when only one bill was before the conference, that much broader language could be put in the conference report as long as it was germane. The rather, in my judgment, specious reasoning that had been used in the precedents was to the effect that there was not really a conference, there were not really two bills before the conference, but there was only one bill. There was one bill with two versions. In order to close the loophole that had developed, the Committee on Rules ceased to provide this type of language in the rules that were granted. However, the Committe on Rules decided that it should provide a permanent solution to the problem and it did so or rather the House did so in following the recommendation of the Committee on Rules in the Legislative Reorganization Act of 1970. Section 135 of the Reorganization Act—Public Law 91–510—deals with conference reports. The language that corrects this problem for all time in my judgment and I believe in the judgment of all concerned reads as follows:

> Moreover, their report—

That is, the conference report—

> shall not include matter not committed to the conference committee by either House, nor shall their report include a modification of any specific topic, question, issue, or proposition committed to the conference committee by either or both Houses if that modification is beyond the scope of that specific topic, question, issue, or proposition as so committed to the conference committee.

On the basis of the adoption by the Congress of this clarification there no longer seems to be any objection to the use of the heretofore questionable language included in this resolution, House Resolution 276, which makes it simpler to get to conference. And that is the only thing that will be accomplished by this language, as I understand it, because there is no longer the loophole, the rather complicated loophole that I have tried to describe since it has been eliminated.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I believe the gentleman from Missouri said that this was an ordinary rule. I do not want to quarrel with the gentleman over semantics but to me this is a most unordinary rule in that it apparently is a completely open rule.

Mr. BOLLING. The gentleman from Missouri will state to the gentleman from Iowa that he would be delighted to continue this semantics discussion with the gentleman.

Mr. GROSS. All I want to say to the gentleman—if the gentleman will yield further—is——

Mr. BOLLING. I am delighted to yield further to the gentleman from Iowa.

Mr. GROSS. Thank you, thank you, for this unusual open rule.

Mr. BOLLING. On behalf of the Committee on Rules, we are delighted that the gentleman from Iowa is pleased.

Mr. MARTIN. Mr. Speaker, I want to concur in the comments made by the gentleman from Missouri concerning the intent and understanding of the Rules Committee in drafting the amendments to clause 3 of rule XXVIII with respect to the authority of House conferees.

Stated simply, the intent of the committee was to insure first, that no issue or question not committed to the committee on conference by either House could be included in conference reports, and second, to insure that with respect to those issues committed to conference, no resolution thereof would be reported which had the effect of going beyond the differences as framed by the two Houses in their individual passage of the legislation.

I might mention that in the last Congress, on at least two occasions Members were required to accept in a conference report matters beyond the limits I have mentioned above. In both instances, the coal mine safety and airport and airways trust fund bills, new material beyond the scope of the differences sent to the committee on conference were reported back. In each instance a number of Members felt that the conferees had clearly exceeded their authority, but the parliamentary situation and the precedents applicable to the then existing rule seem to make it impossible for Members to remedy the situation on the floor.

The Rules Committee, by its amendment to clause 3 of rule XXVIII, believes it has eliminated this problem with respect to reports of a committee on conference.

The purpose of the bill is to extend through March 31, 1973, the authority: First, to establish ceilings on interest rates paid by financial institutions on time and savings deposits; second, for the President to establish controls over wages, prices, rents, and salaries at levels not less than those existing on May 25, 1970.

The existing authority, or regulation Q as it is known, to provide for flexible ceilings on interest rates was first enacted during the 1966 "credit crunch" to eliminate damaging competitiveness among lending institutions. The law gives Federal banking agencies authority to establish interest rate ceilings paid upon commercial bank certificates of deposit, based on the size of the deposit. Currently, interest rates are well below previous ceilings. Also in 1966, Federal authorities were given authority to prescribe maximum interest rates in federally insured savings and loan institutions. Failure to renew these authorities—which expire on March 31—could cause a revival of an interest rate war between banks and thrift institutions and distort the financial markets, and almost surely damage the reviving homebuilding industry.

Public Law 91–558 created the present standby authority in the President to freeze wages and prices at a predetermined level. No implementing authority or authorization of funds was contained in that legislation. If not extended, the statutory authority expires at midnight March 31.

Two changes are incorporated in the reported bill. If the standby authority is activated by the President, such action will automatically terminate after 6 months unless Congress renews his authority prior to its expiration. The bill authorizes $20 million for administrative expenses necessary to set up a price and wage control system.

Additional views are filed by Mr. Brown of Michigan. He opposes the creation of standby wage and price control authority without the Congress facing up to its responsibility and legislating such controls, while requiring the President to administer the program enacted by the Congress. He will offer an amendment to achieve this end.

Mr. Rousselot, Mr. Crane, Mr. Blackburn, and Mr. Archer have filed dissenting views opposing the bill. They do not believe the authority would ever be used and also that such controls do not effectively attack the real economic problems facing the Nation.

The vote to report the bill was 30 to 3.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. HALEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOLLING. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 17]

Abzug
Anderson, Tenn.
Ashley
Badillo
Baker
Bingham
Blatnik
Boggs
Brown, Ohio
Chisholm
Clark
Clawson, Del
Clay
Collins, Ill.
Colmer
Conyers
Coughlin
Denholm
Derwinski
Diggs
Dowdy
Edwards, La.
Fisher
Foley
Fraser
Gallagher
Giaimo
Gray
Green, Pa.
Hastings
Hébert
Heckler, Mass.
Hogan
Karth
Kluczynski
Long, La.
McCulloch
McEwen
McKay
Macdonald, Mass.
Mahon
Mikva
Mollohan
Murphy, Ill.
O'Hara
O'Neill
Pepper
Peyser
Pryor, Ark.
Reid, N.Y.
Riegle
Roncalio
Roy
Ruth
Sarbanes
Scheuer
Stephens
Stokes
Stuckey
Teague, Calif.
Thompson, N.J.
Ware
Yates

The SPEAKER. On this rollcall 367 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT AS MEMBERS OF SPECIAL COMMISSION ON MODERNIZATION OF HOUSE GALLERY FACILITIES

The SPEAKER. Pursuant to the provisions of section 499(a), title 4, Public Law 91–510, the Chair appoints as members of the special commission on modernization of House gallery facilities the following Members of the House: Mr. Waggonner, of Louisiana, chairman; Mr. Scheuer, of New York; Mr. Denholm, of South Dakota; Mr. Smith, of California; and Mr. Devine, of Ohio.

EXTENDING UNTIL MARCH 31, 1973, CERTAIN PROVISIONS OF LAW RELATING TO INTEREST RATES AND COST-OF-LIVING STABILIZATION

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4246) to extend until March 31, 1973, certain provisions of law relating to interest rates, mortgage credit controls, and cost-of-living stabilization.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4246, with Mr. ANDREWS of Alabama in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. PATMAN) will be recognized for 1 hour, and the gentleman from New Jersey (Mr. WIDNALL) will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the bill we are considering today would accomplish two things. First, it would extend the so-called regulation Q authority to allow the various Federal financial regulatory agencies to impose different interest rates on various time and savings deposits until March 31, 1973. Second, this legislation, if enacted, would continue to provide the President with discretionary authority to impose a freeze on prices, rents, wages, and salaries. This authority, too, would expire under the law on March 31, 1973.

Your committee recommends that the regulation Q authority be extended, based on the fact that if another tight money-high interest rate situation were to occur, it could cause excessive and unfair competition between financial institutions and, thereby, again drive billions of dollars of savings out of those financial institutions which traditionally invest their funds in home mortgage loans.

Since this legislation was initially enacted into law in 1966, it has provided, in effect, upon regulations promulgated by the various Federal regulatory agencies, for financial institutions to discriminate and offer higher interest rates on large savings, as opposed to small savings. Its effect, therefore, has been to discriminate against the small saver and in favor of the large saver.

Since this provision was initially enacted into law in 1966, it has been your committee's intent and request to have the various Federal agencies make recommendations to the Congress which would eliminate this discrimination against the small saver. Unfortunately, such recommendatitons have not been forthcoming. Therefore, an amendment was adopted by your committee which directs the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Comptroller of the Currency through the Treasury Department, and the Federal Home Loan Bank Board to provide the Congress, by December 31, 1971, with recommendations that will eliminate any discrimination by regulated financial institutions against the small saver.

The second section of the legislation before us, which concerns itself with extending the discretionary authority of the President to, in essence, institute wage and price controls, was, as we know, fully debated by the Congress and enacted into law last year. Your committee believes that the President should again have this authority to be used if necessary. With the unfortunate situation of still having inflation running at high levels and unemployment running at high levels—with no clear indication that this situation will change any time in the near future—it may well be necessary for the President to use this authority. It should be pointed out, however, that it is not the intention of your committee that this legislation be used on a single-shot basis, but rather should be used to apply across the board in those major economic areas which have led to the unwholesome situation in which we now find our economy.

Two amendments were accepted by the committee to this section of the bill. One amendment provides that if the President does use his standby authority to institute such controls, such authority would expire within 6 months of the date of the President's action, unless the Congress renews the authority. The rationale behind this provision is simply that the Congress, under this authority, would be able to maintain a continuing surveillance over the exercise of any such authority.

The second amendment to this section of the bill would authorize the appropriation of $20 million to enable the President, if needed, to have funds to staff whatever organization he feels necessary to carry out this action.

Mr. Chairman, many of our witnesses believed, as do many members of the committee, that the President, through the utilization of existing agencies and their staffs, can most efficiently carry out the authority under this section and that no additional staff or funds are needed. In order, however, to assure efficient operation of the program if utilized by the President, the committee does recommend that this committee amendment be adopted.

Mr. Chairman, as we all know, when this legislation was first proposed by the House Banking and Currency Committee as a vital economic stabilization measure, it was actively opposed by the administration. It appears that since that time the administration has at least changed its position somewhat in that some of the recent comments and actions emanating from the White House indicate that the President not only accepts jawboning as necessary, but a viable tool by the action he took in recent weeks concerning wages paid in the construction industry. While many of us are highly critical of the single-shot action taken against the wage earners in this industry, there can be no question that the President is taking a more active role and using the office of the Presidency in an attempt to bring about economic stability.

Prior to the highly questionable action taken by the President under the Davis-Bacon Act concerning construction workers, the Secretary of the Treasury appeared before your Committee on Banking and Currency on H.R. 4246, the bill which we are now discussing. Many of us on the committee were surprised when the Secretary, in his testimony, stated that, "We also accept section 2 of H.R. 4246"—the discretionary wage-price authority section of the bill. This position taken by the administration perhaps accounts for the fact that the committee, by a vote of 30 to 3, favorably ordered the bill reported from your committee.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the distinguished gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

Last year when similar legislation was before the House, an issue was made of the fact that there was not a time authorized for administration of wage and price controls. This year the bill has $20 million in it. Why the change of mind?

Mr. PATMAN. This is not an appropriation bill. This is an authorization.

Mr. GROSS. I said authorization. There was no authorization at all in last year's bill.

Mr. PATMAN. It does not take a penny out of the Treasury, but if the President imposes these controls, he will certainly ask Congress for money, and the authorization is there. It makes it easy for him.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Wisconsin.

Mr. REUSS. Mr. Chairman, in further response to the question by the gentleman from Iowa, the reason there was no authorization for specific administrative funds in the bill which became law last August was that the administration at that time vehemently opposed the bill, and the position of the majority was that until the administration requested a specific amount, it would not be helpful to put anything in.

This time the administration, through a member of the minority party, let it be known that the sum of $20 million would be satisfactory and could take care of any conceivable administrative expense. So in order to accommodate that wish, the amendment was adopted.

Mr. GROSS. Mr. Chairman, will the gentleman yield for one more question?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding

Do I understand the administration wants this legislation?

Mr. PATMAN. I can only take the word of the Secretary of the Treasury who said, "We accept section 2 of H.R. 4246."

What he means by that "we accept it," speaking for the White House, obviously, is that he is accepting it, of course.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the distinguished chairman of the committee for yielding.

Is it not also true, Mr. Chairman, to clarify the record, that when I specifically asked Secretary of the Treasury Connally as to whether he would object to removal of section 2, which is the wage and price controls discretionary authority, he did state he would not object to removing that section; is that not correct?

Mr. PATMAN. I do not recall, but the gentleman was there. If he says it is correct, I am sure it is correct.

Mr. ROUSSELOT. So the point is that the administration was really not advocating, that is as a strong advocate, having this included in the bill. They merely said that they would abide by Congress' decision and were not asking for this authority.

Mr. PATMAN. That depends on the kind of interpretation one places upon the words, "we accept section 2." If that means he is against it, I cannot interpret it that way myself, but any Member has a right to interpret it any way he desires. But acceptance, in my book means he is not against it.

Mr. ROUSSELOT. In specifically asking that question, as I did, the Secretary said he would not object to section 2 being stricken from the bill. When the vote came up it is true the majority of the committee decided not to strike that section of the bill.

Mr. PATMAN. The minority could offer such an amendment.

Mr. ROUSSELOT. That is right.

Mr. PATMAN. Mr. Chairman, I reserve the remainder of my time.

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have mixed feelings about this legislation. While I support the bill as it was reported by our committee, I do not delude myself that passage of the legislation is of critical importance.

Section 1 of the bill would extend for 2 years the authority of the Federal regulatory agencies to classify and set ceilings on interest paid on time and savings accounts. This authority was granted on a temporary basis in the money crunch of 1966. It proved useful in cooling down competition that was causing diversion of funds from mortgage lending institutions, thereby deepening the housing recession. The authority again proved useful in the period of monetary stringency last year. But today, the picture is different. Savings institutions are experiencing a massive flood of savings deposits. Mortgage money is freely available and will continue so for the foreseeable future. Accordingly, because of this tremendous inflow of savings, operation of this law has become moot already. The flood of savings is such that institutions are backing away from the ceiling rates authorized by the regulatory agencies and very shortly, generally, will be paying less than the ceiling rates authorized. No longer do you see the ads formerly appearing so freely in the papers saying "we pay the highest legal permissible rate on savings." The six percent consumer type CD available from savings institutions a year ago has virtually become a nonexistant instrument as far as new savings are concerned.

As I have already said, it is not of critical importance whether this authority is extended or not at this time. Rate control authority is one of the issues which the President's Commission on Monetary Institutions is considering and will be reporting on at the end of year and, of course, the Congress will later be considering those recommendations in detail. Therefore, pending this report, I would go along with extension of the rate control authority even though at the moment it is not in effective use.

The second section of the bill would extend for 2 years authority for the President to impose price, wage, rent, and salary controls on a selective or across-the-board basis. This authority remains just what it was when it was initially authorized by the Congress, namely, in my opinion, a partisan political gimmick. This was made abundantly clear when the authority was granted. You will recall, no authorization was provided for expenses that would be necessary if the authority was to be implemented. Further, when the issue was squarely put to the House as to whether or not it would direct the imposition of price and wage controls, the proposal was overwhelmingly defeated by a vote of 270 to 11.

The Secretary of the Treasury in testifying for the administration on this proposal, made clear that the administration was not asking for extension of price and wage control authority but that it would have no objection if Congress saw fit to grant it, and, therefore, the administration supported the chairman's bill as introduced.

The administration also made clear that it would not impose general price and wage controls without further direction by the Congress.

It is true, the bill was amended this year to authorize appropriations of up to $20 million to fund action under the authority, if utilized. That, of course, would only cover expenses of selective uses of the program. I make no predictions, but I ask you to reflect with your own conscience as to whether or not you honestly believe the Congress would pass an appropriation to meet the expenses of price and wage controls imposed on a selective basis. Obviously, if across-the-board controls were imposed, a much larger appropriation than $20 million would have to be authorized and passed. Again, ask your own conscience if you think the Congress would do that.

So, my position on extending the section 2 political authority of this bill is that it is really immaterial whether it is done or not.

I would like to comment further on the prospects for this legislation. Our committee was wise enough not to load it up with other extraneous measures. I am not at all sure that will be the case with the Senate. Already, the Senate has passed a 60-day extension of the interest rate and price and wage control authorities. There was nothing involved about our committee considering and promptly reporting the 2-year extension bill. If that is all the Senate wanted to consider, there would have been no reason why they could not have done likewise. The fact that they have gone to the 60-day extension approach leads me to be suspicious that the Senate may think they can tack on other extraneous measures, some of which possibly might not be acceptable to the administration. It is my opinion that such action would be a mistake because if ever a bill was not veto proof, this is it. I do not know what the outcome will be, but as I stated at the beginning, it is with mixed feelings that I support the legislation.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, I rise in opposition to these proposals for wage and price controls. It is difficult for me to judge whether the proposals are serious or just a political ploy. In any case I would like to suggest what the economic and social effects of wage-price controls would be.

Controls would treat the symptoms rather than the causes of inflation; prices would still rise anyway. Even during World War II prices rose at a rate of 9 percent per year, 38 percent altogether during the war period. During the first year of controls in the Korean war, prices also rose 9 percent.

Controls would create shortage of goods. Through artificial pricing the demand rises immediately and many goods simply disappear from the market. Beef disappeared from the stores in the fall of 1946. Prices were so low that farmers could not bring their animals to market. Low priced clothing disappeared from the store windows.

Controls would require rationing. Either implicitly or explicitly, wage and price controls mean rationing. People immediately buy up the cheap articles unless they are equally apportioned.

Controls would create a black market. Knowledge that there would be shortages encourages unscrupulous operators to buy up large quantities of desirable goods for resale. Even normally law-abiding citizens are encouraged to participate in such illegal operations. One OPA official reported that while traveling in Texas he stopped in a rural area where a farmer was slaughtering a steer for illegal sale. He asked the farmer whether he was not doing something against the law, and the farmer said, "I reckon we ain't heard about that law out here."

Controls would result in declining quality of goods; when producers cannot raise prices they cut corners on quality.

Controls would divert resources away from the controlled areas—if only primary, critical areas of production are subject to controls—thus aggravating the problem which created the inflation—lack of primary goods.

Controls would divert monetary resources into nonproductive sectors. Antiques, coins, stamps, paintings, and fine wines provide hedges against inflation. These reflect the true inflation in the economy by rising in price, while the controlled areas cannot.

Controls would be impossible to administer. Over 300,000 people worked in the OPA during World War II. Price-wage controls would create a monstrous bureaucracy with associated high administrative costs and ineffectiveness. One thing controls would do—they would solve the unemployment of economists.

Controls would create mountains of redtape for business and labor. A standing joke during World War II was that Lincoln took only 267 words for his Gettysburg Address, but it took the OPA 22,000 words to establish the price for a head of cabbage.

Controls will lead to exceptions being made for individual firms, workers, and industries, or sectors which by some criteria or another deserve special treatment.

By the end of September 1951, during the Korean war, 63 special regulations had been issued to relieve particular manufacturers and retailers. In August 1951, cost-of-living adjustments were authorized for all workers. The distortions in the economy caused by the exceptions bore heaviest on those who were not able to obtain relief because they did not have the political power or know-how.

Controls would result in inequities. They would ignore productivity differences among industries, and the situation at the time of the imposition. For example, some businesses may have just raised prices, others may be having sales, some workers may have just won a raise, others may have been a long time without wage increases. Some unions may have negotiated multiyear contracts with successive increases built in, while others may have not. Schemes are easy to design in order to avoid the system, such as fake overtime and phoney promotions.

Controls, to be at all effective, would require broad-based public support. This existed in World War II; even then price control did not work very well; but public support did not exist during the Korean war. It does not exist today.

Finally, controls would be as difficult to get rid of as to establish in the first place. For example, the freeze order during the Korean war was issued in January of 1951. The OPS spent the first 6 months after that trying to develop appropriate escape hatches, and then the next 18 months decontrolling.

In sum, wage-price controls would conceal rather than solve the problem of inflation. They would play havoc with the working of the economic system by causing shortages, rationing, black-marketeering, and deteriorated quality. They would create a top-heavy administrative bureaucracy of thousands of people in nonproductive jobs while generating enormous amounts of paperwork for business, labor, and government. They would be unfair in their application, and they will be difficult to eliminate. Inflation is bad enough. The medicine of wage-price controls is many times worse than the disease.

Mr. WIDNALL. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. DWYER).

Mrs. DWYER. Mr. Chairman, I rise in support of the pending legislation.

Mr. Chairman, at a time when the national economy continues to suffer from considerable uncertainty and instability, and at a time when the administration is beginning to find hopeful signs that its efforts to revive and stabilize the economy may be achieving some results, it is especially important to assure ourselves that the authority to act effectively remains available. The pending bill does just that, and I support it.

All of us hope, I am sure, that the President's economic policies make it unnecessary to utilize the standby authority to control wages, prices, salaries, and rents which this legislation extends. But in the interests of timely action, should such action become necessary, the President should have the authority—subject, of course, to the limitations and qualifications spelled out by the bill.

In the same way, most of us may be concerned at the apparent inequities in the interest rates available to large savers as opposed to small savers. Yet, the authority to establish such flexible ceilings on rates, which would also be extended by this legislation, is a necessary one if we are to continue to control the cutthroat and destructive competition that could weaken our financial system. I share the hope of my colleagues on the committee, however, that the appropriate agencies can find a way to eliminate discrimination between large and small savers. The extraordinary efforts made by millions of middle-income families to increase their levels of savings during the past year, for example, have contributed significantly to the lowering of interest rates, the increased availability of money, and the new hope we see for a reduction in inflation. Their efforts should not be penalized by limiting them to rates of interest hardly adequate to compensate for inflationary price increases when higher rates are available to others.

Mr. Chairman, enactment of this bill will not complete the Congress responsibility for taking effective action to help stabilize and strengthen our economy. Last year, I introduced H.R. 18084, a bill to provide for the development of price-wage guideposts within the context of sound fiscal and monetary policies. I plan to reintroduce this bill shortly, hopefully with some strengthening amendments, for I am convinced we can do more to promote maximum employment, production, and purchasing power, including reasonable price stability, than we have done to date.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, I rise in vigorous support of this legislation because this is legislation we need and this is legislation which very soon the President may find it necessary to use.

The fact of the matter is the President of the United States has been attempting in various industries to get an agreement on voluntary controls and he has been unsuccessful. Even if the President decides not to use the powers given to him under this legislation, and I am referring to the powers relative to economic stabilization, it still gives him something with some muscle in it while he is attempting to get various industries to adopt voluntary controls.

Let me call your attention today to conditions in this country. We see tremendous wage and price increases that are taking place constantly. It does have a very real and very direct effect on inflation. I do not care whether the economists are talking of a 3-percent inflation this year or a 6-percent or 7-percent inflation this year—our economy is not in a position to withstand any inflation. As long as we permit a constantly increasing and rising spiral of wages and prices, we are going to have inflation.

I recognize under the dissenting views in the report that attention is called to other conditions which also cause inflation. Well, I say to you we have to do those things also, as well as approve this legislation, if we are going to preserve the economy of this country.

The fact of the matter is that the wage and price increases in this country have priced American-made products right out of the world market. You know the conditions in the American textile and shoe manufacturing industries today.

You are also aware of the fact that in places like Japan, Italy, and France, and these are anything but underdeveloped countries with a low standard of living, that they can actually make power generating equipment and power transmitting equipment cheaper in those countries and ship it here than we can manufacture those same products in this country.

Now let me call to your attention the authority that the President has under the Economic Stabilization Act of 1970. I will read it as follows:

> The President is authorized to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, and salaries at levels not less than those prevailing on May 25, 1970. Such orders and regulations may provide for the making of such adjustments as may be necessary to prevent gross inequities.

Furthermore, to the legislation we have added an authorization for $20 million to implement the powers given to the President so that this will give the President even more muscle in striving to achieve voluntary controls.

The previous speaker dwelt at some

length on the thousands of people who were employed by the OPA, that is the Office of Price Administration. The attempt was made to compare these economic stabilization powers contained in this bill with this plight during wartime.

I can tell you that there is absolutely no shortage of any product in this country. You are not going to need a massive agency employing many, many thousands of people in order to handle rationing. You are not going to have any rationing and as far as policing the action that the President may take, if he is given these powers, I can tell you that the American people will be the first ones to report any increases in prices, and we are not going to need thousands upon thousands of people.

The fact of the matter is that we are not going to have any gas stamps and we are not going to have any food rationing stamps. We are not going to have any of that. The only thing the President would find it necessary to do, if he should invoke the proposed powers, is to set up one master Stabilization Board with regional Stabilization Boards under it.

I would presume that the President might decide to freeze wages and prices at a level of, say, something like January 1 or February 1, 1971. Then once the Stabilization Boards were set up, the only way that wages and salaries could be increased would be if it was proven that productivity had increased. The only way that prices could be increased would be if the manufacturer or producer could prove that he was paying more money for imports that went into his product. They would have to make a case.

I believe this is excellent legislation. I think it is a power the President needs. I would personally urge him to consider using these powers in order to help stop inflation, which is devaluing the American dollar, which is pricing our American products out of the world markets, and, therefore, adding to our already unfavorable balance of payments.

Therefore, I urge support of this legislation.

Mr. PATMAN. Mr. Chairman, I yield whatever time she may desire to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Chairman, this bill was extremely controversial last year, when we first gave President Nixon standby authority to apply price, wage, salary, and rent controls either on a selective basis or across the board. I do not think it is a very controversial measure today.

The administration has never asked for the authority this bill contains, and has said repeatedly that it has no intention of using the power for a general price and wage freeze except in case of unforeseen national emergency, but I think the administration is now not only willing—but quite happy—to have this power in being.

It was the same thing with the credit control authority we gave to the President in December 1969, over his very vigorous objections. He has not used the credit stabilization powers and has indicated he does not plan to use them—although many of us think he should have done so during several periods of the last 16 months—but the fact that the standby credit control powers do exist, and can be used, is undoubtedly a source of comfort to the economic leaders of the administration. In fact, Federal Reserve Chairman Arthur F. Burns told us he felt that way about having the standby credit control powers in the Government's arsenal of economic weapons.

STANDBY POWERS SHOULD REMAIN IN LAW

In my opinion, Mr. Chairman, the standby powers for selective economic controls should always be available to a President. In 1953, when I first came to this House, I joined the late Senator Homer Capehart of Indiana, then chairman of the Senate Committee on Banking and Currency, in an effort to retain in the law, on a standby basis, the economic stabilization controls of the Defense Production Act which were used during the Korean war period and were about to expire in 1953. The Eisenhower administration would not support such legislation, and it never got very far.

The bill before us now continues for 2 years the standby powers we gave to the President last year to stabilize prices, wages, salaries, rents, and also continues the authority to impose ceilings under regulation Q on the interest rates paid by insured savings institutions on time deposits. One section of the bill enables the Government to limit how much interest you can receive on your savings, another section provides the power to control the wage increases you can receive, or increases in the prices you pay for the things you buy.

Neither section of this bill will solve our inflation problem or end unemployment or build more houses or do any of the affirmative things we have to do in order to get our economy back into health again. These are only some tools the administration could use to ameliorate certain of the pressures at some places in the economy. But without economic statesmanship and leadership—not just drift, but leadership—the remaining 2 years of this administration's term in office do not contain much prospect for full employment in a stable economy.

(Mr. BARRETT (at the request of Mrs. SULLIVAN) was granted permission to extend his remarks at this point in the RECORD.)

Mr. BARRETT. Mr. Chairman, I rise in support of the bill, H.R. 4246, the extension of the Economic Stabilization Act of 1970. It is fitting that this bill is the first bill to be reported out by the Committee on Banking and Currency in this Congress. We are again attempting to provide the President of the United States with the tools to bring some sanity back into the economy. In enacting this legislation last year, the President made an undying pledge never to seek any kind of wage-price controls, and he further pledged that it was not the business of the President to tamper with the economy by either "jawboning" or direct controls. With the economy in worse shape than it was last year, the administration is grudgingly admitting that perhaps Congress was right last year in giving the President the authority to impose wage-price controls. I am pleased that the President, despite his high-interest tight-money Republican economic philosophy, finally realizes that perhaps Congress was right last year in enacting this piece of legislation.

Mr. Chairman, it is very important that we enact H.R. 4246 since the provisions of this act expire on March 31. Section I of the bill extends until March 31, 1973, the authority to establish flexible ceilings on rates paid by financial institutions on time and savings deposits. This authority was first enacted by Congress during the 1966 credit crunch to restrain excessive competition for funds by commercial banks and savings and loan associations. Unless this authority is renewed by us, this rate control authority would expire on March 21. The authority to control the rates of interest paid on time and savings accounts is needed if we are to prevent ruinous competition between the savings institutions which provide the bulk of mortgage credit in this Nation and the commercial banks. In order to attract consumer savings, commercial banks have engaged in the practice of providing savers with consumer-type certificates of deposits at competitive rates with the thrift institutions. Commercial banks also offer large denomination certificates of deposits—$100,000 and over—that compete with the general money market instruments. It is very important that this particular provision be enacted immediately if we are to continue to provide a balanced market for time and savings deposits. This provision also extends the authority of the Federal Home Loan Bank Board to prescribe the maximum rates of interest which federally insured savings and loan associations can pay on savings deposits. Under this authority the Home Loan Bank Board has established a ceiling of 5 percent on passbook accounts and from 5¼ to 6 percent on certificates of deposit, depending on their maturity.

I am pleased that we amended this section directing the Federal Reserve Board, the Federal Deposit Insurance Corporation, Comptroller of the Currency, and the Federal Home Loan Bank Board, to provide the Congress by December 31, 1971, with recommendations that would eliminate any discrimination by regulated financial institutions between small and large savers, while at the same time maintaining whatever authority is necessary to prevent excessive and unfair competition between financial institutions. We on the committee feel that the small saver has been discriminated against under existing conditions that allow interest rates to be higher on large deposits, than they are on the small consumer savers deposits.

WAGE-PRICE CONTROLS

Section 2 of H.R. 4246 extends the authority of the President to issue orders and regulations to stabilize prices, rents, wages, and salaries at levels of not less than those prevailing on May 25, 1970. This provision extends this presidential authority to March 31, 1973. The President would have the authority to determine whether or not such orders and regulations should be issued, and he would further have the authority to make adjustments within such orders and regulations as he may deem necessary to prevent any inequities that might occur as a result of such stabilization orders.

Since unemployment is still running at close to 6 percent of the labor force, with approximately 5.4 million people unemployed, with the Consumer Price Index still increasing at approximately 6 percent a year, we felt it necessary to give the President the authority to impose selected controls as a necessary weapon without relying exclusively on fiscal and monetary actions that place an inordinate burden on the citizens of our country. We felt that the President can use this authority to dampen the inflationary pressures on the economy. An important amendment was added in the committee which provided that if the President uses this authority to institute controls of wages, salaries, prices, and rents, that such authority would expire within 6 months of the date of the President's initial action unless the Congress renews the authority during that 6 months so we could maintain a continuing surveillance of the exercise of this authority.

Before concluding, Mr. Chairman, I would like to make an observation on the President's recent action in suspending the provisions of the Davis-Bacon Act. By so doing the President has made American trade unions the convenient whipping boys in his fight against inflation. By this action he has laid the total finger of blame on the American workingman, who is by no means solely responsible for the inflation which this country is suffering from today. The increased wages that labor has obtained in the past 2 years solely results from the high interest, tight money policy of the Nixon administration. Labor is only attempting to keep its head above the choppy economic waters. I fail to see how the President of the United States cannot look to the other side of the bargaining table if he is attempting to restrain recent price increases.

Mr. Chairman, I urge the adoption of H.R. 4246.

Mr. WIDNALL. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, the first section of this bill is a desirable extension of rate regulation of financial institutions.

The second part is the extension of Public Law 91-379, euphemistically called the Economic Stabilization Act of 1970.

When this measure was passed last August, the act contained flaws. The most significant were: First, that it was an exercise in congressional buck-passing to the President; second, it failed to provide either funds or machinery to accomplish a significant, or more importantly, an equitable freeze; third, the duration, 7 months, was inadequate.

The extension before us today gives us the beginnings of a remedy for the money flaw. But, of course, there is no appropriation. It preserves the short duration flaw by a 6-month limitation. It conveys to the President a "now-you-see-it, now-you-don't" kind of authority.

It is still a pass-the-buck bill. It tries to give responsibilities to the President for which he has not asked. But, in so doing, it places such restrictions on his authority that it is highly questionable whether we have shifted any responsibility at all.

The committee report states that this authority gives the President "all of the necessary weapons needed to dampen down any inflationary pressures in the economy."

I hope no person deludes himself, or anyone else, into thinking that this bill does provide all the weaponry, because much committee testimony centered on the obvious limitations on the freeze authority. The bill is an indication of congressional interest and, perhaps, an invitation to the President to come back for real powers if he wants them.

On that basis, and on the theory that something is better than nothing, I intend to vote for the bill, and this section of it. But let us not kid ourselves, or anybody else, into thinking we have done something great and wonderful and that we have provided a magic cure for inflation.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. WIDNALL. Mr. Chairman, I yield the gentleman from Minnesota an additional 30 seconds.

Mr. FRENZEL. Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Chairman, in the gentleman's comment he remarked about a 6-month limitation. I believe what the gentleman meant to say is, if the President invokes the powers granted to him under this bill, that within 6 months the committee has to review the action, but it is not terminated within 6 months.

Mr. WIDNALL. Mr. Chairman, if the gentleman will yield, that is not true.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. WIDNALL. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I rise in opposition to this bill, because of the inclusion of section 2.

Section 2 of this legislation, H.R. 4246, would extend for 2 years discretionary authority to the President of the United States to establish general wage and price controls. President Richard Nixon on previous occasions has objected to the granting of this authority to the executive branch of the Government and, as a matter of fact, on August 17, 1970, stated:

> I have previously indicated that I did not intend to exercise such authority if it were given me. Price and wage controls simply do not fit the economic conditions which exist today.

In the 1969 annual report of President Johnson's Council of Economic Advisers, the following comment was made regarding such wage and price controls with which President Nixon concurred:

> Mandatory price and wage controls are no answer. Such controls freeze the market mechanism which guides the economy in responding to the changing pattern and volume of demand; they distort decisions on production and employment; they require a huge and cumbersome bureaucracy; they impose a heavy and costly burden on business; they perpetuate inevitable injustices. They are incompatible with a free enterprise economy and must be regarded as a last resort appropriate only in an extreme emergency such as all-out war.

Mr. Chairman, we, of course, do not today have an emergency such as an all-out war and even during World War II, when we did have such an emergency, it was proven conclusively that wage and price controls did not work and merely postponed the day of reckoning.

In a recent discussion on the subject of economics on a television program entitled "The Advocates"—a weekly program that goes over the educational network—Economist and Prof. Milton Friedman and Prof. John Kenneth Galbraith discussed advantages and disadvantages of wage and price controls.

During that discussion, Milton Friedman said that, aside from his disagreement on philosophical grounds—that is, controls are coercive—in a very logical way argued that wage and price controls simply have not worked in the past. Mr. Friedman also commented that we have over 2,000 years of recorded history to show that attempts to control prices and wages have failed. In addition, Mr. Friedman mentioned that price controls have not worked in England and are about to be phased out in Canada. For the foregoing reasons, and taking into consideration my additional comments contained in the report of the House Committee on Banking and Currency, dated March 5, 1971, Dissenting Views. I cannot support section 2 of this legislation.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Chairman, last year when the Banking and Currency Committee and the House of Representatives considered H.R. 17880, I indicated my dissatisfaction with the provisions for standby wage and price controls which were incorporated in that legislation. My position on this issue has not changed and, for the reasons given at that time plus those which I here further enounce, I again urge an alternative to the granting to the President of unlimited authority and prerogatives with respect to the imposition of wage and price controls.

There can be little question but what popular opinion today sees wage and price controls as a way out of our inflationary dilemma and that wage and price controls would be a panacea for all of our fiscal problems. My constituents on several occasions have so responded when the question has been put to them in my questionnaire. When my irritation over inflation prevails over my judgment, even I often think we should invoke such controls, but as at least a mediocre students of economics and experience, I seriously doubt that wage and price controls are the answer to the type of economic destabilization we are now suffering.

However, I am willing, if are my colleagues, to bite the bullet and put the machinery of controls into being. But I refuse to aline myself with my less forthright colleagues who would pass the buck to the President and in this way be able to criticize the failure of the President to impose such controls or criticize the imposition of such controls, should they be ordered.

Much of what I had to say in my "additional views" to the report on H.R. 17880 last year bears repeating because the standby wage and price control authority in H.R. 4246 is merely an extension of title II of H.R. 17880. In those "additional views" of last year, I said:

> The almost unlimited grant of authority to the President to impose and implement wage and price controls provided for in Title II would be considered ludicrous were it not so serious.
>
> At a time when the electorate and some members of Congress are vehemently criticizing the failure of the Congress to assume greater authority and responsibility in the war-making power the President is exercising in international affairs, it is almost unbelievable that anyone would suggest the Congress totally abdicate its responsibility and retain no authority with respect to the power of the President to wage war on the economy.
>
> As I have previously indicated, I have serious doubts about the wisdom of imposing wage and price controls because I believe they would be counter-productive in our effort to stem inflation. But if standby authority is to be legislated, it should be done in the way proposed by an amendment I will offer.
>
> Briefly stated, my amendment provides the standby authority necessary for the invoking of wage and price controls. But there is a significant difference between my amendment and the provisions of Sec. 2. My amendment retains authority in the Congress to invoke a wage and price freeze and then grants to the President the authority to make adjustments in wages and prices necessary for the stabilization of the economy and prevention or elimination of inequities within our wage and price structure.
>
> To permit timely action, my proposal delegates to a joint committee consisting of the Joint Economic Committee, the Speaker and Minority Leader of the House, and the Majority Leader and Minority Leader of the Senate the authority to determine when and if the wage and price control provisions shall be activated.
>
> In essence, my amendment puts the issue of standby authority for wage and price controls in an absolutely clear context. If such standby authority is to be enacted, responsible Members of Congress will support my amendment and those who only wish to play politics will oppose it.

The situation today is little different from what it was when the above remarks were written. The fact that the administration may have changed somewhat its position of outright opposition to such standby authority to one of "accepting" the provisions of H.R. 4246 should not enhance, but should make more doubtful, the desirability of passage of such standby authority. Even Dr. Burns, the Chairman of the Federal Reserve Board, questions the wisdom of giving the President such authority, the Chairman having suggested that granting the President a 2-year extension of standby powers to freeze prices and wages was virtually a granting to the President of "dictatorial authority."

I think the amendment I will propose again this year, which requires Congress to express itself if a freeze on wages and prices is to be imposed, is totally consistent with the administration's position as stated by Secretary Connally when he said in his testimony before the Banking and Currency Committee that the administration would not consider the imposition of such controls without first obtaining further authorization and a formal approval by the Congress for the taking of such action.

Effective utilization of wage and price controls can only occur if there is substantial public acceptance of such controls. And, substantial public acceptance of action in the wage-price area will only occur when there is substantial unanimity in the Congress and executive branch with respect to the necessity for controls.

Under the amendment I will offer, the President could ask the joint committee to adopt the resolution invoking a freeze, selective or general, on wages and prices and a determination by the joint committee that such action should be taken would provide the kind of support necessary for effective control action. I urge my colleagues to retain for the Congress this very important policy decision by adoption of the amendment I will offer.

I think there is even more reason today to adopt my amendment than existed before.

First. The willingness of the administration to accept the standby wage-price authority this year when it actively opposed it last year should prompt fears in many about unnecessary or improper use of the broad discretionary authority by the President.

Second. Those who voice concern about the President exercising "selective" controls should not want to grant to the President an unrestricted right to do just that—yet, without my amendment, the President could pick and choose as he pleases and the Congress would be helpless to do anything about it.

Third. Secretary Connally in his testimony before our committee several times said that the President would not utilize the authority granted to him by the legislators without first obtaining further specific authorization from the Congress. My amendment provides the mechanics for this very kind of cooperative action.

In the absence of my amendment there are no legislative standards or guidelines by which the wage-price authority would be exercised by the President.

The gentleman from Texas, the chairman of the committee has suggested this legislation puts a shot gun on the corner for use by the administration if needed. I suggested the authority is so unrestricted it is more like putting a bone in the corner for the President.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. The gentleman's proposed amendment, which will be offered at the proper time, places the authority to freeze prices and wages with the Joint Economic Committee; does it not?

Mr. BROWN of Michigan. Yes. With the Joint Economic Committee plus the leadership of the Senate and the leadership of the House.

Mr. WILLIAMS. All right. Now, if the Joint Economic Committee and the leadership of the House and the Senate decided to invoke these powers is it not true that the actual execution and policing of the wage and price freezes would have to be done by the executive branch of the Government?

Mr. BROWN of Michigan. Absolutely. All that happens is that the Joint Economic Committee for the Congress exercises its proper policymaking function. If the Congress should decide a freeze should be imposed I presume it would not occur until the President asked the Joint Committee to do just that. The committee would impose the freeze and the President would implement and administer the wage and price controls.

Mr. WILLIAMS. I will say that I probably will support the amendment to be offered by the gentleman but I want to make it clear that the ultimate enforcement does lie with the executive branch of the Government.

Mr. BROWN of Michigan. Absolutely, where it should.

Mr. BOGGS. Mr. Chairman, it is good to see so many of our Republican colleagues beginning to rally around Democratic economic policies. Some may say this is a little late in the game but our GOP friends are welcome nonetheless.

When President Nixon was inaugurated back in January 1969, the country was told that we now had a laissez-faire administration on our hands. The marketplace was going to decide everything without any interference from the Federal Government.

That is what we were told in January 1969. During this period, the Republicans spent a great deal of time deriding Democratic suggestions that the President might help curb inflation, hold down interest rates, and stabilize the economy through jawboning. We got lots of knots on the head from the GOP for even suggesting such action.

While the Republicans continued to revel in their recollections of Adam Smith, the economy kept falling apart. Inflation rose and millions joined the unemployment lines.

In the Congress, the Democrats tried to do everything they could to urge the President to take action on the economy. In December 1969, the Democratic-controlled Congress passed legislation which gave the President authority to control credit transactions and interest rates. The Nixon administration of course denounced the Congress for passing these standby authorities.

Then last summer, the Democrats in the Congress got together and pushed through standby authority for the President to stabilize wages, prices, salaries, and rents. Once again, the thing that the Democrats got were more criticism from the President and the Republican leaders.

Then last November, we had an election. And during the course of the campaign, a number of people started talking about the economy, about inflation, about high interest rates, and about the growing unemployment. When the returns came in on November 4, the Democrats, who had urged strong action on the economy, fared very well indeed.

The President and his advisers of course spent a lot of time downgrading the election results and still claimed that all was well with the economic game plan.

But it is obvious that someone in the administration did read the election returns carefully. Suddenly, we started seeing the President using "jawboning"—that Democratic remedy that the Republicans had so loudly denounced. He decided to use it on the steel industry and gained some success despite the hesitancy.

More recently, we have seen the Presidential advisers run up and down the east coast proclaiming the possibility that the President might use the much-denounced wage and price authorities on the construction industry. And then to top off this evolution of Republican economic policies, the new Secretary of the Treasury trotted up to Capitol Hill on February 23 and announced that the administration was endorsing the extension of the wage and price authorities for 2 years.

Mr. Chairman, the Republicans have come a long way—all the way from no jawboning to acceptance of wage and price authorities. The education of the GOP is slow and it is too bad that economic troubles have to be so widespread before there is Presidential action in a Republican administration.

Mr. Chairman, let me cite some key statements by administration officials on this question of wage and price authorities:

Vice President SPIRO AGNEW, quoted in the New York Times, May 29, 1970:

> We have not run for the superficially attractive solution of wage-price controls.

President Nixon in a national television speech on the economy, June 17, 1970:

> I will not take this nation down the road of wage and price controls . . . This is not the time for Congress to play politics with inflation by passing legislation granting the President standby powers to impose wage and price controls.

Under Secretary of the Treasury Charls E. Walker, testifying before the House Banking and Currency Committee, June 22, 1970:

> Wage and price controls must be ruled out completely.

President Nixon on the signing of the Extension of the Defense Production Act which included standby wage and price authorities, August 15, 1970:

> Price and wage controls simply do not fit the economic conditions which exist today.

White House Press Secretary Ronald Ziegler, December 4, 1970:

> There is no change in the President's attitude about wage and price controls.

The Economic Report of the President submitted to the 92d Congress, February 1, 1971:

> I do not intend to impose wage and price controls which would substitute new, growing, and more vexatious problems for the problems of inflation.

Secretary of the Treasury John Connally testifying before the House Banking and Currency Committee, February 23, 1971:

> We . . . accept Section Two of H.R. 4246 which extends the President's standby authority to set up wage-price controls.

Mr. Chairman, it took 9 long months to convince the Nixon administration of the value of these standby wage and price authorities. We are happy to have our GOP friends aboard and I hope that we can discover the means to cut down the long leadtime in gaining administration understanding of the Nation's economic problems.

Mr. LLOYD. Mr. Chairman, in casting a reluctant vote for this bill to give standby authority to the executive to invoke wage and price controls, I do so as a reflection of the great anxiety with which I and my constituents look upon the dangers of an extreme inflation which would demoralize the country and destroy most of the incentive for our citizens to work to provide for their own security rather than to become completely dependent upon Government.

It is obvious this bill will pass overwhelmingly, but it is my hope that the President will not conclude from this overwhelming vote that this House has surrendered to the idea of compulsory economic controls of wages and prices and that by this action we encourage the President to use this authority. In expressing my own view here, I think I am also expressing the innate judgment of the majority of the people whom I represent. That is, that greatly added emphasis should be placed on other methods to attack inflation before any serious consideration is given to the invocation of the compulsory controls of a totalitarian society which I consider wage-price control to be. These free society methods of attacking inflation would include the announcement by the President of an incomes policy to be followed by clear and strong denunciation of any business or labor organization which purposely violated this incomes policy. While many people immediately blame the monopoly of labor unions for excessive price increases, in my mind there is no doubt that business is equally guilty of price inflation when given the encouragement and the opportunity. Therefore, it is incumbent upon the occupant of the White House to establish an incomes policy in an inflationary period such as the present, and to solicit the aid of the American people in securing adherence thereto.

Today's action by this House should not be interpreted by the President as great encouragement to invoke this authority in periods when we are not engaged in an all-out war. I am sure there are many dozens and perhaps even a majority who would vote against this legislation today except for the fact that they felt it may be in harmony with a desire, both personal and political, to take some tangible action, however feeble, as an objection against excessive inflation. If the President uses this authority impulsively or improperly, I for one will regret my vote and the action which we have taken.

Mr. MOORHEAD. Mr. Chairman, I rise in support of H.R. 4246.

I authored the amendment which cuts off Executive wage and price control authority 6 months after it is invoked.

I believe that this formula is sound insurance against unwise Presidential use of wage and price control power.

This section of the bill gives Congress the necessary oversight to scrutinize just how an Executive might use his authority. With this limitation, Congress knows that in 6 months an Executive will have to appear before a congressional committee for an additional extension of authority should he desire it.

At this time, Congress will be able to question the manner in which the authority has been employed and offer new directions that the President might want to explore should wage and price controls be extended further.

The Honorable Arthur Burns, Chairman of the Board of Governors of the Federal Reserve Board, testified before the Joint Economic Committee that a simple 2-year extension is, and I quote Chairman Burns, "giving too much power to the President."

Chairman Burns went on to say that 2-year authority would give the President "virtually dictatorial authority."

The entire statement of Chairman Burns concluded with this note, and once again I quote Arthur Burns:

> If you do give this power to the President, extend this authority beyond March 31, I hope you will do so only for a very brief period, because you are giving dictatorial powers to the President and you ought to do that with the greatest of caution.

I believe that our committee has done precisely this, we have extended the President's power for 2 years, but cut to 6 months the effective time of any order or regulation issued under this authority.

I think we have given the President enough power to deal with certain major problems in the economy and at the same time we have insured that Congress has sufficient control on the authority to end unwise use of it.

Mr. COTTER. Mr. Chairman, I rise in strong support of H.R. 4246. As a member of the Committee on Banking and Currency I was proud to join with my Democratic colleagues in introducing this necessary legislation. The Democratic leadership in the House and the leadership on the Banking and Currency Committee are to be commended for their effort in expediting consideration of this important legislation.

The purpose of this bill is well-known to my colleagues. It is designed to give the President power to attack forcefully our economic problems. I am hopeful that the time of Presidential timidity is past, but the impounding of $11 billion of vital funds and limited attacks on small sectors of the economy have produced not only extremely high inflation but also economic stagnation. Inaction can no longer be allowed. This legislation gives the President the powers to move decisively in the economy.

It extends the Presidential standby authority to stabilize wages and prices by establishing mandatory controls over prices, rents, wages, and salaries. It allows the voluntary implementation of credit controls, and it extends the authority for establishing the maximum rates of interest that banks and savings and loans can pay.

These are powerful economic levers and they should be used in a fair and equitable manner, but they should be used. The Presidential reliance on a "full employment budget" is one step in the correct direction, but the recent disclosure that the Office of Budget Management has impounded $11 billion of funds to stop inflation seems to belie the new directions charted by the President. Of this impounded money, it has been established that almost one-third of the urban renewal money is being impounded. Also moneys for public works, water and sewer facilities, and some mass transit money. I am hopeful that this situation will be rectified, but in the meantime, the Congress must assist the President in lessening the inflationary pressures while attempting to stimulate the stagnating economy.

The bill before the House today is a definite addition to this fight and I hope it is passed overwhelmingly, and more importantly, that the President uses these powers to attack our dire economic problems.

Mr. MONAGAN. Mr. Chairman, I support H.R. 4246, which will extend until March 31, 1973, the authority to establish flexible ceilings on rates paid by financial institutions, and continue the President's discretionary authority to issue orders and regulations to stabilize prices, rents, wages, and salaries.

I supported the Economic Stabilization Act in the 91st Congress because I felt that the President should have extraordinary power to deal with inflationary increases in wages and prices in an emergency economic situation. With approximately 5.6 million people now unemployed and the Consumer Price Index increasing at an annual rate of 6 percent, there is no doubt that the economic emergency continues and, in fact, increases in acuteness, and I want to continue this standby discretionary authority in the President as a supplement to his fiscal and monetary authority.

In connection with the problem of stabilizing the economy, I have introduced legislation which I believe offers a reasonable and workable method to restore national economic stability without resorting to across-the-board freezes.

Like the bill under consideration, my proposal is directed against inflationary increases in prices and wages and is calculated to keep the economy at an even keel at a time when an expansionary monetary policy is being pursued by the executive branch. If the money supply is greatly expanded at this time without a mechanism to keep a lid on wages and prices, we cannot realistically expect the wage-price spiral to be broken or even to be slowed down. In the event the President continues in his reluctance to exercise the power to freeze prices and wages authorized by H.R. 4246, my proposal presents a responsible intermediate measure to maintain domestic economic stability.

My proposal, the Emergency Guidance Board bill, which is being cosponsored by Messrs. McFall, Donohue, Boland, Burke, Sikes, Hechler, Mikva, Harrington, Leggett, and Sisk, creates a temporary Emergency Guidance Board to set and administer a system of voluntary price and wage guidelines for certain concentrated industries and large labor organizations. Under the terms of my bill, the Emergency Guidance Board would be composed of five members appointed by the President subject to Senate confirmation, and would represent business, labor, and consumers. The Board is empowered to monitor adherence to its published guidelines by requiring large industries and labor organizations to file economic justifications indicating how a price increase or wage settlement complies with or departs from the price and wage guidelines. The Board could publish economic justifications filed with it, negotiate with corporations where the guidelines appeared likely to be breached, hold hearings, subpena witnesses and records, and announce findings and recommendations with respect to inflationary departures from the guidelines. The life of the Board would be limited to 18 months, except that its life could be extended for an additional 18 months by a concurrent resolution of Congress.

I believe that my proposal for a temporary Emergency Guidance Board deserves serious and immediate consideration by Congress and the executive, and although I support H.R. 4246 to authorize the President to effect across-the-board price-wage freezes, I think that enactment of my proposal would also provide an equitable and effective cure for our current economic ills.

Mr. PRICE of Illinois. Mr. Chairman, I support the bill, H.R. 4246, extending the President's authority to control price and wages. At a time when inflation remains serious and our economic health in question, it is imperative that we provide the President with the tools he needs to wage an effective battle against inflationary recession. Hopefully, the President will recognize the merits of this legislation. To date, the highly publicized administration game plan for economic recovery has failed.

Instead of relying on selective pressures which at best have little effect, it might be better if the administration dealt with the problem on an across-the-board fashion. If the administration is serious about fighting inflation, the problem must be dealt with in comprehensive fashion. Too little, too late has been the posture in fighting inflation at a time when industrial capacity is down, business profits are down, unemployment still up and wages eaten up by inflation.

The gap between economic security and inflation widens while the Federal Reserve Board, the Council of Economic Advisers, and the Office of Budget and Management argue over the rate of money supply and economic growth. Without decisive action on the administration's part, the Republican antitrust may well have to concern itself with far more serious economic problems.

It is past time to turn this thing around. Coupled with increased employment opportunities through the public service employment and accelerated public works legislation, the bill before us today can help put our economic house in order.

Mr. LEGGETT. Mr. Chairman, I support H.R. 4246 to give to the President standby authority to control wages, profits, interest, and rents with a rollback authority to May 25, 1970. My only reservation is that the President should have used the authority of the previous bill over a year ago.

On November 25 last, I exhaustively analyzed what I considered then was President Nixon's 22-month economic disaster—need for wage and price controls now.

The need is even greater today. The latest economic figures from February point up the continuing disaster.

The President indicated that he had things under control in the state of the Union message. Since that date a little over 1 month ago there have been recorded two of the highest monthly escalations in wholesale prices in years.

These escalations must be reflected in a few months in still higher consumer prices.

I pointed up last November the disaster in employment figures—at that time we had 78,916,000—today we have over 1½ million less employed at 77,238,000. Then we had 4.2 million unemployed. Today we have 5.4 million out of work—over 6.6 percent of the labor market.

Over 9 percent of the workers are not working in many parts of California today.

The following table from the Council of Economic Advisers tells the story:

Period	Total labor force (including Armed Forces)	Civilian employment: Total	Civilian employment: Nonagricultural	Unemployment	Total labor force (including Armed Forces)	Civilian labor force	Civilian employment: Total	Civilian employment: Agricultural	Civilian employment: Nonagricultural	Unemployment	Unemployment rate (percent of civilian labor force): Unadjusted	Unemployment rate (percent of civilian labor force): Seasonally adjusted	Labor force participation rate, unadjusted [1]
	THOUSANDS OF PERSONS 16 YEARS OF AGE AND OVER										PERCENT		
1966	78,893	72,899	68,915	2,875	78,893	75,770	72,899	3,979	68,915	2,878	3.8		60.1
1967	80,793	74,373	70,527	2,975	80,793	77,347	74,373	3,844	70,527	2,977	3.8		60.6
1968	82,272	75,921	72,103	2,817	82,272	78,737	75,921	3,817	72,103	2,816	3.6		60.7
1969	84,239	77,902	74,296	2,831	84,239	80,733	77,902	3,606	74,296	2,832	3.5		61.1
1970	85,903	78,627	75,165	4,088	85,903	82,715	78,627	3,462	75,165	4,085	4.9		61.3
1969:	UNADJUSTED				SEASONALLY ADJUSTED								
Dec	84,856	78,788	75,805	2,628	85,109	81,669	78,728	3,430	75,298	2,941	3.2	3.6	61.1
1970:													
January	84,105	77,313	74,398	3,406	85,551	82,165	78,943	3,439	75,504	3,222	4.2	3.9	60.5
February	84,625	77,489	74,495	3,794	85,539	82,198	78,781	3,481	75,300	3,417	4.7	4.2	60.8
March	85,008	77,957	74,786	3,733	85,918	82,600	78,969	3,533	75,436	3,631	4.6	4.4	60.9
April	85,231	78,408	74,877	3,552	86,031	82,760	78,886	3,569	75,317	3,874	4.3	4.7	61.0
May	84,968	78,357	74,632	3,384	85,849	82,621	78,601	3,570	75,031	4,020	4.1	4.9	60.7
June	87,230	79,382	75,174	4,669	85,392	82,213	78,299	3,536	74,763	3,914	5.6	4.8	62.3
July	87,955	80,291	76,173	4,510	85,865	82,711	78,574	3,508	75,066	4,137	5.3	5.0	62.7
August	87,248	79,894	76,112	4,220	85,904	82,770	78,508	3,435	75,073	4,262	5.0	5.1	62.1
September	85,656	78,256	74,730	4,292	86,084	82,975	78,479	3,436	75,043	4,496	5.2	5.4	60.9
October	86,255	78,916	75,522	4,259	86,379	83,300	78,691	3,293	75,398	4,609	5.1	5.5	61.2
November	86,386	78,741	75,515	4,607	86,512	83,473	78,550	3,353	75,197	4,923	5.5	5.9	61.2
December	86,165	78,516	75,564	4,636	86,622	83,609	78,463	3,408	75,055	5,146	5.6	6.2	61.0
1971:													
January	85,628	77,238	74,361	5,414	86,873	83,897	78,864	3,413	75,451	5,033	6.6	6.0	60.5

[1] Total labor force as percent of noninstitutional population.

Note: Beginning 1960, data include Alaska and Hawaii.
Source: Department of Labor.

In the "price" statistics area the advisers pull a real coup. At a time when we are trying to gain a perspective to see exactly what escalations have occurred, the Council shifts from the 1957 to 1959 base period to the 1969 base period. The later base period makes the members distorted and confuses an already foggy situation.

The figures do show a price escalation January 1970 to January 1971 of 6.3 percent—the most calamitous in 30 years. The figures follow:

[1967=100]

Period	All items	Commodities: All commodities	Commodities: Food	Commodities less food: All	Commodities less food: Durable	Commodities less food: Nondurable	Services: All services	Services: Ren	Services: Services less rent
1961	89.6	92.0	89.1	93.4	96.6	91.2	85.2	92.9	83.9
1962	90.6	92.8	89.9	94.1	97.6	91.8	86.8	94.0	85.5
1963	91.7	93.6	91.2	94.8	97.9	92.7	88.5	95.0	87.3
1964	92.9	94.6	92.4	95.6	98.8	93.5	90.2	95.9	89.2
1965	94.5	95.7	94.4	96.2	98.4	94.8	92.2	96.9	91.5
1966	97.2	98.2	99.1	97.5	98.5	97.0	95.8	98.2	95.3
1967	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
1968	104.2	103.7	103.6	103.7	103.1	104.1	105.2	102.4	105.7
1969	109.8	108.4	108.9	108.1	107.0	108.8	112.5	105.7	113.8
1970	116.3	113.5	114.9	112.5	111.8	113.1	121.6	110.1	123.7
1969: December	112.9	111.2	112.8	110.2	108.9	111.1	116.1	107.7	117.7
1970: January	113.3	111.2	113.5	110.0	109.0	110.7	117.1	107.9	118.8
February	113.9	111.7	114.1	110.3	109.0	111.2	118.0	108.4	119.8
March	114.5	112.0	114.2	101.6	109.4	111.5	119.3	108.8	121.2
April	115.2	112.6	114.6	111.4	110.1	112.3	120.1	109.1	122.1
May	115.7	113.1	114.9	112.0	111.1	112.7	120.7	109.4	122.8
June	116.3	113.5	115.2	112.5	111.9	112.9	121.4	109.8	123.5
July	116.7	113.8	115.8	112.5	112.1	113.0	122.0	110.1	124.2
August	116.9	113.8	115.9	112.6	112.2	113.0	122.7	110.5	124.9
September	117.5	114.2	115.7	113.4	112.5	114.1	123.5	110.9	125.8
October	118.1	114.8	115.5	114.5	113.9	114.9	124.1	111.4	126.5
November	118.5	115.1	114.9	115.1	114.7	115.4	124.9	111.8	127.3
December	119.1	115.6	115.3	115.5	115.2	115.7	125.6	112.6	128.0
1971: January	119.2	115.4	115.6	115.2	115.2	115.3	126.3	112.9	128.7

Source: Department of Labor.

In the final subject area, the Council of advisers again goes completely off the map. While agriculture parity on the 1914 base period has had respect and meaning for almost 60 years, this month the advisers shift it from 1914 to 1967 as the base period. The Nixon administration was obviously embarrassed about the 1967 and 1968 parity ratios recently recorded. All the new Government statistics do not confuse the facts—the farmers are experiencing their greatest economic disaster in 35 years.

The new table appears as follows:

[Index, 1968—100]

Period	Prices received by farmers: All farm products	Prices received by farmers: Crops	Prices received by farmers: Livestock and products	Prices paid by farmers: All items, interest, taxes, and wage rates	Prices paid by farmers: Family living items	Prices paid by farmers: Production items	Parity ratio [1]: Actual	Parity ratio [1]: Adjusted [2]
1961	94	100	91	88	90	93	79	83
1962	96	103	92	90	91	94	80	83
1963	96	106	89	91	92	95	78	81
1964	93	106	85	92	93	94	76	80
1965	98	103	94	94	95	96	77	82
1966	105	105	105	98	98	99	80	86
1967	100	100	100	100	100	100	74	79
1968	103	101	104	104	104	102	73	79

Footnotes at end of table.

[Index, 1968—100]

Period	Prices received by farmers			Prices paid by farmers			Parity ratio [1]	
	All farm products	Crops	Livestock and products	All items, interest, taxes, and wage rates	Family living items	Production items	Actual	Adjusted
1969	108	97	117	109	109	106	74	81
1970	110	101	118	114	114	109	72	70
1969: Dec. 15	112	95	124	111	111	107	75	87
1970:								
Jan. 15	113	96	125	112	112	108	75	81
Feb. 15	114	98	126	113	112	109	75	81
Mar. 15	114	98	125	113	112	108	75	81
Apr. 15	111	97	121	113	113	109	72	78
May 16	111	103	117	113	113	109	73	78
June 15	111	103	117	114	114	109	72	77
July 16	113	104	119	114	114	109	74	79
Aug. 15	109	100	115	114	114	109	71	76
Sept. 15	111	104	116	115	115	110	72	77
Oct. 15	108	101	113	115	115	111	70	75
Nov. 15	106	102	110	115	115	111	68	73
Dec. 15	104	100	108	116	116	111	67	72
1971: Jan. 15	107	103	110	117	116	112	68	72

[1] Percentage ratio of index of prices received by farmers to index of prices paid, interest, taxes, and wage rates on 1910-14=100 base.

[2] The adjusted parity ratio reflects Government payments made directly to farmers.

Source: Department of Agriculture.

In summary I say as I did 1 year ago and 5 months ago—the country is no longer a Great Society—it is a fumbling society without a rudder—we need wage price guideposts now, Mr. President.

Mrs. ABZUG. Mr. Chairman, I am greatly troubled that no one has raised the question of corporate profits during the course of this debate on H.R. 4246, the bill to extend until March 31, 1973, certain provisions of law relating to interest rates and cost-of-living stabilization. To me, the key question in any discussion of wage and price controls is: Can we afford to let the President impose wage controls on workers without also imposing profit and price controls on the big corporations?

It appears to me that inflation and the current fiscal crisis come, in the first instance, from out-of-control corporate profiteering rather than from the wage demands of labor. During the 1960's, corporate profits shot up enormously—much faster than wages and salaries. In the first half of 1969, before the onset of the recession, the after-tax cash flow to corporations was up approximately 91 percent from 1960. Yet the after-tax personal income of all Americans was up only about 76 percent—about one-fifth less than the corporate cash flow.

Today, although the profits of nonfinancial corporations have declined, because of the high interest rates set by the administration, bank profits have soared. In 1970 for example the net operating profits of J. P. Morgan & Co. were up 21.9 percent; First National Bank of Dallas, up 19.2 percent; Chase Manhattan Bank, up 16.1 percent; Bankers Trust, up 15.2 percent; First Chicago Corp., up 14.3 percent; National City Bank of Cleveland, up 11.6 percent.

Yet the President has shown that his idea of stabilizing the economy is to penalize workers. On the one hand, he has announced that construction workers on Federal or federally assisted contracts need not be paid prevailing area wages; and on the other he has proposed a 20-percent speedup in depreciation writeoffs on business equipment. On the one hand he retains mammoth tax concessions for corporate America; on the other, he proposes cutbacks—and hands down vetoes—of Government programs which benefit all of the people.

I believe that this bill gives the President carte blanche to play politics with the economy. Where in this bill do we find a requirement that if the President limits wages, he must also limit all costs and income—including all prices, profits, dividends, rents, and executive compensation—as well as employees' wages and salaries? Where is the guarantee that if wages are stabilized, corporate profits—the profits from investment as well as from price increases—will also be curbed? Where is the mechanism which will insure equality of sacrifice: that if the consumer, the poor, and the middle-income worker must sacrifice, so too must the big corporation?

Mr. Speaker, I vote for this measure in the hope that the President will exercise his powers with a clear understanding of the need to apportion the economic burden fairly among all. I urge the President to establish clear guidelines under this measure providing for equality of sacrifice in restoring the economy.

Mr. PATMAN. Mr. Chairman, I have no further requests for time.

Mr. WIDNALL. I have no further requests on this side.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of September 21, 1966 (Public Law 89-587, 80 Stat. 823, as amended by section 1 of the Act of December 23, 1969 (Public Law 91-151)), is amended by striking out "March 22, 1971" and inserting in lieu thereof "March 31, 1973".

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 4, strike out "587," and insert in lieu thereof "597,".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. Section 206 of the Economic Stabilization Act of 1970 (title II of the Act of August 15, 1970 (Public Law 91-379)) is amended by striking out "February 28, 1971" and "March 1, 1971" and inserting in lieu thereof "March 31, 1973" and "April 1, 1973", respectively.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments to section 2.

The Clerk read as follows:

Committee amendments: Page 2, beginning on line 3, strike out "February 28, 1971" and insert in lieu thereof "March 31, 1971" and on line 4 strike out "March 1, 1971" and insert in lieu thereof "April 1, 1971".

Page 2, line 5, insert after the period the following:

Such section 206 is further amended by (A) striking out "The" and inserting in lieu thereof the following: "(a) Except as provided in subsection (b), the", and (B) inserting at the end thereof the following new subsection:

"(b) The authority to issue and enforce orders and regulations under this title shall terminate upon the expiration of the six-month period beginning on the date the President issues the first such order or regulation (or at midnight March 31, 1973, if earlier). Such termination shall not affect any proceeding under section 204 for a violation of any such order or regulation, or for the punishment for contempt committed in the violation of any injunction under section 205, committed prior to such termination."

The committee amendments were agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, after line 5, add the following:

"SEC. 3. The Economic Stabilization Act of 1970 (title II of the Act of August 15, 1970 (Public Law 91-379)) is amended by inserting at the end thereof the following new section:

"'§ 207. Authorization for appropriations

"'There is hereby authorized to be appropriated $20,000,000 to carry out the provisions of this Act.'"

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, following section 3 add the following:

"SEC. 4. The Department of the Treasury, the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board shall each report to the Congress not later than December 31, 1971, their recommendations on how to eliminate any discriminatory treatment which might exist with respect to savers of small amounts of money and, in particular, any such discrimination which might exist as a result of permitting different rates of interest or dividends on deposits of different amounts of money."

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. BROWN OF MICHIGAN

Mr. BROWN of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Brown of Michigan:

PARLIAMENTARY INQUIRIES

Mr. PATMAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. PATMAN. Mr. Chairman, my parliamentary inquiry is this: To which provision of the bill does the gentleman propose an amendment? I believe we have passed that point.

The CHAIRMAN. The Chair will state that the Clerk has not read the amendment as yet.

Mr. PATMAN. Then I will reserve a point of order, Mr. Chairman.

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GROSS. My parliamentary inquiry is this, Mr. Chairman. How can a point of order be reserved to an amendment that has not been read?

The CHAIRMAN. The Chair will state to the gentleman from Iowa that the gentleman is correct. The Chair has already stated that the Clerk has not read the amendment as yet.

However, the Chair will state to the gentleman from Texas that if the gentleman has a point of order to raise concerning the amendment, the gentleman can raise his point of order at the proper time after the Clerk has read the amendment.

Mr. PATMAN. Mr. Chairman, I will do so at that time.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Amendment offered by Mr. Brown of Michigan: Page 1, strike out line 8 and all that follows thereafter down through page 2, line 18, and insert in lieu thereof the following:

"Sec. 2. The Economic Stabilization Act of 1970 (title II of the Act of August 15, 1970 (Public Law 91-379), is amended to read as follows:

" 'TITLE II—COST OF LIVING AND ECONOMIC STABILIZATION

" '§ 201. Findings and Short Title

" '(a) The Congress determines it is essential to the nation that the economy be protected against inflationary pressures and economic destabilizing influences; that the responsibility for maintaining a stabilized economy is a joint one to be shared by both the Congress and the President; that wage and price controls are necessary to effectuate this national policy; and, that the proper function of the Congress in this joint responsibility is the freezing of wages and prices pending implementation by the President of such policy through adjustments upward or downward of prices or wages heretofore or hereafter established.

" '(b) Consistent with the foregoing determination, this title may be cited as the "Economic Stabilization Act of 1971".'

" '§ 202. Price and Wage Stabilization

" 'No price, rental, commission, margin, rate, fee charge, or allowance paid or received on the sale or delivery, or the purchase or receipt by or to any person, of any material or service, including salaries, wages, or any other form of compensation, shall be in excess of that prevailing as of the date of adoption of the resolution provided for in section 209 of this title, unless and until an adjustment in the same shall have been approved in accordance with section 203 of this title.

" '§ 203. Presidential Authority

" '(a) The President is authorized, notwithstanding section 202 hereof, to order or approve an adjustment in any price, rental, commission, margin, rate, fee charge, or allowance paid or received on the sale or delivery, or the purchase or receipt by or to any person, of any material or service, including salaries, wages, or any other form of compensation heretofore or hereafter established, which he may deem appropriate consistent with the findings and national policy set forth in section 201 of this title.

" '(b) The President shall implement this section by the issuance of such rules, regulations, and orders as he shall deem appropriate and which may be necessary to prevent gross inequities. To effectuate the purpose contemplated by this title, the President shall be entitled, by regulation, subpena, or otherwise, to obtain such information from, require such reports and the keeping of such records by, make such inspection of the books, records, and other writings, premises or property of, and take the sworn testimony of, any person as may be necessary or appropriate, in his discretion, for the enforcement or the administration of this title and the regulations or orders issued thereunder. In case of contumacy by, or refusal to obey a subpena served upon, any person referred to in this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the President, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

" '§ 204. Delegation

" 'The President may delegate the performance of any function under this title to such officers, departments, and agencies of the United States as he may deem appropriate.

" '§ 205. Penalty

" 'Any person who willfully violates any provision of this title or any rule, regulation, or order issued thereunder, shall be guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine of not more than $10,000, or imprisonment for not more than one year, or both.

" '§ 206. Injunctions

" 'Whenever it appears to the President or to any agency of the United States authorized by the President to exercise the authority contained in this section to enforce the rules, regulations, and orders issued under this title that any person has engaged, is engaged, or is about to engage in any acts or practices which constitute, or will constitute, a violation of any rule, regulation, provision or order under this title, he or it may bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the President or such agency, any such court may also issue mandatory injunctions commanding any person to comply with any regulation or order under this title.

"§ 207. Expiration

" 'The authority to issue and enforce rules, regulations, and orders promulgated under this title expires at midnight, March 31, 1973, but such expiration shall not affect any proceeding under section 205 for a violation of any such rule, regulation, or order, or for the punishment for contempt committed in the violation of any injunction issued under section 206, committed prior to April 1, 1973.

" '§ 208. Apropriations Authorization

" 'There are herby authorized to be appropriated such sums, not exceeding $2,000,000,000, as may be necessary and appropriate for the carrying out of the provisions and purposes of this title by the President and such agencies as he may designate or create.

" '§ 209. Effective Date

" '(a) The provisions of sections 202, 203, 204, 205, 206, and 207 of this title shall become effective upon the adoption of a resolution by the Joint Committee invoking the mandate of section 202.

" '(b) The 'Joint Committee' referred to in subsection (a) shall consist of the Joint Economic Committee of the Senate and House of Representatives, the Speaker and Minority Leader of the House of Representatives, and the Majority and Minority Leaders of the Senate. The Joint Committee shall be chaired by the Chairman of the Joint Economic Committee.' "

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with, and that the amendment be printed in the Record, but without jeopardizing my right to raise a point of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

POINT OF ORDER

Mr. PATMAN. Mr. Chairman, I raise a point of order as to the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. PATMAN. Mr. Chairman, my point of order is this: That we have passed, in the consideration of this bill, the part of the bill to which an attempt is being made to offer an amendment to the bill; therefore, it is not in order. It has been passed—rather, I mean the whole bill has been read.

The CHAIRMAN. The Chair will state to the gentleman from Texas that the bill has indeed been read.

Mr. PATMAN. Furthermore, Mr. Chairman——

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I have not finished my point of order.

The CHAIRMAN. The Chair will hear further on his point of order.

Mr. PATMAN. Mr. Chairman, I would like to have the Chair rule on this first point of order, and then I will offer another point of order.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard on the point of order?

Mr. BROWN of Michigan. I do, Mr. Chairman.

Mr. Chairman, I would suggest that the amendment I am offering on this occasion is to the very part that goes to sections 2, 3, and 4, in effect, because it replaces it with a totally different section 2.

Now, I would suggest, Mr. Chairman, that should the point of order raised by the gentleman from Texas be sustained, I will then merely offer a further amendment which will strike sections 3 and 4, which then clearly goes to the very section we are dealing with.

The CHAIRMAN (Mr. ANDREWS of Alabama). The Chair is prepared to rule.

The amendment of the gentleman from Michigan is offered to section 2, which had been read, and to which amendments have been adopted. Two additional committee amendments, sections 3 and 4, have also been agreed to. The amendment of the gentleman from Michigan comes too late and the Chair sustains the point of order made by the gentleman from Texas.

AMENDMENT OFFERED BY MR. BROWN OF MICHIGAN

Mr. BROWN of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Michigan: Page 1, strike out line 8 and all that follows thereafter.

POINT OF ORDER

Mr. PATMAN. Mr. Chairman, I make the point of order that the amendment comes too late.

The CHAIRMAN. Does the gentleman from Michigan (Mr. BROWN) desire to be heard on the point of order?

Mr. BROWN of Michigan. Mr. Chairman, as I indicated earlier, to the extent that my amendment strikes out all of section 2 including sections 3 and 4 and all the rest of the bill, it had to relate to what is before the House at the present time.

The CHAIRMAN. The Chair is prepared to rule.

The amendment comes too late since it is an amendment to a section of the bill that has been passed.

The Chair sustains the point of order made by the gentleman from Texas (Mr. PATMAN).

The CHAIRMAN. Are there further amendments? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. ANDREWS of Alabama, Chairman of the Committee of the Whole House on the State of the Union, reported, that that Committee having had under consideration the bill (H.R. 4246) to extend until March 31, 1973, certain provisions of law relating to interest rates, mortgage credit controls, and cost-of-living stabilization, pursuant to House Resolution 276, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ROUSSELOT

Mr. ROUSSELOT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ROUSSELOT. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ROUSSELOT moves to recommit the bill H.R. 4246 to the Committee on Banking and Currency with instructions to report the same back to the House forthwith with the following amendment: Strike all of Section 2.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. ROUSSELOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The gentleman's request comes too late.

Mr. ROUSSELOT. On the final passage.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

PARLIAMENTARY INQUIRY

Mr. J. WILLIAM STANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. For what purpose does the gentleman rise?

Mr. J. WILLIAM STANTON. To propound a parliamentary inquiry. Is this on the final passage, Mr. Speaker?

The SPEAKER. This is on the final passage; and the Chair is prepared to announce the vote and that the "ayes" have it.

For what purpose does the gentleman from California rise?

Mr. ROUSSELOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 382, nays 19, not voting 31, as follows:

[Roll No. 18]

YEAS—382

Abbitt
Abernethy
Abourezk
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Aspin
Aspinall
Badillo
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blanton
Blatnik
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Collier
Collins, Tex.
Conable
Conte
Corbett
Corman
Cotter
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
duPont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gettys
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lent
Link
Lloyd
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich
McFall
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mitchell
Mizell
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scheuer
Schneebeli
Schwengel
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stratton
Stubblefield

Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—19

Archer
Ashbrook
Baring
Blackburn
Crane
Gross
Haley
Hall
Long, Md.
Mathis, Ga.
Myers
Poff
Rarick
Robinson, Va.
Rousselot
Scherle
Schmitz
Scott
Steiger, Wis.

NOT VOTING—31

Abzug
Anderson, Tenn.
Ashley
Baker
Bingham
Boggs
Boland
Clawson, Del
Collins, Ill.
Colmer
Conyers
Coughlin
Derwinski
Diggs
Dowdy
Edwards, La.
Fisher
Fraser
Green, Pa.
Hastings
Hébert
Hogan
Kluczynski
Lennon
Long, La.
McCulloch
McEwen
McKay
Mollohan
Riegle
Stokes

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Del Clawson.
Mr. Boggs with Mr. Hogan.
Mr. Dowdy with Mr. Riegle.
Mr. Lennon with Mr. Hastings.
Mr. Kluczynski with Mr. Derwinski.
Mr. Fraser with Mr. Conyers.
Mr. Bingham with Mr. Collins of Illinois.
Mrs. Abzug with Mr. Diggs.
Mr. Anderson of Tennessee with Mr. Baker.
Mr. Long of Louisiana with Mr. McCulloch.
Mr. Ashley with Mr. Coughlin.
Mr. Colmer with Mr. McEwen.
Mr. Green of Pennsylvania with Mr. Mollohan.
Mr. Edwards of Louisiana with Mr. Fisher.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

INTEREST EQUALIZATION TAX EXTENSION ACT OF 1971

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 277 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 277

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5432) to provide an extension of the interest equalization tax, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska, Mr. MARTIN, pending which I yield to my friend the gentleman from Iowa, Mr. GROSS.

Mr. GROSS. Mr. Speaker, again I thank the gentleman for yielding. The gentleman described the last rule as an ordinary rule. It was an open rule. This is a completely closed rule. Is this an ordinary or an unordinary rule?

Mr. BOLLING. Mr. Speaker, I would advise the gentleman from Iowa that this is the usual rule under the circumstances.

Mr. GROSS. The usual rule?

Mr. BOLLING. Yes, sir. Ordinarily a bill from the Committee on Ways and Means which would in effect open up either a substantial portion or all of the Internal Revenue Code is considered by the House under a closed rule, a rule allowing no amendments. For that reason I have described this closed rule, allowing no amendments except committee amendments, as the usual rule.

Mr. GROSS. If the gentleman will yield further, we now have two categories of rules. Is there a third or a fourth category that the gentleman can advise us about?

Mr. BOLLING. I am delighted to reply to the gentleman by saying that if I had my way, there would be third, fourth, and fifth categories. We have great flexibility in the Rules Committee, and it is increasing.

Mr. GROSS. Including rules with waivers of points of order? I have always known the Rules Committee was flexible, but I did not know it was quite this flexible. Of course, we have to accept the explanation of the gentleman that this is an unordinary rule.

Mr. BOLLING. I repeat, it is the usual rule.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTIN. Mr. Speaker, I would like to call to the attention of the gentleman from Iowa that we have not been quite as strict in this rule as we have been in the previous years in that there are no waivers of points of order included in this resolution.

Mr. GROSS. If the gentleman will yield, that is about the only thing that is not waived in this particular rule.

Mr. MARTIN. As the gentleman well knows, progress is slow, but sometimes we do move along, and we are making progress.

Mr. GROSS. If the gentleman will yield further, the fashion remains the same, and I guess it is going to continue through this session. It is fashionable to give the Ways and Means Committee closed rules on everything they want to bring to the floor of the House.

Mr. MARTIN. Mr. Speaker, the purpose of the bill is to extend for a period of 2 years—through March 31, 1973—the interest equalization tax, and to make certain technical and corrective amendments in the existing statutory provisions.

The tax was instituted in 1963 to lessen the flow of U.S. capital into foreign investments, either by the purchase of foreign securities or by the lending of dollars by American banks to their foreign customers. It has had the salutary effect of reducing the flow of dollars outward, thus improving our balance-of-payments position.

The committee believes the tax should be continued because of our continuing balance-of-payments deficits and the disappearance of our traditional trade surpluses. It has proven successful in lowering the outflow of capital. In 1963 this outflow, for the purchase of new foreign stock issues, amounted to about $1 billion and by 1970 it had fallen to a zero figure.

With respect to bank lending, the results have also been very beneficial. Since 1965 the amount of long-term bank loans has fallen and has actually become a plus factor in our balance-of-payments position.

The present tax rate is equivalent to a rate of three-fourths of 1 percent per annum in interest costs for foreigners who obtain capital from U.S. sources, either by the sale of securities or of debt obligations. Further, the President has discretionary authority to vary the tax rate from zero up to 1½ percent as he deems necessary. Over the 5 years the President has exercised his authority to adjust the tax rate to meet existing financial situations. Most recently, in April 1969, the current rate of approximately three-fourths of 1 percent per annum was set.

The amendments to the current law are generally of a corrective nature. Several situations have arisen, unforeseen by the committee, which need to be remedied to insure equitable treatment. These deal with such matters as the sale by an American parent company of a foreign subsidiary and the handling of assets or debt obligations by an American company where its foreign holdings are subjected to nationalization or expropriation. A number of general technical amendments to clarify the intent of the statute are also included in the bill.

The committee estimates that extension of the tax will result in a revenue gain of $85 million for a 1-year period. The Treasury agrees with this estimate.

The bill was reported by a 25 to 0 vote and is supported by the administration.

The Ramseyer rule has been complied with. The requested rule is for 4 hours, closed, with committee amendments in order.

Mr. Speaker, I reserve the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5432) to provide an extension of the interest equalization tax, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H.R. 5432, with Mr. Symington in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas (Mr. Mills) will be recognized for 2 hours, and the gentleman from Wisconsin (Mr. Byrnes) will be recognized for 2 hours.

The Chair recognizes the gentleman from Arkansas (Mr. Mills).

Mr. MILLS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the bill H.R. 5432 presently being considered by the Committee of the Whole deals with the question of the interest equalization tax and proposes to extend that tax for a period of 2 years or until March 31, 1973.

It is in accordance with the request of the administration that the Committee has taken this action. I might say there are a number of technical amendments that the Committee adopted which I will discuss in detail in the extension of my remarks for the Record. All of these amendments are, as I say, technical amendments. They were agreed to by the Treasury, and they were thought appropriate by the technicians working on the staffs of the Joint Committee on Internal Revenue Taxation and the Committee on Ways and Means.

Let me go into a brief explanation, if I may, of why this bill is necessary.

The substantial deficit in our balance of payments, nearly $4 billion on the liquidity basis in 1970, requires that we extend the interest equalization tax at this time in order to protect our balance of payments from further deterioration. This is particularly necessary because in recent years our favorable balance of trade, which provides a cushion for capital transactions with the rest of the world, has declined significantly. If the interest equalization tax is not extended, there will be a substantial outflow of capital which will directly increase the deficit in our balance of payments.

The interest equalization tax is still intended as a transitional measure during the period we are dealing with the more fundamental causes of our balance-of-payments deficit. The solution to the fundamental problem basically consists of reducing inflationary pressures here at home so that our products can become more competitive in world markets. Also it is difficult, if not impossible, to remove this tax while our interest rates are appreciably lower than those in developed countries abroad.

The purpose of the interest equalization tax is to limit the amount of U.S. capital flowing abroad by discouraging foreigners from obtaining capital in the United States. The tax accomplishes this by increasing the cost to foreigners of funds obtained in the United States by imposing a tax on funds they obtain here equal to an increase in the interest on their borrowings of three-fourths of 1 percent. The President already has authority to raise the tax to the equivalent of 1½ percent or reduce it to zero.

H.R. 5432 has only one major provision. It extends the expiration date of the interest equalization tax from March 31, 1971, to March 31, 1973, a 2-year extension. In addition, it provides a number of minor technical modifications to the tax.

The question usually asked concerning this tax is, "Has it really helped our balance-of-payments position?" The evidence is clear that the tax has decreased the foreign demand for U.S. capital and, in this manner, strengthened our balance-of-payments position. A comparison of U.S. purchases of foreign securities before and after the tax went into effect makes this abundantly clear. Before the tax went itno effect, long-term private-capital outflow from the United States had increased from the $2.9 billion level of 1962 to a $4.6 billion annual rate in the first half of 1963, an increase of 60 percent. Increased purchases of new foreign securities accounted for a substantial part of this increase. These purchases rose from the $1 billion level of 1962 to a $2 billion annual rate in the first half of 1963. Since the tax went into effect in the second half of 1963, purchases by U.S. residents of new foreign securities from countries subject to the interest equalization tax have declined rapidly, to $23 million in 1969 and to zero in 1970.

Additional evidence of the effectiveness of the tax is shown by what has happened to securities not subject to this tax. These purchases have nearly doubled since 1962, increasing from $722 million in 1962 to $1,327 million in 1970. If there had been no tax, and purchases from countries to which the tax applies had increased at the same rate since 1962 as purchases from countries not subject to the tax, the 1970 level of purchases from countries subject to the tax would have been $655 million. This would represent a 55-percent increase in the total amount of new foreign securities purchased by U.S. residents in 1970.

The interest equalization tax also has caused a decrease in purchases of outstanding foreign securities by U.S. citizens. In the first half of 1963, net purchases were at an annual rate of $300 million. Since mid-1963, U.S. residents have on balance sold more of these securities than they have purchased, selling $186 million worth in 1970. This represents a net shift of nearly $500 million in transactions in foreign securities by U.S. residents, thereby contributing to an improvement in our balance of payments.

In addition, the application of the interest equalization tax to long term bank loans has reduced the amount of such loans made to foreigners, from an outflow of $300 million at an annual rate in the first half of 1963 to an inflow of $200 million at an annual rate for the first three quarters of 1970—a net shift in these transactions of approximately $500 million.

Taking together all of the factors I have mentioned, it appears that our balance-of-payments deficit would have been at least $1.6 billion larger in 1970 had the tax not been in effect.

Mr. CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS. Mr. Chairman, I yield myself 1 additional minute.

Our balance-of-payments position, a deficit for 1970 of nearly $4 billion, would deteriorate further if existing programs were discontinued. In the absence of the tax, U.S. capital markets would again become attractive to foreign borrowers. These borrowers would prefer the U.S. market to their own domestic markets because of the lower interest rates that generally prevail here and because the U.S. market is more effectively organized to supply the rapidly expanding capital needs than the capital markets in their own countries.

Evidence of the attractiveness of the U.S. market is provided by the large amount of borrowing from us by countries which are not subject to the tax. Also, the attractiveness of the U.S. market is shown by the fact that interest rates in the United States are significantly lower than those in many foreign countries. For example, in December 1970, the yield on long term U.S. Government bonds was 5.97 percent. The average for Western Europe Government bonds was 7.77 percent. While the U.S. rate on industrials was 6.98 percent in January 1971, the rates in foreign countries ranged from 7.37 percent in Germany to 9.42 percent in Italy. Thus, the U.S. capital market continues to be significantly more attractive to foreign persons seeking new funds than foreign capital markets.

In addition, in the absence of the tax, there would be substantial purchases from foreigners by Americans of securities which U.S. companies have issued abroad to finance foreign direct investment. At the end of 1970, the amount of these securities outstanding was $5.6 billion. In this case, the tax guards against the resale to Americans of bonds issued abroad by U.S. companies to finance their foreign direct investments.

In conclusion I think it is important to emphasize the significance of the interest equalization tax to foreign holders of dollars. Foreign reaction to our failure to extend the tax could jeopardize our attempt to improve other aspects of the international trade and monetary system which would place increased pressure on the dollar. The cooperation we obtain from other countries depends, in many instances, on what they believe our attitudes and intentions are toward our balance-of-payments deficit. The role of the dollar as a reserve currency and the willingness of the foreigners to hold dollars are affected by our willingness and ability to cope with our balance-of-payments deficit. Failure to extend the interest equalization tax would be regarded by them as evidence that we are not concerned about our balance-of-payments deficit and do not intend to control it.

This one final thought. I am told that now West Germany owns dollars—this one country alone—to an extent greater than our entire supply of gold at Fort Knox. One country could become disenchanted with our situation and demand the conversion of its dollar possessions to gold and there would no longer be any more need for guards at Fort Knox.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MILLS. Mr. Chairman, I yield myself 2 additional minutes.

Mr. Chairman, as I said previously in addition to extending the interest equalization tax, the bill also contains 10 minor modifications of the tax. They can be summarized as follows:

First. At present, some domestic companies, in order to obtain funds for their foreign affiliates in a manner which complies with the restrictions on foreign investment imposed by the Office of Foreign Direct Investment, have a domestic subsidiary borrow funds abroad and then use those funds for the foreign affiliates. This procedure is acceptable, however, only if there is assurance that the debt obligations of the subsidiary would not be acquired by Americans since this would, in effect, substitute U.S. funds for the borrowed foreign funds. One method used in the past to provide this assurance has been to obtain a ruling from the Revenue Service that the domestic subsidiary was merely a conduit for investing abroad; this has the effect of making the debt obligations it issues subject to the interest equalization tax if they are acquired by Americans. This procedure has proved unsatisfactory in some situations, however, where it might have been argued that an exclusion from the tax applied with respect to the subsidiary's debt obligations—for example, where the funds obtained were invested in a less developed country.

To resolve this problem, the bill provides that a domestic company may elect to treat a new issue of its debt obligations as subject to the tax, notwithstanding any exclusion from the tax.

Second. Present law provides an exception from the tax for foreign debt obligations which a U.S. person acquires as a result of reinvestment requirements imposed by a foreign country under a sale or indemnification contract which arises from that country's nationalization, expropriation, or seizure—actual or threatened—of a substantial portion of the U.S. person's property within that country. This exception only applies, however, if the foreign country is a less developed country. The bill extends the application of the exception to situations where the foreign country is a developed country.

Third. Under present law, an exclusion is provided for debt obligations acquired by a U.S. person from a foreign person, if the money loaned to the foreign person is to be used by him to install, maintain, or improve a foreign mineral facility and if a substantial portion—35 percent—of the minerals or ores processed in the facility are extracted outside the United States by the U.S. person or an affiliated company. Because of the difficult tracing problems involved, the bill provides that the substantial portion test also is to be considered satisfied with respect to a facility if the U.S. person supplies a substantial portion—35 percent—of the minerals processed in all of the foreign person's facilities of this type.

Fourth. Present law provides an exception from the tax for debt obligations received in connection with the sale or liquidation of a foreign subsidiary which is 100-percent owned by the acquiring U.S. person or its affiliates. The bill makes this exception applicable to debt obligations received from the sale or liquidation of a foreign subsidiary which is less than 100 percent—but more than 10 percent—owned by the acquiring U.S. person—and its affiliates.

Fifth. Under present law, a U.S. financial institution generally may not make a tax-free direct investment in a foreign subsidiary—or a domestic subsidiary that, in effect, has elected to be treated as a foreign corporation—which is engaged in the lending or finance business abroad. The tax would apply in such a case because the subsidiary would be "formed or availed of" by the parent company to make what would be taxable acquisitions of foreign securities if made directly by the parent. Since there may be sound business reasons for making a direct investment in the financing subsidiary where the amounts will remain in the United States, the bill provides that when adequate assurances are given that the amounts invested are not to be used to acquire foreign securities—or otherwise used outside the United States—the investment is to be treated as a tax-free direct investment.

Sixth. Under present law, a U.S. dealer may acquire foreign stock in the ordinary course of his business without payment of tax—through a credit or refunding—if he resells it to foreign persons on the day of purchase or on either of the 2 succeeding business days—or if he acquired it to cover short sales made on the day of purchase or on either of the 2 preceding business days. The bill provides that the President may extend by Executive order the present 2-business-day period to a period not to exceed 13 calendar days in situations where the dealer's acquisition is for a customer and not for investment and adequate procedures—which the Treasury has been notified of in advance—exist for identifying which of the broker's acquisitions are for customers and which are for investment.

Seventh. Present law provides that additional shares of a class of stock of a foreign corporation which is held principally by U.S. persons are treated as domestic stock and therefore are not subject to the tax if a number of conditions are met. One of these conditions requires that 15 days before the issuance of the additional shares, the issuing corporation must notify the Internal Revenue Service of its intent to issue the stock. To reduce the inflexibility of this notice requirement, the bill provides that it may be waived by the Treasury Department—within the 2-year period following the time the notice was due—where it finds that the failure to file was inadvertent and not done with intent to avoid the requirements of the tax.

Eighth. Present law permits a corporation engaged in the financing business abroad to elect to be exempt from the tax on foreign debt obligations it acquires in its lending activities if the funds used in that business are acquired from foreign sources by it or by a company which owns all its stock. To increase the workability of this provision, the bill contains an amendment which permits the foreign funds to be obtained—and then loaned to the financing company—by any corporation which is a member of the same affiliated group as the financing company.

Ninth. Under present law, U.S. persons who make taxable acquisitions of foreign securities, and firms which withhold the interest equalization tax in connection with transactions which they make on behalf of their customers, must file a quarterly return and remit the tax. Present law, however, provides no penalty for late filing of the quarterly return or for failure to pay the tax or to remit the tax withheld. To insure compliance with these requirements, the bill provides that a failure to file the quarterly tax return, or to pay or remit the tax, is to be subject to the penalty generally applicable in the case of other taxes. Thus, a failure to file the quarterly return is to be subject to a penalty equal to 5 percent of the amount of the tax due for each month the failure continues—but not in excess of 25 percent. Where a return was filed but there was a failure to pay or remit the tax, there is to be a penalty equal to 0.5 percent of the amount of the tax due for each month the failure continues—but not in excess of 25 percent.

Tenth. Present law provides for a civil penalty—equal to 125 percent of the amount of the tax—for persons who knowingly execute false statements regarding their status as a U.S. citizen or who knowingly furnish clean confirmations, clean comparisons, or transfer of custody certificates without proper documentation. These documents constitute conclusive proof of prior American ownership and exempt persons possessing the documents from tax liability. To facilitate the administration of the tax, the bill provides that this penalty is to be applicable in any situation where a false document of the type referred to is issued, unless the action is due to reasonable cause and not to willful neglect.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I am curious to know where the gentleman got his $4 billion figure on the deficit in the international balance of payments.

Mr. MILLS. On a liquidity basis in 1970 it was about $4 billion. It is my recollection that in 1969 it was $7 billion on the liquidity basis.

You see, we have different ways to figure this.

Mr. GROSS. On the official settlements basis last year it was close to $10 billion.

Mr. MILLS. As the gentleman from Iowa knows, there are at least three ways of figuring the balance of payments. I generally use the liquidity basis because I think it more clearly reflects the creation of additional claims in dollars abroad against our gold stocks.

Mr. GROSS. I just happen to disagree mildly with the gentleman from Arkansas. I think the official settlements basis is the only way to compute the deficit in the balance of payments.

Mr. MILLS. I would agree with the gentleman from Iowa that for some purposes the official settlements basis is best.

Mr. GROSS. That puts the figure at approximately $10 billion.

Mr. MILLS. That is approximately right for 1970.

Mr. GROSS. For the past year.

Mr. MILLS. The $10 billion deficit, of course, appears much worse than the $4 billion figure, but, as I said before, I believe the $4 billion figure is a more accurate reflection of our present situation. In any case I always try to protect the President of the United States from any criticism from my friend, the gentleman from Iowa.

Mr. GROSS. The gentleman from Iowa is not being critical either with the gentleman from Arkansas or with the President. I am simply trying to establish the accuracy of the figures pertaining to the international balance of payments.

Mr. MILLS. On the official settlements basis the deficit in 1970 was close to $10 billion.

Mr. GROSS. So the bill the gentleman proposes here makes the situation only a little less worse. Is that correct?

Mr. MILLS. As I pointed out the deficit would have been considerably worse had we not had this tax in effect in 1970, probably to the extent of $1.6 billion, or more.

Mr. GROSS. By comparison with $10 billion, that is a little less worse, is it not?

Mr. MILLS. I would not want it to be $11.6 billion even on the official settlements basis. Of course, when compared to a deficit of $3.9 billion, the $1.6 billion or more looks still more significant. That is what I am trying to say to my friend, the gentleman from Iowa.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from New York.

Mr. CONABLE. Mr. Chairman, I would like to ask the gentleman if he would not agree that still, in the long run, this is a counterproductive type of tax?

Mr. MILLS. That is why it must be considered as only a transitional matter. I would not want it as a permanent proposition.

Mr. CONABLE. In the struggle we have between the short term and the long term here this is a necessary compromise, but we ought to cut it off as soon as we can, as soon as the balance of payments and the underlying factors permit.

Mr. MILLS. To me it is merely a temporary means of preventing excess borrowing by foreigners here in the United States.

Mr. CONABLE. I thank the gentleman for yielding.

The CHAIRMAN. The Chair now recognizes the gentleman from Wisconsin (Mr. BYRNES).

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 2 minutes.

Mr. VANIK. Mr. Chairman, if the gentleman will yield, I wonder whether the gentleman from Wisconsin, the ranking minority member of the committee, could advise the Committee of the Whole what the proceeds have been from this tax in the past year?

Mr. MILLS. Mr. Chairman, will the gentleman from Wisconsin yield to me on that point?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Chairman, it raised approximately $85 million in the fiscal year 1970.

Mr. VANIK. I thank the gentleman.

Mr. BYRNES of Wisconsin. Mr. Chairman, first let me say that I see no point in extending the discussion. The chairman of the committee has outlined the basic objectives of this bill, the purpose of its initial enactment in 1963, and the benefits that we have had from it.

I think we are all in general agreement that conditions today in the balance-of-payments area make a continuation of this tax desirable.

I would point out that it is a tax not to produce revenue, but to discourage a particular type of transaction.

There is only one point that I would add to what the chairman has said about the effect and the need for continuing this legislation:

We had a discussion a few weeks ago about interest rates in this country. We noted that they were unduly high, that our efforts should be toward reducing them, and that we should not take action which would tend to increase them. I do not think there is any question but that if this tax were removed, it would increase the demands against our money market. Foreigners would come here to borrow out of the limited amount of money that is available, because our interest rates, high as they are, are still lower than European rates. Such developments, it seems to me, could not help but exert upward pressure on our interest rates, when our hope is that they would continue the downward trend that has developed in recent months.

This, Mr. Chairman, is the additional factor that I think is of some significance in dictating our action today to extend the Interest Equalization Tax Act.

Mr. Chairman, I have no further requests for time.

Mr. FULTON of Tennessee. Mr. Chairman, today we are once again faced with the necessity of extending for yet another 2-year period the interest equalization tax. And it is abundantly clear that it is an absolute necessity because our current balance-of-payments position, a deficit of nearly $4 billion on a liquidity basis for 1970, would deteriorate even further if, at this time, this tax were allowed to expire.

Because of the lower interest rates in this country than in most other countries, in the absence of the interest equalization tax, pressures would increase greatly on foreigners to sell their securities in the United States. This would lead to large-scale outflows of domestic capital and a deepening in our balance-of-payments deficit. We really have no alternative, Mr. Chairman, to the extension of the tax as called for in H.R. 5432, a 2-year extension until March 31, 1973.

The Committee on Ways and Means was unanimous in recommending this extension.

But, Mr. Chairman, the interest equalization tax can never rise to anything more than a temporary measure, effective in a negative way by stemming the outflow of American capital. I am firmly convinced that a more effective and affirmative means of improving our balance-of-payments position is restoring the 7-percent investment credit. Such a restoration would stimulate investment in modernization of productive facilities in this country. It would contribute materially to growth of our productivity and output and enhance the competitiveness of American exports in world markets.

While I believe liberalized depreciation allowances are important, I also believe that initial allowances or incentive allowances, such as the investment credit, are necessary to put our industries on a competitive level with those of other industrialized countries of the world. Restoration of the investment credit would encourage American companies to modernize plants in this country with attendant greater productivity and the ability to compete pricewise with the products of other countries in the markets of the world.

While we can prevent further deterioration of a given segment of our balance of payments by extension of a temporary tax—and I hope this is the last time we have to extend it—the ultimate answer to our chronic balance-of-payments problems lies in helping American products to compete in foreign markets. I firmly believe that restoration of the investment credit would be a significant and meaningful step in the attainment of that objective.

In the meantime, however, we have no alternative to enactment to the pending bill and a continuation of the interest equalization tax for another 2 years.

Mr. ROSTENKOWSKI. Mr. Chairman, in the 1960's, the United States instituted three programs, for balance-of-payments purposes, to control capital outflow. One of these was the Federal

Reserve's voluntary credit restraint program, initiated in 1965, which provides guidelines for capital flows from banks and other financial institutions. Also, in 1965, voluntary restraints on direct investments were established by the Department of Commerce and converted into the mandatory foreign direct investment program at the beginning of 1968. Today, Mr. Chairman, we have before us the third of these programs, the interest equalization tax, which was first made effective July 18, 1963, and which over the years since its enactment has contributed significantly to our balance-of-payments position by causing a reduction in foreign securities purchased by Americans.

As a result of this tax, which is imposed on the purchase of foreign securities by U.S. persons, sales of new foreign securities from those countries whose securities are subject to the tax, have fallen from a total of $356 million in 1962, before the tax went into effect, to $23 million in 1969 and to a current level of near zero.

Despite the effectiveness of the interest equalization tax in stemming capital outflows, however, other areas of our balance of payments, particularly our balance of trade, have not improved, and our current balance-of-payments deficit, which was nearly $4 billion on a liquidity basis in 1970, would deteriorate further if the interest equalization tax were allowed to expire at the end of this month, as presently scheduled.

Mr. Chairman, none of us like to extend a temporary tax, but present circumstances preclude our taking any other action at this time. With interest rates still significantly lower in the United States than in most foreign countries, failure to enact the pending bill would invite a large-scale increase in our capital outflows, further aggravation of our balance-of-payments deficit and perhaps a loss of confidence in us by foreigners of our ability to cope with our balance-of-payments problems.

Mr. Chairman, I hope this is the last time we have to extend this tax and that we can let it expire on March 31, 1973, as provided in H.R. 5432. Responsible action, however, leaves us no alternative at this time to extension of the tax for the additional 2 years called for in the pending bill.

Mr. BURKE of Massachusetts. Mr. Chairman, in voting to continue the interest equalization tax for a further period, I feel compelled to say that I hope this will be the last time we will have to do so. The interest equalization tax, together with the voluntary foreign credit restraint program of the Federal Reserve, are in danger of becoming permanent fixtures on the national business scene. When they were first proposed, they were justified as necessary expedients which would be discontinued as soon as they had done their work. But it is painfully obvious the national balance-of-payments problem is hardly in a much better position today than it was in the early 1960's, and each succeeding Secretary of Treasury has found it necessary to recommend that both programs be continued.

In going along with the request of the present Secretary of Treasury to extend the interest equalization tax, I want to make it perfectly clear that there are many Members of Congress who are unhappy that it has proved necessary to continue to employ these measures. While we would not want to do anything to hinder or harm the Nation's balance-of-payments efforts, I think it is an opportune time to serve notice that there are bad features about the interest equalization tax and the voluntary foreign credit restraint program which have led to some serious distortion and favoring of certain interests above others in the foreign business market.

The combination of the interest equalization tax and the voluntary foreign credit restraint program has worked to favor the 20 or so largest banks in the country who were already deeply engaged in overseas activities, at the expense of newcomers to this field. In effect, the only way a bank in this country can do foreign business of any volume is to open up a branch office overseas. The tremendous costs of overhead involved in operating a foreign branch as well as the personnel expertise required has meant that there is a heavy bias in the present set-up for the largest multibillion-dollar banks in this country to continue to grown in international activity while the smaller banks have to leave the market to them.

I am not saying that this was a deliberate intention of anybody in proposing the interest equalization tax in the first place; simply to point how that this is the way things have turned out. This is one of the unexpected byproducts of the legislation. If we appear a little bit reluctant this time in voting to extend the interest equalization tax for a further period, I hope that this explains some of our reluctance.

Mr. BROYHILL of Virginia. Mr. Chairman, one look at the U.S. balance-of-payments position should be enough to convince anyone that we need to extend the interest equalization tax.

The tax first became effective in 1963, after the payments balance had been in a deficit position for 6 consecutive years and showed no signs of imminent improvement. The theory was that this tax—which applies to the acquisition of foreign securities by Americans—would increase, for foreigners in developed countries, the cost of borrowing or raising equity in the United States. It would, therefore, help substantially to improve our balance-of-payments position, particularly in a period in which interest rates were low. According to the administration, the theory has worked.

When Congress enacted the law, it did so with the idea that the tax could—and would—be removed when conditions improved and the balance of payments got out of the "red" and into the "black" for an appreciable period of time.

Although the balance did edge briefly above the break-even point in 1968, the margin was almost imperceptible on a liquidity basis, and it soon disappeared. For the past 2 years, the balance has been in a heavy deficit position, and again, as in 1963, shows no heartening signs of emerging.

Unfortunately, then, the reasons which Congress had for imposing the tax in the first place are as strong or stronger today.

Whereas the liquidity deficit was $2,670.000,000 in 1963, it had reached $3,874,000,000 in 1970, for an increase of 45 percent over the past 7 years. Estimates for 1971 are not remarkably bright.

The administration, in stating its case for extending the tax, also pointed out that it complements and mutually reinforces two other Government efforts to restrain the outflow of capital from the country. These two efforts are Commerce Department's program to limit the cost of direct investment abroad and the Federal Reserve program to limit outflows of funds from banks and other financial institutions. Without the interest equalization tax, both programs would be substantially weakened.

In summary, Mr. Chairman, it seems to me that we have no choice but to approve H.R. 5432. To do otherwise would risk crippling of the entire national effort to improve our balance-of-payments position, and would diminish any hope we might have for a favorable balance in the foreseeable future.

If we are ever to reach a point where the interest equalization tax will no longer be necessary, we must move steadily and effectively toward improving economic conditions at home.

As economic growth resumes with greater vitality, we must continue our progress against inflation, because the stability of the dollar domestically is fundamental to its stability internationally.

We also must increase our efforts to expand exports and to open foreign markets which have been closed to us through artificial restrictions.

If we make real progress in these directions, Mr. Chairman, we can look forward to an eventual elimination of the interest equalization tax. Today, however, we still need it.

Mr. MILLS. Mr. Chairman, I have no further requests for time and yield back the balance of my time.

The CHAIRMAN. Under the rule, the bill is considered as having been read for amendment.

The bill is as follows:

H.R. 5432

A bill to provide an extension of the interest equalization tax, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Interest Equalization Tax Extension Act of 1971".

(b) AMENDMENT OF 1954 CODE.—Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference is to a section or other provision of the Internal Revenue Code of 1954.

SEC. 2. EXTENSION OF INTEREST EQUALIZATION TAX.

Section 4911(d) is amended, effective with respect to acquisitions made after March 31, 1971, by striking out "March 31, 1971" and inserting in lieu thereof "March 31, 1973".

SEC. 3. OTHER AMENDMENTS.

(a) TREATMENT OF DEBT OBLIGATIONS OF CORPORATIONS OBTAINING FUNDS FROM FOREIGN PERSONS AS TAXABLE.—

(1) Section 4912(b) is amended by redesignating paragraph (4) as paragraph (5), and by inserting after paragraph (3) the following new paragraph:

"(4) SPECIAL ELECTION TO SUBJECT DEBT ISSUES OF A UNITED STATES CORPORATION TO TAX.—Any domestic corporation may elect to have any class of its debt obligations which is an original or new issue (and any class of stock into which such debt obligations may be converted) deemed to be debt obligations (or stock) of a foreign obligor (or issuer) the acquisition of which by a United States person will be subject to the tax imposed by section 4911, notwithstanding any other provision of this chapter other than section 4911 (d), at the rate provided on the acquisition of stock under section 4911(b). The documents evidencing such debt obligations (and the certificates evidencing any stock into which such debt obligations are converted) shall clearly indicate that their acquisition by a United States person is subject to the tax at such rate. Notice of an election under this section shall be given to the Secretary or his delegate prior to the issuance of the debt obligations with respect to which the election is made. Any such election shall be effective as of the date of issuance of the debt obligations with respect to which the election is made and shall be irrevocable. The Secretary or his delegate shall prescribe such regulations as he may deem necessary to carry out the provisions of this paragraph."

(2) The amendments made by paragraph (1) shall apply with respect to debt obligations issued after the date of the enactment of this Act.

(b) ACQUISITIONS IN CONNECTION WITH NATIONALIZATION, EXPROPRIATION, ETC.—

(1) Section 4914(b) is amended by adding at the end thereof the following new paragraph:

"(16) ACQUISITIONS OF STOCK OR DEBT OBLIGATIONS IN CONNECTION WITH NATIONALIZATION, EXPROPRIATION, ETC.—Of stock or debt obligations of a foreign issuer or obliger, where such acquisition is required as a reinvestment in connection with an actual or threatened nationalization, expropriation, or seizure of property, to the extent provided in subsection (k)."

(2) Section 4914 is amended by adding at the end thereof the following new subsection:

"(k) ACQUISITIONS OF STOCK OR DEBT OBLIGATIONS IN CONNECTION WITH NATIONALIZATION, EXPROPRIATION, ETC.—The tax imposed by section 4911 shall not apply to the acquisition by a United States person of stock or a debt obligation of a foreign issuer or obligor, to the extent that such acquisition is required as a reinvestment within a foreign country by the terms of a contract of sale to, or a contract of indemnification with respect to the nationalization, expropriation, or seizure by, the government of such country or a political subdivision thereof, or an agency or instrumentality of such government, of property owned within such country or such political subdivision by such United States person, or by a controlled foreign corporation (as defined in section 957) more than 50 percent of the total combined voting power of all classes of stock entitled to vote of which is owned (within the meaning of section 958) by such United States person, but only if such contract was entered into because the government of such country or political subdivision, or such agency or instrumentality—

"(A) has nationalized or has expropriated or seized, or has threatened to nationalize or to expropriate or seize, a substantial portion of the property owned within such country or such political subdivision by such United States person or such controlled foreign corporation; or

"(B) has taken action which has the effect of nationalizing or of expropriating or seizing, or of threatening to nationalize or to expropriate or seize, a substantial portion of the property so owned.

For purposes of this subsection, an instrumentality of the government of a country or a political subdivision thereof includes a corporation or other entity with respect to which such government, or any agency of such government, owns more than 50 percent of the total combined voting power of all classes of stock entitled to vote or, in the case of a corporation or other entity not issuing shares of stock, has the authority to elect or appoint a majority of the board of directors or equivalent body of such corporation or ther entity."

(3) Section 4916(a) is amended—

(A) by inserting "or" after the semicolon at the end of paragraph (2);

(B) by striking out "; or" at the end of paragraph (3) and inserting in lieu thereof a period; and

(C) by striking out paragraph (4).

(4) The amendments made by this subsection shall apply with respect to acquisitions made after the date of the enactment of this Act.

(c) FOREIGN MINERAL FACILITIES.—

(1) Section 4914(c)(5)(B) is amended by striking out "a substantial portion of which is extracted" and inserting in lieu thereof the following: ", where a substantial portion of the ores or minerals (or derivatives thereof) to be stored, handled, transported, processed, or serviced in or through such facilities, or in or through all of the facilities of the obligor for the storage, handling, transportation, processing, or servicing of the same types of ores or minerals (or derivatives thereof), is extracted".

(2) The last sentence of section 4914(c)(5) (B) is amended by striking out "such facilities" the first place it appears and inserting in lieu thereof "the facilities with respect to which the loan is made".

(3) The amendments made by this subsection shall apply with respect to acquisitions made after the date of the enactment of this Act.

(d) SALES OR LIQUIDATIONS OF FOREIGN SUBSIDIARIES.—

(1) Section 4914(g)(1) is amended—

(A) by striking out "all of the outstanding stock, except for qualifying shares, of a foreign corporation" in subparagraph (A) and inserting in lieu thereof "all of the outstanding stock of a foreign corporation held by such United States person (and such includible corporations)";

(B) by striking out "all of the outstanding stock of which, except for qualifying shares, is owned by such United States person (or by one or more such includible corporations)" in subparagraph (B); and

(C) by adding at the end thereof (after and below subparagraph (C)) the following new sentence:

"Subparagraph (A) or (B) shall apply only if, immediately prior to the sale or liquidation involved, the United States person (or one or more includible corporations in an affiliated group, as defined in section 1504, of which such person is a member) owns (directly or indirectly) 10 percent or more of the total combined voting power of all classes of stock of the foreign corporation; and, for purposes of this sentence, stock owned (directly or indirectly) by or for a foreign corporation shall be considered as being owned proportionately by its shareholders."

(2)(A) Section 4914(b)(10) is amended by striking out "WHOLLY OWNED" in the heading, and by striking out "a wholly owned foreign corporation" and inserting in lieu thereof "a foreign corporation".

(B) Section 4914(g) is amended by striking out "WHOLLY OWNED" in the heading.

(3) The amendments made by this subsection shall apply with respect to acquisitions made after the date of the enactment of this Act.

(e) INVESTMENTS BY FINANCIAL INSTITUTIONS IN CORPORATIONS ENGAGED IN FINANCE BUSINESS ABROAD.—

(1) Section 4915 is amended by adding at the end thereof the following new subsection:

"(e) SPECIAL RULE FOR INVESTMENTS BY FINANCIAL INSTITUTIONS.—

"(1) For purposes of section 4912 and this section, a corporation which is—

"(A) a domestic corporation described in section 4920(a)(3)(C), or

"(B) a foreign corporation which is primarily engaged in the lending or finance business outside the United States,

shall be treated as a foreign corporation which is not formed or availed of for the principal purpose described in subsection (c) (1) with respect to an acquisition of stock from such corporation (whether or not as a result of a contribution to capital) by a corporation which is (or is affiliated with) a financial institution and which is affiliated with such domestic or foreign corporation, but only upon compliance with paragraph (2).

"(2) Paragraph (1) shall apply only if it is established to the satisfaction of the Secretary or his delegate, pursuant to rules and regulations promulgated by the Secretary or his delegate, that the amounts received by the domestic or foreign corporation as a result of the acquisition will not be used to acquire stock of foreign issuers or debt obligations of foreign obligors or utilized in any other way outside of the United States.

"(3) For purposes of this subsection, two corporations are 'affiliated' with each other if they are members (or would be members if they were both domestic corporations) of the same affiliated group (within the meaning of section 48(c)(3)(C)).

"(4) In any case where a domestic or foreign corporation has been treated as a foreign corporation which is not formed or availed of for the principal purpose described in subsection (c)(1) with respect to an acquisition of stock by another corporation as provided in paragraph (1) of this subsection, but the amounts received by such domestic or foreign corporation as a result of such acquisition are (before the termination date specified in section 4911(d)) used to acquire stock of foreign issuers or debt obligations of foreign obligors or utilized in any other way outside of the United States in violation of the rules and regulations promulgated under paragraph (2), then liability for the tax imposed by section 4911 shall be incurred by the acquiring corporation (with respect to such acquisition) at the time such amounts are so used; and the amount of such tax shall be equal to the amount of tax for which the acquiring corporation would have been liable under such section upon its acquisition of the stock involved if such domestic or foreign corporation had not been so treated."

(2) The amendment made by paragraph (1) shall apply with respect to acquisitions made after the date of the enactment of this Act.

(f) EXTENSION OF RESALE PERIOD FOR DEALERS IN FOREIGN SECURITIES.—

(1) Section 4919(a) is amended by adding at the end thereof the following new sentence: "The President may by Executive order (which shall be applicable for such period and subject to such conditions as may be specified therein) extend the period of two business days specified in subparagraphs (A) and (B) of paragraph (3) to not to exceed 13 calendar days in the case of acquisitions made for customers and not for investment purposes, but any such extension shall be applicable only in cases where the acquiring dealer has submitted to the Secretary or his delegate in advance a satisfactory procedure for identifying which of his acquisitions are for customers and which are for investment purposes."

(2) Section 4919(b)(1) is amended—

(A) by striking out the period at the end of clause (B) and inserting in lieu thereof ", and"; and

(B) by inserting after clause (B) the following new clause:

"(C) in any case to which subparagraph (A) or (B) of subsection (a) (3) applies and which involves a sale or acquisition occurring after the expiration of the two-business-day period specified therein, establishes that the sale or acquisition complied with the applicable Executive order issued under the last sentence of subsection (a) and that the procedure submitted under such sentence was followed."

(3) The amendments made by this subsection shall apply with respect to acquisitions made after the date of the enactment of this Act.

(g) FAILURE OF FOREIGN CORPORATION TO FILE NOTICE RESPECTING ISSUANCE OF ADDITIONAL SHARES.—

(1) Section 4920(b) (2) is amended by adding at the end thereof the following new sentence: "Upon application by the issuing corporation within 2 years after the date on which additional shares described in the second sentence of this paragraph were issued, the Secretary or his delegate may waive the 15-day requirement set forth in subparagraph (D) (v) with respect to such additional shares if it is shown that the issuing corporation failed to file the notice required by such subparagraph due to inadvertence and not with an intent to avoid the requirements of this chapter."

(2) The requirement in the last sentence of section 4920(b) (2) (as added by paragraph (1) of this subsection) that the issuing corporation make its application within 2 years after the date on which additional shares were issued in order to qualify for a waiver shall be deemed satisfied, in any case where more than 2 years has elapsed after such date if the issuing corporation involved makes the application within 60 days after the date of the enactment of this Act.

(3) The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(h) BORROWINGS BY MEMBER OF AFFILIATED GROUP WHERE CORPORATION IS ENGAGED IN CERTAIN FINANCING OPERATIONS.—

(1) Section 4290(d) (3) (A) is amended by striking out "owns all of the stock of such corporation" in the matter preceding clause (i) and inserting in lieu thereof "is an includible corporation in an affiliated group, as defined in section 48(c) (3) (C), of which such corporation is a member".

(2) The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(i) PENALTY FOR FAILURE TO FILE QUARTERLY RETURN OR REMIT TAX.—

(1) Section 6651 is amended by adding at the end thereof the following new subsection:

"(e) INTEREST EQUALIZATION TAX.—The provisions of this section shall apply with respect to returns required under authority of section 6011(d) (1) (relating to interest eualization tax returns) and section 4918 (e) (relating to returns by participating firms wtih respect to money withheld) in the same manner and to the same extent as they apply with respect to returns specified in subsection (a)."

(2) Section 6680 is amended—

(A) by inserting "(a) IN GENERAL.—" immediately before "In addition"; and

(B) by adding at the end thereof the following new subsection:

"(b) CROSS REFERENCE.—

(3) The amendments made by this subsection shall apply with respect to returns required to be filed on or after the date of the enactment of this Act.

(j) ELIMINATION OF KNOWLEDGE REQUIREMENT REGARDING FILING OF FALSE INTEREST EQUALIZATION TAX CERTIFICATES.—

(1) Section 6681(a) is amended—

(A) by striking out "knowingly"; and

(B) by striking out "shall be liable" and inserting in lieu thereof "shall, unless it is shown that such action is due to reasonable cause and not due to willful neglect, be liable".

(2) Section 6681(b) (1) is amended—

(A) by striking out "A participating firm" and inserting in lieu thereof "Unless it is shown that such action is due to reasonable cause and not due to willful neglect, a participating firm"; and

(B) by striking out "knowingly".

(3) Section 6681(b) (2) is amended—

(A) by striking out "A participating firm" and inserting in lieu thereof "Unless it is shown that such action is due to reasonable cause and not due to willful neglect, a participating firm"; and

(B) by striking out "knowingly" each place it appears.

(4) The amendments made by this subsection shall apply with respect to actions occurring after the date of the enactment of this Act.

The **CHAIRMAN**. No amendments are in order to the bill except amendments offered by direction of the Committee on Ways and Means.

Are there any committee amendments?

Mr. **MILLS**. Mr. Chairman, there are no committee amendments.

The **CHAIRMAN**. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. SYMINGTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 5432) to provide an extension of the interest equalization tax, and for other purposes, pursuant to House Resolution 277, he reported the bill back to the House.

The **SPEAKER**. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The **SPEAKER**. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **VANIK**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 393, nays 5, not voting 34, as follows:

[Roll No. 19]

YEAS—393

Abbitt
Abernethy
Abourezk
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspin
Aspinall
Badillo
Baring
Begich
Belcher
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Collier
Collins, Tex.
Colmer
Conable
Conte
Corbett
Corman
Cotter
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
duPont
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McDonald, Mich.
McFall
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mitchell
Mizell
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Reid, Ill.
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V

Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—5

Cleveland
Crane
Eckhardt
McClure
Reid, N.Y.

NOT VOTING—34

Abzug
Ashley
Baker
Barrett
Betts
Bingham
Bow
Brasco
Carey, N.Y.
Celler
Clawson, Del
Collins, Ill.
Conyers
Derwinski
Diggs
Dowdy
Edwards, La.
Fisher
Fraser
Green, Pa.
Hastings
Hébert
Hogan
Kluczynski
Long, La.
McCulloch
McEwen
McKay
Mollohan
Poff
Riegle
Saylor
Stokes
Sullivan

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. McEwen.
Mr. Dowdy with Mr. Del Clawson.
Mr. Celler with Mr. Hogan.
Mr. Brasco with Mr. Hastings.
Mrs. Sullivan with Mr. Saylor.
Mr. Kluczynski with Mr. Betts.
Mr. Bingham with Mr. Stokes.
Mr. Mollohan with Mr. Collins of Illinois.
Mr. Long of Louisiana with Mr. Baker.
Mr. Ashley with Mr. Conyers.
Mrs. Abzug with Mr. Diggs.
Mr. Barrett with Mr. Poff.
Mr. Green of Pennsylvania with Mr. McCulloch.
Mr. Fraser with Mr. Riegle.
Mr. Fisher with Mr. Derwinski.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

APPOINTMENT AS MEMBERS OF THE NATIONAL VISITOR FACILITIES ADVISORY COMMISSION

The SPEAKER. Pursuant to the provisions of Public Law 90-264, the Chair appoints as members of the National Visitor Facilities Advisory Commission the following members on the part of the House: Mr. GRAY, of Illinois; Mr. BLATNIK, of Minnesota; Mr. HOWARD, of New Jersey; Mr. MCEWEN, of New York; Mr. SCHWENGEL, of Iowa; and Mr. ZION, of Indiana.

APPOINTMENT AS MEMBERS OF THE NATIONAL COMMISSION ON CONSUMER FINANCE

The SPEAKER. Pursuant to the provisions of Public Law 90-321, as amended, the Chair appoints as members of the National Commission on Consumer Finance the following members on the part of the House: Mrs. SULLIVAN, of Missouri; Mr. GONZALEZ, of Texas; and Mr. WILLIAMS of Pennsylvania.

APPOINTMENT AS MEMBERS OF THE FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

The SPEAKER. Pursuant to the provisions of Public Law 372, 84th Congress, the Chair appoints as members of the Franklin Delano Roosevelt Memorial Commission the following members on the part of the House: Mr. THOMPSON, of New Jersey; Mr. MURPHY, of New York; Mr. GUDE, of Maryland; and Mr. FISH, of New York.

URBAN MASS TRANSIT FUNDS NEEDED BY CITIES

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, in his testimony last week before the Senate Subcommittee on Housing and Urban Affairs of the Senate Committee on Banking, Housing and Urban Affairs, Mr. George L. DeMent, president of the American Transit Association and chairman of the board of the Chicago Transit Authority, expressed his "complete shock" at the administration's 1971 plans for mass transit in general, and the Urban Mass Transportation Administration in particular.

I agree with Mr. DeMent's sentiments about the White House's decision. It is disappointing, indeed, that the administration can, on one hand, heartedly endorse a major program such as the Urban Mass Transportation Act of 1970, and at the same time prevent its proper implementation through inadequate funding. The President's request for urban mass transit funds for fiscal year 1972 falls hundreds of millions of dollars short of what is presently needed in our cities.

Inflation, interest payments, and ever-increasing debt obligations are enlarging an already serious financial crisis in urban transportation. Must we wait until more urban bus and train lines are forced to shut down to prove our point? As money grows tighter, fares increase, and service is curtailed. This, in turn, brings about a decline in paid fares—and the vicious circle continues. We need, as Senator HARRISON WILLIAMS has noted, a blood transfusion to maintain the patient until the curative surgery can be performed. Since the President's requests for transportation funds for 1972 show that he is reluctant to perform the needed surgery at this time, we need a strong transfusion, and we need it now. The transfusion I have proposed—the Emergency Commuter Relief Act of 1971, has received strong support from many of my colleagues. Today, I am reintroducing this legislation with more than 50 cosponsors. I would like to thank these Members for their support in this matter.

And, at this time, Mr. Speaker, I would like to insert Mr. DeMent's remarks in the RECORD, for I believe that they define quite well the immediate needs of many of our urban areas:

REMARKS OF GEORGE L. DEMENT

Gentlemen, I thank you for the opportunity to appear before you today.

The transit industry's reaction to the budget released January 29 was, frankly, one of shock.

We were dismayed at the restrictive $269.7-million figure that the Administration has placed on the amount that the Urban Mass Transportation Administration can obligate for capital facility grants this fiscal year.

The $269.7 million is a far cry from the promises contained in the much-heralded, Administration-backed $3.1 billion Urban Mass Transportation Assistance Act of 1970. The Senate passed that legislation by a whopping 84-4 vote and the House followed suit with a 327-16 majority.

We considered that overwhelming margin of victory a mandate to the government from the American people through a bipartisan Congress for a high priority for transit.

That high priority that the Congress voted for urban transit has failed to materialize. Consider, if you will, the stark fact that the allocation for grants by the Urban Mass Transportation Administration represents a mere one-tenth of one percent of the total federal budget for fiscal 1971.

This indeed puts solving the problem of urban immobility at a very low national priority.

The House-Senate conferees had agreed to a $600 million limitation on the amount of money that the Urban Mass Transportation Administration could obligate in 1971. This figure was also disappointing and far below the $850 million that the Urban Mass Transportation Administration indicated it would be able to obligate in fiscal 1971 in testimony before the House and Senate Committees on Appropriations last August.

At those same August hearings the American Transit Association documented the transit industry's capability of initiating projects which would generate an immediate demand for the obligation of approximately $931 million in two-thirds federal matching funds. The breakdown of where that money would go is attached for the Committee's information as "Exhibit A."

To confirm this figure the American Transit Association contacted all existing rail transit systems, those systems under construction, and planned system ready to allocate funds in the near future. We sought to establish the maturity of their plans, and the availability of local matching funds to secure a federal grant.

By these criteria, the rail segment of the industry had $1-billion worth of projects ready to go.

Of course, Mr. Chairman, the rail systems are only part of the transit story. Two-thirds of the industry's passengers are carried by bus, and the overwhelming majority of the systems operate only buses.

We therefore attempted at those August hearings to establish for the bus segment of the industry the same picture of imminent need that we presented for rail systems.

Our studies showed an immediate requirement for the bus segment of the industry as $260 million, or $176 million in federal funds.

Mr. Chairman, the five months that have passed since our appearance before the Appropriations Committee have proven our estimates to be conservative.

The promises contained in the transit aid bill spurred the transit industry into action. The industry was encouraged to the degree, in fact, that as of January 31 the Urban Mass Transportation Administration had applications on file for federal matching funds totaling over $2.2 billion.

The city of New York, for instance, has applied for an $800 million grant, the largest grant application that the Urban Mass Transportation Administration has ever received.

The money would be spent on ten new subway lines and various rapid transit improvements in the city. New York's Metropolitan Transportation Authority is also ready to begin extending the Long Island Railroad, as well as improving the comfort, safety and efficiency of that line. These plans total well over $200 million. My New York friends assure me that these funds are essential to the program.

Chicago, my hometown, has requested $508 million to construct two subway facilities.

The Port Authority of Allegheny County, in Pittsburg, has extensive plans for an innovative automated transit system using rubber-tired electric vehicles on a concrete guideway. It is properly called the Transit Expressway Revenue Line, although frequently referred to as "Skybus." Because of the novelty of its technology, it has generated a great deal of interest, and for that reason, is of great importance to the public as a testbed for new approaches to old problems. The city of Pittsburgh has decided to proceed with this endeavor and has applied for $144 million to get it underway.

The Massachusetts Bay Transportation Authority has requested close to $40 million in federal funds for completion of its south shore rail line extension and for construction of its Dover Street transportation facility.

Other applications are on file to provide similar improvements of capacity, comfort and efficiency envisioned for the plants and rolling stock of other rail rapid transit lines in California, Connecticut, Indiana, New Jersey and Pennsylvania.

Other applications have poured in from throughout the country that would go a long way in revitalizing the bus side of the industry. These applications for funds range in size from $24,000 for two new buses in Englewood, Colorado, to the multi-million dollar needs of our larger bus companies.

Mr. Chairman, I have mentioned but a handful of grant applications that have been received by the Urban Mass Transportation Administration. A full listing of applications through January 31 has been prepared for the Committee and is attached as "Exhibit B."

We recognize that under the present law not all of these requests can be met. The Secretary of Transportation is restricted, for instance, in the amount of money he can grant to each state.

What we also recognize, however, is that the Secretary of Transportation has been further restricted by the Administration's failure to heed the Congress' and the public's plea for a high priority for transit.

Mr. Chairman, we commend this Committee for holding these hearings. The Administration's cutback in transit funds has seriously delayed our programs.

The $2.2 billion in pending applications at the Urban Mass Transportation Administration should underscore our position that the transit industry is on the move.

We are ready now to do our part in getting our congestion-strangled cities moving again.

We are ready now to supply the transportation input that will help the mayors here today fight that urban blight they mention.

The funds allocated in the budget for fiscal 1971 are sorely inadequate to meet the urban transit needs of this country. Thank you.

THE 1974 CENTENNIAL CELEBRATION OF INTRODUCTION OF HARD RED WINTER WHEAT

(Mr. SEBELIUS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SEBELIUS. Mr. Speaker, in behalf of myself and my good friend and colleague Congressman GARNER SHRIVER and seven cosponsors, Mr. MELCHER from Montana, Mr. MARTIN from Nebraska, Mr. HANSEN from Idaho, Mr. SHOUP from Montana, Mr. MCCOLLISTER from Nebraska, Mr. ABOUREZK from South Dakota, and Dr. ROY from Kansas, I am quite pleased and honored today to introduce legislation to provide for a 1974 centennial celebration observing the introduction into the United States of Hard Red Winter wheat.

Hard Red Winter wheat was first planted in our Nation by Russian Mennonite families in 1874 in the community of Hillsboro, Kans. From this humble origin, it has literally become man's staff of life.

Domestically, this wheat has provided an abundant supply of grain essential to the Nation's diet and an important weapon in our efforts to combat hunger and malnutrition. This grain crop has accelerated agricultural development and cultivation in the Great Plains, which in turn has led to the rapid development of the agribusiness industry.

The tremendous productivity of Hard Red Winter wheat has made an important contribution to agricultural efficiency, allowing one farmer to produce food and fiber for himself and 45 others. This fact, along with the fact that the American housewife spends only 16.5 percent of her disposable income for food, illustrates the key role the farmer, and specifically the wheat producer, have played in the great industrial revolution and in helping to achieve the highest standard of living of any nation in the history of the world.

Internationally, this crop has held off famine in India, supplemented marginal rice crops in the Far East, has been an important staple in our "food for peace" effort, and now provides the gluten for baking bread from grain produced in the "green revolution"—new high-yield grain production in many underdeveloped emerging nations.

I think it is most appropriate for Congress to support suitable ceremonies and activities to recognize the preeminent role of Hard Red Winter wheat in the United States and to recognize the undaunted dedication and service of the wheat farmer.

"DEFENSE AND THE ECONOMY," PART III OF SECRETARY LAIRD'S STATEMENT BEFORE THE HOUSE COMMITTEE ON ARMED SERVICES

(Mr. MINSHALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MINSHALL. Mr. Speaker, the Secretary of Defense yesterday presented to the House Committee on Armed Services a detailed report on President Nixon's strategy for peace.

As ranking minority member of the House Subcommittee on Department of Defense Appropriations, I was particularly interested in Secretary Laird's outline of the Department of Defense budget requests for fiscal 1972 which, as he points out, is a year when the administration plans to return budget and manpower levels to those that prevailed prior to the war in Vietnam.

I would like to make the portion of Secretary Laird's very excellent statement pertaining to the Defense budget and the national economy a part of the RECORD. It follows:

DEFENSE AND THE ECONOMY—PART III

Last year, in my appearance before the Committee, I discussed some of the problems associated with determining appropriate priorities for resource allocation, and the FY 1971 Defense Budget in that perspective. In this section of my report, I will discuss the proposed FY 1972 Defense Budget in a similar broad context—in terms of inflation, general trends in defense spending, changing priorities, and the relationship of this budget to our new defense strategy of realistic deterrence. Let me begin with this last item.

As I explained in earlier sections, our new strategy is based on my belief as Secretary of Defense that we can perform essential defense functions with a restructured U.S. military force that, in peacetime, requires no more than about seven percent of GNP or less and is made up of no more than about 2.5 million volunteers. Within these rough guidelines, we want to maintain a peacetime "baseline" force structure that with our allies will be sufficient to deter war by confronting potential aggressors with strong and effective fighting forces.

The forces proposed in FY 1972 with minor modifications discussed earlier represent our best estimate of the "baseline" forces needed for our new strategy during the FY 1972–76 planning period, while providing the basis for adjustments to our capabilities should that become necessary or desirable.

It is useful to view FY 1972 as the year when we return our budget and manpower levels to those that prevailed prior to the Vietnam war. It is within this budget and overall force level that we are making necessary changes in our capabilities so that, together with the growing capabilities of our friends and allies, an effective and realistic Free World security strategy can and will successfully deter war and secure the President's goal of a lasting peace.

In this section, an explanation of budget and manpower trends is provided in order to indicate how we reached this peacetime baseline in budgets and forces.

Turning to the magnitude of our FY 1972 Defense Budget and Programs let me summarize certain key facts:

Defense programs continue to be affected by strong inflationary pressures, especially with respect to pay rates and other manpower costs.

Defense programs in real terms—that is, in dollars of constant buying power—decline by about 5% from FY 1971 to FY 1972. The FY 1972 program is about 24% below the wartime peak of FY 1968.

The FY 1972 Defense Budget, in dollars of constant buying power, is about equal to the prewar (FY 1964) level. That is, with the FY 1972 Budget the additional money previously required for prosecution of the Vietnam war is no longer needed and can be applied to other federal programs.

The FY 1972 Budget reflects a continuation of President Nixon's program for reordering priorities—this has produced major cuts in the money and manpower allocated to Defense, with these reductions (plus all economic growth) allocated to the civilian sector.

The sharp cutbacks in Defense programs over the past two years have obviously had a major bearing upon the performance of the economy, and have contributed to the sharp rise in unemployment. The sharpest of these cuts are now behind us, and the future impact of defense cutbacks will be much more gradual. This fact, coupled with other developments, produces a more favorable employment outlook.

A. THE IMPACT OF INFLATION AND INCREASED PERSONNEL COSTS

Inflation as well as increases in personnel costs (owing to both real wage increases and inflation itself) have had an explosive impact upon the defense budget and mask the very large program cuts that have occurred. It is therefore essential that we consider the defense budget in terms of constant dollars (that is, dollars that are of constant buying power and exclude all increases in pay and personnel costs) in order to get an understanding of program trends.

In addition, it is important to note a significant innovation in presenting this year's budget. Last year, following prior practices, we submitted the defense budget on the basis of pay rates then in effect. That FY 1971 Budget did not reflect two pay raises affecting FY 1971. Largely for this reason, our FY 1971 estimates are now significantly higher (even after Congressional reductions) than were presented a year ago. To avoid such confusion, we have made the estimates as complete as possible this year—including reflecting the pay raise expected to become effective in January 1972.

Perhaps the best way to illustrate the impact of inflation and increased personnel costs upon our budget is in terms of manpower and payroll trends. Consider these facts:

From June 1968 to June 1972, we are reducing military personnel by 1,042,000 and civilians by 205,000—a total manpower cut of 1,247,000.

However, from FY 1968 to FY 1972, our payroll—military basic pay and civilian salaries—rises by $4.8 billion.

In addition, payments to retired military personnel rise by $1.7 billion from FY 1968 to FY 1972, and the FY 1972 spending estimates include $1.4 billion for the Volunteer Force.

All told, then, these pay items *rise* by $7.9 billion while we are *decreasing* manpower by nearly 1.25 million.

Table 12 presents data on defense spending in terms of current prices and constant prices (including all adjustments for increased personnel costs). Data are shown for FY 1964, the last prewar year; FY 1968, the peak spending year, and for FY 1971 and FY 1972. The top part of the table shows outlays in current prices—that is, amounts actually spent, or proposed to be spent. Note that, in these terms, defense spending rose by $27.2 billion from FY 1964 to FY 1968, will fall by $3.5 billion from FY 1968 to FY 1971, then is expected to rise by $1.5 billion from FY 1971 to FY 1972.

The bottom part of the table shows data for the same years in constant prices—that is, at the price levels and pay rates expected to prevail in FY 1972. Had these pay rates and price levels been in effect in FY 1964, our spending in that year would have been $75.8 billion instead of the $50.8 billion we actually spent. Put another way, if today we hired the same number of people and purchased the same amount of goods as we did in FY 1964, it would cost us $25 billion more than it did then. By the same token, defense spending in FY 1968 would have been $99.9 billion, and FY 1971 spending would be $79.6 billion in dollars comparable to those we are budgeting for FY 1972.

Pay increases, as I have indicated, account for the largest part of this rise. Military basic pay, which is not directly comparable to civilian salaries, rises by 85% from FY 1964 to FY 1972; classified civilian salaries rise by 56.5%. All of the increases to which I am referring have been enacted into law with the exception of one we assume will take effect in January 1972.

Retired military pay is shown separately in Table 12. Note that this triples from FY 1964 to FY 1972, increasing from $1.2 billion to $3.8 billion.

Volunteer costs, a new item in FY 1972, add $1.4 billion in FY 1972 spending ($1,520 million in budget authority).

Other military personnel costs include items other than basic pay. This includes, largely, allowances and special pays, subsistence, and permanent change of station travel.

Total payroll and related items, in current dollars, comprise a large and growing percentage of the budget—52% in FY 1972, versus 43% in prewar 1964.

Prices in goods and services the Department buys will rise by 27.7% from prewar FY 1964 to FY 1972.

Assistant Secretary of Defense Moot will provide the details behind our calculations in this area—the specific pay increases, the inflation rates which occurred during these years, and other pertinent facts.

B. DEFENSE PROGRAM AND EMPLOYMENT TRENDS

As indicated in Table 12, the Defense budget (in constant prices) rose from $75.8 billion in FY 1964 to a peak of $99.9 billion in FY 1968, then is expected to drop to $79.6 billion in FY 1971 and $76 billion in FY 1972—a drop of $23.9 billion, roughly 24% from the wartime peak.

Thus, the FY 1972 Budget, in constant dollar terms, is almost equal to the prewar level. This marks an historic first—it is the first time in this century that military spending has returned to the prewar level. In every other war, military spending (measured in constant dollars) has been higher after the war than it was prewar as the chart below highlights.

DEFENSE WARTIME BUDGET TRENDS INDEX OF CHANGES, IN CONSTANT PRICES

	Index		
	Prewar	Peak	Postwar
World War II (fiscal years 1940, 1945, 1948)	100	3,839	405
Korea (fiscal years 1950, 1953, 1956)	100	290	219
Southeast Asia (fiscal years 1964, 1968, 1972)	100	132	100

It is especially noteworthy that this result has been achieved while spending for military operations in Vietnam continues and the military manpower needed for South east Asia is being provided from a force that is 180,000 below the prewar level.

Manpower is an important part of the defense cutback, as I indicated earlier. In the previous section, I discussed the cutbacks in DoD military and civilian personnel. The following table shows all DoD-related manpower, including defense-related employment in industry.

[June 30, in thousands]

	1964	1968	1971	1972
Military personnel	2,685	3,547	2,699	2,505
Civilians	1,035	1,287	1,104	1,082
Total direct	3,720	4,834	3,803	3,587
Defense related employment in industry	2,280	3,470	2,240	2,160
Total DOD-related manpower	6,000	8,304	6,043	5,747

Military manpower in the years immediately preceding the war ranged from 2.8 million in 1962 to about 2.7 million in 1963–65. Civilian employment was 1,035,000 in 1964, and prior to then at or slightly above that level. Certain positions previously military have been converted to civilian since 1964, so the military-civilian mix is slightly different than prewar.

As the figures show, by the end of FY 1972, defense-related manpower will be down sharply from the FY 1968 peak—nearly 2.6 million, or nearly one-third. Also, total defense-related manpower will be down by 253,000 from the prewar level.

In summary, I want to emphasize once again that with this budget all of the wartime buildup in manpower and money has been removed. Defense manpower, as I have shown, is below the prewar levels, while defense purchases, in constant dollars, are also below those levels.

Let me now turn to one other significant area with regard to defense employment trends. The impact of both direct and related defense manpower reductions, and their effects on the nation's unemployment level has been of considerable concern. Although defense cutbacks are continuing in FY 1972, the rate will fall off significantly and the future employment picture looks much more favorable when coupled with more expansionist government economic policies.

For example, from the above table we can see that direct DoD employment should drop just over one million in the three year period between FY 1968–1971, or about 340,000 per year. During FY 1972 it will drop some 216,000. A similar trend is true for defense-related employment, which decreased about 1.2 million between FY 1968–1971, (about 410,000 per year) but should drop about 80,000 during FY 1972. Combining both figures, we see that total defense and defense-related job cutbacks averaged about 750,000 per year between 1968–1971, but will be less than half, or about 300,000 during FY 1972.

C. CHANGING PRIORITIES

The shift in our priorities, away from defense and to civilian pursuits, has been massive. The size and price of this change is not generally appreciated. Table 13 presents key data highlighting these developments.

As can be seen from the table, in current dollars (not adjusted for price changes) defense spending rises by $25.2 billion from FY 1964 to FY 1972—almost entirely due to inflation and personnel cost increases, as we have noted. Other federal spending, and state and local spending, will each rise by about $90 billion in the same period—also subject to inflation.

The constant price figures, adjusted for pay and price increases are much more significant. Defense spending rose by $24.1 billion from FY 1964 to FY 1968, and falls by $23.9 billion from FY 1968 to FY 1972, so that real defense spending in FY 1972 is slightly above the FY 1964 level. Other federal spending grows by $68.3 billion price adjusted, and state and local spending by $58.6 billion. This means that public spending (in constant prices) grows by over $125 billion from the prewar level—practically all of it for non-defense programs.

The change in the FY 1968 to FY 1972 period is especially significant. Defense spending drops by $23.9 billion, while other federal spending grows by $36.4 billion. This means that two-thirds of the real increase in civilian spending can be viewed as having been financed by defense cutbacks. Civilian programs are increasing by $36.4 billion, while the federal budget total (in real terms) increases by about one-third of that amount.

The picture is the same for public employment, including military personnel. Defense grew sharply from FY 1964 to FY 1968, and falls even more sharply from FY 1968 to FY 1972. The result is that practically the entire increase in public employment since 1964 is at the state and local level, with defense cuts offsetting part of the increases in federal civilian agency employment.

The labor force data are especially significant. Note that the total U.S. labor force will increase by 13.2 million from 1964 to 1972. This is an unprecedented growth, the result of the post-World War II baby boom.

From 1964 to 1968, defense (including industry employment) absorbed one-third (about 2.2 million) of the labor force growth, which was estimated at 6.8 million in those four years. From 1968 to 1972, we are turning all these people back. Although the total labor force change is an increase of 6.4 million people, cutbacks in the defense labor force mean that nine million people will become available for non-defense work in the years 1968–1972, about twice as many as in the preceding four years.

And from 1964 to 1972, the number of people available for non-defense work will grow by 13.5 million—the entire growth in the labor force, and then some again owing to cutbacks in the defense labor force that make additional people available for the non-defense sector of the economy.

Turning now to another aspect of a change in priorities, the lower part of the table presents data for selected years relating defense to the total economy and to public spending.

Defense spending in FY 1972 will amount to 6.8% of the Gross National Product (GNP), compared to 9.5% at the wartime 1968 peak and 13.3% at the Korea peak. This 6.8% is significantly lower than the prewar figure, 8.3% in 1964.

As to federal spending, the defense budget for FY 1972 is 32.1% of the total, compared to the 42.5% at the wartime 1968 peak and 62.1% at the peak of the Korean War. The 1972 percentage is nearly ten points below the 41.8% that pertained for prewar 1964.

The same pattern pertains in comparing defense spending with net total public spending—federal, state and local with grants-in-aid and other offsets netted out. Defense spending will account for 20.9% of all public spending in FY 1972, significantly below the levels in FY 1968, FY 1964, and FY 1953.

In all three of these areas, the Defense percentages for FY 1972 are the smallest that have pertained for more than 20 years. That is, we are devoting a smaller share of our economy to Defense, and of our public spending, than we have since FY 1950. The 1948–50 period, you will recall, marks the low point of our defense effort since World War II.

In summary, I would like to point out some orders of magnitude. Note, for example, that non-defense federal spending grows by $90 3 billion for 1964 to 1972. State and local spending grows by $89.9 billion. Both of these *increase* amounts are much larger than the entire defense budget. Note also that defense spending is 20.9% of the public spending total. Other federal spending is more than twice as great as defense; so is state and local spending.

In the context of huge changes such as these, defense spending—especially potential future changes in defense spending—does not loom very large.

The defense budget no longer consumes the large percentages of our government resources that it did in the 1950's. In those years, it could play a key role in financing increases in other segments of the federal budget—and in the employment and unemployment trends. But as a result of this changed complexion of the federal budget, the opportunity to use changes in the defense program to finance non-defense programs is significantly reduced. Thus, the period of defense dominance in resource allocation is over.

FEDERAL EMPLOYEES FREEDOM OF CHOICE ACT

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKBURN. Mr. Speaker, today, it is my pleasure to reintroduce the Federal Employees Freedom of Choice Act which will preserve the right of Federal employees to form, join, or assist a labor organization or to refrain from such activities. Forty-six Members have joined me in cosponsoring this legislation.

When a person decides to work for the Federal Government, his primary obligation is to his department or agency. It is wrong if his first obligation is to a union over that to the Government for which he works simply because he must belong to this union in order to hold his job.

Both Presidents Kennedy and Nixon reaffirmed the principle of "freedom of choice" by issuing Executive orders proclaiming this right. This House, during the debate on the Postal Reform Act, added language which specifically guaranteed the right of Federal employees to refrain from joining a Government employees' union. The language of my bill is identical to that which was added by this House.

One of the many organizations supporting the concept behind the Federal Employees Freedom of Choice Act is the National Federation of Independent Business. This organization currently represents almost 290,000 small and independent businessmen throughout the country, 6,000 of whom are from my own State of Georgia.

During the 91st Congress, the federation was one of those organizations which helped the fight for inclusion of a freedom-of-choice amendment to the Postal Reform Act.

In addition, last year the federation polled its entire membership on legislation similar to my bill, H.R. 2569, and found that an overwhelming majority, a national average of 90 percent, of its members supported the freedom-of-choice concept.

Mr. Speaker, I am heartened to see the Nation's small business community react in such a fashion. Their overwhelming degree of support becomes extremely significant when we consider the fact that this legislation, when enacted, will prove of no economic benefit to these millions of small businessmen in their day-to-day operations. This legislation is limited to employees of the Federal Government and does not apply to those employed in the private sector.

It is abundantly clear that these small businessmen are supporting a principle they hold dear, that principle which holds that no man desiring to serve his country as an employee of its Central Government should be placed in a position of either having to join a labor union, or pay dues to a labor union, as a condition of employment by his own Government.

I have been informed that the Government employees' union will ask the Congress to pass legislation giving them the same bargaining rights as those granted to postal workers. However, the Federal Government employees' unions do not wish to have a freedom-of-choice provision fund in this bill. I, therefore, would like this House to go on record as being in favor of the concept of freedom of choice for all Government employees. I call upon all of my colleagues at this time to join with me in cosponsoring this legislation to protect the freedom of choice of Federal employees.

LEGISLATION REQUIRING INSPECTION OF IMPORTED MEAT AND ANIMAL PRODUCTS

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, I have just reintroduced, for myself and 22 cosponsors, legislation to require thorough inspection of meat and animal products imported into the United States after they arrive in this country.

Cosponsors include Mr. Abernethy, Mr. Abourezk, Mr. Baring, Mr. Denholm, Mr. Fisher, Mr. Flowers, Mr. Hanson, Mr. Hungate, Mr. Johnson, Mr. Jones of North Carolina, Mr. Link, Mr. McCormack, Mr. McKay, Mr. Mills, Mr. Rarick, Mr. Roncalio, Mr. Sebelius, Mr. Skubitz, Mr. Stubblefield, Mr. Vigorito, Mr. White, and Mr. Zwach.

The Department of Agriculture has made an intensive effort to sanitize the situation abroad since this legislation was originally introduced.

Shortly after its introduction, mutton imports from Australia were banned entirely, and Australian packers have not been allowed to send any of that product to the United States without first getting plant-by-plant approval of their processing.

Although our Meat Inspection Act had been in force many months, and foreign inspection was supposed to be equal to ours at all times, mutton was being shipped to us from plants which did not keep viscera and carcasses associated so diseased carcasses could be eliminated, nor was it being examined adequately for the cyst-like deposits left by casseous lymphadenitis. We were rejecting 9 percent of mutton even on the basis of inspection of less than 1 percent of the meat as samples at U.S. docks.

The annual report on imported meat inspection recently submitted to Congress reflects the general tightening up on plants allowed to send meat to us.

Nearly 29 percent of plants eligible at the beginning of the last year to ship us meat were deauthorized, or suspended during the year 1970—327 out of 1,141.

During the year, 95 new plants were certified and 68 won reinstatement. At the end of the year only 977 foreign plants could export to the United States compared to 1,141 eligibles 12 months before.

Additionally, the report indicates that there are 9,402 foreign inspectors watching the product in the foreign plants now, compared to 7,477 at the outset of the year—an increase of 1,925 inspectors, or nearly 25 percent.

That is progress.

It is also evidence that things were not what they should have been when my bill to require thorough inspection of the imported meat, after it reaches the United States, was introduced.

We still need thorough inspection here in the United States when, 6 to 10 weeks after slaughter, the frozen meat finally arrives in this country.

The harsh fact is that we have a foreign meat inspection system, based on inspecting 1 percent or less sample of each cargo, which is not aimed at getting us completely clean and sanitary meat from abroad, but just relatively clean meat. We are still accepting meat with an allowable number of defects, ranging from dirt, blood clots, cysts, ingesta, to manure. We accept meat with one minor defect per 30 pounds, one major defect per 400 pounds, and one critical defect per 3,000 pounds.

The statisticians tell me that the mathematical probabilities of the dockside sampling procedure are set so there is a 9 percent chance of having 1 percent bad meat in lots running to 15 tons, and a 50 percent chance of having 1 percent bad meat in small lots.

Under no circumstances should we continue to allow dirt, ingesta, and fecal matter to be hidden in ground-up hamburger, or encased in weiners or bologna for the unsuspecting consumer. There is no identification at the meat counter to separate the fresh, clean, thoroughly inspected meat from our American farms and ranches and the meat of foreign origin, which has been frozen for weeks or months, and is thawed out and processed after a scant hit or miss inspection that permits hiding some defects—a word which sounds better, I suppose, than dirt, ingesta, cysts, blood clots or manure.

There is also a human probability that our inspection plants abroad—done about one time a year, after the country has been notified in advance that our review officer is coming—is considerably less than assuring that the plants are operated in a completely sanitary condition the other 364 days each year.

Last year I asked the General Accounting Office to look into foreign meat inspection. I understand that a GAO man accompanied our review officers to four countries, where one-fourth to one-third of the plants visited were deauthorized for shipment of meat to America.

In one country, all plants passed their first inspection when everyone knew that the U.S. review officer would be in the country and might visit anywhere. But on a return visit shortly afterward, our review officer found about one-fourth of plants previously approved out of compliance.

The conclusion is almost inescapable that what the U.S. review officers see in foreign plants, on his heralded visits, is not the every day practice in some of them.

U.S. meat inspection is geared at achieving a completely sanitary product. If there are some failures and some oversights, that is no reason to give imported meat an allowance of defects theoretically equivalent to what our inspectors miss. Such an allowance in addition to the oversights and the impreciseness of the sampling procedure, simply means a growing percentage of objectionable product in imported meat.

The meat import lobby does not like my bill.

Last fall, during the election campaign, they circulated a statement by a Wisconsin University microbiologist warning against the dangers of thawing all imported meat on docks, starting bacterial growth, and then shipping to interior cities to be processed.

I have no quarrel with the scientist's warning at all.

The only thing wrong with the document is that no one is advocating piece-by-piece inspection of the meat after thawing on the docks, as was implied.

All inspection should be removed from the grime, the hustle and bustle, and the pressure at the docks.

There is no good reason why imported meat cannot be shipped frozen to the point of use in the United States, thawed, inspected piece by piece, and put to immediate use if acceptable. We have inspectors all over the Nation. There might actually be some economy in having interior inspectors do the work instead of maintaining a special staff for dockside work. In my judgment, piece-by-piece inspection of imported meat—if it is nearly as clean and sanitary as it is cracked up to be—would result in the rejection of fewer total pounds than the present system.

Under our sampling procedure, if a small sample of a 60,000-pound lot has a defect or two too many, the whole 60,000 pounds is rejected and ordered shipped out of the United States, the clean meat along with the dirty meat.

With piece-by-piece inspection, only the dirty and defective meat within a lot would be tanked, or turned back. Sanitary meat in each lot would be accepted.

Under our present procedure, if the defects are not too numerous, the meat, defects and all, goes into our weiners, luncheon meats, soups, and many other products where the consumer has absolutely no opportunity to see what he is buying.

This bill is not an import limitation bill. It deals with quality, not quantity.

I do not believe American consumers want to accept less than the purest product we can produce or obtain—that the idea of accepting great lots of meat on the basis of actual inspection of less than 1 percent, and then with tolerance of some defects ranging up to animal manure, just is not what our constituents want or expect.

PLEDGE OF ALLEGIANCE DAY PROPOSED FOR APRIL 30

(Mr. DULSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DULSKI. Mr. Speaker, I am today introducing legislation that would request the President to issue a proclamation annually designating the last school day in April as "National Pledge Allegiance to Our Flag Day."

I am acting at the urging of the AMVETS Auxiliary of Buffalo which requested that April 30, 1971, be designated by the President for this special recognition.

In introducing my joint resolution in the House today, I have specified the last day in April since my resolution is directed to an annual event and it is necessary to provide for those years in which April 30 occurs on a weekend.

The inspiration for a simultaneous coordination of all schoolchildren in our Nation in recognizing our Pledge of Allegiance came from a project initiated a year ago in the third-grade class of a suburban Buffalo school.

INITIATED BY THIRD-GRADERS

The boys and girls of Mrs. Irene Priore's third-grade class of the Cleveland Hill Primary School, Cheektowaga, N.Y., conceived the original observance and sent out thousands of letters to legislators, other schools, media, and many others in behalf of their proposal.

As a result of the yeoman effort by these youngsters in this class, there was a series of observances in schools throughout the Nation last April 30.

The turnout of participation was heartwarming and attracted attention throughout our Nation.

It is my firm belief that the example which these youngsters have set for us should become an annual event authorized by congressional action and proclaimed by a formal pronouncement by the President of the United States.

Interestingly enough, a proposal by the Cheektowaga youngsters came just a year after one of the world's great clowns, Red Skelton, recited a widely hailed nationwide television explanation of the Pledge of Allegiance as given to him and his schoolmates by their teacher when he was in grade school.

CONTINUING ATTENTION NEEDED

Such national attention and recognition of the Pledge of Allegiance is vitally needed on a continuing basis. Provision for national observance is long overdue.

I am hopeful that the Congress will act promptly on my joint resolution, and I shall urge earliest consideration by the appropriate committees in order that adequate preparations may be made in advance of the observance next month.

Mr. Speaker, I am including with my remarks the text of a proposed proclamation prepared by Mrs. Priore and sent to me by Mrs. Mary Stinson, Buffalo Americanism chairman and past president of the New York AMVETS Auxiliary.

PROCLAMATION TO THE U.S. CONGRESS

Whereas, on April 30, 1789 George Washington took the oath of office and was inaugurated as the first President of the United States.

Whereas, George Washington was the only President of the United States of America inaugurated on April 30th.

Whereas, April 30, 1802 Congress passed the first enabling act authorizing the people of the eastern division of the Northwest Territory to hold a convention and frame a constitution in order to become a state, and a precedent was set in helping Ohio's gaining its statehood, followed by the same, set for the rest of the states in this territory.

Whereas, on April 30, 1803 the United States of America, under the leadership of President Thomas Jefferson, made its first territorial expansion by purchasing 828,000 square miles of land (doubling the size of the United States by peaceful means) known as the Louisiana Purchase, which land eventually was divided into the states of Missouri, Nebraska, Iowa, Arkansas, North Dakota, South Dakota, most of Louisiana, Kansas, Minnesota, Montana, Wyoming and parts of Colorado and Oklahoma.

Whereas, on April 30, 1812, the state of Louisiana was admitted into the Union.

Whereas, on April 30, 1889 Congress fixed this date of April 30th as a national holiday to celebrate the inauguration of George Washington as the first President of the United States of America.

Whereas, on April 30, 1970 the proclamation sent by Mrs. Irene Priore's Third Graders of Cheektowaga, New York requesting that April 30, 1970 be proclaimed as Pledge of Allegiance to Our Flag Day in the United States of America for all school children in all schools of our nation, was read in Congress.

Whereas, schools, community leaders and citizens in all 50 states of our nation responded by letter, telephone and telegram to the Cheektowaga, New York Third Graders that they wished to participate in this unified promise of loyalty at 1:30 P.M. Eastern Savings Time so children's voices might echo throughout the land.

Therefore, We, the members of AMVETS Auxiliary, Department of New York, do hereby ask the Hon. Thaddeus J. Dulski to proclaim each April 30th as an annual special school day to honor our nation *and its flag in school* by song, speech and activities planned by the faculty and students of each individual school.

We request that this proclamation be made known to all the schools of our nation so that all the school children may have the pride and honor to help plan a dignified program for their own schools. We believe that by encouraging children to have the pleasure of envolvement in planning a program for April 30th each year that we are taking a positive approach toward building better attitudes in school children and planning for better citizen's and leaders of the future.

Mary Kennedy,
State President and nine others.

THE GREAT ENERGY GRAB

(Mr. ANDERSON of Tennessee asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. ANDERSON of Tennessee. Mr. Speaker, on August 13, 1970, I went to the well of the floor to deliver a speech I entitled, "The Great Energy Grab." At that time I detailed for the Members of the House some of the effects of the growing trend toward monopolization of energy in this country. I expressed my shock at a 25- to 30-percent raise in electricity rates announced at that time by the Tennessee Valley Authority and explained that the largest factor in that raise in electricity rates was the doubling in 1 year of the cost of coal to TVA.

Mr. Speaker, I asked at that time why the cost of coal had taken such an astronomical quantum leap in such a short time. I put the major blame for the increase in coal prices at the feet of the oil industry by stating.

> The oil industry is trying to take complete control over the coal industry and results are proving disastrous.

I then asked what the Justice Department was doing to prevent the monopolization of the energy resources in this country by the oil industry.

Since that time, colleagues in the House, accompanied by members of my staff and interested public power groups, met with the Attorney General and asked him to have the Antitrust Division investigate the transparently obvious trend toward monopolization of our energy sources. The Attorney General expressed great shock and dismay at our allegations of monopolization, but gave us no assurances that Justice would take any action whatsoever. A meeting with Commissioners of the Federal Trade Commission had a similar depressingly negative result.

In the most recent of a series of meetings, which included representatives of power associations, State, county, and city officials from regions in the South served by the Tennessee Valley Authority, the Justice Department was enjoined to conduct a grand jury investigation with respect to Operation Skyrocket.

Operation Skyrocket alludes to what the Tennessee Valley Public Power Association, the National Rural Electric Cooperative Association, the American Public Power Association, and others concerned with consumer costs, have tagged the recent increased cost of electric power and the cost of coal necessary to generate this power.

Although the TVPPA services only about 11,000,000 consumers, the effects of the increase in cost for Tennessee Valley Authority power will naturally be felt nationwide. If the cost of power to produce a part for a product in the TVA area is increased as the result of increased cost of TVA power, it is evident that this cost is passed on to consumers in every State in the Union, and for that matter, in foreign countries to which we export the product. And, of course, increased coal prices affect power production worldwide.

TVPPA, NRECA, APPA, and others have called on the Justice Department for a grand jury investigation with respect to the recent escalation of coal prices. They received little satisfaction from the Justice Department. These organizations have been almost unanimous in statements and resolutions charging a continuing monopoly and in suggesting a few oil companies in the United States control or soon will control the cost of all fuel and energy. They further allege that they have evidence that collusion exists.

Based on this information and previous information which I developed through numerous sources, I joined with Congressman Richard Fulton and others in sponsoring a House resolution to establish a select committee to conduct a thorough and complete investigation into all aspects of the energy sources of the United States. This resolution now has more than 85 cosponsors.

Additionally, and not as any indication of lack of faith in our legislative system, I have joined with Congressman Ray Blanton, and I am sure others will join at a later date, in introducing a concurrent resolution which will direct the Federal Trade Commission to conduct an investigation into the whole problem of energy resources, including possible violations of laws relating to antitrust and monopoly.

Among other things of interest brought out in this series of meetings was a statement by representatives of the TVPPA that there was "absolutely no justification for increases of up to 100 percent in coal prices," referred to previously as Operation Skyrocket, and that more coal has been produced than consumed in the past 16 to 18 months.

These several organizations have a wealth of information to substantiate their claims and their contention that acquisition of energy sources by large oil companies continues unabated. An example of the effects of these continuing acquisitions can best be described by pointing out that the acquisition by Continental Oil of Consolidation Coal Co., which in 1966 was the largest bituminous coal producer, now makes Continental Oil the largest single coal producer. This information will be provided to the Justice Department, the Federal Trade Commission, and House and Senate committees charged with responsibility for conducting this long overdue investigation.

I might add as a postscript to this particular comment that it was the consensus of those involved in these meetings that the investigations should not be limited to the acquisition of coal industries but should be extended to include investigation of the oil companies' acquisition of all energy source materials.

In testimony before the Senate Subcommittee on Antitrust and Monopoly, Mr. S. David Freeman, who at the time of testimony was Director of Energy Policy staff of the White House Office of Science and Technology, documented the extent to date of the energy grab by the oil industry. He stated in his testimony of May 15, 1970 that only two of the 10 largest coal companies were still independently owned. The remaining eight, which accounted at that time for 42.9 percent of the industry's production, were owned by oil companies, other mineral companies, or other large industrial concerns.

Freeman also stated that those same eight companies opened 67 percent of the new coal mines in the United States in 1968. He also detailed to some extent the activity of the oil companies in uranium exploration in recent years. He alleged that during 1968 oil companies drilled 44 percent of the exploratory and development uranium footage. He also stated that of the 15 significant uranium discoveries in 1969, the oil companies made eight. Mr. Freeman testified that as of January 1, 1970 the oil companies controlled 45 percent of the known uranium reserves in this country.

Mr. Speaker, I would like to insert in the RECORD following my remarks the complete prepared testimony of Mr. S. David Freeman as delivered before the Senate Antitrust Monopoly Subcommittee on May 5, 1970.

Mr. Speaker, I believe there to be sufficient and persuasive evidence that an energy grab by the oil companies in this Nation is upon us. This is very disturbing to me as an individual who has long been interested in energy and power, both as a student and as a naval officer. And this is disturbing to me as a Representative in Congress from a region of the Nation that owes a great debt to TVA power development.

Over the past months and years I have concluded that in its own self-interest and the interest of world peace, the United States must extract itself from the Indochinese war in which we are mired.

I am today unalterably opposed to the unconscionable Indochinese war and I am today, as I was in August 1970 when I gave "The Great Energy Grab" speech, fearful that this Nation will be strangled economically by the oil industry. And today, Mr. Speaker, these two issues have become fused.

Two recent articles in national journals have raised the ugly specter that our boys might be dying in Vietnam to pacify that region in order that our U.S. oil companies can reap the billions of dollars that are projected to result from the exploitation in that area of what may be the greatest oil field of all.

In his article in the March 8 issue of the Nation, Barry Weisberg states:

> With more than 1 million square miles of Southeast jungles and shallow seas, this continental shelf is the largest in the world. Also, it appears to hold the largest deposits of petroleum. A report by World Oil of August 15 predicts "a daily average crude production of 400 million barrels by 1975 from this area." That would be 146 billion barrels a year, or nearly three-quarters of the entire production of petroleum in the world to date!

Mr. Weisberg's article goes on to develop a thesis that the multibillion dollar U.S. oil companies might well have the power to keep us locked into this terrible war to assure their profitable exploitation of this fantastic oil field. Mr. Weisberg concludes his article with a most thought provoking paragraph:

> Recently, anti-war groups in the United States have voiced concern in this area, though the American media have been silent. The Senate Foreign Relations Committee has been receiving several hundred letters a day from citizens who have asked that hearings be held on the relationship between petroleum and the continued American presence in Indochina. Such hearings might ask: Does petroleum wag the tail of the U.S. military in Indochina? Is petroleum the reason we continue to support the highly unpopular Thieu-Ky regime? Does it explain the invasion of Cambodia and Laos? Are people dying in Indochina for noble ideas or the crude profits of oil?

Today, Mr. Speaker, I received a March 13 issue of the New Republic. In it is an article by Prof. Gabriel Kolko, a professor at York University in Toronto, entitled, "Oiling the Escalator, An Economic Incentive for Winning the War?"

In his article Professor Kolko points out that heretofore the Indochinese war has had no economic constituency in the country. I quote from Professor Kolko's article:

> The absence of some immense economic incentive to attain victory and a politically significant economic force to sustain it, meant that Nixon's consistent strategy of protracted air and artillery war in Indochina could not in the long run win political time at home during which to attempt to gain the ever-elusive military dominance in Indochina. This fact was a source of optimism, for never before has the US been ruled without the consent of the electorate *or* the leaders of the key centers of industrial and financial power. Today, however, this sanguine future estimate is profoundly in doubt. For there is now emerging the possibility of a new economic bloc that could dangerously shift a vital portion of a hitherto neutral or hostile sector of big business and banking back into the strongly pro-war camp.

The Kolko piece goes on to describe how David Rockefeller, chairman of the Chase Manhattan Bank, estimated in April 1970 that international oil firms—mostly American—would spend $35 billion in Asia, mainly in Southeast Asia, over the next 12 years.

Professor Kolko develops his theme that oil might be the economic savior of the Saigon government and the provision of a U.S. constituency for the war by stating:

> Nixon has never developed an economic equivalent of "Vietnamization" in the military sphere, a fact Ambassador-at-Large David Kennedy is expected to consider during his visit to Saigon this month. The President's current strategy of indefinitely fighting a protracted air and mechanized war does assume, however, an important reduction of U.S. manpower and costs. Oil investments would partially compensate for this new economic vacuum, and it would gain the Administration what it has hitherto lacked: a politically and economically powerful constituency—the international oil firms—with a tangible vested interest in Indochina puppet regimes and a protracted war to consolidate U.S. hegemony in the region. This constituency, which in this century has been the most important single economic element in influencing the conduct of American foreign policy in the Third World, can operate only where it attains the political prerequisites of economic activity. Since the process of oil development in new areas, from exploration to commercial production, usually takes a decade or longer, in the past U.S. firms have not invested heavily in any region unless Washington has first assured them that their often large investments will ultimately be rewarded.

Mr. Speaker, I believe that it is an absolute necessity that the allegations contained in the articles by Professor Kolko and Mr. Weisberg be openly and thoroughly aired and debated before the Congress of the United States. I urge that our House Committee on Foreign Affairs hold hearings on this vital issue as soon as possible. I hope that the Foreign Relations Committee of the other body will also air these grave allegations before that body.

The issue of the great energy grab by our oil companies has not been raised sufficiently on the floor of the House or in its committees. Over the next months I will speak on the question of energy, its availability, cost, and the anticompetitive aspects of this crucial industry. Following my remarks I ask to include in full the articles by Professor Kolko and Mr. Weisberg.

Mr. Speaker, everyone, or almost everyone, knows that 99 percent of what we do depends on energy resources; 1 percent depends on the power of man's muscle.

We know that a key factor to the wealth and power of the United States and to other nations which enjoy a high standard of living has been the ability of those nations to acquire and harness oil, gas, coal, and hydroelectric potentials so that men can work less with brawn, more as master of the fulcrum that natural energy resources provide him.

The destiny of man cannot be fulfilled either by racial or energy slavery. I believe the world has passed the racial threshold and man is fast approaching the energy threshold. Those who command energy slavery do no better service than the slave masters or slave owners of the blacks two centuries ago. If the world is to survive in peace, or to survive at all, it will be through the reconciliation that no child will be born with less than equitable entitlement to a fair opportunity to utilize God's earth—to multiply his muscle power 100 times in pursuit of his education—his ability to support and feed those dependent upon him—and to seek happiness for himself and his descendants. Racial cleavage and prejudice are passing; energy prejudice and cleavage—unless we change our course—will last as far ahead as we can see. The net result will be continued strife between nations rich in energy resources and those poor in such resources.

Again, Mr. Speaker, the question has been raised—I asked it several weeks ago—to what extent, if any, the prospects of very large offshore oil reserves off the South Vietnamese coast and in other related regions have influenced, do influence, or will influence U.S. military presence and our policy generally toward Vietnam and Southeast Asia. I have been advised by the U.S. Department of Commerce that U.S. oil interests are heavily involved in the negotiations for the various rights involved. It is exceedingly difficult to find out the facts or the policy on this matter.

In conclusion, Mr. Speaker, I want to make it very clear that I do not oppose the large oil companies. They have served this Nation well in peace and war. I welcome the news of any new potential reserves, no matter where located. The world has far too little to meet increasing demands. But the administration and this Congress must insure that the evils of monopoly are fully addressed here at home, and that the oil sources off Vietnam's shore do not bring additional burdens or additional risks of deeper military involvement for the United States. Rather, let us hope that such oil riches as may be found will speed the day of total withdrawal of U.S. military forces, and provide the economic base so desperately needed for that country's reconstruction and self-sufficiency.

A summary of the articles referenced in this statement, and dealing with the subject, are as follows:

"The Great Energy Grab," CONGRESSIONAL RECORD, volume 116, part 21, page 28884, WILLIAM R. ANDERSON;

Testimony of S. David Freeman before the Subcommittee on Antitrust and Monopoly Legislation, Senate Committee on the Judiciary, May 5, 1970;

"Offshore Oil Boom," Barry Weisberg in the Nation, March 8, 1971;

"Oiling the Escalator—An Economic Incentive for Winning the War?" Gabriel Kolko in the New Republic, March 13, 1971;

"Oil: A Hidden Factor in the Indochina War," Paul Cowan and David Gelber in the Village Voice, February 25, 1971;

"The Politics Behind the New Oil Hunt," Business Week, March 6, 1971; and

"Lincoln Pleads for U.S. Energy Plan," the Oil and Gas Journal, January 25, 1971.

The material follows:

THE GREAT ENERGY GRAB

Mr. Speaker, the monopolistic oil industry has embarked on a scheme to ultimately control virtually all raw energy sources in the United States. Such control, if successful, would lead to a strange hold on the entire economy of our Nation because everything we do—everything we produce—depends upon energy. No factory, no store, no home, no transportation system can operate without it. The implications are frightening for the economic well-being and the security of the entire Nation.

What is happening, Mr. Speaker, will be the number one domestic economic crisis of this generation—a crisis resulting from exorbitantly high fuel and power costs coupled with widespread fuel and power shortages. This crisis can lead to catastrophe.

It is hardly necessary to point out that the oil industry is comprised of the most powerful economic giants in the country. Due to high depletion allowances and other forms of protection, they have amassed huge capital assets. But the oil interests are not satisfied with huge profits and control over their own huge industry. Through a powerful and effective lobbying force they have caused our government to impose and uphold extremely low quotas for foreign oil imports. This in itself has been a major factor in moving petroleum fuel prices to an artificially high level and in the creation of severe fuel oil shortages last winter. These shortages are likely to be worse this winter and prices will be higher. The only thing we will have plenty of fuel for will be for the fires of inflation.

Mr. Speaker, let us now talk about coal. Recently the Tennessee Valley Authority announced an earth-shaking 25 to 30 percent rate increase. Between two-thirds and three-quarters of the reason for this gigantic boost is the fact that the price of coal has virtually doubled in a year's time. TVA was paying $4.00 per ton. In July of this year the price was as high as $8.20 per ton and continuing to increase.

Why has the price of coal more than doubled? Is it higher wages, Republican interest rates, the Coal Mine Safety Act, additional reclamation expenses? Only in relatively small part are these the causes, Mr. Speaker. The main reason is that there is an unprecedented demand for coal for domestic power generation and unprecedented increases in exports, mainly to Japan. Coal is in very much a seller's market. Current coal prices bear little or no relationship to costs, but are simply based on charging the maximum the traffic will bear.

But the crowning blow, Mr. Speaker, is that the oil industry is buying up the coal industry a mile a minute and is doing everything possible to market both petroleum products *and* coal at prices which have little relation to production costs. The oil industry is trying to take complete control over the coal industry and the results are proving disastrous.

And another question, Mr. Speaker, what is the Justice Department doing about this? Is this not a clear violation of anti-trust laws? Are not these practices monopolistic in a form clearly detrimental to the public interest? Does the oil industry really care about our national economic well-being? Does it really care about the citizens whose hard-earned dollars create their great wealth? I wonder.

Mr. Speaker, after the oil giants control all the oil and gas and coal, and carefully continue to throttle down oil imports, what is there left? Except for direct application of solar energy and a small hydroelectric generating capacity there are only the nuclear fuels. These fuels are of dramatically more importance today than anyone dared dream just five years ago. The main reason is the fantastic increase in coal prices. This Administration has already, in more ways than one, tipped its hand on what it wants to do with the huge government owned gaseous diffusion uranium production plants at Oak Ridge. It wants to sell them to private industry. Who wants to buy them? The oil industry, Mr. Speaker. Yes, Mr. Speaker, the greedy, public-be-damned oil industry. If the present course of the oil industry continues and their schemes of monopoly are permitted to materialize while this Administration and the Justice Department sit idly by, the Dixon-Yates scandal is going to look like a kindergarten game.

The attitude of those controlling the base energy sources is further reflected in a report in *Business Week* (August 1, 1970, page 22), which stated: "The major oil companies, which control most of the natural gas supplies in the U.S., have made it clear that they are not interested in increasing gas production until it becomes more profitable than other investments they can make. But that could mean a 60 percent increase in the present ceiling prices that producers can charge for natural gas." These same companies control a major portion of the coal reserves, and it is clear from what is happening that the same attitude exists insofar as any effort to increase coal production is concerned.

As a first step in encouraging the Congress to exercise its urgent duties to investigate and act to save the country from this disastrous takeover, I have introduced a Resolution urging and requesting the Committee on Interstate and Foreign Commerce to investigate the high prices of coal. Other actions will follow along related or similar lines.

Mr. Speaker, again I point out, the security of the Nation is at stake. At the present time if a national emergency required large blocks of power on short notice the Nation's electric industry would find it almost impossible to provide it on a sustained basis unless coal supplies are increased drastically. It is unthinkable to permit a continuation of the present trends which severely limit the capacities of the Nation's electric utilities to respond to a national crisis.

TESTIMONY OF S. DAVID FREEMAN BEFORE THE SUBCOMMITTEE ON ANTITRUST & MONOPOLY LEGISLATION

I am pleased to have this opportunity to appear before you in the opening phase of your hearings on the antitrust problems in the energy field. The first phase of your hearings, as I understand it, will concentrate on the electric power industry and my testimony today will therefore deal largely with that large segment of the energy industry.

The Committee is certainly to be commended for undertaking a very important and timely study of the electric power industry. There are several important reasons why a study of the institutional arrangements and competitive forces in the electric power industry should be undertaken at this time:

1. The electric power industry is the nation's largest in terms of capital investment and is capturing a larger and larger share of the energy market each year. A study of the industry focusing on the questions of interest to this Committee is long overdue.

2. Nuclear power is just beginning to become a commercial source of electricity. The fact that it is economically available only in large unit sizes has major competitive implications.

ENERGY COMPANIES

I believe the recent trend toward acquisition of coal companies by petroleum firms should be a subject of concern in light of the possible adverse impact on interfuel competition. This trend has been accompanied by a greatly expanded participation in uranium production by the petroleum industry. Many of the major oil and gas producers have become energy companies.

Interfuel competition can be an effective force for consumer protection in the energy field. There are two markets in which competition may be affected by the energy company trend. One is the fuel for power plants where coal, oil, natural gas, and nuclear power for new plants may compete. The other is the space heating market at retail coal-fired electricity, oil, and natural gas are or may be competitors.

The coal industry, until this recent merger trend, was a completely independent competitive force. Coal is potentially a source of oil and gas and it is perhaps natural and desirable that petroleum companies should begin to acquire coal reserves for future use. Nevertheless, the speed and scale of dominance of the independent coal industry by their petroleum company competitors raises a question of whether the public interest is being best served.

Future production of oil and gas from coal will involve additional competitive considerations. Oil and gas are major competitors at retail, and the present tight gas supply picture is complicated by the fact that most natural gas is produced by integrated oil companies selling fuel oil in competition with independent natural gas distributors. Competition among gas producers and between oil and gas would be more certain in the future if synthetic gas were produced by an independent coal industry supplying gas to independent gas pipelines and distributors, rather than by one where synthetic production was controlled by oil companies.

Only two of the ten largest coal companies are independently owned any longer. They are listed in Table 1. The remaining eight, which account for 42.9% of industry production, are owned by oil companies, other mineral companies, or other large industrial concerns with other stakes in the energy field. These same eight companies with outside ownership opened over 67% of the new mines in the United States in 1968 as shown on Table 2.

It should be noted that few of the coal companies compete throughout the nation. An electric power plant may be served by only one company or a few coal companies operating within economic distance of its plant. The implications to a utility of its sole or primary coal supplier being owned by a firm competing with it at retail are fairly clear.

Data on company ownership and assets and new mining openings are available; data on ownership of economical coal reserves in various regions of the nation are scanty. There is an abundant supply of coal in the ground, but increases in demand, combined with petroleum company acquisitions, raise questions as to the extent of large blocks of economical reserves for utility use that remain on the market in the eastern United States.

Oil companies have also been active in uranium exploration since the early 1950's, although by about 1966 only two were significant uranium producers. In the last several years, oil company interest in uranium exploration has increased markedly. During 1968, oil companies drilled 44% of the exploratory and development footage. In 1969 they drilled 37% of the exploratory and development footage. Of the fifteen significant uranium discoveries in 1969, eight were by oil companies.

Oil companies produced 14% of domestic uranium production in 1969 and as of January 1, 1970 controlled 45% of the known uranium reserves.

I have presented some detailed facts on the trend toward mergers between petroleum, coal, and uranium because I believe it is perhaps the most important antitrust issue affecting electric power consumers. I am not suggesting that any particular merger, past, present, or future, is good or bad. I do believe, however, that we are witnessing a major transformation of the industry with far-reaching consequences that deserves intensive scrutiny by all concerned.

TABLE 1.—OWNERSHIP AND OTHER DATA ON 10 LARGEST COAL GROUPS (EXCLUDING STEEL COMPANY CAPTIVE MINES AND COMPANIES PRODUCING PRIMARILY FOR STEEL INDUSTRY)

Coal company	Ownership	Acquisition date	1968 production[1] (thousands of tons)	Percent of industry production
Consolidation Group	Continental Oil Co.	September 1966	59,885	12.4
Peabody Group	Kennecott Copper Corp.[2]	March 1968	59,811	12.4
Island Creek Group[3]	Occidental Petroleum Corp	January 1968	32,927	6.8
Pittson Group			19,793	4.1
United Electric Coal Companies and Freeman Coal Mining	General Dynamics	Pre-1952[4]	13,055	2.7
Eastern Associates	Eastern Gas & Fuel Association		12,916	2.7
Westmoreland			11,623	2.4
Old Ben	Standard Oil Co. of Ohio	August 1968	9,923	2.1
Ayshire	American Metal Climax	November 1969	9,254	1.9
Pittsburg & Midway	Gulf Oil Corp	September 1963	9,250	1.9
Total			238,437	49.4

[1] Bituminous and lignite.

[2] Federal Trade Commission is challenging this merger.

[3] Includes Maust Coal and Coke, which was acquired by Occidental in March of 1969.

[4] Main holdings apparently acquired in a merger with Electric Boat in 1952, but percentage ownership increased in 1963 and in 1966 (to 100 percent).

Note: Based on an industry total of 484,000. This total excludes 61,000 of captive production by the steel industry, since captive companies are excluded from the table. However, the production figures for individual companies may include some production for the steel company market.

TABLE 2.—NEW MINE OPENINGS BY LARGE COAL COMPANIES

Coal company	Ownership	Percent of 1968 industry production[1]	Percent of new capacity[2]	Number of new mines
Consolidation	Continental Oil	12.4	6.8	1
Peabody	Kennecott Copper	12.4	29.5	5
Island Creek	Occidental Petroleum.	6.8	12.5	3
Pittson		4.1	0	0
United Electric and Freeman	General Dynamics	2.7	0	0
Eastern	Eastern Gas & Fuel	2.7	5.1	1
Westmoreland		2.4	0.4	1
Old Ben	Standard Oil of Ohio	2.1	0	0
Pittsburgh & Midway	Gulf Oil	1.9	2.3	1
Ayrshire Collieries	American Metal Climax.	1.9	11.3	2
Total		49.4	67.9	[3]14

[1] Same as table 1. Industry total excludes captive steel company production.

[2] Percent of new capacity in coal mines of over 500 tons daily capacity announced, opened, or placed in development during 1968. See table 3. Inclusion of smaller mines would reduce the percentages but probably not significantly.

[3] This is 44 percent of the 32 new mines included in the tabulation.

[From the Nation, Mar. 8, 1971]

SOUTHEAST ASIA: OFFSHORE OIL BOOM

(By Barry Weisberg)

(NOTE.—*Mr. Weisberg, co-director of the Bay Area Institute, San Francisco, has written widely on the political economy of petroleum, and is the editor of* Ecocide in Indochina *(Canfield Press, a department of Harper & Row.)*

SAN FRANCISCO.—On December 1, the Thieu-Ky government issued Public Law No. 011/70 regarding the "Exploration and Exploitation of Petroleum and related taxation, fees and exchange regulations." This law gives the official go-ahead for negotiating offshore leasing arrangements between South Vietnam and twenty-one contending petroleum companies, mostly American. Extensive American petroleum exploration in Indochina and South Vietnam has been conducted for more than two years under the auspices of the United Nations Economic Commission for Asia and the Far East (ECAFE).

The eighteen offshore South Vietnamese concessions are in the Gulf of Thailand and the southeast offshore region adjacent to the penal colony of Con Son. Saigon will offer the concessions on a "best offer basis," allowing great flexibility on the part of the contending petroleum companies. The specified tax rate of 55 per cent can be lowered by official decree to 45 per cent or raised to a maximum 65 per cent, but not retroactively.

In addition to the offshore areas, prospecting has also occurred in the rich Mekong River Delta and on the alluvial plains of Thailand. Potential petroleum deposits have been detected along a continental shelf that connects Japan, Indochina, Indonesia and Australia. With more than 1 million square miles of Southeast jungles and shallow seas, this continental shelf is the largest in the world. Also, it appears to hold the largest deposit of petroleum. A report by *World Oil* of August 15 predicts "a daily average crude production of 400 million barrels by 1975 from this area." That would be 146 billion barrels a year, or nearly three-quarters of the entire production of petroleum in the world to date!

America has a long-standing interest in the natural resources of Southeast Asia. In 1965, Henry Cabot Lodge, then U.S. Ambassador to South Vietnam, stated: "He who holds or has the influence in Vietnam can affect the future of the Philippines and Formosa to the East, Thailand and Burma with their huge rice supplies to the West, and Malaysia and Indonesia with their rubber, oil, tin to the south."

The rise of American economic investment in all of Indochina was made explicit on November 11, 1969 in a statement by the U.S. Ambassador to Thailand before a Congressional hearing: "There is one very large development that may take place. Nobody knows at this point whether it will prove out or not. That is the oil exploration going on in the Gulf of Thailand. . . . Now if that develops, it of course will be a very major additional investment in the country." Since the coup of Gen. Lon Nol and the U.S. invasion of Cambodia, Khmer-Thai economic negotiations have increased substantially. They center on a common plan for petroleum exploration.

It appears that recent military escalations in Cambodia and Laos coincided with the actual determination of petroleum deposits in Indochina. A story sent out by the wire service Agence France-Presse on February 7, 1971 states: "The very recent discovery of important oil deposits in Thailand and South Vietnam explains in great part, according to reliable sources in Moscow, the resurgence of military activities in Indochina, particularly the recent events in Laos. . . . One cannot know precisely when the existence of the deposits became known to the Americans, but according to the same sources, one cannot discard the possibility that decisive information on this subject was obtained before the unrolling of events in Cambodia, last spring." Jacques Decornoy, Southeast Asian editor for *Le Monde*, wondered on January 8, "Have the oil companies perhaps received some solid assurances from Washington concerning the willingness of the United States to 'hold' Indochina, and South Vietnam in particular?"

American petroleum investment in Southeast Asia is already extensive. Standard Oil and Shell have been investing in the region for more than fifty years. At present, offshore oil concessions dot a map of Southeast Asian waters, and by the end of 1971 Indonesian petroleum production is expected to reach 1 million barrels a day, with American interests dominating 80 per cent of production. U.S. investment in Indonesian oil has sprinted from $100 million in 1969 to $130 million in 1970 and is expected to climb to $160 million in 1971. Pertamina (the national Indonesian petroleum company) has negotiated more than twenty-eight production and exploration contracts with foreign companies, seventeen of which are American.

More than $100 billion worth of military spending has been poured into South Vietnam in the last twenty years, with another $4 billion going to Saigon in non-military aid. The extensive network of highways, harbors, railroads, airports and communications provides an ample foundation for an oil rush to Southeast Asia. David Rockefeller of the Chase Manhattan Bank estimated last May that American oil firms would spend $35 billion on petroleum in the western Pacific over the next dozen years.

To date there have been five major petroleum finds on the shelf, one by Royal Dutch Shell and four by American companies; Atlantic Richfield (which pioneered the Alaskan North Slope discovery), Cities Service and the Union Oil Company and Natomas of California. Aside from Indonesian waters, there has been a rush to the Gulf of Thailand and Malaysia with continued attention to the coastal waters of South Vietnam.

The Wall Street Journal of September 22, 1970 reported rumors that Standard Oil of New Jersey (Esso) had discovered oil in its 28,000-square-mile concession off the coast of Malaysia, directly adjacent to the South Vietnamese blocks. Esso has made no announcement, realizing that news of the find would greatly boost the South Vietnamese bidding. However, it opened a greatly enlarged petroleum refinery in Singapore on February 19. A U.S. Embassy official in Singapore, base for the burgeoning petroleum operations of Southeast Asia, suggested: "We've had all the feelings of an oil boom here in Singapore already. But with the recent chaos in the Middle East the oil moguls must be frantic now to get more firmly into Southeast Asia."

One cannot grasp the importance of the current oil rush to Southeast Asia without reference to the larger international petroleum picture and the Middle East. The predictions are that within the next ten years the industrial world will consume as much petroleum as was produced in the entire previous history of oil. In the past decade Western Europe has tripled its consumption. France annually increases consumption by 17 per cent and Japan by 13 per cent, while the United States averages about 6 per cent. However, although the United States both produces and consumes more petroleum than any other nation, it is comparatively self-sufficient. The annual production here is now three times that of any Mideast nation. Imports account for 20 per cent of our consumption, but they are largely Canadian and then from Venezuela, with only 3 per cent of the supply coming from the Mideast. By contrast, the six Common Market nations import 63 per cent and Japan 90 per cent—mostly from the Middle East and Africa.

With the closing of the Suez Canal, oil-consuming nations have been paying an additional $1 billion annually for increased tanker costs. In this context, one understands the importance of the recent controversy in Tehran between the ten-member Organization of Petroleum Exporting Countries (OPEC) and the American petroleum companies. As Walter J. Levy suggested in December at the OPEC meeting in Caracas of the new tax and price demands, "It is most foreboding in terms of Western economic and strategic interests. There is the definite potential that producing nations will take unilateral control over the pricing and taxation of all foreign production. If so, the consuming nations are in for a crude awakening." The recent settlement by the six Persian Gulf states, and the settlements with Libya, Algeria, Venezuela and Indonesia yet to be negotiated, may well cost petroleum companies an additional $5 billion a year.

While the United States is not dependent upon Mideast supplies, American companies control 59 per cent of the oil in the Mideast, which is sold to the oil-hungry nations of Western Europe and to Japan. The American balance of power in the Pacific depends in part upon Japanese reliance on American petroleum supplies. The Japanese have declared their intention that by 1985 at least 30 per cent of oil imports should be brought in by Japanese-owned resources, but American companies own substantial interest in Japanese firms. Recently, negotiations for oil and gas have increased between the Soviet Union and Japan. The Soviet oil and gas discoveries in the Siberian Arctic, convenient to Japan, are no doubt an important spur to American exploration and development in Southeast Asia. Soviet supplies will more than likely dwarf Alaskan finds and, given current North Slope delays, might easily compete for the Japanese petroleum market.

Ecologically, Southeast Asian crude is important because of its extremely low sulfur content—less than two-thirds of 1 per cent. The Administration is contemplating a tax on the sulfur content of fuel, and there is thus reason for the industry to call low-sulfur fuels "sweet."

These events will no doubt shape the destiny of the entire Pacific Basin. Petroleum today represents 70 per cent of all U.S investments in Third World nations. This explains a statement by *The Washington Post* on October 4, 1969: "What happens in the board rooms of Standard Oil or Gulf may be of more interest and more permanent consequence to a country . . . than what happens on the seventh floor of the State Department."

Recently, anti-war groups in the United States have voiced concern in this area, though the American media have been silent. The Senate Foreign Relations Committee has been receiving several hundred letters a day from citizens who have asked that hearings be held on the relationship between petroleum and the continued American presence in Indochina. Such hearings might ask: Does petroleum wag the tail of the U.S. military in Indochina? Is petroleum the reason we continue to support the highly unpopular Thieu-Ky regime? Does it explain the invasion of Cambodia and Laos? Are people dying in Indochina for noble ideas or the crude profits of oil?

[From the New Republic, Mar. 13, 1971]

OILING THE ESCALATOR

(By Gabriel Kolko)

One of the most remarkable aspects of the U.S.'s decade-old intervention in Indochina is that it never developed an important, specific economic constituency that could only lose from total American withdrawal. On the contrary, the monumental impact of the war on inflation at home and the U.S.'s world monetary position made the war increasingly a danger to a profitable, cohesive social order. Aerospace contracts and dividends fell, and even napalm producers had no special interest in their deadly merchandise being employed in Indochina as opposed to some other hapless nation. Raw materials, a factor to which the Eisenhower Administration paid some (but by no means exclusive) attention when it decided to support the French, were predominantly in the neighboring states rather than Indochina itself. If the domino theory required saving every link in the chain for fear of losing it all, there was always reasonable doubt whether that dubious analogy adequately explained the nature of agrarian revolutions and Southeast Asia's inexorable fate. By 1968 the economic, military, and social costs of defending that doctrine appeared far too high not just to tens of millions of Americans but to a growing number of major business and financial leaders who endorsed the principle of U.S. withdrawal in one fashion or another.

The absence of some immense economic incentive to attain victory and a politically significant economic force to sustain it meant that Nixon's consistent strategy of protracted air and artillery war in Indochina could not in the long-run win political time at home during which to attempt to gain the ever-elusive military dominance in Indochina. This fact was a source of optimism, for never before has the U.S. been ruled without the consent of the electorate or the leaders of the key centers of industrial and financial power. Today, however, this sanguine future estimate is profoundly in doubt. For there is now emerging the possibility of a new economic bloc that could dangerously shift a vital portion of a hitherto neutral or hostile sector of big business and banking back into the strongly pro-war camp.

Indochina's main blessing, ironically, was that while it was known to be rich in agricultural commodities, until 1968 too little was known about its other resources to make it appear worth the costs to profit-oriented businessmen. For some years, however, American oil firms regarded Vietnam's offshore oil potential as promising. Only at the end of 1968, under the nominal auspices of the UN's Economic Commission for Asia and the Far East (ECAFE), what proved to be "highly successful" oil explorations began off Vietnam's southwest coast. By the following spring, still sponsored by ECAFE but with US funds, the oil search then led to a 4000 mile seismic survey of the eastern and southern Vietnamese coast and the data were sold to an unidentified group of predominantly American firms.

This fruitful beginning took place as an oil bonanza atmosphere was building up throughout the East Asia offshore region, and as the US Navy's experts announced that the vast shallow areas running from Korea to Thailand might contain "potentially one of the most prolific oil reserves in the world." The oil was especially precious because it has a very low sulfur content, making it far less of a pollutant. By November 1969, when Leonard Unger, Ambassador to Thailand, testified to the Senate Committee on Foreign Relations, he casually mentioned "one very, very large development that may take place" in Thailand: six oil firms, five of them American, were busy exploring offshore with "pretty good hope of finding something."

Amidst growing industry predictions of a "bluechip boom" for oil everywhere in Southeast Asia, "creating an atmosphere reminiscent of the Alaska-Yukon gold rush," to quote *Fortune*'s survey of the topic in March 1970, undiscussed incentives for military-political victory in Indochina were growing. The following month, David Rockefeller, chairman of Chase Manhattan Bank, estimated that the predominantly American international oil firms would spend $35 billion in Asia and the Western Pacific, mainly Southeast Asia, over the next 12 years. Meanwhile, further US explorations off Vietnam continued and estimates of immense future output in the region became more and more common. As the editor of *Petroleum Engineer* summed it up last June, "The projected work pace for all of Asian Pacific could turn out to be woefully conservative, depending on how long it takes to settle the war against the communists in Vietnam. If and when the US wins its objectives there, oil exploration conceivably could be successful enough to turn that part of the world into another South Louisiana-Texas-type producing area. This would be one of the biggest booms in the industry's history. It all depends on the Vietnam war, how long it takes to get the job done and how well the job is done."

The discovery of oil near Vietnam comes at a time when non-Far East producers are in the process of extracting higher royalties, the US has narrowly averted a fuel shortage, and the pollution crisis has led the Administration to consider taxing the sulfur content of oil. Today the US imports over one-fifth of its oil supply, but by 1985, reliable industry sources claim, imports could reach one-half the national consumption. "We are a great country largely because of our supply and use of energy," George A. Lincoln, chairman of Nixon's Oil Policy Committee stated earlier this year; "Without control of that energy supply, we could become a Samson shorn of his locks." Never has the incentive for the US to control a politically reliable, major petroleum region been greater. If Southeast Asia is to play that role, then the implications for the outcome of the war are monumental.

At the same time, Saigon has been locked in an insoluble economic crisis which has grown consistently worse since 1968. Inflation and speculation, which last fall's piastre devaluation only momentarily slowed, has continuously undermined the regime's authority and following in the urban areas, threatening to duplicate the Chinese experience of 1946–49 when Chiang possessed nominal physical control while the socio-economic fabric of society unravelled around him. The artificially stimulated and highly fragile urban sector is today largely dependent on a high rate of US military expenditures.

Nixon has never developed an economic equivalent of "Vietnamization" in the military sphere, a fact Ambassador-at-Large David Kennedy is expected to consider during his visit to Saigon this month. The President's current strategy of indefinitely fighting a protracted air and mechanized war does assume, however, an important reduction of US manpower and costs. Oil investments would partially compensate for this new economic vacuum, and it would gain the Administration what it has hitherto lacked: a politically and economically powerful constituency—the international oil firms—with a tangible vested interest in Indochina puppet regimes and a protracted war to consolidate US hegemony in the region. This constituency, which in this century has been the most important single economic element in influencing the conduct of American foreign policy in the Third World, can operate only where it attains the political prerequisities of economic activity. Since the process of oil development in new areas, from exploration to commercial production, usually takes a decade or longer, in the past US firms have not invested heavily in any region unless Washington has first assured them that their often large investments will ultimately be rewarded. This understanding is almost always explicit, and it is a better measure of the US's long-term intentions than any speech or platitude.

Washington has avoided specifying the exact type of economic order it wishes in Indochina, but the Asian Development Bank's recent report on the future of Southeast Asia in this decade offers some basic themes appealing to the Japanese-American alliance that controls it. Essentially, the Bank stresses the need to develop the raw materials export sectors via foreign investment, to modernize agriculture, and to fit Southeast Asia into into a regionally integrated capitalist economy based preeminently on Japanese and Australian needs. The Bank explicitly recognizes this will require a "Korea solution" to the war, a solution the US would attain by reducing combat and its forces to a residual army of 25,000 or more until at least 1971. Such an Indochina, of course, completely prejudges the political and economic outcome of the war in favor of the present Saigon regime or something akin to it. So would a massive influx of US capital. It would also reveal, more candidly than its words, that the Administration has no intention of withdrawing from a major role in guiding the future affairs of Indochina and that, on the contrary, it is establishing a permanent presence. That role would require many years of combat and economic and human expenses—only eventually to end in failure.

The Thieu-Ky regime has grasped the significance of these possibilities and in recent months has adroitly attempted to deepen the the American stake in its future as well as solve the potentially fatal economic illnesses it now confronts. During the summer of last year Saigon divided its offshore waters into 18 immense blocks and then rewrote its investment laws to facilitate foreign entry on terms that will tempt even the most cautious investors. Last December 1 it issued a new oil law containing tax rates far lower than prevailing world standards, and it embarked on a public relations campaign to make what was admittedly a very promising situation look like, to quote Saigon sources, "one of the most spectacular oil deposits in the world." Explicitly releasing it in the context of an attack on a coalition-government solution to the war, Saigon has also just published *Doing Business in Vietnam* and is distributing it free in the US. It has successfully fed the speculative fever by announcing that individual firms have been attempting to obtain special rights, and far exceeded even foreign optimists in promising alluring riches. Then, at the end of December Saigon authorities declared they would begin accepting tenders for leases at the end of February, and within a month at least 22 firms—predominantly American—were in Saigon ready to offer bids. As Thieu's men never tire of pointing out, whether American business will reap the harvest depends on a regime ready to cooperate with the US on most generous terms. Such a government precludes both a political settlement to the war and American withdrawal.

Although we cannot know the exact encouragement the Nixon Administration has given the oil firms, save via a congressional inquiry, outside the U.S. there has been growing concern regarding this new and subtle phase of the war. In early January, Jacques Decornoy in *Le Monde* outlined the contours of the development and candidly asked what assurances Washington had given the oil firms. At the same time, the Sihanouk government denounced Phnom Penh's important new concessions to the Thais and U.S. oil firms, and Stockholm's respected *Dagens Nyheter* at the end of January also linked the published economic facts to their obvious political dimensions, speculating that Washington must have urged the oil firms to gamble on Saigon. Then, on February 7, Agence France Presse's Moscow correspondent reported a Soviet official assessment which assigned to the discovery of oil a large role in shaping U.S. policy in Indochina since early 1970. And at the end of the month, the Provisional Revolutionary Government announced that it would not recognize Saigon's oil concession. So far, no major American news outlet has yet deigned to analyze the political significance of oil in Indochina.

Should Congress, the press, and the people eventually consider the implications of massive oil investments to the future of the war, its first effect will be to expose further Nixon's claims to favor U.S. withdrawal, for economic penetration will require what is tantamount to a U.S. colony and a war that can only escalate without hope of an end. No doubt those who oppose the war will press for a ban on U.S. investments that the Administration can only protect at the cost of future massive expenditures of Vietnamese and American blood. And it is likely that oil firms that take leases will find themselves replacing the napalm manufacturers as the object of the antiwar movement's wrath—a fact that will be of more material consequence as young people become angrier and more desperate. If major oil firms decide the war is still worth the gains, and actively back Nixon's undertaking, then the balance of political forces within the U.S. will be very different than in March 1968 when, according to Townsend Hoopes' account, major financial and industrial interests prevailed on President Johnson not to further escalate manpower in Vietnam for fear of aggravating the already sagging health of the economy and society.

We are now on the verge of a development that could transform a war that was initially based less on tangible considerations of economic gain than it was on ideological and strategic assumptions that had only a quite indirect economic component. Should economic spoils replace the desire to maintain a credible military image and contain revolution as the source of American conduct in Indochina, adding a powerful new domestic constituency to Nixon's present fragile, emotional following, the dangers confronting antiwar forces and the peace of Indochina and the world may prove incalculable.

[From the Village Voice, Feb. 25, 1971]

OIL: A HIDDEN FACTOR IN THE INDOCHINA WAR

(By Paul Cowan and David Gelber)

It now seems as if oil might be a hidden factor in the Indochina war—if not in provoking the fighting, at least in prolonging the United States' commitment. We have learned that the major U.S. oil companies plan to bid for concessions off the shore of Vietnam within 60 days, and that the U.S. government has apparently assured them that their investments will be protected.

The American media has so far remained almost mute on the issue of the U.S. offshore oil investments in Southeast Asia, though they extend from Indochina through Indonesia to New Guinea. In trade journals and the Western European press, however, the story has been prominently covered. Until now there has been no corroboration from government or industry sources that the U.S. government has paved the way for investments by providing critical assurances to the oil companies. In wide-ranging interviews last week with generally reluctant spokesmen, we discovered that the Nixon administration has indeed promised the oil industry some combination of political, military, and financial support to protect its high-risk enterprise.

We have seen no documents; there may not be any. We cannot say precisely how the government will protect the oil, though one middle echelon official in a major oil company told us he had heard the project discussed in several of his firm's meetings "and I think the assurances involve continued U.S. military involvement in Vietnam, some way, somehow." But whether the emphasis is on the hard assurance of military support for oil exploitation or, simply, in the form of an insurance policy against the risk of expropriation, the inescapable conclusion is that the U.S. government has become even further committed to an open-ended involvement in Vietnam.

Here is what we have learned:

Since the early 1950s the major U.S. oil companies have suspected that the waters off the coast of Vietnam, and throughout the South China Sea, contain one of the richest deposits of offshore oil in the world. At that time, "we decided to put the area 'in the drawer' until it achieved political stability," an official at a major oil company told us. In the 1960's a series of probes by independent exploration teams, and one by a UN-sponsored crew, converted the possibility of oil into a near certainty, but the oil companies didn't invest until 1970, "when it was peaceful enough to do some work." That assessment was not theirs alone. Sometime last year the oil companies received their assurances from the U.S. government.

Such assurances would be a "critical" prerequisite to any oil company commitment in Vietnam, we were told by a source in the executive branch of the government. They would most likely have come from Henry

Kissinger or William Rogers, he said. (Like many people we contacted he was willing to talk but unwilling to be identified, so we are forced to attribute his comments in journalese.)

The assurances seem to have been conveyed through informal conversations, not through written documents. Indeed, any formal arrangement might have violated the anti-trust act, the oil company official said, "but you can be sure discussions took place." The assurances were political, military, and financial, but since the officials who described them to us were middle-level bureaucrats, who knew the story primarily from the point of view of their own organizations, it is not clear which of the three factors received the greatest emphasis. But that doesn't really matter. The impression we got from our interviews is that most officials connected with the war are now confident of victory, and ready to enter a new long-term commitment to Vietnam.

"To do business offshore you need to be able to drill, to recover oil, and bring it back to a terminal point," said the oil company official, whose firm will almost certainly be one of the leading investors in the Vietnamese fields. He told us the assurances were military. "You can't be worried about enemy attack when you've made the kind of huge financial investment this kind of work requires."

If there is as much oil in the water as preliminary seismic probes suggest, he said, then each major company will invest several billion dollars in the exploitation. "Off the record speaking for myself," he said, "I think a top secret commitment was made in Washington that involves continued American military presence in Vietnam until the oil is drilled." He was obviously disturbed about the development.

But strictly military assurances are impossible to enforce according to Craig Wilton of the Chemical, Petroleum, and Rubber Division of the Commerce Department. "How can you stop an enemy from putting a 10-pound charge of dynamite on a pipeline and blowing the thing to bits?" Wilton's main concern was for political guarantees. He listed countries in which revolutions or coups d'etat had caused violations of contracts signed with the United States—countries like Libya, Bolivia, and Peru. He suggested that to protect themselves in Vietnam the oil companies had insisted upon, and received, assurances that the Thieu-Ky regime, or a government with a similar attitude towards the United States, would remain in power for the time the oil companies needed to complete their work in the off shore fields. He made Vietnam's future sound something like Panama's present.

Richard Palmer, a spokesman for the government-sponsored Overseas Private Investment Corporation, told us last Friday that preliminary discussions have already taken place between OPIC officials and the oil companies planning to bid on the South Vietnam fields. OPIC is empowered to provide "specific risk insurance" against the possibility of expropriation or physical damage inflicted by a hostile force. "At the present time," he said, "we have no prejudice one way or the other on the question of insuring oil investments in South Vietnam." Just last week Palmer sounded more negative, telling Steve Bookchester of WBAI that OPIC "would not now" insure the oil investment.

A leading international banker, familiar with Southeast Asia, told us, "If the insurance is available I would advise the oil compaines to make the investment."

The bidding for concessions in Vietnam's waters is supposed to begin within 60 days. Originally, the bids were to have been submitted this month, according to Wilton. They were delayed only because two of the most deeply committed companies, Gulf and Mobile, wanted the South Vietnamese government to clarify the legislation that will cover the offshore tracts.

Some people we interviewed about the Vietnamese oil say the deposit there is relatively unimportant because it's probably smaller than the one in Indonesia (U.S. companies began to prospect shortly after Sukarno was overthrown). But oil industry trade journals, which are buoyant with the news of Southeast Asia's offshore deposits, blur that distinction. They describe a "lake of oil" which stretches from Indochina through Indonesia to New Guinea. One U.S. geologist predicts that by 1975 the area will be ready to produce 400 million barrels daily, more than is now produced in the entire Western world. A United Nations team reported that the Southeast Asian deposits might be many times greater than those in the Middle East.

U.S. diplomats and investors share the optimism. In November 1969, the U.S. Ambassador to Thailand Leonard Unger, informed the Senate Foreign Relations Committee that "there is one very, very large development that may take place (in Thailand). . . . That is oil exploration." In April 1970 David Rockefeller predicted to an Asian financial forum, sponsored by the Chase Manhattan Bank and held in Singapore, that oil companies would invest $35 billion in Asia and the Western Pacific over the next 12 years, most of it in Southeast Asia.

It is clear that the turbulence in the Middle East, particularly the 1969 nationalization of the Libyan oil fields, has induced the major oil companies to concentrate on the offshore fields of Southeast Asia. Last week's agreement of the Organization of Petroleum Exporting Countries (OPEC), which guaranteed poor countries an unprecedentedly large share of the oil industry's profit, provided an additional impetus to invest in Asian countries, which offer some of the most generous rates in the world. And the fact that Southeast Asia's offshore oil is ecologically sound, with a low sulfur content, makes it extremely attractive. That is especially true because of its proximity to Japan, the world's fastest-growing economy and its most polluted nation, which is now almost totally reliant on the high-sulfur Middle Eastern oil.

But such specific speculations, like the debate over which Asian country contains the largest oil deposits, tend to fog the most important political conclusion that the developing boom provokes. It is that if the area is indeed rich with oil, then the domino theory makes sense economically if not politically. The major oil companies need friendly governments in the area in order to protect their enormous investments. (And the problems the oil companies have had in Africa, the Middle East, and Latin America may mean that their definition of friendly governments in Asia is stricter than ever.) Certainly they must feel that a hostile force in one country means a threat of sabotage throughout the region.

If the major oil companies have suspected the existence of rich deposits off Southeast Asia's waters since the early 1950s, and kept the region "in the drawer" until the past few years, then it stands to reason that they must have tried, during the past decade, to lobby for a U.S. foreign policy that would guarantee them stability. That suggests that oil may have always been a factor, in the United States' Southeast Asia policy, though probably not the primary factor. For these powerful companies make voracious demands on the world, as this paragraph from a statement from Gulf Oil suggests:

"During the next 10 years the oil company is going to have to invest more than $200 billion to provide for the growing demand for petroleum. . . . Free world demand is expected to increase by some 25 million barrels per day. That means . . . the industry will have to discover about 40 billion barrels of new oil reserves each year, build the equivalent of another 900 of the 100,000-ton tankers, and construct 250 new refineries, each with an average capacity of 100,000 barrels per day. Since it is estimated that exploration in the U.S. will provide only a small fraction of these requirements, the majority of these oil reserves must be found elsewhere."

Both of us doubt that the United States is anywhere near as sure of winning the war as our sources in the oil industry and the government seem to believe. One oil man we spoke to, whose firm is not yet involved in the Vietnam bidding, stated that reservation with bewildered force. Because of the risk involved, he said, the investment "is the damn stupidest thing the oil industry has ever done. If Nixon is serious about troop withdrawal, then the Viet Cong will sabotage pipeline after pipeline. If he's not, then the public will have the image of U.S. soldiers guarding American oil fields, and that will be disastrous for our public relations."

What is the role of the Vietnamese government in the prospective boom? Some of the people we spoke to, whose companies and publications had only glanced at the situation, suggested that the initiative for the bids must have come from them. They may have put the concessions on the market now, hoping to force the companies to speculate. Certainly they have everything to gain from the sale of oil rights. It could pour more money into the country's sickly economy and win a stubborn hawkish stance from a major U.S. industry. There is certainly a corrupt Vietnamese oligarchy, already rich from U.S. aid, who now must plan to share oil profits with U.S. businessmen and U.S. government officials. Indeed, the Southeast Asia oil boom could be the new Teapot Dome scandal.

Crucial questions need to be answered. Nixon has everything to gain by encouraging the nation's most powerful industry to increase its interest in the Indochina war. Precisely what has he promised them? Alternately, to what extent has the oil industry prodded a heightened U.S. commitment to the governments of Southeast Asia?

Except for minor notices, usually relegated to the business page, the mass media has generally ignored this story. A tv network which did take note of the Vietnamese oil situation conveyed the impression that the oil companies in Vietnam are engaged in an international goodwill enterprise. In fact, oil companies in the Third World invariably created air-conditioned hotels, gaudy restaurants, and spectacular wealth for the native oligarchy—the overlay of false wealth which cloaks retarded social and economic development. And now Saigon, bulging with three million displaced farmers, victims of American military technology, is slated for salvation by the business wing of the American technological elite: the men who created Singapore, Beirut, Caracas, and, one might add, Dallas.

It is, of course, not just the future of Saigon that's at stake. Oil takes years to extract; we must consider the possibility that the Indochina war will last a decade more at least. In preparing this article our information has been fragmented, our sources limited and, for the most part, middle echelon. The issue demands an intensive investigation by Congress as well as by the mass media, with its world-wide resources. If major American companies are preparing to make huge investments in Vietnamese oil, we must know who's behind that development, why, and for how long.

[From Business Week, Mar. 6, 1971]

THE POLITICS BEHIND THE NEW OIL HUNT

One message emerges loud and clear from the din over the recent sharp increases in the crude oil price set by countries throughout the Middle East and North Africa: The international oil companies must expand their search for new reserves—and do it fast—if they are to deal more strongly with producing nations in the future.

In a sense, the search is more political than geological. There is little chance of discovering enough new oil to replace the huge Middle East pool—about two-thirds of free-world reserves. But companies must make the effort, no matter how costly, in order to redress the overwhelming bargaining strength of the Persian Gulf and North African producers, who are demanding an ever larger share of revenues from their oil.

The North Africans, in addition, are exerting still another kind of pressure. Algeria is in the midst of nationalizing the assets of French companies after earlier seizing those of U.S. and other foreign concerns.

In neighboring Libya, the companies are negotiating higher prices that also will raise oil export rates at other points in the Mediterranean. If the companies fail to meet its demands, Libya may follow Algeria's lead and nationalize its oil industry.

POLITICS

Exploration, however, presents its own dangers. Nearly everywhere they turn, the oil companies will run up against new political and economic problems. Peace groups claim that oil company activities in Southeast Asia are one big reason that the U.S. government doggedly continues the Indochina war. Peace groups have charged that the Administration recently made secret assurances to the oil companies that their Asian investments would be protected. So the cost of future exploration will undoubtedly be high, whatever the measure—financial, logistical, or political.

Even after they have made huge outlays for new discoveries, moreover, the companies will have no guarantee that they can get their crude to market. Seven U.S. and British oil companies, for instance, have poured about $1.5-billion into developing Alaska's vast North Slope fields since 1968. But they have yet to sell commercial quantities of oil because of battles over the potential damage to the Alaskan wilderness from a pipeline.

The high cost of drilling for oil in the Arctic and offshore is even upsetting the oil industry's longtime practice of relying on internally generated money to finance exploration. Recently, the biggest, most conservative oil giants have joined the corporate swingers in devising ways to raise cash. For example, Standard Oil Co. (N.J.) recently placed $100-million worth of notes and debentures in Europe. Part of the proceeds, the company admits, will go to stepping up exploration.

A payoff. Regardless of cost and obstacles of the big oil hunt, oilmen are convinced that it will pay off. "No geologist is predicting another Persian Gulf," says Michael B. Morris, vice-president for Eastern Hemisphere petroleum exploration at Continental Oil Co. "But the search is so intense that we are going to find numerous sources smaller than that around the world."

One area getting much attention is the North Sea. The reasons are simple. First, the so-called Shetland Basin lying beneath part of the North Sea has a geologic structure similar to areas that have yielded most of the world's oil production. Second, Europe is almost totally dependent on precarious oil supplies from the Middle East and Africa. Therefore, any commercial crude production from next door in the North Sea is going to have assured, profitable outlets.

"You are close to your markets," says Conoco's Morris. "And just as important, the politics are stable."

After five years of exploration and pouring in about $1-billion, the oil companies are finding oil as well as natural gas in the North Sea. Last summer, a group led by Phillips Petroleum Co. struck the sea's first big oil field 185-mi. southwest of Norway. Dubbed the Ekofisk field, that find later was extended with another field. Phillips now figures that it can produce 300,000 bbl. of oil a day from its Norwegian fields—equal to about 8% of Britain's daily oil consumption.

Like Alaska's North Slope, however, there will be problems in getting the oil out. Norway wants to have the oil moved to its ports first before it is trans-shipped elsewhere. But building a pipeline from the Ekofisk wells to Norway would be nearly impossible because of a deep underwater valley running along the Norwegian coast.

Instead of the line to Norway, the Phillips group proposes to begin tanker loadings at sea, and move the crude directly to major European markets. When the Phillips group brings Ekofisk into full production, it would then build a pipeline either to Britain or the Netherlands.

Arabesque. While the argument over where to land the oil goes on, Norway is beginning to put up some financial obstacles, too. In fact, some oilmen are saying—only half in jest—that the Norwegians are acting like Arabs in handling oil matters. "We cannot reduce ourselves to the passive role of mere royalty collectors," declares Thorvild Aakvaag, director of the oil division of Norsk Hydro, the big Norwegian industrial combine, and a Phillips partner in the Ekofisk fields.

In the matter of collecting royalties, Norway certainly is showing stripes worthy of a Middle Eastern oil skeikhdom. When it first granted exploration rights in 1965, Norway pegged its share of the take at 56% of the next net profits from future commercial production. In 1969, the take was raised to 62%. And now that commercial output is close, the government is talking in terms of 70% to 80% of net profits in new concession contracts.

South of Ekofisk, though, Norway is beginning to get some competition in the North Sea oil sweepstakes. Last fall, a group led by Tenneco discovered commercial quantities of oil off the Netherlands coast, and shortly afterward a British Petroleum consortium opened a new field in British waters.

The whole North Sea area is expected to produce about 1-million bbl. of oil daily within a few years.

In Africa. Elsewhere, the potential for new oil discoveries is getting better, too. Since the end of its civil war, Nigeria has come back into the spotlight with a string of new discoveries, mostly offshore. That African nation has raised its production to 1.3-million bbl. daily, and the rate is expected to soar to 5-million bbl. daily by the late 1970s. Companies such as Continental and Gulf Oil Corp. are fanning out into the interior and along the West Coast from the Spanish Sahara to the Congo.

But of all the hot oil search regions in the Eastern Hemisphere, the island chain of Indonesia and surrounding ocean is perhaps the most tantalizing of all. "The South China Sea is going to be one of the biggest oil production areas in the world in the next few years," predicts Conco's Morris.

Already, the Indonesian archipelago is producing around 900,000 bbl. of oil daily, by far the biggest output in Southeast Asia. Recent strikes there could boost the output to about 2-million bbl. daily in two or three years.

To get in on the fast action, a raft of both large and small companies have signed drilling contracts. Caltex Pacific Indonesia, a 50-50 partnership of Texaco, Inc., and Standard Oil Co. of California, got in early and is the leading producer with 718,170 bbl. daily.

Like several other companies, Caltex faced some rocky moments under the late dictator, Achmed Sukarno. "We have had plenty of experience riding through rough times," says Laurie W. Folmar, senior vice-president of Texaco.

A bloody revolution in 1965 led by General Suharto deposed Sukarno, and Indonesia is now more stable. Though it is a member of the Organization of Petroleum Exporting Countries, Indonesia generally has been easier to deal with in recent years than other members of the group. "The Indonesians drive a tough bargain, but once they have made a deal, they stick with it," says one admiring U.S. oilman.

Offshore Vietnam. Stepping out from Indonesia, oil companies have launched a widescale geologic search for other oil-bearing formations in neighboring land and sea areas. After positive results from seismic work, 10 U.S. companies recently signed exploration agreements to look for oil in the South China Sea off South Vietnam.

The testing off South Vietnam is what recently got the oil companies into hot water with the peace movement. One West Coast group, called Another Mother for Peace, is asking for an investigation of possible Administration guarantees of oil company investments in Southeast Asia.

The companies who will comment on allegations that the war is being fought partly in their behalf dismiss them out of hand. "There is no production at all near Vietnam," says one oil company executive. "If the government wanted to protect U.S. oil interests, it would go to war in the Middle East. But it's not about to do that."

IN THE WEST

While the Eastern Hemisphere is drawing most of the new exploration play, North and South America are getting plenty of attention as well. Venezuela, South America's dominant oil producer and lately one of the most militant countries in demanding higher prices, is beginning to get some competition to the south.

Texaco, for one, has made some major oil strikes in Ecuador and is now building a pipeline over the Andes to transport the new oil to the Pacific Coast. And in neighboring Colombia, the company has opened a string of new fields that are producing around 80,000 bbl. per day.

The real excitement, though, is far to the north in the Arctic reaches of Alaska and Canada. Companies already have tapped a pool of oil believed to contain 12-billion bbl. to 15-billion bbl. And while they are still stymied in bringing oil out of the North Slope, companies are drilling for more. Late in February, for example, Atlantic Richfield reported that it has discovered another North Slope field.

The Canadian Arctic is now catching the fallout from exploration fever generated by the big North Slope finds. Oil companies drilled about 70 exploratory wells last year north of Canada's 60th parallel in efforts to tap reserves estimated at up to 60-billion bbl.

But so far, there has been more trouble than discovery. Last year, Panarctic Oils, Ltd., hit two gas fields, one on Melville Island and another on King Christian Island. Both discovery wells blew out of control and burned for weeks, costing several million dollars to put out and pushing back Panarctic's drilling program.

But fires and the perils of operating in foreign countries have been par for the course in the oil business for many years. And oilmen cannot afford to slow their quest for new reserves as demand for oil soars to new highs around the world. As Texaco's Folmar puts it: "We operate on the basis of riding out every storm. If you set your mind to working out reasonable arrangements, you can make a go of operating nearly anywhere."

Clearly, patience will be the name of the oil game from here on out. The companies will need both new and old sources merely to keep up with long-term increases in demand. And even if they make new discoveries elsewhere, they will still have to rely on the Middle East for almost half their crude supply well into the 1980s.

[From the Oil and Gas Journal, Jan. 25, 1971]

Lincoln Pleads for U.S. Energy Plan

The U.S. must maintain control of its energy supply, declares Gen. George A. Lincoln, chairman of the President's Oil Policy Committee.

Lincoln, who is also director of the Office of Emergency Preparedness, made this statement amid mounting concern over the security of overseas imports (see p. 82).

"We are a great country largely because of our supply and use of energy," Lincoln told an energy conference in Washington. "Without control of that energy supply, we could become a Samson shorn of his locks."

For the short term, because U.S. oil and gas production is approaching capacity, the nation is going to have to rely more on foreign petroleum. But farther down the road, in Lincoln's view, we should stress development of the huge domestic reserves of coal as a matter of national policy.

The OPC chairman reflected something of the agony the Nixon Cabinet's energy committee is going through in its policy review. It hopes by spring to come up with recommendations to deal with the tight energy-supply situation for the next 5 years.

The crux of that policy debate is how to stimulate domestic development and how to provide back-up supplies as a hedge against unavoidable foreign dependence.

Import lessons. Lincoln called on the nation to heed the lessons from the threatened fuel shortage of last fall which now appears to have been avoided.

Increased domestic production of crude oil and residual fuel made up import deficits due to the world tanker shortage and supply disruptions.

Only 3% of world oil supply was disrupted, through curtailed production in Libya and shutdown of the Trans-Arabian Pipe Line. "The impact of this small disruption, however, is cause for sobering thought about over-dependence on sources which are questionably secure," the OPC chairman declared.

After citing the neglect of coal development and the increasing difficulty of expanding oil and gas reserves in the U.S., Lincoln added: "Obviously, we should strive toward use of the more secure and more plentiful sources and away from use of those sources in the opposite category—meaning oil."

He criticized the disparity between wellhead prices for oil and gas, expressing support of producer contentions gas is vastly underpriced.

"We are paying at the initial production and import cost some $12 to $15 billion annually for that oil-supplied portion of energy (42% of the total) and some $3 to $4 billion annually for that energy coming from gas (32%)," he observed. "There is an obvious disparity in cost."

Incentives mentioned. We are going to need a lot of oil, Lincoln acknowledged, and called for programs to be coordinated accordingly.

But sheltering U.S. producers from world oil prices and reserving most of the market for them won't do the whole job, he warned.

"The incentives stemming from the oil-import program are not likely to be alone adequate in the future," he said.

Lincoln didn't list any other incentives that might be employed to stimulate domestic development. Industry taxes were increased $700 million/year by the Tax Reform Act of 1969. When the industry raised crude prices 25¢/bbl Nov. 11, the President ordered Louisiana "to restrain" the increases.

Lincoln pointed to the continual conflict between assurance of secure supply on the one hand and reasonable prices on the other as a central problem of energy policy.

"Some of the participants," he remarked, "on each side are never going to see eye to eye, unless through some miracle each becomes willing to concede that the other is at least partly sensible."

Reserve capacity issue. One of the major problems before the President's energy group is how to replace the ready reserve which up to now has been available through surplus productive capacity for oil and gas.

"Another of the more troublesome lessons learned in the last few months," according to Lincoln, "is the need for some excess of fuel production capacity or of fuel reserves standing as a guard against that dependence we allow ourselves."

He noted that we were fortunate over the past few months that enough shut-in capacity existed to permit an increase in domestic production of 700,000 b/d.

"But in planning for the future," he cautioned, "we need to take serious account of this need for reserve capacity, particularly if we increase our foreign dependency."

The President's committee is considering at least three options.

One in development of Naval Petroleum Reserve No. 4 on the North Slope of Alaska near Prudhoe Bay field NPR 4 is considered to hold a reserves potential in the billion-barrel class.

A second approach is creating a reserve productive capacity by allowing producers on federal offshore leases to import oil from overseas while cutting back production on those leases. The objective of this idea is to "conserve" U.S. reserves and capacity while using foreign oil when it is available.

A third approach is construction of massive storage in the U.S., and filling it with foreign oil, as a strategic reserve to tap when imports are curtailed. This scheme was discussed in great detail in the Cabinet Task Force Report given the President a year ago.

Energy policy urged. Several spokesmen at the energy conference called at least for more coordination of energy programs if not a national energy policy to deal with future problems.

The situation doesn't lend itself to management by any kind of energy czar, Lincoln asserted. But he did say the situation requires improvement in analysis, direction, and coordination. Oil imports, for instance, cannot be viewed apart from the total energy problem, he said, making a point often made by spokesmen before him.

Coal interests advocated a national energy policy, stressing "most advantageous use of domestic fuels, both fossil and nuclear."

John N. Nassikas, chairman of the Federal Power Commission, warned the nation faces a growing gap between energy demand and supply, unless action is taken to encourage supply development.

He said the FPC staff has computed that gas producers may require $34 billion for drilling gas wells over the next 10 years. In addition he listed a need for $18 million for lease acquisition, geological and geophysical expenses, and lease rentals.

The exploration and drilling requirements, plus needed outlays for transmission and distribution, indicates a gas-industry investment for the decade of $85 billion, Nassikas said. Allowing for 3%/yr inflation, he projected a 10-year requirement of $100 billion.

Charles F. Jones, vice chairman of Humble Oil & Refining Co., predicted imports will make up 50% of U.S. oil supply in 1985 under a simple continuation of current policies. Foreign-dependence today is about 23%.

Of the 13 million b/d of imports the Humble official projected for 1985, 10 million b/d must come from the Eastern Hemisphere, he said.

"If we exclude the United States, 91% of the free world oil reserves are concentrated in the Middle East and North Africa," Jones pointed out.

BALTIMORE CITY AWARDED 1970 CLEANEST ACHIEVEMENT AWARD

(Mr. MITCHELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MITCHELL. Mr. Speaker, in a time when our urban centers are in a crisis stage and when pollution of our environment makes for even greater urban deterioration, it is particularly noteworthy when a man and a city are rewarded for their efforts to solve the overwhelming problems of urban pollution. Such a man is the Honorable Thomas D'Alesandro III, mayor of Baltimore City. On February 23, at the 1971 Clean-Up Congress held at the Statler Hilton Hotel in Washington, D.C., Mrs. Richard Nixon presented to Mayor D'Alesandro, the National Cleanest Town Achievement Award. It was granted to Baltimore, Md., for its outstanding community programs in cities of over 250,000 population.

Mayor D'Alesandro spearheaded a citywide clean-up effort combining the forces of public agencies, more than 500 neighborhood groups, local newspapers, and young people. Imaginative solutions to problems were developed with the Baltimore community. The Afro-American newspaper offered awards to entire city blocks for outstanding participation in the cleanup campaign. A "Litter-Letter" was distributed to over 500 community groups telling them whom to call for what services. Five thousand abandoned cars were disposed of by the city. Awards were distributed at the Baltimore City Fair to deserving individuals and groups. These are only a few of the dedicated efforts to give new life to Baltimore.

This is an auspicious sign for the health of our city, and one for which Mayor D'Alesandro, his staff, and all of Baltimore City can well be proud.

REVENUE SHARING—THE PROBLEM OF REVENUE SHARING

The SPEAKER pro tempore (Mr. GRAY). Under a previous order of the House, the gentleman from California (Mr. HOLIFIELD) is recognized for 60 minutes.

Mr. HOLIFIELD. Mr. Speaker, it is very seldom that I take the well of the House on a special order, but I deem that what I have to say today will be of interest to all the Members of the House, because I am going to speak on the problem of revenue sharing.

We hear a great deal in the press these days about revenue sharing. We had a message which came up today, for instance, which advocated some more revenue sharing. I am going to make an analysis of this whole thing today, and I will welcome some criticism of some of the things I may say, or even approval of some of the things I may say. I have done a careful job of analysis on this revenue-sharing subject matter, and I believe it is time that the people of this country understand a little more about revenue sharing than they now understand.

President Nixon's revenue-sharing proposals will be considered by the House Committee on Ways and Means and by other committees, and will receive extensive hearings. These proposals will be the subject of the greatest lobbying effort in modern times. The basis for this lobbying effort is understandable, for it is based upon: One, the Nixon administration's political strategy for the 1972 campaign; and, two, local government cupidity; that is, the erroneous belief that they can obtain something for nothing at the local level.

President Johnson's last budget, which expired on June 30, 1969, provided an actual surplus of $3,236,000,000. President Nixon's first acts, after taking office in 1969, were to dismantle economic policies which had resulted in a 5½-percent average annual growth in productivity for 8 years. He instituted in their place policies which have resulted in the highest unemployment in 20 years, a business recession, no economic growth and inflationary interest rates. Obviously, these policies have adversely affected city, county, and State governments.

Unemployed people cannot pay taxes on money which they do not earn or products they do not manufacture. Businessmen cannot pay taxes on bankruptcies or unearned profits. High interest rates drained the economy of in excess of $40 billion each year. The revenue income of all levels of Government had to decrease as a result.

Adding to the above problems was the requirement that spending for Government expenses had to increase, due to inflation—rising prices, and costs of goods and money.

Two million more people were out of work than in 1968, increasing the costs of social programs of all kinds.

As a result, State and local governments which were spending at a rate of $100.7 billion each year in 1968 were spending at a rate of $124.8 billion at the end of 1970, an increase of $24.1 billion each year. This is the largest increase in history.

Federal spending, however, remained constant during the same period.

The gross effect of the misguided economic policies outlined above placed State and local governments in a deficit financial position in spite of increased Federal grants-in-aid of $6 billion over a 2-year period. The reduced number of taxpayers were required to pay a greater share of the tax load.

President Nixon, upon viewing the results of the 1970 elections, and looking forward to the 1972 presidential election year, now proposes to rehabilitate his party in the eyes of the public through his revenue-sharing proposals, even though it means a complete reversal of the economic philosophy he has maintained in the campaigns of 1952, 1956, 1960, and 1968.

There is another reversal. He has dropped the slick Madison Avenue approach, and adopted the approach of the patent medicine salesman. He offers taxpayers the false hope of tax relief and the county supervisors, mayors, and State legislators, the hope of immunity from the politically difficult job of raising taxes to meet rising local costs. At the same time he turns the burden of taxing the same local people over to the Congress in order to obtain the so-called new grants of $5 billion. He offers the Governors of the different States free funds to embark on politically popular projects and to dispense favors through the use of federally collected tax money. Unpopular tax recommendations will no longer be required and any deficiency in available funds can be blamed on the Congress.

If just this side of the picture is presented, as it now is, there is no wonder that 77 percent of those recently polled were in favor of revenue sharing.

The revenue-sharing concept is not new. The Federal Government has been sharing federally collected tax revenues with the States, cities, counties and individuals for the past 40 years. Billions of dollars of federally collected taxes are shared every year by means of Federal programs, such as: social security, health and assistance, $50.5 billion in round numbers; veterans' benefits, $5.8 billion; unemployment compensation, $5.6 billion; Federal retirement programs, $8.4 billion; nutrition programs, school lunches, food stamps, and so forth, $2.7 billion; housing assistance, $812 million; and miscellaneous programs, for a total of $74,171 million. These figures were taken from the President's budget and from the economic report.

As an example, the people of my congressional district, the 19th Congressional District of California, received $4,695,800 in social security benefits in 1970. The people of Los Angeles County received $1.1 billion in social security benefits which were paid to 772,000 people.

In addition to the $74 billion of federally collected taxes shared with persons, federally collected revenues estimated at $30,296,700,000 will be shared with State and local governments during the fiscal year 1971 through direct Federal formula grants, for such diverse purposes as public assistance, old-age assistance, blind assistance, assistance to dependent children, and so forth. This revenue is shared to the tune of about $9.5 billion for public assistance; for education, $5.5 billion; for transportation, $5.3 billion; for health services, $4.3 billion; for housing and community development, $3 billion. Then there is a whole string of them that runs into the $400 million or $500 million or $600 million range. These grants, which increased from $2 billion in 1950, to $30 billion in 1971—listen to this—now provide more than 20 percent of total State and local revenues. In California in the fiscal year 1969 these revenues amounted to 27 percent of the total State revenues; $2 billion out of a total of State and Federal revenues of $7.5 billion. In the fiscal year which ended on June 30, 1970, Federal revenues accounted for 30 percent of California's total revenues; $2,498 million out of a total of State and Federal revenues of $8,237 million. For instance, the University of California received $469,162,000 in Federal money in fiscal year 1970. This was nearly 47 percent of the university's operating expenditures of $1 million.

Under Federal revenue laws, States and local entities are permitted to issue income-tax-free bonds, this "loophole" in Federal revenue laws reduced the Federal revenue income potential by $3 billion in 1970. This amounts to a Federal subsidy to local taxing bodies and gives them an advantage over Federal bonds, whose interest income is taxable.

Another important revenue-sharing area is the system of Federal grants to the States for public works projects. This will amount to $6,653,000,000 in 1971, for water resources, sewage disposal, and many other items.

Grants were made to colleges and universities, for research and development, in the estimated amount of $1,653,000,000 in fiscal year 1971.

Numerous grants have been made to nongovernment organizations for programs, such as:

Community action programs	$368,400,000
Head Start	360,000,000
Job training	260,700,000
Follow through	69,000,000
Legal services	61,000,000
VISTA	36,200,000
Special impact school aid	36,100,000
Law enforcement education	26,100,000
Migrant programs	23,200,000
Total	1,240,700,000

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, I want to commend the gentleman from California for his presentation with regard to this subject. I think he has given a very excellent statement, and the figures he gives us are, I think, figures that ought to be understood and ought to be included in the present discussion of this matter of revenue sharing.

As I think the gentleman from California is well aware, one of the original and most vocal of the exponents of this revenue sharing is the Governor of my own State of New York. The Governor for some time has been trying to sell the idea not only in New York State but also very frequently, every other day or so, here in Washington, that New York is paying some $21 or $22 billion a year in taxes, but is getting back only 11 cents to the State on the dollars that we pay in.

Mr. HOLIFIELD. I am familiar with that argument, and, of course, it is fallacious.

Mr. STRATTON. It is completely fallacious. I had the opportunity to check into the actual figures, and it shows that we get back 51 cents out of every dollar. And this gibes almost exactly with the figure the gentleman from California is presenting.

Not only that, but the Governor has convinced everybody in New York State that this money is free money, and that we down here in Washington are sitting on it, and are apparently reluctant to give it back to the States, and that all we have to do is pass a bill and all this free money will come back.

That is one of the reasons we are deluged with letters, as the gentleman has stated, by people saying, "Why, don't you give us the money you have got that belongs to us?" And, of course, what any Congressman can point out is that that money is not free. We shall either have to go $5 billion further into debt to collect it, or else we will have to raise taxes ourselves, and that of course is the purpose of this, because Governor Rockefeller in New York has done a beautiful and a very clever propaganda selling job of making the situation such that if he raises taxes by $1 billion, as he has asked the State legislature to do, we down here in Congress are going to be blamed for an increase in taxes in New York State. And this is a fantastic situation, and I think it is time for us to take the counteroffensive, as the gentleman from California has done.

Mr. HOLIFIELD. I agree with the gentleman, and I thank the gentleman for his contributions.

I might say that the same thing has happened in the State of California. Governor Reagan's tongue is hanging out because he thinks he is going to get a lot of these so-called free funds. But what it really amounts to is that they are asking the gentleman from New York (Mr. STRATTON) and the gentleman in the well (Mr. HOLIFIELD) and some of the other gentlemen here, to put additional taxes on the local people, collect it, and then send it to them on a silver platter to spend for anything they want, just so they can get us to do their dirty work of taxing the people, and then Lady Bountiful, or Gentleman Bountiful, will give the free money to the local politicians to spend on anything they decide is good for the people.

Mr. STRATTON. If the gentleman will yield for one further observation, I might say that I have already introduced legislation which would permit the States and local communities to levy a kind of a piggyback tax on the Federal tax structure. We collect it, levy it on their own citizens, we will collect it, turn it back to them at no expense, but in that circumstance they will have to take responsibility for that increased revenue.

Mr. HOLIFIELD. I do not think that will be as politically popular as the pie in the sky that has a "free" tag on it.

Mr. BURTON. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. BURTON. Mr. Speaker, I would like to commend the distinguished dean of our delegation, the gentleman from California (Mr. HOLIFIELD) for his most incisive and thoughtful presentation today.

As our distinguished colleague knows, he and I have discussed on a number of occasions perhaps a much more desirable route to take in terms of achieving substantially the same effect as revenue sharing by having the Federal Government assume the full responsibility of what I believe to be a national responsibility of a local problem, to wit, the responsibility to meet the welfare payment situation.

I would like to repeat again, I think the House of Representatives should be greatly indebted to our distinguished colleague for his most able and effective presentation.

Mr. HOLIFIELD. I thank the gentleman.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. LONG of Maryland. Mr. Speaker, I, too, want to commend my colleague from California for taking the leadership in what I think is a very worthwhile endeavor, showing what a phony proposition revenue sharing is.

Now the other gentleman from California has just pointed out that probably the States would be better off if the Federal Government took over the welfare burden. I think the Governor of my own State has indicated that Maryland would probably be just as well off, if not better off, if the Federal Government did take over the basic welfare program.

I would like to comment on the gentleman's point that apparently the Governors of some of these States want to put the burden of taxing on the Federal Government and on their Congressmen so they can enjoy the spending without the responsibility for taxing. If they were really honest with the people, the Governors would not be asking the Congress to borrow money to turn it over to the States.

Mr. HOLIFIELD. That is right. I am going to get to that point in a few minutes to show exactly what the gentleman is saying is true.

Mr. LONG of Maryland. What they are doing is scarcely the honest thing to do.

The gentleman has pointed out a number of things that we are already doing to share revenues with the States.

I think the gentleman mentioned the exclusion of interest on State and local debts; is that not right?

Mr. HOLIFIELD. That is right, and it amounts to $3 billion in subsidies in a year.

Mr. LONG of Maryland. Yes. That figure is reasonably close to the figure I have.

But I wonder whether the gentleman has also developed the fact that we already have revenue sharing insofar as taxes are levied by the States and localities. I have figures from the Department of the Treasury which show how much the Federal Government is already sharing in revenue.

The taxpayer can deduct from his Federal tax return every dollar that the State has levied in gasoline taxes, property taxes, income taxes, and general sales taxes.

Mr. HOLIFIELD. No, I do not have that in my speech. But I am glad the gentleman has brought that up because this is one point that I missed. I do not know how many billions of dollars that would run into.

Mr. LONG of Maryland. I have the figures here which I just got from the Treasury.

Mr. HOLIFIELD. That is very good.

Mr. LONG of Maryland. They come to $8.5 billion—excluding the interest feature of the interest on the State and local debts—$8.5 billion. If we add the gentleman's figure, it comes to $11.5 billion.

Mr. HOLIFIELD. In other words, the local taxpayer is allowed to take those taxes off his income tax?

Mr. LONG of Maryland. That is right.

Mr. HOLIFIELD. Therefore, it is insofar as the Federal Government is concerned an allowable deduction which operates in the nature of a subsidy.

Mr. LONG of Maryland. Exactly, and when the States levy these taxes, our intake goes down automatically. This comes to $2.9 billion through the real property tax and $5.6 billion through the general sales tax, income tax, property taxes, and the gasoline tax.

This sum is much larger than the amount of money which the Congress is being asked to vote for from the Treasury, under the revenue-sharing program—generally free money amounting to $5 billion or $6 billion. This money is just as free, and has only one liability from the Governors' point of view—they have to take the responsibility for voting these taxes on their people.

Mr. HOLIFIELD. That is right.

Mr. LONG of Maryland. But it is revenue sharing after the fact, nevertheless.

Mr. HOLIFIELD. It certainly is. I appreciate that point. It is a good point to make and it adds to my general summary which I am going to get to now.

Mr. DANIELSON. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. Will the gentleman hold his request for a moment, and then I want to yield to him because I know he has a very valuable contribution to make.

The current record will certainly dispel any notion that the Federal Government is somehow not returning revenues to the people in benefits and services. I shall recapitulate the major items by inserting the following tables of figures:

FEDERALLY COLLECTED REVENUE SHARED WITH THE PEOPLE AND THE STATES IN FISCAL YEAR 1971

Funds shared directly with persons

Social security, health and assistance[1]	$50,574,000,000
Veterans benefits	5,829,000,000
Unemployment compensation	5,643,000,000
Federal retirement programs	8,487,000,000
Nutrition programs (food stamps, school lunches, etc.)	2,752,000,000
Housing assistance	812,000,000
Miscellaneous programs	74,000,000
Total	74,171,000,000

[1] FY 1971 figures from President's budget and economic report.

Grants-in-aid to State and local governments

Public assistance (old-age assistance, blind assistance)	$9,556,300,000
Education	5,553,800,000
Transportation and commerce	5,365,800,000
Health services	4,383,300,000
Housing and community development	3,005,100,000
Environment and natural resources	877,200,000
Agriculture and rural development	667,900,000

Various other grants	$485,500,000
Law enforcement assistance	337,300,000
National Guard and emergency planning	41,800,000
State aid to veterans (Federal grant)	22,700,000
Total	30,296,700,000

Grants to community nongovernmental organizations

Community action programs	$368,400,000
Head Start	360,000,000
Job training	260,700,000
Follow Through	69,000,000
Legal services	61,000,000
VISTA	36,200,000
Special impact school aid	36,100,000
Law enforcement education	26,100,000
Migrant programs	23,200,000
Total	1,240,700,000

Other grants and subsidies to States

Subsidy to State and local bonds	$3,000,000,000
Public works grants	6,653,000,000
Research grants to colleges and universities	1,653,000,000
Total	11,306,000,000

Summary

Funds shared directly with persons	$74,171,000,000
Grants-in-aid to State and local governments	30,296,700,000
Grants to community nongovernmental organizations	1,240,700,000
Other grants and subsidies to States	11,306,000,000
Total Federal revenue sharing Fiscal Year 1971	117,014,400,000

This totals $117,014,400,000; $117 billion—keep that in your mind—because that is the revenue sharing that the Federal Government collects and sends back to the States, the counties, the cities, and other entities.

How much did we spend last year? Not how much did we collect in Federal taxes, but how much did we spend; $212,755,000,000 in fiscal year 1971. So we actually returned $117 billion out of $212 billion. Fifty-five percent of Federal collections was sent back to the States, the cities, and the counties for roadbuilding and all the other grant-in-aid programs. The remaining $95 billion provided for national defense, interest on the national debt, Postal Service, and other governmental services, including Federal construction and the general operation of the Federal Government.

Mr. KUYKENDALL. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I am happy to yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Do you have any figures, Mr. HOLIFIELD, showing the expense to the State, local, and county governments of administering these plans through simply having to put on extra employees to figure out this web of programs that we have—four or five different agencies involved in manpower training and different things? Do you have any figures that show just how much we have added to the State overhead seeking these so-called Federal giveaways?

Mr. HOLIFIELD. No. I think the gentleman will agree with me they are willing to pay whatever administrative costs are necessary in order to get the net amount which they do receive, which runs pretty high.

Mr. KUYKENDALL. I agree that it is——

Mr. HOLIFIELD. We are not talking about improving the method of getting this money to the people. For example, I can tell you right quick that the $74 billion which has to do with social security, with Federal income taxes, with GI benefits, and military pensions, goes through the mail with very little cost.

Mr. KUYKENDALL. And that is not involved in revenue sharing one way or the other?

Mr. HOLIFIELD. It is involved in revenue sharing because we pass the laws, and we raise the taxes that pay it.

Mr. KUYKENDALL. It was my understanding, sir, if you will continue to yield——

Mr. HOLIFIELD. Yes.

Mr. KUYKENDALL. Social security is supposed to be a trust fund. Of course, we know there is no such thing as a trust fund. It is supposed to be a trust fund that has absolutely nothing to do with the appropriation process.

Mr. HOLIFIELD. The gentleman knows that social security is a law that was passed by the Congress, that it levies a tax on the employer and the employee. I happen to be an employer of a number of employees in private life, and I know that I am matching their contributions from their salaries with an employer contribution. So it is a Federal tax levied upon the people of this country, both the person who is going to get the social security, and the person who helps to pay it—the employer as well as the employee. The Government does collect it and the Government does send it to them. This is true of Federal pensions, unemployment compensation, and all the other similar activities in connection with the Federal Government.

Mr. KUYKENDALL. Mr. Speaker, will the gentleman yield further?

Mr. HOLIFIELD. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. I am happy to hear the gentleman has come, as all of us have, to calling it social security taxes instead of an insurance premium. That is truly what it is.

Of course, that is truly what it is. For so long we all rather gloriously tried to call it something else, such as insurance.

Mr. HOLIFIELD. It is in the nature of insurance, because it gives to the people who get it very much the same sort of payments as from an insurance policy. We contribute toward it as we contribute payments toward an insurance policy. So both the employer and the employee contribute to it, and we can quibble about whether it is insurance or taxes. The main thing is that it is levied because of Federal legislation and distributed by the Federal Government back to the people.

Mr. KUYKENDALL. May I ask one more question?

Mr. HOLIFIELD. Yes; I yield.

Mr. KUYKENDALL. The gentleman said a while ago that the cities and counties are perfectly willing to spend money to get money.

Mr. HOLIFIELD. That is right.

Mr. KUYKENDALL. To me this is one of the tragedies of the situation. We are part of it, as the cities are part of it, and the counties and the States are part of it. The idea that we would be perfectly willing to dangle the carrot and cause them to spend their money—as the money we spend is their money—we dangle the carrot and cause them to spend the taxpayers' money just as we spend the taxpayers' money.

Mr. HOLIFIELD. We cannot have a program of grants-in-aid without having administrative costs. We can argue if we want that the costs are too high. I am not arguing that point at this time. Maybe we could cut them by 10 percent or 20 percent. I do not know how much we could cut them, and I would be for cutting costs wherever they might be cut, but nevertheless we are not going to get any kind of grant-in-aid programs without some type of administrative oversight.

We tried that for a while in the highway fund, and we ran into so much corruption—so much corruption at the local level, I might add—and so much venality that we have to follow these funds through in order to make sure that we do not find the funds winding up in somebody's shoebox in a closet, as was the case a short while ago.

Mr. KUYKENDALL. The worst mess in administration has been at the local levels in administration of Federal programs. This is the worse mess I have seen.

Mr. HOLIFIELD. The local government does have something to say about administration. In the first place, the local government applies for the funds for specific purposes, and it qualifies for the funds, and it binds itself to do certain things in the way of administering those funds.

But we do not have the large-scale venality. We may have excessive costs in administration, but there has been no large-scale venality that I know of with the Federal programs. Occasionally there will be some person on welfare who should not be on it, or occasionally a person that is employed will be getting an unemployment check; sure.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from New York.

Mr. CONABLE. Mr. Speaker, on the point of administrative costs, I am informed that in New York State under our existing education programs, the State Education Department in Albany has to make up some 21 statewide education plans pursuant to the various aid to education programs that come through Albany. These programs provide about 5 percent of the cost of education in New York State. Their administrative costs are staggering. New York State has gotten into these programs, feeling that it could not afford not to go into them, but it has serious questions as to whether it can afford to continue in them at this level of benefit and at this level of administrative costs. This is one of the major issues.

I regret I did not hear the gentleman's presentation in full.

Mr. HOLIFIELD. It will be in the RECORD in the morning. I hope the gentleman will read it in its entirety. I hope he will find it worthwhile reading.

Mr. CONABLE. We are fortunate, indeed, to have such heavy artillery brought to bear on this problem and the program which has been proposed by the administration.

Mr. HOLIFIELD. I assure the gentleman I did it on my own because of my interest in this subject matter.

Mr. CONABLE. I hope the gentleman has not in any way contributed to the confusion I find widespread about the issue of the special and general revenue sharing.

Mr. HOLIFIELD. I will be glad to talk about that, and if the gentleman will allow me, I will proceed with the balance of my speech.

Mr. LEGGETT. Mr. Speaker, at that point, I wonder if the gentleman will yield for a minute?

Mr. HOLIFIELD. I yield to the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Speaker, I do want to compliment the chairman of our California delegation on the outstanding contribution he is making in clearing up the fog on the specific and general revenue-sharing concepts. I think we need to talk about this. There has been some talk that perhaps the local governments spend too much money in administrative costs in trying to figure out what Federal programs they are entitled to. I wonder if the gentleman has contemplated the costs the local governments are going to have to go to when they start managing and administering all the local training programs that have been apparently suggested by the administration.

All we are going to be doing is transferring the bureaucracy from the existing Federal Establishment to the local establishment. We will have it there, and if the program goes askew, if we have no controls or conditions on it, certainly the function of the Congress is going to be relatively valueless.

I would also suggest that if we are going to take $10 billion out of existing, well-thought-out subjects and programs the Congress has passed over the years, and desecrate those programs by emasculating their funds, and then just funnel that to local cities and counties, asking them to do our function, we have to recognize that $10 billion is a considerable amount of the flexible function we have here in the Congress. I have heard it said we have on the order of $25 billion worth of flexible authority. We do not have authority over the $79 billion we are spending in defense for 1972, but we do have it in some of these other general areas.

Here what we plan to do is to take $10 billion out of existing programs, perhaps 35 or 40 percent of our existing authority, and to funnel it to the local areas.

I want to say that when we desecrate the water development program, as we have done in the northern part of California, it is the wrong approach. We should have started some dams this year. Two or three are very critical for flood control development.

We should have continued in our space budget at a reasonable level, perhaps a $3.3 billion level. Instead, in order to get money for revenue sharing we have emasculated the space budget to the $3.1 billion level, which terminates the NERVA program. Very frankly, in Sacramento we are unable to build nuclear rockets at the local level after we get money from the Federal Government.

We have no shipbuilding in a naval shipyard in the United States, and have not for 4 years. We are unable to build ships in our Navy shipyards when we get funds from the Federal Government.

Needless to say, there are a great number of areas where we are totally impoverished. I believe we have to recognize what we have given up as we attempt to give something in a poke to the cities.

Mr. HOLIFIELD. If the gentleman will allow me to continue for a few minutes, I will touch on some of the things he has brought up. The gentleman makes a valuable contribution.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the distinguished Speaker.

Mr. ALBERT. I do not want to interrupt, because this has been a very fine and brief analysis of some of the things we might run into.

I first want to say the gentleman from California is making a statement in depth on this subject at this time and is making a contribution. He is starting us thinking. I believe we all need to study all sides of this matter.

I agree with the gentleman's colleague from California that there are many things we need to do as well as to bolster up local governments. Local governments are not the only things local there are in the country. I find many local governments very reluctant to see programs dismantled which are underway now and they themselves have to choose between local programs that are beneficial, perhaps on a wide area such as a dam in northern California, and something that is politically very sensitive in the community or in the locality, on which they must spend the money we send them.

Mr. HOLIFIELD. I thank the distinguished Speaker of the House for his contribution to this discussion.

The Speaker has brought out a point that local decisions are not quickly arrived at. We know of instances where urban development and other local projects, such as building a dam, have been matters of local controversy for 5 or 10 or 15 years before they came up with a consensus locally.

This would throw the whole ongoing program of the Federal Government, in its grant to local governments and matching money, and so forth, into confusion.

Let me comment now a little on the philosophy of the Federal versus the State system.

The drafters of our Federal Constitution wisely divided governmental power into four divisions. First, power was divided between the Federal Government and the reserved power of the States. The powers of the Federal Government were again divided into the legislative, executive, and judicial branches. The granting of power to the Federal Government and the reservation of power to the States was also a grant and a reservation of governmental responsibility.

The Federal Government was granted the power to levy taxes "to provide for the national defense" and "to provide for the general welfare of the United States." The States reserved the power and the responsibility to tax for State purposes. Local jurisdictions under State constitutions have been given the power and the responsibility of the taxing power at the local level.

Elected officials at the Federal level, and at the State and local level, are under mandates from those who elected them to tax and spend wisely for purposes within their several jurisdictions. This mandate is completely ignored by the proposal to make "no strings" bequests of federally collected taxes to State and local politicians to spend as they see fit.

Under the federal system State and local governments could additionally raise taxes for local programs and needs and appropriate funds for these purposes. Examples are: The salaries of elected appointed officials, management of local roads, water and sewer projects, salaries of teachers, school buildings and equipment, State and local parks, police and fire protection. These are some of the local functions, and local taxes are levied for them by locally elected representatives of the people.

By the same token, the Federal Government has taxed and appropriated for purposes which are national in scope, and I underline the word "national," such as the programs that I listed previously. National problems are not evenly distributed among the States or among counties and cities within those States.

The recession has not affected all areas equally. There are pockets of high unemployment and concentrations of the poor. Educational facilities and teacher abilities vary greatly between different sections of the country. Minority groups have tended to concentrate in certain areas. Environmental problems are greater in certain areas than in others. They are the basic reasons why Federal tax money has not been distributed on the basis of population, in the past, within the States. Federally collected money has been channeled to the areas of greatest need through programs designed to see that it reaches those who are in greatest need. That is the reason why the President's proposal to share $5 billion in general revenues, on a no-strings basis, and on a population basis, is unsound. National need programs cannot be equitably allotted on a State population and "revenue effort" formula.

Now, Mr. Speaker, I yield to my colleague in the adjoining district of California who has had a most interesting study made of the cities of Los Angeles County, which he holds in his hand. I hold a copy in my hand also and I will append it to my remarks. It is one of the most revealing things. Remember that this is the administration's general revenue-sharing plan and is taken from their documents—documents which they furnished each Member.

I will now yield to the gentleman to make some comment on the cities that he is personally acquainted with, located in his district.

Mr. DANIELSON. I thank the gentleman, the dean of my delegation, and the Congressman from the adjoining district. On quite a different tack and without regard to the soundness of the concept of sharing revenue which we do not have now, and without regard to the concept that we may not be sharing revenue at all, I am gravely concerned about the equity of the present administration plan for sharing revenues. Within my own district I made a little calculation on the best figures presently available to me and rounded the numbers to the nearest 10 cents. I found that although in the county of Los Angeles the average per capita allocation is $9.10; that is, $9.10 for every resident of the unincorporated territory of Los Angeles, yet within my own district we have quite a disparity. In the city of Los Angeles revenue sharing would come to $12.40 per capita.

I will not quarrel with that. I think it is needed. However, in another of my cities, Rosemead, a lovely little city with difficult problems, the per capita allocation is $1.80 as opposed to $12.40 in Los Angeles.

The other cities I represent would receive, in San Gabriel, $5.60 per head, Monterey Park, $5.70, South El Monte, $5.80, and Alhambra, $8.80.

Now, I submit that although these figures are not startling, we have some others in Los Angeles County that will curl your hair—and I am not referring to my hair.

Mr. HOLIFIELD. I hope the gentleman will allow me to insert the cities in my district, and then curl their hair with the balance of them.

Mr. DANIELSON. If I could make one remaining comment, if the gentleman will yield further?

Mr. HOLIFIELD. Certainly. Go right ahead.

Mr. DANIELSON. In the little city of Lawndale, Los Angeles County, which has some of the most difficult and distressing financial problems of any city in the country, the allocation would be $1.90 per capita. And in another city which I have the luxury of passing through once in a while, Beverly Hills, the allocation is $24.40 per capita.

I submit, Mr. Speaker, that we ought to be putting the money where the need is; match the money to the need, somehow. And I will give you the near to the top and the next to the bottom; in the city of Cudahy it is $1.30, and they need every penny of it. In the city of Commerce it is $48 per capita.

Mr. HOLIFIELD. Now, the gentleman is getting into my territory, because the city of Commerce, part of the precincts in the city of Commerce are in my district. This is a very wealthy industrial city, and you see the formula includes not only the population but the amount of local tax revenue collected from that city.

This is an industrial city, and as the gentleman said, they will get back—and there are only about 10,000 people there—but they will get back $48 per capita.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. In just a minute. I want to get through, and then I will yield to the gentleman.

In the city of Santa Fe Springs, which is a city in my district, with a population of about 14,750, their per capita return is $19.20.

Now, in Montebello, where I live, which has a population of 42,000, we will get back $8.50 per capita, but let me go right now to a city that adjoins me, Pico Rivera, where I have my central office in my district, and this is a city of 54,000 people, they will get $2.50 per capita.

In another city in my district, La Mirada, they will get $2.30. And here is the largest city in the district, Norwalk, that is a city of 91,000 people. They will get $2.10 per capita return as against the city of Commerce of $48. The city of Hawaiian Gardens, which is one of those unfortunate depressed areas, and a city of about 8,800 people, by the way, they will get $1.70 per capita.

In other words, the old adage in the Bible that says, "From him that hath shall be taken away, even that little which he seems to have," and what they are doing by this formula is giving to the rich cities a preponderant amount of this return of revenue, where the need does not exist. On the other hand where the need does exist, where poverty exists, where all of the needs for all of the programs that we have put into effect are needed, they will get $1.70 or $1.90.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentleman has 12 minutes remaining.

Mr. HOLIFIELD. In that case I am going to ask the gentleman to withhold his request for just 1 minute, because I want to get the rest of my speech in, and then if I have any time, or if I can get some additional time, I will yield to the gentleman.

This is the formula we have demonstrated here.

These are the basic reasons why Federal tax money has not been distributed on the basis of population within the States. Federally collected money, instead, has been channeled to the areas of greatest need through programs designed to see that it reaches the people in the greatest need.

This is the reason that the President's proposal to share the $5 billion in general revenue, "no string" amounts, on a population ratio is unsound. National need programs cannot be equitably allotted on a State population and "revenue effort" formula.

THE PITFALLS OF REVENUE SHARING

Who pays?

When revenue sharing was first proposed by President Nixon, he was predicting a Federal budget surplus of $1.3 billion. Due to the recession, however, the budget went into a deficit of $2,845,000,000 in fiscal year 1970. A deficit of between $18 and $24 billion is estimated for fiscal year 1971; and some estimate a similar deficit for fiscal year 1972. It should be perfectly clear that the $5 billion which the President proposes to give the States to spend with no strings attached is "deficit sharing" and must be financed by Federal borrowing—not from the "personal income tax," as he stated in his budget, because we are not getting in enough personal income taxes. We had a deficit last year—we are going to have one this year and we are going to have one next year. The President said it would come from the personal income tax, but the Federal taxpayer will be faced with the cost of $250,000,000 in additional interest each year on this $5 billion deficit item.

One thing is sure, Federal personal income taxes would be increased by the President's proposal—whether in the nature of deficit financing or whether we tax them for the money and we have no deficit.

The President is strangely silent on the source of the $5 billion in new, nostring funds. They could come from only three places:

First. Additional federally levied income taxes, levied by Congress on local taxpayers. That is where it has to come from.

Second. Increased Federal deficits based on interest-bearing Federal bonds—which is probably where it will come from.

Third. Reduction in ongoing federally funded programs for local benefits and transfer of these funds to the new, nostring lump-sum bequests to Governors, mayors, and supervisory officials.

RESPONSIBLE GOVERNMENT

If we are going to be responsible in government—

Should the Federal Government collect additional taxes to be used solely for State and local functions?

Should a larger Federal deficit be created or increased for that purpose?

Should the Federal Government abdicate its present responsibility for tax expenditures, and, if so, will the taxpayer get his money's worth?

Substitution of the Federal tax power for that of the States will in no way give more power to the people. Conversely it will set a precedent leading to the complete destruction of the federal system.

Taxation to support State and local needs, without Federal control, is not a responsible exercise of Federal power.

The 435 Members of the House of Representatives and the 100 Members of the Senate are responsible to all of the people when they debate and vote for tax legislation and appropriations. They are also responsible to all of the people for the wise expenditure of tax revenues.

The failure of Congress to exercise its responsibility will inevitably result in one of the following:

First, the Federal Government will preempt all taxation and dole tax revenues out to the States; or

Second, State and local elected officials will no longer be required to observe fiscal or social responsibility.

We must conclude then, that the President's revenue-sharing proposal is deceptive and fiscally irresponsible.

It must be branded for what it is: an attempt to put Congress on the altar as a sacrificial scapegoat for the President's inept economic theories of the past 2 years.

It is a political ploy for the Republican presidential and congressional campaigns in 1972.

THE ALTERNATIVES

It is true that many State and local governments are in a financial crisis. This is especially true in the case of our largest cities where the welfare load has been increased by immigration from States which were unable or unwilling to deal with existing social problems.

Some State and local governing bodies, unfortunately, are too poor to support on their own adequate tax levies for basic services to all of their people. Others are extremely affluent and have little need for assistance. The Nixon revenue-sharing proposal does not recognize this difference.

Some State and local governments have refused to modernize and hold onto inefficient organizations and archaic taxing methods. Many are victims of the lobbying efforts of special interest groups, that are very strong at the local and State levels and which are given favored tax treatment at the expense of the homeowner and wage earner.

Blank checks upon the Federal Treasury will not solve these basic problems of official cupidity, resistance to change, poor administration and the reluctance to make unpopular political decisions at the local level. This is not to condemn all State and local governments, but to illustrate the need for continuing a system of Federal revenue sharing, for specific purposes, under appropriate Federal supervision.

Revenue sharing should be continued, and expanded.

It is suggested that the Federal Government share the $453 million of additional aid to education, which the President vetoed last year.

It is suggested that the funds for housing, urban renewal, water and sewage facilities, in the additional amount of $541 million provided in the bill vetoed by the President last year, be shared with the people.

It is suggested that the $1.26 billion in additional funds voted for vital health and educational needs, vetoed last year by President Nixon, be shared with the State and local governments.

The several billion dollars provided in the Manpower Training Act for the next several years was vetoed by the President. That might be well shared over the next several years.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield for a question?

Mr. HOLIFIELD. Not right now, because my time is very short. If the gentleman will permit me to finish, then I shall be glad to yield to him.

President Nixon vetoed the Family Medical Practice Act, which would have shared $225 million in Federal revenues with hospitals and medical schools, to assist in relieving the shortage of doctors in general practice.

The Congress overruled the President's veto, and permitted the sharing of an additional $350 million of Federal revenues for hospital construction and modernization. We were able to share that because we overrode the veto.

One might also suggest that the billions of dollars authorized and appropriated by Congress for public works projects, model cities programs, and environmental projects, be released by the President and shared with the people.

In addition to the above programs, which should be strengthened, the President should restore the more than $2 billion which he proposes to cut out of ongoing programs in is fiscal year 1972 budget. This would permit the sharing of funds for medicare, medicaid, school milk, and other programs.

We should enact welfare and family assistance reforms—and I voted for President Nixon's family assistance reform last year—to assist local governments in providing for the aged, the ill, the very young, and those who are unable to earn a living.

The Congress will consider all the above alternatives to the President's revenue-sharing plans very carefully. We will assure that the Federal taxing and appropriation laws are revised responsibly, and that national programs are dealt with by responsibly administered Federal programs.

We already have a revenue-sharing program which has a tried and proven history. We can expand that program into areas of great need without experimenting with a radical concept which is fiscally irresponsible and, in my opinion, politically inspired.

Mr. SISK. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to my colleague from California (Mr. SISK).

Mr. SISK. First, let me commend my distinguished and able colleague from California on what I think is a very sound and well-thought-out document. I think it is well, as has already been indicated by some of my colleagues, that we begin to discuss really the significant implications of this so-called revenue-sharing proposal by the administration. But, I would like to direct one or two quick questions to my colleague in line with some of the comments he made with reference to where the President is going to get these funds, for example, for revenue sharing. He mentioned three alternatives, one of which was, of course, a so-called transfer of funds. Let me ask my colleague, Does he or does he not agree with me that the matter of expenditure of funds, the matter of setting policy, and the determination of where these funds are to be spent and to what extent they are spent, so far as policy is concerned, is that not, in the gentleman's opinion, a prerogative of the Congress of the United States?

Mr. HOLIFIELD. Of course it is, and if the Congress abdicates its prerogative in following the dollar which it appropriates, it abdicates its Federal responsibility, in my opinion.

Mr. SISK. That is exactly the point I want to get to, and the concern which I have today over what I consider to be a usurpation of the powers of the Congress by this administration.

Let me say here, to be completely bipartisan, I had similar criticisms of a previous administration, but I think this administration, based on some recent information I have gotten through the Appropriations Committee, has gone further in obstructing and overriding the policy and the will of this Congress than any administration I know of.

Mr. HOLIFIELD. There is no doubt they have frozen more millions of appropriated funds than any administration within my experience of 28 years in the Congress.

Mr. SISK. All right. Let me ask the gentleman one concluding question, and then I will not ask for further time.

In view of the fact that the gentleman is chairman of a very distinguished committee of this House, Government Operations, I would urge and I would hope that my friend, the gentleman from California, will use what I understand to be the prerogatives and jurisdiction of his committee to take a look at this whole business of the powers and the division of powers, in the matter of the policy-making powers of the Congress, and particularly as to what extent the Executive is usurping the power of the Congress in making policy through the withholding and freezing of funds or even the diverting of or transferring of funds. Would the gentleman comment as to whether or not he feels his committee has such jurisdiction and whether or not he feels interested in looking into it?

Mr. HOLIFIELD. Within certain boundaries I think we have authority, and a study of the charter of our committee will show we have the authority to follow the expenditure of funds. There comes a question of the division of constitutional powers between the President and the Congress. This is where the area gets a little bit gray, because from as long back as our country's history goes, there have been occasions when Democratic and Republican Presidents have refused to spend moneys appropriated. That gets into a constitutional area which I would have to explore very carefully before I comment on the power of our committee.

However, I do express a deep concern in this indiscriminate freezing of funds, and then the sending up of a plan every 2 or 3 days for his way of spending the money—in other words, one man's way, advised by a group of corporate advisers, the Ash Council, all of them former big corporate executives. It seems to me they are trying to set up a government of a corporate, or of a corporate-conglomerate structure to handle everything from the top.

Mr. Speaker, I include for the RECORD a table showing the breakdown of the administration's general revenue-sharing plan for the county of Los Angeles.

ADMINISTRATION'S GENERAL REVENUE SHARING PLAN

	Per capita allocation	Total allocation	1970 population	1960 median income
County of Los Angeles	$9.10	$64,206,019	7,032,075	7,046
Commerce	48.00	504,444	10,536	$5,827
Beverly Hills	24.40	811,871	33,416	11,977
Long Beach	20.00	7,191,917	358,633	6,570
Signal Hill	19.30	107,696	5,582	5,542
Santa Fe Springs	19.20	282,446	14,750	6,986
El Segundo	19.20	299,479	15,620	7,783
Rolling Hills Estates	14.80	29,538	2,050	10,000
Santa Monica	13.80	1,216,458	88,289	6,845
Los Angeles	12.40	34,721,456	2,816,061	6,896
Pasadena	12.30	1,394,982	113,327	6,922
Burbank	11.60	1,025,646	88,871	7,757
Redondo Beach	10.40	583,003	56,075	6,880
San Fernando	9.80	160,843	16,571	6,270
San Marino	9.30	131,736	14,177	16,728
Covina	9.10	276,732	30,380	7,865
South Pasadena	8.80	199,868	22,979	8,245
Alhambra	8.80	547,751	62,125	7,185
Montebello	8.50	364,808	42,807	7,551
Pomona	8.40	738,348	87,384	6,885
Monrovia	8.40	250,752	30,015	6,630
Glendale	8.20	1,086,770	132,752	7,563
Arcadia	8.10	344,649	42,868	9,526
Huntington Park	8.00	269,186	33,744	6,285
Inglewood	7.80	705,899	89,989	7,764
Hawthorne	7.80	44,937	53,304	7,645
Torrance	7.50	1,015,296	134,584	8,050
Azusa	7.40	186,393	25,217	6,501
Whittier	6.90	500,857	72,863	7,740
Gardena	6.80	279,634	41,021	7,741
Manhattan Beach	6.80	242,343	35,352	8,289
Hermosa Beach	6.70	116,967	17,412	7,050
Palos Verdes Estates	6.60	90,555	13,641	10,000
South Gate	6.30	355,214	56,909	6,892
Sierra Modre	$6.01	$74,277	12,140	$8,172
South El Monte	5.80	78,266	13,443	4,834
Monterey Park	5.70	280,398	49,166	7,650
San Gabriel	5.60	163,323	29,176	7,184
Claremont	5.60	131,098	23,464	8,188
Glendora	5.10	159,226	31,349	7,557
Downey	5.30	472,828	88,445	8,265
West Covina	5.30	355,537	68,034	8,580
Compton	5.10	398,012	78,611	6,256
El Monte	5.00	348,099	69,837	6,558
La Verne	4.80	62,742	12,965	6,013
Bell	4.80	102,521	21,836	6,438
Lynwood	3.90	169,036	43,353	7,182
Maywood	3.60	61,772	16,996	5,951
Lakewood	3.10	261,316	82,973	7,600
Bellflower	3.00	155,561	51,454	6,834
Duarte	2.80	42,275	13,981	6,810
Palmdale	2.70	23,178	8,511	7,325
Paramount	2.60	90,232	34,734	6,230
Baldwin Park	2.60	121,711	47,285	6,186
Pico Rivera	2.50	136,372	54,170	7,609
La Mirada	2.30	72,013	30,808	
La Puente	2.30	71,690	31,092	6,718
Norwalk	2.10	193,616	91,827	7,015
Lawndale	1.90	46,895	24,825	6,303
Artesia	1.90	27,589	14,757	5,732
Rosemead	1.80	74,169	40,972	6,924
Hawaiian Gardens	1.70	15,200	8,811	
San Dimas	1.70	26,196	15,692	
Bell Gardens	1.70	50,021	29,308	5,567
Lomita	1.60	32,449	19,784	6,194
Culver City	1.60	493,526	31,035	7,862
Temple City	1.40	42,259	29,673	7,872
Cudahy	1.30	22,315	16,998	

The SPEAKER. The time of the gentleman from California has expired.

Mr. HOLIFIELD. Mr. Speaker, I hope some gentleman will ask for time, and then I will be glad to answer the questions. I have no desire not to respond because the gentlemen have been very patient in waiting.

I will be glad to look into the matter the gentleman from California has suggested.

GENERAL REVENUE-SHARING PLAN OF THE PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. CONABLE) is recognized for 10 minutes.

(Mr. CONABLE asked and was given permission to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, I find it sad that the distinguished and eloquent representatives of the Democratic Party, which is fond of tracing its lineage back to that great decentralist Thomas Jefferson, when pressed for a political reaction to a significant initiative on the part of the President, namely, revenue sharing, in effect fall back on their lack of confidence in State and local government.

Ultimately the viability of our democracy will depend on strong local institutions. Unfortunately we have in this Federal system tax resources with different degrees of progressivity. We have pretty well progressed through the various types of tax resources that are avail- is a priority issue, namely, whether local government shall continue to provide the traditional services which the distinguished gentleman from California referred to.

I would like to suggest he cannot have it both ways. If we have money available—and by his comments about the President's vetoes of last year he implied that we do—to continue to pile categorical grant program on top of categorical grant program and to add indefinitely to the money available for such programs, then certainly we have the money available also for aiding the survival of local government. Local survival is a priority item.

I agree that we have a deficit. Frankly I would rather see the viability of our democracy retained through a buoying up of local government than I would to see a continued proliferation of the very categorical grant programs which have gotten local government into serious trouble. I would like to ask the gentleman a question about the list of revenue receipts he submitted which would be received by the various localities in his district. Has he made any study as to why they get varying amounts of money?

Mr. HOLIFIELD. Yes, I can answer that.

Mr. CONABLE. I would appreciate it if you would.

Mr. HOLIFIELD. I can take it town by town. The city of Commerce which adjoins my district, and part of which overlaps into my district, and as a matter of fact I have a certain number of precincts in it, is an industrial city with a very lucrative tax base.

Mr. CONABLE. It has a very high tax rate, has it not?

Mr. HOLIFIELD. The tax rate is not high, but the assessed valuation of the property is high. The tax rate is the same as everything else in Los Angeles County.

Mr. CONABLE. May I ask the gentleman if he is aware of the two items that go to make up the community receipts under the general revenue sharing?

Mr. HOLIFIELD. Oh, yes.

Mr. CONABLE. Population is one, is it not?

Mr. HOLIFIELD. That is right.

Mr. CONABLE. And the other is local taxes received. I think the gentleman referred to the Federal taxes collected in the locality that determined revenue sharing, but is it not local taxes that are determining, not Federal?

Mr. HOLIFIELD. That is true, and if I said otherwise I did it inadvertently. But the point is this: that the city of Commerce is a city of very valuable factories, but not a city of people. Now, the city of Commerce only has 10,000 people in it. They have so much money in their treasury that they have built an Olympic-size swimming pool, they run free bus service, they have so much money they do not know what to do with it. Yet they will get $504,000 or $48 per capita, while the city that adjoins them by the name of Bell Gardens, which has 29,000 people in it, will get $1.70 per capita, or $50,000, as against $504,000, and they have five times the number of people, and it is the people that are in need.

Mr. CONABLE. Obviously, Mr. Speaker, I am not familiar with the gentleman's district, but the two elements making up the formula for general revenue sharing are both, I think, considerably more sensible than the formulas under which categorical grant programs have been distributed. The reason I say that is certainly population and local tax effort are both significant determinants of what a community should receive.

Mr. HOLIFIELD. If the gentleman will yield further, they are significant, but they do not fulfill the need, the need for the people. They are significant from a mathematical standpoint. It makes a very beautiful formula, but you do not get the money any more than you get the $24 that goes to rich Beverly Hills where they do not need any services, they have all their services, their schools are all built, and so forth, and yet the city of Hawaiian Gardens, which has 15,000 people in it, which is in my district, gets $1.70. It is a city where the people are very poverty stricken. Their income per year is an average of probably down around $5,600.

Mr. CONABLE. The gentleman is aware that roughly 70 percent of the categorical grant programs will continue under the proposal made by the President, is he not, and that only 30 percent have been folded into the special revenue-sharing bloc-grant proposal that has been made?

It seems to me, Mr. Speaker, that local government is much more likely to know where that money is needed than we are here in Washington. And that is the basic rationale of the flexible solution implicit in revenue sharing.

Mr. HOLIFIELD. If the gentleman will yield again, I think that rationale is as fallacious as it can be because when the people at the local government level want to participate in the educational fund, they file their application with the State board of education, not with the people back here, and the State board of education looks at all of the cities in California, and then it is supposed to allocate it, and I think it does, according to what the needs are. So they are the ones who select it. If they want urban renewal they vote on it as a local group, and they select it.

Mr. CONABLE. But the control of spending that can be as close to the people as possible certainly adds to the flexibility of the solution, will the gentleman agree with me on that?

Mr. HOLIFIELD. The control of the spending, providing there is responsibility on raising the money that is spent, but the gentleman and I both know that if you give a child $5 that he does not work for, that he will spend that money a lot more freely than if he mowed lawns for it.

Mr. CONABLE. The gentleman is certainly demonstrating a remarkable paternalism if he is comparing a child with local government.

Mr. KUYKENDALL. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman.

Mr. KUYKENDALL. The gentleman from California mentioned that his own communities went to the State and asked for funds—which they received.

Mr. HOLIFIELD. That is for Federal funds.

Mr. KUYKENDALL. They went to the State and asked for State funds.

Mr. HOLIFIELD. Yes, and for Federal funds.

Mr. KUYKENDALL. Revenue sharing from the States to counties and cities is as old as our country.

Mr. HOLIFIELD. Oh, I understand that.

Mr. KUYKENDALL. Revenue sharing from funds with local governments have nothing whatsoever to do with collecting any more than we do.

Mr. HOLIFIELD. If the gentleman will yield, the State prescribes the ways in which that money is spent just like the Federal Government prescribes ways in which it can be spent.

Mr. KUYKENDALL. They give a blanket grant authority for education to the local school districts in the State.

Mr. HOLIFIELD. But only on an approved plan—that is right—they say we want to use this money for certain purposes.

Mr. KUYKENDALL. These purposes are broad purposes and not anywhere near as specific as our categorical grants that we have had. So whether or not we have had revenue sharing from the State government to the local government—for instance in our State a certain percentage of our gasoline tax automatically is given back to each community.

Mr. HOLIFIELD. But I will say to the gentleman, the money has to be used for the roads in that particular city. It cannot be used to build a park or a swimming pool or anything like that.

Mr. CONABLE. I regret that I have less than 1 minute left, and I think it is unfortunate that this colloquy is being addressed to a House in which very few Members are present. It is a significant colloquy, and in its extension that the 92d Congress, because it involves a very basic issue of government, is likely to be one of our most significant debates.

So, Mr. Speaker, I would ask unanimous consent that following the legislative business and any special orders heretofore entered into that I be permitted to address the House and revise and extend my remarks and include extraneous matter on Tuesday, March 16, for 1 hour.

The SPEAKER pro tempore (Mr. GRAY). Without objection, it is so ordered.

There was no objection.

CONGRESSIONAL ACTION NEEDED TO PUT THE COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT 1970 INTO EFFECT

The SPEAKER pro tempore (Mr. GRAY). Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 15 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, last year Congress passed legislation authorizing the establishment of a National Institute on Alcohol Abuse and Alcoholism, and authorizing funds for fiscal years 1971, 1972, and 1973 for formula grants to States and grants and contracts for community based programs for the prevention and treatment of alcohol abuse and alcoholism and for the rehabilitation of alcohol abusers and alcoholics.

In Cleveland, we have a nonprofit corporation known as Fresh Start, Inc. It is made up of a group of public officials, businessmen, and professional people who have worked with and are interested in the problems of alcoholism. In 1968 they got together and opened up a halfway house for homeless alcoholics. They take in about 100 men a year. The group is dedicated to helping men make a comeback. They emphasize fellowship and small group therapy. They stress maximum self-determination. The average stay of a client is 3 months, at which time the man returns to the community and a job. Fresh Start works closely with the Cuyahoga County Welfare Department in Ohio and with Alcoholics Anonymous. Men are referred to Fresh Start by the county welfare department, most of the hospitals in the Cleveland area, private citizens trying to help someone, Alcoholics Anonymous, the Soldiers and Sailors Relief Commission, and parole and probation officers.

In 1968, Fresh Start was able to obtain funds from a private foundation, from the county welfare department, and from the Soldiers and Sailors Relief Commission to purchase and furnish a home for use as the halfway house for indignant alcoholics. Since 1968, they have been able to find funds to operate the home, which costs about $63,000 a year. Fresh Start now has a comprehensive plan drawn up to establish a second halfway house on the west side of Cleveland, which I represent, and also to establish a third halfway house for women.

I was very much surprised to learn that although Congress passed legislation in 1970 to help take care of the problem of alcoholism in this country and authorized funds for fiscal years 1971, 1972, and 1973, the President has not yet issued an executive order setting up the new agency nor did the President include funds for this program in his budget for fiscal year 1972. In addition, no supplemental funds have been requested for fiscal year 1971, although these funds have already been authorized by Congress.

At this rate, it will be at least 1974 before this program gets underway—if then. I am today asking the House Subcommitee on Health, Education, and Welfare Appropriations to put money into the supplemental appropriation for fiscal year 1971 for the National Institute on Alcohol Abuse and Alcoholism and its programs. I am further asking the subcommittee to put the funds for this program into the appropriation for fiscal year 1972. This way the program could get underway almost immediately.

I believe it would be a great waste if the Fresh Start program in Cleveland had to wait for at least 3 or 4 years before they could be considered for funding under this program to carry out their important work—work important to the individuals involved and to the community as a whole. I know there are many Members who have programs in their districts just as worthy of immediate consideration. Mr. Speaker, I respectfully ask my colleagues to join me in fighting to get the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act put into effect.

THE COMPONENTS OF LEADERSHIP ARE DISCIPLINE, EXAMPLE, AND RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 30 minutes.

Mr. RANDALL. Mr. Speaker, on this past Monday evening of March 8, it was my privilege to be honored as a guest for dinner at the Washington Hotel hosted by the Association of Military Colleges and Schools of the United States.

This banquet concluded the annual

meeting of the heads and administrative personnel of about 35 colleges, academies, and institutions from all over America which combine a high school and college education with military training under the ROTC program. This association is not a Johnny-come-lately; it has a long and distinguished history. It was founded in 1914.

It was my privilege to be the guest of our constitutents Col. Lester B. Wikoff and Col. W. L. Stagner who represented Wentworth Military Academy, Lexington, Mo., at the association's annual meeting. Also from Missouri were representatives of the Kemper Military School and College at Boonville and the Missouri Military Academy at Mexico, Mo.

Mr. Speaker, I am proud to represent Lafayette County, Mo. Its county seat is Lexington. This is the home of Wentworth Military Academy. That school has had a long and glorious history. Many of its "old boys" have gone on after graduation to become famous in their chosen line of endeavor.

It was a gala scene last Monday evening in the Sky Room of the Washington Hotel. Most of those present were in military dress uniform. The posting of the colors was impressive. Several widely separated areas of America were represented, including New York, Massachusetts, Pennsylvania, South Carolina, Indiana, Kentucky, Tennessee, Illinois, Missouri, Oklahoma, Texas, and New Mexico. Such great institutions of learning as the Citadel of the South and Texas A. & M. University are members of this association. Yes, it was an evening to be remembered.

Mr. Speaker, I take this time to share with my colleagues the remarks contained in the address of Maj. Gen. William A. Knowlton as he spoke at the annual meeting of the Association of Military Colleges and Schools of the United States. For those who may not know, General Knowlton is the Superintendent of the U.S. Military Academy at West Point, N.Y. His remarks were not only informative but at the same time were thought provoking and most inspiring.

It seemed to me the general was generous in his treatment about our disturbed, frustrated youth of today, saying that he could sympathize a little with their plight. He said that it should not be a wonder why the young are confused in modern society. He went on to add that it was the role of education to try to cope with those who seem determined to support a revolution which will shatter all of our institutions. Rather than change society for the better, many young people are set on a course to create a so-called new society without any definite plans or blueprints on what kind of a new order of things they propose to create.

General Knowlton was most impressive when he pointed out that while idealism is a beautiful thing the nature of man requires more than idealism. Man should not simply be regarded as a beatific creature who has been corrupted by society. Instead he should be thought of as a creature capable of doing both good and evil. The struggle to promote more good and at the same time restrain the evil is one which should be more successful within society than under moral anarchy.

The Superintendent of West Point emphasized that many of those who may turn to drugs do so to avoid facing the inadequacies within themselves. Many of their personalities are so brittle that they shatter under the impact of criticism. In his remarks, our speaker rejected the idea that our system is flying out of control and that the proper function of every college or school is to be a center of resistance for destruction of the fabric of the society to which these institutions of learning look for support. I am sure one of the highlights of his remarks was the quotation from Gen. Harold K. Johnson, now retired, who said the young man in a military school or college comes out with the 4 I's—integrity, intelligence, imagination, and initiative. In addition, General Knowlton said he hoped graduates of military schools come out with the willingness to accept responsibility.

Whether all is now going to be quiet on the campus front, or not, it is possible that the pendulum is swinging back toward campus peace or perhaps never made the swing away to the extent that we believed it had. Those who would resist or destroy should be fewer in number this spring. However there still exists a need to teach our young people the components of leadership through education and self-discipline. The general concluded that our military schools and colleges of the United States in the ROTC program have been providing our country with dedicated civilian leaders as well as military leaders for a total of 152 years. He submitted, and I agree, that such is an enviable record.

The remarks of Maj. Gen. William A. Knowlton, Superintendent of West Point; were as follows:

Address by Maj. Gen. William A. Knowlton, 55th Annual Meeting, Association of Military Colleges and Schools of the United States, March 8, 1971

I am deeply honored by the opportunity to address this distinguished group and their guests here tonight. The extent of the honor is apparent to me when I see the list of outstanding men who have spoken to you in the past. I was not fortunate enough to attend a military school or college prior to entering West Point. My military service had consisted of some quasi-legal periods as an enlisted man, beginning at the tender age of 14 and winding up with a legal enlistment in the 298th Infantry in Hawaii when I reached the age of 18. However, I have served beside, in command of, and under the orders of many distinguished officers who gained their start in one of your institutions.

It is a particular honor and a pleasure for me to be here in my present capacity. I am highly conscious of the trust which has been placed upon me, as I complete my first year as Superintendent at West Point. There are many who see in the United States Military Academy an institution which is adversary to the ROTC program. Nothing could be farther from the truth; it is particularly important to recognize that in these troubled times. The very name of the *Reserve* Officers Training Corps would indicate that our task of producing officers for the regular establishment should seem distinct from yours of producing officers for the reserve forces.

But West Point is not designed to be the *only* source of officers for the Regular Army. There have been periods of budgetary austerity when there was no room for other than West Point graduates on active duty. But increasingly, since the Thomasen Act, West Point has been in partnership with the ROTC program, as the Army sought the best of both plans to officer its active forces. Enough time has elapsed since that infusion so that 25 percent of the general officers on active duty in the Army today are graduates of the ROTC program. This is one reason why I speak so often at ROTC commissionings: to emphasize that we are in partnership, rather than in competition.

As we look at the young today, we can sympathize a little with their plight. There has been—and it is increasing at an exponential pace—an explosion of knowledge. How to cope with this explosion is becoming an increasingly complex task. I recently attended a seminar in New York City concerned with how man can even read, let alone learn, the knowledge which is becoming available today. One example cited was a business firm that developed a product at a cost of several millions of dollars, only to be told that the product or process was patented by someone else several years before.

The ultimate expression of this turmoil is in that new book, which you may have read, entitled *Future Shock*. The author divides the last 50,000 years of man's existence into 800 lifetimes of 62 years each.

Of the 800, 650 were spent in caves. Communication by writing has been possible only in the last 70 lifetimes; the printed word became available only in the last six; precise measurements of time only in the last four; the electric motor arrived only in the last two lifetimes; and most of the material goods used today have been developed within the last one.

The author then offers the following philosophy:

"We are creating a new society, not a changed society. Not an extended, larger-than-life version of our present society. But a new society.

"A revolution shatters institutions and power relationships. This is precisely what is happening today in all the high technology nations. Students in Berlin and New York, in Turin and Tokyo, capture their deans and chancellors, bring great clanking educational factories to a grinding halt, and even threaten to topple governments. Police stand aside in the ghettos of New York, Washington, and Chicago as ancient property laws are openly violated. Sexual standards are overthrown. Great cities are paralyzed by strikes, power alliances are shaken. Financial and political leaders secretly tremble—not out of fear that communist (or capitalist) revolutionaries will oust them, but that the entire system is somehow flying out of control."

Is it any wonder that the young are confused? But what is the role of education in trying to cope with this sort of thing? There are several different views. You may have read an article by Admiral Rickover which was published on the first two days of February. As a critic of American education for almost a quarter of a century, he sees our educational philosophy and practice as suffering from fundamental defects. The first is that we pour out vast sums of research and experimentation on one of the oldest of western activities—transmitting knowledge and intellectual skills accumulated in the past to the young—without asking ourselves why exactly schools are needed and what exactly they must do that no one else can do.

The primary responsibility of our public school system, he says, should be to discover children with qualities of mind, will and character and educate them in the manner most suited to their special talents. True professionals must have high intelligence, strong motivation and be willing to undergo a very long period of general and public schooling.

These words sound very much like the mission which we find in many of your catalogs. So far, so good. We see support, then, for the traditional roles which you have played in molding character. But not everybody would agree with Admiral Rickover. In assessing the role for education in America, we hear many strident views which disagree with assumptions which we have taken for granted.

The November 1970 issue of the *Harvard Educational Review* contained an article by Antony Mullaney of Warwick House in Boston. He said:

"I propose that the university community become part of the resistance movement in the United States. It must actively oppose those vast power relationships in the nation which refuse to read the signs of the times . . . It must offend those very institutions which now seem necessary for its survival . . .

"The most critical business of education today is to become a center of dissent and resistance in itself and an interpreter of such behavior to the public."

His final sentence says, "Let the young set the timetable."

Who is right? Those who support the latter view would tell us that the issues this time are completely different. The bombings, the killings, the violence, the permissiveness—all these must force us to a new perspective. But when I look to history, I find as Newsweek has pointed out, "Police have been murdered before, buildings have been bombed before, and workers have gone on strike before. These are ugly things, yes, but we have survived them." Barbara Tuchman has summed it well in her book, *The Proud Tower*, in which she discusses the events which led to World War I.

"So enchanting was the vision of a stateless society, without government, without law, without ownership of property . . . that six heads of state (among them President McKinley) were assassinated for its sake in the twenty years before 1914. . . . Their deaths were the gestures of desperate or deluded men to call attention to the anarchist idea. . . . It was, as an historian of revolt has called it 'a day of desperate romantics. . . .' "

Possibly one of our biggest problems today is that we are also living in an age of desperate romantics. But are we? As an educator, I should perhaps mention the romantics of education.

The New York Times for January 10th had an interesting discussion of educational romantics by Mortimer Smith of the Council of Basic Education. He wrote: "that an examination of the writings of these men suggests that the term 'radical romantics' may be a misnomer. They are romantic, no doubt of that, but if the word 'radical' is understood as promising something new and fundamental, it is not an accurate term to apply to their theories.

"What are advanced as contemporary insights," he continued, "turn out to be the clichés of yesterday; the natural goodness of the child until corrupted by society; the evils of structure, subject matter, examinations; the equating of authority with authoritarianism; the doctrine of needs and interests . . ."

So, not even these things are new. Idealism is a beautiful thing, but the nature of man requires more than idealism. As the *Wall Street Journal* said a year ago, man is not a beatific creature who has been corrupted by society but a creature capable of both good and evil. His life is a struggle to promote the one and restrain the other, a struggle which is more successful within society than under moral anarchy.

But let us jump from the *general* notion of structured environment and examine a particular application in the military. One of the peculiar manifestations of this time has been the appearance of something with which our generation did not have to deal. When I was a young teenager, and organized and ran a 21-piece orchestra, marijuana was something which I vaguely heard mentioned as giving an outstanding American drummer the ability to squeeze in more drum beats by lengthening his perception of time. We vaguely knew that it was supposed to grow in Mexico, but none of us would have recognized it if we had seen the weed lying on a table.

But recently, I received a letter from a company commander in Vietnam, coping with the problems which have come upon his unit in the boredom which characterizes this difficult transition from war to unwar. One such problem is marijuana. The Army is a reflection of trends in civilian life, since the Army is the largest user of involuntary manpower. When one third of American high school students are reported to have used marijuana, the Army will have some soldiers who are a marijuana problem.

But the young officer who wrote to me commented on more than drugs when discussing this small group. He said, "The real problem is that their personalities are so brittle that they shatter under the impact of criticism." I think this allusion to be particularly pertinent to the problems we have today. If a young man is never to be criticized—if a young man is never to be disciplined—if a young man has not undergone rigorous training which implicitly includes correction—then the prospect is good that that young man will have a personality so brittle as to shatter. Our young captain said that this was the reason some men turned to drugs: to avoid facing the inadequacies within themselves.

And so, we come full circle to the same fundamentals within our task: the forming of young men with character and dedication who can deal with the problems that confront them in their tomorrows. I refuse to believe that aspect of *Future Shock* which would have us think that the system is flying out of control. This has been the cry of doom prophesiers throughout recorded history. I refuse to believe that the past is devoid of any signposts which give us relevance for the future. I refuse to believe that the proper function of the college or school is to be a center of resistance to destroy the fabric of the society to which education looks for support.

But what are the values which we hope a young man will gain in school or college as he approaches manhood—particularly the young man who may be a military leader? One summation is in what General Harold K. Johnson used to call the four I's—integrity, intelligence, imagination, and initiative. I would add to that a willingness to accept responsibility.

Those of you who follow military literature know that there has been a series of attempts over the past fifteen years to define and redefine professionalism. Professor Sam Huntington made one of the first full-volume attempts to define military professionalism within a democracy. He discussed such things as the body of knowledge which must be possessed by those who are members of the profession, and the hierarchal nature of the structure into which the professional must move and up which he must progress to earn his spurs. Lieutenant Colonel Zeb Bradford continued this discussion by picking up the thread of British military authors a century ago when he indicated that it is the unlimited aspect of responsibility which makes a profession of the military calling. This word *responsibility* has some bearing on the question of what value there is to military training if one is not to stay in the military for a life time.

Last fall I attended a meeting in this very city of the Association of the United States Army. Many of you were there. Inside the door of the hotel was a small display on ROTC. This display pointed out that approximately four percent of college men have received ROTC training. Yet, of the men in America making between $100,000 and $300,000 per year, 23 percent took Army ROTC. So did 24 percent of our senators. The relationship is not casual but causal. I believe that one of the primary reasons for this causality can be summed up in the word *responsibility*.

But there are more reasons, and they are included within our earlier mention of discipline and self-discipline. From discipline comes self-discipline; from self-discipline comes example. Combine example with a readiness to accept responsibility, and leadership emerges. And this progression is so much of what we do within the variety of military schools and colleges we are fortunate to have within the United States.

But one might ask, "Of what value are these institutions if their need is not understood and if they are not supported?" I think we are over the worst of that particular hurdle. Our press gives daily indications that the great bulk of students do not resemble those who captured the attention of the media in the last few years. When one can read a poll as reported a few months ago in a large national magazine and see that the heroes of young men from 15 to 21 include such people as John Wayne, then the pendulum has really swung back. Or, if I might suggest an alternate solution, perhaps it never made the trip to the extent that we believed it did. A recent article entitled, "All Quiet on the Campus Front" reports that students are studying with unfamiliar zeal, and that professors report that it is fun to teach again.

One university protested strongly two years ago against the ROTC; but this year, when a small band of radicals tried to block the path of a Marine Corps recruiter, self-appointed marshals quickly cleared the way.

On the 19th of February, a 21-year-old girl from New Jersey wrote me a letter. I never met her; we have had no prior contact. But she had some very interesting things to say. I will not quote the whole letter, but she told me that pressures of frustration led her to write it. She wrote:

"I have been raised to believe in this country in the fullest sense of the word by a mother with a 'fierce' patriotism who also served in the Second World War. As a child I was taught respect for my elders and to not be afraid to voice my opinion, but to remember that for every opinion I may hold to passionately, someone else holds the opposite with equal conviction. And so, with an open mind I began reading the history of this country to find the answers to questions that have been stored in my mind from the teachings of school. I have never been satisfied with just memorizing names and dates from a school book. I must know the why's of things and the how's.

"Being only 21 years old, I find myself in a very frustrating situation. I am young and yet have old ideals. By old ideals, I mean the so-called new generation of hippies and flower children repel me. I see high ideals of pride crumbling. They shout "love and peace,' but want none of the responsibility of holding to either—so they run from reality by dodging the draft or taking drugs. . . . It will be difficult to rebuild a shattered world if they continue to look and not see. How can so great a country as ours be if discipline and honor and love of country perish. These are questions I need answered.

"I am not a stranger to doubt, for I have lost a brother-in-law in Vietnam. This was a young man who in my mind belonged to the era of Thomas Paine: so great was his conviction as to the rights and wrongs and love of country. He could have been in Washington behind a desk, but chose to be with his men because he believed in why we are there and his belief helped me to accept his loss with more pride than self-sorrow.

"I appreciate your taking the time to read this letter, and please know that I am proud of the Academy and men like yourself who go on in spite of the confusion and changing world. I hope it never changes. Sincerely,". . .

This letter well expresses the views of what I find to be a large body of young Americans. The siren appeal of those who would "resist" or destroy has been followed by a feeling of emptiness and a search for values that begins to lead back to tradition. From people with such instincts will come the leaders for the challenges of tomorrow, which some consider the terrors of tomorrow. But leadership is something delicate and elusive. Some men are born leaders but never have the chance to practice the art. Others must learn the components of leadership and, through education and self-discipline, prepare for the day when they will be called.

The military schools and colleges of the United States and the ROTC program have been providing our country with able, dedicated military and civilian leaders for a total of 152 years. That is an enviable record. The qualities which you instilled in generations of graduates are inherent in your very institutions. I believe those qualities will see you through this period of transition and enable you to continue your unique efforts. Your citizen-soldier graduates have insured our survival at key points in history. I do not see a diminution of this need in the future.

COMPREHENSIVE 5-YEAR DEFENSE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. RHODES), is recognized for 10 minutes.

Mr. RHODES. Mr. President, the Secretary of Defense, the Honorable Melvin R. Laird, has forwarded to Congress his report on fiscal years 1972–76 defense program and the 1972 defense budget.

This report included a comprehensive 5-year defense program and spells out a new national security strategy of realistic deterrence.

I am proud to present Secretary Laird's summary of this report to this body. I urge my distinguished colleagues and the American public to acquaint themselves with the administration's plan.

Secretary Laird's summary reads as follows:

THE SECRETARY'S SUMMARY

Mr. Chairman and Members of the Committee: I am privileged today to present the first comprehensive Five-Year Defense Program of the Nixon Administration, and to discuss the associated FY 1972 Budget.

This Five-Year Defense Program is keyed to the twin objectives set forth by President Nixon for the last third of the 20th century: achievement for the first time in this century of a generation of peace; and in the process, enhancement of the quality of life for all Americans, while helping to improve it for all peoples of the world.

This 1972 Defense Report to Congress and the American people contains a Five-Year Defense Program which spells out a new National Security Strategy of Realistic Deterrence. This new strategy is designed to prevent wars by furthering the President's goal of building a viable structure of peace based on adequate strength, true partnership, and meaningful negotiations.

The Strategy of Realistic Deterrence seeks to further the goal of peace by deterrence of armed conflict at all levels. I have always tried to be a realist in fulfilling my responsibilities, whether as a Member of Congress or as Secretary of Defense. I believe the strategy we are advancing is realistic for three reasons:

First, it is based on a sober and clear view of the multiple threats to peace which exist in today's world. It neither exaggerates nor underestimates those threats.

Second, it provides for the maintenance of a strong Free World military capability as the essential foundation of deterrence. It rejects the view that peace is well served if our military power is unilaterally weakened.

Third, it takes account of the strategic, fiscal, manpower and political realities while steering a prudent middle course between two policy extremes—world policeman or new isolationism.

The Strategy of Realistic Deterrence is new. Those who would dismiss it as a mere continuation of past policies in new packaging would be quite mistaken. Past policy was responsive and reactive.

Our new Strategy is positive and active. Past policy focused on containment and accommodation. The new Strategy emphasizes measured, meaningful involvement and vigorous negotiation from a position of strength.

The Strategy of Realistic Deterrence will provide through sufficient strength and full partnership the indispensable and realistic basis for effective Free World negotiation. Most importantly, it is designed not to manage crises but to prevent wars.

The FY 1971 program and budget, which was sent to Congress last year, was the foundation for the transition from an era of confrontation to an era of meaningful negotiation. The fiscal year 1972 program will move us closer to this goal.

It was clear at the outset of the Nixon Administration that, in order to set the stage and create the conditions for meaningful negotiation and peaceful relations, we had to move the country away from war and toward peace, away from a wartime economy and toward a peacetime economy, away from lopsided national priorities and toward a major reordering of those priorities, away from arms competition and toward arms limitation.

On the basis of the record of the past two years, it is my view that we have made significant—in some cases unprecedented—progress toward the major interim goals we have set for ourselves.

In the war to peace transition: by continuing negotiations in Paris, by progress in Vietnamization, by reducing U.S. combat activities, casualties and air sortie levels in Southeast Asia, and by an orderly, substantial and continuing troop redeployment program.

In reordering national priorities: by shifting the Defense portion of the Federal Budget and Gross National Product (GNP) to its lowest level in 20 years and by spending more on human needs than on Defense needs.

In our Defense budget: by providing for the first time in this century the full peace dividend before the conclusion of a war. Defense costs in this budget already are back at pre-Vietnam levels in constant dollars.

In implementing the Nixon Doctrine: by withdrawing more than 300,000 American troops from Asia while increasing significantly security assistance levels to our friends and allies.

In NATO: by helping foster a new spirit of meaningful burden sharing and a new awareness of the strategic, fiscal, manpower and political realities we face in common.

In moving toward zero-draft: by obtaining Congressional approval for long-needed draft reform to eliminate many inequities, and by cutting draft calls almost in half from 1968 to 1970 in pursuing our goal of zero-draft by July 1, 1973.

In our program for human goals: by relating it to our objective of an all-volunteer force, by seeking to instill a new order of professionalism and dignity in military life, by seeking to remedy remaining shortcomings in such areas as housing and education and by continuing to lead the way toward full equal opportunity.

In taking new initiatives with regard to prisoners of war: by an unprecedented exchange offer at the Paris peace table, by search and rescue missions when possible, and by focusing public attention at home and abroad on their plight.

In chemical warfare and biological research, and in defoliation: by promulgating a major new policy renouncing any use of biological and toxin weapons and renouncing first use of lethal and incapacitating chemical weapons, by ending crop destruction operations in Vietnam and by restricting limited defoliation still needed for troop safety to the same regulation applied to herbicide use in the U.S.

In major improvements of defense management: by adopting many of the Blue Ribbon Panel recommendations, by emphasizing a new "fly-before-buy" policy and by increased decentralization in procurement actions.

Mr. Chairman, we are proud of the significant progress we have been able to make in establishing new directions and a steady momentum toward major goals of the American people. As I reported last year in discussing our FY 1971 transitional program, the challenges here at home which we faced upon assuming office in many ways equaled, and in some ways surpassed, the growing challenges abroad.

I will not repeat in detail what I said last year, but it is important, I believe, to repeat a concluding comment I made in last year's Defense Report:

"Transition to a new equilibrium will take time. We made a beginning in 1969 and are continuing the transition into calendar year 1970. We consider our fiscal year 1971 budget another building block in that transition."

I readily acknowledged that not all of the challenges we encountered upon assuming office had been met with the submission of the fiscal year 1971 budget. I would repeat that comment today with regard to the budget and program contained in this report. We still have a long way to go in all aspects of Defense responsibility. We have never claimed to be instant problem-solvers. But we have completed our year of transition with respect to basic Defense planning both with regard to strategy and management. We have completed our basic reviews and have made our fundamental decisions on what needs to be done. The New Strategy and Defense Program presented in this report embody the major elements of the decisions that have flowed from our assessments of the past two years. The Strategy and the Program, of course, cannot succeed without the understanding and support of Congress and the American people.

This report describes the major changes which have been made and which will be made in such areas as defense strategy, the defense budget, research and development, command and control, intelligence, procurement and, most importantly, the need to revamp our concepts about the recruitment and use of military manpower—both in active, National Guard and Reserve forces.

I would like briefly to outline for you some of the major points in the Defense Report. We focus on two fundamental aspects of Defense Planning:

In Section I—Effective Implementation of the Strategy of Realistic Deterrence.

In Section II—Better Management of Human, Material, and Economic Resources in the Department of Defense.

Our Five-Year Defense Plan projects a capability to attain our goal with an efficient and modernized force that, in peacetime, would require no more than seven percent of the Gross National Product and be made up of no more than 2.5 million men and women who are volunteers. This is discussed in the chapter on *Strategy Overview*, which states, in essence, that a realistic military strategy cannot be an end in itself but must be inseparably linked with a broader national strategy of deterrence and "meaningfully related to our pressing requirements in the domestic field."

As I discussed in the chapter of *Concepts for Defense Planning*, we intend to use a Total Force approach in which all appropriate resources for deterrence, U.S. and Free World, will be available. Through the application of all resources across the full spectrum of possible conflict and the full spectrum of capabilities of our friends and allies, we will maintain sufficient U.S. strength and will mesh this strength with other nations in a new order of partnership.

For the U.S. forces, the Total Force concept will mean increased importance for our National Guard and Reserves. In this chapter, I analyze the progress and problems of Vietnamization, and discuss its relation to the Total Force concept in its broadest applications, utilizing both military and nonmilitary resources. Looking to the future, we must continue to focus on the intimate relations of the military, economic, political and diplomatic facets of the Indochina situation as we move to terminate U.S. involvement in the fighting. This report does not address the day to day military situation in Indochina, or anywhere else. It seeks instead to explain the basic concepts that underlie our strategy for the future. To be realistic about it, there will continue to be ups and downs, gains and losses, temporary setbacks. The important thing is for the citizens of our nation to keep in sight of the fixed goal of a generation of peace and to insure, as best we can that the policies we establish and the strategy we follow lead in that direction.

The chapter on *The Threats to Free World Security* provides an update of the threats to the Free World at all levels of conflict. The continued momentum of the Soviet Union in strategic missiles, aircraft, Naval forces and research and development are evaluated. Chinese weapons progress is also discussed. This threat assessment is related to the need for assuring that the United States maintains its technological leadership in order to assure the safety and survival of the American people. To maintain technological leadership, we must reverse the recent downward trend in R&D funding, which this budget does, and we must also move forward with new technological initiatives to guarantee that we have flexibility and timely options to meet possible threats of the future.

The fourth and final chapter in Section I, *Force Planning under the New Strategy*, provides a discussion of the specific programs being recommended as the "basic minimum capabilities deemed necessary and appropriate for the years ahead." We have completed our transition to what we describe as "base line planning," and are now building for the future. Of course, much will depend on the outcome of the Strategic Arms Limitation Talks. Because of uncertainty associated with SALT, we must maintain present capabilities, while preserving or creating options to adjust those capabilities upward or downward as may be required.

Mr. Chairman, no one hopes more for success at SALT than the Department of Defense because of the burdens and responsibilities we would face should SALT fail. The details of the President's decision on the FY 1972 SAFEGUARD program are contained in this section. SAFEGUARD continues to be a vital factor in the SALT negotiations.

The Chapters in Section II are focused on the need for better management of human, material and economic resources in the Department of Defense.

Chapter 1, *Organization and Management*, focuses on our management concept which is based on participatory decision-making, defined decentralization, and delegation of authority under specific guidance. I propose in this chapter the creation of an additional Deputy Secretary of Defense in order to enhance high level civilian management and to cope with the severe time demands now placed upon the single Deputy Secretary of Defense, David Packard. I also recommend creation of two additional positions for Assistant Secretary of Defense.

We will continue, of course, to make management improvements in the Department of Defense, including a modification of the Unified Command Structure which we are recommending to the President. We will continue to draw as appropriate on the recommendations of the Blue Ribbon Defense Panal which was so ably headed by Gilbert Fitzhugh.

Our examination into the intelligence activities of the Department of Defense will continue, and further changes may be anticipated, including the creation of a long-range planning group reporting directly to the Secretary of Defense. We have taken steps also to strengthen civilian control over investigative and related counter-intelligence activities.

The continued progress we expect under the Human Goals principles of the Department of Defense are reported in the Chapter on *Manpower Objectives*. Of particular importance, of course, is our program to achieve zero draft calls by mid-1973 and to accomplish further improvements of the Selective Service System which would complement last year's reduced draft calls and National Random Selection System. Many inequities in the Draft have been eliminated in the past two years, but so long as we need the Darft it must be made more equitable. One gross inequity today is the fact that the young men who attend college are given deferments which are denied to other young men who do not attend college. This is unfair and should be changed.

Once men and women are in the Armed Forces and are serving their country in uniform, we owe them respect and dignity for their service, and we owe them and their families fair play in the areas of pay, housing and educational opportunities.

Let me candidly tell you that we face some formidable problems in the manpower area that are not going to be solved overnight. In addition to complex recruiting and retention problems, we share with the rest of American society the agonizing problems related to race relations and drug abuse. We in the Department of Defense are determined to continue leading the way, as best we can, in seeking solutions to these difficult problems.

A final Chapter on *The Defense Budget and the Economy* surveys the impact of cuts in Defense personnel and expenditures over the past two years in response to our changing national priorities.

The impact of the massive cuts that have been made during the last two years in employment and expenditures related to national defense is assessed. These cuts have resulted in a considerable amount of turbulence, which results from our shift from a wartime to a peacetime economy.

This year the rate of defense reductions is declining and we are going to do everything we can to keep to a minimum this turbulence, as it relates to our civilian employees, Defense industry employees, and our military people and their families. In short, the Defense Budget has been heavily affected in our national reallocation of resources. The period of Defense dominance in national resource allocation is over. Our Fiscal Year 1972 budget, in constant dollars, will be below the prewar year of Fiscal Year 1964. This fact cannot be ignored as we plan to implement during the next five years our New Strategy of Realistic Deterrence.

In current dollars, the FY 1972 Defense Budget transmitted to the Congress by the President totals $79.2 billion in Total Obligational Authority (TOA) and $76 billion in outlays, including amounts proposed for future pay increases. This is $3.9 billion in TOA and $1.5 billion in outlays above the respective amounts for TOA and outlays we now expect in FY 1971.

In summary, Mr. Chairman, I would repeat that we have not solved all the hard problems before us nor can I tell you that hard decisions do not lie ahead. As with the Fiscal 1971 transitional budget, there is some risk attached to our FY 1972 Defense Budget for it continues the downward trend in overall Defense Department purchasing power at a time when the threats we face around the world continue to increase, not diminish. Should events dictate, I will not hesitate to recommend any action that may be required to insure the continued safety and security of the American people.

As Secretary of Defense, I seek your understanding and your support for our new Strategy and want to assure you that I will continue to work with this Committee and other Committees of the Congress to advance the goals we share in common in seeking to serve the best interests of the American people.

MEDICARE COVERAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, I am today introducing a proposal which I had previously introduced in the 90th and 91st Congress which would, if enacted into law, remove the requirement that State and local government employees must join the social security retirement system in order to qualify for medicare coverage.

On July 1, 1966, hospitalization coverage under medicare began for nearly 20 million Americans age 65 and over. All Americans who reached age 65 before 1968 were similarly covered, whether they were eligible for social security retirement benefits or not. But, as of January 1, 1968, a person must be covered by the social security retirement system to be eligible for medicare hospitalization insurance. Although generally equitable, this creates a severe problem for employees of State and local governments.

Although most employees in the United States are now automatically covered by social security, this is not true with regard to employees of State and local governments. As of January 1965, approximately 2.6 million positions in State and local employment were not covered by social security. These public employees, although members of State or local retirement systems, do not have programs available to them similar to the hospital insurance program available through medicare. Many are willing to pay for such insurance, but under present law, are precluded from doing so unless the State brings them under the social security retirement system as well.

I am particularly concerned about this gap in medicare's hospital insurance coverage because among those excluded are over 689,000 public school teachers across the Nation. My bill would allow them to elect to participate in the hospital insurance program as long as they are willing to pay their own way. Nothing could be fairer than that.

WOEFULLY INADEQUATE EMERGENCY PROCEDURES OF CAPITOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KEATING) is recognized for 5 minutes.

Mr. KEATING. Mr. Speaker, the recent tragic bombing at the Capitol pointed out how woefully inadequate the emergency procedures of the Capitol are.

At present, there are investigations underway for providing greater security at the Capitol. However, what I am principally concerned about is the safe evacuation of employees and tourists from these buildings.

A member of my staff tried to ascertain if there was in existence any emergency evacuation plan after the incident of the explosion occurred Monday morning, March 1. After being directed to four different offices, he was told that there was, indeed, a plan, but it was a secret.

Mr. Speaker, if a staff member doing a research project for a Member of Congress cannot discover the evacuation plan, I shudder to think what would happen if a fire or another bomb occurred in these historic buildings. For this reason, I am introducing today, a resolution to direct the House Administration Committee to develop and promulgate evacuation procedures and an alarm system. The current investigation into security procedures at the Capitol will probably entail time and money. My proposal is a step that should have been taken long ago, but can be done now, quickly and at a small cost.

Mr. Speaker, I urge quick consideration on this proposal:

RESOLUTION TO PROVIDE FOR AN INVESTIGATION BY THE COMMITTEE ON HOUSE ADMINISTRATION OF AN ALARM SYSTEM FOR THE CAPITOL BUILDING AND THE HOUSE OFFICE BUILDINGS

Whereas the Members of the House of Representatives were shocked by the senseless bombing of the Capitol building on March 1, 1971;

Whereas neither Members of the House nor their staffs were familiar with evacuation plans for the Capitol building or the House Office Buildings;

Whereas a serious bomb threat, fire, or other catastrophy could cause panic and confusion if there is no clear emergency plan for evacuation of the Capitol or House Office Buildings;

Whereas there is no adequate system to signal a building evacuation: Now, therefore, be it

Resolved, That the Committee on House Administration, acting as a whole or by subcommittee, is authorized and directed to conduct a full and complete investigation and study into ways of informing Members of the House, their staffs, employees of the House, and visitors of the evacuation procedures (in case of emergency) for the Capitol building and the House Office Buildings.

For the purposes of carrying out this resolution, the committee is authorized to sit and act during the present Congress, subject to clause 31 of rule XI of the Rules of the House of Representatives, at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committe or any member of the committee designated by him, and may be served by any person designated by such chairman or member.

The committee shall report to the House as soon as practicable during the present Congress, the results of its investigation, together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

STAFFING FUNDS FOR MINORITY ON COMMITTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. RUPPE) is recognized for 5 minutes.

Mr. RUPPE. Mr. Speaker, I am introducing today legislation designed to restore a key facet of the Legislative Reorganization Act of 1970—a provision which was nullified at the opening of the Congress when a majority of the House of Representatives voted to delete the minority party's right to one-third of committee investigatory staffing funds.

Mr. Speaker, we are all aware of the significant input of committee action in the overall legislative process. Most legislation is written and rewritten in committee. One of the major functions of the legislator is his scrutiny of proposed legislation in committee. The value of adequate staffing to assist in this process cannot be overstated.

The contribution of the minority party in this process is essential. Certainly the right to initiate and perfect pending legislation as it passes through committee is necessary to achieve effective legislation. Adequate committee staffing to aid in a thorough review of the various legislative proposals is vital. Many views and judgments are needed to inject a greater balance of all concerns in our laws. The minority staffing provision is an important means of achieving that balance.

Mr. Speaker, today, as I reintroduce this proposal, I call to the attention of my colleagues the impact that such a provision has in the overall legislative process. I am hopeful that this proposal will receive prompt and thoughtful consideration in the coming months of the 92d Congress.

DISCRIMINATION IN FAVOR OF WEALTHY WITNESSES AT MAJOR SPORTING EVENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SANDMAN) is recognized for 5 minutes.

Mr. SANDMAN. Mr. Speaker, there is a clear and growing outcry for congressional attention to what appears to be a trend toward discrimination against all but the affluent to witness major sporting events.

I refer specifically, of course, to the Joe Frazier-Muhammad Ali heavyweight championship fight Monday night.

I was among an estimated 2 million persons in the Nation fortunate enough to witness this great bout. In my opinion, it was such a well fought and equally matched fight that most of us in Atlantic City Convention Hall ignored the poor closed-circuit picture.

Everyone in Convention Hall as well in the other hundreds of auditoriums with the closed circuit showings had paid $12.50 to $30 for their seat. I am not complaining about this as there are many sport fans who prefer and would gladly pay for the atmosphere of crowd spectatorship.

However, Mr. Speaker, I am very concerned that there were some 200 million Americans who, for lack of funds with which to buy a ticket or lack of transportation or for a myriad of other reasons were denied the privilege of witnessing what history may record as the sporting event of the century.

It was estimated that had this particular championship fight been televised, some 150 million of our citizens would have watched.

Let me state at the outset that I am all for competitive enterprise—for the right of making a profit. And I am not for nationalizing any sport.

But I do believe that the courts and the Congress have been lenient with professional sports on the basis that they are not merely businesses, but also worthy forms of public entertainment and diversion of our citizens from their normal concerns.

Unless we act now to protect citizen-spectators from undue financial discrimination on availability of professional sports, because of their monopolistic—perhaps necessarily—status, enjoyment of major sporting events will inevitably become limited to the rich.

The day is fast approaching, for example, when the financial attractiveness of such closed-circuit arrangements could force promoters of such great events as the Super Bowl, the World Series or maybe even the Rose Bowl, the Olympics, and other major "amateur" events to limit spectators on the basis of dollars only.

Currently, the Federal Communications Commission claims to be powerless to insist that something be shown on television or heard on radio whereas it has power to insist that certain things not be shown or heard.

And the Justice Department has its hands tied, as I understand it, by congressional action which exempts certain sport organizations from antitrust prosecution.

I, therefore, am drafting new legislation to confront this situation before it gets further out of hand. I will seek public hearings on this matter and will urge prompt Federal enactment of such legislation.

In concept, I am proposing that Congress declare that certain major sporting events must be made available to be broadcast publicly by the highest national radio and televison network bidders.

My legislation would require that permits be obtained from the Government—probably the FCC—before certain major sporting events can be staged. Primary prerequisite for securing a permit would be proof that public networks have had an opportunity to bid for the rights to broadcast the event and that the highest bid, if any, was accepted.

This approach, Mr. Speaker, would leave the management of professional sports in the hands of private promoters where it should be. But instead of allowing a false, private supply and demand among only the rich to exist, a new public supply and demand for all sports fans will be permitted to exist.

I invite all my colleagues in Congress to give me the benefit of their respective points of view on this issue while the drafting of this legislation is in process. I am also eager to hear pro and con arguments from anyone else who may be interested.

This morning, I had the pleasure of visiting by telephone with Howard Cosell, well-known ABC sports commentator, who only this morning made this issue the subject of one of his network radio broadcasts.

Coincidentally, James Restin and William N. Wallace of the New York Times provided separate articles on this matter. I am, therefore, including a transcript of Mr. Cosell's broadcast and the text of both Times articles as part of my remarks in the RECORD:

SPEAKING OF SPORTS

(By Howard Cosell)

This is Howard Cosell, Speaking of Sports. The big event is now over. In a couple of days, it will be old news. There is talk about a rematch next year, but the people of this country have been left with something to think about.

A couple of men come in, they put up a quarter of a million dollars and they own the rights to the biggest event of the decade, maybe of the half century. Who can tell? It turns out to be a great event. They turn it over to a closed circuit television group to transmit to theaters around the nation. Less than two million people probably, or anyway around two million, see this great event, pay apparently almost 17 million dollars for the privilege and then the public gets left out.

Not even the Army can hear a radio broadcast of it. Not even the soldiers overseas.

It raises all kinds of questions because now the man in charge of the outfit that transmitted the event to the theaters says it's the wave of the future, and the Super Bowl and the World Series may all be on the theater television only for the very few and the very rich in the years that lie ahead.

This is one of the things I've talked about more often in sports. Is it a business? Is it a sport? Who is kidding whom? Sports today is big business pure and simple. It is sports only in the minds of the masses who have allowed themselves through all the years to be deluded.

Most of the people in this country are poor people really who couldn't afford the prices to the theaters, let alone to the one arena where the live event took place.

The masses of the country, if it comes to the point where sports is only for the very few and the very rich, will in the ultimate, I predict, force legislation from the Congress of the United States to see that the great bulk of the people in this country are able to see the great "sports events".

Add ironies, the people who paid all that money in the theaters did not even get to see the fighters interviewed in the ring after the fight.

Howard Cosell reporting.

[From the New York Times, Mar. 10, 1971]

THE GREEDY SPORTS PROMOTERS

(By James Reston)

WASHINGTON, March 9.—The Joe Frazier-Muhammad Ali heavyweight championship fight is over, but the battle over the greedy promoters is just beginning. If they can sell their performers to the highest bidders, and black out home television for the poor folk why not the same grab for the pro football Super Bowl, the World Series and all other big sports and theatrical productions?

Congress and the Supreme Court have had trouble with the regulation of professional sports ever since the days of "Kenesaw Mountain" Landis, and have bent the antitrust laws to protect the semimonopoly structure of professional football and baseball, but now they have a new problem to think over.

The courts and the Congress have been comparatively lenient with the pro-football and baseball promoters on the ground that they were not merely a business but a sporting enterprise, where the rights of the player to sell his services to the highest bidder had to be restricted. And the rights of the club owners to black out local television areas when the team was playing at home should be protected.

But in the Frazier-Ali fight, the promoters demanded and got unrestricted rights to sell their product at prices ranging from $150 for a seat in Madison Square Garden to $15–$30 for closed television seats in theaters and hotels all over the country. Thus, total proceeds not counting movie and free television re-runs, amounted to about $20 million—$17 million from the closed-circuit gate receipts and $3 million from the rest.

The promoters not only kept the fight off the television and radio networks of the United States and Canada, but even tried by legal action to restrict the right of news agencies to file blow-by-blow accounts of the fight to their newspaper, radio and television clients. In fact, when the officials of COMSAT, which was sending the pictures of the fight overseas by satellite, tried to invite a few friends into their office to see the picture, Jack Kent Cooke, one of the two promoters of the fight, gave his permission only on condition that they also invite the Federal Communications Commissioners and the members of two Congressional Commerce Committees, who regulate broadcasting, to attend the showing as his personal guests.

Okay, so it was a business bonanza, and maybe all legal too, but if professional sport is to be judged solely as a business, using interstate commerce facilities and selling tickets in interstate commerce, then it can be argued that it should henceforth be subject to Federal interstate commerce regulation in the public interest.

Anybody who saw the crowds of blacks around Madison Square Garden in New York, and around the Hilton Hotel in Washington, where the closed-circuit seats were selling at $30 a piece, could even believe that there is a question of public safety involved in this monopoly.

This time it was a case of "let the buyer beware," but next time, if there is a rematch under the same high-priced closed-circuit setup, the security problem for the promoters and their well-heeled guests may be formidable indeed.

Even the networks with their high-priced advertising cannot hope to compete with the closed-circuit receipts from spectacular events like a heavyweight championship fight or a pro football Super Bowl game. The pro football leagues collected $2.5 million for the television rights to the last Super Bowl in Miami. But a closed-circuit network showing in theaters in all the pro football cities might easily bring in ten times that much, and the only people left out again would be the poor.

It may be, of course, that pay-as-you-see television is the coming thing, and there are some critics who believe that it will eventually increase the variety and quality of American television programs. Thus, it is argued that by transferring the cost of programs from the advertiser to the viewer, enough people may be willing to pay to see a good play or concert to make it profitable for national distribution.

But the dangers of high-priced closed-circuit sporting spectaculars are fairly obvious. Sport in America gains its power from mass audiences, and what the closed-circuit system does is to increase the revenues while reducing the number of people who can afford to see the event.

In fact, not since the invention of television has any championship fight in America taken in so much money or been seen by so few people in this country as the Frazier-Ali battle. It is true that heavyweight championship fights are regarded by the courts as monopoly enterprises, but it was never anticipated that they would be governed by the predatory practices that controlled this one.

One argument for professional sport in America is that it occasionally diverts the whole nation from its normal preoccupations and provides the people with a common interest for at least a few hours. The closed-circuit system threatens to change all that: it is sport for the rich, like polo and yacht racing, with the poor outside the gate. And since the poor outnumber and outvote the rich, the possibilities of fair legislation to avoid the repetition or spread of the practice are fairly obvious.

[From the New York Times, Mar. 10, 1971]

FIGHT TELECAST REPORTED AS FINANCIAL AND ARTISTIC SUCCESS

(By William N. Wallace)

The closed-circuit television presentation of Monday night's Joe Frazier-Muhammad Ali fight was a financial and artistic success with few exceptions. Just how successful it was will not be known until later this week when the accounting dimensions take shape.

Jerry Perenchio, the promoter, made an early estimate yesterday of $16.5-million in gross receipts, as reports of capacity houses came into his headquarters here.

Of the 369 sites, four had equipment failures. That record was described as a "remarkable success" by E. William Henry, chairman of Management Television Systems, which set up the largest closed-circuit network in history.

Ticket counterfeiting, scalping and some disorders were associated with the telecast. The Chicago Coliseum had no picture to show and the crowd of 6,900, which had paid $10 a ticket, began to fret as fight time neared. Ticket counters were thrown through windows, and chairs and bottles from the balcony. Policemen sealed off the building.

The reason for the failure was that a conversion chassis in the projector had burned out. But M.T.S. had backup equipment ready.

"The irony of it is that our man could not get through the police cordon to repair the projector," said Henry.

There was also no picture at Duluth, Minn., so fans listened to the audio, as they did in the old days of radio.

At Portland, Me., the projector failed 35 minutes before the fight. The screen went dark at the Hunter College Auditorium as the eighth round began. In all cases, refund slips were issued.

The television presentation was insured for $18-million.

Pending the determination of a rematch, Henry said his next closed-circuit goal was a live bullfight this spring and, some day, pro football's Super Bowl.

He forecast a $48-million gross for the Super Bowl, which is now on free home television. "I predict a change within five years," he said. The network TV contracts for the game run for three more years.

The best pictures of the fight were those in color in places like Radio City Music Hall. But most viewers had to be content with a black and white picture because of limited equipment.

There were some complaints that the black and white picture had been too dark, with that factor plus cigarette smoke having obscured the fighters.

The picture in Pittsburgh's Three Rivers Stadium, on a lumpy screen in the infield, was less than perfect as 5,000 fans watched in 17-degree temperatures. They paid $15 each and were content. "Worth twice the money," said one.

Henry was quick to maintain that the exciting aspect of the fight had made the closed-circuit show a success.

In some places there were too many fans. Trouble arose at Chicago's Amphitheater when 1,000 were turned away. Fire hoses controlled the crowd.

Fans who had been turned away broke windows in San Francisco, Oakland and Richmond, Calif. Gate crashers broke down two doors in Atlantic City, and were let into Philadelphia's Arena by police order after a steel railing had given way.

A late rush of 3,000 fans filled the Los Angeles Sports Arena and 2,000 more were turned away.

"We did about $2-million the last day," said Franklin Fried, an associate of Perenchio, who had the Chicago and Wisconsin areas.

Irving Ungerman, George Chuvalo's manager, had all the Canadian outlets save for Calgary and Vancouver. He did well, estimating a gross of $900,000. He had to guarantee $275,000 against 60 percent of the gross.

In 11 Ohio cities 54,000 of 61,000 seats were sold for a gross of $600,000.

One unhappy promoter was Jim Journigan, who said he had lost $75,000 in Kansas City, Topeka and Wichita, Kan., Des Moines and Davenport, Iowa, and Sioux Falls, S.D.

"The boys in New York were too smart," he said. "They got their money up front and didn't do anything for me." He paid $200,000 for his territory.

The Congress of Racial Equality sponsored the only showing in Harlem, at the 369th Regiment Armory, where several thousand were turned away after 11,000 seats had been sold. Because of the threat of counterfeit tickets, spectators were allowed through only two gates. Pushing and shouting resulted. The congress was to keep half the estimated gate of $150,000.

A scalper in Buffalo tried to sell a $12.50 ticket to plainclothes policemen for $35 and then to another for $37. He wound up in jail.

BOMBING AT THE CAPITOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez), is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, I do not intend to use my full time this afternoon, but I rise on this occasion on the same subject matter or theme that I presented before the House the day before yesterday, when I mentioned that in the wake of the bombing that took place in the Capitol Building on the Senate side, there was a tendency to find a scapegoat.

The scapegoat has been the Capitol Police force—unjustly.

The Attorney General made some remarks about the police force being patronage—and other people the same—without really knowing the facts or the record. The truth of the matter is that the Capitol Police force has an excellent record. It has discharged its duties well. The Attorney General said he wished they could have the same kind of protection for these structures here as for the embassies. I am sure he does not know what he is talking about. The record of protection and custody of the embassy buildings is a lower one in comparison with the record of safety and order that has been kept on Capitol Hill by the Capitol Police force, if you please.

Perhaps out of this nettle we can pluck a flower of justice by pointing out that the Capitol Police force is the only police force in the country I know of that does not get paid for overtime. In the wake of the bombings some of the men have been asked to work twice as many hours as ordinary, with not 1 cent of pay for that extra time.

Now, that is wrong. That is unjust. Nothing can justify the continuation of that system.

I thought 6 years ago, when we corrected that situation for the Metropolitan Police force, the Capitol Police force was placed on the same footing. I found out this last week this is not so.

Here we are, the House of Representatives, which has been on record ever since the Fair Labor Standards legislation in the 1930's for minimum wages and for maximum hours of work, flagrantly violating right here in our own House these rules that we demand other Americans keep.

I believe it is necessary that justice be brought to the Capitol Police force instantly—immediately. I will push for this until there is some reform and some remedy.

Mr. SISK. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from California.

Mr. SISK. I appreciate the gentleman from Texas yielding, because he has touched on a subject in which I am very much interested. I want to join with him in the defense of the Capitol Police force. I believe they are doing an outstanding job under some pretty tough circumstances from time to time.

These recent criticisms in the newspapers I believe are wholly unfounded. I particularly resent some of the comments coming from downtown about the so-called guards or the quality of the guards. The majority of the police force today, as I am sure my colleague from Texas knows as well or better than I, is a professional force.

Mr. GONZALEZ. Right.

Mr. SISK. Very frankly, they are doing an outstanding job. I particularly want to commend Chief Powell on the kind of work he is doing and the type of training being given to these men. As I say, sometimes it is under pretty adverse circumstances.

I would hope that my colleague from Texas and other Members would join in helping us to correct the situation and to improve the working conditions of our police force. I appreciate what the gentleman has said.

Mr. GONZALEZ. I thank the gentleman from California. I want to say that he has done a wonderful job on the committee that has some responsibility for such things as parking spaces and related matters, chores of legislation which sometimes legislative committees have to perform.

I want to say further, before I finish my remarks, that the House has a responsibility to address itself to the situation immediately. Last year we heard a lot about law and order. We heard all of the national leaders seeking office 2 years ago, about 95 percent of the Members of the House, talk about law and order and about the disorders and the rioting and the criminal elements. Yet here we have just a little example about how much we care for those whose whole life and job is to maintain law and order. There is a saying in Spanish which is so true: "Candil de la calle y Obscuridad de la Casa."

In other words, he is a torch on the street but he is absolute darkness at home.

This is very true. Charity begins at home. We have the laws we pass regulating all businesses as to minimum wages and maximum hours. Now let us obey it.

We yell a lot about law and order and yet we rarely show how we feel about our policemen who I have the secure feeling would lay down their lives in order to protect us. I do not see how anybody, unless we turn this over to a complete police state situation—I do not see even if we had 1 million policemen, how anybody can prevent somebody from performing some irrational insane act of violence. As I said the other day there is nothing to prevent anybody, in the current situation, from coming into the gallery with a hand grenade and throwing it right into the middle of the House floor. This is something that I do not see how in the world we can prevent unless we have a personal search of every single individual entering the gallery. This is only one example. I do not think it is right to overreact and blame the wrong people and particularly the Capitol Police because as the gentleman from California (Mr. Sisk) has well pointed out the overwhelming preponderant majority of the members of the Capitol Police Force are not students or on patronage but are rather professionally trained men and are doing an excellent job. I may add even those who are students and those who are on the so-called patronage lists, are doing and have done an outstanding job every year that I have been here and that has been 9 years and 2 months.

GENERAL LEAVE TO EXTEND

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this subject.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

INCREASED SOCIAL SECURITY BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BYRNE) is recognized for 10 minutes.

Mr. BYRNE of Pennsylvania. Mr. Speaker, I have today introduced legislation which should have a beneficial effect on the rapidly deteriorating financial capabilities of 20 million senior citizens who are trying to subsist on social security.

I urgently solicit the immediate and wholehearted support of my colleagues who, I believe, are mandated to take action now because millions face starvation, suffer the lack of medical services, and cannot achieve even minimal standards of housing.

Personally, I think it is shocking that the richest country on the face of the earth cannot provide this minimum care to the people who have earned freedom of want after a lifetime of honest labor. It is incumbent upon us to take action—and to take it now.

I want to make certain that this legislation is not suspected of being the usual, piecemeal, stopgap measures regularly introduced on a biennial basis—measures whose benefits appear to disappear through inflation before the next biennium rolls around.

No, I think this is the time that we must plan beyond the immediate future. We must use our knowledge of past performance and plan not only for tomorrow but the tomorrows to follow that.

Basically, my proposal calls for an immediate 15 percent raise of all social security payments, retroactive to January 1, 1971, followed by another 15 percent increase on January 1, 1972. This would just about bring the payments up to the value they have lost in the past several years.

Second, my bill would place a minimum of $100 a month this year—up from the current $64—and an increased minimum of $120 a month in 1972. The need for this is obvious; social security is not supposed to be "token" payments.

Tied to this would be a cost-of-living escalator to take effect when the cost-of-living index, as reported by the Bureau of Labor Statistics, increases more than 3 percent.

In addition, benefits for widows would be increased to 100-percent rather than the present 82½ percent of the primary, basic benefits of their deceased spouses.

Pending the passage of a meaningful national health plan which would provide for these contingencies, my bill would eliminate supplementary payments for medicare. Prescription drug costs for medicine outside of a hospital would also be covered.

Disabled persons under the age of 65 who are receiving social security payments would become eligible for medicare for the first time—a revision which I feel has been necessary in our law for some time.

Yes, Mr. Speaker, I am aware that these suggestions would cost additional money, but I do not think it wise to finance it all out of social security taxes. This would, in turn, put the burden of costs back on the people least able to pay them. Therefore, I ask that some of these suggested features be financed through the general revenue funds.

These are some of the provisions of the proposed legislation. Other features would alter the present formula for outside income, recognizing that this added income is vital if our elderly are expected to survive; it would equalize the computation of benefits for men and women at the same age level.

Admittedly, this session of the Congress has many crises facing it; however, I can think of no matter as crucial to our Nation as the one of our elderly. We cannot deny our responsibilities to them. We need action now.

THE BERRIGAN CASE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, many citizens who believe deeply in political liberty and evenhanded justice are expressing concern about the bizarre case of the Berrigan kidnaping plot. The uneasy feeling about this prosecution stems from several important factors.

First, the Berrigans have become symbols of opposition to the Indochina war, particularly of the nonviolent activist type. We must all recognize that bringing criminal charges against political opponents of the administration has the effect of inhibiting dissent. This is particularly true where the offense charged is conspiracy rather than an overt act and the Government's case relies on hazy conversations, speculative philosophical discussions and the use of informants.

Second, the publicity surrounding the case, in particular the statements by the Director of the FBI about the Berrigan brothers' involvement in a kidnaping conspiracy, has been unusual. The courts have repeatedly emphasized that a fair trial requires strict limits on statements by public officials with respect to criminal investigations and prosecutions. Mr. Hoover's remarks certainly make the task of obtaining an unbiased jury even more difficult than it would otherwise be.

Third, there is belief among some people that, to put it bluntly, the alleged plot to blow up Government buildings and kidnap Henry Kissinger is so absurd that it must be a frameup designed either to vindicate Mr. Hoover's prior statements about such a plot or to destroy the opposition to the Indochina war.

It is tragic—although all too understandable—that many Americans, especially among the young, feel so insecure and cynical about justice in the United States today. Perhaps this is the greatest tragedy of our day.

I must say that I have more confidence in our Government and in the processes of our legal system. Although I share some of the disquiet, I believe it is important to keep an open mind about this case. The Government will soon be required to put forward its evidence and its witnesses. Defense attorneys will have an opportunity to cross-examine and to present their case. There will be a judge and jury, an alert press and vigilant public. If the defendants are convicted, their right of appeal can be a forum, as in the Spock case, for a more dispassionate review of their legal arguments. Our system provides many effective checks on the arbitrary exercise of power.

In reserving judgment at this point, I nonetheless believe that the Berrigan case must be scrutinized continually to insure that criminal conduct—not political belief—is the issue at trial. It is our obligation to provide the defendants a fair trial and an opportunity to present a vigorous defense. Philip Berrigan and his codefendants are being represented by very capable counsel: Ramsey Clark, Paul O'Dwyer, Leonard Boudin, and Addison Bowman. There will be time enough—and better information—for the public to judge both the Government and the defendants after the verdict is in.

THE DRUG PROBLEM

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, this morning approximately 100 Members of the House and Senate breakfasted with 40 children from Odyssey House, a drug rehabilitation organization with 19 facilities located in New York, New Jersey, New Hampshire, and Utah giving help to children from all over the country. This was a unique opportunity for Members to talk directly with children who, being former drug addicts, know best the dimensions of the drug problem. The children were brought to Washington by Odyssey House's founder and guiding hand, Dr. Judianne Densen-Gerber.

I think that so many Members took the time to come to the breakfast this morning because the drug problem in our country has reached emergency proportions—and it is urgent that we mobilize the resources needed to combat what can accurately be called "an epidemic." A conservative estimate puts the number of drug addicts in this country at 200,000 and half of these are in New York City alone. Furthermore, the city's board of education estimates that 35,000 high school students are now mainlining heroin and other narcotics.

The toll of drug addiction is a tragedy for both the individuals whose lives are crippled by the cold grip of addiction and the assaulted society that ultimately supports the habits of the addicts. In New York City the police department estimates that one-half of the city's street crime is related to drug abuse. An example of what this means in dollars is found in my own congressional district. A hotel in Greenwich Village houses some 750 former convicts, many of whom are now on welfare; it is estimated by the community planning board that approximately 400 of these people are drug addicts whose habits cost an average of $50 a day per individual. This means that $7 million a year must be raised by the drug addicts in this single hotel; because stolen goods are fenced at approximately 20 percent of their value, this necessitates some $35 million worth of goods being stolen annually. Thirty-five million dollars a year for just 400 addicts—one can begin to understand the magnitude of the cost for 100,000 addicts.

Drug addiction is a growing problem, and must be considered a contagious disease. It is urgent that the Federal Government, the States, and cities make the necessary commitment to reach and treat today's drug addicts. The important fact is that a large proportion of the addicts are easily identifiable—and yet today we still fail to provide adequate supervision and medical and psychological treatment for them.

I would recommend that an initial program be undertaken by the States and localities, with financial assistance from the Federal Government to supervise and treat the following three categories of easily identifiable addicts:

Those members of the Armed Forces who are confirmed drug addicts and yet discharged.

Persons in prison and those released from prison.

Persons on welfare.

Earlier this week I visited Fort Bragg that has one of the few military drug treatment facilities. I was told that in a survey done of the 82d Airborne Division, 3 percent of the men were found to be "confirmed opiate users." It is well known that some men coming back from Vietnam are drug addicts—and yet even identifiable addicts are being discharged when their 2-year term is up. While the Army surely would not return to the community men afflicted with contagious TB, it knowingly returns active dope addicts. I believe that such persons must be committed to either a Veterans' Administration hospital for treatment or placed under the care of some civilian rehabilitation center.

There is a regulation in New York City that requires welfare recipients who are identified addicts to receive treatment. But, this regulation in the majority of cases is not complied with. Similarly convicts who are identified as heroin addicts upon incarceration should be treated while in prison; if prisoners do not receive rehabilitative treatment in jail—as is usually the case today—there should be a statutory requirement that upon release, they be required to undergo treatment.

It will take millions of dollars to operate a comprehensive treatment program. But not to spend the money for such treatment is foolish economy because our only alternative is for our society to continue to support a multibillion loss attributable to crime.

Last year the Congress authorized $43 million in new funds for drug treatment and education programs under the Comprehensive Drug Act for fiscal year 1971. But, the Congress failed miserably in appropriating funds to meet this authorization—only $6.5 million was appropriated. For fiscal year 1972, the Drug Act has authorized $102 million—but this will be only empty rhetoric if the cash is not provided. Both the Congress and the President—as well as the Nation's Governors and mayors—must decide whether indeed we are going to make the necessary commitment. I think that most Americans would rather pay a few extra dollars in taxes than have their homes robbed and lives threatened by drug addicts who are not receiving treatment.

ORANGE JUICE AND THE CONSUMER

(Mr. VANIK asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, in today's newspapers, it was announced that the Department of Agriculture spent $3 million to purchase 878,750 cases of processed orange juice to help prop up sagging prices paid growers. It is outrageous for our Government to subsidize higher prices for the consumer by purchasing orange juice for the benefit of the producers and the processors.

During periods of frost damage and curtailed supplies, the producers and processors want free market conditions to prevail, so that market shortages result in high prices and a consumer squeeze. On February 7, 1963, I gave an almost identical speech on Government purchase of orange juice which I insert in the Record at this point:

> ### Consumer Bulletin No. 2
>
> Mr. Speaker, in recent weeks, there has been considerable discussion of the fruit and vegetable damage resulting from the mid-December and mid-January freeze which blanketed most of the United States. This agricultural damage has weighed heavily on the farmer and even more heavily on the family budgets which have been strained with increased costs for fresh fruit and vegetables.
>
> Many of the consumer price increases resulting from the freeze are understandable, some are not. Most prominent among the commodities leaping forward with a totally unwarranted price increase is frozen concentrated orange juice, currently being used as an essential food in the daily diet of most of the households of America.
>
> Almost simultaneously with the announcement of the December 12–13 Florida freeze, the price of orange juice skyrocketed and then settled at a 30 percent increase over prefreeze prices. The price boost was on orange juice processed from last year's crop—completely unrelated to the December 1962 freeze. This was ruthless profiteering on stock on hand which glutted the market only 2 weeks before the freeze.
>
> Early in December, the stocks of orange juice concentrate were so glutted that the orange juice overlords pleaded with the U.S. Department of Agriculture to help them out of their surplus dilemma by purchasing orange juice concentrate for Government stocks. Obligingly, the Department of Agriculture spent $1.5 million to buy up some of the surplus for ostensible use in the school lunch program.
>
> The day after the mid-December freeze when the price for orange juice skyrocketed the Government stocks increased in value to over $4 million. The processors then prevailed on the obliging Department of Agriculture to release the supplies acquired under the school lunch program and turn them back to the processors who now could make a 266 percent hot profit on the frozen juice deal with the Government because of the increased value of the orange juice.
>
> Three large processors picking up the profit windfall on the Government stocks included Libby, McNeil & Libby with 105,900 cases; Stokely-Van Camp with 80,000 cases; Pasco Packing Co., with 168,085 cases; while 2 co-ops, the Plymouth Citrus Products Co-op and the Adams Packing Association, Inc., came in for 29,500 and 10,600 cases, respectively.
>
> In the meanwhile, housewives throughout the country immediately began paying 33½ to 37 percent more for frozen orange juice processed from last year's surplus crop. If the price pattern follows the price manipulations after the 1957 freeze which occurred at almost the identical time, this is only the beginning. The real climb will occur in late March and April. The price increase could go as high as 60 percent over prefreeze price levels.
>
> The 1957–58 price increase resulted in congressional hearings on the "controlled" marketing and pricing of orange juice concentrate. Hearings should be resumed this year to determine the who and the how of profiteering in this essential food.
>
> In the meanwhile, while housewives struggle with rising prices in this important daily food, they should consider several alternatives to paying the ridiculous high prices. A 46-ounce can of pineapple juice can be obtained for 25 cents; 6-ounce cans of frozen grape juice can be obtained for 89 cents (less than one-half the price of frozen orange juice); while three 46-ounce cans of tomato juice can be acquired for 79 cents. These juices are as nutritious as orange juice with much less calorie count—for those who must worry about calories. Although these foods may not measure up to orange juice in vitamin C, the tremendous savings in these foods will adequately cover the cost of vitamin C implementation and still leave substantial savings.
>
> The real answer to this recurring problem in orange juice profiteering lies in congressional investigation prompted by the indignation of the consumer who must foot the bill.

The ostensible purchase of this orange juice for donation to the needy constitutes a sham statement of purpose. The action of the Department of Agriculture in making this purchase is an arbitrary abuse of executive authority and a wasteful use of taxpayer money to bail out an industry at the expense of the consumer.

FREEDOM—OUR HERITAGE

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, last night the Veterans of Foreign Wars held its annual congressional dinner here in Washington. Much as I was pleased to be in the company of my fellow veterans and friends in VFW, I experienced an even greater pleasure in escorting the winner of this year's Voice of Democracy contest in Missouri, Mr. J. Mark Suellentrop of St. Louis.

Mr. Suellentrop lives in my own congressional district and his award winning speech is so well done that I would like to share it with the Members of this House by inserting it in the Congressional Record.

The VFW deserves the thanks of every American for upholding our system and institutions of government in all of its activities. The Voice of Democracy is particularly valuable because it stimulates the thinking of young people about the values of the freedoms we cherish.

It is especially fitting that this year's contest featured the theme "Freedom—Our Heritage." Certainly our Nation's veterans have made the greatest contribution in this century to the preservation of our heritage and, by carrying out their duties in defense of our country, have added ever increasing strength to our free and democratic Republic.

Mr. Speaker, it is a privilege to submit Mr. Sullentrop's treatment of "Freedom—Our Heritage."

FREEDOM—OUR HERITAGE

Oh, hello there! Maybe you don't remember me. Well, I am freedom speaking to you, right here, right now. Surprised? I don't see why you should be. I've been around a long time—talking to you. Maybe you just did not hear me! Why don't you listen to me now, because I'd like to remind you a little bit about exactly what I am. I don't mean to pat myself on the back, but the truth of the matter is—I am one of the most beneficial gifts that has ever been given to you. Or anyone else, for that matter. Yet sometimes you fail to realize that. Sometimes you tend to sell me short. I've been around awhile, and I'm proud to say that I'm the most powerful inheritance anybody has ever received.

Now here's some plain talk about that wonderful gift. Do you remember about two centuries back, when I was having my first growing pains, how things looked grey, yet bright, at the same time? I can remember when Gen. George Washington and his men were a little doubtful about my birthday; whether or not they would be able to win me. I've often wondered what it was that compelled them never to give up. I've wondered if maybe it was the thought, the dream of freedom that silently guided their actions. What do you think, or have you really thought about it recently?

You know friend, my life has not always been as easy as you might think. There have been many threats to America's freedom, and when I am threatened—I get scared, just as you would. You know, back in 1860, things looked pretty tough, and I was plenty scared.

The real causes for that ugly, divisive war are clouded and obscure, but you can wager that my name, Freedom, was a just cause for which many men gave their lives.

Yes, I've had to fight to live. But have you ever caught me running away? No, you have not, and I'll guarantee that you never will. Yet freedom does not come cheaply—it costs something. There is a price tag on freedom just as there is on any other valuable asset. The duties of people like you are the price for me. There are no rights without duties. It's a two-way street, my friend. But, the one idea that saddens me more than anything else is this: people taking me for granted; people not realizing my true value, or what it would be like without me. Shortsightedness on the part of apathetic Americans greatly disturbs me, and must be overcome! For, you see, I can never just die; I have to be killed, killed by apathy and negligence. Do you realize what you have inherited? Your heritage is freedom! Now I get excited about this. I believe so strongly in what I stand for that it's difficult at times to contain myself. I've been down the long, dark road. I've been there—and I know what it is like. Perhaps you will someday better understand my views should you ever find yourself deprived of what I stand for. I'm not perfect, but for every one thing wrong with me, there are a hundred things right.

My friend, today it is growing dark. But my strong light will pierce any darkness if you, you, Mr. Citizen, keep the torch burning.

Albert Einstein, the great scientist and great American said these words:

"If I am great, it is only because I stand on the shoulders of giants who came before me. I see now that we live for the sake of others."

My friend, you will always be great; if you stand on my shoulders; If you never fail to realize that I, Freedom, Your American Heritage, that I too live. But I Live—for You!

EQUAL RIGHTS AMENDMENT

(Mr. ROUSH asked and was given permission to extend his remarks at this point in the Record.)

Mr. ROUSH. Mr. Speaker, long before women's rights became a well-publicized issue in this country, a British poet stated the essence of the case for equality of treatment before the law regardless of sex when he said:

> The woman's cause is the man's; they rise or sink together.

As I rise today to introduce a constitutional amendment which would provide that "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." I take Lord Tennyson's remarks as my theme and my philosophy.

It is profoundly true that the cause of man and woman is the same and if we wish to preserve our traditions of individual rights and equality before the law, our dedication to a nation of "laws, not men," then it is indeed time that our Constitution reflect this purpose by denouncing sex discrimination.

In 1971, it is shameful that such an amendment to our Constitution is necessary. It is an additional embarrassment that an equal rights amendment has been proposed repeatedly since 1923, and has been the subject of hearings and debate by the Congress. But somehow we have managed to ignore or disregard the rights of American women and the need of our Nation for their full participation in our society.

Whatever the state in life, the occupation, the interests, the age, the economic status, the education, American women should have a constitutional guarantee that they will not be discriminated against "on account of sex" in education, employment, professional advancement, State law, or civic responsibility. Actually, the amendment is directed toward equality of treatment before the law for both sexes, and there are cases of discrimination in our laws against men, but by far the greater weight of oppression is borne by women.

Congresswoman Martha Griffiths, who so ably led the successful effort to secure passage of this amendment in the House last session, has reintroduced this proposal. The House Judiciary Committee has scheduled hearings to begin on March 24. I hope this will mean an early scheduling for another successful vote on the House floor.

Although the Equal Rights Amendment did not pass in the other body before the 91st Congress adjourned, more than two-thirds of the Members had cosponsored this legislation. Moreover, the Senate Constitutional Amendments Subcommittee, ably chaired by Indiana's own Birch Bayh, held extensive hearings last May, followed by debate on the floor of the Senate for almost a week in October. Surely, then, we can expect commensurately rapid action in the other body as well.

Should the Constitution not explicitly extent to 51 percent of our population? I think it should be the sooner and the better.

RESPECT POLICE

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, the urgent need to respect law enforcement officers, the real protectors of our liberties, was clearly demonstrated by J. Edgar Hoover, the very able Director of the Federal Bureau of Investigation, in the March FBI Law Enforcement Bulletin.

The article follows:

MESSAGE FROM THE DIRECTOR—TO ALL LAW ENFORCEMENT OFFICIALS

(By J. Edgar Hoover)

Frequently, some belligerent, anti-law enforcement elements of our society refer to police officers as "pigs." Obnoxious four-letter words are shouted at policemen, and the familiar chant, "Off the Pigs," meaning "Kill the Police," is a prominent cry wherever these groups assemble. Further, cartoons and publications depicting police officers as pigs are common fare, even for children. The ridiculous statement, "The only good pig is a dead pig," is a slogan of violent protesters. Such deplorable epithets can be gratifying only to little minds.

Self-respect and respect for one's fellow man are hallmarks of civility under any recognized measure of achievement. Further, the proven concepts which enable men of all races, creeds, and backgrounds to live together with a reasonable degree of harmony should be respected. One such concept is the rule of law. Without the rule of law our world would be a jungle. Thus, it is important that the rule of law and all its facets, including the policeman, be respected. In a free society where law—not man—is supreme, the policeman is a living symbol of the freedoms shared by all.

In light of the humanitarian aspects of a policeman's work, I would like to repeat a comment made here a few years ago:

"In any emergency, real or imaginary, the first cry that goes forth is for the police. The officer on the beat must be a journeyman of many trades—an on-the-spot doctor, plumber, or babysitter. Today's enforcement officer is expected to have multifarious ability, explicit judgment, and an unshakable temperament. He performs on a public stage. The audience is 'live'; every observer is a critic. There can be no retakes of his efforts nor pretaped performances. He is second-guessed, ridiculed, abused, cursed, assaulted, and sometimes murdered. But when he leads a small, lost tot from a dense, wooded area to the arms of a joyously weeping mother, his is a rewarding and satisfying service."

Policemen should be respected, at least for what they represent; they should not be called pigs.

We badly need to shore up some eroding ideals and principles in our country today. Community leaders, professional spokesmen, educators, clergymen, and others in positions of influence should take a firm stand to preserve our sense of values. Too many are swayed or intimidated by loud, unruly, and aimless ramblers—people with a lot of dialog but no message.

In a free society, which owes its very existence and prominence to the rule of law, abuse and ridicule of the law and those charged with enforcing it should not be taken lightly. I urge all members of law enforcement—in spite of personal indignities suffered—to serve with dignity and honor. As a rule, a repulsive slur is more descriptive of its origin than its target.

AN EPISCOPALIAN MINISTER SUPPORTS PRESIDENT'S VIETNAMIZATION

Mr. DEVINE. Mr. Speaker, sometimes the hierarchy of the churches refuse to hear but one side of an issue, and even chastise some of their clergy that even suggest there may be more than one point of view.

I am happy to offer the statement prepared by Rev. John J. Morrett of St. Alban's Episcopal Church in Columbus, Ohio, entitled "Responsible Disengagement," which I commend to the attention of my colleagues:

RESPONSIBLE DISENGAGEMENT

(By John J. Morrett)

Can we Americans walk out of Vietnam tomorrow, or the next day, or a month from now? I have the impression many in our church feel we should and must. However, careful consideration must be given to what can be called "responsible disengagement." Whether we should be in Vietnam today or not is at this stage of the game, a purely academic matter. Wrestling with the political and military issue of involvement beginning a number of years ago, does little more than intensify a divided opinion and resolves nothing. What we do about Vietnam now with the givens of a military situation to my mind is extremely important.

The well publicized resolution passed by the Executive Council of the Episcopal Church last May 20th calling for "total withdrawal of all American forces from Southeast Asia now, and end the war," caused me to request a fact finding trip from Admiral John S. McCain, Jr., Commander-in-Chief, United States Pacific. Admiral McCain is an Episcopalian and therefore vitally interested in this resolution along with hundreds of other Episcopalians in the Armed Forces.

I was granted a trip, and went to Vietnam July 29th and returned August 5th. Six full days in the country were scheduled. I received many briefings on the immediate tactical situation, observed vietnamization and pacification programs at work, collected data and traveled as far north as the D.M.Z. and as far south as the Mekong Delta. At no time did I feel there was anything but a desire on the part of my hosts, whether they be military or civilian, to present the facts. Prior to the trip I was asked what I wanted to see and whom I wanted to talk with about Vietnam. My schedule was based on my own personal interests. Embassy personnel on the ambassadorial level (two deputy ambassadors), economic and political advisors, military personnel from four star generals to privates at fire base camps, Vietnamese officers and civilians and even members of the Vietnamese legislature were extremely helpful. I saw a squad of rangers preparing to go out on a nite ambush and a platoon of marines in the late afternoon go out on nite patrol. I visited pacification teams in villages and hamlets, talked with village chiefs thru an interpreter and on one day reviewed popular defense forces in the hamlets.

Throughout this observation and fact finding trip at no time did anyone indicate that an immediate withdrawal was possible. To the contrary everyone I talked to indicated it would lead to nothing but complete disaster. There seemed every reason to believe the Cambodian penetration was a necessary and successful tactical move and that it has changed the tide of the war saving thousands of lives and spurring on the vital pacification program by leaps and bounds. Beside the large number of supplies and arms which were captured, the real significance could be seen in other areas.

1. It will now take considerable time for the communists to replace their caches of supplies and arms in Cambodia.

2. It reduces by clear evidence the threat to the Southern provinces which presently have splendid pacification programs underway.

3. It radically disrupted the Communist comamnd and central systems operating in Cambodia for many years.

4. It made possible the capture of tons of communist records and documents which are now invaluable to our intelligence operation.

5. The psychological impact on the Communists has been traumatic and many now are turning themselves in.

6. The South Vietnamese have developed a new confidence. The popular civil defense forces are showing the ability to defend themselves and the peasant has now a stronger faith in the Saigon government.

I consciously tried to keep the moral issue in the forefront of my mind. Vietnam is a beautiful little country populated by many attractive industrious people. It has a unique oriental charm not too different from Thailand and the Philippines. There is a certain appearance of confusion in Saigon, a city which in a few years has grown from 600,000 to 3,000,000, primarily due to a gigantic influx of refugees. There is practically no unemployment. The people seemed to be living without fear. Other cities, particularly in the Delta like Can Tho, were also crowded and, for a visitor, confusion seemed to reign. But it was an industrious purposeful confusion in which a wartorn country was reorganizing itself for peace. Road building can be seen in many places opening up vital communication lines. Refugees today are being resettled by the thousands in their old homes or in new model hamlets and villages. A precipitious withdrawal at this time would seriously upset this exciting program of nation building in Vietnam.

The Communist offensive in 1968 is considered a significant turning point in the war. A communist force which eventually reached 12,000 invaded the city of Hue the nite of January 30th, 1968. It stayed for 26 days and then was driven out by military action. In the period 5,800 civilians were killed or are still missing. It is now known that most of them are dead. The bodies have been found in the last 15 months in single and mass graves throughout Thua Thien province which surrounds this cultural capital of Vietnam. There is clear evidence of atrocity killings: hands wired behind backs, rags stuffed in mouths, bodies contorted but without wounds, (indicating burial alive). Vietnamese living in the two northern provinces have now become violently anti-communist. Much has been made of the My Lai incident in our newspapers pointing the finger at Americans for committing atrocities but it is a well known fact in Vietnam that the Communist strategy for years has been one of terror. Well trained sappers or city commandoes are assigned to acts of violence which are intended to put fear into the people and break down levels of leadership in the government. Village and hamlet chiefs are frequently the target for terrorists activity. If the American forces were to pull out of the war precipitously another blood bath would obviously be the result.

I made a particular point of visiting the POW camp at Bien Hoa, where some 4000 prisoners are confined. It was quite evident the South Vietnamese are following the Geneva Treaty for land warfare in respect to prisoners. The area was clean and orderly, some television was available for prisoners along with recreational programs. What moved me the most was the program to teach the many young Viet Cong and North Vietnamese around the ages of 14 years and younger to read and write. A planned program for retraining is underway in order to release them. Prisoners are allowed visitors and mail. The American Red Cross makes periodic inspections. Contrast this situation with the treatment of POWs in North Vietnam. There has been practically no cooperation with the International Red Cross and we are unable to get basic information about prisoners.

The moral issue has many sides to it but in general from serviceman to American civilian, the strong conviction is we are fully committed to end this war properly and a process to do is well underway at the present time.

As I left Vietnam I felt there were many positive aspects to what has appeared to be a terribly difficult and confusing war. These aspects have up to now been given little attention by the press. They involve Vietnamization and Pacificiation. The definition of Vietnamization is the process by which our government is helping the government of South Vietnam to assume all aspects of responsibility for the war and the functions of self-government. Our armed forces by order of the President are now being withdrawn by increments over a carefully considered period of time. It means also improving the economy and strengthening the military and internal security forces so that what has been accomplished thus far is not subject to collapse. Progress has been made in all such areas. The combat units of the Army, Navy and Marine Corps of Vietnam are essentially complete. The Vietnamese Air Force has approximately ⅓ of their planned squadrons completed. Everywhere I went I could see our American forces working with the Vietnamese military creating this transition.

The further advanced branch of the service is the U.S. Navy whose program is excellent. In the Delta 86% of all combat aircraft are in the hands of the Vietnamese Navy. At the time of my observation trip the region north of the Delta, III Corps had turned over 84% of its forces, I Corps almost 100% of the naval forces. Attitudinal programs based on the concept of full equality as persons have helped both navies. One phase emphasizes four steps to be taken by the new U.S. Navy man now in Vietnam: 1) Learn 30 Vietnamese expressions to show some appreciation of the native language, 2) Know one Vietnamese person to the point that he will invite you into his home for a meal making a real friendship, 3) Communicate problems so that individuals faced life realistically, 4) Teach the Vietnamese navy man some English. He needs to know the English terms for materials on a ship which have no Vietnamese counterpart. This is called the "Personal Response Program".

Pacification has to do with the securing of the thousands of villages and hamlets against enemy insurgency and the development of a sound political, social and economic base for the country. A hamlet evaluation system has been set up to indicate those which are secure, those still in the hands of the V.C. or simply questionable. Our outstanding advisory teams are not only helping with the security of these small communities but also endeavoring to stabilize and rebuild them in full cooperation with the Vietnamese people. If there is ever a modern American missionary program it is now taking place among our civilian and military personnel working within what is known as CORDS (Civil Operations Revolutionary Development Support). I spent a considerable amount of time with Deputy Ambassador W. E. Colby who is the Director of the program and his assistant Mr. George D. Jocobsen. These men are highly experienced, intensely committed to the Nation building program of CORDS and are backed up by an unusual cadre of U.S. civilians. The latter work closely with our military forces. Villages and hamlets are made secure through the cooperation of our military advisory teams and the local defense forces. With our civilians they help out with construction projects which strengthen the areas economically and socially. Funds from the central Vietnamese government are made available to the local village chiefs who decide what needs to be done. Wells are dug, schools and dispensaries built, bridges constructed, roads improved, temples repaired, fertilizers introduced, etc. In one little hamlet the American Lieutenant, an Episcopalian in charge of the advisory team, helped the Vietnamese to publish a local newspaper.

It is important to comment about our military Chaplains who met me throughout this observation trip. My escort officer was Chaplain (Lt. Col.) Melvin E. Witt USAF, a jovial well informed personable man. There is no question but that our chaplains are with the troops holding services at fire base camps, outposts and at chapels at all major military installations. These men have obviously gained respect and are a definite part of the military team. I also had interviews with the Buddhist, Roman Catholic and Protestant Chiefs of Chaplains for the Army of the Republic of Vietnam. These men also impressed me. Vietnam I discovered is a deeply religious country with churches and temples clearly observable throughout the cities, towns, villages and hamlets. To be sure there is a mixture of many religions but a common faith in a divine power beyond our human resources. It is hard for me to believe that in the face of Communist aggression and insurgency, so called Christian Americans can turn their backs on a religious nation like South Vietnam. The attitude of the Communists toward organized religion is well known. A withdrawal of our military forces now would put the religions of South Vietnam in serious jeopardy. The MACV (Military Assistance Command Vietnam) Chaplain for Roman Catholics, Col. William R. Fitzgerald put it to me this way. "Dean, as I see it from the religious standpoint this whole thing is like the story of the Good Samaritan. We've got to help these people battered and bruised by thieves and robbers." I realize and he realizes this is an oversimplification and yet is it? We have gone into Vietnam I sincerely believe to help a poor, confused peasant people. We have entered into Communist occupied Cambodia to assist them against the Communists and secure our withdrawal plan. The same is true now with Laos. The necessity of cutting the Ho Chi Minh Trail is paramount to any kind of peace and security for the future. Right or wrong initially, and according to a variety of points of view, we are there and in my personal opinion it would be a tragic moral default if we precipitously pulled out as some would have us to do.

RALPH NADER: CITIZEN'S CHAMPION

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, several recent articles in the New York Times, the London Times, and Business Week have eloquently summarized the challenges to American business posed by Ralph Nader. These articles also suggest that significant changes in corporate attitudes are already occurring, and more may be on the way. I commend these articles for the study and review of my colleagues:

Reformer: Urging Business Change

(By Eileen Shanahan)

Ralph Nader, the crusading lawyer, has concluded that only the Federal Government is big enough to regulate corporate behavior effectively. He told The New York Times in an interview that he was currently drafting legislation that would give the Government new powers over many aspects of corporate activity that are unregulated now.

Question. Do you feel that the evils you see in society today are inevitable so long as we maintain the present structure of corporations or perhaps the corporation itself?

Answer. It goes beyond that. The evils are an inevitable result of concentrated power that's insulated from broader human values. The Post Office Department and General Motors are both examples of this kind of power. Some people would say that it's where power is located—public or private. My judgment is that no matter where it's located, it's going to be abused if the pathways are not open for a broader spectrum of values that have power behind them demanding recognition.

Q. In your local ideal world, do we still have corporations and a capitalistic system?

A. Well, first, I don't think we have a capitalistic system now. There are too many government controls over the market mechanism, too many subsidies and far too much oligopoly and shared monopoly over the market mechanism. It's much better, I think, to call it part capitalistic. The trend is to have increasing interwovenness between large corporations and large governmental units. This is why it's no longer a surprise for Penn Central to apply to Washington for welfare.

We're heading into a greater and greater portion of the economy taking on the characterization of corporate socialism, which is basically corporate power utilizing government power to protect it from competition, for example, oil import quotas; to grant large subsidies, for example, to the Maritime industry; or to socialize the risk and costs of a lot of corporate activities through the tax mechanism or through inflated and constantly renegotiated contracts, for example, Lockheed.

Q. Do some fundamental changes in structure have to take place?

A. Yes, very fundamental changes. One change can be called the reclaiming of government power by citizen power, and that's a lot of what we're trying to do. As far as corporations go, there is going to have to be a much more marked change, and that is what I would call the popularization of the corporation.

When dealing with corporations what we need first of all is to rewrite the rules governing the chartering of corporations. The first step in that rewriting is to recognize that it cannot be a state function, because if it is a state function, it's a corporate Reno function. That is, one state can mess up 49 states, and this has been done by the State of Delaware.

What we need is to resurrect the idea advocated for so long by (the late) Senator Joseph C. Mahoney (Democrat of Wyoming) for Federal chartering of corporations. First, because today we need the biggest government we've got to handle General Motors and one to whom they can't say: "If you don't treat us right, we're going to go someplace else." Second, because it opens the door for a great national debate on the whole question of corporate accountability.

Q. What kinds of controls would you put in your Federal chartering bill?

A. It would be a very complete piece of legislation, so I'll only try to suggest a few of the broader categories of change.

One would be the disclosure function. It would take the disclosure requirements of the Securities and Exchange Commission and broaden them to cover the whole impact of the corporation on society. Why shouldn't we know in the annual report how much U.S. Steel dumps into the water, air and land—and where—as part of its social cost accounting?

Q. What else should be disclosed?

A. I would require a complaint procedure to be established by every corporation. Of course, you'd set minimum standards. And under that complaint procedure, complaints would be categorized and fed into a national computerized system where it would be instantaneously available to the citizen. This sounds like Buck Rogers but the information utility must be just like an electric or telephone utility, a mass information system that is accessible to any citizen.

Q. Would this cover anything besides defects and complaints?

A. Oh, yes. Let's take a mineral company. It would cover how much research they've been doing and on what problems. I would want to know, for example, how much research the coal industry has done in putting out coal fires which are burning all over Pennsylvania, eternally.

Q. Aren't you likely to be getting into areas where businessmen will feel that confidential competitive information is involved?

A. Yes, and there is our next reform. The reform of the whole trade secrets area.

Q. This is all still part of your Federal-chartering act?

A. Yes.

Q. Is there a draft of this act or is it all just in your head?

A. No, it isn't fully drafted yet, but it's coming up fast as a top priority in our work.

Q. When do you think you might have a full draft ready to unveil?

A. It will be some time. A matter of months.

Q. Back to trade secrets.

A. First of all, there is no way to determine what a trade secret is. In California, pesticide information sought by migrant workers was considered a trade secret by the Department of Agriculture in California because if you told the migrant workers how much was applied per acre, it would tell the competitor. The more I look into the trade secret area, the more I realize that it isn't a trade secret between competitors—they know all about it—it's a trade secret against consumers or against the public. The classic example of this is the trade secret in pollution. Companies don't want to tell the Federal Government how much they're dumping into rivers and lakes and into the air because it would be a trade secret.

Now a trade secret in lethality is going a little too far.

Another area would be accountability of corporate officials. For example, recently, a Federal grand jury indicted Chevron for criminally violating offshore drilling regulations in that great oil spill in the Gulf of Mexico. They indicted the company for criminal violation, but they didn't indict any individuals. What we need is a new set of corporate sanctions that pierce the corporate veil and go to the officials responsible.

Take what the Securities and Exchange Commission has the power to do to violators of the securities laws—that is, suspension.

Q. Suspending executives from their jobs without pay?

A. Yes. Suppose you suspend the president of General Motors for six months. He would be crawling up the wall, wondering who's going to usurp his power. It's a tremendous built-in deterrent.

Another idea would be suspending advertising.

Q. You're saying there ought to be a law saying that when you're convicted of fraudulent advertising, then you can't advertise that product at all for, say, six months?

A. That's right. Here's another idea. Why not require companies to appoint a compliance official, Joe Doe, who is responsible for compliance with Federal regulations? Now by doing that, you will build a vested interest for law compliance. Maybe the company doesn't care because it can just be fined, but Joe Doe really cares because his career is on the line. Instead of saying, "We don't know what individual is responsible for this violation, so we'll just fine the company," the government will know who's responsible—it's the compliance officer.

Q. Your Federal chartering bill would require the creation, in all corporations, of—

A. It would permit regulatory agencies or enforcement agencies to require it, across the board.

Q. What are some other provisions of your Federal charter bill?

A. There would be a whole host of new requirements for shareholders' rights. One would be easier nomination of directors. It's possible that once corporations get beyond a certain size or dominant position in a market that a proportion of their boards of directors should be publicly elected.

Q. You don't mean just by shareholders? You'd have a national election?

A. That's right. For, say, 5 out of 20 directors. That's what I mean by the popularization of the boards of directors.

Now here's another area. Why should the relations between the Treasury and corporations, in the tax field, be so completely impenetrable? One thing the Federal charter would do would be to begin to distinguish much more clearly between individual rights and corporate rights. A corporation doesn't have the right of privacy, like an individual. You just cannot treat a company like Standard Oil with the same constitutional sensitivity as a person.

Q. Are you saying that corporate tax returns should be open to public inspection?

A. Yes. Look at this. When was the last time you heard of any of the 200 largest corporations being indicted for tax fraud? The reason why it's almost unheard of is because corporations have a special negotiating status with I.R.S. and all the problems are ironed out. And who knows how well they're ironed out?

Q. You would make all the tax returns public and also the assessments of delinquencies —everything from the return to the final settlement?

A. Yes.

Q. Would you leave the basic structure of the corporation unchanged? Would you still leave the basic concept of a corporation owned by shareholders, managed by private management, run for profit?

A. Yes. I have a theory of power: that if it's going to be responsible, it has to be insecure; it has to have something to lose. That is why putting all economic power in the state would be disastrous, because it would not be insecure. If General Motors is sensitive at all, right now, with the tremendous dominant position it has, it comes from fear of losing something it has.

Q. You are saying that we have to maintain the fragmentation of power and that one of the ways to do this is to maintain the private ownership of business?

A. That's right, but under much broader and much different rules. Here's another whole new area. Federal chartering would develop a constitutionalism for corporate employes. For example, the Fisher Body inspector who, five years ago, turned over information to me about defective welding of Chevrolet bodies, after the plant manager and all his other bosses told him to forget it, is still on the job. Why? Because he is a union member. Had he been an engineer, or a scientist, or a lawyer or any nonunion person, G.M. could have showed him the door at 5 P.M. and he would have had no rights. My point is that if these corporations are so large and so powerful that they are like quasi governments, we've got to give people inside the corporation certain constitutional rights—due process and all the rest. We've got to give skill rights just as much protection as property rights under the law.

Our Bill of Rights is geared to protect the individual from arbitrary state power, because that's the only power they thought was arbitrary in 1789. But now we've got unions, corporations and other institutions that can do the same thing.

Q. A lot of what you advocate could reduce corporate profits, possibly so drastically that you would really leave the private, capitalistic system unviable. Are there limits to what you advocate if it would push a company over the brink into the red and failure?

A. Well, first of all, I think we should have a concept of social bankruptcy, where the company is thrown into receivership. If a company can be thrown into bankruptcy because it's not paying its bills, why shouldn't it be thrown into bankruptcy for making thousands of people sick and destroying and depreciating other people's property without compensation, which is what contamination and pollution do.

But now, let's take a company that isn't profitable. There's nothing new about this. Business itself makes a point of driving other businesses mercilessly out. Why should we accept bankruptcy if the market does it and not when it's done by a conscious and fairly applied implementation of a social cost test?

And not all the changes we're talking about would be costly. For instance, Coca-Cola. Would it really cost any more to put a little protein in? Nobody knows. The Coca-Cola formula is secret. Or the dash panel on the automobile. You can make them with very gaudy, sharp-pointed knobs or you can flatten them out and pad them. The cost is insignificantly different.

Q. You aren't trying to argue, are you, that there are no costs in what you advocate?

A. Yes, in many ways I am. For example, what is the profit outlook for a life insurance industry which concentrates on loss prevention and puts a lot of research into building models of safer cars in order to push the industries, whose products they underwrite to be safer. Somebody will say, "That costs money." Sure, it may cost money in 1971, but it may be a helluva saving in 1974. Because what the insurance industry is doing now on bumper structure—advertising that you'd pay less for insurance if bumpers came out four or five inches—if that pays off, the savings on claims are going to be enormous for the insurance industry.

Q. How do you see yourself in the current context of reform—the black revolution, women's lib, the changing view of the United States role in the world, antiwar, antimaterialism?

A. I see myself working in the corporate regulatory arena to develop models, techniques, procedural advances that can be used by other groups that have their own interests to advance, whether it is in civil rights or electoral reform or what have you.

The basic point, of course, is to develop what in ancient Athens was called the public citizen, with the main difference being that we don't have slaves like ancient Athens, which made it easy for public citizens. But we have an affluent society and a lot of spare time.

You know, we have 40,000 people in this country fixing people's nails and hair. Why don't we have 40,000 full-time citizens. We have to develop a career role of full-time citizen. If I can show it, or help show it, in the toughest areas, battling Union Carbide or G.M., then people might take heart in their local communities and in areas that—

Q. Aren't your bag?

A. Yes. The theme is that citizenship has got to be an obligation in three different areas: First, on the job—the Fisher Body inspector who blew the whistle. There's tremendous potential there. The ethical whistle.

Second, the part-time citizen—the person who's the community activist on Saturdays and evenings. But what he or she needs are tools. Citizenship action in this country is about as developed now as physics was in Archimedes's day. Because we haven't put full-time talent on it.

If my organization can develop techniques in the area of, say property tax reform, then the part-time groups who want to get rid of some of the illegalities in their local property tax system will know what some of the techniques are, so the hours they spend will be much more significant.

Third, there's the full-time citizenship. I really literally want to see 5,000 public interest lawyers in this town in six years; it's just got to be that big. At least a one-to-two ratio compared with private-interest lawyers. And also all around the country.

Q. Where is the financing for this coming from?

A. As you build and progress and show the worth of it, you will build and progress and show the support. Tremendous amounts will come in in $5 and $10 bills. And, of course, the foundations are seed money, in the early stages. Some of it will come from government, with things like an expanded O.E.O. legal services. And lastly, a new concept of philanthropy. There's millions of dollars going into orphan dog and cat homes. The public interest movement would settle now for one-third of what goes to dogs and cats in a given year.

Q. You're talking about dog food and—

A. No, no. I'm talking about bequests. Just a third would be about $15 million a year. And large organizations—labor unions, rural electric co-ops, credit unions—they can begin to siphon off just 2 or 3 per cent to finance action groups in their areas. After all, what good is it to get $4 an hour more and then lose it in the supermarket or on insurance premiums?

Q. How do you see yourself in the historical context of reform. Particularly in light of the historical fact that we seem to go through periods of reform and reversal?

A. Some of the earlier reform movements got spent because they achieved just enough to lose their steam.

Q. How do you keep this reform movement from meeting the same fate?

A. Unfortunately, things are going to get much worse and the disasters and the risks that are coming will assure that it's not going to be spent. You see, the difference between our times and prior times is that we now have power in this country that's capable of destroying the country negligently. That's a real serious advance in human regression. We used to say that people were just venal and that's still true. But now we've got power that inadvertently could destroy us—atomic power plants, pollution of the environment, drugs that suddenly turn out sour like thalidomide. Even though the author wasn't criminal in intent.

Q. You are saying that, given the complexity and seriousness of the problems, the present wave of reform can't possibly succeed enough to be a self-liquidating phenomenon?

A. Exactly. The big fallacy of reform is that it's going to succeed. What really provides stamina for this kind of work is the knowledge that you will never succeed, that basically all you're trying to do is to reduce our problems to the levels of tolerability.

NADER'S RAIDERS

(By Ian McDonald)

According to his allies in the American consumer movement, Ralph Nader is more powerful now than ever before. Some critics thought that he would spread his work too thinly and that his influence would be weakened by some fatal mistake. Yet the reverse has proved to be the case.

More than 4,000 students, including a third of the Harvard University law school, volunteered to work with him last summer. Only 200 of them could be accepted. Every week, some 1,500 letters reach him from infuriated consumers and nearly all of them are read promptly. He feeds the information he gathers to a network of favoured reporters and consumer-minded members of Congress.

It is now almost five years since General Motors gave him an unqualified apology for spying on his private life—an episode in his life which some feel accounts for much of his deep desire for privacy and his almost obsessive secrecy today. His disclosure of the design weakness of the Corviar car not only forced the comapny to radically redesign the model in a fruitless effort to save it, but started a remarkable trend. In the past four years no fewer than seven million vehicles have been recalled by the big four motor companies to have design or engineering faults corrected.

The battle against General Motors has not ended. The company abandoned the Corvair in 1969, after sales dropped by 93 per cent, but Mr. Nader is not appeased. He has called for all models of the car still on the road to be recalled for engineering changes, a move that would cost the company $12m.

He adds that General Motors lorries are also defective and is associated with a suit against the corporation. At the same time he accuses the Justice Department of having suppressed a study which recommends that General Motors should be split in two because of its size and overwhelming impact upon the economy. Nowadays, he says, cars are just as likely to crash but they are more likely to protect those inside them when they do. Last year, for the first time, the highway death toll dropped sharply in the United States.

Mr. Nader has roamed over such a wide area of concern that it is not surprising that some of his causes have not yet been fully developed. Others however have had impressive success. After he raised public alarm by his report that routine dental X-rays could lead to miscarriages and birth defects, the American Dental Association told its members to stop making such X-rays when treating pregnant women. When he uncovered the dangers of radiation from colour television sets, the Federal Trade Commission issued a warning that viewers should sit at least six feet from the screen. In Baltimore, at his urging, a federal court set a precedent by ordering the Agriculture Department to release certain records to its meat inspection division. The three major baby food manufacturers stopped using the taste enhancer, monosodium glutamate, after Mr. Nader drew their attention to laboratory studies showing that it had harmful effects on animals.

He spurred the Food and Drug Administration to admit that commercial mouthwashes, such as Listerine, are useless for killing germs or curing bad breath He has spurred the Federal Trade Commission not to relax in its long-drawn-out battle against the Geritol company for making unsubstantiated claims for its "tired-blood" tonic.

Mr. Nader does not always obtain outright success but he usually succeeds in stirring the bureaucracy into action. He failed to secure an outright ban on smoking on airlines after contending that this was a safety hazard as well as a public nuisance, but the Federal Aviation Administration is now considering introducing non-smoking areas on domestic flights.

Mr. Nader's ascetic style of life is not likely to change, but observers have noticed a gradual expansion in his operations. The lone ranger, it is said, has now gathered himself a posse.

New groups have sprung up around the famous name, using the power of the law to fight for consumer rights, against pollution and corporate neglect, and challenge the big bureaucracies. "What we need is a much healthier citizenship if the government is going to be preserved". Mr. Nader says. "Private interests are well organized; public interests are not. We're trying to redeploy lawyers into public interest work as a prerequisite for change."

The oldest of the organizations, the Centre for the Study of Responsive Law, developed in 1968 out of a project in which a small group of law students came to Washington and investigated the Federal Trade Commission, the agency which is supposed to watch over consumer affairs. They found a record of scandalous neglect: and the result was a scathing report on the commission's indifference to the interests of the consumers it nominally served.

The next summer "Nader's raiders" were back in town. The interstate commerce commission, which regulates transport throughout the United States, the Food and Drug Administration, and air pollution control became the targets of the young lawyers' pointed wrath.

The reports of these studies have sold well since being published in paper-back editions. More recent investigations have looked into the nation's chaotic and increasingly expensive medical care system and the miserable conditions of many private nursing homes.

"The Government, the nursing home industry and the medical profession" the latter report concludes, "must make deliberate and concerted efforts before nursing homes become truly homes for the elderly and not just places where older Americans wait to die".

The centre operates on a shoe-string in a run-down house not far from Dupont Circle in northwest Washington. The building is due to be pulled down and inside the atmosphere is more that of a busy student hotel than of an impersonal scourge of big business. Newspaper clippings, cartoons, appeals for car rides, and assorted petitions in jumbled confusion clutter the notice board at the foot of the battered stairs.

In his book-lined second floor office, Mr. Theodore Jacobs, the centre's director, explains: "We are trying to change the climate of thinking in the bureaucracy."

Mr. Jacobs promises more controversy in the future. Reports will soon come out on supermarket practices, the role of such think tanks as Herman Kahn's Hudson Institute, pesticides and various individual targets, including land-use policies in California and the First National City Bank of New York. The centre's early studies have already struck home. The Federal Trade Commission has been extensively reorganized by the Nixon administration. Its new head, Mr. Miles Kirkpatrick, was himself the author of a critical American Bar Association study of the commission's performance.

In contrast to its previous apathetic record, the commission has recently won respect for judgments restricting deceptive practices in advertising, an order to the Chevron Oil Company to stop claiming that its petrol cleaned engines and, after much stalling, an order to force toy companies to remove potentially dangerous toys from the market. These include a lawn dart which can pierce a child's skull, toy ovens which generate greater heat than the real thing, and balloon squeakers which can blow down a person's throat.

The Food and Drug Administration has also shown increased energy since it was torn apart by a Nader report. It has belatedly begun to test fish for mercury, restrict the use of cyclamates as a sweetener and revise the labelling of birth control pills.

The Public Interest Research Group, staffed by 13 lawyers, has developed into the activist weapon of the Nader organization. It has pressed the F.T.C. to require that detergent makers should list the phosphate content of their products, studied property taxation and its bias towards business, and mobilized a widespread public movement against the Union Carbide Corporation for the massive air pollution three of its plants cause in the Ohio Valley along the West Virginia border.

A separate group, the Centre for Auto Safety keeps track on the big motor companies. The unit was only set up last June, but has already brought suit against the National Highway Safety Bureau, asking it to issue a notice of defects on 200,000 Chevrolet and General Motors lorries. After pressure from Mr. Nader, the bureau earlier ordered General Motors to issue a similar notice on 150,000 camping trailers. The company refused to do so and the matter is now a subject of suits and counter-suits.

The debt of the consumer movement to Mr. Nader is incalculable. He showed the more faint-hearted what is possible and proved to the consumer that he can fight back against the computerized illogic of the business world. But, as he recognizes, the task is too great for him alone. "Thank God for Nader, but there are too many agencies for one man to keep up with them," remarked Dr. John Banzhaf, a young associate professor at George Washington University, who is fast emerging as one of the stars of the consumer movement.

Dr. Banzhaf launched himself into the field by successfully petitioning the Federal Communications Commission to require broadcasting companies to grant free time for anti-smoking messages to counter cigarette commercials. Fired by this sucess, he left his New York law practice and developed his nonprofit foundation A.S.H. (Action on Smoking and Health) in Washington.

In 1969, as part of his unfair trade practices course at the university, he encouraged his students to divide up into groups, each with a catchy acronym as its title, to work in different fields of consumer law. Soup (Students Opposed to Unfair Practices) scored the first and probably the greatest success so far, with an allegiation that the Campbell Soup Company put marbles in the bowls of soup it used in advertisements to make the liquid look thicker. The company discontinued the practice but has rejected the group's appeal that it should print a correction in its advertisements. Banzhaf's bandits, as they are described in Washington, have formed some two dozen other groups with names ranging from the appealing S.P.I.R.E. (Students Protecting Illegal Real Estate operators) to C.R.A.S.H. (Citizens to Restrict Airline Smoking Hazards).

The nemesis of the enormous American cornflake business is a self-financed Washington lobbyist called Dr. Robert Choate. During congressional hearings last year Dr. Choate produced a list of the nutritional values of cereals which rocked the industry, which had grown complacent on its income of $900 million a year.

According to Dr. Choate, two-thirds of his list of breakfast foods were so lacking in nutrition that they were valueless. At the bottom was Kellogg's Sugar Frosted Flakes, which is the third most heavily promoted cereal. Near the top, however, was Product 19 from the same company. He questions the message the companies tell children on the Saturday morning television programs: "Eat . . . and you'll be a tiger in no time."

The advertising industry generally is now becoming apprehensive, and with good reason. When the Potlatch Company of Washington state advertised how clean the Clearwater River ran past its doorstep, a group of students looked into the matter. The picture the company used in its advertisements had been taken 50 miles up stream from its chemical plant. Downstream the view was another story altogether.

Procter and Gamble, Colgate Palmolive and Lever Brothers have all been charged by the F.T.C. for allegedly deceptive advertising of the ability of enzyme detergents to remove stains. The Coca-Cola company is being pressed to acknowledge that its Hi-C fruit drink is nutritionally near the bottom.

* * * * *

Mrs. Paul Ignatius, the wife of the president of the *Washington Post* company, found her moment of truth during a visit to London. When she saw what strict restrictions on burning coal and strong government control on pollution could achieve. Last March with six like-minded friends, most of them also wives of prominent Washington figures, she founded Concern Inc., which was to be dedicated to the education of "untapped resources" of the female consumer. A few sympathetic articles appeared and the response almost overwhelmed the fledgling organization.

Another group of dedicated women in Boston formed Action for Children's Television (A.C.T.) to pressure the Federal Communications Commission and the broadcasting industry to improve the quality of programmes for young people and clear the daytime air of some of the commercials aimed solely at children.

The growing militancy of the consumer movement has had a startling effect on Congress. In the last elections, the environmentalists served notice on the legislators by defeating six of the "dirty-dozen" congressmen they said were most in league with big business.

With the rising congressional interest in consumerism it is hoped the idea of setting up a separate consumer protection agency which was killed in the last Congress by the House of Rules Committee, will be approved this year. (Not surprisingly the American Consumer Movement was dismayed by the Conservative Government's decision to abolish the British Consumer Council.)

Prospects have also improved for passage of legislation which would permit "class action" suits against business. The proposed legislation, which is strongly supported by the Consumer Federation of America—the umbrella organization of the movement—would permit a group of two or more consumers to sue manufacturers for damages on behalf of all purchasers of a product.

The idea is that the court would award damages to both those who participated in the suit and all other defrauded customers and require the company to pay court costs and attorneys' fees. The concept of class action suits is strongly opposed by business lobbies. If it were passed lawyers would be able to handle consumer and environmental class actions and use the fees to support other public interest work.

Public pressure on Congress is now being stimulated by the increasing coverage given to public interest stories by most major papers. *The Washington Post, The Los Angeles Times, The Christian Science Monitor* and *The Wall Street Journal* all have excellent reporting on consumer affairs, though *The New York Times* has lagged in this field. Large numbers of smaller papers have "action lines" which try to solve readers' grievances.

Several city governments, in response to public pressure, have appointed consumer advisers, like Mrs. Bess Myerson Grant in New York. At the same time better business bureaus, which formerly represented only the interests of retailers, have reformed themselves to respond to consumer concerns as well.

Less credit is given to the Nixon Administration whose assistant for consumer affairs, Mrs. Virginia Knauer, is often felt to be outmaneuvered by the prevailing business atmosphere in the White House.

As inflation begins to hit the housewife's food budget more severely the consumer movement has begun to press for "unit pricing", and this is now becoming one of its major concerns. Unit-pricing, which has been adopted by supermarket chains in New York, Washington and California, requires food stores to price goods by weight as well as by the package.

Consumers draw heart from their successful campaigns—which were mostly originated by Mr. Nader—to win Congressional passage of the 1966 Auto Safety Act, the 1967 Wholesome Meat Act and the 1970 Coal Mine Safety and Air Pollution Acts. But there is still little ground for complacency in this area. According to the National Commission on Product Safety 30,000 Americans are killed and 110,000 permanently disable every year "as a result of incidents connected with consumer products".

This annual toll is made up of such accidents including television sets, 10,000 of which catch fire a year; glass doors, which cause 100,000 injuries; ovens, which seriously burn as many as 60,000 persons; ladders, which kill 600 and injure 200,000; and power mowers, which cripple 140,000. Also, it has been estimated that up to 700,000 children are injured each year by harmful or defective toys.

Many laws are already on the books which are designed to restrict the use of flammable fabrics, insecticides and hazardous substances. These would quickly cut the toll of accidental death and injury—if they were enforced.

Such negligence makes Mr. Nader angry. "The corporations are the radicals", he says. "They're the ones acting outside the ideals, the norms of society. They can do almost anything they want so long as it's through inaction."

His horror is that the consumer movement could become an expanding gaseous balloon over the heads of do-nothing legislators and pretty soon it will be like motherhood and virtue. The rights accorded all citizens in our legal system have little or no operational meaning without remedies and lawyers to put these remedies into practice against the exploitation of the consumer.

RALPH NADER BECOMES AN ORGANIZATION

HIS FOUR NEW GROUPS OF ACTIVISTS LAWYERS GIVE HIS CRUSADERS MORE BITE

His shoes are usually scuffed, his suit wrinkled. He still works 18 hours a day, seven days a week. He continues living in the same much-publicized $80-a-month furnished room, sharing the hall phone with other tenants. And in his role as Everyman's lobbyist, he reads most of the 1,500 letters he receives every week from irate consumers—many of them addressed simply, Ralph Nader, Washington, D.C.

But if Nader's ascetic life style has changed little in the past five years, his activities are clearly entering a new phase: Ralph Nader is fast becoming Ralph Nader, Inc. Traditionally a loner, the 36-year-old lawyer has organized several new groups to help fight consumer and environmental abuses and challenge the institutions—whether government bureaucracy or large corporation—they deem responsible.

"Ralph realizes the movement cannot sustain itself if it has to rely on one man," says John Spanogle, a law professor who took a one-year leave from the University of Maine to work with Nader. "He's out to build manpower."

The manpower—and womanpower—so far consists of some 30 low-paid professionals, most of them lawyers, working in several Washington-based groups. Young (mostly in their 20s and 30s) and highly committed to reform, they are activists who might have gone into the civil rights movement a few years ago—as, in fact, some did. Together, they form the nucleus of the new field of public interest law now burgeoning in Washington. Sometimes described as "representatives of the unrepresented," public interest lawyers act as advocates in behalf of minority groups, consumers, environmentalists, and many other citizens with a gripe terests are well organized, public interests against the system. Says Nader, "Private interests are well organized, public interests aren't. We're trying to redeploy lawyers into public interest work as a prerequisite to social change." So far, Nader has deployed his troops into four organizations:

The Center for Study of Responsive Law. The oldest Nader offspring, the center was launched in 1968 as a nonprofit, tax-exempt research group. With a yearly income of about $275,000 donated by several foundations and individuals, the center operates out of a soon-to-be-demolished Victorian town house near Washington's DuPont Circle. Like a cross between a political campaign headquarters and a college fraternity house, the center often buzzes with activity at all hours. Its bulletin board is a college of newspaper clippings, anti-Establishment cartoons, notes pleading for volunteers, and an occasional "roommate wanted" notice.

Staff messages are left in envelopes marked Ralph (who is the unpaid managing trustee); Ted (for Theodore Jacobs, a classmate of Nader's at both Princeton and Harvard law school, who now administers the center's manifold activities); Jim (for James Turner, who heads investigations into the food and drug industries); John (for John Esposito, who directs air-pollution research); Reuben (for Reuben Robertson, a transportation specialist); and Harrison (for Harrison Wellford, a Harvard-educated political scientist preparing a report on the pesticide industry). "We're concerned," says Jacobs, "with institutions that wield power affecting the everyday lives of many people. We try to assess whether they are responsive to people's needs or their own self-interest."

THE RAW MATERIALS FOR CITIZEN ACTION ARE THERE, ALL IT TAKES IS A CATALYST

The center is also the staging ground for "Nader's Raiders." Last summer, 200 students—mostly from law schools, but some from medical and engineering schools—were selected from 3,500 applicants to work for salaries ranging from $150 to $300 a month. Boasts one recruit: "It's tougher to get in here than into Yale law school."

The students' research is checked and coordinated by Nader and the center staff. Turner's indictment of the Food & Drug

Administration, for example, drew on the work of 16 students and was checked for factual accuracy by six scientists. So far, four toughly worded books based on the center's research have been published—on the Federal Trade Commission, the Interstate Commerce Commission, the FDA, and air pollution—with combined sales of over 450,000.

Some critics praise the books as well-documented probes; others charge that Nader's men select facts to fit their thesis or rehash old material. More controversy is sure to come when 10 more books are published soon, including studies of medical care, supermarkets, think tanks, the antitrust division of the Justice Dept., First National City Bank, and du Pont.

PUBLIC INTEREST RESEARCH GROUP

Started and fully funded by Nader, PIRG is the action arm of Nader's operation. Staffed by 13 young lawyers under one-year $4,500 contracts with Nader, PIRG has petitioned the FTC to require that detergent companies list the phosphate content of their products and sued the FDA for better warnings on birth control pills. PIRG attorneys see their work as a counterbalance to lobbyist pressure. Says Robert Vaughn, a University of Oklahoma law graduate: "To be effective in Washington you need money and a lawyer. That turns the regulatory process over to those with the most money and lawyers."

Other PIRG projects range further afield. Sam Simon, a University of Texas law graduate, is studying property tax assessments, marshaling evidence that large corporations are paying less than their fair share of local taxes, thereby increasing the burden on homeowners and small businessmen. Using Simon's preliminary findings, Nader has asked Senator Edmund Muskie to hold hearings.

In what is perhaps the most activist project, two other young attorneys, Larry Silverman and William Osborn, have moved to West Virginia to mobilize community opposition to air pollution from three Union Carbide Corp. plants. Well publicized by Nader, their efforts so far have resulted in a citizens suit against Union Carbide in one town and a company pledge to speed abatement in another town. "The raw materials for citizen action are there,"' says Nader. "All it takes is a catalyst."

Center for Auto Safety. Incorporated last June, the center has three attorneys, partially supported by Consumers Union. Working out of a small room in the National Press Building ("We call it closet 759," says attorney Lowell Dodge), the center monitors the National Highway Safety Bureau. Dodge studies Nader's mail on auto safety (some 350 letters a week) and notifies the safety bureau if any defect trend appears.

Last month, with Nader as co-plaintiff, the center sued the bureau, asking it to issue a defect notice on 200,000 Chevrolet and GMC trucks. Initially, the bureau had gotten GM to recall 50,000 of the trucks that had special camper bodies. Under Nader's pressure, backed by some new technical evidence, the bureau ordered GM to issue a defect notice on the other 150,000. GM refused, claiming the trucks were completely safe. The bureau then sued the auto maker, and GM has countersued.

Project on Corporate Responsibility. Launched last year, the project tries to give shareholders and consumers a louder voice in corporate policy. It has no direct connection with Nader, but he does advise the staff of eight. And he publicized the Project's Campaign GM, an unsuccessful attempt to force GM to add three public representatives to its board. Last week, the project announced Round 2 of Campaign GM (BW—Nov. 21). This time, instead of nominating its own board candidates, the group is asking GM dealers, customers, and shareholders to nominate members.

The project is also investigating whether large agribusiness companies are exploiting migrant workers. But with a budget of $5,000 a month, the group has nearly depleted its foundation support. One potential angel: John D. Rockefeller, IV, who is an unofficial advisor to the project.

CAMPUS ACTION

All this is just the beginning, judging from the impact Nader is having on college campuses. Under his guidance, students in Maine are investigating pollution from paper mills, while students from Case-Western Reserve University have opened an auto complaint center in Cleveland that negotiates car buyer grievances with dealers. This week, students at eight Oregon colleges are voting on whether to allocate $3 a year to support a local Nader-style public interest research group. Like a candidate on the stump, Nader and two PIRG attorneys barnstormed the state in support.

Similar campaigns are starting in Minnesota, California, Georgia, Illinois, and Connecticut. "We're trying to develop citizen action groups around the country manned full time by public advocates," Nader says. Even his critics concede that his impact is growing. Says a Washington lawyer: "Personally, I can't stand the guy's self-righteousness, but there's no question he has created the climate in which public interest law is now flourishing."

Just how long the favorable climate will last depends mainly on financing. Nader now underwrites much of the work, from the $280,000 he received when GM settled his invasion of privacy suit, and from speaking fees, which range up to $2,000. And the Nader name helps loosen foundation pursestrings. But if Congress passes legislation permitting class action suits, the groups need not depend on Nader. For lawyers will then be able to handle consumer and environmental class actions, using the fees to support other *pro bono publico* work. Within two years, Nader predicts, there will be 200 public interest lawyers in Washington.

Maybe so. But there are other problems. Some aides grumble that Nader, who is increasingly inaccessible, is himself becoming bureaucratized. Others complain that Nader expects them to devote themselves to the cause almost as fervently as he does. When they do not, he is known to get testy. Moreover, if the movement spreads, Nader is bound to lose control of some of the campaigns conducted under his imprimatur. A major blunder could damage Nader's public credibility.

MODUS OPERANDI

Meanwhile, Nader relentlessly plugs away. He is on the board of Consumers Union, has taped an eight-week series now showing on the Public Broadcasting System, teaches a course at George Washington Law School, and delivers speeches all over the country. An aggressive speaker, he blends hyperbole and barbed wit with hand-swinging anger.

One day this month, for example, Nader lectured the Sales Executive Club of New York on deceptive advertising practices, which he labeled "corporate pornography." "The issue," he told the 300 executives, "is not the right to advertise. The issue is truth in advertising. . . . Deceptive advertising and lack of information erodes buyer knowledge, causing the whole competitive system to suffer grievously."

NADER ATTORNEYS MOBILIZED AN ANTI-POLLUTION DRIVE AGAINST UNION CARBIDE

After a polite round of applause and a few questions, he was driven to Atlantic City, where he addresed 5,000 New Jersey schoolteachers on the "silent violence" of pollution, blasting GM and Union Carbide for "corporate crime." The friendly crowd interrupted frequently to applaud and gave him a standing ovation at the end. Then, late for an evening speech in Virginia, he was driven to the Philadelphia airport. The chauffeur, knowing Nader was late, sped along at nearly 80 mph, while the apostle of auto safety and GM critic relaxed in the back of the black limousine—a 1970 Cadillac.

In Washington, Nader operates with sleuth-like secrecy. If you want to talk to him, you don't call. You leave word with Ted Jacobs, the PIRG secretary, or even the newsdealer at the National Press building. Nader draws many leads from secret contacts in corporate offices and engineering labs (the first inkling about the Chevrolet Corvair came from a disgruntled GM employee) or from obscure government reports (he once spent 16 hours copying evidence on meat inspection from an unpublicized Agriculture Dept. report). He freely consults with specialists at several universities. And he quietly feeds information to key senators— Kennedy, Magnuson, Mondale, Moss, Muskie, Nelson, Proxmire, and Ribicoff. Phoning Congressional staffers, he announces, "This is Ralph." Nobody has to ask "Ralph who?"

CORPORATE POWER

Nader insists that his crusades and proselytizing zeal is not antibusiness per se. Indeed, precisely because he is working for reform of the existing system, he is sometimes the target of New Left rhetoric. But, like other muckrakers before him, Nader frets about the concentration of power in the hands of large corporations.

Part of that power, of course, is tempered by unions and the vast network of regulatory agencies that started with the ICC in 1897. But all too often, Nader contends, the regulators fail to represent the public interest, frequently protecting the very industries they are supposed to regulate. They fail, he says, because they "bend" to industry pressure and because top bureaucrats often use government jobs as stepping stones to lucrative private careers in the same field—which Nader labels "deferred bribes."

Nader's analysis is not new. The New Deal emphasis on counterbalancing big business with big government is under attack from many sides. And others have warned of the growth of special interest lobbyists in Washington–269 registered organizations at last count. But Nader is the first to try building effective countervailing forces in behalf of normally unorganized citizens.

PEOPLE POWER

Nader and his forces also have their sights set on corporations. Two upcoming battlegrounds:

More "shareholder power." Nader's men want to grant shareholders easier access to information about corporate policy and products, particularly those that affect health, safety, pollution, and minority hiring and promotion. To lay the groundwork for fuller disclosure, Nader plans to seek a law that requires corporations to be federally chartered. Now, companies can incorporate in any state where they do business, flocking to states, such as Delaware, that are relatively permissive. "Delaware," says Nader, "is a corporate Reno."

More constituent power. In Nader's view, a corporation's constituency—customers, employees, retailers, and local citizens living near company plants—should have some say in the business decisions that affect them. One way: Companies could include constituency-elected representatives on their policymaking boards—an idea that has gained some acceptance in Europe.

Nader calls this a "democratization" or "popularization" of the boardroom. "Out of a 24-man board, it's not asking too much to have three people representing broader views."

That may be merely the opening wedge.

Eventually, Nader thinks corporations should turn all policy decisions over to constituency-elected representatives, leaving only day-to-day operations to management. "Today's executive," he charges, "is too remote, too insulated from public urgencies."

Such ideas, if implemented, would obviously amount to a revolution in traditional business practices. But as Nader's men see it, if business is ever to be fully responsive to the public interest, it must be made directly accountable to the people it serves. Says Nader, with rare understatement: "We are trying for a big change in the way this country does things."

LETTERS ON STRIP MINING

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, I have received a large number of letters concerning the bill I have introduced, H.R. 4556, along with many of our colleagues, to ban the strip mining of coal. I share these letters with my colleagues, since the sentiment expressed in them is very significant:

Bethlehem, Pa.,
February 25, 1971.

Hon. Ken Hechler,
U.S. House of Representatives,
Rayburn Building,
Washington, D.C.

Dear Ken: The local Bethlehem paper recently carried word of the introduction of your bill to extend the abolishment of strip-mining. I thank you for one more strategic move in support of those forces in West Virginia now trying to right years of wrong.

The attached letter was sent to my hometown newspaper (the Clarksburg Exponent) with copies to other papers (including Huntington and Charleston) in hopes that my strong feelings on this issue as represented by an absentee West Virginian might get published and have some influence in terms of momentum at least. In addition I have sent a modest contribution to Austin's lobby group and more importantly have notified Jay Rockefeller and Bob Nelson of my willingness to temporarily sever my relationships at Lehigh University if my physical presence and ability to lend some public relations efforts to this campaign can be of use.

If you have further thoughts on what I might do to add to this campaign from this geographical distance, please let me know. And keep up your courageous battles. Though I may not write frequently to express my appreciation, please be aware that I'm with you.

Best Wishes,

John W. Murphy.

Bethlehem, Pa.,
February 25, 1971.

To the Editor: At least three kinds of West Virginians are evident to me: those who were born, raised, and remain clinging to the self-reliant mountain life; those, like me, who were educated in the state (Marshall), but traded the anxieties of half-living for the anxieties of more worldly adventure; and those "converted Christians" like Jay Rockefeller who were not born in West Virginia but *chose* to live there in search of possibly more reckless adventure.

The current debate on banning strip-mining joins all three. Moving first to the mid-west and then crossing to the northeast, I could not escape the beauty of my state. But each visit revealed not the beauty, but the grim mask of ugliness piercing the high hills, muddying the streams, smothering the lush growth. Meeting the men of industry in the northeast and midwest who laid claim to my state, it became apparent that the out-of-state landlords appreciate West Virginia not primarily for its beauty, but for the low-paying, manpower-exploiting opportunities it presents. Even now, pro-strip mining advertisements are being produced here and circulated in West Virginia by these absentee landlords (no names attached, of course). Some are so bold as to attack Jay Rockefeller as a carpetbagger or worse, yet they sit in stain-proof offices many miles distant, failing to see that the real carpet-bagger is he who exploits West Virginia for economic gain and then moves on. The real carpetbaggers send their loathsome machine representatives into the state to gouge the land, thrusting destruction down each Valley as though in contempt of the magnificence of the mountain and its lush growth of oak, hickory, poplar, laurels and rhododendron.

If you can, re-read the half-truths in the recent ad of the Citizens for Right to Earn a Living in West Virginia or the Surface Mining Association and you find a suggestion that current reclamation of strip-mining is sufficient. When will the self-reliant West Virginian rise up to respond that you cannot "reclaim" a 80-foot gash of splintered trees, loose rock and mud extending miles around a mountain; that the trees and wild flowers, the food and shelter for birds, squirrels, raccoon and deer cannot be "reclaimed" from the layer of hard clay lying atop the soil ripped from the mountains by a carpetbagger's machine representative?

To abolish strip-mining to this West Virginian represents an opportunity to say, "No More" to those who exploit our land. It is faulty evidence sent into the state from those absentee landlords near me who claim that banning strip-mining will deepen the state's economic scars. To the contrary, it is the continuance of their obscene scars that do economic damage for generations who, like me, have left. West Virginia need not be a reservation for the old, the apathetic. Men like Senator Galperin, Congressman Hechler, and Jay Rockefeller give testimony that nestled on the steep hills and plunging Valleys lies an incredible opportunity for a proud and aggressively independent people. Decide right now not to pass on a land of barren opportunity and silted streams to another anxious generation like mine.

John W. Murphy.

Beckley, W. Va.,
February 19, 1971.

Hon. Ken Hechler,
House of Representatives,
Washington, D.C.

Dear Sir: After reading in the February 19 edition of the Beckley Post-Herald of your bill to ban strip mining in the United States, it is one of my fondest hopes that at some time I might have the opportunity of voting against you and also working towards your defeat.

You state that the tourist business is "financially more important to West Virginia than the strip mining industry." I would be most interested in seeing some statistics to support your statement and just how many people tourism supports. West Virginia is not a tourist state—we do not have the climate nor do we have the receational facilities for tourists. If tourism is so important why has the West Virginia Legislature had to appropriate money each year to keep our historical drama "Honey in the Rock" in operation.

West Virginia is a mining state and surface mining is a large part of the mining industry. Many, many more people than the 30,000 stated in the paper will be displaced if this ban should be passed: employees of oil companies, equipment companies, truck companies, powder companies, our financial institutions and on down to the neighborhood grocery and drug store. At a time when unemployment is extremely high, it is absolutely absurd to even consider abolishing an entire industry with the resulting economic chaos, when with some reasoning and cooperation our ecology problems can be solved and we can at least maintain our pesent level of employment.

My personal opinion is that you are "milking" this issue for all the publicity you can get, with no thought as to the consequences.

Sincerely yours,

(Mrs.) Jean M. Blankenship.

Russell, Pa.,
February 15, 1971.

Hon. Ken Hechler,
House of Representatives,
Washington, D.C.

Dear Mr. Hechler: This is in regards to coal stripping and our environmental outlook!! So let us get down to some real logical and hard facts and face up to real and useful thinking!

First: It has been proven by strip mining in the past and with sufficient law, that the backfilled property and ponds leached out runoff liquids and have been put to far greater use (after strip operations) both in productivity and a more beautiful land contour!

Second: We have a natural gas shortage and a fuel oil shortage—and last but not least an electricity shortage!! Why? Because our smart lawmakers in the past have been making laws too tough to cope with in the coal fields for both deep mining and strip mining! The result: not many men working in the coal industry!! Now the squeeze is on—what solution do we have for now when atomic power may be at least thirty years away? Who *knows* if the atomic power will be economic enough for people to cope with?

Third: Let us cut out some of this "film flam" and do some serious thinking for lessening the restrictions on our *God-given coal industry* and concentrate on more serious pollution problems within our environment such as the millions of tons of road salt dumped on our highways in Pennsylvania (and other states) which is eating up our vehicles in a short time—to say nothing of our streams! Also, all the concrete pavement, bridges and culverts which the salt is ruining should be considered, too!

Mr. Hechler! Let us do something on this salt situation! In case you or other officials do not know what the state can use for a road salt substitute, then please contact me and I (free of charge) will set you straight on *that* item! I am not trying to lead you into some false thinking, etc.—rather I am dead serious and I *do* and *can* give you constructive suggestions!!

Fourth: I well remember when I was a boy, most people heated their homes with coal and wood. Most all of our factories and shops were coal fed—steam powered units and all of the railroad locomotives were coal burners. Somehow, our streams were less polluted and nobody was much bothered about the air which they breathed, so let us not give the coalpile such a black look even with its black color! Let us look toward lessening the jet airplanes, diesel burning engines, fuel heating of homes and factories—and less chemical stream pollution to our God-given country!

If you do not know what I mean by *any* of this or if you think it is an incomplete description or if you would like more details *please* write or telephone me! I am dead serious and would be glad to oblige!!

Thank you very much!

Very truly yours,

E. S. Burdick.

HAZARD, KY.,
February 19, 1971.

Representative KEN HECHLER,
Washington, D.C.

DEAR SIR: I would like to offer my congratulations to you and your co-sponsors of the bill to outlaw strip mining, and would also like to extend an invitation to you to visit Eastern Kentucky when you have a chance.

I dare say, the destruction here will equal that in West Virginia. I would think more so to our highways. The strip-mine coal is being transported by "off highway" equipment from mine to loading site. These trucks are so heavy they are destroying all secondary state and county roads and are starting on our new extention of the Mountain Parkway. If they are allowed to continue in this manner, this highway will also be destroyed.

A great deal of money, both Federal and State will have been wasted if this is allowed to happen.

Mr. Hechler, the tragedy of it all is the people in Washington and Frankfort believe this is necessary for production of Electricity. There is no truth in this, at least fifty percent of the coal from this section is being shipped to Japan.

Why should they be allowed to destroy our country for profit? Our government seems to want to be the champion of peoples rights. Then why are these people allowed to violate rights guaranteed by our constitution.

They come on property and destroy it in the name of the economy, with an old deed imported to this country by the old land Barons of Europe. When will it ever stop?

I was very disappointed in not finding some of our Kentucky representatives, joining your drive to outlaw strip-mining. I guess they haven't learned to look beyond the dollar sign yet.

Yours truly,

W. E. MANNING, SR.

P.S. If the opportunity presents itself, please show this to some of the Kentucky representatives and senators.

BLOOMSBURG STATE COLLEGE,
Bloomsburg, Pa., February 26, 1971.

Representative KEN HECHLER,
House of Representatives,
Congress of the United States,
Washington, D.C.

DEAR KEN: It's been a long time since those relaxed days when you could afford the time to come in and lecture to my Speech classes at Marshall.

Your brilliant career in the Congress has been an inspiration to all of us who had the privilege of knowing you back in Huntington.

Your efforts on behalf of the miners deserves full support, and now your proposed legislation on Strip Mining also meets with my full approval.

My home for many years was in the Wyoming Valley (Northeastern Pennsylvania, Anthracite area—Dan Flood's district), and it is pitiful to see how that part of the country has been ravaged by the Strip Miners.

I am enclosing a copy of a television editorial delivered in part on your plan. The Wilkes-Barre Record a few days later contained an editorial on you with essentially the same theme. It is my belief that in both cases a rather parochical view is being expressed.

May I wish you the best of success on your proposed legislation.

Sincerely yours,

MELVILLE HOPKINS,
Chairman, Department of Speech.

PENNSYLVANIA'S STAKE

While many who live in mining areas of the world may sympathize with Congressman Ken Hechler's proposal to ban strip mining entirely, we do not believe that killing an industry is the answer. Regulation that assures prompt restoration of disturbed land and protection of the rest of the environment is the answer that Pennsylvania, almost alone among the mining States, has begun.

This also is the approach which President Nixon would begin from the Federal level. Admittedly, the President's approach is a good deal more modest than what now is practiced in Pennsylvania, but then it is to apply to States which have no realistic experience in the environmental regulation of business in general and mining in particular.

Even Pennsylvania's approach is elementary in terms of the problems posed by mining. Pennsylvania has yet to bring sand, gravel and clay pits and stone quarries under any kind of effective regulation, even though these account for at least half of the disturbed land in the Commonwealth. However, as Secretary Goddard pointed out this week, stringent regulation in Pennsylvania creates an unfair disadvantage for Pennsylvania industry so long as other States, and particularly neighboring mining States, do not have similar regulation.

President Nixon's proposal would give the States two years in which to adopt environmental protection legislation and provides plenty of carrot as well as the stick that would permit federal regulation to take over where the States fail. Prompt enactment of the President's proposal cannot come too soon. As Interior Secretary Rogers Morton noted, the present rate of surface mining will disturb within 10 years as much land as is contained in the State of New Jersey.

Pennsylvaina has an obvious stake in passage of the proposed Mined Area Protection Act. While it will not answer most of the problems, it would be an essential beginning. And the sooner Ohio mines, for example, are required to restore disturbed land, the sooner we can expect better regulation in Pennsylvania.

DEAR REPRESENTATIVE HECHLER: You have all of my support for your current legislation to ban all strip mining of coal in the United States. We cannot act too soon against such environmental destruction! I am pleased that this bill would also prohibit deep coal mining in national forest and wilderness areas. Even deep mining leaves its mark above the ground and this should not be allowed in those regions that we have set aside to be protected.

I urge you to continue to work against those forces which threaten the natural beauty and welfare of our nation. We all thank you for this!

Sincerely yours,

DAVID BERRY.

WILLIAMSTOWN, W. VA.,
February 19, 1971.

Hon. KEN HECHLER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HECHLER: I find it almost impossible to believe that at last someone is doing something to curb strip mining in West Virginia! I realize that it's to late to correct the damage that has been done, but perhaps through public support of dedicated men like yourself, we can prevent further damage.

I firmly believe that a strong reclamation bill is NOT the answer . . . it's been tried before . . . and failed. The only salvation for our state is abolition of strip mining.

Is it fair for the entire state to stand by while some 3,000 men gut it? It's unfortunate that should stip mining be abolished, these 3,000 men will lose their jobs; however, I feel that it is a small price to pay to save what's left of our state.

Strip mining is a cancer of the Earth, and like cancer of the body should be erased immediately. Every day's delay means thousands of tons of our mountains shoved into the valley . . . and once a stripped area, always a strip area!

How many of our deep miners are out of work due to the strip mines? I dare say, more than the 3,000 affected if stripping is abolished.

If our people will stand and be counted, through your efforts, we will win this fight. If not, then we'll get what we deserve—a gutted, devasted wasteland that was once a beautiful state. My grateful thanks to you, Mr. Hechler, for your firm stand.

Your very truly,

FRED R. GRAY, JR.

OPEN LETTER TO JOHN D. ROCKEFELLER IV
FEBRUARY 18, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.:

We of Marshall University Environmental Action Organization, Enact, wish to express our agreement with, and support of, the current bill abolishing strip mining in West Virginia. Although we understand the effect of a ban on strip mining to those who work in this industry, we believe there is an alternative which will bring more money into West Virginia, offer employment to those who would lose their job in the surface mining industry, and reward West Virginia with cleaner air, purer water and more beautiful land.

It is obvious that reclamation laws, no matter how strict or how strongly enforced, can not replace the topsoil and trees lost to surface mining activity. The landscape of our once beautiful West Virginia is being torn apart by heavy machinery.

An energy shortage has been sited by the surface miners as one reason we should allow them to continue to bulldoze away our land. But they do not mention that this coal they mine, and much of the coal from our deep mines, is being shipped overseas to countries like Germany and Japan where it is used to make cheap steel to flood U.S. markets and put our own steel men out of work.

There are really two natural resources concerned in this argument: coal and the natural beauty of West Virginia. The use of one ruins the other. When the coal is mined out, the companies will leave the state and it will take a hundred years for it to recover, if it can. But the natural beauty of West Virginia, if it were developed as strenuously as the coal industry has been in the past, would bring more money into the state which will *remain* in the state, offer increased employment to our citizens, and leave us a state we can be proud of.

West Virginia is within a half day's drive of the world's largest concentration of vacation hungry people, those who are packed-in from Washington north. These millions of people want to experience open beauty, natural unspoiled mountains and rivers, and are willing to pay $200–300 a week for their vacations. West Virginia could have this money, and its beautiful scenery, if it developed the tourist industry. This industry would provide employment for construction men and equipment operations in the building of roads, trails, lodges and camping facilities for the vacationers. Vacationers would buy groceries, gas, fishing and hunting licenses; they would buy clothes, native crafts; they would need guides, naturalists, and park rangers. Best of all, we would still have a state, not a slag heap.

This decision is not what we will have today, or even next week, but what the state of West Virginia will offer to us and our children 20 years from now. Support the complete ban on strip mining. There is a better way.

Sincerely,

MARSHALL UNIVERSITY ENACT.

Switzer, W. Va.,
February 23, 1971.

Hon. Ken Hechler,
House of Representatives,
Washington, D.C.

Dear Sir: I wish to express my thanks and appreciation to you for the position you have taken on strip mining. We no doubt need a complete abolition of strip mining on the Federal level to save our land from destruction.

It seems that the money and influence of the strip operators have completely overwhelmed the Legislators of our State. Many of our Delegates and Legislators are involved in strip mining and are blinded by dollar signs.

Enclosed is a poem that I have written and which I think expresses the situation very well.

Thank you.

H. B. King.

MOUNTAIN DEGRADATION

(By H. B. King)

Where once, majestic mountains kissed the sky,
Lush green valleys reached from hill to shore.
Gurgling streams leaped joyously to the sea;
Free Mountaineers were rich with Nature's Lore.

Where once, most fragrant blossoms filled the air,
The stench of death prevails upon the sod.
Greedy, grasping, dollar hungry man,
Destroys the source of life, bestowed by God.

Where now, our valleys choke with rocks and mud,
The streams are stocked with acid, silt, and lime.
Stingy wreckers count their Godless gains,
While money machines commit their guileful crime.

While mountain beauty is gutted by stupid siege,
Officials ignore the tolling bells of gloom.
They sit with power struck minds and wait and watch,
God's beautiful earth go down to hell and doom.

Beckley, W. Va., *February 17, 1971.*

Representative Ken Hechler,
U.S. Congress,
Washington, D.C.

Dear Sir: You are, without doubt, one of our finest representatives in Washington. This is the first letter I've written complimenting one of our representatives so you can believe I am really sincere. I think you have done more for the people of West Virginia than anyone else in Washington. And now with your bill to abolish strip mining you have proven once again that you have the people and their needs forthmost on your mind as strip mining is ruining our beautiful state. We, the citizens, feel so helpless as we see mountain after mountain laid bare and the homes of people nearby being destroyed by these heartless people. A bill is before our legislature to abolish strip mining but I'm afraid big money will have its way and we won't see anything done. The majority of the people, I believe, would like to have this stopped, but if the legislature does not put a halt to it we will have a ruined state and more and more people will be leaving. Most of these strippers are from out of state and could care less for West Virginia and I think it. We have a beautiful state, but it won't be very long. The ugly scars of strip mining has left their mark and nothing will erase them. Jay Rockefeller is putting up a valiant fight for us and in return he is being told by some stripper workers, owners and others that he is an outsider and doesn't belong here. I know he does as West Virginia is for anyone that chooses to make their home here. I am indeed grateful that he chose our state in which to live. And he was the one that brought the strip mining issue to light. I know also that you are working for abolition and I think West Virginia is indeed fortunate to have you in Washington fighting for them.

I am enclosing an article from the Charleston Gazette that you may find interesting reading. I feel it is very timely.

So keep up the good work and may God Bless you.

Sincerely,

Mrs. Thelma Stover.

Mabsott, W. Va.

Congressman Ken Hechler,
Offices of the Congress,
Washington, D.C.

Dear Mr. Hechler: I felt that I must write you and pledge you my full support on your recent stand concerning surface mining. Certainly such an industry, engaged in the total destruction of our environment, must be stopped.

It appears now that our own State Legislature will kill the Galperin Bill and totally disregard the will of 80% of the people of West Virginia. It would seem that at least most of our present delegates are afraid to take an open stand in the State Legislature as you did in the Congress. The coal operator still has West Virginia "by the throat."

On the Huntington news report on Ch. 3 tonight I heard certain national suggestions concerning surface mining. It would seem that someone felt that the States should do something within two years or the Federal Government would establish control. Mr. Hechler, in two years W. Va will be nearly a desert, especially here in the Southern Counties.

I have pastored churches in Raleigh Co. for seventeen years. I have always been engaged in some community service and have always supported all positive programs for the good of our State. I am at present a member of the Southern District Board of Soil Supervisors and now own a 147 acre farm in Richmond District of Raleigh Co. In the above role, I have walked over hundreds of acres of strip spoil and have toured, by 4 wheel drive vehicles, literally thousands of acres. In ten years of inspection of spoil banks I have never viewed one that has been reclaimed. I refer to Southern West Virginia only. (I am told that there are reclaimed areas in Preston County) all that we have are some areas which have been vegetated to a non-economic and very temporary plant growth such as lespedeza sericea or black locust. The erosion continues and the stark high walls are visible for miles. At the same time these ecological rapists destroy all of the timber, the natural mountain contours and the top soil. As you know, we have (world wide) about six inches of top soil. All life, as we know it today, comes from that six inches of soil. When surface mining destroys the soil community of that six inches it can never be replaced.

I have slides which I have taken of strip spoil in which there are gullies twenty and thirty feet deep.

Just a short time ago I asked the W. Va. Director of the ONR Division of Reclamation (while touring a spoil area) what could be done about such erosion. He made very little of it and said . . . "it really doesn't mean much, it (the erosion) will continue until the ravine reaches the original rock base, than it will stop." "We can do nothing." The thing that shocked me was that he was totally unmoved by the devastation. This was in an area of 6,000 acres, located on Tommy's Creek in Raleigh Co.

One other point . . . The Surface Mining Industry makes much of America's need of this coal. Will you ask the question, "Why then is 80% of it being exported to Japan?" Maybe some one will answer a man of your stature. They wont give me an answer.

Again, thank you for your fearless stand. I had almost give up. You may count on my full support wherever I may be able to give it.

If we are to have a West Virginia Home Coming in '71—We must have a West Virginia to come home to.

Sincerely,

Earl P. Cochran.

Alliance, Ohio, *February 20, 1971.*

Representative Ken Hechler,
Washington, D.C.

Dear Sir: From Ohio we thank you and congratulate you for having the courage and guts to introduce legislation to ban strip mining—"The Rape of the Countryside."

Here at Alliance, Ohio, we see the horrible devastation of the land all around us while the State government and lawmakers sit and twiddle their thumbs while thousands upon thousands of fine farm land acres are being destroyed day after day. The beautiful trees, the rolling hills and streams are now giant scars and strip mine rubble.

We were told the land would be "reclaimed" this is not true, the rubble has been laying there many, many years untouched.

Many Ohioans believe the mining interests control our State government and nothing can be done about it. The ruthless destruction of the landscape goes on and on!

At Cadiz, Ohio, the mining interests brag about their man-made monster that grabs 300 tons of earth at *one* bite!

The top-soil can *never* be brought back! It is lost forever.

Beautiful farms of wheat, corn, oats, etc. are now masses of strip mine rubble.

A farmer is paid a few-thousand dollars for his land then the strip miners move in and tear it up and then go away and leave it after they get the coal out.

Come to Ohio and see for yourself. Our beautiful landscapes are gone. Only the ugly scars and deep gullies and rubble remain. Our once beautiful State of Ohio is ruined, and this awful rape of the countryside is still going on day after day.

Please help us.

W. F. Martin.

Dover, Ohio, *February 24, 1971.*

Hon. Ken Hechler,
Member of Congress:

Dear Congressman: I have read in the Cleveland Plain Dealer, of your proposal to outlaw all strip-mining in the U.S. and I strongly support you.

The Hanna Coal Co. is ravishing some of the richest and most productive farm land in this country, in Harrison, Jefferson, and Belmont Counties.

This rich and productive soil can never be replaced in one thousand years to say nothing of the tax loss and unsightly mess they leave behind. I urge you on in this venture.

Yours very truly,

Clifford A. Eberle.

Hill Top Enterprises,
Seco, Ky., February 17, 1971.

Representative Ken Hechler,
House Office Building,
Washington, D.C.

Dear Congressman Hechler: I seen in the Courier Journal that you are introducing a bill to ban Strip-Mining. When everything seem the darkest then someone like you will come forth like a bright light and start a ball rolling that may make everything come back to some sane resemblance of its former state.

I sure wish you every success in your endeavor, I am enclosing a few copies of letters that I have taken from the Mountain Eagle at Whitesburg, Kentucky and from the Courier Journal of Louisville, Ky. showing what the People of Kentucky think of Strip-Mining.

We have heard a lot about forest fires and the like but in my opinion a forest fire is nothing as compared to the scars of Strip-Mining, for after a few years the young seedling will come back on burned land but never in time will anything grow on the old high walls or benches of rocks and bolders pushed down the slope as you can see many places in our State.

Wishing you every success and hoping that you will win passage of your Bill banning the practice.

I am yours very truly,

Victor C. Banks.

Mountaintop, Pa.,
February 19, 1971.

Dear Sir: Congratulations on what you are trying to do in regard to Strip Mining.

I have just heard short reports over my radio that you have presented a bill that would abolish strip mining within six months. I was so impressed and thrilled that there was someone else, especially someone who might be able to do something, who felt as I do.

I have lived in this area all my life and I know what destruction these strip miners do. There are supposed to be laws on the books in this state that they must return the land to approximately what they started with. You and I both know that this is impossible. Not in my generation, or my son's, will the land ever be what it once was.

I am behind you 100% and hope that you will get all the help you need. I am afraid however, that the lobbyists will put an end to our dreams.

Please tell me if there is anything I can do to help you. We need more men of your caliber in Washington. There are so many there with selfish interests.

Once again, congratulations and thank you.

Sincerely,

Joan Jones.

February 22, 1971.

Hon. Ken Hechler,
Congressional Office Building,
Washington, D.C.

Dear Mr. Hechler: Recently I heard on a very brief news cast, something to the effect of a bill you are introducing banning strip mining throughout the United States.

Since I live in southern Indiana, a beautiful spot, but fast being devastated by this method of mining. I am intensely interested in your bill. Would it be possible to get a transcript of it or a condensed version? Also what can I do to help further your efforts?

We are a small community located in Warrick County along the Ohio River in the extreme south western part of this state. For many years now we have been subject to the many evils and injustices brought about by the strip mine operators. Our homes have been and are being damaged every day by the excessive blasting, power lines are knocked down, roads are closed and mined, our trees are dying, the birds and wild life are disappearing and the landscape has become mountainous slag piles allowed to lie barron and oxidize. As a result, there is a foul odor lying over the land. I suppose I could write a book about conditions brought about by strip mining, but this you already know.

I am convinced that only National Federal Legislation such as you propose will ever protect the American people from having this land systematically destroyed. It will also relieve the State and Local government of the responsibility of saying "no" to the conglomerates who are now buying up so many of the coal operations.

Attached is a copy of a letter to my neighbor, Mr. Warren A. Pease, who had written to Governor Whitcomb complaining about the damage to his home and land by the coal company. The letter, as you can see, was passed on to a Chas. Purcell, Director of Mining for State of Indiana. (Note underlined sentence)

It seems inconceivable that the State of Indiana could turn loose a monster such as this with a license to do as it please; but that is what it amounts to since there are no laws to govern them.

Your Honor, I have written Senator Vance Hartke urging him to vigorously support your bill. Also, I am asking everyone in this area to write their Congressman urging their support.

In closing, may I wish you the greatest success in the passage of this legislation. The immense good that you will have done America and its people cannot be measured.

Sincerely yours,

T. J. Thrasher.

Birmingham, Ala.

Dear Sir: Enclosed is a newspaper clipping concerning a proposal by yourself. Unfortunately, this was lost back on about page 5 of the local paper, I consider it front page material.

I would like to express my encouragement and admiration to you and the other concerned members for initiating putting a swift end to this deplorable situation. Future generations may do well to thank people like you for leaving them something to enjoy instead of piles of eroded rubble.

Best wishes,

Baker Smith.

Mining Halt Asked

Washington.—Rep. Ken Hechler, D-W. Va., backed by 27 other congressmen from 14 states, introduced legislation to halt all strip mining of coal within six months.

Hechler told a news conference in announcing the measure that only "artful dodging and delay" could result from the Nixon Administration's proposal to give coal mining states two years to study and make proposals for eliminating the earth-scarring operations.

Birmingham Southern College,
Birmingham, Ala., February 22, 1971.

Dear Representative Hechler: I noticed in my reading of the local paper that you have introduced legislation into the house that would block and halt all strip mining of coal within six months. I want to thank you for your decisive action. Your motives are to be commended. Such an action as this is desperately needed to stop the destruction of natural land for the purpose of exploiting it and its natural resources, but in order to pass the legislation, tremendous public support must be made available. Could you, therefore, keep me up to date on the progress of your bill and let me know more specific things about it, such as its house number, etc., in order that I might speak of it knowledgeably to the Southeast branch of the Sierra Club and let them know what to call it when writing to their senators and representatives?

I will be looking forward to doing all that I can to rally conservationist support for you. Thank you for providing an *alternative* to Pres. Nixon's 2-year "study" proposal. Like you, I'm sick of the hypocrisy that allows destruction to go on normally, under the guise of 2 year-long "study-the-problem" programs. Thank you for speaking out.

Sincerely yours,

(Miss) Mary Jane Sepmeier.

Los Angeles, Calif.,
February 19, 1971.

Hon. Ken Hechler,
House of Representatives.

Sir: We agree that strip mining needs to be totally outlawed by Congress. We have seen some of its hideous effects upon an area's natural beauty and it should never have been allowed to happen initially. The unsightly scars are eyesores to any State especially when seen from the air and are definitely not tourist attractions. But until the primary cause, Congress' failure to institute meaningful reform within itself, these effects will continue to occur, generally to the detriment of the public and to the benefit of a self serving, avaricious few "special interests"! As put forth in the Pearson-Anderson book "Case Against Congress," "strip mining" is but another of the countless "compelling indictments of corruption on Capitol Hill"!

Truly,

Mr. B. D. Fonda.

Belle Rive, Ill.,
February 18, 1971.

Hon. Ken Hechler,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Hechler: On February 13, 1971 our local newspaper carried an article, titled "Seeks Law To Ban Strip Mines", by (AP) Washington.

The article outlined the proposed legislation to be sponsored by you to out-law strip mining in the United States.

You can rest assured that many people in the state of Illinois would welcome such legislation.

Farming is my line of business, we are situated in the southern part of Illinois. West of us, south of St. Louis, on the Illinois side a large section of good fertile soil has been absolutely ruined by the strip miners digging coal. From there on south for thirty five miles large areas have been stripped out. Now large shovels are stripping all across the State to the Indiana line. Within the last three months a new area has been opened up directly south of us, not more than two miles away. North west of Evansville, Indiana, on the Illinois side scalpers are making a determined effort to buy up land for coal stripping. Near the Illinois River, south of Peoria the same thing is happening.

The usual pattern exists in all cases. They buy the land for very cheap prices, paying nothing for the coal. They use every conceivable method to gain title to the land. Pressure, lying, intimidation, buying off local officials. The shovels in operation here range from 60 to 120 yards. The coal is very low quality, high in sulphur. The yield of the surface coal is low, not over 18''. However down about 700 feet there is a very good vein. This, the assumption is, will be sold to others for deep mining. They pay absolutely nothing for it.

We have tried to have strip mining legislation passed in the State. I am certain you know what happened, they wined and dined enough legislators to have the legislation "watered down" until it is of little value. We NEED HELP, Kentucky has passed strict laws—they have abandoned that State for the most part, and NOW ARE IN ILLINOIS, across the Ohio river.

You can rest assured, we appreciate your help and interest. This problem is very serious. Deep mining here has caused some trouble as you had indicated in the news release, but strip mining is so much worse. The land absolutely is of no value when they finish with it because of the high sulphur content of the coal. It ruins our villages, churches, schools, roads, wastes many dollars spent on Soil Conservation and ASCP programs.

Again we wish you every success, you have a difficult task, but sincerely hope you are successful. Five years from now will be too late,

Sincerely,

Linus F. Kiefer.

FARMINGTON, ILL.,
February 22, 1971.

Hon. KENNETH HECHLER,
Washington, D.C.

DEAR MR. HECHLER: I seen in the Canton Ledger February 13th that you were going to introduce legislation to ban strip mining of coal in the United States.

In the early 60's I said to my cousin what one could do to ban strip mining, he said there is no law that you can stop it so you might as well forget it.

I hope you will go and see if you can get legislation started.

North of Farmington we have mounds. I call them Fulton Co. Rockies. All good farm land is going to waste. With our population explosion we can't afford to lose this land. With unemployment they can dig it like they did years ago.

Thank you so much and hope you have success.

Sincerely,

Miss JUANITA ALBRECHT.

LIBERTY, W. VA.,
March 3, 1971.

Hon. KEN HECHLER,
Washington, D.C.

DEAR MR. HECHLER: I should have written you LONG ago with encouragement for the "stands" you so consistently take representing the people, good government, and just about everything worth while—the sort of thing ALL of our senators and representatives should be doing whether state or national.

However, we *do* want to give you our 100% support for a Bill to Abolish Strip Mining . . . and both Dr. Beatty and I should be helping you. He, especially, has marvelous ideas—the sort of mind which, like your own, thinks above and beyond the usual or ordinary—the type of mind that can do something to solve our many problems—yes, even other than those of pollution. He is Professor of American History at W. Va. State College at Institute but did his Master's and Doctor's work at Stanford University in Palo Alto, California. We fell in love with the farm we own, but it's been threatened by ravages of the gas co. as they explored for gas; and could very easily be completely and irrevocably devastated by coal interests; so we have a personal interest in stopping this evil NOW at once.

May we hear from you in the very near future? Our telephone no. is 586-9594. However, it's an 8-party line with at least one avid listener.

Most sincerely.

Dr. and Mrs. H. I. BEATTY.

ST. CLAIRSVILLE, OHIO,
February 22, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: We live in eastern Ohio and we all agree on your law to abolish strip mining. All you can see around our homes is mounds of rock and strip pits. The water is polluted with sulfur and acid. Some parts of eastern Ohio still has beautiful forests and we hope that the law will pass so some of Ohio's beauty will remain. We are glad you are doing something to keep our environment fit for us to survive. Our senator is Wayne L. Hays and he is going to vote against the bill.

Yours truly,

DAVID MIHELARAKIS,
Sixth Grade.

COLERAIN, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: Our class has been reading and discussing the problem of strip mining. We all agreed with you against strip mining. I myself think as it like a wildfire destroying the forests and land in the United States. Since we live in eastern Ohio we know how it is spreading and leaving scars on the surface of the earth. We hope Congress does not feed this fire.

Yours truly,

TOM SOBOTA,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I'm for your bill. I think it is a good one. I know what strip mining does to our trees, our land, our flowers, and our wildlife. I know because I read about it and I live right in the middle of an area that is being stripped.

Will you please send us a list of the congressmen and senators from the thirty-six states which did not join in proposing the bill?

Yours truly,

RONALD SNYDER,
Sixth Grade, Hilltop School.

ADENA, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I am against strip mining. I live in Belmont County. All the trees and flowers going to be gone. It looks like there are holes all over the land. Belmont County used to be beautiful but it is not anymore. Is there anything our sixth grade can do against strip mining?

Yours, truely,

KELLY SPRINGER,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: Will you send me a list of the Senators and Congressmen of the 36 States who did not help plan the strip mining bill? We are going to write to them.

Yours truly,

JOHN FRENCH,
Sixth Grade, Hilltop School.

ST. CLAIRSVILLE, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I have heard a lot about strip mining. They are doing it in our part of Ohio. It is hurting a lot of our scenery. It is killing the plants and animals. Would you please try to stop it?

Yours truly,

DON MURPHY,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I feel very strong against strip mining. Since I live in eastern Ohio I know it destroys trees, wild flowers, wildlife homes, plants, and it pollutes the water. The green plants that give us oxygen will be gone. If the bill does not pass there will be no more green plants. Strip mining destroys the balance in nature. We wish you would continue to try to abolish strip mining. One of the reasons I am against strip mining is because I live in one of the most beautiful areas in the state of Ohio.

The Representative of my area is Congressman Wayne L. Hayes who is against your bill. Can we help in any way?

Yours truly,

GEORGE J. STRIZAK,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I live in the middle of strip mines and the scenery is not very pretty. I want to abolish strip mining, too. So help us.

Yours truly,

JIM MEHLMAN,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I am very much interested in your bill to abolish strip mining in the United States. I live in eastern Ohio where the strip miners are destroying our beautiful scenery.

Yours truly,

PAM SALTKIELD,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I am writing about strip-mining especially in eastern Ohio, near where I live. The big holes the strip-machines leave look terrible. I just think something ought to be done about it.

Will you please send us a list of the congressmen and senators from the thiry-six states who did not join you in the bill?

Yours truly,

DAN BEAVER,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: We the sixth grade at Hilltop Grade School R.F.D. 2 Dillonvale, Ohio 43917 are writing you to offer our support and approval of your strip mine bill that will abolish strip mining in the nation.

If there is anything we can do to help the passage of this bill please contact us.

Yours truly,

CAROLE SUE SMITH,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I read in the newspaper about strip-mining and it had something to do with you. I am glad to hear you are trying to abolish it. We are surrounded by pits.

Yours truly,

BECKY NORRIS,
Sixth Grade, Hilltop School.

ST. CLAIRSVILLE, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: Our class has been discussing strip mining. We live in the strip mining area. We have talked about what the strip mining does. The ground looks like moon craters. If the bill doesn't pass, the United

States will look like the moon. We live where Presidents Nixon's ancesters were buried.

Will you please send us a list of Congressmen and senators of each state which did not join you in proposing the bill?

Yours truly,

JIM RICE,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 22, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I agree with you about strip mining. I hope the bill to abolish it is passed. I know what the land looks like after it has been stripped because I live in a town where it is all around me.

Yours truly,

LEANNE YODER,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: The sixth grade at Hilltop School, R.F.D. 2, Dillonvale, Ohio, is following the news. We are very concerned about strip mining. People are trying to zone but that would only help us locally. Please tell us how to help stop strip mining. What can we do to change Wayne L. Hays's mind about strip mining?

Yours truly,

TAMMY WOODS,
Sixth Grade, Hilltop School.

FEBRUARY 22, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: Our class is against strip mining Strip mining ruins wildlife and wildlife homes. Please abolish strip mining. We live where strip mining has surrounded us and is closing in on us.

We hope it is abolished before it ruins and destroys our environment.

Yours truly,

JOHN SABIC.

ST. CLAIRSVILLE, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I think that you are right and strip mining should be abolished in the United States. I live in the Ohio Valley. Everywhere you go you see strip pits. Sometimes I wish I could see the land before the steam shovel was invented. Here the strip miners started stripping about thirty years ago. Now almost two-thirds of Belmont County is stripped and if the strip mining bill isn't passed probably all of our county will be demolished.

Yours truly,

JOE MIHELARAKIS,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: Is there anything that our sixth grade class could do to pass the bill to ban strip mining? We live in Eastern Ohio and strip mining is all around us. We dislike the awful ruin that the steam shovels leave. It destroys all our beautiful countryside. All of the beauty will soon be gone. So please pass the bill.

Yours truly,

WAYNE GREEN,
Sixth Grade, Hilltop School.

ST. CLAIRSVILLE, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: Mr. Hechler, I live in the eastern part of Ohio where strip mining has been done. There are sulfur ponds and acid run off. I agree on your law to banish strip mining.

Yours truly,

STEVE MIHELARAKIS,
Sixth Grade, Hilton School.

DILLONVALE, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I am glad you are trying to pass a bill to abolish strip-mining in the United States. I live in the beautiful part of eastern Ohio where there is strip mining all around me. If the bill does not pass, trees, flowers and other wildlife will die and so will we.

Yours truly,

SANDRA PINTER,
Sixth Grade, Hilltop School.

ST. CLAIRSVILLE, OHIO,
February 22, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: Our sixth grade thinks that it is nice to know somebody is doing something to abolish strip mining. I fully back the bill. About six miles from where I live the place looks like moon craters. Our congressman is Wayne L. Hayes. He plans to vote against the bill. Would you have any ideas on how to change his mind?

Yours truly,

JAY BOWMAN,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I am glad to hear that you are trying to abolish strip mining in the nation. I know how terrible it is because I live in eastern Ohio. Not too far from my home, a once beautiful land, is completely destroyed. The southeastern part of Ohio was so beautiful and some of it still is. If something isn't done the beauty will be gone. Our Congressman Wayne L. Hayes is going to vote against the bill.

Yours truly,

SUSAN DA RE,
Sixth Grade, Hilltop School.

ST. CLAIRSVILLE, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: We hope strip mining is abolished. In eastern Ohio it is destroying our scenery and polluting our streams. Strip mining is also destroying our wildlife and their homes. We know so much about strip mining because we live in the center of it.

Yours truly,

ANDY SMITH,
Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: Our sixth grade class has been studying about what strip mining does to the wildlife, environment, and especially the soil. So our sixth grade class wants to know if there is anything we can do.

Would you please send me a list of the Congressmen and Senators of the thirty-six states which did not join you in proposing the bill? Our own Congressman is Wayne L. Hayes who is voting against the bill.

Yours truly,

LEE GREEN,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I am against strip mining. It makes the land look like the moon. I hope that your bill passes. I am aware of the good it will do. I live in eastern Ohio. It was a beautiful land. It is now becoming a total destruction.

Yours truly,

DAVID THOMAS,
Sixth Grade, Hilltop School.

DILLONVALE, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: Our sixth grade class is deeply concerned about strip mining.

We would like to know what we could do to help get the bill passed.

Yours truly,

PEGGY LALLATHIN,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: The sixth grade wants your strip mining bill to pass.

The land in eastern Ohio is being stripped by the big machine. If they keep on stripping the land, we will not survive much longer on the earth without trees and plants. The oxygen will be gone and we will be gone too.

Yours truly,

RANDY CONAWAY,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: We live in the area of strip mining. Most of the people who own land are selling it to the strippers, so we urge you to keep trying to passing the bill before our land turns barren.

Yours truly,

DAVID MORRISON,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I agree with you about strip mining because I live in a county where strip mining is all around. Is there anything my class can do about strip mining?

Yours truly,

MELANIE ATHEY,
Sixth Grade, Hilltop School.

WEST VIRGINIA UNIVERSITY,
MEDICAL CENTER,
Morgantown, W. Va., February 24, 1971.

MR. RICHARD M. NIXON,
President, The United States of America, The White House, Washington, D.C.

DEAR MR. PRESIDENT: Regulation and so-called reclamation in surface mining have repeatedly failed. Stipulation of maximum grade for strip mining operations will only result in total destruction of areas such as Northern West Virginia where the hills are not so steep.

We urge you to reconsider your position and support recommendations of Congressman Hechler's bill to ban surface mining entirely.

Very sincerely,
Bernard Zimmermann, M.D., Ph. D.,
Professor and Chairman, Department of Surgery.
Elizabeth C. Zimmermann.

February 20, 1971.

J. D. Rockefeller, Jr.,
Secretary of State, State of West Virginia, State Capitol, Charleston, W. Va.

Mr. Rockefeller: Thanks. For what? For having the guts to take a stand to outlaw strip mining in West Virginia.

I'm a native West Virginian and if it takes an "outsider," as some consider you, to help stop this destruction of our state I certainly appreciate it. You may have become more of a West Virginian than you realize.

We have been putting up with politicians raping this state for their own profits long enough. Some people cannot see beyond their nose of what is happening here. They want only immediate gratification of their animal needs without thinking of how it affects anyone else or their own future.

The census in the plant where I work is to outlaw strip mining. You are not, as of now, being considered an outsider. The opinion in our plant in your favor has made tremendous strides in the past few weeks. Also your television appearance certainly helped your image.

If we can be of any assistance in this part of the state, let us know.

Thank again,
Charles M. Douglas.
Barboursville, W. Va.

February 22, 1971.

Hon. Ken Hechler,
Congressman, State of West Virginia, House Office Building, Washington, D.C.

Dear Congressman Hechler: It was with a great deal of interest that Mrs. Rempe and I read of your proposed bill to ban Strip Mining on the Federal level. It is our fervent hope that you will be able to bring the bill to the Floor and have it passed this session for we feel that strip mining has a disasterous effect on the land, water and beauty of each State where it is practiced. We are deeply disturbed that the West Virginia Legislature is being influenced by the lobbying of the Coal Industry and feel now that our only hope lies in a strong Federal Law.

With best wishes and please be assured of our support, I remain,

Sincerely,
William J. Rempe.
Wheeling, W. Va.

Wheeling, W. Va., *February 24, 1971.*
Congressman Ken Hechler,
Washington, D.C.

Dear Mr. Hechler: I am writing to express my feelings about the bill you have introduced in Congress to ban strip mining with in six months.

I hope you are able to push it through and it becomes law. I think West Virginia is a beautiful state and hate the thought of it being destroyed by the money hungry mine companies who have been telling us how great strip mining is for the state. If it is so great then why are they trying so hard to convince us?

I do hope that you pass this bill for the sake of West Virginia as well as all the other states that are faced with this serious problem.

Sincerely,
Linda K. Schrader.

February 19, 1971.

Hon. Ken Hechler,
House of Representatives,
Washington, D.C.

Dear Sir: In my opinion you are the only statesman I have ever known to represent the State of W. Va. Your stand on the Blue Ridge Project, and now your effort to discontinue Strip Mining, is very outstanding and admirable. Great men of history are those who spoke ahead of their time and demonstrated vision. The pressure and fear tactics of the Strip Mining Association has defeated our present W. Va. Legislature.

This is about all I have observed in my life span as a native born and life long resident of this state. You have reinstated my confidence in government, and have shown me that some men actually serve for the good of all the people and not just for a minority group of selfish businessmen. My heart is continually grieved when I am made aware of the terrible "game of deception" our present Dept. of Natural Resources plays as it "covers up" for the "RAPE" of our beautiful state. I have talked with game and fish biologists of the Dept. who are young men very capable and qualified, and it is very evident that the Governor hinders their work!

Fish kills, caused by some industry above the Blue Stone Dam, have occurred the past two years, and the Dept. has been silenced by higher authority. Earth slides from strip spoil banks continue to occur even after small trees are planted. One slide fell into New River in Raleigh Co. last winter that filled one fourth of the river bed, and it contained trees that had grown some six inches in diameter. The roots never can reach to permanent soil and these spoil banks can never be held on such steep slopes. There is no such thing as reclamation!

Thank you again for your vision and statesmanship.

Sincerely Yours,
Clarence E. Griffith,
Pastor, Maxwell Hill Bapt. Church.
Beckley, W. Va.

P.S.—Let's consider preservation of the New River Gorge from the federal level. I don't think the State is capable.

Hon. Ken Hechler,
Washington, D.C.

Dear Mr. Hechler: Just a word concerning strip mining in the coal industry. I am for eliminating it, in fact it should never have been started. We have the most beautiful scenery in the world here in W. Va. and I don't believe God intended a bunch of money hungry bureaucrats to destroy it, so just chalk me up 100% on your side in this dispute. Mr. Hechler, I am also in favor of the Social Security bill. As you know, mine was eliminated when I was awarded black lung benefits and I would appreciate when a bill is presented knowing if it stands to help me as I really have it rough as it is. I have written everybody, but you are my only source of information, the UMW leaders are impossible bunch. I would also love to have a list of the new House and Senate Members, as I like to keep up with who is who, but for the working man there is but one true friend, and that's Ken Hechler and myself. I thank God for the same. Any information will be appreciated, so thank and God bless you and yours.

Sincerely,
Millard Neely.
Oak Hill, W. Va.

Princeton, W. Va., *February 12, 1971.*
Representative Ken Hechler,
State of West Virginia,
Washington, D.C.

My Dear Sir: I have just finished reading in the Charleston Gazette that you will introduce a bill in Congress outlawing strip mining in all states.

I assure you that you have my support. To my mind this is one of the most important projects to look for need to and I wish you every success in your legislation.

Yours very truly,
O. R. Peters.

Nitro, W. Va., *February 15, 1971.*
Hon. Ken Hechler,
House Office Building,
Washington, D.C.

Dear Mr. Hechler: Just a line to let you know that we admire and appreciate your position on strip mining.

I have been privileged to be in your office on several occasions while I was business manager for pipe fitters local No. 625 in Charleston and was always received graciously and warmly. Your position is always crystal clear and I admire you and I think many West Virginians do.

With kindest of regards I am
Gratefully yours,
Edon Shahan.

Camden, W. Va., *February 15, 1971.*
Hon. Ken Hechler,
House of Representatives,
Washington, D.C.

Dear Sir: I take this opportunity to applaud your introduction of legislation to abolish strip mining in the United States as well as to abolish deep coal mining in national forests and wilderness areas.

Future generations in this nation will owe a great debt to statesmen such as you who had the courage and foresight to attempt to prevent further devastation of our land.

I am a registered republican but you can be assured of my political support when it is possible.

Very truly yours,
Paul A. Groah.

Dry Branch, W. Va., *February 14, 1971.*
Hon. Ken Hechler.

Dear Sir: I wish to say that I appreciate the Stand that you take in regard to a stripping ban in the United States.

This will help stop the rapeing of our beautiful hills and mountains in West Virginia. This will help our health, life and property damages.

This will help restore our water and oxygen resources. This will help bring back some of our wild life.

I am sending you some documents in regard to what I've been trying to do to help our handicapped people in West Virginia. But it seems that The West Virginia Legislature does not wish to help our mass handicapped human beings.

They have given me every excuse possible to keep from helping me draft a bill for reclamation, Homesteading and work part time for our human poor and handicapped. But you notice how quick they raised their pay in the Legislature.

It is an Elite gang who runs and rule the people of West Virginia.

They do not care a damn for people, but their god is the dollar sign.

Well Sir, Thank you for reading this, And any help that you can give us will be greatly appreciated by our Cabin Creek Area Citizens Union movement.

Yours for progress,
Clifton E. Bryant.

New Martinsville, W.Va.,
February 18, 1971.
Hon. Ken Hechler,
House Office Building,
Washington, D.C.

Dear Sir: Please continue your efforts to *ban* strip mining.

Whether we like it or not, *people can* and *will be* replaced, but the beautiful hills and mountains of West Virginia can *never* be replaced.

The pictures of areas stripped look like pictures brought back from the moon.

Yours truly,

Mrs. Edgar C. Blum.

Red House, W. Va., *February 22, 1971.*

Hon. Ken Hechler,
Member of Congress,
Washington, D.C.

Dear Ken: We are very pleased to read in the newspapers that you are trying to get all strip mining abolished. We feel it is a crime and disgrace for this state—and others—to be ruined by a few greedy individuals. We are with you and Jay Rockefeller 100% in your fight and pray you will win.

We are also glad that you and Rockefeller chose to make this state your home—in fact we feel honored.

With every good wish for your continued success,

Your old friends,

Mr. and Mrs. D. L. Ambler.

Morgantown, W. Va., *February 21, 1971.*

Congressman Ken Hechler,
The Capitol Building,
Washington, D.C.

Dear Congressman Hechler: I am encouraged by the responsible action which you and many other Representatives have taken concerning the abolition of the strip mining of coal. This is on issue of vital concern to all West Virginians and one which I hope will gain support in the Congress of the United States. Please, continue to work for the abolition of the strip mining of coal.

A concerned West Virginian.

W. Edward Reid,
West Virginia Student from Martinsburg.

Seth, W. Va., *February 22, 1971.*

Hon. Ken Hechler,
Washington, D.C.

Dear Congressman Hechler: Although you are not in my District and I did not get to vote for you. I do want to thank you for fighting for all the people of W. Va. I live in Boone Co. and do hope Boone is put in your District and you will be able to represent Boone Co. people.

I am writing mainly on your Strip Mining Bill. Mr. Hechler Strip Mining has to be stopped and stopped at once. I have lived on Big Coal River all of my 58 years. I have seen this river completely destroyed our Co. and State is being completely destroyed. Our homes and land are being flooded. Our State law makers for some reason won't heed our plea.

I ran a survey of citizens and voters over Boone Co. and over 90% want Strip Mining stopped. It is not only in Boone Co. but the same in Raleigh and Kanawha from which I have talked to people and the whole State wants it stopped.

I will say one thing there will be a lot of new faces in the next legislature if this one does not stop it.

Jay Rockefeller has become the most popular man in this State and can get any office he so desires now just over the fight he has put up to Stop Strip Mining.

This State needs more people like yourself Jay Rockefeller and Doctor I. E. Buff of Charleston.

Again many thanks and I hope Boone Co. is put in your District then Boone Co. People can repay you for what you are doing.

Very truly yours,

B. B. Broven.

Parkersburg, W. Va.,
February 22, 1971.

Hon. Ken Hechler,
New House Office Building,
Washington, D.C.

Dear Sir: I wish to express two items in which something must be done to protect the people and the state of W. Va.

First. Strip mining must be stopped in our state or controls so strict that we are assured of the beauty of our state and the purity of our water.

Second. Air pollution must be controlled. To this date I have seen or heard nothing of the black smoke the Viscose Co. of Parkersburg has been belching out over the city of Parkersburg. Why is this? The Carbide Corp. seems to be the prime target. (I do not work for Carbide.) I work with DuPont at Washington Works and involved with pollution control, both air and water. We could not do what some of the companies in our area do and get away with it. Our company management would not stand for it.

Anything you can do on the above two items would be most appreciated.

Sincerely,

Charles L. Rogers.

West Virginia State College,
Institute, W. Va., February 16, 1971.

Hon. Ken Hechler,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Congressman Hechler: I should like to both congratulate and thank you on your recent introduction of bills to create the Wilderness Areas within West Virginia, and to prevent mining in the National Forests of our Nation. I hope your colleagues understand the importance of the first bill to the people of West Virginia. I cannot see how they could help but understand the importance of the second bill to all of America.

Your work in the creation of a better West Virginia, and nation are to be commended.

Sincerely yours,

David L. Edens,
Assistant Professor of Biology.

Danville, W. Va., *February 19, 1971.*

Hon. Ken Hechler,

Dear Sir: I am writing you in regard to this strip mining it is a disgrace to W. Va. I live in Boone Co. Mr. Ferrill had to move from his place and had been sick long time and he had no money big rocks rolling around his house. I own several lots and some is on hill side if they strip back there I would move. I have called and wrote for it to be stopped, will you take it up to Washington and try to get it stopped, I seen pictures on television was taken about Whitesville would make me sick. Please take in up with Washington and stop stripping our hills.

Sincerely,

Mrs. Cora Ulhrich.

Anmoore, W. Va., *February 22, 1971.*

Hon. Ken Hechler.

Dear Sir: I am in favor of abolishing all strip mining in W. Va. and elsewhere, for the sake of all people in the United States and elsewhere. There is no such thing as reclamation of a ——— strip mine.

This wholesale rape of our country is done by big business who just moves on when the quick buck is made. I hope we can stop it before peoples tongues start swelling for a drink of water.

Yours truly,

Ray Green.

Salem, Ohio, *February 23, 1971.*

Representative Kenneth Hechler,
Representative of West Virginia,
Washington, D.C.

Dear Sir: Thank you for your proposal to outlaw strip mining. I think this is a very important bill for our country.

Yours truly,

E. P. Schaefer, M.D.

Athens, Ohio, *February 21, 1971.*

Representative Ken Hechler,
House Office Building,
Washington, D.C.

Sir: Your bold proposal and introduction of legislation to outlaw strip mining should have the support of all Appalachia which has been raped by the strippers insatible greed. Stripping should have ben outlawed 20 years ago.

I'm expressing my support of your proposal to my Ohio congressman Rep. Clarence Miller.

Sincerely,

Dwight Mitchell.

Marion, Ohio, *February 17, 1971.*

Honorable Sir: This paper I am inclosing is true and I lived all my life as a coal miners wife, and this strip mine came back of our house and done damage at Red Jacket, W. Va. where I lived then that sent big boulders of rock through homes on either side of mine. They just missed mine, but they left great cliffs of rock like the pictures say and a water hole above my home that boys went swimming in. They never once filled any trenches or anything else. After their work was done, that was it. I know because I saw it. You have my permission to print this in the Williamson Daily News at Williamson, W. Va. or the Marion Star, Marion, Ohio. Thank God my son doesn't work in the coal mines. The strip mines should be stopped.

Sincerely,

Mrs. Albert Lopez.

The Prudential
Insurance Co. of America,
Jacksonville, Fla., February 14, 1971.

Hon. Ken Hechler,
House Office Building,
Washington, D.C.

Dear Mr. Hechler: Your statements concerning the proper course of action toward regulating surface mining are being enjoyed by many people. You have chosen the right attitude toward this thing that could be a catastrophe for us. And, as you stated, let us consider the whole picture at this time.

We are now face to face with problems of pollution in every way and I hope you will continue to lead us toward a reasonable solution.

Thank you.

Very truly yours,

Frank C. Greene.

Lexington, Ky., *March 1, 1971.*

Representative Ken Hechler.

Dear Sir: This bill may be one of the most important landmarks in the attempt to make safe the environment necessary for us to survive.

I beg you to do all that is in your power, not only in strip-mining and its banning, but in all the steps presented towards the establishment of a *natural* environment *versus* industrial pollution.

Sincerely yours,

Vivienne Clarac.

St. Michael, Pa., *February 21, 1971.*

Representative Hechler: I understand that you've introduced a bill which would prohibit strip mining in all states. Congratulations. Whether in West Virginia or Pennsylvania, the strippers are ravaging our Appalachians.

I'm sure you'll pressure for a vote as soon as possible. Then we'll see how many conservationist-minded Congressmen there are indeed.

Gary L. Lehman.

Luzerne County District Attorney,
Wilkes-Barre, Pa., February 19, 1971.

Hon. Ken Hechler,
U.S. Representative, Cannon Office Building,
Washington, D.C.

Dear Representative Hechler: Thank you for your recent letter. We will continue to support your efforts to ban strip mining and make deep mining safe for miners.

We are hoping to get some more effective laws in Pennsylvania.

Very best wishes!

Sincerely,

BLYTHE H. EVANS, Jr.,
District Attorney.

JOHNSTOWN, PA.

REPRESENTATIVE KEN HECHLER: I just want to congratulate you on the stand you take on Strip Mining. That strip mining must be stopped. We surely want our children's children to have pure water to drink. We need a million Reps like you. Yes as you say President Nixon's bill has no teeth in it as there is nothing to study by it whatever. Good luck to you and health to both you and your family.

CLAUDE SHUFF.

SUPERIOR, WIS.,
February 20, 1971.

Hon. KEN HECHLER,
U.S. Representative, West Virginia, Rayburn Office Building, Washington, D.C.

DEAR SIR: I am very encouraged to learn that you have sponsored legislation calling for an end to strip mining in the United States. I wish your efforts complete success.

I also was very encouraged to learn of your public exposé of Interior Department appointees who were supposedly expert in the field of mine safety but were in reality, political hacks. Aside from passing legislation, I feel that it is very important for a Congressman to see that the laws passed by Congress are properly carried out. This, at least in my opinion, has been a major weakness in Congress.

Again, my thanks for your efforts in the above areas.

Very truly yours,

Mr. JAMES BONDANK,
Senior Student at Wisconsin State University, Superior.

POMONA, CALIF.,
February 23, 1971.

Hon. KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR MR. HECHLER: I am deeply concerned with conservation and re-establishing a balanced ecology.

I read in yesterday's newspaper of your bill to ban all coal strip mining. This is indeed worthy legislation, and I hope, for all our sakes, that your bill is passed.

Is there anything I can do to help?

Good Luck,

JERRY E. SMITH.

BILLINGS, MONT.,
February 19, 1971.

Hon. KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR MR. KEN HECHLER: I read in the Billings Gazette about that range land destructive coal surface strip the sod grass mining. You are so right. Their aim is to destroy Montana Indian lands and public lands. These destroyers will all be destroyed one day in the day of Doom.

The Indians will sell their birthright for a few dollars. We'll all stand behind you against coal strip mining by these destroyers for a fast buck. God will bless you for helping us save the grass lands, where the deer, antelope and prairie chickens live. We the landless boys stand behind you. Save the West.

CARL WALLIN.

POPLAR, MONT.,
February 12, 1971.

Representative KEN HECHLER,
West Virginia Delegation,
House of Representatives,
Washington, D.C.

DEAR MR. HECHLER: I read in today's Billings Gazette that you are planning to introduce legislation to ban strip mining of coal in the U.S. I want you to know you have a supporter in the State of Montana where the mining firms are already getting into action. Unfortunately, there are always individuals who care nothing for the land except what it will put into their pockets. If coal were necessary for heating homes and lighting, I wouldn't object to the judicious removal of coal, but when it comes to ruining the land to get coal to make electricity to operate electric toothbrushes and knives and canopeners, I think we have reached some sort of limit.

I wish you luck.

Sincerely yours,

JOAN F. BROOMFIELD.

FEBRUARY 19, 1971.

Hon. KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR MR. HECHLER: Though I am not one of your constituents, I would like to both thank you and congratulate you for your legislative efforts to protect man and his environment.

I also wish you every success for your proposed legislation against strip mining. If it would be helpful to your effort, please pass this along to my congressional representative, Gilbert Gude.

Sincerely yours,

EDWARD VIGUERA.

TENNESSEE DEPARTMENT
OF CONSERVATION,
Nashville, Tenn., February 22, 1971.

Hon. KEN HECHLER,
House of Representatives,
U.S. Congress, Washington, D.C.

DEAR MR. HECHLER: It was certainly gratifying to read of your proposed bill on the curtailment of strip mining. This method of extracting coal and other minerals is definitely a problem in our state, too. In fact, several of our State Parks are jeopardized due to these operations.

Good luck to you and your colleagues in the promotion of this legislation. I shall write other congressmen urging their support.

Sincerely yours,

LARRY RICHARDSON,
Field Naturalist.

MEMPHIS TENN.,
February 13, 1971.

Representative KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE HECHLER: I am writing to congratulate you on your introduction of legislation to ban coal strip mining and prohibit deep coal mining in national forest and wilderness areas.

Please continue in the fight to save our environment.

Thank you.

Sincerely,

MRS. THOMAS V. SMITH.

H.R. 1 SHOULD BE AMONG THE FIRST ORDERS OF BUSINESS IN CONGRESS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, millions of Americans, whose hope for a needed increase in social security benefits were disappointed just a few weeks ago at the close of the 91st Congress, now must be wondering if the Congress really intends to take action in their behalf.

There are more than 26 million citizens who have made their contribution to this Nation and who now live on social security benefits.

It did not go unnoticed by these people when the leadership of this session of the House of Representatives designated the social security increase proposal as H.R. 1. To them it is a sign of hope—a sign that they would not be relegated to a back seat this year as they were last year.

These 26 million Americans remember how it was last May when the House passed a social security increase and sent it to the Senate. They remember the long summer, the fall, and the winter while their bill was talked about, and set aside again.

And they remember the final indignity when the social security increase measure came back to the House loaded down with more than 200 cumbersome amendments.

These 26 million Americans saw their hopes die—smothered in an avalanche of senselessness.

Caught tightly in the vise of inflation, they have been struggling from day to day and week to week just to maintain a bare minimum standard of living.

It is incumbent on Congress to do now what should have been done many long months ago. Immediate and favorable action on H.R. 1 is urgently needed.

H.R. 1 is far too important a measure to be used as a vehicle for other considerations. It is far too important to wait longer for action.

The 26 million who look to Congress for help are far too important to be used as pawns in the game of political expediency.

They have made their contribution to society. They have worked long and hard and have had a hand in making this Nation great and in keeping it free. When we look at today's social security recipient, we are looking at workers who gave us the weapons to win World War II. We are looking at the men and women who saw the Nation through a depression in the 1930's, and we are looking at men and women who were among the first to rise to their feet and wear its uniform when trouble faced our land.

In years past, America has looked to them for help and they have given it. Now, they look to us for help and we must not fail them again.

Congress raised their hopes a year ago and those hopes fell short. Now, by designating their bill as H.R. 1, we again have given rise to the hope that something will be done to ease the financial crisis facing almost every one of the 26 million Americans of whom I speak.

It is with a sense of urgency that I respectfully urge the Congress to pass the bill H.R. 1 without further delay. It should be one of the first orders of business in the present Congress.

THE THREATS TO THE UNITED STATES AND FREE WORLD SECURITY

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the Defense report which has been made public by the Secretary of Defense, the Honorable Melvin Laird, is a very important document. It provides a comprehensive analysis of the status of defense problems worldwide. It analyzes Communist capabilities in unusual detail and it provides a clear picture of the need for modernization of United States and free world forces in the period immediately ahead. I find much of particular interest in a section of this report which is entitled "The Threats to the United States and Free World Security." I feel that this section should have careful study and I earnestly recomend that my colleagues in the Congress not overlook its significance.

The Threats to the United States and Free World Security

(Tables not included in the Record)

The threats to U.S. and Free World security obviously were a central factor in planning forces and programs to implement the new strategy. Before discussing specific force planning under the strategy, let me review briefly the current and projected security threats. Admiral Moorer, the Chairman of the Joint Chiefs of Staff, will provide a more detailed analysis of the threat in his statement to the Committee.

This section summarizes the major threats we and our friends and allies must confront, primarily in terms of the categories of potential conflicts: strategic and theater nuclear, theater conventional and subtheater. Also included are discussions of different dimensions of the threat: communist military assistance and the technological challenge. Tables 2 through 8 in the Appendix amplify the following summaries.

Although the various military forces are shown in specific categories for ease of understanding and clarity of presentation, such structuring does not mean that these forces can be neatly allocated specific roles in the spectrum of conflict. Just as is the case for U.S. forces, many of the force elements shown or discussed in this threat section could have multi-mission roles, could be used in theater or subtheater conflicts, or could be delivered to other countries under an assistance program.

A. THE STRATEGIC NUCLEAR THREAT

The primary strategic threat to the U.S.—the capability of the Soviet Union to deliver long range, nuclear weapons against targets in the United States—has been a matter of grave concern to us. Shown on Table 9 are our estimates of Soviet strategic offensive and defensive weapon systems in the near term. U.S. strategic forces are shown for comparison on Table 3. Although projections beyond those shown become progressively less certain, especially where they extend beyond the production and deployment leadtimes of the weapon systems involved, we must make such projections for future defense planning.

The Soviets have built up their ICBM forces at a rapid rate during the past five years, and as of the end of 1970, had some 1,440 operational launchers. There are indications, however, that construction on new silo starts has slowed during the past year.

The SS–11 deployment of launchers appears to have leveled off at the present time, with over 900 missiles, part of which are associated with the MR/IRBM fields. The deployment rate of the SS–9s decreased during 1970, even though deployment continued. Work on some sites may have been suspended and work has slowed on several others. The deployment rate of the SS–13 continues as it has for the past four years, with some indication that it may be slowing.

The implications of these trends are still not clear. The Soviets may have completed new starts for a programmed force of SS–9 and SS–11 missiles, or they may have slowed silo construction in order to proceed with retrofit of some existing silos with improved, modified or MIRVed missiles. Alternatively, the explanation may be that the Soviets are preparing to deploy new ICBM systems. We will, of course, be examining the situation carefully in order to get more precise indications of where they are headed.

However, we expect the Soviets by mid-1972, if they elect to continue work on those sites where construction has slowed or stopped, and to maintain the older systems at the current level, to have over 1,500 operational ICBM launchers, part of which are associated with the MR/IRBM fields.

Beyond 1972 our projections of Soviet ICBM launchers and reentry vehicles (RVs) become less firm. As was the case last year, there is still no agreed estimate on what the size and characteristics of the Soviet force will actually be in the period after 1972, or on where it may level off.

It should be kept in mind that although the Soviets probably have no MIRVed missiles operational at the present time, MRVs have been tested many times on the SS–9 since August 1968.

It is evident that the Soviets could have over the next few years, several distinctly different forces depending on their objectives and force decisions. Regardless of the direction in which they proceed, a key question would remain about the accuracy of the RVs in their ICBM force. It is estimated that the accuracy of the SS–9 could be substantially improved by 1975/76. With this improved RV accuracy, the projected Soviet SS–9 missile force could pose a serious threat to the future survivability of undefended MINUTEMAN silos.

The Soviet ICBM threat is augmented by a substantial nuclear-powered, ballistic-missile submarine fleet, that is presently the fastest growing element of the threat. The most capable component of this fleet is the Y-class, which, like the U.S. POLARIS, has 16 tubes for launching missiles. There are now at least 17 such subs operational—capable of launching at least 272 missiles with a range of 1,300 nautical miles. The additional ballistic missile capability in older Soviet submarines gives them a total of more than 350 launchers in the operational inventory. Another 15 or more Y-class are in various stages of assembly and fitting out. At the current production rate of 7–8 SSBNs per year, the USSR could develop an operational force of Y-class submarines by 1974, comparable in size to the current POLARIS force. A longer range submarine launched ballistic missile is under active development. We cannot estimate deployment at this time.

The Soviet intercontinental heavy bomber force, which now numbers around 200 aircraft (including about 50 tankers) continues its slow downward trend of the past few years. Although we believe the Soviet medium bomber force of several hundred aircraft is targeted primarily against the Eurasian area, we cannot ignore the fact that these aircraft do have a one-way mission capability against the United States. The Soviets also have a new swing-wing bomber under development. Its future role has not been determined, but it is estimated to have intercontinental range capability.

With regard to the strategic defensive forces of the Soviet Union, there is extensive deployment of aircraft defenses, as well as an ABM system deployed around Moscow. The Soviets have a large inventory of radars numbering in the thousands and a force of over 3,000 interceptor aircraft. There is a slight trend towards a reduction in the number of these interceptors, but the quality of the force has improved. Four new interceptors have been added since 1964, and these newer models make up a substantial part of the force. In addition, four different SAM systems, with about 10,000 launchers, are presently deployed for air defense. There is concern by some of my technical experts that the SA–5 SAM might be capable of adaptation for certain ABM roles.

The Soviets now have four MOSCOW ABM complexes (ABM–1) operational. They are continuing construction of surveillance radars which could be a part of an ABM system, and are actively working on R&D related to development of new ABM system components, including a new missile. Further details are shown on Table 3.

As for the strategic nuclear threat of the Peoples Republic of China, their progress toward achieving an ICBM capability is continuing. The sophistication of Chinese missile programs was clearly indicated by the launching of China's first satellite in April 1970, probably using stages of an IRBM now under development. We believe that the Chinese could attain an initial operational capability (IOC) with ICBMs within three years after flight testing commenced. The start of testing has not yet been confirmed, but a reduced range test of an ICBM may have occurred in late 1970. Thus the earliest possible date for deployment would be 1973, but it is more likely that the Chinese ICBM will not attain IOC until a year or two later, and they probably could not have significant numbers of ICBMs deployed until late in the decade.

Further details on Chinese strategic systems are provided in Table 4.

B. THE THEATER NUCLEAR THREAT

The theater nuclear forces of the Soviet Union include large numbers of ballistic missile launchers (including short, medium, intermediate, as well as variable range missiles) and tactical surface-to-surface missile launchers assigned to their ground forces. In addition, their large medium bomber force of about 700 aircraft in Long Range and 400 aircraft in Naval Aviation is capable of carrying nuclear weapons, as are a substantial number of light bombers, fighter bombers and fighters in the tactical air forces. Soviet naval forces, both surface and sub-surface, also carry nuclear-capable missiles.

Theater nuclear capabilities of the Peoples Republic of China probably are limited currently to medium bombers, but limited deployment of the Chinese medium range ballistic missile (MRBM) may have occurred. The emphasis in Chinese R&D appears to have shifted in 1970 from the MRBM to development of an intermediate range ballistic missile (IRBM). The Chinese MR/IRBM development efforts have also provided important experience for their ICBM program.

By mid-1971, the Chinese are expected to have a small number of MRBMs deployed. Their IRBM could attain IOC within the next year or two, and by mid-1972, the Chinese are expected to have operational a modest number of missiles, with a mix of MRBMs and IRBMs. This will, of course, provide an additional nuclear threat to the free nations of Asia.

China's primary aircraft for nuclear weapon delivery is the BADGER, now in series production. They now have a few of these aircraft operational and are expected to have a significant force by mid-1972.

C. THE SOVIET AND WARSAW PACT THEATER CONVENTIONAL THREAT

Over the past year, we have seen the Soviet and other Warsaw Pact forces continue their growth both in quality and in quantity. The Soviets now have at least 160 divisions including motorized rifle, tank, and airborne. This total includes divisions deployed along the USSR-Chinese border.

It should be borne in mind that Soviet divisions are appreciably smaller than their U.S. counterparts, and that the Soviets allocate a considerably smaller proportion of their manpower to combat and service support functions than we do.

Admiral Moorer will discuss Soviet ground forces in greater detail in his presentation to the Committee.

Ground Combat. The Soviets probably will continue for the next few years production of the T–62 medium tank, with modifications.

In other categories of equipment we believe that the Soviets will gradually equip infantry units in at least some of the divisions with a new amphibious armored infantry combat vehicle. Furthermore, the Soviets are almost certainly experimenting with improved conventional weapons and within several years the Soviets could have sizable operational inventories of improved conventional artillery shells, bombs, and missile warheads in theater force units.

We believe the Soviets will retain their current family of tactical missiles and that the number of tactical launchers will continue to grow.

Tactical Air. In tactical aviation, a gradual buildup probably will continue for the next few years. Over the longer term, the total aircraft inventory probably will decline as newer aircraft models reduce the requirement for large numbers of older fighters and light bombers. As of 1 January 1971, we believe that the force consisted of over 4,500 aircraft, including reconnaissance and support types. Almost half are capable of delivering nuclear weapons, though some of these aircraft at the present time are assigned to units that do not have a primary ground attack mission.

The Soviets have developed several new aircraft which could satisfy their requirement to replace obsolescent ground attack and light bombers and improve their air defense capability. One of these aircraft became operational in 1970, and another may be operational now in Soviet tactical aviation. A third, FOXBAT, recently was deployed with strategic defense forces as an interceptor, and may enter the tactical aviation inventory in 1971. If employed in tactical aviation, it is believed that the FOXBAT will retain its primary role as an interceptor and fulfill a specialized secondary reconnaissance role.

Air Defense We expect the Soviets to continue to expand and improve their theater air defense systems, including the command and control systems and the tactical missile systems. The SA–4 GANEF missile system which has been in service with Soviet forces in the USSR and Eastern Europe since 1967, is now entering service with several of the subordinate armies, and the SA–6 GAINFUL is currently being deployed to upgrade Soviet capability in this category.

Naval Forces. It is obvious that an open-ocean navy has been developed by the Soviet Union. Already having the largest submarine force in the world, the Soviets have introduced several new, advanced classes of submarines since 1968. The Y-class SSBN already has been discussed. The introduction of nuclear-powered, cruise missile attack classes has added a new dimension to submarine warfare.

By the mid-1970s, the replacement of older diesel-powered, cruise missile and attack submarines with new nuclear-powered vessels could result in a quantitatively smaller but qualitatively improved submarine force.

Concurrent with this massive submarine construction and development program, the Soviets have introduced new and advanced naval missile systems.

Over the next five years, we expect the composition of the Soviet's major surface combatant fleet to change significantly as new missile-equipped combatants replace ships armed with guns. Whereas in 1970, missile-equipped surface combatants accounted for 23 percent of the major surface combatant fleet, by 1975, we project that some 40–50 percent of the fleet will be missile-armed.

Life Capability. With regard to lift forces the Soviets have increased their military air transport capability to include the AN–22/COCK heavy logistic transport, a number of which are operational with transport units. The new AN–22 can carry nearly 100,000 pounds of cargo to a radius of 2,800 nm or 175 troops to a radius of some 5,000 nm.

General—Warsaw Pact. With regard to future developments in forces of other Warsaw Pact nations, we believe that there will be qualitative improvements in general purpose forces over the next decade, but we see no trends which indicate substantial changes in their contribution to Warsaw Pact capabilities. Barring disruptive political developments, we believe the Soviets will continue to place heavy emphasis on East European forces opposing NATO.

D. THE IMMEDIATE THREAT IN THE MIDDLE EAST

We are hopeful that the initiative for peace in the Middle East will be successful. The President has described this area as ". . . the most dangerous . . . with its vastly greater potential for drawing Soviet policy and our own into a collision that could prove uncontrollable."

The situation in the Middle East can be fitted into potential categories of possible conflict only with difficulty. This illustrates the point I made earlier that forces which we have included in one category—such as the Soviet theater conventional threat—also represent capabilities that could be used in other types of conflict. The immediate threat in the Middle East, of course, consists of the potential for war between Arab states and Israel, but the possibility exists that such a conflict could involve the Soviet Union and the U.S. The balance of power in the Middle East obviously has a vital bearing on the U.S. security interests in that area. Moreover, the Soviets are deeply involved with and in some of the Arab states in the area.

Thus, we are striving to prevent the outbreak of a war that has a chance—however slight—of leading to a U.S.-Soviet confrontation, and we are trying to help obtain a peace settlement that will promote economic and political stability in the area. As the President has explained, our assistance programs are designed to preserve a balance of military power in this area.

The combined military forces of the Arab countries which are likely to be involved in a conflict—those of Egypt, Syria, and possibly Jordan and Iraq—are numerically superior to the Israeli forces. As before the June 1967 war, however, the qualitative superiority of the Israeli armed forces offsets the numerical difference.

E. THE THEATER AND SUB-THEATER THREAT IN ASIA

Our Asian allies and friends are faced with a threat that differs somewhat from that posed to NATO by the Warsaw Pact. The forces of the Peoples Republic of China, North Korea, and North Vietnam are able to engage in subversive and small-scale guerrilla attacks in bordering states, as well as being capable of mounting full-scale conventional attacks in adjoining countries. These forces, therefore, pose both a potential theater conventional threat, and a sub-theater threat. This should be kept in mind as we address the total forces available to China, North Korea, and North Vietnam.

In addition, the Soviet forces in Asia, which were covered previously, must be considered as part of the theater threat in Asia.

Communist China, however, poses the principal general purpose force threat in Asia. The Chinese army consists of approximately 2.5 million personnel, organized into a total of more than 140 combat divisions. The air force (including the Navy's air arm) consists of more than 4,000 aircraft, of which most are jet fighters, and a small fleet of about 300 jet bombers. The Navy's main offensive strength centers upon a growing force of more than 40 attack submarines, a number of which are of the medium-range R–Class; and increasing numbers of guided missile patrol boats. Chinese production of army ordnance, new guided missile destroyers and advanced jet fighter aircraft are contributing to a rapid modernization of the general purpose forces.

The Peoples Republic of China could conduct major offensive operations in four non-Communist areas: South Korea, Taiwan, Southeast Asia and India. While the Chinese have the largest land military force in the world, a commitment of forces in conventional military operations on more than one front would impose serious burdens on their available logistic resources, and is considered unlikely today, given China's limited logistic capabilities and its border problems with the Soviets. Such an effort would be possible only if there were no interdiction of China's lines of communications (LOCs) and capacity to make war.

Of course, in addition to the potential of its regular combat forces, China has significant ability to promote and support subversion and insurgency in peripheral areas.

North Korea poses another significant threat in Asia. The country's general purpose forces are relatively modern in structure and equipment and have attained a high state of combat readiness. The Army consists of some 360,000 personnel and about 25 division equivalents and could probably engage in initial offensive operations without external assistance.

The North Korean Air Force has more than 550 aircraft in its tactical air inventory, including MIG–21s. The air force also has a number of transport planes (including helicopters), and a small number of light bombers and 70 trainer aircraft.

The Navy includes a small submarine force, guided missile patrol boats, and a sizable number of motor torpedo boats.

Any sustained conventional offensive operations would require considerable material and possibly military personnel assistance from North Korea's Communist allies. However, North Korea is capable of mounting a wide variety of unconventional warfare operations.

The North Vietnamese theater and sub-theater threat in Southeast Asia is significantly different from other threats in Asia since a portion of its force already is engaged in actual combat. We must, however, recognize the full dimensions of the military threat that could be posed by the North Vietnamese in Southeast Asia.

The Army has a total in-country strength of 315,000 and is organized into 13–14 division/commands. The Navy is relatively small and consists primarily of motor gun and torpedo boats. The North Vietnamese have a total of more than 200 fighter and attack aircraft in the Air Force. While most of these are MIG–15/17/19s, a significant number are MIG–21s.

The actual deployment of the North Vietnamese Army outside its territory will be covered in the next section.

A brief summary of the threat in Asia is shown in Table 8.

F. THE IMMEDIATE SUB-THEATER THREAT IN SOUTHEAST ASIA

The actual deployment of a substantial portion (roughly half) of the North Vietnamese Army in South Vietnam, Cambodia and Laos, along with the North Vietnamese support of local communist forces (Viet Cong, Khmer Communist, and Pathet Lao) in these countries, provides the immediate threat to our friends and allies in Southeast Asia. In South Vietnam we believe there are a total of at least 240,000 Viet Cong and North Vietnamese personally actually deployed.

The major threat to friendly forces in South Vietnam continues to be posed by those VC/NVA forces just north of the DMZ, in the southern Laos Panhandle and in the northern two provinces of MR 1. The principal Communist threat in South Vietnam is the enemy's continued capability to launch a major, multi-regimental-level operation. In other areas, we believe the enemy will retain the capability of causing serious but temporary disruptions by launching significant, isolated attacks if he commits the bulk of available forces. Additional information on the security situation in South Vietnam is covered in Section I, Chapter II, of this report.

Communist strength in Cambodia is estimated to be over 55,000 VC/NVA forces and Khmer Communists. Communist activity here has been characterized by persistent light-to-heavy military pressure against population centers, increased acts of terrorism, sabotage and interdiction of major lines of communication throughout the countryside. Current Communist strength in Laos is estimated at about 145,000 North Vietnamese and Pathet Lao.

The present threat to Thailand is primarily one of insurgency. Although the insurgency continues to expand, it is not yet considered a serious threat to the internal stability of the Royal Thai Government. This assessment was given me by Thai officials during my recent visit there. Insurgents along the Thai/Malaysian border are under the direction of the Communist Party of Malaysia (CPM). The remaining insurgents are under the direction of the Communist Party of Thailand and receive some support from the Peoples Republic of China, North Vietnam, and Pathet Lao.

G. COMMUNIST MILITARY ASSISTANCE

Communist military assistance programs are another important aspect of the threat to Free World security interests. Soviet and Communist Chinese aid to North Vietnam, North Korea and the Warsaw Pact countries clearly increase the military threat which we and our allies must face. Moreover, Communist military assistance programs to non-Communist countries can, as in the case of the Middle East, pose a real threat to the maintenance of regional military balances. We do not have precise and complete data or means of measuring and estimating Communist military aid programs, but the information we have does indicate their overall magnitude and direction. We have not included economic assistance, which can, in some cases, be as effective as military assistance, and which we believe is substantial.

1. Intra-Communist military assistance

Our current best estimates are that military aid among Communist countries approximated $15 billion in the 1955–1970 period, with more than 85% provided by the Soviet Union.

The largest amount of intra-Communist military assistance has gone to North Vietnam. More than 70% of it has been supplied by the Soviets, and virtually all of the remainder by Communist China. Between 1966 and mid-1970, Soviet aid to Southeast Asia has been concentrated on North Vietnam, and in that period, Hanoi has received substantial military equipment.

North Korea is also a major recipient, with the Soviet Union supplying all except a small amount provided by Communist China. During the period from 1966 to mid-1970, the Soviets provided North Korea assistance for the maintenance and modernization of North Korea forces.

More than half of the intra-Communist assistance in the 1955–1970 period is accounted for by aid transfers among the USSR and Eastern European countries. The Soviets have, of course, provided the vast bulk of this aid, but Poland and Czechoslovakia have also had fairly sizeable programs. Soviet assistance to Eastern European Communist countries has averaged over $500 million annually in the last ten years, and has included some of their most sophisticated aircraft and missile equipment.

The other two major Communist recipients of Soviet military assistance since 1955 have been Cuba and the Peoples Republic of China. Soviet assistance to the CPR totalled about $1.3 billion before it was terminated in 1960. Soviet military aid to Cuba has averaged about $20 million annually, and it is likely to continue at about that level for the next few years.

2. Communist assistance to other countries

Communist countries have provided, in addition to the intra-Communist flow of military assistance, about $8 billion in military aid to other countries in the 1965–1970 period. The bulk of it, over 85%, has been provided by the Soviet Union, and the remainder by Eastern Europe (12%) and the CPR (2%).

Middle Eastern countries have received the largest proportion of this military aid (almost 55%), and this area is expected to remain the major recipient of Soviet aid to non-Communist countries. The UAR and the Soviet Union reportedly concluded a new military aid agreement during 1970, which probably covered the introduction of the SA-3 surface-to-air missile system into the UAR. Since 1967, the Soviets have also concluded military aid agreements with Iran which amount to over $300 million in value.

The Soviets have also provided significant amounts of military aid to the countries of South Asia, particularly India and Afghanistan. Soviet efforts to upgrade Afghan capabilities and increase their influence in India and Pakistan are expected to keep Soviet assistance to this area at relatively high levels in the next few years.

Soviet military aid to Indonesia was virtually cut off in 1965 after the fall of the Sukarno government. Since that time, Soviet aid to Indonesia has been limited to the sale of small quantities of spare parts for equipment previously supplied.

The Soviets have also provided smaller but still significant amounts of military aid to African states. Soviet aid in Africa has emphasized areas in North Africa and along the Red Sea which are adjacent to the major recipient countries in the Middle East.

The Chinese have provided substantial amounts of military aid to Pakistan and Tanzania in recent years.

H. THE TECHNOLOGICAL CHALLENGE

Forces in-being and military assistance are only part of the military threat to our nation's security. The technology behind the capabilities of our potential opponents, particularly the Soviets, is of severe concern to us. With the continuing technological effort on their part, we must expect the Soviets will be capable of reducing our technological lead in some areas, and at some point in the future, we could even lag in certain critical areas.

Since 1968, the Soviet RDT&E budget has increased at 10% to 13% per year, while that of the U.S. has remained essentially constant. Our estimates indicate that the Soviets are now spending, in 1968 equivalent dollars, some $3 billion more annually on military and space research and development than we do. The Soviet level of military and space technological effort appears to be significantly larger than that of the U.S.

With a technological effort of that size, our analyses indicate that the Soviets could reduce our technological lead of several years by approximately one year with the passing of every three years. Towards the mid-to-late 1970s, we may find that we have no technological lead at all—or worse—we may lag several years behind the Soviets in some critical areas by that time.

Although these comments relate primarily to our estimates of funding associated with Soviet research, the same general trends are evident with regard to other measures—manpower, facility growth, and basic research efforts. Given the fact that theirs is a closed society, if the Soviets were to take the technological lead, it would be much more difficult for us to guide our intelligence collection activities, to interpret the information we do acquire, and to make confident decisions based on this information.

The earlier part of this chapter points out the highlights in the growth of Soviet technical capabilities. As I mentioned earlier, there may be other, perhaps dramatic changes as a result of this Soviet momentum, which could emerge unexpectedly from their closed society, and which could create urgent problems for us in the future. These surprises and consequent problems could occur across the spectrum of capabilities—as unexpected threats to strategic force survivability, as new tactical weapons and surveillance systems which we might not understand or be able to cope with, and as other improvements in existing systems.

I mentioned earlier our review of U.S. R&D programs, our reasons for the increases we are proposing in R&D for FY 1972, and some of the R&D initiatives we are taking. In the next chapter, I will discuss many of the major development programs contained in the Defense Budget, relating to force modernization and improvement.

We cannot guarantee that technological surprises and problems will not develop, but unless we increase our research effort and improve its application, we can be increasingly confident that they will. Dr. Foster will discuss the technological challenge in greater detail when he appears before the Committee.

THE CIVIL AERONAUTICS BOARD AND AIRLINE FARES

(Mr. MOSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOSS. Mr. Speaker, on March 8, 1971, a number of colleagues and I filed a petition for reconsideration with the Civil Aeronautics Board. The petition concerns the Board's recent order responding to our earlier request that a hearing be held to fashion a remedy for the air fares that were found to be illegal by the Court of Appeals for the District of Columbia Circuit. Our petition for reconsideration asks the Board to modify its order and remove several ambiguities. The petition, along with the Board's order, follows:

PETITION FOR RECONSIDERATION

By Order 71–2–109, dated February 25, 1971, the Board has announced its decision to institute an investigation, including an adjudicatory hearing, with respect to the unlawful domestic passenger fares that were based upon illegal Board Order 69–9–68 and that went into effect as of October 1, 1969.

Complainants, who requested such an investigation some seven months ago following the decision of the United States Court of Appeals for the District of Columbia Circuit in *Moss* v. *CAB*, 430 F. 2d 891 (July 9, 1970), are gratified by this development. Complainants believe an investigation is an important part of the remedy process which the Court of Appeals envisioned when, at the conclusion of the *Moss* opinion, it remanded the case to the agency for "further proceedings." They wish to assure the Board that they will cooperate to the full extent of their capabilities in this further endeavor to restore legality to airline fares. Complainants earnestly hope that the forthcoming investigation will be conducted in complian with the Board's declared purposes to "clear the air" and "remove the uncertainty currently surrounding the fares in question."

It is true that various aspects of Board Order 71–2–109 are not in accord with Complainants' views regarding the proper approach for an investigation of the fares in question. Those views were expressed in Complainants' Complaint of July 24, 1970, requesting this investigation, and in Complainants' Brief of October 15, 1970, in response to Board Order 70–9–73, of September 15, 1970.[1]

Nevertheless, the important fact from Complainants' point of view is that an investigation is now to be instituted. Complainants therefore propose to defer their contentions relating to the fares in question until the investigation itself, in order that a clear and complete record may be compiled by the hearing examiner. Complainants would hope and expect to encounter a similar approach on behalf of both the Board and the carriers.

* * * * *

Complainants are hopeful that their desire for a single, effective, comprehensive investigation of the fares that went into effect as of October 1, 1969, is shared by both the Board and the carriers. It is in a spirit of cooperation that Complainants now petition the Board, immediately following issuance of Board Order 71–2–109, for clarification of some of the ambiguities they find in that order. Obviously, it will be dilatory and wasteful if the reviewing court eventually finds that the agency's investigation of fares was aborted at the outset by an overrigid definition of its scope and an improper organization of its procedures, and that a second investigation or some other remedial action must be undertaken. Accordingly, Complainants urge the Board to reconsider its recent order and make clear that *all* pertinent issues, comprising *all* points of view, can be presented to the hearing examiner and included in the record that is compiled for Board and, ultimately court review.

With these considerations in mind, Complainants would make the following specific suggestions to the agency as a basis for reconsidering and clarifying its Order 71–2–109.

1. The Board appears to have cut off the proposed investigation as of October 14, 1970, the date on which tariffs called for by the Board in Order 70–7–128, of July 28, 1970, went into effect. In Order 71–2–109, the Board has referred to the October 1970 tariffs as "new," filed "without the onus of Board compulsion as found by the Court," and pursuant to procedures "approved by the Court." The Board well knows, however, that Complainants do not agree with the Board's views regarding the legality of the October 1970 tariffs, and that there is ample basis in the relevant facts for Complainants' position. It would be pointless here to summarize all of the arguments and other considerations that Complainants have already put forward, and which are therefore in the Board's files in this case, to support the contention that the October 1970 fares were and are as illegal as those that preceded them. Whichever way the Board chooses eventually to come out, there is a genuine issue here; and nothing yet said by the Court of Appeals has resolved that issue one way or another. Therefore, Complainants ask that the Board reconsider the cut-off date and that the forthcoming investigation be expanded to permit consideration of the October 1970 fares as well as those that have been filed since that time.

2. The Board, in footnote 5 to Order 71–2–109, seems to have instructed the parties and the hearing examiner that only the "general level of fares" is to be investigated:

> We are concerned here with the reasonableness of the general level of fares which took effect on October 1, 1969, in compliance with Board Order 69–9–68, which the Court declared invalid in the *Moss* case. As we have indicated in earlier orders, the October 1, 1969, fare increases increased the average industry level of fares by approximately 6.35%. However, a substantial number of fares, particularly in long-haul markets, were reduced, many others were not changed, and those that were increased, were increased by widely varying percentages. The investigation we are instituting will not be concerned with either assessing or determining the reasonableness of specific fares in the myriad of city-pair markets in the United States, but only with the reasonableness of the general level of fares effective during the retrospective period, the returns to the carriers which they produced, and their conformance as a whole to the standards of Sections 1002(e) and 102 of the Act. More specifically, we are concerned with the question of whether the fares charged were within the zone of reasonableness and, if not, the extent to which the carriers were "unjustly enriched."

It seems clear, however, that the investigation should not be thus limited. The structure of fares is as relevant to reasonableness as their level. And if the Board has chosen to fix rates in wholesale lots, rather than on a city-pair by city-pair basis, that choice is itself an integral part of the agency's rate determination and should be subject to scrutiny as being, or not being, in accordance with the Federal Aviation Act. As Complainants read the statute, the reasonableness or unreasonableness of any particular tariff does not necessarily have anything to do with the reasonableness or unreasonableness of the tariff in any other market; there is no reason why travelers in Market A should be made to pay unreasonable rates on the ground that rates in Market B have been set at a particular level. If the agency wishes to maintain a contrary position, that is its privilege—but that position should itself be subject to question in the forthcoming investigation.

Moreover, the standard of "unjust enrichment" is a figment. It does not appear in the *Atlantic Coast Line* decision which the Board cited in Order 70–9–73 and which went off on the more general question whether "the money was received in such circumstances that the possessor will give offense to equity and good conscience if permitted to retain it." 295 U.S. at 309. The standards may be equivalents in the Board's mind. But Complainants believe the "unjust enrichment" norm is susceptible of being read too narrowly: it would surely be no defense against a charge of unreasonableness if the carriers were to show merely that the fares in question did not actually produce higher gross revenues or that the carriers squandered their revenue away. After all, Complainants have been contending all along that these fares not only were injurious to the traveling public, but would not serve to increase carrier earnings.

For the foregoing reasons, Complainants suggest that the Board withdraw the statement made in footnote 5 and defer decision on this issue, thus permitting Complainants to explore their position fully before the hearing examiner.

3. Complainants object to various statements in Order 71–2–109 which either misrepresent Complainants' position or indicate that the agency has already prejudged the forthcoming investigation. More specifically, with respect to footnote 6 in the order, it is inaccurate to summarize Complainants' position by stating simply that "they seek a remedy for illegal and excessive Board-made rates which are successfully challenged on substantive grounds on direct court review . . .;" with respect to footnote 16, it is similarly inaccurate to summarize Complainants' position with the statement that "the complainants argue that *Atlantic Coast Line R. Co.* v. *Florida* . . . is inapplicable because the fares here in question were invalidated for substantive rather than merely procedural errors and were for that reason void rather than voidable as in the *Atlantic* case." And with respect to the discussion on page 5 of the order, Complainants believe the statement that the Court of Appeals in the *Moss* case declared fares unlawful "on what we believe to be purely procedural grounds, intimating no opinion as to the fares' justness or reasonableness," is highly prejudicial when read in conjunction with the other statements just quoted.[2] The Board has completely missed the Complainants' point: (a) that the fares in question were in fact *invalidated* by the Court of Appeals because the Board completely failed to observe the requirements of section 1002(d) of the Federal Aviation Act, an infirmity far more serious than, and completely distinguishable from, the "imperfections of form" and "slips of procedure" that were involved in the *Atlantic Coast Line* case; (b) that the fares in question were *invalid* when they reached the Court of Appeals not only by reason of the Board's failure to observe section 1002(d) but also because the Board failed to observe section 1002(e), an infirmity that can in no meaningful sense be referred to as "procedural;" (c) that the fares in question cannot (even now) be harmonized with the requirements of the Federal Aviation Act. If the Board wishes to summarize Complainants' views, Complainants would urge that it simply quote from this Petition; in any event, the agency should refrain from misstating and prejudging Complainants' position.[3]

4. The Board makes clear that if it now finds the illegal fares to have been "reasonable," it will not have to determine whether it has power to grant relief. The Board at no point, however, states what will happen if it finds the fares to have been "unreasonable." Perhaps the chances of finding "unreasonableness" are so remote in the Board's mind that it has chosen not to face up to this possibility in a serious way. Complainants would have thought, however, that—if only to appear unprejudiced and open-minded—the Board would have made some

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[1] The agency will appreciate that Complainants wish to preserve the points made in these documents and that they therefore wish that their Complaint and their Brief be incorporated in the record of the forthcoming investigation, in order that a full record may be available to the Court of Appeals. Normally, Complainants would assume that the complaint which initiates an investigation and a brief filed in support of such a complaint would be included in the record of that investigation. But the Board, in Order 71–2–109, changed the docket number and caption of this proceeding "in order to avoid confusion and to describe more accurately the investigation being undertaken herein." Complainants take it that this change responds to some internal requirement of the agency and that it is not intended to cast the forthcoming investigation as something other than the "further proceedings" envisioned by the Court of Appeals in the *Moss* decision.

[2] It is a mystery to Complainants why the Board seems to believe that the identification of its error as "procedural" or "substantive" is decisive of anything of significance in this case. The *Atlantic Coast Line* decision does not support the proposition that refunds depend upon any such distinction. But resolution of this matter can be deferred until the investigation itself.

[3] Complainants also suggest that the new caption of the case be changed from "Reasonableness of Passenger Fares Charged by Domestic Trunkline and Local Service Carriers" to something more neutral such as "Relief Proceedings Concerning Passenger Fares Charged by Domestic Trunkline and Local Service Carriers."

provision for a finding of "unreasonableness." Accordingly, we urge the Board to modify its order to indicate that if the fares are found to be "unreasonable" it will forthwith, without any further hearings, briefs, or other delays (1) render a decision on its power to grant relief and (2) grant or deny relief. If any party has further authorities or arguments to make on this question, it should do so in the investigation. To put it bluntly, Complainants would be dismayed if the investigation concluded that the fares were "unreasonable," but still more time were required for a separate hearing or new briefs on the jurisdictional issue, which Complainants regard as ripe for decision now.[4]

5. The Board's order gives specific instructions to the hearing examiner on various issues, and this approach may be both proper and helpful. However, Complainants believe the Board should also give a broad general direction to the hearing examiner to cope with issues the Board does not anticipate. The investigation that has been ordered by the Board is a proceeding of the utmost delicacy, since it casts the agency in the role of judge and jury of the consequences of its own prior actions, which have already been held illegal by a court. Such proceedings are anomalous in the traditions of American jurisprudence, where the central theme is impartial third party resolution of adversary relationships. Complainants believe it is incumbent on the agency, at the outset of such a peculiar proceeding, to take every conceivable step to mitigate the inherent and inevitable conflict of interest that is involved on its part.[5] Regardless of the outcome, we hope the record will be kept full and complete so that the reviewing court can ultimately determine the propriety of the process utilized and the legality of the substantive decisions in the instant investigation.

6. Complainants would raise one final point relating to the procedures to be followed in the hearing. Contrary to certain suggestions in Board Order 71–2–109, the forthcoming investigation clearly will be burdensome for Complainants.[6] They undertook this case almost two years ago in the interests of the traveling public, without expectation of personal gain, without a source of funds to pay litigation costs, and without ready access to carrier- and Board-held information. Complainants have proceeded to this point by a process of simply asking questions regarding the conformity of the carriers' and the agency's action to the requirements of the controlling statute. In so doing they have enlisted the support of others who are concerned with the public interest aspects of the case. The investigation now ordered by the Board calls for a further expenditure of resources by Complainants, a factor the Board should not treat so lightly.

We would point out two aspects of this case which are particularly important to the procedures to be followed at this juncture. First, Complainants are now in the position of an aggrieved party in this case. They have carried their burden in showing to the satisfaction of a court that the Board and the carriers acted in violation of the statute. Second, most of the information relevant to the relief Complainants request in the forthcoming investigation lies almost entirely in the hands of the carriers and the Board. It is the carriers and the Board, therefore, who should bear the primary burden of answering the questions relevant to relief, especially since they share the responsibility for the illegality of the fares in question.

When litigants representing a broad public interest establish the legitimacy of their concern, as has happened in this case now that the Court of Appeals in the *Moss* decision has found the fares to be illegal, public policy dictates that procedures be followed which will facilitate the determination of the legal consequences of the dereliction that has been established. In short, Complainants are clearly entitled to a relief proceeding which puts as little burden on them as possible and places the burden to the maximum extent possible elsewhere.[7]

It is with these considerations in mind that Complainants request that the Board clarify its order to make clear to the hearing examiner that the investigation be organized so that the burden for showing that the fares in question are reasonable rests first with the carriers; that the Board make provision for the Board or carriers to undertake to pay the necessary costs, such as travel expenses,[8] fees for witnesses and other experts, and legal fees that Complainants reasonably may incur in the course of these proceedings; and that the Board make available such further assistance as the Complainants may, in the course of these proceedings, reasonably find necessary to a presentation of their case.

Complainants believe these requests are not only fair but necessary to assure the integrity of the forthcoming investigation and the legality of the resolution of this case. For the Board should make no mistake, the public has been irretrievably harmed by the illegality that has already been proven. A finding by the Board at the conclusion of this investigation that no relief is authorized or justified will not change the fact that illegality has occurred and harm has been done. When public officials act contrary to the public trust reposed in them, there is always and inevitably harm, for the respect for public institutions that is the ultimate underpinning of democratic government is undermined. The Board had best understand that no determination it might now make of the "reasonableness" of fares can vindicate or itself compensate for the illegality that occurred. The only way to restore public confidence in the Board as an institution is if the investigation is handled fairly and a just result reached. Thus, ensuring that the public will be effectively and fully represented is a vital concern and responsibility of the Board, and the granting of these requests is an important part of a proper discharge of that responsibility.

* * * * *

Complainants conclude by respectfully requesting that the Board react positively and promptly to these suggestions for clarification of Order 71–2–109 and to the other matters raised in this Petition. For all of the Order's shortcomings, Complainants wish to express their congratulations to the Board for finally making the basic decision to go forward with an investigation, and to reiterate their intention to cooperate with that investigation to the fullest possible extent in order to further the interests of the traveling public.

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused the foregoing document to be served upon all other parties in Docket 23140, *i.e.*, all domestic trunkline and local service carriers. I have also caused the foregoing document to be mailed to all counsel for plaintiffs in Docket No. 58 before the Judicial Panel on Multi-District Litigation, and upon counsel for *Rose, et. al.* v. *American Airlines, Inc., et al.*, N.D. Ill., Civil No. 70C–1844.

STANFORD G. ROSS.

MARCH 8, 1971.

[Order 71–2–109: Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of February, 1971—Docket 23140]

REASONABLENESS OF PASSENGER FARES CHARGED BY DOMESTIC TRUCKLINE AND LOCAL SERVICE CARRIERS FROM OCTOBER 1, 1969 THROUGH OCTOBER 14, 1970

ORDER INSTITUTING INVESTIGATION

On July 24, 1970 Congressman John E. Moss *et al.*, filed a supplemental complaint with the Board[1] requesting, *inter alia*, that the Board institute an adjudicatory proceeding to determine appropriate relief for alleged fare overcharges for the period during which the air carrier parties charged fares pursuant to the tariffs declared unlawful by the Court of Appeals for the District of Columbia Circuit.[2] This period extended from October 1, 1969 "through the date on which lawful domestic passenger fares are reestablished."[3] Specifically, the supplemental complaint requested that the Board calculate "the sum unlawfully extracted from the public" and "the proper disposition of the overcharge."

Initially, the Board entered an Order on Supplemental Complaint (Order 70–9–73, September 15, 1970) calling for briefs from the parties on a number of troublesome issues in order to assist the Board in deciding whether to institute the requested proceeding. Briefly, we asked for the parties' views on (1) the Board's legal power to order refunds or grant other relief, assuming that the fares charged after October 1, 1969 embodied "overcharges"; (2) the nature of the proof appropriate to a determination of unreasonableness or that the fares in question constituted "overcharges"; (3) the interrelationship of the requested proceeding and the *Domestic Passenger-Fare Investigation*, Docket 21866, now in an advanced state of progress; and (4) the practicality and feasibility of the various suggested forms of relief, if any, to be accorded.

The materials that we have requested have been submitted.[4] The Board has carefully considered all of the arguments and contentions presented, and we conclude that the public interest requires that we provide for the adjudicatory proceeding requested by the supplementary complaint and supported by virtually all of the carriers. These proceedings should not be burdensome to the parties since, as we explain below, the voluminous materials developed in the *Domestic Passenger-Fare Investigation* will be available for use here.

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[4] It should be noted incidentally that the Board is incorrect on page 4 of its order, where it states that "the air carrier parties . . . [argue] that the Board lacks power to order relief in the nature of refunds or reparations . . . ." Actually the positions of the carriers with regard to the jurisdictional issue, at least the positions that have been reduced to written statements, differ widely. *Compare*, e.g., Brief of American Airlines, Inc., and Brief of Northwest Airlines, Inc., *with* Brief of Trans World Airlines, Inc.

[5] The possibility for conflict is increased in this case by the pendency of the Domestic Passenger-Fare Investigation. Complainants are hopeful that the agency will take care so that conclusions reached in that proceeding will not be improperly influenced by conclusions necessary to this one, and vice versa.

[6] Complainants would recall to the Board that the choice to postpone decision of the jurisdictional issue until after a factual investigation imposes on Complainants a burden which the Board may eventually decide to have been unnecessary. The reasons given by the Boards in Order 71–2–109 for the structure it has chosen for the investigation have nothing to do with this case.

[7] Board Chairman Browne, in announcing last October the formation of a new Consumer Affairs Committee to advise the Board, spoke of an effort "to be sure that the people who don't have an organized way to express themselves, particularly the consumer, have a better voice, or better influence, on our proceedings." Chairman Browne also said [is] not an attempt to muffle any criticism. This is a chance for a dialogue but the last thing we want to do is to stifle criticism. The best thing we can do is ventilate it." Complainants believe the forthcoming investigation will afford the Board an attractive opportunity to permit effective consumer criticism of and participation in its activities.

[8] See, in this connection, § 403(b) of the Federal Aviation Act and §§ 223.2, 223.8 of the Board's regulations.

Footnotes at end of article.

Specifically, we have determined that in light of all the circumstances an investigation should be initiated, including an adjudicatory hearing, to determine whether the fares charged from October 1, 1969 through October 14, 1970 were unjust and unreasonable, and if so, the amount of any overcharges that resulted for the period in question.[5] The fact that we are instituting an investigation does not necessarily reflect a view that the Board has power to grant relief; rather, we will defer resolution of this jurisdictional issue until such time as the factual issue of reasonableness is ready for decision. Moreover, we will also defer until that time the form any eventual relief may take, although we will expect the parties to develop an evidentiary record on this issue. We are also persuaded that this investigation should remain separate and distinct from the *Domestic Passenger-Fare Investigation*, but to the extent that evidence in the latter proceeding is relevant herein, such evidence is to be utilized to the maximum extent possible. Finally, we find that the justness and reasonableness of the fares in question will be best determined by application of the standards traditionally governing Board practice in rate cases as set forth in Sections 102 and 1002(e) of the Act. The reasons and bases for our action are more fully explicated below.

Initially, it should be noted that virtually no controversy exists among the parties concerning the desirability of having an adjudicatory proceeding. The Moss group argues that the Board has power to grant the relief requested in the supplemental complaint, relying chiefly upon *United Gas Improvement Co.* v. *Callery*, 382 U.S. 223 (1965) for the proposition that "an agency, like a court, can undo what is wrongfully done by virtue of its orders."[6] Accordingly, the complainants urge us to exercise our power to determine the extent of any "overcharges," and their appropriate disposition. The air carrier parties on the other hand, while arguing that the Board lacks power to order relief in the nature of refunds or reparations,[7] urge that a hearing be held nevertheless. Only Trans World Airlines, Inc. (TWA) is opposed, arguing that the *T.I.M.E.* case is an insurmountable bar to reparations and that no purpose would be served by a hearing.

The carriers emphasize as grounds for proceeding with a hearing the existence of a number of class actions seeking to recover alleged overcharges from the airlines following the decision of the Court of Appeals in the *Moss* case.[8] Should any of the suits proceed to a decision on the merits, the carriers point out, the issue of the reasonableness of the fares, central to any award of restitution by the courts, would fall within the primary jurisdiction of the Board and would therefore have to be referred to the Board. Consequently, the air carrier parties (except TWA) urge us to institute a proceeding to determine justness and reasonableness, meanwhile deferring decision on the Board's power to grant relief, since the factual decision may well moot the jurisdictional issue.

Conversely, the Moss group, while not controverting the carriers' arguments, urges the Board to proceed initially on the jurisdictional issue, asserting that they are not parties to the class actions, and that it would be unfair and burdensome for them to participate in a factual determination if the Board should subsequently decide that it lacks power to grant the relief requested.

We agree with the complainants and the air carrier parties that a hearing is desirable. It is apparent that substantial uncertainty has followed in the wake of the Court's decision in the *Moss* case, and that a hearing will be necessary to clear the air concerning the fares in effect from October 1, 1969 through October 14, 1970. While the Court declared the fares unlawful, it did so on what we believe to be purely procedural grounds, intimating no opinion as to the fares' justness or reasonableness.[9] Moreover, pending the new tariffs filed for effectiveness on October 15, 1970, without the onus of Board compulsion as found by the Court, the tariffs declared invalid by the Court were the only ones which could be legally charged pursuant to Section 403 of the Federal Aviation Act,[10] Nevertheless, it appears that segments of the traveling public may view the fares in effect during the period in question as constituting "overcharges" and resulting in unjust enrichment of the airlines, as witnessed by the class actions in the various lower courts around the country as well as by the supplementary complaint herein. Thus, the present unsettled condition concerning the fares works to the detriment of the scheduled air transportation system in general.

Finally, should any or all of the class actions surmount the initial jurisdictional hurdle and proceed to trial on the merits,[11] it would appear that the central issue would not be whether the airlines were entitled to collect the fares in question, but whether they are entitled to retain such amounts or a part thereof which were above the lawful fares in effect before October 1, 1969. *Atlantic Coast Line R. Co.* v. *Florida*, 295 U.S. 301 (1935), holds that relief is available only if it is shown that the retention of the monies collected would "unjustly enrich" the carriers at the expense of the traveling public. It appears that the issue of "unjust enrichment" necessarily entails an assessment of the justness and reasonableness of the fares, a function statutorily entrusted to the primary jurisdiction of the Board.[12] Thus, it may well be that the factual issue of reasonableness will be referred to the Board for determination at some time in the future in any case. Under these circumstances, the Board's resolution of the reasonableness issue at this time could be an aid to the district courts in fashioning relief, if indeed relief is due, or in determining whether the class actions should be entertained any further.

For all of the above reasons we find that it is in the public interest to provide for the adjudicatory proceeding requested by the supplemental complaint and to determine the justness and reasonableness of the general level of fares for the past period in question. We do not think, however, that we should or need decide at this time the question of our power to order the relief requested. It may well be that the fares were in fact just and reasonable, as the carriers assert they are prepared to prove. If so, the jurisdictional issue could be "bypassed",[13] since a finding of reasonableness would be an adequate basis for passing upon the supplemental complaint.[14] Moreover, as noted above, the factual issue of reasonableness may come before the Board in any case, whereas a Board decision on jurisdictional grounds, even if favorable to complainants, would neither assist the district courts in the near future, nor remove the uncertainty currently surrounding the fares in question, since our determination of the Board's power would not necessarily bar the courts from acting.

In sum, we are convinced that to proceed first with the adjudicatory investigation instituted herein will serve a number of important public interests. It will provide both the carriers and the traveling public with one central forum wherein to present their respective views and evidence on the matter lying at the core of the controversy surrounding the fares in issue, their justness and reasonableness. It may further provide the various courts presently entertaining class actions against the airlines with guidance on an issue within the Board's primary jurisdiction. And it should alleviate confusion and uncertainty with respect to the fares in issue. The Board is therefore of the opinion that this investigation, with the jurisdictional issue temporarily deferred, will most fairly meet the needs of the traveling public and the carriers and is thus in the public interest.[15]

The Board's Order on Supplemental Complaint requested the parties' views on the interrelationship between the *Domestic Passenger-Fare Investigation* and the proceeding requested by the complainants. Most carrier parties as well as the Moss group feel that this matter is retrospective, covering a "closed" period, whereas the *Investigation* is prospective, looking toward the establishment of fares and fare standards for the future, and that therefore consolidation would unnecessarily delay both proceedings. These parties conclude that the proposed proceeding be conducted independently, and that to the extent there is duplicative evidence it can be readily stipulated from the *Domestic Passenger-Fare Investigation* or otherwise incorporated into the separate proceeding.

We agree. The *Domestic Passenger-Fare Investigation* is now at an advanced stage, and the incorporation of the issues herein will require reopening of the record. Moreover, the *Investigation* is an extensive and complex reappraisal of the standards, structure, and level of domestic passenger fares with the purpose of guiding the air transportation system's fare development in the future. On the other hand, the crucial issue in this proceeding is the comparatively narrow one of the justness and reasonableness of the fares in effect for the "closed" period of October 1, 1969 through October 14, 1970. Many of the complex issues inherent in the *Investigation* do not arise in the adjudication we are instituting, and the folding in of this investigation would, we believe, tend to blur the focus in both. Moreover, the time frames of the two proceedings differ. Consequently, we do not think that any significant duplication of evidence will occur. Thus, while the *Investigation* may be broad enough to absorb this proceeding, we are persuaded that completely separate proceedings would be preferable from the standpoint of convenience to the parties herein, the expeditious conclusion of both investigations, and the avoidance of unnecessary procedural complexity.

Nevertheless, it may be that some of the evidence adduced in the *Domestic Passenger-Fare Investigation* is relevant to this proceeding or duplicates pertinent evidence. To the extent that this is the case, we will allow the parties to stipulate evidence from the *Investigation* and in fact encourage them to do so to avoid needless expense and expenditure of time.

The Board also requested the parties' views on the nature of the proof to "be introduced to demonstrate that the fares charged after October 1, 1969, were 'excessive,' 'unreasonable,' or constituted 'overcharges' or that those fares were none of those things." The responses elicited diverged widely. The Moss group argued that the traveling public, not the carriers, is the aggrieved party, and that therefore the carriers have the entire burden of showing if any part of the fare increase was justifiable, or else the complainants will be entitled to the full amount of the increase above pre-October 1, 1969 levels as a matter of law.[16] On the other hand, some of the carriers assert that the basic showing is whether or not the carriers as a group had exceeded a 10.5% rate of return (our historical standard), and that consequently the only relevant proof is historical revenue and expense data for the period in question to

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Footnotes at end of article.

determine the actual rate of return achieved. In their view, a full-blown rate proceeding would not be required.

We believe that the measure of overcharges, if any, constitutes those sums in excess of just and reasonable fares as determined by the standards of the Federal Aviation Act, which clothes us with the mantle of jurisdiction over this matter, particularly Sections 1002(e) and 102 and the established practices of the Board thereunder. Thus, we agree with those carrier parties[17] who propose to show the fares accord with all of the substantive standards of the Act just as in any other rate proceeding involving a past period, with no presumption of either reasonableness or "unjust enrichment." We think that this approach will provide all parties with the opportunity to advance their contentions as to the reasonableness *vel non* of these fares on an equal basis and will best serve to build a useful record consistent with all of the substantive provisions of the Act. We leave the delineation of specific issues to the usual processes of the Board's adjudicatory machinery.

In light of our decision to defer the issue of our power to grant relief in the nature of refunds or reparations, we will also presently defer decision on the form any eventual relief might take. We believe that it would be appropriate, however, for the parties to develop an evidentiary basis at the hearing for the contentions they support with respect to the form any required relief is to take. Some air carriers assert that refunds to individuals would be a practical impossibility as well as administratively costly, and that in many markets fares were reduced, thus creating an obligation on some passengers to pay additional charges. Some of the carriers also assert that they lack capital to establish a specific fund to offset future fare increases. We will permit the introduction of concrete evidence bearing on these and similar problems, so that should we find the fares to be unjust and unreasonable and within our power to restore in appropriate fashion, we shall have an appropriate record to determine the specific means for effectuating our determinations.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, and particularly Sections 204(a) and 1002 thereof,

It is ordered that:

1. An investigation is instituted to determine whether the passenger fares between points in the 48 contiguous States and the District of Columbia in effect during the period October 1, 1969, to and including October 14, 1970, based upon Board Order 69–9–68, as modified during such period, and the rules, regulations and practices affecting such fares, were unjust and unreasonable, and if found to be unreasonable, to determine whether and to what extent other relief for fare-paying passengers, restoring overcharges unlawfully paid by them, or otherwise, may and should be granted. The fares are those published in Airline Tariff Publishers, Inc., Agent, Tariffs C.A.B. Nos. 65, 90, 98, 99, 101, 117, 124, 125, 134, 136, 139, 142, 143, 144, 148 and 149;

2. The supplemental complaint of *John E. Moss, et al.*, dated July 24, 1970, to the extent deferred by previous Orders of the Board, be and hereby is consolidated in this proceeding;

3. The investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated;

4. The complainants, John E. Moss, *et al.*, and all domestic trunkline and local service carriers, are made parties to this investigation.

5. A copy of this order will be served upon the foregoing parties and upon counsel for plaintiffs in the federal district court cases presently before the Judicial Panel on Multi-district Litigation in its Docket No. 58—Air Fare Litigation, and upon counsel for plaintiffs in *Rose, et al.* v. *American Airlines, Inc., et al.*, U.S.D.C. N.D. Ill., Civil No. 70C–1844.

This order will be published in the Federal Register.

By the Civil Aeronautics Board:

HARRY J. ZINK,
Secretary.

FOOTNOTES

[1] The original docket number and caption of this proceeding ("Passenger fare revisions proposed by the Domestic Trunkline Carriers," Docket 21322) have been replaced by a new caption and docket number in order to avoid confusion and to describe more accurately the investigation being undertaken herein.

[2] *Moss, et al.* v. *C.A.B.*, 430 F. 2d 891 (decided July 9, 1970).

[3] Tariffs replacing those declared unlawful by the Court went into effect on October 15, 1970. Order 70–7–128, dated July 28, 1970, established a program for achieving compliance with the *Moss* decision. The adopted procedures were approved by the Court (*Moss et al.* v. *C.A.B.*, C.A.D.C. No. 23,627, Order dated July 30, 1970). Order 70–9–123, dated September 24, 1970, disposed of the new tariffs filed in response to Order 70–7–128, allowing several to go into effect and suspending others. All air carriers subsequently filed tariffs matching those which the Board permited to go into effect, and these filings have also been permitted to go into effect (Special Tariff Permissions Nos. 27381 and 27396). All the new tariffs bore an effective date of October 15, 1970.

[4] Briefs were filed by Honorable John E. Moss, *et al.*, Air West & Piedmont Aviation, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Mohawk Airlines, Inc. & North Central Airlines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

Answering briefs were filed by Allegheny Airlines, Inc., American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

[5] We are concerned here with the reasonableness of the general level of fares which took effect on October 1, 1969, in compliance with Board Order 69–9–68, which the Court declared invalid in the *Moss* case. As we have indicated in earlier orders, the October 1, 1969, fare increases increased the average industry level of fares by approximately 6.35%. However, a substantial number of fares, particularly in long-haul markets, were reduced, many others were not changed, and those that were increased, were increased by widely varying percentages. The investigation we are instituting will not be concerned with either assessing or determining the reasonableness of specific fares in the myriad of city-pair markets in the United States, but only with the reasonableness of the general level of fares effective during the retrospective period, the returns to the carriers which they produced, and their conformance as a whole to the standards of Sections 1002(e) and 102 of the Act. More specifically, we are concerned with the question of whether the fares charged were within the zone of reasonableness and, if not, the extent to which the carriers were "unjustly enriched."

[6] Complainants acknowledge that the Federal Aviation Act lacks provision for reparations, but assert that this is irrelevant. They argue that they seek a remedy for illegal and excessive Board-made rates which are successfully challenged on substantive grounds on direct court review, rather than "reparations," which flow out of "collateral attack upon carrier-made rates which, when imposed, . . . [are] final and valid in the sense of being no longer subject to direct judicial review." Thus, in their view, the statutory concept of "reparations" is inapplicable to this case.

[7] The air carriers rely upon *T.I.M.E.* v. *United States*, 359 U.S. 464 (1959), and various other cases as well as the legislative history of the Federal Aviation Act. They also distinguish the *Callery* case on the facts as well as differences in the enabling statute, and assert that the defects found by the Court of Appeals in the *Moss* case were procedural rather than substantive, thus precluding reparations or other relief in any case.

[8] *Air Travelers Association, et al.* v. *Air West Inc., et al.*, U.S.D.C. N.D. Cal., Civil Action No. C–70 1540 SAW; *William M. Bennett, et al.* v. *Air Transport Association of America, et al.*, U.S.D.C. N.D. Cal., Civil Action No. C–70 1608 GSL; *Michael W. Williams, et al.* v. *American Airlines, Inc., et al.*, U.S.D.C. D.C., Civil Action No. 2162–70; *Alan Weidberg, et al.* v. *American Airlines, Inc., et al.*, U.S.D.C. N.D. Ill., Civil Action No. 70C 1879; *Wayne A. Benjamin, et al.* v. *Delta Airlines, Inc., et al.*, U.S.D.C. N.D. Ill., Civil Action No. 70C 2004; *Allen E. Botney* v. *American Airlines, Inc., et al.*, U.S.D.C. C.D. Cal., Civil Action No. 70–2405–R.

[9] See C.A.B. Order 70–7–128, July 28, 1970, at 1; C.A.B. Order 70–9–123, September 24, 1970, at 5.

[10] The Court of Appeals recognized this factor in staying its mandate pending the establishment of new, lawful tariffs, *Moss et al.* v. *C.A.B., C.A.D.C* No. 23,627, Order dated July 30, 1970.

[11] We note that the Judicial Panel on Multidistrict Litigation is presently considering the possible consolidation of the class actions for purposes of pre-trial matters.

[12] *Texas and Pacific R.R. Co.* v. *Abilene Cotton Oil Co.*, 204 U.S. 426, 448 (1907).

[13] The Board has on a number of recent occasions expressed its tentative view that it lacks power to order refunds or reparations, see C.A.B. Order 70–7–128, July 28, 1970, at 1, and C.A.B. Order 70–9–73, September 15, 1970, at 3. However, the issue is not without doubt, *Ibid.*, and the question has never been definitively settled.

[14] The deferral of jurisdictional issues pending resolution of factual questions is not unusual in either Board or judicial practice. See, *e.g.*, *Hawaiian Common Fares Case*, 37 C.A.B. 269 (1962); *Pan American World Airways, et al.* v. *C.A.B.*, 392 F.2d 483 (C.A.D.C., 1968) and cases cited therein at 486 *Airline Employees Association* v. *C.A.B.*, 413 F.2d 1092 (C.A.D.C., 1969). Should the Board find the fares to have been unjust and unreasonable, we can thereafter squarely face the issue of our power to grant relief.

[15] We fail to see how this procedural arrangement will unduly burden the complainants, as they allege. In the first place, any hardship of presenting evidence before decision on the jurisdictional issue is ameliorated by the ready availability of evidence adduced in the *Domestic Passenger-Fare Investigation*. Secondly, the carriers intend to come forward with evidence on justness and reasonableness, so that the evidentiary burden does not lie solely or primarily on the complainants. Thirdly, any Board order finally disposing of the complaint is subject to court review. If the complainants expect to prevail in their contentions, as they assert they will, they will in any case be required to bear the burden of participating in the factual determination necessary to the relief they seek, whether the factual issue is heard prior to, contemporaneously with, or after the jurisdictional issue.

[16] The complainants argue that *Atlantic Coast Line R. Co.* v. *Florida*, 395 U.S. 301 (1935), which would seem to place the burden of persuasion as to unreasonableness of the fares on complainants, is inapplicable

because the fares here in question were invalidated for substantive rather than merely procedural errors and were for that reason void rather than voidable as in the *Atlantic* case.

[17] American Airlines, Inc., Continental Air Lines, Inc., and Delta Air Lines, Inc.

GETTING TO THE HEART OF THE TEXTILE PROBLEM

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, yesterday the Textile Federation of Japan announced their intention to impose voluntary, unilateral restraints on their textile imports to the United States. At first glance, this seems a positive indication of a willingness by Japan to work with us in solving the problem of these imports. People have played up the fact that this is the first time Japan has proposed such a voluntary restraint with the United States in textiles and apparels. Yet, upon further analysis, the provisions of the declaration do not begin to alleviate the problems of these industries.

The significant deficiencies in the Japanese plan are as follows:

First, the across-the-board restriction that Japan is suggesting does not get to the heart of the textile and apparel problem. Some of our domestic textile and apparel industries have been hurt more seriously than others because of the introduction of cheap imports. Without a category-by-category restraint, Japan could continue to funnel her imports into those areas of the industry which are currently the hardest hit as a result of Japanese imports through the years.

Second, by selecting 1970 as the base year for setting the quota limitations, the Japanese have chosen the peak year in history for textile imports. In addition, the unilateral declaration calls for a 5-percent, 6-percent, and 6-percent cumulative increase of imports over the next 3 years respectively. I think a much fairer base was suggested in last year's trade bill—an average of textile imports from Japan between 1967 and 1969. There is a great difference in the two bases: For 1970 the import figure of total U.S. imports of wool, cotton, and manmade apparel and textiles, measured in square yard equivalents was 1,153 million yards whereas the 1967–69 figure averaged 912 million yards per year.

Third the Japanese are trying, to dictate American domestic action and foreign policy by conditioning their unilateral action on two things:

That the United States does not legislate general textile import quotas, impose higher tariffs, or take other restrictive measures; and

That Taiwan, Hong Kong, Korea, impose similar restraints.

Personally, I resent what appears to be an attempt by the Japanese to dictate what Congress and the Government of the United States can and cannot do.

Mr. Speaker, this is a terribly complex problem. I have studied it for a long time and have traveled to Japan, Taiwan, Hong Kong, and Korea to discuss the situation with our leading suppliers. Like so many problems we must grapple with in Congress, the problem of the effect of cheap imports on the textile and apparel industries in America is not one which has an easy or clear-cut solution .

The whole issue has received a great deal of attention from Congress, as it rightfully should, for it is a critical problem affecting industry and workers in every one of our 50 States. Because of the confusion this topic has created, it might be beneficial to share with you some of the insight I have gleaned from my study.

The textile and apparel industries' condition must be considered over a period of many years. It cannot be measured solely by recent data. Many of those who have refused to acknowledge the current crisis are relying too heavily on information from just the first 8 years of the last decade. To gain an accurate and more balanced picture, it is necessary to look not only at 1960–68 but at the latest years as well.

Although there are many areas in which the textile and apparel industries can be considered jointly, there are many times when the same economic factors have had different effects on each industry. These are industries where it is sometimes too easy to blame such problems as low profits, unemployment, and sale declines on cheap imports. It is also too easy to dismiss cheap imports as having little significant effect.

Since we first started discussing this issue in Congress, much of the debate can be traced to a disagreement over the actual health of these two industries. In 1968, the Tariff Commission initiated an extensive study and reported that from 1960 to 1968 domestic producers had experienced unparalleled growth. Output increased, sales expanded, employment increased, and investment expanded in both industries.

This tariff commission report is borne out by statistics:

In the textile industry, net sales rose from $13.2 billion to $20.8 billion in 1968; net profits after Federal income taxes jumped from $329 million to $654 million.

In apparel, net sales went from $11 billion in 1960 to $20.7 billion in 1968, while profits after Federal income taxes climbed from $152 to $507 million.

From 1960 to 1968, all indicators of profit show a steady improvement:

Net profits as a percent of net sales, for example, jumped from 2.5 percent in textiles in 1960 to 3.1 percent, in apparel, they went from 1.4 percent in 1960 to 2.4 percent 8 years later. During this time, while net profits for manufacturing as a whole increased by 0.7, textile profit rates lagged just slightly behind at 0.6 but apparel profits outdistanced the norm by jumping a full percentage point.

The rate of profit on stockholders' equity in textiles increased from 5.9 percent in 1960 to 8.8 percent in 1968. The apparel rate increased from 7.7 percent to 12.9 percent. Here again, the textile rate increased by the same amount as manufacturing as a whole—2.9 percent—and apparel increase reached 5.2 percent.

However, Mr. Speaker, there are several facts which must be presented along with these statistics to place them in the proper perspective:

First. Both the textile and apparel industries operate at a much lower margin of profit than either nondurable manufacturing or manufacturing as a whole. For instance, while profits as a percentage of sales were 3.6 for textiles and 2.4 for apparel in 1966—the peak year for the two industries for the decade—they were 5.6 for overall manufacturing. The rate of profits on stockholders' equity, in the same year, was 13.5 for manufacturing as a whole while it was 10.1 for textiles and 13.3 for apparel manufacturing.

Second. This is 1971, not 1968 anymore. The health picture of these two industries has changed drastically during the economic downturn of the past few years. It would appear that the downturn may have affected these industries more severely than many others in the manufacturing sector. From 1968 through the first three quarters of 1970, profits as a percentage of net sales dropped 15 percent for nondurable manufacturing as a whole, but dropped 35 percent for textile manufacturing and 17 percent for apparel manufacturing.

During the same period, profits as a percentage of stockholders' equity dropped 13 percent for nondurable manufacturing overall, but dropped a whopping 42 percent for textile and 40 percent for apparel manufacturing. For the first three quarters of 1970, averaged, apparel profit as a percentage of stockholders' equity was at the same level that it was in 1960.

During the decade, from 1960 through 1969, the net sales of textiles and apparel from all sources increased 106 percent overall—from $13.5 to $21.7 million. During the same period, the value of domestic production increased only 26 percent—from $10.6 billion to $13.4 billion—while the value of textile and apparel imports sold increased by an unbelievable 227 percent—from $90 million to $3 billion.

Turning from profits to people, I think we are all very concerned about the 2.4 million workers employed by these two basic industries. I know I am; 67,000 of such workers are employed in Brooklyn—or were working—until many were laid off. In New York State today, the unemployment rate in the apparel industry is 13 percent.

As has been said before in this Chamber, from 1960 to 1968, textile and apparel employment rose by 300,000 jobs. However, it has been estimated that another 250,000 to 300,000 jobs could have been created had it not been for imports. As it was, 100,000 of those 300,000 jobs created in the sixties were lost in one 10-month period from January to October 1970. No one can say this is not a disturbing situation.

Looking over the decade, the level of unemployment in nondurable manufacturing as a whole dropped from 6 percent in 1960 to 3.7 percent in 1968 but went back up to 5.4 percent last year. During the same years, the textile industry saw unemployment go from 6.3 percent to 3.5 percent to 6 percent. And the apparel industry during those same years had unemployment go from a startling 10.5 percent to 5.9 percent in 1968 and back up to 8.2 percent last year.

But, the unemployment figure I just quoted in the apparel industry does not tell the whole employment story. In this industry, when a work shortage occurs workers are not laid off but, instead, the available work is divided among all workers. In other words, instead of laying off a part of the work force, the whole force is retained but only works part time and consequently takes home only a percentage of their usual pay. As a result, man-hour figures, not unemployment, must also be considered when studying the apparel industry's employment situation; unemployment figures might show workers laid off as a result of factory closings, but they do not reflect work cutbacks and lower total wages as a result of lower production.

Now from 1968 through 1970, the apparel sector experienced a drop in total average weekly man-hours—or the number of hours the workers spend in the factory each week—from 43.2 million hours to 41.7 million hours. In some areas, workers are working only 1 day a week.

It should be considered here, too, that this drop in man-hours would very possibly have been even greater in some apparel areas if there were not factors at work which have increased the amount of work necessary—and thus man-hours spent—to produce the goods. For example, with the greater demand for knit clothing—which takes longer to sew—production is somewhat slowed and so man-hours have gone up here. Similarly, production time has been increased by the variety and diversity of fabrics. These factors were acting to increase production time, but man-hours overall still dropped.

This, then, is the state of the two industries over the past decade. Let us turn now to what many consider the heart of the problem—imports. Here again, the myriad of statistics which have been given to Congress need be put in some perspective.

Over the decade, imports of textiles and apparel products have increased greatly. From 1961 to 1968, imports increased 135 percent in these two areas while domestic production only increased 47 percent. In absolute terms, imports increased 451 million pounds while domestic production increased 3.1 billion pounds. Thus, imports became a much larger percentage of the entire sales while the absolute growth of domestic production was about seven times greater than the growth in imports.

Even these figures, however, are misleading. The problem of trying to gage the impact of imports on these industries is increased by the fact that these are large and diverse industries; while import penetration in some clothing, yarn, or fabric industries may be small, in others it is quite significant.

Overall, import penetration in the apparel market, for example, during the period 1960–70 has increased from 8.6 to 21.6 percent—which means imports have increased from about 9 percent of domestic production to 22 percent of import production, a very significant increase. In terms of consumption, overall apparel penetration has increased from 7.7 to 17.9 percent.

Within these gross changes, however, it is obvious that some industries have been severely hit by this significantly greater penetration. In sweaters, for example, the import penetration is 70 percent; in gloves, it is 36 percent. In women's and children's trousers and shorts, penetration is 30 percent and in men's and boys' shirts penetration is 32 percent.

I would also like to refer to a chart of total apparel imports as a percent of the total domestic apparel market so each of us can judge for ourselves whether imports in this area have been growing unusually rapidly. I think most of us will find the steadily increasing share of the market which is being consumed by imports very disturbing.

Now, there is little mystery as to where most of these textile and apparel imports are coming from. Five countries—Japan, West Germany, Korea, Hong Kong, and Taiwan—accounted for two-thirds of our imports in these areas during the first 6 months of 1970—and that is fairly typical of the picture in earlier years.

Japan, as we all know, is our largest supplier. In 1969, Japan exported $555 million of textiles and apparel to the United States but bought only $70 million of such products from us. But, in the same year, we also imported $289 million worth of textiles and apparel from Hong Kong while she reciprocated only to the tune of $35 million. The story is similar with Korea from whom we bought about $110 million worth of these products while she bought only $52 million of ours. And finally, from Taiwan in 1969, the United States imported $98 million, while they imported only $28 million from us.

I remember with interest the debates over the trade bill last year and how some of our European brethren were quite strong on their resistance to our imposing any limitations on textile and apparel imports. I was doubly interested to learn, while studying this problem that these countries all have some trade restrictions on these items from the same countries which are our chief suppliers. In fact, the United States is the only major world market without quantitative restrictions on the importation of manmade and woolen goods.

Through either licensing, ceilings, or price certificates, the following Western nations have protected themselves from textile and apparel imports from the main Asian suppliers: Denmark, Germany, Italy, France, Norway, the United Kingdom, Switzerland, and Canada.

Thus, while the United States bought 20 percent of Japan's 1968 textile exports and 51 percent of her apparel exports, the European Economic Community countries brought a total of only 3 and 5 percent respectively. There is good reason for this: Japan has signed a series of bilateral agreements with 10 European countries. In the first 6 months of the same year, the United States bought 38 percent of Hong Kong's apparel exports and 32 percent of her mill product exports; the EEC bought 14 percent and 2 percent of the respective exports.

Three of the four Asian nations themselves have trade restrictions on these goods. Japan has 98 items on which she fixes import quotas. She also controls other imports through licensing and an arm-twisting technique called "administrative guidance." Korea has an embargo on all goods except those needed to manufacture her exports. For instance, she will import U.S. cotton but she has an absolute embargo on all apparel items. Taiwan requires import licenses on all goods and either bans or restricts the importation of all textile and apparel products. Hong Kong alone has no import restrictions.

I should note, however, that Taiwan's and Korea's trade restrictions were given international sanction under the GATT because these countries are classified, for trade purposes, as underdeveloped countries. However, Japan, as the third largest industrial nation in the world, has no such excuse.

Now I am not saying that the only other alternative to dealing with the Japanese declaration should be the immediate imposition of commodity import restrictions on textiles and apparel goods, although it is true that we did get some results from Japan when this body passed a bill providing for such restrictions.

At the same time, we should not accept this unilateral declaration by Japan as binding. Rather it should be looked upon as an impetus for reopening further discussion aimed at reaching a bilateral solution between our two countries.

We must not rule out the possible enactment of a trade bill such as the one we passed last session should negotiations in the next few months fail to produce an agreement which will relieve our textile and apparel industries from the economic distress they are now experiencing.

LEGISLATIVE PROGRAM FOR INCREASING OUR NATION'S HEALTH MANPOWER

(Mr. STEIGER of Wisconsin asked and was given permission to extend his remarks at this point in the Record.)

Mr. STEIGER of Wisconsin. Mr. Speaker, this administration has introduced an exciting and forward looking legislative program for increasing our Nation's health manpower supply while moving to solve our chronic manpower shortages in an orderly but imaginative approach.

This year, if we adopt the President's manpower recommendations with the budget proposals, we will be providing almost $120 million more for our health manpower programs than we did last year. The proposed $545 million for health manpower education represents a jump of 27 percent over the $428 million in 1971 and more than 55 percent than the $350 million in 1970.

This is a forward-looking program which combines several significant and coordinated approaches—student aid, construction grants, incentives for increasing the actual production of physicians coming out of our schools, and a workable plan for increasing the flow of money into the construction of health facilities.

That is why I was quite surprised to hear from testimony originating in the Health Subcommittee of the other body an attack on this program before it had even been introduced.

The President's program is designed to address all components of health manpower production in a coordinated manner. The $6,000 for each graduate, although only one portion of this support, is designed to give each school a substantial amount of money which it can use as it sees fit for its own special and unique needs. No one contends that this amount is designed to reimburse the full cost of medical education, but it can achieve the goal of encouraging medical schools to graduate greater numbers of physicians and doing it at a faster rate.

Every medical school in this country, especially the great and prestigious ones, should examine their operations in much greater detail to see how the product they are producing can begin serving society more effectively and in a shorter space of time.

I noticed that Dr. Russell Nelson, president of Johns Hopkins Hospital, has claimed that the Federal share of Johns Hopkins' budget has decreased 28 percent since 1965. Now, we know that some Federal programs, for very appropriate reasons, have been curtailed. Federal funds are provided for such a wide variety of purposes that it is hard to tell how much Federal funding has actually decreased without their total budget figures, but I do know in the specific area of undergraduate medical education, Johns Hopkins is getting more and not less money. In the fiscal year 1970, the institution received $629,000; this will probably increase in this current year to approximately $785,500.

While it is quite true that much of the health related research is conducted in medical schools, it is not true that the purpose of research support is to provide basic and continuing support for education. The reason for funding research is to advance the state of knowledge in the field of health care and delivery. Johns Hopkins has been one of the outstanding leaders in this area. Although research activity undoubtedly contributes to the quality of medical education, it does not follow that a medical school must have a massive program in research to be a good and productive medical school.

I do hope that a program that increases funds for health manpower education by almost $120 million in 1 year and by 55 percent over a 2-year period will be given a chance to be discussed and enacted so that we can achieve what this administration wants and what the American people need so desperately—more health manpower where they are needed and under a system of delivery that will enable every American to be served. These are the objectives of the President's health manpower proposals.

LEGISLATION REQUIRING INSPECTION OF IMPORTED MEAT AND ANIMAL PRODUCTS

(Mr. ABOUREZK asked and was given permission to extend his remarks at this point in the Record.)

Mr. ABOUREZK. Mr. Speaker, it has been 65 years since Upton Sinclair, in his book, "The Jungle," first exposed the outrageous conditions then prevailing in meatpacking plants. Because of the public indignation that followed the publication of that book and the resulting improvements in the inspection of domestically produced meats, the American public has come to assume that all meat products meet the highest standards of quality control.

Fortunately, the 7,000 Federal inspectors who monitor 1,062 meatpacking plants in the United States are generally able to insure that domestically produced meats do meet that high standard. But the quality of imported meat is another story. There is only the equivalent of 75 inspectors to watch all of those 1,100 plants which pack meat for import to this country. As a result of this woefully inadequate force, less than 1 percent of the 1.6 billion pounds of imported meat brought into this country is ever inspected. I can see no reason why foreign meat products should be subject to less rigorous inspection than that required of meat produced in American packing plants.

It is for this reason that I am pleased to join with Congressman John Melcher in introducing a bill which would improve inspection of imported meat and insure that the American consumer is adequately protected. I hope that the Congress will enact this legislation without further delay.

DESIGNATING 1974 AS CENTENNIAL OF INTRODUCTION OF HARD RED WINTER WHEAT

(Mr. SHRIVER asked and was given permission to extend his remarks at this point in the Record.)

Mr. SHRIVER. Mr. Speaker, today I join with my colleague from Kansas (Mr. Sebelius) in cosponsoring a resolution to designate the year 1974 as a centennial for celebrating the introduction into the United States of Hard Red Winter Wheat. This resolution provides for a proclamation by the President calling on the people of the United States to observe such centennial, with appropriate ceremonies and activities to be focused in the State of Kansas where such wheat was first grown in our Nation.

The centennial celebration would be most appropriate in 1974 in that Russian Mennonite families first planted Hard Red Winter Wheat in the community of Hillsboro, Kans., in 1874. The year 1974, therefore, would mark 100 years that Kansas has served the Nation and the world as the "breadbasket of the world."

The wheat industry plays a significant role in the agricultural economy of our Nation and is a key to this Nation's efforts to eliminate hunger in the United States and throughout the world.

It is appropriate that we take the necessary action now to support proper ceremonies and activities to observe this centennial, and at the same time, pay deserved tribute to the red wheat farmer.

NATIONAL AND DULLES AIRPORTS

(Mr. GUDE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, President Nixon has recently suggested that the Federal Government get out of the airport business and turn control of National and Dulles Airports over to local interests.

Among the proposals offered to effect this transfer is a bill sponsored in the Senate by the Honorable William B. Spong, Jr., of Virginia, and in the House by myself to turn the airports over to a regional authority representing the interests of all the residents of the area served by the airports in question. National and Dulles Airports are most certainly regional concerns. It is essential that all who inhabit the Washington metropolitan area have a voice in the operation of these facilities. My bill would help assure that the transfer of ownership brings to the operation of the airports a management more in tune with the local governments and the people of the area.

I would like to submit the following editorial recently broadcast by WTOP which clearly states the need for regional control:

Virginia Need Not Apply for Airports

If the U.S. government hangs "for sale" signs on Dulles and National airports, there should be an extra line on each one which says "Virginia need not apply."

Washington's two major airports now are federally owned and operated. The President recently indicated a willingness to get rid of them.

Consequently, various groups in Virginia, where the two facilities are located, have begun to look on them with covetous eyes. Among those expressing interest are Arlington County officials, the state Chamber of Commerce, and the Virginia General Assembly.

Dulles and National are *not* Virginia airports, and in our judgment they shouldn't be owned or operated by any Virginia agency.

Dulles and National are *regional* operations in every sense of the word. The primary region they serve includes Maryland and the District as well as Virginia. Any new proprietor should be representative of that region—and *accountable* to it.

Virginia's own Senator William Spong emphasized not long ago that airport planning and development in the National Capital region should not "continue to take place in a vacuum without reference to other community plans or desires."

On a long-range basis, Baltimore's Friendship Airport probably will have to be integrated into a metropolitan airport scheme. Certainly within a couple of decades, a fourth major terminus will be in the works. These are strong arguments in support of some kind of *regional* airport agency.

WTOP hopes the President will make good on his intention to get Dulles and National airports off the federal books. When he does, they should be transferred to some regional body—not to Virginia.

NATIONAL GRANDPARENTS DAY

(Mr. BUCHANAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, it is my pleasure to introduce today a joint resolution to authorize and request the President to issue annually a proclamation designating the second Sunday of October of each year as National Grandparents Day.

For many years we have paid tribute to parents through setting aside a "Mother's Day" and a "Father's Day." The idea of setting aside such a day as "National Grandparents Day" was conceived earlier and has been reintroduced in this Congress by the distinguished senior Senator from Texas.

While in this age of family planning and of a new morality, which appears to be approximately equivalent to the old immorality, motherhood may have fallen out of favor; no one has successfully knocked grandparents yet. It is ironic, therefore, that while we honor our fathers and our mothers through special days, this society has been totally neglectful of its patriarchs and matriarchs.

As one American who has a maternal grandmother 101 years young and still very much alive, I am convinced that grandparents constitute one of the richest blessings that most of us know in life. It is, therefore, high time and past time that we honor these to whom honor is clearly due.

Mr. Speaker, I urge the support of my colleagues for National Grandparents Day.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Twenty-eight percent of the U.S. population is enrolled in all types of schools. This compares with 25 percent in the Soviet Union, 19 percent in West Germany, and 15 percent in the United Kingdom.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. Abzug for today (at the request of Mr. Koch), on account of illness.

Mr. Baker (at the request of Mr. Gerald R. Ford), on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Ullman, tomorrow, for 1 hour.

Mr. Randall, today, for 30 minutes.

Mr. Conable for 10 minutes today and to revise and extend his remarks and include extraneous matter.

Mr. Conable, for 1 hour on Tuesday, March 16, and to revise and extend his remarks and include extraneous matter.

Mrs. Heckler of Massachusetts (at the request of Mr. Fish) for 60 minutes on March 11.

(The following Members (at the request of Mr. Kemp) and to revise and extend their remarks and include extraneous matter:)

Mr. Rhodes, for 10 minutes, today.

Mr. Findley, for 5 minutes, today.

Mr. Keating, for 5 minutes, today.

Mr. Robison of New York, for 45 minutes, on March 11.

Mr. Myers, for 1 hour, on March 17.

Mr. Price of Texas, for 15 minutes, today.

Mr. Ruppe, for 5 minutes, today.

Mr. Sandman, for 5 minutes, today.

Mr. Buchanan, for 5 minutes, on March 11.

(The following Members (at the request of Mr. Danielson) and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Byrne of Pennsylvania, for 10 minutes, today.

Mr. O'Neill, for 5 minutes, today.

Mr. Cotter, for 30 minutes, on March 11.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Roush and to include extraneous matter.

Mr. Holifield, and to include a list of cities and other matter.

(The following Members (at the request of Mr. Kemp) and to include extraneous matter:)

Mr. Shoup in two instances.

Mr. Peyser in 10 instances.

Mr. Wyatt.

Mr. Michel in two instances.

Mr. Pelly in two instances.

Mr. Widnall.

Mr. Minshall.

Mr. Hunt.

Mr. Kemp in three instances.

Mr. Devine.

Mr. Frenzel.

Mr. Edwards of Alabama in two instances.

Mr. Wyman in two instances.

Mr. Steiger of Wisconsin.

Mr. Bray in two instances.

Mr. Rhodes.

Mr. McCollister.

Mr. Spence.

Mr. Lujan.

Mr. Mizell in two instances.

Mr. Thompson of Georgia.

Mr. Hillis.

Mr. Schmitz in three instances.

Mr. Nelsen in three instances.

Mr. Buchanan in two instances.

Mr. Rousselot in two instances.

Mrs. Heckler of Massachusetts in two instances.

Mr. Price of Texas.

Mr. Robison of New York in three instances.

Mr. Schneebeli.

Mr. Broyhill of Virginia in three instances.

Mr. Gerald R. Ford.

Mr. Sebelius.

Mr. Skubitz in three instances.

Mr. Myers.

Mr. Hosmer in two instances.

Mr. Schwengel in two instances.

Mr. Horton.

Mr. Whalley.

(The following Members (at the request of Mr. Fish) and to include extraneous matter:)

Mr. Springer.

Mr. Fulton of Pennsylvania in five instances.

(The following Members (at the request of Mr. Danielson) and to include extraneous matter:)

Mrs. Chisholm.

Mr. Carney in two instances.

Mr. Yatron.

Mr. Badillo in two instances.

Mr. Evins of Tennessee.

Mr. McFall in six instances.

Mr. Scheuer in two instances.

Mr. Karth.

Mrs. Mink in four instances.

Mr. Jacobs in two instances.

Mr. Aspin.

Mr. Burke of Massachusetts.

Mr. Gonzalez in two instances.

Mr. Murphy of Illinois in five instances.

Mr. Runnels.

Mr. Gallagher.

Mr. Gettys in two instances.

Mrs. Grasso in two instances.

Mr. Fraser in two instances.

Mr. William D. Ford in two instances.

Mr. Seiberling.

Mr. Rarick in four instances.

Mr. Dulski in six instances.

Mr. Bennett in three instances.

Mr. Hébert.

Mr. Hawkins in four instances.

Mr. Matsunaga.

Mr. Harrington in three instances.

Mr. Hungate.

Mr. White in two instances.

Mr. Anderson of California in three instances.

Mr. Thompson of New Jersey in five instances.

Mr. Jones of Tennessee in three instances.

Mr. Hagan in two instances.

Mr. O'Neill in two instances.

ADJOURNMENT

Mr. DANIELSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Thursday, March 11, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

384. A letter from the Securities and Exchange Commission, transmitting the institutional investor summary report, pursuant to section 19(e) of the Securities Exchange Act of 1934 (H. Doc. No. 92–64); to the Committee on Interstate and Foreign Commerce and ordered to be printed with illustrations.

385. A letter from the chief scout executive, Boy Scouts of America, transmitting the 61st Annual Report of the Boy Scouts

of America for the year of 1970 (H. Doc. No. 92–65); to the Committee on Education and Labor and ordered to be printed with illustrations.

386. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to prevent the loss of pay and allowances by certain officers designated for the performance of duties of great importance and responsibility; to the Committee on Armed Services.

387. A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation to make permanent the authority to pay special allowances to dependents of the uniformed services to offset expenses incident to their evacuation; to the Committee on Armed Services.

388. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to remove certain limitations on the granting of relief to owners of lost or stolen bearer securities of the United States, and for other purposes; to the Committee on Government Operations.

389. A letter from the Secretary of the Interior, transmitting the annual report of the Office of Saline Water's 1970 activities in the desalting of sea and brackish waters, pursuant to Public Law 448, 82d Congress; to the Committee on Interior and Insular Affairs.

390. A letter from the Assistant Secretary of the Interior, transmitting the annual report of the Governor of Guam to the Secretary of the Interior, pursuant to section 6 of Public Law 90–601; to the Committee on Interior and Insular Affairs.

391. A letter from the Assistant Secretary of the Interior, transmitting notification of the receipt of an application for a loan and a grant from the Overland Ditch & Reservoir Co., Hotchkiss, Colo., pursuant to section 10 of the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

392. A letter from the Attorney General, transmitting a draft of proposed legislation to amend the Federal Trade Commission Act; to the Committee on Interstate and Foreign Commerce.

393. A letter from the Attorney General, transmitting a draft of proposed legislation to provide increased protection for consumers, prevent consumer fraud, and for other purposes; to the Committee on Interstate and Foreign Commerce.

394. A letter from the Attorney General, transmitting a draft of proposed legislation to provide increased warranty protection for consumers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

395. A letter from the Administrator, Environmental Protection Agency, transmitting a report on progress in the prevention and control of air pollution for calendar year 1970, pursuant to section 313 of the Clean Air Act, as amended; to the Committee on Interstate and Foreign Commerce.

396. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to revise and improve the laws relating to documentation of vessels; to the Committee on Merchant Marine and Fisheries.

397. A letter from the Secretary of Transportation, transmitting the annual report on highway relocation assistance, pursuant to section 33 of the Federal-Aid Highway Act of 1968; to the Committee on Public Works.

398. A letter from the Cochairmen, Upper Great Lakes Regional Commission, transmitting the annual report of the Commission for fiscal year 1970, pursuant to section 510 of the Public Works and Economic Development Act of 1965; to the Committee on Public Works.

Received From the Controller General

399. A letter from the Comptroller General of the United States, transmitting a list of the reports of the General Accounting Office issued or released in February 1971, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

400. A letter from the Comptroller General of the United States, transmitting a report on the adverse effects of producing the AN/SQS–26 surface ship sonar system for service use before completion of development and testing, Department of the Navy; to the Committee on Government Operations.

401. A letter from the Comptroller General of the United States, transmitting a report on unauthorized retention, in the working capital fund, by the National Bureau of Standards, Department of Commerce, of money accumulated for earned leave of transferred employees; to the Committee on Government Operations.

402. A letter from the Comptroller General of the United States, transmitting a report on the opportunity for substanial savings by the Department of Defense by printing military service newspapers in Southeast Asia instead of airlift from Japan; to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 5800. A bill to make appropriations for patient care and special health services within the Department of Health, Education, and Welfare, for fiscal year ending June 30, 1972; to the Committee on Appropriations.

H.R. 5801. A bill to extend disability benefits under title II of the Social Security Act to disabled individuals who have 20 quarters of social security coverage during an 80-quarter period; to the Committee on Ways and Means.

By Mr. ANNUNZIO:

H.R. 5802. A bill to amend the Small Business Act; to the Committee on Banking and Currency.

By Mr. BEGICH:

H.R. 5803. A bill to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BIAGGI:

H.R. 5804. A bill to terminate the airlines mutual aid agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. BLACKBURN (for himself, Mr. Camp, Mr. Colmer, Mr. Dorn, Mr. Jones of North Carolina, Mr. Landgrebe, Mr. Mizell, Mr. Montgomery, Mr. Sebelius, and Mr. Young of Florida):

H.R. 5805. A bill to protect the freedom of choice of Federal employees in employee-management relations; to the Committee on Post Office and Civil Service.

By Mr. BRAY:

H.R. 5806. A bill to protect consumers and others against misbranding, false invoicing, and false advertising of decorative wood and simulated wood products; to the Committee on Interstate and Foreign Commerce.

By Mr. BROOMFIELD:

H.R. 5807. A bill to insure the separation of Federal powers by amending the National Labor Relations Act transferring jurisdiction over unfair labor practice and representation cases to the U.S. Labor Court, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWN of Michigan:

H.R. 5808. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. BROWN of Ohio:

H.R. 5809. A bill to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

By Mr. BROYHILL of Virginia:

H.R. 5810. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BYRNE of Pennsylvania:

H.R. 5811. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. CAFFERY:

H.R. 5812. A bill to provide for the holding of terms of the District Court of the United States for the New Orleans Division of the Eastern District of Louisiana in Houma, La.; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 5813. A bill to amend sections 2734a (a) and 2734b(a) of title 10, United States Code, to provide for settlement, under international agreements, of certain claims incident to the noncombat activities of the Armed Forces, and for other purposes; to the Committee on the Judiciary.

H.R. 5814. A bill to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under sections 2733, 2734, 2734a, 2734b, or 2737; to the Committee on the Judiciary.

By Mr. CELLER (for himself, Mr. Carey of New York, and Mr. Conable):

H.R. 5815. A bill to clarify the status of funds of the Treasury deposited with the States under the act of June 23, 1836; to the Committee on Ways and Means.

By Mr. CLANCY:

H.R. 5816. A bill to amend title II of the Social Security Act to provide a 12-percent across-the-board increase in monthly benefits thereunder, with subsequent cost-of-living increases in such benefits, and to raise to $3,200 a year the amount of outside earnings a beneficiary may have without loss of benefits; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 5817. A bill to amend the United Nations Participation Act of 1945 to prevent the imposition thereunder of any prohibition on the importation into the United States of any strategic and critical material from any free world country for so long as the importation of like material from any Communist country is not prohibited by law; to the Committee on Foreign Affairs.

H.R. 5818. A bill to alleviate multiple State or local income taxation of an individual and to reduce income taxes imposed by States or subdivisions on nonresidents of such States; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 5819. A bill to amend the National Environmental Policy Act of 1969 to provide for citizens' suits and class actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

H.R. 5820. A bill to amend title II of the Social Security Act to provide a 10-percent across-the-board increase in benefits thereunder, with a minimum primary benefit of $100, and to increase to $2,400 a year the amount of outside earnings a beneficiary may have without loss of benefits; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. Conte, Mr. William D. Ford, Mr. Karth, Mr. McCloskey, Mr. Moss, Mr. Nedzi, Mr. Obey, Mr. Saylor, and Mr. Udall):

H.R. 5821. A bill to extend to hawks and owls the protection now accorded to bald and golden eagles; to the Committee on Merchant Marine and Fisheries.

By Mr. DORN:

H.R. 5822. A bill to amend title 38, United States Code, to provide that all income of a spouse be disregarded in determining the annual income of a veteran for pension purposes; to the Committee on Veterans' Affairs.

H.R. 5823. A bill to provide for a 10-percent increase in the rates of pension paid to veterans of the Civil, Indian, and Spanish-American Wars, to the widows and children of such veterans, and to "old law" pensioners; to the Committee on Veterans' Affairs.

By Mr. DULSKI:

H.R. 5824. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. FOLEY (for himself, Mr. Leggett, Mr. McFall, Mr. Johnson of California, Mr. Moss, and Mr. McCormack):

H.R. 5825. A bill to amend section 2(3), section 8c(2), section 8c(6)(I), and section 8c(7)(C) of the Agricultural Marketing Agreement Act of 1937, as amended; to the Committee on Agriculture.

By Mr. FORSYTHE:

H.R. 5826. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 5827. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to prohibit the mailing of unsolicited samples of merchandise and other commodities, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ:

H.R. 5828. A bill to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the Bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes; to the Committee on Banking and Currency.

By Mr. GUDE:

H.R. 5829. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to prohibit the mailing of unsolicited samples of cigarettes; to the Committee on Post Office and Civil Service.

H.R. 5830. A bill to require the Secretary of Transportation to prescribe regulations requiring certain modes of public transportation in interstate commerce to reserve some seating capacity for passengers who do not smoke; to the Committee on Interstate and Foreign Commerce.

By Mr. HAGAN:

H.R. 5831. A bill to end discrimination in the availability of Federal crop insurance and to authorize the appropriation of additional funds for the administration of the Federal crop insurance program; to the Committee on Agriculture.

By Mr. HALEY:

H.R. 5832. A bill to amend title 38 of the United States Code to provide Veterans' Administration hospital and medical services for any disability of a World War I combat veteran and his wife or widow; to the Committee on Veterans' Affairs.

By Mr. HARSHA:

H.R. 5833. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

By Mr. HELSTOSKI:

H.R. 5834. A bill to make possible appropriate, economical, and accessible learning opportunities for all adults, both for their individual fulfillment and for the social and economic well-being of the Nation; to the Committee on Education and Labor.

By Mr. HOWARD:

H.R. 5835. A bill to amend the act of June 29, 1888, relating to the prevention of obstructive and injurious deposits in the harbor of New York, to provide for the termination of certain licenses and permits; to the Committee on Public Works.

By Mr. ICHORD (for himself, Mr. Vigorito, and Mr. Talcott):

H.R. 5836. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 5837. A bill to establish a survivor benefit plan for members of the armed services and to equalize the retired pay of certain former members; to the Committee on Armed Services.

H.R. 5838. A bill to designate certain lands in the Lava Beds National Monument in California as wilderness; to the Committee on Interior and Insular Affairs.

H.R. 5839. A bill to amend the Internal Revenue Code of 1954, with respect to the tax treatment of payments received from domestic price support programs in certain cases; to the Committee on Ways and Means.

By Mr. JOHNSON of California (for himself, Mr. Don H. Clausen, Mr. Wyatt, and Mr. Sisk):

H.R. 5840. A bill to provide a method for paying costs of fires caused without negligence in connection with national forest timber sales operations; to the Committee on Agriculture.

By Mr. KOCH:

H.R. 5841. A bill to amend the Military Selective Service Act of 1967 to extend to individuals performing civilian work pursuant to such act the same reemployment benefits as are extended to persons inducted thereunder for training and service; to the Committee on Armed Services.

By Mr. MATSUNAGA (for himself, Mr. Steiger of Wisconsin, and Mr. Keating):

H.R. 5842. A bill to provide for the procurement of voluntary military manpower; to the Committee on Armed Services.

By Mr. MELCHER (for himself and Mr. Abernethy, Mr. Abourezk, Mr. Baring, Mr. Denholm, Mr. Fisher, Mr. Flowers, Mr. Hansen of Idaho, Mr. Hungate, Mr. Johnson of California, Mr. Jones of North Carolina, Mr. Link, Mr. McCormack, Mr. McKay, Mr. Mills, Mr. Rarick, Mr. Roncalio, Mr. Sebelius, Mr. Skubitz, Mr. Stubblefield, Mr. Vigorito, Mr. White, and Mr. Zwach):

H.R. 5843. A bill to provide for thorough health and sanitation inspection of all livestock products imported into the United States, and for other purposes; to the Committee on Agriculture.

By Mr. MIKVA (for himself and Mr. Ryan):

H.R. 5844. A bill; National Public Employee Relations Act; to the Committee on Education and Labor.

By Mrs. MINK (for herself, Mr. Eckhardt, Mr. Edwards of California, Mr. Drinan, Mr. Hawkins, Mr. Howard, Mr. Roybal, Mr. Ryan, and Mr. Waldie):

H.R. 5845. A bill to amend the Military Procurement Act of 1970 to prohibit the future transportation, deployment, storage, or disposal of chemical and biological warfare munitions outside of the United States; to the Committee on Armed Services.

By Mr. PATMAN (for himself, Mr. Ashley, and Mr. Widnall):

H.R. 5846. A bill to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the Bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes; to the Committee on Banking and Currency.

By Mr. PATTEN:

H.R. 5847. A bill to provide for disclosures designed to elicit a balance of expression to the Congress with respect to legislative measures, and for other purposes; to the Committee on Standards of Official Conduct.

By Mr. PURCELL:

H.R. 5848. A bill to provide for the payment of losses incurred by growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates in food after extensive inventories of foods containing such substances had been prepared or packed or packaging, labeling, and other materials had been prepared in good-faith reliance on the confirmed official listing of cyclamates as generally recognized as safe for use in food under the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on the Judiciary.

By Mr. QUIE:

H.R. 5849. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to provide for insured operating loans, and for other purposes; to the Committee on Agriculture.

By Mr. QUILLEN:

H.R. 5850. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. RANDALL:

H.R. 5851. A bill to provide additional benefits for podiatry officers in the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. RODINO:

H.R. 5852. A bill to facilitate the entry into the United States of aliens who are brothers and sisters of U.S. citizens; to the Committee on the Judiciary.

By Mr. ROGERS:

H.R. 5853. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide for an increase in the appropriations authorization for the Commission on Marihuana and Drug Abuse; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSTENKOWSKI (for himself, Mr. Addabbo, Mr. Annunzio, Mr. Bingham, Mr. Bolling, Mr. Burton, Mr. Byrne of Pennsylvania, Mr. Carney, Mr. Carey of New York, and Mrs. Chisholm):

H.R. 5854. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROSTENKOWSKI (for himself, Mr. Collins of Illinois, Mr. Coughlin, Mr. Drinan, Mr. Dulski, Mr. Edwards of California, Mr. Eilberg, Mr. Green of Pennsylvania, Mr. Gude, and Mr. Halpern):

H.R. 5855. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROSTENKOWSKI (for himself, Mrs. HANSEN of Washington, Mr. HARRINGTON, Mr. HATHAWAY, Mrs. HICKS of Massachusetts, Mr. HOWARD, Mr. JOHNSON of California, Mr. KLUCZYNSKI, Mr. MADDEN, and Mr. METCALFE):

H.R. 5856. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROSTENKOWSKI (for himself, Mr. MCCLORY, Mr. MIKVA, Mr. MINISH, Mrs. MINK, Mr. MOORHEAD, Mr. MOSS, Mr. MURPHY of New York, Mr. MURPHY of Illinois, and Mr. O'NEILL):

H.R. 5857. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purpurposes; to the Committee on Banking and Currency.

By Mr. ROSTENKOWSKI (for himself, Mr. PEPPER, Mr. PODELL, Mr. PUCINSKI, Mr. RANGEL, Mr. REES, Mr. REID of New York, Mr. ROONEY of PENNSYLVANIA, Mr. ST GERMAIN, and Mr. SCHEUER):

H.R. 5858. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROSTENKOWSKI (for himself, Mr. JAMES V. STANTON, Mr. SEIBERLING, Mr. STRATTON, Mr. CHARLES H. WILSON, Mr. WOLFF, Mr. TIERNAN, Mr. RYAN, and Mr. NIX):

H.R. 5859. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes; to the Committee on Banking and Currency.

My Mr. RUNNELS:

H.R. 5860. A bill to establish a Department of Science and Technology, and to transfer certain agencies and functions to such Department; to the Committee on Government Operations.

By Mr. SHOUP:

H.R. 5861. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. STRATTON:

H.R. 5862. A bill to provide for the payment of losses incurred by growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates in food after extensive inventories of foods containing such substances has been prepared or packed or packaging, labeling, and other materials had been prepared in good-faith reliance on the confirmed official listing of cyclamates as generally recognized as safe for use in food under the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on the Judiciary.

By Mr. TEAGUE of California (by request):

H.R. 5863. A bill to amend title 38, United States Code, to provide that the Administrator of Veterans' Affairs may furnish outpatient dental services and treatment for a non-service-connected disability to any war veteran who has a permanent total disability from a service-connected disability; to the Committee on Veterans' Affairs.

H.R. 5864. A bill to amend title 38 of the United States Code to extend wartime benefits to veterans who served between January 1, 1961 and August 5, 1964; to the Committee on Veterans' Affairs.

H.R. 5865. A bill to amend chapter 37 of title 38, United States Code, to prevent the charging of fees or discounts in sales guaranteed under the Veterans' Administration loan guarantee programs, except as authorized; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas (by request):

H.R. 5866. A bill to amend title 38 of the United States Code to increase the maximum burial and funeral expense payment for a veteran to $400 and to provide an additional allowance of not to exceed $150 for the purchase of a burial plot; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of Georgia:

H.R. 5867. A bill to amend title II of the Social Security Act to provide a 12-percent across-the-board increase in monthly benefits thereunder; to the Committee on Ways and Means.

By Mr. THOMPSON of New Jersey:

H.R. 5868. A bill to improve and increase postsecondary educational opportunities throughout the Nation by providing assistance to the States for the development and construction of comprehensive community colleges; to the Committee on Education and Labor.

By Mr. TIERNAN:

H.R. 5869. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 5870. A bill to amend the Railway Labor Act to avoid interruptions of railroad transportation that threaten national safety and health by reason of labor disputes, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. VANIK:

H.R. 5871. A bill to amend title II of the Social Security Act to increase, in the case of individuals having 40 or more quarters of coverage, the number of years which may be disregarded in computing such individual's average monthly wage, and to provide that, for benefit computation purposes, a man's insured status and average monthly wage will be figured on the basis of an age-62 cutoff (the same as presently provided in the case of women); to the Committee on Ways and Means.

By Mr. WHITE:

H.R. 5872. A bill to amend title 10 of the United States Code to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 5873. A bill to amend the Railroad Retirement Act of 1937 to provide that actual entitlement to a social security benefit shall not have the effect of reducing an individual's railroad retirement annuity by depriving such individual of the full advantage of the so-called social security guarantee formula in the computation of his or her annuity; to the Committee on Interstate and Foreign Commerce.

By Mr. BADILLO:

H.R. 5874. A bill to repeal subsection (c) of section 245 of the Immigration and Nationality Act, to permit adjustment of status of persons from the Western Hemisphere on the same basis as other aliens; to the Committee on the Judiciary.

By Mr. BEGICH:

H.R. 5875. A bill to permit all compensation paid at regular rates to certain employees of the Alaska Railroad to be included in the computation of their civil service retirement annuities; to the Committee on Post Office and Civil Service.

By Mr. ESHLEMAN:

H.R. 5876. A bill to provide that Congress shall establish a budget ceiling for each fiscal year, and to provide that appropriation acts which violate any such ceiling shall require a two-thirds vote in each House; to the Committee on Government Operations.

By Mr. FINDLEY:

H.R. 5877. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

By Mr. FLOOD:

H.R. 5878. A bill to amend chapter 607 of title 10, United States Code, with respect to retirement of civilian members of the teaching staff of the U.S. Naval Academy; to the Committee on Armed Services.

By Mr. FULTON of Pennsylvania:

H.R. 5879. A bill to amend the Internal Revenue Code of 1954 to provide that a portion of the salary of a full-time policeman or other State or local law enforcement officer shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. FULTON of Tennessee:

H.R. 5880. A bill to establish annual import quotas on certain textile and footwear articles; to the Committee on Ways and Means.

H.R. 5881. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mrs. HECKLER of Massachusetts:

H.R. 5882. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. HUNT:

H.R. 5883. A bill to amend section 401(e) of the Federal Aviation Act of 1958 to provide that the Civil Aeronautics Board shall have authority to regulate the type of service performed by an air carrier under the terms of any certificate issued under that act; to the Committee on Interstate and Foreign Commerce.

H.R. 5884. A bill to provide for the redistribution of unused quota numbers; to the Committee on the Judiciary.

H.R. 5885. A bill to prohibit officers and employees of the United States from dumping or permitting the dumping of dredgings and other refuse materials into any navigable water; to the Committee on Public Works.

H.R. 5886. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

H.R. 5887. A bill to amend the Internal Revenue Code of 1954 to provide that certain awards in recognition of outstanding achievement in the field of sports shall be excluded from gross income; to the Committee on Ways and Means.

H.R. 5888. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. JOHNSON of California:

H.R. 5889. A bill to require the Secretary of Agriculture to compensate certain permittees where permits for summer or recreation-type residences on national forest lands are terminated and not renewed, and for other purposes; to the Committee on Agriculture.

By Mr. KOCH:

H.R. 5890. A bill to amend title II of the Social Security Act to make it clear that hearings conducted with respect to claims thereunder shall be subject to the administrative procedure act; to the Committee on Ways and Means.

By Mr. McDONALD of Michigan:

H.R. 5891. A bill to accord duty-free status to imported plywood of lauan or Philippine mahogany suitable for use as doorskins; to the Committee on Ways and Means.

By Mr. MATHIAS of California:

H.R. 5892. A bill to provide for the withdrawal of the right of entry for mining purposes with respect to certain real property located in Kern County, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. MONAGAN:

H.R. 5893. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. QUIE:

H.R. 5894. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans; to the Committee on Agriculture.

By Mr. ROE:

H.R. 5895. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

By Mr. SISK:

H.R. 5896. A bill to authorize the Administrator of Veterans' Affairs to acquire certain land in the vicinity of Fresno, Calif., to grant such land to the University of California if certain conditions are met, to construct a medical center on a reserved portion of such land, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STRATTON (for himself, Mr. Flood, Mr. Minshall, and Mr. Whitehurst):

H.R. 5897. A bill to amend chapter 607 of title 10, United States Code, with respect to retirement of civilian members of the teaching staff of the U.S. Naval Academy; to the Committee on Armed Services.

By Mr. WOLFF:

H.R. 5898. A bill to facilitate and encourage cooperation between the United States and certain defense contractors engaged in the furnishing of defense material to the United States, in providing for an orderly conversion from defense to civilian production, and to assure, through such cooperation, that the United States and such defense contractors will be able to meet the challenge arising out of the economic conversion and diversification required by reason of the changing defense needs of the United States, to provide for such an orderly conversion in an effort to minimize, to the extent possible, the hardships and other disruptive factors likely to be encountered by defense workers and their families and by communities dependent upon defense industry as a result thereof; to the Committee on Interstate and Foreign Commerce.

H.R. 5899. A bill to amend the Department of Transportation Act in order to modify the national policy with respect to the protection of lands traversed in developing transportation plans; to the Committee on Interstate and Foreign Commerce.

By Mr. BUCHANAN:

H.J. Res. 450. Joint resolution to authorize and request the President to issue annually a proclamation designating the second Sunday of October of each year as "National Grandparents Day"; to the Committee on the Judiciary.

By Mr. DULSKI:

H.J. Res. 451. Joint resolution requesting the President to issue a proclamation designating the last schoolday in April as "National Pledge Allegiance to Our Flag Day"; to the Committee on the Judiciary.

By Mr. KEMP:

H.J. Res. 452. Joint resolution to authorize the President to designate April 30, 1971 as "Pledge of Allegiance to Our Flag Day"; to the Committee on the Judiciary.

By Mr. McCLOSKEY (for himself, Mr. Long of Maryland, and Mr. Roe):

H.J. Res. 453. Joint resolution designation of third week of April of each year as "Earth Week"; to the Committee on the Judiciary.

By Mr. MARTIN:

H.J. Res. 454. Joint resolution designating February of each year as "American History Month"; to the Committee on the Judiciary.

By Mr. ROUSH:

H.J. Res. 455. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. SEBELIUS (for himself, Mr. Shriver, Mr. Abourezk, Mr. Hansen of Idaho, Mr. Martin, Mr. McCollister, Mr. Melcher, Mr. Roy, and Mr. Shoup):

H.J. Res. 456. Joint resolution to provide for a 1974 Centennnal Celebration observing the introduction into the United States of Hard Red Winter Wheat; to the Committee on the Judiciary.

By Mr. SEIBERLING:

H.J. Res. 457. Joint resolution to authorize the establishment of a Joint Committee on Peace; to the Committee on Rules.

By Mr. WINN:

H.J. Res. 458. Joint resolution to authorize the President to issue a proclamation designating the week in November which includes Thanksgiving Day in each year as "National Family Week"; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H. Con. Res. 198. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

By Mr. KEATING:

H. Con. Res. 199. Concurrent resolution to create a select joint committee to conduct an investigation and study of an alarm system for the Capitol Building and the Senate and the House Office Buildings; to the Committee on Rules.

By Mr. MATHIS of Georgia (for himself, Mr. Bergland, Mr. Brinkley, Mr. Flowers, Mr. Montgomery, Mr. Spence, and Mr. Thompson of Geogia):

H. Con. Res. 200. Concurrent resolution expressing the sense of the Congress with respect to the policy of consolidation of certain functions of the local boards of the Selective Service System; to the Committee on Armed Services.

By Mr. SEIBERLING:

H. Con. Res. 201. Concurrent resolution expressing the sense of the Congress with respect to U.S. policy in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. ASPINALL:

H. Res. 285. Resolution to provide funds for the expenses of the investigations and studies authorized by House Resolution 18; to the Committee on House Administration.

By Mr. HUNT:

H. Res. 286. Resolution amending the Rules of the House of Representatives to permit the presentation and recognition in the Hall of the House of holders of the Congressional Medal of Honor, and for other purposes; to the Committee on Rules.

By Mr. MATSUNAGA:

H. Res. 287. Resolution to express the sense of the House of Representatives relative to the relations between the United States and the People's Republic of China; to the Committee on Foreign Affairs.

By Mr. MORGAN:

H. Res. 288. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 109, 92d Congress; to the Committee on House Administration.

By Mr. RUPPE:

H. Res. 289. Resolution amending the Rules of the House of Representatives to entitle the minority party members on the standing committees to not less than one-third of the funds provided for the appointment of investigative staffs pursuant to expense resolutions; to the Committee on Rules.

By Mr. STAGGERS:

H. Res. 290. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 170; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGICH:

H.R. 5900. A bill for the relief of John Borbridge, Jr.; to the Committee on the Judiciary.

By Mr. BRAY:

H.R. 5901. A bill for the relief of Chun-Ying Sa; to the Committee on the Judiciary.

By Mr. CAREY of New York:

H.R. 5902. A bill for the relief of Doctor Triponia Artienda; to the Committee on the Judiciary.

H.R. 5903. A bill for the relief of Rosa Binetti; to the Committee on the Judiciary.

H.R. 5904. A bill for the relief of Dr. Ricardo J. Crudo and his wife, Antonia Yulo Crudo; to the Committee on the Judiciary.

H.R. 5905. A bill for the relief of Giuseppe Cucuzza; to the Committee on the Judiciary.

H.R. 5906. A bill for the relief of Giuseppe Cusumano, his wife, Maria Cristina Cusumano, and their son, Giovanni Cusumano; to the Committee on the Judiciary.

H.R. 5907. A bill for the relief of Giuseppe D'Aguanno; to the Committee on the Judiciary.

H.R. 5908. A bill for the relief of Giuseppe D'Angelo, his wife, Rose D'Angelo, and Onofrio D'Angelo and his wife, Francesca D'Angelo; to the Committee on the Judiciary.

H.R. 5909. A bill for the relief of Domenico Marrone, his wife, Luisa Marrone, and their minor child, Luigi Marrone; to the Committee on the Judiciary.

H.R. 5910. A bill for the relief of Miriam Mischel; to the Committee on the Judiciary.

By Mrs. CHISHOLM:

H.R. 5911. A bill for the relief of Angela Puglisi; to the Committee on the Judiciary.

H.R. 5912. A bill for the relief of Hazle Ann Smith; to the Committee on the Judiciary.

H.R. 5913. A bill for the relief of Francis Michael Mikio Yamaguchi; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 5914. A bill for the relief of Yerk Fei Sze; to the Committee on the Judiciary.

By Mr. DELANEY (by request):

H.R. 5915. A bill for the relief of Georgios Gerakaris; to the Committee on the Judiciary.

H.R. 5916. A bill for the relief of Umberto Maccarone; to the Committee on the Judiciary.

By Mr. EVANS of Colorado:

H.R. 5917. A bill for the relief of Jose Becerra; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H.R. 5918. A bill for the relief of Vincenza Nunziata; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 5919. A bill for the relief of Roger W. Wishart; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 5920. A bill for the relief of Miss Giorgia Terranova; to the Committee on the Judiciary.

By Mr. LENT:

H.R. 5921. A bill for the relief of Ena Gaymes; to the Committee on the Judiciary.

By Mr. MATHIAS of California:

H.R. 5922. A bill for the relief of Virgilio Lazaro Domingo; to the Committee on the Judiciary.

H.R. 5923. A bill for the relief of Mrs. Nguyen Thi Le Fintland and Susan Fintland; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 5924. A bill for the relief of Mrs. Pasqualina T. Colavita and her minor child, Donato Antonio Colavita; to the Committee on the Judiciary.

By Mr. SCHMITZ:

H.R. 5925. A bill for the relief of Park Choong Kyu; to the Committee on the Judiciary.

By Mr. WOLFF:

H.R. 5926. A bill for the relief of Antonio Carollo; to the Committee on the Judiciary.

By Mr. WYLIE:

H.R. 5927. A bill for the relief of S. Sgt. J. C. Bell, Jr., U.S. Air Force; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

55. By the SPEAKER: Memorial of the Legislature of the State of Nebraska, relative to creating a national health security program; to the Committee on Ways and Means.

56. Also, a memorial of the Legislature of the State of Nevada, relative to allowing a credit against Federal income tax for slot machine taxes used to support education; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

40. By Mr. RUNNELS: Petition of the Rio Grande Compact Commission; support of S. 520: to the Committee on Interior and Insular Affairs.

41. By Mr. RUNNELS: Petition of Otero County Commission, county of Otero, Alamogordo, N. Mex., supporting the principle of revenue-sharing legislation; to the Committee on Ways and Means.

42. By the SPEAKER: Petition of the City Council, Beverly Hills, Calif., relative to Federal-State revenue sharing; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

RESEARCH NEEDS EXIST IN DIET AND HEALTH

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. OBEY. Mr. Speaker, for some time we have heard charges, countercharges, and counter-counter charges with regard to the relationship between diet and heart disease, cholesterol, and good health.

An interesting article recently appeared in the Washington Post which shows once again that disagreements in this area still exist. In fact, says the article, "without doubt, no consensus in the scientific community about the possible harm done by unsaturated fats is in sight."

In light of constant and seemingly unchallenged statements in the past which tend to imply there was no question about the relationship between the consumption of fats and heart disease, this statement may surprise some people.

But, it is a statement which reflects the fact that a great deal of research in this area is still going on. And it is there, Mr. Speaker, where this issue should be settled. I cannot agree more with those who believe that it is time we stop trying to face complex questions of health and the public welfare through magazine ads and television promotions.

Mr. Speaker, I include the article in the RECORD:

HEART CLAIMS PROBED: FDA, FTC QUESTION POLYUNSATURATE ADS

(By Morton Mintz)

For a dozen years, Americans have been confronted with advertisements in medical and lay publications that encourage use of polyunsaturated fats, usually as margarines or oils, as a means to reduce the risk of heart disease.

Presently, claims made in such ads for margarines are under scrutiny by two federal agencies, the Food and Drug Administration and the Federal Trade Commission.

The agencies' investigations are under way, moreover, as medical researchers are reporting findings that heating polyunsaturates at "temperatures that are typical for family cooking" leads to resaturation of the fats—thereby possibly negating the purpose for which polyunsaturates are advertised.

One full-page ad of this kind, for a widely sold cornoil margarine, has appeared frequently in numerous medical journals.

A photograph of a boy dominates the top half of the ad. He is blowing at candles—eight of them—on a birthday cake.

"Is there a heart attack in his future?" the caption asks.

"More and more doctors," the upbeat answer in the text begins, "are coming to the conclusion that the best time to deal with coronary disease is 30 to 40 years before it is likely to occur.

"That is why they are recommending good dietary practices, especially the low-saturated fat diet—not only for the heart patient, but for people of all age groups—as a means of controlling blood cholesterol and to reduce the risk of coronary diseases later on.

"Such a regimen, of course, involves the substitution of vegetable oils for animal fats wherever possible . . ."

In publications for laymen, the manufacturer picks up the same theme, but points it directly at parents

"Should an 8-year-old worry about cholesterol?" asks the caption in an often-published ad.

Again, the answer is hopeful: Fathers and mothers who take the precaution of giving their children corn-oil margarine, Fleischman's, in this case, are acting to reduce "one important risk to coronary disease"

Over the years, such ads, along with similar messages from non-commercial sources—the appeals to physicians reinforcing those to laymen, and vice-versa, have hammered home an implied fear:

To refrain from recommending such margarines and oils may be to invite negligently the diseases of the heart and blood vessels that, each year, cause the deaths of more than a half-million Americans

For millions, meanwhile, such messages have made the avoidance of animal (saturated) fats part of the conventional good-health wisdom for millions.

In the process, an enormous market has been built up for polyunsaturated fats (mainly, corn, cottonseed, safflower and soy oils. Peanut and olive oils, which are highly monosaturated, do not alter blood cholesterol levels. Coconut oil and cocoa butter are almost completely saturated).

But is it known that lowering the levels of lipids (cholesterol or other fatty substances) in the blood helps to preserve health and life?

The Food and Drug Administration says that despite a large amount of evidence, some of it conflicting, the case has not been proved.

For that reason, the FDA requires pharmaceutical manufacturers to include an "important note" in every ad for prescription medicines that lower blood lipid levels.

It has not been established, the note reminds physicians, whether drug-induced decreases in serum lipids have "a detrimental, a beneficial, or no effect on the morbidity or mortality due to atherosclerosis or coronary heart disease. Several years will be required before current investigations can yield an answer to this question."

Many eminent men of medicine share this view. "After 20 years and several hundred million dollars," Vanderbilt University biochemist George Mann has said, "we still do not see any convincing evidence" in support of the "overpromoted and overpublicized" dietary concept of the management of heart disease.

In the prestigious Lilly Lecture before the American College of Physicians last April, Swedish research scientist Lars Werko said:

"Despite considerable effort, nobody has been able to demonstrate that it is possible to reduce the incidence of . . . heart disease by lowering serum cholesterol."

Yet, in ads for foods that have the same purpose as the drugs—that is, to lower blood lipid levels—no such cautionary advice appears.

For example, a physician going through the Journal of the American Medical Association may see the "important note" on one page, in an ad for a drug. But in the pages where there are ads for cholesterol-lowering foods he never sees anything of the kind.

Yet the secretary of the AMA's Council on Foods, Dr. Philip L. White, told a recent meeting of food editors, "We are all tired by now of the unending advertisements for oils and margarines that promise to clear our arteries in much the same way a drain cleaner works."

The inconsistency of the medicine and food ads is the product of a bureaucratic division of legal responsibilities between the FDA and the Federal Trade Commission.

The FDA is able to require the "important note" in drug ads because it has responsibility to be sure that advertising as well as labeling of prescription drugs is truthful and balanced. It has no jurisdiction over the advertising of foods.

In previously undisclosed correspondence prompted by Dr. Edward R. Pinckney, a Beverly Hills, Calif., internist, FDA Commissioner Charles C. Edwards has said that his agency would not permit the claims now in the margarine ads to be made in the labeling over which the FDA does have jurisdiction.

If such claims were to be made in the labels, Dr. Edwards told Rep. L. H. Fountain (D-N.C.), chairman of the House Intergovernmental Relations Subcommittee, the FDA "would regard the products as misbranded" and would seize them.

Indeed, Dr. Edwards said, "we are considering strengthening the prohibitions" on claims of the type made in three sample margarine ads submitted to him by the subcommittee.

In the absence of an effort by the FDA to treat the advertised margarines legally not only as foods, but also as "drugs" promoted for the prevention of disease, possible action is up to the FTC, because it has responsibility for food advertising.

A few days after the Fleishmann margarine ad captioned, "Should an 8-Year-Old Worry About Cholesterol?" appeared in last November's Readers Digest, the commission's Food and Drug Advertising Division began an investigation.

The staff sought "to determine whether that ad and similar ads . . . were in violation of any statutes which the commission enforces. Joseph Martin Jr., the FTC's general counsel, said on Feb. 18 in response to an inquiry from Fountain.

"The staff advises me that its investigation should be completed within the next week and that it will be enforcing appropriate enforcement recommendations to the commission," Martin said.

The differing FTC–FDA policies have been but a symptom of the confusion that besets a troubled medical-scientific community as it grapples with the mysteries of coronary and atherosclerotic heart diseases.

Dr. Pinckney, the Beverly Hills internist, has assembled "ample evidence" for possibly the most ironical twist of all: that heating polyunsaturates such as corn oil tends to "resaturate" them.

Pinckney, an author and former professor of medicine at Loma Linda College of Medicine, presents his case in a paper prepared for the recent Southern California meeting of the American College of Physicians in Palm Springs.

Cooking with polyunsaturates would—"if the advertised claims for these products are accepted at face value—defeat the very purpose for which polyunsaturates are commercially promoted," he said.

Resaturation by heating," he went on, "happens at times and temperatures that are typical for family cooking."

"But the degree of saturation becomes worse if the fat or oil is reused (as is a common custom among housewives)," he continued.

"Even more dangerous—again, assuming saturated fats are as dangerous as they are commercially exploited—are the fats and oils used in restaurants and commercial cooking establishments, where this cooking media is sometimes kept at high temperatures for months at a time, or are reheated daily (new fat or oil being added, when necessary, to maintain the proper cooking level . . ."

Pinckney contends that in addition to saturating vegetable oils, heating makes them harmful in other ways. Both contentions have been disputed. But Pinckney's "main point" is:

". . . That it would seem to me to be negligence on the part of physicians to advise the use of polyunsaturated fats and oils—for the purpose of lowering laboratory-measured blood cholesterol and other fats— without stressing the fact that such oils and fats should not be heated, or used in cooking."

(The phrase, "laboratory measure" reflects evidence that stress—along with such other factors as lack of exercise and cigarette smoking—can elevate blood cholesterol.

(". . . making the patient heart-conscious every time he sits down to eat" could have a self-defeating affect, Pinckney contends. It is even "quite possible that the single act of drawing blood from a patient—especially when the patient is made aware that the blood sample is intended to reveal the condition of his heart—could alter the resultant cholesterol value to a false, elevated reading.")

As noted, the regulatory agencies with responsibilities for foods do not require either the labeling or the advertising to disclose possible hazards in heating the oils. Neither do other primary information sources.

The National Heart and Lung Institute (a unit of the National Institutes of Health), for example, has a set of printed guidelines for treating certain patients with an elevated level of blood cholesterol.

Recommend polyunsaturates for "broiling, baking, or frying," as well as for "popping corn," the guidelines urge physicians.

The American Heart Association long has encouraged the use of polyunsaturated fats to replace a portion of the saturated fat in the diet.

The organization has drawn a rebuke for this advice from the conservative American Medical Association. Dr. White of the AMA's Council of Foods, in his talk to food editors, said the American Heart Association's promotional messages sometimes have been confusing because no one really has pinned down the relation of diet to heart disease.

In encouraging use of polyunsaturated fats the AHA has not referred to evidence that heating them possibly could be harmful.

The AHA has no "rigid" position on the matter, a spokesman in New York City said. Rather, he said, the AHA, as of now, simply does not regard as adequate the evidence of possible ill effects from heating the oils.

This puts the AHA at an opposite pole from Dr. Pinckney. For the past two years, he has researched the medical and scientific literature, has exchanged letters with officials of the Heart and Lung Institute and others, and has tested his views before his peers in articles and letters in the Annals of Internal Medicine and other journals.

Pinckney's new paper is to be published in "Medical Counterpoint," which is widely circulated among internists. Its editor, Dr. Mark D. Altschule, an assistant clinical professor of medicine at Harvard, shares Pinckney's views on the possible hazards of heating polyunsaturates (and, in addition, contends that blood cholesterol "cannot have a primary role" in causing coronary heart disease).

Those who would dispute Pinckney and Altschule face some awkward statistics.

In the years 1909–65, the proportion of cholesterol in the American diet has changed hardly at all, while the rate of coronary heart disease (CHD) has skyrocketed.

Reporting this last July, Dr. Harold A. Kahn of the Heart and Lung Institute said, "The increased risk of CHD reported to have occurred over this period is not related to dietary fat changes to a very important degree."

During the more than 12 years in which physicians in large numbers have tried to control serum cholesterol and CHD through dietary changes, Pinckney pointed out:

The World Health Organization has reported an increase in heart disease.

But Japan, where there has been a large increase in the consumption of dairy products, eggs and saturated fat foods since 1955, has had a 14 per cent decrease in heart attack deaths, according to the WHO.

In a letter responding to inquiries from fellow physicians, Pinckney said that the following have provided "a direct refutation for the use of heated unsaturated fats in the diet for the proclaimed prevention and therapy of heart disease:"

Dr. David Kritchevsky, an organic chemist at the famed Wistar Institute in Philadelphia, has shown, Pinckney said, "that heating an unsaturated fat (especially corn oil) to 200 degrees Fahrenheit for 15 minutes (far less than normal home cooking temperature and time) actually enhanced atherosclerosis in animals." Pickney noted that "inferential animal studies" were the basis for the removal of synthetic sweeteners from the market.

Dr. Antoine Gattereau, director of the Nutrition Laboratory at the University of Montreal's Clinical Research Institute, has written Pinckney, "I totally agree with you" that resaturation occurs with heating.

Oils chemist Fred Kummerow of the University of Illinois' Burnsides Research Laboratory, also agrees that heating resaturates fats.

"In household operations I don't think there's much trouble," he said. "It's the restaurant friers that are dangerous because they use the same hydrogenated fats over and over again. In Germany these kinds of fats are banned."

Some householders, especially among the poor, also use fats over and over, figuring they cannot afford to throw them away.

Other scientists who say that heating saturates unsaturated fats include: Drs. Laurance M. Hursh, director of health services and professor of health sciences at the University of Illinois, and Dr. Penny Wells, director of the School of Public Health Laboratory at UCLA.

Resaturation is by no means the only concern. Questions have also been raised by researchers, for example, as to whether heating polyunsaturated fats causes the formation of peroxides, which destroy cells, or decreases the fats' content of linoleic acid—the ingredient the American Heart association considers to be what makes them valuable. Further, one study indicates the possibility that the likelihood of cancer increases in persons who depend heavily on polyunsaturated fat for a long time.

All the adverse findings cited here are sharply disputed by scientists with impressive credentials and unquestioned integrity.

Without doubt, no consensus in the scientific community about the possible harm done by the unsaturated fats is in sight.

But even among those who disagree on the possibility of harmful effects, there are many who agree with Dr. Pinckney that it is inexcusable for the federal government to, say, allow one of its agencies not to impose on food advertisers the same requirements that another of its agencies imposes on drug advertisers.

Nor is there likely to be a permanent lack of consensus on two other issues raised by Pinckney in his paper:

That answers must be found, through research, to such crucial questions as what happens to the cholesterol that diet or drugs takes out of the blood? Where in the body does it go?

That advertising promoting a dietary approach to cholesterol control and prevention of heart disease, and messages from the American Heart Association that do pretty much the same thing, are not the best way to handle one of the most serious health problems of mankind.

TURNING SWORDS INTO PLOWSHARES

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. McCLORY. Mr. Speaker, the single most destructive weapon the world has ever known is in the process of being tamed by American scientists. This front page report greeted every reader of the Washington Post this morning. Experiments have recently been conducted in order to find ways to safely contain the energy of the hydrogen bomb, and the scientists conducting those experiments not only suggest that this energy can be used most effectively for peaceful purposes, but they also state that when it is made ready for use it will produce only a fraction of the radioactive byproducts that an atomic plant does.

Mr. Speaker, I can think of no greater achievement in the interests of man's humanity than to turn devastating weapons into instruments of peace and sources of energy which will not blemish our planet's environment. As the prophet Isaiah said:

> And they shall beat their swords into plowshares, and their spears into pruninghooks: Nations shall not lift up sword against nations, neither shall they learn war anymore.

Mr. Speaker, today's good news follows:

Test of H-Machine Opens Door to Plentiful, "Clean" Electricity

(By Thomas O'Toole)

American scientists yesterday successfully activated a large experimental device to safely contain the energy of the hydrogen bomb in a major step toward abundant and pollution-free electricity.

The first successful demonstration of a test machine called Scyllac came at the Los Alamos Scientific Labratory at Los Alamos, N.M., when scientists were able to repeatedly enclose an electrified form of hydrogen gas that had been heated to temperatures of more than 15,000 degrees Fahrenheit.

While yesterday's experiment did not produce power or demonstrate nuclear fusion as an energy source, it was hailed as a milestone in the worldwide drive by scientists to harness the power of fusion for mankind's benefit.

We got a beautiful rosy pink glow every time we ionized the gas," said Fred Ribe, Scyllac group leader at Los Alamos and one of the world's foremost fusion experts. "This doesn't mean we're going to put Consolidated Edison out of business tomorrow, but it does mean we're on the right road to fusion."

The United States has spent almost $500 million and close to 20 years on the road to fusion, but it has rarely been the right road. For years, the machines built to contain enough gas at a high enough temperature to release the energy of fusion either failed to contain the gas or failed to achieve the desired temperatures.

"It was like some unknown law of nature was telling us we couldn't do it," said Dr. Robert Hirsch, deputy director of the Atomic Energy Commission's controlled thermonuclear fusion program. "All our experience was telling us that the plasmas were more clever than we were."

The plasmas Dr. Hirsch spoke of are the same gases that were giving off rosy pink glows in the Scyllac at Los Alamos yesterday. The first large-scale device anywhere in the world to safely contain plasma gas, the Scyllac is a $10 million machine that has been five years in the planning stage, more than two years in construction and almost seven months in testing.

"We're still firing off plasmas," Ribe said at 6 o'clock last night, more than six hours after the Scyllac was first turned on. "We've fired off hundreds so far, and not once have we seen anything but a completely successful containment of the gas."

While the scientists at Los Alamos yesterday made and contained their first plasmas, they must achieve several more milestones before reaching the longed-for goal of thermonuclear fusion.

What the Los Alamos scientists did yesterday was to fill an arc-shaped aluminum tube with deuterium gas, about a thousand trillion particles of gas per cubic centimeter. Next, they "shocked" the gas with huge amounts of power, enough to electrify the gas and create a magnetic field around the gas to pinch it down and hold it in.

It's this "pinch-and-hold" operation that has been the most critical in the past, and yesterday the Scyllac was able to squeeze the gas enough to raise its temperature to 15,000 degrees and hold the gas in pulses of as long as 30 microseconds apiece.

While 30 microseconds (30 millionths of a second) sounds like a very short time, it is almost long enough for a plasma to sustain a fusion reaction. Plasmas need only three things to reach fusion. They must be dense enough and hot enough for a period of about 250 microseconds.

The plasma in the Scyllac yesterday was dense enough, but it wasn't nearly hot enough. A temperature of 15,000 degrees is just a start. The plasma must reach a temperature of more than 50 million degrees to achieve fusion.

"We feel we're on our way," Ribe said yesterday. "We feel we've hurdled one of our toughest hurdles containing the plasma, since we've demonstrated with much smaller machines than the Scyllac that we can reach the desired temperatures."

Ribe believes that the Scyllac will be ready to produce plasmas as hot as 30 million degrees inside a month and even hotter plasmas in two months. When that's done, the present Scyllac machine will be increased to three times its present size and the goal of pure fusion will be attempted.

Scientists believe that goal is worthwhile, if only because power from fusion is the cheapest, most abundant and cleanest source of power anywhere on the horizon today.

The most likely fuel for a fusion-powered reactor is the deuterium used yesterday in the Scyllac, an isotope of hydrogen that is easily and plentifully separated from seawater.

While fusion power is a cousin of atomic fission power, it is a far cleaner and safer power source. To begin with, it won't have the troublesome waste heat discharge that atomic power plants have. Secondly it would produce a fraction of the radioactive byproducts that an atomic plant does.

Finally, a fusion plant contains less than one second's worth of fuel at any instant and could not runaway from itself. Even assuming disaster—a war, an earthquake or a collision of some kind—a fusion plant would be thousands of times safer than an atomic power plant.

JOINT COMMITTEE OF CONGRESS TO HELP SENIOR CITIZENS

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. PEYSER. Mr. Speaker, on January 22, 1971, I introduced House Resolution 140, to establish a Joint Committee of Congress on Senior Citizens. This legislation has already begun to receive strong nationwide support because it is a sign of new hope for the over 20 million senior citizens in this country who feel that they have become "forgotten Americans."

The committee would unify the fragmented jurisdiction of the three House committees which now have jurisdiction over legislation which deals with senior citizens. Namely it would replace the work now done by the Education and Labor Committee, the Interstate and Foreign Commerce Committee, and the Ways and Means Committee, and coordinate it in the new joint committee. At the same time it would incorporate the presently existing Senate Select Committee on Senior Citizens which has done such excellent work in the past few years. This marriage of the efforts of both Houses in this new committee would result in quicker more efficient action on proposals, better planning, and would mean that finally our senior citizens will be able to register their complaints and needs in a single place. Since the new joint committee which I propose would have legislative authority, it would have power to actually introduce legislation which it recommends instead of just making recommendations as the Senate select committee does presently. It would be a potent force in helping to act on the many pressing demands which face the senior citizens of our country.

Mr. Speaker, the senior citizens in America truly have been treated as "forgotten Americans." These people who labored so long to make this country great, have serious problems in the areas of income maintenance, housing, transportation, educational services, leisure time programs, nursing home, and general health care just to name a few. These problems must be solved with comprehensive solutions, and this type of solution can only be arrived at by congressional machinery which has broad jurisdiction.

Mr. Speaker, there will be over 25 million senior citizens in this country by 1985, and it will not be too long before the United States, which prides itself on its youth will have a larger senior citizen population. Now is the time to take action to commit ourselves to the senior citizens of the present and the future. We must provide these citizens not only with promises for a future, but also with concrete plans. I believe my proposals for a joint committee could go a long way to help coordinate and enact plans for the future of our senior citizens.

SIERRA CLUB AGAINST WALTER J. HICKEL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert into the Record an excellent brief for and on behalf of the Wilderness Society, Izaak Walton League of America, and Friends of the Earth as amici curiae in the matter of Sierra Club, petitioner, against Walter J. Hickel, et al., respondents, in the Supreme Court of the United States, October term, 1970, No. 939, filed by Mr. Bruce J. Terris and Mr. James W. Moorman.

The resolution of the important questions raised in this matter will determine whether or not citizens will be able, in the future, to have litigation of important questions and important environmental values and protection of citizens' rights in matters of this kind.

The brief is as follows:

[In the Supreme Court of the United States,
October term, 1970—No. 939]

SIERRA CLUB, PETITIONER, V. WALTER J. HICKEL,
ET AL., RESPONDENTS

(On petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit—Brief for the Wilderness Society, Izaak Walton League of America and Friends of the Earth, as Amici Curiae)

OPINIONS BELOW

The opinions of the United States Court of Appeals for the Ninth Circuit (Pet. App. A, pp. 1–28) and the United States District Court for the Northern District of California (Pet. App. B, pp. 29–42) are not reported.

JURISDICTION

The judgment of the court of appeals was entered on September 16, 1970, and the petition for a writ of certiorari was filed on November 5, 1970 The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

QUESTIONS PRESENTED

1. Whether a national conservation organization has standing to sue to prevent permanent damage to Sequoia National Game Refuge, Sequoia National Forest and Sequoia National Park under statutes intended to protect these areas.

2. Whether defendants may allow the construction of a large resort and a connecting highway and electric transmission line in Sequoia National Game Refuge, Sequoia National Forest and Sequoia National Park even though such uses are inconsistent with the purposes for which Congress reserved these federal lands. More specifically, whether defendants may:

Circumvent the 80-acre limitation on long-term permits for national forests (16 U.S.C. 497) by issuing supplemental permits for 13,000 acres which are not revokable either in fact or law;

Ignore a statute (16 U.S.C. 688) requiring that all use of Sequoia National Game Refuge be consistent with the purposes for which the refuge was established;

Authorize a major highway across Sequoia National Park for a non-park purpose despite requirements that the Park be conserved (16 U.S.C. 1, 43); and

Ignore a statute (16 U.S.C. 45(c)) requiring Congressional approval of any transmission line in Sequoia National Park.

INTEREST OF AMICI CURIAE

All three amici curiae are major, national conservation organizations with deep and well-established interests in protecting America's great scenic resources. They are increasingly relying upon litigation as a principal means for carrying out their purposes.

The Wilderness Society is a nonprofit citizens' organization with approximately 80,000 members. It was organized in 1935 to obtain protection for the Nation's remaining wild lands, to carry on education programs concerning the wilderness, and to conserve our natural resources.

Friends of the Earth is a nonprofit organization with 8000 members and is dedicated to the preservation, restoration and rational use of the environment in the United States and throughout the world. It is particularly interested in preserving the world's natural ecosystems and remaining wild places.

The Izaak Walton League of America is a nonprofit organization with approximately 50,000 members. Its primary goal is restoring and maintaining the quality of the environment through the protection and wise use of our natural resources.

Both the petitioner and respondents have consented to the filing of this brief.

STATEMENT

The amici curiae adopt as their statement of the case the statement contained in the petition for a writ of certiorari.

REASONS FOR GRANTING THE WRIT

1. The Decision Below Is In Direct Conflict With Two Court of Appeals' Decisions on an Important Issue of Standing.

The Court of Appeals held that the plaintiff, the Sierra Club, did not have standing to sue pursuant to various federal statutes which restrict the authority of the Secretaries of Interior and Agriculture to permit use of national park, refuge, and forest land. The court recognized the standing of "local conservationist organizations made up of local residents and users of the area affected by the administrative action" (Pet. App. 17). The court distinguished the Sierra Club on the ground that "there is no allegation in the complaint that members of the Sierra Club would be affected by the actions of defendants-appellants other than the fact that the actions are personally displeasing or distasteful to them" (Pet. App. 16).

The holding of the Court of Appeals for the Ninth Circuit is in square conflict with decisions of two other circuits and several district courts. The court below specifically rejected (Pet. App. 17, note 9) the holding in *Citizens Committee for the Hudson Valley v. Volpe*, 425 F.2d 97 (C.A. 2, 1970), that the national conservation organizations, and specifically the Sierra Club, have standing.[1] In contrast to the Ninth Circuit's holding, the Second Circuit explicitly upheld the Sierra Club's standing on the ground that the Club (425 F.2d at 102): "made no claim that the proposed Expressway or the issuance of the dredge and fill permit threatened any direct personal or economic harm to them. Instead they asserted the interest of the public in the natural resources, scenic beauty and historical value of the area immediately threatened with drastic action, claiming that they were 'aggrieved' when the Corps acted adversely to the public interest. They are . . . serving as 'private Attorneys General' to protect the public interest."

Similarly, the decision below is in conflict with *Environmental Defense Fund, Inc. v. Hardin*, 428 F. 2d 1093, 1097 (C.A. D.C., 1970), where the Court held that national conservation organizations had standing to attack the continued marketing of DDT:

"[T]he consumers' interest in environmental protection may properly be represented by a membership association with an organizational interest in the problem.

"On the basis of petitioners' uncontroverted allegations, it appears that they are organizations with a demonstrated interest in protecting the environment from pesticide pollution. Therefore they have the necessary stake in the outcome of a challenge to the Secretary's inaction to contest the adverseness required by Article III of the Constitution."

The national organizations whose standing was upheld included the Environmental Defense Fund, the Isaac Walton League, the National Audubon Society and the Sierra Club, the plaintiff in this case. Accord, *Environmental Defense Fund, Inc. v. HEW*, 428 F. 2d 1083, 1085, note 2 (C.A. D.C., 1970). And several district courts have also upheld the standing of national conservation organizations. *Isaac Walton League v. St. Clair*, D. Minn., Civ. No. 5–69, decided June 1, 1970 (standing upheld because "the League has a long history of activity in conservation matters and natural resource preservation"); *Parker v. Unted States*, D. Colo., Civ. No. C–1368, decided December 24, 1969 (upholding, *inter alia*, the standing of the Sierra Club); *Wilderness Society v. Hickel*, D. D.C., Civ. No. 928–70, decided April 23, 1970.

It is possible that the issue of standing in this case could be overcome if this Court remanded the case to the district court to allow plaintiff the opportunity to amend its complaint. The Sierra Club has a national membership of 78,000 of whom 27,000 reside in the San Francisco area. Some of its members probably use the Mineral King Valley and the portion of Sequoia National Park affected by the proposed development.

However, the holding of the court below is of fundamental importance for the protection of the environment—possibly for this case but certainly in other cases. Environment cases increasingly raise issues which do not involve, or only incidentally involve, direct users: The protection of wilderness areas, the preservation of wildlife refuges, the survival of rare and endangered species, the integrity of natural rivers, and the natural or scenic aspect of landscape. Those who bring the suits may incidentally be users in that they or their members have walked, watched and beheld the subject of the litigation. However, such use is often incidental to the larger purpose to protect the integrity of the environment.[2] And if the only persons with standing are users no one will have standing where there is no present use (such as a suit to preserve the wilderness) or no use is possible (such as a suit to prevent the chemical poisoning of eagles).

Even where there are users, they will frequently be unwilling to sue. Nearby resident-users of a wilderness area may desire development because of the economic benefits which will result. National conservation organizations may be the only parties who will represent the national, as opposed to local, interest by opposing development. This conflict between local and national interests is particularly obvious and significant with regard to national parks, refuges, and forests which must be preserved even if local residents desire to develop them.

Furthermore, as the statute creating the National Park Service makes clear, one of the purposes for which these lands are reserved is "to conserve the scenery and the national and historic objects and the wild life therein . . . ." 16 U.S.C. 1. It follows that conservationists, as well as users, must have standing to protect the national interest in preserving the national parks. Analogous reasoning applies to national refuges and forests. See 16 U.S.C. 476, 694.

The plaintiff—the Sierra Club—and the four amici curiae—the Wilderness Society, Friends of the Earth, the Isaac Walton League, and the Environmental Defense

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[1] In its petition in this case the Sierra Club noted (p. 10) corrected the conflict between the decision of the court below and that of the Second Circuit in *Citizens Committee v. Volpe*. However, in its Brief in Opposition to Petitions for a Writ of Certiorari in *Citizens Committee v. Volpe*, Nos. 614 and 615, this Term, the Sierra Club said (p. 25) that the disagreement between circuits "is not material . . . to the Ninth Circuit's principal holding and constitutes no reason for review by this Court." In fact, the Ninth Circuit's decision is in direct conflict with one of the holdings by the Second Circuit—i.e., that national conservation organizations have standing to protect the environment—and therefore fully justifies review by this Court of the Ninth Circuit case. But since both the Second and Ninth Circuits agree that some of the plaintiffs in the Second Circuit case, the local conservation organizations, have standing, there is no basis for this Court to review the Second Circuit case on the issue of standing. For even if the Ninth Circuit is correct and national conservation organizations do not have standing, this will affect only one holding, not the decision, of the Second Circuit.

[2] Two important examples other than the instant case are *Wilderness Society v. Hickel, supra* (the Alaska Pipeline case) and *West Virginia Highlands Conservancy v. Island Creek Coal Co.*, D.W. Va., Civ. No. 70–82–E (involving use of a possible wilderness area).

Fund[3]—all have as their principal interest the protection and conservation of the environment. While the Sierra Club, Wilderness Society and the Isaac Walton League are also interested in appropriate uses of natural areas consistent with conservation of the environment, this is not their principal interest. They should not be required to assert this subsidiary interest in order to obtain standing to prevent despoilment of the environment. The other two organizations do not represent users at all and cannot assert standing on that basis.

Finally, Congress, in enacting the National Environment Policy Act, has recognized the standing of national conservation organizations to protect the environment. That Act declares that it is federal policy to use "all practical means and measures" to protect the environment in cooperation with "concerned . . . private organizations." 42 U.S.C. 4331(a). Russell E. Train, the Chairman of the President's Council on Environmental Quality, which was created by the Act, has stated that (BNA Environment Reporter, 1970, p. 745):

"Private litigation before courts and administrative agencies has been and will continue to be an important environmental protection technique supplementing and reenforcing government environmental protection programs."

The Council has itself specifically noted with approval the decisions in *Wilderness Society v. Hickel, supra,* and *Citizens Committee for the Hudson Valley v. Volpe, supra,* upholding the standing of national conservation organizations. BNA Environment Reporter, 1970, p. 746.

2. The Decision of the Court Below Allowing Use of Federal Parks, Forests and Refuge Lands for Uses Inconsistent with the Purposes for Which Congress Reserved Them Raises Issues of Major National Importance.

The issues raised by this case on the merits involve actions by the Secretaries of Interior and Agriculture in permitting use of Sequoia National Refuge, Forest, and Park inconsistent with their purposes as specified by Congress.

Congress has provided that the Department of Interior shall regulate national parks to conform to the fundamental purpose . . . which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." 16 U.S.C. 1. Congress has provided specifically with respect to Sequoia National Park that the Secretary of the Interior has the duty to establish regulations "for the preservation from injury of all timber, mineral deposits, natural curiosities or wonders within said park, and their retention in their natural condition." 16 U.S.C. 43, Sequoia National Game Refugee was established "to protect from trespass the public lands of the United States and the game animals which may be thereon" and permitted the Secretary of Agriculture only to allow uses within the Game Refuge which "may be consistent with the purpose for which said game refuge is established." 16 U.S.C. 688.

The court below has in effect ignored the well established rule that Congress has plenary power under the Constitution concerning federal lands (Article IV, § 3, cl. 2) and that defendants have only the powers given them by Congress. *United States v. California*, 332 U.S. 19, 27; *Udall v. Shale Oil Corp.*, 406 F.2d 759, 764 (C.A. 10, 1969). The defendants have allowed major, permanent uses—a large resort, highway, and electric transmission line—to be built in a national park, refuge, and forest in conflict with both the purposes for which they have been reserved by Congress and specific statutory limitations.

a. First, Congress has authorized the Secretary of Agriculture to grant permits for constructing hotel or resorts in national forests only for 80 acres and for 30 years. 16 U.S.C. 497. Nevertheless, the Secretary has given a permit for 13,000 acres for the construction of ski lifts, sewage treatment facilities and parking structures as part of the development of a large resort. The court of appeals justifies this permit on the ground that the Secretary has traditionally exercised the broad power to issue revocable permits.

It is clear, however, that the admitted power of the executive to issue revocable permits cannot be allowed to circumvent Congressional limitations on the use of land in federal forests. The Secretary of Agriculture cannot be permitted to issue what are in fact long-term permits for extensive acreage in the guise that they are revocable. If the Secretary is allowed to issue such permits, the 80-acre limitation imposed by Congress will become virtually meaningless.

The revocable permit involved here is not truly revocable.[4] The ski lifts, sewage treatment plants, and parking facilities cannot be removed and the use of bulldozers to create ski slopes will permanently damage the area. Plainly the permit is not revocable before the termination of the 30-year-permit since the developer is making a 35 million dollar investment contingent on the use of 13,000 not 80 acres.[5]

b. Congress has provided that the Secretary of Agriculture has authority to permit other uses of lands in the Sequoia National Game Refuge only "so far as they may be consistent with the purposes for which said game refuge is established." 16 U.S.C. 688. The refuge was established to protect scenically outstanding public lands and game animals and their habitat. *Ibid.* Personnel of the California Fish and Game Commission stated "that in an extensive development such as the Disney proposal, considerable wildlife habitat would be lost and wildlife would suffer" (R. 119). And the Secretary of Agriculture has neither made a finding nor could he make a finding that a large ski resort was compatible with the purpose of the refuge.

c. Defendants propose to allow the State of California to build a modern highway through Sequoia National Park purely to give access to the resort in Mineral King. This is a new modern highway which will have a different alignment than the present inadequate mountain road and will cause extensive damage to the scenery and ecology of the park, including the Giant Sequoias, the great trees for which the park is named.

The Secretary of Interior has no authority to use land in a national park for a non-park purpose—to build a road to give access to a private resort outside the park. Such use is inconsistent with the responsibilities placed on the Secretary by Congress, both as to national parks generally and Sequoia in particular, to allow uses which preserve the scenery, the trees, the wildlife and the natural wonders.

d. Congress has provided that no permit for "transmission lines" will be issued in Sequoia National Park. 16 U.S.C. 45c. Without explanation, the court below held that this section was intended to apply only to hydroelectric projects and related facilities (Pet. App. 25). This decision is directly inconsistent with the plain words of the statute.

Two of these issues, those relating to revocable permits in national forests and the construction of highway across national parks for non-park purposes, are of major importance in their own right since they apply to national forests and parks throughout the country. Indeed, as the court below noted (Pet. App. 22), so-called revocable permits seem to be frequently employed to avoid the 80-acre limitation on the use of national forest land. While the other two issues involve statutes applying specifically to Sequoia National Game Refuse and Park, they too have broader significance. All four issues warrant review by this Court due to the importance of preserving national park, refuge, and forest lands for the Congressionally specified purposes for which they were created.

3. The Preservation of Sequoia National Refuge, Forest and Park Is of Such Importance as to Justify Review by this Court.

This case involves the actions of defendants in allowing Walt Disney Productions to build a large resort in Mineral King Valley and allow construction of a highway and electric transmission line through Sequoia National Park. The Valley is in the Sierra Nevada Mountains of California and is surrounded on three sides by the National Park. While geographically and ecologically the Valley is part of the Park, Congress did not include the Valley in the Park because of the existence of mining claims. Congress did recognize its importance to the Park, however, by designating the Valley, which is part of Sequoia National Forest, as constituting, in addition, the Sequoia National Game Refuge, 16 U.S.C. 688.

If defendants and the developer are allowed to proceed, magnificent natural and scenic resources of this country will be irrevocably lost. Hotels, restaurants, parking, ski lifts, ski slopes and other recreational facilities will be spread over 13,000 acres of the Valley and nearby mountains. As many as 14,000 visitors will use the Valley daily, twice as many as now use Yosemite Valley on busy days. A major highway and transmission line will be cut across Sequoia National Park to Mineral King.

This Nation in the last few years has become increasingly concerned with the serious environmental dangers facing us, including the need to preserve the scenic and wildlife resources which are still left. Congress has recognized these dangers in several major pieces of legislation and particularly the National Environmental Policy Act. That Act, *inter alia,* places on the Federal Government the responsibility to "preserve important . . . natural aspects of our national heritage." 42 U.S.C. 4331(b)(4).

We submit that the proposed destruction of significant portions of the Sequoia National Game Refuge, Forest and Park is of such importance as itself to justify this Court in granting the writ of certiorari. Even if the decision below were not in conflict with holdings of other federal courts of appeals and raised no major issues of continuing importance in future environmental litigation, the subject matter of this case requires review by this Court.[6]

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[3] The Environmental Defense Fund has filed a separate brief supporting the petition for a writ of certiorari.

[4] An opinion of the Attorney General in 1962 recognizes the difference between revocable and term permits by stating that a revocable permit is valid only if (1) the permit is expressly revocable at will; (2) the permitted structures are capable of being removed in case of revocation; (3) the permitted use will not permanently damage or destroy the land; and (4) the permitted use will be of direct benefit to the United States. 35 Op. Atty. Gen. 485. Similarly, Attorney General Stone concluded that a revocable patent license is only valid if "the occupancy is subject in theory and in fact to immediate termination at any time at the will of the Government." 34 Op. Atty. Gen. 320, 328.

[5] The Court below implicitly admitted both that the permit is not truly terminable "at will" and that the improvements cannot be removed by holding that a revocable permit can be issued regardless (Pet. App. 21).

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the petition for a writ of certiorari should be granted.

BRUCE J. TERRIS,
JAMES W. MOORMAN,
Attorneys for the Amici Curiae.

NOVEMBER, 1970.

EYEWITNESSES ACCOUNT OF CHILDREN'S SHOW AT MUSEUM

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. HOGAN. Mr. Speaker, I was shocked and appaled by the article which recently appeared in the Baltimore News American. I would like to share it with my colleagues and urge them to make known to those who devised such a shameful program that the Congress of the United States will not support such activities with taxpayers' money.

Mr. Speaker, I insert the story at this point:

[Baltimore News American, Jan. 24, 1971]

EYEWITNESS ACCOUNT OF CHILDREN'S SHOW AT MUSEUM

(By Corinne F. Hammett)

This was the lure: "An experience—new, exciting, and memorable—is in store for the children when Living Stage 71 comes to the Baltimore Museum of Art."

This was the warning: "Absolutely no adults or parents will be admitted."

But there was an exception.

A prior arrangement was made with the museum and two adults were admitted—a News American photographer who remained for part of the performance, and this reporter, who stayed until the end.

And this is what we witnessed.

It was about 20 minutes prior to the 11 a.m. performance.

Children and their parents were arriving in large numbers—they were being registered, their hands were stamped and they waited in the corridor. A member of the museum's Woman's Committee for the Performing Arts for Children, whose group had arranged the day, said, "We hope this will be a very free, full and lively experience . . . it should be a good way for children to express themselves."

A few parents were reluctant to leave their children—one young mother commented, "I wish we had a one-way mirror so we could at least see them."

A museum memo had indicated the performances would be for children aged 8 to 12.

No one made any attempt to enforce this directive. As a result, at least one-quarter of the 150 at the morning performance appeared to be under 8 years old.

As the children were directed to enter a small anteroom, which opened onto a larger room, Vernon Price, the photographer and I made our way, quickly through an adjacent gallery to a doorway that opened into the large room where the performance was to take place.

The doorway was just slightly in back of the portion of the large room that the actors were to use as their imaginary stage.

Heavy, free-standing wooden partitions were placed in back of the large room to shut off the view of anyone who may have gained entrance into the anteroom, although that small room also had a wooden barricade blocking the doorway from the corridor. Several museum guards were stationed outside.

The doorway where I stood also had a wooden barricade—which I later moved ajar to get a better view of the proceedings.

The stage area was almost bare. There was a small electric piano, bongo drums and tambourines. A tall hat rack with hats, scarves and a raincoat stood in back—and there were a couple of wooden stands to serve as tables or chairs or desks.

Slowly, rhythmically, the music, with an exotic, African beat—began. The music grew louder, faster and children reacted—some danced, some just swayed, clapped their hands—it was a promising beginning.

The Living Stage 71 troupe was composed of two young women, one of whom served as actress-master of ceremonies-and narrator, two men and a third woman who played the piano but took no part in the skits. All were black.

"O.K. . . . this performance is for you. We're doing our thing, you tell us!

"Let's loosen up (the music continued), shake your arm, now your other arm, shake your feet, your leg, now shake all over. Shake your tongue. Shake your nose. Make a loud noise . . . louder, let's pretend the world is gone away and this is the world!"

The kids loved it.

The music stopped. The music was not heard again until the last few minutes of the two hour performance.

"We can do anything we want to do. Let's make a statue. This museum is filled with art but we're going to do the kind of art today that they probably never heard of and that is much better."

She continued:

"What do you want to make a statue about? What do you most hate? One voice (I couldn't see the entire group of children from the side doorway) said something . . . then a little boy shouted, "War!"

"That's beautiful," she said. We'll do one about war, about peace."

The children, those in the front three rows, were told to "attach" to each other one at a time, in the center of the room, and "freeze."

Within minutes about 35 children were "the statue." The other children were directed" to circle around. "Is he dead?" "Let's see . . . is he a soldier . . . would you stab him? Some children later told their parents that they "got to stab someone in the war."

The statue broke up.

By now many of the younger children were restless. Some even left the large room but since their parents had been instructed to stay away for two hours the children came back into the room.

What had they learned about war? About peace? My daughter, age 7, later said "I don't know . . . we got to attach to somebody."

The actors sensed some restlessness—they urged the audience to shout, to make noises. The two men began making grotesque faces and noises, running into the group of children, like a berserk monster. One of the females got on her knees, her tongue lolled out, she made noises, a little girl faced her, they stared and gurgled at each other. Mr. Price later commented, "They seemed in a trance, like they were really going to take each other on . . . I wondered if some of the kids might have nightmares about it."

The noises stopped.

Two of the troupe, a male and female, came to center of the stage area. The man sat, legs full length, on the floor, the female leaned over, grasped his hands and they moved back and forth—the movement was slightly stylized but from the snickers among the older members of the audience it was obvious they got the point . . .the action would have been more appropriate on a bed.

"This," said the woman, "is a machine. What kind of a machine do you think it is? It could be any kind of a machine."

The two continued to move. That "machine" broke up. Similar poses were assumed throughout the performance.

A couple of the actors rolled on the floor.

The children, two-by-two, a boy and a girl, were told to get on the floor (not all of them did). The girls laid down first, the boys were told to bend and to grasp hands, and move back until their heads were above the girl's thighs . . . "O.K. freeze! Now if you should suddenly wake up like this what would you be doing?" Some snickers, some laughter, answers weren't audible to me. Some of the children just fell on top of each other—not being able to manage the "machine" pose, if that's what it was.

More "machine" poses. The troupe then told the children to lay down and pretend "you have two holes in your body. What noises would you make? Make noises." Some of them did.

A brief skit. The actors pretended to be children . . . of uncertain age. They found some "guns" in a junkyard. The guns were "old" and they had been thrown away. "What would you do with them?" Some of the children pretended to find guns and play with them.

Another skit. One of the men, again pretending to be a child, wanted a "new suit to take my girl to the dance." His mother and father talked . . . he couldn't have the suit. The skit droned on and on—it was obviously improvised, but less than creative.

The "father" told the "boy" he couldn't have the suit. A violent temper tantrum was the result . . . a lot of shouting back and forth. Finally, the "boy" stalked out, with a knowing glance, "O.K. don't need the suit, I'll wear rags . . . my girl and me, we'll do something else, don't need a new suit."

The object lesson? Fantasy? Dramatic?

My daughter didn't mention this skit at all. She did talk about "finding a gun in the street." I asked, was it loaded?

"Oh, mommy! It was old . . . somebody threw it away."

Prior to the next skit the troupe turned to the "machine" poses again . . . more laying on the floor. Some of the little children thought this was very funny.

Not too many children answered the question, "What kind of machine is this A popcorn machine?"

Mr. Price, on the other side of the room saw several of the older girls (there were about six teenaged girls together) "appear to be very interested in the machine poses" especially the male-female ones . . . one of the teenagers later did a go-go dance during a machine pose. I couldn't see this either.

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[6] While the opinion of the court of appeals is not entirely clear, it appears that the district court on remand will be obliged to dismiss the complaint because, in the view of the court below, the plaintiff both lacked standing and failed to state a cause of action. However, even if plaintiff is permitted to amend the complaint to improve its position with regard to standing (by alleging and showing that it has members who use the Sequoia National Refuge, Forest and Park) and to offer further evidence on the substantive issues, the court of appeals did deny the preliminary injunction. If plaintiff is allowed to continue the litigation, irreparable damage will still occur as the developer starts work in the Valley to build the resort and the State of California begins to construct the highway across Sequoia National Park. It is therefore essential for this Court, in order to prevent this damage, to grant the writ and either (a) hear the cause on the merits or (b) continue the present injunction until plaintiff has had the opportunity to amend its complaint in the district court and has received a full hearing on its prayer for a permanent injunction.

Another skit. This one was about school. One of the females pretended to be a child who hadn't done her homework, the indication was that she didn't want to do it. She was afraid to tell her teacher, because she would "yell and punish" her. The teacher did find out . . . and there was a lot of screaming . . . the "girl stormed out saying "God damn!" several times.

The actors stopped . . . the narrator stepped out of the scene and turned to the children:

"Listen, it is all right to say God damn if you want to. You shouldn't be afraid to say anything that you feel like saying. Go ahead. Let's say it . . . God damn." Some of the children said it. But not too many. "If you want to say something else, that's all right too . . . but don't let anyone tell you that you can't say something."

The skit resumed, briefly. The "girl" not only got away with not doing her homework . . . she also didn't bother to go back to class.

Parents later told the newspaper that in the afternoon performance this school skit featured the beating up of a teacher by a parent as the child looked on. The principal said it was all right.

Another skit . . . at "home" two members of the troupe were again "children" ordered to clean up their rooms. They refused. A lot of yelling between the "parent" and the "children." The scene ended. One of the actors stepped out of character and told the children:

"If your parents treat you like a rat, then you treat them like a rat, let them know how it feels to be treated like a rat. You're a person, you have your rights."

A little girl, about 9, raised her hand and repeated this philosophy, almost word for word. The narrator said, "right, that's it."

Throughout the two hours I periodically watched the faces of the children in the audience. Once in awhile I would walk back to the anteroom and peer in that way to see what the children in the back rows were doing.

I saw a lot of boredom, mostly among the very young children.

Many appeared confused but interested, a lot of the 6, 7 and 8-year-olds stared, open-mouthed. Some wandered about and talked among themselves. The older ones apparently got some of the sexual references and anti-authority suggestions; they grinned at each other, snickered or just looked at each other. One boy, the tallest in the audience, about 15, looked like he'd rather have been somewhere else. But because of the wooden barricades—all were captive. And, after all, didn't their own parents bring them?

Another skit. This was quite long, less inventive than a child's own imagination (as were all the skits), repetitive, spiced with suggestive gestures and glances between several members of the troupe and laced with sexual innuendoes.

The language, imaginary scene and general manner of the actors in all the skits had a closer affinity to back alleys and severely deprived areas. Certainly not culture—but in the interest of race relations? Education?

The skit droned on. The scene, in a "home" where a "brother" was picking on his "sister." The girl in the skit was either supposed to be mentally retarded or she was just a poor actress . . . she also appeared to be more on the make than one would expect between a "brother" and "sister."

There was talk about "cleaning up my half . . . all of it . . . then yours too. Will you play with me (this was accompanied with a sly smile and with the "sister" standing quite close to the "brother" as she stood, hands behind her back, nuzzling her head under his chin).

The "brother" went outside to play ball with another "boy."

Meanwhile the other female rolled around on the floor pretending to be "a doll." A couple of the boys rolled around on the floor with her . . . punched her, poked her stomach a few times. The audience thought this was funny.

There was a lot of conversation about "do you want to play with my dolly?" the "sister" would ask the "brother" or the other "boy." "You can't play with my dolly." Then the "doll" got up and took off after the "brother" and proceeded to kick him several times—apparently avenging his treatment of his "sister."

This skit ended with the "sister" again going up to the "brother" and slyly asking "will you play with me?" as she leaned against his chest.

Each of the skits was preceded by several "loosening up" poses, more "machine" positions and the like. Some of these gestures were beyond my vision.

Prior to the final skit the narrator turned to the audience: "We're going to improve this play, about parents and children at home . . . you know what improvise means? It means we're going to make it up as we go along, so if there's something you don't like. If you want us to do it another way, just shout. Bullshit! And we'll freeze and do it another way. Remember, Bullshit!"

I didn't hear anyone in the audience say this at this time.

But later, when I had a little talk with my daughter, saying that she knows she's not really supposed to talk like that, she said:

"Why not? They were children and they said it."

I explained they were adults pretending to be children.

"When I grow up can I?" she asked. After we had talked a little more, she said: "Well, I guess they shouldn't have done a lot of those things, I don't know why they did it. They yelled a lot . . . some of the things I didn't understand." Did you like it? "Well, oh, mommy, of course . . . I guess."

The skit went on. Two girls from the audience took part. It was about the children wanting to go to a movie on a school night and the parents didn't want them to go. Again, there was a lot of yelling. One of the actors yelled the expletive and the scene froze. The skit ended with the children going to the movie anyway.

The performance ended as it had begun, with music, and the audience filed out.

Just before the last skit, several parents began to gather around the barricades at the rear of the room. One of the actors told the children the parents were there and said: "Tell them to go away . . . we're going to say some things we don't want them to hear. "Go away!" A group of the children shouted, "Go away!" They went.

Later I spoke to several members of the museum's Women's Committee. Their children, like my daughter, had been reluctant to say much about the performance.

No one on the committee had seen a performance by Living Stage 71 prior to the museum show. But said one woman, "We investigated it thoroughly, we talked to some people and we relied on the reputation of Arena Stage."

An official of the museum later told a reporter that he had checked out the Living Stage 71 children's show with a "Washington, D.C. school principal." The principal turned out to be Robert Alexander, director of Living Stage 71, and principal of a freedom school that presently enrolls 17 children, aged 6 to 8.

Alexander was not in Baltimore on Saturday.

I failed, after repeated attempts, to talk to him on the telephone. But I was able to talk to Alan Miller, a public information official with Arena Stage.

He said: "They are part and parcel of Arena Stage, although the troupe is a separate organization . . . they perform six days a week in schools, community centers, anywhere that someone wants them.

"No adults, including teachers, are ever allowed to watch. I have seen a few performances, but I had to pretend I was a member of the troupe . . . no, I have never seen one for the younger children."

The troupe also performs for children over 12.

These, said Miller, ask for skits on "drugs, sex and parent-children relationships."

What about profanity, specifically "bullshit?"

"This doesn't surprise me. I've heard them use similar language. Personally, I think it's a little abrasive but their point is to shock. To prove to the kids that they aren't just saying do your own thing, but that they mean it. The shock value proves to the children that they can interrupt, rudely, and proves that anything goes.

"I don't think this does any long range harm, or any short range harm either."

Asked about violence, stabbing, beating up a teacher, and dropping bullets on people (in the second performance), he said: "I haven't seen those skits but I have seen them do a scene where a dope addict was beaten up. This is stylized violence, almost like a dance.

"People who criticize this don't know the real nature of drama, the real meaning of drama. We must do a certain kind of thing to get the kids, who wouldn't normally be interested in drama, to pay attention . . . we're trying to do away with the old."

Children not interested in good drama? Not true. Our daughter, at 6, attended a performance of "The Merry Wives of Windsor," at Stafford. It was her first play. She was enthralled. She laughed, appropriate times and clapped so hard that several adults turned and smiled at her.

Miller revealed that Living Stage 71, now in its third year has performed in public schools in Maryland and Washington. "No teachers were allowed to watch. Although they have also given workshops for teachers, in the techniques of improvisation."

He also said that while the troupe performs "free for inner city groups," that the Art Museum did pay ($600 seems to be the figure). Miller stated that the budget for Living Stage 71, from Oct. 19 "when they began to rehearse" through March is $50,000. "Half of that is from the National Endowment for the Performing Arts."

Miller said also: "We get many comments from kids on how much they like it . . . One boy said, 'It made school seem a little less unbearable that day.' Yes, we do get complaints from some adults. But frankly we'd think we were doing something wrong if people didn't call up and complain."

An art museum official, who, unlike Miller, was mocking and rude, said "You think that's news? People complaining . . . don't tell me about that."

News, no. Bad acting isn't news. Neither is "bullshit" news—but $50,000 worth?

SELLING OF THE PENTAGON

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. BINGHAM. Mr. Speaker, on February 23, 1971, the CBS television network broadcast a most enlightening documentary concerning the "public affairs and public information" activities of the military. I have been concerned for some time about the level of expenditure and activity by the military in this area, and I have proposed amendments to the military appropriations bills in the House to strictly limit expenditures for this purpose. For fiscal year 1971, those expenditures were limited to $28,000,000 by action of the Congress, having risen from an estimated $9,108,000 in 1968 to $44,062,000 in 1969.

In my judgment, even $28,000,000 is excessive spending for military information, and that amount is very likely only a fraction of actual expenditures. But more important even than the expenditures is the type of information disseminated in these programs. As the CBS documentary clearly demonstrates, much of it borders on pure military propaganda.

Mr. Speaker, the transcript of the CBS documentary, "The Selling of the Pentagon," written and produced by Peter Davis, with Roger Mudd reporting, follows:

THE SELLING OF THE PENTAGON

ROGER MUDD. Last spring American soldiers fought a two-day battle that did not get into the newspapers or onto the television news broadcasts. Very few people even knew about it. The battle was fought neither in Vietnam, nor in Cambodia, nor anywhere else in Southeast Asia. All the action took place in North Carolina. This was a military exercise, but it was also an exercise in salesmanship—the selling of the Pentagon.

SPEAKER FOR MARINE CORPS. Gentlemen, today we have shown you the individual Marine, the who implements foreign policy. He comes from all walks of life, all over the U.S.A. He's not much different from the young men we see on the street corners of America today, except he's been trained as a Marine.

He believes in what he is doing, and he's dedicated to his country and to the job at hand, whatever it may be. In short, we could say he has a lot of plain, old red-blooded American guts. Now this concludes our demonstration at this range. The escorts will now show you to your buses. Thank you very much.

ANNOUNCER: CBS REPORTS. "The Selling of the Pentagon," with CBS News Correspondent Roger Mudd.

(Announcement.)

ANNOUNCER. Here now is CBS News Correspondent Roger Mudd.

MUDD. Nothing is more essential to a democracy than the free flow of information. Misinformation, distortion, propaganda all interrupt that flow. They make it impossible for people to know what their government is doing, which, in a democracy, is crucial. The largest agency in our government is the Department of Defense, and it maintains a public relations division to inform people of its activities. In December, Congress cut the appropriations for this division, but, according to the Pentagon, it will still spend $30 million this year on public affairs, an amount more than 10 times greater than what it spent to tell people about itself just 12 years ago. Even this figure may be only the tip of the public relations iceberg. A special, still unpublished report for the prestigious 20th Century Fund estimates the real total at $190 million. The combined news budgets of the three commercial television networks—ABC, CBS and NBC—are $146 million.

Whatever the true cost at the Pentagon, there have been recent charges in the press and in Congress that the Department is using these public relations funds not merely to inform but to convince and persuade the public on vital issues of war and peace. Ten months ago, CBS News set out to investigate these charges and to examine the range and variety of the Pentagon's public affairs activities. We selected three areas for concentration: direct contacts with the public, Defense Department films, and the Pentagon's use of the media—the press and television. We sought no secret files, no politicians pleading special causes, no access to classified documents. We looked only at what is being done for the public—in public.

We began at an obvious location, Armed Forces Day on a military base. Fort Jackson, South Carolina is proud of its soldiers, and once a year the public is invited, to come out and take a look at them. At dozens of other bases, dozens of other audiences see the same show. The major event is a firepower display. But in the interests of information, they not only shoot, they also instruct.

INSTRUCTOR. The killing zone is 50 metres deep, 50 metres wide, and two metres high. However, its fragments are also effective against light-skinned vehicles.

MUDD. The weapons officer on this range claimed that the information display cost two million dollars. Later, Army public relations officials put the expense at $22,000.

The last part is known as the "mad minute." It would be hard to argue with that description.

When the demonstration itself is over, another activity begins. The ammunition is gone but the weapons are not. Some of these are turned over to children so they can get the heft and feel of the genuine article.

FIRST CHILD. All right, Jack, here's a cool tank, man.

SECOND CHILD. I'm going over to the other tank.

THIRD CHILD. Get off . . .

FIRST CHILD. What are you doing?

THIRD CHILD. I'm going to shoot you.

SECOND CHILD. Ready . . . aim . . . fire!

Colonel MACNEILL. In the Chinese view only one country has been liberated from colonialism, and that is North Vietnam. The others will not be considered liberated, in the Chinese viewpoint, until each and every one nas a Communist government.

MUDD. The Pentagon has a team of Colonels touring the country to lecture on foreign policy. We found them in Peoria, Illinois, where they were invited to speak to a mixed audience of civilians and military reservists. The invitation was arranged by Peoria's Caterpillar Tractor Company, which did $39 million of business last year with the Defense Department. The Army has a regulation stating: "Personnel should not speak on the foreign policy implications of U.S. involvement in Vietnam."

Colonel MACNEILL. Well, now we're coming to the heart of the problem—Vietnam. Now the Chinese have clearly and repeatedly stated that Thailand is next on their list after Vietnam. If South Vietnam becomes Communist it will be difficult for Laos to exist. The same goes for Cambodia, and the other countries of Southeast Asia. I think if the Communists were to win in South Vietnam, the record in the North—What happened in Tet of '68—makes it clear there would be a bloodbath in store for a lot of the population of the South. The United States is still going to remain an Asian power.

MUDD. Over the years, the Colonels have travelled—at taxpayers' expense—to 163 cities and spoken to 180,000 people. In a question and answer period, they promote American presence in Southeast Asia.

Colonel SERRELL. The bloodbath, the indications at Hue during the Tet offensive as to what might be in store for people who would otherwise have some semblance of freedom or individuality, if we did stay and protect their interests as well, admittedly, as our own.

Colonel BIRD. I personally believe by and large the college students are very sincere in their belief. I think a lot of them haven't attempted to study, to some degree, the history of other things like this . . . .

Colonel MACNEILL. Some say there are no interests at stake today, some say we had none in the beginning. I feel when we put half a million men in there, at least we placed national interest at stake when we did that.

FIRST CHILD. I want to play this one.

SECOND CHILD. Now it's my turn.

FIRST CHILD. Bob, let's see if you can do this.

THIRD CHILD. Let Danny do it.

FATHER. How many mistakes you gonna make?

MUDD. At a St. Paul, Minnesota shopping mall, an Army display emphasizes power, a recurrent theme in Defense Department public relations programs. (MUSIC) The Army Exhibit Unit has been to 239 cities in 46 states and has been seen by over 20 million people. The cost to taxpayers: $906,000 a year.

NARRATOR FOR ARMY FILM. The four M's—Mission, Motivation, Modernization and Management—summarize Army Chief of Staff General William C. Westmoreland's program for the future of the Army.

MUDD. The Army says it won't send these exhibits out unless requested by local civilians. The manager of this shopping mall told us how the Army's exhibit happened to be there.

Mr. PETERS. We were approached by Sergeant Kerr, who is the local recruiting sergeant in this area, a matter of three weeks ago, and he simply asked us would we care to have the exhibit here on our mall. We said yes. So, it's here.

ANNOUNCER FOR AIR FORCE. Approaching next will be Major Mike Kirby and his next maneuver, the exciting Wing Walk and Roll.

MUDD. The Air Force Thunderbirds flew 108 exhibitions last year in front of six million people. We were told that the Thunderbirds are supposed to attract volunteers, but what we found was a very elaborate commercial for air power.

ANNOUNCER FOR AIR FORCE. The Air Force has proved again and again its superiority against the enemy in the air war over North Vietnam. In an environment where the majority of our fighter pilots were flying tactical bombing missions and not primarily hunting for enemy aircraft, the enemy still lost three aircraft for every one of ours in air-to-air combat.

Gen. LEWIS WALT. We fought them up on the DMZ, we fought them across the Lao border, we fought them down south across the Cambodian border. But they're trying to keep the war going on—why? Because they think that we're going to give up and pull out before the job is done. That's what they've been told, that's what they read in our newspapers and our magazines.

MUDD. Tonight, like any other evening, there are between six and ten Pentagon speakers appearing in public. With military transportation at their disposal, they traverse the country shaping the views of their audiences. For years, General Lewis Walt has been the Marine speaker most in demand.

General WALT. This is what's kept the war going on. If we could have had the entire American nation in back of us, all of our Americans in back of our Armed Forces in South Vietnam, this war would have been over a year and a half ago.

GREEN BERET ANNOUNCER. Please pay particular attention to the hands, the elbows, the knees, and the toe of the boot, which are used to deliver killing blows to the vulnerable portions of the body.

Mudd. When it comes to sheer muscle, the legendary Green Berets are the Army's glamor exhibit. In 21 states last year, the Berets showed how people kill people sometimes. On one occasion, they showed about a thousand kids in New Jersey. When the Berets finished their act, the audience had its own turn.

Child. C'mon . . . no! Damn you . . . ow! (Crying.)

Mudd. Each year, the Pentagon runs special guided tours for over 3,000 influential civilians. The Joint Civilian Orientation Conference is the aristocrat of these tours, indeed of all Defense Department contacts with the public. For eight days 64 prominent citizens visit key military installations all over the country. To give the community leaders more sense of participation, the Defense Department outfits them in different colors that represent each of the Armed Services. Included in this exclusive party are industrialists, bankers, college administrators, newspaper publishers and broadcasting executives. High ranking generals accompanied the civilians. These two, three and four-star chaperons were available for briefing, picture-taking, and just mingling.

CBS News followed the distinguished visitors on a weekend war game in North Carolina. The purpose of these tours, according to the Pentagon, is to teach military realities. The guests are referred to as "major taxpayers." As their education proceeded, we recorded some of the military realities and part of their impact on the civilians.

The Army gave a demonstration of a massive troop airlift. An air and land assault on enemy territory was simulated for the visitors. The idea here was to show that thousands of troops can be transported thousands of miles in just a few hours. What's more, when they get where they're going, they are ready to fight.

Jitterbug Announcer. Notice the jitterbugging action as the Cayuse make a thorough search of suspected enemy locations. Such tactics were battle-tested in Vietnam.

Kennedy Wagon Announcer. To achieve success in combat, an infantry battalion depends upon the fighting strength of its rifle companies. The company is composed of three rifle platoons and a weapons platoon.

Mudd. The 64 civilians themselves paid part of their own costs and the official total price of this tour is only $12,000. Twelve thousand dollars, however, does not include the amount spent on elaborate briefings, the war game itself, nor the expenses of several thousand servicemen who performed for the civilians along the way.

Kennedy Wagon Announcer. 711 tons of ammunition and 308 tons of fuel.

Dr. Richard Chamberlain. I for one am very grateful for this privilege of seeing how the defense of the country is being organized.

David Connor. I found it enjoyable to talk to the enlisted ranks who are handling the weapons as we got in the tanks. I think there's been a subtle, necessary and important emphasis on talking to the manpower.

Officer. Of course it could carry rockets, it could substitute a rocket part for an arm. It has tremendous flexibility.

Civilian. A lot of killpower though.

Oficer. Oh, yes, yes.

Mudd. Civilians were shown some of the more advanced equipment and training methods. Among the ordnance the Marines displayed were their planes, their weapons, their tanks and, of course, their Commandant, General Leonard Chapman.

Officer. Excuse me, General Chapman, this is Mr. Hoover.

General Chapman. How are you sir, nice to see you.

Civilians in Boat. Oh, we can use a kyack . . . That's right . . . Bob, you're getting a little too enthusiastic . . . Oh, boy, we're really making time now.

Robert Greenhill. I think the message I would take back is that we have a first-class military organization led by first-class leaders and the people who carry the load on the enlisted men are some of the finest people that I've been privileged to see. I'm in the investment banking business and I travel all over the United States and I know that for a fact.

Willard Dover. I think the message is that you can be proud of your boys in service.

Mudd. The Defense Department did not permit CBS News to film what many regarded as the highlight of the tour. But the civilians were not shy in talking about it.

Mr. Connor. At Fort Hood we all were seated in the gunner's seat of the M-60 tanks, and we fired the rifles, and were told what excellent shots we were and we were taken over to the recoilless rifles and fired rounds at armored personnel carriers and again told how good shots we were, and we fired grenade launchers and drove tanks and so on . . .

Dr. Chamberlain. We fired tank cannon and recoilless rifles, machine guns . . .

Mr. Connor. My gun jammed while I was shooting it and I thought, Oh my God, what a great situation to be in were someone moving on me.

Dr. Chamberlain. It was fun to actually get your finger on the trigger of some of the things like the recoilless weapons that most of us have heard about but hadn't actually seen.

Mr. Greenhill. There is no substitute for hands-on experience.

Mudd. The Defense Department says these demonstrations are merely training exercises for war. War, however, is not fought in front of a grandstand.

Marine Announcer. Let me remind you that the speed and flexibility which you have seen today and the maneuverability and coordination of the supporting forces is not a demonstration. It is the stock in trade of the United States Marine Corps.

Mr. Greenhill. One of the things I can personally see from this tour is that a lot of the statements that for example Mr. Fulbright and Mr. Proxmire make are absolutely baseless.

Dr. Chamberlain. I just wish that all the American people could see what we've seen. I think we'd find much less of this carping at the military and we'd find a lot more understanding.

Mr. Dover. I think that one part of this tour is that you won't find a George Romney statement about being brainwashed.

Dr. Olav Sola. As we proceeded through numerous phases where we were personally involved, my opinion has changed 180 degrees.

Announcer. CBS Reports: "The Selling of the Pentagon" will continue in a moment. (Announcement.)

Announcer. "The Selling of the Pentagon" continues.

Jack Webb (Film: "A Day in Vietnam"): It seems ironic, that while our finest young men are fighting half-way across the world, other young men and women safe at home, openly advocate abandonment of Vietnam to communism. Perhaps they really don't know what this war is all about.

Mudd. With scenes of war protesters tinted red for emphasis, the Defense Department introduces a film on Vietnam narrated by television star Jack Webb. Over 300 films a year are made by the Pentagon. Most of them are meant originally for troop information, but a large number is later released for public showing. It is widely known that the Defense Department often helps sympathetic Hollywood producers who need troop support for their war movies. What has received far less attention is that the Pentagon itself spends over $12 million a year on its own pictures.

The annual cost of a single Army series, "The Big Picture," is $900,000 and the overall Army film budget is more than $6½ million a year. During the 1960's, at least 52 million Americans saw Pentagon motion pictures, 45,000 public gatherings viewed them and at least 356 commercial and educational television stations have presented them as part of their public service broadcast time. Facts and information—not opinions and attitudes—are supposed to be the ingredients of Defense Department films. An official Pentagon directive states: "Propaganda has no place in Defense Department Public Information programs." In preparing this broadcast we looked only at products of the last decade—all made after the thaw in cold war politics. Well-known journalists and movie stars often serve as narrators for the films as these excerpts show.

Robert Stack. Hi, I'm Bob Stack. As you may know, one of my hobbies is collecting guns. I've hunted on and off all my life from California to Mexico to safaris in Africa. Speaking of guns and faraway places, I've just come back from a trip to Vietnam where guns are used for an entirely different purpose.

John Wayne. The Defense Department has asked me . . .

Mudd. The Pentagon helped John Wayne make "The Green Berets." John Wayne helped the Pentagon make this film in Vietnam. Over a thousand prints are in circulation.

Soldier Talking to Wayne. In Vietnam, revolution is a double-edged word. The enemy uses it—it's what they call the "aggressive war" they're using against people over here.

Wayne. That's the story and there's nothing mysterious about the kind of revolution the enemy has in mind. It's the same thing we've seen in many parts of the world ever since the Communist revolution fifty years ago. Murder, assassination, terror, and over here they've killed over 20 thousand civilian leaders. And it's these same brave people, who have had the will and the guts to conduct their own revolution, a real revolution for the betterment of their people.

Mudd. Not only movie stars have aided Pentagon propaganda. For patriotic reasons, newsmen such as Edward R. Murrow, Lowell Thomas and John Daly often volunteered their talents during World War II and the cold war. The Pentagon has used many journalists to carry its message including, some years ago, two of the best-known broadcasters.

Chet Huntley (Film: "The American Navy in Vietnam"): I'm Chet Huntley. To most of us, this is the United States Navy—the aircraft carrier, the cruiser and destroyer. The modern deepwater navy, extending American strength across the oceans of the world.

This is the American Navy in Vietnam, moving quickly where and when needed, displaying the flexibilty of modern sea power, controlling the seas, extending its influence on land, and holding superiority in the air—a three-way force for peace, here to meet aggression at any spot on the globe.

Mudd. "The Eagle's Talon," made in 1962, narrated by Walter Cronkite deals with America's response to Communism.

Walter Cronkite. Starting in World War II, the aggressive Communist tide has spread in Europe and Asia to engulf its neighbors Communist China even now has plans to dominate Asia by mass murder, destroying ancient civilizations. Right next door is the nation we freed in 1898—Cuba. A Communist tyranny holds sway and whiskers do not hide the naked face of dictatorship. Our army is face to face with Communism around the world. To meet immediate threats on any front we must build up our land forces at home and overseas.

This soldier, guarding one of Asia's gateways against Soviet aggression, symbolizes the determination of free men everywhere to resist Communist expansion by force of arms.

Mudd. On a policy level, the Pentagon says it has discarded the rhetoric of confrontation. But city by city, public showing by public showing, the language and symbols of the early '60's are still being widely distributed in the '70's. Here in Elmendorf, Texas this month, a Baptist congregation attends a Pentagon film on Communism made in 1962. Even though the expressed policy of the United States is negotiation and not confrontation, even though Walter Cronkite and Chet Huntley may now disagree with the intent of the films they narrated, even though the roles of journalist and government spokesman are incompatible, the films grind on and on.

A Pentagon film often contains a map that seems to be bleeding. The blood turns out to be the spread of international Communism. Interpretations of communism and assessments of Communist intent are significant themes in Defense Department films. In "Red Chinese Battle Plan," an anonymous Pentagon narrator describes a foreign policy bent on world conquest.

Pentagon Film Narrator. It is a blueprint for world revolution. Red China's battle plan—divide and encircle; conquer and enslave.

Mudd. In an excerpt from a film called "Road to the Wall," the Pentagon has James Cagney tell of a Communist plan that encompasses even more than the world.

Cagney. The Wall is a solid fact, It stands—and will stand—wherever the road of world Communism leads. Someday, according to its builders, it will surround not merely the world, but the moon, the stars, outer space and the universe!

Mudd. In what is perhaps the Pentagon's most ambitious film, "Red Nightmare," Jack Webb presents a Russian scheme to crush American freedom.

First Russian Soldier. Americans! They have too many freedoms.

Second Russian Soldier. That is another thing you must remember, Comrade. One day it will be your mission to destroy those bourgeois capitalist freedoms!

Webb. Frightening, isn't it?

Mudd. The hero of Webb's film, a latheworker named Jerry Donovan, dreams that his town is invaded by Communists. With remarkable ease, they quickly subvert everyone except Donovan himself, who listens with shock to a Commissar's speech.

Commissar. When the moral fibre of the United States weakens, and the economy collapses under the pressures of competitive coexistence, it will be your responsibility, Comrades, to purge the minds of the reactionary Americans, so that they will welcome the enlightened Soviet system and conform without resistance to the dictatorship of the proletariat.

Donovan (To Soldier). Hey! What do you think you're doing?

Mudd. When Donovan returns home, he finds his own daughter about to leave for a commune.

Daughter. It's true, Daddy. I did volunteer for farm work.

Donovan. Linda, why?

Daughter. The party convinced me that I should free myself of the lingering bourgeois influence of family life. I am ready. Do not interfere. It is for my own good.

Russian Soldier. And Comrade Donovan, do not think that your deviationist remarks will be overlooked. They will be reported to the proper authorities.

Judge. Comrade Donovan, you are accused of the following crimes against the state: subversion, deviationism and treason.

Mudd. Nine hundred prints of "Red Nightmare" are currently in circulation. It was first released in 1962, reissued in 1965. The film was made for the Armed Forces Directorate on Information.

Judge. As an ugly remnant of the diseased bourgeois class, you must be eradicated before the contagion can spread.

Donovan. Believe me, you Communists can't keep fooling the entire world. You can't even keep fooling your own people. Because the news about Communism is getting around—that it's only another word for slavery! (SOLDIER FIRES THE GUN . . .)

Webb. Don't worry, Jerry. That bullet will never reach you, because it's time to bring you back from your red nightmare.

Mudd. The Department of Defense believes that one of the best ways to save Americans from a red nightmare that comes true is with films like these. Although the Pentagon labels them informational, these films contain a high proportion of propaganda, as well as an obsession with monolithic Communism. Tax money financed all of them, and they have been distributed during the Kennedy, Johnson and Nixon Administrations. It has been more than a decade since the national policy of peaceful coexistence replaced the harsher rhetoric of early cold war years. But to the filmmakers at the Pentagon, with at least $12 million a year to spend, 1946 seems to have lasted a whole generation.

(Announcement.)

Announcer. "The Selling of the Pentagon" continues.

Mudd. The Pentagon in Washington is the command post of a military establishment with a multitude of ways to get its message across to the public. Many millions of Americans are reached by Defense Department displays, tours and motion pictures. But the widest, most penetrating of all contacts the Pentagon has with the public is through the media—newspapers, magazines, radio and television. Once each day, the press and the Pentagon have a formal confrontation.

Jerry Friedheim. I think this is the first time Dr. Foster has discussed the three different kinds of SS–11s . . . That's correct, these are MRV not MIRV. . . .

Mudd. Every morning at 11:00 o'clock, in pursuit of Defense Department news, Pentagon reporters get a crack at a careful and despected adversary, Deputy Assistant Secretary of Defense Jerry Friedheim. He does not, of course, tell all he knows; he wouldn't have his job long if he did.

Friedheim. I can't discuss that at all.

Newsman. What about the size of the warhead?

Friedheim. I just don't have anything I can give you on that. We'll pursue that question.

Robert Goralski, NBC News. When did you last have three carriers on station in the Med?

Friedheim. We'll have to check back and find that date for you.

Newsman. Has the Guam chopped to the Sixth Fleet?

Friedheim. Negative. It has not.

Bob Schieffer, CBS News. Would she normally be going to replace one of them; is that it?

Friedheim. That has been the normal operations in the past. We've observed some nineteen Soviet combatant vessels there in recent days. The Sixth Fleet strength is roughly comparable, slightly larger.

Newsman. Slightly larger?

Friedheim. That's correct.

Jack Tolbert. It's extremely difficult for a Pentagon reporter, even a regular, to establish sources outside the public affairs arm.

Mudd. Former Public Information Officer Jack Tolbert was an Air Force Major who worked with the press at many military bases for 12 years. He believes that the Defense Department confronts reporters with numerous obstacles.

Tolbert. The Department of Defense has so many avenues of getting its story across, around, and over and under the media, that I'm not even sure even if every reporter who covered the Pentagon was a hard-nosed reporter, that we still wouldn't get the story through.

Mudd. The vastness of the Defense establishment confronts a reporter with an almost impossibly complex task. Pentagon stories develop in many other ways besides formal briefings, but the sheer size of the building itself remains bewildering. Often it is impossible to get to a news story, even when the story does not involve national security, until the Pentagon chooses to announce it.

Going into and out of the 30,000 Pentagon offices each day are 200,000 phone calls and 129,000 pieces of mail. But very little of this communicating is done with the press. Although the Department of Defense is the biggest business in America, over 95 percent of the news bureaus in Washington do not even assign a reporter regularly to the Pentagon. More newsmen cover the pennant race than the arms race.

We asked the man in charge of all Pentagon public reactions, Assistant Secretary of Defense Daniel Henkin, if he thought the press did a good job covering the Defense Department.

Henkin. I believe that it does. From time to time of course it gives me some headaches and I give the press some headaches. We understand that—We act professionally, as a professional relationship, not only with the Pentagon press and other members of the Washington news corps, but with newsmen who cover military activities around the world.

Mudd. What about your public displays of military equipment at state fairs and shopping centers—what purpose does that serve?

Henkin. Well, I think it serves the purpose of informing the public about their Armed Forces. I believe that the American public has a right to request information about the Armed Forces, to have speakers come before them, to ask questions, and to understand the need for our Armed Forces, why we ask for the funds that we do ask for, how we spend these funds, what are we doing about such problems as drugs—and we do have a drug problem in the Armed Forces. What are we doing about the racial problem in the Armed Forces, and we do have a racial problem. I think the public has a valid right to ask us these questions.

Mudd. Well, is that sort of information about the drug problem you have and the racial problem you have and the budget problems you have, is that the sort of information that gets passed out at state fairs, by sergeants who are standing next to rockets?

Henkin. No, I wouldn't limit that to sergeants standing next to any kind of exhibit. Now there are those who contend that this is propaganda. I don't—do not agree with this.

Mudd. What the press wants to reveal, the Defense Department often wants to conceal. We asked the *Washington Post's* military specialist, George Wilson, who should be prouder of Pentagon press coverage, the press or the Pentagon.

Wilson. The Pentagon, by virtue of its overwhelming troops in this area, has done better in propagandizing as a whole than the press has done on exposing. I don't fault the digging reporters and there are several. What I fault is the lack of demand from the editors, both of TV and of newspapers generally.

Mudd. How hard is it, Mr. Wilson, for a single reporter at the Pentagon to discover the truth when the Pentagon doesn't want the truth to be known?

Wilson. It's difficult. They can always pull out the secrecy stamp and say it's against the national interest to give you the full explanation for what we did, but you'll just have to trust Big Daddy.

Mudd. Can't a case be made, Mr. Wilson, from the standpoint of national security, to prohibit you from printing in your paper information that the enemy wants to know?

Wilson. It certainly can. A case can be made, but my counter to that is that if it's going to be—if the weapon is going to be described in public as it was in 1969 and 1970, along with the sales job to get the anti-ballistic missile defense approved, it should be described accurately. The point here is that because the technology is reachable, that there will always be the pressure to build it. Weapons are inexorable and they're imperious, and only public challenges and public resistance can keep technology from running us right onto the road of Armageddon, and I think that points up why more coverage of the Pentagon is desirable. Editors should have a larger appetite for these weapons because they're not just nuts and bolts; they often dictate the largest policy decisions in the world today.

Radio voice (Hometown News Center): This is Army Specialist Gene Canfield reporting from Pleiku, Republic of Vietnam. . . .

Mudd. The Armed Forces do not have to wait for radio, television and newspapers to come to them. They have their own way of reaching the media. At the Army's Hometown News Center in Kansas City, a blizzard of press releases is turned out in all seasons. Each year, 12,000 radio and television tapes are mailed to 2700 radio stations and 546 television stations. Over two million printed releases are sent to 6,500 daily and weekly newspapers. In these releases, medals, promotions and re-assignments are emphasized. While transmitting legitimate information about servicemen, the News Center also functions as a publicity agency for American forces abroad. The only news from the Center is good news. The Center is commanded by Colonel Richard Stewart, who feels the operation is helpful to the Army.

Colonel Stewart. This is another way of seeing your Army in action and it's even more meaningful because the people can relate to this particular soldier. This is not just an exercise or combat operation or something of that nature but this here is Sergeant Willy Jones.

Tolbert. There are hundreds and thousands of weeklies and small dailies in this country that live on what we call the hometown release, where the Army, Navy and Air Force maintain hometown news release centers, and are just spewing this stuff into these newspapers who accept it willingly and who print it.

Stewart. They have said time and time again when I've talked to them, they've said "Keep it coming," in effect, words like that, "keep it coming."

Tolbert. What the press—and this is the whole press, the community press which is extremely important to this country, is giving a free ride to a military story.

Representative Edward Hébert. I'm one of those who believes that the most vicious instrument in America today is network television.

Mudd. Using sympathetic Congressmen, the Pentagon tries to counter what it regards as the anti-military tilt of network reporting. War heroes are made available for the taped home district TV reports from pro-Pentagon politicians. Here Representative F. Edward Hébert of Louisiana asks Major James Rowe, a Green Beret and former POW, what keeps the Viet Cong fighting.

Major Rowe. The support that the VC receives from the United States is the only thing that keeps them fighting.

Mudd. Later, Congressman Hébert, who is the new chairman of the House Armed Services Committee, asks Major Rowe for his reaction to a peace rally.

Rowe. I walked up and I heard one of the speakers yelling, "Down with imperialism, down with capitalism, down with the oppressive leadership in Washington. Power to the people." I heard the same thing from the Viet Cong, except there it was in Vietnamese and here it was in English. I looked around the crowd—I walked through the crowd, and I saw some VC flags flying from the flagpole of the Washington monument, I saw American flags with VC flags flying over the top of them. I saw American flags with the stars removed and a peace symbol superimposed. I saw the red flag with a black peace symbol on it and then I heard one of my Senators say that "We are here because we cherish our flag." And the only thing I could think of in answer is what flag does he cherish?

Hébert. Let me congratulate you, please, sir. It's an honor to have had you on this program with me, and I only wish to God we could have more people wearing the uniform privileged to speak as you've spoken, because the silent majority will and must be heard.

Mudd. The war is covered extensively not only by the civilian press but also by the Defense Department's own camera crews in Vietnam. Their product is distributed to American TV stations and networks. This is a soccer match played by North Vietnamese prisoners of war and filmed by the Defense Department. It is intended to supplement regular network news coverage. But the Defense Department can hardly be said to be a disinterested observer in Vietnam. Recently, there have been charges that some of the Pentagon's footage was staged. In fact, the cameraman who filmed this soccer game told CBS News that the prisoners had never been permitted to play soccer before but were trotted out for this match when his crew arrived. The cameraman, former Air Force Sergeant Thomas Demitor, spoke about his filming experience shortly before leaving the service after 16 years.

Demitor. In many stories that were filmed in Vietnam, with my team, we staged a number of stories of the Vietnamese. We were propagandizing the war and an example of it was a story titled "U.S. and South Vietnamese forces patrol enemy infiltration routes." We went out with the Vietnamese in the Riverine patrol, went down the river until we found an area that was suitable for our landing. Because I knew it wasn't an actual combat situation I had no fear—I was off the boat on the land before the Vietnamese infantry came up, so that we could get a shot as the boats came onto the shore. They proceeded inland about three-quarters of a mile or half a mile while we were getting shots of them running through the rice paddies. They didn't fire any shots. There were no traces of Viet Cong.

We were told, when we thought we had a sufficient amount of footage exposed, to tell the Vietnamese and they would turn around. When someone turns around and asks you, "Well, do you have enough film?" and you say, "Yes," then it is definitely staging.

Mudd. Later, while filming the same story, Sergeant Demitor shot real combat footage involving American troops.

Demitor. In the final release, we see none of the actual combat footage of the Americans. We see all of the staged footage of the Vietnamese, and it would lead someone to believe that the Vietnamese were doing the majority of the work. The staged action got in. The actual action did not get in.

Henkin. We are trying our best to provide information. There undoubtedly have been times when certain actions have been staged. I think this is true of all TV news coverage; after all this interview here is being staged.

Mudd. How so?

Henkin. Well, props were set up, arrangements were made. You and I did not just walk into this room cold. Arrangements were made for it.

Mudd. Well, we wanted to film in your office, but your people said, "Let's go into the studio," so—we didn't stage it.

Army Briefer. We are conducting limited-duration protective reaction air strikes . . .

Mudd. Defense Department information machinery is well established in Vietnam, where a special language has developed that takes some time to learn. "Protective reaction" means the United States resumed the bombing of North Vietnam. "Selective ordnance" means napalm. "Defoliation" means nothing will grow there any more. A "civilian irregular defense group volunteer" is a mercenary. "Population resettlement" means getting villagers out of their villages, and "Military Assistance Command Daily Press Briefing" means this scene right here, which is popularly known among newsmen in Saigon as the Five O'clock Follies. The most popular phrase at these sessions, however, needs no explanation.

Army Briefer. No comment. Nothing further to say.

First Reporter. Well, can you please tell us . . .

Army Briefer. I have nothing further to add to the statement read.

Second Reporter. Why don't you answer my question?

Army Briefer. I repeat I have no comment.

Mudd. Often the press is an unwitting partner in its own deception. Former Information Officer Tolbert once took great pride in utilizing the media. He's not so proud of the record anymore.

Tolbert. A network was coming over to cover and do a documentary on the air war over North Vietnam. They were going to film it out of Danang, where I was the information officer. So in preparing for them we tried to pick out the most articulate, the best-looking pilots that we could, to be able to describe through their eyes what the air war was all about. We briefed the pilots so that they would understand that we were trying to present our views in a one-voice concept; we didn't want divergent views coming from a variety of the different pilots that might raise questions concerning whether they understand, or whether they were satisfied with the way the air war in the North was being fought.

Mudd. And the cast of characters that you made available to those network men was such that they never heard any dissension or criticism about the bombing mission?

Tolbert. No, no, never. You know, being an insider, knowing fully what was going on, if I was absolutely candid with them, and opened all of our closets to them, yes, they would have come out with a lot more balanced report. I could have helped them do that.

Mudd. What was the result of that network team's journalistic efforts?

Tolbert. Frankly, it was just great. It represented the pilots, it represented the way we conceived that the air war in the North was being fought by very professional people, and it was as good as if we had done it ourselves.

Mudd. Well, I'm duty-bound to ask, I've got to ask you which network it was. Will you tell me?

Tolbert. Yes, yes, I will.

Mudd. Which one was it?

Tolbert. It was CBS.

Mudd. Well, taking that incident you had with CBS and applying it, Mr. Tolbert, to your 12 years as a public information officer, what effect do you think incidents like that have on a democratic society which is supposed to enjoy a free press?

Tolbert. I feel that the military information arm is so vast, has been able to become so pervasive by the variety and the amounts and the way and the sheer numbers it's able to present its viewpoint to the American people, I think this attitude it was able to develop allowed Vietnam to happen. Had we not been able to convince the American people prior to Vietnam that a military solution was a correct solution, without a doubt and not to be questioned, we couldn't have had a Vietnam. I feel that if we allow this pervasiveness to continue, that frankly it could lead us to another Vietnam.

MUDD. We have reported tonight only a fraction of the total public relations apparatus belonging to the Pentagon and supported by taxpayers. Indeed, the news restrictions on the current invasion of Laos raise the question whether the public's right to know is being served or thwarted.

On this broadcast we have seen violence made glamorous, expensive weapons advertised as if they were automobiles, biased opinions presented as straight facts. Defending the country not just with arms but also with ideology, Pentagon propaganda insists on America's role as the cop on every beat in the world. Not only the public but the press as well has been beguiled, including at times, ourselves at CBS News. This propaganda barrage is the creation of a runaway bureaucracy that frustrates attempts to control it.

Last November 6, President Nixon sent this memorandum to executive agencies, criticizing what he called self-serving and wasteful public relations efforts. He directed an end to what he described as "inappropriate promotional activities." The President specifically ordered, in his words, a curtailment of "broadcasting, advertising, exhibits and films."

Just since the memo was written the Army's Golden Knights, a parachute team, have performed for the public in Nevada, California and North Carolina. Other Army exhibits have travelled to 59 different locations. Air Force displays, like this Hound Dog-Quail missile, have appeared in at least 36 shopping malls and municipal centers since the memo was written.

We went back to the Pentagon and asked what effect the Presidential directive would have. We were told there will be cuts in personnel, not activities. There may be some disagreement, of course, over just what constitutes an "inappropriate promotional activity," but to date not a single activity shown on this broadcast has been eliminated. Tomorrow morning, according to Defense Department schedules, there will be an Army show pushing the ABM in Mountain View, California; an Air Force missile will turn up in Houston on Friday; the Pentagon's travelling colonels will be in Hampton, Virginia, March 8; and next week fifth graders at the Hill Elementary School in Davidson, Michigan, will get to see the Navy's propaganda film on Vietnam.

FARMERS NEED ADVANCE PAYMENTS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. PRICE of Texas. Mr. Speaker, last week several Members greatly concerned about the problems of the farmer, the problems of agriculture, and the problems of rural America took to the House floor and in an extended debate tried to enlighten the membership as to general and specific needs of this entire sector of our Nation.

The reception our efforts got was a mixed one. It ran the gamut from benign indifference through mild interest to vital concern. This notwithstanding, I was pleased and gratified when I was afterward approached by a few Members and asked to expand on the summary views I so briefly stated during the course of the general discussion. While I was glad to do so and still remain ready to talk with anyone interested in learning more about the problems of rural America, I said then and I say now that remedial action, not talk, is really what I am after.

To those who say, "How do you help the farmer? How do you help agriculture? How do you help rural America?" I say stop talking and take a serious look at the many bills designed to accomplish exactly these purposes that have already been introduced in the 92d Congress. For my own part, I have introduced eight of my own.

H.R. 1031—requires imported meat and meat products to be labeled "imported" at all stages of the food distribution chain.

H.R. 1228—imposes a quota on imported lamb—fresh, chilled, frozen, or preserved.

H.R. 3141—transfers funding of the FHA operating loan program from the Federal budget to the private money market.

H.R. 3142—raises the outer limit of the FHA operating loan program from $35,000 to $50,000.

H.R. 3306—gives businesses a tax credit to offset part of the expenses attached to their conducting job opportunity programs.

H.R. 3504—creates new rural job opportunities for young people as well as for older persons interested in bettering themselves.

H.R. 3678—creates new legal conditions wherein needed numbers of good, solid, and attractive homes could be built utilizing cost-saving techniques such as prefabrication, modular construction, and other technological innovations.

H.R. 4399—reforms the Federal inheritance tax system as it affects small farms, ranches, and businesses.

In addition, I am introducing still another today.

Mr. Speaker, as it stands now USDA regulations operate to prohibit feed-grain farmers from receiving payments running 32 cents per bushel on corn and 29 cents per bushel on grain sorghum until after July 1, 1971.

In my mind if this July 1, 1971, date is adhered to the payments farmers receive will come too late to help them in their most critical period of need, a period coming up in the next few months. Farmers will soon have to make critical decisions about what and how much to plant, how many people to employ, what kinds of new or rebuilt operating equipment to use and what kinds and amounts of supplies to stock up on. To think about these decisions takes time, but to make these decisions takes money, money that is awfully hard for the farmer to come by considering current financial conditions.

To remedy this situation, to give grain farmers some extra operating capital, I am introducing legislation to enable feed grain farmers to receive at least half of their duly allotted payments in April, shortly after program sign-up time. This money is money that the farmer has coming and is entitled to; my bill merely gives part of it to him earlier when he has the greatest need for it. Moreover, this bill would extend advance payment requirements to any diversion payments and public access payments which might be made under the farm program. Finally, it would require advance barley payments to be made if the Secretary of Agriculture should designate barley as a feed grain under the 1972 or 1973 program.

If this proposal is enacted, and speedily so, I can assure all my colleagues who represent urban or suburban constituencies that our Nation's farmers will be better able to continue to supply abundant, high quality, and reasonably priced food and fiber for the tables of nonfarm dwellers. I can assure you that Americans can to be well fed for what amounts to only 16.5 percent of their disposable income, a percentage unmatched by any other country in the world.

Finally, Mr. Speaker, I want to point out although my proposal covers only feed-grain farmers, I am in the process of drafting similar legislation for cotton and wheat producers. This will complete greatly needed advance payment coverage for the producers of three crops vital to American agriculture and the Nation.

FROM THE MOUTHS OF BABES

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. MIKVA. Mr. Speaker, it is fashionable these days to criticize the misguided protestations of our Nation's young people against decisions and values of their elders which they find lacking. On the other hand there are those, whom I join, who recognize and are grateful for the vision of our young people who refuse to accept unquestioningly the supposed wisdom of our generation which sometimes asserts that bad is really good and wrong is really right. A touching example of the kind of naïvete which will be the salvation of our troubled society is embodied in the following letter sent to me by a grade school constituent of mine. I commend her letter to all my colleagues, and ask you how you would answer her melancholy unstated assumption that all of us are too busy and too uncaring to understand and deal with problems which even a child can understand. The letter follows:

MARCH 5,1971.

Representative ABNER MIKVA,
House of Representatives,
Washington, D.C.

DEAR SIR: I know you're very busy with letters from grownups, and I'm sorry if I am bothering you.

Yesterday in our class we were discussing how we can make this world better, and then we started talking about what we thought about going to the moon. I think we should help the poor first instead of putting all that money into the space capsule.

Some children my age don't even know what the moon is because they cannot afford going to school.

To some grownups it doesn't really matter but I hope you care.

Sincerely,

MARIE CLAUDE NADY.

P.S. (Please answer my letter).

FEDERAL CONTROL OF LOCAL POLICE BY THE NEW AMERICAN REVOLUTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. RARICK. Mr. Speaker, throughout the constitutional history of the United States the administration of public justice has always been considered as reserved to judges at the State and local levels. Federal court trials were limited to disposing of Federal questions.

The passage of the controversial civil rights laws in recent years has usurped Federal power for unelected Federal judges, at their whim or at the behest of an unelected bureaucrat, to preempt jurisdiction over many cases which traditionally would have been heard by local and State judges.

Under this new dual system of jurisdiction which in effect makes Federal judges overseers of local and State courts, we see the U.S. Justice Department intervening to secure indictments in Federal courts of local policemen for violation of the civil rights of suspected criminals.

A pattern is now discernible whereby the Federal Government is using our valiant local police officers, just as the same Federal Government is using our brave servicemen, schoolteachers, and students, as guinea pigs to achieve political objectives as well as to gain national control over local police.

Police Chief Edward M. Davis of Los Angeles has denounced the Federal civil rights indictment of five Los Angeles policemen as a cheap attempt to use policemen by President Nixon's "Eastern Republican Party" to get minority votes in the most populous State in the Nation.

FOP National President John J. Harrington, an outspoken defender of the rights of local policemen, has explained why many police officers may have to stand by helplessly while crimes like murder, rape, and kidnaping are committed. Mr. Harrington has said that many officers are subjected to a fear that in preventing crimes they nevertheless might be subjecting themselves to indictment by the Federal Government.

Mr. Speaker, it is essential local police have broad popular support to keep them independent. Local law enforcement officers are the first and last line of defense against crime, anarchy, and insurrection. A strong, armed, and independent local police force is an impassable barrier to the advance of communism as well as crime. They historically have carried a gun so the citizen does not need one.

For these reasons Communists, their dupes, and allies seek to make ineffective, if not to harass and destroy local police forces. They use several means of attack. One calls for the establishment of civilian police review boards so as to intimidate the individual police officer by making him afraid to do his duty for fear of punishment. Another method is to use policemen to play the role of social worker or tour director instead of law enforcer and require policemen to undergo human relations or sensitivity training so as to make them oversensitive to and understanding of criminals.

Yet another method is to centralize control over police from the State, regional, and eventually national level. Federal control of local police can but lead to a national police force—the antithesis of the American peace officer.

Now we have the latest threat, repeated instances suggestive of a design to use Federal Courts and the Justice Department to intimidate local police action.

I have introduced in the 92d Congress several bills which would, in addition to accomplishing other things, help unhandcuff local police from Federal control. I ask the support of my colleagues for the following bills:

H.R. 383—A bill to repeal the Civil Rights Act of 1964.

H.R. 384—A bill to repeal the Civil Rights Act of 1968.

H.R. 385—A bill to repeal the Voting Rights Act of 1965.

Apparently until we repeal these viciously misused rights acts, our bureaucratic justice apparatus will continue officious intermeadling with local police affairs instead of prosecuting criminals.

I insert a copy of my letter dated February 22, 1971, on the matter of Federal prosecution of local police officers to the U.S. Attorney General, to which letter I have as of this date received no reply, and several newsclippings:

FEBRUARY 22, 1971.

Hon. JOHN N. MITCHELL,
Attorney General,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: Like many other Congressmen and concerned citizens, I am beginning to question what is taking place in our Justice Department with the growing number of federal prosecutions of police officers.

Since it is possible that many of your subagents in the Justice Department may be acting without your full knowledge, I am enclosing a newspaper clipping from the Columbus, Ohio "Dispatch" pertaining to prosecution of Robert Morgan, a white police officer, and a photocopy of the February 18 "Washington Post" article concerning prosecution of a Negro sheriff in Alabama on like charges.

Certainly the inference being created is that the Justice Department is more interested in prosecuting local law men than in actions against known communists, anarchists, and criminals.

I would greatly appreciate your office advising me as to what is taking place in the Department of Justice.

Very truly yours,

JOHN R. RARICK,
Member of Congress.

PETITION TO ABSOLVE PATROLMAN BEING CIRCULATED BY COMMITTEE

More than 9,000 copies of a petition asking the U.S. Justice Department to drop civil rights violation charges against Columbus police patrolman Robert A. Morgan are being circulated.

Warren Hayes of 5282 Crawford Dr., chairman of a civilian committee supporting Morgan, said the petition will be circulated Saturday in the area's major shopping centers and forwarded Jan. 14 to U.S. Reps. Samuel Devine and Chalmers Wylie.

Morgan, 34, was indicted by a U.S. District Court grand jury last month on charges that he inflicted summary punishment on an 18-year-old burglary suspect Morgan trapped and killed in the basement of a West Side home Jan. 1, 1970.

Morgan has pleaded innocent to the charge. His trial is pending.

The petition intended eventually for U.S. Atty. Gen. John Mitchell, states Morgan's indictment is a "travesty." It is "blatantly obvious that such an indictment can only serve the best interests of the criminal element," the petition asserts.

Hayes, father of Lee Hayes—one of 88 crewmen held captive for 11 months after North Korean naval forces captured the USS Pueblo early in 1968—said his committee has the support of the Fraternal Order of Police, the American Legion, the United Hard Hats of America, the Support Your Local Police Society and building and construction trade unions.

The elder Hayes was an unsuccessful candidate for city council in 1969 as a member of the arch-conservative American Independent party. Hayes asserted the fact that Charlie James Cook Jr., who fell under Morgan's machine gun bullets, was a black has no bearing on the support petitions.

"Color, race or creed has nothing to do with it. The fellow (Cook) in that basement was a criminal. He had no rights when he broke into that house. Morgan was acting for you and for me and for every law abiding citizen," Hayes said.

Hayes said he is not a personal friend of the indicted policeman. "I never set eyes on the man until the day he was arraigned in federal court," he said.

POLICEMAN'S INDICTMENT DENOUNCED

WASHINGTON.—The Fraternal Order of Police (FOP) complained Wednesday that the federal indictment against Columbus Patrolman Robert A. Morgan is "against the interests of law enforcement."

FOP national President John J. Harrington registered his complaint with U.S. Atty. General John N. Mitchell.

Harrington said he spoke for 120,000 police officers in asking for an explanation of the "unusual" indictment against Morgan.

Morgan was cleared under Ohio law in the shooting death of a burglary suspect he accosted in a private home Jan. 1, 1970.

Said Harrington:

"If police officers who kill criminals while trying to prevent felonies—and murders, rapes, kidnapings and muggings are in this category—they may feel that they have to stand by helpless while crimes are committed.

"If they take action, they might kill or injure the criminal and consequently be liable to indictment by the federal government."

FOP sources indicated the group intends to make the defense of Morgan a national issue.

[From the Washington Post, Feb. 18, 1971]

NEGRO SHERIFF IN ALABAMA INDICTED FOR BEATING BLACK PRISONER

(By J. M. McFadden)

MONTGOMERY, ALA., February 17—After four years in office, Alabama's first black sheriff since Reconstruction has been indicted for beating a Negro prisoner.

Sheriff Lucius D. Amerson of Macon County and a deputy, Richard Coleman Jr., were released on $1,000 bond each by U.S. Commissioner Calvin Pryor.

The federal grand jury indictment against Amerson used the language that has often indicted white Southern sheriffs on similar charges:

". . . Acting under color of laws of the state of Alabama, did willfully beat, strike, injure and assault Wilbert Dean Harris, a citizen . . ."

Amerson, who took the oath of office in Tuskegee in 1967, and Coleman are charged with assault "with the intent of imposing summary punishment," thereby depriving Harris of his civil rights.

The indictment does not specify a date or place, but on Aug. 22, 1970, Harris was charged with staging a wild shootout in Amerson's county jail

Harris was charged with four counts of intent to murder, two of disturbing the peace, one count of destroying public property and one of carrying a concealed weapon, all stemming from a fracas in the jail.

Amerson said Harris pulled a gun while he was being booked for driving while intoxicated and without taillights on his car.

Amerson said Harris disarmed the deputies in the room and allowed them to leave, whereupon Amerson and the deputies ran outside. The sheriff said Harris was subdued after an exchange of gunfire.

Amerson and Coleman returned from signing their bonds to find a parking ticket on their automobile in front of the Federal Building.

[From the Washington Post, Mar. 4, 1971]

Police Indicted in L.A. Shooting

Los Angeles, March 3.—Four policemen were indicted here today for violating civil rights in the so-called "mistake shooting" deaths of two Mexican nationals last summer.

In addition, a federal grand jury indicted two policemen and a civilian for plotting to burglarize a woman's home and another officer with forcing a female suspect to disrobe in his patrol car.

In the shootings last summer, police had contended that a series of mistakes—compounded by the fact that none of the men in an apartment raided by officers spoke English—led to the deaths of the two Mexicans.

The indictments, involving six policemen and three separate incidents last summer, were announced in Washington by Attorney General John N. Mitchell.

At the same time, Mitchell announced the Justice Department had found no violations of civil rights in the separate deaths last summer of Mexican-American journalist Ruben Salazar and Jerry Lee Amie.

Salazar, a columnist for the Los Angeles Times, was killed by a tear gas projectile fired by a deputy into a bar where he was sitting during a Chicano disturbance in East Los Angeles. Amie, a Negro Vietnam veteran, was shot to death by Los Angeles police.

Police Chief Edward M. Davis said it was a "day of infamy" for the Justice Department. "I believe that the motivation in these indictments is political to gain minority votes," he said. He termed them a "cheap attempt to use policemen for political gain."

In the shootings, the grand jury indicted Los Angeles policemen Marshall F. Gaines, Jeffrey J. Fedrizzi and Hector R. Zepeda, and William Kinsella of the San Leandro, Calif., police department.

They went to a skid row apartment in search of a murder suspect wanted in San Leandro.

The gunfire erupted when one officer said he thought one of the Mexicans in the apartment was charging him with a gun.

Policeman Peter J. Lupton was indicted for requiring a Chinese woman, May Ling Lu, to disrobe in his patrol car so he could search her.

The burglary conspiracy allegedly involved Los Angeles policeman Edgar Brown and Gaines, one of the officers indicted in the shootings.

It was charged that Angelo Direienzo, a police informant, burglarized a home and gave the officers photos of antique silver he stole. The silver eventually wound up in the possession of attorney Lester Berman, who was then arrested by the officers for possession of stolen property.

[From the Washington Evening Star, Mar. 4, 1971]

Chief Scores Nixon, GOP As Five Police Are Indicted

(By Bob Rose)

Los Angeles.—Police Chief Edward M. Davis has angrily denounced the federal civil rights indictment of five Los Angeles policemen as politically inspired by President's Nixon's "Eastern Republican party."

"This is a day of infamy as far as the U.S. Department of Justice is concerned," Davis told a news conference. "It's an attempt by the Eastern Republican party to get the minority vote in the most populous state in the nation. . . . This is a cheap attempt to use policemen for political gain."

Three of the policemen—Sgt. Marshall Gaines and officers Jeffrey J. Fedrizzi and Hector R. Zepeda—were indicted in connection with the shooting deaths of two unarmed Mexican nationals last July 16 during a hunt for a murder suspect.

The officers were charged with manslaughter and felonious assault, but the charges were dropped in Superior Court because of lack of evidence.

In the other two indictments, Lt. Edgar Brown was accused of planting evidence on a narcotics suspect and officer Peter Lupton was accuesd of making a female narcotics suspect disrobe in the back of his squad car.

"The accusations against Lt. Brown are a dirty, infamous lie. He came through several lie tests with flying colors," Davis said.

"I told (Atty. Gen. John) Mitchell that on the phone Monday."

The chief said Lupton was making a search and "acted unwisely" but has been disciplined.

All five officers and a San Leandro policeman, William Kinsella, involved in the shooting were indicted on charges of depriving others of their civil rights.

Mitchell said the federal government moved in after a "failure of local police" to take action.

U.S. Atty. Robert Meyer said in Los Angeles, "We do not take any pleasure in indicting police officers. These are indictments of individuals. We are very impressed with the performance of the Los Angeles Police Department."

[From the Washington Evening Star, Mar. 7, 1971]

Los Angeles Acts To Defend Police In Rights Killing

Los Angeles.—The Los Angeles City Council has voted to defend three police officers indicated on federal civil rights statutes in the mistake slaying of two Mexican nationals.

The 8-to-5 vote followed a 2½-hour session Friday during which Chicano militants shouted insults.

The three officers, and a fourth from San Leandro, were indicated by a federal grand jury for an incident last June 16 when officers raided an apartment in search of a murder suspect from San Leandro.

Police later said the shooting was the result of a "tragic chain and combination of circumstances." Manslaughter and assault charges were filed against all officers involved in the case, but those charges were dismissed in Superior Court.

Richard Cruz, state chairman of the Chicano Law Students Association, said the council's action would require Mexican-Americans to "pay for the legal defense of murderers of our own people."

John A. Daly, chief executive assistant city attorney, told the council the action was "unprecedented." But, he said it was legal for the city to provide the defense for employes if the employes acted in good faith, without malice and in the best interest of the city.

TRANS-ALASKA PIPELINE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert in the Record an excellent statement by EnAct, Environmental Action for Survival, of the University of Michigan presented by Mr. Alexander Woodle at the hearings on the environmental impact statements required by section 102(2)(C) of the National Environmental Policy Act.

This excellent statement by EnAct sets out further reasons why the Trans-Alaska pipeline should not be built and why the environmental impact statement in its draft form is hopelessly inadequate and does not meet the requirements of the National Environmental Policy Act:

Statement of Alexander Woodle, Representing EnAct—Environmental Action for Survival

The preliminary draft of the environmental impact statement of the proposed Trans-Alaska pipeline leaves many questions unanswered and raises others concerning the pipeline's impact on the Alaskan environment. It is in the interest of EnAct and other concerned people at the University of Michigan to discuss these problems and arrive at some conclusions concerning the proposal.

EnAct is not against development of resources, but insists that there be proof of a legitimate need for the development of the pipeline in addition to an environmentally sound plan for its construction based on the possible impacts of such a development.

Firstly, we must look at the possibility of oil leaks. It is reassuring, on the one hand, to know that detection of large leaks will be instantaneous, but, on the other hand, how much oil will be spilled at any one rupture of the pipeline? The report talks about block valves at intermediate intervals, yet even if they are spaced ten miles apart for the length of the pipeline, approximately five million gallons of oil could conceivably be spilled. The southern portion of the pipeline passes through a seismically active area and terminates at the warm water port of Valdez. The use of seismic equipment will enable the pipeline to be shut down, but what pipeline can survive in an area subjected to earthquakes of an intensity which would cause tremendous structural damage to any community? The recent disaster in the Los Angeles area vividly shows what havoc can befall man and his structures in a seismically active area.

The Department of the Interior report says in reference to the active Denali Fault (which crosses the proposed pipeline route), "The geologic and geophysical evidence suggest the future occurrence of large earth quakes accompanied by large surface displacements." The report also mentions the six meter vertical surface displacement which occurred during the 1964 earthquake disaster.

Contingency plans for such emergencies and clean-ups should be submitted before the pipeline is constructed, and *not* six months prior to initial pumping of oil. This will permit time to assess the adequancy of these plans.

Other questions arise as to how the storage tanks at Valdez which will initially store over 7.5 million barrels (or 315 million gallons) of crude oil will survive a severe shock? Can spill containment dikes withstand an earthquake if a storage tank ruptures? What kind of contingency plans are available to handle a clean-up job of this magnitude especially if the oil reaches Prince William Sound?

Secondly, we must look at the difficulties of adapting a pipeline to Alaska's terrain. Terrain problems include solifluction, removal of vegetation, and permafrost. The study admits that many questions remain unanswered as to the mode of construction to be employed on portions of the buried pipeline due to a lack of geologic data on permafrost conditions. EnAct believes that construction should not proceed until all questions are answered and unknown information collected. Research at The University of Michigan, Department of Civil Engineering, reveals that removal of vegetation from slopes and other disturbances can quicken soil creep and trigger sudden mass-soil movement. The impact statement recognizes that mass-wasting is common along the route, but pushes the problem aside by saying these areas will be avoided "wherever possible." This is hardly reassuring yet such terminology is used continuously.

Thirdly, we must examine the impact of an oil pipeline on fish and wildlife resources. The study admits that information on probable impacts of the pipeline on fish and wildlife resources is incomplete and that some adverse effects are inevitable. Removal of wildlife habitat, destruction of spawning beds, and disturbances of behavioral patterns of wildlife (especially those intolerant of man and his activities) are some of these effects expected in the vicinity of the pipeline. Some of the species mentioned are not only intolerant of man, but also appear on the endangered species list. Yet, the report only states that these animals will most likely migrate out of the area and may or may not return. Also, the effect on caribou migration cannot be conclusively determined. EnAct feels that more research is needed to ascertain the long term effects on not only endangered fish and wildlife resources, but also its implications to the Alaskan natives who are so dependent on this animal life as a life support.

The report mentions the importance of the fishing industry to Alaskans, yet nowhere does it determine the effects of pipeline construction and oil spills on the fishing industry. This area should also be studied in depth.

Large oil spills that reach a river or other body of water are a threat to fish and wildlife in that vicinity. The report states (page 122), "extensive habitat damage or spills at certain times could decimate a population of the species in the spill area for many years or perhaps permanently." The report readily admits to the inevitability of oil spills, and to the adverse damage to the marine environment. The tremendous amount of oil to be shipped at Valdez and the increase in tanker traffic increases the probability of oil spills and tanker collisions in the foggy waters of Prince William Sound.

Fourthly, we should view what effects the pipeline could have on the Alaskan Natives. The environmental impact statement reports that adverse effects to culture groups that live off the Alaskan environment are "negligible" and yet the report itself mentions several facts that would make the effects on the natives considerably more than "negligible." Page thirteen of the study states, "Most Natives live in an economy based on subsistence fishing and hunting and have little cash income. More than one-half of the work force is unemployed most of the year and median per capita income for rural natives with income is extremely low." Like other natives of North America, the Alaska Natives lived adequately within their environment. It was only after the economic push of white entrepreneurs that the "extremely low income" occurred. We do not suggest that time be turned back, that these facts of life can vanish, that we forget the oil on the North Slope. The point is that if most Natives live in an economy based on "subsistence fishing and hunting," it is incumbent on the oil developers to be *certain* the effect the pipeline will have on these subsistence-oriented cultures. We can guess about economic ventures, perhaps, but not about the subsistence and existence of entire culture groups. North Alaskan Eskimos still follow the migrations of caribou over the Brooks Range, still fish in the plentiful streams that run from the mountains. If the migration and spawning patterns and the floral growth for the animals is upset, even by a 48 inch pipeline, the delicate perma frost ecosystem is irreparably upset.

Many will raise the argument that the oil companies will bring economic prosperity to the native Alaskans. This has not been so. A Task Force investigation in the late 1960's found that in regards to hiring in the oil fields, only 8 out of 800 jobs were held by natives (*Indian Affairs* July-September, 1969). Also, as glossed over in the statement itself, for those natives in mixed-culture villages especially, an influx of wealthy pipeline workers may have a depressing effect. It would be, if alternatives were not found, just another example of white extractive culture upsetting and at least partially destroying another culture, replacing it with nothing but a newly found poverty and cultural despair.

Finally, we must analyze the impact of the pipeline on the national security interests of the United States. One of the main conclusions of the report is that "there appears to be a compelling need for developing North Slope oil as long as it can be transported with adequate safeguards to protect the environment." As we have tried to show above, we do not feel that adequate safeguards have as yet been developed to protect the Alaskan environment. We also take issue with the statement asserting the "compelling need for developing North Slope oil." This conclusion is based on consideration of the national security interests of the United States. However, EnAct feels that the interests of national security require that the entire range of possible alternatives be fully explored. Alternatives to the immediate development of North Slope petroleum reserves may, in the long run, prove to be more consistent with our national security needs. We are not yet ready to acknowledge "the unequivocal need for the early delivery of substantial volume of Alaskan North Slope oil to the United States domestic market."

We agree that U.S. domestic supplies will be severely taxed in the future. Given this fact, might it not be better to safeguard our future national security by saving our reserves of crude oil through government underground stockpiling and maintaining North Slope petroleum deposits undeveloped. An alternative that should be considered is cutting back on domestic crude oil production and increasing oil imports now, while we still have free access to foreign supplies. This could be done by eliminating present import quotas. In this way we would be certain of having adequate domestic petroleum reserve capacity in the event that part of our foreign supply gets cut off in the future.

Immediate extraction of Alaskan oil by pipeline will have just the opposite effect, rapid depletion of our Arctic reserves. The reason for this is that the high costs of transportation by pipeline from the North Slope require that oil be extracted and transported in a large enough volume to cover these costs. It would not pay to build the pipeline and then not utilize it at full capacity. None of the Alaskan oil would be saved as an emergency reserve, and we would find ourselves in the future even more dependent on foreign imports than we are now. If one agrees that this is very undesirable from a national security standpoint, then perhaps we should leave the North Slope oil fields undeveloped, for utilization, should the need arise.

A point that is not considered in the environmental impact statement is the reliability of the pipeline as a source of oil during periods of global conflict. How well does the Prudhoe Bay to Valdez transportation route form the answer to our national security needs for oil? How is the pipeline to be protected from sabotage and bombing? Could we really depend on this oil which is being transported by pipeline over many miles of rugged wilderness terrain during a time of war? Finally, to get the oil to market we must rely on tankers from Valdez to the West Coast. Dr. M. A. Adelman, Professor of Economics at M.I.T., stated in the 1969 hearings on the Petroleum Industry by the Senate Subcommittee on Anti-trust and Monopoly, that in a conventional war, "The sea lanes would be the vulnerable target, including Gulf Coast to East Coast or Alaska to West Coast." [1]

In short, EnAct does not feel that national security considerations lead inevitably to the conclusion that immediate extraction of Alaskan crude oil and transportation via pipeline and tanker to West Coast markets is the most desirable alternative. The arguments contained in the environmental impact statement have failed to adequately take into account other possible alternatives to provide the United States with maximum national security gains from our crude oil reserves. We feel that the social costs of delaying the construction of the pipeline for several years, during which time we can develop better alternatives, are minimal compared with the social costs of proceeding with construction at this time.

The construction of the pipeline through areas subject to processes of mass-wasting and severe earthquakes would not be compatible with the environment.

The report instead of answering the questions actually raises more serious ones concerning the long-term effects the pipeline would have on the delicate ecosystems of the Arctic. It is obvious that much more intensive research must be carried out in the Arctic environment in order to develop Alaska's resources in a way that will bring the fullest benefit to man and the environment. The statement seems to imply the desirability of extracting the oil as rapidly as possible. EnAct can only conclude that there is neither adequate scientific knowledge nor technology at this time to construct a pipeline which would have a minimal impact on the environment.

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[1] U.S. Congress, Senate Subcommittee on Anti-trust and Monopoly of the Committee of the Judiciary, *Hearings on the Petroleum Industry, Part I, Economists' Views*. 91st Congress, 1st Session, 1969, Senate Resolution 40, page 16.

Respectfully submitted for the official record.

Alexander Woodle,
Chairman, Alaska Pipeline Subcommittee, EnAct.

PROPOSED RAIL PASSENGER PLAN NEEDS RESTUDY

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. DULSKI. Mr. Speaker, since last fall, when the Department of Transportation first moved toward developing a national rail passenger system to be operated by the National Railroad Passenger Corporation, I have been concerned that the proposed pattern insure that major areas throughout the country will have adequate service.

My immediate concern, of course, is the service east and west from my home city of Buffalo, N.Y.

But, as I emphasized in my representations to the Department and to the House Committee on Interstate and Foreign Commerce, I feel that the overall pattern is the key to the success of the system.

In looking at specific areas around the country, it seems to me essential that we take into account the pattern of traffic both inbound and outbound in the directions of the prime usage by the general public.

BILL TO GET FULL CONSIDERATION

The chairman of the Interstate and Foreign Commerce Committee, the gentleman from West Virginia (Mr. Staggers), has assured me that legislation which I introduced in January will receive full consideration at an early date by his committee.

My bill, H.R. 709, proposes a 6-month postponement of the inauguration of the system in order to permit a restudy of recommended routes.

This bill is similar to one which I introduced in the closing days of the 91st Congress.

I am well aware that the new national system must start from a base, but I think that we in the Congress have a responsibility to insure that the original system is adequate to provide a practical demonstration of how the system can operate both economically and for the convenience of the general public.

EXCELLENT INTRASTATE PLAN

Referring again to our own situation in western New York and the city of Buffalo, the recommended system proposes a route connecting Buffalo and New York City over the old New York Central Railroad—now Penn Central—tracks by way of Rochester, Syracuse, and Albany. This is an excellent and essentially needed intrastate route to serve the citizens of our State.

However, there is no provision for travel west from Buffalo, nor is there any provision for travel east from Albany. These are vital omissions, in my opinion and in the opinion of many with whom I have talked, because one of the principal needs for railroad passenger service is a direct route between Boston and Chicago, with key stops en route.

There are two ways in which service can be provided between Buffalo and Chicago.

First, the Penn Central route could be utilized around the lakes by way of Cleveland.

Second, since the proposed rail passenger system also provides a route between Detroit and Chicago, it would be a simple and convenient addition to the system to connect Buffalo and Detroit over the trackage through Canada, a shortcut route which has had considerable traffic in years past.

When the Department of Transportation was considering the rail passenger system several months ago, the State of New York filed a formal report with the Department and I am incorporating with my remarks pertinent excerpts from that State report, as follows:

New York City-Chicago

In the selection of the end points of New York City and Chicago, the Secretary has wisely identified a long-haul corridor which we believe has the potential for becoming one of the more profitable within the basic system.

As a practical matter there are presently two routes employed by Penn Central Transportation Company to provide service between these end points. One route utilizes the former New York Central through Buffalo and Cleveland, while the other utilizes the former Pennsylvania tracks via Philadelphia and Pittsburgh.

Travel requirements between the cities of New York and Chicago could probably be satisfied by the operation of only one of these routes. However, a large proportion of the travel is presently to, from or between intermediate points.

Thus, we believe it is essential that service be provided between New York City and Chicago via Buffalo as well as via Pittsburgh. If the Pittsburgh route were to be omitted, it would be impossible for persons to travel from New York City to such points as Altoona, Pittsburgh, and Fort Wayne.

On the other hand, if the Buffalo-Chicago route were omitted, it would be impossible for persons to travel between New York City and any of the large metropolitan areas located along the Empire Service corridor, on the one hand, and, on the other, such large metropolitan areas as Cleveland, Toledo, Detroit and South Bend.

This omission would also disrupt travel between all upstate New York points and the western United States via the Chicago gateway.

It is the considered position of New York State that both the Buffalo and Pittsburgh routes are essential and should be employed to provide service between the New York City-Chicago terminal points. It is our understanding that the regulatory commissions of Pennsylvania and Indiana also support our position that service over both routes is essential and that neither route is an adequate substitute for the other.

POINTS OMITTED FROM BASIC SYSTEM

Buffalo - Cleveland - Toledo - Chicago—Although the Secretary has designated New York City and Chicago as terminal points of a long distance route, this is no assurance that any trains will actually be routed via Buffalo.

New York State believes it is essential that rail passenger service be maintained between New York City and such large population centers as Cleveland, Toledo and South Bend. Likewise it is equally essential that service be assured between upstate New York points (Poughkeepsie through Buffalo, inclusive) and Cleveland, Toledo, Detroit and Chicago.

Failure to specifically include service west of Buffalo in the system could result in the cutting off of the entire population of upstate New York from an outlet to the western United States via the Chicago gateway.

New York earnestly requests that the Secretary specifically designate Buffalo-Chicago—as well as Buffalo-Detroit—as end points in the basic system so as to *ensure* the continuation of service in this territory by the corporation.

Although most service over this route would probably be through service operated in conjunction with the New York-Buffalo corridor, the corporation might also find it profitable to operate additional short-haul service between Buffalo and Cleveland as well as between Cleveland and Chicago.

Since all of the cities along this route now have established intercity rail passenger service for which roadbeds and signal systems are maintained to passenger standards and passenger station facilities exist, the immediate need for the corporation to expend large sums of money for capital improvements would be obviated by the use of this route. Furthermore, with the assistance of the State of New York, Penn Central has recently constructed new modern passenger stations with abundant parking facilities to serve the cities of Albany, Schenectady, Amsterdam and Syracuse.

Penn Central's service has in recent years been characterized by poor on-time performance, misleading and incomplete timetables, unheated and unairconditioned cars and other features which by design or otherwise have artificially depressed patronage on the Buffalo-Chicago route. It is almost incredible that trains operating between New York City and Chicago consume more running time today than in 1952 despite the fact that fewer station stops are made today. One reason for the longer running times is layovers of great duration which take place at certain intermediate points. For example, passengers on Penn Central train 51 between Buffalo and Chicago are subjected to a one hour and fifty minute layover at Cleveland, along with an additional twenty-six minute layover at Toledo.

Summary—In terms of the criteria used by the Secretary, New York State believes that these end points qualify for inclusion in the basic system.

Particular attention has been called to the large population centers at each end point, the extraordinary scenic value of the route, heavy corridor travel, the present service by four daily trains, and the availability of the Canadian rail system by inclusion of the Montreal end point.

Preservation of this historic route of international commerce would have the additional advantage of enhancing relations with our Canadian neighbors.

BOSTON-ALBANY SEGMENT

New York State is concerned over the omission of the present Boston to Albany service from the basic system.

At the present time, the Penn Central offers a connecting service at Albany to and from Boston for the west by means of Trains 427 and 428. Of special significance is the comparatively large proportion of users of this service which transfer at Albany to or from Trains 61 and 62.

The inclusion of east-west service to

Boston, with its metropolitan population in excess of a million, would permit the basic system to be operated as a truly national integrated system. The Boston-Albany line operates in an east-west direction across the Commonwealth of Massachusetts and as such draws passenger traffic from the far-reaches of northern New England. The inclusion of this link is essential to properly tap the large New England travel market.

Mr. Speaker, as part of my remarks I also would like to include the text of my letter of February 23 to Chairman STAGGERS requesting early consideration of my bill, H.R. 709:

FEBRUARY 23, 1971.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: On January 22, the first day in which the bills could be introduced in the 92d Congress, I introduced H.R. 709, a bill to provide additional time for review of the basic National Rail Passenger System.

About a week later, Secretary of Transportation John A. Volpe designated the basic system of cities between which intercity rail passenger service will be provided by the National Rail Passenger Corporation.

My concern about the final proposal by Secretary Volpe, notwithstanding the changes which were made from the preliminary plan, is that I feel some key segments still ought to be added to the over-all system. My immediate concern, of course, is service to my home city of Buffalo, New York. However, many of my colleagues have expressed concern about the provision of service for their areas in the final plan.

So far as Buffalo is concerned, the plan provides for a route between New York, Albany, Syracuse, Rochester, and Buffalo, located entirely within the State of New York. This is an excellent and much-needed route, and we certainly have no doubt about the necessity for this route in any national system.

Our question pertains to service west from Buffalo, and this would apply likewise to Albany, Rochester, and Syracuse, covering all of the upstate New York areas.

There is definite need for service west from Buffalo because it would permit connections to points in the west and the south. We also have need for a direct route to the south, but this has not proven acceptable and the support would probably not be adequate.

However, with regard to extending the route from Buffalo west by way of Cleveland and/or Detroit to Chicago, the demand is very clear.

I would commend to you the comments and recommendations made by the State of New York, in filing with the Transportation Department on December 31, 1970, with regard to service between New York City and Chicago. For your convenience, I am enclosing copies of these three pages of the report.

The State very wisely points out that the Penn Central now has two passenger routes between New York and Chicago; one over the old New York Central tracks through Buffalo and Cleveland, the other over the former Pennsylvania Railroad tracks by way of Philadelphia and Pittsburgh.

While through traffic between New York and Chicago could be served by either route, upstate New York will have no service past Buffalo under the adopted plan.

As your Committee is organized, I hope that you will give early consideration to H.R. 709. I hope that your Committee can schedule a hearing to consider the over-all plan as adopted.

Since the plan was scheduled to go into effect on May 1, there is a sense of urgency if any action is to be accomplished.

With best wishes,

Sincerely yours,

T. J. DULSKI.

FEDERAL BUDGET ARITHMETIC: FISCAL 1972

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. HORTON. Mr. Speaker, each year, because of the deep concern of my constituents about the contents, the amounts, and the priorities of the Federal budget, I have prepared an extensive analysis of administration budget proposals. My analysis seeks to highlight priority judgments in the budget items, particularly focusing on the proposed expenditures of controllable funds, as opposed to uncontrollable expenditures and trust funds which are inflexibly earmarked for special purposes.

Last month, I issued a two-part analysis entitled "Federal Budget Arithmetic" which analyzes the fiscal 1972 proposals and compares the results with similar analyses of the fiscal 1970 and 1971 budgets.

I feel these results are of interest to other colleagues and to all Americans who share the increasing concern with the spending judgments which are exercised at every level of government.

Thus, Mr. Speaker, I will include the full text of "Federal Budget Arithmetic" at this point:

FEDERAL BUDGET ARITHMETIC: HOW MUCH SHIFT IN PRIORITIES IN FISCAL 1972?

(By Congressman FRANK HORTON)

(EDITOR'S NOTE.—This is the first of a two-part series on Federal Budget Arithmetic analyzing the fiscal 1972 budget proposed by the Administration. The second article will examine controllable and non-controllable expenses.)

When President Nixon submitted his $229.2 billion budget for fiscal 1972 to Congress last month, it was heralded by the Administration as "an indicator of the reordering of the nation's priorities."

Outlays for human resources will be the highest in 21 years, the Administration said, and although spending for defense will increase dollarwise it will drop percentagewise.

To support these statements, the Office of Management and Budget prepared for public distribution a colorful "pie chart" which shows where the budget dollar will go:

"National defense, 34%; human resources (including education and manpower, health, income security and veterans benefits and services), 42%; physical resources (including agriculture and rural development, natural resources, including pollution control, commerce and transportation, and community development and housing), 11%; interest on the public debt, 8%; and other categories (including international affairs and finance, space research and technology, and general government), 5%.

While the President's budget for fiscal 1972 does indicate some real reordering of the nation's priorities away from defense and some innovative proposals for solution of domestic problems, the turnabout is not, unfortunately, as substantial as the Administration's pie-shaped chart would lead us to believe.

For included in the President's $229.2 billion pie is $53.8 billion from Social Security and Highway Trust Funds. These trust funds are not collected from income taxes and little spending discretion can be exercised over them by Congress or the President.

While Social Security benefits contribute to the income security of older and disabled Americans, they are not paid out of revenue from income taxes but out of a trust fund made up of payroll taxes. These funds are not subject to discretionary spending on a year-to-year basis.

These Social Security expenditures are necessary, but they cannot fairly be included with other programs in the "human resources" category which contribute directly to health, education, manpower training and other innovative or social action purposes.

I believe the interpretation of the budget for fiscal 1972 which I have prepared gives a less distorted view of the spending picture. It looks at the budget by income and corporate tax outlays of the federal government. These are grouped into 14 functional categories according to the general purposes served.

These 14 categories totalling $181.3 billion include an outlay of $4.0 billion for the proposed general revenue sharing programs but do not include either the $53.8 billion for Social Security and Highway Trust Funds or any adjustment for special allowances.

When we look at the budget in this way, it totals $181.3 billion, instead of the $229.2 billion figure which included the trust funds. The following table shows how much of each $100 of individual income tax and corporate tax money would be spent on various government functions for fiscal 1972. In addition, these figures are compared with those for fiscal 1970 and 1971:

THE $100 TAX PICTURE

	1970 [1]	1971 [1]	1972 [1]
National Defense	$48.90	$45.67	$42.77
International Affairs and Finance	2.53	2.24	2.23
Space Research and Technology	2.39	2.12	1.74
Agriculture and Rural Development	3.93	3.32	3.20
Natural Resources	1.53	1.55	2.34
Commerce and Transportation	3.08	2.72	3.40
Community Development and Housing	1.87	2.34	2.48
Education and Manpower	4.64	5.05	4.86
Health	8.16	9.28	8.83
Income Security (excluding Social Security)	4.14	5.27	6.46
Veterans Benefits and Services	5.34	5.26	5.87
General Government	2.22	2.55	2.74
Interest	10.98	11.04	10.86
Allowances	0.29	1.59	
Revenue Sharing			2.22
Total	100.00	100.00	100.00

[1] Figures do not include allocations from the social security and highway trust funds, which are not collected from income taxes.

This table is evidence of a shift in priorities. Proposed percentage outlays for defense and space research and technology have been reduced. Percentages for natural resources, commerce and transportation and community development and housing have been increased.

If adopted, increases in these areas will help spur a partial conversion of industry to these domestic pursuits and will help make up for loss of jobs in the defense field.

However, some additional areas upon which I have placed high priority in the years I have been in Congress—education and manpower, health and agriculture and rural development—show a decrease in their share of the $100 tax picture.

Our states and localities presently face bankruptcy because they cannot meet the financial burdens imposed by the mounting costs in the fields of education, health and employment. Revenue sharing, if enacted, will mean some increases in these areas, but not enough.

Any real reordering of our nation's priorities must include greater outlays in the crucial areas of human resources as well as the physical resources.

These adjustments should be made during review of the budget by Congress and any increases for education or other categories must be deducted from lower priority expenditures.

FEDERAL BUDGET ARITHMETIC: CONTROLLABLE AND UNCONTROLLABLE EXPENSES

(By Congressman FRANK HORTON)

(EDITOR'S NOTE: This is the second article of a two-part series on Federal Budget Arithmetic. Last week's article looked at the priorities established by the Fiscal 1972 budget.)

At this time of concern over the financial crisis of government and the burdens of taxation, it is important to take a realistic view of the federal budget—to examine how much financial assistance the federal government is actually able to allocate to states and localities and how much money it can spend on solutions of domestic problems.

Last year, in analyzing the Fiscal 1971 budget on the basis of controllable and uncontrollable expenses, I noted that only $22.3 billion in controllable budget funds were allocated for domestic purposes. This amounted to 11% of the total $200.8 billion budget for Fiscal 1971.

In analyzing the Fiscal 1972 budget, I can report that the news is brighter, but the controllable funds available for domestic purposes still may not be enough to meet the mounting financial crisis.

In this budget, $28.1 billion in controllable funds amounting to 12% of the total $229.2 billion budget, is available for domestic use. This is an increase of $5.8 billion over last year.

What few people realize is that 66% of the total 1972 budget figure, or $152.2 billion, is categorized as Uncontrollable or relatively uncontrollable expense. This means, briefly, that the President and Congress have little flexibility or choice in the expenditure of 66% of the budget.

This compares with $138.4 billion, or 69% in uncontrollable expenses in the 1971 budget.

Included in uncontrollable budget items are such programs as Social Security, medicare and other social insurance trust funds. These alone amount to $55.8 billion for Fiscal 1972.

Military retired pay, interest on the Federal debt, veterans benefits, medicaid and welfare assistance grants to states, farm price supports, operating costs of the legislative and judiciary branches of government and obligations to carry out prior-year contracts make up the remainder of the 152.2 billion in uncontrollable expenses.

None of these budget items is subject to administration discretion in the sense that existing legislation requires the expenditures of funds for these programs. But of course, changes in Social Security laws, veterans benefit laws, treasury borrowings, interest rates and other factors can have an upward or downward effect on these expenditures.

With 66% of the budget allocated to uncontrollable items, what discretion is left to the government to allocate money for so-called "controllable" categories or programs?

In Fiscal 1972, the total of "controllable" budget items requested by the President is $77.0 billion or 34% of the total budget. Theoretically, this is the figure the President and Congress can work with in setting budget priorities and in allocating funds for new programs.

This is an increase of 3% over the controllable budget estimate for Fiscal 1971, during which $62.4 billion, or 31% of the total budget, was allocated for controllable expenses.

Those concerned about the need for new and costly domestic programs in the areas of revenue sharing, housing, education, transportation, job training, pollution control and welfare reforms would, at first glance, feel that $77.0 billion would provide enough leeway to make room for some or all of these needed items.

However, a closer look at the controllable side of the 1972 budget paints a different picture. Of the $77.0 billion controllable budget dollars, the 1972 budget requests $48.9 billion or 64% of the controllable budget for defense expenditures.

This leaves $28.1 billion for civilian programs, which is even further reduced by a portion of the $7.8 billion in intragovernmental transactions between Federal agencies.

In Fiscal 1971, of the $62.4 billion in controllable expenses, $46.7 billion, or 75% of the controllable expenses, were allocated for defense.

President Nixon's proposed budget for Fiscal 1972, therefore, does show a significant shift in priorities from defense to domestic programs. Defense spending has been cut 11% from the 1971 level as a proportion of the controllable budget. This decrease is represented by an increase of 11% in spending for domestic programs such as revenue sharing, welfare reform and environmental quality.

The table below, however, showing the breakdown of controllable and uncontrollable budget items for 1970, 1971 and 1972 illustrates in dollar terms how slowly this change is occurring.

[Fiscal years, in billions]

Controllability in 1972	1970 actual	1971 estimate	1972 estimate
RELATIVELY UNCONTROLLABLE OUTLAYS UNDER PRESENT LAWS			
Open-ended programs and fixed costs:			
Social Security, Medicare, and other social insurance trust funds	$45.2	$53.6	$55.8
Interest	18.3	19.4	19.7
Veterans benefits: Pensions, compensation, education, and insurance	6.6	7.8	8.4
Medicaid program	2.7	3.3	3.8
Other public assistance grants	4.7	6.4	7.6
Farm price supports	3.8	3.2	3.6
Food stamp program	.6	1.5	2.0
Military retired pay	2.8	3.4	3.7
Postal Service	1.5	2.4	1.3
Legislative and Judiciary	.5	.5	.6
Other	2.1	2.9	3.6
Outlays from prior year contracts and obligations:			
National defense	24.9	22.4	22.4
Civilian programs	16.6	19.2	19.6
Subtotal, relatively uncontrollable outlays	130.2	146.0	152.2
RELATIVELY CONTROLLABLE OUTLAYS			
Allowances for pay raises:			
Department of Defense		.9	2.4
Civilian agencies		.5	1.0
National defense:			
Proposed volunteer army program			1.2
Other	52.3	49.6	47.7
Civilian programs:			
Proposed added amounts for revenue sharing			4.0
Proposed social security benefit increase		$1.1	$3.0
Other	$20.5	21.5	24.5
Allowance for contingencies		.3	1.0
Undisturbed intragovernmental transactions	−6.4	−7.2	−7.8
Subtotal, relatively controllable outlays	66.4	66.8	77.0
Total budget outlays	196.6	212.8	229.2

Source: Taken from p. 527 of the Budget of the United States Government for Fiscal Year 1972. Estimates for fiscal 1971 have been updated and are, therefore, higher than used in the body of the article and taken from the table published with last year's analysis of controllable and uncontrollable expenses.

THE ETHNIC AMERICAN

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. COLLIER. Mr. Speaker, very recently I read an article in "The Polish Women's Voice" entitled "The Ethnic American". The paper is published by the Polish Women's Alliance of Chicago.

The author, Barbara A. Mikulski, is presently an assistant professor of urban affairs at Community College in Baltimore. I was deeply impressed with her candid analysis of life in ethnic America, and I commend her for her insight into this problem.

The article follows:

THE ETHNIC AMERICAN

(By Barbara A. Mikulski,

The ethnic American is forgotten and forlorn. He is infuriated about being used and abused by the media, government, and business. Pejorative epithets such as "piks" and "racists" or slick, patronizing labels like the "silent majority" or "hard hats" are graphic examples of the lack of respect, understanding and appreciation of him and his way of life.

The ethnic Americans are 40 million working class Americans who live primarily in 58 major industrial cities like Baltimore, Chicago and midwest. Our roots are from Central and Southern Europe. We have been in this country for one, two or three generations. We have made a maximum contribution to this country, yet received minimal recognition.

The ethnics came to America at the turn of the century through the '20's, until we were restricted by prejudicial immigration quotas—65,000 Anglo-Saxons to 300 Greeks. We came looking for political freedom and economic opportunity. Many fled from countries where there had been political, religious and cultural opposition for 1,000 years.

It was the working class who built the Great Cities—constructed the skyscrapers, operated the railroads, working on the docks, factories, steel mills and in the mines. Though our labor was in demand, we were not accepted. Our names, language, food and other cultural customs were the subject of ridicule. We were discriminated against by banks, institutions of higher learning and other organizations controlled by the Yankee Patricians. The conditions under which we worked were horrendous. There were no protective mechanisms for safety, wages and tenure. We called ourselves Americans. In return, we were called "wop," "polak" and "hunky."

For our protection, we formed our own institutions and organizations and clung together in our own neighborhoods. We created communities like "Little Italy" and "Polish Hill" in which to live and raise our families. The ethnic parish church and the fraternal organizations like the Polish Women's Alliance and the Sons of Italy became the focal points for the preservation of our culture and provision of community services. It was these institutions that helped set up citizen classes that established nursing homes for the elderly sick and provided educational opportunities for the young.

These neighborhoods were genuine "urban villages." Warmth, charm and zesty communal spirit were among their chief characteristics. People knew each other and related to each other in a personal way. This was true not only of relatives and friends, but of the grocer, politician and priest. The people were proud, industrious and ambitious for their children. All they wanted was a chance to "make it" in America.

We created our own Savings & Loan Associations to allow our neighbors to buy homes and start businesses. Money was lent on the basis of a man's character, rather than on the status of his job. Ethnics organized and fought to get their own political representatives. We knew these measures meant jobs and services coming into the community. Workers banned together into labor unions, fought for a New Deal and sought various routes of mobility. Government responded by instituting Social Security and the minimum wage. We haven't heard from it since then, except when our men get their draft notices.

Here we are in the 1970's, earning between $5,000–$10,000 per year. We are "near poor" economically, with no one listening to our problems or appreciating the contribution we have made to American life. The President's staff responds to our problems by patronizingly patting us on the head and putting pictures of construction workers on postage stamps. The media stereotypes us either as gangsters or as dumb clods in dirty sweat shirts. The status and value of manual labor has been denigrated to the point where men are often embarrassed to say they are plumbers or tug boat operators. This robs men of the pride in their work and in themselves. Society chooses to ignore the fact that architects would be helpless unless there are carpenters and brick layers to make their plans a reality; that manufacturers and their engineers would be powerless unless there are men to work on the assembly line and in the tractor trailers. In many instances, the ethnic working class is treated like the machines they operate and viewed only as objects of production.

The Ethnic American is also losing ground economically. He is the victim of both inflation and anti-inflation measures. Though wages have increased by 20 per cent since the mid '60's, true purchasing power has remained the same. Simultaneously, he is hurt by lay-offs due to cutbacks in production and construction. Tight money policies strangle him with high interest rates for installment buying, mortgages and home improvements. He is the man who at 40, is told by the factory bosses that he is too old to be promoted and there are no opportunities to be trained for something new. The old job is often threatened by automation. At the same time, his expenses are at their peak. He is paying on his home and car, probably trying to put at least one child through college and probably facing the responsibility of supporting an elderly parent. Some respond to their financial problems by moonlighting or by having his wife going to work. Family tension and conflict often arise.

He feels trapped and rejected. All of his life he has been taught that the "system" is good if only you work hard, not be demanding and obey the law. He has followed all of these rules. Yet, when he looks to government figures for help, he finds that his political representatives are not interested in listening to him. Nor are there any programmatic responses to his needs.

Paying the bureaucratic bill through inequitable taxes and getting little in the way of return seems to be his fate. In pursuing his treasured dream of home ownership, he finds that it becomes a millstone rather than a milestone in his life. Since FHA loans are primarily restricted to "new" housing, he cannot buy a house in the old neighborhood. He has to choose whether to get a conventional loan, which requires a much higher down payment, or move into an over-priced, homogenized housing development. As a home owner, he is forced to bear the brunt of spiraling property taxes—the major source of revenue in his city as a wage earner. He has no silk stocking lawyers or fancy lobbyists getting him tax breaks.

He believes in the espoused norms of American manhood like "a son should take care of his mother" and "a father should give his children every opportunity." Yet, he is often torn between putting out $60 a month for his mother's arthritis medication or paying for his daughter's college tuition. Nobody in the richest nation in the history of mankind should have to make a choice like that.

When the ethnic worker looks for some modest help, he is told that his income is too high. He's "too rich" to get help when his dad goes into a nursing home. If his wife suffers a major illness, his neighborhood isn't poor enough to qualify for free homemaker services. Colleges make practically no effort to provide scholarships to kids named Colstiani, Slukowski or Klima. Bewildered and embittered, he wonders what happened to the American Dream that he had at Iwo Jima and Pork Chop Hill.

The one place where he felt the master of his fate and where he had status was in his own neighborhood. Now even that security is being threatened. He wants new schools for his children and recreation facilities for the entire family—not just the token wading pool for preschoolers or the occasional dance for teenagers. He wants his street fixed and his garbage collected. He finds that the only thing being planned for his area are housing projects, expressways and fertilizer factories. He's told that those things represent "economic development" and "community progress." This makes him furious. Whose economics are developed and whose community is progressing? It is certainly not his. When he goes to City Hall to make his problems known, he is either put off, put down or put out.

Liberals scapegoat us as racists. Yet, there was no racial prejudice in our hearts when we came. There were very few black people in Poland, Lithuania or our other homelands. The elitists, who now smuggly call us racists, are the very ones who taught us the meaning of the word; however, their bigotry also extended to those of a different class or national origin. He is tricked by the political rhetoric of the illusionary funding of Black-oriented programs. Government is further polarizing people by the creation of myths that Black needs are being met. Thus, the ethnic worker is fooled into thinking that the Blacks are getting everything.

Thus, old prejudices and new fears are ignited. The two groups end up fighting each other for the same jobs and competing with each other so that the new schools and recreation centers will be built in their repective communities. They are falsely told that these resources are limited. What results is angry confrontation for tokens, when there should be an alliance for a whole new agenda for America. This agenda would be created when Black and White organize separately in their own communities for their own needs, but come together to form an alliance based on mutual issues, interdependence and respect. This alliance would develop new strategies for community organization and political restructuring. From this, the new agenda for America would be generated. It could include such items as "new towns in town," innovative concepts of work and creative structures for community control.

What is necessary is to get rid of the guilt of phony liberals, control by economic elitists and manipulation by selfish politicians. Then, let us get on with creating the democratic and pluralistic society that we say we are.

GOOD CITIZENSHIP AWARD

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. WHITEHURST. Mr. Speaker, I am currently conducting a Good Citizenship Award competition in the high schools of Norfolk and Portsmouth, Va., as a means of recognizing high school senior students who have been contributing toward a better community by working with their school, organizations, and civic groups.

The award is given in cooperation with Norfolk School Superintendent E. L. Lamberth, and Portsmouth School Superintendent M. L. Alford, and the mayor's committee of Norfolk Mayor Roy Martin and Portsmouth Mayor Jack Barnes. The award is an all expense paid day in Washington as my guest, and a tour of the Capitol. The two winners will be a "Congressman for a Day."

The selection will be made on the basis of volunteer work, leadership or participation in a community service project such as a chuch, scout, civic or political organization, and leadership or participation in school activities.

A faculty committee of each school will select the school winner. The names of these nominees will be forwarded to the mayor's committee in each city, who will select the final winner.

This is the second annual contest, and I am sure the selection of a student from each Norfolk and Portsmouth high school will again prove to be not an easy task, and the selection of the final winner for each city will again be most difficult.

Recognition for students contributing toward a better community and interested in public and civic affairs is something we all recognize as a worthwhile undertaking. An award, such as the Good Citizenship Award, can perhaps bring to the public's attention that the majority of our students have appealing qualities and are interested in the orderly growth of our cities.

THE THREATS TO UNITED STATES AND FREE WORLD SECURITY

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. SIKES. Mr. Speaker, the Defense Report which has been made public by the Secretary of Defense, the Honorable Melvin Laird, is a very important document. It provides a comprehensive analysis of the status of defense problems worldwide. It analyzes Communist capabilities in unusual detail and it provides a clear picture of the need for modernization of U.S. and free world forces in the period immediately ahead. I find much of particular interest in a section of this report which is entitled "The Threats to U.S. and Free World Security." I feel that this section should have careful study and I earnestly recommend that my colleagues in the Congress not overlook its significance.

I include the material as follows:

THE THREATS TO U.S. AND FREE WORLD SECURITY

The threats to U.S. and Free World security obviously were a central factor in planning forces and programs to implement the new strategy. Before discussing specific force planning under the strategy, let me review briefly the current and projected security threats. Admiral Moorer, the Chairman of the Joint Chiefs of Staff, will provide a more detailed analysis of the threat in his statement to the Committee.

This section summarizes the major threats we and our friends and allies must confront, primarily in terms of the categories of potential conflicts: stragetic and theater nuclear, theater conventional and subtheater. Also included are discussions of different dimensions of the threat: communist military assistance and the technological challenge. Tables 2 through 8 in the Appendix amplify the following summaries.

Although the various military forces are shown in specific categories for ease of understanding and clarity of presentation, such structuring does not mean that these forces can be neatly allocated specific roles in the spectrum of conflict. Just as is the case for U.S. forces, many of the force elements shown or discussed in this threat section could have multi-mission roles, could be used in theater or subtheater conflicts, or could be delivered to other countries under an assistance program.

THE STRATEGIC NUCLEAR THREAT

The primary strategic threat to the U.S.—the capability of the Soviet Union to deliver long range, nuclear weapons against targets in the United States—has been a matter of grave concern to us. Shown on Table 9 are our estimates of Soviet strategic offensive and defensive weapon systems in the near term. U.S. strategic forces are shown for comparison on Table 3. Although projections beyond those shown become progressively less certain, especially where they extend beyond the production and deployment leadtimes of the weapon systems involved, we must make such projections for future defense planning.

The Soviets have built up their ICBM forces at a rapid rate during the past five years, and as of the end of 1970, had some 1,440 operational launchers. There are indications, however, that construction on new silo starts has slowed during the past year.

The SS–11 deployment of launchers appears to have leveled off at the present time, with over 900 missiles, part of which are associated with the MR/IRBM fields. The deployment rate of the SS–9s decreased during 1970, even though deployment continued. Work on some sites may have been suspended and work has slowed on several others. The deployment rate of the SS–13 continues as it has for the past four years, with some indication that it may be slowing.

The implications of these trends are still not clear. The Soviets may have completed new starts for a programmed force of SS–9 and SS–11 missiles, or they may have slowed silo construction in order to proceed with retrofit of some existing silos with improved, modified or MIRVed missiles. Alternatively, the explanation may be that the Soviets are preparing to deploy new ICBM systems. We will, of course, be examining the situation carefully in order to get more precise indications of where they are headed.

However, we expect the Soviets by mid-1972, if they elect to continue work on those sites where construction has slowed or stopped, and to maintain the older systems at the current level, to have over 1,500 operational ICBM launchers, part of which are associated with the MR/IRIBM fields.

Beyond 1972 our projections of Soviet ICBM launchers and reentry vehicles (RVs) become less firm. As was the case last year, there is still no agreed estimate on what the size and characteristics of the Soviet force will actually be in the period after 1972, or on where it may level off.

It should be kept in mind that although the Soviets probably have no MIRVed missiles operational at the present time, MIRVs have been tested many tiems on the SS–9 since August 1968.

It is evident that the Soviets could have over the next few years, several distinctly different forces depending on their objectives and force decisions. Regardless of the direction in which they proceed, a key question would remain about the accuracy of the RVs in their ICBM force. It is estimated that the accuracy of the SS–9 could be substantially improved by 1975/76. With this improved RV accuracy, the projected Soviet SS–9 missile force could pose a serious threat to the future survivability of undefended MINUTEMAN silos.

The Soviet ICBM threat is augmented by a substantial nuclear-powered, ballistic-missile submarine fleet, that is presently the fastest growing element of the threat. The most capable component of this fleet is the Y-class, which, like the U.S. Polaris, has 16 tubes for launching missiles. There are now at least 17 such subs operational—capable of launching at least 272 missiles with a range of 1,300 nautical miles. The additional ballistic missile capability in older Soviet submarines gives them a total of more than 350 launchers in the operational inventory. Another 15 or more Y-class submarines are in various stages of assembly and fitting out. At the current production rate of 7–8 SSBNs per year, the USSR could develop an operational force of Y-class submarines by 1974, comparable in size to the current Polaris force. A longer range submarine launched ballistic missile is under active development. We cannot estimate deployment at this time.

The Soviet intercontinental heavy bomber force, which now numbers around 200 aircraft (including about 50 tankers) continues its slow downward trend of the past few years. Although we believe the Soviet medium bomber force of several hundred aircraft is targeted primarily against the Eurasian area, we cannot ignore the fact that these aircraft do have a one-way mission capability against the United States. The Soviets also have a new swing-wing bomber under development. Its future role has not been determined, but it is estimated to have intercontinental range capability.

With regard to the strategic defensive forces of the Soviet Union, there is extensive deployment of aircraft defenses, as well as an ABM system deployed around Moscow. The Soviets have a large inventory of radars numbering in the thousands and a force of over 3,000 interceptor aircraft. There is a slight trend towards a reduction in the number of these interceptors, but the quality of the force has improved. Four new interceptors have been added since 1964, and these newer models make up a substantial part of the force. In addition, four different SAM systems, with about 10,000 launchers, are presently deployed for air defense. There is concern by some of my technical experts that the SA–5 SAM might be capable of adaptation for certain ABM roles.

The Soviets now have four Moscow ABM complexes (ABM–1) operational. They are continuing construction of surveillance radars which could be a part of an ABM system, and are actively working on R&D related to development of new ABM system components, including a new missile. Further details are shown on Table 3.

As for the strategic nuclear threat of the Peoples Republic of China, their progress toward achieving in ICBM capability is continuing. The sophistication of Chinese missile programs was clearly indicated by the launching of China's first satellite in April 1970, probably using stages of an IRBM now under development. We believe that the Chinese could attain an initial operational capability (IOC) with ICBMs within three years after flight testing commenced. The start of testing has not yet been confirmed, but a reduced range test of an ICBM may have occurred in late 1970. Thus the earliest possible date for deployment would be 1973, but it is more likely that the Chinese ICBM will not attain IOC until a year or two later, and they probably could not have significant numbers of ICBMs deployed until late in the decade.

Further details on Chinese strategic systems are provided in Table 4.

THE THEATER NUCLEAR THREAT

The theater nuclear forces of the Soviet Union include large numbers of ballistic missile launchers (including short, medium, intermediate, as well as variable range missiles) and tactical surface-to-surface missile launchers assigned to their ground forces. In addition, their large medium bomber force of about 700 aircraft in Long Range and 400 aircraft in Naval Aviation is capable of carrying nuclear weapons, as are a substantial number of light bombers, fighter bombers and fighters in the tactical air forces. Soviet naval forces, both surface and sub-surface, also carry nuclear-capable missiles.

Theater nuclear capabilities of the Peoples Republic of China probably are limited currently to medium bombers, but limited deployment of the Chinese medium range ballistic missile (MRBM) may have occurred. The emphasis in Chinese R&D appears to have shifted in 1970 from the MRBM to development of an intermediate range ballistic missile (IRBM). The Chinese MR/IRBM development efforts have also provided important experience for their ICBM program.

By mid-1971, the Chinese are expected to have a small number of MRBMs deployed. Their IRBM could attain IOC within the next year or two, and by mid-1972, the Chinese are expected to have operational a modest number of missiles, with a mix of MRBMs and IRBMs. This will, of course, provide an additional nuclear threat to the free nations of Asia.

China's primary aircraft for nuclear weapon delivery is the BADGER, now in series production. They now have a few of these aircraft operational and are expected to have a significant force by mid-1972.

THE SOVIET AND WARSAW PACT THEATER CONVENTIONAL THREAT

Over the past year, we have seen the Soviet and other Warsaw Pact forces continue their growth both in quality and in quantity. The Soviets now have at least 160 divisions including motorized rifle, tank, and airborne. This total includes divisions deployed along the USSR–Chinese border.

It should be borne in mind that Soviet divisions are appreciably smaller than their U.S. counterparts, and that the Soviets allocate a considerably smaller proportion of their manpower to combat and service support functions than we do.

Admiral Morer will discuss Soviet ground forces in greater detail in his presentation to the Committee.

Ground Combat. The Soviets probably will continue for the next few years production of the T–62 medium tank, with modifications.

In other categories of equipment we believe that the Soviets will gradually equip infantry units in at least some of the divisions with a new amphibious armored infantry combat vehicle. Furthermore, the Soviets are almost certainly experimenting with improved conventional weapons and within several years the Soviets could have sizeable operational inventories of improved conventional artillery shells, bombs, and missile warheads in theater force units.

We believe the Soviets will retain their current family of tactical missiles and that the number of tactical launchers will continue to grow.

Tactical Air. In tactical aviation, a gradual buildup probably will continue for the next few years. Over the longer term, the total aircraft inventory probably will decline as newer aircraft models reduce the requirement for large numbers of older fighters and light bombers. As of 1 January 1971, we believe that the force consisted of over 4,500 aircraft, including reconnaissance and support types. Almost half are capable of delivering nuclear weapons, though some of these aircraft at the present time are assigned to units that do not have a primary ground attack mission.

The Soviets have developed several new aircraft which could satisfy their requirement to replace obsolescent ground attack and light bombers and improve their air defense capability. One of these aircraft became operational in 1970, and another may be operational now in Soviet tactical aviation. A third, FOXBAT, recently was deployed with strategic defense forces as an interceptor, and may enter the tactical aviation inventory in 1971. If employed in tactical aviation, it is believed that the FOXBAT will retain its primary role as an interceptor and fulfill a specialized secondary reconnaissance role.

Air Defense. We expect the Soviets to continue to expand and improve their theater air defense systems, including the command and control systems and the tactical missile systems. The SA–4 GANEF missile system which has been in service with Soviet forces in the USSR and Eastern Europe since 1967, is now entering service with several of the subordinate armies, and the SA–6 GAINFUL is currently being deployed to upgrade Soviet capability in this category.

Naval Forces. It is obvious that an open-ocean navy has been developed by the Soviet Union. Already having the largest submarine force in the world, the Soviets have introduced several new, advanced classes of submarines since 1968. The Y-class SSBN already has been discussed. The introduction of nuclear-powered, cruise missile attack classes has added a new dimension to submarine warfare.

By the mid-1970's, the replacement of older diesel-powered, cruise missile and attack submarines with new nuclear-powered vessels could result in a quantitatively smaller but qualitatively improved submarine force.

Concurrent with this massive submarine construction and development program, the Soviets have introduced new and advanced naval missile systems.

Over the next five years, we expect the composition of the Soviet's major surface combatant fleet to change significantly as new missile-equipped combatants replace older ships armed with guns. Whereas in 1970, missile-equipped surface combatants accounted for 23 percent of the major surface combatant fleet, by 1975, we project that some 40–50 percent of the fleet will be missile-armed.

Lift Capability. With regard to lift forces the Soviets have increased their military air transport capability to include the AN–22/COCK heavy logistic transport, a number of which are operational with transport units. The new AN–22 can carry nearly 100,000 pounds of cargo to a radius of 2,800 nm or 175 troops to a radius of some 5,000 nm.

General—Warsaw Pact. With regard to future developments in forces of other Warsaw Pact nations, we believe that there will be qualitative improvements in general purpose forces over the next decade, but we see no trends which indicate substantial changes in their contribution to Warsaw Pact capabilities. Barring disruptive political developments, we believe the Soviets will continue to place heavy emphasis on East European forces opposing NATO.

THE IMMEDIATE THREAT IN THE MIDDLE EAST

We are hopeful that the initiative for peace in the Middle East will be successful. The President has described this area as ". . . the most dangerous . . . with its vastly greater potential for drawing Soviet policy and our own into a collision that could prove uncontrollable."

The situation in the Middle East can be fitted into potential categories of possible conflict only with difficulty. This illustrates the point I made earlier that forces which we have included in one category—such as the Soviet theater conventional threat—also represent capabilities that could be used in other types of conflict. The immediate threat in the Middle East, of course, consists of the potential for war between Arab states and Israel, but the possibility exists that such a conflict could involve the Soviet Union and the U.S. The balance of power in the Middle East obviously has a vital bearing on the U.S. security interests in that area. Moreover, the Soviets are deeply involved with and in some of the Arab states in the area.

Thus, we are striving to prevent the outbreak of a war that has a chance—however slight—of leading to a U.S.-Soviet confrontation, and we are trying to help obtain a peace settlement that will promote economic and political stability in the area. As the President has explained, our assistance programs are designed to preserve a balance of military power in this area.

The combined military forces of the Arab countries which are likely to be involved in a conflict—those of Egypt, Syria, and possibly Jordan and Iraq—are numerically superior to the Israeli forces. As before the June 1967 war, however, the qualitative superiority of the Israeli armed forces offsets the numerical difference.

E. THE THEATER AND SUB-THEATER THREAT IN ASIA

Our Asian allies and friends are faced with a threat that differs somewhat from that posed to NATO by the Warsaw Pact. The forces of the Peoples Republic of China, North Korea, and North Vietnam are able to engage in subversive and small-scale guerrilla attacks in bordering states, as well as being capable of mounting full-scale conventional attacks in adjoining countries. These forces, therefore, pose both a potential theater conventional threat, and a sub-theater threat. This should be kept in mind as we address the total forces available to China, North Korea, and North Vietnam.

In addition, the Soviet forces in Asia, which were covered previously, must be considered as part of the theater threat in Asia.

Communist China, however, poses the principal general purpose force threat in Asia. The Chinese army consists of approximately 2.5 million personnel, organized into a total of more than 140 combat divisions. The air force (including the Navy's air arm) consists of more than 4,000 aircraft, of which most are jet fighters, and a small fleet of about 300 jet bombers. The Navy's main offensive strength centers upon a growing force of more than 40 attack submarines, a number of which are of the medium-range R–Class; and increasing numbers of guided missile patrol boats. Chinese production of army ordnance, new guided missile destroyers and advanced jet fighter aircraft are contributing to a rapid modernization of the general purpose forces.

The Peoples Republic of China could conduct major offensive operations in four non-Communist areas: South Korea, Taiwan, Southeast Asia and India. While the Chinese have the largest land military force in the world, a commitment of forces in conventional military operations on more than one front would impose serious burdens on their available logistic resources, and is considered unlikely today, given China's limited logistic capabilities and its border problems with the Soviets. Such an effort would be possible only if there were no interdiction of China's lines of communications (LOCs) and capacity to make war.

Of course, in addition to the potential of its regular combat forces, China has significant ability to promote and support subversion and insurgency in peripheral areas.

North Korea poses another significant threat in Asia. The country's general purpose forces are relatively modern in structure and equipment and have attained a high state of combat readiness. The Army consists of some 360,000 personnel and about 25 division equivalents and could probably engage in initial offensive operations without external assistance.

The North Korean Air Force has more than 550 aircraft in its tactical air inventory, including MIG–21s. The air force also has a number of transport planes (including helicopters), and a small number of light bombers and 70 trainer aircraft.

The Navy includes a small submarine force, guided missile patrol boats, and a sizeable number of motor torpedo boats.

Any sustained conventional offensive operations would require considerable materiel and possibly military personnel assistance from North Korea's Communist allies. However, North Korea is capable of mounting a wide variety of unconventional warfare operations.

The North Vietnamese theater and sub-theater threat in Southeast Asia is significantly different from other threats in Asia since a portion of its force already is engaged in actual combat. We must, however, recognize the full dimensions of the military threat that could be posed by the North Vietnamese in Southeast Asia.

The Army has a total in-country strength of 315,000 and is organized into 13–14 division/commands. The Navy is relatively small and consists primarily of motor gun and torpedo boats. The North Vietnamese have a total of more than 200 fighter and attack aircraft in the Air Force. While most of these are MIG–15/17/19s, a significant number are MIG–21s.

The actual deployment of the North Vietnamese Army outside its territory will be covered in the next section.

A brief summary of the threat in Asia is shown in Table 8.

THE IMMEDIATE SUB-THEATER THREAT IN SOUTHEAST ASIA

The actual deployment of a substantial portion (roughly half) of the North Vietnamese Army in South Vietnam, Cambodia and Laos, along with the North Vietnamese support of local communist forces (Viet Cong, Khmer Communist, and Pathet Lao) in these countries, provides the immediate threat to our friends and allies in Southeast Asia. In South Vietnam we believe there are a total of at least 240,000 Viet Cong and North Vietnamese personnel actually deployed.

The major threat to friendly forces in South Vietnam continues to be posed by those VC/NVA forces just north of the DMZ, in the southern Laos Panhandle and in the northern two provinces of MR 1. The principal Communist threat in South Vietnam is the enemy's continued capability to launch a major, multi-regimental-level operation. In other areas, we believe the enemy will retain the capability of causing serious but temporary disruptions by launching significant, isolated attacks if he commits the bulk of available forces. Additional information on the security situation in South Vietnam is covered in Section I, Chapter II, of this report.

Communist strength in Cambodia is estimated to be over 55,000 VC/NVA forces and Khmer Communists. Communist activity here has been characterized by persistent light-to-heavy military pressure against population centers, increased acts of terrorism, communication throughout the countryside. Current Communist strength in Laos is estimated at about 145,000 North Vietnamese and Pathet Lao.

The present threat to Thailand is primarily one of insurgency. Although the insurgency continues to expand, it is not yet considered a serious threat to the internal stability of the Royal Thai Government. This assessment was given me by Thai officials during my recent visit there. Insurgents along the Thai/Malaysian border are under the direction of the Communist Party of Malaysia (CPM). The remaining insurgents are under the direction of the Communist Party of Thailand and receive some support from the Peoples Republic of China, North Vietnam, and Pathet Lao.

COMMUNIST MILITARY ASSISTANCE

Communist military assistance programs are another important aspect of the threat to Free World security interests. Soviet and Communist Chinese aid to North Vietnam, North Korea and the Warsaw Pact countries clearly increase the military threat which we and our allies must face. Moreover, Communist military assistance programs to non-Communist countries can, as in the case of the Middle East, pose a real threat to the maintenance of regional military balances. We do not have precise and complete data or means of measuring and estimating Communist military aid programs, but the information we have does indicate their overall magnitude and direction. We have not included economic assistance, which can, in some cases, be as effective as military assistance, and which we believe is substantial.

INTRA-COMMUNIST MILITARY ASSISTANCE

Our current best estimates are that military aid among Communist countries approximated $15 billion in the 1955–1970 period, with more than 85% provided by the Soviet Union.

The largest amount of intra-Communist assistance has gone to North Vietnam. More than 70% of it has been supplied by the Soviets, and virtually all of the remainder by Communist China. Between 1966 and mid-1970, Soviet aid to Southeast Asia has been concentrated on North Vietnam, and in that period, Hanoi has received substantial military equipment.

North Korea is also a major recipient, with the Soviet Union supplying all except a small amount provided by Communist China. During the period from 1966 to mid-1970, the Soviets provided North Korea assistance for the maintenance and modernization of North Korean forces.

More than half of the intra-Communist assistance in the 1955–1970 period is accounted for by aid transfers among the USSR and Eastern European countries. The Soviets have, of course, provided the vast bulk of this aid, but Poland and Czechoslovakia have also had fairly sizeable programs. Soviet assistance to Eastern European Communist countries has averaged over $500 million annually in the last ten years, and has included some of their most sophisticated aircraft and missile equipment.

The other two major Communist recipients of Soviet military assistance since 1955 have been Cuba and the Peoples Republic of China. Soviet assistance to the CPR totalled about $1.3 billion before it was terminated in 1960. Soviet military aid to Cuba has averaged about $20 million annually, and it is likely to continue at about that level for the next few years.

2. Communist Assistance to Other Countries

Communist countries have provided, in addition to the intra-Communist flow of military assistance, about $8 billion in military aid to other countries in the 1955–1970 period. The bulk of it, over 85%, has been provided by the Soviet Union, and the remainder by Eastern Europe (12%) and the CPR (2%).

Middle Eastern countries have received the largest proportion of this military aid (almost 55%), and this area is expected to remain the major recipient of Soviet aid to non-Communist countries. The UAR and the Soviet Union reportedly concluded a new military aid agreement during 1970, which probably covered the introduction of the SA-3 surface-to-air missile system into the UAR. Since 1967, the Soviets have also concluded military aid agreements with Iran which amount to over $300 million in value.

The Soviets have also provided significant amounts of military aid to the countries of South Asia, particularly India and Afghanistan. Soviet efforts to upgrade Afghan capabilities and increase their influence in India and Pakistan are expected to keep Soviet assistance to this area at relatively high levels in the next few years.

Soviet military aid to Indonesia was virtually cut off in 1965 after the fall of the Sukarno government. Since that time. Soviet aid to Indonesia has been limited to the sale of small quantities of spare parts for equipment previously supplied.

The Soviets have also provided smaller but still significant amounts of military aid to African states. Soviet aid in Africa has emphasized areas in North Africa and along the Red Sea which are adjacent to the major recipient countries in the Middle East.

The Chinese have provided substantial amounts of military aid to Pakistan and Tanzania in recent years.

THE TECHNOLOGICAL CHALLENGE

Forces in-being and military assistance are only part of the military threat to our nation's security. The technology behind the capabilities of our potential opponents, particularly the Soviets, is of severe concern to us. With the continuing technological effort on their part, we must expect the Soviets will be capable of reducing our technological lead in some areas, and at some point in the future, we could even lag in certain critical areas.

Since 1968, the Soviet RDT&E budget has increased at 10% to 13% per year, while that of the U.S. has remained essentially constant. Our estimates indicate that the Soviets are now spending, in 1968 equivalent dollars, some $3 billion more annually on military and space research and development than we do. The Soviet level of military and space technological effort appears to be significantly larger than that of the U.S.

With a technological effort of that size, our analyses indicate that the Soviets could reduce our technological lead of several years by approximately one year with the passing of every three years. Towards the mid-to-late 1970s, we may find that we have no technological lead at all—or worse—we may lag several years behind the Soviets in some critical areas by that time.

Although these comments relate primarily to our estimates of funding associated with Soviet research, the same general trends are evident with regard to other measures—manpower, facility growth, and basic research efforts. Given the fact that theirs is a closed society, if the Soviets were to take the technological lead, it would be much more difficult for us to guide our intelligence collection activities, to interpret the information we do acquire, and to make confident decisions based on this information.

The earlier part of this chapter points out the highlights in the growth of Soviet technical capabilities. As I mentioned earlier, there may be other, perhaps dramatic changes as a result of this Soviet momentum, which could emerge unexpectedly from their closed society, and which could create urgent problems for us in the future. These surprises and consequent problems could occur across the spectrum of capabilities—as unexpected threats to strategic force survivability, as new tactical weapons and surveillance systems which we might not understand or be able to cope with, and as other improvements in existing systems.

I mentioned earlier our review of U.S. R&D programs, our reasons for the increases we are proposing in R&D for FY 1972, and some of the R&D initiatives we are taking. In the next chapter, I will discuss many of the major development programs contained in the Defense Budget, relating to force modernization and improvement.

We cannot guarantee that technological surprises and problems will not develop, but unless we increase our research effort and improve its application, we can be increasingly confident that they will. Dr. Foster will discuss the technological challenge in greater detail when he appears before the Committee.

MARION, IND. PAL CLUB

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. HILLIS. Mr. Speaker, the Police Athletic Club of Marion, Ind. is helping to create better communications and relationships between the youth and the police officers of this fine community.

I want to take this opportunity to commend the Marion PAL for its outstanding work and wish it continued success for the future.

It is interesting to note that the PAL director and the mayor of the city of

Marion credit the help of the Federal Criminal Justice Planning Agency with playing a big part in making this program the success that it is.

I submit for the RECORD a letter from PAL Director Ron Mowery and Mayor Gene O. Moore:

POLICE ATHLETIC LEAGUE,
Marion, Ind., March 2, 1971.

Congressman HILLIS,
Washington, D.C.

DEAR CONGRESSMAN HILLS: I would first like to thank you for your interest in our local Police Athletic League.

Your taking time from your busy schedule to attend our Open House on Sunday, February 28, 1971, was very much appreciated.

I am sure you noticed at our Open House, the local support we are getting from the Community in creating a better communication and relationship between the youth and our police officers, is very great.

Although local contributions and donations have been overwhelming, PAL would not have been possible without the assistance of the Federal Government and the Criminal Justice Planning Agency. This Agency was most helpful in preparing the Grant request in the amount of $16,000.00.

I am sure that I speak for the whole Board of Directors in expressing a BIG THANKS to you and all who made it possible.

Respectfully,

RON MOWERY,
Police Athletic League Director.
GENE O. MOORE,
Mayor.

THE NATIONAL SCIENCE TALENT SEARCH HONORS THREE STUDENTS FROM THE SECOND CONGRESSIONAL DISTRICT OF ILLINOIS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. MIKVA. Mr. Speaker, this Nation's achievements in science and health in recent times can sometimes be taken for granted. One of the barometers of a sustaining devotion to scientific endeavor is in the activity of this country's youth. Three hundred young men and women were recently named to a select honor group in the 30th annual National Science Talent Search sponsored by the Westinghouse Educational Foundation. I take great pride in congratulating all the members of the honors group and especially commending the three outstanding students from my congressional district for the award projects they completed:

Clement Balanoff, of 9204 South Phillips Avenue, Chicago; a student at James H. Bowen High School. Project: Compact and connected spaces.

Lynn Janice Strauss, of 8754 Euclid Avenue, Chicago; a student at James H. Bowen High School. Project: Antibacterial activity of human saliva on escherichia coli.

Dennis James Trevor of 14225 South Wentworth Avenue, Riverdale, Ill.; a student at Mendel Catholic High School. Project: Co(III) covalent bonding interactions observed in absorption spectra.

THE ALASKAN PIPELINE—SOME NEW INFORMATION

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. ASPIN. Mr. Speaker, recently I placed in the RECORD the text of the Jorgenson report, a reasoned and thorough statement which criticized the Interior Department's environmental impact statement on the Alaskan pipeline. The main author of the report was Harold T. Jorgenson, then in the Bureau of Land Management. It seems that there was an attempt on the part of some Interior officials to keep the Jorgenson dissent quiet until after it became the subject of a Jack Anderson article and after I placed the report in the official record of the Interior Department's pipeline hearings in Washington on February 16.

Today I am placing in the RECORD another excellent report—this one written by the Alaskan Army Corps of Engineers—which criticizes the Interior Department's impact statement. Again, this report was the subject of a Jack Anderson article and, again, it appears that there was a conscious attempt—by the Pentagon, this time—to keep the report secret.

Among many other good points, the Corps of Engineers' report criticizes the Interior Department impact statement for:

Failing to "fully comply with the letter and spirit of the Environmental Policy Act," which requires a full report of the expected ecological consequences arising from a proposed project.

Assuming without sufficient data that immediate development of the Alaskan oil deposits is necessary for the national security.

Agreeing to stipulations which "are too general to support the positive assurances given throughout the report that adverse ecological changes and pollution potential will be eliminated or minimized by these stipulations."

I urge you to read this important report, which follows:

DEPARTMENT OF THE ARMY,
ALASKA DISTRICT,
CORPS OF ENGINEERS,
Anchorage, Alaska, February 5, 1971.

Memorandum to NPAEN.

Subject: Review Comments—Interior Department Environmental Impact Statement for the Trans-Alaska Pipeline.

Chief of Engineers, ATTN: ENGCW.

1. Forwarded as requested are review comments on the draft of Environmental Impact Statement for the Trans-Alaska Pipeline (Incl. 1). These comments were jointly prepared by the Alaskan Command, North Pacific Division, and the Alaska District.

2. During our review of this impact statement, it became evident that comments could not be limited to our regulatory responsibilities for a comprehensive treatment of this document. We found it important to introduce discussion on matters where it appeared that the information contained in the statement did not conform to OCE instructions for preparation of similar statements on Corps of Engineer projects or did not seem consistent with the National Environmental Policy Act of 1969. Your particular attention is invited to Part 1, general comments A, B, and C, covering a general statement, legal sufficiency, and Department of the Army permit requirements.

3. We must emphasize that the time allocated for this review was insufficient to properly assess and prepare commentary of sufficient depth required on a project of this magnitude and with the potential for environmental change it could introduce. Although considerable effort and expense were incurred in developing the attached comments, we do not consider them as the comprehensive analysis required by the Environmental Policy Act. In this respect, we find that compliance with the Act in the review capacity will introduce a need for separate funding. This subject will be further developed in additional correspondence.

4. The definition of navigable streams in Alaska, particularly as it applies to the Trans-Alaska Pipeline project requires immediate attention. It is our judgment that a policy statement that can be used in all situations, but particularly as it would apply to this project is an urgent necessity. We cannot over emphasize the importance with which we view the need to define navigable streams and our associated responsibilities.

5. The limited review period together with "operation minimize" seriously curtailed our communications and allied coordination with the North Pacific Division. In order to reflect complete understanding, you will note that some comments by NPD have been included although they closely parallel other similar discussions. We felt it important that all aspects of these comments be presented, but limitations noted did not allow coordination of them into combined statements. We understand that comments from the Alaskan Command would be forwarded directly to the Department of Defense. However, we received comments from them and they have included their views under separate headings.

PAUL BAZILWICH, Jr.
Lieutenant Colonel, Corps of Engineers, Acting District Engineer.

ENVIRONMENTAL IMPACT STATEMENT, TRANS-ALASKA PIPELINE

PART I. GENERAL COMMENTS (BASED ON LIMITED REVIEW)

A. General

1. Our review of the impact statement results in the general conclusions that the draft statement is deficient because it fails to fully comply with the letter and spirit of the Environmental Policy Act. Section 102(C) of the Act, requiring preparation of environmental impact statements, is followed by the express requirement in paragraph (D) that all Federal agencies shall, "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources."

These requirements clearly contemplate an active, objective inquiry into the environmental effects of proposed Federal projects, and bona fide consideration of these effects in making basic decisions at every stage of project planning. The Department of Interior's draft statement does not appear to accomplish this to the degree that we consider the law requires. The document, therefore, in our opinion is quite vulnerable to challenge.

2. Although the statement presents much information on the physiography of the pipeline route and on similar non-controversial matters, it contains limited detailed analyses of the proposed construction and operation of the pipeline. While the reason

for this is known to those close to the project, without this information, conclusions on environmental effects appear to be unsupported opinions which; in fact, in many instances they indeed are. It is very important that this statement include a reemphasis on the point that no construction will be permitted until such time as design analysis, plans and specifications are in such a stage of development as to be acceptable to the Government agencies that are charged with responsibility for the protection required by Environmental Acts.

The statement's consideration of alternatives is also unconvincing. Some subjects which appear least practicable are discussed in detail, while others which warrant equal or greater considerations are summarily dismissed.

3. We recognize the difficulty of developing an adequate environmental impact statement on a controversial project of such scope and complexity. We are aware of the problems inherent in correlating technical data with less quantifiable ecological concepts. Even with allowances for these obstacles, we do not believe the draft statement meets the standard of inquiry contemplated by the Act.

B. Legal sufficiency

1. The statement of alternatives to the proposed pipeline construction may not be legally sufficient to meet the requirements of the National Environmental Policy Act (NEPA), Section 102(2)(C)(iii). Read in the context of the Act, this requirement will probably be interpreted to impose a duty of very comprehensive consideration of alternatives. Of the range of alternatives considered, one should be deferral of construction or nondevelopment.

2. The injunction presently barring issuance of the pipeline permit was granted by a United States District Court in part because the Department of Interior failed to file a detailed environmental impact statement pursuant to the Act. The injunction will remain in effect until a statement is filed in conformance to requirements of the Act.

3. There appears to be an analogy to the case of Udall versus Federal Power Commission, decided by the United States Supreme Court on 5 June 1967. Interpreting the Federal Power Act, the Court held that Federal Power Commission had failed to consider all alternatives properly in determining whether private power companies should be licensed to build High Mountain Sheep Dam on the Snake River.

a. Relevant provisions of the Federal Power Act merely required the Commission to show that private power development was a satisfactory alternative to federal development. Mandatory areas of consideration were not indicated specifically, as they are in the NEPA. Not withstanding this comparatively broad discretion in the Commission, the Court held that failure to consider specific matters, including the consequences of nondevelopment, barred issuance of the license.

b. The Court stated, "implicit in the reasoning of the Commissioner . . . is the assumption that this project must be built and that it must be built now . . . But neither the Examiner nor the Commission specifically found that deferral of the project would not be in the public interest or that immediate development would be more in the public interest than construction at some future time or no construction at all."

c. The Commission did find that Pacific Northwest power companies needed additional power and would be able to use it as soon as it became available from the proposed dam. However, the Court held that the inquiry should not stop there, but should proceed to detailed exploration of other issues pertinent to whether the project would be in the public interest. These issues included "whether deferral of construction would be more in the public interest than immediate construction and whether preservation of the reaches of the river affected would be more desirable and in the public interest. . . ."

4. As noted the above case was decided prior to passage of the NEPA. In view of the latter statute's express requirement that alternatives be considered, it seems reasonable to believe that the courts would interpret it as strictly as the Federal Power Act.

5. Interior's statement of alternatives is based on the premise that domestic petroleum needs, according to present projections, will grow; that without North Slope oil it will be impossible to meet these needs without increased imports of Eastern Hemisphere oil; and that dependence on such imports would be detrimental to security. This may well be true as far as it goes. But it is not a statement of the consequences of nondevelopment as an alternative. The basic question would seem to be, rather, the consequences if supply failed to meet energy demands.

C. Permit program

1. Paragraph B-9 of the proposed stipulations requires the applicant to obtain any permits required by Federal law. Among these would be the Department of the Army permits issued under authority of Sections 10 and 13 of the Rivers and Harbors Act of 1899. These permits would regulate structures, and discharges or deposits, in navigable waters, and would cover pipeline streambed crossings, gravel extraction, and terminal construction.

2. Engineer Regulations implementing NEPA expressly require preparation of an environmental impact statement in connection with permit issuance, when the activity to be permitted would significantly and adversely affect the quality of the environment. Interior's draft statement admits on pages 121, 124, and 145 that Prince William Sound is a valuable fishery, and may be gravely damaged by chronic low-level pollution and marine oil spills. Clearly issuance of permit for the Valdex terminal would require preparation of an environmental impact statement.

3. We understand that the subject draft Statement is intended to cover the pipeline project as a whole, including terminal construction. If this is correct, the terminal should receive far more detailed treatment than it has.

4. A marine facility handling from 600,000 to 2,000,000 barrels of oil and 23,3409PM to 38,9009PM of oil ballast water poses different problems than a pipeline on land.

a. Ballast water treatment and precautions against oil spills are closely dependent on water and harbor characteristics such as currents, tides, seasonal variations in water volume, etc. These characteristics should be discussed.

b. The statement on page 8 that floating booms and skimming devices will be used to retain oil spilled at the docks is phrased in such a way as to suggest that this system is recognized to work effectively. It should be recognized that there are numerous technical uncertainties in cleaning up marine oil spills and that complete recovery of spilled oil is not likely. The statement should include data on projected cleanup costs and who will bear them.

5. The Corps of Engineers cannot and will not abandon its regulatory responsibilities under the Rivers and Harbors Act. Data in the Department of Interior's draft impact statement is totally inadequate for use by the Corps in determining the environmental impact of proposed activities under permit in navigable waters. In the present absence of detailed design date, there can be no assurance to the Department of the Interior or to Alyeska Pipeline that the Corps will issue permits for this work.

a. Acceptable design, design analysis, plans and specifications, procedures, and quality controls, together with all other supporting data required by the Corps of Engineers for permit processing under Sections 10 and 13 of the Rivers and Harbors Act, must be presented timely to the Corps, and to Interior for development of the final environmental impact statement.

b. Issuance of a pipeline permit by the Department of the Interior does not guarantee issuance of permits by the Corps under Section 10 and 13 of the Rivers and Harbors Act. This should be made clear to the Interior Department, Alyeska Pipeline, and the public to avoid a possible impasse for which the Corps could be severely criticized.

6. Either the environmental statement for the pipeline project should cover the terminal in depth, or the Corps should prepare a separate environmental impact statement on the terminal. Because of the inevitable duplication of separate statements, we recommend the former course, provided the final statement includes all the necessary data described above.

D. Safety

1. Recommend that proposed U.S. Labor Department Standards, under Construction Safety Act of 1969 as finally adopted, be utilized on all sections of the lines.

2. Enforcement of safety standards should be designated as the responsibility of the Authorized Officer.

3. References to ANSI B 31.4, 1966, on page 2 of the impact statement and on page 16 of the Environmental Stipulations, should include ANSI reference addendum ANSI B 31.4a, 1969, and all addendums that may be current at time of design approval.

4. Applicable Code—Refer to: Part I, page 2, Project Description, Pipe and associated Elements, lines 12 and 13, (2) the Department of Transportation's proposed regulations on "Transportation of Hazardous Materials by Pipeline."

Part B, General, page 16, paragraph 10, Pipeline Standards, ii The Department of Transportation's proposed regulations on "Transportation of Hazardous Materials by Pipeline."

It is recommended that at the two above referenced places in the Environmental Impact Statement that the words "Transportation of Hazardous Materials by Pipeline" be deleted and that in lieu thereof the reference at both places be amended and the following language be substituted:

"Code of Federal Regulations, Title 49, 1969 Ed.), Chapter 1, Part 195 Transportation of Liquids by Pipeline, with the following exceptions: Delete subparagraph 195.1(b)(4) in its entirety." (NOTE: The Alyeska Pipeline transports crude petroleum in rural areas, except for minor segments of pipeline, between a production facility and the point where the petroleum is received by carrier. It therefore is exempt from Part 195, except for Subpart B, Accident Reporting.) It is recommended that the provisions of Part 195 be made applicable to the Alyeska Pipeline except (1) that all materials shall be constructed to be suitable and safe against damage in storage, in construction, and after installation in the pipeline when subjected to temperatures in the range to which it will be exposed, (2) in paragraph 195.248 add new subparagraph 195.248(b)(3) with the language, "soil types and seismic occurrences described in subparagraph 195.248(c) are present or are likely to occur during the anticipated life of the pipeline."

E. Real estate

1. The stipulations contained in this Impact Statement provide that the issuance of permit for construction will be subject to valid existing rights already granted to oth-

ers. It is assumed that PLO No. 3520 dated 5 January 1965, withdrawing 8,958,720 acres of land as a Power Site Classification (No. 445) is such a valid right; however, there exist no specific conditions in the stipulations alerting the Permittee to potential impact of crossing this area. Similarly, the question of future designation of streams and rivers as navigable within the meaning of the Rivers and Harbors Act of 1899 is not specifically treated in the current stipulations.

2. It is noted that both of the above subjects, i.e., future designation of Dams and Reservoirs and future designation of Navigable Waters, were treated specifically in the Proposed Pipeline Stipulations, July, 1969 draft, by Department of the Interior.

3. The public should not be required to bear the expense of any pipeline relocations or modifications necessary to accommodate future public projects, such as dams and reservoirs, which might be located on public lands. To avoid any possible disputes and future litigation on this subject, it is recommended that the financial burden of any such relocation or modifications of the pipeline necessitated by future public projects be specifically stated as the obligation of Permittee by reinstatement of the following clauses in any permit (stipulations) governing construction of the proposed pipeline:

(a) Relocation or modification of the pipeline necessitated by the future designation of streams, rivers and lakes as "Navigable" within the meaning of the Rivers and Harbors Act of March 3, 1899, as amended, shall be at the sole expense of the Permittee.

b. Relocation or modification of the pipeline which might be required in planned or future damsite and/or reservoir areas shall be at the sole expense of the Permittee providing any such projects are constructed partially or fully with Federal funds or grants.

F. Stipulations

1. The technical and environmental stipulations presently contained in the statement are too general to support the positive assurances given throughout the report that adverse ecological changes and pollution potential will be eliminated or minimized by these stipulations. We do not find that the stipulations in themselves can guarantee adequate protection of environmental matters. While the stipulations do establish guidelines for the purposes of this statement and for design, construction, and operating considerations, we believe that it will be absolutely necessary for the Government to insist upon specific construction features and operating characteristics which are based upon the actual design details. We find that the last sentence on page 11 of the technical stipulations does not adequately encompass matters other than those now contained in the stipulations but which may later be found necessary for environmental protection. We recommend this wording be revised as follows and made a condition of the right-of-way permit:

"Plans and specifications, design analyses procedures, and quality controls, together with all supporting data, including but not limited to exploration and test data that will ensure compliance with the Environmental and Technical needs shall be presented and be acceptable to the Authorized Officer prior to any construction."

G. Secondary effects

1. The impact statement alludes to the fact that secondary effects are likely, but that they should each be examined individually at such time as they occur. The Corps of Engineers today finds itself under criticism for its civil works projects. Many of these projects in themselves created little or minor environmental impact, but they did change or create economic considerations in such a manner that the overall effect introduced conditions now found to adversely affect environmental values. We believe this impact statement must analyze secondary effects similar to those discussed in much greater depth. Without such a searching analysis and quantifying where possible, this project could establish conditions which produce pressures that seriously curtail the ability to effectively reduce the impact of future significant ecological changes or pollution potential. In any case should this project be found to be in the overall interest of the Nation, the comprehensive analysis would enable immediate commencement of long-range planning for the other developments that will be necessary or desirable in accordance with section 102(B) of "The National Environmental Policy Act of 1969."

a. The development of this major oil field and its allied transportation system to world markets will undoubtedly introduce a major population increase in South-central Alaska under boom conditions. The impact statement, by limiting consideration only to the work force the pipeline construction itself, presents an entirely different impact on population growth and its effect on Anchorage, Fairbanks, and Valdez than most people anticipate. The experiences in the United States and other areas of the world have been that such development does introduce major changes in the economic climate which in turn brings about other development. The potential change of Valdez from a small fishing village into a major industrial port seems imminent. We find that Anchorage within the past two years has developed the characteristics of a developing major city. Fairbanks is experiencing similar changes. We believe the impact statement, must under the purposes of the National Environmental Policy Act of 1969, address itself to such matters. We suggest that by so doing all government bodies and the oil industry itself can institute planning functions, funding, controls, etc., that will be necessary to maintain a quality of life envisioned under the act. These are considerations commonly found in comprehensive design memorandums.

b. The impact statement fails to mention in a comprehensive manner the development of the North Slope oil resources; its construction requirements and effect; the short and long term population for the area and its effect. Likewise, the terminal(s) in the lower 48 states should, it seems, be included in the statement for a comprehensive understanding in the magnitude of this undertaking. All these matters together with the shipping lanes to market hold major potential changes in environmental matters. It seems only logical that they be fully explored. These types of investigations were also normal to development of Corps of Engineers projects before passage of the environmental acts.

H. Environmental stipulations

1. Environmental stipulation No. 16 does not adequately cover the problems inherent in deactivation of the pipeline and its future impact on the environment. We believe additional thought should be given to removal of the underground pipe. The effect on the environment should also be covered in the impact statement.

I. Contingency plan for recovery and disposal of crude oil spills

1. The environmental stipulations covering the contingencies plan for recovery and disposal of oil spills require the permittee to prepare a detailed plan for acceptance prior to commencement of operations. However, the impact statement describes a method using trucks which we do not find adequately meet environmental needs in the case of massive spills. For such spills we recommend consideration be given to reintroduction of the oil back into the line in the immediate area of the spill by tapping the pipe and pumping.

J. Thermal relief and pressure disposal

1. The crude oil transportation pipeline system, must be provided with adequate pressure relief devices and pressure disposal piping. Drawings, specifications and design analysis should clearly delineate disposal methods, where the protection will be installed, and details for the construction.

L. NPD comments

1. As shown by letter of 22 July 1970 to the attorney for the Wilderness Society: (See attachment No. 1.) Army permits are required where this pipeline involves navigable waters of the U.S., as well as easements in military reservations. Also, it shows that many of those permits have been issued. No compliance with the National Environmental Policy Act is indicated.

2. Cumulatively, if not individually, issuance of those permits significantly affect the quality of the human environment. Under the Tentative Guidelines of the Council, the lead agency should prepare the statement. Interior is the lead agency so its statement should satisfy the requirement of the National Environmental Policy Act, but will only do so if its statement adequately covers the Corps, Army and Defense actions.

3. The "proposed action" page 1, is limited to application for right-of-way over Federal lands, presumably Interior's. It should also cite application for easements across military reservations, and permits for work, discharges and deposits in navigable waters of the U.S. from the Army.

4. The statement notes that about 350 rivers and streams will be crossed by the proposed pipelines. As noted in paragraph E(3) of the stipulations, most such crossings will be underground. Of the major rivers listed, the Corps presently considers the Yukon, Tanana, Tolovana and Koyukuk as being navigable. This is subject to change. All crossings over or under U.S. navigable waterways which involve structures, activities or alterations covered in Sections 9 and 10 of the Rivers and Harbors Act of 1899, 33 U.S.C. 401 and 403, will require permits from the Corps.

5. All possible river sites for excavation of gravel and other construction materials are not covered in the environmental statement. Permits from the Corps will be needed under 33 U.S.C. 403 before such material is removed from the bed of any navigable waterway of the United States.

6. The environmental statement mainly covers the pipeline itself, mention is also made of secondary effects, such as required port facilities at Valdez. All such facilities constructed below mean high water at Valdez Harbor will require a Corps permit under 33 USC 403, and the statement must clearly cover the impact of such construction and associated navigation.

7. In issuing permits in the above situations, the Corps must impose additional provisions for the protection of the environment as may appear necessary, including provisions related to those contained in stipulations F, G, H, and O.

8. Stipulation H, "Small Craft Passage," does not appear to be warranted. Any obstruction to navigation on U.S. navigable waterways must be authorized by the Corps, and said stipulation implies that obstructions of craft over 40 feet is all right. In addition, it would be up to the Corps to decide if obstructions to boats under 40 feet would be reasonable in processing the required permit application, so the absolute prohibition is unjustified as to such craft.

9. The determination that this source and mode of transportation of oil is necessary for national security should be made and supported by Department of Defense or the Executive Office.

10. It will be near impossible to stay within the 54 ft. wide pipe right-of-way unless it is directly adjacent to the road. The stipulations page 34, paragraph F-6 direct the contractor to stay within the right-of-way.

11. Attachment 1, page 32, paragraph 3, Water Crossings. Clarify with respect to timing of stream bed excavation.

12. Attachment 11, page 8, paragraph 4 deletes the word 'reasonable" from fifth line.

13. Attachment II, page 9, paragraph 4a (2). Clarify by indicating the cover in channel crossings is 120% of computed maximum scour but not less than 4 feet.

M. Comments by Alaskan Command

a. The last sentence of the second paragraph on page 10 indicates the military comprises about 11 percent of the total population of Alaska. This should be changed to reflect the Department of Defense military and civilian personnel, and their dependents, comprise 23 percent of the total population of Alaska. The breakout of figures to support this is based on January 1, 1971 data as follows:

Military, 29,986.
Military Dependents, 32,865.
DoD Civilians, 5,178.
DoD Civilian Dependents, 3,826.
71,855 divided by 313,000 equals 22.96%.

b. The impact statement should stress that specific stipulations applicable to Military Real Estate will be contained in the permit authorizing construction on lands controlled by the Department of Defense. These stipulations will contain provisions peculiar to the military operation as well as all of the Interior Department's Environmental Stipulation which do not conflict with the military missions.

N. Alaskan Air Command comment

1. The stipulations for the proposed Trans-Alaska Pipeline, prepared by the Department of the Interior, appear to provide safeguards that will minimize degradation of the environment in areas of pipeline construction and operation. We concur with the evaluations on page 196 of this document

PART II. SPECIFIC COMMENTS—BASED ON LIMITED REVIEW

A. *Page 2.* Line 14: This paragraph is inaccurate and requires rewording. We recommend the following:

"The pipe is manufactured to American Petroleum Institute Specifications 5LX and 5LS, modified to provide greater ductility at the low Arctic temperature. The steel pipe has an outside diameter of 48 inches and is furnished in two wall thicknesses, 0.462 inches and 0.562 inches, and in three strengths, (1) 60,000 psi. minimum yield and 75,000 psi. minimum tensile, (2) 65,000 psi. minimum yield and 77,000 psi. minimum tensile, and (3) 75,000 psi. minimum yield and 82,000 psi. minimum tensile in 0.462 inch wall thickness only. The specifications additionally require fine grain, fully killed steel and Charpy impact tests to control toughness and ductility, in recognition of the exposure conditions. Ultrasonic, radiographic, and hydrostatic testing, including a 20 second hydrostatic mill test at 95% of minimum yield strength, and a 24 hour pressure test at 125% of maximum operating pressure in the as constructed condition, are required. The pipe coating selected is 10 mil powdered epoxy resin that is resistant to flame, funginert, and resistant to chemicals normally present in soils. The coated pipe would be cathodically protected after burial by impressed current devices that operate successfully in cold climates. This dual protection would minimize "the adverse effects from external corrosion to the pipe."

B. *Page 3.* Pump Stations: The number of pump stations cannot be finalized until stresses in the pipeline have been thoroughly evaluated since stresses due to internal pressures are additive to bending, seismic, and other stresses; Therefor, we recommend restating the last sentence on page 3 as follows:

"Preliminary design indicates that the line———."

C. *Page 4.* Marine Terminal: We recommend the discussion of the marine terminal indicate that the initial stage construction is to accommodate two 250M D.W.T. tankers plus one 120M D.W.T. tanker simultaneously and provide for processing 23,340 gpm of ballast, and that the future construction will accommodate four 250M D.W.T. tankers plus one 120M D.W.T. tanker simultaneously and provide for processing 38,900 gpm. of ballast.

D. *Page 4.* Marine Terminal: No provisions for cathodic protection of either dock or tank facilities.

E. Under pipeline monitoring system Pages 6 & 7.

1. Small leak detection discussed but inadequate. System is adequately only for major line leaks.

2. Air patrol is described and associated with leak detection—Not true unless major leak—Air patrol is helpful to observe changes in line cover, land slides, and washouts. It is also helpful to determine encroachment on line right-of-way by various other construction activities—Page 7.

3. The discussion concerning the proposed system design to detect pipeline leaks and to control the volume of oil that may escape the pipeline leaks or breaks does not seem adequate to fully weigh the potential impact on the environment. The following tables showing volumetric content of the pipeline should be included in the Statement to show the potential excapement that could occur between isolating valves at various spacings. A maximum valve spacing should be considered as well as a requirement to locate valves at closer spacings in particular sensitive areas:

TABLE II.—PIPELINE, VOLUMETRIC CONTENT, 48-INCH O.D. × 0.562-INCH WALL THICKNESS

Pipeline distance		Volumetric content	
Lineal feet	Miles	Gallons	Barrels
1	--------	89.6533	2.1346
10	--------	896.533	----------------
100	--------	8,965.33	----------------
1,000	--------	89,653.3	----------------
5,280	1	473,369.	11,271.
	10	4,733,690.	112,710.
	25	11,834,225.	281.775.
	50	23,668,450.	563,550.
	100	47,336,900.	1,127,100.
	789	373,488,141.	8,892,819.

This distance will be laid with pipe having two wall thickness, i.e., 0.562 inches and 0.462 inches. Accordingly, data shown in this table being for 0.562 inches wall thick pipe, actual total volumetric content of the as-built pipeline will be somewhat greater than the volumes shown. Furthermore, the distance of 789 miles is a tentative distance. Actual lineal feet of pipeline to be laid will be unknown until the as-built measurement becomes available. Consequently, volumetric content shown is tentative and will be subject to being adjusted when the as-built measurement becomes known.

PARSELL LAYS OFFICER'S DEATH TO LAXITY IN GUN PROSECUTION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert in the RECORD an article by Mr. Mike Maza, News staff writer, in an article appearing in the Detroit, Mich., News of Saturday, February 20, 1971, entitled "Parsell Lays Officer's Death to Laxity in Gun Prosecution."

Perhaps a reading of this article will lead some of the proponents of legislation to restrict the right of a citizen to own and use firearms for legitimate sporting and defense purposes to the conclusion that better enforcement of existing laws might well be their effort at this time.

It is my feeling that if existing laws were appropriately enforced, there would be no need to strip free American citizens of rights carefully set out by the Founding Fathers in the Constitution to own and use firearms for legitimate defense and sporting purposes.

If 20,000 laws on the books do not protect American citizens how is one to expect that criminals will be deterred in their nefarious ways by disarming the law abiding?

The article follows:

PARSELL LAYS OFFICER'S DEATH TO LAXITY IN GUN PROSECUTION

(By Mike Maza)

The head of Detroit's police union has charged that laxity in prosecution and sentencing of persons carrying guns illegally is responsible for the off-duty death of a Detroit policeman and the city's soaring homicide rate.

"It is common knowledge in Detroit that, while drunk drivers go to jail, anyone can carry a gun through the courtesy of the prosecutor's office and the courts," said Carl Parsell, president of the Detroit Police Officers Association (DPOA).

The criticism, leveled at the Wayne County prosecutor's office and Detroit Recorder's Court, was Parsell's second blast at the two agencies this year.

"The murder of Officer Edward Coleman," a 43-year-old patrolman shot to death while visiting friends yesterday, "could not have been prevented by police," Parsell said.

Because the man police are holding in connection with Coleman's death, Walter L. Carson, 33, of 8651 Roselawn, has no felony record, Parsell said, "the prosecutor and the courts would not have prosecuted his illegal conduct before he shot and killed someone."

Parsell said Carson had no permit to carry a gun.

"Under an agreement between the prosecutor's office and the courts, police would not have been able to obtain a warrant for this potential killer had they stopped him before the murder," Parsell said.

Replying to Parsell's earlier criticism of court policies, Recorder's Executive Judge Robert E. DeMascio said:

"We are required by law to judge each case on its merits."

DeMascio said he wouldn't send a man to jail for carrying a gun illegally if the man had no criminal record and if it were shown that the man feared for his own or his family's safety.

"The prosecutor's office screens these cases carefully, as it should," DeMascio said.

A spokesman for the prosecutor's office said guidelines have been adopted so that persons without criminal records will not be prosecuted for carrying concealed weapons under the felony statute but for failure to present a firearm for safety inspection, a misdemeanor.

Parsell said yesterday the policy is responsible for Detroit's "fast becoming known as Murder City."

SMOKESCREEN OBSCURES FLORIDA BARGE CANAL ISSUE

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. YOUNG of Florida. Mr. Speaker, promoters of the discredited Cross-Florida Barge Canal have raised a series of smokescreens to try and obscure the critical environmental considerations which led President Nixon to call a permanent halt to the project.

The latest stratagem is to falsely accuse the President of making his decision solely on political considerations—a charge laden with irony since President Kennedy's agreement to fund the long-dormant project was admittedly a political one.

Basis for the attack on President Nixon is a selected excerpt from a memorandum canal supporters say was sent from Russell E. Train, Chairman of the Council on Environmental Quality, to the White House. The advocates have repeatedly quoted out of context from a single paragraph of the document.

This memorandum would be a privileged communication, and canal supporters will not say how they obtained it. If it is authentic and we accept their quotation of the fourth paragraph of the memorandum, it is only fair and reasonable that we be allowed to examine the entire document.

I have managed to obtain a copy of the memorandum from which canal advocates are citing a select passage as evidence that the President "played politics" in halting construction of a 107-mile ditch across the middle of Florida.

I can see why they cite only the portion which they believe supports their case. I can understand why they have not released the entire document. For the memorandum fully supports the President's determination that continuation of the nearly $200 million project would result in irreparable damage to Florida's environment and pose a serious threat to the State's water supply.

This is not the message canal advocates are trying to publicize.

True, the last point considered in the memorandum is of the possible political consequences of halting the project. And it notes, quite accurately, that the majority of Florida residents do not support the canal. As I have said previously, if reexamining programs in light of the public's determination to preserve our great natural assets is "playing politics," then let us have more of it.

Since canal advocates give great credence to this memorandum and publicize select portions which they believe serve their purposes, I feel strongly that the American people are entitled to the full text of this document so they can judge for themselves whether the President acted wisely in halting a project of marginal economic benefit and of serious environmental impact.

Here, then, is the entire text of the memorandum being used by canal supporters:

EXECUTIVE OFFICE OF THE PRESIDENT, COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, D.C.

Memorandum for Mr. Whitaker.
Subject: Cross Florida Barge Canal.

I recommend termination of the Cross Florida Barge Canal, rather than the partial realignment proposed by Army, for the following reasons:

1. This project could seriously affect the environment in Florida by degrading water quality, altering the water supply in central Florida, vitally affecting the fish and wildlife of the area, and combining what are now separate ecological systems. Potential pollution from the project may be transferred to the Florida aquifer, setting off a destructive chain reaction affecting the water supply for many users. Many unique ecological features would be destroyed. This would pose a serious threat to the survival of rare alligators, panthers and wild turkeys through the alteration of their habitat. The Canal could add to the spread of pests from the Gulf to the Atlantic Coast where they would spread virtually unobstructed throughout the East Coast Waterways.

2. The project itself is marginal from an economic point of view and hence very undesirable in the face of the potential and actual environmental problems it presents.

3. The estimated sunk cost of this $179 million project is from $71 to $77 million. If the project were abandoned, annual benefits of $1.2 million would still accrue. The budget savings this year and in subsequent years for this marginal project is a strong reason in itself for stopping it.

4. I believe there are probably more political advantages than disadvantages in stopping the project, compared to a partial realignment, I have been told that if the project were voted on as a referendum by the people of Florida, it would be defeated. Essentially, only a small minority of people in the Tampa and Jacksonville areas have a real interest in it. As you know, Governor Kirk backed away from the project in the last election and the Governor-elect opposed it. Although this certainly is not a detailed analysis of the political situation, I conclude that the benefits nationally of dropping the project would greatly outweigh the benefits of continuing it. I further believe that a bypass over only 20 miles of the project would be considered "tokenism" by conservationists and many others.

Because of these reasons, I believe that termination of the project would bring maximum political benefits, would prevent potentially significant environmental problems and would save a great deal of Federal money for a marginal project.

Attached is a draft Presidential statement on cessation of the project.

RUSSELL E. TRAIN,
Chairman.

IMPORTANCE OF BUSINESS AND GOVERNMENT RAPPORT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. CRANE. Mr. Speaker, the February, 1971, issue of "Nation's Business" contains a very interesting article by the president of the Chase Manhattan Bank.

In this article, Herbert P. Patterson makes the very telling point that—

> It is hard for a chief administrative officer to argue that he doesn't have time to go to Washington because he is so busy at the home office. It behooves him to get to know more about how the decisions that will affect his company are being made and to provide the technical information that will help to share these decisions along consructive lines.

The article is a thought-provoking one that warrants the consideration of all businessmen and indeed all community leaders, and I include it, as follows:

CUTTING DOWN ON LOST CAUSES

(By Herbert P. Patterson)

Ordinarily, a period of high interest rates and tight money would seem like the worst possible time for a banker to go calling on Senators and Representatives on Capitol Hill.

But I started doing it a year ago when money was at its tightest, and I've been at it at least once a month since then. I've invariably been received with a gracious blend of cordiality and curiosity. I've found the legislators more than willing to listen to my side of the story of money, credit and banking, and eager to question me on virtually every aspect of the current economic scene.

One day, talking with a Cabinet member, I spoke of what turned out to be my unwarranted fears of criticism and described the searching but friendly questioning that customarily took place at my sessions with the Congressmen.

The Cabinet officer said that, contrary to what bankers and other business executives often believe, people in the Legislative and Executive branches of government welcome the expert opinions these men can offer, either in private conversations or in testimony at legislative hearings. It adds significantly to the dialogue, he said, and contributes to the development of forward-looking legislation in the national interest.

I have heard similar assessments from many Washington officials.

In essence each has made the point that the trouble with many businessmen is that they go to Washington only at the last minute when some issue, critical to their interests, is about to reach a final vote. By then there is almost nothing they can add or subtract from the measure.

Even worse, some businessmen remain silent all through the legislative process then write scathing letters to Congressmen on how bad a bill was, as finally enacted.

Such people, said one lawmaker wryly, remind him of the fellow who rushed into his doctor's office and said he needed an immediate operation to remove a silver coin he'd swallowed five years earlier.

"Why," asked the doctor, "have you waited five years? Why didn't you attend to it the day you swallowed it?"

Replied the patient: "I didn't need the money then!"

UNNECESSARY BATTLES

This attitude explains, in part at least, why business and government frequently find themselves engaged in pitched battles over issues that might well have been settled equitably before enactment of punitive legislation that must be lived with for years.

Instead of dissipating its energies fighting lost causes, business might better have joined with government in constructive efforts to temper and improve changes that were inevitable anyhow.

Business and banking are increasingly dependent upon being understood by government, which provides and enforces rules of conduct, determines business climate and has, in the end, a good deal to say about day-to-day operations. Unfortunately, though, government officials often have little direct contact with business. The same applies to many businessmen with respect to government. A number of avenues are available to remedy this situation.

One is the array of organizations such as the Chamber of Commerce of the United States, whose activities have played an important part in the development of constructive legislation. The Chamber has staff executives representing all facets of business and industry and it makes frequent appeals for executives to testify personally during hearings on important legislation.

There are aslo other organizations representing individual industries—the American Bankers Association as an example.

Our own bank maintains a small but very active Washington staff because at Chase Manhattan there has long been an effort to make our official staff more readily available to members of Congress who wish to know about our business.

Managers of our branch banks in Greater New York keep in close touch with the Congressmen who represent their areas.

Officers of our United States Department, which handles our banking on a national scale, make frequent trips to meet with Representatives and Senators—not only those from New York State but from all states where we carry on correspondent banking activities or are involved with the financial aspects of industry.

With all these people involved directly, you might wonder what reasons there are for me to spend a dawn-to-dusk day in Washington each month. It seems to me there are several.

AN "EARLY WARNING" SYSTEM

For one, there is the realization that as many decisions are being made on the future of business and banking in the halls of Congress these days as in corporate board rooms. Legislation on automobile safety, packaging requirements, cigaret advertising and other issues has had a profound impact on scores of businesses.

In view of this, it is hard for a chief administrative officer to argue that he doesn't have time to go to Washington because he is so busy at the home office. If behooves him to get to know more about how the decisions that will affect his company are being made and to provide the technical information that will help to shape these decisions along constructive lines.

No matter how many "confidential" reports an executive reads, he cannot possibly absorb the feel and the mood of Washington the way he can by actually being on the scene. Regular contacts with Congressmen and Cabinet officers frequently provide an "early warning" system of legislative trends that can be enormously helpful in evaluating future courses of action.

Not the least important lesson an executive can learn from regular visits to the capital is that Senators and Congressmen are dedicated human beings, far removed from the cartoonist's stereotypes and the comedian's quips. They grapple each day with an almost impossible job. They are expected to pass judgment on hundreds of different issues ranging from health care for the aged to the best way to get to the moon.

The men and women in the two houses of Congress whom I have met represent a high level of competence and devotion to duty. Most of them are serving at great financial sacrifice. The $42,500 salary is far less than most of them could earn in any one of a number of careers in the private sector.

Neil H. McElroy, board chairman of Procter & Gamble, who was Secretary of Defense in the Eisenhower Administration, expressed very well what I have found to be true.

"From my own experience in government," he said, "I know that the vast majority of men and women employed there are conscientious public servants. Most are receptive to facts properly presented to them and most are readily approachable.

"We in business need, more than anything else, to learn to communicate better with them, and to take the time and make the effort to do it."

A number of companies and groups already do an excellent job of communicating.

My banking colleague, A. W. Clausen of the Bank of America, is no stranger to Capitol Hill. Men like Edward Cole of General Motors, John Connor of Allied Chemical and Charles Myers of Burlington Industries, among others, have made a real effort to provide legislators with information, to discuss with them problems of mutual interest, and to give them their best judgment as to how particular issues can be handled in the national interest.

Unfortunately, though, there are not enough business executives doing this, and the rank-and-file are like the patient with the coin. Over the longer run, their woes are bound to mount because inevitably there will be more and more legislation coming up for consideration that could plague their business lives.

NO TIME FOR LEISURE

Lest anyone think the Washington visit is a leisurely round of luncheons and cocktails, I can assure him it is the hardest of hard work. The hours are long, the appointments scattered over considerable acreage. A regular routine of jogging as preparatory conditioning would not be amiss.

Often, as I've crossed and recrossed Capitol Hill for tightly scheduled appointments, I've thought a motorized golf cart would be useful.

On each visit I face 10 or 12 appointments that have been intricately organized by the Washington representative of Chase Manhattan. He spends untold hours making my schedule dovetail with those of the Congressmen. A recent schedule:

8:30 a.m., Arrive National Airport; 9:15 a.m., Sen. Ernest Hollings of South Carolina; 9:45 a.m., Rep. William Widnall of New Jersey; 10:30 a.m., Sen. Warren Magnuson of Washington; 11:00 a.m., Sen. Alan Cranston of California; 11:45 a.m., Rep. Gerald Ford of Michigan, House Minority Leader. (I'm asked to note that if he's delayed at a White House conference the appointment will be rescheduled for 3:45 p.m.); Noon, Luncheon in House dining room with Rep. Leslie Arends of Illinois, the House Minority Whip, and Rep. Harold Collier of Illinois; 1:30 p.m., Sen. Henry Jackson of Washington; 2:00 p.m., Sen. Wallace Bennett of Utah; 2:30 p.m., Sen. Robert Packwood of Oregon; 3:15 p.m., Rep. Hale Boggs of Louisiana, the House Majority Leader; 3:45 p.m., Rep. Gerald Ford (who was delayed at the White House).

Also on the schedule, if time permitted and they could break free, were Rep. Benjamin Blackburn of Georgia and Sen. William Brock of Tennessee.

Some might question the usefulness of this hurly-burly of appointments in terms of providing constructive information. But even such brief encounters, it seems to me, afford an opportunity to make key points and to further the dialogue between government and business.

The personal contact also helps break down the barriers of suspicion on both sides by demonstrating that businessmen don't wear horns and Congressmen don't have hooves.

The importance of this personal element was vividly demonstrated on a recent visit to a Senator who had had trouble with a bank credit card.

He had tried to make a purchase at a high-grade store with his card, but the clerk declined to give him credit. The Senator walked out with something less than a favorable image of banks and bank credit cards.

Soon afterward, I dropped in on him. You can imagine the reception—and who did most of the talking!

Yet the mixup was the result of a perfectly human misunderstanding. The Senator was from a Western state, and several of his identification cards bore his Western address. But his credit card was issued through a Maryland bank, and his home address was given as Washington. From a credit standpoint, admittedly confusing.

I telephoned a bank associated with the credit card group and one of its key executives responded immediately. Happily, the matter was smoothed over and the Senator is now, I hope, satisfied that the banking industry really wants to provide good service.

THEY WANT TO KNOW

Perhaps the most impressive aspect of my monthly visits has been the keen interest exhibited by various members of Congress in economic and banking matters.

They want all the information they can get about things like interest rates, loans and mortgages. Beyond these more technical aspects of banking and monetary matters, I find these men and women sincerely interested in urban affairs and minority problems.

What, they frequently ask, is my bank doing to help combat urban problems in the nation's largest city? What are we doing to assist in the employment of minority groups? Do I think this typical of banking in general?

What future plans do we have and does the industry have for establishing a forthright policy of making funds available for minority entrepreneurs?

These are not mere points of conversation but penetrating examinations of how banking is meeting its social obligations. There is no doubt that the answers are being carefully filed away in the Congressmen's minds; to be used at some future period when legislation on these subjects comes to the fore.

As for myself, I've learned a number of things from my Washington visits.

I have a much keener appreciation than before of the problems the legislators face. I also have a better understanding of how greatly concerned government is, at all levels, with the many facets of the economy.

Given this concern, we in business and banking have a special responsibility of helping to see that the facts about our economy and our businesses are presented and understood.

If this is done, the chances are much better that our lawmakers will find workable solutions to the problems we face.

Instead of looking upon government as a hobbling nuisance or a hostile force, we must come to regard it as a partner in the achievement of national aspirations.

There is one final point that comes clear: Business and banking are likely to fare much better in Washington if they emphasize the things they are for, rather than everlastingly stress what they are *against*.

Curiously, when you strip away the outmoded attitudes of opposition and the ritualistic rhetoric, you find that what most businessmen are *for* is pretty much what the country at large is seeking today: To achieve lasting peace in the world, to provide a meaningful opportunity for all citizens to achieve a rewarding place in our national life, to safeguard the purchasing power of earnings and savings, to strengthen the growth of the economy, and to stimulate programs for meeting our urgent needs in health, education, welfare, and public safety.

In short, most businessmen are *for* responsible actions to bring about a better life for all Americans.

And they can achieve these goals far more readily, in my view, by spending less time "fighting City Hall" and more helping our legislators and other public officials to deal constructively with problems involving the quality of our lives and the character of our society.

AN ARM OF CONGRESS

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, as a follow-up to my recent remarks on the future of the ICC, I would like to recommend to the attention of the House the following editorial:

AN ARM OF CONGRESS

It has been difficult for members of the trucking industry to find an area of agreement with Sen. Mike Mansfield since he began marshalling congressional forces for a move to abolish the ICC. But one thing he said last week certainly will win the endorsement of virtually all supporters of ICC regulation.

Sen. Mansfield, although he is again advocating legislation for the abolition of the ICC, had the grace to admit that "part of the problem the ICC now faces is that they are no longer, in realistic terms, a regulatory arm of the Congress."

"Their existence and activity," he explained, "are too dependent upon the budget arm of the Executive Branch. The Interstate Commerce Commission must have sufficient funds to carry out their responsibilities."

Coincidental to Sen. Mansfield's move was the introduction by Sen. Lee Metcalf (D-Mont.) and Rep. John D. Dingell (D-Mich.) of legislation to permit the ICC and similarly situated agencies to bypass the Bureau of Management and Budget in the submission of requests for appropriations.

Over the years the handling by the bureau of the ICC appropriations request has had the effect of placing a ceiling on the agency's budget well below the amount the ICC believed it needed. The reason for this is that, as a matter of policy, Congress has rarely appropriated more than the bureau recommended.

Some observers have felt that this situation tended to make the ICC subservient to the Executive Branch and to negate its role as an arm of Congress. If this was the case it would be well to remember that Sec. 8 of the Constitution confers on Congress the power: "To regulate commerce with foreign nations and among the several states. . . ." That this power was delegated to the ICC and other regulatory agencies does not take from Congress the responsibility for its effective use.

It is not surprising, therefore, that prominent members of House and Senate are expressing concern as to whether the ICC has been accorded the consideration due it as an arm of Congress. In a sense this is self-examination because clearly the successes or failures of the Commission depend on how well its actions are monitored by Congress.

"ELEPHANT'S ROAR" DOES NOT SPEAK IN AN OFFICIAL CAPACITY FOR THE REPUBLICAN PARTY

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. DEVINE. Mr. Speaker, on March 2 an item was inserted in the Extensions of Remarks by my colleague, Mr. ANDERSON of California. In it he quoted from a publication calling itself "The Elephant's Roar—A Gazette for Republican Leaders." The article quoted was an all-out assault on President Nixon's revenue-sharing plan. The impression given—wittingly or unwittingly—was that a bona fide organ of the Republican Party was opposing one of the most innovative, forward-looking proposals offered this Congress in many a year.

I have no quarrel with my colleague in this matter. As he stated in prefacing the article:

> I do not know if this publication always speaks for the Republican Party . . .

My purpose is to point out that the Elephant's Roar does not speak in any official capacity for the Republican Party. It is a small, privately owned tabloid that consists mainly of advertisements and reprints of political handouts. Although many people solicited by "The Elephant's Roar" may think they are contributing to a legitimate party publication, it has no official status.

In view of these facts, I would urge anyone who reads or quotes from "The Elephant's Roar" in the future to remember that it is, at the very best, an "uncertain trumpet"—and in no way an official voice of the Republican Party.

DAIRY PRICE SUPPORTS

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. JONES of Tennessee. Mr. Speaker, I read an Associated Press article yesterday which indicated that Secretary of Agriculture Hardin is considering a dairy price support announcement of $4.92 per hundredweight. I think this price is too low for our Tennessee dairy farmers. It is, I feel sure, too low for any dairy farmer.

We all know the importance of milk in the diets of all people—and most importantly the diets of children. An adequate supply of milk is absolutely necessary for the health and welfare of our Nation. Our national supply of milk has fallen fast since 1964—from 127 billion pounds in 1964 to 117 billion pounds in 1970. Our number of dairy farmers has declined dramatically to the point where we now have less than 400,000 dairy farmers in the United States—down from 2 million just 20 years ago.

By 1980, the Department of Agriculture predicts there will be only 200,000 dairy farms and only 110 billion pounds of milk production.

I think that all of us should be vitally concerned about this press release and the possibility that Secretary Hardin just might do what is reported—that is, not to increase milk price supports to 90 percent of parity—the maximum allowed by law. Even at 90 percent of parity our dairy farmers would not be receiving a decent return on either their 7-day a week labor or their tremendous capital investment. Many of my Tennessee dairy farmers work more than 100 family hours per 7-day week for considerably less than $10,000 net income per year. Most dairy farmers do not even receive the minimum wage for their labor.

Farmers in general have long been on the short end of our economic ladder—we just cannot let this most important segment of our economy continue to suffer so long. I would like to urge all of my distinguished colleagues to study the facts concerning our dairy farmers and this milk price support situation. We need a viable dairy industry—nothing can completely reverse the long-term trend in decreased dairy production, but 90 percent of parity would certainly help.

This contraction of numbers is expected to continue. This trend is summarized in the following table:

Number of U.S. farms selling milk and cream

Year:	*Thousands*
1950	1,959
1955	1,475
1960	1,032
1964	641
1969	400
1980	200

Thus, there are now only 400,000 dairy farms in this country. Four-fifths of the dairy farms operating in 1950 have gone out of business. The Department of Agriculture considers that in 1980 there will be only one-tenth as many dairy farms as there were in 1950.

This contraction has not simply been a consolidation of dairy herds into larger farms. The number of milk cows on U.S. farms has also been declining sharply. In 1950, there were almost 22 million milk cows on American dairy farms. By 1970, this number had decreased by nearly 10 million cows to a total of 12.5 million. By 1980, milk cows on farms are expected to decrease by another one-third or some 4 million cows, to a total of 8 or 9 million.

Decreases in cow numbers have been offset in part by increases in milk production per cow. Thus the decreases in numbers of farms and cows does not always mean an absolute reduction in milk production. In the early years of the downtrends in numbers, offsetting increases in efficiency have tempered its impact upon output. Yet efficiency gains are increasingly hard to come by. As the number of cows decreases, capacity to maintain aggregate output becomes more difficult. Dairy cows cannot be replaced quickly and inexpensively and it is increasingly difficult to increase output per cow.

All of these factors are reflected in the steady downward trend of milk production during recent years. It is a remarkable fact that 1970 milk production of 117.4 billion pounds was no higher than the production level of 1950—despite the expansion of the American economy. Moreover, annual production of milk has declined from the 1964 high of 127 billion pounds by approximately 10 billion pounds in the past 6 years. The following table illustrates the declining trend in milk production since 1960:

MILK PRODUCTION AND PER CAPITA MILK PRODUCTION (UNITED STATES 1960–70)

	Total milk production (million pounds)	Per capita milk production (pounds)
Year:		
1960	123,109	681
1961	125,707	684
1962	126,251	676
1963	125,202	661
1964	126,967	661
1965	124,173	638
1966	119,892	609
1967	118,769	597
1968	117,234	583
1969	116,345	573
1970	117,436	572

Mr. Speaker, I sincerely hope that the Department of Agriculture does not intend to sit idly by and watch our dairy industry decline into oblivion. Unless dairy price supports are set at a level high enough to guarantee 90 percent of parity, that is exactly what we are inviting.

GOVERNOR DUNN OF TENNESSEE URGES PRESIDENT NIXON TO RELEASE FUNDS APPROPRIATED FOR TVA

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. EVINS of Tennessee. Mr. Speaker, I have recently called on the President and the Office of Management and Budget to release appropriations by the Congress for construction by the Tennessee Valley Authority of the Normandy and Columbia Dams in the TVA system. I have spoken to Director Shultz of the OMB concerning the need for these funds—especially in view of current economic conditions and the administration advocacy of full-employment at this time.

In this connection I was pleased recently to note in the Tennessee press that Gov. Winfield Dunn of Tennessee, a Republican, has called on President Nixon to release the $4.3 million appropriated by the Congress for these projects on the Upper Duck River in Tennessee. These funds have been frozen and impounded by the Bureau of Management and Budget by administrative action.

I welcome Governor Dunn's support of my position on this most important matter. I commend the Governor for his helpfulness and cooperation in the public interest.

Governor Dunn, in his letter to the President, said:

> Let me respectfully recommend, Mr. President, that these funds be released so that this well-conceived and most needed project can really get off the ground. I would personally appreciate your serious consideration of this request.

Commenting on the Governor's statement, the Tullahoma News and Guardian charged that the Bureau of Management and Budget has exceeded its authority in impounding funds for TVA appropriated by the Congress.

Because of the interest of my colleagues and the American people in this most important subject, I place this editorial in the RECORD herewith:

The editorial follows:

[From the Tullahoma (Tenn.) News and Guardian, March 5, 1971]

THE GOVERNOR HELPS

Gov. Winfield Dunn has joined Rep. Joe L. Evins in urging President Nixon to release funds to permit work to be started on Tennessee Valley Authority dams at Normandy and Columbia.

We hope now that Senators Howard Baker Jr. and Bill Brock will raise their voices as well on behalf of a needed project for this region and against the dangerous growing power of the executive branch to hold up spending of funds duly authorized by the Congress.

The thanks of the people of the upper Duck River valley should go to Gov. Dunn for a forthright statement to the President, which called the dams "well conceived and most needed," and for his request that funds be made available to permit an immediate work start in accordance with a congressional mandate. Our two senators, since they are of the same party as the President and thus part of his administration in many ways, also can play a key role in getting the project going.

The seriousness of the conflict between the Congress and the Office of Management and Budget has been emphasized by criticism from prominent senators, who have charged, as Rep. Evins did last week, that the White House budgetary review staff is overstepping the bounds of its coordinating authority by holding up more than $8 billion in funds voted by both houses of Congress.

Sen. John Sparkman of Alabama called the actions "a serious breach of faith with Congress," while another respected legislator, Sen. Sam Ervin of North Carolina, criticized "the use of the impounding practice to avoid or nullify congressional intent.

This misuse of spending management is affecting, not only the Duck dams, but housing and public works programs throughout the nation that could make a difference in alleviating widespread employment.

Clearly the time has come for our two senators to raise their voices, for the good of this area and for the nation generally.

"THE SELLING OF THE PENTAGON"

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. HÉBERT. Mr. Speaker, recently Mr. Aaron R. Einfrank wrote a letter to the editor of the Washington Post which was highly critical of the CBS TV special, "The Selling of the Pentagon." This fact, in itself, is not remarkable. Nor is the fact that the Post published that letter on March 2, 1971. Many people have written to the Post condemning the program and several have been published.

The remarkable thing about this incident is that Mr. Einfrank can be considered an expert in the field of journalism and, therefore, highly qualified to distinguish between good and bad reporting. Mr. Einfrank is the Washington bureau chief of the Toronto Telegram. He is also the former Moscow bureau chief for that newspaper.

In view of his expertise in the field of journalism and his experience in determining what is impartial reporting and what is biased propaganda, I am submitting, for the information and edification of my colleagues, Mr. Einfrank's letter to the Post and I ask that it be printed in the RECORD at this point.

"SELLING OF THE PENTAGON"

Your reporter, William C. Woods, in his story (Feb. 26) on the public reaction to CBS Reports' "The Selling of the Pentagon," writes off public criticism of this show by saying that "the (telephone) calls were largely critical as though viewers were outraged by a news team delivering news instead of propaganda."

I would offer that the criticism expressed in these phone calls is based on a different premise: that many viewers felt as I did that the show was purely anti-Pentagon propaganda of an outrageously biased and dishonest nature. The same criticism might be leveled to a lesser extent in the case of Mr. Woods' story.

Perhaps one way to solve the problem would be for the respective organizations of Messrs. Mudd and Woods to post them to Moscow. Then perhaps these gentlemen would understand why a Pentagon is a necessity for free people and why the Pentagon must maintain informational and other links with the free people it defends.

AARON R. EINFRANK.

WASHINGTON.

FREEDOM—OUR HERITAGE

HON. TOM S. GETTYS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. GETTYS. Mr. Speaker, each year the Veterans of Foreign Wars and its ladies auxiliary conduct a Voice of Democracy contest. This year over 400,000 school students participated in the contest competing for the five scholarships awarded. The winning speech from South Carolina was delivered by an attractive, talented young lady from my hometown of Rock Hill, S.C., Miss Susan Tibbets. While Susan did not win the national contest, she is a top winner in my book and her speech is worthy of study and consideration by Americans of all ages.

I insert, Mr. Speaker, the Voice of Democracy speech of Miss Tibbets in the RECORD:

FREEDOM—OUR HERITAGE

(By Miss Susan Tibbets)

This nation, our America, is unique among the nations of the world. It did not grow by accident or by conquest, but was carefully constructed, principle upon principle, by the founding fathers. They passed on to us their masterpiece of building—our heritage of freedom.

Our heritage is passed on to us, a legacy which carries with it no responsibility, to be used or neglected as we please. Or is it? As in Jesus's parable of the talents entrusted to the servants, the neglected gift gains nothing. Our forefathers bequeathed to us their most precious possession to hold in trust for later generations. Unless we have increased our inheritance when we are called to account for it, we become like the unworthy servant; we will have betrayed the trust of our ancestors and cheated our own descendants. The hidden talent benefited no one; neither does freedom, taken for granted, grow. Instead, it tarnishes and loses its value. To make the best use of any heritage, one must protect it and nurture it in order for it to survive and grow. It is the responsibility of every citizen to do his utmost to protect that legacy for which men died—and are dying yet. Lexington and Concord, Bunker Hill, Valley Forge, and Yorktown were not the end of the American fight for freedom. Even today Americans are defending the ideals of freedom at Phnom Penh—the Mekong Delta—yet most citizens take their inheritance for granted, not pausing to realize that it is precious and rare; for in what other country exists so valuable a heritage? And in how many countries is repression and tyranny the only birthright? Our heritage was created because men cared and were concerned with providing their fellow-citizens with a life without repression. Can we do less than our forefathers for the cause of liberty? Without the care and concern from which it was born, freedom will die. And if we do not provide the careful attention to freedom's growth, who will? Freedom is a legacy to each of us as an individual; it is therefore the responsibility of every citizen to protect and increase his own inheritance.

Freedom is the right to do whatever we want without regard to any consideration other than our individual desire. Or is it? What kind of society would we have if everyone followed his inclinations without regard to the rights of others? At best, chaos would reign; at worst, tyrants would come to power. When the long-standing Roman Empire began to crumble, the foreign provinces were abandoned. A bewildered Britain was among the forgotten possessions. No longer did the power of Rome enforce laws. Each man was totally free from any sort of restraint. This unlimited freedom catapulted Britain into the Dark Ages, a time of anarchy and fear. On today's college campuses some people feel that they are above all laws and regulations. They protest. They march. They disrupt classes. They riot. They deny to all others the freedoms that they, supposedly, are demonstrating for. Confusion reigns supremely. When Julius Caesar took the law into his own hands by crossing the Rubicon in defiance of commands from his superiors, he took the first step on a road that led him to the dictatorship of Rome. This one violation of regulation led to one man's absolute power over the known world. The Communist Revolution plunged the vast land of China into a period of lawlessness. There was only one hope for regulation of the chaotic conditions—a strong leader. Chairman Mao came to power and proved himself to be strong—strong enough to remain in complete power for decades, strong enough to impose his very thoughts on a large proportion of the world's population. While each of us must carefully guard and preserve his own rights, he must also take pains not to infringe on the rights of others; for their rights, as well as his own, are bound up in the total fabric of freedom. If he destroys the slightest freedom of another, he also destroys a bit of his own. In the words of John Donne:

> No man is an island, entire of itself; Every man is a piece of the continent, a part of the main. Any man's death diminishes me because I am involved in Mankind.

No man's freedom is safe if one man's freedom is denied. Every citizen must assume the responsibility of ensuring the basic rights of all men.

The heritage of freedom is a legacy to us all. It concerns each of us personally and all of us as a nation. We must guard and care for both our individual rights and the rights of all citizens, for these basic privileges are our inheritance. This legacy is not yours alone, nor does it belong solely to me. It belongs to us all—Our Heritage of Freedom.

REORGANIZATION TIMELY

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. FRENZEL. Mr. Speaker, I want to say how pleased I am that the President has provided us with such a thorough and logical executive reorganization proposal based on the purposes of Federal Government. It is indeed timely.

Each year there are more Americans. Approximately 2 million more. And that means each year our old ways of serving the public and their needs become less effective.

We all know that international agencies criticize American consumption of the world's natural resources. What we perhaps do not realize is how rapidly we are devouring, and, to a great extent, wasting the vital natural resources of our own land.

Today the average American is using 25 tons of basic materials each year. This is excluding air and water. And, more important, this usage is climbing by a ton a year. If this trend continues, in 10 years we will be using twice as much energy, in 18 years we will be using twice as much water, and in 22 years twice as much metal.

We cannot start too soon to plan to replenish these supplies where possible and to find new sources of energy, water, and metals.

I urge the prompt consideration of legislation to establish a Natural Resources Department to coordinate Government programs for consumption, conservation, and enjoyment of our natural resources.

THE STATE OF THE WORLD MESSAGE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. SCHMITZ. Mr. Speaker, Karl von Clausewitz said in 1830:

> Now, this improvement from without can be nothing else than a change in political relations; either new alliances spring up in favor of the defender or old ones directed against him collapse. This is, therefore, the aim of the defender, in case his weakness does not permit him to think of any important counterstroke.

The above would seem to be the major premise of the foreign policy of the United States as outlined by the President in his recent state of the world message. The goal of partnership is basically a hope that our allies will in the future be able to defend themselves from the advances of the world Communist movement, as we are no longer going to attempt to directly contain Communist expansion in many areas of the world. The containment policy adopted in 1947 is a recognized failure, as it logically had to be since it ceded to the enemy not only a secure rear area, the Soviet Union and its colonies, but at the same time allowed them to initiate conflicts at the time, place, and level of their own choosing.

Instead of recognizing this failure as a call to adopt a forward strategy designed to emancipate the areas under Communist totalitarian rule, we are slowly retreating and hoping to pick up and strengthen allies on the rearward march. In order to console ourselves as we retreat from greatness, new words and concepts have been developed to smooth the slide downhill. Soviet gains, like those recently made in Chile, Libya, Somalia, and so forth, are now put under the category of diversity rather than free world loss. The prevailing illusion is that a generation of peace can be evoked by something less than American superiority in all fields. The cold war era has seen America decline from a position of global spremacy to that of the other great power. The cold war is neither over, nor is this decline to be reversed. What follows is a very brief elaboration of some parts of the President's message.

SOUTHEAST ASIA

The President attempts to make a case for not seeking a military victory. He is unsuccessful. The fruits of military activity designed to eliminate the enemy's power to wage aggressive war have already been shown by the excellent and successful allied thrusts into enemy held areas of Cambodia and now into the enemy held areas of Laos. These operations have saved lives and significantly interfered with the enemy's ability to carry on the war as he wishes. The same results would be achieved on a greater scale by directing certain types of military activity against the base from which the enemy is striking. One extremely efficacious and low-cost approach which the administration is continuing to study, would be a naval blockade of Haiphong Harbor, through which flow practically all of the materials needed by the enemy to carry on the war.

NATO

Our military policy toward Western Europe is the one vaguely hopeful statement of intent in the message. Since NATO has never been able to muster more than about 26 divisions to hold an area stretching from Finland to the Caucasus border of Turkey, while the Soviets and Warsaw Pact can mobilize up to a hundred divisions and concentrate them on a small front, the President has recognized the vital need for both tactical and strategic nuclear capabilities on hand in Europe.

AFRICA

The United States will continue activities directed toward forcing the pro-Western sectors of Africa to conform with policies which are completely unacceptable to them. We will continue the embargo against Rhodesia regardless of the fact that we are becoming increasingly dependent on Soviet sources of strategic chrome ore by denying American firms access to Rhodesia's vast deposits and also regardless of the fact that since the embargo went into effect in 1967 the Soviets have doubled their prices to us. We will continue to deny arms to South Africa and discourage American investment in the South African protectorate of Southwest Africa. We will also continue to deny armaments to the Portuguese for use in defense of their African territories of Guinea, Angola, and Mozambique against Communist led and supplied insurgents.

This is all done in the name of criteria which do not seem to be applied to other sectors of the world. The President is planning to vastly increase trade, guarantee American investments, and extend credit to places like Rumania where there is no political freedom whatsoever.

LATIN AMERICA

Although the President says that he would prefer governments in this area which are based on democratic principles, when a nation like Chile goes over to the Soviet camp we do nothing about it. This is known as "accommodating diversity" in the new American foreign policy lexicon. It is said to be in the best interests of the United States. But how it can be in the best interests of the United States for the Soviets to have a nuclear submarine base in Cuba and a possible Soviet naval base in Valparaiso, Chile, which would give the Soviet subs coverage of our West Coast as the base in Cuba does our East, is not elaborated upon.

It is most unfortunate that the spirit of determination revealed in the allied thrusts into enemy-held areas of Cambodia and Laos is not reflected in most of the areas of foreign policy outlined in the State of the World message. Easing tensions and defense are not compatible concepts when there is an avowed and powerful enemy seeking to extend his dominion over the entire planet. We must not tie our star to diversity and sacrifice our essential security.

BIRMINGHAM, ALA., EARNS "ALL AMERICA CITY" TITLE

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. EDWARDS of Alabama. Mr. Speaker, the city of Birmingham, Ala., has long held the spotlight as one of the nation's leading centers of trucking, railroad, and industrial activity. The 38th largest metropolitan area in the country, Birmingham is also considered the fourth largest metropolitan market in the Southeast.

Often referred to as the "youngest of the world's great cities", the Birmingham area population is well over 650,000 persons.

Last week, the impressive credentials of this proud city received additional recognition when Birmingham was selected one of 11 winners of the National Municipal League and Look magazine All America City Contest.

Earning an "All America City" title was not an easy, overnight achievement for Birmingham. For years, the stigma of a city torn by racial strife hindered Birmingham's reputation as a progressive community. Concerted effort by many Birmingham citizens, however, has served to erase this obstacle with the result that people of all creeds and nationalities have closed ranks to help Birmingham to earn this national honor.

Having been born and raised in Birmingham, I feel especially proud of the fact that this vigorous, hard working Southern community has been chosen to share such a distinction along with 10 other American cities.

A NATIONWIDE EMERGENCY PHONE NUMBER: 911

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. JACOBS. Mr. Speaker, the Honorable J. Edward Roush, our colleague from the State of Indiana, is the author of legislation which if passed is destined to save lives of innocent victims of crime in this country as well as victims of accidents.

Mr. Roush has proposed that "911" be the emergency number for America so that wherever you might be in this Nation, dialing those three digits would connect you immediately with emergency service.

Congressman Roush is entitled to the gratitude of every one of us for his clear and incisive thinking with respect to this matter.

On March 7, 1971, at the fifth annual Conference of Regional Councils, Congressman Roush delivered the following remarks. They are indeed words of wisdom:

Our Emergencies Runneth Over

(By Congressman J. Edward Roush)

It is a pleasure and an honor to be here today and to participate in this panel. I hope I can clearly indicate to you the reasons why I have supported "911" as the single, nationwide, emergency telephone number and how this came about. In the process, I also hope I can ignite a similar interest in some of you and that you will carry this back to your local communities and regions.

Three years ago, the TODAY SHOW depicted what they called a "horrible fantasy" showing what could happen in an area that had a number of emergency telephone reporting numbers when, as Joe Garagiola put it, "fate really decides to sock it to you". And it went like this:

"Suppose a madman breaks into your home and shoots you in the leg. Now this startles you and you drop your cigarette on the sofa, setting it afire. Calmly, you call an ambulance for yourself, the fire department for the burning sofa, and the police to take away the madman. But wait, in the excitement, your dog runs into the street and is killed by a car. The car goes out of control, knocks over several trash cans and a fire hydrant. The trash clogs the sewer entrance and the water begins backing up into your cellar. Groggy but game, you call the animal collection people to take away the dog, the Water Department to fix that hydrant, and the Sewer Department to unclog that sewer. Now you are undecided as to who will take care of the overturned trash cans, so to be on the safe side, you call both the trash and the garbage people and the street cleaners. And oh yes, you'd better call another ambulance for the people in that car.

"Now, things are so bad that the madman is more depressed than you are and he threatens to kill himself. So still holding on to the tourniquet on your wounded leg, you dial the emergency Mental Health Service and you ask them to come to talk him out of it. But he won't listen; he takes poison. Now you have to call the Poison Control Center. The whole thing has been just too much for your old aunt who chooses this moment to have a very bad asthma attack. That means calling the Health Emergency Information Service and maybe another ambulance because the two you already called are getting pretty crowded by this time.

"But you can now relax because you have run out of emergency numbers and nothing more can happen to you."

This account may sound like a sequence from LAUGH-IN, but I actually had a letter from constituent several years ago which described an equally harrowing experience when the lady's lawn caught on fire and she was unable to locate her bifocals. The situation from the TODAY SHOW is laughable, because it is ridiculous. However, the events described are not ridiculous in that they never happen. What is ridiculous, is the fact that the most advanced technological society in the world provides the average citizen with such an archaic, duplicated maze of telephone numbers when emergencies occur.

Those of us who support the implementation of "911" as the single, nationwide emergency number, believe that this simple, easily remembered three digit phone number, may just be the answer. And since I am not a recent convert to this belief, it gives me special pleasure to be here today and to listen to the reports of city officials whose communities are now actually functioning on "911". Four years ago when this all began, I would have said that the progress that has now been made could not be accomplished. I am glad to say that I would have been wrong.

So first, I would like to tell you a little bit about my own experiences, the genesis of my own belief in "911".

My personal interest in this issue goes back to 1967 when I was a member of the House Science and Astronautics Committee. My sub-committee assignments were Advanced Research and Technology, Science Research and Development. This Committee appointment predisposed me to take an interest in and support the application of new technology, improved technology, new scientific information to solving the everyday needs of the average American citizen. During the period of the development of the space program, I watched abstract information become concrete instruments, equipment, and vehicles for space travel. I also observed the new medical and technical inventions that resulted, which served the practical interests of earth men. And, of course, communications technology was and is an important part of the whole space program.

Also, in 1967, the crime issue was paramount, and in that year, the President's Commission on Laws Enforcement and Administration of Justice issued a multi-volume report on the nature, the incidence of crime, and crime prevention and control in America. Noting the "bewildering array of police telephone numbers", the Task Force Report on Science and Technology recommended a technological improvement:

"Wherever practical, a single number should be established, at least within a metropolitan area and preferably over the entire United States, comparable to the telephone company's long-distance information number."

The Commission on Civil Disorders and the Federal Communications Commission also expressed concern over the need for an adequate emergency reporting system.

That same Task Force Commission Report on Science and Technology discussed in some depth, the importance of "response time"; that lapse of time between the occurrence of a crime and the arrival of officers on the scene. The faster the police arrive, or the shorter the response time, the more likely an arrest will be made.

As Mr. Louis Mayo of the National Institute of Law Enforcement and Criminal Justice noted at a Conference on Law Enforcement, "We know that once the criminal leaves the scene of the crime, the probability that he'll ever be apprehended is very small."

The indisputable conclusion is that the faster a person who sees a crime or suffers one calls the police, and gets the right precinct, the greater the possibility of arrest. This in turn acts as a preventative as well as a control on crime after it has transpired, for the offender can assume that he or she will be arrested.

Putting together my interest in the practical applications of scientific know-how with the communications need in the crime field, I began to ponder what could be done. It occurred to me that the American citizen should have access to a simple, easily remembered, short telephone number for reporting emergencies; a number to be used anytime, anywhere, by old and young; a number not just for crime, but fire, and poison, and other health emergencies. London, England has had such a number, "999", since 1937. It seemed to me that a single universal, emergency number, with no more than three digits, would take care of the special problems of travelers and children. It would resolve the problem of finding emergency numbers for those who cannot read, either because they are illiterate, blind or dependent upon glasses which are not immediately available. It would also solve the problem of uncertainty as to which agency to contact, for example, the police or ambulance in the case of a drowning? It would solve the problem of panic which results in confusion and reduces the average person's ability to handle the necessary details of summoning assistance.

I brought the problem to the attention of Bell Telephone through Indiana Bell. I asked them what could be done, could we not have a simple emergency number like the information number, 411? At first, as Mr. Shepard will relate, although he was not present at those conversations, officials at AT & T told me that dialing "O" for Operator was the fastest, surest, and most effective method for reporting emergencies. Well, if we can send men to the moon, and now they can even talk with the President from the lunar surface, it seemed and seems to me that we should be able to offer the American citizen something better than a long wait for the Operator to answer, take the information, hunt the proper agency, relay the call, or the information. I do not blame the Operator, but emergency calls constitute a minor fraction of about 1% of their work, about 40,000 out of some 14 million daily. They simply cannot be expected to move as fast as someone trained especially for emergencies.

So I persisted. Besides acting as an advocate, I also pursued this issue as a legislator. In May of 1967, I introduced legislation stating that it was the sense of Congress that the United States should have a uniform, emergency nationwide telephone number.

Meanwhile, unbeknownst to me, Commissioner Lee Loevinger, Defense Commissioner of the Federal Communications Commission, had also begun to question and to push for a solution.

Leaving out a lot of details, suffice it to say that in January of 1968, AT & T announced that they would provide a single, nationwide, emergency, 3 digit number. This could be provided as quickly as communities decided that they wished to go over to the new number, "911". AT & T would bear the main burden of the cost, estimated at some $50,000,000. After this welcome announcement, I re-introduced my bill to specify "911" as the single, nationwide, emergency number.

My home town of Huntington, Indiana, population, 18,000, was the first in the Bell System to adopt "911" and I was there to make the first call from the Indiana Bell Telephone Company to the Huntington Police Department, which received that call on a specially installed red telephone.

But that is ancient history. Today, 108 communities already have "911" and that means that about 15½ million Americans are now enjoying this emergency service. Meanwhile, we have learned a great deal about "911" from actual experience and from the symposiums and conferences that have been conducted.

The record of success is inspiring. In New York City, the Commanding Officer of the Communications Division, New York City Police Department told me recently that "'911' gives the citizen access to the police with unprecedented speed". He went on to say that in New York where it is a fire, police, and ambulance number, "it has proven to be one of the great successess in law enforcement".

The Franklin Institute Research Laboratories with the National Science Foundation undertook a study to determine if a need existed for a single emergency telephone number and if the implementation of such a system were feasible. They issued a report in March of 1970. The report noted a lengthy questionnaire that had been sent to a select group of metropolitan fire and police chiefs, sheriffs, poison control centers and small town police and fire chiefs. The results were as follows:

"A study of responses to questionnaires and discussions with persons in all phases of emergency work have led FIRL to conclude that a single emergency telephone number is feasible and should be implemented nationally."

Over the last two years, the National Service to Regional Councils has sponsored two outstanding symposiums, at Chicago and Omaha, bringing together those interested in the single, emergency number. These Emergency Telephone Communications Workshop brought out many of the problems and also a lot of the victories. The NSRC also selected 6 pilot regions to work with, and Washington, D.C. is one of these. I am anxious to see the Capitol City a "Model City" in every respect and I think the adoption of "911" would be an important step in that direction. I do know that discussions are well underway and I expect the Washington Metropolitan area to work out whatever jurisdictional problems exist in the near future.

I think the Department of Justice has indicated a real interest in "911", as would be expected after the President's Commission report. They have been willing through their National Institute of Law Enforcement and Criminal Justice to help fund those two symposiums, and another symposium in 1969, recognizing and analyzing the importance of response time.

I was especially interested in the fact that Attorney General John Mitchell in his Banquet Address at the 1970 Third National Symposium on Law Enforcement Science and Technology clearly endorsed "911" and went on to indicate another important use it serves. He said:

"One of the major problems in apprehending offenders is often the reluctance of ordinary citizens to come forward and tell what they know. The Institute is interested in investigating the barriers to citizens reporting of crime. It's interested in improving citizen-reporting systems . . . and also in implementing the nationwide emergency telephone number—911. That number is already in use in a number of places . . . There's no question that it would be of help in making it easier for citizens to report crimes to the law enforcement agency best equipped to deal with the situation."

As the Attorney General indicated, one of the problems in law enforcement is that of persuading citizens to report crimes, especially those that they simply observe; that do not happen to them. The simplicity of "911" can be expected to encourage citizen reporting of crime.

Over the last two years, I have been on what I call a "sabbatical" from the Congress, brought on by the fact that I was redistricted in the midst of my last term of office, and had to run against an incumbent Congressman. However, I was returned to the Congress in the fall elections last year. One of the very first priorities I established, was renewing my interest in the Nationwide implementation of "911". I find we have come a long way, but not far enough.

In this Congress, I have introduced a different kind of bill, reflecting the changes in the situation since 1968–9. On February 10, 1971 and again on March 4, 1971, with 40 co-sponsors, I introduced a bill that would amend the Omnibus Crime Control and Safe Streets Act of 1968.

This so-called Safe Streets Act sets up funds, primarily for the states to allocate to local communities to improve a whole range of crime prevention and control activities. Projects are first developed and prepared by the local governments and adopted by states, then included in the annual state comprehensive plan, subject to the Law Enforcement Assistance Administration review.

Under the present law, it might be possible for funds to be spent to encourage the implementation of "911", but none have been so far and so I have introduced legislation that would make that authorization explicit.

My bill amends the Safe Streets Act to provide Federal assistance to State and local governments for the purpose of developing and improving communications procedures and facilities for the prompt and efficient dispatch of emergency services. The bill calls for funding of $5,000,000 in fiscal 1972 and $7,500,000 for fiscal 1973.

The purpose in this bill is not to actually shoulder the costs of setting up "911"; providing money for additional or different or coordinating the same trunk lines; or to physically install "911" in a community. Actually, as you probably know, the costs of implementing "911" itself are very moderate. In Jackson, Mississippi, it is $100 a month; in Springfield, Massachusetts, $250 a month; and in Suffolk County, New York, there is an actual saving of $600 per month, although I am sure this is not typical. In this case, centralization eliminated duplication. However, this is not the "911" picture. In many cases, communities have antiquated communications systems or they need to better coordinate communications within agencies or among agencies. These costs run very high. Often renovation of existing communications facilities were needed before the community became interested in "911", but the desire to adopt "911" sometimes brings this need into clearer focus. The funds I would ear-mark would be for this kind of renovation, coordination of existing facilities to make the adoption of "911" possible and most effective.

Indeed, as far as crime is concerned (but the same is true of other emergencies), there is no point in speeding up the first part of "response time", namely that period of time between the incident and the citizen calling the proper agency, if then there is a long lapse of time until help arrives, the lapse resulting from poor inter or intra agency communications and dispatch.

Not only would this bill I propose provide funds, but I believe it also expresses a national concern and interest. Allocating money is one sure way of indicating priorities. And it is a way of saying that in the United States we will no longer neglect using our technology to help the average citizen in the continous fight against crime and fire and health emergencies.

Certainly, there will be problems for you people to solve, jurisdictional and telephone exchange problems. I have not emphasized these; they are too obvious to need my elaboration. But in this matter I agree with the National Service to Regional Councils' Summary Report for July, 1970:

If "911" is desirable for the community, the key responsibility of emergency agency officials should be to work together to overcome these problems. If "911" is to be a service to the citizen and not to the agency, some method or alternative must be found to achieve implementation."

Commissioner Loevinger asked whether the "burden of coping with emergencies" and the "confusing and conflicting complexity of government agencies" should be imposed upon the public or the agencies established to serve the public. I think we would all agree on the answer to that rhetorical question.

DEFENSE CHALLENGE OF THE 1970'S

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. HUNT. Mr. Speaker, a few weeks ago, the Honorable DURWARD G. HALL of Missouri, addressed a meeting of the Springfield, Mo., Rotary Club.

Speaking on the subject "The Challenge of the 1970's," Congressman HALL set forth in clear language this Nation's military posture as compared to that of the Soviet Union. He also stressed the importance of continuing a strong, defense related, research and development program so as to maintain the superior technological position that the Armed Forces of the United States has always held.

At this time, I would like to offer Congressman HALL's remarks. I feel that they will make interesting reading and I commend them to your attention:

CHALLENGE OF THE 1970'S

Just a few short months ago (last September to be exact) I participated in a *little publicized*, but none-the-less highly important colloquy, with the late chairman of the House Committee on the Armed Services, L. Mendel Rivers.

The debate, which eventually included 22 Members of the House, served to lay out in the clearest, most concise terms I have as yet encountered, just where this Nation stands in relation to the other great "super-power", the Soviet Union.

To those of you who automatically evoke an "oh, no, not that again", mental attitude at the mention of the word Soviet, Russian or Communist, my answer is simply this:— the worst disservice that can be done to this Nation, at this time, is to ignore the fact that we *are* locked in a struggle with the Soviet Union, ideologically as well as physically. Unfortunately, the eventual winner, *if* it ever comes to that, will be in the position to determine whether or not the smaller nations of this world will be subjugated by outright takeover, or left to determine their own destiny. One needs but study the sorry plight of the now "captive nations."

I might selfishly add that my concern for the smaller nations is based not so much on what will happen to *them*, but rather, what effect their falling into the Communist orbit would have on the security of these United States. I've never had an answer to: if not us—whom? If not there—where? And if not now, when?!! I use as a case in point, the island of Cuba, and more recently, the nation of Chile. And yes, I am aware that the Chilean people used the ballot to accept a Communist leader. But don't you doubt for one minute that it will be Moscow, or worse, Mao, who will play the tune. And if you think this is all well and good, go back to the newspapers of a few months ago and reread the story of Czechoslovakia.

I am certain that there are those of you here today who will construe my remarks as the shrill cry of a "hawk", whose talons are curled and ready for combat. That would be a misconception. If I leave you with that impression, I will have failed in my mission. I am here, if not to sound a warning, to at least do my best to lay before you one side of the story that you'll seldom read of or hear about. It is based on the most accurate and highly distilled information—known as military intelligence!

I would remind you that although our daily news is sprinkled with references to "hawks" and "doves" there is yet another bird that deserves equal time. I refer to the eagle, that gallant and magnificent creature that symbolizes the strength and honor of this nation. He soars above the crags of world politics and has a vista of wider horizons. I am sure that you are aware that the American eagle which graces our national emblem, clutches in its left claw the arrows of war, while its right is curled around the olive branch of peace. I call your attention to the fact that the eagle's head (by executive order of President Truman), is turned toward the sign of peace, thus the premise of my remarks today: While the search for peace is a continuum, the strength to insure and preserve, must follow the same path.

The remarks that I have prepared for delivery today have emerged not only as a result of the debate that I mentioned a bit earlier, but they are also the reflections of one who has spent eleven years as a member of the committee on armed services, the overseeing by daily legislative oversight of three presidents, and the constant communications with the people who constitutionally make our defensive policy, as well as those delegated to carry it out.

When I first entered the Congress back in 1960, it was possible to make a speech with only a passing reference to Asia.

It was possible to speak of our across-the-board strategic superiority, over the Soviet Union in nuclear weapons systems.

Although tension existed in the Middle East, that area was relatively quiet.

Communist China had not yet developed a nuclear capability.

The Soviets had not attempted to establish a missile base in Cuba.

Unfortunately, the same situation does not hold true today.

About 1964, the gradual intensification of the war in Vietnam and the launching of an accelerated Soviet land, sea, and air construction program, caused the threat to peace and security to begin to mount. This is easily done in a dictatorship where a "first amendment" is unheard of, and the people are cowered in fear and devoid of individual freedom! ! !

In the five years since 1965, the Soviet Union has *surpassed* this nation in land-based intercontinental ballistic missiles. Five years ago, our ICBM's outnumbered theirs, 4 to 1. Today, we have 300 fewer than they.

Where we once maintained a 4 to 1 superiority of submarine-launched missiles in 1965, we now find our lead has shrunk to 2 to 1, and estimates for 1975 project us to trail 600 to 900.

It was only in 1964 that the Soviet Navy began continuous deployments in the Mediterranean; now, since the Arab-Israeli war of 1967, a flotilla of nuclear submarines and missile-armed surface ships has been continuously operating there.

The Russian Mediterranean presence has at times attained a strength of 65 naval vessels, including submarines and support ships.

As a consequence, today, Soviet Naval forces constitute a major political and *Military Presence* in the Mediterranean. This was the reason why President Nixon, on his recent European visit, made it a point to board the flagship of our 6th fleet, to impress on the world our intent not to be shoved out of that body of water by any show of strength. However, if we do not hasten to update and revitalize the ships of our Navy, by 1980, the Mediterranean could become a private Russian-U.A.R. Lake.

The Russian naval presence has also been extended into the Indian Ocean, and the farthest reaches of the Atlantic and Pacific. Soviet submarines and warships equipped with missiles now operate boldly off the coast of the United States and in the Gulf of Mexico, as well as in the Caribbean and the coast of Africa and Southeast Asia. Think how their deployment turn-around time has decreased and their effective patrol time has been increased by the Cuban resupply base at Cienfuegos.

The Soviet surface fleet now includes two helicopter carriers, about 24 cruisers, 35 guided missile destroyers, 50 gun-armed destroyers, more than 100 destroyer escorts, and literally thousands of smaller ships, minesweepers, coastal escorts, support craft and intelligence collectors.

In addition, the Russian nuclear submarine construction capability now is about 20 units a year based on working one work shift a day; by working three shifts a day, they have the ability to produce 35 nuclear submarines a year. Today, they are building at the rate of 10 to 14 a year. They have perfected a quiet running submarine—we have not!

By contrast, the United States today has roughly 147 operational submarines of which 88 are nuclear-powered, and of which only 47 are configured as submarines primarily designed to combat the Soviet submarine threat. The other 41 nuclears are our Polaris missile firing submarines.

A recent report from the comptroller general had this to say about our Navy: "Approximately 80% of the major ships in the Atlantic fleet are over ten years old, and 50% are over 20 years. In April, 1969, the average age of the ships of the 6th fleet (Mediterranean) was 18.3 years."

So much for the Navy.

The United States Army, now numbering 1.3 million men, will probably decline to around 750,000 by 1975. The Soviets are expected to maintain 2 million men under arms.

Although the number of battleworthy tanks is classified information, I can tell you that the over-all total has dropped by several hundred in the past five years. We know that the Soviets are increasing their tank forces and are expected to have three times as many as we do by 1975. (20,000 tanks & exercise "okeon", February, 1 year ago-snorkels, etc.)

We have something like 9,500 helicopters, 8 times the Soviet count. However, the U.S. ground forces in order to utilize that mobility, would have to have absolute air supremacy over a battle area. Theirs have greater lift capability than ours and they have enough to deploy some to North Vietnam.

The Soviets are building and testing new models of aircraft at the rate of one every eighteen months. They have in operation an advanced fighter interceptor, the MIG-23 (Foxbat), with a top speed of 2,200 mph, nearly twice as fast as any in our inventory. We are soon to "flight test" the new F-14 and F-15's, but full scale production of these planes is still a couple of years away.

Our combat aircraft now number about 8,500. The Soviets have nearly 10,000. Although the Air Force does not wish to declassify its projected capability, I can safely tell you that it will be under our present figure by 1975.

These are sobering comparisons and if any bright spot can be found, it is in the fact that the military hardware we are able to produce is still superior to anything that the Soviets have been able to mount. The trick will be to keep it that way.

Most authorities agree that at the present time, we are two to four years ahead of the Russians in every important area of weapons technology. In strategic forces, we have better ICBM's, better ABM technology and better equipment at every level of detail that is important. The Soviets have larger missiles now because they have chosen to go that way, not because their technology is better. We still have better ships and better submarines across the board, in nearly every area. Our weapons are better simply because we developed a substantial lead in technology during World War II, and we maintained high enough levels of research and development to stay ahead ever since.

There may be another "Sputnik" now-and-then to flash into our future and scare the daylights out of us, but it will pose no danger as long as we maintain our lead in technology. If we ever lose the lead we now have in all major areas of military technology, we will face the prospect of having to accept Sputnik, not just in one or two unimportant areas now and then, but the prospect of a Sputnik in every important area of military weapons—in strategic nuclear forces, in naval forces, and in conventional ground forces. No responsible administration official, or any responsible Member of Congress can afford, in my opinion, to take that gamble with the future security of our Nation and the future safety of our people. Hence my letter to the commander in chief and the Secretary of Defense saying:

"Recent cutbacks in the Department of Defense have unfortunately caused equivalent cuts in vital research and development programs."

It is common knowledge that from World War II to 1960, our military research and development was by far the major part of the total technological effort of this nation. In 1960, for example, the Department of Defense budget for R. & D. was $5.6 billion out of a total Federal R. & D. outlay of close to $9 billion.

The space program, together with expanding defense research, brought the total U.S. Government research and development expenditures to a peak of about $13 billion in 1966 and '67; defense was about half of that.

Today, the total Federal research and development has gone down to a level of about $11 billion, with both space and defense declining rapidly and with defense still about half the total. That is one big reason why the administration is seeking more money for the Department of Defense in the latest budget. Another is the known Russian % increase in theirs!

It is important to remember that when we speak of research and development, we are not talking exclusively about nuclear bombs, SS-9 missiles, and the like.

Since the end of World War II, research and development, supported by the Department of Defense, has provided the major support for expansion of nearly *all* U.S. technology.

It, along with the will, know-how, and patriotism of the U.S. worker, has been responsible for the rapid development of radar, new communication technology and computers.

In addition, a great deal of the technical progress in civil aviation has come from the defense supported R & D. All turbojet and turbofan engines used in commercial aircraft have evolved from military programs. The Boeing 707 was derived directly from the Air Force C-135. Light observation helicopters developed for the Army have found many civil applications.

Defense has played a tremendous part in the development of new materials. *Aluminum* is found today in thousands of everyday products, but it was developed from a rare and costly metal to its widespread use today by work founded on the military need for aluminum in aircraft. Similiarly, the current titanium industry is a direct consequence of Department of Defense sponsored materials research and development. Even the new Lockheed C-5 can blame part of its cost overruns on the need to develop a new and lighter alloy for its construction.

Today, titanium and beryllium alloys are used in both military and civilian aircraft as airframe structures and in the compressor stages of the engines. Without titanium, no supersonic transport would begin to meet its operational demands. The corrosion resistance of titanium has put it into such civilian applications as food and chemical processing, and titanium uses in the near future will include desalination plants, steam power generating equipment, and equipment for the entire transportation industry.

The development of glass-reinforced plastics was the first important product in the class of materials known as "composites". Rocket cases for both stages of the Polaris missile, as well as for the third stage of the minuteman, utilize this material.

Military development of these glass-reinforced plastics has spurred the civilian use of these materials in boats, truck cabs, trailer bodies, fishing poles, shotgun barrels, pipe, battery cases, and many other items.

The use of satellites for communication, navigation, mapping and weather observation was initiated by the Department of Defense, and as usual, this technology rapidly found its way into the civilian sector, as well as overseas, where all their intelligence agent needed to do is buy the latest copy of Scientific American or Popular Mechanics where we proudly announce each breakthrough, complete with blueprints!

I give you these examples only to point up the great harm that can result, not only in the area of national security, but in the advancement of technology as well, if there is a serious cutback in research and development funding. I don't propose to reject out of hand requests by the Department of Defense purely on the "say-so" of individuals who are running for President, not on their record, but against the military. These same individuals would have you believe that a few kind words would solve all the ills of the world. I say—let them tell that to the Hungarians or the Czech's, or the Poles!

The record will show that we have been engaged, for some time now, in strategic arms limitation (SALT) talks with the Soviet Union in Helsinki and Vienna.

We are talking with the Communist Chinese in Warsaw.

We meet almost daily with the North Vietnamese and the Viet Cong in Paris.

We are at work trying to help negotiate a cease-fire and lasting peace in the Middle East. But it is important to always keep in mind, in the arena of world politics and negotiation, it's common knowledge that you can't win by negotiating something that you don't already have. A weakened nation is a "sitting-duck" for all comers.

Probably one of the most quoted phrases in the history of this Nation came out of the farewell address made by Dwight Eisenhower. It was in that speech that he coined the term, "military-industrial complex". As frequently is the case, the other things that the late President had to relate, in that very same speech, went, for the most part unnoticed. Let me refresh your memory. Ike said: "A vital element in keeping the peace is our Military Establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction. We face a hostile ideology, global in scope, atheistic in character, ruthless in purpose, and insidious in method. Unhappily, the danger it poses promises to be of indefinite duration. To meet it successfully, there is called for, not so much the emotional and transistory sacrifices of crisis, but rather, those which enable us to carry forward, steadily, surely, and without complaint, the burdens of a prolonged and complex struggle, with liberty at stake."

On these words, I rest my case knowing that properly informed, you and the rest of America will do your part.

TESTIMONY OF H. R. RAINWATER, COMMANDER IN CHIEF OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. HILLIS. Mr. Speaker, on Tuesday, March 9, 1971, the House Committee on Veterans' Affairs heard Commander-in-Chief Herbert R. Rainwater of the VFW testify.

Chief Rainwater outlined the VFW's legislative program for 1971. It is my hope that every Member of Congress will take the time to read the testimony of this great leader of such a gallant organization.

The testimony follows:

STATEMENT OF H. R. RAINWATER

Mr. Chairman and members of the committee, thank you for the privilege of appearing before this great Committee to present the legislative program of the Veterans of Foreign Wars of the United States.

I note that there are some new members on the Committee—and regretfully, that some long-time members are missing. I refer to Congressmen William H. Ayres of Ohio, and E. Ross Adair, of Indiana. During their terms in Congress, these two distinguished gentlemen never failed to be present on this occasion.

The Veterans of Foreign Wars is deeply appreciative of their efforts in behalf of veterans' programs during their twenty years of service on this Committee. They will be missed by all of us.

As you know, the Veterans of Foreign Wars of the United States is the oldest major veterans' organization in America—having been initially formed by veterans of the Spanish-American War, in 1899.

From that small beginning, we have grown steadily in membership and service—until today we have over 1,600,000 members. This is 110,000 more than we had at this same time last year. We expect to close out the current year with an all-time high of 1,750,000 members. This will make the nineteenth consecutive year that we have achieved a substantial increase in our membership.

The men who are with me this morning are primarily responsible for this continued growth. Through their efforts and leadership, the great purposes and programs of the Veterans of Foreign Wars are being carried out in all the states of this great nation.

One of these is our Voice of Democracy Program. It is a scriptwriting contest, whose theme this year is: "Freedom—Our Heritage."

The winners of that great patriotic contest are the young and handsome people you see just a few rows behind me. We are extremely proud of these young Americans. Five of them will receive college scholarships, totaling $22,500, at our Congressional Banquet tonight. We will have the privilege of hearing the first place winner deliver his or her speech. The first place prize is a $10,000 scholarship.

Mr. Chairman and Members of the Committee, the legislative program of the Veterans of Foreign Wars is determined each year by our delegates at our National Convention. Approximately three hundred separate resolutions dealing with veterans' rights and benefits; national security; and Americanism are weighed in the process.

Thereafter, our National Legislative and Security Committees meet here in Washington for the purpose of reviewing these resolutions and recommending a Priority Legislative and National Security Program.

That Priority Program for 1971 has been printed in an attractive brochure and distributed to the Congress, the Executive Branch, the news media, and to the public.

It would be deeply appreciated, Mr. Chairman, if a Digest of the Resolutions approved by the Veterans of Foreign Wars delegates attending our Miami Beach National Convention, and a copy of our Priority Legislative and Security Goals, may be made a part of my remarks at the conclusion of my statement.

When I assumed office as Commander-in-Chief of the Veterans of Foreign Wars, last August, I immediately announced operation "Prisoner of War." This was a petition-signing effort to incite and develop citizen opinion and action throughout the world, against the treatment of our men who are being held prisoners by the Communists in North Vietnam, the Viet Cong in South Vietnam and the Pathet Lao in Laos. Our members came through with flying colors. They gave me petitions carrying four million signatures. I later asked them to send 25 million letters to the North Vietnamese representatives in Paris—where I had been unable to deliver those petitions.

Immediate release of our men is our primary objective. But short of outright release of all prisoners of war, identification, adequate food and medical care, humane treatment, and the release of the sick and disabled, are obligations of the North Vietnamese Government under the terms of the Geneva Convention.

Looking optimistically toward the day when that release is effective, I have recommended to the Secretary of Defense and to the Administrator of Veterans Affairs that specific plans be developed to provide for the treatment and readjustment of these gallant men when they are returned to us. I am pleased to report that the Secretary of Defense has assured me that appropriate programs will be ready and operative when needed.

This Committee is to be commended for taking the initiative during the previous Congress in developing and gaining approval of legislation which has provided close to three-quarters of a billion dollars in additional assistance to veterans and their dependents. I refer, of course, to the general cost of living increase, and the 35 per cent increase in the GI Bill rates, and other VA educational programs.

Despite these increases, however, the inflationary costs of living continue to spiral—and it will not be long before additional increases are mandatory. VA compensation and pension checks never keep pace with the ever-mounting costs of today's economy. Certainly they have never yet anticipated the increased costs of the future. To this extent they both remain a game of "catch-up", in which the veteran is always behind on the economic ladder.

The Veterans of Foreign War has always maintained that there is a distinction between the honor of being buried in a National Cemetery, and the economic assistance provided through the veterans' burial allowance. This is the reason we have so long held to the position that there should be at least one National Cemetery in each state.

The continuation of the National Cemetery System, including Arlington National Cemetery, is a priority goal of our organization. We strongly support bills before this Committee which will carry out these purposes.

We in the Veterans of Foreign Wars are deeply disturbed at the use of drugs by many of our young servicemen. Many identified as marijuana users have been summarily discharged with undesirable discharges which bar them from VA treatment for this condition, as well as all other veterans benefits. For more than two years, the Veterans of Foreign Wars has been urging the Department of Defense to review existing policies with a view toward treatment and rehabilitation rather than punishment. We view the recently revised Defense Department policy in so far as marijuana users are concerned as a step in the right direction. At least it is an excellent first measure on the road to reform.

The establishment of the first of thirty planned drug treatment centers by the Veterans Administration is still another program which the Veterans of Foreign Wars has long advocated.

We believe the Congress of the United States has the obligation to look ahead, just as it does in matters involving National Defense, and be prepared at all times to balance the equities and inequities which repeatedly occur in the Veterans Administration Program.

Realistic compensation and pension payments for the disabled veteran and his family, or survivors; increased GI Bill assistance for returning Vietnam veterans; practical job assistance and training for those who do not use the GI Bill; preservation of veterans' preference in Federal employment, including the new Postal Corporation; and complete elimination of the pauper's oath for veterans seeking VA hospital care, are musts, in so far as the Veterans of Foreign Wars is concerned.

Important as these are, there is one veterans program which deserves even more attention. I refer to the VA hospital and medical program. During the past several years the Veterans of Foreign Wars has devoted its major effort to obtain additional badly needed funds for this program. Your distinguished Committee, Mr. Chairman, provided the leadership which added $155,000,000 to the VA hospital budget for last year.

Despite this, however, it appears that we failed to make a dent in the Office of Management and Budget. In spite of the fact that the Office of Management and Budget knows full well that the extra $155,000,000 was almost literally jammed down its throat by the Congress after overwhelming evidence indicated that much more was needed, it does not seem to have been impressed. For the VA budget for hospitals and medical care for fiscal year, 1972, is based on a substantial reduction in the medical care program for veterans. It contemplates taking care of 6,823 less veterans per day, starting next year, 79,000 patients per day, as against 85,935 on an average daily basis at the present time. Obviously this will force the VA to increase its rejection rate.

In other words, Mr. Chairman and Members of the Committee, it perpetuates a vicious circle. Each year the VA is given less money than it needs by the Office of Management and Budget. The VA is forced to reduce the number of patients on an average daily basis in order to live within this inadequate budget.

Then when the record shows that the average daily patient load is down, operating beds and other facilities are curtailed. Needed personnel are not hired. And the quality of medical care is reduced.

The next year the Office of Management and Budget forces the VA to accept a still smaller budget based upon this fictitious reduction, or perhaps I should say enforced reduction, of the daily patient load for the previous year.

It is very easy to predict the ultimate destruction of the VA hospital system if the Administration, through the Office of Management and Budget, continues this policy of starving the VA hospital and medical system.

I can assure this Committee and the Congress that the Veterans of Foreign Wars of the United States is well aware of the downward skid of VA hospitals since 1965. That was the year the then Bureau of the Budget tried to close 32 VA facilities. The Veterans of Foreign Wars stands ready to fight to the last ditch to save our VA hospitals.

Even the $155,000,000 that the Congress so wisely added to the VA hospital budget for this year was used in a manner which kept it from becoming a continuing budget item for successive years. Practically all of it was spent on equipment, maintenance, and other one-time budget items. It was not used for additional personnel and badly needed services. Yet it is the lack of sufficient personnel to provide essential services in our VA hospitals which has reduced their quality of medical care to veterans of this nation's wars.

The President, in his message to Congress on February 1, entitled, "Resubmission of Legislative Proposals", included a rehash of proposals to eliminate statutory payments for service-connected disability caused by tuberculosis, and the $250.00 burial allowance to which every veteran is now entitled. This message was obviously the creature of the Office of Management and Budget.

There are many ways in which money can be saved without saving it at the expense of veterans—especially those who were disabled while on active duty in the service of our country.

The Veterans of Foreign Wars strongly recommends that bills implementing these proposals to eliminate veterans rights be rejected by this Congress. It is our fervent hope that they will die when the 92nd Congress finally adjourns.

Mr. Chairman and Members of the Committee, there are other areas which greatly disturb the members of my organization. Two of these are the processing of veterans' claims in regional offices, and jobs for veterans. There has been a constantly rising case load of claims under the GI Bill and readjustment programs, compensation, and pensions in the VA. The Veterans of Foreign Wars commends the dedicated VA personnel who are doing a tremendous job in keeping up with this sharply rising work load during the past few years. We have sought in every way possible to call attention to the need for additional personnel. The proposed budget will add approximately 257 employees to these 57 VA regional offices. But here again, an additional 257 employees will not be be enough.

The Congress took note of the sharp increase respecting the need of veterans for information and assistance by authorizing an outreach program, which is the 1970 word for an expanded contact program. Yet last year's VA budget did not have one cent in the VA appropriation for the newly-authorized expanded outreach services as provided in PL 91-219. Nor does there appear to be any money in this year's 1972 appropriation for that program. Without additional, competent personnel to advise veterans and their families respecting their rights and the assistance to which they are entitled, this program is completely nullified. Additional outreach personnel must be provided for if veterans and their dependents are to be advised about the assistance Congress has authorized for them.

The Veterans of Foreign Wars has committed itself to lending all possible assistance to the problem of obtaining jobs and job training for all veterans, and more particularly for veterans returning from Vietnam. We are cooperating with the President's Jobs for Veterans Program, and have our own continuing program to assist veterans in obtaining jobs.

Last, but far from least, Mr. Chairman, we are concerned about the recommendation to eliminate the most successful veterans program ever established by the Congress. I refer to the direct home loan program. It is inconceivable to the Veterans of Foreign Wars that this program, which is the only veterans program which has ever made money for the Government, should be earmarked for elimination.

The need for additional housing is on everybody's tongue. We all know that in our small towns and rural areas it is next to impossible to obtain a housing loan. That is why the Congress established the direct home loan program. It has experienced few losses. It is a paying program making its own way. Yet unless the Congress acts this veterans' program will come to an end. The 1972 budget calls for the expansion of various subsidized housing programs and includes the continuation of the direct loan program, handled by the Small Business and Farmers Home Administrations—yet the veterans direct loan program will be deleted.

I have not endeavored to deal with National Health Insurance and all of its implications respecting veterans hospitals. There is no question, however, that a true National Health Insurance program, as contemplated by the bills introduced in this Congress would swallow up VA hospitals at least in part. Should such a system be established, we will need the wisdom and leadership of this great Committee if we are to continue to provide medical care and hospital treatment for veterans in separate facilities.

The Veterans of Foreign Wars will continue to oppose any attempt to eliminate these separate facilities, as we now oppose the efforts being made by the Office of Management and Budget to curtail service to America's veterans.

These, Mr. Chairman and Members of the Committee, are a few of the areas of intense concern for 1971 in the members of the Veterans of Foreign Wars of the United States.

May I again express my sincere gratitude for this opportunity to appear before this distinguished Committee. Many of us will be visiting with you individually throughout the remainder of the day.

We are hoping to return your courtesy by being your hosts tonight at our annual Congressional Banquet at the Sheraton-Park Hotel. All members of Congress have been cordially invited. The dinner will begin promptly at 7:00 P.M., with a reception beginning at 6:00 P.M.

Thank you for your attention.

A RESOLUTION IN SUPPORT OF REVENUE SHARING

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. KEMP. Mr. Speaker, it was recently my pleasure to meet with Erie County Education Association members and New York State legislators to discuss legislative proposals in the education field. At this legislative session the Erie County Education Association adopted a resolution in support of the administration's revenue sharing proposal to allocate $3 billion to elementary and secondary education and give States greater latitude in meeting local problems.

The text of this resolution follows:

RESOLUTION

Whereas, President Nixon has requested the Congress of the United States to approve a special revenue sharing plan in the amount of $11,000,000,000 to be distributed to each state in the nation, and

Whereas, the amount of $3,000,000,000 is specifically allocated for assistance to education throughout the nation,

Be it resolved; That the Erie County Education Association, meeting on February 17, 1971 does hereby give its wholehearted support to President Nixon's revenue sharing plan, specifically in the area of aid to education, with the following contingency, That the bulk of the $3,000,000,000 be specifically earmarked for aid to elementary and secondary education in each state.

LOS ANGELES TRADE-TECHNICAL COLLEGE LAUDED

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. HAWKINS. Mr. Speaker, in the 21st District of California, which I represent, there is a unique example of close cooperation between industry, education, business, and labor. Eleven hundred advisers on 70 college advisory committees work closely with the college in initiating and maintaining quality vocational training programs at Los Angeles Trade-Technical College.

Trade-Tech is currently the largest vocational community college in the country and offers training to 5,500 full-time day students and 10,000 evening students. Even in the current economic downturn the college is able to place nearly 100 percent of the graduates. According to a recent article in the Los Angeles Times:

> One graduate was recruited by a New York firm that paid him a starting salary of $12,000 a year and picked up the tab for his moving expenses.

Not only have the members of the advisory committees given counsel and advice but through their efforts nearly $2 million in equipment has been donated.

The membership of advisory committees is comprised of selected representatives from management, labor, professional organizations, technical societies, suppliers and agencies that are interested in the instructional programs.

The demands of industry determine the various phases of technical and trade training carried on by the college. Placement and successful progress of students are the measures of effectiveness of the preemployment training. Increased productivity, job satisfaction, and advancement of the employed trainee attest to the effectiveness of the trade extension program. For these reasons all training is developed and carried on with the advice and assistance of local trade advisory committees and industrial consultants who are familiar with industrial needs and practices.

These advisory committees meet on the invitation of the college administration, at least once a year and on occasions when considered necessary. They give counsel and advice in regard to evaluating training programs, approve plans to meet current training needs, review past accomplishments, and forecast trends affecting training and employment.

Members of the various advisory committees are an important part of the educational program of the college. The people who serve on the committees are selected because of their leadership in the economic life of Los Angeles. The advisers bring to the college expert advice and sound thinking on trade and technical problems. Thus the work of the classroom reflects the rapid changes in community and industry.

"U.S.A. AND U.S.S.R. SPACE PROGRAMS COMPARED"

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Wall Street Journal, Mar. 10, 1971]

RUSSIA QUIETLY PUSHES ITS SPACE TECHNOLOGY, THREATENS U.S. LEAD

(By Jonathan Spivak)

WASHINGTON.—Almost unnoticed in the excitement over American lunar exploits, the Soviet Union is making significant strides in space—and threatening to outdo the U.S. in years ahead.

Though the Russians' achievements are less dramatic than putting men on the moon, they're chalking up solid progress in the number and duration of space flights and in the development of sophisticated hardware.

"Unless we reverse the current trends in the U.S. space program, we must be prepared to give up our lead," acting space administrator George Low warns. "I wouldn't be surprised to see a whole string of (Russian) space firsts," adds a Defense Department official.

WHAT ARE RUSSIANS UP TO?

Russian intentions are difficult to divine, but U.S. space specialists speculate:

—Instruments may be landed on Mars to acquire information on the planet's chemical composition and on surface conditions that might help determine the possibilities of life there. The Russians, it's felt, might achieve this landing well in advance of U.S. efforts, which are planned for 1975. Soviet scientists predict that roving, remotely controlled surface exploration vehicles will be dispatched to Venus and Mars sometimes in the future.

Manned earth-orbital flights in the Soyuz spaceship may extend as long as 30 days, about twice the Apollo craft's current capabilities. The Russian voyages would be aimed at developing the technology for operating a permanent space station, which might be formed in orbit by joining together a number of spaceships.

The Russians may achieve a manned landing on the moon within a few years, perhaps by rendezvousing lunar spacecraft components in orbit about the earth, rather than the moon as the U.S. has done. Meanwhile, Soviet exploration of the moon will be conducted by automated craft that can rove the surface and return small amounts of moon material to earth.

MILITARY VENTURES

Though Moscow's military space ventures are even more obscured from U.S. view, experts expect the Russians will continue development of an orbital bombardment system, designed to avoid U.S. radar defenses, and a spaceborne satellite-inspection system. What worries U.S. military men more is the uncertainty over what else their Soviet counterparts are up to.

The expressed concern of Washington officials, both civilian and military, about the Russian space program isn't exactly selfless. During most of the last decade the U.S. Soviet "race" to the moon sustained a high level of public interest—and heavy congressional appropriations for the National Aeronautics and Space Administration. Now NASA's dollars are dwindling, and officials hope to reverse the decline.

The Russian progress, in any case, is real enough. In 1970, the Soviets launched no less than 88 spacecraft, manned and unmanned, against 36 for this country. (Until the mid-1960s, the U.S. enjoyed a two-to-one advantage in space launchings.) The Soyuz spaceship has made the longest manned flight, 18 days in earth orbit. Lunokhod 1, an automated roving explorer now on the moon, and Luna 16, an unmanned craft that has brought back material from the moon, are more sophisticated than any probes the U.S. has developed.

"Both countries have strong programs, roughly the same, but different in detail. At this point their program is going stronger in flight hardware," sums up Charles Sheldon Jr., the Library of Congress' space specialist who closely monitors Soviet efforts.

A $7.5 BILLION PROGRAM

"The USSR has kept pace with the U.S. in the continued development and improvement of general capabilities that made possible the U.S. moon landing," Foy D. Kohler, former ambassador to Moscow, and Dodd I. Harvey of the University of Miami recently wrote in Science magazine.

While exact figures are hard to come by, the Soviet civilian space budget is believed to be $5 billion a year, compared with current NASA outlays of $3 billion. If military space activities are added, Soviet space spending probably equals the peak U.S. outlays of $7.5 billion in 1966. Total U.S. space spending now is about $4.5 billion a year, and it will probably drop further.

Soviet progress has made possible the first meaningful cooperation in space between the two nations. Besides an exchange of lunar soil samples, an agreement was recently reached to develop compatible rendezvous and docking systems for spacecraft. Both nations use a snout-like probe on one craft to fit into a receptacle on the other, but the dimensions are different.

"The docking talks seem to have indicated a new approach . . . a reasonably fundamental change in our relationship to date," says one U.S. official. The Soviets have already provided detailed engineering and design information on some of their space hardware, disclosures that they rigorously resisted in the past. In the early 1960s, when the U.S. sought space agreements with Moscow, only a modest exchange of weather pictures and other data ensued. Some experts theorize the Russians may be more cooperative now because they are increasingly confident of their space capabilities.

AMBITIOUS JOINT EFFORTS

The docking arrangements could lead toward ambitious joint efforts, like plans for space rescue operations or exploration of the moon and planets. NASA men conceive of a U.S.-Soviet space station in orbit about the moon for months at a time; it could launch missions to rescue astronauts of any nation stranded on the moon. But such initiatives are far in the future and will depend mainly on international political considerations.

Unlike NASA's well-publicized civilian operations, the Soviet space program is conducted under military supervision, and many details remain secret. "The information coming to the free world is minimal," says one U.S. analyst. The Russians don't give advance notice of specific launches or reveal their future plans except in broad outline. They tell especially little about their rockets, all of which apparently have some military application. From the Western world, only French emissaries have been allowed to visit Soviet launch sites.

Even though the U.S. has won the race, Russia is believed still interested in putting a man on the moon. Their timetable may have been slowed by the U.S. success, however. "I think it won't be too long before they go to the moon," asserts Charles Mathews, a NASA official.

But the Russians' 14,500-pound Soyuz craft lacks complex electronic navigation and guidance systems, and it isn't adequate for manned flight to the moon. More significantly, the Soviets lack a mammoth booster rocket, like the U.S. Saturn V that launched the Apollo spaceships.

The Soviets say their manned space program now is focused on orbital flight designed to develop space stations and space launching platforms. They mention a variety of objectives, including weather observations, mapping of the earth, mineral surveys, repair of other spacecraft and study of the stars and interstellar space.

"For the present time there are no rigid timetables for man's flight to the moon; our main purpose is the construction of the orbital stations," Vitali I. Sevastyanov, a member of the Soyuz 9 crew, recently told a press conference in Houston.

Indeed, the Russians now may be farther along in space-station work than the U.S., which plans to launch a three-man station called Skylab in 1973. More than two years ago, two manned Soyuz craft were linked in earth orbit, forming, in effect, a primitive space station.

Like Apollo, the Soyuz spaceship consists of three units; the crewmen live and work in two, while the third provides propulsion and supplies. Defense Department experts suspect the Soyuz spacecraft might be used to detect inter-continental-missile launches and to perform other military duties.

Many of the Russians' unmanned Cosmos flights (there have been 399 to date) are sent aloft for military purposes. The Soviets continue periodically to test a Fractional Orbital Bombardment System designed to avoid U.S. radar defenses, which are positioned to guard against missiles coming from the north. This lethal satellite would approach from the south, discharging its warhead before a full orbit was completed and thus apparently circumventing the international ban on weapons in space. Its limitations are lack of accuracy and a smaller payload capacity than missiles that take a shorter over-the-pole route.

The Russians also appear interested in developing earth satellites to detect and destroy enemy spacecraft. Six Cosmos flights have been directly devoted to testing a space inspection system. The U.S. Air Force experimented with a similar project several years ago, but canceled it for lack of money.

On the civilian side, Soviet scientists predict more sophisticated instruments, including optical telescopes, will ultimately be placed on the moon's surface, an ideal observing post free of the distortions caused by the earth's atmosphere. "Lunokhod I is the first step toward such a lunar observatory," writes a Russian academician in Soviet Life, an English-language propaganda magazine.

REPRESENTATIVE JIM ABOUREZK

HON. GEORGE McGOVERN

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Wednesday, March 10, 1971

Mr. McGOVERN. Mr. President, the Rapid City Guide, one of the finest weekly newspapers in my State, has published an excellent biography of my fellow South Dakotan, Jim Abourezk. The biography, written when Jim was involved in a primary election for the Democratic nomination for Congress, goes a long way toward explaining why Jim became the first Democrat in 36 years to be elected from South Dakota's Second Congressional District.

The same remarkable energy and concern for the underdog which brought Jim from a Lebanese immigrant household on the Rosebud Indian Reservation to the U.S. Congress has already marked him as one of the most promising new Representatives in the House.

I ask unanimous consent that this biographical sketch of my friend and colleague, Representative Jim Abourezk, be printed in the Record.

There being no objection, the item was ordered to be printed in the Record, as follows:

Driving Energy Propels Son of Lebanese Pack Peddler Towards U.S. House Seat

(By Bill Wagner)

With only a few short days left until the primary, Democratic contender for the U.S. House of Representatives Jim Abourezk should have every reason to sit back and relax a bit.

Two successive South Dakota Polls have shown him with a commanding lead over his two opponents.

A private poll showed him leading his principal opponent, Elvern Varilek, by a margin of two to one.

Besides that, his small army of door to door volunteers report a heavy outpouring of support and enthusiasm among the rank and file Democrats pointing to an Abourezk avalanche.

But at the moment as far as Jim is concerned, he leads by only one vote: his 76 year old cousin Eli Abourezk, a resident of a Rapid City nursing home, cast his vote last week via absentee ballot and the word around Abourezk headquarters is that Jim got Eli's vote.

Nothing is taken for granted.

The Abourezk strategy is not to let up, to continue with the relentless pace and boundless energy that have been the hall mark of his campaign until election day, hoping to pile up a big enough margin of victory to show that he is not only the overwhelming Democratic choice for the congressional candidacy but that he can win in November.

His tactics are simple enough: hard work and a dedicated organization.

His approach is basic: a thorough grasp of the issues and a willingness to meet them head on.

His manner is simple and straight forward as he goes about the district, making personal appearances, shaking hands and making speeches.

His budget is threadbare, which he hopes to offset by the efforts of the hundreds of high school and college volunteers who make up his campaign staff.

Although the campaign has been waged at a hectic pace with little time to rest up for the next day's foray, it's obvious to the observer that Abourezk loves every minute of it. He is one of those rare persons who relishes nothing more than to roll up his shirt sleeves and wade into the bear pit of partisan politics.

Abourezk carries with his bulky, semi-squat frame the mannerisms of a finished politician: a friendly smile here, a whispered confidence there and an intense attention to whomever happens to have his ear at the moment. In Rapid City, it's hard to say he walks down the street: rather, his ambling from here to there is a series of broad smiles, friendly waves, brief chats with passersby and longer, more intimate conversations.

But politics is more than a game with Abourezk. Like everything else he does, he works hard at it. He's deadly serious. He thinks he has some ideas and the ability to present an alternative to what he calls the "tired and trite" Republican representation of the past. Abourezk is convinced that he has something to offer, but what's more important to him is that he has always been urged to assume the mantle of leadership.

Abourezk started developing notions about the nature and role of government while growing up as a boy on the Rosebud Reservation, but he credits Adlai Stevenson with his maturation as a politically involved citizen. To this day some of his statements have a Stevensonian ring. For example, he expresses concern for the poor and disadvantaged growing out of what he calls a "deep philosophical conviction that civilization will survive when the time comes that we try to accept the implications of the Biblical reminder that not even a sparrow falls to the earth unheeded."

But over the years, he has studied and worked for other leading American political figures as well. Maybe the most telling mark of his campaign is the hundreds of young people throughout the district who are hard at work as Abourezk volunteers, a boast no other candidate for high office in either party can make this year. It is hard to explain the rapport Abourezk enjoys with the young, unless it is to say he understands their concerns and tells it like it is.

"I sit down and listen to them and talk with them a great deal," says Abourezk. "What the young people seem to be saying is that we adults are allowing our society to slip into a period of brutalization and that we are doing very little to correct it. They point to the examples of the brutalizing war in Indochina, the continued mistreatment of racial minority groups and the problems of hunger or poverty without any real concern for how to end them. They are tired of the lack of any meaningful effort to put an end to crime."

"Most college students," he continues, "are opposed to the radical minority bent on the destruction of property. They believe, as do those active in my campaign, that they've never really given the political system a chance to work with their involvement with something they believe."

Maybe the key to the Abourezk success with the younger set is that he listens to them and when he talks to them, he does just that—he doesn't speak at them. Whenever he speaks to a youthful audience he points out the folly of destructive demonstrations but calls on youth instead to give the system a chance by taking a part in it instead of standing on the sidelines. The success of his exhortations are the hundreds of young Abourezk volunteers who have taken the fight to the streets—but not for destruction. Instead, they armed with brochures and campaign literature.

Abourezk appears to be at home with his youthful army, whether it is pitching in and lending a hand in stuffing envelopes or picking out a tune on a guitar for the volunteers during a sing-a-long at his home after a wearying day on the campaign trail.

Jim has long been interested in the welfare of youth. He is one of the founders of the Great Pumpkin Ministry here which operates an ecumenical coffee house where young people may gather and enjoy themselves free from the influence of liquor and bars. The coffee house has the backing of priests, ministers and detectives from the city narcotics squad.

Aside from the bevy of high school and college students hard at work on his campaign throughout the district his wife, Mary, is in charge of hundreds of housewives who have been stuffing envelopes and preparing campaign literature for distribution. His daughter, Nikki, 16, a sophomore at St. Martin's Academy, is in charge of the local activities of the young volunteers. Jim himself personally handles their efforts in other parts of the district as he makes frequent swings across the state. His sons Charlie, 17, and Paul, 10, help out by distributing literature in nearby towns in the evenings and on weekends.

His family is working hard in the campaign not only to help to win, but to help to avoid, as Abourezk puts it, "the stress of abnormal life created by a campaign." During the last weeks of the primary fight, he has all but given up his law practice. The last several weeks he's handled his law office on a "catch as catch can" basis in the evenings and on the weekends to put enough bread on the family table.

Abourezk has been gearing his campaign to the Fall, trying to make the case with Democrats that he can win in the general election. He has made a point of speaking whenever possible, in contrast to the probable Republican nominee, Lt. Gov. Jim Abdnor who has come across as so inarticulate that his Republican mentors have had to keep him off the public podium as much as possible out of fear that he loses votes whenever he speaks. If nominated, Abourezk is expected to exploit this Achilles heel in the Republican front runner to the hilt. Many Democrats see Abourezk as the best hope for that reason.

He also looks good by contrast to his principal Democratic opponent, Elvern Varilek of Geddes. Although Varilek has been in the South Dakota House of Representatives for years, so far in the primary he has displayed a knack for losing potential votes wherever he goes. Speaking to union members in Lead, Varilek got lost in his own confusing rhetoric and told the miners right to their faces "anyone who carries a sign should be put in jail." It wasn't too long before the grizzled union leader Linus Wampler stood up and commented: "Mr. Varilek, I'd like you to elaborate on that point you just made because I've been hit on the head a couple of times while out on the picket line." It isn't expected that Varilek will fare too well among the miners.

On the other hand, Abourezk has discussed the issues with compassion and concern and an awareness of all their subtleties and nuances. He speaks from his lifetime in the district as a student, rancher, civil engineer and presently a practicing lawyer.

Jim was born 39 years ago in Wood on the Rosebud Reservation. His father had immigrated to the United States from Lebanon in 1895 and worked as a peddler in the area, tramping from house to house with a heavy laden pack on his back until he could afford to buy a horse, then a buggy and finally a store in Wood. After his father achieved some degree of prosperity, he returned to Lebanon where he married Jim's mother. He returned to South Dakota and hoped to save enough money to bring his wife and two children, Chic and Helen, to the United States but World War I intervened and their arrival was postponed until 1920. By this time the elder Abourezk was a well known and revered figure on the Rosebud Reservation by the Indians and whites alike. He was one of the few white men still remembered for not exploiting the Indians.

Jim's earliest recollections are of the drouth and the great depression, when he saw first hand the poverty and hardship the people went through. Looking back on those days, Abourezk says "we didn't have any money but we probably had more to eat than the average person because my father owned a small grocery store. I can still remember the terrible deprivation the people experienced . . . I remember watching grown men in the town of Wood walking along the railroad tracks picking up coal. My father never had much money because he never could turn down a grocery order even if he knew they couldn't pay him back . . . it was a time of terrible frustration," he sums up. To this day, many people in the Rosebud area cherish the memory of the elder Abourezk as the man who saved them from possible starvation during the depression. When he died, the Indians lined the streets in mourning.

Aside from helping around the store as a tyke, the young Abourezk learned the meaning of a hard day's work early in life. During the summers, he worked on farms for a dollar a day from 5 a.m. until 10 p.m. While working on a farm near Mission, when he was 15, as fate would have it, he met Mary Ann Houlton whom he didn't see again until he was home on leave from the Navy and was later to marry.

He didn't know it then, but he was to marry her not once, but three times. "So far as I know, I'm the only politician who has been married to the same woman three times without being divorced." The first time was in a civil ceremony in Pierre, then in a Syrian Orthodox ceremony and finally last summer in the Roman Catholic Church at the Mother Butler Center here. Abourezk laughingly recalls that at the Mother Butler ceremony Police Capt. and Mrs. Roger Theunissen stood up for him but sometime during the ceremony, Mary's purse was stolen.

After serving what he terms an uneventful hitch in the Navy in Japan during the Korean War, Abourezk tried his hand at several successful callings on the Rosebud including ranching, helping manage the family store and operating a used car operation but came to the conclusion there wasn't much of a future there. He had a chance to borrow some money to attend the School of Mines and jumped at it. So he and Mary and their two children—three by the time he graduated—hied themselves off to Rapid City where Jim earned a degree in civil engineering.

While a student at the Mines, Jim worked his way through by teaching Judo which he had learned from the world's champion while a seaman in Japan and held various other jobs during his collegiate career. He also organized a Young Democrats Club at the School of Mines. "It struck me that there was so much to be done and that people really didn't seem to care."

After his graduation from the Mines in 1961, he worked as a rough and tumble construction engineer, but his heart wasn't in it. When he got a chance to go to law school in 1963, he snapped up the chance. "It was something I always wanted to do. I felt I could help to achieve many more improvements in our society as a member of the legal profession because it is easier to become involved in public service. Quite frankly, I thought engineering was a fine job but it was just 40 hours a week and got to the point where it got quite boring. The sawdust pit of the law profession seemed to offer a way to greater fulfillment." That was to prove true in Abourezk's case. Beside developing a highly successful law practice in his four years here since graduating from the University of South Dakota School of Law with honors, Abourezk quickly became a force to be reckoned with in the political life of the state, especially when it concerned the farmer, the consumer, the Indian and the poor and downtrodden.

Abourezk made his debut on the state political scene in 1968 when he was the Democratic nominee for attorney general. It was a campaign without precedent: heretofore in South Dakota politics, candidates for constitutional offices were considered hard campaigners if they followed the gubernatorial candidate around, sat at the head table and mouthed a few platitudes before the leading candidates spoke. Abourezk spoke on the issues and was recognized as a comer in the Democratic party and in state politics.

During that campaign he laughingly told his audiences his name wasn't a household word. Then he would pause to tell his listeners he was "considering changing it—to Spiro T. Abourezk." But like Spiro's, his name did get to become a household word that summer when he was named co-chairman of the drive to refer Gov. Farrar's Gas and Utility Consumer's Council law, which the state's rural electrics felt would destroy them, especially in view of the contents of the law and the public statement of Farrar that he was out to "get" the REA's. His drive resulted in 55,000 referral signatures with the result that the 1970 session of the legislature quickly repealed the controversial measure.

"I sincerely believed it would have choked off the rural electric cooperatives and I don't think there's on single thing that brought the farmer the degree of prosperity he has as low cost power. I believe when rural people prosper, the city prospers as well. I can still remember the day when we had to read with kerosene lamps and hand pump water. I was very happy to do battle with the governor." And to win too, he might have added.

His success in the referral of the utility measure led many to urge him to run for governor. He toyed with the idea for a while, but felt he could best serve the party, state and nation with his expertise on national issues as a candidate for the Congress.

He's always maintained what he calls a stance in "favor of the common man." He cites his efforts made against the "unscrupulous lending agencies" and his work as attorney for the South Dakota Consumers League in exposing some of the inequities of the Uniform Commercial Code which was, he says, "proposed by the lending lobby which would have doubled and tripled the interest rates." The measure was buried by the last session of the legislature because of adverse publicity.

Abourezk has always had a special rapport with the weak and downtrodden and they for him. He was elected a member of the board of the directors of the Western South Dakota Community Action Program and served on the board but was forced to turn down a second term because of the demands of the current campaign. But, he says, "one of my proudest moments was when I was elected to the board of directors of the Community Action Program by the poor people themselves."

In his tenure on the board, he developed some pretty strong notions about poverty and what can be done to combat it. "We've got an excellent program going," he says of current efforts, "but it does not go far enough in erasing poverty. Since the largest percentage of people on welfare are children and mothers, our great attack in untangling welfare is to break the cycle of welfare so that these children can breathe the fresh air of an environment without poverty. Day care centers should be expanded so that welfare mothers can be trained and permitted to work, as should Head Start so that children who know nothing but poverty can learn that another and better kind of life exists."

Throughout his public career, he has championed unpopular causes. "It raises my hackles to see someone treated unfairly," he says intensely.

"I call them slum-lords," he once publicly described property holders in Rapid City who rent blighted dwellings to the poor, mostly Indians. "How can they call this the Proud State when the only difference between the ghetto here and slums of Chicago and New York is that we don't have rats running across the floor."

From his early days, Jim had the profound conviction that the lot of the state's Indians can and should be bettered. He believes this will only come when the Indians are given full voice in the management of their own affairs. His law practice was hurt when he called for a sweeping investigation of conditions in jails here and near the reservations. Everything seemed to point to police brutality toward Indians. The charges were denied, but Jim was ready with affidavits to back up his claims. He is currently a board member of the Rosebud Reservation's Legal Aid program.

His political chances have also been hurt recently by his law practice because of some of the clients he has represented, particularly those charged with drug offenses. Jim can shrug these charges off as most lawyers do as simply a hazard of the profession. He knows he's taken an oath which requires him to give a client the best possible defense regardless of what he feels about the client. "The lawyer has the obligation to defend the man. Once he starts being the judge and jury he stops being a lawyer. I believe so much in the jury system that if an accused is really guilty and the police and prosecution do their job he'll be found guilty." However, he was disturbed recently when he was denounced in a letter to the editor because he represented someone charged with a narcotics violation which implied that somehow Abourezk was involved in his client's alleged misdeeds. It was especially hurting to Abourezk because he consistently cautioned his children, his young followers and youthful audiences about the inherent evils of drug use.

He also likes to mention two cases where it was clearly shown at preliminary hearings that his clients were innocent. One case involved a black officer at Ellsworth Air Force Base charged with unlawful possession of drugs. It came out at the preliminary hearing that a police informant had planted the drugs on the officer's car because of some grudge. The case was dismissed on the motion of the states attorney. Another case involved a man who had been extradited from the far west on a bad check charge. At the preliminary hearing, the storeowner testified the accused was not the man who wrote the check.

Abourzek has been running his campaign on a pretty tight budget. The bulk of his war chest came from a fund raising reception held early last spring. He's spent the money on buttons, but mostly on 52,000 brochures. No opportunity is missed to save money; the brochures would have cost more if they would have been folded at the printing plant, but to save money, Jim put his volunteers to work folding them. He does plan a limited amount of radio and television campaigning in these last few days before the primary.

The issue most voters express concern about to him is the war in Indochina. "Almost everyone wants out but the people are confused about how because of the conflicting arguments." Abourezk makes no bones about the fact that he believes the war is "perhaps the most serious foreign policy blunder in the history of the United States. We are fighting a land war in Asia—something that military strategists have warned us against for years—a war that has no national security interest for the United States in any regard." Part of his conviction about the Indochina involvement was picked up while he was stationed in Japan, where he learned first hand the low esteem Orientals place on human life.

He is also concerned about the economy and national priorities: "While nobody likes the regimentation of price and wage controls, as an alternative they are better than inflation and unemployment. We are facing the worst of two worlds—continuing rise in prices and at the same time a slowdown in the economy to the point where many people are being put out of work.

"The approximate $25 billion per year being spent on the war in Southeast Asia can be better put to use on domestic programs urgently needed at home. The problems of crime, poverty, hunger, lack of quality education in many areas all deserve more attention, but instead, we find ourselves halfway around the world fighting an isolated jungle war in an effort to support a government that does not have the support of its own people.

"An immediate reordering of our priorities is essential. We need to establish the basis of a common interest and goals of government in all Americans of good will rather than emphasizing their differences to drive them apart and against one another. We have to bring the country back together again. We have to reconcile the deep divisions that divide us. We can't go on hating each other because they're of a different color, age group or economic class."

Abourezk is particularly concerned about programs for South Dakota. "I love this state. I want to see it prosper" and proposes to do more than offer lip service if elected to Congress. He believes the voters are shrewd enough to elect a man with moxie who can not only hold his head above water in the topsy-turvy world of Washington but one who can impress his fellow congressmen enough to support his programs, where respect is gained by ability. It is one thing to be for the farmer, he points out, and another thing to convince an urban dominated Congress that the sound family farm is in the best interest of not only the farmer but of the nation. Abourezk backers are saying this is Jim's strongest asset: while others are saying they will do what they can for the district, Jim is the one with the ability to get the job done in the dog eat dog atmosphere of the nation's Capitol.

Like his father before him Jim Abourezk has packed a pretty heavy load on his back.

Why?

"If a person has the ability and opportunity to serve in an area of public life where he can get sound ideas across to other people there is a satisfaction there greater than any amount of money can buy," Jim says.

He believes, with the late Robert F. Kennedy, that "the future does not belong to those who are content with today, apathetic toward common problems and their fellow man alike, timid and fearful in the face of new ideas and bold projects. Rather, it will belong to those who can blend passion, reason and courage in a personal commitment to the ideals and great enterprises of American society."

BOMBING IN THE CAPITOL—A YOUNG REACTION

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. SHOUP. Mr. Speaker, with last week's bombing of the Capitol Building, I am sure many citizens felt the need to pause and reflect upon the meaning of such an act against one of the great citadels of democracy. Evidence of this fact can, I am sure, be seen in the mail of any Member of Congress. I have received some thoughtful reactions from some of my younger constituents. Some youngsters in the Russell School at Conrad, Mont., felt the need to speak out against such a symbolic act against their freedom and their national history:

RUSSELL SCHOOL,
CONRAD, MONT., *March 2, 1971.*

Congressman RICHARD SHOUP,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SHOUP: I am sad that the Capitol was bombed. I hope the F.B.I. can track them who has been doing the damage about the Capitol. I hope the bombers can't take our freedom and government away from us. I hope the crack is not too bad. How much will it cost to fix the Capitol? What will you do about this. If you find the bombers, how long will you put them in jail?

Sincerely yours,
DALE BELL.

RUSSELL SCHOOL,
Conrad, Mont., March 2, 1971.

Congressman RICHARD SHOUP,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: I think the bombers who bombed the Capitol are trying to take away our government. I hope the Capitol isn't damaged much. I wish the bombers would leave our country so we could have freedom.

Sincerely yours,
KRISTI DENZER.

RUSSELL SCHOOL,
Conrad, Mont., March 2, 1971.

Congressman RICHARD SHOUP,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SHOUP: I don't think that bombing is right because they are taking away our freedom and trying to take away our Government. I hope the F.B.I. finds the people that are bombing the capitol. I hope that the people that did it get put in prison for a long time. Maybe that will teach them a lesson. I do think the people should be punished for the damage they did.

Sincerely yours,
RONNIE NEWMILLER.

RUSSELL SCHOOL,
Conrad, Mont., March 2, 1971.

Congressman RICHARD SHOUP,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SHOUP: I am getting upset because people are bombing the capitol and taking my freedom away to have a government. I think the police should put the people who bombed our capitol in jail for a life time.

Sincerely yours,
KATHY BARTON.

RUSSELL SCHOOL,
Conrad, Mont., March 1, 1971.

Congressman RICHARD SHOUP,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SHOUP: I am getting upset with the people that are bombing the Capitol! They are hurting the government and we will have to pay more taxes. Some of us do not have too much money. To punish the bombers we should put them in jail for their life time.

Sincerely,
JANET RIEWER.

RUSSELL SCHOOL,
Conrad, Mont., March 2, 1971.

Congressman RICHARD SHOUP,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SHOUP: I am upset the Capitol was bombed. They are taking away our freedom by bombing. I think there should be an end to this bombing. I hope you catch the bombers. When you catch them you should put them in jail for their lifetime.

Sincerely yours,
PAM BETTERMAN.

RUSSELL SCHOOL,
Conrad, Mont., March 2, 1971.

Congressman RICHARD SHOUP,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SHOUP: The people that bombed the Capitol are bothering quite a lot of people that want freedom. I hope you catch the bombers that bombed the Capitol. I'm glad nobody got hurt. Maybe if the police force catches the bombers they should be put in jail for a very long time.

Sincerely yours,
HOLLI HIGGINS.

MAKING GOVERNMENT MORE RESPONSIVE

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. SPENCE. Mr. Speaker, in the President's state of the Union address, he outlined a truly revolutionary program for reshaping the executive branch of the Government to better serve the needs of the American people.

I heartily support such an effort and look forward to receiving his legislative proposals. I am particularly interested in finding a way to make Government more responsive. Right now our population is so large and our needs so very great that our present Government structure cannot cope with the legitimate requirements of our citizens.

The American people have a right to expect quick and effective Government responses to their needs. If a family is unemployed, it needs adequate sustenance until members of the family can receive job training, or until children are grown and educated, or until unhealthy members of the family can be adequately cared for and restored to active lives.

We all want a responsive Government. Yet, right now the maze of Federal offices defies the patience and abilities of those who most need our help. When constituents write for assistance, we now refer them to numerous offices capable of providing similar, if not identical, services.

When citizens write to one or another departmental office too often the correspondence is shuttled to a different office. Expensive long distance phone calls are transferred from one administrator to another before a question gets an answer or a need is met.

This 92d Congress can eliminate the confusion. Government can be clear and direct. It is our job to so simplify, Government functions that every American can get a direct and prompt answer to his problem.

WHEAT GROWER MATURITY

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. SEBELIUS. Mr. Speaker, recently the National Association of Wheat Growers held their annual convention in Portland, Oreg. The convention's resolve once again served notice to the Nation that the Wheat Growers Association is a responsible voice for the wheat industry and agriculture. Their statesmanlike efforts regarding agricultural legislation and policy are effectively summarized in a recent editorial that appeared in the Southwestern Miller. Mr. Speaker I commend this well-written and much deserved editorial to the attention of my colleagues:

WHEAT GROWER MATURITY

The vision of the wheat producer as a man of the soil concerned only with the weather and the price at the country elevator is quickly erased by a perusal of the activities at the recent annual convention in Portland of the National Association of Wheat Growers. That convention, the 21st in the history of the organization, reflected a feverish pace that moved the producers from consideration of federal tax policies, to import-export questions, to promotion, research and education, and to the expected requests in regard to administration of the Agricultural Act of 1970. A grower group that displays the type of statesmanship that has marked N.A.W.G. deliberations in recent years has attained a level of maturity that is highly satisfying to the producers' associates throughout the entire breadstuffs industry.

While major attention centered on the wheat farmer's stand in international wheat negotiations, since that is the main question at hand in view of the current Geneva negotiations of a new pact, many other aspects of the meeting were of importance. In one area alone, that of promotion and research in behalf of wheat foods, the N.A.W.G. decided on actions that should be emulated by both millers and bakers. For example, the recommendation was made that $100,000 be allocated from the budget of the National Wheat Institute for support of Day of Bread and August Sandwich Month during the next three years. In a voice that has more legislative power than any other segment, the growers recommended enactment of legislation to establish the Wheat and Wheat Foods Foundation. Consideration was also given to legislation that would aim at making $2,000,000 available on an annual basis for specific promotion and research in support of the wheat industry.

The best sign of wheat producer maturity came in the emphasis given by the convention delegates to the importance of producing qualities of wheat needed in domestic and export markets. Frequently, the charge is heard that growers are solely interested in bushels without regard for quality. That that is not the case was made eminently clear in Portland. "The quality of the wheat produced and marketed is of vital concern to all wheat producers and this emphasis should be one of the foremost activities of the National Association of Wheat Growers," it was stated. That policy represents maturity merged with wise judgment, a combination to be envied in any organization.

OUR DETERIORATING POSITION IN OUR BALANCE OF PAYMENTS

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. SCHNEEBELI. Mr. Speaker, Mr. Gaylord A. Freeman, Jr., chairman of the First National Bank of Chicago, has been intimately engaged in international finance and trade for many years and in such capacity and experience, his advice is sought often in this important area of our economy.

A short time ago he made some remarks about our deteriorating position in our balance of payments over the past two decades, and he phrased them in language that we can all understand. I should like to share his presentation with my colleagues:

NOTABLE AND QUOTABLE

Our country's position is a little like mine would be if I invited four or five of you in to play poker and got out the cigar box full of chips and sold you each $10 worth. If I lost hand after hand for perhaps 20 hands and continually reached into the box to replenish my own pile of chips, you might begin to wonder whether I would have the cash to redeem all of the chips piling up on the table. Then, after an hour or two of this, if I said that I could no longer redeem all of the chips and asked you not to cash any in, but to just keep on playing, you, as a friend, might say, "Okay—for a while." But as the hour grew later and I continued to lose every hand and constantly put more chips on the table, the time would come when you would say, "We aren't going to play any more unless you can make those chips good—or at least begin to bring some more money into the game."

As you know, our country has (with only two exceptions) had a balance of payments deficit in every year since 1950. That is, we have lost 18 hands in the Big Game between nations and have just continued to issue more dollars. At first we were not greatly distressed. As the world's banker, our nation—perhaps like your bank—recognized that we could not escape borrowing short and lending long, thus incurring a degree of illiquidity.

But the analogy is not all that good, for our country's long-term assets are not government assets but private assets. Privately owned factories abroad are not available for the payment of foreign-held claims for which foreign central banks can ask the U.S. government to pay in gold.

As the deficit continued, the problem became more aggravated. We will have another balance of payments deficit this year—and again will finance it by issuing more dollar claims—more chips.

Since we can't redeem all of those foreign-held dollar claims, we have since early in the 1960s asked Germany and our other foreign friends not to ask for gold for their dollars but to wait a while. They have waited and waited and waited. Meanwhile, our position has deteriorated every year.

Our time is running out.

BALANCE OF PAYMENTS

HON. ROBERT TAFT, JR.

OF OHIO

IN THE SENATE OF THE UNITED STATES

Wednesday, March 10, 1971

Mr. TAFT. Mr. President, the importance of a favorable balance of payments to the economic well-being of our country recently has been questioned. It has been urged that we adopt what has been called a "passive" payments policy and end our concern with the outflow of dollars.

Such suggestions are dangerous and unrealistic. There can be no doubt that continued payments deficits give rise to serious economic problems. The New York Times recently has printed two articles dealing with this subject. I ask unanimous consent that they be printed in the Extensions of Remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PROBLEMS LOOM IN U.S. PAYMENTS—FEDERAL RESERVE BANK HERE SAYS DOLLAR MAY SUFFER IF DEFICIT IS NOT REDUCED

(By H. Erich Heinemann)

"Major problems" for the dollar could develop in world money markets unless the United States succeeds in reducing the deficit in its international balance of payments, the Federal Reserve Bank of New York warned yesterday in its annual report for 1970.

Alfred Hayes, president of the bank, said in his transmittal letter that "the easing of credit at home imposed a heavy new burden on our international payments position."

Mr. Hayes, who begins his final five-year term as president of the bank today (he will reach the normal retirement age of 65 in 1975), said that "although no serious repercussions developed during 1970, it became increasingly clear that our international payments problems will require close official attention in 1971."

NEW OUTFLOWS SEEN

Furthermore, it was understood that the New York reserve bank believes that the "exceedingly steep" drop in short-term interest rates in recent months has contributed to new outflows of dollars that "have been worrisome to our foreign friends."

For this reason, the bank believes that some slowing down, or stabilization, in short-term money costs would be useful.

The Federal Reserve Bank here believes, according to authoritative sources, that there is "always a possibility" that the Federal Reserve Board will decide to reduce the reserves that its member commercial banks must hold against their deposits.

The effect of such an action would be to supply reserves to the banking system—and thus promote further monetary expansion—without putting the sort of downward pressure on short-term interest rates that would result from the Reserve System supplying the same amount of reserves through additional purchases of Treasury bills.

A SCARCITY OF BILLS

There is a scarcity of Treasury bills in the money market at present, which the Federal Reserve Bank of New York believes has been "troublesome" in pushing short-term rates downward.

The impression gained from these viewpoints was that the Federal Reserve Bank of New York would be likely to oppose a substantial further easing of credit, on the ground that it could complicate the international problem of the dollar.

The Federal Reserve bank here would also like to see the Federal Reserve Board—which has authority over such matters—take the opportunity to suspend entirely the interest rate ceilings on bank certificates of deposit of more than $100,000. Such ceilings are already suspended for deposits maturing from 30 to 89 days, and in any event money market rates are well below the ceiling levels at present.

The Federal Reserve Bank of New York, it was understood, believes that present Federal Reserve policy is one designed to be "accommodative" of the economy's needs for funds, and geared to setting the stage for a "reasonable recovery" in gross national product this year.

The likelihood of achieving the average of $1,065-billion for the gross national product that the Nixon Administration has set for a target is "not great," the Federal Reserve bank head believes. The bank rejects the notion of a "forced draft" expansion in the money supply designed to produce such a rate of growth in the overall output of goods and services.

The chances favor a continued gradual economic improvement in the months ahead and in the opinion of the New York Reserve bank, "that kind of outcome is the most you can hope for." To try to achieve the Administration's G.N.P. target the bank believes, would involve risks of rekindling inflation that were too great.

CONTROL OF INFLATION

The Federal Reserve bank here believes that, over-all, control of domestic inflation is the key to securing the international position of the dollar. A new international money crisis of the sort that troubled the world during 1967, 1968 and 1969 is not imminent, the bank believes, and indeed there is a welcome lack of speculative activity in foreign exchanges at the moment. But, over the long run, foreign holders of dollars could get to the point where they would want to see the holdings settled "one way or another."

In its annual report, the Federal Reserve bank said that 1970 was likely to be labeled a year of "mild recession," but it said that, "sad to relate progress in slowing the rate of price increases was disappointingly modest and uncertain."

As Mr. Hayes put it, "we relearned the lesson that curing inflation becomes a progressively more painful process the longer that cure is delayed."

UNWANTED U.S. DOLLARS SHARPEN EUROPEAN MONETARY DIFFICULTIES

PARIS.—The monetary conflict between the United States and Europe is growing sharper as unwanted dollars pour into European central banks and aggravate the difficulties the European authorities are having in curbing inflation.

In the last six days, the West German central bank has absorbed $800-million. Additional funds have been moving into Britain, the Netherlands, Belgium and France.

Under the monetary rules, foreign central banks have an obligation to support the dollar. They do this by purchasing from the market dollar overflows that would drive the dollar exchange rate below 99 per cent of its official parity.

NO LIMITS ON INTERVENTION

There are no limits on these market interventions. When the rules were written a quarter of a century ago at Bretton Woods, the dollar was by far the world's strongest currency.

But nearly uninterrupted balance-of-payments deficits over the last two decades have weakened the dollar's position.

Some authorities, such as Dr. Robert Triffin, the Belgian-born Yale economics professor, believe that a negotiated ceiling on dollar balances held by foreign institutions may now be written into the rules.

The record American payments deficits last year and the disparity between American and European interest rates have aggravated the tensions on the monetary front.

While the United States has been trimming interest rates rapidly to try to stimulate economic activity, the major European central banks have refused to follow the same pattern.

Their rates have come down somewhat but are still at relatively high levels.

This is because they are still hotly engaged in the inflation battle. But in the process of acquiring dollars, the supply of the Europeans' currencies is increased, which makes the inflation battle harder to fight.

WARY OF GOLD PRESSURE

The Europeans are reluctant to demand American gold, realizing that any massive withdrawals from Fort Knox would probably be met by the formal suspension of gold convertibility.

And this in turn, as Professor Triffith observed in a recent article published by the Morgan Guaranty Trust Company, would "trigger chaos in a world monetary system now anchored on a paper dollar, already largely inconvertible de facto, even though not de jure."

The United States, under pressure from the Europeans, has quietly moved in recent weeks to try to mop up some of the excess dollars in Europe.

Measures have been taken to discourage the repayments by American banks of dollar loans from their European branches.

The money had been borrowed during the severe credit squeeze in the United States and has been repaid at a fast pace as interest rates have fallen in the United States.

Furthermore, the Export Import Bank, which helps finance American exports, has been a heavy borrower recently in the market of foreign held dollars otherwise known as the Euro-dollar market.

RATES MOVE UP SLIGHTLY

Dollar interest rates in Europe moved up slightly at the end of last week as a result of a borrowing of $500 million by this institution.

Since the start of this year, some $1.5 billion has been borrowed by the Export-Import bank in Europe.

A third method of mopping up dollars has recently come to light. While the New York Federal Reserve Bank has refused comment on the matter it is widely believed to have recently begun intervening directly to curb the build up of German dollar balances.

It has been doing this by selling marks for future delivery. This tends to make it more costly to shift dollars into marks.

ANNIVERSARY OF MIDCONTINENT FARMERS ASSOCIATION

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. HUNGATE. Mr. Speaker, I would like to extend special congratulations to the Midcontinent Farmers Association on their 57th anniversary today, March 10.

Recognition should be given to MFA President Fred V. Heinkel, MFA Vice President Clell Carpenter, and the many others in their organization who have continually worked to assure the interests of America's farmers are heard in Washington.

The Midcontinent Farmers Association provides valuable assistance and cooperation with Members of Congress to seek the most equitable legislation for our agriculture community.

I commend their service and efforts in behalf of our Nation's farmers.

GENERAL REVENUE SHARING

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. THOMPSON of New Jersey. Mr. Speaker, in company with many of our colleagues I have had grave doubts that general revenue sharing is the answer to the problems of the cities. I wish to set forth three main objections to the President's program which have emerged from my own study of the proposal.

First, the proposed formula for allocating the money for general revenue sharing produces some strange and inequitable results. The allocation is based on population and the revenue raising effort of local governments. Figures from the Treasury Department have permitted me to calculate the per capita share of revenue which each of the communities in the Fourth District of New Jersey would receive. The per capita return to municipalities in my district ranges from a low of $1.10 for Lebanon Township in Hunterdon County to $16.10 for the city of Trenton in Mercer County. By itself this range is not disturbing, for no one would dispute the fact that Trenton has a greater need for tax relief than rural Lebanon. It is only when we compare the return to communities of more nearly equal population that the inequities appear. For example, both Hackettstown in Warren County and Hopatcong Borough in Sussex County have populations of slightly more than 9,000. Hackettstown would receive $2.70 per capita, while Hopatcong receives $3.30. The borough of Princeton is less than a third larger than either of these cities, but would receive more than twice as much—$6.90 per person—from Federal revenue sharing. The town of Phillipsburg in Warren County—population 18,000—would receive $11.90 per capita, while Lawrence Township in Mercer County—population 19,000—would receive only $7.20.

It is obvious from this sample that if two cities are of equal population, the one which is already wealthier and able to raise more revenue will be the one which gets more money from Federal revenue. In short, the rich get richer and the poor remain poor.

Second, I have serious questions about how the money from revenue sharing will be spent by some municipalities. For one, the only restriction on the expenditure of the money is that it cannot be spent in a racially discriminatory manner. There is no practical way this can be enforced. For another, it is likely that many local governments will spend their share for those programs which benefit the most powerful political constituency rather than for the more urgent needs of the entire community such as pollution control or aid for the poor. I believe strongly that it is the role of the Federal Government to set national priorities and to use its revenues to insure that those priorities are met.

Third, I cannot agree with the administration as to the proper means of raising the money to pay for general revenue sharing. The President maintains that a growing economy and an end to the war will produce a growth-and-peace tax dividend which will finance his revenue sharing program with no loss to any other program and no new taxes—a neat trick if he can do it.

But there is no economic growth, and there is no peace. We are faced only with a widened war in Cambodia and Laos, with inflation, with unemployment, and with no real economic growth in the last year other than inflation. Our first concern must be to reorder our economic priorities to curb inflation, lower the unemployment level, and end the war. Then, and only then, can we afford to talk about how to spend any peace and growth dividend.

These, then, are the reasons why I am opposed to general revenue sharing at this time. In the meantime, I recognize that something must be done to ease the financial stress on the overburdened State and local governments. I would advocate that this be done by a gradual Federal takeover of welfare costs. This will serve the dual purpose of relieving some of the most excessive State and local governments' costs and freeing money for revenue sharing within the States.

In addition I favor full funding of the present categorical aid programs as the best means of providing aid to the State and local governments. The President is undoubtedly correct that guidelines for these categorical programs have in some instances become too complex. However, this should not be a call for dismantling the programs, but rather a signal to rationalize their administration. At the same time, the local governments could be given more flexibility in how they are permitted to use the Federal money. These changes would provide the local governments with easy access to the wherewithal with which to satisfy local needs in accordance with national priorities.

REORGANIZATION OF THE EXECUTIVE BRANCH

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. WIDNALL. Mr. Speaker, President Nixon proposed in his state of the Union address that Congress accept the very considerable task of legislating the reorganization of executive branch departments and agencies.

Reorganization of Government functions is absolutely imperative as the United States approaches its 200th birthday—a model of democracy for the entire world. This is indeed an appropriate time for analyzing and significantly improving the way we conduct the business of Government.

For Government to be effective, it must be orderly. In the next 30 years the population of this country may increase as much as 50 percent. This means the institutions of Government will be serving an additional 100 million people. We must streamline the present functions of Government. We must prepare for the influx of needs in the years ahead.

Confusion in Government offices benefits no one. Too often, neither legislator, administrator, nor citizen is able to get swift and effective action from the interlaced ambiguities of Federal offices. When the bureaucracy of Government defeats and frustrates the efforts of good people then it is time for action.

SAFE ELECTRICAL ENERGY

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, March 10, 1971

Mr. METCALF. Mr. President, on February 15, the Senator from Alaska (Mr. GRAVEL) released a set of questions and answers setting forth some of his views on our energy problems, and announcing his intention to submit legislation. In particular, he described nuclear power hazards, alternative sources of energy, and some possible solutions to the so-called electricity versus environment dilemma.

I have long studied the electric utilities, and have a particular interest in the views of my colleagues on the subject. In my opinion, Mr. GRAVEL's ideas are provocative and well worth our consideration. Therefore, I am pleased to ask unanimous consent that his news release called "Nuclear Power and Alternatives," be printed in the Extensions of Remarks.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

NUCLEAR POWER AND ALTERNATIVES

FEBRUARY 15, 1971.

Senator Mike Gravel has announced plans to introduce legislation which will remove preferential treatment for nuclear power plants, and give new attention to safer ways of making electricity.

One provision of the bill will be repeal of the Price-Anderson Act, which presently provides special liability limits in case of nuclear power-plant accidents; repeal of the Act may bring construction of nuclear plants to a halt. Gravel's bill will provide job insurance for the affected workers—both private and government—and indemnification for the affected businesses if construction of nuclear power plants stops.

"It is not fair—in the nuclear business, or in the defense, space, or aircraft businesses—to make people suffer for having done just what the government urged them to do," Gravel said. "On the other hand, it is not fair to the public to have allowed the construction of nuclear plants which are so potentially dangerous that a single accident might contaminate 150,000 square miles or fifteen states the size of Maryland."

The major substance of the bill will establish an Energy-Environment Commission instead of an Atomic Energy Commission, and will provide funds to develop safe methods of generating electricity, such as clean fossil-fuel technology, magnetohydrodynamic generators, fusion, solar, and geothermal energies. Research on nuclear fission plants would also continue as one division of the new Energy-Environment Commission.

Gravel's announcement coincided with the broadcast of the NET television program, "The Advocates" in which he argued in favor of a moratorium on the construction of nuclear power plants. His statement deals with the following questions:

1. Why is it advisable to stop building nuclear power plants?
2. What might be the consequences of a major nuclear accident?
3. Are the damage and casualty figures upper-limits on the very worst accident which could happen?
4. Some nuclear enthusiasts refer to the Brookhaven Report as a fanciful exercise; is that true?
5. Isn't the chance nearly zero of such an accident ever occurring?
6. Is the chance of an accident growing larger or smaller?
7. Why do utilities advertise nuclear power plants as safe?
8. Is a move against makers of electricity a move against progress?
9. We already have power shortages; won't the lights go out for sure if we have a nuclear moratorium?
10. Will a nuclear moratorium cause chaos and unemployment in the power industry?
11. What alternatives are there to nuclear electricity?
12. Will a nuclear moratorium increase air pollution by forcing us back into coal and dirty fossil-fuels?
13. Will a nuclear moratorium just delay the nuclear plants we'll need sooner or later anyway?
14. Is it possible to generate electricity without pollution?
15. How many years away are these alternatives to nuclear power?
16. Is the government investing equally in all the alternatives?
17. Would the cost of household electricity have to go up to pay for this energy development?
18. How long might it be before a National Energy Commission is usefully in operation?
19. Is there anything which can be done in the meantime?

1. Why is it advisable to stop building nuclear power plants?

The possibility of a major accident at one of our nuclear power plants is undeniable. One really serious accident could release as much long-lived radioactivity over the countryside as 100 Hiroshima bombs, or more. The consequences could bring this country to its knees.

2. What might be the consequences of a major nuclear accident?

If we use the AEC's own Brookhaven Report, we must figure the following possibilities:

Fifteen States the size of Maryland might be contaminated; agriculture restricted or forbidden; water supplies contaminated; other power plants contaminated.

Half a million people might need evacuation fast. These radiation refugees would have no place to go, and probably no one would want them.

Perhaps another 3½ million people might have to have their outdoor activity restricted to keep them from receiving high radiation doses.

There might be general panic, and people might demand that all the nuclear plants in the country be shut down—which would extend the economic chaos even further.

In addition, there might be 3,000 or 4,000 people dying from acute radiation overexposure.

Plus another 50,000 people dying later from radiation-induced cancer, which is a horrible way to die.

3. Are the damage and casualty figures upper-limits on the very worst accident which could happen?

No, the figures cited above could be significant *under*estimates for several reasons:

(a) Nuclear plants are now being built and planned 5 times bigger than they were when the Brookhaven Report was written in 1957; that means that they produce 5 times more radioactivity per year.

(b) Because the nuclear fuel is cleaned less often now, long-lived radioactivity is given more time to accumulate inside the reactor. Therefore, at the moment of accident, a 1000-megawatt reactor may contain *more* than 5 times as much radioactivity as the 200-megawatt reactor postulated in the Brookhaven Report.

(c) The human casualties depend, of course, on how much exposure to radiation is received; if we do not succeed in evacuating up to half a million people fast enough, the casualties will go up.

(d) The Brookhaven Report postulated an accident at a small nuclear power plant located about 30 miles from a city. Huge reactors are now being built 24 miles from New York City; 12 miles from downtown Gary, Indiana; 4 miles from New London, Conn.; 10 miles from Philadelphia; 5 miles from Trenton, New Jersey. Evacuation will be both more complex and more urgent.

(e) These figures also exclude all casualties caused by radiation exposure below 50 rads, which is a high dose (about 500 times more than our annual dose from natural radiation). Obviously, there *will* be additional cancers coming later from doses below 50 rads, but they are not even included in these figures. A dose of 1½ rads to a woman during pregnancy seems to increase the chance by 50% that her child will get cancer before the age of ten.

4. Some nuclear enthusiasts refer to the Brookhaven Report as a fanciful exercise; is that true?

The utilities take the AEC's Brookhaven Report so seriously that they have insisted on the Price-Anderson Act to limit their liability.

The AEC takes it so seriously that in 1965, the Commission admitted in writing that the consequences of accidents could be even more serious than was indicated in 1957.

If the utilities and the AEC take it seriously, we should, too.

If the utilities do *not* take the Report seriously, then of course they will have no objection to repeal of the Price-Anderson Act.

5. Isn't the chance nearly zero of such an accident ever occurring?

We are told that the chances of such an accident occurring are extremely remote or negligible. That's theory, not human experience. The chance might be one chance in ten, and we would not necessarily know it yet from our accumulated experience.

The declaration of long odds—like one chance in 300 million for such an accident—is one of the most irresponsible lines being used today on the public. That's a phony figure, both in terms of the frequency with which statistically "impossible" accidents *do* happen—like the sinking of the Titanic on its maiden voyage—and in terms of our experience so far with nuclear power plants.

We have about 100 reactor-years of experience—or some people claim 600—but we would need about 100,000 reactor-years of experience to assess odds like *one chance in 200,* if we plan 500 reactors in operation.

What were the statistical odds that the Tacoma Narrows Bridge would fall down? Surely "extremely remote". What were the odds that two airliners would collide in midair over the Grand Canyon? "Negligible".

Or that a bomber would run into the Empire State Building?

So far, we've been lucky with a few reactors. It seems that the utilities are telling us, "Look, we haven't killed anyone yet, so give us a *chance*."

The chance belongs to the American people, to decide whether or not they want this gamble taken with their lives and their country.

If a nuclear accident is *possible,* and they tell us it *is,* then the chance of its happening sooner is just as great as of its happening later.

6. Is the chance of an accident growing larger or smaller?

We've already got 20 of those radioactive power plants in operation, and any one of them *might* have an accident at any moment.

If we build more of them, the chances of accidents will increase instead of decreasing. It's not necessary to be an expert in radiation or engineering to see that humans can and do make mistakes in design, in manufacture, in construction, and in operating machines. Reactors are no exception, and we've already had some close calls with a few of them. The very act of building and operating more, allows more chances for mistakes. Especially because they are behind schedule, and rushing.

Edward Teller has warned us wisely when he said, "With the greater number of simians monkeying around with things that they do not completely understand, sooner or later a fool will prove greater than the proof even in a foolproof system."

Stopping construction will prevent the accident risk from increasing, while giving us time to consider such possibilities as building all nuclear reactors underground, or developing other kinds of power.

7. Why do utilities advertise nuclear power plants are safe?

Obviously, there is a puzzling contradiction between the utilities' advertisements which claim radioactive power plants are wonderfully safe, and the utilities' testimony to Congress that they would not build them unless Congress relieved them of almost all financial responsibility for accidents. If "nukes" are as safe as they claim, why do they worry about financial responsibility for *accidents?*

If the utilities won't even risk their *dollars* on the safety of nuclear power plants, why should the people have to risk their *lives?*

We should not wait for the Price-Anderson Act to expire in 1977. Repeal *now* is a minimum objective.

8. Is a move against nuclear electricity a move against progress?

Progress in technology might be defined as something which *enhances* human health and survival. The *one* technology which has the ability to pollute this planet permanently is hard to consider as *progress.*

We've spent billions on nuclear research, we're buying nightmares for generations to come, and for what?

We end up with *another* way to boil water. That's all that a nuclear reactor accomplishes. It boils water, which produces electricity very *inefficiently*, and it also produces radioactive garbage to the tune of about 1,000 Hiroshima bombs-worth a year.

Is that human progress?

One of the main ingredients of the nuclear power program is plutonium-239, which lingers radioactively for 240,000 years. Other kinds of radioactive waste last hundreds of years.

Who needs it?

9. We already have power shortages; won't the lights go out for sure is we have a nuclear moratorium?

The lights won't go out because of a *nuclear moratorium,* although they may go out due to *other* foul-ups.

For instance, in 1969, the utilities spent about $320 million on advertising and sales promotion to increase consumption of electricity—and only $41 million on research and development of ways to generate it. *No wonder* we have a power shortage.

Brown-outs and black-outs won't be because of a moratorium. In fact, we will hardly miss nuclear power at all, which is only 1% to 2% of our power supply now.

10. Will a nuclear moratorium cause chaos and unemployment in the power industry?

We have chaos *now,* even without a nuclear moratorium. Every analysis of the power shortage refers to bad planning and miscalculation on the part of the industry.

Of course we can expect to hear wailing and cries of "We can't deliver the power", even from the coal operators who are sitting on a 400-year supply of coal. We also hear the can-not-do cries from the automobile industry about clean cars. Do you believe them?

This country could declare a moratorium tomorrow—and we might even hear a sigh of relief from some worried people *inside* the nuclear establishment—provided we insured jobs and offered indemnification. After all, we pay landowners billions of dollars every year *not* to grow crops; we can certainly afford to pay people *not* to build radioactive machines which could contaminate an area reaching from New York City to Richmond, Virginia.

If we take care of the financial hardships of a moratorium, arguments in favor of nuclear electricity may lose some of their frenzy.

My proposal for repeal of the Price-Anderson Act is part of legislation which includes establishment of an Energy-Environment Commission. There will be *more* energy business and *more* energy employment, not less, because the total energy effort in this country needs to be far *greater* than it.

11. What alternatives are there to nuclear electricity?

In California alone, there seems to be geothermal steam in the ground equal to the power of 20 big radioactive power plants. Geothermal steam is not only perfectly clean—it's also safe. There is lots of it in the west. Enough for several hundred years.

In addition, this country has enough coal to provide electricity for the next 400 years—the present shortage is both temporary and artificial.

In August 1970, the Vice President of the National Coal Assn. testified under oath that the mine operators can go just as fast mining coal, as the power demands can grow. But it won't be sensible to open coal mines unless the utilities offer long-term contracts.

The lead story in the magazine Science News, January 30, 1971, is "Coal's Road Toward Acceptability". It makes some important points about our ability to make coal a clean fuel, and our ability to restore land ruined by strip-mining.

However, fossil-fuels should not be considered a long-term solution for generating electricity. It is short-sighted to waste the planet's exhaustible natural resources by burning them, when all we have to do is tap into the inexhaustible sources of energy like water, wind, geothermal heat, and the sun. Perhaps the sun is exhaustible, but while it's burning up, we might as well use it.

12. Will a nuclear moratorium increase air pollution by forcing us back into coal and other dirty fossil-fuels?

No. And it's dishonest to tell the public that the only choice is between clean "nukes" and dirty coal.

I favor forcing the coal-plants to clean up, and fast, because even without a nuclear moratorium, we must depend on fossil-fuels to make most of our electricity for the next 20 or 30 years. Dirty plants are an intolerable abuse of public health, so it's a necessity that we clean up the old plants, and build the new ones clean.

It can be done. In fact, equipment to do most of it is already available. We need to see that the utilities buy and use it.

Of course the equipment may not work perfectly at first. But it's far safer to take some chances with unproven fossil-fuel equipment than with unproven nuclear equipment. That's obvious.

13. Will a nuclear moratorium just delay the nuclear plants we'll need sooner or later anyway?

No, because nuclear plants are not inevitable. Perhaps some day we will find a way to make them truly accident-proof; additional safety research is urgently needed now according to the AEC's own Advisory Committee on Reactor Safeguards.

We need time to do that research before we build more plants, and also to give the country a chance to look at other new ways to make electricity—ways which are not tied to potential catastrophe.

14. Is it possible to generate electricity without pollution?

The answer is probably yes. No one knows, because we haven't begun really trying yet.

Consider some of the possibilities we are presently neglecting, even though we know they are real possibilities:

Magnetohydrodynamic generators (MHD), which would contain the fossil-fuel pollutants;

Fusion power, which could provide energy for the entire world from seawater—and lower ocean levels by far less than one-thousandth of an inch over the next million years;

Geothermal energy, which is pollution-free and accessible anywhere by drilling 5 to 10 miles down; and

Solar energy, whose energy supply both in the United States and in the world, is far greater than any possible needs; it may already be technically possible to recover about 4 trillion kilowatt-hours in electrical energy per year from Death Valley alone; the use of solar collectors in orbit is another clear possibility.

We should consider wind and tidal power too. There is such a fabulous amount of energy renewing itself naturally on earth that, if man tapped only a tiny percent of it, he could probably make all the electricity he needs without poisoning the planet or disturbing its natural rhythms.

The real question to decide during a nuclear halt is:

Do we take our chances with some of the gentle possibilities, or do we rush into a commitment to the one technology which may end up contaminating this planet permanently?

What this needs urgently is an Energy Commission, instead an Atomic Energy Commission.

15. How many years away are these alternatives to nuclear power?

Obviously, that depends on how much effort we start putting into them. Therefore, the following figures are just estimates; some of the possibilities may *never* be practical, but we need only one or two to work out.

Fossil-fuels: Removal of sulfur pollutants: now.

Removal of nitrogen, mercury, and radioactive particles: 5 years.

MHD generators: Apparently Russia already has a small pilot plant working. AVCO Everett Lab in Massachusetts, which demonstrated MHD feasibility more than 10 years ago, is now designing a 50-megawatt commercial generator with Con Ed of New York, Boston Edison, and some northeast utilities.

Fusion: Feasibility might be proven within the next five years, followed by demonstration plants in the 1980's, and commercial operation before the end of the century.

Geothermal energy: Natural geothermal steam is practical now; it's already producing electricity commercially in California, Italy, Mexico, Japan, New Zealand, and Russia. In order to make geothermal energy available just about everywhere on earth, we need to develop deep drilling techniques, which might take 10 years.

Solar energy: Land-based techniques for recovery, storage, and transmission of solar energy are theoretically possible already; engineering large-scale projects might take 10 years; techniques to collect the energy from orbiting stations are probably 25 years away.

16. Is the government investing equally in all the alternatives?

Unfortunately, for years we've been putting about 83% of the federal energy-research dollar into radioactive power plants, and almost nothing for the other possibilities.

Last year, the government spent approximately: $255,000,000 on developing radioactive nuclear power plants; $30,000,000 on developing fusion power; $300,000 on developing MHD generators; zero on developing geothermal technology; and zero on developing solar energy.

In other words, we spent less on developing non-radioactive sources of power than we spent on two 747 airlines.

In fact, when we take inflation into account, the effort in fusion will *decrease* again this year under the AEC's plans. The AEC is in charge of both fusion *and* fission (radioactive power plants).

17. Would the cost of household electricity have to go up to pay for this energy development?

No. For one thing, the $320,000,000 which is spent per year now on advertising and sales promotion of electricity could be spent on energy research instead.

Then the rate-structure could be reversed, so that the more electricity you use, the more it costs you. Right now, the more you use, the *less* it costs you per kilowatt-hour. Obviously, if we have a power problem, we should not reward people for using *more* electricity, and punish the little person because he uses *less* of it.

In addition, a federal tax on the electrical bills of the big industrial users would pay for the plan without raising household bills. This would be consistent with the long-time policy of this country to avoid regressive taxes and regressive charges, which hit people who can least afford them.

We've got to face a fact, however. Probably *no one* has been paying the true cost of electricity on his bill. We have been paying its true cost instead in pollution and in medical bills.

Nuclear power, which was supposed to be "too cheap to meter," has turned out to be the most expensive power we have, even with all the hidden government subsidies. Let's not make any more foolish predictions about the cost of electricity. Safe, clean alternatives may ultimately cost less *or* more. There is a good chance that they will cost less.

18. How long might it be before an Energy-Environment Commission is usefully in operation?

There will be lots of hassles over jurisdiction, over powers, over sources of revenue, over allocation of revenue, over new kinds of administrative organization designed to avoid bureaucratic inertia, and so forth. I expect controversy, and also I expect improvements to be made on my bill.

Invariably, these things take more time than necessary . . . which makes it important to start *now.*

19. Is there anything which can be done in the meantime?

Since the energy problem is so urgent, we ought to push for bills *this* session to get initial funding for solar energy and geothermal energy, plus more for fusion than is now in the AEC's budget. If we wait for a perfect new agency to come into existence, we'll lose more time. We can get started *this* year by pushing for programs under existing agencies.

Obviously, it will make a lot more sense to have an Energy-Environment Commission supervising our energy efforts, but we should not use its non-existence to postpone our efforts. Nor should we just study the problem, which is obvious. We need action toward solutions.

Do you realize what it will mean to this earth if we *don't* start action? We'll find ourselves toe-to-toe due to the population explosion, with only primitive energy systems to provide a tolerably human standard of living for billions of people. We would pollute or contaminate this planet beyond tolerance if we had to depend on today's energy technology.

Therefore, it's really a very modest proposal to start funding let's say 2,000 people—out of a labor force of about 70 million Americans—whose *job* will be to make solar energy practical. The same is true for deep geothermal wells. And the fusion budget should be tripled at least.

Some will say, "But the program can't absorb the money," but the can-not-do attitude is nothing new. Can anyone really argue that putting 2,000 new brains, with new ideas, on the problems of fusion would be a waste of money?

That's the kind of immediate effort I'm supporting. Unless we put *effort* into solving energy needs, it's insincere to say that it's electricity *vs.* the environment, or any of the other false choices offered us.

FREEDOM—OUR HERITAGE

HON. QUENTIN N. BURDICK

OF NORTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Wednesday, March 10, 1971

Mr. BURDICK. Mr. President, I ask unanimous consent to have printed in the Record a speech entitled "Freedom—Our Heritage," written by Miss Patricia Colberg, Fargo, N. Dak., for the Veterans of Foreign Wars of the United States Voice of Democracy Contest. Miss Colberg's speech was judged fourth in the National Voice of Democracy Contest.

Her essay is both timely and thought provoking. We in North Dakota are very proud of her achievement. Miss Colberg is the daughter of Mr. and Mrs. Wayne J. Colberg of Fargo, and attends North High School. After graduation, Miss Colberg plans to enroll at North Dakota State University to study either bacteriology or medicine.

I am pleased to include in the Congressional Record this excellent speech written by one of North Dakota's promising young citizens.

There being no objection, the text of the speech was ordered to be printed in the Record, as follows:

Voice of Democracy

"Ask not what your country can do for you, but what you can do for your country." These familiar words of the late President John Kennedy typify what I would consider the responsibility necessary for the preservation of that one resource our country can boast is so plentiful—freedom. But before we can determine the role Young America should play in the maintenance of freedom, we must ask ourselves two questions. The first pertaining to freedom of the past: What has made Freedom our Heritage? And the second referring to freedom at present: How is freedom living in today's world? The answers to these questions concerning freedom's past and present hold the key to unlocking the door to freedom's future.

What has made Freedom our Heritage? Our nation was established on the concept of freedom for every man. Three documents virtually assure that end: the Declaration of Independence—proclaiming a free, independent nation; the United States Constitution—actually establishing our country; and the Bill of Rights—insuring Man's undeniable liberties. But there is an even richer background of freedom's actual becoming our heritage if we look only to the men who fought for freedom. For without these brave people who dedicated their very lives to gaining liberty for all men, freedom may never have become the cornerstone of America's foundation and those three documents insuring our freedoms may never have been written. Remember Thomas Paine? Paine struggled defiantly to free the colonies from Britain's tyrannical rule by publishing a newspaper critical of Mother England. Nathan Hale—a young school teacher hanged by the British as a traitor—spurred-on the freedom-fighters with his famous last words: "I only regret that I have but one life to lose for my country." And it was the oratorical stamina of Patrick Henry who laid his life on the line with his emphatic conviction: "Give me liberty or give me death!" These men—three of a list of hundreds—who substantially consecrated their lives to the establishment of a Free nation. These men made freedom our Heritage because these men struggled to establish the liberties we enjoy today which are guaranteed by the documents they wrote.

Freedom—our Heritage—established and insured by our founding fathers. But how is freedom living in today's world? Even today there are examples of young people not so unlike Patrick Henry and Nathan Hale, who are indeed fighting to live in freedom. A high school student from Kansas spends his summer in Appalachia—instead of Woodstock, New York. A young girl in Mississippi decides to stay in her integrated school, rather than following her friends who enroll in an all-white school in the suburb. A boy in California decides to attend college in his home state. He resolves to become a student leader—in the University Senate . . . not the SDS. A young man in Iowa interrupts his education to serve his country in Vietnam. Living examples, common all over America—examples of how freedom is indeed living in today's world.

Freedom—our Heritage. The future preservation of Freedom as President Kennedy indicated a decade ago is to "do for your country." This primary responsibility of "doing" for America will soon be shifting to my generation, just as my parents assumed these citizenship duties. They have paid taxes, voted at the polls, served in the armed forces. These same requirements must be fulfilled by the Youth of United States. But besides these basics of being a citizen in a free nation, my generation must do two other things. First, respect the opinions of others, and secondly, work through the System. It is important that if we want to be heard and respected that we do the same for others . . . particularly those of the "other" generation. As the writer Voltaire once said: "I disagree entirely with everything you say, but I'll defend to the death your right to say it."

The second step Young Americans must take is to work through the System, for like Kenneth Clark, author of the book *Civilization,* I believe that "order is better than chaos, creation better than destruction, and human sympathy more valuable than ideology." History is ourselves and for Americans, freedom was established as our Heritage—and freedom lives today. Freedom's future is certain if my generation continues to assume the responsibilities of being free American citizens and "do" for America.

EL PASO'S SHERIFF BEGINS PROGRAM TRAINING PRISONERS TO FILL JOBS

HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. WHITE. Mr. Speaker, ever since I came to Congress, this body has been endeavoring, with one piece of legislation after another, to stem the rising tide of crime. One grim factor continues to counter our best efforts: All too often, our correctional institutions do not correct. Too many of the men committed to them return again to lives of crime. Often it is because they can find nothing else to do. The opportunities for an ex-convict looking for work are limited at best.

In my home city of El Paso, Tex., our county sheriff, Mike Sullivan, with the aid of a dedicated deputy, Frank Trask, decided to do something about this problem. They did it by establishing in the jail a cooks' and bakers' school. The story is well told by Associated Press in the February 28 issue of the Dallas Morning News.

In calling the attention of my colleagues to this matter, I should like to comment that we have heard much about the failures of categorical grants and the necessity of revenue sharing in order to bring Government closer to the people. We have here an excellent project, locally conceived and administered, but federally supported under a categorical grant, properly reviewed and approved, and with local contributions.

In this case, and I am sure in many others, categorical grants for specific projects have been highly successful.

The article follows:

COOKS AND BAKERS: EL PASO'S SHERIFF BEGINS PROGRAM TRAINING PRISONERS TO FILL JOBS

EL PASO.—Sheriff Mike Sullivan of El Paso County looked at his county jail and the men in it and realized the hopelessness of the inmates. A jailbird's wife opened his eyes.

Many were there simply because they just couldn't make it in the outside world.

About 85 per cent were school dropouts. Many were so fearful of more failures they could barely function outside.

So they went and then came back, over and over. Eighty per cent of them returned. And while in jail they simply sat and brooded.

Sheriff Sullivan decided something had to be done. And from this decision has come a project—still only a pilot but guiding the way to the future.

What was started was a cooks' and bakers' school.

The situation was not like that in Dallas, for instance, where a poverty war program began turning out cleaning and pressing school graduates right into the pool of cleaning and pressing unemployed.

The sheriff's survey showed 500 openings in El Paso for cooks and bakers.

When the sheriff and associates talked of remodeling an unused portion of the jail for the school, the idea met with skepticism.

County officials consented with reluctance. Judges and prosecutors thought the plan a poor one in the first place, and jailers insisted the old way of treating prisoners was good enough.

The school's first class began last Oct. 5 with eight men screened from about 100 of the 400 to 500 average inmate population.

Deputy Sheriff Frank Trask, a former master sergeant who spent 25 years in Army food service work, became instructor.

The inmates themselves were less than enthusiastic at first, many inhibited by fear of new failure after all their other failures.

But as the first class progressed, the eight students began to shed their reservations. By the time the 12-week session ended, other inmates were clamoring for a crack at the next one. The class was increased to 15.

The program, Sullivan says, is but a drop in the bucket as far as needed rehabilitative efforts are concerned. But he hopes that it can show the way for offering convicted offenders an alternative to crime.

To get things started, El Paso County turned to Gov. Preston Smith's Criminal Justice Council, which found the project right in line with its goals for the state.

Under authority of the Omnibus Crime Act, the council and its staff are responsible for comprehensive statewide planning to improve the criminal justice system in all areas, including corrections.

It also administers funds from the Justice Department to support projects compatable with its statewide plan. The council approved a grant of $101,250 for the El Paso project for the first year. Of the total, $37,000 was for remodeling and $21,500 for equipment. The county's matching contribution for the year is $68,145.

The idea took form in Sullivan's mind when the wife of a "regular" came to the jail to see if her husband could tell her how to get money to feed the children. All the man could do was share his last dollar with her—he kept half for cigarettes.

The sheriff knew that the husband's release would scarcely improve the family's plight. Without the capability of earning a living, he would be in trouble again.

Deputy Trask planned the physical layout for the cook's and baker's school along the lines of a "Fannie Farmer's kitchen," used frequently in home economics classes and food service instruction in the military. The method was small-quantity cooking.

"If you learn to read the recipe," says Trask, "then you can progress to any amount. I teach the fundamentals; speed comes with experience." When the inmates finish the course they are qualified for employment as fry cooks or dinner cooks.

Trask's pupils range in age from 19 to 53, with the average 27.

Their offenses range from forgery and theft to felonious assault or robbery.

"That man over there got into a fight and cut another guy up with a can opener. This one over here is charged in the same case. His story is he just happened to be there, but they say he held the guy while his buddy worked him over. He has eight kids," said the sheriff.

"The old man over there is a habitual—been in and out of jails all his life." Professional burglar, actually, from New York; feeling his age and looking for respectable work. With a little luck, he'll find it as a cook, and society will have one less burglar.

The men like the program, Trask says: it gives them a way to spend their time; the food is better, and there are special visiting privileges. Friday is visitors' day for the cook's and baker's school. Each man is allowed three visitors who must not have criminal records and may not bring packages into the jail. Pies or cakes prepared by the inmates are served, and each man sits with his guests at a private table.

The students themselves eat most of their own cooking.

Prospects for the program are carefully screened. While the course is intended for those who plan to pursue food service work, Sullivan admits that some make it for other reasons.

"No matter how much of a con man a guy is," the sheriff says, "he's at least entitled to a chance."

But, he says, it's unwise to let your guard down. Two of the members of the first class demonstrated this by escaping down a plumbing duct when sent to an unused part of the jail for supplies. Both were misdemeanants, scheduled for early release, but that did not impede their flight to California.

On the brighter side, a man who finished his sentences before the course was over returned to the jail each day and, by special permission from the sheriff, put on cook's attire and continued the training until he received his certificate. He now holds a job as a cook in El Paso.

Another who completed the first class is under death sentence for a multiple murder. He presently awaits commutation on death row at Huntsville, hoping to get a chance to work in food service in the prison.

During the 12-week course, the students receive 462 hours of instruction, beginning with "orientation to the world of work as good service employes." Teaching methods include lectures, demonstrations, group discussions, individual classroom instruction and practical work.

Trask follows carefully prepared lesson plans which include such topics as sanitation and safety, maintenance and housekeeping, receiving and storing food, meat cutting, food cost and accounting and purchasing.

The day's instruction ends at 4:30 p.m. The men often are reluctant to return to their cells, preferring to stay around asking questions or doing more kitchen work. Before he leaves the school, each man submits to frisking.

The school is only one of the innovative programs being undertaken at the county jail. Soon up to 40 federal prisoners will be housed there, some in the cook's and baker's school, others in a work release program. The latter group will work at an outside job during the day, spending each night in the jail.

Few local jails in Texas have facilities for such projects, according to William H. Gaston, program director for corrections and post sentence processes on the staff of the Texas Criminal Justice Council. He believes the mode of the future will be regional detention facilities. Gaston is in a statewide study expected to result in a plan for a system of regional facilities.

He says there has been little change in the basic operation of most jails in the state during last century, and many of the older jails are unfit for human occupancy. Instead of rehabilitating offenders, they breed crime.

Gaston's proposal calls for maintaining local jails for short-term prisoners only. All those to be confined for extended periods would be sent to a regional facility, where they could be placed in rehabilitation programs designed to provide them with an alternative to crime, eventually to be placed in work release programs and phased back into society.

TWO GEORGIANS WIN "PUBLIC SERVICE IN REPORTING" AWARD FOR 1970

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. THOMPSON of Georgia. Mr. Speaker, we in Georgia, as well as the entire Nation, were recently saddened by the death of our senior Senator, the Honorable Richard B. Russell.

Two outstanding Georgians, shortly before the Senator's death, produced a filmed biography and in so doing have been honored by the Dixie Business magazine as winners of the "Public Service in Reporting" Award for 1970.

Hal Suit resigned from WSB Television several months after the series was completed and won Republican nomination for Governor of Georgia in a hotly contested primary. Though unsuccessful in the general election, Hal made all Republicans proud of his leadership.

Jim Giltmier has remained in the news business and is now performing an outstanding job covering national figures in our Nation's Capital for Cox Broadcasting's chain of stations.

Hubert F. Lee, editor of Dixie Business since 1929, in announcing the presentations, said that dual awards were given for great work by these two individuals in producing, "Richard Brevard Russell—Georgia Giant."

Hal Suit, in a letter to Hubert Lee thanking the editors, wrote:

DEAR HUBERT: There are probably a hundred different ways to express appreciation, but none beats an honest and sincere, "thank you."

I am honored to be the recipient of your "Public Service in Reporting" award for the series on the late Senator Richard Russell.

Few people are aware that I first talked to the Senator about the program in late 1965.

It simply took me almost four years to persuade a humble and dedicated public servant that the people of Georgia, and especially the young ones, needed to get to know him.

He was Georgia's greatest and it's going to be many a day before we benefit from another man of his distinction and dedication.

The tribute should be to him.

Thanks for including Jim Giltmier. Without Jim the program series would not have been possible.

With warmest personal regards.

HAL SUIT.

Hubert Lee announced Hal Suit and Jim Giltmier award:

PAST WINNERS INCLUDE

Keeler McCartney, Atlanta Constitution	1952
Ralph O'Leary, Houston Post	1953
Max B. Shelton, Houston AP	1954
No Award	1955
Stephen Trumbull, Miami Herald	1956
John Pennington, now writer Atlanta Journal Magazine	1957
Ted Pearson-Ed Lee, Mobile Press-Register	1958
Jack Nelson, now Los Angeles Times	1959
Norman Shavin, now editor Atlanta magazine	1960
Martha Frances Brown, DeKalb New Era	1961
Hal Hendrix, Miami News	1962
Charles Pou, Atlanta Journal	1963
Paul Jasper, Pensacola News	1964
The American War Correspondent	1965
Ray Moore, WSB-TV, now with WAGA-TV	1966
Adolph Rosenberg, Southern Israelite	1967
Bob Harrell, Atlanta Constitution	1968
Harold E. Martin, Montgomery Advertiser, Alabama Journal	1969
Hal Suit-Jim Giltmier, WSB-TV	1970

Hubert Lee in 1923 delivered a talk over WSB radio, in the days of the old crystal sets. Here is a clipping from the Atlanta Journal dated March 8, 1923, which is of historic interest:

HUBERT LEE TALKS FOR CLEAN-UP WEEK AT WSB THURSDAY

Hubert Lee, well-known young Atlantian serving as chairman of the city's big "Clean Up and Paint Up week" this year, will tell something of the importance of the annual crusade against dirt and dilapidation in a message scheduled for WSB's twilight period Thursday evening.

The 1923 campaign is set for March 15–22 with leading civic organizations co-operating actively in pushing it through to success. Mr. Lee, prominent in numerous roles as a progressive Atlanta citizen, will briefly summarize the fundamental points that Atlanta households ought to know concerning "Clean Up and Paint Up week."

His message will be spoken through the microphone between 5:30 and 6 o'clock Thursday evening.

HAL SUIT

Hal joined the WSB-TV News Staff as associate news director in June of 1959. He was appointed news director in January, 1969.

His work in news has ranged from weekly newspapers to NBC News assignments in the Southeast. Work for WSB-TV has taken him over most of the United States, Europe and the Middle East. During the past decade, Hal has anchored most of the station's political specials. He also reported at both national political conventions for NBC News in 1964 and 1968.

He began his broadcasting career in radio in 1947 and has spent the last 15 years in television. Prior to joining WSB-TV, he was with WALB-TV in Albany, Georgia, where he served as the station's news and production manager.

On three occasions the Associated Press in Georgia has honored Hal's work. And his "Insight" series, a commentary on current events, has been honored with a Quill Award from Sigma Delta Chi and with a National Headliner Award.

JAMES W. GILTMIER

Born in 1934, Jim Giltmier grew up on Chicago's South side and graduated from South Shore High School.

He majored in both English and history at Loyola University of Chicago and Loras College in Iowa.

Giltmier began his career in news delivering the Chicago Tribune when he was 10 years old. Then he was side-tracked to jobs as a drug store soda jerk, meat packing company mail clerk, public relations writer for the American Cancer Society, pharmacist for the U.S. Air Force, insurance salesman, public relations director of the Arkansas Tuberculosis Association and executive director of the Pine Bluff, Arkansas, Community Chest.

He got back into the news business when he went to work for the Pine Bluff Commercial as police reporter. Later he became state editor and won the American Political Science Association's award for Distinguished Reporting of Public Affairs for a series of stories on voter registration gambling and state politics.

For the next 18 months he covered the Boca Raton, Florida, area for the Miami Herald.

In 1965 he became WSB-TV's investigative reporter and has covered everything from Georgia politics to poverty.

Jim and his wife, Kay, have two daughters—Kathryn and Carolyn.

THE POLITICS BEFORE US

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. HARRINGTON. Mr. Speaker, we are told that the strength of the United States is in the diversity of the ideologies of her citizens; and this diversity is no more sharply demonstrated than in this country's biennial elections.

The results of the 1970 elections will be the object of discussion for many years. The analysis started before the polls closed and continues today.

One of the most perceptive discussions of these elections which I have read was presented by Tom Wicker of the New York Times. Mr. Wicker first made the comments in a speech January 12, 1971, in New York to the New Democratic Coalition. It was printed in the February 11, 1971, issue of the New York Review of Books, and I am inserting it at this point in the RECORD:

THE POLITICS BEFORE US

(By Tom Wicker)

I was asked to talk today about the results of the 1970 elections and where they may have left us. I'm going to pass over the numbers game that we've played in Washington since those elections. I'm going to pass over the question of whether or not there is an ideological majority of one kind or another in the Senate. I'm going to get right down to the literal fact and say that it seems to me that the only thing you can say about the 1970 elections is that the Democrats picked up nine seats in the House and the Republicans one and a half senators. If you wonder how there can be a half-senator, you haven't met some of those fellows.

Getting beyond the numbers game to some results of the 1970 elections that may mean something, I would say first that there was no further swing to the Republicans in the South. After at least a decade and a half of a steady Republican trend in the South, the Republicans did not make any further gains.

In fact, they lost two governorships they had held, and two more they had hoped very much to win. They won only one seat in Congress and that was from the valley of Virginia. So I would suggest that Nixon may be in a good deal more trouble in 1972 in achieving even as many electoral votes in the South as he did in '68, particularly since Governor Wallace now appears to be ready to run entirely as a Southern candidate, trying to consolidate the Southern vote as best he can. And after his four years in office, it will not be as easy for Southern voters to delude themselves that somehow the election of Richard Nixon will turn back the tide of the civil rights movement.

There are some other consequences. There is no real evidence, it seems to me, of the kind of conservative trend that had been predicted. I'm not talking necessarily about conservatism as against the old New Deal or conservatism in economics or anything of that sort. I have in mind a sort of law-and-order conservatism, a crackdown on the dissidents. I saw no evidence of any such trend in the 1970 elections, despite the assiduous efforts of the Administration and most of the press to convince us that there was such a trend.

Another thing I didn't see in the 1970 elections was a vast, overwhelming demand for the Democratic party. People like to cite all the governorships the party won. They should look at the governorship in Nebraska, for instance, in which the man who was elected there was about as far to the right, particularly in economic matters, as you could get, even though he ran in the Democratic party. In fact, he displaced a relatively moderate, progressive Republican governor who committed the sin of raising taxes in order to try to provide services for the people. So I saw no overwhelming trend to the Democrats, particularly since so many of their victories were won out of a rather sterile dependence on the economic dislocations that the Democratic party itself had managed to produce in the 1960s.

Another result of those elections is that there seemed to me to be no vast demand for the Republican party either. As I've said, they lost nine seats in the House, despite the fact that they hadn't carried the House in '68, which meant that there was no reservoir of weak Republican seats there, ready to be taken back by the Democrats. They failed to gain much in the Senate despite the fact that in the two previous elections for this class of senators—1958 and 1964—there had been a Democratic landslide.

And finally, it seemed to me that there was no evidence that the leadership of the Republican party, the President and the Vice President—in their strategy, their personal performances, or their actual appearances in the various states—had any overwhelming effect on the electorate, except negative.

I saw no vast demand for either party in those elections and therefore the only real conclusion that I'd venture about 1970 is that President Nixon did not improve himself. He did not, as the quarterbacks say, get good field position for 1972 or for his party, except in one sense. Politics being what they are, I would suggest that his willingness to expose himself to every lost cause from Ralph Smith to George Murphy and to work as hard as he could for the party probably cemented his intraparty leadership. At the same time, the failure of Reagan to reach the majority predicted for him by such experts as Evans and Novak seems to me to have lessened the possibility of a right-wing challenge to Nixon. Now a recent column by Kevin Phillips has raised the possibility of a left-wing challenge to Nixon, if indeed there are those who can regard a challenge from Governor Rockefeller as a left-wing challenge. But I would think that President Nixon's party leadership and hold on the party probably are now a little bit stronger than one might have expected.

Another more obvious conclusion is that Senator Muskie is now the front runner for the Democratic party, and the polls seem to confirm this. But I think that that's a mixed benefit. I can recall when Governor Romney was the front runner at just about this same time in 1967. I wouldn't want to compare the two but, generally speaking, I would say that a front runner at this stage does have a number of problems to contend with.

He's everyone's target in both parties. Every time that some issue arises he's expected to comment on it. And in this case, there's another doubly difficult problem for Senator Muskie: he is in danger of becoming identified suddenly and right away as the candidate of the LBJ-Mayor Daley-John Connally wing of the Democratic party. And I don't think there's any doubt at the moment that this wing of the party, with certain reservations, is indeed in favor of Muskie because he appears to be a man who might reconcile it with other wings of the party. Finally, I think Muskie's position as front runner is endangered by the fact that he still must face what I expect to be vigorous opposition in the Democratic primaries in 1972.

A final conclusion that I would draw from the election, after these two, is that American politics are still unsettled and not moving in any clear direction. I see no evidence, for example, that there's some huge right-wing swing in the Atlantic community, heralded by the election of Edward Heath, and that Nixon and the Republicans are simply following suit along that line.

Nor is there evidence of a great left-wing swing. I think it is useful here to compare the Presidential elections of 1960 and 1968. The election of 1964 was exceptional because it followed so closely after the death of President Kennedy. In retrospect there was never any doubt that the Democratic nominee was going to be elected to complete that period as best people thought it could be. People didn't want three Presidents in the space of a little over a year. But if you look at the elections of 1960 and 1968, they were both, as we say in the South, as tight as Dick's hatband: very close elections in which very few votes either way could have changed the outcome. In fact, if you look at all the Presidential elections, excluding 1964, since 1948, and if you add up all the votes cast for Republicans and all the votes cast for Democrats they come to just about the same numerical total.

During this entire period, there hasn't been a clear trend in American politics, except toward the ultimate bankruptcy of the New Deal. Certainly there has not been a clear ideological trend and I don't think there is one now, nor that the 1970 elections suggested anything of the kind.

I would think then that this means, as we look ahead to 1972 and beyond, that we are in for a continuation of the rather turbulent and embittered politics that we have become accustomed to in recent years, a politics with a very strident base of moral enthusiasm, of ideological sentiment, of zeal on the part of partisans of both sides—a politics in sharp contrast to that of only ten or fifteen years ago, which was much more nearly compromise, coalition politics.

A more turbulent and embittered politics will mean that people like the New Democratic Coalition in New York and the ethnic groups and the blacks and the young are going to demand, or try to find, forms to make ends mean something. They will demand participation in politics, that their views be taken into account. So I think turbulence and a demand for participation can be expected to continue for many years and are not something peculiar to a particular generation in America.

I also suggest that we've probably entered an era of one-term Presidencies. This has nothing particularly to do with Mr. Nixon. President Johnson, I suggest, is the first victim of that circumstance.

Until now in the twentieth century we have, by and large, expected that our Presidents would win two terms. The only Presidents who have sought re-election in the twentieth century and failed to win it were Taft, who went down in the Bull Moose split, and Hoover, who went down in the Depression. Just this week in a column advocating a six-year Presidency, Willian S. White stated the assumption that, generally speaking, American Presidents win two terms. I think that that assumption now ought to be changed. The assumption now ought to be, in my judgment, that a President seeking re-election probably is going to be in deep trouble. That doesn't mean that he can't get elected—the opposition party might help elect him, as could happen in '72. But he's going to be in deep trouble, rather than having an easy time.

The most obvious reason for this is that communications are beginning to work for the outs too, as we saw on election eve last year, when the President's speech was seen by Democratic politicians as helpful. While the White House is a "bully pulpit," as Theodore Roosevelt said, when the man in the White House goes on television, he's not necessarily a bully preacher.

Communications can work for the outs and after our twenty-odd years of experience with television, I am beginning to believe that television burns out politicians about the same way it does comedians. (This seems a possible explanation for the decline and fall of Spiro T. Agnew.)

The man in office appears very often on television in turbulent surroundings. He seems to be the man who is struggling with difficulties, with controversies. Whereas the fellow who is seeking his office, like Senator Muskie coming out of his den on the banks of the Allagash River in Maine, speaks very pleasantly about how things could be.

Perhaps this danger of politicians being burned out has something to do with the nature of the Presidency itself. Many profound things happened in the American soul in 1960. But in particular, I think that the monarchical sense that we once had of the Presidency—the willingness to rally 'round the Presidency, no matter who the occupant was—has been diminished by the revelations that this institution too has feet of clay, that we cannot necessarily trust what it tells us, that its wisdom is not necessarily far-reaching.

Incidentally, I think the very office itself has lost something of the magical aura that it once had. In Dean Acheson's *Present at the Creation*, for instance, that particular aura infuses every page. In Acheson's book, which is pre-eminently a book of a man of the Forties and Fifties, there is a sense that the President, no matter who he is or what he's been, somehow is all of a sudden set apart from the rest of us.

I think there are not many of us who believe that any more. And I think this has diminished the power of the politician President to use the institutional office to protect himself.

But the major reason why we may be coming into an era of one-term Presidencies is that the problems are becoming too difficult. We expect the President today to be everything from the mayor of Hoboken to the leader of the free world. We expect him to wear a Green Beret and a hard hat and to throw out the first ball for the Washington Senators.

At the same time we have had a shift in American politics from the old, relatively simplistic issue of improving the standard of living to a great many more complicated, difficult issues that don't necessarily yield to legislation. Many of us have been disillusioned since the late Fifties, when we expected the civil rights legislation to have a tremendous impact on racial amity in this country. It hasn't. If anything, this legislation had the opposite effect.

So we begin to see that passing bills and proclaiming policies don't really have the impact that we once thought they did. Presidents, therefore, it seems to me, are victims of the pace of change. I think it's a fair assessment of Mr. Nixon's first two years that he came to office having spent the preceding four years not noticing what was happening in the country while he ran for office: you can't notice what's happening in the country if you're running. So in his first two years in office he attempted to be an Eisenhower President, and also, in a way, a Kennedy President, someone who could deal with the chessboard problems of the world—

a checkmate here, a gambit to be pulled on Nasser there—without realizing that the house was coming around his ears.

And if anything is encouraging in Washington today it is that the pundits say that Mr. Nixon, in preparing to get himself reelected in 1972, is turning to domestic affairs. It's encouraging because I think the word may have gotten through to him that his view, expressed to Theodore White before the election, that you don't really need a President for domestic affairs, you just need a Cabinet, isn't good enough any more. It isn't the era of Eisenhower.

The problems in the country are intractable. They don't necessarily respond to politics or to policy but they all have the effect of reacting against the man who's in the White House. That's why I think Presidents are going to come up every four years from now on and find themselves in deep trouble because they will not have been able to deal with the matters that people see as their real problems.

The real problem in America today, and the gut issue of our politics, does not, as I've said, have very much to do with the standard of living. We're glutted in this country with the standard of living. Nor do I think we are undergoing some kind of psychological breakdown because all of a sudden, as some have argued, we've been projected into history. We were projected into history a half-century ago. And a half-century, the way time moves nowadays, is five centuries. Nor do I think we're entering Professor Reich's Consciousness III either. I might myself welcome it if we were, but I don't think it's happening.

What has really got us in its grip today in my judgment is the general concern, a lament from the farthest right to the farest left, and from the poorest to the richest, with the breakdown of American life, because American life doesn't work any more. You can't get your garbage picked up and you can't get a quick and easy ride to work on the subway. Or if you get on the freeway with your car, the traffic doesn't move. Or if you walk you get hit over the head and somebody takes your wallet. As George Wallace says, the crook will be out of court before you're out of the hospital and that is a fact, even if George Wallace did say it.

Because every time that the publisher of *The New York Times* gives you a handsome raise, well deserved for the work that you've done so beautifully the past year, prices go up faster, and taxes go up, and in the long run your check shows you have less net money at the end of the month.

Because you can't stand to breathe the air, and if you live in Washington the Potomac River will make you sick when you drink it. And because of the lack of quality from top to bottom in American life. Because when you turn on the television you don't see anything but junk. And when you go down to the store and buy something you don't get anything but junk.

Last year at Christmas we bought my daughter a radio record player. And by God we had to take it back because it didn't work. And then the second one they gave us, we had to take that back because it didn't work. And finally we had to take the third one we got to a shop and get them to adjust the speed of the turntable.

At the same time we bought for our son one of those little mini-bikes and we had to to take that back because it didn't work, and that tells you something about materialism in Amercan life as well as the lack of quality. It sometimes seems there's not any damn thing you can buy that's worth a damn. And we all know that.

What's bothering the people today is that life has broken down in this country. In the midst of wealth, in the midst of plenty, above all, in the midst of pretensions, life has broken down. We can't hear ourselves think for the noise in the streets and most of the noise in the streets comes from where we are tearing down our heritage and everything that's worthwhile in this country, and putting up plastic and pressed concrete that twenty years from now we'll have to tear down and put up all over again.

It's not just the war in Vietnam and it's not just that we're shipping all those arms abroad. It's that we're concealing from ourselves the fact that we're doing those things, as the recent Senate hearings have just revealed.

It's the persistence of racial strife in this country, despite all the legislation that we've passed, and all that we've tried to do. What does that mean?

The persistence of racial strife in this country means that there's something wrong with us, not something wrong with the laws, and we know that. Welfare—it doesn't matter how liberal you are or how conservative you are, you know that the way we give out welfare is wrong. It's a bad system. There's something wrong with it and yet we can't change it.

So I think the general concern from the poorest black to the richest white and everybody in between is that American life has broken down. It doesn't work; in the midst of pretensions and wealth it doesn't work.

Why doesn't it work?

I don't know all the reasons why, but perhaps I can try to suggest some of them. One reason is that the pace of change has moved like a bullet. In the twenty-five years since World War II, technology has made this country move, as none of Detroit's automobiles will move. And while this has happened, all of our institutions have grown old, their arteries have hardened and they've dug in their heels and they've entrenched.

And I would say that there are really four of these institutions that matter, in the broadest sense.

There is the bureaucracy, federal, state, and local.

There are the labor unions.

There are the corporations.

And there are the political parties.

All of them are overaged and entrenched and dug in and refuse to change, and all of them are holding us back. That's what we've got to go for.

Here I get to the weakest part of my thesis, because now you say, all right, how are we going to do it? I don't know. But I know this: If we're going to do it in any way, we're not going to do it by moderation.

I want to say that, in the interests of saving America, moderation is no virtue and extremism is no vice. And I stand behind that.

We've got to have a political movement in America, a political movement that will be at least of the courage and foresightedness of the consumer movement under Ralph Nader. We've got to have something that goes beyond the embryonic lobby movement headed by John Gardner. We've got to incorporate the various environmental movements that have shown what can be done here. The SST has been beaten in the Senate. Or if it hasn't been beaten it may at least be whipped into some kind of shape that the human race can live with.

Something else we've got to do, if we're going to have a political movement that comes anywhere close to matching these other movements, and I say this with some regional pride, we've got to go back and study the George Wallace example. George Wallace is a man who stands on a side of the spectrum which I don't share, but I come from people who do share it, and those people who do share it are good people. The mere fact that they vote for George Wallace doesn't mean that they're bad people; it means that they're upset like the rest of us about things that affect their lives. George Wallace showed that you don't have to take it.

The importance of George Wallace in 1968 was not so much what we thought it was and what I thought it was, that he might throw the election into the House of Representatives or hold the balance of power in the Electoral College or something of that sort. The importance of George Wallace was the influence he had on Richard Nixon, on Richard Nixon's campaign and on his administration. It behooves not so much the Democratic party as all those who would seek faith in the Democratic party to learn that lesson. The Democratic party is not going to be moved by anything less than the same amount of power that George Wallace wields on the Republican party.

I'm not opposed to Senator Muskie. But whether it's Senator Muskie or anyone else, I dont think that a moderate, centrist candidate, nominated by the Democratic party in 1972, even though he may defeat the present incumbent in the White House, is going to make one damn bit of difference.

The question is how *do* we make a difference? And I confess I don't know how. But the best that I can say is that George Wallace made a difference in the Republican party, and a difference that we all deplore.

When the Democratic party goes into convention—no doubt in Chicago again in 1972, because of course that blot must be wiped from the escutcheon of our leading Democrat—unless it is confronted with a monumental threat that has behind it more than words, a threat that has behind it people who have said and have made their intention plain, that if necessary they're going to be on the ballot, and they're going to be on the ballot in fifty states, and they're going to advocate certain things, I make the prediction here today that the Democratic party will nominate someone who will, as they say. "pull us together." And who will then be elected—and who will not make any difference.

QUESTIONS AND ANSWERS

BLAIR CLARK. I'd like to ask Tom Wicker what he thinks the importance of the primary is going to be. As I understand it there are going to be twenty-three state primaries in 1972, as against about fourteen in 1968. And I've just learned that in the three weeks after Oregon there will be, if Illinois passes the law, primaries in Illinois, California, and New York, which is about a third of the convention. And all these primaries will take place during a three-week period.

So, do you think the ball game is going to be decided in the primary?

WICKER. Well, I don't know, but that fact alone is of interest because after the early upsurge of primaries in the first part of this century, primaries declined to the point where President Truman referred to them as eyewash, right after he'd lost one. And now obviously they're coming back in many ways. There'll be a primary in New Mexico, for instance, which I would suppose is an opening for the Spanish-speaking vote, and the same vote will come into play in New York, too.

I wouldn't want to say yet that in 1972 the primaries will decide the Democratic nominee. In the first place I would think the chances are reasonably good that the primaries will split up—they won't show one man sweeping them all.

I would just make a rough guess at this point, and it's very rough indeed. I would doubt very seriously for instance whether Senator Humphrey or Senator Kennedy would officially enter any primaries. It wouldn't seem to me the right thing for either of them to do. Hence you might have two rather symbolic figures in the party, waiting for all the other men to burn themselves out in the primaries, in which case you might have a convention decision between those two rather symbolic figures.

That's one possibility. Certainly it's very difficult for me to see how someone might establish a sweeping dominance of those primaries. Apart from that, I would doubt very seriously that primaries would be the final word. What I also doubt is that the Democratic party could again just nominate someone in total contempt of what the primary results had shown. But that's not quite the same thing as saying a primary winner would be the nominee.

Wilfrid Sheed. The question of bad workmanship that you raise reminded me of the way Tories talked about the Labour government, in England, just after the war: you couldn't get a job of work done. And I'm wondering if this idea of a sort of disciplined working class can really fit with any kind of Reich-ian future.

Wicker. Well, as a dedicated "Con II," I'm not sure whether I can conjure up a Reichian future. But I am inclined to think that in the age of technology and mass production and so forth, we're not going to have very much Sheraton furniture produced again. But, at the same time isn't it true that those things that we have wished to do and to which we have really devoted ourselves in some pointed fashion—the moon shot being the classic example—have been done with meticulous efficiency and, I think, craftsmanship?

Soulless, perhaps, but meticulous. And so, I don't know that the two things are mutually exclusive. In the long view of history, which isn't terribly long any more, I can't conceive of the United States being a great society over any long period of time if it's a society that has no respect for itself.

And if you don't do your work right, if you don't try to do the best job you can, if you're not interested in the craftsmanship of what it is that you're up to, then I think you have no respect for yourself. And I think that one of the things that's really bothering the American people today is that too many of us in effect, in whatever field of work we're in, are setting bogus type.

I mean, we're making our living not doing anything that matters. You drive down the streets of Los Angeles or Phoenix or any of the new automobile cities and look at the business establishments on either side, look at them with the single criterion of how many are absolutely essential to the sustenance of life in Phoenix or Los Angeles. And they're damn few. And there are people in there who are manufacturing soft ice cream and running bowling alleys, whose livelihood is not necessary to the maintenance of the community. Now some of these things are marginal. Sometimes you can say, well, I'm advantageous to the community even if I'm not necessary to the community. But there are a hell of a lot of people who exist there, and they make relatively good livings in a material sense only because they are able to con people into thinking they need whatever it is that they're selling.

I hesitate to say what the problems of young people and black people are because I obviously don't know, in either case. But it seems to me that one of the major problems for younger people in the country today is that they don't have anything useful to do. When I grew up, not too many years ago, in the South. I had lots of useful things to do. If I didn't bring in the wood and coal at night, my family didn't keep warm. That was a useful thing to do. My children don't have anything useful to do.

And as they go into life and beyond the schools and are trying to spend their lives as citizens, people want to have something useful to do; they don't want to sell soft ice cream. The man who is convicted like a criminal to setting bogus type for the rest of his life—they may be paying him three dollars an hour but his life is as empty as a basket with all the eggs taken out of it.

Raymond Rubinow. Mr. Wicker, would it be a correct inference from what you've been saying to us that you've seen no overwhelming demand for either party, that the mechanism of American life seems to have broken down; that four major institutions are fairly well dug in, and that no centrist candidate who will unite the party will make much of a difference? Is it a correct inference from what you've said that maybe none of the present known candidates will make the kind of difference you're talking about?

Wicker. You always have to put up the caveat against that: nobody thought that Roosevelt was going to make much difference, either, in 1932. But of course he was running with the country lying there in tatters, you know, which it may be today but not quite so visibly and not so demonstrably.

So I don't know, but my instinct (which as a hack journalist over the years I've found is better than my sources) tells me that what you said is right. But on the other hand that leaves such a bleak panorama out in front of us, I hesitate to say that, and you see, I want to believe in all of those people.

I *want* to believe that American political life, more or less as we know it, without really sweeping change, that it will suffice. So I'm willing to go against the evidence for a while. But no, I really think I have to say, if I'm going to be honest with you, that I don't see the man I'm talking about. It bothers me because I think that we could almost as easily have someone of a malignant nature who might capture our imagination.

I said that to Adam Walinsky and he made the significant point that he thought one bit of evidence against that was the fact that Agnew has signally failed to arouse a tremendous movement. I think that's right. Nonetheless I think it's a danger. And what does a President do, when you come down to it? Particularly if you accept what I've said, that conventional politics and policy are not necessarily the answer, what does a President do?

In the first place I think that in a very mystical way a President makes a real connection with the American people. Of course, once you say something is mystical you are avoiding defining it further; but you feel somehow that the President, he's of you and a part of you.

I honestly believe President Kennedy made that connection—strange as it may seem for a rich man, and so on. I don't think either President since has made it.

That's the first thing. The President can make a connection somehow and you feel, you trust, you believe, you know that that man's a part of you. And after he's made that connection, what else does he do? He sets a tone. Or perhaps he gives you a vision. Or he makes you believe somehow that you really are better than you have been. Or he makes you believe that if you aren't better you could have been. And he gives you something to aim for. And I believe that what we need more than anything else today is a leader of that kind.

I take issue with those who say that we've got to be "issues-oriented." What the hell, we've been issues-oriented in this country, and now we've got to go beyond issues. We've got to go somewhere into the American soul. And we need a President today that we can believe in, who will set a tone in this country, and there's only one tone that's going to work: We've got to have a President who will set a tone of generosity to the weak and justice for the disadvantaged, and of magnanimity. All this meanness and this toughness we've been hearing about—all these hard-nosed types, these people who are really going to audit the books and all that—that's not going to do it.

Seymour Melman. From 1946 until now, the Pentagon has used up eleven hundred billion dollars of the nation's capital, and that's the value of all the structures in place in the United States. And if you allow for the implied loss of productive services for the parasitic use therein, the cost to the country has been two thousand, two hundred billions, or the total national wealth. Disallowing only the value of the land.

How in the world can you talk about saving America, improving the quality of life, materially and otherwise, in better style, without posting right up in front the proposition that to save America you must put down the Pentagon. And I didn't hear a line of reference about the Pentagon in your remarks or in any of the comments . . . and its absence is the checkmate on dealing with every one of those issues as it will be on dealing with every attempt to redo the quality of life in this society.

Or do you think that's wrong?

Wicker. I think you may be right.

POSTSCRIPT

After seeing these effusions in cold print, I am conscious of what might appear to be a contradiction. First, I called for a form of organized political action to bring certain pressure on the Democratic party. But in answering a question, I said that what we most needed was a leader to give the nation a new vision of itself. I place far more reliance on personality than on political organization and therefore I believe that if the kind of leader I talked about were available, or should make himself known, there would be little need for the organized pressure movement I described; because I think the country is literally crying out for such a man. But we do not have that leader, in my judgment, or if we do, we don't yet know it. It is that sad circumstance that leads me to believe that the most hopeful alternative lies in political organization and pressure from the outside on the Democratic party. I am well aware that this is a second choice and a poor second at that.

REPRESENTATIVE MOORHEAD INTRODUCES SOCIAL SECURITY BILL WITH 10-PERCENT INCREASE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. MOORHEAD. Mr. Speaker, it is well known that the current inflationary, and at the same time recession prone, economy strikes a terrible blow at those people living on fixed incomes. This group generally is the elderly and those receiving social security or some other form of old-age retirement benefits.

Lately the elderly have been mirroring their children and lobbying for a better shake from Uncle Sam. I am one of those who believe that they deserve all that this great Nation can provide.

Therefore today, I am introducing a bill which calls for a 10-percent across-the-board social security increase with a minimum primary benefit of $100 and sets $2,400 as the amount a person receiving social security can earn without losing any of his benefits. I think this is far more realistic and fairer than the 6 percent and $2,000 which the administration is suggesting.

Since Congress last agreed to an increase in social security benefits, the cost-of-living index has risen 5.5 percent. However, this same index has leaped over 15 percent for an elderly couple receiving social security.

I think we owe it to the elderly of our country to guarantee that their senior years are as comfortable as can be and I believe that this legislation will go far in realizing that end.

MILITARY MANPOWER PROCUREMENT IN THE WAR OF 1812 AND THE MEXICAN WAR

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, during our consideration of the all-volunteer force, it must be remembered that military conscription has been the exception, rather than the rule in our Nation's history. When conscription has been applied, it has been selective and discriminatory rather than universal.

During the War of 1812, Secretary of War Monroe submitted a set of draft proposals to the Congress. According to Jack Rafuse of the Center for Naval Analysis:

> Had one of the conscription bills been enacted during the War of 1812, it would have been closer to an all-volunteer force than to either today's draft or the French Revolutionary *levee on masse*. Classes would have born either equal shares of expense or equal responsibility for providing volunteers. Every volunteer would have been paid a fair wage.
>
> The structure equated the monetary tax paid by those who did not serve with the tax in kind of military service. Never before nor since in American history has such total recognition of the tax aspect of the draft been coupled with so complete an attempt to tax everyone according to pay, personal inclinations, and minimal exemptions.

Even these limited measures bitterly divided the Nation, and the war ended without enactment of compulsory military service. The tradition of voluntarism would be preserved through this year, and later during the Mexican War. I commend part 2 of the paper prepared by Mr. Rafuse for the Gates Commission to your attention:

UNITED STATES' EXPERIENCE WITH VOLUNTEER AND CONSCRIPT FORCES

PART TWO: THE WAR OF 1812 AND THE MEXICAN WAR

(By John L. Rafuse)

Proposals for conscription—the War of 1812

On June 18, 1812, though totally unprepared, the United States declared war on Great Britain. The struggle which raged in Europe between France and England had years before begun to impinge upon American interests. Years of commercial legislation against the belligerents had backfired and hurt American shipping without forcing either British or French to respect neutral rights—one violation of which was British impressment (conscription) of American seamen. The newly-elected "War Hawk" Congress, envisioning glorious war with England and the easy annexation of Canada, began to pass preparedness legislation in 1811. By April, 1812, the ban on regular enlistments had been lifted, Ranger companies authorized, the Regular Army authorization increased, money appropriated for 30,000 volunteers, and equipment and logistic provided—all on paper.

This rush of legislation did nothing to make service as a regular appealing: no increase in pay was forthcoming, no change in enlistment term was made, and no alteration of popular or individual attitudes about military service was attempted. People were expected to rush the Army when years of experience militated against such action. People were expected to enlist when nothing had changed; military compensation remained inadequate, so Congressional intent was not matched by popular enthusiasm for long-term service. This was America's first demonstration that legislation does not equate with flexibility or responsiveness in war. In April President Madison was empowered to call 100,000 militiamen for 6 months' service because regular recruitment had not worked. On June 1, 1812, President Madison gave a bellicose message to Congress, and less than three weeks later war was declared.

As in the Revolution, the enemy again was England, and many Americans did not want war. This time the division was by states. The government of Massachusetts, Rhode Island, and Connecticut refused to furnish quotas of militiamen on the grounds that the Constitutionally-required conditions for providing militia had not been met. Their refusal reduced the 100,000 men paper militia provided the President by 13,500. In addition, the authorized regular army of 35,603 actually stood at 20% of that strength, while the 30,000 Federal volunteers did not exist. Regulars, volunteers, and militia totalled 166,000 on paper, but fewer than 7,000 men were in uniform. The United States could not take advantage of the fact that the British had only 4,500 troops in Canada.

The initially bad situation worsened steadily. The Navy, though spectacularly successful early, was captured ship by ship or bottled up by the British blockade during most of the war, the newly-elected governor of Vermont tried to withdraw the state miltia from active duty at the Canadian border, and militiamen refused to cross the Canadian border to fight, even though comrades were engaged in battle within their sight across the border.[1]

In spite of New England's lack of cooperation, militias provided the majority of the American soldiers during the war. Militia troop failures resulted in several dangerous defeats for the United States. In other cases, militias simply refused to cross the national border on the constitutional grounds that they were not obliged to serve outside the United States. Recruiting for the Regular Army continued to be slow. Army Department historians have summed it up thusly:

"The greater attractiveness of the short-term militia tours with their high bonuses and the absence of any kind of compulsion to bring men into the service were handicaps which the Regular Army recruiting teams with small immediate $16 bonuses and nebulous future land grants could not overcome. By the emptiness of the Regular regiments, the Congress, again in session, tried to remedy this situation by such expedients as increasing the pay for all enlisted grades; exempting enlisted men from arrest for debt; making the term of enlistment the duration of the war instead of five years; advancing the enlistees $24 of their pay; and increasing the premium for enlistees from $2 to $4."[2]

Despite these and later measures which raised bounties to $124 and 320 acres of land, the monetary inducements offered by Federal recruiters could not match those of militia recruiters. Despite this, the Regular Army grew from fewer than 7,000 at the outset of the war to 38,000 by September 1814. The population of the U.S. at the time was roughly 7 million, so an equivalent number of volunteers today would be only 1,530,000 men. But there were an additional 471,000 volunteers of militia enlistments (which, as in the Revolution, include man re-enlistments), raising the 1970 equivalence total by several millions. Table 2 gives the type, numbers and terms of service of the troops in the war of 1812.

TABLE 2.—TROOPS OF THE WAR OF 1812[1]

	Number	Percent
Type of troops:		
Regulars (including 5,000 Navy and Marine)	65, 032	10.6
Special Federal volunteers:		
Federal volunteers	10, 110	1.9
Rangers	3, 049	.6
Militia	438, 463	86.9
Total	527, 654	100.0
Term of service:		
12 months or more	63, 179	12.0
6 to 12 months	66, 325	12.6
3 to 6 months	125, 643	23.8
1 to 3 months	125, 307	23.8
Less than 1 month	147, 200	27.9
Total	527, 654	100.0

[1] Upton, op. cit., p. 137.

The war was an almost uninterrupted string of defeats for the United States. By the fall of 1814, Washington had been burned by the British, American forces had dwindled to 38,000 and would shrink by another 5,000 in February. Some 16,000 of Wellington's Invincibles, finished with Napoleon, had landed at Quebec, with more expected. In response to a request by President Madison, Secretary of War Monroe submitted a set of proposals to the Congress on October 17, 1814 to raise 40,000 men to bring the Federal forces up to their authorized strength.[3] The additional units would not be constrained by state boundaries or national boundaries, since Canada was the target. Monroe's proposals were considered in an extremely partisan atmosphere.

The debate in Congress centered about two plans involving classification and the federal government's right to raise armies independently of the states. The crux of the argument was the difference between the militia and the Army and the tradition of militia service for home defense as contrasted to military service at a distance. The New England states opposed the war for political and economic reasons, but argued against legal grounds. The tyranny of the majority and the spectre of Napoleon's absolutism were raised repeatedly. Daniel Webster led the way, arguing the conscription would force free men into an army (for war) under the guise of militia service (for home defense). He felt that this was an unconstitutional "means to extract slavery from the substance of free government."

The fiery debate ended on November 22, 1814. The Senate passed a draft bill based on a combination of Monroe's proposals. The bill provided for a population-based quota for each state, and the states' militias were to be divided into classes, the number of which would equal the total manpower requirement for a federal force. Each class would then provide a man for two years (by volunteering or internal draft), and would encourage voluntarism by offering a bounty raised by a progressive tax on class members.

At the same time, the House had been

Footnotes at end of article.

debating a bill closely aligned to another of Monroe's alternatives, by which the entire male population (18-45) of the United States would have been placed into classes of 25 men. Each class would have been a cross-section of wealth. Each would provide a soldier or help pay a soldier. The House passed its version on December 14, 1814, but before the final ironing out could take place, the war ended. One effect of the debates was to stir talk of secession by New England. Conscription was one of the issues, along with anti-war sentiment, that led to the Hartford Convention, at which some New England representatives proposed secession from the Union. The Treaty of Ghent ended the war and prevented further discussion or debate of either the Hartford resolutions or the draft. The news did not reach America, however, until after Andrew Jackson and 5,000 Americans had defeated the flower of the British army at the Battle of New Orleans (January 8, 1815). As Upton[4] puts it:

"While the nation had reason to exult over so single a victory, the battle in no sense vindicated a dependence on raw troops. It only proved, as at Bunker Hill, that with trained officers to command them, with an effective artillery and regular troops to support and encourage them—and above all, when protected by works so formidable that nothing but a regular seige should have dislodged them, advantages of position may compensate for an utter lack of instruction and discipline."

Nonetheless, the militiamen received the credit.

Had one of the conscription bills been enacted during the War of 1812, it would have been closer to an all-volunteer force than to either today's draft or the French Revolutionary *levee on masse*. Classes would have borne either equal shares of expense or equal responsibility for providing volunteers. Every volunteer would have been paid a fair wage. The government would not have collected taxes or paid wages and the lack of government involvement was vital during the controversy over states' rights. This was the point that Webster was making when he differentiated militia service from army service. The bill which passed in the House did not. In each case, however, the structure equated the monetary tax paid by those who did not serve with the tax in kind of military service. Never before nor since in American history has such total recognition of the tax aspect of the draft been coupled with so complete an attempt to tax everyone according to ability to pay, personal inclinations, and minimal exemptions. Monroe[5] discussed possible objections, stating:

"Nor does there appear to be any well-founded objection to the right in Congress to adopt this plan, or to its equality in its application to our fellow-citizens individually. Congress has a right, by the Constitution, to raise regular armies, and no restraint is imposed on the exercise of it except in the provisions which are intended to guard generally against the abuse of power, with none of which does this plan interfere. It is proposed that it shall operate on all alike; that none shall be exempted from it except the Chief Magistrate of the United States and the Governors of the several states."

Further, after stating that the Congress had the power to raise armies by other than strictly voluntary means, Monroe went on:

"The idea that the United States cannot raise a regular army in any other mode than by accepting the voluntary service of individuals, is believed to be repugnant to the uniform construction of all grants of power, and equally so to the first principles and leading objects of the federal compact. An unqualified grant of power gives the means necessary to carry it into effect. This is an universal maxim, which admits no exception. Equally true is it, that all its citizens; or rather, the citizens composing the commonwealth have a right collectively and individually to the service of each other, to repel any danger which may be menaced. The manner in which the service is to be apportioned among the citizens and rendered by them, are objects of legislation. All that is to be dreaded in such case, is the abuse of power; and happily our constitution has provided ample security against that evil."

In speaking of the duty and right of all citizens "collectively and individually, to the service of each other" and of the power of legislation, Monroe was primarily concerned with equity and the abuse of power. His clarification—"or rather, the citizens . . .", demonstrates his concern that the people come before the state, and the entire tone of his plan demonstrates his further concern for equity before law and his recognition of the draft as a tax to be equally paid.

From every point of view, then, the Monroe proposals of 1814 sought the equitable distribution of both the duty and of the right to serve. The proposals would have provided true voluntarism and would have provided compensation so that the forces would be all-volunteer.

After the War of 1812, the militia units were never used to the same extent. The U.S. kept a standing army after the War of 1812, whose numbers varied with Congressional mood. The militia, on the other hand, declined after 1815 with the relative security and economic growth of the nation. Training and discipline fell off in the compulsory militia units, and volunteer units, made up of men who enjoy military exercise, grew.

The shrinking regular army authorizations after 1815 forced Jackson to fight the Seminoles (1817), and Scott the Indian Wars of the 1830's, with the traditional dual army of militia units and regulars. By the end of the Indian Wars of the 1830's, Congress was enlisting regulars for five years and maintaining only a small total force.

THE MEXICAN WAR

In 1844, James K. Polk was elected on a platform of territorial annexation and expansionism. The annexation of Texas and the avowed interest of Polk and the American people in California increased the tension between the United States and Mexico. Pressure increased steadily until May 11, 1846 when Polk laid his war message before Congress.

Despite the long sequence of events before war was declared, the United States was not adequately prepared. Zachary Taylor's (1845) "Army of Observation" in Louisiana numbered approximately 1500 men at a time when the Regular Army totalled only about 6000. The Commanding General of the Army, Winfield Scott, recommended in November 1845 a prompt increase in the size of the army, but no action was taken. By the end of the year, the President and his Cabinet had agreed that defense preparations should be made, and messages were sent to the Military Committees of both Houses of Congress. A central point of the messages was that the President should be empowered to call for volunteers rather than militia. The messages evoked no response, nor did Polk's special message to Congress on March 24, 1846; but the concentration of troops in Texas continued until approximately 3500 regulars were massed there despite Government statements that there was no danger of war.[6]

On April 24, 1846, open hostilities broke out along the Rio Grande, which both nations had begun to claim, though it had never been the border of Texas. In reaction General Taylor wrote to Washington requesting 12 month volunteers. This period of service, which seems short today, was definitely long-term in the view of those concerned in 1846. Compared to the periods of militia or even Regular enlistment in the Revolution and the War of 1812, one year was indeed long-term for volunteers. On May 13th the United States declared war on Mexico, and an act was passed authorizing the President to call 50,000 volunteers for twelve months or until the end of the war. The United States armed forces grew from 7000 at the outset of the war to a total of 103,000 in the army alone during the war—all of the growth was attributable to volunteers. There were also approximately 7,500 men in the Navy during the war. The Mexican War began in May, 1846, at which time the Regular Army consisted of 637 officers and 5,925 men. By July 5, 1848, when the war ended, the Army had grown to 42,374. In addition, 60,931 officers and men had enlisted in the 12-month volunteers. At the outbreak of the war, the male population of the United States between the ages of 18-45 was approximately 4,260,000. Today that group numbers 31,736,000, so the equivalent armed force today would be about 7.45 times as great, or 769,522 men. If the 18-38 age group (24,904,000 men) were asked to supply a proportionate number of men today, the resultant army would be about 5.84 times as large or 603,301. These numbers seem small, but they were deemed adequate at the time, and proved to be so.

At first volunteer units were easier to fill—they were paid the same as regulars, their enlistment term was shorter by four years, and their discipline was more relaxed. In addition they received an extra $3.50 per month to furnish their own clothing, since the Army was unable to do so. The situation was changed, however, by a law passed January 12, 1847, which provided regulars an enlistment bounty of $12 and changed the enlistment term to five years or the duration of the war, at the soldier's option. The following month bounties of land were added, varying with length of service. The 1847 enactments made the term of service the duration of the war. The casualties during the war are shown in table 3 below:

TABLE 3.—MEXICAN WAR CASUALTIES

	Regulars			Volunteers			
	Officers	Enlisted	Total	Officers	Enlisted	Total	Total in full
Killed in battle	59	526	585	50	557	607	1, 192
Died:							
Wounds	23	402	425	12	92	104	529
Disease	88	4, 811	4, 899	112	6, 144	6, 256	11, 155
Accident	5	164	169		192	192	361
Total	175	5, 903	6, 078	174	6, 985	7, 159	13, 237
Deserted	0	5, 331	5, 331	0	3, 876	3, 876	9, 207

The table provides one more indication of the lack of preparation for the war: for every man killed in battle, another eleven died and another eight deserted. Much of the fault was with bad sanitation, supply, transport, and training, so most of the losses were needless. Much of the desertion[7] has been blamed on the attraction of gold discoveries in nearby California. Despite the waste of life, voluntarism provided all the manpower for a foreign war of more than two years duration. Militia troops were not used, and the country had not been prepared for war, yet the response and flexibility proved adequate. The war was the most uniformly successful in American history to that time, and conscription was never considered.

FOOTNOTES

[1] Kreidberg and Henry, *op. cit.*, 42f, and Emory Upton, *Military Policy of the United States*. Washington, Government Printing Office, 1911, 95f, give the figures and discuss the war in considerably greater detail.

[2] Kreidberg, *op. cit.*, p. 47.

[3] Monroe's proposals are contained in their entirety in *American State Papers, 1814 Military Affairs*, pp. 514–517.

[4] Upton, *op. cit.*, p. 135. One thing which must be considered in using Upton is his extremely anti-militia bent. In this case, as his statistics, his appraisal seems accurate.

[5] *American State Papers, 1814 Military Affairs*, 514f.

[6] Upton, *op cit.*, 195f, traces the military aspects of the Mexican War from the early stages, and does not go into the political aspects at all. For a sketch and interpretation of the reasoning and machinations behind the war see S. C. Morrison, *The Oxford History of the American People*, New York Oxford University Press, 1965, 550f. He is quite hard on Polk.

[7] *A Study of Desertion*, unpublished paper covering the years 1831–1920. No author or date is given in this paper, which is in the Army Library in the Pentagon. The catalog number is: UB .789.S33.

REVENUE-SHARING MEASURES

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. ROBISON of New York. Mr. Speaker, two editorials in the March 6, 1971, New York Times deserve special thought and attention as we discuss the many aspects of President Nixon's bold and innovative revenue-sharing measures. As the first article, entitled, "Needed Federal Tax Lifeline" indicates, America's States and cities are facing an increasing financial crisis which can no longer be ignored; and which the traditional pattern of providing Federal categorical grants is not solving. The second article, entitled, "Sound Start by the President," rightfully congratulates the President on recognizing some of the difficulties inherent in any such shift in Federal programing. By providing the funds for planning and management assistance to cities and States as they adopt to the new revenue-sharing approach of Federal funding, the President's total package becomes as practical as it is exciting. The full text of both editorials follow:

Needed Federal Tax Lifeline

The enormous new city and state taxes confronting New Yorkers drive home the necessity for a massive program of Federal revenue sharing. Whatever the argument over the size and thrust of President Nixon's tax-sharing plan, one point is undebatable: the Federal Government alone can raise funds in a manner that will enable New York and other metropolitan centers to meet their huge needs without drying up industry and driving away their most productive citizens.

The big cities have become the repository of the social anguish generated by the technological revolution in agriculture and other long-term upheavals that have concentrated 80 per cent of the country's population in urban areas. Yet, as New York's plight demonstrates, the more energetically each community draws on its own resources to grapple with the consequences of this national dislocation, the harder it becomes to hold on to the business enterprises and the creative people needed for viability.

America's cities and states are in frenzied competition to attract and retain industries that will provide stable jobs and function as responsible corporate citizens. The level of local taxes is a major element in that competition.

It becomes particularly decisive when a city depends as heavily as does New York on its appeal as a headquarters for industry, finance, communications and other white-collar activities. Attractiveness to middle management tends to be controlling in company thinking on whether to come or to stay.

When New York City projects a 6 per cent local payroll tax at the same time that state income taxes are due to rise and the combined level of city and state sales taxes goes to 7 per cent, it is nonsense to suggest that these imposts will not operate as a powerful deterrent to many employers—to say nothing of their effect on middle-class and well-to-do families.

The whole national tax pattern is becoming a crazy quilt in which the cities and states that are most responsible in meeting social needs are at a crushing competitive disadvantage. The Federal Government could best rationalize the structure by functioning as central collector of individual and corporate income taxes, then making disbursements to the localities under equitable standards established by Congress. That is the direction in which revenue sharing points.

As it is, the Federal Government last year collected $90 billion in individual income taxes and $33 billion more in corporate taxes. For state and local governments, according to the Tax Foundation, collections came to $11 billion in individual income taxes and another $4 billion in corporate payments. Pennsylvania and Rhode Island have just joined the club, but eleven states still collect no income taxes.

It is perfectly plain that neither New York City nor New York State can avoid the painful necessity of doing much more on their own, no matter how generously Washington responds this year. But the economy-chilling potentialities of the specific programs now under consideration at City Hall and in Albany are so drastic that the patient may well die if the White House and Congress bog down in endless debate over the right cure.

Sound Start by the President

The messages President Nixon has sent to Congress on the manpower and urban development parts of his revenue-sharing plan reflect an admirable willingness to adapt his program to make it more responsive to valid criticisms.

He has recognized the incapacity of many local governments to measure up to the heavy responsibilities the Administration plan would thrust on them by recommending a $100-million program of planning and management assistance to states, cities, and area-wide agencies. Such a program could do more than raise the deplorably low level of professional competence now so widespread in local government. It could contribute to regionalization and other movements toward more rational organization of local services.

Similarly, in the manpower field, Mr. Nixon has recognized that the ultra-purist view of job training he took in vetoing the bill passed by Congress last year would work to deprive hard-pressed cities of the opportunity to create public service jobs that would benefit the unemployed as much as the community.

On urban development he has provided maximum latitude to the cities in applying funds that up to now have been smothered in red tape to the vast detriment of progress. He rules out none of the programs now under way, from Model Cities to sewer construction; but the absence of any apparent standards or review power on the part of the Federal Government may prove a death knell for many undertakings vital to the poor.

Over-all, the central criticism remains the small size of the special sharing programs. When allowance is made for normal growth of programs launched in recent years, it is not enough to provide assurance that no city will lose funds. The needs are staggering. Standstill grants are not remotely adequate.

SUPPORT FOR EMERGENCY URBAN LOAN PROPOSAL

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. BADILLO. Mr. Speaker, last Thursday, I took the floor of the House to outline a proposal I feel is urgently needed if the fiscal crisis of our cities and States is to be resolved. The initial reaction has been very encouraging.

My proposal—that the Federal Government issue 50-year bonds to finance $20 billion in loans to the States and the cities in the next 2 fiscal years according to the formula in the administration's general revenue-sharing plan—has already been endorsed by the Citizens Budget Commission of New York. Favorable editorial comment has been forthcoming from the New York Post, the New York News, and El Tiempo.

I present herewith for inclusion in the RECORD a news article on the proposal, the aforementioned editorials, and the statement of the Citizens Budget Commission.

[From the New York Daily News, March 5, 1971]

Loan for City Urged in Foreign Aid Style

(By Frank Van Riper)

WASHINGTON, MARCH 4.—Rep. Herman Badillo, declaring that cities like New York are as much in need as underdeveloped countries, called today for a foreign-aid style self-help, emergency loan program in the form of a bond issue that would provide $20 billion in interest-free loans to urban areas over the next two years.

Before unveiling the proposal in his maiden speech in the House, the New York City Democrat said in an interview, "If we lend money to foreign countries, why not do it for our own cities and states?"

LOAN WOULD BE REPAID

Badillo said his proposal could be used as a test run of President Nixon's proposed revenue-sharing plan to see how states and cities would use no-strings federal money. The only difference—and Badillo termed this a safeguard against fiscal misuse—would be that localities would be required to repay the loan over a period of 50 years.

The New Yorker also said the loan plan could be put into operation quickly, to help strapped cities now, while Congress debates more permanent financial aid programs.

MILLS IN FAVOR

Badillo said he discussed his plan yesterday with Chairman Wilbur D. Mills (D-Ark.) of the influential House Ways and Means Committee. Mills, a strong foe of revenue sharing, was described by Badillo as preferring the loan approach to the Nixon plan for no-string grants. Mills reportedly thought the loans should be a 3% interest charge, however.

Badillo said the distribution formula for the loans would be identical to that of the administration's revenue sharing, with n state receiving more than 10% of the total money available. Thus, New York State would receive about $1 billion a year for two years with $700 million of the $2 billion total going to New York City, Badillo said.

He said that because his proposal would provide money "in the form of a loan rather than a grant, I believe we can avoid a long, drawn-out debate over restrictions, the earmarking of funds, etc."

"Perhaps the strongest safeguard against abuse of these funds is the cities' and the states' awareness that Congress will be watching how the money is spent, and weighing this experience in development of a long-range approach," Badillo said.

BUDGET UNIT BACKS BADILLO LOAN BID

The Citizens Budget Commission endorsed yesterday the proposal of Rep. Herman Badillo (D-Bronx) that the federal government lend $20 billion to cities and states over the next two years.

This program would keep localities solvent until "disputes between those who advocate revenue sharing and those who prefer a federal takeover of welfare" are ironed out, said John W. Larsen, president of the commission.

REPRESENTATIVE BADILLO SUGGESTS

It seems highly unlikely that Congress will do anything definite this year about President Richard M. Nixon's plans for sharing federal revenues with states and cities.

So Rep. Herman Badillo (D-N.Y.), in his first speech in the House since his election to Congress, proposed yesterday that the government come up with $20 billion worth of interest-free stop-gap loans to states and cities over the next two years. The money would be raised by a federal 50-year bond issue; the state and city borrowers would have 50 years to repay. New York City's share in the loans would be about $760 million.

Without going overboard editorially for the Badillo plan, we'll observe that it least it doesn't call for flat giveaways to governors and mayors with palms outstretched, and that we believe Congress ought to give it respectful consideration.

[From the New York Post, Mar. 5, 1971]

A SENSE OF URGENCY

A new kind of U.S. savings bond has just been recommended to Congress; the purpose of the bond would be to help save the cities.

The proposed securities were recommended by Rep. Badillo (D-N.Y.). A federal government issue, at the going market interest rate, would be floated to raise $20 billion; the revenue would then be used to provide interest-free loans of $10 billion this year and next to states and cities, and repayments would be made over 50 years.

In the Congressman's view, based on inquiries among informed brokers and investment specialists, the bonds would find a ready market.

If that forecast is sustained by Congressional committee study, the issue would produce ready money at a time of critical need.

This is not a program that can be substituted for orthodox revenue raising and sharing. But it could be an interim source of funds in view of long legislative and budgetary "lead time" on authorizations and appropriations. It reflects a true sense of urgency. And it could help reduce some of the most pressing national debts—to the cities.

[From the El Tiempo Nueva York, Domingo 7 De Marzo Dj, 1971]

CHARITY BEGINS AT HOME

In his first speech in the House since his election to Congress, Herman Badillo proposed that the government make available $20 billion in no-interest loans, over a two-year period, to the financially strapped urban areas of the country.

As it seems likely that President Nixon's plan for sharing revenue with states and cities is a couple of years away, Congressman Badillo's suggestion makes a lot of sense.

Mr. Badillo was quick to point out that "if we lend money to foreign countries, then why not to our own cities and states." Certainly, cities like New York are as much in need as underdeveloped countries. It just does not make sense that this government should play a perpetual Santa Claus to foreign nations, while letting its own people go begging for food, education, medical care, housing and the like.

Wilbur D. Mills, Chairman of the powerful House Ways and Means Committee was described by Mr. Badillo as preferring his approach to that of Nixon's "Give away" program.

John W. Larsen, Chairman of the Citizen's Budget Commission, said in support of Mr. Badillo's proposal, "This program would help keep localities solvent until disputes between those who advocate revenue-sharing and those who prefer a federal take over of Welfare are ironed out."

El Tiempo heartily endorses Congressman Badillo's timely proposal and urges the Congress to give it immediate consideration.

ON PROPOSED FEDERAL REVENUE SHARING

STATEMENT OF JOHN W. LARSEN, PRESIDENT OF THE CITIZENS BUDGET COMMISSION

There is general agreement that additional federal funds should be made available to the States and local units of government. In terms of actual cash flow, Congress would have to deal with three separate issues:

How much shall be granted?

When shall the funds be made available?

How shall the aid be distributed?

On the issue of *How much*, the President's proposal called for an annual rate of about $5–$6 billion. New York State and New York City officials have asked for an initial national annual rate of $10 billion. Others have gone even further. While few would doubt that the States and localities could use $10 billion or more, there appears to be no room in the proposed 1971–72 federal budget for more than the amount proposed by the President unless (a) the federal budget total were increased or (b) federal budgetary priorities were drastically changed. To do either would be both controversial and time-consuming, thus gravely increasing the risk to the States and localities that additional aid would not be made available in time.

On the issue of *When*, there is little disagreement about the need for the earliest possible initiation of any new aid program. Specifically, both the State and the City of New York need large amounts of additional revenue almost immediately and similar reports have come from other States and localities.

On the issue of *How* additional federal funds should be distributed that there is no consensus at all. If anything, the divisions of opinion are steadily becoming more pronounced. Inasmuch as there can be no aid program without an agreed-upon allocation formula, there now exists a clear and present danger that there will not be any new aid program until the disputes over allocation are settled in the Congress. On the basis of past experience, this agreement on allocation may take years during which the fiscal situation of some States and many localities may become catastrophic.

The dispute over allocation formulas pits the proponents of revenue sharing against the proponents of a federal take-over of programs, particularly welfare, now partially financed from Washington. Proponents of revenue sharing claim that only unrestricted federal grants would enable States and localities to render the services which the people need. In reply, it is said that many State and local governments lack the administrative skill or other qualities needed to handle large amounts of no-strings-attached federal funds and that, in any event, there should not be a separation between the level of government that raises the taxes and the one that spends them, lest fiscal irresponsibility becomes the order of the day. Proponents of a federal take-over of welfare programs claim that this is the only way by which Congress can be sure that the money is spent in line with Congressional intent. In reply, it is said that governmental wisdom—and propriety—is not exclusively the province of the federal bureaucracy.

These arguments are of a fundamental constitutional and philosophical nature. There are, however, other arguments of a more mundane nature. Whatever nationwide total amount in aid to be granted by the Congress may be determined, different allocation formulas would result in different distribution patterns among the States and localities. It is obvious that a federal take-over of welfare would be especially attractive to the handful of large States that are responsible for better than half of all welfare expenditures—the one category of expenditure that is now rising at a rapid and quite unexpected rate.

There are other possible sources of controversy. For example, assuming Congress dedicated that the federal government should take over all welfare expenditures, the question would then arise as to what is to be taken over. Would it be the present overly-costly, socially-destructive and generally discredited welfare system or some version of a Family Assistance Plan? It is unlikely that welfare reform can be staved off any longer regardless of how the costs are to be shared. This too is a matter of controversy the solution of which will take time—and probably more time than is warranted by the urgent needs of the States and localities.

If the States and the localities are to receive substantial amounts of new federal funds (in whatever form) within the next few months, a way will have to be found to by-pass the allocation disputes between those who advocate revenue sharing and those who prefer a federal take-over of welfare. What is needed is an interim solution to bridge, say, the next two federal fiscal years—to allow time for working out a permanent consensus without impeding the needed flow of federal aid to the States and the localities.

One interim solution—proposed by Congressman Herman Badillo—appears to be based on a realistic evaluation of what can and should be done. This proposal would—for the next two years—substitute federal interest-free loans for federal grants. The use of such loan funds would be basically unrestricted and their allocation would be primarily on a population basis. By clearly labelling such funds as "interim," this solution would allow Congress time to deal in depth with the numerous constitutional and philosophical facets of a permanent allocation formula. In the meantime, it would make federal money available almost immediately. Of course, no State or local government would have to apply for such interest-free loans unless it wanted to. But if it did, it would receive federal funds—something which might not otherwise happen within the reasonable future were the flow of such funds dependent on Congressional approval of a final allocation formula.

Based on fiscal and political considerations, the proposal by Congressman Badillo deserves support as a stopgap measure.

REPRESENTATIVE ARENDS MERITS HONORS

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. SPRINGER. Mr. Speaker, the following article which appeared recently in the Danville, Ill., Commercial News, enumerates the political accomplishments of our colleague and Republican Whip, Les Arends. To the deserving praise in this editorial should be added that Les has served his constituents, his district and his country with selflessness, integrity, and courage. I know my colleagues in the Congress have the same great affection for Les Arends as the people in Illinois and will be interested in reading the editorial which follows:

REPRESENTATIVE ARENDS MERITS HONORS

Rep. Leslie C. Arends of Melvin, congressman from this 17th Illinois District, has served his country so long and faithfully that new honors seem almost routine.

He was elected to the House of Representatives in 1934, took his seat in that body in 1935. His ability quickly came to the attention of his party's leaders and in 1943, he was elected whip—an almost unprecedented honor for a comparative newcomer.

Since 1934—and since 1943—he has been re-elected by his constituents and his colleagues. He has not set a record for longevity of service in the House but he has as his party's whip. In fact, no man in U.S. history, of any party, has held this position so long.

Congressman Arends is an active whip, otherwise he would not be named to the job year after year. He knows how to get things done, both on his side of the aisle and on the more populous side where the Democrats sit. It would be impossible to enumerate here the beneficial measures which Rep. Arends helped guide through the House on their way to becoming the laws of the land. And on the reverse side of the coin, he has used his superb talents as persuader par excellence to block unwise legislation that might have done this country great harm.

Small wonder, then, that his party wants him to continue in the job.

But he is more than a salesman of GOP wares. He is the ranking minority member of the powerful House Armed Services Committee and is a perennial congressional delegate to NATO conferences in Europe.

Small wonder, too, that the Veterans of Foreign Wars has selected him to receive the VFW's eighth annual Congressional Award for Outstanding Service. Herbert R. Rainwater of San Bernardino, Calif., who is commander-in-chief of the veterans organization, commented that "I can think of no one who is more deserving." High praise—in view of the previous winners: Sens. Henry Jackson, Carl Hayden, Everett M. Dirksen and Richard Russell, and Reps. John McCormack, Olin Teague and Wilbur Mills.

Since Les Arends never forgets that he has a local, as well as a national, constituency, we can say conscientiously that the recognition couldn't have been accorded a better man.

CATERPILLAR TRACTOR CO.

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. MICHEL. Mr. Speaker, the 1970 annual report of the Caterpillar Tractor Co., included a letter to the shareholders from Mr. William Blackie, chairman of the board and Mr. W. H. Franklin, president of the company.

For the first time in the company's history the volume of sales outside the United States exceeded that within and this letter to the stockholders outlines the problems and challenges confronting the company as it continues to make progress in the highly competitive international market.

I include the reprint from the company's 1970 annual report in the Record at this point:

TO THE SHAREHOLDERS

Just as its three-year agreement with the United Automobile Workers was about to expire on October 1, 1970, the Company was confronted by the union's central negotiating body (representing eleven U.S. plants and 30,500 employees) with a choice between two alternatives: (a) be struck—for an indeterminate period of time, or (b) accede to one of the union's most pressing "demands"—a provision for unlimited open-end revision of wage rates based on changes in the cost-of-living index.

The Company chose the latter course, and a strike was thereby averted at least until such time as the terms of a more general "pattern" should be established as a result of bargaining between the UAW and the major constituency of its membership, the automobile industry.

In due course an agreement was, accordingly, reached. Its principal terms call for substantial increases in wage rates and retirement pensions, for greater employment-related benefits, and for the aforementioned unlimited cost-of-living wage increases based on the Consumers Price Index.

The general economic effect of the agreement will be to increase all employment costs substantially in excess of any present or prospective gains in output per man-hour of paid time. The general result, as in the past, can only be further deterioration of the purchasing power of the U.S. dollar as prices are increased in an effort to preserve worthwhile profits and thereby justify the continuation of manufacture of the more marginal products.

This erosion of the value of the currency is naturally a cause of concern among those having national responsibilities in fiscal or monetary affairs, and efforts were made by them to contain the inflationary consequences. The main thrust of such efforts was, however, based on a classical assumption that (1) wage settlements would decline soon after unemployment rose and (2) prices would increase more slowly after capacity utilization declined. As shown by the actual settlements in 1970, this did not occur. Neither wage settlements nor prices have moderated, and it should be understood that most of the contracts involving the large industrial unions call for further wage increases in the second and third years of the commitment—entirely without regard to the state of the general economy or of the particular business, to the degree of capacity utilization or to the volume of unemployment.

In such circumstances, prudent business managers must consider whatever courses of action may be available to ameliorate the adverse effects of the rising costs. One is simply to abandon the production of goods which can no longer be made at prices which customers will pay for them. Where the market conditions will permit, another is to raise prices—to recover the higher costs and thereby reflect in new cost-price relationships the decline in the value of the currency.

Manufacturers competing wholly within the United States have fairly equal freedom to adapt between these two unattractive alternatives. The U.S. manufacturer who exports but does not produce abroad is less fortunate. In competition with manufacturers in overseas markets, he may not be able to raise his prices sufficiently to recover the increase in domestic costs.

But those concerns operating on an international scale and having production sources outside the United States do have one other alternative: to do abroad what they cannot do successfully at home.

Wages rates and man-hour production costs vary country by country and, in an important number of instances, those prevailing outside the United States are substantially lower than those within it. For companies attempting to compete effectively worldwide, this may leave little alternative but to undertake production in some country where lower costs would allow competitive international prices and, therefore, sales at a worthwhile margin of profit.

If, however, manufacturing survival based on least-cost source were to be carried to an extreme, there would be a generally unacceptable relocation of production, investment, employment, profit, and taxes based on income. It is not, therefore, likely that any nation able to protect itself against such an occurrence would refrain from taking whatever restraining measures might be available. These could include, for example import restrictions, export incentives, and investment controls.

But such devices, while they may sometimes provide an expedient short-term palliative, do not provide a sound long-term solution. That is surely to be found only in a scheme of things whereby competition is stimulated, not thwarted, and the worldwide exchange of goods and services is expanded, not contracted.

For the successful achievement of such an objective, it is our opinion—supported by our experience and observation—that the solution lies in the combination of multilateral reciprocal trade agreement with an international monetary system whereby, in an orderly process of readjustment, exchange rates are related more closely to the changing real market values among countries.

As was stated in our annual report for 1968, the end purpose of the monetary system is not and should not be made money itself or the preservation of historical parities which become outmoded in the changing times. Rather, it should be the preservation of real *values;* and these involve people and their needs or desires for employment, for goods and services, and for a sense of security, which at times seems to be more threatened than strengthened by efforts to overcome international monetary instability.

In trade—with other things being equal—the desideratum should be the greatest practical freedom for the exchange of goods between sellers and buyers. But "other things" are seldom equal, and among the most disturbingly unequal in *international* trade are the differing wage-cost levels among different countries and the differing prices derived from these levels when translated into other currencies.

Therein lies the source of and the remedy for the major obstacle to the further development of international trade. Foreign exchange parities established in earlier times and under the different conditions then prevailing could not possibly be appropriate for the present times and conditions. If they are to serve the purposes for which they were established, parities must surely be modified from time to time as the conditions affecting these purposes change.

On an informal country-by-country basis, there have been over the years a substantial number of unilateral modifications in foreign exchange parities. In number, these have been greatest among the less-developed countries which had their currencies seriously eroded by internal inflation. Of greater importance for purposes of international business were, however, the actions taken by major trading nations. Thus in November, 1967, Great Britain devalued the pound sterling; in August, 1969, France established a new parity for the franc; while in October, 1969, West Germany revalued the deutschemark. More recently Canada allowed the exchange value of its dollar to "float"—presumably until and as long as it stabilizes at a rate which will best serve Canada's purposes.

Some of these and certain other countries may be obliged to consider still further adjustments in exchange rates. But among those countries which have made no adjustment in modern times, none could now do so to greater international advantage than Japan. Since parity for the yen was established at 360 to the U.S. dollar in May, 1953, Japan has become one of the world's most highly developed industrial and commercial nations—trading aggressively and freely wherever its goods can penetrate foreign markets. This it has usually been able to do on the basis of prices lower than those of competitive indigenous alternatives. And insofar as such lower prices may be the result of higher work productivity, superior management, or more effective industrial discipline, the Japanese should be entitled to earn the benefits. It can hardly be claimed, however, that they are also entitled to obtain extraordinary competitive advantage on the basis of outmoded foreign exchange rates.

The disparity that exists today is significant, and present indications are that it will increase still further. In that event the need for exchange rate readjustment will become all the more pressing, and the stresses among the trading nations will be accentuated. Within the United States, evidence of this was given by the proposed Trade Act of 1970. It would have placed quotas on the imports of certain goods and provided means whereby the imposition of quotas on other goods could be facilitated. To some extent, it reflected a form of retaliation against the aggressive success of Japan's industry; and yet, if passed, the law would have operated to incite foreign retaliation against U.S. exports. Such retaliation would be taken against goods and commodities not involved in the import restrictions, and the harm would fall unfairly on those who had no part in bringing about the "trade war."

The last thing this weary world needs—especially at this time—is a trade war. Were one to break out, it would be inexcusable because it is avoidable. Surely the time has come when the conditions of multilateral reciprocal trade established under the terms of the GATT should and can be complemented by a multilateral reciprocal system for establishing and adjusting monetary exchange *values.*

Such a system should permit exchange rates to move in relation to each other timeously and, therefore, *gradually*—in a rational, interpretable manner. It should recognize that there is no such thing as "stability" unless it is to be found in an orderly system of continuous revision. Too often in the past, needed adjustments have been too late and, therefore, too drastic—undertaken only under the compulsive threat of monetary or political crisis. Within the tolerances of international economics, the business community is reasonably capable of making its own prognostications and adapting accordingly. It has much less capacity to foretell the actions of either political bodies or monetary authorities—which, preferably, should be kept independent of each other.

If some such system were established, the coordinate to which other currencies should relate would—under present ocnditions—have to be the U.S. dollar. In spite of criticism sometimes directed against those who have responsibilities for its health, it is, in free international exchanges, the most generally acceptable reserve currency medium. This does not refute the fact that the value of the dollar has eroded—both internally and externally. It would mean that, in making adjustments, appropriate recognition should be given to the other fact that the basis for the determination of relationships is itself a variable.

If the effective utilization of such a system could be brought about, it would serve to alleviate some of the conditions which are creating present and recurring stresses among the trading nations—stresses which, unfortunately and unnecessarily, could go beyond matters of trade or investment and place undesirable strains upon diplomatic relations.

This, at the moment, is a threat in the case of U.S.-Japanese relations. Vis-a-vis each other, the yen is undervalued and the dollar is overvalued. Correction could be obtained by appropriate revaluation of the yen or by devaluation of the dollar. With so many other international currency relationships based on the dollar, any such devaluation would, however, be extremely and unnecessarily disturbing; and unless other countries, such as Japan, allowed the devaluation to modify the preceding relationships, the effect would be diluted or defeated.

Despite these rather general comments about some of the problems of international trade, it should not be assumed that Caterpillar has been merely waiting for actions by governments or others—at home or abroad—to foster its international business. On the contrary, it has over the years established and now has in being a strategic deployment of resources outside the United States.

Apart from its strong independent dealer organization, the Company has substantial manufacturing subsidiaries operating in Scotland, England, France, and Belgium, while somewhat smaller units are producing parts, components, or assemblies in Australia, Brazil, Canada, Mexico, and South Africa. Parts warehouses are based in England, Belgium, and Singapore as well as at certain manufacturing plants, while commercial subsidiaries are headquartered in Geneva, Switzerland, and Hong Kong.

In Japan, Caterpillar Mitsubishi operates under the joint ownership of Caterpillar and one of that country's most illustrious business organizations. The results of the operations of that affiliate are not incorporated in the reported consolidated figures, but the venture is now maturing into a successful enterprise from which there can be expected worthwhile contributions to Caterpillar's future earning power.

Another, and much smaller, affiliate operates in India in equity partnership with Larsen & Toubro, Bombay.

From the aforementioned description of resources and their locations, it will be apparent that Caterpillar is well situated to participate effectively in worldwide developments and to capitalize on expanding overseas markets. In particular, it is prepared to be a contributing part of the industry of the European Community, especially if that were to be expanded to include Great Britain and several other countries. It also has in the Far East a deployment of resources which is unequaled in the industry—already in position to take appropriate advantage of the growth and progress getting under way there even now.

When undertaking the establishment of its overseas facilities and investments, it was Caterpillar's primary purpose to protect and expand markets which it, for the most part, had opened up. These were exposed to serious threats of competition or displacement which could be met only from bases of operation closer to the important markets in which competition or restrictive government actions might have had adverse effects upon Caterpillar business. This purpose is, on the whole, being achieved—with the understanding, of course, that there will always be need for aggressive venture or defensive response as time and change go on.

While it had been expected that, in addition to serving its primary purpose, overseas production would prove to be stimulating to *exports from* the United States factories, the results have exceeded expectations. In each case where Caterpillar has established overseas production in a selected country, the volume of sales has increased within that country for *both* the particular Caterpillar products made in it and those exported to it from the United States. To some extent, these exports include parts and components to be incorporated in the machines produced overseas; but, to date, the major portion of such exports is comprised of those whole machines *not* produced by the related subsidiary.

Of perhaps more potential long-term significance is, however, the increasing extent to which the controlled overseas subsidiaries of U.S. corporations are becoming capable of producing abroad the equivalent of American-made goods on a cost-price basis which permits imports into the United States in full and successful competition with the indigenous products. This suggests that the time and the conditions are approaching when greater consideration will have to be given to the selection and use of sources of supply on a least-cost basis—worldwide. Multi-national concerns which seek to be competitive in world markets are increasingly obliged to recognize that if their products are to be sold at competitive prices they will have to be made or procured at competitive costs—and from whichever sources, at home or abroad, are most competitive. The essential point is that, in free competitive markets, prices and costs must be related on approximately the same bases—otherwise there is either no effective competition or no business at all.

These opinions suggest another, viz., that international business cannot be considered only in terms of trade. Parallel consideration must be given to foreign investment. The two go hand in hand—with each complementing and supplementing the other.

Appropriate recognition of this would suggest greater caution in the continuance of the so-called "temporary" controls now in effect for U.S. direct foreign investment. Whether they have been helpful or harmful is now beside the point. The time has come when they should be removed—if for no other reason—because the United States can no longer count with assurance on its ability to generate a surplus on its balance of *trade.* If there is to be a favorable balance of *payments,* there should, accordingly, be more adequate recognition of the need for and the long-term advantages of a substantial incoming flow from the return on foreign investments.

The general purport of these remarks has been to inform investors of some of the problems of the times and to indicate that while broad general solutions are beyond the control of the Company it is not deprived of opportunity to work out its own particular pursuit of progress.

Some evidence of this is contained in the following report, and it seems worthy of note here that, for the first time in the Company's history, the volume of its sales outside the United States exceeded that within. Although the manufacturing output of consolidated overseas subsidiaries continued to increase during the year, so also did exports *from* the United States. As a result, Caterpillar was able to increase its net contribution to the U.S. balance of payments to a record-breaking $791 million.

While not entirely satisfactory, the results of operations for 1970 were somewhat better than had been earlier expected. This is a tribute to the men and women who contributed their part during the year and who also earned for their company the accolade of those independent U.S. business managers who voted Caterpillar first among major industrial concerns for its image of quality. Comment on this is made later in the report, and we would only point out here that a reputation for quality is not earned from product alone. The quality of product is a result; the creative cause of it lies in those thousands of people who, throughout the worldwide Caterpillar organization, its independent dealers and its suppliers, have been putting their own *personal* qualities into their work.

A COMPREHENSIVE REPORT ON THE IMPLEMENTATION OF PRESIDENT NIXON'S STRATEGY FOR PEACE

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. GERALD R. FORD. Mr. Speaker, yesterday our distinguished former colleague, Secretary of Defense Melvin R. Laird, presented to the House Armed Services Committee a most candid and comprehensive report on the implementation of President Nixon's strategy for peace. I commend this document to a careful study by all Members of Congress, and indeed by all Americans. Certainly this is clear and credible language even in such a complex area as defense for anybody who really wants to understand what the Nixon administration has done and is attempting to do to bring about a generation of peace.

I was particularly impressed, Mr. Speaker, with the point made by Secretary Laird that the Vietnamization program for reducing the American involvement in Southeast Asia is important not only for the obvious purpose of winding down the long and tragic present war, but also as the foundation for the prevention of future Vietnams. As a former ranking minority member of the Defense Subcommittee of the Committee on Appropriations, I am impressed by the breadth and scope of current planning and insert at this point in the Record the section of yesterday's Defense report entitled "Concepts for Defense Planning."

I include the material as follows:

II. Concepts for Defense Planning

Planning in the revised and revitalized National Security Council context now takes into account all assets available for achieving foreign policy objectives. The goals we seek for the enhancement of American and world interests—peace, freedom, social, economic and political development, broadening opportunities—obviously cannot be achieved by means of direct military power alone.

The basic objective of our Strategy of Realistic Deterrence is to prevent armed conflict and ultimately to eliminate its use as a means by which one nation tries to impose its will upon another. But so long as the threat persists that other nations may use force, adequate military power must remain an essential element of Free World strategy.

In defense planning, the Strategy of Realistic Deterrence emphasizes our need to plan for optimum use of all military and related resources available to meet the requirements of Free World security. These Free World military and related resources—which we call "Total Force"—include both active and reserve components of the U.S., those of our allies, and the additional military capabilities of our allies and friends that will be made available through local efforts, or through provision of appropriate security assistance programs.

A. THE TOTAL FORCE APPROACH

"It needs to be understood with total clarity . . . that defense programs are not infinitely adjustable . . . there is an absolute point below which our security forces must never be allowed to go. That is the level of sufficiency. Above or at that level, our defense forces protect national security adequately. Below that level is one vast undifferentiated area of no security at all. For it serves no purpose in conflicts between nations to have been almost strong enough."

Elsewhere in this Defense Report, I present a summary of the several existing threats to Free World security. In planning to meet these threats, we intend to use the Total Force approach. We will plan to use all appropriate resources for deterrence—U.S. and Free World—to capitalize on the potential of available assets.

In considering the spectrum of potential conflict, we will be guided by the following principles in our defense planning:

In deterring strategic nuclear war, primary reliance will continue to be placed on U.S. strategic deterrent forces.

In deterring theater nuclear war, the U.S. also has primary responsibility, but certain of our allies are able to share this responsibility by virtue of their own nuclear capabilities.

In deterring theater conventional warfare—for example, a major war in Europe—U.S. and allied forces share the responsibility.

In deterring subtheater or localized warfare, the country or ally which is threatened bears the primary burden, particularly for providing manpower; but when U.S. interests or obligations are at stake, we must be prepared to provide help as appropriate through military and economic assistance to those nations willing to assume their share of responsibility for their own defense. When required and appropriate, this help would consist essentially of backup logistical support and sea and air combat support. In some special cases, it could include ground combat support as well.

Moreover, U.S. involvement in world affairs is not based exclusively on our alliances, but rather, our formal and informal obligations derive from and are shaped by own own national interests. To protect our interests, we must insure free use of international air space and free access to the world's oceans. Thus, our future defense planning must also insure a U.S. capability to prevent an effective challenge to free use of international air space and the oceans of the world.

The significance of Total Force planning perhaps is best illustrated by examining its military application to NATO.

As has been stated, the U.S. bears primary responsibility in the field of strategic and theater nuclear weapons, although in the latter case certain of our allies also contribute significant forces. Our strategic forces must be sufficient now and in the future, since they are a cornerstone of the Free World's deterrent. By providing strong, effective and survivable strategic forces, reliable and effective inteligence and command and control, and other necessary capabilities in our strategic posture, we seek to convince potential opponents that recourse to the holocaust of general nuclear war will continue to be an irrational and unsucessful option.

U.S. strategic forces relate primarily to the deterrence of a strategic nuclear attack. They also serve an important role, together with theater and tactical nuclear capabilities, in deterring conflict below the level of general nuclear war.

However, as the last two decades have demonstrated, reliance on a nuclear capability alone is by no means sufficient to inhibit or deter aggression. A sufficient nuclear capability must be coupled with a sufficient conventional capability in both our own forces and in those of our allies. This conventional capability must be adequate to meet aggression in the sophisticated environment which would be expected in a conflict with the Warsaw Pact. If these NATO forces are to deter this type of aggression, they must be capable of confronting it with such capabilities as strong armor and antitank forces, appropriate air power for air superiority and ground combat support, strong naval forces to support NATO's flanks, and other combat and support forces.

In addition, such a conflict would require reinforcement and augmentation from the U.S. and would undoubtedly involve conflict at sea. Therefore, we and our allies must be able to control wherever necessary the air and sea lanes needed to support U.S. and allied forces abroad.

Finally, because some of our NATO allies—for example, Greece and Turkey—do not have and cannot afford needed modern equipment, it is in our interest to help them modernize their forces, and to rely on them to man and operate those forces. Conversely, we must and do expect that those NATO allies who are able to do so will improve their contributions to the common defense through appropriate programs, financial participation, and force modernization.

In summary, through application of all resources across 1, the full spectrum of possible conflict and 2, the full spectrum of capabilities, we intend to maintain sufficient U.S. strength and to mesh this strength with that of other nations in a new order of partnership. If we are to achieve a lasting peace, we must work together to deter aggression, to prevent war.

We will apply the Total Force Concept in non-NATO areas as well. The President stated in his Foreign Policy Report to Congress last year, in a passage with particular application to Asia, that our friends and allies must bear an increasing responsibility for their own defense.

In his second annual Foreign Policy Report to Congress last month, he said:

"We will continue to provide elements of military strength and economic resources appropriate to our size and our interests. But it is no longer natural or possible in this age to argue that security or development around the globe is primarily America's concern. The defense and progress of other countries must be first their responsibility and second, a regional responsibility. Without the foundations of self-help and regional help, American help will not succeed. The United States can and will participate, where our interests dictate, but as a weight—not the weight—in the scale."

When the Nixon Administration assumed office in January, 1969, just the opposite was the case in Southeast Asia. U.S. forces were carrying the major part of the burden. Our first challenge under President Nixon's Strategy for Peace was to reverse the trend toward greater and greater involvement of Americans in ground combat. We set out to end

American military involvement in the Indochina fighting.

A key element for the success of our new strategy is the need for Total Force planning in an even wider context than defense planning alone. This wider context embraces all Free World assets—military and non-military—which can help prevent the outbreak or continuation of conflict, while fostering freedom, peace, self-determination and cooperation among nations.

B. VIETNAMIZATION AND TOTAL FORCE PLANNING: THE NIXON DOCTRINE IN ACTION

Vietnamization represents the clearest example, in its broader terms, of the Total Force Concept in action. It takes both military and non-military resources into account. It reflects integrated, coordinated and systematic planning by the United States and our allies. It utilizes all available means to bring down pressure to bear on the level and intensity of conflict while seeking to end that conflict—hopefully through successful negotiations. Vietnamization helps mobilize diplomatic and political action for a peaceful settlement, and economic and security assistance for long-term economic stability. Its objective is self-reliant South Vietnamese defense forces, and it encourages increasing cooperation among free Asian nations to aid in restoring and maintaining peace in Indochina.

In my Defense Report last year, Vietnamization was characterized as the first crucial step in implementing the Nixon Doctrine. I said then:

"Vietnamization is both a means to an end and a beginning: a means to end the American involvement in Vietnam and to make a credible beginning on our new policy for peace and increased self-reliance in Asia. This first step in implementing the Nixon Doctrine is of critical importance in ending the war. Moreover, success of the Nixon Doctrine can help remove the need for similar American ground combat involvement in future Asian wars, an important objective of our new strategy."

Our single objective in South Vietnam has been and remains to help that country ensure self-determination and become capable of maintaining security and insuring its own future. At the same time, we seek methodically to terminate American combat involvement in Indochina in such a way that the prospects for effective self-defense—and, more hopefully, the prospects for lasting peace in the area—will be enhanced by the orderly way in which we leave.

Our activities in Indochina during the past year and in the forthcoming year should be measured and evaluated in relation to goals which have guided this Administration since the beginning of Vietnamization:

Maintaining our obligations and interests in Asia as we move toward a generation of peace;

Reducing American casualties;

Continuing the reduction of Americans from all of Southeast Asia;

Turning over military responsibility to the South Vietnamese in a way that provides South Vietnam with its own defense against aggression;

Implementing the Nixon Doctrine effectively.

The start of Vietnamization was based on several critical assumptions:

If the Paris negotiations were not successful, conflict in South Vietnam would continue.

The process of winding down and ending American combat involvement had to begin in 1969 and go forward steadily.

As long as the conflict continued, Free World assistance to South Vietnam would be required.

But with appropriate Free World assistance, the Republic of Vietnam and its people could in a relatively short period of time cope effectively with threats to their security from both the Viet Cong and the North Vietnamese.

The Concept of Vietnamization. In October of 1969, I outlined to the National Convention of the AFL–CIO in Atlantic City the basic concept of Vietnamization. That concept has not changed. As I told the AFL–CIO:

"In January (1969), the U.S. Government had no alternative plan to influence the course of events should the continuing efforts at Paris fail. Today, there is an alternative course of action that at the same time complements our efforts at Paris. That program is Vietnamization.

"Vietnamization is something new. Those who view it as a mere continuation of the program for modernizing South Vietnam's armed forces are quite mistaken. It is much more than that. The Vietnamization program represents a major change not only in emphasis but also in objectives. Troop modernization until early this year had the negative goal of partially de-Americanizing the war. Vietnamization has the positive goal of "Vietnamizing" the war, of increasing Vietnamese responsibility for all aspects of the war and handling of their own affairs. There is an enormous difference between these two policies.

"The previous modernization program was designed to prepare the South Vietnamese to handle only the threat of Viet Cong insurgency that would remain after all North Vietnamese regular forces had returned home. It made sense, therefore, only in the context of success at Paris. It was a companion piece to the Paris talks, not a complement and alternative. Vietnamization, on the other hand, is directed toward preparing the South Vietnamese to handle both Viet Cong insurgency and regular North Vietnamese armed forces regardless of the outcome in Paris."

Since assuming office as Secretary of Defense, I have made three trips to Vietnam. In that time, all aspects of Total Force planning in its broader context have been addressed and, in my view, have contributed to the President's program for peace.

Integrated Force Planning. In early 1969, my initial trip to South Vietnam as Secretary of Defense concentrated on the military situation, the status of U.S. forces, and the effectiveness of the Republic of Vietnam Armed Forces (RVNAF). I found that our fighting men in Southeast Asia, under the superb leadership of General Abrams, had the resources to accomplish their assigned tasks, but those tasks, as of that time, were not consistent with the expressed goal of South Vietnamese self-determination. The U.S. forces were carrying the main part of the military burden. There were no indications of a program adequate to bring about self-reliance of the RVNAF, to develop South Vietnamese forces which could handle the prospective long-term internal and external military threat, or to bring about significant and orderly reductions or changes in the U.S. military presence in South Vietnam.

After that trip, we proposed policies to improve the RVNAF's capabilities consistent with new U. S. objectives. President Nixon announced the concept of Vietnamization. We then immediately initiated planning for the redeployment of U. S. forces. Despite a continuing substantial enemy military threat, Vietnamization looked promising enough in the early stages to permit the historic Midway decision and announcement by the President in June 1969. U. S. troop redeployments started shortly thereafter, and have continued through six major increments, as of today. There will be further and continuing withdrawals of U. S. forces.

Within the Total Force concept, there are three distinct phases to Vietnamization:

The first phase consists of turning over to South Vietnam the ground combat responsibility against VC/NVA forces. As I have said many times before, we expect to complete Phase I by this summer, although American ground combat forces will remain in a security role to protect U. S. forces as Phase II progresses.

The second phase consists of developing within South Vietnam the air, naval, artillery, logistics and other support capabilities necessary to maintain effective independent security. Phase II has been in process concurrently with Phase I, but it will take longer to complete because of the complex training involved.

The third phase will consist of reducing the American presence to a military advisory mission, together with whatever small security forces are needed to protect this mission. Further reductions of our assistance and advisory presence will then continue, under the Nixon Doctrine, as South Vietnam continues to grow in national strength and self-reliance, until no more U. S. military presence is required.

DOWNWARD PRESSURE ON CONFLICT

The Strategy of Realistic Deterrence seeks systematically to diminish the likelihood of outbreak or continuation of conflict. Faced with an intense ongoing and seemingly endless conflict when we assumed office, we had first to establish conditions conducive to lowering the intensity of the conflict while ending direct American involvement.

By any measurement of our overall activities in Southeast Asia since the start of Vietnamization, the thrust of American activity has been downward. For example:

American combat deaths are down from peaks as high as five hundred a week to an average below fifty a week. I want to stress that we will not be satisfied, of course, until there are no U.S. combat deaths.

By May 1971, American troop strength in Vietnam will have been reduced to almost half the authorized ceiling of 549,500 when I became Secretary of Defense.

American air attack sorties in Indochina during 1970 were down more than 50% from peak 1968 levels.

American war costs for Southeast Asia have been cut approximately in half from the peak level of 1968, and are continuing to decline.

In short, American involvement by any measure—casualties, operations, manpower levels, incremental war costs—is significantly down. At the same time, security inside South Vietnam is markedly improved, and Vietnam's neighbors, notably Cambodia, are making new and determined efforts to defend themselves.

To insure the further downward trend in the level of conflict, particularly in the absence of successful negotiations, requires a continued and carefully programmed increase in the ability of the South Vietnamese to assume more and more of the burden of conflict themselves, and then to preserve the peace once hostilities have ended.

The buildup of South Vietnamese forces to permit them to defend themselves, against not only the Viet Cong but also the North Vietnamese, has been essential to the success of Vietnamization. Improvements in fire power and mobility have been the primary need, requiring extensive materiel transfers and training programs to develop naval, helicopter, tactical air, artillery, and logistic support capabilities. These improvements are progressing on or ahead of schedule. More heartening even than the statistical milestones of Vietnamization has been the actual field performance of Vietnamese forces, particularly since the conduct of the highly successful Cambodian sanctuary operation last spring. Vietnamese forces have demonstrated professional skill, valor, and combined arms effectiveness in their operations to date. Particularly noteworthy has been the Vietnamese ability to operate removed from their permanent bases against enemy-occupied areas. The current operations in both Cambodia and Laos are providing a further test of their increasing abilities.

As I have advised the Congress and the American people many times, we cannot expect the South Vietnamese to win every battle. We must anticipate some temporary tactical setbacks as they gain increased confidence and strength.

I am confident that the Vietnamization program is succeeding and that more Americans will be coming home.

ECONOMIC ASPECTS

During my second trip to Vietnam in early 1970, it was possible to broaden the scope and perspective of that visit in comparison to the first, because of the impressive gains which had been achieved in the military aspects of Vietnamization. The result was an emphasis during the 1970 trip on the South Vietnamese economic situation.

The economic implications of Vietnamization are complex. In terms of availability of goods and services, the economy will continue to be under inflationary pressures resulting from wartime inflation. Actions undertaken and contemplated in connection with military Vietnamization will require increased spending by the Government of the Republic of Vietnam (GVN). At the same time, recent and proposed measures to increase domestic taxes can yield additional revenues only slowly over time, and the GVN is facing a decline in revenues from U.S. military purchases as U.S. forces redeploy. However, the overall level of U.S. economic aid is expected to remain constant, as U.S. programs are reoriented to aim at developing the economy. In addition, the foreign exchange rate, together with import duties, if adjusted frequently to reflect inflation, can yield increased revenues in the near future.

The Vietnamese are expected to be able to maintain economic and financial stability, even during the height of their military efforts, provided they continue to expand the capacity of their domestic revenue system, undertake further reforms to contain inflation, and receive adequate external assistance, such as the aid we provided Korea at the end of that conflict.

President Thieu began in October 1970 to carry out economic reform measures, among them a partial devalaution of the piaster. Detailed studies undertaken concurrently in Saigon focused on present and future needs with respect to exchange rate structures, interest rates, wage policies, tax reform, and GVN expenditure levels.

While all of the desirable changes obviously cannot be hastily implemented in the immediate future, a start has been made on programs with long-lead times. The U.S. and the GVN have jointly undertaken some preliminary measures to help strengthen the institutional foundations necessary for increased economic development even while hostilities continue.

During the past year, it has been gratifying to witness the salutary effects of the initial steps taken to improve RVN economic prospects, as well as the continued RVNAF military progress. The economic development process that lies ahead, though, will require further fundamental reforms and may prove to be one of the most demanding challenges of Vietnamization.

DIPLOMATIC AND POLITICAL ASPECTS

Vietnamization was conceived as both a complement to and an alternative for a negotiated settlement. President Nixon had earlier made explicit the U.S. interest in pursuing the route of negotiations.

Therefore, Paris was the first stop on my third trip to Vietnam in early January 1971. Representatives of our government and of the Republic of Vietnam have now held more than 100 weekly meetings with representatives of the other side in an effort to end the war by negotiation. However unpromising the Paris talks have been so far, we shall continue to pursue a diplomatic settlement of the conflict.

We have been, are, and shall continue to be ready at any time to make peace at Paris—on reasonable and generous terms. The President in October, 1970, presented an unprecedented five-point peace proposal for ending the war through negotiation. The enemy has refused to discuss these proposals. Nevertheless, our side will not abandon the search for a negotiated peace. This is the way we prefer to settle the war, because this is the way we could end it immediately.

The plight of prisoners of war throughout Indochina has been and continues to be one of the subjects most frequently raised by our negotiating team in Paris. Despite our persistent efforts, the other side has obstinately refused to provide complete and official lists of all prisoners or known dead; to permit impartial inspections of its camps; to release all seriously sick and wounded prisoners; and to accord the minimum mail privileges specified by the Geneva Prisoner of War Convention.

Through diplomatic channels, we have tried to bring the other side to improve the treatment of our men held prisoners and to undertake negotiation of their release. We have asked other governments to bring their influence to bear, and we have raised the issue in the U.N. At the same time, we have called repeatedly in the Paris Talks for humanitarian treatment of captured Americans, pointing out that this is a humanitarian matter.

I believe that because of the growing American and world public opinion pressure on the other side, some limited progress was realized during 1970. Two hundred and twenty prisoners of war, all but one of them in North Vietnam, were allowed to write to their families for the first time. Partial lists of prisoners were released by Hanoi sources.

The President's unprecedented peace proposal of October 7, 1970, called for both sides to release all prisoners of war immediately and unconditionally. This is an offer to exchange some ten prisoners held by the South Vietnamese for every one prisoner held by the other side. Despite the problems such a massive release would raise for the GVN, President Thieu gave his full support to this proposal. The inhumane reaction from the other side has been totally negative thus far.

Our goal, of course, remains the return as soon as possible of all of our men held captive and the fullest possible accounting for those missing. Some men now have been held for almost seven years, many for almost six. The families of over 1,100 men bear daily the anguish of not knowing whether their loved one is dead or alive.

Neither President Nixon nor I will consider Vietnamization to be completed until the Prisoner of War issue has been resolved.

As to general prospects for negotiations, I must reiterate that the information I received in Paris during my recent trip gave me no substantive reason to expect an early negotiated peace settlement. Nevertheless, our efforts to achieve peace through negotiations are continuing, since this is the quickest way to end the killing and to restore peace to that troubled area of the world.

As conceived from the beginning, Vietnamization is not just an alternative to negotiated settlement but also is a complement to and incentive for ongoing negotiations. We should not lose sight of the potential impact of Vietnamization on the negotiations. It may well be that the North Vietnamese have persisted in military action rather than negotiation because they believed that a war-weary U.S. would pull out in a disorderly manner. Therefore, they were determined to stay in the fight, preserve their infrastructure, avoid political compromise, and wait us out, hoping they could then prevail. The best chance to lead them to abandon hope of a military victory and to prefer negotiation is, therefore, to make it clear to the enemy that, even after the U.S. has left, they cannot prevail militarily because the South Vietnamese have the military ability and will to resist aggression.

PROSPECTS FOR THE FUTURE

We have come a long way in the less than two years since President Nixon's watershed decision to begin Vietnamization. My recent trip confirmed for me that we are pursuing the proper objective in supporting the goal of self-determination in South Vietnam. In less than two years the Nixon Doctrine has taken form. Major progress has been made in strengthening the RVNAF. The non-military dimensions of RVN self-determination are being addressed in a progressive and productive way.

While the bonds of partnership among the Free World Southeast Asia nations are growing stronger, the direct U.S. involvement, especially in the form of manpower, is diminishing—exactly as planned.

But we should not delude ourselves. There is still much to be done. The job ahead for full success of the military aspects of Vietnamization remains a difficult one. The same is true for the economic facets of Vietnamization. The ties of partnership in the security field among Southeast Asian nations need to be strengthened to make optimum use of available resources. We must continue to focus on the intimate relationships among the military, economic, political and diplomatic facets of the Indochina situation as we press ceaselessly toward an end of American involvement in the war.

In summary, as I told the Senate Armed Services Committee on 27 January 1971, in reporting on my recent trip:

"Our objective for the future is that the United States will not need to rely on its own manpower to achieve the objective of self-determination for our friends and allies in Asia, and to thwart Communist aggression in that part of the world. Under the Nixon Doctrine, we have, we will maintain, and we will use as necessary sea and air resources to supplement the efforts and the armed forces of our friends and allies who are determined to resist aggression, as the Cambodians are valiantly trying to do.

". . . most of the leaders of Asian nations with whom I and members of my group talked, share this determination. They told us that with U.S. material assistance, such as that recently voted overwhelmingly by Congress for Cambodia, they want to do the defense job themselves to the maximum extent possible. I was heartened by their enthusiastic acceptance of the Nixon Doctrine in action, and I would simply say at this time that it is this spirit and determination on the part of our friends and allies that will form a crucial foundation of our Strategy of Realistic Deterrence for the 1970's."

C. TOTAL FORCE PLANNING AND INTERNATIONAL SECURITY ASSISTANCE

The challenging objectives of the Nixon Doctrine can be achieved as I reported to the Congress last year, only if we and our allies both contribute to their achievement.

Each nation must do its share to contribute what it can appropriately provide: manpower from many of our allies; technology, material, specialized skills from the United States. By furnishing the materiel and related training support essential to develop and maintain such forces, the International Security Assistance Program serves as a key instrument of the Nixon Doctrine. It is for these reasons that security assistance assumes new importance for initiatives in the area of national security and foreign policy, through which the Administration seeks to reduce both the total cost of an adequate defense posture and our overseas involvement.

Many willing and potentially helpful friends and allies simply do not have the resources or technical capabilities to assume greater responsibility for their own defense. Unless we help them, the basic policy of diminishing the need for direct U.S. military involvement, without impairing Free World security, cannot be successful.

The better equipped our friends and allies are to provide for their own security, the more firm will be our own security. This is so because the probability of war and of U.S. involvement in war will be lowered.

An effective security assistance program can allow an increasing replacement of U.S. forces—particularly ground combat forces—with local forces. A vigorous and successful security assistance program can also help achieve a period of more meaningful negotiations and a less dangerous world environment as part of the program to attain our objectives: lasting peace and expanding freedom—that is our hope and that is our goal.

D. NEW INITIATIVES TO SUPPORT A STRATEGY OF REALISTIC DETERRENCE

The Strategy of Realistic Deterrence calls for new initiatives and new concepts to complement Total Force planning. Some of these initiatives will fall in areas where the U.S. bears the primary responsibility, while others will stem from closer integration of our planning with that of our friends and allies. Some may more properly be called new directions or redirections of effort, rather than initiatives. Regardless of what they may be called, we believe they are necessary—to modernize our forces, reshape them to future environments, and to provide for our security.

U.S. Force Planning Initiatives

The Free World relies on U.S. strategic forces as the cornerstone of its deterrent. As President Nixon has stated, our strategic force policy is one of sufficiency. In addition to our diplomatic initiative in SALT, we believe that it is appropriate to explore a range of new concepts for future strategic force planning. Depending on progress in SALT or the growth in the military threat, particularly from the Soviet Union, we may or may not need to implement some of these concepts. But I believe it is only prudent that they be examined now. I will discuss key examples of force planning in Chapter IV of this section of the Defense Report.

Another difficult area in planning our forces for the future is the range of potential crisis situations which may require positioning of general purpose forces. In the past, these forces have been designed primarily for sophisticated conventional theater warfare, although provisions were included for minor contingency and limited war conflict situations. We are investigating possible modifications to selected portions of our existing forces, both to enhance overall capabilities and to improve the responsiveness of our forces.

One major step we have taken is our new policy with respect to Reserve Forces. Members of the National Guard and Reserve, instead of draftees, will be the initial and primary source for augmentation of the active forces in any future emergency requiring a rapid and substantial expansion of the active forces.

Lower sustaining costs of non-active duty forces, as compared to the cost of maintaining large active duty forces, make possible a greater flexibility in planning the Total Force structure. This lower cost of non-active forces allows more force units to be provided for the same cost as an all-active force structure, or the same number of force units to be maintained for lesser cost. However, it also requires that the capability and mobilization readiness of Guard and Reserve units be promptly and effectively enhanced. We are taking steps to do so as I will elaborate later in this report.

Other instances of more efficient use of existing forces are being pursued by the Services. For example, the Army is planning to form and test a tri-capability (TRICAP) division at Fort Hood, Texas, with an armor, an airmobile, and an air cavalry combat brigade—to facilitate incorporation of these separate capabilities into one division. The Navy intends this year to test a "CV concept" for a dual ASW and attack aircraft capability aboard our carriers, while retaining the ability to operate either in a full ASW or a full strike mode as appropriate to the circumstances. This concept could increase significantly carrier-operating flexibility. The Air Force is proceeding with procurement of air-transportable "bare base" support sets to enhance their capability for rapid deployment of tactical air forces to austere bases.

These are a few examples of modifications to existing U.S. forces we are considering or implementing. Others are discussed in later sections, and will be amplified by the Services in their reports to Congress. We intend to continue examining and evaluating such programs, and the associated organizational structure for our military forces, with an objective of improving force capabilities, readiness, and responsiveness for the future. At the same time, we intend to pursue other new initiatives, both in the area of technology, and in planning with our allies.

U.S. Technology Base and Technological Initiatives

An adequate research and development, or technological effort remains a most crucial element of our overall defense program. In addressing technological requirements, it is important to distinguish between force levels, which basically establish the overall size of the annual defense budget, and the character and quality of the force, which is decided for future years by current RDT&E expenditures.

If it becomes necessary, we can mobilize the manpower and production potential of this country in a relatively short period of time. Everyone must understand that we cannot similarly improve overnight our technological base. This technological capability will only be available when needed if it is maintained, encouraged, and appreciated now as an essential national asset. Recent reductions in technological areas already have seriously affected our ability to sustain essential technological leadership.

It is not possible for the Department of Defense to provide for our security with a constant or falling level of U.S. R&D effort in the face of the expanding military research and development effort being pursued by the Soviet Union, an effort I will discuss in the next section. I do not know at this time what levels of research we will require by 1975 or by 1980; they will depend on what course the Soviets choose to follow. But I do know that for FY 1972 we must increase our technological effort, particularly as we reduce the size of our active military force.

More specifically, there are a number of areas in which we feel we must now move more rapidly than in the past. In each of these areas we are requesting increases in funding for FY 1972, and in several cases we are already requesting the use of emergency funds and reprogramming authority to accelerate effort in the remaining months of FY 1971.

Before highlighting these requests for an extra technological effort in FY 1972, it would be useful to examine why it is that with our current lower force and equipment levels we have chosen to increase our R&D effort in FY 1972 by some 12% over FY 1971. There are six major reasons for this increase:

1. To avoid the loss of technical superiority to the Soviet Union.
2. To reduce the number of instances—such as SPUTNIK in 1957—that we could expect to be surprised technologically by the Soviet Union in the next few years.
3. To create and maintain additional flexibility in our strategic deterrent forces.
4. To evolve the concepts and weapons necessary to preserve and enhance our ability to control the seas.
5. To improve the ability of our land and air forces to cope with rapidly improving Soviet forces.
6. To develop simpler and less expensive weapons to assist our allies and increase the efficiency of our own capabilities.

Maintaining technological leadership is also important because it will enable us to anticipate an opponent's developments from fragmentary intelligence and may help to design a prompt counter to these developments. And, of course, technological leadership is essential for a rapid response to unexpected operational requirements.

We recognize that these factors, even when considered together cannot enable us to determine the precise size of the R&D program required or this country's defense needs. But without a strong technology base, we would not be able to recognize or take advantage of new developments. Clearly, the objective of maintaining our technological leadership requires more than a minimum sustaining effort. Such an effort would, in fact, guarantee a loss of technological leadership.

Last fall, we conducted an intensive review of existing programs, management, and potential developments which might be pursued in the area of technology. From this review, we concluded that besides shifting emphasis on certain ongoing programs, we needed to embark on a path that would provide an array of new initiatives in our development efforts which could lead to new capabilities in our military programs.

I will mention some of the programs which we have developed or are developing. They will be discussed in greater detail by the Director of Defense Research and Engineering, Dr. John S. Foster, Jr., and other witnesses when they appear before the Committee. Programs contained in the FY 1972 Defense Budget include initiatives in all major mission categories. We have identified and are requesting approximately $300 million in the FY 1972 Budget for research and development to pursue these other "initiative" programs which could provide us with improved capabilities in the future. I wish to emphasize that we have made no commitment to production of specific systems, but we feel it is essential to expand our on-going research and development effort in this way to preserve and expand our flexibility for future production should such systems be needed.

In the strategic area, we are exploring several concepts which will be discussed in a later chapter.

In our ability to control the seas and project our forces abroad, we are:

Pursuing a broad program in the area of ocean surveillance using manned aircraft, and surface and underwater sensor systems.

Improving the communication capability of our fleet by means of satellites and underwater sound communication systems.

Accelerating the development of surface to surface missile capability for our ships.

Investigating possible V/STOL aircraft configurations and missions applicable to the air capable ship (ACS) now in the conceptual stage of planning.

Accelerating development of very high speed ship capabilities by proceeding with hydrofoil craft of increased size and speed for use as missile attack ships, and by commencing model testing and design competition for a multi-ton experimental R&D Surface Effect Ship.

In the area of land warfare, we are: Increasing our attention to the problems of the individual soldier in an effort to make him more effective, more mobile, and less vulnerable to both ground and air attack when operating in varied environments.

Developing more accurate missiles and artillery to support our tactical forces.

Proceeding to develop less vulnerable helicopters with better surveillance capability.

Increasing our efforts in the area of suppression of anti-aircraft fire and surface to air missile defenses.

Improving the accuracy and stand-off capability of aerial delivered munitions.

Increasing our efforts to provide our forces with the capability to locate and identify a wide range of hostile radar targets with sufficient confidence to attack and destroy them without subjecting our aircraft to the dangers inherent in visual target identification.

Force Planning With Our Allies

The concept of force planning with our allies is not new; it is our objective to revitalize and improve this important military contribution to Free World security.

In NATO planning the United States must fully and effectively pursue detailed and integrated long-range planning and actions—including research and development, procurement, training and operations—that are appropriate for a total-NATO force. Our recent efforts represent major steps in the direction of making sure that NATO forces indeed do constitute a realistic deterrent to Warsaw Pact aggression.

The NATO Ministerial meetings in Brussels last December were the most meaningful NATO conferences that I have attended, either as a Congressman or as Secretary of Defense. They evidenced a new spirit in NATO—one in which our Allies fully recognized the existing realities and resolved on their own to take more of the defense burden upon their own shoulders.

I believe that three items of particular significance emerged from these meetings. First, the Ministers approved the NATO AD–70 Study accomplished over the preceding six months. It highlighted the need for more conventional deterrence and pointed out specific inadequacies in existing NATO capabilities. There was a unanimous feeling that more must be done in the conventional field and that modern and sufficient NATO tactical and strategic capabilities must be maintained.

A second important area was that of detente. While my fellow Ministers reaffirmed the importance they attached to Mutual and Balanced Force Reductions, they noted that Warsaw Pact countries have not directly responded to past evidence of NATO interest for such reductions. Consequently, my colleagues understandably did not go beyond the previous Rome communique in their treatment of Mutual and Balanced Force Reductions.

A third important area, that of burden sharing, set precedents which constitute a significant first step toward more equitable sharing of the NATO defense burden. Ten European nations agreed among themselves to provide almost a billion dollars of additional expenditures over the next five years, divided about equally between improvements to their own forces and contributions to an additional infrastructure program for better communications and aircraft shelters. This is the most tangible evidence yet of European recognition that Europe must do more in its own behalf, and is also the first purely European endeavor of such importance in which the U.S. has played no direct role. It is the first important common move toward force improvement in the last 10–12 years. This demonstration of European awareness of the strategic, fiscal, manpower, and political realities and their determination to face them is good for both Europe and ourselves.

We are continuing our studies and planning to integrate more closely all the resources available within NATO, to improve our procedures for management and mobilization, and thereby enhance NATO's capabilities.

Other examples of closer cooperation include the modernization program for Korean armed forces, and of course, the entire Vietnamization program.

But there are additional steps we are taking or planning to improve both our own and allied capabilities. One area involves a more cooperative R&D effort. The Services have a number of bilateral and NATO cooperative R&D programs underway with our allies, although the amount of funds is small. We are planning to test and evaluate some foreign weapon systems for possible adoption during this fiscal year, and plan to do even more in this area in FY 1972. In taking these steps, we desire to eliminate any unnecessary duplication in weapons systems research and development activity. To the degree that such duplication can be reduced, our overall force capabilities can be improved at lower cost.

Although this plan is not without disadvantages, it has been carefully weighed. We believe that it is in our mutual interest to proceed along these lines with our allies.

Similarly, we believe that our R&D program has a definite role to play in implementing the Nixon Doctrine. Suitable military assistance to our allies is frequently limited both by the items in the U.S. inventory, which may not necessarily be appropriate to the situation at hand and, in some cases, by a lack of knowledge of the technical and economic problems facing these countries. There are several areas where appropriate effort can help insure that suitable equipment or assistance commensurate with allied capabilities is provided.

At the present time, the International Fighter, for which we have included $128 million in the FY 1972 budget, is the only major development project specifically oriented toward support of the Nixon Doctrine. However, there are several smaller R&D efforts underway. One is the Advanced Research Projects Agency (ARPA) program of "tailored equipment" for less developed allies. This program will develop and/or test and evaluate a broad variety of more simple, less expensive and more maintainable equipments to meet the needs of these allies. Examples being considered are light attack aircraft, fast patrol boats, ambush protection for vehicles and low maintenance small arms.

Since these types of problems often fall outside normal Service responsibilities, we plan to have ARPA task the Services to perform specific, pertinent tasks using ARPA funds. In certain instances, the Services would be free to undertake projects on their own initiative. It is expected that this arrangement will remove such efforts from funding competition with regular Service programs, yet retain Service flexibility to support important programs which might have multiple applications. We intend to start this effort on a modest basis in FY 1972.

This new program will consolidate and expand on current projects to include those supporting our most important allies. Our goal is to provide equipment to reduce dependence upon U.S. forces, select equipment which offers an optimized military capability for the funds available, and provide options for more sophisticated U.S. general purpose equipment as appropriate and commensurate with the capabilities of a friend or ally.

HIGH UNEMPLOYMENT HAS NOT DETERRED JOBS FOR BRECKINRIDGE JOB CORPS CENTER TRAINEES

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. HORTON. Mr. Speaker, today's tight economic conditions and high unemployment rates affect us all, but they seem to place additional hardships upon the Nation's disadvantaged. Often unskilled and untrained for employment, they are pushed further and further down the economic ladder.

Their economic burdens are great, but often the psychological pressures are greater, especially for the young among the poor.

Without a job—or a chance to be trained for one—these young people look to a bleak tomorrow.

Fortunately, business and industry have begun to recognize the needs of the poor for training and jobs. One company which has been a leader in this area is Graflex, a division of Singer Co., located in Rochester, N.Y.

Graflex is the contractor of the Breckinridge Job Corps Center in Breckinridge, Ky. The center was established in 1965. Since Graflex assumed the contractorship in 1966, more than 4,000 disadvantaged youths have completed the training program.

In graduation ceremonies at the center recently, Hobard Butler, Job Corps official cited the Breckinridge center as an example of what such training programs can do. He said that Job Corps graduates are better qualified to hold jobs than ordinary high school graduates because of specialized training given to them in how to obtain and hold jobs.

During the ceremonies, 90 trainees were graduated. About 40 percent also obtained a general education diploma, equivalent to a high school diploma.

The cost of training one of these graduates during the average 9.4-month period was approximately $3,700 and the cost and effort appear to be paying off. Many past graduates hold well-paying jobs. Almost 100 percent of the 90 trainees in last month's graduating class have been placed in jobs—this despite the economic conditions which prevail today.

The inspiration for Graflex, Singer, to assume the contractorship of Breckinridge came from Gaylord C. Whitaker, chairman of the board, of Graflex. His enthusiasm, interest and dedication and that of his staff have helped to make the Job Corps center the success it is.

A recognition of the Breckinridge Job Corps center appeared in the article, "Panel Discusses Industry's Hiring of

Disadvantaged Youth," in the Evansville, Ind., Courier, November 13, 1970.

I would like to share this article with my colleagues in the House, not only because it cites the outstanding work being done at the center but also because it discusses the roles of management and union in hiring as well as training the disadvantaged.

We turn to such forward-looking companies as Graflex, which, working with Federal agencies, help alleviate the job plight—so closely tied to the economic plight—of the disadvantaged.

The Courier article follows:

PANEL DISCUSSES INDUSTRY'S HIRING OF DISADVANTAGED YOUTH

MORGANFIELD, KY.—A firm's commitment to hire disadvantaged youths for industrial jobs has to be an all or nothing decision, Wayne Collins, an equal opportunity specialist for Bucyrus-Erie, said here Thursday.

Collins, speaking as a member of the three-man panel during Business and Industry Days at the Breckinridge Job Corps Center, emphasized that concept, "Management must take steps to hire disadvantaged workers only after everyone in the firm from president to co-workers are sold on the idea. Halfway measures in approaching the problem can only lead to failure."

Collins, co-ordinator for the affirmative action program for equal employment opportunity for the Evansville firm, presented in detail some of the special requirements that must be extended to the disadvantaged by employers, ranging from a "willingness to make salary advances so he can afford to eat and get to work before the first pay check is due" to "monthly orientation sessions to acquaint him with company rules and his place in the mainstream of the company's operations.

EMPHASIZE POTENTIAL

"Emphasize whenever possible his potential for progressing within the company as he merits it," said Collins.

Joseph Powell, fieldman for the Appalachian Council Job Corps project of the AFL-CIO, Huntington, W. Va., stressed the increasing role of unions in the recruitment and placement of disadvantaged persons in industry.

He described the union interest in Appalachia as "formed originally to push programs to move the area in a new direction"—a direction he described as from an impoverished existence toward a more viable community.

"Out of this activity, there has grown the AFL-CIO involvement in recruiting and placement of disadvantaged workers," he said.

Powell said in a three-year period the union has provided 11,000 job slots for the disadvantaged of Appalachia and has filled more than 3,000 of those jobs themselves.

He mentioned that the labor movement is becoming increasingly involved in plans for employing the disadvantaged, stressing union involvement in the social and political aspects of employment programs.

TRAINING PROGRAMS

Hobard Butler, Washington, D.C., an official of the Job Corps placement division, emphasized the training programs the trainees are exposed to at centers such as Breckinridge.

He asserted that Job Corps graduates are better qualified to hold jobs than the ordinary high school graduate because of specialized training given to them in how to obtain and to hold jobs. He challenged industrial leaders to rely less on diplomas and to lean toward giving the disadvantaged the opportunity to prove themselves capable of holding jobs.

90 TRAINEES GRADUATE

In graduation ceremonies following the panel discussion, 90 trainees were graduated in ceremonies at the center. About 40 per cent of them had also obtained a General Education Diploma, equivalent to a high school diploma.

Center Director James Fornear estimated the cost of training the graduates during an average 9.4 month period at $3,750 each.

A SOBERING REMINDER

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. NELSEN. Mr. Speaker, the migration of farm families away from the countryside continues to be a very serious matter, as Ray Stougaard recently reminded his editorial readers in the Fairmont Sentinel, Fairmont, Minn. His sobering reminder is one that needs constantly to be borne in mind here in the Congress as we struggle to find the proper ways to bring new industry to rural America and as we attempt to reverse the population tide flowing to overcrowded cities. I included the entire editorial at this point in my remarks:

ANOTHER REMINDER

(By Ray Stougaard)

Abandoned farmhouses, groves without any buildings, or perhaps just a hand water pump sticking up in the middle of a plowed field . . . they are the visible signs of what is happening in The Sentinel area.

Exactly what is happening was spelled out in a state report on the loss of farms in five Minnesota counties in this area over the past 10 years.

Some 2,100 farms are no more. The land has been absorbed by other farms and the families who once made their livelihood in farming are gone.

It's interesting to note that the loss of farms and their families (at 3 plus per family) account for more than two-thirds of the total population lost (9,600) in the area since 1960.

The rate of farms lost is three times greater than the state average which is understandable because farming is our business. In other parts of the state, such as in the north woods country, it is not.

The sobering aspect of all this is that the loss of farms continues at the same rate as it has in the past 10 years.

This again re-enforces the necessity of creating more jobs in town for our farming people as they leave the land.

Nothing new about that but we must never let ourselves forget that our future lies in industrial development if we are to survive.

A GOOD PLACE TO BE "EXPECTING"

Of all the many reasons why rural living is tops, John Weber, editor-publisher of the Murray County Herald, Slayton, Minn., has added yet another: It is a good place to be "expecting." I include his entire editorial at this point in my remarks:

A GOOD PLACE TO BE "EXPECTING"—

Rural Minnesota in general and Murray county in particular seems to be a good place to live if you are expecting an addition to the family and don't particularly desire going broke financially in the process. This is the conclusion one would reach after reading a feature story on the cost of a baby in Sunday's Minneapolis Tribune.

Total costs to the parents of a newborn child, of course, are very difficult to compute. The Tribune, however, did an excellent job and also took a lot of intangibles, such as gifts, into consideration. But no matter how you cut it, the expense of parenthood in the metropolitan area is astronomical in comparison to what it is today at, for example, Murray County Memorial Hospital while using local physicians.

As close as we could figure it, hospitalization charges in our area are about half of what it would cost in the metropolitan area. Physicians charges, judging from the figures we were able to compile, are even lower on a percentage basis. According to the breakdown in the Tribune, the basic fee for delivery of a baby in the city hits $225.00. Here, the delivery charge is about $60.00. Prenatal care here hits an estimated $30.00, bringing the total charge for the physician to about $90.00.

A circumcision, in the Tribune's example case, ran $25.00 with an added set-up charge of $22.50. Here the whole procedure would go about $15.00-$10.00 medical and $5.00 set-up. Clothing, bedding and other miscellaneous expenses we assume would be only slightly higher in the metro area.

The study seemed to indicate that medical expenses in the metropolitan areas are increasing at a faster rate than any other segment of our cost of living. Undoubtedly they are also up in the country—but not at a rate that even compares with the city. Doctors in the metropolitan area, in our judgment, are in the process of asking for further inroads by proponents of socialized medicine. In the countryside, rates are substantially lower and the medics still manage to live quite comfortably.

We aren't as well acquainted in the rural communities of the state, but it appears that expectant parents can get the job done much more economically here—and still get the same fine, professional attention that they would expect in the highly populated areas.

MINNESOTA EDITOR PLUGS REVENUE-SHARING

Mr. Speaker, Thomas Kuechenmeister, publisher of the Wells Mirror, Wells, Minn., has written a strong editorial endorsing President Nixon's revenue-sharing proposal. It reflects the views of a number of citizens in our State, and I insert Mr. Kuechenmeister's editorial at this point in my remarks for the benefit of our congressional colleagues:

FEDERAL REVENUE SHARING

One of the major issues confronting the 92nd Congress is federal revenue sharing—and, hopefully, this might be the year when such a program becomes a reality.

President Nixon, in his State of the Union address, proposed a federal revenue sharing plan calling for $5 billion in new and unrestricted funds to be used by state and local governments with no strings attached, and $11 billion more (almost all of it coming from existing categorical aid programs) to be used for six broad purposes—urban development, rural development, education, transportation, job training and law enforcement. Within these six categories, the states and local governments would have free rein to spend the money as they see fit.

Many other federal revenue sharing plans have been proposed. Most call for a sharing of the revenue from federal income taxes with state and local governments, permitting those governments to decide how the money will be spent, without interference from the federal government. But until the last year or so, the idea has never received really serious consideration.

Now revenue sharing is an idea whose time has come. State and local governments must find new sources of fiscal assistance to alleviate their financial distress. Property taxes have increased out of all proportion; along with state sales and income taxes, they can no longer produce the revenues needed to meet the expanded costs of state and local government. The federal income tax—with its efficiency of collection, its broad base covering all those receiving income, and its automatic increase with the growth of the economy—is the greatest source of revenue in the nation. Some of that revenue must directly be returned to the state and local governments which shoulder almost all the responsibility for the domestic affairs of this country.

Because of its revenue superiority and its doling of money to states, cities, counties and school districts through categorical grants, the federal government has become steadily more powerful. A program of federal revenue sharing will return some of that power to the states and local government. By bringing these funds closer to home the taxpayers will have a greater voice in determining how their money will be spent.

In the last Congress, some 59 federal revenue sharing bills were introduced, but no committee hearings were held by the House Ways and Means Committee or the Senate Finance Committee on any of them. This congressional reluctance to consider a federal revenue sharing bill may very well carry over to our present group of lawmakers, even though a recent Gallup Poll indicates 77 percent of the people favor such a program. Relinquishing of some federal power to the states and local governments is implicit in federal revenue sharing, and this does not easily meet with congressional approval. The absence of a budgetary surplus is another reason why economy-minded congressmen may oppose the program, as well as a strong politically motivated hesitance to increase income taxes, if necessary.

But common sense tells us that "no tax increase" is not one of the alternatives presented to lawmakers this year either at the federal level or in the state as Governor Anderson made clear in his budget message last week. Whether at the state or federal level, more fiscal resources must be found. And it would seem that federal revenue sharing, is the most just and favorable choice to be made.

RUSSELL FOUGHT FOR HIS IDEA OF VILIFICATION OF SOUTHERN LIFE

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. HAGAN. Mr. Speaker, we are all aware of the outstanding character and natural leadership of the late Senator Richard Brevard Russell, of Georgia.

However, I believe that the First District newspaper, the Darien News, recently expressed so well a commentary on Senator Russell's personal and great defense of the South and I commend it to your attention:

RUSSELL FOUGHT FOR HIS IDEA OF VILIFICATION OF SOUTHERN LIFE

(By Edward H. Sims)

The recent death of Richard Russell of Georgia, dean of the Senate, should not pass without a commentary on his effort in the Senate for so many years—to defend the South and its way of life, a South which he believed too often vilified by a prejudiced nation. He once said: "The feeling against the South has become a national disgrace."

What the Senator meant was not that racial conditions in the South were perfect, but that they were as good as in other sections of the country and that the South was being used by politicians of all sections as a whipping boy, for votes, while much of the same way of life was hypocritically carried on outside the South.

That vilification might have been justified in a way by various events, but not more so than for other sections, which received no such political abuse. The Senator also resented that no Senator or statesman from the South had a chance to be President. As he saw it, prejudice against the South was the main reason—prejudice on the racial issue, much of which he found hypocritical.

He believed the two major races got on well in the South, generally speaking, and that there was more genuine friendship and love between them in the South than anywhere else in the nation, that the two races had learned to live together.

He acknowledged that change was due, that every American is due the same opportunity, education and rights of every other. But he fought all his life against measures aimed only at the South, and those which he considered unconstitutional, some of which he considered political pitches for votes. But when a law was passed he asked all to obey it.

If indeed Senator Russell was not completely right in his assessment, it must nevertheless be said that all of the Senate's recent members, including Harry Truman, Lyndon Johnson, John Kennedy, and Mike Mansfield, etc. acknowledged that he was better informed on the major issues of the day, and on the rules of the Senate, than any other man. They conceded he would have been President had he come from a state outside the South. All described him as a giant among giants in the Senate.

This being true, it's impossible to dismiss his defense of the South and its way of life as having no merit and no truth.

Far from being a reactionary, Russell was liberal in many fields. He said once he was a liberal in bad times and a conservative in good years and his voting record substantiated that statement.

This writer years ago visited Russell's office almost daily, as a young Washington correspondent. While he was far more important in the Senate than some of the other Senators on the daily call list, he would almost invariably make himself available for questioning if in. Others were often hard to corner, and if cornered would avoid answers to delicate questions. But Russell was a simple and open man, as his modest biography showed, which only mentioned that he was a Democrat from Winder, Georgia.

STOPPING TERRORIST BOMBINGS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. PRICE of Texas. Mr. Speaker, twice already in the month of March, powerful explosions have been set off by certain unknown individuals or organizations. On March 1, the west wing of the Capitol was rocked by an explosion causing an estimated $300,000 worth of damage. Luckily, however, no one was injured.

That was not the case yesterday though in St. Louis, when two bombs exploded within 15 minutes of each other in an ROTC building. The second explosion injured 14 policemen and firemen who had come to the scene to investigate the first explosion. St. Louis police officials suspect that the 15 minute interval was timed to catch firemen and law enforcement officials investigating the first explosion with a lethal blast.

Mr. Speaker, these kinds of incidents are deplorable; they strike at the very heart of our free society. Criminal bombings must be stopped and must be stopped soon before more Americans become unwitting victims.

In the last Congress, I introduced legislation greatly strengthening existing Federal laws for the illegal use of explosives. In addition to strengthening existing penalties I also proposed invoking the death penalty for illegal bombings resulting in innocent deaths. I was most gratified that this proposal, in substantial measure, is now public law. And I urge officials in the Justice Department to use their new tools unhesitantly.

Mr. Speaker, perpetrators of criminal bombings must not be coddled. Those who commit senseless acts of wanton destruction under the guise of political idealism must be dealt with and punished for the common criminals they are.

VIETNAM WAR

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mrs. GRASSO. Mr. Speaker, the war in Vietnam has shaken our institutions, clouded our national goals, and divided our people.

However, concerning one tragic consequence of this war there seems to be little disagreement. The grief and sadness that draws a family together which has one of its members held as a prisoner of war in Vietnam has also drawn this Nation together in outrage and determination to seek their release.

I am proud and honored to bring to the attention of my colleagues the commendable efforts of over 1,000 students at Farmington High School who, at the urging of their student council, have been drafting letters to be forwarded later this month with letters written by other Connecticut teenagers to Xuan Thy Thuy, the North Vietnam Delegate at the Paris Peace Talks.

The following is an article which appeared in the Hartford Courant about the good works these young people are performing in behalf of those unfortunate Americans held prisoner in Vietnam:

TEENAGERS ASK RELEASE OF POW'S

(By Anne Demeusy)

FARMINGTON.—1,500 men do count.

This is the opening line of a letter to Xuan Thuy, the North Vietnam delegate of the Paris Peace Talks, referring to the estimated number of American Prisoners of War in Vietnam.

It is written by a Farmington High School student, Elaine Buchardt, and is typical of letters being drafted this week by the school's more than 1,000 students.

The letters will be bundled up later this month and sent to a central mailing point in Connecticut to be forwarded with letters written by other Connecticut teenagers.

Elaine's letter tells Thuy that "even one man counts." "This is my plea, and I'm sure our whole country's plea, to your country, to release all the sick and wounded prisoners. You seem not to care that each prisoner is a person. You only care about numbers. It's just another little game of war. If you refuse to release the sick and wounded, you can at least send us all the names of all the prisoners so their families will know they are alive.

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The letter-writing drive was launched by the school's Student Council after a visit from a former student attending a naval academy, who urged the students to write.

Students are gathering in groups in the cafeteria to hand write the letters, and many have written up to a half-dozen.

The letter drive will close Friday.

THE MOVE TOWARD METROPOLITAN GOVERNMENT IN MINNESOTA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. FRASER. Mr. Speaker, the Minneapolis-St. Paul area is making major progress in the coordination of social, physical, and economic growth on an areawide basis.

A unique agency, known as the Metropolitan Council, has been created to help guide the development of this seven-county metropolitan region.

The following article from the New York Times reports on the development of the Metro Council since its establishment by the Minnesota Legislature in 1967:

MINNEAPOLIS AREA COUNCIL IS EMERGING AS A PIONEER IN STRONG REGIONAL GOVERNMENT

(By John Herbers)

ST. PAUL, February 6.—Jet planes and wild ducks have been competing for landing space at a lake near here, and the ducks have been winning.

The Metropolitan Council of the Minneapolis-St. Paul area has twice blocked plans of the area's Airport Commission to build a major new jetport at Ham Lake, 20 miles north of the Minneapolis business district. One of the reasons was testimony that the construction would do ecological damage to the area, including the disruption of a flyway for ducks.

This victory for conservationists is the work of a new level of government that has important authority over the vast proliferation of local governments in the seven-country area of almost 2 million people.

The Metro Council, as it is called, was created by the Minnesota Legislature to plan and oversee the orderly growth of the area, which contains 320 separate but overlapping governmental units, each with taxing jurisdiction.

COORDINATING POWER

This Balkanization of government is typical of metropolitan areas across the country and has contributed greatly to the urban chaos and paralysis that characterizes most of them.

The council, however, is unique in that it has taxing authority and the power to coordinate the over-all social, physical and economic development in the 3,000-square-mile area. When it put bonds up for sale recently, the bond buyers, accustomed to county and municipal governments, were somewhat startled to be dealing with a new government entity.

Nevertheless, the council is at the forefront of a national movement to form councils that sit over metropolitan areas on growth, planning and coordination. Most of these have very little power. They are generally voluntary organizations composed of elected members of the local governments covered by the council.

In some cities, such as Indianapolis, Nashville and Jacksonville, Fla., there has been consolidation of county and municipal governments, but this has occurred rarely and in comparatively uncomplicated geographical situations. Such mergers are expected to become increasingly difficult as metropolitan areas grow.

The Minneapolis-St. Paul initiative was intended to do what was politically feasible: Give the council authority over functions that affect the entire area—sewage disposal and highways, for example—and leave to the local governments those functions that could better be fragmented—such as schools and police.

In 1960, most of the population in this metropolitan area, as defined by the Census Bureau, lived in the cities of Minneapolis and St. Paul. But by 1970, Minneapolis has declined by 10 percent, to 432,000; St. Paul had declined by 1.5 percent, to 309,000, but the area outside the central cities had increased 55 percent, to 1,064,423.

FRAGMENTED AUTHORITY

Most of the population, then, fell under the jurisdiction of 26 incorporated cities, 105 incorporated villages, 77 independent school districts, 19 special service districts and the county governments.

During the decade of the sixties, a number of problems became acute. Deterioration of the central cities worsened as tax revenues declined; uncontrolled sewage and solid waste disposal began to pollute the waters; the public transportation system was inadequate, and land use for both parks and industry was chaotic.

The municipalities, which were particularly hard hit by the crisis, joined civic and business interests in pressing for a governmental instrument that could deal effectively with the most pressing of the area-wide problems.

In 1967, the Legislature created the council and two years later, after it had geared up for action, gave it additional powers. It is now engaged in several controversial endeavors designed to bring order and rational growth to the area.

The council is composed of 15 members appointed by the Governor. The chairman is James L. Hetland Jr., a 44-year-old law professor at the University of Minnesota. Mr. Hetland, a liberal Republican, presides over sessions in a low-keyed, scholarly manner and presents himself more as a manager than a political leader.

Other members, who represent districts based on population, are a cross-section of the area's civic and business leadership. Theirs is a part-time office, but some of them spend full time at it, roaming their districts to talk with constituents.

One of the powers of the council is to review the plans of independent, single-service agencies in the area and suspend them if it finds them inconsistent with its plan for orderly, controlled growth. This is what happened with the plan for the airport, which the Metropolitan Airport Commission was determined to establish at Ham Lake.

Efforts are now under way to find a new site for the airport, and the council will have the authority to prescribe the conditions under which it is to be built.

The council has independent taxing authority and is now levying seven-tenths of a mill tax on all real property in the area. This produces more than $1-million a year, which, along with Federal funds, pays staff and other expenses.

SEWAGE CONTROL

It has taken on several new area-wide functions. For example, it builds and controls, through subordinate organizations, sewage treatment plants in the metropolitan area. Its bonds finance construction.

"We don't try to operate the system ourselves," said Mr. Hetland, "because we don't want to get bogged down in operating detail. But we keep budgetary and planning control."

The council also has broad authority in solid waste disposal, highway location and regulations, creation of parks, transit and air pollution. It handles Federal anticrime funds going to the police and other agencies and reviews all other Federal funds for the area to see if the expenditure fits the council's over-all plan.

All zoning changes and comprehensive plans of towns and municipalities are reviewed by the council, which has the power to stop them for 60 days and hold hearings on them. At the end of 60 days, the city involved may put the plan into effect if public pressure has not resulted in a change.

The council is seeking through the Legislature to set up an area-wide housing board to provide more housing for low and moderate income families. It is seeking a method to equalize the crazy-quilt pattern of taxes in the area.

The council was created with the consent of most of the local governments under its jurisdiction. Because of this, its future and ability to acquire the full powers its sponsors feel it needs is uncertain. No one expected it to replace the multiplicity of local governments.

But what seems to be evolving here is a two-level form of government recently recommended by the Committee on Economic Development, with the Metro Council in charge of such things as the environment and growth patterns, and the towns and neighborhoods running such institutions as the schools and social services that profit by decentralization.

MY GOD, THEY BOMBED MY CAPITOL

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. WYATT. Mr. Speaker, the Arlington, Va., News on its front page took a personal view of the bombing of the Capitol. The writer was Ed Alley, a former UPI reporter who covered the Hill for a number of years. I think his reaction—"My God, They Bombed My Capitol"—says it very well indeed. I commend the article to my colleagues:

MY GOD, THEY BOMBED MY CAPITOL

(By Ed Alley)

I'm just plain mad. No, maybe hurt is a better word. They—somebody—something—bombed MY Capitol. Not only as an American do I have a special fondness—an unexplainable feeling for—My Capitol. It is, also because of my closeness there over a span of many years that makes it a real symbol. I must confess that I have never ceased to get a tingle as I ride into Washington and My building looms in view. I don't ever want to lose that tingle. It is something that's between the Capitol and yours truly. It's special. I cried—long and hard—when they told me I had to retire from it. I've never gotten over that void the doctor's decision caused. I really don't want to, though. It's just between us—the Capitol and me—yes—something special. And then somebody—something comes along and tried to hurt my friend—and they hurt me too.

Perhaps President Nixon said it best when he called the bombing "a shocking act of violence." Or Senator Mike Mansfield referring to the disgrace as a "sacrilege." I agree, too, with President Nixon's simple but ever-so-true statement that "the Capitol is a building that belongs to all Americans and symbolizes a form of government that has provided a means of peaceful change."

I'm happy to share MY building with all Americans—as long as they feel like I do about her. I've seen them come, too, from all stages of our life here in these United States over the years—proud to see her—to share with her that special meaning you can only know when you are part of her. I know that feeling and I'm only sorry it didn't rub off on the parties who tried to hurt her. Had they known the Capitol like I know her, nobody would ever bomb her. They couldn't—for they'd be hurting themselves. Just like I was hurt when I heard about it in the wee hours. Truly those stark words on the radio lost me a piece of my heart. I just couldn't help it. I hope, you, too, as Americans will understand.

BAN STRIP MINING

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. SEIBERLING. Mr. Speaker, last week, the West Virginia State Senate voted to ban all strip mining in 36 of the State's 55 counties for the next year. The bill now goes to the West Virginia House of Delegates where its chances of passage are considered to be good.

As one who supports a Federal ban on strip mining, I find West Virginia's action heartening and most welcome.

West Virginia's efforts to ban strip mining have had the solid support of their Secretary of State, John D. Rockefeller IV. In a speech last December, Mr. Rockefeller explained the classic dilemma facing his State:

> West Virginia needs both its job opportunities and its natural beauty. State policy should try to preserve both. In this case, however, I see no way to do that. I am convinced—reluctantly but strongly—that strip mining of coal in West Virginia must be prohibited by law, completely and forever.

In that statement, and a later address before the Charleston Chamber of Commerce, Mr. Rockefeller talks frankly about the pros and cons of strip mining, and the effects a total ban would have on the State.

West Virginia has taken a courageous first step in moving toward a partial ban on the strip mining of coal. But she needs the support of the Federal Government. And Congress can now provide that by enacting a bill, introduced by Congressman Ken Hechler of West Virginia to ban the strip mining of coal throughout the country.

I commend Mr. Rockefeller's speeches to my colleagues, and that they be printed at this point in the Record:

Statement by John D. Rockefeller, IV

In late summer I set out to assess as thoroughly and reasonably as possible the effects of continued strip mining of coal in West Virginia. My purpose was to develop a position on strip mining for this session of the Legislature.

I spent hundreds of hours making a variety of field trips—by car, on foot, and by helicopter. I went to strip mining operations both north and south of the Kanawha River. I listened to the views of operators, conservation groups, unions, state government officials, Federal and State reclamation people, Corps of Engineer experts, water experts, and soil experts. I read the literature, studied our laws and other states' laws, did research on the economic and job significance of the industry. I saw the new and the old—the bad and the better.

I considered the difference between the northern coal industry and the southern; the possibilities of reclamation research; the consequences of tightening the laws or of leaving the laws alone, of reducing the slope levels to 25 or 20 degrees, and of abolishing strip mining altogether.

I saw the reclamation of operators who care, and the work of those who don't.

The dilemma is a classic one: West Virginia needs both its job opportunities and its natural beauty. State policy should try to preserve both. In this case, however, I see no way to do that. I am convinced—reluctantly but strongly—that strip mining of coal in West Virginia must be prohibited by law, completely and forever. And I will work for that statutory prohibition in the coming session of the Legislature.

Clearly, the industry has tried to do a better job since the 1967 strip-mining law They have worked on seeding spoil banks, sloping benches, planting, water impoundments, and covering toxic materials. I saw a few operators who had been conscientious and somewhat successful. I saw many more operations that were neither conscientious nor successful.

Even the best efforts fell short of preventing slides, acid drainage and other stream pollution. And I saw no solution to the most glaring problem of all—the highwall. This is the fatal flaw of reclamation. The highwall is the signature of the strip miner. Wherever he goes, he leaves it there. Bleak rock circles, often two or three tiered and semi-permanent, shatters the contoured beauty of our hills. The effect is devastating and humiliating.

Frankly, I think of those highways as a cancer—spreading out from hill to hill, and on and on, into more and more areas. Why should Grant, Raleigh and Upshur Counties, for example, all with ample strip coal reserves and quiet scenic landscapes, fall prey to this cancer?

Our state's natural beauty is a great resource now, and will become more so. But it is a fragile beauty, highly personal, easily destroyed, and a beauty that depends on space and isolation and mood. In other words, a frontier beauty.

We still have it, but we are losing it. The highwall is like a knife slash through a painting—you can patch it up, but somehow it is always there, and the beauty and mood, the closeness, are never the same again.

The industry says it needs time to research. I say it is too late for that. The damage to large sections of our state is already beyond repair. Research, and the time for the results of research to become clear, would take four or five years.

There is a special urgency to act now. The energy crisis has made the demand for coal so great that the next few years will see a fury of stripping. Huge new equipment has been developed to speeed the job.

Too much of West Virginia is already a tangle of ugly highwalls and eroded spoilbanks. The damage is grotesque.

Despite the efforts of the Reclamation Division, I am convinced stronger enforcement is not the answer.

Our enforcement history in West Virginia has not been a distinguished one, and there is no reason to rely on an adequate change of pattern and budgeting now. In any event, the Reclamation Division will be needed to work on the tens of thousands of acres of presently unreclaimed strip-mined land.

I am deeply concerned about the number of jobs—both direct and indirect—involved in prohibiting strip mining. But I might note that one reason stripping is so profitable is that it has a low employment factor relative to deep mining. One man stripping can do what two or three men can do deep mining. Therefore, if strip mining is abolished, thus forcing an even greater investment of capital and men into deep mining, the employment picture in West Virginia will soon improve.

Even the immediate labor impact should not be insuperable. Only one-half of one percent of the work force in West Virginia is engaged in stripping. The bulk of these men are highly skilled electricians, mechanics, and heavy equipment operators whose services are definitely marketable. Nearly all of these men will be able to find good work. Services and businesses dependent on strip mining may not be able to adjust as well and as quickly: Nevertheless, the public interest must assert itself at some point. It rarely has in West Virginia.

It is argued that America faces an energy crisis and that strip mining is part of West Virginia's obligation toward meeting the national demand for coal. In the first place, stripped coal is only about 14% of our coal production. Secondly, it is coal mined at too great a cost to West Virginia.

Neither America nor West Virginia will always be able to have it both ways—all the energy they want and all the beauty and tranquility they want. It isn't often, particularly in West Virginia, that anything as intangible and basic as beauty and the quality of life can stand their ground against economic and political interests. But in this case, the political process must function in behalf of this and future generations, in order that they may have beauty and tranquility. And, in the process, we may give encouragement to other states, such as Kentucky, Ohio and Wyoming.

One of the fallacies of our state's environmental efforts became clear to me as I studied the strip mining problem—that oil and was well sites and deep-mining sites, as well as our own state highway building efforts, show a basic disregard for the responsibility of reclamation. Some of the worst highwalls and spoilbanks in the state are direct results of our road-building program.

Strip mining, however, is the problem with first priority. The constitutionality of a statute prohibiting strip mining may be questioned, either in its general scope or as it applies to a particular landowner or operator. The constitutional issues ultimately may may have to be decided by the courts. I'm not a lawyer, but to me this is obvious: Each citizen loses each time any of our hills is permanently scarred and disfigured by strip mining. The loss diminishes the state as a whole; stream pollution and sedimentation are specific losses.

Most important, such damage limits future alternatives for our state. We become less attractive to industry, to tourists, to retaining our own citizens.

For all these reasons, I will strongly support legislation at this upcoming session to end strip mining.

I would like to see such legislation take effect upon passage, but a certain winding-down period—perhaps six months—is probably necessary. Displaced workers must have time to find new jobs. Operators have major capital investments in equipment and heavy machinery. Power plants utilizing strip coal must find other fuel supplies.

In closing, I feel it is fitting, and a matter of pride, that West Virginia, a state most richly blessed by natural beauty, and a state most cruelly devastated by strip mining operations, take the lead in historic environmental legislation.

I sincerely believe the most responsible, the most significant, and the most generous contribution this 60th Legislature can make to all our people is to abolish strip mining.

Statement by Jay Rockefeller for Public Meeting on Surface Mining

I want to thank the Committee of 100 and the Chamber for providing this forum today.

Both the Chamber and the Committee have a common purpose: to help our region and our state to grow and to prosper. And that is why you are such an appropriate audience for this discussion.

Three weeks ago, I said at a press conference that I had come to a reluctant decision—that I feel that strip mining in West Virginia must end if we are to maintain and develop both the environment and the economy to grow and prosper in the future.

My position disappointed some people, and it angered some. No one wants to propose legislation that might cut down on some jobs, particularly in West Virginia.

I have often said, and I sincerely mean, that if there is any one contribution I could make to West Virginia, it would be to make our state more attractive to industry. To create jobs.

That remains my goal and my commitment.

My aim this afternoon is to convince you that my position on surface mining is not paradoxical to that commitment—indeed that abolition is necessary to that growth and full-range development.

When I made my statement three weeks ago, I dwelled at some length on my anguish at what strip mining does to the beauty of our state. The aesthetic and ecological theme is not central to what I will concentrate on here today, but it is a basic theme. Our mountains and valleys, our forests and streams, are extraordinary. No state is as richly blessed in scenic splendor as West Virginia.

In years to come, as the *shortage* of open land grows more and more serious, all this tranquil beauty, if we can preserve it, will have even greater value than today.

But I'm not here to make that case today. There's another question many of you have told me you are concerned about. And that is the impact abolition will have on jobs and economy.

That is my concern, too, and has been from the beginning. It may surprise you to know that the deeper one delves into the implications of this, the greater the case is made for abolition.

So even though my private office looks like the M–G–M studios, with hundreds of slides and films showing the destructive effect of strip mining since the '67 law, and while I have letters from citizens around our state whose homes and water supplies have been endangered by strip operations since the '67 law, I'll spare you slide shows, movies and letters—and outline as quietly and logically as I can the economics of this prohibition, and what I am convinced it will mean to West Virginia in the way of jobs, present and future.

Let's talk first about the economy, then get specific about jobs.

The economy of West Virginia rests on three major industries: coal, chemicals, and steel.

The most important human characteristic about the economy is that for the first time in 30 years personal income in West Virginia is going up faster than the national rate.

Now, what does that mean?

To get an answer to that question, we are all fortunate that we can turn to a man who is one of the outstanding economists in this country, a West Virginian, who in 1970 published the most thorough analysis of the state's economy that has ever been done. He's internationally regarded. As a matter of fact, when I tried to reach him about this he was in Geneva—he had been invited there by the United Nations to participate in a confernce on economic development. I'm speaking of Dr. William H. Miernyk of West Virginia University.

Dr. Miernyk's evaluation of our economy and the impact of strip mining, begins with that interesting note I just mentioned:

That for the first time in 30 years personal income is going up in West Virginia faster than the national rate.

And this is due to the boom in the coal industry. *But*: in spite of its present health, the one unstable segment of that coal economy is strip mining. In the long run, it is counter-productive to West Virginia's growth and development.

Strip mining, according to Dr. Miernyk, is not a part of the industry that contributes to long-range stability and growth.

It is an industry flourishing now because deep mining has only in the last two years been really gearing up for the growing demand for coal. In these next several years the price of stripped coal is going to be increasingly vulnerable on the market—in fact, the prices have softened in the past several weeks. As deep mined coal gears up production, the market for stripped coal will be less energetic and the industry will grow increasingly vulnerable and unstable. Many of the operators are newly in the field, have no long-term commitment or investment—or even interest—in coal mining, except as a short-term way to make a good profit now. Furthermore, in my judgment, strip mining has a naturally limited future in parts of the state. Operators have told me that in the north, all the reserves will be stripped away in another five to ten years. There will be a natural death there. In Harrison County, the stripped coal is about depleted. But if you have flown over the county, you know how that county has been slashed to ribbons by highwalls. It is not a pretty sight, and I dare say it never will be.

Strip operators are now moving east, into Barbour County, Preston County, Grant County, Upshur County, and Tucker County—all counties where there is much beauty and recreational and development future. Stripping will, in my view, radically and detrimentally alter the growth and recreational potential of those counties. And I think that you men who know that part of the state basically agree with that.

In the south, where the steeper slopes are, it is my judgment that no matter what happens to the abolition bill, the industry will be regulated in such a way that stripping to any great degree on those slopes will be impossible. As a matter of fact, the Department of Natural Resources has proposed that no stripping be permitted on any slopes steeper than 25 degrees. That in itself would eliminate 75% of strip mining in southern West Virginia. The Department—hence, the reclamation people—is clearly saying that it does not believe that reclamation is possible on those slopes, and they, of all, should know that. So, severe regulation is the least you can expect from this legislative session.

Therefore, from the viewpoint of its future on the competitive coal market, from the viewpoint of its natural deposit life, and from the viewpoint of limitation on its activities, I feel strongly that strip mining is indeed an unstable and unreliable component of our future growth. Its contribution to our economy is a *temporary* one—while the devastation it brings is permanent!

In fact, I don't think anyone will argue that *eventually* strip mining must stop. We have only so much land in West Virginia.

You gentlemen well know that at *some* point, before *every* mountain and hillside has been gouged and ripped and ravaged, before all of West Virginia looks like parts of it look now, at *some* point, the public is going to demand it be stopped. We know that. Even now, that outcry is growing, as the strippers' highway spreads like an ugly, malignant cancer across the countryside, infecting lush new areas. In 1969, it was 27 counties, in 1970, it was 29. The pace of the strippers is truly awesome. Permits were granted in 1970 for *double* the acreage of the year before . . . from 15,710 acres in 1969, to 31,802 in 1970. What will it be two years from now—or five years—or ten? What will be left?

So, really—and this is to me a crucial point—our debate is not if strip mining should be stopped, but *when?*

And according to every economic indicator we can measure, there never was a better time than now.

For instance, Dr. Miernyk points out that in our economy jobs are lost in many ways: through technology, changing markets, changing demands, changing tastes, or a public policy decision.

When this happens, remedies are attempted.

But usually, the change and the remedies are forced to take place in response to alarm—in times of decline, when the economy cannot by itself absorb the impact of change.

If you have a choice then, as to when to make a change that will affect jobs, the time is when there is growth in areas that may provide substitute jobs.

Secondly, advises Dr. Miernyk, make your choice at a time when personal income is rising, to minimize or offset the indirect effects.

And third, do it at a time when much of the land remains unspoiled, while it is still possible to retain a high quality of the land as an asset to diversity, and attract other less destructive industries. Continued stripping eventually will close off opportunities for other major and minor economic development.

For example, while new industries can be persuaded to move to major urban centers with good transportation, they are always more reluctant to do so in rural areas. And if the land in a rural county is ripped and scarred, it almost guarantees a severe limit to new industries in the future.

Timing, then, according to Dr. Miernyk, is the *key* factor in the decision we must make. *And the time, it seems to me, is now.*

Let's examine each of those timing factors favorable to this decision.

First, that if an economic adjustment must be made that will eliminate jobs, do it at a time when there is growth potential in substitute jobs.

The substitute activity is picking up in a number of areas.

Governor Moore, in his State of the State speech a week ago, called for a stepped-up highway construction program. In 1970, the state awarded $266 million in new highway contracts, a record high, and the Governor said that pace is not going to slacken.

Some of the skills employed in strip mining are needed in highway construction.

Some training may be needed. The state perhaps can help in this by giving preferential hiring to strip mine employees who qualify, and to help train those who do not.

Deep mining is undergoing a powerful expansion. The West Virginia Coal Association has said the industry here will need 10,000 new employees over the next five years. Certainly the decline in deep mining employment which has worried many people for more than a decade has now been reversed. Employment promises to be strong in deep mining—both underground, and, for that purpose of this discussion, above ground—for many years to come because of long-term contracts and growing demand. This places an obligation on the industry and the state to help train West Virginians for those jobs.

Permit me to digress for a minute and speak of another obligation—a most serious one—that I feel very strongly about when the coal industry makes its plea for 10,000 workers. It is not enough to say wages are good in deep mines. In most instances, the quality of life is inadequate, inside and outside the deep mines.

Miners don't want their sons going into the mines because they want them to enjoy a safer life, a better life than what has traditionally been the life of a coal miner. They would rather their sons move out of the state, if no other job is available. The industry must push for safer mines, even *without* increased demand by inspectors, the public, the lawmakers. It is *their* economic self-interest to make mining a good, decent occupation. This can happen, and it must happen, if the deep mining industry wants to attract some of the high-skill labor from strip mining that might well be available, particularly at the mouth of the mine. Readily transferrable skills include truck drivers, tipple operators and maintenance mechanics, as well as clerical and management personnel.

One of the things the state can help with is decent housing as stimulated through the Housing Development Fund. The Fund is a resource for helping finance low and middle-income housing in our growing mining communities. Just as some strip mine employees might move into deep mining, many others with directly applicable construction skills might have employment opportunities in an accelerated housing program. In fact, the Housing Fund has set as a goal within the next two years to stimulate 5,000 new homes a year. And there is no business the lower interest rates has stimulated more than the housing industry. The coming years will be good ones. Housing starts are up, industrial construction is expanding, as is road building. These trends offer opportunities and needs for bulldozer operators, truck drivers, mechanics, front-end loader operators, oilers and greasers, welders, and other heavy equipment operators.

Second, if you are to phase out an industry that has destructive social costs, according to Dr. Miernyk, do it at a time when personal income is rising.

In West Virginia, as I have said, personal income is rising faster than in the rest of the country. This helps offset the "multiplier effect," and perhaps this is a good time to talk about that.

There has been much discussion of the number of people who are employed in surface and auger mining directly, and the others whose jobs in one way or another depend on surface mining. Most of the talk has been of quantity, and to date there is little agreement on that—and almost none on the quality of jobs. Apologists for strip mining are saying that twenty to twenty-five thousand jobs are involved by an abolition of strip mining. That is a powerful, but totally wrong argument.

Let's clarify the record. The total number of people employed in surface and auger mining in West Virginia in *1969*, according to the records of the Department of Mines, was 3651.

Again, according to the Department of Mines, a field check was made on January 1, 1971—just three weeks ago—and the total number of people employed *directly* by surface and auger mines was 4,102. That number does not indicate full or part time—only that they were working that day.

The Department keeps records of the number of days worked—full time work for most occupations means five days a week, 50 weeks a year, or 250 days per year. In 1969, surface and auger miners worked, on the average, 143 days. There was a full 66 days less than the average employment in deep mining in 1969. And, while there has been an upward change in these figures in the first ten months of 1970, the meaning is still clear—*simply* that employment in surface mining in many places is seasonal, and subject to irregular hours and other vagaries and uncertainties.

When a coal company establishes a new deep mine, the very nature of the heavy capital investment represents a long-term commitment to employees and community alike. Surface mining, that hits, boosts the economy briefly, and moves on, offers no such stability, either to the employees or the community. Incidentally, it is interesting to note that of the 29 counties that now have surface mining, 25 of them also have deep mining, so there is certainly the potential for some job absorption on an area basis.

So we look to the experts to help us understand what impact abolition will have on direct employment, and indirectly on other jobs and other people throughout the economy.

In the study published in 1970 by Dr. Miernyk and his associates, he was able to point us to the evaluation of surface and auger mining and 47 other industries in the state.

Dr. Miernyk explains that for every full time basic job, there is a multiplier. He cautions that the multiplier is widely and popularly used but quite often misunderstood and misapplied.

He has used the multiplier to discover the full employment impact of the end of surface mining, and that the maximum number of jobs which will be lost by this change will be 4,000 to 8,000. But he immediately cautions that these jobs will not be lost all at once. And that if adjustments can be made in West Virginia's economy during the time the change is underway, there may well be considerably fewer jobs lost. And if the economy experiences substantial growth, it may well fully absorb the loss.

On the other hand, the 4,000 to 8,000 job loss would take effect only if the abolition took effect today, or two months from now, or six months from now. I am now strongly in favor of a 21-month to two-year period for a phase down. Only at the end of that period would the abolition apply. Up until then, stripping would continue, under regulation, to allow the employees the chance to earn their living while they deal with adjustment, and it would also allow the operators substantial time to handle their financial adjustment. As you know, 6-month leasing arrangements for equipment are not uncommon, and two or three year terms for financing are rather common. Several operators would go into road building, as much of the equipment and personnel are largely interchangeable. The largest dollar services that strip mining purchases are legal and accounting and clerical. Certainly, the two years would take care of all of them.

To summarize, then: If coal wasn't booming, if highway construction or housing construction weren't potentially viable job substitute, if personal income were not rising, and the general economic picture were not improving, if absolutely *nothing* developed in the economy to take up the slack, abolition of surface mining would result in the loss of 4,000 to 8,000 jobs direct and indirect. That is a far cry from the 20–25,000 figure that is being used. The figures I use are accurate.

On the other hand, if we provided a two-year phase out for surface mining, giving every opportunity for the economy to develop as it is predicted, we are left with this statement by Dr. Miernyk: "It is quite possible there will be no multiplier effect at all."

I'm not here to pretend some people will not be hurt. Abolition will work hardship on some, and uncertainties for many—if they do not have alternatives. All of us will share the responsibility to minimize that hurt.

But after the adjustment has been made, we come out far ahead of where we are today, because growth will take place—real growth, stable, non-harmful to our state's future.

So, it seems to me that we simply cannot afford to sit back and watch strip-mining chew up our hills. West Virginia will have to learn to live without strip mining. And the time to begin that adjustment is upon us.

THE MIDDLESEX PLAN

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. O'NEILL. Mr. Speaker, every one of us has been affected and disheartened by the perplexing problems that have been brought about by the abuse of narcotics in this country. Many of our communities have expressed a deep desire to help, but often their ambitions have been thwarted because of a lack of knowledge and understanding. Most have become bewildered and confused.

In the February 7, 1971, edition of the Boston Herald an article was written by the Honorable Foster Furcolo, a close personal friend of mine and a man for whom I have the highest regard. As a former Congressman and Governor, Mr. Furcolo has served his State of Massachusetts and its people with distinction, and most recently he has brought his knowledge and expertise to aid Middlesex County in the establishment of a new drug program. In this well-done article Mr. Furcolo delineates the scope of the drug program and points out the four major areas of concern: prevention, rehabilitation, education, and prosecution:

THE MIDDLESEX PLAN

(By Foster Furcolo)

Massachusetts, like every other state, has a drug abuse problem. What to do about it concerns every community in the state. How do you prevent it from spreading? How do you educate people to deal with it? How do you rehabilitate the addicted? What do law enforcement authorities do to prosecute those responsible?

What has been called "The Middlesex plan to prevent drug abuse" is a many-pronged educational endeavor with the ambitious goal of reaching every person in the most populous county of the Bay State. Middlesex County, sprawling through northeast Massachusetts from the New Hampshire border to the edge of Boston, has one million inhabitants—one-fifth of the state's entire population. Within its borders is a melting pot of people of Polish, French and Greek origin from cities like Lowell; Yankee farmers in towns with names like Chelmsford, Tyngsboro, Dracut, Concord and Lexington; Italian and Irish descendants in Somerville, Malden and Medford; and the Cantabrigians around Harvard University. It has the problems of every urban and rural county in the nation—and perhaps more cases of drug abuse than any place outside of New York City itself.

That was the situation when State Senator Dennis McKenna prevailed upon the Massachusetts legislature to put $50,000 in the county budget for a drug program to be conducted by the district attorney's office in Middlesex county. County Treasurer, Tom Brennan helped us set up our budget and asked for county-wide cooperation in the effort.

Within hours after the program was authorized, Dist. Atty. John J. Droney went into action. As an assistant district attorney, I was placed in charge with this directive: "Use the money to help the kids who are victims, and put away the professional pushers. I'll back you up all the way."

Droney's first step was to call a meeting with the Middlesex County Commissioners, who supervise expenditures of county money. "We have a program without any personnel or offices," he ponted out. "Will you help us?"

The county fathers authorized us to hire qualified personnel and provided us with offices in the Middlesex County Hospital. The hospital's director agreed to furnish the offices with equipment already available in the hospital's storeroom. Unfortunately, the already over-burdened hospital switchboard could not physically handle even one more telephone line—and how could we operate without a telephone? An emergency call to William Hogan, vice president of the New England Telephone Company, produced immediate cooperation in the form of a special cable run in from the street direct to our offices in the hospital basement.

It was only when the installation man asked its listing name that we realized everything had moved so quickly that we didn't even have a name for our project.

"Well," said Droney, "we're going to try to prevent drug abuse . . . rehabilitate those who've been victimized by it . . . educate the public so we can cope with the problem . . . and," he banged the desk, "prosecute drug traffic profiteers." He looked around at us. "Prevent . . . rehabilitate . . . educate . . . prosecute. That basically is what our project is so why not take the first four letters—PREP—and call it Project PREP."

We decided it would be a crash program. Marijuana smokers were increasing; the habit had drifted down from high school to the junior high and even into some grade schools. Pill popping was on the increase everywhere . . . the use of speed was becoming more prevalent . . . and deadly heroin was being introduced to more sophisticated users.

Our first task was to assemble a staff with expertise. The first members selected were Thomas McCarthy and Philip Nyman, two young, bright, able and dedicated attorneys. As a former assistant district attorney, Phil Nyman had had experience in trial work and was familiar with cases involving drug abuse. Tom McCarthy had been on the other side of the fence as a trial lawyer in the Massachusetts Defenders Committee. In addition, he was the chairman of the drug committee of the Town of Arlington and was particularly knowledgeable of the suburban drug scene.

Next came two recently retired State Troopers, Pompei Valenti and Al Whitney, who had been the top State Police narcotics experts for many years. They were joined by Joan Fuld, a Brandeis graduate who also holds a master's degree in social work from Boston University. She had worked with Head Start and with children's and parents' groups in the greater Boston area.

June Swartz, Linda Feig and Sharon Glendon were the next three additions. June, a Phi Beta Kappa, had taught sociology and psychology in Michigan. Linda had graduated from McGill, then earned a master's degree in counselling and psychology at B.U. before going into teaching and guidance work. Sharon, who had taken various educational courses at Sonoma State and San Mateo colleges, then done secretarial work at Harvard, is a former drug addict who lost four years of her life in California's drug world before fighting her way back.

Three other staff members are Bill Kickham, Jack Farrell and Bud Robaitelle. The first are two former FBI agents, while Bud had been a federal narcotics agent.

From Project Place, a drug rehabilitation center, we obtained Mike Elkin and Larry Birnbach, both of whom have had extensive experience with youngsters caught up in the drug culture. Mike who has a master's degree in psychology is professionally a teacher of emotionally disturbed children. Larry, a Boston College graduate, is now in the Boston University Graduate School working on his master's degree.

Two other drug rehabilitation centers—Marathon House and Project Turnabout—are also cooperating with us through two of their top men, Bill McCue of Turnabout and Richard Rode of Marathon.

Stody Ward, former member of the Youth Service Board, also joined us. Massachusetts' teacher of the year Bob Anastas was another addition. An experienced guidance counsellor, he set up a drug program that is followed in many schools.

Rounding out our team is pharmacologist Ben Hershenson, a professor in the Massachusetts College of Pharmacy and the guiding hand of that institution's excellent program of sending its pharmacology seniors into Massachusetts schoolrooms. The teacher leaves the classroom and the seniors then rap with the students about drugs—what they consist of, what they do to the body and mind, why they are used, and so on. Experience has shown that students talk frankly under such conditions.

We have also obtained the assistance of a panel of doctors and phychiatrists and other experts who have volunteered their services in an advisory capacity.

Lastly—and important cogs in the project—are Joan Booth, Eleanor Ryan and Marie Reid. They actually run the whole program. Various citizens' committees are being set up throughout Middlesex County by Joan. Eleanor Ryan for ten years had been secure in the high-paying lifetime position of secretary of the Massachusetts Government Center Authority. She sacrificed all to become executive secretary for Project PREP, with no pension, insurance, or fringe benefits—and in a temporary job dependent on legislative approval. Marie Reid, housewife and mother of two teenagers, originally came in on a volunteer basis that now stretches to eight hours a day every week. A graduate of Portia Law School, she also attended and was elected student secretary of the attorney general's school on drugs and was instrumental in establishing a drug control program in Acton.

In Project PREP we wanted ultimately to reach the kids—and we have programs for just that purpose too—but we decided to start with someone other than the youngsters themselves. We would begin with adults. We determined to try to "educate" everyone who has anything at all to do with kids we are trying to help.

We would take the first step with teachers, the second with parents, the third with police and religious advisers—then the fourth, fifth and fiftieth steps until we had reached everyone in Middlesex County who wanted to listen, who wanted to learn, and would invite the kids to listen too, if they wanted. We would constantly tell the kids: "We'd like to make Project PREP available to you, too, whenever you want it. We are ready and willing to bring it to you at your convenience, and we hope you'll want to listen."

We began our program by telephoning and writing to every school in the county—grade schools, junior and senior high schools, parochial schools, public, private, everything. We told them of our program, what was being offered and why, that we would bring it right to their teachers in their own school at whatever times were convenient for them, and that there was no cost or obligation of any kind. We pointed out that our program was purposely flexible in the number, length, and content of sessions—again, for their convenience and needs. In short, we made it clear that each school could spell out its own terms and conditions for the convenience of the teachers.

We suggested the ideal program was four sessions of two hours apiece, at the conclusion of which the teachers would have had the benefit of the knowledge and experience of a lawyer, a sociologist, a pharmacologist, a psychiatrist, the director of a drug rehabilitation center, a narcotics expert, and an FBI man. Three seminars would have two speakers each and the concluding one would have a panel of four or five. Each seminar would consist of lecture, discussion and questions, with the exception that the PREP speakers themselves would not only be teaching but also learning from the teachers. After all, the teachers would probably know a good deal about conditions in their own schools and their own communities.

In the usual program, the first session might be addressed by the lawyer and the narcotics specialist. The lawyer would discuss matters of concern personally to the teachers, such as, "Do I have a legal duty to take any kind of action if Mrs. Jones complains to me that Johnny Smith sold pot to her son? If I do report it, do I incur any civil liability? Can student lockers be checked?" The lawyer also discusses the various criminal penalties for violation of drug laws, what an arrest or a record means to the youthful offender, and other questions that students have asked their teachers. One major aim of PREP is to make certain that the teachers can answer students' questions truthfully and not fall into a credibility gap.

The narcotics expert, describing each drug and the symptoms it produces, shows a display panel of drugs. He gives their nicknames and characteristics, e.g., with marijuana, by burning a synthetic substance that has its distinctive odor.

The purpose of the lawyer and narcotics expert is not to make the teachers a legal expert or a narcotics expert; it is merely to increase the teacher's knowledge to the point where drugs and their symptoms are readily recognized. The possible "danger signals" are listed: Any radical change of clothing, companions, habits, personality, conduct, wearing dark glasses; unusual amounts of money; lethargy or inattention; excessive talking or groping for words; unusual yawning or sneezing; and other signs obvious to anyone who knows the youngster.

The sociologist and pharmacologist handle another seminar. There is no special need for teachers to know the chemical components of any drug, but these particular pharmacologists have had extensive experience in matters pertaining to drug abuse.

The sociologist discusses environmental factors that affect the drug problem: what drug facilities the community has and what it needs, what other communities have done to attack drug abuse, what makes youngsters turn to drugs, and the facilities available to be helpful to a youngster who has a drug problem (the average teacher has some vague knowledge of one or two of the more publicized drug services; the sociologist gives specific names of hospitals, drug rehabilitation centers, "hot lines," clinics, and other kinds of drug abuse treatments and services available at scores of places in or within reach of most communities). Another indirect benefit to society is that the sociologist also gets helpful information from the teachers that he in turn may relay to local and state agencies dealing with the drug abuse problem.

The Drug Rehabilitation Center Director describes actual experiences with youngsters who have become addicts or were threatened with addiction. "This is where and how teacher A failed this boy." "This is where and how teacher B helped that girl." "This is how and why Johnny started taking drugs; this is how and why Mary was saved from starting." He also may indicate the type of drug facility or assistance he believes the particular community should have.

We usually schedule an FBI man to be in the same seminar with the Drug Rehabilitation Center director. We theorize that their attitudes are sufficiently far apart so that if by chance an audience has a preconceived belief that either one is "far out" it probably still would be impressed by the other. The FBI man discusses drug abuse from the federal point of view: penalties, facilities, and programs. He also gives illustrations of customs and immigration security that should dispel any student thoughts of easy riches by sneaking in a suitcase of drugs from Europe or Mexico.

In the final seminar, the panel may include a psychiatrist who answers some of the "why's," a sociologist who outlines programs which should be helpful in eliminating some of the causes of drug abuse, and other participants who not only add to the teacher's store of knowledge, but also suggest constructive steps that may be taken by an informed community.

PREP's aim is to make the teacher better informed and more knowledgeable—not only to be able to be of more help to the student, but also to the community as a whole. It is also believed that the communications gap (if any) between student and teacher is lessened not only by that increased knowledge but also by the mere fact that the student knows the teacher is sufficiently interested to take the time and trouble to participate in seminars intended to aid the student.

As of mid-January the program had been brought to 118 schools and more than 4,000 teachers. Principal Henry Blake of Woburn High School said, "We have had many programs on current drug problems, but none has been as clear cut and helpful as Project PREP" Principal James Lazenby of North Reading High School said PREP had brought his teachers "much new information" that would "help us handle problems." And Rose Picone, director of drug education for the Arlington public schools, told me that "constructive things have happened as a result of the PREP program."

Paralleling the PREP program for teachers is the law enforcement phase that is intended to improve the policeman's knowledge of the drug abuse problem. In Massachusetts, as in most states, the average police department has a few officers who are narcotics experts. The great bulk of the police force in any community is about as ignorant of drugs as the average layman. The PREP program for police officers is offered to every police department on the same terms as the program for teachers—at the policeman's convenience so far as time and place are concerned, and at no cost or obligation. Bentley College allowed us to use an auditorium as our workshop for policemen.

Some of the police seminars are similar to those presented to the schools while others emphasize legal and technical points of concern primarily to law enforcement officials: Search warrants, admissibility of evidence, modus operandi of drug peddlers. However, one session is conducted by a sociologist and a director of a drug rehabilitation center to make certain that the policeman has more understanding and compassion for the victims.

More than 100 police officers have now received law training certificates from PREP.

Another phase of the "prosecution of drug traffic profiteers" has been the organization of a county association of narcotic enforcement officers, and the establishment of a central information bureau in the district attorney's office. All these officers already have attended the Attorney General's Narcotics Training program and all are skilled in investigation and prosecution of drug peddlers. However, all too frequently they have worked on their own and cooperation among communities and coordination of effort have sometimes been sadly lacking.

An innovation in the Middlesex District Attorney's office is the establishment of a filing system, accessible to every local narcotics man, containing a card on every person associated in any way with the drug traffic. The card contains the subject's name, address, photo, description and car registration, together with a description of his habits, associates, method of operation, and other pertinent data. Professional drug peddlers tend to move from one community to another, banking on "hitting and running" before the local authorities get too much of a line on them. The central filing system practically guarantees that the professional drug pusher will be spotted in a town as soon as he arrives.

Another advantage of the association will probably be the interchange of undercover agents, who are essential to drug law enforcement, but become "visible" (and therefore useless to a small town) in short order.

That is a costly waste to the town—but the new association is remedying that loss. Recognizing that a well-trained agent can be equally valuable to another town through coordinated efforts of the association, the various communities in Middlesex are now planning cooperative exchanges of undercover agents. The association also sponsors legislation that probably will find readier acceptance by legislators because it comes from an organized group.

In addition to the teachers and police, Project PREP is also bringing its program to parents, service clubs, fraternal organizations, and any and all groups that want to improve their knowledge of drug abuse.

Project PREP may or may not be the answer to drug abuse, but we have examined programs in England, Israel, Sweden and other countries with similar cultures. Of all the programs, Project PREP seems to offer the most hope. It is easy, relatively inexpensive and constructive.

TRIBUTE TO WHS CLASS OF 1970

HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. WHALLEY. Mr. Speaker, in the course of history, I believe that graduating classes tend to become like the proverbial childhood snowfall—always much more devastating than any in recent history.

The high school in my hometown of Windber, Pa.—population approximately 6,000—has, in my opinion, always been outstanding. But talking with not-so-recent graduates—like myself—one would think that all the accomplishments, all the awards, all the accolades took place before the present student body was even born.

Not so. Mr. Austin M. Greenland, public relations coordinator of the Windber Area School District, recently wrote to me and included a list of awards and accomplishments of the class of 1970. Even with the memory of those great classes of yesteryear clearly in mind, I have to admit that the record of the class of 1970 is most outstanding. And the class consisted of just over 200 students.

Mr. Speaker, as a tribute to this great class of 1970 of Windber Area High School, and to the students who made up this class, I include Mr. Greenland's letter in the RECORD for all to see.

WINDBER AREA SCHOOL DISTRICT,
Windber, Pa., February 2, 1971.

HON. J. IRVING WHALLEY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN WHALLEY: Windber Area School District, in Windber, Pennsylvania, has enjoyed a very rewarding 1970. The following is a list of the awards and accomplishments of the Windber Area High School:

ACTIVITIES

Band

The Senior High School Band won the first prize trophy in Class A Competition at the National Dogwood Festival in Statesville, North Carolina.

Cheerleaders

First place, 15th Annual Somerset County Cheerleading Contest.

First place, 11th Annual Windber Rotary Tournament Cheerleading Contest.

First place, 27th Annual Cambria County War Memorial Cheerleading Contest.

First place, 5th Annual Jaffa Shrine Cheerleading Contest.

ATHLETICS

Football

The 1970 Varsity Team won the Mountain Conference Football Championship.

The 1970 Junior High Team won the Western Division Championship of Inter-County Junior High School Football Leagues.

Basketball

First place, 11th Annual Windber Rotary Tournament.

First place, Greater Johnstown Hi-Y Basketball League.

First place, PIAA District 6 Class B.

Also participated in the State Play-Offs and were eliminated in the semi-finals.

INDIVIDUAL ACCOMPLISHMENTS

Tim Berkey, senior, is on the first team of the 1970 Greater Johnstown All Scholastic Basketball Team. Tim also received a letter of commendation from the National Merit Scholarship Quality Test. He finished in the top two per cent out of 30,000 applicants.

Curt Miller, senior, is on the second team of the 1970 Greater Johnstown All Scholastic Basketball Team.

Kathleen Felix, senior, received the Good Citizen Award, presented by the Quemahoning Chapter of the Daughters of the American Revolution.

Carol Batiste, senior, was chosen to participate in the Pennsylvania Music Educators All State Chorus in Harrisburg, Pennsylvania. She will also participate in the MENC Chorus in Atlantic City, New Jersey. Carol, and Eileen Rairigh, a 1970 graduate, represented WAHS at the All State Chorus at Warren, Pennsylvania.

Rick Holtzman, senior, was selected to attend the American Legion's Keystone Boys State at Pennsylvania State University.

Tony Slatcoff, senior, was selected to attend Youth Week at the State Police Academy in Hershey, Pennsylvania. This is sponsored by the Windber American Legion Post.

Kathleen Felix, Deborah Swetz, Matthew Petrilla, and Tim Berkey were chosen as the outstanding teenagers of the Windber Area School District for 1970. They are all seniors.

Darlene Melnkovic, 1970 graduate, was the winner of the 1970 Somerset County Bar Association Essay Contest, captured third place in State competition.

Deborah Ross, 1970 graduate, received the State Homemaker Degree from Future Homemakers of America at the Farm Show in Harrisburg, Pennsylvania.

Colleen Hannakan, 1970 graduate, was selected to receive the Most Valuable Staffer Award in recognition of outstanding contributions to her high school newspaper. This award is sponsored by the Johnstown *Tribune-Democrat*.

Jim Lashinsky, 1970 graduate, was presented the Nunzio Marino Award, in recognition of his fine performance and sportsmanship in football.

Linda Dill and Ronald Pekela, 1970 graduates, were selected as the outstanding girl and boy by the Windmer Lions Club. This award is presented to seniors each year.

Mr. Joe Fiori, basketball coach, was named "Coach of the Year" by the Windber Rotary Club.

The above named awards and championships have honored the community, as well as the Windber Area School District. As an elected official, I feel that you should be made aware of such accomplishments.

Thank you for your time and consideration.

Respectfully yours,

AUSTIN M. GREENLAND,
Public Relations Coordinator.

CANCER—NATION'S NO. 2 KILLER

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, the terrible disease of cancer is one of the most terrifying problems facing our country today. On the list of this Nation's greatest killers, cancer ranks second.

An article which appeared recently in Newsweek magazine points out that to many people the word "cancer" has become synonymous with death—with good reason, I am afraid. The American Cancer Society reports that in 1971, alone, approximately 975,000 Americans will require medical care for this disease and 330,000 will die.

Of the 200 million Americans now alive and healthy, it is estimated that 34 million will eventually lose their lives to cancer; and millions more will be disfigured. Perhaps one of the cruelest traits of cancer is that is attacks children as viciously as adults. Of the 330,000 Americans who will die of cancer in 1971, 4,000 of them will be children.

Because cancer ranks as one of the greatest and most frightening problems in all our minds, it is time that we meet the challenge of conquering it. We have now reached the point where a cure is within grasp. Just 30 years ago, only one cancer patient in five had a chance to survive. Today the figure stands at 40 percent. Nevertheless, despite the fact that methods of detection and treatment have improved, the annual number of deaths from cancer continues to rise at a rate faster than our population growth.

Mr. Speaker, it is time for the people of the United States to make the commitment to cure cancer once and for all. Our history of the last decade proves that when this Nation really commits itself to a goal, we can achieve it. We need only to recall President Kennedys pledge at the beginning of the 1960's to land a man on the moon before 1970 and remember the culmination of this pledge in 1969.

Last year, 600 of the leading physicians and scientists in the field of medical research expressed their conviction that cancer could be cured if only there were sufficient funds to support cancer research. The current level of funding is far below what is necessary to accelerate the search for a cure. In fact, many research programs have been unable to progress due to lack of money.

A national commitment to wipe out cancer is a challenge that cannot be ignored. While this is one of the most important problems we face, it should give us great hope and encouragement in knowing that it is one of the serious problems that can be overcome if only we provide the commitment and the funds.

By supporting the following bills, we are making the pledge and taking up the commitment.

I include the material as follows:

H.R. 3656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Conquest of Cancer Act".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares—

(1) that the incidence of cancer is increasing and is the major health concern of the American people;

(2) that the attainment of better methods of prevention, diagnosis, and cure of cancer deserve the highest priority; and

(3) that a great opportunity is offered as a result of recent advances in the knowledge of this dread disease to conduct energetically a national program for the conquest of cancer.

(b) In order to carry out the policy set forth in this Act it is the purpose of this Act to establish, as an independent agency of the United States, the National Cancer Authority.

NATIONAL CANCER AUTHORITY ESTABLISHED

SEC. 3. (a) There is hereby established an independent agency within the executive branch of the Federal Government to be known as the National Cancer Authority, having as its objective the conquest of cancer at the earliest possible time.

(b) The Authority shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years. There shall be in the Authority a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years. The Deputy Administrator shall perform such functions as the Administrator may prescribe and shall be the Acting Administrator during the absence or disability of the Administrator or in the event of a vacancy in the position of Administrator. Upon the expiration of his term, the Administrator shall continue to serve until his successor has been appointed and has been qualified.

CONCURRENT RESOLUTION

Whereas cancer takes the lives of more than three hundred thousand Americans each year; and

Whereas the death rate from cancer is steadily increasing as our population grows; and

Whereas more than one million Americans are currently under treatment for this dread disease; and

Whereas it is clearly in the best interests of mankind that this disease be cured and controlled; and

Whereas prominent medical authorities have indicated that cancer can be cured and controlled if the necessary funds are made available; and

Whereas current appropriations are inadequate to accomplish this task; and

Whereas the Nation's success in space was largely due to centralized direction of expenditures under the National Aeronautics and Space Administration; and

Whereas it is both necessary and desirable that a national commitment be immediately undertaken to achieve a cure and control for cancer within this decade: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) no less than $650,000,000 be appropriated annually over the next ten fiscal years for the national cancer research program;

(2) no less than $250,000,000 of this appropriation be utilized to construct five new cancer research institutes in the United States during the first two years of the new appropriations; and

(3) the funds thus appropriated be controlled and directed by a National Cancer Authority which would have the same absolute direction of the cure and control of cancer that the National Aeronautics and Space Administration has over our conquest of space.

SAVE YOUR VISION WEEK

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. MYERS. Mr. Speaker, one of nature's most precious gifts to an individual is functional eyesight. Yet, like many other things we experience in our day-to-day lives, we tend to take this valuable possession for granted.

The President has proclaimed this week as Save Your Vision Week, and has called upon Americans to learn how visual disabilities can be prevented.

There is no doubt about the important role vision plays in our society. It has been estimated that up to 80 percent of our knowledge is acquired through the medium of vision. Accordingly, we should place special emphasis on the eye care need of our young.

The President has said that more than 10 million children in the United States need eye care. Further, a report from a member of the U.S. Health, Education, and Welfare Advisory Committee on Dyslexia and Related Reading Disorders estimated that one out of seven children is handicapped in his ability to acquire essential reading skills. These figures would seem to create a special need to alert parents and teachers to the existence of this problem.

But the need for regular eye care is certainly not limited to our young. Some type of vision disorder affects over one hundred million Americans, many of whom are not aware of their problem. Some of these individuals with undetected problems will suffer no major difficulties or physical pain, although they certainly will not get full enjoyment out of life. Others who are less fortunate, however, will lose their vision entirely due to lack of prompt and proper treatment. This is tragic because almost all of the consequences of eye disorders—whether major or minor—can be avoided if the problem is detected and corrected. During this week we should determine when our last eye examination took place, and if it was over a year ago, we should make an appointment to have one.

I have a special interest here because Indiana University's Division of Optometry is located in Bloomington, which is part of my district. This school is one of 12 such schools in the country which has been involved in meeting the pressing eye care needs of the Nation.

Ever since the American Optometric Association observed the first Save Your Vision Week 44 years ago, we have learned a great deal about the eye and its proper care. There is little reason for any of us to neglect our eyesight. We should also concern ourselves with the need for safety in all walks of life to avoid eye damage due to carelessness. This week affords us an excellent opportunity to focus our attention on the need for good eye care.

NAVY AS CONSERVATIONIST: CULEBRA'S FUTURE IS NOT TOO BLEAK

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. BENNETT. Mr. Speaker, the Washington Post of March 9 carried an interesting column by Irwin Goodwin entitled "Navy as Conservationist: Culebra's Future Is Not Too Bleak." Goodwin indicates that the Navy has, through the years, helped Culebra in this role of a conservationist of the natural environment, as well as in other ways. This is in strong refutation of the hysterical, adverse comments made by some when the Navy sought patiently, through Secretary of the Navy John Chafee, Assistant Secretary of the Navy Joseph Grimes, and Adm. Means Johnston, to reorganize its targets and safety lanes last year. I include the article hereunder:

NAVY AS CONSERVATIONIST: CULEBRA'S FUTURE IS NOT TOO BLEAK

(By Irwin Goodwin)

SAN JUAN, P.R.—By its very presence in the past 35 years, the Navy has performed an unexpected role as conservationist of the natural environment of Culebra. This is the startling theme running through a 104-page report: "Culebra 1970: An Island in Transition," prepared for Puerto Rico's Gov. Luis A. Ferre by 17 scientists from commonwealth and federal agencies.

Ferre gave the study to Russell Train, chairman of the Council on Environmental Quality in Washington recently.

"Without a doubt," states the report, "Culebra and its surrounding keys and rocks" probably constitutes one of the very few areas in Puerto Rico where human activities have not yet altered natural conditions to a significant extent.

"Earnest efforts must be made to maintain the diverse ecosystems in the area in present conditions or, better yet, reduce the present human activities so that the natural state can be preserved."

SINCE 1936, when the Navy began using Culebra's northwest peninsula for ship-to-shore target practice, the island has not developed significantly. As a result, its present population of 726 is little more than the 704 residents of 1899, the first year after the Spanish-American War, when Puerto Rico and Culebra were ceded to the United States.

The report indicates that Culebra, with no minerals worth mining, little land usable for farming, frequent droughts and salty well-water, is clearly one of the Caribbean's lesser jewels.

It has no industries other than ocean fishing and cattle grazing, each conducted on a small scale; limited the costly transportation by airplane and ferryboats to the main island, 19 miles west; inadequate schools and services. Per capita income is $551—about $1,000 less than on Puerto Rico.

The island, however, as the report points out, "is best suited for wildlife and esthetic appreciation." It possesses 33 rare or unique species of plants, including wild orchids and tall palms, battalions of birds such as the endangered Bahama pintailed duck, brown pelican and varieties of heron, and swarms of sealife life—lobsters, grouper, starfish and sharks. These, as well as its abundant coral, clear water and mangrove swamps "in more or less natural state," the report notes, make Culebra "of great interest to marine biologists, geologists and oceanographers."

The Puerto Rican government's new report finds that decades of target practice apparently have not damaged the island. It criticizes the Navy for one incident: The underwater demolition of unexploded shells on a coral reef off the northwest peninsula target on Dec. 2. Upon investigation the next day, a diving scientist found a hole about 50 feet in diameter in a rich coral reef and partial destruction of another 200 feet.

Ironically the Navy exploded its misfired old ordnance only after the islanders insisted that the shells were a peril to swimmers and boaters. The study concludes that the "dangers of these disposal activities might be minimized if all ordnance deemed safe to remove was transferred to bare sandy bottoms devoid of coral." The Navy has agreed to do this.

In a socio-economic section of the study, the team reported wide disagreement among Culebrans about the island's future. "Some feel the solution to all problems lies in the complete withdrawal of the Navy," it states. "For others such a withdrawal would be a catastrophe."

An opinion poll of one-third of the households taken last December showed that 54 per cent felt the absence of fresh water and sewage disposal were the greatest deterrents to Culebra's future. One-third thought the Navy's presence hampered their well-being, while a similar proportion attributed their problems to inaccessibility for trade or tourism.

"The critical condition of Culebra at present is blamed on the government of Puerto Rico by 54 per cent, on the Navy by 7 per cent," says the study.

Because Culebrans now insist on a share of Puerto Rico's economic prosperity, tourism is considered a panacea. Recognizing this, the study group calls for a master plan of development, with a moratorium on building while measures are taken to protect the environment.

Even before the Navy agreed on Jan. 11 to curtail its training maneuvers and limit its activities to the northwest peninsula and several distant keys after Jan. 1, 1972, there were "new forces," says the report, altering and detracting from the island's environment.

Oil from pleasure boats is contaminating beaches, sand stealthily removed from the beaches, houses built illegally along the shoreline, raw wastes dumped into the bays. "As human use of the island increases," notes the study, "these destructive forces will become stronger unless specific measures are adopted to reduce them."

In presenting the report to Train, Governor Ferre proposed that Culebra become a national park. As it happens, President Theodore Roosevelt declared the keys and islets around Culebra a wildlife refuge back in 1909. But some observers question whether Culebrans will want to limit their economic and social development with such a designation.

Train, who has indicated to Ferre that he will consider the request, was designated in December by President Nixon to take a major part in the Pentagon study of the embattled 11-square mile island. The study is due next April 1.

REMARKS OF THE HONORABLE THOMAS N. DOWNING TO THE WORLD AFFAIRS FORUM, RIVERDALE THEATER, HAMPTON, VA.

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. KARTH. Mr. Speaker, we have gone beyond an unusual point in our development as a free Nation—that point in history where a man's honest and lawful dissent with his government's policy was somehow used as a barometer of his patriotism. That point where the flag became a symbol not for the people of the United States, but a symbol for a specific foreign policy. It was a point where a hope for peace was somehow equated with wanting to weaken the defensive posture of our Nation. What brought us to that point was the tragic war in Indochina.

That period could not survive the test of time. We are now striving to reach a new and free atmosphere where debate and learned disagreement with our Government's policy can take place without acrimony, and where a man's patriotism is not called to question because he disagrees.

I say this by way of introducing and inserting into the RECORD a speech delivered by my esteemed colleague, the Honorable THOMAS N. DOWNING, at Hampton, Va., on March 8. Congressman DOWNING's devotion to this country is beyond question, and his record shows he stands steadfastly for a firm U.S. defense policy. In his speech he asks the President immediately to withdraw our troops from South Vietnam following the completion of the Laos campaign. I believe that speech speaks eloquently for itself:

REMARKS OF THE HONORABLE THOMAS N. DOWNING TO THE WORLD AFFAIRS FORUM

This is a remarkable country in which we live, and this is a wonderful place where we can get together, with each other, for a free exchange of ideas.

There are seven of these national security seminars being held throughout the United States today, and I feel that we are most fortunate indeed to host one of them in our area.

It goes without saying, but I will say it anyway, that the selection of the Hampton Roads area of Virginia was the most appropriate that could be made. This is a great bastion in our democracy. Right here on this peninsula within sight and sound of Jamestown, Williamsburg and Yorktown stands the palladium of our liberty.

We stand together here—civilian and military, government and private industry—in a strong posture of national defense and in a great cooperative military-industrial complex which helps to keep the breath of life in our liberty.

Needless to say, my friends, I am proud to have you here and I am honored to be here with you. I salute not only you but all of those who have worked to make this "world affairs" forum a reality. Their success and our success will be measured not by what we learn here but by what we do with it when we leave here.

My remarks to you this morning will be brief; my speech will be short; you may be the judges of how sweet it is.

These are "truly times that try men's souls." Do you know where that thought came from? It came from the great essayist, Thomas Paine, who said: "These are the times that try men's souls." Hardly anyone, however, remembers the lines which immediately follow.

These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country.

We do not need the "sunshine patriot" at this time in our Nation's history. We need honest God-fearing Americans who are willing to stick by their country in these times of crisis.

For over 17 years we have been involved, directly or indirectly, in a war nobody wanted and few could understand. This war had no "Lusitania" or "Pearl Harbor" to instantly mold public unity and provoke outrage.

The provocation for this involvement is hard to describe. Primarily it was the simple defense of a philosophy.

The free world—the United States—abhors the ideology of communism—as well it must. To contain communism, this country and others have entered into a number of international treaties designed to protect free nations from the clutches of communism. These were solemn agreements of national honor at the time of their signing. Later on, some signatory nations became "summer soldiers and sunshine patriots" in the words of Thomas Paine.

Each of these nations had a strong parochial interest—including the United States. We understandably wanted to stop communism before it reached our own shores. With over two-thirds of the earth's surface under some form of Communist domination, the line had to be drawn somewhere.

Someone, somewhere, in our hierarchy of government decided the place to draw the line consistent with our treaties was in Southeast Asia. It was considered that South Vietnam was the "domino" which, if pushed over, could topple Southeast Asia in its entirety. This was the prevailing thought at the time.

So, we decided to defend South Vietnam against this aggression. Our mission was not to invade, not to attack—but to defend a weak nation against its more powerful Communist aggressor.

Noble in theory, the concept was difficult to explain, difficult to justify and—as the years passed by—almost impossible to achieve. And there was no "Pearl Harbor."

Truman initiated it; Eisenhower supported it; Kennedy activated it; Johnson continued it and, I hope to God, Nixon ends it.

As a member of Congress, I have supported the last four presidents in their foreign policy because I considered myself a loyal American, duty-bound to support my commander-in-chief, as most Americans have. And should!

I supported the President's move into Cambodia because he assured me—and I believed —that it would minimize the attacks on American troops from those sanctuaries and reduce American casualties. Hindsight and statistics have proven this to be true.

I approved the decision to allow South Vietnamese troops—and South Vietnamese troops only—to cross the Laotian border and cut the Ho Chi Minh supply trail. With the old port of Sihanoukville closed, these complex trails were the enemy's main pipeline of troops and weapons from north to south. If the ARVN can accomplish this mission—and I pray they can—and hold until the rainy season closes the paths to everybody, we should be free to bring our men home, post haste.

I am sending the President of the United States this speech for whatever good it may do, to tell him this.

We have been in South Vietnam for seventeen long, painful years. We have paid the price in lives and money to enable these people to defend themselves, if they have the will to defend themselves. They have the resources. If they lack the determination to defend their borders with their own people, our withdrawal should not blemish our conscience or abrogate our treaties.

Today the Vietnamese have a sturdy regular army of over 1.2 million men. In addition. They have over 500,000 irregulars who can be called upon. They are armed with the finest weapons or war that this country can produce. They have received every technical and military advice that they can absorb. President Thieu, himself, has said they are willing and ready to defend themselves. Much of the civilian population has denounced our presence. Clearly, the time has come to leave that country.

Therefore, Mr. President, as soon as the Laotian campaign has been successfully terminated. I urge you immediately to pull our people out of South Vietnam. If we can believe what you tell us, no enemy supplies, no substantial personnel, could filter through to attack our forces. Vietnamization would be complete. We can leave with honor—and we should!

I am convinced that this is what the world would expect us to do. What our people want us to do, and what we must do.

And—I believe that history will prove us right.

SUPPORT FOR THE COURAGEOUS JEWS OF THE SOVIET UNION

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. SCHEUER. Mr. Speaker, today a group of 100 Jews has begun a sit-in and fast in the very heart of the Kremlin. They have vowed to continue this demonstration every day until they are granted permission to emigrate to Israel.

A demonstration of this kind within the Soviet Union is unprecedented. At least, previous reports of such activities have not appeared in the Western press.

It is obvious that these people are taking a great risk. Indeed, the risks are so great, that their demonstration is clearly an act of desperation.

Many of these people have been deprived of their jobs because of their previously expressed desire to emigrate. Many of them have been harassed, some have been beaten, and others have been arrested.

The Jews in the Soviet Union are denied the rights guaranteed to them by both the Soviet Constitution and the United Nations Universal Declaration on Human Rights, assuring the right to emigrate, to which the Soviet Government is a signatory. Soviet Jews are denied the right to worship in their own way, to study Yiddish or Hebrew, to have their own schools, to maintain healthy Jewish cultural activities, such as the Yiddish theater and press.

Mr. Speaker, I have conferred at length with two Jews who have recently left the Soviet Union, Leonid Rigerman and Luba Bershadskaja. Both of these individuals have firmly expressed the opinion that the Soviet Union is sensitive to world public opinion and that lawful, peaceful expressions of concern can have a cumulative effect.

I am today introducing a joint resolution calling upon the President to firmly express our country's commitment to cultural diversity, freedom of worship, and the right of emigration, and to persuade the Soviet Government to grant these same freedoms to its Jewish minority.

I sincerely hope that my colleagues will give this resolution every consideration and that it will be adopted with the urgency the situation demands.

Mr. Speaker, at this time I insert the text of the resolution to be printed at the conclusion of my remarks:

H. CON. RES. —

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas, persons of Jewish faith residing in the Soviet Union have long suffered persecution, oppression, and discrimination in their daily lives at the hands of the government of that country; and

Whereas, the authorities in the Soviet Union have suppressed, discouraged and prevented the free expression of Jewish education and culture, and have deprived Soviet Jews of the opportunity of worshiping freely and in accordance with the traditions of their age-old faith; and

Whereas, the Soviet Union has consistently denied the right of Jewish people freely to emigrate from that country to Israel or to any country of their choosing;

Resolved, that the Congress of the United States respectfully requests the President of the United States to manifest our country's position as the guardian of the traditions of liberty and justice for all, the dignity of all mankind, and the freedom of worship, by taking appropriate affirmative action to persuade the Soviet Union to revise its official policies in the following manner:

(a) to terminate its practice of depriving Soviet Jewry of the opportunity of worshiping in a free manner and in accordance with age-old Jewish traditions; and

(b) to grant to the Jewish minority the same rights of preserving its cultural identity as the government grants to other Soviet minority groups; and

(c) to permit Jewish persons to emigrate freely from the Soviet Union to Israel or to any country of their choice without restriction or limitation.

WISCONSIN CHEESE AND THE SST

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. ASPIN. Mr. Speaker, the following editorial appeared in the Janesville Gazette on February 15, 1971. It makes its points so well any introduction on my part would simply be redundant. It follows:

WISCONSIN CHEESE VERSUS THE SST

A group of businessmen, union officials and aerospace subcontratcors in Seattle is threatening to boycott Wisconsin cheese and other Wisconsin-made products because of Sen. William Proxmire's role in leading the Senate opposition to the Supersonic Transport (SST).

This tiny group's childish, petulant tactic has created alarm far out of proportion to its probable impact, since the market for Wisconsin cheese is considerably broader than the City of Seattle.

Most people will recognize this for what it is—an attempt to bring a national environmental issue down to the level of provincial economics. It's like urging people not to buy textiles made in South Carolina because of Sen. Thurmond's views on the war in Vietnam, and it makes about as much sense.

The people of Wisconsin did not elect Sen. William Proxmire to the U.S. Senate because they expected him to yield to this kind of blackmail—not from a few disgruntled souls in Seattle, and not from anybody else.

Since the issue has been joined on this level, however, let's make it a test of public opinion on the national level.

Those Americans who favor the SST can demonstrate this by not eating Wisconsin cheese. Those who are against the SST can do likewise by eating twice as much Wisconsin cheese as they normally do.

We have confidence in the outcome because we think the overwhelming majority of the American people are opposed to spending millions on this environmental monster. Besides that, Wisconsin cheese is excellent. Unlike the SST, it can stand on its own merits.

AUTHORITATIVE AND VALUABLE STATEMENT BY HEW PANEL ON BEHAVIORAL MODIFICATION DRUGS TO GRAMMAR SCHOOLCHILDREN

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. GALLAGHER. Mr. Speaker, today a blue-ribbon panel issued its statement on the problems connected with giving behavioral modification drugs to grammar school children, an issue with which our Privacy Subcommittee has been concerned for almost a year.

This report addresses itself to virtually every one of the concerns which were raised in my hearing on September 29, 1970. I consider it to be a model of its kind; concise, comprehensive, and remarkably free of the specialized jargon which so often mars Federal prose.

The panel has found, as have I during my investigation, that the causes of minimal brain dysfunction may be as deeply embedded in modern society as they are in the brain of most of the afflicted children. I was struck by the sentence:

> It is important to recognize the child whose inattention and restlessness may be caused by hunger, poor teaching, overcrowded classrooms, or lack of understanding by teachers and parents.

The insight in that sentence is exactly what I was trying to convince the experts of during my investigation and I believe this sober and responsible statement will slow down the widely predicted zoom in the seventies. I was also pleased that the panel focused on informed parental consent. If the teachers, school administrators, and doctors follow the recommended procedures, I think much of the current agony of some parents who have communicated with me will be relieved.

The report also contains evidence for raising amphetamines to schedule II of the Drug Abuse Act of 1970. The violations of proper procedure, against which the report warns, could be detected by the prescription reporting process mandated under schedule II.

I agree completely with the statement:

> These medicines should be promoted ethically and *only* through medical channels. (Emphasis in original.)

We have received disturbing examples of drug company salesmen attending local PTA meetings, for example, and I read the report's statement as saying that such promotion activities must stop.

I was also impressed by the sentence:

> Variations in different socioeconomic and ethnic groups must be considered in order to arrive at better definitions of behavior properly regarded as pathological.

I recall that during the Privacy Subcommittee investigation of psychological testing in 1965, we learned that the tests were devised by men who, however dedicated they were, mirrored their own preconceptions in the tests. This warning in the panel's report is especially relevant.

Further, I praise the panel for effectively demolishing what was described as the "paradoxical effect"; that is, that drugs work entirely differently in children by calming them down, instead of being "speed." The drugs focus attention in children the same as they do in adults.

I believe the report merits the widest possible distribution and acceptance. It is obvious that these drugs do work in carefully diagnosed and controlled situations and it was never my intention to try to intefere with the doctor-patient relationship. I feel that the Privacy Subcommittee has isolated another area of genuine concern and I commend the panel and its chairman, Dr. Donald X. Freedman, for confronting the hard issues we raised.

That being said, however, a significant weakness does exist and it relates to the place where the problem originally surfaced: Omaha, Nebr. The panel did no original research into specific cases; they were solely concerned with the general medical and academic ramifications for the populace at large. The report states that sensationalism and half truths are to be avoided, but by not dealing with the Omaha charges, they have produced what may be described as only half a report. I attempted to anticipate this eventuality when I wrote to HEW Secretary Richardson on October 12, 1970. I recommended as follows:

> Control over these grants and followup studies should be centralized in one office so that should a situation like that in Omaha again arise, responsibility for an adequate in-depth investigation would be firmly fixed.

Secretary Richardson replied that the liaison between the National Institute of Mental Health and the Food and Drug Administration was sufficient.

I was impressed with the report prepared under the auspices of the Office of Child Development and I feel that it should take a more central role. I say this for two reasons:

First, as admirable as the recommendations in the report are, they will be nothing but high-sounding platitudes unless supervision of local schools can assure that they are being given the attention I think they deserve; and

Second, an issue of contention still exists over behavioral modification drugs in Omaha, and, perhaps more important for our society, the suspicion still exists that these programs will be used to modify the behavior of black children to have them conform with white society's norms. I repeat my contention that someone in the Government must have the responsibility, and I now feel that the Office of Child Development is the logical place.

Mr. Speaker, I insert the HEW news release, the report, and a list of the panel's members:

HEW NEWS RELEASE

Diagnosis by a doctor, close supervision of treatment and parental understanding and cooperation are keys to the proper administration of amphetamine drugs to school children with hyperkinetic behavioral disturbance problems, a panel of experts called together by the Department of Health, Education, and Welfare reported today.

The behavioral problem, which affects about three of every 100 elementary school children, is characterized by poor attention in class, disordered behavior and intense physical and mental overactivity.

The panel of experts, chaired by Dr. Daniel X. Freedman, Professor and Chairman of the Department of Psychiatry at the University of Chicago, was called together by HEW's Office of Child Development and the Office of the Assistant Secretary for Health and Scientific Affairs, to discuss the use and misuse of such medications in treating school children with behavior problems.

The panel met in Washington, January 11 and 12.

The panel's report issued today is a 17 page statement on the conditions under which amphetamines should, and should not be, administered to children. Highlights of the panel's findings are:

(1) Under the conditions specified, strong evidence indicates that use of such medication in treating hyperkinetic behavior disturbance improves the child's attention, learning and social abilities. There is no evidence to show that the proper use of amphetamines in treating this age group leads to subsequent addiction in later life.

(2) Diagnosis should take into account the child's environment and family relationships, as well as other physical and psychological factors. Many children suffer from problems with behavior control primarily attributable to hunger, emotional stress, poor teaching and overcrowded classrooms. The use of amphetamines clearly is not called for in these cases.

(3) No stigma should be attached to a child who has been prescribed medication for behavior disorders. His situation is no different from that of the child who benefits from wearing eyeglasses.

(4) While it is entirely proper for school personnel to draw parents' attention to an individual child's behavior problems in school, teachers and school administrators should scrupulously avoid any attempt to force parents to accept any particular treatment. With parental permission, they should collaborate with the physician in the total program for the child.

(5) Manufacturers of stimulant medications should promote their products solely through the appropriate medical channels and should not seek the endorsement of such products from school personnel.

(6) No child should be given the responsibility for taking his own medication. In most cases, it is not even necessary to bring the drug to school. The same household precautions should be taken against the misuse of amphetamines as with any other medication.

(7) While there is no need for sensational alarm about the health or safety of the individual child under carefully supervised treatment with amphetamines, abuses and misuses must promptly be called to the attention of the proper authorities. Physicians, educators, parents and the news media share this responsibility.

The report also emphasizes the need for further research into causes, prevention and treatment of all behavior disorders in children. It points out that, even when medication has improved a condition, a child will often require special educational attention and opportunities to reinforce the treatment.

The panel cautioned the public not to regard the use of amphetamines among school children as replacing the need for improved school systems, nor should negative public attitudes toward the use of appropriate drugs deprive any child of possible benefit from such medication.

Dr. Edward Zigler, Director of the Office of Child Development, complimented the panel on its efforts in addressing a complex subject. "Every member of the panel was carefully selected to represent a wide range of scientific interests. The statement is the product of some of the finest expertise in the country, and I am confident that it will clarify issues which have been of concern to the public."

REPORT OF THE CONFERENCE ON THE USE OF STIMULANT DRUGS IN THE TREATMENT OF BEHAVIORALLY DISTURBED YOUNG SCHOOLCHILDREN

(Sponsored by the Office of Child Development and the Office of the Assistant Secretary for Health and Scientific Affairs, Department of Health, Education, and Welfare, Washington, D.C., January 11–12, 1971)

INTRODUCTION

On January 11–12, 1971, the Office of Child Development and the Office of the Assistant Secretary for Health and Scientific Affairs, Department of Health, Education, and Welfare, called a conference to discuss the use of stimulant medications in the treatment of elementary school-age children with certain behavioral disturbances. In convening the conference, the Office of Child Development was aware of public concern about the increasing use of stimulant medications (such as dextroamphetamine and methylphenidate) in treating so-called hyperkinetic behavior disorders. Were these drugs—so widely misused or abused by adolescents and adults—truly safe for children? Were they properly prescribed, or were they used for youngsters who, in fact, need other types of treatment? Is emphasis on medications for behavior disorders misleading? Might this approach tempt many to oversimplify a complex problem, leading to neglect of remedial social, educational or psychological efforts on the part of professionals, parents, schools and public agencies?

In order to clarify the conditions in which these medications are beneficial or harmful to children, to assess the status of current knowledge, and to determine the best auspices for administering these drugs to children, a panel of fifteen specialists was invited to meet in Washington. The panelists were from the fields of education, psychology, special education, pediatrics, adult and child psychiatry, psychoanalysis, basic and clinical pharmacology, internal medicine, drug abuse and social work. The panel's task was to review the evidence of research and experience and to prepare an advisory report for professionals and the public.

This report briefly outlines the general nature of behavioral disorders in children and then focuses on those disorders that are being treated with stimulant medications. It discusses appropriate treatment and the concerns voiced by the public and media. Finally, the report examines the role of the pharmaceutical industry, professionals, and the news media in publicizing stimulant drugs for children and outlines the glaring gaps in needed research, training and facilities.

BEHAVIOR DISORDERS OF CHILDHOOD

A wide range of conditions and disabilities can interfere with a child's learning at home and in school, his socialization with peers, and his capacity to reach his maximum development. Social deprivations and stress at home or school may retard optimal development. Mental retardation, the more rarely occurring childhood autism and psychosis, and other such disabilities may cause serious problems. Some difficulties arise because of clearly definable medical conditions such as blindness, deafness or obvious brain dysfunction. Some are associated with specific reading or perceptual defects, and others with severe personality or emotional disturbance.

Such dysfunctions are known to require careful evaluation, thoughtfully planned treatment employing a variety of methods on the child's behalf, and conscientious monitoring of remedial treatments. Individualized evaluation and treatment is important for any childhood behavior disorder. There are appropriate occasions for use of medications such as tranquilizers and antidepressants in some children with these disorders. For over three decades, stimulant medications have been selectively used for children under medical supervision. We now focus upon issues related to the current use of these drugs.

HYPERKINETIC DISORDERS

The type of disturbance which has evoked misunderstanding and concern has many names. The two most familiar—neither entirely satisfactory—are "minimal brain dysfunction" or, more commonly, "hyperkinetic behavioral disturbance." There is no known single cause or simple answer for such problems. The major symptoms are an increase of purposeless physical activity and a significantly impaired span of focused attention. The inability to control physical motion and attention may generate other consequences, such as disturbed mood and behavior within the home, at play with peers, and in the schoolroom.

In its clear-cut form, the overt hyperactivity is not simply a matter of degree but of quality. The physical activity appears driven—as if there were an "inner tornado"—so that the activity is beyond the child's control, as compared to other children. The child is distracted, racing from one idea and interest to another, but unable to focus attention.

INCIDENCE OF HYPERKINETIC DISORDERS

This syndrome is found in children of all socioeconomic groups and in countries throughout the world. A conservative estimate would be that moderate and severe disorders are found in about 3 out of 100 elementary school children—an estimate that would vary somewhat in different communities. More males than females are affected, as is true in a number of childhood ailments. Children so afflicted are generally of normal or superior intelligence. A significant number so diagnosed have special learning or reading disabilities, in addition to the major symptoms. A near majority are reported to have had behavioral problems since infancy. There is a small group of more severely afflicted children upon whom most studies have focused; they may show increased clumsiness and a variety of physical symptoms. Thus, some of the children show hyperactivity and reduced attention which ranges in degree from mild to severe, with or without associated physical signs or special learning impairments; some have complex behavioral and personality problems, as well as special learning and reading difficulties, along with the major hyperkinetic symptoms.

CAUSES OF HYPERKINETIC DISORDERS

We know little about definitive causes. The disorder has been ascribed to biological, psychological, social or environmental factors, or a combination of these. There is speculation that the core set of symptoms—those affecting control of attention and motor activity—may have their origin in events taking place before the child is born, or during the birth process, or they may be related to some infection or injury in early life. The neurological and psychological control of attention is an important but incompletely researched topic, as are the nutritional, perinatal and developmental factors. Thus, in many instances, it is not yet possible even to speculate as to original causes.

THE COURSE OF HYPERKINETIC DISORDERS

Usually, the excessive activity and attentional disturbances are less apparent after puberty. Specialists citing experience and some fragmentary research data believe that treatment enables many to lead productive lives as adults, while severely afflicted children who remain untreated may be significantly at risk for adult disorders. Extensive research is still required on these points. Because the ages of 5 to 12 are crucial to the child's development and self-image, treatments which permit the child to be more accessible to environmental resources are warranted and useful.

DIAGNOSIS OF HYPERKINETIC DISORDERS

In diagnosing hyperkinetic behavioral disturbance, it is important to note that similar behavioral symptoms may be due to other illness or to relatively simple causes. Essentially healthy children may have difficulty maintaining attention and motor control because of a period of stress in school or at home. It is important to recognize the child whose inattention and restlessness may be caused by hunger, poor teaching, overcrowded classrooms, or lack of understanding by teachers or parents. Frustrated adults reacting to a child who does not meet their standards can exaggerate the significance of occasional inattention or restlessness. Above all, the normal ebullience of childhood should not be confused with the very special problems of the child with hyperkinetic behavioral disorders.

The diagnosis is clearly best made by a skilled observer. There unfortunately is no single diagnostic test. Accordingly, the specialist must comprehensively evaluate the child and assess the significance of a variety of symptoms. He considers causal and contributory factors—both permanent and temporary—such as environmental stress. He distinguishes special dysfunctions such as certain epilepsies, schizophrenia, depression or anxiety, mental retardation or perceptual deficiencies. The less severe and dramatic forms of hyperkinetic disorders also require careful evaluation. Adequate diagnosis may require the use not only of medical, but of special psychological, educational and social resources.

TREATMENT PROGRAMS

The fact that these dysfunctions range from mild to severe and have ill-understood causes and outcomes should *not* obscure the necessity for skilled and special interventions. The majority of the better known diseases—from cancer and diabetes to hypertension—similarly have unknown or multiple causes and consequences. Their early manifestations are often not readily recognizable. Yet useful treatment programs have been developed to alleviate these conditions. Uncertainty as to cause has not prevented tests of the effectiveness of available treatments, while the search for clearer definitions and more effective kinds of therapy continues. The same principles should clearly apply to the hyperkinetic behavior disorders.

Several approaches now appear to be helpful. Special classes and teachers can be directed to specific learning disabilities and thus restore the confidence of the child who experiences chronic failure. Modification of behavoir by systematic rewarding of desired actions has been reported to be useful in some children. Elimination of disturbing influences in the family or classroom through counseling may often tip the balance, and a happier child may show improved control and function.

There will be children for whom such efforts are not sufficient. Their history and their examination reveal symptoms of such a driven nature that skilled clinicians undertake a trial of medical treatment. *Medicine does not "cure" the condition, but the child may become more accessible to educational and counseling efforts.* Over the short term and at a critical age, this can provide the help needed for the child's development.

Stimulant medications are beneficial in only about one-half to two-thirds of the cases in which trials of the drugs are warranted. The stimulant drugs are considered to be the first and least complicated of the medicines to be tried. Other medications—the so-called tranquilizers and anti-depressants—are generally reserved for a smaller group of patients. Without specialized medical therapy, the consequences for these children of their failure to manage—even in an optimal environment—are clearly very severe. In such cases, the aim is not to "solve problems with drugs," but to put the severely handicapped child in a position to interact with his environment to the extent that his condition permits.

Response to stimulant medication cannot be predicted in advance. Fortunately, the issue can be resolved quickly. When stimulants are given in adequate doses, a favorable response—when it occurs—is fairly rapidly obtained and is unmistakably the consequence of the drug. Thus, if an adequate test of pharmacotherapy (a few days or weeks) produces only doubtful benefits or none at all, treatment can be promptly terminated. The physician will, of course, adjust dosage carefully to assure an adequate therapeutic trial. It would be tragic to deprive a child of a potentially beneficial treatment by inattention to dose. Thus, it is clear that not all affected children require medication and that of those who do, not all respond.

When the medication is effective, the child can modulate and organize his activities in the direction he wishes. The stimulant does not slow down or suppress the hyperkinetic child in the exercise of his initiative. Nor does it "pep him up," make him feel high, overstimulated, or out of touch with his environment. Much has been made of the "paradoxical sedative" effect of stimulants in such children. The term is inappropriate. Although their exact mechanism of action is not known, stimulants do not provide a chemical straitjacket. They do not act as a sedative. Rather, they appear to mobilize and to increase the child's abilities to focus on meaningful stimuli and to organize his bodily movements more purposefully.

The hoped-for secondary consequences are better peer relationships, improved self-image, and pleasure in acquiring competencies. Any coexisting dysfunctions—such as special perceptual and learning handicaps—must not be left unattended, simply because pharmacotherapy is available and sometimes helpful. Similarly, personality and psychological problems, social and family problems, may require continued attention.

During drug treatment, the dosage may require shifting to minimize unwanted effects, of which the major ones are loss of appetite and insomnia. Drug treatment should not and need not be indefinite, and usually is stopped after the age of 11 or 12. Frequently, following a sustained improvement over several months or a year or so, drugs may be discontinued, as during a vacation period. Drug-free intervals can be prolonged as observers assess the child's condition.

The decision to use drug treatment thus depends on the commitment to diagnose and to monitor the response to treatment in the best traditions of medical practice. When there is informed parental consent, parents, teachers and professionals can collaborate in organizing and monitoring treatment programs.

CONCERNS RAISED BY THE PUBLIC AND THE NEWS MEDIA

We will now turn to various concerns about hazards and abuses when stimulant medications are used for children. For example, concern has been expressed that the medical use of stimulants could create drug dependence in later years or induce toxicity. This subject touches on the rights of the child to needed treatment, as well as risks to both the child and the public, and requires continued intensive scrutiny.

1. Does the medication produce toxicity?

One should not confuse the effects of intravenous stimulants and the high dosages used by drug abusers with the effects or the risks of the low dosages used in medical therapy. In the dosage used for children, the questions of acute or chronic toxicity noted in the stimulant abuser are simply not a critical issue. Unwanted mental or physical effects do rarely appear in children; cessation of therapy or adjustment of dosage quite readily solves the problem.

2. Is there a risk of drug dependency in later years?

Thirty years of clinical experience and several scientific studies have failed to reveal an association between the medical use of stimulants in the pre-adolescent child and later drug abuse. Physicians who care for children treated with stimulants have noted that the children do not experience the pleasurable, subjective effects that would encourage misuse. They observe that most often the child is willing to stop the therapy, which he views as "medicine." Thus, the young child's experience of drug effects under medical management does not seem to induce misuse. The medical supervision may "train" him in the appropriate use of medicines. When adults are given stimulants—or even opiates—for time-limited periods under appropriate supervision and for justifiable reasons, there is relatively little misuse. Similarly, in treating epilepsy, barbiturates have been given from infancy to adulthood without creating problems of dependency or abuse.

It is not ordinarily the drug which constitutes abuse but the way in which a drug and its effects are used and exploited by an individual. There are indeed adolescents who, in varying degrees and for varying periods of time, either misuse or dangerously abuse stimulants. They experiment with the effects of excessive dosages to create excitement, to avoid sleep, to defy constraints, and to combat fatigue and gloom. It should be noted that these drugs are not commonly prescribed to children after the age of 11 or 12, when the actual risks of such experimentation or misuse might possibly become more significant.

Alert monitoring of drug use at any age is a part of sensible medical practice. With such precaution and with the available evidence, we find minimal cause for concern that treatment will induce dangerous drug misuse. To the contrary, there are very good reasons to expect that help, rather than harm, will be the result of appropriate treatment.

3. Are there safeguards against misuse?

There are some sensible steps, in addition to medical control, that guard against possible misuse. The child should not be given sole responsibility for taking the medication. He usually need not bring the drug to school. The precautions that surround the medicine cabinet—whether antibiotics, aspirins, sedatives or other medications are present—should be applied. Many such medicines, when misused, can be more dangerous to health and life than even the stimulant drugs. No child in the family should have access to medications not prescribed for him. These are general precautions comprising a part of the child's education in the "etiquette of the medicine cabinet."

4. Do stimulants for children create a risk for others?

The panel agrees that stimulant drug abuse is seriously undesirable and frequently dangerous, although views vary on the scope of the problem and the number of actual casualties. Experts also agree that far more stimulants are prescribed for adults than are medically needed and far more are manufactured than prescribed.

Overprescription of any medication is deplored, whether or not it is liable to abuse. The question is whether the availability of stimulants for a very few of the childhood behavior disorders threatens the public health.

The prescribed dosage for an individual child constitutes an insufficient quantity to supply the confirmed abuser of stimulants with the amounts he requires. It is also true that illicitly manufactured stimulants are quite readily available and abused in this country. We must weigh the advantages of having appropriate medication available against the dangers of withholding treatment from a child who can clearly benefit from it. We doubt that prescriptions for the children who benefit from stimulants will require the manufacture of excessive and dangerously divertible supplies. With sensible precautions, there is at present no evidence justifying sensational alarm, either about the safety of the individual child who can benefit from therapy or about the safety of the general public.

5. Does medication handicap the child emotionally?

It is sometimes suggested that treated children may not be able to learn normal responses and master adjustments to the stresses of everyday life. These fears are understandable but are not confirmed by specialists who have experience with the conditions and the situations in which medications are properly used. For the correctly diagnosed child, these medications—if they work at all—facilitate the development of the ability to focus attention and to make judgments in directing behavior. Such children can acquire the capacity to tolerate and master stress by creating stress. The medications, in these circumstances, help "set the stage" for satisfactory psychological development.

The hyperkinetic behavioral disturbance is a form of disorganization that creates great stress in the afflicted child. The use of therapeutic stimulants for this disturbance should not be equated with the misuse of medication aimed at allowing a normal child or adult to avoid or escape the ordinary stresses of life.

6. What are the rights of the parents?

Under no circumstances should any attempt be made to coerce parents to accept any particular treatment. As with any illness, the child's confidence must be respected. The consent of the patient and his parents or guardian must be obtained for treatment. It is proper for school personnel to inform parents of a child's behavior problems, but members of the school staff should not directly diagnose the hyperkinetic disturbance or prescribe treatment. The school should initiate contact with a physician only with the parents' consent. When the parents do give their approval, cooperation by teachers, social workers, special education and medical personnel can provide valuable help in treating the child's problem.

STIGMATIZING THE MEDICINES AND CHILDREN, AND THE ROLE OF PUBLIC EDUCATION

A child who benefits from stimulants or other psychotropic medications should not be stigmatized; his situation is no different from that of the child who benefits from eyeglasses. It is unjust to stigmatize a child in later life, when competing in various situations (applying for college, employment or organization memberships), by labeling him early in life as "stupid," and "emotional cripple," a "drug-taker," or by any other kind of unjustified and unfortunate stereotype.

Nor should the medicine be stigmatized. Where bad practices prevail—and a number of complaints have been called to our attention—these practices should be squarely dealt with. This is not only a responsibility of physicians and educators, but also of the news media. Yet indignation must be tempered with perspective and scrupulous respect for the facts. An informed and understanding public can foster the growth and development of children, and these public attitudes may lead to the development of more refined and better-delivered health services. Either bad practices or exaggerated alarm can threaten the availability of medical resources for those who critically need it. This has happened before in the history of valuable medicines, and it can take years to repair the damage.

THE PROMOTION OF DRUGS BY INDUSTRY AND THE MEDIA

Pharmaceutical companies producing stimulants or new medications which may become useful for hyperkinetic disorders have a serious obligation to the public. These medicines should be promoted ethically and *only* through medical channels. Manufacturers should not seek endorsement of their products by school personnel. In the current climate, society can best be served if industry refrains from any implicit urging that nonspecialists deal with disorders and medications with which they are unfamiliar. Professionals and the news media can play useful roles by not pressing for treatments in advance of their practical availability.

THE DELIVERY OF SPECIAL HEALTH CARE: A DILEMMA

Our society has not as yet found complete solutions to the problem of the delivery of special health care. When available treatments cannot be confidently and appropriately delivered by physicians, they are perhaps best withheld until such treatments can be provided—especially with milder dysfunctions. This is not to say that severely afflicted hyperkinetic children should not or cannot receive available medical treatment. But until systems of continuing professional education and ready access to consultants are financed and perfected, some judgment about the pace at which unfamiliar treatments can be widely fostered is required. Finally, we must recognize that it is not only the scarcity of trained personnel, but factors such as poverty and inadequate educational facilities which prevent accessibility to individualized treatment.

THE NEED FOR SKILLS AND KNOWLEDGE

In preparing this report, the Committee was repeatedly struck by our lack of information in many crucial areas. The facts are that children constitute well over half our population, but receive a disproportionately low share of skilled research attention. We have noted the difficulties in arriving at accurate methods of diagnosis and the importance of launching careful longitudinal and follow-up studies. The investigation of causal factors lags. Such factors as perinatal injury, environmental stress or the development of the neurological and psychological controls of attention require study. Variations in different socioeconomic and ethnic groups must be considered in order to arrive at better definitions of behavior properly regarded as pathological. All such research efforts would have aided us in assessing the numbers of affected children and in recommending designs for more effective treatment programs.

Clinical pharmacologists have repeatedly found that drugs may act differently in children than in adults. To use medicines of all kinds effectively in children, more specialists must be trained in drug investigation—pharmacologists who can develop basic knowledge about the action of drugs in the developing organism. There is the obvious need for better and more precisely targeted drugs for the whole range of severe childhood behavior disorders. This requires intense research and training efforts. Such efforts provide the means for developing, testing and delivering better treatment programs. There is a similar need for research in the techniques of special education and also a need to make these techniques available to children who can benefit. It would appear to be a sound Federal investment to conduct such research and training.

In summary, there is a place for stimulant medications in the treatment of the hyperkinetic behavioral disturbance, but these medications are not the only form of effective treatment. We recommend a code of ethical practices in the promotion of medicines, and candor, meticulous care and restraint on the part of the media, professionals and the public. Expanded programs of continuing education for those concerned with the health care of the young, and also sustained research into their problems, are urgently needed.

Our society is facing a crisis in its competence and willingness to develop and deliver authentic knowledge about complex problems. Without such knowledge, the public cannot be protected against half-truths and sensationalism, nor can the public advance its concern for the health of children.

PARTICIPANTS IN THE PANEL

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Dr. Martin H. Smith, practicing pediatrician in Gainesville, Georgia, and past Chairman of the Georgia Chapter, American Academy of Pediatrics.

U.S.-SOVIET POLICY IN SOUTHEAST ASIA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. RARICK. Mr. Speaker, millions of Americans continue to question why our present policy in Southeast Asia precludes ending the war by a military victory over the aggressor nation—North Vietnam—as a means of achieving a truly lasting peace in that part of the world. North Vietnamese forces have not only invaded South Vietnam, Laos, and Cambodia, but have trained local insurgents for guerrilla operations in Thailand as well.

It is well established, I think, that our policy in Southeast Asia has been based on containing Red Chinese expansionism. The doctrine of containment has been advanced time and time again by policymakers in the Johnson administration, by international affairs analysts, by members of the intellectual community, and by Richard Nixon himself in justifying U.S. military presence in Southeast Asia.

Dean Rusk, who was Secretary of State under Presidents Kennedy and Johnson, in reviewing U.S. foreign policy in 1966 stated:

> . . . We must remain firm in our determination to help those allied nations which seek our help to resist the direct and indirect use of threat of force against their territory by Peiping.[1]

The seriousness of our determination to stand firm and oppose Red China's expansion efforts was brought to light in testimony by Secretary of Defense Robert S. McNamara before the Senate Foreign Relations Committee on March 3, 1966 in which he hinted that war with Red China was possible:

> Given this history of militant aggressive actions by Communist China, it would be irresponsible for me to say that we run no risk of war with China arising from our efforts to defend South Vietnam from aggression.[2]

Again in July of 1966, McNamara said:

> China is building more military power than she needs to protect herself against her neighbors—there is at least the presumption, if not the certainty, that she may use that military power to try to advance beyond her borders, probing and taking advantage of weakness on her periphery . . . and therefore, . . . I think it is important that the weak nations of the periphery of Red China be assisted to grow economically, to grow politically and to receive military assistance when required to throw back potential aggression *from Red China.*[3]

McNamara held to his view that Red Chinese supported aggression dictated U.S. military presence in South Vietnam. On January 22, 1968, at the height of the war in Vietnam, McNamara in a prepared statement before the Senate Armed Services Committee stated:

> We can assume that Red China will continue to support North Vietnam's aggression against South Vietnam and Laos as well as the present low keyed but continuing insurrections against Thailand and Burma . . . In its dealings with the Peking regime, the United States will be concerned to stress the common interest we share in avoiding war, . . . while we continue to try to deter direct or indirect Chinese aggressions against her neighbors.[4]

Walt Whitman Rostow, a National Security Advisor to both Presidents Kennedy and Johnson, has defended U.S. involvement in Vietnam inasmuch as it prevented Communist China from dominating Asia.[5]

This same position was taken by Johnson's Under Secretary of State for Political Affairs, Eugene Rostow, in an interview with William Whitworth of the New Yorker magazine which appeared in the New Yorker of July 4, 1970 in a lengthy article entitled "A Reporter at Large, Some Questions About the War."[6]

The containment doctrine has also been expounded by Mr. Nixon. In a speech to the Executives Club of New York on January 26, 1965 wherein he called for stepped-up military activities by the United States in Vietnam, Nixon stated:

> It is dangerous and foolhardy to try to gloss over the truth as to what the war in Vietnam really involves:
>
> First, the war in Vietnam is not about Vietnam but about Southeast Asia.
>
> Second, the confrontation in Vietnam is, in the final analysis, not between the Vietnamese and the Viet Cong nor between the United States and the Viet Cong, *but between the United States and communist China. If communist China were not instigating and supporting the Viet Cong, there would be no war in Vietnam today.* (Italic for emphasis)
>
> Third, *a U.S. defeat in Vietnam means a Chinese communist victory which could decide the fate of Asia for generations to come.*[7]

William P. Bundy, presently visiting professor, Center of International Studies, MIT; former Assistant Secretary of State for Far Eastern Affairs, 1964–69 and Assistant Secretary of Defense for International Security Affairs, 1963–64, wrote in Foreign Affairs for January 1971:

> The picture [in Southeast Asia] is wholly different from what it was in the spring and summer of 1965, when the culminating series of major American decisions in Vietnam was taken.
>
> Then, the great power forces within the area were seen in starkly bipolar terms: the "East Wind" of China was blowing strongly and thrustingly versus a "West Wind" which was pretty much American alone. . . . Then, if ever, a Hanoi takeover of South Vietnam seemed likely, in conjunction with other trends, *to make probable not only North Vietnamese domination in the Indochina area but a wave of Chinese expansion into the rest of Southeast Asia.*
>
> *The United States, with these wider stakes much in mind, decided, with the support of others, to stand in defense of South Vietnam.*[8]

In an article appearing in the October 1967 issue of Foreign Affairs entitled "Asia After Viet Nam" Nixon, justifying U.S. involvement in Vietnam, said:

> The U.S. presence has provided . . . a shield behind which the anti-communist forces found the courage and the capacity to stage their counter-coup and, at the final moment, to rescue their country *from the Chinese orbit.*[9]

Another member of the Johnson cabinet, John Gardner, warned in an interview published in the Christian Science Monitor of June 8, 1970 that:

> The withdrawal of American commitment from Southeast Asia would change the terms of the debate going forward within mainland China. Powerful forces are at work there to move post-Mao China toward a long delayed concentration of its energies and talents on the modernization of its life. *American withdrawal would, in my view, inevitably lead Peking to exploit its new opportunities to the south.*[10]

One of France's top economists and political scientists, Prof. Raymond Aron, has maintained that the United States involved itself in Vietnam under the containment doctrine. In an interview with U.S. News & World Report in 1969, Aron stated that:

> The U.S. intervened in South Vietnam—rightly or wrongly—in the name of a policy of containment, which was perhaps meaningless but it was the official policy. It was not done in order to establish any sovereignty in South Vietnam.[11]

If containment of Communist China is our present policy vis-a-vis Southeast Asia, the question naturally arises: "How is military victory over North Vietnam—a policy which three administrations have refused to pursue—incompatible with our overall policy of containing Chinese communist expansion?"

A review of other statements by persons who make or influence U.S. foreign policy might be helpful in providing some of the answer.

Henry Kissinger, who formulates foreign policy for Nixon, and is the President's Assistant for National Security Affairs, discussed the Soviet's stake in Vietnam:

> The same is true of the Soviet Union, whose large-scale aid to Hanoi makes it a semi-participant in the war. Moscow must be torn by contradictory inclinations. A complete victory for Hanoi would tend to benefit Peking in the struggle for influence among the communist parties of the world; it would support the Chinese argument that intransigence toward the United States is, if not without risk, at least relatively manageable. But a defeat of Hanoi would demonstrate Soviet inability to protect "fraternal" communist countries against the United States. *It would also weaken a potential barrier to Chinese influence in Southeast Asia and enable Peking to turn its full fury on Moscow.*[12]

Kissinger apparently believes that the Soviets are caught in a dilemma in Vietnam whereby they stand to lose a great deal if Hanoi should either win or lose the war. They would wish neither.

Nixon said in 1964 that Russia and Red China were:

> Bitter enemies.[13]

And that:

> Moscow does not want to see Peking grow strong and *expand in Southeast Asia.*[14]

He also stated in 1965 that:

> The Soviet Union is not now interested in the *Chinese gaining success in Asia,* or any place else.[15]

This same view of wanting to "contain" Red China as a policy of the Soviet Union has been expressed by others. Nationally syndicated columnist David Lawrence in

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Footnotes at end of article.

an editorial wrote about Soviet intentions in Vietnam in this way:

> It is acknowledged that the Soviet Union has spent an average of a billion dollars a year on the Vietnam war. *The objective has been to gain friends in Southeast Asia and also to prevent Red China from acquiring a dominant position on the continent* by setting up its own puppet states.[16]

Bundy has had this to say about the Soviet interests in Southeast Asia:

> As for the Soviet Union's own behavior, there has been a slowly emerging trend to treat Southeast Asia in the same manner as it deals with India and Pakistan and with the same *basic fear of Chinese expansion as a major factor*. In addition to their need for rubber, the Soviets have a natural interest in the free movement of their commercial shipping through the southern seas, and as time goes on this interest is bound to be reflected in some naval activity.[17]

According to Bundy, the Soviet Union not only fears the political implications of Chinese expansion in Southeast Asia, it is also concerned that it might lose a potential source of raw materials and endanger its commercial trade in that area.

President Nixon has also recognized the Soviets' concern about Red China as related to the problem of Vietnam. When asked at a news conference on March 4, 1969, about whether he had been able to enlist the Soviet Union's help in getting out of Vietnam, a position he had taken during his candidacy for the Presidency, Nixon replied:

> As you know, the Soviet Union is in a very delicate and sensitive position as far as Vietnam is concerned. I do not divulge any confidence from the Soviet Ambassador in indicating that is the case . . . here you have Communist China aiding North Vietnam. You also have the Soviet Union aiding North Vietnam. Each is vying for power in the Communist world and, therefore what the Soviet Union does in the Vietnamese conflict is a very difficult decision for them as related to that objective—the objective of leadership in the Communist world.[18]

Apparently our appreciation for the Soviet Union's difficult situation in Vietnam goes further than one would think at first glance. Eugene Rostow has provided us with an interesting insight into the thinking of U.S. policymakers on the subject of Vietnam as related to Soviet objectives there:

> When I came into the State Department, in 1966, Rusk asked me to try to think of alternatives in Vietnam, and I thought of the way the Korean war was unwound. And I told the Russians, with full backing from my bosses, that this was the best way to solve the Vietnam problem—the way the Korean problem was solved. Namely, by Russian-American collaboration. They said, "That's very interesting, and it hasn't been rejected, but it's very difficult for us." And I said, "Yes, we understand, *we're not trying to push you out of there and turn it over to the Chinese at all. Quite the contrary.*" And they said, "We never reject this approach." But they didn't act on it, either . . . They are very much concerned about leadership of the world Communist movement, or movements, and their rivalry with China in that regard. They really seem to care quite a lot about that.[19]

While Moscow is not anxious to accept the American presence in Asia, it is more afraid that Asia will be dominated by Red China.

> Although a united Vietnam under Communist leadership would seem to be theoretically desirable from the Soviet point of view, an ominous background presence of Red China would almost suggest in practice that a divided Vietnam may not [thwart] the long-range policy planners of the USSR.[20]
>
> The Soviets share with the United States and local nations in Asia—including North Vietnam—an interest in preventing Red China's domination of the Asiatic mainland. This provides the main basis for Soviet-North Vietnamese relations in Southeast Asia vis-a-vis Red China. Although the Soviets are equally concerned with United States policy and actions in the area, their immediate concern is centered more on the short-run threat that the United States poses to the survival of a Communist state—North Vietnam—which the Soviets are committed to defend against her overthrow by the United States. The Soviets are concerned less that in the long run the United States will be able to dominate the Asian mainland than that Red China may . . . in this context . . . Soviet interests would be best served by a stalemate in Vietnam. . . .[21]

Although the Soviet Union dismisses it as propaganda, the Red Chinese talk of United States-Soviet collusion on Vietnam. In an interview with Simon Malley of the Washington Evening Star in 1967, Red Chinese Foreign Minister, Chen Yi said that Khrushchev and Eisenhower had made a deal at their 1959 meetings at Camp David, Md., wherein he said:

> They agreed to work together to maintain a political status quo in the world. By the terms of the deal, the Soviet Union was committed to discourage wars of national liberation directed against governments friendly to the United States.[22]

Premier Chou En-lai added further:

> What the Russian revisionists aimed at was to develop further the recognition by the U.S.A. and Russia of areas of vital interest, which they divided between themselves.[23]

One would be willing to agree with the Soviets that this is nothing but mainland China propaganda if it were not for the persistence with which the leaders in the United States adhere to our all-out no-win policy in Vietnam.

Three administrations have agreed that we should commit the lives of American men to the Asian continent to fight a war of attrition to contain communism, yet for some mysterious reason the question of military victory cannot even be considered. McNamara had said that:

> U.S. policy in Vietnam is bottomed upon a disavowal of any intention to destroy the Hanoi regime, to seize its territory.[24]

And in the first official statement on Vietnam from the Nixon administration, Secretary of State William P. Rogers told the Senate Foreign Relations Committee that:

> We are not seeking a military victory nor do we want military escalation [25] in Vietnam.

Why not an end to the war by victory in Southeast Asia? It is certainly not because victory is not possible. Gen. William Westmoreland, Army Chief of Staff and former commander of U.S. Armed Forces in Southeast Asia said in 1969 that the United States could win a military victory in Vietnam:

> Absolutely, if it were the policy of this country to seek one, and if we were given the resources.[26]

The late Senator Richard B. Russell who was privy to much inside information on Vietnam as chairman of the Senate Armed Services and Appropriations Committees and as a close personal friend of President Johnson, said in 1969 that:

> We could've brought the war to a conclusion in three months, up to two years ago.[27]

Criticizing Johnson for his handling of the war, Russell said in January of 1970:

> My complaint with him [Johnson] was not for sending others in, but because we didn't go on and win the day by closing up the ports of North Vietnam. He let the timid souls in the State Department talk him out of that. He could have ended that war in six months any time.[28]

Even Kissinger admits that victory is now possible but he is apparently concerned, for some undetermined reason, that the South Vietnamese might carry the war to the north in an attempt to achieve that objective. Peregrine Worsthorne, a political columnist for the London Sunday Telegraph, who interviewed both Nixon and Kissinger on the subject of Vietnam, had this to say about Kissinger's views on Vietnam:

> Henry Kissinger is engagingly frank on this point. He admits that on first coming into the White House his assumption was that the Nixon policy of combining American withdrawal with rapid Vietnamization was in effect little more than a face-saving formula. The Vietnamization program was seen as a bluff designed to build up a slightly more favorable negotiating position from which to reach a settlement that would in effect be a North Vietnamese victory, only delayed long enough to save America's face. The last two years, however, have drastically altered his judgment. Vietnamization has succeeded beyond his wildest expectations.
>
> . . . Kissinger believes it to be the task of the realist today to prick the defeatist bubble. He is no longer worried by the possibility of the North Vietnamese pulling off some catastrophic surprise. *Much more dangerous and possible in the long run, in his view, is the possibility of the South Vietnamese doing something untoward. One almost got the impression from Kissinger that he is more worried today that the South Vietnamese will invade the North than vice versa.*[29]

Since victory over the enemy in Southeast Asia is possible, why will not this administration, as the two that passed before, allow it? A victory now, over communism, would do more to benefit the United States and the rest of the free world, particularly the free Asian world, than any other present course of action. It would bind up the internal wounds of divisiveness here in the United States caused by our present no-win policy; it would give hope to those millions of people now enslaved under Communist regimes elsewhere; and it would show those millions of people in the free world, some of whom face the threat of communism daily, that Communist totalitarianism is a thing of the past. What could be more in the American interest than ending the war through victory?

Could it be, as has been suggested by Nixon, Kissinger, Rostow and others, that our overriding consideration in

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Footnotes at end of article.

Vietnam is the present Soviet policy there? Or is it that the United States does in fact share with the Soviet Union a common economic interest in that area? But, even so, it is only the Soviet Union who benefits by the continued stalemate. In the short run it keeps Asia out of the hands of the Soviet's Communist enemy, Red China, and in the long run weakens internally by divisiveness among its people caused by a no-win policy its only real barrier to world domination, the United States, who is also forced to furnish the arms, money, and support troops with which to fight the war.

If our involvement in Indochina is to help keep this area out of the hands of the Chinese Communists for later exploitation by the Russian Communists, or if U.S. policy is tailored so as not to embarrass the Soviet Union, we should withdraw our forces from Vietnam forthwith.

Kissinger said in a background briefing on U.S. foreign policy at San Clemente, Calif., June 26, 1970, that:

> It is very hard to see what we could do in Southeast Asia that would produce a direct confrontation with the Soviet Union.[30]

If what Kissinger says is true, either the Soviet Union is not as interested in Southeast Asia as has been noted, or the Soviets have been assured in advance that what we do in Vietnam will not be damaging to them. Based on the information available, I would tend to think the latter is the case. For a U.S. victory in Vietnam would be a catastrophe to the Soviet Union.

It is high time the United States began thinking about its own interests and those of the free world, and went about the task of eliminating communist totalitarianism wherever it threatens. A good start would be Vietnam—ending the war by winning it.

FOOTNOTES

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[3] McNamara, from an interview by Professor Kei Wakaizumi, July 15, 1966. See *Selected Statement By DoD And Other Administration Officials*, July 1–December 31, 1966, Office of the Secretary of Defense.

[4] McNamara, Statement before the Senate Armed Services Committee on the FY 1969–73 Defense Program and 1969 Defense Budget, Jan. 2, 1968.

[5] See "Historians Rebuke Rostow For Role in Vietnam Policy," *The Washington Post*, Dec. 30, 1969, p. A3.

[6] See "A Reporter at Large, Some Questions About the War," *New Yorker Magazine*, July 4, 1970, pp. 30–56.

[7] Richard M. Nixon, "Facing the Facts in Vietnam," *Vital Speeches*, March 15, 1965, p. 339.

[8] William P. Bundy, "New Tides in Southeast Asia," *Foreign Affairs*, January 1971, p. 187.

[9] Nixon, "Asia After Viet Nam," *Foreign Affairs*, October 1967, p. 111.

[10] Walt W. Rostow, "Why We Should Not Abandon Our Role in Asia," *The Sunday Star*, Washington, D. C., June 28, 1970, p. B–2.

[11] "If American Will Crumbles—," *U. S. News & World Report*, December 1, 1969, p. 43.

[12] Henry A. Kissinger, "The Vietnam Negotiations," *Foreign Affairs*, January 1969, p. 219.

[13] Nixon, "Needed In Vietnam: The Will To Win," *The Reader's Digest*, August 1964, p. 41.

[14] *ibid.*

[15] Nixon, *op. cit.*, March 15, 1965, p. 339.

[16] David Lawrence, "Key To Viet Peace In Moscow," *Congressional Record*, December 20, 1969, P. E. 10962.

[17] Bundy, *op. cit.*, January 1971, p. 195.

[18] "Nixon: 'Tour Was a Condition Precedent to an East-West Summit,'" *The Washington Post*, March 5, 1969, p. A10.

[19] See "A Reporter at Large, Some Questions About the War," *New Yorker Magazine*, July 4, 1970, p. 40.

[20] Kurt L. London, Director, Institute for Sino-Soviet Studies, The George Washington University, "Vietnam: A Sino-Soviet Dilemma," *The Russian Review*, Vol. XVI, No. 1 (January, 1967), 26 ff.

[21] John R. Thomas, Research Associate, Research Analysis Corporation, "Soviet Russia and Southeast Asia," *The Reprint Series of the Institute for Sino-Soviet Studies*, George Washington University, No. 24, January, 1969, p. 277.

[22] Simon Malley, "Sino-Soviet Border Conflict 'Possible . . . Even Probable,' *The Evening Star*, Washington, D.C., May 17, 1967, p. A–8.

[23] *ibid.*

[24] McNamara, *op. cit.*, March 3, 1966.

[25] George Sherman, "Rogers . . . Says President Does Not Seek Military Win," *The Evening Star*, March 27, 1969, p. 1.

[26] Gen. William Westmoreland, Testimony before the House Committee on Appropriations, *Department of Defense Appropriations For 1970*, Part 7, p. 165.

[27] "Russell—War Can Be Won In 6 Months," *The Washington Post*, April 8, 1969.

[28] Don Oberdorfer, "Russell Says He Never Believed Oswald Alone Planned Killing," *The Washington Post*, Jan. 19, 1970, p. A3.

[29] Peregrine Worsthorne, "Mr. Nixon Is Playing to Win in Asia," *The Washington Post*, February 28, 1971, p. B1.

[30] *Background Briefing United States Foreign Policy*, June 26, 1970, p. 20.

CLOTHING UNION LEADER WARNS OF JAPANESE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. PUCINSKI. Mr. Speaker, at a meeting of the AFL–CIO unions in Miami Beach, Mr. Jacob S. Potofsky, president of the Amalgamated Clothing Workers, warned that the U.S. textile and clothing industry is rapidly being threatened with a depression worse than the 1930's due to cheap imports from Japan.

"The Japanese are hell-bent on taking over our jobs," said Mr. Potofsky, in an understatement of the situation. They are hell-bent on taking over American jobs in all major sectors of the economy, and have made tremendous inroads in the electronic, computer and other fields.

The Japanese have made a modest proposal in "voluntarily" cutting back on their textile and clothing imports to the United States, which is ludicrous.

To protect our industry and jobs, I have introduced H.R. 1073, which would curb the flood of cheap imports into the United States. It is my sincere hope that the Ways and Means Committee will consider this legislation as soon as possible.

Following is a dispatch out of Miami Beach concerning Mr. Potofsky's grave concern over the future of the textile and clothing industry.

I include the article as follows:

CLOTHING UNION LEADER WARNS OF JAPANESE

MIAMI BEACH.—The Japanese are trying to take over the U.S. textile and clothing industry, threatening this nation's largest manufacturing employer with economic disaster from a flood of imports, a labor leader said Saturday.

"The Japanese are hell-bent on taking over our jobs," said Jacob S. Potofsky, president of the Amalgamated Clothing Workers, one of several major AFL–CIO unions leading a drive to curb foreign imports.

PICKETING PLANS

The problem of imports was tops on the agenda of the unions' meeting here, including demands for action from Congress and plans for mass picketing against U.S. stores that sell foreign-made clothing.

Potofsky said clothing and textile imports from Asia and Europe, particularly from Japan, wiped out 70,000 American jobs last year alone, half of them in his union's shirt and suit-making jurisdiction.

The job loss, totaling 250,000 over the last 15 years, is rapidly increasing and threatening the industry with a depression worse than the 1930s, he said.

$1 BILLION DEFICIT

Potofsky's chief aide, Howard D. Samuel, said this country is running a $1-billion trade deficit from imported textiles and "the Japanese are dumping heavily on us" while barring U.S.-made clothing from Japan.

The union is planning a new round of mass protest picketing in Boston, New York, Chicago, Philadelphia, and Los Angeles.

TRIBUTE TO MISS DORCIA PATCHETT

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. DON H. CLAUSEN. Mr. Speaker, at a recent dinner in Santa Rosa, Calif., the Exchange Club of that city honored a distinguished lady who has served her community and mankind for over 50 years.

Miss Dorcia Patchett, for 39 years a public school teacher in the area, was honored for not only her efforts with the young people of the community through the school system, but has donated willingly of her time and abundant talents to assist young people who came to "Miss Docia" for help.

President Josephine Nattkemper, of the local branch of the American Association of University Women stated:

> She has exemplified and epitomized the ideals of our organization, by her service to young girls who have, by her help and example, gone on into higher education and from there to greater service to mankind.

Mr. Speaker, it is obvious that the world is a better place because of the efforts of this wonderful woman. She continually inspired those with whom she came in contact, by creating an awareness of nature and its beauties. A long time member of many leading conservation organizations, Miss Patchett is currently program chairman of the Madrone Audubon Society and is active as the curator of the Santa Rosa Junior College Museum, in which post she has served since her retirement from active teaching in 1957.

She was honored at the time of her retirement by her colleagues as the "Teacher of the Century," in commemoration of the centennial year of the National Education Association.

While still teaching, Miss Patchett provided room in her home for several foreign students who were attending Santa Rosa Junior College and financially assisted several other young people, one of whom is now a teacher in his native Kenya.

Although she never married, upon the death of her beloved sister, Miss Patchett legally adopted her two youngest nieces and raised them as her own.

It would be impossible to list here all of the many awards, honors and accomplishments of this devoted teacher and conservationist; suffice it to say that they are many and varied.

I join with the hundreds who have honored "Miss Docia" and congratulate her on her very positive contributions to making our world a better place in which to live.

SECRETARIES WEEK

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. WOLFF. Mr. Speaker, next month, we will all be given an opportunity to pay tribute to the ladies who play a major role in our lives—our secretaries. During Secretaries Week, April 18 to 24, and on Secretaries Day, April 21, I hope that all my colleagues will take time to recognize the vital role which secretaries play in business, industry, education, government, and the professions.

The last full week in April has been celebrated as Secretaries Week since 1952. All secretaries participate in observance of this week, and thus reemphasize the importance of their continued loyalty to their employers and their responsibility to their profession.

In addition, in keeping with the professional objective of the National Secretaries Association, chapters of NSA sponsor special educational activities such as seminars, workshops, and educational forums which are available to all secretaries. NSA members make public appearances at meetings of civic, educational, and professional groups.

I hope that all my colleagues will join next month in observance of Secretaries Week and its theme, "Better Secretaries Mean Better Business." As those entrusted with the handling of the Nation's business, we all recognize the truth of this theme and the vital role played by secretaries all over this country.

LITHUANIAN BARRED BY UNITED STATES IS NOW REPORTED JAILED WHILE SOVIET STUDIES TREASON CHARGE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. PUCINSKI. Mr. Speaker, the New York Times and the Chicago Tribune carried dispatches in their editions today which again focus attention on Simas Kudirka.

I am placing both articles in the CONGRESSIONAL RECORD and renewing my appeal to the Committee on Merchant Marine and Fisheries for early consideration of House Joint Resolution 271 sponsored by a number of our colleagues urging that the Coast Guard cutter *Vigilant* be renamed the *Simas Kudirka*.

At the time that Soviet propaganda was trying to create the impression that Simas Kudirka was alive and well in Lithuania, I denounced the reports as false and still say they are false.

I hope that Congress will be given the opportunity to vote on House Joint Resolution 271 without too much delay.

I include the articles as follows:

LITHUANIA BARRED BY U.S. IS NOW REPORTED JAILED WHILE SOVIET STUDIES TREASON CHARGE

(By Bernard Gwertzman)

MOSCOW, March 9—Simas Kudirka, the Lithuanian sailor who was refused political sanctuary in the United States after jumping from his fishing ship to a Coast Guard cutter last November, is reported to be in a Vilna prison undergoing investigation of treason charges.

Usually reliable sources said today that Mr. Kudirka had been confined since December, when his ship returned to Lithuania after the incident off of Martha's Vineyard.

His wife reportedly told friends that she was able to visit him once around New Year's Day and had no word about him since then.

According to these sources, Mr. Kudirka, who is 32 years old, went on a hunger strike when first imprisoned, but it was not known what his present condition was. They also said that the apartments of about 50 of his friends and relatives in the Lithuanian port city of Klaipeda had been searched in connection with the case.

The sources said information, made available last month and distributed by some press agencies, that Mr. Kudirka was well and at liberty was inaccurate. There was no way of explaining the discrepancy between the two versions.

Lithuanian emigre organizations in the West contend that Mr. Kudirka is dead, but the sources here said that as of about two weeks ago, at least, he apparently was alive.

Mr. Kudirka's effort to seek refuge in the United States took place Nov. 23 when his ship, the Sovetskaya Litva, was tied to the Coast Guard cutter Vigilant while Soviet and American officials were discussing a fisheries accord.

Coast Guard officials decided to return Mr. Kudirka to his ship. The incident angered President Nixon. Two Coast Guard officers were retired as a result of the act.

The sources said that Mr. Kudirka was being held under the Lithuanian equivalent of the Russian Republic's Article 64–A, which makes it treason and a capital crime to seek to leave the Soviet Union without permission.

In January, another Lithuanian, Vitautas Simokaitis, who had tried to hijack a Soviet plane from Lithuania to Sweden with his wife, was sentenced to death for the attempt. But his sentence was commuted to 15 years in a prison camp.

In addition, two other Lithuanians, Pranas Brazinskas-Koreivo and his son, Algirdas, succeeded in October in hijacking a Soviet plane to Turkey. In that hijacking a Soviet stewardess was killed. A Turkish appeals court said yesterday the two men could be extradited, but the authorities have not made a final ruling.

These acts have focused attention on discontent said to exist in Lithuania under Soviet rule. Apparently alluding to the acts, Antanas Y. Snechkus, the head of the Lithuanian party, said at a recent Lithuanian party congress:

"Recently we have had taken place acts of treason against the motherland, or attempts to commit such crimes by politically and morally depraved people, in the main, coming from criminal elements.

"Leaders of the Lithuanian reactionary emigres played a shameful role in this business, defending the criminals, portraying them as heroes in the fight against Communism."

REPORT SOVIETS JAIL SAILOR U.S. REJECTED

MOSCOW, MARCH 9 [REUTHERS]—A Lithuanian sailor who unsuccessfully sought asylum on a United States coast guard cutter in November was arrested by Soviet secret police late last year, unofficial sources said today.

The sources quoted a friend of the sailor, Simas Kudirka, as saying Kudirka's wife visited him in prison in Vilnius, the Lithuanian capital. He was said to look pale and thin and to have told her he had been forcibly fed while staging a hunger strike.

NOT REPORTED IN PRESS

The Soviet press has not reported the incident.

Other unofficial information last month had said Kudirka was still at liberty in his home town of Klapeda and had recently moved into a new apartment.

The latest account took two weeks to reach Moscow. Klajpeda, a naval port, is closed to foreigners.

Kudirka boarded the U.S. coast guard cutter Vigilant off Martha's Vineyard No. 23 while it was within a few feet of the Soviet ship Sovietskaya Litva during a talk on fishing rights. The cutter's captain, comdr. Ralph E. Eustis, was ordered by coast guard officials in Boston to return him. The decision brought a public outcry in the U.S. and a Congressional reprimand for Coast Guard authorities.

TELL OF AFRICAN SAILOR

The soviet press in a report reaching here today reported a case of a portuguese african sailor who jumped overboard from his ship in the English Channel after alleged persecution by fellow crewmen.

The Estonian daily Sovetskaya Estoniya said the African sailor, Antos Dias, refused to return to his ship, the Greek vessel Peramatarisa, when his captain sent a boat to bring him back.

The Soviet ship, the Ludze, handed over Dias to West German marine agents two days later on Feb. 28. The agents said they would help him return home to the Cape Verde Islands, it said.

AN OUTSTANDING ACHIEVEMENT, AN HONORABLE GOAL

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. MIZELL. Mr. Speaker, I rise at this time to call the attention of my colleagues to a recent announcement that will be of interest to every Member of this distinguished body.

In the February 17, 1971, edition of the Davie County, N.C., Enterprise Record, there appeared a story announcing that Mr. John Avery Foster had been named Davie County's Most Outstanding Law Enforcement Officer.

This commendation would represent an outstanding achievement and an honorable goal for any man, but it especially meaningful in this case.

Mr. Foster is 76 years old, and he is a black man. For much of his life, he has dedicated himself to the maintenance of law and order, and the pursuit of justice, in his community.

That dedication led him to become the first Negro deputy sheriff in the history of North Carolina and also the first Negro constable in the State.

Still an active member of the Mocksville Police Department, Mr. Foster has won the respect and the admiration of every citizen in that community.

In honoring Mr. Foster at a recent banquet, one of the speakers said:

> It is hard to evaluate Avery Foster's service to this community, but in large measure the credit is his for the harmonious race relations that we have enjoyed through the years.

This is indeed a fitting tribute to an outstanding public servant, and I am sure all my colleagues in the House join me in extending congratulations to Mr. Foster for his long career of selfless service.

I insert in the RECORD two articles appearing in the aforementioned Davie County Enterprise Record of February 17, regarding Mr. Foster:

AVERY FOSTER CITED FOR LAW ENFORCEMENT WORK

John Avery Foster, 76, was honored last Thursday night as Davie County's "Most Outstanding Law Enforcement Officer" by the Mocksville Jaycees. Mr. Foster was presented with a $200 U.S. Savings Bond by the Jaycees.

Davie law enforcement officers were special guests of the Jaycees for a buffet dinner and special program at the Rotary Hut. This is the second annual banquet of the local club that pays honor and tribute to the local law enforcement officers.

The featured speaker was Eugene Hafer, Assistant Attorney General in charge of the consumer protection division.

Mr. Hafer praised the Mocksville Jaycees as an outstanding "Gold Chip" club and for recognizing and paying tribute to the services being rendered by law enforcement officers.

Discussing his work in the attorney general's office, Mr. Hafer said the primary purpose of the consumer protection division was to "make the consumer wishes felt" . . . and to remove false practices, deception and fraud that may exist in some business fields.

Mr. Hafer discussed the misrepresentations that often occur in purchases from door-to-door salesmen.

"Contracts dealing with home improvement often results in exorbitant prices . . . with the work being done poorly or not even finished," said Mr. Hafer.

The speaker also revealed that his division had sent out letters warning automobile dealers about altering speedometer readings on vehicles.

"We have the cooperation of most ethical businesses because they are desirous of the best possible business climate in the state," said Mr. Hafer.

Certificates of appreciation for outstanding law enforcement were presented to the following:

Chief Joe Foster of the Mocksville Police Department, 13 years in law enforcement.

J. Avery Foster of the Mocksville Police Department, 25 years in law enforcement.

Sheriff Joe Smith, beginning his first term in the capacity as sheriff but with previous experience in law enforcement.

Sgt. Bill Wooten of the State Highway Patrol, 22 years in law enforcement.

Leonard K. Howard, Special Deputy, 21 years in law enforcement.

The presentation of the certificates were made by Rocky Johnson.

Vernon Thompson, President of the local Jaycee Club, made the presentation of the Savings Bond to Avery Foster.

Bob Knight was in charge of the program. Tom Drillette introduced Mr. Hafer.

AVERY FOSTER

John Avery Foster has been a part of Davie County since his birth on April 27, 1895 in the Farmington Township. He was the son of Robert Foster and Anna Cuthrell Foster.

Shortly after the birth of Avery, his parents moved to Mocksville. His father worked for O. L. Williams Veneer Plant and his mother became a cook for Mr. and Mrs. Williams.

Around 1910, Avery's mother went to work for C. C. Sanford and around that time Avery went to work for the same family. He remained with the Sanford family, in one capacity or another, serving three generations of Sanfords.

In 1946 Avery Foster was employed as a policeman by the Town of Mocksville.

In 1952 he was named deputy sheriff by Sheriff Ben Boyles and became the first Negro deputy ever to serve in North Carolina. He served in this capacity for eight years.

In 1965 he again broke the color barrier when he ran and was elected constable of the Mocksville Township. He was re-elected to his post in 1967.

Rejoining the Mocksville Police Department in 1960, Mr. Foster served in this post even during the same years he was serving as constable.

Today, at the age of 76, Mr. Foster still is an active member of the Mocksville Police Department and still maintains a keen interest in the affairs of this community.

One of his contemporaries made this apt observation about the services of Avery Foster to his community:

"It is hard to evaluate Avery Foster's service to this community but in large measure the credit is his for the harmonious race relations that we have enjoyed through the years."

Having worn the lawman's badge for 25 years without complaining about long hours and little compensation . . . always displaying understanding combined with just a firm policy . . . Avery Foster is most deserving of the award as "Davie County's Outstanding Law Enforcement Officer." He has proven himself to be a great humanitarian, respected by both races.

HERMAN ROBINSON, A FRIEND OF THE HANDICAPPED

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. QUILLEN. Mr. Speaker, the handicapped and other citizens throughout Tennessee and the Nation lost a great friend and statesman in the death of Herman Robinson on Thursday, February 26, 1971. He certainly was a close friend of mine and I am going to miss him.

All of his life Herman had been close to the cause of the handicapped. He was chairman of the Tennessee Governor's Committee on Employment of the Handicapped, cochairman of the International Committee of the President's Committee on Employment of the Handicapped, a member of the executive committee of the President's Committee on Employment of the Handicapped, and chairman of the Tennessee State Executive Committee on Employment of the Handicapped.

In all of these many activities he was a real champion of the handicapped. Their well-being came first above everything else.

Herman traveled extensively to promote the cause of the handicapped. His determination to help others was matched by few. He had a great heart full of compassion and love; he had a noble vision; and, above all, he had a consuming love of his State and country.

I feel fortunate in the fact that I served in the State legislature for many years in the house of representatives while Herman served in the State senate. He was a good legislator and he always did an excellent job of representing the people who elected him.

Herman Robinson was an exceptional man in every respect—as a legislator, newspaperman, politician, and political analyst.

Three articles which truly tell the story of Herman appeared in three different newspapers. One was a very poignant editorial written by his son, Robert H. Robinson, Jr., in the Elizabethton, Tenn., Star on Sunday, February 28. This paper is published by Herman's brother, Frank Robinson.

A MAN WHO STUMBLED TO GREATNESS

Most everyone strives to live a useful life. Herman Robinson did more than that.

His hometown community, which he cherished, others in the State of Tennessee, the Nation, and those who knew him throughout the World, have lost a man whom they all admired. He would not give up. From birth, he fought to do the things other healthy children do and which are taken for granted by their parents.

His mother, Mrs. E. E. Robinson of Elizabethton, did not keep a protective shield surrounding him, even though he was a victim of cerebral palsy and could not walk until age 10. Words did not come from his open mouth . . . just guttual sounds.

Herman Robinson was a guiding example of how one could overcome such great obstacles. He finished high school, several years behind others of his age, went on to East Tennessee State University and received his degree. He served diligently, too, in the Tennessee Legislature for many years.

His love for others and his devotion to help the forgotten was carried out through his newspaper profession. He also, with Allen Taylor, organized the first baseball team in Elizabethton in his teenage days.

Herman Robinson would not be stopped. At the age of 58 when he finished his journey for his fellowman, Herman made sure before he left this World that everything, as much as possible, would be readily accessible to those who attempt to follow his footsteps and carry on his work.

His devotion to help the handicapped was felt by everyone who knew him. His service as chairman of the Governor's Committee on Employment of the Handicapped is an example. During the administration of two governors, the late Frank G. Clement and Buford G. Ellington, he gave of his time and his body to promote the handicapped.

Gov. Winfield Dunn re-appointed Herman chairman last Thursday in a State Capitol press conference. This was the final time all of his immediate family would be together with him before death took its toll. He wanted others to know that the handicapped could live a "productive and useful" life at work and at home.

He traveled extensively throughout the state and nation, and also abroad while in this capacity, a shining example of what mankind can do to overcome affliction. He did this without being paid for his work as chairman of the Governor's Committee . . . only receiving travel allowances.

In 1965 Herman Robinson celebrated his birthday in the Soviet Union, while on a People to People sponsored tour promoting the United States. Everyone with him watched as he sliced the first piece of a Russian birthday cake. On top, in lieu of candles were the American Flag and the flag of the U.S.S.R.

Herman Robinson was attempting to bridge the gap between men of the World, through his work for the handicapped. He was a member of the President's Committee on Employment of the Handicapped.

His day was long. But he did his other job as Elizabethton bureau chief of the Johnson City Press Chronicle too. He shouldered awesome responsibilities without hesitancy. He loved what he was doing and the pace he had set for himself seemed to make him work harder.

He know how to get to the right person in the state government in order to help those who sought his help. He was respected by those he worked with.

He was a Christian who rededicated his life at First Baptist Church along side his son, Robert H. Robinson Jr., who came forward to follow Christ.

Herman Robinson loved his children. He looked forward to seeing his daughter, Jacquelyn Robinson, graduate from Carson-Newman College in June. Everywhere he went he talked about his grandchildren, Robert III and Susan.

Those who visited his office would see a variety of family pictures of these grandchildren, his children and his wife, Marjorie. Marjorie helped Herman mount the insurmountable.

The void of his passing will be felt by many. But he was happy to the very end, a fallen servant the victim of a heart attack. His "big" heart to help everyone, his parental guidance as a father, and his love for the job he was doing was above reproach.

As all of us who pickup pieces of the heart will not forget this great man. He somehow knew that "his" work was coming to an end.

After summoning help from his wife via telephone to take him to the hospital after suffering pains in his right shoulder, among other things, he removed a biographical sketch on himself from his office desk and placed it by his telephone.

He finished his report for travel allowance reimbursement too. And then after lying on his hospital bed, gave instructions to his wife to complete other unfinished details. After Marjorie returned to his bedside and reported these details were complete, Herman Robinson rested his mind. He died three hours later.

His typewriter is silent. His office and home telephone is not ringing for the purposes of others seeking help. Others are now showing their appreciation for what he did.

His pipe rests in his ashtray. His paper work is neatly piled on his desk.

He would want the tears spared from mourners.

His work will continue, but a man of his stature and caliber will be difficult to find. The echo of his footsteps will linger in the halls of the Tennessee Capitol and other state government buildings.

His family will sorely miss him too. Their suffering was already shared by Herman Robinson even before he died. He was so strong that this made him stand above others in a crowd. But you would never hear him say this.

I know that Herman Robinson was all of this and more. I am glad his family shared the generosity of his heart with others. This is the way he wanted it. I know. I am his son, Robert H. Robinson, Jr.

Another article was written by Tom Hodge and appeared in the Johnson City, Tenn., Press-Chronicle on Sunday, February 28. It reads as follows:

ROBINSON COMBINED SERVICE, POLITICS

(By Tom Hodge)

He loved Carter County and he loved politics.

The two tied together very naturally in the life of Herman Robinson.

Robinson, bureau chief in Eizabethton for the Johnson City Press-Chronicle, died Thursday night after suffering a heart attack.

He has been state senator four times—but his political interests went back to the 1930s when he had appointive positions with the houses of the legislature.

But almost all of his political efforts were directed at gaining something for Carter County—or the other Upper East Tennessee counties he served as state senator.

Even after he had left office after his defeat in 1964 at the hands of Marshall T. Nave, he was a frequent visitor to Nashville, usually at the request of some Elizabethton or Carter County group who needed his knowledge of state government and the people in it.

DIPLOMACY

Although he was a lifelong Republican, he had the knack for working with Democratic governors—that's all Tennessee had had for 50 years until Gov. Winfield Dunn's election in November—in order to gain things for Upper East Tennessee.

Both former governors Frank G. Clement and Buford Ellington named Robinson as chairman of the Governor's Committee on Employing the Handicapped. And Gov. Dunn followed suit earlier this month.

Perhaps it was his determination to overcome his own handicap that made Robinson so effective. He was born with cerebral palsy; his parents were told that he would never walk or talk—much less become a state senator.

But he did. And his fellow legislators respected him for the obstacles he had overcome.

WORKING NEWSMAN

As a newspaperman from the old school, he was fond of recalling past stories he had covered, such as the Hampton dynamiting murder trials of the late 1930s.

He was adamant about such things as public access to public records, of the people's right to know. And that sometimes brought him into conflict with officials and others.

All things concerning employment of the handicapped and rehabilitation were of prime interest to Robinson.

But he had other interests, too. In his first years in the legislature, he also had a consuming interest in industrial development.

SOUGHT INDUSTRY

Although he first had in mind attracting industry to Carter, Washington, Unicoi and Johnson counties, he originated legislation in cooperation with the governor's office which really put Tennessee into the industrial development business.

Out of this interest came the cabinet-level post of industrial commissioner.

And in the past dozen years, Tennessee has gained hundreds of thousands of new jobs from the new industries which have come to the state.

In recent weeks, he had expressed concern about the Dunn administration settling down in Nashville. "Why, they don't have anybody helping them," he said, "who really know their way around Capitol Hill."

He watched from afar—and sent along some suggestions.

He was newspaperman, politician, statesman, political analyst. His type comes along very seldom.

The Bristol, Tenn., Herald Courier carried an editorial on Sunday, February 28, concerning Herman:

AN EXCEPTIONAL MAN

It was not without good reason that Gov. Winfield Dunn termed the death of Herman Robinson a loss "not only to his family and thousands of friends, but to all the people of Tennessee."

Mr. Robinson, a former state senator, was a man of remarkable personal accomplishment. But, even more, he was a man of great inspiration to others who, like himself, came into this world with a handicap.

A victim of cerebral palsy, Mr. Robinson chose to fight, and win, rather than surrender, and lose. He served in the State Senate from 1957 through 1964; he had been a member of the President's Committee on Employment of the Handicapped for six years; he was only recently named chairman of the Tennessee Governor's Committee on Employment of the Handicapped.

Through all these years of doing for others, Mr. Robinson also pursued his profession as a newspaperman. He was once editor of the Elizabethton Star and, in more recent years, was chief of the Elizabethton bureau of the Johnson City Press-Chronicle.

It is with considerable pride, of course, that we counted him among our colleagues. But he was more than that. He was a friend, a man of exceptional courage, an example of what all of us can do, with or without a handicap, to lead a good life and help others do the same.

His loss is great, for us and for Tennessee.

Herman Robinson will long be remembered as a champion for the cause of the handicapped and an inspiration to us all.

RESHAPING THE FEDERAL GOVERNMENT

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. RHODES. Mr. Speaker, in recent years many of us have found our congressional duties hampered by a burgeoning executive branch. Cabinet offices have been added one after another with competing power groups developing within each of the 12 Federal departments.

As carefully as we perform our tasks, too often we are unable to check or direct specific activities, because they are conducted by numerous offices reporting to different congressional committees.

Now President Nixon has recommended that we join with him in reshaping the functions and responsibilities of the Federal Government. Our reorganization of the executive branch will allow us to pinpoint Government expenditures, activities, and program results. In this way, Congress can evaluate the executive branch. It can make the executive branch responsive to congressional direction and specific program guidance.

I am sure my colleagues join me in an eagerness to begin this task of reform. Congress must be restored to its role of directing Government on behalf of the American people. One way is by making the executive branch more accountable.

ALPHA AND OMEGA

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. LUJAN. Mr. Speaker, I have recently received a copy of a poem "Alpha and Omega" written by one of the citizens of my district in New Mexico, Dick Barber of Bernalillo. I think it is an excellent commentary on our world today, and Dick's ability to demonstrate the relevance of the Bible in today's life is most thought provoking.

The following is the text:

ALPHA AND OMEGA

(By Dick Barber)

God in the beginning
Created heavens, earth; (Genesis)
Without form and void,
As if in awful dearth.

And so there was darkness
Upon the face of deep (1: 1, 2)
And then God's Spirit moved,
No longer did earth sleep.

Upon the face of waters,
God spoke and there was light. (1: 4, 5)
He said 'tis good and called it day,
The darkness He called night.

To let dry land appear,
The waters gathered He. (1: 9, 10)
He then called dry land earth,
The waters He called sea.

Let waters bring forth life,
God said and it was good, (1: 20)
The fowl shall fly above the earth,
They shall not want for food.

God said let earth bring grass,
The herb its seeds to yield,
The fruit tree bearing fruit,
And flowers of the field.

Creeping things and cattle,
The beast each of his kind. (1:11, 24)
This God said and it was so,
'Twas what He had in mind.

The land was green and pleasant
With peace and plenty filled.
There was no man upon the earth,
The ground had not been tilled. (2: 5)

In God's own image then,
Created man and said
Replenish earth, subdue it (1: 27, 28)
And from its fruits be fed.

To man and woman freely
All living things I give; (1: 29, 30)
Each beast, each seed and green herb,
All things on earth that live.

To every beast on earth
The green herb did He give. (Genesis 1: 30)
God looked and said 'tis very good,
Let my creation live.

A garden then He planted,
In Eden put the man
To dress and keep the garden (2: 8, 15)
As part of His great plan.

The earth brought forth her fruit, (James 5: 8)
As heaven gave the rain,
But man was ignorant and sinned,
His punishment was pain.

Ye husbandmen, be ye ashamed
To desolate my land, (Jer. 12: 10)
All good trees ye have felled, (2 Kg. 3: 25)
Created by my hand.

The rivers have been spoiled (Is. 18: 1, 2)
The land they overflow (Jer. 47: 2)
The waters wear away the stones,
And wash the things that grow. (Job. 14: 19)

Drought and heat consume the snow, (Job 14:19)
The rivers all are dry, (Is. 19: 5)
The corn is withered in the field, (Joel 1: 17)
The cattle groan and cry. (Joel 1: 18)

Good pastures have been eaten,
And drunk the waters deep, (Ez. 34: 18)
Even residues were trodden;
The land shall mourn and weep. (Hosea 4: 3)

The land shall then be emptied, (Is. 24: 3)
A wilderness forlorn. (Jer. 12: 10)
The mirth of land is gone, (Is. 24: 11)
Spoiled with briers, thorn. (Is. 7: 24)

What then shall be the fate
Of husbandmen like this?
When the Lord of vineyards cometh, (Matt. 21: 40, 43)
They're sure the mark to miss.

The earth can bring forth fruit again,
And blossom as a rose;
God's love, man's work together,
Can solve the nation's woes.

A sower sows good seed, (Matt. 13: 24)
The Lord his work will bless, (Deut. 33: 11)
Will make bright clouds and showers (Zach. 10: 1)
The earth shall yield increase. (Psa. 67: 6)
Plant vines upon the mountain, (Jer. 31: 5)
In desert plant the fir,
In wilderness, the cedar, (Is. 41: 19)
Their merry branches stir. (Is. 55: 12)

God makes the grasses grow
Upon the mountain too, (Psa. 147: 5, 8)
The valley's covered o'er with corn (Psa. 65: 13)
Earth's fullness to renew.

He that tilleth shall have plenty; (Prov. 28: 19)
Clods of the valley shall be sweet, (Job. 21: 33)
Earth's profit is for all,
The King himself shall eat. (Eccl. 5: 9)

Fear not Oh land, rejoice, (Joel 2: 18, 21)
Delightful you shall be, (Mal. 2: 18, 21)
A land for which God careth, (Deut. 11: 12)
A lovely land to see.

While the earth remaineth,
Seed time and harvest, cold and heat,
Summer, winter, day and night
Shall not cease, the Lord repeat. (Genesis 8: 21, 22)

The conclusion of the matter;
God's commandments we must keep, (Eccl. 12: 13)
This, man's duty here on earth
If its fruits we'd reap.

Teach us, Oh Lord, this land is ours,
To care for as a gift from Thee,
To treat it as a source of life,
To treasure its vitality.

So future generations
May also benefit,
Respect and honor providence,
And keep your good earth fit.

MAYBE THEY COVER A WAR THE SAME WAY

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. MINSHALL. Mr. Speaker, the following column by Washington Post staff writer Jim Mann speaks for itself:

AP AGAINST UPI: HEAVYWEIGHT FIGHT IN THE WIRE ROOM

(By Jim Mann)

It started out as Frazier against Ali, but gradually, after the fight began, it became AP against UPI. Or so it seemed to the 20-odd people in the wire room Monday night.

Never was there a better example that heavyweight fights—like wars and funerals and coronations and the other drums-and-trumpets stuff—are more comforting with one version than with two or more. Two different accounts may more closely approximate the truth, but they are also more unsettling.

We all wandered into the wire room promptly at fight time, many of us muttering at Jack Kent Cooke, the man who had denied us even the right to listen to the fight. Would the wire service transmit the Gillette commercials? How would they simulate Howard Cosell in six-word lines?

No matter. Each of us settled down in clusters in front of the various wires and prepared to make do. Before it all started, we had to read one more insult: "Editors," said UP, "The following round-by-round account of the Ali-Frazier heavyweight championship fight is intended for newspaper publication and may not be used by radio in any attempt to do a 'recreation' or simulated live broadcast of the fight . . ."

Round one. UPI came first with its decision. "Ali took the first round as he outboxed Frazier and landed most of the punches." AP plodded along with a blow-by-blow description. Finally, it tossed off the kicker: "The AP gave Frazier the round by a shade."

That pronouncement brought a roar of laughter from those who had already read the UPI wire. It also produced, for several rounds, a steady stream of traffic from AP machines to UPI machines and then back.

It was uncanny. Of the first seven rounds, the wire services differed on four. "It was a big round for Frazier," trumpeted AP in the sixth. "Ali, using his left jab like a long spear, had the edge in the sixth," countered UPI.

UPI was pro-Ali and AP was pro-Frazier. There was no denying it. UPI had the first, sixth and seventh for Ali, while AP had the first and sixth for Frazier, the seventh even. After seven, UPI had Ali 5–2, while AP had Frazier 4–2 with one round even.

Noticing this, we began to read the wire services in the fashion that foreign correspondents read Pravda—with the hope of gleaning the reality from what we knew were obviously biased accounts.

What was one to make, for example, of round nine? UPI said Ali landed "eight straight solid shots." AP told us Ali had landed "a series of light jabs, half of which Frazier blocked." Each wire service sounded as certain as Tokyo Rose. Yet AP acknowledged at the beginning of the next round that Frazier came out with his face puffed. Was that a clue?

Meanwhile, the whole process had become rhythmical. UPI would hold off until the end of the round, then would announce who had won the round and give a short description. AP—obviously anxious to satisfy the radio stations that were broadcasting round-by-round versions—provided lengthy detail, then ended (long after UPI) with its verdict for the round.

We were just not used to it. All of us—reporters, copyboys, editors, wire room employees—were working for a newspaper. We liked print. And yet, for an American extravaganza . . . never in recent years had a world series or super bowl or heavyweight championship fight or political convention been kept off both the television and the radio. It was depriving us of our secondary entertainment, the media men. We couldn't talk about Brinkley and Mudd and Schenckel. We were hanging over the wires in the way that crowds had gathered around the copy when H. L. Mencken cabled in his dispatches from the conventions or the Scopes trial.

And who were the anonymous people behind these wires? There were no bylines. (Only later, after the fight, did we find bylines, and they appeared over stories that told us Frazier "left Clay sobbing with remorse . . . It was a vicious test of manhood.")

Lacking the normal media entertainment, we were relegated to laughing at the misprints and contradictions. In round five, AP opened with, "Frazier was off the stole first." As the round wore on, it told us, "Ali had a worried look on his face." But after reconsidering a sentence or two, it decided, "Ali, however, was doing the scoring."

Before we knew it, the fight was over. The wire services had suddenly, miraculously, begun to agree in the last five rounds: in eleven, AP said Ali's "knees buckled," while UPI said Ali "almost went down."

When it ended, UPI had the fight even on rounds, 7–7, with one round even. AP gave it to Frazier, 9–5, with one even. In case you haven't seen a sports page, the referee had the fight 8–6–1 Frazier, while the two judges had it 9–6 and 11–4 Frazier. Score one big one for the AP.

But then again, after the fight ended, UPI reported by bulletin several seconds before AP that Frazier had won the decision.

Maybe they cover a war the same way.

EXECUTIVE REORGANIZATION

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. McCOLLISTER. Mr. Speaker, President Nixon is to be congratulated for grappling with the tremendous problems involved in executive reorganization. For years the executive branch has assumed responsibilities in departments and offices which were already heavily overworked.

Dedicated professionals now sort through piles of bureaucratic paperwork to move a problem towards solution. With the growth in population, Government has grown larger, but no more efficient.

As we approach the year 2000, it is entirely appropriate that Congress set about revising the executive branch of Government. This is our opportunity to remove overlapping responsibilities, cut redtape, eliminate the causes of interoffice rivalry and conflicting authorities.

I feel certain that my colleagues share my enthusiasm for taking a close look at executive reorganization. Undoubtedly numerous ways can be found for conducting the Federal business with greater efficiency. The President's proposals will provide a basis for investigating reorganization problems and acting to resolve them.

Good government, responsive government must be clear and orderly. To bring government functions in line with modern thinking, we must clarify its purpose.

RECYCLING SUCCESS STORY: NEW PAPER MADE FROM OLD

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. McFALL. Mr. Speaker, I am glad to report a major breakthrough in the field of conservation of natural resources and elimination of wastes has occurred, with a manufacturing plant in my congressional district playing a leading role.

The Simpson Lee Paper Co. has started regular production of 100 percent recycled book paper at its plant in Ripon, Calif.

After repeated tests by the firm's technical staff, processes have been evolved which now make it possible to recycle paper into high quality book printing paper.

The Ripon plant was erected in the 1960's to introduce modern manufacturing techniques and now employs 150 persons. Simpson Lee Paper Co., a subsidiary of the Simpson Timber Co., combines two of the oldest major paper manufacturing firms in the West and Midwest. The Simpson Lee plant at Everett, Wash., was founded in 1891, and its operation at Vicksburg, Mich., dates from 1905.

In addition to perfecting a process for making new paper out of old or used paper products, thus reducing the amount of timber for paper manufacture, all plants today are operating in compliance with State and Federal regulations applying to their respective areas.

The following news release was prepared by the firm and appeared in numerous newspapers on March 3. The article follows:

RECYCLING SUCCESS STORY: NEW PAPER MADE FROM OLD

This year's annual report may be printed on the paper you threw in the wastebasket this morning. At least, that's the aim of Simpson Lee Paper Company, a San Francisco based manufacturer of high-grade printing and specialty papers.

Regular production of 100 percent recycled book paper is scheduled to begin tomorrow morning, March 4, at Simpson Lee's plant in Ripon near Modesto, California.

Simpson Lee is believed to be the first manufacturer in the nation to salvage discarded paper and manufacture it into fine quality printing paper.

The company began experimenting with the process about four months ago at its Ripon plant. The plant itself is considered a model of up-to-date, ecologically-sound facilities. There is no smokestack pouring out pulp fumes.

The machinery that had been installed when the plant was erected in 1961 was capable of being adapted to handle the recycling process.

Just what is involved? First, of course, Simpson Lee had to round up as much waste paper as it could. It contracted with waste paper brokers in California to supply discarded office paper, like letters, envelopes, memorandum slips, adding machine tapes and used data processing forms.

Once the waste paper gets to Ripon, it is carefully sorted, then shredded into thin strips and packed into bales. Next, it is dumped into a large mixing beater, treated to remove whatever was printed on it previously and then fed onto the paper machine to become a quality printing paper.

It is finally ready to be shipped from Ripon as customers of Simpson Lee call for it.

The first major customer for this new product was Bank America Corporation, which printed over 250,000 copies of its 1970 annual report on Simpson Lee's 100 percent recycled paper.

Furman C. Moseley, 36-year-old chairman of the company, says Simpson Lee was "intrigued" with the idea of developing a quality book paper from recycled waste.

"Of course, for years we've used scraps, side rolls and similar waste paper from our own plant," Moseley points out. "But we gradually became interested in recycling waste paper into a high quality printing paper. After all, our entire business is based on the efficient use of wood fibers. We figured a project like that made good ecological sense. We think it not only contributes to the growing movement to better utilize the country's total resources, but makes good business sense too. It also complements the broad range of fine printing and writing papers that we manufacture in the West."

Simpson Lee employs 150 people at its Ripon plant.

TRACKED AIR-CUSHIONED VEHICLE

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, a careful evaluation of Transportation Secretary John A. Volpe's proposal to build a tracked air cushion vehicle along the access highway to Dulles International Airport has convinced me that this experimental toy will serve no useful purpose and will endanger if not permanently destroy the prospect of promoting greater utilization of the Dulles Airport so eagerly sought by those of us who look forward to completion of our subway, rapid rail system for bringing all parts of the metropolitan area into a smoothly operated, congestion, and pollution free, balanced transportation system.

I have today directed a letter to Secretary Volpe urging him to abandon plans for the so-called TACV, and, if he declines to do so, at least to wait until the feasibility study his Department was directed to conduct on the possible extension of our 97-mile system to Dulles has been completed and reported to Congress as provided in Public Law 91–154.

Mr. Speaker, as I believe many of our colleagues may be interested in the Secretary's proposal and its possible effect on transportation in the Washington area, I insert it at this point in the RECORD.

MARCH 8, 1971.

Hon. JOHN A. VOLPE,
Secretary of Transportation, Department of Transportation, Washington, D.C.

DEAR MR. SECRETARY: May I urge that you abandon your recently announced plan to build a tracked air-cushion vehicle (TACV) along the Dulles Access Highway, to be opened during the U.S. International Transportation Exposition at the Dulles airport on May 27, 1972. While such an experimental toy might be of some interest to Exposition visitors, it would be virtually useless in terms of transportation value, and the $20 million price-tag would inevitably lead to charges of wasteful Federal spending and ridicule.

As you know, Congress enacted Public Law 91–143 in 1969 to finance building of a rapid-rail, subway system (METRO) for the Washington Metropolitan Area. A section of this bill directed your Department to study the feasibility of extending the system to Dulles. Your Department assigned this study to the Washington Metropolitan Area Transportation Authority, and a report is due in six weeks to three months. The intent of Congress was: first, to study feasibility of making Dulles easily available to air passengers along the entire METRO system; second, to provide a system to permit transfer of air passengers between Dulles and National Airports, compatible with but not duplicating lines to be constructed in the 97-mile METRO system; and third, to open availability of transportation to patrons from Reston and other stations along the extended route into Loudoun County. If such an extension is determined to be feasible, Dulles Airport can be made available to passengers from any point along the METRO line without ever leaving the same form of transportation.

Your February 16 announcement that you plan to sponsor construction of a TACV system indicated it would be 13.5 miles long. But since the announcement a representative of the Rohr Corporation has been visiting Capitol Hill to provide details on the vehicle and offer Members of Congress VIP tours of a system they built in Paris, as though they have been secretly informed they will be awarded the contract to build it. He said that the vehicle takes 1½ miles to speed up and a similar distance to slow down, so it obviously cannot serve commuters between Dulles and D.C. He also said that while the original TACV would travel only a short distance you hope the community will open its heart to the project and provide a right of way into the District of Columbia so it can serve some useful purpose. Let me assure you right now that the citizens of Northern Virginia, who have already suffered so much to make way for the Beltway, Route 66 and METRO, will never offer to tear down any more homes to make way for a non-stop vehicle to race at 150 miles-per-hour through their neighborhood. On the contrary, the track for the TACV will forever end at the Beltway to become a sterile appendage to the airport, providing nothing more than a carnival-type amusement ride for fidgety children whose parents are waiting for a plane at Dulles, and referred to disparagingly as something like "Volpe's Ventilated Vehicle."

Those of us who have fought for years to get the METRO system built are concerned that by using the airport access road median strip you will permanently deny METRO the only available right of way for an extension to Dulles if one is recommended by the WMATA study. It seems contradictory that you would recognize the need for access to the roadway of Reston residents' automobiles while ignoring their need for rapid rail transportation along the same route.

If your Department has $20 million-plus to spare to help with Washington area transportation problems, I know I speak for all residents in urging that you let us spend it where it will do the most good for the most people. I therefore urge you to scrap the TACV and apply its price toward helping us with the Metro $40 to $50 million extension to Dulles. Regardless of your decision in this regard, however, I urge you to at least hold up further development of the TACV until the WMATA study is complete, evaluated by your Department, and presented to Congress as set forth in Public Law 91–143.

Thanking you, and with best wishes, I am
Sincerely,

JOEL T. BROYHILL,
Member of Congress.

IN SUPPORT OF A VOLUNTEER ARMY

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mrs. MINK. Mr. Speaker, I intend to vote for the earliest expiration date of the draft and for the substitution of a voluntary army in place of the draft. The issue of the draft is a matter of paramount importance as it becomes increasingly evident that we cannot bring to an end our involvement in undeclared wars.

In their wisdom the Founding Fathers of this Nation gave to the Congress, and only to the Congress, power to declare wars. Somewhere in the gray area of the classic separation of powers, the Office of the President has usurped this power. We are supposed to believe that there is a difference between declaring war against an enemy and waging a war against him.

The Congress has one clear course of action to reestablish its constitutional powers to declare war. It would be by refusing to extend the draft, and failing that, to prohibit the use of all draftees in combat areas except when the Congress shall have declared war.

There are few indeed who today defend our intrusion in the internal affairs of the people of Indochina. Whatever their position might be with regard to our invasion of Cambodia and Laos to save American lives, almost none will disagree that our entry into this conflict was a serious mistake.

Since this admission of grave error is voiced even by those who are continuing our military presence in Indochina, it is extremely difficult for me to accept the notion that either patriotism or Americanism justifies our sending our sons barely 18 years of age to prove their courage or faith in freedom without being given a choice. It is impossible logic that requires only these young men to fight and die for a policy which has not met the Constitutional test of an act of Congress legalizing the warfare. Yet this is precisely what the draft now does and requires.

Even beyond that, the draft, in and of itself, is not fair and equitable. There is no justice to the involuntary call of a single individual, if not all persons similarly situated are not likewise summoned to serve his country.

I have joined many of my colleagues in sponsoring the voluntary military manpower procurement bill, H.R. 4452. I endorse this bill because it is a viable alternative to the draft and because it can be immediately implemented.

I view this bill, however, only as a temporary expedient until the large manpower needs caused by the Indochina war are reduced.

Although a voluntary army could engage as many as 3 million persons, it would be my belief that efforts should be made continuously to reduce these numbers to approximately the level of pre-World War II forces.

In view of the realistic difficulty in reducing manpower through absolute numerical limits, we must, therefore, not raise the postwar service incentives to a point where we will have a large number of surplus personnel. Instead, the higher pay and incentives of H.R. 4452, if adopted, should be utilized only during this wartime period as a means of ending the inequities of the draft. Our needs after the war can be met without either the draft or the unusually high incentives provided by this bill. It would be unwise to approve permanent incentives sufficient to induce a military manpower level of 3 million soldiers. Postwar manpower limits must be carefully and systematically reviewed and effective steps taken to seek reduction of the total authorizations.

In enacting a volunteer approach during the interim wartime period, the first question concerns whether such a step is possible at all.

Our current system of induction, based upon compulsion, further exploits our youth by paying them only token wages. This only adds the inequity of economic servitude to the adversity of conscription. I realize it will be costly to pay military salaries comparable to those in civilian life, but the constant training and turnover resulting from the existing system is also expensive and more inefficient.

The next issue is whether such a professional service is advisable. I feel that the civilizing benefits of conscription on the services are overstressed. Most draftees enter for their 2 years, serve in nondecisionmaking positions, and then depart. Even those who enlist as officers in one of the services only to meet their military obligations usually are unable to achieve a policy-influencing level before discharge.

The real decisions in the military are now made by a professional group of officers, along with their civilian superiors. It seems to me that the only impact inductees have on their thinking is to provide a ready supply of manpower enabling wholesale combat commitments. In fact, if conscription were abolished, our military leaders would have to face the reality of depending on volunteer participation in their future combat exploits. This might indeed have a salutary civilizing effect.

Further, I have heard it argued that having draftees in the Army will focus public attention on the uses to which this drafted army is being put, and thereby maintain control of the military in the hands of an interested and alert public. Given these circumstances these past 7 years, with a drafted army largely being utilized in Vietnam, and with active public opposition to the war, it still has had little or no effect on the policies which have continued this conflict.

The charge has been made that a volunteer army would consist largely of underprivileged persons, hired with the inducement of good pay to fight rich men's wars. It goes without saying that our existing draft system favors the wealthy. Those who can afford college have a 4-year deferment advantage over those who cannot. I do not think it is more unfair to allow all persons to freely enter military service than it is to allow them to freely enter whatever other occupation or undertaking they may choose to pursue. Volunteer military service would not be a penalty but a right of citizenship bestowing benefits as well as responsibilities. Various economic classes might see opportunities is this field of endeavor, especially in the benefits such as free education and early retirement which should be provided.

It has also been suggested that public service jobs of certain categories might be required as an alternative to military service. I do not feel that the answer to compulsion is more compulsion. Why should some be required to serve in the military while others escape to Government jobs? Who is to choose which young men will be allowed to enter public service, and on what basis? Again, will the college degree or IQ be the determining factor? I feel that a draft, military or civilian, is an unwanted national policy.

Finally, there is the matter of reforming the draft. Admittedly, our hodgepodge of community-by-community selective service boards, presided over by State officials operating largely independently of each other, have created a wide disparity of policy across the Nation. The percentage of some young men rejected for medical or mental reasons is far higher in some States than in others. Because of this and other differences, a person's relative vulnerability to the draft still depends largely on where he lives. This should not be true in an ostensibly national system.

Much can and should be done to improve the draft, and I have sponsored legislation to achieve such objectives. This, however, must be judged in the context of the overall justification for the draft itself. I feel that elimination of the draft is our first objective. If that cannot be accomplished, then sweeping reforms are in order to guarantee total equality in the selection of those who serve when not all serve.

I realize that the military wants to be assured of an abundant supply of our youth, and is not concerned with method or manner. Yet we in the Congress have an obligation to consider the total needs of our country, including those of the young men affected, and their families. I hope and urge that we will meet that responsibility by limiting our military manpower requirements, and to seek its recruitment by voluntary means in keeping with our Nation's tradition of individual freedom and liberty.

TAPS FOR THE DRAFT?

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. ROUSSELOT. Mr. Speaker, President Nixon has made it clear that all U.S. ground combat responsibilities will be virtually completed sometime this summer, and Secretary of Defense Melvin Laird has reaffirmed this objective before hearings in Congress. It is, therefore, my firm conviction that we should move more aggressively toward the concept of an all-voluntary military and away from a compulsory draft.

An article which appeared in the recent issue of Barron's national business and financial weekly, dated March 8, 1971, presents very strong arguments why this should come about at the earliest possible date. I submit this article for the consideration of my fellow colleagues, and especialy for the attention of the members of our Armed Services Committee in both Houses who are now seriously considering all aspects of this concept:

TAPS FOR THE DRAFT? A FREE SOCIETY SHOULD OPT FOR A VOLUNTEER ARMY

"They have set up separate companies for men who have refused to go out into the field. It is no big thing here anymore to refuse to go. If a man is ordered to go such and such place he no longer goes through the hassle of refusing: he just packs his shirt and goes visit some buddies at another base camp. Operations have become incredibly rag-tag . . . Many guys don't even put on their uniforms any more. . . . The American garrisons on the larger bases are virtually unarmed. The lifers have taken our weapons from us and put them under lock and key. . . . One black locked and loaded on the battalion CO recently because they were trying to send him into the field. About 10 others backed him up. . . . There have also been quite a few frag incidents in the battalion."

The foregoing is part of a letter from an American soldier stationed in Cu Chi, as quoted recently in The New York Times; more powerfully than the front-line dispatches, it underscores the breakdown of disciplines in Vietnam. It also suggests that something must be done, and quickly, if the U.S. Armed Forces are to retain the capability of defending the nation. There is no dearth of proposals. When the Senate Armed Services Committee resumes debate this week on extending the draft, it will have before it several alternatives. One, introduced by Senator Edward Kennedy, would give the draft a new lease on life but limit inductions to 150,000 men per year. It stands virtually no chance of adoption. Neither does a proposal to repeal the Selective Service Act outright. Rated as having an outside chance, however, is the Hatfield-Goldwater Bill; it follows the recommendations of the Gates Commission, set up in 1969 to study the matter, which came out four-square for an all-volunteer armed service. Essentially, the bill calls for expenditure of about $3 billion to boost soldiers' pay to a level thought likely to attract the necessary volunteers. That would mean $300 a month for raw recruits, compared to the $134 offered now. It would keep the structure of Selective Service intact. Men still would register, and draft boards would stay on the job; if enough volunteers failed to respond, conscription could quickly fill the gap.

Until the war in Vietnam finally ends, some such standby authority is doubtless needed. Nevertheless, the Hatfield-Goldwater bill would be a long step in the right direction—toward an all-volunteer military establishment. Contrary to the objections voiced by Senator Kennedy and other critics, it would not place the burden of fighting U.S. wars on "the poor and the black," surely no more than is now the case, nor would it create a new military elite. It would be a great reaffirmation of individual rights. That argument was set forth in these columns in 1965, when Barron's first advocated an all-volunteer army. "The strongest objection to the draft," we said then, "is philosophic: for the sake of the majority, it imposes a heavy sacrifice upon what might almost be called an oppressed minority. In the process, it cannot fail to stamp on the minds of young adults a vivid impression of the power of the state, a totalitarian image which those who argue for a free society may spend a lifetime trying to erase."

Prior to November 1968, Richard Nixon took a similar stand: "Today, all across our country, we face a crisis of confidence," he declared. "Nowhere is it more acute than among our young people. They recognize the draft as an infringement on their liberty, which it is. To them, it represents a government insensitive to their rights, a government callous to their status as free men." Now, however, the President insists the time is not yet ripe. He has asked Congress to extend the draft another two years beyond June 30, when it is due to expire. During that time, the Pentagon will try to make military service more palatable to the nation's youth—eliminating useless work details, putting up curtains in the barracks—and soldiers' pay is to be raised again. A saturation campaign of TV commercials, costing $30 million, will sell young men on the idea that army life is fun. By such means, plus the constant threat that if they don't join up they will be drafted anyway, the President hopes to get enough volunteers to make zero draft calls feasible, at least by next election time.

Clearly, that's not good enough. A zero draft call is not the same thing as no draft. The element of compulsion remains; it's like the sergeant barking, "I want three volunteers—you, you and you." For evidence that an all-volunteer army can meet the requirements of national defense, the U.S. need look no farther than across its northern border. True, Canada's armed forces number a scant 90,000 men, but they are under no compulsion; volunteers from the start, they can quit the service at will. A recent television documentary by ABC found that the Canadian Army turns away three would-be soldiers for every one it accepts. The strategic ingredient, of course, is money: raw recruits earn $250 a month, and a corporal starting his second five-year hitch can make up to $698 a month. Similarly, the British army has been a volunteer force since 1957, with 400,000 men under arms. Whitehall says the system is working well.

Opponents of an all-volunteer military service in Congress make some specious claims. Senator Kennedy, as noted, objects that under such a system the defense burden would fall disproportionately upon the poor and the black, who would constitute the bulk of the recruits. Since most well-to-do youths now avoid the draft by staying in college, that wouldn't change anything. Under the pay scales contemplated for the volunteer army, the poor who enlisted at least would be on the road to affluence. Another argument is that a volunteer force would be made up of "mercenaries" ready to follow any would-be dictator on the General Staff. Yet, fully half the men in the armed forces now are "true" volunteers, including all the officers. So far, the "lifers" have resisted any temptation to overthrow the government.

Currently, all the services are on a volunteer basis except the army, which also has a high proportion of enlistees. Only 4% of army volunteers, however, sign up for infantry, artillery or tanker outfits; hence, the Pentagon says it still needs the draft to fill their ranks, even though bonuses of up to $3,000 will be paid for such service. Conceivably, what is needed is a change in tactics, particularly to eliminate what GIs call "chicken"—the whole fabric of regulations that demean the common soldier. Military service also could be made infinitely more attractive if educational opportunities were broadened. There is no dearth of applicants for the service academies, even though cadets are well aware that, on graduation, they will quickly be shipped off to front-line duty in Vietnam. Last year, for example, over 6,000 young men took the exams at West Point—to fill 1,375 openings. For less than the government has budgeted for aid to higher education and vocational training next year, it could give every GI the equivalent of a college education or teach him a trade.

Whatever the inducements offered enlistees, there should be no delay in tooling up for volunteers. The annual cost, says the Gates Commission, would run to less than $3 billion; for halfway measures which, critics claim, are really designed to perpetuate the draft, the Administration is budgeting $1.5 billion. Wouldn't it be better to go all out? As the commission report says, "A return to an all-volunteer force will strengthen our freedoms, remove an inequity now imposed on the expression of the patriotism that has never been lacking among our youth, promote the efficiency of the armed forces, and enhance their dignity."

HEALTH SECURITY ACT, H.R. 22

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mrs. GRIFFITHS. Mr. Speaker, on January 21, along with 76 cosponsors, I introduced a bill, H.R. 22, to establish a national health insurance program under the social security system, and to give to middle-class Americans those health and medical benefits presently being developed for the poor and aged, and which the wealthy already have simply because they can afford to pay for them. I first introduced this bill in February of last year. Several improvements have been made since that time.

This bill would relieve State and local governments of $2.5 billion a year in expenditures for health care. In addition, since this bill would eliminate medicare and medicaid, the $10 billion supporting these programs would become available for the comprehensive national health program.

My bill also would preserve free choice of physicians; preserve traditional professional freedom of practice and methods of payment; and maintain, indeed, utilize the authority of local medical and dental associations and societies.

At the same time, my bill would make it possible for doctors and dentists to bypass time-consuming business administration and bookkeeping functions and permit them to concentrate on the practice of medicine and dentistry. It recognizes that the business of doctors is administering health and medical care. They should not have to be bookkeepers or credit collection agencies.

Mr. Speaker, the soaring inflation of health care prices has literally priced the average wage and salary earner out of the health care market. It is estimated that 9 out of 10 Americans are medically indigent in the sense that they face financial ruin should they contract a serious or extended illness. During the last decade, health care prices have increased twice as fast as the cost of living. Hospital daily charges have shot up 150 percent in the last 10 years, and in a short time the $100 per day hospital room will be commonplace. In some metropolitan areas, of course, hospital room charges already have reached that level and more.

Total health care expenditures are absorbing an increasing amount of our gross national product. In 1950, total health expenditures of $12.1 billion represented 4.6 percent of the gross national product. In fiscal year 1970, we spent approximately $67 billion on health or 7 percent of gross national product. If health costs are permitted to continue increasing at the present rate, in 30 years we will be spending twice as great a portion of our gross national product on health as we do now.

In spite of our lavish expenditures on health care, however, we are getting inadequate results and inferior services. According to an official United Nations report: There are 35 other nations where 10-year-old boys can expect to live longer; in 10 other nations, 10-year-old girls have a longer life expectancy; and in 13 other nations newborn babies have a better chance of survival. Although our medical technology is the most sophisticated in the world by many standards, neither the benefits of this technology nor even necessary health care services are readily obtainable by vast numbers of our citizens.

Unless soaring health care costs are placed under some form of rational budgetary control, there is no relief in sight for the majority of our population from the crushing financial burden of spiraling health prices, and the longer we delay in implementing a comprehensive program to meet the present crisis, the more costly will be the remedy necessary to revive our ailing system of health care delivery. The national health insurance bill I have introduced would place health care expenditures under firm budgetary control, while providing practitioners with genuine financial incentives to improve the quality of care and the efficiency with which it is delivered. This would be accomplished by stimulating the development of time-tested prepaid group practice plans to provide health care services on the basis of approved prospective budgets.

Comprehensive group practice plans are rapidly gaining popularity for their superiority in terms of quality of care provided and efficiency, over the fragmented methods of solo physicians and specialists working independently. Administrators within the Department of Health, Education, and Welfare already have designed programs to encourage group practice plans. Last September, the president of the American Medical Association, Dr. Walter C. Bornemeier, acting on his own, recommended that the Federal Government provide money for doctors to build group practice clinics in areas where there are shortages of physicians.

The improvements in quality of care and efficiency accomplished by group practice prepayment plans are matters of statistical fact. The President's Commission on Health Manpower, in studying the group practice prepayment plan of the Kaiser Foundation, concluded that the Kaiser plan provided as good or better care than was available in the general community at from 20 to 30 percent less cost. In addition to Kaiser, other group practice plans have demonstrated the capability of reducing hospitalization and the number of surgical procedures. A recent study of the Federal employees health benefits program showed the group practice plans had only one-half the number of nonmaternity hospital days per 1,000 subscribers, as the alternate coverage. Federal employees have a choice between five different types of coverage, including an indemnity plan and Blue Cross-Blue Shield. Also, the group practice prepayment plans had 42 percent fewer surgical precedures than Blue Cross.

Under the program I have proposed, State or county medical societies, or any qualified group of practitioners could enter into contracts with the Government to provide comprehensive health care services to their respective patient populations. An individual practitioner could enter the program on his own, but the financial incentives provided under the plan make it more profitable for him to become part of a group practice plan. Hospitals, as well, could contract with the Government to serve the beneficiaries of national health insurance.

Hospitals could also build outpatient centers and elect to provide comprehensive outpatient and inpatient services to a defined population thereby becoming prepaid group practice plans. Moreover, the program would provide financial assistance to hospitals which elect this option. The American Hospital Association has called for the development of health care corporations to provide comprehensive health services on a capitation basis. H.R. 22 will stimulate this development. Hospitals, under this program, could also contract with the health security board to provide acute care, skilled nursing care, and home health care, and be reimbursed under a consolidated budget for all these services. If a medical society, group practice plan or hospital elect to contract to deliver health services on a capitation basis, the medical staffs can pay individual physicians in any way they choose, either on a fee-for-service, capitation or salary basis.

The budget of a group practice plan or hospital will be a liberal one, but it will place a ceiling on yearly expenditures. If by improving the quality of health care and the efficiency with which it is delivered, a group or hospital has budget money left over at the end of the year, they will be permitted to retain this amount as a reward for efficiency. Prepaid group practice plans and medical foundation plans also will be able to retain 75 percent of the savings they accomplish by reducing hospital utilization. The general idea is to make it more profitable for doctors to keep people well than let them get sick enough to require hospitalization. The Government would be required to pay the total cost of hospitalization without limit, but the more money spent on hospital services, the less doctors would have for themselves.

In addition, the national health insurance program I have proposed would move toward restoring the balance between rural and urban areas in the availability of doctor care. In the countryside, over 412,000 people in 115 counties, scattered through 23 States do not have access to a physician at all. One out of 50 Americans cannot get a doctor under any circumstance. Also, there is a doctor imbalance inside our large cities. New York City, for example, has an overall physician-population ratio of 278 doctors per 100,000 residents. Yet the ratio is only 10 doctors per 100,000 residents in poor areas and ghettos.

If my bill should become law, we would witness, I trust, a migration of doctors from the overdoctored areas of the United States to the underdoctored areas of our country, since the money will be there whether or not the area is rural, poor, or affluent. Under this program, doctors would be motivated to serve not on the basis of a community's wealth, but on the basis of the people's need for health care in the area, and the physician's own personal inclination as to living arrangements.

My bill also provides financial incentives for physicians to practice in underdoctored areas, by making them eligible for supplemental stipends and by reimbursing the practitioner for special costs of continuing professional education and maintaining linkages with other providers of services.

Benefits provided under the program consist of virtually every kind of medical service for the diagnosis and treatment of disease, including: physical examinations; physician visits to the home, office, and hospital; specialist services, including surgery and psychotherapy; eye care, including eyeglasses and frames; prescription drugs; physical therapy, and rehabilitation. Institutional benefits include hospitalization without limit and home health services. Ambulance services are covered by the plan. Children under the age of 15 on the effective date of health benefits will be entitled to comprehensive dental services under the program, and will remain so entitled throughout their lives. Within 5 years after the program becomes operative, persons up to age 25 will receive full dental coverage. All citizens of the United States will be eligible beneficiaries of national health insurance. Aliens admitted as permanent residents and living within the United States, or aliens admitted for employment and employed within the United States also are eligible for benefits under the program.

The program would be financed within a predetermined budget defined by the revenue raised under the payroll tax provisions of the bill. Employees would pay 1 percent into the health fund on wages up to $15,000, self-employed persons would pay 2.5 percent of income up to $15,000, employers would contribute 3.5 percent of total payroll, and the Government would match the employee and employer contribution out of general revenues. It is estimated that, if this program had been fully implemented in fiscal year 1970, the total cost would have been $41 billion, or 70 percent of the total personal health care expenses in the United States.

It is obvious, however, that the promise of comprehensive health benefits will be an empty one, unless we create a rational, efficient system of health care delivery, which is readily accessible to each beneficiary.

Two years before benefits begin under national health insurance, a resources development fund will be established to strengthen our resources of health personnel and facilities and restructure our health care delivery system to meet the increased demand for comprehensive medical services; $200 million will be appropriated to the fund in its first year of operation, and the following year $400 million will be devoted to the fund. Once benefits begin, up to 5 percent of the trust fund, nearly $2 billion a year, will be set aside for resources development.

A fundamental aspect of the problem of rationalizing the delivery of health care in America can be dealt with by the option I have mentioned of contracting in advance for the services of health care practitioners. As opposed to our current practice of rewarding practitioners in proportion to the seriousness of a patient's malady, the method of paying for services in advance results, in fact, in paying physicians to keep us healthy. In this way, physicians are financially rewarded for implementing techniques which reduce the cost and improve the efficiency of their services, since they are permitted to retain, as a bonus, 75 percent of their hospital utilization savings. By the same token, they are financially penalized for inefficient or unnecessary practices. The resources development fund will stimulate the development of such contractual arrangements.

There are many provisions of the bill that would improve the quality of care. Practitioners would be required to participate in programs of continuing education. Surgeons and other designated specialists would be required to hold a certificate from the appropriate national specialty board or possess the qualifications requisite to such certification. Except in emergencies, a consultation with an appropriately qualified specialist will be required prior to surgery. Medical foundations sponsored by medical societies would be required to establish peer review procedures acceptable to the health security board, which is responsible for administering the health security program. Prepaid group practice plans would be required to have a committee of physicians promulgate medical standards, oversee the professional aspects of the delivery of care, and monitor the quality of all health services provided by the plan.

Under the program, grant-in-aid amounts would be provided for the planning and development of comprehensive health delivery systems, and subsidized loans would be made available for the initial staffing of these systems. Under Kennedy and Johnson, the Federal Housing Act was amended to provide health facilities for doctors engaged in group practice. I understand, however, that this provision has not been taken advantage of, chiefly because neither the Federal Housing Administration nor the doctors knew how to put it to use.

Unless we move to construct a national plan, 50 individual State plans will be created under medicaid in an attempt to fill the need for national health insurance. The State of New York, as you may be aware, has extended medicaid benefits to persons in a family of four with $5,400 income, exclusive of the cost of getting to work. Since approximately 50 percent of medicaid's financing comes from Federal revenues, you are purchasing health care benefits for New Yorkers that are not available to persons, with comparable incomes, in your own States. We must have a national plan that can be administered fairly to all persons.

CAN MARTIAL LAW AID EDUCATION?

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. YATRON. Mr. Speaker, like many of my colleagues in the House of Representatives I am deeply concerned about the crisis facing our Nation's educational system.

Our public and private schools are experiencing a period of unprecedented turmoil, as well as a breakdown in the all-important relationship between students and administrators. It is no exaggeration to say that at least some of our schools are in a virtual state of anarchy.

In my judgment, the learning process simply cannot take place without the proper degree of discipline and mutual respect. In this connection, the efforts of the Reverend Charles Gallen, principal of Roman Catholic High School in Philadelphia, deserve special commendation.

Mr. Speaker, I respectfully include a Philadelphia Inquirer article on Father Gallen, written by columnist Sandy Padwe, in the RECORD at this point:

CAN MARTIAL LAW AID EDUCATION?

(By Sandy Padwe)

The Rev. Charles Gallen opened the green cardboard box on his desk. It was filled with mail.

"There are about 200 letters here," Father Gallen said, "along with some more in another office. Only a few could be considered of a crank variety."

The Rev. Charles Gallen is the principal at Roman Catholic High School, Broad and Vine sts. But by now, many people know that. Father Gallen is becoming a very popular figure in this town.

Last week he declared that educational program at Roman would be the equivalent of "martial law." He added that when students were told to jump, they would do so and ask "how far" on the way up.

Father Gallen is a tall, powerful man who looks more like an aging athlete than a high school principal. He says he is 50, but if you had to guess you might say 40.

Last week his tough disciplinary policies meant, among other things, a frisking of students as they entered the school. The atmosphere was, indeed, one of martial law, and those who did not agree with the stern measures wondered if Father Gallen's crackdown actually helped or hindered learning. Martial law, they reasoned, was no more conducive to learning than an atmosphere where discipline was non-existent.

"What I said doesn't carry the same implications to students as to some outsiders," Father Gallen said. "My kids aren't afraid of me or my staff."

Discipline in the schools is becoming a big issue in the city. The opponents of public school superintendent, Dr. Mark Shedd, label him—and his system—too permissive. Many of these people applaud Father Gallen, a complex man of many philosophies.

TEMPERED WITH CHRISTIAN CONCEPTS

"When I say 'martial law,'" Father Gallen said, "I'm not talking about an atmosphere like the military where you have this business of hatred of the sergeant. Our discipline has to be tempered with Christian concepts. I'm only an adult Christian trying to help others. Knowledge and will power have to be trained."

Racial turmoil is at the root of the trouble which led to last week's crackdown at Roman.

"The students," Father Gallen said, "were bringing the prejudices, hatreds and fears of their communities with them . . . This is not a place to do politicking or whatever. . . ."

Father Gallen grew up in Clifton Heights, Delaware County. His father was a mechanic. There is a strong dedication and feeling for the old, established virtues in Father Gallen's philosophy. He believes, simply, that the most important consideration in a man's makeup is his feeling for others.

He said he feels this is being lost in modern society.

"What worries me," Father Gallen said, "has been this tremendous amount of time and effort that goes into quality education, almost to the neglect of the production of the true man.

"All emphasis seems to be placed on intellectual attainment. Teachers are being hired not because they are men, but because they have so many degrees.

"If we face facts," he continued, "our nation was built by mechanics. They've always worked hard, eaten well and slept long because they were tired from their work. Generally they were better men than and—I don't like to use the word that much 'eggheads,' or those who went totally for education, and excluded other parts of learning.

"I despise the person today who says this is the way I FEEL about things. It is more important to say this is the way I THINK about things. We need will power to go along with intellect.

ECONOMIC, INTELLECTUAL ATTAINMENTS

"We have put so much emphasis on economic and intellectual attainments that the real qualities are sometimes lost . . . My father was one of the smartest men I knew . . . the plumber who put water on top of the Empire State Building was no dummy either."

Father Gallen says he is interested in graduating his concept of "the total man" from Roman.

But he admits that other programs with less structured discipline—such as the city's Parkway Program where students do not attend any particular school—have a function in society.

* * * iron hand," Father Gallen said, "The Parkway Program wouldn't be good. The student wouldn't get much out of it. But for a sensitive student it would be a tremendous thing."

Meanwhile, it will be Father Gallen's version of "martial law" at Roman.

YOUNG CITIZENS ARE ALSO CONCERNED

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. ROUSH. Mr. Speaker, how many times has each of us urged our constituents, both young and old and in between, to learn about the issues to write us their opinions? I know that I for one do this all the time. This is a sure way of learning about the matters of special local interest—even local issues—and of seeing in another focus national problems and concerns.

So I was especially pleased to receive a number of letters from a very active and alert fourth grade at Carlin Park School in Angola, Ind.

In all the arguments for and against concerning funding of the supersonic transport prototype, I think the questions and conclusions of these students are timely and telling.

It is indeed interesting to me to note how very concerned the future generation's leaders are about the environment in a total sense. They are concerned that we preserve what nature offers us and this includes human lives and hopes and values.

It is refreshing to me to receive letters such as these and I include these particular letters from the Carlin Park Fourth Grade in the RECORD. My congratulations to their teacher, Linda Jennings, and to each of these young concerned citizens:

CARLIN PARK SCHOOL,
Angola, Ind., January 15, 1971.

DEAR MR. ROUSH: What is your opinion on the SST? My opinion is that if it does damage why start it? Did you know how much damage the SST would do before you started? How much money has already been spent on the project? How much more is needed to finish? Write and answer my letter.

Your friend,
JAN BLEDSAE.

CARLIN PARK SCHOOL,
Angola, Ind., January 15, 1971.

DEAR MR. ROUSH: I hope you vote against the SST project because it makes too much noise and too much pollution. It will make too much damage.

Sincerely,
STUART REESE.

CARLIN PARK SCHOOL,
Angola, Ind., January 15, 1971.

DEAR MR. ROUSH: I am against the SST because I think it will pollute the air and the air has enough pollution already. Please send me a reply and your opinion.

Your friend,
MARK LINSBERG.

CARLIN PARK SCHOOL,
Angola, Ind., January 21, 1971.

DEAR MR. ROUSH: My opinion is that you should stop the SST project. We should use the money to stop pollution.

Sincerely,
CINDY HESS.

CARLIN PARK SCHOOL,
Angola, Ind., January 15, 1971.

DEAR MR. ROUSH: What is the plans for the SST? When will the SST be done? How much money has already been spent in the SST? How much more money will be spent on the SST?

Mr. Roush, could the U.S. go back to horse and buggy and bicycle so the U.S. would quit polluting the air? Please send me a reply.

Your friend,
PHILLIP MEANS.

CARLIN PARK SCHOOL,
Angola, Ind., January 15, 1971.

DEAR MR. ROUSH: I'm against the SST because it makes too much noise and is polluting the air. It disturbs the animals and it could kill them. I wish you would do something about it.

Your friend,
BETSY GAFFIN.

CARLIN PARK SCHOOL,
Angola, Ind., January 15, 1971.

DEAR MR. ROUSH: I'm against the SST because I don't think it will stop pollution. It will make too much noise. What is your opinion? Can you give me some additional information?

Your friend,
DONNA O. QUINN.

SUPREME COURT'S RECENT DECISION ON PRAYER PRAISED

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. EDWARDS of Alabama. Mr. Speaker, with all the turmoil and dissent we read about in the world today, it is always refreshing for me to hear about something which has been accomplished in the name of God and country.

The action I am referring to occurred yesterday when the U.S. Supreme Court announced it was letting stand a lower court ruling dismissing a suit by Madalyn Murray O'Hair, the atheist, who sought to bar Apollo astronauts from praying and reading from the Bible while being televised on the way to the moon.

If ever there was a time for this Nation and the world to turn its attention to an Almighty Being for guidance and help, that time is now. What better time for man to express his solidarity and belief in God than during the astronaut's trip to the moon.

It is a comfort and inspiration for all of us on earth to know that there are those among us, including the members of the U.S. Supreme Court, who agree that the pursuit of expressing faith in God and his guidance is both a personal as well as constitutional privilege.

HOUSE OF REPRESENTATIVES—*Thursday, March 11, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

I must work the works of Him that sent Me, while it is day: the night cometh, when no man can work.—John 9: 4.

O God, from whom all great desires, all good counsels, and all genuine works proceed, grant unto us the peace which the world cannot give and cannot take away, that our hearts may be set to obey Thy commandments and to walk more worthily in Thy most wholesome ways. Open our eyes that we may see Thee, open our minds that we may know Thee, and open our hearts that we may receive Thee. Then may we make the great adventure of faith and discover the secret of peace in Thee who art the companion of our souls.

Endue with Thy wisdom those entrusted with the authority of government that there may be justice at home and peace among the nations of the world.

In the spirit of the Master of Men we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 7. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older.

The message also announced that pursuant to Public Law 301, 78th Congress, the Vice President appointed Mr. Gravel as a member of the Board of Visitors to the U.S. Merchant Marine Academy; and Mr. Magnuson, chairman of the Committee on Commerce, appointed Mr. Long and Mr. Stevens as members of the same Board of Visitors.

The message also announced that the Vice President, pursuant to Public Law 85–874, appointed Mr. Tunney as a member, on the part of the Senate, of the National Cultural Center Board.

The message also announced that pursuant to Public Law 207, 81st Congress, the Vice President appointed Mr. Ribicoff as a member of the Board of Visitors to the U.S. Coast Guard Academy; and Mr. Magnuson, chairman of the Committee on Commerce, appointed Mr. Hollings and Mr. Hatfield as members of the same Board of Visitors.

ELECTION TO COMMITTEE ON AGRICULTURE

Mr. MILLS. Mr. Speaker, I offer a privileged resolution (H. Res. 291) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 291

Resolved, That Spark M. Matsunaga, of Hawaii, be, and he is hereby, elected to the standing committee of the House of Representatives on Agriculture.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NATION'S CREDIT UNIONS REACH ANOTHER MILESTONE

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, on March 9 the credit unions of the United States, in general, and Federal credit unions, in particular, will have reached another milestone. For on that day, Mr. James W. Dodd, of Houston, Tex., will be sworn in as a member of the first National Credit Union Board. The swearing in of Mr. Dodd will complete the makeup of the seven-member board, which includes a representative from each Federal credit union region plus a chairman chosen at large.

The National Credit Union Board will work in cooperation with the Administrator of the National Credit Union Administration to oversee the regulation and supervision of Federal credit unions. The Board was authorized under H.R. 2, legislation that I was pleased to have introduced, along with a bipartisan group of members of the House Banking and Currency Committee. The other members of the committee who cosponsored the legislation are Mr. Barrett, Mrs. Sullivan, Mr. Reuss, Mr. Ashley, Mr. Moorhead, Mr. Stephens, Mr. St Germain, Mr. Gonzalez, Mr. Minish, Mr. Hanna, Mr. Gettys, Mr. Annunzio, Mr. Rees, Mr. Galifianakis, Mr. Bevill, Mr. Griffin, Mr. Hanley, Mr. Brasco, Mr. Chappell, Mr. Widnall, Mrs. Dwyer, Mr. Halpern, and Mr. Cowger.

The Board will complement the outstanding staff and officials of the National Credit Union Administration, headed by Gen. Herman Nickerson, Jr., who was selected by President Nixon to be the first Administrator of the new agency. Although General Nickerson has been with the agency only a few months, he has quickly shown his dedication to the credit union movement and has been an effective Administrator. General Nickerson's deputy assistant is Mr. Deane Gannon, who had been with the Bureau of Federal Credit Unions from its inception. Mr. Gannon has distinguished himself in credit union fields and is admired by the whole credit union movement. In short, the Bureau of Federal Credit Unions was a stepchild in the Federal bureaucracy. Now, however, the credit unions have their own independent agency and their own Board. The members of that Board and the date of their oaths of office are as follows, including the person administering the oath of office:

Name	Address	Date	Administering official
Mr. DuBois McGee	San Francisco region (at El Centro, Calif.)	Feb. 24	Judge George R. Kirk (Superior Court judge).
Mr. Marion F. Gregory, Vice Chairman	Chicago region (at Miami, Fla.)	Feb. 25	Judge F. B. Dowling (Dade County judge).
Mr. John J. Hutchinson	Boston region (at Hartford, Conn.)	Feb. 26	Judge M. J. Blumenfeld (U.S. district judge).
Mr. Joseph F. Hinchey	Harrisburg region (in Senator Scott's Senate Office)	Mar. 1	Senator Hugh Scott (R., Pa.).
Mr. Richard H. Grant, Chairman	Nation at large (at Concord, N.H.)	Mar. 2	Judge Hugh Bownes (U.S. district judge).
Mrs. Lorena Matthews	Atlanta region (at Oak Ridge, Tenn.)	Mar. 8	Judge Frank Wilson (Federal judge).
Mr. James W. Dodd	Austin region (at Houston, Tex.)	Mar. 9	Mr. B. B. Lankford (regional director NCUA).

The creation of the National Credit Union Administration as an independent agency is indeed a fitting reward for the more than 24,000 credit unions with 24 million members in this country, which are made up roughly on a 50–50 basis of State and Federal charters. The National Credit Union Administration is run entirely from fees received by Federal credits unions and receives no Government funds. It is therefore very fitting that dedicated members of the credit union movement should serve on the National Credit Union Board. It was for this reason that I insisted that the law provide that one of the qualifications for membership on the Board is that a Board member must be a person of "tested credit union experience." We wanted people who would work to improve credit unions so that they could provide even better service to their members. I feel that President Nixon's selections for the first Board quite clearly fulfill the requirements for membership and that they will work together to build a better credit union system.

Mr. Speaker, in addition to a new, independent agency, credit unions, on October 1 of last year, were granted Federal share insurance, a piece of legislation which I was also pleased to sponsor in the House. Since the enactment of that legislation, which requires mandatory share insurance for Federal credit unions and voluntary share insurance for State-chartered credit unions, 6,700 Federal credit unions and 58 State-chartered credit unions have been insured. As of February 22, more than $6.3 billion in share accounts has been insured under the program.

Share insurance was another reward for credit unions. Their losses have been minimal over the years and, in fact, they have compiled a far greater record for safeguarding members' funds than any other group of financial institutions. But since they were the only federally chartered financial institution without Federal insurance, it was felt they deserved equal treatment.

Every Member of this body can be proud of the work of credit unions and they can be especially proud of the support that they have given credit unions. In a few days, I plan to introduce legislation that would provide a national capital bank for credit unions to provide them with a discount and liquidity facility. It is my hope that that legislation will reach the floor during this session of Congress so that Members once again will have an opportunity to demonstrate their unqualified support for credit unions.

INTEREST RATES REMAIN HIGH IN LONG-TERM MONEY MARKETS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, last week, many of us warned the House that it was endangering the long-term money markets by removing the 4¼-percent interest rate ceiling on Government bonds.

In the past week, bond issues by corporations have continued to sell at extremely high interest rates. The market is crowded and when and if the Federal Government enters this market, we are going to see serious repercussions.

The Associated Press yesterday reported "rates close to 8 percent are common on corporate offerings in the past 3 weeks." The analysis goes on to say that the high interest rates are the result of "tremendous demand for long-term funds, for money that can be used for the next 20, 30, or 40 years rather than for a couple of years or less."

This is the same kind of money that the Federal Government would be seeking if it is allowed to enter the long-term market without regard to the 4¼-percent interest rate ceiling. Yields on Government bonds today are in excess of 6 percent and it is likely that this rate will skyrocket if the Government reenters the long-term money markets.

Mr. Speaker, I place in the Record a copy of the article by John Cunniff, of the Associated Press, which appeared in the Wednesday afternoon editions of the Washington Evening Star:

Some Corporations Are Paying More, Not Less for Funds

(By John Cunniff)

New York.—While borrowing costs have dropped generally and sharply during the past weeks and months, some of the nation's biggest corporations and soundest governmental units are paying more rather than less for money.

The situation is unique in money markets today, although it could change almost overnight. But until it does, those seeking to raise money in bond markets are finding their costs considerably higher than anticipated.

In order to attract funds of investors, some of the highest rated borrowers have had to pay rates a full percentage point above those of a month ago. Rates close to 8 percent are common on corporate offerings in the past three weeks.

LONG-TERM DEMAND

The main factor that produces the situation is a temporary but tremendous demand for long-term funds, for money that can be used for the next 20, 30 or 40 years rather than for a couple of years or less.

The March "calendar" of issues to be sold totals $4 billion, for example, the highest ever for any month and double the figure for many months. It means that lenders have power over borrowers in the bond markets.

Just when borrowers will achieve parity with lenders is debatable, although many securities dealers feel it could be momentary. As rates rise, they reason, lenders will be attracted to the market. They note that some mutual funds have already jumped over from the stock market.

SOMEWHAT UNPREDICTABLE

Others feel the situation is rare and somewhat unpredictable.

As one bond dealer explained, it would be easy to foresee lower rates if the borrowing were for the usual reasons, to expand or improve plants and facilities, as in the past. But this money is rarely going to that use.

Instead, he said, corporate treasurers now are borrowing in the bond markets to pay off bank loans. They are seeking to substitute long-terms financing for short-term bank loans.

"They had gone into the banks to the extent they were able," he said. "When bond costs began dropping they decided to restructure their balance sheets, get rid of pressing debts and assure themselves of longer terms."

LINING UP IN ADVANCE

Many of these treasurers had been stung in the past year by tight money. The severe credit squeeze of last year proved a harrowing experience to many of them, one that they vowed would never be repeated. They are, therefore, now lining up money for years in advance.

Moreover, the modern treasurer is said to be a lot more sophisticated than those of just five to eight years ago, Many of them no longer feel that banks are their primary source of funds.

Instead, they have learned that by going into bond markets, they sometimes can borrow more cheaply but, as they are learning, not always. They are much more astute, but for the time being they have produced a market that works against their goals.

DEMAND MAY GROW

While higher rates inevitably attract investors if there is money available in the economy—and compared with last year, money is much more plentiful—there is some possibility that demand also will increase.

Recent surveys suggest that while borrowing for new plants and equipment is still relatively slight, the situation is changing.

The latest Commerce Department survey of capital spending plans shows projections of $83.1 billion for 1971, a rise of 4.3 percent or $2.4 billion over 1970. A similar survey in December projected an increase of only 1.4 percent.

While some bond men are still forecasting for April a new issue market only half the size of March, some observers are keeping their fingers crossed. If capital spending does indeed rise, they say, the pressures will remain.

Moreover, they add, the Federal Reserve has given no overt indication so far that it will accede to the administration's wishes for an even easier money policy, which would tend to reduce upward pressures on prices.

ISRAEL MUST HAVE DEFENSIBLE BORDERS

(Mr. CELLER asked and was given permission to address the House for 1 minute.)

Mr. CELLER. Mr. Speaker, the United States must seriously ponder which direction it is taking in the search for a real peace in the Middle East.

An Israel without defensible borders is an engraved invitation to disaster. This ought to be primary in any settlement. A permanent peace can be achieved now and not be bargained away with the Scarlett O'Hara dicta of "I'll worry about that tomorrow." On such resolution rests a graveyard for peace. Three times in the past 22 years the world has lost the opportunity for a stabilized Middle East. Each time Israel, the victim of aggression, was forced by world pressure to divest herself of all her bargaining power to risk again and again and again the fires of conflict. Will other Arab countries demand anything less than total withdrawal once Egypt has achieved this goal? Stripping Israel of its bargaining powers to obtain defensible borders is certainly not in the interest of the United States. I cannot subscribe to "peace at any price" when peace would, at best, be illusionary and the price too high for civilization to pay.

MAKING FLAG DAY A LEGAL HOLIDAY

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the Leo Clubs—young people organized and sponsored by the Lions International—have set themselves the mighty task of convincing their elders that Flag Day should be a national legal holiday. It is my privilege to spearhead a drive by a dedicated group of these young people in the 22d Congressional District of Pennsylvania who are engaged in ths nationwide patriotic effort.

I am introducing today, along with 67 cosponsors of both parties, representing 26 States and Puerto Rico, a bill which would recognize Flag Day as a legal holiday. The day would be celebrated on the second Monday of each June.

I predict that each Member of the House and Senate will begin to hear from the concerned and patriotic young people of the Nation requesting speedy action on this bill.

The youth I have talked to admit that a three-pronged—Federal, State, and local—nationwide drive is necessary and desirable in order to assure acceptance of the holiday. The introduction of this bill today is just a beginning; our colleagues in the State legislatures will soon feel the effect of interested groups of young and old working to achieve the holiday in their respective legislatures. As it stands today, Pennsylvania is the only State which celebrates Flag Day as a legal holiday. The goal is for all 50 States.

The crusade for a National Flag Day holiday was initiated by the Leo Clubs of Pennsylvania 2 years ago. I bring to your attention now a resolution passed at the Third Annual Pennsylvania Leo Clubs Convention held in April 1969. You will note from reading the clauses of the document that the group has captured the very essence of patriotism. The resolution follows:

Flag Day Resolution

(At the Third Annual Leo Club State Convention, Willow Grove, Pa., April 25–27, 1969)

Whereas the Flag of the United States of America is a symbol of national independence, of individual liberty, of idealism, and of patriotism. It is also the symbol of our nation's progress, and

Whereas our forefathers used many standards and emblems to reflect their desire for freedom, the one standard that has come to mean more than any other in our nation's proud history is "Old Glory." For nearly 200 years, it has come to mean the United States, and

Whereas the Stars and Stripes is truly a living symbol, beautiful in color and meaning. The seven red stripes denote our courage and readiness to sacrifice for the defense of our country. The six white stripes symbolize our purity and purpose. The field of blue suggests unlimited vision, loyalty and unity, and

Whereas in no other nation are the people so diverse, yet so thoroughly united in upholding a single standard of freedom and justice for all. This is the Flag of every loyal American citizen—whether he be white or black, rich or poor—and regardless of his religious or political beliefs, and

Whereas we the members of high school Leo Clubs throughout the Commonwealth of Pennsylvania are assembled here in our Third Annual Leo Club State Convention at Willow Grove, Pennsylvania, which is within fifteen miles of Independence Hall in Philadelphia, the site where during the Third Continental Congress on June 14, 1777, passed the following resolution: "Resolved, that the Flag of the United States be thirteen stripes alternate red and white, that the Union be thirteen stars white in a blue field representing a new constellation," now

Therefore be it resolved that we, the American youth representing our Leo Clubs and our sponsoring Lions Clubs in Pennsylvania, show our continued dedication and respect toward the American Flag by encouraging all Americans to observe more deeply our patriotic holidays, and

Be it further resolved that we distribute and circulate this Flag Day Resolution, seeking the cooperation of other Americans—young and old—and other organizations of all kinds; with the resolve to set our sights on the establishing of Flag Day, June 14, as a national legal holiday each year. Thus it is fitting that on this day the American youth can acclaim the initiation of a day set aside to honor the birth of our great Flag of the United States.

I also point out that the sentiments expressed in the above resolution are similar to those of the American Legion when that group supported a similar bill of mine during the 91st Congress. Resolution 442 of the 52d Annual National Convention of the Legion, September 1970, reads as follows:

Resolution 442

(At the 52d Annual National Convention of the American Legion, Sept. 1, 2, and 3, 1970)

Committee: Americanism.

Subject: Observe Flag Day, June 14th, as legal holiday.

Whereas, June 14th is widely observed with patriotic services as Flag Day, the birthday of our National Emblem; and

Whereas, Congress has not adopted legislation to make this date a National Holiday to be observed in all states with ceremony; and

Whereas, Congress has now adopted legislation providing penalties for the desecration of our Flag; and

Whereas, The American Legion believes that Flag Day, June 14th, should be observed as a National Holiday; Now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Portland, Oregon, September 1, 2, 3, 1970, that The American Legion seek legislation to establish June 14 in each year as a national holiday.

I am proud that every area of our country is represented on the list of cosponsors of the bills introduced today. I am sure that other Members will desire to join the crusade started by our young people to make Flag Day a legal holiday so I plan to introduce additional bills as more Members indicate a desire to cosponsor. The list of Members cosponsoring the bills introduced today include:

House Members Cosponsoring a Bill To Make Flag Day a National Legal Holiday

ARIZONA

John J. Rhodes, Republican.

CALIFORNIA

Craig Hosmer, Republican.
Harold T. Johnson, Democrat.
Charles H. Wilson, Democrat.

CONNECTICUT

Ella T. Grasso, Democrat.
Robert H. Steel, Republican.

FLORIDA

Claude Pepper, Democrat.
Robert L. F. Sikes, Democrat.
C. W. Young, Republican.

GEORGIA

G. Elliott Hagan, Democrat.

ILLINOIS

Edward J. Derwinski, Republican.

INDIANA

John T. Myers, Republican.

KANSAS

Joe Skubitz, Republican.
Larry Winn, Jr., Republican.

LOUISIANA

Joe D. Waggonner, Jr., Democrat.

MARYLAND

Edward A. Garmatz, Democrat.

MASSACHUSETTS

Silvio O. Conte, Republican.
Louise Day Hicks, Democrat.

MICHIGAN

Guy Vander Jagt, Republican.

MONTANA

Richard G. Shoup, Republican.

NEBRASKA

Charles Thone, Republican.

NEW JERSEY

Florence P. Dwyer, Republican.
John E. Hunt, Republican.
Henry Helstoski, Democrat.
Robert Roe, Democrat.

NEW MEXICO

Harold Runnels, Democrat.

NEW YORK

Joseph P. Addabbo, Democrat.
Frank J. Brasco, Democrat.
Seymour Halpern, Republican.
James F. Hastings, Republican.
Carleton J. King, Republican.
Alexander Pirnie, Republican.
Lester L. Wolff, Democrat.

NORTH CAROLINA

Walter B. Jones, Democrat.
Alton Lennon, Democrat.
Wilmer Mizell, Republican.

OKLAHOMA

Page Belcher, Republican.
John N. Happy Camp, Republican.

PENNSYLVANIA

Edward G. Biester, Republican.
James A. Byrne, Democrat.
Frank M. Clark, Democrat.
Robert J. Corbett, Republican.
R. Lawrence Coughlin, Republican.
Joshua Eilberg, Democrat.
Edwin D. Eshleman, Republican.
Daniel J. Flood, Democrat.
James G. Fulton, Republican.
Joseph M. Gaydos, Democrat.
Albert W. Johnson, Republican.
William S. Moorhead, Democrat.
Robert N. C. Nix, Democrat.
John P. Saylor, Republican.
J. Irving Whalley, Republican.
Lawrence G. Williams, Republican.
Gus Yatron, Democrat.

SOUTH CAROLINA

Floyd Spence, Republican.

TENNESSEE

John J. Duncan, Republican.
Joe L. Evins, Democrat.
Richard H. Fulton, Democrat.
Dan Kuykendall, Republican.

TEXAS

J. J. Pickle, Democrat.
Robert Price, Republican.
Ray Roberts, Democrat.

WEST VIRGINIA

James Kee, Democrat.
Harley O. Staggers, Democrat.

WISCONSIN

William A. Steiger, Republican.

WYOMING

Teno Roncalio, Democrat.

PUERTO RICO

Jorge L. Córdova.

AN ALTERNATIVE TO THE FAMILY ASSISTANCE PLAN—WELFARE REFORM

(Mr. ULLMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ULLMAN. Mr. Speaker, today I have introduced a welfare reform bill that is an alternative to the family assistance plan that has been presented by the administration and was before the Congress last year.

Members will recall that last year I opposed the family assistance plan, and as the months and the year have gone by, I think it is even more clearly evident that is the wrong road to take. It is not welfare reform.

I have incorporated many of the deliberations over on the other side during the year into my draft. I think it is a responsible alternative. The Members will be interested in it. I hope we will have parliamentary procedures whereby this can be allowed to be presented to the House in the event the committee does not approve it.

A WELFARE REFORM PROGRAM

To say that our welfare system is a mess and that it needs reform is to join a great vocal majority in this House and in the country. But although we all agree that the present system is a scandal, agreement evaporates when we discuss the specifics of reform.

Last year, this House passed the administration's family assistance program on the assumption that it was a welfare reform program and that it would get us out of the mess that we are in. That same program has been resubmitted to the Committee on Ways and Means in this Congress—but it is no more a welfare reform program now than it was then.

What is the matter with the welfare program? A spiraling caseload, but the family assistance plan would increase the caseload, instead of decreasing it. A continuously greater burden on the taxpayer, but the family assistance program would increase the costs of welfare, not decrease it. But the greatest failure of the present system is that despite spiraling caseloads, despite spiraling costs it is not meeting the problems of poor families with children—it is as unpopular with the poor as with the taxpayer because it locks the poor into poverty. It is a system in which it is easy to get in and hard to get out—not only for one generation but for the next as well. It condemns the children of the poor to tread in the footsteps of their parents.

We need a welfare system that will help the helpless—but just as much we need a welfare system that will insure that those who can help themselves do, and that those who can be taught to help themselves are set on the right road, and most important of all, that the children are not locked into a system that they did not create and are given the comprehensive care that they deserve for their own sake and for the sake of our society, which cannot tolerate the transmission of poverty and dependence from one generation to the next.

The family assistance plan makes no fundamental reform in our welfare program—under that plan the AFDC program is perpetuated intact except that payment levels in a few States are raised. It does make one fundamental change by adding a new welfare program for the working poor—but that change is in the wrong direction because what we need is a reform of welfare—not an addition to it.

The weaknesses of the family assistance plan have been sufficiently documented. I want to describe for you today not what is wrong with that plan but what a real reform of the welfare system should provide. For that reason, I am today introducing the Rehabilitation, Employment Assistance and Child Act of 1971. My bill is presented as an alternative to the family assistance plan so that Members who share my conviction that we need welfare reform, but that the administration plan does not give it, will have a proposal to vote for, as well as one to vote against.

This bill is a concrete proposal to reform the welfare system in the way it must be reformed; it is a reform that has as its primary objective to limit the welfare rolls to those who cannot help themselves and to provide programs other than welfare for those who can.

There is one critical point of principle on which my proposal is built—welfare is not for those who can work. The basis of this bill is that all applicants for welfare should be screened to determine whether or not they are employable—if they are unemployable they should be eligible for welfare but the Federal Government should make no contribution to welfare payments for any employable persons. The employables should be a Federal responsibility—but not a welfare responsibility. The Federal Government should provide work, training, child care and any other service needed to put the employables into jobs—the State governments, with Federal financial assistance, should provide welfare grants only for those who cannot work.

Under present law—and under the family assistance bill—both the employable and the unemployable go on the welfare rolls. After the employable are on the rolls and have become accustomed to their welfare checks, we try to get them off welfare and into training or employment. When I tell you that the WIN program has put 25,000 people into employment since its inception, and in the same period the welfare rolls have increased by more than 100 times that many people, I think you will agree that it is a little like King Canute trying to stop the advance of the ocean.

My bill has a different approach. The welfare system should be only for the unemployable—and my bill provides that the Federal Government will assess every applicant for AFDC to see if she is employable—only if the Federal Government determines that she is unemployable will we pick up our portion of the State's AFDC program. The States will be free to disqualify from their AFDC programs anyone not certified as unemployable. The unemployables will remain on the welfare rolls—they will remain a State responsibility with the Federal Government contributing to the costs just as it does now.

Employable applicants, however, would never get into the welfare system. They would become a Federal responsibility and would either be placed directly in jobs or go into a fully federally financed program of rehabilitation, employment assistance, and child care.

Before I describe the program for employables, let me say just a word about the transition to this system and how the employability determinations would be made. It is obviously not practical to try to assess the entire welfare caseload at any fixed point of time. Instead, my bill provides that effective January 1, 1972, all new welfare applicants must be assessed for employability and there is a 4-year period during which the new eligibility criterion will be applied to existing caseload—first to unemployed fathers, then to out of school youth, then to mothers with only one child and then to all others. In view of the general turnover on the rolls, a 4-year program to convert to the new eligibility system is quite practical. At the end of that period, the Federal Government will have assumed full responsibility for the employable population—leaving the States' AFDC program with responsibility only for those persons who are not employable.

The employability determination is central to the new program—it defines a new boundary between the role of the States and the Federal Government but, even more important, it defines the new role of welfare: to help only those who cannot help themselves. Perhaps it is wrong to call this a new role of welfare because it is what I, and I think most of you, have always thought ought to be the role of welfare.

This screening function is made a Federal responsibility and it is vested in the Department of Labor. To emphasize its importance, the bill specifically provides that the Department of Labor may not delegate the function to any State agency—it is the Labor Department's responsibility and I want no opportunity for excuses or buckpassing if it is not properly carried out. But I recognize the limitations of the Department of Labor so I have put some restrictions on their discretion—they can make the decision that a person is employable, but before they can decide that he is unemployable because of physical or mental incapacity they must consult the State Vocational Rehabilitation agency. Only if that agency agrees that the applicant cannot be rehabilitated can he be classified as unemployable. It will be easy to be classified as employable—but hard to be classified as unemployable.

While a certificate of unemployability will generally be required for eligibility for welfare, this requirement is not applicable to children, to full-time students under the age of 21 or to those required in the home on a substantially full-time basis to look after another ill member of the family. It is applicable to mothers with only one child regardless of age because I think that that mother has the greatest chance of escaping from the welfare trap before she has more children. It is also applicable to mothers with no preschool age children. However, no mother will be considered employable if there are not suitable day care facilities available for her children.

In determining whether a person is employable, the Department of Labor will look just at their personal characteristics—not at the state of the labor market. If the applicant has the capacity to work or to be trained for work, he or she is employable and, under my program, they will work or be trained for work—they will not draw a welfare check. That is right for them, for their children, and for society. The self-respect that comes from earning one's way for those who can work must no longer be swallowed up by a debilitating welfare system.

What will happen to those classified as employable? It is no answer to disqualify them from welfare if we do not have a viable alternative. No good would come from a system which called people employable but left them without work or the opportunity to qualify for a job. There would be no point in a reform which took employables off the welfare rolls left them to their own devices, with neither work nor welfare. My bill contains all the necessary mechanisms to ensure that the employables get jobs—and probably the most important of these is the commitment to provide quality child care to those who are prevented from working because of lack of facilities to look after their children. My bill provides for an entirely new system of providing child care in America. The lack of child care is the greatest barrier to the employment of women in this country—the lack of quality child care is the greatest obstacle to improving the opportunities of the children now growing up in poverty in our urban ghettos. Quality child care can liberate mothers from the indignities of the welfare system by freeing them to earn their own living—it can provide their children with the opportunities for learning health and nutrition of which they are too often deprived today.

Despite the critical importance of child care, the present system is just not providing it in meaningful quantities. In 1969, the Congress appropriated $25 million for child care under the WIN program but only $4 million was actually used to buy child care. There are many reasons for this inability to deliver ranging from administrative inefficiency through diffusion of responsibilities to the vagaries of local licensing laws. We need a new system and my bill provides for a Federal Child Care Corporation—a single organization with both the responsibility and the capability of meeting the Nation's child care needs. The Corporation will be self-sustaining and will provide child care services for all, but with a mandate to give priority to the poor. The bill provides for a 100-percent Federal subsidy for child care for the poor—and for a graduated contribution toward its cost for those with income above the poverty level.

Those classified as employable will get child care for their children—which is not only necessary to enable them to work but is a contribution to the welfare of their children. Providing child care is, if you like, a subsidy to the working poor, but it is the kind of subsidy that benefits them and their children—a subsidy far preferable to the welfare check that emphasizes dependence instead of independence.

With child care provided, many of the barriers to employment can be overcome, but certainly not all. All those classified as employable will be eligible for the program of rehabilitation, employment assistance, and child care which is provided in the bill. This program will be administered by the Department of Labor, but it will not just be another program added onto the multiplicity of programs that are already administered by that Department and others with the objective of promoting employability.

We do not need another new manpower program or a warmed-over version of the work incentive program—what we do need is a coordinated and effective system for getting people into jobs that pay wages. The basic concept of the REACH program is to give people who would previously have gone on welfare priority in all other Federal programs that increase employability and promote employment opportunity. There is no need to establish another vocational rehabilitation program—what we need to do is to get these people into it by giving them priority and to increase the size of the program by using the REACH appropriation to buy additional opportunities in it. That is the basic function of the REACH program—to place the employables in existing programs and to expand opportunities in those programs by supplementing the appropriation and, where necessary, by paying the non-Federal share in those programs that require matching.

That is the basic strategy of the program—but there is more. To stimulate on-the-job training, the bill provides for a tax credit of 20 percent of the first year's wages for employers but this credit is reduced if the trainee is not kept in employment for 2 full years. This credit is in addition to the out-of-pocket training costs incurred which can be reimbursed as a training cost under the bill. At the latest count, the Department of Labor had less than 1,000 WIN enrollees in on-the-job training and yet that is the training that leads most directly to jobs. The essence of my bill is to put people into jobs and that is what an on-the-job training program does. A tax incentive will give a strong impetus to the private sector and will enable us to make on-the-job training a major component of the program.

Even with tax credits, we know that the private job market cannot by itself do the job of absorbing all these people. Therefore, we provide that REACH eligibles shall be entitled to an appropriate number of the jobs financed through Federal grant-in-aid programs. In addition, the bill provides a program of public service employment, in which the Federal Government will pay 100 percent of the costs of employing REACH eligibles in useful employment for State and local governments.

REACH will provide day care; it will provide job training; most important, it will provide jobs. This program is fundamentally different from the WIN program and the training program of the family assistance bill. Under those programs the employables are put on welfare, then they are placed in training or jobs and, if they refuse, they are cut off from welfare. That is going at things backwards, in my opinion. If people are employable, they do not belong on welfare in the first place. They should not be put on and then taken off—they should not go on and that is how it operates under my bill.

That is the essence of my bill—welfare is for those who cannot work. Let us have a different program for those who can—let us not demean them with a welfare check but let us help them to lift themselves up with a job. Let us have a Federal program which will give them all the assistance that they need to convert their employment potential into an actual job—and if the job does not exist then we will create the job through the public service employment program.

It is my belief that those who can work do not belong on welfare—I also believe that those who do work do not belong on welfare either. The big innovation of the family assistance program is to put the working poor on welfare—I reject that concept both because it undermines the concept of work and because the resources that would be squandered in handouts to those who work can be put to much better use. I do not reject welfare supplements to those who work because I reject work—but because I reject welfare as a way of life.

Those who work should not be forgotten—we must assist them to an adequate standard of living but not through the welfare system. My bill provides free child care for the working poor—a benefit that can be of much greater value to them and to the future of their children than a small supplement to their wages. It also provides a work expense allowance of $720 a year to compensate for the expense of going to work—this would be reduced by $1 for every $2 that the family income, including the work expense allowance, exceeded the poverty level. And finally, the working poor would be able to cash out their food-stamp bonus.

I have described my bill in general terms. Its purpose is to reverse the drift toward welfare and to reemphasize the need for self-help. That is a purpose that is shared by all of us—but it is not carried out in the family assistance plan. That plan puts more people on welfare and then makes ineffective efforts to get them off—it seems to me incontrovertible that the right approach is to limit welfare eligibility in the first place and to provide work and training programs for those who do not belong on welfare.

The welfare load has become a crushing burden on State and local government. In fiscal year 1972, the non-Federal share of the AFDC program will be over $3 billion. The fiscal crisis facing so many of our States and cities is not only due to the explosion in welfare but there is no question that they need relief from the fiscal burden that the present welfare program puts on them. I do not propose that we federalize welfare—a phrase that is attractive to many but that poses immense problems.

A Federal program cannot continue the diversity of payment levels that now characterizes the AFDC program—but a Federal welfare standard will not be appropriate in both Mississippi and New York. I do not propose to federalize welfare, but I do propose to federalize that part of the program which never should have been included in welfare—the program for putting employable people to work. Child care, work and training are appropriate Federal responsibilities, and if the Federal Government takes over the responsibility for the employable portion of the population, the States will be left with their traditional—and manageable—responsibility of caring for those who cannot assist themselves. Under the program contemplated in the bill, no new employables would go on the welfare rolls after January 1, 1972, and by 1976 the Federal Government would have taken over the entire responsibility for all employables who were on the rolls on the date of enactment.

In the first year of the program, the States would have a net saving in their welfare bill of about $500 million. I recognize that that may not be enough to alleviate the immediate crisis with which they are faced, so I propose a transitional program of revenue sharing with the States and localities limited to the period until they realize the full benefits from the welfare reform program. This special revenue sharing would amount to $1.5 billion in the first year, phase down to $500 million in 1974.

I have introduced this bill so that this House, and the American people, may have a constructive alternative to the family assistance plan as they contemplate the need for welfare reform. Reform is needed; the Rehabilitation, Employment Assistance and Child Care Act of 1971 is reform of the right kind.

QUALITY HEALTH CARE FOR ALL AMERICANS

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONAGAN. Mr. Speaker, I am introducing a bill to make quality health care available to all Americans regardless of financial status.

We must acknowledge that the United States finds itself in a health-care problem of massive proportions. We must also recognize that national efforts to improve and expand medical facilities, to increase the number of medical personnel and to broaden consumer participation in medical policy have fallen short of achievements of other comparable nations and of our own capabilities and desires. Of course, the quality and quantity of health-care programs in the United States have increased tremendously in recent years, and more persons have access to quality medical care than ever before in our history, but a nation of our wealth and compassion must not rest content with a system that provides less than the optimum for our people.

I believe that the objective of providing a system of national health insurance has the support of my constituents in Connecticut, and also has broad national support. There is a national consensus that every citizen has a right to adequate health care even though he may not have the capacity to pay for the services, and that Congress should take steps to provide this care on a reasonably acceptable basis.

My bill, which would be known as the National Healthcare Act, proposes a comprehensive health-care program which does have such a reasonable foundation that it is within the financial, technological, and manpower capabilities of the United States to achieve. It provides for a practical system, building wherever possible upon the existing structure, private and governmental, so that program implementation may be achieved at the earliest practicable date.

The main objectives of my bill are:

First, to increase the supply, productivity and distribution of health manpower by strengthening Federal grant and loan programs for health manpower training and offering incentives for personnel to locate in areas critically short of medical services;

Second, to develop ambulatory health-care services, promote health maintenance, and reduce costly hospital use by providing greater access to effective and less expensive community ambulatory health-care services. The services would include preventive care, diagnosis, treatment, and rehabilitation through expansion of Federal hospital grants and loan guarantees;

Third, to improve health-care planning and to distribute current and future health resources more equitably by reinforcing the role and authority of State and areawide comprehensive health planning agencies;

Fourth, to halt the escalation in health-care costs and improve the quality of health care;

Fifth, to establish national goals and priorities to improve health care; and

Sixth, to remove the financial barriers to quality health care by insuring the availability of comprehensive coverage to all persons. While coverage costs for most people will continue to be met by individuals and employers, public funds will be used for persons needing total or partial support in financing their health care. Individuals and employers would be encouraged to participate in the coverage through tax incentives.

The bill provides for the establishment of minimum standard health-care benefits to be set by Government in consultation with professionals, consumers, and health insurers. The minimum standards will become effective in 1973, and will expand to full coverage by 1979.

I think this bill offers a workable approach to providing health care to all Americans. It is a measure which I hope will have the broad support of my colleagues.

INCREASE IN SOCIAL SECURITY BENEFITS

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, I am, of course, glad that an impasse has finally been broken on the 10-percent social security increase retroactive to January 1, 1971.

By this action, Congress is fulfilling its promise to act promptly on this issue, insuring a bill on the President's desk in a matter of days.

This action also makes it possible for increased benefits and the retroactive payment to be paid in the July checks.

The needs of the senior citizens of America—those who have been compelled to suffer the worst stings of the inflationary impact are finally being recognized.

ILLUSORY DECLARATION

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DORN. Mr. Speaker, the recent proclamation by the Japanese textile industry with respect to their exports to the United States has been variously described as a declaration, a counterproposal, or an agreement. In fact, of course, it is merely a one-sided, unworkable, and conditional statement of future intent by the Japanese industry which in no way constitutes a meeting of the minds between the governments of the two countries.

But whatever you call it, Mr. Speaker, this plan is now a dead issue. The whole scheme advanced by their industry is by its terms conditioned on similar actions by other nations that export textiles to the United States; but Taiwan, to name one, has already rejected any such course of action. It is now crystal clear that such a statement concocted by the Japanese textile industry was designed by them to sabotage any government-to-government agreement and again delay consideration of the trade bill.

Therefore, Mr. Speaker, we are back where we started on January 22, 1971, when our distinguished Chairman MILLS and others of us introduced the Mills trade bill. This bill is designed to encourage government-to-government negotiations and is designed to promote fair and orderly textile trade between the United States and its trading partners.

The American textile worker is also a consumer. When out of work or his work curtailed, he cannot purchase goods moving in international trade nor can he pay taxes desperately needed for local, State, and Federal Government programs.

I urge my colleagues to dismiss the recent diversion by the Japanese textile industry and to proceed with expeditious consideration of the Mills bill.

A FAIR TRADE POLICY

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, the March 7 issue of the New York Times carried a most significant article by Mr. Ely Callaway, president of Burlington Industries, the Nation's largest textile manufacturer.

In this article, Mr. Callaway, who is acutely aware of the impact of low-wage imports on our domestic textile and apparel industries, points up the increasing peril for many of our basic manufacturing industries stemming from trade practices of other countries, particularly Japan. He cites the manner in which cartels and other special government-business relationships, which are illegal in this country, are giving other countries an unfair advantage in world trade.

His is a timely warning that the time has come to reexamine and rework our trade policies in light of modern day practices. He has carefully documented many of the reasons why it is impossible for domestic industries to compete with foreign monopolies.

Mr. Callaway's compelling arguments underscore why it is essential for Congress to pass legislation now which will result in fair and reasonable regulation of textile and apparel imports.

Mr. Speaker, I particularly commend to the attention of my colleagues in the House and in the other body this outstanding and most timely article by Mr. Ely Callaway, a man who is dedicated to preserving those principles that made this country great and a man who is completely devoted to all the people who are a part of Burlington Industries:

U.S. TRADE POLICY

(By Ely Callaway)

One of the hard facts of business, no less than of life, is the fact of change. This is surely true of the vast and diversified textile business, which last year turned out some $21-billion worth of products to the ultimate benefit of the American consumer.

Certainly, the United States textile business qualifies as one of the dynamic industries. It is a huge manufacturing, marketing and distribution complex involving more than 600 competitive companies and 6,000 plants. Together with its major customers (the United States apparel industry) and its major suppliers (the fiber producers) it constitutes the largest aggregate manufacturing employer in the country—accounting for nearly 2.5 million jobs.

In its products and its attitudes, the American textile industry has been changing to reflect the changes in the social and psychological attitudes with the nation. In the process, it has been making its products among the best bargains available anywhere. Textile mill products are still being sold to our customers at wholesale prices that are far closer to the base period wholesale price index of 1957–59 than practically any other manufactured items produced in the United States.

This is being accomplished despite the fact that cotton textile imports into the United States have been limited by quota agreement with some 30 other nations for the last eight years. This experience contradicts the free traders' claims that quotas inevitably harm the consumer by causing prices to go sky high. It belies their fears that any move that gives even a reasonable degree of protection to American industry will surely bring on wrath and retaliation by foreign competitors.

Inasmuch as Japan is no longer an underdeveloped nation, I will cite Japan in illustrating why the United States textile industry is convinced that a fundamental change in our international trade policy is needed.

As everyone knows, Japan starts with one great advantage in the matter of wages and other costs. Indeed, the hourly wages and fringe benefits in American textile plants are some five times higher than the equivalent paid to textile workers in Japan. But in considering international trade policy, other factors, I believe, are far more important. For example:

Under the Japanese setup of close political-economic cooperation, they have developed various ways and means of prohibiting the import of disruptive quantities of any type of products from the United States and elsewhere. In other words, Japan protects its own industries against excessive imports.

The Japanese Government makes it almost impossible for an American company to own more than 50 per cent of any company in Japan, even under a joint venture arrangement. Japanese companies need no special approval from any United States Government or state agency in order to own 100 per cent of a company in America. All they need is the money and stockholder approval.

Japan produces excellent textile products and exports them to the United States market at low prices—often at little or no profit. Under their extremely complex international trading rules, this is apparently satisfactory to the Japanese—in view of the over-all Japanese goal.

Prices for Japanese textiles in the United States market are generally lower than prices for comparable textiles sold and consumed by their own people in Japan. In view of recent rulings by the United States Tariff Commission concerning the dumping of Japanese television sets and radios in the American market, it seems that we in textiles are not alone.

The practices described above are the result of a unique system of cooperation and inter-relatedness that exists among the Japanese Government and their industries, their trading companies and their financial institutions. They are all working together in reasonable harmony with understanding and with great effectiveness toward one common goal—i.e., to make "Japan, Inc.," the number one economic power in the world.

The workers in the textile industry in Japan share this ambition. They are intelligent, skilled, diligent, loyal and industrious. They are generally working hard to achieve the same goal that their company managements and their Government are trying to achieve. They all want Japan to be the world's strongest economic power. (In the United States is management and labor generally working together as a team and with such dedication toward any one goal as are the Japanese?)

Anyone who has tried to compete with this truly remarkable system understands that nothing like this exists in the United States, and probably never will. As a final example, the Japanese system encourages monopolies among large industrial and other business organizations in Japan. United States antitrust laws prohibit monopolies. And yet we are expected to be able to compete against foreign monopolies. Where is the logic in that?

As one who has personally been in direct competition with the Japanese in a major way for 12 years, I can say that they are extraordinarily able businessmen. With this in mind I state my personal point of view, which is:

The United States industrial community as a whole is fast losing its position as front runner in the international trade race in spite of the fact that we were almost at the finish line and were practically the only ones in the race 25 years ago.

American industries' investments abroad —no matter how successful financially—do not contribute importantly to the high level of employment we must maintain within the United States if we are to absorb the bulk of our own output from farm and industry.

Only a major change in United States trade policy will enable American industry as a whole to stay ahead in this contest—a contest that really is a race for economic survival and is therefore vital to every American's personal and national well-being.

The Japanese have already taken large segments of the United States market—not only for textiles and apparel, but for shipbuilding, specialty and other steels, cameras, television sets, radios, calculators, electronic devices of many types, and other products generally classified as "high technology."

These high technology areas are the very ones in which American ingenuity allowed us to prosper and dominate until recent years. I forecast that the Japanese will fully capitalize on the advantages in their system as they move to capture major portions of the United States markets for automobiles, aircraft and other equally high technology products.

Fortunately, Congress appears to be far ahead of some of our other branches of government and ahead of many leading American businessmen in recognizing the need for change. Hardly anyone thinks there is a realistic chance that the United States will adopt the Japanese system I have attemped to describe. That's why we in the textile industry feel that the Trade Bill recently introduced in Congress by the Ways and Means Committee chairman, Wilbur Mills, does provide for the needed changes in our trade policy.

That bill would allow Japanese textiles and apparel (and like items from all other currenty exporting nations) to continue to enter our market in huge quantities—and to continue to share in any growth in our markets here.

This principle is fair and reasonable to all concerned. But the bill does, by quantitative limitation, prevent imports—from any source—from gaining further excessive domination of United States markets in the future. It will provide a reasonable degree of protection against excessive domination of any United States market by any foreign nation that might have developed a system giving that nation most of the advantages over the United States in the international trade race.

ROASTING MARSHMALLOWS

(Mr. MIKVA asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. MIKVA. Mr. Speaker, I was saddened to read this morning about the political blasts directed by Senator DOLE at Senator MUSKIE and former Attorney General Ramsey Clark. Senator DOLE, who used to be a lawyer and is now chairman of the Republican National Committee, shot his mud over a lot of people in one speech. I am certain that presidential candidates can take care of themselves in the face of cheap shots like Senator DOLE's, but the jury is at least theoretically still out on the Berrigan case. As a lawyer, I would like to believe, Mr. Speaker, that the chairman of the Republican National Committee could respect the fundamental proposition that in a free democratic society, even those indicted by the present administration, are entitled to counsel of their choice and that a lawyer worthy of the title responds to such requests. Senator DOLE's flippant criticism of Ramsey Clark because of his willingness to provide legal counsel to certain defendants in a criminal case shows utter insensitivity to the fundamental tenets of the Constitution and of American democracy. It would be nice if the Republican national chairman could find something else to sharpen his ax on besides our system of justice.

THE 52D ANNIVERSARY OF THE FOUNDING OF THE AMERICAN LEGION

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, one of the Nation's outstanding organizations is celebrating its 52d anniversary on Monday, March 15, 1971. I am speaking of the American Legion, which was founded in Paris, France, at the historic caucus of delegates from the First American Expeditionary Force on March 15, 1919. They dedicated their organization to God and country, and the American Legion has honored this dedication ever since that day.

In its brief history the American Legion has served admirably as the champion of the veterans of our wars, and has served just as admirably the best interests of the Nation as a whole. It pioneered in obtaining deserved rehabilitation assistance for those who suffered physical disabilities in military service. It led the fight for deserved assistance to widows, orphans, and dependents of those who gave their lives in military service. It obtained increased educational and training opportunities for veterans with its sponsorship of the GI bill of rights and the Korean GI bill. And, of course, the American Legion played a prominent role in the creation of the Veterans' Administration in 1930. The American Legion last year spent $10 million alone for its child welfare program, and its youth training program is one of the Nation's largest, including junior baseball, sponsorship of Boy Scout troops, Boys State, and Boys National Government.

These are wonderful examples of the actions taken by the American Legion to meet the challenge of its heritage—a heritage we must all cherish and which we must carry into the future by vigorous and selfless service at the community, State, and national level.

The largest veterans organization in the United States with about 3 million Legionnaires, the American Legion has enjoyed a consistent record of dedication to, and pursuit of, the American ideal. Its continuing goal has been to keep America always American. It is, therefore, fitting to take this opportunity to congratulate the American Legion on its impressive record of achievement, dedication, and integrity.

Mr. Speaker, no greater compliment can be paid, I think, than to state that the American Legion has lived up to the high standards it set for itself 52 years ago. I join with the Legion's many friends all over the world in offering my sincerest congratulations on the anniversary of its founding and on the outstanding record it has established.

THE AMERICAN SST—FACT, NOT FANTASY

(Mr. ADAMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. ADAMS. Mr. Speaker, as this historic debate continues on the American SST, I believe that each Member of Congress and each American citizen should be presented the facts which surround this program. It is for this purpose that I address the House today.

THE ATTACK ON THE SST

As you know, there have been charges that the SST will blot out the sun, melt the polar ice caps, cause skin cancer, and disturb animal life. The hearings have shown these charges to be unwarranted. To the contrary, the development of two prototypes—which is all that we are discussing on the House floor today—will allow the Department of Transportation to conduct the necessary research to determine whether any environmental harm may possibly occur and to develop means of eliminating any such damage. The scientists testifying stated there were no facts to establish any of the charges that have been made but they would continue a full-scale research program on all of the environmental aspects.

Mr. Speaker, some of the hysteria which has surrounded this debate reminds me of a similar outcry which occurred in this great Nation's past. I think Members will find it interesting to note that Martin Van Buren, when Governor of New York, stated in a letter to President Andrew Jackson in 1829:

> As you well know, Mr. President, railroad carriages are pulled at the enormous speed of 15 miles per hour by engines which in addition to endangering life and limb of passengers, roar and snort their way through the countryside, setting fire to the crops, scaring the livestock, and frightening women and children. The Almighty never intended that people should travel at such breakneck speed.

Congress and the administration, labor, and industry, have worked long, hard hours to keep the SST program going, with the congressional delegation from the State of Washington being in the forefront of the struggle. For my part, I have worked with all the interested parties in summoning support for continuation of the program. As the Northwest's representative on the Interstate and Foreign Commerce Committee of the House and as a member of the Subcommittee on Transportation and Aeronautics, I have also introduced legislation to prohibit flight over the United States at supersonic speeds in order to reassure those who are concerned about possible noise pollution. Senator MAGNUSON has introduced this legislation on the Senate side.

THE SST IS NOT A FANTASY

The supersonic transport is neither a fantasy nor a thing of the distant future. It is an aircraft which is here now. Two different supersonic transports have already been built: The TU-144, which is Russia's bid for the world's commercial airline market; and the Anglo-French Concorde, two prototypes of which have already flown at speeds of mach 2. These test flights have built a solid technical basis for production. My information indicates that this summer the major airlines and manufacturers will begin to work out details concerning fares, daily utilization, and design features for passenger appeal. The Russians have already announced flights from Moscow to India and Moscow to points east in Russia for October 1971. Advertisements for the TU-144 are already running in American trade journals.

PRODUCTIVITY

There is no question that the SST will be the most productive aircraft ever built. The most recent information presented by the hearings before the Appropriation Committee this month indicates the U.S. SST will be: first, three times as productive as the Concorde and the jumbo trijet; second, almost twice as productive as the 747; third, four times as productive as the 707; and fourth, 16 times as productive as the DC-6. New productivity levels will provide the basis for the airlines to accommodate the normal travel growth requirements coincident with attractive service, maintain a reasonable financial return in spite of cost escalation, provide the traveling public with reasonable fares, and maintain reasonable worldwide civil air transport fleet sizes. The operation of a single aircraft, which will do more work per unit of cost, will result in a more solid financial base for the airline industry as a whole. It will take fewer planes to meet the air travel demands which will reduce the amount of air congestion, air pollution, and the resulting side effects.

ENVIRONMENTAL PROBLEMS

In response to environmental skepticism about the program, I think it is most significant that the Secretary of Transportation, John A. Volpe, and the Administrator of the Environmental Protection Agency, William D. Ruckelshaus, have both assured Congress that should sonic boom, radiation, water vapor or other dangers be caused by the SST, they will use all means available to stop further development of that aircraft.

We cannot, of course, answer every scientific speculation on what effect large-scale operations by supersonic aircraft will have on the environment in the far-distant future. But we can say that most scientific information to date indicates no reason to halt or delay work on the U.S. SST prototype program. A report of the MIT-sponsored study of critical environmental problems, for example, indicated that the additional carbon dioxide from SST operations will cause no problem, that predicted ozone changes would be insignificant, and that the role of quantities of particulates in altering the heat budget is very small. Because of the foreign-built SST it will be necessary to carefully monitor these factors from now on. The American SST prototype program will allow us to do this.

NOISE PROBLEM

With respect to noise, the SST will be quieter over the community than the typical jet and will, in fact, have a noise level within the limits of the FAA 108 equivalent decibel rule for subsonic jets. The approach noise of the SST will be lower than the present 707 and DC-8 jets. Sonic boom will not be a problem because the proposed Federal air regulation which will be in effect within the next 90 days specifically prohibits flights over the United States at speeds that would create a boom on the ground. Flights over land, I might add, are not considered necessary in order for SST operations to be profitable. And as I mentioned previously, in order to provide maximum assurances that the SST will not cause noise pollution in our environment, I have introduced a bill to prohibit supersonic flight over the United States.

The boom effects that have broken windows or been unpleasant in other aspects have resulted from fighters breaking the sound barrier at low altitudes with a resulting increase in pressure of 40 to 60 pounds per square inch. The SST would not do this. At climb rates it only increases the pressure 4 pounds per square inch and only 2 pounds at cruise rates.

EMPLOYMENT

The effects of the SST program on the employment of Americans is considerable. Presently there are 13,000 people working on the prototype program. During the production phase, the SST program would provide a direct labor force of 50,000 jobs. Through the multiplier factor, the impact more reasonably can be expected to involve 150,000 jobs in the next 15 years. The combined and cumulative income of the direct and supplemental labor force involved in more than 6,000 companies and plants may well exceed $33 billion by 1990. It is essential that we reverse the sharp downtrend in commercial transport aircraft development and manufacturing employment begun in mid-1968.

Without increased employment stability, the Nation's economic decline will not be halted. The health of the aerospace industry is closely tied to the development of new aircraft.

BALANCE OF TRADE

Mr. Speaker, if the United States fails to build an SST, an adverse effect will be felt in our balance of trade. If, for instance, we suffer a trade imbalance from 200 Concordes imported—worth $7 billion—and lose sales abroad by not building an American SST—a $10.1 billion loss—we are on the short end of this trade balance to the tune of $17.1 billion. If a more airline-economical Concorde II appears, this unfavorable trade impact would grow to $22.1 billion. If a productive family of civil aircraft surrounding the SST continues to be developed abroad, this impact will easily grow to $27.1 billion.

U.S. AIRLINES POSITION

The airline industry has given full support to the SST program. It is the industry's feeling that carriers which do not acquire new technologically advanced aircraft at a time in which its competitors have done so, will suffer a loss of passengers and a serious decline in their share of the market. The airlines strongly prefer to operate American-built supersonic planes for several reasons; first, no other country can produce such reliable and economical aircraft as the United States; second, American manufacturers can support the airline industry through spare parts and engineering service better than can European or other manufacturers; and third, investments by the industry would be pumped into the American economy, stimulating employment and economic growth.

The airline industry is convinced that whether or not an American SST is built, there will be supersonic transports operating on the world's air routes and that the Concorde and the TU-144 will be produced and sold to the airlines of the world. If U.S. carriers fail to protect themselves by buying aircraft with performance, safety, efficiency and service comparable to that equipment used by its competitors, those airlines would be relegated to offering second-class service.

It can hardly be doubted that international competition on the air routes of the world is severe. The foreign carriers which the American industry competes with are financially backed, and in most cases owned, by their governments.

STATUS OF THE PROGRAM

Mr. Speaker, this program is now two-thirds complete. We are nearing our goal of providing two flying prototypes which will verify the technical, economic, and environmental viability of the aircraft. We are now 10 years along the road to completion. The U.S. Government has invested more than $860 million out of a total investment to date of over $1 billion. Private industry has presently invested more than $223 million out of its commitment of $403 million. As Secretary Volpe has stated:

> We have gone too far, invested too much, and are too near our goal to let this all go down the drain with no tangible results.

This is a program which is on schedule, within cost and facing no insurmountable technical problems.

The loss to the Federal Treasury if this program is abruptly canceled would be over $1 billion for nothing instead of $1.3 billion invested in two flying prototypes.

CONCLUSION

Mr. Speaker, we are at the crossroads in the history of civil aviation. We can vote to keep pace with the future, to support American technology and know-how, and to sustain the faith that most of us have in the American ability for progress. Or we can vote the American civil aviation industry into permanent secondary status. I urge my colleagues to lend their overwhelming support for the continuation of the SST program.

ONE-THIRD CUT IN URBAN MASS TRANSPORTATION CONSTRUCTION PROGRAM

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, on Tuesday, my colleague, the gentleman from New York (Mr. HALPERN) and I visited with Secretary of Transportation John A. Volpe, to discuss the study presently being conducted by the Department on the feasibility of providing Federal assistance to help defray the operating costs of mass transit companies in urban areas. This study was mandated by the Urban Mass Transportation Assistance Act of 1970. The Secretary told us that he expects to have preliminary data on this subject in June with the report ready by October, as requested by the Congress.

During the course of the meeting we asked Secretary Volpe about the reports that came from the Senate last week that the President is cutting back Federal commitments for mass transit capital programs in fiscal year 1971 by $200 million from the $600 million authorized by Congress to $400 million. Secretary Volpe confirmed that this is true. While stating that this was part of the President's efforts to hold down Federal spending, he tried to suggest that the President's action really did not make much difference to mass transit interests because the Urban Mass Transportation Administration would not have more than $400 million worth of applications ready for commitment this year.

The Secretary's confirmation of a one-third cut in the Nation's mass transit program this year distressed me greatly, while his suggestion that no more than $400 million worth of commitments could be made any way puzzled me as I recalled that last year UMTA Administrator Carlos Villarreal had come before the House Appropriations Committee and testified that his Administration, as of April 1970, had applications pending which totaled more than $1 billion. Furthermore, Administrator Villarreal told the Senate Appropriations Committee that his office was in a position to obligate approximately $850 million for capital construction programs in fiscal year 1971.

Today I learned that UMTA now has applications pending which total $2.7 billion—and of course this makes it all the more difficult to understand how the Administration should not be in a position to make commitments in excess of $400 million. Some of the major applications now pending include:

First, $1.2 billion for the New York metropolitan area—this is the total of a number of grant applications;

Second, $544 million for Chicago;

Third, $373 million for Boston;

Fourth, $150 million for Philadelphia;

Fifth, $105 million for the Delaware Port Authority;

Sixth, $99 million for San Francisco;

Seventh, $58 million for New Jersey; and

Eighth, $13 million for Los Angeles.

It is true that some of these applications have been submitted in the last 6 months, but some, such as Chicago's, have been pending since mid-1969. And, it is important to note, that even in the cases of recently submitted applications, the projects have been planned for years and in most cases are long overdue in realization. Many cities are ready to go ahead with construction, but are being held back because of the lack of Government funds.

The Nation's mass transportation budget is small enough without further cutbacks by the President. Estimates prepared for UMTA place the mass transportation capital requirements for this decade at between $28 and $34 billion. For too long the Federal Government has ignored the needs of public transportation and as a result most all mass transit systems have been undermined by a vicious cycle of declining transit patronage and declining profits. During the past two decades this has resulted in a two-thirds reduction in transit patronage, and it has meant that most transit systems today are relying on equipment that is 30 years old.

The Federal Government has poured tremendous sums into highway construction—over $50 billion—but barely a billion dollars into mass transit construction.

We are far behind in meeting the transit needs of our cities, large and small. It is urgent that we get on with the construction and modernization programs that will deliver efficient and safe transportation for the men and women who need to get to work and back home again in a reasonable amount of time. We should be redoubling our efforts in this field, not reducing them. I hope that the President will reconsider his position on this matter and permit his loyal and good Secretary of Transportation to press UMTA to move on and make commitments to the full $600 million authorized by Congress.

BEGINNING OF PRESIDENTIAL CAMPAIGNS

(Mr. JACOBS asked and was given permission to address the House for 1 minute to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, now that a certain national party chairman has told us where the Honorable EDMUND S. MUSKIE began his presidential campaign, I wonder if that chairman would care to say where President Nixon began his presidential campaign in 1960.

"TODAY" LASTS 10,000 HOURS

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. VAN DEERLIN. Mr. Speaker, while shaving and dressing this morning, I was giving indirect attention to NBC's "Today" program on television. If a recent survey is reasonably reliable, as many as 280 of my Housse colleagues may also have been watching—for the survey showed that 65 percent of us see at least a part of it each day.

My point in mentioning the "Today" show is that it marked a major milestone this morning, by logging its 10,000th hour on the air. This is network television's longest running weekday program—and its most influential one, according to a Wall Street Journal article earlier in the week.

At 2 hours a day, I wondered how long it would take to reach that 10,000th hour. The answer is 19 years. We Congressmen and other decisionmaking personnel in Government constitute only a sliver of "Today's" audience of 7 million.

Almost daily, this early morning program offers a timely interview from Washington. In this and other ways, it has come to serve as a catalyst in history. Not infrequently, statements made by guests of "Today" have caused a chain of events that has improved the condition of American life.

A report by the noted conservationist, Roger Caras, spurred the Maine Legislature into outlawing the cruel practice, followed by some hunters, of caging bears before shooting them down. In addition, "Today's" own "reporter at large," Paul Cunningham, has been a mover and shaker in his own right, with notable series on mental retardation, mine safety and the threat once posed by airport developers to the Florida Everglades.

The program, by its impartial and thorough coverage of developments in the United States and abroad, has crystallized opinion on many important issues. "Today" has become well known for its exclusive interviews with government leaders and others prominent in our national life. Its lengthy and growing list of "firsts" has included such television coups as the first live color television picture from inside Buckingham Palace which was transmitted by satellite during President Nixon's visit with the British royal family.

"Today" has examined in depth many controversial and complex problems, among them birth control, abortions, pollution. It devoted a full week's study—five 2-hour programs—to man and his environment. The ideas and opinions presented on "Today" have ranged over the entire political and social spectra. Through its flexible format, "Today" is able to cover a wide variety of subjects—national and foreign news, weather, science, education, fine arts, music, literature, theater, fashions, sports, and travel. No other program on television has presented so many aspects of our world in such an illuminating and entertaining way.

For these reasons, I believe, we should honor the "Today" show as an example of the very finest in television programing, a program which clearly deserves the high critical and audience acclaim it continually receives.

NATIONAL WILD AND SCENIC RIVERS SYSTEM

(Mr. CEDERBERG asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CEDERBERG. Mr. Speaker, I am today introducing legislation to help preserve sections of the Au Sable and Manistee Rivers in the State of Michigan. This legislation designates these rivers as potential additions to the National Wild and Scenic Rivers System. Under this act certain of the Nation's rivers are selected for preservation in their free-flowing condition so as to protect the water quality of such rivers and to fulfill vital national conservation purposes.

These rivers and their tributaries possess outstanding scenic and recreational values which must be protected for the benefit and enjoyment of present and future generations.

Those of us who have had an opportunity to travel or live in northern Michigan know not only of the beauty of these streams but also the value these wild rivers give the area. I believe the deep feeling we have for these rivers can best be explained or described by Henry Stephen, a pioneer whose memories were recalled in "The Old Au Sable" by Hazen Miller:

> I have no great desire to catch a lot of trout now, being satisfied if I get a few to eat and being out fishing, enjoying wildlife and the peacefulness of it all. When the time comes for me . . . I would like to have a resting place on the bank of the beautiful beloved Au Sable.

It would be a disaster to see these streams destroyed by commercial pollutants. This, however, may be the case. The forested land along the rivers will be cleared and in its place will appear concrete structures. Leases have already been let and large parcels have been sold off for private development. If this continues these streams will lose their natural attractiveness and scenic beauty for which they are known. Action to protect this area is absolutely essential.

The State of Michigan has responded to the call for action. Last fall Michigan enacted its own wild rivers protection law, carefully written to coordinate well with the features of the national law. The bill I introduce today does not conflict with State plans. The study it orders will be a cooperative one, involving State, local, and citizen interests as well as the Bureau of Outdoor Recreation and the U.S. Forest Service, which administers large national forests near these two rivers. The bill I am introducing has the support of Michigan's Department of Natural Resources.

We in this Chamber have the authority, the methods by which, and the standards according to which, additional components may be added to this National Rivers System. I firmly believe that the Manistee and Au Sable Rivers should be included and as a result preserved for the enjoyment of generations.

REINSTATEMENT OF 7-PERCENT INVESTMENT TAX CREDIT

(Mr. CHAMBERLAIN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. CHAMBERLAIN. Mr. Speaker, I was encouraged to note in this morning's newsstories that Chairman Arthur Burns of the Federal Reserve Board has urged the reinstatement of the 7-percent investment tax credit which was repealed by the Tax Reform Act of 1969. I share his view that more must be done to spur economic activity throughout the country.

Along these lines, I further feel that we should also be making additional affirmative efforts to help the small business community of our country. For the small businessman, dollars to finance expansion must either come from after-tax profits, which have been squeezed, or from borrowing, which has been either too expensive or not available at all. In an effort to help meet this problem, I want to remind my colleagues that earlier this year I introduced legislation calling for a so-called plowback allowance which would permit a business to deduct 20 percent of its taxable earnings, up to $40,000, when such funds are reinvested in the business. I am gratified that to date, some 34 Members have joined in sponsoring this bill, H.R. 3489.

Small businesses are the backbone of our economy. There is not a city or town across the country that is not vitally affected by their prosperity or decline. I am satisfied that they need this investment capability in order to help do their part to bring about the administration's goal of full employment, and I again urge that all of the legislative suggestions introduced to help stimulate our economy have the careful scrutiny of this Congress.

INCREASED SUPPORT PRICE ON MILK

(Mr. THOMSON of Wisconsin asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. THOMSON of Wisconsin. Mr. Speaker, today I reaffirm the sentiments I expressed to Secretary Hardin as early as February 1, when I urged him to increase the support price on milk to 90 percent of parity—the highest permitted by law.

I emphasize it is reasonable and fully warranted to raise parity to 90 percent. The consumer price index stood at 135 for the first 9 months of 1970, using 1957–59 as base years. Yet, the price index of fluid milk sold in the grocery store was 126.6. Not only did the price of milk rise far less than did the average increase of all goods and services, but it was also substantially below that of foods in general.

Even though milk prices have remained low in comparison to other goods, the dairyman's expenses have not. Farm wage rates in 1970 were nearly 7 percent above 1969; farm machinery and equipment costs were 6 percent higher last year than the one preceding; State and local taxes on farm real estate were up 11 percent in 1969 over 1968; in 1970, interest cost on real estate debt rose 7 percent, while interest cost on nonreal estate debt rose 18 percent; and the milk feed price ratio in January 1971 reached its lowest level since January 1968.

The situation would be different if the dairyman were in a better position than his urban counterpart. According to the latest available statistics, however, the average farmer has only 77 percent of the disposable income of nonfarmers. In addition, this fact does not take into consideration the farmer's longer working hours and greater investment.

Mr. Speaker, dairymen have lower incomes, lower prices for their products, and equally as great, if not a greater rise in expenses than the average American. While dairy farmers remember and appreciate Secretary Hardin's action last year when he increased parity to 85 percent, they are justified in hoping he will increase parity to 90 percent in 1971.

MR. ARENDS' SPEECH ON NATIONAL SECURITY

(Mr. TALCOTT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, on Tuesday evening, the gentleman from Illinois (Mr. ARENDS) was awarded the most coveted honor bestowed by the Veterans of Foreign Wars, the Congressional Award.

Mr. ARENDS is highly deserving.

The VFW should be highly commended for their choice.

Every American can be proud of the record of Mr. ARENDS. Every American and every citizen of the free world should be grateful for his selfless, sustained service to our Nation, to the concept of freedom and to the Congress.

Commander in Chief H. R. Rainwater, of my home State of California, one of the greatest commanders in chief in the long and distinguished history of the Veterans of Foreign Wars, made the following introduction of Mr. ARENDS in the presentation of the Congressional Award:

Tonight we are gathered in our nation's capital to pay homage to one of America's most respected leaders. We honor a man who has unselfishly dedicated his life to our country from the moment he was first elected to Congress during the dark days of the Great Depression nearly two score years ago.

We honor a man whose personal integrity has always been above reproach—a man who has been ever willing to listen to the plea for help and to lend a helping hand—a man who sincerely believes that being a member of Congress is being able to do things for his fellow man.

We honor a man who has been a confidant of America's great Presidents from Franklin D. Roosevelt to Richard Nixon. A man whose counsel has always been relied on for its depth of wisdom based on fact and logic—a man who is considered to be one of the most popular and well-liked members of Congress.

The gentleman we honor tonight, Les Arends, from the great state of Illinois—"the land of Abe Lincoln"—is a great American in the finest sense of that phrase. He believes in service to the nation, in our country's veterans—each and every one—and in a strong America. These are just some of the multitude of reasons that Congressman Arends is considered one of the most able and persuasive leaders of our time.

As Republican Party Whip, Les Arends is charged with making sure his party has all its votes on the floor when necessary. He was first picked by his colleagues for the honor of "Whip" in 1943, and has served in that position longer than anyone in history, on either the Democratic or Republican side of the aisle.

In this crucial position he plays a key role in the determination of party policy and strategy on various measures coming before the House of Representatives.

Friendship for the man we honor is not confined to one side of the political aisle, however, for he has just as many warm boosters on the Democratic side.

Today, only three men in the entire House of Representatives outrank him in years of service. Congressman Arends is the ranking Republican member of the important House Ethics Committee and the member with the most service on the House Armed Services Committee. As a Navy veteran, he is a stanch supporter of the men and women in our armed forces. And he realizes full well that our nation must remain strong if we are to remain a free people.

It has been said of Les Arends that he is as much a part of the House of Representatives as the statue of Freedom atop the Capitol dome. Tonight, with friendship, humility and heartfelt appreciation from all of us, it is my privilege to present the Veterans of Foreign Wars Congressional Award to Congressman Leslie Arends for his outstanding service to our Nation.

Every American should read the acceptance speech of Mr. ARENDS. He has served longer than any other person on the Committee on Armed Services. He is more knowledgeable than any Member, perhaps any person, in matters of the security of our Nation.

The full text of the speech of the Honorable LESLIE C. ARENDS of Illinois follows:

It is a real privilege for me to be here with you this evening.

First of all, I should like to offer my personal congratulations, not only to the winners, but to all the fine young men and women who participated in the V.F.W. National Essay Contest. I hope you will pardon my boast when I take the liberty to point out that the essay winner of the State of Illinois, Miss Bailey, is a young lady from my Congressional District.

I am proud, very proud, to have been selected by your great and splendid organization to be the recipient of this coveted Congressional Award.

When I consider the contribution which you Veterans of Foreign Wars have made to the preservation and promulgation of our American ideals, and when I reflect on the outstanding contribution made by those who have previously received this recognition, I feel very humble, very humble indeed. I would that I could be as worthy.

In my many years of service in the Congress no honor has come to me that is more meaningful than the honor you bestow this evening.

When I first came to Congress I was assigned to the House Military Affairs Committee and, of course, have served on the Armed Services Committee since it was first established in 1948, with the unification of the Military Affairs and Naval Affairs Committee. I have the distinction, if indeed it is a distinction, considering that I am not the Chairman, to have served longer on the Armed Services Committee than any member of it.

When I learned that I was to be the recipient of this award, I called our Committee Chairman, the Honorable F. Edward Hébert, of Louisiana, to tell him the good news. Perhaps, I was subtly reminding him of my seniority. Perhaps I wanted to impress him with the fact that although in the minority we Republicans do, upon occasion, receive some recognition.

He congratulated me and said, "Now, Les, in accepting an award as important as this from an organization as important as the Veterans of Foreign Wars, you cannot make the standard politician's bullfight speech." For those of you who are not familiar with it, that is a speech which, like a bullfight, lasts approximately one-half hour and contains only a moment of truth.

I told him my remarks this evening would be substantially less than a half hour, that what I had to say would be the truth, and that I did not intend to make even a nonpartisan Republican speech.

As a member of the Armed Services Committee, I have always been proud of the non-partisan manner in which our Committee has dealt with all matters pertaining to our national defense. When our Committee held its first organization meeting in this new Congress, Congressman Hébert—who succeeded the late Mendel Rivers as Chairman—emphasized in his opening statement that this was one policy he wanted to see continued. I am sure it will be.

As a member of my political party's leadership in the House of Representatives, I have always been proud of the non-partisanship with which the House, as a whole, has approached national security problems.

We used to have a fine old tradition in this country known as a bipartisan foreign policy. You may recall that as Chairman of the Senate Foreign Relations Committee in the 80th Congress, the late Senator Arthur Vandenburg of Michigan, furnished the leadership for a bipartisan foreign policy during the Truman Administration. And this was during the period of the none too popular Korean "police action" as it was then characterized.

It is quite true that we who serve in the Congress, particularly in the United States Senate, have a responsibility in connection with the conduct of foreign relations and in the prosecution of a war. But under our Constitution the President of the United States has *primary* responsibility for the conduct of our foreign relations, and he is Commander-in-chief of all our armed forces. It is imperative that we give him our maximum possible support, and particularly during a period of international stresses and strains and conflict.

That does not mean we should "rubber stamp" whatever our President or any President proposes or undertakes. Bipartisanship does not mean that our voices of disagreement be silent. But let them be voices of restraint, not voices of opposition for opposition's sake.

At no time should partisan considerations enter into our decisions with respect to foreign policy or with respect to our national defense posture. One implements and supplements the other. Both pertain to our national security and to the preservation of freedom and to the maintenance of peace.

While our Constitution vests in the President primary responsibility for the formulation of foreign policy and designates him Commander-in-Chief of our armed forces, the Constitution vests in the Congress the primary responsibility for determining the size and the nature of our armed forces. It goes without saying that our national security—our safety as a free people—requires that there be maximum cooperation between the Congress and the President, whoever is our President and whatever the political complexion of the Congress.

In his recent "State of the World Report" President Nixon said: "It is essential that the United States maintain a military force sufficient to protect our interests and meet our commitments. Were we to do less, there would be no chance of creating a stable world structure."

The measure of sufficiency is not the number of dollars we annually spend on our defense establishment. The size and nature of our national defense is necessarily dictated by the nature of the world in which we live, by the threat and the potential threat we face. Our objective is to deter war, not to make war. We do not seek to impose our will on any people anywhere.

Had the conquest of territory and the subjugation of people been our objective we could readily have achieved it at the end of World War II, when we had in being the mightiest military and naval force in all the world and we were the sole possessors of the atom bomb.

Instead, we initiated the Marshall Plan to assist countries left prostrate from the ravages of war. This in itself belies the oft-repeated propaganda charge of United States imperialism.

The size and nature of our national defense is also dictated by our treaty commitments and by what our allies contribute to our mutual security. In my judgment we have been over-committed. Our interests should shape our commitments, not the other way around. We cannot police the world, and we do not seek to maintain a huge defense establishment for any such purpose.

There is no question but that our national defense budget for the current fiscal year is a very substantial sum—$71.8 billion—$76 billion if we include military assistance. Without question military spending places a heavy tax burden on all of our citizens. But I am confident the vast majority of the American taxpayers are willing to bear this burden as long as it is necessary for our country's security and provided we get a dollar's worth of defense for each dollar expended.

In the Congress, and particularly in the Senate, which incidentally is 750 feet and often one million light-years from the House of Representatives, voices are raised almost daily calling for more and more reductions in our defense budget. Over and over again we hear the quotation from President Eisenhower's Farewell Address when he said we must guard against any unwarranted influence by a military-industrial complex.

They seek to leave the impression that a great amount of this defense spending is due to the insidious influence of the military-industrial complex, whatever that is. They ignore that in the same address Eisenhower warned against other pressure groups. They conveniently ignore that in the same Farewell speech the late President Eisenhower said: "A vital element in keeping the peace is our Military Establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction".

Those who trumpet so loudly about the size of our defense budget, using the myth of a military-industrial complex as a scapegoat, invariably call for a reordering of our priorities that there may be an increase in spending on social programs. There is no denying that there is an increased need for some of our social problems—in the area of education, housing, health, environment and all such. I have and shall continue to support the President's programs to meet these human needs. But it does not follow that the way to meet these needs is to proceed to disarm unilaterally.

Insofar as the argument with respect to budget priorities is concerned, what program is entitled to a higher priority than our national security? In my judgment this hue and cry about reordering priorities is nothing more than a smoke screen to justify increased spending on programs that are thought to be politically popular.

There has already been a reordering of priorities. For fiscal years 1969, 1970 and 1971 there has been an average annual decrease of around $2 billion in military spending. And during this same period spending on nonmilitary programs—Federal, state and local—there has been an average annual increase of $23 billion.

For the first time in 20 years, the Federal Government will have spent in this fiscal year more to meet human needs than spent on our national defense. In our 1972 budget defense spending will amount to 34 percent of the total spending, and the outlays for human resources programs will amount to 42 percent of total spending in the next fiscal year.

In the 1972 budget it is proposed that we spend $76 billion for our military and military assistance programs. That is a tremendous sum. Understandably, the average citizen registers "shock" when he hears the figure—$76 billion. That is why our social planners persist in emphasizing the dollar amount.

But what the average citizen does not know is that it is less than outlayed for social programs, that it is less on a percentage basis than in any year since 1950, and that is less than we actually should spend if we are to continue to have a national defense second to none.

Bear in mind that not only has there been a decrease in the number of dollars spent for defense, there has been a decrease in what these dollars will buy. Like everything else, a ship, an airplane, a tank and every one of our costly weapons systems costs more today than they did two or three years ago.

And, as is always true in an inflationary period, personnel costs have greatly increased. The average citizen does not realize that over one-half of our total defense budget represents personnel costs.

And these costs will become substantially higher if we proceed, as proposed, to phase out the draft and establish an all-volunteer force. Right now this is being considered by our Armed Services Committee.

I am not an alarmist. And I do not think there is any reason to be alarmed as to our present security. But I must frankly say that I am concerned, deeply concerned, as we look to the future.

While Soviet Russia continues to increase its defense spending, we have been in the process of substantially reducing ours. While Russia continues to build up her Navy, we have been allowing ours to stagnate. That Soviet Russia has had a number of naval ships in the Mediterranean, in the Indian Ocean, and in the Caribbean is not without significance. Their navy is impressive, not only in numbers but in quality.

Most ominous, as we look to the future, is the Soviet drive for technological superiority. It is estimated that they are spending 40 to 50 percent more on military research and development than we are—a difference of around $3 billion a year.

In nuclear power the Soviets are not only developing large warheads, much larger than any in our arsenal, but have been increasing the number and accuracy of their intercontinental missile delivery system at an awesome rate. They have built up their strategic forces to the point where they have achieved nuclear parity and have continued costly missile development in a determination to achieve superiority.

We simply cannot let Soviet Russia control the seas. We simply cannot let the Russians move into a position of strategic superiortiy. Our strategic offense forces are not only the principal deterrent to global war, they are the principal deterrent to the kind of nuclear blackmail that a superior Soviet Russia could carry out—nuclear blackmail which would endanger freedom in our own country and destroy it in other parts of the world.

The security situation that confronts us today is decidedly different from what faced us before World War I and World War II. We will no longer have the time, as we did then, to delay an adversary long enough to produce the weapons and to train the men. All our defense planning must look not only to the realities of the present but to the grave potentials of the future.

You who have defended our country in foreign wars, as individuals and as an organization, have always recognized that the realities of national defense require some thing more than the summer soldier and the sunshine patriot. It requires men of all seasons. And we now seem to be in the winter of discontent insofar as our national defense is concerned.

Our objective is not to make war but to deter it. Our objective is to keep the peace. To achieve this objective we must at all times have a national defense second to none—a defense that is well-balanced—one that is sufficiently strong and sufficiently flexible to meet any threat to our security, whenever and wherever it may arise.

I urge you who have fought in past wars, to fight for a level of preparedness that will prevent wars. I urge you to heed the admonition of your comrades who lie in Flanders fields around the globe: "To you from failing hands we throw the torch; Be it yours to hold it high."

The safety of our country, and our cherished right to be free, is at stake. What we do today will determine our tomorrow.

HELP FOR SENIOR CITIZENS

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. BUCHANAN. Mr. Speaker, today I am introducing legislation which would free older workers from the burden of paying social security payroll taxes. This bill would provide a full exemption—

through a credit or refund—from the social security employees' tax for individuals 65 years of age and over. An equivalent exemption would be provided for senior citizens who are self-employed.

I firmly believe the enactment of such legislation to be greatly needed in order to correct a grave inequity in our Nation's social security program toward those individuals who continue to work—either full or part time—after they reach retirement age. For too long now, our social security laws have hit these senior citizens from two directions. The retirement test reduces their social security benefits according to their earnings at the very time they are required to contribute to the social security system from these same earnings. This is a particularly tragic situation for those many persons continuing to work past age 65 and paying into the social security system who are prevented from drawing any social security benefits because of the retirement test.

Under the bill which I am introducing today, individuals who continue to work past age 65 would still have the social security tax withheld from their wages by their employer, but they would be entitled to obtain a credit for this amount from their income taxes. Those who do not owe any income tax would be entitled to claim a refund. The employer's share of the social security tax would continue to be paid on their behalf, however, and their post-65 wages in covered employment would continue to be credited for benefit computation purposes. This latter provision would be of particular benefit to those individuals whose benefits may be increased by including earnings in years after they attain age 65.

In addition to the obvious return which we owe to those who have contributed for so long to the social security system, it seems to me that the inflation which bears particularly hard on our Nation's elderly citizens living on limited and often fixed incomes and which has resulted in such great degree from irresponsible government spending imposes an equal moral obligation on us to remove these inequities.

I am greatly encouraged by the fact that the ranking minority member of the House Ways and Means Committee, the Honorable JOHN BYRNES, and others have already introduced identical measures. It is certainly my profound hope that this committee, currently in executive session on social security amendments, will take some action toward correcting this inequity.

HIRSHHORN ART SURVEY: STRIKING AND SURPRISING

(Mr. REES asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. REES. Mr. Speaker, as one long interested in the collection of contemporary art gathered by Joseph H. Hirshhorn, I was happy to note that the Committee on House Administration report on the activities of the Smithsonian had this to say:

> The Subcommittee recognizes the generosity of Mr. Hirshhorn and the enormous value of his gift, and acknowledges that his gift would greatly enhance the Nation's collection of art.

The only specific recommendation the subcommittee made was that the sculpture garden contained in the original plan not be built on the Mall. I note that my distinguished colleague, the gentleman from New Jersey (Mr. THOMPSON), has introduced legislation to give this recommendation the force of law so that this matter will receive further study and discussion. But there was no doubt in the subsommittee's mind on the central issue of the immense value to the Nation of this collection.

I am intimately familiar with this collection. When I was a member of the California State Legislature I worked very hard to obtain it for Los Angeles. In this instance, Los Angeles' loss is Washington's gain, and I am happy that by the end of 1972 this great collection will be installed in a free museum open to the millions of Americans who visit Washington each year. I think my colleagues will be interested in an excellent article describing the collection which appeared in the Washington Evening Star on February 23, and I include this article in the RECORD at the conclusion of my remarks. The writer, Ben Forgey, says of the collection:

> Looking at the Joseph H. Hirshhorn collection of paintings and sculpture is the aesthetic equivalent of getting bowled over by a bulldozer.

And

> There is so much, and so much that is absolutely first rate, that you come away almost mesmerized by a brief encounter with the art.

The Nation has every cause to be grateful to Mr. Hirshhorn for his fine act of generosity in giving these works of art to the Nation.

The article follows:

A HIRSHHORN ART SURVEY: STRIKING AND SURPRISING

(By Benjamin Forgey)

NEW YORK.—Looking at the Joseph H. Hirshhorn collection of painting and sculpture is the aesthetic equivalent of getting bowled over by a bulldozer.

You forget all the things you've heard about gaps in the collection, about the collector's buckshot-buying habits, about storerooms jammed with second-rate works by first-rate artists, and worse.

There is so much, and so much that is absolutely first rate, that you come away almost mesmerized by a brief encounter with the art.

To understate a bit, the conditions for looking at the painting and much of the sculpture are not ideal. More than three quarters of the some 8,000 objects in the collection are stored in dark, little bins located on two floors of a warehouse on West 21st St.

In spite of the willing labors of two Hirshhorn assistants, who pull out paintaings you select more or less at random from the crowded bins, it is a terrible way to look at pictures. The lighting is poor, the space abominable and time fairly short.

Nevertheless, you can get a reasonable idea of what is in store for Washington audiences when the Hirshhorn Museum finally opens its doors sometime in the late fall of 1972. If it opens.

The whole project has been under an increasingly vociferous attack in recent months. Hirshhorn, the 72-year-old rags-to-riches immigrant who grew up in Brooklyn, who made his money mainly on stock speculation and who spent it mainly on art, has been personally vilified as unworthy of being "memoralized" on the Mall.

And several congressmen, irritated with the way the Johnson administration (which initiated the agreement with Hirshhorn) hurried the deal through an apparently unwary legislature four years ago, and belatedly bothered by the placement of the sunken sculpture garden across the grassy center strip of the Mall, are backing a bill to forbid construction of the sculpture garden.

The bill was introduced last month by Rep. Frank Thompson, D-N.J., who is chairman of a House subcommittee that last summer investigated operations of the Smithsonian Institution.

So it seemed a propitious time to visit the warehouse on 21st Street and ride the Penn Central to Hirshhorn's home in Greenwich, Conn., where many of the proudest pieces in the sculpture collection are laid out on the planed top and gentle slopes of a grass- and tree-covered hill.

CHECK OUT REPORTS

My principal interests in making the inspection were two. First, I wanted to see what Washington would lose, if indeed it were to come to that. And second, I wanted to check out reports that the painting collection is eccentric and full of art historical holes, therefore unworthy of its monumental home-to-be on the Mall.

The conclusion I reached on the second question after careful perusal of the long lists of paintings in the collection and after an intensive afternoon of viewing at the warehouse, is that those reports are eccentric and misinformed.

That conclusion is subject to the following reservation: It will take years before scholars and art lovers in general truly can take the measure of the Hirshhorn painting collection. No person, excepting the collector himself and his curator, Abram Lerner, has seen all the paintings in the collection, and the immense job of photographing and cataloguing the works has only just begun.

Be that as it may, roughly 75 percent of the roughly 500 paintings that I saw set off some kind of important personal reaction. They were either great paintings by recognized painters that I already had seen in magazine or catalogue reproduction; really good paintings that I had not seen before, but painted by important artists (this category is by far the largest one); and good paintings by artists previously unknown to me.

There are only a few additional categories: minor works by great artists, worthy of inclusion in any study collection because of the artist's acknowledged accomplishments; minor works by minor artists, still possessing their own charm and occasionally offering pleasant surprises in the form of qualities you did not expect; and uninteresting works by painters whose names I did not know or whose reputations appear to have no real foundation. Among the Hirshhorn paintings that I saw, this last category was decidedly the smallest.

The difficulty really arises when you try to organize your impressions of all this aesthetic wealth into some kind of communicable order, a job made even more complicated by the fact that the paintings are stuffed into the bins in a way that mixes up painters, styles and art-historical periods all over the place.

There were, of course, an odd dozen or so personal highlights, paintings so striking that you carry them around in your head for hours, like breathtaking after-images. The pinnacle of my inspection came when I reached the recently acquired painting by Piet Mondrian, the 20th century Dutch master. It is a classic Mondrian of the Thirties, a resolutely simplified abstraction of black lines, a blue rectangle, and a yellow rectangle, all on a white ground, a painting that makes you realize what a superb painter Mondrian was, and how high he towers above many hard-edge abstractionists who followed him. It will be, incidentally, the first Mondrian in any Washington art museum.

But zipping back and forth between personal favorites hardly recommends itself as an ordering principle to a viewer who can only hope to sketch the riches of the Hirshhorn paintings. The painting collection as a whole forms an extraordinarily broad and deep survey of American art from the late 19th century to about 1965 (Lerner estimates the collection to be about 75 or 80 percent American).

Hirshhorn continues to buy present-day artists, but I omit the most present-day of these in this sketch because judgment in this area tends to be much less secure. In every case where I mention an artist by name, I saw at least one good example of the work.

To start with one of the acknowledged caches of the collection—its 51 oil paintings by Thomas Eakins, the pace-setting "scientific" realist of the 19th century. This is the most important group of Eakins paintings outside of Philadelphia, and from it I saw two delightful oil sketches and one excellent portrait.

Eakins is the only strictly 19th century painter held in depth, but the scattering of other artists represented tends to fill out the picture: 9 Bierstadt oils, of which I saw one, a typically meticulous western panorama; 4 oils by the genre painter Eastman Johnson, including an important self portrait; 6 Homer paintings, including one important oil and two good watercolors, and 12 paintings by Childe Hassam, who was the leader of a group of American Impressionists out at Old Lyme, Conn.

BEGAN IN 1908

In some ways modern American painting can be said to have begun in 1908 with the first exhibition of a mixed group of painters thereafter known as The Eight, several of whom can be legitmately placed in the "Ash Can School." The Hirshhorn collection contains an in-depth selection of paintings by members of The Eight, including 12 oils by Robert Henri, the oldest painter of the bunch and its acknowledged stylistic and theoretical master. Henri, however, was not the best painter of the group: perhaps John Sloan was. The Hirshhorn collection possesses 9 oil paintings by Sloan, including an excellent version of the famous "McSorley's Bar."

Most authorities agree, however, that modern American painting proper began with a loosely-knit "group" of artists who went to Europe in the first decade of this century and were influenced by the European painters who were revolutionizing the art at the time.

The Hirshhorn collection has a selection of paintings by almost every name you can think of in this group. It has, for example, 19 oils by Marsden Hartley, starting with an excellent Berlin abstraction of 1914–15, and ending with a painting completed in 1943, the year Hartley died. Another example: it owns 7 paintings by Arthur B. Dove—none of the important early abstractions, but a good selection from 1920 to 1940.

The collection does not have a particularly good representation of the American regionalists of the Thirties, but I did see one good, typical example of Thomas Hart Benton's work. The collection is well endowed with American paintings of the thirties, however, particularly those of social realist painters whose art and ideas dominated the scene during the decade of the depression. It has, for example, 18 paintings by William Gropper, 14 by Jack Levine (including the famous "Reception in Miami"), and a whopping 60 paintings by Philip Evergood.

Around 1940, with the influx of European artists into New York, the European modernist mainstream and the American grain began to mingle in such a way as to produce that fecund child, Postwar American Painting. Things, as we all know, haven't been the same since as the United States arrived as the dominant art and political power at about the same time.

The Hirshhorn collection has paintings from these years in plentiful numbers. It has 30 paintings by Arshile Gorky, a key figure in transmitting European expressionism and surrealism into the American idiom. It does not contain a large all-over drip painting by Jackson Pollock, but it does own one of the first, a good one, dated 1943.

FAIR REPRESENTATION

And it contains a fair representation of the "alternative tradition" in abstract expressionism, including nine big paintings by Clyfford Still. Most of these, incidentally, were purchased relatively recently, as Hirshhorn and Lerner continue to buy to fill in where the collection has been relatively weak.

In more recent developments, the collection has a good representation of the works of Robert Rauschenberg and Larry Rivers, two important figures in the reaction to abstract expressionism. In the field generally termed "post painterly abstraction" the collection owns a good selection of works by Frank Stella, Larry Poons and Kenneth Noland, to name three outstanding artists out of many in the collection. It also owns four magnificent (I saw them all) paintings by Morris Louis. Louis and Noland are the only Color Schoolers in the collection, and they appear to be the only "Washington" artists, as well.

The collection is not very deep in Pop Art (and how deep was Pop?), but the look is there, especially in a large panel by James Rosenquist and an outsized triptych by Roy Lichtenstein.

And so it goes. It is, for a personal collection, almost predictable and textbook-like, but it is so big and, paradoxically, so personal, that it is also rich in surprises: 19 paintings by Arthur B. Carles, an important influence on Gorky; 8 oils by Ralston Crawford, a precisionist painter who usually gets ignored behind the more famous Demuth and Sheeler; and more than 300 works by Louis Michel Eilshemius, the dreamy, eccentric New York painter whose work, it has been aptly said, was and is "the grand passion of Hirshhorn's collecting life."

That folks, is only the tip of the iceberg of the painting collection, a ready-made museum of modern American art if there ever was one. I haven't said anything yet about the sculpture, and can think of very little to add to the existing accolades. It is, as practically everybody has said, one of the greatest collections of modern sculpture in the world.

The sculpture collection does for the development of modern sculpture, in general, what the painting collection does in particular for modern American painting. One is reduced to an abbreviated and unordered listing of names, and perhaps, for the moment, that is enough: Daumier, Rodin, Bourdelle, Maillol, Giacometti, Moore, Manzu, Marini, Hepworth, Lipchitz, Calder, Caro, David Smith, Matisse, and—it seems almost vulgar to say this in such company, but here it is—et cetera.

There are some gaps, of course, notably the Futurists and the Constructivists, and there are some surprises. A stunning collection of Benin bronze pieces from Africa, for example, or an even more stunning collection of 2000-year-old stone heads from what is now Saudi Arabia.

The point worth stressing here, it seems, is the lovely setting for many of the bigger pieces, the truly enriching play between nature and art at the Hirshhorn estate in Greenwich. As one viewer ruefully commented, "It'll never look this good again," and that in itself is a comment on architect Gordon Bunshaft's controversial sculpture gar- on the Mall.

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I take this time in order to ask the majority leader if he will kindly advise us as to the legislative program for next week?

Mr. BOGGS. Mr. Speaker, will the distinguished acting minority leader yield?

Mr. ARENDS. I yield to the distinguished gentleman.

Mr. BOGGS. Mr. Speaker and Members of the House, the program for the House for the week beginning March 15 is as follows:

Monday is Consent Calendar day. There are no bills.

Tuesday is Private Calendar day. There are no bills.

Wednesday there will be consideration of House joint resolution—we still have to get a number—providing a continuing appropriation for the Department of Transportation, including the SST. On Wednesday we expect to have general debate. There will be no vote because of St. Patrick's Day when many Members will be missing.

Thursday we will continue the Department of Transportation appropriation bill and the SST, to be followed by consideration of House Joint Resolution 223, the constitutional amendment providing for 18-year-old voting in all elections.

Consideration of these measures is subject to rules being granted.

Any further program will be announced later, Mr. Speaker.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the distinguished minority whip yielding. I should like to ask the distinguished majority leader: Is it planned to have a meeting of the House on both Mondays and Tuesdays even though it is announced there is no business?

Mr. BOGGS. It is planned to have a meeting certainly on Monday. It is conceivable we may not have a meeting on Tuesday.

Mr. HALL. I presume this is necessary in order not to have a concurrent resolution in order to go over. I am not arguing the question of programing or leadership in this early stage when the committees are working, but is there not some way we can make announcements?

Mr. BOGGS. If the gentleman is asking whether we have to be here on Monday, the answer is "No"; and the same applies to Tuesday.

Mr. HALL. I thank the gentleman.

ADJOURNMENT OVER TO MONDAY, MARCH 15, 1971

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

WATER QUALITY CONTROL BILLS

(Mr. HARSHA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HARSHA. Mr. Speaker, control and abatement of pollution has become one of the principal priorities of our times. One of the most urgent and crucial environmental problems is that of the pollution of our Nation's water resources.

In his environmental message to the Congress on February 8, 1971, President Nixon announced his intention to submit new measures to strengthen water quality and pollution control programs. He declared:

> We have the technology now to deal with most forms of water pollution. We must make sure that it is used.

As ranking Republican on the Committee on Public Works, I am today introducing four administration-sponsored bills which contain the substance of the President's water pollution control proposals. Joining with me as cosponsors are minority leader GERALD R. FORD and 84 other Members of this body.

Mr. Speaker, these are forceful and firm measures which will require adjustments on the part of industry and Government to comply. They are necessary, however, if we are to accomplish the task of preserving our water resources. We are at a critical point in the fight against pollution. Many of the laws now on the books are lengthy and cumbersome. Congress must give comprehensive, affirmative consideration to these bills. Failure on the part of Congress to respond to this challenge will result in alternatives that are totally unacceptable.

A section-by-section analysis of each of these important administration measures follows:

I. SECTION-BY-SECTION ANALYSIS OF A BILL TO AMEND SECTION 7 OF THE FEDERAL WATER POLLUTION CONTROL ACT RELATING TO STATE PROGRAM GRANTS

Subsection (a) would amend section 7 to increase authorizations for appropriations for purposes of State and interstate water pollution control programs from the present $10 million to $15 million in FY '72, $20 million in FY '73, $25 million in FY '74, and $30 million in FY '75. Not less than $10 million of those sums would be available for the basic State or interstate programs.

Subsection (b) would provide for allotments to the States of sums for purposes of basic State programs. This corresponds to the present section 7(c).

Subsection (c) would provide for the payment to the States of their allotment for purposes of their basic program. This corresponds to the present section 7(d). Clarification is provided in authorizing the use of such funds by a State through participation in an interstate agency.

Subsection (d) provides for the allotment and payment of sums to interstate agencies for purposes of basic interstate agency water pollution control programs. This corresponds to the present section 7(e).

Subsection (e) provides for the components of a basic State or interstate agency basic water pollution control program. These components correspond to those presently recited in section 7(f) of the Act, except that the criteria whereby States determine the priorities for waste treatment facilities projects must be criteria acceptable to the Administrator. The grant program would be changed from a mandatory to a discretionary authority.

Subsection (f) provides for the termination of grant support in the event the plan is inadequately executed or otherwise fails to meet the requirements of section 7. This subsection corresponds to the present section 7(g). It eliminates the public hearing and judicial review now provided in the event of grant termination, and would substitute therefore a conference with the Administrator.

Subsection (g) provides for the determination of the "Federal share" of the grant. This corresponds with the present subsection (h), (i) and (j).

Subsection (h) provides for grants to States and to interstate agencies to develop an improved water pollution control program consisting of five program components. This grant is in addition to the basic program grant.

Subsection (i) authorizes grant bonuses to States or interstate agencies for the achievement of the following program elements: (1) a mandatory permit system, (2) a sewage treatment facilities program, (3) a program of personnel training, (4) a personnel system, including a merit system for classification and competitive salaries, and (5) a planning capability.

Subsection (j) provides for the payment of bonus grants in the amount of 40% of the basic grant for each "improved program" element achieved. If all five elements are achieved a grant in an amount of 250% of the basic grant may be made.

Subsection (k) would authorize the Administrator to make grants, not in excess of 10% of the funds authorized by section 7, to States and interstate agencies for support of exceptional projects dealing with significant water pollution problems.

Section 2 of the bill would amend section 5 of the Act, relating to research and development, by extending authorizations for appropriations for those authorities through FY '72.

Section 3 of the bill would amend section 6 of the Act, relating to the development of technology in the areas of advanced waste treatment, combined sewers and industrial waste treatment, to provide authority to pursue the development of such technology within the Environmental Protection Agency as well as through grants and contracts.

Section 4 of the bill would amend section 23 of the Act to include American Samoa and the Trust Territory of the Pacific Islands within the definition of "State" for all purposes of the Act. Those areas would be able to participate in all State programs and activities under the Act.

II. SECTION-BY-SECTION ANALYSIS OF A BILL TO AMEND SECTION 8 OF THE FEDERAL WATER POLLUTION CONTROL ACT RELATING TO GRANTS FOR CONSTRUCTION OF TREATMENT WORKS AND DEVELOPMENT OF CAPABILITIES FOR FUTURE WASTE TREATMENT NEEDS

Section 1 of the bill would amend section 8 of the Federal Water Pollution Control Act.

Subsection 8(a) would authorize Federal grants for the construction of treatment works to prevent the discharge of inadequately treated wastes and for other purposes. Paragraph 8(a)(1) would retain the provisions of the present Act authorizing the Administrator to make grants for treatment works and related reports, plans and specifications. No change would be made in the existing definition of "treatment works" in section 23 of the Act and no change would be made in those eligible to receive grants, which would include States, municipalities, intermunicipal agencies and interstate agencies.

Grant limitations would be listed in paragraph 8(a)(2). There would be some modifications and additions to the grant limitations in the present Act. Subparagraph 8(a)(2)(A) would prohibit a grant unless it were approved by the State water pollution control agency and by the Administrator. Subparagraph 8(a)(2)(B) would prohibit a grant unless the grantee agreed to pay all costs not paid for by Federal and State funds.

Subparagraph 8(a)(2)(C) would permit a grant only if the grantee made provision for satisfactory operation and maintenance of the treatment works. Adequate provision would have to be made for an operating and managerial staff of well qualified personnel. A new provision in this subparagraph would require the grantee to have or develop the financial and other capability necessary to satisfy future waste treatment needs.

Subparagraph 8(a)(2)(D) would retain the provisions of the existing Act which prohibit a grant unless the project conforms with a section 7 State plan and is entitled to priority over other eligible projects. In addition, the project would have to be consistent with any planning requirements specified by the Administrator in regulations.

Subparagraph 8(a)(2)(E) would retain the provision of the present Act which specifies that the basic Federal grant share is 30 percent of the cost of the project.

Modifications would be made in the provisions of the present Act relating to the requirements for an increased Federal share and the requirements for matching payments by States. Subparagraph 8(a)(2)(F) would provide that the Federal share shall be increased to a maximum of 40 percent if the State agrees to "grant, loan or otherwise finance" 25 percent of the cost. (The required State share is 30 percent in the present Act). The words "to grant, loan or otherwise finance" would replace the words "to pay" in the present Act to make it clear that the State matching funds need not be an outright grant but may be in the form of a loan. This subparagraph would also provide that the Federal share shall be increased to 40 percent, regardless of whether there are State matching funds, if the grantee has a user charge system as well as other capability respect to projects on which construction for satisfying future waste treatment needs.

Subparagraph 8(a)(2)(G) would change the provisions of the present Act which provide that the Federal share shall be increased to 50 percent if the State agrees to pay 25 percent of the cost and if enforceable water quality standards have been established. The new provision would increase the Federal share to 55 percent if there are enforceable water quality standards and either the State agrees to grant, loan or otherwise finance 25 percent of the cost, or the grantee has a user charge system as well as other capability for satisfying future waste treatment needs.

Subparagraph 8(a) (2) (H) would add a new provision to prohibit grants unless the grantee provides assurance that it comply with regulations to assure the effective and efficient use of funds under the section.

Subparagraph 8(a) (2) (H) would add a new provision designed to make more effective and efficient use of construction grant monies and to avoid certain abusive practices and inequities associated with the treatment of industrial wastes in municipal waste treatment facilities. Grants would be prohibited for projects treating industrial wastes unless the industrial user were required by the grantee to pay back that portion of the project cost attributable to the treatment of industrial wastes. The Federal share of such recovered costs would be used by the grantee to operate and maintain its works and for meeting future waste treatment needs.

Paragraph 8(a) (3) identifies the factors which would be considered by the Administrator in approving a grant under subsection 8(a). Two factors specified in the present Act would be retained, specifically, an assessment of public benefits and the relation of project costs to the public interest. In addition, the Administrator would be required to assess the capability of the grantee to satisfy its own future waste treatment needs.

Paragraph 8(a) (4) would provide a new allocation formula to permit the optimum distribution of funds over the next three fiscal years in closer relationship to the construction needs of the respecting States. Four factors would be employed in distributing construction grant funds among the States. First, 45 percent of the amounts authorized to be obligated in each fiscal year would be allocated on the basis of relative State population; second, up to 20 percent would be allocated to States which agree to grant, loan or otherwise finance at least 25 percent of all project costs during a given fiscal year; third, up to 25 percent would be allocated to States which have approved projects for which grants have not been made or which have been made in a reduced amount because of lack of Federal funds; and fourth, the remainder would be distributed to meet the most serious water pollution control problems as determined by the Administrator. The new allocation formula would give the Administrator a degree of flexibility to direct construction grant funds to areas where funds are most critically needed and where they can be most effectively used. This paragraph would also provide for the reallotment of any sums which are not obligated by a State at the end of a fiscal year because of a lack of certified projects. [The Act now calls for a reallotment after 18 months.] These funds would be reallotted by the Administrator to meet the most serious water pollution control needs in accordance with the fourth factor mentioned above.

Paragraph 8(a) (5) would authorize Federal payments in reimbursement of State or local funds used to pre-finance the Federal share of qualified projects on which construction was initiated after June 30, 1966, but prior to July 1, 1971. Paragraph 8(a) (6) would extend this authorization with respect to projects on which construction is initiated after June 30, 1971, in order to continue to provide some encouragement to localities to initiate projects even though Federal funding is not then available. However, projects commenced after June 30, 1971, would not qualify for reimbursement unless, prior to the initiation of construction, the Administrator makes three findings. He would be required to find (1) that the State in which the project is located has given funding priority in the current fiscal year to projects in more advanced stages construction; (2) that the project is necessary to achieve compliance with water quality standards; and (3) that construction on the project will be initiated within a reasonable period of time. This approach would give the Administrator some control over the accumulation of reimbursables and thus minimize abusive practices.

Paragraph 8(a) (7) would direct the Administrator to make grant payments through the disbursing facilities of the Department of the Treasury. Such payments would be required to be used exclusively to meet the costs of construction.

Paragraph 8(a) (8) would retain the provisions from the present Act which direct the Administrator to make certain determinations with regard to the adequacy of wages of laborers working on projects funded under subsection 8(a).

Paragraph 8(a) (9) would define certain terms used in subsection 8(a). Subparagraph 8(a) (9) (A) would define "industrial wastes" as waste discharges (other than domestic sewage) from industries identified in the Standard Industrial Classification Manual and other wastes as determined by the Administrator. Subparagraph 8(a) (9) (B) would retain the same definition of "construction" as appears in the present Act which includes a range of activities from preliminary planning to the actual installation of the facility and alterations and improvements of the facility.

Subsection 8(b) would direct the Administrator to administer section 8 and related sections so as to encourage and assist grantees in developing adequate legal, institutional, managerial and financial capability for meeting forseeable future waste treatment needs to achieve compliance with applicable water quality standards. Future waste treatment needs would include the operation, maintenance, expansion and replacement of treatment works. This would be an important new provision to encourage local self-sufficiency and possibly to reduce the future levels of Federal funding needed for treatment works construction.

Subsection 8(c) would authorize the appropriation of $2 billion in each of fiscal years 1972, 1973, and 1974 for the purpose of making grants under this section. Sums appropriated would remain available until expended.

Section 2 of the bill would provide that the provisions of the bill take effect on July 1, 1971.

III. SECTION-BY-SECTION ANALYSIS OF A BILL TO AMEND SECTION 10 OF THE FEDERAL WATER POLLUTION CONTROL ACT RELATING TO ESTABLISHMENT AND ENFORCEMENT OF WATER QUALITY STANDARDS AND FOR OTHER RELATED PURPOSES

Subsection (a) defines the terms to be used in the section, particularly "water quality standards" and the components of such standards.

Subsection (b) states a Federal policy in favor of encouraging State and interstate action to abate pollution, and provides that the Administrator may not initiate an enforcement action if he determines that a State is taking appropriate abatement action.

Subsection (c) identifies the waters for which water quality standards would be required. These waters would include interstate waters, already subject to standards under the present Act, and, in addition, navigable waters; ground waters, tributaries of any such waters; the contiguous zone (with respect to pollution which threatens the territorial sea); and the high seas (with respect to discharges of matter transported from or originating within the United States.

Under a new requirement contained in subsection (d), the Administrator would be required, within six months after the enactment of the section and from time to time thereafter, to publish in the *Federal Register* regulations establishing specifications for water use designations, water quality criteria and effluent requirements for the purpose of advising the States in adopting or revising water quality standards. The regulations concerning water use designations will provide methods for assuring that legitimate factors are taken into account.

The regulations concerning water quality criteria would, on the basis of the latest scientific knowledge about the effects of identifiable pollutants on health, welfare and the environment, specify minimum and maximum water quality characteristics required to protect various legitimate and beneficial water uses. The regulations concerning effluent requirements would specify the minimum levels of treatment or control which would be generally applicable to various categories of industrial and municipal facilities and other pollution sources, and would specify procedures for determining additional treatment required to comply with water quality criteria or to prevent the degradation of high-quality waters. The Administrator would also be required to publish information concerning recommended pollution control techniques for complying with water quality criteria and effluent requirements.

Under subsection (e), States would have up to one year after the publication of regulations under subsection (d) to submit required new standards and revisions of old standards for all waters specified in subsection (c) which are within their jurisdiction. The Administrator would be required to advise the States as to which elements of existing standards require revision. If the State did not act within the one-year period, the Administrator would be authorized, after a public hearing, to publish regulations setting forth water quality standards for waters over which the State has jurisdiction. The Administrator would be required to promulgate such standards if, within 60 days after publication of the regulations, appropriate standards were not adopted by the State.

If the Administrator published regulations under subsection (d) twice in one year, publication of the later regulations would not extend the time for adopting water quality standards pursuant to the earlier regulations except with respect to elements thereof required to be revised by the later regulations.

Water quality standards established under the Water Quality Act of 1965 would continue to be effective, until superseded by new standards. The Administrator would be able to utilize the new enforcement authorities in subsection (f) to enforce standards established under existing law while new standards are being developed.

No provision is made at present for the Governor of a State to initiate revision of standards. The proposed subsection (e) (2) (D) would authorize the Governor of a State to submit revised standards at any time. If the Administrator determined that the revised standards met the requirements of subsection (d), such standards would become effective.

The authority of the Administrator to promulgate standards for waters in areas of exclusive Federal legislative jurisdiction, or where the States do not have jurisdiction, is unclear under existing laws. Subsection (e) (3) would provide the Administrator with clear authority to establish standards in such areas after public hearings.

Two administrative enforcement procedures were authorized by the existing provisions of section 10: the Administrator may convene an enforcement conference, or, in cases of violation of water quality standards, he may issue 180-day notices, followed by court action. Under the present proposal, these procedures would be replaced by a new administrative procedure based on the violation of water quality standards (or of effluent requirements for hazardous substances established under subsection (1)). The Administrator would be required, upon a finding based on any information however obtained that any person is in violation of water quality standards or the requirements of subsection (1), to notify such person of the violation and the required remedial action, and simultaneously to provide notification to the water pollution control agencies of the States involved. If the required remedial action or appropriate State action were not taken within 30 days, the Administrator would be authorized to issue an order requiring compliance within a specified time, or bring a civil action for an injunction under subsection (f) (6). The recipient of an order directing compliance would be authorized to request a hearing within 15 days following receipt of the order. Following such hearing, the Administrator would be required to affirm, modify or revoke the order by written decision constituting his final order. In cases in which the recipient of the order did not make a timely request for a hearing, the original order would become the final order unless modified by the Administrator on his own initiative. Judicial review would be provided for all final orders after exhaustion of administrative remedies.

It is intended that an appeal or a request for a hearing would not operate as a stay of an order, except where a court determined a stay to be necessary as provided in the Administrative Procedure Act. The Administrator would be authorized to assess a civil penalty for violation of a final order of up to $25,000 per day of violation.

Under subsection (f)(6) the Administrator could enforce his final orders and recover fines upon petition to the appropriate U.S. Circuit Court of Appeals.

Under subsection (f)(7), the Administrator would be authorized to commence a civil action in the appropriate U.S. district court for injunctive relief in any case of violation of water quality standards or of effluent requirements for hazardous substances established under subsection ( ). Under subsection (f)(8), the Court in any such proceeding would be authorized to assess a civil penalty of not more than $25,000 per day of violation. Subsection (f)(9) would authorize the imposition of criminal fines of up to $10,000, and imprisonment of up to six months, for making any false statement in any document or tampering with any monitoring device required by the section.

Although the enforcement conference would be eliminated by this proposal, its useful features would be retained in subsection (g), authorizing the Administrator to call fact-finding public hearings for the purpose of obtaining information necessary to carry out the Act, including the investigation of possible water quality standards violations. Notice of any hearing would be required to be published in the *Federal Register* and in a newspaper of general circulation in the area in which the hearing is to be held. The hearing would be conducted before a hearing panel, consisting of the Administrator's representative and representatives of the States involved. Any interested person would be permitted to make a statement of views.

At the conclusion of the hearing, the hearing panel would make findings concerning the existence of pollution, and would report such findings to the Administrator, including recommendations for remedial action. The Administrator would review the findings, and would take such action as he deemed appropriate, which are understood to include the issuance of an administrative order or the initiation of a civil action pursuant to subsection (f), or, the establishment of water quality standards under subsection (e)(2)(A). If, after a hearing under subsection (g), the Administrator determined that the public health or welfare required revision of water quality standards he would be authorized to request a State or States to adopt revised standards within 60 days. If the State did not adopt acceptable standards within such period, the Administrator would be authorized, after notice and hearing, to publish standards and to promulgate them after 30 days following publication. Subsection (g) (7) would make it clear that the Administrator could issue administrative orders to require compliance with water quality standards even while a hearing is being held under subsection (g).

Subsection (h) would provide the Administrator with broad authority to compel the attendance and testimony of witnesses at hearings, and to order the production of records. However, Agency representatives would still be subject to the provisions of 18 U.S.C. 1905 with regard to protection of trade secrets.

Subsection (i) would authorize the Administrator to require any discharger to perform effluent monitoring and to report the results to EPA. In exercising this authority the Administrator would be required to take into consideration the availability of the desired information from State or local monitoring programs. Further provisions of this subsection would authorize the Administrator's representatives to enter and inspect facilities from which discharge is made into sewers or waters specified in subsection (c), and to have access to monitoring or other records. Any information obtained under subsection (i) would be available to the public except information which is shown to the satisfaction of the Administrator to contain trade secrets.

Subsection (j) would provide emergency authority for the Administrator to commence an action in the appropriate U.S. district court for an injunction or other appropriate equitable relief whenever a pollution source presents or may present an imminent and substantial danger to the health or welfare of any person, or to water quality. It would also provide for the consolidation of suits.

Subsection (l) would require the Administrator within 60 days after enactment of the new section 10, to publish in the *Federal Register* a list of substances which in his opinion possess a high potential for causing substantial danger to the public health or the environment and which shall be subject to a prohibition or effluent requirement. Within six months after publication of the list, the Administrator would be required to publish proposed effluent requirements or prohibitions for such substances, and within ninety days after such publication, he would be required to promulgate such requirements and prohibitions in final form.

IV. Section-by-Section Analysis of the Proposed Environmental Financing Act of 1971

Section 1. This section provides for the Act to be cited as the "Environmental Financing Act of 1971."

Section 2. Creation of Authority. This section establishes the Environmental Financing Authority as an instrumentality of the United States subject to the general supervision and direction of the Secretary of the Treasury and authorizes the Authority to establish offices to conduct its business.

Section 3. Purpose. This section states that the purpose of the Act is to assure that inability to borrow necessary funds on reasonable terms does not prevent any State or local public body from carrying out a waste treatment works project eligible for financial assistance under the Federal Water Pollution Control Act.

Section 4. Board of Directors. This section provides a five-member Board of Directors consisting of the Secretary of the Treasury or his designee as Chairman and four others appointed by the President from the officers or employees of the Authority or of any Federal agency. The Board would meet at the call of the Chairman and would determine the general policies of the Authority. The Chairman would appoint the officers of the Authority.

Section 5. Functions. This section authorizes the Authority to purchase obligations issued by State and local public bodies to finance the non-Federal share of the cost of a waste treatment construction project. No purchase could be made unless the Administrator of the Environmental Protection Agency has certified that the seller is unable to obtain sufficient credit on reasonable terms, has approved the project as eligible under the Federal Water Pollution Control Act, and has agreed to guarantee principal and interest payments on the obligation. No purchase could be made of obligations issued to finance projects the permanent financing of which occurred prior to this Act. Interest rates on such purchases would be determined by the Secretary of the Treasury taking into consideration (i) current market yields on obligations of comparable maturity issued by the Treasury or the Authority and (ii) market yields on municipal bonds. The Authority would charge fees to cover expenses and to accumulate reasonable reserves, and such fees would be included in project costs.

Section 6. Initial Capital. This section authorizes appropriations to the Secretary of the Treasury to advance up to $100 million for initial capital to the Authority. The interest rate on advances would be not less than a rate determined by the Secretary of the Treasury taking into consideration current market yields on Treasury obligations. Interest payments could be deferred at the discretion of the Treasury.

Section 7. Obligations of the Authority. This section authorizes the Authority, with the approval of the Secretary of the Treasury, to issue its own obligations in the market. The Secretary of the Treasury could purchase such obligations, as authorized in appropriation acts. Purchases by the Secretary would be public debt transactions and would be at interest rates determined by him taking into consideration current market yields on outstanding Treasury obligations of comparable maturities.

Section 8. Federal Payment to the Authority. This section directs the Secretary of the Treasury to make annual payments to the Authority in the amount by which the Authority's interest expense exceeds its interest income.

Section 9. General Powers. This section provides the Authority with general corporate powers.

Section 10. Tax Exemption. This section generally exempts the Authority and its income from all taxes except real and personal property taxes and taxes on the principal or interest on obligations issued by the Authority, which would be taxed to the same extent as obligations of private corporations.

Section 11. Obligations as Lawful Investments, Acceptance as Security. This section makes obligations issued by the Authority lawful investments, acceptable as security for all fiduciary, trust, and public funds, and exempt from SEC requirements.

Section 12. Preparation of Obligations. This section authorizes the Secretary of the Treasury to prepare, hold, and deliver obligations for the Authority on a reimbursable basis.

Section 13. Annual Report. This section requires the Authority to transmit to the President and Congress an annual report of its operations and activities.

Section 14. Obligations Eligible for Purchase by National Banks. This section permits national banks to invest in or deal in obligations of the Authority.

Section 15. Government Corporation Con-

trol Act. This section subjects the Authority to the budget and audit provisions of the Government Corporation Control Act in the same manner as they are applied to a wholly-owned Government corporation.

Section 16. Permanent Appropriation for Federal Payment to Authority. This section provides a permanent indefinite appropriation to permit the Secretary of the Treasury to make interest payments to the Authority as required by section 8.

Section 17. Separability. This section makes the provisions and validity of the Act separable if any of the provisions are held invalid.

ANNOUNCEMENT REGARDING SPECIAL ORDER ON WELFARE REFORM

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. BURKE of Massachusetts. Mr. Speaker, I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Speaker, I just wanted to announce I have taken a special order today to explain the welfare reform bill I have introduced.

ALTERNATIVE WELFARE REFORM PROPOSAL

The SPEAKER. Under a previous order of the House, the gentleman from Oregon (Mr. ULLMAN) is recognized for 1 hour.

Mr. ULLMAN. Mr. Speaker, I have introduced today an alternative welfare reform proposal that I hope the Members will study. We have been considering the family assistance plan again in the Committee on Ways and Means for a number of weeks. It is becoming more obvious with every day that the program has many complications and is impossible to administer, and there are many unanswered questions. What we really need in welfare is a new direction rather than the hodgepodge on a hodgepodge which it is becoming obvious the family assistance plan is. The family assistance plan covers up the welfare mess with a sugar coating of Federal cash. It is the first leg up on a guaranteed national income.

FAP will not turn the welfare program around. It does not implement the work provisions on a meaningful basis. It mandates that the Federal Government assume 100 percent of the whole new welfare load of the country at State-determined standards which are totally indefensible from a national point of view. It institutes a new numbers game for all people in the poverty area that will add some 13 million new people to the Federal welfare caseload with no assurance whatsoever that the incentives are not in the direction of more welfare rather than less. It is an administrative monstrosity and, in my judgment, sets a disaster course for this Nation.

I have proposed in the bill I have introduced today, after a great deal of study, what I consider to be a real welfare reform proposal. It builds upon the foundation of the studies we have made during the past year and a half, both on this side and over in the other body. It is based upon some rather fundamental changes in thinking on the welfare program. It does turn the welfare program around. It includes the Federal assumption of much of the welfare costs, but it does not assume responsibility for the welfare quagmire that exists in this country today. It does separate the employable people from the unemployables. It does establish a meaningful and a major national child care program for all poverty employables over a 4-year period. It does provide for meaningful rehabilitation and employment programs with a meaningful administrative organization to carry it out. It does provide meaningful and defensible incentives for people to work. It does involve meaningful work training Federal allowances based on the percentage of average wage in the area rather than the mess of State programs that is the basis for the FAP program.

It does provide meaningful rehabilitation for marginal, employable people.

It does provide for meaningful scheduling of the reclassification of all welfare recipients between employable people and unemployable people.

It is a program that provides over a 4-year period for the Federal takeover of some 75 percent of the welfare caseload, but they are not turned over as welfare recipients, but as employable persons.

It does provide, in addition, emergency relief now for the States, and it is a new direction for the whole concept of welfare.

Let me just very quickly go into this matter—and may I also urge the Members to read the full text of my statement today to get the details of this concept. I do not want to deceive anyone into thinking that there is any magic formula on welfare reform, there just is not. There is no easy way out. There is no such thing as a good welfare program, but there is such a thing as turning our program around, heading it in the direction where we can assimilate ideas and ingenuity and administrative capabilities that exist in the American people. We are sinking deeper and deeper into the morass of welfare, and FAP, let us face it, does not take us out of that morass.

Now, the first problem of welfare is that without an adequate day-care program you cannot have meaningful welfare reform. It is just not possible because most welfare recipients are burdened—and we are talking about the AFDC program—are burdened with children. Until we get adequate child care for those children you simply are not going to get those people off of the welfare rolls. So we would establish a national child-care corporation that would contract with localities, with public agencies and nonprofit organizations in the localities to set up meaningful child-care facilities. That includes not only supervision and training programs for children, but also at least one square meal a day and, particularly in the ghetto areas of the country, two square meals a day.

Then, second, I would separate, with proper administrative organization, the employable people from the unemployable people. The unemployable people are not the problem of welfare. The employable people on welfare are a problem. And the administrative organization would be a new Federal rehabilitation and employment office organization in every community in the country. Here Federal officials properly schooled in utilizing the experience we have had under the WIN program would classify welfare applicants on an orderly schedule as employable or unemployable. When they are classified "employable" they would no longer be eligible for Federal welfare assistance, and then would become the responsibility of the Federal Government.

Now we are here federalizing welfare on an orderly schedule, again, so that at the end of the 4-year period the Federal Government would have assumed full responsibility for 75 percent of the caseload. But we are not calling them welfare people—we are reclassifying them employable, and we are making employable people a Federal responsibility in a whole wide range of programs we already have in being, we would coordinate in this program to send people, if they need some basic adjustments, to vocational rehabilitation, which would be greatly upgraded and made a 100-percent Federal expense charge with respect to these people.

Or we would send them to the manpower programs, or we would put them in on-the-job training slots, or put them into new public service employment programs that have been recommended by the administration. When they became a Federal charge, we would not accept the hodgepodge of Federal welfare payments. We would establish a training reimbursement based on a formula keyed to 40 percent of the average wage in the area.

So this reimbursement is not based upon the whims of the individual State legislators around the country and the complexities of Federal payments for welfare, but would be based on a meaningful average wage factor in a given area. That would eliminate a great deal of the problems we have in our State-by-State diversity.

But then in addition to this now, we would have meaningful job incentives—incentives for people to go to work. For example, the case of a woman with four children on welfare and possibly getting $3,500 a year. How can we induce her now to go to work possibly at a minimum wage of $2,200 when she has her family to support? So the first thing we would do would be to give her quality day care for her children including one or two meals a day—and that is tremendously important to the welfare mother.

The second thing we would do would be to allow her to cash out her food stamps. This to most welfare mothers would be terribly important. In other words, the benefit she would get from the present food stamps would be converted to cash if she requested it and she would get a food allowance in cash every month for it. Remember, she is a responsible, employed person.

Third, then we would give a work expense allowance to this mother with four children of $60 per month and we would not only give it to her but we would give it to the whole gamut of the working poor voluntarily enrolled in this program as an incentive to work and as a vehicle whereby we can justify the difference between the welfare payment and a minimum wage job.

It is a meaningful and easy-to-administer concept that would make up the difference between welfare payments to a large extent and what an individual can make on a minimum wage job.

The cost of this program on a 4-year basis would be about $5 billion including this great new child care corporation which not only is the answer to welfare but which really is fundamental to any answer to the ghetto problems of our Nation today. This would be phased in over a 4-year period.

You see the way the Federal Government would reclassify and take over these people would be: First, the new applicants, all new applicants would be screened. The criteria for mothers would be that we would only exclude mothers with two or more children, one of them being under 6 years of age, in the original screening.

Then, second, we would go to the existing welfare rolls, and we would take first the unemployed fathers, naturally.

Second, we would take the single children dependents who are on welfare over 16 years of age.

Third, we would consider the mothers and take the mothers with one child.

Fourth, we would take mothers with more than one child with none of them under 3 years of age.

Finally, at the end of the line—and this would be scheduled over a 4-year period—we would take all mothers who were classified "able to work."

Naturally, there will be a backlog of people, probably 25 or 30 percent of the heads of household on the existing rolls, who are nonemployable for physical reasons or for many other reasons.

In implementing this program we would save initially, because we are not making the family assistance payments, some $1.5 billion the first year, and we would convert that to emergency relief payments to the States, so that we would get immediately emergency assistance to the States that so desperately need it.

Then, as we phase this program in, we would phase out the emergency relief over the 4-year period. The emergency assistance to States would be distributed first to the States according to population and then distributed within the States according to the record of costs for caseloads in welfare within the State.

So this program would turn welfare around. It would provide a meaningful vehicle for reclassifying people, employable or nonemployable, with the backup of a major child-care program that is essential for any such a classification.

It would provide, then, for the employable people be taken care of on a job assistance program, and reimbursement for job assistance under the Federal Government set according to its relation to the average wage in an area.

It would provide substantial supplements. In addition to a child care program, which is so terribly important, it would include a cash out of the food stamps, a monthly payment for that, which would vary according to family size.

Then, finally, a monthly expense allowance to the working poor.

In summary, it avoids not all but most of the complexities that we are finding in the present FAP program. Almost every way we turn under the FAP program it is so complex, so poorly thought out administratively, that we have almost impossible problems to solve.

This proposal, in turning the whole program around, would avoid those complexities, and I commend it to the Members of the Congress. I hope it is possible to get it approved in a committee. If not, I hope it will be possible to present it as an alternative to the Congress when this matter comes to the floor of the House.

Mr. TIERNAN. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. I want to commend the gentleman for his thoughtful presentation of this plan, one that I am sure all Members will wish to read in the Record.

Mr. ULLMAN. I thank the gentleman.

THE NOISE CONTROL ACT OF 1971

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the Record.)

Mr. TIERNAN. Mr. Speaker, 60 years ago, Robert Koch, the famed bacteriologist and Nobel laureate, predicted:

> The day will come when man will have to fight merciless noise as the worst enemy of his health.

While this prediction has not yet proven itself to be true, if we do not act swiftly the day will soon come when deafness will be as common as the common cold.

Noise is a negative fringe benefit of the manmade environment of our industrial and high density urban society. To the extent to which this environment is becoming increasingly manmade, noise is not likely to go away, but only to become more pervasive.

I am, therefore, today introducing the Noise Control Act of 1971. Under this bill, the Administrator of the Environmental Protection Agency will have broad powers to distribute grants to States to provide programs of noise control, research into causes, and effects of noise, and the enforcement of noise standards, rules, and regulations. The Administrator also has authority to distribute grants to public or nonprofit private agencies, institutions, organizations, or indiviudals to engage in research, the training of personnel, and demonstration projects.

This legislation is the most comprehensive noise abatement bill ever proposed to the Congress. It would establish specific standards in the areas of aircraft, motor vehicle and occupational noise. In each of these areas, the Administrator is given the authority to set standards and amend rules and regulations, but he is also required to enforce specified minimum standards. Among the aircraft standards is a time restriction for aircraft takeoffs over populated areas. My bill also prohibits the operation of civil aircraft at supersonic speeds over land areas of the United States.

Motor vehicles weighing under 6,000 pounds are prohibited from operating at noise levels in excess of 86 dBA at a speed of 35 miles per hour or less, and in excess of 90 dBA at a speed of more than 35 miles per hour. These limits are presently in effect in California and are considered to be adequate to protect the mental and physical health of her citizens. The Administrator shall specify a date on which these Federal standards shall go into effect.

The Walsh-Healey Act presently requires those businesses which receive more than $10,000 of Federal assistance to maintain a sound level of not more than 90 dBA for an 8-hour day. Under my bill, the noise level must be below 85 dBA, a figure suggested by President Johnson shortly before he left office. It is estimated that 60 percent of the workers in this country are subjected to noise which exceeds an acceptable level. The World Health Organization states that industrial noise alone costs the United States more than $4 billion annually in accidents, absenteeism, inefficiency, and compensation claims. The new noise levels I propose would tremendously alter these statistics, I believe, for a 90 dBA sound level is nearly half again as loud as an 85 dBA sound level. My purpose is to preserve the hearing of these workers, not to impair or destroy an essential industrial effort.

Noise is not just a nuisance, it is a health hazard. The word itself is derived from the same Latin root as "nausea." The dangerous and hazardous effects of intense noise on human health are seriously underestimated. There appears to be a close relationship between bodily fatigue and noise exposure. Psychological and social stresses also result from intense noise. Some scientists even believe that if city noise continues to rise at its present rate of 1 decibel a year, everyone will be stone deaf by the year 2000.

We will never be able to eliminate each sound that is objectionable to each individual. Human desires are too variable. But noise is not the inescapable price of progress. The know-how already exists to control its level. It is the will which has to date been lacking. Americans often seem to react to noise as if nature were compelling us to accept it, or even savor it. We are tacitly accepting an increasingly deteriorating situation.

We must now decide what importance noise control and noise abatement have relative to the other values of our urban civilization. In protecting our health, absolute proof comes late. To wait for it is to invite disaster or to court disaster unnecessarily.

We reached the critical stage with our polluted air and water because of belated action. Unless we act now, we will soon reach the critical stage as far as our hearing is concerned, a stage from which we cannot retreat.

I do not claim that this bill I introduce today will by itself solve our noise problem, but it is an important first step which must be taken. It is my hope this bill will act as a catalyst for far-reaching and effective actions by our local, State, and Federal Governments.

CAPITOL POLICE

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, for 11 days now we have heard that the Capitol was able to be bombed because of the laxity of the Capitol Police Force. Chief James Powell implies that it is the fault of the students on the force. He is quoted again and again as saying that 25 percent of the Capitol force are appointees, many of whom are students. When I called the police office in the Capitol, I was told that 115 of the 622-man force are students. This is 18.5 percent, less than one-fifth of the entire force.

Police Chief Powell says he has sympathy for the students. He says it is "very difficult to properly do their schoolwork and give us 8 solid hours of work," and that some find the work boring. Let me say, Mr. Speaker, I feel very strongly that the Capitol Police Force needs the mental and physical integrity which the students provide. Physically, they are much more capable of protecting the Capitol than many of our present policemen. In addition, police forces across the country are now actively recruiting men and women with college educations. We should feel proud to have these students on our force. This does not mean that we should allow them to study on the job or cater to them in any way. But let us be honest. The students have done nothing less than what has been required of them by Chief Powell. If this is nothing, it is because the chief has never required nothing.

It is time for Chief Powell to stop using the students as scapegoats. I personally know of the many lawyers, doctors, and other professional men who have served on the Capitol Police Force and done a commendable job.

I do not mean to place the blame for laxity on the large majority of the force who are not students. I do mean to place the blame on the top officials. This is where the failure is. This is where the investigations should begin.

GATEWAY NATIONAL SEASHORE—A FORTHCOMING REALITY

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, today, the House Committee on Interior and Insular Affairs met with Secretary of the Interior Rogers Morton. His remarks at our meeting, in addition to my own prior conversations with him, give considerable impetus to a project for which I have been pressing for more than 2 years—creation of the Gateway National Seashore within the New York Harbor region—and which is embodied in my bill, H.R. 1121.

Secretary Morton, in our meeting today, stated that the Gateway project has a "high priority." He added:

> I am very much for the project.

This is crucial, because the administration should, and must, give it full support. This support, in fact, is consonant with the President's own state of the Union message, delivered on January 22, 1971, when he said:

> And not only to meet today's needs but to anticipate those of tomorrow I will put forward the most extensive program ever proposed by a President of the United States to expand the nation's parks, recreation areas, and open spaces in a way that truly brings parks to the people where the people are. For only if we leave a legacy of parks will the next generation have parks to enjoy.

Surely, nothing could be more in line with the President's own words than creation of a recreation complex in the New York-New Jersey metropolitan area. Gateway, which would include Jamaica Bay, Breezy Point, Sandy Hook, and additional areas, is within a 2-hour drive for 15 million people. It would eventually be able to accommodate 500,000 people a day.

Of course, it is essential that national parks be created in our yet-remaining natural areas. But surely Gateway is far more immediately and directly relevant, and beneficial, to these millions of city dwellers in New York City and its environs who cannot afford to travel hundreds of miles to a park. Gateway truly "brings parks to the people where the people are"—to quote the President.

There are, in fact, in the New York metropolitan region more than 19 million people, in 31 counties, in three States—New York, New Jersey, and Connecticut. By the year 2000, there will be 30 million people in the region: 11 million more people competing for access to the region's ocean beaches, which stretch from Montauk Point, N.Y., to Point Pleasant, N.J.

These ocean beaches provide the largest source of summer recreation at present, and their use will continue to rise. Not only regional residents, but vacationers from farther inland use them. The proposed Gateway National Seashore would be a major step toward preserving open ocean front and making it available for public use.

The genesis for Federal legislative action aimed at bringing Gateway to reality arose 2 years ago, when I began to work in conjunction with the Regional Plan Association on plans for a national seashore in New York Harbor. Our interest in turn stimulated the Department of the Interior, then headed by Walter B. Hickel, to become involved. On May 13, 1969, then-Secretary Hickel announced the administration proposal for what he termed the Gateway National Recreation area.

Subsequently, two bills were introduced to create Gateway. My bill—H.R. 12436 in the 91st Congress—was introduced on June 25, 1969, following weeks of delay by the Department of the Interior, which was preparing the first draft of the legislation, at my request.

Unfortunately, despite Secretary Hickel's initial espousal of Gateway, little action ensued on the part of the administration. The House Interior and Insular Affairs Committee's request for an administration report on my bill languished unanswered.

In the interim, however, considerable interest had been building concerning Gateway, particularly due to the work of the Regional Plan Association and of the Citizen's Committee for the Gateway. Numerous news stories and editorials furthered our cause.

Thus, when I introduced my bill to create the Gateway National Seashore on the first day of the 92d Congress as H.R. 1121, prospects for action appeared brighter. Public sentiment clearly favors its creation. Congressional sentiment reflects this same attitude. Since the introduction of my bill, my colleague the gentleman from New York (Mr. ADDABO) has introduced a similar bill, in which several other Members joined. And I will be reintroducing my bill for myself, Mr. BINGHAM, Mr. CAREY of New York, and Mr. KOCH.

Today, in the other body, the Senators from New York—Senators JAVITS and BUCKLEY—and from New Jersey—Senators WILLIAMS and CASE—have introduced a similar bill. This action particularly reflects the efforts of the senior senator from New York, Mr. JAVITS, who has also long been interested in the creation of Gateway, and with whom I have been working to further our shared goal.

My conversations with Secretary Morton have considerably encouraged me that unified administration support will be forthcoming. However, some recent developments, such as the proposed turning over Fort Hancock, on Sandy Hook, to the State of New Jersey by the General Services Administration, do give good cause for concern. This action was taken despite the fact that—

> The Department of the Interior pointed out that Fort Hancock is in the proposed Gateway Recreation Area and requested that . . .(GSA) withhold disposal action pending enactment by the Congress of Gateway legislation—

According to a letter to me from Harold S. Trimmer, Jr., assistant administrator, General Services Administration. Apparently, it is the Office of Management and Budget—an arm of the White House—which does not share either Secretary Morton's enthusiasm, or the President's stated commitment to parks for the people.

Hopefully, the public's demand for the creation of Gateway, reflected in the legislation now sponsored by some 28 Members of the House and Senate, and matched by the President's own state of the Union message language, will soon make the Gateway National Seashore a reality.

At this point, I should like to include several releases, new articles, and editorials concerning Gateway:

[News release of the Regional Plan Association, Inc., of May 13, 1969]

Statement of John P. Keith, President, Regional Plan Association Regarding Proposal by Secretary Hickel for New Gateway National Recreation Area

Secretary of Interior Hickel's proposal for a national recreation area at the entrance to New York Harbor is a great triumph for Nation, Region and City. It does credit to the members of Congress who stimulated it, first William Fitts Ryan, Congressman from Manhattan, and Senators Jacob K. Javits and Charles E. Goodell. It represents a major achievement for Mayor John V. Lindsay.

The Gateway National Recreation Area proposal means greatly improved and accessible recreation opportunities for the millions of people living in the core of this crowded Region. It means the preservation for future generations of the incomparable beaches of Sandy Hook and Breezy Point.

It is the culmination of the effort for public acquisition of Breezy Point, for "a park where the people are", and the beginning of a new era of federal involvement in urban recreation.

In this monumental step forward we should recall the efforts of a host of civic and neighborhood organizations that saved these beaches for the public led by the Citizens Committee for Children, Citizens Union, Community Service Society and Parks Association of New York.

We urge the Congress and Administration to move with speed in making the proposal a reality.

[From the New York Times, Apr. 14, 1970]

Gateway Still Just an Idea

(By Douglas Robinson)

Almost a year after Interior Secretary Walter J. Hickel announced the immediate start of planning on the Gateway National Recreation Area at the entrance to New York Harbor, the project remains little more than a sand castle.

The project, which Mr. Hickel spoke of while standing among the clam shells and driftwood on a littered city beach, was designed to give slum dwellers a place to play in the sea and sun.

It envisioned extensive park and recreation facilities in Jamaica Bay and Breezy Point in Queens, Swinburne and Hoffman Islands at the entrance to New York Harbor, Great Kills Park on Staten Island, and Sandy Hook, N.J.

Today, the bistate Federal project is plagued with problems both bureaucratic and otherwise.

The Mayor, during the election campaign last fall, signed new five-year permits for several thousand people who live on city-owned land in Broad Channel and who dump raw sewage into the center of Jamaica Bay, a move that would cut the 9,500-acre ecological treasure almost in half.

New York City intends to build a sports stadium in Great Kills Park in Staten Island and the City Planning Commission has suggested that a shore parkway run through the park, a roadway that would include and interchange within park borders.

The Army Corps of Engineers is considering digging a boat channel across Sandy Hook that might affect the lateral flow of sand needed to nourish the beaches and could allow the polluted water of Sandy Hook Bay to flow into the ocean with the resulting damage to the shore.

The Consolidated Edison Company is seeking to build nuclear power plants on man-made islands off Coney Island and in the Lower Bay, a plan the Interior Department feels is aimed at Swinburne and Hoffman Islands.

In addition to these large scale problems, there are several smaller ones, such as protests by the Breezy Point Cooperative that a man-made sand beach in front of many of its structures belongs to it and not the city, and a tentative city plan for a landfill project all along the south shore of Staten Island.

Since the Secretary's enthusiastic announcement last May 13, an elaborate four-color report has been printed, at a cost of $10,000 in donated funds, and a legislative package is now being prepared for Congress. The Interior Department hopes to introduce the legislation late this spring.

Once legislation is submitted, however, extensive public hearings will have to be held before any over-all Congressional action can be taken. This means that any funds for Gateway probably would not be authorized before early 1971.

"We are not dismayed," said Edward S. Peetz, chief of the division of urban planning of the Interior Department's Office of National, Capital and Urban Park Affairs. "However, instead of our problems diminishing, they seem to be growing."

MANY PROBLEMS INVOLVED

Among the troubles besetting the Gateway projects are the following:

The Defense Department refuses to release Fort Tilden, an integral part of the Breezy Point section of the recreation area, because it says the Nike missile battery, a training building and an officer's club are an "operational requirement."

The Department of Agriculture is planning construction of a 30-acre animal quarantine station on the parade ground at Fort Tilden and so far has resisted suggestions for an alternate site.

Mayor Lindsay, who stood beside Mr. Hickel on that windswept beach last May and enthusiastically endorsed the project, is said not to have replied to a letter from the Interior Department sent last Nov. 26 that asks for assurances on city-owned land and possibly litigation procedures.

Mr. Peetz, the chief planner for the recreation area, said in a recent interview at the Interior Department that the city's plans for Great Kills Park might cause that unit to be lost from the planned Federal project.

"We could live with a sports stadium," he said, "but if they put through a road with an interchange right in the middle, "we might as well give it up."

The Army's refusal to give up Fort Tilden also strikes a heavy blow at plans for Breezy Point. The fort, which stretches almost all the way across the Breezy Point peninsula, is largely unused.

There is a Nike battery at the east end of the fort and the missile's radar control center at the west end of the fort.

In addition to the Nike site, the Army uses a two-story brick building as a reserve training center. During the summer, however, the officer's club is heavily used by military men and their families from throughout the metropolitan area. They are especially drawn by the private beach.

In the matter of Mr. Lindsay not answering the letter from the Interior Department, a spokesman for the Mayor said that "no one has any record of the letter." An official at the Federal agency said another letter was being prepared.

Although planners at the Interior Department are opposed to Con Edison's quest for power plants in the harbor, Mr. Underhill is more sanguine about the controversial subject.

"If adequate safety standards could be determined," he said, "I could see, perhaps, a revolving restaurant atop a nuclear plant on Hoffman-Swinburne Islands."

Present plans call for the two small islands just beyond the Narrows to be joined by a landfill project over a 10-year period. The Gateway project envisions promenades, outdoor cafes and family picnic areas on the joined island. Visitors would get there by ferry.

[From the Newark (N.J.) Evening News, Feb. 6, 1971]

Saving Sandy Hook

What the General Services Administration gives away, the Interior Department, in a proper situation, ought to receive. It would not only demonstrate that the agencies are not working at cross-purposes, but also, in the case of Sandy Hook, provide an unaccustomed boon from the federal government for New Jersey.

The GSA has labeled 1,033 acres of Sandy Hook as surplus land and therefore subject to disposal. This, even though the Interior Department has plans for including the Hook in a federal project for New York Harbor called the Gateway National Park.

The Interior Department possesses authority to receive surplus property and hold it for development for park and recreational purposes. Exercise of this authority with regard to Sandy Hook is now being urged upon the department by Sen. Case, mindful that the GSA has set a deadline of Thursday for a decision by New Jersey as to whether it wants to acquire title to the land, 745 acres of which it already leases from the federal government as a state park.

New Jersey, however, doesn't have the kind of money needed to develop and maintain the area, and has not even been able to fund the kind of engineering program needed to halt the serious erosion of the state-leased beaches.

Accordingly, it would seem sensible for Sandy Hook, for which recreation is the only appropriate use, to remain under federal aegis and developed under the National Park System, as legislation introduced by Sen. Case provides. Any other course would place an intolerable financial burden on the state, which for too long has been giving a lot more to Washington than it ever gets back.

[From the Hackensack (N.J.) Record, Feb. 9, 1971]

Tottering Gateway

The Nixon administration's decision to get rid of the 1,033 acres of federal land called Fort Hancock on Sandy Hook is an appalling caricature of the New Federalism. The Regional Plan Association and Richard J. Sullivan, New Jersey Commissioner of Environmental Protection, are to be thanked for exposing and protesting this coldblooded plan to disembowel the Gateway national park concept that the Department of the Interior only two years ago was hailing as the No. 1 park priority for the federal government. They're right. This is carrying federalism too far.

Fifteen million people live within a two-hour drive of the Gateway complex which would consist of Sandy Hook on the New Jersey side of the lower bay plus four all but unused ocean beaches on the New York side. More than half a million people a day, more than 50 million a year, would come there to swim, fish, go boating, sprawl loaf, or just sit there watching the waves march in. Because all of the land is owned by governments, the cost of development would be no more than $20 million—over the 10 years leading up to Gateway's completion, 40 cents a day per user.

The decision to dispose of Fort Hancock comes from the Bureau of Budget and Management in an administration whose President was saying in his State of the Union message Jan. 22:

"And not only to meet today's need but to anticipate those of tomorrow, I will put forward the most extensive program ever proposed by a President of the United States to expand the nation's parks, recreation areas, and open spaces in a way that truly brings parks to the people where the people are. For only if we have a legacy of parks will the next generation have parks to enjoy."

In accordance with the procedures governing disposition of federal property declared surplus, the General Services Administration has asked the State of New Jersey whether it wants Fort Hancock, and Gov. Cahill has said, somewhat reluctantly, yes. But New Jersey is in no better fiancial condition to undertake the development needed than New York City has been to develop a beach park at Breezy Point. The Governor has observed correctly that if Gateway is not developed as a national recreation area it is not likely to be developed at all. And John P. Keith, president of the Regional Plan Association, has explained why:

If the Gateway proposal is cast away, many aspects of the plan will be lost even if New Jersey and New York City eventually prepare their holdings for limited use.

For example, there probably would be no ferry trips to the parks, the beaches would not be managed as a unit to balance their use and offer varied types of recreation, and nature education promised under the Department of Interior plan would be lost. Overcrowded existing beaches will become more crowded still.

Gateway was a cherished ambition of Walter J. Hickel, who Mr. Nixon relieved of office as Secretary of the Interior last November. If that thorny populist had not talked himself out of a job we could rely on him to see that the abandonment of Gateway was reconsidered. As matters stand, the appeal for revocation of the budget bureau decision should be carried to the President and his new Interior Secretary, Rogers C. B. Morton, at once by the two states' congressional delegations. And they should be implored to see that legislation to create and fund the Gateway project is enacted during this session. The next generation whose need for parks Mr. Nixon expounded Jan. 22 is coming, ready or not. By the year 2000 there will be 30 million people in the region, 11 million more people competing for access to the ocean beaches.

[From the New York Times, Feb. 13, 1971]

Save the Gateway

Secretary of the Interior Rogers C. B. Morton has done something, but not quite enough, to quiet the growing uneasiness over prospects for the Gateway National Park. According to Mr. Morton, the disposal of Federal surplus land at Sandy Hook to the state of New Jersey need not prejudice its ultimate use as a key segment of the seashore project. But, if it is still the Government's intention to establish the park, why did the Department of the Interior needlessly release its hold on the tract in the first place, thus signaling the General Services Administration to get rid of it?

Governor Cahill has indicated that New Jersey will acquire the land but, with the state in no financial position to restore and maintain the area, he would much prefer to have it remain in Federal hands. So would the Regional Planning Association, which conceived of the Gateway National Park. So it might seem from his recent State of the Union speech, would President Nixon, who promised to expand the nation's open spaces "in a way that truly brings parks to the people where the people are."

No proposal could possibly fit that ideal better than the Gateway, whose benefits would be a maximum of two hours away for some fifteen million people—7 per cent of the country's entire population. It has been estimated that, when developed, this stretch of seashore from Sandy Hook to Jamaica Bay would allow a half-million people a day to enjoy its swimming, fishing, boating and cultural facilities.

Here was the first opportunity for Mr. Morton to prove that, whatever the Administration's differences with his predecessor, he is just as committed as Mr. Hickel to what Mayor Lindsay aptly describes as "the most important urban recreational breakthrough" of our time. The Secretary's assertion of "enthusiastic" interest is all to the good, but after two years of favorable consideration, the project should be further along than informal commendation. It is time that legislation was sent to Congress and machinery created to establish this magnificent seashore park for the people of metropolitan New York.

[From the Newark, (N.J.) Evening News, Feb. 18, 1971]

Gateway's Future

The Regional Plan Association, a private organization that has been promoting development of the tristate metropolitan area for 42 years, offers some compelling reasons why the proposed Gateway National Recreation Area at the mouth of New York Harbor should not be abandoned by the federal government.

At the moment, the government's approach to Gateway can best be described as ambivalent. It's made so by Washington's announcement that Sandy Hook, an integral part of the project, is surplus, i.e., disposable, land and President Nixon's assurance that he will propose the "most extensive program" in the nation's history to expand parks and other recreational areas "in a way that truly brings parks to the people where the people are."

Surely, Gateway should be where the people are. As RPA emphasizes, 7 per cent of the nation's population lives within a two-hour drive, a demographic phenomenon unduplicated anywhere in the country, and Gateway would be able eventually to accommodate 500,000 a day, Moreover, Gateway can be acquired just for the asking. The acreage not already owned by the federal government is owned by lower echelons of government.

Accordingly, if the government's performance is to be equal to presidential promises, there would appear to be no good reason why Sandy Hook and the adjacent areas in New York should not be developed by the federal government and even less reason why it should pursue a contradictory course as it has in the matter of Sandy Hook. In so doing it denies 7 per cent of the nation's population a forthright statement of intention.

[From the New York Times, Feb. 27, 1971]

Jamaica Bay Half Saved

"Jamaica Bay and Kennedy Airport," a study commissioned by the Port Authority a little over a year ago, offers two major conclusions. One is excellent and to the point. The other is extremely dubious, not to say beyond the scope of the assignment undertaken by the Jamaica Bay Environmental Study Group of the National Academies of Sciences and Engineering.

The Study Group perceived that a choice had inevitably to be made between two incompatible uses of Jamaica Bay. It was ideal for habitation, recreation and conservation or for commerce, industry and waste disposal—but not for both sets of uses. Commendably it opted for the former combination, concluding that the choice had to be made on the basis of which uses promised to confer more benefits on more people, especially benefits that could not otherwise be provided.

Applying this criterion, the Study Group found what the Port Authority and the Federal Aviation Administration have long refused to concede: that what the air traffic of this city requires at the moment is not more acreage but better technology. What would be gained by extending runways into the bay, to the bay's certain destruction, can be achieved at least for the immediate future by modernizing the airport's control system, rearranging runway patterns, consolidating flight schedules, limiting the accommodation of private planes, increasing the use of jumbo jets and STOL planes—in short by resorts to ingenuity rather than concrete.

Having ruled out the need for commercial exploitation of the bay, the report proceeds to demonstrate the crying need for park space in this area of New York and the spectacularly unique character of this wetland in the heart of the metropolis: "probably no other area quite like it within a city of this size anywhere." If the Study Group had stopped there it would have performed an invaluable service. But it went on with an ill-conceived intrusion into the question of what the park should be like and who should manage it.

In general, the report recommends a city park on the shores of Jamaica Bay, wholly divorced from the proposed Gateway National Seashore project and designed primarily for the recreation of the area's immediate neighbors. Unquestionably those neighbors need recreational facilities, and they have been included in Gateway plans all along.

Unfortunately, the report takes little notice of that fact and appears to read into the Gateway project a conflict between mass recreation and wildlife preservation that does not necessarily exist. The confusion leads the Study Group into a certain ambivalence which allows it to speak of the wildlife refuge and bird sanctuary in the middle of the bay as "an ecological treasure" and at the same time to suggest that the project now is primarily something for "upper-class people" to enjoy. This gratuitous slur is all the more absurd because the refuge has been a major attraction for large numbers of children brought out on school excursions from the inner city itself.

Adequate support of the whole Jamaica Bay project—both the "ecological treasure" and the proposed recreational parks and beaches on the periphery—requires Federal funds. There is no other way, in view of the city's financial condition. So does a comprehensively planned seashore park for the entire metropolitan region.

The warning in the report that potential areas of recreation might be "locked up" in a Federal park displays misunderstanding of the National Park concept as well as of the city's needs. The Study Group and its parent academies have had the judgment and courage to save Jamaica Bay from commercial vandalism. But they have not had the vision to see it as part of an experiment to bring the Federal park system to urban America.

[From the New York Times, Feb. 27, 1971]

Partner for Gateway

Citizens Committee for the Gateway,
New York, February 19, 1971

To the Editor:

Statements quoted from the recently released report of the National Academies of Sciences and Engineering on Jamaica Bay raise questions about the inclusion of the bay in the proposed Gateway National Recreation Area.

Those citizens and elected officials of New York and New Jersey who are working to bring the Gateway proposal into being are first and foremost concerned with developing recreation facilities within easy reach of the vast numbers of inner city residents who now have few alternatives for summer recreation.

We are therefore entirely in sympathy with the National Academies' strongly worded recommendations for beach development in the northern and northwestern portions of Jamaica Bay. These proposals are entirely in keeping with our understanding of the Gateway proposal.

We do not believe, as the report implies, that Federal participation in the operation of the Gateway facilities means that future plans for Jamaica Bay would be unresponsive to the perceived needs of the city. We view the Gateway as a proposal for partnership. The genius of that proposal as originally framed was that it, for the first time, indicated a willingness on the part of the Federal Government to bear development and operating expenses of this kind.

Without that commitment (which necessarily implies some involvement by the Federal authorities) all concerned have grave doubts about the capacity of the city or the states of New York and New Jersey to provide the recreation and educational services which all parties, including the National Academies, agree are so vitally needed.

Archibald S. Alexander,
Chairman (New Jersey)
Alexander Aldrich,
Chairman (New York)

[From the New York Times Magazine, Feb. 7, 1971]

THE "BLACK MAYONNAISE" AT THE BOTTOM OF JAMAICA BAY

(By Michael Harwood)

Early in December, a spell of cold weather froze the surface of the two ponds in the Jamaica Bay Wildlife Refuge. The closing ice pushed out most of the ducks and geese that had collected there since August, and the birds either moved into the salt water of the bay or flew south, hunting for ponds still open. Despite the exodus, when the ice melted late in the month, many green-winged teal remained, dipping—yellow rumps up—for food along the edges of the ponds. Coots waddled on the shore and pecked in the grass. In the lee of tall brown reeds, hundreds of canvasback ducks rested, bills tucked into their back feathers. A squadron of five snowy egrets played a graceful avian leapfrog, each bird trying to precede the others as they chased minnows in the shallows. Overhead, black ducks and mallards, baldpates and scaup, ruddy ducks and buffleheads hurried to food and safe havens, their wings ringing against the wind.

It was a weekday, and the wind was cold, blowing briskly out of the northwest; the only other people on the path around the West Pond were a couple out for a walk, seeing the birds as part of the land and waterscape, without binoculars. They passed me twice, heading the other way, and each time we nodded and smiled at each other—a friendliness engendered by space.

The space is considerable. The refuge lies in the middle of 13,000 acres of bay—an area nearly as big as Manhattan Island. Nine thousand of these acres are "parkland"—mostly water and marshy islands—which accounts for about a fourth of the city's park acreage. The impression of space is enhanced by the sweep of marsh and the flatness of the terrain. From Cross Bay Boulevard, which bisects the refuge, one can look across the bay to the Rockaways and to Floyd Bennett Field on the moors of Barren Island; above the western shore and the low skyline of Brooklyn rises the Empire State Building; to the north and east spread the Borough of Queens, Kennedy International Airport, and a corner of Nassau County.

The sense of space is heightened by contrasts. One has usually fled to the refuge from an apartment in the city. And most visitors are aware that much of this particular space may soon be lost; there has been considerable debate recently about how the bay should be developed to meet the needs of the New York City region. One plan would have new Kennedy runways built far out into the bay. Another would have storm gates constructed at the mouth of the bay, to protect against flooding. Still another would concentrate on the area's potential as a park. Most participants in the debate would agree on one point: the bay will not be simply left alone. It is too late for that.

The margins of Jamaica Bay are, by nature, marshland. But creeks that once fed and sheltered fiddler crabs, mussels and young fish have been dredged, widened, straightened, lined with marinas, filled with power yachts. The water in the creeks is foul with spilled fuel and human waste, and the banks are strewn with rotting dories and piles of rubble. Scattered around the bay are clusters of dirty-pink, gray, green cottages, each a bit out of plumb, with one foot on stilts in the marshy ground or the water and one foot on dry land. On higher ground stand herds of two-family homes and monotomous brick apartment buildings. Huge silver and white cylinders crowd together in fuel-tank farms at the water's edge, or raise their heads behind the ranks of dry, rustling reeds.

Here and there, construction equipment crawls, roaring. The arms of derricks and pile drivers swing slowly, the piles are driven, bulkheads are built out in the water, sand is pumped from the bottom of the bay for fill, soil and "sanitary landfill" are dumped by trucks and shoved by bulldozers. As it has for years, the bay diminishes into it, from the mouths of 1,600 pipes, pours sewage; by themselves, four city sewage-treatment plants and two Nassau County plants dump more than a quarter million gallons of partially treated waste every day, and on one day out of three, bad weather forces storm water and raw sewage into the bay from seven storm-overflow sewers.

Until very recently jet fuel and oil were flushed into the water from Kennedy, creating slicks that occasionally became serious fire hazards; State Attorney General Louis Lefkowitz brought suit to stop this practice. Over the years, the airport and other enterprises have pumped acres of sand from the bay bottom as fill, and oil sludge and sewage have settled into the deep bottom trenches thus created. A few years ago a runway was extended across a navigable channel and into city parkland. One consequence of this construction, according to some observers, was the changing of tidal currents at that end of the bay and the virtual elimination of tidal flushing of the deep bottom trench near the extended runway. In any event, the bottom there is now difficult to find; the sludge and waste lie queasily, a liquid quicksand—"black mayonnaise" is the description given by one marine biologist.

Everywhere on the margins, even where man has not built and does not set his foot, there is trash—trash blown, trash washed up and trash dumped. The marshes bloom with flotsam and newspapers. The meadows above the marsh collect abandoned cars, tires, beer cans, white plastic bottles, broken glass, piles of lumber peeling paint and sprouting rusty spikes—right to the edges of the homes and shopping centers and gas stations.

At the railings of North Channel Bridge, over which Cross Bay Boulevard runs to the mainland, stood a dozen fishermen, fishing for herring. They wore quilted parkas with hoods, heavy overcoats and Navy watch caps, and held their fishing rods with gloved hands. They had brought buckets in which they would carry home their catches.

Salt marshes like Jamaica Bay are remarkable for their capacity to withstand continued and persistent insults in the form of sewage. In a report on the bay last summer, two authorities on salt marshes, John M. Teal of the Woods Hole Oceanographic Institution and William Niering of Connecticut College, remarked on the "extent to which the marsh removes pollutants, particularly plant nutrients, from the water and converts them into food for marine animals through the growth of Spartina grass. "It is likely," they said, "that, in the Jamaica Bay system, Spartina acts as an efficient mechanism for converting some of the load of human sewage from waste product into usable material. In other words, the marsh functions as a free tertiary treatment plant." Furthermore, the trench near Kennedy and various basins elsewhere along the shore of the bay seem to act as settling plants for sewage, thus protecting the rest of the waterway.

The tide sweeps in and out, carrying food from the ocean, stirring and scrubbing the bay. And the center of the bay—despite dredging and filling and pollution there, too—still contains thousands of acres of relatively undisturbed marsh and mudflats and shallow water. In the marshy islands, which bear such names as Black Wall Marsh, Yellow Bar Hassock, Little Egg Marsh, Stony Creek Marsh, Ruffle Bar and Pumpkin Patch Marsh, inlets and twisting creeks abound.

"A couple of my friends make a living out of the bay," volunteered the driver of a sanitation truck in Far Rockaway—"digging worms, catching killies and grass shrimp. Don't let anyone try to tell you the bay is dead." (That the bay is ecologically dead has been an argument apparently used widely by the promoters of an expanded airport.) Weakfish and mullet and flounder spawn in the bay, and the small young of fish that spawn elsewhere—shad, menhaden, winter flounder and possibly bluefish—come to feed and grow in the sheltered food-rich waters. Other fish caught in the bay include stripped bass, tomcod, hake and eels. Blue crabs that once swarmed on the bottom virtually vanished several years ago, but now they seem to be making a comeback; lobsters can be found there, too.

Near Kennedy airport, to be sure, the bottom is utterly sterile in spots. And though striped bass and flounder can still be caught in that area, they have been found to taste strongly of fuel. Mussels, clams, oysters and bay scallops grow in the bay (among dozens of other species of shellfish); as late as 1905, the harvest of shellfish yielded $5,000,000 a year, but pollution has now made eating them hazardous. Clams are still dug, both legally and illegally. The legal diggers ship them to beds on eastern Long Isand; transplanted, the shellfish eventually clean themselves.

But shellfish present a special problem. They consume what the tides present, and then they are eaten whole. The flesh of finfish, on the other hand, is muscle, protected by skin. Those parts of the fish that collect bacteria are not eaten. So finfish caught in the bay are safe to eat, although people of nervous palates may blanch at the thought of eating fish from water officially declared—as Jamaica Bay has been for years—unsafe for swimming.

No one knows how many people fish there, but on almost any day of the year, given bearable weather, there are fishermen on the North Channel Bridge, and on weekends they may number in the hundreds; small boys arrive with only handlines, cadge bait from strangers, and add to the veritable veil of lines dangling from the bridge. There are other likely spots from which the landlubber can cast a hook, and of the thousands of boats moored in marinas along the bay share, many are used for fishing. Undoubtedly much, if not most, of the catch is eaten. One woman I know has fished the bay for 30 years; she eats what she catches, and if she catches more than she can eat, she gives the surplus away. She remembers one streak of particularly marvelous fishing when, in the space of a few days, she provided about a hundred families in her Brooklyn neighborhood with fish dinners. Lady Bountiful, indeed. But she would insist that the bay is the real bountiful lady.

In the middle of this patch of productive marshland lies the Jamaica Bay refuge. Like so much of the bay now, it is in a number of respects the handiwork of man. In 1938, the city's freewheeling Parks Commissioner, Robert Moses, began maneuvering to take control of the central marshes of Jamaica Bay. The city had long contemplated turning the bay into a huge port. Now it was considering the marshes as a dump. But Moses won, and the area was turned over to the Parks Department.

The Commissioner had in mind the development of the bay as a huge marine playland, including six beaches, ball fields, a golf course, and a wildlife refuge. The marshes, of course, were already a natural refuge, but the wildlife there was dispersed and not particularly accessible. In 1950, the Long Island Rail Road made a decision that ultimately led to both concentration of birds and visibility. The railroad had been running trains out to the Rockaways, and now elected to end that service. The Transit Authority agreed to take over the line, and proposed to replace the railroad trestle along Broad Channel Island with a viaduct built from sand dredged out of the bay. Fine, said Moses; if the Transit Authority wants to build a viaduct across parkland, then it can also build the Parks Department a couple of freshwater ponds for wildlife. So dikes were built to impound water for a long, narrow pond of about 100 acres on the east side of Cross Bay Boulevard and a second pond of about 40 acres west of the road.

New York is geographically an ideal place to create a refuge for birds, since it lies on the Atlantic flyway. Millions of birds pass over the region in spring and fall, many of them searching for some place, amid all the cement below, where they can feed and rest. Furthermore, a refuge that combines freshwater ponds and salt-water marsh is especially attractive to waterfowl and shore birds, because it offers a wide variety of food and cover. So—potentially, at least—the Jamaica Bay refuge was now a natural.

The diking for the ponds was finished in 1953. The Parks Department looked around for someone to run its new sanctuary. It had never had reason to develop a staff of trained wildlife managers, and it simply appointed a competent "parkie," who at the time was employed in its soil-testing laboratory, working on experimental turfs for golf courses. Herbert Johnson was born in Tarrytown in 1910, the son of a Swedish gardener who worked on the John D. Rockefeller estate in Tarrytown for a while, then moved his family out to Long Island. There, as a small boy, Herb Johnson began learning horticulture. After high school, he worked for his father, entered the Parks Department, left it to go to war, then went back to school, and was graduated from the Long Island Agricultural and Technological Institute in Farmingdale. He rejoined the Parks Department and was assigned to experimental work. He had no interest at all in birds and knew virtually nothing about them except that they might eat insects harmful to plants.

When he took over the refuge, the ponds held salt water, turning brackish with rain. Much of their freshening and fruition would have to wait on nature. On the low dunes and the stretches of sandy upland above the ponds little more grew than bayberry, poverty grass—a coarse variety that thrives in sand—and a few poplars and birches. Johnson conscientiously read up on suitable plant foods, and he began to plant shrubs and trees and grasses that would provide cover and sustenance: beach grass, wild cherry, wild roses (*Rosa rugosa* and *Rosa multiflora*), Russian olive, autumn olive, chokeberries, beach plum, willow oaks, Japanese black pine, American holly. Vast stands of tall reeds—Phragmites—spread along the borders of the ponds, and aquatic plants seeded themselves and multiplied on the bottom.

Birds began to accumulate. So did the birders—many of them (as now) coming by the IND Rockaway line to the Broad Channel stop and walking a mile from there. A path built around the West Pond brought the birders close to the birds; on the one side was salt water; on the other, the pond. The East Pond was left without a circumnavigating path, partly to provide the birds a wilder space; nonetheless, determined birders beat their way through the Phragmites. In 1961, after only eight years, the number of species recorded either passing through or nesting in the refuge climbed above 250.

The most exciting development was the nesting of glossy ibis. A prehistoric-looking marsh bird—dark, iridescent brown in color, long-legged, bony, with a long, down-curved bill—the ibis had been seen only a few times in New York State before the nineteen-forties. Then the number of sightings increased; it was apparent the species was spreading north, and during the mid-nineteen-fifties, ibis bred for the first time in New Jersey. In 1959, five of the birds arrived at Jamaica Bay in April and stayed all summer, but no nests were found. Then, in 1961, at least three pairs of glossy ibis bred successfully in the refuge, the first such record for the state.

Now, more than a hundred pairs of ibis bred each summer in Jamaica Bay, and other colonies have established themselves on Long Island. The total number of species recorded for the refuge has reached 310, including such rarities as the cinnamon teal, Townsend's warbler and white pelican—all Western birds—and bald eagles, wood ibis and a European red-wing thrush. The thrush sighting was particularly remarkable; it was the first record of the bird in North America. Birders flocked to Jamaica Bay to see it. A group of Texans—they do such things right in Texas—chartered a plane and hurried east to add the thrush to their personal lists of birds seen in the United States.

Sixty-five species are known to have bred at least once in the refuge. But the busy seasons there are spring and fall when migrating waterfowl, shore birds, swallows, warblers, sparrows and many others swarm through. Although winter brings birds from the north—owls, horned larks, and occasional flock of snow buntings and Lapland longspurs, perhaps crossbills and evening grosbeaks—winter does not, as a rule, provide much exciting birding in the refuge.

When the birds diminish, Herb Johnson becomes visibly depressed. For as the birds discovered the refuge and the plantings he was so carefully making, he discovered the birds and became hooked. He is now considered something of an authority by the rest of the birding fraternity. When he meets a visitor at the refuge entrance on a winter day and to the question, "Anything special around?" has to answer, "Not much," his look is that of a man whose friends have unaccountably deserted him.

None of the proposals for changing Jamaica Bay is without justification.

The New York area needs more airport space. The fourth jetport still waits upon a site. To provide a temporary solution to the crowding while the search for a site continues, the Federal Aviation Administration, the Port Authority and the airlines are promoting the expansion of Kennedy's runway facilities. No specific design has been settled on; but sample plans show two long runways stretching out into the bay, with one of them crossing the eastern half of the bay all the way to Cross Bay Boulevard; a third runway would be laid at right angles to the first two, well off the present shore of Kennedy.

The Army Corps of Engineers has its own ideas. Filling in the shoreline has made the bay smaller, which has increased the danger of flooding along the waterfront in bad storms. The Engineers' solution would be to build a set of gates across the Rockaway Inlet, which connects the bay to the ocean; the inlet could be partly closed off in particularly severe weather to keep out abnormally high tides.

Meanwhile, the Department of the Interior and the city have been discussing a plan for a Gateway National Recreation Area, to include Jamaica Bay, the western end of the Rockaway peninsula and Sandy Hook. Over the years, the city has been building the beaches on the bay that Robert Moses envisioned—dumping landfill and covering it with sand; with the help of Federal funds, it has committed itself to the installation of improved sewage-treatment facilities that would clean up the water.

Some of the people who live around the bay would like to have the Engineers protect them from flooding. But most are leery of Kennedy expansion. As it is, there are areas around the airport where the roar of jets is practically perpetual and sometimes unbearable; local residents are afraid, despite assurances to the contrary, that adding to Kennedy's capacity would also add to the noise. A number of them, particularly those in Broad Channel—who share the bay's central island with the refuge—are worried that extension of the runways would force them to move.

Environmentalists strenuously oppose both projects on the ground that such construction would seriously endanger the living things in the bay. They would encourage developing the bay—but only for recreation, for education and for the study and improvement of the salt-marsh ecosystem. One major objection to the storm gates and runways is unpredictability. Relatively little is known about the workings of salt marshes. The dredging and filling and pollution already threaten the bay, but to what degree, no one is certain. Is more of the same, or less, in the offing, and what will that do? A change in the average height of the water, for example, or shifts in the currents, could have serious consequences. The proposed construction projects could have a variety of effects, depending on how they were designed, whether only one or both were built, and what else happened to the bay.

The environmentalists also cite specific drawbacks to each plan, taken separately. The closing of storm gates, they say, could keep the tides from giving the bay a normal flushing at a time when such a cleansing would be most needed—with both fresh storm water and sewage streaming in. One hurricane "controlled" in this fashion, they suggest, would change the ecosystem so abruptly and severely that it would jeopardize the life of the salt marsh. And salt marshes are not expendable. In fact, because they are being destroyed at a rapid rate, each one that survives takes on increasing importance to the life of the birds and fish that depend upon marshland.

The new Kennedy runways, contend the critics, would at a minimum seriously damage the ecosystem wherever they were built, and might well have a much wider impact. Even if the runways were to cover a relatively small area themselves, they would overrun a good deal of marshland.

"While it is clear that the Jamaica Bay salt marshes are withstanding the present pollution levels," commented John Teal and William Niering, "we have no way of judging how close they are to being stressed to the point which would overtax their resilience. Any decrease in the marsh area in the system will push the remaining marsh further toward its breaking point."

The runways could also change drastically the flow of the tides in the eastern half of the bay. The critics foresee the possibility that the sewage that at present collects on the bottom near Kennedy, and so does not spread to the rest of the bay, would be diverted by the runways into areas as yet relatively free of pollution.

Kennedy expansion is chiefly at issue now. The Port Authority commissioned the Environmental Research Board of the National Academy of Sciences and the National Academy of Engineering to conduct a study of the environmental effects of the proposed construction. The board appointed a panel to look into the matter, and the report of that panel has been awaited for months. Regardless of any recommendations the report makes, however, the airport's encroachment on the bay will remain a possibility, although for the time being, at least, key officials in the city and state governments have lined up on the side of the environmentalists.

On the day after the snowstorm that ushered in the new year, a few fishermen jigged for herring from North Channel Bridge. The refuge ponds were closing again. Flocks of sparrows and blackbirds and mourning doves few in the upland, but most of the waterfowl had left the refuge or moved into the bay. The activity of the gulls and the remaining ducks and geese had combined with the wind to keep open three small patches of water in the West Pond; gulls monopolized two of them, and the ducks, the other. Black ducks and herring gulls huddled in small groups on the white ice.

Soon, a calm and cold night would freeze the rest of the surface, and Herb Johnson and his two assistants would go out on the ice and chop a bathing hole for the birds. The year's cycle for the bay had reached ebb tide. The future that nature held in store was predictable; what man would do was not.

MONTANA LEGISLATIVE RESOLUTIONS

(Mr. MELCHER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MELCHER. The Montana House of Representatives has transmitted to me five resolutions enacted by the house dealing with matters of Federal concern, which I submit for inclusion in the Record following these remarks.

The resolutions deal with the following:

Restoration of Forest Service lands seriously disturbed by mining exploration operations;

Opposing construction of an air facility at East Glacier;

Dust abatement and wildlife enhancement at Canyon Ferry Reservoir;

Restoration of railway mail services; and

Reopening of the Holly Sugar Refinery at Hardin, Mont.

The resolutions follow:

House Resolution 25

A resolution of the House of Representatives of the 42d Legislative Assembly of the State of Montana to the Honorable Richard M. Nixon, President of the United States; the Honorable Rogers Morton, Secretary of the Interior; the Honorable Clifford Hardin, Secretary of Agriculture; the Honorable Mike Mansfield, and the Honorable Lee Metcalf, Senators from Montana; the Honorable Richard Shoup and the Honorable John Melcher, Representatives from Montana; and the Honorable Forrest H. Anderson, Governor of Montana, urging investigation into ways of restoring public lands disturbed by recent mining exploration in the Beartooth Mountains within the Custer and Gallatin National Forests

Be it resolved by the House of Representatives of the State of Montana:

Whereas, the natural landscape of the Beartooth Mountains within Custer and Gallatin National Forest possesses unique scenic beauty,

Whereas, alpine ecosystems are fragile and do not readily heal themselves without treatment when abused,

Whereas, the scars left by mining exploration in the Beartooth Mountains will remain ugly scars unless reclamation is undertaken and the landscape restored to a natural condition,

Whereas, erosion has been accelerated by the recent mining exploration and is now, and will continue to result in pollution of the waters draining these landscapes,

Whereas, much of the recent mining activity in the Beartooth mainly south of the Benbow Mine, in the vicinity of Iron Mountain, and the Moaut Mine area has greatly disturbed the lands to date and little or no reclamation has taken place,

Whereas, major mining companies in this area have currently shown interest in cooperating with the United States Forest Service in obtaining water quality data and maintaining water quality in the streams of this area,

Whereas, local residents and all Montana outdoorsmen and conservationists are interested and concerned about proper reclamation in disturbed areas and not currently reclaimed and whether or not reclamation will commence in these places.

Now, therefore, be it resolved that the mining companies active in exploration and mining operations are urged to work together with the United States Forest Service, the State Fish and Game Department, and the State Board of Health, and the State Lands and Investments to investigate ways of restoring the land disturbed by recent mining exploration of the Beartooth area,

Be it further resolved, that companies operating in these areas which are not to be further explored or developed be urged to start reclamation on an experimental, or if and where possible, on a final reclamation standard, and to develop reclamation techniques most suited for alpine mountain landscapes, and

Be it further resolved, that this action commence as soon as practicable, and

Be it further resolved, that copies of this resolution be sent to Russell Chadwick, President of the Northwest Mining Association, Spokane, Washington, and that he be asked to forward copies of this resolution to those companies doing business in the Beartooth area, namely American Metals Climax Inc., Johns Manville, Cypress Mines Corporation, and the Anaconda Company, and any other company or companies currently doing business in the Beartooth Mountains,

Be it further resolved, that copies of this resolution be sent by the Chief clerk of the House of Representatives to the Honorable Richard M. Nixon, President of the United States, the Honorable Rogers Morton, Secretary of the Interior, the Honorable Clifford Hardin, Secretary of Agriculture, the Honorable Mike Mansfield and the Honorable Lee Metcalf, Senators from Montana, the Honorable Richard Shoup and the Honorable John Melcher, Representatives from Montana, and the Honorable Forrest H. Anderson, Governor of Montana.

House Resolution 17

A resolution of the House of Representatives of the State of Montana registering opposition to the proposed construction of an air facility near Glacier National Park which would be capable of accommodating the most modern type of aircraft

Whereas, the Senate and House of Representatives of the state of Montana in 1965 passed a joint resolution supporting the construction of an air facility capable of accommodating the most modern aircraft near East Glacier, and

Whereas, there has now been constructed an adequate air facility capable of accommodating the most modern aircraft near Glacier National Park Headquarters at West Glacier, and

Whereas, the construction of such a facility at East Glacier would result in an unnecessary duplication of facilities and expenditure of funds, and

Whereas, the construction of such a facility at East Glacier would be impractical and unnecessary due to the distance from any entrance to Glacier National Park and the headquarters and major tourist facilities of Glacier National Park.

Now, therefore, be it resolved by the House of Representatives of the State of Montana:

That the House of Representatives request the Federal Government to discontinue all efforts directed toward authorization and construction of an air facility near East Glacier, Montana.

Be it further resolved, that the House of Representatives believes that such a facility is not in the best interests of the people of the state of Montana, or the orderly development and utilization of Glacier National Park by tourists.

Be it further resolved, that the chief clerk of the House of Representatives is instructed to send copies of this resolution to the President of the United States, to each member of the Montana Congressional Delegation, to the Secretary of the Interior, and to the Administrator of the Federal Aviation Agency, and to the Montana Aeronautical Commission.

House Resolution 15

A resolution of the House of Representatives of the State of Montana, to the United States Congress, in support of the proposed plan of the United States Bureau of Reclamation for dust abatement on the Canyon Ferry Unit, Helena-Great Falls Division, Pick-Sloan Missouri Basin program of the Missouri River Basin project, Montana

Whereas, the Canyon Ferry Unit, Helena-Great Falls Division, Pick-Sloan Missouri Basin Program, Montana, was constructed at considerable expense to the United States in 1954, and

Whereas, in the normal practice of raising and lowering the water level in Canyon Ferry Reservoir for the purpose of flood control and hydro-electric power production some nine thousand (9,000) acres of beaches at the south end of the reservoir become exposed and subject to wind erosion, and

Whereas, the Bureau of Reclamation, in conjunction with the Montana Fish and Game Commission, has developed a plan to protect the most frequently exposed areas by a series of dikes, dredging of silt, and flooding, resulting in impoundments being created and developed for wildlife enhancement, and

Whereas, the proposed plan would:

(a) provide complete dust abatement for forty-six hundred (4,600) acres of beaches lying between elevation 3797 and 3780, which constitutes the limit of the most frequently exposed areas;

(b) maximize wildlife and recreation enhancement with a planned water supply and control facilities;

(c) greatly enhance the ecology, environment, and physical appearance of the area by providing wildlife nesting and breeding grounds;

(d) assist in controlling the air pollution of the area; and

(e) would serve as an excellent demonstration project for other areas experiencing similar dust problems.

Now, therefore, be it resolved by the House of Representatives of the State of Montana:

That the House of Representatives of the state of Montana urge the United States Congress to appropriate funds to carry out the plan of dust abatement proposed by the Bureau of Reclamation for Canyon Ferry Reservoir.

Be it further resolved, that the House of Representatives of the state of Montana urge the Montana congressional delegation to support any federal legislation proposed to accomplish this purpose.

Be it further resolved, that the Chief Clerk of the House of Representatives is instructed to send copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States

Senate, The Honorable Mike Mansfield and The Honorable Lee Metcalf, Senators from the state of Montana, and The Honorable John Melcher and The Honorable Richard Shoup, Congressmen from the state of Montana.

House Resolution 23

A resolution of the House of Representatives requesting immediate passage of enabling legislation in the interests of national defense and for reestablishment of more efficient mail and rail services to all the people, by providing distribution enroute of all four classes of in-transit mail by highly qualified railway postal clerks, in refitted railway postal cars and highway post offices, in Montana and interstate in the United States of America

Whereas, it is a fact that mail services of all four classes of in-transit mail to the public under present postal policies and practices, is now too uncertain and inadequate, and institution of RAIL-PAX theories will further downgrade passenger train travel throughout the entire Northwest, and

Whereas, the United States Post Office Department on September 15, 1967, withdrew Railway Postal Office cars and instituted the detrimental practice of centralizing all four classes of in-transit mail to distribution in designated "Postal Sectional Centers", there being nine (9) in Montana; Miles City, Billings, Butte, Helena, Missoula, Kalispell, Great Falls, Havre and Wolf Point, and all four classes of mail from the immediate vicinity of these nine (9) centers must go first to one of these designated sectional centers for distribution, regardless of the fact that either all or part of that mail may be for destinations between the office of mailing and the sectional center, or in the opposite direction. This backhaul results in totally unjustifiable delay and added transportation costs, payable by the post office department to the carrier, and such backhauled mail amounts to tons daily throughout the United States, and

Whereas, the United States railroad system is the most dependable means of transportation and communication in times of peace or war, in any kind of weather, and the trains maintain their schedules on a very creditable basis, superior in certainty to any other type of transportation, and

Whereas, distribution of all transit mail enroute by highly trained postal transportation clerks in railway postal cars, operated in passenger trains in this area, was entirely eliminated by Postmaster General O'Brien on September 15, 1967, and that the nine (9) sectional centers now do all the mail distribution in this state, and these changes have downgraded mail services, along with airlift taxi service of part of first class mail, and these are inoperative in inclement weather, and in unheated trucks mounted on freight cars (piggybacks), operation, subjecting all perishable mail, liquids, eggs, baby chicks, medicines, fresh flowers, etc., regardless of special delivery or other special fees paid, to being destroyed enroute in these piggybacks operated in freight trains, and these perishables are inexcusably delayed and endangered, thus placing mail service on a par with freight car delivery, and

Whereas, reestablishment of regular daily Railway Postal Office mail service in passenger trains, wherein all four classes of mail in transit is distributed enroute, as done previously by highly trained postal transportation clerks, along with heated mail storage cars, will provide the railroads with ample funds to operate and maintain their equipment more profitably, and provide the public with the very best of mail and passenger train services throughout the country on a more efficient basis than at present.

Now, therefore, be it resolved by the House of Representatives of the State of Montana:

That the chief clerk of the House of Representatives of the state of Montana send to The Honorable Mike Mansfield and The Honorable Lee Metcalf, Senators from the state of Montana, and The Honorable Richard Shoup and The Honorable John Melcher, Congressmen from the state of Montana, requesting that they use all honorable means within their power to bring about the enactment of necessary legislation with provisions of any needed supplemental appropriation, which will reinstate and maintain on a regular daily basis, fully adequate railway postal services on an interstate basis in the passenger trains of this state and throughout the northwest, equivalent to such mail services in effect previous to September 15, 1967.

House Resolution 13

A resolution of the House of Representatives of the State of Montana directing that the State Office of Planning and Economic Development meet with officials of the Holly Sugar Company to determine any common ground that may enable the reopening of the sugar refinery

Whereas, the Holly Sugar Company has announced that it would terminate the refining of sugar from sugar beets, and would close its plant in Hardin, Montana, and

Whereas, such termination is to take effect immediately, to the economic detriment of that community and this state, and

Whereas, no public notice prior to the announcement was given by the Holly Sugar Company to the growers supplying its sugar refinery there, that such closure was imminent, and to the community of Hardin, and

Whereas, there has been no public pronouncement of any interest on the part of Holly Sugar that such closure be temporary, and

Whereas, great hardships and economic deterioration will result in the community of Hardin and in the state, in that such refinery employed fifty-five (55) year-round employees and one hundred fifty (150) seasonal employees, representing an annual economic effect of over six million dollars ($6,000,000), and

Whereas, some thirteen thousand (13,000) acres of irrigated land are adversely affected, and the closure creates a hardship on farm operators who have heavy investments in machinery and equipment suitable only for beet raising, and

Whereas, much of the land involved is owned by members of the Crow Indian Tribe who will suffer loss of income by such closure, and in addition Crow Tribal members are employees of the refinery, and

Whereas, it appears that the freight rate structure applying to the transportation of beets and the refined product contributed to the decision to close, and prohibits the transportation of beets from the stricken area to other refineries, and

Whereas, the tax base of Big Horn County, and the state of Montana are adversely affected.

Now, therefore, be it resolved by the House of Representatives of the State of Montana:

That the House of Representatives earnestly solicit the management officers of Holly Sugar Company to rescind its decision to close the factory at Hardin in 1971.

Be it further resolved, that Holly Sugar Company be requested to study the possibility of putting into effect a phase-out program or a lease arrangement if such is necessary so that producers and workers affected, as well as the community and the state, can gradually adjust to such closure.

Be it further resolved, that the State Office of Planning and Economic Development call for and direct a conference, with all deliberate speed, of the corporate officers of Holly Sugar Company, responsible railroad and motor truck officials, and any other industrial representatives necessary, together with representatives of producers and other interested parties in the area, to determine any common ground that might enable the reopening of such sugar refinery.

Be it further resolved, that copies of this resolution be forthwith mailed by the Chief Clerk of the House, to the Holly Sugar Company, to the director of the State Office of Planning and Economic Development, to the mayor of the city of Hardin, Montana, to the Board of County Commissioners of Big Horn County, and to all members of the Congressional Delegation.

TO END A WAR IS SIMPLE, BUT

The SPEAKER pro tempore (Mr. Roncalio). Under a previous order of the House, the gentleman from New York (Mr. Robison) is recognized for 45 minutes.

Mr. ROBISON of New York. Mr. Speaker, when he presented his public summation of the foreign policy—or state of the world—report he recently sent Congress, President Nixon said, with reference to the war in Vietnam:

> It matters very much how we end this war. To end a war is simple. But to end it in a way that will not bring on another war is far from simple.

Throughout recorded history, most wars—the exception being those few that ended in stalemate and just faded away—have ended in victory for one side, and defeat for the other. They were entered into, and fought, on such a basis.

Obviously, things are not quite so simple these days.

One historic axiom, however, applies as clearly today as in earlier times. That is, that it is always far easier to begin a war—any war—than it is to end one; and this certainly applies to the war in Vietnam.

All of us pray for that war's early end, and probably none among us more devoutly so than Richard Nixon.

But there are divisions between us as to how to end this particularly unfortunate conflict. Only a few among us still hold out hope for some sort of military victory—that elusive will-of-the-wisp which, if we believe our own statements, never was a goal we pursued in Vietnam. At the other end of the spectrum, is a larger—but still minority—opinion group that sees ending the war, or at least our involvement in it, as a very simple thing to do, contrary to the President's view. They would have us cut our losses and simply walk out, leaving the Vietnamese to settle their own affairs.

In between these extremes, however, is that largest of all opinion groups composed of those Americans who—for a variety of reasons—agree with Mr. Nixon that "it matters" how we end this war. I doubt "it matters" so much with them, for the moment anyway, that ending it in the wrong way might bring on the possibility the President raised of yet another war. Instead, I think it matters with them because, being people of conscience, they believe we still owe the people of South Vietnam something more than abandonment to their fate. If we are to leave them—and we must, sooner or later—we still wish to leave them with at least a fair chance of making it the rest of the way on their own.

And so it has been that, despite our bone-deep weariness with the war, a near-unanimous retrospective view that our original involvement in it was a mistake, and our anxiety to cut short its awful costs, most of us have given our support to that method for our gradual disengagement therefrom which the President has devised and calls "Vietnamization."

We have understood the strategic dilemma he has faced in applying that disengagement method—not to withdraw so precipitately as to cause an abrupt deterioration of the military, economic and political situation in South Vietnam of the sort that might destroy whatever chance its people had of standing on their own once we had left and, in light of our own concerns, not to withdraw in such a disorderly fashion as to invite, once our forces were thinned down, some sort of Asian "Dunkirk" for those that remained.

We recognized that all this would take time to arrange; and we have given the President the time he needed to arrange it, confident that he was moving, on an irreversible course, to end the war as best, and as fast, as he could.

At the same time, we—or most of us—have recognized that, at best, "Vietnamization" could only end our part in the shooting war; that, if carried out to the point of withdrawal of all U.S. forces, Vietnamese might thereafter still be fighting Vietnamese, a situation with which, as Mr. Nixon properly noted in his recent report, we could "take no satisfaction." Thus, we—or most of us—have similarly recognized that the "constant primary goal" of our overall policy for ending the war for all participants had to be our ambition to arrange a negotiated settlement of the political issues that produced the conflict in the first place; and we were pleased to have the President, in his report, restate that ambition in just those words.

I shall not, in the course of these remarks, Mr. Speaker, go deeper into the question of negotiations. The need to go on searching for a political settlement is of paramount importance. As the President notes, such a settlement is "the heart of the matter; it is what the fighting has been all about." But, though I am not sure we have yet done all we could to "kindle negotiations"—again borrowing a Presidential phrase—that is not what concerns me so much at the moment, nor what prompts these remarks.

Instead, I am concerned—and deeply concerned—over what may be a shift in emphasis by the White House in application of its policy of "Vietnamizing"—or "de-Americanizing," if you prefer—what remains of the conflict while the search for a negotiated settlement goes on.

Such a shift in emphasis may not have taken place—the picture is not clear—but there are some who think it has, as well as others who ask if it is not about to.

Let us now take a look at some of those suggestions:

First, I submit a column entitled "The New Pattern" as the same appeared in the February 23 edition of the Christian Science Monitor, under the by-line of the experienced and usually objective reporter, Joseph C. Harsch:

The New Pattern

(By Joseph C. Harsch)

WASHINGTON.—President Nixon has once again ruled out the use of nuclear weapons in the war in Indo-China. He has done it categorically. His words (Feb. 18) were:

"I am not going to place any limitation upon the use of air power except, of course, to rule out a rather ridiculous suggestion that is made from time to time—I think the latest by Hans Morgenthau—that our air power might include the use of tactical nuclear weapons. . . . I have said for a period of five years that is not an area where the use of nuclear weapons, in any form, is either needed or would be wise."

FRIENDLY REGIME

But anything else now goes, including presumably the bombing of Hanoi and Haiphong, if Mr. Nixon thinks that would help in protecting American forces in Vietnam.

Technically, his condition is "the safety of Americans" in Vietnam. He is prepared to allow his generals to do anything short of using ground troops outside South Vietnam, or nuclear weapons anywhere, to protect "the safety of Americans."

But is something else implied here? I think it is.

The American forces in Vietnam now are protected in part by themselves, and in part by the existence of a friendly political regime and a large army dependent on American aid. Not a single American in Vietnam of any kind would be safe if the regime in Saigon suddenly became unfriendly, or if the army of South Vietnam ceased to be the ally of the United States.

The original stated purpose of American intervention in Vietnam was to allow the people to choose their own form of government.

LONG-TERM PRESENCE

It was long presumed, indeed specified, that Washington would accept any political settlement in Vietnam which was worked out by the people themselves. It used to say that this included a possible coalition government. It was repeatedly stated that the Communist elements in Vietnam could be included in such a coalition government.

Has Mr. Nixon now ruled out any such political solution? Is he saying now that his purpose is to secure and protect a permanent non-Communist regime in Saigon?

It begins to sound like that.

The talk here is no longer of a total American withdrawal. It is rather of a long-term American military presence in support of the existing regime in Saigon.

This is probably now possible. Public opposition to the war has greatly diminished as American casualties have declined and as the draft calls have been cut down. The fighting is being done largely now by willing professionals, not by unwilling conscripts. It is politically possible at home for Mr. Nixon to think now in terms of a long-term American military presence, rather than in terms of total withdrawal. Besides, with unemployment still rising no one wants to add to it by releasing more men from military service.

BARGAINING COUNTER

All of this has broadened Mr. Nixon's range of options. A year ago he had to talk in terms of total American withdrawal. Conditions on his home front imposed that upon him. They no longer do. He could keep a force of a hundred thousand Americans in Vietnam indefinitely, if he chose.

Present indications are that he has so chosen: that he is thinking now of keeping a substantial American military presence in Vietnam so long as they may be necessary or desirable in bolstering and sustaining the regime in Saigon and the armed forces of that regime.

This, of course, rules out any negotiated settlement at the tables of diplomacy in Paris.

It also leaves unsolved the problem of the Americans held in Hanoi's prison camps.

Those luckless persons become Hanoi's last bargaining counter. They will be released, Hanoi says, when the last American leaves Vietnam. But is there anything Mr. Nixon can do to get them released so long as American troops remain in Vietnam? The prisoners will, I suspect, pay the price of a new policy of a permanent American presence in Vietnam.

The Harsch thesis is a disturbing one—at least to me. He suggests, as my colleagues can note, that the President is now thinking of "keeping a substantial American military presence in Vietnam so long as they may be necessary or desirable in bolstering and sustaining the regime in Saigon and the armed forces of that regime," and argues—with which argument I have some trouble since such a result would not necessarily follow—that this "rules out any negotiated settlement at the tables of diplomacy in Paris."

The column by Mr. Harsch appeared prior to the release of the President's foreign-policy report, of course. While its burden of thought concerned me at the time, I thought it best to await that report to see if Mr. Nixon might therein shed any greater light on what was, at best, an ambiguous situation.

I now have that report before me—and have read it, and re-read it, most carefully.

While I find it, in most respects, a valuable, very comprehensive, and well-reasoned document—including the section therein on Indochina—I have not been able to find any real clues, of the sort I was looking for, to help me better understand the President's ultimate intentions via Vietnamization.

Now, certainly, a certain amount of ambiguity on the President's part relative to all this is both understandable and supportable—especially at this particular moment when the results of the Laotian operation which, despite its obvious risks, may be sound military strategy, are still uncertain.

At the same time, however, Richard Nixon can hardly be unmindful of the political lesson learned at such great cost by his immediate predecessor through failing to keep the American people—not to mention the Congress—within his confidence, to the fullest extent possible.

Surely, I had no desire to embarrass the President—to force him, at an inopportune time, to tip his hand.

But, still, the questions came—and the doubt continued to grow in my own mind.

There was, for instance, this column by James Reston entitled "Backing Out of the Saloon," as carried in the February 21 edition of the New York Times:

Backing Out of the Saloon

(By James Reston)

WASHINGTON.—The latest official explanation of the President's Indochina policy is that "he is backing out of the saloon with both guns firing," but there is a catch to this.

He insists that the guys in the white hats keep control of the saloon before he leaves town. He wants a non-Communist bartender, and a non-Communist sheriff, and a secure non-Communist town before he rides away into the sunset of November, 1972. It is a logical personal and political strategy, but in Asia it is a military and geographical contradiction. Asia is not a frontier town, and the white hats are a small minority.

Washington is deeply divided about all this, increasingly frustrated and cynical, because the President is emphasizing one thing and doing another. He is emphasizing withdrawal of the American troops to keep the home front quiet and fighting in Laos to cripple the enemy and keep the Saigon front quiet, and the thing would probably work if the white hats were in the majority in that part of the world or if the President stayed around. It is his withdrawal and his faith in the minority in Saigon that is troubling and dividing Washington. In the short run the strategy will probably work, but in the long run geography and the majority will probably prevail, and meanwhile, what will justify the bloodshed?

It is not possible to understand the honest differences here over the President's policy unless a distinction is made between his dual aims of getting out and maintaining a non-Communist regime in Saigon. At some point he has to choose: He can stay in Indochina with his air power and probably prevail for a time against the patient weight of China's seven hundred million people, a quarter of the human race, or he can withdraw the American expeditionary force, but it is doubtful that he can do both.

Maybe he could do it long enough to hold the line through the Saigon election this autumn and the American Presidential election of 1972, but the future order of the world is not going to depend on the re-election of Richard Nixon or Generals Thieu and Ky. Either a non-Communist government in Saigon is vital to the interests of the United States or it isn't. If it is, we should stand and fight—not hold General Thieu's coat or count on the C.I.A.'s mercenary tribal warriors to fight in the hills or, if cutting the Ho Chi Minh Trail is cutting the enemy's "life line," as Mr. Nixon calls it, leave the battle to the South Vietnamese and abandon them if they are trapped.

This is not to say that the President has a clear intention of making his military strategy fit his re-election problems in 1972. But he is a deeply political man, and there is always a confusion between political interest and the larger realities of world politics. No doubt he hopes that the success in the present Laos campaign would really cut the Hanoi "life line," but the larger historical and geographical realities are against him.

There is something not only illogical but almost dishonorable in his present strategy. If, as the President implies, the invasion of Laos is critical and may even be decisive in the war and "vital" to our interests, then one would have thought we should fight for it. If, as he emphasizes, the main point of what he calls the Laos "incursion" is to "insure our withdrawal, to reduce our casualties and to shorten the war," then this can clearly be negotiated with Hanoi and the National Liberation Front.

Hanoi and the Vietcong are not going to refuse to agree to the departure of the American troops. If this is really the President's purpose, he can get the boys back home and end the casualties and shorten the war. He can negotiate this, he doesn't have to fight for it in Laos or anywhere else.

But this is clearly the puzzling point. He must have another purpose, and the guess here is that his purpose is really to maintain a non-Communist regime in Saigon. Indeed this has been central to the struggle from the very beginning. There is a good argument for it, but the thing should be stated plain and clear. Who will control Vietnam—the Communists or the non-Communists? This is what the battle is all about, and at least it ought to be made clear.

Mr. Nixon presented the Laos adventure this week as if it would settle everything. The North Vietnamese, he said "have to fight here or give up the struggle to conquer South Vietnam, Cambodia, and [give up] their influence extending through other parts of Asia." But why do they have to do so? They can withdraw and wait while Mr. Nixon brings the boys back home. They have been fighting the Chinese, the French, the Japanese and themselves for thousands of years. They can lose and retreat into the jungle and try again after Mr. Nixon has kept his promise to withdraw our men. After all, November, 1972, means nothing to them.

It is this contradiction of withdrawing American troops and leaving the battle to the South Vietnamese that is tearing up this capital. This is a political city, and everybody understands the President's dilemma. In fact, most people here understand his political strategy and agree that he can probably hold the line with air power through the next couple of years. But all this is a little more complicated than "backing out of the saloon." The hills are full of black hats in that part of the world, and they are still going to be around long after Mr. Nixon has retired to San Clemente.

I regret that Mr. Reston saw fit to use the words "almost dishonorable" in describing the President's strategy. Ambiguity—perhaps too much of it—marks that strategy and, perhaps, depending on your point of view, a certain amount of illogic. But of more importance is the Reston idea that Mr. Nixon assigns "dual aims" to his "Vietnamization" policy—the "aims of getting out and maintaining a non-Communist regime in Saigon," between which dual aims and at some point in time, Reston argues, the President must choose for, as he says, "it is doubtful he can do both."

I must say I share the same doubt. But, in any event, from the February 25 edition of the Times came a column by David Halberstam—a Pulitzer Price winner and contributing editor to Harper's magazine. That column was entitled "Laos and the Old Illusions," and read as follows:

LAOS AND THE OLD ILLUSIONS

(By David Halberstam)

So this time it is Laos.

On and on it goes: Who would have thought that instead of the light at the end of the tunnel we would have found a tunnel at the end of the tunnel. The rationalizations are familiar: shorten the war, bring the troops home quicker, protect American lives, improve the morale of the South Vietnamese Government, serve notice on Hanoi of the seriousness of our intent.

Yet one has a sense of microcosm about Laos; if it invokes all the old rationales it also reeks of all the old misconceptions and illusions.

The first is the belief that when we make a move the other side has no alternative, no counter-move. This is perhaps the most remarkable continuing illusion of the war. Its entire history going back to 1946 has been that the Vietnamese Communist forces possess the greater roots in society, the greater willingness to die for their ideas. (Thus the misconception of the Kennedy years when the idea of limited war was fashionable: you fight limited war, but the other side, small, underdeveloped, fights total war.)

The most neglected lesson of the war is that it is their country. Time is on their side. They can take all the time they want. (If the guerrilla is not defeated then he has won, once said the noted political scientist Henry A. Kissenger before he went from critic to second-stage architect of the war.) Whatever we do, they can match. We bomb the North; they send men down the trail. We send combat troops to the South; they send more men down the trail. We go after the Cambodian sanctuaries; they shift the war to Cambodia where once again they are stronger. So we move into Laos, South Vietnamese or American troops notwithstanding. Does anyone familiar with the painful history of the war really believe that they cannot move somewhere else where we are weak and they are strong?

The second illusion might be called the illusion of tangible structures. Trails, sanctuaries, main force units, depots, factories. Things to be seen, photographed, identified, and destroyed. This has always been a central problem. Do you see it as a war in which the tangible structures and the tangible force levels are the given? Or do you see it as a war in which these structures are the minor temporary reflection of the other side—the real factor being his ideas, his determination? Twenty-five years of war has proven that the latter view is the dominant one ("And how long do you Americans wish to fight?" Pham Van Dong asked four years ago in Hanoi. "One year? Two years? Twenty years? We will be glad to accommodate you." Yet the instinct on the part of Westerners particularly of Western military men, has always been to concentrate on structures and to overrate the results of temporary destruction of them.

There is a melancholy feeling to this. A feeling that we are back where we were a few years ago. The question is how and why we got here again. The earliest tipoff came during the silence of the 1968 campaign; had Nixon truly wanted to get out he would have surfaced with his thoughts then.

Then in early 1969 when there was still an official silence, when Mr. Kissinger went around Washington telling people that the greatest mistake of the Johnson Administration was Clifford and Harriman's attacks upon the Thieu-Ky Government. And then Nixon's own attack on Clifford. Quickly after that the most important speech of the Administration, Nixon's Nov. 3, 1969, speech when he said we would get out, but get out with honor and where he bought the assumptions and the rhetoric of the war; that a viable non-Communist South Vietnam is vital to American interest.

That policy has of course become clearer ever since: The welcoming of hawkish labor leaders to the White House, the honoring of Joseph Alsop, the purging of a dovish Republican Senator, the unleashing of the Vice President upon the war's critics. And Cambodia and Laos. Last week Don Oberdorfer, the Washington Post White House correspondent, wrote a particularly incisive explanation of what had happened, noting "the cardinal point is that the President seems truly to believe that a non-Communist South Vietnam is extremely important to the interests of the United States. He appears to believe this may be achievable and he is prepared to take important risks and incur large costs to further this cause." In other words the President appears to believe that the United States can win the war, or if you prefer, can avoid losing it. He means by "peace" what other people think of as "victory."

So that is why we are where we are, making the same foolish mistakes and taking the same foolish risks.

It is all so futile; for years now the only question left on Vietnam is how much damage we will do to ourselves as a society. Eighteen months ago a group of foreigners went by Mr. Kissinger's office and talked about Vietnam with him.

Midway through Kissinger's explanation

> one of the foreigners said it sounded like they were repeating all the old mistakes. Kissinger, who is known and liked for his humor, stopped and answered, no. "We will make our own mistakes in our own way and they will be completely new mistakes." Very funny, very charming. Too bad he was wrong.

Halberstam is known as a longtime critic of the war, but he nevertheless raises a most pertinent question: Is a viable, non-Communist South Vietnam vital to American interest?

That is a question, Mr. Speaker, I have never been able to answer in the affirmative. Which is why, over a period of years, I have been saying that our involvement—"over-involvement," is a better word—in South Vietnam's affairs was a foreign-policy mistake of tragic proportions; an assessment it was not possible for me to alter merely because it had now become the lot of a President of my own political party to try, among other things, to correct that mistake.

Now, let me try to make one thing crystal clear at this point, Mr. Speaker, if I can.

I do not—for one moment—doubt Mr. Nixon's determination to disengage us from this conflict which has cost us so dearly.

In point of fact, by any standard, the speed and scale of our actual withdrawal from the conflict for Vietnam—as directed by the President—has been most impressive.

The President has thus far kept every promise he has made regarding withdrawal to the American people. As detailed in his foreign-policy report, when he assumed office, the authorized American troop strength in Vietnam was 549,500, and troop levels in Vietnam had been steadily rising during the previous 5 years as also—and so unhappily—had been the level of U.S. casualties.

By contrast, as of January 1 of this year, our authorized troop level in Vietnam was down to 344,000 and, by May 1 of this year, Mr. Nixon promises it will drop to a new ceiling of 284,000.

To continue, 2 years ago American combat deaths for the previous 12 months were 14,561, and averaged 278 weekly. For 1969, the comparable figures were 9,367 and 180, respectively. While for 1970, they were 4,183 and 80; and for the last 6 months of 1970, were 1,337 and 51; besides which, except for the past week, the decline has been constant.

In addition to all of which, as I saw for myself when I was in Vietnam last July, U.S. forces are almost entirely out of ground combat—large units, anyway, and middle-sized units, too, for that matter. In addition to which, again, although the fact does not seem to be generally known, draftees—who, wrongly to my mind, used to be carrying much of the burden of ground combat in what was essentially a political war in which the security of the United States was, at best, only peripherally involved—have now been almost totally relieved of ground combat duty, and risks, and are now largely assigned to logistical or support activities.

This reflects—and dramatically so—the manner in which South Vietnam's own forces have been taking over this war, which is still theirs, as it always essentially has been to win or lose; something that is also reflected—as reported by the President—in the fact that while, 2 years ago, the ratio of South Vietnamese forces to American forces in Vietnam was less than 2 to 1, today it is more than 3½ to 1. A fact still further reflected in the war's dollar cost to us which, 2 years ago, was approximately $22 billion per year but is now down to about half that, according to Mr. Nixon.

For all of which President Nixon deserves our congratulations, and our thanks, for he has certainly set us in the right direction, at last, in Vietnam: "Out."

Understanding the nature of the progress made in that direction helps us understand why, for instance, Secretary of State Rogers has been heard to exclaim, in response to the President's critics: "Do they not know we are getting out?"

As one who has supported the "Vietnamization" policy—not because I saw it as a perfect policy, nor anything like an answer, in and of itself, to the burden of responsibility we may wrongly have assumed for the South Vietnamese, but because it seemed the best course we could then adopt—I do not now wish to be numbered among the President's critics.

However, Mr. Speaker—as now confronted by the ambiguities surrounding the issue of where we go from here with "Vietnamization"—I can only answer Mr. Rogers' question this way: "Well—yes, and no."

For, at the risk of overburdening the RECORD, I believe it would be of value to ask my colleagues to consider two more newspaper articles of recent vintage that seem to round out the dilemma I face, for such interest as that may be to others.

The first such item is a column by Richard Wilson entitled "Confrontation on Vietnam Policy," as carried in Washington's Evening Star on March 2:

CONFRONTATION ON VIETNAM POLICY

> Now there can be no doubt that the issue is joined between President Nixon and all those in both parties in the United States Senate on when and how to terminate American involvement in Indochina.
>
> Anyone who reads with any care the 60,000-word statement on foreign policy submitted to Congress cannot escape the conclusion that the United States will be deeply involved militarily for many years to come if Nixon's policy prevails.
>
> Nor could anyone escape the conclusion that the Democrats of the Senate, including all the presidential candidates, are resolved to bring American involvement totally to an end at some certain date far short of any likely termination under Nixon's policy.
>
> The result is a confrontation equally as important as that on the battlefield. The Vietnam issue which was defused in the election of 1968 and 1970 now promises to become the paramount issue in 1972.
>
> The President's policy statement contains two essential points. First, there is no expectation of a negotiated settlement, and even if there were one in Vietnam the war would still go on in Cambodia and Laos. Second, and this is a subjective conclusion, the President will be compelled to create at the best a Korea-like condition in a long-term commitment to sustain a non-Communist government in South Vietnam. At the worst, heavy U.S. air support will be required for long-continuing military operations of the army of South Vietnam.
>
> And the question now before the country is whether or not the people of the United States will support the President in a policy falling far short of complete withdrawal from Indochina.
>
> The President has thus finally had the fortitude to make explicit what had formerly been merely sound conjecture. There will be no early end to the war. He will not bug out. He will not abandon South Vietnam to the Communists for fear that if he does not he will be defeated for re-election in 1972.
>
> All pious disclaimers to the contrary, that is what Nixon's critics wish him to do. But they were reasonably certain he would not do it before they demanded he do so, and now they are sure he will not.
>
> In the White House there is total awareness of the issue. It is condensed into the oft repeated statement there that the people will judge in 1972 if Nixon's policy is supportable.
>
> To this end, and preliminary to a similar report next year, the Nixon accomplishments have been listed and highlighted lower casualties, troop withdrawals, a sharp increase in the ratio of South Vietnamese to American fire fights but not any more a promise to end the war, and not any more the slightest reliance on a negotiated settlement.
>
> If one were to chart the temperature of White House briefings over the last couple of years it would show high readings of hope and expectation in the earlier months slowly receding into the lower degrees prevailing today.
>
> More and more the President's chief adviser, Dr. Henry Kissinger, sounds like his predecessor, Walt Whitman Rostow. More and more President Nixon faces the dilemma of President Johnson. But when all that is said, and the long-range nature of the contest in Asia is appreciated, still Nixon has wound down the war, as President Johnson would also undoubtedly have done had he not decided that he could not unite the country behind his policies.
>
> Even with the war winding down, the country is not united, and there will come a time when Nixon, like Johnson, must consider whether or not he can hold the country to a steady course for another period of years to achieve a stable non-Communist or non-aligned South Vietnam.
>
> It would seem now as unlikely that Nixon would decide he could not hold the country steady as it was unlikely Johnson ever would have come to such a conclusion.
>
> But the recurrence of one phrase in Nixon's report to Congress must be noted. He has laid strong emphasis on the limits to American policy imposed by the extent of support for it by the American people.
>
> That is the matter at issue right now, and once again. Since it weighs so heavily on Nixon's mind, it must be considered the controlling factor in whether or not he can carry out his policy.
>
> That is why the result of the present confrontation in American domestic politics is as important, or more important, than the confrontation on the battlefield.

Mr. Wilson flatly states:

> The United States will be deeply involved (in Vietnam) militarily for years to come if the Nixon policy prevails—

And that—

> there will be no early end to the war.

This is a prospect that I, for one, do not believe a majority of the American people is—rightly or wrongly—willing to accept; and I have to say I have grave doubt of the President's ability to rally the American people behind such a policy. I say that because I think a majority of them tend to believe—as I believe—that we have done about all we can for the South Vietnamese, and that it is beyond our power, as well as being far outside the scope of our strategic interests in Southeast Asia, to now attempt to guarantee, or insure, for them the success we hope they will eventually have.

My reasons for taking such a position are quite well summed up in the last insertion I wish to submit with these remarks, Mr. Speaker, which is the lead editorial for the March 3d edition of the Wall Street Journal, that addresses itself to the choice to be made as between what the writer describes as "Vietnamization's two-pronged purposes":

> ### The Subtle Questions
>
> At this point, we think the questions to raise about the South Vietnamese strike into Laos are not the obvious military ones; indeed, we think it a mistake to judge the operation a failure too hastily. The questions of the moment, rather, are more subtle ones about an evolution, or clouding, or even escalation of the purposes of the Vietnamization policy.
>
> The strategic justification of the Laos operation, it's important to remember, is to reduce the North Vietnamese offensive capability in South Vietnam next year, when American forces will be smaller and more vulnerable. One way to do this is to disrupt supply routes, the original tactical intention of the mission. The penetration was apparently stopped short of its planned depth when it became evident the North Vietnamese were choosing to fight. But if the enemy spends his men and material fighting for mountaintops in Laos, he will not have them to spend in South Vietnam next year. Thus the allied strategy can work even if the outcome of the Laotian fighting is in itself inconclusive.
>
> The obvious risk is that the outcome will be worse than that. So far the South Vietnamese have taken a number of individual defeats without cracking, and no doubt the heavy fighting has been costly for the Communists. There are suggestions, though, that the enemy is massing for a huge battle, another great throw of the dice. By massing, he will be open to heavy punishment from U.S. airpower. But he can hope to humiliate the South Vietnamese army, and to unravel the Saigon government and the whole Vietnamization policy.
>
> This very high risk in the Laotian strike, even if it is in fact offset by a comparably higher chance of success, seems to us to raise questions about the administration's fundamental purpose in Indochina. We have always understood Vietnamization as a two-pronged policy. The paramount purpose was to withdraw American forces, but a secondary purpose was to preserve at least a chance that a non-Communist government could be maintained in Saigon. Giving Saigon that chance was necessary to American honor and world credibility, but if South Vietnam did fall when the time came to stand alone, at least American troops would no longer be involved.
>
> The questions start because on its face the Laotian operation looks more like an attempt to insure a non-Communist South Vietnam than an attempt to insure continued American withdrawals. Not that its success would not speed withdrawals, but one wonders whether risks of this magnitude are really critical to their continuation.
>
> One wonders even more after a remarkable article by Peregrine Worsthorne of the London Sunday Telegraph, based on private interviews with President Nixon and his national security adviser, Henry Kissinger. In an entirely sympathetic and optimistic way, it describes how Vietnamization was once merely a face-saving formula to cover a North Vietnamese victory, but has now become a way to guarantee a non-Communist South Vietnam.
>
> We hope as hard as we can that events vindicate the optimism Mr. Worsthorne describes. We have long been convinced that, after all that has been done so far, it will be far better for the United States both at home and abroad if a non-Communist Saigon remains to show for the sacrifice. And just because optimism has been wrong in the past is no guarantee it will always be wrong in the future; this administration's track record remains pretty good as its withdrawals testify.
>
> But even if some sort of success is finally won in Vietnam, it will not begin to balance the costs we have paid in blood, in treasure and in the strain on the American social fabric. The purpose of ending these costs must remain the keystone of policy, and there is a danger it will be subtly downgraded if the administration starts to smell a larger success. If it looks as if Saigon's independence can in fact be guaranteed, there will be a temptation to run a few more risks, risks that may compromise the purpose of withdrawals.
>
> If the Laotian operation does fail in any dramatic way all this may not matter, for then perhaps the administration will never have to choose between its two purposes. But we desperately hope it can keep and has kept a firm grip on the first purpose of withdrawal. The load of accumulated grief is such that doubt lingers, that we are haunted by the thought of future troubles when we will look back and say, we had a chance to get out with a modicum of honor but we did not take it.

I hope—with Mr. Nixon—for the success of the current Laotian operation. One can hardly do otherwise, under the circumstances. And I was pleased to have the President say, at last week's press conference, that its success will permit our current troop withdrawal program to go forward, at least at the present rate of about 12,500 men being brought home monthly, for sometime into the immediate future. We will apparently have to wait until April for more specific White House advice on this.

I was also pleased to hear the President, at that press conference, tell us that our goal is still one of "a total withdrawal of all American forces," even if he then shaded that by reminding us that we are for such total withdrawal "on a mutual basis," and stated again that "we will have to maintain at least a residual force in South Vietnam" so long as there are American prisoners of war held by North Vietnam.

But, having said all that, Mr. Speaker, what can I do—what can be done by those of my colleagues who feel as I do—to encourage the President to keep, in the words of the "Journal's" editorialist, a "firm grip on the first purpose of withdrawal?"

The right answer does not come easy. It never has, for there are no easier answers for us than for the President.

But one thing we ought to do, it seems to me, is to put our stamp of approval on Vietnamization—which we have never yet formally done—as being our Nation's present policy toward terminating our role in South Vietnam. We ought to do so if for no other reason than that the President should not, alone, continue to carry the burden for the success, or failure, of such a policy.

We also ought to do so—if we can find a consensus among us—in order to try to clarify for ourselves, and for the people of both the United States and South Vietnam, exactly what Vietnamization means, and what we expect to be able to accomplish thereunder if all attempts at a negotiated settlement of the war should fail.

No less is required of us, as a partner under our Constitution with the President in attempting to shape our Nation's long-range foreign policy.

We can—we must try to—succeed in living up to this responsibility despite the failure of past Congresses, when confronted with the dilemma of Vietnam, to do so.

Finally, we ought to begin anew that search for some consensus among us as to the right way to end this war because—as I suspect is the case, Richard Wilson's column to the contrary—if the President has not yet made up his mind about "where we go from here" with his disengagement policy, and if that question is being still debated at the White House level, Mr. Nixon needs, and may privately want, our advice.

There is presently pending before this and the other body any number of so-called end-the-war resolutions.

I do not question the sincerity of the proponents of any of them, but I do question—even as I suspect they do—whether any of those resolutions have any better chance in this Congress than their counterparts had in the last.

In an effort last year to bridge that gap between what was politically feasible and what was not, I offered two resolutions—House Concurrent Resolution 703, and a stripped-down version thereof, House Concurrent Resolution 756. The thrust of both of these proposals was in the direction of validating a total U.S. withdrawal, via Vietnamization, from former Indochina, in a sense-of-Congress form, and both included approval in that form of our withdrawal from participation in ground combat activities, except insofar as it might be necessary for our remaining troops to defend themselves, on or before May 1, 1971. This is a goal that, thanks to the President, now seems to be well in sight.

In any event, I have now up-dated my prior effort along these same lines and am, today, offering a new proposal.

In doing so, I have purposely switched from a concurrent resolution to a joint resolution—as some interested colleagues, last year, suggested ought to be the legislative approach in order to "wire in" President and Congress in any such attempt at confirming, or validating, our policy toward ending this conflict as now laid down by Mr. Nixon but, unfortunately so far, without formal adoption by the Congress.

As is stated in the new offering, any such policy ought to be a joint undertaking by both President and Congress. Surely, the President, alone, should not carry the burden of responsibility for the success or failure thereof; and I, for one, think it important for us to try to bolster the President's determination—if, in fact, it needs bolstering—relative to the irreversibility and totality, eventuality, of the Vietnamization policy. In any event, Mr. Speaker, the text of the joint resolution I am now introducing reads as follows:

"Whereas, the people of the United States, at great cost and sacrifice to themselves, have over a period of years been providing direct military assistance to the people of South Vietnam in an attempt to preserve for them the opportunity to determine their own political future without outside interference, and

"Whereas, by so doing, we have fulfilled several times over whatever commitment we may have had to the people of South Vietnam, and

"Whereas, the time is fast approaching when the people of South Vietnam must be left to their own devices and determination, and

"Whereas, the President of the United States, in his foreign Policy Report as sent to the Congress on February 25, 1971, has defined our present policy towards ending the conflict in Vietnam as well as in adjoining areas of former Indochina as being one of seeking 'above all a rapid negotiated solution' thereof and, meanwhile, in the absence of such a settlement, of seeking 'through Vietnamization, to shift American responsibilities to the South Vietnamese,' and

"Whereas, the burden of responsibility for fashioning and carrying out a policy to bring peace to Indochina through negotiations or, failing that goal, to disengage our forces from the conflict therein, should not fall solely on the President of the United States, but rather should be a responsibility shared by both the President and the Congress of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress joins with the President in confirming, as the constant primary goal of our policy towards the conflict in Indochina, the search for a negotiated end to the war therein for all participants; and be it further

Resolved, That the President be supported and encouraged in all his efforts to achieve such a negotiated settlement of the political issues dividing the people and nations of Indochina, including the related issues involved in obtaining agreement for the release of all prisoners of war, journalists and other innocent civilian victims, as held by both sides in the conflict; but, irrespective of any such settlement, be it further

Resolved, That United States troop withdrawals from Indochina be continued, on an irreversible basis, until all United States armed forces are withdrawn from Indochina; and be it further

Resolved, That it is the sense of Congress in this regard, that United States servicemen in Indochina should be withdrawn from any and all participation in ground combat activities therein on or before June 1, 1971, except insofar as it may be necessary for such troops remaining therein after such date to defend themselves or their positions; and be it further

Resolved, That it is further the sense of Congress, in this regard, that all other United States servicemen in Indochina, including those specifically engaged in combat-support activities of whatever nature, should be withdrawn therefrom, pursuant to the President's orders, at the earliest practicable date."

Mr. Speaker, what would the adoption of any such resolution—and the language of the one I am suggesting is obviously subject to improvement—accomplish?

As I see it, it would accomplish a number of things, first and foremost among which would be joining together—at long last—of President and Congress, since the President would have to accept, unless he chose to veto the same, in this first attempt at a formal, public consensus respecting our Nation's plan for terminating this long and unfortunate conflict. One of the advantages of achieving such a consensus, if it can be achieved, is that the spoken and unspoken questions relating to "where we go from here" in Vietnam—and the chance of a divisive, partisan debate over those questions—might be ended. That possibility, alone, makes any such effort worth while.

Second, as I see it, we would be putting the Republic of South Vietnam—and its people—on notice, in a way that has not yet come home to them, concerning the finality of our intentions to disengage ourselves from this conflict, and to turn it back to them, with some confidence in the chance that they can, as the President put it, now "hack it."

Third—and assuredly we have to consider, Mr. Speaker, the growing morale problems pertaining to those troops we still have in Vietnam, and those that will arise in the minds of those being sent there to replace them—we would be inserting the word "terminate" into the Vietnam vocabulary, and assuring those who have been and will be carrying the personal risks of combat in Indochina that an end to those risks is in sight.

Personally, in this connection, I would like to go further than I have in setting a time-frame for any such termination. My colleagues will note that I have, as I did last year, fallen back to a "sense of Congress" approach to this difficult question—including an end to ground combat, for our people, except insofar as those remaining in Vietnam may have to defend themselves or their position, by this June 1, which is surely an attainable goal, and then have fallen even further back, as some may say, to a meaningless "earliest practicable date" for the withdrawal of all of the rest of our combat-support troops.

Well, Mr. Speaker, I do not believe such an expression of congressional policy would be altogether "meaningless," weak though it may seem on the surface.

Let us remember, in this connection, that we are searching for a consensus relative to our policy toward this war—a consensus not found, if indeed it was legislatively found then, since the ill-fated "Tonkin Gulf Resolution."

Let us also remember, in this connection, that we will be asking the President to accept, and sign, whatever policy statement we may be sending him in this regard; and that he, in considering the same, must be cognizant of his need to retain all the flexibility he can for directing our disengagement from Vietnam, both as Commander in Chief and as a prudent negotiator, with especial emphasis on his latter responsibilities since the pace of American withdrawals, along with the prisoner-of-war issue, may well be the key to whatever chance still remains of successful negotiations at Paris.

Surely, most of us have been around these parts long enough to know that legislation is, as has often been stated to be the case, the "art of the possible," I have had to compromise with myself, in several ways, in drafting my proposal. It is, in many respects, not what I might wish it to be. But, at the same time, I believe it to be a proper vehicle for at least beginning a dialog as to how we can bridge the gaps of attitudes and opinions that exist between us, as well as those that exist between the constituents we each, after our own fashions, do our best to understand and represent in this Chamber.

But, Mr. Speaker, we owe it to those constituents—as well as to the honor of this body—to attempt to bridge those gaps in the most constructive fashion possible; and these remarks, as well as my resolution, are offered in that spirit. If there are any among my colleagues who wish to join in such an effort, their assistance, their suggestions and advice, are earnestly solicited.

QUESTIONS SURROUNDING BONN'S "OSTPOLITIK"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. BUCHANAN) is recognized for 5 minutes.

Mr. BUCHANAN. Mr. Speaker, over a year has passed since West German Chancellor Willy Brandt obtained worldwide attention by announcing his new policy, "Ostpolitik," of seeking reconciliation with his nation's old enemies in Communist Eastern Europe. Because of the considerable U.S. investment and stake in European defense as well as our strong ties with the Republic of West Germany, I feel that it is appropriate for us to review the results of this policy during the past year and to examine its future, potentially far reaching, implications.

We are all, of course, aware of the tremendous controversy which has surrounded this policy. The outburst of domestic opposition in West Germany has been extremely widespread and fierce, involving, among others, members of the German Bundestag. The position of the U.S. Government has been continuously surrounded by confusion—with recurring press reports of official opposition accompanied by denials of the same by various government spokesmen.

By far the greatest attention and controversy has centered on two concrete results of "Ostpolitik" thus far—the Polish and Soviet treaties—and domestic opposition has centered on the feeling that in these treaties West Germany gave away a great deal and received nothing in return.

As a member of the House Committee on Foreign Affairs and one who feels both great friendship for the West German Republic and great concern for the future defense of the free world, I have particular reservations about the Soviet-German Nonaggression Treaty which was signed in Moscow on August 12, 1970.

Because the Soviet Union has never been known to enter into such agreements without the expected results accruing primarily to its advantage, and further because the Soviet Union has seldom abided by the treaty commitments to which it has agreed, I feel that this particular treaty should be viewed with a great deal of caution from the outset.

The nonaggression aspect of this treaty, furthermore, is cause for not only caution but great wonderment as well. There is certainly no question but that West Germany, with its limited military offensive capability, represents no present or future military threat to the Soviet Union. And given the already-mentioned Soviet record—or "nonrecord"—of treaty compliance, it is difficult to believe that anyone could expect this treaty to deter the Soviets from aggression against West Germany.

It is an easy task indeed to discover some of the varied benefits which the Soviet Union would derive from such a treaty. The Soviet "image" has already benefited by the fact that many persons have seized upon the treaty as new evidence that the Soviet Union is becoming an increasingly amicable member of the world community of nations. The treaty, furthermore, essentially recognizes the status quo in Europe—dealing a critical blow to the hope held by countless West Germans, of assisting those Germans living under Soviet occupation in East Germany. Most of all, the troubled Soviet economy is strengthened through this treaty by its linkage with the strongest economy in Western Europe. The preamble of the treaty includes a very significant paragraph concerning "extension of economic cooperation" and separate economic negotiations and arrangements have already begun. This economic aspect of the treaty must also be viewed in a defense-security context, since any arrangements of economic benefit to the Soviet Union will obviously make it easier for them to fuel the arms race unhindered by domestic economic difficulties.

Discerning benefits which would accrue to West Germany from this treaty is obviously a far more difficult task and one in which I have been unsuccessful thus far. The treaty has not yet been ratified by the West German Bundestag and Chancellor Brandt has made a satisfactory solution of the Berlin problem a precondition to submitting the treaty for ratification. Those of us who share the above concerns will, however, continue to watch with great interest the debate in Germany on this important matter.

REVENUE SHARING ACT OF 1971 AND FEDERALIZATION OF WELFARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 30 minutes.

Mr. COTTER. Mr. Speaker, today I am introducing two bills that will provide the Ways and Means Committee with proposed legislation that will assure that States which carry a large tax burden and/or welfare burden receive an equitable share of any program that seeks to turn Federal taxes back to State and local governments.

Two suggestions that have gained support are the general revenue-sharing proposal of President Nixon and vague statements that would have the Federal Government take over all costs of welfare.

To alleviate some of the confusion, I am introducing two bills that have features which I feel should be incorporated into each proposal to assure that States like Connecticut, which carry a heavy tax burden and a heavy welfare burden, receive their fair share.

REVENUE SHARING ACT OF 1971

As the President correctly pointed out, $9 out of $10 collected in personal income tax are collected by the Federal Government. However, the President does not take this factor into account when it comes to allocating the money under his revenue-sharing scheme; he only uses population and State and local taxation as the basis for local allocation of funds. In Connecticut, for example, $0.74 of every personal tax dollar goes to the Federal Government. Moreover, Connecticut ranks second in the Nation in Federal taxes collected per $1,000 of personal income.

I think these few statistics demonstrate that the President's allocation formula is deficient and that the total tax effort as well as population should be utilized in determining the overall allocation to the States. Therefore my bill proposes that funds will be allocated on population and total; that is, State, local, and Federal, tax effort.

There is a second feature of my bill that should be in any revenue-sharing bill. There should be special emphasis in areas of high population density. These areas should receive additional assistance. For this reason, in my bill I have earmarked 10 percent of the money for areas of high population density within the Nation to assure that our inner cities get additional funds.

These urban areas are the hardest hit. Faced with a dwindling tax base and accelerated demands for necessary goods and services, palpable needs of the inner city must be recognized and effectively dealt with. By reserving 10 percent of the revenue-sharing fund, a small but necessary step will be taken to meet these problems.

My bill also includes specific prohibition against either the State or local government unit from using revenue sharing in a discriminatory manner. If discrimination is found in the use of these revenue-sharing funds, the funds will be stopped immediately and will not be resumed until the governmental unit has proven that this condition has been fully corrected.

Let me pause briefly to outline the components of the bill:

A general revenue-sharing trust fund of $5 billion. This figure can be increased if there are adequate revenues.

An allocation formula that takes into account total—State, local and Federal—tax effort and population for 90 percent of the trust fund.

The 90 percent is to be divided equally between State and local governments.

Ten percent of the trust fund will be given to those areas of high population density in addition to their regular share of the revenue trust fund.

All funds must be used in such a manner that will not discriminate against any individual. Any discrimination will result in the termination of funds until the discrimination is fully removed.

FEDERALIZATION OF WELFARE

There is another bill that I am today introducing which would have the Federal Government assume the State and local share of welfare costs that are matched by the Federal Government. The legislation is drawn to give the State the option of either allowing Federal takeover or keeping the same system. If the State opts for Federal assumption—I believe that all States would—then the States must return one-half of the savings to the local government. Therefore this bill insures that all the money saved by the States would be equally shared by the State and local governments.

There are two potent arguments in favor of federalization of welfare. First and most important, it would provide direct relief to the overstrained State and local tax dollar. It would mean that those cities being crushed under spiraling welfare burdens would get needed assistance.

Second, it would create a more uniform welfare system. It is widely held, and correctly so, that the welfare system as presently constituted is an unmitigated disaster. Welfare reform is the highest congressional priority and I feel that there will be final congressional action this year. However, I do not feel that the problems will be solved in one bill. A Federal welfare system could make easier correction of problems in the Nation's welfare systems. Such a nationwide system could lessen migration to the inner cities that all too often places a citizen in an alien and hostile environment. In short, federalized welfare could be more easily changed than the 50 different State administrations that now become involved.

These changes are still far down the road, but the immediate effect would be to free tax dollars. In Connecticut, for example, Federal assumption of welfare would release an estimated $96 million. Of this, $48 million would be returned to the local governments.

Mr. Speaker, as I said at the outset, I am introducing these bills to place before the Ways and Means Committee alternative proposals that will insure big taxpaying States such as Connecticut their fair share of Federal-sharing moneys, whatever method is used.

I am confident that the members of Ways and Means and of this House will give serious attention to these proposals. Both proposals are offered in the hope that this Congress will not accept any program without understanding each of the components and problems. I am certain that this will be the case.

INCREASED SOCIAL SECURITY BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 60 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, in some primitive societies, the old and the incapacitated are taken out and left to die.

In sophisticated, technological 20th-century America we are doing essentially the same thing.

We are leaving the old and the disabled to limp and wither economically while we go about our parliamentary gamesmanship.

Mr. Speaker, I rise on this special order to object to the ransoming of older Americans for passage of welfare reform. I urge this House to enact social security legislation—including the 10-percent increase and the cost-of-living escalation—quickly and separately from welfare reform.

I take notice of today's developments in which a Member of the other body suggests we attach the social security bill as a rider to the debt-limit increase to free it from the time-consuming maneuvering on welfare reform.

If that is a way to move quickly, I support it.

My only objection is to the necessity of tying social security legislation to something else, of hitching it to some other star. Why cannot this Congress simply honor this Nation's commitment to its retired workers free and clear of any cloakroom plots? Why cannot this Nation discharge its debt to these people, a recompense to which they are fully entitled by virtue of their contributions, financial and otherwise?

Mr. Speaker, the country hurtles forward in pursuit of its own grail. Those who have withdrawn from the chase are due some peace and comfort and security. Their fixed incomes should become unfixed to allow them freedom from the worry of keeping up with the economic pace which passes them by.

This House acted last year quickly and responsibly on this social security legislation. It became enmeshed in the other body in other considerations and died in the lameduck session. It was reintroduced in the 92d Congress as H.R. 1, the first bill on the first day. Now, 2 months later, it languishes while the legislative chess game is played out.

In the meantime, the cost of living goes up, higher and higher and our senior citizens fall further and further behind in trying to meet the requirements of ordinary daily living.

The promise that the benefits in the legislation are retroactive are of little consequence to people trying to match stationary pensions against multiplying food, rent, transportation, and medical bills. The retroactivity, when it comes, may not allow them to catch up, much less stay even.

And that raises another point. By the time older people get these increased benefits, the cost of living will have outdistanced them again and they will be in need of another increase. H.R. 1 is highly important but should include the cost-of-living escalation which will eliminate the need for this House to come riding over the hill with an increase every time disaster is about to overtake social security recipients.

This escalator clause should end the chronic fear of economic extinction and allow this House to say "We have permanently righted a wrong. We have solved a nagging national problem." That is a great deal for this House to be able to say to the American people.

It seems quite apparent that the senior citizens are being held hostage in the legislative chess game as we consider the total issue of changes in other segments of our society in the area of welfare, for example. If we can separate these sections of H.R. 1, it is important that this bill be improved. It is important that the increase be at least 10 percent. It is also important that the cost-of-living escalator clause be included.

It would be a great help to our senior citizens to have an increased earnings allowance. I would suggest it be increased to $3,000 for each individual. An unrealistically low limitation deprives society of the contribution senior citizens can make. Their skills and talents must be solicited rather than discouraged, as presently is the case.

If we increase the earnings allotment, we are saying to them: "If you are still willing to partly earn your own way, you can be more adequately compensated."

The entire legislation would then free them from their present helplessness of being able neither to receive adequate compensation nor earn enough to make it adequate.

These people, Mr. Speaker, are our mothers and fathers, aunts and uncles, grandmothers and grandfathers. They have given us the gift of life, the privilege of American citizenship in this the greatest country in the world, and the inestimable inheritance of this country for which they labored so long and so faithfully. We owe them a very great deal.

And we must not overlook the younger survivors and disabled who also receive benefits under social security and who are no less in need and no less deserving of help than their elders.

These are reasons enough for us to act quickly and decisively on this matter. Our original good faith of last year has become warped and frustrated; we must not permit social security to be a hostage to welfare reform.

I urge the Committee on Ways and Means to set this legislation free so we can pass it. Endless submersion in welfare reform will benefit neither program. Let us be able to consider each on its merits and enact each for its own reasons.

It seems to me that at this point we must acknowledge the contributions and the needs of our elder Americans, for many have waited too long. The time for enactment of this needed social security legislation is now.

Mr. ZWACH. Mr. Speaker, will the gentlewoman yield?

Mrs. HECKLER of Massachusetts. I am happy to yeld to the gentleman from Minnesota.

Mr. ZWACH. I commend the gentlewoman for bringing this to the attention of the House, and I wish to associate myself with her remarks.

Mr. Speaker, I am privileged to join with others here in attempting to call to the attention of the House of Representatives, the great need for a concerned effort to get action on increased social security benefits.

More than 26 million elderly Americans depend on social security benefits to meet living costs. And to most of these Americans, the low fixed income they receive is not sufficient to assure them a decent standard of living.

We have been promising these people an increase in benefits since last May, when the House first passed this legislation. It is now almost a year later, and we still can give no assurance of when this increase will come into being.

There is no logical explanation for failure to act on this legislation; we know that as well as our elderly citizens. These people deserve more than empty promises of help at a time when continued inflation eats away their income. They deserve more than a day-to-day existence.

We have been promising them help and it is long past time that we collectively illustrate that we do, indeed, intended to help them by making this the first order of business and enacting this legislation without any more delay.

Mrs. HECKLER of Massachusetts. I thank the gentleman for his contribution. I recall well that as we both first came to serve in this honorable body we then expressed the same concern for the senior citizens which prompts our action today.

Mr. WILLIAMS. Mr. Speaker, I am glad to have this opportunity to participate in this important special order because the subject at hand is most important and pressing: Social security recipients all over this country continue to be forced to live on insufficient benefits while their important benefits increase remains bogged down in the Ways and Means Committee in legislation which includes the controversial and unrelated welfare reform program.

It is imperative that the social security increase be separated from the welfare program so that, as quickly as possible, those who depend on social security may receive a 10-percent increase in benefits, together with provisions for automatic cost-of-living increases.

As you know, this matter of increased social security benefits and automatic cost-of-living increases has already been the subject of long and unnecessary delaying tactics for almost a year. On May 21, 1970, the House passed legislation which provided for a benefits increase and automatic cost-of-living increases. This legislation then became the target of Senate delaying tactics, which stalled their passage until December 29, 1970, when it was passed with over 100 differences from the House-passed version.

In the 91st Congress the Senate was responsible for this high-priority legislation not being enacted. I urge my colleagues in this 92d Congress not to permit another such inexcusable delay to be caused by the action of the House in tying this important social security legislation to the highly controversial welfare reform program.

A 10-percent increase in social security benefits and provisions for automatic cost-of-living increases are needed by countless Americans right now.

Mr. BLACKBURN. Mr. Speaker, today, the gentlewoman from Massachusetts has taken a special order to discuss a matter which has been of great concern to all Members of this body. Because of irreconcilable differences between the House and Senate versions of the Social

Security Act of 1970, it was never agreed upon by the Congress. This is indeed unfortunate since the ravages of inflation have continued to eat away at the fixed incomes of many of our senior citizens. I hope this body will take speedy action on House Resolution 1 when it is reported to the House floor.

I find that there is a basic philosophical inconsistency found in the Social Security Administration's position with regard to the income limits which are placed upon those receiving Old Age Survivors Insurance benefits. The Social Security Administration has supported the concept of a guaranteed annual income for all Americans which would guarantee a base income regardless of whether or not a person works or ever worked in his life. On the other hand, there are many senior citizens who have contributed to the growth of this nation and have paid into the social security system for over 30 years. It is their funds which have enabled Social Security to be as actuarially sound as it is now.

Under the present law, a person receiving social security benefits can earn an income of no more than $1,860 without losing part of one's benefits. As you might have noticed, I emphasized earned income. Funds from investments and annuities are not counted. Thus we have a situation facing us in which the Social Security Administration will pay people a guaranteed income whether they work or not, but at the same time workers who paid for their Old Age Survivors Insurance for over 30 years are being denied this benefit. I believe this inequity should be removed as soon as possible, and I plan to offer legislation within the near future to do so.

Mr. MAYNE. Mr. Speaker, I rise in support of the distinguished Congresswoman from Massachusetts (Mrs. HECKLER) in her plea that the social security legislation providing increases in benefits be expedited, even if this means severing other matters including welfare reform from the bill before the House Ways and Means Committee and having the committee act on those portions separately.

I am aware of the great and desperate need for welfare reform—but I believe that proposals for welfare reform should be considered on their own merit. The controversy which has been stirred up regarding various welfare proposals should not be permitted to delay action on the social security benefit increases that should by all rights have been enacted last year.

True, the bill provides that whatever social security benefit increases are eventually provided will be retroactive to this January, the same effective date as was given in the legislation the House passed last year but which died in the other body. However, the elderly and disabled, caught in the intolerable crush of inflation, need these increased benefits now, not several months or perhaps a year from now. We cannot continue cruelly holding out false hope to social security beneficiaries, many of them so dependent entirely upon their social security checks that even a day or two delay in the delivery of a check can mean a very real and major personal economic crisis to them. Welfare reform and other proposals in the bill before the House Ways and Means Committee are important but are not of the same degree of urgency as is the necessity for immediate enactment of social security increases, preferably with built-in cost-of-living increases such as were adopted by House floor amendment in the last Congress.

Mr. Speaker, I commend the Committee on Ways and Means for acting deliberately and with due circumspection regarding the various proposals in this omnibus bill, especially when far too often even amendments to the basic Constitution of this Nation are reported by other committees with little or no hearings and with little true study or discussion, under pressures of the moment and for the sake of expediency. However, the social security aspects of this bill have been thoroughly explored, and were acted upon during the previous Congress. I strongly urge, and on behalf of social security beneficiaries of northwest Iowa and throughout the Nation, I plead, that the social security provisions in H.R. 1 be divorced from other provisions in that legislation and be reported at the earliest possible moment, and that all necessary action be taken by the leadership in the House and in the other body to speed enactment of these social security amendments into law.

We owe it to the elderly and disabled of the Nation to act at least as quickly on meritorious social security proposals as this body has acted in the recent past on increases in pay and benefits for its own Members and employees.

GENERAL LEAVE TO EXTEND

Mrs. HECKLER of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

CBS AND MIKE WALLACE DESERVE MUCH CREDIT FOR EXPOSING FHA ABUSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN), is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, since early last summer, the Banking and Currency Committee has had the FHA 235 program under close scrutiny. We have been deeply concerned about apparent abuses stemming from extensive real estate speculation in this program. We have also been deeply concerned about the fact that FHA has allowed so many substandard dwellings to be approved for this program.

In many areas, it appears that the FHA 235 program is financing slums and enriching speculators rather than providing decent housing for low- and moderate-income families as the Congress intended.

On January 6, the Banking and Currency Committee issued a detailed report on these abuses in various cities across the land. Since that time, Secretary of Housing and Urban Development, George Romney, has suspended part of the FHA 235 program pending an investigation of the 235 projects nationwide. At the same time, the General Accounting Office is conducting an investigation. The Banking and Currency Committee is keeping a close watch on these investigations and is continuing to monitor complaints that are coming in from all over the Nation about the Department of Housing and Urban Development and FHA.

The Banking and Currency Committee has requested that Secretary Romney appear before it on March 31 to make a progress report on HUD's efforts to correct the abuses and to put this vital housing program back on the track.

Mr. Speaker, public opinion—and the public spotlight—are essential to gaining reform in these Federal housing programs so that the people—and not the speculators—are the beneficiaries of the tax moneys which must be expended. Many news media have done excellent jobs of investigating abuses in these housing programs in their areas. This investigative reporting has done much to bring the spotlight to bear on FHA and to prevent the Department of Housing and Urban Development from sweeping the facts under the rug.

Special commendation must go to the Columbia Broadcasting System which has done much to bring national attention to the abuses in the FHA 235 program. On January 5, the CBS program, "60 Minutes," carried an in-depth film story about the FHA 235 program in several major U.S. cities. The commentary of Mike Wallace and the contents of this show angered the bureaucrats at HUD but it also brought action.

On March 2, "60 Minutes" returned to the FHA 235 program with a detailed analysis of the situation in Spokane, Wash. Once again, the CBS news team has evoked anger from the housing bureaucrats but this program has helped assure that HUD will not be able to hide the facts from the American public.

The investigators for the Banking and Currency Committee have looked at the FHA 235 program in Spokane and in other cities where CBS did its filming. The findings of the CBS investigative reporters coincide with those made by the investigators for the Banking and Currency Committee. Despite the angry outbursts by HUD, the facts are there and every bit of evidence I have seen would indicate that CBS has presented this story in a fair and objective manner.

Mr. Speaker, we often hear criticism of the television networks. Many times, television news programing is correctly criticized for its lack of courage and for the apparent dodging of controversial issues.

The handling of the FHA 235 story on "60 Minutes" provides an effective and strong answer to this criticism. When the abuses are corrected in the FHA 235 program, a lot of the credit must go to the courageous reporting of Mike Wallace and Jeff Gralnick, producer of these shows on "60 Minutes."

Mr. Speaker, some Members of the House did not have an opportunity to see these excellent news shows and I am placing in the RECORD the transcripts of the January 5, 1971, and the March 2, 1971 programs:

CBS: 60 MINUTES, JANUARY 5, 1971

WALLACE. The Department of Housing and Urban Development and its Federal Housing Administration may be well on the way toward insuring itself into a national scandal.

That charge is made in a scathing report by the House Banking and Currency Committee to be released in Washington tomorrow morning. The report focuses on the FHA 235 program, a program designed to make it possible for people who previously couldn't afford to own their own homes—to do just that.

Under FHA 235, with just $200 down, a low or moderate income family can buy a home. The FHA helps. It appraises the house, says the house is worth what the seller is asking. Then the FHA guarantees the mortgage and pays almost all the interest on it.

Since FHA 235 began two years ago, more than 100,000 homes—new and old—have been purchased under it. More than a billion and a half dollars have been committed by the taxpayer to back up those purchases, and all the while the Congress has received a stream of complaints from those who have bought these FHA 235 homes.

It is those complaints that triggered the investigation by the House committee. Its chairman, Wright Patman, is satisfied there is substance to the complaints and he told Housing and Urban Development Secretary George Romney just that.

PATMAN. I called Mr. Romney's attention to the fact that the law is not working. It's greatly abused. It contains many terrible scandals. It's a detriment to the people who are involved in the purchasing of homes under these contracts and possibly cause them great harm in the future. And something should be done about it immediately. It should be stopped. It's too much of a national scandal now to be allowed to go on.

WALLACE. When Chairman Patman says "national scandal" he is talking about a house like this one in Washington, D.C. Bought by a speculator for $10,000, sold by him three months later, with FHA approval and a 235 mortgage for $17,500, despite 30 major housing code violations.

Or this house in Washington. A speculator bought this one for $9,700. He got FHA approval for a 235 mortgage and sold it for $15,800, despite a dozen building code violations.

Or this rather nice looking house in Paterson, New Jersey, $1,900 and sold eight months later, after rehabilitation, for almost $19,000. Until a week ago the owner, a widow with six children, had no heat on the first floor.

We'll look more closely at an FHA 235 sale later in this report, but first let's take a look at some other aspects of what Chairman Patman calls "a national scandal."

Elmwood Park, a subdivision in St. Louis County, Missouri. New homes here, and FHA 235 guarantees mortgages on these, too. Thirty-two new homes bought by people trying to get out of public housing projects, trying to make a better life for themselves and their children. Thirty-two home owners—all disappointed, all angry.

Paul Broiles is typical. He is head of the newly formed Elmwood Park Homeowners Association.

BROILES. A year ago we bought these houses from $14,000 to $16,000. Sight unseen. And because the mortgages were guaranteed by the FHA, we felt as though the houses would be worth from $14,000 to $16,000. We were also told that the neighborhood would be integrated. But the houses aren't worth from $14,000 to $16,000 and the neighborhood isn't integrated. A lot of the houses have leaking basements. And if you're one of the lucky ones, then the builder gives you a pump, which pumps right out into the backyard. It's got the place looking like a swamp around here. The back steps are—from anywhere from, let's say, ten inches to almost two feet from the ground and if a child—for a small child or a crippled person, it's impossible to use them. So they're just totally useless. We even had one house where the—where the ceiling is beginning to come in, where the roof leaked on the plaster and, well, the ceiling is dropping. We have several of the basements with uncovered insulation. It was never covered up. It's coming out of the walls. And we asked the builder about it. He said they were finished. Well, they're not finished with me and they're not finished with the people that's buying them. Now, they all got showers but the builder never bothered to put the tile in the shower stall. We asked the builder about it and he comes out with "Supposed to be a waterproof paint." It's not waterproof and it just falls in. When you stop and think you got 30 years to pay for a house that's falling in in one year—in less than one year—well, what would it look like in ten?

WALLACE. After talking to Mr. Broiles and seeing the conditions in Elmwood Park, we tried to talk with the builder of these homes. He refused comment and hung up on us.

On the West Coast, a similar story, except at Frontier Homes outside Seattle the home owners are white. There are 57 homes in this subdivision, in the $13,000 to $18,000 range. Good-looking homes, it would seem to somebody driving through. But though they are just one year old, they have already been classified "an instant slum" by an investigator for the Banking and Currency Committee. Mrs. Donna Tetzlaff's $17,000 home is typical, she says:

Mrs. TETZLAFF. I have many problems with my house. It's a little over a year old and it's falling apart. Here is an example. This is common with these houses. I have water in my light fixtures from the bathtub upstairs. The water was coming out this outlet. It was repaired. Now, it's coming out here. They came out and fixed the floor. You'd walk in the front door, the whole house would shake. This is the patchwork repair. We've complained to the builder. We've complained to FHA. And we have complained to the Congress. All we get is a runaround and patchwork.

WALLACE. The Tetzlaffs and the rest of the homeowners here have organized, and they are suing. But many are not waiting. "For Sale" signs dot this community of new homes. But Frontier homeowners are having trouble selling, because the reputation of the subdivision is no secret. For them, and for the Elmwood Park homeowners, in Missouri, all the FHA says it can do is try to persuade the builder to take action by suggesting that he might—in the future—have trouble doing business with the FHA, unless he fixes what's wrong. Beyond that, the homeowners are simply stuck. But in even worse shape are some of the people who bought old houses with the help of FHA 235.

A case in point in Paterson, New Jersey. The 400 block on Graham Avenue, obviously in decay. "For Sale" signs on almost every house. And yet, there is a $20,000 house on this street, according to the FHA, which approved and helps to pay the mortgage on it, in that amount. Number 471 Graham Avenue. It used to be a condemned tavern. It was bought by a real estate speculator for $1800 in November of 1969. He did some electrical work, some plumbing and heating work, about three thousand dollars worth. He was notified by the City of Paterson that the work being done on this house, the conversion from tavern to residence, was in violation of the law. Still, he sold the house, had the FHA appraise it and the FHA approved a mortgage for $20,000.

Living in it now are William Gurley, a truck driver, his wife and six children. They like their home—even though the old bar lights are still on the ceiling and the old bar still lines their living room wall. They like it, but the City of Paterson says they have to leave it.

GURLEY. Well, the city's trying to get us out.

WALLACE. The City of Paterson? Why?

GURLEY. Because (indistinct) was a tavern and it wasn't fit for living quarters.

WALLACE. Do I understand that you want to sell this house now, Mr. Gurley?

GURLEY. Yes, I would sell it.

WALLACE. Why?

GURLEY. Well, because if it's not fit for living quarters, I'll sell it and get my money back out of it.

WALLACE. And the City of Paterson says it's not fit for living quarters?

GURLEY. That's right.

WALLACE. So the Gurleys won't be able to sell their house. The City of Paterson won't let another buyer take it. The FHA can do nothing for the Gurleys, so the Gurleys' only hope is to try to track down the original speculator and sue him. In the meantime, though, they have been ordered to vacate 471 Graham Avenue by February First. So they lose, the FHA loses, the taxpayer loses. The speculator does not.

How does all this happen? I talked with Eugene Gulledge, Assistant Secretary at the Department of Housing and Urban Development, the man in charge of FHA 235.

235 can be a haven for a fast buck operator, a shoddy operator, a quick get-in, quick get-out artist.

GULLEDGE. I think it can be; it has been. I don't think it's going to continue to be. I think we, administratively, have been able to recognize the fact that this is drawing flies like honey, and as a consequence we've been able to erect some proper safeguards to—certainly reduce to a minimum the possibility that fast buck artists are operating in this particular field, to the detriment of the homeowner. We have been aware of some of these activities. We have moved to correct those of which we've been made aware. We've issued directives and instructions to warn our offices about the possibility of this type of activity going on. Another thing is that we have instituted steps to make certain that people who buy houses for the purpose of re-selling them, a purchaser-seller in this particular case, sometime called a speculator—but that's a—that's a language people don't like to use sometimes; it has unsavory connotations. But a purchaser-seller, he has got to certify to us now—he hasn't been doing it—but now he has to certify to us what he paid for it, what he's done for it and what his costs of repair were, all on a form which in case there—there is deception or fraud, he can be prosecuted for having done so.

WALLACE. How long ago did this regulation go into effect?

GULLEDGE. Oh, it's just gone into effect in the past two weeks.

WALLACE. How come it took almost two years to get this kind of watchdog regulation?

GULLEDGE. The reason we didn't do it two years ago instead of now is frankly we didn't know the problem existed two years ago.

WALLACE. During those two years the trouble in the 235 program developed almost unnoticed. Who's to blame? Let's go back to Wright Patman.

Who's at fault? Is it the FHA?

PATMAN. I think the FHA has been at least careless and negligent in the performance of their duties.

WALLACE. How?

PATMAN. I can't just say to someone that they are guilty of theft or extortion or corruption, but I know that there's bound to be corruption in this program somewhere. It couldn't exist that way otherwise. It lends itself to corruption. Potential corruption is all over the place.

WALLACE. When Chairman Patman talks of "corruption" it's not just speculation. His investigators have turned up more than one case that suggests a pattern to them. We talked with Patman's chief investigator, James Doherty.

DOHERTY. One appraiser contacted the committee and we sat down and talked with him. And he indicated that on these 235 appraisals, whenever he would make them, the real estate broker or dealer would meet him at the house, would make solicitous remarks about his future, about how little money he was making working for the government and how bright he was and this kind of thing. He, of course, would cut these conversations off. The implication being that if he carried them on, there would be something in it for him. And he summed up by saying that, "I can't say that my fellow—my colleagues in the office—take bribes," he says, "but I can say that the clear implication is that they're offered."

WALLACE. Doherty adds that what he found in the Middle West he found elsewhere in the country, too. So, charges of scandal, hints of bribery and a lot of unhappy homeowners, as a result of FHA 235. How does the FHA view it? Eugene Gullege again.

WALLACE. Mr. Secretary, Chairman Patman has characterized this whole business as developing into a national scandal. Is that too serious a charge?

GULLEGE. I believe it's an overdrawn charge I think anything which—which is wrong is scandalous, but it's not a national scandal unless it's widespread and national pattern.

WALLACE. Washington, D.C., Paterson, New Jersey, St. Louis, Missouri, Seattle, Washington? That's national.

GULLEDGE. These are all the areas where complaints have been received. No attempt had been made to see what—what are the areas where complaints have not been received. I simply don't think it's a national scandal. It's scandalous but not a national scandal.

WALLACE. So even Mr. Gulledge of the FHA admits it's a scandal.

The dimensions of the scandal won't be known for sometime because the investigation is really just getting underway now. The FHA, we learn, is looking into every case we have cited tonight. The U.S. attorney's office in Newark, New Jersey, is looking into several of the FHA 235 transactions in Paterson. And the FBI has launched at least 30 separate investigations into possible fraud or bribery, not in all of the FHA's many programs, just in the 235 program.

The Committee report, as we said, comes out tomorrow morning. It is full of tales of greed and stupidity and bureaucratic ineptness, of a well-meaning notion gone wrong at a painful cost to the American taxpayer. An aide to the House Banking and Currency Committee sums it up this way: "Either the FHA is the most naive and inefficient agency in the Federal Government," he says, "or it is in bed with the real estate operators."

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60 MINUTES, MARCH 2, 1971

MIKE WALLACE. Two months ago on 60 Minutes . . . we told the story of what Chairman Wright Patman of the House Banking and Currency Committee in a scathing report) called a national scandal.

The scandal he referred to involved shoddy workmanship and less than savory financial practices in a low and moderate income federal housing program called FHA 235.

Nine days after the broadcast, eight days after the chairman's report was published, Housing Secretary George Romney suspended a portion of FHA 235.

Seldom have we received more mail than after that broadcast. Some of it from real estate people who felt we had told too much of the bad and not enough of the good about FHA 235. . . . But most of it came from homeowners who told us more stories of how they had been bilked.

One of the angriest communications came from Spokane, Washington. Its subject: not just housing abuses but what the House Committee report and our broadcast had caused to happen in Spokane.

We thought we'd take a look.

To an outsider Spokane seems remarkably troublefree. No real racial problems. The city is 98 per cent white. No real trouble with the young, save for the usual . . . a little marihuana. Its unemployment is holding at about the national average and over-all business is pretty good, we're told. Not bad for an American city of 180,000 in the early seventies. Civic boosters of what they like to call the capital of the great inland empire are proud of it. But about six months ago a small group of church-financed social activists called Spokane Resource Advocates began digging into FHA 235 transactions.

Now, under FHA 235 with just $200 down a low or moderate income family can buy a house. The FHA helps. It appraises the house, and when it is satisfied the house is worth what the seller is asking, the FHA guarantees the mortgage and pays almost all the interest on it. Under FHA 235 $20 million in new mortgage money was funneled into Spokane. A million of that went for real estate commissions. But when Spokane Resource Advocates dug into a lot of these deals they found what an investigator for Chairman Patman's committee called "the worst money-grabbing and the worst attitude on the part of local FHA authorities" of any of the cities he'd investigated. For example, Spokane Resource Advocates brought this house to the attention of Chairman Patman's man. Bought for $750 in 1970 after it had been gutted by fire, it was sold six months later for over $13,000 with FHA approval. We tried to find out how much money had been put into rehabilitating this house, but the realtor involved wouldn't tell us. But what worries the old couple who bought it is not so much the money as their safety. Their home still sits shored up on the charred main beam left after the fire. Another exhibit, this house, bought for $6,900, then resold quickly for $11,000, with FHA approval. According to the FHA this house didn't need rehabilitating. So far the people who bought it have discovered the roof leaks and needs to be replaced; the wiring is faulty and needs to be replaced, as does the water heater. The FHA calls this house one of their "mistakes." There is another interesting house. It is a derelict, last occupied over a year ago. In 1966 its market value was a thousand dollars. Currently it carries an FHA appraisal of $14,000. A man who knows real estate looked at this house and laughed. The role of Spokane Resource Advocates in focusing congressional attention on Spokane and in drying up federal housing money infuriated the real estate community. They were especially angry at the man who heads up this small group of social activists. His name is Raymond Raschko, 32 years old, seven years a resident of Spokane, a graduate social worker, recipient of the Office of Economic Opportunities urban service award. (One of Raschko's chief critics, J. S. Rosemond, president of Far West Securities.)

J. S. ROSEMOND. I believe these statements were sent in to Mr. Patman's committee by the Spokane Resource Advocates. I do not know whether Mr. Raschko was the author of the statements. But I do believe they came from the Spokane Resource Advocates group. This is what I don't like the new media putting out in the city of Spokane, because it's falsehood, actual falsehoods. They're not true facts.

WALLACE. A group that calls itself the Spokane Self-Help Development Committee sat down last month to see what could be done to get FHA 235 money coming into Spokane again. Its angriest rhetoric revolved pro and con around Ray Raschko.

JAMES BLACK. And what has he accomplished? He's accomplished the stopping of a program. It—he's got the buyers all bugged. He's been in their houses—each of the buyers bugging him about these things. He sent out slanted questionnaires. He's got the people to the point where they wouldn't like Santa Claus.

RASCHKO. This is something that bothers me greatly, to somehow kick the evidence by kicking me. Now, that does not help the people themselves, you know, and if we say we're concerned about them, we—why do we do things like that? The entire proceedings today have been nothing more than an attempt to discredit the hearings that took place in October.

VOICE. I think that you must remember that you're taking in a lot of territory and it's unwarranted. You're charging this panel with anything, and we've got you back here by special permission and at our indulgence, and you can go ahead and talk about this thing, but you go ahead, but don't you charge us with anything, because you are wrong.

WALLACE. One thing was not brought up in this hearing. Two days after the Patman committee report was published Ray Raschko had received a death threat. According to the FBI, which entered the case because the mails were used, the threat is under active investigation. We asked Raschko if he takes it seriously.

RASCHKO. Well, to be honest with you, at first I did not take it seriously at all, maybe because sometimes I don't take myself that seriously, or as being that important in reference to a threat to some people. But it was in the last week . . . I find myself taking it a little more seriously than I did.

WALLACE. Then Raschko surmised why the community is so angry.

RASCHKO. They like Spokane as it is. They like to make money in Spokane. They like to live in Spokane. They like to be not bothered by other people.

WALLACE. John McClaughlin apparently was another bother. He is not a member of Raschko's group. He has been in the real estate business for fourteen years, managed a local title insurance company. He began to cooperate with Raschko after a conference in which his company's policy made clear.

MCCLAUGHLIN. But this was a very high level conference, at which we were posed with problems that existed in society, and we were told that we had to get involved in these solutions to these problems; that we were the solutions to these problems, and that nothing would be done unless we did get involved.

WALLACE. So John McClaughlin did get involved, agreed to serve on one of Raschko's panels. This is what happened.

MCCLAUGHLIN. When it was found that I was going to be a member of the panel, the real estate industry stopped support of Trans-America Title Insurance Company, of which I was then manager. Our orders fell off from, say, twenty a day to five a day, and it continued like that.

This finally culminated in my being replaced as manager, and I believe that it finally culminated in my termination by TransAmerica. I've tried to get other jobs in Spokane along this line, but unfortunately . . . I can't. I think that the people that are in this industry have said no, John McClaughlin can't get a job in Spokane.

Wallace. The firm that fired McClaughlin would tell us only that it was a management decision. A similar company that almost hired him but didn't wouldn't comment, beyond the rhetorical question: Would you hire a man who gave your industry a black eye? Our investigation of what happened to this man led us to this man, Wallace Bostwick, director of the FHA office in Spokane. He refused to be interviewed on film, but he testified at this hearing. It turns out that Bostwick's name is on the shareholders' list of the same company that refused to hire John McClaughlin. Chairman Wright Patman regards the fact of Bostwick's stock ownership in the title insurance company as an apparent conflict of interest, and his committee is investigating. So we come back to the hearing. Fifteen hours of testimony, a lot of satisfied 235 home owners brought forward, and there are many in Spokane, as elsewhere in the country. But when it came down to questions about how many people felt they were abused by whom and how, this is what happened.

Raschko. We have received 87 formal written complaints of a serious nature concerning these homes, and this is approximately fifty-one per cent of all of these houses that have been brought into this program in Spokane today.

Mr. Black. Rashko says he has 87 or some major complaints. I suggest to you that he's been in these houses coaching these people on these complaints. We did go to every house that we were involved in at the start of this thing and we did have some complaints, but we felt that we came away with satisfaction from everybody. He's got the FHA so scared to death that right now—that they're so tough . . . that they—you can't get a program through them.

Woman. I have dealt with the very same people that the real estate men are sitting up here and saying, you know, I work overtime; you know, I do this and I do that. And these poor dumb folks, they just don't understand what's going on. The truth is, yes, that the poor dumb folk have not had an opportunity before to buy a home. But the very shrewd realtor has had a very good opportunity to take full advantage of the poor dumb folk.

J. S. Rosemond. I will not say that we are not whitewashing some of the abuses that we've been having, because there have been some abuses. But I will not stand for people making statements, that the program has not given decent housing to people in Spokane in ninety per cent or more of the cases.

Raschko. You know, we've been accused, you know, of exaggerating the amount of abuses in Spokane, you know, as if, you know—if it was only ten per cent, that's okay—you know, and I would seriously question that. But I also seriously question the ten per cent.

Voice. Yet every single one of your abuses simply vanishes in smoke when you get down to the hard facts.

Raschko. Yes, I'm sure, with all the strawmen that—you know, that you've been putting together all day, and lighting, and if they go up in smoke, this looks very true. You can feel very comfortable. I only ask you to go out and physically view these houses.

Wallace. And so this angry dispute goes on. In the meantime there are still families who live in substandard 235 homes. Robert Schroeder is one of them. He paid $10,000 for his home last year. Its previous market price had been $3,000 and the FHA had said it needed no rehabilitation.

Schroeder. To get any outlets to work in the diningroom we have to turn—it may sound funny, gentlemen, but it isn't—the basement lights on to make them work. Now we have no outlets whatsoever in the diningroom, except one, because all the lights in the basement have shorted out, except one, and that's the one over the washing machine. When the wind blows in this house—I don't know if any of you gentlemen. . . .

I'm sure you have been through Grand Canyon. I've got Grand Canyon through the front room.

Wallace. Mr. Schroeder testified that he went to the local FHA office . . . to his congressman . . . even to his senator, Henry Jackson. He said they all told him there was nothing they could do.

That raises an important question: *Can* nothing be done for Mr. Schroeder . . . and hundreds . . . perhaps thousands of 235 homeowners like him around the country . . . perhaps in your hometown?

What is going to happen—as well—to men like Ray Raschko and John McClaughlin? Those are questions Housing Secretary George Romney will be asked to answer when he testifies later this month before Chairman Patman's committee.

WELFARE REFORM VERSUS REVENUE SHARING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Burke) is recognized for 30 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, for those people who have not read the newspapers during the past 24 hours, I will say we have learned that a special truth squad, so-called, has been set up by the Republican National Committee, and this squad is going to go around the country to sell revenue sharing. It is my understanding that a former head of the sales department of the Procter & Gamble Soap Co., is going to head this squad. I imagine that this group will be known for its soft soaping of the American public. I can imagine the type of soap opera that they will put on, trying to sell this nefarious scheme to the American people.

Mr. Speaker, everyone knows how quickly things move today, one development leads to another and how briefly things remain the same. However, I am amazed at how quickly things have changed in the campaign for revenue sharing in the last few weeks. Just a short 3 weeks ago, I delivered a speech on the floor of the House discussing the exaggerated claims of the national budget and even more dangerous implications of revenue sharing. At that time, I had to admit that I was sticking my neck out and was inevitably going to be subjected to one of the truly great pressure campaigns in recent memory. At the time it seemed that in addition to the administration here in Washington, every local and State official across the country was clamoring for relief, not some time in the future, but here and now—right away. The ranks of the revenue-sharing forces seem solid, united, well-organized, and well-financed.

Today, just a short 4 weeks later, the change which has taken place is truly remarkable. The proponents of revenue sharing are fighting and arguing amongst themselves. Here in Washington, the Governors of diverse States and mayors of large cities, who a few weeks ago were beating the drums for an idea, a concept yet to be spelled out—revenue sharing—have been reported with notable frequency in the daily press as increasingly critical of the details of the administration's revenue-sharing proposals as they have been spelled out. Hardly a day goes by that some Senator or Representative in the legislature of my own State has not contacted me indicating that they, too, were developping serious reservations about revenue sharing, and were looking at some of the more attractive alternatives. A few weeks ago the news from Massachusetts seemed to be that the whole legislature was irrevocably committed to revenue sharing at all costs. Newspapers which had only a few weeks ago pictured the astute chairman of the Ways and Means Committee as out of touch with urban America of the 1970's and dragging his feet on much needed reforms are now praising him as the truly creative man we knew him to be all along, crediting him with fathering one of the potentially greatest pieces of legislation of the century, certainly the decade, and admitting for the first time that there is more than one way to take the States and cities and towns of this country out of the dilemma that confronts them, out of the fiscal chaos they are swimming in, out of the quicksand of ever-increasing burdens, both financial and administrative.

The fact is that some quarters in the last few hours have already begun to write the epitaph for what was for a short few months one of the most trend-setting ideas ever to be trotted in front of the grandstand of mass political appeal. Stripped of its trappings and more carefully thought-out alternatives substituted, the idea of revenue sharing must present a sorry sight, indeed, to those that a few short months ago were hailing it as the solution for most of the Nation's problems. Rather than watch it die a slow and ungainly death, observe it bogged down hopelessly in interminable controversy and discussion, some seem to have decided that the best thing is to abandon it and bury it as quickly as possible. A few weeks ago it was an idea whose time had come; today it seems to be in danger of being written off.

While I am not going to be quick to join those who have written it off completely or those who have observed it has not a chance of getting through Congress, I certainly do feel that the appeal is fast wearing off and the revenue sharing movement is not sweeping the country. It has become bogged down. It has suffered severe setbacks. Its very simplicity contained the seeds of its own downfall. Presented as a panacea for profound and deep-rooted problems, it ran into the justifiable skepticism it deserved. As I have said repeatedly, no one disagreed with the analysis of the problems which prompted the proposal. No one is disagreeing that the mayors and Governors around the Nation are confronted with some of the most staggering burdens shouldered by local officials in our Nation's history. No one is disagreeing that one of the most alarming aspects of the situation is that there seems to be no end in sight. To me there was always something artificial about the enthusiasm for the proposal, something manufactured.

I readily confess that if I were a mayor confronted with the nightmare of staggering debt confronting many of our cities and towns, it would be a happy solution to wake up one morning to find a blank check from Uncle Sam in the mailbox. But while a mayor's enthusiasm would be understandable, I fail to see how this would necsesarily be translated into popular support.

Now some have been able to trace the origins of the idea of revenue sharing back to the early 1950's and to the economic advisers of former administrations. They have been credited with first proposing the idea in any elaborate or systematic form. Even if this is the case, there can be no denial that the idea only took on life in the past year. And then, suddenly it was an idea whose time had come. Suddenly no one needed to be a lawyer or an economist to understand a major revenue proposal. The man in the street could comprehend it as quickly as the Council of Economic Advisers.

If you stop to think about it, you could trace the basic concept behind revenue sharing to the early days of division in our Republic which saw the start of a debate which continues to the present. Although the succeeding years seem to have favored a strong National Government instead of a weak confederation of strong States, the debate has never been resolved. Behind the revenue-sharing camouflage, there is a strong bias for States' rights at the expense of a strong Central Government. There is really very little essential difference between today's new federalism with a return of power to the local components and old federalism with its distrust of a strong Central Government. I am convinced that one of the major reasons for the disaffection of large numbers of legislators who were publicly embracing the concept just a short while ago because it constituted a novel innovation is that they suddenly realized what it all boiled down to. If this idea was, in fact, to be the hallmark of the times, an idea whose time had come, then we would have been entering an era which would have witnessed the reversal of the whole constitutional thrust of the last 150 years, a trend toward decentralization and the gradual dismantling of the whole network of nationwide standards and programs that have developed over the Nation's history. For no one is foolish enough to believe that the $5 or $16 billion request this year is the real goal of this program. This is merely the opening round of a long drive to divert an increasingly larger percentage of Federal funds away from existing programs into the blank-check category.

With the only criterion of how the funds will be distributed, the mathematical test of which State is making the biggest tax effort, the great pockets of poverty, hunger, and illiteracy in this country are understandably worried about their future prospects. Similarly, are those forced to live in the jungles we call cities, strangled as they are by the chaos, violence, and breakdown that is the lot of city folk today across the Nation. What is there which could possibly attract them in a plan which is tantamount to asking them to turn their backs on the one place they could look to over the years for a helping hand? Mayors are beginning to express the view that too much of the proposed distributed revenues will stick in State hands. They are only too well aware that most of the great strides of the last 50 years in the field of social reform were accomplished only through concerted action at the national level. What evidence do we possess that every State has been so reformed during the last 50 years that the tenement dwellers of the cities across the Nation no longer have to look to the Federal Government to help them out of conditions more complicated than those presented 50 years ago by sweatshops and child labor?

The budget proposed for 1972—that same budget which proposes revenue sharing—displays a "constant pattern of cutbacks and reductions of urban programs and a low priority of funds for the cities." Facing the prospect of a future without the full force and power of the Federal Government behind the spending of Federal funds, organized labor at its recent convention was led to observe that, while responsive to needs, State and local school authorities "have tended to slight the serious educational needs" of minorities, the poor, the handicapped, and non-English-speaking children.

In other words, the thing to remember is that the rush of Federal programs which were passed during the Kennedy-Johnson era after years of debate and struggle did not spring out of thin air. They were only pushed through both Houses of Congress after it became painfully clear that serious problems had been neglected for far too long across this Nation. In proposing to divert funds from these approved programs simply because they have proved unworkable in isolated instances or produced volumes of redtape in others, is to turn one's back on the problems the programs were designed to solve. Simply to divert funds from programs which have been justifiably criticized because of specific shortcomings is to act too hastily. The problems they were designed to combat would still remain. Newspaper accounts of the past few years should have convinced every Member here by now that the problems are serious and cannot be wished away.

We should be absolutely sure before responsibility for their solution is abdicated to local government that local government is able to assume the responsibility. To judge from the past performance of local governments across the country in matters such as welfare, medicaid, and education, there is every reason to be doubtful that there are many cities, States, or towns that are ready for added responsibilities. I am not sure that the problems confronting the Nation are all superhuman, but I have a strong suspicion that many of them are superlocal. The approach of a rational man and a deliberative body in all of this, it seems, is to face the need to change existing programs in a spirit of constructive criticism and reform, not destructive.

As I have said before, many existing programs are properly described as revenue sharing, and in addition possess the invaluable plus which the present revenue-sharing proposals either lack or deliberately avoid. When funds are distributed under existing grants-in-aid, they are channeled in a manner so as to establish across the land minimum standards in certain categories. I, for one, do not intend to advocate the abdication by the Federal Government of its responsibilities for these standards. I, for one, do not intend to watch the hard-won gains of the past 50 years be wiped away with the passage of a bill or two this session. Ironically, I cannot help but observe that historically this Nation was only able to stomach the thought of a graduated income tax on the national level, the idea having proved too big for any State to swallow on its own. In fact, there are still some States—some of the States which are fighting the hardest for the revenue-sharing proposal—which have yet to put their own financial house in order to the extent of accepting a graduated State income tax, so hard do some prejudices die.

But it would be wrong to lose sight of the opportunity presented by the great national movement for revenue sharing. We should not forget that there is some good to be salvaged out of most situations no matter how problem ridden. I think that we are in a position to do today what was unthinkable just a few short months ago. Today the climate is right for a major reform by the Federal Government in what is perhaps the most controversial area imaginable—welfare. If we were to begin this year to take over the responsibility for the administration of a national system of welfare and foot the entire bill, then we would not only be tackling a problem which needs tackling at all costs, but we would also be accomplishing at the same time what the proponents of revenue sharing have set out to do—removing a significant financial burden from the shoulders of local officials across the Nation. It makes no sense to argue that in doing so we would be taking the burden off the shoulders of only the Governors and State officials, since in most States welfare is a State rather than a city matter. Relieved of their welfare burdens, the States around the country would then be in a position to use the freed financial resources at their command for worthwhile local projects. They would be spending locally generated funds for locally approved projects on both a statewide and local level. Whether the cities and towns get their fair share in a situation such as this will depend on the ability of the cities and towns to see to it that their interests are considered in the State legislature.

Nor is there a State in this country whose welfare burden is not something the State would prefer to be without. Those that argue that some States would realize more than others under this program are overlooking the fact that those States with the heaviest welfare burdens also happen to be those States which contribute the most to the Central Government in Federal taxes. Far better to live with this inequity than to adopt the inequities of the administration's revenue-sharing proposals which, in my own State of Massachusetts, for instance, end up distributing to one of our most prosperous suburbs, Newton, twice the amount earmarked for either Fall River or New Bedford—classic examples of cities in desperate need for Federal financial relief where unemployment is staggering, industry is dying, ghettos exist, and riots have already occurred. Within the logical framework of the Federal revenue-sharing proposals, those cities and towns which can afford to raise more taxes will receive more Federal moneys. The old story once again of the haves getting more, while the have-nots get proportionately less.

In other words, granted we are in a situation where the country is ready for some dramatic redistribution of Federal funds to the local communities. Not only can we accomplish this but something else as well. We can do something in the field of welfare which should have been done some time ago. Today, this great country is experiencing the sorry situation of mass migration for no other reason than to take advantage of the differences in welfare payments in one community over another. Those communities which are doing the best job and sometimes the biggest job are forced to do an even bigger job, simply because of the absence of national standards in welfare administration. In this light, all of the publicity and effort expended in the revenue-sharing drive will not have been in vain, if, in the end, it contributed to creating the climate for major congressional action on this problem.

What I am saying is that there is pretty well widespread agreement on the need for some kind of revenue sharing. Where we disagree is on what kind of revenue sharing. We disagree on the best formula for distribution. These matters can be ironed out. I do not think anybody should be geared only to the first thought that comes along. Second thoughts are sometimes more mature and can be the result of sober reflection and serious consideration of possible alternatives. Considering the alternatives, I think welfare reform and assumption by the Federal Government is far and above the most substantial service we could perform for the American public this session. Talk about an idea whose time has come; you are talking about welfare reform.

We could be living in momentous times in the weeks and months ahead, which later Congresses will look back upon as days when Congress finally got down to some serious legislation. Presently, the Ways and Means Committee is considering H.R. 1 which contains in its original form the basis for discussion and seed for development of some form of welfare reform legislation. I refer to the family assistance plan provisions. These provisions can be refashioned and remade in such a manner as to approach meaningful welfare reform. Today it is difficult to predict what the final form will be. The main reason for speaking today is not to spell out the specifics which are still taking shape, but rather simply to let the country know that even the proponents of the administration's revenue-sharing bill should not lose hope because their measure has suffered severe setbacks. Things may well work out better than they ever dared hope.

I want to point out to the Members of the House that the distinguished chairman of the House Ways and Means Committee, WILBUR MILLS, in my opinion is one of the most solid and well informed Members of the U.S. Congress. He is a man who has given this subject a great deal of study and thought in depth, and I am sure he is going to come out of that committee before the Easter recess with a recommendation to help solve the problems of welfare in this Nation. I think we should all listen to him and pay attention to his recommendations. He has given unstintingly of his time toward the solution of this problem. He understands revenue sharing better, I believe, than any Governor in this Nation. WILBUR MILLS will come out with legislation that will be the hallmark of this Congress. It will be legislation that will be the first giant step taken in this great country of ours toward curing the ills and problems caused by welfare, and I believe the Governors of this Nation—and I refer specifically to my own Governor of Massachusetts and the Governor of New York—should wait and see and study the recommendations that are going to be made by the House Ways and Means Committee on this welfare problem, because it will be revenue sharing, it will relieve the States of the terrible burden they presently have, and it will be the first step taken in the last 50 years toward correcting the real problems of welfare.

PRESERVE BUFFALO'S RAILROAD PASSENGER SERVICE TO CHICAGO

The SPEAKER pro tempore (Mr. RONCALIO). Under a previous order of the House, the Chair recognizes the gentleman from New York (Mr. HALPERN) for 5 minutes.

Mr. HALPERN. Mr. Speaker, last month Congressman KEMP introduced H.R. 4570 which would incorporate a rail passenger route from New York City to Chicago by way of Buffalo into the National Rail Passenger System now being formulated. I rise to add my support to Congressman KEMP's bill.

The new rail passenger program has been widely hailed as perhaps the best approach to the nationwide problem of vanishing passenger service by railroad. The consensus is that this program has a good chance of being successful, and if so, will mark a new chapter in the transportation of persons in this country. I agree with Congressman KEMP that this development is encouraging after so many years of receding train service.

I was greatly disappointed, however, when the Department of Transportation presented its proposed rail transportation network for consideration and found that direct Buffalo-Chicago rail passenger service was completely omitted.

For many years, Buffalo has enjoyed, and depended on, rail service to Chicago. The region in which Buffalo is centered has made decided progress in economic growth in past decades, and I am convinced that a large measure of this development is due to the rapport and direct communication with Chicago and points west, as well as with the cities which lie between Buffalo and Chicago. Accordingly, it follows that to sever this vital communication link with Chicago and other points could well damage and curtail further development for this important region of western New York.

I called attention to the fact that Buffalo has long had direct service to Chicago. The passenger trains linking Buffalo and Chicago were among those the Penn Central Railroad attempted to drop in its proposed discontinuance of 34 trains early in 1970. The Interstate Commerce Commission blocked the mass withdrawal of these trains.

Mr. President, the ICC for many years has had jurisdiction over rail passenger train matters. We must therefore acknowledge that the Commission has acquired a measure of expertise in evaluating the overall worth of particular segments of train service. Accordingly, I was greatly encouraged when the ICC urged the Secretary of Transportation to recommend the addition of certain points to be included in the National Rail Passenger System. Among the Commission's suggested additions was a direct run from Boston through Buffalo and on westward to Chicago.

Mr. Speaker, I consider this suggestion of the ICC most significant in that it provides for direct service between Buffalo and Chicago. I would like to point out that the network presently incorporated in the system already provides for direct New York to Buffalo service. Therefore, the addition of passenger service to points west of Buffalo would achieve the objective of H.R. 4570.

I believe it would be entirely wrong to cut off Buffalo's rail passenger service contact with points to the West, including Chicago. I strongly urge my fellow Members of the House to support H.R. 4570, which would make such curtailment impossible.

TWELFTH ANNIVERSARY OF HOUSE PASSAGE OF HAWAII STATEHOOD BILL

The SPEAKER pro tempore. Under a previous order of the House, the Chair recognizes the gentleman from Hawaii (Mr. MATSUNAGA) for 15 minutes.

Mr. MATSUNAGA. Mr. Speaker, it was 12 years ago, on March 12, 1959, that the

House of Representatives approved legislation providing for the admission of Hawaii as the 50th State of the Union. The House action followed that of the Senate, which, on the preceding day, had passed the legislation by an overwhelming majority. It was highly gratifying to the people of Hawaii that the House vote was decisively in favor of statehood for Hawaii.

In the intervening period of a dozen years since that momentous occasion, the people of Hawaii have earnestly sought to translate their sense of profound gratitude into a program of responsible action. The record shows indisputably that they have achieved notable success in that effort.

They have helped others to realize that Hawaii's noncontiguous position, once thought to be a serious stumbling block to statehood, has absolutely no effect on its working efficiency as a State. They have demonstrated that people are not any the less Americans because they happen to live on an island.

They have shown that people of diverse cultural origins, instead of being a handicap on the rest of the Nation, can by their contributions make their State a showcase of American democracy. They have helped to weave a pattern of living which inspired the late beloved President John F. Kennedy, who chose the youngest State as the most appropriate site for his first major civil rights speech, to say, "Hawaii is what the United States is striving to be."

The record of achievements of the people of Hawaii since being granted statehood is a source of great pride to them, but they are not so interested in saying "didn't we tell you so," as they are in reaffirming their faith in the United States and in meeting their responsibilities to the Nation under statehood. They view the past 12 years as a period of fulfillment and accomplishment, but they also look forward eagerly to the challenges and promises that the future holds for Hawaii.

Looming large among Hawaii's major responsibilities of the future is the strengthening of the bridge that it represents between the east and the west for international cooperation and world peace. This is a role which will become increasingly vital as our withdrawal of troops from Southeast Asia falls to the point of no military involvement in that part of the world.

One of the Nation's greatest investments in peace, the East-West Center, brought into being in 1959 by the principal efforts of the then Senator Lyndon B. Johnson, the then delegate to Congress from Hawaii, John A. Burns, and Congressman JOHN J. ROONEY of New York, finds its home in Hawaii. At this great institution Asians and Americans have been granted and continue to have an opportunity to meet one another in an academic and social environment which lends itself to a dynamic program of interchange in which the participants begin better to understand one another's problems, and to work out mutually acceptable solutions. How much better this is than deciding issues on the battlefield.

Mr. Speaker, on the occasion of the 12th anniversary of the passage of the Hawaii statehood bill by the Congress, therefore, I rise not only to express the gratitude of the people of Hawaii, but also to state their resolve to contribute their full share towards a greater America in a better world. It is the resolve of a young and vibrant State, one that will continue to take its place among the United States with pride and to serve with honor and distinction the Union of which it has become an inseparable part.

FULL SOCIAL SECURITY BENEFITS FOR WOMEN AT AGE 62

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 10 minutes.

Mr. ST GERMAIN. Mr. Speaker, on the first day of this Congress I introduced H.R. 62, legislation that gives a retirement break to women who have worked for most of their lives. It would change the social security law so that women with 30 years of coverage—120 quarters—could retire at age 62 without any reduction in their benefits. Under present law there is a financial penalty for retiring before 65. Thus, a person retiring at 62 is entitled to only 80 percent of normal retirement benefits.

Today I am reintroducing H.R. 62 with 100 cosponsors. It is my hope that the Ways and Means Committee will take cognizance of this support from so many Members of the House, and include the provisions of H.R. 62 in this year's social security bill.

On February 2 I wrote to Chairman MILLS, noting that with the country's present critical unemployment situation, the passage of this bill would be especially timely. It would open up thousands of jobs for Americans who are now looking for work.

Though the Ways and Means Committee has requested departmental reports, a thorough cost analysis of the bill is not yet completed. From my own investigations, however, it is clear that the social security trust fund can easily absorb the added costs for the immediate future.

This bill is not a "giveaway." This legislation is a measure of recognition for hardworking, productive Americans who have already contributed far more to our country than any benefits they will draw from the social security fund. It is a recognition for the contribution which women have made toward the economic and social development of our Nation over the past generation.

On behalf of all the Members who have cosponsored this bill, and the thousands of women from every part of the country who have declared their support, I ask that this body act favorably and expeditiously on this legislation.

REVENUE SHARING

The SPEAKER pro tempore. Under a previous order of the House, the Chair recognizes the gentleman from Illinois (Mr. ANDERSON) for 60 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, Yesterday the distinguished chairman of the Government Operations Committee took the well of the House to discuss the President's proposal for general revenue sharing. The gentleman said that his purpose was to "help the people of this country understand a little more about revenue sharing than they now understand." I believe this concern that the public develop a better understanding of the complicated and far-reaching issues involved in revenue sharing is highly commendable—especially on the part of one already burdened with such a huge load of responsibilities as the gentleman from California. But in looking over the gentleman's statement and the colloquy that ensued with a number of his Democratic colleagues, I wonder whether or not more confusion than clarification resulted from that dialog.

To begin with, the chairman strongly implies that the present fiscal crisis of the States and localities—which has made revenue sharing necessary—results largely from what he conceives to be the misguided economic policies of the Nixon administration over the past 2 years. He states that the first act of the Nixon administration was to dismantle economic policies that had resulted in a "5½-percent average annual growth in productivity for 8 years" and replace them with "policies that have resulted in the highest unemployment in 20 years." Recognizing that everyone should be permitted to indulge in a little hyperbole and exaggeration for rhetorical effect, I must nevertheless point out that, according to this year's CEA report, productivity growth in the economy during the years of the past two Democratic administrations was actually about a little over half—3.5 percent annually—of what the chairman claims and that the last time we reached the current unemployment rate was 10 years ago—not 20.

But even after we have liberally discounted the gentleman's claim about economic growth under Democratic administrations, the question remains as to just how and in just what ways the state of the economy is of significance for the condition of State and local finances.

At this point, I believe the question of revenue elasticity enters into the picture; that is, the degree to which the tax base is responsive to changes in GNP. In an earlier statement I made to this body on revenue sharing, I pointed out that over 60 percent of State government tax revenue stems from sources that grow anywhere from 0.3 to 0.9 percent for every 1 percent of growth in GNP. Local governments, still dependent for over 80 percent of their revenues on the property tax, also must rely on tax sources that grow considerably slower than the GNP. Revenues from Federal corporate and income taxes, by contrast, grow considerably faster than the economy—from 1.3 to 1.5 percent for each 1 percent GNP increase—so that relatively speaking, it is the Federal Government that gets the real benefit from the high-level economic performance of which the gentleman speaks.

By contrast, let us consider what might be called the "inflation elasticities" of the two levels of government. Between 1960 and 1970, the price level for all sectors of the economy increased 31 percent. But the index for those goods and services which the Federal Government purchased rose 43 percent and for those of State and local government 54 percent. This means that for each 1-percent increase in the cost of living, the cost of goods and services purchased by the Federal Government increases 1.4 percent and those of the State and local government rise nearly 1.8 percent. The conclusion I draw from this is that the tax revenue and expenditure structures of State and local governments are such that their fiscal situation is injured much more by inflation than it is aided by economic growth. And that if overly rapid economic growth is purchased at the price of an overheated economy—which inevitably produces strong inflationary forces—State and local governments suffer.

So, Mr. Speaker, let us not blame the economic policies of the Nixon administration for the current fiscal crunch at the State and local level. As the above figures readily show, the gains State and local governments received as a result of the economic growth under Democratic economic policies were offset many times by the losses that stemmed from the rampant inflation touched off by these same policies. What President Nixon has attempted to do is put the brakes on this inflationary spiral and the 33½-percent reduction in the rate of the CPI increase from the first to the fourth quarter last year indicates that he is having no small amount of success.

But regardless of the state of the economy and of the relative impact of inflation and economic growth, there would still be a fiscal crisis at the local and State level simply because demands and needs are growing faster than revenues. Indeed, the gentleman from California seems to admit this by suggesting that if more revenue is needed, then it should be up to local and State officials to take the responsibility for raising it. To propose a system of revenue sharing, he argues, is only to pass the tax-levying buck from mayors and Governors to Congress:

> (The President) offers taxpayers the false hope of tax relief and the county supervisors, mayors and state legislators, the hope of immunity from the politically difficult job of raising taxes to meet rising local needs. At the same time he turns the burden of taxing the *same* local people over to Congress.

But are we in fact just transferring the job of "taxing the same local people"? I think not. The plain fact is that each dollar of Federal income tax levied falls on a quite different group than each dollar of State and local taxes. For as long as I can remember, the Democratic Party has touted itself as the champion of the "little guy"—the low and middle classes—yet here we have a leading spokesman of that party saying it would be better to raise additional revenue from taxes which bear much more heavily on the low-income groups. For example, those earning less than $6,000 annually contribute only 4.5 percent of the Federal income tax dollar, but almost 16 percent of the sales tax dollar and 17 percent of the property tax dollar—the two primary sources of local and State revenue. Put another way, in 1968 those between $2,000 and $4,000 annual income contributed about 3.5 percent of their income to Federal income taxes, but almost 16 percent to local and State taxes. So when we talk about shifting some of the tax burden to the Federal tax system we are not talking about merely passing the buck for taxing the "same local people." What we are in fact talking about is shifting the tax burden in the direction of greater equitability or toward those best able to pay. By being content to indulge in mere political sniping on this important issue, I am afraid the distinguished chairman has missed the important social policy issue implicit in this aspect of revenue sharing.

This takes me one step further. It was surprising enough to find the gentleman from California engaging in a stout defense of regressive taxation, but reading along further, I find that he is joined by another colleague in an odd colloquy on the virtues of the current deductibility allowance for local and State taxes. Since only about 1 percent of local taxes and less than 20 percent of State taxes come from income levies, the $8.5 billion boon that results from this provision accrues largely from property and consumption tax deductions. In light of the figures I have just presented on the incidence of these kinds of taxes among income levels, I wonder just how desirable this new source of "revenue sharing" found by these gentlemen is after all. Moreover, the gentlemen surely know that less than a quarter of those with incomes under $7,000 itemize, and therefore, potentially can make use of this deduction, whereas almost all taxpayers in higher income groups do.

In making these points my purpose has not been to make any all-out brief for progressive taxation, although I do think that is one important goal we must have in mind as we fashion our revenue systems. Rather it has been to show that there is a lot more involved in revenue sharing than passing the tax levying buck and that in their zeal to reduce the President's proposal to merely a political ploy, the gentleman from California and his colleagues have only added to the confusion, and have at least implicitly endorsed some propositions that I doubt very much they would adhere to in more sober moments.

As if one surprise were not enough, further scrutiny of the transcript of the chairman's revenue-sharing seminar yields still another. This time it is a round denunciation of "deficit sharing." Let me state candidly that I have heard this criticism on more than one occasion, but never before from the gentleman's side of the aisle.

Now let me say two things in response. No one contemplates financing revenue sharing out of a budget deficit indefinitely. This year the economy is in a state of slack and that requires—according to principles now accepted by most economists—that the Federal Government spend as if the economy were generating revenue at full employment. If the economy moves back in the direction of full employment as planned during the next 20 months, the deficit gap will be closed. Surely, the gentleman from California understands, and I daresay supports, this full employment budget concept and it, therefore, perplexes me as to why he should drag this "deficit sharing" red herring into the debate.

Beyond that I wonder if there is not a very blatant contradiction between the chairman's blast at "deficit sharing" and his advocacy of a number of added appropriations that the President felt necessary to veto or curtail on budgetary grounds during the past year. The gentleman suggests we should have spent a half billion more for education, a half billion more for urban development programs, a quarter of a billion more for health education, $350 million more for hospital construction and the $9 billion in various program funds the administration found it necessary to freeze during fiscal year 1971.

If we add up all these additional expenditures, my arithmetic suggests that the gentleman would be perfectly willing to add $11.6 on top of the expected $18 billion deficit for fiscal year 1971. However, if we net out the revenue sharing money from the expected $11.5 billion deficit for 1972 the deficit would be only $6.5 billion. Yet, it appears that the gentleman is scandalized by the thought of adding $5 billion for revenue sharing onto what would otherwise be a quite modest deficit. For the life of me, I simply cannot understand the logic of the gentleman's objection. Perhaps I should seek out the counsel of some teacher of the "new math" to help explain this budgetary legerdemain.

Finally, let me make one observation about the chart on the distribution of revenue-sharing money in Los Angeles county that the gentleman presents as evidence that under revenue sharing "from him that hath shall be taken away, even that little which he seems to have." I submit that even relying on the gentleman's own chart, I do not see the evidence for this assertion. The chart does point out that the revenue effort formula for distributing local funds is not without flaw, because it is biased in favor of the quite rare "industrial suburb" with a relatively small population and a high property tax base. But it does not follow from this that "what we are doing by this formula is giving to the rich cities a preponderant amount on this return of revenue, where the need does not exist."

According to my calculations, the average per capita revenue-sharing allocation for each of the 30 odd cities in Los Angeles County that have a median per capita income above the average for the county is $7.30. By contrast, the per capita return for the 30 cities below the median per capita income is $8.30. That is, the poorer cities will be getting, on the average, 14 percent more per capital. To be sure, the gentleman's chart contains a few aberrant examples that would tend to question the equitability of the formula. But we must not confuse the atypical with the general pattern.

Indeed, rather than rely merely on statistics from Los Angeles County in evaluating the distribution formula, I believe it would be more justifiable to look at broad national patterns. Specifically, I would call your attention to some very revealing data contained in a recent study by the Advisory Commission on Intergovernmental Relations. This study compares the per capita local tax burden in the central cities of the 37 leading standard metropolitan statistical areas with the per capita tax burden in the noncentral city or suburban peripheries of these metropolitan areas. Since these 37 SMSA's account for 20 percent of the population of the Nation and over 50 percent of the local tax base, it is clear that we are dealing with the basic contours of the situation, not merely a few aberrant cases.

This study shows that the per capita local tax burden in the central cities of these major SMSA's average $200 per capita while the average for areas outside the central cities is only $150 per capita. As a percentage of per capita income these tax levels are 7.6 percent for the central city and 5.6 percent for the noncentral city. Overall, the noncentral city areas raise only about 75 percent per capita as much as the central cities do in local tax revenues. Since the pass-through formula is based solely on tax revenue effort this means that the central cities would average one-third more revenue sharing money per capita than the more affluent jurisdictions outside the central city. Chicago, for instance, raises $203 per capita in local revenue whereas other jurisdictions in the Chicago SMSA raise only $123; the pass-through distribution formula, of course, provides for proportional benefits. I am appending at the conclusion of my remarks a chart compiled from the ACIR study that provides more vivid illustration of this point by showing a comparison of per capita revenue efforts in selected major SMSA's. I believe that these figures should lay to rest once and for all the myth that revenue sharing will be merely a bonanza for the rich suburbs or that it scatters its benefits indiscriminately. The chart follows:

CHART I.—LOCAL TAX EFFORT AND PER CAPITA INCOME IN SELECTED SMSA'S

	Central city			Outside central city			
SMSA	Tax per capita (1)	Income per capita (2)	Tax per capita as percent of income per capita (3)	Tax per capita (4)	Income per capita (5)	Tax per capita as percent of income per capita (6)	Col. 6 as percent of col. 3 (7)
Washington, D.C.	$291	$3,003	9.7	$129	$3,033	4.2	43
Miami	169	2,067	8.2	143	2,372	5.5	67
Chicago	203	2,755	7.4	123	3,072	4.0	54
Boston	223	2,421	9.2	167	2,756	6.1	67
St. Louis	167	2,292	7.3	110	2,634	4.2	57
Newark	273	2,049	13.3	205	3,171	6.5	49
New York	279	2,732	10.2	221	3,314	6.7	65
Cincinnati	190	2,462	7.7	108	2,345	4.6	60
Dayton	180	2,261	8.0	116	2,382	4.9	61
Pittsburgh	164	2,365	6.9	110	2,282	4.8	69
Providence	160	2,298	7.0	103	2,174	4.7	67
Milwaukee	193	2,349	8.2	122	2,803	4.4	54

Source: Fiscal Balance in the Federal System, ACIR.

SOCIAL SECURITY AMENDMENTS

The SPEAKER pro tempore. Under a previous order of the House, the Chair recognizes the gentleman from North Carolina (Mr. Mizell) for 5 minutes.

Mr. MIZELL. Mr. Speaker, I rise at this time to introduce for consideration by this body some needed amendments to the Social Security Act of 1935, as amended.

The purpose of these new amendments is to provide a level of assistance to our senior citizens commensurate with their longtime contributions to our society, and, more basically, to our revenue coffers.

No segment of our population has felt the adverse effects of inflation more keenly than our senior citizens, most of whom live on fixed incomes gleaned from social security benefits and marginal employment.

This Nation's elders have for too long been shortchanged and their needs too long neglected. I believe it is past time we remedied those conditions.

This legislation, in essence, provides for five major improvements in the social security system as presently constituted:

First, it provides for a 10-percent, across-the-board benefits increase for all social security clients, retroactive to January 1, 1971;

Second, it provides for automatic annual cost-of-living increases, according to the same formula prescribed in the social security amendments bill passed by this House in the 91st Congress;

Third, it liberalizes the earnings test determining the amount of income a social security client can receive, making it possible for these clients to earn $2,000 a year, rather than the present $1,680, without suffering a reduction in benefits;

Fourth, it lowers from 72 to 70 the age at which the earnings test ceases to apply and benefits are provided at the maximum level, regardless of how much money a client earns; and

Fifth, it provides payment for outpatient prescription drugs under the same formula regulating inpatient drugs as prescribed under medicare.

Major credit for these proposals, Mr. Speaker, should go to the large number of social security beneficiaries in the Fifth District of North Carolina who suggested some of these improvements in correspondence with me.

It was on the basis of these suggestions that I undertook this legislative project, and I very much appreciate the wisdom and the counsel and the practical experience that only our senior citizens can provide.

I consider their advice a personal and professional treasure from which I can continue to draw in dealing with this issue and others as well.

We have been working on this legislation for quite some time, trying to incorporate those provisions that would provide the maximum good and meet the most serious needs of the greatest number of people.

I believe that as a result of working with social security beneficiaries themselves, I have prepared just such a bill.

I am personally indebted to them for their participation in this effort, and I believe it is time we repayed all 25 million senior citizens in this country for their tremendous contributions to our national life.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the Chair recognizes the gentleman from Ohio (Mr. Miller) for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The increased commitment we have made to educating this Nation's youth is reflected in the fact that in 1968 we spent $659 for each elementary and secondary pupil in the country. This is compared to the $95 per pupil we spent in 1920.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Patman, for 30 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. Burke of Massachusetts, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. McKinney) to revise and extend their remarks and include extraneous material:)

Mr. Halpern, for 5 minutes, today.

Mr. Anderson of Illinois, for 60 minutes, today.

Mr. Mizell, for 5 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. James V. Stanton), to revise and extend their remarks and include extraneous matter:)

Mr. Reuss, for 20 minutes, today.
Mr. Rarick, for 10 minutes, today.
Mr. Matsunaga, for 15 minutes, today.
Mr. St Germain, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. McKinney) and to include extraneous matter:)

Mr. Morse.
Mr. Price of Texas in three instances.
Mr. Broomfield.
Mr. Halpern.
Mr. Bell.
Mr. Kemp in three instances.
Mr. Brotzman.
Mr. Steiger of Arizona
Mr. Springer.
Mr. Steiger of Wisconsin.
Mr. Erlenborn.
Mr. Frenzel in three instances.
Mr. Mizell in two instances.
Mr. Wyman in two instances.
Mr. Michel.

(The following Members (at the request of Mr. James V. Stanton) and to include extraneous matter:)

Mr. Rarick in three instances.
Mr. William D. Ford in two instances.
Mr. Harrington in two instances.
Mr. Annunzio in two instances.
Mr. Podell in three instances.
Mr. Dingell in two instances.
Mr. Diggs.
Mr. Casey of Texas in two instances.
Mr. Pucinski in six instances.
Mr. Sisk.
Mr. Gonzalez in two instances.
Mr. James V. Stanton in two instances.
Mr. Evins of Tennessee in two instances.
Mr. Ryan in five instances.
Mr. Bennett.
Mrs. Abzug.
Mr. Teague of Texas in eight instances.
Mr. Anderson of California in two instances.
Mr. Drinan.

ADJOURNMENT TO MONDAY, MARCH 15

Mr. JAMES V. STANTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, March 15, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

403. A letter from the Secretary of Health, Education, and Welfare, transmitting a quarterly report of actual procurement receipts for the medical stockpile of civil defense emergency supplies and equipment, covering the period ended December 31, 1970, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

404. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting a copy of the statistical supplement to the stockpile report, for the period ended December 31, 1970, pursuant to section 4 of the Strategic and Critical Materials Stock Piling Act; to the Committee on Armed Services.

405. A letter from the Assistant Administrator for Legislative and Public Affairs, Agency for International Development, Department of State, transmitting a quarterly report on the programing and obligation of contingency funds by the Agency, covering the period ended December 31, 1970, pursuant to section 451(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

406. A letter from the Chairman, Indian Claims Commission, transmitting a report on the final conclusion of judicial proceedings in docket No. 326–I, *Lemhi Tribe, Represented by the Shoshone-Bannock Tribes, Fort Hall, Plaintiff,* v. *The United States of America, Defendant,* pursuant to 25 U.S.C 70t; to the Committee on Interior and Insular Affairs.

407. A letter from the regional solicitor, Tulsa region, U.S. Department of the Interior, transmitting a copy of the decision on appeal in the matter of the heirship determination of Adel Lessert Belimard, deceased halfbreed Kaw Indian allottee, pursuant to Private Law 90–318; to the Committee on the Judiciary.

408. A letter from the regional solicitor, Tulsa region, U.S. Department of the Interior, transmitting a copy of the decision on appeal in the matter of the heirship determination of Clement Lessert, deceased halfbreed Kaw Indian allottee, pursuant to Private Law 90–318; to the Committee on the Judiciary.

409. A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting a report on extraordinary contractual adjustments authorized by the NASA Contract Adjustment Board during 1970, pursuant to 72 Stat. 972; to the Committee on Science and Astronautics.

RECEIVED FROM THE COMPTROLLER GENERAL

410. A letter from the Comptroller General of the United States, transmitting a report on the administration of contracts and grants for cancer research by the National Institutes of Health, Department of Health, Education, and Welfare, pursuant to a request of the Senate Committee on Labor and Public Welfare; to the Committee on Interstate and Foreign Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 5928. A bill to amend title 38 of the United States Code to provide an aid and attendance allowance to any parent entitled to dependency and indemnity compensation who is helpless or blind or a patient in a nursing home; to the Committee on Veterans' Affairs.

By Mr. ANNUNZIO:

H.R. 5929. A bill to amend section 312 of the Immigration and Nationality Act; to the Committee on the Judiciary.

H.R. 5930. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 5931. A bill to amend titles 10 and 37 of the United States Code in order to extend medical care to any child with respect to whom a member of the Armed Forces stands in the relationship of legal guardian, to treat such children as natural children for purposes of computing allowances, and for other purposes; to the Committee on Armed Services.

By Mr. BROTZMAN (for himself and Mr. McKevitt):

H.R. 5932. A bill to authorize the Secretary of Agriculture to review as to its suitability for preservation as wilderness, the area commonly known as the Indian Peaks Area in the State of Colorado; to the Committee on Interior and Insular Affairs.

By Mr. BROYHILL of Virginia:

H.R. 5933. A bill to provide elective coverage under the Federal old-age, survivors, and disability insurance system for all officers and employees of the United States and its instrumentalities; to the Committee on Ways and Means.

By Mr. BUCHANAN:

H.R. 5934. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. CEDERBERG (for himself and Mr. Ruppe):

H.R. 5935. A bill to amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Michigan for potential additions to the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

By Mr. CHAPPELL:

H.R. 5936. A bill to amend title II of the Social Security Act to increase from $1,680 to $2,400 the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 5937. A bill to amend the Intergovernmental Cooperation Act of 1968 to improve intergovernmental relationships between the United States and the States and municipalities, and the economy and efficiency of government, by providing Federal cooperation and assistance in the establishment and strengthening of State and local offices of consumer protection; to the Committee on Government Operations.

H.R. 5936. A bill to make prohibitions against the advertising of prescription drug prices an unfair act or practice in commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 5939. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit retail prices of packaged consumer commodities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5940. A bill to require that durable cnosumer products be labeled as to durability and performance life; to the Committee on Interstate and Foreign Commerce.

H.R. 5941. A bill to amend the Federal Power Act to further promote the reliability, abundance, economy, and efficiency of bulk electric power supplies through regional and interregional coordination; to encourage the installation and use of improved extra-high-voltage facilities; to preserve the environment and conserve natural resources; to establish the Electric Power Environmental Council; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5942. A bill to provide minimum disclosure standards for written consumer product warranties against defect or malfunction; to define minimum Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5943. A bill to protect the Nation's consumers and to assist the commercial fishing industry through the inspection of establishments processing fish and fishery products in commerce; to the Committee on Merchant Marine and Fisheries.

H.R. 5944. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 to expedite its implementation and to provide 100 percent Federal financing of the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. Hawkins, Mr. Leggett, Mr. Miller of California, Mr. Moss, Mr. Rees, Mr. Sisk, Mr. Waldie, Mr. Charles H. Wilson, Mr. Van Deerlin, and Mr. Roybal):

H.R. 5945. A bill to extend unemployment insurance coverage to employers employing four or more agricultural workers for each of 20 or more weeks; to the Committee on Ways and Means.

By Mr. COTTER:

H.R. 5946. A bill to establish a system for the sharing of Federal revenues with the States; to the Committee on Ways and Means.

H.R. 5947. A bill to amend the Social Security Act to provide for the full Federal payment of all costs incurred under an approved State plan for old-age assistance, aid to families with dependent children, aid to the blind, aid to the permanently and totally disabled, aid to the aged, blind, or disabled, or medical assistance, if the State agrees to share the savings it realizes as a result thereof with its cities and other political subdivisions; to the Committee on Ways and Means.

By Mrs. DWYER (for herself, Mr. Horton, Mr. Carter, Mr. Keith, Mr. Frelinghuysen, Mr. Riegle, Mr. Zwach, and Mr. Esch):

H.R. 5948. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. ERLENBORN:

H.R. 5949. A bill to provide for regulation of public exposure to sonic booms, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FOLEY:

H.R. 5950. A bill to authorize the purchase, sale, and exchange of certain lands on the Kalispell Indian Reservation, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FULTON of Pennsylvania:

H.R. 5951. A bill to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended; to the Committee on Public Works.

By Mr. FUQUA (for himself, Mr. Rarick, Mr. Esch, Mrs. Mink, Mr. St Germain, Mr. Stephens, Mr. O'Neill, Mr. Teague of California, and Mr. Hathaway):

H.R. 5952. A bill making appropriations to the Secretary of Commerce for the fiscal year 1972 to carry out the provisions of the National Sea Grant College and Program Act of 1966; to the Committee on Appropriations.

By Mr. GONZALEZ:

H.R. 5953. A bill to amend title 38, United States Code, to increase the amount payable on burial and funeral expenses; to the Committee on Veterans' Affairs.

H.R. 5954. A bill to amend title 38 of the United States Code so as to entitle veterans of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively; to the Committee on Veterans' Affairs.

H.R. 5955. A bill to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HAMILTON:

H.R. 5956. A bill to revise the Federal election laws, and for other purposes; to the Committee on House Administration.

H.R. 5957. A bill to amend title 38 of the United States Code so as to entitle veterans of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively; to the Committee on Veterans' Affairs.

By Mr. HARSHA (for himself, Mr. Grover, Mr. Cleveland, Mr. Don H. Clausen, Mr. Schwengel, Mr. Snyder, Mr. Zion, Mr. McDonald of Michigan, Mr. Hammerschmidt, Mr. Miller of Ohio, Mr. Mizell, Mr. Terry, Mr. Thone, Mr. Baker, Mr. Gerald R. Ford, Mr. Arends, Mr. Rhodes, Mr. Conable, Mr. Anderson of Illinois, Mr. Bob Wilson, Mr. Poff, Mr. Martin, Mr. Duncan, Mr. Minshall, and Mr. Hosmer):

H.R. 5958. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mr. Dellenback, Mr. Johnson of Pennsylvania, Mr. Wyatt, Mr. Erlenborn, Mr. Young of Florida, Mr. Shriver, Mr. Landgrebe, Mr. Talcott, Mr. Lent, Mr. Harvey, Mr. Steiger of Wisconsin, Mr. Schneebeli, Mr. Michel, Mr. Lujan, Mr. McCloskey, Mr. Morse, Mr. Hansen of Idaho, Mr. Winn, Mr. Robison of New York, Mr. Goodling, Mr. Myers, Mr. Mailliard, Mr. Pelly, and Mr. Collins of Texas):

H.R. 5959. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mr. Gubser, Mrs. Reid of Illinois, Mr. Fish, Mr. McKinney, Mr. Goldwater, Mr. Eshleman, Mr. Blackburn, Mr. Kuykendall, Mr. Lloyd, Mr. Zwach, Mr. Keith, Mr. Broomfield, Mr. Thomson of Wisconsin, Mr. Keating, Mr. Kemp, Mr. Broyhill of Virginia, Mr. Frey, Mr. Wydler, Mr. Broyhill of North Carolina, Mr. Saylor, Mr. Corbett, Mr. Latta, Mr. Powell, and Mr. Wylie):

H.R. 5960. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mr. Hunt, Mr. Cederberg, Mr. Esch, Mr. Frenzel, Mr. Ware, Mr. Quie, Mr. Spence, Mr. J. William Stanton, Mr. Coughlin, Mr. Clancy, Mr. Vander Jagt, Mr. Poff, Mr. King, Mr. Andrews of North Dakota, Mr. Buchanan, and Mr. Forsythe):

H.R. 5961. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mr. Grover, Mr. Cleveland, Mr. Don H. Clausen, Mr. Schwengel, Mr. Zion, Mr. McDonald of Michigan, Mr. Hammerschmidt, Mr. Miller of Ohio, Mr. Mizell, Mr. Terry, Mr. Thone, Mr. Baker, Mr. Gerald R. Ford, Mr. Arends, Mr. Rhodes, Mr. Conable, Mr. Anderson of Illinois, Mr. Bob Wilson, Mr. Poff, Mr. Martin, Mr. Duncan, Mr. Minshall, and Mr. Hosmer):

H.R. 5962. A bill to amend section 8 of the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mr. Dellenback, Mr. Johnson of Pennsylvania, Mr. Wyatt, Mr. Erlenborn, Mr. Young of Florida, Mr. Shriver, Mr. Landgrebe, Mr. Talcott, Mr. Lent, Mr. Harvey, Mr. Steiger of Wisconsin, Mr. Schneebeli, Mr. Michel, Mr. Lujan, Mr. McCloskey, Mr. Morse, Mr. Hansen of Idaho, Mr. Winn, Mr. Robison, Mr. Goodling, Mr. Myers, Mr. Mailliard, Mr. Pelly, and Mr. Collins of Texas):

H.R. 5963. A bill to amend section 8 of the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mr. Gubser, Mrs. Reid of Illinois, Mr. Fish, Mr. McKinney, Mr. Goldwater, Mr. Eshleman, Mr. Blackburn, Mr. Kuykendall, Mr. Lloyd, Mr. Zwach, Mr. Keith, Mr. Broomfield, Mr. Thomson of Wisconsin, Mr. Keating, Mr. Kemp, Mr. Broyhill of Virginia, Mr. Frey, Mr. Wydler, Mr. Broyhill of North Carolina, Mr. Saylor, Mr. Corbett, Mr. Latta, Mr. Powell, and Mr. Wylie):

H.R. 5964. A bill to amend section 8 of the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mr. Hunt, Mr. Cederberg, Mr. Esch, Mr. Frenzel, Mr. Ware, Mr. Quie, Mr. Spence, Mr. J. William Stanton, Mr. Coughlin, Mr. Clancy, Mr. Vander Jagt, Mr. Poff, Mr. King, Mr. Andrews of North Dakota, Mr. Buchanan, and Mr. Forsythe):

H.R. 5965. A bill to amend section 8 of the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mr. Grover, Mr. Cleveland, Mr. Don H. Clausen, Mr. Schwengel, Mr. Snyder, Mr. Zion, Mr. McDonald of Michigan, Mr. Hammerschmidt, Mr. Miller of Ohio, Mr. Mizell, Mr. Terry, Mr. Thone, Mr. Baker, Mr. Gerald R. Ford, Mr. Arends, Mr. Rhodes, Mr. Conable, Mr. Anderson of Illinois, Mr. Bob Wilson, Mr. Poff, Mr. Martin, Mr. Duncan, Mr. Minshall, and Mr. Hosmer):

H.R. 5966. A bill to amend Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mr. Dellenback, Mr. Johnson of Pennsylvania, Mr. Wyatt, Mr. Erlenborn, Mr. Young of Florida, Mr. Shriver, Mr. Landgrebe, Mr. Talcott, Mr. Lent, Mr. Harvey, Mr. Steiger of Wisconsin, Mr. Schneebeli, Mr. Michel, Mr. Lujan, Mr. McCloskey, Mr. Morse, Mr. Hansen of Idaho, Mr. Winn, Mr. Robison of New York, Mr. Goodling, Mr. Myers, Mr. Mailliard, Mr. Pelly, and Mr. Collins of Texas):

H.R. 5967. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mr. Gubser, Mrs. Reid of Illinois, Mr. Fish, Mr. McKinney, Mr. Goldwater, Mr. Eshelman, Mr. Blackburn, Mr. Kuykendall, Mr. Lloyd, Mr. Zwach, Mr. Keith, Mr. Broomfield, Mr. Thomson of Wisconsin, Mr. Keating, Mr. Kemp, Mr. Broyhill of Virginia, Mr. Frey, Mr. Wydler, Mr. Broyhill of North Carolina, Mr. Saylor, Mr. Corbett, Mr. Latta, and Mr. Wylie):

H.R. 5968. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mr. Hunt, Mr. Cederberg, Mr. Esch, Mr. Frenzel, Mr. Ware, Mr. Quie, Mr. Spence, Mr. J. William Stanton, Mr. Coughlin, Mr. Clancy, Mr. Vander Jagt, Mr. Poff, Mr. King, Mr. Andrews of North Dakota, Mr. Buchanan, and Mr. Forsythe):

H.R. 5969. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mr. Grover, Mr. Cleveland, Mr. Don H. Clausen, Mr. Schwengel, Mr. Snyder, Mr. Zion, Mr. McDonald of Michigan, Mr. Hammerschmidt, Mr. Miller of Ohio, Mr. Mizell, Mr. Terry, Mr. Thone, Mr. Baker, Mr. Gerald R. Ford, Mr. Arends, Mr. Rhodes, Mr. Conable, Mr. Anderson of Illinois, Mr. Bob Wilson, Mr. Poff, Mr. Martin, Mr. Duncan, Mr. Minshall, and Mr. Hosmer):

H.R. 5970. A bill to establish an environmental financing authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mr. Dellenback, Mr. Johnson of Pennsylvania, Mr. Wyatt, Mr. Erlenborn, Mr. Young of Florida, Mr. Shriver, Mr. Landgrebe, Mr. Talcott, Mr. Lent, Mr. Harvey, Mr. Steiger of Wisconsin, Mr. Schneebeli, Mr. Michel, Mr. Lujan, Mr. McCloskey, Mr. Morse, Mr. Hansen of Idaho, Mr. Winn, Mr. Robison of New York, Mr. Goodling, Mr. Myers, Mr. Mailliard, Mr. Pelly, and Mr. Collins of Texas):

H.R. 5971. A bill to establish an environmental financing authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mr. Gubser, Mrs. Reid of Illinois, Mr. Fish, Mr. McKinney, Mr. Goldwater, Mr. Eshleman, Mr. Blackburn, Mr. Kuykendall, Mr. Lloyd, Mr. Zwach, Mr. Keith, Mr. Broomfield, Mr. Thomson of Wisconsin, Mr. Keating, Mr. Kemp, Mr. Broyhill of Virginia, Mr. Frey, Mr. Wydler, Mr. Broyhill of North Carolina, Mr. Corbett, Mr. Latta, Mr. Powell, and Mr. Wylie):

H.R. 5972. A bill to establish an environmental financing authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mr. Hunt, Mr. Cederberg, Mr. Esch, Mr. Frenzel, Mr. Ware, Mr. Quie, Mr. Spence, Mr. J. William Stanton, Mr. Coughlin, Mr. Clancy, Mr. Vander Jagt, Mr. Poff, Mr. King, Mr. Andrews of North Dakota, Mr. Buchanan, and Mr. Forsythe):

H.R. 5973. A bill to establish an environmental financing authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

By Mr. KOCH (for himself, Mr. Addabbo, Mr. Badillo, Mr. Boland, Mr. Brasco, Mr. Carney, Mr. Conte, Mr. Drinan, Mr. William D. Ford, Mr. Gallagher, Mrs. Hansen of Washington, Mr. Hawkins, Mr. Lujan, Mr. Link, Mr. Moorhead, Mr. Morse, Mr. Pepper, Mr. Rangel, Mr. Rosenthal, Mr. Roybal, Mr. St Germain, Mr. Scheuer, Mr. Stokes, Mr. Tiernan, and Mr. Vander Jagt):

H.R. 5974. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mr. KOCH (for himself, Mr. Waldie, and Mr. Wolff):

H.R. 5975. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government operations.

By Mr. KOCH (for himself, Mrs. Abzug, Mr. Ashley, Mr. Boland, Mr. Brown of Michigan, Mr. Cederberg, Mr. Conte, Mr. Edwards of Louisiana, Mr. Hawkins, Mr. McClure, Mrs. Mink, Mr. Morse, Mr. Murphy of Illinois, Mr. Pepper, Mr. Shoup, Mr. Sisk, Mrs. Sullivan, Mr. Thone, and Mr. Wolff):

H.R. 5976. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. LONG of Maryland:

H.R. 5977. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. McCLURE:

H.R. 5978. A bill to permit American citizens to hold gold; to the Committee on Banking and Currency.

H.R. 5979. A bill to provide a mechanism for equitable adjustments in the price of gold, and for other purposes; to the Committee on Banking and Currency.

H.R. 5980. A bill to preserve the domestic gold mining industry and to increase the domestic production of gold; to the Committee on Ways and Means.

By Mr. MELCHER (for himself and Mr. Zwach):

H.R. 5981. A bill to authorize the Secretary of Agriculture to establish feed grain bases, wheat domestic allotments, and upland cotton base acreage allotments for certain growers of sugarbeets; to the Committee on Agriculture.

By Mr. MINISH:

H.R. 5982. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work; and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is disabled; to the Committee on Ways and Means.

By Mr. MIZELL:

H.R. 5983. A bill to amend title II of the Social Security Act to provide a 10-percent across-the-board increase in benefits, with subsequent increases based on rises in the cost of living, and to liberalize the earnings test and lower the age at which it ceases to apply, and to amend title XVIII of such act to provide payment under the supplementary medical insurance program for outpatient prescription drugs; to the Committee on Ways and Means.

By Mr. MONAGAN:

H.R. 5984. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide a comprehensive program of health care for the 1970's by strengthening the organization and delivery of health care nationwide and by making comprehensive health care insurance available to all Americans, and for other purposes; to the Committee on Ways and Means.

By Mr. NIX:

H.R. 5985. A bill to amend section 8339(1) of title 5, United States Code, to restore to an annuitant for any period after retirement in which the annuitant is not married the amount of annuity reduction made under such section for surviving spouse annuity purposes; to the Committee on Post Office and Civil Service.

H.R. 5986. A bill to amend title 5, United States Code, to provide additional increases in certain civil service retirement annuities, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 5987. A bill to amend title 5, United States Code, to increase the Government contribution for health benefits for enrolled Government employees and annuitants to 66⅔ percent of the subscription charges, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PODELL:

H.R. 5988. A bill to authorize the establishment of an older worker community service program; to the Committee on Education and Labor.

By Mr. QUILLEN:

H.R. 5989. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. ST GERMAIN (for himself, Mr. Abourezk, Mr. Addabbo, Mr. Anderson of Tennessee, Mr. Barrett, Mr. Bergland, Mr. Bevill, Mr. Biaggi, Mr. Bingham, Mr. Boland, Mr. Brademas, Mr. Bbasco, Mr. Broomfield, Mr. Burke of Florida, Mr. Burke of Massachusetts. Mr. Burton, Mr. Byrne of Pennsylvania, Mr. Carey of New York, Mr. Carney, Mr. Carter, Mrs. Chisholm, Mr. Clark, Mr. Clay, Mr. Collins of Illinois, and Mr. Cotter):

H.R. 5990. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

By ST GERMAIN (for himself, Mr. Danielson, Mr. Dellums, Mr. Dent, Mr. Derwinski, Mr. Dickinson, Mr. Diggs, Mr. Donohue, Mr. Dorn, Mr. Drinan, Mr. Dulski, Mr. Duncan, Mr. Edwards of California, Mr. Eilberg, Mr. Fish, Mr. Fisher, Mr. Flood, Mr. Flowers, Mr. William D. Ford, Mr. Fulton of Tennessee, Mr. Gallagher, Mr. Garmatz, Mr. Gettys, Mr. Gonzalez, and Mr. Goodling):

H.R. 5991. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

By Mr. ST GERMAIN (for himself, Mrs. Grasso, Mr. Halpern, Mrs. Hansen of Washington, Mr. Harrington, Mr. Hathaway, Mr. Hays, Mr. Hechler of West Virginia, Mr. Hicks of Washington, Mrs. Hicks of Massachusetts, Mr. Horton, Mr. Hosmer, Mr. Howard, Mr. Hungate, Mr. Johnson of California, Mr. Karth, Mr.

Kyros, Mr. Macdonald of Massachusetts, Mr. Matsunaga, Mr. Mikva, Mr. Miller of California, Mr. Mollohan, Mr. Morgan, Mr. Moss, and Mr. Nedzi):

H.R. 5992. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

By Mr. ST GERMAIN (for himself, Mr. Nichols, Mr. Nix, Mr. Pepper, Mr. Price of Illinois, Mr. Pucinski, Mr. Randall, Mr. Rangel, Mr. Reuss, Mr. Riegle, Mr. Roberts, Mr. Roe, Mr. Rogers, and Mr. Roncalio):

H.R. 5993. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

By Mr. ST GERMAIN (for himself, Mr. Fascell, Mr. O'Neill, Mr. Rosenthal, Mr. Rostenkowski, Mr. Runnels, Mr. Ryan, Mr. Sarbanes, Mr. Scheuer, Mr. Sisk, Mr. Steed, Mr. Teague of California, Mr. Tiernan, Mr. Waldie, Mr. Charles H. Wilson, and Mr. Wolff):

H.R. 5994. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

By Mr. SAYLOR:

H.R. 5995. A bill to provide for the establishment of a national cemetery in the Commonwealth of Pennsylvania, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SAYLOR (for himself, Mr. Addabbo, Mr. Belcher, Mr. Biester, Mr. Brasco, Mr. Byrne of Pennsylvania, Mr. Camp, Mr. Clark, Mr. Conte, Mr. Corbett, Mr. Córdova, Mr. Derwinski, Mr. Duncan, Mrs. Dwyer, Mr. Eilberg, Mr. Evins of Tennessee, and Mr. Eshleman):

H.R. 5996. A bill to make Flag Day a legal public holiday; to the Committee on the Judiciary.

By Mr. SAYLOR (for himself, Mr. Flood, Mr. Fulton of Pennsylvania, Mr. Fulton of Tennessee, Mr. Garmatz, Mr. Gaydos, Mrs. Grasso, Mr. Hagan, Mr Halpern, Mr. Hastings, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Hosmer, Mr. Hunt, Mr. Johnson of Pennsylvania, Mr. Johnson of California, Mr. Jones of North Carolina, Mr. Kee, Mr. King, and Mr. Kuykendall):

H.R. 5997. A bill to make Flag Day a legal public holiday; to the Committee on the Judiciary.

By Mr. SAYLOR (for himself, Mr. Lennon, Mr. Mizell, Mr. Moorhead, Mr. Myers, Mr. Nix, Mr. Pepper, Mr. Pickle, Mr. Pirnie, Mr. Price of Texas, Mr. Rhodes, Mr. Roberts, Mr. Roe, Mr. Roncalio, Mr. Runnels, Mr. Shoup, Mr. Sikes, Mr. Skubitz, Mr. Spence, Mr. Staggers, Mr. Steele, Mr. Steiger of Wisconsin, Mr. Thone, and Mr. Vander Jagt):

H.R. 5998. A bill to make Flag Day a legal public holiday; to the Committee on the Judiciary.

By Mr. SAYLOR (for himself, Mr. Waggonner, Mr. Whalley, Mr. Williams, Mr. Charles H. Wilson, Mr. Winn, Mr. Wolff, Mr. Yatron, Mr. Young of Florida, and Mr. Coughlin):

H.R. 5999. A bill to make Flag Day a legal public holiday; to the Committee on the Judiciary.

By Mr. JAMES V. STANTON:

H.R. 6000. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. TALCOTT:

H.R. 6001. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer; to the Committee on Agriculture.

By Mr. TIERNAN:

H.R. 6002. A bill to provide for a comprehensive program for the control of noise, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ULLMAN:

H.R. 6003. A bill authorizing and requesting the President to proclaim 1971 and the years leading up to and through the bicentennial year, 1976, as a period of "Discover America," and for other purposes; to the Committee on the Judiciary.

H.R. 6004. A bill to amend the Social Security Act to eliminate Federal assistance for employable persons under the AFDC program, to provide all needed rehabilitation and employment asssistance for such persons, to provide adequate child care through a newly established Federal Child Care Corporation, to provide temporary emergency assistance to States to help them meet rising costs, and for other purposes; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 6005. A bill to amend the Public Buildings Act of 1959, as amended, to provide for Federal parking facilities and parking areas; to the Committee on Public Works.

By Mr. ARENDS:

H.J. Res. 459. Joint resolution adopting the American marigold as the national floral emblem of the United States; to the Committee on House Administration.

By Mr. LONG of Maryland:

H.J. Res. 460. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

My Mr. MAZZOLI:

H.J. Res. 461. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. ROBISON of New York:

H.J. Res. 462. Joint resolution declaring it the sense of Congress that all American servicemen be withdrawn from Indochina at the earliest practicable date; to the Committee on Foreign Affairs.

By Mr. STEELE:

H.J. Res. 463. Joint resolution amending the Fishermen's Protective Act of 1967 to insure the safety of U.S. commercial fishing vessels, crews, and equipment against illegal harassment and seizure; to the Committee on Merchant Marine and Fisheries.

By Mr. TEAGUE of Texas:

H.J. Res. 464. Joint resolution amending title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools and the improvement of existing medical schools affiliated with the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. SCHEUER:

H. Con. Res. 202. Concurrent resolution requesting the President of the United States to take affirmative action to persuade the Soviet Union to revise its official policies concerning the rights of Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. YATRON:

H. Con. Res. 203. Concurrent resolution expressing the sense of Congress with regard to the treatment of Soviet Jews; to the Committee on Foreign Affairs.

By Mr. CONABLE:

H. Res. 292. Resolution to amend the rules of the House of Representatives relating to financial disclosure; to the Committee on Standards of Official Conduct.

By Mr. FLOOD (for himself, Mr. Derwinski, Mr. Bow, Mr. Cleveland, Mr. Conte, Mr. Delaney, Mr. Dulski, Mrs. Dwyer, Mr. Gerald R. Ford, Mr. Griffin, Mr. Madden, Mr. Minshall, Mr. Pucinski, Mr. St Germain, and Mr. Wolff):

H. Res. 293. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

By Mr. KEATING:

H. Res. 294. Resolution to provide for an investigation by the Committee on House Administration of an alarm system for the Capitol Building and the House Office Buildings; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELL (by request):

H.R. 6006. A bill for the relief of Kelly Shannon; to the Committee on Interior and Insular Affairs.

By Mr. GUDE:

H.R. 6007. A bill for the relief of Betty Mancilla Diaz; to the Committee on the Judiciary.

By Mr. LANDRUM:

H.R. 6008. A bill for the relief of Virgilio Valdecanas and Erlinda L. Valdecanas; to the Committee on the Judiciary.

By Mr. SHIPLEY:

H.R. 6009. A bill for the relief of the S. & K. Masonry Co.; to the Committee on the Judiciary.

By Mr. VEYSEY:

H.R. 6010. A bill for the relief of Mr. and Mrs. Jaime C. Avecilla, Sr., and their children, Jaime Gayla Avecilla and Delia Gayla Avecilla; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

57. By the SPEAKER: A memorial of the Legislature of the territory of Guam, relative to the proposed acquisition of Sella Bay for an ammunition wharf; to the Committee on Armed Services.

58. Also, a memorial of the House of Representatives of the State of Montana, relative to dust abatement in the Canyon Ferry unit, Helena-Great Falls division, Pick-Sloan Missouri Basin program of the Missouri River Basin project, Montana; to the Committee on Interior and Insular Affairs.

59. Also, a memorial of the Legislature of the State of Indiana, relative to the financial responsibility of any individual for an applicant for public assistance; to the Committee on Ways and Means.

60. Also, a memorial of the Legislature of the State of Montana, relative to the certification of medical care facilities under medicare and medicaid; to the Committee on Ways and Means.

SENATE—*Thursday, March 11, 1971*

The Senate met at 10:30 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, from whom cometh every good and perfect gift, we give Thee thanks for life and thought, for work and duty, for high craftsmanship and noble art, for the sacrament of love, for the offices of religion age-old and worldwide, and for this Nation rich in opportunity and promise. Guide by Thy higher wisdom all in the service of this Government. Enable us to pass every day in the spirit of gratitude, and with devoted hearts live so as to use each hour and every faculty in the repayment of Thy goodness, through Him in whom our thanksgiving is most deeply given, even Jesus Christ our Lord. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 11, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, March 10, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BLACKFEET AND GROS VENTRE TRIBES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 34, S. 671.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 671) to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and Gros Ventre Tribe of the Fort Belknap Reservation, Mont., in Indian Claims Commission docket numbered 279-A, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SCOTT. Mr. President, reserving the right to object—and I shall not object—may I inquire in which State those tribes are located?

Mr. MANSFIELD. The Big Sky State.

Mr. SCOTT. I thank the majority leader.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of October 21, 1968 (82 Stat. 1190, 1198), to pay a judgment to the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana, in Indian Claims Commission docket numbered 279-A, together with interest thereon, after payment of attorney fees, litigation expenses, and the cost of carrying out the provisions of this Act, shall be divided by the Secretary of the Interior on the basis of 73.2 per centum to the Blackfeet Tribe and 26.8 per centum to the Gros Ventre Tribe.

SEC. 2. From the funds so credited to the Blackfeet Tribe, a per capita payment of $150 shall be made to each person whose name appears on or is entitled to appear on the membership roll of the Blackfeet Tribe living as of the date of this Act. A share or interest payable to enrollees less than eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

SEC. 3. The provisions of the Act of June 10, 1896 (29 Stat. 336), to the contrary notwithstanding, the Secretary of the Interior may make available to the Blackfeet Tribal Council for disbursement by a duly appointed agent of the Blackfeet Tribe such sum from the funds credited hereunder to the Blackfeet Tribe as may be necessary to make the per capita payment provided for in section 2 herein.

SEC. 4. The remainder of the fund shall remain in the Treasury of the United States or be placed in commercial banks or other depositories which will, in the discretion of the Secretary, be most advantageous to the tribe, and to remain there until the Blackfeet Tribe and the Gros Ventre Tribe have adopted plans satisfactory to the Secretary and approved by the Congress.

SEC. 5. Any part of the funds that may be distributed per capita shall not be subject to Federal or State income tax, and shall not be considered in determining eligibility for public assistance.

SEC. 6. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-27), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 671 is to authorize division and disposition of judgment funds awarded to the Blackfeet Tribe of the Blackfeet Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont.

BACKGROUND

The Blackfeet and Gros Ventre Tribes of Indians were determined by the Indian Claims Commission on March 31, 1967, in docket 279-A, to be entitled to recover on land ceded in 1888. The United States Government, defendant, was determined liable to the petitioners in the sum of $11,125,606.40, less justified credits and offsets to which the defendant was found to be entitled under the Indian Claims Commission Act.

The Government's liability to the two tribes was subsequently adjusted to $8,679,814.92. The funds were appropriated by the act of October 21, 1968.

The two tribes became involved in a rather prolonged controversy regarding division of the funds. This was ultimately resolved on the basis of 73.2 per centum to the Blackfeet Tribe and 26.8 per centum to the Gros Ventre Tribe.

The bill authorizes the Secretary to make a $150 per capita payment, out of funds set aside for the Blackfeet Tribe, to each person whose name appears on or is entitled to appear on the Blackfeet membership roll living as of the date of this act. Such payments are to be exempt in determining eligibility for public assistance.

Section 4 of S. 671 provides that the balance of the fund shall remain in an appropriate depository until the Blackfeet and Gros Ventre have developed plans satisfactory to the Secretary and approved by Congress.

During the last session of Congress, the Senators from Montana introduced S. 4209 to accomplish essentially the same purposes as S. 671. However, the bill was revised to conform to the desires of the Blackfeet Tribal Council and was introduced as S. 4491 later in the session. No action was taken on either bill.

COST

No additional expenditure of Federal funds will result from the enactment of S. 671.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session for the consideration of nominations on the calendar.

There being no objection, the Senate proceeded to consider executive business.

U.S. PATENT OFFICE

The ACTING PRESIDENT pro tempore. The clerk will please state the first nomination on the Executive Calendar.

The assistant legislative clerk read the nomination of Rene Desloge Tegtmeyer, of Virginia, to be an Assistant Commissioner of Patents.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered; and, without objection, it is confirmed.

DEPARTMENT OF JUSTICE

Mr. THURMOND. Mr. President, I ask that the nomination of John K. Grisso, of South Carolina, to be U.S. attorney for the district of South Carolina to succeed Joseph O. Rogers, Jr., resigning, be called up.

The ACTING PRESIDENT pro tempore. The nomination will be stated.

The assistant legislative clerk read the nomination of John K. Grisso, of South Carolina, to be U.S. attorney for the district of South Carolina.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered.

Mr. THURMOND. Mr. President, it is a pleasure for me today to move that the Senate confirm the nomination of the Honorable John K. Grisso, to be U.S. attorney for the district of South Carolina.

John Grisso comes to this position exceptionally well qualified. A graduate of Duke University and the University of South Carolina School of Law, he has practiced law successfully for 17 years, including a term as solicitor of South Carolina's 11th Judicial Circuit from 1961 to 1965. He is a member of the bar associations of Anderson County, S.C., and also the American Bar Association, and has served as circuit vice president of the South Carolina Bar Association. In addition, he has served with distinction in numerous civic organizations, as chairman of the United Fund, the Anderson County Tuberculosis Association, and board member of the YMCA; he is a member of the Junior Chamber of Commerce, Rotary, Elks, Masons, and the Shriners.

John Grisso is married to the former Ann Ballentine and they are the parents of four fine children. He has served as chairman of the board of the deacons of the First Presbyterian Church in Anderson, S.C., and also as an elder. His record of service to the community has exhibited a concern for the welfare of his fellow citizens. His public life has also included an active role in the political affairs of South Carolina. John Grisso was a candidate for Congress in both 1966 and 1968.

It is a pleasure to support the nomination of such a well qualified individual for an important post, such as U.S. attorney. I am confident that John Grisso will serve the people of South Carolina and the judicial branch of our Government with distinction in this post.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consider to the nomination?

The nomination was confirmed.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The assistant legislative clerk read the nomination of James C. Fletcher, of Utah, to be Administrator of the National Aeronautics and Space Administration.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania desire recognition?

Mr. SCOTT. Mr. President, I yield back my time this morning.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the next 20 minutes are to be controlled by the distinguished Senator from Virginia (Mr. BYRD) and the distinguished Senator from Kansas (Mr. DOLE).

The Chair recognizes the Senator from Virginia (Mr. BYRD).

PRESIDENT NIXON'S FOREIGN POLICY

Mr. BYRD of Virginia. Mr. President, President Nixon's rare on-the-record interview, which he gave C. L. Sulzberger of the New York Times, is thought provoking.

The President summed up his foreign policy and, in so doing, gave in concise fashion his hopes and fears, and his deep beliefs, concerning war and peace.

Excerpts from the interview were published in the New York Times of Wednesday, March 10, 1971.

The President, it seems to the Senator from Virginia, is seeking to steer an appropriate and logical course in matters affecting our relations with other nations.

As a student of history, he knows—and asserts—that in seeking to achieve a peaceful world the foundation of foreign policy of the world's greatest nation must be soundly rooted.

President Nixon feels that in regard to our foreign affairs—and particularly Vietnam—he is caught in a vicious crossfire, and it becomes increasingly difficult to make people understand.

The crossfires to which the President refers are those on the one hand who he feels would have the United States adopt a policy of isolationism and renounce our worldwide responsibilities. He calls these superdoves—and at the other extreme he sees what he calls the superhawks.

The President is trying to steer a middle course, and in his interview with Mr. Sulzberger he suggests that he is finding it quite difficult.

It seems to me the President is on the right track, namely, that the United States cannot and should not pursue indefinitely a role of world policeman, nor can it, or should it, shirk all responsibility for problems and events beyond our shores.

While we must be realistic as to what this Nation can logically undertake in the way of foreign commitments, we cannot, as a great world power, escape our responsibilities in this imperfect world of violence.

The new trend toward isolationism stems to a considerable extent from our involvement in Vietnam. The public is disillusioned, and justifiably so.

But the sharp attack on President Nixon in regard to Vietnam does not seem to me to be justified.

From the beginning, I have stated publicly time and time again that I feel it was a grave error of judgment for our country to become involved in a ground war in Asia.

But Richard M. Nixon had no responsibility in this regard.

When he assumed office, there were 535,000 American military personnel in Vietnam.

By the end of next month, more than 265,000 Americans will have been withdrawn from Vietnam during the short time Richard Nixon has been President. This reduces to about one-half the number of military personnel who were in Vietnam when he took office a little over 2 years ago.

So, as I said, President Nixon is making progress in disengaging U.S. forces in Vietnam. He wants to do it in a way best calculated to bring about a peaceful world in the future.

I would like to see this war ended—or at least U.S. participation in it—at the earliest possible date, preferably tomorrow.

If President Nixon were not making progress in disengaging American troops, I would not be on the floor of the Senate today speaking in his behalf.

But the President is making progress.

The Commander in Chief has a responsibility to disengage American troops in Vietnam at the earliest possible time. He also has a responsibility for U.S. role in other areas of the world.

In his interview with Mr. Sulzberger, President Nixon emphasized the need for a strong national defense. Too many today, I fear, would too drastically reduce our defenses.

The Soviet Union has now passed the United States in intercontinental ballistic missiles. In several more years they will pass us in submarines carrying nuclear missiles.

I agree with President Nixon and support his assertion that we must not foolishly fall behind in our defense posture.

The United States remains ahead in surface Navy and in the air, but the Soviets are ahead in ICBM's and soon will pass us in nuclear submarine strength.

In determining America's role in foreign policy, we must look at the world as it is today, not as we might wish it to be.

There are two great sources which present a potential threat—Russia and China. Certainly the people of neither of those nations want war.

But both nations are dictatorships where the people themselves have little or no control over their government.

The political leaders of both nations are motivated by a philosophy which they themselves admit is expansionist in character.

Only the United States has sufficient strength to help maintain a balance in Europe and other areas that might otherwise be affected.

The President has asserted, and I agree, that we must continue our Soviet negotiations and open the door of cooperation to China.

But this in itself does not permit us to let down our guard and slacken our defenses. We have not yet reached that point.

Perhaps something helpful may come from the Strategic Arms Limitation Talks now in progress in Vienna between the United States and the Soviet Union. But real progress in this respect is down the road quite a way, I fear.

In this uncertain period of our history, the best interest of our Nation can be served, I feel, by supporting the Commander in Chief in his efforts to reduce American commitments overseas without going to the extreme of complete isolationism.

Mr. President, I ask unanimous consent to have printed in the RECORD following the end of the colloquy excerpts from the interview of President Nixon with Mr. Sulzberger, as published in the New York Times of Wednesday, March 10, 1971.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I am happy to yield to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend the able Senator from Virginia for the very sound statement he has just made.

When President Nixon became President, he had four choices with regard to the Vietnam war. One was that he could continue the no-win policy—in other words, just defend it, not fighting to win and not bombing to any extent. Under that policy, the United States lost about 45,000 of the flower of this land, and several hundred thousand were injured. Certainly, the American people did not favor continuing such a policy.

A second possible course the President had was just to withdraw entirely, as even some Members of Congress and some Senators have suggested. I do not believe the American people want that done. I do not believe the parents of those 45,000 men would want to feel that their sons had died in vain. I do not believe that the several hundred thousand who were injured, some blinded and maimed for life, would want to feel that their sacrifices were in vain, and that the United States just withdrew and turned that part of the world over to the Communists, such action would enable these Communist dictators to make great progress in taking over the world for communism.

The third course was to go for a military victory; and frankly, Mr. President, I was hoping that President Nixon would pursue that course. But under the circumstances, I realize the handicaps that he faced in attempting to do that, after this country had been in war in Vietnam since 1963, for more than 6 years. I can realize the difficulties there would have been in suddenly reversing the policy, and the effect that it might have had on world politics, though I would have preferred that course.

That brings us to the fourth course of action, which President Nixon has followed, and that is Vietnamization.

Vietnamization simply means providing the guns, the equipment, and the wherewithal to fight the war, to our allies, the Vietnamese. Also it involves training their troops to use this modern equipment. That was our President's chosen course.

I agree that we never should have sent those thousands of troops to Vietnam, to bog down in a land war, as suggested by the distinguished Senator from Virginia. Air power should have been used. Sea power should have been used. As I have stated, heretofore, in my opinion this war could have been resolved within a period of 2 months, with a mopup operation of 6 months, and we could have won the war long, long ago.

Under the circumstances, however, is there any question but that our President is doing the very best he can? I feel that the American people should back him, and we should stop this backbiting, we should stop this attacking of the Commander in Chief. Yes, we have a right to express ourselves, but if the critics can come up with something better than withdrawing, let them come forth with it.

Mr. President, the distinguished Senator from Virginia is to be commended for the statement he has made.

Mr. BYRD of Virginia. I thank my colleague from South Carolina. I yield now to the Senator from Kansas.

Mr. DOLE. Mr. President, I associate myself with the remarks of the Senator from Virginia and the Senator from South Carolina.

VIETNAMIZATION AND U.S. POLICY THROUGHOUT THE WORLD

Mr. President, during the past several weeks we have seen much handwringing, and we have heard many gloomy pontifications over the campaign of the South Vietnamese Armed Forces to interdict enemy traffic on the Ho Chi Minh Trail in Laos. We have been subjected to a strident, if not altogether unpredictable, outcry against what is condemned as an expansion of the war, despoliation of sacred neutral territory, and flirtation with World War III.

The scenario is painted in tones ranging from somber to black with a warmonger President subverting the processes of democracy by denigrating the Secretary of State and entrusting his power to an unavailable Rasputin-like adviser in the White House.

Admittedly, a script of intrigue, doom, and alarm makes good press.

But the generation and propagation of such shallow and senseless publicity is contrary to the national interest and a disservice to those who seek rational and reasoned discussion of our proper role in world affairs.

THE REAL STORY

Mr. President, unfortunately, the success story of President Nixon's Vietnamization programs has not been given the attention it justly deserves. Rather than examining the indexes of success, we have heard only about the difficulties experienced by the South Vietnamese in Laos or Cambodia. But, Mr. President, the American people deserve to know more. The representatives of the media and highly publicized congressional pundits who interpret the events of Southeast Asia to suit their own views of the word have claimed that the 3d Corps area around Saigon is vulnerable to attack, because the South Vietnamese troops formerly stationed there are in Cambodia or Laos. But what they neglected to mention was that South Vietnam could mount attacks against supply lines in Laos or Cambodia with troops from other regions because the 3d and 4th Corps areas have been secured and the South Vietnamese there are going about their lives in peace.

What has not been pointed out is that South Vietnamese units are meeting crack North Vietnamese troops on their own terms and they are proving themselves with valor and distinction.

While the United States has certainly provided air support in Laos, it has not been mentioned that 75 percent of the air power used in Cambodia is supplied by the South Vietnamese. And as has proven to be the case in Cambodia, we can expect the South Vietnamese to take over an increasing share of the airpower in Laos.

AIR POWER

Another aspect of the Laotian operations that has apparently escaped the attention of the critics is that our use of air power in Laos is not a new piece of strategy. We have been bombing the Ho Chi Minh Trail for months. What has changed is that our use of air power is now much more effective, because the South Vietnamese are attacking the antiaircraft emplacements which have been protecting the trails from our air strikes.

Those who measure South Vietnamese success by the number of routes that have been interdicted misunderstand the importance of the South Vietnamese effort. With every trail they interdict, with every route they sever, they enable our air power to search out and strike other trails.

What we must remember in evaluating the Laos and Cambodia incursions is not so much how many trucks are destroyed or arms captured, although these factors are important. Of major importance is whether we can disrupt and threaten the North Vietnamese supply network to such an extent that they will either stop sending supplies or divert those supplies to other trails where we can concentrate our air strike capabilities to destroy them.

VIETNAMIZATION: ONLY 2 YEARS OLD

To those who say, "Why do we continue a policy that has failed for the past 10 years?" I would point out that President Nixon's Vietnamization policy is not 10 years old. It is barely 2 years old. This country is not following a strategy of the 1960's: using American manpower to fight our allies' wars for them. Rather, we are following a strategy for the 1970's, dedicated to enabling our allies throughout the world to stand on their own strengths and defend their own freedoms.

MAJOR OBJECTIVE IS PEACE

The major objective of our policy is to create a structure for lasting world peace. We seek a peace, not based on dictated or imposed conditions, for we realize that an imposed peace is not a lasting peace. We recognize that a lasting peace must be one which is supported by public opinion in the United States and other countries.

And it must be one which all nations have a real and valid interest in maintaining.

Time and again, President Nixon has emphasized his belief in pursuing a measured, thoroughly studied and above all an honest foreign policy. In his interview with C. L. Sulzberger appearing in Wednesday's New York Times—as indicated by the distinguished Senator from Virginia—the President forcefully and intelligently outlined the philosophy and substance of his foreign policy.

The new directions and new foundations of American foreign policy under President Nixon have strangely been ignored and overlooked by many who profess expertise in foreign policy matters. I submit that their incorrect and insensitive castigation of this administration is only further evidence of their own intellectual or political inflexibility, continued demonstration of their commitment to narrow and unyielding doctrine, and a regrettable commentary on the level of foreign policy debate in our country today.

I thank the distinguished Senator from Virginia.

Mr. BYRD of Virginia. I thank the Senator from Kansas.

I conclude by saying again that it seems to me that the President is making progress in disengaging American troops from South Vietnam; and I, for one, shall support his endeavors to bring this American involvement to a conclusion at the earliest possible date.

EXHIBIT 1

[From the New York Times, Mar. 10, 1971]

EXCERPTS FROM THE INTERVIEW GRANTED BY PRESIDENT NIXON ON FOREIGN AFFAIRS

Washington, March 9.—Following are excerpts from an interview with President Nixon conducted here yesterday by C. L. Sulzberger, foreign-affairs columnist of The New York Times. The transcript, which is unofficial, was prepared by Mr. Sulzberger from his notes.

I would strongly commend to you my second foreign-policy report, which I think you should read carefully. I have noticed in some quarters a tendency to discuss this matter sneeringly or condescendingly, saying there is nothing new in it.

But that isn't so. It sets forth new policy directions and outlines, the goals we hope to achieve—the goals not only for this Administration but for subsequent administrations. This is a long-range effort. It doesn't get into a country-by-country analysis except in connection with the Soviet Union.

However, everything you see there is a new philosophy of United States policy. It is the most complete and accurate description of the Nixon doctrine. This doctrine is designed for the specific purpose of maintaining a U.S. policy role in the world rather than a withdrawal from the world and international responsibilities.

The irony today, for those who look at the Washington scene, is that the great internationalists of the post-World War II period have become the neo-isolationists of the Vietnam war period and especially of the period accompanying the ending of that war. And it is ending.

This is also true of the attitude of those former internationalists with respect to our defense posture and defense spending. And, for some, it is even true of our foreign trade policy. There, of course it depends on individuals. For example, Senator Javits is an all-out free-trader and a "European," but he takes a dim view of the United States role in Asia. He would also be for a lower defense budget. I merely cite him as an example of what I mean and the varying attitudes I mention.

The point is, why has this happened? Why have many former internationalists developed neo-isolationist tendencies, at least in some degree? Part of the answer is simply that Americans, like all idealists, are very impatient people. They feel that if a good thing is going to happen it should happen instantly.

And a great many of these people are very disillusioned with the United Nations. I am not, personally, because I never expected it could settle all problems involving major powers but could nevertheless play a useful role in development and in peacekeeping in areas where the superpowers were not directly involved.

The older a nation and a people become, the more they become conscious of history and also of what is possible. Now I will explain to you what I mean. I rate myself as a deeply committed pacifist, perhaps because of my Quaker heritage from my mother. But I must deal with how peace can be achieved and how it must be preserved.

I know that some national leaders and some countries want to expand by conquest and are committed to expansion, and this obviously creates the danger of war. Moreover, some peoples have hated each other for years and years.

Look at the divided peoples of India and Pakistan. Look at the situation in the Middle East. You can't suddenly eliminate these differences, these hatreds, just because some political leaders get together. All you can hope for is to bring about a live-and-let-live situation.

With this in mind, I am deeply devoted to a desire that the United States should make the greatest possible contribution it can make to developing such a peaceful world.

It is not enough just to *be* for peace. The point is, what can we *do* about it?

Through an accident of history we find ourselves today in a situation where no one who is really for peace in this country can reject an American role in the rest of the world. Of course, we had our own period of colonial expansion as typified by Theodore Roosevelt and the idea of Manifest Destiny. But that period is fortunately gone.

Since then this country has fought in four wars which we didn't start, and really what they have in common is the effort to bring about a better chance for a peaceful world.

And this applies for the Vietnam war as well as the two World Wars and Korea. Obviously it was a political temptation when I started office to state simply that we would get out right away without any responsibility for what came next.

But I knew too much about history, about Asia, about the basic feeling in the United States. If we failed to achieve our limited goal—to let a small country exercise the right to choose its own way of life, without having a Communist government imposed upon it by force—if we failed to achieve this, we would not help the cause of peace.

For a time, perhaps, we would be seen as a kind of hero. But soon it would be seen that we had left behind a legacy of even greater dangers for Southeast Asia and for the Pacific region. And, after all, we are a Pacific power.

AMERICANS TIRING OF WORLD ROLE

In 1966 and 1967—culminating in 1968—the American people began to tire of playing a role in the world. We had fought four wars, selflessly and for no gain. We had provided some $100-billion in foreign aid, much of it to former enemies who are now our competitors, like Japan.

And we found ourselves committed in Vietnam, in a war where there are no heroes, only goats. Our people became sick of Vietnam and supported our men there only in order to get them out—after this period of change in mood. Somewhere a great change had taken place.

We had used our power for peace in four wars but this new attitude gained force: "If we can't handle this one, to hell with it."

We got caught up in a vicious cross fire, and it became increasingly difficult to make people understand. I must say that without television it might have been difficult for me to get people to understand a thing.

The cross fire I referred to was this. The superdoves opposed our commitment in Vietnam and *all* world responsibilities—Korea, the Philippines, the Middle East, Europe. This was the kind of isolationism of those who felt the United States shouldn't have played any role at all in Southeast Asia from the very start. For these people Vietnam was a distant, small, foreign country in just the terms that Chamberlain mentioned concerning Czechoslovakia at the time of Munich. These were the superdoves.

But on the other side, the opposite cross fire came from the superhawks. This group stood by their Commander-in-Chief, the President, but became fed up with the war for their own reasons. They felt that if the United States can't handle a distant little war, why then let's just pull out and build up our strength at home. Their logic also favored isolationism, but from another angle. And they want to develop a Fortress America at home and cram it full of missiles while the superdoves want us to pull out of the world also, but reducing our strength at home.

AND THOSE IN THE MIDDLE

In between there are those of us who stand in the middle of the cross fire. The superhawk feels it is his duty to support the President even if that same superhawk isn't sure he wants to see us do what we are doing. The superdove has a different attitude.

He is a good-hearted fellow, but when he looks around and sees the problems of the poor, the blacks, the Indians, the poor whites, the pot-smoking kids, crime in the cities, urban slums, the environment, he says: "We must get out of the war right away and concern ourselves only with our problems at home."

The fact is, however, that there has never been so great a challenge to U.S. leadership. This war is ending. In fact, I seriously doubt if we will ever have another war. This is probably the very last one.

In any theoretical question of a war on the basis of "either them or us," I am sure everyone in the country would join in behind me. But this is not the case in a small country so far away involved in a situation so difficult to explain.

I am certain a Gallup poll would show that the great majority of the people would want to pull out of Vietnam. But a Gallup poll would also show that a great majority of the people would want to pull three or more divisions out of Europe. And it would also show that a great majority of the people would cut our defense budget.

Polls are not the answer. You must look at the facts. The Soviets now have three times the missile strength (ICBM) of ourselves. By 1974 they will pass us in submarine carrying nuclear missiles.

MRS. MEIR UNDERSTOOD HIM

All of these things are very directly related. For example, when Mrs. Meir, the Israeli Prime Minister, visited me, she understood me right away when I said that if America winds up the war in Vietnam in failure and an image is developed that the war was fought only by stupid scoundrels, there would be a wave of isolationism. This would embrace the U.S. role everywhere—including the Middle East. Mrs. Meir saw the point immediately.

As I see it, we have to take certain specific steps. First of all, what we now have to do is end the war—as we now are doing—in a way that gives South Vietnam a reasonable chance to survive without our help. But this doesn't mean we would withdraw all our responsibilities everywhere.

As I stated in first explaining the Nixon doctrine, our idea is to create a situation in which those lands to which we have obligations or in which we have interests, if they are ready to fight a fire, should be able to count on us to furnish the hose and water.

Meanwhile, in Europe, we can't cut down our forces until there is a mutual agreement with the other side. We must stand with our European friends if they will only do a bit more themselves in NATO—as they have indicated they will do.

And we cannot foolishly fall behind in the arms competition. In the United States, we remain ahead in the navy and in the air, but the Soviets are ahead in ICBM's and soon will pass us in modern submarine strength.

But each has a kind of sufficiency. The Soviets are a great land power opposite China as well as having far-reaching interests elsewhere. We are a great sea power and we must keep our strength. I am a strong Navy man myself. I believe in a strong conventional navy which helps us to play a peace-keeping role in such areas, for example, as Latin America.

These are all elements that must be considered with respect to each other. The main thing is that I'd like to see us not end the Vietnamese war foolishly and find ourselves all alone in the world. I could have chosen that course my very first day in office. But I want the American people to be able to be led by me, or by my successor, along a course that allows us to do what is needed to help keep the peace in this world.

We used to look to other nations to do this job once upon a time. But now only the United States plays a major role of this sort in the world. Our responsibilities are not limited to this great continent but include Europe, the Middle East, Southeast Asia, East Asia, many areas whose fate affects the peace of the world.

We must above all tend to our national obligations. We must not forget our alliances or our interests. Other nations must know that the United States has both the capability and the will to defend these allies and protect these interests.

Unless people understand this and understand it well, the United States will simply retreat into isolationism, both politically and diplomatically. We would, of course, continue to be an economic giant; but that is not enough.

Let us look at the world today. There are two great powers facing us. Russia and China. They are great powers and great people. Certainly neither of them wants war. But both are motivated by a philosophy which announces itself as expansionist in character. This they will admit themselves.

And only the United States has sufficient strength to be able to help maintain a balance in Europe and other areas that might otherwise be affected.

U.S.-SOVIET COOPERATION

What I am saying is not a cold-war philosophy. I hope that we can further develop our negotiations with the Soviet Union. For, although we recognize that their ideology is expansionist, they know what it means if the genie comes out of the bottle and that their interest in survival requires that they avoid a conflict with the United States. This means that we must find a way of cooperating.

For obviously pragmatic reasons, therefore, we can see peace slowly shaping up. First, as we are doing, we must end the war in Vietnam. We must continue our Soviet negotiations and open the door of cooperation to China. And in this way there will be a chance of building a world that is relatively peaceful.

I deliberately say relatively peaceful. That doesn't mean everyone will be disarmed, safe and loving everyone else. The kind of relative peace I envision is not the dream of my Quaker youth. But it is realistic, and, I am convinced we can bring it about.

Yet to do this, we can't heed either our superhawks whose policy would ultimately lead to war or to our superdoves who believe that only they are capable of achieving peace and that everyone else is a heretic. The trouble is that their policy of weakness would also quickly lead to war.

The day the United States quits playing a responsible role in the world—in Europe or Asia or the Middle East—or gives up or recedes from its efforts to maintain an adequate defense force—on that day this will become a very unsafe world to live in.

I can assure you that my words are those of a devoted pacifist. My very hardest job is to give out posthumous Medals of Honor.

I don't question the motives of those who oppose me. But I know this world. I have traveled about and talked to many leaders, and I know we have a chance to play a role in this world.

Another thing: People should be under no illusion that you can play a role in one area but wholly ignore another. Of course we're not going to get into every little firefight everywhere. The Nixon doctrine says only that we will help those who help themselves.

Sometimes people tend to forget the real situation prevailing today. When considering Asia, the great problem is that everyone overlooks the fact that non-Communist Asia—excluding India and Pakistan—produce three times as much as China. Why, Japan alone produces twice as much as China.

What is going to happen if we ignore such basic facts? The United States, as I said earlier is a Pacific power. And the SST will be built—if not by us, by someone else. And then we will be only three hours' flight from Japan.

There will be 400 million people in non-Communist Asia relying ever more upon us. Why Prime Minister Sato said not so long ago that Japan depends on the U.S. nuclear field.

In past times the No. 1 nation was always in that position because of military conquests. But the mantle of leadership fell on American shoulders not by our desire and not for the purposes of conquest. But we have that position today, and how we handle ourselves will determine the chances of world peace.

Do you know, in all my travels, not one leader I have talked to ever said to me in private that he feared the United States as a nation bent on conquest. And I have met many Communist leaders, as you know. Whatever some of them may pretend in public, they understand our true troubles and they are also thankful that the United States wants nothing—nothing but the right for everyone to live and let live.

CONFIDENCE IN THE PEOPLE

The big question to my mind is: Will our Establishment and our people meet their responsibilities? Frankly, I have far more confidence in our people than in the Establishment. The people seem to see the problem in simple terms: "By golly, we have to do the right thing."

But the real problem, what worries me most, is: Will our Establishment see it that way? I am not talking about my critics but about a basic, strange sickness that appears to have spread among those who usually, in this country, can be expected to see clearly ahead into the future.

These are the people who, after World War II, supported the Greek-Turkish aid program, the Marshall Plan, NATO. But today they are in disarray because of two things. They are terribly disillusioned about Vietnam, which is so hard a problem to understand. And they have an enormous concern with home problems of a sort and a degree that did not face us a generation earlier.

I understand these factors. There is a vast need for reforms, for improvements in health, education and environment. But we have to assume our responsibilities both abroad and at home. We have to do both. After all, if we manage to improve the environment and living conditions in this country we must also assure that we will be around to enjoy those improvements.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from Georgia (Mr. TALMADGE) for not to exceed 10 minutes.

(The remarks of Mr. TALMADGE when he introduced S. 1186 and the ensuing debate appear in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, under the previous order, the Chair recognizes the distinguished Senator from Idaho (Mr. CHURCH) for not to exceed 15 minutes.

(The remarks of Mr. CHURCH when he introduced S. 1188 appear in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now recognizes the Senator from South Dakota.

(The remarks of Mr. McGovern when he introduced S. 1191 and the ensuing debate appear in the Record under Statements on Introduced Bills and Joint Resolutions.)

VIETNAMIZATION AND PRISONERS OF WAR

Mr. McGOVERN. Mr. President, the plight of American servicemen held as prisoners of war in Indochina has aroused deep concern in all parts of our society.

That concern unquestionably crosses the lines of division over our Indochina policy itself. It is shared in equal measure by those who believe we should withdraw and by those who believe we should stay in Vietnam. We have all supported efforts to assure that the conditions of their imprisonment meet the standards of human decency established by the 1949 Geneva Convention.

Nevertheless, it is impossible to consider this issue without reference to the policy alternatives which have been presented as methods of ending our involvement in the war.

In my view the return of prisoners, along with the protection of withdrawing forces, should be our paramount objectives. I can see no other goal worth pursuing in that tragic conflict; certainly no other goal which would justify exposing our forces to continued risk and leaving our men languishing in Indochinese prisons.

I suggest, further, that these are two issues upon which the North Vietnamese and the National Liberation Front have been explicit in their negotiating position. If we would announce and follow a timetable for the withdrawal of all U.S. forces, as Senator Hatfield and I have proposed in our bill, S. 376, we could expect immediate negotiations to assure the safety of our forces and the return of all prisoners of war.

Under the President's "Vietnamization" formula the prospects are just the opposite.

It proposes to withdraw U.S. forces in a condition of continued war, under which those remaining constitute both a potential threat and an inviting, increasingly vulnerable target for the other side.

'And it exhibits either one of two indefensible attitudes toward the prisoners. If "Vietnamization" contemplates complete withdrawal in the absence of a settlement, then its architects must regard the prisoners as expendable. On the other hand, if it plans to keep U.S. forces involved so long as the adversaries hold American prisoners, as the President has suggested, then it exploits the prisoners as a justification for keeping American forces in Vietnam.

It is urgently important that we avoid confusion on this issue.

Secretary of Defense Melvin Laird, for example, told the Senate Foreign Relations Committee last year of the administration's determination:

> To see that the Geneva Conventions are lived up to and that these men are made free men.

But contrary to the impression he created, the Geneva Convention creates no obligation at all for the return of prisoners during continued war. Article 118 states that—

> Prisoners of war shall be released and repatriated without delay *after* the cessation of active hostilities. (Emphasis added.)

So while we can and should call for humane treatment of prisoners according to the Geneva standards, we cannot, so long as the war goes on, rely upon international law to demand their repatriation.

The administration has, in fact, recognized this painful truth. In the Foreign Relations Committee hearings last December, Senator Fulbright asked Secretary of State Rogers how Vietnamization deals with prisoners of war, provoking the following exchange:

> Secretary Rogers. "Well, you raise an extremely difficult question that has caused all kinds of difficulty. That is one of the reasons the President made the decision that he did about the prisoner of war camp. . . . I wish we had the answer. We do not have the answer to that."
>
> The Chairman. "So that the prisoners could stay there indefinitely, if there is no negotiated settlement; is that not correct?"
>
> Secretary Rogers. "Well, I hate to say that as a fact because it (is) such a tragic fact, but I do not know what else to do."

Mr. President, on this point Prof. Richard A. Falk, who is Milbank professor of international law at Princeton University, has recently written an extremely important discussion of the prisoner of war issue, entitled "The American POW's: Pawns in Power Politics." It appears in the March 1971, issue of the progressive, and I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE AMERICAN POW'S: PAWNS IN POWER POLITICS

(By Richard A. Falk)

The status of U.S. prisoners of war in North Vietnam has moved in recent months from the periphery of American public concern to stage center. This upsurge of interest is no random shift of public sentiment. Nor does it stem from a recent increase in the number of POWs—most are pilots who were captured during the heavy bombing raids conducted against North Vietnam in the Johnson Administration—nor from any sudden deterioration in their circumstances. Rather, the new wave of concern is the result of a deliberate and cynical effort on the part of the Nixon Administration to exploit the plight of the POWs for its own domestic and international purposes.

Since the POW issue threatens to become—has already become, in fact—a major obstacle in the way of a negotiated settlement and even a pretext for re-escalating the war, it urgently demands the closest and most dispassionate analysis. The issue is an emotional one, and it has been confused by an unconscionable barrage of official propaganda. In this article I propose to demonstrate that the POW issue is being used to divert attention from the Administration's failure to negotiate an end to the war; that the Government's own Vietnam strategy is prolonging the prisoners' period of captivity, perhaps into the indefinite future; and that official professions of concern for the welfare of the POWs are totally at odds with the treatment being accorded North Vietnamese and National Liberation Front (NLF) prisoners, and even with the neglect of America's war wounded in veterans' hospitals here at home.

Unfortunately, even some leading opponents of the war have been beguiled into supporting President Nixon on the POW issue or, at best, have been reduced to embarrassed silence or to occasional quibbles on tactics. They have, in effect, conceded the validity of separating the POW issue from the settlement of the war, which is precisely the central objective and the basic fallacy of the Nixon approach. In part, this acquiescence on the part of the liberal opposition springs from genuine concern for the welfare of fellow Americans languishing in a distant land while a cruel and senseless war grinds on year after year.

Additionally, the POW issue provides some of the doves with a tempting opportunity to demonstrate to middle America that they also are patriotic and just as devoted to the protection of American POWs as the most vigorous hawks; many of them have accepted the Administration's main contention that on the POW issue all Americans of good will are united in their sense of outrage. And finally, there is a lack of real insight into the relationship between the POW issue and ending the war.

Much of the appeal for public support relies on the misleading claim that the prisoner issue is entirely separate from concern about the wisdom of the war, and, indeed, occupies a status above and beyond politics. Thus, H. Ross Perot, the Dallas computer billionaire, has organized his campaign on the POW issue (which has the Administration's full support) around this central proposition: "We have visited privately with a number of Senators who disagree with the Administration's position on the war, asking their active support in gaining the release of the prisoners. To a man, we found the Senators to be aware, concerned, sympathetic, and willing to take action to help these men. Again and again over the past year we have found that while there may be disagreement about the conduct of the war, our nation is united in its desire to gain the release of the prisoners."

A similar rationale was advanced by the American Broadcasting Company when it explained why it was appropriate to regard the half-time ceremony at this year's Army-Navy game as "non-political" and, therefore, as suitable for broadcast to its huge viewing audience. The ceremony was an elaborate presentation of the Administration's pitch on the POW issue, built around honoring the servicemen who participated in the raid of November 21, 1970, against the unoccupied prison camp at Son Tay deep in North Vietnamese territory. Roone Arledge, president of ABC Sports, declared: "I don't think the safety of American prisoners is a political issue."

Only weeks earlier, ABC had refused to broadcast a half-time show called "America the Beautiful" during the Buffalo-Holy Cross game because, as Mr. Arledge explained, "it was an editorial to get out of Vietnam." In the present climate a good American can be for or against the war and the issue is properly a subject of partisan politics, but all good Americans, regardless of their other views, are supposed to stand behind the Administration's effort to highlight the plight of American POWs. In my view, a national consensus of this kind is unwarranted and dangerous.

It is true, of course, that all men of good will are united in their compassion for POWs who find themselves in vulnerable and tragic circumstances. But if such compassion is to be credible on a moral level, it must be related to *all* POWs, not just American POWs, and it must be in just proportion to the overall character and conduct of the war. The concern for American POWs has become so excessive that it overshadows the need and possibility of bringing the war to an end, and thereby, incidentally, achieving the safe release of the prisoners. The POW issue becomes pernicious when pro-war forces, trading on the genuine sympathies of all Americans for the prisoners, focus public attention on prisoner mistreatment—and consciously and zealously exaggerate it—as a way of rallying support for the Administration's program of prolonging and expanding the war.

Ironically, the POW issue has been brought to the fore precisely because the President's Vietnam strategy fails to make any effective provision for return of the prisoners. It almost seems, in retrospect, that the policy-planners who conceived of "Vietnamization" (letting Asians die for Americans or, as Ambassador Ellsworth Bunker is reported to have put it, "merely changing the color of the bodies") forgot about the American POWs in North Vietnam, who are not legally entitled to release and repatriation until, according to Article 118 of the Geneva Convention on the Treatment of Prisoners of War, "after the cessation of active hostilities."

As Mr. Nixon has made increasingly plain, his "plan" for ending the war is really a plan for winning the war (by securing South Vietnam for a staunchly anti-Communist regime in Saigon), but in a way that eliminates domestic political pressure by drastically reducing the flow of American blood and treasure. American casualties have dropped sharply in recent months and the anti-war movement has been quiescent. Heavy bombardment throughout Indochina continues; bombing is relatively inexpensive, control of the air is unchallenged outside the cities of North Vietnam, and air warfare, even if not an effective way of attaining military objectives, assures widespread destruction of enemy-held territory, and, for this reason, discourages the liberation of populated areas.

It seems clear that if Mr. Nixon could obtain the release of the American prisoners, the so-called low-cost, long-haul strategy of protracted warfare being pursued in Indochina could be carried on indefinitely without any serious prospect of adverse domestic political consequences. Furthermore, it seems evident that the Administration's emphasis on the humanitarian side of the prisoner issue is, in part, designed to neutralize the hostile propaganda generated by the My Lai disclosures and the upsurge of interest in the question of whether or not U.S. Government officials are guilty of war crimes. To shift the focus of righteous indignation to the alleged wrongs of the other side involves a monumental public relations buildup when the burden of wrongdoing and criminality is so clearly on our side, by any fair-minded calculus.

The POW concern is both old and new, its oldness related to a persisting American self-serving desire to confine moral and legal inquiry about the war to one single—and in the overall setting of death and devastation comparatively minor—aspect of the Vietnam War, namely, treatment of a rather small number of American POWs in North Vietnam. Its newness relates to the apparent discovery that it will be impossible for the United States to negotiate a release of American prisoners without negotiating a settlement of the war as a whole.

The proposals of North Vietnam and of the Provisional Revolutionary Government (PRG) of South Vietnam (the governmental organ of the National Liberation Front) at the Paris talks have made it clear that discussion leading to prisoner release can begin as soon as, but no sooner than, the principles and processes of an overall political settlement have been agreed upon. For the PRG the essence of a political settlement consists in obtaining an American commitment to withdraw *all* its troops within a fixed period of six to nine months—the other side seems somewhat flexible about exact timing—and an agreement that the organization of elections of a permanent government in Saigon will be supervised by an interim coalition government composed of the main political forces active in South Vietnam. More precisely, the PRG's Eight-Point peace proposal of September 17, 1970, calls for a formation of a provisional coalition government drawn from the PRG, the present Saigon regime (excluding President Thieu, Vice President Ky, and Premier Khiem), and third-force groups, whether or not presently inside South Vietnam.

Such a proposal is as inclusive as possible, giving the minimum condition of eliminating from power those Vietnamese leaders who have persistently fought against their own population, first for French colonial interests and since then on behalf of the American intervention. The proposal represents a major concession from an earlier NLF insistence on being the *sole authentic voice* of the South Vietnamese people. Unless the U.S. Government responds positively to the latest PRG proposal, there is little realistic prospect of securing the release of prisoners. North Vietnam and the PRG have more recently taken an additional peace initiative that has been ignored by U.S. negotiators in Paris and unnoticed by the media. At the December 23, 1970, session of the Paris talks the other side proposed an immediate cease-fire between American and Vietnamese fighting forces, to be followed by rapid and total withdrawal and release of POWs. In this second proposal to Washington, the struggle for control of South Vietnam would go on between the Saigon regime and the PRG and hence Washington would not be "imposing" any political solution on Saigon. The absence of a U.S. response can be explained only in terms of an unrenounced commitment to use American military power to control the political destiny of South Vietnam.

Some of the confusion surrounding the POW issue arises from a failure to distinguish among three quite distinct levels of the prisoner problem. This confusion is deepened by the efforts of both Washington and Hanoi to make use of the prisoners in the struggle to influence world public opinion. Separating these three levels makes it easier to understand who is accountable for what.

Level One: POW's as War Criminals. The POW issue first gained prominence on July 6, 1966, when captured American pilots were paraded through Hanoi in apparent preparation for their trial and punishment as war criminals. The U.S. Government charged that such a public display of prisoners violated the Geneva rules, specifically Article 13 of the Convention, which prohibits the public display of prisoners. By mid-July there were further indications that North Vietnam intended to try some of the prisoners. A major diplomatic effort was then initiated by the United States to discourage the trials. Even Soviet diplomats were urged to play a role in persuading Hanoi not to go ahead. Diverse international figures, including the Secretary General of the United Nations and the Pope, sought to dissuade North Vietnam. Such anti-war leaders as Benjamin Spock, such organizations as the National Committee for a Sane Nuclear Policy, and a group of anti-war Senators joined in the appeal to North Vietnam and warned of adverse consequences that might follow from any trials, and especially from the imposition of death penalties.

On July 24, 1966, the North Vietnamese government announced the formation of a committee to investigate U.S. war crimes and President Ho Chi Minh cabled the Columbia Broadcasting System in reply to its inquiry that there was "no trial in view." On the same day, Ho Chi Minh was also quoted as saying that "the main criminals are not the American pilots captured in North Vietnam but the persons who sent them there—Johnson, Rusk, McNamara—these are the ones who should be brought to trial." After this flurry of excitement, the idea of prosecuting American POW's as war criminals was dropped by Hanoi, if indeed it had ever been actively contemplated.

On the merits, it seems to me that North Vietnam had a reasonable basis for regarding the captured pilots as potential war criminals. International law experts and moralists have been divided on the legality of indiscriminate aerial bombardment of populated areas. The use of air power in the 1930s by Mussolini's Italy against Ethiopia and by Nazi Germany on behalf of Franco's forces in the Spanish Civil War were occasions of universal public outrage. These instances of high-technology societies waging war against relatively helpless low-technology societies (with no capability for self-defense or retaliation) were apt precursors of the air war against North Vietnam.

At the time when North Vietnam seemed inclined to prosecute American fliers as war criminals, there was very little that it could do to alleviate the pressure upon itself. The bombing was being intensified from month to month, and North Vietnam might have correctly concluded that there were few better ways to focus public awareness on its plight than by initiating a series of war crimes trials. True, the POW's were instruments of the policymakers, but they could also serve as surrogates in circumstances where "the main criminals" could not be apprehended.

In addition, the prospect of criminal prosecution might have had a damaging impact on the morale of American pilots still active in the air war and might even have led to the reluctance of some to take part in future missions. By service manual regulations and by international law, American soldiers are not supposed to obey orders that call for the commission of war crimes, and prosecutions in North Vietnam and commentaries thereupon might have been thought to reinforce the general understanding in the Nuremberg Judgment that superior orders provide no legal justification for the commission of a war crime.

In the view of North Vietnam and many independent specialists in international law, the air war constituted a war crime both in its aggressive intent and in its daily execution. The air war, by bringing the war to North Vietnam, by its indiscriminate patterns of bombardment, and by the widespread use of such prohibited weapons as antipersonnel cluster bombs and delayed action bombs, clearly raised issues of criminality. As the Eichmann case had established years earlier, and government that captures a war criminal is empowered to prosecute him, regardless of where and when he acts, and under whose authority.

Hanoi's decision not to proceed might well have been influenced by the strong diplomatic initiative mounted from Washington. Obviously, prosecution of the pilots would have had an inflammatory impact on American policy-planners precisely because it was *their war* that was being adjudged. There was apprehension at the time that if the prosecutions had gone forward, the United States would have responded by destroying Hanoi and Haiphong, possibly by destroying the dikes, certainly by escalating the war to even higher levels. It was, therefore, prudent for North Vietnam to abandon any effort to follow through with trials to demonstrate its contention that American POWs were manifest war criminals, but such prudence cannot be properly interpreted as a concession that such charges were unfounded or even that a course of prosecution was ill-conceived, if it was indeed conceived at all.

North Vietnam later cooperated with the war crimes tribunal organized by Bertrand Russell to expose the criminal nature of the war and has continued to gather information in support of its contention that it has been a victim of war crimes on a massive scale. At the latest session of the U.N. General Assembly, North Vietnam distributed through the Hungarian delegation a document alleging war crimes committed by the United States Government in Vietnam *since* the beginning of the Nixon Administration. It is noteworthy that this was the first occasion on which North Vietnam took an initiative to present its position within the U.N setting.

Finally, the climate on war crimes in the United States has changed drastically since 1966, largely as a result of the disclosures surrounding the My Lai massacre. Although the Russell Tribunal Proceedings of 1967 (recently republished by Simon and Schuster under the title *Against the Crime of Silence*) stand up well under the tests of time and independent scrutiny, they were mainly ignored at the time, except for purposes of discrediting.

Today, by a curious inversion of circumstances, the U.S. Government is itself engaged in a series of war crimes trials directed against soldiers who were present at My Lai, and these soldiers are largely defending themselves by pointing to those higher up in command—those whom Ho Chi Minh called "the main criminals" in 1966. More remarkable still, I think, is the close similarity between Ho's accusation and a conclusion pertaining to the air war against North Vietnam that is reached in General Telford Taylor's recent book on war crimes, *Nuremberg and Vietnam: An American Tragedy*. "It was not President Kennedy himself but the men he brought to Washington as advisers and who stayed on with President Johnson—the Rusks, McNamaras, Bundys, and Rostows—who must bear the major responsibility for the war and the course it took."

Level Two: POWs as Victims. The most complicated, and in certain ways most valid, level of concern about the POWs has to do with their treatment during the course of their confinement. The problem is initially obscured by Hanoi's insistence that the Geneva rules do not apply since the prisoners are war criminals who fall within the scope of its formal reservation to Article 85 of the Geneva Convention, which reads: "Prisoners of war prosecuted under the laws of the Detaining Power for acts committed prior to capture shall retain, even if convicted, the benefits of the present Convention." North Vietnam's reservation, which was similar to that made by other Socialist countries, including the Soviet Union, accompanied its adherence in 1957 to the 1949 Geneva Convention: "'The Democratic Republic of Vietnam declares that prisoners of war prosecuted and convicted for war crimes or for crimes against humanity, in accordance with principles laid down by the Nuremberg Court of Justice, shall not benefit from the present Convention, as specified in Article 85."

On this basis, North Vietnam contends that it is not bound by the Geneva rules, including particularly the provisions dealing with scheduled and unscheduled inspection of prison facilities and prisoners by the International Committee of the Red Cross (ICRC). North Vietnam's further position is that in the spirit of leniencey (that is, not as a matter of legal duty) American POWs have been treated humanely, have been allowed to exchange mail and receive gifts, and have received ample food and medical treatment.

Some analysts have contended that the reservation attached to Article 85 does not apply because these POWs have not been "prosecuted and convicted for war crimes." The North Vietnamese response to this position is that their policy is more beneficial to the POWs than would have been the case had they been prosecuted and convicted, and in all certainty given heavy sentences, very likely death sentences.

In my judgment, the North Vietnamese position—indeed the position of the entire Socialist bloc—on the reservation to Article 85 is undesirable, since it encourages belligerents to characterize each other's POW's as war criminals. If such practice is generalized, it defeats the humanitarian purposes that underlie the Geneva Conventions and probably leads to a general deterioration in treatment accorded POWs. I can, however, understand the reluctance of North Vietnam to allow ICRC representatives into its territory during a period of warfare, probably partly because of some concern about adverse propaganda, partly because of a worry about intelligence leads (not entirely unfounded in light of the Son Tay raid), and partly because the ICRC is looked upon as a Western-biased international institution whose claims of impartially could not be entirely trusted. It is difficult to assess these apprehensions but it is doubtful in any event that a different approach by North Vietnam on this issue would have discouraged American leaders from manipulating the POW issue to generate hostile propaganda.

As to actual conditions of treatment, reports vary. Among the visitors to camps from American peace groups, and from such countries as France and Japan, there seems to be general accord that POWs receive more food than do members of North Vietnam's army, that POWs are given medical treatment, that no systematic torture or brainwashing takes place, and that the POWs seem in good spirits. Indeed, some released prisoners and some still detained have praised their captors for according them humane and beneficial treatment under difficult circumstances. Some confusion has been purposely created by the Pentagon's cynical double policy of imposing a regime of silence on returned POWs who report no mistreatment and arranging maximum public exposure for those who allege bad conditions.

The most informed and reliable study now available of alleged torture of American POWs by the North Vietnamese has been made by John M. Van Dyke, formerly of the State Department's Legal Adviser's Office and currently attached to the Center for the Study of Democratic Institutions at Santa Barbara, California, who comes to the general conclusion that there have been instances of unauthorized mistreatment by particular prison guards or by townspeople near the scene of capture, but that there is no evidence at all that North Vietnam is pursuing a policy of torture or vengeance toward the POWs. Indeed, Van Dyke's careful analysis of the most publicized claims of torture by some released prisoners casts considerable doubt on the authority of their allegations.

It is true that North Vietnam was slow to meet Geneva standards on release of the names of POWs in its possession and on transmission of mail. Improvements in these respects have been taking place since December, 1969, when a peace activist, Cora Weiss, taking advantage of earlier initiatives of anti-war visitors to Hanoi, organized the Committee of Liaison with Families of Servicemen Detained in North Vietnam. Representatives of this committee have returned from Hanoi with large numbers of letters for families and considerable other prisoner information, such as confirmed names of captured and dead Americans, thereby sometimes ending the suspense of those families with a member listed as missing-in-action.

As of the end of 1970, the Committee had received and delivered a total of more than 3,200 letters from prisoners, and had forwarded at least one letter each from 332 of the 339 confirmed prisoners held in North Vietnam. This is impressive progress, considering that prior to the formation of the Committee fewer than 100 of the prisoners had been heard from by their families.

The work of the Committee has been carried on quietly, for its own sake, and without any effort to make use of the families of the prisoners for political purposes. However, the Government, instead of cooperating and facilitating this work, has attempted to discredit, harass, and obscure the tangible achievements of the Committee. For instance, when Robert Sheer returned from North Vietnam in mid-September, 1970, with 379 letters from prisoners, U.S. Customs officials, evidently acting on orders, seized the letters and placed them under bond. It took strenuous efforts by Sheer and the Committee of Liaison to obtain the release of the letters; as it was, their seizure delayed delivery to the families. Government officials, instead of citing the various accomplishments of the Committee as evidence of improvement in conditions for American POW's, only complain about the failure of North Vietnam to use "official channels." Such an objection is particularly inappropriate in view of the extravagant semi-official backing that has been accorded Perot's various efforts to publicize the prisoner issue—efforts that have, it seems, made it more difficult, not less so, for the North Vietnamese to improve the lot of American POWs.

The part-Government, part-private public relations campaign has now reached immense proportions—including the hiring of a professional fund raiser; the organization of prisoner families into the National League of Families of American Prisoners and Missing in Southeast Asia; the placement, at Perot's request, of purported replicas of the North Vietnamese prisons in the rotunda of the Capitol; the holding of a special joint session of Congress, again at Perot's request, to dramatize legislative concern; the issuance of 135 million POW–MIA (missing in action) postage stamps; the distribution of bumper stickers with the slogan, "Have a Heart Hanoi"; the mailing of 600,000 letters, over actor Jimmy Stewart's signature, beginning with the question, "Mommy, will Daddy be home for Christmas this year?" and appealing for funds to enable still more publicity on the prisoner issue; the stimulation of a separate campaign by veterans' organizations urging 50,000,000 Americans to write letters to POWs for Christmas, 1970, and to dump 100 tons of prisoner mail at the headquarters of the North Vietnamese delegation in Paris; the action by President Nixon in changing the official name of Veteran's Day to Prisoner of War Day; the frequent dedication of a minute of silence to American POWs prior to nationally televised football games; Nixon's policy of never discussing the war without castigating North Vietnam for its treatment of American POWs; and the Pentagon's practice of regularly sending families allegations and alleged pictures of tortured Americans. This enumeration of public relations initiatives is only illustrative and could be extended indefinitely.

Undoubtedly the most impressive American triumph on Level Two has been to secure passage by a vote of sixty to sixteen, with thirty-four abstentions, in the U.N. General Assembly of a Resolution on the POW issue that centered on asserting an obligation of participants in a Vietnam-type conflict to apply the Geneva Convention, including its rules on ICRC inspection of prison facilities. This Resolution, opposed by the Communist bloc and most of the more radical Third World states, supports the American contention that the Geneva system provides the basic measuring rod for the adequacy of treatment standards accorded POWs. The Resolution is not likely to exert any influence on North Vietnam, but it does have some value in the propaganda war being waged around the POW issue.

Level Three: POWs as Hostages. The Nixon Administration has become increasingly aware that complaints about treatment may arouse indignation in this country, but will not obtain release of the POWs. Hence, a new phase of the POW issue has been initiated to portray the prisoners as hostages being improperly held by North Vietnam. Three separate techniques are being used to convince the public of this conclusion:

The treatment accorded POWs by North Vietnam is alleged to be so bad as to constitute an urgent humanitarian necessity to obtain their release;

An actual effort at rescue is carried out with great fanfare and its leaders are hailed and decorated as national heroes;

The Nixon Administration has put forward in Paris an offer of prisoner exchange which it promotes with such adjectives as "generous," "reasonable," and "dramatic."

President Nixon's language on the offer of a prisoner exchange (in his press conference last December 11), is revealing: ". . . Ambassador Bruce . . . offered to exchange, upon the part of both the United States and South Vietnam, 8,200 North Vietnamese that we have prisoner for approximately 800 Americans and other allied prisoners that they had. That's a ten to one ratio, but we're willing to do that." Defense Secretary Melvin R. Laird, testifying before the Senate Foreign Relations Committee, used entirely different—and erroneous—figures, but to the same effect, offering the North Vietnamese 36,000 of their prisoners in exchange for 3,000 allied prisoners. "At no time in the history of the world has there been such a dramatic proposal," Mr. Laird said.

Such an apparently one-sided offer can be understood only in relation to the no-negotiations posture of the United States in Paris and to the related inability to obtain the release of the prisoners so long as "active hostilities" continue. Mr. Nixon revealed his own frustrations, I think, when he added to his earlier comment on the prisoner exchange that "their failure to accept that offer will pinpoint something that is pretty generally known around the world and that is that this nation [North Vietnam] is an international outlaw, that it does not adhere to the rules of international conduct." To describe North Vietnam as "an international outlaw" for refusing such an offer, given American destructive conduct in the South, the bombing of the North, and the cruel treatment accorded North Vietnamese and NLF POWs, is to invert the real moral situation and plunge ever deeper into an infernal realm of Government-sponsored fantasy.

Nonetheless, the unwillingness of North Vietnam to agree to a prisoner exchange has actually led some American political figures to offer completely unfounded and highly racist explanations that imply they don't care about their men to nearly the same extent as we care for ours. Senator Claiborne Pell, Rhode Island Democrat, has asserted that "their interest in their prisoners, once they are gone, is far less than our interest in our people because of the difference, maybe, in human life and human values we have." Representative William Bray, Indiana Republican, has decided that "given Hanoi's attitude toward its own men—it probably counts one of ours worth 5,000 North Vietnamese." Few politicians want to acknowledge that when American prisoners are released, Washington loses its only remaining major incentive to negotiate a reasonable end to the war.

The whole approach of the Nixon Administration is designed to make people believe that the POW issue is properly separable from the overall settlement of the war, which it is not, never has been, and cannot be.

The Government's shift from a position of genuine, if somewhat hypocritical, concern for standards of prisoner treatment to the completely unreasonable and unwarranted demand for immediate prisoner release is designed to produce an atmosphere in which anything goes—including military incursions into North Vietnam—to obtain the return of these prisoners. The general endorsement of the Son Tay raid, even by critics of the war, suggests that the public relations effort has succeeded, at least temporarily, in making Americans believe that Hanoi is not entitled to retain American POWs any longer.

It seems clear that the Son Tay raid of November 21, 1970, was intended partly as a gesture and partly as a message to contradictory audiences:

One—The Son Tay raid was an essential *gesture* of concern with respect to the POWs stranded in North Vietnam. Without such gestures, the Nixon Administration's policy would inevitably come under eventual attack as entailing the sacrifice of the POWs to the cause of "Vietnamization" and for the sake of maintaining in power military puppets such as Thieu and Ky. In this regard, testimony by Defense Secretary Laird before the Senate Foreign Relations Committee seems significant. Arguing that the raid was a success despite its failure to free any POWs, Mr. Laird said that "what we have done here has shown all of these prisoners in North Vietnam that America does care." Committee Chairman Fulbright then asked Laird what would seem to be an innocent and rhetorical question: "Was there any doubt that America cares about them?" Laird gave the following answer: "Yes, I think there was doubt. I'm sure you've had an opportunity, as I have, to talk to the wives, mothers . . . and there is a question in their minds as to whether America is showing . . ." at which point Fulbright interjected "Well, that's no justification for it, I must say . . ."

This dialogue, I think, is more revealing than it may seem. Of course, there is doubt about whether the Government is showing concern, doubt based on its general lack of interest in bringing the war to an end and doubt raised by its continuing harassment of peace groups that have alone been able to provide families with tangible results. Ironically, further doubts have been raised by the Son Tay raid itself, since it subjected the POWs to immense risks. The evidence remains clouded as to whether the Administration knew at the time of the raid that the camp was empty. If the officials who gave the go-ahead order knew (or suspected) that Son Tay was abandoned (Laird admitted to Senator Franck Church that intelligence photos taken before the raid never showed prisoners on the camp grounds) then the whole undertaking was a *pure gesture* that rested on callous deception and dishonesty. But if these officials honestly believed that POWs were probably at Son Tay, then these POWs were being subjected to a serious risk of death not of their own choosing, mainly to let the folks at home know that the Administration cares. Even Laird said in his testimony to the Fulbright Committee that he "would assume" after the raid that other POWs "would be guarded more closely."

Two—The Son Tay raid conveyed a *message* of concern to the families of prisoners and to the domestic constituency which the Administration has sought to stir to frenzy on this issue. This frenzy can begin to boomerang if it once becomes clear to the public that it is primarily the Government's fault that the POWs remain in captivity.

Three—The Son Tay raid was also intended as a *message* to Hanoi that the POW issue, unless handled in a conciliatory fashion by North Vietnam, could result in punishing escalations, including even the resumption of steady bombing. In this respect the deep penetration of North Vietnamese territory, the indications that additional rescue attempts were contemplated in the future, the accompanying heavy bombardment in the vicinity of Son Tay and in the area above the DMZ, were part of a hard-line message that could be read as warning Hanoi to accept the offer of a prisoner exchange or else suffer great destruction.

From all of these points of view it is clear that the POWs are being jeopardized by higher priorities than Washington is willing to acknowledge: first, that it would rather win the war for Thieu and Ky than obtain the release of the prisoners; and, second, that it is willing to risk the lives and welfare of the prisoners if this is what it takes to demonstrate concern to their families and a wider aroused public.

Of course, there is even more to the Son Tay raid than this. The emphasis on the POW issue has enabled the Administration to deflect attention from the periodic and significant re-escalations of the war and from the failure to abide by the understanding to halt bombardment of North Vietnam. Hedrick Smith, writing in *The New York Times*, attributed to an unidentified official in the Nixon Administration thoughts that seem widely shared by advocates of a no-negotiations approach to ending the war: "By taking the offense himself Laird has pushed the bombing and the understanding into the background. He swamped the opposition. It's amazing how effective he has been with all this news about the Son Tay raid."

It is not surprising that some, although by no means all, of the champions of the POW issue have also been the most hawkish advocates of a win-policy in the war. The propaganda barrage on the prisoners often represents a bizarre blend of cruelty and perverse "humanitarianism" which was, perhaps, best summed up in the late Representative L. Mendel Rivers' judgment that "these men would ten thousand times rather be dead, and I am sure their families would rather they be, knowing that we tried to release them, than sitting as they are, not knowing, never knowing . . . And if they got to die . . . let us go up to Hanoi and bring them home in boxes . . ." This macabre vision of "solving" the prisoner issue by dragging their corpses out of the rubble of North Vietnam needs to be understood not only as pathology, which it is, but as the logic that inevitably underlies the position of all those who support the war. It is part of the overriding spirit of this counter-insurgency war, nowhere better summarized than in the justly famous comment of an Army major at Ben Tre, South Vietnam: "It became necessary to destroy the town to save it."

Throughout the war the United States has measured its "progress" not so much in *territorial* terms as by *kill* statistics—"the body count." Combat units compete in terms of body count totals, and individual soldiers have been offered such incentives as passes and leaves for contributing to the body count. Inevitably, this policy has led to instances of summary execution of North Vietnamese and NLF prisoners. A case in point, but only one of many, involved an order given on

September 5, 1969, by First Lieutenant James B. Duffy to kill an unarmed Vietnamese prisoner, who had been held through the night tied to a stake. Duffy was prosecuted and offered the principal defense that the Army's emphasis on body counts led him to think he was committing no wrong in ordering the prisoner shot. In Duffy's words, "Some people might have thought that it was wrong to judge a unit by the number of kills they get. I think it is the only way a unit should be judged. That is really the only mission we have in the field, to kill the enemy."

The court-martial found Duffy guilty of "involuntary manslaughter," a crime that in no respect corresponded with the undisputed facts, and added a recommendation of clemency. The result was a six months jail sentence and a fine requiring Duffy to forfeit $250 from his monthly salary for each of the next six months. Such a nominal punishment seemed to result from a recognition by the court-martial that Duffy's action was not an unusual or reprehensible interpretation of his duties given the prevailing attitude toward prisoners as body count potential. In other cases, there have been acquittals and numerous non-prosecutions in relation to prisoner murder and abuse by American GIs in South Vietnam.

Those prisoners taken by the United States are generally turned over to the Saigon regime, whose mistreatment and torture of POWs has frequently been documented. The United States, therefore, is in persistent violation of its obligations under the Geneva Convention as a detaining power. Article 12 makes it clear that the detaining government is responsible if it has grounds to suspect mistreatment of transferred POWs, and that it has a duty to demand the return of POWs if it learns that inhumane treatment is taking place.

The conditions of prison confinement in the Tiger Cages at Con Son Prison in South Vietnam finally brought home the extent to which the torture of political prisoners is a matter of standard practice in South Vietnam. The ICRC had complained to the Saigon regime in February, 1970, about keeping POWs at Con Son and other civil prisons. It is a violation of the Geneva Convention to keep POWs at camps not subject to inspection. [For a full account, see "The Congressional Jury that Convicted Itself" by Thomas R. Harkin in the October, 1970, issue of *The Progressive*.]

Such responsible groups as the American Friends Service Committee and the Fellowship of Reconciliation have published detailed accounts of torture being carried out as standard policy in the numerous prisons throughout South Vietnam.

What seems demonstrably clear is that individuals who deserve to be classified as POWs are being systematically mistreated in the prisons of South Vietnam, the U.S. Government has had ample knowledge of this mistreatment, and the United States finances and advises those Saigon bureaucrats and police officials who run the prison system. These conditions of known abuse exceed in scale and magnitude the most exaggerated accounts of mistreatment that have been alleged to exist in North Vietnam. There is fundamental doctrine in the law of equity that precludes one party from complaining about wrongs suffered if he enters court with "dirty hands."

Another indication of the hypocrisy attending the official crusade on the POW issue is the callous neglect of America's war wounded. More than 290,000 Americans have been wounded so far in the Vietnam War. Because of improved rescue and battlefield treatment techniques, many soldiers who receive injuries that would have been lethal in earlier wars are kept alive, but kept alive often to languish in American veterans hospitals that are dangerously understaffed and underfinanced.

The story has been documented by Senator Alan Cranston, California Democrat, who has made tireless efforts to secure adequate funds to assure decent treatment for these war wounded. Largely as a result of Senator Cranston's crusade, Congress increased the Veterans Administration appropriation by $105 million more than that requested by the President, but an amount still less than the additional $186 million that the hospital directors say they need. In November, 1970, Mr. Nixon vetoed as "inflationary" the Independent Offices appropriations bill which included this additional sum for the war wounded. What is one to say about a President who gains national publicity by inviting a few wounded veterans to the White House for a Thanksgiving dinner and fails to provide adequate hospital facilities for Americans wounded in Vietnam?

How can the American Government and citizenry raise such a howl about fewer than 500 POW's in North Vietnam and be so indifferent to the welfare of many more thousands of Americans who lie day after day in VA hospitals? Part of the answer is that the wounded war veterans are no longer politically useful to the war planners. In less dramatic terms, the same disregard for the welfare of veterans who return from Vietnam has been displayed by the failure of the Government to take any meaningful steps to facilitate their reintegration into American society.

The case against the Nixon Administration on the POW issue seems overwhelming. The vast machinery of Government propaganda has been employed to incite Americans into believing that it is barbaric for the North Vietnamese to retain custody over these prisoners. The campaign of cynical distortion rooted in hypocrisy has sought to disengage the POW issue in the public mind from the overall settlement of the war and to prevent Americans from appreciating that the refusal of Washington to negotiate a political settlement is what is keeping Americans in the prison camps of North Vietnam. Such a posture by Washington is particularly reprehensible because the latest PRG proposals seem to represent such a fruitful opportunity for bringing the war to a reasonable and honorable end—and for returning the POW's. It is also most unfortunate because the refusal to negotiate a settlement is based on a persisting American commitment to keep the Thieu-Ky regime in power despite the isolation of this regime from its own population and despite its increasing reliance on repression and torture to deal with moderate, non-Communist opposition forces.

The American people have been betrayed by their elected officials many times during the tragic course of the Vietnam war, but never more brazenly than in relation to the POW issue. It is time for public indignation about the fate of American prisoners to be directed at Washington, where it belongs. It is time for American troops and planes to be brought home from Asia. And it is time for all opponents of the war to show the courage to expose the Administration's abuse of the prisoner of war issue.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the distinguished senior Senator from New York (Mr. JAVITS) is recognized for not to exceed 15 minutes.

(The remarks of Mr. JAVITS when he introduced S. 1193 appear in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

TRADE POLICIES IN THE 1970'S

Mr. JAVITS. Mr. President, I invite the attention of the Senate to a fine report made on trade by the distinguished senior Senator from Connecticut (Mr. RIBICOFF) entitled, "Trade Policies in the 1970's."

Senator RIBICOFF prepared this report following a factfinding mission to Europe during which he met with ranking European officials and with U.S. Ambassadors J. Robert Schaetzel, Robert Ellsworth and Arthur Watson.

Senator RIBICOFF's report is a forward-looking document which makes valuable recommendations concerning our future trade policies.

Senator RIBICOFF pinpoints the importance of the current negotiations between the Common Market and Great Britain, Ireland, Denmark, and Norway on expanding the Common Market. In my view it will be difficult for the EEC to adopt Senator RIBICOFF's proposal that the "Common Market should state now its intention that after enlargement is agreed to in principle, it would actively pursue liberal trade policies and seek a reduction of nontariff barriers" if the EEC is not convinced that the administration by deed as well as word seeks to maintain the liberal trade policies that have served us all so well for so many years.

The Senator from Connecticut's report, made as a member of the Committee on Finance, has an interesting statement regarding the present crisis in the textile situation with Japan.

Here is what he says, in part:

> We must look beyond our present problems with Japanese textile imports. Actually they are of a very temporary nature since the Japanese are rapidly losing their competitive position. Imports of textiles into Japan itself are on the rise as the level of Japanese wages approaches that of the Common Market countries.

Mr. President, the President of the United States has a grave responsibility now to evaluate a difficult situation in domestic politics and in foreign trade created by the proposed unilateral offer of Japan acting at the suggestion of the distinguished Chairman of the Ways and Means Committee Mr. MILLS to impose textile quotas on itself.

The value of the report of the Senator from Connecticut is that it demonstrates there is a real possibility that if the United States, in reaction to the failure to agree bilaterally with us on textile quotas by Japan, should go protectionist, as was contemplated in last year's trade bill, we must expect a serious reaction in Europe as well as in Japan, which must be a factor in the way the United States handles the present situation. Also this would affect future congressional consideration of trade legislation including legislation to extend generalized preferences to the less developed world under the commitment made by the Nixon administration in the OECD and United Nations.

My view is that we should not reject the Japanese initiative but should attempt to utilize it for the purpose of working out the situation.

I use those words advisedly because it is not necessary to be doctrinaire about whether an agreement is unilateral or bilateral so long as what is agreed to is satisfactory to the parties concerned.

I think the importance of the views expressed by the Senator from Connecticut (Mr. Ribicoff) go to the essentials of coming to a conclusion regarding the textile issue with Japan.

I hope very much, therefore, that the President will be mindful of this report as he considers what should be the U.S. reaction to the Japanese situation.

I ask unanimous consent that the press report on the Ribicoff study which appeared in the Washington Post on March 6 be printed in the Congressional Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Trade New Focus of Foreign Policy, Ribicoff Reports

(By Carole Shifrin)

Economic issues are replacing the traditional question of national security as the main focus of foreign policy, but the United States is unprepared to deal with this changing circumstance, Sen. Abraham Ribicoff (D-Conn.) told Congress yesterday.

"We must reorder our priorities in foreign affairs, elevating international economic problems to the high level of attention they deserve," he said in a report to the Senate Finance Committee. His report was based on two weeks of travel in Europe on behalf of the committee to examine trade and foreign policy problems.

Reordering priorities is a lesson other countries have already been learning, Ribicoff suggested.

"American diplomacy in the 1960's toward Europe, example, concentrated on NATO political-military issues—but these issues were of declining interest to Europeans," he said. "While we concerned ourselves with the NATO order of battle, the Germans were more concerned over orders for Volkswagens."

Ribicoff spread the blame for the uneasy international economic relations around, criticizing the European Economic Community (EEC) and Japan for pursuing aggressive trade expansion policies, and predicting "increasing conflict" unless "much greater sensitivity" was shown to America's very real economic problems.

Ribicoff said that during his travels, Europeans expressed "genuine concern" over the deterioration of U.S.-EEC relations, but defended their trade policies because of the favorable U.S. trade balance. But he noted in his report, "It is unfair to consider the U.S.-EEC economic relations as distinct from U.S.-NATO security arrangements. . . . Our trade surplus amounts to only a small fraction of our country's contributions to European security and the European economy.

"We should not hesitate to point to the considerable burden we still assume which enables Europe to pursue its commercial interests and to prosper free from fear of external threats."

While the EEC is already the predominant trading power in the world today—"one fact of economic life . . . not fully digested here"—it continues "to carry out policies of the past," he charged. He called on the EEC to declare its intention to "actively pursue liberal trade policies" and seek a reduction in nontariff barriers. Such a move would help ease pressures for new restrictions in the U.S., he maintained. He also called on Japan to pledge her future cooperation and restraint in trade matters.

He applauded the recent formation of a White House-level Council on International Economic Policy, noting it reflected a "belated awareness" of the dangers of treating foreign economic issues on a lower level than political issues, but said its importance was undercut when all its "relevant powers" were given back to the State Department.

DEATH OF A GREAT HISTORIAN—ALLAN NEVINS

Mr. JAVITS. Mr. President, to bequeath to the future an objective study of today's world is a legacy more valuable than any wealth could purchase. To give to the leaders of tomorrow's world an oral history by the leaders and witnesses of history in the making, provides for the student of contemporary history a unique opportunity to learn firsthand about the people and events which have shaped the course of the world.

Allan Nevins, historian and biographer, recipient of two Pulitzer prizes, and creator of the Columbia University oral history research program, has made possible this legacy, all the more valuable because his reflection of our history enables us to be wiser about the world we will shape for the future. Mr. Nevins' prolific pen has been stilled, but his works will long be with us, guiding us to a better world.

I ask unanimous consent that an editorial which appeared in the New York Times on March 6, 1971, and an obituary appearing the same day, be printed in the Record.

There being no objection, the article and obituary were ordered to be printed in the Record, as follows:

Allan Nevins, Historian

A newspaperman once himself—on The Post, The Sun and The World—Allan Nevins brought to the writing of American history and biography a journalist's curiosity, dedication to balanced judgment and lively readability. These qualities, along with a scholarly mind, made his "Ordeal of the Union," an account of the Civil War period, the sort of history one reads for knowledge as well as pleasure. These attributes infuse his prize-winning biographies of Grover Cleveland and Hamilton Fish.

In addition to his books, Mr. Nevins made a distinguished contribution to American studies by instituting Columbia's Oral History Project, a program to record the candid memoirs of notable contemporary public figures. His idea was to enrich the source of material available to future scholars. Indeed, enrichment of others was what Mr. Nevins was all about, for his histories (and his biographies were history, too) were aimed at making Americans more intimately knowledgeable about themselves. No one could leave a better testament.

Allan Nevins, Historian, Dies; Winner of Two Pulitzer Prizes

Menlo Park, Calif., March 5.—Allan Nevins, the historian and biographer who won two Pulitzer Prizes and pioneered in the establishment of the oral history movement, died today in a nursing home after a long illness. He was 80 years old.

A Tireless Researcher

(By Albin Krebs)

One of the most distinguished historians of his time, Allan Nevins was a prolific writer who brought to his work an engaging style, a profound sense of fairness, a deep humanism and a total respect for the truth.

For 30 years a history professor at Columbia University, Mr. Nevins was an indefatigable researcher who could deal with ease with all aspects of American history, from colonial times to the present.

His career was studded with honors, including a Pulitzer Prize in 1933 for a biography of Grover Cleveland and another in 1937 for a study of Hamilton Fish.

One of his major achievements was the establishment, at Columbia in 1948, of the oral history program, designed to aid future historians by preserving on tape and in typescript the opinions and recollections of hundreds of major contemporary figures.

Mr. Nevins's devotion to the interests of American historiography led to his appointment in 1961, as chairman of the Civil War Centennial Commission.

Mr. Nevins, known as a phenomenally tireless worker, was fond of saying that he didn't really think he had worked hard since he left his father's stock and grain farm to go to college.

He was born on the farm, near Camp Point, Ill., on May 20, 1890, the son of Joseph Allan and Emma Stahl Nevins. His father, who was of Scottish descent, sold insurance, but also worked on the farm and saw to it that his five children worked there 12 to 14 hours a day.

The elder Mr. Nevins did not approve of "frivolous" reading, and his 500-book library was devoted to economics, science and history. It was by reading voraciously at home that young Allan acquired an early interest in history.

At 18, the youth entered the University of Illinois, where he edited the campus daily newspaper and graduated Phi Beta Kappa in 1912. He remained in Urbana for another year, teaching English while working for his master's degree in history. His first book. "The Life of Robert Rogers," a biography of the colonial frontiersman, was written shortly before he completed his studies at Illinois and was published in 1914.

BECAME EDITORIAL WRITER

Since he regarded journalism as living history, Mr. Nevins in 1913 joined The New York Evening Post as an editorial writer. Ten years later he moved to The Sun as literary editor, and from 1925 to 1931 he wrote editorials for The World.

Meanwhile, he continued to build a reputation as a historian. He published "The American States During and After the Revolution" in 1924, and "The Emergence of Modern America" in 1927. His 1928 biography. "Frémont, the West's Greatest Adventure," served as the basis of the definitive "Frémont: Pathmarker of the West," which appeared 11 years later.

The Frémont work was highly praised by historians and reviewers. "It raises biography to the level of literature," a New York Times reviewer wrote. "Mr. Nevins possesses a valuable combination of gifts. He is careful, accurate, a tireless researcher. He has a style for which his years of newspaper work must be given some of the credit. He has in this book a warmth and at times a poetic quality which were missing in some of his more formal writing."

In 1928 Mr. Nevins became an assistant professor of history at Columbia. His career in journalism ended in 1931, when he was appointed DeWitt Clinton Professor of History at the university, where he remained until his retirement in 1958.

"Grover Cleveland: A Study in Courage," won Mr. Nevins a Pulitzer Prize in 1933, and his biography "Hamilton Fish: The Inner Story of the Grant Administration," won his second Pulitzer in 1937.

STUDY OF ROCKEFELLER

In 1940 he set out on two projects that were to reflect the central themes of his historical approach. The first was the publication of "John D. Rockefeller: The Heroic Age of American Enterprise" (later revised and published in 1953 as "A Study of John D.

Rockefeller, Industrialist and Philanthropist"). The second was his announcement that he would undertake the writing of a history of the United States from 1850 through the Civil War, a project he expected to occupy him the rest of his life.

The history, with the overall title "Ordeal of the Union," was to consist of eight volumes. The first two, published in 1947, won for Mr. Nevins the $10,000 Scribner's Centenary Prize and the prestigious Bancroft Prize for history.

Other volumes appeared over the years, and the last two in the series are scheduled by Scribner's for publication this year.

The first two volumes, supplemented by two subtitled "The Emergence of Lincoln" in 1950, constituted a sweeping chronicle of the lean years in American history after the Mexican War, when, as Mr. Nevins noted, mediocre men in the White House allowed unbridled sectionalism to carry the country to that point in 1861 when "for Americans, as for many others throughout history, war was easier than wisdom and courage."

NEW APPROACH URGED

In his other books, Mr. Nevins turned squarely to a historical theory to which he had only alluded in his study of John D. Rockefeller. The theory was that it was now time for American historians to re-examine the precepts of history advanced by Prof. Charles A. Beard in his influential "Economic Interpretation of the Constitution," published in 1913. Professor Beard had said that political thought in America had been dictated by the economic self-interest of the Founding Fathers, rather than by reference to abstract political considerations.

Professor Nevins said that American historians should stop apologizing for America's devotion to economic self-interest and start giving due credit and even tribute to industrial giants such as Rockefeller, McCormick, Carnegie and Ford—men who had prepared the country "none too soon and none too fast" for the trials America faced in World Wars I and II.

The Nevins thesis was calmly accepted, except by some of the younger, muckraking historians of the period. There was little of the sort of bitter name-calling that had marked publication of the Beard book. Not unexpectedly, the most violent attack on Mr. Nevins came from the Soviet newspaper Izvestia, which accused him of "groveling before Wall Street magnates."

It was an accusation silly on its face. Mr. Nevins, a liberally-oriented historian, was anything but a servant of financial interests. He possessed, however, an integrity respected by corporation executives as well as his fellow historians. Thus he was able to gain unprecedented access to the records of the Ford Motor Company for a three-volume history, "Ford," written in collaboration with Frank E. Hill and published between 1954 and 1963. The work rose sharply above the realm of corporate puffery, and showed Ford warts and all.

INDEPENDENCE STRESSED

A friend recalled in 1970 that while Mr. Nevins was working on the Ford trilogy, which the company had commissioned from Columbia, "Allan was so intent on demonstrating that he couldn't be 'bought' by Ford that year after year, when it came time to get a new car, he'd purchase a Chevrolet."

Mr. Nevins, called by Alfred A. Knopf, the publisher, "the most industrious and hard-working man of my acquaintance," wrote more than 50 books, only a few of them in collaboration, and hundreds of articles. He also edited at least 75 books and wrote hundreds of essays and book reviews, notably for the Saturday Review.

In 1965, Mr. Nevins's friends were astounded to learn that he had donated $500,000 to Columbia for a chair in economic history. During all his years there, he had never earned more than $11,500 annually. He was able to make the gift because he lived frugally, and put away in investments the income from his books and articles. The gift was anonymous, but Mr. Nevins later reluctantly agreed to Columbia's wishes that the chair be named for him, and the secret was out.

Mr. Nevins's singular devotion to Columbia, which an old friend recently characterized as "a love affair, the grand passion of his professional life," prompted him to arrange, with the aid of his fellow historian Henry Steele Commager, a $2-million bequest to the university.

The money, left by Frederic Bancroft, a historian and former librarian of the Department of State, went to Columbia instead of any one of several other universities Mr. Bancroft had considered because Professors Nevins and Commager "worked on the old man," as Mr. Nevins said, over a period of years.

"He finally did die, and we found that the two millions had been left to Columbia for the advancement of historical studies," Mr. Nevins said. "I had some ideas about how to use two millions, and one was in instituting our oral history office there."

YEARS IN SHAPING

The idea for what is now known as the Oral History Research Office spent many years brewing in Mr. Nevins's mind. In his newspaper days he had met many prominent people whose stories he knew would die with them unless they were recorded. He also knew that such important historical research tools as letters and confidential memos, readily available to the historian in the past, were being replaced in the modern world by telephone conversations "as ephemeral and irrevocable as breath itself."

The oral history collection, considered one of the most widely emulated of Columbia's innovations, was begun in 1948, with Mr. Nevins as the interviewer of important persons, and his graduate students taking notes. Later the project was expanded with the use of tape recorders, from which direct transcripts could be made. As of Jan. 1, 1971, the collection consisted of more than 326,000 pages of transcript of conversations with more than 2,500 witnesses to history.

Louis M. Starr, who is now director of the Oral History Research Office, and who studied under Mr. Nevins, recalled recently that "in the classroom, Allan, though obviously the most knowledgeable of men, was not a fiery, spellbinding lecturer." But, said Dr. Starr:

"When the dread day came for one's 'orals,' or again for defending one's dissertation, Allan Nevins became a lion at the side of the defendant. Colleagues grumbled that he defended his students' work as if he had written it himself—which, I fancy, was sometimes not far from the case. He had never bothered to acquire a Ph.D himself, but if you were one of his Ph.D candidates, you were a friend for life, and anyone against you was a pedant who deserved to be put down."

Bruce Catton, senior editor American heritage magazine, yesterday called Mr. Nevins "one of the very greatest historians we have ever had."

"Allan had the idea that history should be interesting as well as solidly researched," Mr. Catton said. "He wanted to make history a living, breathing record, and he succeeded in bringing history alive in this country, presenting it to readers as an intriguing story and not just something to improve their minds. He was one of the guiding forces behind founding of American Heritage." (At his death, Mr. Nevins was chairman of the magazine's advisory board.)

"His contribution to historiography was immense," Dr. Commager said. "Allan was the most productive, and in many ways the most creative, of modern historians, and he was an inspiration to other historians, especially the younger ones. He probably turned out more qualified doctoral candidates than anyone else, and his work will live on in his former students in every state."

VIGOR AND HUMOR

Mr. Nevins was a slight man 5 feet 8 inches tall, but he was vigorous well into his 70's, and he liked to take his colleagues on brisk walks that left them panting and him brimming with energy. His nose was prominent, a fact that led him to quip, after a toast had been proposed to him as "our own profile in courage," that he had "more profile than courage." His sense of humor also prompted him to suggest that his series "Ordeal of the Union" would be the perfect wedding gift.

Although he had to retire from Columbia in 1958, when he reached the mandatory retirement age of 68, Mr. Nevins did not slacken his writing and teaching pace. He became senior research associate of the Huntington Library in San Marino, Calif., from which he retired 18 months ago. In 1964, for an unprecedented second time, he held the chair of Harmsworth Professor of American History at Oxford University.

While serving as chairman of the Civil War Centennial Commission from 1961 to 1966, Mr Nevins edited the 16-volume "Civil War Impact" series. He was president of the American Academy of Arts and Letters from 1966 to 1968.

Mr. Nevins had been married since 1916 to the former Mary Fleming Richardson, who survives. He is also survived by two daughters, Mrs. John Loftis of Portola Valley, Calif., and Mrs. William Mayer of New York; two sisters, Mrs. Lewis Omer of Carthage, Ill., and Mrs. Edgar Wentworth of Asheville, N.C.; a brother, Gen. Arthur S. Nevins, U.S.A., retired, of Gettysburg, Pa.; and six grandchildren.

A memorial service will be held next Friday in Pasadena, Calif., at the Throop Memorial Church.

NEW YORK STATE LEGISLATURE RESOLUTION ON SOVIET ANTI-SEMITISM

Mr. JAVITS. Mr. President. The legislature of the State of New York, representing almost a tenth of the population of our Nation, has adopted a resolution indicating its concern with manifestations in the Soviet Union against its Jewish population and memorializing the Congress to endeavor to persuade the Soviets to discontinue these practices and permit emigration of Soviet Jews.

This resolution is evidence of the concern which pervades the Nation with respect to this issue, a concern which is in the finest historic tradition of our country, dating back to the early years of the Republic.

I ask unanimous consent to have printed in the Record the resolution of the legislature of the State of New York.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Concurrent Resolution of the Legislature of the State of New York Memorializing Congress To Use All Means To Persuade the Soviet Union To Change Its Oppressive Policies Towards Soviet Jewry

Whereas, persons of Jewish faith residing in the Soviet Union have long suffered persecution, oppression, and discrimination in their daily lives at the hands of the government of that country; and

Whereas, the authorities in the Soviet Union have suppressed, discouraged and prevented the free expression of Jewish education and culture, and have deprived Soviet

Jews of the opportunity of worshiping freely and in accordance with the traditions of their age-old faith; and

Whereas, the Soviet Union has consistently denied the right of Jewish people to emigrate from that country to Israel, the beloved country of their forefathers, or to any country of their choosing, and in fact the Soviet Union has continuously prohibited and blocked each and every attempt made by Jewish persons to so emigrate; and

Whereas, recently eleven persons, nine of whom were Jewish, were convicted and sentenced to extremely harsh punishment for allegedly making plans to hijack a Soviet airliner in an effort to emigrate from the Soviet Union;

Resolved (if the Assembly concur), that the Legislature of the State of New York respectfully, yet firmly, urge and memorialize the Ninety-Second Congress of the United States to manifest our country's position as the guardian of the traditions of liberty and justice for all, the dignity of all mankind, and the freedom of worship, by taking such affirmative action as will tend to persuade the Soviet Union to revise its official policies in the following manner:

(a) to terminate its practice of denying Soviet Jewry of the opportunity of worshiping in a free manner and in accordance with age-old Jewish traditions;

(b) to permit Jewish persons to emigrate freely from the Soviet Union to Israel or to any country of their choice without restriction or limitation; and

(c) to reexamine and reconsider the harshness of the penalties recently imposed on the eleven persons sentenced in a Leningrad court for allegedly making plans to hijack a Soviet airliner, and to consider the possibility of permitting such persons to emigrate to Israel;

and be it further

Resolved (if the Assembly concur), that a copy of this resolution be spread upon the journal, and that the Secretary of the Senate transmit properly authenticated copies of this resolution to the President of the Senate of the United States, to the Speaker of the House of Representatives, to the two United States Senators from New York State, and to each member of the House of Representatives from New York State.

By order of the Senate,

ALBERT J. ABRAMS,
Secretary.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. CHURCH). Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 45 minutes, with statements therein limited to 3 minutes.

The Senator from Vermont (Mr. AIKEN) is recognized for 3 minutes.

THE INDOCHINA OIL SITUATION

Mr. AIKEN. Mr. President, over the past several weeks, the Committee on Foreign Relations has received close to 10,000 inquiries in response to a letter-writing campaign sponsored by Another Mother for Peace, a west coast-based antiwar group which has raised the question of offshore oil concessions in connection with our involvement in Southeast Asia, particularly Vietnam.

I understand that many Members of Congress have received similar inquiries, as well as background information on the Southeast Asia oil issue.

Those who have received such material also know that the purpose of the letter-writing campaign is to have the Foreign Relations Committee hold hearings on this issue.

In response to the cards and letters sent to the committee, the chairman wrote to the Department of State on January 28 and February 12.

The purpose of these letters was to obtain basic information on South Vietnam's offshore oil situation, including what American oil companies are doing out there and what help, if any, our Government had given or is giving to assist South Vietnam in determining its offshore oil potential.

Similar information was requested on Thailand and Cambodia.

The State Department has replied to both letters and I ask unanimous consent that this exchange of correspondence be printed in the RECORD at the conclusion of my remarks; and I think it would also be helpful to have printed in the RECORD a recent Wall Street Journal article entitled, "World's Major Oil Firms Jam Singapore as Drilling Fever Spreads in Southeast Asia," and the January 1971, issue of "Economic Report" published by the Vietnam Council on Foreign Relations.

The PRESIDING OFFICER (Mr. CHURCH). Without objection, it is so ordered.

(See exhibit 1.)

Mr. AIKEN. Mr. President, I wish to draw my colleagues' attention to the lead article in this report, which carries the headline, "Green Light for Oil Men."

Mr. President, I think a comparison between these articles and the State Department's replies is worth noting.

Reading over these replies, one is led to believe that Vietnam's offshore oil prospects are less than encouraging and little interest has been expressed in them.

On the other hand, Vietnam Foreign Relations Council's economic report, which is a quasi-official government publication, states:

> Somewhere in the continental shelf off South Vietnams shore lies hidden one of the most spectacular petroleum deposits in the world.

The report goes to say:

> Expectations already running high have been strengthened by the intense interest of well-known international oil concerns.

EXHIBIT 1

DEPARTMENT OF STATE,
Washington, D.C., February 27, 1971.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: I have your letter of February 12 requesting further information on offshore oil activities in the Viet-Nam area. The answers to your specific questions are as follows:

1. There are no oil refineries in Viet-Nam. Therefore, the oil distributing companies there—Shell, Caltex, and Esso—supply the Viet-Nam market from their refineries in the Persian Gulf and Singapore, primarily.

2. An "offshore concession zone" is an area in which concessions have been or will be granted. The "marine survey zone" indicated in Enclosure No. 2 to my letter of February 10 was established in 1969 by the Vietnamese Government for a single offshore seismic survey which was completed in the same year by the Ray Geophysical Division of Mandrel Industries. There would have been no particular reason to divide the zone into blocks since the work was done by one company over a two month period in 1969. Other offshore surface surveys have been conducted from time to time by the United Nations Economic Commission for Asia and the Far East (ECAFE) through its Committee for Coordination of Joint Prospecting for Mineral Resources in Asia Offshore Areas (established in 1966). Since these were international surveys with full cooperation from the countries in the area it is not likely that national marine survey zones established by Viet-Nam or the other countries were involved. We know of no survey being conducted now in the Viet-Nam offshore areas.

3. Of the two American oil companies with offices in Viet-Nam, Caltex and Esso, only the latter has expressed an interest in the country's offshore oil potential to the Department of State.

4. The Government of Viet-Nam has not issued any call for bids on offshore exploration rights and, therefore, is not likely to be receiving bids this month. To our knowledge there has been no official announcement on this matter nor are we aware of a timetable for opening the offshore zone to bids.

5. The Vietnamese petroleum law was drafted by the Ministry of Economy, submitted to the National Assembly, debated, amended and passed by the Assembly without any involvement by the United States Government. Nor was any technical assistance provided by our Government.

6. Neither the U.S. Geological Survey nor the U.S. Navy has done any oceanographic research work in the offshore areas of South Viet-Nam that would be useful in exploring for oil.

7. Thailand and Cambodia have held discussions concerning their conflicting offshore claims. These negotiations are still in progress.

8. *Thailand*

(A) Provisional concessions for offshore oil exploration have been granted to the following American firms: Union, Amoco, Gulf, Conoco, and Tenneco. Marathon Oil Company and Phillips Petroleum now share an interest in the concession originally obtained by Tenneco.

(B) None of these companies have received AID investment guarantees. Amoco, Gulf, Tenneco and Phillips have applied for investment guarantees and received a registration letter but have not provided a formal detailed application. None have received Thai Government approval which is required for guarantees.

(C) Thailand's "Consideration Bases in Applying for Petroleum Exploration and/or Production" do not indicate any specific fee for granting the concessions. Although it is possible that some type of "bonus" may have been paid to the Thai Government at the time the concession was awarded, we have no information on what amount, if any, might have been paid.

(D) The petroleum companies are operating in the Gulf of Thailand under provisional agreements pending final enactment of petroleum legislation. The terms are embodied in a document attached to the agreements entitled *Consideration Bases in Applying for Petroleum and/or Production.* This document is without legislative foundation and therefore does not contain the safeguards necessary for the firms to commit investment funds required for exploration.

Thailand's Parliament passed the Petroleum Act and Petroleum Income Tax Act on February 24, 1971; this legislation now awaits the formality of the King's signature. Some of its main features are summarized below.

Concessions—The initial term for concession awarded is not to exceed 8 years, with an extension of 4 years possible. Petroleum production rights are not to exceed 30 years, with one extension not to exceed 10 years allowable.

Petroleum Prices—The selling price of crude oil for domestic consumption is geared to the price of imported crude oil delivered to domestic refineries and the price of natural gas for domestic consumption is not to exceed the average export price.

Royalty—Royalty is normally to be paid in cash at the rate of 12½ percent of the total value of petroleum sold or disposed of. It may be paid in kind if so required by the Minister of National Development in which case it is to be assessed at the rate equal to one-seventh of the total value of petroleum sold or disposed of.

Tax Exemption—The act provides for exemption from taxes imposed by the central, provincial and local government except for those specifically cited in the Act, such as royalties and the Petroleum Income Tax.

Petroleum Income Tax—The income tax rate is to be established by Royal Decree at not less than 50 percent nor more than 60 percent of the net profit derived from petroleum operations. Under the Act, the Minister of Finance is empowered to accord a reduction in the price used for calculating profits of not exceeding 7 percent of the posted price for a period of not to exceed 9 years from the date a company starts production.

(E) Oil is not now being produced since drilling has not yet been started. According to petroleum geologists, the seismic soundings and other preliminary exploratory work done so far have produced encouraging results, and there are good expectations that oil fields may exist in the Gulf of Thailand.

8. *Cambodia*

(A) The Government of Cambodia granted a concession November 22, 1969 to the French petroleum company ELF/ERAP covering the entire offshore oil area in Cambodia. No American company holds any concession in Cambodia.

(B) Thus, no AID investment guarantees are involved.

(C) The Department has no information on precisely what, if any, earnings the Cambodian Government has received from the concession. It has announced, however, authorization for ELF/ERAP to invest a total of $2.5 million during the first three years of validity of the exploration license, and $1.5 million a year in the fourth and fifth years. Tax rates are indicated below.

(D) According to published information, the Cambodian exploration license is for five years, renewable once. Any production license would be for an additional 30 years. ELF/ERAP is required to return to the Government after 18 months areas amounting to more than one-half the concession, and to commence drilling within two years. The concessionaire enjoys a 30-year guarantee against expropriation, the right to transfer profits up to 20 percent on the capital invested, and a right to repatriate capital, in case of disinvestment, at a rate of 20 percent per year. Surface rental taxes on the concession are fixed at $30 a square kilometer per year for the first five years, $80 for the four years following, $160 for the 11th through 20th years, $350 for the 21st through 30th years, and $400 for the 31st through 40th years. Royalties amount to 12.5 percent of production for the first 5 million tons per year, and 15 percent on any additional production. Whenever total taxable profits exceed total royalties, the difference between the two is subject to direct taxes of 50 percent. In case petroleum is discovered the Government has the option to participate up to the extent of 20 percent.

(E) No oil is being produced and so far as we are aware no drilling has yet taken place in Cambodian waters. We are not in a position to evaluate the prospects thoroughly, but apparently the Gulf of Thailand is generally considered to be a promising area for oil exploration.

9. We would not speculate at this time about the petroleum potential of the combined Gulf of Siam, South China Sea and Java Sea area since it is generally unexplored and unproven.

If I can be of further assistance, please do not hesitate to call on me.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

FEBRUARY 12, 1971.

Hon. DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations, Department of State, Washington, D.C.

DEAR MR. SECRETARY: Thank you for your letter of February 10 in response to my inquiry about South Vietnam's offshore oil prospects. I should appreciate clarification of some of the Department's answers to the questions which I raised. In addition, I think your letter raises some new questions, including several relating to Cambodia's and Thailand's offshore oil activities. I hope you will be able to provide me with answers to the following questions at your earliest convenience.

1. Who are South Vietnam's major oil suppliers? Does South Vietnam import oil from any of its neighbors in Southeast Asia? Are there any prospects for doing so?

2. What is the difference between an offshore concession zone" and a "marine survey zone?" Has South Vietnam divided its "marine survey zone" into blocks for bidding and/or concession purposes?

a. When did South Vietnam create its "marine survey zone?"

b. How large an area does the zone encompass?

c. What kind of survey work has been done so far? Who did the survey work?

d. Is the zone being surveyed at the present? If so, who is doing it?

3. How many American oil companies have offices in South Vietnam? Have any of these companies expressed an interest in South Vietnam's offshore oil potential to the Department?

4. Does the Government of South Vietnam plan to take bids later this month on exploration rights to its marine survey zone? Has there been any official announcement on this matter? What is South Vietnam's timetable for opening up its offshore zone to bids?

5. Did the United States Government assist the Government of South Vietnam in any way in either the drafting or writing of its petroleum exploration and exploitation law? Did the U.S. provide any type of background technical assistance?

6. Has the U.S. Geological Survey or the U.S. Navy done any oceanographic research work in South Vietnam's marine survey zone that would be useful in exploring for oil? If so, please indicate the nature of the work.

7. Are there or have there been negotiations among the countries bordering the Gulf of Siam aimed at resolving their conflicting offshore claims? If so, what results have these negotiations produced?

8. Please provide the following information concerning the offshore oil activities of Thailand and Cambodia:

a. Have concessions been let, either for exploration or exploitation? If so, do any American companies hold concessions? Which companies?

b. Have any of these companies either applied for or received AID investment guarantees?

c. How much have the two countries separately earned from the concessions awarded.

d. What are the terms of the concessions?

e. Is oil being produced? If so, how much? If not, what are the prospects?

9. I would appreciate the Department's comment on various reports to the effect that the combined Gulf of Siam, South China Sea and Java Sea area may rival the Middle East's petroleum potential. Is there any evidence to support such a claim?

As before, I am hopeful that you will provide this information on an unclassified basis.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

DEPARTMENT OF STATE,
Washington, D.C., February 10, 1971.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I have your letter of January 28 about South Vietnam's offshore oil prospects. All of Vietnam's petoleum is imported. It is not certain at this time whether there are any petroleum deposits in the country or in offshore areas. No concessions have been granted to any oil companies in Vietnam.

The Vietnamese Government presented a petroleum exploration and exploitation law to the Vietnamese National Assembly in 1969. The law was debated, amended, and passed by the Assembly in late 1970 and promulgated by President Thieu on December 1. An unofficial translation is attached (Enclosure 1).

The answers to your specific questions are as follows:

1. South Viet-Nam satisfies its current petroleum requirements solely through imports which have been at the rate of $30 million annually in recent years. It produces no petroleum in-country or offshore.

2. It is difficult to say when South Viet-Nam's offshore oil prospects were first recognized but it certainly was some years ago. The drain on that country's foreign exchange caused by petroleum imports has increased steadily, thus making the need for a domestic source more critical. Moreover, Viet-Nam has watched its neighbors in the area stake out concession zones and grant concessions in the Gulf of Siam/South China Sea area for several years now. The Vietnamese Government undertook preliminary surveys including some under United Nations' auspices. It prepared and submitted a draft petroleum law to the National Assembly in 1969. The promulgation of that law in December 1970 served to attract the interest of various international oil companies since it established for the first time the terms under which oil companies would operate in exploring and exploiting possible offshore petroleum deposits.

3. The Republic of Viet-Nam has not as yet defined an offshore concession zone. The boundaries of a marine survey zone established on an ad hoc basis in 1969 are indicated on an attached map (Enclosure 2).

4. The Republic of Viet-Nam is not a party to the 1958 Geneva Convention on the Continental Shelf. The marine survey zone indicated on the above-mentioned map suggests, however, that the Vietnamese are following the convention's definition of the continental shelf in the area surveyed.

5. As indicated above South Viet-Nam has not yet defined a concession zone. The attached State Department map on a U.S. Naval oceanographic base (Enclosure 3) portraying national concession boundaries in the Gulf of Siam indicates that concession boundaries of other countries in the area appear already to overlap. The overlaps will be increased if a future South Viet-Nam concession zone takes the same pattern as the marine survey zone that the Vietnamese Government has established.

6. The Republic of Viet-Nam has not

granted off-shore concessions nor has it offered any for bid. There is as yet no basis upon which to estimate how much it could earn from concessions.

7. Since no offshore oil has been discovered, it is not possible to estimate the country's offshore oil potential. The value of current petroleum imports is $30 million annually.

8. The United States Government has not provided South Viet-Nam any technical assistance relating to offshore oil exploration. Nor has the U.S. Geological Survey or the U.S. Navy performed any surveys for offshore oil deposits on the continental shelf of Viet-Nam.

If I can be of any further assistance in this matter please call on me.

Sincerely yours,

David M. Abshire,
Assistant Secretary for Congressional Relations.

January 28, 1971.

Hon. David M. Abshire,
Assistant Secretary for Congressional Relations, Department of State, Washington, D.C.

Dear Mr. Secretary: During the past few weeks, the Foreign Relations Committee has received a number of inquiries concerning South Vietnam's offshore oil prospects. I would appreciate the Department providing the Committee with whatever information it may have on this matter, including answers to the following questions.

1. How does South Vietnam satisfy its current petroleum requirements? Does it import all of it? Does it produce any locally?

2. When were South Vietnam's offshore oil prospects first recognized? By whom?

3. (a) Has South Vietnam defined an offshore concession zone? If so, where?

(b) Please provide a detailed map showing the entire zone.

(c) How many square miles does the entire zone cover?

(d) What is the greatest depth within this zone?

(e) How many miles is the most distant point from shore?

4. (a) Is South Vietnam a party to the 1958 Geneva Convention on the Continental Shelf?

(b) Has it adopted legislation on this subject? If so, does it comply with the 1958 convention?

5. Does South Vietnam's offshore concession zone conflict with similar zones established by neighboring countries? Have any of these countries contested the boundaries of South Vietnam's concession zone? If so, when?

6. (a) Has the South Vietnamese Government granted offshore concessions? If so, please indicate the date, number, type (exploratory or production) and the companies involved. Have concessions been announced for the future? If so, when?

(b) What are the terms of these concessions and how do they compare with those awarded by the U.S. Department of Interior?

(c) How much has the South Vietnamese Government earned from its offshore oil concessions? Are there any estimates as to how much South Vietnam may earn from future concessions?

7. What are the estimates for South Vietnam's offshore oil potential? What are the high and low estimates? How do these compare with current consumption in South Vietnam? How do these compare with known world reserves?

8. (a) Has the United States Government provided South Vietnam with any type of technical assistance related either to defining the offshore concession zone or to determining through geological and seismic surveys prospective oil deposits in it? If so, what were the total costs involved?

(b) Have any Geological Survey personnel performed surveys of offshore South Vietnam? If so, when was this work done, for what purpose, and at what cost?

(c) Has the Navy performed any surveys of offshore South Vietnam? If so, where was this work done, for what purpose, and at what cost?

(d) Are any of the above being performed now?

(e) If the United States Government has been involved either directly or indirectly in helping South Vietnam determine its offshore oil prospects, what happened to the information collected? Was it turned over to the South Vietnamese? Was any of it made available to private firms?

I hope this information can be provided on an unclassified basis.

Sincerely yours,

J. W. Fulbright,
Chairman.

[From the Wall Street Journal, Sept. 22, 1970]

World's Major Oil Firms Jam Singapore As Drilling Fever Spreads in Southeast Asia

(By William D. Hartley)

Singapore.—The motley collection of freighters, tankers and passenger ships that have used this port of call for decades are finding themselves being pushed aside these days by a strange-looking "fleet" new to Southeast Asian waters.

"There's one of the new drilling rigs," points out an enthusiastic local businessman as he looks over busy Collyer Quay into the congested harbor. And there are some workboats and pipe-laying barges." On the street, newly arrived roustabouts, roughnecks and tool pushers mingle with crowds of souvenir hawkers as they wait to join the rigs. In the hotels and office buildings of this island city-state, the distinctive twang of a Southwestern U.S. accent is heard more and more.

Southeast Asia is gripped in the excitement of oil fever and just about every international company with position in the petroleum business has rushed to Singapore, which most use as headquarters, to get in on the action. The tempo is increasing. Preliminary seismic work is mostly finished and exploration drilling rigs are moving in.

Working in the waters around this area are such giants as Standard Oil Co. (New Jersey), Mobil Oil Corp., Gulf Oil Corp., Royal Dutch-Shell Group, British Petroleum Co., and such government-controlled ventures as the Italian AGIP S.p.A., Japan Petroleum Development Corp. and the French Enterprise de Recherches et d'Activités Petrolières. Drillers and service companies here include Reading & Bates Offshore Drilling Co., Dresser Industries Inc., Hughes Tool Co. and Santa Fe International Corp. The count changes daily, but in midsummer there were about 150 oil-related concerns in Singapore, all fighting for office space and houses. A few others base in nearby nations.

POTENTIAL BOOM

So far, results from all this activity are skimpy, but as one observer remarks, "You don't see any discouraged-looking people at the Petroleum Club bar." Laughs one American oil man: "We have a boom condition, without a boom. But it surely is a potential boom."

Most interest is centered in Southeast Asia's shallow waters. About 15 exploration rigs are working offshore—at something like $25,000 a day for each—in such places as the Java Sea, South China Sea and Strait of Malacca. That is double the number of rigs of a year ago. By the end of this year, Singapore officials estimate, there will be about 25 rigs drilling.

Other rigs are working on land in the Indonesian islands of Sumatra and Java, and there is some long-standing production in Sumatra, Java and Borneo.

Hopes remain high and oil men expect to stay here many years. They promised a minimum exploration investment of $262 million to win Indonesian drilling blocks, but they expect to spend many times that before they are finished. One oil executive notes that in many areas of the world where he has drilled "before we got a nickel out we were in the soup in the neighborhood of a couple of hundred million dollars." Chase Manhattan Bank estimates that $6 million will be spent in the Asian area on exploration and production between now and 1980, if oil is found.

The oil men are working in one of the biggest areas they yet have tackled. It is probably the largest contiguous continental shelf in the world, and one of the last major ones to be explored. Geologists say the area is "young"; that is, the sediment in which oil is formed flowed out from Asia's rivers after the basic rock crust was created. Anywhere from 600,000 to 900,000 square miles of shelf—geologists still are a bit unsure of the extent—are open for exploration. In the biggest area, the South China Sea from South Vietnam across to Borneo, the waters aren't deeper than 600 feet.

INTRIGUING AREA

The area intriguing the companies swings thousands of miles in a huge arc from the waters of the Bay of Bengal off Burma, through the Malay Peninsula to the Gulf of Siam and into the South China Sea. It extends off Borneo and into the Makassar Strait that divides that island from the Celebes. South, it runs through the Malacca Strait between Sumatra and the Malay Peninsula to the Java Sea, the Flores Sea, the Banda Sea and into the Coral Sea between New Guinea and Australia.

Nobody has even the foggiest idea of how much oil, if any, is there. One enthusiast says, "The potential is as large if not larger than the Middle East." But another shrugs, "Well, it isn't going to be any Kuwait."

Petroleum executives become tight-lipped on possible reserves and they scoff at any figures presented. Oil is found only by drilling and drilling is just getting under way, they contend.

Offshore explorations seem the most promising About 16% of the world's oil production comes at present from offshore operations, but this, by one estimate, will rise to 33% by 1980.

As a world oil supplier, Asia still ranks as a featherweight. Its total reserves in onshore and offshore deposits (excluding the area generally included in the Mideast) are currently put at only 13 billion barrels, less than a 10th of the known reserves in Saudi Arabia and a scant 2.4% of the world's known oils.

FOUR REPORTED STRIKES

To date, there have been, only four reported offshore strikes. A group headed by Atlantic Richfield Co. has brought in eight discovery wells in the Java Sea and it will start Indonesia's first offshore outpost next year.

Royal Dutch-Shell has discovered a new deposit north of its long-standing production fields off the coast of Brunei, a tiny British protectorate on the west coast of Borneo. That Shell discovery, in turn, has spurred a flurry of excitement in the Philippines, so far out of the picture, because the geology of the area may be an extension of one of the Philippine islands.

Union Oil Co. also has hit in the Indonesian area. It recently disclosed new tests that indicate it may have come up with a major find off the east coast of Borneo.

A group headed by Natemas Co. has a discovery off Sumatra.

"I don't doubt that there is going to be oil out here," remarks the local vice president of one of major U.S. oil concerns. "The real questions are: How much? and Is it commercial?" If the oil is found in waters several hundred feet deep, drillers say, it may not be worth while to pump it up.

Another problem is that even if reserves are large, they might be spread thinly over wide areas, says J. K. Blake, a consulting geologist, making volume production difficult. Areas like Kuwait, he notes, have high production and thus lower costs because the petroleum is concentrated in large deposits.

The search is frustrating and often dangerous. Drilling rigs continually are hitting gas pockets, and one Jersey Standard rig was damaged off Malaysia early this year when one such pocket exploded. "We have found hydrocarbons in every hole," sighs the local head of a major American driller. "It is just a matter of locating the reservoirs."

BUZZING WITH RUMORS

Singapore constantly buzzes with rumors that this driller or that oil company has hit "a big one." One persistent rumor is that Jersey Standard has struck oil in its 28,000-square-mile concession off the east coast of Malaysia. Jersey Standard won't talk about it and other oil executives speculate that one reason, if the report is true, is that the company's block abuts the last area of the South China Sea still not handed out as concessions.

The area is South Vietnam's continental waters. The Vietnamese have divided the area into 18 blocks, which are expected to be parceled out soon, probably mostly to Americans. News of a nearby strike, the argument goes, might boost the terms.

Further, oil companies remain quiet to maintain a bargaining advantage. The block sizes are so immense—just one of Gulf's many blocks here is about the size of the state of Oklahoma—that they could tax the resources of even a Jersey Standard or Mobil to fully explore. Partners may be needed, executives say, and the less they know about what has been found so far, the better. Information could be a valuable trading point in exchange for participation.

Southeast Asia holds many advantages for oil companies. Most important, they say, is that the oil here is of low sulphur content. This is of great value in reducing air pollution. Middle Eastern oil has as much as 4% to 5% sulphur, says an oil man in Japan, where pollution from such oil is severe. When it is burned, it clogs the air with sulphur compounds.

Indonesian offshore production so far has "almost no sulphur content," notes a geologist, and the new offshore finds are also low in their sulphur count.

The Asian oil, too, is close to Japan, one of the world's fastest growing oil markets. Currently, Japan imports about 90% of its crude oil supplies and nearly all of this comes from the Middle East. Japanese oil users long have expressed concern about such concentration, particularly because of continuing troubles in the Mideast.

Oil consumption also is bound to rise sharply throughout the entire Asian region in coming years. The Chase Manhattan study of world energy growth expects Asian consumption to gain to slightly above five billion barrels a year by 1980 from a bit over two billion barrels last year.

It has been known for centuries that Southeast Asia harbors oil. Early explorers used crude seeping from the ground to caulk their wooden ships. In the Eighth Century, Indonesians used "fire balls" of crude petroleum in warfare. The Dutch, the colonial power in Indonesia, began developing production in the 19th Century.

Last year, Indonesia produced at the rate of 716,000 barrels a day and it expects to get to about one million barrels daily by the end of this year. It exports three-fourths of its output.

Production comes from onshore fields. They are run by a joint venture of Standard Oil Co. of California and Texaco Inc., or Caltex, and an old venture of Jersey Standard and Mobil named Standard Vacuum Co., which has been in Sumatra since 1912. There also is small production by a Japanese firm, North Sumatra Oil Development Corp. The Indonesians in a burst of anticolonialist sentiment in 1965 bought Royal Dutch Shell's facilities, but late last year Royal Dutch Shell returned when the government agreed to let it explore a large area in Borneo.

UNIQUE CONTRACTS

Indonesia has negotiated a set of unique contracts with the oil companies. Instead of giving them concessions—a term some oil men even refuse to use, so loaded with an aura of "exploitation" do the Indonesians consider it—the country and companies have "production-sharing contracts."

When oil eventually is produced, the oil companies may retain up to 40% of output to cover costs; the remainder is divided 65% to Pertamina, the Indonesian state-owned oil concern, and 35% to the producer, explains Robert Petty, a vice president of Gulf Oil. Royalties aren't paid and Pertamina takes the foreign concern's taxes out of its share.

One result of this will be to make the government-owned company a major oil exporter in coming years. And oil men generally like the clear-cut terms, as compared with the complicated royalty and tax agreements negotiated in Arab countries. "It sure obviates a lot of problems," says one financial man here.

[From the Vietnam Economic Report, January 1971]

GREEN LIGHT FOR OIL MEN

(By Our Economic Correspondent)

The face of South East Asia may change beyond recognition within this decade and the Viet Nam war may take a dramatic turn, if the South Vietnamese oil dream comes true. Somewhere in the continental shelf off the South Vietnamese shore lies hidden one of the most spectacular petroleum deposits in the world.

This at least has become common belief among Vietnamese geologists, mining experts, and government authorities. Expectations already running high have been strengthened by the intense interest of well-known international oil concerns. According to authoritative official sources, about fifteen foreign firms have to date approached the South Vietnamese Government to apply for reconnaissance permit. Reportedly one major company highly experienced in offshore exploration has even offered the Vietnamese unusually advantageous conditions such as bearing all the cost of immediate training of South Vietnamese technicians regardless of whether oil will ultimately be found or not.

As early as in June 1969, a petroleum bill was introduced by the Government of the Republic of Vietnam to the National Assembly, and despite their preoccupation with other political and economic matters of vital interest to the nation, both Houses have been since then working intensely on the bill. Their many sessions of studies, hearings and debates culminated last November in an amended final version which allows President Nguyen Van Thieu to promulgate on December 1, 1970 the (Law No. 011/70 on the Exploration and Exploitation of Petroleum and related conditions concerning taxes, dues, and exchange.)

The Law, also known officially as (011/70 Law on Petroleum), has 66 articles divided into six chapters to cover all phases of petroleum operations from preliminary reconnaissance to export and refining. Following is a summary of the chapters and their provisions:

CHAPTER I: General Provisions (Article 1 to Article 8);

CHAPTER II: Preliminary Reconnaissance Permit and Exploration Concession (Article 9 to Article 14);

CHAPTER III: Exploitation Concession (Article 15 to Article 22);

CHAPTER IV: Provisions concerning dues, taxes, and exchange (Article 23 to Article 38).

POLICY AND PROCEDURES

PETROLEUM LAW PROMULGATED

Law No. 011/70 on the Exploration and Exploitation of Petroleum and Conditions Related to Taxes, Fees and Foreign Exchange, was promulgated by President Nguyen Van Thieu on December 1, 1970.

The Petroleum Bill introduced by the Executive to the National Assembly in June last year was passed by both the Lower House and the Senate last month with some significant amendments.

Subject Law also known officially as the 011/70 Petroleum Law, deals primarily with offshore exploration and exploitation in the continental shelf off South Vietnam. Continental shelf is defined by the Law as the submarine plain not beyond 200 meters deep or at depth (beyond 200 meters) that can be explored for natural resources with technical means.

Already a great deal of interest has been recorded among international oil firms. Top government sources disclosed recently that about fifteen foreign companies had tentatively applied for Vietnamese petroleum rights. According to one Senator who has been very active in promoting the Petroleum Law, a British firm has conducted a preliminary survey around the Con Son Island and its findings indicate sizeable petroleum deposits in that area.

With the obvious objective of attracting foreign capital, the 011/70 Petroleum Law provides foreign investors with liberal conditions with respect to the repatriation of profit and capital, foreign exchange convertibility and the export of crude oil.

In terms of fiscal obligations and royalty to be paid by the concessionaire the Vietnamese Petroleum Law appears to be as competitive as that of any other country in the region.

INVESTMENT BILL INTRODUCED

On December 2, 1970 President Nguyen Van Thieu introduced the Investment Bill to the National Assembly. This Bill if passed is to supersede the currently in force Decree Law No. 2/63 on Investment in Vietnam promulgated in February 1963.

The newly-introduced Bill is oriented towards two main objectives:

a. To lay the necessary ground work for an immediate economic development drive as soon as the hostiliites end;

b. To induce foreign entrepreneurs to invest in Vietnam.

The existing Decree Law No. 2/63 is considered by some as not attractive enough to compete for foreign capital with other capital-scarce countries in the region. In addition to liberal clauses allowing unlimited repatriation of profit and capital, the new Bill also provides for unqualified guaranty against nationalization which is a matter of primary concern for foreign investors.

Preliminary discussions of the Bill's draft version have been going on for more than a year among business circles, government agencies and members of the Legislative. It is therefore expected that the Bill would be passed by the National Assembly in the not too distant future.

(NOTE.—An analytical assessment of the newly introduced investment bill will be given in the coming issue of *Vietnam Economic Report.*)

IMPORT UNDER FRENCH CREDIT PROGRAM

By Communique No. 281 dated December 9, 1970 the Military Economy has decided that as a matter of principle no machinery and equipment which are currently eligible for U.S. aid financing may be approved for import under the French Assurance Credit Program. The reason is that foreign exchange available under this program is actually a loan from the French Government at an interest of 6.7 percent per year which must be refunded with government-owned foreign exchange. Furthermore, the government wants to fully take advantage of U.S. aid foreign exchange which is being generously released to finance import.

The following machinery and equipment however shall be authorized for import under the French loan system:

1. Machinery and equipment for industrial projects approved by the Ministry of Economy;

2. Spare parts for repair or assembly of farming tractors and other equipment of French origin presently in operation, in this case the end-user must furnish the following detailed information;

Date machinery and equipment were imported and date operations started (copy of original import license must be attached to application);

List of spare parts projected for import when original application for import concerning machinery and equipment was submitted;

The last time spare parts were imported (list of such spare parts):

If possible, names of suppliers of spare parts.

3. Spare parts or equipment of French standards which cannot be replaced by those of American standards if the value applied for does not exceed US $5,000;

4. Components for the assembly of Citroën and Renault automobiles;

5. Certain commodities required by the Vietnam Power Company (to be examined on a case-by-case basis).

EXEMPTION FROM ADVANCE DEPOSIT

By a decision of the Ministry of Economy dated November 23, 1970 advance deposit on import license applications shall be exempted on a temporary basis for the following cases:

1. Import of raw materials by industrial firms for their own use (not for commercial resale) with government-owned foreign exchange, inclusive of raw materials for pharmaceutical products.

2. Import of commodities for commercial resale or industrial use from U.S. supplies with government owned foreign exchange.

The above exemption took effect as of November 23, 1970. License applications submitted before that date are subject to advance deposit payment as usual.

Mr. MANSFIELD. Mr. President, once again the distinguished Senator from Vermont, the ranking member of the Committee on Foreign Relations, has raised a question before the Senate which I think is worthy of the most serious consideration.

I, too, have been receiving a number of communications from my State relative to the allegations being raised. I have received an answer from the Department of State along the lines the distinguished Senator has mentioned.

It is my understanding that there has been a certain amount of serious discussion in various oil journals, with certain American companies being named as interested in exploring off the western area of Southeast Asia, in the vicinity of the Gulf of Siam, and extending not only offshore but downshore and south as well toward the area of Indonesia where we know there are many offshore deposits that are under lease by the Indonesian Government to American and other oil companies. I would suggest, therefore, that this matter could be cleared up, so that when we write to our constituents we could give them the full true story, whatever it may be.

Mr. President, I yield to the distinguished Senator from Vermont.

Mr. AIKEN. Mr. President, that is the reason that I had the material printed in the RECORD, to show that instead of writing long letters to our constituents, we could Xerox the pages of the RECORD and send them to our constituents in that way.

Apparently South Vietnam is contemplating selling the concessions to American concerns primarily, whereas I understand that Cambodia has granted the total concession for their coast to a French company.

Of course, the whole thing is not entirely clear. We do know that there is great promise over there. It is anticipated that the oil which can be found on the Indochina coast would be of a much higher quality and contain much less sulfur than that which is found in many of the other oil-producing areas of the world.

Mr. MANSFIELD. Mr. President, I hope that the whole story is laid bare so that when our constituents write us they can be given the full story in reply.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of Public Law 90–264, the Speaker had appointed Mr. GRAY, Mr. BLATNIK, Mr. HOWARD, Mr. MCEWEN, Mr. SCHWENGEL, and Mr. ZION as members of the National Visitor Facilities Advisory Commission, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of Public Law 90–321, as amended, the Speaker had appointed Mrs. SULLIVAN, Mr. GONZALEZ, and Mr. WILLIAMS as members of the National Commission on Consumer Finance, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of Public Law 372, 84th Congress, the Speaker had appointed Mr. THOMPSON of New Jersey, Mr. MURPHY of New York, Mr. GUDE, and Mr. FISH as members of the Franklin Delano Roosevelt Memorial Commission, on the part of the House.

The message announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 4246. An act to extend until March 31, 1973, certain provisions of law relating to interest rates, mortgage credit controls, and cost-of-living stabilization; and

H.R. 5432. An act to provide an extension of the interest equalization tax, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles, and referred, as indicated:

H.R. 4246. An act to extend until March 31, 1973, certain provisions of law relating to interest rates, mortgage credit controls, and cost-of-living stabilization; to the Committee on Banking, Housing and Urban Affairs.

H.R. 5432. An act to provide an extension of the interest equalization tax, and for other purposes; to the Committee on Finance.

CONCERN OVER U.S. NEGOTIATIONS WITH ROLLS-ROYCE AND THE UNITED KINGDOM

Mr. TAFT. Mr. President, I spoke on February 10 on the subject of the sad financial condition of Rolls-Royce and the impact which its bankruptcy might have on Lockheed. At the time, I reminded my colleagues that the controversy over the contract between Lockheed and Rolls-Royce had been the subject of a great deal of controversy at the time it was announced, because there had been an indication that the U.S. Government might "look with favor" on this arrangement for the purchase of engines from a foreign manufacturer. There was a number of people at that time who were skeptical that Rolls-Royce might be overcommitting themselves in undertaking this very large program. The foresight which these people had has certainly been borne out by the facts.

I want to again reiterate the concern that I have that there must be no behind-the-scenes, unannounced actions by the U.S. Government with respect to Rolls-Royce and the United Kingdom. There must be the fullest public disclosure and public discusion of any direct or indirect assistance.

Mr. BUCKLEY. Mr. President, since Rolls-Royce announced its bankruptcy, which they have attributed to problems they encountered in developing the RB–211 engine for the Lockheed L–1011 airbus, there has been considerable comment in the press about the impact this will have on the United Kingdom, and equally important, its impact on Lockheed Aircraft Co.

The precipitous announcement by Rolls-Royce has focused even more attention on the previously publicized problems Lockheed has had on some of its large defense programs and on its problems of financing its commercial L–1011 program.

The British press, as well as some comments in U.S. newspapers, has indicated that the British Government and the U.S. Government will have to provide a source of funds if Rolls-Royce is to continue its development and ultimate production of the RB–211 engines for the L–1011. In addition, it seems clear that if the Rolls-Royce engine program is to be continued, irrespective of the method of financing, Lockheed and its L–1011 airline customers will have to renegotiate substantial increases in the cost of the aircraft; Lockheed and the airlines will have to forgo previously agreed upon penalties for delays in meeting delivery schedules, which are estimated to range between 6 months to a year; and quite possibly, Lockheed and the airlines will have to accept, without penalty, some lowering of performance of the aircraft/engine combination.

The gist of some of the newsstories and commentary which I have read imply that the only way to salvage Lockheed is to insure that the Rolls-Royce RB–211 program continues, through funds provided by the British Government, or possibly through some arrangement involving the U.S. Government.

This is not the sole alternative to the Lockheed dilemma. U.S. manufactured engines, such as those currently being used on the McDonnell Douglas DC–10 Trijet, which is a direct competitor to the Lockheed L–1011, and possibly engines currently used on the Boeing 747, can be substituted on the Lockheed airbus. In fact, the news services reported over the weekend that the President of Lockheed announced he was considering proposals made by two U.S. engine manufacturers.

While there would be additional costs and time delay in making the necessary modifications to the L–1011 so that it can utilize these U.S.-built engines, the cost and delay from this course of action may be no more extensive than would result from the continuation of the Rolls-Royce RB–211 program, and may be a more desirable alternative than any actions which might be taken to save this segment of Rolls-Royce. In fact, considering the technical risks which are apparently still prevalent in the RB–211 program, the use of U.S.-built engines for the L–1011 might be more advantageous, in the long run; and it would avoid a subsidy (which is unwarranted in any event) by the U.S. Government of a foreign firm.

Mr. MONTOYA. Mr. President, I should like to associate myself with the remarks of the distinguished junior Senator from Ohio.

Ever since the failure of the Rolls-Royce Co., and the halt in their development of the RB–211 engine for the Lockheed L–1011 airbus, we have heard a variety of proposals directed toward salvaging the L–1011 project. These proposals incorporate the dangers and threats to the Lockheed Aircraft Co. Generally these proposals include some kind of injection of new financial support or revised credit arrangements for Rolls-Royce in order to facilitate completion of the project. It has indeed been suggested that the only alternatives which are workable must include the production of a source of funds either from the British Government or from the Government of the United States.

There are a number of obvious reasons why the United States should avoid involvement in the salvation of Rolls-Royce for the purpose of completing the RB–211 engine. It is clear that even with additional sources of support it will be necessary for Lockheed to renegotiate sizable increases in the cost of the aircraft. Lockheed's airline customers and Lockheed itself will have to forgo delay penalties in meeting delivery schedules. These delays will amount to a minimum of 6 months and could stretch as long as a year or more. Lockheed and the airlines will have to accept, without penalty, obvious lowering of the performance of the aircraft-engine combination. Given these negative factors, it is clear we should seek an alternative other than the one provided by Rolls-Royce.

Mr. President, I submit that there are indeed engines produced by American manufacturers which could very well be substituted for the RB–211. For example, the engine utilized by the Douglas DC–10 trijet is a sound alternative. The engine which is currently performing for the Boeing 747 is a second alternative. Adaptation of either of these would, of course, be time consuming and costly. We already know, however, that considerable extensions of cost and time will also be necessary with the continuation of RB–211. It seems quite reasonable, therefore, to consider adaptation of American engines. In this way we minimize technical risks which could remain in the RB–211 program.

Mr. President, I would like to review very briefly the record of the Rolls-Royce Co.'s ability to meet its portion of Lockheed's critical project. The original contractual price for each Rolls engine was $840,000. That soon rose to $1,104,000. The original launching cost—received by Rolls-Royce from the British Government—was $156,000,000. That cost doubled, and by the time the company was forced into receivership it was still $200,000,000 short.

The company was also unable to meet its time deadlines for production line engines. These were promised for this fall. Not one of those produced met contractual specifications. This failure required an extension of from 6 to 12 months.

There is no reason to believe at this point, based on this kind of past record, that the Rolls-Royce Co.'s program would ever be any more successful at meeting the needs of Lockheed on time and within reasonable cost estimates.

The needs and the problems of the Lockheed L–1011 airbus project are at this point well known, as is the general financial situation of the company. It is very clear that the Rolls-Royce debacle has irrevocably worsened Lockheed's position. It seems inconceivable to me that the proper solution should be continuation of the Rolls-Royce involvement.

Mr. BROOKE. Mr. President, the subject raised by the distinguished and able junior Senator from Ohio has been of deep concern to me, both as a U.S. Senator and as a representative of the Commonwealth of Massachusetts.

Mr. President, Massachusetts is currently struggling with an unemployment rate considerably in excess of the national average. Certain areas in my State have been particularly affected by the present economic slowdown and by economic dislocations brought about by our shift away from a defense and space-oriented economy. New Bedford, Newburyport, Gloucester, North Adams, Ware, Milford, Lowell, and Plymouth, Mass.; all these communities and others are burdened by an unemployment rate in excess of 12 percent. It is difficult for me to believe that our Government would contemplate assisting foreign manufacture of airplane engines that we are capable of producing domestically.

We are, of course, sympathetic to the problem facing the Rolls-Royce Co., and it is an understandable business judgment for the Lockheed Co. to negotiate with Rolls-Royce in an attempt to press forward with the manufacture and delivery of the L–1011 airbus. But, in view of the rapidity with which air frame manufacturers and other defense-oriented companies turn to the Federal Government for assistance when in financial straits, it is difficult to understand, at a time of high domestic unemployment, the reluctance of the Lockheed Co. to use a domestic manufacturer, when a foreign engine producer is apparently unable to complete its contract. Since defense producers assert that it is in the national interest for the administration to guarantee their continuing viability, why is it not of equal importance for them to increase our employment and improve the national economy by purchasing important components domestically?

I would hope that the president of Lockheed will pursue his announcement that he has been considering proposals made by two U.S. engine manufacturers. Responsible action now on the part of American business would bolster its own argument that there is an equal obligation on the part of Government to support defense manufacturers in times of great economic stress.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPANSION OF VOTING PRIVILEGES FOR 18-YEAR-OLDS

Mr. CHILES. Mr. President, as a newcomer to this distinguished body, the U.S. Senate, I feel compelled to express how deeply impressed I am with the manner in which the expansion of 18-year-old voting has been handled.

With dual elections, accompanied by heavy, unnecessary extra costs facing our States, the Senate moved expeditiously, getting Joint Resolution 7 through committee and onto the floor for decisive action. I am certainly proud to have been one of 86 Senators joining to cosponsor this important legislation, and I believe that this action provides a very convincing argument that the Senate can and does move decisively when the circumstances dictate.

As a supporter of voting by 18-year-olds in the Florida Legislature prior to joining the U.S. Senate, I am very pleased. I am convinced that the quality of education our 18-, 19-, and 20-year-olds are receiving and the degree of maturity that they are showing in coping with the problems of this modern time will make them an important part of the electorate. Further, I believe that if we are to maintain our democratic form of government, it is imperative that we do all in our power to involve these young adults rather than keep them on the outside looking in. Like all Senators, I, too, have received a great deal of correspondence expressing concern about the dangers of giving the vote to radical youth. My information indicates, however, that that element is an extremely small percentage and should not dictate our shortchanging of responsible young people.

I strongly commend the Senate leadership, the leadership of the Judiciary Committee and, of course, the dedication and leadership of the distinguished Senator from West Virginia (Mr. RANDOLPH). And I congratulate all those Senators who participated in this far-reaching decision.

EXTENSION OF RIGHT TO VOTE

Mr. MOSS. Mr. President, I commend the Senator from West Virginia (Mr. RANDOLPH) for his great leadership in bringing up the constitutional amendment which was passed unanimously in this body yesterday.

I have constantly supported the extension of the right to vote to all of those persons who are 18 years of age and over. I voted to extend the vote in the last session when it was granted by legislative act. I believe the extension of the right to vote to 18-year-olds should be respected in the State elections as well as in Federal elections and, therefore, I was pleased to support the constitutional amendment. I hope the State legislatures will address themselves to this problem swiftly so that by the general election of 1972 we may have our 18-year-olds voting not only at the Federal level but also at the State level.

Mr. President, I think it is apparent to anyone who has had any contact with young people at this time that they are mature and well informed, desirous of participating in the political processes of this country, they are competent, and they have far more maturity and information than many previous generations.

If 21 was an appropriate age to vote when this Republic was founded, then certainly 18 is equally appropriate at this time of universal communication, universal education, travel, and all the advantages our young people have today. I think we will find they will exercise the franchise with discretion and thoughtfulness and bring a new infusion of thinking to the electorate, and it will be a welcome addition in this country.

Our whole focus should be to continually broaden the franchise and involve people and not to be restrictive. Certainly, one of the things we can do is to bring into the process those persons who are 18 years of age and older.

Therefore, I am most pleased this body acted expeditiously and I express the hope that the States will act with rapidity when the matter reaches them.

QUORUM

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, under the regulations, any committee may have as many as four members of the committee staff on the floor at any one time during deliberations on a measure.

I am informed by the able Senator from New Mexico (Mr. MONTOYA) that it is the wish of the committee that there be eight members of the Committee on Public Works on the floor today during the consideration of the extension of the Appalachian Regional Development Act.

Therefore, I ask unanimous consent that four additional committee staff members be permitted the privilege of the floor today. The names of the eight members of the committee are: Richard Royce, Barry Meyer, John Yago, Philip Cummings, Bailey Guard, Judy Perente, Richard Herod, and Pauline Medlin.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during any rollcall votes today on the unfinished business the able Senator from New Mexico (Mr. MONTOYA) may be permitted to have an assistant from his office, Mr. Karl Braithwaite, on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the morning business is closed today, the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUSPENSION OF PASTORE RULE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Pastore rule not start operating today until the unfinished business is laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

PRINTING OF MILITARY SERVICE NEWSPAPERS IN SOUTHEAST ASIA INSTEAD OF AIRLIFT FROM JAPAN—REPORT BY COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting a report on the opportunity for substanial savings by the Department of Defense by printing military service newspapers in Southeast Asia instead of airlift from Japan (with an accompanying report); to the Committee on Government Operations.

REPORT BY THE COMPTROLLER GENERAL OF THE UNITED STATE CONCERNING UNAUTHORIZED RETENTION BY NATIONAL BUREAU OF STANDARDS OF MONEY ACCUMULATED TO EARNED LEAVE OF TRANSFERRED EMPLOYEES

A letter from the Comptroller General of the United States relating to unauthorized retention, in the working capital fund, by the National Bureau of Standards, Department of Commerce, of money accumulated for earned leave of transferred employees (with an accompanying report); to the Committee on Government Operations.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Con. Res. 9. Concurrent resolution authorizing the printing of additional copies of Senate hearings entitled "Investigation Into Electronic Battlefield Program" (Rep. No. 92-30);

H. Con. Res. 97. Concurrent resolution authorizing the printing of a revised edition of the publication entitled "History of the United States House of Representatives", and for other purposes (Rept. No. 92-33);

S. Res. 61. Resolution authorizing the printing of additional copies of Senate hearings on "Federal Handling of Mass Demonstrations" (Rept. No. 92-31); and

S. Res. 67. Resolution authorizing the printing of the report entitled "The Economics of Clean Air" as a Senate document (Rept. No. 92-32).

EXECUTIVE REPORTS OF A COMMITTEE

Mr. THURMOND. Mr. President, as in executive session, from the Committee on Armed Services, I report favorably the nominations of 40 flag and general officers in the Army, Navy, and Marine Corps. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

The nominations, ordered placed on the Executive Calendar, are as follows:

Maj. Gen. William G. Thrash, U.S. Marine Corps, for commands and other duties determined by the President, for appointment to the grade of lieutenant general while so serving;

Lt. Gen. Raymond G. Davis, U.S. Marine Corps, for appointment as Assistant Commander of the Marine Corps, with the grade of general while so serving;

Maj. Gen. Wallace H. Robinson, Jr. U.S. Marine Corps, for commands and other duties determined by the President, for appointment to the grade of lieutenant general while so serving;

Gen. James Hilliard Polk, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general;

Rear Adm. Frank W. Vannoy, Rear Adm. Means Johnston, Jr., and Rear Adm. Harold E. Shear, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Rear Adm. Frank W. Vannoy, U.S. Navy, for appointment as Navy senior member of the Military Staff Committee of the United Nations;

Maj. Gen. George Marion Seignious II, Army of the United States (brigadier general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, for appointment to the grade of lieutenant general while so serving; and

Brig. Gen. James F. Faulconer, and sundry other U.S. Army Reserve officers, for promotion as Reserve Commissioned officers of the Army.

Mr. THURMOND. Mr. President, in addition, I report favorably 2,478 promotions and appointments in the Navy in the grade of commander and below, 128 appointments in the Marine Corps in the grade of second lieutenant, and 312 appointments in the Air Force in the grade of major and below.

I am especially pleased to note that there are two South Carolinians on the general officer list. Maj. Gen. George Marion Seignious II, of Orangeburg, and presently commander in Berlin, is being nominated for promotion to lieutenant general. Col. Donald A. Yongue, also of Orangeburg, and postmaster there, is being nominated for promotion to brigadier general in the Army Reserve.

It is also a pleasure to note other outstanding officers on the promotion list. Brig. Gen. Stephen S. Ferebee, of Charlotte, N.C., is being nominated for promotion to major general. Rear Adm. Means Johnston, Jr., of Mississippi and Chief of the Navy's Legislative Liaison, is being nominated for promotion to vice admiral. I am glad to see that officers of their high caliber being suitably recognized.

I extend my congratulations and commendation of these fine Americans who have distinguished records in our Armed Forces. I am proud to play a personal part in the nomination of all these leaders for promotion.

Mr. President, since these names have already been printed in the Congressional Record, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

John S. Ingari and sundry other officers, for appointment in the Regular Air Force;

Robert R. Abbe and sundry other officers, for promotion in the U.S. Navy.

James R. Allen and sundry other Naval Reserve Officers Training Corps candidates, for promotion in the Navy;

Robin L. Adams and sundry other naval enlisted scientific education program candidates, for promotion in the Navy;

James E. Adrian and sundry other officers, for promotion in the Navy;

Rafael Candelario and Terrence L. Moore, staff noncommissioned officers, for temporary appointment in the Marine Corps; and

R. G. Anderson, and sundry other U.S. Naval Academy graduates, for permanent appointment in the Marine Corps.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. TALMADGE:

S. 1185. A bill for the relief of Virgilio Valdecanas and Erlinda L. Valdecanas. Referred to the Committee on the Judiciary.

S. 1186. A bill to provide increases in social security benefits. Referred to the Committee on Finance.

By Mr. MATHIAS:

S. 1187. A bill for the relief of Fermina L. Marinas. Referred to the Committee on the Judiciary.

By Mr. CHURCH:

S. 1188. A bill to amend section 620 of the Foreign Assistance Act of 1961 to prohibit foreign assistance from being provided to foreign countries which do not act to prevent narcotic drugs from unlawfully entering the United States. Referred to the Committee on Foreign Relations.

By Mr. BAYH:

S. 1189. A bill to extend the provisions of the Narcotic Addict Rehabilitation Act and to provide that members of the Armed Forces be discharged by reason of physical disability for civil commitment under such act when such members are suffering from drug addiction or drug dependence, and for other purposes. Referred to the Committee on Armed Services.

By Mr. CURTIS (for himself and Senator Hruska):

S. 1190. A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. McGOVERN (for himself, Mr. Mathias, Mr. Harris, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Kennedy, Mr. Muskie, Mr. Nelson, Mr. Proxmire, Mr. Ribicoff, and Mr. Williams):

S. 1191. A bill to assist workers whose jobs may be terminated by reductions in defense and space spending, to establish a system of benefits to ease the transition of such workers to civilian occupations, to minimize the hardships encountered by communities which are dependent upon defense industry and employment, to encourage cooperation between the United States and defense contractors in meeting the challenge of economic conversion and diversification brought by changing defense needs of the United States, and to facilitate the transfer of public and private resources to new national priorities. Referred to the Committee on Government Operations.

By Mr. MOSS:

S. 1192. A bill to provide for the conveyance of the Weber River project to the Weber River Water Users' Association, Ogden, Utah. Referred to the Committee on Interior and Insular Affairs.

By Mr. JAVITS (for himself, Mr. Buckley, Mr. Case, and Mr. Williams):

S. 1193. A bill to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BURDICK:

S. 1194. A bill for the relief of An Kyong Ah (Susan Ann Dickinson); and

S. 1195. A bill for the relief of the estate of C. G. Okerson. Referred to the Committee on the Judiciary.

S. 1196. A bill for the relief of Merle Jacobson. Referred to the Committee on Post Office and Civil Service.

By Mr. MONDALE (for himself, Mr. Young, Mr. Burdick, Mr. Cranston, Mr. Eagleton, Mr. Gurney, Mr. Harris, Mr. Hart, Mr. Hatfield, Mr. Hollings, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Magnuson, Mr. McGovern, Mr. Metcalf, Mr. Montoya, Mr. Nelson, Mr. Stevens, Mr. Stevenson, Mr. Thurmond, and Mr. Tunney):

S. 1197. A bill to extend availability of Federal crop insurance and to authorize the appropriation of funds for administrative expenses of the Federal crop insurance program. Referred to the Committee on Agriculture and Forestry.

By Mr. ALLOTT (for himself and Mr. Dominick):

S. 1198. A bill to authorize the Secretary of Agriculture to review as to its suitability for preservation as wilderness, the area commonly known as the "Indian Peaks Area" in the State of Colorado. Referred to the Committee on Interior and Insular Affairs.

By Mr. INOUYE (for himself, Mr. Bentsen, Mr. Cannon, Mr. Gravel, Mr. Harris, Mr. Hart, Mr. Humphrey, Mr. Magnuson, Mr. McGovern, Mr. Metcalf, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Pell, Mr. Ribicoff, Mr. Stevens, and Mr. Stevenson):

S. 1199. A bill amending Title 13 of the U.S. Code by authorizing the Secretary of Commerce through the Bureau of the Census to undertake a quadrennial enrollment of those persons to vote in elections of the President and Vice President that meet the qualifications of the various States other than residency. This act is to be known as the Universal Enrollment Act of 1970. Referred to the Committee on Post Office and Civil Service.

By Mr. BROOKE:

S. 1200. A bill for the relief of Frederick F. Slack. Referred to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 1201. A bill to extend certain laws relating to the payment of interest on time and savings deposits, the control of credit and economic stabilization, to vest in the Federal Reserve Board authority to establish variable reserve requirements based on bank assets, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. THURMOND:

S. 1202. A bill to exempt certain orphanages from the excise tax on investment income of private foundations. Referred to the Committee on Finance.

By Mr. HARRIS (for himself, Mr. Bible, Mr. Hart, Mr. Hollings, Mr. Inouye, Mr. JAVITS, Mr. MCGOVERN, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MILLER, Mr. MONTOYA, Mr. MUSKIE, Mr. PROXMIRE, Mr. RANDOLPH, Mr. STEVENS, and Mr. WILLIAMS):

S. 1203. A bill designating certain election days as legal public holidays. Referred to the Committee on the Judiciary.

By Mr. McGEE:

S. 1204. A bill to amend section 8332 of title 5, United States Code, to allow certain service to be credited for purposes of civil service retirement. Referred to the Committee on Post Office and Civil Service.

By Mr. GURNEY:

S. 1205. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Bureau of Consumer Protection in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes. Referred to the Committee on Government Operations.

By Mr EASTLAND (for himself and Mr. HRUSKA):

S. 1206. A bill to amend subsection (d) of section 2 of the War Claims Act of 1948, as amended, relating to the terms of office of the members of the Foreign Claims Settlement Commission of the United States. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself and Mr. TOWER):

S. 1207. A bill to authorize insurance in connection with loans for the preservation of residential historic properties. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. TOWER (for himself and Mr. BENTSEN):

S. 1208. A bill to authorize the coinage of 50-cent pieces to commemorate the life of the Honorable Sam Rayburn and to assist in the support of the Sam Rayburn Library. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HANSEN:

S. 1209. A bill to amend the act of October 17, 1968 (82 Stat. 1146), relating to the control of noxious plants on Federal lands. Referred to the Committee on Agriculture and Forestry.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 1210. A bill to regulate and foster commerce among the States by providing a uniform system for the application of sales and use taxes to interstate commerce. Referred to the Committee on Finance.

By Mr. PEARSON (for himself and Mr. DOLE):

S.J. Res. 69. Joint resolution to provide for a 1974 centennial celebration observing the introduction into the United States of Hard Red Winter wheat. Referred to the Committee on the Judiciary.

By Mr. CHILES:

S.J. Res. 70. A joint resolution to terminate certain statutory authorities currently in effect as the result of the Presidential proclamation issued on December 16, 1950, declaring a state of national emergency. Referred to the Committee on Armed Services.

By Mr. TOWER:

S.J. Res. 71. A joint resolution to authorize the Secretary of the Interior and the Administrator of the Environmental Protection Agency to conduct a study of the possible reuse of waste heat for productive purposes. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TALMADGE:

S. 1186. A bill to provide increases in social security benefits. Referred to the Committee on Finance.

Mr. TALMADGE. Mr. President, put very simply, America's social security recipients have fallen on hard times. In recent years, their troubles have been compounded by rampant inflation which is draining the purchasing power from their life's savings and by skyrocketing living costs which are making it virtually impossible for them to make ends meet on their meager fixed incomes.

The U.S. Senate cannot continue to ask these aged, disabled, and dependent Americans to bite the bullet for a few more months while Congress meanders through its legislative maze.

Last year, acting to lessen the cruel plight of these people, the Senate passed by a vote of 81 to 0 the largest social insurance bill, in terms of dollars, in the history of our Republic. To say the least, it is unfortunate that Members of the other body planted their feet in concrete and refused even to meet with the Senate's conferees to resolve the differences in the House and Senate bills. Therefore, the need for immediate legislative relief is both urgent and great.

The bill which I introduce today contains four major provisions, three of which were incorporated in last year's Senate-passed bill.

First, my bill provides for an across-the-board, 10-percent increase in benefits, retroactive to January 1971.

Second, it provides for an increase from $64 under present law to $100 in the minimum primary insurance amount—the minimum monthly payment to beneficiaries when they start to receive benefits at age 65 or older.

Third, effective January 1971, my bill would increase by 10 percent the special cash payments that are made under present law to people age 72 or older who are not insured for regular cash benefits under the social security system.

Finally, under the provisions of my bill, the amount of annual exempt earnings for purposes of the so-called retirement test would be increased from the present figure of $1,680 to $2,400; and the dollar-for-dollar reduction in benefits presently imposed when earnings reach a certain amount would be eliminated.

The across-the-board, 10-percent increase and the increase in the minimum monthly payment, both of which would be retroactive to January 1971, will result in an estimated $5 billion in additional benefits going to some 25.7 million people during the first full year.

Under the provisions of my bill increasing by 10 percent the special cash payments to uninsured people age 72 or older, benefits will be raised from $46 to $50.60 for an individual and from $69 to $75.90 for couples, effective January 1971. An estimated $32 million in additional benefits would be paid out in the first full year to approximately 600,000 people.

Also, several thousand people who do not now get the special payments, because they receive benefits under another governmental pension system or because they receive welfare benefits, would qualify for payments.

My proposal makes significant changes in the present retirement test and removes several of its work disincentives which discourage social security beneficiaries from doing additional work or taking a job at higher pay. As the program now operates, a social security recipient under age 72 may earn up to $1,680 without losing any of his benefits.

However, if he earns more than $1,680 in a year, his benefits are reduced by $1 dollar for each $2 of earnings between $1,680 and $2,880, and for each $1 of earnings above $2,880. Moreover, because of taxes and work expenses, a beneficiary's spendable income—that is, his social security benefits plus his earnings after taxes—may be less if he earns slightly more than $2,880 than it would be if he earned less than $2,880.

My bill would remove these work penalizing and work disincentive aspects from the retirement test by increasing the amount of exempt earnings from $1,680 to $2,400 per year and by providing that social security benefits be reduced by only $1 for each $2 of earnings above $2,400, regardless of how much is earned.

For 1971, these retirement test changes would result in an estimated $680 million in additional benefits being paid to an estimated 1.3 million beneficiaries, hundreds of thousands of whom would not receive benefits under present law.

Mr. President, our Nation's social security recipients do not want to become public charges. But, unfortunately, many of them are turning to welfare as the only means of survival.

I submit that they do not deserve this cruel fate. Most of them are in the sunset years of what have been useful and productive lives—useful and productive to themselves, their families and their country. Those who are both able and willing to continue gainful employment should not be discouraged or penalized. Those who are unable to do so should not be forced to suffer poverty.

Therefore, the increase in benefits and the other adjustments in the social security program which I propose are, in my judgment, absolutely necessary. I would hope that my colleagues in both Houses agree, and I solicit their prompt attention and support for these measures.

Mr. President, I send the bill to the desk and ask unanimous consent that it be appropriately referred and printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1186

A bill to provide increases in social security benefits

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Social Security Amendments of 1971."

INCREASE IN OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS

SEC. 2. (a) Section 215(a) of the Social Security Act is amended by striking out the table and inserting in lieu thereof the following:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

"I		II	III		IV	V
(Primary insurance benefit under 1939 act, as modified)		(Primary insurance amount under 1967 act)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	$26.94	$90.60 or less	----------	$113	$100.00	$150.00
$26.95	27.46	91.90	$114	118	101.10	151.70
27.47	28.00	93.30	119	122	102.70	154.10
28.01	28.68	94.70	123	127	104.20	156.50
28.69	29.25	96.20	128	132	105.90	158.90
29.26	29.68	97.50	133	136	107.30	161.00
29.69	30.36	98.80	137	141	108.70	163.10
30.37	30.92	100.30	142	146	110.40	165.60
30.93	31.36	101.70	147	150	111.90	167.90
31.37	32.00	103.00	151	155	113.30	170.00
32.01	32.60	104.50	156	160	115.00	172.50
32.61	33.20	105.80	161	164	116.40	174.60
33.21	33.88	107.20	165	169	118.00	177.00
33.89	34.50	108.60	170	174	119.50	179.30
34.51	35.00	110.00	175	178	121.00	181.50
35.01	35.80	111.40	179	183	122.60	183.90
35.81	36.40	112.70	184	188	124.00	186.00
36.41	37.08	114.20	189	193	125.70	188.60
37.09	37.60	115.60	194	197	127.20	190.80
37.61	38.20	116.90	198	202	128.60	192.90
38.21	39.12	118.40	203	207	130.30	195.50
39.13	39.68	119.80	208	211	131.80	197.70
39.69	40.33	121.00	212	216	133.10	199.70
40.34	41.12	122.50	217	221	134.80	202.20
41.13	41.76	123.90	222	225	136.30	204.50
41.77	42.44	125.30	226	230	137.90	206.90
42.45	43.20	126.70	231	235	139.40	209.10
43.21	43.76	128.20	236	239	141.10	211.70
43.77	44.44	129.50	240	244	142.50	214.80
44.45	44.88	130.80	245	249	143.90	219.20
44.89	45.60	132.30	250	255	145.60	222.70
		133.70	254	258	147.10	227.10
		134.90	259	263	148.40	231.50
		136.40	264	267	150.10	235.00
		137.80	268	272	151.60	239.40
		139.20	273	277	153.20	243.80
		140.60	278	281	154.70	247.30
		142.00	282	286	156.20	251.70
		143.50	287	291	157.90	256.10
		144.70	292	295	159.20	259.60
		146.20	296	300	160.90	264.00
		147.60	301	305	162.40	268.40
		148.90	306	309	163.80	272.00
		150.40	310	314	165.50	276.40
		151.70	315	319	166.90	280.80
		153.00	320	323	168.30	284.30
		154.50	324	328	170.00	287.70
		155.90	329	333	171.50	293.10
		157.40	334	337	173.20	296.60
		158.60	338	342	174.50	301.00
		160.00	343	347	176.00	305.40
		161.50	348	351	177.70	308.90
		162.80	352	356	179.10	313.30
		164.30	357	361	180.80	317.70
		165.60	362	365	182.20	321.20
		166.90	366	370	183.60	325.60
		168.40	371	375	185.30	330.00
		169.80	376	379	186.80	333.60
		171.30	380	384	188.50	338.00
		172.50	385	389	189.80	342.40
		173.90	390	393	191.30	345.90
		175.40	394	398	193.00	350.30
		176.70	399	403	194.40	354.70
		178.20	404	407	196.10	358.20
		179.40	408	412	197.40	362.60
		180.70	413	417	198.80	367.00
		182.00	418	421	200.20	370.50
		183.40	422	426	201.80	374.90
		184.60	427	431	203.10	379.30
		185.90	432	436	204.50	383.70
		187.30	437	440	206.10	385.50
		$188.50	$441	$445	$207.40	$387.70
		189.80	446	450	208.80	389.90
		191.20	451	454	210.40	391.60
		192.40	455	459	211.70	393.80
		193.70	460	464	213.10	396.00
		195.00	465	468	214.50	397.80
		196.40	469	473	216.10	400.00
		197.60	474	478	217.40	402.20
		198.90	479	482	218.80	404.00
		200.30	483	487	220.40	406.20
		201.50	488	492	221.70	408.40
		202.80	493	496	223.10	410.10
		204.20	497	501	224.70	412.30
		205.40	502	506	226.00	414.50
		206.70	507	510	227.40	416.30
		208.00	511	515	228.80	418.50
		209.30	516	520	230.30	420.70
		210.60	521	524	231.70	422.40
		211.90	525	529	233.10	424.60
		213.30	530	534	234.70	426.80
		214.50	535	538	236.00	428.60
		215.80	539	543	237.40	430.80
		217.20	544	548	239.00	433.00
		218.40	549	553	240.30	435.20
		219.70	554	556	241.70	436.50
		220.80	557	560	242.90	438.30
		222.00	561	563	244.20	439.60
		223.10	564	567	245.50	441.40
		224.30	568	570	246.80	442.70
		225.40	571	574	248.00	444.40
		226.60	575	577	249.30	445.80
		227.70	578	581	250.50	447.50
		228.90	582	584	251.80	448.80
		230.00	585	588	253.00	450.60
		231.20	589	591	254.40	451.90
		232.30	592	595	255.60	453.70
		233.50	596	598	256.90	455.00
		234.60	599	602	258.10	456.80
		235.80	603	605	259.40	458.10
		236.90	606	609	260.60	459.80
		238.10	610	612	262.00	461.20
		239.20	613	616	263.20	462.90
		240.40	617	620	264.50	464.70
		241.50	621	623	265.70	466.00
		242.70	624	627	267.00	467.80
		243.80	628	630	268.20	469.40
		245.00	631	634	269.50	471.70
		246.10	635	637	270.80	473.90
		247.30	638	641	272.10	476.20
		248.40	642	644	273.30	478.30
		249.60	645	648	274.60	480.60
		250.70	649	650	275.80	482.70
			651	655	276.80	484.40
			656	660	277.80	486.20
			661	665	278.80	487.90
			666	670	279.80	489.70
			671	675	280.80	491.40
			676	680	281.80	493.20
			681	685	282.80	494.90
			686	690	283.80	496.70
			691	695	284.80	498.40
			696	700	285.80	500.20
			701	705	286.80	501.90
			706	710	287.80	503.70
			711	715	288.80	505.40
			716	720	289.80	507.20
			721	725	290.80	508.90
			726	730	291.80	510.70
			731	735	292.80	512.40
			736	740	293.80	514.20
			741	745	294.80	515.90
			746	750	295.80	517.70".

(b) Section 203(a) of such Act is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) when two or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for January 1971 on the basis of the wages and self-employment income of such insured individual and at least one such person was so entitled for December 1970 on the basis of such wages and self-employment income, such total of benefits for January 1971 or any subsequent month shall not be reduced to less than the larger of—

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B) an amount equal to the sum of the amounts derived by multiplying the benefit amount determined under this title (including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), and (c), and (d) of this section), as in effect prior to the enactment of the Social Security Amendments of 1970, for each such person for such month, by 110 percent and raising each such increased amount, if it is not a multiple of $0.10, to the next higher multiple of $0.10;

but in any such case (i) paragraph (1) of this subsection shall not be applied to such total of benefits after the application of subparagraph (B), and (ii) if section 202(k)(2)(A) was applicable in the case of any such benefits for January 1971, and ceases to apply after such month, the provisions of subparagraph (B) shall be applied, for and after the month in which section 202(k)(2)(A) ceases to apply, as though paragraph (1) had not been applicable to such total of benefits for January 1971, or".

(c) Section 215(b)(4) of such Act is amended by striking out "December 1969" each time it appears and inserting in lieu thereof "December 1970".

(d) Section 215(c) of such Act is amended to read as follows:

"Primary Insurance Amount Under 1969 Act

"(c)(1) For the purposes of column II of the table appearing in subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to the enactment of the Social Security Amendments of 1970.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223 before January 1971, or who died before such month."

(e) The amendments made by this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1970 and with respect to lump-sum death payments under such title in the case of deaths occurring after December 1970.

(f) If an individual was entitled to a disability insurance benefit under section 223 of the Social Security Act for December 1970 and became entitled to old-age insurance benefits under section 202(a) of such Act for January 1971, or he died in such month, then, for purposes of section 215(a)(4) of the Social Security Act (if applicable), the amount in column IV of the table appearing in such section 215(a) for such individual shall be the amount in such column on the line on which in column II appears his primary insurance amount (as determined under section 215(a) of such Act) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based.

INCREASE IN BENEFITS FOR CERTAIN INDIVIDUALS AGE 72 AND OVER

SEC. 3. (a)(1) Section 227(a) of the Social Security Act is amended by striking out "$46" and inserting in lieu thereof "$50.60", and by striking out "$23" and inserting in lieu thereof "$25.30".

(2) Section 227(b) of such Act is amended by striking out "$46" and inserting in lieu thereof "$50.60".

(b)(1) Section 228(b)(1) of such Act is amended by striking out "$46" and inserting in lieu thereof "$50.60".

(2) Section 228(b)(2) of such Act is amended by striking out "$46" and inserting in lieu thereof "$50.60", and by striking out "$23" and inserting in lieu thereof "$25.30".

(3) Section 228(c)(2) of such Act is amended by striking out "$23" and inserting in lieu thereof "$25.30".

(4) Section 228(c)(3)(A) of such Act is amended by striking out "$46" and inserting in lieu thereof "$50.60".

(5) Section 228(c)(3)(B) of Such Act is amended by striking out "$23" and inserting in lieu thereof "$25.30".

(c) The amendments made by subsections (a) and (b) shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1970.

LIBERALIZATION OF EARNINGS TEST

SEC. 4. (a)(1) Paragraphs (1) and (4)(B) of section 203(f) of the Social Security Act are each amended by striking out "$140" and inserting in lieu thereof "$200 or the exempt amount as determined under paragraph (8)".

(2) Paragraph (1)(A) of section 203(h) of such Act is amended by striking out "$140" and inserting in lieu thereof "$200 or the exempt amount as determined under subsection (f)(8)".

(3) Paragraph (3) of section 203(f) of such Act is amended to read as follows:

"(3) For purposes of paragraph (1) and subsection (h), an individual's excess earnings for a taxable year shall be 50 per centum of his earnings for such year in excess of the product of $200 or the exempt amount as determined under paragraph (8) multiplied by the number of months in such year. The excess earnings as derived under the preceding sentence if not a multiple of $1, shall be reduced to the next lower multiple of $1."

(b) The amendments made by this section shall apply with respect to taxable years ending after December 1970.

Mr. BYRD of Virginia. Mr. President, will the distinguished Senator from Georgia yield?

Mr. TALMADGE. I am happy to yield to the Senator from Virginia.

Mr. BYRD of Virginia. I support the position outlined by the distinguished Senator from Georgia. I would hope that the social security benefit increase would be approved by the Senate at an early date. Last December as the Senator from Georgia pointed out, the Senate approved a 10-percent increase for social security beneficiaries but, unfortunately, the House of Representatives did not go along.

I feel that it would be unwise to hold the social security bill hostage to some other bill. It should be brought before the Senate at an early date and passed.

The older people of this Nation who have paid into social security funds over the years are entitled to an increase in benefits. The cost of living has gone up sharply. It is still going up. The older people who live on fixed incomes are the ones hardest hit by inflation. Therefore, I believe that the proposal of the Senator from Georgia is sound and logical and I hope that it will be enacted into law.

Mr. TALMADGE. I thank my distinguished friend from Virginia and welcome his support and contribution toward this endeavor.

I would hope that the Senate could act expeditiously and speedily in this matter. If we act by way of amendment on some House-passed bill, I hope that the House will approve it immediately. It should become law at the earliest practical date in order to aid these people who are suffering so severely, so that we may be able to afford them some relief.

I know that the Senator from Virginia receives letters, as I do, by the score, every week. They are pathetic. They point out what their social security benefits amount to and what they have to pay in the way of providing for their food budgets, and so forth. From these letters we realize how utterly impossible it is for them to survive on their present income.

Mr. President, I yield the floor.

By Mr. CHURCH:

S. 1188. A bill to amend section 620 of the Foreign Assistance Act of 1961 to prohibit foreign assistance from being provided to foreign countries which do not act to prevent narcotic drugs from unlawfully entering the United States. Referred to the Committee on Foreign Relations.

PUTTING EFFECTIVE CURBS ON NARCOTICS FROM ABROAD

Mr. CHURCH. Mr. President, addiction to heroin and the crime it breeds has reached epidemic proportions in our cities. Stepped-up efforts to intercept the heroin as it enters the United States are proving futile. We must find a way to choke off the flow at the source, if we are to avert catastrophe.

A halt in our economic assistance to some foreign governments can be an effective tool in halting the flow of illegal narcotics. The very nations that have failed to stop the illegal traffic of narcotics across their boundaries into the United States are major recipients of our aid. I would not lightly recommend that this aid be halted unless I believed that the damage caused by illegal narcotics to our society was serious enough to warrant it. But, after reviewing the information available on the problems caused by narcotics addiction, I can reach no other conclusion.

The growth in the number of narcotics addicts in recent years has had crushing impact on our social structure. Street crime and burglary, direct results of widespread addiction, threaten the safety of every American citizen and the security of his home. Drug users become drug pushers to pay for their daily dosage, and youngsters from every walk of life are repeatedly exposed to the temptation offered by the junkie. The heroin addict, once a curiosity among the down-and-out, is today to be found most anywhere, in the ghetto and the suburbs, in the front office, as well as the shipping room. And more importantly, the addict's frantic search for heroin affects everyone within his reach, spreading fright and violence through every neighborhood.

Make no mistake about it. Narcotics, directly or indirectly, plague us all. There is the direct threat to young people more susceptible to the lures of the narcotics pusher. But every adult who lives or works in our cities is exposed to the growing threat of violent crime. Our tax bills reflect the cost of extra police, of overburdened courts, and of rehabilitation and custodial facilities for the addicted. In city after city, new, high-powered street lights are being installed to make it possible to travel at night with even a minimum of safety. Similarly, stores are forced to hire private police to protect property against theft. Insurance rates go up and up. The cumulative cost is staggering.

Addiction cries a tale of desperation. In some areas of New York City, addicts rip the pipes out of the walls of decaying buildings so that they can sell the metal to scrap dealers. In San Francisco, automobiles left even momentarily in certain neighborhoods are stripped clean of everything of value. Women in Washington hesitate to carry pocketbooks because of the threat of theft. To climb up the six flights of stairs in many a tenement house is to witness Dante's Inferno. Obviously, hard drugs do not account entirely for mounting crime. But law officers and social workers are convinced that it is the major cause.

The price of addiction to hard drugs is staggering. In terms of thefts alone, the Department of Justice estimates that approximately $1.5 billion was stolen in 1969 to pay for the hard drugs used by addicts. It costs an addict somewhere between $35 and $50 a day to obtain a supply of heroin. He may get this money by stickups, or he may choose to steal merchandise. If he chooses to steal goods rather than money, he must take goods valued at about five times the amount of money needed. He must do this because the "fence" who buys his stolen goods will rarely give him more than 20 cents on the dollar. The estimate of $1.5 billion moreover, is way over on the conservative side. There are some estimates that this much is stolen in New York City alone.

If we accept the $1.5 billion figure, that alone is more than 10 times the $135 million the Federal Government will spend in 1971 to combat all forms of drug abuse. The cost of crime related to illegal hard drugs even exceeds the cost of all forms of Federal law enforcement—the Federal courts and prisons, the FBI, and all activities of the Department of Justice.

Not only is our heroin addiction problem immense; it is getting worse each day. It has been estimated by a number of experts that there are now 200,000 heroin addicts in the United States. But this is only an educated guess and probably too low. We know, for instance, that drug abuse is the major cause of death in New York City for those in the age category of 15 to 35. About 50 percent of those in New York City's jails are addicted. A report issued recently by the District of Columbia's Narcotics Treatment Administration showed an 18-month increase in addiction in the District from 1,162 to 16,800. The administration found that, only four blocks from the White House, 36 percent of all young men between 20 and 24, and one-quarter of all youths between 15 and 19, are heroin addicts.

We are only beginning to glimpse the magnitude of the drug problem. As for New York alone, Stewart Alsop warns in a recent editorial that—

> The real cost (of illegal narcotics) is the death of New York as a city in which people who have any choice at all will be willing to live. Rather than live out their lives in fear, those who can afford it are leaving the city. In time, unless the malignancy can be brought under control, New York will be a shell, its tax base wholly eroded, inhabited only by the very poor, and a tiny handful of those rich enough to insulate themselves from the surrounding sea of fear.

This is a dire prophecy that could apply equally to Washington, D.C., to San Francisco, or Baltimore. It is up to us to see that the prophecy is not fulfilled.

If heroin was produced in the United States, we could take those measures necessary to shut off the source of the narcotic. But the opium poppy, the plant from which heroin is made, is not grown in the United States. An estimated 40 tons of heroin is smuggled into the United States each year to feed our growing addiction. This heroin comes from opium grown in the Middle East, the Far East and, to a lesser extent, in Mexico. Turkey is the major source of illegal opium and its derivatives coming to our country, supplying about 80 percent of the total. Most of the remainder comes from the Far East. Iran and Afghanistan, however, are beginning to loom as major sources of supply.

Opium moves from Turkey and the Middle East to France where it is processed into heroin for smuggling into the United States. Most of the opium processing is done in small workshops in the Marseilles area. The processing does not require complicated equipment, which has made it difficult for the French to stamp out the trade. Once processed into heroin, the drug is smuggled into the United States either directly or via Canada or Mexico.

Despite an increase in the number of customs inspectors searching for illegal drugs, we have not managed to make a real dent in the flow. The head of the Bureau of Dangerous Drugs and Narcotics, John Ingersoll, has pointed out that the only limitation on the smuggling of illegal narcotics into this country is the imagination of the smuggler. It has been estimated that there are 32,000 places on a freighter where drugs could be hidden. Similarly, there are about 220 million people passing through our ports each year, hopelessly more than the number that could be thoroughly searched. And the trade in illegal heroin is profitable enough to make the occasional arrest worth the risk in the eyes of those who smuggle it into our country.

Although we have stepped up our efforts to stop these dangerous drugs at our borders, we are still not stemming the bulk of the flow. The Department of Justice reports, for example, that it seized 427 pounds of heroin in the United States in 1970 compared with 140 pounds in 1969, and 197 pounds of cocaine compared with 73. Working with foreign governments, the Bureau of Narcotics and Dangerous Drugs helped in the arrest of 207 individuals in 1970 compared with 214 in 1969. In 1970, 3,383 pounds of opium were seized compared with 290 pounds in 1969. Yet, these are tiny amounts when matched against the 40 tons estimated to be entering the country each year. I understand that many in the Bureau of Narcotics and Dangerous Drugs do not believe that it will ever be possible to stop this smuggling. This conclusion is echoed in the comment of Harvey R. Wellman, special assistant for narcotics matters to the Secretary of State, when he recently said that even with the most effective law enforcement progarm conceivable, only about 10 percent of the illegal drug traffic could be stopped.

What, then, are we to do to curtail the flow of hard drugs into our country? The experts believe the answer lies in the effective control of the seed beds in those countries where the opium poppy is grown. It is possible, given a determined government, to control the growth of the opium poppy closely enough so that practically no opium seeps into the illegal trade. In India, for example, opium is grown legally under a licensing system. The farmer is licensed to grow so many acres of opium. Once he has this total planted, it is inspected by a Government official. The farmer then harvests his crop and sells it to the Government. If he cannot account for the full amount of opium his acreage should yield, he is subject to a stiff fine or even imprisonment. This system is effective enough to prevent Indian opium from moving into the illegal trade.

Unfortunately, the Turkish Government has not exercised the same degree of control over its poppy harvest. Turkey does not have a licensing system. Rather, there are certain designated provinces in which it is legal to grow opium. Approximately 100,000 farmers in Turkey grow opium today. They are located in seven provinces. Although the number of provinces is being reduced from seven to four, there still will be no appreciable reduction in the amount of opium produced for illegal trade. All the Turkish Government has done is to drive the inefficient farmer out of business. Despite the administration's protracted negotiations with the Turkish Government, that country remains the major source of illegal narcotics entering the United States.

I find it difficult to understand the failure of the Turkish Government to clamp down on the illegal drug crop. True, the opium poppy has been grown for centuries in Turkey and the farmer resists attempts to limit its growth. The Government authorizes the legal harvest of about 100 tons of opium each year. The Government pays the farmer a set price for the legally grown opium. But the farmer can sell opium illegally at about three times the price he receives from the Government. Altogether, the total value of the illegal and legal trade in opium is not more than $6 million, an insignificant amount in the Turkish national income of $9 billion. If it were solely a question of money, we could well afford to use a small fraction of the $135 million we spend annually to control narcotics to buy up the entire Turkish opium crop.

I believe that the underlying reason for the failure of the Turkish Government to surpress the illegal opium trade is found in its lack of will. This is demonstrated in the laxity of Turkish law enforcement. The Iranian Government imposes a death penalty on those caught smuggling drugs. Turkey does not. Indeed, the Turks do not even use heavy fines or imprisonment, as has the Indian Government, to stop the illegal growth of opium. If the Turkish Government were much less efficient than the Iranian or Indian Governments, then there might be an excuse for its failure. But this is not the case. If Turkey wanted to stop the smuggling of opium to the heroin factories in Corsica or Marseilles, it could.

In the face of this indifference, must we remain helpless? If we had the commonsense, the United States could significantly reduce the international flow of illegal drugs. If we made it known that we intend to stop giving economic assistance to those nations, such as Turkey, that fail to exercise adequate controls over illegal drug production, those nations would institute effective drug control measures.

Why in Turkey alone we are giving each year far more than 10 times as much in economic assistance as the total value of the legal and illegal opium crop produced. But as things now stand, even though the possibility of such a sanction has been mentioned in the past, the Turkish Government, for example, does not believe we will ever invoke it. As a member of NATO, Turkey is confident that it will remain immune to any cessation in the flow of our aid, even though the threat to our internal well-being from the traffic of illegal drugs is far greater today than any external threat to our security which could possibly be countered by Turkey.

Yet, the executive branch apparently continues to place greater weight on Turkey's role in the NATO alliance than it does on the drug epidemic preying upon our own youngsters. We are told, in detail, about the steps that the Turkish Government is taking to stop narcotics smuggling, but we are not told why the Turks stay so much less effective than the Indians. We are told, in detail, about the measures the French Government is taking in cooperation with the Department of Justice, but we are not told why heroin produced in the factories of Marseilles still finds its way into the hands of the pusher on the streets of Washington, our Nation's Capital. One can only surmise that the culprit governments have long since concluded that our executive branch lacks the will to invoke any realistic sanctions against the drug traffic. The time has come for the Congress of the United States to take action in its own right.

Earlier in this session, Representative Rodino, of New Jersey, and Senator Mondale, of Minnesota, and Senator Hartke, of Indiana, introduced bills that would suspend our aid to foreign governments if the President determined that appropriate measures were not being taken to stop the flow of illegal drugs into the United States. These distinguished lawmakers have taken an initiative. We owe them a debt of thanks.

These bills, in my judgment, reach in the right direction by posing the possibility of aid suspension as a deterrent to illegal drug production. But, if the deterrent is to be credible, it cannot be left to the President, acting through the State Department, to invoke. Congress has written a plethora of laws of this kind in the past, leaving their application to the discretion of the Executive. They just have not been used, and there is no reason whatever to anticipate a different result in this case.

If we are to write realistic curbs in the law—curbs that will be taken seriously by foreign governments—another method must be found.

Accordingly, I am today introducing a bill to amend the Foreign Assistance Act, which would empower the Comptroller General, as an agent of the Congress, to make an annual determination as to which foreign governments have failed to make appropriate steps to stop the flow of illegal narcotics from their countries into the United States.

Should he determine that a given government has failed to take such steps, he would notify the Congress and, after 90 days, no further economic assistance would be available to the country in question. Following the determination by the Comptroller General, if the President could furnish information indicating that the government in question had subsequently taken steps to curb the flow of illegal hard drugs into the United States, Congress could waive the provisions of the act. Similarly, if the President felt that other overriding national interests made it advisable to waive the provisions of the act, he could request the Congress to do so. But, in each case, Congress would make the determination after bearing the evidence from the executive departments as well as from the Comptroller General, who is directly responsible to Congress. So the final decision would be one in which the legislative branch of the country would participate.

The bill also requires that the Comptroller General submit an annual report to Congress on the effectiveness of measures being taken by foreign governments to stop the illegal flow of hard narcotics. The Congress has a need for an independent assessment of this aspect of our drug problem.

Mr. President, we must eradicate the epidemic of hard drug addiction. It is up to Congress to show that the people of the United States place the highest priority on this task. It is up to Congress to enact the laws needed without any more delay.

I send the bill to the desk and ask that it be appropriately referred.

I ask unanimous consent that the bill be printed in the Record, together with an article from the Idaho Statesman of March 3, 1971, indicating that the problem of drug addiction and its relationship to the rise in violent crime has even reached into my own State.

There being no objection, the bill and article ordered to be printed in the Record, as follows:

S. 1188

A bill to amend Section 620 of the Foreign Assistance Act of 1961 to prohibit foreign assistance from being provided to foreign countries which do not act to prevent narcotic drugs from unlawfully entering the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 620 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(v)(1) The Comptroller General of the United States shall review and determine annually (A) the effectiveness of measures being taken by each foreign country to prevent narcotic drugs, partially or completely produced or processed in such country, from unlawfully entering the United States, and (B) whether that country has undertaken appropriate measures to prevent any such narcotic drug from unlawfully entering the United States. Not later than March 31 of each year, the Comptroller General shall make a report to the Congress of his review and determinations for the preceding calendar year.

"(2) Except as otherwise provided paragraph (3) of this subsection, ninety days after the making of any such report to the Congress, any foreign country with respect to which the Comptroller General has reported a determination under paragraph (1)(B) of this subsection, that such country has not undertaken appropriate measures to prevent any such narcotic drugs from unlawfully entering the United States, shall thereafter receive no further economic assistance from the United States.

"(3) If the President finds that a foreign country referred to under paragraph (2) of this subsection has undertaken, after the determination of the Comptroller General, appropriate measures to prevent such narcotic drugs from unlawfully entering the United States, or finds that the overriding national interest requires that economic aid be continued, he may ask Congress to waive the provisions of such paragraph, and if the Congress concurs, the provisions of such paragraph shall not apply to that country unless the provisions of such paragraph would apply further to that country as a result of a subsequent report and determination.

"(4) The President is authorized to utilize such agencies and facilities of the Federal Government as he may deem appropriate to assist foreign countries in their efforts to prevent the unlawful entry of narcotic drugs into the United States. The President shall keep the Congress fully and currently informed with respect to any action taken by him under this paragraph.

"(5) No provisions of this or any other law shall be construed to authorize the President to waive the provisions of this subsection.

"(6) For purposes of this subsection—

"(A) 'narcotic drugs' has the same meaning as given that term under section 4731 of the Internal Revenue Code of 1954; and

"(B) 'foreign assistance' means any tangible or intangible item provided by the United States Government (by means of gift, loan, sale, credit sale, guaranty, or any other means) under this or any other law to a foreign country, including, but not limited to, any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dollars, and any currencies owned by the United States Government of any foreign country."

Sec. 2. The provisions of this Act shall be effective on the first July 1 occurring on or after the date of enactment of this Act.

QUESTIONS ON DRUG USE ANSWERED BY OFFICER

(Note.—The following questions about drugs and crime were submitted to Police Chief John Church. They were answered by Sgt. E. C. Palmer, who heads the department's Vice and Narcotics Division.)

1. What effect does drug use have on the incidence of crime in the Boise area? Is it related to our increasing number of holdups?

Drug use definitely is involved. Out of 29 armed robberies, 12 of these related back to narcotics. Of 65 burglaries, 35 related back to narcotics. Of five murders committed in the Boise City area in the past year, two of them were related directly to narcotics. In the past we felt that crimes of violence were not directly related to drugs. However, with the increased use of amphetamines, we find that crimes of violence are on the upswing.

By Mr. BAYH:

S. 1189. A bill to extend the provisions of the Narcotic Addict Rehabilitation Act and to provide that members of the Armed Forces be discharged by reason of physical disability for civil commitment under such act when such members are suffering from drug addiction or drug dependence, and for other purposes. Referred to the Committee on Armed Services.

MEDICAL DISCHARGES AND REHABILITATION FOR ADDICTED AND DRUG DEPENDENT SERVICEMEN

Mr. BAYH. Mr. President, I introduce, for appropriate reference, a bill to amend title 10 of the United States Code to provide medical discharges for drug dependent or drug addicted servicemen and to allow for their treatment and rehabilitation under the provisions of title III of the Narcotic Addict Rehabilitation Act of 1966.

If this bill is enacted into law, it will mean a positive and meaningful step toward curbing drug abuse not only among service personnel but also among the civilian population to which these drug addicted servicemen have returned.

There has been substantial evidence of a serious drug abuse problem in the military on record for at least 2 years. The Defense Department has only recently recognized and acknowledged its existence and begun to implement a positive drug abuse policy intended both to curb the problem and treat the victims more humanely than it has in the past.

In view of the recognition of this serious problem by the Defense Department, Congress, and the Military Establishment must develop additional measures to cope with it and to implement them without further delay.

One such avenue is through the legislation which I propose today. It would allow the drug addicted or dependent serviceman to be medically, rather than punitively discharged. He would be placed into a program of hospitalization and treatment for an extended period of up to 42 months.

Such an approach to the problem would relieve the military of responsibility for the extended treatment and rehabilitation of serious drug abusers, a consideration which I believe is urgently needed.

There is ample evidence in the record of the Subcommittee to Investigate Juvenile Delinquency indicating that a drug addicted or dependent serviceman cannot function in his assigned duties and therefore is of little use to his unit.

The military's recent report, conducted by the Department of Defense, recognized this when it said:

> . . . it is recommended that in general for administrative purposes persons may be considered voluntarily incapacitated for duty up to 12 to 36 hours after the use of marihuana. . . .

However, under present discharge procedures this serious drug abuser is usually discharged under conditions other than honorable and is returned to his community with his drug problem only to come to the attention of civilian authorities when he commits a crime in order to maintain his drug habit.

It is far better to identify this man while still in the service, medically discharge him under the conditions of the bill that I propose today, and then remand him to a drug rehabilitation program.

Let me assure the Senate, however, that I do not mean to include the drug trafficker, who is neither a drug addicted nor dependent person. He must be dealt with punitively.

Legally and medically a drug addict is an ill person, rather than a criminal. As such he should be treated as one in need of medical assistance rather than punishment.

While I primarily will direct my remarks to the need and the provisions of this bill, I would also like to address myself to the need for a multifacet attack upon drug abuse in the military.

Rehabilitative efforts alone will not completely solve the military drug problem.

Intensive drug abuse education efforts must be developed and implemented so that each man who enters military service is made fully aware of the mental and physical effects of drug abuse, of the consequences his actions have on discipline, of his ability to perform his duties, and of the possibility that his drug use could endanger the lives of his comrades.

I am aware that some educational efforts are made in the military. But I also know of their shortcomings, which have been described in a recent Department of Defense task force report on drug abuse released in October 1970.

This report details the fact that the formal drug abuse training courses of instruction do not really have an impact upon the younger enlisted men. Perhaps this is so because the structured methods used reflect an "establishment" type of presentation, or because there exists a communications gap between the younger draftees and their older "lifer" instructors.

The military might be well advised to explore the feasibility of using young enlisted men to present programs of orientation and training on drug abuse; they might develop methods of communication and presentation that will be meaningful to the intended audience. The problems of communication in the military are no different from those in civilian life, they certainly are not unique, and as such, demand a flexible policy in the presentation of drug abuse education.

I am confident that this can and will be done.

In addition to an accelerated program of drug abuse education, there is need for intensified investigative efforts, preferably coordinated among the branches of service, to seek out and identify sources of supply of illicit drugs. This is especially essential in Southeast Asia because of an abundance of marihuana and opium in that area.

In cooperation with local officials, these drug sources should be eradicated wherever possible. Additional efforts must be made to apprehend and prosecute traffickers. Many of them are former military who have served in that area of the world and who have been discharged under conditions other than honorable, and have remained there to ply a trade in illicit narcotics.

If this investigative effort is to be successful, then sufficient funds must be made available to the appropriate military commands to carry it out.

For example, a subcommittee investigator who spent several weeks in Vietnam in the fall of 1970 reported to us and testified that the provost marshal for MACV—Military Assistance Command, Vietnam—with whom he spoke indicated that he did not have enough funds to carry out an intensive investigation of the sources of supply of illicit drugs. He said that he had only $13,000 for the remainder of that fiscal year to conduct such investigations. His needs an approximated $100,000.

And this was at a time when a supply of high-grade heroin was flooding the streets of Saigon and soldiers were dying from it at the rate of two a day.

I believe that these efforts coupled with the approach of this bill, to identify and then medically assist drug addicts and drug dependent men, will be most helpful in curbing a now runaway problem.

What are the dimensions of this unabated abuse of drugs by our men in the armed services?

In assessing the scope and extent of drug abuse in the military, the record that the Subcommittee To Investigate Juvenile Delinquency has compiled through our public hearings and staff investigations is of significant value.

The subcommittee's inquiries began in 1966.

A witness before the subcommittee that year, Dr. Robert Baird, has devoted substantial time and effort to the rehabilitation of drug addicts. He told the subcommittee of returning servicemen who were either drug addicted or drug dependent, and who continued their habits in the United States after tours of duty in Vietnam and other areas of the world.

An ex-marine, who appeared with Dr. Baird as one of his patients, told of the ready availability of drugs in the Far East and of how he mistakenly machine-gunned friendly forces, induced by the hallucinating effects of barbiturates he had taken just prior to his flying mission.

Last year that marine died in Washington, D.C., of a suspected overdose of narcotics. He was found in a downtown motel with fresh needle marks in his arm and a hypodermic needle beside him.

Dr. Baird's concern was that the condition he described would worsen, that it would become more complex, and that efforts were then needed to cope with the problem.

The Defense Department at the time refused to pay attention to this assessment of the problem and the need for action to cope with it. One of Dr. Baird's recommendations was that drug addicted servicemen be given medical discharges rather than dishonorable or bad conduct discharges.

The basically punitive nature of the discharge policy of the Armed Forces, outlined in 1966, is still Department of Defense policy today.

Their Task Group on Drug Abuse recently recommended:

> The Discharge System now in effect in the Armed Forces represents a fair and proper method of categorizing service. Changes in it should not be made for the sole reason of allowing drug abusers to receive Veterans benefits.

In addition, officers who were interviewed by a Defense Department investigative team in Southeast Asia, supported the punitive approach expressed in Defense Department policy. In fact the prevailing view, according to the report issued by the team, is that too few bad conduct charges are given and that the number of such discharges should be increased.

With regard to the discipline of drug abusers in Vietnam, the report also says:

> C. Special Court: The majority of the commands are trying hard drug offenders, repeaters, chronic marihuana users and multiple drug users at this forum. It appears that the vast majority of court-martial cases for drug abuse are held at this forum.

I would agree that drug traffickers should be handled punitively. However, it is my firm conviction that the drug abuser, the chronic marihuana user and the multiple drug users should be disposed of by means other than punishment under the approach made possible in the bill I propose.

Unless there is more flexibility in the policy of the Department of Defense, we cannot hope to rehabilitate military drug addicts. The bill I introduce today is designed and intended to provide this needed flexibility.

The need for a more flexible military drug policy becomes more urgent daily, because of the changing patterns of drug abuse among servicemen, especially in Vietnam.

Evidence of this was presented to the subcommittee in the fall of 1970 by Jon Steinberg, a subcommittee investigator, who had just returned from an intensive investigation of drug abuse in Vietnam.

In citing these changing patterns of drug abuse, Steinberg presented Army statistics on heroin overdose deaths. The following excerpts from his testimony are pertinent to that point.

Steinberg testified:

> For the first seven months of 1970 there was an average of two soldiers a month dying from drug overdoses. This was an increase of 50 percent over the monthly average for 1968. However, since late summer of this year a newly packaged, widely distributed, deadly, potent form of heroin is being, by U.S. standards, practically given away to our troops.
>
> As a result, known drug overdose deaths increased 175 percent in August and September and combined with suspected overdose deaths the increase is 1000 percent, or 46 deaths.
>
> During the first 18 days in October 1970 there were 35 *known* overdose deaths among our troops.
>
> At that rate, instead of the two deaths a month we experienced from January through July, we are now experiencing two deaths a day.

Steinberg then went on to testify to the conditions in Vietnam in 1969, when he served there as a member of the Armed Forces, and compared that period with his most recent investigations there in late 1970.

He stated:

> One year ago as a member of the Armed Forces I conducted a six month investigation into the drug problem in Vietnam. At that time it was substantiated that the use of marihuana and opium among American servicemen was quite extensive. However, there was little record of harder drug use, such as heroin, methamphetamine, barbiturates, etc. The situation today however is different. Since my last trip to Vietnam, as my opening remarks indicate, the use of heroin and the availability of heroin has steadily increased among U.S. servicemen.

Additional drug abuse data indicates that in 1969 marihuana was indeed a serious problem among the men in Vietnam and reinforces Steinberg's evaluation of the problem in 1969.

The results of a study conducted by U.S. Army Capt. Morris Stanton, Ph. D., in the fall of 1969 and only recently released by the Defense Department show that 50.1 percent of the younger enlisted men below the age of 27 and below the rank of E–7 had used marihuana while in Vietnam. Stanton's study was conducted among men leaving Vietnam and was obtained through the use of a questionnaire given the men and voluntarily answered by them at the time of their debarkation from Vietnam. His study reflected that one-fourth of the men indicated that they intended to continue marihuana use upon return to the United States.

Other data in Stanton's study show that the greatest relative increase in Vietnam of all of the drugs surveyed was of opium, which almost tripled among users during their Vietnam tour, as contrasted with use prior to Vietnam. Seventeen percent of the enlisted men indicated opium use during their stay in Vietnam, while only 6 percent indicated that they had used the drug prior to Vietnam.

And so Mr. President the evidence is clear. There is a substantial drug abuse problem among the men in Vietnam. It is becoming more complex and more severe. Changing patterns reflect that marihuana was the first drug to be used extensively, but that, as time has passed, increasing use of opium and heroin are now reported.

Quite obviously the military, especially in combat zones, is not equipped to treat and rehabilitate addicts and other dependent drug abusers. The amnesty programs which have begun in Vietnam cannot be expected to provide the answers to this problem.

An alternative must be developed to deal with chronic drug abusers, and I believe that the measure that I now propose is a reasonable alternative. I urge my colleagues to give this legislation their most serious consideration in the 92d Congress.

Responsible military leaders in Vietnam and physicians who are close to the problem in Vietnam agree with this approach.

They support the medical approach toward the problem which I introduce today.

Subcommittee investigator Steinberg discussed this legislation with a number of military officers, and indicated that almost to a man, these military leaders support the medical-rehabilitative approach taken by this legislation.

Excerpts from Steinberg's interviews with these men show their support for the bill. I will consequently identify several of these officers and cite their positions.

Col. Clotilde D. Bowen, the USARV psychiatric consultant—(the military's top psychiatrist in Vietnam)—said:

> Certainly the military cannot do it here (treat drug addicts) in Vietnam. I would think the only possibility would be to return these people to the States, with the possibility that they would have some center there or some type of organization there to treat these people. But I don't think that this is really the mission of the Army, that is the point. Yes I do agree with this approach, (that recommended in the Bill). I think the one thing that we would have to watch in Vietnam though would be to carry out testing to be sure that they are truly addicted to drugs. . . . We do have some of these things available to us. We are getting Naline in the country, and we are going to be using it to test if people are truly addicted.

Maj. Jerome Char, the psychiatrist for the 101st Airmobile Division, estimated that anywhere from 40 to 50 percent of the men in his division experiment with or are hooked on hard drugs.

In relation to that high drug use rate, Major Char made the following observations about the amnesty program and the bill:

> (Under the Amnesty Program) a man is supposed to turn in his drugs, seek treatment, but there is no real treatment available for the problem. It looks to me that the whole philosophy is sort of moral. A man should turn in drugs and then his conscience should catch up with him and he just is supposed to use his own willpower to stop using drugs. Which is a totally ridiculous idea. To advertise it (the Amnesty Program) as the answer to the problem I think is incorrect, because it just doesn't work. As Mr. Steinberg has outlined the program (contained in the Bill) it is a very good one and I think the authority should rest with the medical people in the Army. If it is determined that a man is psychologically or physically addicted I think he should be medically removed from the Army. And the program as Mr. Steinberg outlined it would be a very good one by trying to help these people when they get back to the States rather than by throwing them out on the streets where they have to take drugs.

Maj. John O. Ives, the psychiatrist for the 483d Air Force Hospital at Cam Rahn Bay, does not think the amnesty program can work.

> What we are doing at the moment (with the AP) I do not consider at all adequate. We offer an AP which consists simply of an amnesty. A person is offered the chance to give himself up in return for amnesty from prosecution for anything he has done up to that time, after that the medical people see the person and give him help in withdrawing himself from drugs. We can do this quite effectively. However, I suspect that the rates of return to drugs are quite high. We have seen many individuals who have returned to the drug after being sent back to their units here in Vietnam. We have made certain attempts at aftercare but these have been lately unsuccessful. I feel quite strongly that because of the availability of drugs here in Vietnam, that it is difficult, extremely difficult, and almost impossible, to treat and expect a troop who has been on heroin to

> stay off heroin once he is returned to his unit. Consequently, I agree with Colonel Bowen's proposal that people who have been addicted to heroin here in Vietnam should be evacuated to the United States as soon as possible.

Col. William Bethea, XXIV Corps surgeon, said the drug problem in Vietnam is uncontrollable under existing conditions for discharge and treatment:

> If we took all the psychiatrists in the U.S. Army, we wouldn't have enough medical men to treat the drug abusers in Vietnam.

Lt. Col. Lawrence E. Ison, Brigade Surgeon, 1st Brigade, 5th Infantry Division, Mechanized, said that drug addiction should be treated as a medical problem, as it is in civilian life, and said of the bill:

> The discharge and treatment provisions contained in the bill would be a great help.

Col. Jasper C. Vance, XXIV Corps Provost Marshal, said:

> I am completely against giving a man a dishonorable discharge for his drug use. It's a medical problem. We owe it to the man and to our country.

Col. George A. Robinson, commander of the 355 Tactical Fighter Wing—Air Force—said the existing policy of discharge for military drug abusers is not acceptable:

> We wait and allow a man to get in more serious trouble until we can get rid of him by dumping him on society where he'll even get into bigger trouble.

Maj. Richard Cameron, the 1st Air Cavalry Division psychiatrist, claimed that the amnesty program does not work, and as to treatment which could work, he said:

> (The Amnesty Program) sort of reminds me of how we are approaching pollution in the United States. The Army for years has been sort of painting its own house, sort of dumping these people back in society, and I certainly think that we have to do more. I'm not sure this is the Army's job, but I think the civilian community has to do something with these people.

Mr. President, I believe that the need for this legislation has been documented, that the military is not particularly equipped to become involved in long-range programs of drug rehabilitation and that this bill, if enacted into law will provide a needed flexibility in Department of Defense drug abuse policy, which will benefit both the services and the drug addicted or dependent servicemen.

I urge that this bill be given the earliest consideration of each Senator and that it be enacted without undue delay.

By Mr. CURTIS (for himself and Senator Hruska):

S. 1190. A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes. Referred to the Committee on the Judiciary.

Mr. CURTIS. Mr. President, I am today introducing a bill which would deny to the Federal courts the power to disturb the finding of a jury that a writing or a publication or any other article is obscene. I submit that this is a reasonable approach to the growing problem of pornography and filth in the country.

What is obscene and detrimental to society is largely a question of fact, rather than a question of law. There is no fairer way to determine whether or not something is obscene than to submit the question to a jury of 12 men and women, who are carefully selected and who are well instructed by the court as to the rights of the parties and the law.

Because a majority of the Supreme Court of the United States, in past years, has seen fit to overturn the findings as to what is obscene and has substituted its own notions as to what was obscene, pornography and filth now prevail throughout the land on bookstands, in the mail, on the movie screen, and elsewhere. The exercise of the power by courts has not been successful, and the will of the people has been thwarted, and the evils of pornography have multipled.

I hope that this bill can soon become the law to the end that the question as to what is obscene and what is not can be decided by that American institution best equipped to make such a decision, the jury.

By Mr. McGOVERN (for himself, Mr. Mathias, Mr. Harris, Mr. Hart, Mr Hughes, Mr. Humphrey, Mr Inouye, Mr. Kennedy, Mr. Muskie, Mr. Nelson, Mr. Proxmire. Mr. Ribicoff, and Mr. Williams):

S. 1191. A bill to assist workers whose jobs may be terminated by reductions in defense and space spending, to establish a system of benefits to ease the transition of such workers to civilian occupations, to minimize the hardships encountered by communities which are dependent upon defense industry and employment, to encourage cooperation between the United States and defense contractors in meeting the challenge of economic conversion and diversification brought by changing defense needs of the United States. and to facilitate the transfer of public and private resources to new national priorities.

Referred to the Committee on Government Operations.

THE NATIONAL PEACETIME TRANSITIONAL ACT OF 1971

Mr. McGOVERN. Mr. President I introduce today on behalf of myself, Mr. Mathias, Mr. Harris, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Kennedy, Mr. Muskie, Mr. Nelson, Mr. Proxmire, Mr. Ribicoff, and Mr. Williams the National Peacetime Transitional Act of 1971.

PEACETIME TRANSITION ACT

Mr. McGOVERN. Mr. President, the indicators of our current economic posture are painful enough on a nationwide scale.

They do not, however, reflect in a meaningful way the crisis situation faced by millions of workers and their families and thousands of communities who are economically dependent upon military plans and programs.

Special circumstances today have exacerbated this situation. Our changed tactics in Vietnam are releasing both members of the Armed Forces and workers in private industry. There is the prospect that the strategic arms limitation talks will produce further arms reductions. Congress is examining military spending requests with greater care than has been the case in the past and we are finding room for further significant cuts. The space program is on a plateau and does not stand ready to take up the slack. And all of this aggravated by the fact that military production is geographically concentrated, thus increasing the dependence of the communities where it takes place.

The plight of these workers and communities has been foreseeable. It is, moreover, a direct consequence of Federal policy. In a sense they have been held in economic bondage, and now they are being abandoned.

Since World War II we have spent some $1.1 trillion on weapons, plans, and programs for the Armed Forces. For the past quarter century the enterprise of war—payments for past wars, preparations for future wars, and the conduct of wars in progress—has consumed as much as two-thirds of all Federal spending. Today we suffer the consequences of that preoccupation.

It has twisted and distorted our national economy. Inflation has become a permanent characteristic, varying only in the rate at which it consumes the value of our dollars

Our ability to compete in world markets has deteriorated, both because of inflation and because so much of our technical and scientific talent—as much as 63 percent of the total—has been working on more efficient methods of destruction instead of on maintaining and improving commercial productivity.

Whatever the conventional wisdom has been in years past, it is clear that war no longer holds any advantage at all for the business community. It is destructive of the sound economic structure business needs to survive.

Another consequence comes in the form of lost opportunities for urgent public programs.

President Eisenhower pointed out as long ago as April of 1953 that:

> Every gun that is made, every warship launched, every rocket fired, signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and not clothed. We pay for a single fighter plane with a half million bushels of wheat. We pay for a single destroyer with new homes that could have housed more than 8,000 people.

To prepare for the greatest threats imaginable in the military sphere, we have stolen billions from programs which could truly add to our national strength—programs to protect and preserve our environment, to educate our young, to end the poverty and hunger which disable millions of our people, and to build viable systems in such fields as health, housing, transportation, law enforcement, and a long list of others. And all of us who are interested in these programs know that the thievery is still going on, as the Pentagon moves to claim nearly all of the savings accrued or anticipated from changed military demands.

Beyond this we have learned that excessive arms spending is not a neutral quantity. It is more serious than simple waste. The ABM and MIRV issues illustrate that the very production and deployment of some weapons can increase the danger by forcing further arms race escalation. The capability for involvement in conventional conflicts breeds the involvement itself, in wars which have no bearing on our national interest.

Such consequences suggest how important it is that we exert much more careful control over the elaborate strategies and gadgets served up to us in the Pentagon budget each year. I am convinced that we could cut at least $20 billion from this year's $76 billion military spending request, and that the net effect would be to strengthen our security and increase our safety.

But there is another result which serves to prevent budget decisions based on rational assessments of national need.

MILITARY DEPENDENCY

To supply the military with increasingly sophisticated implements, we have spawned an enormous industrial establishment devoted to their production. In combination with the Federal military payroll, the arms industry accounts for nearly 15 percent of the Nation's labor force—3.5 million men in uniform, 1.2 million civilian Pentagon workers, and some 7 or 8 million workers employed directly on military procurement and research and development in the private sector. It exists in every State in the Union, in some 5,200 communities where the plants of 22,000 major contractors and as many as 100,000 subcontractors are located.

For most of us, reductions in military spending mean new opportunities for more responsive Government, and a chance to turn our attention to more hopeful pursuits.

But for these people, cutbacks mean rising unemployment, a declining tax base, plunging property values, and shrunken markets. It is understandable that they resist, particularly when they recognize that the Government which has lured them out on this economic limb has little interest in protecting them when the limb is severed. And that is the case today.

To devise appropriate remedies, it is helpful to understand the nature of the industrial portion of the Military Establishment, particularly the largest companies which account for the lion's share of military procurement.

It is erroneous to describe these companies as part of the American free enterprise system. On the contrary, they are more properly considered as simple extensions of the Pentagon. They retain few, if any, meaningful characteristics of private business.

As Prof. Seymour Melman of Columbia University has pointed out in his important book, "Pentagon Capitalism, the Political Economy of War," the distinction between buyer and seller has literally disappeared in this important segment of the economy. The Department of Defense, through its Defense Supply Agency, participates in virtually every major management decision, including the procurement of key personnel.

Since only a very small portion of contract awards are based on competitive bidding, there is rarely a market test of efficiency or quality. Because work is related to "national security," considerations of cost play a minor role in decisions to move ahead with a given program. Price escalation, instead of resulting in lost business for the company, simply brings a few red faces in the Pentagon and higher costs to the taxpayer. Government supplies much of the machinery used in production. If a company's financial management is especially bad, the Government stands ready to assure continued survival of the firm by finding that it is essential to the national security.

The definition is far simpler if we think of these companies as part of the Federal establishment—as Federal agencies and maintained to implement national policy. As agencies of the Government they do have some unique characteristics. I suspect that our surveillance of costs is less stringent in this area than is generally the case, and ordinarily we do not expect Federal agencies to demand profits in exchange for their services. But aside from such factors it is difficult to find important distinctions.

As a consequence, industries which have existed in this environment are ill-suited to find alternatives when their services are no longer required. As the cutbacks of the past year have taken effect, it has become painfully clear that no serious plans for commissions are being made at the industry level.

Indeed, case histories which have come to my attention suggest that if any conversion planning is being done, it is coming from unemployed workers and impacted communities trying to prod reluctant industry management, usually to no avail.

The January 11, 1971 issue of the Nation magazine describes the efforts of a United Auto Workers local president, John Taylor, in Delaware County, Pa., to deal with the elimination of some 7,000 jobs at Boeing's Vertol division. He and other union officials developed a plan for the production of low-cost modular housing, to be transported to nearby communities engaged in urban renewal. The reported response of a Boeing official was probably not atypical:

> But think how many units of housing we'd have to sell to make as much money as we do on a single helicopter.

The company suggestion box approach has had little effect upon management, and the prospect for requiring conversion planning through collective bargaining is not much more promising. Wartime "no strike" pledges are usually in effect, and even if strikes were possible the compliant customer in Washington stands always willing to accept delayed delivery schedules due to work stoppages.

But if we regard these industries as part of the Federal Establishment, then their failure to plan should really come as no surprise.

Existing management does not have the slightest idea how to operate in unfamiliar civilian markets, or to face the rigors of competition.

Beyond that, it has no more expectation of a coming transition than the average management level civil servant has that his agency will be abolished and that his job will be eliminated. By the same token, management feels little obligation to plan for the continued productive use of the human and physical resources it commands.

And as a result, the workers, mayors, businessmen, professionals, and others who are caught are forced to become constituents of expanding arms outlays, even though they might be sympathetic to rearranged national priorities elsewhere.

Both reason and experience suggest, therefore, that if there is to be a response to the crisis in military industries it must come as a result of strong Federal leadership. We have waited too long for the wisdom of industry management to prevail, and I suggest that we will wait forever for sound business judgments from that source.

THE FEDERAL RESPONSIBILITY

In light of the complexity of the problem, we may be tempted to respond by trying to keep the industry alive—by using jobs as a justification for building more military hardware than we need.

But that approach is indefensible on all grounds—moral, political, and economic. With all the public tasks waiting to be performed in this country, it is unconscionable to regard the Pentagon as a job-creating enterprise. There is no area of Federal responsibility in which the "public works" concept is less appropriate or more damaging.

Certainly no one of us would suggest that we should keep the war in Vietnam going because of the jobs it provides.

Yet that premise differs little from a suggestion that we should continue robbing civilian programs, that we should press forward with the arms race, or that we should undermine our own economy for the same reason.

We must, instead, devise programs to protect workers, to encourage new enterprise in the communities which are damaged by military cutbacks, and to stimulate new jobs where work desperately needs to be done in both the public and private sectors.

The bill we introduce today is offered as one means by which these goals could be accomplished.

Its central provision requires that a portion of the profits earned on military, space, and atomic energy contracts be deposited in a reserve, to be administered by the National Commission on Peacetime Transition.

The funds would be available to pay benefits to workers whose workweeks have been shortened or whose jobs have been eliminated or downgraded as a consequence of reductions in military and space spending. The benefit structure is designed to replace the actual income lost as a consequence of cutbacks, and payments would be set at levels which, when combined with other income, would total prior earnings. It would encourage workers to enroll in retraining programs by suspending the requirement for accepting suitable employment during the retraining process. Benefits would last for up to 2 years.

The bill seeks to combine this protection with an incentive for the employer to plan for the transfer of its workers and its facilities to peacetime production. It requires conversion planning, with the assistance of the commission staff, as a condition of defense contract fulfillment, and it provides that funds remaining to the credit of the contractor in the trust fund will be returned, free of tax, after the transition has been completed.

Thus, if a contractor does not plan effectively, he stands to lose his entire deposit; if he completes the transfer he may receive back more than he would have had if the deposit had not been required and he had instead kept the funds as taxable income.

Because of the nature of the industry and its present management, I have to confess strong doubts about the ability of major contractors, and the defense-related divisions of nondefense companies, to implement the transition to nondefense work. Certainly the environment in which they operate leaves them with questionable capacity to compete effectively.

But the bill does give them that opportunity. If they refuse or if they are unable to make the transition, then the bill also creates incentives for directors and stockholders to find new management, or for the acquisition of facilities and the employment of workers by other companies. In either case, funds in the reserves would be available for loans to implement new enterprise.

The National Commission would be composed of members of the President's Cabinet, the Administrator of NASA, the chairman of the Atomic Energy Commission, the Director of the Arms Control and Disarmament Agency, the Chairman of the Council of Economic Advisers, and three representatives each from business and labor. It would be chaired by the Secretary of Labor, and it could invite additional public members to serve. It would have an executive secretary appointed by the President, and a staff to carry out its continuing responsibilities.

Along with administration of the act's terms, the Commission would be charged with long-range planning on public spending. It is contemplated that its activities in this sphere would lend guidance to workers who want to retrain for areas of expanding opportunities, as well as to contractors who might plan to pursue continued work with other Federal agencies.

We have prepared a detailed outline of the bill, and I ask unanimous consent that it and a copy of the bill itself be printed in the Record at this point.

There being no objection, the bill and outline were ordered to be printed in the Record, as follows:

S. 1191

A bill to assist workers whose jobs may be terminated by reductions in defense and space spending, to establish a system of benefits to ease the transition of such workers to civilian occupations, to minimize the hardships encountered by communities which are dependent upon defense industry and employment, to encourage cooperation between the United States and defense contractors in meeting the challenge of economic conversion and diversification brought by changing defense needs of the United States, and to facilitate the transfer of public and private resources to new national priorities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Peacetime Transition Act of 1971.

DECLARATION OF PURPOSE

Sec. 2. (a) The Congress finds and declares that during the past two decades a substantial portion of the economic scientific and human resources of the United States has been invested in defense programs; that the national government, having created an economic dependence upon such investments, has an obligation to alleviate the harmful consequences of reductions made possible by changing defense requirements; that expansionary national economic policies must be supplemented by programs directed toward specific regional and local needs; that these objectives can be served most efficiently by cooperative efforts which will, to the greatest extent possible, convert manpower and facilities to new pursuits in existing locations; that such conversion should expedite the transfer of resources to fill urgent civilian needs; and that the economic ability of the Nation and of management, labor and capital to adjust to changing security needs is consistent with the general welfare of the United States.

(b) It is the purpose of this Act to provide means (1) to protect the incomes of workers who are unemployed as a consequence of reductions in defense activity, (2) to assure an orderly transition from defense to civilian production with minimum dislocation to families and communities, and (3) to encourage conversion of technologies and managerial and worker skills developed in defense production to the service of high-priority civilian purposes.

DEFINITIONS

Sec. 3. As used in this Act the term—

(1) "Defense agency" means the Department of Defense, the Atomic Energy Commission, or the National Aeronautics and Space Administration.

(2) "Defense contractors" means any person having not less than fifty workers engaging in the furnishing of defense material pursuant to the terms of a defense contract, or a subcontract entered into for the performance of any such contract or part thereof; except that the term "defense contractor" shall not include any person whose total number of workers so engaged in the furnishing of such material is less than 5 per centum of his total work force within a defense facility.

(3) "Nonprofit contractor" means any nonprofit organization having not less than fifty worker engaged in the furnishing of defense material pursuant to the terms of a defense contract, or a subcontract entered into for the performance of any such contract or part thereof; except that the term "nonprofit contractor" shall not include any nonprofit organization whose total number of workers so engaged in the furnishing of such material is less than 5 per centum of his total work force within a defense facility.

(4) "Defense contract" means any contract including any amendment, addition to or extension of any existing contract, entered into between a person or nonprofit organization and a defense agency to furnish defense material to such agency.

(5) "Defense material" means any item of weaponry, munitions, equipment, supplies, or services intended for use in the establishment, maintenance, training, or operation of any element of the Armed Forces of the United States or of any other country or in the conduct of the United States space program.

(6) "Defense facility" means any plant or other establishment (or part thereof) engaged in the production repair, modification, maintenance, storage, or handling of defense material.

(7) "Person" means any corporation, firm, partnership, association, individual, or other entity, but shall not include a nonprofit organization.

(8) "Nonprofit organization" means any corporation, firm, partnership, association, or other entity not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(9) "Short workweek" means any workweek of less than forty hours, or in the event a defense facility has a regular workweek payable at straight-time wage rates other than forty hours, any workweek less than such regular workweek.

(10) "Downgraded" or "downgrading" means any action taken by a defense contractor or nonprofit contractor with respect to a worker which results in such worker receiving a lower rate of pay, or lesser fringe benefits, or both.

(11) "Displaced" or "displacement" means with respect to any worker of a defense facility or defense agency the separation, on a permanent or temporary basis, of such worker from his employment with such facility or agency.

(12) "State agency" means the agency of a State which administers its unemployment compensation law, approved by the Secretary of Labor under section 3304 of the Internal Revenue Code of 1954.

(13) "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

(14) "Fund" means the Defense Facility Conversion Reserve Trust Fund established by section 302(a) of this Act.

(15) "Non-Profit Fund" means the fund established by section 302(c) of this Act.

TITLE I—ESTABLISHMENT OF THE COMMISSION

Sec. 101. (a) There is hereby established, in the Executive Office of the President, the National Commission on Peacetime Transition (hereafter referred to as the "Commission"), which shall be composed of—

(1) The Secretary of Defense;

(2) The Secretary of Agriculture;

(3) The Secretary of the Interior;

(4) The Secretary of Labor, who shall be Chairman of the Commission (referred to hereinafter as the "Chairman");

(5) The Secretary of Commerce;

(6) The Secretary of Health, Education, and Welfare;

(7) The Secretary of Housing and Urban Development;

(8) The Secretary of Transportation;

(9) The Chairman of the Atomic Energy Commission;

(10) The Administrator of the National Aeronautics and Space Administration;

(11) The Director of the United States Arms Control and Disarmament Agency;

(12) The Chairman of the Council of Economic Advisers;

(13) Three persons, appointed by the Chairman of the Commission, who are representative of labor; and

(14) Three persons, appointed by the Chairman of the Commission, who are representative of management.

(b) The Secretary of Labor shall preside over meetings of the Commission; except that in his unavoidable absence he may designate a member of the Commission to preside in his place.

(c) The Commission may invite additional individuals to serve as members of the Commission, either on a temporary or permanent basis, except that the membership of the Commission shall not exceed twenty-three members at any time.

(d)(1) The Commission is authorized to appoint a staff in accordance with paragraph (2) of this subsection, and to establish one or more task forces to assist the Commission in carrying out its duties under this Act. The staff shall be headed by an Executive Secretary who shall be appointed by the President of the United States (after consultation with the Commission) and who shall be compensated at the rate provided for grade 18 of the General Schedule. The members of such staff and task forces shall include, among others, marketing specialists, production engineers, plant layout men, and manpower training experts. It shall be the duty of the staff and any task force established by the Commission, at the request of the Commission, to assist defense contractors and nonprofit contractors with the development of conversion plans submitted by them pursuant to this Act, to review and evaluate such plans, to provide assistance in connection with their execution, and to carry out such other duties as the Commission may prescribe.

(2) The Commission shall have the power to appoint and fix the compensation of such personnel as it deems advisable in accordance with the applicable provisions of title 5, United States Code. The Commission may also procure temporary and intermittent services to the same extent as authorized for the departments by section 3109 of title 5, United States Code.

(3) The Commission shall take all reasonable steps to encourage, and give preference in assigning its staff and task forces to assist, defense contractors and nonprofit contractors to convert their defense facilities to production useful for the attainment of national priority goals, such as housing and urban rehabilitation, educational and health facilities and equipment, and elimination of environmental pollution.

(4) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality, information, suggestions, estimates, and statistics for the purpose of this Act, and each department, bureau, agency, board, commission, office, independent establishment, or instrumentality, is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission upon request made by the Chairman.

(e) Members of the Commission who are officers or employees of the Federal Government shall receive no additional compensation by virtue of membership on the Commission. Other members of the Commission shall receive compensation at the rate of not to exceed $100 per diem when engaged in the performance of duties of the Commission. Each member of the Commission shall be reimbursed, as authorized by law (5 U.S.C. 73b-2), for travel and subsistence and other necessary expenses incurred by him in carrying out the duties of the Commission.

DUTIES OF THE COMMISSION

SEC. 102. It shall be the duty of the Commission to—

(1) define appropriate policies and programs to be carried out by departments and agencies of the Federal Government for peacetime transition capability, which shall include with respect to various degrees of economic conversion schedules of civilian public and private investment and education and retraining for occupational conversion, and to report to the President and the Congress on such policies and programs within one year of the date of enactment of this Act;

(2) convene a National Conference on Industrial Transition and Growth, within one year after the date of enactment of this Act, to consider the problems arising from appropriate planning and programing by all sectors of a transition to a civilian economy, and to encourage action to facilitate the Nation's economic conversion capability;

(3) consult with the Governors of the States and the Commissioner of the District of Columbia to encourage appropriate studies and conferences at the State, local and regional level, in support of a coordinated effort to improve the Nation's economic conversion capability, and make available to the Governors of the States and the Commissioner of the District of Columbia such funds, appropriated pursuant to title VI of this Act, as shall constitute not more than 50 per centum of the total costs associated with the preparation of such studies or the holding of such conferences;

(4) collect and disseminate to defense contractors and nonprofit contractors engaged in the furnishing of defense material to any defense agency information (other than information concerning proprietary trade secrets) useful to such contractors in preparation for conversion of their productive facilities to other uses consistent with policies and programs developed in accordance with the provisions of this Act;

(5) consult with trade and industry associations, labor unions, and professional societies, to encourage and enlist their support for a coordinated effort to improve the Nation's economic conversion capability;

(6) perform the duties imposed upon the Commission by this Act, and promulgate such regulations as may be necessary to carry out the provisions of this Act;

(7) make such recommendations to the President and to the Congress as will further the purposes of this Act, and

(8) enter into agreements with other Federal departments, with agencies of State and local governments, and with private groups and individuals in order to carry out the purposes and provisions of this Act.

ADDITIONAL DUTIES OF THE COMMISSION AND STAFF

SEC. 103. (a) It shall be the duty of the Commission to review any conversion plan submitted to the Commission pursuant to section 201 of this Act with a view to (1) determining whether such plan conforms to the requirements of title II; (2) assessing the feasibility of such plan; (3) ascertaining whether the defense contractor or nonprofit contractor submitting such plan has made a reasonable effort to coordinate his plan with subcontractors and other firms in the same labor market area; and (4) determining whether such plan is generally consistent with plans submitted by other defense contractors and nonprofit contractors within such labor market area pursuant to title II of this Act. In reviewing any such plan, the Commission shall consult with the union representing the employees of the defense contractor or nonprofit contractor submitting such plan, and with representatives of the appropriate State and local governments.

(b)(1) Following the review of a conversion plan of a defense contractor or nonprofit contractor under this section, the Commission shall notify such contractor, in writing, of the results of its review of his plan, including any weaknesses or deficiencies therein. The notice shall further contain, where appropriate, a statement directing his attention to opportunities which he may have overlooked to convert his defense facilities to civilian production useful for the attainment of national priority goals.

(2) If a defense contractor required by the provisions of this Act to submit a conversion plan fails to submit such plan, or if on the basis of its review, the Commission determines that a conversion plan submitted by a defense contractor does not meet the requirements of title II of this Act, the Commission shall notify the appropriate defense agency of that fact, and such agency shall, upon receipt of that notification, withhold 15 per centum of any payment owed to such contractor on account of any defense contract entered into on or after the date of the enactment of this Act between such contractor and agency until the agency has been further notified by the Commission that a plan has been submitted or that the plan submitted has been modified by the contractor so as to bring it into conformity with the provisions of such title. If, on the basis of such review, the Commission determines that a conversion plan submitted by a nonprofit contractor does not meet such requirements, the Commission is authorized to withhold any further payments to such contractor from the Non-Profit Fund until the Commission has determined that such plan has been modified by the contractor so as to bring it into conformity with such requirements.

(c) The Commission shall, from time to time, publish, and make available to the public, a written report concerning its activities under this section. Such report shall contain information and other data sufficient to inform interested persons and nonprofit organizations as to production opportunities likely to result from the execution of conversion plans reviewed by it pursuant to this section, and the dangers of possible overproduction or underproduction of certain goods and services which might result from the execution of such plans.

TITLE II—ECONOMIC CONVERSION PEACETIME TRANSITION PLANS

SEC. 201. (a) No defense agency shall enter into any defense contract with any person or nonprofit organization involving the furnishing of defense material to such agency unless the contract contains a provision under which the defense contractor or nonprofit contractor is required, subject to the provisions of section 202 of this Act, to file with the Commission, no later than one year from the date of such contract, and thereafter keep current, a plan (referred to in this Act as a "transition plan") setting forth how he intends to convert his defense facility into a facility capable of providing employment for his workers engaged in the furnishing of defense material to a defense agency when and if such wrokers are no longer required for that purpose because the need for such material no longer exists or is substantially reduced. The provision shall further require that the obligations under this subsection shall continue notwithstanding completion or termination of the contract, if after such completion or termination the person or nonprofit organization remains within the definition of either section 3(2) or section 3(3) of this Act.

(b) Each transition plan filed pursuant to subsection (a) shall contain such information and other data as the Commission may prescribe, including the following:

(1) The type of product or service to be produced or provided.

(2) A statement setting forth the basis for such contractor's belief that a market for the proposed product or service is available, including details of any marketing studies or surveys made.

(3) A description of efforts undertaken and preparations made by the contractor to market the proposed product or service, including contracts established with market outlets and potential customers.

(4) A list of the machinery and equipment used, at the time of the filing of such plan, by such contractor in connection with the

furnishing of defense materials which may be directly converted to the proposed civilian production; a list of machinery and equipment so used at such time that would require modification for that purpose; a list of additional machinery and equipment which would have to be procured by any such contractor for that purpose; a description of the nature and extent of plant layout changes which would be required for such proposed civilian production; and a detailed description of the nature and amount of manpower retraining that would be necessary for conversion to such production.

(5) The estimated costs, at current prices, of the physical conversion and manpower retraining referred to in paragraph (4) of this subsection.

(6) An estimate of the time period required from the initiation of the conversion process to its completion, and of employment levels during each month of such period.

(7) In the case of prime defense contractors or prime nonprofit contractors, a detailed description of contacts and arrangements made with subcontractors to facilitate the maximum possible degree of coordination of their respective transition plans.

(8) In the case of prime defense contractors and nonprofit contractors, and their subcontractors, a detailed description of contacts and arrangements made by them with other firms in the same labor market area designed to facilitate maintenance of employment levels in that area.

(9) A statement as to how the foregoing elements in the transition plan would be effected, and to what extent they would have to be modified, in the event defense production is gradually reduced rather than totally eliminated at a single point in time.

(c)(1) Moneys deposited in the special reserve account of the Fund and earmarked to the credit of a defense contractor in accordance with section 302(a)(1) of this Act shall be available for use by such contractor in meeting expenses incurred by him in developing and carrying out his transition plan submitted pursuant to section 201 of this Act.

(2) Moneys appropriated to the Non-Profit Fund pursuant to section 302(c) of this Act shall be available for use, in accordance with this Act, by any nonprofit contractor in meeting expenses incurred by him in developing and carrying out his transition plan under this Act.

SEC. 202. (a) In any case in which a defense contractor or a nonprofit contractor determines that his defense facility cannot be converted to civilian production he shall notify the Commission, in writing, of that fact. Such notification shall set forth the basis on which that determination was made, together with such other information and data as the Commission may require. If the Commission determines that such defense facility cannot be so converted, it may authorize such contractor to file with the Commission, in lieu of the transition plan required under section 201, copies of one or more contracts, approved by the Commission, entered into between such defense contractor or nonprofit contractor and any other person or nonprofit organization under which such person or nonprofit organization agrees to undertake to attempt to provide employment, including such retraining as may be necessary, for employees displaced from such defense facility. No such contract filed by a defense contractor under this section shall be approved by the Commission unless it contains a provision under which the moneys in the special reserve account in the Fund earmarked to the credit of such contractor in accordance with the provisions of section 302 (a)(1) of this Act shall be available for payment of employee transition benefits under title V of this Act and of all costs incurred by such person or nonprofit organization arising out of the absorption (including retraining) by such person or organization of such displaced workers.

(b) In any case involving any such contract entered into between a nonprofit contractor and any person or nonprofit organization under which such person or organization agrees to undertake to attempt to provide employment, including such retraining as may be necessary, for employees of such contractor so displaced, moneys appropriated to the Non-Profit Fund pursuant to section 302(c) of this Act shall be available for payment or reimbursement of all costs incurred by such person or nonprofit organization arising out of the absorption (including retraining) by such person or organization of such displaced workers.

SEC. 202(c). In any case in which a defense contractor fails to submit contracts in lieu of a transition plan authorized by the Commission under subsection (a) of this section, the Commission may endeavor to arrange such contracts on behalf of the defense contractor, and may commit monies in the special reserve account earmarked to the credit of such contractor for the payment of all costs arising out of the absorption (including retraining) of such displaced workers.

SEC. 203. (a) In any case in which a defense contractor fails to execute the transition plan (or any part thereof) submitted by him in accordance with section 201 of this Act with respect to his defense facility, the Commission is authorized to take over, convert, and operate such facility, or take over and arrange, by contract or otherwise, for the conversion and operation by another person of such facility, in accordance with the plan submitted by such defense contractor or a plan recommended by the Commission or, with its approval, by the Commission's staff and task forces. The Commission shall pay to the defense contractor whose facility is taken over pursuant to this section a reasonable rent out of any moneys in the special reserve account in the fund earmarked to the credit of the defense contractor in accordance with the provisions of section 302(a)(1) of this Act. Employee transition benefits under title V of this Act, and all costs arising out of the development and execution of any such transition plan in accordance with this section by the Commission or such person, shall be paid out of such moneys in such account so earmarked.

SEC. 204. (a) With respect to any amounts authorized to be paid under this title out of moneys in the special reserve account of the fund, the Commission shall, from time to time, certify to the Secretary of the Treasury (1) the name of the defense contractor or other person entitled to receive such payment, (2) the amount thereof, and (3) the name of the defense contractor whose earmarked moneys in such account is to be charged in connection with such payment. With respect to any amounts authorized to be paid to the Commission pursuant to section 203 of this title out of moneys in the special reserve account of the fund, the Commission shall, from time to time, certify to the Secretary of the Treasury (1) the amount thereof, and (2) the name of the defense contractor whose earmarked moneys in such account is to be charged in connection with such payment. The Secretary of the Treasury shall make such payments from the special reserve account of the fund to such contractor, person, or Commission in accordance with such certification.

(b) With respect to any amounts authorized to be paid under this title out of the Non-Profit Fund, the Commission shall, from time to time, certify to the Secretary of the Treasury (1) the name of the nonprofit contractor or other person or nonprofit organization entitled to receive such payment, and (2) the amount thereof. The Secretary of the Treasury shall make such payments, from the Non-Profit Fund, to such nonprofit contractor, person, or organization in accordance with such certification.

SEC. 205. (a) Each defense agency shall file with the Commission, and keep current on not less than an annual basis, a transition plan with respect to each of its facilities in the United States (including agreements or arrangements entered into by such agency contemplating the operation of such facility by another Federal agency or private organization) setting forth how that agency intends to convert such facility into a facility capable of providing employment for its workers when such workers are no longer needed for defense purposes. Such plan shall be filed at such time and contain such information as the Commission may prescribe.

(b) In any case in which a defense agency determines that any of its facilities cannot be converted to a nondefense use, such agency shall, with respect to any such facility, file with the Commission, on an annual basis, plans (including details of arrangements made with other Federal agencies) designed to facilitate the employment of workers of such facility displaced because they were no longer needed by such facility for defense purposes.

(c) In addition to the other requirements of this section, the Department of Defense shall report to the Commission, on an annual basis, with respect to action taken by such Department, including training for civilian employment, to facilitate the absorption into the civilian economy of individuals released from the Armed Forces of the United States.

SEC. 206. The Commission shall by such means as it determines appropriate, inform Federal and State governmental and private manpower training agencies with respect to the training and retraining needs which the Commission estimates may result on account of the execution of transition plans pursuant to this Act.

SEC. 207. On and after the date of the enactment of this Act, each defense contract entered into between a defense agency and a defense contractor or nonprofit contractor shall contain a provision under which such contractor is required to notify the appropriate State employment service of all vacant jobs to be filled by new hires (as distinguished from vacant jobs to be filled by promotion, transfer, or recall of laid off workers) by such contractor.

TITLE III—CONVERSION RESERVES

SEC. 301. No defense agency shall enter into any defense contract with any person involving the furnishing of defense material to such agency unless the contract contains a provision under which the defense contractor is required to pay to the Commission an amount equal to 12½ per centum of all profits (determined prior to any exclusions for Federal or State taxes) resulting from such contract: *Provided, however,* that in no case shall a defense contractor be required to make further payments to the Commission under such provision if the Commission determines that of the fund established by section 302 of this Act, the portion earmarked to the credit of such contractor would be sufficient to cover payment of the employee transition benefits provided by Title V of this Act to all workers then employed by such contractor who would be eligible for benefits in the event of termination of all of the contractor's defense contracts. Profits payable to the Commission pursuant to this section shall be computed in such manner, and paid at such time, as the Commission; after consultation with the Comptroller General, shall by regulation prescribe. In no case, however, shall payments required to be made by a defense contractor pursuant to this section be considered as a cost item in the negotiating or bidding of any defense contract, or in determining profit for purposes of this section or any provision of law relating to the renegotiation of defense contracts.

SEC. 302. (a) There is hereby established in the Treasury of the United States a trust fund to be known as the "Defense Facility Conversion Reserve Trust Fund" (referred to in this Act as the "fund"). The fund shall consist of two parts, one of which shall be known as the "special reserve account" and the other as the "general pool reserve account". Amounts paid by a defense contractor to the Commission pursuant to section 301 of this Act shall be deposited in the fund as follows:

(1) 90 per centum of such amounts shall be deposited in the special reserve account and earmarked to the credit of the defense contractor making such payments; and

(2) 10 per centum of such amounts shall be deposited in the general pool reserve account.

(b) There is authorized to be appropriated to the general pool reserve account in the fund such amounts as may be necessary to enable the Secretary of the Treasury to make the payments and other disbursements authorized by sections 403 and 504 of this Act.

(c) There is hereby established in the Treasury of the United States a fund to be known as the "Non-Profit Fund". There is authorized to be appropriated to the Non-Profit Fund such amounts as may be necessary to enable the Secretary of the Treasury to make loans pursuant to section 402, and payments authorized to be made in accordance with sections 201(c)(2) and 202(b) of this Act.

SEC. 303. (a) It shall be the duty of the Secretary of the Treasury to invest such portion of the moneys in the fund as is not, in the judgment of the Secretary, required to meet current withdrawal requirements. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the Public Debt; except that where such average rate is not a multiple of one-eighth of 1 percent, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(b) Any obligation acquired by the fund (except special obligations issued exclusively to the fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(c) Any interest earned by reason of the investment pursuant to this section of **any moneys of a defense contractor in the** fund shall be deposited in the account from which the moneys so invested were acquired and shall be available for disbursement in accordance with this Act.

SEC. 304. (a)(1) Upon written application of any defense contractor, the Commission is authorized, if such contractor has not engaged in the furnishing of defense material to a defense agency during any period of twenty-four consecutive calendar months following the date of the enactment of this Act, to provide for the return of all unexpended moneys (including interest credited thereon) of such contractor remaining to his credit in the special reserve account as of the date of such application, if all of his obligations under this Act have been satisfied.

(2) Upon written application of any defense contractor, the Commission is authorized, if the number of his workers engaged in the furnishing of defense material to a defense agency during the twenty-four calendar month period immediately preceding such application was continuously more than 20 per centum below the peak annual average number of his workers engaged in the furnishing of such materials during the period commencing on the date of the enactment of this Act and ending on the date immediately preceding the date of such application, to provide for the return to such contractor of a portion of his unexpended moneys (including interest credited thereon) remaining to his credit in the special reserve account of the fund as of the date of such application. Such portion to be so returned to such contractor shall be an amount equal to the excess of his unexpended moneys (including interest credited thereon) so remaining to his credit in such account as of the date of such application over the same percentage of his total deposits therein (including interest credited thereon) as his average defense employment during such two-year period preceding his application is of his aforementioned peak annual average defense employment. No more than one such application under this paragraph shall be approved with respect to any one defense contractor within any twelve calendar month period.

(b)(1) Upon written application of any defense contractor, the Commission is authorized, if such contractor has not engaged in the furnishing of defense material to a defense agency during any period of twenty-four consecutive calendar months following the date of the enactment of this Act, to provide for the return to such contractor of a portion of the moneys (including interest credited thereon) in the general pool reserve account. Such portion to be returned to such contractor shall be an amount equal to the percentage of such moneys (including interest credited thereon) remaining in such account as of the date of such application, equal to the percentage which his total deposits therein (reduced by a percentage equal to the percentage decrease in employment used in calculating any moneys previously returned to him under paragraph (2) of this subsection and including interest credited on such reduced amount) amount to in relation to the difference between (i) the total of all moneys previously paid into or credited to the general pool reserve account and (ii) the sum of all deposits (including interest credited theron) previously returned from the general pool reserve account in accordance with this paragraph and paragraph (2) of this subsection.

(2) Upon written application of any defense contractor, the Commission is authorized, if the number of his workers engaged in the furnishing of defense material to a defense agency during the twenty-four calendar month period immediately preceding such application was continuously more than 20 per centum below the peak annual average number of his workers engaged in the furnishing of such material during the period commencing on the date of the enactment of this Act and ending on the date immediately preceding the date of such application, to provide for the return to such contractor of a portion of the moneys (including interest credited thereon) remaining in the general pool reserve account. Such portion to be so returned to such contractor shall be an amount equal to a percentage of his total deposits (including interest credited thereon) in such general pool reserve account equal to the percentage reduction in his defense employment, adjusted by the ratio of the total amount (including interest) remaining in such general pool reserve account at the date of such application to the total of all deposits (including interest credited thereon) made to such account pursuant to this act by defense contractors who, if they cease to be engaged in furnishing defense materials, may become entitled to have moneys returned to them under paragraph (1) of this subsection.

(3) Notwithstanding any other provision of this subsection, no moneys shall be returned to any such defense contractor pursuant to this subsection if the total amount expended from such fund in order to meet his obligations and other expenses under this Act equals or exceeds the total amount of his deposits to the fund (including interest credited thereon).

(4) All amounts returned to a defense contractor pursuant to this section shall be exempt from the Federal income tax laws.

TITLE IV—DEFENSE CONTRACTOR BENEFITS

SEC. 401. (a) Any defense contractor requiring funds to carry on, expand, or initiate a civilian business or other civilian activity in the same labor market as his defense operations may be authorized by the Commission to borrow from funds in the special reserve account and earmarked to his credit in accordance with section 302(a)(1) of this Act, at a rate of interest equivalent to the current prevailing rate on long-term Treasury bonds.

(b) No loan shall be made pursuant to subsection (a) of this section unless the defense contractor requesting such loan has—

(1) obtained or arranged to obtain, from a reputable private lending agency, a loan, equal to at least 10 per centum of the amount requested pursuant to subsection (a), for use for the same purpose as that for which a loan is requested under such subsection, and such lending agency has agreed to share proportionately in any losses which might be incurred on the combined loans; and

(2) included in his transition plan submitted pursuant to section 201 of this Act provisions for employing workers, displaced from any defense facility operated by such defense contractor, in such civilian business or activity to the extent that employment opportunities are available for such workers under a seniority or other arrangement which is fair to workers in both such operations.

(c) Interest owing on such loan referred to in subsection (a) shall be paid by the defense contractor to the Commission for deposit by it in the special reserve account of the fund. Such interest payments shall be earmarked to the credit of such contractor in accordance with section 302(a)(1) of this Act and shall be available for disbursement in accordance with the provisions of this Act.

SEC. 402. (a) Any nonprofit contractor requiring funds to carry on, expand, or initiate a civilian business or other civilian activity in the same labor market as his defense operations may be authorized by the Commission to borrow from moneys in the Non-Profit Fund at a rate of interest equivalent to the current prevailing rate on long-term Treasury bonds.

(b) No loan shall be made pursuant to subsection (a) of this section unless the nonprofit contractor requesting such loan has—

(1) obtained or arranged to obtain, from a reputable private lending agency, a loan equal to at least 10 per centum of the

amount requested pursuant to subsection (a), for use for the same purpose as that for which a loan is requested under such subsection, and such lending agency has agreed to share proportionately in any losses which might be incurred on the combined loans; and

(2) included in his transition plan submitted pursuant to section 201 of this Act provisions for employing workers, displaced from any defense facility operated by such nonprofit contractor, in such civilian business or activity to the extent that employment opportunities are available for such workers under a seniority or other arrangement which is fair to workers in both such operations.

(c) Interest owing on such loans referred to in subsection (a) of this section shall be paid by the nonprofit contractor to the Commission for deposit by it in the Non-Profit Fund and shall be available for disbursement in accordance with the provisions of this Act.

SEC. 403. In any case in which a defense contractor, after meeting costs of transition benefits for his workers in accordance with title V of this Act, is unable to meet the costs involved in carrying out his transition plan submitted pursuant to section 201 of this Act out of his earmarked funds in the special reserve account of the fund, the Commission is authorized to direct the Secretary of the Treasury to guarantee up to 90 per centum of any loan obtained by such contractor from a reputable private lending agency for that purpose and to pay, out of moneys appropriated pursuant to section 302(b) of this Act, three-fourths of the interest charges on such loan in excess of 5 per centum per annum; except that the guarantee and interest subsidy shall be available only for a loan not in excess of an amount that the Commission determines might reasonably be required to provide employment for the number of such contractor's workers to be transferred, by reason of their displacement, from defense to civilian production in accordance with such conversion plan.

TITLE V—EMPLOYEE TRANSITION BENEFITS

SEC. 501. (a) Any defense contract entered into between a defense contractor or a nonprofit contractor and a defense agency shall contain a provision under which such contractor is required to report to the Secretary of Labor, or, in the case of a State which has entered into a contract with the Commission pursuant to section 503 of this Act, with the appropriate State agency, all displacements, short workweeks, or downgradings affecting workers employed by such contractor in a defense facility in connection with the furnishing of defense materials to a defense agency pursuant to such contract, and to specify, with respect to each affected worker, whether or not his displacement, short workweek, or downgrading was attributable, in whole or in part, to a reduction of the volume of defense work in such facility. Any worker listed in any such report as having been affected by a reduction in the volume of defense work conducted by such facility, including any worker found upon appeal in accordance with subsection (b) of this section to have been so affected, shall be certified by the Secretary of Labor or State agency, as the case may be, as a worker eligible for transition benefits in accordance with section 502 of this Act.

(b) Any worker (or union representing such worker) of a defense contractor or nonprofit contractor aggrieved by any matter contained in a report filed by such contractor pursuant to subsection (a) of this section (or by any matter relating to his certification, or failure to be so certified, or his eligibility for such transition benefits, or the kind or amount thereof), shall be entitled to appeal such matter to the Secretary of Labor, or, if such worker is in a State which has entered into a contract with the Commission pursuant to section 503 of this Act, to the appropriate State agency.

SEC. 502. (a) Subject to the provisions of subsection (d) of this section any worker certified pursuant to section 501 of this Act as eligible for transition benefits by reason of his displacement from a defense facility shall be entitled, for the two-year period following his displacement, to whichever of the following benefits are applicable:

(1) Compensation, on a weekly basis, in an amount which, when added to any benefits which such worker receives or is entitled to receive for such weekly period under any Federal or State unemployment compensation program (or any plan of his employer providing for such benefits) by reason of his displacement, and any earnings during such weekly period from other employment, equals the amount of such worker's regular weekly wages (for a forty-hour workweek or, in the event a defense facility has a regular workweek payable at straight-time wage rates other than forty hours, for such regular workweek) prior to his displacement.

(2) If such worker is otherwise employed during any such displacement period, compensation, in addition to that provided for in paragraph (1), in an amount equal to the difference between the costs incurred by him in connection with his meals, transportation, and other matters on account of such employment, and the costs which he would have incurred for such meals, transportation, and other matters on account of his prior employment if he had not been displaced.

(3) Vested pension credit under any applicable pension plan maintained by the defense facility from which he was displaced, for the period of his employment with such facility, and the two-year period following his displacement; except that pension credit during such two-year period shall be reduced to the extent of vested pension credit earned with another employer during such two-year period.

(4) Maintenance of any hospital, surgical, medical, disability, life (and other survivor) insurance coverage which such individual (including members of his family) had by reason of his employment by such defense facility prior to such displacement; except that if such worker so displaced is otherwise employed during such two-year period, such worker shall be entitled to receive benefits under this paragraph to the extent necessary to provide such worker with the same aforementioned protection as he (including members of his family) would have had if he had not been displaced.

(5) Retraining for civilian work in the defense contractor's or nonprofit contractor's defense facility providing pay and status as comparable as possible to the employment from which he was displaced.

(6) Subject to the provisions of section 504(b) of this Act, retraining approved by the Secretary of Labor, or, in the case of a worker in a State which has entered into a contract with the Commission pursuant to section 503 of this Act, by the State agency, and reimbursement for all reasonable relocation expenses, including the difference between the appraised value of his home and any lesser amount received in a bona fide arms length sales transaction, incurred by such worker in moving himself and his family to another location in order to take advantage of an employment opportunity to which he is referred, or which is determined to be suitable, by the Secretary of Labor or, in the case of a worker in a State which has entered into a contract with the Commission pursuant to section 503 of this Act, by the State agency.

(b) Any worker certified pursuant to section 501 of this Act as eligible for transition benefits by reason of his having been placed on a short workweek by a defense facility shall be entitled, during the two-year period following such certification, to compensation, on a weekly basis, in an amount which, when added to any earnings from his defense facility or other employment, during such weekly period, equals the amount of such worker's regular weekly wages (for a forty-hour workweek or, in the event a defense facility has a regular workweek payable at straight-time wage rates other than forty hours, for such regular workweek) prior to his having been placed on a short workweek.

(c) Any worker certified pursuant to section 501 of this Act as eligible for transition benefits by reason of his employment with a defense facility being downgraded shall be entitled, during the two-year period following such certification, to compensation, on a weekly basis, in an amount which, when added to any other earnings, during such weekly period, from his employment, equals the amount of such worker's regular weekly wages (for a forty-hour workweek, or in the event a defense facility has a regular work-week payable at straight-time wage rates other than forty hours, for such regular workweek) prior to such downgrading.

(d) In the case of a worker whose period of employment with the defense contractor (including periods of layoff, illness or authorized absence for other reason) was less than six months, the benefits provided in subsections (a)(1), (a)(2), (a)(3), (a)(4), (b), (c), and (d) of this section shall be applicable (separately or in combination) for a number of weeks no greater than the number of weeks in such period of employment.

SEC. 503. (a) The Commission is authorized, on behalf of the United States, to enter into an agreement with a State, or with any agency administering the unemployment compensation law of any State approved by the Secretary of Labor under section 3304 of the Internal Revenue Code of 1954, which shall include the provisions described in paragraphs (1) and (2) of this subsection:

(1) such State agency will, as agent of the Commission, make certifications and other determinations required in section 501 of this Act, make such payments and provide such benefits are are authorized by section 502 of this Act, on the basis provided for in this Act, and will otherwise cooperate with the Commission and other State agencies in carrying out the provisions of sections 207, 501, and 502 of this Act; and

(2) such State agency shall be reimbursed for all benefits paid pursuant to such agreement, and all administrative costs incurred in carrying out such agreement.

(b)(1) There shall be paid to each State agency which has an agreement under this section, either in advance or by way of reimbursement, as may be determined by the Commission, such sum as the Commission estimates the agency will be entitled to receive under such agreement for each calendar month, reduced or increased, as the case may be, by any sum by which the Commission finds that its estimates for any prior calendar month were greater or less than amounts which should have been paid to the agency. Such estimates may be made upon the basis of such statistical, sampling, or other method as may be agreed upon by the Commission and the State agency.

(2) The Commission shall from time to time certify to the Secretary of the Treasury for payment to each State agency which has an agreement under this section sums payable to such agency under paragraph (1) of this subsection. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the agency, in accordance with such

certification, from the fund or the Non-Profit Fund in such manner as is authorized by section 504 of this Act.

(3) All money paid a State agency under any such agreement shall be used solely for the purposes for which it is paid; and any money so paid which is not used for such purposes shall be returned, at the time specified in such agreement, to the Treasury. Moneys paid from the fund and so returned shall be redeposited in the fund to the credit of the appropriate defense contractor. Moneys paid from the Non-Profit Fund and so returned shall be redeposited in such Non-Profit Fund.

(c) In any case involving a worker entitled to benefits under section 502 who is in a State with respect to which there is no agreement pursuant to this section, the Secreary of Labor shall, under regulations prescribed by him, administer such benefits on behalf of such worker. The Secretary of Laobr, in administering such benefits, shall, from time to time, certify to the Secretary of the Treasury for payment to such worker the amounts of such benefits to which he is entitled, and the Secretary of the Treasury shall make payments to such worker, in accordance with such certification, from the fund or the Non-Profit Fund in such manner as is authorized by section 504 of this Act.

SEC. 504. (a)(1) All transition benefits payable or provided to a worker of a defense contractor in accordance with this title shall be chargeable against moneys of such contractor deposited in the special reserve account of the fund and earmarked to his credit in accordance with section 302(a)(1) of this Act. In any case in which such moneys so earmarked are insufficient to pay or provide such benefits, moneys in the general pool reserve account of the fund shall be available to the extent of such insufficiency for that purpose. To the extent that such moneys in the general pool reserve account are insufficient to pay or provide such benefits, moneys appropriated to the general pool reserve account pursuant to section 302(b) of this Act shall be available for that purpose.

(2) All transition benefits payable or provided to a worker of a nonprofit contractor in accordance with this title shall be paid from moneys available in the Non-Profit Fund.

(b) Notwithstanding the provisions of subsection (a)(1) of this section, transition benefits payable or to be provided to any worker of a defense contractor pursuant to section 502(a)(6) of this Act shall not be charged against any moneys of such contractor in the special reserve account of the fund as provided for in subsection (a)(1), unless the Commission has first determined that the worker is unlikely to be reemployed by such contractor within a period of one year following his displacement, and that retraining or relocation, or both, is required to enable such worker to obtain employment comparable in pay and status to that from which he was displaced. In the event no such determination is made, such benefits authorized under section 502(a)(6) of this Act shall be payable or provided from moneys in the general pool reserve account of the fund.

SEC. 505. In no case shall any displaced worker be eligible for benefits under section 502(a) of this Act unless such worker agrees (1) to maintain, on a current basis, during the period of his displacement, an active registration with the Secretary of Labor or an appropriate State employment agency, as the case may be, and (2) to accept any employment, determined by the Secretary of Labor or agency, as the case may be, to be suitable, to which he is referred by the Secretary of Labor or such agency. No such benefits shall be paid under this Act to any worker who fails to maintain such registration or to accept such employment: *Provided, however,* That failure by a worker to accept suitable employment shall not affect his eligibility to receive benefits under section 502(a) of this Act if he is engaged in retraining pursuant to section 502(a)(5) or section 502(a)(6) of this Act.

SEC. 506. In no case shall any transition benefits paid pursuant to this Act be taken into consideration in determining eligibility for unemployment compensation under any Federal or State unemployment compensation law or in determining the amount of entitlement thereunder.

TITLE VI—APPROPRIATIONS

SEC. 601. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Peacetime Transition Act

(Outline of legislation introduced by Senators McGovern and Mathias)

I. APPLICATION

A. Agencies whose contracts are covered by the bill include the Department of Defense, the Atomic Energy Commission, and the National Aeronautics and Space Administration. Coverage is limited to contracts for weapons, munitions, equipment, supplies or services to be used in the establishment or operation of the armed forces or in the conduct of the U.S. space program.

B. The provisions of the bill extend to enterprises, including non-profit organizations, with 50 or more workers engaged in furnishing defense materials or services, unless the total number of workers is less than 5 percent of the work force in a defense facility operated by the employer.

C. Employee benefits would be available to workers of the contractor who are employed, in whole or in part, in the performance of defense contracts.

II. ADMINISTRATION

A. Federal responsibilities created by the Act would be performed by a National Commission on Peacetime Transition composed of members of the Cabinet; the chairmen of the Atomic Energy Commission and the Council of Economic Advisers; the Administrator of the National Aeronautics and Space Administration; the Director of the Arms Control and Disarmament Agency; three representatives each from business and labor, and up to five additional public members. The Commission would be chaired by the Secretary of Labor, and would have an Executive Secretary appointed by the President. It would be authorized to appoint professional staff to conduct day-to-day operations.

B. The Secretary of Labor would be authorized to enter into agreements with appropriate State agencies for the administration of employee benefit provisions of the Act, under provisions similar to those presently in effect for unemployment compensation for employees of the Federal government.

III. DUTIES OF THE COMMISSION

A. The Commission would be obliged by the Act to define appropriate Federal policies and programs to assist in the development of conversion capability, including estimated patterns of public and private investment and proposals for occupational conversion, and to report to the President and the Congress within one year. Within the same period it would convene a national conference on industrial conversion and growth, to consider means of encouraging planning by all sectors. It would be empowered to make recommendations to the President and the Congress.

B. The Commission would consult with State governments, and would encourage studies at the State, local and regional level. It would be authorized to contribute as much as 50 percent of the costs of such studies.

C. The Commission would collect and disseminate relevant information to contractors, and would consult with trade and industry associations, labor unions, and professional societies to enlist their support for a coordinated conversion effort.

D. The Commission staff would be charged with assisting in the development of contractor conversion plans and with evaluating them in light of the requirements of the Act. The Commission may order revisions in plans submitted by the contractors, and may direct the appropriate agency to withhold a percentage of payments owing on contracts until plans meet the requirements of the Act.

IV. FINANCING

A. Funds for payments of employee benefits and for loans to contractors implementing conversion plans would be generated by contractor deposits of twelve and one-half percent of their before-tax profits from defense business in conversion reserves held in trust by the commission. Ninety percent of the funds deposited by each contractor would be held to his credit in a "special reserve account," and the remaining 10 percent would be held to his credit in a "general pooled reserve account."

B. Funds for the payment of employee benefits in the case of non-profit defense contractors would be contributed by the Federal Government, and held in a "non-profit reserve account."

C. The Act authorizes additional appropriations as required to meet the administrative expenses of the Commission and to backstop funds in the reserves.

V. EMPLOYEE BENEFITS

A. Eligibility would be based upon a worker's being affected by reductions in the volume of defense work, as reported to the Secretary of Labor to the appropriate state agency where a Federal-State agreement exists. Such reports would be required of the contractor as a condition of defense contracts, and would include a listing of all displacements, short workweeks or downgradings caused by cutbacks in the contractor's defense production.

B. A worker would not be eligible for benefits unless he maintained an active registration with the appropriate State employment agency and agreed to accept any work deemed suitable by such agency, except that workers engaged in approved retraining programs would not be required to accept employment during their enrollment in such programs.

C. Benefits would be calculated to replace the actual income loss resulting from the defense cutback. Payments would be in the amounts necessary to equal, when added to other income of the beneficiary such as unemployment compensation or earnings from other employment, his earnings prior to being laid off or downgraded. Payments to individual workers would extend for up to two years, so long as they remained eligible during that period.

D. In addition to income benefits, workers would be entitled to receive vested pension credit under applicable pension plans; maintenance of hospital, surgical, medical, disability, and life insurance coverage had by reason of his prior employment; expenses of relocation for new employment or training; and, where possible, retraining in the employer's facility.

E. Benefits would be paid from funds earmarked to the credit of the contractor in the "special reserve account" administered by the Commission. If such funds were exhausted, further payments would be made from the "general pooled reserve account," including funds contributed by all contractors covered by the Act. If the "general pooled reserve account" were exhausted, the Act would authorize appropriations from general revenues. Benefits for employees of non-profit contractors would be paid from the "non-profit" portion of the trust fund.

VI. CONTRACTOR OBLIGATIONS

A. As a condition of fulfillment of new defense contracts and renewals, extensions or adjustments of old contracts, defense enterprises would be required to deposit twelve and one-half percent of their before-tax profits from such contracts with the Commission, to be held in trust for the purposes of the Act. Such contributions would continue until the amount in the "special reserve account" held to the credit of the contractor would be sufficient to cover employee conversion benefits for the number of workers then employed who might become eligible for benefits under the terms of the Act. In addition, contractors would be obliged to submit, and keep current on an annual basis, detailed plans for the conversion of defense facilities to facilities capable of providing employment for workers in civilian-oriented work when they are no longer required for defense purposes.

B. If a contractor determined that his defense facility could not be converted, he would be required to file with the Commission contracts under which another person would agree to attempt to provide employment for displaced workers. The contracts would have to include provisions for the availability of funds in the "special reserve account" to pay employee conversion benefits as required.

C. Failure to execute the conversion plan filed by the contractor when defense work is reduced would result in authority for the Commission to assume control of the facility for reasonable compensation and either operate it under the conversion plan or arrange, by contract, for its conversion and operation by another person.

VII. CONTRACTOR BENEFITS

A. If the contractor has not been engaged in defense work for a twenty-four month period, he may reclaim all funds held to his credit by the Commission, provided that all employee benefit claims from such funds have been satisfied.

B. If employment in a defense facility were reduced by twenty percent or more over a twenty-four month period, the contractor would be allowed to reclaim the same proportionate share of funds held to his credit by the Commission, provided that all employee benefit claims from such funds have been satisfied.

C. Funds in the contractor's "special reserve account" would be available for the formulation of the conversion plans required by the Act.

D. The Commission could authorize contractors to borrow from funds held to their credit in the "special reserve account" for the implementation of conversion plans, if the contractor has obtained a loan from a private lending agency of at least 10 percent of the cost and has agreed to employ existing workers in the new enterprise to be developed to the extent employment opportunities are available. Interest on the loans would be at the rate currently prevailing on long-term Treasury Bonds. Non-profit contractors would be authorized to borrow on a similar basis from the "non-profit" portion of the fund. In cases where there are insufficient funds remaining for loans, the Act would authorize Federal guarantees for up to 90 percent of any private loan obtained by the contractor, and to pay three-fourths of any interest charges in excess of 5 percent from the "general pooled reserve account."

E. The Commission staff would be available to provide technical assistance in the formulation of conversion plans. The Commission would be directed by the Act to give priority attention in the assignment of staff and other recourses to conversion plans directed toward important public needs.

F. Any funds from the special and general pooled reserve accounts remaining after conversion and after payment of all employee benefit claims would be returned to the contractor, along with interest accrued from the contractor's borrowings and from other investments of the fund by the Secretary of the Treasury.

THE PEACETIME TRANSITION ACT

Mr. MATHIAS. Mr. President, I thank the Senator from South Dakota for yielding at this time.

For about 12 years, since I first came to Congress during the recession era of 1960–61, I have been impressed by the unfulfilled need for a method of evening out the peaks and dips in the defense industry. It has traditionally been feast or famine for American defense contractors with a resulting situation that is dangerous for national security and in human terms is catastrophic for the men and women who devote their employable years to defense work.

In the intervening years I have repeatedly urged the Arms Control and Disarmanent Agency to assume greater responsibility in the area of conversion of defense industry.

The virtue of such a plan is threefold. In the first place it enhances national security by insuring the vitality of the defense industry; secondly, it serves the humanitarian function of aiding the men and women who devote their employable years to that industry; and third, not unimportantly, it reduces the sinister facade of the so-called military industrial complex which has been of such great concern to so many Americans.

I am, therefore, joining with Senator McGovern in introducing the Peacetime Transition Act in the hope that our joint efforts will bring overdue results. This act addresses the economic and social problems faced by defense and defense-related industries and their employees in adjusting to cutbacks and changing patterns of military spending.

The act encourages defense firms and related nonprofit institutions to formulate and implement conversion plans as America moves from a wartime to a peacetime economy. It also provides for a program of worker benefits, extending over a 2-year period if necessary, which will maintain the level of income of those scientists, engineers, technicians, and other workers who are laid off or downgraded or who suffer reduced workweeks as a result of reduced orders from the Department of Defense, Atomic Energy Commission, and the National Aeronautics and Space Administration.

The bill establishes a commission with broad powers, headed by the Secretary of Labor, which will coordinate the national conversion effort, oversee the development of conversion plans of industries and institutions which are recipients of Government-awarded defense contracts, and administer the worker benefits program in conjunction with appropriate State agencies. Financing for payments of employee benefits and for loans to contractors implementing conversion plans will be generated by contractor deposits of 12½ percent of their before-tax profits from defense business.

I believe that the Senator from South Dakota has explained the dual nature of this incentive. These deposits will be held in trust by the Commission in conversion reserves. In the case of nonprofit defense contractors, funds will be contributed by the Federal Government, and held in a special reserve account.

The act does more than verbally exhort defense industries to plan toward the conversion of their facilities. It provides that failure to execute the required approved conversion plan, filed by the contractor, when defense work is reduced will result in authority for the Commission to assume control of the facility for reasonable compensation and either operate it under the conversion plan or arrange, by contract, for its conversion and operation by another person. The act also provides that any funds from the reserve accounts held by the Commission which remain after conversion and after payment of all employee benefit claims, will be returned to the contractor. In such an event, the contractor would also receive the interest accrued from his borrowings and from other investments of the fund by the Secretary of the Treasury.

As one can see, the Peacetime Transition Act provides some very strong inducements and incentives. Such strength is of paramount importance, however, because the human need and economic necessity for sound economic conversion has never been more compelling than it is today. We face in America an immediate crisis. Anyone who wants to see this crisis face to face can do so within a half hour's drive from the Capitol. Drive up and down Route 70–S, in the State of Maryland, where some of the best educated, best trained, most experienced researchers, and scientists in America are now unemployed. The economic effects of our partial disengagement from the war in Indochina, coupled with the counterinflationary policies required to pay for the extravagances of the 1960's, have abnormally depressed the Nation's economic growth in real terms. In an economy as sophisticated and interdependent as that of 20th century America, this slowdown has dramatically increased unemployment in all sectors. White-collar executives and blue-collar workers have found themselves shoulder to shoulder on the sidewalks without any expectation of imminent employment. Hardest hit, however, have been the managers, scientists, technicians, and workers who the Government, under the impetus of Sputnik 1 and 2 and our later involvement in Indochina, so actively and enthusiastically encouraged to cast their destinies with defense and aerospace industries.

We all hope that the fiscal and monetary policies adopted by the administration are resolving our current economic problems. Yet, even if the national unemployment rate sinks back toward that level of manpower turnover which is considered normal, and even if the economy regains a healthy growth rate, defense related industries will still be caught in the grip of a slowly, but continually, diminishing market.

These industries have been directly affected by a reordering of Federal spending in favor of those programs of education, health, housing, transportation, and environmental control which suffered during the past 5 years as casualties of the Vietnam war. The future security and well-being of our country and our civilization are dependent upon development and progress in these domestic fields. We have realized that we can no longer afford the luxury of producing products which accrue no residual or lasting benefit to the society that manufactures them. We have realized that we will eventually starve ourselves if we continue to harness an inordinate amount of our technology, our mental creativity, our human energy, our natural resources, and our invested capital in the production of materials which result either in useless bits of shrapnel strewn among the trees of a jungle far away from home, or in mammoth stockpiles which cannot be eaten, breathed, lived in, or driven to work. In short, we have realized that national security is predicated on more than the construction and deployment of armies, tanks, and missiles.

At the same time it is important that we recognize that peace, or at least the cessation of American involvement in Indochina, may be a very difficult thing for the American economy to digest. We are all anxiously watching what we hope is the end of our participation in the war in Indochina. We pray that soon all of our soldier sons will return home, ready to live and work, raise families and grow, in America. They are more than entitled to this expectation. Yet if that possibility is approaching, so is the bleak specter of a wrenching dislocation of our economy. There will be a great rejoicing when the war finally ends, as it must, but twice in my lifetime I have seen the joy of a war's end turn to the bitterness of a hectic postwar readjustment.

We must act now to cushion this blow which could fall on America's workers, industries, and communities. We need to move toward an orderly economic transition. To do so we need not only to provide employment for those defense workers already falling prey to military disengagement and changing priorities, but we need also, to be ready to help and employ men who are and will be returning from the service. If we do not, we will be forced to stand helplessly by and watch the souls and sinews or our fellow citizens crushed on the wheel of peace. It should be clear that the demand for economic conversion is nonpolitical and nonpartisan. It derives from a national problem which affects us all. Conservative estimates place the number of highly skilled scientists and engineers presently unemployed or in danger of being laid off this year at over 100,000. The technician whose security is closely linked with the scientist is similarly threatened. These economic dislocations and the possibilities of widespread unemployment should have been foreseen and prepared for in the past.

Some years ago, the Fairchild Co. of Hagerstown, Md., experienced an early taste of the serious problems which can result from changes in policy and emphasis within the Department of Defense and the Federal Government. It was determined that the famous "flying boxcars"—the cargo workhorses of the armed services for many years—had become obsolete. When the Department of Defense no longer wished to buy the "flying boxcar," a completely new operation was required at the Fairchild Aircraft plant in Washington County, Md. During this conversion from one type of equipment to another, there was a period of hard unemployment.

It is apparent that if these conditions plagued American industry and economy then, serious setbacks would result if we should someday be able to reduce or eliminate the enormous expenditures for armaments which constituted a significant percentage of the American industrial and commercial effort. If simply changing from one kind of airplane to another could throw an American community into a state of depression and create chronic conditions of unemployment, there would soon be trouble with a capital "T" if disarmament should mean that we would be able to reduce our defense effort by even 10 percent.

At that time in 1964, I felt it prudent to introduce in the House of Representatives legislation which would have provided for a study of the consequences of disarmament on our economy and an exploration of new ways to achieve economic conversion from a nation centering on defense industry to a nation centering on peaceful industrial enterprise.

Unfortunately, that bill did not pass. But if action is deemed in retrospect to have been prudent then, it is imperative now. Maryland, with nine counties vulnerable to high or medium economic dislocations from defense cutbacks, needs the help that can be provided with this legislation. The Nation, with important industrial centers such as Seattle, Wash., and Lawrence, Mass., in severe recession, needs this legislation. Our highly skilled scientists and defense workers need the chance to contribute once more to America's economic future. It is time to recognize the dangers that confront us, and to act expeditiously toward alleviating them.

Mr. President, how much time do we have remaining?

The ACTING PRESIDENT pro tempore. Two additional minutes.

Mr. MATHIAS. Mr. President, I yield the remainder of that time to my distinguished colleague from South Dakota, for any concluding remarks he may wish to make.

Mr. McGOVERN. Mr. President, I thank the Senator from Maryland for his joint sponsorship of this measure. I regard it as one of the most urgent priorities before the country today.

I think all of us are interested in doing what we can to eliminate needless military spending, so that we can move on with some of the other urgent unmet needs of our society in the field of health care, education, and high pollution efforts, the provision of public service employment, and other matters of that kind. But I do not think we are going to take those steps without some serious dislocation in the absence of the kind of legislation that the Senator from Maryland and I are introducing today. So I commend the Senator from Maryland for the leadership he is providing in this area.

Mr. President, I ask unanimous consent that the names of the following Senators be added as cosponsors of the bill just introduced by Senator Mathias and myself: Senators Harris, Hughes, Humphrey, Inouye, Muskie, Nelson, Proxmire, Ribicoff, and Williams.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, this is an urgent national problem. It is not limited by any State boundaries. It is a problem which exists in California—on the west coast—and in the midcontinent. But in my own State of Maryland we have almost a classic example of this problem, where we have nine counties highly vulnerable, and this provides a perfect testing area in which this bill can be applied, I believe, to the benefit of the entire United States.

By Mr. JAVITS (for himself, Mr. Buckley, Mr. Case, and Mr. Williams):

S. 1193. A bill to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

THE GATEWAY NATIONAL RECREATION AREA

Mr. JAVITS. Mr. President, I am today introducing, for myself and Senators Buckley, Case, and Williams, a bill to establish the Gateway National Recreation Area.

Our bill would establish a Gateway National Recreation Area including lands, marshes, and submerged lands in the New York Harbor area and covering initially the Jamaica Bay area, the Breezy Point area, and the Great Kills area, all in New York; the Sandy Hook area including Fort Hancock in New Jersey; and the Hoffman-Swineburne landfill area in New York Harbor. Additional lands may be acquired up to a maximum of 25,000 acres in the recreation area.

We have consulted the Department of the Interior in the drafting of our bill, but the Department does not take any position on the measure. We have taken this action because we feel that the administration does not plan to submit legislation to establish the Gateway National Recreation Area and we feel it is essential that such an area be established by the Federal Government to serve an established 50 million people who will annually use the facilities when fully developed.

Over 2 years ago, Senators and Representatives from New York and New Jersey contemplated introduction of a gateway bill and, in fact, several bills were introduced in the House. However, action on this legislation was delayed since the Department of the Interior indicated that it would be sending legislation to the Congress establishing the Gateway Recreation Area.

On May 13, 1969, former Secretary Hickel announced that the gateway would be the first in a series of urban recreation areas to be located near large population centers. Since that time, no legislation has been sent to the Congress concerning the gateway area, and the administration's latest action in proposing to turn back part of Fort Hancock to the State of New Jersey indicates that the administration apparently does not plan to submit such legislation to the Congress at this time. We have expressed our disappointment to the President in a letter of February 9, 1971, and asked that the decision be reconsidered. But we feel it is necessary at this point to take the initiative in introducing legislation for the establishment of the Gateway National Recreation Area.

We believe that the Federal Government is the appropriate entity to administer the recreation area and to provide the large-scale development of recreational and other facilities that will be needed. However, the initial cost of the recreation area can be held down since all land included at this time is owned by Federal, State, or city governments.

The recreation area will serve 15 million people who live within a 2-hour drive of the facilities as well as others from all over the Nation. Approximately half a million people a day will be able to use the swimming, fishing, boating, recreational, and cultural facilities available upon completion of the development program proposed by the Department of the Interior. On an annual basis, 50 million people will visit the recreation area when it is fully operational. We believe that the establishment of a Gateway National Recreation Area is the most appropriate way to fulfill the pledge to bring parks to the people where the people are. Similar bills have been introduced in the House of Representatives, and we shall do our utmost to get prompt and favorable consideration by the Congress for this legislation.

I ask unanimous consent that the text of the letter of February 9, 1971, to the President be printed in the RECORD, together with the text of the bill, and the text of a telegram received from Mayor John V. Lindsay of New York supporting this bill.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1193

A bill to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve and protect for the use and enjoyment of present and future generations an area possessing outstanding natural and recreational features, the Secretary of the Interior (hereinafter referred to as the "Secretary") may establish the Gateway National Recreation Area (hereinafter referred to as the "recreation area"). The boundaries of the recreation area shall include the lands, marshes, and submerged lands in the New York Harbor area, as generally depicted on the map entitled "Boundary Map, Proposed Gateway National Recreation Area", numbered 951–40,000, and dated April 1970, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary shall establish the recreation area by publication of a notice to that effect in the Federal Register at such time as he determines that lands, waters, and interests therein sufficient to constitute an efficiently administrable recreation area have been acquired for administration in accordance with the purposes of this Act. The Secretary may from time to time make adjustments in the boundaries of the recreation area, but the total area within the boundaries shall not exceed 25,000 acres of land, marsh, and submerged land, except that notwithstanding the foregoing acreage limitation, the Secretary may revise the boundaries to include any Federal lands that may be determined to be excess to the needs of another Federal agency and transferred to the administrative jurisdiction of the Secretary for the purposes of this Act.

SEC. 2. (a) Subject to the provisions of subsection (c), within the boundaries of the recreation area the Secretary may acquire lands and waters or interests therein by donation, purchase with donated or appropriated funds, or exchange. Property owned by the States of New York or New Jersey or any political subdivision thereof may be acquired only by donation. With the concurrence of the agency having custody thereof, any Federal property within the boundaries of the recreation area may be transferred without consideration to the administrative jurisdiction of the Secretary for administration as part of the recreation area.

(b) The Secretary may also acquire, by any of the methods set forth in subsection (a), lands and interests therein on the shores of the Hudson River, the Upper Bay, Raritan Bay, and Sandy Hook Bay, which he deems necessary or desirable to provide docking or other access facilities, and related administrative and public use facilities, for the units of the recreation area. The Secretary may contract for the rental of such facilities, and any rental payments for such facilities for the purposes of this subsection shall be deemed to be part of the annual operating costs of the recreation area.

With the exception of property that the Secretary determines is necessary for purposes of administration, preservation, or public use, any owners (hereinafter in this section referred to as "owner") of improved property on the date of its acquisition by the Secretary may retain the right of use and occupancy of the improved property for noncommercial residential purposes, for a term, as the owner may elect, ending either (1) upon the death of the owner or his spouse, whichever occurs later, or (2) not more than twenty-five years from the date of acquisition. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the term retained by the owner. Such right (1) shall be subject to such terms and conditions as the Secretary deems appropriate to assure that the property is used in accordance with the purposes of this Act, (2) may be transferred or assigned, (3) may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential purposes, and upon tender to the holder of the right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination, and (4) may be terminated with respect to the entire property if the Secretary finds that the property or any portion thereof is being used in a manner that does not comply with water quality, waste disposal, or sewage treatment standards established pursuant to applicable Federal or State laws. Nothing in this subsection shall be deemed to limit the authority of the Secretary under any other provision of law to enforce any such standards or to take any measures otherwise authorized by law to abate pollution.

(c) As used in this section the term "improved property" means a detached one-family dwelling, construction of which was begun before December 1970, together with so much of the land on which the dwelling is situated, the said land being in the same owenrship as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use: *Provided,* That the Secretary may exclude from any improved property any waters or land fronting thereon, together with so much of the land adjoining such waters or land as he deems necessary for public access thereto.

SEC. 3. (a) Prior to the establishment of the recreation area and thereafter, the Secretary shall administer the lands, waters, and interests therein acquired for the recreation area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, except that the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this Act.

(b) Notwithstanding any other provision of law, the Secretary may provide such services and facilities, including ferry services, and docking facilities, directly or by negotiated contract, without advertising and without securing competitive bids, with public or private agencies or persons, as he deems necessary or desirable for access to the units of the recreation area.

(c) The Secretary is authorized to enter into cooperative agreements with the States of New York and New Jersey, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire prevention agencies.

SEC. 4. Any cuts, landfill, dredging, beach protective works, or other similar projects on, within the vicinity of, or directly or indirectly affecting any unit of the recreation area that are undertaken by or under authority of the Chief of Engineers, Department of the Army, shall be carried out only in accordance with a plan that is acceptable to the Secretary and is consistent with the purposes of this Act.

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

FEBRUARY, 9, 1971.

DEAR MR. PRESIDENT: In your Environmental Message submitted on February 8, 1971, you stated that parts of Fort Hancock in New Jersey which have been scheduled to be included in the Gateway National Recreation Area proposal will be disposed of by the Federal Government to the State of New Jersey. This action appears to signify an end to plans for Federal legislation creating a Gateway National Recreation Area and we would like to express our strong disappointment over any such development.

About two years ago introduction of legislation was being considered by the New York and New Jersey Congressional Delegations regarding the establishment of a Gateway National Recreation Area. No action was taken on this legislation because of commitments received from the Department of the Interior to the effect that legislation would be submitted to the Congress by the Administration to establish the Gateway National Recreation Area within a short time.

On May 13, 1969, former Secretary Hickel announced a nationwide program to establish urban recreational areas in and near large population centers. At that time, the Gateway National Recreational Area was slated to be one of the first of its type and was to be located in the New York Harbor area involving property in the States of New York and New Jersey. Since that time, no legislative proposal has been submitted to the Congress, even though one had apparently been drafted by the Department of the Interior and submitted to the Office of Management and Budget for approval.

On August 20, 1970, the four Senators from the States of New York and New Jersey wrote you a letter expressing their support for the Gateway Project. At that time they asked for an indication as to when legislation would be submitted to the Congress. In a letter from your staff dated September 22, 1970, it was indicated that the Office of Management and Budget had the proposal under careful study and would make recommendations to the new Congress shortly after it convened.

This latest action involving Fort Hancock indicates that the Administration does not plan to submit any legislation creating the Gateway National Recreation Area. We feel this is most unfortunate and unwise.

The Gateway National Recreation Area would be a tremendous asset to the nation as well as to the States of New Jersey and New York. The project would convert into a national park 20,000 acres of lands and waters, sands and surfs, islands, wildlife, marsh and uplands, and would provide a priceless recreational opportunity for this highly populated area. When developed it is estimated that the park will provide facilities for 50-million visitors annually. In your recent State of the Union Message, you referred to the need for an expanded parks system in the United States and expressed a desire to put parks where the people are. The Gateway project would be a most fitting way to carry out this concept expressed in your Message.

The States and localities of New York and New Jersey are not in a position to put together a recreation area as large as the contemplated Gateway project and would be hard pressed to find the financial resources to carry out such a plan or anything approaching it.

Therefore we respectfully request that no decision be taken to cancel the Gateway project and that instead the Administration submit a legislative proposal to the Congress establishing the Gateway National Recreation Area.

Very truly yours,

Jacob K. Javits,
James L. Buckley,
Clifford P. Case,
Harrison A. Williams, Jr.

Dear Jack: I understand you will be introducing in the United States Senate a bill to create Gateway National Park. We in New York wholeheartedly support your effort to provide vitally needed recreational facilities for the millions of citizens living in New York and New Jersey. As you know, the creation of such an "urban park" has long been among the city's highest priorities. The passage of this proposal would be a fulfillment of the President's pledge to bring "parks to the people." I congratulate you on the introduction of this landmark legislation and assure you of whatever support you may need to achieve this historic breakthrough in park and recreational facilities for all the people of this Nation.

Sincerely,

John V. Lindsay,
Mayor, City of New York.

Mr. WILLIAMS. Mr. President, I want to add my most emphatic support to what the senior Senator from New York has just said regarding the proposed gateway project. In these days of urban blight, when the urgent needs of the city in the areas of health, education, housing, and drug abuse occupy the highest priorities in our thoughts, if not always in our budgetary processes, we tend to ignore the needs of urban residents in another important area, that of recreation. For while it is certainly true that there should be no more overriding concern than the alleviation of immediate human suffering, we should also recognize the positive contribution that recreational areas within easy reach of urban dwellers can make in this respect. The urban resident should be able, if only for a short time, to leave his oppressive surroundings and enjoy the benefits of the clean and natural surrounding that a national recreation area would provide.

The gateway concept would not only provide these vitally needed recreational areas and convenient access to them, but through the resources and management of the Federal Government would insure that these areas would be developed in a way which would optimize the possibilities of regulating pollution and insure the most efficient coordination of the available land areas. The alternative development of separate regional parks in a haphazard fashion would not accomplish this goal of increasing urban recreational opportunities in nearly as satisfactory a fashion.

By Mr. MONDALE (for himself, Mr. Young, Mr. Burdick, Mr. Cranston, Mr. Eagleton, Mr. Gurney, Mr. Harris, Mr. Hart, Mr. Hatfield, Mr. Hollings, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Magnuson, Mr. McGovern, Mr. Metcalf, Mr. Montoya, Mr. Nelson, Mr. Stevens, Mr. Stevenson, Mr. Thurmond, and Mr. Tunney):

S. 1197. A bill to extend availability of Federal crop insurance and to authorize the appropriation of funds for administrative expenses of the Federal crop insurance program. Referred to the Committee on Agriculture and Forestry.

FEDERAL CROP INSURANCE

Mr. MONDALE. Mr. President, I introduce for myself and Senators Young, Burdick, Cranston, Eagleton, Gurney, Harris, Hart, Hatfield, Hollings, Hughes, Humphrey, Inouye, Magnuson, McGovern, Metcalf, Montoya, Nelson, Stevens, Stevenson, Thurmond, and Tunney, amendments to the Federal Crop Insurance Act, 7 U.S.C. 1508. We are proud that 22 Senators from both parties have joined in support of this bill.

For the past 33 years the Federal Crop Insurance Corporation has offered a kind of hazard protection to farmers that was unavailable through private insurance sources. Only in recent years has any private insurance been offered on an all-risk basis, and then only in a few States for a few crops.

The Federal Crop Insurance Corporation provides protection against such hazards as: insect and wildlife damage, plant diseases, fire, drought, wind, and other weather conditions. Coverage has gradually been extended, so that it now includes 26 different crops. Yet less than half the counties in the country are able to take part in the program, and not all crops are insured in all locations.

As farm production costs continue to increase, experts cite the need for still greater all-risk crop insurance. Comparable insurance is generally not available from private sources. In only 11 States is all-risk private insurance offered and there just a few crops are covered. The oldest private program started in 1965; the others are only a year old.

In short, the need for Federal insurance is expanding, but the program is not. Coverage cannot be extended to include all crops in all counties because there is a statutory limitation on administrative costs.

In 1938, when the Federal Crop Insurance Corporation came into existence, a limit of $12 million for administrative expenses to be paid out of appropriations was altogether adequate. However, after three decades of inflation it is completely unreasonable to leave the ceiling unchanged.

The program was intended to be, and has been, essentially self-supporting; that is, indemnities have normally been fully covered by premiums. Administration expenses were to be paid out of appropriated funds. The problem is that administrative costs are now also coming out of the premiums paid. Since 1962 between $1.7 and $3.7 million per year have been taken out of premiums to meet administrative expenses. It is small wonder the program has not been able to expand to meet our farmers' current needs.

The bill we are introducing will raise the outdated limit on administrative costs from $12 to $20 million. In addition, the Corporation will be directed to extend coverage to all areas where the relevant crops would constitute an important part of the local agricultural income.

It has been proposed by some that appropriations for administrative expenses be abolished rather than raised. They would have all of the administrative expenses paid out of premiums. With administrative expenses now running in excess of $12 million each year and premiums currently at a level of approximately $50 million a year, that would mean an increase in premiums of almost 25 percent. With so many of our Nation's farmers operating on incredibly narrow margins, such an increase would force many of them to forgo this essential protection and face the risk of financial ruin.

We introduce this legislation because we feel the farmer needs more help, not less. It is in that spirit that we review the recommendations of the "Task Force 70" study of the Corporation with great interest. Although this bill does not bear directly on the matter, we are anxious that adequate local service not be sacrificed in the name of efficiency by concentrating the insurance and claims functions in 13 new territorial offices of the Corporation. It is hoped that the increased appropriations provided by this bill will substantially reduce the pressure to economize by closing State and county offices, which are vital to providing the needed services to our farmers.

Mr. President, if the Government can afford to pay 100 percent of the cost of repairing public facilities damaged by natural disasters, surely it can afford to pay just the administrative expenses for disaster insurance which is so vital to the interests of our much neglected farmers. During the past 33 years the program has proven its mettle. We feel it deserves our continued support.

By Mr. ALLOTT (for himself and Mr. Dominick):

S. 1198. A bill to authorize the Secretary of Agriculture to review as to its suitability for preservation as wilderness, the area commonly known as the "Indian Peaks Area" in the State of Colorado. Referred to the Committee on Interior and Insular Affairs.

INDIAN PEAK WILDERNESS

Mr. ALLOTT. Mr. President, on behalf of myself and Senator Dominick, I send to the desk for appropriate reference, a bill which directs the Secretary of Agriculture to conduct a study, pursuant to the 1964 Wilderness Act, of an area containing approximately 75,000 acres located partially in Arapaho National Forest and partially in Roosevelt National Forest, and lying generally south of the southern boundary of Rocky Mountain National Park in Colorado.

The Rocky Mountain National Park in Colorado is known for its rich natural scenic values. Its Trail Ridge Road near Estes Park has afforded millions, over the years, with their first breathtaking exposure to the inspiring majesty of the Continental Divide and the Rocky Mountains.

Within the panorama which unfolds before the visitor to the Rocky Mountain National Park, lies as area to the south of the park, transversing the Continental Divide, which has come to be known as the Indian Peaks area:

The Denver Post on December 22, 1970, said of this area:

> Once proposed as part of Rocky Mountain Park and managed as a virtual wilderness area by the Forest Service, Indian Peaks is in sharp contrast to the sprawling high tundra prominent in the park. Access is by horseback or on foot. The Forest Service prohibits vehicles.
>
> Its ragged peaks, sheer walls rising above forests that have not been logged—bear proud names: Arapaho, Navajo, Apache, Paiute, Kiowa, Arikaree, Ogallalla, Pawnee, Shoshoni. Many of these are over 13,000 feet high.

The Wilderness Act defines a wilderness area as one which is—

> In contrast with those areas where man and his own works dominate the landscape . . . of . . . primeval character and influence . . . appears to have been affected primarily by the forces of nature (and) . . . has outstanding opportunities for solitude or a primitive and unconfined type of recreation.

Mr. President, if it is concluded that the Indian Peaks area meets the requirements of the act, there will indeed be an unusual and striking "contrast" in the words of the act, for, approximately 30 or 40 air miles away, lies the great metropolitan area of Denver.

Residents of Denver, and surrounding communities such as Boulder, the site of Colorado University, will thus have preserved, within a few miles, the antithesis to the affairs of man's population centers.

This wilderness area would be as close to a major population center if not closer, than any present wilderness area I know.

The bill I introduce today, if enacted, would require that the Secretary complete his review and report his findings to the President within 18 months following enactment. In conducting his review, the Secretary shall comply with all of the requirements of the Wilderness Act, including, but not limited to the provisions concerning public hearings, mineral survey, boundary study, and land use study. In other words, it is to be treated the same as a "primitive" area.

The need for such legislation stems from the fact that under the Wilderness Act, the Secretary of Agriculture is authorized to review only areas classified as "primitive" as of the date of enactment. While there are six designated "primitive" areas in Colorado, under the jurisdiction of the Forest Service, the Indian Peaks area is not one of them. The six "primitive" areas in Colorado are: Flat Top, Gore Range-Eagle Nest, San Juan, Uncompahgre, Upper Rio Grande, and Wilson Mountain.

As Senators know, five administratively designated "wilderness" areas became congressionally designated wilderness areas upon passage of the Wilderness Act. They are: La Garita, Maroon Bells-Snowmass, Mount Zirkel, Rawah, and West Elk.

Should it be determined that the Indian Peaks area qualifies as wilderness, and all of the "primitive" areas are ultimately added to the Wilderness System, the Forest Service will have an even dozen wilderness areas in Colorado to administer.

Mr. President, it is my hope that the Congress will act favorably on this measure at an early date so that the Department of Agriculture can proceed expeditiously in its study and make its recommendations.

By Mr. INOUYE (for himself, Mr. Bentsen, Mr. Cannon, Mr. Gravel, Mr. Harris, Mr. Hart, Mr. Humphrey, Mr. Magnuson, Mr. McGovern, Mr. Metcalf, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Pell, Mr. Ribicoff, Mr. Stevens, and Mr. Stevenson):

S. 1199. A bill amending title 13 of the United States Code by authorizing the Secretary of Commerce through the Bureau of the Census to undertake a quadrennial enrollment of those persons to vote in elections of the President and Vice President that meet the qualifications of the various States other than residency. This act is to be known as the Universal Enrollment Act of 1970. Referred to the Committee on Post Office and Civil Service.

Mr. INOUYE. Mr. President, I introduce for appropriate reference, legislation to be known as the Universal Voter Enrollment Act. Joining with me as cosponsors are Senators Bentsen, Cannon, Gravel, Harris, Hart, Humphrey, Magnuson, McGovern, Metcalf, Montoya, Moss, Muskie, Pell, Ribicoff, Stevens, and Stevenson.

Mr. President, this important measure is identical to a measure introduced by myself and others late in the 91st Congress. At that time it was also introduced in the House by Congressman Morris K. Udall and others.

While it was introduced too late in the 91st Congress for the measure to receive consideration, in the interim it has attracted considerable attention and added support. I am, therefore, most pleased to have the opportunity to bring this measure once more before this body.

My interest in the Universal Voter Enrollment Act was sparked by my service on the Freedom To Vote Task Force Committee which was organized by the Democratic National Committee to study the problems of voter participation. This task force was fortunate to be under the very able leadership of former Attorney General Ramsey Clark and the legislation proposed here is an attempt in a significant and meaningful way to remove the barriers to full participation in the electoral process which were discovered in the process of that Commission's deliberations.

The study of voter participation—or rather lack of participation—leads one to the inescapable conclusion that procedural difficulties in meeting registration and local residence requirements and in meeting difficult absentee voting requirements are primarily responsible for the failure to participate. That failure has long been a serious blot on our claims to democratic procedures. It is estimated that 14 million Americans could not participate in the 1968 elections for these reasons. Some 6 million could not meet the necessary residence requirements and some 8 million were unable to get to the polls or make arrangements for absentee voting despite the fact that they were otherwise qualified.

This measure is designed to totally remove those barriers to participation in the electoral process.

This legislation is designed to do the following:

It would abolish State and local residence requirements for voting for President and Vice President.

This legislation provides for an enrollment plan which would seek out and encourage the enrollment of persons who are qualified but not now enrolled. While it establishes the Director of the Census Bureau as the National Director of Enrollment the bill contains powerful incentive to the States in the form of a direct grant to States for congressional districts where enrollment exceeds 90 percent of those eligible.

For a 3-week period preceding each Presidential election the National Director of enrollment will conduct an intensive, door-to-door drive to enroll all eligible persons who have failed to register but who are otherwise qualified.

On election day all persons so enrolled will be permitted to vote for President and Vice President even though they might not be eligible to vote in the State elections. If, for any reason any would-be voter was missed in the enrollment drive he would still be able to vote on election day by signing an appropriate affidavit to preclude any kind of fraud.

Persons absent from their own election district would be able to cast special absentee ballots in the nearest polling place—even if in another State—upon proper identification. These ballots would then be mailed back to their own election districts and counted once eligibility is established.

This legislation will also establish a National Enrollment Commission of nine members, including the Secretary of Commerce and the Director of the Bureau of the Census to consult with, and give advice to, the National Director of Enrollment.

The legislation provides further that no national registry of persons shall be compiled or maintained but the rolls shall be made available to State and local election officials and otherwise destroyed 30 days after election.

In each Federal election year district directors of enrollment would be employed by the Federal Government to organize and supervise the voter enrollment program in that district with the help of volunteer staff except that no such district official shall be appointed for those districts with more than 90 percent of eligible voters enrolled. Such districts will receive $100,000 in lieu thereof.

Mr. President, I believe this bill goes to the heart of one of the major problems confronting our political system—the need to get more people involved in a constructive way in the decisionmaking democratic process. The first step to full citizen participation is to make it possible for that citizen to vote. The record today is far from satisfactory.

In presidential elections our voter turnout barely exceeds 60 percent. Other Western nations have 75- to 90-percent participation. In 1968 some 47 million Americans of voting age failed to vote—almost 40 percent of the total. In 1964 it was 43 million and in 1960 it was 39 million.

Unless we do something to make voting less difficult, or in many cases even possible, we will have well over 50 million Americans of voting age who will not participate in the 1972 elections. The number of nonvoters will exceed those casting their ballots for the winning candidate by a wide margin.

Registration is not concerned with how people vote but only with making it possible for them to vote. State registration laws, designed as a means of discouraging fraud, have too often become a means of discouraging participation. I introduce this measure in a sincere effort to reverse that trend.

By Mr. PROXMIRE:

S. 1201. A bill to extend certain laws relating to the payment of interest on time and savings deposits, the control of credit and economic stabilization, to vest in the Federal Reserve Board authority to establish variable reserve requirements based on bank assets, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

EXTENSION OF INTEREST RATE CONTROL AUTHORITY

Mr. PROXMIRE. Mr. President, I introduce for appropriate reference a bill to extend for 2 additional years the authority to regulate maximum rates of interest payable on time and savings deposits issued by financial institutions. This legislation was first enacted by the Congress in 1966 in order to restrain excessive competition for funds between large commercial banks and smaller commercial banks and savings and loan associations. This competition for funds caused large amounts of money to leave savings and loan associations and other mortgage oriented thrift institutions with a disastrous impact upon residential home construction. Thus, the renewal of the authority is essential to maintain the stability of our housing industry.

Section 2 of the legislation would make permanent the authority given last year to the President to implement a program of voluntary credit controls. Under this program, the President can establish committees of lenders to work out voluntary programs for allocating credit to those areas of the economy most in need. This authority was used successfully during the Korean war to allocate credit to essential uses without the necessity for abnormally high interest rates.

Section 3 of the legislation would extend for an additional 6 months the standby authority of the President to institute a program of mandatory price and wage controls. I am sure the committee would want to give the renewal of this authority careful consideration. For example, certain questions have been raised as to whether it is fair or proper to apply such authority to one specific industry such as the construction industry. It may be the committee will conclude that the President's authority to apply price and wage controls selectively should be restricted.

Section 4 of the legislation would clarify the Federal Reserve Board's authority to establish supplementary reserve requirements on commercial bank assets. In 1966, the Congress amended the Federal Reserve Act to give the Board more flexible authority for establishing commercial bank reserve requirements.

The House committee report on this legislation includes the following language:

> Under existing law, the Board is authorized to change reserve requirements "in order to prevent injurious credit expansion or contraction." In order to negate any suggestion that this would prohibit the making of a set of changes whose overall effect was neither expansionary or contractive, this phrase has been dropped from the revised provision. Your committee considers it essential that there be no legal impediment to a reasoned selectivity and discrimination in the formulation of monetary policy. (H. Rep. No. 1777, 89th Cong., pp. 3, 9).

Likewise, the Senate committee report included the following language:

> (2) In its present form, section 19 authorizes the Board to modify reserve requirement "in order to prevent injurious credit expansion or contraction." As explained in the House Report on the bill, this phrase was omitted to negate any suggestion that it limits authority to make changes in reserve requirements designed to encourage shifts in the structure of bank deposits and assets, as contrasted to expansion or contraction in the volume of credit. (S. Rept. No. 1601, 89th Cong., p. 5).

Consequently, under present law it would seem permissible for the Board to prescribe a higher ratio against that part of a member bank's demand deposits that equals the amount of the bank's loans to foreigners. Conversely, the Board could encourage loans of certain types, such as loans for residential housing construction, by fixing a reserve ratio lower than the general ratio for that amount of the bank's demand deposits that equals the amount of such loans.

Even though Congress intended to give the Board authority to establish flexible reserve requirements, I believe this authority could be more effectively carried out if the Board were given specific authority to base these reserve requirements on commercial bank assets as well as deposits. Reserve requirements on commercial bank assets could provide an effective way of insulating the housing industry from the ups and downs of monetary policy. The Board could, for example, provide commercial banks with an incentive to invest more of their funds in housing by establishing lower reserve requirements or even no reserve requirements on a bank's investment in residential mortgages.

Conversely, the Board could discourage the flow of credit in inflationary sectors of the economy by establishing higher reserve requirements on loans or investments in those areas. For example, if the Board concluded that business expenditures for plant and equipment were proceeding at an economically unsustainable rate, the Board could curb this type of spending by establishing higher reserve requirements on commercial bank loans for these purposes.

Similarly, during a period of credit restraint the Board could curb the use of commercial bank credit for other less essential purposes including loans to finance corporate acqusitions, loans to finance securities speculation, loans to finance the construction of luxury hotels or resorts, or other less essential loans.

If effectively used by the Board, this authority could alleviate the burden of monetary policy on such sectors of the economy as housing, urban and rural development, State and local governments, small business, and agriculture. It could insure that the impact of monetary policy is spread more evenly through the economy rather than falling upon one or two industries.

The proposal to establish variable reserve requirements on bank assets was first suggested by Gov. Andrew F. Brimmer in a speech given on April 1, 1970. A recent report issued by the House Committee on Banking and Currency revealed that a large number of foreign central banks use a wide variety of instruments to selectively allocate credit including the use of variable reserve requirements.

Section 5 of the legislation would amend the Credit Control Act of 1969 to give the Federal Reserve Board the authority to establish selective credit controls on its own initiative. Under this act, the Board is not able to act unless specifically authorized by the President. Since the Board is responsible for the overall execution of monetary policy, I believe it should be able to preserve its traditional independence from the executive branch with respect to selective credit controls.

Mr. President, all of these provisions are designed to improve the execution of economic policy. They are designed to provide the President and the Federal Reserve Board with more flexible authorities to control inflation, and to bring down the rate of unemployment. I am hopeful that these proposals will be given the most serious consideration and review by the Committee on Banking, Housing and Urban Affairs.

By Mr. THURMOND:

S. 1202. A bill to exempt certain orphanages from the excise tax on investment income of private foundations. Referred to the Committee on Finance.

AMENDMENT OF TAX REFORM ACT OF 1969 EXEMPTING ORPHANAGES

Mr. THURMOND. Mr. President, under the Tax Reform Act of 1969 private foundations which receive more than one-third of their income from investments are subject to a 4-percent excise tax on that part of their income that is received from investments. The committee report on this legislation indicates that the tax is intended "to cover the cost of examining the finances and activities of the foundation to see that it continues to qualify for exemption."

The purpose of the excise tax imposed by the Tax Reform Act on private foundations is to cover the cost of examining these foundations in order to prevent acts, or failures to act, which are not in the best interest of philanthropic obligations. The intent is to benefit the public by encouraging private foundations to utilize their funds for charitable purposes, as opposed to business or political purposes.

Mr. President, the activities of many organizations which have been classified as private foundations are questionable and such foundations should be carefully and continually examined to insure that they are not violating the provisions under which they are accorded a tax-exempt status. As to such general private foundations, the 4-percent excise tax, as provided under the Tax Reform Act, is understandable.

It has come to my attention, however, that an orphanage or children's home, which is classified as a private foundation, is also subject to this 4-percent excise tax if more than one-third of its income is derived from investments. In my judgment, this section of the tax law works an injustice to orphanages that Congress did not intend and should be amended so that this inequity can be corrected.

Mr. John K. Crosswell, a citizen of Sumter County, S.C., died in 1929 and left the bulk of his estate for the purpose of building and operating an orphanage. The orphanage that was established is known as the John K. Crosswell Home and is located in Sumter, S.C. This orphanage is presently the home for 33 children and receives most of its income from investments from the estate of Mr. Crosswell. The home operates on a very tight budget trying to accommodate as many children as possible and provide these children with the kind of home that they deserve.

Mr. President, the 4-percent excise tax on a foundation's income from investments presently applies to orphanages and children's homes such as the Crosswell Home. Since the enactment of the Tax Reform Act, the Crosswell Home must pay an annual excise tax of about $4,000. This amount must be deducted from the home's already tight operating budget thereby impairing the service the home can render to orphaned children.

The John K. Crosswell Home, and similar orphanages, relieve the taxpayers of this country of a burden which they would have to assume if such organizations as this were not in existence. If there were more privately operated homes such as these our Government would not have to assume the responsibility. We constantly hear that Government should provide more assistance to the needy and underprivileged in this country. The imposition of this excise tax on orphanages is a clear example of the Federal Government actually preventing assistance to needy children.

Mr. President, when the Tax Reform Act was enacted in 1969, I am doubtful that those who advocated the section which imposes the 4-percent excise tax on private foundations considered the effect this tax would have on orphanages and children's homes.

Hospitals fall into a special category under the Tax Reform Act and the work of an orphanage is just as important in the life of children who might require such a facility as is a hospital. The Internal Revenue Service has informed me that they have no records that indicate the possible number of orphanages that fall in the category of the Crosswell Home and are assessed this 4-percent excise tax. To my knowledge, the Crosswell Home is the only one of its kind in South Carolina and I doubt that there are many such orphanages of this type in the country.

Mr. President, there is no doubt nor has there ever been any doubt that the Crosswell Home is a purely charitable organization. In fact, this orphanage is required to submit an annual CPA audit of the estate to the judge of probate of the county in which it is located and also to the attorney general of South Carolina.

A terrible injustice will continue if orphanages and children's homes are not exempted from the 4-percent excise tax which they are presently required to pay. If Congress fails to recognize the inequity of the tax provision as it now applies to the John K. Crosswell Home, then this orphanage and similar homes like it will be severely impaired and the important services these homes render to needy children will be reduced.

Mr. President, I send the bill to the desk and ask that it be appropriately referred. I also ask unanimous consent that it be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1202

A bill to exempt certain orphanages from the excise tax on investment income of private foundations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4940 of the Internal Revenue Code of 1954 (relating to excise tax based on investment income) is amended by adding at the end thereof the following new subsection:

"(d) Certain Orphanages.—The taxes imposed by subsections (a) and (b) shall not apply, for any taxable year, to a private foundation the principal purpose and function of which is to maintain and operate an orphanage or similar home for children, if substantially all of its net investment income for the taxable year is used to defray the expenses of maintaining and operating such orphanage or home."

(b) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1969.

By Mr. HARRIS (for himself, Mr. Bible, Mr. Hart, Mr. Hollings, Mr. Inouye, Mr. Javits, Mr. McGovern, Mr. Magnuson, Mr. Mansfield, Mr. Miller, Mr. Montoya, Mr. Muskie, Mr. Proxmire, Mr. Randolph, Mr. Stevens, and Mr. Williams):

S. 1203. A bill designating certain election days as legal public holidays. Referred to the Committee on the Judiciary.

DESIGNATION OF CERTAIN ELECTION DAYS AS LEGAL PUBLIC HOLIDAYS

Mr. HARRIS. Mr. President, for myself and Senators Williams of New Jersey, Bible, Inouye, Randolph, Miller, Stevens, Mansfield, Proxmire, Hollings, Hart, Montoya, Javits, and Magnuson, I introduce a bill which would make the first Tuesday after the first Monday in November a national election holiday during presidential election years.

In a democracy such as ours the right to vote is fundamental. It is appalling, however, to know that 47 million American citizens failed to exercise this privilege during the last presidential election in 1968. The number of nonvoters in 1964 was 43 million; in 1960, the figure was 39 million. Within the 8-year span—1960–68—the number of nonvoters in presidential elections increased by eight million persons.

If the present trend continues, the nonvoting population of the United States may increase to approximately 90 million people over the next 20 years.

It is interesting to know that the number of nonvoters in the United States now exceeds the total voting electorates of France, England, Italy, Canada, West Germany, and Australia.

In the 1968 election, nonvoters exceeded the total number of people who voted for President Nixon by approximately 17 million persons. For every vote separating the two major mandidates in that election there were 150 people who did not vote. In 1960, for every vote separating the major candidates, there were 330 people who did not vote.

Recent elections in Canada and England show that at least 75 percent of the electorate participated. Other democratic nations reached turnouts of 80 to 90 percent. This contrasts with 61 percent participation in the American election of 1968.

The decline of democratic participation holds both a danger and a paradox. First, the danger is that democratic institutions cannot function effectively or respond promptly to the needs of their citizens unless the citizens themselves participate in the decisions affecting their daily lives. A government that "derives its just powers from the consent of the governed" must hear the voice of the people if it is to make orderly, systematic adjustments to the problems of change. It cannot assume that silence is consent. Such silence might well indicate alienation, frustration and a widening rift between the government and the governed.

Second, the paradox or dilemma in American politics is the fact that while millions of citizens are struggling for a more active role in public decisionmaking, participation in the electoral process continues to wane. To this end there can be little hope for success in self-determination or participation in decisionmaking when so many citizens are not involved even to the extent of voting in a national election.

Encouraging voting in national elections is necessary in order to involve presently nonvoting citizens with the processes of government. Presidential elections are the focal point of our political system. During the 19th century, when three out of four Americans voted for President, the impact of the Presidency was remote to the average citizen.

This, however, is not true today. Every American citizen today is affected by decisions or actions of the President. Presidential policy in foreign affairs, particularly in such places as Vietnam and the Middle East, is of direct concern to all citizens. Daily the people of the Nation look to the wisdom and leadership of the President to solve such urgent problems as inflation, unemployment, poverty, discrimination, and the pollution of our environment.

We might assume that people who vote believe in the system. They participate and have a stake in government. But to the nonparticipants—in this case, nonvoters—their stake in government is not so apparent. Their alienation from the system is harmful not only in their own lives, but because it threatens the survival of democracy itself.

One of the major barriers to citizen participation has been voter registration requirements, which unnecessarily bar millions of voters in every election. In areas of our country where there are no registration requirements the voter turnout averages 10 to 15 percent higher than in areas where there are restrictions.

State residency requirements in our highly mobile society exclude millions of Americans from voting. Long lines, short hours, inaccessible places, and registration periods remote from the date of election, all limit voter participation.

The universal voter enrollment plan can overcome these hurdles. Experience in Canada, South Dakota, Idaho, and parts of California and Washington, shows that such a program can achieve registration of better than 90 percent of the voting age population. This is because the Government, through the National Election Commission, takes an active role in the registration of its citizens.

The bill which I introduce today would establish a national holiday on the first Tuesday after the first Monday in November during presidential elections. Such a holiday would help to assure an opportunity for voter participation and would solemnize this important occasion for the exercise of a citizen's responsibilities in a free society.

At present 12 European countries have their elections on Sundays or public holidays. All of them have a larger voter turnout than does the United States.

Mr. President, I ask unanimous consent that the table which I have prepared showing countries having elections on Sundays or public holidays be printed in the RECORD at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COUNTRIES HAVING ELECTIONS ON SUNDAYS OR PUBLIC HOLIDAYS

Country and date of most recent election	Turnout (percent)	Election days
LRS–2:		
Austria,[1] Mar. 6, 1966	95	Sunday or other public holiday.
Belgium,[2] Mar. 31, 1968.	90	Sunday.
Denmark, Jan. 23, 1968.	[3] 90	Do.
Finland, Mar. 20-21, 1966.	[3] 75-85	Sunday and following Monday.
France, June 15, 1969	68.9	Sunday.
Germany (West), Sept. 19, 1969.	86.8	Sunday or legal holiday.
Italy,[2] May 19–20, 1968.	[3] 93	Sunday.
Luxembourg,[2] Dec. 15, 1968.	Heavy	Do.
Norway, Sept. 7–8, 1969.	----------	Sunday and following Monday.
LRS–3:		
Portugal, Oct. 26, 1969	(4)	Sunday.
Spain, Oct. 10, 1967	64.3	Do.[5]
Sweden, Sept. 15, 1968	89.3	Do.

[1] Voting compulsory. In Austria, voting is compulsory for presidential elections only. In Italy voting is quasi-compulsory. The penalty for non-voting is a public posting of the names of the individuals; and, with repeated offenses, a blot on the certificate of character (reference) necessary for positions in the civil service; and, eventually, non-eligibility for public office. In Luxembourg, the compulsory voting requirement apparently is not strictly enforced.

[2] Ibid.

[3] Estimated.

[4] 18 percent of eligible voters; 61 percent of registered voters.

[5] Although elections in Spain are traditionally held on Sundays, the election in 1967 was held on a Tuesday, which was declared a "partial holiday."

Mr. HARRIS. Mr. President, the United States has pioneered in the development of democratic institutions. Our system has proven resilient and responsive to many stresses and strains. As our Nation's 200th anniversary approaches, we should declare our presidential elections a national holiday. The greater participation of our citizens would be a most fitting tribute to the form and stability of our Government.

By Mr. GURNEY:

S. 1205. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Bureau of Consumer Protection in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes. Referred to the Committee on Government Operations.

THE CONSUMER PROTECTION ACT OF 1971

Mr. GURNEY. Mr. President, I am introducing for appropriate reference, the Consumer Protection Act of 1971. This legislation is designed to strengthen and coordinate Federal efforts in the area of consumer protection. In addition, this bill will provide an advocate for the consumer point of view before the Federal agencies responsible for setting rates and taking other actions which have a direct effect on consumers.

More specifically, the main purpose of my bill is twofold: First, it would upgrade the Office of Consumer Affairs in the Executive Office of the President to statutory responsibilities. It shall be the responsibility of this office to formulate policy, coordinate, encourage and assist in the development of programs, and provide assistance in the operation of consumer protection activities.

The office will be headed by a director to be appointed by the President and confirmed by the Senate. In addition to the above-mentioned duties, the Office of Consumer Affairs will also publish and distribute a Consumer Register especially designed to provide consumers with useful information developed by the Federal Government and from other sources.

Second, this bill would make statutory within the Federal Trade Commission a Bureau of Consumer Protection, to be headed by a Consumer Counsel appointed by the President with the advice and consent of the Senate. This Bureau would be vested with the responsibility of representing consumer interests before other Federal agencies and courts.

During the past several years, Congress has become increasingly aware of, and properly concerned with, consumer protection. As President Nixon mentioned in his consumer message to Congress:

> In today's marketplace, however, the consumer often finds himself confronted with what seems an impenetrable complexity in many of our consumer goods, in the advertising claims that surround them, the merchandising methods that purvey them and the means available to conceal their quality. The result is a degree of confusion that often confounds the unwary, and too easily can be made to favor the unscrupulous. I believe new safeguards are needed, both to protect the consumer and to reward the responsible businessman.

In a recent Chicago Tribune article, Robert Pitofsky, head of the Federal Trade Commission's Consumer Protection Bureau zeroes in on the situation in this way:

> There are two problems: the consumers aren't represented in government and there is a growing intolerance against being had.

At present, five Federal agencies are responsible for consumer protection;

consumer-related activities, which number in the hundreds, are spread through 33 Federal agencies. There is a good deal of interagency conflict regarding consumer protection functions—for example, the Food and Drug Administration may want to license a pesticide which the Public Health Service contends to be harmful to health. And the obvious lack of clearly defined consumer advocacy responsibility has the understandably frustrated consumer asking himself, "Who is looking out for my interests?"

These are but some of the problems we must deal with, the questions we must answer, in considering consumer legislation. The Consumer Protection Act of 1971 is, I feel, a giant step forward in solving these problems.

For one thing, the Office of Consumer Affairs will be able to oversee and advise on the development of effective consumer programs, thus reducing the interagency conflict and costly repetition.

The consumer advocacy function, which is virtually nonexistent at this time, is the real stepchild of Federal consumer protection activities. By entrusting this responsibility to the Bureau of Consumer Protection, the consumer will at last have a champion—a place to turn for redress against agency actions.

In performing this advocacy function, this bill requires that when the Bureau intervenes before an agency, it must issue a written statement indicating:

First, the manner in which its intervention may substantially benefit consumer interests.

Second, the reasons why such interests are not being adequately protected by the agency in question.

Third, the specific interests of the consumers to be protected.

In addition to its advocacy functions, the Bureau would also encourage and support research studies; conduct conferences, surveys, and investigations; keep Congress informed and make recommendations to other Federal agencies concerning research, studies, and other information within their authority.

The Consumer Protection Act has been introduced in the House by Congressmen ERLENBORN and BROWN of Ohio.

Another bill, with similar purpose, but different emphasis and direction, has been introduced in this body by my able colleagues, Senators RIBICOFF and JAVITS. I was interested to note that in his introductory comments, the distinguished Senator from New York expressed agreement with the idea of giving statutory permanence to the existing Office of Consumer Affairs, rather than creating a Council of Consumer Advisers. I am pleased also to note the attitude that we should give careful consideration to the various proposals which have been offered. I look forward to further discussion of our respective proposals in the Government Operations Committee.

One of the principal differences between our proposals should be pointed out. Instead of establishing an independent Consumer Protection Agency, which would conceivably add more redtape and expense to the bureaucracy and further duplicate existing procedures, this bill will give the Federal Trade Commission the necessary tools to serve as a consumer advocate in Federal matters.

Since 1938, authority for direct consumer protection has been entrusted to the FTC. When Congress first began its study of consumer problems, it was evident that the FTC did not have a particularly impressive record of effectiveness in the area of consumer protection. Many critics charged that it had, in fact, almost become an advocate of industry.

In the past years, however, that attitude has changed within the FTC, and the consumer has found a champion there. I think it is most important, as we consider consumer legislation, to be aware of the specific changes and progress being made by the FTC, and I ask to have printed at this point two articles. First, a summary of recent FTC activities in the area of consumer protection, and second, an article by Ronald G. Shafer which appeared in the Wall Street Journal of February 24.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SUMMARY OF RECENT FTC ACTIVITIES

I. STRUCTURAL AND ORGANIZATIONAL CHANGES

Case backlog

Some 450 cases, each on the docket for more than 18 months prior to January 1970, have been closed. Steps have been taken to assure that this case backlog problem will not crop up again.

Public information

Whereas the FTC previously was predisposed to withholding information on its action, virtually all actions are now spread on the public record, except for information which, by law, cannot be made public.

Field offices

The eleven field offices have been empowerd to act on thir own initiative, to carry out investigations, to issue investigative subpenas, and to prepare their own complaints—functions which previously had to be approved and usually were performed at Washington.

Consumer protection specialists

A new position, Consumer Protection Specialist, was established. Ten of these Specialists have been trained and assigned to each of the eleven Field Offices where they assist the legal staffs in detecting and correcting deceptive and unfair business practices in their incipiency.

Consumer protection committees

Joint Consumer Protection Committees are now in operation in six major cities—Chicago, Los Angeles, Detroit, San Francisco, Philadelphia, and Boston—and more are being set up. The major goals of these committees, which bring together consumer experts from the FTC and State and local consumer protection agencies, are to:

Bring to bear Federal, State, and city laws to stop fraudulent practices;

Pool information to establish priorities for efforts in both education and enforcement;

Give the city and metropolitan area consumers a one-stop complaint service in that an individual complaint filed with the committee will automatically be transferred to the appropriate and responsible agency for action without further effort by the consumer;

Determine the patterns of regional violations, if any, and

Avoid duplication of efforts among consumer protection agencies and develop a quick response liaison system among them.

Included in the data received and computerized by these committees are:

The specific business concerns that generate consumer complaints in these cities.

The nature of those most complained about businesses.

The most common deceptive practices in the area.

These deceptions which are in interstate commerce, and

The current status of disposition of each complaint filed by an individual consumer.

Consumer advisory boards

CAB's have been created in New Orleans and Chicago, and more are planned. These Boards consist of area representatives of private and public service. Their dual purpose is to advise the Commission on consumer problems and to suggest solutions for Commission consideration and action.

Office of policy planning and evaluation

To help the Commission to devote its resources and manpower in meaningful actions and thus eliminate the pursuit of the trivial, an Office of Policy Planning and Evaluation has been created.

Rules of practices and procedures

An Advisory Council has been appointed to recommend rules and practices that will expedite hearings, appeals, and other legal procedures while retaining all safeguards to the rights and interests of parties involved in FTC adjudication.

Intervention in proceedings

As an unprecedent experiment, the FTC will allow an organization representing consumer interests—Students Opposing Unfair Practices, Inc. (SOUP)—to intervene in its proceeding against a major tire manufacturer charged with misrepresenting the price and safety of its tires.

II. ENFORCEMENT OF STATUTES WITH INNOVATIVE CONSUMER PROTECTION WEAPONRY

With statutory power presently limited to issuing complaints and cease and desist orders, both of which generally result in long delays before decisions are reached, the Commission under Chairman Miles W. Kirkpatrick and his immediate predecessor, Caspar W. Weinberger, has nevertheless launched an aggressive consumer protection policy.

New weapons employed by the FTC that are being tested in the courts include:

Making an advertiser document its claims with adequate and well-controlled scientific studies.

Prohibiting alleged misrepresentations for a specified period unless certain conditions are met.

Prohibiting misleading claims of nutritional and environmental claims.

Requiring that past advertising deceptions be included in subsequent advertising of a product.

Banning products from the market place for adverse effects.

Preventing deception in promotional games.

Preventing advertising that deceives trusting children.

Enforcing anti-trust laws aimed at preventing collective actions that eliminate competition.

Rejecting voluntary assurances from companies that they will not pursue reciprocal dealings that say "we will buy from you if you buy from us."

Reviving a long-ignored FTC weapon of obtaining court injunctions to quash false advertisements of foods, drugs, devices, and cosmetics.

Among the FTC's actions during the past year—most of which are still wending their way through the adjudicatory process—are the following:

Issued complaint against Pfizer, Inc., involving advertising claim that its "Un-burn" sunburn treatment stops pain and anesthetizes nerves.

Filed complaint against Firestone Tire & Rubber Co. that challenges its claim that wide oval tires stop 25 per cent quicker than cars with conventional tires.

Filed complaints against Lever Brothers, Colgate-Palmolive Co., and Procter & Gamble Co. and their advertising agencies that charge them with misrepresenting in claiming that the enzymes in their products remove all types of stains from fabrics.

Issued cease and desist orders against the above that would prohibit the manufacturers from making stain removal claims for one year unless certain conditions are met.

Ordered the Chemway Corp. to stop claiming that mercury treated dental products kill germs and to stop using mercury on its dental products unless it conducts adequate and well-controlled studies to prove that the product is not dangerous to the consumer.

Ordered the Carnation Co. to stop making unwarranted nutritional claims for its Carnation Instant Breakfast.

Charged Mars, Inc., with misrepresenting the nutritional value of its Milky Way Chocolate bars.

Ordered Standard Oil of California to disclose in 25 per cent of its gasoline ads for one year that past claims that its Chevron F-310 significantly reduces air pollution were found by the FTC to be deceptive.

Barred Coca-Cola from making nutrient claims for any of its products for one year unless 25 per cent of the ads contained a statement that past claims that its Hi-C is a good buy because it is high in vitamins were found by the FTC to be false implications.

Filed a complaint against the DuPont Co. that would require DuPont to disclose possible adverse effects on automotive cooling systems from using Zerex Antileak Antifreeze and that may lead to a ban on sales of the product.

Issued a complaint charging that contestants in the Coca-Cola Co.'s "Big Name Bingo" were deceived by any undisclosed rule and, consequently, many were not awarded the $100 prize to which they are entitled.

Issued a complaint charging, among other things, that only $13,000 in prizes were actually awarded in the 1968 "McDonald's $500,000 Sweepstakes."

Filed a complaint alleging that commercials by Mattel Inc., for its "Hot Wheels" racing car sets unfairly exploit children and that its "Dancerina" doll does not walk by itself as advertised.

Issued a complaint against Topper, Corp., charging that its toy autos do not have doors and hoods that open as represented in their ads.

Charged that five tire manufacturing companies—Goodyear, Firestone, Uniroyal, Goodrich, and General—violated the law by following "parallel courses of business conduct constituting unfair methods of competition," and thus collectively acquired 99 per cent of the bus tire-leasing market.

Ordered the Bendix Corp. to sell the Fram Corp., which it acquired in 1967, because its acquisition may lessen competition in the replacement market for passenger car oil, air, and fuel filters, which are also produced by Bendix.

Ordered the OKC Corp. to sell the Jahncke Service, Inc., which it bought in 1969, on similar grounds.

Charged seven soft-drink companies (Coca-Cola Co., Atlanta, Ga.; PepsiCo. Inc., Purchase, N.Y.; Royal Crown Cola Co., Columbus, Ga.; Seven-Up Co., St. Louis, Mo.; Crush International Ltd., a Canadian based firm with offices in Evanston, Ill.; National Industries Inc., Louisville, Ky.; and Dr. Pepper Co., Dallas, Tex.) with curbing competition among their licensed bottlers by restricting the bottlers' sales territories.

Filed complaints charging the use of deceptive practices to get long-term subscriptions and harassment of deceived subscribers against Cowles Communications and the Hearst Corp., along with two of its wholly owned subsidiary publishing sales services.

Sought-and obtained—a court injunction against Medi-Hair International which requires the firm to disclose potential dangers of its hair-replacing surgical treatment and would prohibit the surgery until 24 hours after the customer has been informed of the risks by an independent physician.

Issued a proposed consent order, prohibiting the Columbia Broadcasting System Inc. from making, or continuing, exclusive agreements for records or prerecorded tapes.

III. TRADE REGULATION RULEMAKING

The Commission also has the power to solve broad consumer problems by issuing trade regulation rules. The following is a listing of significant rules that have been proposed by the FTC during the past year:

To require that marketers of gasoline products post research octane ratings in a clear and concise manner on gasoline pumps.

To ban negative option sales plans, whereby an individual in effect agrees to a purchase because he does not indicate he does not wish to make such purchase.

To regulate billing and credit practices. (Note: Hearings on these proposed rules have been deferred in compliance with a request by Senator Proxmire of Wisconsin, who plans similar hearings.)

To enable new car buyers to obtain more complete and accurate information on prices.

To protect the right of consumers to press claims against unsatisfactory products or services purchased on installment contracts when such contracts are subsequently sold to a third party, such as a finance company.

To require that soap products carry a warning label which would allow the public, for the first time, to compare the phosphate content of detergents.

Federal Trade Agency Sets Out To Prove It Is the Consumer's Friend

(By Ronald G. Shafer)

WASHINGTON.—The little old lady was languishing with a bad case of tired blood. But a recent transfusion has the old gal kicking up her heels like a liberated woman.

That's the consensus view of the 56-year-old Federal Trade Commission, also known as "the little old lady of Pennsylvania Avenue," since a revitalization began about a year ago under new leadership chosen by Richard Nixon.

The "old" FTC was much mocked as a feeble enforcer of consumer protection and anti-trust laws. Its image was opitomized by a fruitless 11-year effort, begun in 1959, to get J. B. Williams Co. to stop advertising that its Geritol tonic could relieve "tired blood" in older Americans.

But that image is rapidly changing. Among other things, the "new" FTC has finally taken the Geritol people to court, seeking $1 million in penalties. And it's reaching out in other directions, seeking "to give consumers better, broader and quicker protection," says Joseph Martin, the agency's general counsel.

ASPIRIN, NOT CHINCHILLA

The commission will strive increasingly to bring major cases raising issues with broad consumer impact (such as challenges to deceptive advertising of widely sold products) rather than emphasizing narrower questions involving, say, sales of chinchilla furs or instead of responding to individual consumers' gripes. Coming targets are likely to include pain relief claims for aspirin and nutrition claims for bread.

The remodeled FTC will probe the outer limits of its authority by seeking preliminary court injunctions to quickly quash some suspect sales practices and by imposing tougher sanctions, such as requiring advertisers to publicly confess past deception. It will even ban some products or ads.

The commission may also test its power to require restitution. Several complaints now before it seek to require offending companies to pay damages or refunds to consumers.

One complaint proposes to require Coca-Cola Co. to award $100 prizes to many persons said to have been wrongfully deprived of such prizes in a promotional game in 1969. The charge states that Coca-Cola and Glendinning Co., which devised the contest, failed to disclose that some questions required more than one answer. The complaint is being challenged by both Coca-Cola and Glendinning.

The new FTC is steaming ahead on other consumer-protection courses. In recent months, it has taken tough action ranging from a requirement that gasoline octane ratings be posted on gas pumps to a proposal that would require phosphate-detergent packages to carry a warning that such detergents pollute water.

GETTING STRONGER EVERY DAY

"The Federal Trade Commission is alive and well and getting stronger every day," asserts Miles W. Kirkpatrick, the 52-year-old Philadelphia antitrust lawyer who took over as FTC chairman in September. He succeeded Caspar Weinberger, a California attorney who got the reform ball rolling after he took office in January 1970 with a Presidential mandate to shape up the commission. (In August, Mr. Weinberger became deputy director of the President's Office of Management and Budget.)

Just how successful the new FTC will be remains to be seen. Several of its potentially powerful enforcement actions are sure to be challenged in court. But the agency's new boldness is winning the applause of consumer advocates—and is making business groups a little nervous.

Indications so far are that "the commission is waking up to its responsibilities, which is attributable to a new and more vigilant staff," says Ralph Nader. "If they keep up the accelerated pace, the FTC may become a prime recruiting group for idealistic young lawyers who want to use the authority of a democratic government to protect consumers and root out anticompetitive practices."

The business community has more mixed views. "The most prevalent feeling is that a strengthened FTC is preferable to an independent (government) consumer agency," says Kenneth Stinger, an official of the U.S. Chamber of Commerce. "But there's also a little feeling that they might be going too far; this really frightens a few people." Some advertising men complain that some FTC proposals, such as requiring corrective ads are "antibusiness."

NOT OUT TO ATTACK BUSINESS

In an effort to calm such fears, Basil Mezines, the FTC executive director, recently assured a grocery-industry group that the FTC wouldn't allow its interest in consumerism "to cloak an attack on business." He and other FTC officials say tough action in selected cases protects businessmen who don't deceive. One antitrust case now before the commission involves a company that may have grabbed a major chunk of a consumer-produce market through deceptive ads, these officials say.

FTC officials agree with businessmen that a strengthened commission is preferable to a new federal consumer-protection agency. Congress this year is expected to consider legislation to create an agency with power to intervene on behalf of consumers in all regulatory proceedings. But FTC men suggest it might be more practical just to give them the added power and funds.

"It seems to me if there's going to be a consumer advocate agency, we might as well be it," say chairman Kirkpatrick. "We have the staff. we're here, we don't have to be created."

Such a move would surely be fought by persons active in consumer affairs, but there appears to be nonpartisan support for legislation, which the President is likely to request in a special message to Congress today, to reinforce and expand the FTC's authority to obtain preliminary injunctions, impose penalties and police certain local frauds.

Reforms at the FTC began in early 1969 after a report by Nader aides blasted the agency and its top staff officials as inept consumer protectors. A committee of the American Bar Association, in a study requested by President Nixon, subsequently agreed that the FTC spent too much time on trivial matters, such as a charge that a company's "navy shoes weren't made by the Navy, and said that it relied too much on voluntary compliances that critics call toothless.

The ABA committee, which was headed by current FTC chairman Kirkpatrick, recommended that the commission be reformed or abolished.

THE MISSION AND THE PEOPLE

The FTC has the mission of enforcing the Federal Trade Commission act barring "unfair and deceptive" trade practices, plus textile labeling rules, flammable fabrics laws and certain antitrust statutes. Its actions, based on staff investigations and proposals, are voted on by the five commission members. The commission currently consists of three Republicans—Chairman Kirkpatrick, Mary Gardiner Jones and David Dennison—and two Democrats—A. Everette MacIntyre and former chairman Paul Rand Dixon, who bore the brunt of the past criticism.

In contrast to past public quarreling, the commission now seems united behind the activist efforts. "I don't see anybody dragging his heels," says Commissioner Jones, a strong supporter of the new direction.

FTC officials say the prospect of litigation won't slow their movement toward tougher and more innovative enforcements. But "we still have to win some cases," admits 41-year-old Robert Pitofsky, a New York University law professor who was appointed head of the FTC's Consumer Protection Bureau last November. Mr. Pitofsky was counsel to the ABA committee that prepared the report urging more aggressive FTC action.

That report, and parts of the Nader critique, are serving as road maps for FTC reform. In reaction to complaints about excessive bureaucracy, Mr. Weinberger slashed the number of operating bureaus to two from four. He also began replacing veteran officials with aggressive newcomers.

"It's startling how changes in the cast of characters (at the staff level) have changed the whole ball game," says Commissioner Jones. "I look forward to the time when they will be wilder than we are and we have to put the brakes on. In the past, the commission was pulling the staff along." Officials say the FTC has become a popular place for bright young lawyers. The agency plans to hire about 50 of them this summer, including at least one of "Nader's raiders."

SWITCH IN PRIORITIES

One big change based on the ABA report is the switch in priorities to big cases with big impact. That means emphasis on deceptive advertising and product claims beamed at millions of consumers, especially those dealing with health and safety.

The FTC can formulate trade regulations setting requirements for entire industries, and in these, too, says an official, "we've gotten away from rules on the sizes of sleeping bags" and have moved to more substantial issues. Thus the commission has proposed rules requiring certain auto-pricing disclosures, and it wants a three-day "cooling-off period" on door-to-door sales, to give the customer a chance to change his mind.

Another change is tougher penalties. In the past, most FTC complaints were settled by orders that merely stopped an alleged deception, often long after it had already ended. "The old sin-no-more remedies just don't work," says Mr. Pitofsky. Future orders will be designed to "take away the fruits" reaped from deceptive tactics, he says.

Still another goal is quicker action. Last month, for the first time in a decade, the FTC obtained a preliminary court injunction—this one against a California hair replacement company. The commission charged the company, Medi-Hair International, failed to disclose medical risks of its process, which involves surgically placing anchors in customers' scalps to hold weavings of hair. Officials plan to seek similar court action in other cases.

For the long range, however, the FTC sees antitrust action to increase competition as its heavy artillery for the defense of the consumer. The antitrust efforts, involving action against price-fixing, mergers and existing industrial concentration, will be intensified in the coming year. Particular efforts will be made "to identify and eliminate illegal business conduct in basic consumer industries and in industries affecting the prices of essential consumer commodities," according to a statement in the administration's new budget. Alan Ward, new director of the FTC's Bureau of Competition, indicates he will look into franchising arrangements.

The FTC already is investigating concentration in seven industries; cereals, drugs, automobiles, steel, electrical machinery, chemicals and energy. The studies are aimed at determining whether companies in an industry with only a few major producers are less responsive to competitive forces than those in less-concentrated industries.

If such studies "establish that firms in such industries tend to compete through advertising gimmicks rather than price," says general counsel Martin, "then I am certain that the FTC will wage increasing and effective warfare against such industrial concentrations."

Mr. GURNEY. In conclusion, Mr. President, I refer again to the President's consumer message, in which he refers to the placement of the consumer advocacy function within the FTC:

> I believe that this is a better approach than the creation of still another independent agency which would only add to the proliferation of agencies without dealing with the problems of effectiveness to which the Advisory Council (on Executive Reorganization) report addresses itself.

Mr. President, I ask that the following summary of my bill be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Consumer Protection Act of 1971

OFFICE OF CONSUMER AFFAIRS

The Consumer Protection Act of 1971 upgrades the Office of Consumer Affairs in the Executive Office of the President to statutory responsibilities. The Office, headed by a Director appointed by the President with the advice and consent of the Senate, has the primary responsibility for the oversight, coordination, and direction of consumer policy and operations among Federal agencies.

BUREAU OF CONSUMER PROTECTION AND REPRESENTATION OF CONSUMER INTERESTS

In addition, there is established by law within the Federal Trade Commission a Bureau of Consumer Protection, headed by a Consumer Counsel appointed by the President with the advice and consent of the Senate. The primary responsibility of the Bureau is to represent the interests of consumers before other Federal agencies and courts.

PRODUCT TESTING

In support of its representational functions, the Bureau shall have the right to contract with other agencies and non-Federal sources to conduct produce testing. Other than for this purpose, however, the Act does not authorize the Bureau or the Office directly or indirectly to engage in or support product testing.

CONSUMER COMPLAINTS

Additionally, the Bureau is authorized to receive, evaluate, develop, and act upon complaints from consumers. This authority includes transmission by the Bureau of such complaints to other Federal agencies and non-Federal sources for investigation and action.

As part of its responsibility in this area, the Bureau shall maintain a public document room where complaints may be made available to the public for inspection and copying. To safeguard against abuse, these complaints shall not be available to the public until three conditions have been met:

1. The complaintant has given permission for his complaint to be made public.
2. The party complained against has been given at least 60 days in which to comment.
3. The governmental agency to which the complaint has been referred has indicated how it intends to handle the complaint.

CONSUMER INFORMATION

Both the Bureau and the Office are authorized to gather and disseminate to the public information of interest to consumers, including information concerning items purchased by the Federal Government for its own use.

As part of the consumer information authority, the Office is authorized to publish and ditsribute a Consumer Register designed to make available to consumers information which may be of interest to them, including that relating to government activities.

Under the Act, interested persons are given the right to comment before the release of such information pertaining to brand names, and Federal agencies are prohibited from declaring one product to be superior to another.

OTHER FEDERAL ACTION

The Act provides that every Federal agency, in taking action that substantially affects the interests of consumers, shall provide notice of such action to the Office and the Bureau and shall give due consideration to the valid interests of consumers.

THREE-YEAR AUTHORIZATION

The authorization for both the Bureau and the Office is limited to three years.

DEFINITION OF CONSUMER

A consumer is defined in the Act as "any person who is offered goods or services for personal, family, or household purposes."

By Mr. TOWER (for himself and Mr. Bentsen):

S. 1208. A bill to authorize the coinage of 50-cent pieces to commemorate the life of the Honorable Sam Rayburn and to assist in the support of the Sam Rayburn Library. Referred to the Committee on Banking, Housing, and Urban Affairs.

SAM RAYBURN 50 CENT PIECE AUTHORIZING LEGISLATION

Mr. TOWER. Mr. President, it is with pride today that I introduce, for myself and for the junior Senator from Texas (Mr. Bentsen), legislation to authorize the minting of a 50-cent piece in the likeness of the late Speaker of the House, Sam Rayburn. This man, who embodied much of what is great about our State of Texas, was first elected to Congress in 1913 and served in every succeeding Congress until his death in November of 1961. He was first elected Speaker of the House of Representatives in 1940 and held that position longer than any other person in the history of the United States Congress.

Mr. President, Texans have always admired Sam Rayburn and his courage in fighting for what is right. In many respects, he represents the independence that has characterized Texans over the years. Even when Franklin Roosevelt was immensely popular and at the height of his career, Sam Rayburn would not hesitate to oppose and temper Roosevelt's programs when he thought it in the best interest of the Nation.

Mr. President, I had been in the Senate only a few short months when Speaker Sam passed away in 1961, yet I felt that I knew him well. As a young boy, he had worked in the cottonfields of Texas with the rest of his family in order that they might have enough to eat. He left home at 17 to attend East Texas Normal College and at that time his father gave him the entire family savings of $25. He worked his way through college by sweeping the floors of different establishments in the town.

It was this hard work and character, which his father told him was his only legacy, that Sam Rayburn personified throughout his life. He never shrank from any task and persevered through all adversity. It is for his individualism and leadership in troubled times that Sam Rayburn will be remembered.

Mr. President, at the current time, every coin that we mint has the likeness of a former President on it. While I certainly have nothing against any of the distinguished Americans whose likeness appears on our coins, I do believe that there are many outstanding Americans who should be likewise honored. In former times, we had a variety of persons and even symbols on the face of our coins; I do not believe that the only suitable cover for our coins are former Presidents. I would like to see the likeness of my great fellow Texan, loyal American, and believer in the individual, Sam Rayburn, honored on the next half dollar that we mint in the United States.

By Mr. HANSEN:

S. 1209. A bill to amend the act of October 17, 1968 (82 Stat. 1146), relating to the control of noxious plants on Federal lands. Referred to the Committee on Agriculture and Forestry.

Mr. HANSEN. Mr. President, I introduce today a bill to aid in the control of noxious plants on Federal lands. I propose this legislation in the interest of governmental efficiency. Its purpose is simple. It would streamline administrative procedures used in controlling weeds on Government lands.

Under existing regulations established by the Carlson-Foley Act, Public Law 90-583, which was approved October 17, 1968, several Federal agencies are involved in developing cooperative programs with State agricultural agencies, through which the control programs are carried out. In brief, the provisions of the Carlson-Foley Act as it now stands are as follows:

The law directs Federal agency heads to permit State agricultural agencies to enter Federal lands and destroy noxious plants if: first, such entry is in accordance with a program approved by that Federal agency; second, the means by which noxious plants are controlled are acceptable to the Federal agency head, and third, the same procedure required by the State program with respect to private land has been followed.

The law prohibits entry if the agency head certifies it is inconsistent with national security, and provides that State expenses will be reimbursable by the Federal agency to the extent that funds appropriated specifically for that purpose are available in the fiscal year in which the expenses are incurred.

The Carlson-Foley Act is good legislation, but it has not been implemented, and no funds have been appropriated for its implementation, because there is no efficient procedure established through which State and Federal agencies may set up cooperative control programs.

Under the amendment I am proposing to the Carlson-Foley Act, the coordinating function for cooperative programs with the States would be centralized in the U.S. Department of Agriculture, rather than scattered among all the heads of the many Federal agencies administering public lands.

In Wyoming, for example, 48.2 percent of our land area is federally owned, and the ownership is scattered among nearly a dozen agencies. Included are the Bureau of Land Management with 17.5 million acres; the Fish and Wildlife Service, the National Park Service, the Bureau of Reclamation, and the Bureau of Indian Affairs—all in the Department of the Interior.

In the Department of Agriculture, we have the Forest Service with its 9 million acres in Wyoming. The Defense Department administers a few thousand acres of Wyoming land. In the Department of Transportation, the Federal Aviation Administration owns 544 acres. A tract about the same size is owned by the Veterans' Administration. In some other Western States, the pattern of Federal ownership is even more fragmented and complex.

It is easy to see, Mr. President, that with so many Federal agencies involved, a State effort to develop a weed control program on Federal lands is almost impossible. The State is forced to work with as many as a dozen separate agencies in developing a program and requesting reimbursement for control work done. Streamlining is badly needed.

The need for weed control programs is not the central question to be considered here, since my bill seeks merely to improve the administration of the existing Carlson-Foley Act.

But I do believe that effective control programs have not been possible because of the inefficiency of the administrative apparatus, and I would like to take a moment to discuss the importance of control programs.

The State of Wyoming has one of the most effective statewide weed control programs in the Nation. But the effectiveness of the State program is reduced by the inability of the State to control weeds on contiguous Federal lands. It does little good to spend money on control programs on private and State lands when they are continually reinfested due to the lack of control on Federal lands.

The State of Wyoming could extend its program to Federal lands, via cooperative programs with Federal agencies administering land in Wyoming. In order to to do this, Wyoming must negotiate separately with each of the various agencies involved, and each has different policies regarding weed control. Despite the passage of the Carlson-Foley Act, which authorizes reimbursement to the States for the cost of control efforts on Federal lands, only a pittance is requested by agencies for weed control, and the States have no assurance that they will be reimbursed for their efforts.

My bill would centralize this reimbursement process and the coordination of State-Federal programs in one agency, without diminishing the authority of other agencies over the lands they must administer. This procedure would reduce administrative costs, would greatly streamline the procedure required for setting up cooperative Federal-State programs, and would allow the States to get on with the job of setting up workable programs where Federal lands are involved.

Mr. President, noxious weeds compete with crops and desirable plants for air, water, and soil. In Wyoming, it is estimated by the State Department of Agriculture that weeds reduce returns to farmers from agronomic crops by an incredible $23 million annually. Millions more are spent for control programs—both by individual farmers and by governmental agencies—and still, in Western States, weeds are winning the battle.

There is no way to accurately measure the economic loss caused by noxious weeds, but it is astronomic.

The need for weed control is obvious. It is my hope this amendment to the Carlsen-Foley Act will be approved, so that effective control programs can be set up in public lands States and we can begin to see some results for the dollars we spend. I believe, also, that passage of this amendment would increase the efficiency of the Federal-State effort to the extent that we would be in a much better position to see that adequate appropriations are approved, for control programs.

Mr. President, I ask unanimous consent that the full text of the bill be entered at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1209

A bill to amend the Act of October 17, 1968 (82 Stat. 1146), relating to the control of noxious plants on Federal lands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the control of noxious plants on land under the control or jurisdiction of the Federal Government", approved October 17, 1968 (82 Stat. 1146), is amended to read as follows:

"That (a) the Secretary of Agriculture is authorized and directed to permit the commissioner of agriculture or other proper agency head of any State in which there is in effect a program for the control of noxious plants to enter upon any Federal lands within such State and destroy noxious plants growing on such lands, if such entry is in accordance with a program submitted to and approved by the Secretary of Agriculture.

"(b) In any case in which a program or part thereof submitted to the Secretary of Agriculture pursuant to subsection (a) of this section includes lands under the jurisdiction or control of a Federal department or agency other than the Department of Agriculture, the Secretary of Agriculture shall consult with the head of such department or agency and shall not approve such program or part thereof to the extent that it includes such lands, if such head has (1) certified to the Secretary of Agriculture that entry on such lands is inconsistent with national security; or (2) informed the Secretary of Agriculture that the means by which noxious plants are to be destroyed on such lands under the proposed program are not acceptable to the head of such department or agency. No program submitted to the Secretary of Agriculture pursuant to this Act shall be approved by him unless he first determines that the same procedures required by the State program with respect to privately owned land is to be followed in the proposed program submitted for approval under this Act.

"Sec. 2. Any State incurring expenses pursuant to the first section of this Act upon presentation of an itemized account of such expenses shall be reimbursed by the Secretary of Agriculture: *Provided*, That such reimbursement shall be only to the extent that funds appropriated specifically to carry out the purposes of this Act are available therefor during the fiscal year in which the expenses are incurred.

"Sec. 3. There are hereby authorized to be appropriated such sums as the Congress may determine to be necessary to carry out the purposes of this Act.".

Sec. 2. The provisions of this Act shall take effect upon the expiration of the ninety day period following the date of its enactment.

By Mr. CRANSTON (for himself and Mr. Tunney):

S. 1210. A bill to regulate and foster commerce among the States by providing a uniform system for the application of sales and use taxes to interstate commerce. Referred to the Committee on Finance.

THE INTERSTATE SALES AND USE TAX ACT

Mr. CRANSTON. Mr. President, I introduce, for appropriate reference, for myself and Mr. Tunney, a bill to provide a uniform system for the application of State and local sales and use taxes to transactions in interstate commerce. It is entitled "The Interstate Sales and Use Tax Act."

This legislation focuses attention directly on the basic issues involved in the application of State and local sales and use taxes to transactions in interstate commerce. I want to provide an opportunity for the consideration and debate of these issues on their individual merits.

Since Congress first directed that a study be made of interstate taxation there have been some very significant developments. First, it has become clear, beyond any reasonable doubt, that an attempt to resolve all interstate tax problems by the adoption of a single set of jurisdictional standards is unrealistic and does not recognize the intrinsic differences between sales and use taxes and other State and local taxes. The disregard of this principle has substantially contributed to the controversy which exists in the field of interstate taxation today.

Recently, there have been a number of significant developments in the application of sales and use taxes to interstate transactions. These developments render irrelevant much of the previous testimony in support of Federal legislation in this field.

For example, the Supreme Court has conclusively dealt with the issue of catalog and mail order sales which were once the subject of extended testimony and debate. On many other issues the States have voluntarily acted to provide uniformity where it was previously lacking.

The one development that stands out has been the widespread realization among national and local businessmen, economists, and experts in public finance, as well as State and local tax officials, that it is essential that we distinguish basic differences in jurisdictional rules applicable to sales and use taxes from those applicable to the corporation income tax. Since the first interstate taxation bill was introduced in 1965, there has been steadily increasing recognition of the inequity and unsoundness of attempting to apply the principle of Public Law 86–272 to the collection of sales and use taxes. This conclusion has been for reasons well founded in both logic and efficacy.

The purpose of Public Law 86–272 is to reduce the tax compliance burden on interstate sellers by simplifying the allocation of income among States. This is achieved by precluding the apportionment of income for net income tax purposes by any State in which a multistate seller does no more than solicit orders for acceptance at and shipment from an out-of-State point. No matter what the merits of Public Law 86–272 for corporation income tax purposes, its application to sales and use taxes would have disastrous consequences.

If the principles of that law were applied to sales and use taxes, the multistate seller would be free of tax obligations even though he maintains an unlimited number of salesmen in a State, so long as he had no place of business in that State and the orders taken were filled by shipments from outside the State. The tax loss to State and local governments, at rates of 5 percent or more in many States, would be substantial. In California, it is estimated that the loss in revenue would be $12.5 million in the first year alone. Of even greater concern is the very significant competitive advantage that would be granted to out-of-State sellers over local retailers. This tax advantage would lead to further penetration of local markets by the vendors given such tax immunity.

A different situation exists in the application of Public Law 86–272 to income taxes. The tax loss to any State is measured by net income from sales. Discrimination against local business is therefore less significant.

I have an exhibit compiled from the records of the California State Board of Equalization which illustrates the fiscal and competitive consequences if Congress were to extend the principle of Public Law 86–272 to sales and use taxes. It shows the type of business activities engaged in by some of the companies that would be exonerated from responsibility for collection of sales and use taxes. These 22 companies annually make over $37 million in sales through solicitation by sales representatives within California. Nationwide, their sales run into hundreds of millions of dollars each year. Mr. President, I ask unanimous consent that the exhibit be printed at this point in the Record.

There being no objection, the exhibit was ordered to be printed in the Record, as follows:

Exhibit

1. This firm sells ready-to-wear dresses. Sales personnel within California obtain "hostesses" to arrange a "social party." A "stylist" attends the party and exhibits sample garments. Orders are submitted by the "stylist" to, and are filled from, a point outside the state by a combined shipment to the "hostess." State and local sales and use taxes in California for the fiscal year 1967–1968 totalled $403,500. This firm would no longer be subject to sales tax, nor required to collect the use tax. This translates into sales in excess of $8 million in direct competition with California retailers.

2. A shoe manufacturer makes sales in California through commission salesmen direct to consumer customers. California sales for the fiscal year ended 6–30–68 amounted to $350,000 with tax paid in excess of $17,000.

3. A shoe manufacturing firm sells through sales representatives on a house-to-house basis. This firm paid tax of more than $48,000 on sales of $960,000.

4. A company sells household utensils, pots, pans, etc., through independent representatives to consumer customers on a house-to-house basis. Sales last year exceeded a quarter million dollars, with a tax payment in excess of $12,500.

5. This business is conducted by two related corporations. One sells jewelry, the other sells cosmetics, through solicitors operating within California. Their annual state and local sales and use taxes aggregate $175,000. Under the proposed federal restriction, $3,500,000 of sales with local solicitation would not subject the companies to the California Sales and Use Tax Laws.

6. A large greeting card firm has independent sales solicitors taking orders from consumer customers in California. Last year's volume of sales in California was almost a half million dollars, with tax paid of $24,900.

7. A firm sells educational books through commission salesmen on a door-to-door basis. Sales made were in excess of $525,000, tax paid of $25,300.

8. Another firm sells Bibles, for all denominations, on a door-to-door basis through commissioned salesmen. Sales for last year totalled more than $460,000, and tax paid exceeded $23.000.

9. A firm engaged in the sale of books, magazines, and record albums, has agents located in California who operate from their homes. These agents solicit orders which are filled, and shipped from a point outside the state direct to the purchaser. It would be discharged from further liability on $7,500,000 of annual sales on which it now pays $375,000 in taxes. An affiliated corporation of this firm does maintain offices in California. It would be an easy matter to direct all publications of a nontaxable nature through the corporation maintaining an office in the state, and all taxable publications, and other items of a

taxable nature, through the corporation with no office in the state. The enactment of this legislation would provide the opportunity for tax avoidance.

10. A firm with independent sales representatives sells dry goods direct to consumer customers. This firm's sales last year fell just short of $500,000, and they paid tax of $24,350.

11. A correspondence school makes sales of educational material and school supplies directly to the student through independent sales representatives. Annual sales in California totalled $732,000, with tax payable of $36,600.

12. A corporation makes direct sales of general merchandise to credit card holders of large national firms. Individual sales amounts are small, however, the volume is quite large with last year's sales exceeding $450,000, and payment of tax in the amount of $22,700.

13. This firm has 20 photographic salesmen in California who take and sell pictures to students and schools. Annual sales exceed $800,000, with a tax liability of $40,650.

14. This manufacturer is engaged in the sale of desks and public seating equipment to many vendees within the state. Sales are made by resident salesmen. Tax paid last year was in excess of $37,000.

15. This firm supplies prescription lenses, frames, and accessories to optometrists and oculists. All sales are made through resident salesmen. The sales to California purchasers in the last fiscal year amounted to $1,252,000, with a tax liability of $62,600.

Four additional optical firms making sales in the same manner as described above made sales in the amount of $1,600,000, with a total tax paid of $79,000.

16. A manufacturer and seller of yearbooks makes sales through representatives without offices to students and schools. The tax paid amounts to $110,000.

17. Another publisher of yearbooks makes sales of these and other specialty publications in the same manner as indicated in number sixteen. Their sales are also to students and schools. The tax revenue from this account is $120,000 per year.

18. Another company has independent sales agents soliciting orders for their products which are advertising specialties, executive gifts, metal signs, etc. This firm paid tax of $27,050 on sales of $540,000.

19. This taxpayer operates in California through resident salesmen making sales of uniforms to various employers and organizations throughout the state. All sales are made through taxpayer's sales representatives. California taxable sales during the last fiscal year exceeded one quarter of a million dollars.

20. A manufacturer and seller of rubber processing machinery and barbage disposers make sales as a result of solicitation by sales representatives, with no office maintained in this state. Sales for last year totalled $1,600,000, and tax paid of $80,000.

21. A supplier of industrial chemicals and disinfectants made sales through resident salesmen in excess of $2,000,000 last year, and paid tax in the amout of $110,000.

22. This firm is a manufacturer of industrial mixers. Most of its sales are to bakeries and other food processing industries. Orders are solicited by an independent sales representative. Sales for the fiscal year ended June 30, 1968, exceeded $500,000, with total tax paid in excess of $25,000.

Mr. CRANSTON. Mr. President, I propose to provide the Congress, businessmen, consumers, and State tax officials alike, with the opportunity to consider a uniform system for the application of sales and use taxes in interstate commerce which is based on the premise that there are some problems in the sales and use tax field that are different from those found in the income tax field and consequently they require different solutions.

My bill utilizes to the fullest extent possible the work already done by the committees of the Congress in this area. The remedial provisions of my bill are directed exclusively to the solution of today's interstate sales and use tax problems, and it retains the time-tested sales and use tax jurisdiction based on sales solicitation within the State.

The presence of sales personnel within a State provides the most logical jurisdictional standard. Sales people make sales, with or without fixed business locations, in direct competition to local merchants, and the courts have recognized that their presence within a State provides a rational connection between the benefits derived and the tax collection burden assumed by the seller.

At this point, I would like to explain some of the major provisions of the "Interstate Sales and Use Tax Act." The basic purpose of the act is to provide a uniform system for the application of the sales and use taxes of the several States and their political subdivisions with respect to sales of tangible personal property in interstate commerce.

First, title I of the act would establish jurisdictional standards applicable to the imposition and collection of sales and use taxes on interstate sales. Under these standards a State could not impose a sales or use tax on a person with respect to the interstate sale of personal property for delivery in that State, unless the person has "a business location within the State," regularly solicits orders by salesmen, solicitors, or representatives in the State—this does not include solicitation solely by direct mail or advertising via newspaper, radio, and TV.

Under title I, a State may also impose the tax on a person who regularly engages in the delivery of property in the State other than by common carrier or U.S. mail.

Title II makes it clear that a sale in interstate commerce can only be taxed by one State. It exempts from the tax the reasonable transportation cost of property into the State and in the case of new residents of a State, it exempts from the tax, household goods or automobiles purchased in another State and used in that State for 90 days.

Also, under title II, a strictly local sale or use tax may not be imposed by a political subdivision of a State unless the seller has a business location in the jurisdiction where the property is to be delivered or unless the seller makes regular deliveries into that jurisdiction other than by common carrier or U.S. mail. However, any uniform system of State-administered local taxes would be treated as State taxes for the purpose of the act.

Finally, title III contains definition and miscellaneous provisions. In defining "use tax" it is made clear that use tax as referred to in this act, means a use tax which is complimentary to a sales tax. Specifically excluded from the definition of "use tax" are those taxes which are complimentary to certain excise taxes such as those imposed on cigarettes.

One of the miscellaneous provisions of title III authorizes contiguous States to enter into reciprocal agreements whereby a seller with a business location in one State could be required by that State to collect its sister's sale or use tax for personal property sold in the sister State. This agreement would be applicable to the seller even though he would not otherwise be liable under the act for the sister State's tax.

Mr. President, in developing this bill I am greatly indebted, and wish to give credit, to the Chamber of Commerce of the State of California, the California Manufacturer's Association, the California Retailer's Association, and the State Board of Equalization, whose study and expertise largely made this bill possible. In addition, Governor Reagan and his administration have given this measure their active support.

Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1210

A bill to regulate and foster commerce among the States by providing a uniform system for the application of sales and use taxes to interstate commerce

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Interstate Sales and Use Tax Act".

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TITLE I—JURISDICTION TO TAX

SEC. 101. UNIFORM SALES AND USE TAX JURISDICTIONAL STANDARD.

No State or political subdivision thereof shall have power to impose a sales tax or to require a person to collect a sales or use tax with respect to an interstate sale of tangible personal property for delivery in the State unless the person—

(1) has a business location in the State, or

(2) regularly solicits orders for the sale of tangible personal property by salesmen, solicitors, or representatives in the State, unless his activity in the State consists solely of solicitation by direct mail or advertising via newspapers, radio, or television, or

(3) regularly engages in the delivery of property in the State other than by common carrier or United States mail.

A State or political subdivision shall have power, subject to the provisions of sections 201, 205, and 324 of this Act, to impose a sales tax, or, to require seller collection of a sales or use tax with respect to an interstate sale of tangible personal property, if it is not denied power to do so under the preceding sentence.

TITLE II—UNIFORM RULES FOR APPLICATION OF TAX

Sec. 201. Reduction of Multiple Taxation.

(a) Location of Sales.—A State or political subdivision thereof may impose a sales tax or require a seller to collect a sales or use tax with respect to an interstate sale of tangible personal property only if the destination of the sale is—

(1) in that State, or

(2) in a contiguous State or political subdivision of a contiguous State for which the tax is required to be collected under reciprocal collection agreements as authorized under section 324 of this Act.

(b) Credit for Prior Taxes.—The amount of any use tax imposed with respect to tangible personal property shall be reduced by the amount of any sales or use tax previously incurred and paid by a person with respect to the property on account of liability to another State or political subdivision thereof.

(c) Refund.—A person who pays a use tax imposed with respect to tangible personal property shall be entitled to a refund from the State or political subdivision thereof imposing the tax, up to the amount of the tax so paid, for any sales or use tax subsequently paid with respect to the same property on account of prior liability to another State or political subdivision thereof.

(d) Limitation on Credit for Prior Taxes.—A credit or refund otherwise permitted under subsections (b) and (c) shall not be allowed with respect to taxes which are measured by periodic payments made under a lease to the extent that the taxes imposed by the other State or political subdivision thereof were also measured by periodic payments made under a lease for a period prior to the possession, storage, use, or other consumption of the property in the State or political subdivision thereof imposing the tax.

(e) Vehicles and Motor Fuels.—

(1) Vehicles.—Nothing in subsection (a) shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to vehicles that are registered in the State.

(2) Fuels.—Nothing in this section shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to motor fuels consumed in the State.

Sec. 202. Exemptions for Household Goods, Including Motor Vehicles, in the Case of Persons Who Establish Residence.

No State or political subdivision thereof may impose a sales tax, use tax, or other nonrecurring tax measured by cost or value with respect to household goods, including motor vehicles, brought into the State by a person who establishes residence in that State if the goods were acquired and used by that person ninety days or more before use of the property in the State in which he establishes such residence.

Sec. 203. Treatment of Transportation Charges With Respect to Interstate Sales.

Where the freight charges or other charges for transporting tangible personal property from the seller or supplier directly to the purchaser incidental to an interstate sale are separately stated in writing by the seller to the purchaser, to the extent that such charges do not exceed a reasonable charge for transportation by facilities of the seller or the charge for the transportation by the carrier when the transportation is by other than the seller's facilities, no State or political subdivision may include such charges in the measure of a sales or use tax imposed with respect to the sale or use of the property.

Sec. 204. Liability of Sellers on Exempt Sales.

No seller shall be liable for the collection or payment of a sales or use tax with respect to an interstate sale of tangible personal property if the purchaser of such property furnishes or has furnished to the seller a certificate or other written form of evidence indicating the basis for exemption, or the reason the seller is not required to pay or collect the tax. Any such certificate or writing shall give the name and address of the purchaser, his registration number, if any, and shall be signed by the purchaser or his representative.

Sec. 205. Local Sales and Use Taxes.

(a) Limitation on Seller Collection.—No seller shall be required by a State or political subdivision thereof

(1) to collect a sales or use tax of a political subdivision with respect to interstate sales, or

(2) to classify interstate sales for sales or use tax purposes according to geographic areas of the State in any manner

except with respect to those interstate sales with destinations in political subdivisions in which the seller has a business location, or regularly makes delivery other than by common carrier or United States mail.

(b) Local Taxes Treated as State Taxes.—Notwithstanding the limitations in subsection (a), to the extent that State and any local sales and use taxes are imposed in all geographic areas of a State upon like transactions at the same combined State and local rate, are administered by the State, and are otherwise applied uniformly so that the seller is not required to classify interstate sales according to geographic areas of the State in any manner whatsoever, such sales or use taxes, whether imposed by the State or by political subdivisions, shall be treated as State taxes for the purposes of this Act.

TITLE III—DEFINITIONS AND MISCELLANEOUS PROVISIONS

Part A—Definitions

Sec. 301. Sales Tax.

A "sales tax" is any tax imposed with respect to retail sales, and measured by the sales price of tangible personal property or services with respect thereto, which is required by State law to be stated separately from the sale price by the seller, or which is customarily stated separately from the sales price.

Sec. 302. Use Tax.

A "use tax" is any nonrecurring tax complementary to a sales tax measured by the purchase price or value of tangible personal property or services sold, which is imposed on or with respect to the exercise or enjoyment of any right or power over tangible personal property incident to the ownership or possession of that property or the leasing of that property from another, including any consumption, keeping, retention, or other use of tangible personal property.

Sec. 303. Sale; Sales Price; Purchase Price.

The terms "sale", "sales price", and "purchase price" shall be deemed to include leases and rental payments under leases.

Sec. 304. Interstate Sale.

An "interstate sale" is a sale in which the tangible personal property sold is shipped or delivered to the purchaser in a State from a point outside that State.

Sec. 305. Destination.

The destination of a sale is in the State or political subdivision in which possession of the property is physically transferred to the purchaser or to which the property is shipped to the purchaser regardless of the f.o.b. point or other conditions of the sale.

Sec. 306. Business Location.

(a) General Rule.—A person shall be considered to have a business location within a State or within a political subdivision only if that person—

(1) owns or leases real property within the State, or within the political subdivision,

(2) has one or more employees located in the State, or in the political subdivision,

(3) regularly maintains a stock of tangible personal property in the State, or in the political subdivision, for sale in the ordinary course of its business, or

(4) regularly leases out tangible personal property for use in the State, or in the political subdivision.

For the purpose of paragraph (3), property which is on consignment in the hands of a consignee, and which is offered for sale by the consignee on his own account, shall not be considered as stock maintained by the consignor. If a person has a business location in a State, or in the political subdivision, solely by reason of paragraph (4), he shall be considered to have a business location in the State, or in the political subdivision, only with respect to such leased property.

Sec. 307. Location of Employee.

An employee shall be considered to be located in a State or in a political subdivision if—

(1) his service is performed entirely within that State, or within that political subdivision, or

(2) his service is performed both within and without that State, or that political subdivision, but in the performance of his service he regularly commences his activities at, and return to, a place within the State or within the political subdivision.

Sec. 308. State.

The term "State" means the several States of the United States and the District of Columbia.

Sec. 309. State Law.

References in this Act to "State law", "the laws of the State", and the like shall be deemed to include a State constitution, and to include the statutes and other legislative acts, judicial decision, and administrative regulations and rulings of a State and of any political subdivision.

Part B—Miscellaneous Provisions

Sec. 321. Prohibition Against Geographical Discrimination.

(a) In General.—No provision of State law shall make any person liable for a greater amount of sales or use tax with respect to tangible personal property by virtue of the location of any occurrence in a State outside the taxing State, than the amount of the tax for which such person would otherwise be liable if such occurrence were within the State. For purposes of this subsection, the term "occurrence" includes incorporation, qualification to do business, and the making of a tax payment, and includes an activity of the taxpayer or of a person (including an agency of a State or local government) receiving payments from or making payments to the taxpayer.

(b) COMPUTATION OF TAX LIABILITY UNDER DISCRIMINATORY LAWS.—When any State law is in conflict with subsection (a), tax liability may be discharged in the manner which would be provided under State law if the occurrence in question were within the taxing State.

SEC. 322. PROHIBITION AGAINST OUT-OF-STATE AUDIT CHARGES.

No charge may be imposed by a State or political subdivision thereof to cover any part of the cost of conducting outside that State an audit for a tax to which this Act applies.

SEC. 323. PERMISSIBLE TAXES.

The fact that a tax to which this Act applies is imposed by a State or political subdivision thereof in the form of an excise, privilege, or license tax shall not prevent the imposition of the tax on a person engaged exclusively in interstate commerce within the Senate; but such a tax may be enforced against a person engaged exclusively in interstate commerce within the State solely as a revenue measure and not by ouster from the State or by criminal or other penalty for engaging in commerce within the State without permission from the State.

SEC. 324. RECIPROCAL COLLECTION AGREEMENTS.

When authorized by State law, reciprocal agreements may be made between two contiguous States for the purpose of requiring a seller with a business location in one of the States to collect applicable state use tax (including any tax treated as a State tax under Subsection (b) of Section 205 of this Act) for, and to remit that tax to, the other State into which the seller makes sales of tangible personal property, even though he is otherwise not subject to the jurisdiction of such other States under Section 101 of this Act.

SEC. 325. LIABILITY WITH RESPECT TO UNASSESSED TAXES.

No State or political subdivision thereof shall have the power, after the date of the enactment of this Act, to assess against any person for any period ending on or before such date a sales or use tax with respect to tangible personal property, if during such period that person was not registered in the State for the purpose of collecting tax, had no business location in the State, did not regularly solicit orders for the sale of tangible personal property by salesmen, solicitors, or other representatives in the State or did not regularly engage in the delivery of property in the State other than by common carrier or United States mail.

SEC. 326. EFFECTIVE DATES.

Sections 101, 321, 322, and 325 of this Act shall take effect on the date of the enactment of this Act. Section 205 shall take effect on the first day of the first calendar quarter commencing five years after the enactment of this Act. The remaining provisions of this Act shall take effect on the first day of the second calendar quarter commencing after the enactment of this Act.

By Mr. PEARSON (for himself and Mr. DOLE):

S.J. Res. 69. Joint resolution to provide for a 1974 Centennial Celebration Observing the Introduction into the United States of Hard Red Winter Wheat. Referred to the Committee on the Judiciary.

RESOLUTION IN RECOGNITION OF THE HARD RED WINTER WHEAT CENTENNIAL

Mr. PEARSON. Mr. President, I introduce a joint resolution to provide for a 1974 centennial celebration observing the introduction into the United States of Hard Red Winter Wheat. This joint resolution is cosponsored by my distinguished colleague from Kansas, Senator BOB DOLE. This resolution has been introduced in the House by Congressman KEITH SEBELIUS, whose Big First District is the heart of the Nation's Hard Red Winter Wheat region.

Mr. President, the Russian Mennonite families who settled in the community of Hillsboro, Kans., brought from their native land a portion of seed wheat, which they first planted in 1874. This wheat was new to the Western Hemisphere. It was the original Hard Red Winter Wheat, which since has been responsible for the prominence of Kansas as "Breadbasket" for all Americans and millions of other people throughout the world.

The legislation which I introduce today would provide for a 1974 centennial celebration in Kansas to commemorate the historic introduction of Hard Red Winter Wheat in this hemisphere. This proposal has been drafted, also, to recognize in an appropriate manner the dedication with which Kansas wheat farmers have served the Nation and the hungry everywhere.

I believe it entirely appropriate for Congress to request a Presidential proclamation calling upon the people of the United States to observe this centennial, with appropriate ceremonies and activities to be focused in the State of Kansas where such wheat was first grown.

Mr. President, I ask unanimous consent to include at the conclusion of these remarks the text of this joint resolution, and urge that its provisions be considered by Congress at the earliest practicable time.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 69

Joint resolution to provide for a 1974 centennial celebration observing the introduction into the United States of Hard Red Winter wheat

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the national and international significance of the introduction of Hard Red Winter wheat into the United States in 1874 and the advantages it has brought to our way of life by increasing the supply of grain essential to the Nation's diet, permitting the cultivation of the High Plains area, giving impetus to the development of the farm implement industry, and providing a nutritious staple for our food-for-peace program and for combating malnutrition and hunger throughout the world, the year 1974 be designated as a Centennial for Celebrating the Introduction Into the United States of Hard Red Winter Wheat, and the President is requested to issue a proclamation calling on the people of the United States to observe such centennial, with appropriate ceremonies and activities to be focused in the State of Kansas where such wheat was first grown in the United States.

By Mr. TOWER:

S.J. Res. 71. A joint resolution to authorize the Secretary of the Interior and the Administrator of the Environmental Protection Agency to conduct a study of the possible reuse of waste heat for productive purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. TOWER. Mr. President, the proper care of our environment is a subject that is of extreme importance to us today, and for as long as the human race continues to survive. We have long since passed the population levels where humans could afford to act on the environment and leave it to handle its own repair and renewal. We have to plan ahead to counter the deleterious effects we have on the environment.

One area where we are behind in planning is in the field of making the maximum use of our fuel and energy resources, so that not only are they conserved for future use, but there will be greater benefits to be derived for our effort expenditure. An aspect of proper fuel utilization is the case of finding more ways to utilize waste heat from our many sources of energy conversion: Fossil-fuel-powered electrical generators, nuclear-powered electrical generators, automobile engines, building heating and cooling plants, incinerators, and so forth. A recent article from the publication Chemical Engineering on this subject describes several potential uses of waste heat, which will be of interest to anyone interested in the care of our environment and the minimization of pollutive substances at large in our world. I ask unanimous consent that the text of the article be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WASTE HEAT MAY BECOME AN ASSET BY THE END OF THIS DECADE

New power generating capacity to be planned within the next year or two will include concepts for actually using heat that is now being discharged directly into waterways or into the air by means of cooling towers.

The first method to be incorporated in designs will couple a giant water desalting plant to a nuclear power generating station. At a capacity level of 50-million to 100-million gallons per day, actual cost of the fresh water will probably be down to about 35¢ to 40¢ per 1,000 gallons in contrast to 85¢ to $1 desalted water today.

Considerable attention will be paid to developing satellite industrial and residential areas around future nuclear generating plants. Waste heat could then be delivered to the industries at reasonably low cost and to nearby homes for hot water and space heating. On the Hudson River near Indian Point, N.Y., eleven power plants planned or operating could heat 800,000 housing units while supplying 5,500 megawatts of electricity.

Cooling water from a nuclear power plant may be particularly suited to aquaculture. Near the Hinkley Point power station, Bridgewater, England, for example, shrimp are maturing three times faster than normal in water that is 7 degrees warmer than in the nearby Bristol Channel. And TVA is gathering evidence that heated water from its

Gallatin steam plant may be lengthening the growing season for catfish fingerlings. Furthermore, 1 billion gallons per day of hot water from the AEC plant at Aiken, S.C., seems to stimulate growth of fish, turtles and alligators in Par Pond.

Studies have shown that about 20,000 miles of desert coastline around the world could be converted into likely locations for integrated power-water-food complexes. Large quantities of a number of different vegetables such as beans, beets, broccoli, cabbage, cantaloupes and watermelons have matured much more rapidly and at higher yields while growing in sand within enclosures that are heated and humidified to the 100% level.

Mr. TOWER. Mr. President, I am introducing today a resolution to authorize the Secretary of the Interior and the Administrator of the Environmental Protection Agency to investigate the potential of waste heat reutilization, both technologically and economically, so that Congress may have a report on this important subject and be able to act accordingly within the next several years.

Mr. President, I ask unanimous consent that the text of my resolution be printed at the conclusion of my remarks.

There being no objection the resolution was ordered to be printed in the Record, as follows:

S.J. Res. 71

Joint resolution to authorize the Secretary of the Interior and the Administrator of the Environmental Protection Agency to conduct a study of the possible reuse of waste heat for productive purposes

Whereas the Congress is vitally concerned with environmental quality and the preservation of scarce mineral resources;

Whereas the Congress recognizes that much wasted heat energy is released to the environment in the various processes of converting fossil fuels into electrical and mechanical energy and converting nuclear fuels into electrical energy;

Whereas the Congress recognizes that while there are many potential uses for waste heat, including the desalination of salt water, the heating of buildings, additional conversion to mechanical and electrical energy, facilitating the destruction of biodegradable wastes, and many others, there has been little research into either the technology or the economics of this concept;

Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior and the Administrator of the Environmental Protection Agency are authorized to carry out a study and investigation of the possible uses of waste heat and of the economic feasibility of so utilizing waste heat.

Sec. 2. In carrying out such study and investigation authorized by the first section of this joint resolution, the Secretary of the Interior and the Administrator of the Environmental Protection Agency are authorized to enter into contracts or other arrangements with public or private agencies or institutions, or individuals.

Sec. 3. On or before the expiration of two years following the date of approval of this joint resolution, the Secretary of the Interior and the Administrator of the Environmental Protection Agency shall transmit to the President and the Congress a written report of their activities pursuant to this joint resoluion, including their findings and recommendations resulting from the study and investigation authorized herein.

Sec. 4. There is authorized to be appropriated such sum, not to exceed $500,000, as may be necesary to carry out this joint resolution.

ADDITIONAL COSPONSORS OF BILLS

S. 28

At the request of Mr. Moss, the Senator from Wyoming (Mr. Hansen) was added as a cosponsor of S. 28, a bill to clarify the relationship of interests of the United States and of the States in the use of waters of certain streams.

S. 219

At the request of Mr. Moss, the Senator from Wyoming (Mr. Hansen) was added as a cosponsor of S. 219, a bill to amend the Water Resources Research Act of 1964 to increase the authorization for water resources research and institutes, and for other purposes.

S. 322

At the request of Mr. Moss, the Senator from Pennsylvania (Mr. Schweiker) was added as a cosponsor of S. 322, a bill to terminate all price support programs for tobacco beginning with the 1972 crop of tobacco.

S. 350

At the request of Mr. Hatfield, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 350, the American Forestry Act.

S. 575

Mr. BYRD of West Virginia. Mr. President, in behalf of my senior colleague (Mr. Randolph), I ask unanimous consent that, at the next printing, the names of the Senator from Ohio (Mr. Taft) and the Senator from South Carolina (Mr. Thurmond) be added as cosponsors of S. 575, authorizing funds for the extension of the Appalachian regional development program.

The PRESIDING OFFICER (Mr. Buckley). Without objection, it is so ordered.

S. 592

At the request of Mr. Inouye, the Senator from Colorado (Mr. Dominick) and the Senator from Michigan (Mr. Hart) were added as cosponsors of S. 592, to repeal the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950).

S. 687

At the request of Mr. Boggs, the Senator from Rhode Island (Mr. Pell) was added as a cosponsor of S. 687, the Opportunities Industrialization Assistance Act.

S. 698 AND S. 699

At the request of Mr. Cotton, the Senator from Alaska (Mr. Stevens) was added as a cosponsor of S. 698, a bill to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States; and to S. 699, a bill to require a radiotelephone on certain vessels while navigating upon specified waters of the United States.

S. 835

At the request of Mr. Harris, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 835, the Alaskan Native claims bill.

S. 1026

At the request of Mr. Moss, the Senator from Idaho (Mr. Church) was added as a cosponsor to S. 1026, a bill to amend the Small Reclamation Projects Act of 1956, as amended.

S. 1071

At the request of Mr. Boggs, the Senator from Maryland (Mr. Beall) and the Senator from South Carolina (Mr. Hollings) were added as cosponsors of S. 1071, a bill to clarify the status of funds of the Treasury deposited with the States under the act of June 23, 1836.

S. 1111

At the request of Mr. Ribicoff, the Senator from Pennsylvania (Mr. Schweiker) was added as a cosponsor of S. 1111, to allow a tax credit for certain expenses of higher education.

S. 1113

At the request of Mr. Baker, the Senator from South Carolina (Mr. Hollings) was added as a cosponsor of S. 1113, a bill to establish a structure that will provide integrated knowledge and understanding of the ecological, social, and technological problems associated with air pollution, water pollution, and other related problems.

S. 1116

Mr. BYRD of West Virginia. Mr. President, in behalf of the Senator from Washington (Mr. Jackson), I ask unanimous consent that, at the next printing, the names of the Senator from Idaho (Mr. Church), and the Senator from Connecticut (Mr. Weicker), and the Senator from North Dakota (Mr. Burdick) be added as cosponsors of S. 1116, a bill to require the protection, management, and control of wild free roaming horses and burros on public lands.

The PRESIDING OFFICER (Mr. Buckley). Without objection, it is so ordered.

S. 1191

Mr. BYRD of West Virginia. Mr. President, in behalf of the Senator from South Dakota (Mr. McGovern), I ask unanimous consent that the name of the Senator from Michigan (Mr. Hart) be added to the list of cosponsors of the bill introduced earlier today by Senator McGovern.

The PRESIDING OFFICER (Mr. Buckley). Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF JOINT RESOLUTIONS

At the request of Mr. Baker, the Senator from Tennessee (Mr. Brock), the Senator from Kansas (Mr. Dole), the Senator from South Carolina (Mr. Hollings), and the Senator from South Carolina (Mr. Thurmond) were added as cosponsors of Senate Joint Resolution 66, providing for the designation and adoption of the American marigold as the national floral emblem of the United States.

S.J. RES. 68

At the request of Mr. Byrd of Virginia, the Senator from Virginia (Mr. Spong) was added as a cosponsor of Senate Joint Resolution 68, a joint resolution restoring full rights of citizenship to Gen. R. E. Lee.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

At the request of Mr. Chiles, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of Senate Concurrent Resolution 4, expressing the sense of the Congress on the expanded use of model cities program.

SENATE RESOLUTION 71—SUBMISSION OF A RESOLUTION TO REFER SENATE BILL 1200 TO THE COURT OF CLAIMS

Mr. BROOKE submitted the following resolution (S. Res. 71); which was referred to the Committee on the Judiciary:

S. RES. 71

Resolved, That the bill (S. 1200) entitled "A bill for the relief of Frederick F. Slack", now pending in the Senate, together with all accompanying papers, is referred to the chief commissioner of the United States Court of Claims. The chief commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States, or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

SENATE RESOLUTION 72—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO MRS. MARJORIE S. MORGAN

Mr. CANNON, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 72); which was placed on the calendar:

S. RES. 72

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Marjorie S. Morgan, widow of Walter L. Morgan, Jr., an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

REGULATION OF THE FEDERAL ELECTIVE PROCESS—AMENDMENT

AMENDMENT NO. 14

Mr. PEARSON. Mr. President, I submit today for appropriate reference an amendment to S. 1, the bill I previously joined in sponsoring with my distinguished colleague from Alaska, Senator GRAVEL.

The purpose of this amendment is to equitably treat all media, broadcast and nonbroadcast alike, by requiring that for 30 days prior to a primary election and for 45 days prior to a general election no newspaper, magazine, or other periodical, or billboard facility may charge any candidate for public office a rate higher than the lowest unit rates which that facility charges for any other type of advertising.

S. 1 and previous bills which I have urged did not contain this requirement of lowest unit rates for nonbroadcast media because my research had prompted me to believe that constitutional protections surrounding freedom of the press might be compromised by such a requirement. However, recent hearings before the Senate Communications Subcommittee and legislation on this point proposed by Senators SCOTT and MATHIAS, have convinced me that language can be drawn that is specific enough to avoid fringing upon these constitutionally guaranteed rights.

Mr. President, the basis for this amendment rests on the right of Congress to regulate the conduct of elections and on the right of Congress to regulate commerce, including postal rates for news distributions. Moreover, this amendment would allow the Congress to achieve a measure of control over campaigns for elective office in an even handed, nondiscriminatory manner.

I wish to emphasize that this amendment does not mandate what the exact rates for nonbroadcast media must be. Any newspaper or magazine or billboard may charge whatever rate it wishes, so long as they do not charge a higher rate for political advertising than they charge for business advertising. Simply stated, no newspaper should be able to charge more for its advertising space simply because the customer is a political candidate rather than a toothpaste company.

The definition of "lowest unit rate," Mr. President, contains sufficient flexibility to allow for those customers who deal in volume, for varying rates according to the advertising space in the newspaper, magazine or periodical, or on the location of the billboard, in the same way that lowest unit rates for broadcast time include flexibility for varying degrees of prime time.

Mr. President, all media must understand that they may not profiteer at the expense of candidates for public office, at the expense of those processes by which we choose our leaders.

Mr. President, I ask unanimous consent that the text of this amendment be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The Amendment (No. 14) was referred to the Committees on Rules and Administration, Commerce, and Finance, jointly, as follows:

AMENDMENT NO. 14

On page 16, between lines 2 and 3, insert the following:

"CHARGES FOR USE OF NONBROADCAST MEDIA

"SEC. 205. (a) For the purposes of this section, the term—

"(1) 'nonbroadcast media' means newspapers, magazines or other periodical publications, or billboard facilities; and

"(2) 'a person' means an individual, partnership, association or corporation engaged in the business of furnishing nonbroadcast media services.

"(b)(1) During the 30 days preceding the date of any primary election, and during the 45 days preceding the date of any general or special election, to the extent a person chooses to make space in his nonbroadcast medium available to a candidate for any public office in connection with such candidate's campaign for nomination for election, or election, to such office, such space shall be made available at the lowest unit rate charged by that person to his commercial users for equivalent space.

"(2) Whenever a person chooses to make space in his nonbroadcast medium available to any candidate for any public office in connection with such candidate's campaign for nomination for election, or election, to such office, he shall make an equivalent amount of space available at the same rate to any other legally qualified candidate for the same office.

"(c) Violation of the provisions of this section is punishable by a fine of not more than $500, or imprisonment for not more than six months, or both."

PROGRAMS OF PUBLIC SERVICE EMPLOYMENT FOR UNEMPLOYED PERSONS—AMENDMENTS

AMENDMENTS NOS. 15, 16, AND 17

OLDER WORKERS IN PUBLIC SERVICE EMPLOYMENT JOBS

Mr. CRANSTON. Mr. President, I send to the desk today for printing an amendment to S. 31, the proposed Emergency Employment Act of 1971, to provide special recognition of the need for public service employment jobs for persons 45 and older. Under the terms of this amendment, the Secretary of Labor, in providing public service employment through various cities, States, and nonprofit grantees would be charged with a positive mandate to make special provision for these older and middle-aged persons who are out of work.

Under the amendment the Secretary would be directed to determine the number of jobs to be allocated to middle-aged and older persons on the basis of the number of such older persons who are unemployed relative to the number of unemployed persons in the total population. Given the present unemployment of one million persons 45 and older out of approximately 4.8 million unemployed persons (in February 1971), this amendment would yield 20.8 percent of the public service employment jobs for these older citizens. Since under the terms of the bill approximately 225,000 jobs would be created over a 2-year period, this would mean that about 46,800 jobs in the public service employment field would be allocated to persons 45 years of age and older.

The reason for affording this special status to older persons is dramatically demonstrated by some statistics developed by the Senate's Special Committee on Aging. Since January of 1969 the number of unemployed persons 45 and older has almost doubled. And the duration of their unemployment has increased over 200 percent during that same period so that today approximately 365,000 older persons have been unemployed for 15 weeks or longer, whereas that figure was only 115,000 2 years ago.

If current labor force participation trends continue, one of every six men aged 55 to 59 will no longer be in the work force by the time he reaches 65. Ten years ago the ratio was only one out of eight. And this one in six ratio is only for the short run; it will get worse unless major policy changes are made.

Figures for middle age and older persons are deceptive—they do not include labor force dropouts, those who have given up the active search for employment. During the last decade, there has been an alarmingly large increase in the number of men aged 45 or older who have withdrawn from the work force—too often unwillingly. During the past 10 years, these workers have increased from 6 million to 8.3 million—a 38-percent increase.

It is my hope that through this amendment the chronic unemployment among our older citizens can be reduced significantly.

I am delighted to be joined in this amendment by the new chairman of the Special Committee on Aging, the Senator from Idaho (Mr. Church), the recent past chairman of that committee and now the chairman of the Labor and Public Welfare Committee, the Senator from New Jersey (Mr. Williams), the ranking majority member of the Labor and Public Welfare Committee and a great champion of causes for the elderly, the Senator from West Virginia (Mr. Randolph), and the newly appointed chairman of the Labor and Public Welfare Committee's Subcommittee on Aging, on which I am the ranking majority member, the Senator from Missouri (Mr. Eagleton).

Mr. President, I ask unanimous consent that the text of this amendment be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 15

On page 11, line 7, strike out "APPORTIONMENT" and insert in lieu thereof "DISTRIBUTION OF FUNDS".

On page 11, line 8, insert "(a)" after "Sec. 8.".

On page 11, insert between lines 12 and 13 the following:

"(b) The Secretary shall make funds under this Act available especially for the purpose of providing public service employment for middle-aged and older persons who are unemployed. The Secretary shall base his determination under this subsection on the number of persons 45 years of age and older who are unemployed relative to the number of persons in the total population who are unemployed."

Mr. CHURCH. Mr. President, I strongly support the Cranston amendment to the Emergency Employment Act, S. 31.

As chairman of the Senate Committee on Aging, I shall address my remarks to the provisions in the amendment which would assure proper representation for middle-aged and older persons in the public service employment programs authorized under the bill.

At present, only a relatively small proportion of our Nation's training and employment efforts has been directed at the needs of persons 45 and older. By whatever standard of measurement one would choose to employ, these individuals have been underrepresented in our manpower and work programs. Today persons 45 and older constitute about 34 percent of our civilian labor force; they comprise nearly 22 percent of the total unemployment in the United States; they represent 34 percent of the long-term unemployed, 15 weeks or longer; and they account for 40 percent of all persons without jobs for 27 weeks or longer. Yet, they constitute only about 4 percent of all enrollees in the existing manpower programs.

Without specific statutory direction, the outlook for improvement will not be encouraging.

However, the provisions in the Cranston amendment can help assure that the needs of persons 45 and older will not be overlooked or ignored. Of special significance, it would establish an equitable formula—based on the number of jobless individuals 45 and older to the total unemployment in the United States—to help these persons to obtain gainful employment.

Despite the critical demand for expanded communiy services in rural and urban areas, many communities lack the financial resources to meet these urgent needs. Many localities are crumbling at the core. Their neighborhoods are rundown or blighted. Their schools, libraries, hospitals, and recreation programs are deteriorating or are overcrowded. And their public health and sanitation programs are seriously understaffed.

But, the provisions in this bill can help to provide new career opportunities for thousands of middle-aged and older persons—as well as younger individuals—who now find themselves unemployed or underemployed. In addition, it can also open the doors for opportunities for occupational development or upward mobility in jobs that are badly needed now. At the same time, necessary community services can be greatly strengthened and improved.

Mr. President, I urge approval of the Cranston amendment to the Emergency Employment Act.

RECENTLY RETURNED VETERANS IN PUBLIC SERVICE EMPLOYMENT JOBS

Mr. CRANSTON. Mr. President, I send to the desk today for printing an amendment to S. 31, the proposed Emergency Employment Act of 1971, to provide special recognition of the needs for public service employment jobs for recently returned veterans. As chairman of the Veterans' Affairs Subcommittee of the Labor and Public Welfare Committee in the last Congress, I conducted extensive hearings on veterans unemployment and general readjustment problems. We found that high rates of unemployment inflict an especially serious handicap on recently returned veterans.

The unemployment rate for young veterans is significantly higher than that among their nonveteran peers. For example, during the last 3 months of 1970, the most recent period for which data is available, the unemployment rate among veterans 20 to 29 years old was 7.9 percent, compared to a 6.8 percent rate for nonveterans in the same age group.

Comparable figures for the previous period in 1969 were 4.8 percent unemployment among veterans and 3.3 for nonveterans 20 to 29 years old. This tremendous increase in unemployment rates in a single year highlights the crisis we face.

Part of the problem is related to the great increase in the number of recent veterans returning to a tight job market. Military separations during the last few years have increased from 565,000 in fiscal year 1966 to 1,003,000 in 1969, and 1,120,000 in 1970. It is estimated that another million young veterans will be thrust upon the job market during fiscal year 1971. Thus, over 90,000 young veterans begin looking for jobs each month, far too often without success.

We know that 268,000 veterans 20 to 29 years old were unemployed during the last quarter of 1970. These men made up 31 percent of all unemployed men in the 20 to 29 year age group. The average number of all unemployed in the country during this period of October, November, and December of 1970 was 4.5 million. Thus, young veterans make up almost 6 percent of all those who are unemployed.

In view of the sacrifices these men have made, in terms of risk of life and falling behind their peers in education attainment and career achievement, we have a special obligation to do all that we can to insure that they be placed on at least an equitable basis in their search for employment.

Under the terms of the amendment I will propose the Secretary of Labor, in providing public service employment through various cities, States, and nonprofit grantees, would be charged with a positive mandate to make special provision for these recently returned veterans—those who separated in 1970 or later, when the overall unemployment rate crossed the so-called 4-percent full employment level.

Under the amendment, the Secretary would be directed to determine the number of jobs to be allocated to recently separated veterans on the basis of the number of such veterans who are unemployed relative to the number of unemployed persons in the total population. Given the best estimate of the present unemployment level for 20 to 29 year old veterans—268,000—out of approximately 4.5 million unemployed persons, this amendment would yield about 6 percent of the public service employment jobs for Vietnam veterans. Since under the terms of the bill approximately 225,000 jobs would be created over a 2-year period, this would mean that a minimum of approximately 13,500 jobs in the public service employment field would be allocated to these ex-servicemen.

Mr. President, I wish to make very clear a number of points about my intentions in planning to offer this amendment. First, I have deliberately set the eligibility date at the point where overall unemployment in the country crossed the 4-percent level and began to move toward the crisis proportions confronting us today. This January 1, 1970, date accords with the emergency purpose of S. 31 to provide relatively short-term relief to the enormous unemployment problem plaguing the country.

Second, the amendment does not set up a special categorial program for veterans but rather charges the Secretary, in ways he would determine, to see that our recently returned veterans are at least equitably treated under the public service employment programs to be set up under the act. It also avoids a rigid reservation or set aside of funds which many of us believe should be avoided in an emergency measure such as this, particularly if we are to escape Presidential veto this time.

Third, I do not intend that the terms of this amendment should unduly limit the Secretary in making available public service employment jobs for veterans. Toward, this and another amendment to S. 31, which I now send to the desk for printing, calls for additional consideration for the needs of recent veterans. This amendment would provide that the Secretary shall give special consideration to programs designed to provide public service jobs for recently separated veterans. This same amendment would also extend this special consideration to programs designed to employ others for whom the Federal Government bears a similar special responsibility—those who are unemployed as a result of technological changes and shifts in the pattern of Federal expenditures, as in the defense, aerospace, and construction industries.

Finally, Mr. President, there is a great opportunity under this public service employment program to assist educationally and economically disadvantaged veterans enrolled in college under the GI bill and who are struggling to make ends meet. Many more of these often high school dropout or otherwise educationally deprived veterans could pursue college or junior college training if they had part-time jobs to supplement their GI bill educational assistance allowances. By taking one public service job and dividing it among two GI bill trainees, we could make it possible for two educationally disadvantaged veterans to pursue higher education while at the same time expanding the effect of the public service employment program in terms of its human impact. Such a half-time public service job would also provide very valuable work experience for these veterans, perhaps leading to future career and educational specialization choices.

While the amendment does not specify such a half-time program, I would hope that the Secretary would give serious consideration to the great potential of such an allocation of public service jobs. Along the same lines, I would hope that, to the extent practicable, he would also give special preferences to veterans disabled with service-connected conditions who are nevertheless employable.

Mr. President, an unemployment rate of almost 8 percent among young veterans is totally unacceptable on its face. But a breakdown of the group yields even more startling disparities and untenable results.

A recently published study by the Department of Defense found that men who served in combat occupations such as the infantry and gun crews tend to have the highest unemployment; and that men who serve a duty tour in Vietnam are more likely to be unemployed than those servicemen who did not. Thus, we are doing the least for those whom we have required to make the greatest sacrifices.

I feel very strongly that we owe a paramount duty to our returning veterans, especially those who served in Vietnam. We must make a special effort to help these men readjust to civilian life in a productive way and, at a minimum, to place our veterans on an equal footing with others who will be competing for these public service jobs.

Mr. President, I ask unanimous consent that the text of the two amendments I intend to offer to S. 31 be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

AMENDMENT No. 16

On page 11, line 7, strike out "APPORTIONMENT" and insert in lieu thereof "DISTRIBUTION OF FUND".

On page 11, line 8, insert "(a)" after "Sec. 8.".

On page 11, insert between lines 12 and 13 the following:

"(b) The Secretary shall make funds under this Act available especially for the purpose of providing public service employment for veterans recently separated from service and who are unemployed. The Secretary shall base his determination under this subsection on the number of persons separated from active military, naval or air service on or after January 1, 1970, who are unemployed relative to the number of persons in the total population who are unemployed."

AMENDMENT No. 17

On page 17, add the following new subsection:

"(1) In providing financial assistance under this Act, The Secretary shall give special consideration to programs designed to provide public service employment for recently returned veterans who are unemployed and persons who have become unemployed as a result of technological changes and shifts in the pattern of Federal expenditures, as in the defense, aerospace and construction industries."

ADDITIONAL STATEMENTS

MICHIGAN'S LEGISLATURE HONORS POW'S AND MISSING IN ACTION

Mr. GRIFFIN. Mr. President, on Wednesday, February 17, I was privileged to attend a joint convention of the Michigan Legislature arranged by its leadership to honor Michigan men who are missing in action or being held captive in Indochina.

The Michigan Legislature adopted a concurrent resolution which I hope will be read by Communist authorities in Hanoi, the Vietcong and the Pathet Lao. This resolution underscores the deep concern of the American people that our men being held captive in Indochina are not receiving humane treatment, and that the Geneva Convention regarding prisoners of war is being disregarded by their captors.

The text of the resolution observes that:

> During this decade and now, there has been a return to barbarism in the treatment of many hundreds of unknown soldiers among the living.

It continues:

> Known prisoners of war and many missing in action who are unknown prisoners of war are daily, hourly, suffering and dying of cruel and barbarously inhumane treatment by their North Vietnam captors in contemptuous violation of the articles of the Geneva Convention—which Hanoi signed in 1957 as solemn pledge of agreement to provide humane treatment to all captives taken during wartime; and . . . proof has been obtained of these extreme cruelties practiced daily; and for the thousands of relatives and friends of such living sacrifices, these facts bring a never-ending anguish.

One of the two principal speakers at the joint convention was Mrs. Bruce Johnson of Salina, Kans., a former Michigan resident whose husband, Bruce, has been missing in South Vietnam for nearly 6 years.

Mrs. Johnson's husband, Bruce, has been missing longer than all but two of the American servicemen lost in Southeast Asia. Throughout that long period of time she has never received a word from the Vietcong or North Vietnamese regarding the whereabouts or physical condition of her husband.

Joining Mrs. Johnson as the other featured speaker was Col. Norris Overly, a native son of Michigan, who is one of only nine Americans repatriated by Hanoi. Colonel Overly's account of his experience in captivity substantiates charges recited in the resolution of the Michigan Legislature concerning the treatment of captive men.

All who attended the joint session were moved by the eloquent words of Mrs. Johnson and Colonel Overly.

In attendance at the joint convention were Michigan Gov. William G. Milliken, Lt. Gov. James Brickley, Speaker of the House William Ryan, Senate Majority Leader Robert Vander Laan, in addition to the members of both legislative bodies.

Senator PHILIP A. HART had planned to attend the session, but was unable to leave Washington because of committee responsibilities. His remarks were read by Secretary of State Richard Austin.

Also in attendance were many members of the brave families of our missing and captive men.

Mr. President, to date the legislatures of only a few States in our Nation have held joint sessions to focus attention to the tragic plight of the prisoners of war. I believe the leaders and members of Michigan's Legislature deserve high commendation for setting this example which, hopefully, will be followed by other State legislatures throughout the Nation.

Mr. President, during the course of the joint session, majority leader Vander Laan of the Michigan State Senate requested on behalf of the State legislature that I present a copy of the concurrent resolution to the President of the U.S. Senate and to the Speaker of the U.S. House of Representatives. Copies of the resolution have been delivered in accordance with that request.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

A CONCURRENT RESOLUTION ON PRISONERS OF WAR

Whereas, The Unknown Soldier is not solely represented among the dead, where for generations those unknown sacrifices to their countries' service have been publicly and ceremoniously honored and great monuments are erected to their memory. During this decade and now, there has been a return to barbarism in the treatment of many hundreds of unknown soldiers among the living; and

Whereas, Known prisoners of war and many "Missing In Action" who are unknown prisioners of war are daily, hourly, suffering and dying of cruel and barbarously inhumane treatment by their North Vietnam captors in contemptuous violation of the articles of the Geneva Convention—which Hanoi signed in 1957 as solemn pledge of agreement to provide humane treatment to all captives taken in wartime; and

Whereas, Proof has been obtained of these extreme cruelties practiced daily; and for the thousands of relatives and friends of such living sacrifices, these facts bring a never-ending anguish. Not only are barbarities of extreme abuses and corrosive public ridicule inflicted, but Hanoi thus far refuses to release any listing of prisoners of war, deliberately spreading anguish among families of American service personnel and thereby compounding Communist barbarities; and

Whereas, Although the contention as to whether America should continue her presence in Southeast Asia is currently dividing this Nation, that contention should neither divert nor delay the compelling need for immediate action concerning American prisoners of war. By any civilized standard, by any claim to humane decencies, this Nation, through her public, demands humane treatment and release of American prisoners of war; now therefore be it

Resolved by the Senate (the House of Representatives concurring), That hereby the Congress of the United States is memorialized, requesting that immediate and effective measures be taken to obtain identification of POW and MIA personnel; to compel treatment for such prisoners according to Hanoi's signatory with the Geneva Convention articles with humane treatment; to impose impartial inspection by authorized agencies of prison facilities; to effect immediate repatriation of the sick and wounded prisoners; and, without exception, to establish and sustain the right of communication between prisoners and their families; and be it further

Resolved, That copies of this resolution be transmitted to the President of the Senate and the Speaker of the House of each of the sister State Legislatures; and to the President of the Senate, the Speaker of the House of Representatives and to each Member of the Michigan delegation to the Congress of the United States.

Adopted by the Senate, February 16, 1971.

Adopted by the House of Representatives, February 16, 1971.

INTERVIEW OF PRESIDENT NIXON BY C. L. SULZBERGER

Mr. SCOTT. Mr. President, the foreign affairs specialist for the New York Times has prepared a penetrating report on his recent interview of President Nixon. This report is entitled, "Mr. Nixon in the Mirror." The last paragraph of the column sums up very clearly the viewpoint of the President in his quest for peace. It says:

> But the Nixon seen by the President himself is a pragmatic Quaker who not only wants peace but is patient enough to do something about it in a realistic way, even if it takes a long time during which he has to experience the vicious crossfire of those who disagree with his policies.

I ask unanimous consent that these remarks be printed in the RECORD with the entire column by Mr. Sulzberger.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 10, 1971]

MR. NIXON IN THE MIRROR

(By C. L. Sulzberger)

WASHINGTON.—The most interesting thing about President Nixon is that he regards himself as a genuine but practical pacifist who is slowly building a world which may never see another war. He attributes this urge to his maternal Quaker heritage, but he views his approach as necessarily pragmatic, cautious and based upon wide international experience.

For him there are two quintessential problems: how peace can be achieved and how it can be preserved. But he insists it isn't enough just to be for peace; one must also do something about it. In his own effort to "do something" he considers himself hampered by oppositional extremes he labels as superdoves and superhawks.

He is in fact just as much of a One World advocate as was Wendell Willkie or, one might add, Lyndon Johnson. Furthermore he obviously considers it ridiculous to think that the United States can escape its inherited responsibilities.

Therefore he opposes both the right-wing and left-wing advocates of what he sees as neo-isolationism. He doesn't think a fortress America (for him, the aim of the superhawks) could exist as a reality. And he doesn't think a benevolent, weak America, relying not on its ultimate defense abilities but on the goodwill of others, could endure.

He insists not only that he intends to end the Vietnam war but that he is already engaged in doing just that. For him, he says sadly, the hardest task is awarding posthumous medals of honor. He professes the highest possible regard for peace—not just for today but for tomorrow and the indefinite future. But, he underscores, this is an immensely difficult process and virtually all corners of the world are in one or another way involved.

Another interesting aspect of the President when he talks in relaxed fashion is his evident populist feeling. He cherishes deep mistrust for the Establishment, comparable, perhaps, to his predecessor's mistrust for "East Coast liberals."

Although Nixon is obviously sad to find among his bitterest political enemies today some of those who were in the forefront of American internationalism after World War II, he trusts the judgment of the common man. He feels the instinctual beliefs of the people at large will sustain him in applying a program often savagely attacked by Establishment leaders.

It is quite fascinating to observe his introspective efforts to link the cautious pragmatism of his fairly tough current approach with memories of his boyhood. Somewhat sadly he says: "The kind of relative peace I envision is not the dream of my Quaker youth. But it is realistic."

As he describes it the big question he faces is: "Will our Establishment and our people meet their responsibilities?" He insists he will meet his own: not only terminating the Indochina war in such a way that South Vietnam has a realistic chance of surviving; but maintaining a sufficient military posture to keep the world in balance while negotiations gradually wind down tensions.

Everyone knows the President is an expert politician. Nevertheless, he takes pains to stress that the fundamental program he now pursues is not dictated by political reasons but by the long-range national interest.

Nevertheless, he clearly relishes the thought that some of those now vying for next year's Democratic nomination indicate they will make Vietnam a major issue. For Nixon it is folly to develop an issue for the voters which is going to be a non-issue by the time they vote—and it is his full intention that this shall be the case.

Thus it is obvious from conversations such as the writer has had more than once with the President that when he looks in the mirror he sees a different Nixon from the image so often hammered by political opponents, editorial writers and cartoonists. For them he is a right-wing war-monger, a brinksman *par excellence* who ignores pressing social problems of a schizophrenic and tormented nation.

But the Nixon seen by the President himself is a pragmatic Quaker who not only wants peace but is patient enough to do something about it in a realistic way, even if it takes a long time during which he has to experience the "vicious crossfire" of those who disagree with his policies.

TRIBUTE TO RICHARD BREVARD RUSSELL, LATE A SENATOR FROM THE STATE OF GEORGIA

Mr. MONDALE. Mr. President, on behalf of the distinguished Senator from Massachusetts (Mr. KENNEDY), I ask unanimous consent to have printed in the RECORD a tribute by him to the late Senator Russell, of Georgia.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

TRIBUTE TO RICHARD BREVARD RUSSELL, LATE A SENATOR FROM STATE OF GEORGIA

(Statement by Senator KENNEDY)

Mr. President, all of us in the Senate feel a great sense of sadness at the passing of our colleague, Senator Richard Brevard Russell, of Georgia. Although we often faced the issues with profound differences of opinion, his death represents, to me, not only the loss of one of the most able men ever to grace the Senate, but also a long time friend, admired associate, and learned tutor.

In 1962, when I first came to the Senate, President Kennedy told me that my "first order of business" as a Senator should be to "speak with Dick Russell." That first hour Senator Russell and I spent together marked the beginning of a strong association of respect and admiration.

Senator Russell struggled long hours, working with total dedication, for the things in which he believed. Through his efforts, we now have school lunch programs, aid to farmers, assistance for the hungry, and funding for better education and highway construction.

He was a brilliant defender of the Nation's servicemen and its superb military strength. Because of his abiding concern for a strong America in the free world, he helped to equip every soldier with the best material, strategic knowledge, and skill the world has ever known.

Although he took a firm position on our defense and national security, he was always aware of the danger of over-commitment in Southeast Asia. As early as 1954, he warned the country that he was weary of "seeing American soldiers being used as gladiators to be thrown into every arena around the world." He also warned that our commitment would be a "long, drawn-out affair, costly in both blood and treasure."

Senator Russell has been well-described as a Georgia Giant, a Senator's Senator. No one rivalled him in legislative skill and ability, or in knowledge and mastery of the rules. He was kind, he was dedicated, he was earnest, he was the Senate's mentor and friend.

Richard Russell gave half his lifetime—four decades—to every aspect of the Senate and its functioning. He served the Nation well, dedicating his most strenuous efforts to Congress, to each of us individually as Senators, and to his grateful State and Nation. We admired him for his brilliance, we loved him for his warm humanity, and we shall miss him in the Senate.

THE CHALLENGE OF A MODERN FEDERAL CRIMINAL CODE

INTRODUCTION

Mr. McCLELLAN. Mr. President, Dean Roscoe Pound, writing in 1935, identified as the four chief factors that influence the quality of American justice: personnel, administration, procedure and substantive law. (Pound, "Toward a Better Criminal Law," A.B.A. Rep. 322 (1935)). It is evident, too, as Pound concluded, that these factors must be ranked in this same order of relative importance. (Ibid.) On the whole, better judges, prosecutors and enforcement officers, better organization of courts, better administrative methods and more adequate administrative personnel must come first in any effective program for the improvement of our Nation's system of criminal justice. Nevertheless, the men who staff that system will have to be guided by the authoritatively prescribed criminal procedure. They will also be giving effect to the authoritatively prescribed criminal law. An archaic procedure or a patchwork criminal law, as all experience shows, will give better results, if well administered, than the most modern procedure or a well-reasoned, up-to-date substantive criminal law, if ill-administered. Even so, the conclusion seems unavoidable: the satisfactory administration of criminal justice must ultimately rest, as Pound noted, upon a satisfactory criminal code. (Ibid.) This means, in short, that our concern with criminal justice problems must embrace reform not only of personnel, administration and procedure; it must also reach out to the substantive law itself.

Mr. President, it was with these conclusions in mind that I supported, in 1966, Public Law 89–801 (80 Stat. 1516), which established the National Commission on Reform of Federal Criminal Laws, and personally welcomed the opportunity to serve on the Commission, along with my colleagues, the distinguished Senators from Nebraska (Mr. HRUSKA) and North Carolina (Mr. ERVIN). Under Public Law 89–801, the Commission was charged with the important duty of making a complete review of the statutory and case law of the United States. Section 3 of the act, in pertinent part, provided:

> The Commission shall make complete study of the statutory and case law of the United States which constitutes the Federal system of criminal justice for the purpose of formulating and recommending to the Congress legislation which would improve the federal system of criminal justice. It shall be the further duty of the Commission to make recommendations for revision and recodification of the criminal laws of the United States, including the repeal of unnecessary or undesirable statutes and such changes in the penalty structure as the Commission may feel will better serve the ends of justice.

As the Members of this body are aware, the Commission duly completed its work and forwarded its recommendations to the President and the Congress on January 7 of this year. The Subcommittee on Criminal Laws and Procedures, which I am privileged to chair, has now begun, moreover, an extensive series of hearings on these most important recommendations. The first hearing took place on February 10. Testimony was received from, among others, the Attorney General, former Gov. Pat Brown, the Commission's Chairman, and Congressman POFF of Virginia, the Commission's Vice Chairman. The final report of the Commission, the result of nearly 3 years of deliberation by the Commission, its advisory committee consultants and staff, is, as the testimony before the subcommittee indicated, the most comprehensive call for a reconsideration of Federal penal policy ever issued.

Nevertheless, the recommendations of the Commission were submitted to the President and the Congress, I should like to emphasize, solely as a "work basis" upon which "the Congress" itself could undertake the necessary reform of the substantive criminal law. As the Commission's transmittal letter noted, it was the task of the Commission to "fairly expose the relevant policy issues and facilitate the necessary choices by the Congress." Consequently, the legislative task that now faces the Congress can only be fairly described as formidable and monumental. As the Congress begins to undertake this task, I suggest, therefore, that it is only appropriate as a preface to that task that we examine the history of other attempts at reform and codification and, in particular, the growth of Federal criminal law. As Maitland aptly observed:

> Today we study the day before yesterday in order that yesterday may not paralyze today and today may not paralyze tomorrow. (3 *Maitland, Collected Papers* 439 (1911))

Modern attempts at reform and codification—the Model Penal Code, the Codes of Louisiana, Wisconsin, Minnesota, Illinois and New York—will remain relevant areas for possible later empirical study by the Subcommittee.

THE HISTORY OF CODIFICATION

Mr. President, the subject of codification is intimately connected with the idea of a written law. (See generally III *Pound, Jurisprudence* 675–38 (1959)) It is a form of the demand for a complete, intelligible and authoritative statement of the precepts governing relations between individuals and the state and personal conduct. It is a phase of the universal demand that, in a civilized community, every man be assured of knowing what he may do and what he may not do. Few did not call Caligula tyrant, when he published his decrees on the columns of Rome too high to be read, in order that he might have more subjects to punish. The idea of a written law accessible to all is related to the idea behind our bill of rights. It is a part of the quest of a government of laws and not of men. And its history reaches into antiquity.

I. THE ROMAN LAW BACKGROUND

Roman law itself had a tradition of written law. Down to the codification of Justinian, the Twelve Tables—450 B.C.—constituted the theoretical foundation of the *ius civile*. Indeed, Justinian was not the first to envision a code. We are told that Julius Caesar had among other plans that of making a digest of the law, reducing the *ius civile* to method, and bringing together the finest and best of the essential works on the law. But it was not until 429, that Theodosius II appointed a Commission to compile the imperial legislation after Constantine. This project failed and a new commission was appointed in 435. Its work, known as the Theodosian Code, was completed and promulgated in 438 to take effect in 439. It was not, however, what we know as a modern code. No systematic treatment was given either to the general aspects of criminal law theory or punishments. Instead, it was little more than a compilation of the law then in effect in reference to specific offenses.

The real work of codification in the Roman law did not begin until 528. Substantially 100 years after Theodosius' first start, the Emperor Justinian, at the instance of his minister Tribonian, set out to codify the whole of the body of Roman law. A commission of 10, composed of judges, lawyers, and one law professor, was appointed to prepare a complete revision of imperial legislation. Its product is known as the "Code," and it was completed in a year. Next Justinian appointed another commission of sixteen, this time composed of judges, lawyers, and four law professors, to compile and systematize the text book learning of the Roman law—contained in the treatises of the great jurisconsuls and their commentaries. This was completed, rather hastily, in 3 years. Its product was known as the "Digest," and it was given legal authority in 533. Finally, an instructional text was prepared for students by a commission of three, Tribonian and two law professors. Known as the "Institutes," it, too, was given legal authority. Together with the subsequent legislation of Justinian, compiled into what we call the "Novels," these various parts are what we now speak of as Justinian's codification—the great Corpus Juris Civilis. Like the Theodosian Code, it was not what we would call a code today, but it was an enormous achievement. It put in systematic form the results of a thousand years of development of Roman law, and it has inspired other legal systems to this day. Gibbon aptly observed:

> The vain titles of the victories of Justinian are crumbled into dust; but the name of the legislator is inscribed on a fair and everlasting monument. (II Gibbon, "The Decline and Fall of the Roman Empire" 322 (Modern Lib. ed. 1932)).

II. THE FIRST BEGINNING: THE CAROLINA

In the modern world, the Penal Code of the Emperor Charles V, which was promulgated in 1552, is the first important legislation that might be properly called a code. It was known as the "Carolina," even though the Emperor himself had little to do in drawing it up or enacting it. A product of the revived interest in Roman Law of the Italian jurists of the 16th century, the Carolina was primarily procedural in character. Yet it is chiefly renowned for its introduction into continental legislation of aspects of the general doctrines of the criminal law. The Carolina will long be remembered in connection with its treatment of defenses to crimes and its seminal examination of sentencing policy. At the time of its consideration by the German diets of Augsberg and Regensburg, however, it was widely opposed. The City of Ulm, at the Town Assembly at Esslingren in 1523, for example, declared:

> The . . . [Code] tends solely to the disadvantage of the States of the realm. . . . (Quote in Von Bar, *History of Continental Criminal Law* 216 (1916).)

Its acceptance was only made possible by the famous "Savings Clause," which provided:

> In gracious consideration of the electors and the princes and the States [the Emperor does not] desire . . . to detract from their ancient and well-established legal and customary usages. (*Ibid.*)

On the whole, the effect of the Carolina may be said to have been beneficial particularly in the south of Germany, where it moved toward a more humanitarian system of punishments, placing checks on the otherwise virtually unlimited discretion of judicial officers. But its accompanying movement toward national uniformity came at a high price in the North, for the Carolina provided that a conviction could not be obtained upon mere circumstantial evidence. This led to the general introduction of torture to obtain sure proof by confession, a practice not widely followed in the North at the time of the Carolina's promulgation.

III. CODIFICATION IN FRANCE

Despite the early start of the Carolina in Germany, it was in France after the revolution that codification played its most important role on the European continent. Reform, of course, antedated the revolution in France. Catherine II of Russia encouraged a number of individual philosophers and actually gave instructions for drafting a criminal code. Frederick the Great, influenced by the ideas of the Encyclopedists, began his reign by the abolition of torture. In France itself, Colbert, the minister of Louis XIV (1667–1670) projected a code, and a beginning was made in a series of royal ordinances. Two other attempts were made under Louis XV, but it was not until after the Revolution that these beginnings bore fruit. It was in the platform of the Party of the Revolution, moreover, that the ideas of reform were best expressed: equality, individuality, and mitigation of the severity of the penal system, the suppression of discretionary powers of judicial officers to define crimes and assess punishments, the abolition of crimes against religion and private morality, publicity for criminal procedure, assistance of counsel, the end of the compulsory oath of the accused, and the institution of the jury. Montesquieu, Beccaria, and Voltaire, all called for a reform of the prevailing system of arbitrary criminal justice, and their call was heeded in France.

In 1793, after the revolution was underway and at the direction of the Convention, the process of reform began, and Cambaceres brought forth a draft civil code. But out of suspicion of its Roman law influence, it was rejected as not revolutionary enough. It was felt that an attempt should be made to realize the philosophical idea of simple democratic laws accessible to all citizens, and a vote was taken to appoint a committee of philosophers to draw up such a new draft. As might be expected, nothing came of this suggestion. While Cambaceres brought forth two new drafts after the fall of Robespierre, success had to await a new Justinian.

In 1800, Napoleon, as First Consul, took up the matter with characteristic vigor, appointing a new commission of four. Within 4 months, a new draft, but one which followed much of Cambaceres' proposals, was put together. This Code, too, met with political opposition, since there were those in the legislative bodies of the French nation who systematically opposed all projects of the First Consul. Politics, seemingly, has always played its part. Napoleon responded by reforming the legislative body, and in March 1804, he obtained the successful approval of the Code, that today bears his name and that has served as a model for other codes throughout the world. The Civil Code was soon followed by Codes of Civil Procedure, Commercial Law, and, of course, Penal Law and Criminal Procedure.

A Commission, composed of Vieillard, Target, Oudard, Treillhard and Blondel, had been appointed under the Consulate to consider the codification of the criminal law. Its report was first considered by the criminal courts, and key issues, formulated by Napoleon himself, were debated in the Council of State. Nevertheless, principally because of Napoleon's opposition to the jury, action was suspended for 3 years. Consequently, the Code of Criminal Procedure was not enacted until 1808, while the Penal Code was not enacted until 1810. Neither went into effect, however, until 1811. The Government waited until then to put them into effect, so that a newly reorganized magistracy would be ready to receive them.

Montesquieu, Beccaria, and Voltaire had called for reform, but it was the ideas of Jeremy Bentham, the English utilitarian, that were used in implementing it. Bentham's works had been translated and published in France in 1802, and it was his doctrines that undoubtedly formed the basis of the new Code. The Penal Code was at once reactionary and forward looking. Justice was not its aim, save perhaps in the requirement that penalties be proportionate. Instead, it rested solely on the need to punish that flowed from the concept of deterrence. Reform of the individual was not even considered. Its definition of crimes, while an improvement over the system of unlimited discretion of the old regime, still gave too wide a scope to criminality. Barbarous mutilations, too, were authorized, and its system of imprisonment was a fraud, for there were no penitentiaries appropriate for the various punishments. On the other hand, as a work of codification, the Code was drawn with simplicity, clearness and order, while under its sentencing provisions, punishments were no longer absolutely fixed, and the important advance of a maximum and a minimum term of imprisonment was also introduced.

In the meantime, a reaction against legislative codification set in along with the disenchantment that followed the abandonment of the simplistic 18th-century notion that human reason was adequate and beneficial for every task. The Revolution of Reason had, after all, given way to the Reign of Terror and the Rise of Napoleon himself. Indeed, after these events, few men of reason remained optimistic about the nature of man. In the place of the earlier optimism of the school of reason, the more realistic approach of the historical school arose, skeptical as to the efficacy of lawmaking and thoroughly disbelieving in the necessarily good results of codification or reform. General interest in codification did not revive in Europe until the last quarter of the 19th century, when the legislative activity of the German Empire led to a succession of new codes.

IV. ITS HIGHEST ACHIEVEMENT: THE GERMAN CIVIL CODE

In the preparation of the German Civil Code, the most important of the Codes, the first commission was appointed in 1874. It consisted of six judges, three lawyers, and two professors. The code was drafted and redrafted from 1880 to 1887. The draft was then published and general criticism was invited. The proposed code was subjected to criticisms by all segments of German life. At the end of 3 years, a new commission, composed of eight judges, two lawyers, and one professor, was appointed to draw up a new code drawing on the first draft and its criticisms for a guide. It took 6 years to finish the final draft. Published in 1896, it did not finally take effect until 1900. A product of 23 years of extraordinarily thorough work, it offers itself as the model way in which an enduring and satisfactory codification product may be produced.

V. CODIFICATION AT COMMON LAW

In contrast to activity on the continent, codification of the common law was first proposed in 1614 by Francis Bacon, then Attorney General. He suggested:

> The penal laws should be reviewed by a commission to the end that such as are obsolete and snaring may be repealed and such are fit to continue and concern one matter may be reduced respectively to one clear form of law. (6 Spedding, *Letters and Life of Bacon* 41 (1869).)

A series of political controversies, however, intervened, and Parliament was dissolved before it could act on Bacon's plan. Bacon then persuaded the King to take the matter up by royal commission. Seven lawyers, including Sir Edward Coke, were appointed. The commission found almost 600 statutes fit to be repealed, but owing again to political controversy, nothing came of the project. Consequently, the English common law, by the time of the American Revolution, had never experienced comprehensive codification. Unlike its Roman law rival after the time of Justinian, there was no single source from which its contours could be determined; it was, in Coke's famous phrase, a work of "artificial reason", the meaning of which had to be gathered by long study of statute and text.

VI. CODIFICATION IN THE UNITED STATES: LIVINGSTON'S CODE

In the United States, during our formative years, agitation for codification was relatively widespread. It grew out of local hostility toward English institutions and English law in the period after the revolution and the favorable attitude that existed toward things French that followed the advent of Jeffersonian democracy. It was also the product of the excellent reception given in the United States to the writings of Bentham, particularly by men like Edward Livingston of Louisiana.

In 1803 at the age of 39, Livingston, the son of a prominent New York family, was both U.S. attorney for New York and the mayor of the city of New York itself. Following a yellow fever epidemic that year, Livingston suffered serious financial reverses. Consequently, he sold his possessions, resigned his positions, and left New York to seek a new life in Louisiana, where he quickly rose to become a leading member of the bar and the father of the American codification movement.

On February 10, 1820, the General Assembly of Louisiana, in the tradition of French law, passed the historic act providing that there be prepared for the State a comprehensive code of criminal law to be "founded on one principle, viz., the prevention of crime; that all offenses should be clearly and explicitly defined, in language generally understood; that punishments should be proportioned to offenses; and the duty of magistrates, executive officers and individuals assisting them, should be pointed out by law." (I "The Complete Works of Edward Livingston on Criminal Jurisprudence" 1 (1873).)

Livingston, at the age of 57, at the peak of his intellectual vigor, a linguist versed in Latin, French, and Spanish, a scholar familiar with Roman and comparative law, and the common law alike, received the appointment to prepare the new code. Two years of intensive and unremitting labor led to the completion of the project, but at the very end, fire tragically and totally destroyed the manuscript. Indefatigable, Livingston started afresh and produced the work we know today in 1824. Nevertheless, the code was never adopted by the State legislature, largely because of the provincial opposition of the Louisiana bar. It was too far ahead of its time. It gathered the unremitted praise, nonetheless, of men like Bentham, Kent, Story, and Marshall. It formed the basis, too, of a proposed Federal Penal Code later offered by Livingston as a representative in Congress from the State of Louisiana. But like the Louisiana legislature, Congress never acted on Livingston's proposed code.

VII. CODIFICATION IN THE UNITED STATES: THE FIELD CODE

If Livingston's work in Louisiana and the Congress did not immediately bear fruit, David Dudley Field's work in New York did. In the New York Constitutional Convention in 1846, Field, another disciple of Bentham, urged a general code, and largely as a result of his advocacy, the constitution of 1847 provided for commissioners to reform procedure and codify the law. (Const. N.Y. 1846 6 § 24) The commission was appointed in 1847, and by 1850, complete codes of civil and criminal procedure were submitted to the legislature. Only the code of civil procedure was adopted in New York at that time. Nevertheless, in 1857, the legislature again called for codification, and Field, William Curtis Noyes, and Alexander W. Bradford were appointed commissioners. By 1865, the full text of five codes had been produced: civil procedure, criminal procedure, penal code, civil code, and the political code. Nevertheless, Field's work again met with less than full acceptance, and only the code of criminal procedure was adopted in New York, but the penal code and the code of criminal procedure were widely adopted elsewhere. Indeed, sixteen other jurisdictions accepted both the penal code and the code of criminal procedure, while four jurisdictions, including California, adopted all five of the Field Codes. Seldom has one man achieved so much, yet it must be acknowledged that the codes were by no means always well drawn. Often, they presupposed too great a knowledge of pre-existing law. The task of codification was plainly more than one man could undertake, even with help and eighteen years of tireless work.

THE DEVELOPMENT OF FEDERAL CRIMINAL LAW

VIII. THE CONSTITUTIONAL BASIS

Chronologically, the history of the Federal criminal laws might well begin with the Crime Act of 1790, which defined for the Federal Government such offenses as treason, piracy, counterfeiting, perjury and bribery in Federal court, murder and other crimes on the high seas, and infractions of the law of nations as well as other offenses in areas subject to Federal jurisdiction. (See generally Conboy, "Federal Criminal Law," in "Law: A Century of Progress 1835–1935," 294–346 (1937).) Actually, any examination of the history of Federal criminal law must begin with those provisions of the Constitution itself that are the basis of Federal criminal law. "The people of the United States," who brought the new government into existence, assigned to the Federal Government certain powers and imposed upon it certain limitations. For present purposes, the most important of those powers was that which authorized the Congress "to make all laws necessary and proper" (Const., Art. I, § 8 (18)) to the exercise of other powers granted by the Constitution, for it is, in a special sense, upon this provision that the Federal criminal jurisprudence rests. As Mr. Justice Field observed in *United States* v. *Fox*, 95 U.S. (5 Otto) 670, 672 (1877):

> There is no doubt of the competency of Congress to provide, by suitable penalties, for the enforcement of all legislation necessary or proper to the execution of powers with which it is entrusted. . . . Any act committed with a view of evading the legislation of Congress passed in the execution of any of its powers, . . . may properly be made an offense against the United States. But an act committed within a State, whether for a good or a bad purpose, or whether with an honest or a criminal intent, cannot be made an offense against the United States, unless it have some relation to the execution of a power of Congress, or to some matter within the jurisdiction of the United States. An act not having any such relation is one in respect to which the State can alone legislate.

Indeed, the implication of the Necessary and Proper Clause for Federal criminal jurisprudence did not escape the attention of those who feared the ratification of the Constitution. Mason of Virginia, a delegate to the convention, but one who refused to sign the Constitution, argued that this clause would permit the Congress, among other things, to "constitute new crimes." (Quoted in Conboy, *supra* at 296.) To this, a reply was made by Iredell of North Carolina, afterwards associate justice of the Supreme Court. After noting that the Constitution made reference only to a few select offenses, he commented:

> These are offenses immediately affecting the security, the honor or the interests of the United States at large, and of course must come within the sphere of the legislative authority which is entrusted with their protection. Beyond these authorities, Congress can exercise no other power of this kind, except in the enactment of penalties to enforce their acts of legislation in the cases where express authority is delegated to them, and if they could not enforce such acts by the enacting of penalties those powers would be altogether useless, since a legislative regulation without some sanction would be an absurd thing indeed. (Ford, *Pamphlets on the Constitution* 359 (1888).)

IX. THE CRIMES ACT OF 1790

In 1789, under the power to "constitute Tribunals inferior to the Supreme Court," (Const., Art. I, § 8(9)) Congress passed the first Judicial Act. One provision gave the newly created District Courts "exclusively of the courts of the several States, cognizance of all crimes and offenses that shall be cognizable under the authority of the United States." (Act of Sept. 24, 1789, c. 20, 1 Stat. 73, 76). In the following year, the Congress passed the first crime act. (Act of April 30, 1790, c. 9, 1 Stat. 112.) In addition to listing certain offenses against the operations of government, those committed on the high seas or against the law of nations, areas specifically noted by the Constitution, the act contained provisions implementing the power, conferred by the Constitution, of exclusive authority over "all places purchased by the consent of the Legislature" (Const., Art. I, § 8(17)) of the several States, the so-called Federal enclaves. Nevertheless, the Act of 1790 specified only the more serious offense. Other crimes ran the actual risk of going unwhipped of justice. The gravity of this situation was indicated by Justice Story in 1816 in these terms:

> Few, very few of the practical crimes, (if I may so say,) are now punishable by statutes, and if the courts have no general common law jurisdiction (which is a vexed question,) they are wholly dispunishable. The State Courts have no jurisdiction of crimes committed on the high seas, or in places ceded to the United States. Rapes, arsons, batteries, and a host of other crimes, may in these places be now committed with im-

punity. (I *Life and Letters of Joseph Story* 297 (1851)).

X. THE COMMON LAW CRIMES CONTROVERSY

Story's "vexed question" of 1816 was authoritatively settled in that year by the Supreme Court in *United States* v. *Coolidge*, 14 U.S. (1 Wheat) 415 (1816). Was it necessary for Congress to specify all the offenses that might be committed against the authority of the United States? A number of the activist members of the early Federalist judiciary did not think specific legislation was necessary. In 1799, Chief Justice Ellsworth in his famous charge to the Federal Grand Jury of the Circuit Court of South Carolina, had, after all, told the jury to indict on the basis of the common law. (See I *Warren, The Supreme Court in United States History* 162 (1922).)

But this opinion, as Story indicated, was not universally shared. Jefferson himself commented on the theory in a letter to Pinckney in these terms:

> I consider all the encroachments made on . . . [the Constitution] heretofore as nothing, as mere retail stuff compared with the wholesale doctrine, that is a common law in force in the United States of which and of all the cases within its provisions, . . . [the Federal] Courts have cognizance. It is complete consolidation. (*Id.* at 163–64)

Although *Coolidge* settled the issue, it is more accurate to credit *United States* v. *Hudson*, 11 U.S. (7 Cranch) 32 (1812), with deciding it. *Hudson* originated in the Connecticut District Court and was referred by that court, after long delay, to the Supreme Court. The indictment was based on alleged libel, one of many aimed at Jefferson when he was President. All the others Jefferson had succeeded in having dismissed, and Madison, President when the case came on in 1812, was heir to Jefferson's opinions. This no doubt explains why Pinckney, then the Attorney General, declined to argue the case.

So did the opposing counsel. Thereupon, Justice Johnson, for the Court, declining to examine how far "an implied power (of any political body) to preserve its own existence is applicable to the peculiar character of our Constitution," disavowed that "the courts of that government are vested with jurisdiction over any particular act done by an individual, in supposed violation of the peace and dignity of the sovereign power (of the Federal Government.) The legislative authority of the Union must first make an act a crime, affix a punishment to it, and declare the court that shall have jurisdiction of the offense." 11 U.S. (7 Cranch) at 22–34.

Four years later, in *United States* v. *Coolidge*, the proceedings were merely perfunctory. Justice Story, in the Circuit Court of the District of Massachusetts, from which the case was referred when the judges were divided, had expressed the opinion that all criminal offenses within the admiralty jurisdiction were cognizable in the circuit court, and, in the absence of positive law, were punishable by fine and imprisonment. The Attorney General again declined to argue, in deference to the decision in the *Hudson* case. Justice Story observed that he "did not take the question to be settled by that case." 14 U.S. (Wheaton) at 191 Justice Johnson "considered it to be settled by the authority of that case." (*Ibid.*) Justice Bushrod Washington would divest himself "of all prejudice arising from the case, whenever counsel can be found ready to argue it." (*Ibid.*) Justice Livingston was "disposed to hear an argument on the point. This case was brought up for that purpose." *Id.* at 416. Until it was argued, the former decision must stand—and that was all.

A few days before, in his opinion supporting Justice Story in the matter of appeals from the Court of Appeals of Virginia, Justice Johnson, after emphasizing the desire "to prevent dissension and collision," had mentioned that "at present, the uncontrollable exercise of criminal jurisdiction is most securely confided to the state tribunals." (See *Martin* v. *Hunter's Lessee,* 14 U.S. (1 Wheat.) 304, 372, 376 (1816).) "Securely confided" it might be, but in this there was no consolation for federal judges. District Judge Peters commented, in a letter written the next month, that under the *Coolidge* decision:

> I cannot carry on the business of my district. Treason is defined by the Constitution; but most other crimes are barely named . . . [O]ur jurisdiction of crimes punishable at common law is excluded. . . . Every crime, not defined in our statutes—murder, rape, all the lesser offenses may be committed with impunity in places under the exclusive jurisdiction of the United States. * * * I had little difficulty before; . . . but now my hands are tied, and my mind padlocked. (Warren, Id. at 441)

The difficulty, moreover, continued to recur. In 1818, in *United States* v. *Bevans*, 16 U.S. (3 Wheat.) 336, 385 (1818), the Supreme Court held, by Chief Justice Marshall, that while, under the Constitution, "the judicial power shall extend to all cases of admiralty and maritime jurisdiction," Congress had not, in the statute of 1790, "so exercised this power as to confer on the courts of the United States jurisdiction over murder, committed in the waters of a State where the tide ebbs and flows." Again, in 1820, in *United States* v. *Wiltberger,* 18 U.S. (5 Wheat.) 76 (1820)), it was decided that manslaughter committed on an American ship in the river Tigris, in China, which being tidal water was not "on the high seas," could not be punished under the act of 1790.

XI. THE CRIMES ACT OF 1825

What Story was not able to do as a Justice, he remedied through his friendship with Webster, then chairman of the House Judiciary Committee. Webster and Story carefully drafted and revised the Crimes Act of 1825, and Webster successfully guided it through the Congress. (Act of March 3, 1825, and Webster successfully guided it through the Congress. (Act of March 3, 1825, c. 65, 4 Stat. 115.) In section 4, "the high seas" was amplified to include "any river, haven, creek, basin, or bay, within the admiralty and maritime jurisdiction of the United States," and under section 5, offenses committed on an American ship "while lying in a port or place" in a foreign country were to be punishable in the same way as offenses committed on the high seas, unless the offender was brought to trial in the foreign country. Another important contribution was made by section 3, which provided that, in any of the places ceded by a State to the United States:

> [where] . . . the punishment of which offense is not specially provided for by any law of the United States, such offense shall. upon a conviction in any court of the United States having cognizance thereof, be liable to, and receive the same punishment as the laws of the state . . . provide for the like offense when committed within the body of any county of such state.

And the concluding section of the Act of 1825 provided: "Nothing in this act contained shall be construed to deprive the courts of the individual states, of jurisdiction, under the laws of the several states, over offenses made punishable by this act."

XII. THE REVISED STATUTES OF 1877

From 1825 up to the close of the Civil War, additions to the list of statutory crimes were not numerous and broke little new ground. When the Revised Statutes of 1873 was put together, in the title devoted to crimes, some offenses were included that had been enacted in and before 1820 in connection with Negro slavery, some that had been enacted incidental to the war itself, and some that had been the sequel to the 15 amendment. These were reminders of the conflict over slavery and secession that had dominated the attention of Congress in the period from 1825 to 1865.

The work of the revision of 1873–77 derives from a statute of 1866 (Act of January 27, 1866 c. 7 (14 Stat. 8), whereby Congress authorized the appointment of three persons, learned in the law, to bring together, in convenient order, all the statutes or parts of statutes then effective, and to "arrange the same under titles, chapters, and sections, or other were classified under such chapters as suitable divisions."

Of the 5,601 sections numbered in this revision, title LXX, Crimes, accounts for 227, from section 5325 to section 5550. The plan adopted in grouping offenses is indicated by the chapter headings: one, General Provisions; two, Crimes against the Existence of Government; three, Crimes Arising within the Maritime and Territorial Jurisdiction of the United States; four, Crimes against Justice; five, Crimes against the Operations of the Government; six, Official Misconduct, etc.; seven, Crimes against the Elective Franchise and Civil Rights of Citizens; eight, the Punishment of Accessories; and nine, Prisoners and Their Treatment.

A further and, in the main, correcting edition, with the addition of all amendments made up to the close of the 1877 session of Congress, was issued in 1878. This revision served the Nation reasonably well for almost thirty years.

XIII. THE PENAL CODE OF 1909

When, in 1909, Congress passed an "Act to codify, revise, and amend the penal laws of the United States," (Act of March 4, 1909, c. 321, 35 Stat. 1143) there was a difference in the naming of chapters, which at once suggests a considerable extension of scope. Offenses against the existence of government; against the elective franchise and civil rights; against the operations of the government, relating to official duties; against public justice; against the currency and coinage; within the admiralty, maritime, and territorial jurisdiction; piracy, neutrality, and the slave trade all were included, as before—some of them considerably enlarged. The new sections were: Chapter eight, Offenses against the Postal Service, and Chapter nine, Offenses against Foreign and Interstate Commerce.

This revision of 1909 was a much more comprehensive effort than any that had preceded it. In the main, the earlier revision had merely compiled existing statutes, while in this one, Congress labored also to perfect the form. Everything redundant or obsolete was omitted, and such changes or additions as were needed to clarify the intention were freely made.

The history of the revision substantiates this appraisal. Its necessity was made plain by a passage in the report by which the Congressional Joint Committee on the Revision of the Laws accompanied the presentation of its bill. Referring to enactments since the revision of 1878, the report commented that since then:

> More laws of a permanent nature have been passed than had been from the time of the adoption of the Constitution down to the time of that revision. These are scattered through nearly twenty bulky volumes of the Statutes at Large. They are commingled with a voluminous mass of temporary enactments, and are frequently embodied in appropriation bills, the title and context of which would give no indication of their purport, and the very existence of which is discovered only by the trained lawyer and the painstaking student. (S. Rep. No. 10, 60th Cong., 1st Sess. 1909)

There was, it was felt, an imperative demand for clear and systematic compilation. Search for Federal statute law, even if all the Statutes at Large, temporary enactments, and appropriations bills mentioned by the committee were not examined, had to be made through the 1878 edition of the Revised Statutes, through a first and second supplement, and through volumes 32, 33, and 34 of the Statutes at Large. It was, therefore, contemplated to supersede all these by a statute which, when completed and enacted, would become the original and authoritative law of the land.

Preparation for the work of the joint committee had been made by a statutory revision commission, appointed under authority of an act of June 4, 1897 (30 Stat. 58) whose work at first was limited to revising and codifying the criminal and penal laws of the United States. On June 1, 1898, the commission was instructed, by concurrent resolution, to prepare a code for Alaska, in the emergency occasioned by the gold rush, and it made a report on November 28, 1898. A codification of the postal laws was reported February 10, 1899. On March 3, 1899, the commission was further instructed "to revise and codify the laws concerning the jurisdiction and practice of the courts of the United States, including the Judiciary Act, the acts in amendment thereof and supplementary thereto, and all the acts providing for the removal, appeal and transfer of causes." (Act of March 3, 1899, 30 Stat. 1116.) On November 10, 1899, a progress report was made to Attorney General John W. Griggs, and it was transmitted by him to Congress December 18, 1899. Another was made November 15, 1900, and the work of the commission was again enlarged, March 3, 1901, to include "all the laws of the United States of a permanent and general nature in force when the same shall be reported." (Act of March 3, 1901, 31 Stat. 1181.)

A codification of the criminal law was reported May 15, 1901, and copies were sent to various bar associations for consideration. The scope of the work may be inferred from the comment of a committee of the Association of the Bar of the City of New York that it considered "the proposed great extension of Federal criminal jurisdiction over the whole field of common law and statutory crime within the territorial and maritime jurisdiction of the United States to be unnecessary and very unwise." (Quoted in Conboy *id.* at 313.) The report did, in fact, include, in six subchapters, a great number of proposals new to the Federal law and explained in the margin by reference to laws of the several States.

Nevertheless, the work of the commission continued and, on March 3, 1905, it was directed to add to its reports any laws enacted since they were made. (March 3, 1903, 33 Stat. 1285.) On June 30, 1906, the commission was required to make its final report by December 15. A report was filed, and the result of the labors of the commission passed into the hands of a Special Joint Committee of Congress on the Revision of the Laws, appointed by concurrent resolution, approved March 2, 1907.

The proposed work of codification submitted by the commission incorporated 174 new sections, 21 embodying and 10 creating new offenses. The joint committee's reception of this product, however, was not altogether sympathetic with the assumption of powers by the commission to go beyond mere codification. The committee observed:

> The Commission interpreted its powers, under the various acts creating it, to authorize it to alter and amend what it deemed the imperfections of existing statutes, and to embody in its work such new legislation as in its judgment was required to supply the inequalities of the existing law. Its recommendations to Congress, based upon this theory report many of the sections altered in form and expressed in different language; many others so changed as to include different subject matters; and many new sections embracing subjects upon which Congress has never attempted before to legislate, but does not exhibit anywhere a simple codification of the existing laws. (S. Rep. No. 10, 60th Cong., 1st sess. 2 (1909))

On January 7, 1908, the joint committee reported on the Commission's draft, and submitted a bill, which became a statute March 4, 1909, to take effect January 1, 1910, known as the Criminal Code of 1909, (Act of March 4, 1909, c. 321, 35 Stat. 1143).

Although some of the commission's proposals were not adopted, largely out of a fear that it might "retard" or "prevent" the work of codification (S. Rep. No. 10, 60th Cong., 1st Sess. 6 (1909)), the chapter divisions into which it had grouped the laws were retained. Indeed, despite some apparent displeasure with the work of the Commission, great respect was manifested throughout for the legal attainments and the industry of the members of the Commission. It was on their suggestion that the chapters on postal laws and on foreign and interstate commerce were included in the code. As to this last, the committee said in its report:

> The foreign and interstate commerce has assumed proportions so vast, is growing so rapidly, and legislative enactments pertaining thereto are already so numerous, that it also seemed proper to collect the penal legislation relative thereto under a distinctive head. (*Id.* at 9.)

XIV. THE "ONE PEOPLE" CONCEPT

Between the Code of 1909 and the codification of 1948, a number of significant new Federal criminal offenses were enacted. Their significance can be best understood, however, by prefacing their consideration by a reference to Madison's conception of the scope of the powers of the Federal Government. In the *Federalist* No. 44, he observed:

> The powers delegated by the proposed Constitution to the Federal government are few and defined. Those which are to remain in the state governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with last the power of taxation will, for the most part, be connected. The powers reserved to the several states will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the state.

This limited conception of the role of the Federal Government stands in sharp contrast, of course, with what as a matter of history has come to pass. For example, in June 1910, less than 6 months after the Code of 1909 went into effect, Congress passed the Mann Act, a provision against the "moral misuse" of the facilities of interstate commerce. (Act of June 25, 1910, c. 395, 36 Stat. 825.) In *Hoke* v. *United States*, 227 U.S. 308, 322 (1913), upholding the act, Mr. Justice McKenna employed expressions which, when considered, serve as a reminder that, since 1872, Congress had been acting, intermittently, upon a principle foreign to Madison's that did not come into application until after the Civil War. He said:

> Our dual form of government has its perplexities . . . but it must be kept in mind that we are one people . . . and the powers [granted to the Federal government] . . . are adapted to be exercised, whether independently or concurrently, to promote the general welfare, material and moral.

The inference is plain. Lotteries, frauds, circulation of obscene literature, prostitution, narcotic addiction, all were, at first, well within what Madison had in mind when he commented that the powers reserved to the States extended to "all the objects which, in the ordinary course of affairs, concern . . . the internal order, improvement and prosperity of the state." The trouble was that it proved, as we became not only one people, but one nation, impossible for the States, under their own powers, effectually to preserve "internal order" in these matters when the facilities of the mails were seen to operate, in one fashion, and the privileges of interstate commerce, in another, to negate the efforts of any state to suppress what the people of the nation saw as national evils. In the judgment of many, these evils were pervasive throughout the whole nation. There were, moreover, Federal constitutional powers under which they could be attacked by the enactment of federal criminal legislation. From time to time, therefore, Congress made use of the powers assigned to the general government, singly or in combination, "to promote the general welfare, material and moral."

The validity of the Mann Act was upheld in *Hoke* v. *United States*, as I just noted, and again in *Caminetti* v. *United States*, 242 U.S. 471 (1917). In *Hoke*, Mr. Justice McKenna held that the interstate commerce power had been rightly used to "promote the general welfare, material and moral," by the suppression of prostitution. In *Caminetti*, however, he felt obliged to dissent on the ground that the statute's history showed the white-slave law was meant to suppress prostitution, and that its provisions should be construed in the sense that this was the evil the Mann Act dealt with. The majority held, however, that the words "for any other immoral purpose" must be given their natural significance. Consequently, the court upheld the conviction which was for an interstate transportation of a woman for an "immoral" purpose; "to wit, to become the defendant's mistress."

The Harrison Act (Act of Jan. 17, 1914, c. 9, 38 Stat. 275) for the control of narcotics is another example of powers employed in combination to deal with a matter of perceived general welfare. Opium and its derivatives were of foreign origin and therefore articles of foreign commerce. They could be dealt with under the commerce power, it was thought, in the same fashion that the problem to which their importation gave rise. When this proved ineffective, the taxing power was brought in, and it is under the taxing power that the regulation was accomplished in the years immediately after 1914. The history of this development is instructive.

Opium had been imported since 1832. By 1870, its use had spread from the Chinese on the Pacific coast to vicious white elements. In 1875, California and Nevada realized that control was necessary, and ordinances were enacted in San Francisco and Virginia City. Congress increased the duty on opium to $6, then $10, then $12 a pound, but this only led to profitable smuggling, with wider and clandestine distribution of the drug. It was as easily introduced into States that had antinarcotic laws as into any that had not. In 1909, therefore, Congress decided to prohibit importation of opium, except in such amounts as were required for legitimate use—import, manufacture, and distribution of this supply to be controlled under regulations issued by the Treasury. (Act of Feb. 8, 1909, c. 100, 35 Stat. 614.) Penalties for violations of the act were specified, and illicit drugs were to be seized and forfeited without the necessity of instituting forfeiture proceedings. What developed was that while importer, jobber, and manufacturer might observe the regulations applying to them, conservation of the supply for legitimate use, and ultimate disposal for that purpose only, were not realized in practice. In 1914, an international convention was arranged and ratified by the Senate. Next in the same years the Harrison act was passed, setting up an elaborate structure of control under a series of internal revenue items levied under the taxing power.

When the Act of 1909, dealing with importations was under review in *Brolan* v. *United States*, 236 U.S. 216, 220 (1915), Chief Justice White, for the Supreme Court, had no difficulty in affirming the power of Congress to legislate and the extension of that power to "the control of those things which are essential to make the power existing and operative." Consequently, the Court quickly disposed of the argument that had been advanced that the police power in respect to the public health, morals and welfare of the citizens of each state could be exercised only by that particular state. Nevertheless, when the Harrison Act was upheld four years later in *United States* v. *Doremus*, 249 U.S. 86 (1919), the Chief Justice dissented. He was one of four who refused to admit that production of revenue was the real purpose of Congress under the Act, or that attaching to the taxing power something not itself within Federal jurisdiction was sufficient to keep it there for constitutional purposes.

Crimes connected with robbery from cars and trucks moving in interstate commerce, were other logical subjects for Federal enactments. But the reason was not so obvious when the interstate commerce power was invoked by the Dyer Act, in 1919, (Act of Oct. 29, 1919, c. 89, 41 Stat. 324) for the recovery of stolen automobiles that had been driven across State boundaries. (See 18 U.S.C. 2311–13.) Fifteen years later, Congress, while earlier reluctant to add to the burden of the Federal agencies by exerting the interstate commerce power against receivers of stolen property, eventually added that offense, too, to the lengthening list of federal offenses. (18 U.S.C. 2315.)

I have here, of course, touched only on the high points in the history of the development of Federal criminal law. Other offenses, traditionally a local problem, not now considered federal, include kidnapping (18 U.S.C. 1201), threatening to extort money for ransom (18 U.S.C. 876–77), moving to another State to avoid prosecution or to avoid giving testimony (18 U.S.C. 1073)—all under the interstate commerce power. These enactments did not deprive the states of jurisdiction over such crimes, but, at least in theory, were designed merely to supplement the effectiveness of the States in dealing with them, and national attention has been rightly and widely attracted to the activities of the Federal investigating agencies in pursuit of those who fell within these enactments.

XV. THE REVISION OF 1948

Thirty-nine years passed between the Code of 1909 and the revision of 1948, a period longer than the elapsed time between the revision of 1878 and 1909. Consequently, the need for an up to date code was again widely and rightly recognized, and work began on the new Federal criminal code by the House Committee on Revision in 1943. (See generally, H.R. No. 304, 80th Cong. 1st Sess. (1947)). In connection with that effort some 1,500 letters were mailed to the Federal judges, U.S. attorneys, deans of law schools, and presidents of bar associations, explaining the revision and asking for advice and assistance. Many of the letters in response to this appeal contained concrete recommendations for the improvement of the criminal code. These were cataloged, studied, and made available to the revision staff. As will be seen by the reviser's notes, which appear in the appendix to the act, more than one of these suggestions helped shape the revision, and all of them made the task easier. In addition, the criminal section of the American Bar Association, meeting in Chicago September 1944, received a report on the preliminary draft, and the section passed a resolution approving this draft.

Following the introduction of the bill as H.R. 2200 in the 79th Congress, on February 15, 1945, copies of the proposed new title 18 were sent to every Member of Congress. A more mature bill was introduced in the 80th Congress as H.R. 1600; it was later superseded by H.R. 3190. Both H.R. 2200 and H.R. 1600 were widely distributed in an effort to obtain the wise counsel and suggestions of all interested in the administration of our Federal criminal laws.

As the work of revision progressed, the advice of Government officials was sought in problems affecting particular departments or agencies. It was also found advisable to ask questions and to submit the text of proposed section to these departments and agencies. Occasionally, the revisers conferred with the heads of agencies. The officials in charge of a department or agency that might be affected by the revision were kept fully informed. Copies of the preliminary draft were sent to all Government officials who might have the slightest interest in the work.

Naturally, the Department of Justice was more concerned with a revision of the Federal criminal laws than any other governmental body. Consequently, members of that Department were informed of every step of the revision from the first preliminary analysis to the final draft. Although revision, rather than reform, was the goal of the new 1948 Code, the revision staff did not shrink from a preceived need to change, at least in the structure of the Code. The old system of classification, for example, was discarded, and an alphabetical arrangement used in many State codes was adopted.

In part I of the new title 18, crimes were classified under such chapters as arson, bribery, and fraud and false statements. In parts 2–4, covering procedure, prisons, and juvenile delinquents, the chapters were arranged in the logical sequence of events.

Future growth by acts of Congress were provided for by adopting a flexible numbering system. Chapters were given odd numbers, leaving the even numbers to accommodate related chapters in the future. Room for approximately 40 section numbers was left at the end of each chapter.

By assigning to chapter I all general provisions and definitions, it was possible to omit repetitive phrases common to many sections. For example, by inserting the word "causes" in the definition of "principals" (18 USC 2(b)), it was possible to omit that word altogether with such expressions as "aids or abets" and "causes or procures" from many other sections. By defining "United States" and other terms in chapter I, it was also possible to avoid the use of the same definitions in other chapters. (18 U.S.C. 5 ("United States") 6 ("department" "agency").)

Many inconsistencies in punishments were discovered. Some appeared too lenient, but others too harsh when compared with crimes of similar gravity. The problem was twofold. First, it was found that in spite of an exact definition of felonies and misdemeanors, 29 punishments were inaccurately labeled, resulting in conflicting court opinions. This problem was solved by omitting from each of the 29 punishments any description of the offense as a felony or misdemeanor, leaving the test as to the kind of crime, to the definition section. Second, serious disparities in punishments were discovered when the character of various crimes was considered. Before attempting to eliminate these differences, a master table showing the character of each offense and its punishment was prepared. In this way, many inequalities were eliminated, and uniformity brought out of the conflicts which time had developed.

A clear and uniform style was an important aim of the revision. Verbose phrases were pruned, ambiguous terms rewritten, and archaic expressions eliminated. For example, the definition of a petty offense was reduced from 53 to 30 words without change in substance (18 USC 1(3)). Such phrases as "of any kind whatever" were omitted from many sections as redundant. Another example is section 656 to which U.S. District Judge Emerich B. Freed referred in his review of the revision before the Judicial Conference of the Sixth Circuit. Judge Freed said:

> The verbose, involved, and extremely ambiguous sections dealing with embezzlement or misapplication by an officer or employee of a bank are reduced to simple, clear, and unambiguous language. It might be added that no other criminal statute, with the single exception of that covering conspiracy, has been the subject of more numerous judicial interpretations, due largely to the present involved language (Quoted in H.R. No. 304, 80th Cong. 1st Sess. 8 (1947)).

In the description of offenses, the word "whoever" was used as the first work in each section defining a crime. This style was followed by the revisers of the 1909 Code with good results. Frequently, a number of "whoever" clauses were found, each spelling out a different crime, run together in one paragraph. These were set out in separate paragraphs.

Punishment provisions were written in the alternative and minimum terms and fines were omitted. The qualifications "upon conviction" and "hard labor" were deleted as surplusage.

In many instances similar sections were consolidated without making fundamental changes in the offenses involved. This was true especially in the case of sections brought into revision from titles 7, Agriculture; 12, Banks and Banking; and 15, Commerce and Trade.

Good examples of such consolidations will be found in the chapter Embezzlement and Theft. There, in one instance, 11 sections were consolidated into one, resulting in a tremendous saving of space and notable improvement in style and substance. (See generally, Chapter 13, 18 U.S.C. 641–64.)

Federal criminal law has not, of course, ceased to develop after the successful processing of the 1948 revision. New legislation strengthening the hand of Federal Government against the forces of organized crime, for example, was enacted in 1961 and 1970. See, e.g., 18 U.S.C. 1952 (travel in aid of racketeering); 18 U.S.C. 1955 (gambling business). On the whole, these developments have done little more than to carry forward tendencies already manifest in Federal criminal jurisprudence. I note, however, the emergence of controversy over the power of the Congress to make a legislative finding of the jurisdictional aspect of an offense sufficient for conviction without a particular showing in each prosecution. Circuit courts of appeal have split on the necessity of such a showing and its possible constitutional impropriety, for example, under the gun control provisions of title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 197). *Compare United States* v. *Bass*, 8 Crim. Law Reptr. 2246 (11–30–70) (required to avoid constitutional doubt) *with Synnes* v. *United States*, 8 Crim Law Reptr. 2387 (8th Cir. 2–1–71) (not required and constitutional). Nevertheless, the Supreme Court has granted certiorari on this issue in the context of the extortionate credit provision of the 1968 act, 18 U.S.C. 981–96, and we may safely expect enlightment on this question soon. *Perez* v. *United States* 7 Crim. L. Reptr. 2176 (2d Cir. 1970), *cert. granted*, 8 Crim. Law Reptr. 4053 (11–18–70).

THE RECOMMENDATIONS OF THE COMMISSION

Mr. President, since 1948, title 18 has served the Nation well. It is now time, however, to consider the need for a new attempt at codification, reform and revision on the national level. There are, of course, those who will be reluctant to undertake this task. The arguments against codification have changed little over the years. They were summarized in 1950 by Prof. J. Denson Smith, the director of the Louisiana Law Institute, shortly after Louisiana became the first State to undergo codification in this century. Professor Smith observed:

> It was claimed that Louisiana had a system of criminal law that was working very well; under it Louisiana had succeeded in establishing a very good record in bringing to the bar of justice offenders against its order; the shortcomings and deficiencies of its system were known and understood and could be reckoned with; the jurisprudence was established; any new system would only multiply many fold whatever confusion existed; a long and laborious, costly and distressing period of uncertainty would be the fruit of adopting a new criminal code. Present also was the belief that experienced practitioners would lose the advantage of the special knowledge of the intricacies of the common law system and would be no better off than the beginner and that district attorneys and judges would have to revamp their files of charges, instructions and other forms. [Smith, "How Louisiana Prepared and Adopted a New Criminal Code" 41 J. of Crim. L., Crim. P.S. 125–26 (1950)]

Professor Smith also summarized the experience of his State with codification. He observed:

> Under the Criminal Code of 1942 criminal law administration in Louisiana has been greatly improved. Instead of being productive of confusion as was claimed it has done much to simplify; instead of creating uncertainty it has brought assurance; and the envisioned difficulties of adjusting to the new system have not materialized. It is perhaps not too much to believe that the outspoken opponents and the enervating skeptics as well would not now return to the old order. [Id. at 135]

For me, at least, arguments of this character are now of only academic value. I see the need for Federal codification, reform and revision as now beyond further discussion or argument. Indeed, in my judgment, the Congress settled this overall question when it created the National Commission in 1966 by Public Law 89–801. Instead, what faces the Congress today is a much different series of far more fundamental issues. The Congress must review the work product of the Commission and decide not whether, but how codification, reform and revision should be undertaken. In contrast to the issue of codification or not, here no issues are settled. All questions are open for debate. It is to the recommendations of the Commission, therefore, that I now turn.

Mr. President, there are four essential features in the proposed Code that dictated its architecture, organization and scope. Rejection of these basic premises would compel wholesale rewriting or possibly rejection of the proposed Code itself as a basis for a comprehensive codification, reform and revision of title 18. It is important, therefore, to obtain a clear idea of these features in order that a discriminating judgment on their wisdom may be made.

XVI. THE TECHNIQUE OF DRAFTING

Mr. President, the first of the four essential features of the proposed Code is its overall drafting technique. Offenses are succinctly stated—the verbosity of present statutory language, especially in defining matters by enumerated examples, is avoided. For example, present 18 USC § 2312 proscribes theft of motor vehicles, defined in 18 USC 2311 to mean "automobile, automobile truck, automobile wagon, motorcycle or self-propelled vehicle designed for running on land but not on rails." The comparable section of the Code, a general theft provision, simply describes the term "property of another" (section 1732). The kind of simplified drafting of the proposed Code avoids the absurdities of the rule of strict construction, which prompted the Supreme Court in *Boyle* v. *United States,* 283 U.S. 25 (1931), to hold that "motor vehicles" did not cover airplanes, and which required the Department of Justice to seek amendment of the statute.

The contrary approach of present law may also be illustrated by 18 U.S.C. 659. It makes criminal unlawful takings from interstate shipments by proscribing thefts from 19 different kinds of facilities, serially enumerating each and concluding with an inclusive phrase outlawing thefts from interstate shipments. The comparable Code provision, section 1732 (see also, 1740(l), 201(i)), simply uses the final inclusive phrase of 18 U.S.C. 659 ("property which is the subject of the offense is moving in interstate or foreign commerce or constitutes or is part of an interstate or a foreign shipment"). The drafting of the new Code, therefore, avoids the web of litigation and the hypertechnicalities of pleading and proving the precise interstate character of the shipment. *Compare United States* v. *Wora,* 246 F. 2d 203 (2d Cir. 1957), *Tingley* v. *United States,* 34 F. 2d (10th Cir. 1929), *cert. denied* 280 U.S. 598 (1930); *United States* v. *D'Antonio,* 342 F. 2d 667, 671 (7th Cir. 1965).

In short, the manner in which offenses are drafted is designed to avoid the need for extensive cataloguing of terms for definitional purposes. This is made possible principally by a fundamental innovation in the proposed Code: The rule of strict construction is restated to mean construction in light of purpose. The Code is explicit in directing that its provisions be construed to achieve its codified ends, for example, "vindication of public norms by the imposition of merited punishment" and "fair warning of what is criminal" (section 102). The Code also provides that the term "includes," used in the various Code offenses, is to be read as if the phrase "but is not limited to" is also set forth (section 109(s)). Consequently, by the simple technique of drafting simply, a more rational penal policy can be implemented with confidence that it will not be frustrated in the courts by the inherent ambiguity of human language. Mr. Justice Johnson in *Martin* v. *Hunter's Lessee,* 14 U.S. (1 Wheaton) 141, 172 (1816) aptly stated the difficulty with words: "Language is essentially defective in precision; more so, than those are aware of, who are not in the habit of subjecting it to philological analysis."

XVII. THE TREATMENT OF FEDERAL JURISDICTION

Mr. President, the second of the essential features of the proposed Code is its treatment of Federal jurisdiction. Indeed, it is the keystone of its suggested reform. Alone among the four basic premises, rejection of it would require forsaking the present form of the Code as even a work basis for a new Code.

The framework underlying the Code's treatment of Federal jurisdiction is the following: Federal penal laws are defined with a focus on punishing misconduct within the Federal jurisdiction, rather than, as is often now the case, some interference with a jurisdictional factor itself.

To illustrate: under the present mail fraud statute (18 U.S.C. § 1341), the offense is written, and its "gist" has been accurately perceived on the level of legal analysis, not as fraud punishable by the Federal Government because its mails are used, but as a sullying of the Federal sovereign by depositing fraud-related materials in its mails. See, e.g., *Bozell* v. *United States,* 139 F. 2d 183 (6th Cir. 1943), *cert. denied,* 321 U.S. 800 (1943). Consequently, each mailing is a separate offense, even though it was done in execution of the same fraud. See, e.g., *Wood* v. *United States,* 299 F. 2d 359 (8th Cir. 1960); *Becker* v. *United States,* 91 F 2d 550 (9th Cir. 1937). Yet the mailing of one letter in one scheme to defraud and its defrauding of 10 victims remains only one offense; the offense is punishable by a maximum of only 5 years no matter what the enormity of the fraud perpetrated may actually be. Finally, under present law, the Government must prove that the defendant at least contemplated that his fraud would be committed by use of the mails. See, e.g., *United States* v. *Kellerman,* 431 F. 2d 319 (2d Cir. 1970). Under the proposed Code, the offense is conceived and formulated as fraud. Use of the mails becomes the jurisdictional base under which the offense may be federally prosecuted, with the consequence that each of the aspects of the present law just mentioned is reversed.

In shifting the focus of Federal penal statutes from jurisdiction to the underlying misconduct as the gist of the criminal offense, the proposed Code effects a major reform of most of the older Title 18 provisions by generalizing the policy underlying many of the statutes enacted during the last decade. Thus, title 18's long standing section 1503, proscribing intimidation of witness-informants, makes that offense punishable by a maximum of only 5 years in jail, even though the intimidation may have ultimately taken the form of murder. In contrast, the 1968 amendment to 18 U.S.C. § 242, proscribing intimidation of citizens in the exercise of civil rights, changed the maximum penalty from 1 year to life imprisonment for intimidation by murder. In short, the proposed Code standardizes a treatment of Federal offenses sometimes but not always found in present law towards which the Congress has been gradually moving.

Other illustrations follows: in title 18's bank robbery statute (18 USC 2113) punishment is keyed to the underlying misconduct (20 years basic offense; 25 years if committed by assault; death if by murder or kidnapping), not to an interference with the Federal sovereign's jurisdictational base, the Federal Deposit Insurance Corporation. In contrast, 18 USC § 1952, enacted in 1961, followed a different route in attacking organized crime. Each crossing of State lines was made an offense, punishable by no more than 5 years, even though the racketeer ultimately perpetrated only one or more massive arsons, heinous extortions, or murder itself. *Compare* Sections 1732(b), 1735(l), 201(b), 1601, 1701, 205, 3201(l) 1(b): 15 years.

This reform in treatment of jurisdiction and criminal conduct is implemented in the following fashion. The element of Federal jurisdiction, called a jurisdictional "base" in the Code, is stated separately from the definition of the offense, which solely defines the misconduct involved. This is done by defining the offense (see, e.g., § 1721: robbery) and then itemizing in a separate subsection to the section the jurisdictional circumstances under which Federal prosecution can be undertaken. The most convenient way to visualize this is to imagine that in chapter 103 of title 18 (robbery and burglary) the jurisdictional factors in each of the robbery offenses there are taken out, leaving five formulations of the offense of robbery. These "pure" offenses, separated from their jurisdictional factors, are then consolidated and the elements standardized. What emerges then is one offense: Robbery. The various jurisdictional factors are then picked up, cataloged and included in a subsection itemizing the jurisdictional circumstances or "basis" under which the offense of "robbery" may be federally prosecuted.

They would be: special maritime and territorial jurisdiction (section 2111); property of the United States (section 2112); Federal Deposit Insurance Corporation banks (section 2113); and the mails (section 2114). However, instead of setting forth the jurisdictional bases *in haec verba* in each jurisdictional subsection, they are cataloged in a general jurisdictional section (section 201) and selective cross reference is made to this provision in the jurisdictional subsections to the various offenses as a simplified drafting technique. This is little more than an economy measure to avoid prolixity by the constant recitation of jurisdictional basis common to scores of offenses, that is, the mails, interstate travel, et cetera. Of course, some offenses in the proposed Code, as in present law, are inherently Federal and so there is not always a need for a separate jurisdictional subsection. See, e.g., espionage (chapters 11 and 12), tax (sections 1401–1409), civil rights (sections 1501–1516), smuggling (sections 1406–1409), bankruptcy fraud (section 1756). In addition, there are selected instances where offenses have unique jurisdictional basis which must be set out in specially applicable sections (see, e.g., section 1740(4): pertaining to theft so as to cover depredations of employee benefit plans, small business ininvestment corporations, Economic Opportunity funds, pension plans and the funds of common carriers).

Several key results naturally flow from the proposed Code's treatment of Federal jurisdiction:

Definitions of offenses can be consolidated and standardized. Thus, in the illustration already given, the Code's section on robbery (section 1721) telescopes the robbery of banks (18 USC 2113), the mails and other Federal property (18 USC 2114), as well as robbery "affecting commerce" (18 USC 1951). The end result is that the various anomalies in the present proliferation of robbery statutes are obviated. See, e.g., 18 USC 2111 ("by force and violence, or by intimidation, takes"); 18 USC 2112 ("robs"); 18 USC 2114 ("assaults . . . with intent to . . . purloin"); 18 USC 1951 ("unlawful . . . detaining of personal property from . . . another . . . against his will . . .").

Maximum sentence limits can be appropriately raised or lowered. Since the focus of the statutes is on the criminal misconduct, not the breach of Federal jurisdictional factor, punishment can be proportionate to the conduct rather than scaled to the jurisdictional aspect. Thus, as noted above, 18 USC 1952 proscribing, *inter alia*, interstate travel with intent to commit arson, is presently punishable by a maximum of five years' imprisonment, even though the arson resulted in the destruction of an entire building. Under the proposed Code, sections 1701 and 3201, this conduct would be punishable by up to 15 years.

Under the proposed Code, moreover, the prosecution need no longer prove knowledge on the part of the defendant that he was trespassing upon area subject to the control of the Federal sovereign, that is, at the time an individual crossed the State lines, he intended to incite a riot (see 18 USC 210) or he had a purpose to engage in prostitution (see 18 USC 2421). Instead, the offense becomes inciting to riot (section 1801(1)) or promoting prostitution (section 1841 (1)), subject to prosecution by the Federal Government if the defendant travelled interstate in its commission or consummation. Present Federal law, handles this question of knowledge of the Federal aspect in an inconsistent fashion. Indeed, it is possible to say that the requirement from provision to provision, apparently follows no discernable course. More often than not, knowledge is not even required, but when it is, the requirement does not seem to be rooted in any defensible rationale. Often it is little more than an accident of statutory draftsmanship. Thus, sometimes it is required, *United States* v. *Miller*, 379 F. 2d 483, 487 (7th Cir. 1967), *cert. denied*, 389 U.S. 930 (1968) (§ 1952: travel in aid of racketeering), other times not, *United States* v. *Kierschke*, 315 F. 2d 315 (6th Cir. 1963) (§ 2314: transportation of stolen property), while sometimes the cases under a specific provision are actually in conflict. *Compare Burke* v. *United States*, 400 F. 2d 866 (5th Cir. 1968), *cert. denied*, 395 U.S. 919 (1969) (§ 111 assault federal officer: need not know officer was Federal) with *United States* v. *Bell*, 219 F. Supp. 260 (E.D.N.Y. 1963) (*contra*). The requirement of knowledge, in short, often merely serves as a "technicality" that permits a "guilty" offender to "get off." See, e.g., *United States* v. *Barrow*, 363 F. 2d 62 (3d), *cert. denied*, 385 U.S. 1001 (1966).

Under the proposed Code, the existence of multiple jurisdictional bases also do not result in a multiplication of offenses. (Section 205) Thus, theft on a military reservation of Government property from the mail would no longer be three offenses, but, instead, one, with three jurisdictional bases (Federal enclave, U.S. mails, property of the Federal Government), proof of any one of which would suffice for the conviction of the offense of "theft." (See sections 1732(a), 1740(l), 201(a), (d), (f) and 205.)

Next, the definitions of offenses are framed in a fashion consistent with the terms of international treaties for extradition. Presently, serious problems are encountered when the United States desires to extradite a defendant from a foreign country for a Federal crime, since the factor of Federal jurisdiction is formulated as an element of the crime itself. See, e.g., *In Re Lamar*, 2 Western Weekly Rept. 471, 477 (Sup. Ct. of Alberta 1946) (mail fraud not extradictable as fraud). International extradition treaties uniformly do not afford extradition for jurisdictional trespasses, but only for specified criminal misconduct. Thus, where extradition is desired for mail fraud under 18 USC 1341, because our courts, quite rightly, have stated that the "gist of the offense" is the use of the mails, not the fraud, even though the treaty may permit extradition for "felonious fraud," since they do not provide for extradition for mailing a letter pursuant to a fraud, extradition is not possible, a result that may be justified among lawyers for reasons of legal analysis intelligible only to lawyers. As a matter of social policy, it is absurd.

Finally, a congressional mandate is given for restraint in the exercise of Federal jurisdiction where it overlaps with local authority, a key item in the Code's attempt to reach a reasonable balance between Federal and local power in the criminal justice area. The proposed Code, having consolidated offenses and itemized in one place the principal reaches of modern Federal criminal jurisdiction for each offense, makes visible for the first time the scope of present Federal jurisdiction. Accordingly, the proposed Code contains an introductory section, which expresses, for the first time, the will of Congress that Federal prosecution not be undertaken just because Federal jurisdiction to prosecute exists; the offense should be deferred to local authorities unless there is a "substantial Federal interest" in prosecuting it. The classic instances of a "substantial Federal interest" are then set forth, including where "the offense is serious and local law enforcement is impeded by interstate aspects of the case; an offense is believed to be associated with organized criminal activities extending beyond State lines;" and "local law enforcement has been so corrupted as to substantially undermine its effectiveness." (Section 207) This section is intended, therefore, to afford a vehicle for the Congress to express itself on the proper role of the Federal sovereign in the executive and judicial enforcement of the laws enacted by it, rather than to continue to permit *ad hoc* resolution of these fundamental legislative policy matters by the varying sensibilities of judges, prosecutors and investigators.

XVIII. THE SENTENCING SCHEME

Mr. President, the third of the essential features of the Code is its new scheme of sentencing. Its key features are its streamlined character, its assumption of some system of appellate review of sentences, and its establishment of standards for the imposition of long prison terms.

The proposed Code takes the 18 different maximum prison terms and 14 different fine levels found in title 18 alone and standardizes them into essentially six. (See sections 3002, 3201, 3301.) This is done by classifying each offense as either one of three classes of felonies, one of two classes of misdemeanor, or an infraction. Standard penalty levels are then established, one for each class of offense. By the adoption of this systematization, a consistent proportionality among offenses and penalties may be achieved.

In addition, the proposed Code's sentencing scheme is predicated on the concept of appellate review, although its scope and manner of implementation were not resolved by the Commission. (See section 1291 and Commentary at p. 317 of report.) Thus, guidelines are formulated for imposing: sentences in the upper ranges of authorized maxima (See section 3202; the same criteria in Title X of the Organized Crime Control Act of 1970 (P.L. 91–452), plus dangerous weapon used and mentally abnormal aggressive defendant, are employed; this achieves for the Code legislatively what Title X provided for judicially: proportionality between the various terms), judicially imposed minima (see section 3201(3)) and the grant or denial of probation (see section 3101). A variation of the scheme to bring standards into a previously standardless area is the requirement of the Code that the judge simply set forth his reasons for granting, for example, a defendant an unconditional discharge (section 3105) imposing a consecutive sentence (section 3204) or meting out a higher sentence on resentencing (section 3005).

Other similar provisions should be noted. In the area of parole, after the first year of imprisonment, release by the parole board is to be determined according to enumerated criteria, including whether the defendant, if released, would violate his conditions of parole (see section 3404). Nevertheless, after service of 5 years or two-thirds of the prison component of any sentence, the defendant must be released, except where in the judgment of the parole board he poses a high risk of serious criminality while on parole. (See section 3402.) Most importantly, each sentence to imprisonment must contain a mandatory parole component (see section 3201 (2)). The purpose of this provision is to maintain control of hardened offenders after their initial release from prison. Under present law, the hardened offender serves the maximum of his sentence, then is released without any restraint, while the less dangerous offender is released earlier, but subject to supervision, an anomalous result.

Other pertinent provisions of the sentencing scheme are the following: a recidivist provision for misdemeanants (section 3003), retention of split sentences with a provision for intermittent service of jail terms (section 3106); organizations (labor unions and corporations) can be required, as part of a sentence, to give notice of their misconduct to possible victims of their crimes (section 3007); irrespective of the ordinary fine available for a class of offense, the defendant may be sentenced to a fine up to twice his gain or the loss occasioned to the victim by his misconduct (section 3001(2)). On the issue of minimum mandatory sentences, the Code's statutory text abandons them, but the report of the Commission notes that a substantial number of Commissioners favored a scheme of presumptive minimum mandatory sentences for certain offenses (wholesaling in narcotics, using a gun to commit a felony). The judge would be statutorily directed to sentence a defendant to at least a modest prison term in the usual case, and required to state his reasons for not imposing such a sentence where he felt the case was not usual. Here again the essential assumption of the sentencing scheme of appellate review is evident.

XIX. THE TECHNIQUE OF GRADING

Mr. President, the last of the four essential features of the proposed Code is its use of a "piggyback" means for achieving appropriate sentence grading. "Piggyback" grading means the following: Crimes against persons (such as assault) and property (such as arson) occurring in the course of a Federal offense become federally prosecutable as related offenses. To illustrate: Intimidation of a Federal judge is punishable by 5 years imprisonment under present 18 USC 1503 as well as proposed section 1366. If the intimidation takes the form of murder of the judge, prosecution may be had under the proposed Code for the "murder" as well as the "intimidation."

This technique of grading is not new to Federal criminal jurisprudence. It is simply a generalization of a scheme idiosyncratically found in many present Federal offenses. For example, in the present bank robbery statute (18 USC 2113) the basic offense of bank robbery is punishable with a maximum of 20 years, but the maximum may be increased up to 25 years if assault occurs in the course of the bank robbery, or up to death if there is a murder or kidnapping in the course of the bank robbery. See also 18 USC 34 (aircraft and motor vehicles); 242 (civil rights); 844(d) (explosives); 1201 (kidnapping); 1751 (crimes against the President). I note, too, that the courts have uniformly upheld the constitutionality of this "piggyback" technique. See, e.g., *Gilmore* v. *U.S.* 124 F. 2d 537 (10th Cir. 1942), *cert. denied,* 316 U.S. 661 (1943); *Clark* v. *U.S.,* 184 F. 2d 952 (10th Cir. 1950), *cert. denied,* 340 U.S. 955 (1951).

Mr. President, the "piggyback" technique of grading under the proposed Code provides for a rational and uniform means of grading Federal offenses, for a scaling the relative seriousness of misconduct integral to the commission of a "basic" offense, and for an achieving of a clear proportionality where compound qualities are present in criminal misconduct. The variety of the present means of achieving the same result, therefore, can be eliminated. I note, too, that the means now employed sometimes create more problems than they solve. Present title 18 sections, for example, denote the factors aggravating an offense but, more often than not, fail to define them. See, e.g., "assault," which is undefined in 18 USC 21(d). *Compare,* 13 USC 2113 ("assault") *with* 18 USC 844(d) ("personal injury"); 18 USC 2113 *and* 1751 ("kill"), *with* 18 USC 242 *and* 844(d) ("death results"). Only rarely are the aggravating factors formulated by defining them in terms of another offsense as was done, for example, in 49 USC 1472 (airplane obstruction: assault as defined in 18 USC 113 occurring in course thereof.) In addition, the present means of grading are legally vulnerable, since they are often ambiguous, if not unconstitutionally vague. In 18 USC 844(d), for example, the threshold crime is stated as the transportation and receipt of explosives, but the offense is then graded according to whether or not "personal injury" or "death" results. "Results" from what? "The transportation or receipt" or how the explosive was deployed thereafter? And how "result"? From fortuity? Negligence? Recklessness?

Under "piggyback" grading, the "kill" and "death" of present law become the crimes, fully defined, of "murder" and "homicide" while the "personal injury" and "life in jeopardy" of present law become the crime of "assault." Problems with "result" are avoided by requiring only that the assault or homicide occur in the course of the commission of the underlying offense. Consequently, unnecessary problems with the troublesome issue of causation are obviated.

Other special techniques of grading are also employed. Only two warrant comment here. In some instances, whether given misconduct is a felony or a misdemeanor is to be determined by the judge at sentencing, if the defendant can establish certain factors by preponderance of the evidence. (See, e.g., section 1822(3) regarding drugs (misdemeanor if the defendant can show he did not act for profit, to further commercial distribution or transfer to a juvenile) and section 1001(3) regarding attempt (graded same as completed offense unless defendant shows attempt efforts did not achieve proximity to the completed offense). The decision to bring into title 18 all Federal felonies results in another grading implication of the proposed Code. Under the proposed Code, crimes in the other titles of the United States Code cannot be punishable by more than misdemeanor penalties. To illustrate, the Code's offense of draft evasion in section 1108 proscribes avoiding the draft by failure to register, failure to report or refusal to submit for induction or civilian work, while the purely prophylactic provisions in present 50 USC App. 462, which under the proposed Code would remain in title 50 (such as failure to notify the board of a last known address) are, by operation of sections 1006 and 3007 made misdemeanors.

XX. THE IMPACT OF THE CODE

Mr. President, at this stage of our consideration of the proposed Code, it is not possible, of course, to assess what the overall impact of the proposed Code might have on the Federal system of criminal justice if implemented in its present form and embodying its various policy judgments. Some tentative conclusions, however, may be made. More detailed analysis will have to await further hearings. From such statistics as are readily available (see generally, *Report of the Director of Administrative Office of the United States Courts 1968–70.* Tables D–2 and G) the ten most frequently prosecuted Federal offenses, in approximate order of frequency, are:

1. the Dyer Act (18 USC 2312)
2. illegal entry by aliens (8 USC 1326)
3. narcotics (Comprehensive Drug Abuse Prevention and Control Act of 1970, section 401 *et seq.*)
4. selective service (50 USC App. 462)
5. moonshining (26 USC 5601)
6. postal depredations (18 USC 1708–1709)
7. interstate transportation of forged money orders (18 USC 2314)
8. bank robbery (18 USC 2113)
9. theft from interstate shipment (18 USC 659)
10. bank embezzlement (18 USC 656)

Prosecution under these statutes comprise over 50 percent of the criminal business of the Federal courts, and correspondingly consume, in all likelihood, a similar devotion of investigative and correctional resources. Accordingly, the potential statistical impact of the Code on the Federal criminal justice system may be a relatively measurable quality.

The character of some of the major differences between several of the more significant present title 18 sections and those suggested by the proposed Code may be tentatively assessed now. In half of these statutes there is little change. For example, between the Dyer Act (18 USC 2311 *et seq*) and corresponding Code provisions, there are only two significant differences: The proposed Code codifies judicially fashioned meanings of "stolen" in present law by constituting them in three provisions: Section 1732 covering vehicles taken with intent to deprive the owner; Section 1733 covering car rentals (unauthorized excessive use) and Section 1736 covering just unauthorized use ("joyriding"). Unlawful takings of motor vehicles are graded as a felony or a misdemeanor depending upon the value of the car, its unauthorized use or the loss measured by the restoration required (over $500 is a felony).

Again, with respect to immigration violations under present law, comparison with its companion Code provision (section 1221 (1)(d)), discloses that the offenses are identical, except for the following: the requisite culpability in present law is codified, and the current separate offense of being found in the United States after prior deportation is formulated as a presumption (see section 103 (3)) that if an individual is found in the United States after having been previously deported he is presumptively guilty of the offense of entering the United States illegally. Current prosecutive and sentencing policy, moreover, is codified by grading the offense as a felony if there was a prior deportation and it was for a felony of moral turpitude (see section 1221 (2)(a)) or it was a third violation (see section 3303). Otherwise, it is graded a misdemeanor.

As in the firearms area, noted below, the proposed drug provisions constitute the implementing of criminal penalties for an assumed regulatory scheme that would appear elsewhere in the Federal Code. ((see sections 1821–29) The Commission, however, expressed no preference for the proposed provision over those found in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L. 91–513), which was enacted by the Congress while the Commission was working on its provision. Nevertheless, the Commission did recommend, over the objections of a substantial body of opinion, that the penalty for possession of marihuana be reduced to that of an infraction, which would embrace only a fine and no possibility of imprisonment.

The scope of the offense of tax evasion under the proposed Code, which includes excise taxes on illicit liquor, is discussed in more detail below. The principal problem in the excise tax area, of course, is "moonshining." Title 26 of present law contains a number of felony provisions in this area. (See 26 USC 5601–08) section 1403, together with the definitions of section 1409 and the presumptions of section 1405, carries forward these offenses in a simplified form. The principal change in the law is to remove the possibility of felony treatment for the consumer. (See 26 USC 5601(a)(11), 5604(a)). An attempt, too, has also been made to square the presumptions of present law with the recent teaching of the Supreme Court in *United States* v. *Gaines*, 380 U.S. 63 (1965) and *Turner* v. *United States*, 396 U.S. 398 (1970).

While postal and interstate shipment theft, postal and bank embezzlement are substantially changed, once the offenses of larceny and embezzlement are mastered, facility is achieved with respect to all theft and embezzlement provisions, as well as robbery of Government property or car theft, since the Code standardizes the definitions of these crimes: only the applicable jurisdictional bases vary.

In addition to these statutes, which comprise the majority of Federal prosecutions, it will be helpful, I think, to highlight several other noteworthy areas of the Code, so that the Senate might have some idea of the range and the substantive scope of the reforms proposed by the Commission.

General Purposes (see section 102): For the first time in Federal criminal jurisprudence; the Code would explicitly recognize the inclusive and multipurpose character of a modern penal code. See generally, Hart, "The Aim of the Criminal Law" 22 *Law and Contemporary Prob.* (1951); Hall, *The Criminal Law* 296–324 (1960). Fundamentally, the Code rests on the notion of individual responsibility, and it recognizes the just need in any civilized society for the vindication of its more significant social norms by the imposition of merited punishment. At the same time, base revenge is eschewed as a purpose of the Code. In addition to this overall intrinsic purpose, the Coder gives explicit recognition to the social need to seek the extrinsic purposes of measured deterrence, forwardlooking rehabilitation, and carefully circumscribed incapacitation.

Requirements of Culpability (section 302): For the first time in Federal jurisprudence, the various aspects of culpability will be defined, what Mr. Justice Jackson called "the variety, disparity and confusion" of judicial definitions of "the requisite but elusive mental element" in crime. *Morissette* v. *United States*, 342 U.S. 246, 252 (1952). Definitions of "intentionally", "knowingly", "recklessly", "negligently", and "willfully" are provided. They have their chief function in distinquishing the various grades of offenses. Comparable schemes of culpability are found in the Model Penal Code § 2.02 (1962) of the American Law Institute and the N.Y. Penal Code §15.05 (1965). They have been criticized in these terms:

> If the draftsmen wish to force trial judges to stop and puzzle over abstruse wording, that discipline can do no harm. But the trouble is that the draftsmen are here engaged in linguistic embroidery to which lay jurors would inevitably be exposed. This worries me—and I do not derogate from the individual abilities of lay jurymen. But awkward phrases and shrouded concepts bother me; for instructions in the law—jury charges—are delivered to jurors orally, and may go on for hours. Furthermore, they may contain a variety of precepts with which the jurors have never before had to deal, and concerning which, if a verdict is to be reached, the jurors must all end up as of one mind, convinced beyond a reasonable doubt. Nor can the Code's protagonists—if they are, at this time, to be realists—respond, "these definitions are not for the jury; the judge may simplify them, using his own words, when he charges." Trial judges do not like to be reversed, and the safe course for them is to charge the law precisely as the legislature has handed it down. Being human, they follow the course of safety. And should a judge not do this in the first instance, any able defense attorney, fearing the likelihood that his client's guilt has been sufficiently proven and therefore banking on confusion as the only way to avoid conviction, would be likely to insist that these statutory definitions be read to the jurors, and that they be instructed to acquit unless satisfied, on the proof, that "purposely" or "knowingly," as thus defined, has been established.

(Kuk, "A Prosecutor Considers the Model Penal Code [1963] Columbia L. Rev., 608, 622–23.) For a general discussion of the question, see Remington and Helstad, "The Mental Element in Crime—A Legislative Problem" [1952] Wis. L. Rev. 644.

Mental Disease or Defect (section 503): Here the Code adopts for the first time in Federal criminal jurisprudence a nation-wide standard for exculpation based on mental disease or defect. Neither the "right-wrong" test of *McNaughton*, 10 Cl. & F. 200, 8 [1843] Eng. Rept. (House of Lords), nor the "mental disease-product" test of *Durham* v. *United States*, 214 F. 2d 862 (1954) was followed. Instead, the Commission recommended the "substantial capacity to appreciate and conform" test of the Model Penal Code § 4.01 (1961) of the American Law Institute, which has been followed in a number of Circuit Courts of Appeal. See, e.g., *United States* v. *Freeman*, 357 F. 2d 606 (2nd 1966).

Limits on the Use of Force: Excessive Force, Deadly Force (*section* 607): This provision of the Code formulates provisions, which negatively define assault and homicide. Instead of casting them as standards, the application of which depend on all the facts and circumstances, they are written as precise rules of conduct. On the whole, they would confine the use of deadly force against a person to a last resort defense of himself or any other person. For example, contrary to present law, they would require, where safe, retreat from a home or place of work under certain circumstances.

Mistake of Law (section 609): Under Federal law, ignorance of the law is never an excuse. In general, too, Federal law does not now recognize a defense based on a mistake of law. *Horning* v. *District of Columbia*, 254 U.S. 135, 137 (1920). Nevertheless, where the definition of the offense itself requires knowledge of a legal duty, a mistake as to the character of the duty may be a defense. *United States* v. *Murdock*, 290 U.S. 389 (1933). Section 609, however, provides that a good faith mistake of law made in reliance on a statute, opinion or other official pronouncement would be an affirmative defense. Such a defense is recognized in the Model Penal Code § 2.04 (1962) of the American Law Institute and in *N.Y. Penal Law* § 15.20 (1965) and *Ill.* Rev. Code § 4–8 (1961). A substantial body of opinion on the Commission preferred not to go beyond the scope of present law. Fuller, *The Morality of Law*, 72–74 (1964) has observed of such defenses in the area of economic regulation, where it seems that Section 609 would have its greatest impact, that:

> The required intent is so little susceptible of definite proof or disproof that the trier of fact is almost inevitably drawn to asking: "Does he look like the kind who would stick by the rules or one who would cheat on them when he saw a chance?" This question, unfortunately, leads easily into another, "Does he look like my kind?"

Subsequent Prosecution by a Local Government: When Barred (section 708). Present Federal law sometimes bars a subsequent Federal prosecution after a state prosecution. See, e.g., 18 USC 2117 (burglary of interstate vehicle). In contrast, this provision extends that policy and formulates, under specified circumstances, an absolute statutory bar to subsequent state prosecution, where there has been a prior Federal prosecution, a result not now compelled under the relevant decisions of the Supreme Court. See, e.g., *Bartkus* v. *Illinois*, 359 U.S. 121 (1959) (subsequent state not barred by Federal); *Abbate* v. *United States*, 359 U.S. 187 (1959) (subsequent Federal not barred by state). This provision was included in the Code over the objections of a substantial body of opinion.

Criminal Facilitation (section 1002): For the first time in Federal jurisprudence, this provision would introduce a new degree of criminal complicity. The cases are not without conflict, but the general Federal rule now seems to require not only knowledge, but also a "stake in the venture" before a finding of criminal complicity could be made. *Compare United States* v. *Peoni*, 100 F. 2d 401, 402 (2d Cir. 1938) (Hand, J: stake), *with Backun* v. *United States*, 112

F. 2d 635, 637 (4th Cir. 1940) (Parker, J.: knowledge). Under section 1002, "facilitation" could be found where knowledge plus the substantial facilitation of an actual offense were present. This position was rejected for the Model Penal Code by the American Law Institute, but has been adopted in New York. *Compare* Model Penal Code § 2.06(3)(a) (1962) *with* N.Y. Penal Code § 115.00 (1965). Seen generally Williams, *Criminal Law: The General Part* 369–370 (2nd ed. 1961).

Tax Evasion (section 1401): The respective formulations of tax evasion are practically the same. (*Compare* 26 USC 7201 *with* 1401.) The proposed Code carries forward current statutory formulations in the words of present law. Section 1401 of the Code specifies the kinds of conduct now held to constitute evasion. After cataloguing the classic kinds of conduct that constitute tax evasion under present law, the section concludes with the general language of present law: "attempt in any manner to evade." Evasion by filing a false return is made an evasion offense to evade even though there is no tax deficiency. In contrast, false material statements, felonious under present 26 USC 7206, remains so under the proposed Code only if accompanied by an intent to evade. Finally, tax evasion is graded like a theft provision depending on the amount of the deficiency.

Para-Military Activities (section 1004): For the first time in Federal law, private armies would be outlawed. The acquisition, caching, use or, of training in, weapons for political purposes by associations of ten or more persons, other than those authorized by law, would be made a Federal offense. Today, such organizations are merely required to register under 18 USC 2386.

Civil Rights and Elections (chapter 15): Proposals were placed before the Commission which would have substantially modified present law. The culpability element articulated in *Screws* v. *United States*, 325 U.S. 91 (1945), for example, would have been modified, and the requirement of "color of law" would have been omitted. The Commission recommended, however, the mere recodification of the present law without substantial modification, either to enlarge or restrict its scope.

Sodomy (sections 1643–44): Federal law today deals with sodomy primarily through the operation of the Assimilated Crimes Act, 18 USC 13. See, e.g., *United States* v. *Gill*, 204 F. 2d 740, 7th Cir., *cert. denied*, 346 U.S. 825 (1953). Under proposed section 1643, a new offense of aggravated involuntary sodomy, treated like forcible rape, would be recognized. Involuntary sodomy would also be subject to punishment under section 1644. But consentual sodomy would not be covered. Note here that by virtue of section 209(2) the effect of this omission would be to make licit conduct now generally illicit under State law adopted and applicable in Federal enclaves.

Riots (sections 1801–04): The proposed Code eliminates the requirement of present law that the prosecution prove intent to incite to riot at the time that state lines are crossed. (*Compare* 18 USC 1801 *with* section 1832). In addition, penalties are substantially raised (up to 30 years) for serious harm to persons or property committed by both leaders of and participants in riots. The "affecting commerce" jurisdictional reach of present law is eliminated. Instead, federal jurisdiction is confined to cases where the Attorney General certifies that the riot involved or apparently would involve over a hundred persons and was substantially furthered from sources outside the State. The propriety of such certifications, however, are explicitly made not litigable. (See section 104) Finally, in any riot within the federal jurisdiction, it is an infraction to disobey orders to clear the street, whether as a participant, bystander or news media personnel. (See section 1804)

Firearms (sections 1811–13): Over the objections of a substantial body of opinion, the Commission recommended a federal ban on handguns and the requirement of registration on a national scale of all firearms. Otherwise, the proposed provisions contain only the implementing criminal provisions of assumed regulatory law that would, of course, appear in other titles of the federal code. Consequently, the Code sections, as presently drafted, are perfectly amenable to assimilating present law with or without substantial change. (*Compare* 18 U.S.C. 921–928. (The Gun Control Act of 1968), 18 U.S.C. App. 1201–1203 (The Omnibus Crime Control *and* Safe Streets Act of 1968), and 26 U.S.C. 5901–5872.)

Obscenity (section 1851): Over the objections of a substantial body of opinion, the Commission recommended an obscenity provision that constitutes a repudiation of the Commission on Obscenity and Pornography: the full constitutional definition of obscenity is retained, felony penalties are continued for offensive dissemination, and the Department of Justice's prosecutive policy with respect to private dissemination is codified. (Compare 18 U.S.C. 1461–64)

Sentence of Death and Life Imprisonment (chapter 36): The Commission recommended the abolition of capital punishment, and the abolitionists' position is fully integrated into the Code. The Commission, however, proposed an alternative provision with respect to capital punishment and the procedural aspects of its implementation. The retentionist provisions, supported by a substantial body of opinion on the Commission, entail preservation of capital punishment for selected crimes, including murder and treason with jury and judicial guidelines codified for the imposition of the death penalty by enumerating aggravating and mitigating circumstances. The structure of the Code will accommodate either resolution of this issue. (Compare 18 U.S.C. 2113(e))

CONCLUSION

Mr. President, what emerges from even this summary review of various features of the proposed Code is its integral, yet flexible character. To recapitulate, the keystone of the Code is, of course, its treatment of Federal jurisdiction as a matter of legislative policy, limited by constitutional authority and vindicated by a discriminating exercise of executive discretion. Thus, offenses are defined in terms of the nature of the criminal misconduct involved rather than a factor of Federal jurisdiction, and it would be no longer a definitional element of the offense, but instead a "basis" under" which the misconduct becomes prosecutable by the Federal sovereign, not unlike the showing of the place where the offense occurred now required to establish state jurisdiction to prosecute. See, e.g., the classic decision, *State* v. *Hall*, 114 N.C. 909, 19 S.E. 602 (1894), which held that where a North Carolina citizen fired into Tennessee, killing a man, the murder prosecution had to be brought in Tennessee.

From this treatment of Federal jurisdiction the other basic features of the Code naturally flow: Its mode of defining offenses, its manner of grading them, the penalty levels provided, the sentencing scheme, and its comprehensive character. Once the jurisdictional aspect is taken out of the definition of the offense, there is no longer any occasion to retain the present variety of statutes distinguishable only by their respective jurisdictional factors. Codification, reform, and revision becomes possible. Offenses may be consolidated and standardized, while the jurisdictional factors upon which Federal prosecution may be undertaken can be cataloged and made selectively applicable to each offense. It becomes also possible to grade offenses in terms of their compound criminal misconduct aspects. And since offenses are no longer distinguishable by jurisdictional factors, it becomes unnecessary to rely upon undefined and concepts like "kill" or "personal injury" to vary the penalty structure. The Code's treatment of Federal jurisdiction, resulting in standardized definitions of offenses, also recommends a streamlined sentencing scheme. Each offense may be classified and keyed to a finite number of penalty levels. Finally, the Code's implementation of Federal jurisdiction recommends its comprehensive quality: Once offenses are no longer formulated in terms of their jurisdictional aspect, it becomes possible to have a codification of a comprehensive set of defenses and to bring into title 18 many offenses now lodged in other titles. Beyond this core treatment of Federal jurisdiction and the comprehensive implementation of it in these grading and drafting techniques, it should be emphasized, I suggest, that the various specific provisions of the Code are wholly adjustable to reflect legal and policy judgment entirely different from those tentatively posed by the Commission. The Code structure could be, without undue effort, adopted to fit a variety of substantive positions. Consequently, each of the individual provisions of the Code may be and should be treated as separate policy issues.

Mr. President, there are lessons, too, that we should draw from the history of codification, and apply to our consideration of these issues. Initially, I suggest, history teaches us that no one man or even a few men working together can sum up or reform the law of their time and place. Mr. Justice Cardozo made this point in his *The growth of the Law* 140–41 (1924) when he wrote:

> For the task in truth is one to baffle the wisdom of the wisest. Law is the expression of a principle of order to which men must conform in their conduct and relations as members of society, if friction and waste are to be avoided among the units of the aggregate, the atoms of the mass. The expression may be false if those who formulate it, lawyer and judge and legislator, are blind to any phase of the life whose inner harmony they are commissioned to interpret and maintain. No one of us has a vision at once so keen and so broad as to penetrate these unsounded depths and gather in its sweep this enveloping horizon. We can only cling for the most part to the accumulated experience of the past, and to the maxims and principles and rules and standards in which that experience is embodied. Little is the positive contribution that any one of us can hope to make, the impetus that any one of us can give, to the movement forward through the ages. That little will call for the straining of every faculty, the bending of every energy, the appeal to every available resource, within us or without.

Embodying Tribonian's work, Justinian's Code, termed by history a magnificent achievement, even so, shows the limits of the imagination and scholarship of Tribonian and his associates. Similarly, the codes of Field and Livingston, great though they were, carry with them the inevitable defects of limited authorship. The whole of the law is a field too vast for one man or even a few men to till alone or together. What this should teach us, of course, is that it is necessary to bring to bear on the issues raised by the recommendations of the National Commission the critical judgment of as many individuals as possible, not just those from the academy, but investigators, trial lawyers, judges and members of the community at large. Had Livingston, for example, taken the trouble to involve the practicing bar of Louisiana in his project, his code might have been found acceptable. In contrast, we must follow the example of Germany in the development of its monumental Civil Code. Able and experienced though the Commission, its staff, consultants and advisory committee may have been, its greatest wisdom, I suggest, lay in seeing its work product as a basis upon which the Nation could work its will. Consequently, the careful course Congress followed in the revision of 1948 recommends itself even more so when codification and reform are added to the basic task of revision. Only by involving all segments and viewpoints of the community in the process will it be possible to say at the successful end of our task that our work product expresses the judgment of the Nation on what a citizen may do and may not do without incurring its formal condemnation. We must turn now to involve those other individuals in our task.

History, too, teaches the unwisdom of haste. The Codes of Justinian and Napoleon carried with them the imperfections of too little attention to detail. Each stands in sharp and unfavorable contrast with the remarkable effort of the German nation in the production of its Civil Code. It is not, of course, necessary that an ideal or perfect product be produced. History should enjoin upon us a measure of humility. The code that we write today will serve others tomorrow, but we must recognize that what we do today will be tomorrow reexamined. If nothing else, history teaches us that each new generation rightly desires to write its own fundamental code of conduct. Again, a reference to Mr. Justice Cardozo is in point. In his *The Nature of the Judicial Process* 177, 179 (1921) he observed:

> The flaws . . . there [are] . . . in every human institution. Because they are not only there but visible, we have faith that they will be corrected. There is no assurance that the rule of the majority will be the expression of perfect reason when embodied in constitution or in statute. . . . The tide rises and falls, but the sands of error crumble.
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> I sometimes think that we worry ourselves overmuch about the enduring consequences of our errors. They may work a little confusion for a time. In the end, they will be modified or corrected or their teachings ignored. The future takes care of such things. In the endless process of testing and retesting, there is a constant rejection of the dross, and a constant retention of whatever is pure and sound and fine.

But we ought not fail to give to the task before us whatever time is necessary to get the job done. The Commission has now labored for three years. Its product deserves in our processing the same careful attention it received in its formulation.

We must remember, moreover, that history tells us that we must write a code for our time and place. We are indeed one people, in Mr. Justice McKenna's phrase, but much of our strength as a people stems from our diversity of our people and the differences in our land and ways of life.

Charles V showed much wisdom in recognizing the need for such diversity and that deference to such diversity was a price worth paying to achieve the genuine humanitarian advances of the Carolina. Those who were responsible for the Carolina did not insist on their view obtaining in every provision. In contrast, Livingston's Code, too far ahead of its time, influenced the future, but never governed a present. Holmes expressed well the teaching of history that we should learn when he observed in the *Common Law* 36 (Howe ed. 1963) that:

> The first requirement of a sound body of law is that it should correspond with the actual feelings and demands of the community, whether right or wrong.

No one will count our product worthwhile if its success requires the people of any place or region unnecessarily to conform to national standards not their own. Recall, too, that the Carolina teaches us that the consequences of a humanitarian rule in one region may be baneful in another. To be sure we cannot remain a single Nation unless we give due recognition in all places and all regions to the fundamental human rights possessed by all our citizens. But standards of personal conduct do vary from region to region. We ought to give due attention to the legitimate demands of that diversity. Mr. Justice Black, in *Younger* v. *Harris*, 8 Crim. Law Reptr. 3103, 3105 (Feb. 23, 1971) put it this way:

> [O]ne familiar with the profound debates that ushered our Federal Constitution into existence is bound to respect those who remain loyal to the ideals and dreams of "Our Federalism." The concept does not mean blind deference to "States' Rights" any more than it means centralization of control over every important issue in our National Government and its courts. The Framers rejected both these courses. What the concept does represent is a system in which there is sensitivity to the legitimate interests of both State and National Governments, and in which the National Government, anxious though it may be to vindicate and protect federal rights and federal interests, always endeavors to do so in ways that will not unduly interfere with the legitimate activities of the States. It should never be forgotten that this slogan, "Our Federalism," born in the early struggling days of our Union of States, occupies a highly important place in our Nation's history and its future.

Mr. President, I know of no surer lesson of history than that politics should not be mixed in the process of codification, reform and revision, but that it inevitably will, in some measure, taint our work. Bacon's plan for reform aborted because of politics. Napoleon's Code became possible only through extraordinary legislative means. The work of Livingston and Field had to run the gauntlet of political criticism. If we are to develop a new Federal Code, codifying, reforming and revising our laws, we ought, however, to put aside politics or at least minimize its impact on our work product to whatever degree possible. Crime and criminal justice are too important for our people to be made the subject of narrow political advantage. Too much is at stake and too great is the need for reform to run the risk of losing it all for the momentary gains of politics.

On the other hand, debate is not only to be expected, but to be welcomed, for it is only through the examination of diverse views stated by able advocates that we can reach sound decisions. No one has a monopoly on truth. Any one who has an open mind can learn from those who disagree with him. I would hope, however, that as we undertake this reform that all could pledge themselves to the same goal: a comprehensive new Code. Differences should be confined to particular issues and not generalized to the Code itself. Otherwise, I fear our task will be in vain.

Finally, I would be less than frank if I did not express my concern that recent history of legislation in the criminal justice area in Congress did not raise the serious question that the benefit achieved by it for society as a whole may not have been purchased at too high a price in accompanying social division. In processing this Code, I would hope that all men of good faith would recognize on the part of others a similar dedication to the welfare of society and the freedom of the individual. Prof. Herbert Wechsler aptly expressed the character of the task before us:

> Whatever views one holds about the penal law, no one will question its importance in society. This is the law on which men place

their ultimate reliance for protection against all the deepest injuries that human conduct can inflict on individuals and institutions. By the same token, penal law governs the strongest force that we permit official agencies to bring to bear on individuals. Its promise as an instrument of safety is matched only by its power to destroy. If penal law is weak or ineffective, basic human interests are in jeopardy. If it is harsh or arbitrary in its impact, it works a gross injustice on those caught within its toils. The law that carries such responsibilities should surely be as rational and just as law can be. Nowhere in the entire legal field is more at stake for the community, for the individual.

(Wechsler, "The Challenge of a Model Penal Code," 65 Harv. L. Rev. 1098–99 (1952). I call, therefore, for the exercise of quiet reason, not emotional rhetoric in the important task that faces us.

PROPOSED CODE SUBMITTED BY NATIONAL COMMISSION ON REFORM OF FEDERAL CRIMINAL LAWS

Mr. McCLELLAN. Mr. President the Subcommittee on Criminal Laws and Procedures recently began its inquiry into the recommendations of the National Commission on Reform of Federal Criminal Laws, which were submitted to the President and the Congress on January 7, 1971. The final report of the Commission contains a proposed new Federal criminal code—title 18, United States Code—formulated as a "work basis" in terms of which the Congress might proceed to consider the necessary reform of the Federal criminal justice system. The text of the proposed code is supplemented by commentary on the various provisions. I note, too, that the text, as well as the commentary, often contains, usually in brackets, both policy and logical alternative formulations to those found in the text itself. Some of these alternatives were supported by a substantial body of opinion on the Commission, while others were not. Consequently, it is misleading to speak of the proposed code of the Commission without including within the code the noted alternatives. Nevertheless, in order that my colleagues may have the opportunity to examine the proposed code in its suggested statutory form, I request unanimous consent that excerpts from the report be included in the RECORD at this point.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

THE NATIONAL COMMISSION ON REFORM OF FEDERAL CRIMINAL LAWS,
Washington, D.C., January 7, 1971.

To the President and Congress:

I hereby transmit to you the Fnal Report of the National Commission on Reform of Federal Criminal Laws pursuant to Section 8 of Public Law 89–801, as amended by Public Law 91–39.

The Commission submits this proposed revision of Title 18, United States Code as a work basis upon which the Congress may undertake the necessary reform of the substantive federal criminal laws. The scope and organization of the proposed Code, its general approach to the problem of federal jurisdiction, and the basic outlines of its sentencing system, hold promise as a logical framework for a twentieth century penal code. Individually we have reservations, sometimes strong on the resolution of particular issues. Nevertheless, we are, as a Commission, satisfied that the provisions embodied in the text, together with their noted alternatives, fairly expose the relevant policy issues and should facilitate the necessary legislative choices by the Congress.

It is to be hoped that this work of reform, so necessary to the fair and effective administration of justice, may merit the due consideration of the Congress and that it will contribute to the resolution, on a constructive basis, of these difficult issues.

By Direction of the Commission,

EDMUND G. BROWN,
Chairman.

FINAL REPORT OF THE NATIONAL COMMISSION ON REFORM OF FEDERAL CRIMINAL LAWS

FORWARD

The Final Report of the National Commission on Reform of the Federal Criminal Laws comprises a proposed Federal Criminal Code to replace most of Title 18 of the United States Code. Comments accompanying the sections of the proposed Code provide brief explanations of the statutory texts and possible alternatives. More elaborate explanations will be found in published Working Papers. Earlier drafts of many provisions are set forth in the Study Draft of a new Federal Criminal Code, published in June, 1970. Interim Reports of the Commission were filed on November 4, 1968 and March 17, 1969. The Interim Report of March 17, 1969 recommended a standard immunity provision to replace the scores of divergent immunity provisions in existing laws; a standard provision along the lines recommended by the Commission was enacted in Title II of the Organized Crime Control Act of 1970 (18 U.S.C. §§ 6001–6005).

The Commission's statutory mandate was very broad, including a review not only of substantive criminal law and the sentencing system but also of procedure and all other aspects of "the federal system of criminal justice". However, the Commission determined at the very beginning of its work that it would be inadvisable to spread the available resources so widely. Taking into account that Congress, the Judicial Conference, other Commissions, and privately financed projects were engaged in the studies of many issues of criminal law other than a substantive penal code, the Commission selected that field as its central concern.

The Final Report is the result of nearly three years of deliberation by the Commission, its Advisory Committee, consultants and staff. The Advisory Committee, headed by retired Justice and former Attorney General, Tom C. Clark, consisted of fifteen persons with a broad range of experience, including three United States Attorneys, a former state attorney general who has since become a member of the President's cabinet as Secretary of Health, Education and Welfare, a judge of a state supreme court, a former Judge Advocate General of the Army, and well-known professors of criminology and constitutional and criminal law.[1] The drafting process was as follows: The Commission's staff and consultants, working with law enforcement agencies, prepared preliminary drafts and supporting memoranda. These drew upon the reports of other bodies such as the President's Commission on Law Enforcement and Administration of Justice, the National Commission on Causes and Prevention of Violence, the National Advisory Commission on Civil Disorders, the American Bar Association Project on Standards for Criminal Justice, the American Law Institute, the National Council on Crime and Delinquency and numerous state penal law revision commissions. Preliminary drafts were reviewed by the Advisory Committee and the Commission in periodic discussion meetings.

At the conclusion of this first phase of intensive study, the Commission published the Study Draft of June 1970 in order to secure the benefit of public criticism before the Commission made its decisions.[2] This procedure, affording a pre-Report view of proposals under consideration, was unique in Commission practice; and suggestions and criticisms addressed to the Study Draft aided greatly in the preparation of the Final Report. Many departments and agencies of the government counseled with the Commission staff and submitted memoranda. The Commission has had the benefit of informal exchanges with committees of the U.S. Judicial Conference. A number of prosecutors and private practitioners have written to the Commission and their comments have been taken into account in revising the Study Draft provisions.

The Commission considered asking Congress for an extension of its life beyond the scheduled termination date of January 7, 1971, so as to permit a longer interval between circulation of the Study Draft in June 1970 and the issuance of this Report six months later. The decision not to seek an extension was based on the recognition that Congress bore the ultimate responsibility with respect to both fundamentals and matters of detail argued in many of the comments being received. Further debate within the Commission would not have contributed measurably to solutions, but would have postponed the legislative process without significant gain. Comments on the Study Draft which continue to be addressed to the Commission, as well as comments on the Final Report, can be forwarded to the Judiciary Committees of Congress and the Department of Justice.

Among the basic features of the proposed Code are the following:

(1) Unlike existing Title 18, the Code is comprehensive. It brings together all federal felonies, many of which are presently found outside Title 18; it codifies common defenses, which presently are left to conflicting common law decisions by the courts; it establishes standard principles of criminal liability and standard meanings for terms employed in the definitions of offenses and defenses.

(2) The sentencing system is overhauled. The chaotic variety of existing offenses and penalties is replaced by a limited number of classes of crime: three classes of felony and two of misdemeanors, with a standard range of penalties for each class. Statutory guidelines are formulated for the exercise of discretion within the range of sentencing authority.

(3) For the first time, the question of what is criminal is clearly differentiated from the question of what criminal behavior falls within federal jurisdiction. Thus, robbery, fraud and other offenses are defined in familiar ways, with a separate statement for each offense of the circumstances in which the federal government's law enforcement apparatus can be brought into play, *e.g.*, if the mails or means of interstate commerce are involved. For the first time, there is explicit Congressional guidance for the exercise of restraint in bringing local transactions into federal courts merely because technical federal jurisdiction exists. See § 207.

(4) The proposed Code is an integrated system, *i.e.*, the parts are closely interrelated. This means that the definition of each offense in Part B must be considered in relation to defenses and definitions of terms that appear in Part A—General Provisions, and in relation to the sentencing system in Part C. The length of authorized prison terms, *e.g.*, § 3201, must be considered in relation to restraints on imposing sentences within the "upper range" of the sentencing authority

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Footnotes at end of article.

(§ 3202) and to the structure of the parole system (Ch. 34). A characteristic feature of the integration achieved in this Code is the system relating the prosecution for more serious federal offenses to the commission of certain lesser offenses. For example, offenses like impersonating a federal official, obstructing justice, or violating federal civil rights may be given a relatively low classification for the ordinary violator because, as a result of the "piggy-back jurisdiction" (§ 201(b)), the offender may be prosecuted federally for any serious felony associated with that underlying offense, *e.g.*, murder, fraud, kidnapping. The integral quality of the Code does not mean, however, that particular provisions of the principal text cannot be modified to reflect policy judgments different from those proposed. Thus even on questions of fundamental policy such as capital punishment, the basic design of the Code can assimilate either abolition or retention, whichever is Congress' ultimate judgment. Accordingly, rejection of a particular Code provision does not require rejection of the whole.

A few further observations on the nature of the Commission's task may be useful. The Commission was directed by Congress to "improve" and "reform," not merely to recodify existing law. Among the duties placed upon the Commission by statute was an explicit obligation to propose "changes in the penalty structure [to] better serve the ends of justice."[3] The Commission has not embarked on change lightly. Reforms, improvements, and changes cannot be accomplished without willingness to modify old practices and old language. Whatever temporary inconvenience may be entailed during a period of changeover from the old to an improved new Code will be more than compensated by the reduced difficulty which future judges, lawyers, law enforcement agents and investigators, and legislators and their assistants will experience in comprehending and working with a modernized, comprehensive and systematic federal criminal code.

Members of the Commission have been keenly aware of the importance of taking into account divergent individual viewpoints if reform is to be achieved. Various measures were taken to make possible the consensus on the Report. It is made clear in the letter transmitting this Report that no Commissioner is committed to every feature of the proposed Code. In addition at a number of points the draft statute sets forth, within brackets, alternative formulations that had substantial support within the Commission. Other alternatives with support, sometimes substantial, within the Commission are discussed in comment. Another class of alternatives was posed by extensive penal legislation enacted by Congress so late in 1970 as to preclude adequate deliberation by the Commission and its Advisory Committee on the differences between the newly enacted laws and proposals in this Report.[4] Unless otherwise indicated, therefore, such differences are not to be regarded as disapproval by the Commission of a position varying from the Report. Some reexamination of these most recent laws will no doubt be undertaken in this general penal law reform.[5]

The Commission has enjoyed bipartisan support during the present and preceding administrations. It has been encouraged not only by the readiness of Congress and the Executive to meet its modest budget in a time of financial stringency, but also by the favorable terms in which two Presidents have referred to the enterprise in the course of the Commission's work.[6] Such endorsements obviously do not represent a commitment to the Commission's Final Report or any particular feature of it. They do testify to the possibility of pursuing in a non-partisan spirit the effort to improve the administration of criminal justice.

NOTE ON AVAILABILITY OF DOCUMENTS

Volumes I and II of the Working Papers were published in August, 1970. These volumes and the Study Draft of June 1970 are available for purchase, in sets only. (Study Draft and 2 volumes of Working Papers), from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 for $8.25. A third Volume of Working Papers is in the course of publication and will be for sale by the Superintendent of Documents in March 1971. It will contain additional memoranda by the Commission's staff and consultants as well as guidelines, prepared by the staff of the Commission, for the drafting of a bill which would incorporate the Code provisions. These guidelines deal with transitional provisions, amendments of the procedural provisions in Part II of Title 18, and amendments and deletions in other Titles of the United States Code which would be needed or may merit consideration in conforming them to the Code provisions.

FOOTNOTES

[1] A listing of Commission and Advisory Committee members and summaries of their professional backgrounds may be found in Appendices A and B at the end of this volume. A listing of the staff and consultants may be found at pages vii and viii of this volume.

[2] Approximately 5,000 copies of the Study Draft and Working Papers were circulated by the Commission. Copies were furnished to all federal agencies, members of Congress, staff of pertinent Congressional committees, federal judges, state attorneys general, chief justices, metropolitan district attorneys and numerous law schools, law professors, bar and professional associations, research bodies and private attorneys. Comments received in response to this circulation are being deposited as reference material with the National Archives, Washington, D.C.

[3] P.L. 89–301 § 3 (89th Cong.), reproduced in Appendix A at the end of this volume.

[4] E.g., Title IX, Organized Crime Control Act of 1970 (P.L. 91–452); The Omnibus Crime Control Act of 1970 (awaiting Presidential signature at this writing).

[5] See S. Rep. 91–617 (91st Cong., 2nd Sess.) p. 89.

[6] See President Johnson's Special Message on the Challenge of Crime to Our Society, 1968 U.S. Code Cong. and Admin. News 216, 224; President Nixon's Special Message on Organized Crime, 1969. U.S. Code Cong. and Admin. News 527, 530; Representative Celler's Statement in Working Papers of The National Commission on Reform of Federal Criminal Laws, Volumes I and II, pages ix.

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TITLE 18—UNITED STATES CODE

Part A. General Provisions

Chapter 1. Preliminary Provisions

§ 101. Title; Effective Date; Application.

(1) Title and Citation. Title 18 of the United States Code shall be entitled "Crime and Corrections" and may be cited as "18 U.S.C. §——" or as "Federal Criminal Code §——."

(2) Effective Date and Application. This Code shall become effective one year after the date of enactment. Unless otherwise provided this Code shall apply to prosecutions under any Act of Congress except the Uniform Code of Military Justice, District of Columbia Code and Canal Zone Code.

* * * * *

§ 102. General Purposes.

The general purposes of this Code are to establish a system of prohibitions, penalties, and correctional measures to deal with conduct that unjustifiably and inexcusably causes or threatens harm to those individual or public interests for which federal protection is appropriate. To this end, the provisions of this Code are intended, and shall be construed, to achieve the following objectives:

(a) to insure the public safety through (i) vindication of public norms by the imposition of merited punishment; (ii) the deterrent influence of the penalties hereinafter provided; (iii) the rehabilitation of those convicted of violations of this Code; and (iv) such confinement as may be necessary to prevent likely recurrence of serious criminal behavior;

(b) by definition and grading of offenses, to define the limits and systematize the exercise of discretion in punishment and to give fair warning of what is prohibited and of the consequences of violation;

(c) to prescribe penalties which are proportionate to the seriousness of offenses and which permit recognition of differences in rehabilitation possibilities among indvidual offenders;

(d) to safeguard conduct that is without guilt from condemnation as criminal and to condemn conduct that is with guilt as criminal;

(e) to prevent arbitrary or oppressive treatment of persons accused or convicted of offenses;

(f) to define the scope of federal interest in law enforcement against specific offenses and to systematize the exercise of federal criminal jurisdiction.

* * * * *

§ 103. Proof and Presumptions.

(1) Proof Beyond Reasonable Doubt. No person may be convicted of an offense unless each element of the offense is proved beyond a reasonable doubt. An accused is assumed to be innocent until convicted. The fact that he has been arrested, confined or indicted for, or otherwise charged with, the offense gives rise to no inference of guilt at his trial. "Element of an offense" means: (a) the forbidden conduct; (b) the attendant circumstances specified in the definition and grading of the offense; (c) the required culpability; (d) any required result; and (e) the nonexistence of a defense as to which there is evidence in the case sufficient to give rise to a reasonable doubt on the issue. The existence of federal jurisdiction is not an element of the offense; but it shall be proved by the prosecution beyond a reasonable doubt.

(2) Defenses. Subsection (1) does not require negating a defense (a) by allegation in the indictment, information, or other charge or (b) by proof unless the issue is in the case as a result of evidence sufficient to raise a reasonable doubt on the issue. Unless it is otherwise provided or the context plainly requires otherwise, when a statute outside this Code defining an offense, or a related statute, or a rule or regulation thereunder, contains a provision constituting an exception from criminal liability for conduct which would otherwise be included within the prohibition of the offense, that the defendant came within such exception is a defense.

(3) Affirmative Defenses. Subsection (1) does not apply to any defense which a statute explicitly designates as an "affirmative defense." Defenses so designated must be proved by the defendant by a preponderance of evidence.

(4) Presumptions. When a statute establishes a presumption, it has the following consequences:

(a) when there is sufficient evidence of the facts which gave rise to the presumption, the presumed fact is deemed sufficiently proved to warrant submission of the issue to a jury unless the court is satisfied that the evidence as a whole clearly negates the presumed fact;

(b) in submitting the issue of the existence of the presumed fact to a jury, the court shall charge that, although the evidence as a whole must establish the presumed fact beyond a reasonable doubt, the jury may arrive at that judgment on the basis of the presumption alone, since the law regards the facts giving rise to the presumption as strong evidence of the fact presumed.

(5) Prima Facie Case. When a statute declares that given facts constitute a prima facie case, proof of such facts warrants submission of a case to the jury with the usual instructions on burden of proof and without additional instructions attributing any special probative force to the facts proved.

§ 104. Authorization and Certification by Attorney General.

Whenever authorization or certification by the Attorney General is required in this Code as a condition for prosecution, such responsibility may be delegated only to the Deputy Attorney General or to an Assistant Attorney General. Although prosecution cannot proceed absent authorization or certification, no other questions relating to the exercise of the responsibility are litigable.

§ 109. General Definitions.

Unless it is otherwise provided or a different meaning plainly is required:

(a) "aircraft" includes spacecraft;

(b) "bodily injury" means any impairment of physical condition, including physical pain;

(c) "this Code" means the Federal Criminal Code;

(d) "court of the United States" means any of the following courts: the Supreme Court of the United States, a United States court of appeals, a United States district court established under 28 U.S.C. § 132, the District Court of Guam, the District Court of the Virgin Islands, the United States Court of Claims, the United States Court of Customs and Patent Appeals, the Tax Court of the United States, the Customs Court and the Court of Military Appeals;

(e) "crime" means a misdemeanor or a felony and does not include an infraction; but "criminal" and "criminally", when used as an adjective or adverb, refer to any offense;

(f) "dangerous weapon" means any switch blade or gravity knife, machete, scimitar, stiletto, sword, or dagger; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles or sand club; any slingshot; and any projector of, or bomb or any object containing or capable of producing and emitting, any noxious liquid, gas or substance;

(g) "destructive device" means any explosive, incendiary or poison gas bomb, grenade, mine, rocket, missile or similar device;

(h) "element of an offense" has the meaning prescribed in section 103(1);

(i) "explosive" means gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuses (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, and any chemical compounds, mechanical mixture, or other ingredients in such proportions, quantities or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound, or material or any part thereof may cause an explosion.

(j) "felony" means an offense for which a term of imprisonment of more than one year is authorized by a federal statute, or would be if federal jurisdiction existed;

(k) "firearm" means any weapon which will expel, or is readily capable of expelling, a projectile by the action of an explosive and includes any such weapon, loaded or unloaded, commonly referred to as a pistol, revolver, rifle, gun, machine gun, shotgun, bazooka or cannon;

(l) "force" means physical action;

(m) "government" means (i) the government of any nation or any political unit within any nation, (ii) any agency, subdivision or department of the foregoing, including the executive, legislative and judicial branches, (iii) any corporation or other association organized by a government for the execution of a government program and subject to control by a government or (iv) any corporation or agency established pursuant to interstate compact or international treaty between or among governments for the execution of an intergovernmental program;

(n) "government agency" includes any department, independent establishment, commission, administration, authority, board or bureau of a government or any corporation in which a government has a proprietary interest, unless the context shows that such term was intended to be used in a more limited sense;

(o) "harm" means loss, disadvantage, or injury, or anything so regarded by the person affected, including loss, disadvantage or injury to any other person in whose welfare he is interested;

(p) "human being" means a person who has been born and is alive;

(q) "included offense" means an offense (i) which is established by proof of the same or less than all the facts required to establish commission of the offense charged, (ii) which consists of criminal facilitation of or an attempt or solicitation to commit the offense charged or (iii) which differs from the offense charged only in the respect that a less serious harm or risk of harm to the same person, property or public interest or a lesser kind of culpability suffices to establish its commission;

(r) "includes" should be read as if the phrase "but is not limited to" were also set forth;

(s) "infraction" means an offense for which a sentence of imprisonment is not authorized;

(t) "intentionally" and variants thereof designate the standard prescribed in section 302(1);

(u) "judge" includes justice of the Supreme Court;

(v) "knowingly" and variants thereof designate the standard prescribed in section 302(1);

(w) "law enforcement officer" means a public servant authorized by law or by a government agency or branch to conduct or engage in investigations or prosecutions for violations of law;

(x) "local" means of or pertaining to any political unit within any state;

(y) "magistrate" includes commissioner;

(z) "misdemeanor" means an offense for which a term of imprisonment of one year or less is authorized by a federal statute, or would be if federal jurisdiction existed;

(aa) "negligently" and variants thereof designate the standard prescribed in section 302(1);

(ab) "offense" means conduct for which a term of imprisonment or a fine is authorized by a federal statute, or would be if federal jurisdiction existed;

(ac) "official action" means a decision, opinion, recommendation, vote or other exercise of discretion;

(ad) "official proceeding" means a proceeding heard or which may be heard before any government agency or branch or public servant authorized to take evidence under oath, including any referee, hearing examiner, commissioner, notary or other person taking testimony or a deposition in connection with any such proceeding;

(ae) "person" means a human being and a corporation or organization as defined in section 409;

(af) "public servant" means an officer or employee of a government or a person authorized to act for or on behalf of a government or serving a government as an adviser or consultant. The term includes Members of Congress, members of the state legislatures, Resident Commissioners, judges and jurors;

(ag) "reasonably believes" designates a belief which is not recklessly held by the actor;

(ah) "recklessly" and variants thereof designate the standard prescribed in section 302(1);

(ai) "section" means a section of this Code; "subsection" or "paragraph" refers to a subsection or paragraph of the section or subsection, as the case may be, in which the term is used;

(aj) "serious bodily injury" means bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement, unconsciousness, extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ;

(ak) "state" includes Puerto Rico, the Canal Zone, the District of Columbia, American Samoa, Guam, the Virgin Islands, Johnston Island, Midway Island, Wake Island, and Kingman's Reef and any other territory or possession of the United States;

(al) "think of value" means a gain or advantage, or anything regarded, or which might reasonably be regarded, by the beneficiary as a gain or advantage, including a gain or advantage to any other person. "Thing of pecuniary value" means a thing of value in the form of money, tangible or intangible property, commercial interests or anything else the primary significance of which is economic gain;

(am) "United States", in a territorial sense, includes all states and all places and waters, continental or insular, subject to the jurisdiction of the United States, except the Canal Zone;

(an) "United States," when not used in a territorial sense, means government, as defined in paragraph (m), of the United States.

§ 201. Common Jurisdictional Bases.

Federal jurisdiction to penalize an offense under this Code exists under the circumstances which are set forth as the jurisdictional base or bases for that offense.

Bases commonly used in this Code are as follows:

(a) the offense is committed within the special maritime and territorial jurisdiction of the United States as defined in section 210;

(b) the offense is committed in the course of committing or in immediate flight from the commission of any other offense defined in this Code over which federal jurisdiction exists;

(c) the victim is a federal public servant engaged in the performance of his official duties or is the President of the United States, the President-elect, the Vice President, or, if there is no Vice President, the officer next in the order of succession to the office of President of the United States, the Vice President-elect, or any individual who is acting as President under the Constitution and laws of the United States, a candidate for President or Vice President, or any member or member-designate of the President's cabinet, or a member of Congress, or a federal judge, or a head of a foreign nation or a foreign minister, ambassador or other public minister:

(d) the property which is the subject of the offense is owned by or in the custody or control of the United States or is being manufactured, constructed, or stored for the United States;

(e) the United States mails or a facility in interstate or foreign commerce is used in the commission or consummation of the offense;

(f) the offense is against a transportation, communication, or power facility of interstate or foreign commerce or against a United States mail facility;

(g) the offense affects interstate or foreign commerce;

(h) movement of any person across a state or United States boundary occurs in the commission or consummation of the offense;

(i) the property which is the subject of the offense is moving in interstate or foreign commerce or constitutes or is part of an interstate or foreign shipment;

(j) the property which is the subject of the offense is moved across a state or United States boundary in the commission or consummation of the offense;

(k) the property which is the subject of the offense is owned by or in the custody of a national credit institution;

(*l*) the offense is committed under circumstances amounting to piracy, as prescribed in section 212.

When no base is specified for an offense, federal jurisdiction exists if the offense is committed anywhere within the United States, or within the special maritime and territorial jurisdiction of the United States.

§ 202. Jurisdiction Over Included Offenses.

If federal jurisdiction of a charged offense exists, federal jurisdiction to convict of an included offense defined in a federal statute likewise exists.

§ 203. Prospective Federal Jurisdiction.

(1) Inchoate Offenses. Federal jurisdiction exists with respect to attempt, solicitation or conspiracy when a circumstance giving rise to federal jurisdiction over such inchoate offense has occurred or would occur if the principal offense were committed.

(2) Completed Offenses. Federal jurisdiction over a completed offense exists, although no circumstance otherwise giving rise to federal jurisdiction has yet occurred, if the actor took a substantial step in connection with such offense designed or likely to establish federal jurisdiction.

§ 204. Culpability Not Required As to Jurisdiction.

Except as otherwise expressly provided, culpability is not required with respect to any fact which is solely a basis for federal jurisdiction.

§ 205. Multiple Jurisdictional Bases.

The existence of federal jurisdiction may be alleged as resting on more than one base but proof of any one base is sufficient. The existence of multiple jurisdictional bases for an offense does not increase the number of offenses committed.

§ 206. Federal Jurisdiction Not Preemptive.

The existence of federal jurisdiction over an offense shall not, in itself, prevent any state or local government from exercising jurisdiction to enforce its own laws applicable to the conduct in question.

§ 207. Discretionary Restraint in Exercise of Concurrent Jurisdiction.

Notwithstanding the existence of concurrent jurisdiction, federal law enforcement agencies are authorized to decline or discontinue federal enforcement efforts whenever the offense can effectively be prosecuted by nonfederal agencies and it appears that there is no substantial Federal interest in further prosecution or that the offense primarily affects state, local or foreign interests. A substantial federal interest exists in the following circumstances, among others:

(a) the offense is serious and state or local law enforcement is impeded by interstate aspects of the case; (b) federal enforcement is believed to be necessary to vindicate federally-protected civil rights; (c) if federal jurisdiction exists under section 201(b), the offense is closely related to the underlying offense, as to which there is a substantial federal interest; (d) an offense apparently limited in its impact is believed to be associated with organized criminal activities extending beyond state lines; (e) state or local law enforcement has been so corrupted as to undermine its effectiveness substantially.

Where federal law enforcement efforts are discontinued in deference to state, local or foreign prosecution, federal agencies are directed to cooperate with state, local or foreign agencies, by providing them with evidence already gathered or otherwise, to the extent that this is practicable without prejudice to federal law enforcement. The Attorney General is authorized to promulgate additional guidelines for the exercise of discretion in employing federal criminal jurisdiction. The presence or absence of a federal interest and any other question relating to the exercise of the discretion referred to in this section are for the prosecuting authorities alone and are not litigable.

§ 208. Extraterritorial Jurisdiction.

Except as otherwise expressly provided by statute or treaty, extraterritorial jurisdiction over an offense exists when:

(a) one of the following is a victim or intended victim of a crime of violence: the President of the United States, the President-elect, the Vice President, or, if there is no Vice President, the officer next in the order of succession to the office of President of the United States, the Vice President-elect, or any individual who is acting as President under the Constitution and laws of the United States, a candidate for President or Vice President or any member or member-designate of the President's cabinet, or a member of Congress, or a federal judge;

(b) the offense is treason, or is espionage or sabotage by a national of the United States;

(c) the offense consists of a forgery or counterfeiting, or an uttering of forged copies or counterfeits, of the seals, currency, instruments of credit, stamps, passports, or public documents issued by the United States; or perjury or a false statement in an official proceeding of the United States; or a false statement in a matter within the jurisdiction of the government of the United States; or other fraud against the United States, or theft of property in which the United States has an interest, or, if committed by a national or resident of the United States, any other obstruction of or interference with a United States government function;

(d) the accused participates outside the United States in a federal offense committed in whole or in part within the United States, or the offense constitutes an attempt, solicitation, or conspiracy to commit a federal offense within the United States;

(e) the offense is a federal offense involving entry of persons or property into the United States;

(f) the offense is committed by a federal public servant who is outside the territory of the United States because of his official duties or by a member of his household residing abroad or by a person accompanying the military forces of the United States;

(g) such jurisdiction is provided by treaty; or

(h) the offense is committed by or against a national of the United States outside the jurisdiction of any nation.

§ 209. Assimilated Offenses.

(1) When Assimilated. A person is guilty of a federal offense if he engages in conduct within an enclave which, if engaged in within the jurisdiction of the state or local government in which the enclave is located, would be punishable as an offense under the state or local law then in force, except that this section does not apply when federal law penalizes or immunizes the conduct. Conduct is immunized within the meaning of this subsection if, having regard to federal legislation as to the conduct constituting the type of offense and the failure of Congress to penalize the specific conduct in question, it may be inferred that Congress did not intend to extend penal sanctions to such conduct.

(2) Grading. If the maximum confinement authorized by the state or local law exceeds 30 days, the assimilated offense is a Class A misdemeanor; if such confinement is 30 days or less, a Class B misdemeanor; if there is no such confinement, an infraction. Notwithstanding the classification here provided, the term of imprisonment or fine imposed shall not exceed the maximum authorized by the state or local law, and the offense shall not be deemed a crime if the state or local law provides that it is not a crime.

(3) "Enclave" Defined. In this section "enclave" means a place in the special maritime and territorial jurisdiction of the United States.

§ 210. Special Maritime and Territorial Jurisdiction. Defined.

"Special maritime and territorial jurisdiction of the United States" means:

(a) the high seas, any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular state, and any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any state or local government, when such vessel is within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular state;

(b) any vessel registered, licensed, or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes or any of the waters connecting them, or upon the Saint Lawrence River where the same constitutes the International Boundary Line;

(c) any lands reserved on or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof; or any place purchased or otherwise acquired by the United States by consent of the legislature of the state in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building;

(d) any unorganized territory or possession of the United States;

(e) any island, rock, or key containing deposits of guano, which may, at the discretion of the President, be considered as appertaining to the United States;

(f) any aircraft or spacecraft belonging in whole or in part to the United States, or any citizen thereof, or to any corporation created by or under the law of the United States, or any state or local government thereof, which such aircraft is in flight over the high seas, or over any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular state, or while such spacecraft is in flight; and

(g) any aircraft within the special aircraft jurisdiction of the United States as defined in 49 U.S.C. § 1301(32);

§ 211. Special Limited Jurisdiction.

(1) Indian Country. Federal jurisdiction over offenses committed in Indian country exists as provided in 25 U.S.C. § 212.

(2) Canal Zone. This Code is applicable in the Canal Zone as provided in the Canal Zone Code. It is also applicable, as there provided, to the corridor over which the United States exercises jurisdiction pursuant to the provisions of Article IX of the General Treaty of Friendship and Cooperation between the United States of America and the Republic of Panama, signed March 2, 1936, to the extent that such application to the corridor is consistent with the nature of the rights of the United States in the corridor as provided by treaty.

* * * * *

§ 212. Piracy As Jurisdictional Base.

For the purposes of section 201 (*l*) the offense is within piracy jurisdiction if it is committed for private ends by the crew or the passengers of a private ship or a private aircraft, or committed by the crew of a warship or government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft, and is directed:

(a) on or over the high seas, against another ship or aircraft or against persons or property on board another ship or aircraft; or

(b) against a ship, aircraft, persons or property in a place outside the jurisdiction of any nation or government.

"High seas" means all parts of the sea that are not included in the territorial sea or in the internal waters of any nation or government.

* * * * *

In this Chapter:

(a) "interstate commerce" means commerce between one state, as defined in section 109, and another state;

(b) "foreign commerce" means commerce with a foreign country;

(c) "President-elect" and "Vice President-elect" mean such persons as are the apparently successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with 3 U.S.C. §§ 1, 2;

(d) "national credit institution" means a member bank of the Federal Reserve System; a bank, banking association, land bank, intermediate credit bank, bank for cooperatives, production credit association, land bank association, mortgage association, trust company, savings bank, or other banking institution organized or operating under the laws of the United States; a bank the deposits of which are insured by the Federal Deposit Insurance Corporation; a Federal Savings and Loan Association; an "insured institution" as defined in 12 U.S.C. § 1724; and a "Federal Credit Union" as defined in 12 U.S.C. § 1752.

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Chapter 3. Basis of Criminal Liability; Culpability; Causation

§ 301. Basis of Liability for Offenses.

(1) Conduct. A person commits an offense only if he engages in conduct, including an act, an omission, or possession, in violation of a statute which provides that the conduct is an offense.

(2) Omissions. A person who omits to perform an act does not commit an offense unless he has a legal duty to perform the act.

(3) Publication Required. A person does not commit an offense if he engages in conduct in violation only of a statute or regulation thereunder that has not been published.

* * * * *

§ 302 Requirements of Culpability.

(1) Kinds of Culpability. A person engages in conduct:

(a) "intentionally" if, when he engages in the conduct, it is his purpose to do so;

(b) "knowingly" if, when he engages in the conduct, he knows or has a firm belief unaccompanied by substantial doubt that he is doing so, whether or not it is his purpose to do so;

(c) "recklessly" if he engages in the conduct in conscious and clearly unjustifiable disregard of a substantial likelihood of the existence of the relevant facts or risks, such disregard involving a gross deviation from acceptable standards of conduct, except that, as provided in section 502, awareness of the risk is not required where its absence is due to voluntary intoxication;

(d) "negligently" if he engages in the conduct of unreasonable disregard of a substantial likelihood of the existence of the relevant facts or risks, such disregard involving a gross deviation from acceptable standards of conduct; and

(e) "willfully" if he engages in the conduct intentionally, knowingly, or recklessly.

(2) Where Culpability Not Specified. If a statute or regulation thereunder defining a crime does not specify any culpability and does not provide explicitly that a person may be guilty without culpability, the culpability that is required is willful. Except as otherwise expressly provided or unless the context otherwise requires, if a statute provides that conduct is an infraction without including a requirement of culpability, no culpability is required.

(3) Factors to Which Requirement of Culpability Applies.

(a) Except as otherwise expressly provided, where culpability is required, that kind of culpability is required with respect to every element of the conduct and to those attendant circumstances specified in the definition of the offense, except that where the required culpability is "intentionally," the culpability required as to an attendant circumstance is "knowingly."

(b) Except as otherwise expressly provided, if conduct is an offense if it causes a particular result, the required kind of culpability is required with respect to the result.

(c) Except as otherwise expressly provided, culpability is not required with respect to any fact which is solely a basis for federal jurisdiction or for grading.

(d) Except as otherwise expressly provided, culpability is not required with respect to facts which establish that a defense does not exist, if the defense is defined in Part A of this Code or Chapter 10; otherwise the least kind of culpability required for the offense is required with respect to such facts.

(e) A factor as to which it is expressly stated that it must "in fact" exist is a factor for which culpability is not required.

(4) Specified Culpability Requirement Satisfied by Higher Culpability. If conduct is an offense if a person engages in it negligently, the conduct is an offense also if a person engages in it intentionally, knowingly, or recklessly. If conduct is an offense if a person engages in it recklessly, the conduct is an offense also if a person engages in it intentionally or knowingly. If conduct is an offense if a person engages in it knowingly the conduct is an offense also if a person engages in it intentionally.

(5) No Requirement of Awareness that Conduct is Criminal. Culpability is not required as to the fact that conduct is an offense, except as otherwise expressly provided in a provision outside this Code.

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§ 303. Mistake of Fact in Affirmative Defenses.

Except as otherwise expressly provided, a mistaken belief that the facts which constitute an affirmative defense exist is not a defense.

* * * * *

§ 304. Ignorance or Mistake Negating Culpability.

A person does not commit an offense if when he engages in conduct he is ignorant or mistaken about a matter of fact or law and the ignorance or mistake negates the kind of culpability required for commission of the offense.

* * * * *

§ 305. Causal Relationship Between Conduct and Result.

Causation may be found where the result would not have occurred but for the conduct of the accused operating either alone or concurrently with another cause, unless the concurrent cause was clearly sufficient to produce the result and the conduct of the accused clearly insufficient.

Chapter 4. Complicity

§ 401. Accomplices.

(1) Liability Defined. A person may be convicted of an offense based upon the conduct of another person when:

(a) acting with the kind of culpability required for the offense, he causes the other to engage in such conduct; or

(b) with intent that an offense be committed, he commands, induces, procures, or aids the other to commit it or, having a legal duty to prevent its commission, he fails to make proper effort to do so; or

(c) he is a co-conspirator and his association with the offense meets the requirements of either of the other paragraphs of this subsection.

A person is not liable under this subsection for the conduct of another person when he is either expressly or by implication made not accountable for such conduct by the statute defining the offense or related provisions, because he is a victim of the offense or otherwise.

(2) Defenses Precluded. Except as otherwise provided, in any prosecution in which the liability of the defendant is based upon the conduct of another person, it is no defense that:

(a) the defendant does not belong to the class of persons who, because of their official status or other capacity or characteristic, are by definition of the offense the only persons capable of directly committing it; or

(b) the person for whose conduct the defendant is being held liable has been acquitted, has not been prosecuted or convicted or has been convicted of a different offense, or is immune from prosecution, or is otherwise not subject to justice.

* * * * *

§ 402. Corporate Criminal Liability.

(1) Liability Defined. A corporation may be convicted of:

(a) any offense committed by an agent of the corporation within the scope of his employment on the basis of conduct authorized, requested or commanded, by any of the following or a combination of them:

[(a) any offense committed in furtherance of its affairs on the basis of conduct done, authorized, requested, commanded, ratified or recklessly tolerated in violation of a duty to maintain effective supervision of corporate affairs, by any of the following or a combination of them:]

(i) the board of directors;

(ii) an executive officer or any other agent in a position of comparable authority with respect to the formulation of corporate policy or the supervision in a managerial capacity of subordinate employees;

(iii) any person, whether or not an officer of the corporation, who controls the corporation or is responsibly involved in forming its policy;

(iv) any other person for whose act or omission the statute defining the offense provides corporate responsibility for offenses;

(b) any offense consisting of an omission to discharge a specific duty of affirmative conduct imposed on corporations by law;

(c) any misdemeanor committed by an agent of the corporation within the scope of his employment; or

(d) any offense for which an individual may be convicted without proof of culpability, committed by an agent of the corporation within the scope of his employment.

(2) Defense Precluded. It is no defense that an individual upon whose conduct liability of the corporation for an offense is based has been acquitted, has not been prosecuted or convicted or has been convicted of a different offense, or is immune from prosecution, or is otherwise not subject to justice.

* * * * *

§ 403. Individual Accountability for Conduct on Behalf of Organizations.

(1) Conduct on Behalf of Organization. A person is legally accountable for any conduct he performs or causes to be performed in the name of an organization or in its behalf to the same extent as if the conduct were performed in his own name or behalf.

(2) Omission. Except as otherwise expressly provided, whenever a duty to act is imposed upon an organization by a statute or regulation thereunder, any agent of the organization having primary responsibility for the subject matter of the duty is legally accountable for an omission to perform the required act to the same extent as if the duty were imposed directly upon himself.

(3) Accomplice of Organization. When an individual is convicted of an offense as an accomplice of an organization, he is subject to the sentence authorized when a natural person is convicted of that offense.

(4) Default in Supervision. A person responsible for supervising relevant activities of an organization is guilty of an offense if he manifests his assent to the commission of an offense for which the organization may be convicted by his willful default in supervision within the range of that responsibility which contributes to the occurrence of that offense. Conviction under this subsection shall be of an offense of the same class as the offense for which the organization may be convicted, except that if the latter offense is a felony, conviction under this subsection shall be for a Class A misdemeanor.

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§ 409. General Provisions for Chapter 4.

(1) Definitions. In this Chapter:

(a) "organization" means any legal entity, whether or not organized as a corporation or unincorporated association, but does not include an entity organized as or by a governmental agency for the execution of a governmental program;

(b) "agent" means any partner, director, officer, servant, employee, or other person authorized to act in behalf of an organization.

(2) Unincorporated Associations. Nothing in this Chapter shall limit or extend the criminal liability of an unincorporated association.

* * * * *

Chapter 5. Responsibility Defenses: Juveniles; Intoxication; Mental Disease or Defect

§ 501. Juveniles.

A prosecution of any person as an adult shall be barred if the offense was committed:

(a) when he was less than fifteen years old in any case, or when he was less than sixteen years old in the case of offenses other than murder, aggravated assault, rape and aggravated involuntary sodomy; or

(b) when he was less than eighteen years old unless trial as an adult is ordered by the district court to promote justice.

* * * * *

§ 502. Intoxication

(1) Defense Precluded. Except as provided in subsection (3), intoxication is not a defense to a criminal charge. Intoxication does not, in itself, constitute mental disease within the meaning of section 503. Evidence of intoxication is admissible whenever it is relevant to negate or to establish an element of the offense charged.

(2) Recklessness. A person is reckless with respect to an element of an offense even though his disregard thereof is not conscious, if his not being conscious thereof is due to self-induced intoxication.

(3) When a Defense. Intoxication which (a) is not self-induced, or (b) if self-induced, is grossly excessive in degree, given the amount of the intoxicant, to which the actor does not know he is susceptible, is an affirmative defense if by reason of such intoxication the actor at the time of his conduct lacked substantial capacity either to appreciate its criminality or to conform his conduct to the requirements of law.

(4) Definitions. In this section:

(a) "intoxication" means a disturbance of mental or physical capacities resulting from the introduction of alcohol, drugs or other substances into the body;

(b) "self-induced intoxication" means intoxication caused by substances which the actor knowingly introduces into his body, the tendency of which to cause intoxication he knows or ought to know, unless he introduces them pursuant to medical advice or under such circumstances as would otherwise afford a defense to a charge of crime.

* * * * *

§ 503. Mental Disease or Defect.

A person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect he lacks substantial capacity to appreciate the criminality of his conduct or to conform his conduct to the requirements of law. "Mental disease or defect" does not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct. Lack of criminal responsibility under this section is a defense

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Chapter 6. Defenses Involving Justification and Excuse

§ 601. Justification.

(1) Defense. Except as otherwise expressly provided, justification or excuse under this Chapter is a defense.

(2) Danger to Other Persons. If a person is justified or excused in using force against another, but he recklessly or negligently injures or creates a risk of injury to other persons, the justifications afforded by this Chapter are unavailable in a prosecution for such recklessness or negligence, as the case may be.

(3) Civil Remedy Unimpaired. That conduct may be justified or excused within the meaning of this Chapter does not abolish or impair any remedy for such conduct which is available in any civil action.

(4) State Prosecution of Federal Public Servant. The defenses of justification and excuse may be asserted in a state or local prosecution of a federal public servant, or a person acting at his direction, based on acts performed in the course of the public servant's official duties.

§ 602. Execution of Public Duty.

(1) Authorized by Law. Conduct engaged in by a public servant in the course of his official duties is justified when it is required or authorized by law.

(2) Directed by a Public Servant. A person who has been directed by a public servant to assist that public servant is justified in using force to carry out the public servant's direction, unless the action being taken by the public servant is plainly unlawful.

(3) Citizen's Arrest. A person is justified in using force upon another in order to effect his arrest or prevent his escape when a public servant authorized to make the arrest or prevent the escape is not available, if the other person has committed, in the presence of the actor, any crime which the actor is justified in using force to prevent or if the other person has committed a felony involving force or violence.

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§ 603. Self-Defense.

A person is justified in using force upon another person in order to defend himself against danger of imminent unlawful bodily injury, sexual assault or detention by such other person, except that:

(a) a person is not justified in using force for the purpose of resisting arrest, execution of process, or other performance of duty by a public servant under color of law, but excessive force may be resisted; and

(b) a person is not justified in using force if (i) he intentionally provokes unlawful action by another person in order to cause bodily injury or death to such other person, or (ii) he has entered into a mutual combat with another person or is the initial aggressor unless he is resisting force which is clearly excessive in the circumstances. A person's use of defensive force after he withdraws from an encounter and indicates to the other person that he has done so is justified if the latter nevertheless continues or menaces unlawful action.

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§ 604. Defense of Others.

A person is justified in using force upon another person in order to defend anyone else if (a) the person defended would be justified in defending himself, and (b) the person coming to the defense has not, by provocation or otherwise, forfeited the right of self-defense.

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§ 605. Use of Force by Persons with Parental, Custodial or Similar Responsibilities.

The use of force upon another person is justified under any of the following circumstances:

(a) a parent, guardian or other person responsible for the care and supervision of a minor under eighteen years old, or teacher or other person responsible for the care and supervision of such a minor for a special purpose, or a person acting at the direction of any of the foregoing persons, may use force upon the minor for the purpose of safeguarding or promoting his welfare, including prevention and punishment of his misconduct, and the maintenance of proper discipline. The force used for this purpose may be such as is reasonable, whether or not it is "necessary" as required by section 607(1), but must not be designed to cause or known to create a substantial risk of causing death, serious bodily injury, disfigurement or gross degradation;

(b) a guardian or other person responsible for the care and supervision of an incompetent person, or a person acting at the direction of the guardian or responsible person, may use force upon the incompetent person for the purpose of safeguarding or promoting his welfare, including the prevention of his misconduct or, when he is in a hospital or other institution for care and custody, for the purpose of maintaining reasonable discipline in the institution. The force used for these purposes may be such as is reasonable, whether or not it is "necessary" as required by section 607(1), but must not be designed to cause or known to create a substantial risk of causing death, serious bodily injury, disfigurement or gross degradation;

(c) a person responsible for the maintenance of order in a vehicle, train, vessel, aircraft, or other carrier, or in a place where others are assembled, or a person acting at the responsible person's direction, may use force to maintain order;

(d) a duly licensed physician, or a person acting at his direction, may use force in order to administer a recognized form of treatment to promote the physical or mental health of a patient if the treatment is administered (i) in an emergency, or (ii) with the consent of the patient or, if the patient is a minor or an incompetent person, with the consent of his parent, guardian or other person entrusted with his care and supervision, or (iii) by order of a court of competent jurisdiction;

(e) a person may use force upon another person about to commit suicide or suffer serious bodily injury in order to prevent the death or serious bodily injury of such other person.

* * * * *

§ 606. Use of Force in Defense of Premises and Property.

Force is justified if it is used to prevent or terminate an unlawful entry or other trespass in or upon premises, or to prevent an unlawful carrying away or damaging of property, if the person using such force first requests the person against whom such force is to be used to desist from his interference with the premises or property, except that:

(a) request is not necessary if (i) it would be useless to make the request, or (ii) it would be dangerous to make the request, or (iii) substantial damage would be done to the property sought to be protected before the request could effectively be made;

(b) the use of force is not justified to prevent or terminate a trespass if it will expose the trespasser to substantial danger of serious bodily injury.

* * * * *

§ 607. Limits on the Use of Force: Excessive Forces; Deadly Force.

(1) Excessive Force. A person is not justified in using more force than is necessary and appropriate under the circumstances.

(2) Deadly Force. Deadly force is justified in the following instances:

(a) when it is expressly authorized by a federal statute or occurs in the lawful conduct of war;

[(a) when it is authorized by a federal law or occurs in the necessary and appropriate conduct of war;]

(b) when used in lawful self-defense, or in lawful defense of others, if such force is necessary to protect the actor or anyone else against death, serious bodily injury, or the commission of a felony involving violence, except that the use of deadly force is not justified if it can be avoided, with safety to the actor and others, by retreat or other conduct involving minimal interference with the freedom of the person menaced. A person seeking to protect someone else must, before using deadly force, try to cause that person to retreat, or otherwise comply with the requirements of this provision, if safety can be obtained thereby; but (i) a public servant or an officer of a ship or aircraft justified in using force in the performance of his duties or a person justified in using force in his assistance need not desist from his efforts because of resistance or threatened resistance by or on behalf of the person against whom his action is directed, and (ii) no person is required to retreat from his dwelling, or place of work, unless he was the original aggressor or is assailed by a person who he knows also dwells or works there;

(c) When used by a person in possession or control of a dwelling or place of work, or a person who is licensed or privileged to be thereon, if such force is necessary to prevent commission of arson, burglary, robbery or a felony involving violence upon or in the dwelling or place of work or to prevent a person in flight immediately after committing a robbery or burglary from taking the fruits thereof from the dwelling or place of work, and the use of force other than deadly force for such purposes would expose anyone to substantial danger of serious bodily injury;

(d) when used by a public servant authorized to effect arrests or prevent escapes, if such force is necessary to effect an arrest or to prevent the escape from custody of a person who has committed or attempted to commit a felony involving violence, or is attempting to escape by the use of a deadly weapon, or has otherwise indicated that he is likely to endanger human life or to inflict serious bodily injury unless apprehended without delay;

(e) when used by a guard or other public servant, if such force is necessary to prevent the escape of a prisoner from a detention facility unless he knows that the prisoner is not such a person as described in paragraph (d) above. A detention facility is any place used for the confinement, pursuant to a court order, of a person (i) charged with or convicted of an offense, or (ii) charged with being or adjudicated a youth offender or juvenile delinquent, or (iii) held for extradition, or (iv) otherwise confined pursuant to court order;

(f) when used by a public servant, if such force is necessary (i) to prevent overt and forceful acts of treason, insurrection or sabotage, or (ii) to prevent murder, manslaughter, aggravated assault, arson, robbery, burglary or kidnapping in the course of a riot if the deadly force is employed following reasonable notice of intent to employ deadly force, and does not carry with it an unreasonable danger to life of nonparticipants in the riot, and is employed pursuant to a decision or order of a public servant having supervisory authority over ten or more other public servants concerned in the suppression of the riot;

(g) when used by an officer of a ship or aircraft if such force is necessary to prevent overt and forceful acts of mutiny, after the participants in such acts against whom such force is to be used have been ordered to cease and given reasonable notice of intent to employ deadly force;

(h) when used by a duly licensed physician, or a person acting at his direction, if such force is necessary in order to administer a recognized form of treatment to promote the physical or mental health of a patient and if the treatment is administered (i) in an emergency, or (ii) with the consent of the patient or, if the patient is a minor or an incompetent person with the consent of his parent, guardian or other person entrusted with his care and supervision, or (iii) by order of a court of competent jurisdiction;

(i) when used by a person who is directed or authorized to use deadly force by a public servant or an officer of a ship or aircraft and who does not know that, if such is the case, the public servant or such officer is himself not authorized to use deadly force under the circumstances.

* * * * *

§ 608. Excuse.

(1) Mistake. A person's conduct is excused if he believes that the factual situation is such that his conduct is necessary and appropriate for any of the purposes which would establish a justification or excuse under this Chapter, even though his belief is mistaken, except that, if his belief is negligently or recklessly held, it is not an excuse in a prosecution for an offense for which negligence or recklessness, as the case may be, suffices to establish culpability. Excuse under this subsection is a defense or affirmative defense according to which type of defense would be established had the facts been as the person believed them to be.

(2) Marginal Transgression of Limit of Justification. A person's conduct is excused if it would otherwise be justified or excused under this Chapter but is marginally hasty or excessive because he was confronted with an emergency precluding adequate appraisal or measured reaction.

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§ 609. Mistake of Law.

Except as otherwise expressly provided, a person's good faith belief that conduct does not constitute a crime is an affirmative defense if he acted in reasonable reliance upon a statement of the law contained in:

(a) a statute or other enactment;

(b) a judicial decision, opinion, order or judgment;

(c) an administrative order or grant of permission; or

(d) an official interpretation of the public servant or body charged by law with responsibility for the interpretation, administration or enforcement of the law defining the crime.

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§ 610. Duress.

(1) Affirmative Defense. In a prosecution for any offense it is an affirmative defense that the actor engaged in the proscribed conduct because he was compelled to do so by threat of imminent death or serious bodily injury to himself or another. In a prosecution for an offense which does not constitute a felony, it is an affirmative defense that the actor engaged in the proscribed conduct because he was compelled to do so by force or threat of force. Compulsion within the meaning of this section exists only if the force, threat or circumstances are such as would render a person of reasonable firmness incapable of resisting the pressure.

(2) Defense Precluded. The defense defined in this section is not available to a person who, by voluntarily entering into a criminal enterprise, or otherwise, willfully placed himself in a situation in which it was foreseeable that he would be subjected to duress. The defense is also unavailable if he was negligent in placing himself in such a situation, whenever negligence suffices to establish culpability for the offense charged.

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§ 619. Definitions for Chapter 6.

In this Chapter:

(a) "force" means physical action, threat or menace against another, and includes confinement;

(b) "deadly force" means force which a person uses with the intent of causing, or which he knows to create a substantial risk of causing, death or serious bodily injury. Intentionally firing a firearm or hurling a destructive device in the direction of another person or at a moving vehicle in which another person is believed to be constitutes deadly force. A threat to cause death or serious bodily injury, by the production of a weapon or otherwise, so long as the actor's intent is limited to creating an apprehension that he will use deadly force if necessary, does not constitute deadly force;

(c) "premises" means all or any part of a building or real property, or any structure, vehicle or watercraft used for overnight lodging of persons, or used by persons for carrying on business therein;

(d) "dwelling" means any building or structure, though movable or temporary, or a portion thereof, which is for the time being a person's home or place of lodging.

* * * * *

Chapter 7. Temporal and Other Restraints on Prosecution

§ 701. Statute of Limitations.

(1) Bar. A prosecution shall be barred if it was commenced after the expiration of the applicable period of limitation.

(2) Limitation Periods Generally. Except as provided in subsections (3)-(5), prosecution must be commenced within the following periods after the offense:

(a) ten years for sections 1101 (Treason), 1102 (Participating in or Facilitating War Against the United States Within Its Territory) and 1112 (Espionage). Any prosecution commenced more than five years after the offense shall be dismissed if the defendant, on a motion addressed to the court, establishes by a preponderance of the evidence that the crime and his connection with it were known to responsible officials for more than one year prior to commencement of prosecution and that prosecution could, with reasonable diligence, have been commenced more than one year prior to its commencement;

(b) five years for all other felonies; and

(c) three years for all other offenses.

(3) Extended Period for Murder. Murder may be prosecuted at any time. Any prosecution commenced more than ten years after the offense shall be dismissed if the defendant, on a motion addressed to the court, establishes by a preponderance of the evidence that the crime and his connection with it were known to responsible officials for more than one year prior to commencement of prosecution and that prosecution could, with reasonable diligence, have been commenced more than one year prior to its commencement.

(4) Extended Period for Organized Crime and Official Cover-Ups. The period of limitation shall be ten years for any felony committed in the course of the operation of a criminal syndicate involving connivance of a public servant. A prosecution which is timely only by virtue of this subsection shall be dismissed as to any defendant who, on a motion addressed to the court, establishes by a preponderance of the evidence that he was not a leader of the criminal syndicate or a public servant conniving in any part of the criminal business charged, or that the crime and his connection with it were known to responsible officials other than conniving participants more than one year prior to commencement of prosecution and prosecution could, with reasonable diligence, have been commenced more than one year prior to its commencement. "Leader" means one who organizes, manages, directs, supervises or finances a criminal syndicate or knowingly employs violence or intimidation to promote or facilitate its criminal objects, or with intent to promote or facilitate its criminal objects, furnishes legal, accounting or other managerial assistance. A "criminal syndicate" is an association of ten or more persons for engaging on a continuing basis in felonies of the following character: illicit trafficking in narcotics or other dangerous substances, liquor, weapons, or stolen goods; gambling; prostitution; extortion; bribery; theft of property having an aggregated value of more than $100,000; engaging in a criminal usury business; counterfeiting; bankruptcy or insurance frauds by arson or otherwise; and smuggling. If more than ten persons are so associated, any group of ten or more associates is a "criminal syndicate" although it is or was only a part of a larger association. Association, within the meaning of this subsection, exists among persons engaged in carrying on the criminal operation although:

(a) associates may not know each other's identity;

(b) membership in the association may change from time to time; and

(c) associates may stand in a wholesaler-retailer or other arm's length relationship in an illicit distribution operation.

(5) Extended Period to Commence New Prosecution. If a timely complaint, indictment or information is dismissed for any error, defect, insufficiency or irregularity, a new prosecution may be commenced within three months after the dismissal even though the period of limitation has expired at the time of such dismissal or will expire within such three months.

(6) Commencement of Prosecution.

(a) A prosecution is commenced upon the filing of a complaint before a judicial officer of the United States empowered to issue a warrant or upon the filing of an indictment or information. Commencement of prosecution for one offense shall be deemed commencement of prosecution for any included offenses.

(b) A prosecution shall be deemed to have been timely commenced notwithstanding that the period of limitation has expired:

(i) for an offense included in the offense charged, if as to the offense charged the period of limitation has not expired or there is no such period, and there is, after the evidence on either side is closed at the trial, sufficient evidence to sustain a conviction of the offense charged; or

(ii) for any offense to which the defendant enters a plea of guilty or nolo contendere.

* * * * *

§ 702. Entrapment.

(1) Affirmative Defense. It is an affirmative defense that the defendant was entrapped into committing the offense.

(2) Entrapment Defined. Entrapment occurs when a law enforcement agent induces the commission of an offense, using persuasion or other means likely to cause normally law-abiding persons to commit the offense. Conduct merely affording a person an opportunity to commit an offense does not constitute entrapment.

(3) Law Enforcement Agent Defined. In this section "law enforcement agent" includes personnel of state and local law enforcement agencies as well as of the United States, and any person cooperating with such an agency.

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§ 703. Prosecution for Multiple Related Offenses.

(1) Multiple Related Charges. When the same conduct of a defendant may establish the commission of more than one offense, the defendant may be prosecuted for each such offense.

(2) Limitation on Separate Trials. Unless otherwise ordered by the court to promote justice, a defendant shall not be subject to separate trials for multiple offenses (a) based on the same conduct, (b) arising from the same criminal episode, or (c) based on a series of acts or omissions motivated by a common purpose or plan and which result in the repeated commission of the same offense or affect the same person or persons or their property, if such offenses are within the jurisdiction of the court and known to the United States Attorney at the time the defendant is arraigned on the first indictment or information.

* * * * *

§ 704. When Prosecution Barred by Former Prosecution for Same Offense.

A prosecution is barred by a former prosecution of the defendant if it is for violation of the same statute and is based upon the same facts as the former prosecution, and:

(a) the former prosecution resulted in an acquittal by a finding of not guilty or a determination that there was insufficient evidence to warrant a conviction. A finding of guilty of an included offense is an acquittal of the inclusive offense, although the conviction is subsequently set aside;

(b) the former prosecution was terminated by a final order or judgment for the defendant, which has not been set aside, reversed or vacated and which necessarily required a determination inconsistent with a fact or a legal proposition that must be established for conviction of the offense;

(c) the former prosecution resulted in a conviction. There is a conviction if the prosecution resulted in a judgment of conviction which has not been reversed or vacated, or a verdict or plea of guilty which has not been set aside and which is capable of supporting a judgment; or

(d) the former prosecution was terminated after the jury was impaneled and sworn or, in the case of a trial by the court, after the first witness was sworn, except that termination under the following circumstances does not bar a subsequent prosecution:

(i) the defendant consented to the termination or waived, by motion to dismiss or otherwise, his right to object to the termination;

(ii) it was physically impossible to proceed with the trial in conformity with law; or there was a legal defect in the proceedings which would make any judgment entered upon a verdict reversible as a matter of law; or prejudicial conduct, in or outside the courtroom, made it impossible to proceed with the trial without injustice to either the defendant or the government; or the jury was unable to agree upon a verdict; or false statements of a juror on voir dire prevented a fair trial, provided that the prosecution did not bring about any of the foregoing circumstances with intent to cause termination of the trial.

* * * * *

§ 705. When Prosecution Barred by Former Prosecution for Different Offense.

A prosecution is barred by a former prosecution of the defendant although it is for a violation of a different statute or is based on facts different from those in the former prosecution, if:

(a) the former prosecution resulted in an acquittal or in a conviction as defined in section 704 (a) and (c) or was a barring termination under section 704(d) and the subsequent prosecution is for any offense for which the defendant should have been tried in the first prosecution under section 703(2) unless the court ordered a separate trial of the charge of such offense; or

(b) the former prosecution was terminated by an acquittal or by a final order or judgment for the defendant which has not been set aside, reversed or vacated and which necessarily required a determination inconsistent with a fact or a legal proposition which must be established for conviction of the offense of which the defendant is subsequently prosecuted.

* * * * *

§ 706. Prosecutions Under Other Federal Codes.

Sections 704 and 705 shall apply to prosecutions and former prosecutions under the Uniform Code of Military Justice, the District of Columbia Code, the Canal Zone Code, the criminal laws of Puerto Rico and of the territories and possessions of the United States, except that "violation of the same statute" in section 704 shall be construed as violation of a cognate statute.

* * * * *

§ 707. Former Prosecution in Another Jurisdiction: When a Bar.

When conduct constitutes a federal offense and an offense under the law of a local government or a foreign nation, a prosecution by the local government or foreign nation is a bar to a subsequent federal prosecution under either of the following circumstances:

(a) the first prosecution resulted in an acquittal or a conviction as defined in section 704 (a) and (c) or was a barring termination under section 704(d) and the subsequent prosecution is based on the same conduct or arose from the same criminal episode, unless (i) the law defining the offense of which the defendant was formerly convicted or acquitted is intended to prevent a substantially different harm or evil from the law defining the offense for which he is subsequently prosecuted, or (ii) the second offense was not consummated when the first trial began; or

(b) the first prosecution was terminated by an acquittal or by a final order or judgment for the defendant which has not been set aside, reversed, or vacated and which necessarily required a determination inconsistent with a fact or a legal proposition which must be established for conviction of the offense of which the defendant is subsequently prosecuted;

unless the Attorney General of the United States certifies that the interests of the United States would be unduly harmed if the federal prosecution is barred. In this section, "local" means of or pertaining to any of the 50 states of the United States or any political unit within any of the 50 states.

* * * * *

§ 708. Subsequent Prosecution by a Local Government: When Barred.

When conduct constitutes a federal offense and an offense under local law, a federal prosecution is a bar to subsequent prosecution by a local government under either of the following circumstances.

(a) the federal prosecution resulted in an acquittal or a conviction as defined in section 704 (a) and (c) or was a barring termination under section 704(d) and the subsequent prosecution is based on the same conduct or arose from the same criminal episode, unless (i) the statute defining the offense of which the defendant was formerly convicted or acquitted is intended to prevent a substantially different harm or evil from the law defining the offense for which he is subsequently prosecuted; or (ii) the second offense was not consummated when the first trial began; or

(b) the federal prosecution was terminated by an acquittal or by a final order or judgment for the defendant which has not been set aside, reversed or vacated and which necessarily required a determination inconsistent with a fact or a legal proposition which must be established for conviction of the offense of which the defendant is subsequently prosecuted.

In this section, "local" has the meaning prescribed in section 707.

* * * * *

§ 709. When Former Prosecution Is Invalid or Fraudulently Procured.

A former prosecution is not a bar within the meaning of sections 704, 705, 706, 707 and 708 under any of the following circumstances:

(a) it was before a court which lacked jurisdiction over the defendant or the offense;

(b) it was for a lesser offense than could have been charged under the facts of the case, and the prosecution was procured by the defendant, without the knowledge of the appropriate prosecutor, for the purpose of avoiding prosecution for a greater offense and the possible consequences thereof; or

(c) it resulted in a judgment of conviction which was held invalid in a subsequent proceeding on a writ of habeas corpus, coram nobis or similar process.

* * * * *

Part B. Specific Offenses

Chapter 10. Offenses of General Applicability

§ 1001. Criminal Attempt.

(1) Offense. A person is guilty of criminal attempt if, acting with the kind of culpability otherwise required for commission of a crime, he intentionally engages in conduct which, in fact, constitutes a substantial step toward commission of the crime. A substantial step is any conduct which is strongly corroborative of the firmness of the actor's intent to complete the commission of the crime. Factual or legal impossibility of committing the crime is not a defense if the crime could have been committed had the attendant circumstances been as the actor believed them to be.

(2) Complicity. A person who engages in conduct intending to aid another to commit a crime is guilty of criminal attempt if the conduct would establish his complicity under section 401 were the crime committed by the other person, even if the other is not guilty of committing or attempting the crime, for example, because he has a defense of justification or entrapment.

(3) Grading. Criminal attempt is an offense of the same class as the offense attempted, except that (a) an attempt to commit a Class A felony shall be a Class B felony, and (b) whenever it is established by a preponderance of the evidence at sentencing that the conduct constituting the attempt did not come dangerously close to commission of the crime, an attempt to commit a Class B felony shall be a Class C felony and an attempt to commit a Class C felony shall be a Class A misdemeanor.

(4) Jurisdiction. There is federal jurisdiction over an offense defined in this section as prescribed in section 203.

* * * * *

§ 1002. Criminal Facilitation.

(1) Offense. A person is guilty of criminal facilitation if he knowingly provides substantial assistance to a person intending to commit a felony, and that person, in fact, commits the crime contemplated, or a like or related felony, employing the assistance so provided. The ready lawful availability from others of the goods or services provided by a defendant is a factor to be considered in determining whether or not his assistance was substantial. This section does not apply to a person who is either expressly or by implication made not accountable by the statute defining the felony facilitated or related statutes.

(2) Defense Precluded. Except as otherwise provided, it is no defense to a prosecution under this section that the person whose conduct the defendant facilitated has been acquitted, has not been prosecuted or convicted, has been convicted of a different offense, is immune from prosecution, or is otherwise not subject to justice.

(3) Grading. Facilitation of a Class A felony is a Class C felony. Facilitation of a Class B or Class C felony is a Class A misdemeanor.

(4) Jurisdiction. There is federal jurisdiction over an offense defined in this section when the felony facilitated is a federal felony.

§ 1003. Criminal Solicitation.

(1) Offense. A person is guilty of criminal solicitation if he commands, induces, entreats, or otherwise attempts to persuade another person to commit a particular felony, whether as principal or accomplice with intent to promote or facilitate the commission of that felony, and under circumstances strongly corroborative of that intent, and the person solicited commits an overt act in response to the solicitation.

(2) Defense. It is a defense to a prosecution under this section that, if the criminal object were achieved, the defendant would be a victim of the offense or the offense is so defined that his conduct would be inevitably incident to its commission or he otherwise would not be guilty under the statute defining the offense or as an accomplice under section 401.

(3) Defense Precluded. It is no defense to a prosecution under this section that the person solicited could not be guilty of the offense because of lack of responsibility or culpability, or other incapacity or defense.

(4) Grading. Criminal solicitation is an offense of the class next below that of the crime solicited.

(5) Jurisdiction. There is federal jurisdiction over an offense defined in this section as prescribed in section 203.

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§ 1004. Criminal Conspiracy.

(1) Offense. A person is guilty of conspiracy if he agrees with one or more persons to engage in or cause the performance of conduct which, in fact, constitutes a crime or crimes, and any one or more of such persons does an act to effect an objective of the conspiracy. The agreement need not be explicit but may be implicit in the fact of collaboration or existence of other circumstances.

(2) Parties to Conspiracy. If a person knows or could expect that one with whom he agrees has agreed or will agree with another to effect the same objective, he shall be deemed to have agreed with the other, whether or not he knows the other's identity.

(3) Duration of Conspiracy. A conspiracy

shall be deemed to continue until its objectives are accomplished, frustrated or abandoned. "Objectives" includes escape from the scene of the crime, distribution of booty, and measures, other than silence, for concealing the crime or obstructing justice in relation to it. A conspiracy shall be deemed to have been abandoned if no overt act to effect its objectives has been committed by any conspirator during the applicable period of limitations.

(4) Defense Precluded. It is no defense to a prosecution under this section that the person with whom such person is alleged to have conspired has been acquitted, has not been prosecuted or convicted, has been convicted of a different offense, is immune from prosecution, or is otherwise not subject to justice.

(5) Liability as Accomplice. Accomplice liability for offenses committed in furtherance of the conspiracy is to be determined as provided in section 401.

(6) Grading. Conspiracy shall be subject to the penalties provided for attempt in section 1001(3).

(7) Jurisdiction. There is federal jurisdiction over an offense defined in this section as prescribed in section 203.

* * * * *

§ 1005. General Provisions Regarding Sections 1001 to 1004.

(1) Not To Apply to One Another. An offense defined in sections 1001 to 1004 shall not apply to another offense defined in sections 1001 to 1004.

(2) Attempt and Conspiracy Offenses Outside This Chapter. Whenever "attempt" or "conspiracy" is made an offense outside this Chapter, it shall mean attempt or conspiracy, as the case may be, as defined in this Chapter.

(3) Renunciation Defense.

(a) Attempt. In a prosecution under section 1001 it is an affirmative defense that, under circumstances manifesting a voluntary and complete renunciation of his criminal intent, the defendant avoided the commission of the crime attempted by abandoning his criminal effort and, if mere abandonment was insufficient to accomplish such avoidance, by taking further and affirmative steps which prevented the commission thereof.

(b) Solicitation and Conspiracy. In a prosecution under section 1003 or 1004 it is an affirmative defense that, under circumstances manifesting a voluntary and complete renunciation of his criminal intent, the defendant prevented the commission of the crime solicited or of the crime or crimes contemplated by the conspiracy, as the case may be.

(c) "Voluntary and Complete" Defined. A renunciation is not "voluntary and complete" within the meaning of this section if it is motivated in whole or in part by (i) a belief that a circumstance exists which increases the probability of detection or apprehension of the defendant or another participant in the criminal operation, or which makes more difficult the consummation of the crime, or (ii) a decision to postpone the criminal conduct until another time or to substitute another victim or another but similar objective.

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§ 1006. Regulatory Offenses.

(1) Section Applicable When Invoked by Another Statute. This section shall govern the use of sanctions to enforce a penal regulation whenever and to the extent that another statute so provides. The limits on a sentence to pay a fine provided in Part C of this Code shall not apply if the other statute fixes a different limit. "Penal regulation" means any requirement of a statute, regulation, rule, or order which is enforcible by criminal sanctions, forfeiture or civil penalty.

(2) General Scheme of Regulatory Sanctions.

(a) Nonculpable Violations. A person who violates a penal regulation is guilty of an infraction. Culpability as to conduct or the existence of the penal regulation need not be proved under this paragraph, except to the extent required by the penal regulation.

(b) Willful Violations. A person who willfully violates a penal regulation is guilty of a Class B misdemeanor. Willfulness as to both the conduct and the existence of the penal regulation is required.

(c) Flouting Regulatory Authority. A person is guilty of a Class A misdemeanor if he flouts regulatory authority by willful and persistent disobedience of any body of related penal regulations.

(3) Dangerous Violations of Prophylactic Regulations. A person is guilty of a Class A misdemeanor if he willfully violates a penal regulation and thereby, in fact, creates a substantial likelihood of harm to life, health, or property, or of any other harm against which the penal regulation was directed.

* * * * *

§ 1101. Treason.

A national of the United States is guilty of treason, a Class A felony, if, when the United States is engaged in international war, he participates in or facilitates military activity of the enemy with intent to aid the enemy or prevent or obstruct a victory of the United States. It is a defense to prosecution under this section that the defendant believed that he was not a national of the United States and such belief was not recklessly held or arrived at. "National of the United States" means a person who is a citizen of the United States or is domiciled in the United States, except that a person shall not be deemed a national solely because of domicile if by treaty or international law such domicile does not entail allegiance to the United States.

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§ 1102. Participating in or Facilitating War Against the United States Within Its Territory.

(1) Offense. A person is guilty of a Class A felony if, within the territory of the United States when the United States is engaged in international war, he participates in or facilitates military activity of the enemy with intent to aid the enemy or prevent or obstruct a victory of the United States.

(2) Defense. It is an affirmative defense to a prosecution under this section that the defendant acted as a member of the armed service of the enemy in accordance with the laws of war and that he was not or reasonably believed he was not a national of the United States, as defined in section 1101.

* * * * *

§ 1103. Armed Insurrection.

(1) Engaging in Armed Insurrection. A person is guilty of a Class B felony if he engages in an armed insurrection with intent to overthrow, supplant or change the form of the government of the United States or of a state.

(2) Leading Armed Insurrection. A person is guilty of a Class A felony if, with intent to overthrow, supplant or change the form of the government of the United States or of a state, he directs or leads an armed insurrection, or organizes or provides a substantial portion of the resources of an armed insurrection which is in progress or is impending or any part of such insurrection involving 100 persons or more.

(3) Advocating Armed Insurrection. A person is guilty of a Class C felony if, with intent to induce or otherwise cause others to engage in armed insurrection in violation of subsection (1), he:

(a) advocates the desirability or necessity of armed insurrection under circumstances in which there is substantial likelihood his advocacy will imminently produce a violation of subsection (1) or (2); or

(b) organizes an association which engages in the advocacy prohibited in paragraph (a), or, as an active member of such association, facilitates such advocacy.

(4) Attempt; Conspiracy; Facilitation; Solicitation. A person shall not be convicted under sections 1001 through 1004;

(a) with respect to subsection (3)(a) unless he engaged in conduct under circumstances in which there was a substantial likelihood that it would imminently produce a violation of subsection (1) or (2); or

(b) with respect to subsection (1), (2) or (3)(b) if his conduct constituted no more than an attempt or conspiracy to violate subsection (3)(a) under circumstances in which there was no substantial likelihood that such attempt or conspiracy would imminently produce a violation of this section.

* * * * *

§ 1104. Para-Military Activities.

(1) Offense. A person is guilty of an offense if he knowingly engages in, or intentionally facilitates, para-military activities not authorized by law. "Para-military activities" means acquisition, caching, use, or training in the use, of weapons for political purposes by or on behalf of an association of ten or more persons. Activities authorized by law include activities of the armed forces of the United States or of a state, including reserves and the National Guard, and federal, state or local law enforcement operations.

(2) Grading. The offense is a Class B felony if the actor organizes, directs, leads or provides a substantial portion of the resources for para-military activities involving an association of 100 or more persons. Otherwise the offense is a Class C felony.

* * * * *

§ 1105. Sabotage.

(1) Wartime Sabotage. A person is guilty of sabotage if, in time of war and with intent to impair the military effectiveness of the United States, he:

(a) damages or tampers with anything of direct military significance or a vital public facility as defined in section 1709(c);

(b) defectively makes or repairs anything of direct military significance;

(c) delays or obstructs transportation, communication or power service of or furnished to the defense establishment; or

(d) causes or creates a risk of catastrophe as defined in section 1704(4) by any means listed in section 1704(1).

Sabotage under this subsection is a Class A felony if it jeopardizes life or the success of a combat operation. Otherwise it is a Class B felony.

(2) Other Catastrophic Sabotage. A person is guilty of a Class A felony if, whether or not in time of war, with intent to impair the military effectiveness of the United States, he impairs the efficacy of military missiles, space vessels, satellites, nuclear weaponry, early warning systems, or other means of defense or retaliation against catastrophic enemy attack.

(3) Definitions. In this section:

(a) "defense establishment" means the defense establishment of the United States or of a nation at war with any nation with which the United States is at war;

(b) "anything of direct military significance" means armament or anything else peculiarly suited for military use, and includes such a thing in course of manufacture, transport, or other servicing or preparation for the defense establishment.

* * * * *

§ 1106. Recklessly Impairing Military Effectiveness.

A person is guilty of a Class C felony if, in reckless disregard of a substantial risk of seriously impairing the military effectiveness of the United States, he intentionally engages, in time of war, in the conduct prohibited in paragraphs (a) through (d) of section 1105(1), or, whether or not in time of war, in the conduct prohibited in section 1105(2).

* * * * *

§ 1107. Intentionally Impairing Defense Functions.

A person is guilty of a Class C felony if, with intent to impair the military effectiveness of the United States, he engages in the conduct prohibited in paragraphs (a) through (d) of section 1105(1) and thereby causes a loss which is, in fact, in excess of $5,000.

* * * * *

§ 1108. Avoiding Military Service Obligations.

(1) Offense. A person is guilty of a Class C felony if, in violation of the regulatory act and with intent to avoid service in the armed forces of the United States or the performance of civilian work in lieu of induction into the armed forces, he:

(a) fails to register;

(b) fails to report for induction into the armed forces;

(c) refuses induction into the armed forces; or

(d) refuses or fails to perform, or avoids the performance of, civilian work required of him.

"Regulatory act" means Selective Service Act of 1967, or any other statute applicable to the recruiting of personnel for the armed forces, and any rules or regulations issued pursuant thereto.

(2) Duration of Offense. An offense under subsection (1)(a) is deemed to continue until the actor is no longer under a duty to register as provided in the regulatory act.

* * * * *

§ 1109. Obstruction of Recruiting or Induction into Armed Forces.

A person is guilty of a Class C felony if:

(a) in time of war, he intentionally and substantially obstructs the recruiting service by physical interference or obstacle or solicits another to violate section 1108; or

(b) with intent to avoid or delay his or another's service in the armed forces of the United States, he employs force, threat or deception to influence a public servant in his official action.

"Recruiting service" means a voluntary enlistment system, the Selective Service System or any other system for obtaining personnel for the armed forces of the United States.

* * * * *

§ 1110. Causing Insubordination in the Armed Forces.

(1) Offense. A person is guilty of an offense if he intentionally causes insubordination, mutiny or refusal of duty by a member of the armed forces of the United States.

(2) Grading. The offense is a Class B felony if committed in time of war and it consists of (a) causing mutiny, or (b) causing insubordination or refusal of duty of ten or more persons, or (c) causing insubordination or refusal of duty in or directly relating to a combat operation. Otherwise it is a Class C felony.

* * * * *

§ 1111. Impairing Military Effectiveness by False Statement.

(1) Offense. A person is guilty of an offense if, in time of war and with intent to aid the enemy or to prevent or obstruct the success of military operations of the United States, he knowingly makes or conveys a false statement of fact concerning losses, plans, operations or conduct of the armed forces of the United States or those of the enemy, civilian or military catastrophe, or other report likely to affect the strategy or tactics of the armed forces of the United States or likely to create general panic or serious disruption.

(2) Grading. The offense is a Class B felony if it causes serious impairment of the military effectiveness of the United States. Otherwise it is a Class C felony.

* * * * *

§ 1112. Espionage.

(1) Offense. A person is guilty of espionage if he:

(a) reveals national security information to a foreign power or agent thereof with intent that such information be used in a manner prejudicial to the safety or interest of the United States; or

(b) in time of war, elicits, collects or records, or publishes or otherwise communicates national security information with intent that it be communicated to the enemy.

(2) Grading. Espionage is a Class A felony if committed in time of war or if the information directly concerns military missiles, space vessels, satellites, nuclear weaponry, early warning systems or other means of defense or retaliation against catastrophic enemy attack, war plans, or any other major element of defense strategy, including security intelligence. Otherwise espionage is a Class B felony.

(3) Attempt and Conspiracy. Attempted espionage and conspiracy to commit espionage are punishable equally with the completed offense. Without limiting the applicability of section 1001 (Criminal Attempt), any of the following acts is sufficient to constitute a substantial step under section 1001 toward commission of espionage under subsection (1)(a): obtaining, collecting, or eliciting national security information or entering a restricted area to obtain such information.

(4) Definitions. In this section:

(a) "national security information" means information regarding:

(i) the military capability of the United States or of a nation at war with a nation with which the United States is at war;

(ii) military or defense planning or operations of the United States;

(iii) military communications, research or development of the United States;

(iv) restricted data as defined in 42 U.S.C. § 2014 (relating to atomic energy);

(v) security intelligence of the United States, including information relating to intelligence operations, activities, plans, estimates, analyses, sources and methods;

(vi) classified communications information as defined in section 1114;

(vii) in time of war, any other information relating to national defense which might be useful to the enemy;

(b) "military" connotes land, sea or air military and both offensive and defensive measures;

(c) "foreign power" includes any foreign government, faction, party, or military force, or persons purporting to act as such, whether or not recognized by the United States, any international organization, and any armed insurrection within the United States.

(d) "agent" means representative, officer, agent or employee or, in case of a nation, a subject or citizen.

* * * * *

§ 1113. Mishandling National Security Information.

A person is guilty of a Class C felony if, in reckless disregard of potential injury to the national security of the United States, he:

(a) knowingly reveals national security information to anyone not authorized to receive it;

(b) violates a known duty, to which he is subject as a public servant, as to custody, care or disposition of national security information or as to reporting an unlawful removal, delivery, loss, destruction, or compromise of the security of such information; or

(c) knowingly having possession of a document or thing containing national security information, fails to deliver it on demand to a public servant of the United States entitled to receive it.

"National security information" has the meaning prescribed in section 1112(4).

* * * * *

§ 1114. Misuse of Classified Communications Information.

(1) Offense. A person is guilty of a Class C felony if he knowingly:

(a) communicates classified communications information or otherwise makes it available to an unauthorized person;

(b) publishes classified communications information; or

(c) uses classified communcations information in a manner prejudicial to the safety or interest of the United States.

(2) Attempt and Conspiracy. Attempt and conspiracy to violate this section are punishable equally with the completed offense.

(3) Definitions. In this section:

(a) "communications information" means information:

(i) regarding the nature, preparation or use of any code, cipher or cryptographic system of the United States or of a foreign power;

(ii) regarding the design, construction, use, maintenance or repair of any device, apparatus or appliance used or prepared or planned for use by the United States or a foreign power for cryptographic or intelligence surveillance purposes;

(iii) regarding the intelligence surveillance activities of the United States or a foreign power; or

(iv) obtained by the process of intelligence surveillance from the communications of a foreign power;

(b) communications information is "classified" if, at the time the conduct is engaged in, the communications information is, for reasons of national security, specifically designated by a United States government agency for limited or restricted dissemination or distribution;

(c) "code," "cipher" and "cryptographic system" include, in addition to their usual meanings, any method of secret writing and any mechanical or electrical device or method used for the purpose of disguising or concealing the contents, significance or means of communications;

(d) "intelligence surveillance" means all procedures and methods used in the interception of communications and the obtaining of information from such communications by other than the intended recipients;

(e) "unauthorized person" means a person who, or agency which, is not authorized to receive communications information by the President or by the head of a United States government agency which is expressly designated by the President to engage in intelligence surveillance activities for the United States;

(f) "foreign power" has the meaning prescribed in section 1112(4).

(4) Congressional Use. This section shall not apply to the furnishing, upon lawful demand, of information to any regularly constituted committee of the Senate or House of Representatives of the United States or joint committee thereof. Inapplicability under this subsection is a defense.

* * * * *

§ 1115. Communication of Classified Information by Public Servant.

(1) Offense. A public servant or former public servant is guilty of a Class C felony if he communicates classified information to an agent or representative of a foreign government or to an officer or member of an organization defined in 50 U.S.C. § 782(5) (communist organizations). "Classified information" means information the dissemination of which has been restricted by clas-

sification by the President or by the head of a United States government agency with the approval of the President as affecting the security of the United States.

(2) Defenses.

(a) It is a defense to prosecution under this section that the public servant or former public servant was specifically authorized by the President or by the head of the United States government agency which he served to make the communication prohibited by this section.

(b) It is an affirmative defense to a prosecution under this section that the former public servant obtained the information in a manner unrelated to his having been a public servant or, if not so obtained, it was not classified while he was a public servant.

* * * * *

§ 1116. Prohibited Recipients Obtaining Information.

An agent or representative of a foreign government or an officer or member of an organization defined in 50 U.S.C. § 782(5) (communist organizations) is guilty of a Class C felony if he:

(a) knowingly obtains classified information, as defined in section 1115; or

(b) solicits another to commit a crime defined in sections 1112, 1113, 1114 or 1115.

* * * * *

§ 1117. Wartime Censorship of Communications.

A person is guilty of a Class C felony if, in time of declared war and in violation of a statute of the United States, or regulation, rule or order issued pursuant thereto, he:

(a) knowingly communicates or attempts to communicate with the enemy or an ally of the enemy;

(b) knowingly evades or attempts to evade submission to censorship of any communication passing or intended to pass between the United States and a foreign nation;

(c) uses any code or device with intent to conceal from censorship the meaning of a communication described in paragraphs (a) and (b); or

(d) uses any mode of communication knowing it is prohibited by such statute or regulation, rule or order issued pursuant thereto.

* * * * *

§ 1118. Harboring or Concealing National Security Offenders.

A person is guilty of a Class C felony if he knowingly harbors or conceals another who has committed or is about to commit treason (section 1101), sabotage (section 1005), espionage (section 1112), or murder of the President or Vice President (section 1601).

* * * * *

§ 1119. Aiding Deserters.

(1) Offense. A person is guilty of an offense if he intentionally assists a member of the armed forces of the United States to desert or attempt to desert or, knowing that a member of the armed forces has deserted, he engages in the conduct prohibited in paragraphs (a) through (d) of subsection (1) of section 1303 with intent to aid the other to avoid discovery or apprehension.

(2) Grading. The offense is a Class C felony if it is committed in time of war. Otherwise it is a Class A misdemeanor.

§ 1120. Aiding Escape of Prisoner of War or Enemy Alien.

A person is guilty of a Class C felony if he intentionally:

(a) facilitates the escape of a prisoner of war held by the United States or any of its allies or of a person apprehended or detained as an enemy alien by the United States or any of its allies; or

* * * * *

(b) interferes with, hinders, delays or prevents the discovery or apprehension of a prisoner of war or an enemy alien who has escaped from the custody of or detention by the United States or any of its allies, by engaging in the conduct prohibited in paragraphs (a) through (d) of subsection (1) of section 1303.

* * * * *

§ 1121. Offenses Relating to Vital Materials.

A person is guilty of a Class B felony if, with intent to injure the United States or to secure an advantage to a foreign power in the event of a military confrontation with the United States, he engages in conduct prohibited or declared to be unlawful by 42 U.S.C. §§ 2077, 2122, 2131, 2276 (relating to atomic engery) or 50 U.S.C. § 167c (relating to helium). "Foreign power" has the meaning prescribed in section 1112(4).

* * * * *

§ 1122. Person Trained in Foreign Espionage or Sabotage.

A person is guilty of a Class C felony if knowingly:

(a) fails to register with the Attorney General as required by 50 U.S.C. § 851 (relating to persons trained in a foreign espionage or sabotage system); or

(b) makes a false written statement in a registration statement required by 50 U.S.C. § 851, when the statement is material and he does not believe it to be true.

* * * * *

§ 1129. Time of War; Culpability.

Time of war or wartime, for the purposes of this Chapter, means time when the United States is at war. Culpability as to the state of war need not be proved.

* * * * *

Chapter 12. Foreign Relations, Immigration and Nationality

FOREIGN RELATIONS AND TRADE

§ 1201. Military Expeditions Against Friendly Powers.

(1) Offense. A person is guilty of a Class C felony if he:

(a) launches an air attack from the United States against a friendly power;

(b) organizes a military expedition assembled in the United States to engage in armed hostilities against a friendly power; or

(c) within the United States, joins or knowingly provides substantial resources or transportation from the United States to a military expedition described in paragraph (b).

(2) Definitions. In this section:

(a) "friendly power" means a foreign government, whether or not recognized by the United States, or a faction engaged in armed hostilities, with which the United States is at peace;

(b) "armed hostilities" means international war or civil war, rebellion or insurrection.

* * * * *

§ 1202. Conspiracy to Commit Offenses Against a Friendly Nation.

A person is guilty of a Class C felony if he agrees with another to engage in conduct hostile to a friendly nation within the territory of any foreign nation and if a party to the agreement engages in conduct within the United States constituting a substantial step toward effecting the objective of the agreement. "Conduct hostile to a friendly nation" means:

(a) gathering information relating to the national defense of a friendly nation while such nation is engaged in international war, with intent to reveal such information to the injury of such nation or to aid its enemy;

(b) intentionally killing a public servant of a friendly nation on account of his official duties; or

(c) engaging in theft or intentional destruction of or damage to or tampering with property belonging to or in the custody of the government of a friendly nation, or the intentional destruction of or damage to or tampering with a vital public facility located within the territory of a friendly nation, provided the conduct under this paragraph would constitute a felony if the property belonged to the United States or was a vital public facility as defined in section 1709(c).

"Friendly nation" means a nation with which the United States is at peace.

* * * * *

§ 1203. Unlawful Recruiting for and Enlistment in Foreign Armed Forces.

(1) Offense. A person is guilty of a Class A misdemeanor if, within the United States, he:

(a) enters or agrees to enter the armed forces of a foreign nation; or

(b) recruits or attempts to recruit another for the armed forces of a foreign nation.

(2) Defense. It is an affirmative defense to a prosecution under this section that the conduct was authorized by statute or a regulation, rule, or order issued pursuant thereto.

* * * * *

§ 1204. International Transactions.

(1) Offense. A person is guilty of a Class C felony if he engages in conduct prohibited or declared to be unlawful by a statute listed in subsection (2), with intent to conceal a transaction from a government agency authorized to administer the statute or with knowledge that his unlawful conduct substantially obstructs, impairs or perverts the administration of the statute or any government function.

(2) Statutes. The following statutes are covered by subsection (1):

(a) 12 U.S.C. § 95a or 50 U.S.C. App. § 5(b) (relating to embargo on gold bullion and regulation of foreign-owned property);

(b) 22 U.S.C. § 447(c) (relating to financial and arms transactions with belligerents);

(c) 22 U.S.C. § 287c(b) (relating to support of United Nations Security Council resolutions);

(d) 50 U.S.C. App. § 3(a) (relating to unlicensed trading with the enemy);

(e) 50 U.S.C. App. § 2405(b) (relating to exports to communist-dominated nations under Export Control Act).

* * * * *

§ 1205. Orders prohibiting Departure of Vessels and Aircraft.

A person is guilty of a Class C felony if he knowingly causes the departure from the United States of a vessel or aircraft in violation of an order prohibiting its departure. "Order" means an order issued pursuant to a federal statute designed to restrict the delivery of the vessel or aircraft, or the supply of goods or services, to a foreign nation engaged in armed hostilities.

* * * * *

§ 1206. Failure of Foreign Agents to Register.

A person who fails to register as a foreign agent as required by a federal statute is guilty of a Class C felony if he surreptitiously engages in the activity with respect to which the registration requirement is imposed or attempts to conceal the fact he is a foreign agent.

* * * * *

§ 121. Unlawful Entry Into the United States.

(1) Offense. An alien is guilty of an offense if he intentionally:

(a) enters the United States at a time or place other than as designated pursuant to a federal statute;

(b) eludes examination or inspection by immigration officers;

(c) obtains entry to the United States by deception; or

(d) enters the United States after having been arrested and deported or excluded and deported from the United States.

(2) Grading. The offense is a Class C felony if:

(a) entry is obtained by the use of an entry document or certificate of naturalization or citizenship which the actor knows is forged or counterfeit or belongs or pertains to another; or

(b) the offense constitutes a violation of subsection (1)(d) and the alien previously has been arrested and deported because he was convicted of a felony involving moral turpitude. Otherwise the offense is a Class A misdemeanor.

(3) Defense. It is an affirmative defense to a prosecution under subsection (1)(d) that:

(a) the Attorney General had expressly consented to the alien's reapplying for admission to the United States prior to his reembarkation at a place outside the United States or his application for admission from foreign contiguous territory; or

(b) with respect to an alien previously excluded and deported, he was not required by a federal statute to obtain such advance consent.

(4) Presumption. In a prosecution under subsection (1)(d), an alien who is found in the United States after having been deported is presumed to have intentionally reentered the United States.

* * * * *

§ 1222. Unlawfully Bringing Aliens Into the United States.

(1) Offense. A person is guilty of an offense if he intentionally brings into or lands in the United States another who is an alien, including an alien crewman, not admitted to the United States by an immigration officer or not lawfully entitled to enter or reside within the United States.

(2) Grading. The offense is a Class C felony if the actor engages in the prohibited conduct as consideration for a thing of pecuniary value or with knowledge the alien intends to commit a felony in the United States. Otherwise it is a Class A misdemeanor.

* * * * *

§ 1233. Hindering Discovery of Illegal Entrants.

(1) Offense. A person is guilty of an offense if, with intent to hinder, delay or prevent the discovery or apprehension of another who is an alien, including an alien crewman, and who has unlawfully entered or is unlawfully within the United States, he:

(a) harbors or conceals such alien;

(b) provides such alien with a weapon, money, transportation, disguise or other means of avoiding discovery or apprehension;

(c) conceals, alters, mutilates or destroys a document or thing; or

(d) warns such alien of impending discovery or appprehension.

(2) Grading. The offense is a Class C felony if the actor engages in the conduct:

(a) as consideration for a thing of pecuniary value;

(b) with intent to receive consideration for placing such alien in the employ of another;

(c) with intent such alien be employed or continued in the employ of an enterprise operated for profit; or

(d) with knowledge such alien intends to commit a felony in the United States.

Otherwise the offense is a Class A misdemeanor.

* * * * *

§ 1224. Obtaining Naturalization or Evidence of Citizenship by Deception.

A person is guilty of a Class C felony if he intentionally obtains by deception United States naturalization, registration in the alien registry of the United States, or the issuance of a certificate of United States naturalization or citizenship for or to any person not entitled thereto.

* * * * *

§ 1225. Fradulent Acquisition or Improper Use of Passports.

A person is guilty of a Class C felony if:

(a) he intentionally obtains the issuance of a United States passport by deception; or

(b) with intent to obstruct, impair or pervert a government function which is, in fact, federal, he uses a United States passport the issuance of which was obtained by deception or which was issued for the use of another.

* * * * *

§ 1229. Definitions for Sections 1221 to 1225.

(1) "Alien" and Related Terms. The definitions of "alien", "application for admission", "crewman", "entry", "immigration officer", and "United States" provided in 8 U.S.C. § 1101 shall apply to sections 1221 to 1223.

(2) "Deception". In sections 1221, 1224 and 1225, "deception" means:

(a) creating or reinforcing a false impression as to fact, law, status, value, intention or other state of mind by false written statement, impersonation or the presentation of a forged or counterfeit writing; or

(b) preventing a public servant from acquiring information which would affect his official action.

* * * * *

Chapter 13. Integrity and Effectiveness of Government Operations

PHYSICAL OBSTRUCTION OF GOVERNMENT FUNCTION AND RELATED OFFENSES

§ 1301. Physical Obstruction of Government Function.

(1) Offense. A person is guilty of a Class A misdemeanor if, by physical interference or obstacle, he intentionally obstructs, impairs or perverts the administration of law or other government function.

(2) Applicability to Arrest. This section does not apply to the conduct of a person obstructing arrest of himself; but such conduct is subject to section 1302. This section does apply to the conduct of a person obstructing arrest of another. Inapplicability under this subsection is a defense.

(3) Defense. It is a defense to a prosecution under this section that the administration of law or other government function was not lawful; but it is no defense that the defendant mistakenly believed that the administration of law or other government function was not lawful. For the purposes of this section the conduct of a public servant acting in good faith and under color of law in the execution of a warrant or other process for arrest or search and seizure shall be deemed lawful.

(4) Jurisdiction. There is federal jurisdiction over an offense defined in this section when the government function is a federal government function.

* * * * *

§ 1302. Preventing Arrest or Discharge of Other Duties.

(1) Offense. A person is guilty of a Class A misdemeanor if, with intent to prevent a public servant from effecting an arrest of himself or another or from discharging any other official duty, he creates a substantial risk of bodily injury to the public servant or to anyone except himself, or employs means justifying or requiring substantial force to overcome resistance to effecting the arrest or the discharge of the duty.

(2) Defense. It is a defense to a prosecution under this section that the public servant was not acting lawfully; but it is no defense that the defendant mistakenly believed that the public servant was not acting lawfully. A public servant executing a warrant or other process in good faith and under color of law shall be deemed to be acting lawfully.

(3) Jurisdiction. There is federal jurisdiction over an offense defined in this section when the public servant is a federal public servant or the official duty is a federal official duty.

* * * * *

§ 1303. Hindering Law Enforcement.

(1) Offense. A person is guilty of hindering law enforcement if he intentionally interferes with, hinders, delays or prevents the discovery, apprehension, prosecution, conviction or punishment of another for an offense by:

(a) harboring or concealing the other;

(b) providing the other with a weapon, money, transportation, disguise or other means of avoiding discovery or apprehension;

(c) concealing, altering, mutilating or destroying a document or thing, regardless of its admissibility in evidence; or

(d) warning the other of impending discovery or apprehension other than in connection with an effort to bring another into compliance with the law.

(2) Grading. Hindering law enforcement is a Class C felony if the actor:

(a) knows of the conduct of the other and such conduct constitutes a Class A or Class B felony; or

(b) knows that the other has been charged with or convicted of a crime and such crime is a Class A or Class B felony. Otherwise hindering law enforcement is a Class A misdemeanor.

(3) Jurisdiction. There is federal jurisdiction over an offense defined in this section when the principal offense is a federal offense.

* * * * *

§ 1304. Aiding Consummation of Crime.

(1) Offense. A person is guilty of aiding consummation of crime if he intentionally aids another to secret, disguise, or convert the proceeds of a crime or otherwise profit from a crime.

(2) Grading. Aiding consummation of a crime:

(a) is a Class C felony if the actor knows of the conduct of the other and such conduct constitutes a Class A or Class B felony; and

(b) is a Class A misdemeanor if the actor knows of the conduct of the other and such conduct constitutes a Class C felony or a Class A misdemeanor.

Otherwise aiding consummation of a crime is a misdemeanor.

(3) Jurisdiction. There is federal jurisdiction over an offense defined in this section when the principal crime is a federal crime.

* * * * *

§ 1305. Failure to Appear After Release; Bail Jumping.

(1) Offense. A person is guilty of an offense if, after having been released pursuant to the Bail Reform Act of 1966, upon condition or undertaking that he will subsequently appear before a court or judicial officer as required, he fails to appear as required.

(2) Grading. The offense is a Class C felony if the actor was released in connection with a charge of felony or while awaiting sentence or pending appeal or certiorari after conviction of any crime. Otherwise it is a Class A misdemeanor.

(3) Defense. It is an affirmative defense to a prosecution under this section that the defendant was prevented from appearing at the specified time and place by circumstances to the creation of which he did not contribute in reckless disregard of the requirement to appear.

* * * * *

§ 1306. Escape.

(1) Offense. A person is guilty of escape if, without lawful authority, he removes or attempts to remove himself from official detention or fails to return to official detention following temporary leave granted for a specified purpose or limited period.

(2) Grading. Escape is a Class felony if the actor uses a firearm, destructive device or other dangerous weapon in effecting or attempting to effect his removal from official detention. Escape is a Class C felony if (a) the actor uses any other force or threat of force against another in effecting or attempting to effect his removal from official detention, or (b) the person escaping was in official detention by virtue of his arrest for, or on charge of, a felony or pursuant to his conviction of any offense. Otherwise escape is a Class A misdemeanor.

(3) Definitions. In this section:

(a) "official detention" means arrest, custody following surrender in lieu of arrest, detention in any facility for custody of persons under charge or conviction of an offense or alleged or found to be delinquent, detention under a law authorizing civil commitment in lieu of criminal proceedings or authorizing such detention while criminal proceedings are held in abeyance, detention for extradition or deportation, or custody for purposes incident to the foregoing, including transportation, medical diagnosis or treatment, court appearances, work and recreation; but "official detention" does not include supervision on probation or parole or constraint incidental to release under [18 U.S.C., Chapter 207 (Release) and § 5035 (Juvenile)];

(b) "conviction of an offense" does not include an adjudication of juvenile delinquency.

(4) Defenses. Irregularity in bringing about or maintaining detention, or lack of jurisdiction of the committing or detaining authority shall not be a defense to a prosecution under this section if the escape is from prison or other facility used for official detention or from detention pursuant to commitment by an official proceeding. In the case of other detentions, irregularity or lack of jurisdiction shall be an affirmative defense if (a) the escape involved no substantial risk of harm to the person or property of anyone other than the detainee, or (b) the detaining authority did not act in good faith under color of law.

(5) Jurisdiction. There is federal jurisdiction over an offense defined in this section when the official detention involves federal law enforcement or the escape is from a federal public servant or federal facility used for official detention.

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§ 1307. Public Servants Permitting Escape.

(1) Offense. A public servant concerned in official detention pursuant to process issued by a court, judge or magistrate is guilty of a Class A misdemeanor if he recklessly permits an escape and is guilty of a Class B misdemeanor if he negligently permits an escape. "Official detention" has the meaning prescribed in section 1306(3).

(2) Jurisdiction. There is federal jurisdiction over an offense defined in this section when the public servant is a federal public servant or the process is federal process.

* * * * *

§ 1308. Inciting or Leading Riot in Detention Facilities.

(1) Offense. A person is guilty of a Class C felony if, with intent to cause, continue, or enlarge a riot, he solicits a group of five or more persons to engage in a riot in a facility used for official detention or engages in conduct intended to serve as the beginning of or signal for such riot, or participates in planning such riot, or, in the course of such riot, issues commands or instructions in furtherance thereof.

(2) Definitions. In this section:

(a) "riot" means a disturbance involving an assemblage of five or more persons which by tumultuous and violent conduct creates grave danger of damage or injury to property or persons or substantially obstructs the operation of the facility or other government function;

(b) "official detention" has the meaning prescribed in section 1306(3).

(3) Jurisdiction. There is federal jurisdiction over an offense defined in this section when the facility is a federal facility.

§ 1309. Introducing or Possessing Contraband Useful for Escape.

(1) Introducing Contraband. A person is guilty of a Class C felony if he unlawfully provides an inmate of an official detention facility with any tool, weapon or other object which may be useful for escape. Such person is guilty of a Class B felony if the object is a firearm, destructive device or other dangerous weapon.

(2) Possession of Contraband. An inmate of an official detention facility is guilty of a Class C felony if he unlawfully procures, makes or otherwise provides himself with, or has in his possession, any tool, weapon or other object which may be useful for escape. Such person is guilty of a Class B felony if the object is a firearm, destructive device or other dangerous weapon.

(3) Definitions. In this section:

(a) "unlawfully" means surreptitiously or contrary to a statute or regulation, rule or order issued pursuant thereto;

(b) "official detention" has the meaning prescribed in section 1306(3).

(4) Jurisdiction. There is federal jurisdiction over an offense defined in this section when the facility is a federal facility.

§ 1310. Flight to Avoid Prosecution or Giving Testimony.

(1) Offense. A person is guilty of a Class C felony if he moves or travels across a state or United States boundary with intent:

(a) to avoid prosecution, or detention after conviction, under the laws of the place from which he flees, for an attempt or conspiracy to commit, or commission of: (i) an offense involving willful infliction of bodily injury, property damage or property destruction by fire or explosion, or (ii) any felony under the laws of the place from which the fugitive flees, or which, in the case of New Jersey, is a high misdemeanor under the laws of that state; or

(b) (i) to avoid appearing as a witness, producing information, or giving testimony in any official proceeding in such place in which the commission of an offense described in paragraphs (a) (i) or (a) (ii) of this section is charged or under investigation; or (ii) to avoid contempt proceedings or other criminal prosecution, or custody or confinement after conviction, for such avoidance.

(2) Discretionary Exercise of Jurisdiction. In addition to the authorization for discretionary restraint in the exercise of federal jurisdiction by section 207, federal law enforcement agencies are authorized to decline or discontinue federal enforcement efforts whenever it appears that the conduct which is the subject of the official proceeding, prosecution or conviction would not, were it committed within federal jurisdiction, constitute a federal felony. No prosecution shall be instituted under this section unless expressly authorized by the Attorney General.

(3) Commission of Other Offenses in the Course of Flight. Commission of an offense defined in this section shall not be a basis for application of section 201(b) to confer federal jurisdiction over commission of another offense

(4) Venue. Violations of this section may be prosecuted only in the federal judicial district in which the original crime or contempt was alleged to have been committed, or in which the person was held in custody or confinement.

* * * * *

OBSTRUCTION OF JUSTICE

§ 1321. Tampering With Witnesses and Informants in Proceedings.

(1) Tampering. A person is guilty of a Class C felony if he uses force, threat, deception or bribery:

(a) with intent to influence another's testimony in an official proceeding; or

(b) with intent to induce or otherwise cause another:

(i) to withhold any testimony, information, document or thing from an official proceeding, whether or not the other person would be legally privileged to do so;

(ii) to violate section 1323 (Tampering With Physical Evidence);

(iii) to elude legal process summoning him to testify in an official proceeding; or

(iv) to absent himself from an official proceeding to which he has been summoned.

(2) Soliciting Bribe. A person is guilty of a Class C felony if he solicits, accepts or agrees to accept from another a thing of pecuniary value as consideration for:

(a) influencing the actor's testimony in an official proceeding; or

(b) the actor's engaging in the conduct described in paragraphs (i) through (iv) of subsection 1(b).

(3) Defenses.

(a) It is a defense to a prosecution under this section for use of threat with intent to influence another's testimony that the threat was not of unlawful harm and was used solely to influence the other to testify truthfully.

(b) In a prosecution under this section based on bribery, it shall be an affirmative defense that any consideration for a person's refraining from instigating or pressing the prosecution of an offense was to be limited to restitution or indemnification for harm caused by the offense.

(c) It is no defense to a prosecution under this section that an official proceeding was not pending or about to be instituted.

(4) Jurisdiction. There is federal jurisdiction over an offense defined in this section when the official proceeding is a federal official proceeding.

(5) Witness Fees and Expenses. This section shall not be construed to prohibit the payment or receipt of witness fees provided by statute, or the payment, by the party upon whose behalf a witness is called, and receipt by a witness, of the reasonable cost of travel and subsistence incurred and the reasonable value of time lost in attendance at an official proceeding, or in the case of expert witnesses, a reasonable fee for preparing and presenting an expert opinion.

* * * * *

§ 1322. Tampering With Informants in Criminal Investigations.

(1) Offense. A person is guilty of a Class C felony if, believing another may have information relating to an offense, he deceives such other person or employs force, threat or bribery with intent to hinder, delay or prevent communication of such information to a law enforcement officer. The affirmative defense in subsection (3)(b) of section 1321 applies to this section.

(2) Jurisdiction. There is federal jurisdiction over an offense defined in this section when the principal offense is a federal offense or when the law enforcement officer is a federal public servant.

§ 1323. Tampering With Physical Evidence.

(1) Offense. A person is guilty of an offense if, believing an official proceeding is pending or about to be instituted or believing process, demand or order has been issued or is about to be issued, he alters, destroys, mutilates, conceals or removes a record, document or thing with intent to impair its verity or availability in such official proceeding or

for the purposes of such process, demand or order.

(2) Grading. The offense is a Class C felony if the actor substantially obstructs, impairs or perverts prosecution for a felony. Otherwise it is a Class A misdemeanor.

(3) Definition. In this section "process, demand or order" means process, demand or order authorized by law for the seizure, production, copying, discovery or examination of a record, document or thing.

(4) Jurisdiction. There is federal jurisdiction over an offense defined in this section when the official proceeding which is pending or contemplated is or would be a federal official proceeding or when the process, demand, or order is or would be issued by a federal public servant.

* * * * *

§ 1324. Harassment of and Communication With Jurors.

(1) Offense. A person is guilty of a Class A misdemeanor if, with intent to influence the official action of another as a juror, he communicates with him other than as part of the proceedings in a case, or harasses or alarms him. Conduct directed against the juror's spouse or other relative residing in the same household with the juror shall be deemed conduct directed against the juror.

(2) Definition. In this section "juror" means a grand juror or a petit juror and includes a person who has been drawn or summoned to attend as a prospective juror.

(3) Jurisdiction. There is federal jurisdiction over an offense defined in this section when the juror is a federal juror.

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§ 1325. Demonstrating to Influence Judicial Proceedings.

(1) Offense. A person is guilty of a Class B misdemeanor if, with intent to influence a judge, juror or witness in the discharge of his duties in a judicial proceeding, he pickets, parades, uses a sound-amplifying device, displays a placard or sign containing written or pictorial matter, or otherwise engages in a demonstration in or on the grounds of a building housing a court of the United States or of a residence of or usual place of occupancy by such judge, juror or witnesses or on a public way near such building, residence or place. "Near" shall not be construed to mean a place more than 200 feet from such building, residence or place, unless otherwise modified by court rule.

(2) Jurisdiction. There is federal jurisdiction over an offense defined in this section when the judicial proceeding is a federal judicial proceeding.

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§ 1326. Eavesdropping on Jury Deliberations.

(1) Offense. A person is guilty of a Class A misdemeanor if he intentionally:

(a) records the proceedings of a jury while such jury is deliberating or voting; or

(b) listens to or observes the proceedings of any jury of which he is not a member while such jury is deliberating or voting.

(2) Defense. This section shall not apply to the taking of notes by a juror in connection with and solely for the purpose of assisting him in the performance of his official duties. Inapplicability under this subsection is a defense.

(3) Definitions. In this section "jury" means grand jury or petit jury, and "juror" means grand juror or petit juror.

(4) Jurisdiction. There is federal jurisdiction over an offense defined in this section when the jury is a federal jury.

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§ 1327. Nondisclosure of Retainer in Criminal Matter.

(1) Offense. A person employed for compensation to influence the official action of a public servant with respect to the initiation, conduct or dismissal of a prosecution for an offense or the imposition or modification of a sentence is guilty of a Class A misdemeanor if he privately addresses to such public servant any representation, entreaty, argument or other communication intended to influence official action without disclosing the fact of such employment, knowing that the public servant is unaware of it.

(2) Applicability to Attorney-At-Law. This section does not apply to an attorney-at-law or to a person authorized by statute or regulation to act in a representative capacity with respect to the official action when he is acting in such capacity and makes known to the public servant or has indicated in any manner authorized by law that he is acting in such capacity. Inapplicability under this subsection is a defense.

(3) Jurisdiction. There is federal jurisdiction over an offense defined in this section when the public servant is a federal public servant.

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CRIMINAL CONTEMPT AND RELATED OFFENSES

§ 1341. Criminal Contempt.

(1) Power of Court. A court of the United States shall have power to punish, as authorized under this section, such contempt of its authority, and none other, as:

(a) misbehavior of any person in its presence or so near thereto as to obstruct the administration of justice;

(b) misbehavior of any of its officers in their official transactions;

(c) disobedience or resistance to its lawful writ, process, order, rule, decree or command.

(2) Status as Offense; Grading. Except as otherwise provided, a criminal contempt proceeding under this section shall be deemed prosecution for an offense for the purposes of Part A (General Provisions) and Part C (Sentencing) of this Code. Criminal contempt shall be treated as a Class B misdemeanor, except that the defendant may be sentenced to a term of imprisonment of no more than six months, and, if the criminal contempt is disobedience of or resistance to a court's lawful temporary restraining order or preliminary or final injunction or other final order, other than for the payment of money, the defendant may be sentenced to pay a fine in any amount deemed just by the court.

(3) Successive Prosecutions. Notwithstanding the provisions of sections 704, 705, 706, 707 and 708 (relating to multiple prosecutions), a criminal contempt proceeding under this section is not a bar to subsequent prosecution for a specific offense if the court certifies in the judgment of conviction of criminal contempt, or the order terminating the proceeding without acquittal or dismissal, that a summary criminal contempt proceeding was necessary to prevent repetition of misbehavior disruptive of an ongoing proceeding and that subsequent prosecution as a specific offense is warranted. In a subsequent prosecution the defendant shall receive credit for all time spent in custody and any fine paid by him pursuant to the criminal contempt proceeding.

(4) Civil Contempt Preserved. This section shall not be construed to deprive a court of its power, by civil contempt proceedings, to compel compliance with its lawful writ, process, order, rule, decree, or command, or to compensate a complainant for losses sustained by reason of disobedience or resistance thereto, in accordance with the prevailing usages of law and equity, including the power of detention.

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§ 1342. Failure To Appear as Witness, To Produce Information or To Be Sworn.

(1) Failure To Appear or To Produce. A person who has been lawfully ordered to appear at a specified time and place to testify or to produce information in an official proceeding is guilty of a Class A misdemeanor if, without lawful privilege, he fails to appear or to produce the information at that time and place.

(2) Refusal to be Sworn. A person attending an official proceeding is guilty of a Class A misdemeanor if, without lawful privilege, he fails to comply with a lawful order:

(a) to occupy or remain at the designated place from which he is to testify as a witness in such proceeding; or

(b) to be sworn or to make equivalent affirmation as a witness in such proceeding.

(3) Defenses. It is a defense to a prosecution under this section that the defendant:

(a) was prevented from appearing at the specified time and place or unable to produce the information because of circumstances to the creation of which he did not contribute in reckless disregard of the requirement to appear or to produce; or

(b) complied with the order before his failure to do so substantially affected the proceeding.

(4) Definitions. In this section:

(a) "official proceeding" means

(i) an official proceeding before a judge or court of the United States, a United States magistrate, a referee in bankruptcy or a federal grand jury;

(ii) an official proceeding before Congress;

(iii) a federal official proceeding in which pursuant to lawful authority a court orders attendance or the production of information;

(iv) an official proceeding before an authorized agency;

(v) an official proceeding which otherwise is made expressly subject to this section;

(b) "authorized agency" means an agency authorized by federal statute to issue subpoenas or similar process supported by the sanctions of this section;

(c) "official proceeding before Congress" means an inquiry authorized before either House or any joint committee established by a joint or concurrent resolution of the two Houses of Congress or any committee or subcommittee of either House of Congress;

(d) "information" means a book, paper, document, record, or other tangible object.

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§ 1343. Refusal to Testify.

(1) Offense. A person is guilty of a Class A misdemeanor if, without lawful privilege, he refuses:

(a) to answer a question pertinent to the subject under inquiry in an official proceeding before Congress and continues in such a refusal after the presiding officer directs him to answer and advises him that his continuing refusal may make him subject to criminal prosecution; or

(b) to answer a question in any other official proceeding and continues in such refusal after a federal court or federal judge or, in a proceeding before a United States magistrate or referee in bankruptcy, the presiding officer directs or orders him to answer and advises him that his continuing refusal may make him subject to criminal prosecution.

(2) Defense. It is a defense to a prosecution under this section that the defendant complied with the direction or order before his refusal to do so substantially affected the proceeding.

(3) Definition. "Official proceeding before Congress" has the meaning prescribed in subsection (4)(c) of section 1342.

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§ 1344. Hindering Proceedings by Disorderly Conduct.

(1) Intentional Hindering. A person is guilty of a Class A misdemeanor if he intentionally hinders an official proceeding by noise or violent or tumultuous behavior or disturbance.

(2) Reckless Hindering. A person is guilty of an offense if he recklessly hinders an offi-

cial proceeding by noise or violent or tumultuous behavior or disturbance. The offense is a class D misdemeanor if it continues after explicit official request to desist. Otherwise it is an infraction.

(3) Jurisdiction. There is federal jurisdiction over an offense defined in this section when the official proceeding is a federal official proceeding.

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§ 1345. Disobedience of Judicial Order.

(1) Offense. A person is guilty of a Class A misdemeanor if he disobeys or resists a lawful temporary restraining order or preliminary or final injunction or other final order, other than for the payment of money, of a court of the United States.

(2) Fines. Notwithstanding the limitations of section 3301 (Authorized Fines), the defendant may be sentenced to pay a fine in any amount deemed just by the court.

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§ 1346. Soliciting Obstruction of Proceedings.

A person is guilty of a Class A misdemeanor if he solicits another to commit an offense defined in sections 1342, 1343, 1344(1) or 1345.

* * * * *

§ 1349. Certification for Prosecution of Offenses Under Sections 1342 to 1345.

(1) Judicial Proceeding. No person shall be prosecuted under sections 1342, 1343, 1344 or 1345 if the official proceeding involved is before a court of the United States unless the judge or a majority of the judges sitting certifies the case to the appropriate United States Attorney to be considered for possible prosecution, except that this provision does not apply to a prosecution under section 1345 if the United States or an agency thereof is a party to the matter in which the order issues. If the certification includes a recommendation that a prosecution be instituted, the United States Attorney shall have the duty to institute prosecution or to bring the matter before the grand jury for its action.

(2) Grand Jury Proceeding. If the official proceeding involved is a grand jury proceeding, no person shall be prosecuted:

(a) under section 1342 unless a judge certifies the case to the appropriate United States Attorney to be considered for possible prosecution;

(b) under section 1343 unless the judge whose direction has allegedly been disobeyed, or any other judge of that court if the original judge is no longer serving, certifies the case to the appropriate United States Attorney to be considered for possible prosecution.

If the certification includes a recommendation that a prosecution be instituted, the United States Attorney shall have the duty to institute prosecution or to bring the matter before the grand jury for its action.

(3) Proceedings Before Magistrate or Referee in Bankruptcy. No person shall be prosecuted under sections 1342 or 1343 if the official proceeding involved is before a United States magistrate or referee in bankruptcy unless a district court judge certifies the case to the appropriate United States Attorney to be considered for possible prosecution. If the certification includes a recommendation that a prosecution be instituted, the United States Attorney shall have the duty to institute prosecution or to bring the matter before the grand jury for its action.

(4) Congressional Proceedings. No person shall be prosecuted under sections 1342 or 1343 if the official proceedings involved is before Congress, unless the facts of such violation are reported to either House of Congress while Congress is in session, or, when Congress is not in session, a statement of the facts constituting such violation is reported to and filed with the President of the Senate or the Speaker of the House. If the report is made while Congress is in session and the appropriate House has so ordered, the President of the Senate or the Speaker of the House, as the case may be, shall certify, or if the report is made when Congress is not in session, such officer may certify, the statement of facts under the seal of the appropriate House to the appropriate United States Attorney, whose duty it shall be to bring the matter before the grand jury for its action.

(5) Lack of Certification a Bar. Failure to comply with the certification requirements of this section is a bar to prosecution. The defendant shall have the burden of proving such failure to comply by a preponderance of the evidence, and shall be entitled to have the issue determined by the court out of the presence of the jury, if any, and to exclusion of any reference to the need or fact of certification from the attention of the jury.

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PERJURY, FALSE STATEMENTS AND INTEGRITY OF PUBLIC RECORDS

§ 1351. Perjury.

(1) Offense. A person is guilty of perjury, a Class C felony, if, in an official proceeding, he makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of a false statement previously made, when the statement is material and he does not believe it to be true.

(2) Corroboration. No person shall be convicted of perjury where proof of falsity rests solely upon contradiction by the testimony of one person.

[(2) Proof. Commission of perjury need not be proved by any particular number of witnesses or by documentary or other types of evidence.]

(3) Inconsistent Statements. Where in the course of one or more official proceedings, the defendant made a statement under oath or equivalent affirmation inconsistent with another statement made by him under oath or equivalent affirmation to the degree that one of them is necessarily false, both having been made within the period of the statute of limitations, the prosecution may set forth the statements in a single count alleging in the alternative that one or the other was false and not believed by the defendant to be true. Proof that the defendant made such statements shall constitute a prima facie case that one or the other of the statements was false; but in the absence of sufficient proof of which statement was false, the defendant may be convicted under this section only if each of such statements was material to the official proceeding in which it was made.

(4) Jurisdiction. There is federal jurisdiction over an offense defined in this section when the official proceeding is a federal official proceeding.

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§ 1352. False Statements.

(1) False Swearing in Official Proceedings. A person is guilty of a Class A misdemeanor if, in an official proceeding, he makes a false statement, whether or not material, under oath or equivalent affirmation, or swears or affirms the truth of such a statement previously made, if he does not believe the statement to be true.

(2) Other Falsity in Government Matters. A person is guilty of a Class A misdemeanor if, in a governmental matter, he:

(a) makes a false written statement, when the statement is material and he does not believe it to be true;

(b) intentionally creates a false impression in a written application for a pecuniary or other benefit, by omitting information necessary to prevent a material statement therein from being misleading;

(c) submits or invites reliance on any material writing which he knows to be forged, altered or otherwise lacking in authenticity;

(d) submits or invites reliance on any sample, specimen, map, boundary-mark or other object which he knows to be false in a material respect; or

(e) uses a trick, scheme or device which he knows to be misleading in a material respect.

(3) Statement in Criminal Investigation. This section does not apply to information given during the course of an investigation into possible commission of an offense unless the information is given in an official proceeding or the declarant is otherwise under a legal duty to give the information. Inapplicability under this subsection is a defense.

(4) Definition. A matter is a "governmental matter" if it is within the jurisdiction of a government agency or of an office, agency or other establishment in the legislative or the judicial branch of government.

(5) Jurisdiction. There is federal jurisdiction over an offense defined in:

(a) subsection (1) when the official proceeding is a federal official proceeding:

(b) subsection (2) when the government is the government of the United States, or when the government is a state or local government and the falsity constituting the offense is that a person is a citizen of the United States.

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§ 1353. False Statement Obstructing the Foreign Relations of the United States.

A person is guilty of a Class C felony if, in relation to a dispute between a foreign government and the United States, he makes a false statement under oath or equivalent affirmation, when the statement is material and he does not believe it to be true:

(a) with knowledge that it may be used to influence the measures or conduct of any foreign government or public servant thereof to the injury of the United States; or

(b) with intent to influence any measure of or action by the United States to the injury of the United States.

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§ 1354. False Reports to Security Officials.

(1) Offense. A person is guilty of a Class A misdemeanor if he:

(a) gives false information to a law enforcement officer with intent to falsely implicate another; or

(b) falsely reports to a law enforcement officer or other security official the occurrence of a crime of violence or other incident calling for an emergency response when he knows that the incident did not occur. "Security official" means fireman or other public servant responsible for averting or dealing with emergencies involving public safety.

(2) Jurisdiction. There is federal jurisdiction over an offense defined in this section when the law enforcement officer or security official is a federal law enforcement officer or security official.

* * * * *

§ 1355. General Provisions for Sections 1351 to 1354.

(1) Materiality. Falsification is material under sections 1351, 1352, 1353 and 1354 regardless of the admissibility of the statement under rules of evidence, if it could have affected the course or outcome of the official proceeding or the disposition of the matter in which the statement is made. Whether a falsification is material in a given factual situation is a question of law. It is no defense that the declarant mistakenly believed the falsification to be immaterial.

(2) Irregularities No Defense. It is no defense to a prosecution under sections 1351 1352 or 1353 that the oath or affirmation was administered or taken in an irregular manner

or that the declarant was not competent to make the statement. A document purporting to be made upon oath or affirmation at a time when the actor represents it as being so verified shall be deemed to have been duly sworn or affirmed.

(3) Defense of Retraction. It is a defense to a prosecution under sections 1351, 1352, 1353 or 1354 that the actor retracted the falsification in the course of the official proceeding or matter in which it was made, if in fact he did so before it became manifest that the falsification was or would be exposed and before the falsification substantially affected the proceeding or the matter.

(4) Definition of "Statement". In sections 1351, 1352 and 1353 "statement" means any representation, but includes a representation of opinion, belief or other state of mind only if the representation clearly relates to state of mind apart from or in addition to any facts which are the subject of the representation.

* * * * *

§ 1356. Tampering With Public Records.

(1) Offense. A person is guilty of a Class A misdemeanor if he:

(a) knowingly makes a false entry in or false alteration of a government record; or

(b) knowingly without lawful authority destroys, conceals, removes or otherwise impairs the verity or availability of a government record.

(2) Definition. In this section "government record" means:

(a) any record, document or thing belonging to, or received or kept by the government for information or record;

(b) any other record, document or thing required to be kept by law, pursuant, in fact, to a statute which expressly invokes the sanctions of this section.

(3) Jurisdiction. There is federal jurisdiction over an offense defined in this section when the government is the federal government or the statute which invokes the sanctions of this section is a federal statute.

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BRIBERY AND INTIMIDATION

§ 1361. Bribery.

(1) Offense. A person is guilty of bribery, a Class C felony, if he knowingly offers, gives or agrees to give to another, or solicits, accepts or agrees to accept from another, a thing of value as consideration for:

(a) the recipient's official action as a public servant; or

(b) the recipient's violation of a known legal duty as a public servant.

(2) Defense Precluded. It is no defense to a prosecution under this section that a recipient was not qualified to act in the desired way whether because he had not yet assumed office, or lacked jurisdiction, or for any other reason.

(3) Prima Facie Case. A prima facie case is established under this section upon proof that the actor knew that a thing of pecuniary value was offered, given or agreed to be given by, or solicited, accepted or agreed to be accepted from a person having an interest in an imminent or pending (a) examination, investigation, arrest, or judicial or administrative proceeding, or (b) bid, contract, claim, or application, and that interest could be affected by the recipient's performance or nonperformance of his official action or violation of his known legal duty as a public servant.

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§ 1362. Unlawful Rewarding of Public Servants.

(1) Receiving Unlawful Reward. A public servant is guilty of a Class A misdemeanor if he solicits, accepts or agrees to accept a thing of pecuniary value for:

(a) having engaged in official action as a public servant; or

(b) having violated a legal duty as a public servant.

(2) Giving Unlawful Reward. A person is guilty of a Class A misdemeanor if he knowingly offers, gives or agrees to give a thing of pecuniary value, receipt of which is prohibited by this section.

* * * * *

§ 1363. Unlawful Compensation for Assistance in Government Matters.

(1) Receiving Unlawful Compensation. A public servant is guilty of a Class A misdemeanor if he solicits, accepts or agrees to accept a thing of pecuniary value as compensation for advice or other assistance in preparing or promoting a bill, contract, claim or other matter which is or is likely to be subject to his official action.

(2) Giving Unlawful Compensation. A person is guilty of a Class A misdemeanor if he knowingly offers, gives or agrees to give a thing of pecuniary value to a public servant, receipt of which is prohibited by this section.

* * * * *

§ 1364. Trading in Public Office and Political Endorsement.

(1) Offense. A person is guilty of a Class A misdemeanor if he solicits, accepts or agrees to accept, or offers, gives or agrees to give, a thing of pecuniary value as consideration for approval or disapproval by a public servant or party official of a person for:

(a) appointment, employment, advancement or retention as a public servant; or

(b) designation or nomination as a candidate for elective office.

(2) Definitions. In this section:

(a) "approval" includes recommendation, failure to disapprove, or any other manifestation of favor or acquiescence;

(b) "disapproval" includes failure to approve, or any other manifestation of disfavor or nonacquiescence;

(c) "party official" means a person who holds a position or office in a political party, whether by election, appointment or otherwise.

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§ 1365. Trading in Special Influence.

A person is guilty of a Class A misdemeanor if he knowingly offers, gives or agrees to give, or solicits, accepts or agrees to accept a thing of pecuniary value for exerting, or procuring another to exert, special influence upon a public servant with respect to his legal duty or official as a public servant. "Special influence" means power to influence through kinship or by reason of position as a public servant or party official, as defined in section 1364.

* * * * *

§ 1366. Threatening Public Servants.

(1) Threats Relating to Official Proceedings or To Secure Breach of Duty. A person is guilty of a Class C felony if he threatens harm to another with intent to influence his official action as a public servant in a pending or prospective judicial or administrative proceeding held before him, or with intent to influence him to violate his duty as a public servant.

(2) Other Threats. A person is guilty of a Class C felony if, with intent to influence another's official action as a public servant, he threatens:

(a) to commit any crime or to do anything unlawful;

(b) to accuse anyone of a crime; or

(c) to expose a secret or publicize an asserted fact, whether true or false, tending to subject any person, living or deceased, to hatred, contempt or ridicule, or to impair another's credit or business repute.

(3) Defense Precluded. It is no defense to a prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way whether because he had not yet assumed office, or lacked jurisdiction or for any other reason.

* * * * *

§ 1367. Retaliation.

A person is guilty of a Class A misdemeanor if he harms another by an unlawful act in retaliation for or on account of the service of another as a public servant, witness or informant. "Informant" means a person who has communicated information to the government in connection with any government function.

* * * * *

§ 1368. Federal Jurisdiction Over Offenses in Sections 1361 to 1367.

(1) Federal Bribery and Intimidation. There is federal jurisdiction over offenses defined in:

(a) sections 1361, 1362, 1365, and 1366 when the official action or duty involved is as a federal public servant:

(b) section 1363 when the public servant is a federal public servant;

(c) section 1364 when the service involved in subsection (1)(a) is federal public service or the elective office is federal elective office;

(d) section 1367 when the service involved was as a federal public servant, a federal witness or a federal informant.

(2) State and Local Bribery and Intimidation. There is federal jurisdiction over offenses defined in sections 1361, 1362, 1366 and 1367 under paragraphs (a), (b), (e) and (h) of section 201.

* * * * *

§ 1369. Definition for Sections 1361 to 1368.

In sections 1361 through 1368 "thing of value" and "thing of pecuniary value" do not include (a) salary, fees and other compensation paid by the government in behalf of which the official action or legal duty is performed, or (b) concurrence in official action in the course of legitimate compromise among public servants.

* * * * *

OFFICIAL MISCONDUCT REGARDING CONFIDENTIAL INFORMATION AND SPECULATION

§ 1371. Disclosure of Confidential Information Provided to Government.

A person is guilty of a Class A misdemeanor if, in knowing violation of a duty imposed on him as a federal public servant, he discloses any confidential information which he has acquired as a federal public servant. "Confidential information" means information made available to the United States government under a governmental assurance of confidence.

* * * * *

§ 1372. Speculating or Wagering on Official Action or Information.

(1) Speculating During and After Employment. A person is guilty of a Class A misdemeanor if during employment as a federal public servant, or within one year thereafter, in contemplation of official action by himself as a federal public servant or by an agency of the United States with which he is or has been associated as a federal public servant, or in reliance on information to which he has or had access only in his capacity as a federal public servant, he:

(a) acquires a pecuniary interest in any property, transaction or enterprise which may be affected by such information or official action;

(b) speculates or wagers on the basis of such information or official action; or

(c) aids another to do any of the foregoing.

(2) Taking Official Action After Speculation. A person is guilty of a Class A misdemeanor if as a federal public servant he takes official action which is likely to benefit him as a result of an acquisition of a pecuniary interest in any property, transaction or enterprise, or of a speculation or wager, which he made, or caused or aided another to make, in contemplation of such official action.

* * * * *

IMPERSONATING OFFICIALS

§ 1381. Impersonating Officials.

(1) Offense. A person is guilty of an offense if he falsely pretends to be:

(a) a public servant or foreign official and acts as if to exercise the authority of such public servant or foreign official; or

(b) a public servant or a former public servant or a foreign official and thereby obtains a thing of value.

(2) Defense Precluded. It is no defense to prosecution under this section that the pretended capacity did not exist or the pretended authority could not legally or otherwise have been exercised or conferred.

(3) Definition. In this section "foreign official" means an official of a foreign government of a character which is customarily accredited as such to the United States, the United Nations or the Organization of American States, and includes diplomatic and consular officials.

(4) Grading. An offense under subsection (1) (a) is a Class A misdemeanor. An offense under subsection (1) (b) is a Class B misdemeanor.

(5) Jurisdiction.

(a) There is federal jurisdiction over an offense of impersonation of a public servant, present or former, defined in this section when the public servant is a federal public servant.

(b) Federal jurisdiction over an offense of impersonation of a foreign official defined in this section extends to any such offense committed anywhere within the United States or the special maritime or territorial jurisdiction as defined in section 210.

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Chapter 14. Internal Revenue and Customs Offenses

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INTERNAL REVENUE OFFENSES

§ 1401. Tax Evasion.

(1) Offense. A person is guilty of tax evasion if:

(a) with intent to evade any tax, he files or causes the filing of a tax return or information return which is false as to a material matter;

(b) with intent to evade payment of any tax which is due, he removes or conceals assets;

(c) with intent to evade payment, he fails to account for or pay over when due taxes previously collected or withheld, or received from another with the understanding that they will be paid over to the United States;

(d) with intent to evade any tax, he removes, destroys, mutilates, alters or tampers with any property in the custody, control or possession of the United States or any agent thereof;

(e) with intent to evade any tax, he knowingly fails to file an income, excise, estate or gift tax return when due; or

(f) he otherwise attempts in any manner to evade or defeat any income, excise, estate or gift tax.

(2) Grading. Tax evasion is:

(a) a Class B felony if the amount of the tax deficiency exceeds $25,000; and

(b) a Class C felony if the amount of the tax deficiency exceeds $500.

Otherwise it is a Class A misdemeanor.

* * * * *

§ 1402. Knowing Disregard of Tax Obligations.

A person is guilty of a Class A misdemeanor if he knowingly:

(a) fails to file a tax return when due;

(b) engages in an occupation or enterprise without having registered or purchased a stamp if that is required by a statute in Title 26 of the United States Code;

(c) fails to withhold or collect any tax which he is required by statute to withhold or collect;

(d) after having received the notice provided for in 26 U.S.C. § 7512(a), fails to deposit collected taxes in a special bank account as provided in 26 U.S.C. § 7512(b), or having deposited funds in such account, pays any of them to anyone other than the United States or authorized agent thereof; or

(e) fails to furnish a true statement to an employee regarding tax withheld as required under 26 U.S.C. § 6051.

* * * * *

§ 1403. Unlawful Trafficking in Taxable Objects.

(1) Offense. A person is guilty of an offense if he traffics in a taxable object knowing that the object has been or is being imported, manufactured, produced, removed, possessed, used, transferred or sold in violation of a federal revenue statute or a regulation, rule or order issued pursuant thereto.

(2) Grading. The offense is a Class C felony if the taxable object is distilled spirits and the actor is not qualified under Title 26 of the United States Code as a distiller, bonded warehouseman, rectifier or bottler of distilled spirits or is so qualified and acts with intent to evade the tax. Otherwise it is a Class A misdemeanor.

(3) Defenses. It is an affirmative defense to a prosecution under this section that all taxes imposed upon the object or upon trafficking therein were paid prior to the defendant's trafficking in the object; but it is no defense that such taxes were not yet due.

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§ 1404. Possession of Unlawfully Distilled Spirits.

A person is guilty of a Class B misdemeanor if he possesses distilled spirits, knowing that a tax imposed thereon or on the trafficking therein has not been paid.

* * * * *

§ 1405. Presumptions Applicable to Sections 1403 and 1404.

(1) Containers, Stamps, Certificates and Labels. For purposes of sections 1403 and 1404, proof that a person was found in possession of an object therein described, which object was not in the container required by statute or a regulation issued pursuant thereto, or which did not bear a stamp, certificate or label required by statute or a regulation issued pursuant thereto, gives rise to a presumption of the culpability specified in those sections and that the tax was not paid.

(2) Presence at Still or Distilling Apparatus. For the purposes of section 1403, proof that a person was present at a place where a still or distilling apparatus was then set up or where mash, wort or wash was then possessed gives rise to a presumption:

(a) that such person was a trafficker in distilled spirits; and

(b) if the signs or permits were not there displayed as required by statute or a regulation issued pursuant thereto, that such person had the culpability specified in that section.

(3) Possession of Distilled Spirits. For the purposes of section 1403, possession of a quantity of distilled spirits in excess of five gallons gives rise to a presumption that the possessor was trafficking in such distilled spirits.

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§ 1409. Definitions for Sections 1401 to 1409.

In sections 1401 to 1409:

(a) "object" includes certificates and other documents;

(b) "possession" includes custody or control, jointly or severally exercised;

(c) "produce" and "manufacture," and variants thereof, include the gathering together of equipment or materials for the purpose of producing or manufacturing, as the case may be;

(d) "tax" means a tax imposed by a federal statute, an exaction denominated a "tax" by a federal statute, and any penalty, addition to tax, additional amount, or interest thereon, but does not include tariffs or customs duties or tolls, levies or charges which are not denominated a "tax" by a federal statute;

(e) "tax return" means a written report of the taxpayer's tax obligations which is required to be filed by a federal statute or regulation issued pursuant thereto. The term includes reports of taxes withheld or collected, income tax returns, estate and gift tax returns, excise and other tax returns of any individual, corporation or other entity required to file returns and pay taxes in conjunction with a tax return, but does not include interim reports, information returns or returns of estimated tax;

(f) "taxable object" means an object upon the manufacture, production, removal, possession, import, sale or transfer of which a tax is imposed;

(g) "traffics in" means produces, manufactures, possesses with intent to transfer, transfers, dispenses, imports, receives with intent to transfer, sells or offers or agrees to do any of the foregoing.

* * * * *

§ 1411. Smuggling.

(1) Offense. A person is guilty of smuggling if he:

(a) knowingly evades examination by the government of an object being introduced into the United States;

(b) knowingly deceives or makes a false statement with intent to deceive the government as to a matter material to the purpose of an examination by the government of an object being introduced into the United States;

(c) knowingly evades assessment or payment when due of the customs duty upon an object being introduced into the United States;

(d) knowingly introduces an object into the United States the introduction of which is prohibited, whether absolutely or conditionally, pursuant to a federal statute; or

(e) receives, conceals, buys, sells or in any manner facilitates the transportation, concealment or sale of an object the assessment or payment of the duty upon which, in fact, is being or has been evaded or the introduction of which, in fact, is prohibited, absolutely or conditionally, pursuant to a federal statute, knowingly that the object was unlawfully introduced into the United States.

(2) Grading. Smuggling is a Class C felony if:

(a) the value of the object exceeds $500;

(b) the duty which would have been due on the object exceeds $100;

(c) the object is being or was introduced for use in a business; or

(d) the actor knows that introduction is prohibited, whether absolutely or conditionally, because objects of that class may cause or be used to cause bodily injury or property damage.

Otherwise smuggling is a Class A misdemeanor. Notwithstanding the grading provided in this subsection, if the statute prohibiting introduction of an object, or a related statute, provides lesser grading for the same conduct, the lesser grading applies.

(3) Definitions. In this section:

(a) "introduces" and variants thereof mean importing or transporting or bringing into, or landing in, the United States from outside the United States or from customs custody or control;

(b) "object" includes any article, goods, wares and merchandise and an animate as well as inanimate thing;

(c) "United States" does not include the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Island or Guam.

(4) Determining Value and Duty. The value of an object shall be its highest value, determined by any reasonable standard, regardless of its value for purposes of determining the amount of duty owing, if any. Smugglings committed pursuant to one scheme or course of conduct may be charged as one offense, and the value of, or the duty

owing on, the objects introduced may be aggregated in determining the grade of the offense.

(5) Charging Smuggling. An indictment or information charging smuggling under this section which fairly apprises the defendant of the nature of the charges against him shall not be deemed insufficient because it fails to specify a particular category of smuggling. The defendant may be found guilty of smuggling under such an indictment or information if his conduct falls under any of the paragraphs of subsection (1), so long as the conduct proved is sufficiently related to the conduct charged that the accused is not unfairly surprised by the case he must meet.

* * * * *

Chapter 15. Civil Rights and Elections

PROTECTION OF FEDERAL RIGHTS GENERALLY

§ 1501. Conspiracy Against Rights of Citizens.

A person is guilty of a Class A misdemeanor:

(a) if he conspires with another to injure, oppress, threaten or intimidate any citizen in the free exercise or enjoyment of, or because of his having so exercised, any right or privilege secured to him by the constitution or laws of the United States; or

(b) if, with intent to prevent or hinder another's free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, he goes on such other's premises with another or others or goes in disguise on the highway with another or others.

* * * * *

§ 1502. Deprivation of Rights Under Color of Law.

A person is guilty of a Class A misdemeanor if, under color of any law, statute, ordinance, regulation or custom, he intentionally subjects any inhabitant of any state:

(a) to the deprivation of any rights, privileges or immunities secured or protected by the Constitution or laws of the United States; or

(b) to different punishments, pains or penalties on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens.

* * * * *

§ 1511. Interference With Elections, Federal or Federally Assisted Programs and Employment.

A person is guilty of a Class A misdemeanor if, whether or not acting under color of law, he, by force or threat of force [or by economic coercion], intentionally injures, intimidates or interferes with another because he is or has been, or in order to intimidate him or any other person from:

(a) voting for any candidate or issue or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher or other election official in any primary, special, or general election;

(b) participating in or enjoying the benefits of any program, service, facility, or activity provided or administered by the United States, or receiving federal financial assistance including (i) serving as a grand or petit juror in any court of the United States or attending court in connection with such possible service, or (ii) qualifying for or operating in a contractual relationship with the federal government, or (iii) qualifying for or enjoying the benefits of a federal loan or federal guarantee of any loan; or

(c) applying for or enjoying employment, or any prequisite thereof, by any federal government agency.

* * * *

§ 1512. Discrimination in Public Education, State Activities, Employment, Public Accommodations, Housing, Interstate Travel.

A person is guilty of a Class A misdemeanor if, whether or not acting under color of law, he, by force or threat of force [or by economic coercion], intentionally injures, intimidates or interferes with another because of his race, color, religion or national origin and because he is or has been, or in order to intimidate him or any other person from:

(a) enrolling in or attending any public school or public college;

(b) participating in or enjoying any benefit, service, privilege, program, facility or activity provided or administered by any state or subdivision thereof;

(c) serving, or attending upon any court of any state in connection with possible service, as a grand or petit juror;

(d) enjoying the goods, services, facilities, privileges, advantages, or accommodations of any inn, hotel, motel, or other establishment which provides lodging to transient guests, or of any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility which serves the public and which is principally engaged in selling food or beverages for consumption on the premises, or of any gasoline station, or of any motion picture house, theater, concert hall, sports arena, stadium or any other place of exhibition or entertainment which serves the public, or of any other establishment which serves the public and (i) which is located within the premises of any of the aforesaid establishments or within the premises of which is physically located any of the aforesaid establishments, and (ii) which holds itself out as serving patrons of such establishment. Nothing in this paragraph shall limit the lawful action in support of such guest policy as he chooses to adopt of a proprietor of any establishment which provides lodging to transient guests, or to any employee acting on behalf of such proprietor, with respect to the enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of such establishment if such establishment is located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor as his residence;

(e) applying for or enjoying employment, or any perquisite thereof, by any private employer or any agency of any state or subdivision thereof, or joining or using the services or advantages of any labor organization, hiring hall, or employment agency;

(f) selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

(g) traveling among the states or in interstate commerce, or using any facility which is an integral part of interstate travel, or using any vehicle, terminal, or facility of any common carrier by motor, rail, water, or air.

* * * * *

§ 1513. Interference With Persons Affording Civil Rights to Others.

A person is guilty of a Class A misdemeanor if, whether or not acting under color of law, he, by force or threat of force [or by economic coercion], intentionally injures, intimidates or interferes with another because he is or has been, or in order to intimidate him or any other person from, affording, in official or private capacity, another person or class of persons opportunity or protection to participate in any benefit or activity described in section 1511 or to participate without discrimination on account of race, color, religion, or national origin in any benefit or activity described in section 1512.

* * * * *

§ 1514. Interference With Persons Aiding Others to Avail Themselves of Civil Rights.

A person is guilty of a Class A misdemeanor if, whether or not acting under color of law, he, by force or threat of force [or by economic coercion], intentionally injures, intimidates or interferes with another because he is or has been, or in order to intimidate him or any other person from, lawfully aiding or encouraging other persons to participate in any benefit or activity described in section 1511 or to participate without discrimination on account of race, color, religion, or national origin in any benefit or activity described in section 1512.

* * * * *

§ 1515. Discriminatory Interference With Speech or Assembly Related to Civil Rights Activities.

A person is guilty of a Class A misdemeanor if, whether or not acting under color of law, he, by force or threat of force [or by economic coercion], intentionally injures, intimidates or interferes with another because he is or has been, or in order to intimidate him or any other person from participating lawfully in speech or peaceful assembly opposing any denial of opportunity to participate in any benefit or activity described in section 1511 or to participate without discrimination on account of race, color, religion, or national origin in any benefit or activity described in section 1512.

* * * * *

§ 1516. Attorney General Certification for Prosecutions Under Sections 1511 to 1515.

No prosecution shall be instituted for offenses defined in sections 1511 to 1515 unless the Attorney General certifies that a prosecution by the United States is in the public interest and necessary to secure substantial justice. Nothing in this section shall be construed, however, to limit the authority of federal officers, or a federal grand jury, to investigate possible violations of sections 1511 to 1515.

* * * * *

ABUSE OF FEDERAL OFFICIAL AUTHORITY

§ 1521. Unlawful Acts Under Color of Federal Law.

A federal public servant acting under color of law or a person acting under color of federal law is guilty of a Class A misdemeanor if he intentionally:

(a) subject another to unlawful violence or detention; or

(b) exceeds his authority in making an arrest or a search and seizure.

* * * * *

PROTECTION OF POLITICAL PROCESSES

§ 1531. Safeguarding Elections.

A person is guilty of a Class A misdemeanor if, in connection with any primary, general or special election, he:

(a) makes or induces any false voting registration;

(b) offers, gives or agrees to give a thing of pecuniary value to another as consideration for the recipient's voting or withholding his vote or voting for or against any candidate or issue or for such conduct by another;

(c) solicits, accepts or agrees to accept a thing of pecuniary value as consideration for conduct prohibited under paragraphs (a) or (b); or

(d) otherwise obstructs or interferes with the lawful conduct of such election or registration therefor.

* * * * *

§ 1532. Deprivation of Federal Benefits for Political Purposes.

A person is guilty of a Class A misdemeanor if he intentionally withholds from or deprives another or threatens to withhold from or deprive another of the benefit of any federal program or federally-supported program, or a federal government contract, with intent to interfere with, restrain, or coerce any person in the exercise of his right to vote for any candidate or issue at any election, or in the exercise of any other political right.

* * * * *

§ 1533. Misuse of Personnel Authority for Political Purposes.

A federal public servant is guilty of a Class A misdemeanor if he discharges, promotes, or degrades another federal public servant, or in any manner changes or promises or threatens to change the official rank or compensation of another federal public servant, for giving or withholding or neglecting to make a contribution of money or other thing of value for any political purpose.

* * * * *

§ 1534. Political Contributions of Federal Public Servants.

(1) Solicitation by Federal Public Servant. A federal public servant is guilty of a Class A misdemeanor if he solicits a contribution for any political purpose from another federal public servant, or if, in response to such a solicitation, he makes a political contribution to another federal public servant.

(2) Solicitation in Federal Facility. Any person is guilty of a Class A misdemeanor if he solicits or receives a political contribution in a federal building or facility.

* * * * *

§ 1535. Troops at Polls.

A public servant is guilty of a Class C felony if he orders, brings, keeps, or has under his authority or control any troops at any place where a general or special election or primary election is held, unless such force be necessary to repel armed invasion or violent interference with the election process.

* * * * *

FOREIGN POLITICAL CONTRIBUTIONS

§ 1541. Political Contributions by Agents of Foreign Principals.

(1) Contributor. An agent of a foreign principal is guilty of a Class C felony if, directly or indirectly, in his capacity as such agent he knowingly makes a contribution or promises to make a contribution, in connection with any primary, special, or general election, or political convention or caucus held to select candidates for any political office.

(2) Recipient. A person is guilty of a Class C felony if he knowingly solicits, accepts or agrees to accept any contribution prohibited by subsection (1).

(3) Definitions. In this section:

(a) "foreign principal" has the meaning prescribed in 22 U.S.C. § 611(b), but does not include a person who is a citizen of the United States;

(b) "agent of a foreign principal" means a person who acts as an agent, representative, employee, or servant, or a person who acts in any other capacity at the order, request, or under the direction or control, of a foreign principal or of a person any substantial portion of whose activities are directly or indirectly supervised, directed, or controlled by a foreign principal.

* * * * *

PROJECTION OF LEGITIMATE LABOR ACTIVITIES

§ 1551. Strikebreaking.

(1) Offense. A person is guilty of a Class A misdemeanor if he intentionally, by force or threat of force, obstructs or interferes with:

(a) peaceful picketing by employees during any labor controversy affecting wages, hours, or conditions of labor; or

(b) the exercise by employees of any of the bargaining.

(2) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a) or (h) of section 201.

* * * * *

INTERCEPTION OF PRIVATE COMMUNICATIONS

§ 1561. Interception of Wire or Oral Communications.

(1) Offense. A person is guilty of a Class C felony if he:

(a) intentionally intercepts any wire or oral communication by use of any electronic, mechanical, or other device; or

(b) intentionally discloses to any other person or intentionally uses the contents of any wire or oral communication, knowing that the information was obtained through the interception of a wire or oral communication.

(2) Defenses. It is a defense to a prosecution under this section that:

(a) the actor was authorized to intercept, disclose or use, as the case may be, the wire or oral communication under [18 U.S., §§ 2516-19, 2511(2)(a) & (b)];

(b) the actor was (i) a person acting under color of law to intercept a wire or oral communication and (ii) he was a party to the communication or one of the parties to the communication had given prior content to such interception;

(c)(i) the actor was a party to the communication or one of the parties to the communication had given prior consent to such interception and (ii) such communication was not intercepted for the purpose of committing a crime or other unlawful harm; or

(d) the provisions of [18 U.S., § 2511(3)] apply.

(3) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a), (c), (e) (f) or (g) of section 201.

* * * * *

§ 1562. Traffic in Intercepting Devices.

(1) Manufacture, Distribution, or Possession. A person is guilty of a Class C felony if he manufactures, assembles, possesses, transports or sells an electronic, mechanical, or other device, knowing that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire or oral communications.

(2) Advertising. A person is guilty of a Class A misdemeanor if he places in a newspaper, magazine, handbill, or other publication an advertisement of an electronic, mechanical, or other device, knowing that the design of such device renders it primarily useful for surreptitious interception of wire or oral communications, or knowing that such advertisement promotes the use of such device for surreptitious interception of wire or oral communications.

(3) Defenses. It is a defense to a prosecution under this section that the actor was:

(a) an officer, agent, or employee of, or a person under contract with, a communications common carrier, acting within the normal course of the business of the communications common carrier; or

(b) a public servant acting in the course of his official duties or a person acting within the scope of a government contract made by a person acting in the course of his official duties.

(4) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a), (e), (g) or (j) of section 201.

* * * * *

§ 1563. Definitions for Sections 1561 to 1563.

In sections 1561 to 1563:

(a) "wire communication" means any communication made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception furnished or operated by any person engaged as a common carrier in providing or operating such facilities for the transmission of interstate or foreign communications;

(b) "oral communication" means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation;

(c) "intercept" means the aural acquisition of the contents of any wire or oral communication through the use of an electronic, mechanical, or other device;

(d) "electronic, mechanical, or other device" means any device or apparatus which can be used to intercept a wire or oral communication other than:

(i) any telephone or telegraph instrument, equipment or facility, or any component thereof, (A) furnished to the subscriber or used by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business; or (B) being used by a communications common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his duties;

(ii) a hearing aid or similar device being used to correct subnormal hearing to not better than normal;

(e) "contents," when used with respect to any wire or oral communication, includes any information concerning the identity of the parties to such communication or the existence, substance, purport, or meaning of that communication;

(f) "communications common carrier" shall have the meaning prescribed for the term "common carrier" by 47 U.S.C. § 153(h).

* * * * *

§ 1564. Interception of Correspondence.

(1) Offense. A person is guilty of a Class A misdemeanor if, knowing that a letter, postal card, or other written private correspondence has not yet been delivered to the person to whom it is directed, and knowing that he does not have the consent of the sender or receiver of the correspondence, he:

(a) damages or destroys the correspondence, with intent to prevent its delivery;

(b) opens or reads sealed correspondence, with intent to discover its contents; or

(c) knowing that sealed correspondence has been opened or read in violation of paragraph (b), intentionally divulges its contents, in whole or in part, or a summary of any portion thereof.

(2) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a), (c), (e) or (f) of section 201.

* * * * *

Chapter 16. Offenses Involving Danger To The Person

HOMICIDE

§ 1601. Murder.

A person is guilty of murder, a Class A felony, if he:

(a) intentionally or knowingly causes the death of another human being;

(b) causes the death of another human being under circumstances manifesting extreme indifference to the value of human life; or

(c) acting either alone or with one or more other persons, commits or attempts to commit treason, offenses defined in sections 1102 or 1103, espionage, sabotage, robbery, burglary, kidnapping, felonious restraint, arson, rape, aggravated involuntary sodomy, or escape and, in the course of and in furtherance of such crime or of immediate flight therefrom, he, or another participant, if there be any, causes the death of a person other than one of the participants; except that in any prosecution under this paragraph in which the defendant was not the only participant in the underlying crime, it is an affirmative defense that the defendant:

(i) did not commit the homicidal act or in any way solicit, command, induce, procure, counsel or aid the commission thereof; and

(ii) was not armed with a firearm, destructive device, dangerous weapon or other weapon which under the circumstances indicated a readiness to inflict serious bodily injury; and

(iii) reasonably believed that no other participant was armed with such a weapon; and

(iv) reasonably believed that no other participant intended to engage in conduct likely to result in death or serious bodily injury.

Paragraphs (a) and (b) shall be inapplicable in the circumstances covered by paragraph (b) of section 1602.

* * * * *

§ 1602. Manslaughter.

A person is guilty of manslaughter, a Class B felony, if he:

(a) recklessly causes the death of another human being; or

(b) causes the death of another human being under circumstances which would be murder, except that he causes the death under the influence of extreme emotional disturbance for which there is reasonable excuse. The reasonableness of the excuse shall be determined from the viewpoint of a person in his situation under the circumstances as he believes them to be. An emotional disturbance is excusable, within the meaning of this paragraph, if it is occasioned by any provocation, event or situation for which the offender was not culpably responsible.

* * * * *

§ 1603. Negligent Homicide.

A person is guilty of a Class C felony if he negligently causes the death of another human being.

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§ 1609. Federal Jurisdiction Over Homicide Offenses.

There is federal jurisdiction over an offense defined in sections 1601 to 1603 under paragraphs (a), (b), (c) or (1) of section 201.

* * * * *

ASSAULTS, LIFE ENDANGERING BEHAVIOR AND THREATS

§ 1611. Simple Assault.

(1) Offense. A person is guilty of an offense if he:

(a) willfully causes bodily injury to another human being; or

(b) negligently causes bodily injury to another human being by means of a firearm, destructive device or other weapon the use of which against a human being is likely to cause death or serious bodily injury.

(2) Grading. Simple assault is a Class A misdemeanor, unless committed in an unarmed fight or scuffle entered into mutually, in which case it is a Class B misdemeanor.

(3) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a), (b), (c), or (1) of section 201.

* * * * *

§ 1612. Aggravated Assault.

(1) Offense. A person is guilty of a Class C felony if he:

(a) willfully causes serious bodily injury to another human being;

(b) knowingly causes bodily injury to another human being with a dangerous weapon or other weapon the possession of which under the circumstances indicates an intent or readiness to inflict serious bodily injury;

(c) causes bodily injury to another human being while attempting to inflict serious bodily injury on any human being; or

(d) fires a firearm or hurls a destructive device against another human being.

(2) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a), (b), (c) or (*l*) of section 201.

* * * * *

§ 1613. Reckless Endangerment.

(1) Offense. A person is guilty of an offense if he creates a substantial risk of serious bodily injury or death to another. The offense is a Class C felony if the circumstances manifest his extreme indifference to the value of human life. Otherwise it is a Class A misdemeanor. There is risk within the meaning of this section if the potential for harm exists, whether or not a particular person's safety is actually jeopardized.

(2) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a) or (*l*) of section 201 or when the offense is committed in the course of committing or in immediate flight from the commission of any other offense over which federal jurisdiction exists.

* * * * *

§ 1614. Terrorizing.

(1) Offense. A person is guilty of a Class C felony if he:

(a) threatens to commit any crime of violence or act dangerous to human life, or

(b) falsely informs another that a situation dangerous to human life or commission of a crime of violence is imminent knowing that the information is false.

with intent to keep another human being in sustained fear for his or another's safety or to cause evacuation of a building, place of assembly, or facility of public transportation, or otherwise to cause serious disruption or public inconvenience, or in reckless disregard of the risk of causing such terror, disruption or inconvenience.

(2) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a), (b), (c), (e), (f) or (*l*) of section 201.

* * * * *

§ 1615. Threats Against the President and Successors to the Presidency.

A person is guilty of a Class C felony if he threatens to commit any crime of violence against the President of the United States, the President-elect, the Vice President or, if there is no Vice President, the officer next in order of succession to the office of President of the United States, the Vice President-elect, or any person who is acting as President under the Constitution and laws of the United States:

(a) by a communication addressed to or intended to come to the attention of such official or his staff; or

(b) under any circumstances in which the threat is likely to be taken seriously as an expression of settled purpose.

"Threat" includes any knowingly false report that such violence is threatened or imminent. "President-elect" and "Vice President-elect" have the meanings prescribed in section 219(c).

* * * * *

§ 1616. Menacing.

(1) Offense. A person is guilty of a Class A misdemeanor if he knowingly places or attempts to place another human being in fear by menacing him with imminent serious bodily injury.

(2) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a), (b), (c) or (*l*) of section 201.

* * * * *

§ 1617. Criminal Coercion.

(1) Offense. A person is guilty of a Class A misdemeanor if, with the intent to compel another to engage in or refrain from conduct, he threatens to:

(a) commit any crime;

(b) accuse anyone of a crime;

(c) expose a secret or publicize an asserted fact, whether true or false, tending to subject any person, living or deceased, to hatred, contempt or ridicule, or to impair another's credit or business repute; or

(d) take or withhold official action as a public servant, or cause a public servant to take or withhold official action.

(2) Defense. It is an affirmative defense to a prosecution under this section that the actor believed, whether or not mistakenly: (a) that the primary purpose of the threat was to cause the other to conduct himself in his own best interests, or (b) that a purpose of the threat was to cause the other to desist from misbehavior, engage in behavior from which he could not lawfully abstain, make good a wrong done by him, or refrain from taking any action or responsibility for which he was disqualified.

(3) Jurisdiction. There is federal jurisdiction over an offense defined in this section:

(a) under paragraphs (a), (b), (c), (e), or (*l*) of section 201;

(b) when the threat is to accuse anyone of a federal crime or to commit a federal crime; or

(c) when the threat in subsection (1)(d) involves federal official action.

* * * * *

§ 1618. Harassment.

(1) Offense. A person is guilty of an offense if, with intent to frighten or harass another, he:

(a) communicates in writing or by telephone a threat to commit any violent felony;

(b) makes a telephone call anonymously or in offensively coarse language; or

(c) makes repeated telephone calls, whether or not a conversation ensues, with no purpose of legitimate communication.

(2) Grading. The offense is a Class A misdemeanor if it is under paragraph (a) of subsection (1). Otherwise it is a Class B misdemeanor.

(3) Jurisdiction. There is a federal jurisdiction over an offense defined in this section under paragraphs (a) or (e) of section 201.

* * * * *

§ 1619. Consent as a Defense.

(1) When a Defense. When conduct is an offense because it causes or threatens bodily injury, consent to such conduct or to the infliction of such injury by all persons injured or threatened by the conduct is a defense if:

(a) neither the injury inflicted nor the injury threatened is such as to jeopardize life or seriously impair health;

(b) the conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport; or

(c) the conduct and the injury are reasonably foreseeable hazards of an occupation or profession or of medical or scientific experimentation conducted by recognized methods, and the persons subjected to such conduct or injury, having been made aware of the risks involved, consent to the performance of the conduct or the infliction of the injury.

(2) Ineffective Consent. Assent does not constitute consent, within the meaning of this section, if:

(a) it is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense and such incompetence is manifest or known to the actor;

(b) it is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

(c) it is induced by force, duress or deception.

KIDNAPPING AND RELATED OFFENSES

§ 1631. Kidnapping.

(1) Offense. A person is guilty of kidnapping if he abducts another or, having abducted another, continues to restrain him, with intent to do the following:

(a) hold him for ransom or reward;

(b) use him as a shield or hostage;

(c) hold him in a condition of involuntary servitude;

(d) terrorize him or a third person;

(e) commit a felony or attempt to commit a felony; or

(f) interfere with the performance of any government or political function.

(2) Grading. Kidnapping is a Class A felony unless the actor voluntarily releases the victim alive and in a safe place prior to trial, in which case it is a Class B felony.

* * * * *

§ 1632. Felonious Restraint.

A person is guilty of a Class C felony, if he:

(a) knowingly abducts another;

(b) knowingly restrains another under terrorizing circumstances or under circumstances exposing him to risk of serious bodily injury; or

(c) restrains another with intent to hold him in a condition of involuntary servitude.

§ 1633. Unlawful Imprisonment.

(1) Offense. A person is guilty of a Class A misdemeanor if he knowingly subjects another to unlawful restraint.

(2) Defense. It is a defense to a prosecution under this section that the actor is a parent or person in equivalent relation to the person restrained and that the person restrained is a child less than eighteen years old.

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§ 1634. Federal Jurisdiction Over Kidnapping and Related Offenses.

(1) Generally. There is federal jurisdiction over an offense defined in sections 1631 to 1633 under paragraphs (a), (b), (c), (h) or (*l*) of section 201, or when the victim is a member of the immediate family of: the President of the United States, the President-elect, the Vice President, or, if there is no Vice President, the officer next in the order of succession to the office of President of the United States, the Vice President-elect, or any person who is acting as President under the Constitution and laws of the United States. "President-elect" and "Vice President-elect" have the meanings prescribed in section 219(c).

(2) Involuntary Servitude. Federal jurisdiction over an offense defined in sections 1631(c) or 1632(c) extends to any such offense committed anywhere within the United States or within the special maritime or territorial jurisdiction of the United States, as defined in section 210.

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§ 1635. Usurping Control of Aircraft.

(1) Offense. A person is guilty of a Class A felony if, by force or threat of force, he usurps control of an aircraft in flight.

(2) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a), (b), or (1) of section 201.

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§ 1639. Definitions for Sections 1631 to 1639.

In sections 1631 to 1639:

(a) "restrain" means to restrict the movements of a person unlawfully and without consent, so as to interfere substantially with his liberty by removing him from his place of residence or business, by moving him a substantial distance from one place to another, or by confining him for a substantial period. Restraint is "without consent" if it is accomplished by (i) force, intimidation or deception, or (ii) any means, including acquiescence of the victim, if he is a child less than fourteen years old or an incompetent person, and if the parent, guardian or person or institution responsible for the general supervision of his welfare has not acquiesced in the movement or confinement;

(b) "abduct" means to restrain a person with intent to prevent his liberation by (i) secreting or holding him in a place where he is not likely to be found, or (ii) endangering or threatening to endanger the safety of any human being.

* * * * *

RAPE, INVOLUNTARY SODOMY AND SEXUAL ABUSE

§ 1641. Rape.

(1) Offense. A male who has sexual intercourse with a female not his wife is guilty of rape if:

(a) he compels her to submit by force, or by threat of imminent death, serious bodily injury, or kidnapping, to be inflicted on any human being;

(b) he has substantially impaired her power to appraise or control her conduct by administering or employing without her knowledge intoxicants or other means with intent to prevent resistance; or

(c) the victim is less than ten years old.

(2) Grading. Rape is a Class A felony if in the course of the offense the actor inflicts serious bodily injury upon the victim, or if his conduct violates subsection (1)(c), or if the victim is not a voluntary companion of the actor and has not previously permitted him sexual liberties. Otherwise rape is a Class B felony.

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§ 1642. Gross Sexual Imposition.

A male who has sexual intercourse with a female not his wife is guilty of a Class C felony if:

(a) he knows that she suffers from a mental disease or defect which renders her incapable of understanding the nature of her conduct;

(b) he knows that she is unaware that a sexual act is being committed upon her, or knows that she submits because she mistakenly supposes that he is her husband; or

(c) he compels her to submit by any threat that would render a female of reasonable firmness incapable of resisting.

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§ 1643. Aggravated Involuntary Sodomy.

(1) Offense. A person who engages in deviate sexual intercourse with another, or who causes another to engage in deviate sexual intercourse, is guilty of an offense if:

(a) he compels the victim to submit by force or by threat of imminent death, serious bodily injury or kidnapping, to be inflicted on any human being;

(b) he has substantially impaired the victim's power to appraise or control his or her conduct by administering or employing without his or her knowledge intoxicants or other means with intent to prevent resistance; or

(c) the victim is less than ten years old.

(2) Grading. The offense is a Class A felony if in the course of the offense the actor inflicts serious bodily injury upon the victim, or if his conduct violates subsection (1)(c), or if the victim is not a voluntary companion of the actor and has not previously permitted him sexual liberties. Otherwise the offense is a Class B felony.

* * * * *

§ 1644. Involuntary Sodomy.

A person who engages in deviate sexual intercourse with another, or who causes another to engage in deviate sexual intercourse, is guilty of a Class C felony if:

(a) he knows that the other person suffers from a mental disease or defect which renders him or her incapable of understanding the nature of his or her conduct;

(b) he knows that the other person is unaware that a sexual act is being committed upon him or her; or

(c) he compels the other person to submit by any threat that would render a person of reasonable firmness incapable of resisting.

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§ 1645. Corruption of Minors.

(1) Offense. A male who has sexual intercourse with a female not his wife or any person who engages in deviate sexual intercourse with another or causes another to engage in deviate sexual intercourse is guilty of an offense if the other person is less than sixteen years old and the actor is at least five years older than the other person.

(2) Grading. The offense is a Class C felony, except when the actor is less than twenty-one years old, in which case it is a Class A misdemeanor.

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§ 1646. Sexual Abuse of Wards.

A male who has sexual intercourse with a female not his wife or any person who engages in deviate sexual intercourse with another or causes another to engage in deviate sexual intercourse is guilty of a Class A misdemeanor if:

(a) the other person is in official custody or detained in a hospital, prison or other institution and the actor has supervisory or disciplinary authority over the other person; or

(b) the other person is less than twenty-one years old and the actor is his or her parent, guardian or otherwise responsible for general supervision of the other person's welfare.

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§ 1647. Sexual Assault.

A person who knowingly has sexual contact with another not his spouse, or causes such other to have sexual contact with him, is guilty of a Class B misdemeanor if:

(a) he knows that the contact is offensive to the other person;

(b) he knows that the other person suffers from a mental disease or defect which renders him or her incapable of understanding the nature of his or her conduct;

(c) the other person is less than ten years old;

(d) he has substantially impaired the other person's power to appraise or control his or her conduct, by administering or employing without the other's knowledge intoxicants or other means for the purpose of preventing resistance;

(e) the other person is in official custody or detained in a hospital, prison or other institution and the actor has supervisory or disciplinary authority over him or her;

(f) the other person is less than twenty-one years old and the actor is his or her parent, guardian or otherwise responsible for general supervision of the other person's welfare; or

(g) the other person is less than sixteen years old and the actor is not less than twenty-one years old.

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§ 1648. General Provisions for Sections 1641 to 1647.

(1) Mistake as to Age. In section 1641 to 1647: (a) when the criminality of conduct

depends on a child's being below the age of ten, it is no defense that the actor did not know the child's age, or reasonably believed the child to be older than ten; (b) when criminality depends on the child's being below a critical age older than ten, it is an affirmative defense that the actor reasonably believed the child to be of the critical age or above.

(2) Spouse Relationships. In sections 1641 to 1647, when the definition of an offense excludes conduct with a spouse, the exclusion shall be deemed to extend to persons living as man and wife, regardless of the legal status of their relationship. The exclusion shall be inoperative as respects spouses living apart under a decree of judicial separation. Where the definition of an offense excludes conduct with a spouse or conduct by a female, this shall not preclude conviction of a spouse or female as accomplice in an offense which he or she causes another person, not within the exclusion, to perform.

(3) Prompt Complaint. No prosecution may be instituted or maintained under sections 1641 to 1647 unless the alleged offense was brought to the notice of public authority within three months of its occurrence or, where the alleged victim was less than sixteen years old or otherwise incompetent to make complaint, within three months after a parent, guardian or other competent person specifically interested in the victim, other than the alleged offender, learned of the offense.

(4) State Law. Sections 1645 to 1647 shall not apply to conduct which is not criminal under the law of a state within which the conduct occurs. Inapplicability under this subsection is a defense.

[(5) Testimony of Complainants. No person shall be convicted of any felony under sections 1641 to 1645 upon the uncorroborated testimony of the alleged victim. Corroboration may be circumstantial. In a prosecution before a jury for an offense under sections 1641 to 1647, the jury shall be instructed to evaluate the testimony of a victim or complaining witness with special care in view of the emotional involvement of the witness and the difficulty of determining the truth with respect to alleged sexual activities carried out in private.]

§ 1649. Definitions for Sections 1641 to 1649.

In sections 1641 to 1649:

(a) "sexual intercourse" occurs upon penetration, however, slight; emission is not required;

(b) "deviate sexual intercourse" means sexual contact between human beings who are not husband and wife consisting of contact between the penis and the anus, the mouth and the penis, or the mouth and the vulva, or any form of sexual intercourse with an animal;

(c) "sexual contact" means any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire.

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§ 1650. Federal Jurisdiction Over Offenses in Sections 1641 to 1647.

There is federal jurisdiction over an offense defined in sections 1641 to 1647 under paragraphs (a), (b) or (l) of section 201.

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Chapter 17. Offenses Against Property

ARSON AND OTHER PROPERTY DESTRUCTION

§ 1701. Arson.

(1) Offense. A person is guilty of arson, a Class B felony, if he starts or maintains a fire or causes an explosion with intent to destroy an entire or any substantial part of ing or inhabited structure of another or a vital public facility.

(2) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a), (b), (d), (e), (f), (h), (i) or (l) of section 201 and, in addition, when the offense is committed by means of an explosive or destructive device, under paragraph (g) of section 201 or if the building, inhabited structure or vital public facility is in whole or in part owned, possessed, or used by or leased to, any institution or organization receiving federal financial assistance.

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§ 1702. Endangering by Fire or Explosion.

(1) Offense. A person is guilty of an offense if he intentionally starts or maintains a fire or causes an explosion and thereby recklessly:

(a) places another person in danger of death or bodily injury;

(b) places an entire or any substantial part of a building or inhabited structure of another or a vital public facility in danger of destruction; or

(c) causes damage to property of another constituting pecuniary loss in excess of $5,000.

(2) Grading. The offense is a Class B felony if the actor places another person in danger of death under circumstances manifesting an extreme indifference to the value of human life. Otherwise it is a Class C felony.

(3) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a), (b), (d), (f) or (l) of section 201.

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§ 1703. Failure to Control or Report a Dangerous Fire.

(1) Offense. A person who knows that a fire which was started or maintained, albeit lawfully, by him or with his assent, is endangering life or a substantial amount of property of another is guilty of a Class A misdemeanor if he willfully fails either to take reasonable measures to put out or control the fire when he can do so without substantial risk to himself, or to give a prompt fire alarm.

(2) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a) or (d) of section 201.

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§ 1704. Release of Destructive Forces.

(1) Causing Catastrophe. A person is guilty of a Class B felony if he intentionally causes a catastrophe by explosion, fire, flood, avalanche, collapse of building, release of poison, radioactive material, bacteria, virus, or other dangerous and difficult-to-confine force or substance, and is guilty of a Class C felony if he does so willfully.

(2) Risking Catastrophe. A person is guilty of a Class A misdemeanor if he willfully creates a risk of catastrophe by fire, explosives or other means listed in subsection (1), although no fire, explosion or other destruction results.

(3) Failing to Prevent Catastrophe. A person who knowingly does an act which causes or which he knows is likely to cause an explosion, fire, flood, avalanche, collapse of building, or release of poison, radioactive material, bacteria, virus or other dangerous and difficult-to-confine force or substance, or assents to the doing of such act, is guilty of a Class A misdemeanor if he willfully fails to take reasonable measures to prevent catastrophe.

(4) Catastrophe Defined. Catastrophe means serious bodily injury to ten or more people or substantial damage to ten or more separate habitations or structures, or property loss in excess of $500,000.

(5) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a), (b), (d), (e), (f), (h), (i) or (l) of section 201, or when commission of the offense causes or threatens damage to an area in two or more states.

* * * * *

§ 1705. Criminal Mischief.

(1) Offense. A person is guilty of an offense if he:

(a) willfully tampers with tangible property of another so as to endanger person or property;

(b) willfully damages tangible property of another; or

(c) negligently damages tangible property of another by fire, explosives, or other dangerous means listed in section 1704(1).

(2) Grading. The offense is:

(a) a Class C felony if the actor intentionally causes pecuniary loss in excess of $5,000 or damages tangible property of another by means of an explosive or a destructive device; and

(b) a Class A misdemeanor if the actor recklessly causes pecuniary loss in excess of $5,000 or if the actor intentionally causes pecuniary loss in excess of $500.

Otherwise the offense is a Class B misdemeanor.

(3) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a), (b), (d), (f), (i) or (l) of section 201, and, in addition, over the offense defined in subsection (1)(b) of this section when it is committed by means of an explosive or destructive device, under paragraph (g) of section 201 or if the tangible property is in whole or in part, owned, possessed, or used by or leased to, any institution or organization receiving federal financial assistance.

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§ 1706. Tampering With or Damaging a Public Service.

(1) Offense. A person is guilty of an offense if he causes a substantial interruption or impairment of a public communication, transportation, supply of water, gas, power or other public service by: (a) tampering with or damaging the tangible property of another; (b) incapacitating an operator of such service; or (c) negligently damaging the tangible property of another by fire, explosive or other dangerous means listed in section 1704(1).

(2) Grading. The offense is a Class C felony if the actor engages in the conduct intentionally, and a Class A misdemeanor if the actor engages in the conduct knowingly or recklessly. Otherwise it is a Class B misdemeanor.

(3) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a), (b), (d), (f), (i) or (j) of section 201.

* * * * *

§ 1708. Consent a Defense to Sections 1701 to 1706.

Whenever in sections 1701 to 1706 it is an element of the offense that the property is of another, it is a defense to a prosecution under those sections that the other has consented to the actor's conduct with respect to the property.

* * * * *

§ 1709. Definitions for Sections 1701 to 1709.

In sections 1701 to 1709:

(a) "inhabited structure" means a structure or vehicle:

(i) where any person lives or carries on business or other calling;

(ii) where people assemble for purposes of business, government, education, religion, entertainment or public transportation; or

(iii) which is used for overnight accommodation of persons.

Any such structure or vehicle is deemed to be "inhabited" regardless of whether a person is actually present. If a building or structure is divided into separately inhabited units, any unit which is property of another constitutes an inhabited structure of another;

(b) property is that "of another" if anyone other than the actor has a possessory or proprietary interest therein;

(c) "vital public facility" includes a facility maintained for use as a bridge (whether over land or water), dam, tunnel, wharf, communications or radar installation, power station, or space launching facility.

* * * * *

BURGLARY AND OTHER CRIMINAL INTRUSION

§ 1711. Burglary.

(1) Offense. A person is guilty of burglary if he willfully enters or surreptitiously remains in a building or occupied structure, or a separately secured or occupied portion thereof, when at the time the permises are not open to the public and the actor is not licensed, invited or otherwise privileged to enter or remain, as the case may be, with intent to commit a crime therein.

(2) Grading. Burglary is a Class B felony if:

(a) the offense is committed at night and is knowingly perpetrated in the dwelling of another; or

(b) in effecting entry or while in the premises or in immediate flight therefrom, the actor inflicts or attempts to inflict bodily injury or physical restraint on another, or menaces another with imminent serious bodily injury, or is armed with a firearm, destructive device or other weapon the possession of which under the circumstances indicates an intent or readiness to inflict serious bodily injury.

Otherwise burglary is a Class C felony.

(3) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a), (b), (d), (k), or (l) of section 201.

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§ 1712. Criminal Trespass.

(1) Dwelling; Highly Secured Premises. A person is guilty of a Class A misdemeanor if, knowing that he is not licensed or privileged to do so, he enters or remains in a dwelling or in highly secured premises.

(2) Building; Structure; Enclosed Premises. A person is guilty of a Class B misdemeanor if, knowing that he is not licensed or privileged to do so, he:

(a) enters or remains in any building, occupied structure or storage structure, or separately secured or occupied portion thereof; or

(b) enters or remains in any place so enclosed as manifestly to exclude intruders.

(3) Any Premises. A person is guilty of an infraction if, knowing that he is not licensed or privileged to do so, he enters or remains in any place as to which notice against trespass is given by actual communication to the actor by the person in charge of the premises or other authorized person or by posting in a manner reasonably likely to come to the attention of intruders.

(4) Defenses. It is a defense to a prosecution under this section that:

(a) the premises were abandoned; or

(b) the premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises.

(5) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a), (b), (d), (f), (k) or (*l*) of section 201.

* * * * *

§ 1713. Breaking Into or Concealment Within a Vehicle.

(1) Offense. A person is guilty of an offense if, knowing that he is not licensed or privileged to do so, he breaks into a vehicle, vessel or aircraft, or, with intent to commit a crime, conceals himself therein.

(2) Grading. The offense is a Class C felony if the actor is armed with a firearm, destructive device or other weapon the possession of which under the circumstances indicates an intent or readiness to inflict serious bodily injury. Otherwise it is a Class A misdemeanor.

(3) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a), (b) or (l) of section 201.

* * * * *

§ 1714. Stowing Away.

(1) Offense. A person is guilty of a Class A misdemeanor if, knowing that he is not licensed or privileged to do so, he surreptitiously remains aboard a vessel or aircraft with intent to obtain transportation.

(2) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a), (b), (d) or (h) of section 201.

* * * * *

§ 1719. Definitions for Sections 1711 to 1719.

In sections 1711 to 1719:

(a) "occupied structure" means a structure or vehicle:

(i) where any person lives or carries on business or other calling; or

(ii) which is used for overnight accommodation of persons.

Any such structure or vehicle is deemed to be "occupied" regardless of whether a person is actually present;

(b) "storage structure" means any structure, truck, railway car, vessel or aircraft which is used primarily for the storage or transportation of property;

(c) "highly secured premises" means any place, maintained, in fact, by the United States which is continuously guarded and where display of visible identification is required of persons while they are on the premises;

(d) "dwelling" has the meaning prescribed in section 619;

(e) "night" means the period between 30 minutes past sunset and 30 minutes before sunrise.

* * * * *

ROBBERY

§ 1721. Robbery.

(1) Offense. A person is guilty of robbery if, in the course of committing a theft, he inflicts or attempts to inflict bodily injury upon another, or threatens or menaces another with imminent bodily injury.

(2) Grading. Robbery is a Class A felony if the actor fires a firearm or explodes or hurls a destructive device or directs the force of any other dangerous weapon against another. Robbery is a Class B felony if the robber possesses or pretends to possess a firearm, destructive device or other dangerous weapon, or menaces another with serious bodily injury, or inflicts bodily injury upon another, or is aided by an accomplice actually present. Otherwise robbery is a Class C felony.

(3) Definitions. In this section:

(a) an act shall be deemed "in the course of committing a theft" if it occurs in an attempt to commit theft, whether or not the theft is successfully completed, or in immediate flight from the commission of, or an unsuccessful effort to commit, the theft;

(b) "dangerous weapon" means a weapon the possession of which under the circumstances indicates an intent or readiness to inflict serious bodily injury.

(4) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a), (b), (d), (g), (k) or (*l*) of section 201. No prosecution may be instituted under paragraph (g), however, unless expressly authorized by the Attorney General.

* * * * *

§ 1731. Consolidation of Theft Offenses.

(1) Construction. Conduct denominated theft in sections 1732 to 1734 constitutes a single offense designed to include the separate offenses heretofore known as larceny, stealing, purloining, embezzlement, obtaining money or property by false pretenses, extortion, blackmail, fraudulent conversion, receiving stolen property, and the like.

(2) Charging Theft. An indictment or information charging theft under sections 1732 to 1734 which fairly apprises the defendant of the nature of the charges against him shall not be deemed insufficient because it fails to specify a particular category of theft. The defendant may be found guilty of theft under such an indictment or information if his conduct falls under any of sections 1732 to 1734, so long as the conduct proved is sufficiently related to the conduct charged that the accused is not unfairly surprised by the case he must meet.

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§ 1732. Theft of Property.

A person is guilty of theft if he:

(a) knowingly takes or exercises unauthorized control over, or makes an unauthorized transfer of an interest in, the property of another with intent to deprive the owner thereof;

(b) knowingly obtains the property of another by deception or by threat with intent to deprive the owner thereof, or intentionally deprives another of his property by deception or by threat; or

(c) knowingly receives, retains or disposes of property of another which has been stolen, with intent to deprive the owner thereof.

* * * * *

§ 1733. Theft of Services.

A person is guilty of theft if:

(a) he intentionally obtains services, known by him to be available only for compensation, by deception, threat, false token or other means to avoid payment for the services; or

(b) having control over the disposition of services of another to which he is not entitled, he knowingly diverts those services to his own benefit or to the benefit of another not entitled thereto.

Where compensation for services is ordinarily paid immediately upon their rendition, as in the case of hotels, restaurants, and comparable establishments, absconding without payment or making provision to pay is prima facie evidence that the services were obtained by deception.

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§ 1734. Theft of Property Lost, Mislaid or Delivered by Mistake.

A person is guilty of theft if he:

(a) retains or disposes of property of another when he knows it has been lost or mislaid, or

(b) retains or disposes of property of another when he knows it has been delivered under a mistake as to the identity of the recipient or as to the nature or amount of the property,

and with intent to deprive the owner of it, he fails to take readily available and reasonable measures to restore the property to a person entitled to have it.

§ 1735. Grading of Theft Offenses Under Sections 1732 to 1734.

(1) Class B Felony. Theft under sections 1732 to 1734 is a Class B felony if the property or services stolen exceed $100,000 in value or are acquired or retained by a threat to commit a Class A or Class B felony or to inflict serious bodily injury on the person threatened or on any other person.

(2) Class C Felony. Theft under sections 1732 to 1734 is a Class C felony if:

(a) the property or services stolen exceed $500 in value;

(b) the property or services stolen are acquired or retained by threat and (i) are acquired or retained by a public servant by a threat to take or withhold official action, or (ii) exceed $50 in value;

(c) the property or services stolen exceed $50 in value and are acquired or retained by a public servant in the course of his official duties;

(d) the property stolen is a firearm, ammunition, explosive or destructive device or an automobile, aircraft or other motor-propelled vehicle;

(e) the property consists of any government file, record, document or other government paper stolen from any government office or from any public servant;

(f) the defendant is in the business of buying or selling stolen property and he receives, retains or disposes of the property in the course of that business;

(g) the property stolen consists of any implement, paper, or other thing uniquely associated with the preparation of any money, stamp, bond, or other document, instrument or obligation of the United States;

(h) the property stolen consists of a key or other implement uniquely suited to provide access to property the theft of which would be a felony and it was stolen to gain such access; or

(i) the property is stolen from the United States mail and is first class mail or air mail.

(3) Class A Misdemeanor. All other theft under sections 1732 to 1734 is a Class A misdemeanor, unless the requirements of subsection (4) or (5) are met.

(4) Class B Misdemeanor. Theft under sections 1732 to 1734 of property or services of a value not exceeding $50 shall be a Class B misdemeanor if:

(a) the theft was not committed by threat;

(b) the theft was not committed by deception by one who stood in a confidential or fiduciary relationship to the victim of the theft; and

(c) the defendant was not a public servant or an officer or employee of a financial institution who committed the theft in the course of his official duties.

The special classification provided in this subsection shall apply if the offense is classified under this subsection in the charge or if, at sentencing, the required factors are established by a preponderance of the evidence.

(5) Infraction. Theft under section 1733 of services of a value not exceeding $10 shall be an infraction if the defendant was not a public servant who committed the theft in the course of his official duties. The special classification provided in this subsection shall apply if the offense is classified under this subsection in the charge or if, at sentencing, the required factors are established by a preponderance of the evidence.

(6) Attempt. Notwithstanding the provisions of section 1001(3), an attempt to commit a theft under sections 1732 to 1734 is punishable equally with the completed offense when the actor has completed all of the conduct which he believes necessary on his part to complete the theft except receipt of the property.

(7) Valuation. For purposes of grading, the amount involved in a theft under sections 1732 to 1734 shall be the highest value by any reasonable standard, regardless of the actor's knowledge of such value, of the property or services which were stolen by the actor, or which the actor believed that he was stealing, or which the actor could reasonably have anticipated to have been the property or services involved. Thefts committed pursuant to one scheme or course of conduct, whether from the same person or several persons, may be charged as one offense and the amounts proved to have been stolen may be aggregated in determining the grade of the offense.

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§ 1736. Unauthorized Use of a Vehicle.

(1) Offense. A person is guilty of an offense if, knowing that he does not have the consent of the owner, he takes, operates, or exercises control over an automobile, aircraft, motorcycle, motorboat, or other motor-propelled vehicle of another.

(2) Defense. It is a defense to a prosecution under this section that the actor reasonably believed that the owner would have consented had he known of the conduct on which the prosecution was based.

(3) Grading. The offense is a Class C felony if the vehicle is an aircraft or if the value of the use of the vehicle and the cost of restoration exceed $500. Otherwise the offense is a Class A misdemeanor.

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§ 1737. Misapplication of Entrusted Property.

A person is guilty of a Class A misdemeanor if he disposes of, uses or transfers any interest in, property which has been entrusted to him as a fiduciary, or in his capacity as a public servant or an officer, director, agent, employee of, or a person controlling a financial institution, in a manner that he knows is not authorized and that he knows to involve a risk of loss or detriment to the owner of the property or to the government or other person for whose benefit the property was entrusted.

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§ 1738. Defrauding Secured Creditors.

(1) Offense. A person is guilty of an offense if he destroys, removes, conceals, encumbers, transfers or otherwise deals with property subject to a security interest with intent to prevent collection of the debt represented by the security interest.

(2) Grading. The offense is a Class A misdemeanor if the property has a value exceeding $500 and a Class B misdemeanor if the property has a value exceeding $50. Otherwise it is an infraction. Value to be determined as provided in section 1735(7).

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§ 1739. Defenses and Proof as to Theft and Related Offenses.

(1) Defenses. It is a defense to a prosecution under sections 1732 to 1738 that:

(a) the actor honestly believed that he had a claim to the property or services involved which he was entitled to assert in the manner which forms the basis for the charge against him; or

(b) the victim is the actor's spouse, but only when the property involved constitutes household or personal effects or other property normally accessible to both spouses and the parties involved are living together. The term "spouse", as used in this section, includes persons living together as man and wife.

(2) Proof. (a) It shall be a prima facie case of theft under sections 1732 to 1734 if it is shown that a public servant or an officer, director, agent or employee of, or a person connected in any capacity with a financial institution has failed to pay or account upon lawful demand for money or property entrusted to him as part of his official duties or if an audit reveals a shortage or falsification of his accounts. (b) It shall be prima facies evidence that the actor knows that property has been stolen if it is shown that, being a dealer, he acquired it for a consideration which he knew to be far below its reasonable value. "Dealer" means a person, whether licensed or not, whc has repeatedly engaged in transactions in the type of property involved. (c) In any prosecution under sections 1732 to 1734 or 1737 where it is alleged that there is federal jurisdiction over the offense under paragraph (i) of section 201, the place from which and to which the shipment was made is presumed to have been as designated in the waybill or other shipping document of such shipment and the interstate character of the shipment of any property by pipeline systems is presumed from the interstate extension of the pipeline system.

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§ 1740. Jurisdiction over Theft and Related Offenses.

(1) Common Bases for Sections 1732 to 1737. There is federal jurisdiction over an offense defined in sections 1732 to 1737 under paragraphs (a), (b), (d), (e), (h), (i), (j), (k) or (l) of section 201.

(2) Section 1738. There is federal jurisdiction over an offense defined in section 1738 under paragraphs (a) or (b) of section 201 or when the United States holds a security interest in the property which is the subject of the offense.

(3) Additional Common Base for Sections 1732 to 1734. There is federal jurisdiction over an offense defined in sections 1732 to 1734 under paragraph (g) of section 201 when the theft is one in which property or services are acquired or retained by threat; but no prosecution may be instituted under this subsection unless expressly authorized by the Attorney General.

(4) Special Bases for Sections 1732 to 1734 and 1737. Federal jurisdiction over an offense defined in sections 1732 to 1734 and section 1737 also exists under any of the following circumstances:

(a) Federal Public Servant—when the offense is committed by a public servant of the United States acting under color of office;

(b) Misrepresentation of Federal Interest—when the offense is committed by a misrepresentation of United States ownership, guarantee, insurance or other interest of the United States in property involved in a transaction;

(c) Impersonation of Creditors—when the offense is committed by impersonation of a creditor of the United States;

(d) Indian Property—when the subject of the offense is property owned by or in the custody of a tribe, band, or community of Indians which is subject to federal statutes relating to Indian affairs or of any corporation, association or group which is organized under any of such statutes;

(e) Employee Benefit Plans—when the subject of the offense is property owned by or in the custody of any employee welfare benefit plan or employee pension benefit plan subject to 2 U.S.C., Ch. 10;

(f) Public Work Kickbacks—when any part of the compensation of a person employed in the construction, prosecution, completion or repair of any federal public building, federal public work, or building or work financed in whole or in part by loans or grants from the United States is obtained or retained by a threat or deception in relation to that person's employment;

(g) Funds Insured by Department of Housing and Urban Development—when the offense is commited in a transaction for a loan, advance of credit or mortgage insured by the United States Department of Housing and Urban Development;

(h) Small Business Investment Companies—when the offense is committed by an officer, director, agent, receiver or employee of, or person connected in any capacity with, a small business investment company, as defined in 15 U.S.C. § 662, and the subject of the offense is property owned by or in the custody of such small business investment company;

(i) Registered Investment Companies—when the subject of the offense is property owned by or in the custody of a registered investment company, as defined in 15 U.S.C. § 80a:

(j) Futures Commission Merchants—when the offense is committed by a futures commission merchant, as defined in 7 U.S.C. § 2, or any employee or agent thereof, and the subject of the offense is property of a customer received by such commission merchant;

(k) Common Carriers—when the offense is committed by an officer, director, manager or employe of a firm, association or corporation engaged in commerce as a common carrier, and the subject of the offense is property owned by or in the custody of such common carrier;

(l) Federal Economic Opportunity Program—when the offense is committed by an officer, director, agent or employee of, or person connected in any capacity with, any agency receiving financial assistance under 42 U.S.C., Ch. 34, and the subject of the offense is property which is the subject of a grant or contract of assistance pursuant to such Chapter;

(m) Employment in Federal Economic Opportunity Program—when property of a person is obtained or retained by a threat in relation to that person's employment under a grant of contract of assistance pursuant to 42 U.S.C., Ch. 34;

(n) Labor Organizations—when the offense is committed by an officer, agent or employee of a labor organization, as defined in 29 U.S.C. § 152, and the subject of the offense is property owned by or in the custody of such labor organization;

(o) Commodity Credit Corporation—when the subject of the offense is property mortgaged or pledged to the Commodity Credit Corporation or is property mortgaged or pledged as security for any promissory note or other evidence of indebtedness which the Corporation has guaranteed or is obligated to purchase upon tender.

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§ 1741. Definitions for Theft and Related Offenses.

In sections 1731 to 1741:

(a) "deception" means: (i) creating or reinforcing a false impression, including false impressions as to fact, law, status, value, intention or other state of mind; but deception as to a person's intention to perform a promise shall not be inferred from the fact alone that he did not substantially perform the promise unless it is part of a continuing scheme to defraud; or (ii) preventing another from acquiring information which would affect his judgment of a transaction; or (iii) failing to correct a false impression which the actor previously created or reinforced, or which he knows to be influencing another to whom he stands in a fiduciary or confidential relationship; or (iv) failing to correct an impression which the actor previously created or reinforced and which the actor knows to have become false due to subsequent events; or (v) failing to disclose a lien, adverse claim or other impediment to the enjoyment of property which he transfers or encumbers in consideration for the property obtained or in order to continue to deprive another of his property, whether such impediment is or is not valid, or is or is not a matter of official record; or (vi) using a credit card, charge plate, or any other instrument which purports to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer (A) where such instrument has been stolen, forged, revoked or cancelled, or where for any other reason its use by the actor is unauthorized, and (B) where the actor does not have the intention and ability to meet all obligations to the issuer arising out of his use of the instrument; or (vii) any other schemeto defraud. The term "deception" does not, however, include falsifications as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. "Puffing" means an exaggerated commendation of wares in communications addressed to the public or to a class or group;

(b) "deprive" means: (i) to withhold property or to cause it to be withheld either permanently or under such circumstances that a major portion of its economic value, or its use and benefit, has, in fact, been appropriated; or (ii) to withhold property or to cause it to be withheld with the intent to restore it only upon the payment of a reward or other compensation; or (iii) to dispose of property or use it or transfer any interest in it under circumstances that make its restoration, in fact, unlikely.

(c) "fiduciary" means a trustee, guardian, executor, administrator, receiver, or any other person acting in a fiduciary capacity, or any person carrying on fiduciary functions on behalf of a corporation or other organization which is a fiduciary;

(d) "financial institution" means a bank, insurance company, credit union, safety deposit company, savings and loan association, investment trust, or other organization held out to the public as a place of deposit of funds or medium of savings or collective investment;

(e) "obtain" means: (i) in relation to property, to bring about a transfer or purported transfer of an interest in the property, whether to the actor or another; or (ii) in relation to services, to secure performance thereof;

(f) "property" means any money, tangible or intangible personal property, property (whether real or personal) the location of which can be changed (including things growing on, affixed to, or found in land and documents although the rights represented thereby have no physical location), contract right, close-in-action, interest in or claim to wealth, credit, or any other article or thing of value of any kind. "Property" also means real property the location of which cannot be moved if the offense involves transfer or attempted transfer of an interest in the property;

(g) "property of another" means property in which a person other than the actor or in which a government has an interest which the actor is not privileged to infringe without consent, regardless of the fact that the actor also has an interest in the property and regardless of the fact that the other person or government might be precluded from civil recovery because the property was used in an unlawful transaction or was subject to forfeiture as contraband. Property in possession of the actor shall not be deemed property of another who has a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security agreement. "Owner" means any person or a government with an interest in property such that it is "property of another" as far as the actor is concerned;

(h) "receiving" means acquiring possession, control or title, or lending on the security of the property;

(i) "services" means labor, professional service, transportation, telephone, mail or other public service, gas, electricity and other public utility services, accommodations in hotels, restaurants or elsewhere, admission to exhibitions, and use of vehicles or other property;

(j) "stolen" means property which has been the subject of theft or robbery or a vehicle which is received from a person who is then in violation of section 1736;

(k) "threat" means an expressed purpose, however communicated, to (i) cause bodily injury in the future to the person threatened or to any other person; or (ii) cause damage to property; or (iii) subject the person threatened or any other person to physical confinement or restraint; or (iv) engage in other conduct constituting a crime; or (v) accuse anyone of a crime; (vi) expose a secret or publicize an asserted fact, whether true or false, tending to subject a person living or deceased, to hatred, contempt, or ridicule or to impair another's credit or business repute; or (vii) reveal any information sought to be concealed by the person threatened; or (viii) testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or (ix) take or withhold official action as a public servant, or cause a public servant to take or withhold official action; or (x) bring about or continue a strike, boycott, or other similar collective action to obtain property or deprive another of his property which is not demanded or received for the benefit of the group which the actor purports to represent; or (xi) cause anyone to be dismissed from his employment, unless the property is demanded or obtained for lawful union purposes; or (xii) do any other act which would not in itself substantially benefit the actor or a group he represents but which is calculated to harm another person in a substantial manner with respect to his health, safety, business, employment, calling, career, financial condition, reputation, or personal relationship. Upon a charge of theft, the receipt of property in consideration for taking or withholding official action shall be deemed to be theft by threat regardless of whether the owner voluntarily parted with his property or himself initiated the scheme.

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FORGERY AND OTHER FRAUDS

§ 1751. Forgery or Counterfeiting.

(1) Offense. A person is guilty of forgery or counterfeiting if, with intent to decide or harm the government or another person, or with knowledge that he is facilitating such deception or harm by another person, he:

(a) knowingly and falsely makes, completes or alters any writing; or

(b) knowingly utters or possesses a forged or counterfeited writing.

(2) Grading. Forgery or counterfeiting is:

(a) a Class B felony if:

(i) the actor forges or counterfeits an obligation or other security of the United States; or

(ii) the offense is committed pursuant to a scheme to defraud another of money or property of a value in excess of $100,000;

(b) a Class C felony if:

(i) the actor is a public servant or an officer or employee of a financial institution and the offense is committed under color of office or is made possible by his office;

(ii) the actor forges or counterfeits foreign money or other legal tender, or utters or possesses any forged or counterfeited obligation or security of the United States or foreign money or legal tender;

(iii) the actor forges or counterfeits any writing from plates, dies, molds, photographs or other similar instruments designed for multiple reproduction;

(iv) the actor forges or counterfeits a writing which purports to have been made by the government;

(v) the actor utters a forged or counterfeited United States passport or certificate of United States naturalization or citizenship; or

(vi) the offense is committed pursuant to a scheme to defraud another of money or property of a value in excess of $500;

(c) a Class A misdemeanor in all other cases.

(3) Jurisdiction. There is federal jurisdiction over an offense defined in this section under any of the following circumstances:

(a) Common Bases—under paragraphs (a) or (b) of section 201;

(b) Nature of the Writing—when the writing which is the subject of the offense (i) has been or purports to have been made by or on behalf of, or issued under the authority of, the United States, a national credit institution (as defined in section 219), or a foreign government or bank or (ii) is an endorsement of or otherwise a part of such writing;

(c) Misconduct by Bank Employee—when the offense is committed by an officer, director, agent, trustee, or employee, acting under color of office, of a national credit institution (as defined in section 219);

(d) Deception of Government or National

Credit Institution—when the offense is committed pursuant to a scheme to deceive or injure the United States or a national credit institution (as defined in secion 219);

(e) Interstate or Foreign Commerce—when the writing which is the subject of the offense is or purports to be a security or a tax stamp or part thereof which is in interstate or foreign commerce.

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§ 1752. Facilitation of Counterfeiting.

(1) Counterfeiting Implements. A person is guilty of an offense if, except as authorized by statute or by regulation, he knowingly makes, executes, sells, buys, imports, possesses or otherwise has within his control any plate, stone, paper, tool, die, mold or other implement or thing uniquely associated with or fitted for the preparation of any forged or counterfeited security or tax stamp or any writing which purports to be made by the United States or any foreign government.

(2) Counterfeiting Impressions. A person is guilty of an offense if, except as authorized by statute or by regulation, he:

(a) knowingly photographs or otherwise makes a copy of:

(i) money or other obligation or security of the United States or a foreign government, or any part thereof; or

(ii) any plate, stone, tool, die, mold or other implement or thing uniquely associated with or fitted for the preparation of any writing described in subsection (1); or

(b) knowingly sells, buys, imports, possesses or otherwise has within his control any photograph or copy the making of which is prohibited by subsection (2) (a).

(3) Authorization as Defense. In a prosecution under this section authorization by statute or by regulation is a defense.

(4) Grading. An offense defined in this section is a Class B felony if the implement or the impression relates to the forging or counterfeiting of money or other obligation or security of the United States. Otherwise it is a Class C felony.

(5) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a), (b) or (j) of section 201 or when the offense involves a writing made by the United States or any foreign government.

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§ 1753. Deceptive Writings.

(1) Offense. A person is guilty of an offense if, with intent to deceive or harm the government or another person, or with knowledge that he is facilitating such a deception or harm by another person, he knowingly issues a writing without authority to issue it or knowingly utters or possesses a deceptive writing.

(2) Grading. The offense is a Class B felony if it is committed pursuant to a scheme to defraud another of money or property of a value in excess of $100,000. The offense is a Class C felony if (a) the actor is a public servant or an officer or employee of a financial institution and the offense is committed under color of office or is made possible by his office; or (b) the offense is committed pursuant to a scheme to defraud another of money or property of a value in excess of $500. Otherwise it is a Class A misdemeanor.

(3) Jurisdiction. Federal jurisdiction over an offense defined in this section is the same as that prescribed for forgery or counterfeiting in section 1751.

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§ 1754. Definitions for Sections 1751 to 1754.

In sections 1751 to 1754:

(a) the definitions prescribed in section 1741 apply;

(b) "writing" means (i) any paper, document or other instrument containing written or printed matter or its equivalent, including money, a money order, bond, public record, affidavit, certificate, passport, visa, contract, security, or obligation, and (ii) any coin or any gold or silver bar coined or stamped at a mint or assay office of the United States or any signature, certification, credit card, token, stamp, seal, badge, decoration, medal, trademark or other symbol or evidence of value, right, privilege, or identification which is capable of being used to the advantage or disadvantage of the government or any person;

(c) "without authority" includes conduct that, on the specific occasion called into question, is beyond any general authority given by statute, regulation or agreement;

(d) "falsely makes" means to make a writing which purports to be made by the government or another person, or a copy thereof, but which is not because the apparent maker is fictitious or because the writing was made without authority;

(e) "falsely completes" means to make an addition to or an insertion in a writing, without authority, such that the writing appears to have been made by, or fully authorized by, its apparent maker;

(f) "falsely alters" means to make a change in a writing without authority, such that the writing appears to have been made by, or fully authorized by, its apparent maker;

(g) to "forge" or to "counterfeit" a writing means to falsely make, complete, or alter the writing, and a "forged" or "counterfeited" writing is a writing which has been falsely made, completed or altered. The terms "forgery" and "counterfeiting" and their variants are intended to be synonymous in legal effect;

(h) "utter' means to issue, authenticate, transfer, publish, sell, transmit, present, use or otherwise give currency to;

(i) "possess" means to receive, conceal or otherwise exercise control over;

(j) the term "obligation or other security of the United States" means a bond, certificate of indebtedness, national bank currency, Federal Reserve note, Federal Reserve bank note, coupon, United States note, Treasury note, gold certificate, silver certificate, fractional note, certificate of deposit, a stamp, a postage meter stamp or other representative of value of whatever denomination, issued pursuant to a federal statute, and a canceled United States stamp;

(k) "security" other than as provided in paragraph (j) includes any note, stock certificate, bond, debenture, check, draft, warrant, traveler's check, letter of credit, warehouse receipt, negotiable bill of lading, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of interest in tangible or intangible propery, instrument or document or writing evidencing ownership of goods, wares, and merchandise, or transferring or assigning any right, title, or interest in or to goods, wares, and merchandise, uncanceled stamp issued by a foreign government (whether or not demonetized); or, in general, any instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, warrant or right to subscribe to or purchase any of the foregoing;

(l) "tax stamp" includes any tax stamp, tax token, tax meter imprint, or any other form of evidence of an obligation running to a state, or evidence of the discharge thereof;

(m) a "deceptive writing" is a writing which (i) has been procured by deception, or (ii) has been issued without authority.

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§ 1755. Making or Uttering Slugs.

(1) Offense. A person is guilty of an offense if he makes or utters a slug with intent to deprive a supplier of property or service sold or offered by means of a coin machine or with knowledge that he is facilitating such a deprivation by another person.

(2) Grading. The offense is a Class A misdemeanor if it involves slugs which exceed $50 in value. Otherwise it is a Class B misdemeanor.

(3) Definitions. In this section:

(a) "slug" means a metal, paper, or other object which by virtue of its size, shape or any other quality is capable of being inserted, deposited, or otherwise used in a coin machine as an improper but effective substitute for a genuine coin, bill or token;

(b) "coin machine" means a coin box, turnstile, vending machine, or other mechanical or electronic device or receptacle designed:

(i) to receive a coin or bill of a certain denomination or a token made for the purpose; and

(ii) in return for the insertion or deposit thereof, automatically to offer, provide, assist in providing or permit the acquisition of property or a public or private service;

(c) "value" of the slugs means the value of the coins, bills or tokens for which they are capable of being substituted.

(4) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraph (a) of section 201 or when the offense involves a coin machine designed to receive currency of the United States.

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§ 1756. Bankruptcy Fraud.

(1) Offense. A person is guilty of a Class C felony if, with intent to deceive a court or its officers or to harm creditors of a bankrupt, he knowingly:

(a) transfers or conceals any property belonging to the estate of a bankrupt;

(b) receives any material amount of property from a bankrupt after the filing of a bankruptcy proceeding;

(c) transfers or conceals, in contemplation of a bankruptcy proceeding, his own property or the property of another;

(d) conceals, destroys, mutilates, alters or makes a false entry in any document affecting or relating to the property or affairs of a bankrupt, or withholds any such document from the receiver, trustee or other officer of the court entitled to its possession; or

(e) gives, obtains or receives a thing of value for acting or forbearing to act in any bankruptcy proceeding.

(2) Duration of Offense. The concealment of a bankrupt is a continuing offense and the period of limitations shall not begin to run until the bankrupt shall have been finally discharged from bankruptcy or a discharge from bankruptcy finally denied.

(3) Definitions. In this section "bankrupt" means a debtor by or against whom a petition has been filed under Title 11 of the United States Code, and "bankruptcy proceeding" includes any proceeding, arrangement or plan pursuant to Title 11.

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§ 1757. Rigging a Sporting Contest.

(1) Interference With a Sporting Contest. A person is guilty of a Class C felony if, with intent to prevent a publicly-exhibited sporting contest from being conducted in accordance with the rules and usages purporting to govern it, he:

(a) confers or offers or agrees to confer any benefit upon, or threatens any harm to, a participant, official or other person associated with the contest; or

(b) tampers with any person, animal or thing.

(2) Soliciting or Accepting Benefits. A person is guity of a Class C felony if he knowingly solicits, accepts or agrees to accept any benefit the giving of which is prohibited under subsection (1).

(3). Definition. A "publicly-exhibited sporting contest" is any contest in any sport,

between individual contestants or teams of contestants, the occurrence of which is publicly announced in advance of the event.

(4) Status of Contestant. The status of the contestant as amateur or professional is not material to the commission of the offense described in this section.

(5) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a), (b), (e) or (h) of section 201.

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§ 1758. Commercial Bribery.

(1) Giving Bribe. A person is guilty of a Class A misdemeanor if he:

(a) confers or agrees or offers to confer any benefit upon an employee or agent without the consent of the latter's employer or principal, with intent to influence his conduct in relation to his employer's or principal's affairs; or

(b) confers or agrees or offers to confer any benefit upon any fiduciary without the consent of the beneficiary, with intent to influence the fiduciary to act or conduct himself contrary to his fiduciary obligation.

(2) Receiving Bribe. A person is guilty of a Class A misdemeanor if he knowingly solicits, accepts or agrees to accept any benefit the giving of which is prohibited under subsection (1).

(3) Jurisdiction. There is federal jurisdiction over an offense defined in this section under any of the following circumstances:

(a) Common Bases—under paragraphs (a) or (b) of section 201;

(b) National Credit Institutions—when the person committing the offense or the person who is the subject of the offense is an agent, fiduciary or employee of a national credit institution (as defined in section 219) or of a small business investment company (as defined in 15 U.S.C. § 662), and the offense is committed in connection with his duties;

(c) Employee Welfare or Pension Plan—when the person committing the offense or the person who is the subject of the offense is an agent, fiduciary or employee of an employee welfare benefit plan or employee pension benefit plan subject to 29 U.S.C., Ch. 10; or is an employer any of whose employees are covered by such plan; or is an agent, fiduciary or employee of an employer any of whose employees are covered by such plan; or is an agent, fiduciary or employee of an employee organization any of whose members are covered by such plan; or is a person who, or an agent, fiduciary or employee of an organization which, provides benefit plan services to such plan; and the offense is committed in connection with his duties;

(d) Interstate Facilities—when the person committing the offense or the person who is the subject of the offense is an agent, fiduciary or employee of any interstate facility and the offense is committed in the course of his duties;

(e) Military Service Clubs—when the person committing the offense or the person who is the subject of the offense is an agent, fiduciary or employee of a military officers' or servicemen's club for personnel on active duty, or of a military post exchange, and the offense is committed in connection with his duties.

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§ 1759. Unlawful Trafficking in Food Stamp Coupons.

(1) Offense. A person is guilty of an offense if he knowingly traffices in food stamp coupons in violation of the regulatory law.

(2) Definitions. In this section:

(a) "traffics" means:

(i) transfers or otherwise disposes of the coupons to another;

(ii) possesses the coupons with intent to transfer or otherwise dispose of them to another; or

(iii) obtains or receives the coupons;

(b) "regulatory law" means Chapter 51 of Title 7, United States Code, and regulations issued pursuant tnereto.

(3) Grading. The offense is a Class C felony if the value of the coupons exceeds $500 and the trafficking was engaged in with intent that the coupons be used by a person not authorized to use them or that the coupons be used to purchase a thing other than food, as defined in the regulatory law. Otherwise the offense is a Class A misdemeanor.

(4) Valuation. For purposes of grading, the value of the coupons shall be the face value. Trafficking committed pursuant to one scheme or course of conduct may be charged as one offense and the value of the coupons involved may be aggregated in determining the grade of the offense.

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ECONOMIC REGULATION

§ 1771. Engaging in or Financing Criminal Usury Business.

(1) Offense. A person is guilty of a Class C felony if he knowingly engages in, or directly or indirectly provides financing for, the business of making extensions of credit at such a rate of interest that repayment or performance of any promise given in consideration thereof is unenforceable through civil judicial process (a) in the jurisdiction where the debtor, if a natural person, resided at the time credit was extended or (b) in every jurisdiction within which the debtor, if other than a natural person, was incorporated or qualified to do business at the time credit was extended.

(2) Presumptions. Knowledge of unenforceability shall be presumed, in the case of a person engaging in the business, if any of the following exist, and in the case of a person directly or indirectly providing financing, if he knew any of the following:

(a) it is an offense in the relevant jurisdiction described in subsection (1) to charge, take or receive interest at the rate involved;

(b) the rate of interest charged, taken or received is 50 or more percentum greater than the maximum enforceable rate of interest in the relevant jurisdiction described in subsection (1); or

(c) the rate of interest involved exceeds 45 percentum per annum or the equivalent rate for a longer or shorter period.

(3) Rate of Interest. Unless otherwise provided by the law of the relevant jurisdiction described in subsection (1), the rate of interest is to be calculated according to the actuarial method of allocating payments made on a debt between principal and interest, pursuant to which a payment is applied first to the accumulated interest and the balance is applied to the unpaid principal.

(4) Defense. It is a defense to a prosecution under this section that the defendant was licensed or otherwise authorized by the United States or a state government to engage in the business of making extensions of credit.

(5) Definitions. In this section:

(a) an "extension of credit" means any loan, or any agreement tacit or express whereby the repayment or satisfaction of any debt, whether acknowledged or disputed, valid or invalid, and however arising, may or will be deferred;

(b) "debtor" means any person to whom an extension of credit is made, or who guarantees the repayment of that extension of credit, or in any manner undertakes to indemnify the creditor against loss resulting from the failure of any person to whom that extension of credit is made to repay the same;

(c) the repayment of any extension of credit includes the repayment, satisfaction, or discharge in whole or in part of any debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

(6) Judicial Notice of State Law. For the purposes of this section, relevant state law, including conflicts of laws rules, governing the enforceability through civil judicial processes of repayment of any extension of credit or the performance of any promise given in consideration thereof shall be judicially noticed. This subsection does not impair any authority which any court would otherwise have to take judicial notice of any matter of state law.

(7) Jurisdiction. Federal jurisdiction over an offense defined in this section extends to any such offense committed anywhere within the United States, pursuant to the powers of Congress to regulate commerce and to establish uniform and effective laws on the subject of bankruptcy, and under the findings of Congress expressed in section 201 of the Consumer Credit Protection Act (Public Law 90–321), and to any such offense committed within the special maritime and territorial jurisdiction of the United States, as defined in section 210.

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§ 1772. Securities Violations.

A person is guilty of a Class C felony if he:

(a) knowingly does anything declared to be unlawful in 15 U.S.C. §§ 77e, 77q, 77w, 77fff, 77xxx, 78l(a)(1)–(5) or [Rule 10b–5]; or

(b) in a registration statement filed under subchapter I of 15 U.S.C., Ch. 2A, or in an application, report or document filed under subchapter III of 15 U.S.C., Ch. 2A or any rule, regulation, or order issued pursuant thereto, knowingly makes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statements therein not misleading.

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§ 1773. Banking Violations.

A person is guilty of a Class C felony if he engages in conduct prohibited or declared to be unlawful by 12 U.S.C. § 95 (relating to emergency restrictions on members of federal reserve system), with intent to conceal a transaction from a government agency authorized to administer the statute or with knowledge that his unlawful conduct substantially obstructs, impairs or perverts the administration of the statute or any government function.

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Chapter 18. Offenses Against Public Order, Health, Safety and Sensibilities

RIOT AND MUTINY

§ 1801. Inciting Riot.

(1) Offense. A person is guilty of an offense if he:

(a) incites or urges five or more persons to create or engage in a riot; or

(b) gives commands, instructions, or directions to five or more persons in furtherance of a riot.

"Riot" means a public disturbance involving an assemblage of five [ten] or more persons which by tumultuous and violent conduct creates grave danger of damage or injury to property or persons or substantially obstructs law enforcement or other government function.

(2) Attempt, Solicitation and Conspiracy. A person shall be convicted under sections 1001, 1003 or 1004 of attempt, solicitation or conspiracy to commit an offense under this section only if he engages in the prohibited conduct under circumstances in which there is a substantial likelihood that his conduct will imminently produce a violation of this section.

(3) Grading. The offense is a Class C felony if it is under subsection (1)(b) and

the riot involves 100 or more persons. Otherwise it is a Class A misdemeanor.

(4) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a), (e) or (h) of section 201; but no prosecution shall be instituted under paragraphs (e) or (h) unless the Attorney General certifies that a federal interest exists by reason of the fact the circumstances under which the offense occurred manifestly portended involvement of 100 or more persons or the riot involved 100 or more persons and its occurrence was or was being substantially furthered from outside the state where the riot occurred or would have occurred.

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§ 1802. Arming Rioters.

(1) Offense. A person is guilty of a Class C felony if he:

(a) knowingly supplies a firearm or destructive device for use in a riot;

(b) teaches another to prepare or use a firearm or destructive device with intent that any such thing be used in a riot; or

(c) while engaging in a riot, is knowingly armed with a firearm or destructive device.

"Riot" has the meaning prescribed in section 1801.

(2) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a), (e) or (h) of section 201 and, with respect to offenses under subsection (1)(a), also under paragraph (j).

* * * * *

§ 1803. Engaging in a Riot.

(1) Offense. A person is guilty of a Class B misdemeanor if he engages in a riot, as defined in section 1801.

(2) Attempt, Solicitation and Conspiracy; Presence. The provisions of section 1801(2) are applicable to attempt, solicitation and conspiracy to commit an offense under this section. Mere presence at a riot is not an offense under this section.

(3) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraph (a) of section 201.

* * * * *

§ 1804. Disobedience of Public Safety Orders Under Riot Conditions.

(1) Offense. A person is guilty of an infraction if during a riot, as defined in section 1801, or when one is immediately impending, he disobeys a reasonable public safety order to move, disperse, or refrain from specified activities in the immediate vicinity of the riot. A public safety order is an order designed to prevent or control disorder, or promote the safety of persons or property, issued by an official having supervisory authority over at least ten persons in the police, fire, military or other forces concerned with the riot.

(2) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraph (a) of section 201.

* * * * *

§ 1805. Mutiny on a Vessel.

(1) Offense. A person is guilty of an offense if by force, threat of force or deception, he usurps command of a vessel. The offense or attempt to commit the offense is a Class B felony if the vessel is on the high seas, and otherwise is a Class C felony.

(2) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a) or (*l*) of section 201.

* * * * *

FIREARMS AND EXPLOSIVES

(1) ban the production and possession of, and trafficking in, handguns, with exceptions only for military, police and similar official activities; and

(2) require registration of all firearms.

A substantial body of opinion in the Commission: opposes any federal involvement in firearms control beyond that embodied in existing legislation.

* * * * *

§ 1811. Supplying Firearms, Ammunition, Destructive Devices or Explosives for Criminal Activity.

(1) Offense. A person is guilty of a Class C felony if he:

(a) knowingly supplies a firearm, ammunition therefor, destructive device or explosive to a person who intends to commit a crime of violence or intimidation with the aid thereof or while armed therewith; or

(b) procures or receives the same with like intent.

(2) Definition. In this section "crime of violence or intimidation" means such a crime defined in sections 1501 to 1521, and such a crime defined in Chapters 16 and 17 of this Code when the offense is a felony.

(3) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a) or (j) of section 201. Commission of an offense defined in this section shall not be a basis for application of section 201(b) to confer federal jurisdiction over commission of another offense except wheere the offense defined in this section involves a destructive device or explosive and the other offense is one defined in sections 1601 to 1603, 1611 and 1612.

* * * * *

§ 1812. Illegal Firearms, Ammunition or Explosive Materials Business.

(1) Offense. A person is guilty of an offense if he knowingly supplies a firearm, ammunition or explosive material to, or procures or receives a firearm, ammunition or explosive material for, a person prohibited by the regulatory law from receiving it.

(2) Definitions. In this section:

(a) "firearms" has the meaning prescribed in section—of the regulatory law;

(b) "explosive material" has the meaning prescribed in section—of the regulatory law;

(c) "ammunition" has the meaning prescribed in section—of the regulatory law; and

(d) "regulatory law" means Chapter—of this Code and any rules or regulatory issued pursuant thereto.

(3) Grading. The offense is a Class C felony if the actor:

(a) was not licensed or otherwise authorized by law to handle, transfer or engage in transactions with respect to the firearm, destructive device or explosive material; or

(b) engaged in the forbidden transaction under circumstances manifesting his readiness to supply or procure on other occasions in disregard of lawful restrictions.

Otherwise the offense is a Class A misdemeanor.

(4) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a), (g) or (j) of section 201, or when a licensee under the regulatory law engages in the conduct. Commission of an offense defined in this section shall not be a basis for application of section 201(b) to confer federal jurisdiction over commission of another offense.

* * * * *

§ 1813. Trafficking In and Receiving Limited-Use Firearms.

(1) Offense. A person is guilty of a Class C felony if he:

(a) traffics in limited-use firearms in violation of the regulatory law; or

(b) receives a limited-use firearm with knowledge that it is being transferred to him in violation of the regulatory law.

(2) Definitions. In this section:

(a) "traffics" means:

(i) transfers to another person;

(ii) possesses with intent to transfer to another person;

(iii) makes or manufactures; or

(iv) imports or exports;

(b) "limited-use firearm" has the meaning prescribed for "firearm" in the regulatory law; and

(c) "regulatory law" means Chapter 53 of Title 26, United States Code, Chapter—of this Code and any rules and regulations issued pursuant thereto.

(3) Jurisdiction. Commission of an offense defined in this section shall not be a basis for application of section 201(b) to confer federal jurisdiction over the commission of another offense.

* * * * *

§ 1814. Possession of Explosives and Destructive Devices in Buildings.

A person is guilty of a Class A misdemeanor if he possesses an explosive or destructive device in a federal government building without the written consent of the government agency or person responsible for the management of such building. "Federal government building" means a building which is owned, possessed, or used by or leased to the United States.

* * * * *

§ 1821. Classification of Drugs.

For purposes of sections 1821 to 1829 and unless modified by the Attorney General in accordance with this section, "dangerous drug," "abusable drug," and "restricted drug" have the meanings prescribed in section 1829. The Attorney General is authorized to classify and reclassify any "controlled substance" as defined in section 102 of the regulatory law within one of these three classifications, in accordance with the factors set forth in section 201 of the regulatory law. In making such classifications and reclassifications, the Attorney General shall follow the procedure prescribed in section 201 of the regulatory law. Culpability with respect to classification is not required.

* * * * *

§ 1822. Trafficking in Dangerous and Abusable Drugs.

(1) Class B Felony Trafficking. A person is guilty of a Class B felony if, except as authorized by the regulatory law, he knowingly sells a dangerous drug for resale or traffics in a dangerous drug in a quantity in excess of that established from time to time by the Attorney General, in accordance with the procedure prescribed in section 201 of the regulatory law, as indicative of trafficking for resale.

(2) Class C Felony Trafficking. A person is guilty of an offense if, except as authorized by the regulatory law, he knowingly traffics in a dangerous or abusable drug. The offense is a Class C felony unless subsection (3) applies.

(3) Misdemeanor Trafficking. Trafficking in a dangerous or abusable drug shall be a Class A misdemeanor if:

(a) the defendant did not act for profit or to further commercial distribution; and

(b) the defendant did not transfer or otherwise dispose of a dangerous or abusable drug to a child under eighteen or facilitate such transfer or other disposition, or, if the defendant did engage in such conduct, he was less than five years older than the child.

The special classification provided in this subsection shall apply if the defendant is charged with trafficking under this subsection or if, at sentencing, the required factors are established by a preponderance of the evidence.

* * * * *

§ 1823. Trafficking in Restricted Drugs.

(1) Class A Misdemeanor Trafficking. A person is guilty of an offense if, except as authorized by the regulatory law, he knowingly traffics in a restricted drug. The offense

is a Class A misdemeanor unless subsection (2) applies.

(2) Class B Misdemeanor Trafficking. Trafficking in a restricted drug shall be a Class B misdemeanor if the defendant did not act for profit or to further commercial distribution. The special classification provided in this subsection shall apply if the defendant is charged with trafficking under this subsection or if, at sentencing, the required factors are established by a preponderance of the evidence.

(3) Trafficking For Own Use. It is an affirmative defense to a prosecution under this section that the defendant did not transfer or intend to transfer or otherwise dispose of the drug to another person.

* * * * *

§ 1824. Possession Offenses.

A person is guilty of an offense if, except as authorized by the regulatory law, he knowingly possesses a usable quantity of a dangerous or abusable drug. If the drug is a dangerous drug, the offense is a Class A misdemeanor. If the drug is an abusable drug other than marihuana, the offense is an infraction upon a first offense, a Class B misdemeanor if it is the second conviction of the defendant for trafficking in or possessing a dangerous or abusable drug, and a Class A misdemeanor if it is the third or subsequent conviction of the defendant for such trafficking or possessing. If the drug is marihuana, the offense is an infraction.

[A person is guilty of a Class A misdemeanor if, except as authorized by the regulatory law, he knowingly possesses a usable quantity of a dangerous or abusable drug.]

* * * * *

§ 1825. Authorization a Defense Under Sections 1822 to 1824.

In a prosecution under sections 1822 to 1824 authorization, in fact, by the regulatory law is a defense.

* * * * *

§ 1826. Federal Jurisdiction Over Drug Offenses.

Federal jurisdiction over an offense defined in sections 1822 to 1824 extends to any such offense committed anywhere within the United States or the special maritime or territorial jurisdiction, as defined in section 210, pursuant to the powers of Congress to regulate commerce and under the findings of Congress expressed in section 101 of the regulatory law.

* * * * *

§ 1827. Suspended Entry of Judgment.

(1) Authority of the Court. Except as provided in subsection (3), whenever a court is authorized to enter a conviction for an offense under sections 1822 to 1824 which is not a felony, it may, without entering a judgment of guilty and with the consent of the defendant, defer further proceedings and place the defendant on probation in accordance with Chapter 31. Upon violation of a condition of probation, the court shall discharge the defendant and proceed as provided in section 3103(4). Upon satisfactory completion of the term of probation, the court shall discharge the defendant and dismiss the procedings against him.

(2) Consequences of Discharge. Discharge and dismissal under this section shall be without court adjudication of guilt and shall not be deemed a conviction of an offense for any purpose.

(3) Exclusions. This section does not apply to any person who has previously been convicted of a drug crime or who has previously had a judgment against him suspended under this section.

* * * * *

§ 1829. Definition for Sections 1821 to 1829.

In sections 1821 to 1829:

(a) "traffics" means:

(i) (A) transfers or otherwise disposes of a drug to another person;

(B) prescribes a drug not in the course of professional practice;

(C) possesses a drug with intent to transfer or otherwise dispose of it to another person;

(ii) manufactures a drug; or

(iii) imports a usable quantity of a drug into the United States, or exports a usable quantity of a drug from the United States. "Imports" includes landing in the United States or receiving at the place where it was landed in the United States or from a person who brought it from the place where it was landed in the United States a usable quantity of a drug imported into the United States and landed in the United States;

(b) unless modified by the Attorney General in accordance with section 1821, "dangerous drug" means:

(i) any substance classified as a Schedule I or Schedule II controlled substance under section 202 of the regulatory law except a material, compound, or preparation which contains any quantity of marihuana or peyote and does not contain a dangerous drug;

(ii) any material, compound, or preparation in a form not primarily adapted for oral use which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(A) amphetamine, its salts, optical isomers, and salts of its optical isomers;

(B) phenmetrazine and its salts;

(C) any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers;

(D) methylphenidate;

(iii) any cannabis preparation;

(c) unless modified by the Attorney General in accordance with section 1821, "abusable drug" means:

(i) any substance classified as a Schedule III or Schedule IV controlled substance under section 202 of the regulatory law except as provided in paragraph (b)(ii) of this section;

(ii) marihuana;

(iii) peyote;

(d) unless modified by the Attorney General in accordance with section 1821, "restricted drug" means any substance classified as a Schedule V controlled substance under section 202 of the regulatory law;

(e) "cannabis preparation" means the separated resin, whether crude or purified, obtained from marihuana or from the mature stalks of any plant of the genus cannabis; any preparation, compound, or derivative of the resin; or any tincture of marihuana; but it does not include fiber produced from the mature stalks of any plant of the genus cannabis, oil or cake made from the seeds of the plant, or any other preparation, compound, or derivative of the mature stalks (except the separated resin) or of the fiber, oil, or cake;

(f) "marihuana" means all parts, including the seeds, of any plant of the genus cannabis, whether growing or not; but does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any preparation, compound, or derivative of the stalks, fiber, oil, or cake, or the sterilized seed of the plant that is incapable of germination;

(g) "regulatory law" means the Comprehensive Drug Abuse Prevention and Control Act of 1970.

* * * * *

GAMBLING

* * * * *

§ 1831. Illegal Gambling Business.

(1) Offense. A person is guilty of an offense if he engages or participates in the business of gambling, unless, as provided in subsection (2), it was legal in all places in which it was carried on. Without limitation, a person shall be deemed to be engaged in the business of gambling if he:

(a) conducts a wagering pool or lottery;

(b) receives wagers for or on behalf of another person;

(c) alone or with others, owns, controls, manages or finances a gambling business;

(d) knowingly leases or otherwise permits a place to be regularly used to carry on a gambling business;

(e) maintains for use on any place or premises occupied by him a coin-operated gaming device, as defined in 26 U.S.C. § 4462; or

(f) is a public servant who shares in the proceeds of a gambling business whether by way of a bribe or otherwise.

(2) Defense. It is a defense to a prosecution under this section that the gambling business was legal in all places in which it was carried on. The place in which a gambling business is carried on includes any place from which a customer places a wager with or otherwise patronizes the gambling business, as well as the place in which the wager is received.

(3) Grading. The offense is a Class C felony if:

(a) the defendant employed or utilized three or more persons to carry on the gambling business;

(b) the defendant, or the gambling business or part thereof which he owned, controlled, managed or financed, accepted wagers in excess of $2,000 in a single day;

(c) the defendant received lay-off wagers or otherwise provided reinsurance or wholesaling functions in relation to persons engaged in a gambling business; or

(d) a public servant was bribed in connection with the gambling enterprise.

Otherwise the offense is a Class A misdemeanor.

(4) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a), (e) or (h) of section 201, or when any gambling device, as defined in section 1832, used in the commission of the offense, moves across a state boundary.

* * * * *

§ 1832. Protecting State Antigambling Policies.

(1) Offense. A person is guilty of a Class A misdemeanor if he knowingly carries or sends any gambling device into a state from any place outside such state.

(2) Defenses. This section shall not apply to:

(a) a gambling device carried or sent into a state, or any part thereof, where such gambling was legal, or en route to such place;

(b) any carriage in the usual course of business by a common or public contract carrier;

(c) any newspaper or similar publication; or

(d) any ticket or other embodiment of the claim of a player or bettor which was carried or sent by him.

Inapplicability under this subsection is a defense.

(3) Definition of "Gambling Device". In this section "gambling device" means:

(a) any device covered by 15 U.S.C. § 1171 and not excluded by subsections (2) and (3) of 15 U.S.C. § 1178; or

(b) any record paraphernalia, ticket, certificate, bill, slip, token, writing, scratch sheet, or other means of carrying on bookmaking, wagering pools, lotteries, numbers, policy, bolita or similar game.

* * * * *

PROSTITUTION AND RELATED OFFENSES

§ 1841. Promoting Prostitution.

(1) Offense. A person is guilty of an offense if he:

(a) operates a prostitution business or a house of prostitution;

(b) induces or otherwise intentionally

causes another to become engaged in sexual activity as a business; or

(c) knowingly procures a prostitute for a prostitution business or a house of prostitution.

(2) Grading. The offense is a Class C felony if it is under paragraphs (b) or (c) of subsection (1), or if it is under paragraph (a) and the actor owns, controls, manages or otherwise supervises the prostitution business or house of prostitution. Otherwise the offense is a Class A misdemeanor.

(3) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a), (e) or (h) of section 201.

§ 1842. Facilitating Prostitution.

(1) Offense. A person is guilty of an offense if he:

(a) knowingly solicits a person to patronize a prostitute;

(b) knowingly procures a prostitute for a patron;

(c) knowingly leases or otherwise permits a place controlled by the actor, alone or in association with others, to be regularly used for prostitution, promoting prostitution, or facilitating prostitution, or fails to make reasonable effort to abate such use by ejecting, the tenant, notifying law enforcement authorities, or other legally available means;

(d) knowingly induces or otherwise intentionally causes another to remain a prostitute. A person who is supported in whole or substantial part by the proceeds of prostitution, other than the prostitute or the prostitute's minor child or a person whom the prostitute is required by law to support, is presumed to be knowingly inducing or intentionally causing another to remain a prostitute.

(2) Grading. The offense is a Class C felony if the actor intentionally causes another to remain a prostitute by force or threat, or the prostitute is the actor's wife, child or ward or a person for whose care, protection or support he is responsible, or the prostitute is, in fact, less than sixteen years old. Otherwise it is a Class A misdemeanor.

(3) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraph (a) of section 201 or when the offense occurs within such reasonable distance of any military or naval camp, station, fort, post, yard, base cantonment, training or mobilization place as the Secretary of Defense shall determine to be needful to the efficiency, health, and welfare of the Army, the Navy, or the Air Force, and shall designate and publish in general orders or bulletins.

* * * * *

§ 1843. Prostitution.

(1) Offense. A person is guilty of prostitution, a Class B misdemeanor, if he or she:

(a) is an inmate of a house of prostitution or is otherwise engaged in sexual activity as a business; or

(b) solicits another person with the intention of being hired to engage in sexual activity.

(2) Jurisdiction. Federal jurisdiction over an offense defined in this section is the same as prescribed for section 1842.

* * * * *

§ 1848. Testimony of Spouse in Prostitution Offenses.

Testimony of a person against his or her spouse shall be admissible to prove offenses under sections 1841 to 1843 involving that person's prostitution.

* * * * *

§ 1849. Definitions for Sections 1841 to 1849.

In sections 1841 to 1849:

(a) "sexual activity" means sexual intercourse, deviate sexual intercourse, or sexual contact as defined in section 1649;

(b) a "prostitution business" is any business which derives funds from prostitution regularly carried on by a person under the control, management or supervision of another;

(c) a "house of prostitution" is any place where prostitution is regularly carried on by a person under the control, management or supervision of another;

(d) a "prostitute" is a person who engages in sexual activity for hire;

(e) an "inmate" is a prostitute who acts as such in or through the agency of a house of prostitution.

* * * * *

OBSCENITY AND LEWDNESS

§ 1851. Disseminating Obscene Material.

(1) Offense. A person is guilty of an offense if he disseminates obscene material, or if he produces, transports, or sends obscene material with intent that it be disseminated. "Disseminate" means sell, lease, advertise, broadcast, exhibit, or distribute.

(2) Defenses. It is a defense to a prosecution under this section that dissemination was restricted to:

(a) institutions or persons having scientific, educational, governmental or other similar justification for possessing obscene material; or

(b) noncommercial dissemination to personal associates of the actor [; or

(c) dissemination carried on in such a manner as, in fact, to minimize risk of exposure to children under eighteen or to persons who had no effective opportunity to choose not to be so exposed].

(3) Grading. The offense is a Class C felony if dissemination is carried on in reckless disregard of risk of exposure to children under eighteen or to persons who had no effective opportunity to choose not to be so exposed. Otherwise the offense is a Class A misdemeanor. [The offense is a Class A misdemeanor.]

(4) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraphs (a), (e) or (f) of section 201.

* * * * *

§ 1852. Indecent Exposure.

(1) Offense. A person is guilty of a Class A misdemeanor if, with intent to arouse or gratify the sexual desire of any person, including the actor, he exposes his genitals or performs any other lewd act under circumstances in which, in fact, his conduct is likely to be observed by a person who would be offended or alarmed.

(2) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraph (a) of section 201.

* * * * *

DISORDERLY CONDUCT

§ 1861. Disorderly Conduct.

(1) Offense. A person is guilty of an offense if, with intent to harass, annoy or alarm another person or in reckless disregard of the fact that another person is harassed, annoyed or alarmed by his behavior, he:

(a) engages in fighting, or in violent, tumultuous or threatening behavior;

(b) makes unreasonable noise;

(c) in a public place, uses abusive or obscene language, or makes an obscene gesture;

(d) obstructs vehicular or pedestrian traffic, or the use of a public facility;

(e) persistently follows a person in or about a public place or places;

(f) while loitering in a public place for the purpose of soliciting sexual contact, he solicits such contact or

(g) creates a hazardous, physically offensive, or seriously alarming condition by any act which serves no legitimate purpose.

(2) Grading. The offense is a Class B misdemeanor if the defendant's conduct violates subsection (1)(f). Otherwise it is an infraction.

(3) Jurisdiction. There is federal jurisdiction over an offense defined in this section under paragraph (a) of section 201.

(4) Complaint by Member of the Public Required. Prosecution under paragraphs (c), (e) and (f) of subsection (1) shall be instituted only upon complaint to a law enforcement officer by someone other than a law enforcement officer.

* * * * *

Part C. The Sentencing System

Chapter 30. General Sentencing Provisions

§ 3001. Authorized Sentences.

(1) In General. Every person convicted of an offense against the United States shall be sentenced in accordance with the provisions of this Chapter. The term "court", as used in Part C of this Code, includes magistrates to the extent of their powers as provided elsewhere by law.

(2) Felonies and Misdemeanors. Every person convicted of a felony or a misdemeanor shall be sentenced to one of the following alternatives:

(a) probation, a split sentence or unconditional discharge as authorized by Chapter 31;

(b) a term of imprisonment as authorized by Chapter 32; or

(c) a fine as authorized by Chapter 33. A fine authorized by Chapter 33 may be imposed in addition to a sentence to probation or to a term of imprisonment.

(3) Infractions. Every person convicted of an infraction shall be sentenced to one of the following alternatives:

(a) probation or unconditional discharge as authorized by Chapter 31; or

(b) a fine as authorized by Chapter 33. A fine authorized by Chapter 33 may be imposed in addition to a sentence to probation.

(4) Organizations. Every organization convicted of an offense against the United States shall be sentenced to one of the following alternatives:

(a) probation or unconditional discharge as authorized by Chapter 31;

(b) a fine as authorized by Chapter 33; or

(c) the special sanction authorized by section 3007. A fine authorized by Chapter 33 or the special sanction authorized by section 3007 or both may be imposed in addition to a sentence to probation.

(5) Civil Penalties. This Chapter shall not be construed to deprive the courts of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, require forfeiture of or disqualification from office or position or impose any other civil penalty. An appropriate order exercising such authority may be included as part of the judgment of conviction.

[(6) Reduction in Class. If the court, having regard to the nature and circumstances of the offense of which the defendant was found guilty and to the history and character of the defendant, concludes that it would be unduly harsh to enter a judgment of conviction for that class of offense, the court may enter a judgment of conviction for the next lower class of offense and impose sentence accordingly.]

* * * * *

§ 3002. Classification of Offenses.

(1) Felonies. Felonies are classified for the purpose of sentence into the following three categories:

(a) Class A felonies;

(b) Class B felonies; and

(c) Class C felonies.

(2) Misdemeanors. Misdemeanors are classified for the purpose of sentence into the following two categories:

(a) Class A misdemeanors; and

(b) Class B misdemeanors.

(3) Infractions. Infractions are not further classified.

* * * * *

§ 3003. Persistent Misdemeanants.

(1) Criterion. A defendant convicted of a Class A misdemeanor may be sentenced as though convicted of a Class C felony if the court is satisfied that there is an exceptional need for rehabilitative or incapacitative measures for the protection of the public, in view of the fact that this is the third conviction against the defendant within five years for Class A misdemeanors or more serious crimes.

(2) Computation of Prior Crimes. The second crime to be counted must have been committed after defendant was sentenced for the first crime to be counted and the misdemeanor for which defendant is being sentenced under this section must have been committed after defendant was sentenced for the second crime to be counted.

(3) Reasons. The court shall set forth in detail the reasons for its action whenever the sentence authorized in subsection (1) is imposed.

* * * * *

§ 3004. Presentence Commitment for Study.

In cases where a term of imprisonment of more than one year is authorized and the court is of the opinion that imprisonment presently appears to be warranted but desires more detailed information as a basis for determining the appropriate sentence than has been provided by the presentence report, the court may commit a convicted defendant to the custody of the Bureau of Corrections for a period not exceeding 90 days. The Bureau shall conduct a complete study of the defendant during that time, inquiring into such matters as the defendant's previous delinquency or criminal experience, his social background, his capabilities, his mental, emotional and physical health, and the rehabilitative resources or programs which may be available to suit his needs. By the expiration of the period of commitment, or by the expiration of such additional time as the court shall grant, not exceeding a further period of 90 days, the defendant shall be returned to the court for final sentencing and the court shall be provided with a written report of the results of the study, including whatever recommendations the Bureau believes will be helpful to a proper resolution of the case. An order committing a defendant under this section shall be a provisional sentence to imprisonment for the maximum term authorized by Chapter 32. After receiving the report and the recommendations, the court shall proceed finally to sentence the defendant in accordance with the sentencing alternatives available under section 3001.

* * * * *

§ 3005. Resentences.

(1) Increased Sentences. Where a conviction has been set aside on direct review or collateral attack, the court shall not impose a new sentence for the same offense or for a different offense based on the same conduct, which is more severe than the prior sentence less the portion of the prior sentence previously satisfied, unless the court concludes that a more severe sentence is warranted by conduct of the defendant occurring subsequent to the prior sentence.

(2) Reasons. The court shall set forth in detail the reasons for its action whenever a more severe sentence is imposed on resentencing.

* * * * *

§ 3006. Classification of Crimes Outside This Code.

If the maximum imprisonment authorized for a federal offense defined outside this Code exceeds 30 days, the offense shall be a Class A misdemeanor; if such imprisonment is 30 days or less, a Class B misdemeanor; if there is no such imprisonment, an infraction. Notwithstanding the classification provided in this section, the term of imprisonment imposed shall not exceed the maximum authorized by the statute defining the offense, and the offense shall not be deemed a crime if the statute defining the offense provides that it is not a crime.

* * * * *

§ 3007. Special Sanction for Organizations.

When an organization is convicted of an offense, the court may require the organization to give notice of its conviction to the persons or class of persons ostensibly harmed by the offense, by mail or by advertising in designated areas or by designated media or otherwise.

[§ 3007. Special Sanction for Organizations.

When an organization is convicted of an offense, the court may require the organization to give appropriate publicity to the conviction by notice to the class or classes of persons or sector of the public interested in or affected by the conviction, by advertising in designated areas or by designated media or otherwise.]

* * * * *

Chapter 31. Probation and Unconditional Discharge

§ 3101. Criteria for Utilizing Chapter.

(1) Eligibility. A person who has been convicted of a federal offense may be sentenced to probation or unconditional discharge as provided in this Chapter.

(2) Criteria. The court shall not impose a sentence of imprisonment upon a person unless, having regard to the nature and circumstances of the offense and to the history and character of the defendant, it is satisfied that imprisonment is the more appropriate sentence for the protection of the public because:

(a) there is undue risk that during a period of probation the defendant will commit another crime;

(b) the defendant is in need of correctional treatment that can most effectively be provided by a sentence to imprisonment under Chapter 32; or

(c) a sentence to probation or unconditional discharge will unduly depreciate the seriousness of the defendant's crime, or undermine respect for law.

(3) Factors to be Considered. The following factors, or the converse thereof where appropriate, while not controlling the discretion of the court, shall be accorded weight in making determinations called for by subsection (2):

(a) the defendant's criminal conduct neither caused nor threatened serious harm to another person or his property;

(b) the defendant did not plan or expect that his criminal conduct would cause or threaten serious harm to another person or his property;

(c) the defendant acted under strong provocation;

(d) there were substantial grounds which, though insufficient to establish a legal defense, tend to excuse or justify the defendant's conduct;

(e) the victim of the defendant's conduct induced or facilitated its commission;

(f) the defendant has made or will make restitution or reparation to the victim of his conduct for the damage or injury which was sustained;

(g) the defendant has no history of prior delinquency or criminal activity, or has led a law-abiding life for a substantial period of time before the commission of the present offense;

(h) the defendant's conduct was the result of circumstances unlikely to recur;

(i) the character, history and attitudes of the defendant indicate that he is unlikely to commit another crime;

(j) the defendant is particularly likely to respond affirmatively to probationary treatment;

(k) the imprisonment of the defendant would entail undue hardship to himself or his dependents;

(l) the defendant is elderly or in poor health;

(m) the defendant did not abuse a public position of responsibility or trust; and

(n) the defendant cooperated with law enforcement authorities by bringing other offenders to justice, or otherwise.

Nothing herein shall be deemed to require explicit reference to these factors in a presentence report or by the court at sentencing.

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§ 3102. Incidents of Probation.

(1) Periods. Unless terminated as provided in subsection (2), the periods during which a sentence to probation shall remain conditional and be subject to revocation are:

(a) for a felony, 5 years;

(b) for a misdemeanor, 2 years;

(c) for an infraction, 1 year.

(2) Early Termination. The court may terminate a period of probation and discharge the defendant at any time earlier than that provided in subsection (1) if warranted by the conduct of the defendant and the ends of justice.

(3) Final Judgment. Notwithstanding the fact that a sentence to probation can subsequently be modified or revoked, a judgment which includes such a sentence shall constitute a final judgment for all other purposes.

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§ 3103. Conditions of Probation; Revocation.

(1) In General. The conditions of probation shall be such as the court in its discretion deems reasonably necessary to insure that the defendant will lead a law-abiding life or to assist him to do so. The court shall provide as an explicit condition of every sentence to probation that the defendant not commit another offense during the period for which the sentence remains subject to revocation.

(2) Appropriate Conditions. When imposing a sentence to probation, the court may, as a condition of the sentence, require that the defendant:

(a) work faithfully at a suitable employment or faithfully pursue a course of study or of vocational training that will equip him for suitable employment;

(b) undergo available medical or psychiatric treatment and remain in a specified institution if required for that purpose;

(c) attend or reside in a facility established for the instruction, recreation or residence of persons on probation;

(d) support his dependents and meet other family responsibilities;

(e) make restitution or reparation to the victim of his conduct for the damage or injury which was sustained. When restitution or reparation is a condition of the sentence, the court shall fix the amount thereof, which shall not exceed an amount the defendant can or will be able to pay, and shall fix the manner of performance;

(f) pay a fine authorized by Chapter 33;

(g) refrain from possessing a firearm, destructive device or other dangerous weapon unless granted written permission by the court or probation officer;

(h) refrain from excessive use of alcohol, or any use of narcotics or of another dangerous or abusable drug without a prescription;

(i) report to a probation officer at reasonable times as directed by the court or the probation officer;

(j) permit the probation officer to visit him at reasonable times at his home or elsewhere;

(k) remain within the jurisdiction of the court, unless granted permission to leave by the court or the probation officer;

(l) answer all reasonable inquiries by the probation officer and promptly notify the probation officer of any change in address or employment;

(m) satisfy any other conditions reasonably related to his rehabilitation.

(3) Certificate. When a defendant is sentenced to probation, he shall be given a certificate explicitly setting forth the conditions on which he is being released.

(4) Modification; Revocation. The court may modify or enlarge the conditions of a sentence to probation at any time prior to the expiration or termination of the period for which the sentence remains conditional. If the defendant violates a condition at any time prior to the expiration or termination of the period, the court may continue him on the existing sentence, with or without modifying or enlarging the conditions, or, if such continuation, modification or enlargement is not appropriate, may impose any other sentence that was available under section 3001 at the time of initial sentencing.

(5) Transfer to Another District. Jurisdiction over a probationer may be transferred from the court which imposed the sentence to the court for any other district, with the concurrence of both courts. Retransfers of jurisdiction may also occur in the same manner. The court to which jurisdiction has been transferred under this subsection shall be authorized to exercise all powers permissible under this Chapter over the defendant.

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§ 3104. Duration of Probation.

(1) Commencement; Multiple Sentences. A period of probation commences on the day it is imposed. Multiple periods, whether imposed at the same time or at different times, shall run concurrently. Periods of probation shall also run concurrently with any federal, state or local jail, prison or parole term for another offense to which the defendant is or becomes subject during the period.

(2) Delayed Adjudication. The power of the court to revoke a sentence to probation for violation of a condition shall extend for the duration of the period provided in section 3102 and for any further period which is reasonably necessary for the adjudication of matters arising before its expiration, provided that some affirmative manifestation of an intent to conduct a revocation hearing occurs prior to the expiration of the period and that every reasonable effort is made to notify the probationer and to conduct the hearing prior to the expiration of the period.

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§ 3105. Unconditional Discharge.

The court may sentence a person convicted of an offense other than a Class A or B felony to an unconditional discharge without imprisonment, fine, conditions or probationary supervision if it is of the opinion that imposition of conditions upon the defendant's release would not be useful. If a sentence of unconditional discharge is imposed for a crime, the court shall set forth in detail the reasons for its action.

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§ 3106. Split Sentence.

When imposing a sentence to probation for a felony or a Class A misdeameanor, the court, in addition to imposing conditions under section 3103, may as part of the sentence commit the defendant to the custody of the Bureau of Corrections at whatever time or for such intervals within the period of probation as the court shall determine. The period of commitment shall not exceed six months. Interval commitments shall not be required unless the Bureau of Corrections has certified that appropriate facilities are available. That the defendant submit to commitment imposed under this section shall be deemed a condition of probation for the purposes of section 3103 (4).

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Chapter 32. Imprisonment

§ 3201. Sentence of Imprisonment: Incidents.

(1) Authorized Terms. The authorized terms of imprisonment are:

(a) for a Class A felony, no more than 30 years;

(b) for a Class B felony, no more than 15 years;

(c) for a Class C felony, no more than 7 years;

(d) for a Class A misdemeanor, no more than 1 year [6 months];

(e) for a Class B misdemeanor, no more than 30 days.

Such terms shall be administered as provided in Part C of this Code.

(2) Components of Maximum Term for Indefinite Sentence. A sentence of imprisonment of more than six months shall be an indefinite sentence. The maximum term of every indefinite sentence imposed by the court shall include a prison component and a parole component. The parole component of such maximum term shall be (i) one-third for terms of nine years or less; (ii) three years for terms between nine and fifteen years, and (iii) five years for terms more than fifteen years; and the prison component shall be the remainder of such maximum term. If, however, the parole component so computed is less than three years, the court may increase it up to three years.

(3) Minimum Term. An indefinite sentence for a Class A or B felony shall have no minimum term unless by the affirmative action of the court a term is set at no more than one-third of the prison component actually imposed. No other indefinite sentence shall have a minimum term. The court shall not impose a minimum term unless, having regard to the nature and circumstances of the offense and the history and character of the defendant, it is of the opinion that such a term is required because of the exceptional features of the case, such as warrant imposition of a term in the upper range under section 3202. The court shall set forth its reasons in detail. Except in the most extraordinary cases, the court shall obtain both a presentence report and a report from the Bureau of Corrections under section 3004 before imposing a minimum term.

(4) Minimum Term; Alternative; Further Powers. In lieu of imposing a minimum term, the court may make a recommendation to the Board of Parole as to when the defendant should first be considered for parole. The court shall not recommend a parole eligibility date which is beyond the time when the court could have fixed a minimum term under subsection (3). The court shall have the authority to reduce an imposed minimum term to time served upon motion of the Bureau of Corrections made at any time, upon notice to the United States Attorney.

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§ 3202. Upper-Range Imprisonment for Dangerous Felons.

(1) Authorization. The maximum term of a felony shall not be set at more than 20 years for a Class A felony, 10 years for a Class B felony or 5 years for a Class C felony unless, having regard to the nature and circumstances of the offense and the history and character of the defendant as it relates to that offense, the court is of the opinion that a term in excess of these limits is required for the protection of the public from further criminal conduct by the defendant because the defendant is a dangerous special offender.

(2) Definitions. A defendant is a dangerous special offender for purposes of this section if:

(a) he has previously been convicted of two or more felonies committed on occasions different from one another and from such felony and for one or more of such convictions he has been imprisoned prior to the commission of such felony, and less than five years have elapsed between the commission of such felony and either his release, on parole or otherwise, from imprisonment for one such conviction or his commission of the last such previous felony; or

(b) he committed such felony as part of a pattern of criminal conduct which constituted a substantial source of his income, and in which he manifested special skill or expertise; or

(c) his mental condition is abnormal, and makes him a serious danger to the safety of others, and he committed such felony as an instance of aggressive behavior with heedless indifference to the consequences of such behavior. An offender shall not be found to be a dangerous special offender under this paragraph unless the court has obtained a report from the Bureau of Corrections under section 3004 which includes the results of a comprehensive psychiatric examination;

(d) such felony was, or he committed such felony in furtherance of, a conspiracy with three or more other persons to engage in a pattern of criminal conduct and he did, or agreed that he would, initiate, organize, plan, finance, direct, manage, or supervise all or part of such conspiracy or conduct, or give or receive a bribe or use force as all or part of such conduct; or

(e) he manifested his special dangerousness by using a firearm or destructive device in the commission of the offense or flight therefrom.

A conviction shown on direct or collateral review or at the hearing to be invalid or for which the defendant has been pardoned on the ground of innocence shall be disregarded for purposes of paragraph (a). In support of findings under paragraph (b), it may be shown that the defendant has had in his own name or under his control income or property not explained as derived from a source other than such conduct. For purposes of paragraph (b), a substantial source of income means a source of income which for any period of one year or more exceeds the minimum wage, determined on the basis of a forty-hour week and a fifty-week year, without reference to exceptions, under section 6(a) (1) of the Fair Labor Standards Act of 1938 (52 Stat. 1602, as amended 80 Stat. 838), and as hereafter amended, for an employee engaged in commerce or in the production of goods for commerce, and which for the same period exceeds fifty percent of the defendant's declared adjusted gross income under section 62 of the Internal Revenue Act of 1954 (68A Stat. 17, as amended 83 Stat. 655), and as hereafter amended. For purposes of paragraph (b), special skill or or expertise in criminal conduct includes unusual knowledge, judgment or ability, including manual dexterity, facilitating the initiation, organizing, planning, financing, direction, management, supervision, execution or concealment of criminal conduct, the enlistment of accomplices in such conduct, the escape from detection or apprehension of such conduct, or the disposition of the fruits or proceeds of such conduct. For purposes of paragraphs (b) and (c), criminal conduct forms a pattern if it embraces criminal acts that have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events.

(3) Notice. Whenever an attorney charged with the prosecution of a defendant in a court of the United States for an alleged felony committed when the defendant was over the age of twenty-one years has reason to believe that the defendant is a dangerous special offender such attorney, a reasonable time before trial or acceptance by the court of a plea of guilty or nolo contendere, may

sign and file with the court, and may amend, a notice specifying that the defendant is a dangerous special offender who upon conviction for such felony is subject to the imposition of a sentence under subsection (1), and setting out with particularity the reasons why such attorney believes the defendant to be a dangerous special offender. In no case shall the fact that the defendant is alleged to be a dangerous special offender be an issue upon the trial of such felony, be disclosed to the jury, or be disclosed before any plea of guilty or nolo contendere or verdict or finding of guilty to the presiding judge without the consent of the parties. If the court finds that the filing of the notice as a public record may prejudice fair consideration of a pending criminal matter, it may order the notice sealed and the notice shall not be subject to subpoena or public inspection during the pendency of such criminal matter, except on order of the court, but shall be subject to inspection by the defendant alleged to be a dangerous special offender and his counsel.

(4) Hearing. Upon any plea of guilty or nolo contendere or verdict or finding of guilty of the defendant of such felony, a hearing shall be held, before sentence is imposed, by the court sitting without a jury. Except in the most extraordinary cases, the court shall obtain both a presentence report and a report from the Bureau of Corrections under section 3004 before holding a hearing under this subsection. The court shall fix a time for the hearing, and notice thereof shall be given to the defendant and the United States at least ten days prior thereto. The court shall permit the United States and counsel for the defendant, or the defendant if he is not represented by counsel, to inspect the presentence report sufficiently prior to the hearing as to afford a reasonable opportunity for verification. In extraordinary cases, the court may withhold material not relevant to a proper sentence, diagnostic opinion which might seriously disrupt a program of rehabilitation, any source of information obtained on a promise of confidentiality, and material previously disclosed in open court. A court withholding all or part of a presentence report shall inform the parties of its action and place in the record the reasons therefor. The court may require parties inspecting all or part of a presentence report to give notice of any part thereof intended to be controverted. In connection with the hearing, the defendant and the United States shall be entitled to assistance of counsel, compulsory process, and cross-examination of such witnesses as appear at the hearing. A duly authenticated copy of a former judgment or commitment shall be prima facie evidence of such former judgment or commitment. If it appears by a preponderance of the information, including information submitted during the trial of such felony and the sentencing hearing and so much of the presentence report as the court relies upon, that the defendant is a dangerous special offender, the court shall sentence the defendant to imprisonment for an appropriate term as specified in subsection (1). The court shall place in the record its findings including an identification of the information relied upon in making such findings, and its reasons for the sentence imposed.

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§ 3203. Commitment to Bureau of Corrections.

(1) In General. A person sentenced to imprisonment for a felony or a misdemeanor under this Chapter or for nonpayment of a fine under Chapter 33 shall be committed for the term designated by the court to the custody of the Bureau of Corrections, which shall specify the place of confinement where the sentence shall be served.

(2) Youth Offenders. If an offender is under the age of 22 years at the time of conviction, the court as part of its sentence may recommend that he be confined and treated in facilities established under Chapter — for the rehabilitation of youth offenders.

(3) Narcotics Addicts. If the court determines after a study by the Bureau of Corrections under section 3004 that an offender is a narcotics addict and that he can be treated, the court as part of its sentence may recommend that he be confined and treated in facilities established under Chapter — for the rehabilitation of narcotics addicts.

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§ 3204. Concurrent and Consecutive Terms of Imprisonment.

(1) Authority of Court. When multiple sentences of imprisonment are imposed on a person at the same time or when a term of imprisonment is imposed on a person who is already subject to an undischarged term of imprisonment, the sentences shall run concurrently or consecutively as determined by the court. Sentences shall run concurrently unless otherwise specified by the court.

(2) Multiple Sentences. A defendant may not be sentenced consecutively for more than one offense to the extent:

(a) one offense is an included offense of the other;

(b) one offense consists only of a conspiracy, attempt, solicitation or other form of preparation to commit, or facilitation of, the other; or

(c) the offenses differ only in that one is defined to prohibit a designated kind of conduct generally and the other to prohibit a specific instance of such conduct.

(3) Maximum Limits Where Felony Involved. The aggregate maximum of consecutive sentences to which a defendant may be subject shall not exceed the maximum term authorized by section 3201(1) for the most serious felony involved, except that a defendant being sentenced for two or more Class C felonies may be subject to an aggregate maximum not exceeding that authorized by section 3201(1) for a Class B felony if each Class C felony was committed as part of a different course of conduct or each involved a substantially different criminal objective [and a defendant being sentenced for two or more Class B felonies may be subject to an aggregate maximum not exceeding that authorized by section 3201(1) for a Class A felony if each Class B felony was committed as part of a different course of conduct or each involved a substantially different criminal objective].

(4) Maximum Limits for Misdemeanors. When sentenced only for misdemeanors, a defendant may not be consecutively sentenced to more than one year, except that a defendant being sentenced for two or more Class A misdemeanors may be subject to an aggregate maximum not exceeding that authorized by section 3201(1) for a Class C felony if each Class A misdemeanor was committed as part of a different course of conduct or each involved a substantially different criminal objective.

(5) Criteria and Reasons. The court shall not impose a consecutive sentence unless, having regard to the nature and circumstances of the offense and the history and character of the defendant, it is of the opinion that such a term is required because of the exceptional features of the case, for reasons which the court shall set forth in detail.

(6) Application to Multiple Proceedings. The limitations provided in this section shall apply not only when a defendant is sentenced at one time for multiple offenses but also when a defendant is sentenced at different times for multiple offenses all of which were committed prior to the imposition of any sentence for any of them. Sentences imposed both by other federal courts and by any state or local courts shall be counted in applying these limitations.

(7) Effect of Consecutive Terms. In determining the effect of consecutive sentences and the manner in which they will be served, the Board of Parole shall treat the defendant as though he has been committed for a single term which is the aggregate of the maximum terms validly imposed. Any such term longer than six months shall have the following incidents:

(a) the parole component of such single term shall be: (i) one-third for terms of nine years or less, except that, if one-third of such single term is less than three years, the parole component shall be the aggregate of the parole components of the terms imposed, but no more than three years; (ii) three years for terms between nine and fifteen years, and (iii) five years for terms more than fifteen years;

(b) the minimum term, if any, shall constitute the aggregate of all validly imposed minimum terms.

(8) Effect of State Sentences. Subject to any permissible cumulation of sentences explicitly authorized by this section, the Bureau of Corrections shall automatically award credit against the maximum term and any minimum term of any federal sentence for all time served in a state or local institution since the commission of the federal offense or offenses.

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§ 3205. Calculation of Terms of Imprisonment.

(1) Commencement of Sentence. The sentence of imprisonment of any person convicted of a federal offense shall commence to run from the date on which such person is received at the institution at which the sentence is to be served.

(2) Credit. The Bureau of Corrections shall give credit toward service of the maximum term and any minimum term of a sentence to imprisonment for all time spent in custody as a result of the offense or acts for which the sentence was imposed.

(3) Other Charges. If a defendant is arrested on one charge and later prosecuted on another charge growing out of conduct which occurred prior to his arrest, the Bureau of Corrections shall give credit toward service of the maximum term and any minimum term of any sentence to imprisonment resulting from such prosecution for all time spent in custody under the former charge which has not been credited against another sentence.

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Chapter 33. Fines

§ 3301. Authorized Fines.

(1) Dollar Limits. Except as otherwise provided for an offense defined outside this Code, a person who has been convicted of an offense may be sentenced to pay a fine which does not exceed:

(a) for a Class A or Class B felony, $10,000;
(b) for a Class C felony, $5,000;
(c) for a Class A misdemeanor, $1,000;
(d) for a Class B misdemeanor or an infraction, $500.

(2) Alternative Measure. In lieu of a fine imposed under subsection (1), a person who has been convicted of an offense through which he derived pecuniary gain or by which he caused personal injury or property damage or loss may be sentenced to a fine which does not exceed twice the gain so derived or twice the loss caused to the victim.

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§ 3302. Imposition of Fines.

(1) Criteria. In determining the amount and the method of payment of a fine, the court shall, insofar as practicable, proportion the fine to the burden that payment will impose in view of the financial resources of the defendant. The court shall not sentence a defendant to pay a fine in any amount which will prevent him from making restitution or reparation to the victim of the offense, or which the court is not satisfied that the defendant can pay in full within a reasonable time. The court shall

not sentence the defendant to pay a fine unless:

(a) he has derived a pecuniary gain from the offense;

(b) he has caused an economic loss to the victim; or

(c) the court is of the opinion that a fine is uniquely adapted to deterrence of the type of offense involved or to the correction of the defendant.

(2) Installment or Delayed Payments. When a defendant is sentence to pay a fine, the court may provide for the payment to be made within a specified period of time or in specified installments. If no such provision is made a part of the sentence, the fine shall be payable forthwith.

(3) Nonpayment. When a defendant is sentenced to pay a fine, the court shall not impose at the same time an alternative sentence to be served in the event that the fine is not paid. The response of the court to nonpayment shall be determined only after the fine has not been paid, as provided in section 3304.

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§ 3303. Remission of Fine.

A defendant who has been sentenced to pay a fine and who has paid any part thereof may at any time petition the sentencing court for a remission of the unpaid portion. If it appears to the satisfaction of the court that the circumstances which warranted the imposition of the fine in the amount imposed no longer exist or that it would otherwise be unjust to require payment of the fine in full, the court may remit the unpaid portion in whole or in part or may modify the method of payment.

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§ 3304. Response to Nonpayment.

(1) Response to Default. When an individual sentenced to pay a fine defaults in the payment of the fine or in any installment, the court upon the motion of the United States Attorney or upon its own motion may require him to show cause why he should not be imprisoned for nonpayment. The court may issue a warrant of arrest or a summons for his appearance.

(2) Imprisonment; Criteria. Following an order to show cause under subsection (1), unless the defendant shows that his default was not attributable to an intentional refusal to obey the sentence of the court, or not attributable to a failure on his part to make a good faith effort to obtain the necessary funds for payment, the court may order the defendant imprisoned for a term not to exceed six months if the fine was imposed for conviction of a felony or 30 days if the fine was imposed for conviction of a misdemeanor or an infraction. The court may provide in its order that payment or satisfaction of the fine at any time will entitle the defendant to his release from such imprisonment or, after entering the order, may at any time reduce the sentence for good cause shown, including payment or satisfaction of the fine.

(3) Modification of Sentence. If it appears that the default in the payment of a fine is excusable under the standards set forth in subsection (2), the court may enter an order allowing the defendant additional time for payment, reducing the amount of the fine or of each installment, or remitting the unpaid portion in whole or in part.

(4) Organizations. When a fine is imposed on an organization, it is the duty of the person or persons authorized to make disbursement of the assets of the organization, and their superiors, to pay the fine from assets of the organization. The failure of such persons to do so shall render them subject to imprisonment under subsections (1) and (2).

(5) Civil Process. Nothing in this section shall be deemed to alter or interfere with employment for collection of fines of any means authorized for the enforcement of money judgments rendered in favor of the United States.

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Chapter 34. Parole

§ 3401. Parole Eligibility; Consideration.

(1) Eligibility. Every prisoner sentenced to an indefinite term of imprisonment shall be eligible for release on parole upon completion of the service of any minimum term or, if there is no minimum, at any time.

(2) Consideration for Parole. The Board of Parole shall consider the desirability of parole for each prisoner at least 60 days prior to the expiration of any minimum term or, if there is no minimum, at least 60 days prior to the expiration of the first year of the sentence. Following such consideration, the Board shall issue a formal order granting or denying parole. If parole is denied, the Board shall reconsider its decision at least once a year thereafter until parole is granted and shall, if parole is denied, issue a formal order at least once a year.

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§ 3402. Timing of Parole; Criteria.

(1) In General. Except in the most extraordinary circumstances, a prisoner sentenced to a term of imprisonment, the prison component of which is three years or more, shall not be released on parole during the first year of his imprisonment. Thereafter, whenever the Board of Parole considers the parole of a prisoner who is or soon will be eligible for parole, he shall be released on parole, unless the Board is of the opinion that his release should be deferred because:

(a) there is undue risk that he will not conform to reasonable conditions of parole;

(b) his release at that time would unduly depreciate the seriousness of his crime or undermine respect for law;

(c) his release would have a substantially adverse effect on institutional discipline; or

(d) his continued correctional treatment, medical care or vocational or other training in the institution will substantially enhance his capacity to lead a law-abiding life if he is released at a later date.

(2) Long Sentences. Whenever the Board of Parole considers the release on parole of a prisoner who has actually served the longer of five years or two-thirds of the prison component of his sentence, he shall be released on parole, unless the Board is of the opinion that his release should be deferred because there is a high likelihood that he would engage in further criminal conduct.

(3) Mandatory Parole. A prisoner who has not been paroled prior to the expiration of the entire prison component of his sentence shall then be released on parole.

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§ 3403. Incidents of Parole.

(1) Period of Parole. The period during which a parole shall remain conditional and be subject to revocation is the parole component of the sentence which has been imposed.

(2) Early Discharge from Supervision or Release from Conditions. The Board of Parole may discharge the parolee from supervision or release him from one or more of the conditions of parole prescribed in section 3404(2) at any time after the expiration of one year of successful parole if warranted by the conduct of the parolee and the ends of justice.

(3) Conditions; Modifications; Revocation. Conditions of parole shall be determined as provided in section 3404. The Board of Parole may modify or enlarge the conditions of parole at any time prior to the expiration of the period for which the parole remains conditional. If the parolee violates a condition at any time prior to the expiration of the period, the Board may continue him on the existing parole, with or without modifying or enlarging the conditions, or, if such continuation, modification or enlargement is not appropriate, may revoke the parole and reimprison the parolee for a term computed in the following manner:

(a) the recommitment shall be for that portion of the maximum term which had not been served at the time of parole, less the time elapsed between the parole of the prisoner and the commission of the violation for which parole was revoked; and

(b) the prisoner shall be given credit against the term of reimprisonment for all time spent in custody since he was paroled which has not been credited against another sentence.

(4) Re-parole. A prisoner who has been reimprisoned following parole may be reparoled by the Board of Parole subject to the same provisions of the statute which governed his initial parole. The total time during which the prisoner can remain subject to the jurisdiction of the Bureau of Corrections and the Board of Parole can in no event exceed the maximum term imposed by the court.

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§ 3404. Conditions of Parole.

(1) In General. The conditions of parole shall be such as the Board of Parole in its discretion deems reasonably necessary to insure that the parolee will lead a law-abiding life or to assist him to do so. The Board shall provide as an explicit condition of every parole that the parolee not commit another crime during the period for which the parole remains subject to revocation.

(2) Appropriate Conditions. As conditions of parole, the Board may require that the parolee:

(a) work faithfully at a suitable employment or faithfully pursue a course of study or of vocational training that will equip him for suitable employment;

(b) undergo available medical or psychiatric treatment and remain in a specified institution if required for that purpose;

(c) attend or reside in a facility established for the instruction, recreation or residence of persons on probation or parole;

(d) support his dependents and meet other family responsibilities;

(e) refrain from possessing a firearm, destructive device or other dangerous weapon unless granted written permission by the Board or the parole officer;

(f) refrain from excessive use of alcohol, or any use of narcotics or of another dangerous or abusable drug without a prescription;

(g) report to a parole officer at reasonable times as directed by the Board or the parole officer;

(h) permit the parole officer to visit him at reasonable times at his home or elsewhere;

(i) remain within the geographic limits fixed by the Board, unless granted written permission to leave by the Board or the parole officer;

(j) answer all reasonable inquiries by the parole officer and promptly notify the parole officer of any change in address or employment;

(k) satisfy other conditions reasonably related to his rehabilitation.

(3) Certificate. When a prisoner is paroled, he shall be given a certificate explicitly setting forth the conditions on which he is being released.

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§ 3405. Duration of Parole.

(1) Commencement; Multiple Sentences. A period of parole commences on the day the prisoner is released from imprisonment. Periods of parole shall run concurrently with any federal, state or local jail, prison or parole term for another offense to which the defendant is or becomes subject during the period.

(2) Delayed Adjudication. The power of the Board of Parole to revoke parole for violation of a condition shall extend for the duration of the period provided in section 3403(1) and for any further period which is reasonably necessary for the adjudication of matters arising before its expiration, provided that some affirmative manifestation of an intent to conduct a revocation hearing occurs prior to the expiration of the period and that every reasonable effort is made to notify the parolee and to conduct the hearing prior to the expiration of the period.

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§ 3406. Finality of Parole Determinations.

The federal courts shall not have jurisdiction to review or set aside, except for the denial or constitutional rights or procedural rights conferred by statute, regulation or rule, the discretionary action of the Board of Parole regarding but not limited to the release or deferment of release of a prisoner whose maximum term has not expired, the imposition or modification of conditions of a first or subsequent parole, and the reimprisonment of a parolee for violation of parole conditions during the parole period.

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Chapter 35. Disqualification From Office and Other Collateral Consequences of Conviction

§ 3501. Disqualification From and Forfeiture of Federal Office.

(1) Disqualification. A person convicted of a crime listed below may, as part of the sentence, be disqualified from any, or a specified, federal position or category thereof for such period as the court may determine, but no longer than five years following completion of any other sentence imposed:

(a) treason (section 1101) and the crimes affecting national security defined in sections 1102 to 1105, 1107 and 1111 to 1117;

(b) bribery and other crimes of unlawful influence upon public affairs and betrayal of public office defined in sections 1356, 1361 to 1367, 1371 and 1372;

(c) unlawful acts under color of law (section 1521);

(d) felonious theft under sections 1732 to 1735 or felonious fraud under sections 1751 to 1753 and 1756, when the subject of the offense was deposited with, entrusted to or otherwise under the control of the defendant, in his capacity as a public servant or officer of a national credit institution; or

(e) a crime expressly made subject to this section by statute.

(2) Forfeiture. A person convicted of a crime listed in subsection (1) (a) or of bribery (section 1361) shall forfeit any federal position he then holds, and a person convicted of any other crime listed in subsection (1) may, as part of the sentence, be required to forfeit such position.

(3) "Federal Position" Defined. In this section "federal position" does not include any position for which qualifications or provisions with respect to length of term or procedures for removal are prescribed by the Constitution.

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§ 3502. Disqualification From Exercising Organization Functions.

An executive officer or other manager of an organization convicted of an offense committed in furtherance of the affairs of the organization may, as part of the sentence, be disqualified from exercising similar functions in the same or other organizations for a period not exceeding five years, if the court finds the scope or willfulness of his illegal actions make it dangerous for such functions to be entrusted to him.

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§ 3503. Order Removing Disqualification or Disability.

The court may, in an order entered as provided in this section, relieve the defendant of any or all disqualifications and disabilities imposed by law as a consequence of conviction. The order may be made at the time of sentencing:

(a) to be effective at a specified time within five years if the sentence is unconditional discharge;

(b) to be effective otherwise upon the certification, or appropriate combination of certifications, of (i) the clerk of the court that a fine has been paid, (ii) the Probation Office that the defendant has satisfactorily completed his term of probation, (iii) the Board of Parole that the defendant has satisfactorily completed his parole, or (iv) the Bureau of Corrections that the defendant satisfactorily completed a term in prison on conviction of a misdemeanor for which parole is not authorized.

The order may be made at any time after sentence if the court is satisfied that the defendant has satisfactorily completed his sentence.

§ 3504. Termination of Disqualification After Five Years.

Any disqualification or disability imposed by law as a consequence of conviction terminates at the end of the first five-year period, commencing after completion of sentence, during which the defendant has not been convicted of another crime committed subsequent to the disqualifying or disabling conviction.

§ 3505. Effect of Removal of Disqualification.

Removal of a disqualification or disability under sections 3503 and 3504:

(a) has only prospective operation and does not require the restoration of the defendant to any office, employment or position forfeited or lost as a consequence of his conviction;

(b) does not preclude proof of the conviction as evidence of the commission of the offense, whenever the fact of its commission is relevant to the determination of an issue involving the rights or liabilities of someone other than the defendant;

(c) does not preclude consideration of the conviction for purposes of sentence if the defendant subsequently is convicted of another offense;

(d) does not preclude proof of the conviction as evidence of the commission of the offense, whenever the fact of its commission is relevant to the exercise of the discretion of a court, agency or public servant authorized to pass upon the competency of the defendant to perform a function or to exercise a right or privilege which such court, agency or public servant is empowered to deny, but in such case the court, agency or public servant shall also give due weight to the issuance of the order under section 3503 or the applicability of section 3504, as the case may be;

(e) does not preclude proof of the conviction as evidence of the commission of the offense, whenever the fact of its commission is relevant for the purpose of impeaching the defendant as a witness, but the issuance of the order under section 3503 or the applicability of section 3504, as the case may be, may be adduced for the purpose of his rehabilitation.

(f) does not apply to the federal disqualification, if any, to receive, possess or supply a firearm, destructive device or ammunition.

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CHAPTER 36. LIFE IMPRISONMENT

§ 3601. Life Imprisonment Authorized for Certain Offenses.

Notwithstanding the provisions of sections 3001, 3201 and 3202, the court may impose a sentence of life imprisonment or a sentence up to the maximum term authorized under section 3201 for a Class A felony in the following cases:

(i) where the defendant has been convicted of treason;

(ii) where the defendant has been convicted of murder and the court is satisfied that the defendant intended to cause the death of another human being.

A sentence to life imprisonment shall have a minimum term of 10 years unless the court sets a longer minimum up to 25 years. The period of parole under a life sentence, for the purposes of section 3403(1), shall be the balance of the parolee's life or any lesser period fixed by the court at sentencing.

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[PROVISIONAL CHAPTER 36. SENTENCE OF DEATH OR LIFE IMPRISONMENT]

[§ 3601. Death or Life Imprisonment Authorized for Certain Offenses.

Notwithstanding the provisions of sections 3001, 3201 and 3202, if the defendant is convicted of intentional murder or treason, a sentence of death or of life imprisonment may be imposed in accordance with the provisions of this Chapter. If the sentence is life imprisonment, the court may set a minimum term up to 15 years. The period of parole under a life sentence, for the purposes of section 3403(1), shall be the balance of the parolee's life or any lesser period fixed by the court at sentencing.]

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[§ 3602. Separate Proceeding to Determine Sentence.

(1) Court or Jury. Unless the court imposes sentence under section 3603, it shall conduct a separate proceeding to determine whether the defendant should be sentenced to death or life imprisonment. The proceeding shall be conducted before a jury unless the defendant, with the approval of the court, waives it. If a jury determined the defendant's guilt and it is not discharged by the court for good cause, the proceeding shall be conducted with that jury. Otherwise it shall be conducted with a jury empaneled for that purpose.

(2) Evidence and Instructions. In the proceeding, evidence may be presented by either party as to any matter relevant to sentence, including the nature and circumstances of the crime, defendant's character, background, history, mental and physical condition, and any aggravating or mitigating circumstances. Any such evidence, not legally privileged, which the court deems to have probative force, may be received, regardless of its admissibility under the exclusionary rules of evidence, provided that the defendant and the prosecution are accorded a fair opportunity to rebut such evidence.

(3) Verdict and Sentence. The determination whether a sentence of death shall be imposed shall be in the discretion of the court, except that when the proceeding is conducted before the court sitting with a jury, the court shall not impose a sentence of death unless it submits to the jury the issue whether the defendant should be sentenced to death or life imprisonment and the jury returns a verdict that the sentence should be death. If the jury is unable to reach a unanimous verdict, the court shall impose a sentence of life imprisonment.]

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[§ 3603. Death Sentence Excluded.

The court shall impose a sentence of life imprisonment if it is satisfied that:

(a) the defendant was less than eighteen years old at the time of the commission of the crime;

(b) the defendant's physical or mental condition calls for leniency;

(c) although the evidence suffices to sustain the verdict, it does not foreclose all doubt respecting the defendant's guilt; or

(d) there are other substantial mitigating circumstances which render sentence of death unwarranted.]

* * * * *

[§ 3604. Criteria for Determination.

(1) Consideration of Aggravating and Mitigating Circumstances. In deciding whether

a sentence of death should be imposed, the court and the jury, if any, may consider the mitigating and aggravating circumstances set forth in the subsections below.

(2) Mitigating Circumstances. In the cases of both treason and murder the following shall be mitigating circumstances:

(a) the crime was committed while the defendant was under the influence of extreme mental or emotional disturbance.

(b) the defendant acted under unusual pressures or influences or under the domination of another person.

(c) at the time of the offense, the capacity of the defendant to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was impaired as a result of mental disease or defect or intoxication.

(d) the defendant was young at the time of the offense.

(e) the defendant was an accomplice in the offense committed by another person and his participation was relatively minor.

(f) the offense was committed under circumstances which the defendant believed to provide a moral justification or extenuation, plausible, in fact, by ordinary standards of morality, for his conduct.

(g) the defendant has no significant history of prior criminal activity.

(3) Aggravating Circumstances (Treason). In the case of treason, the following shall be aggravating circumstances:

(a) the defendant knowingly created a great risk of death to another person or a great risk of substantial impairment of national security.

(b) the defendant violated a legal duty concerning protection of the national security.

(c) the defendant committed treason for pecuniary gain.

(4) Aggravating Circumstances (Murder). In the case of murder, the following shall be aggravating circumstances:

(a) the defendant was previously convicted of another murder or a felony involving the use or threat of violence to the person, or has a substantial history of serious assaultive or terrorizing criminal activity.

(b) at the time the murder was committed the defendant also committed another murder.

(c) the defendant knowingly created a great risk of death to at least several persons.

(d) the murder was committed while the defendant was engaged or was an accomplice in the commission of, or an attempt to commit, or flight after committing or attempting to commit robbery, rape or deviate sexual intercourse by force or threat of force, arson, burglary, kidnapping, usurping control of an aircraft, espionage or sabotage.

(e) the murder was committed for pecuniary gain.

(f) the murder was especially heinous, atrocious or cruel, manifesting exceptional depravity.

(g) the murder was of a law enforcement officer, or a public servant having custody of the defendant or another, to prevent or on account of the performance of his official duties.

(h) the murder was of the President, Vice President, President-elect or Vice President-elect of the United States.

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Appellate Review of Sentence

Title 28, United States Code

§ 1291. Final Decisions of District Courts.

The courts of appeals shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the United tSates District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, except where direct review may be had in the Supreme Court. *Such review shall in criminal cases include the power to review the sentence and to modify or set it aside for further proceedings.*

PROBLEMS OF DAIRY FARMERS

Mr. HARRIS. Mr. President, I have noted with concern the increasing problems confronting America's dairy farmers. The income realized by this vital segment of our agricultural industry has not kept pace with the rest of our economy.

Several administrative decisions can be made by the Secretary of Agriculture which can help alleviate the squeeze on the dairy farmer caused by rising costs. One decision is the establishment of price supports for the marketing year beginning April 1, 1971, at 90 percent of parity. Last year's support level was set at 85 percent of parity; however, increasing costs within the dairy industry have reduced the parity ratio to only 81 percent of parity.

In light of my concern, on February 26, I contacted Secretary of Agriculture Hardin, urging that he act to protect the dairy industry His actions can insure that Americans will have adequate supplies of the nutritional dairy products, which could be threatened by an economically weakened dairy industry. His actions will also provide a fairer return for the dairy farmer, who is being left behind in the present agricultural marketplace.

I ask unanimous consent that my letter of February 26, to Secretary Hardin be printed in the Record.

There being no objection, the letter was being ordered to be printed in the Record, as follows:

February 26, 1971.

Hon. Clifford M. Hardin,
Secretary of Agriculture,
Washington, D.C.

Dear Mr. Secretary: I am writing to urge your immediate action to protect the legitimate needs of American dairy farmers. Income for dairy farmers is not keeping pace with other sectors of the economy, and your exercise of authority presently vested in you by law would do much to improve the situation of this important industry.

First, I strongly urge that you establish dairy price supports for the marketing year beginning April 1, 1971, at 90% of parity. The support level of 85% last year was impaired by increasing dairy costs, which reduced the parity ratio to 81%. This has caused dairy income to fall behind the remainder of the economy. Adequate supplies of dairy products so essential to our nation's nutrition can be insured only if the dairy industry achieves economic stability.

Second, I would request that the Department of Agriculture exercise its authority to buy increased amounts of cheese for the school lunch program. By purchasing approximately 80 million pounds of cheese annually, the 24.6 million children covered by the school lunch program could be provided about ⅓ pound of cheese each month. This would add valuable protein to the content of school lunches, while also providing increased markets for dairy products.

Lastly, I would recommend your serious consideration of the problems being created within the dairy industry by the increasing import quantities of cheese selling above the price of 47c per pound. At present, cheeses in this category are exempt from the quota provisions covering lower priced cheese. I have been advised that a flood of imports in this exempt category is causing disruption of the price support system. Upon a finding of such disruption, I would urge that you recommend to the President that he place all quota-type cheese under the import program.

I know that you share my concern as to the necessity for a strong American dairy industry. I would appreciate hearing from you on these matters as soon as possible.

Sincerely yours,

Fred R. Harris,
U.S. Senate.

APPOINTMENT OF SENATOR SCOTT TO BOARD OF VISITORS OF UNIVERSITY OF VIRGINIA

Mr. PEARSON. Mr. President, the other day one of this Chamber's distinguished leaders was recognized by the University of Virginia and appointed by Governor Holton to the Board of Visitors of the University of Virgina for the next 4 years.

A graduate of the Law School of the University of Virginia, our colleague has received an honor that only but a few achieve. As an alumnus of this outstanding law school, I consider it a privilege to advise Members of the Senate that the distinguished minority leader, Senator Hugh Scott, of Pennsylvania, is the newest member of the University of Virginia Board of Visitors.

Mr. President, to show his sincere interest in his school, the distinguished minority leader is planning to attend and participate in his first meeting next month and will again be at the university founded by Thomas Jefferson on Law Day, May 1. On behalf of other University of Virginia Law School alumni, Senators Spong, Kennedy, Stennis, and Weicker, I am pleased to make this announcement.

NEED FOR MEANINGFUL REFORM OF PRESENT WELFARE SYSTEM

Mr. HARRIS. Mr. President, one primary responsibility and duty of the 92d Congress is meaningful reform of our present welfare system. Meaningful in the sense that some of the old myths of welfare are not the underlying principles of what we enact, and meaningful in the sense that we provide adequate levels of payment for those unable to work, and for those who can work, or who are working at inadequate levels, that we provide a realistic means of escaping poverty.

During the 91st Congress I expressed my concern over whether the administration's family assistance plan represented true reform of our welfare system. Some of the concerns that I had, inadequate levels of payment, forcing people to take jobs at less than the minimum wage, and others, were excellently stated by Mr. Bert Seidman, director of the AFL–CIO's Department of Social Security, in a public affairs interview carried by the Mutual Broadcasting System on February 2, 1971. Because of the importance of this issue and the need for all views to be understood and fully presented, I ask unanimous consent that the interview of Mr. Seidman be printed in the Record.

There being no objection, the interview was ordered to be printed in the Record, as follows:

Welfare Reform

Harden. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is Bert Seidman, director of the AFL–CIO's Department of Social Security.

The AFL–CIO has long shared that view that comprehensive reform of the nation's welfare system is essential, if the system is to meet realistic needs. Welfare reform was a major issue in the last Congress, and is sure to be a major issue in the new Congress, which is just now getting under way. Here to question Mr. Seidman about the welfare reform legislation the AFL–CIO believes is needed and chances for its adoption in the 92nd Congress, are Tom Joyce, economic correspondent for Newsweek magazine, and James Welsh, of the Washington Evening Star. Your moderator, Frank Harden.

And now, Mr. Joyce, I believe you have the first question?

Joyce. Mr. Seidman, the Nixon Administration, after a bitter defeat last year, is again proposing its Family Assistance Plan. Can you give us the AFL–CIO's view of this proposal, especially on the $1600 floor?

Seidman. We think, Mr. Joyce, that the $1600 floor is entirely inadequate.

That is what would be paid to a family of four. It is far below the poverty level for a family of four, which, in 1969, was $3700. It is considerably higher today, in view of the rapid rise of prices since 1969. We think that the floor, at the start, should be at least $2000, and that it should rise, as rapidly as possible after that, to no less than the poverty level.

Joyce. In the past, the AFL–CIO has expressed the fear that the work provision would allow some people to work at substandard wages, even below the minimum wage. Do you still have this fear?

Seidman. Yes, we are very concerned about that aspect of the Family Assistance proposal.

The proposal provides no protection whatsoever, with respect to the wages that must be paid those people who are required to take jobs in order to receive family assistance payments.

We think that people who are required to take jobs should not be forced into jobs that pay less than the minimum wage set by federal law.

Welsh. Mr. Seidman, let me turn the questioning here to the motives of the Nixon Administration, as you see them. For a year and one-half now, the President has been talking—sometimes in terms of eliminating poverty—of putting an income floor under every family with children—and at other times more harshly, of getting people off welfare and making sure that everybody in this country works. What do you think he really means? Why do you think he is for this plan?

Seidman. Well, it's very hard for me to read the President's mind, Mr. Welsh.

I think that he is probably thinking about both objectives. But the trouble is, I don't think that the plan is cut out to achieve either of these objectives.

Just before President Nixon made his State of the Union address, Daniel Moynihan, who had been one of his principal advisors, particularly on this Family Assistance Plan, talked about the Family Assistance Plan as if it would abolish poverty in this country.

Well, $1600 for a family of four is not going to abolish poverty.

It isn't even going to come within 50 percent of the level necessary to eliminate poverty.

On the employment aspect, you have the same problem. Most of the people who are now on welfare just can't work—they're children, or they're old people, or they're disabled, or they are mothers who should be home taking care of their children.

To put the whole emphasis on giving the impression that there are a lot of people on welfare who could be out working, but aren't is wrong. That, it seems to us, is entirely the wrong slant.

We want to see people who can work—and who—can obtain decent jobs—have every opportunity to do so.

But, we don't think that if you put the emphasis on taking mothers, who should be taking care of their children out of the home, into jobs—most of which jobs don't even exist at the present time, with the current six percent unemployment—we think that the emphasis of the plan, along those lines, is completely wrong.

Welsh. Well, let's just take one side of that—the people who are on welfare. We now have about 13 million people on welfare, and the number is rising at a very phenomenal rate. The rate is now rising at about 2½ million a year—a couple of hundred thousand a month. How do you stop this kind of thing?

Seidman. Well, I think that you stop this kind of thing by making it possible for people—in the first place—to obtain decent jobs, so that there will be, for example, no incentive for family break-up, which is part of the problem that we have had.

I think that we have to face the fact that for some time to come, we will have a considerable number of people who will be dependent. But, if we get decent employment programs—if we bring our Social Security, and unemployment insurance, and workmen's compensation payments up to where they ought to be—if we do those things, then, I think, we will begin to turn back this tide.

But, we will always have a large number of people who, for one reason or another, will be dependent on welfare.

Joyce. Going to the heart of Mr. Welsh's question, the critics of the Administration proposal say that it would actually double the number of those on welfare—bring it up, immediately, to something like 26 million people. Do you agree with those figures?

Seidman. I can't tell you whether or not those figures are entirely accurate, Mr. Joyce.

They are based on population and income statistics, and so on, but, they are also based on the assumption that every family which is entitled to even $1 under this program will seek to collect it. That has not been our experience in the past.

Many people who have been eligible to receive public assistance have not chosen to do so—for various reasons, they have not wanted to go through the necessary redtape and so on.

I would anticipate the same would happen under this program. But, I would expect, certainly in the early period, if this program were to be adopted, we would get an increase, not a decrease in the number of people who would be covered.

Joyce. The same critics argue that the program would remove the incentive to work. How do you view this criticism?

Seidman. I don't agree with that criticism at all.

I think that the idea that there are many people in this country who are willing to exist at very low levels of living and are refusing to take jobs—decent jobs—that are available to them, is completely false.

In the first place, experience has shown, over and over again—and many studies have been made of this—that when decent jobs are offered—even to mothers with children at home, provided they can get any kind of decent day-care for their children—the overwhelming majority will take those jobs.

Second, I think there is no question but what the payments themselves are not going to result in people refusing to take jobs, as long as they know that by taking the jobs—either to begin with, or, even potentially—they are going to have higher incomes for their families.

The question of the potential is very important. If people know that they are not going into dead-end jobs—that they are going into jobs which have real possibilities of advancement and increases of income for themselves and their families—they're not going to refuse those jobs.

Joyce. You seem to be saying that you do indeed agree with the basic, underlying principle of the Nixon program, which is to provide incentives to work.

Seidman. Yes, we favor the underlying principle of the program, but, we think that certain aspects of it are wrong.

First of all, the level of payments, and secondly, the failure to protect people in the jobs to which they would be assigned.

Welsh. Well, let's get back to the level of payments. We're on this figure of $1600 for a family of four. Isn't it true that toward the end of the last session, nobody had any real hope of getting that figure up, because of the extra billions of dollars it would cost? And, isn't it true that this figure is not what we're asking anybody to live on, except in those states where people are now getting less than that? And, isn't it true that in states were people are now on welfare at higher than that, they will continue to get payments higher than $1600, plus the food stamps on top of that? Isn't it true that the $1600—to argue that $1600 is inadequate is a kind of artificial thing?

Seidman. I don't regard it as artificial at all, Mr. Welsh.

In January 1970, when the bill was first introduced in Congress with the level set at $1600, it was already inadequate. The law would not take effect until July 1973—three and one-half years after the bill was first introduced. There will have been by then, an increase of approximately 25 percent in the cost of living.

So, if $1600 was inadequate in January 1970, it will be much more inadequate in July 1973.

In January 1970, in terms of the people now receiving public assistance payments, it would have increased those payments in only seven or eight states. By July 1973, there will probably be only two or three states where it will have any impact at all, in improving the very, very low payments to the people now on public assistance.

Welsh. Well, where would you put this minimum floor? And, how do you get around the fact that even raising it $100—let's say, to $1700, or $200—to $1800—by formula, wouldn't it necessitate spending several billion dollars more? How would you get around that problem?

Seidman. Let me mention just a couple of points, Mr. Welsh.

As I said before, in 1969—according to the government's figures—the poverty level for a family of four was $3700. That's $2100 more than $1600, and that $3700 figure, according to the government itself, is based on an economy food budget, which is designed by the United States Department of Agriculture for—and I am quoting now—"emergency or temporary use."

We're now talking about a level $2100 under that $3700.

Now, let's talk about what we are spending.

Yes, we are spending a lot—billions. But, in the year ending June 1970, we spent $6.75 billion dollars in this country on public assistance. That was approximately 0.7 percent of our gross national product.

Now, you might say that we have to think of this in terms of the billions of dollars. But, the fact is, anybody who depends on public assistance lives at an extremely low—in most cases, at a sub-standard level of living.

And, millions of children in this country are being brought up under such circumstances, and this will have an impact on them for the rest of their lives.

Joyce. Mr. Seidman, one of the aspects of the Administration bill is called "vanishing earnings." In other words, the floor is cut, as a person earns more and more money, up to a certain level—I think it's $3900 a year. Do you agree with this formula? Do you think this is a realistic formula?

Seidman. Well, I don't agree with the level of $3900 as a maximum.

But, I do agree with the basic idea that as people are able to obtain income from work, the payments are gradually reduced, so that the higher the income they can achieve from work, the more the payments are reduced, and, eventually, payments are eliminated.

Joyce. Where would you set the cut-off point?

Seidman. Well, this is a problem that in some respects, can be considered technical.

In the Administration bill, 50 percent of the earnings are subtracted from the benefit. There is a question as to whether or not this should be a graduated percentage, starting out with cutting off less of the payment at lower levels, but cutting off a very much higher proportion of the payments at higher levels.

If you agree that as long as people see the potential for higher incomes from decent jobs—if they are the kind of people who can work—who are not disabled, or elderly, or taking care of children—it seems to me that as long as they see that incentive, they will take advantage of it.

Joyce. It was the working-poor aspect that so many members of the Senate Finance Committee objected to. Do you see any change of heart among members of that committee this time around?

Seidman. Well, of course, I think that they had very conflicting views on that. They weren't very consistent.

On the one hand they were concerned about the fact that you would have to give money to people who were already working, even though they had very low levels of income.

On the other hand, they were concerned about some incentive for people who were on public assistance to seek employment.

It seems to me that if you remove the monetary incentive altogether, it's going to be more difficult to do this. We already recognize this in our present Public Assistance Program. The formula is different, but the principal is recognized—people do not lose their entire payment until they reach a certain level of income.

Welsh. To the point that Mr. Joyce raised, the conservatives are asking, in effect, look you want to reform welfare. Why is it necessary to add these millions of people, who, in effect, represent the working poor? Why is it necessary to pay them? Can't you reform welfare and make it a viable system, without paying millions more people?

Do you think it is possible?

Seidman. I think the basic reason for the feeling that the people who are working should be included in the program is that so many are working full-time and still earning very low incomes.

For example, according to the same government figures I was talking about a moment ago, more than 5½ million people were "poor" in 1969, despite the fact that the employable person in that family was working full-time and all year.

Now, it's because of that kind of situation that the feeling was these people are entitled to some supplement of their very low incomes. This is a particular problem for people with large families, who are working at very low wages.

Welsh. Do you think that the program will pass this year?

Seidman. I think there is a very good chance that some kind of program will pass this year. Whether it will be the program as introduced, I don't know. I would hope that if it does pass, it will have the kind of improvements I've been talking about.

Joyce. Much of the strong objection has come from the South. Do you see this as an extension of racial attitudes in the South, or, is there another factor involved?

Seidman. I think, Mr. Joyce, that the point you raise is probably one in the picture.

There are people in the South who feel that to provide any kind of decent level of living for poor people—and particularly, for poor black people—is wrong.

It would have an impact on what they have considered to be a "desirable social and economic structure."

On the other hand, I think that we have to bring the South, as quickly as possible, up to the level of the rest of the country. I think that from the point of view, the principle in this program, of establishing national standards—which standards ought to be better than they are—but nevertheless, establishing national standards—minimum standards—which would apply all over the country, is good, in terms of bringing about unity and a greater degree of equity among the people of this country in the future.

Joyce. When this concept was first worked out in the White House, as you know, there was a good deal of internal bickering. Apparently, George Shultz stepped in and resolved the dispute. Do you think that the Administration is now doing all it can to see that this bill is passed?

Seidman. It's always hard to say, Mr. Joyce, whether the Administration is doing all that it can.

I think that the Administration wants to get some kind of family assistance program on the books.

On the other hand, the Administration has thus far resisted the kind of changes we have been proposing. And, I think, the Administration has been subjected to too much pressure and influence from people who want to make the program even harsher than it is in the form it has been proposed.

Welsh. What is your order of priority? It is really a campaign to get the payments up, or, is it to concentrate, as you did last year, on making the work-requirements what the AFL–CIO would like to have?

Seidman. We would like to do both of those things.

We're not thinking in terms of one issue having a higher priority than the other.

We do think that people ought not to be exploited by being assigned to sub-standard jobs. We think that payments ought to be at the highest possible levels, so that people have a decent standard of living.

Labor wants to achieve both of those objectives in the legislation.

Labor worked for both of those objectives in the last session of Congress. We will do so again. Both are absolutely essential in a bill that is equitable—a bill which will really make an impact on poverty in this country.

Harden. Thank you, gentleman. Today's Labor News Conference guest was Bert Seidman, director of the AFL–CIO's Department of Social Security. Representing the press were James Welsh, of the Washington Evening Star, and Tom Joyce, economic correspondent for Newsweek magazine. This is your moderator, Frank Harden, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL–CIO, produced in cooperation with the Mutual Broadcasting System.

Mutual Announcer. The preceding program time was presented as a public service by this station and the Mutual Broadcasting System. The opinions expressed are solely those of the participants.

THE NATIONAL AIR AND SPACE MUSEUM WILL EXTEND AMERICA'S EXPLORING SPIRIT

Mr. GOLDWATER. Mr. President, it was my pleasure in January to serve as moderator of a symposium on the National Air and Space Museum which was sponsored by the Smithsonian Institution. The very fact that the meeting was held indicates a renewed interest in the future of this important museum and inspired all of us who have some experience in aviation to hope a permanent building for the museum will at last become a reality.

There were many eminent individuals present, including Dr. Wernher von Braun, Representative Frank T. Bow, Representative James G. Fulton, and Dr. S. Dillon Ripley. All of the participants earnestly agree the new museum facility is needed, and there should be a firm deadline set for its completion prior to the Nation's bicentennial celebration on July 4, 1976.

Probably the best exposition of the real reason why a national museum of flight is needed was given by Dr. Daniel J. Boorstin, the eminent historian who is director of the National Museum of History and Technology. The theme of Dr. Boorstin's scholarly and philosophical talk was that the Air and Space Museum is a channel through which our people can view their future.

For we will not merely be looking at man's achievements in flight as a finished project beyond which our Nation stopped and began sliding backward, but as an ever-stimulating impetus which moves us forward. In the Air and Space Museum, displays of man's courage and skill at breaking new frontiers by past aviation and space feats will serve as self-renewing encouragements for comparable explorations and risk-taking in the future.

Furthermore, the exhibits at the national museum will be ever changing, offering some tangible examples by which the average citizen can actually see for himself what is the latest development in flight and what might be expected beyond that. As well, of course, he will have the opportunity to view a few grand aircraft or space objects of eternal nostalgic interest.

But, in addition, the Museum of Air and Space may serve its primary role by exciting and pointing to new adventures of American exploration and growth. With this country expanded almost to the limits of its explorable land, we must find new ways by which our national energies can be recharged and refreshed. We are once again in need of the inspirational lift which comes from experiencing the unknown and from embarking on this venture in community with our fellow people.

As Dr. Boorstin so brilliantly points out, these are the very qualities which the exploration of space hold out to us. And therein lies the meaning of the story of space pioneering, as it will be told and explained at the National Air and Space Museum.

In order that this thoughtful and honest statement may be circulated among a wider audience than the few who were fortunate enough to hear it, I ask unanimous consent that the text of the address by Dr. Daniel Boorstin, entitled "How Exploring Space Helps Us To Discover America," be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

HOW EXPLORING SPACE HELPS US TO DISCOVER AMERICA, ADDRESS BY DR. DANIEL J. BOORSTIN BEFORE SYMPOSIUM ON NATIONAL AIR AND SPACE MUSEUM, JANUARY 18, 1971

Mr. Secretary, Senator Goldwater.

My presence here I think requires some explanation. I am here in my role as historian and can hardly add anything to the knowledge of space or the understanding of the special history of our space enterprises which is here in this room. But there is a special reason this afternoon to consider the place of the space effort in history. For we are tempted to see space exploration only in a framework of newspapers, magazines, television programs or in the bureaucratic world of legislation and government procedures. I would like for a few minutes to remind us of the meaning of space exploration in the larger frame of our history. I will try to suggest the grand and peculiar significance of space exploration for Americans and therefore to offer some of the special reasons why a National Air and Space Museum is needed and some of the meanings it should have for Americans and for the world.

First, I will note how the exploring of space fits into the historic American opportunities and traditions. Then I will suggest why today especially we need the intellectual and spiritual lift which comes from exploring space and therefore why we need the National Air and Space Museum.

We can characterize much of the American past as the fulfillment of the exploring spirit. It is a mistake to think of the exploring of space as an appendage to our past. In a sense not true of any other modern nation we have been an exploring nation. In America, exploration and growth have been synonymous. The settlement of our nation, unlike others, has been contemporaneous with the exploring of our land. The frontier which many have used as a hallmark of our history has been simply another name for the boundaries of the unknown. Much of the greatness, the optimism, the energy and the boldness of our country has come from this peculiar way of growing. In fact, the people who built America were not afraid to plunge into the unknown, to live on the edge of the unknown. They delighted and prospered in exploring the unknown.

We are prone to forget some of the special characteristics of this experience. First, the uncertainty and the willingness to take risks. This was a meaning of the New World. When the Puritans came here from England and from Holland they moved to the edge of mystery. When people moved westward in the wagon trains in the 19th century, they moved across the unknown. When immigrants came from the countries of Europe in the 19th century, they moved into a world they did not know. The great seal of the United States contains the words "Novus Ordo Seclorum," a new order of the centuries.

The exploration of this unknown was undertaken in community. From Columbus in the late 15th century, who came with his scores of fellows, down to the westward-moving wagon trains in the mid-19th century, people organized themselves together to move more swiftly and more safely. The same was true of those who built the fur trade and their many followers who developed American enterprise. All these pioneers helped make it socially and spiritually possible for us to undertake our space explorations. Our classic American enterprises have been undertaken by large numbers of people organized and effective together.

The exploring spirit has expressed faith in the unpredicted and the unpredictable. Its theological form was a belief in divine providence expressed by George Washington and by many of his successors in his office. It was once said that the best evidence that a divine providence watched over the American people was the Presidents whom the American people have survived. This was said, by the way, at the time of the election of Abraham Lincoln. The secular form of this faith in the unpredicted and the unpredictable was the booster spirit. Americans have been willing to buy stock in the future and to postpone benefits—partly because our American future has always seems to merge so conveniently into our American present. An optimistic 19th century writer expressed our common view of the future when he said that we should not be afraid to assert the facts of the grand American future simply because they have not yet "gone through the formality of taking place."

The American nation has grown not by conquest but by exploration. The modern nations which built empires in the recent centuries based them, for the most part, on conqeust. The Spanish, the Portuguese, the French, the British and the German empires were efforts to grow and become powerful by adding areas of known value which would produce known commodities. In England, for example, at the end of the French and Indian War in 1763, there was a large party which preferred to take the two tiny islands of Guadeloupe from the French in place of Canada because Guadeloupe was a known quantity producing valuable tropical goods and Canada was a massive unknown. The United States, however, has grown by exploring, by discovering the values in a new world and in unknown areas.

Much of the vitality of American civilization in our century will depend on our ability to translate this exploring spirit, this enthusiasm for the unknown into later 20th century terms. This is not easy to do. We see some evidences of it in the spectacular recent growth of "Research and Development." Now "R & D," which has become a major enterprise of American business, is really a symbol in the world of industry of our quest for the unknown and the unpredicted.

But at the same time many of the peculiar influences in American civilization in our day have tended—in fact the very successes of American civilization in the 20th century have tended—to dampen or dilute the exploring spirit, the spirit which would be celebrated in a National Air and Space Museum. The fantastic and unpredictable successes of our civilization have, among other effects, produced the following consequences in our daily lives.

First, there has been what I would call the neutralization of risks. Some of the more obvious factors in this have been the growth of welfare government and the improvement of medicine and public health. A symbol of the neutralization of risks which has not been sufficiently noted has been the rise of insurance. Unemployment insurance, health insurance and (less noticed although psychologically of equal importance) casualty insurance. The history of American casualty insurance, the means by which Americans protect themselves from the risks of their daily lives, begins as recently as 1864 when the Travelers Insurance Company was formed to issue travel accident policies. When, in 1868, a casualty insurance company began to inspect steam boilers, they pioneered modern techniques of loss prevention and helped develop new ways of indemnifying industrial enterprises for accidents. By 1898 there were 14 companies sharing casualty premiums of less than 11 million dollars; by 1960 there were thirty-five hundred companies with total premiums of over 9 billion dollars a year. The effect of all this was to encourage Americans to think that they could remove or at least reduce most of the risks of daily life.

At the same time the triumphs of American industry have led to what I would call the decline of the miraculous. We have seen the erasing of regions in food, the erasing of seasons in our diet by the rise of canning, refrigeration, and deep freezing. Then, too, the erasing of seasonal climates by central heating, which European travelers noted even in the middle of the 19th century, and in our time by air conditioning, which makes it possible for us to be warmer in winter than we would be in summer and cooler in summer than we would be in winter. Finally, the erasing of space itself by air transport and radio and television has further eroded our sense of the miraculous. Now with television, it is possible for us to be more there when we are here than when we are there.

An additional development of our industrial world has been the rise of what I would call the repeatable experience. This is the new and ever-increasing opportunity to replay all the events of the past. It had its beginning with photography in the middle of the 19th cenutry, advanced with the development of the phonograph and the motion picture, and has climaxed with kinescoping and instant replay which has done much to remove the spontaneity even of sports experiences.

Finally, as a result of these and other factors there has been the crowding of the continent. The global view closes in. We must go in search of wilderness, which is another name for the unpredicted and the uncontrollable. A consequence of all this in our time has been a certain flattening of experience—a dilution of the sense of spontaneous adventure. Even words lose their exciting old meanings. When we are told that a new real estate development will be "An Adventure in Suburban Living" that means it will have everything we already expect it to have. Is this—the fulfillment of advertised expectations—what we mean by "adventure" today?

We note everywhere a decline of the risky, a decline of the unpredicted, a decline of the unknown. But space exploring will keep alive and stimulate the traditional American exploring spirit. A National Air and Space Museum can help remind us Americans of this spirit and can develop our pride in that spirit. By helping us depict and dramatize the uncertainties, the risks and the hopes of space exploring, it can help us keep alive some of our oldest traditions, the traditions of community, the tradition of risk-taking, of unknown-seeking. It can dramatize all our community efforts, for our moon-shots are, of course, the greatest collaborative exploring efforts in history.

In our paradoxical Nation no paradox is more intriguing than the combination of our pragmatic practical spirit with our love affair with the unknown. It is appropriate that our new world should be the point of take-off for newer worlds. By moving into outer space we can effect a change in mankind's point of view, we can lift man above the petrified world he knows, much as did Copernicus and his followers and the explorers to America in shifting from the geocentric of the heliocentric point of view. Now we direct man's view towards the new continents of outer space in the discovery of new Americas.

Just as the shift which came with the discovery and settlement of America changed Old World thinking about the world and at the same time provided a new locus of experience, so will space exploring. It will keep alive and vigorous, dramatically and symbolically clear, the exploring spirit which is the American mission. I will close with some words of T. S. Eliot, whom we have a right to claim as an American, although he was in a sense refugee from American civilization. He said:

> We shall not cease from exploration
> And the end of all our exploring
> Will be to arrive where we started
> And know the place of the first time.

FORMER JUSTICE ARTHUR J. GOLDBERG TESTIFIES IN FAVOR OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, yesterday the ad hoc subcommittee of the Foreign Relations Committee heard testimony in favor of ratification of the Genocide Convention from the very distinguished Arthur J. Goldberg. As a former Supreme Court Justice and U.S. Ambassador to the United Nations, Mr. Goldberg is extremely competent to comment on the Genocide Convention.

In his testimony, the former ambassador urged the Senate to act favorably on the convention and end "an unnecessary diplomatic embarrassment to the United States." He declared that it is "inconceivable that we should hesitate any longer in making an international commitment against mass murder."

As U.S. Ambassador to the United Nations, he was often asked to explain the failure of the United States to ratify the convention.

He told the subcommittee—

> Frankly, I never found a convincing answer. I doubt anyone can.

Mr. Goldberg pointed out that constitutional and legal arguments against ratification are "lacking in substance." He further stated that in his opinion "there were no constitutional obstacles to ratification."

The former Justice further stated that—

> The time has come to devote more of our energies and resources to the long-term task of constructing some kind of decent world order. Ratification of a convention outlawing the most blatant crime against humanity will not by itself provide the answer. But it is surely a good place to begin.

We who have consistently supported the Genocide Convention can be encouraged by the testimony of Mr. Goldberg and the report of the Foreign Relations Committee of December 8, 1970. Both are convincing proof that the time is long past for the Senate to take action on this important human rights convenant. Both are convincing evidence that the legal and constitutional arguments against this convention are groundless.

I ask unanimous consent that the testimony of former Justice Arthur J. Goldberg be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. ARTHUR J. GOLDBERG ON BEHALF OF THE AD HOC COMMITTEE ON THE HUMAN RIGHTS AND GENOCIDE TREATIES BEFORE THE SENATE FOREIGN RELATIONS SUBCOMMITTEE ON THE GENOCIDE CONVENTION

I am grateful for the opportunity to testify before this Subcommittee on behalf of the Genocide Convention. I am appearing on behalf of the Ad Hoc Committee on Human Rights and Genocide Treaties, a committee of 52 national organizations whose total membership is in the millions. The purpose of the Ad Hoc Committee is to strengthen international law in the field of human rights by encouraging U.S. ratification of appropriate United Nations conventions, including in particular the Genocide Convention. A list of the organizations comprising the Ad Hoc Committee is contained at the end of my testimony.

I am accompanied today by Professor Richard N. Gardner of Columbia Law School, who appeared for the Ad Hoc Committee in your hearings on the Genocide Convention last year.

I do not wish to repeat today all the arguments this Committee has already heard on behalf of the Genocide Convention. But permit me to state briefly my own answer to the frequently asked question: "Why should we act favorably on the Genocide Convention now?"

The answer, it seems to me, has three parts:

First, the Genocide Convention outlaws action that is repugnant to the American people. We should not decline to affirm our support for principles of international law and morality which we believe in. Our country was founded out of a passionate concern for human liberty reflected by the Bill of Rights and the Constitution. I believe that concern is very much alive today, as is reflected by the report of the Foreign Relations Committee supporting this Convention at the last session of Congress. It is inconceivable that we should hesitate any longer in making an international commitment against mass murder.

Second, our failure to adhere to this Convention is an unnecessary diplomatic embarrassment. Seventy-five countries have now ratified the Convention. We are the most prominent United Nations member that has not. When I was United States Ambassador to the United Nations, I was often asked to explain our failure to ratify the Genocide Convention. Frankly, I never found a convincing answer. I doubt that anyone can. At a time when our commitment to human rights is being questioned by some of our own people and by others overseas, it is particularly important that we ratify a treaty so thoroughly consistent with our national purpose. A continuing dedication and reaffirmation of the humane principles of our Bill of Rights and Constitution is very much in order.

Third, our adherence to the Genocide Convention can make a practical contribution to the long and difficult process of building a structure of international law based on principles of human dignity. It will put us in a better position to protest acts of Genocide in other parts of the world and will enhance our influence in United Nations efforts to draft satisfactory human rights principles. I do not say that our adherence to this Convention will work miracles. It may not bring very dramatic benefits in the short run. Let us remember, however, that none of the great documents of human civilization produced instant morality—not even Magna Carta or our own Bill of Rights. The point is that they did shape history in the long run. I believe the same may be true of the Genocide Convention, if we only give it a chance.

A number of arguments, many of them of a constitutional or legal nature, have been advanced against ratification. I believe they are lacking in substance. As the Secretary of State and the Attorney-General have declared, there are no constitutional obstacles to United States ratification. I find fully convincing the reasoning of the report of the Foreign Relations Committee of December 8, 1970, which painstakingly examines and then rejects each of the constitutional and other arguments against the Convention.

It is true, as this Subcommittee is well aware, that the House of Delegates of the American Bar Assoication recommended against ratification of the Genocide Convention in 1949. But in the last two years every section of the ABA having specialized competence in the subject matter has come out in support of ratification of the Genocide Convention: the Section of Individual Rights and Responsibilities, the Section of International and Comparative Law, the Section of Criminal Law, the Section of Judicial Administration, the Section of Family Law, and the ABA Standing Committee on World Order Under Law. A motion to reverse the ABA's 1949 position failed in the House of Delegates by only four votes in the Atlanta meeting in February 1970.

It is clear from the recent record that the House of Delegates is closely divided on this issue, but that sentiment in recent years has moved dramatically in favor of ratification. It is also clear that those sections and committees of the ABA with special interest in international law and constitutional questions are overwhelmingly in favor of ratification. It is also significant that many prominent leaders of the ABA, including past presidents, Bernard G. Segal, Whitney North Seymour, William T. Gossett, Charles S. Rhyne, and Solicitor General Erwin N. Griswold endorse ratification. Many other distinguished members of the bar, including Attorney General Mitchell and Secretary of State Rogers, have likewise endorsed ratification, as have several other state and local bar associations.

The ABA, as we are all aware, is a very different organization than it was twenty-two years ago. Its membership has changed its views on many questions, domestic and international. I believe the Subcommittee may wish to bear these considerations in mind as it evaluates the testimony of those who appear on behalf of the ABA today.

Let me comment on the arguments that have been given particular prominence by the opponents of ratification:

1. *The contention that the Constitution prevents ratification of the Genocide Convention because Genocide is a "domestic" matter is without foundation.*

It would be a curious result if the United States were constitutionally barred from ratifying a Convention already ratified by 75 other countries, including such friends and democracies as the United Kingdom, Canada, France, Mexico, the Scandinavian Countries and Israel. Fortunately, there is nothing in our Constitution that imposes such a unique disability upon us.

By any objective standard, Genocide is a matter of international concern and is, therefore, an appropriate subject for the destruction of a racial, religious or national group in one country has its impact on members of this group in other countries, stimulates demands for intervention, and inevitably troubles international relations. The fact the United Nations General Assembly unanimously declared Genocide to be a crime under international law in 1949 and that 75 members of the United Nations are parties to the Genocide Convention is further evidence that Genocide can no longer be considered a matter wholly within domestic jurisdiction.

The protection of human rights is a matter of international concern. The United States has shown that it agrees with this view by ratifying the World War II peace treaties, the United Nations Charter, the Slavery Convention of 1926, and more recently the Supplementary Convention on Slavery (1967) and the Supplementary Convention on Refugees (1968). In the words of the Special Committee of Lawyers of the President's Commission for the Observance of Human Rights Year, chaired by retired Supreme Court Justice Tom C. Clark: "Treaties which deal with the rights of individuals within their own countries as a matter of international concern may be a proper exercise of the treaty making power of the United States . . . It may seem almost anachronistic that this question continues to be raised." I agree with my former colleague, Justice Clark, that there is no real basis for challenging the authority of our country under our Constitution to enter into the Genocide Convention. The constitutional arguments against the Convention are indeed, as the Committee said, anachronistic and without foundation in law.

2. *The contention that the Genocide Convention would alter the balance of authority between the States and the Federal Government is unfounded.*

The Constitution specifically gives Congress the power to "define and punish . . . offenses against the law of Nations." Genocide is an offense against the law of nations and is thus within the power of Congress to outlaw. Moreover, as the ABA's Section on Individual Rights and Responsibilities said in its report:

"Ratification of the Convention will add no powers to those the Federal Government already possesses."

3. *The contention that ratification of the Genocide Convention would subject American citizens to trial in foreign countries like North Viet Nam on trumped-up charges of Genocide is wholly false.*

There is nothing in the Genocide Convention that would provide warrant for charges by North Viet Nam that our prisoners of war, being held under conditions in violation of the Geneva Convention, are guilty of Genocide. As the Foreign Relations Committee pointed out in its report, Hanoi can make trumped-up charges of Genocide against our servicemen, with or without reference to the Genocide Convention. In the words of the Committee:

"Their peril will not be increased by approval of this convention while peril may be avoided for tens of millions by ratification of the convention."

Moreover, under the Genocide Convention, extradition would only take place in accordance with laws and treaties in force, and we have no extradition treaties with North Viet Nam. Nor do we make such treaties with countries whose legal systems do not afford basic procedural safeguards. Moreover, we do not grant extradition in any event unless a *prima facie* case is established against the accused and unless the accused will be afforded by the requesting state the due process provided by our own law.

In reading the testimony of the prior hearings I have noted the discussion of concurrent jurisdiction under the Convention—jurisdiction of the state of which the offender is a national as well as the state in which the offense of Genocide occurs. I noted the concern expressed on this matter by the senior Senator from Kentucky, Senator Cooper. Any expression from Senator Cooper deserves serious attention, and I have given it the serious attention that it warrants. I found in my own review of the legislative history that there was an agreed interpretation by the Legal Committee of the United Nations General Assembly that nothing in article VI shall affect the right of any state to bring to trial before its own tribunals any of its nationals for acts committed outside the state. The Foreign Relations Committee reached the same conclusion in its report. Nevertheless, I commend the Committee for meeting this concern by recommending an appropriate understanding on this point. I note further from the testimony of Administration witnesses that the Government could refuse to extradite where an accused American was standing trial in the United States or where the U.S. Government elected to try him here.

4. *The argument that ratification of the Genocide Convention would subject the United States Government to irresponsible charges of Genocide arising out of Viet Nam or our treatment of American Negroes is without foundation.*

Here again, ratification of the Genocide Convention does not alter the present situation to our disadvantage. Even without ratification, there is nothing to prevent a country from making baseless charges of genocide against this country in the U.N. If anything, ratification would improve our position, because the Convention requires an "intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such." The tragic events in Viet Nam and the terrible loss of life, both military and civilian, that has occurred there do not meet the treaty definition. Charges of Genocide in relation to the treatment of the Negro community in the United States, which admittedly has suffered widespread discrimination for many years, also are not within the scope of the Treaty. Ratification of the Convention would, if anything, help us rebut such charges by subjecting our behavior to a precise legal definition of Genocide.

5. *The argument that provision for the settlement of disputes by the International Court of Justice would override the Connally Amendment and unreasonably limit our sovereignty is without substance.*

This charge also lacks substance. The Connally Amendment applies only to our acceptance of Article 36(2) of the Court's Statute, the so-called "optional clause" providing for compulsory jurisdiction across-the-board. Cases arising as a result of our adherence to the Genocide Convention would come under Article 36(1) of the Court's Statute, which covers the Court's jurisdiction as provided for in specific treaties. The United States has ratified many treaties containing the same type of provision for the settlement of disputes by the International Court as is contained in the Genocide Convention. Among such treaties are the Supplementary Convention on Slavery, the Antarctic Treaty, the Statute of the International Atomic Energy, and the Convention on the Privileges and Immunities of the United Nations ratified just last year. A list of these treaties is contained on page 215 of this Subcommittee's 1970 hearings. Indeed, our country in the ratification of many treaties has proposed that the International Court have jurisdiction over disputes. Interestingly enough, our efforts in this direction have frequently been frustrated by the Soviet Union, not Congress, whose members on numerous occasions have advocated increasing resort to the International Court.

This provision for the settlement of disputes over the interpretation of the Genocide Convention does not unreasonably limit our sovereignty. Our interests are better served by having any charges of Genocide against us considered in a judicial forum like the International Court, rather than more politically-motivated forums. Of course, by this provision we do undertake a commitment limiting our freedom of action in a limited sphere, as do the other parties to the Convention. This exchange of commitment is inherent in any treaty to which we become a party. Where the exchange of commitments serves our national interest, as it does here, it provides no valid basis for objecting to the treaty.

6. *The argument that various provisions in the Convention—"in whole or in part", "mental harm," "direct and public incitement to commit Genocide"—are loosely drafted and potentially harmful to our interests is without foundation.*

Words in a statute or treaty are not self-interpreting. They must be read in the context of other provisions and in the light of the legislative or drafting history. The hypothetical interpretations of the Genocide Convention advanced by the critics are invalidated by the language of the Convention itself and by the records of the negotiation.

Thus "in whole or in part" does not mean that the killing of a single individual becomes Genocide. As the negotiating history makes clear, substantial numbers must be involved, and the acts of homicide must be joined by a common intent to destroy the group, for the definition of Genocide to be satisfied. The understanding recommended by the Foreign Relations Committee to confirm this point is wholly consistent with the drafting history.

"Mental harm," in turn, would not support propaganda charges of harassment of minority groups, as charged by some critics, because mental harm becomes an element of Genocide only when done with an intent to destroy a group. Moreover, as the negotiating history shows, it was inserted for the narrow purpose of prohibiting the permanent impairment of mental facilities, as from the forcible application of narcotic drugs.

"Direct and public incitement to commit Genocide" does not cover constitutionally-protected speech. It covers speech which calls for the commission of mass murder, which is actionable under our Constitution as in other countries. As the Supreme Court declared in *Brandenburg* v. *Ohio*, 395 U.S. 444, "the constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force or of law violation *except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.*" (emphasis added). In any case, no treaty can override a provision of the Constitution, and there is no doubt that the legislation passed in implementing the Genocide Convention will be interpreted in accordance with the First Amendment.

In conclusion, I find the objections to ratification of the Genocide Convention without substance. The reasons for ratification, as I suggested earlier, seem to me compelling. Some cynics doubt that the Genocide Convention really "matters." Some say it ranks at the bottom of our foreign policy priorities. Some even say it is "an exercise in futility."

I do not agree. We have heard this argument now for over twenty years. I believe the time has come to devote more of our energies and resources to the long-term task of constructing some kind of decent world order. Ratification of a convention outlawing the most blatant crime against humanity will not by itself provide the answer. But it is surely a good place to begin. It should be one of the foundations of the rule of law among nations—a rule of law which, in the long run, is the only assurance of lasting peace.

AD HOC COMMITTEE ON THE HUMAN RIGHTS AND GENOCIDE TREATIES

Member Organizations

American Baptist Convention; American Civil Liberties Union; American Ethical Union; American Federation of State, County and Municipal Employees, AFL–CIO; American Federation of Teachers, AFL–CIO; American Friends Service Committee; American Humanist Association; American Jewish Committee; American Jewish Congress.

American Romanians National Committee; American Veterans Committee; Americans for Democratic Action; B'nai B'rith; Brotherhood of Sleeping Car Porters, AFL–CIO; Episcopal Church; Farband, Labor Zionist Order; Friends Committee on National Legislation; Hadassah, the Women's Zionist Organization of America.

Industrial Union Department, AFL–CIO; International Ladies' Garment Workers' Union, AFL–CIO; International Rescue Committee; International Union of Electrical Workers, AFL–CIO; Jewish Labor Committee; Jewish War Veterans; League or Industrial Democracy; Methodist Church, General Board of Christian Social Concerns; National Association of Negro Business & Professional Women's Clubs; National Association for the Advancement of Colored People.

National Board, YWCA; National Catholic Conference for Interracial Justice; National Jewish Community Relations Advisory Council; National Conference of Christians and Jews; National Council of Jewish Women; National Spiritual Assembly of the Baha'is of the U.S.; Poale Zion, United Labor Zionist Organization of America; Quaker, U.N. Office; Retail, Wholesale & Department Store Union, AFL–CIO; Textile Workers Union of America, AFL–CIO.

Ukrainian Congress Committee of America; Ukrainian National Association; Union of American Hebrew Congregations; Unitarian-Universalist Association; United Automobile Workers of America; United Church of Christ; Women United for the United Nations; Women's International League for Peace and Freedom; Workers Defense League Workmen's Circle; World Federalists, USA; World Jewish Congress, American Section.

Advisory Members

Conference of U.N. Representatives of the Council of Organizations, UNA–USA; National Council of the Churches of Christ in the U.S.A.

ORGANIZATION AND MANAGEMENT IN DEPARTMENT OF DEFENSE

Mr. SCOTT. Mr. President, on Tuesday, the Secretary of Defense released the Department of Defense report on President Nixon's strategy for peace. I ask unanimous consent that title I of that report, entitled "Organization and Management in the Department of Defense," be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

I. ORGANIZATION AND MANAGEMENT IN THE DEPARTMENT OF DEFENSE

During the past year we have given considerable attention to the improvement of organization and management in the Department. The actions we have taken represent both a continuation of the efforts we began shortly after taking office in early 1969 and the initiation of new proposals drawn from our own subsequent experience and the work of the Blue Ribbon Defense Panel. The following discussion of our management and organization efforts addresses three major areas:

Our general approach to organization and management, including continuing actions to improve the overall effectiveness of the Department.

Improvements in the management of military operations.

Improvements in the process for developing and acquiring new weapons systems.

A. THE APPROACH

We have adopted, as I said a year ago, a concept of management that is based on participatory decision-making, defined decentralization and delegation of authority under specific guidance. Our aim is to improve both the decision-making process and also other management activities by placing more emphasis on people and less emphasis on elaborate procedures. When the people who will be responsible for implementing a decision have the opportunity to participate in making it, the decision is likely to be better, and the people in the organization will probably have a greater incentive for successful implementation.

1. The importance of people in management

One key facet of our concept of management is emphasis on individual responsibility and action. We know that one way to improve management is to improve motivation and morale—and thereby performance—of the people in the Department. We have taken a number of steps in this direction. The Statement on Human Goals, promulgated by me, Deputy Secretary Packard, and the Secretaries of the Military Departments and the Chiefs of the Services in October 1969 highlighted our concern for the people of the Department. In keeping with that statement, equal opportunity actions have had a high priority in our efforts. Moreover, each of the Services is doing a number of things designed to make a military career more attractive for young people in the future than it has been in the past. These actions are motivated by our desire to improve morale and performance and to move toward an all-volunteer force in the future. I will have more to say in the next chapter about our efforts to reduce drafts calls and to progress toward an all-volunteer force.

2. Decentralization

We firmly believe that management will be improved by selective decentralization. An essential part of this process is to give the Military Departments a larger role in making the decisions that affect them. We have already moved in that direction and intend to continue to allow and to encourage the Services to make their own decisions whenever appropriate.

There are, however, some decisions that the Military Departments find it difficult or impossible to make. There is, understandably, continual competition among the Services and while it generates a high level of motivation and performance, this competitive attitude makes it virtually impossible for the Services themselves to make basic decisions on the allocation of resources and responsibility between and among themselves. The Joint Chiefs of Staff can and do resolve some of these matters, but there are clearly a number of areas in which the final decisions can be made only at the Secretary of Defense level. Decentralization must, then, be limited to giving the Services the responsibility for those things which they are best able to do themselves. Not every management decision can be decentralized, and in fact some matters require more centralization than existed in the past.

The decisions we face in the Defense Department concern important and complex matters involving large sums of federal funds. The essential inputs to effective decision-making on these matters are knowledge, experience, and analysis.

In the previous Administration, the decision-making process was centrally controlled, with the Systems Analysis office giving independent support to the Secretary of Defense by identifying issues, providing analyses, and recommending decisions. In this Administration, we have encouraged greater participation by all parties concerned. At the same time, we have sought to identify more precisely the areas of responsibility of the participants. This participatory-management approach results in a more effective interplay of experience and analysis, and in a more effective use of the Systems Analysis office. Within this framework, the role of Systems Analysis is to stimulate and develop the uses of analytic techniques throughout the Department and to encourage the development for me of clear analyses of issues and clear delineations of alternative courses of action on them. In this manner the issues and alternatives are clarified not only by analysis but also by the judgment and recommendations of the military services and of the JCS.

3. Delegation of authority

One important ingredient of good management is the proper delegation of authority. We have found some serious past shortcomings in the Department in this regard—in the OSD offices, between OSD and the Military Departments and within the Departments themselves.

Issues addressed almost always are complex, requiring many parties to be involved, but a Department cannot be effective when everyone gets into everything.

We have taken steps to define responsibilities more precisely, and we believe that this step alone will contribute to better management. This has been done in the planning, programming and budgeting system (PPBS), where we have given the Military Departments more responsibility and, at the same time, provided a clearer definition of Service and OSD responsibilties. We have gone through the same process in establishing procedures to be used in the development and acquisition of new weapons.

There is much more than can be done to improve delegation of authority, particularly in the Military Departments. A lack of proper designation of responsibility has in large part caused the past layering of staff reviews of new weapons programs. We expect further improvements in this important aspect of good management during the coming year.

4. Changes in organization and management and the blue ribbon panel

In implementing our new management concepts we have deliberately chosen to use an orderly, sequential, step-by-step approach instead of attempting to make comprehensive adjustments all at once.

A measured rather than precipitous pace seems most wise to us. We intend to avoid unnecessary disruptions in defense capabilities while we make the transition from wartime to peacetime forces, incorporating the changes in force structure necessary to implement the Nixon Doctrine and the Strategy of Realistic Deterrence, and also needed to complement our transition toward an all-volunteer force.

We have taken this measured course in considering the report of the Blue Ribbon Defense Panel which we received last July. That Panel recommended major changes in the organization of the Department with a separation of activities into the three areas of Operations, Management of Resources, and Evaluation, with a Deputy Secretary designated to have responsibility for each area. A number of other recommendations for management improvement were made, for example, in the development and procurement of new weapons. We concur in general with the Panel's objectives; however, we are seeking to avoid the tendencies toward increased staffing and overhead which we believe to be inherent in many of the specific Panel recommendations. Some of the Panel's recommendations already have been approved; others still are under consideration.

5. A second deputy secretary of defense

One major change in the organization of the Department which I have concluded is necessary is the establishment of an additional position at the Deputy Secretary of Defense level. My objective in recommending the creation of a second Deputy Secretary of Defense is to enhance civilian supervisory management.

The time of the senior Department officials is the most limiting factor in their management capability. Many developments in recent years have placed increasing demands on the time of the Secretary and Deputy Secretary. While selective decentralization is often the preferable alternative in alleviating this problem, there are both legal and practical limitations on the extent to which high-level responsibility can be delegated to officials in functionally oriented positions.

The Secretary of Defense is authorized to delegate the full scope of his authority to the Deputy Secretary of Defense, and the practice has been for the Secretary to do so. It is my view that the additional Deputy Secretary, if approved by Congress, should also be authorized to receive a full delegation of authority. My intention would be to make a full delegation to both Deputy Secretaries, although it would probably be desirable to assign primary areas of concentration to each Deputy Secretary. I do not believe it would be appropriate to limit flexibility by designating specific areas of such concentration and responsibility in legislation, but I would envision an agreement between the Secretary and the two deputies on their respective areas of responsibility based on the wishes of the Secretary and the particular expertise of individual deputies. This would preserve flexibility for future Secretaries of Defense to make those adjustments best suited to their policies and to the talents of their deputies.

I will not permit this new position to limit access directly to me by the Military Chiefs or by the Secretaries of the Military Departments. As a matter of fact, I believe that this change will actually afford the JCS and the Secretaries of the Military Departments an increased opportunity to present their views and their problems directly to the Secretary of Defense. I feel that creation of an additional Deputy Secretary of Defense will directly support our principle of participatory management.

My proposal differs significantly from the specific recommendations of the Blue Ribbon Defense Panel. That Panel correctly identified the magnitude of the management task and responsibility placed upon the Secretary and the Deputy Secretary of Defense, and I fully support their conclusions about this workload. However, I am not now recommending and do not intend to recommend that the Office of the Secretary of Defense be functionally organized exactly as outlined in the detailed recommendations of the Blue Ribbon Defense Panel.

The creation of this new Deputy Secretary position will require Congressional action, and that should be done by an amendment to Chapter 4 of Title 10, United States Code. I will submit to the Congress the legislation necessary to accomplish this in the near future.

In that connection, the Blue Ribbon Defense Panel also recommended that five new Assistant Secretaries of Defense be established. Because of the modified approach we are pursuing to several of the Panel's recommendations, it is currently my intention to request legislative authority to create two additional Assistant Secretaries of Defense in contrast to the five recommended by the Panel.

I will have more to say about a few of the other important recommendations of the Blue Ribbon Panel later in this chapter, but let me turn now to some of the specific applications of our approach to management and organization.

6. The planning-programing-budgeting system (PPBS)

As I noted a year ago, one area in which we saw a particular need to decentralize responsibility and to delegate more to the Services is the PPBS. As I described it last year, in our revised system I issue detailed strategy and fiscal guidance based on guidance from the President. The JCS and the Military Departments then proceed with force planning based on this guidance. We place much greater reliance on the Military Departments and JCS than was the case in the previous Administration, and this year's work in preparing the FY 1972–76 Program and the FY 1972 Budget is an example of that reliance.

Uncertainties about the fiscal situation, however, caused us to deviate somewhat from the exact programming process planned a year ago. A further review and revision of our fiscal guidance by the National Security Council was necessary during last summer. For that reason, it was not feasible for me to issue the program decision memoranda that are planned as the final stage of the PPBS cycle within the Department. We have, however, developed a sound budget and five-year program based on revised fiscal guidance and the force planning of the Military Departments. We are confident that next year the new PPBS will function fully in accordance with our plans. This year's experience has illustrated one of the strengths of the system: its adaptability, or flexibility to accommodate change when necessary or advisable.

7. Other changes to improve efficiency

While we have proceeded with efforts to improve the motivation and performance of defense personnel, we also have made a number of management changes to increase efficiency, some of them in response to Blue Ribbon Panel recommendations. One example is our review of Defense Directives and Instructions. The objective of this review is the elimination and consolidation of as much as possible of the voluminous body of policy guidance, procedures and reporting requirements imposed in the past by the Office of the Secretary of Defense. By adhering to the principles of defined decentralization and delegation of authority under specific guidance, we have been able to reduce substantially Defense Directives and Instructions and simplify them.

We have found that, of the some 1,227 DoD Directives examined, 435 of them could be cancelled because they generate work that is unnecessary. Another 354 directives are being simplified and modified, and only 438, or 35% of all the directives, were found to be in satisfactory shape. Each of the Assistant Secretaries of Defense has been directed to take action to correct the deficiencies existing in his area of responsibility.

Our effort to reduce and consolidate Defense Directives was designed to reduce unnecessary work. These actions already have resulted in a substantial reduction in the number of reports required by the OSD from the Services. We also have directed the Services to give priority attention to the reduction of their own reports and paperwork, and they have undertaken to do so.

As a result of decentralization and management improvements, it has been possible to make significant reductions in Headquarters staffs. By the end of FY 1971, we expect to have made reductions in the overhead personnel in the Washington, D.C. area and other major Headquarters amounting to 15% of the end FY 1969 strength. This means a reduction of about 13,000 in the number of military and civilian personnel assigned to headquarters activities worldwide. We hope to make further reductions in FY 1972.

One area where both we and the Blue Ribbon Defense Panel saw a need for improvement was in the performance of our logistics system. The Panel recommended that we establish a unified Logistics Command within the Department to improve performance while at the same time achieving greater economy and efficiency. While we have decided not to create a monolithic logistics organization, we are moving to consolidate some logistics activities.

For example, in the field of transportation, we have announced plans to consolidate certain activities of the Navy's Military Sealift Command into the Army's Military Traffic Management and Terminal Services (MTMTS). After this consolidation is completed, MTMTS will be the single agency manager for all traffic management and procurement of surface transportation worldwide, except for intra-theater transportation in overseas areas. Deputy Secretary Packard has directed the Secretaries of the Army and Navy to submit a joint plan by late March to effect this consolidation. Reductions in operational costs will include establishment of a single computer system for all surface movements, and consolidation of industrial funds with consequent reduction in overhead and simplification of billing to military shippers. The Navy will retain responsibility for operating government-owned and certain chartered vessels; operation of vessels used for non-transportation purposes such as oceanography; and maintenance, operation and alteration of government-owned and certain chartered vessels. In addition, the Navy will continue to prepare recommendations for design, specifications and equipment of ocean-going vessels.

Another example of the type of management improvements we are undertaking is establishment of a separate program budget element for all public affairs activities in the Department. This management tool will provide us with better management of an activity that is of considerable importance to the Congress, the news media, and the public.

8. Environmental quality

With the continuing need for increased emphasis on environmental quality, we studied alternate means of managing the Department of Defense aspects of this program. I decided to combine all Department of Defense environmental quality matters with the Defense medical program under the Assistant Secretary of Defense (Health and Environment). This was accomplished last June. We believe we have made substantial progress in the environmental area, and I expect further progress during the coming year.

9. Non-appropriated fund activities

One final example of an extremely difficult problem we are seeking to resolve concerns the management of non-appropriated fund activities. Last year, we instituted a new and comprehensive audit system for the Post Exchange and Commissary systems and Open Messes and Clubs. We are only now beginning to get results from this change. The indications at this point are that additional management and possibly organizational changes are needed. I have directed that a comprehensive management review be made of non-appropriated fund activities. There clearly have been abuses in the past and under past management systems. In addition, we are reviewing the inspection and criminal investigative organizations of the Services to determine what further changes are necessary to improve their effectiveness. We will continue to work closely with Congressional committees concerned about this area.

Experience has demonstrated to me that there is no alternative to the Secretary of Defense taking a much stronger hand in connection with non-appropriated fund activities.

B. IMPROVING MANAGEMENT OF MILITARY OPERATIONS

During the last two years we have given considerable attention to managing military operations. The Blue Ribbon Defense Panel Report placed great emphasis on the need to improve management of military operations, in particular recommending establishment of stronger civilian control. The Panel made a number of specific recommendations on how the Department might be restructured for improvements in this area, including creation of a Deputy Secretary for Military Operations, and a change in the military command structure.

We recognized the existence of many of

the problems discussed in the Blue Ribbon Defense Panel Report. We have done a number of things in attempting to solve them, but we do not believe that changes as substantial as they recommend are required or wise in all cases.

1. Intelligence

In my Defense Report of last year I advised you that I had appointed the Assistant Secretary of Defense (Administration) as my special assistant for intelligence, and that I charged him with the responsibility for reviewing the Department's intelligence programs. During the year he has worked very closely with those responsible for the numerous intelligence activities in the Department. In doing this, he has been able to improve the coordination and communication among the various intelligence activities. He has been able to bring together at one point a picture of the overall resources allocated to the intelligence function. This process has made it possible to get a better picture of the funds being spent throughout the Department on Intelligence, and to evaluate the budgetary decisions with a better understanding of their impact on the quality, as well as the level, of these intelligence activities.

This move has enabled us to focus better on the performance of the specific intelligence organizations, DIA, NSA, and some of the in-service activities, and we believe that significant improvements have been made in the management of the intelligence activities of the Department. I am not satisfied, however, that we have, by any means, done everything that needs to be done in this area, and during the coming year I will be looking not only for a continuation of the effort which we now have underway, but also for ways to make further improvements in the management of Department of Defense Intelligence programs.

During the year it has become evident that there has been considerable confusion between military intelligence activities and organization on the one hand and investigative and related counter-intelligence activities on the other. Accordingly in February of this year, we made a new delegation of responsibility which we believe will bring these investigative and related counter-intelligence activities under better control.

I have delegated to the Assistant Secretary of Defense (Administration) the authority and responsibility to direct and manage for me investigative and related counter-intelligence activities in all of the Services. To assist him, I have created a Defense Investigative Review Council of which the Assistant Secretary of Defense (Administration) is Chairman. Other members are the General Counsel of the Department of Defense, the Under Secretaries of the Military Departments, and the Director of the Defense Intelligence Agency. At the same time, we have formulated and promulgated a comprehensive policy for all Department of Defense investigative and related counter-intelligence activities. This represents a centralization of high-level civilian authority over such activities—a centralization of supervision which experience has demonstrated was needed.

There is a second area related to intelligence in which we will shortly make additional changes.

As a consequence of currently-exercised compartmentalization of intelligence activities, it too often is very difficult to obtain net assessments of our relative military posture, particularly in technical areas. This deficiency seriously detracts from our long-range planning capabilities.

To partially correct this situation, I have established a net technical assessment group. This group is located in the Office of the Director, Defense Research and Engineering, and it has the responsibility for bringing together both intelligence and research and development specialists from within the Department and as needed for special expertise, from outside the Department. The first assignment of this new net technical assessment group was to assess the characteristics and capabilities of one of the Soviet surface-to-air missiles. The first assignment to this group resulted in one of the best products I have seen. I am confident that the work of this new group will put our long-range planning for new weapons and new tactics on a much improved foundation.

It is my present intention to create a special long-range planning group, reporting directly to me, to make long-range studies based as a beginning point on the assessment which I receive from the net assessment group.

The establishment of both the net assessment group and the long-range planning group was recommended by the Blue Ribbon Defense Panel.

In creating these groups, it is not my intention to supplant previously existing assessment and planning capabilities. On the contrary, these new groups will provide an additional tool, enabling me to utilize more effectively the institutional assessments and planning which I receive.

2. Telecommunications

Telecommunications is another area where we have generally followed the Blue Ribbon Panel's recommendations. We have appointed an Assistant to the Secretary for Telecommunications, who is responsible for establishing Department of Defense-wide (DoD-wide) communications policy and for coordination of DoD-wide communications effort. This already has improved our ability to bring the far-reaching communications problems of the Department under better management and control, and we look forward to getting further benefits in the future.

3. The unified command structure

The Blue Ribbon Panel specifically recommended changes to the Unified Command Structure. These include creating three new commands, and abolishing and merging some of the others.

There have been no changes in the Unified Command Structure since 1963. Meanwhile, there have been major changes in the specific missions of our combatant forces, as dictated by changes in national policy and our world-wide commitments. The implementation of the Nixon Doctrine will further modify the peacetime responsibilities of our combatant forces.

We have concluded that the present Unified Command Structure, together with the distribution of responsibilities among the various commands, does not represent the most effective organization of U.S. combatant forces in support of national policies, nor is it the most effective arrangement for the deployment of U.S. forces to meet likely contingencies. We plan to make recommendations to the President regarding some modifications to the Unified Command Structure. These modifications would alter the assignment of responsibilities to the various commands, and bring these responsibilities more in line with the requirements imposed by our national policies and commitments. In the process, we expect to achieve greater efficiency through reductions in the number of headquarters, in the size of Headquarters staffs and in costs.

4. Military assistance

As I explained earlier, the Nixon Doctrine and the Strategy of Realistic Deterrence place significantly increased importance on our International Security Assistance Programs and also necessitate a closer integration of U.S. force planning with the Security Assistance program. At present, Defense Department participation in the Security Assistance program is somewhat fragmented.

In recognition of the increased importance of Security Assistance programs, we are conducting within the Administration a comprehensive study of the procedures and organization for the planning and administration of the military assistance and foreign military sales programs—including military assistance which is Service funded for three Southeast Asian countries.

Based on the results of this study and on our concurrent review within the Department of Defense, we expect to be able to revamp thoroughly our procedures, and thereby improve substantially the management effectiveness with respect to these programs.

C. IMPROVING THE DEVELOPMENT AND ACQUISITION OF NEW SYSTEMS

Developing and procuring of new weapon systems always has been an area of considerable interest and concern to those who manage the Department of Defense.

When we assumed office in 1969, we had to face up to a number of problems and breakdowns in the weapons acquisition process that had developed over the years. Nearly every new weapons system was turning out to be substantially more costly than estimated when the system was first authorized. Furthermore, a great many of the new weapons did not work as well as predicted, reliability too often was poor, and maintenance costs were excessive. Improvements were required in two general areas, the organization and management of Research and Development (R&D) and the overall acquisition process. Let me cover each in turn.

1. The organization and management of research and development

In the area of Research and Development (R&D), the Blue Ribbon Defense Panel recommended a number of changes to DoD management. These include abolishing the position of Director, Defense Research and Engineering (DDR&E) and reallocating his functions to two new Assistant Secretaries of Defense (ASDs), ASD—Research and Technology, and ASD—Engineering Development; making the Advanced Research Projects Agency (ARPA) which is now directly under DDR&E, into a Defense Agency; and establishing both a new ASD for Test and Evaluation and a new Defense Test Agency. The thrust of these recommendations was to separate the three related functions, Research and Advanced Technology; Engineering Development; and Test and Evaluation, and in doing so to give each area special and increased attention at the OSD level.

Instead of establishing three new Assistant Secretaries for these three functions, we believe the same thing can be accomplished by designating three deputies within DDR&E, each with the responsibility for one of these functions.

Research and advanced technology will be given increased emphasis in the Office of the Director of Defense Research and Engineering, and new procedures will be established to insure that all areas of new technology applicable to national defense are being addressed. In the area of Engineering Development, although the Military Departments will assume full responsibility for the conduct of weapon system development, the Deputy Director of Defense Research and Engineering will be assigned coordinating responsibility and will concentrate on the policy and managerial aspects.

In order to upgrade and expand our attention to the test and evaluation of our defense systems and equipment, we are establishing within the Office of the Director of Defense Research and Engineering (ODDR&E) an office under a Deputy Director for Test and Evaluation with full responsibility to coordinate and establish policy for all test and evaluation matters. We also plan to keep ARPA within DDR&E for the time being since we see no compelling reason to make it a Defense Agency. We also intend to retain the Defense Communications Planning Group (DCPG) as an action agency under DDR&E but we will retitle it the Defense

Special Projects Group and expand its role to encompass a wide range of new projects.

2. The acquisition process

It is not easy to identify all of the reasons for the difficulties now being encountered in the development and procurement of new weapon systems. Some of the reasons for the troubles we are having in the development and procurement area are described below, along with new procedures we intend to use in order to help alleviate some of them. Deputy Secretary Packard will go into greater detail in subsequent testimony. There are no simple solutions to these problems, but we are convinced that a better approach than was used in the past must be developed and followed.

Many programs have had problems because they were poorly defined from the beginning. Frequently more performance was requested than was really needed in a new weapon. This tendency too often was encouraged by over-optimism in evaluation of the technical difficulties involved in achieving desired performance and also was encouraged by under-estimation of the time and cost that would be required for development. At the outset, too much emphasis frequently was placed on evaluating difficult technical areas by making paper studies rather than by actually developing some working hardware.

In order to help solve these problems, we are insisting that better decisions be made on specifications and schedules at the beginning of a program. We must ensure that specifications are reasonable and a system can be obtained in a realistic time frame.

Key problems also have arisen when programs have been too rigidly structured. Inadequate allowance too often has been made for trading off some system capabilities or characteristics in order to meet cost targets. Furthermore, the date for a new weapon to go into the inventory was in the past usually set earlier than was really necessary. This tended to create unnecessary concurrence between development and production, and to force a program into production before development was really finished.

Finding solutions to these problems is quite difficult. Our approach includes structuring development contracts to provide for tradeoffs between performance, time schedules and cost throughout the development program until the weapon is approved for production. In addition, we are encouraging the use of new, less structured approaches to the entire development and procurement process.

Finally, and most important, to be sure that the necessary work is properly completed before going to the next step of any program, we have requested that all new programs have proper milestones. These milestone checkpoints will be set up at least at the following stages: the beginning of major effort in advanced development; the start of full-scale development; and the time when production of the system is authorized. Projects will not proceed beyond these milestones until they are fully ready to do so.

A very crucial problem area in the past has been that project officers were not doing an adequate job. This resulted from many factors, including assignment of managers who were poorly selected or who lacked proper training for the job, inflexible service rotation policies which made it impossible for a manager to stay with a program long enough to be effective, and the effects of permitting too many people to get in on what the program manager should have been doing himself.

Solution of this problem requires that we select more capable project managers and staffs and leave them on the job long enough for them to be effective. We also must give project managers the special training in development and procurement they need in order to do their job properly. We are revamping and improving our Defense Weapons Systems Management Center to add this special training. The Center is being relocated from Wright-Patterson AFB to Fort Belvoir, effective July 1971. Finally, we must clarify the project managers' responsibility so they are not just errand boys for already over-burdened higher staff echelons.

The final major problem area of the past involves contract types. We have come to the conclusion that total package procurement contracts are simply not a practical way to handle important new weapons system development and acquisition programs. We are proposing that primary development reliance be placed on cost-incentive contracts. This will enable us to base development schedules on development milestones rather than on specific points in time. We believe that once development programs have been completed in a satisfactory way, fixed price contracting should normally be used for production contracts. After the parameters of a product have been carefully established and demonstrated in the development stage, contract negotiations to establish a fixed price production contract can be conducted on a sound basis.

I want to stress that under our participatory approach to management, the responsibility for managing a program rests with one of the Services; nevertheless, the Office of the Secretary of Defense (OSD) will remain responsible for seeing that a project is administered in accordance with established policy guidelines. Using this approach, we will continue to seek improvements in service management procedures, and in all aspects of the weapons acquisition process.

Deputy Secretary Packard will describe our approach in greater detail in his testimony to the Congress, and will explain the specific management procedures we will be using in order to improve Department of Defense performance in this area.

NUTRITION PROGRAM FOR THE ELDERLY

Mr. HARRIS. Mr. President, recently in Ada, Okla., I held a very valuable hearing on the problems confronting our older Americans. During the day of testimony, nutritional problems relating to older persons were stressed by several witnesses. The difficulties of maintaining a properly balanced diet on limited income; the problems of cooking meals alone for one person; the loneliness of eating by oneself—all these were brought out in the testimony.

For this reason, I am joining with the distinguished Senator from Massachusetts (Mr. KENNEDY) in cosponsoring a bill which would help solve some of the nutritional problems of the elderly.

The Nutrition Program for the Elderly Act would authorize a program whereby elderly Americans could receive one well-balanced, hot meal each day, in an easily accessible location.

Centers for provision of meals would be established in community facilities, senior citizen centers, schools, and other private or nonprofit locations. The Federal Government would provide 90 percent of the costs for the program, with 10 percent to be paid by the various States. The bill would authorize $50 million for the first year, and would increase to $150 million in the third year.

By providing meals in a central location, the loneliness and isolation of the older citizen would also be alleviated. The contact with other persons would provide many elderly Americans with an emotion benefit, as well as a nutritional plus.

I hope that the bill will receive prompt attention by Congress and that the older citizen can look forward to hot meals in companionable circumstances before long.

KANSAS LEGISLATURE CONDEMNS ENEMY TREATMENT OF AMERICAN POW/MIA'S IN INDOCHINA

Mr. PEARSON. Mr. President, civilized men and women everywhere deplore the callous disregard which the enemy has shown for the rights of American POW's, and those who are missing in action in the Indochina war. The Government of North Vietnam signed the Geneva Convention relating to the treatment of prisoners as long ago as 1957, thereby joining with 119 other national governments in a common pledge to insure the welfare and humane treatment of prisoners of war. Perhaps no obligation in all of international law has been so widely recognized as morally binding than the proper treatment of prisoners.

Tragically the North Vietnamese, Vietcong, and Pathet-Lao have brought the bamboo curtain down on nearly 500 known American prisoners, and more than 1,100 American servicemen listed as missing in action. North Vietnam and her allies have refused to permit neutral inspection of POW camps, provide identification of those prisoners held, or release those prisoners who are seriously wounded or ill.

The enemy does not permit a proper and uninterrupted flow of mail to and from the prisoners. American servicemen held in captivity have been subjected to abuse, to cruel mistreatment and torture, and have been exploited for propaganda purposes. All these despicable acts are in violation of international law and are an affront to the dignity of mankind. Though millions of humanitarians have expressed outrage directly to the North Vietnamese Government, Hanoi has remained insensitive to the most elementary requirements of civilized conduct.

Mr. President, I am proud and honored to have this opportunity to announce formally to the Senate the adoption of a resolution by the Kansas Legislature which reflects the most solemn judgment of all the people of Kansas. The resolution condemns the illegal and inhuman acts of the Government of North Vietnam and its allies. The legislature has authorized and requested the Governor to proclaim the period beginning March 21, 1971, as "Kansas Week of Concern for POW's/MIA's." All the people of Kansas are urged to honor those brave servicemen who have sacrificed their freedom in our country's defense in ways appropriate to the occasion.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the resolution which was adopted by the Kansas House of Representatives on March 2, 1971, and by the Kansas Senate on that same date.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

House Resolution 1036

A resolution condemning the illegal and inhumane acts of the government of North Vietnam, National Liberation Front and Lao Patriotic Front with respect to American prisoners of war/missing in action; calling on other governments and the United Nations to bring pressures upon the aforementioned governments to comply with the Geneva Convention; requesting the governor of Kansas to declare a "Kansas week of concern for prisoners of war/missing in action"

Whereas, in 1957 the government of North Vietnam signed the appropriate documents of the Geneva Convention of August 12, 1949, relating to treatment of prisoners of war, and did thereby solemly promise to adhere and abide by the covenants of that Convention, thereby joining in a common pledge with one hundred nineteen other national governments to insure the welfare and humane treatment of prisoners of war; and

Whereas, Article 2 of the Geneva Convention specifically provides that the Convention shall apply to all cases of armed conflict which shall arise between contracting parties whether or not a state of war has been recognized or declared; and

Whereas, The government of North Vietnam and her allies, the shadow-governments of the National Liberation Front and the Lao Patriotic Front, have willfully and continuously violated the covenants of the Geneva Convention and have maliciously ignored the provisions of said Convention requiring humane treatment of prisoners of war. Maintaining falsely, in contravention of Article 2 of said Convention, that American captives are not prisoners of war but war criminals. North Vietnam and her puppet allies have refused to:

Permit neutral inspections of prisoner of war camps;

Provide identification of all prisoners held;

Release those prisoners who are seriously wounded or ill;

Allow a proper and constant flow of mail to and from the prisoners;

Provide an adequate and nutritious diet; and

Provide adequate medical and pharmaceutical care; and

Whereas, In addition to the foregoing, the government of North Vietnam and her puppet allies have:

Subjected prisoners of war to public abuse;

Subjected prisoners of war to cruel mistreatment and torture; and

Exploited prisoners of war for propaganda purposes;

all of which acts are in direct violation of the Geneva Convention and the humanitarian principles of civilized society; and

Whereas, Citizens of the state of Kansas serving on active duty in the armed forces of the United States, in Southeast Asia, have been declared to be missing in action and are known or believed to be held prisoners by North Vietnam, the Viet Cong and the Pathet Lao: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the people of the state of Kansas condemn these inhumane and illegal acts of the government of North Vietnam and of the National Liberation Front and Lao Patriotic Front and call upon them to cease their deliberate and contumacious violation of the provisions of the Geneva Convention.

Be it further resolved: That the people of the state of Kansas call upon the government of the United States, the governments of all nations who are signatory to the Geneva Convention, and the Secretary General of the United Nations to bring such pressures as are necessary upon the government of North Vietnam, the National Liberation Front and the Lao Patriotic Front to insure immediate, full and complete compliance with the provisions of the Geneva Convention.

Be it further resolved: That the governor of the state of Kansas be authorized and requested to proclaim the period beginning March 21, 1971, as "Kansas week of concern for prisoners of war/missing in action," to honor those brave citizens of Kansas who have sacrificed their freedom in defense of freedom for all and that all municipalities, civic groups, fraternal organizations and like entities in the state of Kansas be informed of this resolution and requested to support its intent by every feasible means available.

Be it further resolved: That the chief clerk of the house transmit duly attested copies of this resolution to the secretary of the senate of the United States, to the clerk of the house of Representatives of the United States, to each member of the congress from this state, to the government of North Vietnam and to the Secretary General of the United Nations.

THE MILITARY JUNTA IN GREECE

Mr. PELL. Mr. President, last week the Committee on Foreign Relations made public a report prepared by its staff, based on a visit to Greece by two staff members. That report reaffirms my own conviction that our Government has utterly failed to convey effectively to the military junta in Greece the concern of the United States for a return to constitutional government in Greece, and for restoration of basic individual liberties.

It is quite clear that the military junta did not believe the United States to be seriously concerned about these matters. Regrettably, it would appear the Greek colonels were quite right in their assessment. I would add that, unfortunately, we in the Senate share some of the responsibility for that conclusion. When the Foreign Relations Committee in 1969 approved my amendment to the Foreign Assistance Act eliminating new authorizations of military aid to Greece, the Senate voted by a narrow margin to restore that authorization. And last year the Senate took a similar action.

In fairness to Members of the Senate, I believe it should be said that many of them acted on the basis of assurances from the executive branch that the Greek Government was moving smoothly toward constitutional government and restoration of individual liberties. I do not question the good faith of the State Department in giving those assurances; but events have proven how poor were the judgments behind those assurances.

Mr. President, the Providence Journal of Tuesday, March 9, 1971, published an excellent editorial on U.S. relations with the Greek junta. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A New Look

A staff report filed with the Senate Foreign Relations Committee casts long shadows over U.S. policy toward the ruling military junta in Greece. It criticizes both the U.S. State Department and the U.S. embassy in Athens for accepting on faith assurances that constitutional government would be restored by the end of 1970 and for prematurely lifting the embargo on military aid.

Instead of applying continuing pressure on the Greek regime for a return to democratic freedoms, the report maintained, the United States got into the position of seeming to support the junta. Instead of holding the junta to its own deadline, both the embassy and Department of State issued supportive statements about the progress being made, statements that the two staff members, former Foreign Service officers, said were misleading.

Americans have been divided over this country's posture during the years of Greece's turmoil. While that country is of major strategic importance in the Western alliance, many Americans consider support for a military dictatorship to be an unacceptable contradiction of democratic principles.

While the United States maintained an embargo on arms, it retained a measure of diplomatic influence in behalf of free elections and the restoration of individual liberty. By lifting the embargo last year, the United States sacrificed the one element of persuasion remaining.

The embassy in Athens, said the report, "appears to have operated on the assumption that the regime was sincere in its declared intention to return to parliamentary government" by the end of 1970. In point of fact, it said, "the Constitution is by no means yet in effect; elections have not been scheduled or even promised and martial law is still in effect, superseding the guarantees of due process for which the Constitution provides."

In this report, which may be subject to varying interpretations depending on one's point of view, there seems ample justification for a thorough review of U.S. policy by the foreign relations committee.

The Greek regime has not demonstrated its serious intention to restore constitutional government. In spite of assurances last April to the contrary, *habeas corpus* provisions of the law have not been observed. The United States has made broad concessions and it has extended its patience beyond limits that are reasonable.

It is time to take a new look at an ugly situation.

DEPARTMENT OF DEFENSE 1972 REPORT ON MODERNIZING MANPOWER POLICIES

Mr. GOLDWATER. Mr. President, this week Secretary of Defense Melvin Laird issued a major policy document spelling out a 5-year defense program for meeting the national security needs of the United States. This report describes in careful detail, covering some 191 pages, a new active strategy for the prevention of armed conflict and protection of the American people and our way of life.

In reading through the report, I am particularly interested and pleased to observe how truly far the administration has traveled along the road toward a fully voluntary military. The Department of Defense paper leaves no question about its emphatic endorsement of the goal of creating an all-volunteer force. What is more, the Pentagon is foursquare behind changes aimed at improving the conditions of military service. Of course, these same basic purposes are the foundation of my own voluntary military legislation, and I am confident the acceptance of this cause in principle by the military community itself will guarantee the adoption of the volunteer concept sooner than most observers think.

Mr. President, the points endorsed by the Department of Defense in its comprehensive report parallel the bill introduced by myself and the Senator from Oregon (Mr. HATFIELD) in numerous areas. The Defense report clearly recognizes the ending of the draft as a desirable and feasible goal, proposes specific improvements in the quality of military life, such as expanded housing and educational opportunities, and seeks to upgrade the general public awareness of a military career as an honorable and dignified profession. Each of these points is an essential feature of the voluntary military bill drafted by the Senator from Oregon and myself.

The Defense report also calls for increases in the number of ROTC scholarships, a boost in military medical scholarships given in return for obligated service, substantial pay raises for servicemen at the entry level, earlier voluntary separations, a standby call-up system once the draft ends, and a stronger Reserve force. Again, each of these points would be implemented by the legislation which I have introduced.

Therefore, in reviewing the Defense Department's position, I have been struck by many similarities between its manpower objectives and my own. The single important difference relates to timing. It is my sincere belief, formed from a background of 37 years spent as a Reserve officer, including 8 on active duty, that a voluntary military can be established promptly, before the close of 1971. The Pentagon, on the other hand, holds to July of 1973 as its target date, though Assistant Secretary Kelley is reported to have promised the Department will try its very best to beat that goal.

Mr. President, even if I might wish the Defense Department would escalate its timetable for the implementation of an all-volunteer system, its 1972 report, in general, puts the Department squarely behind a positive and realistic approach to transforming military service into a rewarding, dignified, and important profession. Because this statement represents a new and fundamental expression of the Department's philosophy toward its role and toward the individual persons who comprise its military components, it should be read and studied by as many citizens as possible. To this end, I ask unanimous consent that the section in the 1972 Department of Defense report headed "Manpower Objectives" be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

1972 DEPARTMENT OF DEFENSE REPORT TO CONGRESS AND THE AMERICAN PEOPLE

Of all the challenges facing the Department of Defense, none is more important than modernizing manpower policies. Nothing can have higher priority than our people—military and civilian and their families.

In this section, I discuss major steps already taken to improve manpower policy, including some gains in equal opportunity, our plans for the future, and the problems that must be met.

Three important changes in manpower policy, already underway, are among our major current objectives:

Improvement of military life in accordance with the 1969 statement of our Human Goals—reproduced on the back cover of this Report.

Reduction of draft calls to zero by July 1, 1973, as we move toward an all-volunteer force.

Completion of the transition to peacetime manpower levels from the high peaks of the past with minimum personal hardship.

Between the time I assumed the Office of Secretary of Defense and the end of FY 1972, we will have reduced the personnel strength of the Armed Forces by approximately one million men and women. This major reduction in military manpower, made possible largely because of our Vietnamization program, must be offset by improvements in the quality of our smaller forces. This is precisely what we intend to do, with the help of Congress and the American people.

No one should make the mistake of believing that attainment of our manpower goals will be easy. But we are determined to pursue these programs with complete dedication, and we will make maximum efforts to obtain the assistance of both Congress and the American people in taking the actions needed to achieve our goals.

We must never lose sight of the fact that the size of the Department of Defense depends on what capabilities the military forces, both active and reserve, need in order to support national security strategy. The defense forces must always be large enough and powerful enough to do the job expected of them.

A. ASSUMPTIONS

In the belief that we gain nothing by failing to face realities in our planning, let me summarize some major assumptions about the future on which our estimates of the nature, size, and structure of the military establishment are based.

1. Congress will extend the current draft authority which expires 30 June 1971 and will support programs to modernize military manpower and to enhance the attractiveness of a military career.
2. The National Guard and Reserve will take on increasing responsibilities and will be used initially to augment active forces should the need arise, reversing the past policy of relying primarily on the draft. Activation of standby draft authority will follow Guard and Reserve call-ups, if necessary.
3. The Vietnamization program, the first step in implementing these new concepts, will be completed successfully.
4. Under our new concepts for force planning, which are discussed in Section I, Chapter II, our friends and allies will assume a greater share of the responsibility for international security in conformity with President Nixon's policy of partnership.
5. The United States will provide assistance to some of these nations in order to help them assume increased responsibility for their defense.
6. There will be no major armed conflict or greatly increased unforeseen threat affecting the vital interests of our country during the five-year period.

If any of these assumptions proves to be faulty (and not all are within our power to control), the attainment of the goals of substantially reduced forces, of zero draft calls, and of the all-volunteer military force would, of course, be jeopardized.

B. PROGRESS TOWARD THE GOALS

In a number of areas—such as reductions in military and civilian manpower, lowering of draft calls, improvements in Service life—we have made significant progress.

The manpower reductions exceed any in our nation's history except those associated with demobilization after the two world wars. Planned manpower strengths, including active and reserve military as well as direct-hire civilians, are shown on Table 11. Between the end of FY 1968 and the end of FY 1970, active military personnel strength was reduced by 481,000. During FY 1971, a further cut of 367,000 is being made. This cut exceeds by 114,000 the reduction originally planned in the FY 1971 Budget and was made possible because of progress in Vietnamization. From the beginning of FY 1969 to the end of FY 1972, the total reduction in active military personnel will be 1,042,000 or about 30 percent. The number of men and women in the active forces at the end of FY 1972—2,505,000—will be well below the pre-Vietnam figure of 2,687,000 at the end of FY 1964 and below any year-end strength level since FY 1961. In short, we face the task of doing a better job with fewer people and that is why we are going to give a new accent to quality both in the active, National Guard and Reserve Forces instead of relying on quantity.

Direct-hire civilian personnel (including the National Guard technicians who became federal civilian employees in FY 1969) was cut by 126,000 between 1968 and 1970 and is scheduled for a further reduction of 79,000 by the end of FY 1972. We are hopeful that reductions in FY 1972 largely will be made by attrition and that reduction-in-force actions will be held to a minimum. These reductions, over the four-year period 1968–72, amount to 16 percent of the civilian force at the end of the last full fiscal year of the preceding Administration.

Much progress has been made in reducing draft calls, as we move to the goal of zero draft by July 1, 1973. From the peak Vietnam draft call year of 1966 when 365,000 men were inducted, draft calls have gone down to 163,502 in 1970. They are expected to decline further in 1971. The following table shows draft calls since FY 1964.

Calendar year draft calls

1964	107, 500
1965	233, 250
1966	364, 680
1967	218, 700
1968	299, 000
1969	289, 900
1970	163, 500

Steps have already been taken to make service life more attractive and to achieve our Human Goals. These include increased construction of family housing, the introduction of improvements into barracks life, relief from onerous and irritating tasks and restrictions, and new measures to give effect to the policy of equal opportunity. We also recognize our responsibility to ease the serviceman's transition to a civilian career and have strengthened programs to help in this transition.

C. SOME PROBLEMS OF FORCE REDUCTION

Cutbacks in personnel inevitably involve some painful turbulence. The magnitude of the manpower reductions in Fiscal Year 1970 and 1971 has created hardships on many thousands of dedicated people—both military and civilian. We will do everything we can to minimize personal hardships as we complete the transition from wartime to peacetime conditions.

In achieving the planned reduction of 22,000 direct-hire personnel during FY 1972, the Services may find it necessary to separate involuntarily some career employees. To minimize involuntary separations of civilian career employees, we have taken a number of actions. We have imposed limitations on filling most continuing job vacancies so that priority can be given to displaced careerists through a defense-wide computerized Priority Placement Program. We are also seeking legislation to allow earlier retirement to reduce the number of involuntary separations. Deputy Secretary Packard and I have charged the Assistant Secretary of Defense (Manpower and Reserve Affairs) to monitor this matter closely so that we can minimize disruption in the lives of people who have served the Department of Defense well over the years, including the period when we were enlarging our forces.

The planned reduction of active duty military personnel can be achieved largely through voluntary means. A substantial portion of that reduction will result from lower accessions. The remaining reductions can be achieved by permitting many officer's and men to terminate their active duty service before their normal separation date.

As to military career advancement, plans for Fiscal Year 1972 provide motivating career opportunities for those who have recently joined, but in some career grades we must expect, of course, that advancements will be slower than in the recent years of the buildup of forces for deployment in Vietnam. We intend to keep the promotion picture under close and continuing scrutiny to insure equity for our career men and women in unform.

It cannot be emphasized too strongly that in the preparation of our budget program for 1972 we have kept constantly in mind the fact that competent and dedicated people constitute the single most valuable asset of the defense establishment. I believe we are reducing the size of the Armed Forces at a rate which is consistent with good personnel management. Should we be forced to reduce at a greater rate, we would not only fail to meet our defense requirements, we would also greatly increase the hardships for our military and civilian personnel and for their families.

D. ZERO DRAFT—GOALS, PLANS, AND PROBLEMS

I have set July 1, 1973 as the target date for reaching zero draft calls.

At the end of FY 1972, as I noted, our military strength will be down to the level of the early 1960's, when it was necessary to draft 60,000–160,000 men per year.

The transition to zero draft calls will not be easy. Nor can it be instantaneous. The number of voluntary accessions to the Armed Forces in recent years clearly has been substantially higher than the number of volunteers that could be expected in the absence of the draft. Many who have volunteered have done so because of the expectation that they would otherwise be drafted. The draft has been a decisive inducement to service for approximately half of the first-term enlistees, about two-thirds of the Army's combat soldiers, about three-fourths of the Reserve enlistees, and the vast majority of young doctors.

In FY 1972, the military accession requirement will be about 528,000 enlisted personnel and nearly 44,000 officers for the Active Forces; this is equal to about one-fourth of the total of young men reaching age 19 that year. Total accession needs should become smaller in FY 1974 and beyond because of an anticipated increase in voluntary enlistments for periods of service for three years and more. But, this is dependent upon the enactment of pay raises at the entry level this year as well as prompt action on other proposals designed to increase retention rates in the services.

In FY 1970, about 388,000 males volunteered for Armed Forces enlisted service. Our studies suggest that about one-half of this number were "true" volunteers—entrants who would have enlisted in the absence of the draft. Thus, if we assume that the same number of "true" volunteers could be expected in FY 1972 as in FY 1970, the Armed Forces under present circumstances and conditions of service—notably pay—would fall well short of the accessions needed.

There are other problems as well in moving toward zero draft calls. The personnel loss rate will be high as previous year draftees and draft-induced volunteers leave military service, many of them with high technical skill levels. Furthermore, there are problems in acquiring officers.

The most serious obstacle to achieving zero draft is pay. Military pay is much too low, and is scandalously low for men in the entering enlisted grades with less than two years service. I want to bring to an end the injustice in the fact that thousands of our military families today are eligible for relief because of low pay.

The basic pay of a private graduating from basic training in the armed forces today is approximately $1,800 a year. Add to this quarters, subsistence, and his tax advantage and the total comes to $2,700. Measured by any standard, military entry pay is much too low—so low, in fact, that present pay levels probably keep people from enlisting in the armed forces who would otherwise volunteer. Compare with this private's pay, for example, the $1.60 an hour federal minimum wage, or $3,300 per year; or the annual pay of a Job Corps graduate at $3,900; the common beginner's pay for unskilled blue collar work of $6,000; or the starting salary of a New York City policeman, which is $9,500.

Our programs this year are designed among other things to solve the basic problem of entry-level pay. We are proposing an average basic pay increase of 36 percent for enlisted people with less than two years of service. New entrant's base pay would be increased by 50 percent.

The Department of Defense has submitted proposed legislation to the Congress to authorize an enlistment bonus. Initially it would be applied in the Army combat arms.

In addition, our programs provide an appropriate increase in Dependents Assistance Act allowances for personnel in pay grades E–4 with less than four years of service and below. The new levels will provide increases of up to $45 per month for approximately 270,000 junior enlisted personnel.

Turning now to another way in which we can increase voluntary enlistments, there is evidence that the present recruiting effort falls short of the mark. We are therefore planning to increase the number of recruiters and recruiting stations. In order to stimulate more aggressive efforts, the monetary needs of the recruiters will be met by incentive pay and housing allowances and, if authorized by Congress, by reimbursement of out-of-pocket expenses. There is no reason why a recruiting sergeant, if he provides a cup of coffee and possibly a doughnut or two to a young man and his parents visiting a recruiting station should find it necessary to pay for the coffee and doughnuts himself. In addition, modern equipment will be provided for the operation of our recruiting station, and we will take a new look at recruiting advertising.

Two additional issues that bear upon the problems of voluntary accessions are the quality of military life, and the need to strengthen the stature and dignity of military service. We cannot reasonably expect to attract enough qualified people to a military life that not only pays less than the private sector but lacks adequate recognition in many segments of our society.

There is no doubt that further elimination of "make-work" and modification of unnecessary rules and restrictions will enhance the attractiveness of service life. Experimental programs suggest that the elimination of unnecessary irritants is reflected in higher first-term reenlistments. Improving barracks life by providing more privacy and additional living comforts is another step toward increasing volunteers. We have a specific program in this area concentrated in the Army and Marine Corps, that would refurbish barracks, partition them into two or four man cubicles, and provide such furnishings as desks, chairs, lamps, and rugs. It is the first phase of a three-year program designed to provide a measure of privacy and better living quarters for 450,000 enlisted personnel.

Our efforts to make military service more attractive and rewarding, however essential on their own merits, will be inadequate if they are not accompanied by public recognition that military service is a worthy career. The abusive defamation of the military that circulates in many quarters of our society is increasingly an obstacle to recruitment and retention of personnel by the armed forces. It is unjust, and it is dangerous to our security. If the military profession is not accorded the respect it deserves, no amount of money, no improvement in the conditions of service life, no recruitment campaign, will attract enough qualified volunteers to maintain an adequate military force.

Zero draft calls will affect the National Guard and Reserves as well as the Active Forces.

The problem of maintaining the strength of the Reserves and the National Guard will grow during the transition period to an all-volunteer force. The present officer force in the Guard and Reserves, with the exception of medical personnel, is adequate. Enlisted force levels, however, will be harder to maintain as the drawing power of the draft declines. A year hence, the draft will have little impact to stimulate enlistments of 17- and 18-year-olds. By January 1973, the draft will have ceased to swell enlistments in the Reserve forces. Recruiting problems can become serious if steps are not taken to increase voluntary accessions of the Guard and Reserves.

Another problem facing us in the transition to an all-volunteer force is the potential difficulty in obtaining officers in the quantity and quality we need. Of immediate concern is the ROTC—our primary source of officers. The decline in enrollment in this program, which currently furnishes six times as many new officers as the service academies, is shown below:

ROTC enrollment

Academic year:	
1968–69	218, 466
1969–70	161, 507
1970–71	114, 590

Declining enrollments stem largely from two causes—a reduction in the number of compulsory ROTC units and a wait-and-see attitude on the part of students stemming from the withdrawal of our forces from Vietnam, the draft lottery, and the movement toward a zero draft. Although our declining military strengths reduce our requirements for officers, a continuation of the current declining trend in ROTC enrollments will create serious shortages of officers starting in 1974. Since ROTC is a long-lead time program, corrective action is needed now to ensure that future officer requirements will be met.

There are a number of programs we are recommending that will help alleviate, but not eliminate, the problem of officer accessions. We are asking for an increase of ROTC subsistence allowance from $50 to $100 a month. This would restore the relationship between subsistence payments and the Consumer Price Index which existed in 1946; the year it was established. We also propose to increase the number of ROTC scholarships from 5,500, the current statutory ceiling for each service, to an amount equal to 10% of the total officer forces for each service; we additionally propose that up to 50% of the scholarships may be used in the two year program at the discretion of the Military Departments. The table on the next page depicts the projected effect these proposals on ROTC subsistence allowance and scholarships should have on ROTC officer production. They should enable us to meet ROTC officer production requirements, however, they will not solve our overall officer accession problem.

ROTC PROGRAM TABLE

Commissionings

Fiscal year	With no change in the program	With increased subsistence and scholarships	Added cost (millions)
1972	14,504	14,687	$32.1
1973	11,087	14,337	39.1
1974	8,950	15,481	47.7
1975	7,800	15,828	52.7
1976	7,100	16,927	58.2

We have also submitted legislation to provide additional compensation for officer candidates in the Marine Corps primary officer procurement program.

In the future, additional incentives may be necessary to ensure a supply of officers adequate to meet our needs.

There is one final aspect to be considered in the overall problem of achieving zero draft and an all-volunteer force, and that is meeting our requirement for physicians. Last year's announcement that there would be no doctor draft in **FY** 70 caused a sharp reduction in the number of Berry Plan applicants. As a result it has been necessary to resume the doctor draft in **FY** 71.

In order to meet the need of the military services for medical personnel, we recommend increasing our support of medical school students, through medical scholarships. We would, in effect, exchange subsidy of the individual's education in medical school for a specified period of military service. While we hope to retain many physicians and dentists for continued military service, we recognize that many of these personnel will not remain in military service indefinitely. The sponsored physicians who do not choose a military career will, after their period of service in the Armed Forces, help to reduce the nationwide shortage of medical personnel.

E. EXTENSION AND REFORM OF THE DRAFT

Faced with these problems it is not difficult to see that the draft cannot be ended abruptly. Until actual experience gives good reason to believe that we have devised a program which will attract an adequate number of volunteers to the Armed Forces, we dare not dispense with the draft.

The President has asked Congress to extend induction under Selective Service to July 1, 1973. This is an absolute necessity. By July 1, 1973 we are hopeful that draft calls can be ended as we stabilize at peacetime force levels and as our programs for attracting volunteers take hold.

If the Congress authorizes us to carry out the Project Volunteer Program and provides adequate funding, the induction authority could expire on July 1, 1973, although standby draft machinery should be retained to permit speedy increase in the size of the military forces in the event of an emergency.

The Administration is also reviewing its request for authority to institute several draft reforms. As long as the draft is needed, it should be made as fair as possible. These reforms, some of which were introduced in the 91st Congress but not acted upon, relate primarily to the phasing out of undergraduate student deferments, other than for ROTC and other officer programs, and the placing of direct national calls by random sequence numbers.

ACHIEVING OUR HUMAN GOALS

When I became Secretary of Defense two years ago, I formulated a declaration called the "Human Goals" of the Department of Defense. Because we wish to move toward an all-volunteer force, the implementation of the principles of this declaration designed to increase the attractiveness of a career in defense becomes of even greater importance and urgency.

In the years ahead we shall continue to improve and expand many ongoing programs aimed at making service life more inviting and to seek new initiatives toward this end.

The military housing program is a case in point. I am convinced that a continuing program of building military family housing is vital for morale, career motivation, and retention of trained military personnel. We have substantially increased the number of family housing units on military bases. The FY 1969 Budget provided for the construction of 2,000 units; the figures rose to 4,800 in the 1970 program and 8,000 in the 1971 program. This year we are asking for the construction of 9,684 family housing units, almost five times as many as three years ago.

In addition to the on-base military family housing construction program, we are making progress in seeking community housing for military families in low income housing projects under subsidy from FHA. Recent legislation contained in the Housing and Urban Development Act permits preferential treatment to military families by sponsors who build low income housing. We have developed with FHA an initial 5,000 unit program, which will be available to low income military families.

Changes are being introduced in service life to eliminate unnecessary demeaning, irritating, and onerous practices. For example, to reduce long periods of separation from family, the Navy this year has cut the time of deployment of carriers in the Atlantic Fleet to a maximum of 6 months in place of the 8 or 9 months, which was normal heretofore. Scheduling of training and work is being revised in all services to avoid unnecessary periods of duty and allow more free time. A less rigid regulation of things that are matters of personal taste has been introduced. The military services will continue their efforts to eliminate unnecessary regulations without loss of the discipline which is essential to the effective functioning of the armed forces.

Because of the importance of broadened opportunities for self-development and advancement, the Armed Forces will continue to improve their educational programs. Several studies have shown that educational opportunities can be a major incentive for enlistment and retention of service personnel.

Last year almost 100,000 enlisted men took necessary instruction and completed the examinations to secure their high school equivalency certificates. Over 200,000 college courses were completed by officers and enlisted men. Tuition Assistance payments were made for 160,000 courses taken by officers and enlisted men. Veterans' Administration figures indicate that they had approximately 87,000 servicemen taking courses.

We are beginning to put to good use two pieces of legislation passed by Congress last year. One, Public Law 91–219 was the so-called Predischarge Education Program (PREP) legislation making it possible for servicemen to obtain an educational assistance allowance to pursue a course or courses required to receive a secondary school diploma or deficiency, remedial or refresher courses to prepare them to pursue an appropriate course or training program at an approved institution. The Armed Services have made extensive plans to develop PREP programs at overseas bases largely through the use of Dependents Schools and at CONUS bases through the use of local high schools and junior colleges. The other piece of legislation, Public Law 91–584, made it possible for servicemen to use Veterans Assistance payments for education at the completion of 180 days of service.

The Department of Defense is committed to the goal of making military and civilian service in the Department a model of equal opportunity for all, regardless of race, creed or national origin. A major equal opportunity goal of the Department of Defense is to assure that minority group personnel are accorded equal treatment in promotions and assignments.

Effort is being made to increase the participation of minority groups in the officer corps. In Fiscal Year 1970, black attendance at the Service Academies rose sharply. The United States Military Academy, as of July 1, 1970, had 93 black cadets, 40 of whom entered last year as Plebes in the Class of 1974. At the United States Naval Academy there were 53 black midshipmen, 20 of whom were admitted in the Class of 1974. The United States Air Force Academy had 75 black cadets, 28 of whom are members of the Class of 1974. In addition, steps are being taken to increase the proportion of minority group members in ROTC.

There has also been progress in securing the right of all military personnel to available off-base housing in the United States. When the off-base housing program was initially implemented in 1967, a nationwide canvass of militarily significant housing found that of 1,120,000 rental units surveyed, only 246,000, representing 22 percent, expressed a willingness to comply with DoD's policy of nondiscrimination. As of December 31, 1970, the owners and managers of rental units, representing 98.2 percent of those surveyed, were pledged to a policy of nondiscrimination.

DoD has also made progress in insuring that 53,000 contractor establishmnets are equal opportunity employers. During FY 1971, we shall continue monitoring the performance of our contractors in regard to equal opportunity in hiring, upgrading, and promoting of their work force. Significant breakthroughs have been achieved in several industrial fields. Substantial gains were made in minority group employment in the textile, paper, and aerospace industries.

Projects TRANSITION and REFERRAL are both ongoing programs designed to ease the serviceman's transition to a civilian career. Hundreds of thousands of young men are returning to civilian pursuits each year, and they fully deserve all the help we can give them in preparing for a productive life as soon after separation as possible.

In the case of the transition program, which provides vocational counseling, job training and job referral assistance just prior to separation from the service, we have put special emphasis on providing manpower for critically important national needs In FY 1970 we trained approximately 5,900 in law enforcement pursuits; 12,000 in the construction trades, and 9,000 in postal work. We have begun special training for water pollution control technicians. The training costs in all these programs are borne by American industry and the Department of Labor.

A second program designed to make a service career more attractive is the referral program for retiring military personnel. It was placed in full operation in August 1970, and provides for counseling and voluntary registration into a computerized man-job matching system into which employers may submit job requirements. After 6 months operation, more than 15,000 military personnel have registered, over 68,000 job vacancies have been reported and 100,000 resumes have been provided employers. Data on placement are not yet available.

We are also cooperating with the Department of Labor, Department of Commerce, and the Veterans Administration in the support of the Jobs for Veterans Program. The Department of Defense will provide information to departing servicemen on how best to utilize the services of this new program in their home towns.

One of the Defense Department's Human Goals is to contribute to the improvement of our society by securing double duty from our resources when we can do so without impairment of effectiveness in performing the primary mission of providing for the nation's security. The transition and referral programs both serve this purpose as do many other activities of the Department.

During the past year, two new programs were initiated with this aim in mind—MAST and MEDIHC.

The MAST program (Military Assistance to Safety and Traffic) is a joint project of the Departments of Defense, Transportation, and HEW to assist civil agencies in providing faster medical attention to those who need immediate care. Military helicopters are used to transport victims of highway accidents and others in need of emergency care to hospitals and other medical installations.

A test program, first instituted at Fort Sam Houston, Texas, has been expanded to include Fort Lewis, Washington; Fort Carson, Colorado; Luke Air Force Base, Arizona; and Mountain Home Air Force Base, Idaho. Rescue missions are being flown as training missions for the crews, including the paramedical personnel, and costs are included by the military in their training programs. As of February 7, 1971 a total of 214 MAST missions had been flown, 287 patients were evacuated, and more than 60 lives were saved by prompt evacuation and treatment. About 65% of the emergencies occurred on highways. The test period for MAST will run to March 31, 1971 to provide a broader range of experience, particularly during the winter months. At that time it will be determined whether a national medical airlift program for accident victims should be recommended.

The MEDIHC program (Military Experience Directed Into Health Careers), a joint Defense-HEW effort, is designed to attract more of the 30,000 medically trained servicemen, who leave military service each year, into critically needed civilian health occupations. Approximately 600 service personnel each month are applying for civilian positions under this program. Initial reports indicate an employment rate of 70% among the first applicants.

G. SPECIAL PROBLEM AREAS

There are two special problem areas in the manpower field in which intensified efforts are needed—drug abuse and race relations.

We in the Department of Defense are keenly aware of the problems associated with drug abuse in the armed forces and in the nation. We are resolved that the man in uniform shall have an intelligent, informed understanding of the dangers of drug abuse. We are committed to strict enforcement of the prohibitions against the sale, use or possession of marijuana, narcotics and dangerous drugs.

The drug problem has increased and is increasing in our country and likewise has grown and continues to grow in the Armed Forces.

The Department of Defense has taken a number of steps designed to cope with this very serious problem. We have developed informational materials on improper drug use, and procedures for the prevention of illegal drug traffic. We have also developed programs designed to restore members of the Armed Forces who are drug abusers or drug addicts to useful functions. We have authorized, on a trial basis, amnesty programs for drug abusers who voluntarily step forward before being apprehended.

We are, of course, concerned about the potential danger of drug abuse among United States personnel in Vietnam. We have launched a number of programs to suppress and eliminate illegal drug usage by U.S. military forces in Southeast Asia.

Special Vietnamese-U.S. marijuana/narcotics investigation teams to investigate sources of supply and apprehend offenders.

Special teams are available to instruct commanders and troops in identification and detection of marijuana.

Orientation classes are conducted for all new arrivals to stress the moral, medical, and social aspects as well as the legal penalties associated with the possession or use of marijuana.

Turning now to another problem area, despite the progress made in achieving equal opportunity and improving race relations, more must be done. In all my trips to military installations in the U.S. and overseas, I have made it a point to talk with thousands of our enlisted men and women. I have sought particularly to get their views and the views of their commanders on what more needs to be done to improve equal opportunity in the Armed Forces. In late 1969, and more recently in late 1970 my staff visited bases in Southeast Asia and Europe. Data gathered during the visits evaluated the implementation of DoD policies and programs on equal opportunity and treatment. Interracial tension and conflict were also studied on these visits. These visits resulted in a changed DoD policy in regard to equal opportunity and race relations.

I have authorized base commanders to declare off limits any establishment which discriminates against any member of the Armed Forces. Heretofore commanders have had to refer these cases to the office of their Service Secretary before taking action.

I have also determined that leadership in conducting successful Equal Opportunity Programs should be one criterion in the evaluation of military and civilian officials for promotion to positions of increased responsibility.

Another program designed to ease racial tensions in the Armed Forces is our new race relations education project. An Inter-Service Task Force on Education in Race Relations was established in January 1970 for the purpose of developing an educational program for all military personnel in the area of race relations. Extensive progress toward the accomplishment of their mission was made by the Task Force. The curriculum will be finalized, field-tested, and ready for implementation by early 1971. The Department of Defense will require the military services to implement the Department of Defense Race Relations Education Program at all levels of education and training for military personnel.

These two problems are problems of our society—not just problems of the Armed Forces. We shall continue to work toward effective resolution of them within the Armed Forces. To deal with them adequatley, however, our effort must be part of a broader campaign in which the resources of the civilian sector are brought to bear to eliminate these evils.

CLEANUP MOOD SWEEPS NATION

Mr. ALLOTT. Mr. President, government is being increasingly called upon to remedy the ills of our society, from environmental to social, from health to housing. I have long believed that although there is much that government can do to stimulate, coordinate and innovate, more emphasis needs to come from the citizenry. For example, the March 5 issue of Life magazine touches upon the clean-up mood that is sweeping the Nation. Individual citizens are volunteering their time to improve their local environment. Without dedication of individuals in private life, efforts by government often prove futile.

I am referring to the need for "Partnership Problem Solving." National and local government working with private business and local government working with private business and local citizenry as partners in problem solving.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the views of Mr. David Rockefeller on the extent of such cooperation needed, in his judgment, to effect meaningful development of new towns and satellite cities.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY DAVID ROCKEFELLER

I appreciate enormously the generous recognition that has been given this evening to the things I've tried to do toward improving this city that we all love so much, even though it causes us anxiety.

To be singled out for acclaim by the Regional Plan Association is a heartening tribute, indeed, and I am most grateful to you, Rusty Crawford, and all your fine associates.

I should warn you, though, that you may be establishing a dangerous precedent at these annual dinners. My brother Nelson was the speaker at last year's affair, and I myself have that honor tonight. I just wonder whether you are aware that there are three more Rockefeller brothers!

Actually, father was a strong supporter of this association. At one time, he stipulated that funds be provided for land acquisition and an extension of the Palisades Interstate Park System, in the area north of the George Washington Bridge, be used in accordance with the First Regional Plan of 1929.

When Nelson originally ran for governor, I suspect he had occasion to feel sorry that father was so self-effacing. He found to his dismay that the name most frequently associated with Palisades Park was Harriman!

Seeing David Frost here this evening as master-of-ceremonies reminds me that my place on the program had improved considerably since we last met. On that occasion, David invited me to appear on his TV show, and of course I was happy to accept. I didn't mind so much waiting in the wings while he interviewed two famous Hollywood actors—but I did think David carried the "upstaging" bit a little too far when he then brought on the Prime Minister of Sweden!

As Rusty Crawford can testify, it is particularly reassuring these days for a banker to hear anybody say nice things about him because, frankly, in these inflationary times, we have been getting far more brickbats than bouquets.

From time to time, I am asked what I think about inflation, and I've never been able to improve upon Milton Berle's definition. Inflation, he said, is when people's money won't buy what it did during the depression when they didn't have much of it anyway!

Bankers have been forcefully reminded of inflation's impact by several recent developments, including the soaring cost of building and outfitting new branches—and you know how many of those are opening up all the time. One survey showed recently that our Avenue of the Americas now has more banks than bars!

Some people, I'm afraid, would not look upon that as a forward step in regional planning!

Some friends and I were discussing urban planning recently while watching the television coverage of Apollo 14. One of the group raised the question why, since we can put men on the moon, we cannot solve our urban problems which are so much closer at hand.

"The explanation is simple," said another. "We know where the moon is!"

In reflecting on this comment, I couldn't help feeling that it pretty well summed up the difficulty we have in coming to grips with that tangled complex of problems we call "The Urban Crisis."

As the Regional Plan Association found out early in its very useful life, the urban crisis is not just a single problem. Rather it is a kind of witches' brew blended from all the major ills of our time—inadequate educational systems, hard-core unemployment, poverty in the midst of plenty, antiquated transportation, shameful housing, insufficient public facilities, and all the rest.

This evening I'd like to touch briefly on some of the problems we face—problems that have been starkly delineated in the Association's recent and comprehensive second regional plan. Then I'd like to explore a concept of development and financing that seems to me to have application not only to our urban areas but also to the exciting development of "new towns" and "satellite cities."

I should tell you at the outset that I personally am not a devotee of the new fashion of urban pessimism. This is the dispirited and disillusioned cult that never ceases to predict an early end to all our cities. Such an attitude, in my judgment, does much less than justice to the thousands of dedicated civil servants, determined businessmen and concerned citizens who have opted for enterprise and ingenuity as their response to a troubled era. To me, it would be both impractical and unthinkable to surrender to frustration at a time when there is so much constructive work to be done.

I spoke earlier of how difficult it is for the average citizen to see the urban crisis in perspective. Perhaps it helps if we think of the United States as two broad geographical areas.

One is rural America, a region so huge that, if it were a separate country, it would rank in area as the world's ninth largest. Yet, at the same time, a region so low in income that, by itself, it would be the world's sixth largest underdeveloped nation.

This rural America contains the highest proportion of our poverty, the lowest average per capita income, the most inequitable distribution of educational opportunity, and the bulk of America's inadequate housing.

The second geographical element consists of six large urban-and-suburban sprawls: The Boston-Washington corridor down the Atlantic seaboard; from Buffalo along the Great Lakes beyond Chicago; the spill-out of Los Angeles engulfing over half the California Pacific; the Florida spread; the Atlantic-Piedmont crescent; and the Fort Worth-Dallas-Houston complex.

Statistics confirm the pattern that the nation's urban areas accommodate 70% of all Americans on about 10% of the land.

Thus, in our rural areas, we have more room than people—more than enough space to expand, together with a need for the advantages that business and industry can provide.

On the other hand, we have the urban areas with far more people than room. In these areas, we have seen haphazard growth in which social ills tend to multiply.

Given these disparities, it is only natural to ask: why don't we get people to move from congested metropolitan centers to sparsely settled rural areas?

In a regimented society that might be a good way to do it, but it is hardly the American way.

Though romantics may still dream of the glories of small-town life, thousands of Americans continue by preference to pour into our great urban regions to take advantage of the unparalleled opportunities they do, in fact, offer. To the country lover, it may seem surprising that nearly all the increase in our national population, over the past decade, took place in metropolitan areas—in some central cities and especially in the suburbs.

In view of this trend and because of the huge investment we have in our existing cities, it is the height of folly to think—as some do—that we can ignore the refurbishing of our present metropolitan areas in favor of creating new cities away from the congested corridors. Realistically, we have no choice but to do both.

Today we have a population of some 206 million. Projections show that we are likely to add as many as 75 million more people by the end of this century—less than 30 years away. While this represents a lower rate of population growth for the United States than in the past—and is substantially lower than that of the developing nations—it still means that we must assimilate vast additional numbers of people in our country. In short, our urban problems will grow, not diminish, in the remaining decades of the 20th century.

Seldom does a day pass that we don't hear the question "What's the solution?"

But I wonder if a more realistic query wouldn't be: "What's the best approach to these problems?"

Experiences I have had in relation to Morningside Heights, Lower Manhattan and urban activities of our own bank in recent years suggest that the right approach is all-important.

I might add, parenthetically, that this lesson on the proper approach was reinforced, at least in my own mind, when I tried to convince some of my associates, at our friendly little loan company, to decorate their offices with contemporary art! That's a job that definitely calls for the right approach!

At any rate, in approaching urban problems, it is absolutely vital to gain the cooperation of three elements: private business, government, and the local citizenry. Unless these three can reach a broad consensus, even the finest plan will become nothing more than a blueprint for failure.

I believe that the basic task of urban rehabilitation is one for private enterprise. But it must be a cooperative venture. Government must lend support through zoning, through supplying essential services, and through tax incentives. Furthermore, the good will of the local residents and their concurrence in the program is an indispensable ingredient.

Clearly, the business and financial community has a growing stake in the economic health of our cities. Good zoning, traffic control and adequate water supply are essential to the entire community but they also bear directly on the success of businesses located there. To attract and retain top talent willing to live and work in our cities, business needs progressive community leadership that is alert to the problems which exist and is prepared to do something about them.

Conversely, cities need the help of business if they are to expand job opportunities and generate an adequate tax base. During this decade of the Seventies, we must create jobs in the United States for about a million-and-a-half men and women who will be entering the labor force every year. Since most of these jobs must be in metropolitan areas, where the population is concentrated, a basic function of any city must be to encourage and support the business and commercial activities that provide its economic base.

It goes without saying that in performing its primary role of producing goods and services efficiently, business is accomplishing a vital function of great public importance. Beyond this, however, more and more businesses are coming to recognize that they have a responsibility to assume a larger share of the social burden, as well, hand-in-hand with government. A notable recent example of business initiative, which went beyond the conventional role of a strictly profit-oriented project, was the case of nine commercial banks which are cooperating with the City in providing nearly $75 million for the construction of the Waterside housing development, to accommodate some 1,500 low and moderate-income families, on a novel six-acre platform over the East River.

This is just one example of an expanding corporate trend toward direct participation in community improvement that is becoming nationwide in scope. I am not suggesting, of course, that business singlehandedly—without government assistance—can solve the problems of our cities. However, it can take—and is taking—a livelier interest and is playing a larger role. And I believe it will do even more as it becomes convinced that its efforts will receive encouragement and support from government and the community.

One promising area for future collaboration between public and private sectors is in the exciting planning and development of "new towns" and "satellite cities."

I say exciting because this represents a dramatically new concept of urban building. Look at any of our present towns and cities and you can see unmistakable reflections of the way they were built—piecemeal.

How much better it would be to have an overall concept of the community which can shape the development right from the outset. That, in essence, is the new town idea. An imaginative builder comes in with a comprehensive plan and works out the details in cooperation with local government.

The location of the community center is carefully selected. You don't have the situation many of us are familiar with today where one municipality waits for its neighbor to provide the shopping and community facilities for both. Housing is planned to meet the needs of all those who will be working in the community. You don't run into situations where one municipality drags its feet, hoping the next town will provide the low- and middle-income housing, while it accommodates only the well-to-do.

In recent years, there have been about a dozen communities started which can be classified as "new towns"—that is, politically new and independent units with a wide range of options for housing, employment, worship, education and recreation. Perhaps the outstanding example of a new town in this country is Columbia, Maryland, halfway between Baltimore and Washington. Because Chase Manhattan participated in its construction financing, I have followed this particular "new town" with special interest.

Columbia was started in 1963 and is expected to be completed by 1980. By that time the population—now about 10,000—should reach 110,000. Of its 14,000 acres, about half are for residential use. A quarter of the land is for open space, while another quarter is for commercial and industrial purposes.

A core community is surrounded by what ultimately will be a dozen tree-shaded villages. Each village has been subdivided into racially integrated neighborhoods of about 1,000 families, with homes in a variety of styles and prices, clustered around churches, shops and schools. There are transportation loops around the villages that connect with Columbia's central core. Industrial sites are situated on the outskirts but with easy access routes to residential and shopping areas. The city is designed to be a balanced community with recreational and social facilities to satisfy the human needs of urban living, in addition to the businesses which provide employment and the economic base.

Seeing Columbia evolve, one can readily understand the growing support for new towns which is springing up all across the country.

As an example, the National Committee on Urban Growth Policy has recommended the creation of 100 new communities the size of Columbia and, in addition, ten new cities of at least one million people each.

The Housing and Urban Development Act of 1970 set up a Community Development Corporation to handle the financing of new communities and provided some of the funds to get them started. These steps are very much in the right direction, but the funding presently available is still far below the waterline of adequacy to get the job done.

I have been giving considerable thought as to how the process of promoting new towns can be expedited. I have come to the conclusion that additional legislation will be required as well as added financial support. Specifically, it seems to me that two steps are needed.

One is a mechanism to help in acquiring land so that sufficiently large and contiguous tracts can be put together. In the case of Columbia, a few parcels could not be acquired and in the end the planners just had to design the city around them. If more parcels had been held out, or if they had been in more critical locations, this could have undercut the whole project. The chanciness related to land acquisition is much too great as things now stand.

The other need is for new sources of financing to provide the enormous sums required before new towns get underway and begin collecting revenue on their own.

To take care of both these needs, I would suggest the creation of two corporations nationwide in scope: one public, the other private or quasi-public.

To deal with the problem of land acquisition—and perhaps provide guidance in terms of national land-use planning—we need either a new Federal agency or an existing agency supplied with special additional powers for planning and obtaining sites for new towns.

Such an agency might well require the power of eminent domain. But sufficient flexibility and safeguards should be built in so that the rights and desires of those already living in proposed sites would be protected, and so that there would be no improper infringement on states' rights. Whether it be an Executive branch mechanism or a creation of Congress should be a matter for sober reflection. But the plan would call for a federal agency with the ability to determine sites and projects in a manner consistent with the economic needs and goals of the communities involved as well as those of the nation. Thus, a single agency would handle land acquisition and site location.

The second agency, either private or quasi-public, would be organized on a non-profit basis, to provide the predevelopment financing. Possibly a new kind of bank could be devised which would seek its capital from commercial banks, insurance companies, industry and other sources. To do so, the new bank would need to offer long-term debentures with a modest interest return that would make possible full development of a new town, and yet be sufficiently remunerative so as to assure a continuing flow of capital for other new towns. If the new communities are well conceived, there is every reason why the bulk of the capital could come from private sources.

The two agencies would need to work in close cooperation to see that the site locations of new towns not only meet the public standards desired for national growth but also to make sure that they would be attractive to residents and to industry.

Working together, these two agencies could create a whole series of new independent communities, providing adequate housing at reasonable cost and bringing together both the white and blue-collar work force required for industrial expansion.

Aside from the building of new towns, the plan I have outlined could readily direct investment into existing core cities where our national growth policy determined that programs of redevelopment or rehabilitation were desirable.

Perhaps the greatest benefit would be the harnessing of private financing sources, which up to now have not been attracted by urban investment, and directing them into responsible urban developments that are not only profitable but that enhance the environment as well.

Obviously, the building of new towns is an expensive venture. One recent study estimates that a community the size of Columbia might cost as much as $50 million in predevelopment charges alone—in land acquisition, planning and management, and infrastructure such as streets and utilities.

These start-up costs are the very ones that the developer finds so burdensome under present conditions, and the ones that the proposed new financing agency would be designed to handle. As a new town project moves ahead, it can obtain funds in the conventional money market or—in the case of lower income housing—from various government programs or the new National Corporation for Housing Partnerships. But the predevelopment costs are the big roadblock.

If we use this $50 million as a base figure, then the recommendation of the National Committee on Urban Growth Policy for 100 communities of Columbia's size, and ten of one million people each, could cost in the neighborhood of $10 billion.

Standing by itself, this is an imposing figure, indeed. Yet it is less than half of what we have already spent on the man-in-space program. And as great as the benefits from that program have been, I believe that the advantages of new town development—certainly in human terms—could be incalculably greater.

In conclusion, I would like to suggest that in tackling urban problems, we should keep five points in mind:

First, that because these problems are so closely interrelated, they call for the establishment of overall national goals and guidance.

Second, that federal and state assistance must be closely coordinated to stimulate responsible local action and serve the best longrun interests of the overall community.

Third, that the amount of state and local building and rebuilding required is so vast that it will make necessary the expenditure of a steadily increasing share of our total national income. Both private and public funds will be needed. Since states and municipalities are already straining their taxing powers, I believe the Federal Government will have to bear a larger share than in the past. That is why I personally applaud President Nixon's proposal for what he calls "general revenue sharing." The idea of giving local governments greater flexibility in spending a larger portion of federal tax revenues on urban development is eminently sound, and I would hope that the President's approach would eventually find the broadly-based support it deserves on Capitol Hill.

Fourth, that it is imperative for any new town or redevelopment project to include enough profitable activities, whether in housing, commercial development or industry to generate tax revenues sufficient to make the project viable with a minimum of public subsidy.

Fifth and finally, that the task of refurbishing our existing core cities and building new towns can best be accomplished if public and private efforts are creatively combined in such a way as to win the support of the community.

In shaping our cities of the future, we are limited only by the intensity of our concern, the reach of our inquiring minds, and the strength of our determination to provide a better life for all our citizens.

Mr. ALLOTT. Mr. President, so that Senators may have the benefit of some editorial reflection on Mr. Rockefeller's speech, I ask unanimous consent that editorials from the Evening Star and the Christian Science Monitor be printed in the Record at this point.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

NEW-CITIES PROPOSITION

People who ponder the country's ballooning population have been saying for several years that a bevy of new cities must be developed, if the old ones are to be saved from suffocation. Two years ago the National Committee on Urban Growth proposed that the federal government build 110 new cities—100 with populations of 100,000 each and 10 designed for a million people each. No one questioned the need, but the scope of the idea rendered everyone speechless for many months. At last someone has spoken, offering a plan for implementation that should be taken seriously.

David Rockefeller accepts the figures on building needs produced by the urban growth panel, but he believes private enterprise is adequate for the task. He proposes the formation of a private or quasi-public corporation to raise $10 billion in private investments for the program. This entity would work with a new federal agency to acquire vast rural acreages as city sites, and would loan money to developers.

Rockefeller realizes that leisurely talk about population dispersal must give way to practical action if any substantial remedies are to come soon enough. He cites projections "that we are likely to add as many as 75 million more people by the end of this century" and predicts in a good banker-type understatement that as a result "our urban problems will grow, not diminish." They will in fact become hideous if there isn't some national distribution planning, and grand-scale consummation along the lines he recommends. The projections also are that the growth will be mainly in urban sectors, and that immigration into existing cities will continue. There is a limit to the number of people who can be crammed into them without critical degradation of the quality of living, and that limit already has been exceeded in some areas.

New cities won't solve urban problems or assure proper population balance, but at least they can reduce the pressures on old metropolises and the burgeoning suburbs. They can prevent the worst that is possible in congestion, pollution and strain upon public services as population climbs up toward 300 million in the next 30 years. Many can be located in regions from which throngs of rural and small-town job-seekers have traditionally emigrated, and the new cities certainly must include industrial parks and provision for a sizable number of working people. They can be designed to maximize both efficiency and enjoyment.

But this is a long-time venture, and government involvement will be required. Rockefeller said that if his proposals are deemed to have merit, he hopes "the government will institute a study of them." The government should do that, as quickly as possible.

THE BUSINESS OF BUILDING CITIES

At long last American private enterprise is beginning to talk in realistic dollar terms about its responsibilities and commitment to solving the nation's snowballing urban crisis. David Rockefeller, chairman of the Chase Manhattan Bank and as close to being "the" voice of American business as any single man can claim, has called for a $10 billion corporation to start building 110 new cities.

The figure of 110 new cities comes from a report made by the bipartisan National Committee on Urban Growth back in 1969.

A proposal was drawn up in legislative form, but it never got into the congressional hopper because President Nixon opposed it for cost reasons.

Mr. Rockefeller proposes now that a private or quasi-public corporation take on the job. It would be capitalized by banks, insurance companies, pension funds and similar institutions seeking long-term investment opportunities.

Alongside the private corporation, Mr. Rockefeller proposes a national public corporation, with powers of land acquisition similar to New York's State Urban Development Corporation.

There is no reason why a national urban development corporation should not be set up to do a similar job.

We would caution, however, that such an agency be subject to the control of a national planning body. President Nixon has already indicated his interest in national land use planning.

New towns and cities cannot be made arbitrarily to grow out in the grassy plains or on the sides of mountains, any more than tulips can be grown on the tundra or edelweiss in the desert.

Probably most new towns and cities should be located on the edges of existing metropolitan areas, close by transportation and communication networks, and close in to where most of the 75 million new Americans expected by the year 2000 will want to live.

Many of these new towns and cities would probably most naturally form around existing nuclei—such as small towns or regional subcenters.

These are problems for a competent national planning agency to decide. They are too important to be left to the speculative ventures of profit-oriented developers. Down that road, as American urban history dismally shows, lies formlessness, sprawl, and uglification of the countryside.

CHILD DEVELOPMENT PROGRAMS

Mr. HARRIS. Mr. President, the Washington Post of Sunday, March 7, carried the first in a series of articles which points up the need for a coordinated community effort in the field of day care and child development. The sharp contrast in the services available in custodial centers, which provide little intellectual stimulation for the children enrolled, with the more challenging programs available in preschools emphasizes the need to improve childhood programs for all young children.

S. 706, the Comprehensive Community Child Development Act of 1971, which the distinguished Senator from New York (Mr. Javits) and I and others are cosponsoring, would make a significant effort in improving facilities for young children. It would allow overall planning at the community level, provide for training of child care personnel, and work for the goal of having all children attain their full potential. I hope that this bill, together with other bills directed toward child development programs will receive careful consideration in the 92d Congress. The assessment in the Post article is "Almost nothing is actually happening." We can and must change that situation. I ask unanimous consent that "Childcare is Chaotic" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Some Learn, Most Do Not: Child Care Is Chaotic

(By Gayle Tunnell)

It is 9:30 a.m. at Bible Way Nursery School.

In one corner of the large, neat and very bare room 21 children, 3 to 6 years old, and two adults sit, watching "Captain Kangaroo" on a small-screen black-and-white television perched far above their heads on a room divider.

About half the children seem attentive, a handful are squinting or glassy-eyed and five have their heads down on the table either resting or sleeping.

According to Bible Way's mimeographed schedule, which is given to parents, the children are watching "Sesame Street" on Channel 26. In fact, the television is not equipped to get Channel 26, although the Bible Way director says a set that can is expected soon.

There is no talk, either during commercials or after the program ends. The images flitting across the small screen are the only movement, their mechanically jolly banter the only sound.

This is early childhood education in Washington, D.C., in 1971. Not all of it, and certainly not the best of it. But some of it, and not the worst.

The idea that the period from birth to five years is a Very Important Time in a child's life, a time that holds the key to all he will ever know or do later on, is now widely accepted.

President Nixon believes it. In February, 1969, he committed his administration "To providing all American children an opportunity for healthful and stimulating development during the first five years of life." In April, 1969, he repeated that commitment.

Congressmen on both sides of the aisle believe it. There is an aura of political one-upmanship about the plateful of child care proposals now being passed around Capitol Hill.

Rotary Club speakers, public school officials, cocktail party goers—they all believe it, too.

And certainly the social scientists do. University presses in recent years have spewed forth conclusions ranging from Benjamin Bloom's at the University of Chicago, that children develop 50 per cent of their capacity to learn by age 4, to Jerome Kagan's, at Harvard, that class and skill differences can be spotted readily in babies as young as 8 months old.

But the rhetoric and research obscure the central fact:

Almost nothing is actually happening.

TWO MARKETS

As in the past, most programs for very young children are not operated at public expense but by private individuals and groups aiming at two quite separate class parents, buying the stimulation of nursery school, and the low-income parent, buying inexpensive custodial care that allows him or her to work.

The commitment of public money to early childhood education, never overwhelming, is at best no greater than and at worst considerably less than it was three and four years ago.

That is the pattern nationally, and the District of Columbia is no exception.

There are 75,000 children under age 5 in the city today. There are about 9,500 places in licensed day care centers and nursery schools and in the school system's prekindergarten program for 4-year-olds.

Some of the spaces are taken up by middle class youngsters. Many of the rest of the spaces are custodial, some of them mind-dulling, rather than educational.

Child care in the District is a jigsaw puzzle with many pieces missing and most of the rest not fitting right.

NOBODY IN CHARGE

Nobody is in charge—no individual or agency, no one in the school system or in the mayor's office. It is nobody's job to know what is being done, what isn't and what could be.

Programs and center vacancies are not matched with needs and children. There are no cooperative training programs or faculty exchanges. There is little college or university involvement.

One inspector from the department of public health is charged with visiting more than 200 group child care sites in the course of the year. Inspections must be cursory and infrequent, but maybe it doesn't make much difference: The standards the inspector is trying to enforce date from the 1920's.

Much more public money for early childhood education has been promised by the federal government, at least for day care services that would permit welfare parents to work.

HOPES AND PROBLEMS

The promise has kindled old hopes and raised new problems.

Big business, sensing a blue chip future in day care, is waiting on the sidelines. It wants to move in with franchising, mass buying, and cost-efficiency studies, much as it moved into the nursing home business after the passage of Medicare and Medicaid.

The prospect of more money also has intensified infighting between public and private agencies over who will be doing what, how and for whom. The jurisdictional dispute is matched by a theoretical dispute over how it should be done.

Some research says that waiting until a child is 3 or 4 to dose him with early education is waiting too long. Other research dismisses as inefficient programs that aim at developing the "whole child," rather than concentrating on academics. Both findings are largely ignored in practice.

While there are indications that children from federally funded Head Start programs lose their competitive edge soon after entering public school, there are arguments over whether this is an indictment of Head Start or of public school.

An occasional voice warns that early education is being oversold and asks if the care and rearing of small children really should be turned over to Big Government or Big Business, at the expense of the family.

In the meantime, most of the 14,000 6-year-olds and 10,000 5-year-olds entering District first grades and kindergartens each year face a bleak future: By third grade, only one in four will be reading and doing arithmetic as well as the average child nationally.

Most of the District's early education programs are private—profit or non-profit, with the distinction often a hairline one.

For example, the 5,500 District children 5 years old or younger enrolled in licensed, full-day programs, 4,800 are in private centers. Of the 2,000 children in licensed part-day programs, all but 360 are in private nurseries and preschools.

With few exceptions, private centers aim at one or the other of two quite different markets.

One is the low-income family. Mother is forced to work either to supplement father's salary, or often to support the family herself. She needs a safe, inexpensive place to leave her child during working hours.

The other is the middle- to upper-middle-class family, willing and able to buy "the best" for its children at a very early age. This group buys nursery school for its supposed intellectual and social benefits, much as it will later search out music lessons and summer camp.

CLASS IN MANSION

Shortly before 9 a.m., cars begin pulling up in front of National Child Research Center, a rambling, porched brick mansion at 3209 Highland in Cleveland Park. Bought with an acre of land for $21,500 in 1930, the school dominates a neighborhood where a smaller house some doors away sold recently for $180,000.

A staff member standing on the sidewalk opens the car door, greets the parent, and helps out a pint-sized boy in a John-John Kennedy haircut and a college sweatshirt.

He walks up the path, says good morning to the school's director, Barbara Jeanne Seabury, on the porch, then disappears inside.

His parents are paying $750 ($680 if he attends the afternoon session) for 2½ hours a day, five days a week, nine months a year of creative play for him under optimum conditions.

ONE HUNDRED AND FIFTY STUDENTS

His class—one of four in the morning and four in the afternoon, adding up to 150 3-to-6-year-olds in all—includes 18 children, two degree holding teachers, and equipment ranging from gerbils and rabbits to paint and clay to books and educational toys.

Each classroom is equipped with a one-way-glass booth, wired for sound, so teachers can observe and evaluate their charges and each other and so parents can watch their offspring in action.

The school serves a snack each day, but shuns the traditional milk-or-juice-plus-cookies fare for a varied menu intended to develop young palates—chili, buttered rice with cinnamon, French toast, potato chips and dip.

The children are frighteningly competent and verbal, with the older ones adept at concentrating on something for an hour or more and at picking up where they left off after an interruption.

Most of the 4-year-olds who want to play house just start playing house. They rough out the game verbally in advance, settling everybody's role and much of the plot. ("No, you be the mother. I'm littler, so I should be the baby." "But you were the baby, now I should be the baby." And so forth.)

Despite a tuition that puts it well out of reach for the $10,000-a-year family, the non profit school expects to run $12,000 in the red this year, about 10 per cent of its operating budget. Tuition will go up in September, probably to $825 for both morning and afternoon sessions.

Parents also are expected "if at all possible" to contribute an additional 10 per cent of what they pay for their own child to the school's scholarship fund. Seven of the 150 pupils are on scholarship this year.

EARLY CALLS

Miss Seabury, who is now accepting applications for 1973, says some mothers call from the maternity ward to enroll their child and that the school probably could be filled at twice or three times the present tuition: "Some parents would even like it better if it were more expensive."

But, she says, she and the board of directors are shaken by the prospect of a school more and more limited primarily to children of the white wealthy, interspersed with a few black children on scholarship. The school is considering partial scholarships to bring back some middle income youngsters, and hopes government interest in early education may result in a voucher system that would pay part of the cost for low and middle income children.

Miss Seabury agrees that most of the children her school now serves would do fine without it, and explains that their parents are really buying "insurance." At the same time, the school enriches these children—as it would any child—and while these may need it least, their parents can afford it best.

MORNING DEVOTION

In the basement of Bible Way Church, 1130 New Jersey Ave. N.W., the children and adults have sat through their daily hour of TV. Now it is 10 a.m., time for morning devotions—prayer, songs and flag salute.

The children perk up some with the singing—there are a few giggles and some jockeying for position in the rows—then a lapse into near-silence as the daily schedule's one hour of "activities and class" begins.

The 4-and-5-years olds sit around a circular table with an adult who hands out crayons and mimeographed drawings to color in one Sunday-school alcove.

The 3-year-olds sit at a table in another alcove. Their teacher goes around the circle asking each child his name. Three do not know.

NOBODY TALKS

The striking thing about Bible Way Nursery School is that nobody—adult or child—talks. In three hours of observation, the noise level never rose above a subdued and sporadic hum and, with 21 preschoolers present it was more often nearly silent.

The room in which 32 children (11 were absent) spend up to 11 hours a day is sparsely equipped. There is a rack—beyond the reach of most of the children—holding perhaps two dozen books, most of them of the cheap drugstore variety; some women's magazines; and some encyclopedia brochures.

A play stove, sink and ironing board, with two tin pans, stand against one wall—but there are no empty grocery cans and boxes, let alone dishes, to use in playing with them. A battered rocking swan is the closest thing to a muscle-developing toy; a bead-counting rack is the closest thing to an educational toy

There are also 15 or so simple band instruments (sticks, bells), two small trucks, two small tractors, two boats, two grimy stuffed animals, two plastic telephones, and a three-cage circus pull-toy. There is a piano, although no one plays it during singing.

The morning schedule calls for breakfast, morning devotion, the hour of TV and an hour of "class" after lunch comes mid-day devotions, and then three hours of naptime. From 3:15 p.m. to 4:30 p.m. is set aside for getting ready to go home ("Put each child's street clothes on to go home"), and from 4:30 to 6 p.m. for going home.

Bible Way charges $15 a week, $19 if the parent wants the child picked up in the morning and taken home at night. District welfare pays $3 a day for five children to attend this center, one of 63 in the District with which welfare contracts in paying all or part of the costs for 882 children.

Not counting transportation, that works out to $780 a year, $30 more than what National Child Research Center charges for its morning program. The difference of course, is that Bible Way is providing all-day, all-year custodial care. Per hour, Bible Way costs less than a fifth as much as National Child Research.

Pearlie Brown, Bible Way's director, got her job in September after seven months of teaching in another District day care center "like this one except for devotions." She says that she and the three teachers under her have high school educations and that they earn about the minimum wage.

PROFIT POSSIBLE

Mrs. Brown says it is possible to make some profits, even at $15 to $19 a week per child for all-day care. Her ambition is to start up a day care center of her own soon.

Virgina Williams, who inspects all of the District's 200-plus licensed, group day care centers each year—describes Bible Way as "fairly typical, unfortunately" and "not one of the worst." Both Mrs. Williams and Evelyn Shidler, head of welfare's child care division, emphasize that it is much better today than it was one or two years ago. Then, they say, it had even less equipment.

When the two distinct courses in outside-the-home child care began, there were some practical justifications for the differences between them.

The well-to-do mother, who wanted and could afford stimulation for her child, did not work and did not need day care.

The low-income mother who had to work needed day care, could not afford the "etxras" of stimulation, had no reason to believe anyone else would afford them for her, and was largely unaware of their importance anyway.

All this has changed now—but the two traditions remain.

RESOLUTION ADOPTED BY ASSOCIATION OF STATE AND INTERSTATE WATER POLLUTION CONTROL ADMINISTRATORS

Mr. THURMOND. Mr. President, at its 1970 annual meeting, the Association of State and Interstate Water Pollution Control Administrators unanimously adopted a 10-point resolution. The members of this fine association are the chief administrators of the 50-State water pollution control agencies.

Water is one of our most important resources and its protection must be of top priority if we are to maintain and advance the quality of life in America. Reports indicate that we do not have an abundance of water, especially in many areas of our country, and it is therefore imperative that we take the necessary steps to protect and improve our existing water supply.

Mr. President, this resolution deserves the consideration of Congress. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED BY THE ASSOCIATION OF STATE AND INTERSTATE WATER POLLUTION CONTROL ADMINISTRATORS

Be it resolved by the Association of State and Interstate Water Pollution Control Administrators at its annual meeting in Portland, Oregon, October 25–27, 1970, that:

1. The Federal Water Quality Administration be commended for its present efforts to improve cooperation with the state and interstate agencies and for its accomplishments in the advancement of water quality management.

2. The administartion of all Federal financial assistance programs relating to water pollution control be consolidated to the maximum extent possible in the Environmental Protection Agency.

3. The availability of construction grant monies under section 8 of the Federal Water Pollution Control Act be extended 6 months beyond the end of the fiscal year.

4. State and interstate program grant funds under section 7 of the Federal Water Pollution Control Act be increased from $10 million to $30 million each year to assist the state and interstate water pollution control agencies to meet demands imposed on them by Federal legislation.

5. Adequate funding be provided under Section 3(c) of the Federal Water Pollution Control Act to implement the essential planning required in 18 CFR 601.32 and 601.33.

6. The administration of the Refuse Act of 1899 with respect to water quality should be seriously studied by congress to determine whether it is basically incompatible with desirable state water pollution control programs.

7. Officials of the Federal Environmental Protection Agency be offered the assistance of the Association.

8. The Association expresses itself squarely in favor of aggressive and vigorous enforcement of all applicable laws by state and interstate water pollution control agencies.

9. The Association restates its fundamental belief that water pollution should be the primary responsibility of the states, as expressed by the Congress in sections 1 (b) and 1 (c) of the Federal Water Pollution

Control Act, and by the President in his concept of a new Federalism.

10. Copies of this resolution be forwarded to Congress, the Commissioner of the Federal Water Quality Administration, the Director of the Federal Environmental Protection Agency, the Environmental Quality Council, the Citizens Advisory Committee on Environmental Quality, and the Federal Water Pollution Control Advisory Board.

POLITICAL DEVELOPMENTS IN CHILE

Mr. ALLOTT. Mr. President, it is both very difficult and very necessary for us all to understand the course of political developments in Chile under the leadership of President Salvador Allende.

Recently, William F. Buckley, Jr., one of our most perceptive and widely read journalists visited Chile. His reports from there shed much light on the probable future of that nation.

So that all Senators may profit from his reports, I ask unanimous consent that four of his columns and an interesting report on Chile that was published in the Sunday edition of the Washington Post be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

CLOSING THE CURTAIN

(By William F. Buckley, Jr.)

SANTIAGO, CHILE, February 2—The brand-new hotel here, in mid-season, has 23 guests today, which means that five hundred beds are empty. Tomorrow. sixty of them will be occupied by a Cuban delegation. "And they probably won't pay their bill," a young Chilean businessman busily engaged in disengaging from Chile, remarked in his emptying office, the files packed up, phonograph records in cartons, as he mused on how he will raise the money to pay his debts—he has sold everything except his little beach cottage in the ten weeks since Salvador Allende was inaugurated as President, but there are no buyers There are lots of beach cottages, and very little cash.

A professor, himself a Socialist, explained that for reasons he could not put his finger on, he had found himself early that morning pecking away at his own typewriter, instead of relying on his perfectly competent secretary, who would be at his service a few minutes later. Somehow he did not want to share what he had to say in that letter with someone whose sympathies were, in all matters, with the Allende government.

Another scholar is trying very hard to master the art of intrigue. He could write you a book tomorrow about some of the great intrigues in European history, but he never knew such a one as his department is engaged in. You see, the balance of power is in the hands of the cook. I kid you not. The university system in Chile has for years and years been dominated by a senate of sorts in which everyone is represented, professors, assistant professors, students, maintenance men; and yes cooks. The difference is that under Allende the politicization of everything is such that great consequences ensue on the littlest vote. In this case, the question is whether the department will more or less formally establish itself as a revolutionary arm of the Communist-Socialist-radical coalition that rules Chile. The cook is in favor of it. The professor in charge is against it, pleading that any such marriage must be at the expense of the integrity of the department's scholarly calling. He was supposed to have finished a book months ago, but he has not begun it. How can he, when he needs to spend the time to muster a majority sufficient to overcome the political dedication of his cook?

Another professor, young, soft-spoken, freshly returned from several years in Germany where he did his doctoral dissertation on the artist's idea of the New World during the sixteenth and seventeenth centuries, looks you straight in the eye and tells you ——— it is a bloody slander to allege that the Allende government is engaged in persecuting *El Mercurio*, the leading opposition daily. You are told the same thing by government functionaries, who include lawyers, ideologues and playboys and you pay them little heed, even as, a world and a half away, you would pay little heed to a representative of the Rockefeller administration who insisted, say, that he had no difference whatever with Mayor Lindsay.

But the professor is something else, because he genuinely believes it to be so that the Allende government is innocent. It goes as follows: *El Mercurio* (government spokesmen will tell you) is simply one enterprise in a complex of enterprises dominated by a single family, and over the years the business fell into lax habits. Good government (of the Allende type) is charged with enforcing the laws. One such law holds that the Edwards Bank, an arm of the enterprise, had no business underwriting a particular transaction without sufficient collateral. As for *El Mercurio*—why, all the government is attempting to insure is that, like other enterprises, it has paid its taxes. All of this against a background of: a) frozen credit; b) price control; c) wage increases by government decree; d) the flight of capital; e) the withdrawal by the government of official advertising in the newspaper; f) harassment by a union controlled by the Communist Party; g) the arrest of a prominent executive through the resuscitation of an old dormant law. There is no question in the minds of the managers of the Edwards enterprises that eventually they will all be exonerated of any substantive wrong doing. There is considerable question whether, by that time, *El Mercurio* will still be publishing. Exit the axis of opposition to the Allende government.

What is interesting—mark this well—is that the young professor, and so many other idealists like him who support so avidly the revolutionary government, will not admit to any knowledge of what, in fact, is taking place in Chile. *They don't believe it.* What they believe is the purity of the government's purpose. You sit and listen, and a great literature of the past generation runs through your mind. The excuses made by the professors who, early in the Thirties, backed Hitler. The solitary ruminations of Nikolai Rubashov, who decided to submit to the fictions of Stalin's prosecutors rather than unsettle the Communist balloon by tying it to the earth with a strand of truth. Allende isn't Hitler, or Stalin. But his supporters are of the breed of the supporters of Hitler and Stalin. They will not credit the evidence which every day accumulates before their eyes. There are reasons historical, cultural, ideological and even moral, which account for their blindness. Meanwhile one begins to understand what Albert Jay Nock meant when he wrote in his journal that he thought someday to address himself to the question: How do you establish that you are slipping into a dark age?

CHILEAN BREAKDOWN

SANTIAGO, February 3.—We have climbed to almost five thousand feet, rising rung by rung up the thermals that shoot up fitfully from the foothills of the lower Andes that peter down to the outskirts of Santiago, making it a joy for those who love to glide. The pilot behind is unconcerned with the violent wrenchings of the little sailplane that spurts up while he banks it over sharply, to stay in the upstream. He is constantly talking, while he maneuvers to stay in the geyser. "When Allende was voted in," he says, "I decided to split. So I called my accountant and I said to him, tell me exactly how much money I am worth. A few days later he told me, you are worth, he said, one hundred and fifty thousand dollars."

"Well," he said, diving down now to escape the spiral, and beginning a long glide toward Los Curros, where the national observatory is, and Allende's private residence (we must turn away, by regulation, before reaching a bomb-dropping relationship to it), "I sat down and asked myself a few qestions. I said, Look: I own a membership in this gliding club, where I am a parttime instructor. I have my little business. I have a small airplane. I go fifteen times a year to ski at Portillo, with my wife and son. I have a sailboat at the lake. We have two cars, a swimming pool and a house. Where else can you have all of that with capital of only one hundred and fifty thousand dollars? So—I decided—I'll repose my faith in the army."

Chile, by the way, is not the ideal incubator of Marxist revolution. There is spectacular poverty, but among a very small percentage of a population, which, by the way, is almost wholly literate. The more general poverty is urban, not rural. Only 20 per cent of Chile's nine million people work the land. As one historian has noted, if you need to draw a picture of the quintessential victim of Chilean economic torpor, it wouldn't be the land-serf, struggling to make do with a few cents per day; or the miner out of a novel by Emile Zola, exhausted and dehumanized by the demands of an encroaching industrialization. Rather it is the shop clerk, poorly paid, bored, apparently immobilized, suffering from inflation, high overhead, a politicalized environment within which his enumerated rights (and, oh, how they love to enumerate the rights of the people. Our Bill of Rights would serve only as a cheese tidbit introducing the soup dish of the Rights of the Chilean People) are meaningless, unless he happens to know somebody who knows somebody who is a judge, or a member of parliament.

This is not to say that the situation is frozen for the sales clerk. The last three presidents of Chile came from utterly humble backgrounds, as incidentally did Pablo Neruda, revered in Chile as a combination of Voltaire, William Shakespeare and Frank Sinatra, whose amorous verse is overpoweringly beautiful, and whose tendentious verse (Neruda is a lifelong Communist) is as fulminatory and galvanizing as *La Marseillaise*. The thing of it is, not enough Chileans conceive of rising up the ladder—except through politics. "Thus politics becomes the substitute, for the young Chileno, for almost every avenue of social or material advancement a young American might consider: a substitute for the professions, for industry, for the army, the arts; even the Church."

The Chile of this moment, halfway between Allende's inauguration and the municipal elections of April, is composed of roughly three lots of people. The first are those who are wildly excited by the revolution. "They speak and write like John Reed fifty years ago, talking about the Ten Dayes in Russia that Shook the World": and it is important to remember that revolutions *can* be fun, particularly for those for whom the alternative is merely another day in the shop. Second, there are those—like the glider-sportsman—who feel that they have few practical alternatives, and just enough of a stake in the country, whether material or romantic, to edge them over toward a decision to stay—and to hope that the legalistic tradition of Chile, or if not that the army, "or if not that the Catholic Church, or the anti-Communist tradition of the people," will singly or together restrain the Allende government.

And then there are those who are in the active opposition. They are, technically, a majority of the parliament, and a majority of the voters, though the April municipal plebiscite may change the latter datum. They want to stay and fight. But the odds in their favor diminish. There is the persecution of the principal opposition newspaper, *El Mercurio,* and of the publishing house, Zig Zag. The blackout of opposition on television, which is owned either by the government, or by government-oriented universities. There are 29 radio channels, of which only three are antigovernment, and there is a question how long they can hold out. Allende swears there will be elections (parliamentary) in 1973, and (presidential) in 1976. By that time, however, elections may prove to be as significant as Mexico's where the embarrassed party in power, as secure as Queen Elizabeth on the throne, practically has to subsidize the opposition, in order to put on the periodic charade. The differences however are considerable, because the economic program of Mr. Allende, unlike that of Mexico's PRI, is based on chimera. And when that happens, it eventually transpires that you cannot eat chimera. And when *that* happens, the government is either overthrown, or else it rules by the lash.

THE PROGRAM IN CHILE

Santiago, February 4.—A few rules of the game. 1) In Chile, the word "Marxist" is used with extraordinary latitude, primarily because it isn't a term of abuse, so that people don't mind if, by mistake, you called them "Marxist." A Marxist in Chile can be anyone ranging from Norman Thomas to Leon Trotsky. 2) Allende is a Marxist, but not a "Communist," if by Communist you mean, on top of the obvious things, someone who believes a) in subservience in international affairs to the Soviet Union; and b) the elimination of the private sector. Recently Allende repeated, for the tenth time, that he will not subordinate his foreign policy to any other country's (and I believe that those are his intentions); and, in an interview with a left-wing Peruvian paper, that he seeks to nationalize only 120 out of the 35,000 business enterprises in Chile (in contrast, say, with Castro, who eighteen months ago nationalized even the kiosks).

Now that is a little disingenuous, because in Chile, the 121st largest company is probably engaged in selling goldfish. Still, the attitude is revealing, but the crunch comes by considering what in fact the Allende government intends to do.

It should be recalled that even before Allende, the government was "socialist" by any common understanding. The government, pre-Allende, owned major companies, and controlled a number of others; controlled prices; set wages; restricted the movement of capital; and dominated all the most active labor unions.

The Allende enterprise is described by students of the subject in Santiago as a venture in "post-Keynesian structural economic rearrangement." The idea is this: If you have a country which is under-industrialized, you need to do two things simultaneously. 1) You need to provide the capital with which to industrialize. 2) You need to create a consumer demand (a "felt" demand, they call it) for the production of the new industrial plant.

Now—the reasoning goes—if you simultaneously control a) credit, and b) the labor unions, why can't you simulaneously a) lend to industry (which of course has been nationalized) the money it needs to expand its capital plant; while b) stuffing money into the hands of the workers, so as to leave them with a surplus which can be used to buy up the production of your new industrial plant? To be sure, there is the time lag. Ah-hah. The time lag is coped with by virtue of two assets. The first is the splendid surplus the government now has (over $350 million U.S.), which is the result of the high price of copper over recent years, plus U.S. aid; and second, the powers the government enjoys to keep the national currency (the escudo) protected against disdainful handling by the hard currencies. If the government says: the escudo shall trade at fifteen to one dollar, and anyone who trades it higher will be sent to jail, you have a potent instrument. Today you can buy escudos at 30-1—so much for the market's confidence in Mr. Allende.

An economist-journalist, mediating on the Allende plan, commented: Well, maybe it will work. If it does, all we'll have to do is tear up every economics textbook ever written.

The trouble of course is that notwithstanding that the Allende government enjoys certain important, and altogether adventitious advantages (for every cent that the price of copper rises, Chile benefits by $23 million per year), inflation is going to take over internally. And the trade unions will be the first to see through the chimera—by demanding wages that stay ahead of inflation.

But insofar as they succeed in getting them the felt demand for the products of the new industrial plant wastes away, because the workers are left, substantially, with only living wages. It is at this point that the government will need to act: to repress the demands of the workers, to devise the means of importing what the manufacturers need in order to increase production; to look beyond the resources they now enjoy on account of their diminishing trade surplus: and to wonder where, where, will they get the hard currency.

By ecnomic inducements? Impossible. The essential commitment of the country is against privately owned capital, and anyone investing in Chile today is better off buying the Brooklyn Bridge. Therefore? Political inducements? The United States is not likely to be interested. Europe and Japan, eschewing ideology, and essentially unaffected by what has gone by, are keeping their eyes open for economic opportunities. But Chile isn't likely to offer many, in its tatterdemalon state, except such receivership as Chileans, whether for or against Allende, would not accept. Russia? There is the possibility, and notwithstanding Allende's nationalsm. But Russia would only be interested in Chile if it proved that to rescue Chile would be grievously to hurt the United States: and it is this relationshp that now concerns us.

U.S. DILEMMA

Santiago, February 8.—What can the United States "do" about Chile? On the one hand it would be pointless to look out for, let alone to manufacture, reasons for a confrontation—nothing would more quickly serve the purposes of the Allende government, which can count on Chilean nationalism above all things. On the other hand, it would be foolish to subsidize in any way Chile's venture into a kind of autarkic socialism. In Lima, a calm observer of the Chilean situation remarked that if Chile succeeds, you can forget about the rest of South America—every country there will take the Chilean road.

Now this doesn't, unfortunately, mean that the reverse is true—that if Chile fails, so also will socialism fail as a lure for other countries. Even as Castro is thought to have done it wrong in Cuba, others will come up in the years ahead with careful studies showing how Allende went wrong, busting to try it themselves. There are no permanent victories, Burke said; even as there are no permanent defeats.

But such is the general demoralization that some Americans are actually asking, "What interest does the United States have in Latin America? Why should we be concerned? Why should we do anything at all?"

Ten years ago John F. Kennedy's Inaugural Address, promising that Americans would endure any sacrifice to contain the enemies of freedom, was toasted from the *Washington Post* to the *New Yorker,* and back, as the essence of the American chivalry. On the tenth anniversary of that address, references to it are almost uniformly embarrassed: America has gone out of the business of defending other countries to defend themselves against totalitarianism, certainly if it is home-grown, and not impossibly if it is imported: Vietnam was our last, embittered, Hurrah.

But it pays to dwell on what are the consequences of a nationalistic, exploitative, tortured Allendeism, spread throughout Latin America. If we intrude in Latin America, we will make enemies. If we hold ourselves aloof from Latin America, we will make enemies: very simply because we coexist with countries that haven't made it. It is the application of the national code to international affairs. The very few wealthy people in Chile (and in Peru) are the lightest of burdens on these countries. Take away everything they have, give it away to the people, and you get one Roman candle each for the objects of Chilean compassion. A young lawyer was present when Adlai Stevenson, touring Latin America a few years ago, said to President Alessandri that, really, he thought it only right to take the land owned and worked by Chilean *hacendados,* and turn it over to the people. To which President Alessandri is said to have replied, "Mr. Stevenson, before I would be inclined to take from Chileans what they own, and earned, I would find it more reasonable to take from Americans what they own, and earned."

Now that has been done, and the question is whether the passion for redistribution will be confined within the political boundaries of individual nations. President Allende says that he will not "export" his revolution, but President Allende is already disdained by his left-wing as a compromiser who does not understand the nature of the grand international undertakings of which he is purely a temporary useful instrument. He is the wave of the immediate, not the strategic future. And although it is comfortable to suppose that the United States can graze contentedly in its own pastures on through the years ahead, without regard to what happens elsewhere, the dynamics of world politics are against it. We will earn the respect of the rest of the world either because it admires us or because it fears us: or, the rest of the world will show us what happens to great powers that are captured by solipsistic reveries.

The safest thing to do is also the generous thing to do. It is to try to help those nations that are skeptical about the Chilean way. Not—needless to say—by sending down the Marines. But by encouraging the leaders of the resistance to Allendeism. By giving them the information and technical advice they need. By inviting them to the United States, to examine the other way. By publicizing the failures of Chile, and of Castro: and for that matter of China, and the Soviet Union. This is not a pentecostal solution, shining with flame and fire and baptismal conversions. It is a way; an approach, requiring patience, ingenuity, self-confidence. An American graduate student, doing his dissertation in Santiago, after two years in the Peace Corps, tells me he wishes that those students in America who want to politicize the universities might spend a few weeks at the University of Chile. He reflects that the Peace Corps was good for him, even though it didn't accompish very much for the Latin Americans he was supposed to help. There being no other silver lining around, one wonders whether the Chilean experience mightn't, at least, be helpful to America?

[From the Washington Post, Mar. 6, 1971]

Press, Courts Become Issues on Chile's Road to Socialism

(By Lewis H. Diuguid)

Santiago, Chile.—Peaches are as big as melons on the street vendors' wagons, and the late-summer sun is hot here as usual, but this year there was no vacation for Chile's politicians.

In the Congress, key initiatives are blocked by the opposition parties that form a majority when they work together. To overcome that, President Salvador Allende's Popular Unity coalition is taking the issues to the voters in municipal elections scheduled for April 4.

The press and Chile's nearly sacrosanct judiciary have become political issues, and a recent event touching both institutions helps define the new atmosphere in Chile as it travels the road to socialism.

When the Communist Party's new girlie-scandal daily newspaper, Puro Chile, accused three conservative senators of plotting against the government, the senators took the paper to court, and the courts ordered a three-day shutdown of the paper. Papers shut down in the past took such court orders seriously—but not this paper, owned by the largest party in Allende's ruling coalition.

It appeared intact the next day, under the name Dulce Patria—"Sweet Fatherland" like "Pure Chile" a phrase from the national anthem. The banner headline said "Puro Chile" in large letters—and "did not come out today" in wee ones. A photo showed the editors convulsed in laughter; below it was a story listing the senators of Popular Unity affirming their solidarity with Puro Chile.

Puro Chile is itself a clear copy of an independent paper called Clarin, which won relatively high circulation with its naughty style. Clarin's editors are mostly far to the left of the Communists.

PUBLISHERS' WOES

Clarin is one of two publishing houses whose unions, controlled by the Communists or other Popular Unity parties, are demanding wage increases that management—and disinterested observers—say would mean bankruptcy.

The other publisher is Zig-Zag, owned by Christian Democratic leaders ousted from government by Allende's electoral victory. When this conflict went to a government arbitrator, he sided with the workers; later, the government announced that it had bought the Zig-Zag plant and presses.

The announcement said the old owners could contract with the government to keep printing. But while politically unimportant publications might thus survive, Chile's only serious news weekly, Ercilla, will almost certainly disappear, come under government control, or be forced to seek other presses.

Shakeout and shakedown of the press is a traditional post-electoral happening in Chile, but with the government and labor working in tandem the effort this year is more rigorous.

"There is a very serious and strong intent to monopolize the media in the hands of the government parties," said Senate President Patricio Aylwin, a Christian Democrat. But he said that specific abuses of power, with the methods being used it was impossible to point to and he acknowledged that the daily brought out recently by his own party has suffered no restraint of press freedom.

The case with international repercussions, the plight of the Mercurio newspaper chain, is also the most closely watched here.

Mercurio is owned by the Edwards family, Chile's most successful practitioners of private enterprise. The paper reflects that view and, thus, conflicts absolutely with the socialist Allende.

But Mercurio board president Fernando Lenis showed dismay at statements by Inter-American Press Association members suggesting that the paper was under government attack. Lenis denied any government campaign against the paper, though he did say he felt the Communist Party was determined to destroy Mercurio.

The distinction between activities of the Communist Party and those of the Allende government is a subtle one that only the more careful critics make.

Communist labor and youth organs—the sole effectively controlled force of slogan painters and leaflet passers—came out in force against the Supreme Court after it refused to lift the immunity of a senator called to testify in connection with the killing last October of armed forces commander Rene Schneider.

COURT PROPOSAL

Coincident with the Communists' attack on the Supreme Court was Allende's publication of proposed legislation to create neighborhood tribunals, as promised in the Popular Unity electoral platform. The fate of this proposal illustrates Allende's weakness in Congress.

While opposition leaders agree that Chile's lower courts are overburdened, they say that Allende's proposal for courts independent of the judicial heirarchy would lead to political abuse. Under the proposed system, two of the three "judges" of a neighborhood court would be elected in the jurisdiction and the third would be named by the area's governor. They would deal with misdemeanors only.

To pass the legislation, Allende needed the support of the Christian Democrats, the largest minority in Congress. In caucus, the Christian Democrats voted not to support the proposal, and Sen. Aylwin said he is certain of party discipline on the issue.

On Thursday, Allende withdrew the bill. But Aylwin and many others assume that Allende will attempt to use the results of April's municipal elections as a mandate to Congress to pass such legislation.

MUNICIPAL ELECTIONS

Ordinarily, the municipal elections would be seen as an inconclusive indicator of party popularity, since they involve local issues. But this time the results will be read strictly according to party performance. At the same time, the Christian Democrats and the Marxist-populist coalition will be competing for the senatorial seat vacated by Allende.

If the Allende coalition exceeds the 36 per cent of the vote it received in its September presidential victory, as it is widely expected to do, and if Congress still rejects such bills as the court revision, Allende will call for a plebiscite.

Aylwin predicted as much, and said: "If he proposes a plebiscite on the courts issue he will lose it."

Allende said he would quit if voted down on a plebiscite.

If the matter should come to a plebiscite, the neighborhood courts question might be combined with a proposal to dissolve the two-house Congress and replace it with a "People's Assembly"—which would also take over the powers of the Supreme Court.

While the Congress has been confined to passing issues that find some favor outside the Popular Unity, Allende's Communist-led economic team has been using its considerable powers to change structures without legislation.

For instance, legislation to buy out the private banks may be unnecessary, since the state is offering such favorable prices for shares that the owners are selling voluntarily—influenced, to be sure, by the awareness that sales later will be at lower prices, paid more in bonds than in cash.

Santiago's generally small-scale, high-profit industries are being squeezed between fixed prices and increasing wages, while their all-important credit sources are drying up. The process is one that most non-Marxist economists always felt was necessary, though brutal, but politically unacceptable.

Among the bases of the Popular Unity coalition, even complete squeezing out of the business class would be a political asset. The businesses that survive this process will be beholden to the government, and in most cases they will be fully in government hands.

ECONOMY'S OUTLOOK

But unless the government can rapidly replace private investment with its own—an effort at which past governments were never very successful—the economy can be expected to stagnate for months or even years.

With the government forcing a holdown on prices, and with new investment limited, the quality and variety of goods available is already diminishing. Variety always was limited—two grades of milk, two styles of bread. Now there is only one style of each of these staples, a change billed as eliminating the privilege of those who bought the more costly bread and milk.

Whether, in the long run, the government can increase the supply of acceptable goods may turn out to be a major test of the Allende coalition's enduring popularity.

In the short run, the problem is a high and growing rate of unemployment. There are also some indications that members of the managerial class will leave Chile for better pay elsewhere. As a result, a measure that would have drastically limited the top permitted salary has quietly been dropped.

Perhaps in anticipation of a clearer mandate following the April elections, the Marxist economists have concentrated on domestic rather than international aspects of their program.

NATIONALIZATION PROGRAM

General outlines of the nationalization of American copper holdings have been announced. Allende rejected the expedient approach of legislation in favor of a more time-consuming amendment of the constitution.

One close observer thinks that Anaconda, with millions at stake, is being allowed to take de facto compensation for property by holding back on what it pays the state for sales of its copper on the international market.

By this route, when the actual takeover comes Allende could avoid the unpopular act of paying Anaconda out of Chile's reserves.

These reserves—close to half a billion dollars, thanks to copper profits—form a cushion for what could be a difficult economic period.

For many Chileans questioned, the test of Allende's performance is in the social field rather than the economy.

RULE OF LAW

A socialist professor who has opposed Allende in the past declared that the president is exceeding all hopes in making necessary changes within a democratic framework—and that he will control the Communists rather than being controlled by them.

Others see in such incidentals as the Puro Chile case a deference to the realities of political power at the cost of the country's dedication to the rule of law.

The depth of that dedication may have been reflected the other day on the main street when national policemen accosted one of the peach vendors pushing his cart along in traffic.

A recent ordnance bans the wagons from principal arteries, but the enraged vendor's protests drew a sympathetic nod or two from the crowd.

Then a worker, standing stiff in a cheap suit, and obviously no more than a generation removed from the Mapuche Indian reserves in the south, summed up the matter and dispersed the crowd:

"The law is the law, and it must be obeyed."

President Allende has said pretty much the same thing, and so has the Supreme Court. Chileans of differing stations are watching each other uneasily to see just what is meant by "the law."

REVENUE SHARING

Mr. SCOTT. Mr. President, yesterday President Nixon submitted to Congress his revenue-sharing program for Rural Community Development.

This is the fourth such special revenue sharing proposal from the President this month. Each has been accompanied by a fact sheet, and a breakdown as to what each State's share would be under each program.

The chronology of these special revenue sharing messages is as follows:

March 2, Crime Control and Improvement of Criminal Justice.

March 4, Manpower.

March 5, Urban Community Development.

March 10, Rural Community Development.

Mr. President, these are extraordinarily important proposals, intended to revitalize the American federal system of government.

They represent a genuine attempt to challenge the trend toward an overcentralized bureaucracy, which traditionally is the bane of all forms of representative government.

I would hope that Congress will respond in a constructive manner to this challenge.

RAILROADS IN CRISIS—A CRITIQUE BY SENATOR HARTKE

Mr. CANNON. Mr. President, the Senator from Indiana (Mr. Hartke) recently delivered an excellent critique of the congressional attitude toward the problems of railroads. The occasion was a briefing conference entitled "Railroads in Crisis," and was sponsored by the Federal Bar Association and the Foundation of the Federal Bar Association in cooperation with the Bureau of National Affairs, Inc. Senator Hartke, as chairman of the Senate Subcommittee on Surface Transportation, has conducted numerous hearings, led committee discussions, and floor-managed several bills affecting the railroads. He is uniquely qualified to discuss the subject. I commend his statement to the Senate for review and ask unanimous consent that it be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Railroads in Crisis

(Speech by Senator Vance Hartke, Mar. 8, 1971)

It is with great pleasure that I join you in this timely and important briefing conference on "Railroads in Crisis." At the outset, I should like to pay my respects to the host organization—the Federal Bar Association. Now entering the second half of a century of service to the Federal legal profession, the Federal Bar Association has a commendable record of assisting in the development of the substantive law, while at the same time according deserved recognition to the practitioners in Government. Anyone who has been on the Washington scene any length of time cannot help but be impressed by its endeavors and its accomplishments.

Similarly, anyone who has been on the Washington scene any length of time cannot but have developed admiration and respect for the Conference Chairman, Mr. Joseph Borkin. A New Dealer who has continued to be in the swing of things into these turbulent '70's, Mr. Borkin long has enlivened this city with his wit and erudition. I am pleased to share this platform with this urbane man, and to note that his absorbing book on Joseph R. Young would serve as an apt introduction to today's discussion.

The topic before you, "Railroads in Crisis," as I have said, is a timely and important one. I am not given to being an alarmist, and yet I feel that the words employed are no more extreme than the situation in which we find ourselves requires. And I am heartened that as large and as knowledgeable a group as this should be devoting two days of analysis to the problems besetting the railroad industry.

Certainly, at a time when the nation's largest railroad is in bankruptcy, and when other significant lines are on the verge of bankruptcy because of recurring and staggering losses, it is no exaggeration to say that the railroads are in crisis.

Certainly at a time when prominent railroad officials and directors are disclosed as having used their positions for individual gain and others are acknowledged to be fleeing the industry to find better and more attractive investment opportunities in other and unrelated businesses, it is no exaggeration to say that the railroads are in crisis.

Certainly at a time when the shippers of this Nation are confronted by deplorable and deteriorating services on the rails, when they cannot get cars as they need them and when the cars they do load are delayed or altogether lost in transit, and when they nevertheless must pay ever-increasing charges for such services, charges so exorbitant that they are being driven to other modes of carriage, it is no exaggeration to say that the railroads are in crisis.

Congress is aware of the industry's situation and has attempted to provide solutions to some of the rail industry's problems that most directly touch the public interest. The 91st Congress was a landmark in transportation legislative activity, and let me add somewhat immodestly, that much of it originated in the Surface Transportation Subcommittee. But, Congress' work only *began* last Congress; I expect much more to be done in the coming years.

Perhaps, the most significant transportation achievement of last Congress was the Rail Passenger Service Act of 1970. The Act created a quasi-public corporation to take over operation of most of the passenger service in the nation. The Corporation's directors were confirmed on December 30 and are now working to commence operation before the statutory deadline of May 1. At that time the Corporation will have contracted with certain carriers to perform passenger service and those carriers will be free to terminate their other passenger operations.

The National Rail Passenger Service Corporation was born of a crisis of the most advanced stage. The 20,000 passenger trains of 1929 have dwindled to today's 400. Abetted by Government preoccupation with help to highways and aviation and the tremendous popularity of these modes, changing public demand for rail passenger service convinced the railroads that passenger service was no longer profitable. As they sought to discontinue one train after another, they chanted the litany that passenger service was bankrupting the industry. And there was a measure of truth to their refrain.

Congress, recognizing that the automobile and the airplane have created problems of an economic and ecological character, believed that rail passenger service had to be preserved in order to help develop a balanced transportation system. And it further concluded that the Government would have to step in if even a small portion of the rail passenger system were to be preserved.

Thus the passenger service crisis produced a new element in the rail industry—a quasi-public Corporation dedicated to providing service. The new Corporation also provides the opportunity to make a fresh start at rational, modern service, unencumbered by the industry's dated practices. If the Corporation proves successful, it could provide the basis for confronting other industry problems.

Another very significant piece of legislation was the comprehensive rail safety legislation. Throughout the history of railroad and Government regulation of railroads, there have been attempts to develop a comprehensive rail safety program. None had been successful. Previous safety legislation had been directed at specific hazards and was chiefly designed to protect those who operated the trains. Meanwhile, technology proliferated the ranks of hazardous substances. Biological weapons, nerve gas and other chemical warfare materials of industry are now transported through our nation's cities and countrysides. Too often, set off by accidents, they have a destructive potential far exceeding the capability of local authorities to deal with them.

Deteriorating financial strength and lagging initiative have meant that a large segment of the rail industry has not improved, or even maintained its facilities at a time when failure of those facilities might bring disaster to entire communities. In recent years, rail accidents have increased at an alarming rate—up to 92% since 1961.

Last year we finally succeeded in a first step to reverse this dangerous trend. Authority over all matters affecting safety in the nation's rail was given to DOT. Further, in recognition of the immediate concern of rail safety to the states, the Act permits them to participate in rail safety regulation. We expect to receive from the Department of Transportation a set of national rail safety standards about eight months from now.

We naturally hope that these two pieces of legislation will contribute to rebuilding a sound rail industry. But the crisis in the industry has forced Congress to further action.

Virtually the last act of the 91st Congress was passage of the Emergency Rail Service Act. Very reluctant—as debate in the Senate indicates—to come to the financial assistance of railroads, Congress acted only when it became apparent that the Penn Central would cease operation before Congress could reconvene. In the end it passed an acknowledged emergency measure. Evidence had been submitted showing that shutdown of the Penn Central would result in a 3% decline in the National GNP and a 3% increase in national unemployment within 8 weeks. In the eastern district the impact would be doubled. Not only would there be severe economic repercussions, but health would be endangered because food and fuel could not be supplied to large eastern metropolitan areas.

Enough assistance was provided by the Act to stave off this result for a few months. Some self-help measures by the railroad and a strengthened economy could postpone the "judgment day." But the present Congress was left to devise a more nearly permanent solution for the Penn Central and the rest of the industry.

The Penn Central debacle has brought the sickness of the rail industry to the fore. We suspect that the Penn Central is not an isolated instance. Although it has its peculiar problems, to be sure, I believe that what we learn in unraveling the story of its collapse and by watching the trustees' attempt to reassemble the railroad will throw light on approaches to solution of industry-wide problems.

A few observations can now be drawn from the Penn Central example. First, Congress is not eager to put up money for the railroads. The Administration's attempt to obtain permanent authority to guarantee $750 million in loans in order to keep railroads out of bankruptcy went nowhere last June and, despite the industry's continuing ills, has not demonstrated a flicker of revival.

The measure that Congress finally passed is quite different from the Administration's proposal: it is intended to prevent cessation of essential rail service, not to prevent railroad bankruptcies. It does not protect and preserve existing management as the Administration's bill would. Where the Administration's bill gave almost unrestricted authority to guarantee loans, the Emergency Rail Services Act is very restricted in scope and requires findings demonstrating the pendency of a railroad's last rites before a loan guarantee can be given. Finally, the amount of money was trimmed down to $125 million—about 15% of the Administration's figure. Nonetheless, and even in the face of a very real threat to the nation, this greatly limited measure faced strong opposition.

The lesson is clear that, despite the industry's continuing financial problems, the public treasury is not going to be its salvation—at least not as the industry is now constituted. Public funds will be made available only as part of a substantial overhaul—as with the Rail Passenger Service Corporation.

It is also clear that industry dogma must be reexamined. The Penn Central's collapse throws into serious question the idea that mergers between railroads are the answer for sick roads. Further, evidence uncovered to date indicates that conglomerate mergers were not the remedy for the Penn Central's low earnings. Penn Central's diversification program appears to have had the following effects: management's time was diverted from solving the hard problems of the railroad business to buying easy profits—and short-lived, paper profits, at that—in other companies. Cash that the railroad desperately needed was drained off in two ways: high dividends were paid to keep the Penn Central's stockprice high and to make it an attractive merger partner. In addition, cash was funneled downstream to the conglomerate's subsidiaries. When the real cash pinch came, the subsidiaries were as short of cash as the parent railroad and could not give it the help it needed.

I imagine Congress will look at conglomerate mergers in the transportation industry with a deeply suspicious eye. The ICC in the last Congress asked for new statutory authority to require reporting by conglomerates. But the answer may lie more with prohibiting such mergers than with reporting their transactions. Measures to force railroaders to turn their attention back to railroading may well become popular.

Another example of changes in industry practice is in the area of equipment and, specifically, freight cars. The weak financial condition of some carriers and high interest rates have limited railroad investment in new or rebuilt equipment. The ICC reported in 1969 that the average freight car carried a revenue-producing load only 6% of its time and travelled only 32 miles a day. Thus, the car shortage problem has expanded from being a seasonal concern of Western grain farmers to a year-round affliction of most industries in every part of the country.

Freight car problems are not new. The industry has fought over them for years. The battle has spanned 17 years to date and ranged from the ICC to the Supreme Court to Congress. Meanwhile, the shippers suffered. Congress will undoubtedly renew its efforts to solve this perennial problem.

Along with questioning of industry practices, the crisis in railroads also opens the door to questioning the government's role. The ICC—charged with responsibility for regulating the industry so as to insure its well being in the public interest—comes quickly under suspicion as the industry weakens. Senator Mansfield has introduced a bill for abolition of the Commission. The Council of Economic Advisors and the Antitrust Division of the Justice Department have called for reduction of the Commission's regulatory powers and for increased reliance on competition to protect shippers and public alike.

These proposals raise important issues and their supporting arguments are persuasive. They cannot be dismissed as reckless extremism. As Chairman of the Surface Transportation Subcommittee, I intend to see that they receive the careful consideration they merit. However, I am not yet convinced that as drastic a remedy as the ICC's abolishment is warranted.

Regulation, perhaps up-dated to account for modern circumstances, may well be necessary to protect the interests of shippers and consumers. The clash of countervailing forces between carrier and shipper may not adequately serve the public interest. And competition between carriers not channeled by regulation might well be insufficient to protect the interests of smaller shippers.

If unregulated competition may not work, we cannot realistically expect Congress to be able to pick up the burden of legislative decisions that are now made by the ICC. Congress is already overburdened with responsibilities it cannot avoid. And for Congress to assign such regulatory tasks to the Executive Branch of the Government would result in a distortion of the function performed by the Executive and Legislative Branches. Moreover, I for one, am not willing to hand over the tasks of decision making in this important area of the economy to what necessarily must be a politically attuned Administration.

Thus, unless it can be shown that competition can do the job, we may be forced to rely on some form of regulation, and that probably means retaining, in one form or another, some kind of regulatory agency.

Let me end today with the observation that nationalization has appeared to some to be a simple answer to the railroad's crisis. And, because of frustration with the industry's complex problems and prolonged crisis, it is no longer a nasty word on the Hill. But its implications and costs have not been explored and I think that they will prove prohibitive. Even assuming Congress were willing to appropriate enough funds for initial acquisition, I am not convinced that Congress would be willing to appropriate the funds which might be necessary to keep the nationalized railroads in operation. But, as I indicated earlier, a thorough examination of the prospects for nationalization or partial nationalization have not yet been made. And response to a crisis could result in drastic action.

Short of nationalization, Congress might consider purchasing the railroads' track and roadbed and maintaining those facilities through user charges. I suggested this in hearings some two years ago, and while the response generally has not been unfavorable, here again we must consider the willingness of the government to bear the costs.

There are other possibilities. It has been suggested that the railroads be allowed to abandon more speedily unprofitable and unnecessary lines. While this solution might arguably be in the best interests of the railroad industry, it may not serve the interest of the shipping public—these interests must be balanced. I am of the belief that the community affected should have some control over its own destiny and so should the local businesses most directly affected by track abandonment. We recognized this interest in drafting the Rail Passenger Service Act. In that act we provided the community with an opportunity to retain or obtain service if the community (state, local, or regional agency) were willing to share the costs, up to two-thirds of the total. Certain practices of the electrical utility industry may provide help in fashioning a suitable answer. We are at the present time exploring this avenue.

I am hopeful that we will have the time and support of public-spirited citizens needed to work out and implement the preferable alternatives of reform of industry and governmental institutions.

UTAH'S BRIGHAM CITY LEADS THE WAY IN BEAUTIFICATION

Mr. BENNETT. Mr. President, since the early years of its pioneer history, Utah has shown exemplary civic pride that consistently has resulted in clean, healthy towns and cities.

This tradition, I am pleased to report, is just as much alive today as it was more than a century ago when the early settlers pooled their efforts "to make the desert blossom as the rose."

Nowhere can the fruits of civic pride and concerned leadership be better demonstrated than in the northern Utah town of Brigham City. This lovely town of 14,000 persons has won 6 national beautification awards in as many years, including a 1971 Distinguished Achievement Award.

The philosophy of community involvement that has resulted in this outstanding record is well illustrated in the work of Brigham's mayor, Olof Zundel. A newspaper article details Mayor Zundel's outstanding leadership, and the fine work of the citizens of Brigham City in making their town a genuine showplace.

In hereby congratulating and honoring Brigham City, I likewise pay tribute to the 11 other Utah towns which have shown similar pride and which also have been honored this year with national beautification awards. They include: Distinguished Achievement Award—American Fork, Fielding, Henefer, Huntington, Hyrum, Lehi, Mona and Vernal. Honorable mention—Orem, Roy, and Santaquin.

Mr. President, I ask unanimous consent that the article published in the February 20 Deseret News be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Mayor Zundel: Proud of His Beauty Queen

(By Harry Jones)

Brigham City.—Olof is head over heels in love with a beauty contest winner. And he likes to talk about her—five minutes or the whole day if the listener has the time.

Olof is Olof E. Zundel. His love story is the story of the town of peach fame—Brigham City—winner of six national beautification awards in as many years.

Olof just happens to be the mayor of the city. He is one politician who is really cleaning up—with the aid of 14,000 other civic minded ctizens of the town. He is in his second year of his second four-year term.

And while Olof may be cleaning up making Brigham City one of beauty, he's in the hole a bit financially. He is a Main Street merchant operating "His" and "Hers" apparel shops.

He figures that the time spent being mayor and away from his business has cost him in the neighborhood of $10,000—and that is an expensive neighborhood.

"Any love worth anything at all costs money," says Olof philosophically.

As mayor, Olof makes $2,100 a year. He and the other members of the city council have the power to raise the salaries of elected officias. Olof frowns upon the practice.

"It irritates me to see Congressmen, state, county or city officials raise their own salaries," said Olof.

He did suggest some sort of legislation making it illegal for an elected official to raise his own salary unless the same official faces an election before the raise becomes effective.

"It's a civic responsibility to become involved in government. If you feel you have a service to offer, then you owe it to your community," he said.

After his first term as mayor, Olof decided not to run. He felt that there would be other men who should have the chance.

His announcement wasn't understood.

"Who do you think you are—not wanting to run?" his supporters asked.

There were many things still undone so Olof's hat was in the ring again. When the votes were counted, Olof was back at the same old stand.

Olof didn't do it alone, and he is the first to point it out. The secret of Brigham City's success story is citizen involvement. Olof points with pride that there are about 150 citizens of Brigham City serving on various committees—working hard and without pay. It is citizenship at its best, instilled by Olof, his enthusiasm, his confidence in the future.

He would be the last to claim the leadership.

Olof can't walk down the street without calling someone's attention to the many litter cans along the street. They were painted by a youth organization as their part of the beautification program. The kids painted and trimmed the cans to suit themselves—polka-dot and psychedelic—each different.

It gave the youngsters a chance to be part of a city program. They had pride.

It wasn't all a bright picture with Brigham's youth. The city had its share of drug problems. Citizens tackled the problem with the same enthusiasm as they did in beautifying the city.

Under Olof's guidance the community, the school, parents, and religious groups became involved with the orientation and education about the drug problem.

It was a widespread program. Police officers report that the use of drugs is down about 60 per cent since the organization of the committee.

Youth of Brigham also have a large part in governing themselves. The mayor and the council made space in the new community center available for club rooms. The young people have their own committee to run the club.

It was through Olof's leadership that public enemy number one was banished from Brigham City. The parking meter is no longer found on Brigham City streets. The city has purchased off street parking property. It's part of the beautification program.

New parks, a terrific senior citizens program, a beautiful new museum and art gallery, a program to sell homes left vacant by a reduction in force at Thiokol, plus a program that filled 10 of 13 vacant business buildings in the area have helped Brigham City pull itself up by the bootstraps.

And Olof did a lot of the pulling.

To walk down the street with Olof is to be greeted by about everyone coming in the opposite direction. How Brighamites feel about Olof was indicated as he posed for the picture by the "Welcome to Brigham City" sign.

A group of high school students driving by yelled "Hi Mayor Zundel". The words were spoken with affection. It seemed to wrap it all up just how the majority of all Brigham City people feel about their mayor!

RULES OF COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. McGEE. Mr. President, I submit for printing in the RECORD a copy of the rules adopted by the Committee on Post Office and Civil Service. Under the provisions of the Congressional Reorganization Act of 1970, the rules of each standing committee must be printed not later than March 1. Three members of our committee were absent from the Senate on official business from January 25 until February 26 and our first meeting was not held until today. I ask unanimous consent that our delay be pardoned and that the rules be published in the RECORD, as required by law.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES FOR COMMITTEE PROCEDURE, SENATE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Rule 1. Five members of the Committee shall constitute a quorum for the transaction of such business as may be considered at any regular or special meeting of the Committee, except that, for the sole purpose of taking testimony, sworn to or otherwise, a quorum of the Committee, or a subcommittee thereof, shall be one or more Senators. No members of the Committee shall, for the purpose of determining the existence of a quorum of the Committee, be deemed to be present unless he be personally present.

Rule 2. Unless otherwise ordered and notice given, the Committee shall meet for the transaction of its business while the Congress is in session as follows: The second and fourth Tuesdays of the month at 10:00 a.m. Additional meetings may be called by the Chairman as he may deem necessary.

Rule 3. The Committe shall keep a complete record of all Committee actions. Such record shall include a record of the votes on any question on which a record vote is demanded.

Rule 4. No vote cast in the Committee or any subcommittee by proxy shall be counted; but a written communication from an absent member, giving a clear statement of position on the specific subject, shall be counted as a vote.

Rule 5. It shall be the duty of the Chairman to report or cause to be reported promptly to the Senate any measure or recommendation approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

Rule 6. The Committee shall, as far as praticable, require all witnesses appearing before it to file in advance written statements of their proposed testimony at least 24 hours before hearing, and to limit their oral presentations to brief summaries of their argument. The Committee staff shall prepare digests of such statements for the use of Committee members.

Rule 7. All hearings conducted by the Committee, or its subcommittees, shall be open to the public, except (1) executive sessions for marking up bills, or (2) for voting, or (3) where the Committee, by a majority vote, orders an executive session.

Rule 8. When a nomination for an appointment is referred to the Committee, the name of the nominee shall be referred to both Senators from the State in which the nominee resides. If no objection is made by either Senator within 30 days of the date of referral or if no response is received during that period, the nomination shall be considered as not having been contested.

Rule 9. Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be reported to the whole Committee by a subcommittee, there shall be placed before the whole Committee a print of the statute to be amended or the part thereof to be repealed (together with the citation thereof), showing by stricken-through type the portion or parts to be omitted, and in italics the matter proposed to be added.

Rule 10. The Chairman may name standing or special subcommittees to which a bill, resolution, or nomination may be referred, which subcommittee shall consist of not less than three members, one of whom shall be of the minority; if the subcommittee consists of five members, two shall be of the minority; if the subcommittee consists of seven members, three shall be of the minority.

Rule 11. Whenever a subcommittee delays in reporting more than 30 days (except when time is extended by the Committee), the matter may be withdrawn by the Chairman and submitted to another subcommittee, or considered by the whole Committee.

Rule 12. Subject to statutory requirements imposed on the Committee with respect to its procedure, the Rules of the Committee may be changed or suspended at any time; provided, however, that not less than two-thirds of the entire membership so determine, at a regular meeting with notice of the nature of the change proposed or meeting called for that purpose.

Rule 13. The Chairman of the Committee and the ranking minority member shall be ex officio members of all subcommittees with full right to participate in all proceedings thereof, and shall be allowed to vote as members of any subcommittee.

Rule 14. The Chairman shall be given authority to appoint the staff members and clerical assistants to assist the Committee in its work; provided, that the ranking minority member of the Committee shall be given authority to select one professional staff member and one clerical assistant. The Chairman shall select the official reporter or reporters to serve the Committee.

Rule 15. Meetings of the Committee shall be open to the press except (1) executive meetings to consider nominations for public office, or (2) when otherwise directed by the Chairman or majority vote of members present. The Chairman may grant or deny the privilege of broadcasting meetings of the full Committee. The Chairman of any subcommittee shall have the same power with respect to such subcommittee.

Rule 16. Proceedings in executive sessions of subcommittees may be released to the press and other interested parties unless the subcommittee chairman or a majority of members present otherwise direct.

UNCONVINCING NONPARTISAN IMAGE OF "COMMON CAUSE"

Mr. ALLOTT. Mr. President, I assume it has not escaped the attention of the Senate that Common Cause, the supposedly "totally nonpartisan" citizen's group headed by John Gardner, has recently seen fit to share some of its mailing lists with the Democratic National Committee.

The Democratic National Committee used the mailing lists in a fund raising effort.

Unfortunately for Common Cause, and for its vanishing image as a truly nonpartisan operation, the Democratic fund raising appeal arrived at many homes in the same mail which delivered a Common Cause mailing attacking the President's policy for ending the war.

Mr. Gardner is said to be very much upset about the damage this incident has done to his organization's image, but I do not think he should worry about it. The "nonpartisan" image of Common Cause is as convincing today as it has ever been.

REGULATION OF SURFACE MINING

Mr. BAKER. Mr. President, one of the President's domestic proposals that should be given priority consideration by this Congress is his suggested regulation of surface mining. The recently expanded demand for coal has greatly exceeded the readily available supply, and one result of this fact is a significant increase in strip mining.

Although it is virtually impossible to restore strip mined land to its original state, I have been encouraged by recent efforts of the Tennessee Valley Authority to develop effective restoration techniques. The Knoxville New-Sentinel of March 7 contained an article by Carson Brewer describing some of the TVA reclamation programs. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THIS IS YOUR COMMUNITY

(By Carson Brewer)

Nobody has found to way to make instant rose gardens out of strip-mined land, but TVA is getting almost-instant grass and using some other wrinkles that lessen the bludgeoning effects of strip-mining on the land.

It is a little ironic that three national organizations interested in furthering quality environment have sued TVA in connection with strip-mine operations.

If their intent is to try to stop strip-mining, maybe they've picked on the right agency as a starter. For TVA uses more strip-mined coal than any other utility in the country. But if their intent is to minimize the bad effects of strip-mining through improved mining techniques and reclamation measures, TVA was an unusual target for the first lawsuit. For it is the outstanding leader in those improvements in this region.

Strip-miners gash the mountainsides with cuts sometimes more than 150 feet deep on the uphill side—the "high wall." If a mountain contains several layers of coal, it will have several strip-mine gashes. If a coal seam lies near the top of the mountain, miners will rip up the entire mountaintop to get it.

HERE ARE SOME OF THE EVILS

Among the evils of stripping are:

1. Erosion of the bared and loosened earth, washing down the mountains and silting streams.

2. Uglification of the land.

3. Leaving land unfit for any other use for a half-century or more.

4. Combining of oxygen and water with exposed material to form sulfuric acid, which makes the land too acid for most plants and which gets into streams and kills the small creatures fish must have for food.

Have you caught any bass in Coal Creek lately? Not likely. The 10 miles of Coal Creek are among 135 miles in 29 streams in the Clinch River drainage which the State Game and Fish Commission says have been ruined or badly damaged by acid from coal mines. Not just strip mines. Deep mines produce even more acid.

But all this doesn't have to be. Or it doesn't have to be nearly as bad. A mine operator can take many precautions to avert erosion, to stop formation of acid, and to make the land green again and put it back into productivity almost immediately.

All these precautions cost money, though. And most miners won't bother with them unless a law or a contract requires it.

CONSERVATION CAN BE A SLOW PROCESS

One day last fall, I visited two mining areas with a group of conservationists. Our first stop was the top of Patterson Mountain, a knob of the Cumberlands rising 3170 feet above sea level behind Oliver Springs. The mountaintop couldn't have been more torn up if all the bombers in Indochina had unloaded on it.

To the untrained eye, the only visible reclamation evidence was a scattering of pine seedlings less than a foot high, each several feet from its closest neighbor. Expecting those lonesome little pines to halt erosion when storms lash the strip-mined mountaintop is like expecting aspirin to cure cancer. They'll help in a dozen years, after their roots have spread and deepened, after their crowns shelter more of the land, after their shed needles provide some cover for the soil. But lots of soil can wash away before a dozen years elapse.

Fred Wyatt, head of the Knoxville office of the State Division of Strip Mine Reclamation, fielded the questions on conservation.

He said state law requires 600 living tree seedlings per acre a year after the operator leaves the area. They usually plant up to 900 or 1000, hoping 600 will survive.

They do not have to plant the seedlings until the winter following the mining. If they'd rather, they may seed it to grass, of which at least a 70 per cent cover is required.

But Tennessee law permits a mine operator to make one cut along a mountain side during one year, come back and make a deeper cut along the same coal vein the second year, and then remove more coal from the same vein the third year with augers. And he doesn't have to plant trees or seed grass until all this is finished. However, he is supposed to control water runoff so as to minimize acid and silt.

CONTRACTORS REQUIRED BY TVA TO SEED LAND

Our strip-mine tour ended that afternoon with a visit to the Koppers Co. land above LaFollette. TVA bought the coal in this land several years ago and now is hiring contractors to mine it.

There was lots more green on the stripped land of the Koppers area than we'd seen on Patterson Mountain. This is because TVA requires the contractor to seed, mulch and fertilize all critical areas within a week after its final placement. But grass is not all. The operator plants trees and shrubs during the winter.

J. A. (Al) Curry, supervisor of TVA's Forest & Habitat Revegetation Section, formed for the specific purpose of figuring out ways of minimizing the evils of strip-mining, answered the questions on this part of the tour.

Al said TVA was testing new measures on the Koppers land. Pretty soon, he showed us some of them. They included some of the smallest, crudest dams TVA ever built. Al displayed little rock-and-earth dams across branches which have water only during wet weather. He showed us bigger dams in Ollis Creek, the major stream in the area.

Every dam is a silt trap. If soil escapes from the grass and tree roots on the spoil bank, the water carries it down the little hollows. Maybe the small dams will stop all of it. But if these overflow, carrying silt into Ollis Creek, the silt is supposed to settle to the bottom of the small lakes behind the dams on the creek.

Still another precaution against silting, Al said, is a regulation against any mining within 100 feet of a stream.

Two other precautions are aimed at preventing landslides off the spoil banks.

PRECAUTIONS CAN AVOID SLIPPAGE

The top of the ground is "scalped" before any cuts are made. That is, leaves humus and the like are separated from mineral soil and winrowed below the calcuated toe of fill material. This leaves only mineral soil piled on mineral soil in fills—nothing in between to cause slippage. The other precaution bars stripping any slope with a grade greater than 28 degrees and limits the width of the "bench" according to the degree of grade under 28.

Al said these precautions—or something better—must work if strip-mining was to continue in the Ollis Creek watershed. For the creek is the source of LaFollette's water.

Al also said that afternoon that if these regulations proved to be worthwhile, TVA would include them in all its coal-purchase contracts.

Since this was in the fall, all those little silt-trap dams had not been tested by heavy winter rains.

But now after the winter rains have come, Al says his silt traps are still doing the job. And TVA has started including them, along with the other regulation tested on the Koppers land, in its new coal contracts. They have been included in contracts just awarded for more mining on Koppers land. Some other recent contracts do not include them because most of the provisions were negotiated before the new rules became effective, TVA says.

STATE REGULATIONS LOWER THAN TVA'S

TVA negotiated at least one contract last year which has about four years to run. This means some TVA coal will be mined for a long time without the stringent new provisions.

Generally, however, it isn't the mining of TVA-contract coal that is likely to do the most damage to Tennessee lands. TVA buys about half the coal mined in the state. State regulations governing the rest of the mining are far less stringent than those in the new TVA contracts.

Even if this session of the State Legislature should impose exactly the same regulations on all strip-mining that are in new TVA contracts, it still wouldn't be enough. Still lacking would be funds to finance inspections to see that the law is enforced. Only three men inspect all the surface mining in East Tennessee except for TVA-contracted coal. They must inspect shale, sand and gravel, clay and barite mining, as well as coal. They do well to see each operation once a month. They think inspections should be made once a week.

HEALTH MAINTENANCE ORGANIZATION ASSISTANCE ACT OF 1971

Mr. DOLE. Mr. President, I was pleased to join the Senator from New York (Mr. JAVITS) and other distinguished Senators in sponsoring the Health Maintenance Organization Assistance Act of 1971, a bill which is a critical and integral element of the President's programs for health partnership. The bill will provide grants, direct Federal loans, and loan guarantees for the planning, establishment, and operation of heath maintenance organizations, particularly in medically underserved areas of our Nation. These health maintenance organizations, or HMO's, are organized systems of health care providing comprehensive services to a voluntarily enrolled population for a fixed prepaid fee.

The establishment of these community level organizations, consistent with existing health planning activities, will rationalize our limited health care resources, deal with problems of maldistribution of these limited health care resources, make provision for a comprehensive range of health services, and equally significant, attack the problem of rising health care costs by, among other measures, providing these services on a prepaid basis.

The health maintenance organizations as defined by this bill have great potential for several reasons. First, depending upon the form and purpose of the assistance, the bill either provides a priority for medically underserved areas, or limits the assistance to medically underserved areas. Also, the HMO's to be assisted, organize health care services under one comprehensive system, with strong functional ties among the general practitioners, specialists, hospitals, ambulatory care facilities, and extended care facilities in the community. They have built-in incentives for controlling costs, for making efficient use of resources and the potential for self regulation, rather than more direct Federal involvement.

Finally, their organizational flexibility provides the ideal vehicle for responding to unique health problems of communities, as well as responding to improvements in health care organization, delivery, and new forms of health manpower. Equally significant, the ongoing financing of HMO-based health services will in large measure be supported from HMO options under medicare, medicaid, the family health insurance program, and the Health Standards Act.

Mr. President, the concept of health maintenance organizations is relatively new to my State of Kansas. Presently, there are no fully developed HMO's in my State; however, a number of my constituents, health professionals and consumers alike, have expressed to me their interest in experimentation with group practice medicine or HMO's as one possible option for improving and reforming of our present health delivery system. Mr. President, this administration bill will give Kansas and the rest of the Nation that opportunity.

At the present time, I have certain reservations with regard to HMO's because they have not been established and proven on a wide-scale basis in the United States. However, the experiences of the Kaiser permanente plan in California, and other group plans and foundation programs similar to the HMO's as outlined by this bill, demonstrate that HMO's contain the potential for a significant contribution to a more efficient and more effective health delivery system. This bill is especially appealing to my home State because of its focus on development of HMO's in medically undeserved areas such as are so often found in rural America.

I believe this bill offers a stimulating and progressive approach to the health-care needs of all Americans, and I am pleased to join in sponsoring it.

OUTLOOK FOR U.S. TRADE AND INVESTMENT IN EASTERN EUROPE

Mr. HARRIS. Mr. President, in June 1970, the Department of Commerce performed a major service for U.S. business. Deputy Assistant Secretary for Domestic and International Business Harold B. Scott led a mission of Department of Commerce experts to Eastern Europe. Their purpose was to explore attitudes there toward East-West trade in light of the December 1969 Export Administration Act.

Mr. Scott summarized his findings in a speech before the International Center of New England on February 4, 1971. I believe these will be of interest to Members of this body.

First, Mr. Scott calls attention to a factor often lost in discussions of East-West trade—the mounting interest of U.S. businessmen in this subject. Our businessmen are anxious to learn whether this new market has long-run potential. They have no desire to trade in commodities that would affect the security of the United States. But they have sensed, perhaps more quickly than governments, that trends toward economic interchange in the world are greater than those in the opposite direction.

Second, Mr. Scott notes that lack of most-favored-nation treatment for all Eastern European countries except Poland and Yugoslavia is currently the most discussed major problem. He predicts that our trade relations will not grow rapidly until the MFN problem is resolved.

I have introduced a trade bill which inter alia would provide the President with authority to grant MFN treatment to nations not now enjoying that right. The United States would request in return comparable commercial advantages. There are many areas where Communist governments could ease the task of Western businessmen.

Finally, Mr. Scott's speech underscores the disadvantage imposed on our businessmen by the inability to obtain Ex-Im Bank financing for East-West trade. All Western European countries provide such financing. And in mid-1970, credits extended to Bulgaria, Czechoslovakia, Hungary, Poland, and Romania totaled $2.5 billion. This is another area where we must provide our businessmen with competitive strength.

Mr. Scott's speech also contains a valuable summary of current administration attempts to encourage East-West trade-efforts to locate import markets for the East Europeans, agreement of the East Europeans to provide U.S. businessmen for the first time with reliable guides to their import needs over the next 5 years, joint programs to scale down the administrative barriers to trade.

I believe our trade policy must take into account the realities described by Mr. Scott. It should also take into account the evolving nature of the modern firm. Many of these firms are international giants which, if blocked in the United States from trading with socialist countries, can simply shift the focus of this trade to Western European affiliates.

Some Communist officials contend that for this reason U.S. trade policy is no longer of great interest. I do not believe this to be the case. There will always remain a broad array of products uniquely United States in origin. But more important, the benefits of trade are not limited to the economic sphere. There are attendant benefits in other areas, political and cultural. We should not encourage our firms to trade their foreign affiliates so that these benefits devolve to others. It is neither in our interest, nor I believe is it in the interests of East Europeans for this to happen.

I ask unanimous consent that Mr. Scott's speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE OUTLOOK FOR U.S. TRADE AND INVESTMENT IN EASTERN EUROPE

(Address by Harold B. Scott)

INTRODUCTION

It is particularly timely to be speaking on the subject of East-West commercial relations to the Boston community which offers such a unique combination of highly specialized businessmen and thought-provoking academicians. The 1970's are expected to usher in new five year plans in Eastern Europe (excluding the U.S.S.R.) calling for some $25 billion worth of purchases from industrialized western countries over the next five years. The growing appeal of this relatively unexplored market place to the U.S. businessman, plus an increased government interest in encouraging the development of economic relations with this area, have produced record U.S.-Eastern Europe trade and licensing levels in 1969 and again in 1970. I am somewhat nervously aware as I address this group that your past experience in Eastern Europe, particularly in the area of sophisticated electronic equipment, leaves you collectively with considerably more expertise than me on this subject. While putting me on my mettle, it does make it easier to discuss with you some of the findings and follow-up activities to our trade survey mission that visited Eastern Europe last June.

BUSINESS INTEREST

While a small group of U.S. individual companies have maintained a continuing interest in East/West trade over a period of years, and very few companies are relatively well established in this area, general business interest in Eastern Europe is of fairly recent origin. Also, I believe it is fair to state that present business interest, while strong, remains cautious. Only a handful of new-to-the-area companies have thoroughly investigated the market opportunities for their products and, resulting from such investigation, reached specific conclusions as to whether this market has potential and how such potential specifically will be exploited. To most executives, on the marketing map, this area still shows white—"unexplored territory"—intriguing, baffling, and therefore to a degree romantic.

Resulting from the broadening interest in expanded trade with Eastern Europe as particularly evidenced by the debate at the time the Export Control Act was up for renewal, and in conformance with the spirit of the present Export Administration Act, it seemed timely and desirable for your Government to obtain firsthand information as to the possibilities for expanded trade. Accordingly, last June, accompanied by three trade specialists from the Department of Commerce, I visited the Bloc countries (except Russia, East Germany and Albania) and talked extensively with business and government people. I would like to share with you this afternoon some of my impressions resulting from this trip and some of Commerce's follow-up activities.

STATISTICAL BACKGROUND

While the relative background figures of East-West trade are generally well known, it might be useful to repeat them very briefly so that we all have a good awareness of the distance the United States has to travel before it can claim a meaningful share of this intriguing market. In 1969, Eastern Europe, excluding Russia, purchased $3.9 billion from the West.[1] Of this only $144 million or about 4% was of U.S. origin. On the other side of the trade account, these COMECON countries sold $3.2 billion to Western countries and only $144 million or 4.5% to the United States. To give perspective to the rate of growth, this trade over the past five years has grown at an average annual rate of 15%.

The 1970 U.S./Eastern Europe trade of $579 million was 30% higher than the 1969 trade level. It is also interesting to note that over $60 million of technical data, which does not appear in the trade figures, was licensed to Eastern Europe in 1970. This represented better than a 2-fold increase over 1969.

LEGISLATION

No background discussion could be complete without at least an allusion to the politics of East/West trade. This group is well informed of the progress through the Congress last year of the Export Administration Act (then called the Export Control Act). Many in Government were genuinely surprised and pleased at that time to observe the breadth of interest in East/West trade and the more relaxed attitude of the Congress toward liberalized regulations. Today there are few in or out of Government who can deny that the Export Administration Act as it finally was signed by the President is an improvement over earlier regulations—an improvement in terms of positive language, a fresh approach, and a clear sense of Congress calling for a liberalization of controls.

With the passage into law of the Export Administration Act, the Office of Export Control promptly intensified the review of the controlled commodities as called for under the Act and, secondly, began a review of the licensing procedures not just in conformance with the law but more importantly in conformance with the expressed needs of the business community. In 1970, the Department reduced restrictions on exports of over 1300 commodities, including more than 350 types of electronic instruments, machinery, and transportation equipment; 300 classes of metal and metal products; and 470 chemicals. The first phase of the list review is about 70% completed. Emphasis has been placed on reviewing first those commodities of most immediate benefit to export.

As with any new act, a judgment as to exactly how far we have moved towards liberalization can best be determined by a study of individual cases. While it is too early to make precise judgments, we believe that based upon the cases reported to date, there have indeed been significant changes. (See charts attached.)

TRIP SPECIFICATIONS

It was against this background that our Mission set out to collect facts. We visited Bulgaria, Czechoslovakia, Hungary, Poland, Romania, and very briefly Yugoslavia. It was decided on this first trip not to include Russia because the task thus became too large for our trip. Also, we wished to make the first official government post-war mission a relatively low-key adventure. As a fact-finding group, we emphasized to our hosts that we did not wish to enter into negotiations; we sought to avoid dialectics and to the greatest degree possible we hoped to concentrate on identifying areas where positive improvement of trade relations under existing circumstances were feasible and in such areas to discuss specific plans of action. This meant that while we were anxious to assess the impact of the Export Administration Act and the lack of MFN (Most-Favored Nation tariff treatment), or Eximbank financing, we were not willing to either defend their presence or speculate as to the terms under which improvements might be negotiated. Similarly, for our part we avoided any discussion of COMECON trade or political policies as a deterrent to expanded East/West trade. It is interesting to note that our hosts not only scrupulously adhered to these requests, but also seemed relieved not to be burdened with these time-consuming rituals. There were indeed exceptions, which provided interesting and tedium-relieving pyrotechnics, but these cases generally originated with lower level officials.

FINDINGS

In discussing the findings of our Mission, I group them into two broad categories: (1) those general to the countries visited and (2) specifics that apply to certain countries and not to others. In this discussion, I exclude entirely Yugoslavia because, for trade purposes, it virtually enjoys parity with Western European nations. Its problems while complex are therefore quite different. Also, for such an informed group I didn't plan to spend time discussing the "how to" aspects of East/West trade.

As to the generalities, first, let's list the deterrents to expanded United States/Eastern Europe trade in order of magnitude as we assessed them:

1. Psychological barrier

U.S. business leaders have explored trade opportunities in Socialist countries with extreme caution and in many instances have refused any contact because they were aware of the real danger of reprisal in the U.S. market and also because they were not sure in their mind of the morality of a trade relationship. The geographic distance, and the lack of any strong trading infrastructure also strongly influenced the psychological barrier. From the viewpoint of the Socialist countries, there is a comparable psychological barrier so deeply rooted in the different political philosophies, for as you know East Europeans are extraordinarily pragmatic. Their hangups are more in the area of distrust of the American businessman as an known quantity and an exaggerated concept of his negotiating ability. Many of the specific deterrents we discussed dissolve under close scrutiny into this vague area of what for a lack of a better word we call the "psychological barrier."

2. The lack of MFN treatment

The lack of MFN treatment to all East European countries except Poland is the most discussed major problem. To a degree, this deterrent while real also is partly psychological. There is a strong feeling among East Europeans that the lack of MFN is a form of punishment. Importers not only pay a higher duty but view such treatment as a symbol of the "unwelcome mat." One of the major purposes of our Mission was an examination, product by product and country by country, of export potential to the United States. Indeed there were many specific product areas where the lack of MFN removed all possibilities. There were, however, many of their products with some U.S. potential, despite the lack of MFN, that had not been aggressively promoted. One can speculate that occasionally the lack of MFN represents a warm security blanket under which Eastern European export enterprises can quite easily hide their lethargy. It is safe and practical to conclude that trade relations will not grow rapidly until the MFN problem is resolved. It is equally sound to conclude that East European countries have specific trade opportunities in the United States today with the existing tariff structure that they are not exploiting to maximum potential. We in Commerce hope to be helpful in this area in the months ahead, for we believe that political awareness of the MFN problem can be heightened by trading actively with consequent agitation by the business community for even broader trade which would result with MFN.

3. East Europe/U.S. export potential

Before moving on, it is appropriate to mention that in general the East European product line in its present form does not have major potential in the United States with or without MFN. Furthermore, as you know, the decision to export is not made with complete freedom. There are strong conflicting demands on available production not only by the domestic market but also from other members of the COMECON group to which there are heavy contractual obligations. Soft currency markets, sloped to the Socialist concept, such as Egypt, Iraq, and Cuba, also have prior call on a significant amount of production. Finally hard currency markets of Western Europe, where the trade infrastructure is well established, figure importantly in Eastern European export decisions. Thus, the average enterprise views the U.S. market not only with the realization that it is difficult and time consuming to develop but also with the awareness that serving it can strain commitments elsewhere. In many instances, these considerations alone lead to meaningful negative decisions.

4. Eximbank financing

Of equal or even greater importance than the lack of MFN as a trade deterrent is the lack of credit—short, medium or long-term. Western Europe's trade relationship with the Bloc has been built on credit. It started some years ago averaging at 3-year term, stabilized briefly at 5-years by the Berne "Gentlemen's Agreement," (which has steadily become less and less gentlemanly) and now runs from 8 to 10 years. Western European money costs today average the usual 6%. While there are not really reliable figures as to the hard currency indebtedness of the East European countries, you might be interested in some rough estimates that we have developed as follows. These are expressed both in terms of dollars and as a function of each country's rate of hard currency export. Even taking into consideration the tentative nature of these figures, it can be seen that the Bloc countries have managed their hard currency debt quite well.

	Mid-1970 debts	1969 exports to industrial West	Months of hard currency export[1]
Bulgaria	$250	$261	12
Czechoslovakia	400	829	6
Hungary	350	577	7
Poland	600	892	8
Romania	700	530	16

[1] At 1969 export levels.

We all recognize that settlements in the great majority of cases are via clearing accounts and that the above figures therefore to a degree represent only currency imbalances in the clearing account. Notwithstanding, given this competitive structure, the almost total lack of commercial credit from U.S. sources, the high cost of what is available, plus the lack of Eximbank financing adds up to a major problem. In discussing this subject during our trip, we often questioned whether the lack of credit might be offset by a greater interest by U.S. firms in barter, switch deals, clearing accounts or even bilateral trade agreements. To our surprise there was little or no enthusiasm for this concept. The underlying reasons seem to be that the Bloc countries' experience with such deals, particularly in the COMECON area but also in Western Europe, leads to their disenchantment. In their opinion such trade has become incredibly complicated, unrealistic and therefore unduly sluggish. The Socialists, at least when talking expanded U.S. trade, seem to prefer straight money deals with adequate credit at competitive rates. Certainly there will be no great surge in American exports until we are able to provide adequate amounts of 5-year, 6% money.

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[1] West = Industrial West.

5. Effect of export controls

Of great interest to us was the degree to which the export control regulations inhibited trade. It is fair, of course, to speculate that, as members of the Administration and as guests of polite and hospitable hosts, we received courteously weighted opinions as to the problems posed by export controls. Whatever the circumstances, we were quite surprised to find that the Socialists as a group were not so much concerned with export controls as by the lack of MFN and Eximbank financing. In their pragmatic way they seemed to accept the necessity for controls. They recognized the objectives and, except for isolated cases, they did not seem frustrated either by the controls or the bureaucratic administration of them. As an aside, I should report that in a meeting in Vienna with a representative group of U.S. businessmen having responsibility for their company's East/West trade, we were heavily sandpapered on this subject of export controls, and from this comparison, one might draw the conclusion that export controls are a real deterrent to U.S. initiatives in Eastern Europe, but not of equal concern to our potential customers in the area.

Before leaving controls I would emphasize that there were significant exceptions to this attitude in certain countries and certain technologies. There remain big problems, but these are of a specialized nature.

6. Lack of Interest

Probably as the summation of the above five deterrents, the sixth could be called lack of interest. Given the lack of detailed knowledge and given the very low level of existing trade, a surprising number of enterprise managers and Government officials, while expressing interest and a willingness to enter upon careful theoretical discussion, conveyed the feeling that they had better ways to use their time. From this attitude I conclude that the major initiatives for expanded East/West trade will have to be taken by the U.S. business community. We in Government can serve a useful function by creating an awareness in Eastern Europe of the great potential of the U.S. market, of our interests in removing deterrents, and of our willingness to act as "expeditors." The East Europeans' lack of interest or initiative should be qualified by recognition that all the Bloc countries have a deep respect for American technology. Given the heightened world competition and the worldwide assumption that the United States is losing its technological edge, it is refreshing to find that the U.S. businessman comes to this particular market with a preestablished respect for his product and a corresponding recognition that in all probability U.S. goods will cost more than alternative sources.

EAST EUROPEAN COUNTRY DIFFERENTIATION

As is well recognized, particularly by this group, there are startling differences between the Bloc countries. Particularly there is varying recognition as to the degree of importance Western technology plays in each country's planned economic growth. One or two countries are quite content to remain almost entirely dependent on Russia for their technology; others lean heavily on the West (at present Europe) either openly or quietly, and there is increasing recognition of the role Japan can play.

JOINT VENTURES

Some countries have thought deeply and practically about the desirability of joint ventures as a device to acquire Western technology and management at relatively lower cost. They have devised ways to harmonize the concept of state ownership of property with the Capitalist concept of equity ownership and access to profits. While it is true that there already exist many joint ventures, particularly with West European firms, such today depend on the substitution of product for profit. I believe that in certain countries our Mission explored more deeply and received a more positive response to the true profit oriented joint venture concept than had previously been expressed. We believe that in this area there are immediate and important opportunities for selected U.S. companies. Obviously, the negotiation of such joint venture will be difficult, for much new ground will have to be explored. What is cost of goods? What are selling expenses? What will be the management structure? What markets in addition to the home market are to be served? What are appropriate profit margins and perhaps above all, what rate of currency conversion shall be applied? The negotiation here of the true joint venture is really an agreement on basic capitalist economics. I firmly believe, however, that at this point in time, an exploration by business of the opportunity we exposed is worth effort for these reasons:

1. It is doubtful that even if all the mentioned trade problems could be removed, we could catch up in trade with the Europeans in the foreseeable future. Meaningful two-way trade will take time to develop.

2. The rate of projected economic growth within the Bloc countries is such that unless our systems are installed in the near future we face the possibility of virtual exclusion in major areas.

3. In the joint venture concept the United States has a flexibility and a competence based on worldwide experience superior to our West European and Japanese competition. It should be exploited.

4. While in the Commerce Department it is not our mission to dream of bridgebuilding, the temptation persists, and the joint venture makes even better bridges than does the exchange of goods.

POSITIVE ACCOMPLISHMENTS

While I have dealt at length with the problems of building a meaningful United States/East European commercial relationship, I do not wish to leave you with the feeling that the outlook is bleak, and that there were not some important positive results from our Mission. Generally, we established the Commerce Department as a communication point for relaying mutual business interests between the Socialist countries' governments and the U.S. counterparts. Given the lack of commercial infrastructure (no commercial attaches in U.S. embassies, few local agents or distributors, and little published market data, etc.), this communication factor alone should be useful.

More specifically, we in Commerce have analyzed the major product lines produced in Eastern Europe to determine their U.S. potential. For those that show promise we are assisting the producers in locating qualified distributors or co-venture partners. Also, we are making available to them U.S. market data that we collect in Commerce. On the other side of the coin, from several countries visited, we obtained so-called shopping lists consisting of major technology or plants which each country is interested in buying or co-venturing. Using these shopping lists we are working with the East European Embassies and their foreign trade officials to identify qualified American companies, determine their interest and arrange introductions. We are trying hard to be an effective broker.

Finally, we are undertaking a major effort to normalize our usual commercial intelligence services so that we can give to the U.S. business community the same type of information on Eastern Europe as is available about other major markets. While this seems a minor step, it will take time and persuasion before we receive a meaningful flow of information because of the difficulty of obtaining this information and the reluctance of the Bloc to reveal significant market data.

SUMMARY

To summarize, the major problems limiting the expansion of two-way trade are lack of MFN and export credit. Should these be removed the rate of growth of trade still will be relatively slow due to (a) the inappropriate product line of East European countries, (b) Eastern Europe's lack of hard currency reserves, (c) West European and to an increasing degree Japanese competition, and (d) U.S. inexperience in the area.

There is rapid economic growth in the Bloc. It has a sophisticated and technically-oriented citizenry and a yearning for a better standard of living. The political and psychological problems of the past are waning, and there exist today real opportunities both for expanded two-way trade and other forms of collaboration in certain countries. These opportunities should be carefully explored by the business community. Obviously the ultimate potential of the area relative to other world markets has to be kept in perspective. Our competitors in Europe and to an increasing degree Japan considers it fertile ground—so do we.

ENVIRONMENTAL CONTROL AND THE INTERNATIONAL ECONOMY

Mr. ALLOTT. Mr. President, earlier this year the Atlantic Council of the United States held a Battelle Memorial Institute International Conference on "Goals and Strategy for Environmental Quality Improvement in the Seventies."

The purpose of the conference was "to assist in the formulation of standards and goals which are substantially acceptable, economically practicable, and internationally comparable—and of recommendations for achieving them." The conference also included "consideration of the optimum mix between regulation and incentives and practicable measures in both categories."

Distinguished participants in this conference included Harald B. Malmgren, senior fellow of the Overseas Development Corporation, who delivered a paper on "Environment Control and the International Economy."

Mr. Malmgren is concerned about the many possible domestic and international economic effects of various approaches to correcting environment problems. His thesis is this:

> As a matter of basic philosophy about the problems in this area, we must recognize that the problem is not one of getting all nations to behave in the same way scientifically, but rather of providing a framework for guidelines and obligations which help to harmonize the various national approaches which will be the consequence of the national differences.

Mr. Malmgren's essay contains a number of important insights, such as the following:

The capital-short developing nations face a far more complex set of choices than the richer countries. Capital investments in clean-up for developing nations involves a direct trade-off with increased employment opportunities or increased exports or other economic growth objectives, which are necessary simply to sustain life.

In general the relative competitive positions of industries, and of countries, can be markedly altered by differences in requirements from country to country whenever heavy investment or altered operating costs are involved in the effort to clean up.

Tough pollution controls can result in the building of plants abroad, this in a sense exporting the pollution, but also exporting long-term capital and jobs.

Mr. President, so that all Senators can profit from Mr. Malmgren's thoughtful essay, I ask unanimous consent that it be printed in the Record.

There being no objection, the essay was ordered to be printed in the Record, as follows:

Environment Control and the International Economy

(By Harald B. Malmgren)

INTRODUCTION

The growing pressures from citizens, Parliaments, and scientists for tighter control of effluence, of product composition, of product use, and of resource exploitation will inevitably bring about a rapidly increasing number of new laws, administrative regulations and procedures, and new economic devices designed to bring about fundamental change. Different methods of controlling environmental factors will have different domestic and international economic effects. The particular mix of policies and measures chosen by a national government can have a major impact on the interests of industry in other countries, as well as on its own industry. Thus there are many policy issues which require urgent examination, by industries themselves as well as by governments.

Because so little is known about environment control, and about methods for achieving the objectives of nations in this area, it is likely that governments will continue for some time to intervene selectively, using different methods for different kinds of problems; and it is likely that industries themselves will follow an experimental approach, exploring different avenues in the search for a better balance between economics and social objectives.

It is very unlikely that common international scientific standards could be agreed upon in many areas. Partly, scientists themselves do not easily reach agreement on what are the appropriate standards. Moreover, the problems of emission or effluence depend on the local environment and the local tastes and preferences of people. A plant on an island with its emissions going out to sea is not under exactly the same conditions as a similar plant in a high density population area on the Eastern Seaboard of the United States or in Western Europe. The capital-short developing nations face a far more complex set of choices than the richer countries. Capital investments in clean-up for developing nations involves a direct trade-off with increased employment opportunities or increased exports or other economic growth objectives, which are necessary simply to sustain life. The "quality of life" issues for the nonaffluent countries will inevitably take lower priority than issues of economic survival. This will be true politically, whether or not one believes that in the long run such a ranking of priorities will prove economically and socially harmful.

The consequence of selectivity in national policies, and of differing policies from one country to another, can be significant shifts in production, investment, and trade incentives and opportunities. Conflicts can arise from different technical standards, safety regulations, economic incentives and penalties, and so on.

Consider the use of national standards and regulations. Where one country's standards differ from another's, imports may be substantially reduced by technical restrictions, or the prices of such imports may have to be raised to cover the costs of adapting these products to the different national standard. This kind of problem arises where a product is a potential pollutant (e.g., insecticides) or where the product must meet consumption or safety standards (e.g., automotive standards).

Another type of problem, of potentially major international importance, is the cost impact on industry arising from new environmental controls and pollution limits. If the steel industry in the United States is forced to spend large sums on cleaning up and eliminating effluence, its cost position will obviously alter vis-a-vis competitive imports from countries where no such expenditures are required. Perhaps all of what would have been capital expenditures on productivity improvement instead goes into reducing undesirable effluence—in this case, the air and water are cleaner but the company can fall behind relatively in its competitive position. In general the relative competitive positions of industries, and of countries, can be markedly altered by differences in requirements from country to country whenever heavy investment or altered operating costs are involved in the effort to clean up.

One country may require heavy investment, and increased operating expenditures for more detailed inspection and testing. Another country may provide tax incentives, leaving industry free to choose its own approach, while being subsidized through the tax incentives. Still another country may require nothing, leaving industry free to choose the lowest cost method of production regardless of effluence or product content. The amounts of money involved in cleaning up are large, so that these relative shifts can dramatically alter the incentives to invest in one country as compared with another, in addition to altering trade possibilities. Tough pollution controls can result in the building of plants abroad, thus in a sense exporting the pollution, but also exporting long-term capital and jobs.

It is also probable that multinational companies will find their internal operations adversely affected by differing national product and process requirements. Such adverse effects can be especially severe in those cases where the international business operation has been built upon transfers of components and intermediates from the home country. This is particularly relevant to U.S. companies abroad in certain industries.

ALTERNATIVE MEASURES FOR ENVIRONMENTAL CONTROL

Governments may use many different kinds of instruments for controlling the environment. Specific standards for product composition, product design, and product use, and specific regulations on production methods and emissions can be provided. The more specific and the more highly defined technically a standard or regulation is, the more likely there will be differences in method of control among products, industries, and countries. In pharmaceuticals, for example, standards are policed in some countries by inspection during the process of production, rather than of the final packaged product. This method of consumer protection in France, for example, has meant a virtual embargo on the importation of pharmaceuticals into France, and a strong incentive for overseas producers to establish production facilities in France. Controls administered in the form of inspection of production itself thus can prevent trade, and create incentives to move production facilities.

Another method of control is through design requirements and quality requirements. We have already seen that U.S. automotive design requirements are having a significant impact on the outlook for automobile producers in other countries, most of whom have significant exports to the U.S. These same design requirements also raise the relative cost of U.S. production, weakening the U.S. competitive position on exports to other countries. This type of problem has so far been rather exceptional. Looking to the future, it is likely to become a fairly widespread type of problem. Hand in hand with design and quality standards go specific, detailed marking or labeling requirements. Such requirements are among the Nontariff Trade Barriers (NTB's) most complained about internationally, particularly by other governments concerning the problems their nationals face in exporting to the U.S.

Another method of control is through the use of tax incentives and government subsidies to industry. This can ease the cost of transition from one product line to another, or from one mode of production to another. It is not likely to be very effective unless used in conjunction with specific standards or regulations, but in that case the aids to industry become a form of adjustment assistance to moderate the effects of governmental decisions made on behalf of national welfare. A particularly useful area for special aids or incentives would be encouragement of research and development of new technology better adapted to social objectives. Various international problems can arise as a consequence of aids, however. As already noted, if an industry is assisted in one country by government aids, while the same industry in another country carries its burden of adjustment alone, their relative competitive positions will be altered. Assistance to research and development may tend to discriminate in unusual ways. Thus, European governments would probably have considerable difficulty in granting the same form of assistance to American-owned corporations operating in Europe as they would provide for European-owned entities.

A different approach could be through extensive use of penalties, whether in the form of fines, in the form of user charges, or in the form of taxes on pollutant products or on polluters themselves. The use of penalties on businesses for failure to meet technical requirements creates, if the penalties are big enough, an incentive to step up capital expenditure for cleaner methods of production, or for processes which produce cleaner products. This again hurts the relative position in the world market of these companies, in cases where they might face foreign competitors under no such penalty systems.

In the case of special taxes, there have been many proposals. One recent proposal in the United States has been the suggestion that each automobile sold in the U.S. bear a special $25 tax to offset the government, or social costs of disposing of that automobile when it has reached the end of its useful life. A tax on leaded gasoline has also been proposed. These *ad hoc* taxation suggestions can be generalized, in the sense of applying taxes to specific products, as opposed to taxation of the company income of pollutant-producing companies. Environmental control taxes should not be levied on company incomes. Most companies that produce undesirable products or effluence also produce desirable products. The incentives must be shifted within companies more specifically. A tax placed directly on the product itself serves this end. Such product taxes tend to force up the price of pollutant products, as the tax tends to be passed on to the consumer; and to the extent that the price is not raised, but the tax is partially absorbed by the producer, this reduces product profits. In either case there is a shift in incentives. For the consumer, the product becomes relatively less attractive. For the producer, the absorption of the tax cost or the reduction in demand for the product provides an incentive to clean up that product or drop it from the company's product line.

At the national border, such taxes can be treated in the same way that all countries treat their consumption taxes and other indirect taxes: Upon exportation, we might grant a remission of tax, and on imports, we would impose the same tax as that applied to comparable domestic products. This is simply following present practice throughout the world regarding treatment of sales taxes. What this would mean for automobiles in the U.S. is simple: Japanese or German cars entering the American market would bear the clean-up or disposal tax. However, American cars exported to Japan or Germany would be exempt from American tax. Disposal would be taken care of in those cases by the country of destination. Japan or Germany could of course impose their own indirect tax.

This device thus has the advantage of international neutrality. It provides both incentives and penalties, as well as a source of revenue, without altering the international trade and investment incentives in a discriminatory fashion. The international balance can, of course, be shifted because of other reasons. The indirect tax does not neutralize other factors, but it does neutralize itself.

The taxation method of control cannot be used to cope with every kind of problem, however. The array of technical complexities and optional solutions in this field are such that firm technical standards will often be preferable to tax penalties or tax incentives which leave wide discretion to producers. A tax penalty would have to be related to some objective standard of what is publicly desirable, and be adjustable in relation to the extent to which the objective standards are satisfied. It would be extremely difficult to stipulate in legislation the appropriate standards and tax levels product by product. In the U.S. case, for example, the Congress would in legislation have to pass considerable discretion to the Executive on the application and size of product taxes. The degree of discretion might be enormous, if the only method of control was through indirect taxes. Congress would be unlikely to grant open-ended taxation powers to the Executive. Consequently, the tax approach would in practice be more difficult than it appears in theory. In practice, some mix of firm federal regulations and standards, and variable indirect taxes where appropriate, would probably work out to be more practicable and more effective than reliance on taxes alone.

In contrast to the impact on particular industries or firms, the question can also be raised as to whether a nation's overall trade and income position can be disadvantaged by its own environment control decisions, or by the decisions of other governments. Dr. Kneese's paper addresses itself to this question.[*] His observations suggest that the overall economic adjustment problem for some countries could be fairly significant regarding trade and the balance of payments; but that in the case of the U.S. the plausible hypotheses about general costs do not suggest a major trade or payments impact. Dr. Kneese's paper does not deal with the kinds of problems regarding individual industries and products discussed earlier in this paper. The question also remains open as to how strong the incentive to export pollution through movement of capital investment will be. Clearly, the larger the capital outflow for the U.S. the more trouble for the balance of payments.

There can be positive gains for those countries which are at the forefront of research and development of new products and methods of production. Such countries have the opportunity of expanding their sales and licenses of new products and techniques. The U.S. in particular may be able to take some advantage from its lead in research and development, especially if this is combined with tougher product standards in the U.S. which in effect discriminate against the products of other countries.

The general balance of payments effects would in any event depend in part on the international adjustment process. A significant general cost and price shift for one country can, for example, easily be counterbalanced by inflationary adjustments in another.

In my view, then, the key questions lie in specific product and production problems, and it is at this level where serious economic problems can easily become a source of conflict between the interests of various nations.

In choosing among the different types of control measures, governments must weigh a combination of local political, economic, and environmental circumstances. Taking the wide range of possible variations into account, it should be clear that the choice of control measures and their form will vary from one local situation to another. The international trade and investment implications will often be incidental to the decisions reached, yet these global market implications may be extremely important to the prospects for individual businesses in various countries.

This raises a fundamental social, political, and economic problem: *Who should decide for whom,* what the standards and the control measures are to be? A decision by a government of one nation may have a direct bearing on the fortunes of private businesses in other nations. In turn, if those businesses adapt their product in a particular direction, to suit the market requirements of the first nation, then the consumers in these other nations also find themselves subjugated to the decisions made unilaterally by the first nation.

This problem of who decides for whom can come up in many forms. Countries may feel unable to act unless several countries simultaneously coordinate their actions. For example, the Finns have said that major capital expenditure to clean up the Finnish paper and pulp industry would only be possible if paper and pulp industries in other countries undertook the same capital expenditures for clean-up at the same time. Since paper and pulp is such a significant portion of Finland's total economic position, the problem for that country is readily understandable. Similarly, the question of pollution of each other's national waters and environment generally can only really be dealt with by coordinated, harmonized decisions.

More broadly, countries can easily be restrained from taking socially desirable actions by the fear of the economic effects on their international competitive position. Conversely, where a country cleans up its steel industry while another country does not, it can be reasonably assumed that the imports of steel products into the first country will be subject to increased protectionist pressure, and therefore new nontariff restrictions to trade.

THE NEED FOR INTERNATIONAL COORDINATION OF POLICIES

The international problems have not yet reached major proportions, primarily because governments are only now beginning to move on broad new approaches to environment control. This makes it all the more urgent to develop a framework for dealing with actual and potential problems—before the various national methods become set in concrete, before heavy investments are undertaken, and before vested interests have settled in to defend any protectionist effects which may arise.

Reducing the conflicts in national policies will require improved international consultative procedures and new international guidelines under which national actions might be taken.

Various international institutions are already at work in exploring the problems of harmonizing national policies. The U.N. Economic Commission for Europe (ECE) has a useful record in developing certain specific types of international standards. Since it remains the principal East/West coordination body on economic and scientific questions, it can perform a useful role in the next few years. Other U.N. organizations also have played a role in technical areas: Land use and conservation of natural resources (FAO); atmospheric monitoring, disaster prediction, and weather information (WMO); international health problems (WHO); oil pollution on the high seas (IMCO); noise (ICAO); and monitoring of radioactive pollution (IAEA).

In 1972 in Stockholm there will be a major U.N. Conference on the Human Environment. This will bring together many of the issues which have been touched on in the work of the various organs of the U.N. It will be the only conference on international pollution control problems where developing nations will be active participants. However, precisely because of this, and the fears of the developing nation that rich country standards will be imposed upon them, it is unlikely that a significant common ground for agreement can be found on international priorities for the future, or on international guidelines for national policies and actions. As already observed, environment control measures will, for economic reasons, assume relatively low priority on the government agendas of most devloping nations. Moreover, these countries are already tending to fear the use of international rules as devices for further exploitation of their already weak competitive positions. A new organization for monitoring the international aspects of environment control may nonetheless emerge from the Conference.

NATO, through its Committee on the Challenges of Modern Society (CCMS) has also recently undertaken work on certain environmental problems. NATO, by its inherent nature, is a scientific, "hardware" type of organization, and is unlikely to provide a suitable forum for consultation and harmonization of policies in terms of the economic side of these issues. It can be useful for the transfer of technology in complex problem areas, because of its experience in technological transfer.

The most promising recent development is the establishment of the new Environment Committee in the OECD. Here all the major non-Communist industrial powers are members, and there has been a long history of consultation and policy coordination in various economic policy matters. The Environment Committee can look directly at the international economic questions, with a view to finding means for close cooperation among the developed countries, while mitigating the potential conflicts of interest which will likely arise between them. Ideally, the Environment Committee will treat specific issues, such as pesticides, or automobile design, in terms of their precedent-setting aspects for the handling of other problems. In this way a record of effective consultation and adjustment of national programs could be built up. Purely scientific issues of standards should not be addressed unless doing so helps clear away ground on which general policy guidelines might be built. The OECD is ideally suited to such exploratory work aimed at general principles, and the harmonization of national policy measures, particularly in the light of its excellent work in the economic policy field.

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[*] Part VIII: "International Trade Effects of Environmental Quality Controls."

Since, as already noted, pragmatic selectivity and experimentation will be necessary in each country, and since conditions vary so much between different countries, the pursuit of common scientific standards will be a most difficult pursuit. Alternatively, international cooperation might increasingly focus on methods for harmonizing national practices, and for moderating the effects of unilateral natural decisions on the interests of other countries.

As a beginning, there should be development of international consultative procedures on new forms of regulation which may affect international trade and investment. For example, provision should be made for advance notice to other countries, and for reasonable delay in implementation of new national standards so as to allow time for other businesses in countries to adjust their production. More important than procedures would be the development of general principles or guidelines which governments might follow in complementing their national control measures.

Such principles should cover administrative procedures, such as public hearings and advance public notice, and they should cover methods of enforcement. Enforcement is particularly important. Regulations may set recommended standards, or they may be mandatory. Where mandatory, they may be enforceable by taxes, fines, or confiscation of product or of property in general. In the cases where recommended standards are utilized, governments may prefer to use tax incentives and other special incentive devices to encourage industry to seek remedies in its own way. Providing some basis for comparable treatment of domestic and foreign products in relation to enforcement procedures is necessary in each country. Acceptance of a general comparability-of-treatment principle by governments would provide a useful point of departure. Where national standards and testing or control methods differ from one country to another, a significant effort should be made to accept *similar* standards and control methods as a valid basis for accepting an import, and not insist on precisely the same standards and control methods for foreign goods. It is also desirable to develop an agreement which would bar discriminatory treatment among producers, whether foreign or domestic, whether private or state enterprises. Discriminatory taxes or tax incentives should be specifically ruled out.

More generally, what is needed is an intensive search for general principles, codes of conduct, and consultative procedures which aim at reducing the international economic distortions which can easily arise out of differences in national measures for environment control, consumer safety, health, etc. Discussions and negotiations leading in this direction would be an evolutionary process. Given the complexity of the problems and of the various social objectives, a framework of rules, if negotiable at all, could only work in the context of on-going consultative procedures.

This kind of approach has already been followed with great success for twenty-five years in the General Agreement on Tariffs and Trade (GATT). GATT is a set of principles, and an institution which provides flexible consultative procedures. Specific negotiations are held from time to time resulting in liberalization of national measures which restrict trade. Sometimes negotiations lead to new codes of practice, or new interpretive notes clarifying the positions of governments regarding the language of the GATT agreement itself. The agreement as a whole stipulates rules and obligations, and procedures for the bringing of complaints, as well as providing for compensatory actions when one nation injures the interests of another nation.

Thus this kind of system, based on an interaction between principles and consultative procedures, can work in the economic area. A similar effort in this area to comprehend and channel national decisions multilaterally would be a wise and practicable course for governments to follow in the next few years. This should be done quite apart from whatever work is carried out in the pursuit of international technical standards, and in the various multilateral efforts to assist in the transfer of technology internationally.

RECOMMENDATIONS

Close coordination of national efforts to control environment is necessary in many industrial sectors, in order that nations might avoid damaging each other's interests. This coordination should initially take the form of consultations on certain types of problems, control methods, and sectors, with a view to generalizing the results of consultations into a basis for new international guidelines and consultative procedures. This can best be carried out in the OECD Environmental Committee, at least initially.

Coordination should also include industry cooperation internationally. It would often be possible to work out reasonable and nonconflicting international solutions to industrial environment control problems if industries were allowed to coordinate their efforts internationally. At the present time, the U.S. government and U.S. law frustrates any sensible effort along these lines, and our antitrust policies should be modernized in this direction. In the future, there will have to be much more government-industry collaboration in the U.S. to meet that type of cooperation in international competition which exists in other countries. Finally, there is a special need to provde more room for industry-to-industry, and industry-government cooperation internationally if real progress is to be made in this area without continuous resistance of industries in some countries, because of the favored positions of industries in other countries. A new industry advisory committee might be formed as an adjunct to the OECD Environment Committee, or the present Business Industry Advisory Committee (BIAC) to the OECD might perform this function as its major order of business. The issues here, involving as they do both the social welfare of nations and the fortunes of large firms and their workers, are far too important to leave in the present state of disarray as regards national decision-making procedures.

Looking to the future we should recognize that national decisions do affect the interests of other nations, and the private businesses of other nations. The question of who decides for whom what the standards and methods of control shall be, and how international economic adjustment shall take place, should be a major policy question continuously addressed by governments. Where the decisions of one government result in the passing of costs onto other nations, procedures must be established to moderate the impact of these costs, in order to avoid continuous conflict and competitive protectionist measures.

We must also figure into the social calculus of environment control the fact that exporting pollution by pushing investment into other countries also costs jobs.

The appropriate mix of standards, administrative procedures, incentives, and penalties will vary from country to country by necessity. As a matter of basic philosophy about the problems in this area, we must recognize that the problem is not one of getting all nations to behave in the same way scientifically, but rather of providing a framework of guidelines and obligations which help to harmonize the various national approaches and moderate the economic disturbances which will be the consequence of the national differences. This is work for diplomats, negotiators, economists, and businessmen more than it is work for scientists. If this Conference can recognize the problems in this way, it will have helped start a new approach to the global environment control problems ahead, and paved the way for more rapid progress, with less resistance from special interests, and less overall economic cost.

TRIBUTE TO SENATOR RICHARD B. RUSSELL

Mr. COOK. Mr. President, the Nation, the Senate, and every person who knew Richard Brevard Russell has felt a great loss since his unfortunate passing. He unselfishly contributed 38 years of service, motivated only by love of his country and devotion to its principles.

Richard Russell's career in government began 1 year after his graduation from law school, when he was elected to the Georgia House of Representatives at the age of 22. Six years later he became house speaker and served in that capacity until in 1930, when he became the youngest Governor of the State of Georgia. In 1933 he came to the U.S. Senate, where he served in its greatest tradition until his unfortunate death.

Dick Russell's character and personality, coupled with his early experience in government, allowed him to develop those qualities which elevated him to the leadership position which he held in the Senate. His forthrightness, honesty, and dignity were admired by all of his colleagues. He was above petty politics: He was a statesman. He strongly believed in the American governmental system and its institutions, and he was always the first to defend its traditions and precedents.

Richard Russell was a man driven by charity, compassion, and an outright love for people. He was one of those few men who seemed to have been destined for a life of public service. Indeed, it would have been difficult to imagine Dick Russell in any other field of endeavor. The Nation, the Congress, and the American people, while mourning his death, should be eternally grateful that Richard Russell lived, and that he dedicated his life to his country.

HEALTH MANPOWER ASSISTANCE ACT OF 1971

Mr. DOLE. Mr. President, I am pleased to join the Senator from New York (Mr. JAVITS) and others in sponsoring the administration's Health Manpower Assistance Act of 1971. The bill would extend for 3 years the existing health professions and nurse education assistance authorities. But equally significant, the bill would expand and reform these authorities. This expansion and reform would enhance the financial security of the Nation's medical schools and would allow these and other health education schools to increase their production of physicians and other medical personnel.

I am pleased to see that the bill, along with the President's budgetary proposals for health manpower educational support, offers a number of opportunities which should assist the University of Kansas Medical Center in Kansas City, Kans., in its endeavors to improve the health of the citizens of my State.

The proposed $6,000 capitation grant should provide approximately $771,000 to the school of medicine; a significant increase above the current level of formula support of $269,000. This flexible capitation formula and its funding would improve the medical school's advance knowledge of the basic level of Federal support it could count on, and enable it to plan accordingly.

In July 1970, Kansas University Medical Center instituted an accelerated 3-year curriculum. With its implementation, the university would be able to take early advantage of the $500 per student annual incentive for having a 3-year curriculum under the capitation formula. Hopefully, these increased funds could eventually more than offset the additional costs of converting to maintaining the 3-year curriculum.

Kansas University Medical Center, in coordination with hospitals and professionals of the regional medical program have shown that the university can effectively utilize its specialists in linking health manpower production functions to the health delivery system. Under the Area Initiative Awards, the bill would allow continuing expansion and new opportunities for this beneficial linkage of the teaching and practice of medicine. One potentially useful aspect would be the development of health education centers. These are community facilities generally affiliated with medical or dental schools in areas deficient in the supply of doctors, dentists and other health personnel. Already there has been substantial interest expressed in my State for the expansion of medical education to either Wichita or Topeka. Perhaps the Area Initiative Awards could enhance the movement for health professional education in these or other Kansas vicinities.

I am pleased to see a provision in the bill to enable medical schools to develop and conduct education programing related to health maintenance organizations.

At this time the university medical center is undertaking the development of a family practice clinic which should serve the unmet needs for primary and continuing care of people in the immediate vicinity of the center. Provisions for support of primary care training could be utilized to increase the use of this setting for educational purposes, and perhaps it could be the nucleus of a health maintenance organization.

The university is planning for continued expansion of its enrollment in a number of the health professional areas, and it will need additional facilities to house this increased enrollment. Although each individual institution and State would like to have outright grants for construction, I recognize that the total facility needs exceed any realistic immediate outlay of Federal funds: Therefore, I am pleased that the President's program, in addition to providing direct construction grants, would provide new financial support to public institutions which relate their educational activities to the implementation of new health delivery systems, such as the health maintenance organization.

There are several scholarship features in the bill that should be of interest to the medical students. The scholarship program for disadvantaged students would be increased from $2,500 to $3,000 per year. Although these scholarships would be limited to students in the first 2 years, the President's budget would allow a sizable overall increase in the amount of the funds awarded.

Also, the maximum insured loan provisions would be expanded from $1,500 to $5,000 annually for medical students, or $2,500 for nursing students. These insured loans would be available to any student and should substantially enhance the opportunities of these students to obtain a medical education.

Two new loan forgiveness features are particularly appealing. The first would forgive $5,000 per year, plus accrued interest on the total loan, for each medical student who served in an area designated to be medically underserved by the Secretary of Health, Education, and Welfare.

Kansas has many rural areas and small towns which have diffculty attracting physicians, and this incentive could materially improve health manpower distribution.

The second forgiveness feature would allow the Federal Government to forgive an entire loan to students who are from low-income or disadvantaged families and who fail to complete their health studies. This provision could substantially reduce the hesitation of disadvantaged students to incur the heavy expenses of a medical education for fear they would be unable to graduate.

Although it is difficult to anticipate the specific amounts which might be realized by Kansas institutions for support of nursing and allied health education, the bill contains provisions for both of these programs which offer significant potential for increasing the supply of teachers and for improving the educational methods for health-care professionals.

The bill contains a number of innovative and far-reaching provisions. Their enactment could substantially help in reducing or eliminating the serious health manpower shortage and maldistribution problem now faced by Kansas and the entire Nation. I am pleased to cosponsor the proposed legislation.

TRIBUTE TO THE LIFE AND WORK OF THE LATE SENATOR RICHARD B. RUSSELL

Mr. CURTIS. Mr. President, political trends come and go. That which is popular today may be forgotten tomorrow. Often the headlines of yesteryear prove to be of little importance. There are some things that abide.

In the field of politics and government, when I think of those things that really abide. I think of a man like the late Richard B. Russell. First of all, he was a patriot. Senator Russell loved his country and he was concerned about its survival. He cast his vote in the U.S. Senate for those things that would make our Nation strong financially, morally, industrially, and militarily. Senator Russell realized that our generation was blessed with a great country, and he wanted to hand it on to future generations as a strong and great country.

In the competitive field of politics and government, agreement is not always possible or desirable. By the very nature of free government, there is bound to be disagreement upon issues. It is through disagreement and debate that public issues are fully explored. It is through disagreement and debate that the wheat is separated from the chaff. It is folly, therefore, for one to strive to have all men agree with him or try to agree with all men. The wise course is to strive for the respect of all men.

It can be said of Senator Richard B. Russell that while many of his colleagues agreed with him on most, or perhaps all, issues, many may have disagreed with him on some very important issues. The fact remains that every other Member of the Senate respected Senator Richard B. Russell. This is one of the finest compliments that can be paid to any man in public life.

For a long time, the historians of our country, and particularly the historians of the State of Georgia that Senator Russell loved, will be writing volumes about the long and distinguished career of our departed friend, Richard B. Russell. At this brief time, I cannot add to the account of the life and works of this great man. Rather, I can merely raise my voice in respect for one of the great U.S. Senators of all time.

SENATOR RICHARD RUSSELL

Mr. BENTSEN. Mr. President, it has been said of Richard B. Russell that the accident of his birth in the South prevented him from becoming President of the United States. That may or may not be true, but one absolute truth is that Senator Russell's enormous influence on Presidents had lasting influence on this country's policies and our future.

No one man in recent history had the respect of his colleagues, the confidence of Presidents of both parties and the prestige of the performance of Dick Russell.

Dick Russell was a man of the South, but more than that, he was a man of the country, a man totally dedicated to his country, a man for his country and a man beloved by all who love their country.

His wisdom was universally recognized. His understanding of human strengths and human frailties was unparalleled. His convictions were strong and his power was wisely used.

I am very proud to have known Dick Russell as a friend. I knew him from my days as a Representative, and serving in the U.S. Senate with this great and good man was one of my strong anticipations. That death claimed him before that joint service was barely realized is one of my sadder experiences.

The loss of Dick Russell to the Senate and to the United States is keenly felt. The loss of a friend is just as keenly felt. His memorial will be his uncounted contributions to this Nation.

PRESIDENT NIXON SALUTES HOUSING INDUSTRY LEADERSHIP

Mr. HATFIELD. Mr. President, in 1970 the Nation focused increased attention to the need to provide more housing. The National Association of Home Builders, under the direction of its able president, Louis Barba, provided responsible industry leadership and President Nixon recognized housing as "a top national priority." Mr. Barba recently completed his tenure as president of the National Association of Home Builders. I ask unanimous consent that a letter from Mr. Barba to the President, together with the President's reply, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF
HOME BUILDERS,
Washington, D.C., January 12, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: It has been a year since our historic meeting with you, Mr. President, on the housing crisis which resulted in a statement by you citing housing "a top National priority." Since that meeting when housing starts were at a depressed 1,100,000 annual rate, the industry has responded by climbing to an anticipated annual rate of 1,800,000 in December 1970. This turnabout, I am convinced, is largely due to your concern, recognition of, and immediate attention to the issues that brought about the catastrophic downturn. That meeting set the stage for a spectacular turnaround in meeting the critical housing needs of the nation.

In addition to the administration's policies which permitted FHA, FNMA, HLBB and GNMA to aid in financing better than 50% of the mortgage credit needs of the industry, its monetary and fiscal policies have seen an easing of the FHA and VA interest levels from 8½% to 7½%. It is well to note these achievements since that meeting last January.

We have been encouraged by the legislation achieved through the cooperation of the Congress and your administration. The Emergency Mortgage Credit bill and the Housing Act of 1970 when fully implemented will be extremely useful in meeting the housing goals.

We are optimistic that 1971 will be a good year for housing. As President of NAHB, I want to express our appreciation for your efforts in advancing the housing needs of the nation, and for your continued success.

Respectfully,

LOUIS R. BARBA.

JANUARY 15, 1971.

Mr. LOUIS R. BARBA,
President, National Association of Home Builders, Washington, D.C.

DEAR LOU: Your very thoughtful letter was on my desk on our return to Washington, and I want to take this occasion to congratulate you on the completion of your highly successful tenure as President of the National Association of Home Builders.

It is encouraging to all of us that this past year has seen so much progress in this industry so vital to our Nation's economy. I greatly appreciate your generous remarks about the Administration's efforts, but I know also that the improved conditions would not have been possible without the skilled, vigorous leadership you have provided on behalf of the industry. I am deeply grateful for the support and the cooperation you have contributed to this endeavor. It represents a vivid example of the ways in which Government and industry can work together to make the best possible housing available to every American.

With best wishes,

Sincerely,

RICHARD NIXON.

CASE FOR THE CARGO SUBMARINE

Mr. RIBICOFF. Mr. President, Aubrey H. Whitelaw, a constituent of mine from North Stonington, Conn., is an independent freelance writer who has brought to my attention material he has prepared for a book. He proposes developing giant cargo submarines for peacetime uses under the arctic ice. Mr. Whitelaw's thoughts may be of interest to others and I, therefore, ask unanimous consent that his comments be reprinted in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

CASE FOR THE CARGO SUBMARINE

(By Aubrey H. Whitelaw)

There are three major reasons why giant cargo submarines must be designed and built for a variety of purposes:

1. To open Arctic routes to international commerce;
2. To transport oil and other natural resources from Arctic regions;
3. To supplement our merchant fleet with relatively invulnerable carriers.

For centuries the advantages of Arctic passage have been envisaged by sea captains, but not until the recent advent of nuclear power and electronic navigation systems has it been possible to schedule under-ice operations on a year-round basis. During the past ten years submarines of the U.S. Navy have operated beneath the Arctic ice at will. There is no reason to believe that commercial types cannot be used to open Arctic routes between markets of the Far East, Western Europe and our own East Coast.

Since the recent discovery of oil and mineral resources in Arctic regions including Alaska's North Slope, the major problem has been to get the products to markets. Conventional surface transport is ruled out on a year-round basis due to Arctic ice, insurmountable for surface ships. The proposed pipeline across Alaska from Prudhoe Bay to Valdez (800 miles) would transport oil only and has many opponents for ecological and other reasons. And this "solution" ignores the larger objective of opening the Arctic to year-round shipping. A submarine shuttle service with open water terminals at selected Atlantic and Pacific trans-shipping points could solve the problem for domestic and foreign interests alike.

International trade has long been the crux of mutual cooperation and security. Shorter trade routes should cut shipping costs as well as nautical mileage. Current feasibility studies show that 170,000-ton submarine tankers can travel beneath the ice for extended periods of time at 18-knot speeds . . . economically, efficiently, safely. Apart from using giant cargo submarines for under-ice operations, such submarines could supplement surface merchant fleets by adding a new and relatively invulnerable reliability factor, by adding a new credibility factor regarding deliveries to allies in time of crisis. A host of other strategic advantages should accrue to nations possessing giant cargo submarines. It has even been suggested that such submarines could be converted to ICBM carriers to bolster deterrent effectiveness, if need be.

Now, it will be asked, how do we organize the consortium of financial interests in establishing the open-water terminals to service the under-ice shuttles? In the past, profit has been a mighty powerful incentive. It is today. But as a world power, there may be even more powerful incentives—such as preventing suicidal wars by providing goods required for physical survival. The gap between "have" and "havenot" nations, between rich and poor, has been widening. It may be to the advantage of international traders at this stage of the game to close the gap. Suez and Panama canals were far from altruistic. The opening of the Arctic routes need not be either!

It seems obvious that we must in this instance utilize modern technology to benefit mankind. Those enterprising souls who do so are entitled to their profits. Here may be a service, unprecedented, which brings hope in terms of goods and services. Not only the untapped resources of the Arctic but the undeveloped means of transportation are at stake here. To open the Arctic regions to year-round transport may become one of the greatest achievements of this century. The instrument is the giant cargo submarine.

LT. COMDR. WILLIAM TSCHUDY—PRISONER OF WAR

Mr. TOWER. Mr. President, the February issue of the TI DallaSite, an employee publication of Texas Instruments in the Dallas area, contains an article on Lt. Comdr. William Tschudy. Commander Tschudy is a prisoner of war and has been held captive since 1965. Mrs. Tschudy and their 6-year-old son, Michael, now live in Virginia Beach. Michael cannot remember his father. He was less than a year old when his father was taken captive.

Mrs. Tschudy has been active in efforts on behalf of POW's and MIA's. She feels that there are indications that treatment of POW's has improved as a result of the pressure of public opinion which has been applied to the North Vietnamese Government. She says:

> I think treatment has improved and we are getting more mail. Up until December, 1969 we could send a package only when the North Vietnamese allowed us to, and usually it would be once a year. We can now send one every other month. Obviously, public pressure has had an effect.

This is indeed heartening and all the more reason to rededicate ourselves to our efforts in behalf of prisoners of war. Mr. President, I ask unanimous consent that the article on Commander Tschudy be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TI-ER IS POW OVER 5½ YEARS

For most of us the war in Vietnam is something far removed. We've read a lot about it and heard a lot, but it hasn't touched us with personal hardship. It's something we've almost learned to live with. But for TIer Bill Tschudy and his wife Janie, a former TIer, the war has meant more than five-and-a-half years of separation.

On July 18, 1965, a Navy A–6 Intruder piloted by Cmdr. Jeremiah Denton, with Lt. Cmdr. William Tschudy serving as flight officer, was shot down. The two men were able to get out of their aircraft, but were captured by the enemy. Their pictures were released by Hanoi five days later. Now, after more than five-and-a-half years. Jerry Denton and Bill Tschudy are still Prisoners of War.

Janie, who met Bill when both were TIers, now lives in Virginia Beach with their six-year-old son Michael. She keeps busy making speeches on behalf of the POWs and doing whatever she can to make more people aware of the plight of the prisoners, while at the same time hoping that soon the North Vietnamese will release her husband.

For her the years have been a constant struggle against loneliness and the fear for Bill's safety. She feels that she is more fortunate than the wives of husbands who are listed as Missing in Action, for at least she knows that Bill is alive, but still there is the uncertainty of when and in what condition he will return. And she wonders what their life will be like when he does return after so many years away.

His letters to her are always general, never mentioning his situation. He writes about their son having grown so much. Janie has a Polaroid camera and regularly sends him pictures. She's not even certain he gets her letters, so she often writes the same information in different letters to make sure he gets it. It's a consolation to her that his handwriting looks strong and has improved since last spring.

"Reading and rereading his letters is a nightly thing," she says. "New ones come in and I read them over and over again, reading between the lines to see if there's something I've overlooked."

In the five-and-a-half years since Bill's capture, Janie has had about 19 letters from him. During the first four years there were just seven letters, and one time a span of 14 months elapsed before she heard from him. In the first two years of his capture Bill's letters were as long as three pages, then in 1967 the length of his letters was reduced to seven lines.

"Just before Christmas I received two more letters and a card from him," she relates. "That was just like a haul. I've never had so much mail come in at one time. Then just a few weeks ago two more letters came in—one was a full page long.

"I know he's all right because he's able to write a letter. But he tells me nothing about his situation. I knew in his first letter that he did have a roommate, but he's never mentioned one since."

"You and Michael are constantly in my thoughts and prayers . . . please don't worry about me or try to imagine what I am doing. Think of me only as being with you in whatever you are doing. My heart is filled with joy in knowing you are all well . . . I am glad that Michael knows that I am his daddy, but sad he doesn't know what a daddy is. God bless you and keep you, my darlings. I love you, Bill"—Former TI-er Janie Hammerstrom Tschudy still reads the letter written more than four years ago from a prison in North Vietnam by her husband Lt. Cmdr. William Tschudy, a TI-er on Military Leave of Absence.

Janie is encouraged by her belief that the effort to get better treatment for the POWs is paying off. "Last year I received ten letters which I think is a direct result of the publicity and pressure being put on the North Vietnamese. I think all of this, more letters, the releasing of more names of prisoners, is a definite response to public pressure. And, I think it's the public that's done it, not the wives.

"I think their treatment has improved and we are getting more mail. Up until December, 1969 we could send a package only when the North Vietnamese allowed us to, and usually it would be once a year. We can now send one every other month. Obviously, public pressure has had an effect. There's been more mail, more packages, more names. Now, getting the men out of there is something else."

Born and raised in Highland, Illinois, Bill attended the University of Illinois for two years before transferring to SMU in Dallas. He received a degree in business in 1957 and then enlisted in the Marines for six months active duty and three years in the reserves. In 1959, Bill came to work at TI-Dallas in the Germanium Consumer Department as a customer representative.

Fred Mann of Technical Publications, Components Market Communications, and George Berryman, manager of manufacturing for the mechanical polish operation in CMD-Dallas, knew Bill well. Fred recalls that he and Bill were both members of the now-defunct Sports Car Association of TI. "We worked together in setting up sports car rallies," Fred relates "Whenever I needed any help I knew I could ask Bill."

George expresses his recollections of Bill, "He was the kind of guy who's enthusiastic and really enjoys life."

Musingly George relates, "Bill figured the Navy offered him the kind of future he wanted," and Fred recalls, "I served as a reference for him when he decided to go back into the service. I thought he'd make a good naval officer."

Bill's supervisor during much of the time he was with TI was J. C. Bearden, now manager of Assembly Planning for Digital Circuits in Houston. "He wanted to fly about as much as anyone I had ever known," J. C. observes. He adds, "Bill was an excellent worker. I remember that every Thursday we had to work until late at night preparing marketing forecasts. Bill was always ready to work well into the night."

Born in Dallas, Janie moved away from "Big D" when she was three and grew up in Michigan and Ohio. She later returned to her native town and started at TI in 1957 as an order editor in the Resistor Department. Remaining with TI until the spring of 1961, Janie left the company to fly with American Airlines. In the fall of that same year Bill too left to take up flying as a Navy officer. He and Janie were married the following year.

"Bill had tried to become a pilot when he was in the Marines," Janie states, "but his eyesight prevented him. When he went into the Navy, though, his eyesight was fine. I guess that many years away from the books and a little easier life on his eyes improved his sight. He first went to pre-flight in the Navy to become either a pilot or a flight officer, but his age kept him from becoming a pilot. As a flight officer, he did all the navigational work in the airplane. He was a flight officer on an A–6 Intruder when he was shot down."

Bill left Norfolk on the U.S.S. Independence for deployment in May of 1965 and two months later was a Prisoner of War.

Janie spends a lot of time working for increased public support for Americans who are Prisoners of War or listed as Missing in Action. The Virginia State Chapter of the National League of Families of American Prisoners in Southeast Asia is located in Virginia Beach, and Janie is actively engaged in the organization. She's given speeches and appeared on television, once on the Mike Douglas Show with Ross Perot, whom she says has done more for the cause of the prisoners than any other person.

"The two things we are stressing," she says, "are that people write to the Chief Negotiator for the North Vietnamese Delegation in Paris, Xuan Thuy, and, secondly, that people write to their congressmen."

Janie talks of Bill as being an outgoing person, but unhesitantly adds that he could also be a loner. "Bill liked the discipline of military life, and that's why he decided to go back into the service. He really wasn't what you would call the 'happy hour' type officer who every Friday had to go to the club and be with the boys," she says of him. "He enjoyed people, but he loved his home. He liked to fool around in the garage and make things, a handyman type. He's religious. I think he has a strong faith, and this has come forth in his letters. In the three years of marriage we were together I did not realize the depth of Bill's faith. It's always predominant in his letters, and he gets a lot of strength from this."

She paused. "It's awful that I have to rely on memory to think of what Bill is like. I don't even know him as a father. Michael was born in December, 1964, and Bill was gone a lot of the time on shakedown cruises before he was deployed.

"Michael has a pretty good grasp about what has happened to Bill. He's optimistic. We'll often talk about when Daddy comes home—it's not if Daddy comes home. We did go through a period when Michael was about two when he questioned whether his Daddy was really alive. It was only natural—he couldn't remember him. Then he went through a stage when he thought since his Daddy is a prisoner he had been bad. To him a prisoner is someone who had done something wrong and is in jail.

"Michael really doesn't talk about Bill very much—he has no reason to since he doesn't know him. But he's happy when we hear from him. About three months ago Bill wrote Michael a letter. I think it meant a lot to Michael, but it will mean more to him later on. It was a letter just to Michael from his Daddy, but it meant a lot to me."

Last spring Janie sold her home in Virginia Beach and moved into an apartment. However, she plans to continue living in Virginia Beach because, "It's a big comfort to me here with the other wives of prisoners."

She's been reluctant in the past to get a job, feeling that it was more important to stay home with her son. "Now," she says, "Michael's in kindergarten and I may go back to school if Bill isn't home soon. I've had a year of college and have thought of becoming a medical technician."

Definite strides have been made in gaining more humane treatment for the POWs, but more has to be done, and it appears that an aroused public can help. Their release, of course, is the ultimate goal.

"I think Bill's chances of release have certainly improved," Janie says with dampened hope, "but after this length of time, I've built up a sort of insulation against feeling that something is imminent. Is there any hope he'll be released soon? I wish I could say yes.

"When it's over and Bill comes home—and I have no doubts that he will—I know our love will be stronger for it all."

BILL TSCHUDY ONE OF MANY

More than 1500 Americans are listed as Prisoners of War or Missing in Action in Southeast Asia. TIer Bill Tschudy is one of more than 300 men officially listed as a POW. Some of the 1500 Americans have been captive or missing longer than any U.S. serviceman was held prisoner during all of World War II.

The Geneva Convention code on treatment of prisoners of war requires the immediate identification of prisoners, impartial inspection of the prison facilities, the release of prisoners who are seriously sick, and regular correspondence between the prisoners and their families. The North Vietnamese have refused to comply with this code.

The plight of the prisoners has reached the hearts of Americans who in turn have expressed their concern for the humane treatment of those held captive.

Although the treatment of the prisoners may be improving, it will not have improved enough until these men are properly cared for, or better yet, released.

DEPARTMENT OF JUSTICE CRACKDOWN ON LOANS FROM NATIONAL BANKS FOR POLITICAL PURPOSES

Mr. CANNON. Mr. President, I invite the attention of the Senate, and particularly to those who will be actively campaigning for election in 1972, to a new and critical threat to candidates, political parties, and committees.

The Department of Justice, for the first time in the 45-year history of the Corrupt Practices Act, is moving in various States to obtain indictments against national banks for making loans for political purposes.

The Corrupt Practices Act defines political contributions and expenditures to include loans. National banks are prohibited from making political contributions or expenditures.

Until now, it has been uniformly understood that a bona fide loan, repayable on a day certain with interest, is not a contribution or expenditure.

For reasons known only to the Department of Justice, a new twist has been given to the meaning of the statute, and a bona fide loan, even a secured loan, is suddenly no longer a proper banking transaction, but has been transformed into a political contribution.

According to a news item published in the American Banker newspaper on Monday, March 8, 1971, the Justice Department intends to proceed not only against loans made to political organizations, but also against personal loans to individuals for use in their own campaigns, and loans to individuals for the purpose of making contributions or loans in aid of political campaigns.

Election law reforms are now under study in the Senate, and this subject of loans will be fully reviewed. But, in the meantime, I caution Senators to avoid this latest trap set for the unwary campaigner by the Department of Justice.

Mr. President, I ask unanimous consent to have printed in the RECORD the complete article from the American Banker.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JUSTICE DEPARTMENT TO QUESTION ALL POLITICAL LOANS

(By James Byrne)

NEW YORK.—The Federal criminal indictments returned Feb. 24 against four national banks in Ohio, charging that they had made illegal loans to political campaign organizations in state election races, could bring a drastic change in campaign financing and could well bring on a credit crunch for individual politicians each election year.

The burden of the Justice Department action falls most heavily on politicians. Thus far, it does not appear that the banking industry is being taken to task for systematically making what the Justice Department considers illegal loans. Though at least a dozen indictments eventually will be brought by Justice, probably including some in New York, indications are that most of the alleged violations occurred because of ignorance on the part of the bankers involved. The real threat from the government crackdown is against individual politicians who may find it difficult to borrow in an election year.

The four Ohio banks, which will enter pleas in their cases at 9 a.m. Friday in U.S. District Court in Columbus, are charged with making loans to political campaign organizations in contravention of Federal law. This is the first time the law has ever been invoked against national banks. But the Justice Department philosophy goes even further than moving against loans to political organizations.

After interviews with officials of the office of the Comptroller of the Currency and the Justice Department, the American Banker has determined that the Federal government has every intention of moving against two other types of loans vital to politicians: personal loans to individuals which are used in their own political campaigns and loans to individuals which are used for contributions or loans to aid political campaigns.

Justice makes it clear that a bank is not likely to be accused of wrongdoing in the latter two cases since they could well have been misled as to the purposes of loans they might have extended to customers of long standing.

Justice readily concedes that gathering evidence will not be easy, particularly when an important bank customer borrows money for "general expenses" and then uses it to make a contribution to the party of his choice.

But the knowledge that, at the request of the Justice Department the Comptroller is now forwarding to Justice any information about loans it finds at all questionable in regard to political campaigns is bound to make banks uncomfortable about lending to persons who happen to be politicians. None of the banks contacted by American Banker said they would refuse a loan merely because the applicant was a political candidate. On the other hand, some banks were not aware before that there was any problem about loans to individuals who are running for office.

Indeed, ignorance of the law appears to be what got the Ohio banks into trouble. Justice does not charge that the loans were willful—a condition that carries a much greater penalty under the criminal code.

If and when Justice charges in subsequent suits that national banks—or state banks in Federal elections—made illegal loans to individuals, the open-door policy bankers insist is the rule of the day for politicians as well as other customers could be changed overnight.

Loans to political figures, even before the current Justice Department push, were often looked upon by banks as more trouble than they were worth. They are referred to as "peanut" loans by one banker.

Even now, Chase Manhattan Bank NA, New York, with deposits of $21.2 billion, knows of no loans outstanding to any elected official, Federal, state or local. The bank insists that it treats politicians as it does any potential loan customers. Asked if this was merely a coincidence, a spokesman replied: "I suppose that's it." He said there have been loans to politicians in the past and he assumed there would be in the future.

But some politicians have said they will not accept without a fight the drying up of such a vital source of campaign funds, particularly at the crucial early stages when money demands are high but contributions have not begun to come in. One of these is Emanuel Celler, D., N.Y., chairman of the House Judiciary Committee and the only man remaining in Congress who was on the scene when the Corrupt Practices Act, forerunner of the present law, was passed in 1925.

"I don't think it would be right for the Attorney General to bring action against a bank which made a legitimate loan to a candidate for use in his campaign," declared Mr. Celler.

"Only the very wealthy could run campaigns if this were forbidden," he added. "I can't conceive of how Congress would ever have intended to prohibit bona fide loans to individuals for use in their campaigns.

"I certainly can't believe a jury would convict under those circumstances."

Mr. Celler and several other people who have had experience in the financing of political campaigns suggested that the matter probbaly would come down to the constitutionality of such a law and they were confident the law would be thrown out.

The statute under which the four Ohio cases are being brought has had a somewhat muddled history. The 45-year-old Corrupt Practices Act applied only to general elections. When the Taft-Hartley Act to regulate labor unions and their political activities was being debated in 1947, the statute was broadened to include primaries, political conventions and caucuses at which candidates for Federal office were chosen.

The section of the Corrupt Practices Act which made it "unlawful for any national bank or any corporation organized by authority of any law of Congress to make a political contribution or expenditure in connection with any election to political office" or for "any corporation whatever" to make an expenditure or contribution in connection with any election to a Federal office was expanded to include primary elections, political conventions or party caucuses at which candidates were to be selected. The entire section was moved to Title 18 of the U.S. Code, the criminal code, where it now is Section 610.

Kept in the Corrupt Practices Act but also inserted in the criminal code as "Section" and "expenditure" to mean, among other things, loans. Both sections are reprinted as Comptroller's Ruling 7440 with the notation: "Attention is called to the fact that under the statutes quoted above, loans as well as gifts are prohibited."

The only banks not covered by the law are state banks in state elections and the various state laws differ widely.

Penalties for willful violations can reach a maximum of a $10,000 fine or two years in prison or both. If the violation is not willful, the penalty is a maximum fine of $1,000 and one year in prison.

In Ohio, the Justice Department was able to obtain indictments on the following charges:

A single count against the $711.3 million-deposit Ohio National Bank, Columbus, for a loan of $3,603 in connection with the primary and general elections. The loan reportedly went to the campaign committee backing John D. Herbert, the unsuccessful Republican candidate for state auditor. The loan reportedly was used for the purchase of an automobile.

Four counts of Section 610 violations against the $674 million-deposit First National Bank of Cincinnati for four loans totaling $60,000. The loans were understood to have gone to the Citizens for Gilligan Committee, a group backing the successful Nov. 3 election of Gov. John J. Gilligan, a Democrat.

A single count against the $36.1 million-deposit First-Knox National Bank, Mount Vernon, for a loan of $2,000 in connection with the primary and general elections. The recipient of the loan was understood to have been the Knox County Republican Finance Committee.

Four counts of Section 610 violations against the $14.5 million-deposit Bellefontaine National Bank, for four loans totaling $20,000. These were understood to have gone to the Cloud for Governor Committee, a group backing the unsuccessful candidacy of Ohio's former state auditor, a Republican, who ran against Mr. Gilligan in November. The loans took place during Mr. Cloud's successful primary election campaign and were backed by a $50,000 certificate of deposit at the bank of which Mr. Cloud is a director.

None of the candidates or campaign committee officials were indicted. Justice said it doubted that it could prove the candidates could have known about the loans and that they would not be targets "the first time around."

Neither Ohio National nor First National would comment on the charges. William A. Stroud, president of First-Knox, said the loan was made after the election to help the GOP Finance Committee pay off some bills to local merchants who needed their money. "We do not believe it violated the intent of the law," he said.

Robert Dunlap, a Bellefontaine attorney representing the bank, declined detailed comment but noted that the four loans totaling $20,000, were backed by a $50,000 CD, hardly a bad loan for a bank to accept. Though the loans technically were made to a campaign organization, the bank appears to have looked upon them as personal loans to Mr. Cloud.

The indictments are by no means the first under the law. In fact, state banks in North Dakota and Louisiana were indicted in 1970 for political contributions—not loans—in Federal campaigns. The $95.8 million-deposit Guaranty Bank & Trust Co., Alexandria, La., pleaded guilty and was fined $15,000.

Still pending are indictments against the $14 million-deposit First Western State Bank, Minot, N.D., and some of its officers and shareholders for allegedly using bank funds for political purposes. The case is not expected to come to trial until the fall of 1971.

The law is frequently used against nonbanking corporations and labor unions and just last week, W. A. Boyle, president of the United Mine Workers of America, was indicted for making illegal political contributions. Again, the alleged recipients were not indicted.

Justice officials say the department began its thrust against campaign spending abuses as a result of Internal Revenue Service cases developed in late 1968 which found corporations charging off to advertising expenses on their tax returns what in fact were political contributions. The cases were turned over to Justice and the string got longer and longer until it reached the banks.

Justice will not comment on why Ohio was picked as the scene of the first indictments but two factors appear to have had a bearing.

For one thing, the Republican ticket suffered greatly from bad publicity resulting from a loan scandal that involved illegal contributions but not the bank loans cited in the indictments. In addition, last October during the Congressional campaign, Wright Patman, D., Tex., chairman of the House Banking and Currency Committee, called for a probe by the Justice Department of alleged illegal loans and contributions by banks. Ohio was among the states in which he said banks were carrying on illegal political activities.

The reaction of politicians to the Justice Department move against loans generally was one of surprise that the law would be interpreted to prohibit personal loans to candidates. Most of those banks which would comment indicated they knew of the prohibition and regularly warned loan officers to be wary during a political campaign.

"I was surprised Justice hadn't moved into this before now," observed Robert H. Fabian, counsel for Bank of America NT&SA, San Francisco.

Mr. Fabian said his bank, the world's largest with deposits of $25.6 billion, regularly sends out during election years a reminder to loan officers of the prohibitions against any loans in connection with political campaigns.

He said policing personal loans is not easy and that it is almost impossible to catch a customer who states he is borrowing for a legitimate purpose but then uses the funds for political contributions or loans.

Banks, he added, probably would not be hurt by an outright prohibition on loans to politicians. "They usually are a peanut operation," he said. But Mr. Fabian emphasized that such a prohibition would not be fair to citizens who happen to be in political life.

A major Chicago bank which requested that it not be identified by name also has a written policy statement that circulates during election years to warn loan officers about the law.

Several large national and state banks declined to comment.

First National City Bank, New York, was among the banks that did not reply to a request for comment. One source at the bank, however, said it was unlikely that the $21 billion-deposit institution would do anything careless in lending to politicians in light of the embarrassment that it suffered in the summer of 1969, when it was revealed that the bank had made a personal loan to a politician which appeared to give him favorable treatment.

The $40,000 unsecured loan at the prime rate, a price usually not available to individuals, was made to Seymour Halpern, R., N.Y., a member of the House Banking and Currency Committee, who was heavily in debt to a number of banks. No charges of any kind were ever filed against Mr. Halpern or FNCB.

The Federal bank regulatory agencies have been aware of the law but the combination of the relatively small denominations of the loans and the previous disinclination of the Justice Department to prosecute caused the agencies to let banks off with warnings and orders to get the illegal loans paid off immediately.

C. Westbrook Murphy, deputy chief counsel for the office of the Comptroller, said, the Comptroller's examiners have cooperated fully with the Justice Department in its investigations of political lending.

Mr. Murphy said Justice requested that all cases of loans that might possibly be for political purposes be sent over for consideration and about three dozen were forwarded during the last campaign season. Those included some that probably will not result in indictments, Justice officials said.

Banking organizations generally had little to say about the indictments, though the executive manager of the Ohio Bankers Association expressed strong reservations about the results of the Justice Department efforts in this area.

"This appears to place in jeopardy the credit of every single candidate for whatever office," asserted O. E. Anderson. "I'm positive this was never the intent of the Congress but this will be the result."

Clifford C. Sommer, president of the American Bankers Association, said that even if the allegations against the Ohio banks are substantiated, "I am certain that the actions were inadvertent and not intentional."

Mr. Sommer, who also is president of the $29.1 million-deposit Security Bank & Trust Co., Owatonna, Minn., has been active in state politics, both as a State Senator and as chairman of other people's campaigns. He said he knew of no problem relating to bank borrowing. In fact, he said, "the occasion never had arisen to make us think of borrowing to finance a campaign."

Everett D. Reese, who is chairman of the ABA's committee on banking policies and practices, said he had no comment on the Ohio indictments. Mr. Reese, who is chairman of First Bank Group of Ohio, the largest bank of which is the $413 million-deposit City National Bank & Trust Co., Columbus, said the rules regarding political lending are part of the law and his committee has no intention of commenting on statutes which already are in effect.

Lewis K. McKee, chairman of the Bankers Political Action Committee, also declined to comment. Mr. McKee also is chairman of the $253.8 million-deposit National Bank of Commerce, Memphis.

There is little question that politicians have counted on bank loans and loans and donations from supporters who may themselves have borrowed from banks.

"I'll bet you that Justice could go out and get 100 indictments if they want to look at things that way," asserted Lyn Nofziger, who recently switched over from the White House to head public relations for the Republican National Committee.

Though neither he nor the officials of the Democratic National Committee would comment on the implications of the loan, it seems clear the two top party groups are well aware of the prohibition on their own borrowing from banks.

Robert L. Short, Minneapolis businessman and finance chairman for the Democrats during the last national election campaign, said he knew he had to borrow from individuals and he presumed some of them got their funds from banks.

"I felt that, if someone came in and wanted to make a contribution, I was under no obligation to inquire whether he got the money from a bank," explained Mr. Short, who also is president of the Washington Senators, a team in the Eastern Division of the American League of Baseball.

As for individual candidates, said Mr. Short, "the smaller they are the more, they go into hock themselves. I would assume this means they go to banks."

Mr. Short said he criticized during the campaign the election financing laws of the country which, he said, make campaign financing "a sham."

Mr. Short, who is also a lawyer, said he thinks any law forbidding loans to individuals for campaign funds could probably be attacked on the ground that it is unconstitutional.

"If we are going to have a democratic society," he said, "we must allow candidates to take advantage of the institutions of that society. Banking is one of those institutions."

MORTGAGE CREDIT INSTITUTIONS

Mr. SPARKMAN. Mr. President, one of the important factors which has enabled housing to survive as a viable industry during the recent critical credit crunch period has been the great reform legislation by Congress involving mortgage credit institutions.

Particularly important to the industry and the homebuyer has been the privatization of the Federal National Mortgage Association, which was permitted to become a private corporation with a public purpose in the Housing Act of 1968.

Fannie Mae's president and chairman during the important transition period from Government-owned to private status was Raymond H. Lapin, who is now President of R. H. Lapin & Co., Inc., a San Francisco mortgage banking firm.

Mr. Lapin's efforts during this period were enormously beneficial to the home mortgage market. He initiated innovative plans and programs that effectively held up the FHA and VA mortgage market as well as the many important subsidy programs enacted by the Congress.

It is fitting that the industry he served, housing and home finance, should pay him tribute. Four major national trade associations in this field have expressed their appreciation for Mr. Lapin's work. I ask unanimous consent that the texts of these resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, Raymond H. Lapin, during his term of office as President and Chairman of the Board of the Federal National Mortgage Association, guided the corporation during a most critical and historic time for the home finance market, and

Whereas, Raymond H. Lapin, as President and Chairman of Fannie Mae, was instrumental in establishing new programs and policies that greatly aided the home mortgage market, and

Whereas, Raymond H. Lapin, throughout his leadership of Fannie Mae, pursued a course which enhanced the savings and loan industry, and

Whereas, the programs introduced for the home mortgage market as a result of Mr. Lapin's initiative and imagination are fast becoming an integral part of mortgage finance, including the new secondary market for conventional mortgages—which has long been sought by the National League, the FNMA auction; mortgage backed securities, which has opened up vast new sources of mortgage money; and the increased efficiency and capability of FNMA to help home financing institutions during tight money periods;

Now, therefore, be it resolved that the National League of Insured Savings Associations does hereby commend Raymond H. Lapin for his great efforts and outstanding achievements as President and Chairman of the Federal National Mortgage Association.

RESOLUTION COMMENDING RAYMOND H. LAPIN

(Resolution unanimously adopted by MBA's Board of Governors on October 28, 1970)

As President and Chairman of the Board of the Federal National Mortgage Association (FNMA), from July 1967 to December 1969, Raymond H. Lapin guided FNMA through a most critical and historic time for the home mortgage market.

Whereas, Mr. Lapin was instrumental in establishing new programs and policies that greatly aided the home mortgage market, and

Whereas, Raymond H. Lapin, throughout his leadership of FNMA pursued a course which stressed the responsibilities and enhanced the professionalism and the dignity of the mortgage banking industry, and

Whereas, the programs introduced for the home mortgage market at FNMA during Mr. Lapin's leadership have become an integral part of mortgage banking, including the FNMA auction, rather than arbitrarily set Government prices; the mortgage-backed securities plan, which has opened up vast new sources of mortgage money; the tandem plan, which has enabled the Federal Treasury to allot far fewer dollars to produce far more housing for low-income families, and perhaps most important, the "privatization" of FNMA, which has already proved its worth by its ability to increase FHA and VA housing starts during what was otherwise an adverse period for housing, and which has resulted in greatly increased efficiency of the corporation via the private enterprise route that has always been the backbone of our nation;

Be it resolved that the Mortgage Bankers Association of America does hereby commend Raymond H. Lapin for his outstanding achievements as President and Chairman of the Board of the Federal National Mortgage Association.

RESOLUTION COMMENDING RAYMOND H. LAPIN

Whereas, Raymond H. Lapin, as President and Chairman of the Federal National Mortgage Association, was instrumental in establishing the free market system in his operation of a secondary market for FHA-insured and VA-guaranteed mortgages; and

Whereas, Raymond H. Lapin, while President of FNMA, encouraged and guided the agency on a course which led ultimately to its transfer to private ownership; and

Whereas, Raymond H. Lapin, throughout his leadership of FNMA, encouraged and guided the National Association of Real Estate Boards, and other private industry groups, on a course which led to the enactment by Congress of a change in FNMA's charter authorizing the creation of a secondary market for conventional loans, a proposal which NAREB had urged upon the Congress for many years; and

Whereas, Raymond H. Lapin contributed materially to the establishment of the Government National Mortgage Association and the introduction of the mortgage-backed security plan, as well as the tandem plan for diverting money to housing for low income families; and

Whereas, his leadership of FNMA during the housing industry's greatest crisis in this generation enabled the FHA and VA sectors of the market to increase their housing starts; now therefore

Be it resolved by the National Association of Real Estate Boards that Raymond H. Lapin be and he is hereby commended by the nation's Realtors for his outstanding achievements during his tenure as President of the Federal National Mortgage Association.

PROPOSED BY THE NAHB MORTGAGE FINANCE COMMITTEE AND ADOPTED UNANIMOUSLY BY THE NAHB BOARD OF DIRECTORS, HOUSTON, TEX., JANUARY 18, 1971

The Mortgage Finance Committee asks that the Board of Directors of NAHB express the home building industry's deep appreciation for the efforts of the Federal National Mortgage Association in keeping a steady flow of money to the housing market during the tight money period of the past several years.

FNMA's efforts, made possible by its new concept of being a private corporation with a public purpose, have gone far to aid home builders. This is so in many respects—including the commitment auction, which has given new construction a high priority; the tandem plan, which has aided low and moderate income subsidy housing programs; and the new conventional mortgage secondary market, for which NAHB was a vigorous supporter.

These, and other innovations at FNMA, have made that corporation important to the home builder. It is recommended that the appreciation of the NAHB be expressed for the innovative work of the first president of the new FNMA, Raymond H. Lapin, who brought the agency through the critical transition phase and introduced many of the concepts mentioned above, and to the current president, Oakley Hunter, for his continuing leadership and innovation, and to the Board members who have served so diligently and skillfully with both presidents.

UNCOMMON NEUTRALITY

Mr. DOLE. Mr. President, I wish to talk again today about an organization called Common Cause which was organized and is run by John Gardner, a Secretary of Health, Education, and Welfare in the Johnson-Humphrey administration and a nominal Republican.

Because of this dual identity, Mr. Gardner has been able to claim for himself the respect and confidence of leaders in both political parties.

Now, however, I believe it is time for the leaders of those parties to take a hard look and see if Mr. Gardner and Common Cause are what they claim to be or if, in fact, they are something entirely different.

Mr. Gardner disavows any political ambitions. At the same time, he tells us Common Cause is a nonpartisan citizens' lobbying group aimed only at building a better America.

Believing these things, many Americans of both parties have contributed to Common Cause.

Some of the rest of us who also want the things Mr. Gardner professes to want—peace, a liveable environment, effective government within the democratic process—question, however, whether Mr. Gardner is being entirely forthright or completely nonpartisan.

The latest cause for common concern is Mr. Gardner's admission that he has allowed the Democratic National Committee to use his mailing list for fund-raising purposes.

I know that Mr. Gardner has proclaimed public embarrassment over the list swap, and he claims it will not happen again. But the question remains, Is he embarrassed because he goofed or because he was caught? Is it hard to say.

But the fact is that John Gardner is taking Common Cause on a hard left road. In Vietnam he is traveling with those who demand a date certain for surrender even though President Nixon is clearly and surely winding down that war in a manner that will allow the South Vietnamese to defend their own independence.

Domestically he sides not with those who seek to work out the compromises over policy and with tradition, but with those who take all or nothing approaches that are so divisive to our society.

It is clear to me, Mr. President, that Common Cause is surely and not very slowly becoming the lobbying arm of the leftward movement in these United States.

Of course, Mr. Gardner has the right to adopt any point of view he chooses and to lobby for any cause he prefers. However, I believe that many persons may have contributed to Common Cause before they knew specifically what Mr. Gardner had in mind. I believe also that many persons are on Mr. Gardner's list of names who may not wish to be there any longer.

In fairness to those people, I call on Mr. Gardner to make his list available also to the Republican Party so that we, too, can solicit the people on that list.

Surely, in the interests of fair play, Mr. Gardner cannot object to making his list available.

As a citizen concerned with making democracy work, he has a chance now to help make it work; he has a chance to let the Republican Party present its views, as he has let the Democrats do, to the members of Common Cause.

Truly this would be a bipartisan action. Surely it would give those on the list the opportunity to see whom they want to make common cause with—the Democrats or the Republicans. And that is how it should be.

As a Senator and as a concerned Republican, I will be waiting to hear from John Gardner.

SUPPORT OF CRANSTON AMENDMENT TO S. 31

Mr. WILLIAMS. Mr. President, during the past 2 years our unemployment rate has risen precipitously from 3.4 to 5.8 percent, adding more than 2 million persons to the jobless rolls. Since January 1969, unemployment has increased by a staggering 82 percent.

All sectors of our economy and all age groups have been affected in one way or another, whether in the form of large-scale unemployment, mass layoffs, shorter workweeks, salary cuts, or just slow business. But older workers and their families have been especially hard pressed. Today nearly 1.1 million individuals 45 and older have lost their jobs. Approximately 365,000 have been looking for work for at least 15 weeks.

In recent months, alarmingly large numbers have given up the search for jobs, after prolonged periods of unemployment.

For many of these individuals, the Emergency Employment Act can provide a new and effective way to get off the unemployment rolls and back on to the payrolls.

Particularly important for these so-called older workers, the Cranston amendment will assure that they will have an equal opportunity to participate in the public service employment programs established under this bill.

Once unemployed, the middle aged and older worker runs the greatest risk of being without work for comparatively long periods of time. With the tight job market now, many are finding it impossible to locate suitable employment.

Yet, there is an urgent need for expanding community services in virtually every locality in this Nation. And public service employment can provide meaningful jobs for these individuals, as well as an effective means for communities to serve their citizens more efficiently.

With unemployment reaching critical proportions, prompt enactment of the Cranston amendment to the Emergency Employment Act is urgently needed now.

For these reasons, I urge the approval of this measure by the Subcommittee on Employment, Manpower and Poverty of the Committee on Labor and Public Welfare.

RURAL DEVELOPMENT—A GENUINE COMMITMENT?

Mr. HUMPHREY. Mr. President, I commend the President's message on rural community development for its frank acknowledgment of the profound "loss in human resources" affecting rural America and the "vital stake" of our cities in the development of our nonmetropolitan areas. With 20 million Americans leaving farms over the past 30 years, and with almost two-thirds of America's substandard housing and one-half of its poverty located in rural areas, there can be no further delay in establishing a national commitment to the rebuilding of rural America.

The President has said that the Federal Government must "rededicate itself to providing the resources and the creative leadership" that America's rural development needs demand. I applaud the spirit of this message, but I strongly question whether the measures it proposes can even begin to do the job.

I am concerned that while the President states that "rural Americans deserve a full share in the Nation's prosperity and growth," they are still not being accorded a rightful share of Federal assistance allocated for essential public services and the protection of human and economic resources. For instance, while the Federal Budget proposes a modest increase in the total funding of U.S. Department of Agriculture programs, there is a sharp decrease in projected expenditures for commodity programs, even though the parity ratio decline has had a major adverse impact upon our agricultural economy. Yet the President contends that agriculture "remains one of the keystones of our national economy."

The task of comparing fiscal 1971 authorizations and appropriations for rural programs against revenue-sharing funds proposed for the 11 programs in the President's message, is complicated by an inadequacy of specific details. But it is clear that substantially reduced funding is being requested for such programs as rural water and waste disposal facilities grants and the rural environmental assistance program.

We can hardly be encouraged by an administration commitment to rural community development of $1.1 billion, along with remaining grant-in-aid programs and such funds as the States may allocate under general revenue sharing, when we look at a fiscal 1972 budget outlay projection of over $229 billion.

But beyond this, we ought to question sharply the relaxation of State responsibilities under this special revenue-sharing proposal. True, a statewide development plan is called for, and the Secretary of Agriculture is to make a general audit each year, while shared funds are to benefit rural people, and an allocation formula, related to rural population and per capita income, is mentioned in the President's message. But that is about the extent of Federal oversight in assuring that our taxpayer dollars are well spent and are spent on rural development priorities.

Even more disturbing is the explicit withdrawal of a State maintenance of effort requirement. In fact, there is a full swing in the pendulum, away from the alleged limitations imposed by State matching fund requirements, and toward the explicit suggestion that all Federal funds for these 11 vital programs may be used by the States to meet matching share requirements of remaining Federal programs that contribute to rural development. So much for the Appalachian regional development program, the cooperative agricultural extension service, rural water and sewer grants, and the agricultural and Great Plains conservation programs—to name a few of the programs that could be emasculated in the name of promoting State responsibility for rural development.

And it is quite clear that this message constitutes a regression from the clear recognition that the needs of rural America are basically regional in nature. The President proposes to replace what he regards as Federal fences blocking the path to rural development, with State fences. Yet our States have long recognized that such problems as endemic poverty, water resource protection, pollution, and metropolitan sprawl know no State boundaries, and that the essential requirement in America is the planning of our national growth, under a balanced urban and rural development policy.

Finally, I would point out that this message must be read in the context of the President's proposals for the reorganization of the executive branch. The message states that rural community development would eventually be combined with the urban community development program under the proposed Department of Community Development. I can only see a diffusion of rural America's priorities under this plan, following upon the heels of a relaxation of requirements for a maintenance of State effort in the revitalization of our rural areas.

Mr. President, I strongly believe the Senate must give the most searching examination to the administration's actual commitment to rural development. As chairman of the Agriculture Subcommittee on Rural Development I intend to give the fullest attention to these proposals and to their credibility on the basis of the present record of Federal rural assistance program operations. I am hopeful that through projected regional and Washington hearings by the Rural Development Subcommittee, we can develop a legislative program that establishes an imaginative and effective forward thrust in national policy that will, in fact, meet the critical needs of our rural families and their communities. I intend to initiate this program in the near future with the introduction of legislation providing for the major financial commitment required for a nationwide program of domestic development.

GNMA HOUSING PROGRAM CELEBRATES SUCCESSFUL YEAR

Mr. SPARKMAN. Mr. President, "Ginny Mae" has completed its first full year of operation, and it is appropriate that recognition be given to this important event.

The "Government National Mortgage Association" is the more formal name for this corporation, which was created by the 1968 Housing Act to bring additional capital into the financing of homes by the use of mortgage-backed securities. On February 19, 1970, GNMA transacted its first financing business. I am pleased to report that the infant is healthy and growing.

In terms of volume, GNMA has sold $1.3 billion in bonds and $600 million of the "pass-through" type of securities. It now has an additional $1.4 billion in commitments. The program, therefore, accounts for about $3.3 billion in the financing of new housing for the people of this country.

It is estimated by the President of GNMA, that this has attracted more than $1 billion to the housing field which would not otherwise have been so invested. This would account for the building of about 180,000 dwelling units which would not otherwise have been built.

I understand that brokerage houses are finding considerable demand for GNMA securities on the part of institutional purchasers, so that we may be seeing the beginnings of a sound national secondary market for housing capital as a result of the GNMA program.

It is gratifying to us in the Congress that this program is fulfilling the hopes we envisioned for it in formulating the 1968 Housing Act. I believe that the work of Mr. Woodward Kingman, President of GNMA, and his able General Counsel Austin Frum, in skillfully implementing this program merits the commendation of all concerned.

Our wish is that the benefits of GNMA securities will continue to be spread to all parts of the country and to an increasing number of independent and small builders, so that all of our citizens may benefit from an increasing supply of homes at more reasonable cost.

Based on GNMA's first year of performance we appear to be heading in that direction, and I am glad to offer my birthday congratulations.

I ask unanimous consent that a release describing the details of this program and its accomplishments be printed in the RECORD for the information of those having an interest in the housing field.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

PENSION FUNDS ACTIVE IN HUD–GNMA MORTGAGE-BACKED SECURITIES PROGRAM

During its first year of operation, sales of "Ginnie Mae" mortgage-backed securities provided $1.9 billion of new financing for housing, it was reported by the Government National Mortgage Association of the U.S. Department of Housing and Urban Development.

An additional $1.4 billion in applications and commitments to guarantee the securities means that a total of $3.3 billion financing for 190,000 units of new construction will have resulted from the program's activities since the first issue of securities a year ago.

Woodward Kingman, President of GNMA, which administers the program, said that a wide spectrum of investors have purchased the securities. These include many who have not been active in mortgage investment, such as State, municipal, union and corporate pension funds, as well as credit unions, insurance companies, private trusts and foundations, individuals and even a perpetual care fund for a cemetery. Over a third of the total sales of the GNMA securities have been to these new sources of financing for housing.

The program, designed to channel new funds into mortgage financing, was launched February 19, 1970, with a $2 million sale of securities.

Involved in the program are the pooling of mortgages by private lenders and the selling of GNMA-guaranteed securities against them.

Of the total amount of securities sold and delivered in the first year, Mr. Kingman said, $1.3 billion were of the bond type, and $600 million were of the "pass-through" type. The additional $1.4 billion in applications and commitments is for the guaranty of "pass-through" securities backed by pools of mortgages which are still in process of origination by private lenders.

"Pass-through" securities are those which provide for payment of monthly principal and interest from pooled mortgages to investors. Bonds are similar to other bonds, with interest paid semi-annually and principal repaid at maturity.

"The volume of the first year's operation of this brand new program," Mr. Kingman said, "indicates the very valuable function it is playing in support of housing. This program is certain to become a major source of regular financing assistance to housing, which will supplement existing funds.

"This operation, a fine demonstration of the effect of good cooperation of the private sector and Government, is especially valuable in a period of credit stringency such as has just been experienced."

A number of features of the securities make them attractive to investors, Mr. Kingman said.

The securities are competitive in yield with high grade corporate bonds.

They are absolutely safe, carrying the GNMA guaranty with the full faith and credit of the United States.

They enable pension funds and others to place their funds in housing without the paper work and documentation involved in straight mortgage investment.

They present an excellent opportunity for pension funds to invest in housing voluntarily and not involuntarily as has been suggested in some Congressional proposals.

The securities relieve the investor of any problems which can arise in the case of mortgage payment delinquencies, since the Government guaranty assures the investor of the regular return of principal and interest, whether or not collected from the mortgagors (borrowers).

They enable an investor to designate, in the case of the "pass-through" security, the area or State from which the pooled mortgages are to be drawn.

Mr. Kingman said that another recent development has further enhanced the attractiveness of these securities. This is the existence of a secondary, or resale, market for the instruments, thus providing a growing amount of liquidity for them.

PEACETIME TRANSITION ACT

Mr. HUGHES. Mr. President, it is a pleasure to join with the distinguished Senator from South Dakota (Mr. McGOVERN) and the distinguished Senator from Maryland (Mr. MATHIAS) in sponsoring the Peacetime Transition Act.

This legislation is long overdue. Our whole society has suffered because action was not taken on earlier versions of this same bill, which I was privileged to cosponsor.

We all recognize that troop levels are being reduced in Indochina and some phases of our industrial production for military purposes here at home have been cut back. For these actions, the President deserves the commendation of all Americans.

While I do not believe that our present military policies are leading to total disengagement, I am convinced that total disengagement will come in the not-too-distant future—for the simple reason that American public opinion will compel it.

In any event, the time has long since passed that we should have begun preparing in a massive way for conversion to a peacetime economy.

Since President Nixon assumed office, over 1,300,000 workers whose jobs were attributable to defense spending have been thrown out of work. Despite the clear evidence of growing unemployment, the administration shrugged the problem off as inevitable in the transition to peacetime .

I reject that assumption. A society rich enough to lure thousands of able men and women into defense and aerospace production is surely rich enough to see that their talents and training are not wasted when we no longer need their current outputs.

I reject the notion that we can bail out giant firms and inefficient railroads with Federal revenues but that we cannot help the workers whose jobs have been eliminated by public policy decisions.

If the administration is serious about creating a peacetime economy, it must face squarely the problems caused by the transition to lower defense budgets. We must never forget that the invisible hand of government indifference is squeezing and crushing workers, their families, and their communities.

So far the only action has been in the unemployment lines. What we need is retraining and reemployment.

Workers have been the forgotten men of this so-called transition to a peacetime economy. The present bill will insure that they will not be forgotten in the future.

Peace is not merely the absence of war; it is also the presence of abundance and opportunity to rebuild and renew the neglected corners of our society. Planning for peace should now be as energetic as our planning for war was in the past.

I do not claim—nor do the chief sponsors of this bill claim—that this one act is sufficient to meet the many facets of this problem. We also need emergency retraining and job creation legislation. We need immediate and adequate assistance to those who have already lost their jobs.

When we look to the future, however we see the need to begin now to plan for the conversion of war production to peace production.

We may be Vietnamizing the warfare in Indochina; we may be Vietnamizing the defense budget. But we must Americanize the transition to peace. This bill relies upon the profit motive—the desire to earn the 12½ percent of pretax profits from defense contracts which would be set aside in a conversion fund—to encourage planning and conversion for peacetime. In this way we are using the free enterprise system to combat the problems of that system.

This bill is a first but necessary step in the process of reordering our national priorities. As time goes on and as we reduce defense spending to the minimum required for national security, we will have to devote increasing resources to our urgent domestic problems.

The shopping list is ready. Our States need help to solve their problems. Our cities and towns need the means to renew and regenerate themselves. Our air, our land, and our waters need protection. And most important of all, our people need the means to overcome hunger, poverty, discrimination, and growing lack of confidence in their institutions, governmental, and corporate.

I earnestly hope that Congress will act soon on this important and far-reaching measure, the Peactime Transition Act, so that we can move with increasing momentum to build a successfully functioning society at peace.

THE 40TH ANNUAL CONFERENCE OF NATIONAL HOUSING CONFERENCE

Mr. SPARKMAN. Mr. President, in the early part of this week, the National Housing Conference held its 40th annual conference here in Washington, D.C.

The National Housing Conference is one of the most outstanding and effective public interest organizations for housing in our Nation. Founded in 1931, it was the earliest organized national group in support of Federal assistance for the elimination of slums and the provision for decent housing for all of our people. Over the years, it has been a consistent and forceful promoter of the public interest in housing and urban development programs.

I have always welcomed the advice and counsel from this group in relation to housing for the poor and lower-income families. I attended the NHC meeting this year and spoke at the opening session as I have done every year for as far back as I can remember.

One of the outstanding speakers was one of our most famous colleagues, the junior Senator from Minnesota and former Vice President, HUBERT H. HUMPHREY. I ask unanimous consent to have Senator HUMPHREY's speech before the National Housing Conference printed in the RECORD.

Another very fine speech was given at the opening session by the conference director, Mr. Milton Semer, a former staff member of the Senate Banking and Currency Committee and formerly General Counsel of the Department of Housing and Urban Development. I ask unanimous consent to have Mr. Semer's speech printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR HUBERT H. HUMPHREY

"A decent home in a good neighborhood for every American should become a reality." I strongly believe this policy statement by the National Housing Conference must be an absolute commitment by the United States government as well.

What deeply concerns me is the stark reality of a degrading and seemingly hopeless living environment that confronts millions upon millions of our people today. Right now, by very conservative estimates, there are almost 7 million substandard housing units in America—one-tenth of all our housing. For millions of American families this means broken plumbing, crumbling walls and rotting floorboards, little or no heat in winter, squalor, personal danger, and infants attacked by rats or dying from eating lead paint chips from cracked walls.

And much of what is labelled "standard" housing falls far short of the mark. We know, for example, that some four million standard housing units are overcrowded.

Too often, the assumption is made that when we talk about miserable living conditions we really mean simply the urban ghetto. Certainly, there is a direct and vicious equation here. But it must never be forgotten that two-thirds of America's inadequate housing is in rural areas, where almost half the Nation's poor people are also to be found.

We as a Nation should be charged with criminal neglect for permitting so many of our people to be trapped in this dungeon of hopelessness. They are imprisoned as much by their consignment to a drab, decaying, constantly threatened, and isolated "condition of living," as by their inability to obtain an adequate income, necessary food, decent health care, essential educational opportunities, and the other basic rights of humanity that have perhaps been more readily identified. Living in isolation cells, learning only the harsh rules of the cell block, chained by despair, they struggle to exist behind walls made higher each year. For too long, our Nation's actual creed has been "out of sight, out of mind"—a policy set aside only by riots in the urban penitentiary or by revelations of extreme deprivation in the "outland" compounds of America.

Yes, America is on trial for what is literally a denial of life. We have been indicted for a failure to respond with the full measure of our resources and abilities to those who need our help if they are to stand up and breathe free and live a decent and meaningful life.

It took us almost twenty years to put flesh on the bones of a national policy to utilize these public and private resources. In 1949, we said that every American family should have a decent home, and in 1968 we spelled out the ten-year production and rehabilitation requirement of 26 million housing units. This conservative estimate included six million dwellings for low and moderate income families to which, let it be remembered, we gave the highest priority. That meant we would at least have to double the on-going total production rate.

How has that policy been implemented over the past two years? First, it was announced that a more "realistic"—meaning lower—level of annual housing starts would be the target. Then, in 1969, with a national housing shortage of over 2 million units—the worst shortage since World War II—only 1.4 million new units were started. Last year, the story was repeated.

And we must face the simple fact that the increase in housing starts expected this year will be primarily the result of a reversal of the Administration's across-the-board tight money policy whose major impact was absorbed by the housing industry, while mortgage interest rates skyrocketed.

Recognizing the imperatives of creating a suitable living environment for America's families, Congress has enacted historic legislation over the past several years. In 1966 in the Model Cities Act, it spread before the Nation the battle plan for a comprehensive attack upon the critical housing, education, health, unemployment, public facilities, and redevelopment problems confronting our cities. In 1968 it launched what has been called "the most decisive advance" to date for achieving the expansion of the housing supply for low and moderate income families. Authorizing almost one-and-a-half million housing units over three years under the Section 235 home ownership and Section 236 rental housing programs, it later addressed financing problems through the Tandem Program of GNMA mortgage purchases. Responding directly to the "credit-crunch" of the past two years, Congress substantially increased the borrowing authority of the Federal Home Loan Bank Board, mandated selective and flexible monetary and credit controls; and passed the Emergency Home Finance Act.

Lastly, and of particular importance at this time, the Legislative branch has continuously pressed the Executive branch to fund housing and urban development programs at their authorized levels. This is where the battle is now joined. Congress has had to confront a Budget that defies true comparative analysis. But it has ferreted out the simple fact that promises are not being kept and Executive responsibilities are not being fulfilled. Our cities are in desperate need right *now* of funds already appropriated but impounded by the Administration—to be specific, $1.5 billion for public housing, urban renewal, Model Cities, water and sewer programs, and mass transit. And Fiscal 1971 "outlays" are further reduced by non-utilized contract authorities totalling $244 million for assisted housing, rent supplements, neighborhood facilities, and comprehensive planning. Yet the backlog of demand for urban renewal assistance alone is nearly $3 billion, and a similar need is estimated for the upgrading and construction of water and sewer systems. And we can expect no improvement in the totally inadequate level of 90,000 public housing starts if this Budget hold-back goes unchallenged.

Apparently, the only certainty is that these Budget outlay figures remain subject to change. The recent restoration of the $1.47 billion ceiling in the rural housing program under the Farmers Home Administration, after an outpouring of strongly justified public protest, is a case in point.

You can also be certain that Congress will give the most intensive scrutiny to the President's "community development" revenue-sharing proposal. It has to be said that the track record for this entry is not very inspiring. Promises for future help cannot be believed by our cities if rightful demands for help *today* go unmet because funds have been frozen by the Administration. And our mayors are rightly disturbed by the fact that while the Congress has authorized $3.75 billion for the five basic community development programs, less than half of that is provided in the Fiscal 1972 budget. A "reverse" revenue sharing has also been spotted in this Budget—for example, in the Community Action and Summer Youth programs, where actual cutbacks will be coupled with a requirement that local governments bear an increased share of the cost. I cannot but conclude that a wrong turn has been taken on the road to strengthening state and local governments.

Let it be clear, however, that I favor the concept of revenue sharing, coupled with an equitable federalization of public assistance programs. But I believe that the bill I have introduced jointly with Representatives Reuss offers a better approach than that of the Administration because it *supplements* ongoing housing and urban assistance programs, commits specific funds, presses local government to adopt modernized and efficient procedures, and guarantees the pass through of funds to the cities.

But the hard fact remains that we still have no leadership toward the establishment of a national urban strategy to define basic social, economic, demographic, and environmental objectives to guide our urban, suburban, and rural growth. And at root, this demands political will and action. Only a program of great scope and vision can generate the comprehensive support which is essential to the solution of the housing and urban dilemma. This will not happen without political action by our elected leaders and representatives on a scale that reflects the magnitude of the crisis.

Hard cash is an immediate, essential requirement. In a time of fiscal crisis, our states, cities, and towns desperately need help, not promises; effective delivery of Federal services, not their repeated reorganization. I contend, therefore, that the full funding of Federal housing and urban development programs must be the first priority. At the same time, we must examine the need for further improvements in these programs—for example, cutting red tape and disparate reviewing processes in the channeling of Model Cities applications rather than terminating the program itself; and deepening subsidies and reducing financing costs in low and moderate income housing as the most effective means of helping these families achieve a decent living environment.

But we must also be molding new concepts to achieve an effective partnership of public and private resources in the financing of our housing and community needs. I have proposed the creation of a National Domestic Development Bank financed through the subscription of public and private funds. The bank would underwrite the special risks attendant upon solving our most critical urban and rural problems—low-cost housing, for example. Securities sold by the Bank would also attract private investment capital for the revitalization of our cities, the economic development of non-metropolitan communities, and the creation of carefully planned new communities. Regional banks would be established to put decision-making and expertise at the local level, applying first-hand knowledge to the defining of priorities and the generation of resources. Community participation would be encouraged through board representation and direct equity investment of the people.

We must also address the central problem of land costs confronting lower income housing construction and community redevelopment. I believe we must develop Federal financing and assistance program incentives directed at controlling the cost and planning the most beneficial use of land, which is rapidly becoming our most vital resource in an "urbanizing" Nation. It is certain that Federal incentives, as well as assistance to vital community services, such as education, must be employed to bring high and fundamentally regressive property taxes under control.

Nor can we be satisfied any longer with simply explaining the many reasons why low income housing starts remain at a depressed level. It is high time that we implemented new initiatives through promoting scattered and multiple-income-level housing developments, allied with supportive services and needed community facilities, as well as accessible job opportunities. And in addressing the broader problem of living in a decent environment, I believe that metropolitan housing development contracts should now properly include satellite city centers, good schools, health clinics, and cultural and self-development opportunities, as well as the central location of shopping centers, parklands, and recreation areas and facilities.

These are some of the concepts on which I shall be working over the coming months. They are not visionary, for the demands of tomorrow are already upon us. But they do demand vision and a heavy financial investment, both public and private, commensurate with the need. This is a job for all of us and it is an urgent job. If our cities and towns fail, so in the end will our Nation.

And yet, to return to my opening remarks, what is at stake today is not just our housing and our urban condition—but the *human* condition. And it is the personal investment of each of us that will in large part determine whether America continues to deny the richness of human existence to so many people, or at last offers the opportunity to hope and to dream to *all* its citizens.

Keynote Address by Milton P. Semer

Mr. Chairman, Senator Sparkman, Mayor Washington, and members and friends of the National Housing Conference:

We are gathered here today, in our fortieth year, in circumstances which permit of a rare choice of moods.

For instance, if your temperament inclines toward euphoria, the President's Message on Special Revenue Sharing for Community Development says that in due course you will get more, better, faster, and cheaper. If so, don't knock it. There is little enough joy in this world, and you should not too readily cut back that which comes your way.

On the other hand, if you are inclined toward gloom, the President's Message is a sufficient launching pad for as much gloom as you would care to entertain over this weekend. For the Presidents' proposals are mysterious, even inscrutible.

But, the one thing of substance that we can disentangle from his Message is that he doesn't really propose to do anything more about the problems that confront us in the troubled field of urban difficulties than we have been doing before.

If you feel the need for a position lying somewhere between these poles, go to a position of your choice; and you will be able to find a plausible basis for it in official Administration pronouncements.

Unhappily, as we meet, we have been privileged to examine only the Message, which declares the mood; but we do not yet have the bill, which one assumes will declare the means. Never mind. We should at least reflect about the Message which is now at the printer in the process of becoming a House document.

As promised, the President has proposed a revenue-sharing plan, the objective of which is to redress the balance between the fund-raising capacity of the national government and that of a chaotic variety of local jurisdictions. Specifically—and of special interest to this assembly—he recommended the day before yesterday a *special* revenue-sharing plan for community development. The substance of this special plan will not be fully revealed until at least next Wednesday, when the technical details will be unveiled. But a few tentative observations are warranted on the basis of what has been said up to now.

First of all, the Administration appears to be drawing distinctions in the general philosophy of revenue sharing which are not altogether self-explanatory. Some broad areas of public concern are deemed to be within the sphere of national interest and policy: For example, health and welfare. Others are considered to be matters primarily of local concern: For example, urban community development.

Official philosophy so far has not explained why an individual's blood cholesterol level is a matter of national concern, while his opportunity to live in a suitable environment and his capacity to reach his place of employment by tolerable means are not national, but local concerns.

But, let that pass for the moment. Perhaps we can get enlightened by inspecting the difference between *general* revenue sharing and *special* revenue sharing. Since very few who are here had the opportunity to participate in the press conference disclosure of these matters last Friday, I have taken the liberty of constructing a hypothetical question-and-answer format dealing with this question. In it, the questions can be assumed to be propounded by any of us. It would be presumptuous and unfair to declare that the Secretary is Mr. Romney—a conscientious public servant for whom we all have the highest regard. Therefore, for purposes of this hypothetical question-and-answer exchange, the Secretary should be assumed to be an appropriate Secretary, or even the Secretary's secretary. Working from the text of the President's Message, therefore, it could go something like this:

Q. Mr. Secretary, what is the difference between general revenue-sharing funds and special revenue-sharing funds?

A. General revenue-sharing funds are simply added to the total revenues of the local government and can be used for any purposes for which the local government is authorized to spend money. Special revenue-sharing funds can be used only for the particular purposes for which they are made available—in this case, for urban community development programs.

Q. For what purposes, then, can special revenue-sharing funds for urban community development be used?

A. They can be used, as the President's Message makes eminently clear, for any activity authorized under the four urban community development programs covered by the urban community development proposal.

Q. That includes model cities?

A. Certainly.

Q. For what purposes can model cities funds be spent under existing law?

A. Under existing law, model cities funds can be spent for any purposes within the powers of the local government involved, provided that they are part of a model cities plan proposed by the community and approved by the Secretary of HUD.

Q. How would the urban community development proposal change this?

A. The local community is the best judge of its own needs. Therefore, it would no longer be required to submit a detailed plan, and the requirement of the Secretary's approval would be eliminated.

Q. So, assuming that the city government wanted to take a model cities approach, for what purposes could urban community development revenue-sharing grants be spent?

A. For any activities which the local community determines are most appropriate to its circumstances and needs.

Q. In that case, what is the difference between the general revenue-sharing and special revenue-sharing funds?

A. Well, that is a technical question.

And, indeed, it is a technical question, but it's one with which we might well concern ourselves. Now that this proposal has been formally laid before the Congress, one way of looking at it is that this proposal would reverse the history of the last half century. It would declare that the general character of urban growth, and the health and viability of our urban communities, has ceased to be a matter of national concern and is to be considered in the future as a matter solely for random local decision. Perhaps this is a wise departure in public policy, although the last seventeen Congresses have thought otherwise.

However, what we are talking about is obviously a major Presidential decision and for that reason alone cannot be taken lightly. For example, it is too fundamental to be based on such considerations as "cutting red tape," which is one of the simple objectives on which everyone can agree with enthusiasm so long as he is not responsible either for the administration of a program or for declaring specifically what red tape he proposes to cut.

In fairness—and pending the availability of the draft bill—we ought to look at what we are told are the broad objectives of the Special Revenue Sharing Proposal for Community Development. I take them from what appears to be the official listing:

First: "Stable Annual Funding." No group could be assembled which would applaud this idea with more heartfelt emotion than this convention. Alas, the small print makes it clear that these funds would be annually authorized and appropriated, unlike the General Revenue Sharing feed-back. So, experience forces us to conclude that "annual" the funding might be, but "stable" it assuredly is not. At least, no more stable than these funds have been up to now, which is not very stable.

Second: "Broadened Local Authority for Community Development Activities." This has a splendid ring. However, there is a catch to it. The powers of local governments, with very rare exceptions, stem from State enabling legislation. So far as we can determine from what we have been told, the enactment of the Administration's plan would neither broaden nor narrow the authority of any local governing body to undertake community development activities. Conceivably, this whole exercise might tend to discourage the Federal bureaucracy from injecting itself into local problems where it has no real standing under existing law or common sense, and that would be a net gain. But the proposition that this approach will "broaden local authority" doesn't have a ring of reality, if you say it out loud.

Third: The plan would "Hold Harmless" communities with existing programs. This admirable idea is a bit too nebulous at this stage to say much about. Probably we just cross our fingers and wait.

Fourth: "Strengthen the Capacity of Elected Officials". Unless this is a re-statement of the second objective, which is Broadened Local Authority for Community Development, it is pretty mysterious. Whether we imagine that it refers to their legal powers, their innate capabilities as individuals, or their motivations toward the public interest, it is very hard to imagine how Special Revenue Sharing funds would affect their capacity. Perhaps the most charitable interpretation is that it sounds good and couldn't do any harm to say it. No one here, I think, would be displeased if elected officials had greater capacity. Whether this can be accomplished by purely rhetorical means is debatable.

Fifth: "Encourage Area-Wide Coordination." Nothing could be finer. Here I return to our mythical press conference:

Q. How exactly are you going to encourage area-wide coordination?

A. By continuing the policies which have been written into housing and urban development legislation since 1954, which, incidentally, was a Republican year.

Q. Except that the Federal Government will no longer insist on such coordination as a condition of Federal assistance?

A. Well, you might say that.

Sixth: "Cut Red Tape". Fine, who's against that? And, for that matter, what's stopping the Executive Branch right now?

Seventh: "Added Funds for Innovation and Performance." On the face of it, this would seem to mean that the federal government will reward those jurisdictions which handle their affairs in a fashion which the Feds approve. It is hard to reconcile this, however, with the underlying proposition that the federal government has no business making value judgments on these local matters at all.

One of the big problems in trying to understand what the Administration has in mind is to determine exactly what is being consolidated with what. Obviously, the two big programs involved are urban renewal and model cities. But the urban renewal programs are going on into more than 1800 communities, while model cities programs have only been launched in 150 and a few of those have fallen by the wayside. So that would be, to put it as kindly as possible, a merger without a match.

The Message also talks about a number of subsidiary programs such as code enforcement, demolition, interim assistance, and the like. But these are special aspects of urban renewal, and not really separate activities at all.

Also included are water and sewer grants. Historically and typically, however, these grants have served different kinds of communities from those mainly concerned with urban renewal and model cities projects. About three-fourths of the projects assisted under this program have been in communities with a population under 50,000, and about one-third in communities with a population under 10,000. Again, here is a merger without a match.

The fourth category identified for inclusion is rehabilitation, which presumably refers not to activity in the private sector backed by FHA insurance but to rehabilitation loans under the special authority of the 1964 Housing Act. However, in the six years since these loans have been authorized, total approvals have been less than $100 million, so the order of magnitude involved is hardly comparable to urban renewal and model cities.

So we face a rather puzzling question: What exactly does this merger merge? If you merge 1800 urban renewal apples with 147 model city oranges, with 450 water and sewer kumquats in a wide variety of localities, in many instances not the same, what do you have? Some people are already wondering whether a proposal involving so much trouble and disruption, and so little identifiable benefit, may not be the result of an unannounced wish to turn these programs off—or, failing that, to bring them to a virtual halt through a procedural breakdown of unpredictable length.

This is not an idle question. It seems reasonable to conclude from what has been disclosed that the Administration's recommendations would involve not only a sweeping revision of existing federal legislation, but also—equally essential—corresponding revisions in the enabling legislation now on the books in the states participating in these programs. Optimistically, this process would take from two to four years at a minimum. We should ponder whether the result warrants the effort—and, we are justified, I think, in worrying about what really happens to these programs in the meantime.

There are other aspects to this puzzle. For example, if in fact the federal government is only to grant funds to be spent in the discretion of local officials subject only to a general sort of post-audit concerning the legality of their use, the federal role would seem to be relatively modest. There is no big process involved in determining who gets how much money: As the plan is explained, the computer will do that, in accordance with a formula programmed into it. The facilities of the Treasury Department are ample to write the checks to the grantees. The GAO could perform the post-audit without difficulty. Why then does the President feel that the federal government should have a Cabinet department of community development? Perhaps, too, that's a technical question to be answered later.

But this thought gives rise to a legitimate concern. Does the Administration really mean to say that there should no longer be a national involvement in policies for urban growth and development. If so, it is fair to ask if the proposal is not in essence an abdication of Executive responsibility toward some of our most urgent and difficult problems. On its face, the proposal can be read as saying, in essence, "let someone else do it. Let the Congress worry about the funding. Let the States and local communities worry about the programs. But don't bother the Executive Branch of the national government, least of all the President of these United States, with your problems." From the standpoint of national policy, such a stance would take us back about half a century. It cannot fairly be said from what we have been told that this is the intent. However, it can be said nothing we read in the Message on Special Revenue Sharing for Community Development makes it clear that this is not the intent.

NEA DESEGREGATION REPORT

Mr. MONDALE. Mr. President, last fall the National Education Association established a task force to review school desegregation in Louisiana and Mississippi. Its report is a combination of encouraging and discouraging findings—a report of "major strides toward acceptance of integration" in some districts and discriminatory treatment of students, displacement of black teachers, and misuse of Federal funds in other districts.

Since these findings are relevant to the school integration legislation being considered by both the House of Representatives and the Senate, I ask unanimous consent that the report be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Report of the NEA Task Force on School Desegregation: Louisiana and Mississippi

INTRODUCTION

This Task Force was established by the Executive Secretary of the National Education Association in late August 1970, at the request of the NEA's two recognized state affiliates in Louisiana and Mississippi: The Louisiana Education Association and the Mississippi Teachers Association. Its charge was to continue the work of the two earlier NEA Task Forces, which conducted surveys in a total of 75 school districts in the two states during January and February 1970, in order to assess the progress and problems of desegregation, the pace of which was sharply—and in many instances, chaotically—increased by the October 1969 ruling of the U.S. Supreme Court, calling for an immediate end to dual school systems in the South. The earlier Task Force studies were also initiated at the request of the two state associations, and by a similar request from the NEA Commission on Professional Rights and Responsibilities.

This report and its recommendations are based on the same principles that motivated the earlier Task Force studies in Louisiana and Mississippi:

1. The rights of educators whose jobs are jeopardized by the desegregation of public schools must be protected.
2. The establishment of private schools to circumvent the integration of public schools is ethically and educationally reprehensible.
3. NEA resources must be made available to assist the effort in local education associations to bring about meaningful integration.

In undertaking the three Task Force studies at a time when, under federal pressure, the dual system of public education is finally being eliminated in the Deep South, the purpose of the NEA is to observe the process of desegregation as it occurs and to be ready with immediate remedial assistance where the rights of teachers and students are found to be threatened or abridged.

Scope and procedures of study

During a two-week period, from September 14–26, 1970, the NEA Task Force, divided into two-member teams, visited a total of 70 school districts in Mississippi and Louisiana. Team members met with teachers, principals, parents, lay citizens, civil rights and other community groups and, wherever possible, they visited schools and conferred also with school officials. Due to the injunctions and threatened injunctions against NEA personnel involved in observing the desegregation process in Mississippi, some of the Task Force teams in this state did not enter onto school property. However, this did not prove to be an insuperable barrier to the gathering of reliable and extensive information; the method of study was simply altered to provide for meetings with educators after school hours and away from school property.

It must be acknowledged, however, that much of the information collected is secondary information. It could hardly be otherwise, for even in districts where team members were able to visit schools and meet with school authorities, those authorities would not be likely to report their own discriminatory treatment of teachers and students. The report that follows includes only that information which appeared to be substantial, rather than rumor, and which was received from persons whom the Task Force believed to be directly knowledgeable about the experiences they reported. Many accounts of discrimination, as related by educators and others, were not recorded, simply because Task Force teams had questions as to the accuracy of the information or the authority of the persons interviewed.

It should be emphasized that the specific instances of discriminatory activity cited in this report are by no means inclusive; they are mentioned only as examples of a widespread pattern of discrimination. In citing these particular examples, school districts are identified except where such identification might jeopardize the informant.

BACKGROUND

"For all practical purposes, the dual school system as it has existed in the South will be eliminated by September 7."—Jerris Leonard, Assistant Attorney General for Civil Rights, June 9, 1970.

Elimination of the legal structure of dualism was indeed being accomplished as southern schools opened in September 1970. But the tenuous beginnings of a "unitary school system" in the South are affecting the education of black youth, the professional expectations of black educators, and the economic and political aspirations of southern black communities in a way that could not have been anticipated during the long struggle for integrated education.

This report deals specifically with the results of desegregation in the two states of Louisiana and Mississippi; however, the members of this NEA Task Force have sufficient familiarity with the desegregation process in other states to conclude that the desperately serious problems they have encountered during this two-week survey are by no means unique to Louisiana and Mississippi, nor even to the South. White racism is not peculiarly southern; it is a *national* illness. Zealously guarded white control over economic resources, political resources, and public-serving institutions is a *national* reality.

Prevailing patterns of desegregation

"For those of us who saw school integration as a process that would humanize an institution that had been dehumanized by segregation, recent events have been extremely frustrating. We had hoped to see black and white brought together in an arena where both could interact in tension and freedom. *But desegregation is being implemented under the almost complete control of the same people who enforced segregation.* After a court or the Department of Health, Education and Welfare acts, black people are no longer heard. They are left to be shuffled, cut, and stacked at the whim of The Man. This process is called implementation, and it is through implementation that the plaintiffs who have just won a judgment in favor of their civil rights can lose their human rights. (Emphasis added.)

"Black teachers are being emasculated and stripped of their standing before their own communities. Teachers with years of experience are being assigned as teacher aides or assistants to white teachers. New job categories are being created; black Mississippians will explain to you that 'Co-principal is short for colored principal.' "[1]

The author of the above words, Rims Barber, a Delta Ministry Staff member, recites in the same article a shocking catalogue of the injustices laid upon black people as white-controlled school systems move to implement court-and-HEW-approved desegregation plans. In addition to the massive displacement of black educators (with all that this implies for the economic level of black communities and the aspiration levels of black youth), he speaks of the isolation of the desegregated school from the black community; the emptiness for black children of school curricula that fail to recognize the beauty (or existence) of black culture or the Afro-American contribution to American Society; he describes the various devices used to maintain in-school segregation; he mentions the continuing white exodus from the public schools, the lowering of school tax rates; and finally, he speaks of the $78 million federal funding recently made available to facilitate desegregation in southern school districts:

"Existing OEO and HEW programs designed to help the poor (and offering a modicum of control to the poor) are losing their money to southern school districts that have not desegregated after 16 years of enforcement. . . . The money will go to teach white teachers how to act around black people, to make black schools fit for white children, and for sundry other programs designed to 'ease the burden' of desegregation.

"Nothing is allocated to ease the burden that must be borne by every black child who must attend schools in Mississippi and in other southern states, some of which are distinguished from Mississippi only by better manners and subtler tactics."[2]

The observations of this Task Force in Mississippi and Louisiana indicate that in neither state are the tactics of racial discrimination subtle enough to hide the malignancy of its continued existence as school systems move into their first and second year of desegregation. The findings of the Task Force fully support the conclusions of the article quoted above. Not far beneath the facade of law and order that prevails in most desegregating districts of Louisiana and Mississippi, the problems remain much the same as those described by the earlier NEA Task Forces of January and February 1970. In the remaining sections of this report, the Task Force records its specific findings concerning both the progress and problems of desegregation in September 1970.

FINDINGS

Hopeful aspects of desegregation

It is important to give a balanced view of the desegregation process, as the NEA Task Force has observed it in Louisiana and Mississippi during the early weeks of school—from September 14 through 26, 1970. A balanced view, however, does not result in a balanced picture; for, the bad news of desegregation in these states tragically outweighs the good. In brief—and a recital of the favorable aspects of desegregation in these states cannot be otherwise—the NEA Task Force can submit the following as the most encouraging of its observations in the school districts visited:

For the most part, Mississippi and Louisiana schools opened peacefully in September 1970. There were some scattered outbreaks of violence, boycotts, demonstrations by both blacks and whites in protest against student assignments, busing, use of school buildings, and segregation by sex; but in the great majority of school districts, law and order were maintained.

There was less observable in-school segregation of students during September 1970 than during January and February 1970, when the earlier Task Force surveys were conducted.

In some districts, Task Force members reported, "major strides have been made toward acceptance of integration." Court orders have resulted in an improved racial balance of staff and students. Human relations workshops in some districts, according to black teachers interviewed, have resulted in some improvement of teacher attitude toward students and other teachers of the opposite race.

In several school districts (Monroe City, Lincoln Parish, Red River Parish, and Concordia Parish, Louisiana; and Columbus and Starkville, Mississippi), successful court actions, supported by NEA and the affiliated state associations, have resulted in the reinstatement of black teachers who had been arbitrarily dismissed or downgraded during the desegregation process.

In several districts now in their second year of desegregation, it was reported that white students have begun to return to the public schools from the privately established segregation academies to which they had fled during the first year.

In at least two Louisiana districts, the use of the National Teacher Examination as a means of screening out black teachers has been tried and abandoned; in one of these districts, after the blacks had been tested and had shown a consistently high score, they heard no more about NTE; in another district, many of the white teachers had exceedingly low scores, and its use was discontinued.

In some districts, where blacks have demonstrated their voting strength and have organized themselves into an effective political force through such pressure devices as economic boycotts and carefully directed demonstrations, they have won some concessions from white school officials; for example, the retention of the names of former black schools that were converted into desegregated schools. But of greater long-range significance, such efforts have achieved a new level of visibility for blacks as a force that must be recognized, that must be considered, and a force that demands participation in public school and political decision-making.

Where there is effective school leadership with demonstrated commitment to successful desegregation of the schools, the problems of desegregation are clearly minimized. Even when the school board and central school administration are reluctant or openly hostile to desegregation, the skillful leadership of a building principal can create a climate favorable to integration within a given school. Task Force members did observe such schools or were told of their existence. For example, in the southern section of La Fourche Parish, Louisiana, black teachers reported that in one school, particularly, the principal (white) is a fair-minded person, believes that desegregation can work, and is making it work within that school by his leadership.

The major problems of desegregation

I. Displacement of Black Educators in Status Positions

The findings of this Task Force lead its members to the conclusion that what is happening in Louisiana and Mississippi schools is not *integration*; rather, it is *dis-integration*—the near total disintegration of black authority in every area of the system of public education.

Black principals continue to be reduced in status and authority by the following methods:

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[1] Harvard Center for Law and Education, *Inequality in Education*, "From Intransigence to Compliance Is Two Steps Forward and Two Steps Back." Barber, Rims. The Center: Cambridge, Massachusetts, June 30, 1970. p. 13.

[2] *Ibid*

1. *Outright Demotion*—To teaching posts, to assistant and co-principalships, often with heavy teaching schedules and with little or no defined administrative responsibilities. In most instances, the reductions in status do not carry a reduction in pay; however, an emerging trend noted was demotion the first year of desegregation and reduction in pay the second year to conform to reduced responsibilities. A few examples indicate the overriding trend of demotion:

Rankin County, Mississippi—The principal of a formerly all-black school (grades 1–12) was demoted to administrative assistant to the white principal at the same school (now desegregated and reduced to grades 1–6). In the same county, a black principal had been replaced by a white former coach, with no administrative experience.

St. James Parish, Louisiana—The principal of a formerly all-black high school has been made "assistant visiting teacher." His former high school is now a desegregated boys' high school, its name changed, and under the principalship of a white. The displaced principal has a master's degree and 25 years tenure with the district.

Hinds County, Mississippi—A black principal, with 20 years' tenure, has been demoted to a classroom teaching post.

Claiborne Parish, Louisiana—The principal of the formerly all-black school (grades 1–12, enrollment 912) was demoted to the post of assistant principal when the school was desegregated. Although the demoted principal had been in his post for five years, he was replaced as principal by a white, who had served as principal for only three years in a school enrolling only 99 students.

Okolona, Chickasaw County, Mississippi—It is reported that the black co-principal at Okolona High School is co-principal in name only, disciplining only black students and keeping records of books, repairs, and buses (but not making bus assignments). This educator was called vice-principal last year until blacks complained and his title was changed. A white counselor was promoted to principal over the black principal, who has an M.A. and has been a principal in the system for fifteen years. The white principal earned the M.A. after the appointment. The black "co-principal" occupied last year a small office behind the storage room; this year he moved to the former counselor's office, which had previously been a ladies' room. The white principal allegedly told him that he, the white, was the principal, that he would be willing to confer with the "co-principal," but that he would have the final word.

Winston County (Louisville Municipal Separate School District), Mississippi—No blacks hold any leadership positions in the system including principalships. The one black principal before this year died, and was replaced by a white. There are black assistant principals, but in name only with no authority. The white head coach of the Louisville District left to be principal of a private school; the black head coach was then appointed assistant principal, so that a white could take the open coaching position. In at least one school (serving 1–3), the assistant principal has not even been given acknowledgement that this is her title, although required by the court order.

2. *"Phasing Down" of the Black Principals' Schools*—Task Force members found few instances where principals of formerly all-black high schools are retained as principals of desegregated high schools. Where they do retain the post, it is, with few exceptions (see 3 below) to a school that has been reduced in grade level to a junior high, middle, elementary, primary, or special education school. Not only does this mean a reduction in status and sometimes in salary, but it also means for the black principal, the teachers, students, and parents, the loss of an institution over which blacks had some control, in which they could take justifiable pride, and which in many areas has been a community center, as well as a center of learning. In a number of districts visited, there are now no black principals at the secondary level. In many instances, the white person who is named principal of the desegregated high school is less qualified through experience and academic credential than the black, whose assignment is to a junior high or elementary school.

St. Mary's Parish, Louisiana—Task Force members met with two principals of former all-black schools, grades 1–12. One of these schools, when desegregated, was reduced to a primary grade school and the principal's salary was cut by $685 per year; the other was reduced to grades 6–8, the principal receiving a pay cut of $800. The latter principal retired early in preference to accepting the reduced status and salary. Both of these principals shortly before the Task Force visit, had been promised full restitution of the year's pay reduction (for 1969–70), and the still employed principal had been told that his salary for the current year will be restored to its former level. But for their loss of status and for the loss of the two high schools, there could be no compensation for the principals, the teachers, or the students. In this same parish, Task Force members interviewed the principal of a formerly all-black high school. This black educator had six years' tenure as principal in the district and had his master's degree; the principal named to the desegregated high school was a white former coach, with no administrative experience.

A Mississippi School District—The principal of a formerly all-black junior high school reportedly was offered a position as principal at a formerly all-white elementary school. He refused the assignment on learning that the office would be in the basement and he would be in charge of buses (not routes), "finances", and student tardiness.

Iberville Parish, Louisiana—Prior to desegregation, the system had eight black secondary principals; it now employs no black principals at the secondary level.

Lincoln Parish, Louisiana—There is reportedly no black principal above the sixth grade level.

3. *Retention of Title with Diminution of Authority*—By the assignment to the desegregated school of a white assistant principal, or curriculum supervisor, who is regarded by blacks and whites alike as the individual who possesses the real managerial authority for that school. In a number of districts visited, according to Task Force reports, various new positions, held by whites, have been created since desegregation. These positions held such titles as "area principal", "supervising principal", and "curriculum coordinator". It is widely believed by blacks that these newly titled whites constitute the real authority behind the black principals, who have been reduced to mere figurehead status. Task Force members found no dearth of evidence to support this conclusion.

A Mississippi District—Is one of the few districts where the black high school has been retained as the desegregated high school and where the black principal has retained his title. It is very clear, however, that the title is all he has retained. The black principal does not run the school. The system has created a new post of assistant superintendent; the primary duties of the assistant superintendent appear to be to run the "integrated" high school, since he has no regular responsibility for any other school in the system. The black high school principal meets each morning with the assistant superintendent (who occupies the principal's former office), and receives his directions for the day. The principal's office is a remodeled former girls' lavatory. The assistant principal of the high school is white; and the white school secretary is the wife of the assistant superintendent. It is clear that this principal has no opportunity to exercise the responsibilities of that office, surrounded as he is by a white assistant, the former white high school principal as the assistant superintendent, and the assistant superintendent's wife as secretary of the school.

Jefferson Parish, Louisiana—The system employs no assistant principal black or white—in any elementary school employing a white principal; nor, *with one exception,* have assistant principals—black or white—been assigned to any elementary school that is still all black. However, in every *desegregated* elementary school with a black principal, there is a white assistant. The exception to this pattern is an elementary school, headed by a black principal, which was desegregated in 1969–70, with approximately 70 white students. At that time a white assistant principal was assigned to the school. Administrative rezoning resulted in the school's becoming all black again in 1970–71, but the white assistant principal was retained. She has a direct telephone line to the central office that the school secretary cannot cut in on; the black principal has no such line.

Union Parish, Louisiana—A formerly all-black high school, now a desegregated middle school (grades 4–8), still retains the black high school principal; however, the school also employs a white supervising principal whose statements led the visiting Task Force members to believe that he considers himself the sole authority for the operation of the school.

The patterns of discrimination shift: In some districts, Task Force members found two high schools or junior high schools, desegregated by race, but segregated by sex, with a black coordinating principal supposedly in charge of both, but with white building principals actually in authority at each school; in other districts, white area principals have been named in charge of separate junior and senior high schools, with a black serving as junior high and a white as senior high principal. The prevailing belief among black teachers—and the evidence justifies this belief—is that whatever administrative device is used, the objective, and the accomplished fact, is the retention of white control over every desegregated school.

4. *Paper Promotion*—Two token positions at the central office, without any clear delineation of responsibilities and without authority. Such token titles include the following: supervisor of child welfare and attendance, instructional materials supervisor, assistant director of federal programs, and community relations advisor. In a Louisiana district, for example, a black former principal was appointed to the central office post of instructional materials supervisor and was assigned janitorial duties.

Once in a central office position, testimony indicated, blacks find themselves blocked from any decision-making authority or even from knowing what the decisions are until they have been publicly announced. The testimony from black teachers further indicated that there is a widespread mistrust on the part of teachers of blacks who do obtain such "promotions", for it is felt that the only way such posts can be retained is by assuming an attitude of subservience to white school officials. This is not to say that there are no effective black administrators in central office positions. If such administrators are able to function effectively, however, it is by dint of their own persistence and strength against overwhelming odds. Testimony indicated, in fact, that the selection of blacks for promotion to central office posts is commonly based on two apparently opposing criteria:

(1) On their qualifications as "safe Negroes," who will cause no trouble; and

(2) On their reputations as "militants,"

whose aggressiveness may be stifled by cooptation into a position of pseudo authority.

It should be noted further that, aside from the few token black positions, the complexion of central office staffs in Louisiana and Mississippi—from administrative to secretarial and clerical—continues to be overwhelmingly white.

Coaches

The second major casualty of school desegregation is the black head coach. Although many districts were found where the black coaches had obviously superior credentials in terms of training, experience, and team records, Task Force members found no district in either Mississippi or Louisiana where a black is employed as the head coach of a desegregated high school. A possible exception should be noted: In Marion County, Mississippi, a black coach, who had been demoted, had been promised that he would be assigned to the position of head coach at the desegregated high school. In this instance, the white head coach had resigned following the adoption of a policy that would lead to the equalization of salary differentials to black and white teachers who also are assigned coaching duties.

As Mississippi and Louisiana schools desegregate, black coaches are made assistant coaches, often of second-string teams, assistant principals, physical education teachers; and in some districts they have been made head coach at the junior high level. In North Panola, Mississippi, the black head coach was made assistant coach at the desegregated high school and was promised by his principal that next head coach position would be his. However, when the white head coach resigned, the superintendent imported a white coach from out of state, who brought his own assistant. The black assistant was then demoted to number three in rank; rather than accept this triple demotion, he resigned. The earlier NEA Task Force reported the case of a black head coach in Thibbodaux, Louisiana, who, when his school was desegregated, was demoted to assistant coach of the B team, despite the outstanding record of his team and despite the lesser qualifications of the white who had replaced him as head coach. Since the first Task Force visit, the white head coach has been assigned to the post of head basketball coach; instead of promoting the highly qualified black to the top post, another white, far less qualified, has been appointed head coach.

Like the deposed black principals, the coaches are not concerned solely with their own loss of position; they express deep concern about the effects on the black students. Task Force members heard many reports that black students are not going out for football or other varsity sports as they did before desegregation, that they are no longer getting the quality of coaching that they once had, and that athletic scholarships are not being awarded to them as in the past.

Band directors

Band directors also are among the most consistently demoted of black professionals. They, too, are commonly relegated to the post of "assistant," regardless of how their qualifications compare to the white directors; they may be made assistant choral director, music teacher, or, as is so often the case with classroom teachers, assigned to some subject that is entirely outside their field of specialty. Task Force members did, however, find one exception to this pattern: In one district (East Tallahatchie, Mississippi), it was reported that during the first semester, emphasis would be placed on the marching band and a white would serve as band director; during the next semester, it is anticipated that emphasis will be placed on the concert band, with the black as leader and the white as assistant.

II. Continuing Displacement of Black Teachers

The federal court of appeals with jurisdiction over the six-state region that includes Mississippi and Lousiana has issued guidelines, in the "*Singleton* decree," expressly providing that in the desegregation process staff members who work directly with children and professional staff on the administrative level shall be hired, assigned, promoted, paid, demoted, dismissed, and otherwise treated without regard to race, color, or national origin.

The *Singleton* decree provides that when there is a necessary reduction-in-force due to desegregation:

The staff members to be dismissed or demoted must be selected on the "basis of objective and reasonable nondiscriminatory standards from all the staff of the school district."

The necessary reduction-in-force must be made in a manner which would not change the ratio of black and white teachers in the system.

Any vacancies which occur subsequent to such reduction may not be filled through recruitment of a person of a race, color, or national origin different from that of the individual dismissed or demoted, until each displaced staff member who is qualified has had an opportunity to fill the vacancy and has failed to accept an offer to do so.

Under the Singleton decree, "demotion" includes "any reassignment—

(1) under which the staff member receives less pay or has less responsibility than under the assignment he held previously;

(2) which requires a lesser degree of skill than did the assignment he held previously; or

(3) under which the staff member is asked to teach a subject or grade other than one for which he is certified or for which he has had substantial experience within a reasonably current period" (The court cited five years as such a reasonable period.)

The guidelines stated in the *Singleton* decree generally are incorporated in school desegregation decrees issued by federal district judges in Mississippi and Louisiana. Nevertheless, the findings of the Task Force indicate that these guidelines are widely misinterpreted, misapplied, or simply ignored in the Mississippi and Louisiana districts visited. The discriminatory treatment of black educators in administrative and supervisory positions has been described above; for the most part the patterns are repetitious of those reported by the earlier NEA Task Forces in January and February 1970. The displacement of teachers also follows similar patterns to those reported earlier. Testimony received by this Task Force indicated that black teachers continue to be displaced by the following methods:

1. *Outright Dismissals and Nonrenewals of Contract*—ostensibly because of reduced attendance due to desegregation, atlhough white teachers continue to be employed; or because the black teachers are "not qualified", although they were sufficiently qualified to be employed and to serve for many years under the dual system. There appears to be a near total absence of specific personnel policies, providing "objective and reasonable nondiscriminatory standards" on which to base desegregation-related dismissals, demotion, or promotion. Even in isolated instances where written policies were found, they were extremely broad.

As blacks resign and are dismissed, they are commonly replaced by whites. Moreover, misinterpretation of the black-white faculty ratio requirement of the *Singleton* decree—whether through ignorance or purposeful subversion of its meaning—is further reducing the ranks of black teachers: In those districts that have experienced a massive exodus of white teachers to the privately established "segregation academies", many instances were found where black teachers have been dismissed, and white employed, in order to maintain the black-white ratio that was obtained at the time the district was placed under court order. It would appear that this is a misapplication of the *Singleton* ruling, which requires that when teachers are *dismissed* due to desegregation, subsequent vacancies may not be filled through recruitment of a person of a race different from that of the individual dismissed, "until each displaced staff member who is qualified to do so has had opportunity to fill the vacancy and has failed to accept an offer to do so." *Singleton* makes no requirement concerning the race of the person employed to a position vacated by a teacher who has *voluntarily resigned*. Nevertheless, *Singleton* is being locally interpreted to apply in cases of white resignations: as a result, ironically, the flight of white teachers in many districts leads to the dismissal of blacks.

Lafayette County, Mississippi—Teachers assert that there were 59 black teachers in 1968 and there are only 30 employed in the district in 1970. Each time a black teacher leaves, the replacement is white. It was estimated that 20 teachers were hired by the system this year, only two of whom are black.

Noxubee County, Mississippi—Under the court order, each school was required to maintain a black-white faculty ratio of 2:1 to conform to the systemwide ratio *that existed at the time the order was issued*. At this time, however, the systemwide ratio of black to white teachers is 3:1, due to the flight of white teachers to private segregated schools. Although only about 100 white pupils remain and over 3,000 black, only white teachers are being hired in an effort to regain what local school officials interpret as a court requirement for a 2:1 black-white staff ratio.

Marshall County, Mississippi—The private segregation academies have attracted from the public schools of this district large numbers of white students and teachers, thus altering the systemwide black-white faculty ratio from the time of the *Singleton* decree. The *Singleton* ratio was supposed to have been set at 64% white to 36% black, but when white teachers and white students left the school system, it was reported, the black principals of two elementary schools retained their black teachers and thus were able to keep faculty ratio closer to the student ratio. Both of these principals, reportedly, feel that they are in violation of the court order for not firing black teachers. The white principals did fire black teachers to conform to their interpretation of the *Singleton* ratio.

La Fourche Parish, Louisiana—From 1965 to 1969, it was reported, there was a net gain of four black teachers and a net gain of 163 white teachers. It was stated that black teachers with master's degrees have applied for jobs in the parish and have been informed by school officials that there are no openings, even before the applicants are asked about their qualifications or field of specialty. At the same time, however, school officials have continued to employ new white teachers.

Meridian, Mississippi—There has been a reduction of 17 black teachers this year, and a gain of five whites.

Richland Parish, Louisiana—Twenty black teachers and three whites were dismissed at the close of school year 1969–70. The letters of dismissal, reportedly, were sent during the last two days of school. This year, the school system employed 37 whites and six blacks to replace last year's dismissals.

Also in Richland Parish, Task Force members met with a dismissed black teacher, with 16 years' tenure, although with only one year of service in the school from which he was dismissed. His assigned subjects had been agriculture and biology; he was certified to teach both of these subject, having a master's degree in science and 62 hours in agriculture. His letter of dismissal cited the following "reasons":

"Your teaching skills are below an acceptable standard required to provide a good learning environment for children.

"Lack of preparation and organization for daily classroom instruction.

"Your inability to maintain order and control of your students.

"Your lack of subject matter knowledge in your certified teaching areas."

This teacher's principal had questioned him, stating that he was not following the biology textbook. The teacher had explained that the biology textbook he was using was ten years old and that he had been coordinating some of the material from the new textbook used by white teachers with his old material. The principal's reply had been, "You are to stick to your textbook and stop using those big words".

The superintendent of this parish was quoted as saying that he only wanted "a speck of black teachers, as few as the law allows".

2. *Discriminatory Assignment and Transfer Practices*—Black teachers continue to be assigned to subject areas for which they are uncertified. Task Force members met with foreign language, English, Social Studies, and Home Economics secondary teachers, fully certified, and with high academic credentials, who have been assigned to teach elementary, primary, and special education classes. In many of the districts visited, out-of-field assignment of black teachers seems to follow a consistent pattern; that is, black high school and junior high school teachers are commonly reassigned to teach primary and elementary grades, remedial classes, and physical education without regard for their field of specialty, while white teachers are shifted into junior high and senior high levels. With respect to particular subject areas at the secondary level, strange variations occur in the assignment of black teachers; in some districts, it was reported, black teachers are assigned to such subjects as Physical Education, Social Studies, Home Economics, and Shop, while white teachers are assigned Language, Arts, Math, and Science. In some districts, blacks are assigned to Math, but not to Language Arts; in one southern Louisiana high school, testimony indicated, no black is permitted to teach American History. Apparently, the subject assignment of black teachers is based less upon their qualifications than upon the particular racial taboo of each white community. It is also noted by black teachers—and by the Task Force—that such out-of-field assignment greatly facilitates the dismissal of black teachers for "incompetence", and "lack of preparation in assigned field". Understandably, there is much concern on the part of the black teachers that even greater numbers of dismissals will take place next year; and the concern is deepened by the fact that, for the most part, the evaluation of teachers, black and white, is performed by whites. A Mississippi Task Force team reported, "A new titled person is in evidence—Supervisor of Instruction (white). This person with more authority than the black principal, is evaluating teachers. This may be the prelude for gathering evidence for wholesale dismissal. We must prepare these black teachers for fighting these slanted evaluations".

The transfer of teachers to achieve desegregation follows a clearly observable pattern in many districts: Consistently, school officials transfer the most highly qualified blacks to formerly all-white schools, while replacing them in the formerly all-black schools with the least qualified whites in training and experience. In some districts, it was reported, white teachers are *asked* to transfer and are given the option to refuse, whereas black teachers are *told;* their alternative is dismissal. White teachers are informed in advance of the year's assignment; black teachers are given minimal notice and may not know during the entire summer where, or whether, they are to be employed for the next school year.

3. *Use of Newly Devised "Qualification Standards"*—The National Teacher Examination (NTE), the Graduate Record Examination, and other such tests, such as the Iowa Test of Basic Skills, are being used in increasing numbers of Mississippi and Louisiana districts as a means of screening out blacks. Some districts have dismissed teachers who fail to make the required score or have used the tests as the basis for salary increments; in other districts, the tests are used as a screening device only in the employment of teachers. It should be noted that NEA-supported litigation has successfully challenged discriminatory use of such tests in Columbus (National Teacher Examination) and Starkville (Graduate Record Examination), Mississippi. In a similar court suit, supported by the Northern Mississippi Rural Legal Services, discriminatory use of NTE is being challenged in Okolona, Mississippi. A subsistence grant from the NEA DuShane Emergency Fund for Teacher Rights has been awarded to the teacher-plaintiffs in this suit.

III. Discriminatory treatment of students

"Although people don't say anything about the schools here or you read anything in the papers, I can truly tell you that the schools here are supposed to be black and white together, but the white people act as though it is all theirs. The white teachers only stand on one side of the classroom (the white side because that is the way they have it, the white on one side, the Negro on the other, or rather that it is the way we sit). The Negro teachers are all smiles around the white kids and when the blacks ask them to repeat something that has been said they won't even do it. The majority of whites are riding on buses to themselves . . . Before school started they had chosen the whites to head the clubs and everything else. Most of the people here have tried to speak up, but it would always get back around to the whites, and someone would get a phone call or get beat up. We are not a part of anything but the football team.

. . . I have been trying to talk to different students about it, but their attitude is that they will soon be leaving or graduating and they don't care what these people do. I think that it is time that we do something because I have some sisters and brothers and I want them to get a good education."—A letter from a black student in Mississippi

Instead of a "good education", this student and her brothers and sisters are confronting a new kind of learning experience, and a bitter one. They are learning that desegregation, as it is practiced in their Mississippi school, has not freed them from the separate and unequal status of dualism. Since the usual pattern of high school desegregation makes the former white school the new high school (regardless of which school has the best physical plant), the school colors, mascot, name, athletic trophies, and other such symbols of the white school are retained; the emblems of black school identity are obliterated. The black students are thus submerged, rather than merged with the former all-white student body. In Granada County, Mississippi, at the first football game of the 1970 season "Dixie" was played at half time by the high school band, and rebel flags were passed out in the stands by the all-white cheerleading squad. This kind of "desegregation" has made the blacks' sense of separateness and inequality perhaps even more difficult to bear than under the previously dual system. For, in the desegregated school their exposure to racial slights and exclusions is unremitting and inescapable, whereas, within the walls of the all-black school, they could for a time shut out the sickness of racism.

As noted earlier in this report, the NEA Task Force seriously looked for schools where a climate favorable to integrated education appears to be developing where real learning is possible, not only in academic subjects, but in the areas of human interaction and understanding. The testimony of teachers suggested that this kind of climate is beginning to grow in some individual schools, due in large measure to the effective and committed leadership of some building principals.

But in most school districts visited, even those where surface appearances indicated that desegregation is proceeding well, more probing inquiry revealed the existence of practices obviously designed to circumvent desegregation, which were at the same time totally destructive of good education. These practices, summarized below, in subverting the letter and spirit of desegregation laws, subvert also the educational objectives of the public school institution.

1. *Segregation of Classes:* As noted earlier, the in-school segregation of students was not so obvious in September 1970 as it was in January and February, during the earlier Task Force surveys. With scattered exceptions, the segregation that now occurs is largely the result of student tracking or ability grouping, which has been widely instituted in both Louisiana and Mississippi. In some districts, it was reported that this practice was in effect before the advent of desegregation, but there can be little doubt that many more districts are using the tracking system as a device for student resegregation. Black teachers are usually found teaching lower track classes, which are all or predominantly black; conversely, white teachers and white students comprise the upper track groups, with classes in the middle range approaching some degree of racial balance. In numerous districts, tracking is more complicated, categorizing students into A, B, C, D, and E groups. In Okolona, Mississippi, this method of student grouping, reportedly based on California Achievement Test scores, has resulted in the following assignment at the sixth grade level of one school:

A—all white.

B—5 black of 22 in the class.

C—approximately 50–50 black-white ratio.

D—7 white of 32 in the class.

E—29 black students, no whites.

Testing and grouping of the students at this school, reportedly, are performed only by white teachers. It is also reported that no black teacher has an A or B class, while there is no white teaching a D or E. There is near unanimity among education authorities concerning the educationally harmful effects of such rigid compartmentalization of children.

Student selection of teachers is another device by which classes are segregated. In East Tallahatchie, Mississippi, for example, white students registered first and chose their white teachers. Some classes were later reshuffled, but all black classes remain.

2. *Segregation of Schools*: In addition to the *de facto* segregation of the larger urban centers, some predominantly or all-black and white schools remain in the rural and small town areas of both Louisiana and Mississippi. In some cases, this is the result of gerrymandering; but in a number of instances, it is the product of "boundary-jumping," the ostensibly forbidden, but frequently winked-upon practice of student attendance at schools outside their assigned attendance area in order to avoid desegregation. In Jefferson Parish, Louisiana, a white parent told Task Force members that at the all-white elementary school in her area, a school "safely" surrounded by a white suburban housing development, it had been

necessary to erect portable classrooms to house the 150 white students who had fled from their assigned predominantly black attendance center.

In predominantly black school districts of Mississippi, the "freedom-of-choice" plan has a 1970 court-approved counterpart called the "freedom-of-transfer" plan. The court order governing West Tallahatchie, for example, permits students of the racial minority group within a given school to transfer to another school where they will be members of a larger minority. The "freedom-of-transfer" policy in this district has resulted in three of the four elementary schools having an all-black enrollment.

3. *Segregation on uses:* Segregated busing continues in many districts. Responding to Task Force inquiries, several school officials referred to this as *de facto* segregation, a consequence of neighborhood racial patterns. However, testimony from teachers and bus drivers indicated that in some districts, separate school buses carry black and white students over identical or closely similar routes. This was observed by Task Force members in South Panola, Mississippi. In West Tallahatchee, Mississippi, busing is completely segregated.

Racial segregation within buses was also observed. In Lauderdale County, Mississippi, it was reported, the buses have assigned seating sections by race, with part of the buses reserved for white and the other for black students. A white mother has obtained seating reservation for her children. On three occasions, black children have sat in these reserved seats because the black section was full; and on each occasion, the blacks have been suspended for three days for thus violating the racial seating arrangement.

4. *Segregation of Sexes:* As schools have desegregated racially, the practice of segregation by sex has been revived and has spread to many districts in Mississippi and Louisiana. This form of segregation, introduced in Yalabusha County, Mississippi, at all grade levels prompted black student boycotts and protest marches at the beginning of the school year, resulting in the arrest of some students on the charge of "walking on the grass". The patterns of sexual segregation vary; in southern Louisiana, a number of districts have segregated all high schools and have instituted split shifts to permit a kind of sexual segregation within middle schools; in some northern Louisiana districts, the junior high and middle schools are segregated by sex. Reportedly, there is much dissatisfaction with this type of segregation on the part of both black and white students, particularly at the high school level where it could be described as having a chilling effect on extracurricular activities.

5. *School Organization and Use:* Under the pressure of court orders, there is increasing use of formerly all-black schools by the desegregated systems of Louisiana and Mississippi. A fortunate result, regarded by black students with some cynicism, has been the renovation and remodeling of the black schools to make them fit for white students. As noted by the earlier Task Forces, great emphasis is placed on repainting of restrooms and locker rooms, replacing commodes, and on obliterating all emblems of school and racial identity. There remains, however, a marked under-utilization of formerly black schools, and in many districts, a consequent overcrowding of the schools that were all white. Because so many black schools were built during the late fifties and early sixties in the hope of persuading black students and parents and the courts that separate really could be equal, many of these schools are newer and structurally superior to the white schools. But even some of the most modern and spacious black schools have been closed, reserved for remedial classes using only a small portion of the available space, converted into vocational schools, or phased down from high school to junior high and lower grades. The prevalence of this pattern is indicated by the report of the Louisiana Education Association that since 1968, a total of 108 previously all-black high schools have been closed, "phased down," or converted to some special use. For the black student, transfer to the formerly all-white high school means forfeiture of athletic trophies and symbols of black school achievement; in only one district, Jefferson Davis County, Mississippi, it was reported that school officials had promised the students that their athletic trophies would be transported to the newly desegregated high school. This had not been accomplished at the time of the Task Force visit.

The consequence of the under-utilization of former black schools was vividly illustrated to one Task Force team in Simpson County, Mississippi. New Hymn School, housing grades 1–12, new and in good condition, was converted into a desegregated elementary school for the current school year. The school now enrolls 229 students, compared to an enrollment of 350 last year. Pinola, the formerly white twelfth grade school, on the other hand, appears to be at least 40 years old and in notably poor repair. Pinola, despite its condition has been converted into the senior high school. Before going to Pinola High School, the Task Force team was informed by the New Hymn principal (black) that Pinola was extremely overcrowded, with a current enrollment of over 600 compared to 350 last year. It was reported by teachers at New Hymn School that Pinola had a 10th grade class with 85 students, and that the school auditorium was being used for a number of classes in simultaneous session. Just prior to their visit to the high school, a white teacher telephoned the school's principal (white) and told him to expect the Task Force members. Upon being escorted through Pinola High School by the assistant principal (white), the team was surprised to note no visible signs of extreme overcrowding. Over a period of about one hour, there was no classroom use of the auditorium; and no classes with as many as 85 students were observed. It was not until the conclusion of the field visitations that the team learned that immediately prior to their arrival at Pinola High, a large number of students were taken out of the school and seated in the bleachers of the school gymnasium, where they waited until the Task Force visit was over.

There are countless examples of the gross waste of school building space and facilities: In Raleigh, Mississippi, the school system has purchased 16 mobile units to house the students; the two black schools in this district, both in excellent condition are closed. In Columbus, Mississippi, the previously all-black high school (grades 8–12) has been converted to house only seventh grades; with a building capacity of 1,500, the school enrolls only about 800 students. In this same school, girls are not assigned physical education, although excellent facilities exist and are unused. Two previously white schools, on opposite sides of town, are housing the senior high school grades; the senior high building on the far side of town is in poor condition, overcrowded, and has had to erect portables to accommodate the enrollment. Only the formerly black high school (now seventh grade) has shop facilities. In Ascension Parish, Louisiana, the majority of black students have been moved into previously all-white schools, which are so overcrowded that rooms in these schools, have been divided by constructing a wall to make two rooms, half the size of normal classrooms. At the same time, several previously all-black schools are almost empty, with two or three kindergarten classes. Reports indicated that many whites are dissatisfied with the situation, but are afraid to articulate their feelings publicly. In a least one Louisiana parish (Claiborne), there is another type of under-utilization of schools; this system schedules a shortened school day, dismissing at 1:00 P.M. Team member reporting from several other school districts stated that they had observed little or no after-school activities on the school grounds, suggesting that the prevailing white attitude toward desegregation may have curtailed the accessibility of the public schools both to the students and the community.

The above summary merely exemplifies instances of school nonuse, misuse, and underuse observed by Task Force members in most districts visited; it does not begin to measure the tremendous cost of the taxpayer in terms of wasted school buildings and facilities, nor the immeasurable educational losses incurred through overcrowding and inefficient use of schools.

6. *Departmentalization:* Similar in educational unsoundness to the patchwork of grade levels assigned to schools is the excessive departmentalization of elementary grade levels and the irrational scheduling of classes in the desegregated schools. One Task Force team commented, "Departmentalization is another tool to appease white parents, who are thus guaranteed that their children will not be with a black teacher all day. Some children have four to six teachers in a single day. White teachers, as well as black, are disturbed about this. Some of them have approached the black teachers, suggesting that they bypass the superintendent's directives by remaining with their children two to three periods at a time."

In one middle school in Richland Parish, Louisiana, all classes, except Language Arts, are 40 minutes in length. The Language Arts classes, taught only by white teachers, are two hours in length. One black teacher in this parish has an assignment of eight periods per day; another has four periods of sixth grade Physical Education (class size 48, 38, 38, and 36), plus two periods of Social Studies, and a long lunch room monitor's duty. Elementary students in East Tallahatchie Parish are bused to different schools for their classes at two-hour periods throughout each school day; secondary students are bused between two schools for different subjects. This busing plan was devised by the board of education and approved by the court—an altogether strange phenomenon in a region so anti-pathetic to busing.

7. *Curtailment of Extracurricular Activities:* The curtailment and, in some instances, virtual elimination of extracurricular activities has not changed since the date of the initial Task Force reports. Social events, such as school proms, are no longer held in high schools; such festivities take place now in white students' homes or in other places where blacks are excluded. In some districts, it was reported, black girls have been elected cheerleaders, but more often, cheerleading teams and all school clubs, including the student government (where it is still maintained) are all white. Reports from several districts in both states indicated that new qualifications have been established for participation in various groups. In Tupelo, Mississippi, for example, there is a recently formulated requirement that to be a majorette a girl must have played an instrument in the band for the last two years and must be selected by the bandmaster. In Jefferson Parish, Louisiana, to become a member of the dance team, there is a requirement that students must be attending dancing school. In order to become majorettes in the Okolona (Mississippi) High School band, students were told that they would be required to attend summer music school at a cost of $65, prohibitive for most black students in that poor area.

Generally, in both curricular and extracurricular activities, the desegregated schools of Mississippi and Louisiana are operated on the terms and conditions set by whites, governed by white rules, and committed to the transmittal and perpetuation of white values, attitudes, and traditions. It is not surprising, since so many of those values, attitudes, and traditions are preoccupied with the myth of white supremacy, that the black students feel that they, like their black teachers, have experienced displacement, rather than desegregation.

IV. Continuing Growth of Private School Movement

"The President's chief spokesman on integration says it will be up to the Southern-(er)s to prove that tax-exempt private academies are discriminating against Negroes.

"Elliot L. Richardson, Secretary of Health, Education, and Welfare, disavowed responsibility for monitoring the academies which have been springing up in the South as public schools moved toward desegregation.

"'I don't think we want to ask for or employ a large force of investigators to send to the South for this,' Richardson said. 'I think we have to rely on the people of the South.'" [3]

And the white people of the South, in increasing numbers, are relying on a spreading network of private academies as a means of maintaining for their children a racially segregated system of education. The Southern Regional Council of Atlanta, Georgia, has estimated a fall 1970 private school enrollment of 400,000 students in the eleven Southern states. In Mississippi alone, the Council has reported, there were 209 private schools of all types as of the 1969–70 school year; nine more were scheduled to open for the 1970–71 school year. Of the 421 private schools in Louisiana, 32 have been accredited by the Southern Association of Colleges and Schools; 106 have been approved by the state; and 222 are operating without any form of accreditation. The effect of desegregation on the private school movement is reflected in the fact that during 1968–69, three new private schools were reported as being established in Louisiana, whereas, during the 1969–70 session, 38 such schools were officially established.

In most of the Louisiana and Mississippi districts visited by the NEA Task Force, one or more private segregation academies have been established since the start of the 1969–70 school year. The greatest exodus of white students and teachers, predictably, has occurred in those districts with majority or near majority black populations. One of the most serious threats to public education, Task Force members reported, is the lowering of school tax rates that has accompanied school desegregation and the establishment of private academies in some districts. This was not a major area of investigation; however, reports were received of several Mississippi districts where millages have been lowered within the past year. In Hollandale, Mississippi, for example, where the school system has become all black since desegregation, school taxes have been lowered by 1.5 mills this year; and in Greenwood, Mississippi, the City Council has reduced the annual school tax by one-half mill, claiming loss of teacher units funded by the state.

In many of the districts visited, there was evidence that private school students are being transported in public school buses, are using instructional materials and facilities loaned or donated from the public school, and are being housed in buildings that were formerly public schools, leased or sold to private individuals and ultimately conveyed to private school groups. In South Panola, Mississippi, a public school, reported as having been sold for $100, is allegedly now being used for a private segregated academy. Although the building is dilapidated, the property includes 5.2 acres, making the sale price far below market value. In North Panola, an elementary school, sold for $5,001.00 is now an all-white private high school. In Claiborne Parish, Louisiana, it was reported that the public school stadium has been leased to a private academy, which also receives not only textbooks (allowed by state law), but desks and other school equipment funded by public money.

The siphoning off of public moneys to segregated private school education is not only a local matter; the states of Mississippi and Louisiana are in the private school business too. At its 1970 session, the Louisiana State Legislature appropriated $10 million for paying private and parochial school teachers' salaries. An estimated 4,000 private and parochial school teachers are said to be eligible for the payments. As this report is being written, litigation challenging the 1970 law is in progress.

According to a May 1970 report in *South Today*, published by the Southern Regional Council, the State of Louisiana, under a 1938 State Supreme Court ruling, has been providing money to bus all students, public and private alike. The Mississippi legislature has passed a bill which puts private schools on the same footing as public schools in the purchase of bus tags, the report states. Thus, private schools in Mississippi are no longer required to purchase expensive commercial licenses in order to operate buses.[4]

There was, however, one note of encouragement in Task Force reports concerning private segregation academies: Some of them at least have a low student retention rate. In several districts now entering their second year of desegregation, school officials reported a return of white students who had originally fled to the private academies to avoid desegregation.

V. Misuse of Federal Funds

The misuse of federal funds for education, although not the subject of intensive Task Force study, was revealed as a serious problem in a number of the school districts visited. NEA Task Force members found evidence strongly supporting earlier reports by other organizations that Title I funds are being widely misused, to supplant rather than supplement district and state funds. For example, in Amory City, Mississippi, eight teachers paid with Title I funds are assigned to regular classes, through the device of assigning them to teach the lowest levels in the A–B–C–D–E ability grouping program, thereby filling what would otherwise be regular assignments. Similar reports were received from Louisiana parishes. According to information reported by the Lawyers Constitutional Defense Committee, New Orleans, Louisiana, to the U.S. Secretary of Health, Education and Welfare, and made available to Task Force members, Title I moneys are being used to pay the salaries of regular classroom teachers, who perform only regular classroom duties and who offer nothing compensatory or unique; they are being used for construction of portable classrooms housing all black students in "desegregated" schools; they are being used for driver's education and business education programs, for physical education and recreation programs that are not compensatory in nature; and, overwhelmingly, they are being used to enforce racial isolation in the schools. Districts mentioned in the report included Claiborne, Madison, Washington, East Feliciano, Concordia, Caddo, and Orleans Parishes.

In Okolona, Mississippi, it was reported, portable units purchased with Title I funds in 1966 are used for classes in home economics, math, band and physical education. Also, in Okolona, four of fourteen black teachers who were fired this year (because of failure to make the required minimum NTE score, set at 800, *after the tests were taken*) were offered reemployment under Title I. The Task Force team that visited this district stated, "This suggests the possibility that Title I offers a unique opportunity for districts to get teachers off the regular payroll and back into the sytsem under a federal subsidy and without normal continuing employment rights."

In at least two Louisiana parishes—Evangeline and Richland—the media centers, where the school administrative offices are located, were constructed with Title I funds. A number of Task Force reports indicated that federally funded Title I programs are operating with all-white staffs and without the involvement of black teachers or citizens, even on a consultative basis.

Discriminatory activity in other federally funded areas was also reported by Task Force members. According to information made available to the Task Force, vocational education centers and programs in Mississippi are in many ways continuing the familiar patterns of segregation and discrimination of the regular public schools across the state.

Of 26 regular secondary vocational complexes and two in correctional institutions, not one is headed or directed by a black man.

Of 22 post-secondary regular and one correctional vocational complex, the only ones headed by blacks (reportedly not more than four or five) are those in which the student body is black.

A total of $50,000,000 in state and federal moneys is reportedly being spent on these 51 vocational complexes.

It is alleged that of 1,860 full-time teachers in 457 vocational centers, only a small percent are black, and this number is being reduced.

No black on the staff of the Division of Vocational Education in the State Department of Education has been involved in the planning and development of new vocational complexes, for which $20,500,000 has been budgeted.

Information in this area was not obtained with respect to Louisiana vocational programs. Task Force members felt, however, that the information outlined above, although incomplete, was of such significance that it should be included in this report.

VI. Lack of Black Representation on Boards of Education

Basic to the major problem of school desegregation in Mississippi and Louisiana (and in other states as well) is the fact mentioned earlier in this report—that control of the desegregation process is vested in the same individuals and groups who controlled, and struggled to retain the segregated system of public education. Black representation on boards of education is as scarce as it is in the administrative offices of Mississippi and Louisiana school districts. In the districts visited, where blacks are on local school boards, they do not have a majority voice, even when blacks comprise a majority of the population.

As emphasized in earlier reports of the National Education Association, political organization of black communities—and of teachers as active, politically aware members of these communities—is of vital importance if meaningful school integration, or quality education for black students and equitable treatment for black educators, are ever to be achieved.

"The blight of racial discrimination has infected this nation from its beginning; there are no quick and easy methods of cure. And the short history of school desegregation in the South has made it plainly evident that externally applied pressures—whether from the federal Executive or Judicial branch or from national organizations—will not alone alter the patterns of white resistance to social change. The pressures must come from the black community—from the parents, from the students, from the educators, and from existing black community institutions organized into a strong collective of aggrieved individuals exercising the initiative to influence the public school system to serve them properly."[5]

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[3] "Won't Monitor Academies, HEW Says," *The Atlanta Journal*, Friday, August 7, 1970.

[4] "The Busing Myth: Seg. Academies Bus More Children, and Further," Levine, Leonard and Griffith, Kitty, *South Today*, Southern Regional Council, Atlanta, Georgia, May 1970, p. 7.

It is clear to this Task Force that the National Education Association, through its recognized state affiliates in Louisiana and Mississippi and through their local affiliates, is in a position to aid in the effective organization of black teachers, in alliance with their communities into a cohesive educational and political force through which legitimate representation of their mutual interests can be achieved. The Task Force urges that the Association continue and strengthen the efforts that it has already undertaken in this direction.

HIGHER EDUCATION OPPORTUNITY ACT OF 1971

Mr. HRUSKA. Mr. President, on March 4, the Senator from Vermont (Mr. Prouty) and other Senators introduced S. 1123, a bill to extend and amend the Higher Education Act of 1965. This bill, known as the Higher Education Opportunity Act of 1971, was developed by Mr. Nixon's administration and forecast in his message on higher education, February 22. Its enactment into law will make it national policy that every qualified person has a right to be educated to the limit of his ability and desire. The bill will help to eliminate the cruel discrimination against those of our young people whose parents cannot afford to pay the ever-increasing costs of college.

It is my hope, that the bill will be given the priority it deserves. It is critical that we put a bill on the President's desk for signature before the existing law expires on June 30 of this year.

In our deliberations on this measure, we should insure that all the components of our higher education system are considered. We need graduate programs and we need junior colleges. We need institutions that emphasize the scientific disciplines and those which concentrate on the liberal arts. We need public institutions and we need those fine, private colleges and universities which have carried such a large burden of the national educational requirement for so many years.

In this connection, I invite the Senate's attention to the special problems faced by private colleges today. Many of them do not participate fully in the largesse of the Federal Government—not because they provide an inferior education, but simply because they do not qualify for many of the narrowly described categorical grant programs currently authorized. Their costs have increased astronomically over the past few years while their income has not begun to keep pace. The competition from heavily subsidized public systems of higher education becomes more fierce by the day.

Faced with ever-increasing costs, private colleges have no alternative except to raise tuitions. The resulting combination of higher costs to the students, and the availability of low-priced alternatives in public colleges has caused a drop in enrollments in many private institutions. The inability of the private schools to make optimum use of faculty and facilities completes the vicious circle by increasing per-student costs, raising tuitions, and so on.

The presidents of 10 private colleges in Nebraska recently visited Washington. Their sole purpose was to lay before the Nebraska delegation a description of the situation in which they find themselves. Mr. President, it is a sorrowful story. It is a tale which should concern every one of us, and impel us to appropriate action. I am certain that the situation they face is not uique to Nebraska. The presidents provided the Nebraska delegation with hard facts and statistics, demonstrating that a terrible situation is getting worse. I ask unanimous consent that data provided by the Nebraska college presidents be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Nebraska Association of Independent Colleges and Universities,
March 9, 1971.

To the Honorable Members of the United States Congress from Nebraska:

The state of Nebraska is served by ten independent, fully accredited colleges and universities. This service extends back almost one hundred years. The presidents of all ten institutions appreciate the opportunity of meeting with our representatives in Congress. We express gratitude to the Congress for past acts and policies that have provided support for students and programs in the private sector.

We wish to call attention to the present state of independent higher education, both in Nebraska and across the nation. Trends that have been twenty years on the march now brings us to a critical present. Nonpublic education is entering a decade of decision, in fact survival. We point with pride to the vigor and quality of higher education in the United States, created in a large part by the existence of a dual system. Any study of higher education in other lands quickly indicates that the absence of a private sector has produced a monolithic system that does not serve its nation well.

It appears probable that the best efforts of the independent colleges will not be enough, if unaided. We, therefore, acknowledge the important role of federal programs over the past thirty years. Wise attention must be given to the present. If revenue sharing with the states is substituted for any part of federal assistance, appropriate safeguards must be introduced to make support available for both public and independent institutions. Absence of such safeguards could further restrict the flow of funds to the independent colleges. Recent decisions to terminate construction grants leaves many colleges with aging and incomplete facilities. The shrinkage of funds for libraries, equipment and general science purposes throws responsibility back on general budgets already pinched between the rising costs of operation and the lessening ability of the public to pay charges close to cost.

We hereby declare our desire to provide high quality, exercising the flexibility that the independent sector enjoys, being innovative and providing Nebraska with centers of initiative. We offer our services in whatever ways appropriate in support of proposals made in Congress, in the providing of information and in the education of constituencies.

How big is independent education in Nebraska? and how has it grown?

Plant value—10 independent colleges

[In millions]

1960	$25.5
1961	29.3
1962	35.0
1963	37.5
1964	42.3
1965	51.7
1966	59.0
1967	65.7
1968	76.0
1969	82.4

Enrollment, 10 independent colleges

1955	6,016
1960	8,585
1961 (est.)	9,200
1962 (est.)	9,500
1963 (est.)	9,800
1964 (est.)	10,700
1965 (est.)	11,700
1966 (est.)	11,800
1967 (est.)	12,000
1968 (top)	12,582
1969	12,425
1970	12,237

Surplus/deficit, 10 independent colleges

1960	$271,000
1961	442,000
1962	413,000
1963	697,000
1964	888,000
1965	462,000
1966	523,000
1967	486,000
1968	460,000
1969	—812,000

Deficits are increasing in number and level.

In 1960–61 there were no colleges experiencing deficits.

In 1967–68 one college experienced a deficit of $50,710.

In 1968–69 two colleges had deficits averaging $46,771.

In 1969–70 seven colleges had deficits averaging $116,000.

In 1970–71 none of the ten independent colleges in Nebraska can presently anticipate operating in the black.

The change has been rapid. In 1968–69 the "average" Nebraska institution had an average *surplus* of $46,093, which changed into an average deficit one year later of $81,217.00.

FEDERAL ASSISTANCE TO HIGHER EDUCATION AND THE 10 INDEPENDENT COLLEGES OF NEBRASKA

The independent colleges and universities of Nebraska have responded to the stimulus of federal programs and utilized every form of assistance made available.

A. Capital Expenditures:

Under the encouragement of favorable legislation for construction loans and grants, the independent colleges of Nebraska added $60,379,987 over the past decade. Of this amount—

$4,167,755 (6.9%) came from direct federal grants.

$24,566,307 (40.7%) was borrowed.

$18,607,507 (30.81%) of borrowed funds was borrowed from federal funds.

$5,612,917 (9.30%) was absorbed from operating budgets.

$26,033,008 (43.11%) came from private gifts.

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[5] National Education Association Commission on Professional Rights and Responsibilities, *Beyond Desegregation: The Problem of Power*. The Association: Washington, D.C., February 1970, p. 57.

B. STUDENT AID

	Number of students assisted by NDSL	Percent of student body assisted by NDSL	Total financial Federal aid provided to students
1960	561	6.5	$286,502
1961	653	7.1	308,911
1962	869	8.9	415,486
1963	953	9.4	433,020
1964	1,298	11.8	649,843
1965	1,609	13.57	904,361
1966	2,090	17.2	1,334,370
1967	2,186	17.6	1,719,932
1968	2,530	20.1	2,043,662
1969 [1]	2,437	[1] 19.6	2,024,530

[1] Note the 1st year of decline in the decade.

CAPACITY

Obviously a connection exists between deficit operation and vacancies on the campus of the independent college. The largest single source of revenue is the student tuition and fees. The development of vacancies across the nation is alarming.

In Minnesota, there are 2,000 vacancies.

In Missouri, there are 7,500 vacancies.

In Indiana, there are 8,000 vacancies.

With a little work, the capacity and utilization of the ten independent colleges of Nebraska can be refined into three categories for the current year:

Number of additional students that could be housed in residence—1380.

Number of students served with present staff—1880.

Number of students served by maximum use of academic facilities—3720 (obviously requiring more staff).

Or, to put it more succinctly, we now operate:

1380 under *bed* capacity
1880 under *staff* capacity
3720 under *plant* capacity

WHY THE PROPORTION IN PUBLIC HIGHER EDUCATION IS GROWING—A COMPARISON OF STUDENT COSTS SELECTED YEARS

	20 large public universities			14 medium-sized private universities			Difference in total cost
	Tuition and fees	Room and board	Total	Tuition and fees	Room and board	Total	
1931–32	$90	$344	$436	$261	$345	$606	$230
1947–48	130	495	625	415	488	903	278
1959–60	248	742	990	935	704	1,639	649
1967–68	363	886	1,249	1,685	913	2,593	1,349
1970–71	458	948	1,406	2,109	1,056	3,165	2,056

Source: From American Council on Education, A Fact Book on Higher Education, 1970.

DR. HADDON'S TESTIMONY ON AUTOMOBILE BUMPERS

Mr. BENTSEN. Mr. President, yesterday the Committee on Commerce received some extraordinarily provocative testimony from Dr. William Haddon, president of the Insurance Institute for Highway Safety, on the subject of the weak and ineffective automobile bumpers that are currently featured on the popular models of American and foreign cars.

In the course of his testimony, Dr. Haddon effectively demolished the arguments advanced from certain quarters that strong and durable auto bumpers are neither technologically nor economically feasible.

Dr. Haddon told the committee:

> Although the techniques for solving the problem have been available for years . . . they continue to be ignored in the design and manufacture of new cars being sold to the consumer today.

He went on to say that designing effective bumpers which could withstand crashes at speeds up to 10 miles per hour could be achieved without increasing the cost of the automobile.

Mr. President, it is imperative that the Secretary of Transportation be directed to establish standards for automobile bumpers which will enable them to withstand collisions—front and rear—with a fixed impact barrier at speeds up to 10 miles per hour without sustaining any property damage or causing injury to the inhabitants of the vehicle.

S. 949, which I introduced earlier in the session, is directed to that end.

Congress should act promptly on this or similar legislation so that we can halt the accelerating costs of auto repair and the corresponding rise in auto insurance rates.

Dr. Haddon's organization, after conducting extensive tests, found that the average cost of repairs to bumpers colliding with a fixed impact barrier at a speed of only 5 miles per hour is $331.69 for front end repairs and $329.28 for the rear.

These astronomical repair costs make a mockery of the claim that we cannot afford to build bumpers which are resistant to property damage. Indeed, we can no longer afford not to build them.

Dr. Haddon said:

> There is no question that bumpers able to manage energy without damage to vehicle structures at barrier crash speeds up to and above ten miles per hour are now and for some time have been well within the state of the art.

Mr. President, I believe that the American public is entitled to the protection afforded by bumpers which can withstand collisions at these speeds without sustaining any property damage whatsoever.

I ask unanimous consent that a partial text of Dr. Haddon's remarks be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF WILLIAM HADDON, JR., M.D., PRESIDENT, INSURANCE INSTITUTE FOR HIGHWAY SAFETY BEFORE THE SENATE COMMITTEE ON COMMERCE MARCH 10, 1971

Mr. Chairman and members of the Committee, in response to your invitation I am here today to present the results of the present series of low speed crash tests conducted by the Insurance Institute for Highway Safety. Before doing so, however, a few words of background:

The Institute began low speed crash tests of new-model automobiles in 1969. Until then, there had been virtually no recognition of the relationship between high automobile repair costs and the designed-in delicateness of the automobiles themselves.

Three basic questions needed answering. First, we wanted to know how much delicateness was being designed and built into new model cars. To answer this we crashed four of the most popular 1969 sedan models into a standard test barrier at five (5) miles per hour front and rear, ten (10) miles per hour front-to-barrier, ten (10) miles per hour in two-car configurations, front-to-rear and front-to-side, and fifteen (15) miles per hour front into barrier. The results were illuminating; for example, in the five (5) mile per hour front-into-barrier crashes, the four cars averaged two hundred dollars ($200.00) in estimated repair costs per car.

Then we asked how large a proportion of the total vehicular crash damage low speed crashes might account for. Working with data provided by a major automobile insurance company encompassing a sample of thousands of auto property damage claim closures during a six-month period of 1968–69, we discovered that 94 per cent were for five hundred dollars ($500.00) or less.

The third question was whether such low speed crash damage could be eliminated by alterations in vehicular design. In fact, one of the many available on-the-shelf solutions was presented to the Senate Antitrust and Monopoly Subcommittee at the same time by an independent aerospace manufacturer. Some members of this committee may have since seen demonstrations of one or more of the several other energy-absorbing front and rear end design options available to eliminate low speed crash damage.

With the introduction of 1970-model automobiles we expanded our crash tests to include 12 popular models—the four sedans, four so-called "pony cars," and four small cars. The filmed results of both the 1969-model and 1970-model cars were presented at hearings of the Senate Subcommittee on Antitrust and Monopoly. The results of the 1969 and 1970 model low speed crash tests are shown in Appendix A.

As our test results have become known, public and private concern about the problem of needless delicateness in auto exteriors has surfaced. The bills you are considering today reflect that concern. Also a number of state legislatures are actively considering legislation to require that automobiles withstand low speed crashes without damage; one state, Florida, enacted such a law last year. Further, a number of insurance companies have announced premium reductions to encourage the offering in the marketplace of automobiles that are not susceptible to low-speed crash damage. Finally, there appears to have been an increase in efforts by independent designers and developers to apply long- and well-known energy absorbing principles as a means of providing crashworthy automobile bumpers, and a steady increase in editorial and public demand for solutions to the automobile fragility problem.

Unfortunately, although the techniques for solving the problem have been available for years, the results of our most recently completed series of tests—involving 1971 model automobiles—show that they continue to be ignored in the design and manufacture of new cars being sold to consumers today. The technological remedies remain on the shelf, where they have gathered dust for costly years.

The base line of low speed crash damage reflected in estimated repair costs generated in our 1971 model tests on balance appears to have worsened. For example, for the four (4) sedans, the only like models crashed both last year and this year, the average estimated repair costs compare as follows:

When crashed front end into the test barrier at five (5) miles per hour, $215.64 for 1970 models, $331.69 for 1971 models;

When crashed rear end into the barrier at five (5) miles per hour, $218.66 for 1970 models, $329.28 for 1971 models;

When crashed into like models front-into-rear at ten (10) miles per hour, $558.04 for 1970 models, $516.40 for 1971 models;

And when crashed into like models front-into-side at ten (10) miles per hour, $499.36 for 1970 models, $637.76 for 1971 models.

The largely cosmetic, egg-shell front and rear ends of new automobiles remain with us in showrooms and on the streets, insuring, for some time to come, the continued operation of a highly remunerative market in replacement parts sales, most of which automobile design has made certain will be made by the maker of the automobile itself.

Many of you may have noticed the new attention that is being paid in some media advertising of new model automobiles to the issues of occupant safety and protection from vehicle damage. In promotions for some of the 1971 models, we have noted claims—albeit sometimes veiled and couched in careful innuendo—of improved crashworthiness of bumpers. As you watch the film of our 1971 model crash tests, you will want to pay particular attention to at least three of these:

1. The Pontiac Firebird, which has for the last few years featured what is referred to as the "Endura" front end. A company promotional booklet on 1971 Pontiac models calls the Endura "amazing." An automotive magazine has described the front end design as "energy absorbing."

2. The 1971 Buick Skylark's bumper, of which a company official said during a press conference last autumn, ". . . (I) t will withstand about four times as much force from any intruding or any impacting object than the 1970 bumpers. So we made a very dramatic improvement in our bumper protection."

3. The 1971 Plymouth Satellite, which features what one automotive magazine called a "heavy loop bumper (which) provides complete protection for recessed headlights and black-out grille," and which a promotional brochure described as a "massive front bumper."

Before showing the film, a word about the test procedures used in this series: Our tests are now being conducted by EG&G, Incorporated, an established leader in the development and use of advanced technology instrumentation and data gathering systems, lighting products and photographic systems. They were conducted at a specially designed and constructed indoor testing facility. Whereas in the past the test vehicles were towed in neutral into the obstacle—the barrier or second car—by another vehicle, this year's models were actually "driven" into the crash under their own power from a remote control console, thus more closely simulating real world conditions.

Since each vehicle being tested was driven into the test barrier or stationary target car under its own power, in some of the tests, notably the sedans test-crashed into the barrier at five (5) miles per hour, the cars were not braked immediately following the first impact. These cars rebounded from the barrier and, since they were still in forward gear, impacted the barrier again—a phenomenon not unknown in real-world low speed crashes, incidentally, as when a motorist is unable in a crash to apply the brakes or, in a standard transmission car, disengage the clutch soon enough to avoid successive collisions. These secondary taps will be clearly visible on the screen as you view the film of the tests.

As with our 1969-model and 1970-model tests, estimating of repair costs following each crash was done by a panel of three automobile damage appraisers. The cost estimates also reflect inflation's toll on crash-car owners, both in terms of labor costs and replacement parts prices. In previous years' crash tests, we used the rate—modest even then by national standards—of seven dollars ($7.00) per hour for labor. This year we have raised this to eight dollars ($8.00) per hour, a rate still considerably below that charged in many parts of the United States today.

The total estimated repair cost after each test crash is shown in a chart included in this testimony at the end of the film. In the film you will see tests involving four (4) series of crashes—front-into-barrier at five (5) miles per hour, rear-into-barrier at five (5) miles per hour, and intervehicular tests of identical vehicles front-into-rear and front-into-side, both at ten (10) miles per hour. The tests involve twelve (12) models of automobiles: four (4) sedans, four (4) small cars including three (3) new domestic competitors to the imports, and four (4) intermediate-sized cars. Now, the film of the 1971 model low speed crash tests. As you view these crashes, it is easy to see why these automobile designs guarantee huge sales in crash replacement parts that are available only from those who possess the specially designed equipment which fabricated the costly, delicate, original-equipment parts in the first place.

1971 LOW SPEED CRASH TEST RESULTS: INSURANCE INSTITUTE FOR HIGHWAY SAFETY

	5 miles per hour		10 miles per hour			
	Front	Rear	Front	Front/ rear [1]	Front/ side [2]	15 mile per hour front
Sedans:						
Chevrolet Impala	367.90	447.00		280.50 221.05	328.85 375.30	
Ford Galaxie	341.20	318.55		248.15 469.60	241.00 439.35	
Plymouth Fury	202.25	266.35		201.85 246.80	247.10 306.55	
AMC Ambassador	415.40	285.20		256.30 141.35	233.25 379.65	
Small cars:						
Volkswagen	130.75	59.05		81.10 181.75	126.35 227.45	
Chevrolet Vega	181.30	228.45		276.55 244.60	191.05 195.90	
Ford Pinto	164.20	210.00		183.35 196.10	151.90 244.15	
AMC Gremlin	121.30	286.90		253.95 137.65	172.00 329.65	
Intermediates:						
Pontiac Firebird	229.00	262.60		77.00 385.60	55.40 458.70	
Buick Skylark	427.10	226.85		305.75 190.70	354.00 174.50	
Mercury Montego	402.11	267.35		171.50 469.13	98.85 729.50	
Plymouth Satellite	98.45	256.35		161.35 241.65	120.95 523.25	

[1] In the front-to-rear crashes, the price listed first for each car model is the estimated repair cost for the striking car (front-end damage); listed second is the estimated repair cost for the struck car (rear-end damage).

[2] In the front-to-side crashes, the price listed first for each model is the estimated repair cost for the striking car (front-end damage); listed second is the estimated repair cost for the struck car (side damage).

The high base line of damage reflected in these test results is attributable to more than the performance of the clearly inadequate bumpers with which the cars were equipped. It is a product of the overall design of the automobiles, particularly their front and rear ends. The question that should concern us is that which examines the use made of the space occupied by the vehicle and its components—whether, for example, the car is heavily laden as its prow and stern with expensive-to-replace cosmetic fringes—costume jewelry—and is adorned with protruding nose cones and upper lip snouts which perform all of the functions of battering rams, or instead is relieved of this pocket-picking ornamentation and, at the same time, equipped with self-restoring, energy absorbing structures.

A few slides will illustrate in detail how the designs of current model vehicles guarantee crash damage. First, some slides detailing what you have already seen in the film—how the bumpers themselves perform by rolling and twisting on their mounts, away from their normal positions, to mangle sheet metal which has been needlessly extended to embrace the outermost extremities of each car, even the bumper mounts themselves—with the public warranted to lose:

American Ambassador, Front/Barrier, 5 MPH.

American Ambassador, Front/Side, 10 MPH.

American Motors Gremlin, Front/Side, 10 MPH.

Chevrolet Impala, Rear/Barrier, 5 MPH.

Chevrolet Vega, Rear/Barrier, 5 MPH.

Plymouth Fury, Front/Rear, 10 MPH.

Buick Skylark, Rear/Barrier, 5 MPH.

Now, some illustrations of how the designs of the front and rear ends, including bumpers, acted to produce damage to side quarter panels of the cars:

Pontiac Firebird, Rear/Barrier, 5 MPH. As I noted during the film, the damage done to rear quarter panels on either side of this car by the five (5) mile per hour rear-into-barrier crash was strikingly symmetrical. I might add, the estimated cost for straightening each of these rear quarter panels was the same.

Plymouth Satellite, Rear/Barrier, 5 MPH.

Ford Pinto, Front/Rear, 10 MPH.

Incidentally, you may be curious as to the cause of the dramatic radiator breakage and leakage in the American Ambassador's five (5) mile per hour front-into-barrier crash test. In this slide you can see how the design allowed the radiator to be pushed backward into the fan blades, which, because the car was running, chewed into the radiator core, causing the escape of steam and antifreeze you saw early in the film.

Perhaps the most dramatic proof of the function regularly served by contemporary automobile design is in the fanciful—and dangerous—front end snouts, spearheads and jutting lips styled into today's cars. The following slides illustrate dramatically what caused the massive damage in some of the intervehicular test crashes you saw in the film.

Chevrolet Impala, Front/Side, 10 MPH.

Fort Galaxie, Front/Side, 10 MPH.

Chevrolet Vega, Front/Side, 10 MPH.

Ford Pinto, Front/Side, 10 MPH.

Buick Skylark, Front/Rear, 10 MPH.

Pontiac Firebird, Front/Barrier, 5 MPH.

Mercury Montego, Front/Side, 10 MPH.

Pre-crash.

Mercury Montego, Front/Side, 10 MPH, After Impact.

We have noted that, in the course of the rising publicity over improved automobile crashworthiness, some are claiming that it would be impractical now to set even so low as a five (5) mile per hour no-damage floor for both front and read ends of cars, and suggesting even that a two and a half (2.5) mile per hour no-damage floor be set for automobile rear ends. Gentlemen, a man jumping only two and a half (2.5) inches off the floor lands at two and a half (2.5) miles per hour. It seems reasonable that automobiles should sustain damage-free rear end crashes into a barrier at somewhat greater speed—and yet we have seen, in the film of our test crashes, the amounts of damage that those same automobiles sustain at five (5) miles per hour. To cite two other examples, a man landing from a jump of just over ten (10) inches—less than the distance involved in jumping off a high step—would land on the floor at five (5) miles per hour; one landing from slightly over three and a third ($3\frac{1}{3}$) feet would land at ten (10) miles per hour.

To this point, Mr. Chairman, I want to comment more specifically on widespread claims that an adequate solution to the problem so dramatically illustrated in these films is a front-end energy absorbing bumper capable of withstanding a five (5) mile per hour barrier crash with little or no damage. There is no question that bumpers able to manage energy without damage to vehicle structures at barrier crash speeds up to and above ten (10) miles per hour are now and for some time have been well within the state of the art. But at least according to one car maker, there seems to be a question whether rear-end property damage in low-speed crashes is of sufficient magnitude to justify even a five (5) mile per hour damage-free *rear* end bumper system.

I refer to General Motors Corporation, which has circulated an analysis claiming to justify its conclusion that "a separate speed range should be selected for the front and rear bumper systems"—with the rear system set at a much lower range than the front—because "front end collisions occur two and a half ($2\frac{1}{2}$) times as frequently as rear end collisions," according to GM.

If GM's data were representative of the real world, its conclusion might be sound. Based on thirteen thousand (13,000) cases under collision coverage written by Motors Insurance Co., its subsidiary, the data say that fifty-eight (58) per cent of collisions involved front damage, while only thirty (30) per cent involved rear damage. (The rest presumably involved neither front nor rear end damage.) This, GM suggests, means that rear-end damage is much less of a problem than front-end damage.

But it turns out that GM's data, based as they are on collision coverage only, are limited almost entirely to damage to cars that struck something else—another vehicle or a fixed object. Not included is damage to cars *struck by* other vehicles, such as those hit by others through absolutely no fault of their own.

We looked at the damage to these struck cars by examining a national sample of approximately thirteen thousand (13,000) closed property damage liability claims from one of the country's largest auto insurance companies. The results were quite different from GM's data involving striking vehicles. In our examination forty-six (46) per cent involved damage to the rear of the car, and only twenty-nine (29) per cent involved damage to the front of the car.

Since a figure more nearly reflecting the true role of rear damage in all crashes would include the damage experience both of struck cars and striking cars, we also combined our data with a representative set of closed collision claims from the same company. In result, we found that for every one and twenty-six hundredths (1.26) collisions involving front damage, one collision involves rear damage—the latter frequently caused to the vehicle of an innocent driver hit by another from behind.

The pacifying assurance that good rear-end bumper systems would not be—to use GM's term—"cost effective" might be rather vigorously challenged by the countless car owners whose vehicles each year are mashed from behind.

I also note public claims by some to the effect that providing significant bumper protection front and rear on automobiles would require both considerable extension of vehicle length and vehicle cost. These and other arguments against improved vehicle crashworthiness are specious on their face. A policy that provides a safe, damage resistant vehicle would require that snout configurations and fancy tinsel cosmetics be eliminated and their space utilized instead for proper energy management structures, thus both reducing vehicle cost and eliminating low speed crash repair costs. It is a question of how the space occupied by the structure of the vehicle, of whatever length, is to be utilized—by proper energy absorbing structure which is self-restoring, or by costly, fragile and damage-prone cosmetics. By choosing the former option, manufacturers could reduce the initial price of the vehicle or, at worst, maintain it at present levels by elimination of the costly delicacies.

Another aspect of the exterior designs of several of these vehicles flies in the face of the best interests of men, women and children not only in the United States, but everywhere in the world where these and similar vehicles are used.

Man discovered thousands of years ago that the likelihood and severity of damage to people, as well as to their property, could be greatly decreased if the impacting parts of objects that hit them are designed to guarantee that the forces are spread out rather than localized.

In practice, this health principle is deliberately ignored in design intended to produce impact surfaces that are hard, pointed, rigid, sharp, edged, jagged, or otherwise hurtful on contact with people. Military hardware from all parts of the world, through all the eras of man, illustrates this—witness the edges of swords, the points of spears, war-clubs, tomahawks, battering rams, the prows of triremes, and more recently, those pointed shafts of bamboo found along war-zone jungle trails.

In view of this, it can hardly be maintained that using the same lethal shapes for the surfaces of vehicles that can and regularly do impact pedestrians, bicyclists and other defenseless road users may be excused as an act in ignorance.

Let me note that the record of this Committee served public notice in 1968 that these designs were producing needless spearing and lacerating of Americans—incidentally, with results medically comparable to those produced by devices of warfare.

Eliminating such expensive and needless costume jewelry and substituting design and executive decisions that reflect concern for people will reduce needless human and social, as well as property, damage.

In the April 25, 1968, hearings of the Committee: I discussed with the Committee these pedestrian-be-damned designs, provided medical case studies and photographs showing the unnecessary penetration into bodies of such pointed metal junk sculpture, and placed in the record my letter of December 21, 1967, to auto and truck manufacturers. This letter included the following:

". . . I am writing concerning the difficult and serious problem of injuries to pedestrians, bicyclists and others who are hit by, or who themselves hit, exterior vehicle structures—and the fact that the contour and structure of exterior portions of vehicles often unnecessarily increase the likelihood both of injury and its severity.

"As you know, for decades we have been aware medically and from a safety standpoint that structures which localize the forces of impact on the bodies of men, women and children can needlessly contribute to injury, disability, and death. Some 9,300 pedestrians, not to mention bicyclists and others, are killed in the United States each year, and an estimated one-third of a million injured.

"Attention to means for reducing pedestrian and related injuries, and to reducing severity of those that occur, should have just as high priority as accomplishing the same objective for drivers and passengers. I know you are giving attention to accomplishing this, especially through the elimination of vertical and horizontal external ridges and protrusions. . . .

"With the increasing interest of physicians and the general public in this entire problem we expect that many examples of structure-injury relationships, useful to all of us attempting to reduce injury and death on our highways will come to our attention and yours. I am passing along two such examples I hope you will find helpful.

". . . Not all pedestrian injuries can be minimized or eliminated through cleaning up the exteriors of vehicles, either in contour or in hardness of structure in impact areas, but gains can be achieved. For this latter reason, I hope you will find these examples—that I am sending to other companies as well—helpful as you work on the ways in which you should approach this area in the future. If we can be of any help in this respect, I hope you will let me know."

Yet another point is often misunderstood. This is the belief that the safety of occupants demands the crushing of vehicular metal. It has been said that occupants of automobiles equipped with undamageable front and rear ends would be exposed to greater crash forces since the vehicles would have to be rigid enough to crash without damage. If this were so, jet airliners would be unable to land without sustaining damage both to themselves and to passengers from the jolt of touchdown. There are about as many other examples of impact-energy management that effectively and repeatedly keep damage from occurring at low and moderate impact speeds without providing rigid structure that causes damage to humans—modern railroad draft gear that absorbs the shock of coupling freight cars, for instance.

Dr. Patrick M. Miller, head of the Structural Dynamics Section of Cornell Aeronautical Laboratory, Inc., has also forcefully disposed of this point. As you may know, Cornell Aeronautical Laboratory has conducted much of the crash testing and research in this field for the Department of Transportation. Dr. Miller said, and I quote, ". . . (W)e do not see any basic incompatibility between designing vehicle structures for occupant safety and also for property damage reduction.

'The contention has been made that the vehicle structure should be weakened so that it will collapse and assist in cushioning the occupants during high speed impacts, where occupant injuries and fatalities generally occur. On the other hand, most people agree that the structure must be strengthened to provide for reduction in vehicle damage. The contention related to the vehicle strength as it affects occupant safety is, I believe, erroneous. Indeed, our work indicates that by strengthening the vehicle structure, both occupant safety and vehicle damage aspects of the problem would be improved.

"Even though the vehicle damage problem is associated with low speed, 5 and 10 MPH collision, while occupant safety is generally concerned with 20 to 60 MPH impact velocity ranges, it may be helpful to briefly review some of the results of the higher speed collisions . . .

"Thus, increasing front structural strength to improve occupant safety at higher speed collision is consistent with a strength increased to reduce vehicle damage in low speed collisions."

A great deal more is involved than simply mounting an improved bumper a few inches in front of the present day vehicle, although even this first practical step is decades overdue. What we must also be concerned with is a change in the basic concept of vehicle design to serve the *public* interest and to remove much of the lethality from the crashes of passenger automobiles on our highways—and much of the dollar cost of their impacts as well.

The Insurance Institute for Highway Safety will continue its testing during the coming months. The Committee has asked that we return when we have collected further data from our tests. We will be pleased to comply.

INSURANCE INSTITUTE FOR HIGHWAY SAFETY CRASH TEST RESULTS—1970

	5 miles per hour		10 miles per hour				
	Front	Rear	Front	Front/ rear[1]	Front/ side[1]	Front/ pole	15 m.p.h. front
Sedans:							
Chevrolet Impala	$196.20	$247.30	$491.40	$421.30	$481.80	(2)	$740.40
Ford Galaxie	185.80	325.25	459.05	513.45	478.35	(2)	703.10
Plymouth Fury	171.30	202.05	600.05	483.60	515.75	(2)	652.30
AMC Ambassador	309.25	100.05	615.75	813.80	521.55	(2)	819.50
Pony cars:							
Ford Mustang	160.30	147.05	400.70	615.65	402.35	(2)	661.35
Plymouth Barracuda	176.60	197.10	332.90	379.75	409.70	(2)	876.05
AMC Javelin	$262.67	$132.40	$618.85	$550.59	$502.05	(2)	$686.60
Chevrolet Camaro	130.10	174.00	599.35	465.60	437.90	(2)	1,052.60
Small cars:							
Volkswagen	120.25	64.45	322.35	228.20	381.55	$335.75	518.70
Toyota	133.70	69.30	410.94	305.57	316.34	370.03	486.86
Maverick	153.10	204.75	427.35	449.80	423.30	400.55	590.55
Hornet	204.50	193.85	508.40	590.20	591.75	474.60	636.75

[1] In the intervehicular crash tests front-to-rear and front-to-side, the figures are the cost estimates for both cars combined.

[2] Not tested.

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER**. Is there further morning business? If not, morning business is closed.

QUORUM CALL

Mr. **BYRD** of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 1971

The **PRESIDING OFFICER**. Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated by title.

The assistant legislative clerk read the bill by title, as follows:

> A bill (S. 575) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended.

The Senate resumed the consideration of the bill.

Mr. **MONTOYA**. Mr. President, the Senate today is considering legislation to continue what is considered by many to be one of the most unique and innovative programs in the history of American government.

Since its inception in 1965, the Appalachian regional development program has blazed new trails in securing cooperative action among various levels of government. It has seen the establishment of a new partnership between the Federal Government and the States that is consistent with our desires to return many public decisions from Washington to the State level.

While the Appalachian effort has been a success in terms of structural promise, it has also greatly facilitated the delivery of vital services to the people. Through one of its programs alone, the Appalachian Regional Commission has participated in the development of 233 health facilities, 260 vocational and technical schools, 157 higher education facilities, 85 libraries, 49 airports, 37 purchases of school equipment, and 71 other public improvements.

The legislation we consider today, S. 575, would continue the general Appalachian program for 4 years, through 1975. It would also extend the time for completion of the key Appalachian highway program for another 5 years, through 1978. Additional authorizations for the general program are provided in biennial amounts of $277 million for fiscal years 1972 and 1973; and $294 million for fiscal years 1974 and 1975. New authorizations for the 5-year extension of the highway program are $925 million dollars.

When Congress enacted the Appalachian regional development program in 1965, it responded in a special way to the special needs of this 13-State area. For a variety of reasons, including virtual reliance on a one-industry economy and the difficult topographical conditions that exist in the region, Appalachia consistently lagged behind the rest of the United States in providing both the social services and economic opportunities that were available elsewhere. The Appalachian program has been an attempt to remedy this situation by assisting these States and communities in providing their citizens with basic public facilities and services.

The need for intensive remedial activity in the Appalachian region was evident. Incomes lagged far behind the national average. Educational opportunities were substandard. Efficient transportation was difficult and costly to provide in areas of rough terrain and in communities with low tax bases. Unemployment continued to rise as mechanization spread throughout the coal industry.

As a result, many of Appalachia's people moved from the area, usually to large metropolitan centers where they frequently were bewildered by a new and strange way of life and were unable to improve their condition.

At the outset, certain goals were established for the Appalachian Development program. While there has been considerable progress in many areas, these goals have not been achieved. Out-migration has slowed. Unemployment has decreased. Substantial improvements have been made in public service facilities. All indicating that we are on the right track.

Mr. President, the legislation we consider today is designed to build upon the firm base already established so that the goals we set in 1965 can be reached in Appalachia.

This bill, in addition to extending the life of this program, makes several modifications of it consistent with our experience in the past 6 years and with the changing requirements of the region. Many of the provisions of this bill are drawn from the recommendations received in testimony before the Subcommittee on Economic Development last month. The committee heard 16 witnesses, all of them closely involved with economic development and the operation of the Appalachia program. In addition, statements were received from all Governors of Appalachian States and many other interested citizens and organizations.

Except for highways and airport safety, authorizations in this bill are not provided by specific activity categories. The committee felt that the Governors and the Federal cochairman who are the Appalachian Regional Development Commission should have maximum flexibility in determining priorities for the investment of these funds. The bill, therefore, was amended to authorize funds in a block for the nontransportation programs. In many respects, the "simple" change may be the most significant change contained in S. 575.

The additional authorizations for the Appalachian Development Highway System and local access road program are based on new estimates of the cost of completing a total system of 2,571.7 miles. The added cost is the result of inflation, implementation of new Federal highway safety standards, and new Federal relocation assistance requirements.

Provisions of the Appalachian Act relating to health and child care programs are broadened in the bill so that Appalachian funds can be used in combination with other Federal grant programs such as those of the Social Security Act.

One of the most persistent environmental programs in the Appalachian area results form the severe damage caused by surface mining operations. This was recognized in the inclusion in the Appalachian program of the mine area restoration program. States, however, have not fully implemented this section because present law requires that mined areas to be reclaimed must be owned by a governmental entity before Appalachian assistance is available. The fact that only 4 percent of the strip mined land in Appalachia is publically owned obviously impedes this program. In addition, existing statutes prohibit use of Federal funds for land acquisition. This bill includes language to correct both of these defects so that greater progress can be made in restoring the scarred hills of Appalachia.

Housing provisions of the Appalachian Act were designed to overcome one of the region's most serious shortcoming by facilitating the construction of new homes for thousands of families who now live in substandard dwellings. Provisions of the measure before us today would make this task easier by authorizing the Secretary of Housing and Urban Development to make grants to public bodies and nonprofit organizations for site development costs and improvements when these are necessary to make housing projects economically feasible.

Here again is another situation in which the unique circumstances of Appalachia require special attention. Housing programs have been difficult to mount because of the relatively low level of family incomes, the high cost of land development, and the inaccessibility of building sites to sewage and water facilities.

One of the most encouraging developments in Appalachia is the creation of health programs on an area basis covering several counties and crossing State lines. The feasibility of this approach has been proven, and thousands of people who otherwise would have been denied adequate medical care have been served, many of them for the first time in their lives. S. 575 extends the authority for similar multijurisdictional programs in education. I emphasize this change since it will enable the States and communities to make full use of the educational facilities built under this program in the past 5 years.

The shortage of public capital in Appalachia has made it difficult for local government units to participate in Federal grant-in-aid programs. In most of these, local matching money is required, and if there is no local matching money, the communities are shut off from Federal assistance. The act remedied this situation in 1965 by authorizing grants to supplement existing categorical aid programs. S. 575 amends this authority to allow such funds to be used as initial matching, or first-dollar, money. This will permit many communities to take advantage of the opportunities afforded by regular grant-in-aid programs which for budgetary reasons are underfunded. The ceiling on total Federal contributions to any project would remain at 80 percent.

The only totally new activity added by this bill to the Appalachian program is the one to upgrade safety facilities at existing airports in the region. The need for such action was brought dramatically and tragically to our attention last November when 75 people died in a crash near Huntington, W. Va.

The persistent Appalachian problems of rugged terrain and the shortage of money made assistance to upgrade airport safety essential. The committee, therefore, authorized a special 4-year program to accelerate safety improvements at existing airports in Appalachia. Activities contemplated include the removal of airport hazards, the acquisition of safety equipment and navigational aids, and the acquisition of land, easements or air-space rights necessary for any project.

Testimony before the Subcommittee by officials of the Federal Aviation Administration revealed that funds available to the region under the Airport and Airways Development Act of 1970 would be inadequate to accomplish the necessary safety improvements.

Federal participation under this program would not exceed 90 percent of a project cost except for navigation aids, which are eligible for 100-percent assistance. To implement this program, a total of $40 million is authorized.

Many of the things I have discussed as the problems of Appalachia are the problems of the rest of the country. In many respects, when reviewing the shortcomings of transportation, education, and housing in Appalachia I could just as easily be talking about my own Four Corners region in the Southwest.

Many helpful lessons have been learned while dealing with Appalachia that can add substantially to our ability to amend and modify other economic development programs so that they, too, can respond effectively to the needs of the whole country.

It is for this reason that, while we were considering this legislation, the Subcommittee on Economic Development began a series of field hearings to provide a base for the development of a comprehensive national economic development program. We recognize that such a program is necessary for application throughout the country so that long-term development plans can be formulated and executed. Field hearings are scheduled through April, and we anticipate additional hearings in Washington on legislative proposals to implement a wide-ranging national program.

I am aware that proposals are expected from the administration to establish a national program of revenue sharing to ease the heavy financial burdens of the States and communities. There are recommendations that the Appalachia program as such be merged into the revenue-sharing package. We do not feel, however, that the structure and operation of Appalachia is inconsistent with the aims of revenue sharing. We believe, too, that activities already begun under the Appalachian program would be seriously disrupted or irreparably damaged if we were to delay action until congressional consideration of revenue sharing is complete.

I am indebted to the inspiration and continuing leadership of Senator JENNINGS RANDOLPH, the chairman of the Committee on Public Works and to Senator JOHN SHERMAN COOPER, ranking minority member. These two distinguished Senators are both residents of Appalachia and were the main sponsors of the legislation that created the Appalachia regional development program in 1965.

Their unique experience and great knowledge not only as Appalachia residents, but as Senators, has been invaluable in the development of this program. The ranking minority member of the Subcommittee on Economic Development, Senator HOWARD BAKER, of Tennessee, has likewise contributed substantially to the refinement of Appalachian legislation.

Each member of the Committee on Public Works has been equally involved with Appalachia, though some of them may be Senators from States far removed from the region. Their aid and encouragement is appreciated, and we could not have brought this program to its present level of achievement without them.

At the same time, our task has been greatly facilitated by the competent and loyal work of the staff of the Committee on Public Works who have been concerned with this legislation. I must give particular notice to the contributions of Staff Director Richard B. Royce, Minority Staff Director Bailey Guard, Counsel M. Barry Meyer, Professional Staff Members John W. Yago, Philip T. Cummings, Judy Parente, and Richard Herod. In addition, Pauline Medlin, Peggy Nagle, LaVerne Douglas, Veronica Holland, Birdie Kyle, Ann Brown, and Hester Dungan have given the members and staff the support needed to carry out our duties.

I also wish to acknowledge the great help given to me by my legislative assistant, Karl Braithwaite.

Mr. President, the Appalachian regional development program has addressed itself to aiding the people of a region of our country in improving their lives and their communities. It has been a successful experiment and it must be continued to full fruition. I ask the Senate to give this bill careful consideration, and I strongly recommend its passage.

Mr. BAKER. Mr. President, I commend our colleague for his substantial effort in seeing a very good piece of legislation shepherded through the subcommittee and the committee, and brought to the floor in this form. I fully support it.

Mr. President, I should like to speak in favor of the bill to extend the Appalachian Redevelopment Act as reported out by the Committee on Public Works. This past week I attended field hearings held by the Subcommittee on Economic Development of that committee in Memphis, Tenn. The testimony of the witnesses at that hearing convinced me, if I was not already convinced, that the regional economic development approach to rural improvement as manifest in the Appalachian program is an eminently feasible and effective answer to the problems of the 13-State region within the jurisdiction of the Appalachian Regional Commission. The partnership between State, local, and Federal governments under the program has performed efficiently and with harmony, producing consistent and demonstrable progress throughout the region. A great litany about the accomplishments of the Commission has grown up since the program was created in 1965.

While I join those who praise the program for its many successes, I want to address myself at this juncture to the relationship between the pending bill and President Nixon's special revenue sharing proposal for rural economic development, the details of which have just only become known. The New York Times reported on March 3, the day after this bill was reported by the Committee on Public Works, that the President's revenue sharing plan had "suffered its first major setback" when the bill to extend the Appalachian Regional Development Act was ordered favorably reported. I disagree.

There have been many efforts to analyze the program, to learn why it has worked so well when other similar programs have not. It is almost universally agreed that the Appalachian program has worked because of the freedom it has given Appalachian Governors to design programs that are responsive to the particular needs of communities within their States. The Governors, together with highly effective multicounty economic development districts, which bring together key public and private leaders in communities with common problems, have effectively been given a carte blanche to apply Federal, State, and local funds to local problems that demand locally tailored solutions. Because funds for the program are appropriated directly to the office of the President and not to a line department or agency, where bureaucracy can smother any meaningful local initiative, the Appalachian Governors have enjoyed an extraordinary freedom in their use of program funds.

While it is true that Appalachian program funds have been and will continue to be subject to Federal guidelines and agency approval, the program has been given its remarkable flexibility through the device of so-called section 214, or supplemental funds, which enables the Commission to pay out of Federal moneys a part of the local matching share for a given categorical grant-in-aid program where a locality would otherwise be too poor to take advantage of the Federal carrot.

I submit to my distinguished colleagues that the Appalachian Regional Commission is really a form of revenue sharing and has been all along. I further submit that the success of the program—which virtually all familiar with it acknowledge—is directly attributable to those elements that the program and revenue sharing have in common; that is, greatly expanded State and local discretion over the expenditure of Federal funds in a program area of national concern.

Although it is true that the Federal cochairman of the Commission has, in effect, a veto over any proposal by a Governor for the expenditure of funds in his State, the veto has never once been exercised in the history of the program. Anyone familiar with the actual operation of the Commission is well aware that when the program's funds are allocated among each of the 13 States, the Governor of that State decides how and where those moneys are to be spent. This is, I reiterate, revenue sharing in all but name.

When the Committee on Public Works, or more specifically, the Subcommittee on Economic Development, of which I am the ranking minority member, undertook consideration of the pending bill, the details of the President's rural development revenue sharing proposal were unknown. To assert that by reporting this bill the committee was dealing a major setback to the President's program is inaccurate.

The subcommittee and the full committee will now turn its attention to the details of the President's rural development proposal. I fully suspect that we will find many areas of compatibility between his proposal and existing economic development programs and mechanisms. For example, there is nothing in the President's proposal that would in any way preclude the continuation of the Commission mechanism as a voluntary association of governors. There is nothing in the President's proposal that would discourage the continued formation and operation of local development districts. There is nothing in the President's proposal that would prohibit or discourage States from using revenue sharing allocations for supplementing the non-Federal share required by remaining categorical grant-in-aid programs. And the President's proposal specifically assures each State in the Appalachian region and throughout the country that it will receive no less in the way of Federal funds for rural economic development than it does under the existing patchwork system of categorical grants-in-aid.

Mr. President, the reporting and anticipated enactment by the Senate of this bill in no way represents a rejection or "setback" to the President's special revenue-sharing proposal. As I have tried to indicate, this bill represents an acknowledgment by the committee and by the Senate that the Appalachian program has worked because it has given State and local officials the kind of discretion over the expenditure of Federal funds that is at the heart of the President's revenue sharing program.

As the Congress proceeds with its consideration of the rural development proposal, it may well be that we will determine to include within the rural development block grant some of the Appalachian programs and some of the Economic Development Administration programs. It is a very fluid situation, and I firmly suggest that anyone who infers from action on this bill that the President's revenue-sharing program is in big trouble is grasping at straws.

Mr. President, I want to take this opportunity to commend to Senators early and favorable action on this bill and to commend to them further favorable action on the range of revenue-sharing proposals that the President has or will shortly offer. I find no paradox nor inconsistency in those recommendations.

I wish to express my deep gratitude and appreciation to our distinguished subcommittee chairman, the Senator from New Mexico (Mr. MONTOYA), who has labored diligently and effectively in this field for so long. It can honestly be said that he, probably more than any other, in the field of the Title V Commission, as distinguished from the Appalachian Commission, has been in the forefront and the vanguard of their development and elaboration.

I wish to give credit to the Senator from West Virginia (Mr. RANDOLPH), the chairman of the Committee on Public Works, and the Senator from Kentucky (Mr. COOPER), the ranking minority member, for their long and diligent efforts not only in the formulation and development of this program—which was first advocated by these two distinguished colleagues before President Kennedy offered it in his first year of office—but also for their continuing diligence in the oversight of the operations of the Appalachian Regional Commission.

I also wish to give credit to the staff of the committee, the professional staff, and the personal staff of the members of the committee for their help, in a unified and nonpartisan way, to develop the best program, under the best circumstances, in reporting to the Senate, for its consideration, proposed legislation that is superior and with few peers and equals in its technical quality.

In conclusion, may I confess to a parochial point of view. I come from the area which benefits from the operations of the Appalachian Regional Commission. Tennessee has many counties within the scope and jurisdiction of this program. The immediate past Federal cochairman of the Appalachian Regional Commission was a Tennessean, Mr. John B. Waters, Jr., who served with great distinction, and left Federal service to attend to private business matters.

I think that the Appalachian Regional Commission is just now coming to its full maturity and effectiveness. I think that examples of its farsighted planning and implementation of those programs are only just now becoming manifest and apparent to the people of the area it serves—such as the Children's Hospital at Knoxville, the Appalachian corridors and access roads throughout the region, airport extensions and expansions, health demonstration projects, strip mine reclamation projects, and public health systems.

I can say firsthand, from this parochial point of view, that the people of my area know of the great benefit the program has been to a 13-State region of the United States.

Mr. President, while this may not be directly relevant to the consideration of the Senate in the passage of this bill to extend the Appalachian Regional Commission, I think it is relevant enough to say that I feel that other Members of the Senate who have worked so hard and diligently to expand the Applachian format into other areas of the country can be heartened by the success of this program. Senators such as Senator COTTON, Senator MONTOYA, and others, who deal primarily, from their parochial point of view, with programs and commissions other than the Appalachian Regional Commission, have the assurance of this Senator, and I believe of all other Senators on the Public Works Committee, that we intend to try to do for those commissions what has been done for Appalachia. The Appalachian program is not a local effort on some special geographic basis but, rather, a demonstration project which has now demonstrated the virtues of regionalism. We want to see, and particularly I want to see, the benefits extended to the other commissions as well.

The PRESIDING OFFICER (Mr. CHILES). The clerk will report the committee amendments individually.

The legislative clerk read as follows:

On page 2, after line 24, insert a new section, as follows:

SEC. 105. There is inserted after section 201 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) a new section as follows:

"APPALACHIAN AIRPORT SAFETY IMPROVEMENTS

"SEC. 201A. (a) In order to provide a system of airports in the appalachian region which can accommodate a greater number of passengers in safety and thereby increase commerce and communication in areas with developmental potential, the Secretary of Transportation (hereafter in this section referred to as the "Secretary") is authorized to make grants to existing airports for the purpose of enhancing the safety of aviation and airport operations.

"(b) Such airport safety improvement projects may include (A) approach clearance, the removal, lowering, relocation, and marking and lighting of airport hazards, navigation aids, site preparation for navigation aids, and the acquisition of adequate safety equipment (including fire-fighting and rescue equipment), and (B) any acquisition of land or of any interest therein, or of any easement through or other interest in airspace which is necessary for such projects or to remove or mitigate or prevent or limit the establishment of, airport hazards.

"(c) Grants under this section shall be made solely from funds specifically made available to the President for the purpose of carrying out this Act in accordance with the provisions of this Act, and shall not be taken into account in the computation of the allotments among the States made pursuant to any other provisions of law.

"(d) Except as context otherwise indicates, words and phrases used in this section shall have the same meaning as in the Airport and Airway Development Act of 1970 and the Federal Aviation Act of 1958, as amended.

"(e) Federal assistance to any project under this section shall not exceed 90 per centum of the costs of the project, except for assistance for navigation aids which may be 100 per centum.

"(f) The Secretary is authorized to incur obligations to make grants for airport safety improvement projects, in a total amount not to exceed $40,000,000 during the period ending June 30, 1975. There are authorized to be appropriated to the President such sums as may be required for liquidation of the obligations incurred under this section."

The amendment was agreed to.

The legislative clerk read as follows:

On page 4, after line 16, insert a new section, as follows:

SEC. 106. (a) The third sentence of subsection (c) of section 202 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 202) is amended by striking out "health services" and inserting in lieu thereof the following: "health and child development services, including title IV, parts A and B, of the Social Security Act. Notwithstanding any provisions of law requiring assistance or services on a statewide basis, if a State provides assistance or services under such a program in any area of the region approved by the Commission, such State shall be considered as meeting such requirement".

(b) Subsection (d) of such section is amended by adding at the end the following: "The Federal contribution to such expenses of planning may be provided entirely from funds authorized under this section or in combination with funds provided under other Federal or Federal grant-in-aid programs. Notwithstanding any provision of law limiting the Federal share in any such other program, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by this subsection."

The amendment was agreed to.

The legislative clerk read as follows:

On page 5, after line 12, insert a new section, as follows:

SEC. 107. (a) The first sentence of subsection (a)(1) of section 205 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 205) is amended by inserting before the period at the end: "; and to control or abate mine drainage pollution."

(b) Subsection (b) of such section is amended to read as follows:

"(b) Notwithstanding any other provision of law, the Federal share of mining area restoration project costs, including reasonable planning, engineering, and costs of land acquisition (limited to the reasonable value of the land in its unreclaimed state as determined by the Commission), carried out under subsection (a) of this section and conducted on lands other than federally owned lands, shall not exceed 75 per centum of the total cost thereof."

(c) Subsection (d) of such section is amended to read as follows:

"(d) No moneys authorized by this Act shall be expended for the purposes of reclaiming, improving, grading, seeding, or reforestation of strip-mined areas (except on lands owned by Federal, State, or local government bodies or by private nonprofit entities organized under State law for public recreation, conservation, or economic development purposes, including the construction of low- or moderate-income housing) until authorized by law. As a condition of any grant made pursuant to this section, provision shall be made for the recovery of such grant from the proceeds of the sale or lease for private purposes of lands reclaimed with such a grant, for the purpose of further reclamation projects:"

The amendment was agreed to.

The legislative clerk read as follows:

On page 6, after line 16, insert a new section, as follows:

SEC. 108. (a) The catchline for section 207 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 207) is amended to read: "ASSISTANCE FOR PLANNING AND OTHER PRELIMINARY EXPENSES OF PROPOSED LOW- AND MODERATE-INCOME HOUSING PROJECTS".

(b) Subsections (a), (b), and (c) of such section are amended to read as follows:

"(a) In order to encourage and facilitate the construction or rehabilitation of housing to meet the needs of low- and moderate-income families and individuals, the Secretary of Housing and Urban Development (hereafter in this section referred to as the "Secretary") is authorized to make grants and loans from the Appalachian Housing Fund established by this section, under such terms and conditions as he may prescribe, for necessary expenses of nonprofit, limited dividend, or cooperative organizations, or of public bodies, in planning and obtaining federally insured mortgage financing for housing construction or rehabilitation projects for low- and moderate-income families and individuals, under section 221, 235, or 236 of the National Housing Act or any other Federal law, in any area of the Appalachian region determined by the Commission.

"(b) No loan under subsection (a) of this section shall exceed 80 per centum of the cost of planning and obtaining financing for a project, including, but not limited to, preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts. Such loans shall be made without interest, except that any loan made to an organization established for profit shall bear interest at the prevailing market rate authorized for an insured or guaranteed loan for such project. The Secretary shall require repayment of loans made under this section, under such terms and conditions as he may require, upon completion of the project or sooner and except in the case of a loan to an organization established for profit, may cancel any part or all of such a loan, if he determines that a permanent loan to finance such project cannot be obtained in an amount adequate for repayment of such loan under this section.

"(c)(1) Except as provided in paragraph (2) of this subsection, no grant under this section shall exceed 80 per centum of those expenses, incident to planning and obtaining financing for a project, which the Secretary considers not to be recoverable from the proceeds of any permanent loan made to finance such project, and no such grant shall be made to an organization established for profit.

"(2) The Secretary is authorized to make grants and commitments for grants, and may advance funds under such terms and conditions as he may require, to nonprofit organizations and public bodies for reasonable site development costs and necessary off-site improvements, such as sewer and water line extensions, whenever such a grant, commitment, or advance is essential to the economic feasibility of any housing construction or rehabilitation project for low- and moderate-income families and individuals which otherwise meets the requirements for assistance under this section, except that no such grant shall exceed 10 per centum of the cost of such project."

(c) Subsection (e) of such section is amended by striking out "The Secretary is further authorized to" and inserting in lieu thereof "The Secretary or the Commission may".

The amendment was agreed to.

The legislative clerk read as follows:

On page 9, after line 3, insert a new section, as follows:

SEC. 109. (a) The catchline for section 211 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 211) is amended by adding at the end "AND EDUCATION DEMONSTRATION PROJECTS".

(b) The first sentence of subsection (a) of such section is amended by inserting "or operation" after "equipment".

(c) Subsection (b) of such section is amended to read as follows:

"(b) (1) In order to assist in the expansion and improvement of educational opportunities and services for the people of the region, the Secretary of the Department of Health, Education, and Welfare is authorized to make grants for planning, construction, equipping, and operating educational projects which will serve to demonstrate areawide educational planning, services, and programs. Grants under this section shall be made solely out of funds specifically appropriated for the purposes of this Act and shall not be taken into account in any computation of allotments among the States pursuant to any other law.

"(2) No grant for the construction or equipment of any component of an education demonstration project shall exceed 80 per centum of its cost.

"(3) Grants under this section for operation of components of education demonstration projects, whether or not constructed by funds authorized by this Act, may be made for up to 100 per centum of the costs thereof for the two-year period beginning on the first day that such component is in operation as a part of the project. For the next three years of operation, such grants shall not exceed 75 per centum of such costs. No grants for operation of demonstration education projects shall be made after five years following the commencement of the initial grant for operation of the project. Notwithstanding section 104 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3134), an education-related facility constructed under title I of that Act may be a component of a demonstration education project eligible for operating grant assistance under this section.

"(4) No grant for expenses of planning necessary for the development and operation of an education demonstration project shall exceed 75 per centum of such expenses.

"(5) No grant for planning, construction, operation, or equipment of a demonstration education project shall be made unless the facility is publicly owned, or owned by a public or private nonprofit organization, and is not operation for profit.

"(6) Any Federal contribution referred to in this section may be provided entirely from funds appropriated to carry out this section, or in combination with funds available under other Federal grant-in-aid programs providing assistance for education-related facilities or services. Notwithstanding any provision of law limiting the Federal share in such programs, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by the applicable paragraph of this subsection."

The amendment was agreed to.

The legislative clerk read as follows:

On page 11, at the beginning of line 9, change the section number from "105" to "110".

The amendment was agreed to.

The legislative clerk read as follows:

On page 13, after line 6, insert a new section, as follows:

SEC. 111. Section 224(b) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 224) is amended by striking out "or" immediately preceding "(4)", and inserting before the period at the end of such subsection: "or (5) for any land reclamation, water resource, or other environmental project under section 203, 204, 205, 212, or 214, except in furtherance of a comprehensive environmental improvement plan for an area of the region to be served by such a project, which is approved in the manner provided for programs or projects under sections 233 and 303."

The amendment was agreed to.

The legislative clerk read as follows:

On page 13, after line 16, insert a new section, as follows:

SEC. 112. Subsection (a) (2) of section 302 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 302) is amended to read as follows:

"(a) (2) to make grants to the Commission for investigation, research, studies, evaluations, and assessments of needs, potentials, or attainments of the people of the region, technical assistance, training programs, demonstrations, and the construction of necessary facilities incident to such activities, which will further the purposes of this Act. Grant funds may be provided entirely from appropriations to carry out this section or in combination with funds available under other Federal or Federal grant-in-aid programs or from any other source. Notwithstanding any provision of law limiting the Federal share in any such other program, funds appropriated to carry out this section may be used to increase such Federal share, as the Commission determines appropriate."

The amendment was agreed to.

The legislative clerk read as follows:

On page 14, at the beginning of line 8, change the section number from "106" to "113"; in line 12, after the word "expenses", strike out "and"; in line 14, after the word "Roads", insert a comma and "and in section 201A for Appalachian Airport Safety Improvements,"; in line 20, after "June 30,", strike out "1975, of which amounts so authorized for such periods ending June 30, 1973, and June 30, 1975, not to exceed $155,000,000 is authorized for the two-fiscal-year period ending June 30, 1973, and not to exceed $170,000.000 is authorized for the two-fiscal-year period ending June 30, 1975, to carry out sections 202 and 211; not to exceed $15,000,000 is authorized for the two-fiscal-year period ending June 30, 1973, and not to exceed $15,000,000 is authorized for the two-fiscal-year period ending June 30, 1975, to carry out sections 203, 204, 205, 206, and 212; not to exceed $4,000,000 is authorized for the two-fiscal-year period ending June 30, 1973, and not to exceed $6,000,000 is authorized for the two-fiscal-year period ending June 30, 1975, to carry out section 207; not to exceed $90,000,000 is authorized for the two-fiscal-year period ending June 30. 1973, and not to exceed $90,000,000 is authorized for the two-fiscal-year period ending June 30, 1975, to carry out section 214; and not to exceed $13,000,000 is authorized for the two-fiscal-year period ending June 30, 1973, and not to exceed $13,000,000 is authorized for the two-fiscal-year period ending June 30, 1975, to carry out section 302." and insert "1975"; and, on page 15, at the beginning of line 17, change the section number from "107" to "114".

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MONTOYA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MONTOYA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is open to further amendment.

Mr. STENNIS. Mr. President, I desire to be recognized to discuss the bill for a brief time.

The PRESIDING OFFICER. The Senator from Mississippi may proceed.

Mr. STENNIS. Mr. President, before I get into the body of my remarks, I note the presence here in the Chamber of the distinguished Senator from Kentucky (Mr. COOPER). I remember his very fine work in the Public Works Committee on this whole Appalachian concept, as well as other members of the committee, but for that part of my State, the Yellow Creek Watershed, the Senator took a special interest in it.

No part of my State was in the Appalachian program when it was first enacted. The Senator from Kentucky took a special interest in it, and I want again publicly to thank him and say to him now that after these few years of operation, we have never had a finer program that is doing more good at the place where it needs most to be done, than this one. I think it is the best program of its kind we have ever had, and I am most grateful to him.

I am also very grateful to the distinguished Senator from West Virginia (Mr. RANDOLPH), who has just come into the Chamber, for what he did in the committee on behalf of my State. Nothing has worked finer.

I think this program is a true expression of the right kind of Federal, State, local government and the people cooperation at the grassroots level. It is splendid and fine.

So, Mr. President, I would be and I am strongly opposed to any move now, however much good faith there may be behind it, to stop this program and not let it continue and work its splendid way into the communities and special needs of areas for this kind of regional legislation. I hope that today we will have a solid and substantial vote to renew the program, which is relatively new.

Mr. President, I have the privilege of serving on the Appropriations Committee and find that improving out the program when it comes up for the money, they are able to make an excellent showing year after year. Thus, the solidarity of the operation, its fruits and benefits, have already been well proved.

As I say, it is not a great area, only 20 counties out of 82 in Mississippi are in the program and they have been in it since 1967. But the effect of it has been tremendous. The benefits are far-reaching. It is really just getting started.

I refer here to some of the projects, the kind that they represent, where the difference in the sum of money provided by the program made the difference in being able to get the project at all. Here is one, the Yellow Creek Water Association which is the program that carried with it extension of water and sewage services to the rural communities that are thickly populated enough to justify that program. That program is largely a repayment program. It pays back the money. However, there have to be some grants to make this available to these areas.

Another is the vocational education program which made the difference.

Another is a vocational education training center which reaches thousands of people that could not have otherwise had a chance to receive this special training.

I mention just a few in my State. After all, we know more about its operation in our State than anywhere else. I know from my experience on the Appropriations Committee that this is regionwide and that it has proven to be highly successful.

I say again with emphasis that it is the best illustration that I have seen of a proper basis for effective and constructive cooperation and coordination by the Federal Government, the State governments, and the local units of government that bring about steady and needed constructive improvements and that bring immediate returns. As the years come and go, those returns would be more and more and greater and greater.

If any other area of the country is interested and can prove its own case here and prove the facts and justify the need, I would be glad to support the projects that our committee might recommend. I hope, though, that we can have a disposition of the pending bill today so that it may continue and so that this program can continue.

I am interested in the other regions with like situations and would certainly support in our committee the future recommendations.

Therefore, I wish to express my support for extending the authorization of the Appalachian regional development program, and for continuing the operations of the Appalachian Regional Commission.

It is my understanding that the administration has proposed that the program be funded for fiscal year 1972, but that, beginning about January 1, 1972, the Commission operations would begin to be phased out. Thereafter, the funds normally provided for Appalachian projects and programs presumably would be channeled into the large system of block grants that the administration also has proposed.

I am strongly opposed to such a proposal. I think it would be a serious mistake for this fine regional program to lose its identity as a special endeavor working toward the economic development of the Appalachian area.

This is a relatively new program, taking its authority from the Appalachian Regional Development Act of 1965, covering parts or the whole of 11 States. In 1967, Mississippi and New York were added to the program. Thus, there have been only 6 years, as a maximum, for this unique and challenging endeavor to take shape and produce results. It is far too soon to terminate it, before it has even had a chance to develop its potential.

The northeastern 20 counties of Mississippi have participated in the program only since 1967. Nevertheless, the accomplishments are very significant, and have had a tremendous impact on that area, which badly needs economic stimulation. The potential of the program is just achieving full growth and recognition. As yet, since Mississippi was late in entering the operation, there has been no work within the State on the Appalachian corridor highway system. For this, we have high hopes for the future, and would be extremely disappointed to see them disappear so unnecessarily. We have, however, been able to do about $8.4 million worth of work under the Appalachian access highway program.

The other, nonhighway, programs have been even more productive, totaling $29.6 million worth of badly needed projects. They include health projects, educational facilities, water resources projects, airfields, public utilities, and other works designed to stimulate economic growth and community prosperity.

To have this fine effort terminate, and be absorbed, without identity, into an $11 billion block-grant system is unacceptable. Further, it is not necessary. There is no inconsistency between the principle of revenue sharing and the Appalachian program in its present form. This program is managed by the 13 Governors involved, with the aid of a Federal cochairman, and the flexibility afforded Governors by revenue sharing is already present.

The Governors of the Appalachian States expressed their views, after an emergency meeting on this matter on February 5, 1971. They stated that the Appalachian program is "one of the finest demonstrations of how States and communities can make more effective use of shared Federal revenues through block grants rather than categorical grants." The Governors are also completely opposed to abolishing the program.

I strongly endorse extending the Appalachian program for at least 4 years. This endeavor has been in existence for long enough to prove its worth. It has not yet had long enough to prove its full potential, which is still developing. Much has been done by the Appalachian program that is good, in a short length of time. It will do a great deal more in the coming years. We need only give it the opportunity to do so.

I thank the Senator for yielding to me. Mr. President, I yield the floor.

Mr. MONTOYA. Mr. President, I thank the Senator from Mississippi.

Mr. President, I yield the floor.

Mr. RANDOLPH. Mr. President, the chairman of our Subcommittee on Economic Development, the Senator from New Mexico (Mr. MONTOYA), has given the general purpose of the pending legislation and has spoken with clarity and understanding not only of the provisions but of the purposes to be achieved by the continuation and broadening and bettering of the program which has been in existence for 6 years.

The able Senator from Tennessee (Mr. BAKER) has discussed the matter from the standpoint of whether there is possible coexistence with the broad concepts of the administration on revenue sharing and the experience within the Appalachian region.

We have appreciated the comments of the Senator from Mississippi (Mr. STENNIS) today. I well recall his interest in 1965 when there was a background, not of misunderstanding so much, but of a need for clarity within a State of the application of a regional commission in Appalachia to the ongoing need for programs in a State. That view was shared by his colleague, Senator EASTLAND.

There has been this interest from the beginning. With additional States involved, we have continued to keep the program within the thrust of the Appalachian region, that great region that extends from parts of New York through to Alabama, Georgia, and South Carolina. There is a common cause, as it were, and an understanding of the mutual problems and the desire to keep strong and vital the underpinnings and the wellsprings of this Republic from the standpoint of the local political subdivisions and the thinking of the people in the areas there.

The people there are not provincial. They understand the problems, but they are not provincial in that they do not want a program at this time to be adaptable only to their region but want it to apply to other sections of the country as well.

We know that the Senator from Mississippi expressed a feeling that when a valid case is made for a particular region, a new region could be brought into existence. I think it is good for the record to reflect that the Senator from Kentucky (Mr. COOPER) and I were especially gratified that there were Governors from an area of the country who recently came to the Subcommittee on Economic Development and set forth the reasons why they felt that the Missouri region should have a program similar to that which we believe has been effective in the State of West Virginia and in parts of 12 other States. So, we are talking about a particular region today, a very important region, a region where the benefits which accrue to it and to its people are benefits which flow from all parts of the United States and to the people residing in other areas of the country. How fortunate we are that we can lay emphasis upon a region and its problems at a specific period in our history and have attention expanded at an appropriate date to another region or regions in this country.

It will be recalled that, as the manager of the Appalachian bill in 1965, questions were asked of me on the floor by interested Senators indicating that they were not attempting to thwart the thrust of the Appalachian effort. They asked me, quite understandably, the question: "There will be other regions of the country that have problems that are peculiar to certain areas. These areas must have attention as well as the Appalachian region."

I expressed agreement with them and explained that over a period of time prior to the legislation being brought to the floor for the Appalachian Regional Development Act, at least 2 years of study had gone into the problems of the area, with projects being given consideration so that they could be cranked into a program, as it were, more quickly than in other sections of the country.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. RANDOLPH. I am delighted to yield to my able colleague, the Senator from New Hampshire.

Mr. COTTON. I thought I heard the Senator indicate that the other regions were peculiarly fortunate in the plan to focus attention on their problems at some later date.

Mr. RANDOLPH. That was indicated in 1965 at the time of the passage of the original legislation. I gave a promise, not eagerly and not reluctantly, that it would be the intent of the Committee on Public Works to think in terms of moving into other regions of the country. The Senator from New Hamphire will recall our many conversations about the importance of the New England area and the type of Federal cochairman he felt could best do the job in conjunction with the Governor of his State, and other Governors in New England in connection with this State and Federal partnership—not a partnership of junior and senior partners, but a partnership of understanding. I was grateful for the Senator's desire to think in terms of a man who had the qualifications to come to grips with the problems in the New England area.

Mr. COTTON. I am perfectly aware of what the Senator is saying, and that he was kind enough to endorse my candidate for the Federal chairman of the New England region. For that I am grateful.

But my gratitude does not go to unlimited bounds. I want to say that when the Senator from West Virginia, the chairman of the committee, indicates that he intends later to hold hearings and take action with respect to the other regions no one need tell me that he does not mean it because he is completely and utterly sincere. There is not a Member of this body whose word I would not take greater confidence. I know he means what he says.

I merely want to interpolate this statement, and I am sure he knows it is not any reflection upon either the distinguished Senator or his committee, or the distinguished Senator who is in charge of the bill.

New England, like a certain other region that we do not mention on the floor, has long suffered from good intentions. In order to make it crystal clear that I am not speaking from a partisan sense I cannot help but contrast the so-called Southern strategy, of the present administration—although I am not sure what that is—with the New England strategy. If there has been one opportunity in the last 2 years to give New England a "good rooking," as we say up there, this administration, like some of the previous administrations, has not missed that opportunity in this bill.

I mention that now because I am going to offer an amendment.

Mr. RANDOLPH. I hope the Senator will not offer that amendment after we have continued the colloquy.

Mr. COTTON. I am going to be compelled to offer an amendment because I have been kicking around this Senate for enough years to know not to defer legitimate claims of the people I represent on somebody's sincere promise that they will be attended to later. We might get into a crowded docket and all kinds of legislative tangles. Then, the weeks go by and the weeks go by.

No matter how hard the Senator from West Virginia may try, with all his power, and it is no mean power, I have learned from bitter and sad experience never to willingly defer what I think is just and right today, relying on its happening at some other time.

Northern New England is just as needful of this kind of assistance as Appalachia. Our greatest problem is the absolute lack of any air transportation or air service.

Mr. RANDOLPH. I know that.

Mr. COTTON. The CAB Commissioners have shed great crocodile tears about our States. Commissioner Murphy made a wonderful speech about the sad plight of northern New England. Incidentally, I believe Maine and Vermont are the only two States in the Union which have not one red cent of subsidy; and New Hampshire has a pittance which is only a teaspoonful. After Commissioner Murphy made speeches in Boston and said that we were in dire straits and that he was going to do something for us, what did he do? He cast his vote against the merger of Northeast Airlines and Northwest Airlines, which as far as I know was the last chance for having service.

In this bill, if I read it correctly, there is $40 million—and I do not begrudge a nickel of it—for air safety improvements in Appalachia. It is on a 90–10 basis. I think it is partly the result of a tragedy that took place down there. I do not oppose that. However, we had an air tragedy in New England in which everyone on the plane was killed.

It is amazing how the northern part of New England is similar in many instances with Appalachia. For example, we have an unemployment rate of as much as 20 percent in a town where one industry has had to shut down. We have pleaded with the administration to do something to protect our textiles, shoes, and electronics. We have a lack of access. Even the interstate highway has been held up by the Secretary of Transportation because some very ardent people dedicated to the environment did not want it to go through the notch where the "old man of the mountain" is. So they stopped it and substituted a small highway that means death to people traveling on it.

In other words, the Secretary of Transportation and the CAB—and they are a part of this administration—have united in denying us any justice whatever.

In the matter of the interstate highway, incidentally, they overruled the Governor, the legislature, both Senators—Senator McIntyre and myself—both Congressmen, the commissioner of highways, and a majority vote on two occasions of the State legislature.

When it comes to oil, the distinguished Senator from West Virginia has heard on the floor of the Senate what happened. We heard of the fact that the President overruled his own committee to see to it that northern New England had a cold winter.

I am not speaking from a partisan standpoint. I am saying very frankly, and I hope they read it downtown, that they can talk about a Southern strategy, but I know what their New England strategy is. It is not worth a damn.

The Senator knows very well that these regions were created as part of the first bill. They were created to give encouragement to Senators from other sections who were a little restive about the fact that Appalachia was getting this special treatment, much as it deserves it, and who were aware of the fact that they had areas that were equally in need. In the title V commissions we have the Coastal Plains Region, consisting of North Carolina, South Carolina, and Georgia; that would be six votes in the Senate; the Four Corners Region, consisting of Arizona, Colorado, New Mexico, and Utah, eight votes; the Ozarks Region, consisting of Arkansas, Kansas, Missouri, and Oklahoma, that is eight votes more; the Upper Great Lakes Region, consisting of Michigan, Minnesota, and Wisconsin, six more votes; and the New England Region, consisting of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, a total of 12 votes.

Of course, I am not suggesting that we voted for it just because we were bribed. We did not sit supinely and let one section of the country be taken care of so magnificently, without at least obtaining a gesture for ourselves.

There are two more regions that have applied for commissions. One is the Upper Missouri, consisting of the States of Montana, Wyoming, North Dakota, South Dakota, and Nebraska. I do not know how they feel about it. The distinguished majority leader lives in that area.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. COTTON. The Senator from West Virginia has the floor.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. MANSFIELD. Will the Senator allow me to answer the Senator, as long as the question was raised?

Mr. RANDOLPH. Mr. President, I yield.

Mr. MANSFIELD. I do not feel very happy, because there we have 10 votes, we have a $300,000 appropriation to get started, and the Secretary of Commerce, Mr. Stans, will not release the money. I am unhappy.

Mr. COTTON. I do not blame the distinguished majority leader for being unhappy, and I am equally unhappy with the administration on this.

Finally, there is the mid-South region, consisting of Arkansas, Louisiana, Mississippi, and Tennessee, which has also asked for a commission, and like the Upper Missouri, the Congress funded, but the administration has not allowed to be established.

I appreciate the patience of the Senator from West Virginia. He has always been most considerate, and I am most grateful to him for all the kind things he has done. I know he understands what I am saying is no reflection on him. In fact, I have made it pretty plain that it is mostly a reflection on some people I am supposed to be carrying the ball for.

Two years ago the committee came forward with a bill that renewed both the Appalachian and the title V commissions together. Now the Senator comes on the floor with a bill, and the title V regions are left out. As I said before, I have learned from sad experience what happens when one sits by and does not assert himself for the people he represents. In this I am parochial, as I think it is the duty of any representative in Congress to be parochial for his own people. We know what happens when we let it go by and depend on later in the session, when the legislative business gets more crowded. Again, I am not suggesting that the Senator from West Virginia does not have a complete intention to consider us. I want the people downtown to know how the Congress of the United States feels about it.

The President can stop it tomorrow. He can impound the funds for all these regions, just as he did on two of them. But I want the people downtown and the people in my own New England to know—and I would almost think some of the Senators from the other title V areas would want their people to know as well—that the Congress of the United States, at the same time it declared as its policy the continuation and the expansion of the very fine program for Appalachia—and I want to vote for it—that the Congress simultaneously declared as its policy that these other regional commissions will be continued.

That is why I am going to be compelled to offer an amendment. The amount of money is, oh, so much less. The authorization is less, and I believe in 4 years the appropriation for New England has been $22 million. But the moral effect of keeping the bill as it was 2 years ago is tremendously important. I just cannot vote for the bill unless title V is in there. I could not go back to my people and give them a reason why I voted for it.

When I offer an amendment simply to write it into the bill, it can still be reviewed. It can still be taken away from the Commerce Department. The action the Senator has in mind can still be taken. But in the meantime it is a declaration of policy and an authorization for continued appropriations. In the meantime I just hope the Senate will give us that encouragement.

I thank the Senator for being so patient. I shall discuss this matter further when I offer my amendment. It has been suggested that I have a half-hour on the amendment. I have never engaged in a filibuster, and I cannot run one all alone, but I am going to be compelled to discuss this matter at length. Speaking as one Senator, I shall be compelled to vote against the bill if it is going to leave us in the cold and let us take a chance, in the crowded days ahead, of getting justice.

Mr. RANDOLPH. Mr. President, I am conscious of the commitment of the Senator from New Hampshire to his constituency and of the magnitude of the many problems with which that region of the United States is faced today.

I must, for the RECORD, make a minor correction. It would be that I promised, during the consideration of the Appalachian Act in 1965, prompt attention to the matter of the other regions, now five in all. But the regions were not created in the 1965 act. They were not included. This is not a matter of too much importance except to indicate that my promise was important, and it was that this situation would be given prompt attention.

I made a firm pledge, as did the Senator from Kentucky (Mr. COOPER) and other Senators, that we would move into the other regions of the country just as expeditiously as possible. We did that. This is not a critical comment, but sometimes the delay was not a delay in the Capitol, but, frankly, a delay in another part of the city, from the standpoint of one nomination or another coming for a Federal cochairman for a regional commission. This is not done to draw attention to a conflict between the Congress and the administration. Often months went by when there was no action in connection with the Federal cochairmanship. Again, I am not partisan, but we have had that difficulty in connection with the appointment of a Director of the Bureau of Mines, while appeals were being made by the Senator from West Virginia and Senators from other States where the problems of the production of bituminous coal were very many. We were pleading for the appointment of a Director of the Bureau of Mines.

The Senator from Kentucky, I know, will not feel it is partisan when I say that in that area of leadership, the Bureau, no mater how dedicated it was to carrying out the provisions of the Coal Mine Health and Safety Act, really needed a Director to spark that effort and to make it viable. Yet months and months ensued, and nothing was done.

These are problems that I mention only because of the criticism which has been expressed by the able Senator from New Hampshire. He will decide his own course of action during the progress of this debate, but I am sure he would like to know that already we have held hearings on this very subject matter. We have other hearings scheduled by our Economic Subcommittee under the able chairmanship of the Senator from New Mexico, which will be held in April.

We are giving attention to this matter now, not next year, the matter so ably discussed here this afternoon.

I think that the result of what we are now doing and will do in the coming months, will, in the final analysis, be pleasing to the Senator from New Hampshire.

As to the commitment which we as members of that committee share with him, it is not in any way provincial, as he has said, but in full recognition of some degree of deterioration which has taken place economically in New England, the section of the country which he represents, often due to unfair competitive practices, not only within this country, but in the other nations of the world, as far as the manufacturing and marketing of products are concerned.

But even if there has been deterioration in the economy of New England, there has been no deterioration in the character of the people who live in that area, even though there is a lesser number of them.

I shall not attempt to make my assurance sound as if a miracle can happen overnight. But I can address myself to the fact, and it is a fact, that we will not neglect coming to grips with the problem which is of such moment to the Senator from New Hampshire.

Senator COOPER, Senator BAKER, Senator MONTOYA, and others who are on this subcommittee and the full committee know that we have not only the problem of the title V commissions, but we have the national economic development program as a whole to think of. As the House of Representatives moves forward with its hearings on this subject, we are going to come to an understanding, and not defuse the situation, but bring it into cohesive understanding. That, I assure the Senator, will be done.

I am only speaking now—because I was not apprised in advance, and certainly I have no reason to believe I should have been advised—of the amendment, its actual offering.

Mr. COTTON. Mr. President, will the Senator yield for one moment on that point?

Mr. RANDOLPH. I do.

Mr. COTTON. I shall certainly inform my friend. First of all I could not see, and I have not heard yet, the reason why these regions should be divorced from this bill, when they were included 2 years ago. Second, when I found that they were so divorced, I anticipated that someone would be raising a question and offering an amendment; and, frankly, to be practical, I had hoped it would be someone on the majority side of the aisle. You have more luck in getting amendments through than we downtrodden people in the minority.

But when I found, as late as this morning, that there was no intention of bringing this matter up, and it would just simply go by default, then I got busy drafting an amendment; and I assure my friend I would have given him the courtesy of notice had I realized that I was going to be compelled to do this.

Mr. RANDOLPH. Mr. President, the explanation is certainly received by me in an understanding way, and there was certainly no intention of criticism. I was just saying I had no knowledge of the situation developing.

But this is a good discussion, and others will perhaps take place this afternoon.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield to the chairman of the subcommittee.

Mr. MONTOYA. I should like to answer my good friend from New Hampshire with respect to the point to which he has alluded, that involved in the other package, if one wishes to call it that, is not only the future of the regional commission, but also the Economic Development Act, which is a very important and integral part in economic development. It is really the main thrust behind Appalachia and behind the regional commissions, because much of the funding comes under the Economic Development Act.

We have had a series of hearings that started in North Carolina. We went to Memphis, we are going to Los Angeles and to New Mexico, and we are going to go to other parts of the country, in the hope that we can develop new concepts in economic development, in view of the high unemployment rate, in view of the economic conditions which exist in many of our cities, and in view of the fact that the educational process in this country may need some kind of an uplift which will be oriented toward economic development.

We also are very mindful of the complaints by the various Governors with respect to the authority exercised by the Secretary of Commerce in trying to overrule or reject the applications of some of those who have organized themselves into commissions under title V of the act. Two, so far, have been rejected: the Upper Missouri Commission and the mid-South Commission. Congress appropriated $300,000 for organizational purposes for each. Those funds were reserved by the administration, and the applications have not been approved. We of the committee expressed great concern that approval was not forthcoming. We intend to deliberate very seriously with respect to these applications and try to come up with some solution and some approach which will guarantee these commissions organizational status, so that they can launch an economic development plan.

We have new innovations to be considered because of the hearings and because of the experience that we have had with the regional commissions. They are, in effect, going through the same infant or experimental period that Appalachia went through in the first 2 or 3 years of its existence. We are now ready, I believe, to infuse some new, meaningful hardware into the program, so that they can reach the mature status that Appalachia enjoys today.

But a simple extension here, may I say to my good friend, the Senator from New Hampshire, may hamper the effort we have launched and which we see as a result of our hearings. We want very much to give to the regional commissions some authority and more entity and to try to get them away from the authoritarian powers of the Secretary of Commerce. Personally, I would like to see these commissions operate under the authority of the President directly, so that they will not be subjected, as they have been in the past, to a veto by the Secretary of Commerce.

I think the Senator from New Hampshire is arguing this case very eloquently. I think that the dialog he has brought forth on the floor of the Senate is a healthy dialog, and it is in the direction in which we have been going, and I commend him for it. I think the wonderful chairman of the Committee on Public Works and the Republican membership on the committee are sympathetic to the problems that the Senator from New Hampshire has been discussing, and to the objectives that I have in mind as we formulate the new legislation.

So I would hope that the distinguished Senator from New Hampshire would withhold his amendment, because he would be asking for only a small share of what I envision is necessary in order to promote meaningful economic development in the entire country.

Mr. COTTON. Mr. President, will the Senator yield to me for 1 minute on the point raised by the Senator from New Mexico?

Mr. RANDOLPH. I yield.

Mr. COTTON. Everything that the Senator from New Mexico has said is good, and I appreciate it. But, if I am correct, the bill before the Senate today carries authorizations. Appropriations must be made. Am I correct?

Mr. MONTOYA. The Senator is correct.

Mr. COTTON. That is true with Appalachia.

Mr. MONTOYA. Yes.

Mr. COTTON. We are now in March, and the Appropriations Committee is posting hearings and trying to avoid the delays of last year. The Senator from New Mexico is on that committee. The Senator from West Virginia, the assistant majority leader, is on that committee. When we get down to the nitty-gritty, what we need in these areas is some money. What we are going to face, I fear, as a result of not keeping these regional organizations and commissions alive by not authorizing some money now, is that the Appropriations Committee will be able to appropriate for Appalachia but they will not be able to appropriate for New England and some of the others. We cannot operate until we get the authorization, and this bill would go through today with no authorization for the other regions. The Senator from New Mexico, as a member of that committee, and the Senator from West Virginia, as a member of that committee, know that we may be out in the cold.

I thank the Senator from New Mexico for saying that he wants to give us more and that we have not had enough. But if ever there was an example of a bird in the hand—I am not joking about the distinguished Senator from West Virginia—but if ever there was an example of the old adage that a bird in the hand is worth not two but four or five in the bush, it is right here today, as I face the situation in New England.

The Senator from West Virginia (Mr. BYRD) knows very well that our Appropriations Committee has been most responsive, as he has been in there fighting for necessary things for his people.

All I am saying is this: You can change it all you want. You can revise it all you want. You can take it away from the Department of Commerce. But please do not leave us hanging fire with no authorization, no continuation whatsoever.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, may I say that I honor the Senator from New Hampshire for making this plea for his State and for his region. I think all of us know that New England has had a difficult time because of the lack of transportation—railroad transportation, air transportation—and the textile situation. I think we are sympathetic with it.

I should like to give the Senator from New Hampshire (Mr. COTTON) my reason as to why I believe the Committee has omitted the title V regional commissions from this bill. It is simply because—and I only state my own view—that I think title V is ineffective. I will not say it is valueless, but it is an ineffective piece of legislation. To illustrate this, I will draw some comparisons between the Appalachian program and the title V program.

Before the Appalachian Development Act was passed in 1965, 5 States had been working on the plan for at least 5 years. These States were Kentucky, West Virginia, Pennsylvania, Virginia, and Tennessee. The Governors and their staffs had worked out a program for road development, vocational education, and health programs. When Congress passed the Appalachia Development Act in 1965 the States were ready to begin the implementation of the plan which their Governors had agreed upon. I think it has been very successful for that reason. Also it was easy to define the region. It was mountainous and isolated. Many of the States were mining States. The problems of unemployment, health, education, and so forth, were very similar.

I must say that Congress was very generous to the Appalachian States.

They gave to our States advantages which they did not insist on for their own. My judgment for their doing this is that the States had a plan ready. Also, during the consideration of this legislation in 1964, the poverty of the States was very much on the minds of the people and they were sympathetic to us. I want to praise all the members of the Senate for their generosity and their continued support. Our program has been demonstrated and accepted as a good one and that is the reason I ask for an extension to complete its work.

I do not believe that the money for the Appalachian Development Act provided in this bill, will complete all the programs authorized but I believe it will complete them to the extent that perhaps we will not have to come back and ask for additional money, and further extension of the program.

I compare that now with the problem of the title V commissions. Unlike the Appalachia States which prepared their development plans, and had them ready years before this program became law, the States in the title V commissions had not done this. When title V was enacted a year after the Appalachia Development Act, some States formed into commissions and were approved; and they began to prepare their plans for development. These plans have to be approved by the Department of Commerce. It is my judgment, based upon listening to the testimony of some of these regions, that their plans for development have not really yet been accomplished. That is one reason they have not been able to get more money.

Senator Montoya and Senator Randolph have made the point, which is the reason and the best reason we did not include the title V's in the bill that, as written at present, title V is simply an ineffective section. If we are going to keep these commissions, and I think we will, we should organize them somewhat along the line of the Appalachian Regional Commission. Under the Appalachian legislation, money is appropriated for the programs of the Appalachian Regional Commission and it goes to those programs without any intervention. Under title V, the funds are appropriated to the Department of Commerce, the commissions compete with the other programs in the Department. I reiterate that the committee did not include the title V commissions in the bill because we did want to make the program more effective before we go through this annual process of appropriating money and then it being withheld.

I think we can do that. I want to be honest. Let me say that we have a problem relating to the title V program, as we do for the Appalachian Regional Commission, the program of the President for special rural revenue sharing. At this point, we are not certain whether the programs would be phased out under this proposal. We do not believe that they will be, for a certain time—perhaps a year or 2 years—and then Congress will have to pass upon it. The Appalachian Development Act has the opportunity to be extended because the plans have been made and they are in part completed. It is a living and going entity. Unfortunately, title V is chiefly on paper. There is a danger the administration might attempt and succeed in phasing it out. If the chairman of the committee, Senator Randolph, and the Senator from New Mexico (Mr. Montoya) who is the chairman of the subcommittee, and the Senator from Tennessee (Mr. Baker), the ranking minority member of the subcommittee, would be willing, I would be willing and do propose that the title V program be extended for 1 year to see if, in that time, we can reorganize title V legislatively to give it some substance, so that we will have an opportunity actually to justify the requests for appropriations.

I must say, that I do not think the present program has enough substance in its organization actually to justify large appropriations for its operation.

I would merely suggest this to Mr. Randolph and Mr. Montoya, and I think that they would assure the Senator from New Hampshire that the committee is earnestly wanting to help.

I am sorry that New Hampshire and Vermont did not join in the Appalachian Regional Development Act. They are part of the spine of the Appalachian Mountains, but in their own generosity to the other States in New England, their Governors decided they would remain in the New England regional group. But I would be very happy to see the 2 States join in the Appalachian regional group. I made this proposition to the chairman.

Mr. BAKER. Mr. President, will the Senator from West Virginia yield to me, so that I may comment on the remarks of the Senator from Kentucky?

Mr. RANDOLPH. I am happy to yield.

Mr. BAKER. Mr. President, the Senator from Kentucky (Mr. Cooper) in his usual way, has presented an alternative eminently practical, in my judgment, and highly desirable. It directs itself to the distinguished Senator from New Mexico (Mr. Montoya). To restate it for the sake of my own understanding, it is to the effect that we might authorize the continuation of the title V commissions and of the whole Public Works and Economic Development Act for 1 year. In the meantime, we will take a careful look at what we will do, either put meat on the bones with the commissions, or have something that will have an equivalent purpose; if that understanding is correct.

I can say, speaking only for myself, that I would certainly not object to acceptance of an amendment to the bill to include title V commissions and the remainder of the authority of the Public Works and Economic Development Act for 1 year—with that caveat and with that understanding.

Mr. COTTON. Mr. President, will the Senator from West Virginia yield to me briefly?

Mr. RANDOLPH. I yield.

Mr. COTTON. I merely want to say that the Senator from Kentucky, as usual, is very fair and very sympathetic as he always is, but it is not quite true that the regional commissions have not done anything. As a matter of fact, our regional commission has been very effective. It has been effective in the sense that it has gotten the Governors and the legislatures actually to produce some State money to go ahead with some of the programs instead of waiting to get it all out of the Federal Treasury.

May I say that what the Senator from New Hampshire was desirous of accomplishing was to keep these commissions alive and not have it go out that this Chamber today turned our backs, at least temporarily, or that we have broken the continuity of the regional commissions.

Of course, I am particularly interested in New England. I wish we could put an amendment on the bill to change the geography, because when I was a young fellow in school and studied geography, the Appalachian Mountains went clear up into New England, but by act of Congress we have been cut off.

I think the thing that troubled me most was the situation of going into the Appropriations Committee with authorizations for Appalachia but none for the regional commissions.

If the distinguished chairman of the Public Works Committee and the distinguished manager of the bill, both of whom have always been fair with me, would care to accept the compromise of amending the bill so as to extend these regional commissions for 1 year, I would be glad to refrain from causing any more difficulty.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. COTTON. I do not have the floor.

Mr. MONTOYA. Mr. President, I realize it is a little cumbersome. However, I realize that we must follow the rules of the Senate.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I yield to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. MONTOYA. Mr. President, I thank the Senator from West Virginia. As I stated before, I was in total agreement with the Senator from West Virginia in what he was trying to accomplish with respect to the regional commissions. Before I would give my approval to a 1-year simple extension, I would want to develop a dialog here on the floor with my colleagues on the committee and with others who might be interested with respect to the need for innovations in the legislation in the interim.

I think it is sorely needed, and I think by our discussion we could create a record for introducing new fiber and new meaning in the legislation and parallel the thrust of the legislation with that provided in Appalachia in many instances.

I certainly would like to hear from my good friend, the Senator from West Virginia, in this respect, as well as from my good friend, the Senator from Kentucky. I feel that the rest of the country would be lagging behind as an orphan child unless we did this.

That would be my intention as chairman of the subcommittee. I would like to also have the views of the Senator from New Hampshire as to whether he agrees with my position.

Mr. RANDOLPH. Mr. President, I am not necessarily breaking up the continuity of this colloquy, because we will continue with it.

Mr. President, I had promised to yield

to the able Senator from North Carolina, and now do so.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, I thank the distinguished Senator for yielding. I think that the Appalachian program is most significant for two reasons.

In the first place, in our judgment it is a very fine example of federalism in action. It is a program which was devised by the States which lie in Appalachia and by the Federal Government looking to the economic rehabilitation of a depressed area.

As the distinguished Senator from New Mexico and the distinguished Senator from Kentucky have just pointed out, Appalachia has been a successful program because it was so long in the making. It was a product of a number of years of study both at the Federal level and at the State level.

The second significant thing about the Appalachian program, Mr. President, as I see it, is that as a result of this careful study the programs which have been initiated under the original bill and the various amendments have been programs of permanent value. There has been no waste of funds. The funds have been expended for most worthwhile purposes and for purposes which will produce a lasting economic impact upon all of the States lying within Appalachia.

I take this occasion to express to the able Senator from West Virginia, the chairman of the committee, and to the able and distinguished Senator from New Mexico, the chairman of the subcommittee, my deep appreciation for the magnificent job which they have done in supporting and advocating and bringing to pass this great program. I have often taken occasion in my own State to tell the people of North Carolina what a great debt of gratitude they owe to these two distinguished Senators as well as to the other Senators who have supported this Appalachian program.

I want to thank my good friend, the Senator from West Virginia, for yielding this time to me. I want to express to him my admiration for the magnificent job he is doing at this time and which he has been doing in behalf of this program ever since its inception. I thank the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I am of course appreciative of what the Senator from North Carolina has just said about the interest that I have had along with other Senators in the Appalachian program.

I think, as the Senator very appropriately speaks of the achievements of the Appalachian effort in his and the other 12 States, that although he has not given the figures, he is really thinking in terms of the 233 health facilities that have been established and are operating effectively and helping people.

This is just one of many programs. This is not a matter of statistics, but a matter of the strengthening the health of people in the area.

I think the Senator is also saying, in effect, that we have developed 260 vocational technical schools already so that youth with skills and talents and adults who are able to adapt themselves, let us say, from coal mining in the past to new types of endeavors, can be given an opportunity to do so.

I have visited many of these installations and facilities, including facilities on the college and university level. Here we have been able to work with at least 157 such units. I know that he and other Senators appreciate that from the standpoint of culture and heritage and understanding and enlightenment, some 85 libraries have been aided in the strengthening of Appalachia.

Since there has been emphasis expressed by the able Senator from New Hampshire on the inadequate air facilities from the standpoint of scheduled operations in New England, I might say that we do know that in the Appalachian region we have, because of the terrain, had a problem not just of navigational facilities that must be strengthened, but also of construction and enlargement of our airports which are just as important as the development and access roads in some areas of Appalachia.

As I recall, some 50 airports have been aided under these programs. Equipment at schools has improved, and all types of public improvements have been brought into being in the Appalachian region.

I am underscoring what the Senator from North Carolina said. This has been a program which has reached out to help people. People have taken advantage of it in most instances, and the Nation, not just Appalachia, is better for it. To strengthen one area, whether it be Appalachia or New England, is to strengthen this country and to put meat on the sinews of our society.

I yield to the Senator from New Hampshire.

Mr. COTTON. I thank the Senator. I will be brief.

First, I express my appreciation to the Senator from New Mexico and to the Senator from West Virginia for what they have just said. I also express my appreciation to the Senator from Kentucky, the Senator from Tennessee, and all members of the committee.

I did not intend to be unreasonable but I did intend to be as determined as possible. I just wanted the RECORD to show that over 4 fiscal years from 1967 to 1971, under these regional setups, 20 States have received $98 million. Under the Appalachia setup, excluding highways, which is also included in this bill, 13 States have had $528.2 million or a half billion dollars. I do not begrudge a penny of that.

However, I want to say that I am encouraged by the words of the Senator from New Mexico, particularly, in the matter of air transportation alone. I hope and pray that this great Committee on Public Works will do something that I confess I have tried and tried for years to do, working on the Committee on Commerce.

The committee amendment provides $40 million for airports on a basis of 90 percent Federal moneys and 10 percent local moneys. The Senator from West Virginia has just mentioned aid for some 50 airports.

I wish to show how little we want but how badly we need it. We have an airport on the borderline of Vermont and New Hampshire, about two-thirds of the way up the border. We have maintained that airport for years by contributions from towns ranging in population from 1,000 to 1,500 up to from 7,000 and 10,000 persons. They have made annual appropriations out of their own treasuries. In that way they have kept alive and paid for maintaining that airport. Now, they have come to the end of their rope. One by one they have found themselves unable to support it further. This has happened just at the time I was able—after we passed the airport-airways bill—in cooperation with the FAA, to obtain for that airport the first ILS, or instrument landing system assistance. I was able to get a grant for the ILS, but we are getting no service now because Northeast turned its back upon us and has not given service to us—they tried to throw the ball to Mohawk and Mohawk was doing it before they went on strike. We have only an unsophisticated small airline with planes that are extremely small. Many people will not fly in them. I will not fly in them myself. I do not know how many Members of the Senate cannot get into their own towns, but I have to fly to Boston and go to my home by automobile and it takes an hour and a half to Boston and 3½ hours by automobile to my home. I claim that is discrimination.

The point is that $3 million or perhaps even $2.5 million would enable us to put that airport into shape and we would not lose, as we are about to lose, that ILS that I obtained, because the CAB will do nothing for us.

We have only one in the State of New Hampshire and I think one in the State of Vermont, down in the heavily settled part. We had an accident of a regularly scheduled airline in which every one was killed going into that airport.

I am going to take the liberty of opposing every single one of them when they come up for reconfirmation. I hope the President will not dare send one of them up here for reconfirmation. I have come to the end of my rope.

I want to thank the Senator from New Mexico and the members of the Committee on Public Works for their suggestion that if we can keep this alive for a year the organization is going to put a little blood into it. We do not ask for a 90–10 ratio. We do not ask for $40 million. We are not faced with 50 airports. We have three, possibly four regional airports. The absence of air service is killing our State. No small business will come into this entire northern area because executives cannot fly from Boston or New York where the trade is situated. Our towns are going down and they are being deserted. People are moving out and relief roles are increasing in those northern sections.

If you gentlemen, after giving us a 1-year extension of the Regional Commission, which is doing effective work, will put just a little flesh on the bones you will be our benefactors, and I hope some day I will be able to show my appreciation to all of you, Democrats and Republicans, liberals and conservatives, bonded and free—to every one of you I will be grateful. I am sure my colleague from New Hampshire and the two Senators from Vermont will be grateful to you.

I would almost vote for Senator MUSKIE for President if I could only get some air service—almost.

Mr. RANDOLPH. Mr. President, it is a delight to have the Senator from New Hampshire speak in this body and especially to find him so adroit at going so far and no farther.

I think that is the classic way in which he so often speaks, but his intent is well understood.

I yield to my able colleague from Michigan (Mr. HART). He has been very patient, and I know of his intense interest in this subject matter.

Mr. HART. I thank the Senator for yielding.

Mr. President, the Senator from New Hampshire, I think, has voiced eloquently the concern which those of us who ought to speak for others of these regions share. I accept the statement of the Senator from New Hampshire and the judgment of the Senator from West Virginia that there are areas wherein the legislation could be improved, areas which would, if corrected, permit these regional commissions to perform more effectively.

I am delighted that the Senator intends to hold hearings across the country in order to develop that kind of record, but the grim fact of life is that death shall overtake these commissions at the end of June. It would be a very dramatic experience in the Congress if between now and the end of June field hearings could be completed and legislative reform could be adopted and in the meantime appropriations could be made available for the five other commissions.

For this reason, grateful as we are to the Senator from West Virginia for the help he has given us in the Upper Great Lakes Basin Commission, bespeaking the interest of that region of the country, I hope very much that he and the Senator from New Mexico might persuade the Senator from New Hampshire that he ought to go all the way with MUSKIE.

At any rate, Mr. President, we might accept the suggestion so gracefully stated by the Senator from New Hampshire. He does speak for many Members of the Senate here who have responsibilities to others of these regions.

Unless we do something other than pass the bill for Appalachia and put these others on the back burners, the inevitable implication will be that, if they are not dead now, they will be by the end of June. That is what we very much hope we can avoid.

Mr. RANDOLPH. Mr. President, I recall that the Senator from Michigan engaged with me in colloquy in 1969 on this very subject matter. He will recall my assurance, which was kept, in reference to action taken in certain matters that were of concern to him.

Earlier this afternoon I discussed with him the possible extension which is being mentioned here. I underscore his desire to be reasonable and yet represent, as he does represent, the interest and constituency of his State, and the region, that there be no bypassing or slowing down of our effort. I appreciate the attitude of the Senator from Michigan.

I am delighted now to yield to my able colleague from West Virginia (Mr. BYRD), who has worked from the beginning, in 1965, with us on this legislation. He has been attentive to persons who have counseled with him. Particularly in the present extension of the act, which we hope will pass this afternoon unanimously, he has been very constructive concerning the development of facilities which would add strength to scheduled air commerce and all types of aircraft movements in the State of West Virginia. I am very happy to yield to him at this time.

Mr. BYRD of West Virginia. I thank my senior colleague. He is overly gracious and more than charitable in his remarks.

Mr. President, I commend my senior colleague who, as chairman of the Committee on Public Works, has worked so diligently in bringing to the floor, along with the support of the able manager of the bill, the Senator from New Mexico (Mr. MONTOYA), and other Senators on both sides of the aisle, a bill which will extend the Appalachian Regional Development Act of 1965.

I am particularly grateful for the action that was taken by the committee in writing into the bill new language in the form of section 201A. This has to do with Appalachian airport safety improvements.

My senior colleague and I joined in sponsoring an amendment which would provide 100 percent Federal funding for those projects that, in the judgment of the Secretary of Transportation, would enhance the safety of air passengers. Of course, the navigational aids themselves already carry 100 percent Federal funding, but we had in mind those airports in Appalachia which, like the Tri-State Airport at Huntington, need further adjustment of the physical terrain before a glide slope system would be workable.

Of course, we need not mention the horrible tragedy that occurred recently there, wherein most of the Marshall University football team lost their lives, together with most of the coaching staff, and, of course, all the members of the crew on that ill-fated plane.

It is thought that had Huntington possessed a glide slope instrument it would at least have been an additional safety factor which would have given aid and support to the pilots of that plane in their effort to bring it in under adverse weather conditions. But because of the undulating terrain, there is a necessity—before an ILS system would function properly—to extend the airport runway or build a landfill, either of which is going to be a costly proposition.

As is the case throughout much of Appalachia, there are so many competing needs for whatever limited revenues the people can raise, that it makes it difficult to provide these necessary adjustments to an airport like Huntington which will make it possible to use the ILS system.

It was for this reason that my colleague and I thought we ought at least to try to get 100 percent Federal funding for airport projects that would enhance safety.

I compliment the committee on the action it took. My colleague and I had several consultations from time to time, during which he kept me informed as to the progress being made in the committee in connection with the overall piece of legislation, and particularly with reference to this section, in which I was most interested. He indicated to me some of the problems and some of the factors that had to be taken into consideration in increasing the Federal funding share.

I think the committee did exceedingly well, and I am sure it had justification for not allowing 100 percent Federal funding in these various projects, even though they would enhance safety.

My feeling about the matter is simply this: If we are going to fund interstate highway programs on a 90–10 basis, then we have an even greater justification, in my judgment, for funding airport safety projects at least on a 90–10 basis.

I do not think air passengers who engage in interstate travel from other parts of the country should have the safety of their lives depend upon the capability of local interests—say, in Huntington, W. Va.—to raise 20 percent local funds in order to match the maximum of 80 percent Federal funding under all programs. As I say, this is interstate travel, and lives of people are involved.

It was because of these various considerations that my colleagues and I joined in the effort to try to bring about an increased and more reasonable Federal share of the overall funding for airport safety, so that air safety would not depend so heavily on the capability of people at the local level, to come up with 20 percent, when there are so many competing needs for the few dollars they can raise through their limited resources.

So, I compliment my colleagues—those on the committee, the chairman, the manager of the bill, and others—who have cooperated in adding this section to the bill. It will provide a system of airports throughout the Appalachian region, which will accommodate and enhance the safety of a greater number of air passengers, and thereby it will increase commerce and communication which will be so valuable to those areas, which do indeed have great economic and developmental potential. I think it was a necessity, and it is an accomplishment that is long past due.

I can appreciate the concern of the distinguished Senator from New Hampshire (Mr. COTTON). I know that the terrain in his part of the country is just as treacherous and just as dangerous under some conditions as is the terrain in West Virginia; and I can appreciate his desire to have the benefits for his State that would accrue to Appalachia from section 201(a). I hope that the day will come when not only the Appalachian area, but also areas in other parts of the country, can take advantage of what I consider to be the wisest kind of Federal revenue sharing, because when the Federal Government assists local communities in providing the kind of safety to air passengers that air passengers ought to have, I feel that is the very best kind of Federal revenue sharing.

I compliment the committee again on the good work that it has done, and I am especially grateful to the committee for the consideration that it gave to this particular matter. I know that the people in Appalachia, if this bill becomes law with section 201(a) therein, are going to be indeed very grateful to the committee and to Congress, and I think the people all over the country will salute the Federal Legislature for its coming to grips with this necessity, and providing the same kind of Federal matching with respect to airport safety as it now provides with regard to the Interstate Highway System.

Mr. RANDOLPH. Mr. President, the comment of my colleague from West Virginia is factual, and that is the important part of such discussion, when we attempt to cope with the problems of the expeditious and safe movement of people and products in commerce by air.

I think it is important for the record to reflect that we had appear before the Public Works Committee the Administrator of the Federal Aviation Agency, John Shaffer. We questioned Mr. Shaffer very carefully about his thinking on the matter of the current needs, sometimes the urgent needs, for strengthening the airports of this country, particularly in certain sections where problems of topography are involved.

As my colleague from West Virginia has said, out of all of these discussions and considerations, there came an understanding of the problem. We clarified many points, and what we are doing here, as has been said, is taking care of a situation that we believe must be met in the Appalachian States.

We must soon, and I hope very soon, move into aid for actual construction or development in areas like Vermont, New Hampshire, and other sections of the country, even parts of the Rocky Mountain region and other areas of the United States.

So, with no intent to invade at all the jurisdiction of the Committee on Commerce in matters of airports and airways development, we felt that we could make a contribution at this time.

Mr. President, I had thought to speak on the provisions of the legislation as presented. That, of course, has been done by others; but I wanted to mention certain matters. But I think I can review those thoughts so that we may move ahead to perhaps the consideration of the specifics of an amendment which I believe the Senator from New Hampshire will shortly bring to our attention.

Before he does that, however, I would want to use perhaps 3 or 4 minutes to stress that I like the attitude in the Senate, as we think in terms of the administration's program for revenue sharing, and particularly discussion of the continuance of the Appalachian program and the strengthening of the programs in other regions of the country.

I know that we are going to be concerned in the Senate with the efforts of the President to initiate revenue sharing under which the States would be given a considerable responsibility, as they should, in developing their own programs. I do not understand, of course, the proposals in depth which the President is proposing but frankly, as the Senator from Tennessee has said, there can be a coexistence; the one can complement the other.

So there is no conflict here today, the Senator from Kentucky and I have talked this through many times—no conflict between what we are doing and revenue sharing, because I am not against revenue sharing. I want to hear the subject developed, as it will be developed. The two programs are interrelated, as I understand them, but while they have an interrelationship we must consider them separately, even though they have aspects that are as one.

So when these definite proposals on revenue sharing are brought up, we are going to give them careful consideration. We have not been involved here today with a problem which some thought might be inherent in bringing this legislation to the floor. As I have said on several occasions in past weeks, the Appalachian program and revenue sharing are not incompatible. On the contrary, I believe that the Appalachian experience has broken new ground in the very area that the President of the United States seeks to explore for nationwide application.

Since 1965, many people have considered the Appalachian program a model for creating new government relationships, the establishment of the new mechanisms for making effective use of Federal funds to solve local problems, interrelated problems which stretch across States and into a region.

So we are following today the basic legislation as presented in 1965, although, as we extend it, we recognize that challenge and change are inherent, and we have attempted to do just that in connection with the fashioning of the bill before the Senate.

The bill we consider today is basically a measure to continue the Appalachian program in order to fulfill its original objectives. The committee, however, recommends some modifications to make certain aspects of the program more compatible with the needs and conditions in Appalachia.

Only one totally new program is added, and I consider it to be of extreme importance in furthering the development of Appalachia. Aviation must meet a critical transportation need in Appalachia. While the Appalachian highway program is now beginning to greatly improve the surface transportation of the region, a system of reliable airports is indispensable.

As you know, the same topographical situation that makes highway construction expensive in Appalachia increases the cost of building airports in the region. The difficulties in raising scarce public funds in Appalachian communities affect airport construction just as they do other local government activities.

The nature of the terrain makes it doubly important that Appalachian airports be equipped with the best safety devices we can secure. The Committee on Public Works has responded to this need by including in the bill provision for a special airport-safety-improvement program.

The crash of a chartered airliner at Huntington, W. Va., last November emphasizes the need for improved airport safety facilities. I subsequently requested and received from the Federal Aviation Administration a report on the airport safety and navigational aids recommended for the Appalachian region. Improvements recommended by the FAA to landing areas and navigational aids for commercial airports in Appalachia were estimated to cost more than $117.5 million. Those for general aviation were estimated at more than $43 million.

Even the greatly expanded Federal program under the Airport/Airways Development Act of 1970 will not be able to meet the needs of Appalachian airports. The special program recommended in S. 575 would place emphasis on instrument landing systems for smaller airports in the region.

The airports of the Appalachian region must be improved as an integral part of our total effort to improve the economy of these States.

The $40 million airport safety improvement program could prove helpful to a number of West Virginia airports in need of safety upgrading in various degrees, possibly including such facilities as Tri-State, Huntington; Benedum, Clarksburg-Fairmont; Morgantown; Elkins; Parkersburg; Wheeling; Greenbrier Valley; Beckley; Mercer County; Pineville; Williamson; Summersville; and the Keyser-Cumberland Airport. Kanawha Airport, Charleston, is meeting most of its safety requirements in current improvements under existing FAA and Appalachian programs, but may need some further safety program assistance in the future.

I am gratified at the acceleration of highway construction under the Appalachian program. At the same time I recognize that higher costs and other factors have made it necessary to increase the authorization for this essential segment of our total effort.

The nature of mounting any highway program is such that there was a time lag before actual construction of the Appalachian system got underway. It is encouraging, however, that the pace has accelerated to the point where the States are now utilizing all of their allocated Appalachian highway funds and in some cases are even using their own money to prefinance construction so that the program will not lag.

The Appalachian highway program is now moving at a pace which I believe will permit its completion in the extended period provided by this bill.

The effects of the highway program are becoming increasingly visible throughout Appalachia. The location of new industry in the Appalachian corridors is one tangible benefit, as is the improved access of the people to the new health, educational, and other facilities being developed. It would be extremely regrettable if the Appalachian highway network was not completed, and the total effort would be seriously undermined.

Educational development has been one of the most successful aspects of the Appalachian program, particularly the improvement of vocational education to provide the trained manpower for new and expanded industry in the region.

This bill provides for improvement of the educational program so that their benefits can be more widely and intensively applied.

Existing Appalachian law allows health programs to be mounted on a multijurisdictional basis covering a large area. There is one outstanding example of such a regional health program in southern West Virginia that has achieved marked success.

The committee recommends in this bill that educational agencies be given this same authority to organize programs that cross county boundaries. This would be, I believe, another way for the Appalachian program to encourage local governments to coordinate their efforts and pool their resources for maximum efficiency.

Coal mining has traditionally been a mainstay of the Appalachian economy. This has been especially true in West Virginia, the Nation's largest producer of coal.

Consequently, the problems brought on by the mining of coal create widespread concern throughout Appalachia. This was recognized in earlier Appalachian legislation when the Congress provided for participation in the restoration of areas damaged by strip mining.

This aspect of the Appalachian program has been moderately successful so far, but it is hampered by difficulties we are attempting to overcome in the bill being considered today.

I hope Senators will give favorable consideration to these provisions which will permit the States to make full use of the Appalachian program to help reclaim the large areas that have been severely damaged by strip mining.

Mr. President, one of the most successful programs under the Appalachian Act has been the Appalachian housing fund. The seed money grants and loans made under this program have greatly expanded the amount of low- and moderate-income housing constructed in the Appalachian region in the last 4 years. There has been, however, one remaining major obstacle to low-income housing construction in Appalachia. Due to the rough terrain, basic site development costs and the cost of offsite improvements such as water and sewer lines are so high as to make otherwise reasonable projects infeasible for low-income renters.

At the present time, offsite costs and basic site development costs for 12 proposed housing projects in West Virginia are so great as to make them infeasible under current FHA requirements.

Mr. President, I ask unanimous consent that a table be included in the RECORD indicating these projects and the amount of additional offsite costs necessary to make them feasible.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

OFFSITE COST—MULTIFAMILY PROJECT LOANS

Case number and location	Type sponsor	Amount	Nature
1. 045-35003—Martinsburg	LDC	$20,000	Street paving, utilities.
2. 045-35016—Charleston	NP	141,516	Roads, paving, manholes, curbs, gutters.
3. 045-35017—Huntington	BS/NP	1,200	Paving.
4. 045-35019—Logan	BS/NP	10,375	Sewer, water.
5. 045-35022—Parkersburg	NP	6,305	Sewer, paving.
6. 045-35054—Salem	NP	13,425	Paving, sewer.
7. 045-35050—Charleston	BS/NP	2,597	Paving, water, sewer.
8. 045-44002—Charleston	LDP	1,625	Sewer.
9. 045-44004—Charleston	NP	2,900	Do.
10. 045-44005—Bridgeport	LDC	3,450	Do.
11. 045-44010—Fairmont	NP	6,000	Sewer, water.
12. 045-44008—Martinsburg	LDP	8,000	Paving.
Total		217,438	

Source: HDF via FHA Charleston insuring office. Feb. 11, 1971.

Mr. RANDOLPH. Mr. President, the bill we consider today contains an amendment providing for a subsidy to low- and moderate-income housing projects in Appalachia, for basic site development and offsite improvements of up to 10 percent of the total project cost. This amendment will allow now-stymied projects to go forward, and even more expansion of Appalachia's supply of low- and moderate-income housing will result.

Mr. President, the Appalachian Regional Development Act Amendments of 1971 is comprehensive legislation. It is the culmination of 6 years of experience in actual operation of the program and of a similar period of involvement by the Committee on Public Works in the legislative refinement of a program that is unique in American history.

While the bill we consider effects only the Appalachian regional development program, the committee is not ignoring other similar programs concerning the rest of the United States. The Subcommitte on Economic Development is currently conducting field hearings as the basis for the development of a national economic development program. I acknowledge the need for such a program and support the adoption of necessary legislation. As I said earlier this year, legislation to provide the basis for healthy economic growth throughout the Nation will be presented to the Senate during the first session of the 92d Congress.

I think of the contributions of all the members of the Committee on Public Works. I think of the efforts of the Senator from Kentucky (Mr. COOPER), who is the ranking minority member of our committee. He joined me in 1965, when together we introduced the original act. There has been no wavering on his part during the years since that time. He has had an unswerving devotion to the efforts to continue and strengthen the Appalachian program. I am gratified that he is the principal cosponsor of S. 575 that we are considering this afternoon.

These are not pleasantries I make. I know the work done by these men, such as the Senator from Tennessee (Mr. BAKER), the ranking minority member of the Subcommittee on Economic Development.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield, so that we might ask for the yeas and nays on final passage of the bill?

Mr. RANDOLPH. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. RANDOLPH. Not only is Senator BAKER a member of the subcommittee and the committee, but he is a resident of the Appalachian region, as is the Senator from Kentucky. He has brought his talents to bear in the fashioning of this legislation.

I regret that the Senator from North Carolina (Mr. JORDAN), a valued senior member who has helped us so much, is not present because of illness. Yet, he has sent word to me and to other members of the committee of his strong support for this legislation.

The committee has had the valued advice and efforts of Senators MUSKIE, BOGGS, and BAYH. We have had the involvement of Senators GRAVEL and BENTSEN, a new member of the committee. The Senator from Kansas (Mr. DOLE) has worked on this legislation, as has a new member of the committee from the Appalachian region, the Senator from Maryland (Mr. BEALL).

We have also had the support of other new Members. Senator Tunney, although he comes from the Far West, in California, has not thought of his efforts to help Appalachia as mitigating in any degree his attention to the problems of his own section, problems which were accentuated by the recent earthquake.

We have had the aid, of course, of the Senator from Missouri (Mr. EAGLETON), and a new Member, the Senator from Connecticut (Mr. Weicker).

All of these have made valuable contributions.

I have waited until the last to mention a new Member, the Senator from New York (Mr. Buckley), because he is presiding over the Senate at this time. He has been an active participant in the hearings and in the discussions in the full committee. Although he has not joined in the 4-year extension request embodied in this bill, he has given his separate view that perhaps it would be the better part of his support of the administration viewpoint to think in terms of a 1-year extension.

I have mentioned the members of the committee, and I have not done that just because I wanted to mention names. I mentioned these Senators because within the Committee on Public Works they give attention to these matters. Our attendance in that committee, as the Senator from Kentucky knows, is something that gives joy to the hearts of those of us who carry the burden of chairmanship or of the ranking minority responsibility.

We have had men who have joined with us and have made our lot easier. Senator Montoya, as I have indicated earlier, is thinking in terms not only of the bill which we consider this afternoon but of the task of holding field hearings in many States. Those field hearings already are in progress and will continue in March and April, as we attempt to formalize the extension of programs that are broader in nature.

Mr. President, I do believe—and I do not want to overstate the case—that, although no miracles have been wrought, a few may actually have been approached. I have felt them once or twice as I listened to Dr. Daniel Hale tell us what has been done through the Southern West Virginia Regional Health Council which operates within Appalachia, how thousands of persons have better health today because of the Appalachian program. So some miracles may have been wrought, but we did not expect miracles to happen.

We never indicated at any time—I did not in 1965, when the original act was before us—that this was the final answer, that this was an overall panacea. But I felt that here we could begin to write a story that would be effective, a story that would mean that we were attempting, perhaps through a unique and exceptional effort, to bring the Appalachian region and its people into the mainstream of American life.

I feel that, as we come now to the consideration of a specific amendment, we have not been adamant in our position. Neither, of course, has the Senator from New Hampshire; nor have others, such as Senator Hart, been adamant in their contentions. We have come to grips with the problem. Often they can arise on the floor, even though we have not anticipated them, and they can be settled satisfactorily.

Mr. President, I am going to yield the floor, with the feeling that the Senate, which has given almost unanimous approval to this legislation from its beginning, will welcome the opportunity once again to say that this effort is worthwhile.

Mr. COTTON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. COTTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. Buckley). Without objection, further reading of the amendment will be dispensed with; and the amendment will be printed in the Record as requested.

The text of the amendment is as follows:

At the end of the bill, add the following new section:

Sec. 115. (a) Section 105 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3135) is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1972".

(b) Subsection (c) of section 201 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141(c)) is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1972".

(c) Section 302 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3152) is amended by striking out "and June 30, 1971" and inserting in lieu thereof "June 30, 1971, and June 30, 1972".

(d) Subsection (g) of section 403 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3171(g)) is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1972".

(e) Subsection (d) of section 509 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3188(d)) is amended by inserting before the period in the first sentence the following: ", and for the fiscal year ending June 30, 1972, to be available until expended, not to exceed $127,500,000".

(f) Section 512 of the Public Works and Economic Development Act of 1965 is amended by striking "June 30, 1971" and inserting "June 30, 1972".

Mr. COTTON. Mr. President, this amendment simply extends the authorization for the several regional commissions 1 year instead of 2 years, which was the amendment that the Senator from New Hampshire intended to offer, and authorizes one-half of the proportionate amount, one-half of what the authorization for the appropriations has been. This will mean that the Appropriations Committee will not be precluded from giving reasonable support of these regional commissions, when the time comes, because without this, we might be faced with no power to do anything to keep these alive.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from New Hampshire yield?

Mr. COTTON. I yield.

Mr. MANSFIELD. If I may have the attention of the sponsor of the amendment and the manager of the bill, I assume that the amendment of the distinguished Senator from New Hampshire refers to the regional commissions such as New England, the Coastal Plains, the Upper Great Lakes, the Ozarks, and the Four Corners.

Mr. MONTOYA. Mr. President, the amendment covers all of five titles of the act, which include the title with respect to the organization of the regional commissions. The authorization is for $127,500,000 in the proposed amendment.

Mr. MANSFIELD. I understand that. That leads me to the next point, not on the matter covering the $127 million but on a matter covering the $300,000, which has already been appropriated, to the Upper Missouri Regional Development Commission, which is now in its planning stage and money which, by the way, I must repeat, Secretary of Commerce Stans seems very, very loath to allow the Commission to have, even though the five Governors of those States; namely, Nebraska, North and South Dakota, Wyoming, and Montana, and the 10 Senators representing those States, have sent letters to Mr. Stans, and to the White House, in an effort to get this money released so that that huge area can, in an organizational sense, get started. Does this include the Upper Missouri Regional Development Commission?

Mr. COTTON. It does.

Mr. MONTOYA. It could very well include the Upper Missouri Development Commission. I might say to the distinguished floor leader that I conducted the hearings and listened to the Governors from this particular region, and other members of the committee did likewise. I might say that the matter keeping this thing pending is the fact that Secretary of Commerce Stans has not approved the application which has been submitted. I think it was submitted in 1967 or 1968.

Mr. RANDOLPH. Over a year and a half ago.

Mr. MONTOYA. It is still pending. I might say to the distinguished floor leader that, on the basis of the hearings and the testimony adduced therein, I do not see any reason why the Secretary of Commerce should not approve the application and why the administration would not release the $300,000 earmarked for the organization of the commission.

Mr. MANSFIELD. I thank the distinguished manager of the bill, the Senator from New Mexico (Mr. Montoya), and the sponsor of the amendment, the distinguished Senator from New Hampshire (Mr. Cotton). I am glad to note, for the record, that the answer to my question, even though the Upper Missouri Regional Development Commission is in the planning stage, is in the affirmative. To put it, in short, yes. I thank both Senators.

Mr. COTTON. May I say, Mr. President, and add to what has been said by the Senator from New Mexico as a member of the Appropriations Committee. The distinguished majority leader is a member of the Appropriations Committee, and the distinguished Senator from New Mexico is a member of the Appropriations Committee, so that we know that by no stretch of the imagination will the Appropriations Committee allocate the $127 million to the existing regions. So there is ample money in there to renew the $300,000, or whatever the Appropriations Committee deems necessary, to get the Upper Missouri Regional Development Commission organized. As a member of the Appropriations Committee, I can assure the distinguished majority leader that I shall favor it and work for it.

I have not minced words in this debate. I have the highest regard for Secretary of Commerce Stans personally and politically, but I think he has never been very enthusiastic about this program. If the Committee on Public Works finds some way to take it away from the Department, here is one Republican you will get no opposition from whatsoever.

I want to express by appreciation to the chairman of the committee and the manager of the bill, and to the majority staff—who put this amendment into shape, this amendment—after we came to general agreement on the 1-year extension, which I understand will be accepted——

Mr. MONTOYA. May I do so now, Mr. President?

Mr. COTTON. Yes.

Mr. MONTOYA. If the Senator will yield to me for that purpose.

Mr. COTTON. I am glad to yield to the Senator from New Mexico.

Mr. MONTOYA. Mr. President, on behalf of the committee, I would accept the amendment offered by the Senator from New Hampshire.

The PRESIDING OFFICER (Mr. Buckley). The question is on agreeing to the amendment of the Senator from New Hampshire.

Mr. RANDOLPH. Mr. President, before we agree to the amendment, I want to check. Was the amendment read?

Mr. COTTON. Mr. President, no, it was not read. I asked unanimous consent to dispense with reading of the amendment because it is long and complicated; but it has been carefully scrutinized. It was drafted by the majority staff of the committee.

Mr. RANDOLPH. I have seen the amendment. I am in agreement with the amendment. I want to check the Record, to indicate whether the amendment had been read, because I was diverted for a moment from the discussion. I thought, before we voted, that it would be approprite to say there have been efforts to determine whether the administration would have problems with such an amendment. I have no right, of course, to speak about the administration, except to say that the Senator from Kentucky (Mr. Cooper) and I have looked into this matter, because the administration does have some situations that developed with the general economic development program and the extension of title V. I am advised that there is no problem with the administration with reference to the amendment. I am not saying that that would cause the Senator from New Hampshire to feel one way or the other about his amendment, but I wanted to make that statement.

Mr. COOPER. Mr. President, may I say a word, before we vote on the amendment. After this amendment was proposed by the Senator from New Hampshire, I contacted representatives of the White House, together with the Senator from Tennessee (Mr. Baker), and we have been informed by these representatives that they have no objection to this amendment. I say that because I hope it will mean that if the amendment is agreed to, that it will become the law.

Mr. COTTON. May I say that I have been informed by a message from the White House which has been received to the effect that if my extension of these regional commissions for 1 year is adopted, it would not cause a veto of the bill.

I have no fear that the bill will be vetoed anyway. Having reviewed some of the problems in New England, I reiterate that the Senate has the task of treating every section of the country fairly as the Senate sees it. If the President does not like it, I do not care whether he is President Nixon or some other President, it will not cause me to change my vote.

It is comforting to know that the administration has decided to be so sweet and kind as to let us have these commissions for 1 year. This will give the Appropriations Committee a chance to keep them alive.

I hope that milk of human kindness will extend to the commission that they did not allow to be funded. I hope at the end of that year the Senate will act with or without the permission of the President.

Mr. MANSFIELD. Mr. President, there is no question that this applies to the Upper Missouri Regional Development Commission, even though it is in the planning stage.

Mr. COTTON. Not the slightest question. It applied before, but they held up the funding.

Mr. RANDOLPH. Mr. President, will the Senator yield further?

Mr. COTTON. I yield.

Mr. RANDOLPH. Mr. President, I did what I did in connection with this matter because I think the President is very encouraged by what has been done in the Appalachian program. I think he approves the purposes of the legislation which brought this program into being. I think that regardless of certain reports from time to time, he would like to see this effort continued. I do not want to go into a discussion of the matter except to say that I think some of the comments that have been made were not so much the viewpoint of the President himself as of some of those who work for and with him in the administration.

I believe he wants this legislation to move forward and pass. I think that in no way is he an obstructionist, regardless of the programs that might later be sent to the Hill.

Mr. COTTON. I thank the Senator. I would only amend what he said to this extent. The Senator said that it was not the fault of the President but was the fault of some of those who work for him and with him. I would say they work with him. However, I am not so sure they are always working for him. At any rate, I am grateful to the committee. I am glad that the White House is apparently willing to do this.

Mr. MONTOYA. Mr. President, I just want to say to my good friend, the Senator from New Hampshire, that he has been most persuasive in this effort. He has persuaded his colleague on his side of the aisle and also on the Democratic side of the aisle. His resounding voice of persuasion has been heard also in the White House.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment was agreed to.

Mr. COTTON. Mr. President, I move to reconsider the vote by which the Cotton amendment was agreed to.

Mr. MONTOYA. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. COOPER. Mr. President, I am not going to make a speech and I only want to speak for about 3 minutes. However, I will ask that my prepared statement be printed in the Record at the end of my remarks.

I think this program has been successful.

As I said earlier to the Senator from New Hampshire, we owe the adoption and the continuation of the program to the generosity of other Members of the Senate whose States do not share in this favored position.

I believe on the whole that the Appalachia program has benefited the Nation not only in the improvement of this section of the country, but also in its demonstration project which can be applied throughout the country.

I call attention in my statement to the plans to construct a road through the Cumberland Gap where Kentucky, Tennessee, and Virginia meet. It is a historic gap through which thousands of pioneers from the eastern seaboard entered the Middle States and the South. There were 300,000 of them before 1800.

I hope very much that the Appalachian Commission, with the Federal Highway Administrator and the State highway administrators, will work out a program which will not destroy this historic gap. If they are not able to do so and present a plan which will destroy this gap, I shall do all I can to oppose it.

I thank Senator Randolph for his generosity in mentioning all of those on the minority side as well as those on the majority side for their support.

I would like also to thank all of the new members of the committee who are present. Although we did not all agree on everything, we did agree generally that this was a good program.

I compliment the Presiding Officer, the junior Senator from New York (Mr. Buckley), for supporting in principle our program although he felt he could only support the 1-year extension because he wanted to be in a position to support the President's revenue sharing if that becomes an issue. I hope that it will not become an issue.

I consider that this is an example of the objectives the President seeks in his revenue-sharing program. I do not see anything contrary in the adoption of the revenue-sharing program and the addition of another stage, if it is necessary, to say that States with common interests may join together and make decisions as to their priorities. I shall press that, and I believe we will be successful in that effort.

I told the Senator from New Hampshire that I would support the amendment that has been agreed to and will do what I can to see that it is funded. However, I believe, with the Senator from New Mexico that this program will never be effective until changes are made so that these regional commissions may have some autonomy so that funds will be directed toward them instead of through another agency in the Department of Commerce.

The Governors of these States should make every effort themselves to find an identity of projects within the region and develop plans for them so that funds can be made available operationally. Otherwise I fear that these programs will end the device of securing better sharing arrangements between the Federal Government and the States.

I must say this because I did object in the committee to the adoption, as it was originally presented, of the airport program. I recognize the need for improvement of our airports, certainly with respect to the safety measures and I would have no question at all about supporting funds for the safety measures which are especially necessary in the mountainous areas of the Appalachian region. However, I did believe that some of the problems to be covered by this measure were inherent in our airports and common to all sections throughout the country. I did not feel that we should extend assistance on a 90-10 percent basis for one section of the country. That perhaps can be worked out in conference. I hope that it may be.

We do not want to see the Appalachia program burdened to the point where it will lose its significance and the region will face dissolution.

Mr. President, I am proud of the program. It has established priorities in our States and it has reduced duplication. Its cost may have been balanced by savings made in the wasteful programs that are carried on in the States—some 350 social programs and a total of 650 programs. I am particularly proud because it has meant human progress in these isolated and poor areas. We have those areas in my State which I have known all of my life. I say that with great affection and pride in the people and the simple dignity they have. Somehow I am afraid it is being lost through some types of so-called advancement.

I am happy to be able to say that in our committee we have worked in harmony. I say that in all fairness to the chairman of our committee and the members of the committee.

I asked unanimous consent that my prepared statement be printed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Floor Statement of Senator John Sherman Cooper on March 11, 1971, on the Amendments to the Appalachian Regional Development Act

Mr. President, on February 3 I joined Senator Randolph of West Virginia in introducing the 1971 Amendments to the Appalachian Regional Development Act of 1965. Following the introduction of this bill, S. 575, the Public Works Subcommittee on Economic Development held three days of hearings to review the entire Appalachian program and to discuss amendments proposed to the bill. I am pleased that the full Senate Committee on Public Works has recommended the passage of this bill and the continuation of the Appalachia program.

There have been several additions to the bill as first proposed as a result of these hearings and further study. Senator Montoya and Senator Randolph have discussed the provisions of the bill in detail but I would like to mention several of the new provisions of the bill which I believe to be important to the continued work of the Commission.

The bill would extend the non-transportation programs of the Appalachian Development Act for four years and would authorize for them a total of $571 million. While this sum is based upon the estimated needs of the various Appalachia programs—health, housing, education, environment—these monies will be authorized in block sums which will give the States, working with the Appalachian Commission, greater flexibility in determining how these funds will be spent over the next four years.

The bill would extend the Appalachian Development Highway Program for five years through fiscal year 1978. A total of $925 million is provided over the next five years which, it is hoped, will enable the Commission to complete the 2,571 miles of highway proposed. I doubt that it will be sufficient. The Commission has expended $820 million for the system to date.

I am very much interested and also concerned in a proposal before the Commission to construct as a part of one segment of the Appalachian Highway system, a corridor through the Cumberland Gap National Historic Park at the junction of Kentucky, Tennessee, and Virginia. There is a need to provide adequate traffic capacity at some location near the juncture of these three States but serious questions have not been resolved involving the impact upon the Park, upon environmental values and, very important, the preservation, in its original state of the Cumberland Gap—the historic gap through which three hundred thousand pioneers from the original Colonies had moved to the west and south before 1800.

The Committee urges the Commission to exercise its leadership, working with the National Park Service, the Federal Highway Administration, the States of Kentucky, Tennessee and Virginia, and interested local and conservation groups to develop alternative plans and their estimated cost, compared to usual construction methods, to conserve and protect the historic Gap and its environment.

I believe this can be done by combining the means of the Appalachian Development Act and the Federal-Aid Highway program and that adequate funds can be provided for this purpose. I would oppose strongly any plan which would not preserve Cumberland Gap and its environment.

The bill, as reported by the Committee, includes three new provisions which broaden the Commission's authority under section 205 of the Act, the Mine Restoration Program.

The first provision clarifies the Congressional intent that financial assistance be given for the control or abatement of the mine drainage pollution in the region.

The second new section allows Federal participation in the land acquisition costs of mine area restoration projects.

The third amendment would permit the reclamation of strip mined lands owned by private non-profit entities organized for public purposes—recreation, conservation, economic development and low- or moderate-income housing. Under the present law reclamation is limited to publicly owned lands and, as only about 4 percent of strip mined lands in Appalachia are publicly owned, the use of this program has been very limited.

Section 108 of S. 575 would amend the Appalachia Housing Program in an effort to stimulate construction in the area. The main obstacle to housing development has been the high construction costs brought on, in part, by the rugged topography and isolation of the area. Under this new authority the Commission can make grants for site development and off site improvement costs such as grading, drainage, and water and sewer extensions when this assistance is necessary to bring the cost of the project within the income limitations of the people of the area. These grants will be limited to non-profit housing sponsors and can not exceed 10 percent of the total cost of the project.

Over the past three years the Appalachian Program has directed a larger part of its resources into human development programs. The bill would continue this emphasis by creating an education demonstration program modeled after the apparently innovative and successful health demonstration program. Funds would be authorized for planning, construction, equipping and operation of demonstration educational projects to carry out area wide educational programs. I believe that this new program has the potential to upgrade the quality of education in Appalachia.

Through the strong efforts of the Appalachian States, the construction of comprehensive vocational education facilities is almost complete. A new amendment to this program will permit the use of funds for the operation of these facilities as well as for construction. This amendment will allow the operation of the entire system, continued upgrading of the quality of the programs offered and a gradual, less burdensome transition to full State support over the next four years.

During the Committee discussion of this bill Senator Randolph introduced the Appalachian Airport Improvement amendment on behalf of himself and Senator Byrd of West Virginia. This amendment would authorize a new Appalachian Airport Safety Improvements Program and would provide $40 million for this program over the next four years. These funds would be limited to upgrading safety facilities at existing public airports. Safety improvements, which could be funded, include removal of airport hazards, acquisition of safety equipment, the purchase of navigation aids, site preparation for navigation aids and the acquisition of land easements.

I have flown into many of the Appalachian airports and I am aware of the hazards which exist. We all remember with sadness the terrible crash at the Huntington, West Virginia airport, which took the lives of seventy-five people last year. I also know that many of the communities do not have the financial capability to finance these needed improvements.

However, I must oppose the inclusion of this program as reported in the Appalachian Development Act because I do not believe we can over extend the Appalachian program at this time.

I have outlined the major additions to this bill. I have not discussed in detail the justification for these amendments as they are fully explained in the Committee report, which each Senator has at his desk, and in the Committee hearing record. I believe that the work and progress of the program have been documented.

I do want to discuss an issue which has been raised during the entire consideration of this bill—the relation of a four year extension of the Appalachia Regional Development Program to the President's reorganization and revenue sharing proposals. Before going further I want to make it clear that I support the President in these recommendations and that I joined as a cosponsor with Senator Baker when he introduced the President's general revenue sharing program.

As I have stated on previous occasions, there are several elements, which seem to be not only harmonious with the President's purpose in proposing revenue sharing and reorganization, but in fact are elements which have already been applied and demonstrated, of course in a more limited area—through the Appalachian Regional Development Program.

An ordering of priorities in the application of Federal programs and grant funds, with determination by the States and greater exercise of responsibility by the Governors.

A Federal-State-local partnership in decision-making, with a stronger role by the States, and much closer coordination between a central coordinating office directly under the Governor and the multi-county local development districts.

Greater flexibility in the use of Federal grant funds, through which States may exchange with other States their categorical grant allocations to meet their first priorities.

Similarly, the flexibility in the use of supplemental grant funds to provide "seed money", not only to help meet the local share in local income areas but to put together packages of assistance which will provide area-wide benefits.

A structural or organizational relationship which enables the States to draw on an independent agency for technical assistance, and which in turn enables the States to provide technical assistance to the multi-county local development districts—bringing together the multifarious Federal programs and state agencies in a logical and constructive way.

The ability of the Regional Commission, as an independent agency, to serve as a coordinating link between Federal agencies to help existing programs meet a common purpose.

All these functions, it seems to me, are to some extent separable from the regional planning approach, but are harmonious with, and in fact in this case have preceded, the similar purposes now being proposed by the President on a much broader scale across nearly all Federal programs and agencies.

I serve on the Economic Development Subcommittee which will study the President's revenue sharing bill when it comes before our Committee. We will have the opportunity to reassess the Appalachian program with respect to its relation to the national program. But until we have established such a program for the entire country, I believe that the Congress can and must continue the Appalachia experiment.

I am glad to join with the distinguished Senator from West Virginia, the Chairman of our Committee, in the introduction of the bill, as we did with the original bill in 1965. He has been a great leader in the effort to advance the opportunities, not alone for his own State West Virginia, for which he strives so hard, but also for all the people of Appalachia and of our country.

It has meant much to my State, Kentucky, to all the Appalachian Region States, and in demonstration projects to other areas of the United States.

We are grateful to all those who have joined as cosponsors and for their generous support.

Mr. MONTOYA. Mr. President, I thank my distinguished colleague from Kentucky for the assurances he has given to us here today. He has been a most valuable member and a guiding light in solving not only the Appalachian legislation, but also the Regional Commission legislation and the Economic Development Act. His advice and counsel and his steadfastness certainly guided us in trying to provide legislation in this particular field.

This concept in economic development which we are trying to solve has already been demonstrated to all of us as one of the best approaches ever evolved in the Senate or in Congress with respect to economic development.

The most important feature of this approach, in my estimation, is the fact that these programs have served as catalysts to bring States together, as well as counties within States; and by virtue of this kind of regional planning and approach, the States have been able to attack problems common to all within the region.

The counties within the States have been able to do similarly.

Infused into this type of economic development is the economic development district approach which EDA finances within a State or among adjoining States. Because of this they have been able to build hospitals for several different counties, and they have been able to construct vocational schools. In one or two instances, two States have combined to build an area vocational and technical school.

As I stated initially as part of my remarks, the Appalachian Act has been instrumental in the construction of 260 vocational schools. Many years ago when we would try to propose vocational school instruction, the educators would say to us, "Why should we try to train young people in new skills if they are not going to find jobs in the locality where they are trained?" That was the argument against vocational and technical education on the part of conventional educators.

Then, we began to gnaw at that argument through public hearings which we conducted throughout the country. This year we developed a record which is ample and replete with testimony offered by different Governors and educators where the experiment has been tried. There is unanimity in the testimony indicating that where vocational and technical schools were located and instruction and training provided, industry sought out these areas and went there to locate. In the State of North Carolina, because of vocational training, as was testified to by the Governor and others, over 200,000 jobs were made available. In the State of South Carolina the same thing is true.

By way of commendation. I want to say that those two States, in my opinion, led the Nation in the construction of vocational schools and in economic development efforts through the honing of skills and human resources that exist in those States.

Without this act, we would not be able to set in motion in this country the construction of vocational schools which are sorely needed. More than 60 percent of the students who started in high school do not finish college. They drop out in later years of high school or in early years of college. So without any new skills these young people are relegated to the poverty cycle. That is why we are having trouble there and that is why our welfare rolls are swelling all over the country. Young people who received no training in vocational and technical education are now roaming the streets, and those who might not be are in substandard employment receiving substandard wages.

Unless we gear our system to the point where our human resources at the high school level might be honed by providing these young people with vocational training and vocational and technical education we will continue with this cycle.

The Federal effort that was initiated by EDA has been a great catalyst in enlisting local schools to dedicate some of their funding to the construction of vocational facilities. We see this all over Appalachia and all over the country, where the Economic Development Administration made grants of 50 percent, requiring 50 percent State or local matching, or, in other instances, in economically depressed counties with more than 7 percent unemployment. In these areas, they were able to provide grants of 80 percent with only 20 percent matching.

This has been done all over the country, and I would say that is the most important function of the Economic Development Administration, because it has finally provided for all to see on this American landscape, vocational, and technical education. That is going to be our salvation in this country.

As I have stated before, we have an obligation to perform in the Congress, and I think the Congress has furnished this leadership by creating the Economic Development Administration and by creating the criteria under which that Administration can make grants to local school districts for the construction of vocational schools. This is only one facet of the thrust that we have to make in economic development.

Health care is most important. Why in America should we tolerate a life expectancy for the American Indian that is 20 years under that of the white population? Why should we in America not provide health care to the rural area of this Nation? Why should we in America not provide hosiptals in the rural areas of this Nation?

I think we have come of age. I think we have to face the challenge to do something for deprived and forgotten people across the vast expanse of our land.

The legislation which we have passed today is not the beginning; it is just one of many steps that we have taken in the effort to make America the land of opportunity, a land where all Americans are treated equally with respect to health care, education, and economic opportunity.

So I want to thank the members of the Public Works Committee. I want to thank all the governors who appeared in connection with the Economic Development Act for telling of their wisdom and telling of the aspirations which they hold for their States and their people. All that testimony brought together represents the thinking of America, and the thinking of America is that the challenge is before us. Let us face it. Let us do something for these people. This legislation will set things in motion, things which will be productive toward the objectives about which I speak.

Mr. President, I yield the floor.

Mr. RANDOLPH. Mr. President, I spoke earlier of the Senators on the Public Works Committee who have given so much attention to the overall aspects of the bill and to the effort to improve the economy throughout the country.

The Senator from Maine (Mr. MUSKIE), who is the ranking majority member of the committee, is not able to be present this afternoon, but he left with me a statement, and I ask unanimous consent at this time for the privilege of having it inserted in the RECORD at this point of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MUSKIE

Mr. President, I support with enthusiasm the pending legislation, S 575, to extend the Appalachian Regional Development Act. And I want to commend Senators Randolph, Montoya, and Cooper, of the Public Works Committee, for their efforts and leadership in strengthening and extending this legislation.

The Appalachian Regional Commission, established in 1965, was a landmark experiment in regional development.

Today, five years later, the Commission has not solved all the problems set before it. Yet it has made significant strides toward improving the economic outlook of the Appalachian states.

The successes of the Appalachian Regional Commission are evidence that regional cooperation in administering categorical grants can have a substantial impact on economic development.

Its failures are witness only to the enormity of the difficulties in stimulating economic growth.

We know that the time has come for the formulation of growth policies which transcend state and local political boundaries and look beyond isolated economic problems of a single locale—policies which are broad in scope and oriented toward the realities of regional economic independence.

The Appalachian program is a model of such an approach. I hope that we will put to good use the lessons learned from this experiment and strengthen other regional efforts at economic development.

Mr. RANDOLPH. Mr. President, I want to quote from his statement very briefly. He said:

The Appalachian Regional Commission, established in 1965, was a landmark experiment in regional development.

I underscore what the Senator from Maine said. He also continued by saying:

The successes of the Appalachian Regional Commission are evidence that regional cooperation in administering categorical grants can have a substantial impact on economic development.

I would underscore also his words that:

The Appalachian program is a model of such an approach—

Which goes beyond political boundaries and looks beyond the isolated economic problems of a single locale.

He speaks of orientation toward the realities of regional economic independence.

Another diligent member of our committee in the past—he is not a member of the committee in the 92d Congress—is the Senator from Virginia (Mr. SPONG), who also asked, if he were not present during the debate, that his statement be inserted in the RECORD. I ask unanimous consent that I be privileged to include it in these remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR SPONG

Mr. President, I wish to commend the Public Works Committee for the expeditious consideration given this bill.

The Appalachian development effort is one of the most successful of our federal programs. It has provided in excess of $68 million in Virginia for much-needed technical and higher education facilities, medical treatment centers, highways and sewage treatment facilities.

The assistance provided under the program has helped the Appalachian region of Virginia to participate more fully in the growth of our national economy. Significantly, the success of the program is largely the result of local initiative.

Virginia residents of the Appalachian region have been disturbed over reports that the Administration intended to terminate the program. They justifiably felt it would be unwise to curtail the program when some of its long-range objectives are just beginning to be fulfilled.

They will be gratified that legislation to extend the program has been approved by the Senate just 36 days after it was introduced. Mr. President, on their behalf, I thank the Senator from West Virginia (Mr. RANDOLPH), the distinguished Chairman of the Committee; the Senator from Kentucky (Mr. COOPER), the able ranking minority member, and the other Senators who participated in the development of this measure.

Mr. RANDOLPH. Mr. President, the Senator from Virginia said:

The Appalachian development effort is one of the most successful of our Federal programs. It has provided in excess of $68 million in Virginia for much-needed technical and higher education facilities, medical treatment centers, highways and sewage treatment facilities.

Of course, he could go on and on about programs that have aided counties within the Commonwealth of Virginia.

Mr. BEALL. Mr. President, just at this time exactly 2 years ago I was testifying in public hearings for the first time as a freshman Member of the other body. As a Congressman of some 60 days, I testified for the 2-year completion of of the 6-year Appalachian regional development program.

Today as a freshman Senator of some 48 days, I rise in support of a 4-year renewal of a program that has done so much to aid in the development and in the revitalization of an economically deprived area.

A most commendable start has been made. We must see it to a commendable conclusion.

The distinguished chairman of the Public Works Committee, Senator RANDOLPH, and I live in neighboring States.

Senator RANDOLPH deserves the highest praise for his dedication to this program which has been so effective in upgrading the region with which it deals. His leadership has provided the legislative spark necessary to ignite the fuse leading to approval and he should have our thanks.

Senator RANDOLPH's State is all-Appalachian. Mine is partly Appalachian. No State has fewer counties in the Appalachian region than does Maryland, but I think my Appalachian colleagues will agree, Maryland has played an important role in the development of this unique undertaking.

It will be remembered, it was a Maryland Governor, who in 1960 first called together his fellow Appalachian Governors to discuss the idea of a multistate regional attack on the problems of the region.

All of Maryland's Governors since the inception of the program in 1965 have played an active role in the life of the Appalachian Regional Commission—one of them serving as States cochairman. They have played an active role for a very basic, yet profound, reason:

With this program they have had a "piece of the action."

They are part of the planning process, indeed, under the act, the chief planner.

They are the project initiator—by law.

Most importantly, they make that most meaningful of governmental decisions: Where and how the money is going to be spent. They play a significant role in the allocation of funds. In the categorical grants scheme of things, States and localities receive whatever Washington disgorges, in whatever form it disgorges. Not here. Here the States stand as full partners with the Federal Government. Here we have a model of federalism that has proved itself for 6 years.

The President has recognized this. In his rural revenue sharing message of yesterday, the President paid tribute to the "grassroots planning process" that has been a staple of the Appalachian program. The President also remarked on the success of the Appalachian Commission's "coordinated development approach." It has been a success. We all recognize that.

In my view it has been a success for a rather elementary reason: It has proved the worth of an uncomplicated, non-restrictive, noncategorical grant program. What we really have in Appalachia is a "modified block grant" program. It has cut across the binding categories of our existing programs to "make projects go" where they could not have, had only the categorical programs been available. It has served as a "packager" of programs, a "broker," a "consolidator," and "coordinator." It has done things in and for Appalachia that I think this Congress should consider doing for all our States.

Besides being a giant scissors cutting through categorical programs, the Appalachian Commission has done something else that I think may be even more important than making sense of the funding schemes.

The other thing is less tangible, less heralded. This program has demonstrated the ability of local and State governments to get the job done. For the past 6 years there has been a fantastic job of institution building going on. Planning capability and professional administration has come to the Appalachian region. The institutions of local government, of State government, have been strengthened manyfold in the last 6 years with the money and technical assistance of the Appalachian Regional Commission. It's almost like an old-fashioned barn raising to me how these 13 States, 397 counties, and the Commission have pulled together.

I am witness to the impact on the region the Appalachian Commission has made—in the development of its economy and its resources. I live in the region. I have seen it.

Under the Appalachian Regional Commission program Maryland has:

First. Identified the basic problems which serve to inhibit economic development of the Appalachian counties;

Second. Designated areas of relatively high growth potential; and

Third. Developed a strategy for stimulating growth and development in these areas and has made important progress in the implementation of its strategy and achieving improvements in the region.

There have been three main themes in Maryland's Appalachian program.

The first of these has focused on the lack of an adequate system of transportation in this area. This deficiency has had two major effects: It has discouraged the location of industry in Appalachian Maryland due to its inaccessibility to major market areas; it has resulted in the isolation of the local communities and the inability of the local labor force to commute to nearby areas of potential employment.

In an attempt to overcome this isolation, a modern high-speed highway is being built which will link the three Appalachian counties of Maryland to the major metropolitan markets of Baltimore and Washington and the rich industrial heart of the Ohio River Valley, making the area more attractive to industry and increasing the mobility of the local labor force. Obligations to Appalachian Maryland under developmental highway program as of January 31, 1971, totaled approximately $24 million.

The second major theme of the program has been to concentrate investment in the designated growth areas of Hagerstown, Cumberland, and Oakland. Appalachian investments have been made in Hagerstown in vocational education and other educational facilities, sewage treatment, housing, and airport projects; in Cumberland, in health and education, vocational education and recreation; and in Oakland, in water resources and the environment, vocational education, other education facilities, and health. All of these projects have contributed to the attractiveness of these areas to industry.

Visible evidence of the success of the Appalachian program in aiding community development can be seen in Oakland. The funds made available through the Appalachian Regional Development Act made it possible for this community to build an access road and a new water system that were critical in enabling it to attract a new optical instruments plant into the town. Appalachian program investments are not the only reasons for this plant location, but I feel sure that it would not have been possible without them.

The third theme of the Appalachian program in Maryland has focused on the need for improvement in the skills and qualifications of the labor force. Under the Appalachian program, it has been possible for the three counties to build a major area-serving complex of vocational/technical schools. Over $3½ million have been made available to the State of Maryland for this purpose.

Another important area of investment which has served to improve the quality of the labor force has been in the provision of improved health facilities and services. A comprehensive health center is presently being built in Cumberland. When completed, this center will provide a broad range of health care and services to the area.

The Appalachian Regional Commission's activities in Maryland serve to illustrate the validity and the significant impact of this kind of program. Investments are concentrated in areas of relative growth potential in an effort to build up the local economy to the point where it is self-sustaining and capable of providing a satisfactory standard of living to the area's population. At the same time, efforts are made to develop the human resources in the area to enable individuals who would not otherwise be able to do so, participate in the process of economic growth.

I emphasize in closing that the Commission program deals with a broad range of community facility, health, and education programs. This has made it possible for the State of Maryland to "tailor" a development program to meet the specific needs of this portion of the State.

I urge the passage of this bill.

Mr. BYRD of West Virginia. Mr. President, from the earliest days of the Republic, development in the Appalachian region has been of great concern to the National Government. Thomas Jefferson's Secretary of the Treasury, Albert Gallatin, in a report to Congress, described the need for a system of interior transportation improvements to penetrate the mountains of Appalachia and connect the Atlantic seaboard with the continental interior.

In the mid-1800's, these same transportation conditions in parts of Appalachia generated debates between Henry Clay and Daniel Webster.

In the early years of the present century, there was national concern over devastation caused in Appalachia by overlogging. This concern resulted in the laws authorizing the creation of national forests in the Eastern United States.

Numerous reports and programs dealing with Appalachian problems were prepared in the early depression years of the 1930's.

Benton McKaye, one of the founders of regional planning in this Nation, proposed a special Appalachian program that would concentrate on the construction of development highways, new towns, and water resource developments.

The most recent national concern over the problems of Appalachia developed in the latter 1950's and early 1960's, primarily because of the economic crisis caused by mechanization of the extractive industries, particularly coal mining, the decline in agricultural employment, and the vulnerability of the region as a supplier of basic goods to a national economy which was experiencing recession.

In May 1960, the Governors of 10 Appalachian States met at the call of then Gov. Millard Tawes of Maryland, to lay the groundwork for proposing a common, coordinated, interstate approach to the development of the Appalachian region.

In April 1963, after a number of investigative studies, the Governors met with President John F. Kennedy to discuss their recommended program, in response to which the President established the President's Appalachian Regional Commission, a body most unique in American politics, combining the resources of 10 Appalachian States and 10 Federal agencies.

PARC prepared and submitted a report 1 year later to President Lyndon B. Johnson. The President reviewed the the study and passed its recommendations on to Congress proposing a bold and ambitious program of regional development to initiate a process of self-sustaining growth to Appalachia. Four priorities were identified:

Immediate improvement in human resources.

Elimination of the region's isolation from the surrounding national economy.

Development of public facilities and services needed to support the growing economy.

Conservation and efficient utilization of the region's natural, timber, land, and water resources.

In 1965, Congress authorized the establishment of the Appalachian Regional Commission through the enactment of the Appalachian Regional Development Act of 1965. It was a response to the severe economic and social conditions which existed in large sections of the region. Barely more than a subsistence economy had existed from the earliest days of settlement in many counties of the rural, isolated heartland of Appalachia.

The fundamental assumption behind the Appalachian program has been that a "strategy for growth" must be developed democratically through cooperative action. It cannot be conceived by one agency of government nor even one level of government. It can grow only out of the consensus of all the public and private interests involved.

The Appalachian Act has provided for the first time in the history of our Nation a total framework of coordinated, cooperative, comprehensive action.

Through partnership administration, new approaches to making systematic improvements in health, education, transportation, the environment, resource utilization, and the operations of governments at all levels have been tried. By no means is the job complete, nor does universal consensus prevail concerning the goals of development. But a substantial beginning has been made.

President Richard M. Nixon has said in his state of the Union address:

> We must deal with the quality of life in America on the farm as well as the suburb; in the village as well as the city.

In the eyes of the Governors, the Appalachian Act was a pioneering experiment to test whether the Federal Government and a group of States could devise a strategy for rural and urban growth. I believe that challenge is being met in Appalachia.

On July 14, 1970, 11 of the Appalachian Governors met with President Nixon and in answer to his questions, enthusiastically endorsed the program and the concept made possible by the Appalachian Regional Development Act.

A brief review of progress made during the Appalachian Regional Commission's existence since 1965 is in order.

Let us consider the most tragic problems that has faced Appalachia.

Each year great numbers of young people leave the region because of the lack of opportunity for jobs and the isolation. This outmigration not only reduces the potential labor pool, but tends to leave behind barren ground for development. This exodus of our people, often those who are better educated denies the region the essential element for future growth.

I am happy to report that this outmigration has slowed. Some counties in southern Appalachia which were centers of outmigration in the 1950's have turned around and have become centers of inmigration. Appalachia Georgia has been experiencing inmigration. Net outmigration has slowed in the Appalachian areas of Alabama, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, Pennsylvania, and my own State of West Virginia.

I believe that the Appalachian development program has played a major part in reducing the exodus of young people. Since 1965, the Commission has placed special emphasis on assistance for education, particularly on vocational-technical education. After considerable study, the objective has been to construct facilities to train at least 50 percent of its high school students in vocational-technical occupations. By the end of the past fiscal year, 260 facilities had been approved by the Commission for such purposes. Forty additional projects were approved during the last 6 months in 1970.

Under this impetus, vocational technical high school enrollments in Appalachia increased by 34 percent while overall high school enrollments increased by 13 percent. As recently as 1967, enrollments in vocational-technical education in the region lagged behind the rest of the Nation. By 1969 this pattern had been changed and the region is on par with the Nation.

In post-high school vocational and technical education the rates on the region have far exceeded those of the Nation.

One of the objectives of the Appalachian Regional Commission has been to reduce high school dropout rates by making technical and vocational education really relevant to the job market into which students were entering.

In 1966, about 62 percent of the Appalachian vocational-education courses were for occupations which make up only 5 percent of the projected 1975 national job market. Under the impetus of the Appalachian Regional Commission program, this deficiency in education is being corrected.

The number of students taking job-relevant training has increased from 38 percent in 1966 to 44 percent 3 years later. Moreover, in the schools built and equipped with Appalachian assistance 80 percent of the students are in job-relevant curricula. These students account for the 58 percent of increased enrollment in health occupations; 52 percent in technical education and 52 percent in trades and industry in the region.

It takes a long time from the day a school board decides to establish a new vocational school until the day the construction is completed, faculty and equipment are obtained and the first class graduated. I feel that much has been accomplished in this field in the relatively short life of the Appalachian program. Much more remains to be done, and can only be accomplished by congressional authorization for extension of the Appalachian Regional Commission program.

The economy of Appalachia is progressing. Since 1965 close to a half million new jobs have been added to the Appalachian economy.

True, the rate of job growth in Appalachia has not matched the United States as a whole, but the gap is narrowing—and during the fiscal year 1970, the rate of employment growth in Appalachia slightly exceeded that of the United States.

In 1962, the unemployment rate for th region was 8.7 percent; for the Nation i was 5.5 percent. During fiscal year 1970 the unemployment rate for Appalachi was 3.8 percent, compared to 3.5 percen for the Nation.

The Appalachian development pro gram, by helping to prepare people fo productive lives, by helping to build th foundation of essential roads and othe public facilities, and by giving the peopl of the region positive support to achiev their full potential, has contributed t the improvement in the job picture.

The region has been blighted by a hig note of substandard housing. In 1968, th Appalachian Regional Commission es tablished a revolving fund in housing Since that time, 59 organizations hav received Appalachian Regional Com mission assistance with loans totalin $2.5 million. These loans have been use to plan 7,093 housing units estimated t cost $97.7 million. The ARC housing fun has increased use of the basic Federa housing program for low- and moderate-income families by over 600 percent sinc its inception.

Mr. President, I spoke earlier abou the emphasis placed on education by th Appalachian program. These responses were to increasing opportunities at th high school and post-high school years But, Mr. President, there are far to many youngsters in the region who cannot take advantage of those expanding opportunities because they have grow up without early health and educationa advantages. In Appalachia, there ar some 2 million children under the age o 6—half of them in families with very low incomes. These years are the most critical in the physical and intellectual development of a child. Yet far too many o the region's children are without th services essential to the development o strong minds and bodies. In 1969, the Congress directed the Appalachian Regional Commission to undertake a child development program to demonstrate how this problem could be effectively overcome. Most of the Appalachian States are moving ahead to plan for child development; in the next few months the first active services will begin. All of this important work is just beginning and on a very limited basis. If it is curtailed, the children of Appalachia will be the most immediate losers, but the entire region will lose a large part of its most precious resource.

The entire country, Mr. President, is concerned about the crisis in health care.

With support from the Appalachian Regional Commission, systems are being developed in Appalachia to demonstrate effective ways to provide health services and to reach people in rural areas. Considerable attention is being given to planning and the involvement of local people in the setting of priorities for the use of Appalachian funds. In nine southern West Virginia counties, the Appalachian demonstration program is beginning to evidence techniques for getting care to the people who need it even though they live in remote sections. But I emphasize that this is a beginning. The health program aided by the Commission provided the first grants in 1968. These grants are going to demonstration projects which cover one-fourth of the region's counties in which approximately one-fifth of the Appalachian population resides. The important thing is that these demonstration projects are started under the explicit provision that annual grants for their operations could be made for up to 5 years. It would be unreasonable to encourage areas to begin these demonstrations and then terminate them in midstream and before the objectives of each demonstration were achieved.

I have dwelled on education and health because these elements are absolutely fundamental to the forward progress of the region. Those involved in the region's development also recognize that good roads are vital, too. Without modern highways, many people will not be able to avail themselves of new hospitals and schools and community colleges.

Since 1965, 314 miles of Appalachian development highways have been completed; over 484 miles are under construction; and more than 1,000 miles right-of-way and engineering is in progress. With Appalachian Regional Commission support many access roads have been constructed to industrial areas, recreational facilities and other activities germane to the economic development of the region. It is felt that the completion of the development highway system will open up the area even more to the location of new industry. Markets will be brought closer, new supply routes will be opened, and workers will find it easier to get to jobs. New developments—industrial and commercial as well as recreational and educational—will be stimulated in the region.

But more time is required to fully construct the network of Appalachian highway corridors to reap the full benefit from the public's investment to date.

Mr. President, I support extension of the Appalachian program for one basic reason: the job is not done. We are a lot closer than we were in 1965. In some aspects of the program, we have virtually accomplished the mission. But the people of this region were made a promise, given a commitment in 1965. We cannot break faith with them.

Mr. HANSEN. Mr. President, one aspect of the Appalachian legislation with which I have had an opportunity to become very familiar is the authority which that legislation grants to the U.S. Bureau of Mines to make grants to the Appalachian area to seal and fill voids in abandoned coal mines and abandoned oil and gas wells, and to reclaim and rehabilitate land affected by the strip and surface mining and processing of coal and other minerals.

We are all familiar with the great problems which have been created in Appalachia as a result of mining in that area. But mining is the very foundation of much of the economy of Appalachia and a great effort was made to seek solutions to these problems so that the quality of life of the area could be improved and at the same time the economic contribution to the area from mining could continue.

Subsidence problems resulting from the location of abandoned mines in populated areas were perhaps some of the most heart-rending experiences which took place in the Appalachian area. The Nation watched as cities such as Scranton, Pa., struggled to save buildings and homes which were breaking apart as the ground subsided beneath them.

Under the Appalachian Act, the people of the United States expressed their sympathy for this problem and gave aid to Appalachia. For there is perhaps nothing quite so tragic as to see a person who has worked hard all of his life to provide a home for himself, his wife, and his family lose his home as the ground gives way beneath it. The aid of the people of the United States took the form of action by the U.S. Bureau of Mines. The Bureau spent millions of dollars on projects which were financed up to 75 percent by the Federal Government. These projects placed backfill material beneath the ground by traditional methods which were very expensive considering the surface support provided. They required the drilling of thousands of holes and it was difficult to backfill under existing buildings.

While all of this was going on and our attention was directed toward Appalachia, similar subsidence problems were taking their toll in other parts of the Nation where mining plays an important role. But because the problem was most obvious in the more heavily populated and mined Appalachian area, the authority for Federal assistance was limited to that region. This did not mean that the man in another part of the Nation who lost his home to subsidence suffered any less than his Appalachian brother. It means only that his situation was a little more isolated. In both cases a man was left without a home which in many cases represented his life's savings and work.

Perhaps, at the time of the enactment of the Appalachian legislation, the Congress was willing to limit Federal assistance to Appalachia and ignore the similar needs of the remainder of the Nation because help to meet subsidence problems through the backfilling of abandoned mines in potential subsidence areas was so expensive. But that is no longer true today. Events in the past year have convinced me that it is now economically feasible for the Government of the United States to make its assistance available to all citizens of this Nation who live with subsidence problems and not limit that assistance to the citizens of one particular region of the Nation. Indeed, in fairness, justice, and equity, it is the responsibility of the Congress to extend this one small segment of the Appalachian legislation to the country as a whole.

Mr. President, the events to which I refer and which I believe justify action by the Congress, centered around the city of Rock Springs, Wyo., and the subsidence problem which that city of approximately 10,000 persons in southern Wyoming has lived with 4 years. Two years ago, one section of the city began experiencing subsidence in a greater degree than the city had previously known. Several families were forced to abandon their homes for safety reasons. Others remained, but watched openings appear in their walls, floors sag, and so forth. Indeed, at night, they listen from their beds as the entire house creaks.

At first the Bureau of Mines said there was nothing that it could do to help. The problem was that the known techniques for backfilling abandoned mines in subsidence areas were so expensive as compared to the surface support provided that they were not economically feasible especially since the Bureau of Mines was not authorized to assist the city of Rock Springs although it was authorized to assist in the Appalachian States.

But Rock Springs did not give up. The subject was pursued with the Bureau of Mines. In the midst of this activity, the Dowell Division of the Dow Chemical Co. came forward with a new technique it had developed for backfilling mine voids. This technique was a new application of equipment which had been developed for use in the oil and gas fields. It involved the pumping of slurry into the voids and depositing the backfill material throughout the void by means of controlling the velocity of the slurry.

In theory the technique was feasible. A model was developed by Dowell and the Bureau of Mines was quite impressed. Because the Bureau of Mines had a responsibility in the Appalachian region and the Dowell technique, if workable, offered to provide much greater surface support at less cost and without the disturbance to the community caused by other techniques, the Bureau offered to spend $55,000 on a demonstration of the Dowell technique. Because the Dowell technique offered a possible solution to the Rock Springs problem, the city, the State of Wyoming, and the congressional delegation from Wyoming pursued the effort to fund a demonstration. A demonstration grant from the Department of Housing and Urban Development provided $170,000 to finance the demonstration of the Dowell technique in Rock Springs. A non-Federal local share was provided in the amount of $20,000, and the demonstration project was underway.

Last October, Dowell began to pump 20,000 cubic yards of backfill into mine voids under Rock Springs. On December 9, 1970, following completion of the demonstration project, I hosted a meeting in Washington which was attended by representatives from Dowell, the Bureau of Mines, and HUD. The purpose of the meeting was to provide a preliminary analysis of the demonstration project. At this time, every indication is that the demonstration of the Dowell technique was totally successful.

I ask unanimous consent to insert in the RECORD at this point a letter which I have received from the Director of the Bureau of Mines expressing the preliminary findings of the Federal agency which is so very qualified to judge the results of the demonstration.

There being no objection, the letter

was ordered to be printed in the RECORD, as follows:

BUREAU OF MINES,
Washington, D.C., January 27, 1971.

Hon. CLIFFORD P. HANSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HANSEN: This responds to your request, directed to Mr. Joseph A. Corgan at a meeting in your office on December 18, 1970, for an opinion concerning the feasibility of supporting the surface in Rock Springs, Wyoming, by a large-scale application of the recently demonstrated Dowell Division technique of backfilling inundated mine voids.

Recapping the program to date, the Bureau of Mines became involved with others in the Dowell demonstration project because we felt that the hydraulic principles in a single borehole injection system (as proposed by Dowell were sound, and if an actual demonstration of the technique proved to be successful we knew that such a system could have wide application in the filling and sealing of inundated mine voids, particularly where subsidence was an urgent problem.

Our engineers were present throughout the entire demonstration period which extended from 12:30 p.m., October 26 to 11:30 p.m., November 4, 1970, a total elapsed work time of 227 hours. This period included non-operating time of about 65 hours due to a power failure, a breakdown of auxiliary equipment, oversized flushing material, and other problems considered normal for an initial experimental project. During the 162 hours of effective operations, 19,500 cubic yards of sand was transferred from the surface through the closed system which consisted of a blender, a slurry pump, a pipeline, and a cased borehole to the inundated mine voids located approximtaely 120 feet below the surface. An average injection rate of 120 cubic yards of sand per hour was achieved during the demonstration.

While it was apparent (on November 5) that the injection phase of the demonstration proved to be successful, the use of the system, however, in terms of the pattern and depth of sand deposition that would provide support to the surface had not, at that time, been conclusively demonstrated. The Bureau, therefore, during the period of December 16, 1970, through January 15, 1971, conducted a 36-borehole drilling and sand deposit evaluation program in the mine voids of the demonstration area within a radius of 360 feet from the injection borehole to determine the location of the sand. The information obtained was correlated with similar data obtained earlier by Dowell from the injection well, two water supply wells, and four caliper survey boreholes.

Data obtained from the Bureau's drilling program were evaluated by Johnson-Fermelia & Crank, Incorporated, Consulting Engineers & Land Surveyors of Rock Springs, Wyoming; by Mr. Frank Morgando, principal engineering geologist from the Wyoming Highway Department; and by Bureau of Mines engineers. It was the consensus that the pattern of sand-filled voids in the mine did not form a circular shape around the injection well; that most of the sand flowed northeast, east, and southeast from the injection well apparently following paths of least resistance; and that heavily caved strata encountered in the mine voids below the intersection of Connecticut Avenue and D Street effectively impeded the flow of sand into that area. It was also agreed that none of the sand penetrated west of the entry and airway which are situated 40 and 80 feet west of the injection borehole. Obstruction to the flow of sand in these passageways is attributed to man-engineered drainage and ventilation control measures developed during past mining operations. The line drawn in red on the attached map outlines the area in the mine where it was agreed the vast bulk of the sand had been deposited.

It is the considered judgment of Bureau engineers that the Dowell process is feasible as a means of providing surface support above inundated mine workings. Experience gained from this experiment, however, indicates that adequate control measures would have to be incorporated in a large-scale subsidence control project to assure that the fill material is deposited in the mine voids where it is needed. Adequate monitoring of the sand flow at the planned limits of a project area would, in our opinion, help to accomplish this. Also, since maps of abandoned underground mines do not always reflect the actual conditions, it would be well to consider that multiple injection wells would be necessary to circumvent major obstructions such as the man-made barrier encountered at the Rock Springs demonstration project site.

Although there is some evidence to indicate that the process might be equally effective in filling abandoned workings that are not inundated, we cannot be certain of this until a demonstration under non-inundated conditions is conducted.

We appreciate the great interest you have demonstrated in the overall conduct of this successful mine backfilling project, particularly your efforts in coordinating the activities of local, State, and Federal agencies involved in the project work. Please be assured that the data obtained from the experiment will be of great assistance to us in our on-going subsidence prevention program.

Mr. HANSEN. Mr. President, in the next 2 to 6 weeks, both the Bureau of Mines and the Department of Housing and Urban Development should make available their final reports of the demonstration which took place in Rock Springs. Both the Bureau and the Department monitored the demonstration closely and have analyzed all of the factors involved from the technical and human point of view. I know that these reports will be of great interest to my colleagues. There is every reason to believe that the reports will underline the success of the Dowell technique as expressed in the preliminary reports.

It is impossible to appreciate at this time the full impact which the success of this demonstration will have on the parts of the Nation which face subsidence problems. Perhaps for the first time we can contemplate a complete and permanent solution to the subsidence problems throughout the Nation. But it would be grossly unfair to deny the opportunity for a solution to all the areas of the United States outside of Appalachia. I perhaps am most sensitive to this point because it was the persistence of a Wyoming community that led to the successful demonstration of the Dowell technique which now offers such great hope to Appalachia and the entire country. It would be the extreme irony if Rock Springs, Wyo., were now denied Federal assistance to apply the Dowell technique to its subsidence problem and all Federal effort was concentrated in one region of the Nation.

And there is no need to ignore the subsidence problem in the remainder of the country. Because the Dowell technique will provide more surface support for less money, the Federal Government can undertake assistance to more areas without increasing its total expenditure. And such an effort by the Bureau of Mines can have an impact of the success of HUD projects throughout the country. For these historic mining towns are obvious locations for the application of HUD programs. But it is essential that surface support be provided and guaranteed before large amounts are spent on surface renewal.

Mr. President, on March 9, 1971, I introduced S. 1160, a bill which would authorize the Secretary of the Interior through the Bureau of Mines to make grants to the several States to seal and fill voids in abandoned coal mines and abandoned oil and gas wells, and to reclaim and rehabilitate lands affected by the strip and surface mining and process of coal and other minerals. This is the same authority which the Bureau of Mines now has in Appalachia. Of course the Appalachian legislation grants assistance to the region in many other ways as well, and I do not propose that such assistance should be extended nationwide. My legislation extends only one small part of the Federal assistance to Appalachia to the Nation as a whole.

At first, it was my intention to offer S. 1160 as an amendment to the legislation now before the Senate which extends the life of the Appalachian Regional Development Act. I do believe that it is important for the Senate to recognize at this time that certain problems are not those of Appalachia alone and to offer assistance where appropriate to all of our citizens and not just those of Appalachia. However, I have decided not to offer the amendment today for two reasons. First, the report from the Bureau of Mines and the Department of Housing and Urban Development which will be available in the next several weeks will provide vital information on which the Members of the Congress will be able to base their judgments. These reports will provide a much better understanding of the problem and the Dowell technique which is now available. In addition, the President has sent to the Congress the proposed Mining Protection Act of 1971, and both Senator JACKSON and Senator NELSON has introduced legislation relating to this general subject.

The distinguished chairman of the Senate Committee on Interior and Insular Affairs and I have discussed this subject. That committee of which I am a member, will hold hearings this spring on the President's bill and the other bills on this subject. The chairman is most knowledgeable on this subject and has devoted much of his time to seeking solutions to the problems related to mining. He has assured me that S. 1160 will be subject of hearings this spring along with the other pending legislation on this subject. For this reason, I will not ask that S. 1160 be considered by the Senate at this time as an amendment to S. 575.

But I ask all of my colleagues to be aware of S. 1160 and the situation to which it addresses itself as they consider S. 575 at this time. As they make their commitments and vote on this legislation, they must realize that they cannot turn their backs on those in similar circumstances throughout the country. This is especially true in light of the fact that the technical means for providing help for all of our citizens have been developed and proven within the last year. Suffering is the same everywhere. A man who has lost his home in Wyoming experiences the same hurt as a man who has lost his home in Appalachia. Let us remember this fact and act accordingly.

As the Committee on Interior and Insular Affairs schedules hearings on the mining legislation pending before it, I earnestly suggest that the committee consider scheduling a field hearing in Rock Springs, Wyo. There it could view firsthand the destruction which has resulted from subsidence. It could also view the effect of this problem on a community which is a leading economic center of the State and which will continue to grow and prosper as the center of one of our richest natural resource areas. The committee might then realize the importance of providing a permanent solution to this problem. In addition, the committee could acquaint itself with the new and innovative technique which offers such great hope to the entire country and view the demonstration area in Rock Springs which was used to prove the application and feasibility of the technique.

Mr. President, I thank my colleagues for their attention. I ask their commitment to action to relieve the burdens faced by our citizens living in mining communities. These communities and their citizens have contributed greatly to the development of this Nation as a leading power. If we wish to continue to maintain our preeminence and high standard of living we will continue to rely on these people to meet the energy needs of the Nation. I know we can count on them. I hope they can count on us when they need help. I urge early hearings on S. 1160 and similar legislation, and hope that the Congress will act in a minimum amount of time. The assurances given me by the distinguished chairman of the Interior Committee lead me to believe that my hopes are not misplaced.

Mr. RANDOLPH. Mr. President, I yield 5 minutes to the able Senator from Georgia (Mr. TALMADGE).

Mr. TALMADGE. Mr. President, I thank my colleague from West Virginia for yielding to me.

I am proud to be a cosponsor of S. 575, to extend the life of the Appalachian Regional Development Act of 1965 as amended. I compliment my able and distinguished friend the Senator from West Virginia, as chief sponsor of this legislation, and his Committee on Public Works, which held hearings and reported the bill.

A good part of north Georgia is encompassed in the area of Appalachia. It is perhaps the most beautiful area of my State from a scenic standpoint, and is, in fact, one of the most beautiful areas in the world. Unfortunately, the per capita income there has not been nearly up to the national average. The same is true of the other areas of Appalachia. The people have been limited in job opportunities; the area is primarily rural. Its people have worked with the Appalachian Commission in order to obtain better job opportunities and better living conditions in that area of my State.

The Commission has done an outstanding job. The health of the people has been improved through hospitals and health centers. Access to that beautiful area of our State has been improved by new highways and new roads. Job opportunities have been enhanced by industrial expansion. Vocational and technical training schools have been built in that area, in order to better train the people there.

So, all in all, I think this has been a wise investment in the future of America. It has benefited my State. I urge the Senate to continue this legislation.

Again I pay my compliments to the principal author of the measure, the Senator from West Virginia. I thank the Senator for yielding to me.

Mr. RANDOLPH. Mr. President, the Senator from Georgia has been cognizant of the needs of the area in his State covered by the Appalachian program. I know of his personal interest in the projects themselves. He has attempted successfully to understand just what these projects were in reference to aiding people who wish to aid themselves. I am grateful for his comments.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield 5 minutes to the able Senator from Minnesota (Mr. HUMPHREY).

Mr. HUMPHREY. May I first say to the distinguished Senator from West Virginia how very pleased I am to see him once again on the floor of the Senate advocating the continuity and, indeed, the development and expansion of the Appalachian regional development program.

I recall that when I had the privilege of serving as the presiding officer of this body, the Senator was initiating legislation along the lines of the Appalachian program, and I sent him a little note complimenting him upon his splendid leadership, and thanking him for what he was doing for so many deserving people in our country.

Mr. RANDOLPH. Mr. President, will the Senator yield at that point?

Mr. HUMPHREY. I yield.

Mr. RANDOLPH. When the Senator was presiding over this body during the consideration of this legislation, I further recall that he was in the chair at the time the rollcall on the original measure was taken in 1965.

The people of West Virginia have, I would say, an appreciation for the Senator from Minnesota, who has served so capably as Vice President. Earlier in this body he gave attention to the problems of West Virginia and Appalachia. He helped to open the doors of our State, that we might mingle with other people and they with us on a basis of increasing not just economic strength, not just stabilization of our population, but outlook and uplift. For that we are very grateful.

The PRESIDING OFFICER. The bill has been read the third time. The question is on final passage.

Mr. DOMINICK. Mr. President, will the Senator from West Virginia yield for one comment?

Mr. RANDOLPH. I am delighted to yield.

Mr. DOMINICK. Do I understand correctly that the manager of the bill has accepted the Cotton amendment?

Mr. RANDOLPH. That is correct.

Mr. DOMINICK. And that the Cotton amendment would extend the other commissions for a period of 1 year, which would include the Four Corners Commission?

Mr. RANDOLPH. That is correct.

Mr. DOMINICK. I thank the Senator from West Virginia.

I have noted the comments that were made in the minority views of the distinguished Presiding Officer, the Senator from New York (Mr. BUCKLEY), who suggested that this bill itself be only for 1 year. I think it is too bad that he was not able to make that motion because of the fact that he is presiding at this time.

So I will support the bill on this vote, keeping in mind that, personally, I would like to see us evaluate this further, if, as, and when the revenue sharing and the variety of other presidential programs come along, so that in the process of appropriation hearings we can determine the proper level of funding.

Mr. RANDOLPH. Mr. President, I think the observations of the able Senator are appropriate. I know that he has had other commitments that have necessarily kept him from the floor during the 4 hours of debate on this measure. But these matters have been thoroughly discussed—the revenue-sharing aspects; the problems of the Appalachian Commission in attacking regional problems; the need to strengthen the five title V commissions that are already in being.

I appreciate the Senator's observations and his support of the bill.

Mr. DOMINICK. I thank the Senator.

The PRESIDING OFFICER (Mr. BUCKLEY). The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), and the Senator from Wisconsin (Mr. NELSON) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

I further announce that, if present and voting, the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wisconsin (Mr. NELSON), the Senator from Alaska (Mr. GRAVEL), the Senator from

North Carolina (Mr. JORDAN), the Senator from Maine (Mr. MUSKIE), and the Senator from New Hampshire (Mr. McINTYRE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. PACKWOOD), the Senator from Vermont (Mr. PROUTY), the Senator from Ohio (Mr. SAXBE), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Nebraska (Mr. HRUSKA) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Illinois (Mr. PERCY) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. HRUSKA), the Senator from South Dakota (Mr. MUNDT), the Senator from Ohio (Mr. SAXBE), and the Senator from Alaska (Mr. STEVENS) would each vote "yea."

The result was announced—yeas 77, nays 3, as follows:

[No. 19 Leg.]

YEAS—77

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Gambrell
Griffin
Gurney
Hansen
Harris
Hart
Hatfield
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Magnuson
Mansfield
Mathias
McGee
McGovern
Miller
Mondale
Montoya
Moss
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—3

Buckley
Ellender
Roth

NOT VOTING—20

Bayh
Goldwater
Gravel
Hartke
Hollings
Hruska
Jordan, N.C.
Kennedy
Long
McClellan
McIntyre
Metcalf
Mundt
Muskie
Nelson
Packwood
Percy
Prouty
Saxbe
Stevens

So the bill (S. 575) was passed, as follows:

S. 575

An Act to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Appalachian Regional Development Act Amendments of 1971".

SEC. 102. Subsection (b) of section 105 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 105) is amended to read as follows:

"(b) To carry out this section, there is hereby authorized to be appropriated to the Commission, to be available until expended, such sums as may be necessary."

SEC. 103. Section 106(7) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 106(7)) is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1975".

SEC. 104. Section (g) of section 201 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) is amended to read as follows:

"(g) To carry out this section, there is hereby authorized to be appropriated to the President, to be available until expended, $175,000,000 for the fiscal year ending June 30, 1971; $175,000,000 for the fiscal year ending June 30, 1972; $180,000,000 for the fiscal year ending June 30, 1973; $180,000,000 for the fiscal year ending June 30, 1974; $185,000,000 for the fiscal year ending June 30, 1975; $185,000,000 for the fiscal year ending June 30, 1976; $185,000,000 for the fiscal year ending June 30, 1977; and $180,000,000 for the fiscal year ending June 30, 1978."

SEC. 105. There is inserted after section 201 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) a new section as follows:

"APPALACHIAN AIRPORT SAFETY IMPROVEMENTS

"SEC. 201A. (a) In order to provide a system of airports in the Appalachian region which can accommodate a greater number of passengers in safety and thereby increase commerce and communication in areas with developmental potential, the Secretary of Transportation (hereafter in this section referred to as the "Secretary") is authorized to make grants to existing airports for the purpose of enhancing the safety of aviation and airport operations.

"(b) Such airport safety improvement projects may include (A) approach clearance, the removal, lowering, relocation, and marking and lighting of airport hazards, navigation aids, site preparation for navigation aids, and the acquisition of adequate safety equipment (including fire-fighting and rescue equipment), and (B) any acquisition of land or of any interest therein, or of any easement through or other interest in airspace which is necessary for such projects or to remove or mitigate or prevent or limit the establishment of, airport hazards.

"(c) Grants under this section shall be made solely from funds specifically made available to the President for the purpose of carrying out this Act in accordance with the provisions of this Act, and shall not be taken into account in the computation of the allotments among the States made pursuant to any other provisions of law.

"(d) Except as context otherwise indicates, words and phrases used in this section shall have the same meaning as in the Airport and Airway Development Act of 1970 and the Federal Aviation Act of 1958, as amended.

"(e) Federal assistance to any project under this section shall not exceed 90 per centum of the costs of the project, except for assistance for navigation aids which may be 100 per centum.

"(f) The Secretary is authorized to incur obligations to make grants for airport safety improvement projects in a total amount not to exceed $40,000,000 during the period ending June 30, 1975. There are authorized to be appropriated to the President such sums as may be required for liquidation of the obligations incurred under this section."

SEC. 106. (a) The third sentence of subsection (c) of section 202 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 202) is amended by striking out "health services" and inserting in lieu thereof the following: "health and child development services, including title IV, parts A and B, of the Social Security Act. Notwithstanding any provision of law requiring assistance or services on a statewide basis, if a State provides assistance or services under such a program in any area of the region approved by the Commission, such State shall be considered as meeting such requirement".

(b) Subsection (d) of such section is amended by adding at the end the following: "The Federal contribution to such expenses of planning may be provided entirely from funds authorized under this section or in combination with funds provided under other Federal or Federal grant-in-aid programs. Notwithstanding any provision of law limiting the Federal share in any such other program, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by this subsection."

SEC. 107. (a) The first sentence of subsection (a) (1) of section 205 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 205) is amended by inserting before the period at the end: "; and to control or abate mine drainage pollution."

(b) Subsection (b) of such section is amended to read as follows:

"(b) Notwithstanding any other provision of law, the Federal share of mining area restoration project costs, including reasonable planning, engineering, and costs of land acquisition (limited to the reasonable value of the land in its unreclaimed state as determined by the Commission), carried out under subsection (a) of this section and conducted on lands other than federally owned lands, shall not exceed 75 per centum of the total cost thereof."

(c) Subsection (d) of such section is amended to read as follows:

"(d) No moneys authorized by this Act shall be expended for the purposes of reclaiming, improving, grading, seeding, or reforestation of strip-mined areas (except on lands owned by Federal, State, or local government bodies or by private nonprofit entities organized under State law for public recreation, conservation, or economic development purposes, including the construction of low- or moderate-income housing) until authorized by law. As a condition of any grant made pursuant to this section, provision shall be made for the recovery of such grant from the proceeds of the sale or lease for private purposes of lands reclaimed with such a grant, for the purpose of further reclamation projects."

SEC. 108. (a) The catchline for section 207 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 207) is amended to read: "ASSISTANCE FOR PLANNING AND OTHER PRELIMINARY EXPENSES OF PROPOSED LOW- AND MODERATE-INCOME HOUSING PROJECTS".

(b) Subsections (a), (b), and (c) of such section are amended to read as follows:

"(a) In order to encourage and facilitate the construction or rehabilitation of housing to meet the needs of low- and moderate-income families and individuals, the Secretary of Housing and Urban Development (hereafter in this section referred to as the "Secretary") is authorized to make grants and loans from the Appalachian Housing Fund established by this section, under such terms and conditions as he may prescribe, for necessary expenses of nonprofit, limited dividend, or cooperative organizations, or of public bodies, in planning and obtaining federally insured mortgage financing for housing construction or rehabilitation projects for low- and moderate-income families and individuals, under section 221, 235, or 236 of the National Housing Act or any other Federal law, in any area of the Appalachian region determined by the Commission.

"(b) No loan under subsection (a) of this section shall exceed 80 per centum of the cost of planning and obtaining financing for a project, including, but not limited to, preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts. Such loans shall be made without interest, except that any loan made to an organization established for profit shall bear interest at the prevailing market rate authorized for an insured or guaranteed loan for such project. The Secretary shall require repayment of loans made under this section, under such terms and conditions as he may require, upon completion of the project or sooner, and except in the case of a loan to an organization established for profit, may cancel any part or all of such a loan, if he determines that a permanent loan to finance such project cannot be obtained in an amount adequate for repaymet of such loan under this section.

"(c) (1) Except as provided in paragraph (2) of this subsection, no grant under this section shall exceed 80 per centum of those expenses, incident to planning and obtaining financing for a project, which the Secretary considers not to be recoverable from the proceeds of any permanent loan made to finance such project, and no such grant shall be made to an organization established for profit.

"(2) The Secretary is authorized to make grants and commitments for grants, and may advance funds under such terms and conditions as he may require, to nonprofit organizations and public bodies for reasonable site development costs and necesssary off-site improvements, such as sewer and water line extensions, whenever such a grant, commitment, or advance is essential to the economic feasibility of any housing construction or rehabilitation project for low- and moderate-income families and individuals which otherwise meets the requirements for assistance under this section, except that no such grant shall exceed 10 per centum of the cost of such project."

(c) Subsection (e) of such section is amended by striking out "The Secretary is further authorized to" and inserting in lieu thereof "The Secretary or the Commission may".

SEC. 109. (a) The catchline for section 211 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 211) is amended by adding at the end "AND EDUCATION DEMONSTRATION PROJECTS".

(b) The first sentence of subsection (a) of such section is amended by inserting "or operation" after "equipment".

(c) Subsection (b) of such section is amended to read as follows:

"(b) (1) In order to assist in the expansion and improvement of educational opportunities and services for the people of the region, the Secretary of the Department of Health, Education, and Welfare is authorized to make grants for planning, construction, equipping, and operating educational projects which will serve to demonstrate areawide educational planning, services, and programs. Grants under this section shall be made solely out of funds specifically appropriated for the purposes of this Act and shall not be taken into account in any computation of allotments among the States pursuant to any other law.

"(2) No grant for the construction or equipment of any component of an education demonstration project shall exceed 80 per centum of its costs.

"(3) Grants under this section for operation of components of education demonstration projects, whether or not constructed by funds authorized by this Act, may be made for up to 100 per centum of the costs thereof for two-year period beginning on the first day that such component is in operation as a part of the project. For the next three years of operation, such grants shall not exceed 75 per centum of such costs. No grants for operation of demonstration education projects shall be made after five years following the commencement of the initial grant for operation of the project. Notwithstanding section 104 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3134), an education-related facility constructed under title I of that Act may be a component of a demonstration education project eligible for operating grant assistance under this section.

"(4) No grant for expenses of planning necessary for the development and operation of an education demonstration project shall exceed 75 per centum of such expenses.

"(5) No grant for planning, construction, operation, or equipment of a demonstration education project shall be made unless the facility is publicly owner, or owned by a public or private, nonprofit organization, and is not operated for profit.

"(6) Any Federal contribution referred to in this section may be provided entirely from funds appropriated to carry out this section, or in combination with funds available under other Federal grant-in-aid programs providing assistance for education-related facilities or services. Notwithstanding any provision of law limiting the Federal share in such programs, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by the applicable paragraph of this subsection."

SEC. 110. (a) Section 214(a) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 214) is amended to read as follows:

"SEC. 214. (a) In order to enable the people, States, and local communities of the region, including local development districts, to take maximum advantage of Federal grant-in-aid programs (as hereinafter defined) for which they are eligible but for which, because of their economic situation, they cannot supply the required matching share, or for which there are insufficient funds available under the Federal grant-in-aid Act authorizing such programs to meet pressing needs of the region, the President is authorized to provide funds to the Federal Cochairman to be used for all or any portion of the basic Federal contribution to projects under such Federal grant-in-aid programs authorized by Federal grant-in-aid Acts, and for the purpose of increasing the Federal contribution to projects under such programs, as hereafter defined, above the fixed maximum portion of the cost of such projects otherwise authorized by the applicable law. In the case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant-in-aid program is proposed to be made under this subsection no such Federal contribution shall be made until the responsible Federal official administering the Federal grant-in-aid Act authorizing such contribution certifies that such program or project meets the applicable requirements of such Federal grant-in-aid Act and could be approved for Federal contribution under such Act if funds were available under such Act for such program or project. Funds may be provided for programs and projects in a State under this subsection only if the Commission determines that the level of Federal and State financial assistance under Acts other than this Act, for the same type of programs or projects in that portion of the State within the region, will not be diminished in order to substitute funds authorized by this subsection. Funds provided pursuant to this Act shall be available without regard to any limitations on areas eligible for assistance or authorizations for appropriation in any other Act. Any findings, report, certification, or documentation required to be submitted to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of any Federal grant-in-aid program shall be accepted by the Federal Cochairman with respect to a supplemental grant for any project under such program."

(b) The first sentence of subsection (c) of such section is amended by striking out "December 31, 1970" and inserting in lieu thereof "December 31, 1974".

SEC. 111. Section 224(b) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 224) is amended by striking out "or" immediately preceding "(4)", and inserting before the period at the end of such subsection: "or (5) for any land reclamation, water resource, or other environmental project under section 203, 204, 205, 212, or 214, except in furtherance of a comprehensive environmental improvement plan for an area of the region to be served by such a project, which is approved in the manner provided for programs or projects under sections 223 and 303."

SEC. 112. Section (a)(2) of section 302 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 302) is amended to read as follows:

"(a) (2) to make grants to the Commission for investigation, research, studies, evaluations, and assessments of needs, potentials, or attainments of the people of the region, technical assistance, training programs, demonstrations, and the construction of necessary facilities incident to such activities, which will further the purposes of this Act. Grant funds may be provided entirely from appropriations to carry out this section or in combination with funds available under other Federal or Federal grant-in-aid programs or from any other source. Notwithstanding any provision of law limiting the Federal share in any such other program, funds appropriated to carry out this section may be used to increase such Federal share, as the Commission determines appropriate."

SEC. 113. Section 401 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 401) is amended to read as follows:

"SEC. 401. In addition to the appropriations authorized in section 105 for administrative expenses, in section 201 for the Appalachian Development Highway System and Local Access Roads, and in section 201A for Appalachian Airport Safety Improvements, there is hereby authorized to be appropriated to the President, to be available until expended, to carry out this Act, $268,500,000 for the two-fiscal-year period ending June 30, 1971; $277,000,000 for the two-fiscal-year period ending June 30, 1973; and $294,000,000 for the two-fiscal-year period ending June 30, 1975."

SEC. 114. Section 405 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 405) is amended by striking "1971" and inserting in lieu thereof "1975".

SEC. 115. (a) Section 105 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3135) is amended by striking out "June 30, 1971" and inserting in lieu there "June 30, 1972".

(b) Subsection (c) of section 201 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141(c)) is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1972".

(c) Section 302 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3152) is amended by striking out "and June 30, 1971" and inserting in lieu thereof "June 30, 1971, and June 30, 1972".

(d) Subsection (g) of section 403 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3171(g)) is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1972".

(e) Subsection (d) of section 509 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3188(d)) is amended by inserting before the period in the first sentence the following: ", and for the fiscal year ending June 30, 1972, to be available until expended, not to exceed $127,500,000".

(f) Section 512 of the Public Works and Economic Development Act of 1965 is amended by striking "June 30, 1971" and inserting "June 30, 1972".

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BOGGS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUCKLEY. Mr. President, while I am impressed with the achievements of the Appalachian regional development programs, I strongly believe we must begin to move in the direction indicated by President Nixon's special revenue sharing proposals, which would return to the States the authority to determine how each can best utilize tax revenues.

I prefer that funding for Appalachian regional development programs be extended for 1 year rather than 4. A 1-year extension would, I believe, be consistent with the administration's plan to incorporate the funds for Appalachian development programs into special revenue sharing for rural development, and it would not in any sense constitute a lack of appreciation for the great pioneering work of the Commission. It is for this reason that I expressed my opposition to the 4-year extension in committee. It is for this same reason that with reluctance, I have voted against the bill.

DEATH OF WHITNEY M. YOUNG, JR.

Mr. BROOKE. Mr. President, I am saddened to report to the Senate the sudden and tragic death of a great civil rights leader.

Whitney M. Young, Jr., executive director of the National Urban League for the past 10 years, died earlier today of a heart attack in Lagos, Nigeria. He was attending the African-American Dialogs, the third in an annual series of discussions among African and American political and civic leaders.

Whitney Young proved that economic and social progress can result from intelligent, aggressive and moderate leadership.

He lived for only 49 years. But his life was dedicated to the betterment of the lives of others. And he died in the service of that goal.

To his wife, Margaret, and his two children, Marcia, and Lauren, I extend my deepest sympathy. Their loss is also ours, and we share it with them.

Mr. JAVITS. Mr. President, the sudden and untimely death today of Whitney M. Young, Jr., is a great loss to all the people of the United States and of the world. He was a great leader in terms of both his boldness and his sensitivity, and his sense of getting things done always dominated his efforts in behalf of black Americans.

In his service to the people of America, I feel that he demonstrated two great leadership qualities.

First, he showed a unique absence of self-consciousness about being black. He dealt with the problems confronting his people as an American, and his strategies often resembled those of a labor union leader seeking to win the best opportunities and best advantages for the people he served. Underlying this approach was an assumption built into his very bones and sinews that all Americans were alike and should be treated alike and have the same chance.

Second, Whitney Young realized that if blacks in America could only achieve economic equality that actual social equality would be prompt and inevitable. That was why his basic approach was through the business community and why he had such faith in the business community and why that community had such faith in him.

Whitney Young has been described as a moderate among black leaders. But I feel strongly that that term was misleading because while it accurately described his tone, it did not describe his fierce dedication to achieving an equal share of the American dream for his people.

Whitney Young will be remembered as a great patriot and a great human being. He has passed from the American scene in perhaps its most turbulent time far sooner than he should have in terms of the service and the wisdom he had left in him to give to this Nation and to the world.

I join his wife, Margaret, his family, his friends, his fellow black Americans and all people who have faith in the basic goodness of America in mourning the loss of this great son of America.

Mr. HUMPHREY. Mr. President, I desire to make a brief statement about the loss of a very dear, close friend. The word has just reached us that Mr. Whitney M. Young, the executive director of the National Urban League, has passed away.

I have known Whitney Young for at least 25 years. Whitney would have been 50 years old this July. He was relatively a very young man.

Whitney Young received his master's degree in social work from the University of Minnesota in 1947, and from 1947 through 1950 my friend Whitney Young was the industrial relations and vocational guidance director of the Urban League in St. Paul, Minn. In that position, he gained the respect of the people of our State from every walk of life, and he went on from that early assignment to become one of the truly great leaders of the American people.

We identify Whitney Young primarily with the issue of civil rights, but I believe that we can also identify him with the whole broad spectrum of the improvement of life for people of all races, creeds, and colors. This was a man who knew no discrimination in terms of his own thoughts, but who, like other members of his race, had suffered the indignity of discrimination and segregation. But he had no bitterness and no rancor.

Mankind today lost a great and effective leader in the crusade for racial equality and human dignity, and I have lost a dear friend and a close ally in many a battle in the field of social welfare legislation and human rights, and in the many struggles that some of us have waged, in and out of Congress, for improving the lot of mankind.

Whitney Young devoted his life to removing the barriers of discrimination, segregation, fear, and hate. He was an untiring warrior against all forms of evil and injustice. Yet, he was always a gentleman. He was a good and gentle man.

He was militant in the best sense—that he was persevering but never destructive. He always was willing to speak out and speak up for what he believed, but he was also willing to listen to others and to hear their message, even when that message was in contradiction of his own ideals or beliefs.

Whitney Young was a gentle soul who deeply loved his fellow men. He demonstrated the power of love. He also demonstrated that it is important to have not only knowledge but also commitment. He knew that knowledge without commitment was a waste. He also knew that commitment without knowledge could be dangerous. Thus, he blended together in his pattern of life and in his work an insatiable desire to expand the realm of his knowledge, seeking new information, and then applying that knowledge and information to a strong commitment to social justice.

Many things will be written about Whitney Young, and many things will be said about him. I predict that there will be an overwhelming flow of tributes coming from every part of America, complimenting, commending, praising, thanking this good man for what he did for all of us through the deeds of his life as well as the words of his lips. He has shown us a better way, and he will be truly missed.

I need not indicate here the large number of organizations to which he gave of himself and of his talents, but I think I should note that he was appointed by President Johnson to the OEO Advisory Council. He was often called upon by Presidents and leaders of both parties to sit with them in council. He was frequently a guest at the White House, not only for social occasions but also for important and critical meetings. He served his Nation well and faithfully.

He was a patriot in the best sense of the word, because he was willing to stand up for the oppressed, speak out for the minorities, recognizing that there is no justice for anyone unless there is justice for everyone, and recognizing that freedom is indivisible.

His record of public service and of private life is one that inspires us all.

I extend to his dear wife, Margaret, and their two daughters, the sincere sympathy and condolences of Mrs. Humphrey and myself. We have been with them on many occasions. We have been with them as neighbor and friend, and I feel today very sad that another dear friend has passed on. America is the weaker today because of the loss of this soldier for peace and justice.

Mr. SCOTT. Mr. President, the death of Whitney Young is a great loss to this Nation. To me, his death is a personal loss. He was a man who stood for equality of all Americans.

His disposition and moderate approach to attaining many progressive goals will serve as a guide to all the black people in America.

We are a more closely knit Nation today because of men like Whitney Young.

Mr. COOPER. Mr. President, I am saddened by the news of the death of Whitney Young, Jr. While I did not know him intimately, I admired and respected him for his work as executive director of the National Urban League, and his insistent efforts to secure full rights and opportunities for black citizens, and. in deed, all our citizens lacking opportunities and suffering discrimination. He was a man of high intelligence, character, and force, and his life is one of which our country is proud.

He was born in Kentucky, the son of distinguished parents—his father being a great educator—and he received his first college education as a student and graduate of Kentucky State College, but his work and achievements passed all narrow boundaries.

PUBLIC DEBT LIMIT INCREASE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 35, H.R. 4690, that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER (Mr. Buckley). The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4690) to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to the consideration of the bill which had been reported from the Committee on Finance without amendment.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. Yes, indeed. I am delighted to yield.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader, first of all, what will be the business for the following week after we have finished the consideration of the proposal to increase the debt limit?

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, he may recall that we have discussed the possibilities of taking up Calendar Order No. 2, a joint resolution to establish a Joint Committee on the Environment, to be followed by Calendar No. 30, Senate Resolution 17, a resolution amending rule XXIV of the Standing Rules of the Senate with respect to the nomination and appointment of committee members.

Then, it is my understanding that when these matters have been disposed of, that would clear up the Calendar; but other legislation may be coming out of committees this week, including a measure involving campaign contributions from the Committee on Commerce, and other measures, as well. Pretty soon we will have to take up the question of the extension of the Department of Transportation appropriation under the dictum laid down at the end of the last Congress.

Mr. SCOTT. As I understand it, the campaign expenditures reform bill which went to the Committee on Commerce also went to the Committee on Rules and Administration and to the Committee on Finance. I do not at this moment recall the agreement under which if one committee reported the measure what functions would be exercised by the other two committees. Can the Senator clarify that for us?

Mr. MANSFIELD. It is my understanding under the agreement made that it would be referred to the other two committees with orders to report back, I believe, within 45 days. That would negate any action on that this week, but other measures will be coming from committees. However, as of now, it looks like a relatively light week, and I think the Senate can stand one of them.

Mr. SCOTT. I think the Senate would relish the opportunity to have a light week.

Is there any possibility of agreeing on time limitations on the debt limit act?

Mr. MANSFIELD. I am delighted that the distinguished minority leader has raised that question because he may recall that in a colloquy which we conducted yesterday the minority leader stated as follows:

> If we are going to have votes on Friday, we want to have everyone here. If there is any way to work out agreements on time, since there is the possibility there will be a great deal of debate on the social security aspect, I want to express the hope that the manager of the bill might consider whether Senators can expect votes on Friday or whether they could come on Monday. I realize that if we are not able to work out something, we will have to be here.

My answer was:

> The debt limit matter cannot be taken up until Friday because the chairman of the Committee on Finance (Mr. Long) will be absent on official business tomorrow, but any agreement which he and the distinguished ranking minority Member, the Senator from Utah (Mr. Bennett), would care to advance I am sure the joint leadership would be happy to consider in an effort to try to accommodate Senators. But I should point out that on the basis of the recess schedule which has been laid down on the basis of 4 or 5 days off at the end of certain months, it really behooves us to be here and I am happy to note that no Senator up to this time on either side has asked that he be given special consideration with respect to voting on a day certain; but wherever the leadership can, we will try to accommodate Senators.

Since that time I have been in touch with the chairman of the committee, the distinguished Senator from Louisiana (Mr. Long), and he has indicated that he would be very willing, the distinguished Senator from Utah (Mr. Bennett), the ranking minority member concurring, to agree to a time limitation of one-half hour on each amendment and 2 hours on the bill itself.

Mr. BENNETT. I would be very happy to follow the leadership of the chairman and agree to that.

Mr. SCOTT. I am glad the chairman of the committee and the ranking minority member are satisfied with the limitation.

I understand the chairman will have a certain amendment to offer which he feels would improve the chance for passage of the bill. Perhaps this may not be the time to say it but I would like to indicate the possibility, having conferred with the distinguished majority leader, the possibility that we may join in moving to table amendments we feel are inconsistent with the overall intention to work some immediate reform and improvement of the social security system. I have also discussed it with the distinguished senior Senator from New York (Mr. Javits).

Mr. PASTORE and Mr. JAVITS addressed the Chair.

Mr. MANSFIELD. I yield first to the Senator from Rhode Island; then I will yield to the Senator from New York.

Mr. PASTORE. Mr. President, the President will address the War College tomorrow at the graduation of his son-in-law and he has invited Senator Pell and me to accompany him to Rhode Island, which both of us have agreed to do and would like to do.

On the other hand we are met with this very important subject of the social security amendment which we are intensely interested in. I hope we might reach some agreement so that if we did stay and forgo the pleasure of being with the President tomorrow we would have some votes and culminate a decision with respect to social security.

Mr. SCOTT. That is the reason for this colloquy.

Mr. PASTORE. Yes, and that is the reason that I state I will lend whatever persuasion I may have for Members of the Senate to be amenable to such an agreement.

Mr. MANSFIELD. Mr. President, I yield to the Senator from New York.

Mr. JAVITS. What I have been told respecting the efforts to improve social security is implicitly in accord with the promise we made social security beneficiaries when we got so embroiled at the end of last year. If we can help the situation, this would not stand in the way of early action on an early increase in social security benefits.

The difficulty is that none of us has any assurance whatever beyond our own personal desire and will that amendments which may require very extensive debate may not be written upon the bill or the social security part of it.

I think the suggestion of the minority leader to the majority leader is very hopeful in that both of them would join in tabling anything which was extraneous beyond the intention which we all understand respecting an increase in social security payments.

To lock that in even further I would like to suggest to the majority leader the possibility of including in the unanimous-consent agreement two things. First, time for the amendment which, perhaps, the Senator from Louisiana (Mr. Long) will propose, but if there are amendments to that amendment, the time certainly should be provided; and second, I really feel that to protect all Members, if this is going to be an open end operation, which we hope and pray it will not be, and I will not have any input on that—and I see the Senator from Rhode Island (Mr. Pastore) shaking his head—the ruel of germaneness be not enforced in this case respecting amendments to the social security part. If it is going to be open, let it be open. I am happy and willing that it be closed, but if the floodgates are going to be open let them be open so that no one is foreclosed.

Mr. PASTORE. Does the Senator have in mind the trade bill?

Mr. JAVITS. No, I do not have that in mind. I am concerned about amendments being proposed. I have just suggested, therefore, that we crank into the unanimous-consent agreement something that will protect us on this score, which is laudable and proper, should we find for some reason the understanding is not complied with. If it is to be an open session let it be an open session.

I think I would like to repeat my concrete suggestion: One, if a time be allowed for amendments to the amendment, the normal provision respecting germaneness in this case be not applied, so that one on the social security amendment can without any question be put on; and, two, so that if the floodgates are opened with respect to amendments to that, no Senator is foreclosed.

Mr. BENNETT. Mr. President, I shall withhold my comment until the majority leader makes his.

Mr. MANSFIELD. Mr. President, I am not in a position where I can make a definite commitment at this time, but in response to the suggestions made by the distinguished Senator from New York (Mr. JAVITS), I would suggest that only amendments germane to the bill or to the matter of social security be in order. The debt limit and social security will be the two main components. It is my understanding that if something is not done about raising the debt limit by the 15th of this month, conditions could become difficult for the Government, at least technically speaking.

Would that satisfy the Senator from New York?

Mr. JAVITS. I hope the majority leader understands me. I am working with him, not against him, in making these suggestions. It seems to me his suggestion covers a good part of it, but he should include the provision for amendments to the amendment. Then, there is a very wide area for amendments to the social security bill. There is a very broad range. I would agree with that, but I would hope, therefore, that he would give a little more time on amendments to the amendment than the half hour that was talked about, because we are trying to protect ourselves against eventualities and cooperate with the leadership.

Mr. MANSFIELD. Would the Senator make a suggestion?

Mr. JAVITS. I would suggest 1 hour on the amendments to the amendment which will be suggested on the basic social security provision. Would the Senator fix a time on that amendment as well? I think the Senator mentioned 2 hours.

Mr. MANSFIELD. Two hours on the bill.

Mr. SCOTT. A half hour on amendments.

Mr. JAVITS. What about the social security bill which will be presented? Would not the Senator want to have an hour or so on that?

Mr. MANSFIELD. I am thinking about the membership as well. It was only a few months ago that we went through the social security debate. We are all pretty well aware of what it stands for and what it entails.

It is my understanding that the distinguished Senator from Louisiana (Mr. LONG), the chairman of the committee—and this is subject to correction—intends to offer a social security amendment which will increase payments by 10 percent retroactive to the 1st of January of this year, set a minimum of $100 per month rather than the present $64 or $68, and increase the amounts to be taxed beginning on January 1, 1972.

Is that correct?

Mr. BENNETT. That is my understanding, though I have not seen the actual text of the chairman's amendment.

Mr. MANSFIELD. So, if Senators will agree—and most especially the ranking Republican member of the committee, who will have to speak for that committee, at least for today—I would like to change the unanimous-consent request to an hour on amendments and 2 hours on the bill and to incorporate in the request the declaration that amendments germane to the bill or to the matter of social security be in order, thus retaining the germaneness of the two most important factions of the proposal.

Mr. JAVITS. That is, germaneness will apply to the debt limit bill except for an amendment relating to social security. That is just another way of saying it.

Mr. MANSFIELD. That is saying it another way, but it is the same thing.

Mr. JAVITS. One hour on that basic amendment and 1 hour each on amendments?

Mr. MANSFIELD. If that is agreeable.

Mr. BENNETT. Mr. President, reserving the right to object, I think we are painting ourselves into a corner. If the debt limit bill must be passed by the 15th, tomorrow will be the last day we will meet until the 15th. I think we should all realize that we cannot afford to open this matter up to germane amendments on the basis that has been stated, because if a Senator can offer germane amendments to the social security amendment, then any social security amendment is germane and we are off to the races. So I think——

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. MANSFIELD. Pending the arrival of the distinguished Senator from Louisiana, there is always the option of tabling.

Mr. BENNETT. I was just going to say I would think, to protect the Treasury, a Senator, including the Senator from Utah, would have to announce that we will attempt to table any amendment to the one amendment that the chairman will offer.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BENNETT. May I finish?

Mr. JAVITS. Surely.

Mr. BENNETT. The trouble with allowing 1 hour on every amendment is that a very determined Senator can keep us waiting for him to use up his time on his amendment before it can be tabled.

Mr. PASTORE. It can take only a half hour.

Mr. JAVITS. Mr. President, will the Senator yield to me on that point?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I respectfully suggest that the one amendment that will be presented will be the amendment suggested by the Senator from Montana (Mr. MANSFIELD). Other than that, I think we have a pretty good gentleman's agreement which none of us will want to try to violate. As a matter of fact, I suggested that both the majority and minority leaders should announce that they will move to table.

Mr. SCOTT. Mr. President, I have made such an announcement, saying that I understand the majority leader and I reserve the right, subject to the approval of the chairman of the Finance Committee and the ranking minority member of the committee, to offer a motion to table amendments inconsistent with the Long amendment.

Mr. MANSFIELD. Mr. President, subject to the wishes of the manager of the bill and the ranking member of the committee, I wonder if the Senator would consider a change of 1 hour on each amendment, rather than a half hour on each amendment, and 3 hours on the bill.

Mr. BENNETT. Mr. President, I shall remove my objection on that basis.

Mr. BYRD of Virginia. Mr. President, I concur fully in what was said about the social security amendment or amendments. I think that matter should be handled expeditiously. When we get to the bill, the bill proposes to make it possible to increase the national debt by $40 billion in 15 months.

Mr. MANSFIELD. Yes.

Mr. BYRD of Virginia. I am deeply disturbed about the Government's financial situation, and I would like an opportunity to present my views on that without being rushed along and having to get time from another Member of the Senate.

Would the majority leader consider including in his request the time of 3 hours, as he has proposed, on the bill, but in excess of that, permit me 30 minutes on the bill?

Mr. MANSFIELD. I shall be delighted to.

Mr. BENNETT. Mr. President, would it be possible for those 30 minutes to take place before the time begins to run?

Mr. PASTORE. What difference does it make? We are quibbling now. Let us get the agreement.

Mr. MANSFIELD. Mr. President, I change the request accordingly.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, I wish to ask the distinguished majority leader, just to make sure I understand, whether the unanimous-consent agreement, with the prescribed limitations, would be in effect assuming the amendment to be offered is as described by the Senator from Utah, and that if it is some other amendment, there is no such agreement as to time.

Mr. MANSFIELD. That is correct, and the joint leadership will be subject to the wishes of the chairman and the ranking minority member of the committee if there is any question arising out of our interpretation. This is in effect a tentative unanimous-consent request.

Mr. BENNETT. We can get another unanimous-consent request if it is necessary.

Mr. GRIFFIN. Mr. President, I withdraw my reservation.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

The Chair would like to address a question to the majority leader.

Mr. SCOTT. Mr. President, may we have order? I understand the Chair has said he has a question.

The PRESIDING OFFICER. The Senate will be in order. The Chair would like to address a question to the majority leader.

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. When does the agreement take effect, and who controls time?

Mr. MANSFIELD. Beginning at 12 o'clock tomorrow, and the time will be controlled by the distinguished Senator from Louisiana, the chairman of the Committee (Mr. LONG) and the distinguished senior Senator from Georgia (Mr. TALMADGE).

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Ordered, That, effective on March 12, 1971, beginning at 12 noon, during the further consideration of the bill, H.R. 4690, an act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to ½ hour, to be equally divided and controlled by the mover of any such amendment or motion and the Senator from Louisiana (Mr. LONG): *Provided,* That in the event the Senator from Louisiana is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated my him: *Provided further,* That no amendment that is not germane to the provisions of the said bill or the amednment on Social Security to be offered shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 3 hours, to be equally divided and controlled, respectively, by the Senator from Louisiana (Mr. LONG) and the Senator from Georgia (Mr. TALMADGE): *Provided,* That the Senator from Virginia (Mr. BYRD) is allotted an additional 30 minutes on the bill.

Mr. MANSFIELD. Mr. President, if I may be recognized, for the information of the Senate, there will be no further votes tonight.

Mr. PASTORE. But may I ask the majority leader, there will be votes tomorrow?

Mr. MANSFIELD. We certainly anticipate them, unless something comes up over which we have no control.

Mr. PASTORE. What do we do now with this unanimous consent agreement, fuss around for half an hour and accomplish nothing?

Mr. BENNETT. Mr. President, it would seem that the only reason for no vote tomorrow would be if the Senate accepts the steps in this process without insisting on a record vote.

Mr. MANSFIELD. Which, of course, would not happen, in my opinion, but I cannot be definite, because I feel I cannot bypass the chairman of the committee until I have the final word with him.

Mr. SCOTT. Mr. President, if the Senator will yield. I cannot conceive a situation where the Senate would lose an opportunity to record itself in favor of an increase in social security.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

ORDER FOR THE RECOGNITION OF SENATOR CRANSTON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow immediately following the remarks of the Senator from Wisconsin (Mr. PROXMIRE), the Senator from California (Mr. CRANSTON) be recognized for not to exceed 15 minutes to make a statement on American and Chinese relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HUMPHREY ON MONDAY, MARCH 15, 1971

Mr. BYRD of West Virginia. I ask unanimous consent that on Monday next, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Minnesota (Mr. HUMPHREY) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL MONDAY, MARCH 15, 1971

Mr. BYRD of West Virginia. Mr. President. I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 12 o'clock meridian on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the remarks of the distinguished Senator from California (Mr. CRANSTON) tomorrow, there be a period for the transaction of routine morning business, not to extend beyond 12 o'clock meridian, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m., following an adjournment.

Immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Wisconsin (Mr. PROXMIRE) will be recognized for not to exceed 30 minutes, to be followed by the distinguished Senator from California (Mr. CRANSTON) for not to exceed 15 minutes.

Following the remarks of the distinguished Senator from California (Mr. CRANSTON), there will be a period—not to extend beyond 12 o'clock meridian—for the transaction of routine morning business, with statements therein limited to 3 minutes.

Following the completion of morning business tomorrow, the unfinished business will be laid before the Senate, which will occur at 12 o'clock meridian.

Mr. President, as the majority leader has indicated, there will be one or more rollcall votes tomorrow, of which Senators are on notice. A rollcall vote has already been ordered on the final passage of H.R. 4690, the bill increasing the public debt limit.

When the Senate completes its business tomorrow, it will stand in adjournment, under the previous order, until 12 o'clock meridian on Monday next. This is, of course, subject to change on tomorrow.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 46 minutes p.m.) the Senate adjourned until tomorrow, Friday, March 12, 1971, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 11, 1971:

U.S. PATENT OFFICE

Rene Desloge Tegtmeyer, of Virginia, to be an Assistant Commissioner of Patents.

DEPARTMENT OF JUSTICE

John K. Grisso, of South Carolina to be U.S. attorney for the district of South Carolina for the term of 4 years.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

James C. Fletcher, of Utah, to be Administrator of the National Aeronautics and Space Administration.

EXTENSIONS OF REMARKS

DEPARTMENT OF NATURAL RESOURCES

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. ROBISON of New York. Mr. Speaker, I felt that the March 9, 1971, editorial of the New York Times relative to President Nixon's proposed Cabinet reorganization was perceptive enough to warrant the attention of my colleagues. The article applauds the President's recommendation that the present Department of Interior be transformed into a coherent Department of Natural Resources. The editorial also presents some useful background material, which will prove useful to us as we discuss and consider the President's valuable initiative. The full text of the editorial follows:

NATURAL RESOURCES DEPARTMENT

Government reorganization and revenue sharing may not add up to a "second American Revolution," in President Nixon's soaring phrase, but they are disturbing enough to raise the hackles of many influential people in the permanent bureaucracy, in Congress and in the various lobbies. This is particularly true for the proposed regrouping of social and economic programs and of six Cabinet-level departments; but it is even true for the more familiar and widely supported plan to transform the Department of the Interior into a coherent Department of Natural Resources.

The need for such a department has long been plain to experts on the organization of the Federal Government. The Brownlow Committee recommended it to President Roosevelt in 1937 and a task force of the first Hoover Commission made substantially the same proposal a dozen years later. Now President Nixon has adopted the idea.

As envisaged by the President's Advisory Council on Executive Organization headed by Roy L. Ash, the new department would consist of four major divisions. The nucleus of each already exists in the Department of the Interior. The opposition arises over the transferring of logically related agencies from other departments.

The first division would administer land and recreation programs. It would include the National Park Service, the Bureau of Outdoor Recreation, the Bureau of Sport Fisheries and Wildlife, and the Bureau of Land Management, all of which are now in Interior. To them would be added the Forest Service from the Agriculture Department.

The Forest Service now engages in a multitude of activities which exactly parallel those of the companion agencies in Interior. It is a recreation agency with as many visitors as the National Park Service. It manages public land like the Bureau of Land Management. It manages wildlife as does the Bureau of Sport Fisheries and Wildlife. The Ash Council report observes: "Common management would enable better planning of timber harvest, better location of facilities to meet recreational demands, overhead savings."

Everything points to a transfer of the Forest Service; everything, that is, except the desire of successive Secretaries of Agriculture to hang on a sizable bureaucratic kingdom and the desire of the timber industry to have nothing disturb its comfortable relations with an agency it has come to know very well.

A second division of the proposed new department would for the first time provide a sensible arrangement of water programs. The Ash Council understates the truth when it refers to "interagency rivalry, duplicative planning and conflicting policies." The new plan would end this internecine warfare by centralizing river basin planning and the final evaluation of all water projects in the Secretary. The Corps of Engineers in the Army, the Soil Conservation Service in Agriculture and the Bureau of Reclamation in Interior would continue to do engineering construction and maintenance but would have no policy-making roles.

A third division of the new department would comprise energy and mineral resources. It would be made up of the Bureau of Mines from Interior, the Rural Electrification Administration from Agriculture, and the peaceful uses of nuclear energy which now make up about 20 per cent of the activity of the Atomic Energy Commission. The Ash Council sets forth an ingenious plan for the reorganization of Indian services and persuasively rebuts the plausible idea that they might be better off in the Department of Health, Education and Welfare.

Broadly speaking, the wisdom of this reorganization is self-evident now, as it has been to Presidents and outside experts for more than thirty years. The political difficulties in Congress are equally visible. Members of the House and Senate Agriculture Committees, for example, are reluctant to lose jurisdiction over two major agencies, the Forest Service and the R.E.A. The Joint Atomic Energy Commission may not wish to let go of the peaceful side of the A.E.C. If President Nixon would lead vigorously enough and if the public would interest itself in the struggle, this selfish resistance could be overcome. A successful outcome would be a major advance in the nationwide effort to improve the physical environment.

INTRODUCING BILL TO PROVIDE FOR CONTINUED OPERATION OF PUBLIC HEALTH SERVICE HOSPITALS AND CLINICS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. ANDERSON of California. Mr. Speaker, I am today introducing a bill which would appropriate the $21 million needed by the Public Health Service to maintain the present operations of the eight Public Health Service hospitals and 30 outpatient clinics.

As you know, the administration has suggested the closing of the eight Public Health Service hospitals and 30 outpatient clinics. Last year, Congress appropriated $87,822,000 for this program. However, this year as part of an apparent phasing out process, the administration has cut this back to $66 million.

My bill, H.R. 5800, would restore funding to last year's level, which I feel is a bare minimum. However, I feel we must not only maintain present services, we must expand, modernize, and upgrade these facilities to provide better care for those in need.

Mr. Speaker, I am appalled at any suggestion to close down a hospital program, especially at a time when the health care service in the United States is at a critical low. Such proposals are incongruous in light of the increasing workloads which hospitals and clinics are bearing, the ever-escalating costs for doctors, drugs and hospital care, and the critical need for such services in many areas. There is a dearth of hospitals in this country.

Instead of curtailing services, every effort should be made to augment and expand health services and take positive steps toward providing meaningful, comprehensive, and professional health care for all citizens.

I protest the plans to close any of the existing Public Health Service hospitals or clinics. The PHS hospital system was established in 1798 as a means to provide medical care for merchant seamen. This system not only provides medical care for seamen but it protects our Nation against disease catastrophes. Further, it has introduced and maintained a public service concept that benefits the medical profession, and our Nation, as well as the seamen and other recipients of such hospital and medical care. The proposal to terminate this public service concept of medical care is shocking.

It is even more incomprehensible when we consider the total service which the Public Health Service hospitals provide. At one time there were 30 PHS hospitals. Today, there are eight along with 30 PHS clinics, one of which is located in my district in San Pedros, Calif. These facilities provide care to merchant seamen, Coast Guardsmen and their dependents, as well as to active and retired military personnel and their families.

The contributions which these hospitals make are truly of great magnitude. Each facility is an integral part of the health care system of the community in which it exists and is helping to meet the rising demand for quality health care. It serves as part of the training forum for badly needed medical personnel. There are 500,000 beneficiaries of the PHS program. In short, the PHS hospital system provides much-needed service and should be expanded—not eroded.

For example, in the PHS clinic in San Pedro, Calif., in a 3-month period—July–October, fiscal year 1970—there were 26,777 outpatient visits. This workload average, of over 8,500 outpatient visits a month, was handled by a staff of 54 people.

Mr. Speaker, I would like to submit for the record, at this point, three tables which give an accurate picture of what just one PHS clinic, the clinic in San Pedros, Calif., is doing. Table No. I lists the total outpatient visits and number of different individuals visiting the San Pedro, Calif., Outpatient Clinic by class of beneficiary. Table No. II outlines visits to outpatient services as well as adjunct services and selected procedures. Table No. III gives us a picture of the heavy laboratory workloads handled by the San Pedro clinic.

The tables follow:

TABLE I.—TOTAL OUTPATIENT VISITS AND NUMBER OF DIFFERENT INDIVIDUALS VISITING THE SAN PEDRO, CALIF., OUTPATIENT CLINIC, BY CLASS OF BENEFICIARY, FISCAL YEARS 1965-69

Class of beneficiary	1965 Total	1965 Individual	1966 Total	1966 Individual	1967 Total	1967 Individual	1968 Total	1968 Individual	1969 Total	1969 Individual
All beneficiaries, total	61, 184	26, 334	70, 816	25, 474	84, 048	29, 023	84, 527	32, 851	82, 803	33, 083
Nonreimbursable, total	60, 454	25, 814	70, 020	24, 852	83, 240	28, 276	84, 024	32, 450	80, 000	31, 258
American seamen	27, 625	5, 206	34, 022	5, 180	40, 581	6, 583	42, 087	7, 840	41, 814	8, 266
BEC	1, 468	207	1, 519	198	1, 977	255	2, 031	311	1, 570	437
ESSA (formerly C. & G.S.)	18	4	10	4	12	3	32	14	48	9
Coast Guard	9, 150	5, 151	10, 544	5, 121	12, 789	5, 928	10, 848	7, 482	10, 243	6, 814
Department of Defense	1, 198	272	1, 195	210	1, 592	316	1, 787	379	1, 325	288
Dep., DOD	1, 975	597	3, 654	717	6, 144	1, 054	6, 853	1, 244	6, 154	1, 126
Dep., CG, ESSA, and PHS	4, 425	969	5, 355	894	5, 247	851	4, 597	1, 025	3, 977	989
Emergency	15	13	11	11	17	17	4	4	3	3
Federal employment (physical examinations)	394	280	511	413	354	302	359	298	191	139
PHS commissioned officers	490	182	632	261	640	300	718	208	507	116
Special study	21	1	57	5	261	76	291	248	299	162
Patients with leprosy	76	4	322	123	940	230	929	174	586	148
Inoculations and vaccinations	9, 667	9, 667	6, 164	6, 164	6, 307	6, 307	5, 465	5, 465	5, 573	5, 567
PHS field employees [1]	388	26	281	32	298	17	129	28		
Other	3, 544	3, 235	5, 743	5, 519	6, 081	6, 037	7, 894	7, 730	7, 710	7, 194
Reimbursable, total	730	520	796	622	808	747	503	401	2, 803	1, 825
Foreign seamen	41	10	140	25	62	15	124	58	60	20
Immigration and naturalization			3	3	5	5			6	6
Emergency									2	2
Other	689	510	653	594	741	727	379	343	2, 735	1, 797

[1] Public Law 90–174 effective Dec. 5, 1967, removed PHSFE from eligibility.

Source: Monthly report on outpatients and adjunct services, form PHS–T408.

TABLE II.—USPHS OUTPATIENT CLINIC, SAN PEDRO, CALIF. VISITS TO OUTPATIENT SERVICES

Service	Total visits, Fiscal Year— 1965	1966	1967	1968	1969
Allergy		978	2, 591	3, 178	
Dermatology	784	769	731	641	868
General	38, 464	44, 638	50, 705	47, 370	51, 537
Leprosy		[1] 315	935	905	929
Medicine					2, 822
Ophthalmology	1, 159	1, 110	1, 060	1, 250	1, 243
Orthopedics	359	377	410	669	577
Otolaryngology	730	1, 167	1, 006	929	847
Pediatrics		253	702	491	
Psychiatry	177	147	165	165	129
Pulmonary			[2] 64	396	486
Dentistry	7, 592	7, 239	7, 617	8, 170	7, 473

ADJUNCT SERVICES AND SELECTED PROCEDURES

Services and procedures	Total number, fiscal year— 1965	1966	1967	1968	1969
Physical medicine, total visits physical therapy (with qualified therapist)	10, 187	11, 699	13, 508	14, 445	13, 352
Radiology:					
X-ray examination, total visits	9, 963	12, 645	10, 275	9, 633	8, 123
X-ray films taken	16, 256	21, 153	21, 008	21, 688	18, 747
Pharmacy:					
Prescriptions and requisitions	31, 563	35, 925	45, 954	50, 705	52, 184
Total issues	6, 892	7, 439	5, 960	7, 329	5, 869
Bulk compounded items	168	183	96	370	214
Prepackaged items	16, 701	20, 243	23, 222	32, 870	30, 089
Social service:					
New and reopened cases	2, 620	2, 644	2, 958	2, 946	[3] 851
Case work interviews	5, 193	5, 234	6, 110	6, 076	2, 775
Cases closed	2, 601	2, 633	2, 999	3, 047	[3] 703
Average monthly caseload per social worker	(4)	(4)	(4)	(4)	46
Operations in operating room	2, 165	2, 085	2, 163	2, 060	1, 898
BMR tests	2	1			
Electrocardiograms	1, 217	1, 490	2, 168	[5] 1, 826	[5] 1, 692

[1] Data are for 6 months; began operating January 1966.

[2] Data are for 4 months.

[3] Data are for 10 months; social worker attended conference and was on leave during August and September. Decline is due to method of counting caseload.

[4] Not available; caseload is not reported on same basis as other stations.

[5] Tests reported on clinical laboratory table as part of miscellaneous category.

Sources: Monthly Report on Outpatients and Adjunct Services, Form PHS–T408, Pharmacy Operations; Quarterly Report, Form HSM–169–1; Social Service Monthly Statistical Report, Form HSM–38 and Monthly Report of Dental Operations and Administration, Form HSM–136–3.

TABLE III.—U.S. PUBLIC HEALTH SERvICE OUTPATIENT CLINIC, SAN PEDRO, CALIF.: LABORATORY WORKLOADS, FISCAL YEARS 1967-69

Department, fiscal year	Unweighted test, outpatient	Weighted test, outpatient
Total:		
1967	35, 924	75, 385
1968	34, 666	68, 817
1969	34, 850	71, 533
Chemistry:		
1967	4, 768	13, 882
1968	4, 788	13, 467
1969	6, 186	17, 600
Urinalysis:		
1967	6, 962	13, 351
1968	6, 764	13, 086
1969	5, 881	11, 321
Radioisotope:		
1967		
1968		
1969	4	8
Hematology:		
1967	13, 000	19, 446
1968	13, 035	18, 796
1969	13, 051	18, 605
Microbiology:		
1967	651	1, 702
1968	975	2, 563
1969	807	2, 145
Parasitology:		
1967	370	1, 114
1968	225	729
1969	250	777
Virology:		
1967		
1968		
1969	1	3
Serology:		
1967	6, 257	6, 875
1968	5, 916	5, 918
1969	5, 545	5, 842
Blood bank:		
1967	985	2, 955
1968	644	1, 932
1969	652	1, 956
Histopathology:		
1967	763	3, 052
1968	794	3, 176
1969	781	3, 124
Miscellaneous:		
1967	2, 168	13, 008
1968	1, 525	9, 150
1969	1, 692	10, 152

Source: Interagency Clinical Laboratory Workload Reporting System, HSM–164–1–164–10.

I would also like to submit for the record, at this point, a letter from Mr. John J. Royal, secretary-treasurer, Fisherman & Allied Workers' Union, Local 33, ILWU. Mr. Royal states that his "organization vehemently opposes such a move" and explains in this letter some of the advantages of maintaining and expanding the PHS hospitals and clinics.

The letter follows:

FISHERMEN & ALLIED WORKERS'
UNION, LOCAL 33 ILWU.,
San Pedro, Calif., January 8, 1971.

Hon. GLENN ANDERSON,
House Office Building,
Washington, D.C.

DEAR CONGRESS ANDERSON: We compliment you for taking the initiative in opposing President Nixon's proposal to close down the United States Public Health Outpatient Clinic in San Pedro, California.

Our organization vehemently opposes such a move, and we would appreciate your continued support on this matter.

As you know, this San Pedro U.S. Public Health Outpatient medical facility is the only one available to our seamen and commercial fishermen in the Los Angeles area. It provides irreplaceable and incomparable health services in the form of preventive medicine besides its normal health care; it provides dental and eye care also which are both available to our fishermen. It is, moreover, centrally located in the area of the Port of Los Angeles, and is conveniently placed among the homes and residences of our men who ply the high seas all year long.

U.S. Public Health care for the seafarer is a matter of simple social justice in the light of the unique relation he holds to his vessel, which is one of personal indenture; the dispensation or the distribution of health care to the seafarer by its "ward," the Federal Government, is based upon the historical tenets of necessity in order to protect him from being overreached by masters and shipowners. We do not want to lose this principle of "wardship."

The beneficent attitude of our country and its people toward our seafarers was ably put by Justice Story when he set forth the underlying principles impelling the nation to that attitude. These were: (1) The protection of seamen who, as a class, are considered improvident from the hazards of illness and abandonment while ill; (2) The inducement to masters and owners to protect health and safety of seamen while in the merchant service; (3) The maintenance of a merchant marine and a fishing fleet for the furtherance of foreign trade in time of peace and as an arm of defense in time of war; and (4) By inducing seamen to accept employment in an arduous and perilous service. Every maritime nation has underwritten the health and welfare of its seafarers in this humanitarian and protective spirit. In fact, our nation from its earliest period of national existence has faithfully recognized the value of its men of the sea and their calling in this social context.

The U.S. Public Health Outpatient Clinic in the Port of Los Angeles, San Pedro, California has made in the past, and is still making a benevolent, humane and vital contribution to the health and welfare of our seafarers and fishermen in the whole Los Angeles complex. We hope that it will be allowed to continue. It makes seafaring and fishing not only a socially useful calling but also a safe one!

May we, therefore, respectfully urge you to continue to fight, in your forthright fashion, for this vital and meaningful social service.

Respectfully yours,
JOHN J. ROYAL,
Secretary-Treasurer.

I have mentioned the need to expand our PHS facilities. Congress overwhelmingly passed the Emergency Health Personnel Act of 1971, which was signed into law by the President last New Year's Eve. Under this act, the role of the Public Health Service is expanded beyond its present beneficiary group to help meet health needs in urban and rural poverty areas that are presently underserved. Why would the administration approve a law to expand services and, then, with the other hand, advocate the closing of the hospitals and clinics?

To rely on the Veterans' Administration hospitals to take over the PHS caseload, as suggested by Secretary Richardson, appears not to be properly accounting for the already overburdened condition of these facilities. The VA cannot handle USPHS beneficiaries in addition to the VA's own patients.

Mr. Speaker, as a supporter and cosponsor of the House concurrent resolution expressing the sense of Congress to continue these hospitals and clinics, as a member of the House Merchant Marine and Fisheries Committee which has conducted hearings on this matter; as a person concerned with the escalating costs for doctors, drugs, and hospital care that now cost Americans some $70 billion a year—a 16-percent rise last year, far greater than our general inflationary trend in the United States; as an American concerned about the poor state of the Nation's health, despite the fact that we have in our highly industrialized and technological society the ability to provide proper medical care for our people; I appeal to all concerned persons to help in our efforts to expand and modernize our existing health care facilities and not erode or eliminate the PHS.

I urge that all efforts be made toward building, and not destroying, the Public Health Service hospital system.

THE POLLUTION AND ECOLOGY ISSUE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. SCHMITZ. Mr. Speaker, within the span of 2 short years, pollution and ecology have escalated from the particular concern of only a relative handful of people to a major national issue which polls report to be second only to the Vietnam war—sometimes even ahead of the war—as the primary concern of the public today.

Sometimes it seems that anything goes in the name of ecology. After the Liberty amendment, which I regularly introduced, had been defeated four times in the California State Legislature, it occurred to me that perhaps it could be passed if only I could present it as an antipollution measure.

But, seriously, we do need clear and specific guidelines to evaluate all proposed Government action against pollution and for protecting the environment. First, we should be at least reasonably sure that the alleged danger is real. Second, we should be sure that it is not already being effectively abated through the use of powers now available to Government, or through programs undertaken by the private corporations directly involved. Third, we should have good reason to believe that the danger actually threatens the life and health of our people, thereby making it a proper subject for governmental action, rather than—for instance—involving esthetic considerations only.

If these guidelines are not rigorously applied, we can be sure that the "ecology" issue will be used to bring about the needless and harmful extension of Government controls over the conduct of private business and the use of privately owned land, and to hamper technological developments vital to our national defense which present no real environmental hazard.

All three of the criteria I have mentioned are met by air pollution resulting from factory and powerplant emissions and automobile exhaust, and by water pollution resulting from industrial wastes and untreated sewage. These forms of pollution clearly threaten life and health, cross State lines—making them a legitimate subject for Federal legislation—and by most indications are not being effectively checked by present legislation and control programs. Therefore I have actively supported, and will continue to support actively, much stronger legislation such as the recently passed Clean Air Act to remove these threats to life and health.

On the other hand, the environmental case against the supersonic transport—whose fate Congress is scheduled to decide this month—meets none of the three criteria. There is no convincing evidence that this aircraft will significantly endanger life and health. Much of the opposition to it, in the name of ecology, appears actually to arise from hostility to the military-industrial complex involved in the research and development and construction of this aircraft.

Therefore, I will vote for the appropriations necessary to complete the present development of two prototype models, so as not to lose the benefit of the work already done. But construction and development costs for any commercial fleet of supersonic aircraft should be met by the aircraft industry, without Federal subsidy.

Another example of how the pollution and ecology issue can be misused was pointed out recently by my colleague from California, Congressman CRAIG HOSMER. He said that nuclear power, actually the "cleanest" of all ways now known of producing electric power, was being given a "bum rap" by the "ecophiles." Taking advantage of popular fears of anything to do with nuclear energy, the development of this new "clean" power source is being hampered at precisely the time when existing and needed powerplants are a major contributor to air pollution.

A YOUNG OFFICER'S LETTER ON OUR INVOLVEMENT IN INDOCHINA

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. JACOBS. Mr. Speaker, recently I received a letter from a friend and constituent, a Green Beret and first lieutenant in the U.S. Army, who has served in Vietnam for the past several months as an adviser to an ARVN unit. I commend the reading of this statement to all who would inform themselves of the realities of our tragic involvement and recent adventures in Indochina—the "official" Pentagon versions notwithstanding.

Part of this young officer's letter reads:

As for the continuing nightmare of Vietnam, I guess all I can say is that it's still continuing and it's still a nightmare. My personal feelings on the subject have steadily gone downhill, and I guess, at this point, you could say I've just about had it. There's no way to describe in words how the situation has deteriorated in the past couple of months, but, believe me, getting every American out of Vietnam tomorrow wouldn't be too soon.

And what's surprising is that N.C.O.'s with 15-to-20 years in the service and wearing red, white, and blue underwear have reached the same conclusion—and are expressing it! What has been at best an unpopular war is now becoming totally futile—even in the eyes of its staunchest supporters.

For us, as advisers, the problem lies within the nature of the Vietnamese people. They have the training they need; they have the equipment they need; but the things we can't give them are the intangibles like concern and initiative—i.e., *our* values and presumptions. They just flat don't give a damn—so why should we? The result here in Binh Dinh province has been that they're getting the ——— kicked out of them—and personally, I don't want to be around for the finish.

Then I read in *Time* magazine that there is very little enemy activity nowadays and that Abrams says 70% of the Vietnamese forces are as effective as U.S. troops, and I get sick. Sometimes I'd just like to get up on a huge platform right in the middle of the U.S. and yell at the top of my lungs, Bull ———! You American people don't know half of what's really going on in Vietnam!' But since that's not Standard Operating Procedure for 1st lieutenants nowadays and since I want to get out as soon as possible—preferably "honorably"—I'll refrain from building my platform. But when they ask you to stop thinking, that's a little too much. And I'm afraid that's exactly what our "Commanders" have done. That's the only excuse I can think of for going into Laos and Cambodia. These exercises in futility are only delaying the inevitable withdrawal of all U.S. troops from Southeast Asia, and this delay is definitely proving to be much more costly than people realize.

A SLAUGHTER OF INNOCENTS

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. HARRINGTON. Mr. Speaker, President Nixon's policy in Indochina is not one of steady withdrawal as is maintained, rather it is a bloody program of escalating American air bombardments sheltering increased South Vietnamese aggressions.

Instead of deescalation, the war has been carried by means of increased air and invasion into two more countries, victims of American withdrawal.

We did not believe that it was possible for this war to grow more cruel. Now the President through his policy of indiscriminate aerial warfare, has demonstrated that no sacrifice is too great to insure American victory; provided the bill is paid by a slaughter of civilians and not American casualties.

Tom Wicker's column, "A Slaughter of Innocents," exposes this policy for the fraud it is. I trust my colleagues will read the article and consider its implications. The article follows:

A SLAUGHTER OF INNOCENTS

(By Tom Wicker)

WASHINGTON.—President Nixon's news conference of Feb. 17 made clear what skeptics have long believed. His Vietnam policy is by no means one of steadily withdrawing Americans from South Vietnam, then letting the people of Indochina work out or fight out their own affairs. It is instead a policy of escalation by American air power and South Vietnamese manpower, with the aim of military victory.

"I am not going to place any limitations upon the use of air power," Mr. Nixon said, excepting only the use of nuclear weapons. And if South Vietnam invades North Vietnam across the demilitarized zone—"to defend their national security," in the President's Orwellian lingo—Mr. Nixon openly left standing the possibility of sending American air power to support the invasion.

Mr. Nixon was careful at every turn to lay down, as a basis for an unlimited air war, the doctrine that he would be acting only to protect the lives of American ground troops. This blatant deception was used to justify the Cambodian invasion and is being used to justify the current extension of the ground war into the Laotian panhandle. But it was exposed as a fraud by Mr. Nixon himself, who claimed that the fighting in Cambodia had cut one North Vietnamese "lifeline" and then said of the march into Laos:

"This action would either cut or seriously disrupt the other pipeline or lifeline . . . the Ho Chi Minh Trail into the north half of South Vietnam. Therefore, we expected the North Vietnamese to fight here. They have to fight here or give up the struggle to conquer South Vietnam, Cambodia, and their influence extending through other parts of Southeast Asia."'

Those are the words of a man seeking a showdown. The clear threat to turn loose the South Vietnamese to invade North Vietnam, under a protective umbrella of American planes and behind a destructive barrage of American bombs, may be in part psychological warfare. But if the President cannot get his victory in Laos, as he could not get it in South Vietnam or in Cambodia, there is only one other place to seek it, and every reason to believe that Mr. Nixon will do just that.

It should be noted well that this President, who was elected promising to end—not win—the war, has effectively jettisoned the Paris negotiations. Not only did he say that American representatives would continue to participate only in hopes of making an arrangement concerning prisoners of war—not the war itself—but he also said flatly that "we are not going to make any more concessions."

Not content with this demolition, Mr. Nixon went further and reiterated the fact that he has also abrogated the only fruitful results of those talks—the October, 1968 "understanding" by which the bombing of North Vietnam was ended.

That understanding was entered in good faith by the previous Administration and by Hanoi. Now Mr. Nixon has asserted without convincing supporting evidence that attacks on American reconnaissance planes over Hanoi constitute a North Vietnamese violation of the understanding that releases him from it; further, Mr. Nixon insists that he will bomb North Vietnam any time he decides anything happening in that country threatens American lives.

So the talks are dead, interred by a President who charges the other side with making no concessions despite having made none himself on any point that matters; and the important understanding those talks produced is also dead, broken by the second American President who failed to honor an arrangement with Hanoi; and the war has been carried by air and invasion to two more countries, with the threat poised of the invasion and aerial devastation of a third.

This is a policy calculated to bludgeon North Vietnam to its knees, without appalling American casualty lists; it is also a policy that risks retaliation elsewhere—in northern Laos or in Thailand—and might bring Chinese entry into the war. But above all, every American, every citizen who loves his country, every man who honors humanity should understand the cost of this policy in life and suffering.

It is a policy of indiscriminate aerial warfare and blind firepower on the ground that means death and destruction wholesale, not just body counts of enemy dead, but a slaughter of innocents—women and children and old people—villages destroyed, the earth ravaged, refugees in their miserable thousands wandering homeless and hungry. For the people of Indochina, it is a wanton lie that this Administration is "winding down" the war; it is spreading the war like a a holocaust.

In a forthcoming article in The New York Review of Books, Daniel Ellsberg cites Senate reports showing that more than a million Cambodian refugees have been "generated" in the last nine months; that in Mr. Nixon's first year in office about 50,000 civilians were killed, and in his second, more than 70,000. No one knows how many there will be in his third, or what number of innocents will die in Laos, or how many more will be made refugees.

But they will be many, and every one an ineradicable stain upon the once-proud name of the United States of America.

A LEGACY OF EXCELLENCE

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. MIZELL. Mr. Speaker, at this time I would like to ask my distinguished colleagues to join with me for a moment in honoring the memory of Mr. Carl Abram Webster, who passed away recently after serving for the past 10 years as Yadkin County field supervisor for the Agricultural Stabilization and Conservation Service.

He leaves a legacy of excellence in finding ways to cope with the problems and realize the potentials of agriculture, and he will be greatly missed and fondly remembered by his many friends and associates in Yadkin County, N.C.

At this time, Mr. Speaker, I insert in the RECORD the text of the February 19, 1971, newsletter of the Yadkin County ASCS, which deals exclusively with the work of Carl Abram Webster.

I recommend it to my colleagues' attention:

CARL ABRAM WEBSTER

Tuesday night, February 16, Yadkin County farmers and Yadkin County ASCS lost a true friend and a dedicated worker in the passing of Carl Webster.

Carl first became associated with ASCS in 1955 when he was selected by his neighbors to the Deep Creek Community Committee. He has been re-elected to that committee every year for the past 16 years. In 1956 Carl was employed as a reporter for the county office measuring land. He worked as a reporter until 1960. In June of 1960 he was promoted to Assistant Field Supervisor. In 1961 he was put in charge of all field work for the county office. He served in this position until his death this week.

In the nine years that I have been manager of the Yadkin office I, nor the county committee, have never had to correct or change any job that Carl performed. Spotchecks of his work by our state office never revealed any errors on his part.

He was truly devoted to his work, being satisfied with only one thing; doing a good job and treating all the farmers of Yadkin County with respect and fairness. This, we believe, he did without question.

He will be missed by us who knew him and we will long remember his smiling face, wit, and warm friendship.

THE CASE FOR REIES LOPEZ TIJERINA

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. HAWKINS. Mr. Speaker, I have been reading with concerned interest and frequent dismay for many months about the case of the Mexican American leader, Reies Lopez Tijerina, who is currently being held in prison by the Government of the United States at the Springfield, Mo., Federal Medical Center. He was charged and convicted of aiding and abetting an assault on forest rangers in the Carson National Forest in October 1966.

The Carson National Forest is part of land that Mr. Tijerina and many of his followers in the Spanish American land grant organization, the Alianza Federal de Pueblos Libres—Federal Alliance of Free Communities—contend belonged as common municipal land to the descendants of the original Spanish American settlers under the Treaty of Guadalupe-Hidalgo, 1848, which terminated the Mexican-American war and which involved the cession of the southwestern United States to this Nation.

Though some may think Mr. Tijerina's claims and those of his followers to be absurd and irrational, too much history, too many documents, and too much reason say otherwise. This is not to say, however, that I necessarily support or agree with those claims, but I do consider them very serious and substantial.

Many persons concerned with the civil rights and liberties of our citizens have sought through the courts and otherwise to obtain justice for Mr. Tijerina. Foremost among them has been Mr. William J. Higgs, a noted civil rights attorney, who has written to the Justices of the U.S. Supreme Court, petitioning for the redress of grievances. His letter presents a brief but concise delineation of the background and facts surrounding the conviction of Mr. Tijerina, and as such should be of most particular interest and enlightenment to my colleagues.

The letter follows:

Albuquerque, N. Mex.,
February 21, 1971.

Mr. Chief Justice Burger, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice Harlan, Mr. Justice White, Mr. Justice Marshall, Mr. Justice Blackmun, *U.S. Supreme Court, Washington, D.C.*

Gentlemen: I am writing this letter somewhat in the nature of a petition for the redress of grievances, somewhat in the nature of a letter of deeply felt and needed expression.

Since I am trained in the law, as such is known in this country (Harvard Law School, LL.B., 1958), I realize that this communication will probably have no meaning, no effect. Nevertheless, I have always given in to the urge to express myself when I felt something was deeply wrong. And this time is no exception.

I shall try to be brief; you have enough to read as it is.

In 1896 the Court gave its opinion in the case of *Plessy* v. *Ferguson,* 163 U.S. 537. That opinion became the cornerstone of legalized racism in this country. One year later in 1897, the Court handed down its decision in the cases of *U.S.* v. *Rio Arriba Land and Cattle Co.* (167 U.S. 298) and *U.S.* v. *Sandoval* (167 U.S. 276). These opinions, together with *U.S.* v. *Santa Fe,* 165 U.S. 675 (1897), now stand as the bulwark against the property rights of the impoverished Indo-Hispano (Chicano) of the Southwest. These cases grew out of the Treaty of Guadalupe-Hidalgo (final ratification by Mexico on May 30, 1848) closing out the war between the United States and Mexico, which many people believe was the most sordid chapter in our history. This Treaty stated that the property (as well as civil and political) rights of the Indo-Hispano would be faithfully protected by the United States. In essence these decisions of the Supreme Court held that the common lands of the pueblos (settlements) of the Indo-Hispano people of the Southwest belonged not to these people but to the U.S. government. (It goes without saying that the Court never considered protecting the inalienable character of the common lands of the pueblos in the Indo-Hispano people.) The Supreme Court wrote down reasoning to the effect that, since, under the laws of Spain and of the Indies (Spanish America), the King of Spain held and exercised absolute dominion and control over the common lands of the pueblos, the U.S. government as the successor to the King of Spain and to the government of Mexico was entitled to the common lands. In large part these Supreme Court decisions meant that up to 100,000,000 acres of land (about ⅛ of the entire area of the Southwest, Texas to California—according to *The Public Domain,* U.S. Public Land Commission (Washington: U.S. Government Printing Office, 1884), p. 409, claims for 80,000,000 acres were evidently outstanding in New Mexico, Colorado and Arizona alone) was transferred effectively and successfully under the rubric of "legal process" from the Indo-Hispano people to the U.S. government, to shyster lawyers such as the Santa Fe Ring, and to other "Anglo" opportunists skilled in the art of legal intrigue.

In short, these decisions of the U.S. Supreme Court and the type of legal process that they fostered resulted in the loss of about 100,000,000 acres of land by the Chicano people to the U.S. government and Anglos—in direct violation of the guarantees of the Treaty of Guadalupe-Hidalgo.

Though I could not conceivably hold myself out as being anything but an average reader of Spanish, I have spent some time examining the various Spanish Codes, including the *Siete Partidas, Recopilación, Nóvisima Recopilación,* and others, as well as *La Recopilación de las Leyes de los Reynos de las Indias.* Also I have examined some treatises in Spanish on the subject. I am convinced that the Supreme Court of the *Rio Arriba, Sandoval,* and *Santa Fé* opinions was not correct when it accepted the position advocated by the U.S. government that the King of Spain held and exercised absolute dominion and control over the common lands of the pueblos.

Law 4, Title VIII, Book VII of the *Nóvisima Recopilación* states in part:

LEY IV.—Tiempo necesario para prescribir el Señorio de los pueblos, y su Jurisdiccion civil y cirminal, á excepcion de la Suprema, y de los pechos y tributos pertenecientes al Rey.

Ley 2 tit. 27. del Ordenam. de Alcalâ; y D. Felipe II año de 1566.

Porque algunos en nuestros reynos tienen y possen algunas ciudades, villas y lugares, y Jurisdicciones civiles y criminales, sin tener para ello titulo nuestro, ni de los Reyes nuestros antecesores, y se ha dudado, si lo suso dicho se puede adquirir contra Nos y nuestra Corona por algun tiempo; ordenamos y mandamos: que la posesion inmemorial, probándos segun y como y con las calidades que la ley de Toro requiere, que es la ley, tit. 17. lib. 10., baste para adquirir contra Nos y nuestros sucesores qualesquier ciudades, villas y lugares, y Jurisdicciones civiles y criminales, y qualquiera cosa y parte dello, con las cosas al Señorio y Jurisdiccion anexas y pertenecientes; . . . .

Since the words "contra Nos y nuestra Corona" and "contra Nos y nuestros sucesores" are used L take this language to mean that the pueblos at one time—at least until 1805, the date of the *Nóvisima*—held titles effective even as against the King, primarily because that is what it says.

Moreover, Law 8, Title XXI, Book VII, of the *Novisima Recopilación* declares—since 1515—that even the King of Spain could not grant to outsiders the common land within the terminos or boundareis of a pueblo.

Laws 1 and 2, Title I, Book II, of the *Laws of the Indies,* above, explicitly makes the laws of Spain applicable to the Indies when the *Laws of the Indies* do not cover the subject.

These laws I have mentioned above apparently were never seen by the U.S. Supreme Court of 1896, which contented itself with studying only some available English-language works and excerpts, much of which was incorrectly translated and contained serious omissions.

In addition, these cases before the Supreme Court invariably reflected only the interests of the U.S. government and the Santa Fe Ring as they struggled over who would get the spoils of the lands of the Indo-Hispano people.

Frankly, I do not feel that a legal brief is in order here. I just want to say that I am convinced that a reading of the Spanish Codes—in Spanish—will leave the reader certain that the Supreme Court of the United States incorrectly decided these cases that deprived the Indo-Hispano people of their land.

In view of the gravity of the continuing harm being done to the Chicano people of the Southwest, I would hope some day a Supreme Court would be big enough and just enough to rectify the wrong—just as Chief Justice Marshall did in *U.S.* v. *Percheman,* 32 U.S. 50 (1833) when he reversed the holding in *Foster* v. *Nelson,* 27 U.S. 164 (1829) and upheld a Spanish land grant upon the Court having subsequently called to its attention by means of a translation of the Spanish version the correct interpretation of the 1819 Treaty ceding the Spanish Floridas to the United States.

The consequences of this loss of land to the Indo-Hispano has been incalculable—in poverty, in suppression of culture, in denial of education, in encouraging of racial discrimination. And these effects are still continuing throughout the Southwest. One sees it here everywhere—in the facts and in the statistics.

And these are the consequences of this Court's decisions.

There is a man, Reies Lopez Tijerina, who—though having had only six months of formal education in his life and only learning English at 17—became interested in the plight of the Indo-Hispano, of his people, and in the role of the land in that plight. He traveled to Spain and to Mexico. He studied and purchased many books, including the *Laws of the Indies* and all of the old Spanish Codes. After years of laborious study in lawbooks and talking the old people became convinced that the U.S. Supreme Court was wrong, that the pueblo common lands belonged to the people of the pueblos, not directly to the King of Spain. He sought in various ways to petition the U.S. government to correct its error, all in vain. In other contexts he has come to the extrajudicial attention of this Court, particularly that of Mr. Chief Justice Burger.

Mr. Tijerina was charged and convicted by the U.S. government of aiding and abetting an assault on forest rangers in the Carson National Forest in October, 1966, on land which Mr. Tijerina and the neighboring settlers claimed belonged to the common lands of the pueblo of San Joaquin del Rio de Chama (Canon de Chama). Since the rangers had only been led by the arm about ten yards, no one was hurt; but Mr. Tijerina received a two-year sentence, while the ones who actually touched the Rangers' arms were out of prison in two months. This Court refused to even hear the appeal in Mr. Tijerina's case, so Mr. Tijerina now (Jan. 17, 1971) has finished serving that sentence. He has just begun serving another sentence stemming from his wife's burning of two Forest Service signs designating the southern part of the San Joaquin pueblo as part of the Santa Fe National Forest, since he was convicted of aiding and abetting her. Mrs. Tijerina's sentence was suspended. Mr. Tijerina is now still in prison and has been there since June 11, 1969, when his bond on the "assault" case was revoked on the grounds that he was "dangerous to the community." At a new hearing after 18 months in prison, bond on the "sign-burning" conviction was denied for the same reason on January 19, 1971, in U.S. District Court in Albuquerque. Various petitions for vacation of sentence and habeas corpus have been summarily rejected or gone unanswered.

After relentless persecution by the state and local police in northern New Mexico because of his struggle for the common lands, Mr. Tijerina was involved on June 5, 1967, in a now-famous shoot-out in the Courthouse in Tierra Amarilla, New Mexico, the county seat of Rio Arriba County, a land of great size and beauty and of great poverty—for the Indo-Hispano. Mr. Tijerina was brought to the state bar of justice on about sixty counts, several capital (kidnapping). At a November, 1968, trial at which the state was forced to select any three charges on which to try Mr. Tijerina, he was acquitted by the jury of all three. Subsequently, in spite of Mr. Tijerina's stand on the double jeopardy clause of the U.S. Constitution, he was retried in November, 1969, and convicted on two of three of the numerous remaining charges. Mr. Tijerina was his own lawyer in both trials. The state had learned its lesson well: At the first trial he was physically free, during the second he was in prison and denied access to legal materials and witnesses necessary to his defense, in federal custody. At the first he had this writer as advisor sitting at his side, at the second I was ordered by the Court to sit with the audience. At the first he could introduce evidence about the pueblos and the common lands, at the second he could not. At the first he could have testimony from those directly involved such as the governor and the district attorney (the object of an attempted citizen's arrest that precipitated the shootout), at the second he could not.

Presently Mr. Tijerina's appeal from the sign-burning case is awaiting decision by the Tenth Circuit in Denver. He has been trying for parole or for bond ever since his June 11, 1969, arrest without success. He is now confined in the federal Medical Center in Springfield, Missouri, and has undergone several operations on his throat, accompanied by sharp loss of weight.

I have always considered that I have as much a direct stake in injustice as those who suffer from it. I have been active in the civil rights movement both in Mississippi and in Washington, D.C., ever since my graduation from law school in 1958. Many household names and many forgotten persons of the movement have been my friends or acquaintances.

I believe Mr. Tijerina to be a very great man who passionately believes in justice. I believe that he is being made to suffer not for his transgressions against the law but for his convictions, the light of which the administrators of law and government cannot stand.

I believe the common lands—all 100,000,000 acres of them—in law and in justice belong to the Indo-Hispano people of the Southwest.

I would like to see the Court act in this cause and correct some errors, right some wrongs, and render justice. I do not believe that it will, but a petition at least has the salutory effect of making the petitioner feel better.

This letter is written with the greatest of respect to nine distinguished scholars and contributors of the law who have high dedication to justice as they perceive it—and I am not sure that one can ask for more.

Yours sincerely,

WILLIAM L. HIGGS.

WHAT ARE WE DOING ABOUT THE PROBLEM OF CUBA?

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. ROUSSELOT. Mr. Speaker, we are hearing a great deal of discussion today, especially in the news media, about the importance of Congress assuming the responsibility to establish priorities. In the area of establishing priorities as they relate to our own Western Hemisphere, an important area of foreign affairs is, "What are we doing about the problem of Cuba?"

While a candidate for President in 1960, John Fitzgerald Kennedy stated that our American Government stood "helplessly by while the Russians established a new satellite only 90 miles from American shores." For a Nation that has always been such an intense believer in the concept of freedom, and has spent so much time talking about the "now generation," it is amazing that we have so neglected the freedom of the Cuban people who live so close to our own borders. "Freedom now" should really become the theme of the American people in their concern for the tyranny that has existed so long on the island of Cuba. David Lawrence has written a most appropriate editorial in the current issue of U.S. News & World Report, dated March 15, 1971, entitled, "Have the Russians Bought Cuba?" I submit it for the consideration of my colleagues whom I know are much concerned about our major priorities in the field of foreign affairs:

HAVE THE RUSSIANS BOUGHT CUBA?

(By David Lawrence)

Information about the extent to which the Soviet Union is aiding Cuba financially is gradually becoming known. When the Soviets and the Cubans signed their annual trade agreement a few days ago, the First Deputy Minister of Soviet Foreign Trade said that 1971 would see an increase of $110 million in the value of Russian goods sent to Cuba.

Phil Newsom, a foreign news analyst of United Press International, says:

"Soviet aid has been keeping the Cuban economy afloat for the last ten years, and the Cubans now are estimated to owe the Russians more than $3 billion exclusive of military aid. With the Cuban economy going deeper into the hole each year, the Russians can have but little hope of ever being repaid."

The big question is: What is motivating the Soviets in spending so much money on a small country in Latin America? Certainly in a nuclear war Cuba would not be of much importance. But, as Mr. Newsom points out, in peacetime or if there is a conventional war, the value appears to be "enormous." He writes:

"It gives the Russians a friendly port where no other exists.

"It can provide the Soviet Navy with food and facilities for shore leave and repairs.

"It could interfere with shipping through the Panama Canal and threaten the Canal itself.

"It also could pose a threat to shipping moving out of the mouth of the Mississippi River.

"Further, it has the prestige value of providing the Russians a haven in waters heretofore exclusively American."

What is surprising is that this situation has been slowly developing over the last few years without much protest from the people of the United States. It is true that, when President Kennedy seemingly persuaded the Soviet Union to abandon Cuba as a missile base, this won widespread approval. But the main source of possible difficulties with Russia over Cuba has by no means been removed.

Ever since President Monroe in a message to Congress in 1823 promulgated what has been known as the "Monroe Doctrine," the American people have felt that no European power should be permitted to get a military foothold in this hemisphere.

It is apparent, however, that the Soviets have been financing the Cuban Government and have been making arrangements to use the island as a base. In recent months there have been reports about the building of a base for nuclear submarines in a Cuban port, and the belief has prevailed that the Castro Government will bow to the wishes of Moscow in making available for Soviet warships whatever they may require when they are operating close to the United States.

This is a contingency which has caused a good deal of concern in Washington. The State Department has discussed the matter with the Soviet Government and has been assured that there is no intention of constructing a permanent base. But it is obvious that Cuba itself is a "permanent base" which is going to be accessible to Soviet naval vessels of all kinds.

The situation now is far different from what it was in 1962, when Russia installed in Cuba land-based rockets with a range of about 1,000 nautical miles. Today the Soviet missile-submarine force could annihilate a substantial part of the American population from coast to coast. The Soviets have developed Polaris-type ballistic missiles for submarines, and the United States defense against them—the "Safeguard" system—is not expected to be operational for another five years.

Meanwhile, how many of the Polaris-type submarines which Russia possesses—a total of at least 13—are kept in Cuban waters?

Since Cuba is only a few miles away from the United States, the presence of a hostile military unit in Cuba is clearly in conflict with American principles as set forth in the Monroe Doctrine.

The Cuban Government itself is weak and is plagued with unfavorable economic conditions, which could bring on an internal revolution. There are many refugees from Cuba living on American territory today who would go back to their homeland if a new government were established.

As Russia moves in more and more to exercise a proprietorship over Cuba by furnishing huge sums of money to bolster the island's economy, the Soviets are believed to be maintaining also a headquarters for the training of agents who are in contact with Communist movements in other Latin-American countries.

The problem raised by what is happening in Cuba cannot be brushed aside. The American people have long supported the Monroe Doctrine and are opposed to any European country establishing a base in this hemisphere.

In time, the Cuban people themselves may solve the matter internally. But for the present the outlook for an independent Cuba is not bright. It has become one of the colonies of the Soviet Union, bought by Russian money.

THE NIXON REVENUE-SHARING PLAN: NO HELP TO OUR SCHOOLS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, an excellent article concerning revenue sharing and education written by Albert Shanker, president of the United Federation of Teachers, recently appeared in "The Detroit Teacher." Mr. Shanker points out that revenue sharing would merely create more problems for education, without solving the ones which presently exist.

In discussing new problems which would emerge under the President's proposal, Mr. Shanker underlines the most crucial one existing today, and notes that it will continue to exist if Mr. Nixon has his way. The most crucial problem today, of course, is money.

Perhaps the most cogent statement in this article is that, "Educational programs have failed because they have starved from their inception." No truer words about our educational programs have ever been spoken. Mr. Nixon proposes to do absolutely nothing about this with his revenue sharing plan. He does not propose to spend more money for education—he simply intends to rearrange existing funds.

Mr. Speaker, I am inserting this article in the RECORD, and I highly recommend it to any of my colleagues whose districts are presently experiencing financial problems with respect to education:

EDUCATION AND REVENUE SHARING

The school fiscal crisis deepens every day. In the New York area, New Rochelle has announced it may have to close schools. The district has run out of money and cannot raise taxes since the legal tax limit has been reached. New York City has imposed a job freeze, and the Board of Education is making cuts to head off a projected $50 million deficit. Newark teachers are on strike, following a Board of Education demand that teachers sign a four-year pact providing no salary increases over the contract period.

It is because of the urgent need for more education dollars that initial public reaction to President Nixon's revenue-sharing proposal has been very favorable. Unfortunately, a closer look at the proposal leaves us with little reason for optimism.

A major obstacle to passage by Congress of revenue-sharing legislation is that it strips many Congressional committees of the power to approve legislation in their respective jurisdictions. A Congressional revolt on the issue of committee jurisdiction may give the President a good campaign issue against the Democrats in 1972, but it's not the best way to feed dollars to our starving schools.

But even if the proposal were adopted new problems emerge:

Without the appropriation of new moneys (which are not mandated in the President's program), revenue sharing will merely result in the destruction of present programs such as Title I.

Giving block grants to the states, rather than continuing the present earmarked categorical aid, reopens the thorny question of how much money goes to private and parochial schools as against public schools—a question that will have to be fought out and resolved on a state-by-state basis.

Moreover, enforcement of the provision that federal funds shall not be used to support racially segregated schools—a provision which the federal government itself has found "difficult" to enforce—would now be turned over completely to the very states guilty of discrimination.

Finally, in the proposal to give block grants to states there is no provision (as now exists in categorical aid) guaranteeing that the state will disburse the money to the cities in need. The states themselves will decide where the money goes, with the likelihood that these cities will be cheated in the process.

THE NIXON VERSION OF "POWER TO THE PEOPLE"

The President's use of the radical slogan, "power to the people," emerges as a conservative demand that Congress appropriate moneys without commitment to church-state separation, civil rights and aid to the cities. Congress should be reluctant to endorse such a program, in light of its historic obligation, when federal moneys are appropriated, to assure that these moneys are used to promote and advance national public policy, not to contradict or subvert it.

The administration's revenue-sharing plan must be placed in a yet broader context. At the recent White House Conference on Children, the administration worked day and night to undermine support for educational spending with such arguments as: "The schools are doing a poor job." . . . "Federal aid hasn't helped." . . . "Money is not the answer." Actually, money, as a remedy has never been given a fair trial. Educational programs have failed because they have been starved from their very inception.

Low financing means a choice of two makeshift procedures: Either the money is concentrated on meeting the needs of a very few schools, in complete neglect of the many, or it is spread so thin that no noticeable improvement can be expected anywhere.

The administration should stop saying that more money for the schools won't help until the remedy is tried—just once. If the President wants to help the schools, he need only enforce the legislation which is already on the books. The Elementary and Secondary School Education Act (ESEA), which contains the needed safeguards, is already on the books. Congress has authorized $24 billion over three years, but the administration will spend only $3.7 billion in the first year. New York City this year will get federal aid to education in the amount of $146 million. If the President were to fully apply the provisions of ESEA, and New York City were to get its full federal payment, the amount would be $292 million. What is true of New York is true of the rest of the country. Every major city would receive double the amount now allocated to it.

The Nixon revenue-sharing plan for education only consolidates and re-arranges existing funds. It does not provide any additional money for education. The Cost of Education Index indicates that school costs are increasing 13% a year, and the President himself predicted an increase of 6% in the cost of living. Thus existing federally funded school programs face actual cuts ranging from 6% to at least 13%.

If the President continues to press for this new and controversial revenue-sharing plan while failing to provide much needed aid to children under existing legislation, there will be no escape from the conclusion that education is being sacrificed to presidential politics.

STRATEGY OF REALISTIC DETERRENCE

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. ARENDS. Mr. Speaker, Secretary of Defense Laird appeared before our Armed Services Committee today to present his annual report on our defense posture and plans.

Our whole defense program is keyed to deterring aggression. Our objective is not to make war but to deter it.

I am inserting in the RECORD, as a part of these remarks, section 1 of the Defense Report. It is entitled "Toward a Strategy of Realistic Deterrence," and it merits the thoughtful reading of all of us who serve in Congress and have the primary responsibility for our national security:

I include the material as follows:

SECTION I—TOWARD A STRATEGY OF REALISTIC DETERRENCE

I. STRATEGY OVERVIEW

In his first Report to Congress on Foreign Policy, on February 18, 1970, President Nixon enunciated a policy of peace and what is needed to achieve it. Based on the principles of partnership, strength, and a willingness to negotiate, this positive policy is designed to move our country and the rest of the world toward a generation of peace. This basic policy, reaffirmed in the President's second Report on Foreign Policy, on February 25, 1971, underlies and guides our new National Security Strategy of Realistic Deterrence.

The goal of peace and the need to maintain adequate combat capabilities are fully consistent. The President recognized this when he declared adequate strength to be one of the three pillars of his foreign policy; without adequate military power our nation could not attain or maintain peace.

From the President's Strategy for Peace, we derive this guideline for Defense planning:

Our goal is to prevent wars, to maintain a realistic and ready military force aimed at deterring aggression—adequate to handle aggression should deterrence fail. As Secretary of Defense, I believe that in terms of force levels and expenditures, we can make the transition from war to lasting peace and expanding freedom with an efficient and modernized U. S. military force that, in peacetime, would require no more than seven percent of Gross National Product or less and be made up of no more than 2.5 million men and women who are volunteers. Combined with adequate strength, true partnership and constructive negotiations, such a force is designed to deter war.

The Department of Defense five-year program for FY 1972–FY 1976 is keyed to the goal of preventing war and securing peace.

A. SECURITY POLICY AND STRATEGY IN PERSPECTIVE

The security a nation enjoys at any given time is, in great part, the result of past efforts, particularly in the area of technology. The United States and other Free World nations clearly enjoy greater security today than they would if the tremendous efforts of the past twenty years had not been made.

In the past two decades we achieved first place in nuclear capability, became preeminent in space, and substantially strengthened our conventional capabilities. Our military power was an important factor in preventing aggression and safeguarding peace in many parts of the world, notably Europe. However, it did not prevent aggression in Indochina.

One problem was that national security policies during the past decade did not focus sufficiently on lowering the probability of all forms of war through deterrence of aggressors. The effect of these policies on military planning was to create forces that lowered the probability of nuclear war while stressing a growing U.S. military capability to engage and to fight in other types of conflict.

That this military capability proved not to be an effective deterrent was due to a second major problem in national security planning. This was the failure to correlate closely and fully military strategy, national security strategy, and foreign policy, which embrace all elements of effective deterrence—non-military as well as military.

This administration believes—and this is the foundation of President Nixon's Strategy for Peace—that our central national security objective is the prevention of war, and the movement toward a generation of peace. A realistic military strategy for the decade of the 1970's cannot be permitted to become an end in itself. It must be an inseparable part of a broader national strategy of deterrence, and meaningfully related to our pressing requirements in the domestic field.

In conceptual terms, U.S. national security strategy went through two distinct phases during the past two decades. Figures 1 and 2 in the Appendix illustratively summarize the basic strategy concepts, budget levels (in constant 1964 dollars), and major forces associated with the Eisenhower years and the Kennedy-Johnson years. These two phases were characterized by different emphases with regard to planning for military forces and military assistance. They can be summarized as follows:

EISENHOWER ADMINISTRATION

Strategy Concepts: Strategic superiority; limited general purpose forces deployed well forward with a potential tripwire function for possible nuclear response; strong regional and bilateral alliances with a dominant U.S. air, sea and ground role; allied ability to handle low intensity conflicts; and substantial economic and military aid. Eisenhower strategy and forces were deterrence-oriented with emphasis on nuclear umbrella.

Forces: Emphasis on development of new systems. Many nuclear systems deployed today were initially developed including IRBMs and ATLAS, TITAN, POLARIS and MINUTEMAN ICBM/SLBM systems. Work on ABM was also initiated. A notable decline in General Purpose Forces was evident from Korean War levels. Military manpower dropped by more than one million men. The number of Army divisions and Navy warships declined. Tactical air squadrons increased.

Budgets: In constant FY 1964 dollars, the budget came down sharply from the Korean peak in the first two years and remained relatively stable thereafter. The post-Korean mean average was about $46 billion.

Foreign and Military Assistance: The trend was down from post-World War II peaks but a rough balance was struck between military and economic assistance and the dollar levels remained relatively high.

Manpower: Emphasis was placed on Reserve call-ups for augmentation requirements.

KENNEDY-JOHNSON ADMINISTRATION

Strategy Concepts: Emphasis on "assured destruction" by strategic forces; "flexible response" for NATO strategy; a planning goal (never attained) to gain capability for fighting large Asian and European conflicts simultaneously; pursuit of a capability for fighting and training others to fight limited wars and insurgencies; and large but declining foreign and military assistance programs. Significant change in strategy was the shift in emphasis to greater orientation for U.S. toward bearing the principal Free World burden in non-nuclear conflict.

Forces: Strategic force buildup in early years until leveling off in the mid-1960's. Research and Development effort primarily emphasized refinements rather than conceptually new systems; notable exceptions: MIRV, battlefield sensors, F–111, C–5A. In general Purpose Forces, divisions, warships and tactical air squadrons, except fighter-interceptors, increased substantially. Manpower increased by over one million men, due largely to Vietnam. Special Forces were expanded.

Budgets: Trend up, with pre-Vietnam (1962–64) mean average $50.7 billion in constant FY 1964 dollars. Significant planning innovation: initiation of the Planning-Programming-Budgeting System (PPBS).

Foreign and Military Assistance: Trend toward roughly stable and large economic aid with military assistance down significantly. With general aid levels going down, there was shift from military to economic aid.

Manpower: Heavy reliance on use of the draft for conflict, rather than available Reserve forces. When Reserves were called up, it was largely for crisis-management requirements.

B. THE CHANGING ENVIRONMENT—PRELUDE TO THE 1970'S

When the Nixon Administration assumed office in January 1969, it was clear that our complex national security problems demanded a basic rethinking of the existing policies in the light of changing world and domestic conditions. It was clear that new directions were needed. In my Defense Report to the Congress last February, I discussed the problems we found and the initial steps we instituted to cope with them.

At least seven factors, taken together, indicate that the economic, political, military, and manpower realities existing now are significantly different from the situation just five years ago. These factors are:

A growing Soviet military capability and technological momentum.

An expanding Soviet influence around the world, as evidenced by worldwide deployment of its growing naval forces.

An emerging Chinese Communist nuclear threat.

The reordering of national priorities, with a reduced percentage of Gross National Product for defense spending.

Sharply rising U.S. personnel costs and a start toward Zero-Draft and an All-Volunteer military force.

A changing world economic environment because of vigorous growth, particularly among Free World nations.

An increasing awareness among NATO members of the need for burden sharing and among many of our Asian friends of the need for regional support.

Confronted with this changing environment, we concluded after careful analysis in the National Security Council that we must, whatever else, assure the following criteria in national security planning for the decade of the 1970's:

1. Preservation by the United States of a sufficient strategic nuclear capability as the cornerstone of the Free World's nuclear deterrent.
2. Development and/or continued maintenance of Free World forces that are effective, and minimize the likelihood of requiring the employment of strategic nuclear forces should deterrence fail.
3. An International Security Assistance Program that will enhance effective self-defense capabilities throughout the Free World, and, when coupled with diplomatic and other actions, will encourage regional security agreements among our friends and allies.

C. TRANSITION TO A NEW NATIONAL SECURITY STRATEGY

In my Defense Report last year, I characterized 1969 as largely a transition year in which we reviewed strategy, current capabilities, and possible major future programs. But I also stated that 1969 was a year of decision and that as a result of the review and decisions in 1969, the President had established the main directions of our foreign policy and national security strategy for the 1970's.

The changing international security environment was recognized and discussed by President Nixon in his first Foreign Policy Report to Congress in February 1970. The President's 1971 Foreign Policy Report amplifies these changes, and discusses some of the other major initiatives taken by this Administration; including the Middle East and Indochina peace initiatives, and a revised policy for Chemical Warfare and Biological Research.

The two major initiatives undertaken in 1969 which have a strong impact on our future defense planning were, of course, the Nixon Doctrine and the Strategic Arms Limitation Talks (SALT). The first emphasized our determination to instill a new basis for cooperation between us and our allies which takes into account their growing capabilities. The other demonstrated our commitment to serious and meaningful negotiations as the preferred path toward peace.

SALT is a crucial effort by the United States, in the field of negotiations, to seek agreement with the Soviet Union on strategic arms limitation. SALT represents an attempt (a) to reduce the likelihood of strategic nuclear war between the U.S. and the Soviet Union; and (b) to preserve U.S. strategic sufficiency through negotiations, rather than through competition in an arms race. SALT represents, among other things, an effort to avoid major increases in strategic force expenditures which will be necessary in the absence of an early successful agreement.

The application of the Nixon Doctrine can provide Free World strength and security as a realistic way to support peace initiatives through meaningful negotiations.

The institution of the Vietnamization program occurred almost simultaneously with the first public articulation of the Nixon Doctrine by the President in 1969 at Guam. Vietnamization, the first significant application of the Nixon Doctrine, was accorded top priority in our first two years of responsibility for national security affairs.

Both 1969 and 1970 were years of transition, during which new directions were set and major elements of our new strategy were structured.

We chose in 1970 to break the cycle of submitting a five-year defense plan to Congress in order to permit time for a safe and orderly transition from the national security policies of the past decade to those more appropriate for the decade of the 1970's and beyond.

The FY 1971 transitional program and budget was designed essentially to preserve the basic capabilities the Nixon Administration inherited as final decisions were being made on the major elements of our new national security strategy.

Although both FY 1970 and 1971 were transitional with respect to program and budget levels, the FY 1971 plan contained many of the key elements of the President's Strategy for Peace. Among the elements distinguishing the FY 1971 plan from the previous strategy were:

A concept of strategic sufficiency which is based on specific criteria for the design of our strategic capabilities;

A strong conventional capability buttressed by increased burden sharing and improved defense capabilities of other Free World nations;

Adequate peacetime general purpose forces for simultaneously meeting a major Communist attack in either Europe or Asia, assisting allies against non-Chinese threats in Asia, and contending with a contingency elsewhere;

Smaller U.S. active forces, with great emphasis to be given to their readiness and effectiveness, including modernization;

A re-emphasis on maintaining and using our technological superiority;

Increased international security assistance for the defense needs and roles of other Free World nations; and

A new approach to U.S. military manpower, based on a goal of Zero Draft and an All-Volunteer active force, with increased reliance on National Guard and Reserve forces.

What has emerged from the review and decisions of the 1969-70 transition years is a new approach to national security planning concepts and a reformulation of older concepts. The new strategy is one of "Realistic Deterrence."

D. A STRATEGY OF REALISTIC DETERRENCE

As Secretary of Defense, my primary responsibility is to address those aspects of the President's Foreign Policy which bear directly on the defense programs and defense strategy of this nation.

Figure 3 in the Appendix schematically illustrates the essential components of the President's Foreign Policy and the interrelated nature of the three pillars of peace—strength, partnership and negotiation.

It demonstrates in their broadest aspects the close relationship between the President's policy objectives on the one hand, and the close correlation of foreign policy activities guided by the State Department and those aspects of national security strategy which are the primary responsibility of the Department of Defense.

The President's foreign policy objectives concentrate on long-term objectives and long-term policies. He noted in describing the Nixon Doctrine that it is neither practical, nor the most effective way to build a lasting structure of peace to rely solely upon the material and manpower resources of the United States to provide this capability. We have said, and I would repeat, that we do not intend to be the policeman of the world. Many of our allies are already prosperous; others are rapidly becoming so. Therefore, it is realistic and more effective that the burden of protecting peace and freedom should be shared more fully by our allies and friends.

We seek a structure of peace, in which free nations support each other against common threats according to their proportionate strengths and resources, while each bears the major responsibility for its own defense. The security of all is enhanced if each nation increasingly is able to rely upon itself for its own defense, particularly its own defense manpower.

The Nixon Doctrine, by fostering and encouraging the capabilities of our allies, will enhance world stability. It is designed to foster development of a more effective deterrent—and through it a more stable world—thereby increasing the prospects for meaningful negotiation from a posture of strength around the world.

This approach in defense planning to national and international security—through the pillars of strength and partnership, each nation in a significant role and bearing its appropriate portion of the burden, each committed to working for peace from a strong internal security base—is a strategy of Realistic Deterrence. It forms the foundation for the third pillar—meaningful negotiation.

Turning to the defense posture and force aspects of this strategy for which I as Secretary of Defense am primarily responsible, I would point out that whatever the outcome of SALT, our strategic forces will remain the cornerstone of the Free World's deterrent against nuclear attack and must always be sufficient for this crucial role. While assuring an adequate deterrent at the strategic and tactical nuclear level, we and our allies also need to maintain strong conventional capabilities. Hence, for those levels in the deterrent spectrum below general nuclear war, the forces to deter Soviet and Chinese adventures clearly must have an adequate war-fighting capability, both in limited nuclear and conventional options. This has been reaffirmed during the past two years by a comprehensive reexamination, together with our allies, of our national and our multilateral deterrent capabilities, most especially NATO's historic review of Alliance Defense for the 70's (AD-70).

As we move toward the President's goal of peace in the decade of the 1970's, the deterrent to localized conflict apart from large-scale Soviet or Chinese attack, increasingly will to defend themselves. Local security themselves have a capability and national will to defend themselves. Local security would be further enhanced by regional defense arrangements which provide and take advantage of shared capabilities.

1. Regional Variations

Obviously, no single strategy can be applied in the same exact terms to situations which are sharply different. Therefore, we must fashion the elements of our strategy of Realistic Deterrence to match the various conditions we find in different regions. Let me cite several factors briefly, which I will discuss in later sections of this report:

In NATO/Europe, U.S. national security strategy for the 1970's must include the objective of maintaining a strong NATO deterrent in Western Europe, including its northern and southern flanks, against a wide range of possible Soviet and Pact initiatives, short of strategic nuclear exchanges. Such initiatives could span a continuum, from border incursions and military backed political threats to a full-scale conventional or tactical nuclear attack, including conflict at sea.

In Asia, our continuing nuclear superiority vis-a-vis the Chinese can contribute significantly to deterrence of Chinese nuclear attacks, or conventional attacks on our Asian allies, and would be strengthened further with an area ballistic missile defense effective against small attacks. However, there is a need for our Asian friends and allies to strengthen their conventional forces, both to defend themselves against non-Chinese attacks and, in regional conjunction, to build a defensive capability which would give Communist China increased pause before initiating hostilities. At the same time, we will maintain adequate forces to meet our commitments in Asia.

It is not realistic or efficient to expect each country to develop an independent self-defense capability against all levels of non-Chinese and non-Soviet attack. The drain on allied manpower and on their economies would inhibit the achievement of economic growth, and therefore, the political stability which is essential to military security. At the same time, deep historical, social and political inhibitions to immediate and effective regional mutual security arrangements in some areas must be recognized. Thus, a careful balance must be achieved between independent capabilities and collective arrangements. One of the most important means available to the U.S. to stimulate and to help aid in the development of these capabilities and arrangements is the provision of appropriate security assistance to our allies.

In summary, as shown on Figure 4, the Strategy of Realistic Deterrence, emphasizing Free World strength and partnership, offers the most feasible approach toward our goal of achieving basic national and international security objectives. This strategy involves a shift in the direction U.S. foreign and security policy has taken over the past ten years. Successful application of the President's Strategy for Peace requires a coordinated application of all foreign policy resources—military power, diplomacy, military and economic assistance, and foreign trade—and most importantly, the understanding and strong support of Congress and the American people.

As the President said in his Foreign Policy Report last month:

"Gone for Americans is a foreign policy with the psychological simplicity of worrying primarily about what we want for others. In its place is a role that demands a new type of sustained effort with others."

INTRODUCTION OF THE SCIENCE AND TECHNOLOGY ACT OF 1971

HON. HAROLD RUNNELS

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. RUNNELS. Mr. Speaker, I am introducing today a bill to create a long needed Department of Science and Technology. The concept of such a department and efforts to establish it date back to 1884—87 years ago—when Congressman Theodore Lyman, who in addition to being a Member of the House of Representatives, was also a scientist of great reknown and a member of the National Academy of Sciences. Since that time several attempts have been made to establish such a department. Among these were Clare Booth Luce—79th Congress, H.R. 5332; Congressman Brook of Louisiana in 1959, H.R. 8325; and Congressman TEAGUE of Texas in 1963, H.R. 4346. All previous efforts by our House colleagues failed to produce the necessary legislation to create a Department of Science and Technology. This has proved to be most unfortunate for the Nation as we now face a crisis in science and technology that could produce catastrophic effects on our future national and international economic status and our competitiveness in the world marketplaces. While we have failed to listen to the wisdom of our predecessors and contemporaries in the House on this matter in the past, I hope we have learned through the history of the past 87 years, and our experience in the past 25 years in particular—to now rationally reevaluate and create the needed Department of Science and Technology.

In the operation of the Federal Government today we find the execution of science and technology programs spread throughout virtually every department, commission, and agency. Each of these governmental entities presents to the Congress annually their requirements for research, development, test and evaluation programs. Congress has in the past assumed that the practice of interdepartmental - interagencies - intercommission coordination for the planning, execution, completion, and final utilization of the new knowledge, products, and services of these programs were being systematically, conscientiously, and expertly accomplished. After 25 years and hundreds of billions of dollars, we find that this has not and still is not being done. The spread of authority and responsibility for the execution of the programs required to meet the operational needs of Government in science and technology has resulted in an uncoordinated, uncontrolled, and unresponsive national science plan.

We, in essence, do not have now, nor have we ever had, a national science policy backed by a national science plan properly prioritized to put "good order and sound judgment" into this most vital area of Government activity. This very fact is today appalling when we realize that we are a technologically based society and that the failures of our past management of science and technology in Government now threatens our national and international position and well-being.

Yet, the solution to all of these ills, that have been developing for 87 years, has been placed before us time and time again by our predecessors and contemporaries in this House of Representatives, as well as in the U.S. Senate. The solution—consolidate the authority and responsibility for the execution of the research, development, test and evaluation of the national science and technology programs as presented by all departments, agencies, and commissions to meet future operational needs and as evaluated, prioritized, approved and funded by the Congress in consort with the Secretary of Science and Technology and the President of the United States.

Almost a century of history has proven conclusively that no head of department, agency, commission, or administration can argue any longer, that science and technology is so integral a part of his function that it is impossible to separate it without seriously impairing the operation of that entity. Overlap of function, redundancy of effort, lack of coordination and cooperation in the execution of government, science, and technology programs have produced wasted resources of facilities and personnel, as well as valuable time in critical areas of endeavor.

We still find Government agencies competing for the Federal science and technology dollar instead of cooperatively exploiting the available resources to pursue solutions to the pressing problems of environment, transportation, health delivery systems, housing, adequate defense posture, and food shortage. We will continue to suffer this loss of our resources in science and technology until we, the Congress, create a Department of Science and Technology, cause to be formulated a national science policy and plan, and systematically establish procedures for review and evaluation of these programs.

We must be capable of the assessment of new technology, both for the good it brings to mankind and the possible ill it may reap by its side effects. We must place the American people in a position so as to control their own destinies and not be made subservient to uncontrolled and randomly evolving technological systems. We can only accomplish this if we centralize the science and technology function and oversee its execution and control. Only from a central point can we get the overview that is now so vital to the future. In short, we must have a Department of Science and Technology.

During the past 25 years our accomplishments in science and technology have surpassed the fondest dreams of the early men of science. Magnificent as these accomplishments have been, we have still failed in many respects. The plague of famine and disease still takes a phenomenal toll on mankind every year of our existence. Even in this land of plenty many of our children suffer the pangs of hunger, inadequate shelter and clothing, and lost horizons of future human accomplishment because education will always be beyond their reach.

C. P. Snow, in his 1959 Rede lecture at Cambridge summed it up nicely when he said, "the majority of present day mankind are underfed and die before their time. That, in short, is the grim state of our society today." A decade later we still find the state of mankind essentially unchanged. But—we have added new threats to mankind's existence. The threat of nuclear war—even after 25 years and a trillion dollars for defense—still keeps mankind on the eternal "eve of destruction." Uncontrolled technology has polluted our air and water, our fish and wildlife, our agricultural animals. In short, we have lost our way—yet we have before us now a means to change our course of action, control our destiny, and put science and technology under centralized constructive control and direct it to solve the pressing problems that must be solved if we as a nation are to survive as well as all mankind.

We have been systematically disbanding and dismantling our scientific and engineering personnel and facilities for the past 2 years. As we shift our bulk priorities from space, defense, and atomic energy into domestic needs for science and technology, we failed to provide the organization vehicle in government to dynamically reprogram these valuable national resources of scientists, engineers, and facilities. The transition is producing chaos by virtue of massive unemployment in the scientific and engineering community, as well as the American industry where a sharp decline in the creation of new products, markets, and services is being experienced. Also, corporate profits are declining and our balance of import-export is shrinking as the future availability of technologically intensive products for export, which has traditionally held the export level above the import, is now endangered.

A scientific and engineering work force and accompanying facilities which required billions of tax dollars to develop has already begun to dissipate. Our national enrollment in science and engineering in our universities is on a sharp decline. In short, we now stand to lose at least a decade of scientists and engineers and our current policy carried far enough could cost us a full generation of scientists and engineers.

It is ironic indeed that at the very moment in history when we need our technology to solve our social problems, revitalize our economy, and maintain our world position, we appear to be wantonly disbanding it. I refuse to believe that we have failed to learn one of the most important lessons from history, mainly, that a proven parallel has always existed between the rise of technology and democratic forms of government in the same time and the same place.

In conclusion, I would urge that each of us seriously consider the gravity of our current national situation in science and technology, how it is affecting us now and how it will affect us in the future. Men of wisdom having pointed the way past this present turbulent era as far back as 1884. We thus far have not heeded. We must reexamine our position on science and technology and we must take positive action now to establish the long needed Department of Science and Technology in the Federal Government. It is our only way to assure a reasonable transition through these troubled times, but also to assure the maximum in benefits to all our people in the future.

THE ADMINISTRATION'S HEALTH PROPOSALS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. KEMP. Mr. Speaker, one of the most significant concepts in the administration's health proposals is a fairer distribution of the Nation's health personnel and health services. For a long time, we have been told inadequate health resources are characteristic, mainly, of our less affluent States and in the poorer regions of those States.

I submit there is no greater deprivation of health services and resources than exists in the poorer areas—the ghetto areas, if you will—of our large metropolitan centers. Crowded by millions of people, whose great common denominator is poverty, are vast numbers who have never seen a doctor and who exist from birth to death without any health care whatever. And, this is in the wealthiest Nation of the world.

The President's proposals offer promise of a remedy to this situation. The 92d Congress can make this promise a reality.

AMERICAN NATIONAL CATTLEMEN'S ASSOCIATION ALARMED OVER PRESIDENT'S REORGANIZATION PROPOSAL

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. SKUBITZ. Mr. Speaker, the American National Cattlemen's Association adopted a resolution at their 74th annual convention objecting to the President's proposal to absorb the Department of Agriculture into a conglomerate departmental organization with no identity to its past history or its future purposes. I request the inclusion of a letter from C. W. McMillan, of the American National Cattlemen's Association together with the resolution adopted at the convention be printed in the Record.

The material follows:

American National
Cattlemen's Association,
Denver, Colo., March 3, 1971.

Hon. Joe Skubitz,
House Office Building,
Washington, D.C.

Dear Mr. Skubitz: The President's State of the Union message on January 22, 1971, carried an alarming proposal which would split up the Department of Agriculture to be absorbed by at least three other departments that would evolve in the reorganization.

The message was delivered just prior to the 74th Annual Convention of the American National Cattlemen's Association. It received major consideration by our members in addition to being a topic of conversation throughout the meeting.

Enclosed is a copy of the resolution adopted at our convention urging the maintenance of full Cabinet status for the U.S. Department of Agriculture. We respectfully request your support of our position. Thank you.

Cordially,

C. W. McMillan.

Resolution No. 1—(1971)

Whereas, agriculture has been and continues to be the foremost contributor to the economic well-being of the people of this nation; and

Whereas, American agriculture is the envy of the world because it has enabled the United States to meet the basic human needs of the American people by providing them with an abundant supply of food and fiber; and

Whereas, although executive reorganization to economize and to eliminate any duplication of effort by agencies of the federal government is highly desirable, the recommendation of the President to the Congress on January 22, 1971, failed to recognize agriculture's prominent role in preserving our natural resources and providing our communities with a diversified economic base, thus making major contributions to the strength and welfare of the American people; and

Whereas, although other nations give prime recognition to the importance of their agriculture, the President's recommendation to Congress de-emphasizes the importance of American agriculture even though ours is the world's most successful agricultural endeavor and contributes significantly to the basic needs of the people throughout the world;

Now, therefore be it resolved, that the American National Cattlemen's Association, assembled at its 74th Annual Convention in Las Vegas, Nevada, this 28th day of January, 1971, strongly urges the Congress to continue to recognize agriculture's outstanding contributions to mankind by maintaining full Cabinet status of the United States Department of Agriculture; and

Be it further resolved, that a copy of this resolution be forwarded to the President of the United States and to all members of Congress.

AUTOMATIC SPRINKLER SYSTEMS

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. SHOUP. Mr. Speaker, I am enclosing a copy of a joint resolution introduced in the senate and house of representatives in Montana. I thought that it would be of interest to my colleagues:

Joint Resolution

A Joint Resolution of the Senate and House of Representatives of the State of Montana to the Secretary of Health, Education, and Welfare and to the Commissioner of Social Security Asking That the Secretary of Health, Education, and Welfare Forestall Enforcement of Regulations Promulgated by the Department of Health, Education, and Welfare Requiring Automatic Sprinkling Systems in Certain Hospitals and Extended Care Facilities for a Period of 2 Years From January 31, 1971, and Further Urge the Secretary of Health, Education, and Welfare To Review, Reconsider, and Revise Said Regulations To Permit the Use of Alternative Fire Protection Devices'

Whereas, the department of health, education and welfare has adopted regulations (Social Security Administration, 20 CFR Part 405) which provide that in order for extended care facilities and hospitals not accredited by the joint commission on accreditation of hospitals or the American osteopathic association to qualify for participation under the medicare program the standards in the national fire protection association life safety code shall be complied with; and

Whereas, it appears that the blanket adoption of the life safety code has not been properly evaluated with the application thereof to individual institutions in terms of optimum efficiency, cost and implementation; and

Whereas, it further appears that the regulations make mandatory the purchase and installation within affected institutions of automatic sprinkling systems before January 31, 1971, and that twenty-nine (29) Montana hospitals and thirteen (13) extended care facilities have been determined by the department of health, education and welfare, or may be determined, to be in violation of the automatic sprinkling system requirement as of January 31, 1971, and thereby no longer eligible for participation in the medicare program administered by the department of health, education and welfare; and

Whereas, there is definitive and authoritative opinion that automatic sprinkling systems do not provide maximum automatic fire protection and that there should be allowance for alternative arrangements that will secure as nearly equivalent safety to life from fire as may be practical; and

Whereas, there is further definitive and authoritative opinion that smoke detection systems provide alternative fire protection satisfactory to the guarantee of life from fire which are practical.

Now, therefore, be it resolved by the Senate and House of Representatives of the State of Montana: That the legislative assembly of the state of Montana respectfully requests the secretary of health, education and welfare to forestall enforcement of said regulations of the department of health, education and welfare for a period of two (2) years, and further requests the secretary of health, education and welfare to review, reconsider and revise said regulations to permit the use of alternative fire protection devices that will provide equivalent safety to life from fire as may be practical.

Be it further resolved, that the secretary of state is instructed to send copies of this joint resolution to the secretary of health, education and welfare, to the commissioner of social security and to each member of the Montana congressional delegation.

NEED FOR IMMIGRATION REFORM

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. BADILLO. Mr. Speaker, earlier this year our distinguished colleague from New York (Mr. Ryan), introduced legislation aimed at assisting Cuban refugees desiring to emigrate to the United States and at correcting gross inequities in the current immigration law regarding the treatment of Western Hemisphere aliens.

Although the 1965 Immigration Act corrected many of the inequities in our heretofore archaic and discriminatory immigration laws, the present law still contains loopholes and shortcomings which must be corrected without further delay. Congressman Ryan has been one of the primary leaders in this fight for immigration reform. He is to be commended for his dedication to this cause and I am very pleased to join in cosponsoring and fully supporting his legislation.

Last month an editorial appeared in El Diario-La Prensa, highlighting the need for removing these discriminatory aspects of our immigration law and praising the efforts being made by Congressman Ryan. Because of the importance of this legislation to our country's Spanish-speaking citizens, particularly those with relatives and friends overseas, I am pleased to include this editorial in the Record:

Correcting Immigration Inequities

Two bills deserving the backing of all the Spanish-speaking community have been reintroduced by Congressman William F. Ryan.

One of them would grant parole status to Cuban refugees who have reached third countries on their journey to the United States. The other would allow Western Hemisphere aliens who had entered the United States with non-immigrant visas, to adjust their status to permanent resident without leaving the country.

Congress closed its ears last year on these two bills which mean so much to so many members of the Spanish speaking community in the U.S.

The proposed legislation on the Cuban refugees—HR 163—is co-sponsored by Congressman Herman Badillo, who is thus making good his promise of backing all proposals for the good of the Puerto Ricans and other Spanish speaking persons.

Because the airlift is limited to immediate relatives of U.S. citizens, and because there are thousands on the waiting list, many Cubans who are unable to find space on the airlift to Miami leave Cuba for Spain or Mexico.

The State Department reports that there are now some 8,000 Cubans in Spain and 3,000 in Mexico waiting for visas. All of them must take their places on the waiting list for Western Hemisphere immigrants, waiting a year or more for visas for which they must first establish priority dates.

Since the immigration laws of most countries forbid aliens with transit visas to work, relatives and friends in the U.S. must frequently take second and even third jobs in order to support their families here and other members of the family outside the U.S.

Referring to this bill, Congressman Ryan said: "With growing support from the public, I feel Congress should respond. I urge everyone supporting the bill to write his own congressman expressing his interest.

"The bill has been referred to the Subcommittee on Immigration and Nationality of the House Judiciary Committee, of which Congressman Peter Rodino (D-N.J.) is expected to be Chairman. The Chairman will be responsible for scheduling hearings on this bill, so I urge anyone interested in testifying at those hearings to write to Congressman Peter Rodino, Chairman, Subcommittee on Immigration and Nationality, House Judiciary Committee, 2137 Rayburn House Office Building, Washington, D.C. 20515."

We join Congressman Ryan in asking readers to support this legislation. The Cuban tragedy is already of enormous proportions, and the United States, following its traditional policy of granting asylum to the victims of political persecution, should open its doors to all those Cubans stranded abroad.

The other bill introduced by Congressman Ryan—HR 1646—would correct a serious inequity of the 1965 Immigration Act Amendment. Such Act openly discriminates against the Latin Americans. In fact, El Diario-La Prensa fought against it since its inception and we are glad that we now have a champion in Congressman Ryan.

Citizens from the Eastern Hemisphere and from India, Africa and practically all noncommunist countries, can remain in the U.S. while changing their status to permanent resident from student, visitor, businessman, tourist, etc.

This legislation has also been referred to the Immigration and Nationality Subcommittee. Those interested in action on the bill should get in touch, both with their own Congressman and with Congressman Peter Rodino.

VETO OF FIREFIGHTER RETIREMENT BILL WAS ILL-ADVISED, BUT MISTAKE CAN BE RECTIFIED BY 92D CONGRESS

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. MATSUNAGA. Mr. Speaker, when President Nixon vetoed legislation to permit "hazardous duty" retirement for Federal firefighters, many Members of Congress were aware that a mistake had been made.

No one denies that the Federal firefighter is subjected to substantial risks, risks that should be borne by a young, vigorous corps of men. The most efficient way to obtain that vigorous firefighting force is to permit older firemen to retire at an earlier time than normal.

Since it is my firm belief that this is urgently needed legislation, I introduced, on the first legislative day of the 92d Congress, H.R. 227, a bill identical to the one I introduced in the last Congress. This bill must be passed if we are to assure a measure of equity to our firefighters who, at the risk of their limbs and even their lives, protect Federal installations and communities from conflagration.

A striking example of the frustration engendered by the President's veto of this bill is the letter sent to the President by one firefighter. Mr. LeRoy Ellis, fire chief at the Great Lakes Naval Station, has written eloquently of the need for an early retirement bill for Federal firefighters. I include the text of Mr. Ellis' letter at this point:

FEBRUARY 13, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: It is with grave concern that I have studied your veto message of Bill S–578, dated 4 January 1971. It is a most frightening thought that the awesome power of a Presidential veto could be used so indiscriminately. It is apparent that little, if any, evaluation of facts were made by you or your advisers as to the content contained in your veto message.

It is also obvious that you and your advisers have taken the advice of the "archaic thinking" and the misleading facts presented to the Committee on Post Office and Civil Service hearings by Mr. Robert E. Hampton, Chairman of the U.S. Civil Service Commission and duplicated by Roger T. Kelley, Assistant Secretary of Defense. Your veto message can be found in their testimony on pages 2, 3, 4, and 37–56 of the record of hearings, Serial No. 91–29. It is also noteworthy that the testimony was found to be conflicting and unrealistic, notwithstanding the various committees, the House of Representatives and the U.S. Senate, passed the bill only to be vetoed by you because of misleading facts and opinions as shown below.

With specific regards to items mentioned in your veto message, I submit that your statement "Federal Fire Fighters already receive compensation for the hazards of their work in the form of higher levels of pay and higher retirement benefits", is absolutely untrue. The GS–4 fire fighter is classified as a GS–4 in the general schedule in the same manner as clerks, messengers, telephone operators, guards and other menial positions. The 25% premium pay is in accordance with Section 401(1) of 5 U.S.C. 901, which pertains to all overtime, night differential and holidays. In order to be eligible for the maximum 25%, a fire fighter is required to work 32 hours overtime per week or 64 hours overtime per pay period. In addition to this, he must work at least 41 Sundays per year. The premium pay law is actually a legal method of the Civil Service Commission to circumvent the time-and-a-half overtime pay for other employees. The total salary (base pay and premium pay) for a GS–4 Fire Fighter in the first step is $7,752 per year for 3, 144 duty hours, while other Government employees work only 2080 hours per year. The hourly wage equates to $2.44 per hour for the GS–4 fire fighter, while the GS–4 female clerk receives $2.89 per hour. It may also be appropriate to mention here that a janitress at Great Lakes receives $2.69 per hour, or $.25 more per hour than a GS–4 fire fighter. As you can see, the statement that, "Federal Fire Fighters are being paid hazardous duty pay", is completely false. In fact, the Federal Fire Fighter is being penalized for working an extra 32 hours each week.

Mr. Hampton's statement that, "Controlled environment and Federal Fire Fighters do not face the same degree of hazards as employees of Municipal Fire Departments", is even more absurd than the one mentioned above. To extinguish fires in sub-standard housing, barracks, recreation buildings, drill halls, schools, shop areas, ship manufacturing areas and hospitals, of which many are of World War II vintage and are constructed of highly combustible materials, without fire stops, inadequate exits, open stairwells, etc., requires the most efficient fire fighter that can be obtained, as the hazards of these fires are the same as those that arise in Municipal Areas.

Statistics from the State of Illinois clearly show that the Federal Fire Departments have nearly three times as many fire fighters being retired with disability as the average Municipal Department Fire Fighters. This is partially due to the respiratory and heart conditions that develop in the 45–60 year old Federal Fire Fighters.

It should be obvious that a man over 50 years of age is more prone to these conditions than younger men. The need for this bill is the first step in recruiting and retaining young men in the Federal Fire Fighter Service. Simple economics dictate that it would pay for itself in reduced B.E.C. claims and disability retirements. There is a 38% turnover of GS–3 and GS–4 fire fighters at Great Lakes, because of higher pay, less hours, and better retirement benefits in municipal fire departments. It is inexcusable to waste the taxpayer's money throughout the Federal Fire Service because of these inequities.

It is a fact that if young men could be attracted to the Federal Fire Service at 20, 21 and 22 years of age, could see a normal promotional pattern and be eligible to retire after 28, 29 or 30 years of service, it would considerably reduce the overall cost of fire protection to the Federal Government.

The concession in your message that, "Fire fighting is a hazardous occupation", coupled with the fact that the Federal Fire Fighters working 72 hours per week, will in fact, at the end of 30 years service worked 54 years as compared to the 30 years worked by other Federal employees, is in itself justification for this Bill. It is my contention, therefore that if there is an "inequitable practice of providing preferential treatment through retirement", it is the Federal Fire Fighter that is being discriminated against.

The "compelling reasons for divergence", that you mentioned in your message are many. In addition to those above, I believe the most compelling is to direct an unbiased committee, composed of personnel, both in and out of the Government, to review the entire plight of the Federal Fire Service to include personnel, wages, hours of work, classification, retirement, fire equipment (which is not comparable to Municipal Departments) and all other facets.

In the interim period, bills have again been introduced to include the Federal Fire Fighters in the hazardous duty retirement. It will be greatly appreciated if you will seek an early call-up and passage of Bill H.R. 227 recently introduced. It would restore the faith of thousands of fire fighters, their families, friends and colleagues throughout the U.S. and would prove that a mistake in our democratic way of life can be rectified.

Respectfully yours,

LEROY H. ELLIS.

INVASIONS AND INVASIONS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. SCHMITZ. Mr. Speaker, there was a time when United States and allied forces taking the offensive and carrying the war to the enemy was a welcome occasion. The invasion of Normandy was one such example.

What follows are editorials from the New York Times concerning the allied invasion of Normandy in 1944. Compare these articles from the period when the New York Times was still a first-class paper to their editorials of today. In 1944, the first reports from the battlefront sound like an answer to the prayer that accompanied our troops. Smashed by allied bombers and by the guns of the united nations navies—sections of the vaunted German "Atlantic Wall" have crumbled, and our troops are established on beachheads. Today we "widen the war."

The editorials follow:

[June 6, 1944]

INVASION

At last the supreme moment has come. The months and years of waiting are over. Troops of the United States, the British Isles, the Dominions, contingents from occupied but unconquered countries in Europe are at this moment setting foot on the continental soil. The men who left Dunkerque nearly four years ago are returning. They left as a handful of shattered divisions, armed only with the splendor of an undying courage. They return as part of a great force supplied with every known means of beating down the enemy's resistance.

They are commanded by generals of proven worth, in whom there is universal confidence throughout the United Nations. The preparations have been thorough. Nazi resistance has been weakened by air attacks of unprecedented destructiveness. In equipment, in training, in courage and resolution these men are doubtless the equals of any soldiers who ever marched.

They are meeting and will meet terrible obstacles. The Nazis have had four years to prepare, and no doubt they are ready. They have had ample warning that the invasion was coming, though they did not know the time or the places. They will fight hard, for when they are beaten now they are beaten forever.

The next few hours and days will be critical in our history, and in all human history. We must wait in patience for news that may be slow in coming. We must be prepared for losses and for reverses at some points. The shape of the battle of Europe may be slow in emerging.

Today we can only pray, in our churches with other petitioners of the Almighty or alone and in our hearts.

We cannot pray that one we love be spared, if a stranger must fall in his place. But we can call upon the God of mercy and justice to strengthen each soldier in his hour of trial, to give victory with the least cost in life, in suffering and in sorrow; to grant each soldier faith in his cause and full knowledge that our love and our hope go with him.

We may pray, too, that we ourselves may be given the fortitude that these young men possess; that we may have strength to face the dreadful waiting; that we may have courage to bear the sorrow that must be the lot of so many.

We may humbly pray for untiring bodies and hearts to support all the soldiers of the United Nations who battle for victory and for the liberation of those who are in slavery.

Finally, we may pray for the knowledge and skill to create out of this slaughter a just and lasting peace.

These are our sons. God bless them.

[June 7, 1944]

LET US PRAY

The President's prayer last night was the nation's prayer. This nation was born in the only revolution in history made in the name of God. It was born of the conception that the rights of man are not conveyed to him by any accident of class or color, race or creed, are not conferred or withheld by any government, but are given him by God as the inalienable birthright of the human being. It is to defend this inherent right of the human being, the right of free will, against the most ambitious tyranny that ever shadowed the earth that we are today storming the beaches of Europe with the legions of all the people, conquered and marked for conquest, who would rather die fighting than live as slaves.

We have come to the hour for which we were born. We go forth to meet the supreme test of our arms and of our souls, the test of the maturity of our faith in ourselves and in mankind, and it is fitting that in this hour we at home, citizens of all confessions and no confessions, should follow the ways of our fathers and solemnly place the fate of our country, our cause and our sons, in the hands of God.

We pray for the boys we know and for millions of unknown boys who are equally a part of us. A year, two years ago, they were the grinning, careless youngsters we saw on the campuses and ball fields and streets of every American town. Now they are steeled and exalted into men; they are the heroes in the hardest and most crucial adventure in history. All too literally, their flesh and their spirit are our shield, the shield of the Republic, "Lead them straight and true, O Lord of Hosts; give strength to their arms, stoutness to their hearts, steadfastness to their faith."

We pray for our country, this country that is ourselves, as strong as we are strong, as great as we are determined to make and keep it great. In the eyes of our soldiers, looking back for one last look at home as they go forward into the unknown dangers before them, we see that "home" means to them all the world is fighting for. In this moment of pure light that burns away all trivial issues they see the war aims with perfect clearness, and so do we. Our prayer is to be worthy of their courage and their faith in us and the future and brave enough to keep on fighting for peace when they have won it for us.

The cause prays for itself, for it is the cause of the God who created men free and equal. Victory may be hard to win, but it is as certain as the eventual triumph of good over evil is always certain. In this searching hour we are humble as well as proud. We know that we are paying not only for the awful sins of those who willed war but for the sins of those who did not will peace hard enough to take responsibility to maintain it. We are paying also for our own sins. Let us pray for the grace to avoid committing them over again. On our knees let us seek the wisdom to turn the victory we will buy with a great price into a reign of justice.

THE INVASION

The first reports from the battlefront sound like an answer to the prayer that accompanied our troops. Smashed by allied bombers and by the guns of the United Nations navies, at least sections of the vaunted German "Atlantic Wall" have crumbled, and our troops are established on beachheads along a front from Havre to Cherbourg, while Allied parachute and glider troops leaping beyond the "wall" are fighting in Caen, nine miles in the interior, and according to enemy reports even north of Rouen, forty-one miles from the coast.

Certainly in the first phases of the invasion Allied strategy has been brilliant. Instead of striking at the high cliffs opposite Dover, where the Germans expected the attack, and had therefore placed their heaviest fortifications. General Eisenhower struck at the low-lying sandy beaches of Normandy, using methods which had produced such excellent results in Sicily, at Salerno and at Anzio. And the location of the landings also indicates the further plan, which seems aimed at putting the whole Normandy peninsula into Allied hands as a base for a drive up the Seine Valley directly on to Paris. But the landings in Normandy are merely the first of a series which may now be expected to crash other beaches of France, both north and south, and possibly those of other countries as well.

Yet, though the enemy's "Atlantic Wall" has proved to be quite vulnerable in spots, the German Command has still mobile armies estimated at some fifty divisions in France, on which it has placed its main reliance to bring the Allied invasion to a halt. These armies will counter-attack and attempt to drive the Allies back into the sea. As General Eisenhower said, the landing is but the opening phase and great battles lie ahead. But the enemy armies can scarcely move until they are certain where the main blow is to come from, and they cannot be quite certain while other invasions are still pending. That is the advantage of the initiative, which is now firmly in Allied hands.

[June 8, 1944]

THE BATTLE IN NORMANDY

The eyes of the world remain riveted on the beaches of Normandy, where one of the decisive battles of history is now getting under way. Both sides agree that grim and bitter fighting is raging along a still intermittent and confused, but steadily expanding, front ranging for most of the 100-mile distance between the ports of Le Havre and Cherbourg, with the Caen-Bayeux area as the center of the struggle. It is still a fluctuating battle into which both sides are pouring reinforcements, and it is significant of the urgent needs of both sides that both of them are rushing troops to the critical scenes of action by air.

As was to be expected, the Germans, after recovering from the first stunning blow that breached their "Atlantic Wall," are putting out their usual claims of defensive successes, including claims of penetrations to some of the Allied landing beaches. But Allied Headquarters, while admitting that early yesterday developments were rather disappointing, announced later in the day that there was a decided improvement in the situation, that considerable progress had been attained, and that there was every reason for "sober satisfaction." That is all that can be expected at the present stage of the invasion.

But the mere fact that a battle is raging in Normandy has already dispelled at least two illusions held at one time by the rival sides. It has dispelled Hitler's illusion, exemplified by his boast after Dieppe that in the next invasion attempt the Allies "will be able to speak of good fortune if they are able to stay on firm land for a mere nine hours"—as at Dieppe. It has also dispelled the illusion widely spread in this country that, as a particularly clever trick, the Germans would "weave" us into France with only token resistance in order to drive a wedge between Russia and the western Allies and thereby gain a separate peace from one side or the other.

Hitler's illusion disappeared in the smoke and thunder of the Allied assault which crashed through his "Atlantic Wall" with far less cost or difficulty than had been anticipated. Today the Allies stand on firm land in France, not for nine hours but for many times nine hours, and for as long as will be necessary to drive the Germans out of it. They have firmly established their beachheads; they have cleared them of the enemy; they have connected some of them; they have put most of them beyond enemy fire or interference. They control the sea lanes and supply routes. They control the skies. They have passed successfully and even brilliantly through the first critical stage of the invasion and are now driving into the interior. What is most important, they have repulsed the first determined enemy counter-attacks, and though the battle continues, their first successes are the promise of later ones to come.

For this is merely the first invasion of a series. The constant German reports about invasion fleets approching various points along the French and Italian coasts are indicative of the problem confronting the enemy. As long as the Germans are uncertain where the next blows will fall they are unable to engage all their forces at any one point. And that should facilitate the Allies in attaining their first major objective, which is the capture of major ports as supply bases for the huge forces that are going into France. The Germans report that the Allies have already captured one port "suitable for large ships," but the development of the battle shows that the Allies are after Le Havre and Cherbourg. The fall of one or both of these ports will clinch their first victory.

The second illusion has faded before the reality of Teheran, of which the Germans are well aware. That reality is that Teheran cemented military uniting among all the Allies for the complete destruction of the German forces and likewise produced a concrete plan toward that end. It was a plan which called for a concentric attack on Hitler's fortress from east, west and south. The plan has now been put into effect. The attack from the west is now a fact. The attack from the south has been under way for some time and has passed beyond Rome. The attack from the east, expected at any time will complete the deadly vise in which Hitler will be crushed.

THE AIR-BORNE INFANTRY

A book might be written about a photograph published on the front page of this newspaper yesterday. The photograph showed the Supreme Commander of the Allied Expeditionary Forces talking to a paratrooper. Presumably this man, one of a group with blackened faces, their helmets grotesquely camouflaged, their shoulders bent under the loads they were about to carry on their journey into the enemy's country, was a private soldier. General Eisenhower's expression indicated unmistakably what his attitude toward this nameless trooper was. It was an attitude of friendliness, consideration and respect. That respect of the General for the private, which is of the very essence of democracy, must be shared today by every American.

One cannot pick special groups as heroes in this war. Those who do their full duty, on the beaches or on the machines and assembly lines at home, all have a share in this heroic adventure. Nevertheless one's heart beats faster at the thought of what the full duty of the paratroopers and the glider troops is, and with what fortitude and ardor the men of those services are now performing it. Air-borne operations may not require men without fear. They do require men who are not noticeably affected by fear. Even in practice their landings are dangerous, but in war their danger has only begun when they hit the ground. They find themselves immediately in a situation the old-fashioned soldier tried to avoid at any cost—they are surrounded by the enemy. Their only possible safety is to hit with all their strength, with the great variety of light and heavy weapons they now carry, but above all with their naked valor.

At the best they are expendable. Their function is not to save themselves, but to ease the enemy pressure on their comrades—to block roads, destroy bridges, hold up troop movements. If they are finally captured, wounded or killed, they may still have succeeded in giving their Supreme Commander what he most needs—time. A four-star General dignifies himself when he salutes them. In the thoughts and prayers of all Americans they have a special place.

ON THE HOME FRONT

In a joint statement addressed to the American people Secretary of the Navy Forrestal and Under-Secretary of War Patterson emphasize the importance to the troops of our invasion armies of keeping the wheels of American industry turning at top speed. "Our behavior on the home front at this critical hour," their statement says, "will determine whether we can look those boys squarely in the eye when they come home again."

This warning is all the more timely because, on the very eve of the invasion, the already troublesome problem of manpower had begun to take a new and disturbing turn. This was the tendency of workers to drift away from war industries because they feared that "cut-backs"—not in the total volume of war production, but in specific types of weapons—would hit the particular industries in which they happened to be engaged and thereby throw them out of work. Fearing this result, they were beginning in large numbers to leave the war factories and seek "safe" work. Only three days before the invasion, Mr. McNutt, War Manpower Commissioner, spoke with concern of "the apparent attitude of some who think that it is time for employees in essential activity to seek a peacetime job." On the same day Mrs. Anna Rosenberg, regional WMC director in this city, declared that applicants for employment in war industries "are not interested unless we offer them job security." In a judgment based on recent experience she believes that "unjustified optimism and fear of cutbacks are turning people into less essential industries"—precisely at the moment when the war industries need them most.

It is evident that there is a problem here which is all the more insidiously dangerous because it threatened to grow worse if and as the news itself grows better. We have, in fact, a first clear warning of the very real risk that our industrial army will actually begin to melt away as the great test approaches. That has happened before, in the experience of volunteer armies. Shall we carelessly accept the risk that it will happen this time in our war industry? Or shall we protect ourselves against this risk by adopting a National War Service Act which makes certain that every man and woman who is needed for war work works and stays where he or she is needed? That would be one way of keeping faith with the young men who are fighting on the coasts of France. It would make it easier for us "to look those boys squarely in the eye when they come home again."

[June 9, 1944]

THE SECOND BATTLE PHASE

The battle in Normandy continues to grow in fury and extent, and the magnitude of the tasks still ahead begins to be seen in even clearer outlines than was possible before the great invasion. But it is also evident that the agonizing suspense and anxiety of the first few hours, when it was a question whether we could break through the German "Atlantic Wall" at all, is beginning to give way to a quiet confidence which no longer admits doubt in ultimate success.

General Eisenhower himself declares that his confidence in the ability of the Allies' forces has been justified. Even the Supreme Headquarters' communiqué, so reticent in making premature claims or tipping off the enemy, states flatly that the first phase of the assault, in which the Allies had to secure a foothold on the soil of France and defeat the local German reserves, has been successfully completed. It is still a narrow and disjointed foothold, but it stretches over considerable territory. And in that territory, the first French towns, ground under the Nazi heel for the last four years, are able to rejoice in their liberation.

Now begins the second and no less arduous phase, calling for the defeat of the enemy's tactical reserves. The battle with them is joined, and judging from the available reports the struggle is mainly for control of the Norman peninsula and the harbor of Cherbourg. Such a harbor is essential before the full force of the Allied armies can be deployed, for until they possess a real port the Allies must supply and reinforce their armies in France by air or by means of small landing craft able to reach the beaches. Both these methods are exposed to the vicissitudes of the treacherous Channel weather.

The Allies have captured the key communication center of Bayeux, cutting the direct Paris-Cherbourg railroad. They are now fanning out from it toward the southwest across the base of the Cherbourg peninsula. They are battling in the streets of Caen. They have landed troops on the eastern edge of the Cherbourg peninsula itself, twenty miles below the port, and enemy reports place another Allied force on the peninsula's western edge, only twenty miles away. They are hitting the onrushing German reinforcements and their communication lines from the air, and according to reports from both the enemy and from returning Allied fliers they have dropped parachute troops for the same purpose as far inland as the Falaise-Argentan regions and even Rouen, which is reported to be in flames.

But even if this battle has been won, the Allied armies must now face the full force of Field Marshal Rommel's strategic reserves, which are doubtless massing for counterattack. These reserves contain some of the best and most battle-hardened divisions Germany possesses, and they will fight with desperation. Secretary Stimson has warned that the full weight of the German attacks is still to come, and Prime Minister Churchill summarized the whole situation when he said: "Great dangers lie behind us, enormous exertions lie before us."

However, if the tasks confronting the Allies are great, the demands made on the Germans by the present situation are also great. For the concentric attacks on Hitler's fortress planned at Teheran, are now getting under way. In Italy, the German armies have been routed and the Allies are advancing with steadily increasing speed. In the east, the Russian front is stirring into action and Berlin reports a powerful Russian offensive into Rumania which is merely the forerunner of greater assaults to come. Even in France, the Germans will be scarcely able to throw all their available power against one point wtihout denuding other points for further Allied landings.

Hitler, as well as the German Command know what the Allies forgot in the beginning, namely, that wars can be won only by offense and not by a mere defense. And the fact that the German armies have been thrown on the defensive by their own maxims, the symbol of their ultimate defeat.

[June 10, 1944]

THE GRAND OFFENSIVE

Our beachheads in France are widening, deepening, merging, strengthening. Despite bad weather which held our air fleets back, we have cut the main highway and rail line leading into Cherbourg. The progress in these first few days is greater than most of us had dared to hope. With every day, with every hour that passes, the footholds that we retain become stronger and the reinforcements by sea and by air greater. But hours and minutes are still precious; at a score of points our footholds are still insecure, and the fate of the invasion still hangs in doubt.

We should remember all this when we look back upon the past. The present mighty invasion was made possible only by two overwhelming superiorities—mastery of the sea and mastery of the sky. The figures are awe-inspiring: a fleet of 4,000 vessels, ranging from landing craft to the heaviest battleships, by far the greatest armada ever assembled in history, supported by 11,000 airplanes. These ships and planes were able to sweep from the sea the few vessels that opposed them, and from the sky the few planes that ventured to attack them.

Our progress so far has been made possible, above all, by our mastery of the air. By it we were able to rain destruction upon rocket-gun emplacements and shore batteries months before a ship left the British ports. By it we were able to penetrate deep into Germany and destroy the factories and communications supplying the Atlantic defenses. By it we were able to whittle down the enemy's air force both in the sky and on the ground. By it we were able to keep hourly watch on the enemy's movements and preparations. All this was done in advance. At the moment of invasion itself we were able to blanket the sky, throw a protective umbrella over our ships, rake gun emplacements, disrupt communications, fight ground troops, and transport thousands of men by air itself, to vault over the "Atlantic Wall" and drop them behind it.

It is this achievement which gives so much ground for confidence now, even though tremendous tasks lie ahead. For the existence of any substantial Luftwaffe "reserves," so much feared before D-Day, now becomes extremely doubtful. The time of all times to use that reserve, if it existed, was on the first day, and certainly in the first few days of the invasion. No target is more profitable for an airplane than a ship. If it is hit the ship goes down and carries all its concentrated cargo of equipment and men with it. Once the ship reaches shore the cargo is never again so much concentrated, and even if hit, much of it can be saved. But the Luftwaffe today is spread thinner than ever; it is too small for the east; it is far overmatched in Italy; it is overmatched at the Atlantic Wall; and the strategic bombing of Munich yesterday is a reminder to the Nazis that even now they must keep a good deal locked up in the interior of Germany.

The Allies at last have the enormous advantage of the initiative. The Nazis at last are on the defensive on all fronts, forced to try to guess where we are going to attack next, forced to disperse their dwindling air force and their land power. But it does not follow that we could have taken the offensive just as well, say, two years ago. In the spring of 1942 critics of our military policy were pointing out, correctly, that "Defense will not win the war." But what was wrong with us two years ago was something far deeper than defective strategic concepts. We were not prepared. In any struggle the weaker side is almost necessarily forced on the defensive. The offensive is the prerogative of the stronger. In 1942 we did not even realize how enormous our preparations for an invasion would have to be. Today we know: they had to be greater than anything ever achieved before in history. And they were. That is why we can feel the confidence we do in the final outcome.

DO NOT ASK, JUST LISTEN

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. HARRINGTON. Mr. Speaker, it has become apparent that the administration, its protestations notwithstanding, is further entangling us in Southeast Asia. The escalation of the Vietnam war through its extension into Cambodia and Laos was accomplished through political subterfuge cloaked in legal technicalities. Now a new and frightening tactic, first introduced during the invasion of Laos, has been added to the administration's repertoire of deception; the limitation, if not the prohibition of meaningful news coverage. This, Mr. Speaker, is not merely a problem for television or the newspapers but it presents a serious threat to all Americans. Denied accurate information, we are potential victims of the administration's propaganda. We have for too long lived amidst the illusions perpetrated by one administration or another. The perpetuation of those illusions as well as increasingly stringent news limitations are the subject of the following columns by James Reston. I hope my colleagues will take the opportunity to study them:

DON'T ASK, JUST LISTEN

(By James Reston)

WASHINGTON, February 11.—Even when you get the facts on what is happening in Indochina, it's not easy to reconcile the gains with the sacrifices, but we are now coming into a new phase of the war in Laos where it is going to be more difficult even to get at the facts.

In the first place, American correspondents, who have always been able to follow the battle with our own Army, Navy and Air Force in Vietnam and Cambodia, are now not permitted to fly with our aircraft in Laos.

They are allowed to fly with the South Vietnamese, but the Saigon forces have comparatively few aircraft, and this is a dangerous business, as the loss of four of our best battle photographers indicates this week.

Second, since no U.S. ground troops are engaged in the fighting, U.S. correspondents again must travel with the Saigon troops under the regulation of the South Vietnamese command, whose enthusiasm for reporting the truth is not unlimited.

This is not a newspaper or television but a public problem. The reporters will take their chances and do the best they can. Twenty-six of them have been killed in this bloody war since 1965, which indicates that your chances of surviving as a fighter are better than your chances of surviving as a reporter. Also, thirty reporters and photographers have simply disappeared in Cambodia since last April, so the reporters left will go where they can.

The problem is to find out what's going on. The Pentagon has shown us maps, which are clearer than the truth. The Ho Chi Minh Trail looks in the Pentagon map-room like the Jersey turnpike or an umbilical cord: cut it and the baby dies. If only it were true! The White House briefings reassure us that all will be well, that invading, bombing and expanding the war will bring the boys back home, reduce the casualties, and produce a generation of peace.

Maybe it is all so. The President, the Secretary of State and Henry Kissinger, spending the weekend together at Key Biscayne, undoubtedly believe they are doing the right thing, but they cannot quite ignore the fact that many other equally serious men think they are doing the wrong thing, that they are still betting on a military resolution of the problem, still betting that Moscow and Peking will let Hanoi go down—in sum, betting on assumptions under challenge not only in Moscow and Peking but in Washington, even within the Republican party.

Faced with this conflict between what is right and what is wrong, at least it ought to be possible to agree on getting the facts, and here the Administration's record is a disgrace. The President is a very perceptive man. He knows he is in the White House today because Lyndon Johnson lost the confidence of the people and withdrew. Mr. Nixon came into office promising an "open" administration, and has been talking ever since about "open doors," but that is not the way things are going now in Indochina, or even in the White House.

The President has sent his air force into Laos, without a single personal word of explanation. His Communications Director, Herbert Klein, a genial honest man who lost his way and stumbled into political advertising, has the impertinence to circulate Joe Alsop's unspeakable suggestion that opponents of the Nixon war policy want to see the nation defeated in order to justify their opposition.

And on top of all this, they proclaim the virtue of their bombing in Laos, assume that Moscow and Peking will stand aside, assert that they are merely providing "air cover" for the South Vietnamese, and tell the reporters of their own country to go catch a ride with the South Vietnamese if they have any doubts.

We have to ask why? Why if they are bombing a path for the South Vietnamese in order to bring the boys back home sooner, why not let the reporters go along as before to record the facts as best they can?

It is very hard to answer these questions, particularly because in Laos the President and General Abrams actually seem to be doing no more than they say they are doing. The difference is not in their cant but in their cruelty. They are bombing almost at the level of the European war in a miserable, pacifist country, occupied by a cunning enemy. But rooting the enemy out of there is a ghastly business, and they don't want the facts recorded any more than they can help. No reporters allowed with us, they say. Go to the South Vietnamese, which is what the four battle photographers did before they flew over an enemy anti-aircraft battery and disappeared.

THE ENDURING ILLUSIONS

(By James Reston)

WASHINGTON, February 27.—Deep down underneath all the surface arguments about what we are doing in Indochina something in the American spirit keeps the nation from facing the facts in that tragic peninsula.

The truth is too unsettling to our romantic view of ourselves and our history. To set a date certain for withdrawing all the way would not, in my view, threaten our honor, or our security, or the strategic balance in the world—though this is clearly in dispute—but it would threaten our illusions, our slogans and our myths.

We are still clinging to the dreams of our youth. Everything must have a happy ending. We are bigger and better. Money talks. The machine is power and magic—an irresistible god, partner to the "Bitch Goddess Success." All this is in our fables and every minute in our advertising, and all this has been challenged in Vietnam.

Anybody who ever raised a child or planted a garden knows that life does not support these assumptions, but they are dying hard. Woodrow Wilson said it took only half as long to train an American army, because you only had to teach it to go one way. G. K. Chesterton rejected Stephen Decatur's slogan "My Country, Right or Wrong" because he thought it was like saying "My Mother, Drunk or Sober," but Decatur's dogma still has a large following.

President Nixon is counting on it. He is not facing the facts of geography. He is not dispelling but perpetuating the nation's illusions, and he can undoubtedly do so for a while. But China will never be satisfied until it gets rid of a non-Communist military base close to its borders any more than the United States will ever be satisfied until it gets rid of a potential Communist base in Cuba.

In many ways, the Administration is now following in Indochina the techniques of American commerce. It has mounted a vast advertising campaign to persuade the American people that what it is doing is right, moderate and effective, and in fairness, the men at the top no doubt believe that they are right, and that advertising pays, particularly if you limit objective reporting of the results.

Also, as in commerce, the Administration is now fighting a "discount" war, minimizing the price and passing on part of the cost to the South Vietnamese and the mountain mercenaries. But in some ways it is going beyond these commercial techniques.

Even Henry Kissinger, who has kept out of the public propaganda campaign in the past, went on C.B.S. the other day and argued that even if the Administration was wrong in Indochina, it had to stick with its decision.

"All the tough decisions, the sort of decisions that come to the President," he said, "are very close, and you make your decision on the basis of maybe a 55–45 balance. . . . Once you've made the decision, you are committed to it or you are stuck with it 100 per cent. . . ."

But why? If the Soviet Union had stuck with its decision to put nuclear missiles into Cuba we could easily have had a nuclear war between the giants. And even Henry Ford, who is supposed to have "better ideas," scrapped the Edsel when he discovered it was a "lemon."

Still, even this attitude of Kissinger's is part of the American mythology. "Don't Give Up the Ship." . . . "Damn the Torpedoes: Full Speed Ahead." . . "We're No 1." . . . "We Try Harder." Who wants to be a "helpless, pitiful giant"? Well, advertising does pay: It has confused a large part of the electorate over Indochina for a very long time, and in the short run and in political terms it may very well serve the President's interests, if not the nation's. No doubt he can hold the line through 1972 in Indochina and even keep a reasonably secure base in South Vietnam with American air power after that if he sticks. But that, he says, is not his policy. His policy is to get out and bet on the South Vietnamese to hold the fort against Hanoi and Peking.

And if he is wrong in this bet, who will explain the sacrifices of the men who die between now and then?

Still, the point of all this is not that he is perpetuating American illusions to serve his personal political interests—though it could have that result—but that he actually believes in the happy ending, that we are bigger and better, that money talks, that machines are irresistible even in the jungle, that China will tolerate on its border what he himself would not tolerate on ours, and that his purpose is virtuous and his ends justify his means.

Well, illusions have their purposes. Eugene O'Neill wrote a whole cycle of plays to prove that they were indispensable and that life was intolerable without them. But in Indochina after ten years? After the heaviest bombing in the history of human conflict? After Lieutenant Calley?

Mr. Lincoln had a better idea: His clear and simple goal was to preserve the Union. "Military glory," he said, "is the attractive rainbow that rises in showers of blood."

AUTO INSURANCE

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. ROBISON of New York. Mr. Speaker, even though most automobile insurance problems are handled by State departments of insurance, I have been receiving an increasing amount of mail in recent months about the cost and administration of these policies. I suspect that other Members are also hearing from angry constituents who for the most part, are left cold with suggestions that it is a State matter and demand that Congress take remedial action anyway.

With this in mind, I was pleased with the excellent editorial in the Sunday Star of March 7, 1971. The editorial cataloged—in highly readable fashion—some of the more common complaints consumers are making; and also warns that there will not be any quick, easy answers to the dilemmas such complaints reflect.

I hope that my colleagues will take a moment to read the editorial and I include its full text for their information:

The Painful Dilemma of Auto Insurance

In none of his expensive activities is the American consumer unhappier than in buying automobile insurance. In his subsequent dealings with the people who insured him, his unhappiness frequently escalates into anguish. Controversy has swirled around this segment of the insurance industry for years, and hard battles over what to do will be fought out this year in statehouses across the country and in Congress.

The grounds for complaint about car insurance are familiar in a country of more than 100 million motorists. Rates have gone up sharply—by 90 percent since 1957–59—and there's no sign of a change in this trend. Companies cancel some policies and refuse to renew others, sometimes with evident reason and sometimes without. Millions of car owners are regarded as poor risks, and hence as customers to be avoided or to be charged extra-high premiums. The disfavored motorists, whether or not their own driving records are bad, include the young, the single and the divorced, and the members of occupations ranging incredibly from poolhall employees to clergymen.

A lot of dissatisfaction and political heat comes from disparities of rates. Every family faces a financial beating when Junior gets his driver's license. With rates set according to the risks associated with geographical areas, inner-city residents get the worst deal and the companies incur charges of racial discrimination. Unwanted customers are shunted into high-cost assigned-risk pools, and 70 percent of the assigned risks in New York City are from Negro and Puerto Rican ghettos.

When it comes to claims against insurance policies, many companies are faulted as being too slow and too cheap. If a lawsuit is pressed for damages, a settlement or judgment may take years because of exhaustive legal procedures and clogged courts. In the end, a lawyer gets 25 to 50 percent of the claimant's award.

The particular problems of Washington area residents, with respect to both automobile and homeowners' insurance, are the subject of a series of articles by Miriam Ottenberg starting in today's Star.

In the automobile field the reasons for the mess, across the country, are many. Arbitrary, high-handed and inhumane practices by some insurance companies undoubtedly are involved. Individual companies—some more notorious than others—and the industry as a whole are taking deserved lumps in many a public forum. The pressure is great for them to improve their operations, and the threat for their failure to do so is government-enforced reform of the industry and a heavier regulatory hand.

But more powerful forces than censurable business practices also are responsible for the current car-insurance crisis. The all-encompassing villain is the mindlessness with which Americans as a whole have converted their country into an automotive hell. Those 100 million motorists, gunning their fragile and overpowered vehicles over mostly unsafe roads, include every degree of skill, of sobriety and of good or bad intentions. There has been no denying the American passion for private transportation no matter what the cost in pollution, urban deterioration or safety.

The cost has been high. The appalling price in traffic deaths was 56,400 in 1969, according to the Insurance Information Institute. The number of injured was 5 million, and the economic toll of accidents was $16.5 billion. All of these figures represented dramatic increases from previous years.

That is among the reasons for soaring car-insurance rates. Others are the equally steep climb of medical costs, and of the expense of fixing those easily wrinkled cars. Add the growing popularity of auto theft as a juvenile pastime and the insurance companies' defense of their rate increases gains plausibility. The companies, while being criticized for inefficient use of premium income and for not counting investment income in the equation, do lose money on their underwriting of auto insurance. And the time-honored business answer to that problem is to raise prices and seek cost reductions.

In attempting to assure that all qualified drivers can buy insurance to protect themselves adequately from the perils of the highway, legislative attention has focused naturally on the practices of the insurance companies. The industry faces more regulation of cancellation practices. The District City Council has taken steps to prevent the geographic discrimination that plagues otherwise qualified inner-city residents.

The focus of much official interest is the 55-year-old no-fault concept of insurance coverage, aimed at eliminating in whole or in part the lawsuit method of collecting damages from the insurance carrier of the driver deemed to be at fault in an accident. Under no-fault, a claimant collects for actual losses (not pain and suffering) from his own insurance company no matter who was at fault. Proponents say this method would speed payments to victims and, by eliminating much costly litigation, permit lower premiums. Opponents of no-fault say it would shift responsibility for accidents from the guilty to the innocent and would remove a deterrent to irresponsible driving.

A judgment of the efficacy of no-fault insurance must await the results of experience with the system, and it won't be long before there are such findings. As of the first of the year, Massachusetts was the first state to put no-fault into practice. The Massachusetts system is a limited one under which only the first $2,000 of a victim's personal-injury costs are covered on a no-fault basis, with compulsory liability coverage for larger damages. Massachusetts residents have yet to enjoy lower rates, since an attempt to legislate a 15 percent reduction was ruled out in court.

There are substantial doubts that no-fault is the panacea for rising car-insurance costs, given the grim economics of our rising traffic-accident toll. The Department of Transportation found that auto insurance covered only about a fifth of the compensable losses from car accidents in 1967. A system that improves on this record is liable to cost policyholders more, not less.

The problem still could yield to attack on a variety of other fronts, some thrusting to the heart of the way Americans use their automotive wealth. The highways should be made, really and truly, off-limits to drinking drivers, the biggest single cause of fatal accidents—accounting for a reported 40 percent in the District. Other forms of offensive driving, attested to by the arrest and accident records of many who daily ply our streets, need to be dealt with more effectively by our public institutions.

More crash-resistant cars, and autos designed so as to be repaired more easily and cheaply, could cut drastically into the toll of property damage. The American Mutual Insurance Alliance recently called runaway car-repair bills the biggest single factor in rising insurance rates, citing an 111 percent increase in the average repair claim since 1960.

As dated as is Ralph Nader's original campaign on car safety, much still can be done to build injury-reducing features into cars. Roads can be made safer, as witness the current effort to eliminate hazards on the George Washington Memorial Parkway. Cost-savings are possible in the delivery of insurance services (group policies hold out promise here) and in more efficient medical treatment and legal services.

The insurance companies should be brought into line where their practices diverge from the public interest. But the problem of rising insurance costs won't be solved until Americans have civilized their highways.

A MAN CANNOT PICK THE WAR HE WANTS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. MICHEL. Mr. Speaker, an editorial appearing in today's Chicago Tribune discusses the recent Supreme Court decision which, in effect, states that a man who is eligible in all respects for the draft cannot be exempted as a conscientous objector merely, because he objects to this particular war. I thought the decision was a sound one and hope that the Court will now move on to consideration of the case involving Muhammad Ali, or Cassius Clay, as he is referred to by the heavyweight champion of the world, Mr. Joe Frazier.

I include the editorial in the Record at this point:

A Man Cannot Pick the War He Wants

The United States Supreme Court, in a draft case decision involving the individual conscience, has dealt a body blow to those who would set aside the Viet Nam war as an immoral conflict in which men of good will need not serve.

Without ruling on the legality of the war, the court, in an 8 to 1 opinion, held that draftees opposed to the Viet Nam war—but not all wars—could not be exempt from military service as conscientious objectors. The C.O. exemption, whose base was broadened last term by the court, can be applied only to those "who oppose participation in all war—participation in war in any form," said the majority opinion, written by Justice Thurgood Marshall.

Thus the court disposed of the argument that would permit an individual to evaluate ethically the kind of war he is required to serve in. This "just war" doctrine had been raised by two draftees, Guy Gillette, of New York City and Louis Negre of Bakersfield, Cal. They refused to serve in Viet Nam but admitted that under other circumstances they would bear arms in defense of the United States.

"The nature of conscription, much less war itself," wrote Justice Marshall, "requires the personal desires and perhaps the dissenting views of those who must serve to be subordinated in some degree to the pursuit of public purposes." He also agreed with the government that if young men were allowed to pick their own war this would place too great a burden on draft boards trying to decide whose claims are just.

Only Justice William O. Douglas dissented. He held that the majority opinion had done violence to the free exercise and establishment of religion clauses of the 1st Amendment. Negre and Gillette had argued that many religions adhere to the "just war" doctrine.

A Justice Department source said that the court's opinion now gives the government the green light to seek indictments against many draft evaders who raised similar arguments. The "just war" doctrine has been a popular gambit among the antiwar crowd, many of whose leaders have been urged it as a legitimate reason for their young followers to escape the draft.

Ironically, the court's landmark decision in this case was handed down the same day that the nation's most notorious draft dodger, Muhammad Ali (nee Cassius Clay), picked up $2.5 million for fighting Joe Frazier, the world heavyweight champion.

The high court has yet to rule on Ali's case. He is free on an appeal bond, having been sentenced in 1967 to five years in prison by Federal District Court in Texas for refusing to serve in the Army. Ali claimed exemption on the ground of being a Black Muslim minister. Previously he sought exemption on the ground of being psychologically and physically unsuited for the Army; the sole support of his mother; unable to make alimony payments on a soldier's pay; and a conscientious objector. All of the claims were rejected.

A TRIBUTE TO THE GIRL SCOUTS OF THE U.S.A.

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mrs. GRASSO. Mr. Speaker, throughout this week we mark the 59th anniversary of the Girl Scouts of the U.S.A. and I wish to pay tribute to the young women of this remarkable organization, and those adults who guide and direct their worthwhile activities.

In the first decade of this century, Lord Baden-Powell, the founder of Boy Scouting, his sister, Miss Agnes Baden-Powell, and others, launched the Girl Guide movement in England. It was a program based on Scouting ideals, but developed especially for girls.

During the years in which the Boy Scout movement developed in England, Mrs. Juliette Gordon Low, of Savannah, Ga., was living in England, and became acquainted with the Girl Guide movement. From England, Juliette Low carried Girl Guiding to the United States, where she adapted the program and organization to meet the needs of American girls. On March 12, 1912, she established the first troop of Girl Scouts of the United States. In June 1913, the first national headquarters of the Girl Scouts was opened. In June 1915, the Girl Scout organization was incorporated.

I am proud to say that there are two active councils in my district with a combined membership of 10,000 Girl Scouts and 1,600 adults. These councils are chartered as the Connecticut Yankee and the Northwestern Girl Scout Council Inc., and are led by Mrs. Philip S. Brezina of Bristol, Conn., and Mrs. Joseph Bergman of Litchfield, Conn. These women have volunteered their services to encourage their children to engage in the meaningful Girl Scout activities.

Besides the 700 acres of campsite lands which are owned by the Girl Scouts and used for camping and other outdoor activities for members, there have been for the past two summers, activity programs for non-Scouts in New Britain and Meriden.

The story of Girl Scouting is an exciting one. No one could foresee in 1912 what would be the future of the little movement started in Savannah. However, those who realized its potential sought to provide each young girl tools to become an efficient, happy, healthy, and resourceful citizen. As an example of the rewarding opportunities offered Scouts, Sandra King of Southington has been chosen to participate in the "Aboard the Queen Mary" project to promote interest in oceanography. Lectures and a study course will be given this summer in Long Beach, Calif., where some 160 Girl Scouts from around the country will meet for a 2 week period.

The art of living together with other human beings is everyone's job, and one that the Girl Scouts do not take lightly; Scouting is an experience in living together, and every Girl Scout troop is a living human-relations laboratory.

The right to differ with others is a precious American heritage, but before we can grasp the concept of difference, we must first understand how people are alike. It is the intent of the Girl Scout program to provide experiences rich and meaningful for every Scout, giving her a sense of greater emotional secuirty within herself, and to help her develop a sense of oneness and unity with a group. The importance of living together with respect and understanding is an important goal in the Scouting program. However, these goals are never emphasized at the expense of the individual.

It is indeed encouraging to know that the program of the Girl Scouts of the U.S.A. is successfully and creatively contributing to the sound development of our young people. Girl Scouting offers youths a chance to live a fourfold life, in which love and play and work and worship are equally developed.

It is a pleasure to salute the Girl Scouts of America, in tribute to their grand record of accomplishment over 59 years of devoted service to American youth.

PROPHET OF ECONOMIC GLOOM

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. SPRINGER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following. Many of my colleagues have during the past several years been wondering whether or not Cuba has made progress or has gone bankrupt economically. James R. Whelan, staff writer for Scripps-Howard newspapers has written an excellent brief article based on a recently published book by Rene Dumont, a leftist French writer and frequent adviser and admirer of Castro. Mr. Whelan has tried to condense into two columns the principle points made in Rene Dumont's book, "Cuba: Est II Socialiste?" It is an article that is excellently written and I am sure that many of my colleagues would want to read it in order to have an understanding of why the economic situation in Cuba has deteriorated so greatly in the last few years. The article has appeared in all South American newspapers.

The article follows:

[From the San Juan (Puerto Rico) Star, Jan. 15, 1971]

PROPHET OF ECONOMIC GLOOM

(By James R. Whelan)

WASHINGTON.—Like a legion of avenging angels, the follies and failures of 12 years appear to be closing in on an increasingly brooding, moody Fidel Castro.

Out of a welter of statements and sources, the evidence is unmistakable of deepening and accelerating crisis in Cuba's economy. Castro himself—now 43, paunchy and captive of his own egomania—has emerged over the past six months as the foremost prophet of this economic gloom.

Evidence is also mounting that the Russians, tired of bank rolling Castro's economic misadventures, are tightening their grip of Cuba's internal affairs.

Neither Castro nor his regime is in danger of overthrow. The apparatus of repression in Communist Cuba, one of the world's authentic police states, is too formidable.

For the average Cuban—who Castro himself now concedes neither wanted nor liked his brand of revolution—life is a worsening cycle of privations, hardships, and postponed promises. Castro calls it the hard road, paved with good intentions, to the promised land of socialism.

Rene Dumont, a leftist French writer, frequent adviser and self-proclaimed admirer of Castro, put it somewhat differently in a recently published book (Cuba: Ese Il Socialiste?) Which was recently excerpted in the leftist U.S. magazine Dissent.

"As difficulties accumulate," Dumont wrote, "Castro asks his fellow citizens not to linger over the present but to turn their eyes toward a more and more distant horizon—1980 for example. And he draws an ever more idyllic picture of that future—on condition that his people accept a program of work that becomes more and more extravagant . . ."

"However," Dumont added in another passage of the book, "sacrifices that have been prolonged since 1961 have become unbearable for the people today."

In his July 26, 1970, speech on the 17th anniversary of the battle launching his revolution, Castro gave an amazingly itemized inventory of the revolution's failures. It was the first of a series by Castro in the same tenor in which the buoyant optimism of the past has given way to tortured apologies for errors, coupled with forecasts of bleaker times ahead.

The dam of optimism broke with the dismal failure of the Cubans to achieve a 10-million-ton sugar harvest last year, a goal on which Castro had staked the honor of the revolution. What he had planned as a monument to the superiority of socialist planning became instead an incinerator consuming both hopes and precious economic resources.

Stubbornly pursuing a 10-million-ton goal, Castro doubled the length of the harvest, diverted tens of thousands of workers from other jobs, students from their classrooms. Scarce fuel and supplies were siphoned off from other purposes.

The harvest finally reached 8.5 million tons, an all-time Cuban record. But it cost twice the time, and twice the manpower, and left deep political, psychological and economic scars. And it was the first time since Castro came to power on Jan. 1, 1959, that he managed to surpass the pre-revolution record of a 7.2-million-ton harvest.

One of the new breed of "Cuba watchers," professionals sifting information coming from Cuba, believes the effect of that failure has plunged Castro into "the longest period of doldrums" since the revolution. How much of that gloom stems from possible other factors, such as apparent Russian pressures, is not known.

The Cuban reality is, however, much gloomier than even Castro admits. And his promises do not seem to fire new hopes.

"When he begins 'to promise the moon,'" wrote Dumont "many Cuban listeners flick off their radios; they no longer believe."

Part of the reason Dumont believes is that "it is now more than 10 years that Cuba has been making mistakes and not very many lessons have been learned from them . . ."

Even Castro is promising less—except hardship. In his New Year's Eve speech, Castro said 1971 would be a year of increased production, but he offered no hope of a better life for ordinary citizens.

What is that life now like?

Since 1962, Cubans have watched shortages spread, until last year practically everything they used or consumed was rationed—even sugar, in the world's second sugar producing country (Russia is first), and cigars, in a country which made them famous.

In 1968, Castro nationalized 58,000 businesses then still in private hands, down to the "ma and pa"-type corner grocery store. About the only industry not nationalized is the taxi business, a collection of rickety relics, using cannibalized spare parts and coping with chronic shortages of fuel.

Except for taxi drivers and a handful of private farmers, practically everyone works for the state.

Because of rationing and shortages of goods, per capita consumption of goods and services in Cuba declined by 25 per cent between 1957 and 1969. The average worker now can buy everything rationing entitles him to for a month with the equivalent of three weeks' work. This disincentive to work has fostered the absenteeism that Castro frequently deplores in speeches.

In the early days of the revolution, Castro promised free housing for city dwellers, and free land for peasants. He recently reported that 268,089 families in Cuba's urban centers—where 60 per cent of the country's 8.5 million people live—were given use of houses and apartments. And 100,000 former rent-paying peasants got free use of state-owned land, but not title to the land.

Illiteracy, 30 per cent on the eve of revolution, has been eradicated. School enrollment went up from 936,723 in 1958 to 2,289,464 last year. But 1,560,193 were in grammar schools, which still show high dropout rates in the early grades. Castro recently referred to 400,000 children between the ages of 6 and 16 neither working nor in school.

Other reports back up the statistics:

Dumont contrasts the "radiant" look of the town of Bayamo in early 1960 with the "empty shops and haggard passersby" of July 1969: "Children are sometimes dressed in odds and ends of old sacks, and young girls are ashamed of their rags . . ."

In Havana, "you queue up for the films, queue up to make a cab drive around Holguin, queue up to sit on the terrace of a cafe, which sells neither coffee nor beer, but lemonade and fruit juices that are more sugared than fruited. You queue up for the too infrequent bus . . ."

The list goes on. It took Castro nearly half an hour of his July 26 speech just to list the major shortages and shortfalls in production goals. He spoke of seeing workers in one plant "in tattered clothes and worn-out shoes . . ."

"Granma," organ of the revolution and only surviving newspaper in Cuba, publishes a daily notice of areas to be browned out that night because of energy shortages.

"The road is difficult," Castro said. "It is more difficult than what we expected . . . it is a lot easier to win 20 wars than to win the development battle . . ."

Only army officers, higher-ups in Cuba's 400,000-member Communist party, government bigwigs, and visiting foreigners live splendidly.

Cuba's economy actually is going backwards. Gross national product is up 10 per cent since 1961, but the population—even with the declining birth rate revealed in a new census—increased 17 per cent in that period.

Cuba's transportation system is a shambles. Inefficiency, incompetence and incredibly inept planning hobble efforts to industrialize. Agricultural output, other than sugar, is declining.

Cuba owes $400 million to non-Communist Western trading partners, suppliers of food, machinery and other goods essential for Cuba's survival. There are signs that Cuba's lines of credit with these nations are nearing their limit.

According to Dumont, Communist-country diplomats in Cuba believe "the Cuban economy is moving toward imminent catastrophe."

How does Castro meet these problems?

In one of his speeches, Castro recounted how a shortage of containers paralyzed a brewery's production of beer. He solved the problem by ordering a fleet of refrigerated tank trucks to be made available. Beer then flowed, but what of the other needs to which those trucks had been assigned?

Such improvision, coupled with a strong reliance on intuition and scorn for statistics, seem typical of Castro's administration.

"This," Dumont commented, "would be quite acceptable in a chief of state if he did not insist on directing everything himself"—an interesting observation, since in one of his speeches, Castro noted the "impossibility" of "directing and coordinating all this apparatus."

"He is no longer content with his military and political claims to glory," Dumont wrote, "or his unquestionable human value. It is essential to him that he also be recognized as first in scientific research and in agricultural education. He is the one who knows everything . . ."

THE NONPROFIT PRACTICE OF LAW—A THREAT TO THE AMERICAN JUDICIAL SYSTEM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. RARICK. Mr. Speaker, we are accustomed to the cry for controls and regulations over a segments of society because the group as a whole has failed or refused to police itself. The latest shenanigans come out of Washington, D.C., where the local bar association has ruled that nonprofit law firms may advertise for speciality clients in newspapers and on radio and television.

The organization in question goes under the name of the Stern Community Law Firm, a supposedly nonprofit public interest law firm, which has sought special concessions and does not believe in conforming to the code of ethics of the legal profession.

Client soliciting, this new revolution in law practice—heretofore a clear violation of legal ethics—can be expected to usher in a new era of encouraged litigation from so-called poor people, class action by groups, and idealists in the areas of consumerism and ecology, etc. The courts already loaded with heavy dockets can expect a windfall of new litigation.

If the legal profession does not police itself and take responsible action to prohibit such barratry, society can shortly be expected to demand unprecedented action by legislating controls, including ethics, over the legal profession.

The Stern law firm which operates as "non-profit"—which means only that its wealthy benefactors can deduct their gifts as tax free—is financed by the Stern family foundation, one of the largest tax-free accumulations of wealth in the Nation.

Of interest to Americans is the connection between Stern, the radical Institute for Policy Studies, a transparent attempt to whitewash the notorious J. Robert Oppenheimer, and the financing of Seymour Hersh to promote the Mylai massacre hoax.

Although the source of Stern's wealth is usually given as his inheritance from his grandfather, Julius Rosenwald, and usually mentions the charitable activities of selected members of his family, never is any mention made of his relationship to the Stern who fled New York—just as a grand jury returned an espionage indictment—and found a haven in Moscow.

The local Stern has a relation in my State and both are consistent in throwing big money around supposedly to help the poor and spread the wealth so long as it is someone else's money or it is tax deductible. The Louisiana relative, Mrs. Edith Rosenwald Stern, has just been successful through litigation in reversing an Internal Revenue Service deficiency judgment of $35,908 by proving that campaign money she had given for "reform" politicians in my State was nontaxable as a gift. Apparently the Sterns are sincere in their belief that only Americans who work for their money are expected to pay taxes. And those who live off the workingman are not to be required to pay their fair share of the cost of government.

Another nonprofit law firm which calls itself the Environmental Defense Fund can be expected to "go to town" under the present bar association ruling. Here again it hides behind poor people's credentials; yet its late general counsel, Victor J. Yannacoe, Jr., was paid a $5,000 a month retainer while maintaining his own private law practice. Sixty thousand dollars lawyers' fees may indicate why the nonprofit law firms have been so successful in recruiting highly intelligent and energetic young attorneys from private practice, industry, and government. Business can be expected to pick up as long as the Ford Foundation, the Rockefellers and the taxpayers' money hold out.

It was for this reason that I had reintroduced in this session H.R. 425, a bill to amend the Internal Revenue Code to provide that tax-exempt organizations, which voluntarily engage in litigation for the benefit of third parties, or commit other prohibited actions, shall lose their exemption in tax.

Likewise, this is one of the principal reasons I had reintroduced H.R. 405, to amend the Internal Revenue Code to require each tax-exempt organization to file an annual information return showing each source—including governmental sources—of its income and other receipts, and to provide for a loss of tax exemption in the case of willful failure to file, or fraudulent statements made in connection with such returns.

These two bills will go a good way in helping the attorneys restore confidence and ethics to our profession.

I insert several newsclippings and H.R. 425 and 405:

[From the Washington Post, Mar. 10, 1971]

NONPROFIT LAW FIRMS MAY ADVERTISE

(By William L. Claiborne)

The D.C. Bar Association has ruled that nonprofit law firms may advertise for clients in newspapers and on radio and television.

The decision, the first of its kind in the nation, is expected to bring into the courts citizens who have grievances against government and businesses but may be unaware of free legal services offered by "public interest law firms."

The ethics and grievance committee of the bar association, in an opinion upheld by the board of directors, ruled against complaints by a number of Washington lawyers who had accused the Stern Community Law Firm of violating the longstanding code of professional responsibility by advertising its services in publications and on radio and television.

The ruling, a bar association spokesman emphasized, applies only to nonprofit, "public interest law firms" whose lawyers do not receive fees from clients.

These law offices include such nonprofit firms as Stern, which is supported largely by private contributions and foundations, and government-supported agencies like the Neighborhood Legal Services Program for the poor.

The departure from the canons of ethics is expected to have far-reaching effects for these lawyers who have sought to offer legal assistance to individuals and in the "class actions" on behalf of groups, such as the poor, minorities, consumers and environmental organizations.

Raymond Garrity, executive-director of the D.C. Bar Association, said it is the first time in the country that law firms have been permitted to advertise their services.

"It's perfectly logical that it would happen first in Washington, with the seat of government here. There are lots of groups here representing people against the government and I'm sure this decision will have a larger scope as time passes," Garrity said.

The ruling came on an advertisement labeled a "public service legal opinion" that the Stern Community Law Firm had published in local newspapers last fall, calling attention to the plight of children in orphanages here and offering free legal services to prospective adoptive and foster parents.

Later, the law firm published an advertisement on an effort to force the Food and Drug Administration to ban the sale of certain hazardous toys that could "kill and maim" children. The advertisement also solicited new clients.

Monroe Freedman, director of the Stern firm, noted that the bar association committee had stipulated that the advertisements be clearly labeled "opinions" and that the names of individual lawyers not be used.

"We can easily live with the two limitations," said Freedman in hailing the committee's ruling. "We are living in times when too many people are seeking redress of grievances through rioting, burning and bombing. The new public interest lawyers want to get controversies out of the streets and into the courts . . ."

Garrity said the ruling will apply not only to the Stern firm, which is financed by a family foundation, but to other nonprofit firms, such as consumer advocate Ralph Nader's Committee for Responsive Law, and to government-financed law groups such as the Neighborhood Legal Services Program and the Urban Law Institute, which receive funds from the Office of Economic Opportunity.

The bar association board of directors disagreed with the ethics and grievances committee on one point. It ruled that the word "law" should not be used in the Stern firm's identification in the advertisements.

However, Freedman said the board's ruling on that point was labeled an "interim position" and that the Stern firm's ads would continue to use the full name.

[From the Wall Street Journal, Feb. 10, 1971]

GIFT-TAX CASE

Good government can merit an investment, a court says in a gift-tax case.

A decade ago, Mrs. Edith Rosenwald Stern, a wealthy Louisiana resident, gave $60,850 to support reform slates in New Orleans and statewide elections. She and her fellow contributors said they were disturbed by the state's lagging economy and considered the state's politics responsible. The money went for campaign literature and advertising. The IRS claimed the sums were gifts, however, and dunned her for $35,908 in taxes and interest.

Mrs. Stern contended she got full value for her money because she had a stake in better government. The tax law presumes that a transfer in the ordinary course of business is made for adequate consideration (and thus isn't a gift) if it's bona fide, at arm's length and free from donative intent. That's fine, the IRS said, but it denied the transfer was made in the course of "an actual business carried on by Mrs. Stern."

The Fifth Circuit appeals court said the IRS construed the law too narrowly. "The transfers were permeated with commercial and economic factors," it said. "In a very real sense, Mrs. Stern was making an economic investment."

[From the Washington (D.C.) Star Sunday magazine, Feb. 1, 1970]

THE HAPPY PHILANTHROPIST

(By Barbara Stubbs Cohen)

(NOTE.—Philip Stern, an heir to the Sears Roebuck fortune, is "having a ball out of life" granting money to worthwhile Washington projects and, on the side, dabbling in art-collecting, silk-screening and flying airplanes, among other things.)

"Being rich," says Philip Stern, "is really not very different from having a cleft palate or green hair."

Stern, who has neither, knows what he's talking about. The heir to a Sears Roebuck fortune, fattened over two generations. Stern has shunned further money-making and resorted to giving his wealth away. But even as a philanthropist, the man who has funded such iconoclastic projects as the first research on My Lai and a home for runaway hippies can hardly be classed as normal.

Not that Stern is unhappy about this. At 43, after one unremunerative career in politics and another in newspapering and in the midst of a modestly successful one as a crusading author, Stern exudes an air of satisfaction. "I'm having a ball out of life. I just learned to fly an airplane in the last four years, learned to play the recorder and read music, learned to silk-screen." All these activities are shared with his wife, Leni, and five children aged 7 to 18, who spill out of a 20-room house in Kalorama equipped with swimming pool, tennis court, trampoline, tree house and art studio.

Though they could hire just about anything done for them, the Sterns take pride in their do-it-yourself projects. Leni, who says she has never allowed a decorator across the threshold, is responsible for decorating the house with bright splashes of color on the walls—"which are likely to change at any moment"—and good modern furniture, including a gigantic swing in the middle of the living room. They get engrossed in silk-screening their own Christmas cards or studying Spanish for a trip to Mexico. And the art collection of modern masters has been carefully chosen by the Sterns, not an agent.

But the Philip M. Stern Family Fund is Stern's farthest-reaching plunge into the do-it-yourself realm. His grants, which are his way of effecting change in education, community service and culture, go to people who want to help themselves. Though small by Ford or Carnegie standards, with its endowment of $832,000, the Stern Fund is behind almost every innovative and controversial—project in Washington.

Col. Hassan Jeru-Ahmed, who operates three centers for the free distribution of methadone, a heroin substitute, and who estimates he is returning 450 to 600 addicts to normal life, got his first grant from the Stern Fund.

The Rev. Tom Murphy of Dupont Circle's Church of the Pilgrims has used Stern money to finance Runaway House, Switchboard (a "bulletin board" via telephone), and the Georgetown Free Medical Clinic, all catering to Washington's hippie community.

Students at Eastern High, calling themselves the Modern Strivers, got a Stern grant to start their own classes in black history and other subjects not taught in the school.

Joel Denker has set up, with Stern help, the New Educational Project, to make education relevant for white kids from the suburbs.

Julius Hobson's Washington Institute for Quality Education got a Stern grant for its study of D.C. schools.

And the Washington Theater Club, which received its first Stern grant four years ago, has grown in membership from 40 season subscribers to 9,200 and moved into a new theater.

In fiscal 1968, the most recent year for which figures are available, Stern's foundation made 78 grants totaling $174,847. It may not have been the most, but it was the most unorthodox in Washington. Some of that comes naturally to Stern, the third generation in a line of philanthropic mavericks.

Stern inherited his fortune and a tradition of giving from his grandfather, Julius Rosenwald, the Sears Roebuck magnate whose fund built 5,000 schools for Negroes in the South, and from his father, Edgar, whose foundation Stern now heads. Under their father's direction, the Stern children served an apprenticeship on that board, then were given a lump sum to start their own. Stern's brother runs the Six Foundation in New Orleans and his sister manages the Longview Foundation in New York.

None of Stern's careers was undertaken to make new family fortunes. In his favorite role as author, to which he devotes about four times as much time as to philanthropy he has recently published *The Case of Robert Oppenheimer*, which has been praised by reviewers around the country. He wrote the book, he says, because "it seemed to me it would be useful to lay out the way government power was used, or really abused, to get a guy. It became a book about The System and what I think are the malign effects of that system—the loyalty and security system—on the country." The crusading note runs through his first book, *The Great Treasury Raid*, about tax loopholes; *Oh Say Can You See: A Bifocal Tour of Washington*, a picture book done with his wife juxtaposing Washington's monuments and slums: and *The Shame of the Nation*, photos and essays on poverty.

Politics, though, was Stern's first love. He came to Washington under a now-defunct Rockefeller internship program to give young men a look at the workings of the Hill. He stayed on as a congressional aide to Sen. Henry M. Jackson, when he was a congressman, and to Sen. Paul Douglas before he joined Adlai Stevenson's presidential campaign in 1952. After the campaign he was made research director for the Democratic party. He left that post in 1958 to start the *Northern Virginia Sun* with Clayton Fritchey, George Ball and Arnold Sagalyn. But, except for contributions to the Democratic party, he has given up politics—permanently, he says. "I always thought that I ought to take advantage of the financial means with which I was blessed," he explains, "and one of the main ways is to be independent—genuinely independent—and to say what I believe without being afraid of the consequences. I don't want to be irresponsible in what I say, but I don't want to have to worry about the consequences."

After 13 years of giving money away, Stern has developed a set of criteria for the kind of project he favors. The decision to grant money is not, however, his alone. He is restricted, first of all, to aiding Washington projects, because his foundation is chartered here. He is also restricted to projects approved by the foundation's six-member board, and a group less inclined to rubber-stampism hardly could be found.

The board members, who serve without pay and are selected by Stern and approved by the others on the board, are, besides Stern and his wife, Father Gino Baroni, an activist in civil rights and poverty causes; Patrick Hayes, Washington's Sol Hurok; Mrs. Willie Hardy, a black community leader; and Richard Scammon, head of Elections Research Center. "We chose people," Stern says, "that we thought would add to our intelligence in the fields we were interested in, and whose experience would add judgment as to the merits of the proposal and the people. A board member either knows the person who is bringing in the proposal or he's in a position to look into it in a way that I couldn't."

If there should be a difference among the board members about a request, the matter is decided simply and democratically with a vote. And to make things even less arbitrary, Stern and his assistant, Mrs. George Allen, who cull the preliminary requests, list the applications they have turned down so that members have an opportunity to take a second look at a project.

Stern is fond of saying that the chief thing he tries to accomplish in his giving is "bridge-building," not "dock-building." "I like to find out if we are building a dock out into the middle of a pond so that when they get to the end of our grant they'll be in essentially the same fix they're in now, or if we have a chance of helping them build a bridge from one piece of dry land to another piece, so that at the end of the grant they have some prospects of either being self-supporting or getting some other source of funds." It is the long-run future of the organization which is under consideration. "We found," Stern says, "that we were the object of what I call 'oxygen-tent' requests—that is, organizations that were about to go under and were coming to us to be rescued from bankruptcy—in effect, death."

This does not mean that the Stern Fund backs only sure bets. Stern says, "We tend to look with the most favor on people or projects who don't have any other philanthropic constituency. For example, something like the Red Cross has an enormous constituency, if it gets money from all over and we wouldn't even consider the Red Cross for that reason. When the kids at Eastern High School who wanted a new school came in, that attracted our attention right away, partly because they didn't know where to go." Since that initial grant to youngsters who didn't know where to turn, the Modern Strivers have been featured in national magazines, praised by educators and given other grants by larger foundations.

Stern grants are more limited than those by the big foundations. Most are $5,000 to $10,000, with $20,000 being huge, by Stern standards. For that reason, the foundation tries to spend its money where it will have the biggest impact. "We ask how big their total need is. If somebody's got a budget of a million dollars, they're not likely to get any money from us," Stern says, "because even if we gave them a huge grant—on our terms—it would be a spit in the ocean, and it wouldn't make a critical difference whether that project goes or doesn't go. I'd much rather give to something where we can make a critical difference as to whether something exists or not."

The potential success of the projects he finances matters to Stern. "One of the criteria you use when you make the grant is to ask what it is you'd like to see when you stand a year hence and look back. Is what we hope to accomplish (a) realizable and (b) important?"

But he is not frightened of failure, and in the end, the decision to back a project depends on the person proposing it. "A final criterion," Stern says, "is betting on people. When you get a hot person, someone who is clearly gifted, that's when you say we don't know whether it's going to work or not. That's when you begin to take your longest shots."

Neither is Stern embarrassed by failure. He tells of one young heroin addict who had kicked his habit and was going to District schools evangelizing against drugs. When he came to Stern for help he was put in touch with the Psychiatric Institute Foundation so that he could get money and training.

But, says Stern, "That was a long shot that didn't pay off. He fell off. But the way I feel is if you don't make some mistakes and have some failures, you're not really doing your job. That's the main rationale for foundations—to be the real risk-takers. The government can't do it politically, and corporations won't do it, so that's what foundations are all about."

Grants from the "senior fund" as Stern has nicknamed the national foundation set up by his father, often find their way into the Washington area also. The Washington Gallery of Modern Art got help from that foundation, thanks to the interest of Stern's wife. Leni, who with her husband has selected paintings by Frank Stella, Franz Kline, Joseph Albers and Sam Gilliam for their living room walls, is an artist in her own right. She served as chairman of the Gallery of Modern Art board through its merger with the Corcoran and transformation into the Dupont Center of that museum. Another Washington recipient of senior Stern funds is the radical research center, the Institute for Policy Students, who founders include Arthur Waskow and Marcus Raskin. Philip Stern serves as chairman of the trustees of that institution.

The Stern grant that made the biggest splash of 1969 was money given Seymour Hersh to research reports of a massacre of Vietnamese civilians by soldiers at My Lai. Hersh's research, aided by a special fund to promote investigative reporting, led to stories that shocked the nation and the world.

Despite his gratitude to his parents for philanthropy instructions, Stern hesitates at involving his own children. So far they have not expressed much interest themselves in becoming philanthropists. "It's very difficult," Stern says, "for someone to grow up with a lot money, and they're feeling that now and they're not at all sure that they want to be involved in that."

If they do, their father has some advice for them. "If they're going to do it seriously—and I must say I wouldn't recommend it to them if they weren't—they have to prepare to be bombarded by a lot of people who want things. They have to be comfortable about saying no. And it's not easy to come by, believe me. It took me a long, long time to be comfortable about saying no to people, and particularly to friends. They will have to be prepared to spend a portion of their lives working at this. And that's not everybody's bag."

[From the Science, Dec. 26, 1969]

ENVIRONMENTAL DEFENSE FUND: YANNACONE OUT AS RINGMASTER

The Environmental Defense Fund (EDF), a unique conservation organization that has done much to stimulate interest in environmental law among scientists and others, has been known especially through the activities of its ebulliently aggressive ringmaster and general counsel, Victor J. Yannacone, Jr. Now, however, it appears that Yannacone either will be merely one member of a team of EDF attorneys or will have no role whatever with EDF, which is adopting a broader legal strategy and a quieter demeanor than it has had in the past.

Last winter, Charles F. Wurster, Jr., one of EDF's founders and chairman of its Scientists Advisory Committee, spoke warmly of Yannacone. "Vic really thinks he can save the world," Wurster said. "He's a brilliant guy. If you aim him in the right direction, he'll raise hell." Recently, however, EDF concluded that it could no longer guide Yannacone in the manner desired and decided to replace him as its general counsel, although Yannacone may continue to represent EDF in certain litigation, such as EDF's air pollution suit in Missoula, Montana.

EDF was established in the fall of 1967 as the outgrowth of an anti-DDT suit in a Suffolk County (Long Island) court. The prime movers were Yannacone, a 31-year-old Patchogue, Long Island, attorney, and Wurster, an assistant professor of biology at the State University of New York at Stony Brook (*Science*, 22 December 1967). There were other conservation law groups already in existence, but EDF was something new—a scientific organization dedicated to use of the courts for environmental protection.

Its Scientists Advisory Committee, on which Wurster now says more than 200 scientists have accepted membership, was set up in order that EDF might draw on the best talent in the scientific community. EDF soon became widely known, especially for its suits and petitions in the Midwest against use of hard pesticides, and it began receiving numerous appeals from around the nation to intervene in environmental controversies. EDF has received much of its financial support from funds raised by local groups, such as the Citizens Natural Resources Association of Wisconsin, which a year ago petitioned the Wisconsin Department of Natural Resources to ban use of DDT. The Ford Foundation also has supported the Wisconsin action, although it has chosen to do so indirectly, through the National Audubon Society's Rachel Carson Fund.

Yannacone is a bustling, flamboyant lawyer with a brash style ("sue the bastards" has been his slogan), a love of rhetoric and the center stage, a confessed distaste for preparing briefs, a quick grasp of scientific information, and a gift for examining (and cross-examining) scientific witnesses. Over the last 2 years few if any young attorneys have received more publicity than Yannacone. He generally has scorned the usual legal approaches (such as the bringing of conventional nuisance suits against polluters) and has sought to have the courts declare that citizens have a constitutional right to protection from pollution and other environmental insults.

Now, the board of trustees and staff of EDF feel that, while the effort to establish constitutional safeguards should not be abandoned, other available legal strategies also should be pursued. EDF is acting accordingly—for example, with its October petition to the Secretary of Agriculture, stating that the law requires him to ban all use of DDT. Earlier, EDF had rejected as unpromising Yannacone's proposal to bring a $30-billion damage suit against DDT manufacturers as a "class action" on behalf of all citizens of the United States; Yannacone finally filed this action with his wife as plaintiff.

The Long Island *Press* recently quoted Yannacone as attributing his problems with EDF partly to this suit, which he said some trustees regarded as an embarrassment to EDF in its efforts to obtain a grant from the Ford Foundation. However, according to Reginald C. Smith, an attorney EDF hired several months ago to represent it in its dealings with its general counsel, the suit had nothing to do with the "strained relations" between EDF and Yannacone. The trouble, he said, grew out of Yannacone's "evident lack of respect [for] the EDF trustees" and his failure to take direction.

Roderick A. Cameron of Stony Brook, an attorney and executive director of EDF, told *Science* that EDF was getting a "bad deal" and that Yannacone, who, besides representing EDF, has carried on a private law practice of his own, had not been doing enough work for EDF to earn his $5,000-a-month retainer. Yannacone's written agreement with EDF included the provision that any time his work took him more than 100 miles from home for more than 3 days at a time, he was entitled to take his wife and son with him, and that accommodations for travel, meals, and lodging were "to be first class at all times."

EDF's new general counsel is Lee Rogers, a 37-year-old Oregonian who has been a tax attorney for the U.S. Department of Justice. EDF has set up a legal advisory committee and is establishing a network of attorneys around the country which it can call on for advice and courtroom work. For his part, Yannacone, whatever his future relations with EDF, plans to continue his practice of environmental law. He is presently one of the attorneys in a suit in Colorado raising allegations of environmental hazards against the U.S. Atomic Energy Commission and its Project Rulison, in which a 40-kiloton nuclear device was detonated 8000 feet underground in September to allow recovery of natural gas from a rock formation.—L.J.C.

H.R. 405

A bill to amend the Internal Revenue Code of 1954 to require each tax-exempt organization to file an annual information return showing each source (including governmental sources) of its income and other receipts, and to provide for a loss of tax exemption in the case of willful failure to file, or fraudulent statements made in connection with, such return

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6033 of the Internal Revenue Code of 1954 (relating to returns by exempt organizations) is amended as follows:

(1)(A) The first sentence of subsection (a) of such section is amended by inserting "the source of each item of gross income and receipts (including governmental sources)," immediately after "disbursements,".

(B) The second sentence of such subsection is repealed.

(2) Subsection (b) of such section is amended—

(A) by amending clause (1) to read as follows:

"(1) the amount and source (including governmental sources) of its gross income for the year,". and

(B) by amending clause (8) to read as follows:

"(8) the total and the source (including governmental sources) of the contributions and gifts received by it during the year."

(3) Such section is amended by redesignating subsection (c) as subsection (d) and by adding after subsection (b) the following new subsection:

"(c) Willful Failure To File Return; Fraudulent Return.—Any organization which willfully fails to file the return required by subsection (a), or to furnish the information required by subsection (b), shall not be exempted from taxation for the period for which the return was required to be filed. If any person is convicted under section 7206 or 7207 with respect to a return filed or information furnished by an organization under such subsections, such organization shall not be exempted from taxation for the period for which such return or information was filed or furnished."

Sec. 2. Section 6104(b) of the Internal Revenue Code of 1954 (relating to inspection of annual information returns) is amended by striking out "6033(b)" and inserting "6033".

Sec. 3. The amendments made by this Act shall apply only with respect to the annual periods ending after the date of the enactment of this Act for which exempt organizations are required to file information returns.

H.R. 425

A bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt organizations which voluntarily engage in litigation for the benefit of third parties, or commit other prohibited acts, shall lose their exemption from tax

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a)(1)(A) of section 503 of the Internal Revenue Code of 1954 (relating to loss of exemption from taxation) is amended by adding at the end thereof the following: "or if it has engaged in barratry, maintenance, or champerty, voluntarily provided legal assistance to, or participated or sought to participate by intervention, as amicus curiae, or otherwise, for the benefit of any person or class other than itself, in any judicial proceeding after the date of enactment of this Act."

THE OUTLOOK FOR URBAN INDIANS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. FRASER. Mr. Speaker, in a recent editorial, the Minneapolis Tribune commented on the condition of urban Indians in my district. The Tribune reported that the Indian population of Minneapolis has increased by 100 percent since 1960 but that too little has been done during this 10 year period to ease the transition between reservation and urban life.

The outlook is improving, however, now that Federal funding is expected for the construction of an Indian center and the operation of a new social services program. The Bureau of Indian Affairs could do much, I am sure, to complement these new programs if its services were made available to urban Indians. Currently, the Bureau's employment assistance and education programs, for example, are restricted to Indians living on or near reservations.

At this point, I include the Tribune editorial with my remarks:

The Outlook for Urban Indians

The 1970 census verifies previous estimates on the increase of Indian people in Minneapolis in the past 10 years. The city's more than 7,000 Indians, a 100-percent increase since 1960, make up by far the largest concentration of Indians in the state.

The migration of Indians to the city to find jobs and a better life is not confined to Minneapolis. A recent report by the University of Minnesota Training Center for Community Programs notes a similar movement by Eskimos in Alaska and describes many of the same problems. When the Eskimos migrate from small villages to larger communities, they lose control over their personal destiny, lack adequate income to match rising expectations, find tension with whites and experience deep-seated resentments and feelings of personal inadequacy.

The growth of the Indian community in Minneapolis has not been matched by programs to ease the rural-urban transition and meet the needs of the newcomers. Sporadic attempts to provide special centers usually have failed for lack of money and commitment. But the outlook is improving. The expected federal funding of a neighborhood facility in the Model City area and a model urban Indian social-services center should assure the permanence that has been missing in past efforts. The proposed housing project in south Minneapolis also should help to alleviate that serious problem.

Although these programs are encouraging, they will provide minimal benefit if not accompanied by similar gains education and employment opportunities. The report on Alaskan Eskimos is instructive in this regard. Eskimos in the village of Kaktovik made the transition from a meager hunting and fishing economy to a nearly full employment economy—thanks to jobs in new defense installations. They did so without sacrificing their cultural values, local autonomy and social structure. The Eskimos in that case had the advantage of remaining in their native village. But the migrating urban Indians are developing self-determination and reemphasizing cultural values. They, too, can make the transition if provided the opportunities.

RESOLUTION BY LITHUANIAN-AMERICANS OF ARIZONA

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. STEIGER of Arizona. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following resolution adopted by the Lithuanian-Americans of Arizona:

Resolution

We, the Lithuanian-Americans of Arizona State, assembled this 14th day of February, 1971, at UAYA Hall—730 W. Elm Street, Phoenix, to commemorate the restoration of Lithuania's independence, do hereby state as follows:

Whereas, the 16th of February, 1971, marks the 53rd Anniversary of the restoration of independence to the more than 700 year old Lithuanian State, and

Whereas, on June 15, 1940, the Soviet Union forcibly occupied and illegally annexed the independent Republic of Lithuania, which fact had been officially confirmed by the findings of the Select Committee on Communist Aggression of the House of Representatives, 83rd Congress of the United States, and

Whereas, the subjection of people to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation, and

Whereas, the Soviet Union, through a program of deportations and resettlements of peoples, continue in its efforts to change the ethnic character of the population of Lithuania and the other Baltic States, thereby committing the offense of genocide, and

Whereas, the Soviet invaders are unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights, as demonstrated by 1941 uprising, 1944–1952 partisan war and as most recently by the dramatic hijacking of Soviet aircraft to Turkey by Pranas and Algirdas Brazinskas, the heroic attempt of defection by Simas Kudirka and the unsuccessful attempt of escape to Sweden by Vytautas Simokaitis and his wife, now, therefore be it

Resolved, That we again demand that the Soviet Union shall withdraw its armed forces, administrative apparatus, and the imported Russian colonists from Lithuania, thus permitting the Lithuanian people to freely exercise their sovereign rights,

That we again express our gratitude to the United States Government for the firm and unwavering position of non-recognition of the Soviet occupation and annexation of Lithuania,

That we respectfully request President Nixon to direct the attention of world opinion at the United Nations and at the other appropriate international forums on behalf of the restoration of sovereign rights to the Baltic people, which policy was recommended to the President of the United States by the House Concurrent Resolution 416 of the 89th Congress,

That, we urgently request our Government to make all possible efforts to have Simas Kudirka returned to the country with his family, if he is still alive, and

That the copies of this Resolution be mailed to President Richard M. Nixon, Secretary of State William P. Rogers, to both Senators and all the Members of Congress from our State, and to the Press.

This resolution was adopted on February 14, 1971.

WHY EXPLORE SPACE? AN EXPERT'S EXCELLENT ANSWER

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. CASEY of Texas. Mr. Speaker, many Americans, indeed some of our colleagues have questioned the wisdom of our program of exploring space when so much remains to be done here on earth.

Those who pose the question are seldom answered in a complete and factual manner. As one who has strongly supported our space program during the years I have been privileged to serve in Congress, I have been disturbed and indeed, concerned over the "soft sell" approach which the administration has taken in recent years in explaining the benefits America and the world have received from this program. Since the Manned Space Center is within the district I am privileged to represent, and since I formerly sat on the House Science and Astronautics Committee, perhaps I have a keener insight of the program than some of my colleagues and the average citizen.

Recently, a friend sent to me a reprint in which one of our outstanding space scientists answered the question "Why Explore Space?" It is the reply sent by Dr. Ernst Stuhlinger, associate director of science at the Marshall Space Flight Center, Huntsville, to the letter he received from Sister Jucunda, O.P. Sister Jucunda works among starving natives in Africa. Because I think Dr. Stuhlinger's reply is of broad general interest to my colleagues and to the American people, I include it at this point in the Record:

Why Explore Space?

Your letter was one of many which are reaching me everyday, but it has touched me more deeply than all the others because it came so much from the depth of a searching mind and a compassionate heart.

I will try to answer your question as best as I possibly can.

First, however, I would like to say what great admiration I have for you, and for all your many brave sisters, because you are dedicating your lives to the noblest cause of man: help for his fellow men who are in need.

You asked in your letter how I can suggest the expenditures of billions of dollars for a voyage to Mars, at a time when many children on this earth are starving to death.

I know that you do not expect an answer such as "Oh, I did not know that there are children dying from hunger, but from now on I will desist from any kind of space research until mankind has solved that problem!"

In fact, I have known of famined children long before I knew that a voyage to the planet Mars is technically feasible.

However, I believe, like many of my friends, that traveling to the moon and eventually to Mars and to other planets is a venture which we should undertake now. I even believe that this project, in the long run, will contribute more to the solution of these grave problems we are facing here on earth than many other potential projects of help which are debated and discussed year after year, and which are so extremely slow in yielding tangible results.

Before trying to describe in more detail how our space program is contributing to the solution of our earthy problems, I would like to relate briefly a true story which may help support the argument.

About 400 years ago, there lived a count in a small town in Germany. He was one of the benign counts and he gave a large part of his income to the poor in his town. This was much appreciated because poverty was abundant during medieval times and there were epidemics of the plague which ravaged the country frequently.

One day, the count met a strange man. He had a workbench and little laboratory in his house, and he labored hard during the daytime so that he could afford a few hours every evening to work in his laboratory.

He ground small lenses from pieces of glass; he mounted the lenses in tubes and he used these gadgets to look at very small objects. The count was particularly fascinated by the tiny creatures that could be observed with the strong magnification and which nobody had ever seen before.

He invited the man to move with his laboratory to the castle, to become a member of the count's household and to devote henceforth all his time to the development and perfection of his optical gadgets as a special employee of the count.

The townspeople, however, became angry when they realized that the count was wasting his money, as they thought, on a stunt without purpose. "We are suffering from this plague," they said, "while he is paying that man for a useless hobby!"

But the count remained firm. "I give you as much as I can afford," he said, "but I will also support this man and his work, because I know that someday something will come out of it."

Indeed, something very good came out of this work, and also out of similar work done by others at other places: the microscope. It is well known that the microscope has contributed more than any other invention to the progress of medicine and that the elimination of the plague and many other contagious diseases from most parts of the world is largely a result of studies which the microscope made possible.

The count, by retaining some of his spending money for research and discovery, contributed far more to the relief of human suffering than he could have contributed by giving all he could possibly spare to his plague-ridden community.

The situation which we are facing today is similar in many respects. The President of the United States is spending about $200 billion in his yearly budget. This money goes to health, education, welfare, urban renewal, highways, transportation, foreign aid, defense, conservation, science, agriculture and many installations inside and outside the country.

About 1.6 per cent of this national budget was allocated to space exploration this year. The space program includes Project Apollo, and many other smaller projects in space physics, space astronomy, space biology, planetary projects, earth resources projects and space engineering.

To make this expenditure for the space program possible, the average American taxpayer with $10,000 income per year is paying about $30 for space.

The rest of his income, $9,970, remains for his subsistence, his recreation, his savings, his taxes and all his other expenditures.

You will probably ask now: "Why don't you take 5 or 3 or 1 dollar out of the 30 space dollars which the average American taxpayer is paying and send these dollars to the hungry children?"

To answer this question, I have to explain briefly how the economy of this country works. The situation is very similar in other countries.

The government consists of a number of departments (Interior; Justice; Health; Education; Welfare; Transportation; Defense; and others), and of bureaus (National Science Foundation; National Aeronautics and Space Administration and others).

All of them prepare their yearly budgets according to their assigned missions and each of them must defend its budget against extremely severe screening by congressional committees and against heavy pressure for economy from the Bureau of the Budget and the President. When the funds are finally appropriated by Congress, they can be spent only for the line items specified and approved in the budget.

The budget of the National Aeronautics and Space Administration, naturally, can contain only items directly related to aeronautics and space. If this budget were not approved by Congress, the funds proposed for it would not be available for something else. They would simply not be levied from the taxpayer, unless one of the other budgets had obtained approval for a specific increase which would then absorb the funds not spent for space.

You may realize from this brief discourse that support for hungry children, or rather a support in addition to what the United States is already contributing to this very worthy cause in the form of foreign aid, can be obtained only if the appropriate department submits a budget line item for this purpose and if this line item is then approved by Congress.

You may ask now whether I personally would be in favor of such a move by our government. My answer is an emphatic yes. Indeed, I would not mind it at all if my annual taxes were increased by a number of dollars for the purpose of feeding hungry children wherever they may live. I know that all of my friends feel the same way.

However, we could not bring such a program to life merely by desisting from making plans for voyages to Mars. On the contrary, I even believe that by working for the space program I can make some contribution to the relief and eventual solution of such grave problems as poverty and hunger on earth.

Basic to the hunger problem are two functions: the production of food and the distribution of food. Food production by agriculture, cattle ranching, ocean fishing and other large scale operations is efficient in some parts of the world, but drastically deficient in many others.

For example, large areas of land could be utilized far better if efficient methods of watershed control, fertilizer use, weather forecasting, fertility assessment, plantation programming, field selection, planting habits, timing of cultivation, crop survey and harvest planning were applied.

The best tool for the improvement of all these functions, undoubtedly, is the artificial earth satellite. Circling the globe at a high altitude, it can screen wide areas of land within a short time, it can observe and measure a large variety of factors indicating the status and conditions of crops, soil, droughts, rainfall, snow cover, etc., and it can radio this information to ground stations for appropriate use.

It has been estimated that even a modest system of earth satellites equipped with earth resources sensors, working within a program for worldwide agricultural improvement, will increase the yearly crops by an equivalent of many billions of dollars.

The distribution of the food to the needy is a completely different problem. The question is not so much one of shipping volume, it is one of international cooperation.

The ruler of a small nation may feel very uneasy about the prospects of having large quantities of food shipped into his country by a large nation, simply because he fears that along with the food there may also be an import of influence and foreign power.

Efficient relief from hunger, I am afraid, will not come before the boundaries between nations have become less dividing than they are today.

I do not believe that space flight will accomplish this miracle overnight. However, the space program is certainly among the most promising and powerful agents working in this direction.

Let me only remind you of the recent near-tragedy of Apollo 13. When the time of the crucial reentry of the astronauts approached, the Soviet Union discontinued all Russian radio transmission in the frequency bands used by the Apollo Project in order to avoid any possible interference, and the Russian ships stationed themselves in the Pacific and the Atlantic oceans in case an emergency rescue would become necessary.

Had the astronauts' capsule touched down near a Russian ship, the Russians would undoubtedly have expended as much care and effort in their rescue as if Russian cosmonauts had returned from a space trip.

If Russian space travelers should ever be in a similar emergency situation, Americans would do the same without any doubt.

Higher food production through survey and assessment from orbit, and better food distribution through improved international relations are only two examples of how profoundly the space program will impact life on earth.

I would like to quote two other examples: stimulation of technological development and generation of scientific knowledge.

The requirements for high precision and for extreme reliability which must be imposed upon the components of a moon-traveling spacecraft are entirely unprecedented in the history of engineering.

The development of systems which meet these severe requirements has provided us a unique opportunity to find new materials and methods, to invent better technical systems, to improve manufacturing procedures, to lengthen the lifetimes of instruments and even to discover new laws of nature.

All this newly acquired technical knowledge is also available for applications to earthbound technologies. Every year, about a thousand technical innovations generated in the space program find their ways into our earthly technology where they lead to better kitchen appliances and farm equipment, better sewing machines and radios, better ships and airplanes, better weather forecasting and storm warning, better communications, better medical instruments, better utensils and tools for everyday life.

Presumably, you will ask now why we must develop first a life support system for our moon-traveling astronauts, before we can build a remote-reading sensor system for heart patients.

The answer is simply: significant progress in the solution of technical problems is frequently made not by a direct approach, but by first setting a goal of high challenge which offers a strong motivation for innovative work, which fires the imagination and spurs men to expend their best efforts, and which acts as a catalyst by including chains of other reactions.

Space flight, without any doubt, is playing exactly this role. The voyage to Mars will certainly not be a direct source of food for the hunger. However, it will lead to so many new technologies and capabilities that the spinoffs from this project alone will be worth many times the cost of its implementation.

Besides the need for new technologies, there is a continuing great need for new basic knowledge in the sciences if we wish to improve the conditions of human life on earth.

We need more knowledge in physics and chemistry, in biology and physiology, and very particularly in medicine to cope with all these problems which threaten man's life: hunger, disease, contamination of food and water, pollution of the environment.

We need more young men and women who choose science as a career, and we need better support for those scientists who have the talent and the determination to engage in fruitful research work.

Challenging research objectives must be available, and sufficient support for research projects must be provided. Again, the space program with its wonderful opportunities to engage in truly magnificent research studies of moon and planets, of physics and astronomy, of biology and medicine is almost ideal catalyst which induces the reaction between the motivation for scientific work, opportunities to observe exciting phenomena of nature, and material support needed to carry out the research effort.

Among all the activities which are directed, controlled and funded by the American government, the space program is certainly the most visible, and probably the most debated activity, although it consumes only 1.6 per cent of the total national budget and 3 per mill of the gross national product.

As a stimulant and catalyst for the development of new technologies, and for research in the basic sciences, it is unparalleled by any other activity. In this respect, we may even say that the space program is taking over a function which for three or four thousand years has been the sad prerogative of wars.

How much human suffering can be avoided if nations instead of competing with their bomb-dropping fleets of airplanes and rockets, compete with their moon-traveling space ships! This competition is full of promise for brilliant victories, but it leaves no room for the bitter fate of the vanquished which breeds nothing but revenge and new wars.

Although our space program seems to lead us away from our earth and out toward the moon, the sun, the planets and the stars, I believe that none of these celestial objects will find as much attention and study by space scientists as our earth.

It will become a better earth, not only because of all the new technological and scientific knowledge which we will apply to the betterment of life, but also because we are developing a far deeper appreciation of our earth, of life, and of man.

The photograph which I enclose with this letter shows a view of our earth as seen from Apollo 8 when it orbited the moon at Christmas, 1968.

Of all the many wonderful results of the space program so far, this picture may be the most important one.

It opened our eyes to the fact that our earth is a beautiful and most precious island in an unlimited void, and that there is no other place for us to live but the thin surface layer of our planet, bordered by the bleak nothingness of space.

Never before did so many people recognize how limited our earth really is, and how perilous it would be to tamper with its ecological balance.

Ever since this picture was first published, voices have become louder and louder warning of the grave problems that confront man in our times: pollution, hunger, poverty, urban living, food production, water control, overpopulation.

It is certainly not by incident that we begin to see the tremendous tasks waiting for us at a time when the young space age has provided us the first good look at our own planet.

Very fortunately, though, the space age not only holds out a mirror in which we can see ourselves, it also provides us with the technologies, the knowledge, the challenge, the motivation, and even with the optimism to attack these tasks with confidence.

What we learn in our space program, I believe, is fully supporting what Albert Schweitzer had in mind when he said: ,

"I am looking at the future with concern, but with good hope."

My very best wishes will always be with you—Ernst Stuhlinger.

POSTMASTER GENERAL BLOUNT REPORTS ON POSTAL SERVICE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. DULSKI. Mr. Speaker, today Postmaster General Winton M. Blount and his staff appeared before our Committee on Post Office and Civil Service to report on the developments of the past year and to answer questions of Members.

The Post Office Department, as a result of the Postal Reorganization Act enacted by Congress last summer, is now undergoing transition to the U.S. Postal Service. This transition is to be completed by July 1.

In his opening statement to the committee, General Blount reported on the progress of the transition to date and of the plans ahead for the operation and improvement of the postal service.

He announced several major decisions with regard to the handling of mail and the construction of new facilities.

Mr. Speaker, as part of my remarks I include the text of General Blount's opening statement, followed by explanatory statements on three specific matters: bulk mail network, postal building program, and the postal agreement with the Army Corps of Engineers.

TESTIMONY OF POSTMASTER GENERAL WINTON M. BLOUNT BEFORE THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. Chairman: I appreciate your invitation to bring the Committee up-to-date on some of the more significant developments in the United States Postal Service since the passage of the Postal Reorganization Act last August.

The job of guiding that bill through to enactment was an exceptionally difficult one, Mr. Chairman, and I should like to take this opportunity to give public recognition to the leadership that you and your Committee displayed in this regard.

Without the strong, bi-partisan support that this Committee gave to the principle of postal reform, I seriously question whether a meaningful reform bill could have been passed in the last Congress.

The cynics who told us in May of 1969 that the 91st Congress would never respond positively to the President's appeal for total reform of the postal system made the mistake, in my opinion, of seriously misjudging the willingness of this Committee to put principle ahead of politics.

ROLE OF THE CONGRESS

The Committee's statesmanlike approach to the question of postal reorganization was particularly commendable, I think, because the Committee recognized from the outset that passage of the Act would result in major changes in the Committee's own role *vis à vis* the postal establishment.

Now that the law is on the statute books, the Committee's primary responsibility with regard to postal matters, as I understand it, will be to keep generally informed on the major activities of the Postal Service, with a view to helping insure that the public interest remains paramount. I am keenly aware of the importance of this "oversight" function, and the Committee will have my complete cooperation in the work that lies ahead.

I intend to do all I can to encourage the kind of friendly relationship we have had in the past, for without such a relationship neither the Postal Service nor this Committee is likely to be able to do the kind of job the American people are expecting.

If I may, I would like now to introduce to the Committee Lawrence C. Gayle, who was appointed Assistant Postmaster General for Personnel on January 20, 1971. Mr. Gayle came to the Post Office Department from Delta Steamship Lines of New Orleans, where he was Vice President for Operations. Prior to that time, Mr. Gayle had served as Vice President and Director of Labor Relations for the New Orleans Steamship Association and as Director of Administration for the New York Shipping Association.

Mr. Gayle has the distinction of being the first Assistant Postmaster General appointed without Senate confirmation under the new Act.

SPOKESMAN ON BARGAINING

I should also like to present to the Committee Mr. James P. Blaisdell, our spokesman in the current collective bargaining negotiations. Mr. Blaisdell has participated in the negotiation and administration of collective bargaining agreements for a wide variety of employer associations, public utilities, and shipping, mining, manufacturing and agricultural interests.

He has been assisting us for some months as a sort of "minister without portfolio" in the labor relations area, and I think that all of us—including the employee organizations—believe that it is fortunate from the standpoint of every participant in the negotiations that we have a man like Jim Blaisdell on board during this critical period.

The unions have also retained a highly professional representative, Mr. Bernard Cushman. Mr. Cushman, an alumnus of the Harvard Law School, has a reputation as an extremely able negotiator, and he will, I am sure, do an outstanding job of seeing that the interests of the bargaining unit employees are well protected at the bargaining table.

THE BOARD OF GOVERNORS

As the Committee knows, the nine Governors of the Postal Service were nominated by the President last September. The nominees include Theodore W. Braun, who heads a company by that name in California; Charles H. Codding, Jr., who owns and operates a ranch in Foraker, Oklahoma; Patrick W. Haggerty, the Chairman of the Board and Chief Executive Officer of Texas Instruments Company, in Dallas;

Dr. Andrew D. Holt, who recently retired as President of the University of Tennessee; George E. Johnson, of Chicago, the President and Chief Executive Officer of Johnson Products Company; Frederick R. Kappel, the former Chairman of the Board of American Telephone and Telegraph Company and the man who headed, with great distinction, the President's Commission on Postal Organization;

E. T. Klassen, the former Deputy Postmaster General and former President of American Can Company, who brings to his new position a lifetime of experience in the labor relations area, as well as a keen insight into the problems of the Postal Service;

Crocker Nevin, Chairman of the Board and Chief Executive Officer of Marine Midland Grace Trust Company in New York City; and M. A. Wright, Chairman of the Board and Chief Executive Officer of Humble Oil and Refining Company.

GIVEN RECESS APPOINTMENTS

Because the Senate was not able to act on these nominations before the 91st Congress adjourned, the President gave the Governors recess appointments in January of this year. Under the Constitution, these appointments will enable the Governors to serve until the expiration of the first session of the 92nd Congress.

The Board of Governors met for the first time on January 12, 1971, and promptly began the task of familiarizing itself with the financial situation of the Postal Service and with other aspects of the postal picture. There have been three further meetings of the full Board since January 12, and various committees of the Board have also started to function.

The Board has selected a Postmaster General and Chairman for the new organization, and has decided that the Postal Service will commence operations as an independent establishment on July 1, 1971. At that time the Post Office Department will go out of existence and the Postmaster General will leave the President's Cabinet.

SOME PROVISIONS EFFECTIVE

In keeping with the expectations of the interested Congressional Committees, the Board has also adopted a resolution putting into effect provisions of the Act that will enable the Governors to make necessary adjustments in postage rates, after proceedings before the independent Postal Rate Commission, and will enable the Post Office Department to put temporary rate changes into effect if the Rate Commission should fail, for one reason or another, to give the Governors a recommended decision on rate changes within 90 days after the Department's request for such a decision.

The independent Rate Commission—composed of five exceptionally well qualified Commissioners—has been in office for several months. The Commission has recruited a staff, published its rules of practice, and, we understand, is ready for business.

We filed our request with the Rate Commission on February 1, and published a notice in the Federal Register advising the public of the specific rate changes being suggested by the Department. The notice also alerted the public to the temporary rate changes we expect to put into effect about the middle of May if the Rate Commission has not been able to complete its work by that time.

SOME SUBSIDY CONTINUES

Without going into the details of our rate proposal at this time, I can say that the new rates will substantially reduce the flow of taxpayers' dollars out of the Treasury of the United States.

Under the Postal Reorganization Act, the taxpayers will continue to subsidize the postal system for some years to come, but we can at least look forward to a time when the only continuing subsidies will be to nonprofit organizations and the blind.

Our individual customer may not be overjoyed at the prospect of paying eight cents to mail a letter, but he will still be getting one of the best bargains available in today's economy.

As this Committee fully appreciates, the wage increases recently received by Postal employees have increased our costs of operation substantially.

In addition to the wage increases that Congress granted Postal employees in 1970—increases that totaled nearly 15% and that boosted our costs of operation by $921 million per year—the Reorganization Act required the Post Office Department to establish a new wage schedule (through collective bargaining with the unions holding national exclusive recognition rights) reducing to not more than eight years the time required for bargaining unit employees to reach the top pay step in grade.

Agreement on the terms of such a wage schedule was reached last November, and the newly "compressed" wage schedule became effective for most rank and file employees as of November 14, 1970.

CONCERN FOR MANAGEMENT TEAM

From a management standpoint, it made no sense at all for our bargaining unit employees to receive more favorable treatment than our management team (including our postmasters and supervisors) and other nonbargaining unit employees.

Unfortunately, because we still did not have a Board of Governors last November, it was not legally possible to extend equitable treatment to our management people at that time.

One of the first orders of business of the new Board, when it finally did take office, was to implement Section 1003 of the new Title 39, as contained in the Reorganization Act, thereby giving the Post Office Department legal authority to make appropriate adjustments in the pay schedules applicable to postmasters, supervisors, and other nonbargaining unit employees.

Under this authority, I issued "Postal Service Order No. 71-1" on February 1, 1971, establishing a new "PMS Schedule" that will enable most postmasters and supervisors to reach the top pay step in their respective grades after seven years of satisfactory service.

The order also provided for a "one-time equalization payment" designed to put our management people in as good a financial position as they would have been in if it had been possible to adopt the new PMS schedule on November 14.

APPOINTING OFFICERS AND EMPLOYEES

The Board of Governors has also implemented 39 U.S.C. §1001, thereby enabling the Postal Service (or the Post Office Department, prior to July 1) to appoint officers and employees in the Postal Career Service.

This provision—which applies to the appointment of postmasters as well as other officers and employees—will enable us to modify the residence requirements that previously applied to candidates for appointment to postmaster positions.

Under regulations that will become effective on April 1, 1971, consideration will be given to postal employees, in accordance with the following guidelines, and without regard to residence:

First, for postmaster jobs at the PMS 16 level ($19,589–$25,469 per year), or above, any postal employee will be eligible for consideration regardless of where he is currently working;

Second, for lower grade postmaster jobs, any postal employee will be eligible for consideration provided that for the six months preceding his appointment he has worked in the postal region where the office is located, in the case of PMS 14 and 15 jobs; or in the state in which the office is located, in the case of PMS 9 through 13 jobs; or in the Postal Sectional Center where the office is located, in the case of PMS 6 through 8 jobs.

SELECTING POSTMASTERS

For postmaster jobs below the PMS 16 level ($19,589–$25,469), initial consideration will be given to employees in the post office where the vacancy occurs, in the case of first-, second-, or third-class post offices. The regulations will permit the area of consideration to be expanded when the Postmaster General finds that such an expansion is in the interest of the Postal Service.

Similarly, consideration may be given to individuals who are not postal employees, where the Postmaster General finds that this would be in the interest of the Postal Service, provided that such individuals have actually resided for six months within the work area applicable to employee candidates for the postmastership in question.

Postmasters at fourth-class offices will be selected from among people who have actually resided within the delivery area served by the post office, or the city or town where it is located, for at least six months.

The Committee may also be interested in a report on our progress to date in filling the substantial backlog of vacant postmasterships that has been building up over the past several years.

Under sction 13 of the Reorganization Act, which empowered the Postmaster General to appoint postmasters at offices of all classes without Senate confirmation, a total of 1014 career postmasters have been appointed since last November.

4700 POSTMASTER VACANCIES

We still have approximately 4700 vacancies to fill, and I expect that this backlog will have been substantially disposed of by the time the Postal Service commences operations next July.

Turning now to our plans for the future, I have been concerned, as I know this Committee has been, about the fact that our antiquated physical plant and our outmoded organizational structure have made it increasingly difficult for us to provide the kind of service that our customers want, at prices that they can afford to pay.

The problems we face in this regard are monumental; obviously, it will take years to solve them. We are going to solve them, however, and I expect that our customers are going to enjoy very substantial long range benefits as a result of the planning now under way in the Postal Service.

One of our major problems in the past, as I need hardly tell the Committee, has been in our handling of packages. We have been trying for years to process "bulk mail"—i.e., parcels and sacks containing circulars, magazines, and the like—in the same facilities where we handle letter mail.

LETTER-PARCEL MIX CHAOTIC

In many areas, the result has been chaotic; the time within which both letters and packages are delivered has varied far more than it should, and, because of inadequate facilities, the damage rate for parcels has been simply appalling.

After intensive study, we have concluded that a major breakthrough can be achieved by constructing a network of separate facilities, specifically designed for efficient handling of parcels and sacks of non-preferential second and third class mail.

The construction of these bulk mail facilities will enable existing post offices to concentrate on important letter mail, and, when the system is fully operational, will permit us to handle parcels with far less breakage and with much greater dependability in terms of delivery time.

Attached to the copies of my prepared statement that you and the members of the Committee have before you, Mr. Chairman, are reproductions of the "National Bulk Mail System" briefing charts that Mr. Carlin will, with your permission, now help me review.

BULK MAIL NETWORK

As the chart shows, the separate bulk mail network will consist of 21 major facilities (the first of which is already under construction in the New York City area) and twelve satellite facilities. We expect to have the entire system—all 33 units—in full operation during fiscal year 1975.

Construction of this bulk mail network will, we believe, enable us to operate the postal system for about $310 million a year *less* than it would cost us if we continued to do business the way we are today. In other words, on the basis of 1971 costs, we expect to save more than $310 million a year once the system is in operation.

The volume of mail is steadily rising, of course, and some of our costs may rise too; I am not suggesting, therefore, that our total 1975 costs will be $310 million less than our total 1971 costs; what I am saying is that our 1975 costs will be $310 million less than they would be if we did not build the system.

The total investment required to construct and equip the network of bulk mail facilities, thereby permitting us to realize these savings, is estimated at less than one billion dollars—and this estimate takes into account the fact that construction costs may go up between now and the time when the last contract is awarded.

RETURN ON INVESTMENT

As the Committee can see, that's a pretty good investment; even if mail volume did not increase at all, the investment would produce a return of almost 25% per year, calculated on a 1971 cost base. There aren't many banks that pay their depositors that kind of interest!

The next chart shows the "product lines" that will be processed in the bulk mail facilities. These product lines include parcel post and other fourth class mail; sacks of third class mail, such as circulars, catalogs, and "small parcels and rolls"; and sacks or bundles of second class periodical publications that do not have the time value that newspapers or news magazines have.

Turning to the next chart, we see that the annual volume of second class mail handled in the bulk mail network will be about 50 million sacks—or more than six billion individual pieces each year.

More than 60 million sacks of third class mail will be handled, and more than one billion pieces of fourth class mail.

The next chart shows the locations of the 21 major bulk mail facilities together with the twelve service facilities.

PROPOSED BULK MAIL UNITS

As the Committee can see we expect to locate a BMF at Springfield, Massachusetts, with an auxiliary facility in Portland, Maine. New York and Pittsburgh will have BMF's, and there will be a service facility in Buffalo.

Following on down the chart, there will be BMF's in Philadelphia, Washington, Greensboro, Atlanta and Jacksonville, with a service facility in Miami. Memphis will have a BMF, and New Orleans a service facility. Cincinnati, Detroit and Minneapolis are to have BMF's, and there will be a satelite facility in Bismarck.

There will be a BMF in Chicago and a service facility in Milwaukee. BMF's will be located in St. Louis, Kansas City, Des Moines and Dallas, with service facilities at Houston and Oklahoma City. Denver will have a BMF, and Billings, Salt Lake City and Albuquerque will all have service facilities.

BMF's will be located in Los Angeles, San Francisco and Seattle, and there will be a service facility in Phoenix, Arizona.

The next chart shows the number of days within which the Post Office Department is now able to deliver designated percentages of fourth class parcels addressed to locations within the same local area in which they are mailed.

(The "intra SCF" in the caption refers to movements entirely within the area served by a single sectional center facility. There are 553 section centers throughout the United States.

PROPOSE 64 PERCENT ONE-DAY DELIVERY

While almost 64% of these local parcel movements are completed within one day after mailing, the curve flattens out very quickly thereafter.

Only 85% of the local parcels are delivered within three days after mailing, and when we get out to seven days, we find that only about 95% of local addressed parcels are delivered within a week.

The next chart shows what kind of job we are presently doing with respect to 95% of the parcels mailed between the representative cites named in the matrix Starting with Springfield, Massachusetts, we find that we have to wait as long as six days before we can say that 95% of all the packages mailed in Springfield and addressed to people right in Springfield have been delivered.

We have to wait ten days, similarly before 95% of all packages mailed in Springfield and addressed to New York City have been delivered. Going down to the end of that column, it takes more than 16 days before 95% of the packages mailed in Springfield to Seattle, Washington, have been delivered.

Moving over to the opposite end of the chart, we find that it takes *eleven* days before we can say we have delivered 95% of the parcels mailed in San Francisco and addressed to people in that same city. In my book, that's pretty bad service.

IMPROVED SERVICE EXPECTED

As the next chart shows, we expect to be doing a little better by the time the bulk mail system is fully operational. Within the next four years, 95% of all parcels mailed in San Francisco to San Francisco addressees should be delivered within *two* days, rather than the present eleven days. 95% of all packages mailed in Springfield, Massachusetts, to Springfield addressees, similarly, will be delivered within two days, while 95% of all packages mailed from Springfield, Massachusetts, to Seattle, Washington, will be delivered within seven days, rather than the 16 or more days it takes now.

In addition to this rather dramatic improvement in our ability to deliver most parcels within a reasonable time frame—and to do so for substantially less money than it would cost us simply to maintain today's unacceptable service levels if the bulk mail network were not built—the modern materials-handling methods employed in the bulk mail system should result in a far lower incidence of damage to the parcels that the American people entrust to our care.

Trying to process bulk mail and letter mail in the same overcrowded facilities, as we have been doing for years, is like trying to manufacture tractors and sportscars on the same assembly line.

You can do it, but you can't do it very fast and you can't do it very well. It's time for a change—and the change I have described is going to make it possible for us to deliver a better product at a better price than we'd be charging for the old product if there were no change.

HANDLING LETTER MAIL

In addition to the bulk mail network, we expect to start work in fiscal year 1972 on 23 major postal facilities devoted to handling of letters and other preferential mail. Cost estimates for these 23 facilities are not yet complete.

For the Postal Service itself to build and equip all the projected new facilities would obviously require a dramatic expansion in our existing capabilities. As one who has some familiarity with the construction industry, I am convinced that this would be a wasteful and inefficient move.

Fortunately, the Corps of Engineers of the Department of the Army already has a large, experienced and extremely capable construction team in being, and after months of preparation we have worked out an arrangement whereby the Corps, acting under overall policy guidance from the Postal Service, will select and acquire the sites for the new buildings, furnish necessary architect and engineer services, award and supervise the construction and mechanization contracts, and deliver the completed facilities to the Postal Service on schedule.

I think I can promise the Committee that, despite the size of this construction program, it's no longer going to take us nine years to get our postal facilities off the drawing board and into production.

THE ORGANIZATIONAL STRUCTURE

Just as important as the modernization of our physical plant is the modernization of our organizational structure. The Postal Reorganization Act provides the basic charter for a well-managed, non-political, service-oriented enterprise capable of doing the job that needs to be done in the years ahead.

Obviously, it is up to the Postal Service to take full advantage of the opportunity thus presented, and to make the most productive use of its resources so as to best serve the interests of its customers. Intensive study is now being given to the question of how our organizational structure can be improved, so that we will be in a position to achieve that end.

I have every hope that whatever organizational changes these studies show to be desirable can, in large part, be implemented by next July, when the Postal Service takes over from the Post Office Department.

Our future prospects are truly exciting. Just over the horizon, for example, lie new techniques that will enable us to sort and distribute the growing volume of letter mail far more quickly than we are able to today, and at a far lower unit cost than that which would be incurred if we continued to use traditional sorting techniques.

Each and every person now employed in the Postal Service will, I believe, have a chance to help attain a goal that has not heretofore been attainable—the goal of providing America a truly excellent postal system. One of the things that makes America great, I think, is the traditional determination of its people to excel in whatever they do. We are more fortunate than we know in having the kind of people that we have in the American postal system; given the means, I am convinced that they will be able to make our postal system the envy of the world.

This completes my prepared statement, Mr. Chairman, and I should be happy to respond to any questions the Committee may have.

BULK MAIL NETWORK

The United States Postal Service is implementing a $950 million nationwide Bulk Mail Network that will reduce operating costs by over $300 million a year when it is fully operational. The network, scheduled for completion by the end of 1975, will consist of 21 highly mechanized Bulk Mail Centers (BMC's) and 12 Auxiliary Service Facilities (ASF's).

The system will centralize the handling of parcel post and some second- and third-class mail in separate facilites and will provide more efficient sorting of these mail categories. Additionally, space now being used to process such mail in existing postal facilities will become available for processing letter mail more expeditiously.

The first Bulk Mail Center, which will service New York City, is already under construction at Jersey City, New Jersey, and is scheduled for occupancy in 1973.

PROPOSED BULK MAIL UNITS

Funds have been allocated for construction of other Bulk Mail Centers in the following locations:

Fiscal Year 1971 Funds—Atlanta, Georgia; Chicago, Illinois; Pittsburgh, Pennsylvania; Los Angeles, California; Washington, D.C.; Dallas-Ft. Worth, Texas; Minneapolis-St Paul, Minnesota.

Fiscal Year 1972 Funds—Jacksonville, Florida; Kansas City, Missouri; St. Louis, Missouri; Philadelphia, Pennsylvania; Seattle, Washington; Springfield, Massachusetts; Memphis, Tennessee.

Tentative plans call for similar facilities to be constructed in the following additional locations—Cincinnati, Ohio; Detroit, Michigan; San Francisco, California; Denver, Colorado; Greensboro, North Carolina; Omaha, Nebraska.

An estimated annual volume of over one billion pieces of parcel post and over 20 billion pieces of second- and third-class mail will be channeled through the new system. The typical Bulk Mail Center will operate for 16 hours a day and is designed to control the input of mail to eliminate volume peaks.

Processing capabilities of the facilities will be determined in accordance with the expected mail volume within the geographic area serviced by the given facility.

The Bulk Mail Centers will be high-volume, fully mechanized installations supported by low-volume auxiliary service facilities with less mechanized equipment.

ROLE OF AUXILIARY UNITS

Auxiliary facilities will sort originating parcels for their own service areas and to other volume mail centers. In general, existing postal installations will be modified to serve as these auxiliary facilities.

The Postal Service will apply specially developed service, operating and design criteria to significantly reduce the average time required to deliver long haul parcel post. The emphasis from a service standpoint will be consistent, reliable, damage-free service in a reasonable time period. In order to achieve these goals, it will be required that all parcel post be ZIP Coded by the customers.

Construction of the facilities and associated mechanization will be based on two or three standard designs. However, due to the anticipated volume and sortation requirements, specially designed facilities are being planned for New York and Chicago.

In general, the type to be used at a particular location will be determined by the area mail volume and distribution patterns.

STANDARDIZED SYSTEM

Such a standardized system concept will significantly reduce design and procurement time to allow faster implementation of the system. This will also permit production ordering of equipment which should result in significant cost reduction.

Equipment to be installed in the facilities will include high speed parcel sorters capable of sorting fourth-class parcels at the rate of 160 parcels per minute. The present sortation equipment is capable of operating at the acceptance rate of 45 to 60 parcels per minute.

Each sorter will be equipped with mechanized induction units which will automatically feed parcels onto the high speed sorters.

An automatic container unloading system, developed by the U.S. Postal System, will be utilized in each facility. This system automatically unloads parcels and sacks onto conveyor systems which transfer them without manual assistance to designated sorting areas.

Careful attention is being given to working conditions in these highly mechanized plants. The objective is to significantly improve environmental conditions for the Postal Service employees.

The new facilities will contain the best security provisions for the protection of the mails. New electronic surveillance systems as well as direct visual observation will be incorporated in the plant designs.

Great emphasis is being placed on reducing damage to mail to an insignificant level. The equipment designs are being critically reviewed to assure appropriate damage elimination design practices.

POSTAL BUILDING PROGRAM

The Postal Service intends to build 30 major postal buildings, including 23 preferential mail facilities and seven Bulk Mail Centers, under the fiscal 1972 budget.

The list of facilities is tentative because evolving mail-handling concepts and availability of existing buildings may necessitate changes in projects.

The 30 facilities, with their cost estimates where available, include:

Preferential Mail Facilities—Albany, New York ($11,664,000); Amarillo, Texas ($4,453,000); Billings, Montana ($3,850,000); Brooklyn, New York ($29,536,000); Columbus, Georgia ($3,957,000); Hartford, Connecticut ($7,347,000); Honolulu, Hawaii ($9,736,000); Jackson, Michigan (cost estimate being developed); John F. Kennedy Airport Mail Facility, New York ($28,633,000); Little Rock, Arkansas ($7,850,000); Madison, Wisconsin ($6,875,000); Manchester, New Hampshire ($4,181,000).

Missoula, Montana (cost estimate being developed); Montgomery, Alabama ($4,718,000); Oshkosh, Wisconsin (cost estimate being developed); Rapid City, South Dakota ($2,537,000); Reno, Nevada ($3,488,000); Salem, Oregon ($2,840,000); Shreveport, Louisiana ($5,750,000); Syracuse, New York ($9,337,000); Waterloo, Iowa ($3,506,000); Wichita, Kansas ($6,161,000); Youngstown, Ohio ($4,117,000).

Bulk Mail Centers—Jacksonville, Florida ($13,600,000); Kansas City, Missouri (cost estimate being developed; Philadelphia, Pennsylvania (cost estimate being developed); St. Louis, Missouri (cost estimate being developed); Seattle, Washington ($8,160,000); Springfield, Massachusetts $13,600,000); Memphis, Tennessee (cost estimate being developed).

OTHER FACILITIES PLANNED

The construction plan also calls for two other major facilities to be built by private capital and leased to the Postal Service: a new mail handling facility for the city of Louisville, Kentucky, to be located at the Louisville airport, and a new mail facility to be located on the Dallas and Fort Worth, Texas, regional airport.

Several hundred smaller postal facilities also will be built under the leased construction program in fiscal 1972. Regional officials will announce decisions on these projects throughout the budget year.

The Postal Service has developed a new concept for specialized handling of bulk mail (periodicals, advertising, circulars, parcel post) and preferential mail (first-class, some newspapers and magazines, air mail). This approach has several advantages:

First, a greater degree of mechanization is possible.

Second, sites in less crowded fringe areas can be selected for facilities.

Third, high grade, industrial type buildings can be erected, rather than structures that are more appropriate to business areas.

AREA MAIL PROCESSING

The building program reflects another new concept being used by the Postal Service called Area Mail Processing.

The principal idea behind Area Mail Processing is that larger facilities equipped with major mail-handling machines which could not be justified for small-volume post offices will process mail brought in from surrounding areas. Modern, high-speed equipment is costly, and its use is most efficient when a concentrated mail volume permits operation of the machinery for a larger part of the working day.

A highly mechanized experimental letter sorting project also is being conducted in Cincinnati, Ohio. The project relies on encoding, a system whereby a code is put on an envelope so that it can be read by machines.

The result of this and other test programs probably will require adjustments to the postal facility program, so that a particular area serves most efficiently in regional or national plans for moving the mail.

Some changes have already occurred since the President's 1972 budget submission. At that time, the postal public building program was estimated at $217,800,000. This estimate was prepared for the construction of 26 postal facilities. Since the budget was released, the Postal Service has identified the need for seven additional facilities, deleted two of the proposed 26 and advanced one to the fiscal 1971 program.

Thus, current planning for the fiscal 1972 program includes 30 projects. Cost estimates have been developed for 23; estimates for four bulk and three preferential facilities will be developed when planning has been completed.

POSTAL AGREEMENT WITH ARMY CORPS OF ENGINEERS

The U.S. Postal Service plans to use the full capabilities of the Army Corps of Engineers in carrying forward a large-scale modernization of American post offices and mail facilities.

The arrangement was worked out between Postmaster General Winton M. Blount and Secretary of Defense Melvin R. Laird as an alternative to increasing Postal Service manpower to handle the large construction program.

Under the new joint agreement signed today by Secretary of the Army Stanley R. Resor, the Army engineers will select and acquire sites, design new facilities and supervise construction, inspection and acceptance of new buildings.

"One of the keys to improving the mail service is a more up-to-date postal plant built around sophisticated, high-speed mail handling equipment," Mr. Blount said. "Congress recently authorized the Postal Service to undertake a modernization program which would make this possible."

PROVIDE NEW EFFICIENCY

For the Postal Service alone to execute the program would require temporary addition to the staff of many types of personnel.

Use of the Corps is expected to bring a new degree of efficiency to the construction program of the Postal Service. Swifter completion of planned facilities will hold down costs and make possible earlier occupancies, thus improving mail service.

The Corps of Engineers in the past has rendered similar service to other executive agencies, most recently involving facilities for NASA's Manned Space Program.

The Corps already has become active in major postal projects by taking over supervision of construction of facilities at Kearney, New Jersey; Memphis, Tennessee; St. Louis, Missouri; Baltimore, Maryland; Jersey City, New Jersey, and assuming responsibility for design of Waikiki Station in Honolulu, Hawaii.

A TRIBUTE TO THE LATE HENRY ROGERS

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. DIGGS. Mr. Speaker, wide admiration of his high principled endeavors compels me to notify my colleagues in the Federal legislature and, through you, the American public of the untimely death on Tuesday, March 2, 1971, of Henry Rogers of Detroit, Mich.

Mr. Rogers, who died at the young age of 38, was a talented building architect and one of Detroit's most dedicated equal rights leaders. He was a tireless crusader for the participation of a rightful number of black workers in the construction trades. Moreover, as the chief planner for several neighborhood rehabilitation projects, he was devoted to making the city of Detroit a happier and healthier center of urban life.

Through the contributions of the late Henry Rogers, the people of Detroit have a clear blueprint from which to erect an environment of social and economic harmony. His deeds deserve not just to be remembered, but to be engineered into complete realities for local and national good.

A WORKERS PLEA TO CONGRESS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. WYMAN. Mr. Speaker, foreign imports of leather and vinyl footwear products continue to take their toll of American jobs. Last week, alone, in my State of New Hampshire, some 50 employees of a firm in Portsmouth were sent home from their work. The plant at which these workers had labored to earn a living has closed its doors "temporarily" in the hope that something will soon be done to stop the increasingly harmful importing of shoes and shoe products produced abroad under a wage system with which industry in this country just cannot complete.

In the last 2 years when imports have registered a virtual runaway percentage of the American market, New Hampshire has seen 12 major factories close and 13,150 American jobs lost. Every indication is that 1971 will be yet another year of lower shoe business for New England producers. This situation must stop.

Congress should act immediately on orderly marketing legislation—not to completely cut off imports—but to require a limitation of imports to a base period—1967–68—in which foreign sources had a considerable but not excessive share of the marketplace. Not so in 1970.

For the readers of the RECORD, I am including three articles which paint a bleak situation already in existence in New England in terms of jobs being exported. One is an article appearing in the March 3 issue of the Portsmouth, N.H., Herald entitled "Welpro, Inc. Still Hopes To Resume." Another is a March 6 article appearing in the State Edition of the Manchester, N.H., Union-Leader entitled "New Hampshire Shoe Outlook Worsens." And, the third is a statistical compilation, with explanation, published on March 5 by the New England Footwear Association located in Boston, Mass.:

[From the Portsmouth (N.H.) Herald, Mar. 3, 1971]

WELPRO, INC. STILL HOPES TO RESUME

The Portsmouth shoe firm Welpro, Inc., has closed the doors of its Lafayette Road plant, but one of the owners said today it's hoped the shutdown will be temporary.

The plant sent home its 50 employes, two-thirds of whom were women, Monday because of the sagging retail market aggravated by foreign imports and the business recession.

Stanley Barr, president, said from the parent company in Seabrook today, "It's temporary, we hope, but because of the uncertainties in the shoe industry we're not sure what will happen.

"We'll leave the plant basically intact and hope something will develop. We should know within a couple of months."

The firm has employed up to 95 personnel during the period of just under five years it's been open.

Welpro started in May 1966, using machinery that uses a welding process, that virtually eliminates stitching in shoe manufacture.

[From the Manchester (N.H.) Union Leader, Mar. 6, 1971]

INDUSTRY EXPERT REPORTS NEW HAMPSHIRE SHOE OUTLOOK WORSENS

The shoe industry in New Hampshire faces further declines in employment and output in 1971 because of an alarming increase in imports of foreign footwear, reports Maxwell Field, executive vice president of the New England Footwear Association, in his annual review of conditions in the shoe industry in New England.

The foreign competition affects New Hampshire more so than most shoe states, Field said, "because women's shoes account for over 50 per cent of all shoes produced in New Hampshire."

Referring to Manchester, Field said:

"Manchester, as the leading shoe city in the state, with 4,300 shoeworkers employed last January, is also adversely affected by rising imports totals. For, it, too, has a large concentration of women's shoe operations."

Field states that the shoe manufacturing is the No. 1 industry in New Hampshire. Not only is it the largest employer of labor in the state, but it is the major industry in most of the 20-odd cities and towns where shoe plants are operating today.

He went on:

"In January, 1971, there were only 13,000 shoeworkers employed in the state and this represents a drop of 10 per cent from the 14,650 workers in January, 1970. These figures were prepared by the N.H. Department of Employment Security.

"Compare these figures with the totals for 1968 when 56 shoe factories were listed with total employment of 18,000 workers.

"The sharp decline in employment in New Hampshire's major industry—footwear—from 1968 through 1970 is accounted for in major part by the fact that 12 shoe factories ceased operations and 13,150 workers lost their jobs.

"ALARMING INCREASES

"New Hampshire's shoe industry, unfortunately, will witness lower operations and employment in 1971. This unfavorable situation is largely due to alarming increases in imports of foreign footwear. And it affects New Hampshire more so than most shoe states because women's shoes account for over 50 per cent of all shoes produced in New Hampshire.

"The rate of foreign shoes imported into this country has been steadily increasing at alarming rates every year during the Sixties and is continuing into the Seventies.

"It reached the highest level ever in 1970, to the astounding total of 235 million pairs of imports of leather and vinyl (non-rubber) footwear. This was equal to fully 42 per cent of U.S. shoe production of 560 million pairs produced last year and 30 per cent of the total U.S. market supply for footwear.

"For 1971, we forecast total U.S. footwear imports (non-rubber) will soar to 280 million pairs, equal to 50 per cent of domestic production.

"Only quota legislation limiting imports in future years to reasonable levels, as proposed consistently for over 10 years by leaders in our industry, can stave off further factory closings and loss of jobs in New Hampshire's leading industry. This requires positive action both by members of Congress and the administration.

"The year 1971 is the year of decision for such legislation."

His forecast for the other two New England shoe states, Massachusetts and Maine, are in a similar vein.

IMPORTS—JANUARY 1971

Imports of Leather and Vinyl footwear are off to a *lightning* start with a total of 28,925,000 pairs entering this country in January—a 30% increase over January 1970.

The f.o.b. value of this footwear was $57,677,900, which registered a 36% increase over January 1970. It seems that imports are no longer as cheap as they used to be. Not only are the pairs pouring in, but they are pouring in at a greater expense. The year 1970 saw a 28% increase in value. Cheap vinyl footwear increased 38% in value from 1969 to 1970. Leather footwear, which totaled 120,000,000 pairs in 1970, increased 25% in value from 1969 to 1970.

Our estimate for 1971 imports is now placed at 282,000,000 pairs. The question now, in light of the January figures is: Could imports for 1971 go higher than that?

TOTAL IMPORTS OF OVER-THE-FOOT FOOTWEAR

[Thousand pairs; thousand dollars]

Type of footwear	January 1971			Average monthly, 1970		
	Pairs	Value	Average value per pair	Pairs	Value	Average value per pair
Leather and vinyl—total	28,094.7	$56,952.2	$2.03	18,619.8	$44,303.6	$2.38
Leather, exclusive slippers	14,203.3	44,446.3	3.13	9,970.0	35,628.0	3.57
Mens, youths, boys	3,521.3	14,703.4	4.18	2,788.6	12,624.5	4.53
Womens, misses	9,495.8	27,508.8	2.90	6,328.4	21,055.1	3.33
Childrens, infants	916.1	1,326.9	1.45	561.9	850.2	1.51
Moccasins	31.4	39.7	1.26	44.7	51.4	1.15
Other leather (includes work and athletic)	238.7	867.5	3.63	246.4	1,046.8	4.25
Slippers	6.7	21.8	3.25	26.1	67.4	2.58
Vinyl supported uppers	13,884.7	12,484.1	.90	8,623.7	8,608.3	1.00
Mens and boys	2,077.1	2,425.2	1.17	1,355.4	1,799.1	1.33
Womens and misses	10,570.2	9,080.5	.86	6,440.7	6,146.4	.95
Childrens and infants	1,111.0	869.5	.78	695.6	569.6	.82
Soft soles	126.4	108.9	.86	132.1	93.2	.71

TOTAL IMPORTS OF OVER-THE- FOOT FOOTWEAR—Continued

Type of footwear	January 1971			Average monthly, 1970		
	Pairs	Value	Average value per pair	Pairs	Value	Average value per pair
Other nonrubber types—Total	830.	$725.7	$.87	$1,012.2	$1,458.1	$1.44
Wood	79.4	199.9	2.52	324.3	829.9	2.56
Fabric uppers	521.2	381.9	.73	504.6	506.1	.84
Other, not elsewhere specified	230.0	143.9	.63	83.2	122.1	1.47
Nonrubber footwear—Total	28,925.3	57,677.9	1.99	19,632.0	45,761.7	2.33
Rubber soled fabric upper	4,596.1	4,971.7	1.08	3,983.9	3,758.2	.94
Grand total—All types	33,521.4	62,649.6	1.87	23,615.9	49,519.9	2.10

Note: Details may not add up due to rounding. Figures do not include imports of watereroof rubber footwear, zories, and slipper socks. Rubber soled fabric upper footwear includes non-American selling price types.

MILITARY MANPOWER PROCUREMENT IN THE 19TH CENTURY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, not until the Civil War did our Nation choose to impose a system of national conscription. And the system proved to be selective, inequitable, and divisive. According to a study prepared for the Gates Commission by Mr. Jack Rafuse:

Both North and South had to suspend *habeas corpus* in connection with draft protests, so that the infringement of one liberty led directly to the removal of a legal right. Bounties and substitutions played a large part in recruiting. These monetary incentives seem to have played a considerably larger part than the draft in providing men. The great majority of troops throughout the war were volunteers; "draft pressure" matters little because of exemption, commutation and substitution (and only a relatively small number were hired substitutes). Only 2 percent of the Union Army was conscripted.

The Spanish American War, of course, was fought with an all-volunteer force. The historical tradition of voluntarism, and the disruptive impact of the draft, are important factors to consider in our present deliberation on the all-volunteer force. I commend this item to your attention:

UNITED STATES' EXPERIENCE WITH VOLUNTEER AND CONSCRIPT FORCES

PART THREE: THE CIVIL WAR AND THE SPANISH AMERICAN WAR

Civil War: Mass voluntarism and conscription

(By John L. Rafuse)

The next time the United States considered conscription it was enacted. After the end of the Mexican War, there was little change in the size of the Army and the United States was unprepared for war in 1861. At the outbreak of the Civil War the Regular (Union) Army totalled about 15,215 officers and men. The authorized strength of the Regular Army at that time was 16,400 officers and men. That small force was incapable of suppressing a rebellion of great magnitude. It was small, widely dispersed through the West, untrained for large scale operations, and commanded by old men.

The militia remained, in theory, but it had deteriorated over the years and by 1861 existed only on paper—some of the rosters had not been updated for 25 years. For all practical purposes, then, Union and Confederacy started even in military manpower in 1861.

When Sumter was fired upon, Lincoln tried the militia. He called for 75,000, 3-month volunteers to supplement the Union Army, but by the Battle of Bull Run (July 20), most of the enlistees were marching home, their obligation completed. Next the Regular Army was increased, and an army of volunteers called for. The government could not feed, clothe or outfit all the 700,000, 3-year volunteers who responded.[1] It was totally unprepared to react. A sudden swelling of the forces required the government to chose between sending men to go into battle unprepared, or holding them out of battle at the start of a war. The key to flexibility, then, is preparedness and force size relative to a threat. It has little or nothing to do with the method of recruitment, as demonstrated by the Civil War flood of volunteers.

Footnotes at end of article.

Recruitment was suspended, then halted "permanently" (April 3, 1862). Two months later a new call for 300,000 volunteers was filled. By July 17, 1862, Congress passed a Militia Act enabling the President to levy militia quotas on the states. The quotas were to be filled through either voluntarism or draft of 18–45 year olds. Another act, approved the same day, reduced to one year the residence requirement for citizenship for aliens honorably discharged from the Union Army. At least 20 percent of the Union's enlisted men during the war were foreign-born.[2] These were men for whom the compensations of military service were relatively high, and who volunteer for that reason.

The Militia Act was not true national conscription; it was more reminiscent of the Revolution than of later wars. The system provided for substitutes and local bounties and ended volunteer recruitment. When it was greeted by widespread resistance and rioting, Lincoln suspended *habeas corpus* and 13,000 resisters were imprisoned. Militia draft bounties and substitutes pay ended other voluntarism and helped pave the way for the next step—the national conscription law.[3]

It is often stated that conscription was used during the Civil War because voluntarism had failed. The record does not support such a statement. Table 4 enumerates Union calls, quotas, and respondents during the Civil War.

TABLE 4.—NUMBER OF MEN CALLED FOR, PERIODS OF SERVICE, QUOTAS,[1] AND NUMBER FURNISHED UNDER EACH CALL DURING THE CIVIL WAR

Date of call or proclamation	Number called for	Periods of service	Quotas assigned	Number obtained
Total[2]	2,942,748		2,759,049	[3]2,690,401
Apr. 15, 1861	75,000	3 months	73,391	93,326
May 3, 1861, volunteers	42,034	3 years	611,827	714,231
May 3, 1861, regulars	22,714	do		
May 3, 1861, seamen	18,000	do		
July 22 and 25, 1861	500,000	do		
May and June 1862		3 months		15,007
Total				822,564
July 2, 1862	300,000	3 years	334,835	431,958
Aug. 4, 1862	300,000	9 months	334,835	87,588
Total				[4]1,342,110
June 15, 1863	100,000	6 months		16,361
Oct. 17, 1863	300,000	3 years	467,434	[5]374,807
Feb. 1, 1864	200,000			
Mar. 14, 1864	200,000	3 years	186,981	284,021
Apr. 23, 1864	85,000	100 days	113,000	83,652
July 18, 1864	500,000	1, 2, and 3 years	346,746	384,882
Dec. 18, 1864	300,000	do	290,000	204,568
Totals	2,942,748		2,759,049	2,690,401

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[1] Provost Marshal General, "Final Report Made to the Secretary of War" (Washington, 1866), app., pt. I, p. 160.

[2] The totals derived from different official records vary appreciably even in the Report of the Provost Marshal General. As in other wars, short-term militiamen frequently reenlisted making accurate personnel accounting impossible. Based on this table, if all enlistments were reduced, to a 3-year standard, the estimated total enrollment in the Union Army is approximately 2,325,000, but many of that number were reenlistments. The number of individuals who served was probably close to half the 2,700,000 shown. (Thomas L. Livermore. "Numbers and Losses in the Civil War in America: 1861–1865" sets the 3-year figure at 1,556,678 for the Union and 1,082,119 for the Confederacy.)

[3] Includes 86,724 paid commutations, excluding 63,322 men furnished at various times for various periods of service.

[4] Upton, op. cit., p. 257 states that "By Jan. 1, 1863, the Army attained a maximum of only 25,436, which was less than 3 percent of the total force then in the field." During the entire war he puts the percentage of regulars to total troops at .3 percent saying, "Give men a choice between regulars volunteers, and militia, and they will invariably select the organization whose laxity of discipline is greatest."

[5] Includes 35,883 men raised and 52,288 paid commutations (July 1863 draft).

Through May and June, 1862 calls of 685,000 were easily met and exceeded, as 822,500 men enlisted, 714,000 of them for three years. These men were unaffected by draft pressure. Further, calls through August, 1862, brought a total of 1,3342,110 enlistments, 1,146,189 of which were for three years. These numbers of long-term enlistments seem even larger when considered relative to the population base. Table 5 compares the total number of males in the 18–45 age group in 1861–62 with equivalent figures for 1960, 1970, and 1975 and show proportionate force levels based on Civil War voluntarism.

TABLE 5.—MALE POPULATION BY YEAR AND LONG-TERM VOLUNTEERS

Population		Long-term volunteers	
Year	Ages, 18 to 45	Year	Ages, 18 to 45
1861–62 (Union)	5,018,000	1861–62	714,231
1960	31,736,000	1960	4,456,800
1970	36,974,000	1970	5,313,450
1975	37,633,000	1975	5,408,150

On February 9, 1863, the Senate national conscription bill was introduced; on February 16 and 17 it was debated and passed; the House debated and passed it from February 23rd to 25th. On February 28th the final version was passed, and on March 3rd Lincoln signed the draft into law.

The 1863 Conscription Law closed many of the loopholes of the earlier Militia Act. A fee of $300 purchased an exemption, and the army then paid a bounty of $300 for a volunteer. Though like some 1814 proposals, the 1863 law was no graduated tax—it discriminated against the poor and favored the rich. The new draft was met by great violence and rioting, most spectacularly in New York, where 10,000 federal troops were required to restore order.

Fear of recurrent violence prompted cities and states to add to the federal bounty, so volunteer recruitment became active and competitive again. Only 10,000[4] draftees entered the army in 1863, and the number of volunteers was more than 12 times greater. Congress (1864) eliminated commutation, so substitutes became significantly more expensive.

In general, the draft law excluded the physically or mentally unfit and convicted felons and exempted:

1. Vice President, Federal judges, heads of Federal executive departments, and governors
2. Men with certain specified types of dependents

The law divided enrollees into two classes: Class I—all persons 20–35 and unmarried persons 35–45; Class II—all other enrollees. Class II enrollees would not be called until the Class I pool was exhausted.

There were over 2,000,000 enlistments and reenlistments in the Union Army during the War, though the actual strength at any time never reached half that figure. In addition to short terms of service, casualties were extremely heavy. Further, 16,365 men deserted from the Regular Army and 182,680 from volunteer units in the Union.[5] The South had the same problem, which got worse with the years. According to Clement Eaton[6] "the low pay and tremendous inflation contributed to the large-scale desertion of (Confederate) soldiers in the last two years of the war . . ." In terms of gold backing for the pay, the Confederate soldier's pay was worth $0.90/month, as compared to the Union private's $6.40/month in 1864.

In addition, the Union paid enlistment bounties to 1,722,690 men as shown in table 6.

TABLE 6.—*Bounties paid upon Union Enlistees*[7]

Recipients of $100 federal bounties	$1,156,868
Recipients of $200 federal bounties	10,606
Recipients of $300 federal bounties	496,709
Recipients of $400 federal bounties	158,507
Total recipients of federal bounties	1,722,690
Total payment of federal bounties	300,223,500
Local bounties total (unknown distribution/person)	285,941,028

In this discussion of wages and monetary incentives for enlistment, one other point should be made. Prior to the Civil War, Negroes, free or not, were excluded from the Regular Army, though they had fought in militia or volunteer units in every other American war. The 17 July 1862 Act provided for the enlistment of Negroes, but paid them only $10 per month, $3 of which was kept to pay for their clothing. An Act of 24 February 1864 included Negroes in the draft at the lower pay rates. Finally, on 15 June 1864, a law was enacted which provided all Negro enlistees with the same pay and clothing as other troops and a bounty not to exceed $100. The Act, retroactive to January 1864, covered "all persons of color who were free on the 19th April, 1861. . . ." Later in 1864 the new Attorney-General ruled that enlistees freed by the Emancipation Proclamation (1 January 1863) were entitled to the same pay and bounty as other volunteers. An Act of 3 March 1865 made all pay and allowances equal for all troops. More than 186,000 Negroes[8] served in the Union forces segregated units.[9]

According to Army historians[10] "the ultimate number of troops mobilized by the U.S. during the Civil War was a fine achievement in military manpower procurement, but the methods by which those men were procured clearly demonstrated how *not* to raise armies."

The Civil War is important in the history of the draft. It was fought largely to uphold the central government and for the first time a central (national) draft was enacted. Both North and South had to suspend *habeas corpus* in connection with draft protests, so that the infringement of one liberty led directly to the removal of a legal right. Bounties and substitutions played a large part in recruiting. These monetary incentives seem to have played a considerably larger part than the draft in providing men. The great majority of troops throughout the war were volunteers; "draft pressure" mattered little because of exemption, commutation and substitution (and only a relatively small number were hired substitutes). Only 2 percent of the Union Army was conscripted.

Spanish American War

There was no draft during the Spanish American War. The brevity and popularity of the war may be the main reasons, but military wages were also higher than an enlistee might get in civilian life. In addition, casualties were low.

Revolt against Spanish rule had flared in Cuba in 1896, but by October 1897, the tension between the United States and Spain eased as a result of Spanish concessions. Then, on 15 February, 1898, the United States battleship *Maine* blew up in Havana harbor. On 9 March Congress unanimously voted $50,000,000 for national defense and on 11 April, President McKinley asked Congress for authority to intervene in Cuba.

The Regular Army was ordered to concentrate at New Orleans, Tampa, Mobile, and Chickamauga, Tennessee for training. Congress passed a joint resolution which was tantamount to a declaration of war and McKinley signed it. On April 22nd the Congress passed "An Act to provide for temporarily increasing the military establishment of the United States in time of war." According to the act, the Army would be composed of the Regular Army and the Volunteer Army which would include the militia when in federal service. The President could call volunteers (18 to 45 years old) for 2 years service, and militia units volunteering as a body would be accepted as a unit into the Volunteer Army. Other units could be raised by states.

On April 24th a bill was introduced to raise the pay of enlisted men by 20 percent in time of war if no "special duty" pay were provided. The following day Congress declared that a state of war had existed between the United States and Spain since April 21, 1898, and on April 26,[11] the 20 percent wartime pay raise became law without question or debate in either House of Congress. The flood of legislative action is impressive, but the nation was again largely unprepared for war. The army was once again faced with the task of preparing and fighting at the same time.

By the end of May, 125,000 had answered the first call to arms, a second call (for 75,000) had been issued and an increase (to 65,000) in the Regular Army was authorized. Enlistees filled the quotas, but the great influx of volunteers was never properly outfitted—they wore winter blue uniforms in the semi-tropical battles, fired old rifles, and let the Rough Riders charge San Juan Hill without horses. Though fewer than 400 Americans died in battle, more than 4000 died from disease, accident, or other causes.

FOOTNOTES

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[1] Upton, *op. cit.*, 225.

[2] Lonn, Ella, *Foreigners in the Union Army and Navy* (Baton Rouge, University of Louisiana Press, 1952) pp. 581–582. *Foreigners in the Confederacy* (Chapel Hill, University of North Carolina Press, 1940) by the same author shows the proportion as less clear, but much lower in the South.

[3] The Presidential Proclamation, including calls for troops, suspension of habeas corpus, and others, are included in the *Provost Marshal General's Report*, Appendix Part II, pp. 205–275.

[4] In the first call of 1863, 292,441 were called, 9,881 inducted, 26,002 furnished substitutes, and 52,288 paid the $300 fee. *Provost Marshal General's Report*, Part II, p. 28.

[5] *Ibid.*, Appendix Part I, 224f.

[6] *A History of the Southern Confederacy*, p. 100.

[7] *Provost Marshal General's Report*, Appendix Part I, pp. 213–223.

[8] *Ibid.*, Part II, p. 69.

[9] Eight years after the Civil War (3 March, 1873) an Act provided that:

> All colored persons who enlisted during the late war and are now prohibited from receiving bounty and pensions on account of being borne on the rolls of their regiments as "Slaves," shall be placed on the same footing as to bounty and pensions as though they had not been slaves at the time of their enlistment.

The inequities in pay, bounties, clothing and allowances were finally removed by that Act as the Union recognized its obligation. This brief outline of the policies toward Negroes in the Civil War is from *A Compendium of the Pay of the Army from 1785 to 1888*. Washington, Government Printing Office, 1888, pp. 52–53.

[10] Kreidberg and Henry, *History of Military Mobilization* (Washington, 1946), p. 97.

[11] An Act for the Better Organization of the Line of the Army of the United States" (HR 9878). *United States Statutes at Large* 30 STAT 364–365.

NATIONAL VOTING AGE CHANGE URGED

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. FRENZEL. Mr. Speaker, the Minnesota Legislature in 1969 passed an amendment to the State constitution lowering the voting age to 19. I was proud to have been the author of this measure which was approved by the people of the State in the last election.

Congress will soon take final action on a proposed constitutional amendment to give the right to vote to all persons 18 years and older. We need to have this action taken as soon as possible so that the State legislatures can be given the opportunity to ratify the amendment in advance of the 1972 elections. The problems and costs of bilevel registration and eligibility are staggering.

Minnesota's Secretary of State, Arlen Erdahl, spoke to this point in a recent interview carried in the University of Minnesota Daily of March 4. Because this article points out the problems the States presently have, I am inserting the entire text in the RECORD at this point.

NATIONAL VOTING AGE CHANGE URGED

(By Bill Richardson)

The state's chief election official said yesterday that the most expedient method of standardizing voting ages would be an amendment to the U.S. Constitution.

Arlen Erdahl, secretary of state, also said in an interview that he also would seek legislative authorship of a resolution asking Congress to take the necessary steps to solve the dual-voting age problem.

Minnesota law allows voting for state and local officials at 19 years of age while federal law allows 18 year olds to vote for President and vice president.

The congressional amendment would be submitted to the state legislatures, most of which are now in session. Three quarters of the legislatures would have to concur for the amendment to be ratified.

Erdahl said other routes that could be taken to reduce the voting age would include a state constitutional amendment—the method used to reduce the state's 21-year-old voting law to 19 last fall.

"The problem with that," Erdahl said, "is that the amendment has to be on the ballot in a general election. That would make the next eligible election the fall of 1972 and the 18 year olds wouldn't be able to vote for state officers until 1974."

Erdahl, author of 19-year-old voting legislation while a state representative, admitted chances of quickly amending the Constitution are not good.

"I got a letter today from U.S. Sen. Birch Bayh (D-Ind.) chairman of the subcommittee on constitutional amendments of the U.S. Senate Judiciary Committee saying that most of the state legislatures are now in session or could be called into special session so that means if the Congress could act the states could conceivably approve the change. But legislatures just don't move that quickly."

Nine states now have voting ages under 21, but only three, Georgia, Hawaii and Kentucky, have reduced the voting age to 18.

Maine and Nebraska allow 20 year olds to vote while in Massachusetts, Minnesota and Montana 19 year olds may vote.

These nine states will be required to maintain two voting records—one for those who can vote for President and vice president, U.S. senator and representatives and one for those who can vote for governor down to county commissioner.

"While as a matter of constitutional law the Supreme Court's decision (to split the responsibility for setting voting ages between state and federal governments) may have been correct, the result is morally indefensible," the Bayh subcommittee reports.

"There is no basis whatsoever in policy or logic for denying these citizens (in Minnesota 18 year olds) the right to vote in state and local elections when by bearing the responsibilities they may vote in federal elections."

The Bayh subcommittee report states that the arguments in support of a reduced voting age are as valid for the states as the federal government.

"Moreover, many of the problems that most concern our younger citizens are largely matters of local and state policy: the quality of education at all levels; the state of the environment; planning and community development," the report says.

Erdahl and the subcommittee both expressed concern with the cost of the dual-age voting.

"The largest costs will stem from the need to purchase new voting equipment," the report says. "A majority of votes cast in America today are cast on voting machines. In the interest of the greatest accuracy, a separate machine should probably be provided in each polling place so that no administrative errors would allow an under 21 (under 19 in Minnesota) voter to vote in state or local elections."

Voting machines cost more than $2,000 apiece meaning a possible expense of $6 million to Minnesota taxpayers.

"I don't think I could hazard a guess on the cost to Minnesota," Erdahl said. "But the extra voting machines are going to cost something. I really think the most costly thing will be the confusion that will result."

"Moreover, a substantial increase in voting personnel will be required by dual-age voting even in jurisdictions relying on new voting machines," the subcommittee reported. "More clerks will be required to fill out the two sets of registration forms. More clerks will also be required to handle the extra bookkeeping which will be involved when each under 21 registrant becomes of age and has to be transferred to the regular election list."

The confusion Erdahl spoke of is also cited in the Bayh subcommittee report.

"There is another set of difficulties which could bring chaos to the process by which we select our President," the report says.

The 1970 Voting Rights Act provides "the right to vote in any state or political subdivision in any primary or any election."

"It was clearly the intent of Congress to let younger voters take part in all elections—not just the final determination," the subcommittee reported.

Erdahl said the current situation leaves many decisions on who may vote and where to local election officials.

Erdahl said some 19 and 20 year olds were being refused registration by some local election officials when they went to register after the 1970 state constitution amendment.

"One commissioner of registration demanded personal certification from the governor that the amendment had passed," Erdahl said. "I just hope this isn't a preview."

"Very few states consider it possible to complete action on a state constitutional amendment in time for the 1972 elections," the Bayh report says.

Of the 47 states with a voting age greater than 18 for state elections, change before the 1972 elections appears impossible in 39 states without a federal constitutional amendment.

"The thing I can't see," Erdahl said, "is why, if we're going to lower the voting age to 18 anyway, why we shouldn't go right ahead with a federal constitutional amendment rather than wait for each state to lower their requirements."

Constitutional amendments have often been ratified in less than a year. The 23rd Amendment—allowing residents of the District of Columbia to vote for President and Vice President was ratified in nine months; the 13th Amendment—outlawing slavery—was ratified in 10 months, as was the 21st—repealing prohibition.

"I think it should be done as quickly as possible," Erdahl said. "I don't think anyone has doubts about the qualifications of the young people anymore."

HAPPY BIRTHDAY—BELLE MISHKIN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. ANDERSON of California. Mr. Speaker, one of the great advantages of public service is the opportunity to meet people—people from different backgrounds, people with varied experiences, people who are dedicated to the service of their country and to their fellow man. Over the years, I have found that the great majority of those I have come in contact with are sincere, dedicated individuals whose one goal in life is to leave this great country and her peoples in a better condition than when they entered.

I am thankful for the opportunity to serve, and I am thankful for the acquaintances I have made. Among those I admire most, those I respect greatly, and those friendships I hold dearest, stands Mrs. Belle Mishkin.

I first met Belle when I entered the California Assembly, and I am eternally grateful that I had the foresight and good fortune to request that she join my staff. This decision proved to be among the wisest that I first made in Sacramento. At first, I was pleasantly surprised at her outstanding ability; however, I quickly came to realize that the exceptional accomplishment was routine duty—all in a day's work—for Belle Mishkin. Her knowledge, her dedication, her empathy for the problems of our people—all proved to be a tremendous asset to me in serving the people of California. I dare say that any contributions I may have made to improving the quality of life for our citizens may be attributed, in no small way, to Belle Mishkin.

When I left the assembly and became chairman of the Democratic State Central Committee, I brought Belle with me. Again, her devotion and knowledge served me well.

In 1952, Mrs. Mishkin was chosen to be a delegate to the Democratic National Convention—the convention which nominated Adlai Stevenson for President. She later served as the personal secretary of Senator Richard Richards, and as Secretary of the Los Angeles Democratic Central Committee.

However, Mr. Speaker, her dedication, and devotion have not been limited to the political arena. She has been active in sustaining such community organizations as the Red Cross, the Community Chest, and the Heart Fund. In addition, she has been instrumental in the success of the United Nations chapter in Los Angeles.

Mrs. Mishkin's son, Lee, has brought his mother much pride. An animator, Lee created, "Is It Always Right To Be Right?" which has been nominated for an academy award.

On March 13, Belle's many friends will assemble at Michael's Restaurant for a birthday luncheon. While I will not be able to attend this function, my wife, Lee, and I will be with her in our thoughts and we will be wishing her a very happy day on her 80th birthday. It has been, indeed, a pleasure to have known her.

TAX CREDIT INCENTIVE VITALLY NEEDED FOR BUSINESSES TO HIRE HARD-CORE UNEMPLOYED

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. BENNETT. Mr. Speaker, 37 Members of the House of Representatives have joined with me in introducing legislation to provide tax credits to businesses for hiring the hard-core unemployed.

The pressing problem of finding jobs for the unemployed is our No. 1 domestic problem. It has been my feeling that the best way to attack this drain on our society is by creating jobs in private industry for the hard-core unemployed.

Government cannot create permanent employment for all Americans; and should not attempt to do so. However, I believe Government can help in solving the problem of the 2 million "permanently unemployed" in America.

In both the 90th and 91st Congress, I introduced legislation to provide tax credits to businesses which hire the hard-core unemployed. This bill is patterned after the very popular act allowing tax credits for investment in new equipment by businesses. I have previously testified in support of this legislation.

This year, I have reintroduced my bill to provide tax credits for hiring the hard-core unemployed. The bill has 37 cosponsors, both Republican and Democrats.

The bill, H.R. 593, is pending in the House Ways and Means Committee, and I have written Chairman WILBUR MILLS requesting departmental reports and early hearings on the legislation. President Nixon has in the past supported the idea of tax credits and incentives to businesses to attack urban problems.

Jobs, I believe, are the key to getting our economy moving again. Manpower training programs, which I have supported, cannot create jobs. Businesses must be given the necessary incentives to create new jobs and to train the hard-core unemployed.

Business has already played an important role in this through the National Alliance of Businessmen, the Urban Coalition, and other groups. My bill for tax credits would supplement these efforts and I am hopeful that Congress will act on the measure, which has strong bipartisan support.

The cosponsors of H.R. 593 with me are: Mr. ADDABBO, of New York; Mr. BARING, of Nevada; Mr. BLACKBURN, of Georgia, Mr. BYRNE of Pennsylvania; Mr. CLARK, of Pennsylvania; Mr. COLLIER, or Illinois; Mr. DANIEL of Virginia; Mr. DAVIS of Georgia; Mr. DICKINSON, of Alabama; Mr. DONOHUE, of Massachusetts; Mr. DULSKI, of New York; Mr. DUNCAN, of Tennessee; Mr. ESHLEMAN, of Pennsylvania; Mr. FASCELL, of Florida; Mr. FISHER, of Texas; Mr. FRELINGHUYSEN, of New Jersey; Mr. FULTON of Pennsylvania; Mr. FULTON of Tennessee; Mr. GALLAGHER, of New Jersey; Mr. HALEY, of Florida; Mr. HALPERN, of New YORK; Mr. HAYS, of Ohio, Mr. HOWARD, of New Jersey; Mr. KUYKENDALL, of Tennessee; Mr. LEGGETT, of California; Mr. LUJAN, of New Mexico; Mr. McDONALD of Michigan; Mr. McKINNEY, of Connecticut; Mr. PEPPER, of Florida; Mr. PICKLE, of Texas; Mr. PRYOR of Arkansas; Mr. RIEGLE, of Michigan; Mr. SAYLOR, of Pennsylvania; Mr. THONE, of Nebraska; Mr. TIERNAN, of Rhode Island; Mr. WHITEHURST, of Virginia; and Mr. WOLFF, of New York.

A BILL TO ESTABLISH THE INDIAN PEAKS WILDERNESS AREA IN COLORADO

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. BROTZMAN. Mr. Speaker, on behalf of myself and the distinguished gentleman from Colorado (Mr. McKEVITT), I am today introducing a bill which would set in motion the procedures necessary to establish the Indian Peaks Wilderness Area in Colorado.

My bill would direct the executive branch of the Federal Government to conduct suitability studies and hold public hearings on a proposal to set aside this segment of unspoiled wilderness in the Arapaho and Roosevelt National Forests directly south of Rocky Mountain National Park.

Mr. Speaker, I would urge the earliest possible action by the Congress to enact this legislation, for a massive volume of work must be done before the wilderness area designation can occur. Under the Wilderness Act, the Secretary of Agriculture must coordinate the efforts of various departments and agencies in conducting land use studies, a boundary study, a minerals study, and the holding of public hearings. My bill would require that this be accomplished in 18 months or less after its effective date. Even if this is accomplished during the next few weeks, designation likely could not be effected until early 1973.

Furthermore, should the necessary studies not be initiated by this summer, the 18-month deadline might become unrealistic. Much of the survey work must be conducted during favorable weather conditions, and in the Indian Peaks high country the snowpack often begins to build as early as September. In my opinion we should do everything in our power to give the Secretary of Agriculture authority to initiate the work by June 1971.

The case for giving the Indian Peaks area full protection as a wilderness area is particularly compelling, in my opinion.

The area is one which I have personally visited and enjoyed over the years. It contains tens of thousands of acres of forests which have remained in their primeval state largely due to the very ruggedness of the terrain. The peaks for which the area is named—Arapaho, Arikaree, Navajo, Kiowa, Apache, Paiute, and Ogallala—stand as sentries over a land virtually uncut by logging and agricultural clearing.

Yet, the area lies unusually close to a major population area. More than a million people live within an hour's driving time of the probable east and south boundaries of the area. This is both fortunate and unfortunate. While on the one hand Indian Peaks would be more accessible to more people than is usually the case with wilderness areas, the very proximity of a megalopolis brings about pressures for commercial development.

The National Forest Service, to its credit, has been diligent about preserving the wilderness characteristics of the Indian Peaks area over the years. It has done this without the region having been afforded so much as primitive area status.

But special management status simply is not enough, in the long term. Indian Peaks should be preserved in its wilderness state into perpetuity.

While hearings still must be held to positively establish public attitudes on this proposal, there is no doubt in my mind that the testimony will indicate very broad and deep support, not only in Colorado but throughout the Nation. I have received letters from literally dozens of organizations and individuals in recent months urging in the strongest of terms that Congress do whatever is necessary to clear the way for this designation.

These expressions are summarized very concisely in a statement of support issued some time ago by the Wilderness Workshop of the prestigious and influential Colorado Open Space Coordinating Council.

The statement pointed out that:

> This de facto wilderness is threatened by the uncontrolled push of population growth in Colorado which cannot but damage or entirely destroy the fragile terrain. Not only is this area threatened by population growth, but at the same time the burgeoning population which threatens the area stands to benefit greatly from the opportunity of wilderness experience. We feel the modern, ecological and scientific approach to management of this unique area demands that it be designated as a wilderness.

MEDICAL SCHOOL ASSISTANCE BILL

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. TEAGUE of Texas. Mr. Speaker, I am introducing a joint resolution which I conceive to be one of the most far-reaching measures I have proposed since I first came to Congress. It, in essence, proposes to permit the establishment, on a pilot basis of five new medical schools in conjunction with the Veterans' Administration Department of Medicine and Surgery. It is an effort to increase the number of doctors and trained medical personnel necessary to run the hospital and medical system of this country and will, in my judgment, be a concrete step forward in providing better medical care not only for veterans, but for the entire population.

Currently, the VA in its 166 hospitals, 202 clinics, 63 nursing homes, 16 domiciles and its staff of some 150,000 physicians, nurses and other health care personnel, provide health srevices to approximately 6 million of the 28 million American war veterans. This results in more than 800,000 hospital admissions and 8 million outpatient visits each year at a cost of over $2 billion annually. It is my judgment that virtually all Veterans' Administration hospitals are at least the same quality as any good community hospital and many of these hospitals serve as medical school teaching hospitals and are comparable to the best university hospitals.

The Veterans' Administration has been able to maintain the quality of its care even though it has a substantially lower patient-staff ratio than the community hospitals and teaching hospitals. At a time when great concern is being expressed about the high cost of medical care, there seems to be a deliberate ignoring of the fact that the VA is providing quality care at about one-third the cost of other medical systems. At a time when concern is being expressed about a shortage of medical personnel, the administration seems determined to ignore the vast education programs of the VA and is proposing to cut the agency program.

There is no other system in the United States, nor for that matter in the entire world, which is centrally administered and which is involved in the education of some 11,000 medical students and 5,000 interns and residents each year. The Veterans' Administration has recently inaugurated a new employment category for physician assistants and a number of individuals are now being trained for this position and are actively working in VA hospitals in Muskogee, Okla., Houston, Tex., and Durham, N.C.

The Veterans' Administration is uniquely qualified to participate in the establishment of new medical schools for it is currently affiliated with 80 medical schools, 51 dental schools, 287 nursing schools, 274 universities and colleges, and 84 community and junior colleges. During the current fiscal year, 50,000 students will participate in more than 60 categories of training in our institutions. The general public does not realize what a tremendous contribution VA medicine has made to the general welfare. The fact that tuberculosis is no longer the scourge which it once was is due to the chemotherapy which originated and was practiced on a massive scale in VA hospitals. The pacemaker which has saved the lives of thousands of heart patients had much of its basic research performed thereon in VA hospitals. A research physician in the Bronx VA hospital was the first individual to isolate a virus which could cause leukemia. With 28 million veterans in this country, who with their families constitute 40 percent of our population, it is not strange for consideration to be given to better utilization of this great facility not only to improve the care of veterans' health, but to make a greater medical contribution to the entire population.

The bill which I am supporting today and which I strongly hope and believe will have favorable action during the 92d Congress authorizes a total of $15 million for the fiscal year ending June 30, 1971, and a like sum for each of the 6 succeeding years. This pilot program would permit the Administrator to enter into agreements with not more than 5 States, geographically dispersed, to assist in the establishment of five new medical schools. This would involve:

First, the leasing to the State under such terms and conditions as the Administrator determines appropriate—and I intend for such action to be on the liberal side—such excess lands, buildings and structures under the control of the VA as may be necessary for such a school;

Second, the extension, alteration, and remodeling of buildings and structures to the extent necessary to make them suitable for use as medical school facilities; and

Third, the payment of grants to reimburse the States for the cost of salaries for the faculty of such schools during the initial 12-month period of operation and for the next 5 years thereafter. This latter provision is extremely liberal in that the Federal Government will pay 90 percent of the cost of faculty salaries during the first year, scaled down to 10 percent in the 6th year. Thereafter, the State would bear the entire cost of such salaries. The overall plans for the schools must meet appropriate professional and other standards as will be mutually beneficial in carrying out the mission of the medical facility in the school and contain such other provisions as to protect the interest of the United States and to accomplish the central purpose of the legislation.

What this proposal envisions is the use of surplus facilities of the Veterans' Administration in so-called remote areas. I have in mind the use of facilities in areas away from the big cities of our country and the establishment of comparatively small medical schools, but those which would be fully accredited and staffed at the highest professional level. In addition, this plan inherently provides for the training of additional paramedical personnel below the professional standard of doctors, nurses and dentists, which would not only increase the ratio of staff to patients in VA hospitals, but provide for a much larger supply and reservoir of trained personnel available to community hospitals and university hospitals across the Nation. If this program is established and works in the fashion which I expect it to, there is no reason not to expect that it will have a dramatic effect in reducing the great shortage of doctors, nurses, and other medical personnel which this country so badly needs, if it is fully implemented.

I believe 10 definite benefits may be expected from the enactment of this bill.

First, there would be better care for the veterans of this country.

Second, it would improve the training facilities for doctors, dentists, nurses, and paramedical personnel by placing their training on a higher level and providing training for thousands who do not have that opportunity today.

Third, the training would provide a greater supply of personnel not only for the Veterans' Administration but for all hospitals of the country.

Fourth, the creation of new medical schools would be at least a step to reduce the estimated 50,000 shortage of doctors which we find in the country today.

Fifth, better medical care would come to "remote" areas.

Sixth, it would provide cooperation between the States and the Federal Government with each meeting its individual responsibility to its individual constitutency.

Seventh, by such training we may fully expect better utilization of trained personnel.

Eighth, monetary savings would be expected to flow from this bill because of the higher quality of trained individuals performing medical tasks.

Ninth, it should and undoubtedly would provide an increase in the turnover ratio of patients not only in VA hospitals, but in all other hospitals affiliated in this program, thus reducing the cost of medical care and returning patients to their homes more promptly, and

Lastly, it would be giving improved individual attention to individual veterans providing a better quality of care than he has today.

In addition to the assistance given toward the establishment of new medical schools, those institutions which are already affiliated with Veterans' Administration hospitals will also benefit from this proposal. A second $15 million, on a matching basis, is authorized to be appropriated for fiscal year ending June 30, 1971, and an identical sum for the 6 succeeding fiscal years. Grants may be made to existing medical schools affiliated with the Veterans' Administration where it is found by the Administrator of Veterans' Affairs that such grants will result in a substantial increase in the number of medical students attending such schools.

I have carefully read the President's message on health and hospitalization which was delivered to the Congress February 18. This is a massive program which creates new agencies and new organizations to handle the question of health insurance and medical problems. I note that only two references in this lengthy document are made to the Veterans' Administration. One is the direction for the Administrator of Veterans' Affairs to confer with the Secretary of Health, Education, and Welfare on ways in which the Veterans' Administration medical system can be used to supplement local medical resources in scarcity areas. I submit that the President has his priorities and procedures in reverse order. The Veterans' Administration is hospitalizing approximately 85,000 patients today despite the fact that his 1972 budget proposes to reduce that figure to 79,000. The Secretary of HEW and the Public Health Service provide an infinitesimal small amount of health care in the active sense for citizens of this country. The Secretary of HEW should be conferring with the Administrator of Veterans' Affairs, rather than the reverse. Be that as it may, I am glad to see some slight mention of the facilities which exist for providing health care operated by the Department of Medicine and Surgery of the VA.

If the administration will support the health training program already in the Veterans' Administration with adequate funds and will support the bill which I am introducing, we will make a sizable dent in reducing the shortage of allied health personnel which exists to such a high degree in the country today. There is no better source for training this type of personnel than presently exists in the 166 hospitals which comprise the Veterans' Administration system.

Again, I stress the importance of this measure and the fact that it is so far-reaching in its aspects and possibilities. I expect to have hearings on this measure in the immediate future and I hope to have the fullest sort of support for this measure.

IMPORTS, DOMESTIC PRODUCTION AND EXPORTS, APPAREL—VALUED IN U.S. PRICES

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. PODELL. Mr. Speaker, I would like to insert the following chart, "Imports, Domestic Production and Exports, Apparel (knit and woven), United States—Valued in U.S. Prices," that was inadvertently left out of the trade speech I delivered yesterday:

IMPORTS, DOMESTIC PRODUCTION AND EXPORTS, APPAREL (KNIT AND WOVEN), UNITED STATES—VALUED IN U.S. PRICES [1]

[1957–59 dollars in millions]

Year	Imports	Domestic production	Exports	Imports as percent of domestic— Production	Imports as percent of domestic— Consumption
1956	$395.7	$10,055.5	$68.0	3.9	3.8
1957	435.4	10,214.1	71.1	4.3	4.1
1958	547.2	9,922.9	72.3	5.5	5.3
1959	869.8	10,557.5	75.9	8.2	7.7
1960	920.8	10,693.8	86.7	8.6	8.0
1961	744.7	10,891.5	83.3	6.8	6.4
1962	1,175.4	11,498.6	70.7	10.2	9.3
1963	$1,230.4	$11,635.4	$74.7	10.6	9.6
1964	1,435.9	12,172.9	83.3	11.8	10.6
1965	1,720.6	12,877.0	96.3	13.4	11.9
1966	1,857.4	13,122.0	105.9	14.2	12.5
1967	2,094.7	13,461.9	107.4	15.6	13.6
1968	2,444.2	13,816.1	115.7	17.7	15.1
1969	2,939.5	[2] 13,601.0	140.1	21.6	17.9

[1] To measure the impact of the physical volume of imports on the domestic market, the dollar volume of imports has been expressed in terms of prices charged for equivalent goods of domestic origin.

[2] Preliminary estimate.

AN AGENDA FOR CHANGE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mrs. ABZUG. Mr. Speaker, the American people are demanding change: three-fourths of the population wants an immediate end to the war in Vietnam; there is increased alarm at the human price being paid by our economy of inflation. There are increasingly more Americans dissatisfied with the proportion of the Federal budget and of the gross national product devoted to defense, and increasingly more Americans frightened at the mounting cost of medical care, food, and other necessities of life. There is demand for full funding of Federal programs to meet human needs: for education, day care, better housing, jobs.

The present administration has failed these American people and continues to fail them. It has failed to combat inflation in a way that saves jobs and cuts profits; failed to fund programs that deal with education, housing, manpower, health; and failed above all to wind down the war in Indochina which is the source of much of the trouble we find ourselves in.

The task is now before the Congress, and I submit to that Congress the economic report of Mr. Meany of the AFL-CIO which lays out the guidelines that a concerned Congress will want to follow in deciding how to turn our country and our economy around:

STATEMENT BY AFL–CIO PRESIDENT GEORGE MEANY TO THE JOINT ECONOMIC COMMITTEE OF THE 92D CONGRESS ON THE ECONOMIC REPORT OF THE PRESIDENT MONDAY, MARCH 8, 1971

American workers and their unions are deeply disturbed by the continuing economic stagnation in the United States that has curtailed production and wiped out the jobs and the incomes of millions.

They are alarmed by the ceaseless rise in the cost of living, fueled by high profits and high interest rates, that is eroding the purchasing power and wrecking the hopes and plans of millions more.

They are distressed at the Administration's solicitude for corporate America, expressed through tax concessions and prodigal depreciation allowances, and its disregard of the public welfare, expressed through cutbacks of government programs that benefit all of the people.

They are dismayed at the President's veto of badly needed education, health and manpower legislation.

They are impatient with the Administration's inability to provide leadership, or to cope with the range of domestic problems that must be solved if America's progress toward social and economic justice for all its people is to resume.

They are looking to Congress to fill the void.

In the light of the Nation's experience over the last 26 months, the AFL–CIO submits that the Congress cannot look to the Executive branch to offer a coherent, progressive legislative program designed to meet the needs of the present.

We believe the Congress must take the initiative in shaping such a program on behalf of all the people.

The AFL–CIO has repeatedly urged progressive action on the Administration, but without effect. We have repeatedly warned against the unbalanced domestic policies the Administration has chosen to pursue, but without effect.

The record of the last two years, in almost every area of domestic life, has been a record of adverse developments and deterioration of the social fabric.

Last month, the AFL–CIO Executive Council undertook a searching analysis of America's problems. We were sharply critical of what we found but we did much more than criticize. We offered viable, achievable solutions to the problems the nation faces.

In the firm belief that these alternatives will be of value to the Congress, in the pursuit of a nation fully employed, at decent wages and conditions; with sound policies for realistically solving the problems of the underprivileged in society, we submit to the Congress our program of specific actions for the public good.

I. THE ECONOMIC PICTURE IN 1971

The Administration's "game plan" to combat inflation through an economic slowdown has finally been abandoned in the midst of its tragic consequences—a prolonged recession and increasing unemployment, combined with an accelerated rise of living costs.

But the new "game plan," recently outlined in the Administration's budget and economic reports, is a half-hearted exercise in success-through-optimism.

The unfortunate results of the discarded "game plan" are apparent in almost all parts of the economy.

There were 5.4 million unemployed in January—6% of the labor force—up 2 million from a year ago and 2½ million from January 1969, when the "game plan" got underway.

Economic distress has spread from six major industrial areas, when the Administration took office, to 40 in January. In addition, the Labor Department reports substantial unemployment in 622 smaller industrial communities.

Unemployment rates are up to 17.6% for teenagers, 11.2% for construction workers, 10.6% for the unskilled, 9.5% for Negroes and 8.6% for the semi-skilled.

Over the past two years, unemployment rates more than doubled for professional and technical workers, skilled craftsmen, workers in factories, transportation and public utilities; doubled for construction workers; and increased considerably for all other major groups of wage and salary earners.

Millions of additional workers have seen their paychecks shrink, as production cutbacks brought reductions in working hours.

However, the yearly rise of the Consumer Price Index accelerated to 6% in 1970 from 5.4% in 1969, 4.2% in 1968 and 2.8% in 1967.

The buying power of the weekly after-tax earnings of the average non-supervisory worker in private, non-farm employment—about 48 million—declined in 1970 for the second consecutive year. It was less than in 1968 and even below 1965.

The modest easing of the Federal Reserve's monetary policy since February 1970, was sufficient to halt the decline of the stock market and the threat of spreading business bankruptcies. Interest rates have moved down from their record highs, as the demand for business loans has weakened. But neither the Federal Reserve nor the Administration have moved to drive interest rates down.

The government has not taken decisive actions to turn the economy around from recession and stagnation to a sustained upturn. A rising trend of unemployment continues to threaten workers and their families.

With industry now operating at only about 75% of its productive capacity, business outlays for new plants and machines are leveling off—which means a decline in the real volume of business investment, after accounting for increased prices. It is unlikely that this part of the economy will pick up substantially until sales rise enough to convince most industries that additions to their productive capacity can be operated profitably.

The expected surge of consumer spending has not materialized, since most families have found their real incomes declining. Until employment, workers' buying power and consumer expectations turn up significantly, no major increases in consumer expenditures can be expected.

The only parts of the economy that are expanding rapidly are residential construction and the activities of state and local governments, which naturally respond to the availability of credit at lower interest rates. Residential construction, which was clobbered by the right economic squeeze of 1969 and early 1970 is now moving up—the strongest growth sector of the economy at present. Yet, even the 1.8 million housing starts expected by home builders in 1971—up from 1.4 million in 1970—are considerably below the number required by the national goal of 26 million new and rehabilitated units in 10 years, established by the Housing Act of 1968.

However, the combined advance of residential construction and the activities of state and local governments is far from enough to push the entire national economy forward, when all other economic sectors are stagnant or growing slowly. As a result, busiess inventories of goods on hand are rather high, in relation to sales; the number of wage and salary earners on non-farm payrolls throughout the economy is no greater than in the summer of 1969; and the average number of weekly working hours is down more than 2% from two years ago.

In the face of these conditions, only an immediate and substantial government stimulus can boost sales and production sufficiently to provide the growing number of job opportunities needed for the unemployed and the growing labor force in this period of cutbacks in military production and in the size of the armed forces.

During the last year, however, the President vetoed Congressional appropriations for the expansion of programs that would create jobs in providing needed public facilities and services. Toward the end of 1970, the President vetoed the manpower bill to aid the states and local governments in creating public service jobs for the unemployed.

In the face of all this, the Administration offers a new "game plan" and a new target: "an unemployment rate in the 4½% zone and an inflation rate approaching the 3% range by mid-1972."

This target of less than full employment and relative price stability, 1½ years from now, is based on a forecast of a 9% increase in the gross national product in 1971 and a nearly 12% rise between the October-December quarter of 1970 and the same quarter in 1971—mostly representing an expansion in the real volume of economic activity. To date, the Administration has not indicated how these targets and forecasts are to be achieved.

This new "game plan" is based on rhetoric and wishful-thinking arithmetic, rather than on specific programs to create jobs, increase consumer buying power and lift sales and production. Instead of the needed substantial stimulus, the Administration has presented a policy of mini-expansion for 1971. Proposed increases in budget expenditures are hardly any greater than last year, and much of these increases are for vaguely-defined "revenue sharing" rather than for specific, expansionary programs. Moreover, the expected budget deficit in 1971 results more from the low tax receipts of a sluggish economy and a depreciation tax bonanza to business than from decisive actions to lift the economy.

Expansionary economic measures to reduce unemployment rapidly would boost productivity and reduce cost-price pressures in the economy. Government efforts to drive down interest rates would encourage the needed expansion and ease inflationary pressures on costs and prices.

We recommend the following actions:

1. Full funding of government programs to meet America's public investment needs in such areas as education, health care, low- and moderate-income housing and community facilities could add at least $6 billion to the economy's spending stream. In addition, a $2 billion program of federal grants to states, local governments and federal agencies is needed to step up short-term public works construction and repairs in areas of high unemployment.

Such action is essential to lift sales, production and employment and could be a key to reconversion, by offsetting the declining defense proportion of national production with an increased emphasis on public investment. It would also boost government revenues as employment and incomes rise, the soundest way to reduce the growing budget deficit that results from the recession and persistent economic sluggishness.

2. Immediate Congressional legislation is needed to provide sufficient federal funds to state and local governments and private non-profit organizations to create at least 500,000 public service jobs this year for the unemployed.

3. America needs a more rapid expansion of money and credit, at lower interest rates, to stimulate economic expansion.

The Secretary of Housing and Urban Development should use his authority to drive down interest rates dramatically—to reduce the maximum rate on FHA-VA home mortgages immediately to 6½% and to further reduce that rate to no more than 6% no later than the end of the year.

We urge the Federal Reserve to take leadership in reducing interest rates, rather than following the weakening trend in the money markets, by reducing the discount rate it charges commercial banks to 4%.

The nation's major banks should immediately and dramatically cut their prime interest rate—the basic price of money—to 5%, a move that would result in reducing all interest rates.

We urge the Congress to direct the Federal Reserve to channel credit where it would most benefit the economy and to curb the flow of credit for such activities as conglomerate take-overs, land speculation and foreign subsidiaries. The Congress should also empower and direct the Federal Reserve to provide available credit, at preferential lower interest rates, for urgently-needed community facilities, health-care projects and low-income housing.

A Congressional review of the entire Federal Reserve system and the nation's monetary policy is long overdue—to bring America's central bank fully into the federal government structure, to provide improved co-ordination of the nation's monetary policy and to make the Board of Governors and the managing boards of the district banks more representative of the major groups in the economy, including workers and consumers.

4. Enforcement of the Administration's announced 20% speedup in depreciation write-offs of the costs of machines and equipment—as well as ending the requirement that business actually replace machines at about the same rate they are written off—should be barred by Congressional action. This tax bonanza to business, if enforced, will cost the government $2.7 billion in the first full year, rising to over $4 billion a year in five years. Middle- and low-income taxpayers will be forced to pay for these tax losses and the federal tax structure will be moved further away from the principle of ability-to-pay. Yet this windfall will result in little, if any, increased business outlays for machines, so long as considerable amounts of existing productive capacity are idle.

Since depreciation write-offs are listed as a cost of doing business, the speed-up will provide an inflationary rise of reported costs, on which prices are based. Moreover, termination of the requirement that business replace equipment at the approximate pace of the write-offs will destroy any rational basis for depreciation in the tax code. We urge the Congress to put an end to this application of "trickle down" economics.

5. Increases in the buying power of workers' wages and salaries are a basic prerequisite for economic growth in 1971—to provide workers with a share in the benefits of economic progress and to establish the foundation for the needed expansion of consumer markets. Rapid economic growth in 1971 will not be possible without a substantial boost of consumer sales, which account for almost two-thirds of the national economy. And the needed rise of consumer expenditures cannot possibly be achieved unless increases in the real incomes of workers are attained.

6. We urge the Congress to adopt an im-

mediate 15% across-the-board increase in Social Security and Railroad Retirement benefit payments—to improve the living conditions of the elderly and provide a lift to consumer sales.

7. The Employment Security Amendments of 1970 established a national extended unemployment compensation benefit program, effective January 1, 1972, to assist long-term jobless workers. The AFL–CIO urges the Congress to advance the effective date of this program so that it can be implemented immediately and to provide for full federal funding of the extended benefit payments.

8. To curb the price-raising ability of the dominant corporations, government action is needed to curtail the high rate of business mergers and conglomerate take-overs, which have been greatly increasing the concentration of economic power in a narrowing group of corporations and banks. In pursuit of this objective, a thorough Congressional study of the structure of the American economy is needed.

9. The specific causes of soaring pressures on living costs, such as physicians' fees, hospital charges, housing costs and auto insurance rates, should be examined for the development of practical, sensible measures to dampen these pressures.

We state again, as on numerous occasions since February 1966: If the President determines that the situation warrants extraordinary overall stabilization measures, the AFL–CIO will cooperate so long as such restraints are equitably placed on all costs and incomes—including all prices, profits, dividends, rents and executive compensation, as well as employees' wages and salaries. We are prepared to sacrifice as much as anyone else, as long as anyone else, so long as there is equality of sacrifice.

II. WAGE NEGOTIATIONS IN 1971

Substantial increases in wages and salaries are needed in 1971 if workers are to maintain and improve their real incomes.

The national economy needs increased workers' buying power to boost consumer expenditures, which account for almost two-thirds of total national production—to lift the economy out of stagnation.

The Administration has told the Congress that the achievement of the economic goals set in its budget call for a 9.4% increase in consumer spending. We say that the most realistic and effective way to meet that goal is by substantially increasing the real wages of workers.

Despite outcries in the news media about the size of collective bargaining settlements—and there have been some large ones—the overwhelming majority have been modest, in the face of the accelerated rise of living costs. Many workers are locked into two- or three-year agreements, that were negotiated in 1968 or 1969. The cumulative increase in the cost of living in the three years, 1967–1970, adds up to 16.2% and in the two years, 1968–1970, this rise was 11.5%.

Unfortunately, many long-term agreements, negotiated two or three years ago, underestimated the accelerated price-rise and provided deferred wage increases that were less than the rise in the cost of living. Workers covered by such contracts have had declines in the buying power of their hourly wages.

The modest size of wage gains of most workers can be seen clearly in the Labor Department's report that, in 1970, the average hourly earnings of nonsupervisory workers in private non-farm employment—including those who achieved wage increases in agreements negotiated during the year—rose only 5.9%, slightly less than the increase of living costs.

According to the Labor Department, the gross weekly earnings of the average nonsupervisory worker were $119.78 in 1970. That adds up to $6,228 a year. Yet, the Labor Department reports that it cost $10,664, before tax payments, to maintain a modest but adequate standard of living—with few luxuries—for an urban family of four at the price-level of the Spring of 1970. That comes to about $205 a week for a full-time worker, 52 weeks in the year. With the rise in living costs since the Spring of 1970, the cost of maintaining such modest standard of living is now about $11,000.

Even the Labor Department's lower family budget—with some amenities and no luxuries—cost $6,960 for a family of four in urban areas at Spring–1970 prices, approximately $134 a week for 52 weeks. At present prices, the cost is now approximately $7,200.

In contrast with these income-requirements for an urban family of four, the Census Bureau reports that the mid-point earnings, before taxes, of even those male wage earners who were fortunate enough to work at least 50 full-time work-weeks in 1969 were only about $8,400 or approximately $168 per week.

So most wage and salary earners are pressed in their attempt to reach and maintain sufficient earnings for merely a modest standard of living from their regular job. A large group of workers does not attain even the before-tax $7,200, required for the Labor Department's "lower budget" for a four-person family in an urban area.

Moreover, the trend of rising living costs in 1970, and cuts in working hours for many workers, resulted in a 1% decline in the buying power of the average nonsupervisory worker's weekly take-home pay—to 1.4% below 1968 and 1.3% less than in 1965. The weakening trend, during 1970, brought an even greater drop in buying power by December.

These are essential facts confronting workers and unions in wage negotiations in 1971. Under these conditions, trade unions have no recourse other than to seek substantial gains in collective bargaining this year—to offset previous increases in living costs and to achieve some gains in buying power.

The record since 1960 clearly shows that the accelerated rise in living costs came long before the push for larger wage settlements. That push is a reaction to inflation, not its cause.

Between 1960 and 1965, increases in the wages and fringe benefits of factory workers were less than the rise of industrial productivity. Unit labor costs of manufactured goods declined 1.6%. However, wholesale prices of manufactured goods increased 1.7%. Profit margins on each item widened and, with the expansion of sales, total profits of industrial companies skyrocketed.

In that same period, unit labor costs in the private economy increased slightly. But consumer prices rose more than twice as fast, at the rate of 6.6%. With other unit costs relatively stable or declining, profit margins widened throughout the private economy, bringing soaring profits to business.

During the course of 1965, the rise of living costs began to step up. However, it was not until many months later—1966 and 1967—that the size of collective bargaining settlements also began to move up. Unit labor costs then started to increase, and business raised prices at an accelerated pace in an attempt to maintain or even widen profit margins.

From 1960 to 1965, when living costs rose 1% to 1.5% a year, the median collective bargaining settlement was under 4%, according to Labor Department reports. Wage and fringe benefit settlements of over 5% did not become widespread until 1967, long after the sharper rise in living costs had begun in 1965.

By 1968, after three years of more rapidly rising prices, the median settlement of major collective bargaining agreements, including both wages and fringe benefits, was 6% per year over the life of the agreement and 8.1% in the first year. In 1969, it was 7.4% per year during the life of the contract and 10.9% in the first year. In 1970—with the cost of living rising 6%, after increases of 5.4% in 1969 and 4.2% in 1968—the median settlement was 8.5% per year over the life of the agreement and 11.3% in its first year. The major factor in the stepped-up rise of collective bargaining settlements was the prior acceleration of increasing living costs.

Wage and salary earners did not cause the inflationary rise of prices, nor have they been its beneficiaries. They are among its chief victims.

The inflation of recent years started with a profit inflation and one-sector capital goods boom plus a three-year rise of military spending, beginning in late 1965, that was not offset by an equitable tax increase to ease the actual pressures in the private economy. In the latter part of the decade, particularly 1969–1970, credit inflation was added and the price-rise accelerated, aggravated by skyrocketing interest rates and the suppression of productivity increases during the recession.

Corporate profits shot up sharply during the 1960s, much faster than wages and salaries.

In the first-half of 1969, before the onset of the recession, the after-tax cash-flow to corporations (after-tax profits plus depreciation allowances) was up approximately 91% from 1960.

But the after-tax personal income of all Americans was up only about 76%—about one-fifth less than the corporate cash-flow. And that includes the effects of a large increase in employment, as well as the income gains of individuals.

The after-tax weekly earnings of the average nonsupervisory worker were up only about 34%—three-fifths less than the corporate cash-flow. In terms of buying power, the gain was only about 10%.

The profit inflation of 1960–1965 continued through much of the second half of the decade until the economic slump—with the rise of interest rates, lag in productivity and weakness in sales and production—brought a decline in profits of non-financial corporations between mid-1969 and mid-1970.

However, in the latter 1960s and particularly in 1969–1970, interest rates rose sharply, increasing costs and prices and producing sharply rising bank profits. So, while the cash-flow of non-financial corporations rose more slowly in the later 1960s and declined somewhat between mid-1969 and mid-1970, bank profits soared.

Profits of banks shot up during the recession of 1969–1970, particularly the profits of the big banks. In 1970, for example, the net operating profits of J. P. Morgan and Co. were up 21.9%; First National Bank of Dallas, up 19.2%; Chase Manhattan Bank, up 16.1%; Bankers Trust, up 15.2%; First Chicago Corp., up 14.3%; National City Bank of Cleveland, up 11.6%.

Over the entire period since 1960—and in almost every year of the decade—the income gains of other groups in the economy forged ahead much faster than the gains of wage and salary earners. The 1970 Handbook of Labor Statistics, published by the Labor Department, reports that in the 12 years, 1957-1969, real output per manhour in the private economy rose at a yearly rate of 3.3%. But real compensation per manhour of employees (wages plus fringe benefits) increased at an average pace of only 2.6%. And AFL–CIO estimates indicate an even slower rise in real hourly compensation of nonsupervisory workers.

So the income gains of workers lagged considerably behind the gains of other groups in the society. This income shift has gone, in large part, to the benefit of business and bank profits. And another part has gone to the benefit of such self-employed groups as physicians, dentists and lawyers.

Some government and business officials have tried to focus the blame for inflation on workers' wage increases. Yet the record clearly shows that workers and their families have been among the major victims of inflation. And they have been the principal victims of the Administration's misguided "game-plan" to combat inflation by an economic slow-down.

These are some of the major economic issues that confront workers and trade unions in the thousands of labor-management contract negotiations in 1971.

Thus, workers and their unions can be expected to press for substantial improvements in collective bargaining agreements negotiated in 1971.

III. THE FAIR LABOR STANDARDS ACT

Modernization of the Fair Labor Standards Act is urgently needed. The present minimum wage of $1.60 an hour, under the amendments adopted in 1966, was barely tolerable at that time. It is utterly inadequate in 1971, in the face of five years of an inflationary rise of living costs. Moreover, millions of the lowest-paid workers remain unprotected by the Act.

The major purpose of this statute, as outlined in its Declaration of Policy, is to correct and as rapidly as practicable to eliminate labor conditions "detrimental to the maintenance of the minimum standard of living, necessary for health, efficiency, and general well-being of workers."

To fulfill the Act's intent, it has been amended four times in its 33-year history, both to extend its coverage and to raise the wage floor.

Modernization of the Act in 1971 would represent a major step in the effort to eliminate poverty. Nearly two-thirds of the 24 million poor people, according to the government's definition of poverty, are in families headed by a worker in the labor force—low-wage, part-time or unemployed workers. About one-quarter of the poor—and over 30% of all the children growing up in poverty—are in families headed by a full-time, year-round worker whose wages are so low that his family is impoverished.

An increase in the federal minimum wage to at least $2 an hour, immediately, is now required on the basis of the economic facts. At a $2 an hour minimum wage, a full-time, year-round worker would earn approximately $4,000 a year. This is not much above the government-defined poverty line of approximately $3,700 for a non-farm family of four. But it would represent quite an improvement over the $3,200 such a worker earns at the present $1.60 federal minimum rate.

The protection of the Fair Labor Standards Act should be extended to all workers. The Act's coverage, which now protects 46 million workers, should be extended to the remaining 17 million non-supervisory wage and salary employees who are still not covered by this federal law.

Approximately 6 million workers currently protected by the minimum wage provisions of the Fair Labor Standards Act are denied its hour protection because of specific exemptions. We believe that farm workers, hotel and restaurant workers, local transit employees, agricultural processing workers and other similar groups need protection from excessive hours, as well as an adequate floor under their wages. This hodgepodge of exemptions should be eliminated.

We urge prompt Congressional action to update the Fair Labor Standards Act—to raise the minimum wage to at least $2 an hour and to extend the Act's coverage to the 17 million non-supervisory wage and salary earners who are still excluded from the law's protection.

IV. REVENUE SHARING

The sharing of federal revenues with the states and localities is a well established principle. Today, about one-fourth of the federal revenues available for domestic use is shared with the states and localities.

Through the present system of federal categorical grants-in-aid, $24 billion of federal money flowed to state and local governments in 1970.

There is widespread agreement on the responsibility of the federal government to provide financial aid to the states and local governments, particularly in this time of rapid social and economic change. The federal tax structure, with all of its deficiencies, is a more equitable and efficient producer of revenues than state and local tax systems that depend so largely on sales and property taxes. Moreover, many public needs involve nationwide social issues, such as education and welfare. Many others cross the boundary lines of states and local government units, such as requirements for highways, pollution controls, manpower training and regional economic development.

Categorical grants-in-aid transfer federal funds to a state or local government for specific purposes or "categories," geared to meet high-priority needs determined by federal legislation. Such programs are established by the Congress, through the normal process of legislation and appropriation, with the opportunity for Congressional review of how the programs are working. Moreover, the state or local government must use such federal grants, usually combined with additional small percentages of state or local funds, to provide specified public facilities or services, under performance standards—such as civil rights and labor standards—that are established by federal statute.

This system has served the nation well. In the past decade, for example, as public-service needs converged increasingly on state and local governments, federal grants-in-aid more than tripled—rising from $7 billion in 1960 to $24 billion ten years later. Significantly, the major share flowed to the larger cities and the poverty-stricken rural regions of the country, for such programs as the education of disadvantaged children, training workers in new skills, building hospitals, and underpinning other state and local government functions and services. Between 1960 and 1970, federal grants-in-aid to the hard-pressed urban areas shot up from about $3.5 billion, or approximately half of all grants-in-aid, to $16.7 billion or over two-thirds.

Despite this sharp rise of federal grants-in-aid—and despite increasing outlays by the states and local governments—mounting needs for public facilities and services have left many states, every large city and countless smaller government units in a financial bind.

These problems can be solved largely by an improvement in the system and a substantial increase in federal grants. And, in many cases, the programs that could provide the funds are already in operation, under federal law. However, the gap between Congressional authorizations for federal grants-in-aid programs and actual appropriations has grown from 20% in 1966 to 35% in 1970. The increase in this gap by 1970 amounted to about $6 billion.

But the Administration has opposed full funding or even adequate funding of these programs. Indeed, the Administration vetoed Congressional appropriations, in 1970, in attempts to slow the advance of several federal grant-in-aid funds. And, in the final weeks of the year, it vetoed the manpower bill, passed by the Congress, which would have established a program of federal grants to the states and local governments to create public-service jobs for the unemployed.

On the heels of these actions, the Administration has responded, in the past several weeks, to the pleas of the state and local governments for more federal aid, by offering a change in the method of the delivery system.

The Administration is now advocating a two-part program of so-called general and special revenue sharing:

Under the "general revenue-sharing" proposal, the federal government would dispense about $5 billion a year to the states on a no-strings basis—with formulas that would require a pass-through to the local governments.

Such funds, under this proposal, would be granted without any relation to program, purpose or adequate federal performance standards. Congressional processes of establishing priorities and program-purposes for the use of federal funds, as well as appropriations procedures and the oversight function, would be completely bypassed and the states and local governments would be free to do what they please with the money.

The AFL-CIO urges complete rejection of this proposal. We are firmly convinced that such no-strings money will not add one federal penny to the money available to the states and localities. It will merely be a substitute for the full funding of existing programs, which could quickly provide the state and local governments with at least $6 billion of additional federal funds rather than $5 billion. Establishment of a no-strings grant program would also block or slow down the needed expansion of grant-in-aid programs and the development of new ones.

With no requirement that the funds be spent for any specified purposes or programs, critical needs could be bypassed in the expenditure of these federal monies. There is no reason to believe that each of the 50 states and 81,000 cities, boroughs, townships and school districts is in a better position to weigh and balance national-priority needs and use federal funds to meet them more effectively and efficiently.

Moreover, without specified and enforceable federal performance standards there is no assurance that federal civil rights guarantees and fair labor practices will be applied to projects supported by no-strings federal grants.

The Administration's "special revenue-sharing" proposal has been presented with few details. It is clear, however, that the Administration envisions dismantling scores of present categorical grant-in-aid programs and replacing them with a system of broad "block" grants. Ten billion dollars for six vaguely defined functional areas would replace $10 billion of categorical grant-in-aid programs, specifically authorized by federal legislation. And $1 billion of federal funds would be added to the total, so that no state would receive less than it does under the present system.

Under this proposal, federal requirements and performance standards for the use of federal funds would be weakened, if not eliminated. What is more, this special revenue-sharing experiment would dismantle and replace existing, specific federal programs to meet vital and critical domestic needs with six broad functional areas, under the heading of urban community development, rural community development, education, manpower training, law enforcement, and transportation.

Among the scores of categorical programs threatened with dismantling are the Appalachia program for the regional development of the 13-state area, as well as the various specific aids for education and manpower training. Existing programs of federal grants for education include federal support to educate handicapped children, to prevent dropouts, and special programs for children of migratory workers, American Indians and those in the ghettos of the nation's large cities. Elimination of such special-purpose programs and the placement of their funds in six "special revenue-sharing" broad functional areas—such as education—will mean that many, if not most, of the efforts to meet these critical needs will be lost in the shuffle, as each of the 50 states and 81,000 local governments determines how to use the funds.

The AFL-CIO will comment in detail on these issues as the Administration's "special revenue-sharing" proposals are presented to Congress and the public. However, we fail to see how this experiment will ease the financial burden of state and local governments. Moreover, we see great potential damage in dismantling the categorical programs and in weakening or eliminating the purposes, performance standards and federal requirements of these programs.

However, there is an urgent and immediate need for a substantial increase in the flow of federal funds to the states and local governments.

The AFL-CIO recommends the following:

1. Full funding of existing federal grant-in-aid programs is essential. If the gap between authorizations and appropriations had not widened over the past few years, federal aid to the states and localities would now be $6 billion higher. In addition, a greater degree of certainty should be built into the system, so that state and local officials can plan expenditures and implement programs, with an assurance that the federal money will be forthcoming.

2. Immediate adoption and implementation of a program of federal grants to states and local governments to create public-service jobs is essential. This is realistic revenue sharing which would substantially reduce unemployment and allow the states and localities to meet community needs.

3. The federal government should take over the costs of public welfare. This would assure a flow of federal funds to where the needs are greatest and would ease the financial burdens of the states and local governments.

4. A careful review of present federal categorical grants is needed. Such a review should be done with the aim of consolidating overlapping grants, increasing their efficiency and making it easier for state and local officials to be aware of and obtain the federal aids available to them. However, the purposes, performance standards and requirements of the programs should not be destroyed in the process of consolidating and streamlining the grants.

In some programs, it may be appropriate to eliminate state and local financial matching.

5. The unfinished business of tax reform must be undertaken at all levels of government. The great reliance of the states and localities on unfair and unproductive tax structures has contributed substantially to their failure to meet their public needs. Much more emphasis must be placed on income taxes, based on ability to pay. The tax-break, in many localities, given to industrial and commercial property at the expense of the homeowner and renter through inequitable assessments is scandalous and must be corrected. Much also remains to be done to achieve justice in the federal tax structure, by eliminating the loopholes of special privileges for corporations and wealthy families and by rejecting any and all efforts that would move the tax structure further away from the principle of ability to pay.

6. A federal tax credit for state income tax payments should be established, in place of the present method of deducting such taxes from taxable income. This would add a big element of equity to the tax structure, realistically share revenues and encourage the states to make more effective use of income taxes.

7. A study of consolidation of inefficient local government units should be pursued. Many of the 81,000 local spending and taxing units of government present an obstacle to raising and using public funds efficiently. This proliferation of local governments has led to difficulties in enforcing and collecting local taxes and to high tax-administration costs. Many localities are too small to raise the revenue needed for public facilities and services, and taxing jurisdictions determined by historic or geographic accidents—or overt attempts to "zone" out the poor—are usually unresponsive to modern economic and social needs. Many others represent boundary lines that are obsolete and do not reflect present economic realities.

8. New financing methods or institutions, such as a federal Urban Bank, should be explored to provide states and localities easier access to long-term, low-interest loans for the construction of public housing, urban transit systems, and other community facilities.

9. Finally, there is a long list of policies and proposals for the needed modernization of state and local governments. For some states, constitutional reform could be the most important step; for others, tax reform; still others might require a shift in responsibilities between the state and local governments. The consolidation of inefficient local government units, such as some local school districts, would be a forward step.

V. INTERNATIONAL TRADE AND INVESTMENT

New government policies are needed to meet the American people's needs in the international economic world of the 1970s. The United States position in world trade has deteriorated. The export of American jobs and displacement of U.S. production are continuing. The time for action is long overdue.

International economic relationships have been changing substantially since the late 1940s and at a stepped-up pace in the past decade. These changes are the major factors in the deteriorating American position in world trade.

Modern nations, with managed national economies, subsidize exports, add barriers to imports, adjust currency values and change their tax structures to benefit their national interests.

Sharply rising foreign investments of U.S. companies, as well as advances in transportation and communications, have sped the transfer of American technology, production and employment to operations in other countries. Technology, once the key to America's trading strength, has been exported. Multinational firms and banks, often U.S.-based, now juggle global operations to benefit from the laws of each nation. But their global management decision-making and transactions are intra-corporate, frequently reaching beyond the law of any single nation.

U.S. firms have invested billions of dollars in foreign subsidiaries every year for two decades; in 1970, the outlay for foreign subsidiary facilities was $12.5 billion. Such foreign investments, license and patent agreements, joint ventures and other foreign affiliations of American companies have been changing the patterns of the U.S. economy in world trade.

As a result of these developments: U.S. exports have been retarded. Imports have been spurred. Production has been displaced. Jobs and employment opportunities have been exported.

The officially reported U.S. trade balance was only $2.7 billion in 1970—including as much as $2 billion in government-financed exports. The composition, as well as the balance of American trade has changed so that the U.S. is importing a sharply increasing volume of manufactured goods.

The transfer of technology, production, patents, licensing and other foreign-affiliate operations of U.S.-based multinational companies have caused the displacement of production and employment in an increasing variety of finished products and components.

As much as half or more of what is reported as U.S. trade is now composed of intra-corporate transactions between U.S.-based multinational companies, their foreign subsidiaries and other foreign affiliates in both industrial and developing countries. Such intracorporate transactions are not competitive. Neither are they armslength transactions between Americans and nationals of other countries.

The increasing impact on the U.S. position in world trade of managed national economies, the internationalization of technology and the operations of multinational companies have made old theories of free trade and protectionism obsolete. It is neither possible for the American economy to hide behind high tariff walls nor to pretend that free, competitive trade relations are possible.

U.S. policies that were designed for the world of the 1930s and 1940s, have become outmoded. They now contribute to undermining the U.S. economy at home and abroad.

A battery of realistic policies and measures are needed. The United States government must now make economic conditions at home a starting point for U.S. policy and posture in international economic relations. Policies should be based on the premise that trade is a complex network of international relationships, and measures are needed to deal with the foreign investments of U.S. companies and banks. At the same time, action is required to slow down the flood of imports that displace U.S. production and employment.

U.S. government measures are required:

1. To stop helping and subsidizing U.S. companies in setting up and operating foreign subsidiaries—for example, to repeal Section 807 and similar provisions of the Tariff Code, and to repeal the tax provision which permits the deferral of U.S. taxes on the income of U.S. companies from their foreign subsidiaries.

2. To supervise and curb the substantial outflows of American capital for the investments of U.S. companies in foreign operations.

3. To press, in appropriate international agencies, for the establishment of international fair labor standards in world trade.

4. As a stop-gap in the face of growing unresolved problems, to regulate and slow down the flow of imports into the U.S. of a variety of goods and product-lines, in which sharply rising imports and displacing significant percentages of U.S. production and employment.

5. To prevent the further deterioration of America's trade position by rejecting any new preferential tariff agreements or other special arrangements that actually benefit multinational firms.

6. To reject further tax bonanzas to business, in the name of encouraging exports—such as DISC, a measure which would add substantially to the burdens of American taxpayers, for the benefit of big exporting companies, largely multinationals, and with little net addition to the export of U.S.-produced goods.

7. The U.S. government should encourage the use of U.S.-flag ships and seek to remove freight rate discrimination against U.S. exports.

VI. HEALTH SECURITY PROGRAM

America needs to replace the profit motive as the heart of its medical care philosophy, a single primary goal—good health for all its people.

The AFL–CIO believes that the National Health Security Bill is the only truly comprehensive program of national health insurance that meets the challenges of care, financing, costs, development and reform.

America has the best available medical talent—but available to only part of the society.

Americans who live in poverty in city ghettos and rural shacks can expect seven fewer years of life than more affluent Americans; their babies have as much chance of surviving as infants in Ecuador; their young mothers have about the same chance of surviving childbirth as the women of Costa Rica.

Health care is not equally provided for all Americans. It is a myth that private insurance is doing—or can do—the job. More than 20 percent of the population under 65 is not covered against the most costly aspects of medical care—hospital and surgical services. More than half have no coverage for physician home and office visits. A minuscule number have coverage for dental costs.

Under National Health Security, every resident of the United States will be eligible to receive virtually the entire range of personal health care services without deductibles or coinsurance.

Financing of medical care today is a patchwork effort of personal, private, state, local and federal funds. Medical bills are paid part by private insurance, part out of workers' pockets, part out of welfare funds, part out of Medicare.

For example, state and local governments are burdened with a $2.5 billion a year expenditure for health care, plus approximately $500 million a year to provide private health insurance for their employees.

National Health Security will be financed by taxes on employers, employees, the self-employed and unearned individual income, as well as from general revenues.

The workers' share—1% of wages and unearned income up to a total of $15,000—represents no new tax. Workers are now paying almost that amount toward Medicare. Further, National Health Security would significantly reduce workers' out-of-pocket, non-reimbursed medical expenses with the added bonus of better and more complete medical care.

Self-employed persons would be taxed at a 2.5% rate up to $15,000.

The employer's contribution—3.5% on payrolls—is about what many employers now pay for inadequate private health insurance for their employees. Some pay much more; some pay less; some pay none.

General tax revenues would account for the remainder of the Health Security Trust Fund—approximately 50% of the total. This is not all new money. Medicaid, Medicare and other medical costs already constitute a significant and growing portion of the federal budget. Health Security would absorb these costs.

The program would also result in a direct form of revenue sharing by relieving state and local governments of much of their present health care burdens. Additionally, state and local government employees would receive comprehensive benefits at no cost to the governmental units.

National Health Security is needed to stabilize and control runaway medical costs. Medical care costs have been rising at least twice as fast as the general cost of living. Blue Cross premiums have more than doubled, on the average, since the late 1950s. In 1970, the average worker paid $324 in health-care charges for each member of his family.

Union bargaining committees are faced with the dilemma of rising medical costs at every negotiation session. Reasonable wage gains are sacrificed for improvements in health insurance, but medical expenses increase faster than the increase in coverage.

Private insurance companies are unwilling or unable to deal with increased costs. They have acted simply as a pass-through mechanism, paying for whatever care was offered, good or bad, needed or unneeded, efficient or inefficient. Their rates go up not only to pay for increased medical costs of policyholders, but also to maintain profit margins and pay high operating expenses.

National Health Security will have effective fiscal controls by contracting with hospitals and other institutional providers on the basis of an approved budget, and by maximum emphasis on prepayment to contracting groups such as medical and dental societies.

The program will not constrict individual liberty. Doctors will be free to choose whether or not they will participate. Patients will be free to choose their physicians and health delivery systems.

An essential feature of National Health Security is the Health Resources Development Fund which will be used for health manpower education and training, group practice development and other means to expand and improve health care personnel, facilities and services.

At present, health care is fragmented, disorganized, inadequate and spotty. It is a non-system—a haphazard collection of isolated and uncoordinated institutions.

National Health Security has built-in financial, professional and other incentives to encourage organized arrangements for patient care and to encourage prevention and early diagnosis and treatment of disease.

Hospitals will be encouraged to increase efficiency; to cooperate in planning, purchase and utilization of new equipment, and to eliminate unnecessary, wasteful and duplicative expenditures. Doctors will be given a financial stake in keeping their patients well. Care will be provided at the best—not the most expensive—location.

National Health Security—introduced in the House (H.R. 22) by Reps. Griffiths, Corman, Reid and Mosher and in the Senate (S. 3) by Sens. Kennedy, Cooper and Saxbe—is the proper program to provide quality health care for all Americans. The AFL-CIO is proud to endorse it.

We arrived at our decision after careful examination of other proposals—some substantive and some merely crude attempts to avoid needed reforms in the present system of delivering health care.

The American Medical Association's "medi-credit" plan and the private insurance carriers' "Healthcare" proposal are thinly disguised efforts to protect vested interests and insurance company profits. They are bandaids, where surgery is required.

There are other proposals—such as the bills introduced by Senators Javits and Pell and the proposal of the American Hospital Association—which are much more substantive. (Senators Javits and Pell are also cosponsors of S. 3.)

But, generally, all of the proposals, except National Health Security, lack at least one of the following: equal access to health care for all people; comprehensive coverage; restructuring of the health care system; effective incentives for quality and efficiency or controls on costs; or they depend on inadequate private insurance as carriers or intermediaries or both.

It has been nearly a year since President Nixon declared there is a "massive crisis" in the area of health care and a threat of a "breakdown" of the medical care system. In that time, he has met that crisis by vetoing a hospital construction bill and a measure to provide for the training of more family doctors, and he threatened to close down vitally-needed Public Health Service hospitals.

After taking one action after another to forestall urgently needed health care measures, the President has at long last delivered a health message. It contains one or two constructive features such as the belated recognition that prepaid group practice can deliver better medical care at less cost and the proposal to eliminate the onerous Medicare premium the elderly must now pay.

But it is evident that the President's approach taken as a whole, is both piecemeal and inadequate. It places main reliance on discredited private insurance which has been largely responsible for the high cost, low quality medical care we have today. The President's proposals do not provide for effective cost controls or quality incentives.

His proposals fall far short of meeting the "massive crisis" in health care.

VII. PUBLIC INVESTMENT TO MEET AMERICA'S NEEDS

America, in the 1970s, needs a long-range, national effort to greatly expand and improve public investments in facilities and services. Planned public programs will be needed for the rest of the 20th Century to revitalize the nation's urban areas as centers of American civilization and to improve the quality of life of the American people. Such effort is essential to meet the requirements of a growing and increasingly urban population in the midst of rapid and radical changes in technology, urban growth and race relations.

For 40 years, the country has been undergoing vast social changes, with rapidly multiplying needs for every kind of public investment from sewer systems and waste treatment facilities to urban mass transit, education, health care, public safety, libraries, roads and airports. Despite efforts to meet these growing needs in the past 25 years—and particularly during the latter 1960s—large backlogs of unmet needs have remained and some have expanded to monumental size. Putting fingers in the dike can no longer be depended on to prevent a potential flood.

From 1930 to the end of 1970, the population soared from 123 million people to over 206 million, a rise of about 70 percent. Moreover, the Great Migration of the American population, in these recent decades, resulted in a sharp decline of rural areas, while the growth of metropolitan areas boomed. Huge rural regions of the country—in the southern, central and Rocky Mountain states—saw their populations decline, and some of these areas, such as Appalachia, remain in depressed economic condition. At the same time population-growth skyrocketed in the metropolitan areas that stretch along the Atlantic and Pacific Coasts and the Great Lakes.

Under the impact of the technological revolution in agriculture, employment in farming dropped from 10.3 million, or 20 percent of the labor force, in 1930, to 3.5 million, or only about 4 percent of the labor force, in 1970.

The rural and small-town life that dominated much of American society as recently as 1930 is now largely gone. About 70 percent of the population lives in urban areas, and this percentage is continuing to increase. Although the overall growth of the population has slowed down considerably in the past several years, after nearly two decades of very rapid expansion, migration to urban and, particularly, large metropolitan areas, has continued.

This social upheaval has been greatest among Negroes. From an overwhelmingly Southern rural population in 1930, Negroes have become overwhelmingly urban—as a result of the Great Migration out of the rural South to the cities, particularly the large cities of the North and West.

All of the new migrants to America's cities—whites and Negroes, Puerto Ricans and Mexican-Americans—have faced the difficulties of adjusting to a new and strange environment. The Negro migrants, in particular, have brought with them a history of 350 years of slavery, segregation, poverty, lack of education and, frequently, poor health, as well as suspicion of government authorities. The cities are now suffering, in part, from the social ills and delinquencies of the Southern rural areas.

On coming to the cities, the new migrants have faced the discriminatory practices of those areas, as well as a lack of low- and moderate-income housing and the impact of the technological revolution in industry on job opportunities for uneducated and unskilled urban workers. The types of industrial jobs that helped previous generations of foreign immigrants and rural Americans to adjust to urban life have not been expanding.

In addition, there has been another Great Migration in the past quarter of a century. Millions of middle- and upper-income families have been leaving the cities for the suburbs, the most rapidly growing sections of the country. This movement has opened up older housing in the inner cities. But, combined with the additional migration of industry to the suburbs and countryside, it has reduced the tax-base of the cities while the demands for low- and moderate-cost housing, welfare, education, police and fire protection, manpower training and other public facilities and services have been mounting. Increasingly, the inner-cities have become concentrations of decaying and poverty-stricken areas, with small pockets of wealthy families, while the needs for city facilities and services multiply and the tax-base narrows.

Moreover, the change of industrial location has compounded the problem of inadequate mass transportation facilities for lower-income city dwellers to get to the new areas of employment growth. And most suburban communities have had color-barriers, as well as a continuing absence of low-cost housing.

The major burden of trying to solve these problems has fallen on the state and local governments, whose expenditures and taxes have shot up. But most of these governments have inadequate, as well as unfair, tax systems and they lack the necessary resources. So public investment needs multiplied faster than the states and local governments could provide, even with a helping hand from the federal government. As a result, many states and most cities face an immediate or potential financial crisis, while public facilities and services fail to meet the mounting needs of their inhabitants.

During the early 1930s and from 1941 to 1945, many public investment needs were neglected when the Depression and World War II caused shortages of money, manpower or materials. For a brief period of about eight years, from 1933 to 1941, the New Deal started vast federal efforts to modernize and strengthen the underpinnings of American society—including a social insurance system, public housing, a federal home mortgage system, rural electrification, flood control, TVA, Bonneville, conservation, irrigation, the development of parks and recreational areas. But since the end of World War II, many of these federal public investment efforts were terminated or their expansion and improvement was slowed down by tradition, conservative opposition. Between 1952 and 1966, for example, the New Deal's low-cost public housing programs nearly perished.

Federal efforts to help meet public needs lagged through most of the late 1950s and early 1960s. Finally, in 1964–1966, the long-delayed federal response came with an outburst of programs, involving grants-in-aid to the states and local governments, including the hard-pressed cities. Such federal grants-in-aid—for such programs as elementary and secondary school education, model cities and public safety—almost doubled, from $13 billion in the fiscal year ending June 30, 1966 to about $24 billion in fiscal year 1970. Nevertheless, actual appropriations and outlays for these programs fell increasingly behind the planned expansion of their authorized funding—from about 80 percent of authorizations in fiscal year 1966 down to only 65 percent in 1970.

An analysis by the staff of the Advisory Commission on Intergovernmental Relations, issued in June 1970, reports:

"Dollar authorizations were established for these new and expanded programs three to five years in advance, in ever-increasing amounts . . .

"The fact remains, however, that the actual outlays represented a substantial scaling down of domestic program funding, when compared to the optimistic 'Great Society' program authorizations of the 1964–1966 period. As a consequence, the authorization-appropriation gap widened steadily, increasing from about 20 percent in fiscal 1966 to 35 percent in 1970. Had it been possible to retain even the 1966 gap margin, federal aid would approximate $30 billion by the end of fiscal 1970, rather than the $24 billion estimated for this year."

This increased gap of $6 billion of federal aid for specific programs by 1970 is greater than President Nixon's $5 billion of "general revenue sharing"—with no program purpose, no national priorities and no performance standards—for 1972, two years later.

The programs of 1964–1966 aroused expectations of overnight solutions to problems that had developed over many years. But the increasing gap between authorizations and appropriations held back even realistic achievement of their goals in aiding state and local governments to meet public investment needs. In addition, tight money, high interest rates and the recession of 1969–1970 resulted in smaller state and local tax receipts than expected, while their welfare burden, interest payments and other costs mounted.

So public needs and expectations multiplied, while increases in public investment outlays proved to be insufficient. The great growth of unmet public investment needs brought a deterioration in the quality of life of many Americans: the near-collapse of elementary and secondary school education in sections of the major cities; the increase of violent crime and lawbreaking; traffic jams in the cities and in the air above airports; the spread of poverty-stricken slum areas in the inner-cities; the increasing pollution of the water and air.

Moreover, during the past quarter of a century, the tax system, which provides the foundation for public investment outlays, moved farther and farther away from a structure based on ability to pay. Tax loopholes for the benefit of corporations and wealthy individuals riddled the federal tax system, and the Tax Reform Act of 1969, on net balance, was merely one small step forward. State and local government tax structures became increasingly regressive—with their emphasis on sales and property taxes, which are an inequitable and heavy burden on low- and middle-income families; and inequitable assessments make property taxes even more unfair. In addition, the tight-money and high-interest rate policies of 1969–1970 resulted in postponing many public investment programs and greatly increasing the costs and debt-burdens of those that were pursued.

Unfortunately, there are no instant solutions to such complex of pressing problems. But rapid forward strides are essential.

Some "public" investments are provided by regulated but privately owned public utilities, such as electric, gas and telephone facilities. And some are provided by private non-profit institutions, such as many hospitals. But for the overwhelming majority of public facilities and services, the American people depend on government at the state, local and federal levels.

The federal government, representing all of the American people, holds the key to workable solutions to most of the public investment needs of American society, since they usually involve nationwide social issues that cut across the boundary lines of the states, cities, counties and school districts. Moreover, with all of its defects, the federal tax system is much more productive and equitable than state and local tax structures. In addition, only the federal government can establish national priorities, goals and nationwide performance standards.

No state or local government can solve the nation's vast public investment needs in isolation. Neither can private enterprise, even with the promise of tax subsidies. Meeting these needs requires national policies and nationwide measures, with adequate federal funds and standards—and the cooperation and backing of the states, local governments, business firms and private groups.

A long-range, planned national effort to meet the needs of the American people for public facilities and services can also provide the basis for economic growth in the period ahead. Each era of economic expansion in America has been accompanied by growing investments and employment in new industries. The last third of the 19th Century saw the building of the railroads, the agricultural implement, steel and oil industries. In the first two decades of the 20th Century, there were the public utilities—the electric, gas, telephone and urban transit systems. During the 1920s, economic growth was accompanied by the development of the auto and radio industries, and after World War II came television, aircraft, air travel, electronics and advanced technology. Now, in the 1970s, America's new frontiers are in a major emphasis on public investment to strengthen the foundation of American society and provide the investment—and employment-basis for a new period of national economic expansion.

Several steps are essential:

1. The first is the full funding by the federal government of present public-investment programs, plus a temporary acceleration of funds for short-term projects, to lift sales, production and employment in this period of economic stagnation.

Such immediate step-up in the appropriation of federal grants to state and local governments and federal agencies for the expansion and improvement of public facilities and services could be the key to reconversion—to offset the declining military proportion of total national production. It would provide opportunities to employ the talents and skills of unemployed scientists, engineers and technicians, as well as job opportunities for returning GI's and other categories of unemployed workers.

2. To sustain the planned expansion of public investment, the federal government should develop, coordinate and maintain a national inventory of public investment needs, based on estimated future population growth and present backlogs—in each major category, such as low- and moderate-cost housing, schools, health care facilities, day-care centers, parks, pollution controls, other community facilities and other services. Each state and metropolitan area should be encouraged, with the assistance of federal planning grants and technical aid, to develop a similar inventory of needs within its geographical jurisdiction. Such a comprehensive inventory of needs should provide the foundation for planned nationwide programs in each category, based on adequate federal financial and technical assistance to the states and local governments, including federal grants-in-aid and guaranteed loans, as well as direct federal efforts.

Target dates should be established for achieving specified objectives in each category—along the lines of the 10-year national housing goal, established by the Congress, under the Housing and Urban Development Act of 1968—and the pace of continuing advance should be speeded up or slowed down, with sufficient funds, depending on the availability of manpower and productive capacity. In this way, the inventory would also be a shelf of public works, with an accelerated pace in times of general economic recession and a slower advance in periods of shortages of materials and manpower.

To facilitate such programs, a federal urban bank or similar mechanism may be required to provide long-term, low-interest loans for the construction of moderate- and low-income housing and community facilities, as well as for aiding state and local governments in financial crisis.

3. An Office of Public Investment Coordination should be established in the Executive Branch of the federal government to encourage, assist and coordinate public investment planning and execution by state and local governments and federal agencies.

4. Congress should direct the Federal Reserve System to allocate a significant portion of available bank credit, at reasonable interest rates, to effectuate the construction of housing and community facilities.

5. A land-use policy should be formulated to provide the basis for the rational development of urban areas, new towns, parks and recreational facilities and to curb land speculation, which has substantially increased the costs of housing and community facilities. Idle or under-utilized federal land should be examined for such possible use as sites for housing, parks, recreation areas, wild-life and nature preserves.

6. We urge the Administration to develop a capital budget, as an integral part of the annual federal budget, to assist the federal government in planning, financing and executing public investment programs. Such businesslike budget for the federal government would establish a federal investment account, including outlays for the creation, improvement or acquisition of assets or the acquisition of recoverable claims—separate from the account for general housekeeping expenses and national security. Such budget methods are almost universally used by modern business firms, not western democracies, at least one-third of the states and most large American cities.

7. Proposals to dismantle the system of federal grants-in-aid to the states and local governments, as well as proposals to supplant the expansion of such programs with no-strings federal funds that lack program purposes, national priorities and standards, should be rejected. However, administrative simplification of the large number of federal grants requires the consolidation of many overlapping grants, without undermining their purposes, goals and standards.

8. Justice in the federal tax structure—and additional revenue—should be achieved by eliminating the loopholes of special tax privileges for corporations and wealthy families. Congress should also prohibit the implementation of the Treasury Department's tax bonanza to business in the form of accelerated depreciation, which will amount to annual revenue losses of $2.7 to $4.1 billion in the next several years. Efforts to move the federal tax structure farther away from the principle of ability to pay—such as the proposal for a national sales tax under the name of a value-added tax—should be rejected.

9. Federal efforts are needed to assume the costs of welfare payments and lift this burden from the backs of state and local governments. The federal government should also encourage and assist states and local governments in developing more productive and equitable tax structures. Such measures would provide state and local governments with additional funds to meet their responsibilities.

10. The provision of health care for the American people should be greatly improved by the establishment of a national health security system, as well as the expansion of health care facilities and services.

There will, as always, be those who say that America cannot afford these programs. The AFL-CIO is convinced that America cannot afford to stand still or move backward, as it has done for the last two years.

The AFL-CIO has absolute confidence in America and in America's ability to meet and overcome its problems. But those problems must be grappled with. It is time to move boldly, confidently and—above all—in the right direction: toward securing economic justice for all Americans.

It is in that conviction that we submit this positive program for building a better America.

PLEDGE OF ALLEGIANCE TO OUR FLAG DAY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. KEMP. Mr. Speaker, yesterday I introduced House Joint Resolution 452 to authorize the President to proclaim April 30, 1971, as Pledge of Allegiance to Our Flag Day. The boys and girls of Cleveland Hill Primary School did some fine research which provided the basis to my resolution and the class and their teacher, Mrs. Irene Priore, are to be complimented for their work and patriotism.

I most certainly will urge the President and the Committee on Foreign Affairs to give special consideration to House Joint Resolution 452 as well as Mr. DULSKI's bill, House Joint Resolution 451—the latter making the last school day in April as a permanent Pledge of Allegiance to Our Flag Day.

At this point I include a letter from 8-year-old Brenda Waddy, transmitting the proposal of the class along with their proclamation:

CLEVELAND HILL PRIMARY SCHOOL,
Cheektowaga, N.Y., February 22, 1971.

DEAR SIR: I've been thinking about our leaders helping the nation. I think it's very important. Every one knows we have a good leader to lead us. In 1789 we had a very good leader and he helped us very much. We need your help!

April 30th is an important day to our country. It is a day to honor the leaders of this great nation. When I grow up I'm hoping to be a leader because I want to honor our class. I am a girl.

Please read our proclamation and urge Congress and the President to pass it. Our President Nixon asked all citizens of our nation to help our nation. This is our way of helping.

I am 8 years old in Mrs. Priore's third grade class.

Your friend,

BRENDA WADDY.

PROCLAMATION TO THE CONGRESS OF THE UNITED STATES OF AMERICA

Whereas, on April 30, 1789 George Washington took the oath of office and was inaugurated as the first President of the United States.

Whereas, George Washington was the only President of the United States of America inaugurated on April 30th.

Whereas, April 30, 1802 Congress passed the first enabling act authorizing the people of the eastern division of the Northwest Territory to hold a convention and frame a constitution in order to become a state, and a precedent was set in helping Ohio's gaining its statehood, followed by the same, set for the rest of the states in this territory.

Whereas, on April 30, 1803 the United States of America, under the leadership of President Thomas Jefferson, made its first territorial expansion by purchasing 828,000 square miles of land (doubling the size of the United States by peaceful means) known as the Louisiana Purchase, which land eventually was divided into the states of Missouri, Nebraska, Iowa, Arkansas, North Dakota, South Dakota, most of Louisiana, Kansas, Minnesota, Montana, Wyoming and parts of Colorado and Oklahoma.

Whereas, on April 30, 1812, the state of Louisiana was admitted into the Union.

Whereas, on April 30, 1889, Congress fixed this date of April 30th as a national holiday to celebrate the inauguration of George Washington as the first President of the United States of America.

Whereas, on April 30, 1970 the proclamation sent by Mrs. Irene Priore's Third Graders of Cheektowaga, New York requesting that April 30, 1970 be proclaimed as Pledge of Allegiance to Our Flag Day in the United States of America for all school children in all schools of our nation, was read in Congress.

Whereas, schools, community leaders and citizens in all 50 states of our nation responded by letter, telephone and telegram to the Cheektowaga, New York Third Graders that they wished to participate in this unified promise of loyalty at 1:30 P.M. Eastern Savings Time so children's voices might echo throughout the land.

Therefore, We, the boys and girls of Cleveland Hill Primary School, Third Grade Room 211, do hereby ask the Hon. Jack Kemp, Representative of our nation to proclaim each April 30th as an annual special school day to honor our nation *and its flag in school* by song, speech and activities planned by the faculty and students of each individual school.

We request that this proclamation be made known to all the schools of our nation so that all the school children may have the pride and honor to help plan a dignified program for their own schools. We believe that by encouraging children to have the pleasure of involvement in planning a program for April 30th each year that we are taking a positive approach toward building better attitudes in school children and planning for better citizens and leaders of the future.

Brenda Waddy, Kelly Jaroszewski, Scott McGonagle, Randall Seville, Dennis Galligan, Lawrence Kosinski, Franklin Crane, Jane Knight, Beth Driscoll, and Jeanmarie Danner.

Ron Senick, Brian Meier, Martin John Napierski, Shaun Pralow, Debbie Moffitt, Michele Graziano, Marty Stanford, Susan Stein, Renata Rippa, and Lori Mazza.

Ken Lewis, Janet Gamd, John Marco, Terry Deideki, Blair Graham, and Mark Strozewski.

Carol Novo, Joanne Mook, Mary Ellen Sucato, Marshall Berger, Dawn Ambrose, Herman Falsetti, Carolyn Kerdell, and Richard Miller.

CONTROLLING THE SONIC BOOM

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. ERLENBORN. Mr. Speaker, in considering whether we should go ahead with development of the supersonic transport, many of us have been alarmed by the prospect of disruption of our daily lives by sonic booms. In order to allay those fears, the Department of Transportation filed a notice of proposed rulemaking last April 15, forbidding civil supersonic flight over the United States.

Since then, other officials, including the President, have declared that overland civil flights at supersonic speeds will not be allowed.

Nevertheless, some critics of the supersonic transport have not been convinced. A rule such as this can be easily changed or ignored, they say.

I agree that we do not want our daily lives disrupted by sonic booms and so I offer a bill which will put the Department of Transportation's proposed regulation into statutory form. This bill would prohibit, by law, the flight of any civil aircraft, including the SST, over the United States in such a manner as to create a sonic boom.

I believe we ought to proceed with development of the two prototypes of the SST and, if they prove successful—as the proponents of the SST expect—we should turn to the manufacture of these planes. On the other hand, if they cannot meet the criticisms which have been directed at the SST program, then I believe the program must be discontinued.

I believe that, in continuing this experiment, we should give whatever assurances we can to the American people that they will not be assaulted by these horrifying sonic booms.

THE PRIVACY-SECURITY DILEMMA

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. HATHAWAY. Mr. Speaker, the Bangor, Maine, Daily News of Saturday, March 6, carried a very timely and perceptive editorial regarding the dilemma which the widespread use of computers by Government agencies poses for both the Government and each of the more than 200 million Americans it serves—"the preservation of privacy as against the preservation of security."

I believe what the Daily News has to say should be carefully considered by all of us and I am pleased to present its editorial herewith for inclusion in the RECORD:

PRIVACY VS. U.S. SECURITY

The right to privacy has been treasured by Americans since the adoption of the Constitution. But nowadays various agencies of the federal government are gathering in vast amounts of confidential information about its citizens and aliens living in the country.

It was recently disclosed that the Defense Department alone has records on some 25 million persons, about one-eighth of the population. Then there is the data gathered by the FBI. And don't forget what the Internal Revenue Service knows about you from your income tax returns. And the Census Bureau.

Development of that electronic device known as the computer has vastly increased the government's capacity to gather and store data. The machines can also spew out the data at lightning speed with the push of a button or two. It is understandable that a citizen would feel uneasy, and perhaps indignant, by knowing how much Big Brother in Washington may know about his personal affairs.

He also has reason to wonder how accurate the information may be, especially that gathered by intelligence agents. And how confidentially it is kept. San Francisco's Mayor Alioto told the Senate's Constitutional Rights subcommittee that his reputation was damaged by an article published by a national magazine, based on information handed out to unauthorized persons—reporters—by unidentified federal personnel. Much of this information, he added, was "raw, unverified, unevaluated, hearsay information."

It is anything but comforting for a citizen to know that false and derogatory information about him may be on file as the gospel truth.

The federal intelligence agencies obviously must carry on secret operations and gather dossiers on persons known or suspected to be a danger to national security. They came in for severe criticism after the assassination of President Kennedy because they had not kept a sufficiently watchful eye on Lee Oswald.

Sad to say, the nation's populace includes many fanatics, many militants and disloyal citizens, and more than a few subversive foreign agents. And these are violent and perilous times, as witness the bomb blast in the Senate wing of the Capitol, the heart of the nation's government. The FBI, the military forces and other agencies charged with the nation's security necessarily must do a lot of snooping and keep records of what they learn.

Thus there is a dilemma—the preservation of privacy as against the preservation of security. A constructive suggestion was offered the Senate commitee by Robert P. Henderson, an executive of one of the companies that produces some of the very computers that have brought the privacy issue to a head. He said:

"The phenomenal speed and efficiency of the computer has made it easy to invade the privacy of individuals and disseminate data about them without their knowledge or consent."

He went on to propose that each person have the right to examine whatever data the government may have about him, correct erroneous data and know what officials have access to his file.

We don't know what kind of practical problems such a proposal would pose. But we do know that it is contrary to American tradition for the federal government to have secret files on its citizens, including possible false information, which may fall into the hands of people who have no business knowing another person's business.

NORTH CAROLINA'S HANDICAPPED CITIZENS OF 1970

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. MIZELL. Mr. Speaker, I am pleased to announce to my colleagues in the House of Representatives that Miss Joe Cooley of Mocksville, N.C., has been selected North Carolina's Outstanding Handicapped Citizen of 1970 by the Governor's Committee on Employment of the Handicapped.

Handicapped citizens have proven countless times that they are among the Nation's most valuable, energetic and resourceful people, as Miss Cooley's outstanding accomplishments will attest.

She has proven, as have others, that physical impairments need not be handicaps at all in terms of personal or professional success, and that handicapped citizens, rather than being patronized, should be encouraged to participate to the fullest possible extent in the Nation's working society.

Great contributions have been made, and will continue to be made, by handicapped citizens, and it is an honor for me to present to my colleagues one outstanding example of the active and involved and needed individual every handicapped person can be.

At this time, I insert in the RECORD an article announcing Miss Cooley's selection, which appeared in the February 25, 1971, edition of the Davie County Enterprise Record:

JO COOLEY SELECTED FOR MOST OUTSTANDING HANDICAPPED HONOR IN NORTH CAROLINA

Miss Jo Cooley of Mocksville has been selected as North Carolina's "Outstanding Handicapped Citizen of the Year" for 1970 by the Governor's Committee on Employment of the Handicapped.

Miss Cooley will attend the awards ceremony at 11 a.m. on March 18th in the Governor's Conference Room in Raleigh. At this time Governor Bob Scott will present the award to Miss Cooley and others. Immediately following the awards ceremony, the Sir Walter Lions Club will host an informal luncheon in her honor.

As a state winner, Miss Cooley will enter national competition for the most outstanding handicapped person of the year in the nation.

Miss Cooley was recommended by a local committee composed of Mayor D. J. Mando, Mrs. Agnes Leary and Peter Hairston. This recommendation was supported by a large number of letters from admirers throughout the state.

The recommendation of Miss Cooley cited the fact that:

"Jo is a person who transformed a tragic experience to one of service above self. Her deep concern for the individual has been displayed by her generosity and time given to others. Unlike many who would use adversity as an excuse, Jo proved herself as a worker rather than a talker."

Some of her activities since her accident were cited as follows:

Introduction of wheelchair basketball in this area which raised funds to build ramps in Mocksville for wheelchair patients.

She spearheaded the local bloodmobile visit for many years.

Taught Sunday School at the local Methodist Church for many years.

She is a volunteer worker at the V.A. Hospital in Salisbury, N.C.

She is active in the North Carolina Symphony and organized the drive for this organization in Davie County.

She was one of the leading organizers and supporters of the North Carolina Paraplegic Association.

She has made countless speeches before civic groups explaining the program on rehabilitation and employing the handicapped.

She made an appeal to N.C. Governor Bob Scott for additional funds for the rehabilitation program.

She has made numerous visits to the nursing homes and hospitals giving comfort to many.

She is a self-employed operator of one of the town's leading beauty shops and an active member of the merchants association.

Through her efforts the Davie County Board of Education employed a handicapped person with the qualifications and state certification as a high school guidance counselor—a first for Davie County.

Miss Cooley was injured in an automobile accident in January 1941 and since that time has been paralyzed from the waist down. Since that time she has continued the active management of the Mayfair Beauty Shop and has been active on behalf of handicapped persons throughout the state and south. She drives her own specially equipped car and has travelled extensively.

NEW PERMANENT SMALL BUSINESS COMMITTEE ORGANIZED, SUBCOMMITTEE ASSIGNMENTS MADE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. EVINS of Tennessee. Mr. Speaker, the new Permanent Select Committee on Small Business which you recently named for the 92d Congress has organized and the following subcommittees appointed and assignments made:

Foundations: Their Impact on Small Business—Representative Wright Patman, Democrat of Texas, chairman, Representative Fernand J. St Germain, Democrat of Rhode Island, Representative Parren J. Mitchell, Democrat of Maryland, Representative J. William Stanton, Republican of Ohio, Representative Manual Lujan, Jr., Republican of New Mexico.

Taxation, Oil Imports and Marketing—Representative Tom Steed, Democrat of Oklahoma, chairman, Representative John C. Kluczynski, Democrat of Illinois, Representative John D. Dingell, Democrat of Michigan, Representative J. William Stanton, Republican of Ohio, Representative James D. McKevitt, Republican of Colorado.

Small Business Problems in Smaller Towns and Urban Areas—Representative John C. Kluczynski, Democrat of Illinois, chairman, Representative James C. Corman, Democrat of California, Representative Charles J. Carney, Democrat of Ohio, Representative Frank Horton, Republican of New York, Representative J. William Stanton, Republican of Ohio.

Activities of Regulatory Agencies Relating to Small Business—Representative John D. Dingell, Democrat of Michigan, chairman, Representative William L. Hungate, Democrat of Missouri, Representative Fernand J. St Germain, Democrat of Rhode Island, Representative Silvio O. Conte, Republican of Massachusetts, Representative James T. Broyhill, Republican of North Carolina.

Subcommittee on Special Small Business Problems—Representative Neal Smith, Democrat of Iowa, chairman; Representative Joseph P. Addabbo, Democrat of New York; Representative William L. Hungate, Democrat of Missouri; Representative Joseph M. McDade, Republican of Pennsylvania; Representative James T. Broyhill, Republican of North Carolina.

Government Procurement—Representative James C. Corman, Democrat of California, chairman; Representative Neal Smith, Democrat of Iowa; Representative Joseph P. Addabbo, Democrat of New York; Representative James T. Broyhill, Republican of North Carolina; Representative Frank Horton, Republican of New York.

Minority Small Business Enterprise—Representative Joseph P. Addabbo, Democrat of New York, chairman; Representative James C. Corman, Democrat of California; Representative Parren J. Mitchell, Democrat of Maryland; Representative Manuel Lujan, Jr., Republican of New Mexico; Representative Silvio O. Conte, Republican of Massachusetts.

Environment Problems Affecting Small Business—Representative William L. Hungate, Democrat of Missouri, chairman; Representative Neal Smith, Democrat of Iowa; Representative Charles J. Carney, Democrat of Ohio; Representative James D. McKevitt, Republican of Colorado; Representative Frank Horton, Republican of New York.

Two new subcommittees have been created, the Subcommittee on Small Business Enterprise, with Representative Addabbo as chairman, and the Subcommittee on Environmental Problems Affecting Small Business, with Representative Hungate as chairman.

Certainly the agenda of these subcommittees underscores the important areas of study and investigation for the 92d Congress by our committee and we look forward to cooperating with and working with all Members of Congress in the best interests of American small business in the public interest.

MAKE THE PUBLIC AWARE OF IRRIGATORS NEEDS

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. SISK. Mr. Speaker, the development of water resources in the State of California is one of the most vital factors in assuring the continued orderly development of the State. For some time now, I have been deeply concerned about the slowdown in construction of irrigation projects because of the lack of funds available. Although, these funds have been appropriated by Congress they have been set aside in reserve.

With the money appropriated last year Westlands Water District in central California would continue construction to complete a system of water distribution. In addition to creating employment now in an area of considerable unemployment, the system when completed would put additional land into agricultural production and increase production on acres already watered but insufficiently. The water distribution system will pay for itself through the sale of water to users. It is estimated that when completed it will return $9 million annually to the Government.

The realization of these factors makes it difficult to understand why construction on this important project is not progressing.

I just recently received a text of a speech by Mr. Ralph M. Brody, the manager and general counsel of the Westlands Water District, given before a Bureau of Reclamation's water users conference this year.

Mr. Brody says that those of us interested in water and agricultural development are not getting our story across. I agree with Mr. Brody.

Mr. Speaker, because Mr. Brody's remarks are an eloquent exposition of the need for explaining the importance of irrigation to western land development, I place them in the Congressional Record:

MAKE THE PUBLIC AWARE OF IRRIGATORS NEEDS

(By Ralph M. Brody)

As we all know—and some of us more acutely than others—water resource development construction is at its lowest ebb. Funding of projects is grossly inadequate—or virtually nonexistent. Authorizations of new projects are difficult to come by. Local projects fail because of the lack of popular vote appeal and, to put it succinctly, irrigation water resource development seems to have lost its sex appeal—but for no good reason.

It occurs to me that we in the water resource development field are, to a large extent, at fault. Inadvertently, but nevertheless in fact, we *have* been at fault. Over the years, until very recently, we took for granted that a growing nation in a growing world would continue to realize the importance of irrigated agriculture and agriculture in general. We assumed that the rest of the public would realize this importance—but we were wrong.

I can recall when the farm lobby was the strongest in the country, but the farmers have lost their ability to work together for their common cause and to put the story of their plight before the nonfarming public.

We failed to take cognizance of the fact that without our continuing to stress its equal importance, agriculture would assume a minor role in a world where urban problems, ecological and environmental problems, social welfare problems—yes, and space exploration, were permitted, becloud the fact that food and clothing were indispensable to the solution of any of those newer dilemmas.

Yes—we in the water resource development field failed to see or ignored what was happening to agriculture in general; and along with it, irrigated agriculture. For, make no mistake about it, whatever is happening to irrigated agriculture is just a part of what is happening to agriculture as a whole. The diminishing support for irrigation projects stems from the lack of knowledge about and understanding of the importance of agriculture to all mankind.

Isn't it astounding that, in spite of the fact that food and fibre are basic to the very existence of mankind, the importance of the continued availability of its products are not recognized and is, indeed, being minimized by the general public? Somehow, the view has come to prevail that farming is of subjective and great importance only to the farmer himself.

It is time that the public and our government be made aware of the fact that farming is important not only as source of income to the farmer, but perhaps more importantly, indispensable as a means of sustenance and existence for every other segment—not only of this nation, but also of this world's rapidly growing population.

Yes, the fault is ours to a great extent. Because we took for granted that the public in general that was not directly associated with agriculture would realize and continue to realize its indispensability of the continually increasing need for food and fibre and its indispensability.

We should have seen the signs that were becoming apparent many years ago.

As an example, in 1933 the people of the State of California had before them a bond election which was to fund State construction of the Central Valley Project.

Again, just a few years ago in 1960, the people had before them an election for the authorization of the State Water Project. It is interesting to see the press clippings from newspapers published on each of these occasions. In each case, one of the principal arguments used against the projects was "Why build water projects to produce more crops, when we already are in agricultural surplus?"

I urge you to contemplate what we would have done in the intervening years had the Central Valley Project not been constructed. What would we have done in those intervening years, including the years of World War II? Where would we have been today had our agricultural production remained constant as of 1933?

What is even more important, what will the world be like 40 years hence if our agricultural production remains as it is today? Already we are told that if, today, all of the food of the world were distributed equally to everyone in the world, we would all be hungry.

We have permitted ourselves into becoming psyched into believing we are no longer an agricultural nation—that we have become industrialized. Don't you believe it.

We must no longer take for granted that the public in general, and especially in urban areas, is going to know the importance of agriculture to each member of that public. We must constantly carry that message home to them.

We have to remind them constantly through public education programs that their lives and their economies directly or indirectly are heavily reliant on agriculture. For example, we must show them that in this State, agriculture is directly or indirectly responsible for more than half of the jobs.

We must show that more than half of every dollar of agricultural income ends up as a retail expenditure.

We must point out to the public that farm programs and farm subsidies are as much or more of a subsidy to the consumer as to the farmer. To educate the public as to the cost-price squeeze of the farmer and its present and ultimate impact on the consumer, we must constantly point out that every agricultural dollar increases by three as it passes through the various channels of trade and commerce.

We must also show the negative effects of the reduction or elimination of water resource development. We must point out that a goodly portion of our projects now are not for the purpose of developing new land—but rather are for the purpose of keeping land in production that is failing because of dwindling water supplies. That the failure to sustain this agricultural economy affects not only the farmer but the business man and the urban worker as well.

In our own Westlands Water District, we still find people in this immediate area who do not know that the San Luis Project service area is over 95% developed and that the project is needed to sustain an existing economy and not to develop a new one.

We must convince the Federal government, and particularly our friends in the Office of Management and Budget, that agriculture must not be relegated to an inferior position. We must show them that the growing of food to feed the urban undernourished is as much an urban problem as it is an agricultural problem. The difficulties of agriculture are the broadest kind of urban dilemma, for we must produce the food and the opportunity for clothing the entire urban population. We must provide for the "haves" as well as the "have-nots." We must show them that water to produce the food for those in the urban areas is as important to the city resident and as vital to his existence as is the water for drinking and industrial water and power necessary to run his factories.

We must convince the people in the Bureau of the Budget that water projects are not "make work" projects to be pursued only as a means of providing construction jobs or to be used as a pawn in the game of inflation fighting. We must balance and compare the benefits and the losses.

We must convince the ecologists and environmentalists that we stand together with them in their objectives and that feeding and clothing our people and protecting our lands from deterioration are a part, and not a foe, of the ecological and environmental movements. We have delayed too long. We have shut our eyes to these problems and isolated ourselves.

We must, as the workers and technicians in water resource development activities, come to a greater realization that these projects which we have had built and are seeking to have built are not merely monuments to the engineering profession nor devices constructed solely for putting dollars into the coffers of water users. We must constantly emphasize to ourselves and, in doing so, demonstrate to others that the projects are justified for their social objectives—including the feeding of *all* peoples and the creation of wealth and well being for *all* peoples of the State and the Nation.

Each year in the past 10 or 15 years, funds for water resource development have become more scarce and threaten to disappear entirely. And we have refused to recognize this fact, or at least refused to face it. If we had recognized it, we would have been doing something about it. But we did little or nothing. We continued to hold our board meetings. We continued to hold our association meetings. We continued to hold our association conventions. But *always* we were talking to *each other*. I would hope that none of *us* needs convincing. What we should have been doing and what we should be doing is pooling resources and familiarizing the public that the farmer and agriculture—and the irrigation farmer and irrigated agriculture are important to the city deweller and are important to the business man and are important to the industrialist.

We must do this not only in our immediate communities but throughout the entire nation. For most assuredly if we do not, not only are new water resource development projects to be a thing of the past, but agriculture, as we know it and have known it for years, will go.

Indeed, even in the ascribing of a subject to be disclosed at this conference, we have fallen into the trap of isolating ourselves. We have given my own subject the title "Make the Public Aware of Irrigators Needs."

I would suggest that a more appropriate topic would be "Make the Public Aware of the Public's Irrigation Needs"—and even more important, "Make the Public Aware of Agriculture and the Public Need of It."

None of this will be done until the farmer recognizes his own major problem and its solution—that of uniting farmers and providing a concentrated and united public relations program to *all* of the people. We must do this as individuals, as districts, as associations and—above all—as a united industry.

REPUBLIC OF LITHUANIA

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. HALPERN. Mr. Speaker, last month marked the 53d anniversary of the establishment of the modern Republic of Lithuania. The original state of Lithuania was formed 720 years ago when Mindaugas the Great unified all of the Lithuania principalities in 1251.

Although the Lithuanians are a small ethnic group in Europe they have secured a place in European history by means of their valorous deeds and accomplishments. During the 14th and 15th centuries they were a significant force in thwarting Asiatic incursions into Europe.

The history of the Lithuanian people has been characterized by long periods of oppression and foreign domination. In the late 18th century Lithuania fell under Russian rule and remained a province of the Russian empire until the First World War. At that time they were overrun by the Kaiser's armies.

With the fall of the czarist regime in 1917, the Lithuanians saw a chance to gain their freedom. On February 16, 1918, they proclaimed their independence and established a democratic republic. For the next two decades, they enjoyed freedom to the fullest, rebuilding their war-ravaged country and making great advance in all phases of national life.

In June 1940, the Russians again moved troops into Lithuania and annexed the republic. Fraudulent elections were held and Lithuania became a part of the Soviet empire.

The Russians began a systematic liquidation of the population. Cities were jammed onto trains and shipped to Arctic Siberia. Families were separated, men were used as slave laborers and tortured, and women were sexually abused.

For the last 30 years the Lithuanians have valiantly struggled under the hell of their Russian oppressors. Shut off from the rest of the world by the Iron Curtain, they enjoy none of the freedoms that we regard as a birthright.

The U.S. Government has never recognized the Russian occupation of Lithuania and her Baltic neighbors, Estonia and Latvia and we have maintained relations with the former free Government of Lithuania.

The time has come for the rest of the world to join Lithuania in her struggle for Independence. The 89th Congress took a step in the right direction when it adopted House Concurrent Resolution 416, which urged the President to direct the attention of world opinion upon the Russian denial of the rights of self-determination for the people of Estonia, Lativa, and Lithuania.

Last month Mr. RARICK introduced a similar resolution—House Concurrent Resolution 61:

> Resolved by the House of Representatives (The Senate Concurring), That it is the sense of the Congress that the President, acting through the United States Ambassador to

the United Nations Organization, take such steps as may be necessary to place the question of human rights violations, including genocide, in the Soviet occupied Lithuania on the agenda of the United Nations Organization.

It is imperative that we do all possible to see that Lithuania gains her independence. This Russian oppression should be repugnant to all freedom loving Americans. As we took note of the 53d anniversary of Lithuanian independence and look back on the recent history of Lithuania, we can only hope and pray that her patriotic citizens will soon again be free from the shackles of Russian rule.

MAKING GOVERNMENT MORE RESPONSIVE

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. PRICE of Texas. Mr. Speaker, acting as ombudsman on behalf of his constituents is a large part of the job of a Representative in Congress. In order to facilitate my performing this function, I have employed a district representative to spend 1 day each month in the 28 counties of the 18th Congressional District of Texas. Following is a copy of the announcement I am mailing each postal patron in the 18th District advising them when my representative will be in their area.

The announcement follows:

My District Representative, Mr. Charles Lanehart, will be in Clarendon on Wednesday, March 17, to assist local residents with any problems they might have with the Federal Government.

Mr. Lanehart will be at the Farmers State Bank from 9 a.m. to Noon and from 1 p.m. to 5 p.m.

I find that with each passing year my legislative workload becomes heavier in Washington, and it is becoming more and more difficult for me to be in each of the 28 counties in our district on a regular basis. For this reason, I have made arrangements for Mr. Lanehart to be in each county in the 18th District on a regular basis, hopefully once a month.

Mr. Lanehart will be available to relay information to my Washington office where we will be pleased to make every effort to cut through the red-tape and attempt to get faster action on problems ranging from delayed Social Security checks, to military problems, to businessmen who want to know how to sell their products or services to the Federal Government.

If you have a problem which you feel I may be of assistance in solving, please feel free to see Mr. Lanehart while he is in Clarendon. No appointment is necessary. You may go by the Farmers State Bank office at your convenience.

Sincerely,

BOB PRICE,
Member of Congress

P.S. As you probably know, the Texas Legislature is presently considering legislation to redistrict congressional districts on the basis of the 1970 census. Each district must have approximately 466,000 people. This means that 76,000 people must be added to our District.

One of the plans now being considered would leave the present 18th District intact and add enough counties adjoining us on the south to bring our population up to the 466,000 range. The other plan would divide the Panhandle on north and south lines. Thus, the west side of the Panhandle would be in a District with Lubbock and the east side would be in a nearly 400 mile long District from Perryton to near Dallas.

If you believe the Panhandle should be kept in one Congressional District because of our common interests you should contact your State Representative and State Senator now. You can also express your views to the Chairmen of the House and Senate redistricting committees: Senator J. P. Word and Rep. Delwin Jones at the State Capitol in Austin.

"ACTION OF SOCIAL SECURITY NEEDED"

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. MILLER of Ohio. Mr. Speaker, the problems brought on by inflation are becoming more apparent to all of us every day. But inflation weighs heaviest on our senior citizens. A large number of citizens in Ohio's 10th District who are living on fixed incomes have been looking for swift congressional action on the social security benefits to help ease the burden of inflation. To date, they have been disappointed by our inaction.

It is important that we do all we can to speed up enactment of H.R. 1, the Social Security Act Amendments. Unfortunately, the major hurdle preventing ready consideration of this vital legislation by the House is the fact that the welfare reform controversy has been tacked onto the social security bill.

The two proposals should be considered separately.

For one thing, the entire welfare system in this country needs to be updated and placed under more effective control. As it stands today, welfare is nearly uncontrollable in terms of costs and caseloads. In the past decade, welfare costs have more than tripled and the caseload volume has doubled. As welfare exists today, there are few work incentives while the working poor are virtually excluded from welfare assistance. In addition, the differences in the State welfare systems are appalling. State welfare programs differ in such essential areas as benefits, coverage, and administrative procedures. In short, overhauling our Nation's welfare system is such a monumental task that it will command lengthy congressional scrutiny before any workable and acceptable plan is finally ironed out.

As I said, we need the social security legislation now; but unlike welfare reform, the proposals presently tied up in the House Ways and Means Committee are generally acceptable to the Members and I am confident that passage of a beneficial social security bill would be forthcoming if this matter were considered solely on its own merits.

I am in favor of a social security bill which will readily meet the most pressing needs of the recipients. I support a 10-percent across-the-board increase in benefits as well as an increase in the minimum monthly benefit and an increase in the outside earning limitation. I have sponsored legislation in this Congress calling for all three such increases.

While the House version of the social security bill is held up, the 27 million recipients who depend on its benefits are forced to wait out this legislative impasse until the sundry issues stalling its progress are finally resolved. Making these Americans wait any longer for the benefits they deserve is, I feel, both unfortunate and unfair.

U.S. POLICY ON SOUTHERN AFRICA ENDORSED

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. MORSE. Mr. Speaker, 5 years ago, I joined with six of my Republican colleagues in urging President Johnson to exercise effective leadership in promoting nonviolent policies which would further a peaceful and integrated society in southern Africa. Our concern was heightened by the failure of the International Court of Justice to act on the question of whether South Africa's mandate over South-West Africa was still valid.

I am pleased to note that, in the intervening years, the United States has taken the leadership we called for, and that enlightened and progressive policies have been pursued, first by the Johnson administration and now by the Nixon administration. With U.S. support, the United Nations General Assembly has assumed direct responsibility for South-West Africa, which has now been renamed Namibia.

In a letter to the Washington Post on March 10, I noted that the policy of the Nixon administration on the issue of South-West Africa "has been marked by a consistent regard for legal process and by a clear preference for persuasion and peaceful progress." I am especially gratified by the logical and forthright position our country has taken in supporting the Security Council decision to ask the International Court for an advisory opinion on the legal consequences for states of South Africa's continued presence in Namibia.

While the essential question before the Court is one of self-determination for the people of Namibia, it is to be hoped that the Court's deliberations will not be diverted by the recent South African offer to conduct a plebiscite in the territory. South Africa, of course, has no right to take such an action under the terms of the General Assembly resolution which canceled its mandate. Moreover, the history of South African administration of South-West Africa, and, in particular, of the contrived and misleading plebiscite conducted in the territory in 1946, give little grounds to hope that such a plebiscite would, in fact, ascertain the true wishes of the inhabitants.

The International Court of Justice now has the opportunity to resolve the vexing problem which has caused so much suffering, inspired so much controversy and threatened so often to break out into violence. We will all eagerly anticipate the results of its deliberation.

SENATE—*Friday, March 12, 1971*

The Senate met at 10 a.m. and was called to order by Hon. HUBERT H. HUMPHREY, a Senator from the State of Minnesota.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord of all truth, establish us in the knowledge of Thy will: That which we know not, reveal; that which is wanting, supply; and that which we believe, confirm; instructing us ever in the right way of worship and of service.

Keep us, O Lord from coldness of heart and indolence of spirit that we may pray as we work.

Take our own lives, cleansed and renewed, and use them as our first gift to the making of a better world. Strengthen us for every fresh adventure, equip us for every new task, and send us forth with Thy love and grace and truth in our hearts.

Through Jesus Christ our Lord. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 12, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HUBERT H. HUMPHREY, a Senator from the State of Minnesota, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. HUMPHREY thereupon took the chair as Acting President pro tempore.

Mr. MANSFIELD. Mr. President, first may I be permitted a personal word, to say how happy I am to see the distinguished Senator from Minnesota (Mr. HUMPHREY) back in the chair which he graced with such dignity, decorum, and understanding during the period when he was Vice President of the United States and the Presiding Officer of this body.

Mr. PASTORE. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I am delighted to yield to the Senator from Rhode Island.

Mr. PASTORE. And he looks very much younger, too.

The ACTING PRESIDENT pro tempore (Mr. HUMPHREY). The Chair thanks the Senator from Rhode Island for his perception. [Laughter]

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on March 5, 1971, the President had approved and signed the joint resolution (S.J. Res. 31) extending the date for transmission to the Congress of the report of the Joint Economic Committee.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. HUMPHREY) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, March 11, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. MARINE CORPS

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE AIR FORCE, IN THE NAVY, AND IN THE MARINE CORPS

The assistant legislative clerk proceeded to read sundry nominations in the Air Force, in the Navy, and in the Marine Corps, which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is now recognized for not to exceed 30 minutes; to be followed by the Senator from California (Mr. CRANSTON) for not to exceed 15 minutes.

THE SST DEBATE: A POINT-BY-POINT REBUTTAL

Mr. PROXMIRE. Mr. President, it is time to set the record straight on the SST. In the past weeks and months, proponents of the SST have advanced a number of arguments in behalf of the program. As succinctly as I can, I would like to speak to each of these. My rebuttal employs neither hysteria nor ecological extremism. I invite Secretary Volpe, the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), Admiral Rickover, or anyone else, to reply, if they take issue with what I have to say.

The arguments advanced by the proponents of the SST are:

That 150,000 jobs will be lost if the SST program fails to go ahead. This is simply not true in any sense, as I am sure we can establish.

That the SST will be twice as productive as the 747 jumbo jets.

This is not true.

That there will be a market of 10 percent of the American population for the SST by 1985. This is not true.

That we have come this far on the SST program, so that we may as well finish.

This is not true.

That the SST's impact on the upper atmosphere is trivial and of little or no concern.

This is not true.

That the SST produces less emissions than any other form of transportation.

This is not true.

That the problem of sideline noise is now under control.

This is not established.

That there is going to be an SST anyway, so that we have no choice but to proceed with the program.

This is not true.

That the Government will recoup its money with a $1 billion profit on the SST.

This is not true.

That the SST prototypes should be built so that we can get the answers to the environmental questions.

This is not true or necessary.

JOBS AND THE SST

First, that 150,000 jobs will be lost if the SST program fails to go ahead. We have had testimony by the most eminent economists in America. Yesterday we heard Dr. Samuelson, who is a Nobel laureate in economics, and the first American ever to win that distinction.

Dr. Samuelson pointed out, as have Dr. Okun, and Dr. Heller and Dr. Friedman, eminent economists with different viewpoints on many elements of our economy, that the amount of money we would spend on the SST will provide no more jobs than if that amount of money were spent on any other Federal project.

The fact is, some 5,500 people are now employed at Boeing on the SST. Another 2,500 are employed at General Electric and several thousand more at subcontractors throughout the country. Nationally, some 13,000 people are working now on the SST.

Employment on the prototype program is scheduled to peak at 20,000 later this year; then fall off to just a handful of jobs by the mid-1970's.

The SST production stage, in the late 1970's or early 1980's, is expected to employ about 50,000 persons nationwide. This is 8 to 10 years away, and depends not only on a go-ahead decision in 1974–75 but also on a marketplace demand for the construction of 500 SST's.

The 150,000 jobs figure, cited so often by SST proponents as jobs that will be lost, has no basis whatsoever in fact. It is a figure that is arrived at by taking the speculative figure for 50,000 SST jobs 8 to 10 years from now, and arbitrarily tripling it. This multiplier effect is designed to encompass not only those working directly on the SST, but also all supporting services for those working directly on the SST. In other words, the 150,000 figure includes not only the engineer, the draftsman, and the riveter, but also the barber who cuts the engineer's hair, the maid who launders the draftsman's shirt, and the busdriver who takes the riveter to work.

This Senator is as concerned about the loss of any man's job as any Member of the Senate. But let us keep the jobs issue in perspective. Some 13,000 people are currently employed on the SST program nationwide. That is a far cry from saying 150,000 jobs will be lost if we do not go ahead.

Mr. President, as I indicated at the beginning of this section, I challenged Mr. Magruder in the hearings before the Appropriations Committee to name a single economist—one—in the entire country who would say that the SST program will produce a single job that would not be produced by the same amount of money spent on any other program, and he could not come up with one—not one.

There are very few economists, less than 5 percent, who support the SST, but even that minority support is not for this reason. They agree that the SST will be no more productive in providing jobs than any other Federal program with this amount of money involved.

In this connection, I would like to call attention to a letter from the Oil, Chemical, and Atomic Workers International Union urging Members of Congress to vote against the SST. The letter acknowledges the importance of jobs, but cogently points out that it is more important "to use the proposed SST work force on constructive pursuits." The OCAW also points out that:

> The unemployment situation will even be more pronounced if a decision to build the plane is reached and then it turns out that the environmental doubt we possess turns out to be true.

Mr. President, I ask unanimous consent that the letter from the OCAW Union be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> OIL CHEMICAL & ATOMIC WORKERS INTERNATIONAL UNION,
> *Washington, D.C., March 5, 1971.*
>
> TO ALL MEMBERS OF CONGRESS: I am writing to urge you to vote against the Supersonic Transport appropriations. The environmental arguments for and against the construction of the plane have been made by eminent scientists. You may recall the environmental controversy some years ago about fall-out from nuclear weapons testing. Then, as now, eminent scientists lined up on both sides of the question. Time ultimately resolved who was right in that controversy. However, the harm that we now know occurred is irreversible.
>
> Our experience with that environmental controversy demonstrated the validity of the observation of the eminent French physiologist, Claude Bernard, who said, "True science teaches us to doubt and in ignorance to refrain." Bernard's admonition is especially valid in the case of the SST.
>
> As a labor union, we are extremely concerned over the possible loss of jobs if the decision is made not to construct the SST. In this instance, Congress has a responsibility to enact legislation to provide funds for projects that will utilize the skills of the workers affected. It is unnecessary for me to detail these projects. We are all aware of the present state of our environment and the great unmet social needs of our society. There is much work to be done that will benefit man.
>
> Let me point out that the unemployment situation will even be more pronounced if a decision to build the plane is reached and then it turns out that the environmental doubt we possess turns out to be true. Our nation must be turned around from its dead-end environmental direction. An opportunity exists now to use the proposed SST work force in constructive pursuits. We urgently hope that Congress chooses that direction.
>
> Sincerely yours,
> ANTHONY MAZZOCCHI,
> *Director, Citizenship-Legislative Department.*

SST PRODUCTIVITY

Mr. PROXMIRE. Mr. President, second, that the SST will be twice as productive as the 747 jumbo jets.

The calculation works this way: the SST has two-thirds the number of seats in a 747. It is capable of flying three times as fast. Therefore, it is twice as productive—three times two-thirds equals 2.

To start with, when jets were first introduced in the 1950's, the 707 flew twice as fast and carried twice the passenger load as the DC–7, the last of the propeller-driven planes. Accordingly, the new jets of the 1950's were four times as productive as their predecessors. Thus, even if the DOT statement about productivity were correct, which it is not, the SST would represent only half as much of an advance as the step from the prop plane to the jets.

But consider DOT's claims of double productivity. It is an enormous oversimplification, and ignores a number of essential factors. It ignores the fact that the SST will cost at least twice what the 747 cost—$40 million versus $20 million—and many experts predict the SST will cost far more than double by the time it reaches the market. It ignores the fact that the SST's range—the distance it can fly without refueling—is more than 1,000 miles shorter than the 747. It ignores the far greater consumption of fuel for the SST—DOT recently confirmed that fuel usage by the SST fleet would approach nearly 5 percent of the world's oil reserve. And it ignores the fact that the 747 can fly anywhere in the world, while the SST because of its sonic boom, is restricted to over-water routes. The irony is that the SST is billed as a marvel for very long intercontinental routes, but its range is much less than the highly efficient jets we have in service now.

In addition, recent newspaper accounts report that BOAC, the British Overseas Airline, has found that the seat-mile operating costs of the Concorde will be twice the seat-mile operating cost of the 747. And although BOAC later reaffirmed its allegiance to the Concorde program—it has to because the British Government owns BOAC and will mandate it to fly the planes the British produce—it has not denied that seat-mile operating costs would be double the costs for the subsonic jets.

None of these factors have been accounted for in the DOT's oversimplified statement about productivity. The equation would yield a far different result if they were.

Yesterday we had testimony by Dr. Samuelson and Dr. Rathjens, two eminent economists. They are convinced that the productivity of the SST would be less and that the plane would be an economic disaster.

THE JET-SET MARKET

Third, that there will be a market of 10 percent of the American population for the SST by 1985.

Even if the 10-percent figure were correct, this is far less than the number of people that would benefit if the SST money were spent for improved mass transit, for air pollution control, or for consumer protection. How many people use mass transit—or would use it if it were available—in commuting to work every day? How many would appreciate having cleaner air to breathe? How many would benefit from greater consumer protection?

This 10-percent argument is based on the premise that the 6 million passengers that flew internationally last year will grow to 25 million passengers by 1985. This reasoning has two inherent fallacies.

First, percent of passengers and percent of the population are far from being the same thing. Six million passengers flying overseas last year is not the same thing as 6 million people flying overseas. Consider David Frost, for instance, who flies back and forth between New York and London every week; he would make more than 100 trips back and forth in a year, and be counted as 100 passengers, even though he is just one person.

Thus, even if we were to have 25 million passengers flying internationally by 1985, this would be far from 10 percent of the American population—it might constitute only 2 or 3 percent.

The distinguished Senator from Minnesota (Mr. HUMPHREY) goes to Minnesota very often, and I go to Wisconsin very often. The Senator from Minnesota would be counted as 100, probably 200, or maybe 300 passengers because he flies as much as does the Senator from Wisconsin. However, he is one person. I wish he were more than one person, but he is just one person.

For that reason, if we are talking about the number of Americans who will fly overseas we are talking about a tiny fraction, a small fraction, which at the most will be 2 or 3 percent in the future, and it is now about one-half of 1 percent.

Second, it is essential to bear in mind the market for the SST. The SST will be a premium fare airplane; estimates range as high as 30 percent above current first-class fares for the SST. Because of these high fares, the 21-day economy-package traveler to Europe is hardly going to opt for the SST—he will choose the cheapest way of getting there. The relevant market for the SST is the regular overseas passenger—the businessman or the wealthy tourist—to whom the time saving might make a difference.

The Department of Transportation at last year's hearings supplied data on how many of the 6 million passengers who flew overseas last year could be regarded as regular passengers. The answer—about one in 10.

The relevant market, then, is currently about 600,000 passengers a year—10 percent of 6 million—or less than one-half of 1 percent of the public. I would calculate it at about one-twentieth of 1 percent of the public if we allow for repeated flights.

Even if this percentage increases by threefold or fourfold between now and 1985, we would still be far, far short of the 10-percent market anticipated by SST enthusiasts.

GOOD MONEY AFTER BAD

Fourth, it is said that we have come this far on the SST program, so we may as well finish. By the end of March 1971, we will have spent $864 million on the SST. Most of this was in competition and design, with the hardware work now just getting underway. The minimum DOT estimate for building the two prototypes is $1.342 billion.

Thus, we still have nearly $500 million to go. That is the minimum, and it assumes there is no inflation, no overrun, no hitches in the plan, and most important, no trouble getting private financing for the production of the SST.

What if private financing failed to materialize? Under Secretary of Transportation Beggs has indicated that if that happened the Government is prepared to make available an additional $1 billion in loan guarantees to keep the program going.

Incidentally, the original contract between Boeing and the Government called for Boeing to submit a financing plan for production by June 30, 1968. That date was later postponed to December 31, 1969. To date, no financing plan has been submitted. It is now promised in June 1972—a 4-year slippage.

Other estimates forecast still higher Federal costs. Gen. Elwood Quesada, the former FAA head who now serves as a director for American Airlines, predicted that the Government's cost on the SST program could eventually go to $3 to $5 billion.

The Senator from Illinois (Mr. PERCY) said, and I think there is much wisdom in this statement, that he talked to airline people who told him the cost could be $20 million if the Federal Government will have to bear the principal part of the production cost. There now seem to be developing reasons why this could be possible.

Dr. Richard Garwin, member of the Science Advisory Board under three administrations, agreed with this estimate. If these estimates come true, this would mean that we are not halfway through, not one-third through, but at a point one-sixth of the way along. If the Seator from Illinois (Mr. PERCY) is correct, we are not even 5 percent of the way along.

Mr. President, when this program got underway in 1963, President Kennedy told Congress that "in no event will the Government's share of the SST program go above $750 million."

We are already $100 million above that ceiling. And in all likelihood, the end is nowhere in sight. It is time to hold ourselves to the Kennedy limit. It is time to stop throwing good money after bad.

SST AND THE UPPER ATMOSPHERE

Fifth, it is said that the SST's impact on the upper atmosphere is trivial, and of little or no concern.

This argument is usually buttressed with statements like: "One SST carrying 300 passengers at 1,780 miles per hour will emit no more pollutants per mile than three autos traveling at 60 miles per hour;" or, "a total of 1,600 SST flights a day would put about as much water into the stratosphere as a single large thunderstorm."

Such comparisons are specious and misleading. The SST's will be flying in the stratosphere at 65,000 feet. They will fly there because the air is extremely thin and stable; the friction and heat generated by thicker atmosphere at lower altitudes would preclude flying at speeds like 1,800 miles per hour. The very fact that the air is so rare creates the problem. Any emissions ejected into such an environment stay there for many, many months, and interact chemically with substances that are present.

The most significant element that exists at these altitudes is ozone. Ozone is the element that absorbs the sun's potentially lethal ultraviolet rays, and prevents them from reaching the earth's surface. Without ozone, it would be impossible for life to exist on this planet.

Water vapor, it turns out, reacts chemically with ozone. Water vapor which is put into the stratosphere at 65,000 feet will deplete a portion of the ozone present there.

This is where the SST comes in. One SST flight, between New York and Paris, would deposit 382,000 pounds of water into the upper atmosphere.

That this will deplete the ozone is beyond dispute. Russell Train and Gordon MacDonald, the administration's experts on the atmosphere and the environment, told this to Congress last year. DOT indicated last year that maximum ozone depletion would be about 7 percent. Boeing says the figure is about 4 percent.

The question remains, to what extent would ozone depletion result in an increase in ultraviolet radiation reaching the earth's surface. Again, Train and MacDonald thought this to be a serious problem. DOT and Boeing say it is not. Last week another scientist, Dr. James E. McDonald, of the University of Arizona, expressed an opinion on this. Dr. McDonald is an atmospheric physicist, a member of the National Academy of Sciences, and was named by the Academy to look into this problem. His conclusion was that increased ultraviolet radiation could increase the incidence of skin cancer in the United States:

> It is my present estimate that operation of SSTs at the now-estimated fleet levels predicted for 1980–85 could so increase transmission of solar ultraviolet radiation as to cause something of the order of 5,000–10,000 additional skin cancer cases in just the United States alone.

Mr. President, I am in no position to say whether Dr. McDonald's prediction would come true or not. But it is clear there is a problem here, and it is far from trivial. Just about all scientists agree on the first link—that SST operations will deplete ozone to some degree. And eminent scientists like Russell Train, Gordon MacDonald, and James E. McDonald agree that the second link—that decreasing the ozone will significantly increase ultraviolet radiation—should be taken seriously.

Mr. President, this is a problem that should—indeed must—be resolved before we proceed with the SST. And the prototypes are not going to answer this question, because there is no way of determining what the cumulative effect would be of 500 SST's flying four flights a day with just two prototypes.

The chairman of the panel on the SST Environmental Advisory Committee, the group that will tell the Secretary of Transportation whether or not he should go ahead with the SST and whether or not it is an environmental hazard, made this statement on the SST. He is in charge of making the judgment after these tests have been conducted, as to whether it will pollute the environment:

> In the balance, I believe that the question of whether we should or should not have an SST must be decided on the basis of economics, with the environmental effects having a very small weight indeed. If the SST is going to be turned down, let's not turn it down for the wrong reasons.

Mr. President, that is the statement of the chairman of the panel of objective experts who are supposed to pass on this matter and referee it. That kind of statement by the chairman of the panel does not give me confidence in the objectivity and fairness that is going to be brought to this subject.

Will it increase skin cancer? We have the chairman of the panel saying yesterday in testimony before a congressional committee that the environmental effects have "a very small weight, indeed." That does not give me much confidence in his fairness and I do not know how it can give any other Senator much confidence that we will get a fair judgment.

The way to answer these questions is through independent research. This would include high-altitude balloons, laboratory testing, atmospheric sampling, and so forth. Dr. McDonald, in testifying before the House Appropriations Committee, said that we might have the answers to these questions in 3 to 4 years "if we are lucky." And Dr. Reginald Newell, appearing before the Senate, said it would take 10 years.

Mr. President, I ask unanimous consent that the complete testimony by Dr. James E. McDonald be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. Mr. President, it should be clear why it is pointless to compare the emissions of one SST with three automobiles traveling at 60 miles per hour. One travels in the dense and changing atmosphere at surface level; the other at a windless, rarified 65,000 feet. One presents no problems with the water vapor emissions; the other a very serious problem. Comparing SST emissions with automobile emissions is like comparing apples with oranges—it contributes nothing whatever to our understanding of the problem.

The argument comparing thunderstorms with SST water vapor is equally specious. Less than 1 percent of our thunderstorms ever reach stratospheric altitudes at all—above 45,000 feet. Nature has achieved a balance between the small amounts of water injected by natural causes and the ozone in the stratosphere. Water vapor emitted by the SST would be heaped on top of this natural balance, and would increase the average levels for water vapor in the SST flight corridors.

The thunderstorm argument is a little like trying to justify dumping mercury into our rivers on the ground that mercury is naturally present in small quantities and has not harmed anyone so far.

SST upper atmospheric pollution is far from trivial. Development of the plane should be postponed until these questions are resolved beyond all doubt.

SST EMISSIONS COMPARED WITH THE 707 AND 747

Sixth, that the SST produces less emissions than any other type of transportation.

The fact is, that the SST will produce more emissions than the 707 and the 747, the planes it is designed to supplant. It will produce more of each of the critical combustion byproducts—carbon dioxide, water, carbon monoxide, and nitrogen oxide.

The following table shows the emission figures. This data was supplied by DOT in response to a request by Congressman YATES at the House hearings for fiscal year 1971—see part III, page 890.

I ask unanimous consent that a table which was supplied to me by the Department of Transportation be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMBUSTION PRODUCTS, IN POUNDS, NEW YORK-PARIS FLIGHT

	707	747	SST
CO_2	361,000	758,000	960,000
H_2O	144,000	313,000	382,000
CO	4,900	10,600	13,000
NO	(1)	(1)	2,000

[1] Negligible.

Mr. PROXMIRE. Mr. President, on a seat-mile comparison between the 747 and the SST, the SST would come out even worse, since the SST's higher emissions would be generated on a flight carrying only two-thirds as many passengers.

CONTROL OF SIDELINE NOISE

Seventh, that the problem of sideline noise is now under control.

There is good reason to believe that sideline noise cannot be reduced without a very substantial impairment of the plane's operating efficiency. Here are a couple of examples of the kinds of tradeoffs that could occur:

H. W. Withington, of Boeing, has indicated that each point of decibel reduction represents a lessening of 50 miles in the aircraft's range—the distance it can fly without refueling. Applying this test, reducing sideline noise from 124 decibels to 108 decibels could cost the SST some 800 miles in range. For a plane that did not have much to spare in range in the first place, the loss of 800 miles of range would represent a very serious infringement on operating efficiency.

Another example: according to Boeing, engine noise suppressors would add substantially to the plane's weight. If noise suppressors were to add 1,500 pounds per engine, say, this would increase the SST's overall weight by 6,000 pounds. If that were the case, the modified version of the SST might have its seating capacity reduced—possibly as much as 30 to 40 passengers—150 to 200 pounds per passenger—in order to get off the ground.

The point is, there must be tradeoffs involved—in terms of cost, efficiency, range, and/or payload. DOT has not told us what these are. And we ought to know exactly what the tradeoffs will be before we accept their assurances that sideline noise will be reduced. It is not much of an achievement to reduce noise if it means that the plane can no longer fly economically.

COMPETITION FROM ABROAD

Eighth, that there is going to be an SST anyway, so we have no choice but to proceed with our program.

This is not the first time we have heard this argument. Back in 1951, Senator Monroney introduced legislation to subsidize development of the first commercial jets. The Senate was told that the British and French were already underway with their programs, and would beat us out of the market if we failed to subsidize the American aircraft industry.

The Senate passed the Monroney bill, but the House wisely rejected it. It never passed.

Did we lose our leadership throughout the world? Not a bit. The private sector moved in and took over the U.S. aircraft industry, went on to become the greatest in the world—without direct Government subsidy. We now dominate commercial aviation. We supply 85 percent of all commercial jets throughout the world, because we did not have the Federal Government involved in it.

The SST represents the first time the Government is directly subsidizing development of a commercial aircraft. In my opinion, we would be far wiser to follow the precedent we set in 1951 and reject the subsidy.

As far as the British-French Concorde is concerned, it is far from becoming a genuine competitive threat. Testimony presented to the Joint Economic Committee last year demonstrated that the plane's payload had diminished almost to the break-even line, that its range is so marginal that transatlantic crossings without refueling are still uncertain, and that passenger comfort would be far from satisfactory.

Recent dispatches from London tend to confirm doubts about the Concorde. According to the dispatch, BOAC recently told the British Government that it sees no way of operating the Concorde economically. BOAC has calculated that it will cost twice as much per seat-mile to operate the Concorde as it costs to run the much larger Boeing 747.

The dispatch also reported that a comparison study had been completed by Air France, and given to French Transport Minister Jean Chamant. The Air France evaluation of Concorde was reportedly even worse than BOAC's.

Two days after these dispatches appeared in the press, BOAC reaffirmed its allegiance to the Concorde program. Significantly, though, there was no retraction of BOAC's calculation that the Concorde would cost twice as much to operate per seat-mile as the 747; and there was no retraction whatsoever by Air France.

Much has been said about the options on the Concorde held by a number of airlines. But no airline has yet to place a firm order for Concorde. And the deadline for exercising options has been extended.

The Soviet Union has also flown a prototype plane. But the Russians have never sold commercial aircraft to the West, and no Western airline has yet shown any interest in the TU-144. The problem of obtaining spare parts would be serious, indeed, if a Russian craft were purchased for use in the West.

Mr. President, it makes little sense to say that the SST's are here; that we have no choice but to go ahead. On the basis of all the evidence, it is highly doubtful that either the Concorde or the TU-144 will prove to be a serious competitive threat if we suspend our program.

GOVERNMENT'S RETURN ON THE SST

Ninth, that the Government will recoup its money with $1 billion profit on the SST.

The return of $1 billion—which assumes the sale of 500 planes—represents a return of only 4.3 percent on the Government's money. With the Government paying 6 percent to use its money, the return of $1 billion would represent an actual loss as far as the Government is concerned.

Uncle Sam is going to lose money no matter what happens. If it does not work out and if we do not sell 500 planes, we will lose all of our investment.

An analysis made by John Walgreen, former economist under Secretary McNamara, and now professor at Wheaton College, points out just how bad a deal this is for the taxpayer.

First, it is incredible that any arrangement under which the Government pays 90 percent and private investors pay 10 percent can be considered a fair sharing of the risk. But what about reward? Does the Government at least get the lion's share of the profits? Of course not. Walgreen's paper works out some likely returns, based on varying assumptions.

Walgreen's analysis makes certain assumptions—that travel by air grows at 10 percent a year, which is the historic experience; that passengers value time at a rate equal to hourly earnings; that the SST's will cost about $40 million each and will weigh 675,000 pounds. Based on these assumptions, Walgreen estimates the number of planes sold at 139. If that number is sold, the Government will lose $1.183 billion on the project. At the same time, however, the private manufacturers will make a profit of $150 million on the SST. They would make a profit while the Government lost on the SST. Is this a fair sharing of the reward when the Government puts up 90 percent of the money?

Walgreen uses other assumptions and arrives at 225 planes sold and 443 planes sold, respectively. If 225 are sold, the Government will lose $552 million, while manufacturers will come out ahead $1.689 billion.

Finally, if 443 planes are sold, the Government comes out $1.05 billion ahead; this is where the FAA gets its estimate. But while the Government is struggling to make its $1 billion, the manufacturers are raking in a cool $6.495 billion. Some sharing. This is a heads I win, tails you lose proposition, with the taxpayer getting the short end of the stick.

SST PROTOTYPES AND THE ENVIRONMENT

Tenth, that the SST prototypes should be built so that we can get the answers to the environmental questions.

The fact is, that not only are the prototypes not needed to get answers to the environmental questions, but in addition the prototypes will not answer the questions even if we build them.

As far as the sideline noise of the SST's engines are concerned, this can be tested with the model engines now being developed at GE. The engines can be placed on mounts and tested for noise; there is absolutely no reason why a prototype airframe must be built on which to mount the test engines.

Insofar as the problem of upper atmospheric pollution, there is no way that a cumulative impact of a fleet of 500 SST's can be simulated with the two prototypes. Such testing can only be achieved via an independent research program, and not with development of prototypes which serve as engineering models.

This was confirmed by the administration's chief environmental protectionist last week. Testifying before the House Appropriations Committee, Mr. William Ruckelshaus, Administrator of the Environmental Protection Agency, replied during the question-and-answer period with the committee:

Representative Boland. I take it from your statement, Mr. Administrator, that all the problems with respect to the environment can be solved without the production of two prototypes—not the problems but at least you can get the answers from the problems that the SST conjures up. Is this true?

Mr. Ruckelshaus. I think that's true.

Mr. President, the prototype program cannot be justified as essential to providing answers to the environmental questions. It simply is not designed to do that.

Mr. President, the SST will be voted upon within the next 2 weeks or so. I sincerely hope that Senators will pay heed to both sides of these arguments, and refrain from passing judgment on the issue until all the facts are in. If they do, I am confident that the only sensible conclusion they can reach is to vote against further appropriations for the SST.

Mr. President, my time is just about up, but I want to say that I shall return to the floor a number of times in the next few days, because there is a great deal of information that I want to bring before the Senate on this matter. There just is not any question that the case against the SST, which was strong last year, is much stronger this year and much better documented this year. This is our best chance by far to stop a very serious mistake, a very serious mistake for American citizens who might be exposed to pollution and for the taxpayers who will have to pay for it.

Exhibit 1

Statement Submitted for the Record by Dr. James E. McDonald, Institute of Atmospheric Physics, University of Arizona, Tucson, Ariz., at Hearings Before the House Subcommittee on Transportation Appropriations, March 2, 1971, Concerning the Supersonic Transport Program

(Note—This version contains the typographical corrections and minor changes of wording that were incorporated into the record copy inserted for publication in the printed hearings. The changes from the draft available on March 2, 1971, are all minor changes improving on the clarity of that draft—JEM)

BIOGRAPHICAL SUMMARY

Present position: Senior Physicist, Institute of Atmospheric Physics, and Professor, Department of Atmospheric Sciences, University of Arizona, Tucson, 85721.

Area of principal research interest: Atmospheric physics.

Educational background: B.A. (Chemistry), University of Omaha, 1942. M.S. (Meteorology), Massachusetts Institute of Technology, 1945. Ph.D. (Physics), Iowa State University, 1951.

Miscellaneous:

Joined University of Arizona staff in 1954.

Research Physicist, Cloud Physics Project, University of Chicago, 1953–54.

Assistant Professor of Physics, Iowa State University, 1950–3.

Naval Intelligence World War II, 1942–45.

Married, six children. Born Duluth, Minn., 1920.

Professional affiliations:

American Meterological Society.

American Geophysical Union.

Royal Meteorological Society.

American Association for the Advancement of Science.

Committee for Environmental Information.

Society for Social Responsibility in Science.

American Association of University Professors.

Sigma Xi.

Current professional activities:

Member, National Academy of Sciences' Panel on Weather and Climate Modification.

Member, Advisory Panel for U.S. Navy-ESSA Project STORMFURY.

Member, Evaluation & Goals Committee, University Committee on Atmospheric Research.

1. INTRODUCTION

Deliberations on the national decision as to whether to proceed now with an SST program have brought into public debate important questions concerning possible environmental effects of major SST fleet operations. I wish to summarize here some points which I think have been overlooked or underemphasized in recent discussions of the pros and cons of initiating a major air-transport technology in the stratosphere.

During the past several months, a substantial share of my time has been spent in assessing certain specific questions as to how SST fleet operations might affect the earth's atmosphere and thereby modify either climate, weather, or human activities contingent upon important atmospheric processes. Although my work was undertaken in connection with current studies of the National Academy of Sciences' Panel on Weather and Climate Modification, I wish to make clear that I do not speak here for our Panel, but rather as an individual scientist. However, I wish at the same time to express my indebtedness to many other scientific colleagues in various parts of the country who have offered advice and critique in various phases of these analyses. Although some of my viewpoints and findings are still tentative, all have been laid before a substantial total number of workers in a variety of different fields in an effort to detect and eliminate gross errors, so I acknowledge the help and criticism reflected in what I shall say here.

Before examining in some detail one specific SST atmospheric effect and its consequences (ozone reduction and its effect on skin cancer incidence), I want to emphasize three principal generalizations that strike me as having strong bearing not only on the present SST decision but also on the feasibility of moving on even farther toward a still higher-altitude mode of air transport now under engineering study, namely the HST (hypersonic transport) technology (1,2).

To make clear certain points that will come up repeatedly below, it needs to be noted first that the present generation of *subsonic* jets, such as the 707, DC–8, 747, etc., which cruise at altitudes near 35,000 feet, are still operating within the *troposphere,* the lowest major subdivision of the atmosphere, separated by the thin *tropopause* layer from the next higher and quite different region, the *stratosphere.* For present purposes, we may take the mean altitude of the tropopause as about 40–45,000 feet over middle latitudes. SSTs and HSTs would, by contrast, operate well within the stratosphere. The proposed Boeing SST would cruise near 65,000 feet, while the HSTs, still only on drawing boards, would cruise at altitudes that might begin near 80,000 feet, working upwards as technology advanced to ultimate HST cruise levels perhaps near 150,000 feet (1,3).

Although there are military jets, such as our U–2 or our SR–71, which can cruise at stratospheric altitudes, and although a number of interceptors have short-duration altitude capabilities of well over 50,000 feet, the total number of flight-hours per year (or better, total tons of fuel burnt per year) logged by present and past military aircraft flying in the stratosphere are small (order of a few per cent as large), compared with the projected operational levels envisaged for U.S. and foreign commercial SSTs by the 1980–85 period. Hence we do *not* yet have experience with the environmental effects of *flying large numbers of very high powered aircraft in the stratosphere,* a point sometimes forgotten or even misrepresented in arguments over potential seriousness of SST atmospheric modification effects.

2. THREE IMPORTANT GENERALIZATIONS ON POTENTIAL ENVIRONMENTAL SIDE-EFFECTS OF HIGH-ALTITUDE AIR-TRANSPORT TECHNOLOGIES

I suggest that very careful attention should be paid to the following three points, as we weigh the pros and cons of the present SST decision:

(1) The stratosphere is *effectively about 100 times more sensitive* to technologic contamination than is the troposphere because its turnover-time averages about 100 times longer than that of the troposphere.

(2) The stratosphere is a region of *high chemical reactivity,* unlike the troposphere, in which our current air transport technology now operates.

(3) If we now start an SST transport technology and then later attempt to improve range-efficiencies by modifiying engine or airframe designs to permit flying at still higher altitudes (or if we move on to an advanced HST technology), then we shall find that both of *the preceding difficulties grow even more serious* the higher we try to fly in the stratosphere.

The *first* of those three generalizations hinges on the important quantity known as the *mean turnover time* (also called the residence time, exchange time, or holdup time). In the troposphere, into which we emit essentially all of our present industrial and technologic pollution, the effective turnover time for the major pollutants averages only about a week, possibly rather less than that (4). Precipitation processes rapidly scavenge particulates and many gaseous pollutants from the troposphere, so that contaminants (even those from present-day jets flying in the upper troposphere) are fairly quickly washed out by rain. But the stratosphere enjoys no such efficient scavenging action; it has no cloud-and-rain washout mechanisms comparable to those that are effective in our troposphere. Instead, gases or particulates emitted into the stratosphere find themselves in an *extremely stable region* in which removal hinges upon slow transport and downward mixing to the tropopause, followed by "tropopause folding" or other leakout mechanisms that carry the pollutant down into the troposphere where rain scavenging can complete the removal process (5). For the lower stratosphere, where the proposed SSTs would fly, the average turnover time is now regarded as averaging about two years (5, 6, 7, 8), in contrast the the troposphere's 5–6 days. Hence, for any given pollution-rate, steady-state accumulations will run about 100 times greater in the stratosphere because contaminants take 100 times longer to be flushed out if inserted into the lower stratosphere. Actually that ratio of 100-fold should be set at an even higher figure, since the great stability of the stratosphere prevents the kind of deep mixing characteristic of the far more unstable troposphere, with the result that the mass-thickness of stratospheric air effectively available to dilute contaminants runs about 5 times smaller than for the troposphere. Without pursuing these matters into further detail, we may say that we shall probably be *underestimating* the seriousness of this point by here adapting the figure of 100-fold greater turnover time in the stratosphere, where the SSTs would be emitting various exhaust products.

The *second* point, concerning the far greater degree of chemical reactivity of the stratosphere, results from the presence there of the *ozone layer* (5), from the presence of small but chemically quite significant concentrations of reactive *free radicals* like hydroxyls and peroxyls, and from the presence of an *intense flux of solar ultraviolet radiation,* whose quanta have energy sufficiently high to drive many reactions that cannot occur in our lower atmosphere (because such energetic quanta are filtered out before they can get down into the troposphere, chiefly by the ozone layer itself).

The *third* generalization calls attention to the fact that if future aeronautical improvements in the SST should permit it to fly at higher altitudes (attractive for reasons of both fuel economics and sonic boom mitigation), this would only tend to exacerbate the foregoing two difficulties. Average turnover times increase as one goes to higher altitudes in the stratosphere (a trend well documented from nuclear bomb-test debris tracer studies) probably attaining values of the order of 10 years near 100,000 ft (4,5). This implies a tendency to build up still higher steady-state concentrations for any fixed rate of injection of aircraft contaminants, as we raise the injection level from the currently projected 65,000-ft cruise-level of the first SSTs now under consideration. This difficulty is further aggravated by the fact that the main peak of the ozone layer lies above the 65,000-ft level (ozone concentrations attain a broad maximum centered in about the 75,000–100.000-ft interval, the exact value depending somewhat on latitude and season). Relative concentrations of free radicals and also intensities of reaction-energizing solar ultraviolet quanta not only increase upward through the latter altitude zone, but go right on increasing to still greater heights, such as those now being talked about for HST operations. If there are (as I believe to be the case) some serious environmental consequences of starting an SST technology at 65,000-ft cruise-levels, those difficulties will get worse as efforts are made to push SST cruise-levels still higher. And, without going into the point in full detail, there will certainly be pressures to push for those higher altitudes, since considerations such as those underlying the Breguet range-efficiency formula show that one will be able to fly with steadily lower specific fuel consumption by going higher and faster. That will tend to put pressure on to push SST cruise altitudes upwards and later to follow them with even higher-flying HSTs. Then longer holdup times at these higher levels will tend towards higher and higher steady-state contaminant concentrations, and, at the same time, greater local abundances of reactive molecules and energetic quanta of solar ultraviolet radiation will tend to pose steadily more serious problems of environmental side effects. This point is not, I believe, widely appreciated in the aeronautical engineering world.

These three rather broad generalizations, I submit, need to be weighed very carefully in any major national decision to undertake an SST technology. Those three points have been ignored in a number of recent defenses of the SST program, with the result that SST exhaust contaminations have sometimes been made out as of quite minor concern, whereas the full implications of the long holdup time and high reactivity of the part of the atmosphere in which SSTs would operate have only begun to be explored. Some of the past casual playing-down of potential hazards that I have encountered reflects little appreciation of these complexities.

Furthermore, there is a *fourth* generalization one might well append to the above three: Increases in the concentrations of stratospheric particulate concentrations that will result from SST exhaust emissions and their reaction-products (sulfates, nitrates, soots, hydrocarbon products) will be introduced into a part of the atmosphere where it is quite possible that they can exert more climatically adverse effects than similar particulates would have in the lower atmosphere. This is a subtle point (and one entailing some still poorly known optical properties of possible particulates resulting from SST stratospheric operations, as well as some complex interactions with other atmospheric processes), so I shall mention it only in passing—but, at the same time, it is necessary to warn that long-term operation of new types of high-altitude air transport technologies might make this still poorly understood form of environmental disturbance as serious as or even more serious than any others now suspected.

3. SOME FALLACIES AND MISUNDERSTANDINGS ABOUT POTENTIAL SST ATMOSPHERIC EFFECTS

(1) *SSTs will cause persistent ice-crystal veils which will alter the earth's climate.* Fears that the extremely large volumes of water vapor emitted from SST fuel combustion will lead to contrail-formation and hence to development of long-persisting hazy stratospheric veils of slow-falling ice crystals do *not* appear to be well founded. I have reviewed again the arguments that led me and others who prepared the 1966 NAS report on weather and climate modification (9) to discount this problem and we have found no reason to alter our 1966 conclusions to the effect that this will not be a source of any significant climatic disturbance. SSTs will not only fly at altitudes too high to lead even to *formation* of contrails most of the time, but, still more to the point, they will be flying in a region where mean relative humidi-

ties due to naturally occurring water vapor average only about 5%, so that *persistence* of any contrails that do occasionally form is ruled out by such dryness. Only rarely, at high altitudes in the winter, or possibly occasionally at low altitudes, is it at all probable that contrails would form and persist. Serious climatic disturbance from these comparatively rare occasions does not appear likely.

(2) *Water vapor additions to the stratosphere will produce such tiny reductions of ozone that no biologically serious consequences will ensue.* This conclusion was reached in the SCEP Report (10), and it was also my own initial conclusion. However, a previously overlooked line of evidence now appears to lead to quite opposite conclusions. The possibility that ozone reduction resulting from chemical interactions with SST-exhaust water vapor will be large enough to yield serious increases in incidence of skin cancer over the estimated operating period of an SST technology is a good example of a subtle and initially unrecognized environmental hazard now calling for the most searching scrutiny. I shall take this example of a "hidden SST problem" below and use it to show how there may well be difficulties in high-altitude transport technologies that we have only barely begun to understand. Briefly, it is my present estimate that operation of SSTs at the now-estimated fleet levels predicted for 1980–85 could so increase transmission of solar ultraviolet radiation as to cause something of the order of 5–10,000 additional skin cancer cases per year in just the United States alone. I return to this point below.

(3) *Water vapor added to the stratosphere by SSTs is of only trivial significance, since thunderstorms put far more water into the stratosphere by entirely natural processes.* This argument has appeared in several places 12, 13). In one widely repeated form, it suggests that a single tropical thunderstorm can inject as much water vapor into the stratosphere as would the entire SST fleet in a single day. The argument then usually continues with the remark that, for the world as a whole, there may be something like 4000 thunderstorms per day, hence why worry about SST water vapor additions. The primary fallacy here is that any and all *natural* processes (including thunderstorms) accounting for the naturally occurring water vapor in the stratosphere are already fully allowed for as soon as one introduces into an analysis the present estimate of the *average* natural water vapor content of the stratosphere, now put at about 5 ppm by volume as a result of the work of many investigators, especially Mastenbrook. To the extent that tropical thunderstorms are a factor in natural vapor injections into the stratosphere, that effect is taken into account as soon as one uses the average figure of about 5 ppm by volume. I know of no analyses of potential SST environmental effects related to SST exhaust vapor contamination of the stratosphere that have not proceeded from just this basis; hence I can only regard the "thunderstorm argument" as inherently misleading because it, of course, makes the uninitiated think that SST vapor additions are somehow trivial when measured against wholly natural effects and has often been made in a context vaguely suggesting that critics of SST environmental hazards are ignoring such thunderstorm effects. That is unfair and misleading argumentation on the part of SST proponents.

Furthermore, the SST proponents who use the thunderstorm argument have, to my knowledge, never backed up their basic claims with good observational data as to (a) what fraction of the several thousand thunderstorms per day actually penetrate the tropopause and succeed in delivering any vapor to the dry stratosphere, and as to (b) just how much vapor is actually exchanged with the stratosphere, even in those cases where a thunderstorm does penetrate the lower stratosphere. I would suggest that only an extremely small percentage of all thunder heads (i.e., cumulonimbus clouds) build up into the stratosphere (in either middle or low latitudes) and that the thunderstorms of the world are actually a minor component of the overall meteorological machinery by which vapor moves up to the tropical stratosphere—most of it ascending slowly over an enormous area in the rising branch of the Hadley-cell circulation near the Equator. But, in any event, the all-important point that the non-meteorologist should realize in connection with this is that we are already taking into account any and all such effects when we start hazard-analyses (as in the skin cancer question below), with the *observed* average stratospheric water vapor content of about 5 ppm by volume. The "thunderstorm vapor injection" argument is about as misleading to public and to Congress as in the "ice crystal veil" argument, as I now see it.

(4) *SST pollution effects are unimportant, since they will constitute only about one per cent of the pollution from other technologies.* This argument (13) has several fallacies in it. First, it takes as "SST pollution" only the kind of particulate and gaseous pollutions that tend to cause pollution difficulties in the lower atmosphere (sulfur dioxide, hydrocarbons, soots), and it quite casually ignores the point that, in the stratosphere where these emissions have to be worried about, even such a seemingly harmless exhaust product as *water vapor* can lead to serious disturbances, yet is emitted in amounts about a thousand times greater. Secondly, it casually ignores the point stressed above, that the roughly 100-fold greater holdup time (turnover time) of the stratosphere, as contrasted with that of the troposphere where other present forms of atmospheric pollution are occurring, implies that if SSTs put out only about 1% as much pollution as all othe polluting technologies, then the 100-fold greater holdup time characteristic of the part of our atmosphere in which SSTs will cruise will just about cancel out that advantage. That is, storing up for a hundred times as long the emissions of an SST technology emitting only 1% as much pollution would just bring the SST pollution-levels up to about par with those of all other techniques. I would not wish to press that argument too far; but it serves to show how incomplete some of the existing argumentation is. Such incomplete argumentation can be a source of confusion, as exemplified in one recent statement made within the Senate, where it came out that three automobiles going down the highway at 60 mph would emit more water vapor than the entire fleet of SSTs, a multiply-garbled version in which several misunderstandings and errors became confounded.

(5) *If SSTs are going to pollute our atmosphere, it's better to have it polluted by U.S. SSTs than by the same number of foreign-produced SSTs.*

Sometimes it is suggested that it is pointless to debate the present SST decision because if we don't build those SSTs, somebody else will. I believe a sounder viewpoint is this: Whether we build and fly many hundreds of stratospheric commercial transports or whether some other country does, exactly the same careful scientific assessment of potential global (or hemispheric) environmental hazards has to be conducted. Entirely independent of who builds high-powered SSTs that will contaminate the sensitive and reactive stratosphere, the hazard-burdens will be much the same, since stratospheric winds will spread the effects over most of the (Northern) hemisphere. The real question at stake is thus the question of whether it is acceptable *to any and all nations* to have operating in the stratosphere a heavy air-transport technology which might impose any globally unacceptable environmental burdens affecting *any or all national interests*. The inherently international characteristic of the problem, when properly appreciated, requires that the United States or Russia view the Concorde program just as critically as the British or Russians must view the American program, etc. The basic question is whether the stratosphere is going to be just too sensitive to the kinds of transport technology now envisaged by aeronautical engineers who have made their impressive advances without fully examining environmental implications of the powerful and fast vehicles they have been designing with such skill.

(6) *The sensible and conclusive way to sort out all of these questions about SST environmental effects is to build several prototypes, fly them in the stratosphere, and make direct measurements to settle all of the uncertainties.* Although such a suggestion has a rather plausible ring to it, careful examination of where the really crucial environmental questions now lie shows rather conclusively that availability of a few flying SST prototypes will do almost nothing to settle these scientific controversies. There are far more scientific uncertainties than I shall be able to pinpoint here; but, with only a few exceptions, the kinds of research now needed to clarify these problems involve laboratory or computer work, or biological studies having no relation at all to the availability of prototype SSTs. Our difficulty is that we lack basic scientific understanding of a number of key questions raised by proposals to initiate high-altitude transport technology. As with all too many past examples, we have failed to conduct a broad and vigorous program of basic research, so that we just don't have all the answers at hand when technological change suddenly calls for assessing hazards. Flying models of the SST may be useful in checking engineering-feasibility questions but they will, unfortunately, be essentially useless in providing answers to most questions on environmental side-effects that have emerged from recent inquiries.

4. AN EXAMPLE OF AN OVERLOOKED SST ENVIRONMENTAL HAZARD: INCREASED INCIDENCE OF SKIN CANCER FROM ENHANCEMENT OF SOLAR ULTRAVIOLET EXPOSURE ACCOMPANYING DIMINUTION OF STRATOSPHERIC OZONE

Past experience with new technologies offers a number of historical examples of the general principle that entirely unanticipated environmental difficulties, often of a rather subtle nature, may ultimately come to light after years of operation with that new technology (pesticide technologies, release of mercury from seemingly harmless industrial processes, radiation hazards, lead tetraethyl gasoline additives, etc.). Certainly it must be agreed that, in trying to avoid many more such experiences, we need to find ways of assessing new technologies far more carefully than we have done in the past. A recent National Academy of Sciences report on technology assessment (14) has provided a penetrating analysis of these challenges, and has drawn particular attention to the need for detecting those potential side-effects of new technologies before the latter attain so advanced a state of development that too large an economic and social investment has been made to stop the new technology prior to its getting beyond a point-of-no-return. Surely all such considerations ought now to be brought to bear on the present national decision to initiate an entirely new form of high-altitude commercial transport technology that raises complex environmental questions of an unprecedented nature.

It was very much in that spirit that I have reexamined recently certain earlier conclusions that ozone-reductions due to water vapor added to the stratospheric ozone layer would be too small to have discernible biological importance. Although the full argument that has led me to the view that SSTs might cause adverse effects large enough to be of public-health concern is too lengthy to be completely detailed here, I wish to outline its main features, since I believe the argument is strong enough that it must now be carefully weighed into the present decisions on the SST program.

(1) *Carcinogenic effects of solar ultraviolet radiation.*—That skin cancer, especially of the basal cell and squamous cell types, is caused chiefly by prolonged exposure to solar ultraviolet radiations has now been attested in so many ways as to be essentially beyond dispute (15, 16, 17). Among the items of evidence supporting this conclusion, those of particular concern relative to SST effects include the following: (a) In all parts of the world there is a systematic tendency for higher skin cancer incidence in regions characterized by low average ozone amounts overhead, by high percentage of clear skies, and by short airpath for incident solar rays. Briefly, all of these factors tend to imply higher UV (ultraviolet) dosage rates at low than at high latitudes, and skin cancer incidence is found to increase correspondingly as one moves from high to lower latitudes (18, 19). (b) In any given area, skin cancer incidence is known to run much higher among persons who spend a great deal of time out-of-doors (farmers, ranchers, construction workers, sportsmen, seamen, etc.) (c) Longstanding clinical experience shows that skin cancer lesions appear predominantly on exposed portions of the body; about 85–90% of all lesions, in fact, occur on head and neck areas which are least covered by clothing. (d) For the same reason, average incidence for males exceeds that of females, in essentially all parts of the world. (e) Light-complexioned persons exhibit markedly higher skin cancer incidence than do dark-skinned persons; persons of Celtic derivation seem particularly vulnerable according to many studies (15, 20), while Negroes exhibit much lower incidence than do Caucasians. (f) Albinos or persons homozygous relative to the autosomal recessive genetic disease xeroderma pigmentosum provide particularly dramatic evidence (albeit of very distinctly different nature in those two categories) of vulnerability to solar induction of skin cancer (21, 22, 23). (g) Laboratory irradiation experiments demonstrate induction of skin cancer at wavelengths near 3000 Angstroms. (h) Increasing incidence of skin cancer in recent years appears explainable in terms of changing recreational habits leading to greater average solar exposure and in terms of changing clothing habits, especially among women.

(2) *Critical role of the ozone layer in filtering solar UV (ultraviolet).*—Despite the seemingly small total amount of ozone in the stratosphere (equivalent in mass to a layer of sea-level air only about 3 millimeters thick), the strong absorptivity of ozone for wavelengths near 3000 Angstroms and below serves to filter out much of the solar UV; so that, for most purposes, it is accurate enough to say that the ozone produces a cutoff near 2900 Angstroms (24). It has long been known that this filtration effect is of critical biological importance to all forms of life, especially animal life; but, in just the past few years, there has emerged a still more impressive and still more fascinating series of indications that stratospheric ozone has, in fact, been a crucial limiting factor throughout most of the evolutionary history of terrestrial life. The evidence is now mounting very rapidly that various life-forms (ranging from microorganisms to humans) now survive in the face of existing solar UV exposures only because of having evolved astonishing and fascinating protective mechanisms or UV damage-repair mechanisms (at the cell-biological level). I cannot here do justice to this impressive body of biological evidence; suffice it to say that DNA damage (chiefly thymine dimerization that amounts to somatic mutation) results from UV irradiation, and the more so the shorter the active UV wavelengths, since DNA absorption peaks near 2600 Angstroms. Furthermore, mounting evidence implicates thymine dimerization in DNA as either a controlling or a contributing factor in UV induction of skin cancer, some of the most cogent evidence thereof having been turned up very recently in special studies dealing with xeroderma pigmentosum skin tissues (21, 22, 23).

(3) *Implications of the north-south gradient in skin cancer incidence.*—Various epidemiological studies (18, 19, 25) have revealed a north-to-south increase in average skin cancer incidence in the United States that amounts to about an eight-to-ten-fold higher incidence (measured in numbers of new cases detected per year per 100,000 total population, and ranging from around 25 per 100,000 per year averaged across the northern tier of states to around 200–250 per 100,000 for the southern tier of states). Strong corroboration of this kind of systematic latitudinal gradient of skin cancer comes from all parts of the world (e.g., 26, 27), and the gradient is marked enough that one can even detect it in data from within a single large state like Texas, or within rather small countries like England or Japan.

This north-south gradient of incidence results from the interaction of a number of factors, including average annual number of hours of outdoor exposure, cloudiness, solar elevation angles, and total overhead concentrations of stratospheric ozone. For fairly obvious reasons, annual dosages are dominated by *summertime* exposure; and when one examines data on cloudiness and effects of sun angle, he finds that these produce fairly small latitudinal effects in the U.S. A larger gradient effect is brought in by length of time per year in which temperatures are warm enough to permit appreciable amounts of out-of-doors work and recreation. Without reviewing all details, let me say that considering all of these factors has led me to assign no more than half the total dosage gradient to factors other than ozone differences. (I suspect this may be underestimating the relative importance of the ozone gradients.) Taking that value along with reported medical data on cancer incidence yields a rough, but I believe meaningful, calibration figure of a variation of about 6 percent of skin cancer incidence for every one percent of variation of columnar total ozone overhead. Unfortunately, laboratory studies using experimental animals have never been carried out in a way permitting direct cross-check on this "amplification factor" of around 6; but such data as are in the literature (17) are at least not incompatible with such a factor. There is urgent need (on grounds broader than mere SST concerns) to secure far more such data in the near future.

(4) *Reductions of stratospheric ozone by chemical interaction with SST water vapor.*—Beginning about five years ago, a series of investigations (28, 29, 30) has revealed that naturally occurring stratospheric water vapor interacts with ozone to reduce its average concentrations by a substantial amount. Still more recently the theory of these photochemical interactions has been employed (31, 32) to estimate the percentage reduction of average stratospheric ozone that one might expect to result from SST operations. These predictions depend, of course, on the assumed numbers of SSTs and on certain atmospheric parameters, such as turnover time, mixing effects, etc. Current estimates range from about 2 percent (31) to about 4 percent ozone reduction (32).

Assuming an ultimate global SST fleet totaling the equivalent of 800 American SSTs (500 American SSTs plus the fuel equivalent of 300 more operated by foreign countries), using a figure of 6 hours/day in cruise-mode at or near 65,000 ft, assuming a turnover time of 1.5 years and a vertical mixing depth of 150 millibars, and assuming uniform mixing over the entire Northern Hemisphere, my own present estimates yield an incremental water vapor concentration of about 0.6 ppmv (parts per million by volume). This SST increment would be superimposed upon the present natural background concentration of about 5 ppmv, a boost by about 12 percent, say.

Using the Leovy model (30), one then obtains a predicted decrease in columnar total ozone of about 4 percent from such a rise of water vapor, a figure similar to that obtained by Harrison of the Boeing Research (32). However, again in the interests of conservatism (and adding to what I believe to be several other conservative biases built into other parts of my overall estimates), I have taken only a 1 percent reduction for purposes of the rest of the argument.

(5) *Estimated increase of skin cancer incidence resulting from SST operations.*—Considering just the United States, where the present annual skin cancer incidence now runs about 120,000 new cases per year, the foregoing figure of a 1 percent ozone decrease, together with the previously discussed 6-fold amplification factor inferred from epidemiological data, would imply an SST effect on national skin cancer incidence amounting to perhaps 7000 new cases per year. If one used Harrison's 4 percent ozone reduction estimate, the corresponding rise of skin cancer incidence would be estimated at about 30,000 new cases per year. If other conservative factors that I have used elsewhere in the argument were dropped, this figure might be doubled again. Here I prefer a round-number estimate near 10,000 new cases per year.

(6) *The amplification factor.*—Because the literature on UV carcinogenesis was found to contain nothing like a well established mathematical model of skin cancer induction, and because the roughly 6-fold amplification factor which I obtained from considering epidemiology and related factors is rather crucial to these estimates, I have devoted a good deal of effort to finding a physical and biological basis for understanding whether such an amplification effect can be understood.Without here elaborating the point in detail, let me merely remark that there does appear to be an entirely plausible chain of reasoning, tied up with the marked non-linearity of absorption of the carcinogenic wavelengths, combined with the absorption properties of DNA. Briefly, I find that a 6-fold amplification is just about what one should expect if the peak of the UV carcinogenesis were narrow and fell near 2950 Angstroms. In reality, UV carcinogenesis almost certainly results from an appreciable range of wavelengths, but nothing in the biomedical literature is at all incompatible with an effective peak near the cited wavelength. This tends to give significant support to the overall argument, I believe.

(7) *Present conclusions on the SST skin cancer hazard.*—I can fully understand why some persons might, on hearing that there was fear being expressed that increases of skin cancer could result from operating SSTs in the stratosphere, think that such a suggestion sounded ridiculous. But though there may well be errors in my analyses of the various parts of this problem, the prediction is far from being unsupported. The evidence is now quite strong that modest variations of stratospheric water vapor concentrations could lead to just such modest ozone changes. And the evidence also is rather strong that modest reduction of stratospheric ozone would be reflected in increased average incidence-rates for skin cancer. Finally, the purely biological and evolutionary evidence that we, as well as all other life forms, have evolved in ways leaving us only

marginally protected from highly adverse effects of ultraviolet radiation is essentially incontrovertible. One needs, perhaps, to reflect on other examples of inadvertent modifications of our natural environment as a result of new technologies, to be reminded that adverse effects have repeatedly unfolded as a consequence of casual chains that connect *seemingly* very distantly related events. In my own opinion, the present evidence points rather strongly to the conclusion that operating a major SST technology of the magnitude now under consideration here and abroad would, via the ozone-ultraviolet-carcinogenesis chain, lead to increased incidence of skin cancer of the order of 10 new cases per year within the United States alone. The world total would be somewhat greater, of course, but not greater by a large factor, since skin cancer is above all an affliction of Caucasians (rather than Negroes, Asiatics, or other pigmented ethnic stocks), so considerations of world geography and world climatology seem to imply that the brunt of the skin cancer burden, *regardless of who builds and flies them in the Northern Hemisphere,* would necessarily be borne by the Caucasian population of this country, with Europe bearing most of the remainder of the total burden.

My suggestion, based on analysis of just this one SST environmental hazard, is that this single side-effect poses by itself a difficulty of sufficient magnitude to postpone any immediate commitments which might tend toward subsequently irreversible pursuit of SST/HST high-altitude transport technologies. Until reliable answers can be obtained through appropriate research, I would have to suggest that these present estimates, albeit tentative, are much too disturbing to warrant further immediate moves toward SST/HST technologies. If careful research into all of the many factors underlying the above estimates should disclose that an estimate of some 104 new skin cancer cases per year is a gross overestimate, then this one of the several grounds for caution in the present SST decision will disappear. My present surmise, however, is that it will probably be found to be on the low side.

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Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MANSFIELD. The Senator is a member of the Appropriations Subcommittee, is he not, which is holding hearings on the SST?

Mr. PROXMIRE. The Senator is correct. The Appropriations Committee completed its hearings on the SST yesterday.

Mr. MANSFIELD. That was the full committee.

Mr. PROXMIRE. The Senator is correct. I understand that the committee will hold hearings on the 1972 appropriations probably within 2 or 3 months.

Mr. MANSFIELD. And the Senator is a member of that committee.

Mr. PROXMIRE. The Senator is correct.

Mr. MANSFIELD. Could the Senator tell us what the prospects are as to when, under the agreement reached in the closing days of the 91st Congress, the resolution of extension may be reported by the Appropriations Committee and thereby reach the floor of the Senate for consideration?

Mr. PROXMIRE. It is my understanding that the House is expected to act on the SST about the 18th or 20th of the month. The Senate then would have to act within the next 10 days.

The reason, as the Senator from Montana recalls, is that the present resolution expires March 30. We will be under the gun, and it will be necessary for us to complete this matter by March 30. I will be glad to agree with the majority leader on a time limitation for debate. I have no intention of delaying this. I would be happy to agree to any limitation, a day or so, for debate.

Mr. MANSFIELD. That is encouraging. I appreciate it. And I would assume that those who favor the SST would be just as considerate.

The Senator may recall that in the course of the debate last year the joint leadership expressed the hope that it would probably reach the floor of the Senate around the middle of March, around March 15; is that correct?

Mr. PROXMIRE. That was my understanding.

Mr. MANSFIELD. So that date now goes out the window, it would appear.

If the House passes it on the 19th, it will take a day or so, I feel certain, for the measure to reach the Senate. It would, therefore, not reach the Senate before the 22d of March at the earliest, and that is probably an optimistic assessment.

Certainly it should reach the Senate during that week.

On the basis of the offer made by the distinguished Senator from Wisconsin—and hopefully the offer will be reciprocated by other parties—the Senate ought to dispose of the matter at that time, give or take a day or two.

Mr. PROXMIRE. There is this problem involved. The Senator recalls that the House voted for the SST last year and that the Senate voted against it. The matter went to conference and came back. That could happen this year. I hope that it does not. However, if it does, it is my hope that the SST will be reported to the floor of the House and Senate in disagreement without any compromise in the conference.

If that is the case, there would be agreement to a unanimous-consent request certainly on my part. I would urge the others who are opposed to the SST to do likewise. If any disagreement on the SST were not reported to the House and Senate for an up-and-down vote I feel strongly that we would be in a very difficult position.

Mr. MANSFIELD. Mr. President, the Senator has anticipated my question and has made his position known so that his stand on this question, as always, is not open to question.

On the basis of this colloquy, it then appears, assuming that all things will be equal, that some time during the week of March 22, the Senate will have a chance to consider the extension of the resolution affecting the Department of Transportation.

We realize, of course, that if the other House approves it and the Senate disapproves and it goes to conference, another situation will develop.

I want to thank the Senator from Wisconsin for making his position clear at this time. May I say that this was the reason why we asked for 30 minutes, so that we could engage in this colloquy in relation to this subject at this particular time.

I thank the Senator.

Mr. PROXMIRE. Mr. President, I thank the distinguished majority leader.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from California (Mr. CRANSTON).

IS THE UNITED STATES BLUNDERING INTO A MAJOR ASIAN WAR?

Mr. CRANSTON. Mr. President, is the United States blundering into a major Asian war?

Is the administration blinding itself to the omens that China may throw its forces into the Southeast Asia conflict?

Is President Nixon ignoring repeated warnings that, if the war is widened, China will strike?

Or is he dangerously discounting those warnings?

Is the administration caught in such a trap in Indochina that it must close its eyes and move ahead regardless of the potential cost in blood and dollars?

There are a series of unmistakable signs that China now regards American and South Vietnamese operations in Laos and Cambodia as increasingly dangerous to her own safety and security.

The history of Communist China, from the Korean war, through the fighting with Indian troops in the Himalayas, to the border skirmishes with Soviet forces, is one of extreme sensitivity to military operations which her leaders believe might endanger China.

In 1950, Gen. Douglas MacArthur disregarded Chinese warnings, which he termed bluff, and ordered troops under his command to drive north beyond the 38th parallel in Korea to destroy the enemy.

Our soldiers drove north with little or no opposition—into a trap.

Two Chinese divisions struck at Unsan.

They hit from the front, and moved around to cut off escape routes.

American troops were surrounded.

They ran out of ammunition.

Their vehicles were disabled.

They suffered great losses.

The warnings had been so explicit that in September, before the November attack by China, the Joint Chiefs of Staff ordered General MacArthur to make "special efforts" to find out if China would intervene.

On October 1, Chinese Premier Chou En-lai said China would not permit military operations in North Korea.

On October 3, the Chinese Foreign Minister told the Indian Ambassador that China would fight if our troops crossed the 38th parallel.

Intelligence told of heavy troop movements up to the border of North Korea.

On November 3, the Joint Chiefs of Staff cabled General MacArthur of their fear of "overt intervention . . . by Chinese Communist units."

He replied:

> There are many fundamental logical reasons against it.

And so the blow fell. Thousands of Americans died or were seriously wounded and taken prisoner.

Today, the signs are again ominous. While the State Department and the White House say all is well, these are the omens:

The Wall Street Journal says Western diplomats in Laos:

> Noted similarities between Red China's latest protests and warnings given Indian diplomats before China intervened in Korea.

The Washington Post reported on February 12 from Vientiane:

> Prince Souvanna Phouma, the Premier of Laos, is telling diplomats here in Vientiane that he believes it is highly possible that Communist Chinese troops will cross his borders if the South Vietnamese appear to be on the verge of cutting the Ho Chi Minh Trail.
>
> The Premier said he believes Chinese volunteers could begin entering Laos in force in the next few months and joining the Communist Pathet Lao in combat operations . . . the Prince's concern about the Chinese, diplomatic sources say, was increased after Chinese diplomats here quietly passed the word that Peking is unwilling to stand idly by if the South Vietnamese move into the Ho Chi Minh Trail.

Thailand's Prime Minister, Thanom Kittikachorn, a strong ally of the United States, in answer to a question at a February 11 press conference, told of Chinese troops massing on the border with North Vietnam.

A Bangkok radio broadcast stated:

> Asked if the report was true that Communist China had massed a large number of troops at the border with North Vietnam, the Prime Minister said it is, and added that Communist China has been massing troops in the area for a long time.

The London Financial Times writes:

> Unlike Cambodia, Laos has frontiers with both China and North Vietnam . . . and it would be too much to expect China to hold its hand indefinitely if South Vietnam showed no early sign of bringing its troops out of southern Laos.

The Official Peoples Daily of Peking states the Laos action:

> Definitely poses a threat to China and China will never allow U.S. imperialism to expand at will the war in Laos and the whole of Indochina.

The Manchester Guardian looks upon this and other recent warnings of China gravely.

It notes:

> In the past, the Chinese have always been cautious about predicting escalation in any kind of alarmist way which either might upset its own population or give the U.S. the impression that Peking was becoming panicky. If anything, China has underplayed each new move in the war.

Italian journalist Alberto Jacoviello, a Communist, recently wrote from Peking:

> The prospect of war is present in China . . . there is digging in front of houses to protect them or to build underground shelters. . . .

A Reuters dispatch states that China's Marshal Yeh Chin-Ying, vice-chairman of China's pentagon—the military commission of the Chinese Communist Party Central Committee—and a former commander of China's important Southern Region, returned to Peking after a secret visit to North Vietnam.

The Japanese Kyodo News Service says:

> The ambassador from an unidentified east European country was quoted as saying he was "confident" that China would send "volunteers" to Laos to fight in the not distant future. According to Japanese embassy sources, the ambassador made the statement at an informal meeting with the Japanese ambassador to Indonesia.

Within the last 4 weeks, rallies have been held throughout China in support of North Vietnam and its allies. Heroes of the Korean war are going from village to village attacking the "Paper Tiger" of "U.S. Imperialism."

One of America's foremost Asian scholars and a former State Department official, Prof. Allen S. Whiting of the University of Michigan, warns:

> Today it is fashionable to talk of "game plans" and "poker player's bluff." In 1950, Washington thought Peking was bluffing when it warned against our crossing the 38th parallel. Three months later thousands of dead and wounded United States Marines provided grim evidence to the contrary.

According to Professor Whiting, Chinese troops have already been stationed in North Vietnam. From 1965 to 1968, there were two Chinese anti-aircraft divisions "whose regular exchanges of fire with attacking American aircraft drew casualties on both sides. When our bombers stopped, the troops went back across the border. But they can return any time Hanoi and Peking find it necessary."

I pray that the administration does not repeat our terrible mistake of going too far in Laos and Vietnam and blundering into another collision with China.

China's Premier Chou En-lai was in Hanoi just last week. And this Monday, on the final day of his visit, he issued a joint communique with North Vietnamese Premier Pham Van Dong warning of the possibility of direct Chinese intervention if the war continues to expand in Indochina.

China called attention to the communique in an editorial in Peoples Daily warning the United States:

> We the Chinese people mean what we say. . . .

The American people, to use a common expression, are sick and tired of receiving bland assurances that all is well, followed by tragedy after tragedy.

Americans were promised an end to the war when Mr. Nixon campaigned in 1968; it is now 1971 and the war still goes on.

Americans were promised an end to the war with the Vietnamization program; Cambodia followed.

Americans were told that the Cambodia invasion had assured an early end of the war; Laos followed.

Now we are told that the Laos invasion will make certain the peace we all seek. But the President refuses to rule out American air support for a South Vietnamese invasion of North Veitnam which could bring the war to the very borders of China.

Meanwhile Secretary of State Rogers, as recently as Tuesday, dismissed talk of Chinese intervention as propaganda.

Though he admits that "you can never be sure."

The Secretary says he does not think China will intervene because "it's clear to the Chinese that we're withdrawing."

President Nixon told reporters on February 17, when he was asked whether the new Allied moves into Laos might provoke a Chinese countermove, "I do not believe that the Communist Chinese have any reason to interpret this as a threat."

But while the Chinese see us withdrawing some of our troops, they also see us widening the war into Cambodia and Laos, stepping up our air activity—which has the potential firepower to more than make up for our reduced troop levels. And they hear repeated talk of an invasion of North Vietnam—presumably with American air support, since Vietnamization seems to amount to nothing unless it has continued and mounting American air support.

What are the Chinese to make of this discrepancy? What are they to make of this confusing and contradictory policy of simultaneously winding down and widening the war?

Even the American people are unsure of what the administration has in mind. And if the administration suffers from a credibility gap here at home, imagine our credibility gap with the Chinese. It is not surprising that the Chinese are suspicious of our intentions, dubious about our reassurances, and frightened by our actions.

There is grave danger to the United States in this Chinese worry and uncertainty, especially when land so close to their borders is threatened. Ideology aside, any country—Communist or capitalist, dictatorial or democratic—will fight if it feels its territory threatened.

It is of utmost importance that the present implied threat to China be lifted. Our present policies could pull China over the brink and into a war with us in Southeast Asia.

I urgently call upon President Nixon to immediately caution General Abrams not to take any further action which Chinese leaders may believe is a direct or indirect threat to the territory integrity of China.

It would be disastrous if Vietnamization were to lead to a direct confrontation between America and China in the jungles of Asia. It could be disastrous even if Chinese involvement initially were limited only to logistical support for the North Vietnamese similar to certain aspects of our support to the south.

Such a move by the Chinese could delay indefinitely American troop withdrawal under the terms of Vietnamization.

Moreover, if China does enter the conflict, the next question is:

Will the Soviet Union stay out?

Mr. President, I ask unanimous consent to have printed in the RECORD as further documentation some material prepared by the Library of Congress for the Senator from Arkansas (Mr. FULBRIGHT), the distinguished chairman of the Committee on Foreign Relations, comparing Chinese statements prior to the conflict that developed in Korea with statements now being made by the Communists in China as the war widens in Southeast Asia.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENTS BY COMMUNIST CHINA IN 1950[1] PRIOR TO ENTERING KOREAN WAR AND RECENT STATEMENTS REGARDING LAOS

August 20: Message from Foreign Minister Chou En-lai to the United Nations: "Korea is China's neighbor. The Chinese people cannot but be concerned about the solution of the Korean question . . .

August 28: The Communist Chinese government complained to the United Nations that U.S. and British planes had strafed airfields and railways in Manchuria.

September 22: Message to the United Nations: "The Chinese people clearly affirm that we will always stand on the side of the Korean people . . . and resolutely oppose the criminal acts of American imperialist aggressors against Korea and their intrigues for enlarging the war . . ."

September 24: Message from Foreign Minister Chou En-lai to the United Nations: He accused the United States of trying "to extend the aggressive war against Korea, to carry out armed aggression on Formosa, and to extend further her aggressing against China . . . The flames of war being extended by the United States in the east are burning more fiercely. If the representatives of the majority of states attending the United Nations General Assembly should still be pliant to the manipulation of the United States and continue to play deaf and dumb to these aggressive crimes of the United States, they shall not escape a share in the responsibility for lighting up the war-flames in the east."

October 1: Chou En-lai National Day speech: He warned that China would not "supinely tolerate" seeing Korea "invaded by the imperialists."

October 5: Peking radio broadcast: The broadcast said that the Korean war "in its real sense has just begun" with the United Nations invasion of North Korea.

1950

October 10: Statement by the Ministry of Foreign Affairs: "The American war of invasion in Korea has been a serious menace to the security of Chinao from its very start . . ." The broadcast warned that China would not stand "idly" by while Korea was overrun.

October 18: The Red Chinese filed a complaint with the United Nations that American planes were making reconnaissance flights over Manchuria.

November 1: A North Korean broadcast said that the Chinese had decided to let "volunteers" fight in defense of the "Chinese area" of the Yalu River "electrification zone" because of its importance to Manchurian industry. A daily barrage of propaganda against the "aggressive" United Nations forces near Manchuria was put out by the Chinese Communists.

1971[2]

January 25: Statement of Ministry of Foreign Affairs: ". . . the People's Republic of China . . . condemns U.S. imperialism for stepping up the expansion of its war of aggression in Indo-China and plotting new military adventures . . . the Chinese government and people are firm and unshakable in their stand of supporting the three Indo-Chinese peoples' war against U.S. aggression and for national salvation and the 700 million Chinese people pledge themselves to provide a powerful backing to them until the U.S. aggressors are completely driven out of all the three countries of Indo-China . . . U.S. imperialism is widely attempting to launch a new military adventure in Indo-China. The Chinese government and people are closely watching the development of this scheme of the Nixon government . . . U.S. Imperialism . . . will surely suffer even more disastrous defeats . . ."

February 2: Statement of Ministry of Foreign Affairs: The statement issued the "481st serious warning" concerning "military provocations by the U.S. military aircraft" for intruding into China's airspace.

February 4: Statement of Ministry of Foreign Affairs: ". . . The Chinese government and people sternly condemn U.S. imperialism for its new crime of aggression against the three peoples of Indo-China and firmly support the solemn statements issued by the spokesman of the Central Committee of the Laotian Patriotic Front and the Ministry of Foreign Affairs of the Democratic Republic of Viet Nam, the Ministry of Foreign Affairs of the Republic of South Viet Nam and the spokesman of the Royal Government of National Union of Cambodia on February 1, 2, and 3 respectively. U.S imperialism will never succeed . . . It will certainly suffer even more severe punishment by the three peoples of Indo-China, and the 700 million Chinese people who uphold proletarian internationalism absolutely will not allow U.S. imperialism to do whatever it pleases in Indo-China. It is our duty and obligation to give all-out support and assistance to the three peoples of Indo-China till complete victory in the war against U.S. aggression and for national salvation."

February 4: People's *Daily* article entitled "Smash U.S. Imperialism's New War Venture in Indo-China": "U.S. imperialism's criminal activities in intensifying and expanding the war of aggression in Indo-China have reached an extremely maniacal degree recently . . . The Chinese people resolutely support the above statements (of the Indo-Chinese people) and reaffirm that the 700 million Chinese people pledge to provide powerful backing for the people of the three Indo-Chinese countries and spare no efforts in supporting them to crush all the war ventures committed by U.S. imperialism and its lackeys . . ." The statement warned that, "If the Nixon administration dares to use nuclear weapons, it will become a most vicious and inplacable criminal and is tantamount merely to dig the grave for itself . . . the whole world can in no way be intimidated by nuclear weapons . . ."

1971

February 6: Peking Radio: "U.S. imperialism is carrying out a new war venture in Indochina . . . He who plays with fire will get burned himself. The Indochinese people, together with the people of the whole world, will sweep the U.S. imperialists and all their running dogs in Indochina completely into the garbage heap of history."

February 8: Statement of Ministry of Foreign Affairs: "The large-scale invasion of Laos by U.S. imperialism is a grave provocation not only against the three peoples of Indo-China but against the Chinese people and the people of the whole world as well. Laos is a close neighbor of China. The Chinese and Laotian peoples are intimate brothers. The Chinese Government and people have long been resolved to make all-out efforts in giving support and assistance to the peoples of Laos, Viet Nam and Cambodia to 'defeat the U.S. aggressors and all their running dogs!' "

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Pursuant to a previous order, the Senate will now proceed to the transaction of routine morning business, with statements therein limited to 3 minutes, until the hour of 12 meridian.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HUMPHREY ON MONDAY VACATED

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order of yesterday recognizing the very distinguished Senator from Minnesota (Mr. HUMPHREY) on Monday next for a period not to exceed 15 minutes be vacated.

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[1] Source: Facts on File.

[2] Source: Foreign Broadcast Information Service.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Pastore rule, paragraph 3 of rule VIII of the Standing Rules of the Senate, not begin operating today until the unfinished business is laid before the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Pastore rule today run for 5 hours instead of the normal 3 hours under the rule.

Mr. GRIFFIN. Reserving the right to object, Mr. President, this might be an appropriate point to make a comment. There has been considerable effort on the part of some of the junior Members of this body to promote adherence to revised procedures to expedite the business of the Senate. Certain changes in procedures and practices were agreed to, and in general Senators have been very cooperative. However, the situation today, unfortunately, is an example of how that effort has not succeeded completely.

The Senate came in today at 10 a.m. To convene 2 hours early is an inconvenience, not only for the leadership, who must be here, but also to employees and others who must be here whenever Senate is in session. We came in early to accommodate a Senator who was, of course, within his rights to ask for a 30 minute special order for a colloquy.

However, I must say it is my impression that the practice of obtaining special orders for 30 or 45 minutes, or an hour is being abused. When the new procedures were adopted, it was hoped that longer speeches would be delivered toward the end of the day, after the legislative business had been transacted. If the period for the Pastore rule were extended in accordance with the request, it appears that it would be impossible for a Senator, later in the day, to deliver a speech on a different subject. I wonder if that is what the distinguished majority whip intends.

Mr. BYRD of West Virginia. Mr. President, it is not my desire to make it difficult for any Senator to speak at length later in the afternoon. I have asked unanimous consent that the Pastore rule be extended today simply because under the agreement of yesterday there will be 3 hours on the unfinished business when it is laid before the Senate, and one-half hour, equally divided, on each amendment.

So, in view of the fact that the unfinished business is not to be laid before the Senate until 12 o'clock meridian today, just taking into consideration the 3 hours on the bill alone, if the 3 hours is fully utilized, the Pastore rule would have spent itself before the final passage of the bill. This would make it possible for Senators to come in with nongermane speeches before final action on the bill and indeed inconvenience the great majority of Senators by keeping them waiting until final passage of the bill, on which a rollcall vote has already been ordered, while some Senator makes a nongermane speech. It was for that reason that I thought it best to seek to extend the operation of the Pastore rule.

Mr. GRIFFIN. If the Senator will permit, I want to indicate to the distinguished majority whip that I wish to cooperate with respect to his request. However, I really have in mind a broader concern.

I wonder if it would be understood, despite the unanimous-consent request, that if the Senate were to dispose of the proposed legislation prior to the expiration of 5 hours, nothing would preclude a Senator thereafter from speaking on another subject.

Mr. BYRD of West Virginia. Exactly. I am glad the Senator raised this question.

Mr. President, I modify my request. I ask unanimous consent that the Pastore rule begin running today at 12 o'clock meridian, and that it extend for 5 hours or until action on the unfinished business is completed, whichever is the earlier.

The ACTING PRESIDENT pro tempore. Is there objection to the request?

Mr. GRIFFIN. Reserving the right to object, Mr. President—and I shall not object—I want to conclude my observation about the broader concern by indicating that there may be a disposition from this side of the aisle to object to some of the requests for time in excess of 15 minutes.

I am sure there are occasions when a 30-minute colloquy or a 45-minute colloquy may be justified. But I believe a Senator who makes a request for such special consideration should bear a little bit of a burden of proof. For the good of the Senate as a whole, most Senators have been adjusting to the new procedures. Most Senators are willing to limit their speeches to 15 minutes. When the prepared text is longer than that, they send it up to the Press Gallery where it can be read. In the future, I hope we can get all Senators to follow that practice more closely.

I thank the Senator. I do not object.

The ACTING PRESIDENT pro tempore. Without objection, the unanimous-consent request of the Senator from West Virginia is agreed to.

Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, may I be recognized for 3 minutes?

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. BYRD of West Virginia. Mr. President, I want to compliment the able minority whip on having taken the floor this morning to voice some concern with respect to the way in which the new procedures are operating. On the whole, they are being well received. I think that without exception we are enjoying excellent cooperation from all Senators on both sides of the aisle, when they are fully acquainted with the new procedures involved.

I, too, have voiced concern with respect to the granting of 30 minutes or 45 minutes or an hour for a colloquy when, as a matter of fact, no colloquy has ensued. Each time this has happened, however, I have gone to the particular Senator to acquaint him with the new procedures, and he has indicated a desire to act accordingly in the future.

I think that as Senators become better acquainted with those procedures, they will desist from asking for more than 15 minutes for a statement prior to the morning business. I hope we can make these procedures work. They are calculated to speed up the business of the Senate and to make possible better programing and better organizing of the Senate's business.

I will certainly continue in the effort on my side of the aisle—and I know that the majority leader will, because he and I discussed this matter this morning—in the effort to see that these procedures are kept within the proper limitations and that Senators are made better aware of them.

I thank the Senator for calling this to the attention of the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENTSEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HANSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

HOW OBJECTIVE ARE OUR NEWS TELECASTS?

Mr. HANSEN. Mr. President, yesterday, I asked the distinguished Senator from Kansas (Mr. DOLE) to secure some prints of films which had been made of news telecasts that were brought into Washington by some staff people from Vanderbilt University.

Mr. Paul Simpson, who is on that campus, has for some time been engaged in trying to study the impact of news with a view toward assessing the objectivity of the various newscasts that are available and are being viewed by the public daily in this country.

I have not had an opportunity to see the full one and a half hour showing, but I hope that all Senators will avail themselves of the opportunity being afforded them to view this series of films which have been made directly from news telecasts.

It is not for me to say whether the news reports are biased or whether they may lack complete objectivity. That is a decision and a judgment that should be made by each of us as individuals.

From what I have seen, however, I must say that I do have my own ideas about the lack of fairness and the lack of objectivity which seems to me to come across. I feel also that an unbiased person would be inclined to feel at times that certain news reporters seem to be as interested in trying to make a point, trying to convey an impression, trying to build up an image as to a particular point of view, as in their eagerness to "tell it like it is."

Mr. President, while I was over in the old Senate Office Bulding watching some of the movies taken of the newscasts, I was struck with the fact that, in one instance, one of the major networks, in describing the incursion into Cambodia, interviewing members of the Armed Forces who were there at the time, went back and replayed—I am convinced, on the basis of what I saw—the identical interview a second time.

The importance of this, in my judgment, is that most of us, as we watch a telecast taking place, would probably be inclined to think that as different members of the Armed Forces or civilians are interviewed, we would not be subjected very adroitly to a retake of what had earlier transpired, so as to conclude that perhaps four persons have been speaking out rather than two.

Yet, as I looked at the films this morning, that is exactly the impression I gained.

The PRESIDING OFFICER (Mr. BENTSEN). The 3 minutes of the Senator from Wyoming have expired.

Mr. HANSEN. Mr. President, I ask unanimous consent that I may proceed for an additional 5 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming?

Mr. GRIFFIN. Mr. President, I regret that because of the procedures, and so forth, I shall be constrained to object. However, I seek recognition.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, am I recognized?

The PRESIDING OFFICER. Yes.

Mr. GRIFFIN. I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I thank the distinguished Senator from Michigan.

Mr. President, I have gained one other impression which I think is important and which I want to relate to Senators: In interviewing people in the United States as to the reaction that takes place following military activities, I was struck with the fact that one particular nationwide network went onto the campus of the University of Wisconsin and interviewed three students there. I do not know whether the network made any attempt at all to try to get both sides of the story. The fact is that only one side was portrayed.

I am disturbed about that. I am also disturbed that when the Laos incursion took place, the particular network newscast I watched interviewed only Members of the Senate who were very much opposed to that activity.

The unfairness in this sort of reporting seems to me to result from the fact that John Q. Public, in watching such a telecast, might very well conclude there are no Members of the Senate who feel differently than those who were on the telecast and who expressed themselves.

What I am trying to say is that I think there is reason seriously to question the objectivity of the news telecasts that we are viewing daily in this country.

Mr. President, American and allied soldiers are today fighting two wars. One is in Southeast Asia where American and South Vietnamese men are serving their nations with the highest distinction. The other war is here in the United States where the television networks are oftentimes unfairly reporting the highly important Laotian operation and otherwise undercutting support for this essential action.

I have rarely seen such irresponsible television reporting as has come from Laos. It is reminiscent of last May when the media in their zeal to prove President Nixon wrong used all their efforts to make the Cambodian decision look bad.

Of course, they were wrong about Cambodia, and I think they are going to be wrong about Laos. But the point I wish to make is that the networks have not waited to see how the operation in Laos would work. They have made judgments, as the President recently said, "while the jury is still out." With selected interviews and slanted reports, the prominent networks have attempted to shape and mold American opinion against the Laotian operation and against their President.

By design or negligence, the network news shows have been dominated throughout by negative reports of the actions by ARVN and American forces.

Continuing, night after night, we have heard: the Laotian operation is in serious trouble, the operation is stalled, we are losing helicopters by the dozens, it looks like the objective of Tchepone will not be reached.

Mr. President, reporting this long and difficult war is not an easy task. But surely there can be reporting which shows balanced perspective. What we have heard on the networks is all too often not balanced.

Today we can see that the Laotian operation is moving toward success, as it cuts into the crucial Ho Chi Minh trail. The Government of South Vietnam is growing stronger. It does not have the support of all South Vietnamese but it does have the support of a majority. It is developing the capacity to protect its citizens and to assume in full the responsibilities that have been borne in part by the United States. But, we can also see that it was done while the American public was subjected to the most subtle brainwashing by network television. When history records the winning of the peace in Indochina, it must also record the great obstacles which were overcome to achieve peace. Those obstacles were not only in Vietnam; they were also in the news offices of Manhattan, generated sadly to millions of citizens along transmission wires. I am saddened by that spectacle, Mr. President, and my hopes lie in the wisdom of the American people who refuse to be sold on the networks' unbalanced reporting.

I certainly have no suggestions to make that we impose any sort of censure on the news but, rather, we should call their attention to what I think are some obvious manifestations and clear evidences of unfairness and distortions in order to project a particular point of view, or a particular philosophy.

If we can call these shortcomings in their reporting to the attention of the news services, I would hope that they might look at themselves a little more objectively and see if they do not believe they could do a better job in trying to present to the public more objectively and more unbiased reporting of the news.

Mr. President, I thank the distinguished Senator from Michigan for yielding me his time.

ORDER FOR RECOGNITION OF SENATORS PERCY, JAVITS, AND SYMINGTON ON MONDAY, MARCH 15, 1971—OBJECTION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on Monday next, immediately following recognition of the two leaders under the standing order, the distinguished Senator from Illinois (Mr. PERCY) be recognized for 30 minutes for the purpose of a colloquy, the time to be also controlled by the distinguished Senator from New York (Mr. JAVITS) and the distinguished Senator from Missouri (Mr. SYMINGTON).

The subject of the colloquy will be arms control.

Mr. GRIFFIN. Mr. President, I object.

Mr. MANSFIELD. I wish the Senator would withhold that objection. This is part of the agreement entered into by the joint leadership with Senators SAXBE, SCHWEIKER, CRANSTON, and HUGHES. It was agreed to, and the Senate understands that a Senator can come in for 15 minutes to make a solo speech, but he could get practically unlimited time if he wished to engage in a colloquy.

I would think that if we did not honor this request, it would be a breach of faith as far as the leadership is concerned.

Mr. GRIFFIN. Mr. President, I disagree with the majority leader. I think it is a matter of interpretation. However, I feel strongly that the so-called privilege has been abused a great deal.

While I might withdraw my objection later in the day if I could be satisfied that there is an important need for an extension beyond 15 minutes, for the time being, I object.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACTION OF THE LABOR AND PUBLIC WELFARE COMMITTEE WITH RESPECT TO QUORUMS

Mr. DOMINICK. Mr. President, I rise to share with the Presiding Officer and the Members of the Senate a great concern which I feel today. I am deeply distressed at an action taken yesterday by the Labor and Public Welfare Committee. That committee yesterday sacrificed the lamb of democracy on the altar of expediency. Yesterday the members of the majority changed the rules of the committee to permit the conduct of all committee and subcommittee executive business excepting the reporting of a measure to the floor on the basis of a one-third quorum.

Mr. President, in this connection it is interesting to note that the Health Subcommittee, on which I have now been appointed as ranking member, has been holding hearings at the call of the Senator from Massachusetts (Mr. KENNEDY) since March 3, 1971, even though the number of subcommittee members was not determined until March 11; nor were the rules under which the subcommittee operated; nor were there any bills before the subcommittee at all.

It would seem that the Senator from Massachusetts believes at least in the fact that the Senate is a continuing body under rule XXII, even though he voted to the contrary in the recent test on the floor of the Senate.

I believe that this action is a disaster and that it will have tragic consequences for the committee, the Senate, and the Nation. The Labor and Public Welfare Committee is charged with the responsibility for most of the critical social legislation so badly needed by the people of this Nation. It has jurisdiction over all of the activities of the Department of Health, Education, and Welfare, the second largest department in Government. It has jurisdiction over the Labor Department which regulates many of the aspects of employment. In this Congress this committee will be faced with great social issues, health care, manpower revenue sharing, labor law reform, to name a few. These are monumental issues which will require the most serious consideration. But, I fear that that serious consideration will not be given. I fear that there will be a rush to get legislation through the committee without proper attention being given to the substance of the legislation or to the rights of the minority.

Let me give an example of why I am particularly concerned. I am the ranking minority member on the Health Subcommittee—as I said—as of yesterday, which will be considering what may be the most important legislation to come before the 92d Congress, the national health insurance legislation. There are 14 members on this subcommittee, 14 out of the 17 members of the entire committee. One-third of 14 is five. Five members will constitute a quorum. Five members of that subcommittee will be able to act upon amendments to this critical legislation. Even worse, three of those five are all that are required to actually pass any amendment. Three are all that are actually required to appear in person and to vote yes to report the bill to the full committee. Is this the kind of legislative consideration the American people deserve on this most important issue. I think not. Will it be possible for the Members of this body to have confidence in the work of the Labor and Public Welfare Committee. Again, I think not.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, if the Chair will recognize me, I will be glad to yield my time to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for another 3 minutes.

Mr. DOMINICK. Mr. President, I thank the distinguished Senator from West Virginia.

The American people are entitled to have a majority of its elected representatives act in person at all steps of the legislative process. Nor will this change bring about the efficiency its supporters hope to achieve. It may appear to be efficient for awhile. Expedient measures always do. But there will be a breakdown. Suppose a subcommittee meets two, three, or five times with only one-third of its members present. It can amend a bill, change its character, defeat amendments, do whatever it will, and quickly, too. All the subcommittee chairman need do is collect proxies from his fellow members and the measure will be given speedy treatment. Minority amendments can be rapidly voted down with a handful of proxies. Finally the bill can be moved to the full committee.

In the full committee, the one-third quorum rule also applies—six Senators, one-third of 17. Six Senators voting to accept or reject amendments, arguing those positions on some of the Nation's most pressing problems. Perhaps this reduced number will be able to move the bill up to the point of reporting without full consideration by a majority of the members.

But the price of this efficiency must be paid. And it will begin to be paid when it is time to report the bill out. There is no doubt in my mind that at this point there will be delay. Since a majority quorum is required to report the bill out, there may be Senators present who have not been able to devote full attention to the bill. It will be their right and even their responsibility to question each and every proposition in the measure before the committee. Amendments will perhaps be brought up for the first time. The pressures of time which we all face will necessitate either delay to give full consideration or the hasty acceptance or rejection of these new measures. This, I submit, Mr. President, is not good legislative procedure. For then the bill must come to the floor for consideration. And here there will be further problems.

How can the Members of this body have confidence in a bill that has come from the Labor and Public Welfare Committee. How can you, my distinguished colleagues, believe that the legislation which this committee will put before you is worthy of your vote when you know that it is likely that the bill had received the personal attention of one-third of the members of the committee or its subcommittees during most of its legislative life.

I submit that this minority consideration will lead to great time delays here in this Chamber on many of the bills that this committee will report out. We need only look at the last session of the 91st Congress for examples of how Labor and Public Welfare bills are received on the floor. Many of them are controversial. In the last Congress, many hours were spent in this Chamber debating amendments to such bills as the manpower bill, the equal employment opportunity bill, the occupational safety and health bill, the coal mine safety bill.

It does not take much imagination to see what would have happened to those bills if they had come to this floor without the close consideration given these bills in the subcommittees and in the full committee. All decisions on truly critical sections will be postponed. Postponed to the floor where the valuable time of every Senator will be taxed to the fullest. These hard questions should be reduced to the bare minimum in the crucible of the committee and its subcommittees. But, I ask you, how hot will that crucible be if only six Senators can meet to boil away the fat that so often overlays the legislation brought before this committee.

Therefore, Mr. President, I do not see that the objective of the majority will be advanced. Indeed, it may be retarded. And the price that we must pay for this apparent efficiency is minority legislation—legislation that has not been truly refined, legislation that will not deserve the confidence nor trust of the American people. I truly lament this black hour in the history of good government. I cannot believe that the American people will be at all pleased with government based on the principle that quick action even if it is wrong is better than fully considered laws won at the expense of larger consideration in committee and subcommittee.

Mr. President, in connection with my remarks, I ask unanimous consent that an editorial from the Golden Daily Transcript entitled "Health Insurance Gets to Congress," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Golden Daily Transcript, Mar. 3, 1971]

A CONSERVATIVE VIEW: HEALTH INSURANCE GETS TO CONGRESS

(By James J. Kilpatrick)

Any thoughtful discussion of the various pending proposals for national health insurance ought to begin with the threshold question: How in the name of the Constitution did health insurance get to be the business of the United States Congress?

No one asks that kind of question anymore. It is just generally assumed that Congress has power to do anything that Congress wants to do, and only a few aging troglodytes still mumur of the Tenth Amendment and the doctrine of enumerated powers. Let us get on.

To the assumption that Congress somehow has the power, constitutionally speaking, to adopt legislation in this field, one other assumption has to be granted. This one has considerable validity: It is the assumption that the time has arrived when Congress is ready to go beyond Medicare, beyond Medicaid, beyond the proliferating grants for health research. In some form, a plan of national health insurance almost certainly will be approved by the 92nd Congress.

On these assumptions, Mr. Nixon's proposal for a National Health Insurance Standards Act is a ten-strike. It is superior in every way to the alternative program, known as the Kennedy-Reuther plan, advanced by a group of Senate liberals headed by Edward Kennedy of Massachusetts. If battle lines are to be drawn—and they will be drawn—conservatives will want to throw their energies squarely behind the President.

Under the Kennedy approach, the nation's existing body of private health insurance would be dealt a fatal blow, the Federal government itself, through a massive program of new taxation, would take over the entire field of medical services, cradle to grave. The prospect, under Kennedy, is for total nationalization in the European fashion. Only the forms, and not the substance, of private practice would remain.

In his message of February 18, Mr. Nixon spelled out his objections to any such course:

"Under a nationalized system, only the Federal Government would lose when inefficiency crept in or when prices escalated; neither the consumer himself, nor his employer, nor his union, nor his insurance company would have any further stake in controlling prices. The only way that utilization could be effectively regulated and costs effectively restrained, therefore, would be if the Federal Government made a forceful, tenacious effort to do so.

"This would mean—as proponents of a nationalized insurance program have admitted—that Federal personnel would inevitably be approving budgets of local hospitals, setting fee schedules for local doctors, and taking other steps which could easily lead to the complete Federal domination of all American medicine. That is an enormous risk—and there is no need for us to take it. There is a better way—a more practical, more effective, less expensive, and less dangerous way—to reform and renew our nation's health system."

Mr. Nixon's idea is to impose upon all employers (and he means all employers, down to those having a single employee) a requirement that they provide basic health insurance after July 1, 1973, for their workers. By "basic," he means insurance covering hospital services and physicians' fees, plus "certain other medical expenses" not specified. His minimum package would include "certain deductible and coinsurance features." Employees could be required to pay up to 25 percent of the premium costs.

The President also would create a new Family Health Insurance Plan, fully financed through Federal taxes, to provide coverage for the poor and unemployed. He would retain Medicaid for the blind and the disabled. He would raise the Social Security tax base in order to take over the entire cost of Medicare for the aged.

Mr. Nixon's package contains a great deal more—new funds for medical education, for cancer research, for the encouragement of Health Maintenance Organizations. Some of these elements may be makeweights. The key point is the preservation of a basically private system of health insurance and medical service. Granting the original assumptions, the President's plan has great appeal.

Mr. GRIFFIN. Mr. President, I listened with interest to the remarks of the distinguished Senator from Colorado. I have quickly glanced at the rules of the Senate to try to determine whether or not the action taken by the Committee on Labor and Public Welfare is consistent with the rules of the Senate. Has the Senator from Colorado had an opportunity to examine that question?

Mr. DOMINICK. I thank the Senator from Michigan for bringing up this point. I have had and, unfortunately, under the Reorganization Act of 1946 as amended in 1950, it is stated that the Senate may, if it so chooses, go to a one-third quorum. I do not think that it specifically refers to subcommittees but it does refer to committees.

It does not seem to me to be right that we have less than a majority to act in executive committee on amendments. Nevertheless, these were the rules adopted by the full committee on a straight partisan vote.

Mr. GRIFFIN. Was this a change in the Reorganization Act that was passed in the last session?

Mr. DOMINICK. The Reorganization Act that was passed last session did not contain this provision. This provision was added in 1950 and was redesignated as paragraph 5(a) of rule XXV in the act of last session.

Mr. GRIFFIN. It is my recollection that there was recognition, of course, of the fact that to hold hearings many times a quorum of less than a majority would be appropirate; but I frankly must confess I never realized there was any authority under the Senate rules to take action on legislation when less than a majority of the committee was present.

Mr. DOMINICK. I frankly agree with the Senator. I did not realize that provision was in there either. There is a provision that there must be a majority to report the measure to the floor, and that is all; and with respect to executive committees and subcommittees, as far as reporting to the full committee of a measure or amendments, a one-third quorum is sufficient. At least, that is what the majority party decided yesterday in the debate in committee.

Mr. GRIFFIN. The process of going through the bill, marking up the bill, and voting on amendments can be accomplished under the new rules with only one-third of the members present; and the committee can have an executive meeting where a majority is present and the only question would be whether to report a measure or not.

Mr. DOMINICK. The Senator is correct. I find this to be extremely distressing. I think it will result in much more time spent on the floor debating measures and in measures being much more hastily considered, legislation perhaps in an extraordinarily important area.

Mr. GRIFFIN. It might well be that a resolution or measure to amend the rules of the Senate would be something to consider.

QUORUM

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Humphrey) laid before the Senate the following letters, which were referred as indicated:

Extraordinary Contractual Adjustment Authorized by NASA Contract Adjustment Board

A letter from the Acting Administrator of the National Aeronautics and Space Administration reporting, pursuant to law, an extraordinary contractual adjustment authorized by the NASA Contract Adjustment Board; to the Committee on Aeronautical and Space Sciences.

Report on Final Conclusion of Judicial Proceedings Regarding Claim of Certain Indians

A letter from the Chairman of the Indian Claims Commission transmitting, pursuant to law, a report on the final conclusion of judicial proceedings regarding the claim of the Lemhi Tribe, represented by the Shoshone-Bannock Tribes, Fort Hall, against the United States of America (with accompanying papers); to the Committee on Appropriations.

Statistical Supplement, Stockpile Report

A letter from the Director of the Office of Emergency Preparedness transmitting, pursuant to law, a report on the Statistical Supplement, Stockpile for the period ending December 31, 1970 (with an accompanying report) to the Committee on Armed Services.

Report on Actual Procurement Receits for Medical Stockpile of Civil Defense Emergency Supplies and Equipment

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report of actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes for the quarter ending December 31, 1970; to the Committee on Armed Services.

Receipt of Proposal Under Small Reclamation Projects Act of 1956

A letter from the Assistant Secretary of the Interior informing the Senate, pursuant to law, of an application for a loan of $1,365,000 and a grant of $460,000 for fish and wildlife enhancement to the Overland Ditch and Reservoir Co. of Hotchkiss, Colo.; to the Committee on Interior and Insular Affairs.

Report by the Comptroller General on the Administration of Contracts and Grants for Cancer Research by the National Institutes of Health

A letter from the Comptroller General of the United States transmitting a report, pursuant to request, on the administration of contracts and grants for cancer research by the National Institutes of Health, Department of Health, Education, and Welfare (with an accompanying report); to the Committee on Labor and Public Welfare.

Proposed Manpower Revenue Sharing Act of 1971

A letter from the Secretary of Labor transmitting proposed Manpower Revenue Sharing Act of 1971 (with accompanying papers); to the Committee on Labor and Public Welfare.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 1117. A bill to provide for regulation of public exposure to sonic booms, and for other purposes (Rept. No. 92–34).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

Herbert F. DeSimone, of Rhode Island, to be as Assistant Secretary of Transportation.

Mr. MAGNUSON. Mr. President, I also report favorably sundry nominations in the National Oceanic and Atmospheric Administration which have previously appeared in the Congressional Record and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER (Mr. McIntyre). Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Donald J. Florwick, and sundry other persons, for appointment in the National Oceanic and Atmospheric Administration.

BILLS AND JOINT RESOLUTIONS INTRODUCED

By Mr. TALMADGE (by request):

S. 1211. A bill to extend the authority for insuring loans under the Consolidated Farmers Home Administration Act of 1961. Referred to the Committee on Agriculture and Forestry.

By Mr. CHURCH:

S. 1212. A bill to modify the restrictions contained in section 170(e) of the Internal Revenue Code of 1954 in the case of certain contributions of ordinary income property. Referred to the Committee on Finance.

By Mr. McINTYRE:

S. 1213. A bill to increase the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund. Referred to the Committee on Veterans' Affairs.

By Mr. METCALF:

S. 1214. A bill to amend the Federal Property and Administrative Services Act of 1949 with respect to the disposal of excess and surplus personal property, and for other purposes. Referred to the Committee on Government Operations.

By Mr. JACKSON (by request):

S. 1215. A bill to authorize the Secretary of the Interior to conduct a study with respect to certain land acquisitions by the United States in Guam. Referred to the Committee on Interior and Insular Affairs.

By Mr. JACKSON:

S. 1216. A bill to amend the National Environmental Policy Act of 1969 (Public Law 91–190), to fund and establish a nonprofit Environmental Policy Institute and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself and Mr. Allott) (by request):

S. 1217. A bill to declare that certain federally owned lands within the White Earth Reservation shall be held by the United States in trust for the Minnesota Chippewa Tribe, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BIBLE (for himself and Mr. Cannon):

S. 1218. A bill to declare that certain federally owned lands in the State of Nevada are held by the United States in trust for Reno-Sparks Indian Colony, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON (by request):

S. 1219. A bill to amend the Federal Trade Commission Act. Referred to the Committee on Commerce.

S. 1220. A bill to amend the Act to authorize appropriations for the fiscal year 1971 for certain maritime programs of the Department of Commerce. Referred to the Committee on Commerce.

S. 1221. A bill to provide increased warranty protection for consumers, and for other purposes. Referred to the Committee on Commerce.

S. 1222. A bill to provide increased protection for consumers, prevent consumer fraud, and for other purposes. Referred to the Committee on Commerce.

S. 1223. A bill to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard. Referred to the Committee on Commerce.

By Mr. McINTYRE (by request):

S. 1224. A bill to clarify and extend the authority of the Small Business Administration, and for other purposes. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. STENNIS (for himself and Mrs. Smith) (by request):

S. 1225. A bill to amend section 209 (a) and (b) of title 37, United States Code, to provide increased subsistence allowances for Senior Reserve Officers' Training Corps members. Referred to the Committee on Armed Services.

S. 1226. A bill to amend section 2107 of title 10, United States Code, to provide additional Reserve Officers' Training Corps scholarships for the Army, Navy, and Air Force. Referred to the Committee on Armed Services.

S. 1227. A bill to provide subsistence allowances for members of the Marine Corps officer candidate programs. Referred to the Committee on Armed Services.

By Mr. ALLOTT (for himself, Mr. Anderson, Mr. Burdick, Mr. Cannon, Mr. Hansen, Mr. Hatfield, Mr. Jackson, Mr. Jordan of Idaho, Mr. McGovern, Mr. Moss, and Mr. Stevens):

S. 1228. A bill to restore the golden eagle program to the Land and Water Conservation Fund Act. Referred to the Committee on Interior and Insular Affairs.

By Mr. MATHIAS (for himself and Mr. Spong):

S. 1229. A bill to extend for 6 months the time for filing the comprehensive report of the Commission on the Organization of the District of Columbia. Referred to the Committee on the District of Columbia.

By Mr. JACKSON (for himself and Mr. Allott) (by request):

S. 1230. A bill to declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge Munsee Community, Wis. Referred to the Committee on Interior and Insular Affairs.

By Mr. BURDICK (for himself, Mr. Allott, Mr. Mansfield, Mr. Metcalf, and Mr. Young) (by request):

S. 1231. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Pembina Band of Chippewa Indians in Indian Claims Commission docket Nos. 18–A, 113, and 191, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. INOUYE:

S. 1232. A bill to amend title 10, United States Code, to establish the authorized strength of the Naval Reserve in officers in the Judge Advocate General's Corps in the grade of rear admiral, and for other purposes. Referred to the Committee on Armed Services.

By Mr. INOUYE (for himself, Mr. Cooper, Mr. Cotton, Mr. Dominick, Mr. Eastland, Mr. Gurney, Mr. Hatfield, Mr. Hollings, Mr. Magnuson, Mr. Mansfield, Mr. Metcalf, Mr. Montoya, Mr. Muskie, Mr. Randolph, Mr. Stevens, Mr. Thurmond, and Mr. Williams):

S. 1233. A bill to amend the Internal Revenue Code of 1954 to provide the same tax exemption for servicemen in and around Korea as is presently provided for those in Vietnam. Referred to the Committee on Finance.

By Mr. INOUYE (for himself, Mr. Bible, Mr. Burdick, Mr. Byrd of Virginia, Mr. Cannon, Mr. Cooper, Mr. Cranston, Mr. Eastland, Mr. Gurney, Mr. Hatfield, Mr. Harris, Mr. Hart, Mr. Bayh, Mr. Hollings, Mr. Jackson, Mr. Javits, Mr. Kennedy, Mr. Mathias, Mr. McGovern, Mr. Miller, Mr. Moss, Mr. Pastore, Mr. Pell, Mrs. Smith, and Mr. Stevenson):

S. 1234. A bill to establish limits on the assignment of a member of the Armed Forces to a combat zone and for other purposes. Referred to the Committee on Armed Services.

By Mr. SCHWEIKER (for himself and Mr. Scott):

S. 1235. A bill to provide that the Allegheny Center Urban Renewal Project in Pittsburgh, Pa., may include the donation of certain property for development and nonprofit operation as an historical site or museum. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MATHIAS:

S. 1236. A bill for the relief of Randall L. Talbot. Referred to the Committee on the Judiciary.

By Mr. TUNNEY (for himself, Mr. Anderson, Mr. Bayh, Mr. Bible, Mr. Brooke, Mr. Burdick, Mr. Cranston, Mr. Eastland, Mr. Gravel, Mr. Gurney, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hollings, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Kennedy, Mr. Magnuson, Mr. Mansfield, Mr. McGee, Mr. McGovern, Mr. Miller, Mr. Muskie, Mr. Pell, Mr. Randolph, Mr. Schweiker, Mr. Spong, Mr. Stevens, Mr. Tower, Mr. Williams, and Mr. Chiles):

S. 1237. A bill to provide Federal financial assistance for the reconstruction or repair of private non-profit medical care facilities which are damaged or destroyed by a major disaster. To the Committee on Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHURCH:

S. 1212. A bill to modify the restrictions contained in section 170(e) of the Internal Revenue Code of 1954 in the case of certain contributions of ordinary income property. Referred to the Committee on Finance.

GIFTS TO LIBRARIES INCENTIVE ACT

Mr. CHURCH. Mr. President, I introduce for appropriate reference a bill to amend section 170(e) of the Internal Revenue Code. This bill will equate the incentive to donate certain income property to specified nonprofit and governmental institutions with the incentive to sell those materials on the open market. Even though this bill will modify the restrictions contained in section 170(e), it does not weaken the reform purpose of the 1969 Tax Reform Act, and in some cases the restrictions in this bill strengthen that purpose.

Congress created an unfortunate hardship for its own Library when it enacted the Tax Reform Act of 1969. Through changes in section 1221(3) and in coordination with 170(e), that act eliminated one of the Library's most important incentives to donations of materials that the donor had created. That incentive was the right of the donor to deduct from his gross income the market value of his own original materials when given to a nonprofit institution. At this moment, the donor may deduct only the base value of those materials—the cost of their creation—and not their fair market value. Thus, it is much more profitable for authors, composers, and artists to sell their original works than to donate them. As a result, the ability of the Library of Congress to acquire original collections has diminished greatly. I believe this bill will furnish a solution without any untoward consequences.

The problem was brought to my attention by Archibald MacLeish, former Librarian of Congress, who wrote me that—

> The principal glory of the Library is its Manuscript Division and one of the great achievements of the Manuscript Division has been its acquisition of American literary manuscripts and related correspondence. Writers, public men and others were encouraged by the Internal Revenue Code as it stood prior to 1969 to give materials of this kind to the Library and its collections made significant gains. In 1969, however, the Tax Reform Act of that year . . . (made a) distinction between donors who themselves *created* literary and historic documents and others who *collected* them. The collector, commercial or academic or whatever, received tax advantages if he gave the materials to a library; the creator did not.

Therefore, Mr. President, in the form of this bill I would like to see Congress take corrective action which will enable our own Library, and her sister institutions, to enjoy at least an equal chance, along with private collectors, to obtain original manuscripts of great historical and cultural value.

The severity of the impact of the 1969 change is startling, particularly when one examines figures furnished to me by officials of the Library of Congress. In 1967, 1968, and 1969 the Manuscript Division of the Library received an average of 213,926 manuscript pieces.[1] In 1970, only 69,803 pieces were received and many of these were of negligible value. The Manuscript Division is not alone in suffering the impact of the law's change. Indeed, the Music Division of the Library reports a decline in the number of donors from an average of 36 in the 3 fiscal years prior to the law's change, to only six in the first fiscal year after the law went into effect. One extremely important collection denied to the Music Division has received recent public attention. Because of the change in the law, Igor Stravinsky has been forced to place his manuscript collection, valued at $3.5 million, on the open market when, prior to the change, he could have donated it to the Library and not been penalized financially. The plight of Mr. Stravinsky, and this entire problem, is discussed in an article by Irving Lowens which appeared in the January 24, 1971, edition of the Sunday Star. I shall ask unanimous consent to place this article, and one by John J. Kominski which appeared in manuscripts, in the Record following my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **CHURCH**. The Library of Congress is only one of many institutions to have felt the effect of the law's change. Both the Association of Research Libraries and the American Library Association have adopted resolutions supporting a change in the appropriate sections of the code.

In specific, the law now states that the donor of income property may deduct an amount which is equal to market value of the property minus the amount of gain. The amount of gain is the increase in the value of the property from the cost of the materials which went into its creation to the time of the donation. In other words, the donor can deduct only the cost of the property to him. This is particularly restrictive for the donor who wishes to give property he has created. The author, for example, has only the cost of the paper and ink to deduct and cannot claim the value added by his own creativity.

This bill would allow the donor of the income property to deduct the market value of the property minus "50 percent of the gain"—minus 50 percent of the difference between the property's market value and its original cost. This figure approximates the amount of income most donors would retain after selling the material on the open market and paying income tax on the profit. This change does not return the amount deductible to the previous status in which—in effect—the total value could be deducted with no tax payed on the appreciated value.

This bill allows the 50 percent rather than 100 percent reduction in the amount deductible only if the property is related to the function or purpose of the charitable recipient. Likewise, this benefit shall not be allowed for donations of income property to foundations which presently are excluded from receiving tax exempt gifts. Additionally, this legislation explicitly prohibits the receipt of these benefits from creator donated materials which were: "Written, prepared, or produced by or for an individual while he held an office under the Government of the United States or of any State or political subdivision thereof, and which was related to, or arose out of, the performance of the duties of such an office."

Mr. President, Congress has an obligation to the people of the United States and to its own Library to facilitate the preservation of historically and culturally valuable materials. In the past the Library of Congress has performed admirably. Now, however, our Library and similar institutions throughout the country are severely hampered. We, in Congress, should make every effort to provide a means by which the Library has at least an equal chance to obtain and preserve whole collections of important materials, thereby making them available to both the general public and the scholarly community. This bill will open the way for creators of important papers to make donations to public nonprofit institutions without suffering financial penalties; at the same time, we will not abandon the intent of the 1969 Tax Reform Act.

Mr. President, I send the bill to the desk, and I ask unanimous consent that the text of the bill appear following these remarks, together with the text of the two articles to which I previously referred.

There being no objection, the bill and articles were ordered to be printed in the Record, as follows:

S. 1212

A bill to modify the restrictions contained in section 170(e) of the Internal Revenue Code of 1954 in the case of certain contributions of ordinary income property

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 170(e) of the Internal Revenue Code of 1954 (relating to certain contributions of ordinary income and capital gain property) is amended—

(1) by inserting after "the amount of gain" in paragraph (1)(A) "(or, in the case of a contribution described in paragraph (3), 50 percent of the amount of gain)"; and

(2) by adding at the end thereof the following new paragraph:

"(3) Certain contributions of ordinary income property.—For purposes of paragraph (1)(A), 50 percent of the amount of gain shall apply with respect to a contribution only if the use by the donee of the property contributed is related to the purpose or function constituting the basis for its exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described in subsection (c)); and shall not, in any case, apply to—

"(A) a contribution to or for the use of a private foundation (as defined in section 509(a)), other than a private foundation described in subsection (b)(1)(E), or

"(B) a contribution by a taxpayer described in section 1221(3) of any letter, memorandum, or similar property which was written, prepared, or produced by or for an individual while he held an office under the Government of the United States or of any State or political subdivision thereof, and which was related to, or arose out of, the performance of the duties of such office."

(b) The amendments made by subsection (a) shall supply to taxable years ending after the date of the enactment of this Act, but only with respect to contributions of property after such date.

Tax Reform: A "Half-Axe" Effect on Manuscript Contributions

(By John J. Kominski, General Counsel, Library of Congress)

Among other changes it made in the Internal Revenue Code, the Tax Reform Act of 1969 amended Section 1221(3) by providing that letters, memoranda, and similar property (or collections thereof) *are not to be treated as capital assets* if they are held by the taxpayer whose personal efforts created the property or for whom it was prepared or by a person who received the property as a gift from the one who created it. Accordingly, these materials are treated as ordinary income property. In addition, the Act gave new treatment, in Sections 170(b) and (e), to the amount allowed as a charitable deduction by making donations of such ordinary income property deductible only as to basis and not as to appreciation.

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[1] While the 1969 Act became effective in July of 1969, by far the greatest number of donations in that year came before the effective date.

These two changes, perhaps more than any others, went a long way toward deferring gifts of manuscript materials to public institutions, such as the Library of Congress (which opposed these changes), or other organizations eligible for charitable treatment.

The wording of both House and Senate bills raised an immediate clamor among the literary world, and the Library of Congress felt the full impact of the growing concern among writers and composers. Attorneys, accountants, authors . . . all wanted to discuss the changes, to get the Library's views, to express doubts, resignation, and worst of all, disinterest in making future gifts. It was a reaction the Library expected, and although the Library hoped it would not be the case with all such donors, it conceded that it would most certainly be the case with those motivated in part by tax advantages.

The first seven months following passage of the Act pretty much tell the story. While other institutions have expressed a belief that changes in the law would not severely reduce private gifts, the Library felt otherwise. *Not a single new gift of a manuscript collection has been received by the Library since January 1970.* Some donors who had already established rather large collections were resigned to continue adding to them, but there were others in the same status who stopped contributing altogether. Furthermore, some authors felt the urge to express to the Library their resentment about the legislation in such creative terms that those letters, alone, may be said to have added immeasurably to the Library's collections.

More important than levity at this time, however, is an examination of just what changes in the Internal Revenue Code have brought about this reaction from authors and what those changes mean to the collector of manuscript materials.

It should be understood, at the onset, that a major purpose of the Act was to equalize the benefit of cash contributions and contributions of property which had increased in value, such as manuscripts. Under the old law, contributions of appreciated property could garner greater advantages to the donor than could a cash contribution. The old law allowed a deduction in the amount of the fair market value of the donated property at the time of the contribution and no tax became due on the appreciated value. Thus, the Congress considered that changes were necessary as a matter of equity if nothing else.

Basically, the concern of authors results from two changes made in the Internal Revenue Code with respect to gifts of appreciated tangible personal property: (1) the allowable amount of a charitable contribution of such property now depends on the character of that property; the amount may be appreciably lower for ordinary income property than for capital gain property, and (2) the term "ordinary income property", as initially stated, now includes "letters or memoranda," held either by the preparer or the person for whom such property was prepared.

On the other hand, the collector or inheritor of manuscript materials need not be so concerned. Materials which are ordinary income property in the hands of the creator-author, in most cases may become capital gain property in the hands of the collector or inheritor, and these latter individuals need only concern themselves with the particular nature of the donee charity or the use to which that institution will put donations of these materials. We shall consider the major and most drastic change first.

Prior to enactment of the changes, all donors of literary property (authors as well as collectors) could declare as a charitable deduction the fair market of the literary property at the time of the gift. No longer is that always true. The prospective donor must now consider the status of the property (ordinary income property or capital gain property) because of his relationship to it.

If the property, while in the donor's hands, is ordinary income property (as in the case of the author himself), the deduction is severely limited to cost basis alone. This rule is applicable *in all cases,* and the type of charitable recipient has no bearing on the amount of the allowable charitable deduction. Therefore, when the composer, artist, or author donates his original work, or the works of others *given to him,*[1] including letters received, the amount of his deduction may be little more than the cost of the paper and ink or the canvas and paint. It is important to note that these rules apply to contributions of ordinary income property made after December 31, 1969, with one exception: the effective date for contributions of letters, memoranda, or similar property prepared for or by the donor is July 25, 1969.

If the property is a capital gain property (as it would be in the hands of a collector), the deduction may be as much as the fair market value at the time of the contributions, i.e., the basis (cost) to the donor plus the appreciated value while he has held it. With respect to gifts of capital gain property, however, there are certain limitations on the allowable deduction. We shall consider these limitations next.

When a taxpayer donates tangible personal property which is not used by the donee charity directly in its exempt functions, the amount of the deduction for each donation of capital gain property is computed by subtracting 50 percent (62½ percent if a corporate donor) of the amount of the gain (that would have been long term capital gain had the donor sold the property) for the fair market value of the property at the time of the contribution. By way of example:

"Donor gives an eligible library a replica of a bronze French cannon (non-operative) 75mm, World War I vintage. For some reason, the library accepts this gift. The donor is a collector of artillery art pieces, and in his hands the cannon may be considered a capital gain property. However, it is not the type of material that particular library would collect or directly make use of. Donor is limited to a deduction of the cost to him of acquiring the art piece plus one-half the value said object has appreciated while in his possession."

On the other hand, if such property is *used* by the donee charity toward its exempt functions, it would appear that the donor will get the full fair market value as the amount of allowable deduction; consider:

"Donor is a collector of literary manuscripts. He wishes to donate some of these materials to an eligible library as well as several letters and memoranda which he has *inherited* from a deceased relative. Both types of property are considered capital gain property in his hands and both are materials which the library usually collects and directly uses. Assuming he proceeds with the gifts as planned, donor may deduct the full fair market value of these materials at the time of the gift."

The ceiling on *gifts of cash* was raised by the Act to 50 percent of an individual donor's adjusted gross income (it says at 5 percent for corporate donors) where the charity so qualifies, such as public charities (like the Library of Congress) and certain foundations. *However, gifts of capital gain property to qualifying charities remain subject to a deduction ceiling of 30 percent of an individual donor's adjusted gross income.* At present the only method by which the taxpayer may deduct contributions of appreciated property under the 50 percent maximum deduction ceiling is if he elects to take the unrealized appreciation in value into account for tax purposes—that is, "reduce the amount of the contribution".

An individual taxpayer may still carry over excess capital gain property deductions to his next five years, and the carryover retains its 30 percent status for purposes of computing the allowable charitable contributions deductions in these carryover years.

There are many other considerations that should concern a prospective donor of manuscript materials, all of which give immediate credence to the recommendation that the donor should seek professional advice about his own particular situation and the status of the institution to which he intends to make a gift. For example, some manuscript materials ordinarily thought of as capital gain property may, because of the short period they have been held (less than six months), be considered ordinary income property. On the other hand, some manuscript materials may be used in a donor's trade or business; in which case, only that portion of the gain (if the property is sold at its fair market value at the date of contribution) which is subject to depreciation recapture rules would be considered ordinary income property, and any gain above this amount is treated as capital gain property.

At this point it should be clear that of two groups of prospective donors, collectors and authors, only the latter has experienced more acutely the "Congressional axe". In summary, then, the Tax Reform Act of 1969 has left us with three methods of treating charitable contributions:

1. *Cash contributions*. The new law now permits deductions of up to 50 percent of the donor's adjusted gross income, but gradually phases out the little-used "unlimited charitable deduction" provisions. This change should serve to increase cash contributions.

2. *Appreciated property of the ordinary income type*. The Act has created drastic change in this area; contributions of ordinary income property (such as literary property, including letters and memoranda) by creators are greatly discouraged. Early statistics appear to confirm this conclusion.

3. *Appreciated property of the capital gain type*. The new legislation has continued favorable treatment in this area; philanthropic inducement still permits a donor to deduct gifts of such property at their fair market value without recognizing any gain for tax purposes. There are two limitations: (1) to get the full fair market value, the donee charity must be able to use the gift directly in relation to its tax exempt purposes, and 2) the ceiling on such gifts is 30 percent of the donor's adjusted gross income. With respect to this latter limitation, however, a special option permits a donor to deduct gifts of such property up to 50 percent of his adjusted gross income if he reduces the value of his gift by one-half (½ of the appreciated portion. *Caveat*: if a taxpayer exercises this option, all deductions involving appreciated property for that year, including deductions carried forward from earlier years, must be similarly reduced. A donor may prefer this alternative when a gift property has a substantial fair market, but that part of the value which is appreciation is small.

MUSIC: WHY TAX REFORM SHOULD BE REFORMED

(By Irving Lowens)

A few months ago, Igor Stravinsky's original manuscripts and personal papers were put up for sale on the open market. The price tag was $3.5 million, and considering their importance, anyone buying them would be getting a bargain.

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[1] As used here, "gift" would not include inherited property. Inherited property is capital gain property. Thus, a widow of an author may get the full tax advantage if she *inherits* the manuscrip material.

These days, it costs $25 million per mile or more to build a superhighway. Are the thousands of items offered by Stravinsky, including the manuscripts of compositions which altered the entire history of 20th century music, worth less than one-fifth of a mile of concrete?

The Stravinsky papers have not yet been sold as of this writing. If you want to snap them up, Lew D. Feldman (30 East 62 Street, New York 10021) will be glad to accept your $3.5 million.

Meanwhile, the Library of Congress, to whom Stravinsky had been presenting his papers from year to year, sits on the sidelines biting its fingernails and hoping that some rich and civic-minded collector will buy them and donate them to the Library as a gift. The Library doesn't have $3.5 million with which to buy the papers, in which the Soviet Union reportedly has shown a lively interest.

The appearance of the Stravinsky papers on the open market seems to have been a direct result of certain strange provisions of the Tax Reform Act of 1969. Formerly, donors of literary properties (authors and composers as well as collectors) could declare as a charitable deduction the fair market value of the literary property at the time of the gift.

In other words, if Stravinsky gave to the Library of Congress as a gift his own manuscripts which would bring $3.5 million if sold, he could claim a deduction of that amount on his income tax return.

This is no longer true.

According to Section 1221(3) of the Internal Revenue Code, such things as music manuscripts, literary manuscripts, letters, memoranda and similar property, when still in the hands of the person whose personal efforts created the property, are no longer entitled to this treatment. If a composer wants to give them away to a library, law holds that these properties cannot be considered capital assets. They must be considered ordinary income properties, and as such, their value is established on a cost basis.

Thus, Stravinsky's original manuscripts in his hands are worth little more than the cost of paper and ink, regardless of their fair market value.

Ironically, exactly the same materials are considered capital assets when they are in the hands of a collector. This means that their value is established on the basis of the market. Thus, the collector giving the Stravinsky materials to the Library of Congress as a gift could legitimately claim a $3.5 million tax deduction, if that it what he paid for them; Stravinsky himself could claim nothing.

The Tax Reform Act, signed by President Nixon in December, 1969, was made retroactive to July 26, 1969. It was the intent of the amendments discussed here to make it impossible for former presidents (and especially Lyndon Johnson) and politicians to claim large income tax deductions by making gifts of their personal papers to presidential libraries.

The proponents of the Tax Reform Act had no special animus towards authors and composers, to say nothing of libraries, but the result of their work has been to penalize creators and to wreak havoc with acquisitions policies in scholarly institutions.

The Library of Congress formerly leaned heavily upon the tax advantage provisions of the old law in building up its magnificent collections of manuscript papers. Suddenly, their source of supply was shut off. Writing in July of last year, John J. Kominski, General Counsel of the Library, stated that "not a single new gift of a manuscript collection has been received by the Library since January, 1970."

The same story is being repeated in libraries across the country; the tax revision is looming as a major disaster.

Every January, a report on notable music acquisitions during the previous fiscal year (which runs from July through June) is printed in the "Quarterly Journal" of the Library of Congress. At first glance, the 1971 report, written by Edward N. Waters of the music division, looks very similar to that of 1970. But there is an ominous reference, in the second sentence, to the fact that "patterns of growth differed somewhat from the previous year," and a close reading of the section devoted to manuscripts of living composers shows how.

Discounting original manuscripts added to the collection as the result of commissions from the Coolidge and Koussevitzky Foundations (their legal status is still unclear), the division received as gifts manuscripts from only eight composers—Richard Adler, Radie Britain, Aaron Copland, Robert Evett, Don Gillis, Robert Parris, Igor Stravinsky and Edwin John Stringham—between July 1, 1969 and June 30, 1970. Several of these gifts were received before July 26, 1969.

Compare this to the Waters report on the previous year's acquisitions in the January 1970 "Quarterly Journal" and the change becomes painfully clear.

Between July 1, 1968 and June 30, 1969, the music division received gifts of manuscripts from 28 composers—Hugh Aitken, William Bergsma, Elliott Carter, Aaron Copland, Paul Creston, Alvin-Etler, Robert Evett, Johan Franco, Edmund Haines, Howard Hanson, Roy Harris, Alan Hovhaness, Karel Husa, Ulysses Kay, Meyer Kupferman, Ezra Laderman, Benjamin Lees, Nikolai Lopatnikoff, Teo Macero, Peter Mennin, Robert Merrill, Darius Milhaud, Vincent Persichetti, David Raksin, Gardner Read, William Schuman, Robert Starer and Igor Stravinsky.

Perhaps even more alarming than the drastically curtailed list of donations during the first full years the Tax Reform Act was in effect is the degree to which the Library's search for new and important collections of papers and manuscripts has been hobbled.

When the Library does find a prospective donor whose papers it feels are important enough to warrant inclusion in the national collections, it is very careful to advise him that a gift at this time of materials of his own creation may not benefit him taxwise. A copy of the General Counsel's "Memorandum on the Tax Reform Act of 1969" is furnished with the suggestion that he may want to discuss the matter with his accountant or lawyer.

Currently, the Library is urging prospective donors to consider placing their papers in the collections on a deposit basis. This means that the owner would retain legal title to them while, at the same time, they would be made available for research purposes.

It does not require much imagination to see this as a holding action until the problem caused by the new provisions of the Internal Revenue Code has been solved.

As serious as is the situation in the music division, it appears to be worse in the manuscripts division. The Tax Reform Act of 1969 strikes directly at many of that division's donors.

"The effects of the law have been damaging to the acquisition program of the manuscript division," stated Mary C. Lethbridge, the Library's information officer. "In 1969 several important collections were here on deposit pending the results of tax reform. When the provisions of the law were made known one playright withdrew his papers immediately. An actor also withdrew material on deposit, although some of his papers remain as earlier gifts to the Library. A poet requested the return of his deposited materials but was persuaded at last to let them remain on deposit. A novelist wrote an angry letter of protest, implying that his periodic gifts to the Library were at an end.

"Although the collections cited are in the arts where self-creation of valuable material is more obvious, the chief loss was a political-judicial collection for which a gift in 1969–70 had been planned.

"In 1970 there have been virtually no gifts of self-created material, although material has been received on deposit. Such deposits have come from long-term donors. No deposits of material for which there was no prior history of negotiation and/or earlier gift occurred. For example, one earlier donor deposited extremely valuable material in 1970 but gave nothing. A woman prominent in the theater gave only the segment of her papers identifiable as inherited; the remainder is on deposit."

The music division, too, has had its withdrawals of materials on deposit. It too has had its angry letters of protest. It too has received no deposits of material for which there was no prior history of negotiation.

No one in the Library is optimistic about future acquisitions of gift of manuscripts and personal papers belonging to live creators until the cost basis for tax deductions, established by the Tax Reform Act of 1969, can be returned to the fair market value basis of earlier years.

The ill-considered amendments to Section 1221 (3) of the Internal Revenue Code damage both creators and institutions of learning. If Stravinsky is to reap any financial benefit from his own manuscripts, he is forced to sell them. If the Library of Congress is to have such national treasures in its collections, it is forced to buy them. Neither of the principals involved does this willingly; the country as a whole loses because of the situation.

The National Music Library Association holds its annual meeting in Washington at the Dodge Hotel beginning next Wednesday. I hope that many of the librarians assembled here, whose institutions have been hurt just as much as the Library of Congress by the new tax provisions, will take advantage of their presence in the Nation's Capital to let their representatives in the Congress know their feelings in this matter.

By Mr. McINTYRE:

S. 1213. A bill to increase the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund. Referred to the Committee on Veterans Affairs.

HOUSING FOR VETERANS

Mr. McINTYRE. Mr. President, the housing needs of our Nation remain great and I introduce for appropriate reference a bill which I hope will be of assistance to veterans in securing homes.

Veterans have a special problem, as the Congress has understood and faced throughout our history. We have provided for veterans, because through their service their lives are disrupted at the very time they might be establishing themselves in their life's work, purchasing a home, and generally getting started in establishing themselves as citizens.

The Federal Government, through its VA home loan program, has provided special benefits for veterans who wish to purchase their own homes. In recent years, the increasing number of veterans coming home from Vietnam have, in varying degrees, depending on conditions in their own sections of the country, found it difficult at times to obtain mortgage money from local banks—even with the VA guarantee.

The bill I am introducing would provide a new source of funds for veterans' mortgages. It would set aside up to $5 billion—now held in the national service life insurance fund in low-yielding bonds—and provide that these funds could be invested in Government guaranteed VA mortgages. This would result in two distinct benefits to veterans:

First, it would make more money available immediately for veterans' housing.

Second, by providing a higher yield to the national service life insurance fund, it would provide greater security and possibly higher dividends to veterans holding national service life insurance.

Mr. President, I feel there is even greater need for this housing assistance for veterans in face of the administration's recommendation that the direct loan program for veterans housing be eliminated. I happen to disagree with this recommendation because the direct loan program has been of enormous assistance to veterans and it has paid for itself. But, if the administration's recommendation stands, this proposal I am making takes on added significance.

Mr. President, I ask unanimous consent that this bill, which is the same measure introduced in the House of Representatives by the distinguished chairman of the House Veterans' Affairs Committee, be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1213

A bill to increase the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund

Be it enacted by the Senate and House of of Representatives of the United States of America in Congress assembled, That (a) subchapter III of chapter 37 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 1828. Investment of funds of the national service life insurance fund in first mortgage loans guaranteed under section 1810 of this chapter

"(a) When issuing a commitment to guarantee a proposed home mortgage loan under section 1810 of this chapter the Administrator is authorized and is hereby directed to issue, if such is requested by the lender-mortgagee, a non-assignable commitment to purchase the completed loan from such lender-mortgagee. For each such commitment the lender-mortgagee shall pay a nonrefundable fee of not in excess of one-half per centum of the amount of the commitment. Such commitment shall provide for the purchase of the loan from the lender-mortgagee for the price specified in the commitment (which price shall be specified as a percentage of par) if the lender-mortgagee certifies to the Administrator, subsequent to the disbursement of the loan proceeds but not later than one hundred and eighty days from the date of the Administrator's issuance of the loan guaranty evidence that—

"(1) it has not been successful in effecting a sale of the loan to a private investor at a price equal to or in excess of that specified in the Administrator's commitment;

"(2) it has not charged or collected from and will not charge or collect from the seller or builder of the property, or from any third person or entity, directly or indirectly, any discount (points) in excess of the difference between the face amount of the loan and the price specified in the Administrator's purchase commitment plus the commitment fee specified in this subsection (a);

"(3) the loan is not in default.

The purchase price specified in any purchase commitment issued under this subsection shall not be less than the average price for which one-hundred-and-eighty-day purchase commitments were auctioned by the Federal National Mortgage Association at the last Association auction preceding the issuance of the Administrator's purchase commitment, but in no instance shall the Administrator agree to pay more than par (unpaid principal balance plus accrued interest) nor less than 96 per centum of par for any loan purchased under this subsection. If an auction of purchase commitments by the Federal National Mortgage Association has not been conducted during the three months immediately preceding the issuance of a commitment under this subsection the price to be specified in such commitment shall be determined by the Administrator but any such price determination by the Administrator shall not exceed par nor be less than 96 per centum of par. Upon the purchase of a guaranteed loan pursuant to a commitment issued under this subsection the Administrator's guaranty of the loan shall continue in full force and effect and shall inure to the investment fund established in subsection (b) of this section. Insofar as practicable the Administrator shall utilize the purchase authorization in this subsection in those localities where the discount levels are determined by him to be substantially in excess of the discounts entailed in the Federal National Mortgage Association average auction prices for its one-hundred-and-eighty-day purchase commitments.

"(b) There is hereby established in the Treasury of the United States a revolving fund to be known as the national service life insurance investment fund (hereinafter called the investment fund). The investment fund shall be available to the Administrator for all operations under this section, including the payment of expenses and losses, except administrative expenses. To provide the Administrator with the funds necessary to purchase loans as the consequence of commitments issued or to be issued pursuant to subsection (a) of this section, the Secretary shall, as authorized by section 720(c) of this title, transfer such funds from the national service life insurance fund (hereinafter called the insurance fund) to the investment fund, except that the aggregate of transfers pursuant to this subsection shall not, in the period between the enactment of this section and June 30, 1974, exceed $5,000,000,000, and such transfers of funds during any fiscal year within such period—

"(1) may not exceed the sum of the investments of the insurance fund which mature in that fiscal year, and

"(2) may not be in an amount greater than authorized in an appropriation Act.

"(c) The Administrator shall utilize the funds transferred to the investment fund as provided in subsection (b) of this section to purchase loans pursuant to commitments issued as provided by subsection (a) of this section. Wherever the Administrator determines that the effective yield on loans eligible for purchase at any given time would be less than that which would be obtained from an alternative investment in special securities of the Treasury Department, he shall direct that sums then available in the investment fund for purchases of loans shall be invested in such special Treasury securities. The insurance fund shall be paid interest on all funds transferred to the investment fund at the same rate as the average interest rate on loans purchased and special Treasury securities held by the investment fund less 1 per centum but in no event less than the average return on the other invested portion of the insurance fund. All moneys received by the Administrator from the repayment of such loans shall be deposited in the investment fund and shall also be available, until June 30, 1975, for the purchase of loans as provided in this section, except that if the Administrator at any time determines that the balance in the investment fund is in excess of anticipated needs for the purchase of loans, he may so notify the Secretary of the Treasury, who shall then transfer such excess to the insurance fund. To assure against the impairment of the insurance fund on account of expenses and losses resulting from the purchase of loans under this section, the Administrator shall establish and retain within the investment fund an adequate reserve for such expenses and losses. All collections of interest on loans purchased and all nonrefundable commitment fees received pursuant to the authority in subsection (a) of this section shall be deposited in the investment fund by the Administrator, who shall, after determining the amount to be retained in the investment fund as a reserve for expenses and losses, periodically notify the Secretary as to the amount of such interest collections available for transfer to the insurance fund and the Secretary thereupon shall effect such transfers. Such transfers shall constitute the payment of interest to the insurance fund. The Administrator is authorized to invest on an interim basis unexpended balances of the investment fund, including the reserve for expenses and losses, in obligations of the United States Government or agencies thereof. After June 30, 1975, all moneys received in the repayment of loans purchased pursuant to subsection (a) of this section and all interest collections on such loans, except for such sums which the Administrator determines to be necessary for retention in the investment fund as a reserve for losses, shall be deposited in the insurance fund. Such deposits shall be continued until the funds transferred to the investment fund by the insurance fund are repaid in full with interest.

"(d) In the event of a deficiency in the investment fund reserves for expenses and losses, the Administrator is hereby authorized and directed to guarantee the investment fund against loss of interest or principal and shall discharge such guarantee by transferring to the investment fund from available funds of the loan guaranty revolving fund such sums or sums as may be necessary to defray such deficiency. Any deficiency in the investment fund defrayed by the loan guaranty revolving fund shall be paid to such fund by the investment fund as soon as such payment becomes feasible.

"(e) The Administrator may sell, and shall offer for sale, any loan purchased under the authority of this section at a price determined by the Administrator, but not less than the price paid by the Administrator to purchase the loan (that is, the percentage of the unpaid balance of the loan), plus accrued interest. The Administrator may, in respect to loans thus sold, guarantee any such loans subject to the same conditions, terms, and limitations as would be applicable in the case of loans guaranteed under section 1810 of this chapter. The proceeds of any such sales shall be deposited in the investment fund.

"(f) Notwithstanding any of the foregoing provisions of this section, the Administrator, when authorized by appropriation Acts so to do, may set aside first mortgage loan assets of the investment fund as the basis for the sale of participation certificates pursuant to and in accordance with the provisions of the Participation Sales Act of 1966 (Public Law 89-429), and until June 30, 1974, the proceeds of any sale of such participation certificates shall be deposited in the investment fund and be available for the purposes of that fund. After June 30, 1974, the proceeds of any sales of such participation certificates shall be deposited in the insurance fund.

"(g) In the administration and management of the investment fund the Administrator shall, to the extent feasible, invest the funds thereof in loans which will represent a broad spectrum of the veteran homebuying population in respect to age, income, and location of the properties which will constitute the loan securities. In order to facilitate a more adequate supply of mortgage financing for veterans in the lower and middle income brackets the Administrator shall purchase only loans not in excess of $30,000 which are secured by single-family dwellings only. The Administrator is authorized to adopt such standards, policies, and procedures and to promulgate such regulations as he considers necessary or appropriate for carrying out his functions and responsibilities under this section. In carrying out such functions and responsibilities the Administrator may contract with private entities for the servicing of any loans purchased by him for the investment fund provided that the servicing fee payable pursuant to any such contract shall not exceed the Administrator's estimate of the cost of the direct servicing of such loans by agency employees."

(b) The anaylsis of chapter 37 of title 38, United States Code, is amended by adding at the end thereof the following:

"1828. Investment of funds of the national service life insurance fund in first mortgage loans guaranteed under section 1810 of this chapter."

Sec. 2. Paragraph (1) of section 1811(c) of title 38, United States Code, is amended to read as follows:

"(1) he is unable to obtain from a private lender in such housing credit shortage area, a loan for such purpose for which he is qualified under section 1810 of this title, at an interest rate not in excess of the rate authorized for guaranteed home loans and at a discount charge to the seller or builder not in excess of the discount (if any) determined to be reasonable by the Administrator who shall, whenever feasible to do so, base such determination on the discount involved in the latest average auction price for the Federal National Mortgage Association purchase commitments but not in excess of a 4 per centum discount in any event; and".

Sec. 3. Section 720 of title 38, United States Code, is amended by adding at the end thereof the following new subsection (c):

"(c) The Secretary of the Treasury is authorized and directed to transfer from time to time from such fund to the Investment Fund established under section 1828 of this title such amounts as are necessary to purchase loans as a consequence of commitments issued or to be issued by the Administrator pursuant to subsection (a) of section 1828, of this title, and shall transfer from the investment fund to the national service life insurance fund, upon notification by the Administrator, such amounts as the Administrator determines are available for such transfer pursuant to the provisions of section 1828. The funds transferred from the national service life insurance fund under this section to the investment fund, together with the interest thereon as computed under section 1828(c) of this title, shall be guaranteed as to principal and interest by the United States."

By Mr. JACKSON (by request):

S. 1215. A bill to authorize the Secretary of the Interior to conduct a study with respect to certain land acquisitions by the United States in Guam. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, I send to the desk for appropriate reference a bill to authorize the Secretary of the Interior to conduct a study with respect to certain land acquisitions by the United States in Guam.

On January 18, 1971, the Legislature of Guam adopted Resolution No. 6, "Relative to respectfully requesting and memorializing the Congress of the United States to establish a Commission to reopen and reexamine the process whereby the Federal Government obtained title to one-third of the territory of Guam with a view to determine whether the people whose land was so acquired were properly compensated for their loss."

By letter of February 23, 1971, the Honorable A. B. Won Pat, Guam's elected representative in Washington, requested that I have drafted a legislative proposal responsive to the Guam Legislature's resolution. Pursuant to this request, I am today introducing proposed legislation that would authorize the Secretary of the Interior to make a thorough investigation of the adequacy of compensation paid to Guamanians for lands acquired by the United States and to submit a report to the Congress of his findings and recommendations with respect thereto.

I ask unanimous consent that Resolution No. 6 of the 11th Guam Legislature, together with the communication I received from Mr. Won Pat and the proposed legislation, be printed in the Record following my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

Resolution No. 6

Relative to respectfully requesting and memorializing the Congress of the United States to establish a Commission to re-open and re-examine the process whereby the Federal government obtained title to one-third of the territory of Guam with a view to determine whether the people whose land was so acquired were properly compensated for their loss

Whereas, in the latter stages of the Second World War and in the build-up of Guam as a major defense base for the U.S. Navy, the U.S. Army, the U.S. Air Force and other Federal agencies following World War II and the start of the Cold War, a very large percentage of the limited land area within the territory of Guam was acquired by the United States for defense purposes, the total of both Federally-owned and Federally-leased land representing thirty-six percent of all the real property in Guam; and

Whereas, with Guam being so limited in land area and with the only asset belonging to many Guam families being their inherited piece of property, it is respectfully submitted that the United States government, in acquiring this land, was under a duty to see that the rights of all local landowners were safeguarded and fair compensation was afforded to all; and

Whereas, unfortunately, a history of Federal land-taking after World War II discloses quite the contrary: that is, the people of Guam were not properly compensated, were not advised of their rights, and were generally deprived of their property without due process of law and without just compensation; and

Whereas, the facts supporting the foregoing charge were as follows:

1. The acquisition of land for defense purposes immediately following World War II was in the hands of the Naval government; there was no independent judicial system, the so called "Superior Court" being staffed by Naval officers who were under the direct command of that same officer who was condemning or otherwise acquiring Guam land for defense bases;

2. The people of Guam immediately following the Second World War were deeply grateful to the United States for having been liberated from the Japanese and were additionally inculcated with a deep respect, if not fear of the United States Navy, which had been running the territory of Guam in a high-handed manner since 1898; accordingly, it was almost impossible for the average Guamanian to refuse to voluntarily give up his land to a Naval representative requesting the same, especially since it was put to him on the basis of patriotism and loyalty; there are many well attested incidents where Naval negotiators intimidate the owners and prevent any fair negotiations;

3. There are other well attested incidents wherein illiterate and unsophisticated Guamanians were persuaded to sign stipulations approving fee title acquisitions in the belief that they were signing mere leases for licenses for the United States to use their lands temporarily, and this deceit on the part of the Federal negotiators was willful and deliberate; and

Whereas, one of the most unfortunate aspects of this history is that those relatively few Guamanians who were both wealthy enough and sophisticated enough to refuse to deal with the Navy negotiators ended up with fair compensation for their land since they never lost title until after the passage of the Organic Act which established an independent Federal court and permitted the orderly and fair acquisition of land through eminent domain proceedings following the Federal statutes and the Federal Rules of Civil Procedures, and thus the rich, whose holdings were quite large and extensive, ended up well paid for their lands, while the poor, who usually had only small holdings, received practically nothing; and

Whereas, since these people who lost their lands under such unfair circumstances are without any adequate remedy at law, any applicable statutes of limitation having long since expired, the only possible solution or form of relief is action by the Congress to set up a Claims Commission to re-open the whole question of Federal land acquisition in the territory of Guam immediately following World War II; and

Whereas, it should be of salutary interest to the Congress to know the principal reason why the Trust Territory islands have for the most part strenuously resisted the commonwealth status offered them by the Federal government is the fear that with commonwealth will come Federal acquisition of their very limited land, and with the history of the people of Guam's loss of their land continually before them they indeed have good reason to fear for their future; now therefore be it

Resolved, that in view of the foregoing, the Eleventh Guam Legislature does hereby on behalf of the people of Guam respectfully request and memorialize the Congress of the United States to establish a Claims Commission to review and re-open if necessary the land acquisitions undertaken by the Federal government in the territory of Guam following the Second World War; and be it further

Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Secretary of the Interior, to the Secretary of State, to the Attorney General of the United States, to the United States Ambassador to the United Nations, to the President of the Senate, to the Speaker of the House of Representatives, to the Chairman, Senate Committee on Interior and Insular Affairs, to the Chairman, House Committee on Interior and Insular Affairs, to Guam's Washington Representative, to the U.S. Attorney, District of Guam, and to the Governor of Guam.

FEBRUARY 23, 1971.

Hon. HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, 137 Old Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: The Legislature of Guam officially has submitted to you Resolution No. 6, petitioning for the establishment of a Commission on the post-war acquisition by the Navy of lands on Guam.

I realize fully the difficulties involved in reopening these claims after the lapse of more than 20 years. However, there can be no doubt whatever that in a very substantial number of instances settlements were highly inequitable as a result of our tragic war experiences and the historic awe—amounting to fear on the part of many—in which the Navy was held.

As you know, the residents of the Trust Territory, although they are not American citizens, are being accorded much more generous treatment, with respect to compensation for their lands and property, than that accorded Guam.

The drafting of a legislative vehicle for the establishment of a Commission such as envisioned by Resolution No. 6 is a highly technical matter. It would be greatly appreciated if you request your Legislative Counsel to draft such proposed legislation and then if you would introduce it "by request." Your Committee is of course the unit that has initial basic responsibility for federal legislation affecting Guam.

Sincerely yours,

A. B. WON PAT.

S. 1215

That (a) the Secretary of the Interior is authorized and directed to conduct a study of the policies, methods, and procedures used by or on behalf of the United States in connection with land acquisitions undertaken by the United States in the territory of Guam during the period following World War II, with particular emphasis on the matter of compensation paid in connection with such acquisitions, the total amount of such land so taken, and the effect thereof on the existing economy of Guam.

(b) On or before the expiration of the twelve month period following the date of the enactment of this Act, the Secretary of the Interior shall report to the Congress concerning the results of such study conducted in accordance with the provisions of this Act. Such report shall include the findings of the Secretary of the Interior and his recommendations with respect thereto.

SEC. 2. There is authorized to be appropriated such sum as may be necessary to carry out the provisions of this Act.

By Mr. JACKSON:

S. 1216. A bill to amend the National Environmental Policy Act of 1969 (Public Law 91-190), to fund and establish a nonprofit Environmental Policy Institute and for other purposes. Referred to the Committee on Interior and Insular Affairs.

NATIONAL ENVIRONMENTAL POLICY INSTITUTE ACT OF 1971

Mr. JACKSON. Mr. President, I introduce for appropriate reference a bill to establish a National Environmental Policy Institute.

The purpose of this measure is to establish a nonprofit corporation patterned to some extent after Rand, Battelle, Mitre, and other nonprofit "think tank" corporations.

The institute would be composed of a relatively small but highly competent staff of professionals trained in a variety of disciplines. These people would be drawn from universities, Government, and industry and would be chosen solely on the basis of professional excellence and their ability to develop new concepts and to offer new insights for dealing with the Nation's complex and growing environmental problems.

The institute would be charged with an in-depth analysis of the policy alternatives for dealing with the broad range of environmental problems facing State, local, and Federal Government. Because of the substantial Federal funding and because of the great public interest in finding sound and innovative methods to deal with critical environmental problems, the institute would be a congressionally chartered, nonprofit corporation. Basic financing would be obtained through an annual appropriation made to and administered by the National Science Foundation. The institute would also be empowered to receive grants from private foundations, and I am advised that there is reason to expect major contributions from this source.

The National Environmental Policy Act of 1969 explicitly stated for the first time a new policy and a new function for the Federal Government—comprehensive environmental management in the interests of all of the people. While the Federal Government has accepted responsibility for and embarked upon programs which fall within the broader area of environmental management—conservation of forest and mineral resources, water resource development, and control of water and air pollution—it was only with adoption of the National Environmental Policy Act that these fragmentary approaches to resource and environmental management were recognized as belonging to a larger and more basic function of the Federal Government.

The Environmental Policy Act recognized the need for an environmental overview agency and established the Council on Environmental Quality. The Council's duties are:

To assist in the preparation of an annual report on the state of the Nation's environment;

To develop and recommend administrative and legislative policies to the President;

To conduct ecological and environmental studies;

To review Federal environmental programs;

To define and interpret trends in environmental indicators; and

To perform studies and prepare special reports at the President's request.

The Council, in its first year of operation has attempted to meet all of the duties imposed upon it by the act, and has met some of them admirably.

As adviser to the President, however, the Council is called upon to perform two dissimilar services. First, the Council must offer action-oriented advice on critical environmental problems of the day, and second, the Council must devise methods and set in motion programs to improve the body of information upon which policies and actions can be developed.

In a year of intense and unprecedented public attention to environmental concerns, the Council has devoted most of its energies toward action-oriented advice. Furthermore, the problems of transition to a new form of environmental decisionmaking throughout the executive agencies has required that an inordinate proportion of the Council's attention be directed to what are essentially procedural questions of compliance with section 102(2)(C) of title I of the act.

While some of the responsibilities now being placed upon the Council are probably transitory, it is clearly evident that there is a need for a highly skilled and competently staffed organization to provide an interdisciplinary, professional service in environmental policy analysis to the Council, and to other Federal agencies. The institute could perform many of the important long-range needs which were recognized in the National Environmental Policy Act, but which have not received adequate attention because of the pressing, more immediate demands being placed upon the Council's resources and personnel.

Some of these long-range needs include:

Designing a uniform and comprehensive system of national and worldwide environmental monitoring;

Subjecting available data on domestic natural resources to analysis and developing supply and demand projections based on a variety of growth assumptions;

Developing proposed methods for anticipating future and emerging environmental problems before they reach crisis proportions—air and water pollution and the introduction of chemical agents such as lead and mercury into the environment provide classic examples of problems which could have been largely avoided if they had been perceived as a "problem" at an early enough point in time; and

Providing in-depth policy analyses, using systems analysis techniques, of alternative solutions for dealing with environmental problems.

After a year of experience, and in view of the increased involvement of the executive branch in direct environmental management, it seems unlikely that the Council on Environmental Quality will be able to conduct all of the detailed analytical work required to meet these needs. Furthermore, it would, in my view, not be wise to increase the staff and budget of the Council to enable it to do such work. To do so would carry with it the risk of converting the Council into an agency of such significant size and specialization that it would not be an appropriate part of the Executive Office of the President. The proposed Environmental Policy Institute, however, could relieve the Council of much of the fundamental data gathering and detailed analysis required, and thereby permit the Council to direct its efforts to the policy level advisory duties which are its primary functions.

The desirability of additional support for the Council was recognized by the President in his February 8, 1971, message to the Congress entitled "A Program To Save and Enhance the Environment." In section V of the message, he stated that—

> The solutions to environmental and ecological problems are often complex and costly.

If we are to develop sound policies and programs in the future and receive early warning on problems, we need to refine our analytical techniques and use the best intellectual talent that is available.

After thorough discussions with a number of private foundations, the Federal Government through the National Science Foundation and the Council on Environmental Quality will support the establishment of an Environmental Institute. I hope that this nonprofit institute will be supported not only by the Federal Government but also by private foundations.

The Institute would conduct policy studies and analyses drawing upon the capabilities of our universities and experts in other sectors. It would provide new and alternative strategies for dealing with the whole spectrum of environmental problems.

Mr. President, I believe that a legislatively chartered institute would have a number of advantages over one which is less formally founded. The mandate of the institute and its organizational relation to other executive agencies can be defined with greater precision. The support which such an institute can provide is undeniably valuable, but there is a danger that the creation of an institute with close ties to a variety of executive agencies might begin to exercise policy advisory functions unsuited to an organization outside of the immediate direction of the executive branch or the Congress. It is also important that the role of the institute be defined so that it complements that of the Council on Environmental Quality and other existing environmental agencies and does not compete with them.

Legislation would also provide an opportunity to declare congressional intent to provide funding for the institute. Funds would be provided through the National Science Foundation to insure that the work of the institute and other research funded by NSF were complementary, but the funds would be provided by a specific authorization so that the institute would not be put in competition with the many other urgent demands upon the Foundation's scarce resources.

The measure I have proposed would also establish the manner in which the board of directors and chief executive officer of the institute would be selected. The fundamental requirement that the institute be free of political affiliation or influence cannot be overstated. If the institute is to attract the best minds, and if its work is to have credibility, it must be recognized for its objectivity and professional standards. In short, the institute cannot be allowed to become a partisan instrument and should, therefore, be launched in a bipartisan atmosphere. Continued financial support for the institute from the Congress and from private sources will turn upon the institute's ability to maintain a reputation for professional excellence free of petty partisanship.

Mr. President, I ask unanimous consent that the bill and excerpts from a July 11, 1968, committee print on "A National Policy for the Environment," be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill excerpts were ordered to be printed in the RECORD, as follows:

S. 1216

A bill to amend the National Environmental Policy Act of 1969 (Public Law 91–190), to fund and establish a non-profit Environmental Policy Institute and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Environmental Policy Act of 1969 (Public Law 91–190) is amended by adding a new Title III to read as follows:

TITLE III

ENVIRONMENTAL POLICY INSTITUTE

SEC. 301. (a) The Congress hereby finds:

(1) that as presently constituted local, State and Federal governments do not have an adequate capacity to integrate and evaluate the growing body of environmental research now underway, nor to develop in systematic and critical manner the alternatives such research presents for the development of new and the restructuring of existing governmental policies and programs; and

(2) that there are no existing non-governmental institutions capable of adequately performing this function in an objective and comprehensive manner and on a full time basis.

(b) The Congress further finds:

(1) that there is a need for objective, impartial policy analysis to be conducted by an appropriate Institute which is independent of government and private enterprise, including a broad program of research, and the identification and development of alternative solutions to existing and emerging environmental problems;

(2) that the Institute should be a center for systematic environmental problem solving and policy-oriented research conducted on a broad, interdisciplinary basis;

(3) that the Institute should be available to local, State and Federal governmental agencies to assist in the assessment, development and presentation of policy alternatives, but should have the freedom and independence to extend its studies to matters other than those specified by its government sponsors; and

(4) that it is a responsibility of the Federal government, in conjunction with appropriate charitable foundations, to establish, to assist, to encourage and to fund such an Institute.

SEC. 302. There is hereby authorized to be created a non-profit corporation to be named the Environmental Policy Institute (hereinafter referred to as the "Institute") which shall not be an agency or establishment of the Federal government. The Institute shall be subject to the provisions of this Act and, to the extent consistent with this Act, to the District of Columbia Non Profit Corporation Act.

SEC. 303. The incorporators of the Environmental Policy Institute shall consist of the Director of the National Science Foundation, the Chairman of the Council on Environmental Quality, the President of the American Bar Association, and two persons appointed by the President of the United States, one of whom shall be an officer of a major charitable foundation, and one of whom shall by training and profession be especially qualified to participate in the establishment of an Institute dealing with emerging and long-range environmental problems.

SEC. 304. The Institute shall have an eleven member board of directors consisting of individuals who are citizens of the United States, of whom one shall be elected annually by the board to serve as Chairman. Members of the board shall be:

(a) the five initial incorporators;

(b) four members appointed by the President of the United States, one of whom shall be chosen on the basis of professional competence and knowledge in each of the following areas—environment, consumer affairs, labor, and industry; and

(c) two members elected by the board on the basis of their interest in environmental problems, and their professional competence in technology assessment or systems analysis.

SEC. 305. The Institute shall have a President who shall be named and selected by the board and such other officers as may be named and appointed by the board, at rates of compensation fixed by the board, and serving at the pleasure of the board. No officer of the Institute shall receive any salary from any source other than the Institute during his period of employment by the Institute.

SEC. 306. The duties of the Institute shall include, but not be limited to:

(a) developing and analyzing policy alternatives for dealing with environmental problems, utilizing a systematic interdisciplinary approach, which will insure the integrated use of all relevant disciplines;

(b) identifying and developing methods and procedures, in consultation with the Council on Environmental Quality, whereby presently unquantifiable environmental amenities and values may be given appropriate consideration in policy evaluation together with technical and economic considerations in governmental and private decisionmaking;

(c) making available to States, counties, municipalities, institutions, and individuals, advice and informaiton developed by the Institute which is useful in restoring, maintaining, and enhancing the quality of the environment;

(d) undertaking, after consultation with the Chairman of the Council on Environmental Quality, contract studies for Federal agencies which involve problems of policy analysis of regional or national significance

(e) identifying areas where additional environmental research and data collection is needed to deal with emerging and potential problems;

(f) following on a continuing basis the national capability for technology assessment;

(g) performing within the availability of funds provided under Sec. 308 (a) and by specific fund transfers for these purposes, such studies as the Council on Environmental Quality may request.

SEC. 307. The President of the Institute shall transmit to the Congress annually, beginning July 1, 1972, a report on the financial position and activities of the Institute. The report shall be referred to all standing committees having jurisdiction over the subject matter therein.

SEC. 308. (a) There are hereby authorized to be appropriated to the National Science Foundation, as provided in annual appropriation Acts, not to exceed a total of $30,000,000 for Fiscal Years 1972 through 1977 inclusive and $6,000,000 for each Fiscal Year thereafter for the purpose of assisting the financing of the Institute. Funds appropriated under the provisions of this section are to remain separate from other funds appropriated to the National Science Foundation and are to remain available until expended.

(b) The Institute is authorized to accept, hold, and administer grants and contributions from any source for assisting in the financing of activities for the purposes for which the Institute is established.

(c) Contracts with Federal, State and local governmental agencies to conduct investigations and analyses pursuant to section 305 (d) shall be fully financed by transfers of funds or payments. The conduct of such studies shall not interfere with the duties of the Institute as set forth in section 306.

(d) All Federal agencies are auhorized to enter into contracts with the Institute for the conduct of policy analysis studies of environmental problems which will be of assistance in the performance of the agencies' missions.

SEC. 309. This Act may be cited as the "National Environmental Policy Institute Act of 1971".

A National Policy for the Environment

STATEMENT BY SENATOR HENRY M. JACKSON

Over the years, in small but steady and growing increments, we in America have been making very important decisions concerning the management of our environment. Unfortunately, these haven't always been very wise decisions. Throughout much of our history, the goal of managing the environment for the benefit of all citizens has often been overshadowed and obscured by the pursuit of narrower and more immediate economic goals.

It is only in the past few years that the dangers of this form of muddling through events and establishing policy by inaction and default have been very widely perceived. Today, with the benefit of hindsight, it is easy to see that in America we have too often reacted only to crisis situations. We always seem to be calculating the short-term consequences of environmental mismanagement, but seldom the long-term consequences or the alternatives open to future action.

This report proposes that the American people, the Congress, and the administration break the shackles of incremental policymaking in the management of the environment. It discusses the need for a national environmental policy and states what some of the major elements of such a policy might be. It also raises a number of questions implicit in the establishment of such a broad-based and far-reaching policy.

The report does not purport to deal exhaustively with these subjects. Rather, it attempts to place some of the fundamental questions concerning the need for and the elements of a national environmental policy in the arena of public debate. If the report is successful in encouraging discussion and in refining some of the issues involved, it will have performed a worthwhile purpose. In the last few years, it has become increasingly clear that soon some President and some Congress must face the inevitable task of deciding whether or not the objective of a quality environment for all Americans is a top-priority national goal which takes precedence over a number of other, often competing, objectives in natural resource management and the use of the environment. In my judgment, that inevitable time of decision is close upon us.

If we are to make intelligent decisions which are not based in the emotion of conservation's cause celebre of the moment or in the error of simply perpetuating past practices, there is a very real need to develop a national capacity for constructive criticism of present policies and the development of new institutions and alternatives in the management of the environmental resources of land, air, water, and living space. Developing this capacity will require that representatives from all elements of our national life—industry, the university, Federal, State, and local government—participate in forming this policy. It will require the creative utilization of technology to improve environmental conditions and to prevent unanticipated future instances of costly abuse. It will also require that government, business, and industry pay closer attention to a far greater range of alternatives and potential consequences when they make environment-affecting decisions than they have in the past.

Finally, it needs to be recognized that the declaration of a national environmental policy will not alone necessarily better or enhance the total man-environment relationship. The present problem is not simply the lack of a policy. It also involves the need to rationalize and coordinate existing policies and to provide a means by which they may be continuously reviewed to determine whether they meet the national goal of a quality life in a quality environment for all Americans. Declaration of a national environmental policy could, however, provide a new organizing concept by which governmental functions could be weighed and evaluated in the light of better perceived and better understood national needs and goals.

This report was prepared for the use of the Senate Interior Committee by Prof. Lynton K. Caldwell, chairman, Department of Government, Indiana University, with the assistance of Mr. William J. Van Ness, special counsel to the committee, and the Natural Resources Division, Legislative Reference Service, Library of Congress. Professor Caldwell's contribution was, in part, made possible through an arrangement with the Conservation Foundation.

PREAMBLE

It is a major function of the Congress to propose and consider policies "to provide for the common defense and the general welfare of the United States." Today, a challenge to the safety and welfare of the United States and of the American people has arisen. The challenge is the rapid deterioration of the environmental base, natural and manmade, which is the indispensable foundation of American security, welfare, and prosperity. Congress has recognized this challenge, and in accord with its responsibilities is preparing a response. Numerous proposals are now before the Congress to deal with what some of our best informed scientists and political leaders describe as an "environmental crisis." The purpose of this report is not to "view with alarm," but to raise the issue of whether there is a need for a national environmental policy and to discuss some of the major elements which might be considered for inclusion in such a policy. This report is intended to bring the issue of environmental policy into as sharp a focus as the complexity of its subject matter permits, and to identify some of the basic questions that would be encountered in shaping a national policy.

The threat of environmental deterioration, which the President of the United States has described as "a crisis of choice," is largely the result of the unprecedented impact of a dual explosion of population and technology upon limited resources of air, water, land, and living space. This challenge has not occurred before in American history nor in the history of civilization. Today the threat this challenge presents is widely recognized. Calls for action have come from many sectors of American society: from labor, from business, from agriculture, from science, from civic bodies, from religious, cultural and ethnic groups, from public agencies and from the elected representatives of the people. Symbolizing the national concern, the Department of the Interior entitled its 1968 Conservation Yearbook "Man—An Endangered Species?"; and the Chamber of Commerce of the United States has issued a call for action in a pamphlet bearing the headline "The Need: To Manage Our Environment." These publications, together with many others listed in appendix A, document the evidence and provide an understanding of the dangers and costs of environmental deterioration. When these dangers and costs are understood, the need for a continuing effort to refine and establish a countervailing policy is apparent.

Therefore, the issue before the American people and their elected representatives is the kind of policy that will meet the need. To be effective, a national policy for the environmnent must be compatible and consistent with many other needs to which the Nation must respond. But it must also define the intent of the American people toward the management of their environment in terms that the Congress, the President, the administrative agencies and the electorate can consider and act upon. A national policy for the environment—like other major policy declarations—must be concerned with principle rather than with detail; but it must be principle which can be applied in action. The goals of effective environmental policy cannot be counsels of perfection; what the Nation requires are guidelines to assist the Government, private enterprise and the individual citizen to plan together and to work together toward meeting the challenge of a better environment. At the risk of some oversimplification, the task may be summarized in these terms:

(1) To arrest the deterioration of the environment.

(2) To restore and revitalize damaged areas of our Nation so that they may once again be productive of economic wealth and spiritual satisfaction.

(3) To find alternatives and procedures which will minimize and prevent future hazards in the use of environment-shaping technologies, old and new.

(4) To provide direction and, if necessary, new institutions and new technologies designed to optimize man-environment relationships and to minimize future costs in the management of the environment.

The challenge of environmental management is, in essence, a challenge of modern man to himself. The principal threats to the environment are those that man himself has induced. A national policy for the environment is thus above all else a national policy for the welfare and survival of man. It is one more step in the journey of the American people from political independence toward knowledgeable self-determination in its most fundamental and democratic sense.

INTRODUCTION

This report is based upon the assumption that the threat of environmental mismanagement and deterioration to the security and welfare of the United States has been established. (See app. A.) There are differences of opinion as to the severity and relative urgency of various hazards to the environment. Some scientists believe that man's environmental relationships have reached a point of crisis; others do not see the condition of the environment generally as having yet reached a critical stage. But there is, nevertheless, general consensus throughout most walks of life that a serious state of affairs exists and that, at the least, it is approaching a crisis of national and international proportions. The focus of this report is therefore on national policy to cope with environmental crisis, present and impending, rather than with documenting the facts related to environmental crisis, present or impending, rather than with documenting the facts related to environmental deterioration.

PART I.—REQUIREMENTS FOR POLICY EFFECTIVENESS

Effective policy is not merely a statement of things hoped for. It is a coherent, reasoned statement of goals and principles supported by evidence and formulated in language that enables those responsible for implementation to fulfill its intent. This section of the report describes some of the interrelating conditions that appear necessary to an effective national policy for the environment. The discussion will be developed under the following five headings:

(1) Understanding Imminent Need.
(2) Recognizing Costs.
(3) Marshaling Relevant Knowledge.
(4) Facilitating Policy Choice.
(5) National Policy and International Cooperation.

1. Understanding imminent need

An effective and enlightened environmental policy is a response to the needs of man in relation to his environment. The response may involve the control of man's behavior on behalf of the larger interests of mankind where those interests are clearly perceived and widely held. Man's relationships with his environment are, of course, multitudinous and complex. Control by governments, by international organizations, or by other institutions, cannot feasibly be extended to every aspect of the environment nor to more than a fraction of the actual points of impact of individual man upon his environment. Policy effectiveness consequently depends very largely upon the internalization, in the human individual, of those understandings, values, and attitudes that will guide his conduct in relation to his environment along generally beneficial lines. A major requisite of effective environmental policy is therefore intelligent and informed individual self-control.

There is substantial evidence to indicate that large numbers of Americans perceive the need for halting the spread of environmental decay. It is also evident, however, that few recognize the connection between the conditions which they deplore, and the absence of any explicit and coherent national policy on behalf of environmental quality.

Man is confronted by a circumstance that is totally new in human history. He has rapidly completed the occupancy of the easily inhabitable areas of the earth while his numbers have increased at an exponential and accelerating rate. Simultaneously, unprecedented economic power and advances in science and technology have permitted man to make enormously increased demands upon his environment. In no nation are these coincidental developments more dramatically evident than in the United States. And yet many Americans find it difficult to understand why sound environmental management should now suddenly become "everybody's business." Long-accepted ways of thinking and acting in relation to one's surroundings are now being called into question. Understanding of what has happened can be helped by a simple exercise in arithmetic.

At the time of the American Revolution the total human population of the present-day continental United States could hardly have exceeded 3 million individuals. The demands of the American Indian and European colonists on the Atlantic seaboard were very light when contrasted with current exactions. By the close of the 20th century, if the population of this same area approximates 300 million, the daily stress man places on the environmnt will, on the basis of mere numbers, have increased 100 times over. Technology has alleviated some forms of stress (as on forests for fuel or on wildlife for food), but it has greatly increased environmental stress in general. The net result has been enormously increased demands upon the environment in addition to the increase in population. Calculation of an average per man-year stress upon the environment, estimated from A.D. 1700 to 2000, and adjusted for technological factors at particular historical periods, would be a powerful persuader of the need for a sensitive and forward-looking national environmental policy. The exponential increase in the pressure of man and his technology upon the environment, particularly since World War II, is the major cause of the need for a national environmental quality effort.

The rate at which the Nation has changed since 1890 when the frontier officially ceased to exist has been unexceeded by any other social transformation in history. Scarcely one long generation removed from the last days of the frontier, America has become an urbanized and automated society with publicly institutionalized values in social security, labor relations, civil rights, public education, and public health that would have been utopian less than a century ago. In the absence of a system for adequately assessing the consequences of technological change, who could have predicted the many ways in which applied science would transform the conditions of American life? Powerful new tools applying the discoveries in chemistry, physics, biology, and the behavioral sciences were put to work for improving the health, wealth, comfort, convenience, and security of Americans. Utilizing the vast natural resources of the American environment, the world's highest standard of living was achieved in an amazingly short period of time. Unfortunately, our productive technology has been accompanied by side effects which we did not foresee. Experience has shown us that there are dangers as well as benefits in our science-based technology. It is now becoming apparent that we cannot continue to enjoy the benefits of our productive economy unless we bring its harmful side effects under control. To obtain this control and to protect our investment in all that we have accomplished, a national policy for the environment is needed.

Although Americans have enjoyed prodigious success in the management of their economy they have been much less successful in the management of natural resources. As a people we have been overly optimistic, careless, and at times callous in our exactions from the natural environment. The history of soil exhaustion and erosion, of cut-over forest lands, of slaughtered wildlife document a few of our early failures to maintain the restorative capacities of our natural resources. Fortunately many of these early failures have been corrected or are now being remedied. But our exploding population and technology have created more subtle dangers, less easily detected and more difficult to overcome.

These more recent dangers have been documented in testimony before the Congress and in the reports of scientific committees (app. A). They confront us with the possibility that the continuation of present trends affecting, for example, (a) the chemistry of the air, (b) the contamination of food and water, (c) the use of open land and living space, and (d) the psychophysical stress of crowding, noise and interpersonal tension on urban populations, may indefinitely degrade the existence of civilized man before the end of this century. These are not the exaggerated alarms or unsubstantiated predictions of extremists; they are sober warnings of competent scientists supported by substantial demonstrable evidence. The practical course is, therefore, to forestall these threats before they have outgrown our technical, economic, legal, and political means to overcome them. Fortunately, we still have a choice in this matter. We still have a relatively wide range of alternatives available in managing the environment.

It may be contended that the problems of the environment must wait until more urgent political issues are resolved. Problems of national security, poverty, health, education, urban decay, and underdeveloped nations have just and appropriate claims for priority in national attention and public expenditure. Yet many aspects of these problems involve environmental policy. Three of the most urgent—the slums and ghettos of the great cities; increasing disability and death from diseases induced by environmental factors (for example, cancer, emphysema, mental disorders); and the decline and decay of rural areas (for example, in Appalachia) furnish persuasive reasons for a national environmental policy. Before billions of dollars are spent in attempts to alleviate these social ills, it would be wise to be sure that environmental factors causing or accompanying these conditions are properly identified and remedied. We may otherwise worsen the state of our economy and environment without solving the underlying social problems.

In summary, within the present generation the pressures of man and technology have exploded into the environment with unprecedented speed and unforeseen destructiveness. Preoccupied with the benefits of an expanding economy the American people have not readily adopted policies to cope with the attendant liabilities. Popular understanding of the need to forestall the liabilities in order to preserve the benefits is now becoming widespread, and provides the political rationale for the development of a national policy for the environment, and for a level of funding adequate to implement it.

2. Recognizing costs

The nation long ago would probably have adopted a coherent policy for the management of its environment, had its people recognized that the costs of overstressing or misusing the environment were ultimately unavoidable. This recognition was arrived at belatedly for several reasons: *First,* environmental deterioration in the past tended to be gradual and accumulative, so that it was not apparent that any cost or penalty was being exacted; *second,* it seemed possible to defer or to evade payment either in money or in obvious loss of environmental assets; *third,* the right to pollute or degrade the environment (unless specific illegal damage could be proved) was widely accepted. Exaggerated doctrines of private ownership and an uncritical popular tolerance of the side effects of economic production encouraged the belief that costs projected onto the environment were costs that no one had to pay.

This optimistic philosophy proved false as many regions of the Nation began to run out of unpolluted air and water, as the devastation of strip mining impoverished mining communities, as the refuse of the machine age piled up in manmade mountains of junk, as the demand for electricity and telecommunications arose to festoon the Nation with skeins of cables strung from forests of poles, and as the tools of technology increasingly produced results incompatible with human well-being. Under the traditional "ground rules" of production, neither enterprise nor citizen was called upon to find alternatives or to pay for measures that would have prevented or lessened ensuing loss of environmental quality. Payment continued to be exacted in the loss of amenities the public once enjoyed, and in the costs required to restore resources to usefulness and to support the public administration that environmental deterioration entailed. When the public began to demand legislation to control pollution and to prevent environmental decay, the reaction of those involved in environment degrading activities was often one of counter-indignation. Businessmen, municipalities, corporations and property owners were confronted with costs in the form of taxes or the abatement of nuisances that they had never before been called upon to pay. They were now about to be penalized for behavior which America had long accepted as normal.

What is now becoming evident is that there is no way in the long run of avoiding the costs of using the environment. The policy question is not whether payment shall be made; it is when payment shall be made, in what form, and how the costs are to be distributed. Hard necessity has made evident the need for payment to obtain air and water of quality adequate to meet at least minimum standards of health and comfort. Scientific knowledge and rising levels of amenity standards have added to public expectation that protection against environmental damage will be built into the products and production costs of manufacturers.

Lack of a national policy for the environment has now become as expensive to the business community as to the Nation at large. In most enterprises a social cost can be carried without undue burden if all competitors carry it alike. For example, industrial waste disposal costs can, like other costs of production, be reflected in prices to consumers. But this becomes feasible only when public law and administration put all comparable forms of waste-producing enterprises under the same requirements. Moreover it has always been an advantage to enterprise to have as clear a view as possible of future costs and requirements. When public expectations and "ground rules" change, however, as they have been changing recently on environmental quality issues, the uncertainty of resulting effects upon business costs, and the necessity for adjustment to unexpected expenses and regulations, is disconcerting and hardly helpful.

A national policy for the environment could provide the conceptual basis and legal sanction for applying to environmental management the methods of systems analysis and cost accounting that have demonstrated their value in industry and in some areas of government. It has been poor business, indeed, to be faced with the billions of dollars in expense for salvaging our lakes and waterways when timely expenditures of millions or timely establishment of appropriate policies would have largely preserved the amenities that we have lost and would have made unnecessary the cost of attempted restoration. A national system of environmental cost accounting expressed not only in economic terms but also reflecting life-sustaining and amenity values in the form of environmental quality indicators could provide the Nation with a much clearer picture than it now has of its environmental condition. It would help all sectors of American society to cooperate in avoiding the overdrafts on the environment and the threat of ecological insolvency that are impairing the national economy today.

It is not only industrial managers and public officials who need to recognize the unavoidable costs of using the environment. It is, above all, the individual citizen because he must ultimately pay in money or in amenities for the way in which the environment is used. If, for example, he likes to eat lobster, shrimp or shellfish, the citizen must reconcile himself to either paying dearly for these products or indeed finding them unobtainable at any price, unless we find ways to preserve America's coastline and coastal waters. The individual citizen may also have to pay in the cost of illness and in general physical and psychological discomfort. And these costs, of course, are not incurred voluntarily.

In the interest of his welfare and of his effectiveness as a citizen the individual American needs to understand that environmental quality can no longer be had "for free." Recognition of the inevitability of costs for using the environment and of the forms which these costs may take is essential to knowledgeable and responsible citizenship on environmental policy issues.

In summary, the American people have reached a point in history where they can no longer pass on to nature the costs of using the environment. The deferral of charges by letting them accumulate in slow attrition of the environment, or debiting them as loss of amenities will soon be no longer possible. It is no longer feasible for the American people to permit it. The environmental impact of our powerful, new, and imperfectly understood technology has often been unbelievably swift and pervasive. Specific effects may prove to be irreversible. To enjoy the benefits of technological advance, the price of preventing accidents and errors must be paid on time. From now on "pay-as-you-go" will increasingly be required for insuring against the risks of manipulating nature. This means merely that provision must be made for the protection, restoration, replacement, or rehabilitation of elements in the environment before, or at the time, these resources are used. Later may be too late.

3. Marshaling relevant knowledge

For many years scientists have been warning against the ultimate consequences of quiet, creeping, environmental decline. Now the decline is no longer quiet and its speed is accelerating. The degradation is destroying the works of man as well as of nature. We are confronted simultaneously with environmental crisis in our cities and across our open lands and waters. The crisis of the cities and the crisis of the natural and rural environments have many roots in common, although they may erroneously be viewed as extraneous to one another, or even as competitive for public attention and taxation. In fact, both crises stem from an ignorance of and a disregard for man's relationship to his environment.

An effective environmental policy in the past might have prevented and would certainly have focused attention upon the wretched conditions of urban and rural slums. It would surely have stimulated a search for knowledge that could have helped to correct and prevent degraded conditions of living. It is now evident that the fabric of American society can no longer contain the growing social pressure against slum environments. Today, remedial measures are being forced by social violence and by the social and economic costs of environmental decay; but it is not certain that the remedies take full account of the nature of the ailment. The pressure upon the urban environment is acute and overt; it is dramatized, it has obvious political implications, and it hurts. Conversely, the degradaton of natural and rural environments is more subtle. Stress may reach the point of irreparable damage before there is full awareness that a danger exists. What is needed therefore is a systematic and verifiable method for periodically assessing the state of the environment and the degree and effect of man's stress upon it, as well as the effect of the environment and environmental change on man.

One would expect to be able to look to the universities and to the great schools and institutes of agriculture, engineering, and public health as constituting an environmental intelligence system. Unfortunately however, no such system exists. Man-environment relationships per se have seldom been studied comprehensively. Various disciplines have concerned themselves with particular aspects of environmental relationships. Geographers, physiologists, epidemiologists, evolutionists, ecologists, social and behavioral scientists, historians, and many others have in various ways contributed to our knowledge of the reciprocal influences of man and environment. But the knowledge that exists has not been marshaled in ways that are readily applicable to the formulation of a national policy for the environment. At present, there are many gaps in our knowledge of the environment to which no discipline has directed adequate attention.

It should not be surprising that there is a lack of organized knowledge relating to environmental relationships. Society has never asked for this knowledge, and has neither significantly encouraged nor paid for its production. By way of contrast, public opinion has supported the costs of high-energy physics as reasonable, even though direct and immediate applications to public problems are relatively few. But public opinion has been guided in part by the judgment of the scientific community and of the leaders of higher education. Only recently have the scientific community and the universities begun to interest themselves institutionally in man-environment relationships, perceived in the totality in which they occur in real life.

Environmental studies in the universities are as yet largely focused on separate phases of man-environment relationships. This, in itself, is not undesirable; it is in fact necessary to obtain the degree of specialization and intensive study that many environmental problems require. The inadequacy lies in the lack of means to bring together existing specialized knowledge that would be relevant to the establishment of sound policies for the environment. There is also need for greatly increased attention to the study of natural systems, to the behavior of organisms in relation to environmental change, and to the complex and relatively new science of ecology. There is need for synthesis as well as for analysis in the study of man-in-environment.

A reciprocal relationship exists between the interests of public life and the activities of American universities. Public concern with a social problem when expressed in terms of public recognition or financial support, stimulates related research and teaching in the colleges and universities. Research findings and teaching influence the actions of government and the behavior of society. This relationship has been exceptionally fruitful in such fields as agriculture, medicine, and engineering. It has not, as yet, developed strength in the field of environmental policy and management. Nevertheless a beginning is being made in some colleges and universities, and in a number of independent research organizations and foundations, to provide a more adequate informational base for environmental policy.

Recognition of the need for a more adequate informational base for environmental policy has not been confined to academic institutions or to government. Speaking to the 1967 plenary session of the American Institute of Biological Sciences, Douglas L. Brooks, president of the Traveler's Research Center, declared that "* * * We need to recognize environmental quality control as a vital social objective and take steps to establish the field of environmental management as a new cross-discplinary applied science professional activity of extraordinary challenge and importance."

To date, action by Government to assist the marshaling of relevant knowledge has been uncoordinated and inconstant. With the exception of defense and space-related technical investigations, the amount of money made available for environmental research has been relatively meager and has been allocated largely along conventional disciplinary lines. Specialized aspects of research on man-environment relationships have been well funded by the Atomic Energy Commission, the Department of Defense, and the National Aeronautics and Space Administration. But much of this work is highly technical and is appropriately directed toward problems encountered in the missions of these agencies. More broadly based are the interests of the National Science Foundation, but the Foundation's resources of funding academic research relating to environmental policy are small. For a brief period the most promising source of support for the kind of knowledge needed for environmental policy effectiveness was the U.S. Public Health Service. In the mid-1960's, the Service began to assist the establishment of broadly based environmental health science centers in selected universities. But a shift of emphasis in the Public Health Service brought this effort to an untimely standstill. The National Institutes of Health fund a significant body of health-related environmental research, but little of it appears to be policy-related.

The Science Information Exchange of the Smithsonian Institution, surveying the general field of Government-funded research for the Senate Interior and Insular Affairs Committee, found (not unexpectedly) that there were heavy concentrations of research where Government funding was heaviest—notably in physical science and the biomedical aspects of the environment. Government-funded research of broadly cross-disciplinary or policy-oriented character appeared to be almost negligible in volume and in funding. It is probable that policy problems are investigated in the course of substantive research; but it is evident that we have not yet made a conscious decision to organize and fund the effort which students of environmental policy and management see as the necessary first step to an adequate environmental information system.

To provide facilities and financial support for new research on natural systems, environmental relationships and ecology on an independent, but publicly financed basis, a National Institute of Ecology has been proposed by a group of scientists associated with the Ecological Society of America and assisted by the National Science Foundation. The functions proposed for this institute are worth restating in brief, as indicative of the contribution that ecologists would like to make toward strengthening the Nation's capacity to cope with its environmental problems. Defining ecology to be "* * * the scientific study of life-in-environment," the proponents of a National Institute of Ecology state that it is needed (1) to conduct large-scale multi-disciplinary field research beyond the capacities of individual researchers or research institutions, (2) to provide a central ecological data bank on which ecologists and public agencies can draw, (3) to coordinate and strengthen activities of ecologists in relation to ecological issues in public affairs, and to promote the infusion of ecology into general education at all levels, and (4) to perform advisory services for government and industry on action programs affecting the environment. The principal purpose of the proposed institute is not, however, to study public policy or education, but to do more and better ecology.

These efforts and proposals, and many others unreported here, are constructive contributions to the task of marshaling the knowledge needed for an effective national policy for the environment. They do not, however, add up to a national information system, nor do they necessarily present information and findings relative to the environment in forms suitable for review and decision by the Nation's policymakers. The ecological research and surveys bill introduced by Senator Gaylord Nelson in the 89th Congress would have established a national research and information system under the direction of the Secretary of the Interior, Similar proposals have been incorporated in a number of bills introduced in the 90th Congress, including S. 2805 by Senators Jackson and Kuchel. (See app. B.) An important difference between the proposals before the 90th Congress and the efforts and proposals described in the preceding paragraphs is that in pending legislation the knowledge assembled through survey and research would be systematically related to official reporting, appraisal, and review. The need for more knowledge has been established beyond doubt. But of equal and perhaps greater importance at this time is the establishment of a system to insure that existing knowledge and new findings will be organized in a manner suitable for review and decision as matters of public policy.

In summary, to make policy effective through action, a comprehensive system is required for the assembly and reporting of relevant knowledge; and for placing before the President, the Congress, and the people for public decision, the alternative courses of action that this knowledge suggests. With all its great resources for research, data processing, and information transmittal, the United States has yet to provide the financial support and operational structure that would permit these resources to implement a public policy for the environment.

4. Facilitating policy choice

The problem of organizing information for purposes of policy-oriented review leads directly to the need for a strategy of policy choice. Environmental policymaking presents certain organizational difficulties. It must draw heavily upon scientific information and yet it embraces important considerations and issues that are extraneous to science policy. Insofar as environmental policy is dependent upon scientific information, it is handicapped by the insufficiency of the research effort and the inadequacies of information handling described in the preceding paragraphs. In a review of U.S. science policy by the Organization for Economic Cooperation and Development, the European examiners cited environmental problems as one of the areas of inquiry that American science was not well organized to attack. The criticism was directed not at the accomplishments of American science in support of major technical undertakings; it was instead concerned with the absence of a system and a strategy adequate to deal with the problems of the environment, and of social relationships and behavior, on a scale which their comprehensive and complex subject matters require.

Insofar as science is an element in environmental policymaking, the Office of Science and Technology affords a mechanism for enlisting the resources of the scientific community, for establishing study groups and advisory panels on specific issues, and for presenting their recommendations to the President. In the coordination of scientific aspects of environmental policy, the Federal Council of Science and Technology, in association with the Office of Science and Technology, is the more general of several coordinative or advisory bodies in the executive branch. (See app. C.) The establishment of special councils for marine resources and engineering development, for water resources, for recreation and natural beauty, among other purposes, complicates to some extent the function of policy advice. None of these bodies are constituted to look at man-environment relations as a whole; none provide an overview; none appear fully to answer the need for a system to enable the President, the Congress, and the electorate to consider alternative solutions to environmental problems.

Possible answers to the need for a system to assist national policy choice may be found in legislative proposals to create councils on environmental quality or councils of ecological advisers. These councils are conceived as bridges between the functions of environmental surveillance, research, and analysis, on the one hand, and the policy-making functions of the President and the Congress on the other. The particular and indispensable contribution of the Council to environmental policy would be twofold. The first would be, using S. 2805 for purposes of illustration, "* * * to study and analyze environmental trends and the factors that effect these trends, relating each area of study and analysis to the conservation, social, economic, and health goals of this Nation." Most proposals call for a report on the state of the environment from the Council to the President and from the President to the Congress. S. 2805, for example, states that the Council shall provide advice and assistance to the President in the formulation of national policies, and that it shall also make information available to the public. The bill further provides that "* * * The Council shall periodically review and appraise new and existing programs and activities carried out directly by Federal agencies or through financial assistance and make recommendations thereon to the President."

From this enumeration of the Council's functions several inferences may be drawn. *First*, the proposed environmental advisory councils are not science advisory bodies. They are instructed in pending legislative proposals to take specified factors, including the scientific, into account in the course of their analysis and recommendations on environmental policy issues. *Second*, the councils are not primarily research or investigating bodies even though they have important investigatory functions. They are essentially policy-facilitating bodies. *Third*, their functions are those of analysis, review, and reporting. Their nearest functional counterpart is probably the Council of Economic Advisers. *Fourth* and finally, councils on the environment, such as proposed by some of the measures listed in appendix B, must be located at the highest political levels if their advisory and coordinative roles are to be played effectively. For this reason the proposals have generally established the Council in the Executive Office of the President. However, the Technology Assessment Board proposed by Representative Emilio Q. Daddario, which would perform many functions similar to those of the environmental councils, would be an independent body responsible primarily to the Congress.

This brings the discussion to the role of the Congress in facilitating policy choice. Some have found the formal committee structure of the Congress to be poorly suited to the consideration of environmental policy questions. Senator Edmund Muskie has proposed a Select Committee of the Senate on Technology and the Human Environment to facilitate consideration of related environmental issues that would normally be divided among a number of Senate committees. Others have proposed that a Joint Committee on the Environment, representative of the principal committees of the House and the Senate concerned with environmental policy issues, should be established to review a proposed annual or biennial report of the President on the state of the environment. Many Congressmen, however, feel that the policy of establishing new committees to deal with each new problem area should be resisted and that the present committees should assume their legislative and oversight responsibilities in this area. Meanwhile the informal and practical operations of legislative business permits the present standing committees to function with remarkable speed and dexterity where the will to legislate exists.

In summary, policy effectiveness on environmental issues will require some form of high-level agency in the executive branch for reviewing and reporting on the state of the environment. No existing body seems appropriate for this function. To meet this need, and under various names, a council for the environment has been suggested and has been incorporated in numerous legislative proposals. Provision for a policy assisting body in the executive branch suggests to some the desirability of a comparable committee in the Congress.

5. National policy and international cooperation

In his address to the graduating class at Glassboro State College on June 4, 1968, President Lyndon B. Johnson called for the formation of a permanent "international council on the human environment." The ecological research and surveys bill first offered in 1965 by Senator Gaylord Nelson authorized participation by the United States with "other governments and international bodies in environmental research." Similarly, S. 2805 and other pending measures authorize "* * * environmental research in surrounding oceans and in other countries in cooperation with appropriate departments or agencies of such countries or with coordinating international organizations * * *."

These and other expressions of the willingness and intent of the United States to cooperate with other nations and with international organizations on matters of environmental research and policy reinforce the argument for a national environmental policy. Although the United States could cooperate internationally on many specific issues without a national policy, it could do so more effectively and comprehensively if its own general position on environmental policy were formally and publicly enunciated.

The United States, as the greatest user of natural resources and manipulator of nature in all history, has a large and obvious stake in the protection and wise management of man-environment relationships everywhere. Its international interests in the oceanic, polar, and outer space environments are clear. Effective international environmental control would, under most foreseeable contingencies, be in the interest of the United States, and could hardly be prejudicial to the legitimate interests of any nation. American interests and American leadership would, however, be greatly strengthened if the Nation's commitment to a sound environmental policy at home were clear.

PART II. QUESTIONS OF IMPLEMENTATION

What significance would adoption of a national policy for the environment hold for the future of government in the United States? At the least, it would signify a determination by the American people to assume responsibility for the future management of their environment. It would not imply an all-inclusive Federal or even governmental environmental administration. The task to too widespread, multitudinous, and diverse to be wholly performed by any single agency or instrumentality. There are important roles to be played at every level of government and in many sectors of the nongovernmental economy. Nevertheless a new policy, and particularly a major one, is certain to arouse some apprehensions.

In the Federal agencies, among the committees of the Congress, in State governments, and among businesses whose activities impinge directly upon the environment and natural resources, there would be understandable concern as to what changes for them might be implicit in a national policy for the environment. The objection is certain to be raised that Government is already too large and that there are already too many agencies trying to manage the environment. "Please—not one more," will be an oft-repeated plea. These fears, however, are largely those that always accompany a new public effort regardless of its purpose, direction, or ultimate benefit. Very few people oppose, in principle, public action on behalf of quality in the environment. It is implementation that raises questions and arouses apprehension.

It would be unconvincing to assert that no interest, enterprise, or activity will be adversely affected by a national environmental quality effort. There is no area of public policy that does not impose obligations upon, nor limit the latitude for action of important sectors of society. But while activities harmful to man's needs and enjoyments in the environment must necessarily be curbed, it is also true that all Americans, without exception, would benefit from an effective national environmental policy. In brief, although all would benefit, a relative few might be required to make adjustments in business procedures or in technological applications.

For the foregoing reasons, a report on the need for a national policy for the environment would be incomplete if it did not raise, at least for purposes of discussion, some major questions that the establishment as such a policy would imply. These are mainly questions of how a decision to establish a national policy would be implemented in practice. They are questions to be answered by the Congress and by the President. But in their answers, the policy-determining branches of Government will need to consider a number of issues subsidiary to those major questions.

To better illustrate the issues involved in these questions, reference will be made to S. 2805. No claim of special priority is implied by these references. Many of the bills now pending on this issue have similar provisions. Any one bill might serve as well as any other.

1. What are the dimensions of an environmental policy and how are they distinguishable from other areas of national concern?

This is the fundamental question. It would be unreasonable to expect that its metes and bounds could be defined more clearly than those of the more familiar policy areas of national defense, foreign relations, civil rights, public health, or employment security. The field of definition can be narrowed, however, by identifying those concepts with which it might be confused but from which it should be clearly distinguished.

Environmental policy, broadly construed, is concerned with the maintenance and management of those life-support systems—natural and man made—upon which the health, happiness, economic welfare, and physical survival of human beings depend. (See app. D.) The quality of the environment, in the full and complex meaning of this term, is therefore the subject matter of environmental policy. The term embraces aspects of other areas of related policy or civic action, and it is important that environmental policy and environmental quality, in the broad sense, be distinguished from these related but sometimes dissimilar policies or movements.

Environmental policy should not be confused with efforts to preserve natural or historical aspects of the environment in a perpetually unaltered state. Environmental quality deos not mean indiscriminate preservation, but it does imply a careful examination of alternative means of meeting human needs before sacrificing natural species or environments to other competing demands.

Environmental quality is not identical with any of the several schools of natural resources conservation. A national environmental policy would however, necessarily be concerned with natural resource issues. But the total environmental needs of man—ethical, esthetic, physical, and intellectual, as well as economic—must also be taken into account.

Environmental policy is not merely the application of science and technology to problems of the environment. It includes a broader range of considerations. For this reason S. 2805, in proposing a Council on Environmental Quality, does not stipulate that its five members be scientists, although it obviously would not preclude scientists among them.

One of the few differences in emphasis among the environmental policy bills now before the Congress has to do with the role of ecologists and of the science of ecology in the shaping of national policy. The need for a greatly expanded program of national assistance for ecological research and education cannot be doubted by anyone familiar with present trends in the environment. The science of ecology can provide many of the principal ingredients for the foundation of a national policy for the environment. But national policy for the environment involves more than applied ecology, it embraces more than any one science and more than science in the general sense.

The dimensions of environmental policy are broader than any but the most comprehensive of policy areas. The scope and complexities of environmental policy greatly exceed the range and character of issues considered, for example, by the Council of Economic Advisers. One may therefore conjecture, without derogation to the unquestionable importance of the economic advisory function, that a council on the environment would, in time, perhaps equal and even exceed in influence and importance any of the specialized conciliar bodies now in existence. For this reason its membership should be broadly representative of the breadth and depth of national interests in man-environment relationships. The ultimate scope of environmental policy, and the relationship of a high-level implementing council to existing councils, commissions, and advisory agencies, are not questions that can be, or need to be, decided now, nor even at the time that a national policy may be adopted. The important consideration is to develop a policy and to provide a means that will permit its objectives to be considered and acted upon by the Congress, the President, and the executive agencies. If we wait until we are certain of the dimensions of environmental policy and of how it will relate to other responsibilities and functions of Government, our assurance will be of no practical value. It will have come too late to be of much help.

2. Upon what considerations and value should a national environmental policy be based?

If it is ethical for man to value his chances for survival, to hope for a decent life for his descendants, to respect the value that other men place upon their lives, and to want to obtain the best that life has to offer without prejudicing equal opportunities for others, then the cornerstone of environmental policy is ethical. That cornerstone is the maintenance of an environment in which human life is not only possible, but may be lived with the fullest possible measures of personal freedom, health, and esthetic satisfaction that can be found. No government is able to guarantee that these values can be realized, but government is able to assist greatly in the maintenance of an environment where such values are at least realizable.

Ethics, like justice, is not easily quantifiable, yet few would argue that society should not seek to establish justice because justice cannot be adequately defined or quantified. Environmental policy is a point at which scientific, humanistic, political, and economic considerations must be weighed, evaluated, and hopefully reconciled. Hard choices are inherent in many policy issues. The sacrifice of a plant or animal species, for example, or of a unique ecosystem ought not be permitted for reasons of short-run economy, convenience, or expediency. The philosophy of reverence for life would be an appropriate guiding ethic for a policy that must at times lead to a decision as to which of two forms of life must give way to a larger purpose.

The natural environment has been basically "friendly" toward man. Man's survival is dependent on the maintenance of this environment, but not upon the unaltered operation of all of its myriad components. Pathogenic micro-organisms, for example, are not reverenced by man. Protection against them is a major task of environmental health and medicine. But even here, respect for the incredible variety, resilience, and complexity of nature is a value that environmental policy would be wise to conserve. Frontal attacks upon man's environmental enemies or competitors, identified as pathogens or as "pests," have miscarried too often to encourage the thought that direct action on threats in the environment are always wise, economical, or effective.

The range of values to be served by environmental policy is broad and an indication of how its scope might be defined may be obtained from the provisions of S. 2805 which specify the considerations to which the Council on Environmental Quality should respond: "Each member shall, as a result of training, experience, or attainments, be professionally qualified to analyze and interpret environmental trends of all kinds and descriptions and shall be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of this Nation."

The assessment and interpretation of these needs and interests is obviously a function that the members of the Council would have to perform to the best of their ability. No more than in the election of legislators or in the appointment of judges, would it be possible to stipulate how these or other values should be understood and weighted. The reputations and characters of the individuals appointed to the Council would offer the best indication of how the specifications of the law might be construed. But the findings and conclusions of the Council need not be wholly subjective or based upon speculative data. The methods of systems analysis, cybernetics, telemetry, photogrammetry, electronic and satellite surveillance, and computer technology are now being applied to a wide range of environmental relationships. New statistical and computerized simulation techniques are rapidly bringing ecology from what has been described as "one of the most unsophisticated of the sciences," to what may become one of the most complex, intellectually demanding, and conceptually powerful of the sciences.

In brief, the values and considerations upon which a national environmental policy should be based should be no less extensive than the values and considerations that men seek to realize in the environment. In the interpretation of these values and considerations science can play a role of great importance. But neither science, nor any other field of knowledge or experience, can provide all of the criteria upon which environmental policies are based. The full range of knowledge and the contributions of all of the scientific and humanistic disciplines afford the informational background against which value judgments on environmental policy may most wisely be made.

3. How Should the Information Needed for a National Environmental Policy Be Obtained and Utilized?

Of all major questions on the implementation of environmental policy, this one is probably the least difficult. It is in part a technical question; yet to describe it as technical is not to suggest that it can be easily answered. There is no present system for bringing together, analyzing, collating, interpreting, and disseminating existing information on the environment. There is accordingly no reliable way of ascertaining what aspects of man-environment relationships are unresearched or hitherto unidentified. The question is less difficult than others primarily because it is clearly possible to design an information system, to fund its implementation, and to put it into effect. The particular form in which the data should finally appear, and the method of its subsequent disposition are more problematic.

Title I of S. 2805, and other measures proposed on behalf of a national environmental policy, make provision for the functions of information gathering, storage and retrieval, dissemination, and for enlarging the available information through assistance to research and training. The detailed provisions of S. 2805 on an environmental information system are numerous and need not be repeated here. The significant feature of these provisions is that they create an information system designed and intended to serve the policymaking processes of government.

Most of the environmental quality bills place this information function under the direction of the Secretary of the Interior. But they relate its data-gathering functions to those of other Federal agencies and they provide for the transmittal of its findings to a high-level reviewing body and to the President and the Congress. In the provision for organizing environmental information into a form that is usable for policy formation, this proposal represents a step toward greater rationality in government and toward the more effective use of modern information systems and technology to serve public purposes.

3. How should the information needed for a national environmental policy be obtained and utilized?

Some innovation and restructuring of policy-forming institutions will be required to achieve the purposes of a national environmental policy. Our present governmental organization has not been designed to deal with environmental policy in any basic or coherent manner. (See app. C.) The extent to which governmental reorganization may be necessary cannot be determined absolutely in advance of experience. But it does seem probable that some new facility at the highest levels of policy formulation will be needed to provide a point at which environmental policy issues cutting across the jurisdictional lines of existing agencies can be identified and analyzed, and at which the complex problems involved in man's relationships with his environment can be reduced to questions and issues capable of being studied, debated, and acted upon by the President, the Congress, and the American people. As we have seen, some of the bills on environmental policy now pending in the Senate and the House of Representatives (see app. B) provide a point of focus for this new area of policy through a high-level board or council. Many of these bills provide for periodic reports on the state of the environment to the policy-determining institutions of the Nation—the President and the Congress—and, as these reports are matters of public record, to the American people who must be the final judges of the level of environmental quality they are willing to support.

As noted in the preceding paragraphs, improved facilities for the finding, analysis and presentation of pertinent factual data are needed. A vast amount of data is now collected by Federal agencies and by private research organizations; but this data is uneven in its coverage of the various aspects of environmental policy. For example, there is a superabundance of technical information on some aspects of environmental pollution, but comparatively little research on the social and political aspects of environmental policy. Much of the data now available is in a form unsuitable for policy purposes. The sheer mass of data, much of it highly technical on certain major environmental problems, is a serious impediment to its use. For this reason, the legislative proposals on national environmental policy provide a system for reinforcing, supplementing, and correlating the flow of information on the state of the environment.

These two major needs, (*a*) a high-level reviewing and reporting agency and (*b*) an information gathering and organizing system, are the essential structural innovations proposed in bills now before the Congress for implementing a national environmental policy. Would these additions to the present structure of government be sufficient to implement a national environmental quality program and how in particular would the proposed high level Council be related to other agencies in the federal structure of government?

New policies and programs imply structures appropriate to their functions and may call for new relationships among existing agencies. To construct a comprehensive structure for environmental administration will require time, and meanwhile the need for leadership in informing the people and in formulating policy recommendations and alternatives grows more urgent. It is for this reason that some of the measures which have been introduced propose that a Council for Environmental Quality be established in the Executive Office of the President. In effect, the Council would be acting as agent for the President. It would need information from the various Federal departments, comissions, and independent agencies that, under prevailing organization, it could not as easily obtain if it were located at a level coequal or subordinate to the divisions of Government whose programs it must review. Reinforcing this consideration is the distribution of environmental-affecting activities among almost every Federal agency.

Objection may be raised that there are already too many councils and committees established in the Executive Office of the President. Some students of public administration argue that a simplification of structure and a clarification of existing responsibilities should take precedent over any new programs or agencies. The answer to this objection lies in an assessment of relative priorities. Is each of the councils or comparable agencies now established in the Executive Office of the President more important, of greater urgency, or of more direct bearing upon the public welfare, than the proposed Council on Environmental Quality? What criteria indicate how many conciliar bodies are "too many"? These questions are not merely rhetorical. Although they cannot be answered here, they are obviously germane to the issue of governmental organization and to the way in which national environmental policy is formulated and made effective.

A strong case can be made of a major restructuring of the Federal departments in which public responsibility for the quality of the environment would, like defense or foreign relations, become a major focus for public policy. Proposals tending in this direction and chiefly affecting the Department of the Interior have been made over several decades. A prominent news magazine took up this line of reasoning in a recent editorial declaring that "* * * the Secretary of the Interior ought to be the Secretary of the Environment." But a major restructuring of functions in the Federal administrative establishment cannot be accomplished easily or rapidly. Such a development would be most plausible as a part of a more general restructuring of the executive branch. The multiplication of high-level councils and interagency committees may indicate that a restructuring is needed. (See app. C.) Some of the complexity of present arrangements for policy formulation and review reflects the confusion often attending a transition from one set of organizing concepts to another.

Among the concepts that have been proposed to reduce the burden of the Presidential office and to provide a more simple and flexible administrative structure, is that of the "superdepartment." One of these agencies already exists as the Department of Defense. A Department of the Environment might be another. The substance and character of the organizational changes that superdepartments might imply are germane to a discussion of environmental administration, but they require no further exploration in this report beyond the following three points: *First*, they would be fewer in number than present departments, probably no more than seven to nine; *second*, they would be oriented broadly to services performed for the entire population, and *third*, they would be planning and coordinative rather than directly operational, assuming, to some degree, certain of the tasks that now fall heavily on the Executive Office of the President.

There may be another answer to the need for a more effective review and coordination of related functions in diverse agencies in the concept of "horizontal authority" or matrix organization. This organizational arrangement has been employed in multifunctional, cross-bureau, projects in the Department of Defense and in the National Aeronautics and Space Administration. Under a temporary structure for project management, it structures across normal hierarchal lines and working relationships among the necessary personnel and skills. The concept might be applicable to interagency attack upon specific problems of environmental policy.

Review of national policy, and revision if and when needed, are functions that the Congress performs for all major policies of Government. The device of an annual or biennial report from the President to the Congress on the state of the environment offers the logical occasion for an examination by the Congress, not only of the substance of the President's message, but of national policy itself. In many respects, the transmission of an annual report on the state of the environment accompanied by a clear and concise statement of the Nation's goals, needs, and policies in managing the environment could attain many of the ends sought by those who propose reorganization.

SUMMATION

Although historically the Nation has had no considered policy for its environment, the unprecedented pressures of population and the impact of science and technology make a policy necessary today. The expression "environmental quality" symbolizes the complex and interrelating aspects of man's dependence upon his environment. Through science, we now understand, far better than our forebears could, the nature of man-environment relationships. The evidence requiring timely public action is clear. The Nation has overdrawn its bank account in life-sustaining natural elements. For these elements—air, water, soil, and living space—technology at present provides no substitutes. Past neglect and carelessness are now costing us dearly, not merely in opportunities foregone, in impairment of health, and in discomfort and inconvenience, but in a demand upon tax dollars, upon personal incomes, and upon corporate earnings. The longer we delay meeting our environmental responsibilities, the longer the growing list of "interest charges" in environmental deterioration will run. The cost of remedial action and of getting onto a sound basis for the future will never be less than it is today.

Natural beauty and urban esthetics would be important byproducts of an environmental quality program. They are worthy public objectives in their own right. But the compelling reasons for an environmental quality program are more deeply based. The survival of man, in a world in which decency and dignity are possible, is the basic reason for bringing man's impact on his environment under informed and responsible control. The economic costs of maintaining a life-sustaining environment are unavoidable. We have not understood the necessity for respecting the limited capacities of nature in accommodating itself to man's exactions, nor have we properly calculated the cost of adaptation to deteriorating conditions. In our management of the environment we have exceeded its adaptive and recuperative powers and in one form or another must now pay directly the costs of obtaining air, water, soil, and living space in quantities and qualities sufficient to our needs. Economic good sense requires the declaration of a policy and the establishment of an environmental quality program now. Today we have the option of channeling some of our wealth into the protection of our future. If we fail to do this in an adequate and timely manner we may find ourselves confronted, even in this generation, with environmental catastrophe that could render our wealth meaningless and which no amount of money could ever cure.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 1217. A bill to declare that certain federally owned lands within the White Earth Reservation shall be held by the United States in trust for the Minnesota Chippewa Tribe, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of the senior Senator from the State of Colorado (Mr. ALLOTT) and myself, I introduce, for appropriate reference a bill to declare that certain federally owned lands within the White Earth Reservation shall be held by the United States in trust for the Minnesota Chippewa Tribe, and for other purposes.

This legislation was submitted and recommended by the Department of the Interior and I ask unanimous consent that the executive communication from the Secretary of the Interior accompany the proposal and be printed in the RECORD at this point.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., March 1, 1971.

HON. SPIRO T. AGNEW,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft of a proposed bill "To declare that certain federally owned lands within the White Earth Reservation shall be held by the United States in trust for the Minnesota Chippewa Tribe, and for other purposes."

We recommend that the bill be referred to the appropriate committee for consideration and that it be enacted.

This proposed bill transfers the beneficial interest to approximately 28,700 acres of federally owned submarginal land within the White Earth Reservation to the Minnesota Chippewa Tribe with the title to be held in trust by the United States. The bill also provides protection to any person who may have vested rights in the land. It further provides that the Indian Claims Commission will determine the extent to which the value of the beneficial interest conveyed should or should not be set off against any claim against the United States Government determined by the Commission.

These lands were originally tribally owned, but they were allotted under the allotment acts and subsequently passed from Indian ownership. They were acquired by the United States during the middle 1930's under Title II of the National Industrial Recovery Act (48 Stat. 200), and subsequent relief acts at a cost of $175,664. The purchase of the submarginal land was but a small part of the submarginal land program undertaken by the Federal Government for the benefit of Indians.

In Circular No. 1, issued on June 7, 1934, by the Federal Emergency Relief Administration, to govern the acquisition of submarginal lands, it is stated that the land acquisition program of the Federal Government would be of three major types, the third type being "Demonstration Indian lands projects," which would include lands to be purchased primarily for the benefit of Indians. It was further stated that the objectives of the programs include "Improvements of the economic and social status of 'industrially stranded population groups', occupying essentially rural areas, including readjustment and rehabilitation of Indian population by acquisition of lands to enable them to make appropriate and constructively planned use of combined land areas in units suited to their needs." The circular set forth the following five types of demonstration Indian areas to be included in the program: (1) checkerboarded areas; (2) watershed or water control areas; (3) additional lands to supplement inadequate reservations; (4) lands for homeless Indian bands or communities now forming acute relief problems; and (5) lands needed for proper control of grazing areas.

In a memorandum of understanding between the Federal Resettlement Administration and the Office of Indian Affairs, approved by the Administrator of Resettlement Administration on October 19, 1936, it is stated that:

"Whereas, the lands being acquired under this program are situated almost entirely within the existing Indian Reservations to which they are intended for addition for the purpose of providing subsistence farm sites and consolidated grazing areas for the exclusive use of Indians; and

* * * * *

"2. Pending the transfer of the lands within these projects to the Office of Indian Affairs for permanent administration for the exclusive benefit of Indians, the Commissioner of Indian Affairs is hereby authorized to exercise, and hereby agrees to assume the responsibility for administration and maintenance of those projects, subject to the following stipulations:

* * * * *

"4. Upon the consummation of its land acquisition program in connection with the projects listed in paragraph 1, the Resettlement Administration will recommend to the President that the lands within those projects be transferred to the Office of Indian Affairs for permanent administration for the exclusive benefit of Indians."

The records disclose a complete understanding between the Federal agencies involved in the acquisition and administration of submarginal lands on or near Indian reservations. It was that the lands were being selected for acqusition in connection with demonstration Indian projects; that they were needed by the Indians; that they would be utilized by the Indians in connection with the use of Indian-owned lands; and that proper recommendations would be made at the appropriate time for the enactment of legislation to add these lands permanently to Indian reservations.

Jurisdiction over the White Earth submarginal land was transferred by Executive Order 7868, dated April 15, 1938, from the Department of Agriculture to the Department of the Interior for the benefit of the Indians, insofar as consistent with the conservation purposes for which the lands were acquired.

The full legal and equitable title to the lands is in the United States. The lands, technically, are not subject to the provisions of Title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937 (50 Stat. 522), because they were transferred to the Department of the Interior about two months before most of the submarginal land projects were placed under the act. Nevertheless, that Act was intended to and did control all of the submarginal land projects under the jurisdiction of the Secretary of Agriculture on that date, that is June 9, 1938, including the Indian projects that were transferred to the Department of the Interior after that date. Under that Act the lands are to be used for a program of land conservation and land utilization broadly described to correct maladjustments in land use, control erosion, further reforestation, preserve natural resources, mitigate floods, prevent the impairment of dams and reservoirs, conserve surface and subsurface moisture, protect watersheds, and protect the public lands, health, safety, and welfare. The lands may be sold or donated to public agencies on condition that they be used for public purposes, or the lands may be transferred by the President to any Federal or State agency for administration in a manner that will further the land conservation and land utilization program authorized by the Act.

As neither Title III of the Bankhead-Jones Farm Tenant Act nor the original recovery and relief Acts under which the lands were acquired contemplate transfer of program lands to private owners, the lands in question have been administered by the Department of the Interior for more than 30 years for the dual purpose of conservation and benefit to the Indians. The fact that the lands are interspersed with 25,568 acres of Indian tribal lands and 1,993 acres of allotted lands, makes that form of administration the only practical method of accomplishing the conservation purpose for which the lands were acquired. The maladjustments in land use were, to a large extent, caused by the allotment of tribal lands and subsequent sales in relatively small acreages. These maladjustments have, for the most part, been corrected by integrating the administration of the submarginal lands with the remaining Indian tribal holdings. If the land is transferred to the tribe, such administration will, of course, be continued.

About 24,258 acres of the submarginal land are in 16 fairly solid blocks of adjoining tracts, located in two townships in Mahnomen County. The other 4,437 acres consist of 38 scattered tracts in four townships in Becker County which adjoins Mahnomen County. The 54 tracts range in size from 20 to 14,319 acres. Their present estimated fair market value based not only on increasing land values but primarily on increasing timber values and growth is $745,500. This land is considered to be without value for minerals, either metalliferous or nonmetalliferous, although one permit has been issued for the removal of sand and gravel.

Improvements consist mainly of dwellings and farm buildings that were on the land when it was acquired by the Government. In addition, some improvements have been made on lakeshore lots by individuals who leased the lots from the Bureau of Indian Affairs under revocable permits.

Practically all of these submarginal lands are best suited to forestry production and should be managed with the tribal lands as a tribal unit. The cutting of timber on submarginal lands is presently limited to only that which is necessary to prevent the loss of fire-killed, wind-thrown or other damaged timber, and that which impairs productivity.

The Department has permitted the use of these lands by the tribe on a revocable permit basis. The tribe has in turn issued permits directly to individuals.

The White Earth Reservation Council, on December 2, 1961, adopted a provisional economic development plan which includes the use of submarginal and tribal lands. Tribal officers approved the plan on March 8, 1962. On August 13, 1962, this Department recommended to the Area Redevelopment Administration, Department of Commerce, the acceptance of the White Earth Overall Economic Development Program, which was subsequently approved by the Area Redevelopment Administration on September 8, 1962. Under this plan, one of the most urgent needs is for the White Earth Reservation to acquire title to the submarginal lands. In a letter addressed to the Commissioner of Indian Affairs, the Chairman of the Minnesota Chippewa Tribe stresses that the lands have not been developed to their highest potential because of the limitations of the revocable permits. The goals of the program are to provide employment for residents of the reservation area; improve living standards with better housing, health and welfare facilities; full utilization of the natural resources; education and training of members to permit the earning of more adequate incomes; and cooperation with public agencies and individuals in economic development of the reservation area. The resources to be developed in accordance with this plan include cultivation of cranberry marshes, cultivation and harvesting of wild rice, mink farms, poultry raising, harvesting of maple syrup, dairying and agricultural pursuits and greater utilization of recreational resources. A Job Corps Center was developed on tribal land contiguous to the submarginal land. These improvements could be used as a nucleus for development of the submarginal land in conjunction with the tribal program. These uses are consistent with those recommended by the Minnesota Conservation Department and Mahnomen County Conservation Needs Committee. The White Earth Overall Economic Program will have many lasting benefits for the Indians of the White Earth Reservation, and the acquisition of these submarginal lands by the tribe is essential to the full realization of this program.

Because of the limitation on revocable permits, tribal plans for campground development, lakeshore leasing, access road construction, individual home construction, and industrial development are in effect prohibited with respect to the submarginal land, since the tribe is unable to encumber leaseholds of up to 25 years with an option to renew for a like period as they can do on tribal lands. Thus proper economic utilization of the submarginal land is being stifled because industry cannot construct the improvements necessary to make full use of the property.

For these reasons, it is urged that these lands be donated in trust to the tribe by the enactment of this legislation. The Minnesota Chippewa Tribe, by Resolution No. 50–67 dated January 13, 1967, has urged that this be accomplished.

The Office of Management and Budget has advised there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

By Mr. BIBLE (for himself and Mr. CANNON):

S. 1218. A bill to declare that certain federally owned lands in the State of Nevada are held by the United States in trust for the Reno-Sparks Indian Colony, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. BIBLE. Mr. President, on behalf of my colleague from Nevada (Mr. CANNON) and myself, I introduce for appropriate reference, a bill to declare that certain federally owned lands in the State of Nevada are held by the United States in trust for the Reno-Sparks Indian Colony, and for other purposes.

I introduced this legislation in the 91st Congress. An identical measure was passed by the Senate September 1, 1970, but unfortunately the House did not complete action on the bill.

As explained in the report of the Senate Committee on Interior and Insular Affairs on S. 3196 of the last Congress the purpose of the bill is to grant to the Reno-Sparks Indian Colony in Nevada the beneficial interest in and to 28.38 acres of land the colony has been using and occupying since the land was acquired by the Federal Government by purchase from private individuals for use as homesites for nonreservation Indians. The bill also authorizes the governing body of the colony, with the approval of the Secretary of the Interior, to make long-term leases of land to members for homesites, dedicate lands for public purposes, contract for public facilities and other services, enact zoning, building, and sanitary regulations, and take action to establish proper boundaries of the colony lands.

The colony site consists of two tracts of land, one of which was acquired in 1917 and the other in 1927 pursuant to authority of, and with funds made available by, two acts of Congress for the purpose of procuring home and farm sites for the nonreservation Indians in the State of Nevada. Title to the land was taken in the name of the United States.

On June 10, 1935, the Indians residing in the colony voted to accept the Indian Reorganization Act of June 18, 1934, and later adopted a constitution and bylaws which was approved by the Secretary of the Interior on January 15, 1936. Article I of the constitution and bylaws provides that the organized colony shall have jurisdiction over all of the land within the boundaries of the colony site, except as otherwise provided by law.

The property since its purchase has been used almost exclusively for homesite purposes by the colony members. There are now located on the land over 100 cottages and mobile homes. The value of these improvements, which are in varying degrees of repair and maintenance, has been estimated at approximately $125,000 to $150,000.

When purchased, the land was rural in character and location. In the intervening years the city of Reno has grown until the colony is completely surrounded on all sides. Nearly the whole acreage of the colony has been plotted into lots which have been assigned to members on an approved assignment form. Although the colony has domestic water and waste disposal facilities, which were completed in 1968, there is need for modernization and improvement of the housing and community facilities and services.

With the formal transfer of the beneficial ownership from the United States to the colony, any doubt of the rights and interest of the colony in and to the land and its authority to contract for improvements on or to the land and to make in-kind contribution toward the Neighborhood Facilities project will be resolved. The colony will also have authority to make long-term leases to its members for homesite purposes and thus enable the members to mortgage or otherwise hypothecate their leasehold interests as security for improvement loans and through this procedure effect an improvement in their housing conditions.

Although the constitution and bylaws adopted by the colony provide that the Indian council may exercise certain specified authorities, including the promulgation and enforcement of ordinances, to safeguard and promote the peace, safety, and general welfare of the colony, attempts of tribal governing bodies in this general area of autonomy have often given rise to serious questions. Accordingly, it is deemed desirable that this bill be enacted to remove any doubt as to the authority of the Indian council of the colony to take the actions therein authorized as and when the needs are indicated.

The legislation has also been requested by the Reno-Sparks Indian Council, and I ask unanimous consent that a resolution of the Council dated November 11, 1969, be inserted in the RECORD following my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE RENO-SPARKS INDIAN COUNCIL

Whereas, by Resolution 68–RS–6 of October 8, 1968, the Reno-Sparks Indian Council endorsed legislation that would declare that all right, title and interest of the United States in certain Federally owned lands in the State of Nevada are held by the United States in trust for the Reno-Sparks Indian Colony, and

Whereas, these lands were never placed in Federal trust as are most Indian Reservations, and

Whereas, it is felt that development and safeguarding of lands known as the Reno-Sparks Indian Colony could be more effectively carried out under a trust status.

Now, therefore, be it resolved that Resolution 68–RS–6 of October 8, 1968, be modified by authorizing and directing the Chairman of the Reno-Sparks Indian Colony to present a Bill to the Nevada delegation for their introduction of legislation that would declare that certain federally owned lands are held by the United States of America in trust for the Reno-Sparks Indian Colony. Copy of a proposed Bill is attached.

Be it further resolved that the Congress of the United States is hereby requested to take whatever steps are necessary to place the lands of the Reno-Sparks Indian Colony in the name of the United States of America in trust for the Reno-Sparks Indian Colony.

CERTIFICATION

I, the undersigned, Secretary of the Reno-Sparks Indian Colony, hereby certify that the Reno-Sparks Indian Council is composed of six members of whom 5 constituting a quorum were present at a duly called meeting which was convened and held on Nov. 11, 1969, and that the foregoing resolution was duly adopted by a vote of 5 for and 0 against, pursuant to authority contained in the Constitution and Bylaws of the Reno-Sparks Indian Colony approved January 15, 1936.

MRS. EFFIE DRESSLER,
Secretary, Reno-Sparks Indian Council.

By Mr. MAGNUSON (by request):

S. 1219. A bill to amend the Federal Trade Commission Act. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce, by request, for appropriate reference a bill to amend the Federal Trade Commission Act and ask unanimous consent that the letter of transmittal be printed in the RECORD together with the text of the bill.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 1219

A bill to amend the Federal Trade Commission Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Trade Commission Act Amendments of 1971."

EXPANDED FEDERAL TRADE COMMISSION JURISDICTION

SEC. 2. Section 5 of the Federal Trade Commission Act, as amended (38 Stat. 719, 15 U.S.C. 45) is amended by striking out the words "in commerce" wherever they appear and inserting in lieu thereof the words "affecting commerce." Subsections (a) and (b) of Section 6 of the Federal Trade Commission Act (38 Stat. 721; 15 U.S.C. 46(a) and (b)) are amended by striking out the words "in commerce" and inserting in lieu thereof the words "in or whose business affects commerce." Section 12 of the Federal Trade Commission Act (52 Stat. 114; 15 U.S.C. 52) is amended by striking out the words "in commerce" and inserting in lieu thereof in subsection (a) the words, "in or having an effect upon commerce," and in subsection (b) the words, "affecting commerce."

PRELIMINARY INJUNCTION

SEC. 3. Section 13 of the Federal Trade Commission Act (52 Stat. 114; 15 U.S.C. 53) is amended by redesignating subsection (b) and all references thereto as subsection (c) and by inserting after subsection (a) thereof the following new subsection (b):

"(b) Whenever the Commission has reason to believe—

"(1) that any person, partnership, or corporation is engaged in, or is about to engage in, any act or practice which is unfair or deceptive to a consumer and is prohibited by section 5, and

"(2) that the enjoining thereof pending the issuance of a complaint by the Commission under section 5, and until such complaint is dismissed by the Commission or set aside by the court on review, or until the order of the Commission made thereon has become final within the meaning of section 5, would be to the interest of the public—the Commission by any of its attorneys designated by it for such purpose may bring suit in a district court of the United States to enjoin any such act or practice. Upon proper showing and after notice to the defendant, a temporary restraining order or a preliminary injunction may be granted without bond under the same conditions and principles as injunctive relief against conduct or threatened conduct that will cause loss or damage is granted by courts of equity. *Provided, however,* That if a complaint under section 5 is not filed within such period as may be specified by the court after the issuance of the temporary restraining order or preliminary injunction, the order or injunction may be dissolved by the court and be of no further force and effect. Any such suit shall be brought in the district in which such person, partnership, or corporation resides or transacts business."

PENALTY FOR VIOLATION OF ORDER

SEC. 4. Section 5(*l*) of the Federal Trade Commission Act (38 Stat. 719; 15 U.S.C. 45 (*l*)) is amended by striking out the amount "$5,000," and inserting in lieu thereof the amount, "$10,000."

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: There is enclosed for your consideration and appropriate reference a legislative proposal entitled the "Federal Trade Commission Act Amendments of 1971."

This proposed legislation carries out in part the February 24 Consumer Message of the President.

The change of the words "in commerce" to "affecting commerce" accomplished by Section 2 of the proposed legislation removes a limitation on the jurisdiction of the Federal Trade Commission over certain actions and practices which have adverse commercial consequences and which cannot be reached under Section 5 of the Federal Trade Commission Act as it now reads.

Section 3 of the proposed legislation carries out one of the recommendations appearing in the President's message and the report of the American Bar Association, by providing that the Federal Trade Commission may obtain a preliminary injunction to halt, at the outset, certain unlawful acts or practices adversely affecting consumers. The district courts, by suspending these activities pending the conclusion of administrative or judicial proceedings, could avoid situations in which the final administrative or judicial action may be mooted by the passage of time during the progress of the proceedings.

Section 4 of the proposed bill increases the maximum civil penalty for violation of a cease and desist order issued by the Commission from $5,000 to $10,000. This amendment will increase the deterrent effect of such orders.

The Office of Management and Budget has advised that the submission of this proposal is in accord with the program of the President.

Sincerely,

———,
Attorney General.

By Mr. MAGNUSON (by request):

S. 1220. A bill to amend the Act to authorize appropriations for the fiscal year 1971 for certain maritime programs of the Department of Commerce. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the Act to authorize appropriations for the fiscal year 1971 for certain maritime programs of the Department of Commerce, and ask unanimous consent that the letter of transmittal and statement of need be printed in the RECORD together with the text of the bill.

There being no objection, the bill, letter, and statement were ordered to be printed in the RECORD, as follows:

S. 1220

A bill to amend the Act to authorize appropriations for the fiscal year 1971 for certain maritime programs of the Department of Commerce

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of May 13, 1970 (84 Stat. 207; P.L. 91–247) is amended by striking out of paragraph (b) the figure $193,000,000 and inserting in lieu thereof the figure $273,000,000.

THE SECRETARY OF COMMERCE,
Washington, D.C., February 25, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill "To amend the Act to authorize appropriations for the fiscal year 1971 for certain maritime programs of the Department of Commerce," together with a statement of purpose and need in support thereof.

We have been advised by the Office of Management and Budget that there would be no objection to submission of our draft bill to the Congress and further that enactment would be in accord with the program of the President.

Sincerely,

MAURICE H. STONE,
Secretary of Commerce.

STATEMENT OF THE PURPOSES AND PROVISIONS OF THE DRAFT BILL TO AMEND THE ACT TO AUTHORIZE APPROPRIATIONS FOR THE FISCAL YEAR 1971 FOR CERTAIN MARITIME PROGRAMS OF THE DEPARTMENT OF COMMERCE

Section 209 of the Merchant Marine Act, 1936, provides that after December 31, 1967, there are authorized to be appropriated for certain maritime activities only such sums as Congress may specifically authorize by law.

The bill the Department of Commerce requested to have introduced, and which was introduced and enacted as P.L. 91–247, authorized appropriations for the fiscal year 1971 for these activities. One of these activities is payment of obligations incurred for ship operation subsidies. The amount the Department requested for this purpose was $193,000,000, and this was the amount authorized by the Act. For reasons hereinafter given, this request understated our needs for funds for this purpose in fisal 1971 by $80,000,000.

Under the Merchant Marine Act, 1936, the Department enters into contracts with American flag vessel operators, for a period of not exceeding 20 years, to pay them an operating differential subsidy for operation of their vessels in the United States foreign trade. The purpose of the appropriation for ship operation subsidies is to pay amounts which are, or will become due and payable under such contracts in the current fiscal year or in prior years.

The draft bill would amend P.L. 91–247 to increase the authorization for appropriations for payment of ship operation subsidies for fiscal 1971 from $193,000,000 to $273,000,000. This is an increase of $80,000,000.

$40,300,000 of this increase is required to partially liquidate accruals of unpaid subsidies for the calendar year 1968 and prior years. These unpaid amounts could not be paid heretofore because of disagreements between the operators and the Department as to the final subsidy rates applicable to such years. Agreements have now been reached with most of the operators with respect to final subsidy rates applicable to calendar year 1968 and prior years. It is expected that final rates applicable to the remaining operators for this period will be finalized in the near future. On this basis it is expected that all of the operators will be submitting billings for the subsidy due them through calendar 1968 before the end of fiscal 1971. It is a matter of the utmost importance to the maritime program that these billings be paid promptly. The inordinate length of time that these funds have been withheld, which in the majority of cases include unpaid balances relating to subsidies for operations dating back as far as 1962, has had a serious adverse effect on the operators.

The remaining $39,700,000 of the $80,000,000 increase relates to provisions in the President's new Maritime program. These provisions will materially accelerate the payment schedule for liquidation of accrued operating-differential subsidies for fiscal 1971.

By Mr. MAGNUSON (by request):

S. 1221. A bill to provide increased warranty protection for consumers, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce, by request, for appropriate reference, a bill to provide increased warranty protection for consumers, and ask unanimous consent that the letter of transmittal and statement of need be printed in the Record together with the text of the bill.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1221

A bill to provide increased warranty protection for consumers, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fair Warranty Disclosure Act of 1971".

CONGRESSIONAL FINDINGS AND PURPOSE

Sec. 2. Congress finds that the free flow of consumer products and services and open competition in guaranties relating to those products and services are interdependent; and Congress further finds that it is in the interest of the commerce of the United States that consumers receive complete disclosure of the terms and conditions of any guaranty of merchandise or services, and that guaranties not be marketed deceptively.

It is the purpose of this Act to provide for full disclosure of warranty terms, and to prevent the sale of consumer products and services by the use of deceptive guaranties that affect commerce.

DEFINITIONS

Sec. 3. As used in this Act—

(a) "guaranty" or "warranty" shall mean—

With respect to consumer products or services, any express written statement of guaranty or warranty, or any undertaking in writing to refund, repair, replace or take other remedial action with respect to the sale of a consumer product in the event that the product fails to meet the specifications set forth in the undertaking which becomes part of the basis of the bargain;

(b) "consumer products" means any tangible personal property normally used for personal, family, or household purposes and that actually cost the purchaser more than $10; "consumer products" include personal property intended to be attached to or installed in any real property without regard to whether it is so attached or installed;

(c) "guarantor" means any supplier who gives or offers to give a guaranty or warranty. A supplier who has not expressly obligated himself under a guaranty or warranty, may with respect to a consumer product supplied by him avoid the obligations and liabilities of a guarantor under this Act by clearly and conspicuously stating such intention in writing in a way reasonably calculated to bring such avoidance to the attention of consumers;

(d) "services" means repair or other work actually costing more than $10 performed on consumer products;

(e) "supplier" means any person engaged in the business of making consumer products available to consumers, either directly or indirectly;

(f) "service contract" means an agreement, separate from and not a part of the basis of a bargain of the sale of consumer products or services, to make repairs upon defective or malfunctioning consumer products;

(g) "deceptive guaranty" means a guaranty or warranty that contains an affirmation, promise, description, or representation that is either false or fraudulent, or that, in the light of all of the circumstances, would mislead a reasonable man exercising due care; or fails to contain information that is necessary, in light of all the circumstances, to make the guaranty or warranty not misleading to a reasonable man exercising due care;

(h) "Commission" means the Federal Trade Commission.

DISCLOSURE OF GUARANTY AND WARRANTY PROVISIONS

Sec. 4. (a) In order to improve the information available to consumers, prevent deception, and improve competition in the marketing of guaranties and warranties, the Commission is authorized to establish regulations requiring the full and conspicuous disclosure of the terms and conditions of guaranties and warranties relating to consumer products, and disclaimers of guaranties and warranties, express or implied; and the manner and form in which such information must be provided for presentation or display or presented or displayed to the consumer, including representations in advertising, labeling, and point of sale information: *Provided, however,* That nothing in this section shall be deemed to authorize the Commission to prescribe the duration of guaranties or warranties given, to require that products or components be guaranteed or warranted, or to undertake similar action to prescribe the scope and substance of substantive terms of guaranties and warranties.

(b) Regulations pursuant to subsection (a) of this section shall provide that the guaranty or warranty—

(1) is expressed in simple and readily understood terms;

(2) clearly and conspicuously discloses the name and address of the guarantor and where applicable, the name and address of any person or persons, or the identification of any class of persons authorized to perform the obligations set forth in the guaranty or warranty;

(3) identifies the class or classes of persons to whom the guaranty or warranty is extended.

(c) Regulations pursuant to subsection (a) of this section may provide, among other things, that the guaranty or warranty—

(1) describe the parts of the product which are covered by the guaranty or warranty;

(2) state the nature of the damage and defects which are covered by the guaranty or warranty;

(3) disclose the duration of any obligations under the guaranty or warranty;

(4) state the conditions, if any, which the person claiming under the guaranty or warranty must fulfill and the expenses, if any which such person must bear before the guarantor will perform his obligations;

(5) state the time at which and the manner in which the guarantor will perform his obligations;

(6) state the period of time within which, after notice of malfunction or defect, the guarantor agrees to perform his obligations;

(7) disclose conspicuously the characteristics or properties of the products, the parts thereof, and the nature of the damage to the products that are not covered by the guaranty or warranty;

(8) not contain words or phrases which would render the guaranty or warranty deceptive; and

(9) state any means available, if any, for quick informal settlement of any guaranty or warranty dispute.

(d) Regulations established by the Commission under this section shall be effective after notice thereof is published in the Federal Register, interested parties are given an opportunity to comment thereon within a reasonable time, and such regulations are approved on a record after opportunity for a public agency hearing structured so as to proceed as expeditiously as practicable.

DISCLAIMERS OF IMPLIED WARRANTIES

Sec. 5. (a) If a supplier uses the term "guaranty" or "warranty" in advertising, labeling, point of sale material, or other representation concerning a consumer product or service, any attempted disclaimer or exclusion of warranties otherwise arising by law shall be deemed a deceptive guaranty and shall have no effect.

(b) Any supplier who disclaims or excludes warranties otherwise arising by law shall conspicuously designate his undertakings with respect to a consumer product as "Manufacturer's (or Supplier's) Limited Obligation". Failure to make such a designation shall be deemed a deceptive guaranty.

UNFAIR OR DECEPTIVE PRACTICES

Sec. 6. It shall be an unfair or deceptive practice within the meaning of section 5 of the Federal Trade Commission Act for any supplier (i) to make any deceptive guaranty, or (ii) to violate any regulation validly issued under the authority of section 4 of this Act.

RESTRAINING VIOLATIONS: FEDERAL TRADE COMMISSION

Sec. 7. Whenever the Commission has reason to believe that any person is engaged in, or is about to engage in, the making of a deceptive guaranty, or a violation of any regulation validly issued under the authority of section 4 of this Act, and that injunction thereof pending the issuance of a complaint by the Commission under section 5 of the Federal Trade Commission Act, and until such complaint is dismissed by the Commission or set aside by the court on review, or the order of the Commission to cease and desist made thereon has become final within the meaning of section 5 of the Federal Trade Commission Act, would be in the interest of the public—the Commission by any of its attorneys designated by it for such purpose may bring suit in a district court of the United States to enjoin said violation. Upon proper showing and after notice to the defendant, a temporary restraining order or preliminary injunction may be granted without bond under the same conditions and principles as injunctive relief against conduct or threatened conduct that will cause loss or damages is granted by courts of equity: *Provided, however,* That if a complaint under section 5 of the Federal Trade Commission Act is not filed within such period as may be specified by the court after the issuance of the restraining order or preliminary injunction, the order or injunction may upon motion, be dissolved.

RESTRAINING VIOLATIONS: ATTORNEY GENERAL

SEC. 8. The district courts of the United States shall have jurisdiction to restrain any guarantor from making any deceptive guaranty upon application by the Attorney General. The court may at any time grant such injunctive relief as it deems appropriate. Whenever it appears to the court that the ends of justice require that other persons should be parties in the action, the court may cause them to be summoned whether or not they reside in the district in which the court is held, and to that end process may be served in any district.

VENUE

SEC. 9. An action which may be brought in a United States district court under this Act may be brought in any district in which the defendant resides, is found, has an agent, is licensed to do business, or is doing business.

CIVIL INVESTIGATIVE DEMANDS

SEC. 10. (a) Whenever the Attorney General has reason to believe that any person under investigation may be in possession, custody, or control of any documentary material, or may have knowledge of any fact, relevant to the making of any deceptive guaranty or warranty, he may prior to the institution of a proceeding under section 8, issue in writing, and cause to be served upon such person a civil investigative demand requiring such person to produce the documentary material for examination or to answer in writing interrogatories pertaining to such knowledge.

(b) Each such demand shall—

(1) state the nature of the conduct alleged to constitute the deceptive guaranty or warranty which is under investigation;

(2) describe the class or classes of documentary material to be produced thereunder with such definiteness and certainty as to permit such material to be fairly identified;

(3) propound with definiteness and certainty the written interrogatories to be answered;

(4) prescribe a return date which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying or reproduction; and

(5) identify the custodian to whom such material shall be furnished, or the person to whom such answers shall be made.

(c) No demand shall—

(1) contain any requirement which would be held unreasonable if contained in a subpena duces tecum issued by a court of the United States in a proceeding brought under section 8 of this Act or if propounded in an interrogatory directed to a defendant in any such proceedings; or

(2) require the production of any documentary evidence, or the disclosure of any information, which would be privileged from disclosure if demanded by a subpena duces tecum issued by a court of the United States, or by an interrogatory propounded, in any proceeding under section 8 of this Act.

(d) Demand may be served at any place within the territorial jurisdiction of any court of the United States.

(e) Service of any such demand or of any petition filed under subsection (g) of this section may be made upon a partnership, corporation, association, or other legal entity by—

(1) delivering a duly executed copy thereof to any partner, executive officer, managing agent, or general agent thereof, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such partnership, corporation, association or entity;

(2) delivering a duly executed copy thereof to the principal office or place of business of the partnership, corporation, association or entity to be served; or

(3) depositing such copy in the United States mails, by registered or certified mail duly addressed to such partnership, corporation, association or entity at its principal office or place of business.

(f) A verified return by the individual serving any such demand or petition setting forth the manner of such service shall be proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand.

(g) The provisions of sections 4 and 5 of the Antitrust Civil Process Act (15 U.S.C. 1313, 1314) shall apply to custodians of material produced pursuant to any demand and to judicial proceedings for the enforcement of any such demand made pursuant to this section: *Provided, however,* That documents and other information obtained pursuant to any civil investigative demand issued hereunder and in the possession of the Department of Justice may be made available to duly-authorized representatives of the Federal Trade Commission for the purpose of investigations and proceedings under this Act and under the Federal Trade Commission Act.

DESIGNATION OF REPRESENTATIVES

SEC. 11. Nothing in this Act shall prevent the guarantor from designating representatives to perform the obligations of any guaranty, but no such designation shall relieve the guarantor from his responsibilities under the guaranty or warranty made, or, without more, make such representative a co-guarantor.

SERVICE CONTRACTS

SEC. 12. Nothing in this Act shall be construed to prevent a supplier from selling a service contract covering parts and/or labor to the first purchaser at the time of sale.

LIMITATIONS OF DAMAGES

SEC. 13. Remedies for breach of implied warranties may be limited, liquidated or modified according to state law.

REPORTS

SEC. 14. (a) As part of their responsibilities to protect consumers, the Attorney General and the Commission shall annually report to the President and the Congress on the effectiveness of this Act.

(b) The Commission shall, in addition, undertake an inquiry into the marketing and performance of guaranties, warranties, and other post-sale service and repair obligations, the deficiencies attendant thereto of greatest economic significance to consumers, and the most effective means of improving the marketing and performance of such obligations consistent with maintaining a free, competitive, and dynamic interstate commerce. The Commission shall provide a report on these matters within two years from the date of enactment of this Act.

OTHER LAWS NOT AFFECTED

SEC. 15. Except as is provided in sections 5 and 6, this Act shall not annul, alter, or affect in any manner the meaning, scope, or applicability of any Federal or state law, including but not limited to the Federal Trade Commission Act and laws concerning the provision of goods and services to consumers; or add to or limit in any way the availability of rights or remedies under such law: *Provided, however,* That no requirement of any state law inconsistent with the requirements of this Act shall have effect.

EFFECTIVE DATES

SEC. 16. This Act shall take effect six months after the date of enactment. With respect to guaranties or warranties issued by manufacturers, any requirements of the Act, or rules promulgated hereunder, shall apply only to guaranties or warranties issued as to products manufactured after the date such requirements or rules become effective. With respect to suppliers other than manufacturers, any requirements of the Act, and rules promulgated hereunder, shall apply only to guaranties or warranties issued after the date of such requirements or rules become effective. The Commission may determine that rules promulgated may take effect up to six months after the publication date of final rules. The Commission may classify suppliers, and provide for different effective dates for different classes of suppliers.

WASHINGTON, D.C.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: There is enclosed for your consideration and appropriate reference a legislative proposal entitled the "Fair Warranty Disclosure Act of 1971."

This proposed legislation carries out in part the February 24 Consumer Message of the President. As more fully described in the accompanying explanatory statement, the proposed Act is designed to provide increased protection for consumers by providing full and complete disclosure of the terms of warranties and guaranties offered in connection with the sale of consumer products.

The proposed legislation avoids extensive legislative or administrative control over the substantive terms of warranties and guaranties, adopting instead a scheme which seeks to maintain markets which are as free and diverse as is feasible. Generally, so long as the buyer is informed of, and adequately understands, whatever services are offered, a supplier should be free to offer consumer products with no warranties, with comprehensive warranties, or with warranties limited in substantive content and duration to any extent he chooses. In turn, the consumer should have available for choice a flexible spectrum of post-sale services which sellers may offer. He should have the opportunity to buy cheap goods as well as expensive goods, and to buy a wide range of service obligations. The operation of free market choices should lead to an upgrading in the quantity and quality of warranties and guaranties.

The proposed legislation, by providing for full and complete disclosure of warranty terms, will tend to result in purchasing decisions by consumers who are better informed than at present and thus better able to exert an informed influence on the competitive system. At the same time, the Act provides effective sanctions against those who seek to misinform or mislead consumers by making deceptive warranties or guaranties.

The Office of Management and Budget has advised that the submission of this legislation is in accord with the program of the President.

Sincerely,

——— ———,
Attorney General.

EXPLANATORY STATEMENT TO ACCOMPANY THE PROPOSED FAIR WARRANTY DISCLOSURE ACT OF 1971

Section 2. Contains a Congressional finding that the sale of consumer products and services and competition in guaranties related to those products and services are interdependent, and states that the purpose of the Act is to provide full disclosure of warranty terms and prevent sales by use of deceptive guaranties.

Section 3. Designates the types of warranties and guaranties to which the Act is applicable. Also defines consumer products and services as those costing more than $10 and sets forth what constitutes deceptive guaranty so as to give suppliers clear notice of the acts and practices which are prohibited.

Section 4. Authorizes the Federal Trade Commission to establish regulations requiring full disclosure of the terms and conditions of guaranties and warranties, while not authorizing the Commission to prescribe substantive terms of guaranties and warranties. It directs that such regulations shall provide that the guaranty or warranty be readily understood, clearly disclose the identity of the guarantor and identify the persons to whom the guaranty is extended. The regulations may provide that the guaranty or warranty state such other things as parts of the product covered, duration of the obligation, conditions to be fulfilled by a claimant under a guaranty and the time and manner of the guarantor's performance of obligations.

Section 5. Declares that any disclaimer of warranties by a supplier who uses the terms guaranty or warranty in connection with the sale of products or services shall be deemed a deceptive guaranty and have no effect. If a supplier disclaims any warranties as to a product, he must conspicuously designate his obligation as a Manufacturer's (or Supplier's) Limited Obligation.

Section 6. Declares that a deceptive guaranty or a violation of any Commission regulation issued under the Act shall constitute an unfair or deceptive practice under Section 5 of the Federal Trade Commission Act.

Section 7. Authorizes the Federal Trade Commission to seek preliminary injunctions in United States district courts to enjoin the making of deceptive guaranties and the violation of regulations issued under Section 4 of the Act, provided, that if a complaint under Section 5 of the Federal Trade Commission Act is not filed within a period specified by the court, the injunction may, on motion, be dissolved.

Section 8. Confers jurisdiction on the United States district courts to entertain actions brought by the Attorney General to restrain and guarantor from making a deceptive guaranty. The courts are further empowered to assure that all persons responsible for an alleged violation may be brought before them and be subject to their jurisdiction.

Section 9. Provides that suits under the Act may be brought in any district in which the defendant resides, is found, has an agent, is licensed to do business, or is doing business.

Section 10. Gives to the Attorney General an investigative tool similar to that provided in the Antitrust Civil Process Act. It provides that the Attorney General may issue a written civil investigative demand to any person under investigation requiring such person to produce documents or submit written answers to interrogatories.

Section 11. Allows guarantors to designate representatives to perform the obligations of a guaranty, but does not relieve the guarantor of his obligations or make the representative a co-guarantor.

Section 12. Allows a supplier to sell a service contract covering parts and/or labor to the first purchaser at the time of sale.

Section 13. Provides that remedies for breach of implied warranties may be limited, liquidated or modified according to state law.

Section 14. Requires the Federal Trade Commission and the Attorney General to report annually to the President and the Congress on the effectiveness of the Act. In addition, the Commission is required to conduct a study of the marketing and performance of guaranties and warranties and the most effective means of improving them. The Commission is to provide a report on this study within two years of the date of enactment of the Act.

Section 15. Contains a Congressional direction that, with the exception of Sections 5 and 6 of the Act, this legislation is not intended to affect in any way other state and federal consumer laws, rights or remedies. It provides, however, that no state law inconsistent with the Act shall have effect.

Section 16. Provides that the Act shall take effect six months after the date of enactment. With respect to manufacturers, the Act or rules issued pursuant to the Act shall apply only to guaranties or warranties on products manufactured after the effective date of the Act of the rules. With respect to other suppliers, the Act or rules shall apply only to guaranties or warranties issued after the appropriate effective dates. The Federal Trade Commission is allowed to determine when its rules take effect up to six months after final publication, and the Commission may classify suppliers and provide different effective dates for different suppliers.

By Mr. MAGNUSON (by request):

S. 1222. A bill to provide increased protection for consumers, prevent consumer fraud, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to provide increased protection for consumers, prevent consumer fraud, and ask unanimious consent that the letter of transmittal and statement of need be printed in the RECORD together with the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1222

A bill to provide increased protection for consumers, prevent consumer fraud, and and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Fraud Prevention Act of 1971".

DEFINITIONS

SEC. 2. As used in this Act—

(a) "unfair consumer practice" means any of the following acts or practices committed by a supplier—

(1) offering goods or services intending not to sell them as offered for the purpose of inducing sales of other or different goods or services;

(2) advertising goods or services intending not to supply reasonably expectable public demand, unless the advertisement discloses a limitation;

(3) knowingly making false or misleading statements concerning the need for, or necessity of, any goods, services, replacements, or repairs;

(4) representing that the consumer will obtain any rights, privileges, or remedies knowing that the consumer will not;

(5) representing that goods are new knowing that they are not;

(6) representing that goods are of a particular standard, grade, quality, style, age, or model, knowing they are not, except that the conduct described in this paragraph shall not be an unfair consumer practice if the supplier shows that an affirmation merely of the value of the goods or services, or a statement of his opinion of the goods or services, or similar statements, did not take unfair advantage of the level of knowledge, ability, experience, or capacity of the consumer;

(7) knowingly making false or misleading statements concerning (i) the reason for, existence of, duration of, or amounts of price reductions, or (ii) savings in comparison to prices of competitors or one's own price;

(8) representing that goods or services are those of another, knowing they are not;

(9) failing to return or refund a deposit or advance payments for goods not delivered or services not rendered, when no default or further obligation of the person making such deposit or advance payment exists;

(10) knowingly representing that goods or services have sponsorship, approval, origin, characteristics of safety or performance, ingredients, uses, benefits, or quantities that they do not have, or that a person has a sponsorship, approval, status, affiliation, or connection that he does not have, except that the conduct described in this paragraph shall not be an unfair consumer practice if the supplier shows that an affirmation merely of the value of the goods or services, or a statement of his opinion of the goods or services, or similar statements, did not take unfair advantage of the level of knowledge, ability, experience, or capacity of the consumer;

(11) taking consideration for goods or service intending not to deliver such goods or perform such services, or intending to deliver goods or provide services which are materially different;

(12) offering gifts, prizes, free items, or other gratuities, in connection with a sale of goods or services to a consumer, intending not to provide them as offered;

(13) knowingly making false or misleading statements concerning the existence, terms, or probability of any rebate, additional goods or services, commission, or discount offered as an inducement for the sale of goods or services to a consumer in return for giving the supplier the names of prospective consumers or otherwise helping the supplier to enter into any other consumer transaction;

(14) using physical force, threat of physical force, or undue harassment in dealing with a consumer;

(b) "knowing", "knowingly", and "knowledge" refer to actual knowledge, knowledge presumed where objective circumstances indicate that the supplier acted with knowledge, or knowledge presumed where circumstances indicate that the supplier acted in disregard of reasonable safeguards or care in ascertaining the truth of representations made;

(c) "consumer" means any natural person who is offered or supplied goods or services for personal, family, or household purposes;

(d) "supplier" means any person in the business of making goods or services available to consumers, either directly or indirectly;

(e) "goods" means tangible personal property but does not include securities, or interests in securities, or aircraft to the extent regulated in design and construction; "goods" includes personal property intended to be attached to or installed in any real property without regard to whether it is so attached or installed.

(f) "services" includes the provision of intangibles, other than—

(i) insurance services

(ii) credit services and services by common carriers and public utilities, to the extent that unfair consumer practices are prohibited with respect to these services under other Federal law or regulations; and

(g) "statement" means any representation in advertising, any oral or visual presentation, or any other conduct intended to communicate to consumers.

UNFAIR CONSUMER PRACTICES UNLAWFUL

Sec. 3. (a) It is unlawful for any supplier to commit any unfair consumer practice.

(b) An unfair consumer practice under this Act is an unfair or deceptive practice under section 5 of the Federal Trade Commission Act.

CIVIL PENALTIES

Sec. 4. A supplier who willfully commits an unfair consumer practice shall be subject to a civil penalty of not more than $10,000 for each such act. The civil penalty may be assessed in an action instituted by the Attorney General under section 5 of this Act.

RESTRAINING VIOLATIONS

Sec. 5. The United States district courts, the District Court of Guam, and the District Court of the Virgin Islands shall have jurisdiction to restrain violations of this Act in actions brought by the Attorney General. The court may at any time grant such injunctive relief as it deems appropriate. Whenever it appears to the court that the ends of justice require that other persons should be parties in the action, the court may cause them to be summoned whether or not they reside in the district in which the court is held, and to that end process may be served in any district.

SUITS BY CONSUMERS ADVERSELY AFFECTED

Sec. 6. (a) When a supplier—(i) in an action brought by the Attorney General under section 5 of this Act, has been enjoined from committing any unfair consumer practice, whether after final adjudication or by consent decree, or (ii) in a proceeding brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act with respect to acts or practices alleged to be unfair consumer practice within the meaning of section 2 of this Act, has been ordered to cease and desist from such unfair consumer practice, and the order has become final within the meaning of section 5, either after adjudication or by consent decree—any consumer claiming to have been adversely affected by the act or practice may bring suit against the supplier in a United States district court, the District Court of Guam, or the District Court of the Virgin Islands, and may recover actual damages, and the costs of suit, including reasonable attorneys' fees, and, when appropriate, restitution, reformation, rescission, and other equitable relief.

(b) Irrespective of whether an attorney's fee is assessed against the supplier, the court may inquire into the reasonableness of the fee agreed upon between the consumer and his counsel, and revise that fee as the circumstances warrant.

(c) In any action brought under this section, a supplier may, before trial or within 30 days after a judgment of liability in the case of a separate trial on the issues of liability and relief, submit to the district court a plan for relief for consumers injured by the unfair consumer practice and on whose behalf the action is properly maintained. Such a plan may be approved by the district court if the court finds that such plan will reasonably assure that:

(1) it will be administered in a fair and impartial manner and adequate funds will be made available to pay for the costs and expenses of maintaining and administering the plan;

(2) reasonable notice will be provided to consumers who may have been damaged by unfair consumer practices;

(3) aggrieved consumers will be afforded an opportunity to apply for relief within a reasonable time, not in excess of one year from the date of approval of the plan; and

(4) adequate funds will be available, or other adequate arrangements will be made, for relief through the plan, and for this purpose a bond may be required.

Promptly upon the filing of a plan the supplier shall cause to be issued public notice as approved by the court advising of the submission of the plan. Within 20 days from the publication of such notice persons who may be financially interested in the proceeding may submit written comments on the adequacy of the plan to the court. Any party to the action may request a hearing on the adequacy of the plan.

Upon approval, such plan shall be entered as part of a final judgment and decree and the court shall retain jurisdiction to the extent necessary to supervise its operation. In the course of supervising the plan, the court may hold hearings and issue orders and opinions.

JUDGMENT IN FAVOR OF THE UNITED STATES AS EVIDENCE

Sec. 7. A final judgment or decree rendered in any proceeding brought by the United States under section 5 of this Act to the effect that a supplier has engaged in an unfair consumer practice within the meaning of this Act shall be prima facie evidence against that supplier in any action or proceeding brought by any consumer against the supplier under section 6 of this Act, as to all matters respecting which said judgment or decree would be an estoppel as between the supplier and the United States: *Provided, however,* That this subsection shall not apply to consent judgments or decrees entered before any testimony has been taken.

VENUE

Sec. 8. An action under this Act may be brought in any district in which the claim arose or in which the supplier resides, is found, has an agent, is licensed to do business, or is doing business.

LIMITATIONS OF ACTIONS

Sec. 9. Any action under section 6 of this Act shall be brought within one year after the termination of the proceeding under section 5 of this Act or under section 5 of the Federal Trade Commission Act on which it is predicated.

CIVIL INVESTIGATIVE DEMANDS

Sec. 10. (a) Whenever the Attorney General has reason to believe that any person under investigation for any violation of the provisions of this Act may be in possession, custody, or control of any documentary material, or may have knowledge of any fact, relevant to an unfair consumer practice within the meaning of this Act, he may, prior to the institution of a civil proceeding under section 5, issue in writing, and cause to be served upon such person, a civil investigative demand, requiring such person to produce the documentary material for examination or to answer in writing written interrogatories pertaining to such knowledge.

(b) Each such demand shall—

(1) state the nature of the conduct alleged to constitute the unfair consumer practice which is under investigation;

(2) describe the class or classes of documentary material to be produced thereunder with such definiteness and certainty as to permit such material to be fairly identified;

(3) propound with definiteness and certainty the written interrogatories to be answered;

(4) prescribe a return date which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying or reproduction or within which the interrogatories propounded may be answered; and

(5) identify the custodian to whom such material shall be furnished, or the person to whom such answers shall be made.

(c) No demand shall—

(1) contain any requirement which would be unreasonable if contained in a subpoena duces tecum issued by a court of the United States in a proceeding brought under section 5 of this Act or if propounded in an interrogatory directed to a supplier in any such proceedings; or

(2) require the production of any documentary evidence, or the disclosure of any information, which would be privileged from disclosure if demanded by a subpoena duces tecum issued by a court of the United States, or by an interrogatory propounded, in any proceeding under section 5 of this Act.

(d) Demand may be served at any place within the territorial jurisdiction of any court of the United States.

(e) Service of any such demand or of any petition filed under subsection (f) of this section may be made upon a partnership, corporation, association or other legal entity by—

(1) delivering a duly executed copy thereof to any partner, executive officer, managing agent, or general agent thereof, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such partnership, corporation, association or entity;

(2) delivering a duly executed copy thereof to the principal office or place of business of the partnership, corporation, association or entity to be served; or

(3) depositing such copy in the United States mails, by registered or certified mail duly addressed to such partnership, corporation, association or entity at its principal office or place of business.

(f) A verified return by the individual serving any such demand or petition setting forth the manner of such service shall be proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand.

(g) The provisions of sections 4 and 5 of the Antitrust Civil Process Act (15 U.S.C. 1313, 1314) shall apply to custodians of material produced pursuant to any demand and to judicial proceedings for the enforcement of any such demand made pursuant to this section: *Provided, however,* That documents and other information obtained pursuant to any civil investigative demand issued hereunder and in the possession of the Department of Justice may be made available to duly authorized representatives of the Federal Trade Commission for the purpose of investigations and proceedings under the Federal Trade Commission Act.

REPORTS BY THE ATTORNEY GENERAL

Sec. 11. The Attorney General shall annually report to the President and to the Congress on the effectiveness of this Act.

OTHER LAWS NOT AFFECTED

Sec. 12. This Act shall not annul, alter, or affect in any manner the meaning, scope, or applicability of any Federal or state law, including but not limited to laws concerning the provision of goods and services to consumers and the Public Health Cigarette Smoking Act of 1969.

SEPARABILITY

Sec. 13. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

WASHINGTON, D.C.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: There is enclosed for your consideration and appropriate reference a legislative proposal entitled the "Consumer Fraud Prevention Act of 1971."

This proposed legislation carries out in part the February 24 Consumer Message of the President. As more fully described in the accompanying explanatory statement, the proposed Act is designed to improve the legal machinery for consumer protection and to improve the ability of persons injured by unfair consumer practices to secure appropriate relief.

The Act explicitly sets forth the types of unfair consumer practices declared to be unlawful and would, for the first time, clearly define the rights of consumers and the respective obligations of suppliers. The proposed legislation would enable consumers who have been injured by unfair consumer practices to recover damages and other relief after the successful termination of a government proceeding.

The enactment of this legislation will constitute a significant step in protecting American consumers from fraud and deception.

The Office of Management and Budget has advised that submission of this legislation is in accord with the program of the President.

Sincerely,

——— ———,
Attorney General.

EXPLANATORY STATEMENT TO ACCOMPANY THE PROPOSED CONSUMER FRAUD PREVENTION ACT OF 1971

Section 2. Defines the types of unfair consumer practices which are prohibited. The commission of any such practice would subject a supplier to suits by the Attorney General for injunctive relief and civil penalties and to suits by aggrieved consumers for damages, restitution or other appropriate relief. This list of practices is similar to those recommended in the Federal Trade Commission's proposals for state legislation dealing with unfair and deceptive practices and includes certain practices which would have been prohibited under S. 3201, as reported by the Committee on Commerce during the 91st Congress. The definitions of unfair consumer practices are drawn so as to give suppliers clear notice of the acts and practices which are prohibited.

Section 3. Declares unlawful the unfair consumer practices defined in Section 2. In addition, this section also provides that the commission of any such unfair consumer practice shall also constitute a violation of Section 5 of the Federal Trade Commission Act, thus making clear that the FTC has enforcement responsibilities under the Act.

Section 4. Provides that civil penalties of up to $10,000 may be assessed for each offense against suppliers who commit unfair consumer practices.

Section 5. Confers jurisdiction on the United States district courts to entertain actions brought by the Attorney General to restrain the commission of unfair consumer practices and to assess civil penalties. The courts are further empowered to assure that all persons responsible for an alleged violation may be brought before them and be subject to their jurisdiction.

Section 6. Following successful termination of litigation instituted by the Attorney General or proceedings before the Federal Trade Commission, consumers would be enabled to bring suit for private recovery. The section authorizes all forms of relief appropriate to the circumstances, including reformation, restitution, and rescission and the court may award costs, including reasonable attorneys' fees. In such litigation the courts may also inquire into the reasonableness of attorneys' fees agreed to by consumer plaintiffs and revise such fees if found to be excessive. In federal courts, consumers may sue as a class when a group has been damaged by the same act or practice. This opportunity to participate in a class action should be of considerable benefit to consumers. The costs and other burdens of litigation are often too much for individual consumers to bear; but if consumers can sue as a group, the burdens of litigation will not weigh too heavily on any one member of the group.

This section further provides that a supplier being sued hereunder may submit to the Federal district court a plan for the relief of injured consumers. The district court is to pass upon the fairness and adequacy of the plan. These provisions are designed to provide prompt and effective relief with a minimum of judicial oversight in appropriate cases.

Section 7. Borrowed in substance from existing antitrust laws, this section provides that after the United States has obtained a judgment or decree under Section 5, consumers in private litigation need not prove that the unfair consumer practice was in fact committed by the same supplier. This *prima facie* case does not occur, however, if the supplier entered into a consent judgment or decree before the taking of any testimony in the action by the United States.

Section 8. Affords consumers the widest possible choice of courts in which to bring their suits. A suit may be brought in any district in which the unfair consumer practice is alleged to have occurred or where the supplier resides, is found, has an agent, is licensed to do business, or is doing business.

Section 9. Provides that private actions in the federal courts under Section 6 of this Act must be brought within one year after the termination of the suit by the Attorney General or the Federal Trade Commission proceeding on which they are predicated.

Section 10. Gives to the Attorney General an investigative tool similar to that provided in the Antitrust Civil Process Act. Provides that the Attorney General may demand certain information and documentary evidence from persons under investigation for possible violations of the Act.

Section 11. Requires the Attorney General to report annually to the President and the Congress on the effectiveness of the legislation.

Section 12. Contains a Congressional direction that this legislation is not intended to affect in any way other state or federal consumer laws, rights or remedies.

Section 13. Provides that if any portion of this legislation is declared unconstitutional the remainder shall not be affected.

By Mr. MAGNUSON (by request):

S. 1223. A bill to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and ask unanimous consent that the letter of transmittal and statement of need be printed in the RECORD together with the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1223

A bill to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated for fiscal year 1972 for the use of the Coast Guard as follows:

VESSELS

For procurement and increasing capability of vessels, $15,446,000.

A. Procurement: (1) design of vessels.

B. Increasing capability:

(1) increase fuel capacity and improve habitability on high endurance cutters of the three hundred and twenty-seven foot class.

(2) rehabilitate and improve selected buoy tenders.

(3) modernize and improve wind class polar icebreakers.

(4) reweld hull and repair cutter (polar icebreaker) *Glacier*.

(5) increase oceanographic capability of cutter *Evergreen*.

(6) modernize communications capability in selected vessels.

(7) replace radio teletypes in selected high endurance vessels.

(8) install water pollution control equipment in vessels.

(9) install water pollution monitoring sensors in vessels.

AIRCRAFT

For procurement and extension of service life of aircraft, $29,364,000.

A. Procurement:

(1) three long range search aircraft.

(2) six medium range helicopters.

B. Extension of service life:

(1) repair outer wings on six HC–130 aircraft.

(2) replace center wing box beam on three HC–130 aircraft.

(3) reactivate six HU–16E aircraft.

(4) install water pollution monitoring sensors in aircraft.

CONSTRUCTION

For establishment or development of installations and facilities by acquisition, construction, conversion, extension, or installation of permanent or temporary public works, including the preparation of sites and furnishing of appurtenances, utilities, and equipment for the following, $51,690,000.

(1) Newburyport, Massachusetts: rebuild Merrimac River Station;

(2) Gloucester, Massachusetts: rebuild station;

(3) Marshfield, Massachusetts: construct barracks at radio station;

(4) Barnegat, New Jersey: improve station facilities (phase II);

(5) Wildwood, New Jersey: construct barracks at electronics engineering center;

(6) Yorktown, Virginia: construct barracks;

(7) Portsmouth, Virginia: relocate water main;

(8) Terminal Island, California: rebuild electronics repair building;

(9) Port Hueneme, California: relocate station;

(10) Portland, Oregon: relocate station;

(11) Westport, Washington: rebuild station;

(12) Honolulu, Hawaii: improve base facilities;

(13) Honolulu, Hawaii: construct new radio station;

(14) Boston, Massachusetts: improve base facilities (phase II);

(15) New London, Connecticut: construct science teaching facility at academy;

(16) Cape May, New Jersey: improve station facilities;

(17) Curtis Bay, Maryland: modernize yard facilities;

(18) Omaha, Nebraska: improve facilities at moorings;

(19) Miami, Florida: improve air station facilities;

(20) San Francisco, California: improve air station facilities;

(21) Guam, Marianas Islands: improve depot facilities;

(22) Various locations: abate pollution from stations;

(23) Various locations: transportable pollution control (oil recovery) equipment;

(24) Various locations: transportable pollution control (oil slick containment) equipment;

(25) Various locations: pollution monitoring equipment for offshore stations;

(26) Various locations: aids to navigation projects on selected waterways;

(27) Various locations: automate light stations;

(28) French Frigate Shoals, Hawaii: improve and modernize loran station;

(29) Various locations: modernize and improve tropical Pacific loran stations;

(30) Palau Island: repair airstrip;

(31) Various locations: develop and construct loran equipment;

(32) Pacific Islands: effect selected loran tower maintenance;

(33) Various locations: public family quarters;

(34) Various locations: advance planning, survey, design, and architectural services; project administration costs; acquire sites in connection with projects not otherwise authorized by law.

BRIDGE ALTERATIONS

For payment to bridge owners for the cost of alteration of railroad and public highway bridges to permit free navigation of the navigable waters of the United States, $3,000,000.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., February 23, 1971.
Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a bill, "To authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard."

This proposal is submitted under the requirements of Public Law 88-45 which provides that no funds can be appropriated to or for the use of the Coast Guard for the procurement of vessels or aircraft or the construction of shore or offshore establishments unless the appropriation of such funds is authorized by legislation.

The proposal includes, as it has previously, all items of acquisition, construction, and improvement programs for the Coast Guard to be undertaken in fiscal year 1972 even though the provisions of Public Law 88-45 appear to require authorization only for major facilities and construction. Inclusion of all items avoids the necessity for arbitrary separation of these programs into two parts with only one portion requiring authorization.

Not all items, particularly those involving construction are itemized. For example, those involving navigational aids, light station automation, public family quarters, and advanced planning projects of which would have unduly lengthened the bill.

There is attached a memorandum listing in summary form the procurement and construction programs for which appropriations would be authorized by the proposed bill. In further support of the legislation, the cognizant legislative committees will be furnished detailed information with respect to each program for which fund authorization is being requested in a form identical to that which will be submitted in explanation and justification of the budget request. Additionally, the Department will be prepared to submit any other data that the committees or their staffs may require.

It would be appreciated if you would lay this proposal before the House of Representatives. A similar proposal has been submitted to the President of the Senate.

The Office of Management and Budget has advised that enactment of this proposed legislation is in accord with the President's program.

Sincerely,

JOHN A. VOLPE.

Memorandum—Summary of fiscal year 1972 U.S. Coast Guard program for procurement of vessels and aircraft and for construction of shore and offshore establishments

VESSELS

For procurement and increasing capability of vessels:

Procurement: Design of vessels	$300,000
Increasing capability:	
Increase fuel capacity, rearrange living and work spaces, improve air conditioning on 327-foot high endurance cutters	760,000
Renovate berthing in two coastal buoy tenders; install generators in 5 river tenders; air condition 6 river tenders; replace deck and modify pilothouse in 3 river tenders; replace propulsion machinery in 1 river tender	1,290,000
Repair and replace major machinery components and systems, and correct structural deficiencies in selected wind-class polar icebreakers	5,250,000
Drydock *Glacier* and reweld hull, repair propulsion shafting and bearings, overhaul propulsion generators, and restore and reline tanks and voids	1,250,000
Remove aids to navigation handling equipment, rearrange and outfit interior spaces, install articulated cranes and bow thruster in *Evergreen*	1,450,000
Procure communication/electronic equipment, and complete prototype installations on selected vessels	300,000
Install multichannel radio teletype system in 10 high-endurance cutters	850,000
Procure and install sewage treatment or storage systems on selected vessels	3,200,000
Procure and install water pollution monitoring sensors on selected vessels	796,000
Total vessels	15,446,000

AIRCRAFT

For procurement and extension of service life of aircraft:

Procurement:	
3 long-range search aircraft	$13,440,000
6 medium-range helicopters	13,550,000
Extension of service life:	
Repair outer wings on 6 HC-130 aircraft	600,000
Replace center wing box beam on 3 HC-130 aircraft	600,000
Reactivate 6 HU-16E aircraft for pollution surveillance	900,000
Install pollution monitoring sensors in selected aircraft	274,000
Total aircraft	29,364,000

CONSTRUCTION

For establishment or development of installations and facilities by acquisition, construction, conversion, extension, or installation of permanent or temporary public works, including site preparation and furnishing of appurtenances, utilities, and equipment for the following:

Newburyport, Mass.: Rebuild Merrimac River station	$1,400,000
Gloucester, Mass.: Construct new station building and shop building, waterfront facilities	1,530,000
Marshfield, Mass.: Construct radio station barracks	200,000
Barnegat, N.J.: Construct garage/equipment building, new waterfront facilities	390,000
Wildwood, N.J.: Construct barracks at electronics engineering center	350,000
Yorktown, Va.: Construct barracks at training center	2,500,000
Portsmouth, Va.: Relocate water main to conform to new base development	410,000
Terminal Island, Calif.: Construct new electronics repair facility	200,000
Port Hueneme, Calif.: Construct station, shop, and storage buildings, waterfront facilities	670,000
Portland, Oreg.: Construct station buildings and waterfront facilities	1,840,000
Westport, Wash.: Construct new station buildings and waterfront facilities	1,340,000
Honolulu, Hawaii: Air condition base barracks, remodel interior	380,000
Honolulu, Hawaii: Construct radio station transmitter buildings and alter receiving site	4,610,000
Boston, Mass.: Renovate base building, procure base equipment	3,620,000
New London, Conn.: Construct new physical science building at academy	4,590,000
Cape May, N.J.: Increase capacity of station heating plant	210,000
Curtis Bay, Md.: Construct electrical - electronics building, medical-dental-BOQ building and procure crane at Coast Guard Yard	1,530,000
Omaha, Neb.: Replace old prefabricated building and make waterfront improvements	380,000
Miami, Fla.: Construct hangar, modify fuel system and procure air station equipment	750,000
San Francisco, Calif.: Modify air station fuel and pyrotechnic storage, water main improvements	230,000
Guam, Marianas Islands: Construct garage/storage building, utility improvements	500,000
Various locations: Construct sewage disposal facilities at selected stations	360,000
Various locations: Procure packaged pumping/storage equipment for air transport, drop, and at site use to avoid oil pollution spills from damaged vessels	1,600,000
Various locations: Procure oil slick barrier for transport and at site use for oil spill containment	1,900,000
Various locations: Procure and install at selected stations water monitoring equipment for pollution control	760,000
Various locations: Aids to navigation projects on selected waterways	1,400,000
Various locations: Automate light stations	1,000,000
French Frigate Shoals, Hawaii: Construct station buildings, utility systems	1,200,000

Various locations: Procure and install air-conditioning and electricity generating equipment at selected stations	650,000
Palau Island: Repair and resurface air-strip	100,000
Various locations: Continue development of solid state transmitting and other loran equipment; expand development facilities	$3,250,000
Pacific Islands: Replace guys and insulators on selected loran towers	350,000
Various locations: Public family quarters	5,740,000
Various locations:	
Advance planning, survey, design and architectural services, site acquisitions	1,500,000
Various project administration costs	4,250,000
Total construction	51,690,000

BRIDGE ALTERNATIONS

Cape Fear River (near Wilmington, N.C.)	2,000,000
Calumet River (near Chicago, Ill.)	1,000,000
Total bridges	3,000,000

By MR. STENNIS (for himself and Mrs. SMITH) (by request):

S. 1225. A bill to amend section 209(a) and (b) of title 37, United States Code, to provide increased subsistence allowances for Senior Reserve Officers' Training Corps members. Referred to the Committee on Armed Services.

Mr. STENNIS. Mr. President, for myself and the senior Senator from Maine, (Mrs. SMITH) I introduce, by request, 3 bills: First, to amend section 2107 of title 10, United States Code, to provide additional Reserve Officers' Training Corps scholarships for the Army, Navy, and Air Force; second, to provide subsistence allowances for members of Marine Corps officer candidate programs; and third, to amend section 209(a) and (b) of title 37, United States Code, to provide increased subsistence allowances for Senior Reserve Officers' Training Corps members.

I ask unanimous consent that the letters of transmittal requesting introduction of the bills and the explanation of their purpose be printed in the RECORD immediately following the listing of each bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., February 20, 1971.
Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of proposed legislation "To amend section 209 (a) and (b) of title 37, United States Code, to provide increased subsistence allowances for Senior Reserve Officers' Training Corps members."

This proposal is part of the Department of Defense Legislative Program for the 92nd Congress, and the Office of Management and Budget has advised that enactment of the proposal would be in accord with the program of the President. The Department of the Navy has been designated as the representative of the Department of Defense for this legislation. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of the proposed legislation is to provide an adequate subsistence allowance to Senior Reserve Officers' Training Corps members enrolled in the advanced course and to recipients of financial assistance grants.

Section 209 (a) and (b) of title 37, United States Code, was enacted to provide members of the ROTC, appointed under sections 2104 and 2107 of title 10, United States Code, with a subsistence allowance. A member selected for advanced training under section 2104 of title 10, United States Code, is entitled to a subsistence allowance of not less than $40 per month nor more than $50 per month beginning on the day he starts advanced training. A financial-assistance-grant member appointed under section 2107 of title 10 is entitled to a subsistence allowance at the rate of $50 a month beginning on the day that he starts his first term of college work.

The allowance for the financial-assistance-grant member is derived from the Act of August 13, 1946, ch. 962, § 4, 60 Stat. 1058. This Act established the so-called "Holloway Plan" whereby certain Naval Reserve Officers' Training Corps students were provided with full tuition scholarships at selected colleges and universities. In addition to the payment of tuition, the Government paid for books and laboratory fees, and the student was provided with retainer pay at the rate of $600 per year.

Subsequent amendments changed the retainer pay from the rate of $600 per year to retainer pay at the rate of $50 per month. (See the Act of August 10, 1956, ch. 1041, 70A Stat. 421.) The purpose of the allowance—originally called retainer pay—was to help defray the cost of food, lodging, and incidental expenses. (See, for example, Sundry Legislation Affecting the Naval Establishment, Committee on Naval Affairs, House of Representatives, 79th Cong., 2nd Sess., Vol 2, pp. 3003, 3009, 3310.)

The Reserve Officers' Training Corps Vitalization Act of 1964, Pub. Law 88-647, Title II, § 202(2), 78 Stat. 1070, continued the $50 per month retainer pay for the "Holloway Plan" midshipman in his "revitalized" and expanded status as a financial-assistance-grant member. The same provision of the Vitalization Act provided retainer pay for a member selected for advanced training at a rate of not less than $40 per month or more than $50 per month. Prior to the Vitalization Act, the advanced-course student had received $27 per month as a subsistence allowance. This allowance was raised as an incentive and its character was changed from that of a subsistence allowance to the broader concept of retainer pay. (See Sundry Legislation Affecting the Naval and Military Establishment, Committee on Armed Services, House of Representatives, 87th Cong., 2nd Sess., Vol 2, pp. 6175, 6832, 6834, 6838; ROTC Vitalization Act of 1964, Hearing on H.R. 9124, Committee on Armed Services, Senate, 88th Cong., 2nd Sess., pp. 31–32.)

In 1965, the Vitalization Act was amended and the term "retainer pay" as it then applied to both financial-assistance-grant members and members selected for advanced training was changed to "subsistence allowance." (The Act of June 28, 1965, Pub. Law 89–51, 79 Stat. 173.) The Senate Report notes that in the Vitalization Act" . . . payments to ROTC students that had previously been designated as 'subsistence pay' were changed to 'retainer pay'. The change in terminology was not intended to alter the nature or purpose of the payment, which was to help students defray the cost of subsistence while in school and pursuing the ROTC program. Because of the change in terminology, however, it is possible that the recipients might incur income tax liability for the payments. Consequently, to avoid such liability this bill reverts to the old designation of 'subsistence allowance' whenever the term 'retainer pay' appeared in the ROTC legislation of 1964." (S. Rep. No. 315, 89th Cong., 1st Sess., as set out at 1965 U.S.C. Cong. and Admin. News 1806.) The question is presented as to whether there was an intention to change both the allowances for financial-assistance-grant members and advanced-course students to strictly subsistence allowances. It is submitted that such is not the case since, notwithstanding the language of the Senate report, there could be no reversion with respect to the financial-grant member since his "allowance" had always been called retainer pay. It appears that the action in the 1965 amendment was directed more toward avoiding tax liability than changing the nature of retainer pay.

Based on the fact that retainer pay had its genesis in the 1946 Holloway Plan and that its purpose then was to help defray the costs of food, lodging and incidental expenses, it is concluded that the allowance provided for in section 209(a) and (b) of title 37, United States Code, has as its purpose more than "subsistence" in the pure use of that term. (See generally, Hearings before and Special Reports made by the Committee on Armed Services, House of Representatives, 89th Cong., 1st Sess., Vol. 1, pp. 1606–1608.)

It has been noted above that the $50 allowance was originally established in 1946, and, for financial-assistance-grant students has remained unadjusted since that time. Attached is a table of comparative costs of room and board at NROTC colleges and universities for the years 1946 and 1970. The subsistence allowance provided full coverage of room and board expenses at 85 percent of these institutions in 1946. In 1970, the $50 per month allowance will not cover room and board expenses at any of the 53 schools.

The proposal recommends an increase based on the Consumer Price Index increase since 1946 and further recommends that the allowance be increased each time there is a 3 percent increase in the Consumer Price Index.

The following table compares the increase in Consumer Price Index (CPI) over the period since 1946.

	CPI	Percent	Rate
Aug. 13, 1946, Public Law 729 (Holloway program) enacted	70.4	100.0	$50.00
Oct 13, 1964, Public Law 88-647 (ROTC Vitalization Act of 1964) enacted	108.5	154.1	77.05
January 1970	131.8	187.2	93.60
June 1970	135.2	192.0	96.00
June 1971 (estimated)	141.8	201.4	100.70
June 1972 (estimated)	148.5	210.9	105.45

Since the ROTC program provides a significant segment of the armed forces officers, it is recommended that the proposed legislation be enacted to make the ROTC program responsive to current college room and board costs.

COST AND BUDGET DATA

Predicated upon the estimated number of financial-assistance-grant recipients enrolled in the basic course and all advanced-course members, the increased budgetary requirements of this proposal for fiscal year 1972 are as follows:

	Million
Army	$12.2
Navy	2.6
Air Force	7.8
Total	$22.6

Funds have been included for this purpose in the President's budget for fiscal year 1972.

Sincerely yours,
JOHN W. WARNER,
Acting Secretary of the Navy.

COMPARATIVE COST FOR ROOM AND BOARD

Institution	1946	1970	Increase	
			Amount	Percent
Auburn University, Auburn, Ala	$342-360	$600-720	$360	100.0
Brown University, Providence, R.I	620	1,080	460	74.2
University of California, Berkeley, Calif	NA	930-1,050	NA	NA
University of California, Los Angeles, Calif	NA	1,070	NA	NA
College of the Holy Cross, Worcester, Mass	600	1,170	570	95.0
University of Colorado, Boulder, Colo	530	890-1,020	490	92.5
Columbia University, New York, N.Y	NA	1,065	NA	NA
Cornell University, Ithaca, N.Y	NA	1,300	NA	NA
Dartmouth College, Hanover, N.H	520	970-1,250	730	140.4
Duke University, Durham, N.C	475	935-1,035	560	117.9
Georgia Institute of Technology, Atlanta, Ga	500	860	360	72.0
Harvard University, Cambridge, Mass	243-368	1,170	802	217.9
University of Idaho, Moscow, Idaho	324	880-920	596	184.0
University of Illinois, Urbana, Ill	500	885-1,035	535	107.0
Illinois Institute of Technology, Chicago, Ill	0	975	NA	NA
Iowa State University, Ames, Iowa	365	810	445	121.9
University of Kansas, Lawrence, Kans	423	950	527	124.6
University of Louisville, Louisville, Ky	(47-48) 416	850	434	104.3
Marquette University, Milwaukee, Wis	NA	1,000	NA	NA
Massachusetts Institute of Technology, Cambridge, Mass	NA	NA	NA	NA
Miami University, Oxford, Ohio	318	990	672	211.3
University of Michigan, Ann Arbor, Mich	493	1,040	547	111.0
University of Minnesota, Minneapolis, Minn	465	936-1266	801	172.3
University of Mississippi, University, Miss	360	1,000	640	177.8
University of Missouri, Columbia, Mo	437	850	413	94.5
University of Nebraska, Lincoln, Nebr	395	880	485	122.8
University of New Mexico, Albuquerque, N. Mex	400	894-996	596	149.0
University of North Carolina, Chapel Hill, N.C	500	1,270-1,470	970	194.0
Northwestern University, Evanston, Ill	$561	$1,000-1,100	$539	$96.1
University of Notre Dame, Notre Dame, Ind	480	1,050	570	118.8
Ohio State University, Columbus, Ohio	450	969	519	115.3
University of Oklahoma, Norman, Okla	400	750-950	550	137.5
Oregon State University, Corvallis, Oreg	375	900 800	525	140.0
Prairie View A&M College, Prairie View, Tex				
Pennsylvania State University, University Park, Pa	486	1,330	844	173.7
University of Pennsylvania, Philadelphia, Pa	395	1,250	855	216.5
Princeton University, Princeton, N.J	435-760	1,160	400	52.6
Purdue University, Lafayette, Ind	510-550	1,100	550	100.0
Rensselaer Polytechnic Institute, Troy, N.Y	NA	1,000-1,250	NA	NA
Rice University, Houston, Tex	381	1,030	649	170.3
University of Rochester, Rochester, N.Y	390	1,250	860	220.5
University of South Carolina, Columbia, S.C	370	840	470	127.0
University of Southern California, Los Angeles, Calif	550	1,050-1,100	550	100.0
Stanford University, Palo Alto, Calif	615	1,210	595	96.7
University of Texas, Austin, Tex	[1] 120	[2] 700	580	483.3
Tufts College, Medford, Mass	450	1,220	770	171.1
Tulane University, New Orleans, La	NA	[3] 960	NA	NA
University of Utah, Salt Lake City, Utah	400	921	521	130.3
Vanderbilt University, Nashville, Tenn	450	1,050	600	133.3
Villanova College, Villanova, Pa	NA	840-1,000	NA	NA
University of Virginia, Charlottesville, Va	NA	860-1,030	NA	NA
University of Washington, Seattle, Wash	NA	1,000	NA	NA
University of Wisconsin, Madison, Wis	430-510	950-1,150	640	125.5
Yale University, New Haven, Conn	NA	1,250	NA	NA

[1] Room only.

[2] Or more.

[3] Or less.

By Mr. STENNIS (for himself and Mrs. SMITH) (by request):

S. 1226. A bill to amend section 2107 of title 10, United States Code, to provide additional Reserve Officers' Training Corps scholarships for the Army, Navy, and Air Force. Referred to the Committee on Armed Services.

DEPARTMENT OF THE ARMY,
Washington, D.C., February 12, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of legislation "To amend section 2107 of title 10, United States Code, to provide additional Reserve Officers' Training Corps scholarships for the Army, Navy, and Air Force."

This proposal is a part of the Department of Defense Legislative Program for the 92d Congress, and the Office of Management and Budget advises that the enactment of this proposal would be in accord with the program of the President. The Department of the Army has been designated the representative of the Department of Defense for this legislation. It is recommended that the proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of this legislation is to increase the number of Army, Navy, and Air Force Reserve Officers' Training Corps scholarships from 5,500 to a number equal to 10% of the total active duty officer personnel ceiling in the Five Year Defense Plan, four years from the budgeted year. In addition, the draft legislation includes a provision which provides authority for the services to use, at their discretion, up to 50% of their annual authorization for students enrolled in the two-year ROTC program. The services require this increase in scholarships in order to meet officer manpower commitments subsequent to the cessation of hostilities in Vietnam.

The largest single program of officer procurement is the Reserve Officers' Training Corps program. In 1964, Congress revitalized the role of the Reserve Officers' Training Corps as a means of procuring both highly qualified Reserve officers and career-minded Regular officers. In order to make the program more attractive to college youth, Congress provided a program for financial assistance by which highly motivated college men would be granted scholarships including subsistence, tuition, books, and miscellaneous fees. In return for this assistance, scholarship students agree to serve a minimum of four years on active duty.

This program is highly effective. For example, the termination rate of original scholarships since the program's inception compares most favorably with the termination rates of other officer procurement programs. Further, scholarship students' cumulative scholastic average as compared to all male sudents at participating institutions is appreciably higher.

Historical experience has proven that in times of national crisis, such as Korea, Berlin, and Vietnam, Reserve Officers' Training Corps enrollments rise to high levels. In the periods subsequent to these crises interest in the military wanes and enrollments in the program decline. It is apparent that draft pressure, patriotism, and a desire to serve one's country in a position commensurate with one's education and ability come to bear on college youth in times of world trouble. In subsequent periods, these factors are lacking and thus, particularly in light of the contemporary trend of universities to make the program voluntary, Reserve Officers' Training Corps enrollments should sharply decline in the Post-Vietnam period. Therefore, in order to enhance the program, and meet Post-Vietnam requirements, an increase in scholarships is necessary. By increasing the number of scholarships in a ratio that relates to the varying service needs for ROTC graduates, ROTC production and officer procurement in general will be significantly aided. This is especially important since the draft motivation which caused college graduates to apply for pre-commissioning programs such as officer candidate schools will diminish as we move toward zero draft calls.

COST AND BUDGET DATA

The increased budgetary requirements of the Department of Defense resulting from the enactment of this proposal are estimated to be as follows:

Fiscal year:	*Cost million*
1972	$6.3
1973	16.1
1974	26.0
1975	33.4
1976	41.0

Funds for this purpose have been included in the President's Budget for Fiscal Year 1972.

Sincerely,

STANLEY R. RESOR,
Secretary of the Army.

By Mr. STENNIS (for himself and Mrs. SMITH) (by request):

S. 1227. A bill to provide subsistence allowances for members of the Marine Corps officer candidate programs. Referred to the Committee on Armed Services.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., February 20, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of proposal legislation "To provide subsistence allowances for members of Marine Corps officer candidate programs."

This proposal is a part of the Department of Defense Legislative Program for the 92nd Congress, and the Office of Management and Budget has advised that enactment of the proposal would be in accord with the program of the President. The Department of the Navy has been designated as the representative of the Department of Defense for this legislation. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of the proposed legislation is to provide financial assistance to certain Marine Corps officer candidates while they are pursuing a baccalaureate degree, in order to procure required future Marine officer accessions.

Marine Corps officers have historically been acquired through a broad range of sources: ROTC programs, the U.S. Naval Academy, Officer Candidate Class programs, in-service programs for enlisted Marines, and the Platoon Leaders Class program. This multitude of sources determines a wide variance of Marine officer's social attitudes, educational disciplines, geographic sources and military experience. Approximately 85% of Marine officers come from civilian college campuses. To have such diversity assures a cross-section of national character among Marine officers and is considered essential in maintaining a strong, stable Marine officer corps.

The Marine Corps failed to meet its officer procurement requirements during fiscal years 1968, 1969 and 1970. Study has determined causes to be:

a. Easy public identification of the Marine Corps with the Vietnamese conflict.

b. Assured service in the Vietnam conflict if commissioned in the Marine Corps.

c. Inability of Marine officer recruiters to gain public visibility on college campuses due to college administrator's acquiescence to minority anti-military student groups (thus divorcing the Marine Corps from the source of the majority of its officers).

Although the Vietnamese conflict-related factors above are forecast to diminish in relevance, anti-military sentiment on campus can be predicted to continue. With the administration's announced goal of all-volunteer armed forces, one result will be an absence of draft pressure on college graduates. Since the advent of the random selection draft, the Marine Corps has determined the draft to be a major motivation in Marine officer program enrollments. Long-lead, or undergraduate programs then appear to offer the best possibility for improvement. The major long-lead program of the Marine Corps is the Platoon Leaders Class program (as ROTC programs are for other services).

The Platoon Leaders Class program was organized in 1935 and is the oldest Marine Corps sponsored officer procurement program for civilian college students. Formal training is accomplished at the Officer Candidates School in two six-week courses for those candidates approved while enrolled as college freshman or sophomores. Those who have only one summer period prior to completion of baccalaureate studies are ordered to a single ten-week training course. Through the years, the Platoon Leaders Class program has provided a dependable "base" for officer accessions, although often augmented by other short-term programs when officer requirements increased. Marine Corps reliance on the Platoon Leaders Class program is illustrated by the following recent statistics of officers commissioned through civilian source Marine male officer programs.

[In percent]

Fiscal year	Percent PLC-source officers	Percent all others
1968	40	60
1969	37	63
1970	33	67

During the many years the Platoon Leaders Class program has been in existence it has remained virtually unchanged in basic concept. The college undergraduate enlists as a Class III inactive reservist, completes two periods of active duty for training during the summer vacation, is commissioned upon receipt of a baccalaureate degree, and is subsequently ordered to active duty unless further delayed for an advanced degree. Each member of the Platoon Leaders Class program accrues longevity from the date of enlistment. He receives pay and allowances only for the period of active duty for training. He has never received financial assistance of any type during the academic year except such as may have occurred as a result of his being eligible for pay by virtue of injuries incurred during training.

Experience over the years has shown that significant benefits are derived from the Platoon Leaders Class program. Among these benefits are the following:

(1) The Platoon Leaders Class program produces a well-rounded highly motivated officer for ground, aviation and law assignment.

(2) The retention rate among Platoon Leaders Class (Reserves) is 27%, the same as other Reserve ground procurement programs, while retention of Platoon Leaders Class (Regulars) is 65%, highest of any source including the United States Naval Academy.

(3) As a long-lead program (1–3 years), the Platoon Leaders Class program provides a solid base of predictable officer accessions on which to calculate requirements to be met by short-range programs.

(4) There is no investment in an instructional staff or facilities during the academic year.

(5) Academic time during the school year is unencumbered with military subjects; consequently, the Platoon Leaders Class candidate can devote full time to other academic subjects.

(6) The Platoon Leaders Class summer training is concentrated, has continuity and occupies the candidates' undivided attention. It is therefore considered to be especially effective.

The Platoon Leaders Class program has recently experienced increasing shortages of new candidates:

[In percent]

Fiscal year	1968	1969	1970
PLC quota attained	97	77	72

In order to continue the necessary input of Platoon Leaders Class candidates, service-connected incentives are required. It is considered that monetary subsidization of Platoon Leaders Class applicants would greatly increase the enrollment incentive.

The Present Platoon Leaders Class program poses a financial problem to those students who are not financially well-to-do. The student is required to devote a portion of his summers to training which reduces his earning power to assist in paying for his education. Accordingly, considering the high cost of a college education, many qualified and desirable officer candidates are lost. If the proposed legislation were passed, the financial assistance provided in the Platoon Leaders Class program would offset the loss of earning power and, therefore, make the program more attractive to qualified undergraduates.

It is envisioned that under normal circumstances, financial assistance would be provided to a selected Platoon Leaders Class candidate only during the school year (nine months) and then only if he satisfactorily completes the required military training during the previous summer. There would be no additional clothing, training or travel expenses beyond those currently existing in the present Platoon Leaders Class. A stipend equal to that paid to members of the Senior Reserve Officers' Training Corps is considered an appropriate amount to provide partial assistance in defraying educational costs, though not so much as to be the main attraction for enrollment. In return for acceptance of financial aid, individual candidates would become liable for a minimum of 2 years enlisted service should they fail to complete the program by acceptance of a commission, with an increasing service obligation of six months for each part or whole school year during which financial assistance was received. With acceptance of a commission, an officer's initial period of active duty would be increased by six months for each academic year during which he received subsidy, commencing with a two and one-half year obligation for those who complete the program without drawing any subsidy.

The program as envisioned would be phased into operation to reach a maximum goal of 3,000 officer candidates drawing a stipend at any one time. The cost of the program would reach a maximum of $2,700,000 annually. Authority for the program is required for five years, with extension to be the subject of future study and recommendations.

Membership on stipend would represent about 1/2000th of the current national four-year college population and a number equal to less than 3% of the total Army, Air Force and Navy ROTC population in FY 70. The small size of the proposed program would, therefore, give minimal threat to officer programs of other services. The personal benefits received through service academy or Scholarship ROTC programs exceed those available through the proposed program. Nonscholarship ROTC is somewhat less financially rewarding to its membership, but requires only two years of active duty upon commissioning for Army, three years for Navy and four years for Air Force.

COST AND BUDGET DATA

Year	Number of officer candidates	Cost
1	1,000	$900,000
2	1,500	1,350,000
3	2,000	1,800,000
4	2,500	2,250,000
5	3,000	2,700,000

The above figures are based on the assumption that the subsistence allowance authorized for members of the Senior Reserve Officers' Training Corps will be increased to $100.00 per month as is currently proposed.

Funds have been included for this purpose in the President's budget for fiscal year 1972.

Sincerely yours,

John W. Warner,
Acting Secretary of the Navy.

By Mr. ALLOTT (for himself, Mr. Anderson, Mr. Burdick, Mr. Cannon, Mr. Hansen, Mr. Hatfield, Mr. Jackson, Mr. Jordan of Idaho, Mr. McGovern, Mr. Moss, and Mr. Stevens):

S. 1228. A bill to restore the golden eagle program to the Land and Water Conservation Fund Act. Referred to the Committee on Interior and Insular Affairs.

EXTENSION OF THE GOLDEN EAGLE PASSPORT PROGRAM

Mr. ALLOTT. Mr. President, I introduce, for appropriate reference a bill to extend the Golden Eagle passport program under the Land and Water Conservation Fund Act.

I call to the attention of the Senate that this measure enjoys wide bipartisan cosponsorship. In alphabetical order, the cosponsors are as follows: Senators Anderson, Bible, Burdick, Cannon, Hansen, Hatfield, Jackson, Jordan of Idaho, McGovern, Metcalf, Moss, and Stevens.

In the 91st Congress Senator Jackson introduced a similar bill and Senator Moss introduced an amendment to increase the annual fee from $7 to $10. Senator Moss' amendment also allowed for advertising and promotion of the entrance or user fee program. In addition, it deleted the exemption of Corps of Engineer projects by repealing section 210 of the Flood Control Act of 1968.

The Moss amendments were adopted in committee and the Jackson bill, as amended, was reported by the Senate Interior Committee. A floor amendment was adopted which more clearly defined the circumstances upon which a user fee was to be collected.

The bill as further amended passed the Senate and went to the House of Representatives. The House struck all of the Senate language and extended the Golden Eagle passport program only until December 31 of 1971. It should be noted that under previous law the Golden Eagle passport program expired on March 31, 1970, however, the extension was not signed into law until July 7, 1970. Therefore, the Golden Eagle passport program had expired by law and was not reinstituted and extended until more than 3 months after its expiration. Such a situation is an administrator's nightmare.

The purpose of the bill I introduce today is to carry out the will of the Senate Interior and Insular Affairs Committee and the Senate when S. 2315 was approved in the 91st Congress.

Support for the continuation of the Golden Eagle program has come from thousands of letters received by Members of Congress from citizens throughout the Nation. Many, if not a majority of these citizens, were retired people living on fixed incomes who have discovered an enjoyable way of spending their retirement years in the out-of-doors at a price they can afford. Those with large families have found the program to be beneficial to them since the Golden Eagle passport is not based upon a per-person charge. Thus, family vacations are encouraged and the costs are reduced.

During the 1969 hearings on the extension of the Golden Eagle passport program, a Forest Service witness capsulized the benefits of the program by stating that:

> The fee system has led to significant improvement in administration of use of National Forest recreation developments, facilities and services provided at public expense.
>
> Particularly, we believe recreation users have had greater interest in and respect for the areas they visit. In turn, the emphasis of the program has encouraged us to continue to provide high quality recreation opportunities.

Certainly, the provision of higher quality recreational opportunities is a significant part of improving our environment and the quality of life for our citizens.

Mr. President, the sponsors of this measure are not unmindful of the language inserted by the House, as enacted into the law last year, requiring that a survey be completed by the Secretary of the Interior with regard to a policy for entrance and user fees. I am confident that this survey, when it is received, will be useful to the Congress in its further consideration of the Golden Eagle passport program. However, it is deemed appropriate that the measure, so overwhelmingly adopted in 1969 by the Senate, be reintroduced and presented to the Senate for its further consideration.

The sponsors of this measure believe that the Golden Eagle passport program is a good program and ought to be continued; however, we are open to all suggestions which would tend to improve the program.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 1230. A bill to declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge Munsee Community, Wis. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of myself and the senior Senator from Colorado (Mr. ALLOTT), I introduce, for appropriate reference, a bill to declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge Munsee Community, Wis.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication accompanying the proposal from the Secretary of the Interior be printed in the RECORD at this point in my remarks.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., March 1, 1971.

HON. SPIRO T. AGNEW,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft of a proposed bill "To declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge Munsee Community, Wisconsin."

We recommend that the bill be referred to the appropriate committee for consideration and that it be enacted.

This proposal transfers 13,077 acres of federally owned submarginal land to the Stockbridge Munsee Indian Community with the title to be held in trust by the United States. It also provides protection to any person who may have vested rights in the land. It further provides that the Indian Claims Commission will determine the extent to which the value of the beneficial interest conveyed should or should not be set off against any claim against the United States Government determined by the Commission.

These lands were acquired during the middle 1930's under Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), and subsequent relief acts, at a cost of $69,546, or an average cost of $5.32 per acre. The facts leading up to their purchase are briefly these.

The Indians of the Stockridge Munsee Community were moved to their present location in 1856. Reservation lands were allotted, and in 1909 the Indians received patents in fee for their allotments. By the middle 1930's little more than 100 acres remained in Indian ownership. The lands, for the most part, were subject to delinquent taxes and foreclosure. The Resettlement Administration accepted options and approved the purchase of 13,077 acres of submarginal land within the former reservation before the program was closed. Certain tracts within this area were not submarginal in character and could not be purchased under the submarginal program, but could be and were purchased under the authority of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984). All plans submitted for purchases under authority of the Indian Reorganization Act took into consideration the desirability of purchasing, insofar as possible, desirable tracts of land which would effect a more complete blocking of the submarginal lands. In fact the Resettlement Administration handled this phase of the work for the Bureau of Indian Affairs and recommended the purchase of some 3,000 acres in order to block out the entire area. With the funds available at that time, purchases of 1,249.86 acres were completed and a reservation was proclaimed on March 19, 1937, for the use and benefit of the Stockbridge and Munsee Band of Mohican Indians of Wisconsin. Subsequent funds made available under authority of the Indian Reorganization Act enabled the Bureau of Indian Affairs to purchase an additional 1,000 acres of land for these Indians.

The purchase of the submarginal lands was but a small part of the submarginal land program undertaken by the Federal Government for the benefit of Indians. In Circular No. 1, issued on June 7, 1934, by the Federal Emergency Relief Administration, to govern the acquisition of submarginal lands, it was stated that the land acquisition program of the Federal Government would be of three major types, the third type being "Demonstration Indian lands projects," which would include lands to be purchased primarily for the benefit of Indians. It was further stated that the objectives of the program include "Improvement of the economic and social status of 'industrially stranded population groups', occupying essentially rural areas, including readjustment and rehabilitation of Indian population by acquisition of land to enable them to make appropriate and constructively planned use of combined land areas in units suited to their needs." The circular set forth the following five types of demonstration Indian areas to be included in the program: (1) checkerboarded areas, (2) watershed or water control areas, (3) additional lands to supplement inadequate reservations, (4) lands for homeless Indian bands or communities now forming acute relief problems, and (5) lands needed for proper control of grazing areas.

In a memorandum of understanding between the Federal Resettlement Administration and the Office of Indian Affairs, approved by the Administrator of Resettlement Administration on October 19, 1936, it is stated that:

"Whereas, the lands being acquired under this program are situated almost entirely within existing Indian Reservations to which they are intended for addition for the purpose of providing subsistence farm sites and consolidated grazing areas for the exclusive use of Indians; and

* * * * *

"2. Pending the transfer of the lands within those projects to the Office of Indian Affairs for permanent administration for the exclusive benefit of Indians, the Commissioner of Indian Affairs is hereby authorized to exercise, and hereby agrees to assume the responsibility for exercising, temporary supervision over the administration and maintenance of those projects, subject to the following stipulations:

* * * * *

"4. Upon the consummation of its land acquisition program in connection with the projects listed in paragraph 1, the Resettlement Administration will recommend to the President that the lands within those projects be transferred to the Office of Indian Affairs for permanent administration for the exclusive benefit of Indians."

The records disclose a complete understanding between the Federal Agencies involved in the acquisition and administration of submarginal lands on or near Indian reservations. It was that the lands were being selected for acquisition in connection with demonstration Indian projects; that they were needed by the Indians; that they would be utilized by the Indians in connection with the use of Indian-owned lands; and that proper recommendations would be made at the appropriate time for the enactment of legislation to add these lands permanently to Indian reservations.

Jurisdiction over the Stockbridge Munsee submarginal lands was transferred by Executive Order 7868, dated April 15, 1938, from the Department of Agriculture to the Department of the Interior for the use and benefit of these Indians, insofar as consistent with the conservation purposes for which the lands were acquired.

The full legal and equitable title to the lands is in the United States. Technically they are not subject to the provisions of Title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937 (50 Stat. 522), because they were transferred to the Department of the Interior about two months before most of the submarginal land projects were placed under the Act. Nevertheless, that Act was intended to and did control all of the submarginal land projects under the jurisdiction of the Secretary of Agriculture on June 9, 1938, including Indian projects that were transferred to the Department of the Interior after that date. Under Title III submarginal lands could be sold or donated to public agencies on condition that they be used for public purposes, or the lands could be transferred by the President to any Federal or State agency for administration in a manner that would further the land conservation and land utilization program authorized by the act.

As neither Title III of the Bankhead-Jones Farm Tenant Act nor the original recovery or relief acts under which the lands were acquired, contemplate the transfer of program lands to private owners, the lands in question have been administered by the Department of the Interior for more than 30 years for the dual purpose of conservation and benefit to the Indians.

The vegetative cover of the submarginal lands is 70 percent second growth hardwoods with scattered areas of coniferous reproduction. The remainder is agricultural in character except for some brush and swamp areas. The reservation lands are contiguous to submarginal lands and the Indians have been effectively utilizing both tribal and submarginal lands. There is no known mineral value, and no indication that minerals are being given much consideration in the sale and exchange of lands in and adjacent to the reservation, other than deposits of gravel and rock at locations strategic to road construction.

Based on records in this Office and on the assumption that these lands would be operated in conjunction with present tribal lands for timber management, recreation, residential and farming purposes, their value is estimated at $355,000 or about $42.50 per acre. These lands are without value for minerals, either metalliferous or nonmetalliferous.

There are 152 Indians residing on submarginal land and 92 Indians living on tribal land. The Indians occupying homesites on both the Community and submarginal lands were given assignments by the Community Council for this purpose. Assignments on the submarginal land provide for the right of inheritance, and, under stipulated conditions, for the removal of buildings added while the lands are held under assignment. There are approximately 30 families comprising 125 individuals living within four miles of the tribal and submarginal lands. Some of these families would like to obtain individual homesites on the submarginal land if it is given to the Community.

To date forty residences have been placed on the submarginal land. Twenty-seven of these are used year round, but only slightly more than half of them are in good condition. Thirty-five residences are located on tribal land, eighteen of which are of stone construction. In addition to these residences, the Mohican Housing Authority has constructed twenty low-rent units on tribal land. Also, efforts are being made to program twenty mutual-help units for the Stockbridge Munsee Indians.

The average annual family income of the residents on the submarginal lands is $4,000 compared to $3,500 for families living on tribal land. This income is substantially lower than the average annual family income for the State of Wisconsin, which is over $6,000. Most of the adult Indians living on the tribal and submarginal lands are employed. Several are retired on Social Security or Veteran Administration pensions. There is some supplementary income obtained through aid to dependent children, old age assistance, and disability aid. A few of the Indians depend upon seasonal employment for their livelihood.

The Bureau of Indian Affairs has worked with the Indians on their summary development program which has resulted in the Stockbridge Munsee Arts and Crafts Shop being opened in January 1964; a forest management program that was approved in November 1963; low rent and mutual self-help housing programs; the Black topping of reservation roads; as well as expansion of employment assistance services and education programs. Other programs that have been proposed but are only in the preliminary stages involve recreational development; construction of truck trails for fire protection; the proposed consolidation of the land base including submarginal lands; a maple syrup project; and the Red River development dam and fish hatchery project.

As was originally contemplated, it is our view that the most logical use of this submarginal land is in conjunction with the tribal land. Conversely, proper planning and development of the tribal land is dependent upon the submarginal land, and the planning that has taken place heretofore has been on the basis of the integrated use of submarginal and tribal lands. In view of the Indian improvements that have already been placed on this land, and the many advantages that the Stockbridge Munsee Community will derive from this transfer of the submarginal land to it, we urge that these lands be held in trust for the Community.

The Office of Management and Budget has advised there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

Harrison Loesch,
Assistant Secretary of the Interior.

By Mr. BURDICK (for himself, Mr. Allott, Mr. Mansfield, Mr. Metcalf, and Mr. Young) (by request):

S. 1231. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Pembina Band of Chippewa Indians in Indian Claims Commission docket Nos. 18–A, 113, and 191, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. BURDICK. Mr. President, on behalf of several other Members of the Senate and myself, I introduce for appropriate references a bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Pembina Band of Chippewa Indians in Indian Claims Commission dockets Nos. 18–A 113, and 191, and for other purposes.

Mr. President, this legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication from the Secretary of the Interior accompanying the proposal be printed in the Record at this point in my remarks.

There being no objection, the communication was ordered to be printed in the Record, as follows:

U.S. Department,
of the Interior,
Washington, D.C., February 11, 1971.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed is a draft of a bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Pembina Band of Chippewa Indians in Indian Claims Commission dockets Nos. 18–A, 113, and 191, and for other purposes.

We recommend that the bill be referred to the appropriate committee for consideration, and that it be enacted.

On June 18, 1962, the Indian Claims Commission entered an amended final award in its consolidated dockets Nos. 18–A, 113, and 191, in favor of the Red Lake and Pembina Bands of Chippewa Indians as such bands were constituted on October 2, 1863, for the sum of $3,369,726.00, less $635,774.87 representing payments on the claim and $699,062.57 representing allowable gratuitous offsets, leaving a net judgment of $2,034,888.56. The judgment represented additional payment for 7,488,280 acres of land in Minnesota and North Dakota which those bands ceded to the United States by the Treaty of October 2, 1863 (13 Stat. 667).

In accordance with the mandate of the Court of Claims following an appeal to that Court, the Commission amended its final judgment on April 24, 1964, to reflect the one-third interest which the Pembina Band had in the land ceded and to deduct offsets exclusively for the benefit of that band. This resulted in an award to the Pembina Band in the sum of $237,127.82. Funds to cover the award were appropriated by Congress on June 9, 1964 (78 Stat. 204, 213). The funds were deposited to the credit of the Pembina Band in the Treasury of the United States at four percent interest. Attorney fees in the amount of $23,712.78 were allowed by the Commission by order dated August 13, 1964, as modified March 23, 1966, and paid from the judgment funds. Attorney expenses in the amounts of $17,736.18 and $222.42 were allowed by the Commission by orders dated June 25, 1968, and June 26, 1968; however, only the first sum has actually been paid.

The Pembina Band is interested in eight cases still pending before the Commission (dockets Nos. 18–J, 18–K, 18–L, 18–M, 221, 246, 113, and 191). The award completed all claims of the Pembina Band in docket No. 18–A, but completed those in dockets Nos. 113 and 191 only as concerns land overlapping the area in 18–A.

The Chippewa (Ojibwa) are an Algonquian-speaking people who originated in the northern Great Lakes area. Subsequent to the period of European contact the Chippewa became divided generally into Woodland and Plains groups, the Woodland element being older, much larger, and situated in what are now Michigan, Wisconsin, Minnesota, and bordering areas in Canada. Other Chippewa, by the mid-19th century, had become full-fledged Plains Indians, adopting the buffalo hunting, equestrian culture and spreading from the Red River-Turtle

Mountain area in North Dakota well into the Canadian Plains. The Pembina formed the easternmost band of the Plains Chippewa.

Today, as is illustrated below, there are three distinct reservation-based entities that may be considered to be comprised in part of Pembinas or descendants of Pembinas. These are the Minnesota Chippewa Tribe, particularly White Earth Reservation; the Turtle Mountain Band of Chippewa Indians of the Turtle Mountain Reservation, North Dakota; and the Chippewa-Cree Tribe of Rocky Boy's Reservation, Montana.

The Pembina Band, at the time the treaty of 1863 was negotiated, was led by two principal chiefs, Little Shell and Red Bear, each with his own following. The Pembinas were promised a reservation in what is now North Dakota, but because of difficulty encountered in selecting a suitable site a township was purchased for the band on June 20, 1873, on the White Earth Reservation in Minnesota. During the next few years a substantial number of Pembinas settled in that township where they continued to receive 1863 treaty annuities. All other bands associated with White Earth Reservation are Mississippi and Pillager groups (Woodland Chippewas), the Pembina element forming a distinct minority. By an agreement of August 11, 1886, the Pembinas of White Earth Reservation exchanged their separate township for incorporation in an organization formed by the other bands resident there and are entitled ". . . to share all the benefits of the consolidation equally with them; and, in turn, the consolidated bands are made equal owners in the Pembina township, and in any claims the Pembinas may have against the United States on account of lands elsewhere."

The total White Earth Reservation group subsequently joined five other Minnesota Chippewa reservation groups to form the Minnesota Chippewa Tribe, organized under the Indian Reorganization Act of 1934 (48 Stat. 984). The Red Lake Band, the seventh Chippewa reservation group in Minnesota, is a separate political entity.

Other Pembinas, including Little Shell (son of the treaty chief) and Red Bear, settled on Turtle Mountain Reservation following its establishment by Executive Order of December 21, 1882. By that time large numbers of people generally known as Metis had become associated with the band, or were residing in the Turtle Mountain area and other places in northern North Dakota, Minnesota, and Montana. The presence of the Metis and their confusion with the Plains Chippewa groups, particularly with the Pembina Band, have formed some of the principal obstacles to the development of a just and realistic legislative proposal for the disposition of the award.

Metis (French for "half") does not merely mean "half blood" or "half breed", but has a much broader connotation, referring to a large cultural and sociological element formed during the buffalo hide trading era in the northern Plains. The Metis have French and other European ancestry, and Plains Chippewa, Plains Cree, and other Indian ancestry. By the early part of the last century the Metis had developed a distinct culture, marginal to that of the tribal peoples and the anglicized societies of both the United States and Canada. They were also linguistically distinct, having developed the "'Metis jargon" which is sometimes called "Cree' but is predominantly French with many Chippewa and Cree elements.

By late 1880's the Turtle Mountain area became inundated with Metis who had fled Canada after unsuccessful rebellions in 1869–70 and 1885. These people, together with some Metis who have evidently long been associated with the Pembina Band, and the conservative (called "full blood") Turtle Mountain or Pembina Chippewas formed the modern Turtle Mountain Band, the political entity constituted in 1932. The non-Metis or original Pembina form a small, conspicious conservative Indian minority on the reservation or in the Turtle Mountain area. It is not known how many other members of the Turtle Mountain Band will be able to trace Pembina ancestry to any useful rolls. Research does indicate, however, that annuity payments made under the 1863 treaty involved, almost exclusively, Chippewa Indian names, the well-known French or other European names of the Metis being absent. Some Metis, apparently those who have long been associated with the Pembinas, are able to trace their ancestry to persons whose names were distinctly Chippewa and who were undeniably Pembina.

Chief Little Shell, evidently the son of the 1863 treaty signatory, and other leaders, protesting the presence of the Metis, the resultant overcrowding of Turtle Mountain Reservation, and other unfavorable aspects of existence there, took some of their followers to Montana and Canada. Little Shell returned to Turtle Mountain, but a pattern had developed of sojourning between Turtle Mountain, northern Montana and adjacent areas in Canada.

Rocky Boy, one of the successors to Red Bear, followed this pattern, ultimately joining with some Crees under Little Bear who were fugitives from the Riel Rebellion of 1885 (Little Bear was the son of the Cree chief of the only tribal group which had joined either of the Metis rebellions). This Ricky Boy-Little Bear band lived something of a pariah existence in Montana, individuals and families often scattered throughout the State and across the international boundary, until a reservation named for the Chippewa chief was established in northern Montana by the Act of September 7, 1916 (39 Stat. 739). The resultant Chippewa-Cree Tribe of Rocky Boy's Reservation has organized under the Indian Reorganization Act of 1934. Rather painstaking research (including interviews with aged Rocky Boy's residents), also adding to the delay in developing a legislative formula, reveals that the majority, perhaps over 75 percent, of the tribal members have Pembina Chippewa ancestry. Although the specific designation "Pembina" does not appear on any Rocky Boy's records (it appears only on old annuity records or on band rolls maintained by the Minnesota Chippewa Tribe), the Bureau of Indian Affairs is satisfied that the designation "Chippewa", as applied to rolls of persons among Rocky Boy's following made prior to the establishment of the reservation, or as found on early Rocky Boy's agency rolls, is synonymous with Pembina Chippewa.

A nonreservation-based element must also be considered in the disposition of the award. Pembina descendants, in unknown numbers, are found among the group generally called "Landless Indians of Montana". Most of these people are Metis, and as mentioned previously, some Metis will be able to trace Pembina ancestry to old annuity rolls. Some of the landless people are traditional Chippewas, who, for a variety of reasons, were unwilling or unable to enroll with the organized Turtle Mountain and Chippewa-Cree groups. An area called "Hill 57" in Great Falls is probably the best known community of the landless people. Others are found elsewhere in Great Falls, and in Hays, Wolf Point, Helena, Chinook, other towns and cities, and among various reservation-based groups, generally as the spouses of enrolled tribal members.

Past efforts to enroll the landless people with organized reservation-based groups have been largely unsuccessful, although some were enrolled in the 1930's with the Chippewa-Cree Tribe. There have been several organizations among them such as the "Little Shell Band of Chippewa Indians of Montana", also known as the "Landless Indians of Montana", petitioners in Indian Claims Commission docket No. 191, and the "Montana Landless Indians, Inc." It should be emphasized here that while rolls of landless Indians of Montana have been developed and are available to the Bureau of Indian Affairs, such rolls were made primarily in an effort to seek means of obtaining Federal services and land for these people and to assist them in affiliating with reservation-based tribes. While they are relied upon to reflect the Indian blood of the persons listed thereon, they are not of value in determining Pembina ancestry.

The proposed bill provides that the Secretary shall prepare a roll of all persons of Pembina Chippewa ancestry, applications for enrollment to be filed with the Area Director of the Aberdeen Area Office in South Dakota. There is little doubt that most applications will be received from individuals in the Turtle Mountain reservation area, within the jurisdiction of the Aberdeen office.

The proposed bill further provides that persons in certain categories not be enrolled: those who are noncitizens (in consideration of the proximity of the international boundary and the history of Plains, Chippewa, and Metis relations with Canada); those who are members of the Red Lake Band of Chippewa; and those who participated in the provisions of the Act of September 27, 1967 (81 Stat. 230).

There is some evidence that Pembinas, or at least persons of Pembina ancestry, are enrolled members of the Red Lake Band of Chippewas in Minnesota. The modern organized entity, as a full successor to the Red Lake Band of 1863, has received its share of the award granted in dockets Nos. 18–A, 113, and 191 under the provisions of the Act of October 13, 1964 (78 Stat. 1093).

The Mississippi, Pillager, and Lake Winnibigoshish Chippewa awards were distributed to members of the Minnesota Chippewa Tribe under the provisions of the Act of September 27, 1967. While it is quite possible for an individual member of the Minnesota Chippewa Tribe to have ancestry with two or more historic Chippewa bands, the tribe, on the basis of both tradition and enrollment procedure, limits identity to one band.

The Bureau of Indian Affairs is in agreement with the Minnesota Chippewa Tribe in that an individual member enrolled as a Mississippi descendant, or as a Pillager descendant (Lake Winnibigoshish begin a subdivision of Pillager), should not be encouraged to change the band descendancy designation. All members of the tribe have a historic band designation, these being Mississippi, Pillager, Pembina, Lake Superior, or subdivisions thereof, and it is apparent that there is full acceptance of such designations.

The draft bill provides that funds shall be apportioned to the Minnesota Chippewa Tribe, the Turtle Mountain Band, and the Chippewa-Cree Tribe on the basis of the numbers of descendants found to be enrolled with the tribes, such funds to be expended as authorized by the governing bodies of the tribes and approved by the Secretary. In order to ensure the involvement of the White Earth Pembina descendants, who form a small minority within the Minnesota Chippewa Tribe, it is provided that the tribal council shall act in concert with what is known on White Earth as the General Council of the Pembina Band of Chippewas.

Language has been included in the proposal to provide for payment of shares to those descendants who are not enrolled with any of the three cited tribes. Proper provision is made for the protection of the interests of minors and legal incompetents; however, it should be noted that these shares, and any per capita shares paid to descendants who are enrolled tribal members, as authorized by any of the tribal governing bodies, will undoubtedly be rather small. If large numbers of Metis descendants are also able to establish Pembina ancestry, any per capita shares will be meager indeed.

Programing potential is present in terms of the sums accruing to the Turtle Mountain and Chippewa-Cree groups, and particularly the latter in view of the fact that so many tribal members are Pembina descendants, all land is tribal, and the tribe has lately demonstrated its eagerness to explore socioeconomic developmental approaches. No program plans involving the present award have yet been developed by any of the tribes. The proposed bill attempts to accomplish the most good with what is a relatively small award involving a plethora of interested individuals and entities.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

Harrison Loesch,
Assistant Secretary of the Interior.

PEMBINA CHIPPEWA JUDGMENT FUND

Indian Claims Commission Dockets 18–A, 113, and 191, Statement as of June 2, 1970

Net award (14X7076) awards of Indian Claims Commission, Pembina Band of Chippewa Indians	$237,127.82
Accrued interest on above fund through Dec. 31, 1969	+63,401.04
Expenditures:	
Attorneys' fees	23,712.38
Attorneys' reimbursable expenses	17,736.18
Reproduction of Rocky Boy's Roll for research purposes	20.00
Total	−41,468.96
Total judgment funds available	[1] 259,059.90
Balance on deposit in the U.S. Treasury	27,367.38

[1] Of this sum, $231,692.52 is invested in U.S. Treasury bills maturing Jan. 31, 1971, in the face amount of $249,000, (interest rate—7.746 percent).

By Mr. INOUYE (for himself, Mr. Cooper, Mr. Cotton, Mr. Dominick, Mr. Eastland, Mr. Gurney, Mr. Hatfield, Mr. Hollings, Mr. Magnuson, Mr. Mansfield, Mr. Metcalf, Mr. Montoya, Mr. Muskie, Mr. Randolph, Mr. Stevens, Mr. Thurmond, and Mr. Williams):

S. 1233. A bill to amend the Internal Revenue Code of 1954 to provide the same tax exemption for servicemen in and around Korea as is presently provided for those in Vietnam. Referred to the Committee on Finance.

Mr. INOUYE. Mr. President, in behalf of myself and Senators Cooper, Cotton, Dominick, Eastland, Gurney, Hatfield, Hollings, Magnuson; and also Senators Mansfield, Metcalf, Montoya, Muskie, Randolph, Stevens, Thurmond, and Williams, I am introducing a bill to amend the Internal Revenue Code of 1954 to provide the same tax exemption for servicemen in and around Korea as is presently provided for those in Vietnam. The bill will amend section 112 by adding a new subsection exempting from Federal taxation servicemen's combat pay earned in the Korea area.

This bill is a companion bill to legislation sponsored by Congressman Lester Wolff, of New York. Last year the House version gathered more than 200 cosponsors. I am hopeful that we shall have an opportunity to consider it this year.

This legislation is prompted by the unhappy fact that Korea continues to be a hostile area. Fighting near the demilitarized zone and in adjacent waters has increased considerably in the last few years, as North Koreans send trained infiltrators across demarcation lines. Outside of Vietnam the members of our armed services stationed in Korea are subjected to a degree of immediate danger greater than any in the world.

It is because of our great concern that so many Representatives and my colleagues feel that this exemption is justified as a small form of financial compensation for those men who are risking their lives in a zone where combat activities are being carried on.

By Mr. INOUYE (for himself, Mr. Bible, Mr. Burdick, Mr. Byrd of Virginia, Mr. Cannon, Mr. Cooper, Mr. Cranston, Mr. Eastland, Mr. Gurney, Mr. Hatfield, Mr. Harris, Mr. Hart, Mr. Bayh, Mr. Hollings, Mr. Jackson, Mr. Javits, Mr. Kennedy, Mr. Mathias, Mr. McGovern, Mr. Miller, Mr. Moss, Mr. Pastore, Mr. Pell, Mrs. Smith, and Mr. Stevenson):

S. 1234. A bill to establish limits on the assignment of a member of the Armed Forces to a combat zone and for other purposes. Referred to the Committee on Armed Services.

Mr. INOUYE. Mr. President, as our troop commitment in Southeast Asia gradually declines I would like to focus on one aspect of the Department of Defense's personnel policies. In the last Congress I introduced a bill which would have limited assignments of members of the same family in combat zones.

I am reintroducing that bill today and urge that it be given expeditious treatment. The measure provides that except during a war or a national emergency no member of the Armed Forces whose father or mother or brother or sister was killed in action or died in line of duty while serving with the Armed Forces of the United States or subsequently died as a result of injuries received or disease incurred during such service shall be assigned to duty in a combat zone. Second, no member of the Armed Forces shall be assigned to duty in a combat zone at any time when a father or mother or brother or sister of such member is serving in a combat zone, unless the member volunteers for such duty. By establishing exceptions for national emergencies and in cases of voluntary actions, I believe that the bill gives to the Department of Defense adequate flexibility in less than total wartime conditions.

I introduced the bill because I was concerned about the unequal burdens which families with military-age sons bear. In spite of the changes in Selective Service regulations, many men are able to defer their military service through the period of their college education and longer. Others enjoy exemptions because of family support obligations. Clearly as the debate on the Selective Service Act has shown, the burdens of military service have been unevenly distributed, with the brunt falling on the lower-income and less well-educated groups.

Some families have been compelled to risk two or more members of their family, while other families remain virtually untouched by the tragic conflict in Vietnam. I am certain that each Member of the Senate knows personally of cases where a single family has suffered two or more casualties as a result of the Indochina conflict. There have been instances in my own State of Hawaii, where two men within a single family were killed as a result of this war.

Current Department of Defense regulations exempt servicemen from a Vietnam assignment in three instances: first, if the servicemen in question is a sole surviving son, that is, one who is the only remaining son of a family of which the father or one or more sons or daughters have been killed or died as a result of wounds; second, if another member of the same family is serving in a combat zone; and third, if another family member is killed or dies from injuries as a result of service in a designated hostile fire zone. In each of these instances, however, the eligible serviceman must request the exemption.

In a letter to the chairman of the Armed Services Committee, the acting general counsel of the Department called the regulations liberal and urged that no change be made in these policies. He further alleged that my bill would usurp an individual's current prerogative to volunteer for combat duty or to present himself for an unrestricted career in the Armed Forces.

I believe that the requirement which compels the eligible serviceman to initiate the application for noncombatant duty places an unfair burden on him. I am certain that all of us comprehend how a young man filled with espirit de corps after training with his unit could unthinkingly waive his right for noncombatant duty. Although this waiver could easily be effected it would be natural for him to believe that his peers would consider his leaving a cowardly act.

A young serviceman is often motivated by a deep sense of patriotism and pride. Each of these pressures might make him forego his right to noncombatant service.

In 1969, I had the support of 35 of my colleagues. The DOD, however, was strongly opposed to the enactment of this bill. I believe that conditions have changed sufficiently to justify a change in the Department's stand. Large troop withdrawals have been made from South Vietnam. In late March 1969, when I first introduced the bill there were approximately 540,000 men in Vietnam. This number has been reduced to 338,000 today. By the first of May the United States will have only 284,000 men in Southeast Asia. This drastic decrease in the number of American forces assigned to Vietnam means that the demand for personnel is far less than it was only a few months ago. I have encountered many situations in which a serviceman has requested duty in Vietnam and the Army could not grant his request because there were too many eligible men available.

Not only the serviceman's interests but also the interests of his loved ones are involved. Part of the right to make a decision must be freedom from coercion and conflicting social pressures. With a decision of such far-reaching life or death implications, and in view of the availability of replacements, no coersion should be permitted. Out of consideration for his family and for the serviceman himself, I am introducing this bill with the cosponsorship of 24 of my colleagues. I ask unanimous consent that the text of my bill be printed in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

S. 1234

A bill to establish limits on the assignment of the Armed Forces to a combat zone and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 53 of title 10, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 1041. Limitations on assignments to combat zones

"(a) Except during a period of war or a national emergency declared by the Congress after the date of enactment of this section—

"(1) No member of the armed forces whose father or brother or sister or mother was killed in action or died in line of duty while serving in the armed forces of the United States, or subsequently died as a result of injuries received or disease incurred during such service, shall be assigned to duty in a combat zone.

"(2) No member of the armed forces shall be assigned to duty in a combat zone at any time when a father, brother, or sister or mother of such member is serving in a combat zone, unless such member volunteers for such duty.

As used in this section the term 'combat zone' means any area which the President by Executive order designates, for purposes of this section, as an area in which the armed forces are engaged in combat; the term 'brother' includes a half brother; and the term 'sister' includes a half sister.

"(b) The provisions of subsection (a) of this section shall be administered under regulations prescribed by the Secretary of Defense."

Sec. 2. The table of sections at the beginning of chapter 53 of title 10, United States Code, is amended by adding at the end thereof the following:

"1041. Limitations on assignments to combat zones."

By Mr. TUNNEY (for himself, Mr. Bayh, Mr. Anderson, Mr. Bible, Mr. Brooke, Mr. Burdick, Mr. Cranston, Mr. Eastland, Mr. Gravel, Mr. Gurney, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hollings, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Kennedy, Mr. Magnuson, Mr. Mansfield, Mr. McGee, Mr. McGovern, Mr. Miller, Mr. Muskie, Mr. Pell, Mr. Randolph, Mr. Schweiker, Mr. Spong, Mr. Stevens, Mr. Tower, Mr. Williams, and Mr. Chiles):

S. 1237. A bill to provide Federal financial assistance for the reconstruction or repair of private nonprofit medical care facilities which are damaged or destroyed by a major disaster. To the Committee on Public Works.

Mr. TUNNEY. Mr. President, I introduce today legislation intended to amend the Disaster Relief Act of 1970, to allow Federal grants for the reconstruction or repair of nonprofit private medical care facilities which are damaged or destroyed by a major disaster. This extends to those facilities the same kind of Federal aid which is now offered to their public counterparts.

This bill is vital to the areas in California which were hit by the recent disastrous earthquake. It is also important to the medical care system of any area in this country struck by disaster.

I am delighted this proposal has received such widespread support. It is cosponsored by Senator Bayh, under whose leadership the Disaster Relief Act of 1970 was passed by the Senate last year; by my fellow Californian Senator Cranston; and by several others of my distinguished fellow Senators.

Under the proposed legislation, the President would be authorized to make grants for the post-disaster repair, reconstruction, or replacement of any damaged or destroyed medical care facility which is operated on a nonprofit basis by an organization exempt from Federal income taxes under section 501 (c), (d), or (e) of the Internal Revenue Code.

The President would be authorized to grant up to 100 percent of the net cost of restoring the medical care facility to its predisaster condition, in conformity with currently applicable codes, specifications and standards.

If the medical facility was under construction when the disaster occurred, then Federal grants may cover 50 percent of the cost of restoring the facility to its predisaster condition, and may also help defray increases in construction costs which are due to changed conditions resulting from the disaster.

Medical care facilities covered by this proposal would include any hospital, diagnostic or treatment center, rehabilitation facility, and mental health facility.

This proposed legislation leaves open the question whether Federal grants should be made available to repair or reconstruct nursing homes which are damaged or destroyed in a disaster. In my judgment, the possible inclusion of nursing homes should be carefully explored by the committee to which this bill is referred.

For this reason, and in view of the overriding need to secure prompt enactment of vitally needed legislation, the present bill is limited in the ways I have described.

I believe there is need for further—and separate—legislation. I am now preparing, and will shortly introduce, additional legislation to bring more effective rapid Federal assistance to the private homeowner in California whose home has been damaged or destroyed. I hope that this legislation will also receive full and prompt consideration in light of its present importance to California and potential significance to any disaster-struck area.

In the meantime, I hope that the legislation I introduce today will receive prompt consideration. I understand that similar legislation will be offered shortly in the other body. With this broad effort, I am confident that there will be an excellent chance for action on this proposal in the near future.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1237

A bill to provide Federal financial assistance for the reconstruction or repair of private non-profit medical care facilities which are damaged or destroyed by a major disaster

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the Disaster Relief Act of 1970 is amended by adding at the end thereof the following new section:

"PRIVATE MEDICAL CARE FACILITIES

"Sec. 255. (a) The President is authorized to make grants for the repair, reconstruction, or replacement of any medical care facility which is operated on a nonprofit basis by an organization exempt from taxation under section 501(c), (d), or (e) of the Internal Revenue Code of 1954 and which is damaged or destroyed by a major disaster. Such assistance shall be made available only on application, and subject to such rules and regulations as the President may prescribe.

(b) A grant made under the provisions of subsection (a) shall not exceed—

"(1) 100 per centum of the net cost of repairing, restoring, reconstructing, or replacing any such facility on the basis of the design of such facility as it existed immediately prior to such disaster and in conformity with applicable codes, specifications, and standards; or

"(2) in the case of any such facility which was under construction when so damaged or destroyed, 50 per centum of the net cost of restoring such facility substantially to its condition prior to such disaster, and of completing construction not performed prior to such disaster to the extent that the cost of completing such construction is increased over the original construction cost due to changed conditions resulting from such disaster.

"(c) For purposes of this section, 'medical care facility' includes, without limitation, any hospital, diagnostic or treatment center, or rehabilitation facility as such terms are defined in section 625 of the Public Health Service Act, and any similar facility offering diagnosis or treatment of mental or physical injury or disease."

Sec. 2. The amendment made by the first section of this Act shall take effect as of January 1, 1971.

ADDITIONAL COSPONSORS OF BILLS

S. 942

At the request of Mr. Bible, the Senator from Colorado (Mr. Dominick), the Senator from Alaska (Mr. Stevens), and the Senator from New Mexico (Mr. Montoya) were added as cosponsors of S. 942, a bill to establish a temporary commission on cargo security and safety.

S. 950

At the request of Mr. Dominick, the Senator from Utah (Mr. Bennett), the Senator from Arizona (Mr. Fannin), the

Senator from Nebraska (Mr. HRUSKA), the Senator from Montana (Mr. METCALF), and the Senator from Utah (Mr. MOSS) were added as cosponsors of S. 950, a bill to amend the Gun Control Act of 1968 relating to the importation into the United States of sporting rifles and sporting shotguns.

S. 1053

At the request of Mr. HOLLINGS, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1053, a bill to authorize a program to develop and demonstrate low-cost means of preventing shoreline erosion.

S. 1099

At the request of Mr. MCINTYRE, the Senator from Montana (Mr. MANSFIELD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 1099, a bill to amend the Public Health Services Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes.

ADDITIONAL COSPONSORS OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 34

At the request of Mr. SCOTT, the Senator from Georgia (Mr. TALMADGE) and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of Senate Joint Resolution 34, a joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of voluntary prayer or meditation in public schools and other public buildings.

INTEREST EQUALIZATION TAX EXTENSION ACT OF 1971—AMENDMENT

AMENDMENT NO. 18

Mr. MAGNUSON. Mr. President, I submit, for appropriate reference, an amendment, intended to be proposed by me, to the bill (H.R. 5432) to provide an extension of the interest equalization tax, and for other purposes. My proposal would add a new subsection to the proposed extension of the interest equalization tax which is presently being considered by the House and will be taken up in the near future by the Senate. This subsection would exempt from taxation purchases made during the initial retroactive period of July 18, 1963, to September 2, 1964, if and only if purchases of securities were made with funds held by U.S. taxpayers outside of the United States on July 18, 1963. In such instances, there was no export of capital from the United States, and the purpose of the interest equalization tax—namely to prevent future outflows of capital after July 18, 1963—was not violated.

The following is the text of the new subsection:

That (a) section 4914 of the Internal Revenue Code of 1954—relating to exclusion for certain acquisitions—is amended by adding at the end thereof the following new subsection:

"(k) certain acquisitions before September 2, 1964. The tax imposed by section 4911 shall not apply to an acquisition made before September 2, 1964, by a United States person of stock or a debt obligation if such acquisition was made—

"(1) from funds held by such person on July 18, 1963, and,

"(2) from funds held by such person on July 18, 1963, which were on deposit outside the United States with persons carrying on the banking business, and,

"(3) from the proceeds of the disposition of stock of foreign issuers, or debt obligations of foreign obligors, held by such person on July 18, 1963, and,

"(4) from the proceeds of the disposition of stock of foreign issuers, or debt obligations of foreign obligors, acquired by such person after July 18, 1963, in an acquisition to which paragraph (3) applied, or

"(5) from credit obtained in a foreign country."

(b) The amendment made by subsection (a) shall apply with respect to acquisitions of stock and debt obligations made after July 18, 1963.

TAX IMPACT

During the retroactive period many persons, who had funds invested in foreign securities for many years prior to July 18, 1963, continued to manage those investments by making sales and purchases, not knowing whether the interest equalization tax would ever actually be enacted, what countries would be exempted, and what rates of tax would apply if it ultimately did become law. Since there was no actual prohibition of trading in foreign securities, and no tax actually enacted, as I say, many persons consummated purchase transactions prior to enactment and with funds located outside the United States prior to July 18, 1963.

Some persons in this category no doubt assumed the tax would not apply in those instances where no capital was exported after July 18, 1963. Not until shortly after the act became law did they realize that such transactions were taxable not only in those instances where capital was not exported, but also in those instances where capital was exported. We fit the first category.

For many years prior to July 18, 1963, Mr. Purvis had funds in Canada and funds invested in Canadian securities, and had actively traded in listed stocks on Canadian exchanges. He was, of course, aware of President Kennedy's request that Congress enact this tax retroactively, but assumed it would not apply to funds located outside the United States prior to July 18, 1963. As I understood it, the purpose of the interest equalization tax was to curb the further transfer of capital, not to penalize those persons who had relied on existing law for many years.

As a consequence, Mr. Purvis continued to manage his investment portfolio in Canadian securities during the retroactive period, and made some purchases during that period, but with funds located outside the United States prior to July 18, 1963. In other words, he did not export any capital, yet the tax was applied to the same extent as if there had been a direct transfer of capital.

The following is a list of persons in Washington State who have paid retroactive taxes in the amounts indicated opposite the name of each. In all of these instances the purchases of foreign securities were made July 18, 1963, and September 2, 1964, and the purchase price was paid with funds or credits located outside the United States prior to July 18, 1963. No capital was exported within the period in order for these persons to consummate the purchases:

Ralph F. Purvis, Star Route 1, Box 221, Bremerton, $14,377.12.

Arthur Ward, 6535 18th Avenue, NE, Seattle, $11,461.

Dr. C. E. Marshall, 1221 Minor, Seattle, $833.97.

Eugene Vallat, Box 1010, Port Angeles, $1,825.06.

John Harkoff, Box 709, Lynden, $7,135.01.

Marianne Harkoff, Box 709, Lynden, $299.94.

Helen Sue Harkoff, Box 709 Lynden, $299.94.

Martin H. Jensen, Lynden, $1,454.04.

Erling Crabtree, Lynden, $876.

Adoption of my proposed new subsection would enable Mr. Purvis and other persons in the same very limited category to obtain refunds of such taxes paid.

LEGISLATIVE HISTORY

President Kennedy in an effort to stem the further flow of capital to foreign countries, proposed the interest equalization tax on July 18, 1963. Following more than a year of consideration, Congress enacted the tax on September 2, 1964. The tax on the purchase of foreign securities was made retroactive to July 18, 1963, and applied to all purchases subsequent to that date. With regard to purchases within the retroactive period of 13 months the act makes no distinction between purchases financed with capital already located outside the United States prior to July 18, 1963, and purchases made with capital exported from the United States between July 18, 1963, and September 2, 1964.

I have carefully searched the record of all prior legislative hearings in connection with the interest equalization tax, and I am certain the impact of the retroactive feature with respect to instances of purchases made within that period, and with funds located outside the United States prior to the effective date, was never discussed or considered by any committee of Congress.

The ostensible purpose of the tax, as expressed by President Kennedy when first suggested, and the act itself, was to prevent any further outflow of dollars after July 18, 1963.

CONCLUSION

I respectfully submit that there was both executive and congressional oversight of this matter when the legislation was first considered. I would hope that the Senate would agree that unintended inequities have resulted and would see fit to adopt the suggested proposal set out above or a similar proposal to provide relief.

The PRESIDING OFFICER (Mr. McINTYRE). The amendment will be received, printed, and appropriately referred.

The amendment (No. 18) was referred to the Committee on Finance.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Sidney E. Smith, of Idaho, to be U.S. attorney for the district of Idaho for the term of 4 years, vice Sherman A. Furey, Jr., resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Friday, March 19, 1971, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

SAFETY STANDARDS FOR NURSING HOMES

Mr. MOSS. Mr. President, I take the floor this morning to try to clarify the provisions of one of the Moss amendments to Public Law 90-248 which was intended to raise standards in title 19, medicaid skilled nursing homes. I refer specifically to section 234(28)(F)(i) which requires medicaid nursing homes to comply with such provisions of the life safety code of the National Fire Protection Association as apply to nursing homes.

The application of this section in the law has become controversial Mr. President, because of the overbroad, if not erroneous application given to it by the Social Security Administration. SSA has required that all medicare institutions, hospitals as well as nursing homes comply with the provisions of the Life Safety Code and that all of these institutions install sprinkler systems. This requirement of sprinklers has produced severe hardship on many facilities because there is no Federal program which provides loans or grants to help these facilities purchase the required fire protection equipment. This hardship has been effectively demonstrated by the distinguished majority leader of the Senate.

The same type of hardship is created in my own State. I have letters telling me that many new hospitals will have to undergo expensive renovation if SSA's sprinkler requirement is enforced. These letters blame the present situation on my amendment which required nursing homes to be in compliance with the Life Safety Code. At the same time I have letters from the State indicating that SSA's requirement of sprinklers is laudable.

By way of unraveling this controversy a few words might be appropriate about the history of my amendment which requires the incorporation of the Life Safety Code. The amendment was introduced after our investigation of the Fitchville, Ohio, and Fountaintown, Ind., nursing home fires in which we learned from the National Fire Protection Association that nursing home residents statistically are most susceptible to death by fire. In general terms, the elderly constitute 10 percent of the population but account for 25 percent of the deaths by fire. The investigation of the nursing home fires also revealed that State fire codes are often inadequate and that there is a great disparity among the codes of different States. For this reason I looked for a uniform code to serve as the model for all States.

In 1966 and 1967 the only such standard that could be found which was accepted by fire safety experts was the Life Safety Code of the National Fire Protection Association. The 21st edition of the code was in existence at the time the legislation—Public Law 90-248—was passed and the Finance Committee and the Congress had ample opportunity to survey its contents before incorporating the code into law. I emphasize that the law reads that nursing homes "meet such provisions of the Life Safety Code of the National Fire Protection Association—21st edition 1967—as are applicable to nursing homes."

The statute does not say, "the Life Safety Code as revised." The statute spells out a specific edition of the code and until it is changed by the Congress the 21st edition will remain the point of reference for the States. The National Fire Protection Association might meet tomorrow and suggest changes in the code but these changes in the code would have no effect on the statute. Accordingly, there has not been the delegation of authority to a nongovernmental body.

During our investigations of the recent Marietta, Ohio, nursing home fire, I was glad to note that medicaid did have an excellent set of standards—the Life Safety Code. At the same time I was disappointed to learn that title 18, the medicare nursing home program had no fire standards at all. Section 405:1134 of the conditions of participation in an extended-care facility provides only guidelines; essentially these guidelines simply refer States back to their own fire codes some of which are good while others are much less than adequate.

When I discovered this vacuum with regard to medicare fire standards I considered legislation to make the medicare nursing home program congruent with the medicaid program. I intended to ask for the application of the Life Safety Code to the medicare title 18 program. At that time I was informed that new legislation would be unnecessary because of the application of section 1863 of the Social Security Act which requires that medicare standards for nursing homes be at least as high as the State's standards. With the enactment of my amendment the Life Safety Code became the State standard and medicare nursing homes had to meet this higher standard. In effect section 1862 makes the Life Safety Code applicable to medicare nursing homes.

I want to emphasize that I have been talking only about nursing homes. My amendment affects only title 19, medicaid skilled nursing homes and section 1863 refers only to medicare nursing homes, title 18. There is nothing in my amendment nor in section 1863 which would allow or demand the regulation of hospitals. Nor is there anything in the law which allows or demands that SSA pick out one provision of the Life Safety Code—like the requirement for sprinklers—and to apply it absolutely.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

Mr. BYRD of West Virginia. Mr. President, if the Chair will recognize me, I shall be happy to yield my 3 minutes to the able Senator from Utah.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. MOSS. I thank the Senator from West Virginia.

In short, Mr. President, under the guise of implementing my amendment, the Social Security Administration has required the installation of sprinklers in every medicare facility, hospitals as well as nursing homes. I know not by what kind of magic my amendment to title 19 can be stretched to apply to hospitals nor do I know why SSA has sought to insist on the absolute incorporation of sprinklers.

While it is true that the Life Safety Code does require sprinklers throughout nursing homes except in those of "fire resistive, 1 hour, noncombustible construction," this requirement found in sections 10-1361 and 10-2341 of the code must be applied in the light of section 1-6111 of this same code. This latter section authorizes the State agency to grant exceptions to the code's provisions in the case of practical difficulty in compliance or severe hardship. These waivers may be granted if the State agency finds that on the basis of the total environment reasonable protections are provided for the patient. The language of my amendment itself also authorizes States to issue waivers in the case of unreasonable hardship.

None of the provisions of the code are meant to be applied absolutely. A State fire marshal knowing the requirements of the code would evaluate the compliance of each individual nursing home. In the case of an old nursing home made out of wood and without other protections, sprinklers might very well be required. In the case of concrete and steel new construction with suitable precautions, then smoke detection devices or the like might suffice.

I am hoping that the Life Safety Code can be retained as the point of reference for nursing homes and that this standard can be applied to nursing homes after looking at the total environment of the nursing home. Medicaid and medicare should have the same fire standards. Significantly, the repeal of the application of the Life Safety Code and I refer always to the 21st edition, would mean that there would be virtually no fire safety standards at all for nursing homes.

Nursing homes should be required to meet the provisions of the Life Safety Code which is presently the law and the Code should be applied as above and not absolutely. And now to discuss briefly SSA's requirement of sprinkler systems for hospitals.

Doubtlessly, SSA does have authority to regulate hospitals but it cannot be found in my amendment to title 19. Whether or not the Life Safety Code should be applied to hospitals is a significant question. Congress has not acted on this issue but even if the code were applied there would not be significant changes required of hospitals because the Hill-Burton standards are very much the same as the Life Safety Code. What is problematic again is the absolute insistance of SSA on the need for hospitals to install sprinklers. There is a great debate as to the value of sprinklers which I do not propose to settle. I know this, SSA's present requirement will cause severe hardship on many hospitals and I suggest that SSA's application of the Life Safety Code—if such is their intent—be on a total environment basis much as I have recommended for nursing homes.

The foregoing position reflects my belief that no single protection, be it sprinkler systems, smoke detection devices of whatever is an absolute protection against fire. The Life Safety Code—21st edition—provides adequate protections and if applied and enforced after an assessment of the needs of each individual facility by the State fire marshal's office, I believe will provide our patients and elderly with more than adequate protection. It is my hope that SSA will alter their position and thus make unnecessary the bill introduced by the distinguished majority leader, S. 595, which would remove the Life Safety Code as the standard for medicare and medicaid nursing homes. I support the majority leader in his efforts to enact Senate Resolution 44 calling for the study of what standards are needed in institutional facilities.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. MOSS. I ask unanimous consent, Mr. President, to have printed in the Record two letters that I have received from the fire marshal of the State of Utah and from Utah's director of health.

There being no objection, the letters were ordered to be printed in the Record, as follows:

State Fire Marshal,
Salt Lake City, Utah, February 23, 1971.

Senator Frank E. Moss,
Senate Office Building,
Washington, D.C.

Dear Senator Moss: Over the years the State of Utah has been very fortunate in that there has not been a loss of life from fire in our hospitals and extended care facilities. Over 50% of the Nursing Homes in Utah are equipped with automatic sprinkler systems. The balance are of fire resistive construction or one-hour protected construction.

In the November meeting of the Fire Marshal's Association of North America, this organization endorsed and approved action taken by the Honorable Robert M. Ball, Commissioner, Social Security Administration in adopting the Life Safety Code (N.F.P.A. Standard 101) as a standard for those facilities participating in the Medicare Program.

Efforts are being made in Congress to remove life safety standards as adopted by the Department of Health, Education, and Welfare and leave fire safety standards to the discretion of health officials even though the State Fire Marshal's office is charged with this responsibility. This office has worked closely with the State Health Department in the past and will continue to do so.

Even in buildings of fire-resistive construction the flammable contents pose a life threat from fire to the patients and the Marietta, Ohio, Nursing Home fire clearly demonstrated that detection alone is not the answer. Automatic extinguishment (sprinkler systems) have proved to be the sure way to protect the patients.

All new construction of hospitals and nursing homes in Utah in the future will be completely sprinklered as this is a requirement of the 1970 Uniform Building Code and goes beyond the regulations as adopted by HEW. This applies even though the building is of fire-resistive construction.

Senate Bill 595 and its companion measure HB3640 would permit state health agencies to waive any fire safety regulations established by the Secretary if in their opinion the regulations will cause undue hardship. Such a practice could be dangerous. The Chief Fire Officials of our cities and communities and the staff of the State Fire Marshal's Office are trained to recognize and eliminate conditions dangerous to life from fire.

The Utah Fire Chiefs Associations and the State Fire Marshal's Office urge that Senate Resolution 44, SB595, and HR3640 be defeated.

Sincerely,

Robert A. Tanner,
State Fire Marshal.

State of Utah—Department of Social Services, Division of Health,
Salt Lake City, Utah, February 16, 1971.

Hon. Frank E. Moss,
U.S. Senator,
New Senate Office Building,
Washington, D.C.

Dear Senator Moss: I am writing to you to urge your support of Senate Resolution 44 and Senate Bill 595 sponsored by Senator Mansfield of Montana (Congressional Record of February 4, 1971).

Senator Mansfield's comments reflect the problems that will be encountered by the State of Utah if the requirements of the Social Security Administration are to be met.

Several new hospitals, just completed, would have to undergo extensive renovation if this requirement of sprinkler systems is insisted upon. In many cases, this renovation is not financially feasible.

I urge your support of realistic fire safety regulations, but with all agencies getting together. Various agencies with different codes make enforcement extremely difficult.

Sincerely,

Lyman J. Olsen, M.D.,
Director of Health.

QUORUM CALL

The PRESIDING OFFICER. Is there further morning business?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEATH OF WHITNEY YOUNG—A TRAGIC LOSS

Mr. GRIFFIN. Mr. President, the death of Whitney Young is a tragic loss for all America. In a decade of service as executive director of the National Urban League, Whitney Young labored unceasingly for the betterment of black people and of other minority groups. To his everlasting credit, he did so in the American way. He believed that social progress would inevitably flow from economic equality, and for that reason he directed a large part of his efforts toward erasing racial barriers in employment.

He once said:

> The only criterion by which I want to be measured is whether I have helped to improve the economic, political, health, and social future of the black people—not on the basis of how many white people I curse out.

Mr. President, Whitney Young was remarkably successful. His dedicated, untiring efforts have left this a better country, and his leadership will be greatly missed.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. BYRD of West Virginia. Mr. President, I join with the able Senator in his expression of sympathy and condolence and regret with respect to the passing of Whitney Young.

In the death of Whitney Young, I think the country has lost a voice for moderation. He was responsive to the needs of his people and responsible in his leadership.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BYRD OF WEST VIRGINIA ON TUESDAY, MARCH 16, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next, following the recognition of the two leaders or their designees under the standing order, I be recognized for not to exceed 15 minutes, for the purpose of introducing a resolution to amend rule XVI of the Standing Rules of the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROCK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TELEVISION NEWS REPORTING

Mr. BROCK. Mr. President, like many of our colleagues, I have been aware of the antagonism which many news reporters seem to have for the Nixon administration. One needs only to tune in the evening news to see this bias in action.

Still, it was a shock to view the series of news clips from network news shows which is now running over in the Old Senate Office Building. These clips are a complete screening of all network reports on the Laos operation aired during the past month.

It is one thing to see network bias demonstrated on a night by night basis; it is entirely different to see the cumulative effect of unfair reporting. When one considers the huge audience which views these shows every night, it is little wonder that so many people question whether the administration is telling them the truth about the war. That is exactly the impression that the neworks have apparently tried to convey.

I cannot help but wonder where lies our future if the enormous power for good which lies in modern communications is diverted to destroy faith in the elective process of a free society. This has not happened yet, but occasional danger signs should not go unheeded.

Mr. DOLE. Mr. President, I associate myself with the remarks of the distinguished Senator from Tennessee, who has indicated, as I did yesterday, that in addition to bad news from time to time in Southeast Asia, there are signs of great progress that fail to be reported not only on network television but many times in the written press as well.

I would think that it is time we examined some of the indices of success. We have heard primarily about the difficulties which have been experienced in South Vietnam and Cambodia and Laos.

Perhaps we should have listened a little closer when Vice President AGNEW tried to warn us about the dangers inherent in biased news reporting. The film clips of news shows being shown today in another part of the Capitol are damning evidence that the TV media are not using their great power responsibly.

The essential bond between the media, the people and the government should be one of trust. It rests on the implicit assumption that the news media will report events fairly and objectively, and we have every right to expect that this will be done.

However, the documentation that is being shown on Capitol Hill today proves that in reporting the operations in Laos the TV networks have violated that trust. This is not an isolated instance where a reporter might have had a bad day and is just taking it out on the administration. It is a heavy-handed and thoroughly consistent attack on the administration's policies in Indochina in general and in Laos in particular.

For those who do not believe that this kind of thing can happen in America, I ask them to take a look at these films themselves. It just might change your mind.

Let me add that these films are now being shown in room 457 of the Old Senate Office Building, and they will be shown continuously until 4 p.m. today. I would certainly encourage any of my colleagues who have not seen these film clips to do so between now and 4 o'clock.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. GRIFFIN. I am glad the Senator has provided that information.

Is my understanding correct that this is the complete coverage by the networks of the so-called Laos operation? Is that what is available?

Mr. DOLE. That is correct.

Mr. BROCK. Mr. President, if the Senator will yield, I should like to respond.

Mr. DOLE. I yield.

Mr. BROCK. These were compiled at Vanderbilt University in the course of a study they are doing which covers two network news broadcasts at 6 or 6:30 p.m. This has been going on for a year or two. Network broadcasts covering this particular operation were pulled from the original. There is no editing and no reduction in source material. It is a complete compilation of every statement by two networks made with regard to the Laotian operation in the past 30 days.

Mr. GRIFFIN. This record was kept by Vanderbilt University, was it not?

Mr. BROCK. Yes.

ADDITIONAL STATEMENTS

TRIBUTE TO SENATORS ON PASSAGE YESTERDAY OF THE REGIONAL DEVELOPMENT PROGRAMS

Mr. MANSFIELD. Mr. President, yesterday the Senate passed S. 575, continuing the Appalachian regional development program and the Economic Development Act that includes five additional regional programs designed to increase assistance to specific areas in need. For this outstanding achievement, the Senate is indebted deeply to the very able and distinguished Senator from New Mexico (Mr. MONTOYA), the chairman of the Subcommittee on Economic Development of the Committee on Public Works. He, as much as any Senator, can be justly proud of this success. The vote was overwhelming and that fact speaks clearly for the effectiveness of the advocacy of Senator MONTOYA. We are deeply indebted to him for his excellent presentation yesterday, for his leadership and guidance on this issue, and for his tireless devotion.

Equally to be commended for his strong efforts in behalf of this proposal is the distinguished Senator from West Virginia (Mr. RANDOLPH). As the chairman of the Committee on Public Works, he placed his full and able support behind this measure and assured its swift approval. The Senate is grateful.

The Senate is grateful as well to the distinguished and very able Senator from New Hampshire (Mr. COTTON). His contributions to the debate made possible a dialog on the issues involved that enabled a greater understanding and appreciation of the measure on the part of all of us. I wish to thank Senator COTTON for his sincere and thoughtful cooperation and consideration. It was only characteristic of him, but it was indispensable to the efficient disposition of the bill.

I wish to thank, finally, the distinguished senior Senator from Kentucky (Mr. COOPER), the ranking member of the committee, the distinguished senior Senator from Tennessee (Mr. BAKER), the distinguished Senator from Michigan (Mr. HART), and the other Senators who cooperated so well with their support and assistance. It was greatly appreciated.

IN MEMORIAM—RICHARD BREVARD RUSSELL

Mr. GAMBRELL. Mr. President, it would seem only fitting that remarks on my behalf be included among those offered on the floor of the U.S. Senate in memory of the late Richard B. Russell, of Georgia.

At the same time, I feel inadequate to the task. The expressions of respect, admiration, affection, and outright love, offered by his former colleagues in this body, have done homage to Senator Russell in a manner to which I do not feel equal. Yet I doubt that any of those who have previously spoken have any greater assurance within themselves than do I of the esteem in which this great man is held.

The facets of my relationship with Senator Russell and his family are too numerous and too personal to dwell upon at length. It is sufficient at this time to say that they commenced when I was a very small boy and he was the Governor of Georgia. They continued through the circumstances in which he had a large part in my becoming acquainted with the girl whom I later married. And now they have brought me here to Washington to occupy the vacancy created by his passing.

Among the people of my State, there are thousands upon thousands of citizens who could relate similar stories of ways in which Senator Russell touched their lives during the course of his 50 years of public service. Many who never had the occasion to meet him felt him to be a warm personal friend, because on some occasion he had taken the time, in spite of his position of importance, to respond to a visit, call, or letter in a direct and personal way. After all those years, he remained simply as "Dick Russell" to Georgia citizens.

And this was in spite of the fact that they recognized his position as a man of respect in the highest councils of national and world affairs. They knew him to be a mentor and confidant of Presidents, and one who walked easily with captains and kings. But they also knew that his proudest achievement was the establishment of the school lunch program for needy children during his early years as a Senator.

They knew him to be a public servant who placed nothing before the interests of the people of his State.

They had confidence in him because of the monumental quality of his character. In an era when there is much cynicism about the character of public figures, never was there any doubt as to that of Senator Russell. No one questioned his motives, nor doubted the sincerity of his convictions.

Mr. President, a great man has passed through these halls and now abides with his trusted Maker. No one will replace him, and it may be many years before another like him comes this way again.

As the era of Richard B. Russell passes from the scene, let us take inspiration from the life and character of this distinguished American in establishing goals for ourselves in years to come.

THE SHOULD-COST METHOD OF CONTRACT COST ESTIMATING

Mr. PROXMIRE. Mr. President, in May 1969, the Subcommittee on Economy in Government of the Joint Economic Committee recommended that the General Accounting Office study the feasibility of employing the should-cost method of contract cost estimating in its reviews. The essence of the should-cost approach is the quantification of avoidable costs, or fat, in contract costs. The more usual methods of cost estimating place greater emphasis on contractors' past cost experience on the same or analogous programs, which tends to build in and perpetuate excess costs.

On February 26, 1971, the General Accounting Office issued its report entitled "Application of 'Should Cost' Concepts in Reviews of Contractors' Operations." We were gratified that the Comptroller General's principal finding was:

> On the basis of four trial reviews applying should-cost techniques, GAO has concluded that such reviews can be extremely beneficial and that it should make should-cost reviews in the future.

Based on testimony we have received from responsible officials of all three military services, reductions of about one-third of proposed contractor costs appear attainable. Some implications of such potential savings are clear. The military services' procurements could become much more effective and efficient. The potential savings, if captured, could lighten materially the terrible burden of economically nonproductive weapons buying.

Some other implications may not be so obvious. The possibility of reducing weapons costs by one-third is sure to arouse the opposition of the weapons buying community. The Department of Defense's current pricing policies offer positive incentives for noncompetitive contractors to increase costs, since profits are negotiated as a percentage of expected costs. In other words, the higher the expected costs, the higher the negotiated profits.

Therefore, it is natural to expect the large, essentially noncompetitive contractors to oppose this potential threat to their near-term sales and profits, even though important long-term benefits could accrue to them if their operating efficiency were improved. Based on past experience with proposed procedural improvements, the nature of the opposition may be anticipated.

If the usual pattern is followed, opposition initially will take the form of emasculating the approach rather than open, head-on opposition. Later, of course, when the emasculated approach has been applied at great expense and little or no savings, the potentially useful but discredited procedures can be successfully opposed by beneficiaries of current practices.

Unhappily, the Joint Economic Committee staff has already seen signs of this sort of opposition to should-cost applications in the military procurement community. Because of our concern in this area, I wrote to Assistant Secretary of Defense Barry Shillito on February 16, 1971, in part to caution against erosion of benefits of should-cost. A portion of the letter follows:

> Erosion of benefits could take several forms. Three come to mind immediately. The first entails a redefinition of the focus of should cost away from minimizing the price paid by the Government for the instant contract to "general" improvements in the future whose cost effects cannot be quantified. Second, the issuance of unnecessarily costly contractual modifications after initial agreement could dissipate savings that might have been realized.
>
> Third, cost study teams lacking proper motivation and direction could go through the motions of analysis and "find no evidence" of latent cost reduction potential.

In addition, I asked Secretary Shillito to provide us copies of the Department of Defense's major recent should-cost studies and other pertinent information.

We have also requested the GAO to provide us with copies of the four should-cost reviews they conducted as part of their feasibility study. After the Joint Economic Committee staff has received and reviewed the requested studies, we will take further followup actions to make sure that money-saving opportunities are not lost.

THE PRESIDENT'S HEALTH MANPOWER PROPOSALS

Mr. DOMINICK. Mr. President, I have been following with great interest the testimony emerging from the Senate Health Subcommittee. I certainly do not want to be an ostrich and stick my head in the sand saying that no financial crisis exists among some of our institutions that train our Nation's future physicians, but I feel that the administration's well-thought-out health manpower proposals should not be dismissed out of hand as inadequate before they are even introduced and examined.

If the President's health manpower legislation is enacted with the requested appropriations, the Nation will have almost $545 million as the Federal share of the health manpower bill in fiscal year 1972. This will be more than 55 percent higher than the $350 million that was obligated in 1970 and more than 27 percent higher than the 1971 amounts which, I understand, will amount to $428 million.

I would ask the officials of our country's great medical teaching institutions like Drs. Russell Nelson and David Rogers to examine how their institutions might gain a greater sense of financial stability by adapting their practices to make the most out of the administration's far-reaching health manpower proposals.

The $6,000 for each graduate of medical school provides a splendid incentive for any school to increase its production of physicians while at the same time obtaining increased Federal funding for its successful efforts.

In this one area alone, medical student education, the administration is proposing increases that amount to almost 250 percent of the 1970 funding levels. In 1970, only $59 million was obligated for this support. This year the figure will rise to $73 million, and next year, medical education will receive more than $149 million. This is just for medical student education and does not include additional support which medical schools stand to gain from their participation in the proposed expansion of health maintenance organizations and establishment of area health education centers.

The statements that refer to the financial distress of schools that we hear from testimony really need some further explanation since medical centers are in a poor position to provide information on the operating costs of their various programs. The sad fact is that many of these institutions may not even know these costs themselves and therefore may not even know why they are losing money.

I understand that a study is now underway in a group of these institutions which will provide more factual information. The most recent information from the Bureau of Health Manpower Education of the NIH is that for this year some 45 institutions have applied for continuing, new or supplemental support for schools in financial distress and not the 61 as stated in the testimony before the Health Committee.

I do not have the total budget figures from Johns Hopkins University Medical School but I do know that in the field of health manpower education, that institution received grants totaling $629,000 in 1970, and will probably receive increased grants totaling $785,500 in 1971—certainly not a downward trend for medical education.

All great medical educational institutions in the Nation, like Johns Hopkins, will, I hope, constantly reevaluate their mission. It is so essential that these schools recognize the needs of society. As they respond to these appropriately, they will receive the support of society. Research at such institutions must continue and even expand but an even greater expansion in manpower production must occur if we are ever to solve our health care problems. The great educational institutions must recognize this need and adapt their programs to these balanced objectives.

SENATOR RICHARD B. RUSSELL

Mr. CHILES. Mr. President, I did not know Senator Richard Russell. I met and visited briefly with him in the company of my predecessor, Senator Spessard Holland. I shall always cherish being able to attend the funeral services in his hometown of Winder, Ga., at a time when bad weather unfortunately made it impossible for most of his colleagues to be there. I had the privilege of meeting members of his family at the time. But I did not know him.

One of the deepest regrets of my life is missing the opportunity of being associated with Senator Russell and learning from the bottomless well of knowledge that was his. He was indeed a statesman, and his loss will long be felt by this country and by the Senate which he so loved. He was a giant of a man in principle, in dedication and in performance that stood as an example to newcomers to the Senate for many years, and this I will sorely miss.

It is my understanding that Senator Russell was in the U.S. Senate for more than half of his life, 38 out of 73 years. It is my understanding that he never took a wife; that his marriage was to the Senate. It is my understanding that there was no harder-working man in the Senate. And it is my understanding that while his seniority, his unlimited ability and knowledge, and his dedicated effort gave him enormous power, he was noted for never taking advantage of that power. No greater tribute can man receive.

The State of Georgia has certainly produced many great men, many great Senators. It will undoubtedly continue to do so, but none will replace Richard B. Russell. They may follow in his footsteps, but they cannot take his place.

He left his mark. I am happy to add my respect and devotion to that of all America.

NEWS FROM SOVIET UNION IS ANYTHING BUT SOOTHING

Mr. ALLOTT. Mr. President, it may be true, as has been said, that we have moved from an era of confrontation into an era of negotiations.

And it may be true, as has been said, that, after Vietnam, this Nation will have no more wars.

While both of these notions are soothing, the news from our most formidable enemy, the Soviet Union, is anything but soothing.

Once again the evidence of an incipient detente between the United States and the Soviet Union has turned out to be evidence of a new dimension of the Soviet menace. Last year the opponents of the Safeguard ABM system argued that the slowdown in Soviet deployment of the huge SS–9 missile—a weapon comparable to nothing in the U.S. arsenal—indicated that the Soviet Union was undergoing a conversion to peaceful intentions. We were industriously plied and belabored by this notion, which was advanced with real sincerity by some persons who frequently discover emerging detentes.

Unfortunately, the most recent detente existed only in the eyes of the practiced beholders. It now appears that the Soviet slowdown in SS–9 deployment presaged the introducion of a formidable advanced generation of counterforce missiles.

Mr. President, I do not need to belabor the signficance of this ominous development. We will have ample opportunity to examine this when we come to consideration of the prudent expansion of our limited ABM system.

Meanwhile, so that all Senators may consider one reflective judgment on this matter, I invite attention to a column by Mr. Joseph Alsop in today's Washington Post. There is room for intelligent reservation regarding some of the details of Mr. Alsop's report. But his reasoning is neither conjectural nor excessively pessimistic. I ask unanimous consent that his column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

BITTER SALT FOR OPTIMISTS

(By Joseph Alsop)

The end of the cold war, limitations on nuclear weapons, an agreement to terminate the arms race—these have been the understandable dreams of a great many virtuous Americans. They have been, indeed they are, being nourished by the SALT talks.

Anyone with the sometimes bitter salt of realism in his makeup must now abandon the dream, however, at least for the time being. That is the real meaning of the fairly dire fact that the Soviets are beginning to deploy a whole new generation of intercontinental ballistic missiles, far more powerful than any in the American arsenal. This was first disclosed by Sen. Henry M. Jackson of Washington.

"Scoop" Jackson's necessary disclosure all too sadly and ironically explains the earlier announcement of Secretary of Defense Melvin Laird that the Soviets had suspended deployment of their SS-9 missiles. It is now clear, in fact, that SS-9 deployment was suspended, not as a "signal," but simply because the Soviets had a far better weapon already in production.

Thus far, the American reconnaissance satellites have only seen the new silos that are being dug for the new missiles. These resemble the silos of the SS-9 missiles, with their 25-megaton warhead-capacity. Hence it is all but certain that the new missiles belong to the same family of weapons.

There are significant differences in the configurations of the new silos, however. Hence it is again all but certain that the new missiles, which will eventually fill the silos, will be the second generation of the SS–9 family. In sum, they will be improved in several ways, and most importantly improved, no doubt, by having more numerous warheads.

That means that the new missiles, so clearly implied by the new silos, will be what the Pentagon calls "counterforce weapons." The SS–9 is another counterforce weapon. With its gigantic warhead-capacity, in other words, the SS–9 has no rational purpose except to destroy America's Minuteman missiles, and thereby to break the back of the American nuclear deterrent.

Before SS–9 deployment was suspended, 300 of these gigantic weapons had been put in place. All have pretty certainly been retrofitted with the triple warhead the Soviets have already tested. That means that the existing SS–9 force is probably sufficient, at this moment, to destroy about three in every four of the U.S. Minuteman missiles.

The new missiles for which the new silos are destined are all but certainly much-improved versions of the SS–9, as stated. That means, quite simply, that each one of them must be expected to have the capability of destroying several more of our Minuteman missiles than any one of the SS–9 missiles can now destroy.

In sum, the back of the American nuclear deterrent is in fairly urgent danger of being broken in the near future. It will not happen all at once. From the first spadeful of earth being turned, to an operational Soviet missile in a silo, about 18 months are required. And as yet, so far as we know, none of the new missiles is actually operational.

By the same token, however, there is a far longer time lag between any possible American decision to take counter-measures, and the counter-measures becoming effective. It is a matter to thank God for, in view of this ugly news from the Soviet Union, that the ignorant and willful opposition to the American ABM was narrowly overcome.

"Safeguard" deployment should obviously be speeded as much as possible, instead of being slowed down. But that is the least of the lessons to be drawn from the rude interruption of the happy political opium dream in which virtuous persons have been wallowing.

If you think about it, the whole story is disgraceful. Long ago, when SS–9 deployment began, the alleged experts at first denied that this missile really was what it quite obviously is. Then they repeatedly set arbitrary limits, saying deployment would not go beyond this or that non-fatal number. Yet deployment proceeded remorselessly.

Then the halt in SS–9 deployment was tearfully welcomed as a "signal"—a message of sweetness and light, in fact. Instead, this halt has now proved to be a message of menace and darkness. In short, all these virtuous persons have been proven a set of wishful fools.

What must now be considered, furthermore, is the decision whether to proceed with a second-generation American deterrent. Against what the Soviets have and are building, what we have is becoming obsolete and useless. And no sane American can want a deterrent that does not deter.

ENACTMENT OF SMALL BUSINESS SECURITIES BILL BY THE 91ST CONGRESS

Mr. BIBLE. Mr. President, it is my pleasure today to offer some commendations on the enactment of a small business securities bill, which should strengthen capital markets for many small corporations by raising the maximum permissible amount of a small business stock issue under regulation A to $500,000.

Those familiar with the background of S. 336 know that this action crown 15 years of effort on behalf of the small business community. It was in 1954 that the Senate first passed a similar bill. Shortly thereafter, the measure was recommended by a Cabinet committee headed by Arthur Burns in 1956.

On August 13, 1970, the Senate approved the bill for the second time.[1] On December 2, 1970, the House also passed S. 336.[2] President Nixon signed the bill on December 19, placing on it the stamp of approval of the executive branch and making it the law of the land.[3]

The author of this bill was the Senator from Alabama (Mr. SPARKMAN). In many capacities—chairman of the Senate Small Business Committee from 1950 to 1967, and presently chairman of its Subcommittee on Financing and Investment, as well as chairman of the Committee on Banking and Urban Affairs, which has legislative jurisdiction over small business and securities matters—Senator SPARKMAN has continued to devote his time and energies to the problems of small businessmen, even as his other responsibilities in the Senate have increased. The Small Business Securities bill, S. 336, is a very good illustration of this.

The legislative history should be clear in this matter. It should be pointed out that Senator SPARKMAN originated this bill and introduced it in both the 90th and 91st Congresses.

I was glad to join with the ranking minority member of the Senate Small Business Committee (Senator JAVITS) requesting House hearings on the bill last year. When they were scheduled, I was pleased to join with Senator SPARKMAN in submitting testimony before the House Commerce Committee in support of S. 336.

Thus, Senator SPARKMAN continued to fight for the proposal when chances for its prospect seemed remote as well as at the times when support would make a difference. This interest and determination accounts more than anything else for the enactment of this bill into law.

SIGNIFICANCE OF S. 336

The increase in the regulation A exemption will give small, new, and growing firms a little more latitude in raising capital. Since 1945 when this statute was last amended, all major indexes of business costs have risen more than 100 percent. Capital costs for new businesses and expansion have also risen steeply in the past 25 years and appear to be headed higher in the future because of new technology and the necessity of complying with more stringent environmental and consumer standards.

The new securities law will allow a small firm to float stock issues up to $500,000 by the simplified and less-costly regulation A filing, which can be made at the nine regional offices of the Securities and Exchange Commission without the necessity of dealing with the Washington headquarters. For instance, Senator SPARKMAN's State of Alabama and my own State of Nevada are not at the center of the Nation's capital markets. Small firms constitute the overwhelming majority of businesses in our two States, as shown by the following table:

BUSINESS STATISTICS PROFILES

[From Dun & Bradstreet]

BY EMPLOYMENT

	Under 10	10 to 19	20 to 49	50 to 99	100 to 499	500 to 999	Over 1,000	Not available
Nevada	4,389	627	305	87	76	13	14	783
Alabama	25,072	3,355	2,003	631	621	71	50	4,832

BY SALES VOLUME

[In thousands]

	Under 100	100 to 500	500 to 1,000	1,000 to 10,000	Over 10,000	Not available
Nevada	2,024	1,605	215	210	21	1,710
Alabama	16,095	8,521	1,515	1,459	126	6,048

BY NET WORTH

[In thousands]

	Under 50	50 to 200	200 to 500	500 to 1,000	Over 1,000	Not available
Nevada	259	203	57	13	11	5,242
Alabama	1,923	1,447	450	143	170	29,628

It is, therefore, apparent that local means of raising equity funds are vitally important to existing firms, to new and expanding companies and to the overall economy of our parts of the country.

There are regional offices of the SEC in both Atlanta and Denver. It would seem to be far more convenient to new, small, and growing companies, and to their lawyers and accountants in the Southeast and the Mountain States, to deal with these branches than to come to Washington on small stock issues.

This law will also be of direct benefit to small securities brokers and dealers, who now underwrite about half of the regulation A offerings. This may be an increasing source of income to the smaller segments of the securities industry in years to come.

WILL STRENGTHEN CAPITAL MARKETS FOR SMALL FIRMS

I, therefore, believe this new law will generally build capital markets for the 1½ million small corporations, and the new firms of the future. These small businesses can improve goods, services, and processes to make life in America more livable and more pleasant.

However, I feel the significance of this legislation goes beyond the passage of a single bill. The securities markets are the arena of the aspiring company. Long-established corporations with large quantities of depreciation and internal cash flow are not so dependent on public securities markets as are smaller firms. The securities markets are thus a very important area for small business, and it its heartening that congressional attention has turned in this direction once more. We on the Select Committee on Small Business will do what we can to encourage this.

As chairman of the Senate Small Business Committee, I feel that it would thus be in order to thank as well as to commend the House of Representatives; its Commerce Committee Subcommittee on Securities under the chairmanship of Representative JOHN MOSS, of California; the able subcommittee counsel, Theodore Focht; and especially the father of this bill, Senator JOHN SPARKMAN, of Alabama, for their efforts in behalf of small business during a busy congressional session.

THE PEOPLE'S RIGHT TO KNOW MUST BE SERVED

Mr. MILLER. Mr. President, the Washington Evening Star for March 11 contains a timely and perceptive article by the distinguished long-time columnist Crosby Noyes, entitled "The Press Shouldn't Hamstring the President." Mr. Noyes makes it plain enough that the people's right to know must be served, but he points out that journalism has a higher function to perform and a better purpose to serve than the promotion of personal views on how the country should be run or the insistence on a God-given right to frustrate, hamstring, and, if possible, destroy the elected leadership of the country.

It is refreshing to see an outstanding member of any profession constructively consider whether some of the members of that profession are serving the public interest by living up to the ethics of their profession or are, instead, thinking more of themselves than the common good. Only those on whom the shoe fits will be heard to complain.

I ask unanimous consent that the article be printed in the RECORD.

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[1] See S. Rept. 91-1082, Aug. 10, 1970.

[2] H. Rept. 91-1654, Dec. 2, 1970.

[3] Public Law 91-565, Dec. 19, 1970.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE PRESS SHOULDN'T HAMSTRING THE PRESIDENT

(By Crosby S. Noyes)

A lot of my respected colleagues around town think that their primary purpose in life is to make the job of the President—or any lesser member of the administration—as hard as possible. It is known in fashionable circles as the "adversary" relationship of the press to the government.

There are plenty of newspapermen who take this relationship very seriously indeed. To hear them tell it, they have a role to play which is an integral part of the governmental process, less specific but no less important, say, than that of the Senate.

It starts, one gathers, with the Constitution. Since this document forbids anyone, including the President and the Congress, to abridge the freedom of the press, it follows, quite correctly, that the press cannot be the creature of any government. And what better way is there of demonstrating one's independence of the powers that be than to carp at, criticize and question everything that the government does?

Everybody, of course, has to represent somebody or something. The President can claim to be the only public official who represents "all of the people," even though he may have been elected by fewer than half of them. People in Congress represent their districts and their states.

The press, even though it was elected by no one, claims to represent a "public interest" or an undefined "people's right to know" with an authority calculated to put the fear of God into mere elected officials.

But, beyond this, the "adversary" relationship is specifically aimed at cutting the President down to size. People have been worrying about the powers of the President since the days of George Washington. But it is only fairly recently that the fourth estate has begun to take itself seriously as a part of the system of checks and balances within the American government.

The fact that the President cannot be called before congressional committees, for instance, is held to be a defect in the system which the press has a duty to repair. It is argued that the presidential press conference is the American equivalent of the British parliamentary question period, in which a prime minister is subject to long and often searching inquiry by the opposition.

American newspapermen agonize endlessly over whether or not they are performing their vital function effectively enough. They note that the format of a presidential press conference is pretty well slanted to make the man look good and they wrack their brains for variations that will give them a better opportunity to give him a hard time.

Yet it is fair to ask whether all this is really necessary, whether the adversary definition of journalism is valid or whether, in fact, it distorts and corrupts the basic purposes of a free press.

For it is possible, after all, that journalism has a higher function to perform and a better purpose to serve than bugging the President. An independent press does not necessarily impose systematic opposition as a necessary ingredient of good government.

Yet opposition has in fact become an axiom in American journalism today. On some papers, it affects everybody from the editor down to the copyboys. Everyone, it seems, enters the profession these days to promote his personal views of how the country should be run. And if, in the process, it makes it a good deal more difficult to run the country at all—why, that's the way the ball bounces.

Reporters, of course, can and should give public officials a hard time when it comes to the problem of finding out what's going on. All administrations have things that they would rather not talk about, and it is a rare politician who will explain himself in a less than favorable light.

Yet insisting on the people's right to know is not exactly the same thing as insisting on a God-given right to frustrate, hamstring and, if possible, destroy the elected leadership of the country. The obligation of newspapers to inform their readers does not necessarily imply an obligation to inform them that their government is being run by a pack of fools.

For when this is done systematically and as a matter of principle, reality has a way of getting bent out of shape and the public can wind up being very badly misinformed about many things. Which is, withal, a fairly dubious contribution to good government or good journalism.

RICHARD RUSSELL

Mr. TUNNEY. It has been said that one who is a politician in life can become a statesman only in death. This analogy must be disregarded when thinking of the late Senator Richard Russell, of Georgia. For the last 37 years Richard Russell was the statesman of the Senate. Though I did not have the opportunity to sit with Richard Russell on the floor of the Senate, I have benefited from his inspiring leadership, unquestioned honesty, and sense of purpose. His ability as a legislator made him the supreme master of Senate rules, both written and unwritten.

The history of the Senate contains the names of many great Members, and surely Richard Russell's will be added to it. The journals of this body have recorded many occasions when Richard Russell rose to lend his support to causes which many felt to be hopeless and unpopular. Yet, he was always respected and always listened to with the knowledge that what he said was thoughtful and sincere. When he spoke it was with a voice of authority, careful to preserve the standards of the Senate, but unafraid and always articulate in defense of his convictions.

Richard Russell's service on the Armed Forces, Appropriations, Aeronautical and Space Sciences, and Joint Atomic Energy Committees will be sorely missed. His expertise in military and economic affairs made him one of this body's acknowledged leaders. The Senate looked to him for guidance in a host of matters; in peace and war, prosperity and depression. The Presidents with whom he served, from Franklin Roosevelt to Richard Nixon, looked to him for constructive criticism and needed support.

Though Richard Russell's style was low keyed, his actions produced an undercurrent throughout the Senate, the federal system, and the entire Nation that will long be felt.

History will be his final judge. However, I believe he secured a high mark in life that cannot be undone by the ages. The spirit of Richard Russell shadows over each of us, guiding our thoughts and tempering our actions.

SENATOR RICHARD BREVARD RUSSELL

Mr. CRANSTON. Mr. President, Richard Brevard Russell, striding tall and purposefully, with an air of utter confidence and commitment, across the Senate floor.

That is as I first saw him, as I sat in the Senate gallery in 1939—that is my first memory of this great Senator.

A little while later, I came to know him and to see and sense his deep understanding of the uses of Senate power when representing on Capitol Hill an organization seeking fair play for immigrants and the foreign born in our country, I dealt with him in his capacity as chairman of what was in those days the Senate Immigration Committee.

One day, it was discovered that unless a bill was introduced and passed by the Senate and House and signed by the President within 48 hours, thousands of naturalized Americans, most of them Jewish, trapped by the outbreak of World War II in Europe and the Near East, would lose their American citizenship.

I knew that only with the help of Richard Russell could I get that bill that far that fast. To my dismay, I discovered that he was ill, lying in a hospital in Atlanta.

I got through to him on the telephone, explained the situation to him, and at once caught his attention, aroused his sympathy, enlisted his support. Under his long-distance guidance, the bill was introduced, enacted, and signed in those 48 hours.

This constitutes one little glimpse of one of the vast number of unknown, never to be fully recorded deeds of Richard Russell that meant so very much to so very many.

Richard Russell was tremendously helpful to me personally, as he was over the years to so many other Senators, in the time—unhappily so brief—that it was my privilege to serve with him in the Senate.

He was of incalculable assistance on committee assignments, on the uses of the Senate rules at vital moments, and in general guidance regarding the myriad and wondrous ways the Senate works.

I prize, too, the opportunity I shared with others to listen to and join in talks with the Senator in the Senators' dining room as he sat in his traditional seat at the head of the Democratic table. I shall never forget his reminiscences of great hours in the Senate—like the historic part he played after Korea in cooling off the MacArthur controversy; and his memories of moments in his own rich life—like the first time, when a child, that he ever saw a real live Republican, and peeked at him in astonishment through a mail slot in the Winder Post Office.

I only wish that all Americans could have seen and known Richard Brevard Russell as did those who served with him in the Senate, and as did those who grew up with him and lived with him in his days and years down in Georgia.

OCEAN POLLUTION OFF DELAWARE

Mr. BOGGS. Mr. President, The Subcommittee on Air and Water Pollution will hold a hearing on Friday, March 26, into the pollution caused by ocean dumping. The hearing will take place at Rehoboth Beach, Del.

Rehoboth Beach was selected for this important hearing because of its proximity to several major dumping sites off the Atlantic coast. In particular, the city of Philadelphia barges its sewage sludge to an area approximately 12 miles off the resort communities of Rehoboth Beach and Cape May, N.J.

While there is no indication this has created any harm to the swimming beaches in that area, the sludge had a marked impact on the clam industry. An area of many square miles has been closed to clamming.

Dr. Gordon MacDonald, a member of the President's Council on Environmental Quality, recently visited that area of the Atlantic Ocean now utilized for dumping of sewage sludge.

He took samples from the ocean bottom discovering that bottom life appears to have been destroyed. According to news reports, one "very sick clam" was the only live sealife discovered by Dr. MacDonald's party.

Mr. President, this is a most regrettable situation. It will require careful and intensive analysis in our hearing.

Prior to that hearing, however, I would like to bring to the attention of my colleagues two newspaper articles that pertain to the dumping area off Rehoboth Beach.

One article appeared in the Delaware Coast Press subsequent to Dr. MacDonald's visit to the area. It describes most graphically what Dr. MacDonald and his team of experts found in their investigation. In addition, an editorial recently appeared in the Christian Science Monitor on this subject. I ask unanimous consent that both articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Inspection Trip Made—"Very Sick Clam" Only Life Found

A "very sick clam" was the only sign of life that federal environmental experts could find on a Friday visit to a sludge dumping site about seven miles off the Delaware coast.

The ailing clam was in samples of sludge dredged from the ocean bottom in a 120-square-mile area that has been used as a dumping site for partially treated sewage conveyed by barges from Philadelphia, Camden and Bridgeton.

Empty clam shells and other evidence of deceased marine life were found in the samples examined by Gordon J. F. MacDonald, a member of the President's Council on Environmental Quality, and David D. Dominick, commissioner of the Water Quality Administration of the Federal Environmental Protection Agency.

The samples were described by MacDonald and Dominick as a "decaying, toxic mess having the odor of rotten eggs".

"Whatever it is, it seems to have killed the total marine community in the area, even the small organisms", said Dominick.

Upon return to Wildwood, both MacDonold and Dominick advised that they would recommend an immediate, systematic study by the Environmental Protection Agency of present and potential dangers of the area.

MacDonald noted that the Food and Drug Administration just last year had designated the dumping site as being contaminated and had disallowed further fishing or clamming in the area.

MacDonald and Dominick visited the site at invitation of the Stop Ocean Dumping Association, a Wildwood-based organization having as its basic goal the curtailment of all dumping in offshore waters.

They flew into Cape May County Airport on Thursday evening and met with S.O.D.A. officials for a briefing. The trip to the dumping site was made in Capt. Eric Kirkberg's commercial clamming boat.

Among those who accompanied MacDonald and Dominick in their tour of the offshore dumping site was Harry E. Derrickson, Rehoboth Beach businessman and legislative chairman of the resort community's Chamber of Commerce.

Why Cowardly About Clams?

In Delaware Bay, which divides Delaware from New Jersey, the clam industry has run afoul of sewage sludge barged from cities upriver like Philadelphia. The Food and Drug Administration said last year that clams from the ocean off the bay couldn't be marketed. But, according to reports, the federal government says it is powerless to halt the dumping which is ruining the beds.

On the other side of the continent, the federal government found it in itself to halt the operations of the one U.S. whaling company—whose work took it way beyond the three-mile limit at which, officials say, their jurisdiction ends. If the government can in effect halt clamming, if it can halt the ocean operations of an industry wholly without regard to distance, why can it not end the ocean dumping of municipalities?

There are solutions to the municipal waste problem. Wastes could be hauled to strip-mined regions in nearby states and used to restore the land. And if wastes must go to the sea, President Nixon has proposed legislation that would make dumpers prove they aren't hurting the environment. But it is thought an actual end to coastal pollution is some years away.

Again, this doesn't make sense. Given the recent decisive actions of the government to end other off-shore threats, the implied impotence of the nation to end seafood-bed pollution cannot be accepted.

ECONOMICS OF WATER TRANSPORTATION

Mr. HOLLINGS. Mr. President, on March 2, John A. Creedy, president of the Water Transportation Association, spoke before the Southwestern Transportation Round-Up, sponsored by the Delta Nu Alpha Transportation Fraternity, concerning the challenge and opportunities of water transportation to accommodate the increased commerce of our Nation. Mr. Creedy pointed out that the economics of water transportation underscored a philosophy that we really cannot afford not to develop this type of transportation. As transportation costs are one of the major factors in the private enterprise system, I commend these remarks to this body as an interesting analysis.

I ask unanimous consent that Mr. Creedy's remarks be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Money

Before coming to this meeting, I asked a very famous member of the Houston business community how to approach the topic we have been given this morning.

In Houston, talk about money, he said.

But they want me to talk about intermodal transportation and government regulatory policies, I said.

Talk about money, he said.

But what about water transportation and the ports of Houston-Galveston? They want me to talk about ports.

In Houston, all they want to hear about is money, he said.

And after all that's not a bad way to get into this subject because the water carriers, as the lowest cost carriers of commodities adapted to water movement, make a substantial difference in the efficiency of production and distribution of industrial and agricultural products—tens of millions of dollars in difference for those very commodities for which transportation is a very substantial portion of the total price. So water transportation means bigger profits—and that means money.

You've been reading in the local papers about the dedication of the new Arkansas waterway. I assisted in that dedication in Tulsa on February 20th. There is quite an excited group of farmers and businessmen in Arkansas and Oklahoma. They call the waterway a "window on the world." They've saved $50,000,000 in freight rates on wheat in the last three years from rate reductions in anticipation of the opening of the waterway. That's big money. Steel rates out of Pittsburgh are down $12 a ton, paper rates down $4 a ton, fertilizer down $2 a ton. That's money, and big money. Armco Steel's plant in Oklahoma is just getting on stream a doubling of its capacity because of the waterway. That means money.

If I were to offer you $26 in return for one dollar, you'd think I had gone out of my mind. But the Senate Appropriations Committee brought up to date recently the benefit to cost ratio of the Gulf Intracoastal Waterway and that's what the new ratio is, $26 in savings for every tax dollar invested. That's big money.

There are two aspects to making money out of intermodalism—to get to the topic—one is that it is essential to keep up with the dramatic changes in technology which are taking place and the other is you have to insist that the Government use the powers the Congress gave it so that intermodalism is made available to you.

I'd like to spend a few minutes on the technology problem because it probably has more relevance here on the Gulf coast than anywhere else. The reverse of what's happening up in Oklahoma may well be about to happen to the Gulf Coast. Oklahoma has for years, as its Congressmen said at the dedication of the new waterway, been sitting on a very high rate plateau. There was no water competition so the farmers paid $7 and $8 a ton to transport wheat compared to $3 and $4 a ton for river-competitive corn for the same or longer distances. The Gulf coast could be the victim of the same kind of high rate plateau unless something is done about modernizing the navigation facilities—what the economists call the transport "infrastructure."

The new technology of the supertankers and super ore and grain carriers of 200,000 to 300,000 tons can't make money for you if the ships can't get to you. The new technology of the big river towboats can't make money for you if the towboats can't get to you along the Gulf Canal.

I'm not criticizing for a minute all the work that has been done on the ports in the Gulf region. I'm just saying that a talk with the operators of these big ships would really shake everyone up. There's a key problem of intermodalism in connecting the Gulf ports to the big ship technology.

Congressman Jack Brooks of the 9th District made an analysis of the situation in a speech last October. He has since asked the public works committee to authorize a study of the problem and this study will be made. Congressman Brooks told me last week that he had been over in Rotterdam studying the Dutch superport and has had discussions with the U.S. firm of engineers which designed the Port of Rotterdam. If everyone will get behind him, he said, the Texas ports can be the first to benefit from the big ship technology.

Rotterdam is an important case study because the Dutch are a lot like the people in Houston—they think in terms of making money. Beginning in 1967, they decided that Rotterdam was going to be the first to have a deep port—60 to 70 feet deep. They dredged a channel 27 miles out into the North Sea—out of sight of land—and they haven't finished yet. They've even sent survey teams to determine whether the English Channel needs a little dredging and the removal of wrecks.

The payoff has been substantial. The Port of Rotterdam reports that refinery capacity has more than doubled in less than five years. The big ships are forcing a concentration of refineries in Holland and that means money. But the refineries are only the beginning of industrial expansion. The Dutch are going to make a lot of money because they were firstest with the deepest.

For example, the German steel industry naturally resisted the idea that they had to move to a deep water port. "We can't afford to do that," the industry people said. They took another look and came back with the conclusion that they couldn't afford not to. The Japanese steel industry is all on deep water. The Dutch and the Japanese are out there digging and so far we're still thinking.

Everybody talks about the tremendous success of the Gulf Intracoastal Canal. The engineers predicted in 1925 that it would carry 5,000,000 tons a year. It carried over 100 million tons last year. But it's an obsolete waterway, much too narrow and too shallow to make the kind of money for you that it should be making.

We call it a four barge waterway which means that only four barges can be pushed along the canal at a time. They are pushed in line one ahead of the other, four to six thousand tons of cargo. The Mississippi, by contrast, can accommodate 40 or more barges. The barge lines build towboats up to 9,000 horsepower which can push over 40,000 tons of cargo at a time. Now the economics of a four-barge operation is very different from a 40-barge operation.

Central Gulf Steamship Lines got quite a shock when it started running the Lash barges all over the Mississippi-Gulf Canal system. Whereas with a Mississippi tow, a barge line can hang as many of those 400 ton barges as have been available on a regular tow, on the Gulf Canal, 12 of the small barges occupy the entire allowable space of a tow and require an extra boat. Costs are different; rates have to be different.

I stress this point because the Lash system and the Lykes Seabee system soon to come have tremendous significance as money makers for Texas. Our members who have worked with Central Gulf are enthusiastic about the future for these new systems. They predict that they will make as big an impact as containerization and produce as radical a change in the handling of goods in international trade.

They could make a lot more money for Texas if the Canal were modernized.

Containerization, piggy back, Lash and Seabee systems have sparked greater interest in intermodalism than we have had in many years. Our Association is actively working to improve rail-water coordination. Our studies suggest that there are tremendous economies to be achieved by joining the best efficiencies of rail and the best efficiencies of water transportation.

The barge line industry, joined by the domestic coastal operators, and the Great Lakes independent carriers, have been fighting this battle for 25 years before the ICC and in the courts. We believe, very shortly, at the conclusion of one or two more cases, we will have ended the dodging and weaving of the rail carriers and introduced for certain a new dimension for competition in the transport industries, which paradoxically we believe will do the railroads a lot of good.

In a typical situation, the railroad will resist making joint rates with a water carrier and will be adamant in its refusal if by making the joint rate and allowing the water carrier to participate, it gets a shorter haul. Typically also, a railroad will give rate preference to a connection with another railroad over a connection with a water carrier.

Our studies have shown that savings of from 10 to 30 per cent are possible when the best efficiencies of rail are joined to the best efficiencies of water. But they cannot be achieved because the rail rates to the river, lake and ocean ports are maintained at such a high level, cost and distance considered, as to completely shut out water carrier participation. Instead of sharing in the inherent efficiencies of water transportation and broadening its markets, the railroad effectively cancels out the efficiencies and shuts itself out of participation in the savings with an artificially high rate.

Now this, as the Commission and the Supreme Court have found time and time again, aside from the fact that it is poor business policy for the railroads, is strictly illegal. It is an anti-competitive device almost identical to the "price squeeze" problem which got Alcoa into hot water with the antitrust division of the Justice Department many years ago. Like the railroad, in a typical intermodal dispute, the manufacturer of aluminum ingots, Alcoa, was both a supplier of ingots to its own fabricating plant and to a non-integrated fabricating plant of a competitor. By manipulating the price of ingots, Alcoa could favor its own fabricating plant and so disadvantage a competitive fabricating plant dependent on Alcoa for its ingots that, in effect, Alcoa could shut out its competition.

The railroad can keep its rates to the port so high as to totally shut out the competition of the combined rail and water route. The rail carrier captures the business simply because it abuses its position as exclusive supplier of transportation on the rail leg of the rail-water haul so as to totally and forever shut out the water carrier. It thus is in the indefensible position of being able to determine what competition it shall face and of effectively frustrating the incentives for both rail and water carriers to compete on the basis of efficiency.

We're nailing that principle to the mast in transportation, I hope, before too long. When we do, there'll be some substantial new money to pick up in transport savings.

On a much happier note, our Association has been out selling the railroads on what we call "willing partner" propositions. A water connection is very often much more advantageous to a railroad than is a railroad connection. With a water connection, the railroad gets better car utilization, doesn't have his cars go off line, often can get a better division and certainly has a better chance to broaden the market because the overall transport cost is lower. The new railroad marketing people who are more interested in making money than in fighting old legal battles are increasingly receptive.

I am often asked wouldn't this rail-water coordination work much better if the railroads were allowed to own water carriers?

The answer is that there is a very high risk involved. The risk is that competition between water and rail would be destroyed. The stakes are high. The rail rate reduced to meet water competition is often reduced in half. We try to imagine a railroad investing in more powerful towboats so that river efficiency is improved and rail rates reduced and traffic even diverted from the railroad and we can't quite make it seem true. Shippers would lose the opportunity to play one mode off against the other, and both modes would lose the substantial prod to improved efficiency which results from vigorous competition.

Once intermodal ownership is allowed, the egg could never be unscrambled. Within six months, probably less, of a change of policy, the rivers would be dominated by railroad-owned barge lines.

The history of railroad ownership of water carriers is very bleak. The rail-owned water carriers weren't used to benefit the public. They were destroyed. We are told that could not happen today. But why risk it? Especially when all the benefits ascribed to common ownership can be achieved through voluntary coordination—if the Commission will knock a few heads together to start a good trend going. Competition would take care of expansion and development of such a trend.

In the light of the obvious risk to competition from common ownership, it is very strange to read the Council of Economic Advisers advocating common ownership. They and the Justice Department should be concerned about encouraging such a drastic increase in concentration in the transportation industry and yet they seem to invite it when they urge common ownership.

I have recommended to my railroad friends that they join with us in our "willing partner" campaign and go the voluntary route for a period of time—perhaps five years—in which they would get to know the potentialities of the water business better. If, in the interim, the public interest is served by the development of truly intermodal movements on a broad scale and the principle and economics of intermodalism firmly established, the climate for intermodal ownership might be quite different.

There is great pressure for intermodalism. The Secretary of Transportation believes that transport capacity will have to double within the next twenty years. As the economy expands, and as labor and material costs rise, we are increasingly going to have to insist that scarce capital be used in the most efficient manner possible. The geography of the rivers and canals is such that for many important movements the combination of rail and water makes the most sense of all because it costs the least and—to get back to my opening theme—makes the most money for the shipper.

RICHARD BREVARD RUSSELL

Mr. MATHIAS. Mr. President, it has often been said that the proper study of mankind is man. If this be true, it follows that the proper study of nobility and honor is a noble and honorable man. In this quest the United States Senate has been privileged by the opportunity over 38 years to study, admire, and emulate such a man. No Member of this body in good conscience could have been unmoved by this experience, for this man's character transcended ordinary boundaries. It rose above the political and philosophical delineations which distinguish the ordinary Member from his colleagues. And it went beyond the warmth and charm of his personality. Above all it resided in the high spheres of a standard of conduct which broached no deceit, allowed no pretension, and shirked no duty. It was a testimony to this man's integrity and humility that he said:

> When the time comes for me to go out of this chamber . . . I hope it will at least be possible to say of me that I was an honorable man. I do not know of anything that might be said that would better please me.

There never has been, and there never will be, any doubt of this man's honor. It has been rightfully asserted that he was a master legislator, that he might have been President if he had come from another region of the country, and that he was a giant among giants. Never to be forgotten, however, is that he was a man like other men; but he was a man who taught us, by example, that a capability for greatness lay within each one of us—regardless of our varying talents and intellects. He taught us that nobility of the soul and spirit is achievable.

Like all good teachers he was fair and perceptive. At a time when the Nation was unsteady in its allegiance to an unpopular President and a popular general he was the paragon of impartiality and firmness. At another time his beloved South was deeply injured by the final passage of legislation which he had long and vehemently opposed. But it was law, and he counseled restraint and obedience. It was his duty to do so.

He left behind him a tradition, a legacy, and a concept that will never be outdated and that will influence every man who follows him into this hall. Politics and parties are transitory things, mutable and compromising by nature. High character, however, practiced day after day, month after month, year after year—always in the most trying and tempting circumstances—is not so easily dismissed or ignored. His presence will always be felt and his political heirs will be sobered and humbled by his memory. If we who follow him are able to continue to strive for honor and nobility in our actions and words, it will be due in no small measure to Richard Brevard Russell, of Winder, Ga.

THE GOOD SCHOOL AND THE GOOD TEACHER

Mr. MILLER. Mr. President, in the Washington Evening Star for March 11, the distinguished columnist James J. Kilpatrick strikes a timely and well-balanced blow for the "good school and the good teacher" whose constructive work in our society seems too often to be overshadowed by the undue publicity given to shortcomings in our educational system. His article, entitled "It's Time for a Kind Word About Our Schools," merits attention. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

It's Time for a Kind Word About Our Schools

(By James J. Kilpatrick)

A recent bulletin from the Council for Basic Education offers a gentle reminder for those of us who make a living by thrashing around in the prize rings of punditry: When it comes to the world of education, let us recognize, now and then, that there are good teachers and good schools, and let us give them an occasional pat on the back.

This is sound advice. It is downright astonishing, when one pauses for a long breath, to reflect on the changes that have taken place in editorial attitudes toward our school system totally, from elementary education through the graduate schools.

Fifteen or 20 years ago, if I am not mistaken, there seldom was heard a disparaging word. To be sure, there were faint rumbles of controversy over the teaching of reading, but this was distant thunder. Once in a while a dyspeptic editor complained of "frills." At the college level, one denounced fraternity hazing and muttered at the high cost of campus construction.

That was about the size of it. Otherwise we molders and shapers of public opinion were whooping it up for the schools—for higher teacher salaries, for bigger bond issues, for better libraries, for decent pay for professors. We glorified the image of Mr. Chips and Miss Dove, and when a college president died, we sent him off to the angels with columns of praise.

What has happened to this happy state of affairs? A point has been reached at which the very mention of "public schools" causes many taxpayers to salivate like Pavlov's dogs. The image is of an inner-city school, with a dozen windows broken and a cop on duty outside. Within the classrooms, we envision chaos—brought on by new floods of permissiveness in which all discipline has drowned. When the pupils are not clobbering each other, they are stabbing the teachers.

Still more: Today's image postulates a school in which little or nothing of value is really taught. Students are promoted and finally graduated without having mastered elementary skills of reading, writing and spelling. The textbooks, it is widely supposed, are mere instruments of liberal propaganda. The typical public school teacher is seen as a hot-eyed militant, striking for higher pay and less work.

The colleges—but everyone knows about the colleges: Their faculties are composed of Commies, radiclibs, and great names who are too busy moonlighting to bother with classroom teaching. The doped-up students are all barefoot, beaded and bearded. When they are not blowing up buildings, they are writing dirty papers.

Enough. The image is not without substance. Militant teacher unions have indeed forfeited enormous measures of public good will. Many textbooks are in fact slanted. Disciplinary problems, especially in schools subject to a coerced and artificial integration, have caused justified concern. Parents and taxpayers have valid complaints.

Yet the good teacher and the good school, as the Council for Basic Education observes, have suffered unfairly in the torrents of criticism that have swept American education. These are the teachers and schools that seldom get into the news. Year in and year out they carry on the indispensable function of teaching, and they turn out millions of youngsters who have learned at least some measure of respect for the learning process.

It never has been easy to be a good teacher. The work is exhausting, frustrating, filled with disappointments. And the good teacher today has to cope with problems unknown to Miss Dove—with professional and political and social pressures from a dozen quarters. Pay scales are much better than they used to be, especially for the starting teacher, but most teacher retirement plans are disgraceful.

This isn't Be Kind to Teachers Week, and I disclaim any thought of renouncing the critical function. All I am suggesting is that perhaps our image of education needs to be brought into sharper focus. Under the angry foam of militancy and permissiveness lies an ocean of dedication and discipline. Between rounds, as it were, we owe the good school and the good teacher a word of recognition—and thanks.

WHITNEY M. YOUNG, JR.

Mr. CRANSTON. Mr. President, I wish to pay tribute to Whitney M. Young, Jr., who died March 10, 1971, in Nigeria. Mr. Young was former executive director of the National Urban League, an organization unsurpassed in its efforts to improve the lives of disadvantaged Americans. Moreover, he was a triumphant crusader for justice and equality for blacks and all other Americans. The time for eulogies is always tragic. We too often fail to measure a man's worth until after his death. If his life was bountiful—and bountiful is the word for Whitney Young's—then when we must pause to pay it tribute, we suddenly realize how great our loss has been.

We are all aware of the momentous contributions to the quest for equal rights and justice made by Whitney Young. His voice was calm in the midst of clamor. His plea for justice and equality was the first ripple in a long-awaited wave. His attempts to make democracy work for all evidenced his unshakable belief in its principles and ideals.

We have suffered a great, great loss. We have lost a man who strove constantly to help America live up to its promises. We have lost a man who fought to better the lives of millions of Americans. And we have lost a man who worked to calm the voices of outrage whenever our society turned a deaf ear to legitimate grievances. His persistence and pragmatism in the struggle for civil rights was an inspired, absolute dedication, with no room for the luxurious indulgence of emotional abandon. It is with a great deal of respect that I pay tribute to a matchless man, a man whose democratic convictions were spurred to fruitful action through unwavering courage and tireless work.

WOMEN'S RIGHTS AN INTERNATIONAL CONCERN

Mr. PROXMIRE. Mr. President, the late Dag Hammerskjold stated:

> Among all the achievements of the past century, including those discoveries and developments that have transformed the lives of men, and altered the very meaning of time and space, it may be doubted whether any is so profoundly significant and in the long run beneficial as the emancipation of women.

Progress can occur only if women consciously and constructively share in the making of effective decisions. No one can deny the positive contribution women have made to the political, social, economic, and religious life of our Nation The Convention on the Political Rights of Women is primarily concerned with political rights such as suffrage and the right to hold public office. It will insure to women those political rights men have held for years.

The United States, as we all well know, granted women suffrage in 1920. Yet we have failed to ratify a Human Rights Convenant of the United Nations which hopes to guarantee on an international scale what we, and most other countries, have guaranteed domestically. In failing to become a party to the Convention on the Political Rights of Women, our moral posture abroad is weakened with regard to the political status of women.

Recently, an editorial published in the Washington Post discussed the recent vote in the principality of Liechtenstein defeating a women's suffrage amendment. For the proponents of women's political rights, this was a step backward. Unfortunately, the United States cannot feel superior to Liechtenstein in this respect precisely because of our failure to ratify the Convention on the Political Rights of Women.

The matter of women's political rights is not a subject we can simply dismiss as a domestic matter. What happens in Liechtenstein, though perhaps not as important as what happens in Moscow or London, certainly should concern us. If our pledge to uphold the Charter of the United Nations means anything, we must be concerned with the status of human rights abroad, as well as in our own Nation. The political rights of women are an international concern. If we are to succeed in bringing about changes in the domestic affairs of nations, I can see no better method than by ratifying and adopting the Human Rights Convenants including the Convention on the Political Rights of Women.

I ask unanimous consent that the Washington Post editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 2, 1971]

THE NON-LIBERATION OF LIECHTENSTEIN

With a majority of 80 out of a total of 3,714 votes cast, the all-male electorate of the Principality of Liechtenstein defeated a women's suffrage amendment the other day. We are, of course, indignant, every bit as indignant as the angry *Liechtensteinerinnen* who picketed the government building in Vaduz, Liechtenstein's capital, as soon as this anachronistic manifestation of male chauvinism had been tallied with placards saying, "We Doubt Your Virility."

But our indignation is somewhat tempered, frankly, by the thought that the tiny majority of this tiny principality has at least given Liechtenstein an identity. There hasn't been much of late to distinguish the little country, since it entered a customs union with Switzerland and abolished its own army back in 1868, except its own postage stamps. Now it has the distinction of being the only place in the Western world, if you discount a few Arab countries, where women are excluded from political affairs. Liechtenstein, furthermore, should now make Switzerland feel proud, superior and progressive, inasmuch as Swiss men granted women the vote almost a month ago.

And it ought to make us feel superior, too, The United States after all, has no trouble recognizing the political equality of women. We have all of one female senator and 12 congresswomen. And we have had two women cabinet members in our history. And . . . Well, at any rate, Liechtenstein is obivously a pretty backward place.

WHITNEY YOUNG

Mr. DOLE. Mr. President, all Americans of good will join in mourning Whitney Young, executive director of the Urban League. His premature death has cut short a lifetime dedicated to serving his fellow man.

Mr. Young was consistently in the forefront of the forces for social justice in America. His quiet, self-effacing manner belied a deep, uncompromising devotion to human rights and human dignity.

Many of Whitney Young's greatest achievements were not gained in the public spotlight. He was more concerned with getting results than with getting publicity, and, year after year, he and his organizations continued their uphill battle against the forces of injustice and intolerance.

When history books recount the struggle for human rights in the 20th century America, Whitney Young will stand high on the honor roll of men and women whose sacrifices gave us all a better future.

My sympathy, and the sympathy of decent Americans of all races goes out to the Young family. The loss of this courageous, decent man is sorely felt by us all.

OVERCAPACITY OF U.S. AIR TRANSPORT SYSTEM

Mr. CANNON. Mr. President, I am pleased to note that the Civil Aeronautics Board yesterday approved a plan advanced by some of the Nation's air carriers to reduce the troubling over capacity now existing in the U.S. air transport system.

The health of the Nation's airlines has been of special concern to me particularly in recent weeks as the Senate's Aviation Subcommittee has been holding lengthy hearings on the economic condition of the U.S. air transportation industry. One of the most severe problems that has been amply demonstrated to the committee is the tremendous overcapacity now existing in the system. This overcapacity, or a surplus of available seats, has resulted from a number of factors, the most important of which is the economic recession currently plauging the Nation.

The recession has caused an actual decline in the growth of airline traffic ironically during a period when the carriers are acquiring a new generation of large aircraft ordered long before the present economic difficulties began to be felt. Adding to the problem, the system has been hampered by excess competition among the carriers in certain markets and together these factors have led to substantial losses for them. The current problem, Mr. President is severe. Based on current projections, the airlines, in the aggregate, may lose more than $180 million in 1971.

In terms of restoring the airlines to health, there can be no substitution for a revitalized economy which in turn would stimulate airline travel. However, before that occurs, the carriers must seek in every way to reduce their operating costs consistent with declining traffic.

I strongly believe that the control of excess capacity is the best immediate weapon at the disposal of the carriers in their attempts to reduce costs. For example, neither the public nor the airlines are well served by 33 daily nonstop flights between New York and Los Angeles when only a third of the seats are filled on each flight. Capacity simply has to be brought more in line with demand, even with the unpleasant consequences of employee furloughs, low aircraft utilization, and deferral or cancellation of aircraft now on order.

On the other hand, I recognize it is sometimes difficult and even risky, in a competitive sense, for the carriers acting as individuals, to reduce their capacity on a unilateral basis.

The carriers have taken recent action deferring delivery of new aircraft on order, and in several cases, canceling new equipment which was to have been delivered in the next several years. This, too, is a very painful experience—especially for the aircraft manufacturers who are also experiencing great economic difficulty. But, again, prudent management would conclude that much of this equipment, ordered 3 or 4 years ago—was bought, based on assumptions of traffic growth which simply but unfortunately are proving to be invalid.

Unilateral capacity reductions, or—schedule cutbacks, and reevaluation of equipment needs, are in the long term public interest, the best way to proceed.

I also believe, however, that in some instances where certain markets have a great excess of capacity and where three or four carriers are scrambling to maintain share of the market, that capacity control agreements among them can be useful.

In certain markets unilateral schedule cutbacks may impose a serious penalty on the carrier making the reduction, because as TWA has argued persuasively, a carrier's share of the revenues derived from a given market is directly related to the amount of service offered.

Mr. President, in a speech several weeks ago I urged the CAB to approve discussions among the airlines, aimed toward achieving a limited capacity control agreement, where the carriers are given antitrust immunity to sit down together and work out mutual scheduling reductions in markets where overcapacity can be demonstrated.

I urged the Board to approve such an agreement for a relatively short period of time and subject to the CAB being a party to all discussions directed toward reaching the agreement. I am happy to note the Board has just approved a plan much like that which I outlined, and has granted the industry permission to seek to reduce scheduling on a collective basis.

The Board, wisely I think, restricted its approval of such scheduling discussions to markets where the carriers can prove excessive capacity and limited any agreement to 6 months duration. The time limitation is important because it will ensure that these capacity agreements, only to be viewed as temporary remedies, will be discarded when better economic health is evident.

Mr. President, the CAB should be congratulated for the timely step it has taken in an effort to provide a more favorable economic climate during this period of severe trial in the airline industry.

TRIBUTE TO WHITNEY M. YOUNG, JR.

Mr. PERCY. Mr. President, the tragic death yesterday in Lagos, Nigeria, of Whitney M. Young, Jr., for the past decade the executive director of the National Urban League, is a serious loss for all Americans—white and black.

In the decade of the 1960's, Whitney Young was one of this country's most articulate and perceptive spokesmen for social justice. Though he was first and foremost a champion of equality for black America, he also understood the necessity of keeping lines of communication open with the white community. He moved with equal ease among corporate leaders and the black poor, and earned the respect of all races and classes. Throughout his life, he never deviated from his commitment to integration of the races, and his steadfast belief in this principle often brought him unjustifiable criticism.

Whitney Young once said:

> The difference between myself and some others is that they have given up on the American system.

He never gave up. He understood that compromise and conciliation are important ingredients in the recipe for progress. At a time when many other black leaders were preaching revolution, his was a voice of moderation. He knew that persuasion can succeed where hatred can only inflame.

Whitney Young set this standard for himself:

> The only criterion by which I want to be measured is whether or not I have helped to improve the economic, political, health and social future for black people—not on the basis of how many white people I curse out.

As the tens of thousands of blacks who found employment through his untiring efforts as the leader of the National Urban League can testify, Whitney Young's all-too-brief life was a success, by his standard or any other. His work is far from finished, but the fact that a significant beginning has been made is a tribute to his inspired leadership.

The death of a man of Whitney Young's extraordinary talents and vision at any age would be a serious loss; to have him taken from us at the relatively young age of 49, when he seemed to have so many productive years ahead of him, is doubly cruel.

No memorial tribute can adequately repay Whitney Young for his contributions to the struggle for dignity and equality for all Americans. He was a man of courage, of compassion, and of uncommon dedication, a man I was proud to call my friend. If we truly wish to honor his memory, we must join together and make his goals our goals.

I extend particularly my deepest sympathy to his beloved wife Margaret and to my close friends, Dr. and Mrs. Paul Boswell, Whitney Young's devoted sister, and highly respected brother-in-law, both prominent civic leaders in Chicago.

MORE POWER WITH LESS POLLUTION

Mr. METCALF. Mr. President, the Montana Legislature has taken official notice of the opportunity to develop more power with less pollution through magnetohydrodynamic—MHD—power generation.

The legislature notes that MHD technology is advancing in Japan, West Germany, and Russia—where a pilot plant is now nearing completion—while the United States has not even begun the construction of a pilot plant.

Despite the record developed by the Office of Science and Technology and before the 91st Congress for a meaningful MHD research program, the administration budget includes only $1 million for the program. The buck has been passed to the Appropriations Committees and particularly the Subcommittees on Interior and Related Agencies.

Senators or others who wish to help reverse our present trend toward less power with more pollution would do well to familiarize themselves with the two-volume hearings on MHD conducted during the 91st Congress by the Senate Interior Subcommittee on Minerals, Materials, and Fuels and the materials in the CONGRESSIONAL RECORD, volume 116, part 33, pages 44400–44405.

I hope that some of the readers of this RECORD who are concerned about the energy-environmental crises will acquaint themselves with the virtual immobilization of this Nation's MHD research program, because of Government and industry's "Alphonse and Gaston" routine of waiting for each other to make the major moves. I hope the subcommittees will receive the support which is important to them in making vital additions to a deficient budget.

Mr. President, I ask unanimous consent to have printed in the RECORD, House Resolution No. 5 adopted by the 42d Legislative Assembly of the State of Montana.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE RESOLUTION 5

A resolution of the House of Representatives of the State of Montana to the Congress of the United States, the Montana congressional delegation, the Interior Committee of the United States Senate, the Interior Committee and the Interior Subcommittee of the Appropriations Committee of the United States House of Representatives requesting the passage of legislation and appropriations supporting the construction of a large magnetohydrodynamics (MHD) pilot power plant to implement the techniques which have been developed through intensive research since 1957.

Whereas, magnetohydrodynamics (MHD) power generation would provide new opportunities for utilizing the vast, untouched coal resources of the state of Montana and the northwest region, and

Whereas, MHD power generating plants operate without the need for the large amounts of water required by conventional steam and turbine systems, MHD electric power generating plants would offer new opportunities for developing the economic resources of the state of Montana and other areas lacking water needed to sustain conventional generating systems, and

Whereas, the MHD method of producing electrical energy would raise the efficiency use of coal from forty percent (40%) by conventional methods to sixty percent (60%), and

Whereas, there are present or planned conventional power generating plants in the region to which a MHD pilot plant could be attached for experimental testing as well as switchyard facilities, and

Whereas, this more economical method of producing electrical energy is also being advanced by other nations such as Japan, West Germany and Russia where a pilot plant is now nearing completion, and

Whereas, the MHD electric generating system eliminates water and air pollution common to conventional steam turbine and nuclear systems and reduces air pollution to a minimum.

Now, therefore, be it resolved by the House of Representatives of the State of Montana: That the Congress of the United States appropriate funds for the development work leading to the construction, at the earliest possible time, of a MHD pilot plant.

Be it further resolved, that the chief clerk of the House of Representatives be instructed to send copies of this resolution to the Congress of the United States, the Montana Congressional Delegation, the Interior Committee of the United States Senate and the Interior Committee and Interior Subcommittee of the Appropriations Committee of the United States House of Representatives.

WHITNEY M. YOUNG

Mr. ALLOTT. Mr. President, today we mourn the death of a distinguished and public-spirited American, Whitney M. Young.

As executive director of the National Urban League, he made a unique contribution to American leadership in difficult times. He has been taken away before his time, but the millions who loved and respected him can be consoled by the knowledge that he lived his allotted years with a singular grace and dignity.

Whitney Young's distinction derived in part from his ability to make distinctions. He was clearheaded in an age of muddled thinking about effective political action.

Whitney Young always distinguished between moral exhibitionism and real moral concern. He distinguished between rhetoric and a real revolution in living conditions. He distinguished between political posturing and real political achievement.

Most important, Whitney Young distinguished between the chimeric promise of vague revolutionary fevers, and the real promise inherent in the American Nation's responsiveness to determined pressure on behalf of a just cause.

Whitney Young had an enormous talent for practical action in the politics of our pluralistic republic. He mastered the art of getting things done. The black community benefited from this directly, and the rest of the American community benefited almost as directly because all

Americans benefit from an expansion of justice.

Whitney Young understood that the most solid, substantial hope for the improvement of the condition of American blacks lay in the opportunities offered by the openness of the American political system. By making that system work on behalf of the millions he represented, Whitney Young rendered his greatest service. He demonstrated the efficacy of determined resourceful leadership.

His life stands as a living reproach to all those who despair of effecting intelligent change in a civilized manner. And his life stands as an inspiration to all Americans who know that there is no conflict between the traditions of civility and the need for dynamic and progressive leadership.

In death as in life, he will serve as a model of enlightened patriotism.

RULES OF SELECT COMMITTEE ON SMALL BUSINESS

Mr. BIBLE. Mr. President, pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended, the Select Committee on Small Business, in its organizational meeting held Wednesday, March 10, adopted rules governing the committee's procedures.

I ask unanimous consent that the text of the committee rules, as adopted, be printed in the Record, as required.

There being no objection, the rules were ordered to be printed in the Record, as follows:

Standing Rules of the Senate Small Business Committee

1. GENERAL

All applicable provisions of the Standing Rules of the Senate and of the Legislative Reorganization Act of 1946, as amended, shall govern the Committee and its Subcommittees. The Rules of the Committee shall be the Rules of any Subcommittee of the Committee.

2. MEETINGS AND QUORUMS

(a) The Committee will meet at the call of the Chairman. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the office of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the Clerk of the Committee shall notify the Chairman of such request. If, within three calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within seven calendar days after the filing of such request, a majority of the Committee Members may file in the office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chairman is not present at any regular, additional or special meeting, the ranking majority Member present shall preside.

(b) In executive sessions, a quorum for the transaction of business shall consist of a majority of the Members of the Committee.

(c) In hearings, whether in public or executive session, a quorum for the taking of testimony not under oath shall be one Member of the Committee. A quorum for the taking of sworn testimony shall be two Members of the Committee, unless the witness voluntarily waives this requirement.

(d) Proxies will be permitted in voting upon the business of the Committee by Members who are unable to be present. To be valid, proxies must be signed and assign the right to vote to one of the Members who will be present. Proxies shall in no case be counted for establishing a quorum.

3. HEARING

(a) The Chairman of the Committee may initiate a hearing on his own authority or at the request of any Member of the Committee. Written notice of all hearings shall be given to respective Committee or Subcommittee Members. Notice shall be given as far in advance as practicable. No hearings of the Committee shall be scheduled outside of the District of Columbia except by a majority vote of the Committee.

(b) Any Member of the Committee shall shall be empowered to administer the oath to any witness testifying as to fact, if a quorum be present as specified in Rule 2(c).

(c) Subpoenas shall be issued only when authorized by a majority vote of the Committee. When so authorized, subpoenas may be issued by the Chairman or by any other Member of the Committee designated by him. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of documents, memoranda, records, etc., shall state briefly the purpose of the hearing and shall identify the papers required to be produced with as much particularity as is practicable.

(d) Any witness summoned to a public or executive hearing may be accompanied by counsel of his own choosing, who shall be permitted while the witness is testifying to advise him of his legal rights.

(e) No confidential testimony taken or confidential material presented in an executive hearing of the Committee or any report of the proceedings of such an executive hearing shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee.

WHITNEY YOUNG: TRIBUTE

Mr. WILLIAMS. Mr. President, I am shocked and saddened by the death, in Lagos, Nigeria, of Whitney M. Young, Jr., executive director of the National Urban League. It is always sad to note the passing of any man; it is sadder yet to note the passing of a man 49 years young—the prime of a man's life; it is saddest of all to note the passing of a man who dedicated his life to the cause of equality and the goal of making the American dream a reality for all persons.

Whitney Young's goal as executive director of the National Urban League was equality for all. With that in mind, he turned the National Urban League, which has aided thousands of blacks make the transition from unemployment to employment, into one of this Nation's primary forces working for the self-sufficiency of poor black Americans. When he started, all too few were willing to toil with him and his goal seemed almost unattainable. It is a tribute to his persuasiveness and his capacity for hard work that change was effected, and it came faster and in greater proportion than few would have believed two decades ago. Though his voice is now stilled, its echo will remain with us, not because he spoke in loud and shrill tones, but because he spoke with reason, persuasion, and a perceptive, biting sense of humor.

We can pay no finer tribute to Whitney M. Young, Jr., as a man, than by continuing to work toward the day when his goal will have been fully attained.

Personally, we will miss him. The poet John Donne wrote, "Any man's death diminishes me." The death of Whitney Young truly diminishes us all. Hopefully, this void may be filled by the fulfillment of his life's work.

SPRINKLER SYSTEMS FOR NURSING HOMES AND SMALL HOSPITALS

Mr. METCALF. Mr. President, nursing homes and small hospitals in Montana were notified a few months ago that they must either contract for installation of sprinkler systems to comply with regulations written by the Health, Education, and Welfare Department, or close their doors to medicare and medicaid patients. In many cases, these small medical facilities could not survive without these patients. Certainly the patients would not be benefited either, if their only neighborhood hospital could not serve them in time of need.

Mr. President, to deprive the residents of these rural communities of their only nearby medical facilities is an absurd end to the promise of Hill-Burton which has made them possible.

No one could or would question the need for patient safety. What we might question, however, is the decision that only a sprinkler system will provide that safety. Some experts hold that a smoke detector system, which is far less expensive, is to be preferred.

It is my understanding that the Department of Health, Education, and Welfare is currently evaluating other systems to determine which might be equivalent to the sprinklers. Should the agency, upon reconsideration, determine that there are no alternatives that will properly and as fully protect the patients, then it seems to me that it is our responsibility to appropriate the money to install the systems.

Mr. President, I have received Senate Joint Resolution No. 6 from the Montana State Legislature regarding the gravity of this problem. I ask unanimous consent that it be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

Senate Joint Resolution 6

A joint resolution of the Senate and House of Representatives of the State of Montana to the Honorable Richard M. Nixon, President of the United States; to the Honorable Elliot L. Richardson, Secretary of Health, Education, and Welfare; to the Congress of the United States; to the Honorable Mike Mansfield and the Honorable Lee Metcalf, Senators from the State of Montana; to the Honorable Richard Shoup and the Honorable John Melcher, Representatives from the State of Montana calling attention to the plight of Montana's small, rural hospitals, extended care facilities, skilled nursing homes and intermediate care facilities which are facing loss of certification under medicare and medicaid because of the increasingly stringent medicare requirements

Whereas, the requirements imposed upon hospitals, extended care facilities, skilled nursing homes and intermediate care facilities by Medicare and Medicaid for certification are becoming increasingly strict and costly; and

Whereas, faced with these rigid requirements many of Montana's small, rural facilities are in danger of losing their Medicare and Medicaid certification; and

Whereas, the loss of certification for Medicare and Medicaid funds by these hospitals may possibly result in the closure of these hospitals; and

Whereas, the closure of any such facility in the State of Montana will seriously affect the people of Montana and will be extremely detrimental to the health and welfare, especially, of the elderly and the needy in those areas serviced by such facilities;

Now, therefore, be it resolved by the Senate and House of Representatives of the State of Montana, that the President of the United States, the Department of Health, Education, and Welfare, and the Congress of the United States seriously study the effect of the requirements imposed on the small, rural hospitals, extended care facilities, skilled nursing homes and intermediate care facilities for them to receive certification under the Medicare and Medicaid provisions, and to seriously consider the rights of the beneficiaries of the Medicare programs to receive their health care and to do all things possible to cooperate with those servicing and serviced by small, rural facilities to relieve them of burdensome requirements which threaten the continued existence of such facilities thereby depriving the sick, needy and elderly of treatment in a local environment by their family physician in their own community.

Be it further resolved, that the Secretary of State is instructed to send copies of this resolution to the Honorable Richard M. Nixon, the Honorable Elliot L. Richardson, the Honorable Mike Mansfield, the Honorable Lee Metcalf, the Honorable Richard Shoup, and Honorable John Melcher, the Honorable Speaker of the House of Representatives of the United States, and the Honorable President of the Senate of the United States.

ARSENIC IN THE ATLANTIC

Mr. WILLIAMS. Mr. President, I invite the attention of Senators to a regrettable situation that has been brought to light by an article published in last night's Washington Star. I understand that among the over 60 million tons of dredge spoils, sludge, solid waste, chemicals, and radioactive materials that are dumped into the ocean every year, are more than 800 tons of arsenic, one of the most dangerous substances known to man. Arsenic, either as an element or in one of its various compounds, has definitely been shown to be toxic to marine organisms in most levels of the aquatic food chain. Yet every month for at least 2 years, an Italian vessel carrying several hundred canisters of arsenic has embarked from Philadelphia, traveled down the Delaware River, and emptied its cargo into the coastal waters just off the New Jersey shoreline. The exact distance is not known, since the U.S. Coast Guard, which alerted the administration to the latest dumping, is reportedly skeptical as to how far out in the ocean the deadly cargo is being dumped.

What is even more alarming than the fact that this arsenic is being discarded by a chemical company in an apparently unsafe fashion is the report that the President's Council on Environmental Quality is helpless to prevent these dumpings, including the one scheduled for this Saturday. Dr. Gordon McDonald of the President's Council has reportedly said that only congressional action can stop it.

Mr. President, I have already initiated an attempt to halt this continued dumping. However, this situation graphically points out the need for quick enactment of an ocean dumping bill to govern these practices. The spokesman for the company engaged in the dumping has explained that they are utilizing this disposal method—which they describe as the "most economical" of several alternatives—because they have not received any "official notification" that it is wrong. This is one area of doubt that we should quickly act to eliminate. I feel that in this period preceding the enactment of legislation governing open dumping, the administration should make it perfectly clear that the dumping of such highly toxic materials in our ocean waters is a flagrant violation of the Government's intentions regarding ocean dumping, even though the specific laws and regulations are not yet formulated.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Ocean Pollution: Arsenic Dumping Continues

(By Roberta Hornig)

On Saturday, following a two-year-old practice, a ship carrying about 70 tons of an arsenic compound will sail from Philadelphia, travel through Delaware Bay, and dump its potentially lethal cargo in the Atlantic Ocean.

The Norton Lilly Company of Philadelphia, which booked the load on the Italian vessel "Nondo Fassio," says that as far as it knows this sort of cargo, ranging between 30 and 80 tons, has been dumped at sea about once a month for "over two years."

Both Norton Lilly and the chemical company involved. Whitmoyer Laboratories of Myerstown, Pa.—a subsidiary of Rohm & Haas Company, the ninth largest in the world—says the dumping occurs about 150 miles out in the ocean.

President Nixon's Council on Environmental Quality, which is against dumping any potentially toxic materials in the sea, is trying to figure out what to do about this Saturday's dumping. At present, spokesmen say, there are no legal restraints.

Dr. Gordon McDonald, the lone scientist on the three-man council, says the dumping flouts Nixon's principles, but that only congressional action can stop it.

McDonald says the worry in this particular case is that when the 246 canisters containing the arsenic compound hit the water, they will break open and the sea water will change the composition of the chemical, making it particularly toxic to sea life in the area.

Both the administration and Sen. Edmund F. Muskie, chairman of the Senate Air and Water Pollution subcommittee, have offered bills to require permits for any kind of ocean dumping within 12 miles of the U.S. coastline and forbid any kind of dumping within that limit by any foreign government.

McDonald also said the U.S. Coast Guard alerted him to the latest chemical dumping and tends to be suspicious about how far out in the ocean the dumping occurs.

A spokesman for Whitmoyer Laboratories said the company considered other disposal methods but that it is "more economical to put it in a ship and dump it in the bottom" of the ocean.

A spokesman for Norton Lilly said, "We understand about this new anti-pollution—let's save the seas, of course."

But, he added: "The only thing here is we're in the middle. If we're in the wrong (referring to the ocean dumping) I'd appreciate it if we'd get official notification."

Government estimates are that 62 million tons of waste—ranging from DDT residues to old mattresses—are dumped off America's seacoasts annually.

JAPANESE TEXTILE IMPORT PROPOSAL UNACCEPTABLE

Mr. TALMADGE. Mr. President, the textile import proposal put forward by Japanese textile industry is totally unacceptable, and I am pleased that the President has also indicated his dissatisfaction.

It is incredible that the Japanese would expect our Government or the American textile industry to accept a plan such as this that is both arbitrary and unrealistic. It benefits only the Japanese. It would give the U.S. textile industry no relief from the critical import situation that already has cost us from 200,000 American jobs.

There appeared in the Wednesday edition of the Atlanta Constitution an editorial denouncing the Japanese proposal for its "incredible arrogance."

I bring this editorial to the attention of the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Generous Japanese

Those friendly folks who brought us Pearl Harbor have made another generous gesture.

Faced with a belated recognition by the U.S. Congress that Japanese textile imports have already cost 200,000 American jobs—and are jeopardizing the remaining 2,400,000—the Japan Textile Federation has agreed to restrict export of textiles to the United States for a three year period beginning July 1. The catch is that the "restriction" would be limited to compounded increases of 5 per cent the first year and 6 per cent the next two, a growth rate for which any legitimate American business would be more than happy to settle.

The incredible arrogance of the Japanese in continuing to dump their textiles, television sets and other surpluses here at prices below those prevalent in their homeland must make those unfamiliar with history wonder: Who signed what on the deck of the Missouri?

COMMENDATION OF NONCOMMISSIONED OFFICERS ASSOCIATION OF UNITED STATES

Mr. THURMOND. Mr. President, as an honorary member of the Noncommissioned Officers Association I have observed with pleasure the continued growth of this excellent organization.

The NCOA's membership is now approaching 50,000 and expanded services to the members have accompanied this growth. Those of us who have served in uniform know that the noncommissioned officer is the driving force of the armed services.

This group is a nonprofit, patriotic, fraternal, and benevolent organization which provides unique and valuable services to each of its members in all branches of military service. The association and its members subscribe to the following creed:

> It is with the conception and full understanding that many things of great need and importance can be accomplished in unity and cooperation, but otherwise impossible, that the members of the Non Commissioned Officers Association of the United States of America have agreed to join their efforts and strength to work together for the well being of the individual, the group, and for the greatest benefit of our beloved Nation.

Mr. President, the NCOA is administered solely by and for noncommissioned and petty officers, active, retired, and reserve.

They have established programs for the benefit of their members which are explained to each member individually by their widely dispersed field force of NCOA resident counselors

These benefits and sponsored services include:

First. Individually prepared analysis of Government benefits.

Second. Personal affairs inventory brochures, outlining the importance of wills, powers of attorney, and a comprehensive listing of all personal papers and assets to assist any administrator and/or executor.

Third. International banking service which provides automobile financing without geographic limitations.

Fourth. Automobile purchase discounts.

Fifth. Local chapter discounts.

Sixth. National motel discounts.

Seventh. Exclusive NCOA career option plan.

Mr. President, the information presented by the NCOA indicates the association and its resident counselors are performing well in affording these consumer protection programs to their members.

The exclusive resident counselor system, which is necessary to the progress of the NCOA, is being financed from the normal acquisition budgets of the life insurance companies underwriting their specialized career option plan at no direct cost to the association or its members.

These counselors perform a wide range of personal services to a most important group of American citizens through a standard system of high integrity and genuine interest.

One of the most commendable services offered by the resident counselors occurs upon the death of one of its members at which time these counselors immediately call to offer assistance in all matters contained in the personal affairs brochure to the survivors. This valuable assistance is offered to all members without compensation and the counselors' duties are performed quickly with the highest regard for the personal feelings of those survivors.

In conclusion let me say the ingenuity and foresight shown by the international board of directors of the Non-Commissioned Officers' Association in setting up a well trained and qualified staff of counselors is commendable. The counselors are charged through a code of ethics to assure their effectiveness in achieving the positive aims specified in their creed. They deserve full recognition for the success they have achieved in these worthy endeavors.

CHILE THE SCENE OF A HISTORIC DRAMA

Mr. ALLOTT. Mr. President:

> Chile is balancing on a knife's edge, and which way it will go no one knows.

That is the appraisal of a Chilean politician cited in an illuminating report in today's Wall Street Journal.

Chile is currently the scene of a historic drama to which insufficient attention is being given. What is involved is the question of whether President Allende will be the first Marxist who, after taking power, continues to respect democratic due process.

So that all Senators may give proper attention to this drama, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Latin Nation Uncertain of Democracy's Fate Under Marxist Leader

(By William M. Carley)

Santiago, Chile.—A dozen tax investigators recently swarmed into the lofty-ceilinged, colonial-style offices of El Mercurio, a major conservative newspaper here. The tax men quickly sealed desks in the business office and confiscated financial records.

Ostensibly, the investigation stemmed from charges that El Mercurio may have received a loan under illegal circumstances. But editors of the newspaper wondered if the investigation was merely the first move by leftist President Salvadore Allende to silence the conservative publication that has long opposed him.

"Soon we shall know if the government will annihilate El Mercurio," the paper said in an editorial.

El Mercurio's dilemma reflects the major questions hanging over Chile today. Will Dr. Allende's government confine its emphasis to tough Marxist economic policies, such as the promised nationalization of copper mines, banks and certain farms? Or will his government also wipe out all political opposition, and in the process wipe out Chile's democracy as well?

BALANCING ON THE EDGE

"Chile is balancing on a knife's edge, and which way it will go no one knows," says one politician here.

Obliterating democratic politics in Chile, wouldn't be easy. This nation, stretching for nearly 3,000 miles in a long, narrow strip between the Andes and the Pacific Ocean, has had a flourishing democracy for decades, a unique achievement in Latin America where coups are more common than elections.

But in last fall's presidential election conservative and moderate votes were split between candidates of the right-wing Nationalist Party and the centrist Christian Democrat Party. The result was that Dr. Allende and his coalition of Communists, Socialists and other leftists got 36% of the vote, more than any other candidate and enough to induce the Chilean congress to elect him president. It marked the first time in world history that a Marxist government had come to power in a free election.

Many well-to-do Chileans panicked. "I hear Allende is going to get army trucks and take all the poor people to rich sections, and take all the rich and put them in the slums," one frightened Chilean said at the time. Hundreds, perhaps thousands, of wealthy Chileans fled the country.

THE FEARS PERSIST

The panic has subsided now—but not the fears for the long-term survival of democracy. Dr. Allende, a short, mustachioed physician who has spent most of his life in Chilean politics, has repeatedly promised to follow the rules of the democratic game during his six-year term as president. And the Communists—the best organized and most feared members of Dr. Allende's coalition—are echoing his pledges, at least for now.

"It's hard for you Americans to understand, since you have been formed in the idea that communism and democracy are absolutely incompatible," a visitor is told by Volodia Teitelboim, a top Communist Party official in Santiago. "But Chile is no stereotype—it is unique. We will continue to have free elections." Allende has said, "If we lose the presidential election five years from now, we will turn out the lights and go home."

A number of Chileans doubt these assurances. One newspaper columnist here avers the Communists, to create a false sense of security, are subjecting the Chilean people to "Operation Valium." Valium is a tranquilizer.

One factor prompting worries has been the attack on El Mercurio. After the paper blasted the government tax investgation editorially, the investigation was reduced to a routine inquiry, and the newspaper's financial records were returned. But the government now has the paper in a financial squeeze.

FINANCIAL ASPHYXIATION?

El Mercurio, like many other businesses here seeking increase under price-control laws, has lost an appeal to the government for a boost in the charge for the paper. The Chilean government, moreover, is a major advertiser, and it has withdrawn all its ads from El Mercurio. This, coupled with a business slump, has cut the paper's ads to less than half the former level.

"The government's harassment will continue, and I don't see how El Mercurio can survive," says one political analyst here. "What the government is going to do is asphyxiate us financially but perfectly legally," says one writer for El Mercurio.

The Mercurio organization also publishes some smaller newspapers, and if the group went under the only significant opposition paper left in Chile would be La Prensa, published by the Christian Democrats.

Chile's biggest publisher of textbooks and magazines, Zig-Zag, has already fallen into government hands. The move began when a labor union at Zig-Zag, headed by a Communist, demanded huge raises. The owners said they couldn't afford to pay them, and after a 30-day strike the issue went to a government-appointed arbitration panel. The arbitrators decided in favor of the union, and last month the owners of Zig-Zag agreed to sell their presses and part of their business to the government.

Zig-Zag will continue to publish its magazines, including Ercilla, a Time-like weekly. But political observers figure the government, owning the presses, won't have much trouble controlling the magazines' contents. And the government is taking over entirely the publishing books and school texts.

"It won't be long before the kids are reading Communist propaganda in school," one analyst says.

The government has threatened the courts as well as the press. Among other things, Dr. Allende has proposed "neighborhood tribunals," which are supposed to speed up Chile's slow justice.

The proposed courts would handle only minor matters, such as family squabbles and town drunks. But the maximum punishment could be short terms of forced labor or prison. And two of the three judges for each neighborhood court would be chosen from local organizations such as unions, which are largely Communist-controlled, and the third would be appointed directly by the government.

"This would give the leftists political control of the courts and of the people right down into every neighborhood," says one analyst here. "And what would these courts do to a neighborhood?"

Some Chileans don't like the idea of what the courts would do to a neighborhood. "People would be watching their neighbors day and night, and you'd be afraid to do anything," says a clerk in a Santiago office. "If I had my radio up too high at night, I could be sentenced to forced labor."

Facing stiff opposition to a bill that would have authorized neighborhood tribunals, Dr. Allende withdrew the bill from congress early this month. But some analysts fear that he may try to set up the tribunals anyway, possibly by executive action.

LEFT-LEANING CONGRESSMEN

Aside from the courts and the press, the Marxist government faces opposition from the Christian Democrats and the Nationalists. The two, which have a combined total of 120 votes in the 200-member congress, may be able to block some Allende bills. But there is talk of a split within the Christian Democratic Party, with possibly a score or more congressmen headed towards joining the leftists. If this develops, it would give the leftists a majority in congress.

(The leftists have already proved adept at exploiting differences in the opposition. In last fall's election, they figured the man to beat was the Nationalist candidate, and to draw votes away from him they boosted the Christian Democrat candidate by packing his rallies. "Lots of my Communist friends were at Christian Democrat rallies," says one Santiago housewife. Whether this helped or not, the Christian Democrat candidate got just enough votes so that the Nationalist candidate fell one percentage point short of Dr. Allende.)

Even if Dr. Allende is sometimes blocked in congress, he is displaying talent for executing an end-run around the legislative body. Last Dec. 31 he went on TV to announce he would introduce a bank nationalization bill in congress within a week. But, anticipating opposition from the Nationalists and Christian Democrats, he also announced a government offer to buy bank shares from stockholders.

At first the price looked good. It was based on the average market price for the first half of 1970, which was well above the depressed levels stocks fell to after Dr. Allende's win in the fall. But bank stocks were artificially low anyway, sources say, because in Santiago stock prices are deliberately manipulated downwards to reduce a tax on wealth that shareholders must pay.

CARROTS AND STICKS

"In some cases banks have had more just in certain reserve funds than the value of all their outstanding stock," one economist here says.

Dr. Allende is using a variety of carrots and sticks to persuade stockholders to sell at his price nonetheless. Some major holders have been told that their investments in banks won't be profitable much longer. The government has already sharply cut the ceiling on interest rates banks can charge. And the government has said it is withdrawing its deposits from banks whose shareholders aren't accepting its offer.

Another form of persuasion is super-tough enforcement of banking regulations. In the past, if a Santiago bank couldn't meet certain reserve requirements, it was always taken care of with a loan from the central bank, economists here say. But no longer. Now the government "intervenes," or simply takes over the bank, as it has on three occasions.

Besides the three seized banks, the government has gained control of only three or four other banks out of the 21 private institutions in Chile. But Dr. Allende has yet to introduce his bank nationalization bill, and he could at any time, a threat not lost on Santiago bankers.

GUN ON THE TABLE

"Allende is negotiating for the banks now, but with a gun on the table," says one bank executive here.

In its drive to gain control of the economy, the government is also rapidly taking over Chile's vast farms, though in a way no one quite expected. In the past six years the Christian Democrats, under President Eduardo Frei, had launched a land-reform program to expropriate huge haciendas and split them among landless peasants. But the program bogged down with redtape and high costs.

When Dr. Allende won the presidency, the peasants didn't wait for formal government action. They simply began invading and taking over haciendas, and the government has hurriedly appointed managers for the farms.

For Dr. Allende, who wants to create big state farms and cooperatives rather than provide a plot for each peasant, the invasions are something of a nuisance. But he hasn't ordered the carabineros, Chile's tough police force, to stop the invasions.

"How could he? A Marxist president can't have the police knocking poor people over the head like Mayor Daley in Chicago," says one Santiago journalist.

MORE CONVENTIONAL PLANS

Be that as it may, the government now has some 200 invaded haciendas on its hands, and the minister of agriculture has announced plans for rapid expropriation of more farms by conventional methods.

The mere fact that the government is pushing hard to seize economic power upsets analysts concerned about democracy's survival.

"What happens when the bankers, who have supported the Nationalists, and the farmers, who have supported the Christian Democrats, are expropriated and exterminated? Who is left to stand as any opposition to the leftists?" one analyst asks. "And who has a more powerful political weapon than Allende when he gets the banks and controls all credit in the country?"

Chile's outlook isn't completely bleak, of course. For one thing, Dr. Allende's tactics aren't brand new. One Santiago journalist notes that while the Christian Democrats were in power they helped engineer the sale of Zig-Zag to a group of Christian Democrat businessmen. To make sure of press cooperation, the chief economics writer for Ercilla was simultaneously put on the government payroll as a public relations man for the central bank.

Dr. Allende could also be restrained by the economy. At the moment, the great mass of poor in Chile are much better off than previously. Usually their earnings were eroded by Chile's chronic inflation, which last year hit 35%. But Dr. Allende has put through substantial wage increases for workers while initiating tough enforcement of price-control laws, allowing virtually no price increases.

"The most important things for the poor people in the city are the price of bread and buses to get to work, and bus prices are up only a little and the price of bread is actually down," exclaims one happy Santiago worker.

To enable the poor to enjoy Chile's beaches, Dr. Allende has also promoted "popular vacations" featuring cut-rate train rides to the ocean and cheap overnight accommodations set up at nearby schools. And the president-doctor's administration has helped start a hospital train that, with volunteer medics, travels the countryside dispensing free health care.

But with the Allende victory, businesses fearing expropriation practically halted all capital investments. Everywhere a visitor travels in Chile he sees construction halted on projects only half completed. One result has been a rise in unemployment in Santiago from 6.4% in September to 8.3% in December, the highest in 10 years.

SMUGGLED THROUGH THE ANDES

What's worse, the turmoil stemming from farm invasions may sharply cut agricultural production, even on farms not yet invaded. "I know one farmer fearing an invasion who smuggled his dairy herd through the Andes to Argentina and sold his cows for meat," a Chilean worker says.

Copper production, though at a good rate now, may also fall. At one mine, for example, about 180 Chilean technicians, or half the top staff, have fled the country, either because they disliked communism or because of Dr. Allende's move to pay them in inflated Chilean currency instead of the U.S. dollars they previously got. Also, the world price of copper has fallen in the past year from 87 to 48 cents a pound, sharply cutting Chile's copper export earnings.

"Because of high copper prices in past years, Chile has substantial reserves, but they won't last forever, and Allende may be headed for a real economic squeeze," says one economist. This economist argues, however, that instead of restraining Dr. Allende, a downturn might goad him to try even more drastic measures in the future.

STRAINS IN A COALITION

Another cloud on Dr. Allende's horizon is the strain within his coalition. The president himself is a member of the Socialist Party, which in Chile is even further to the left than the Communist Party. Rumors of a cabinet shake-up were so rampant last month that the government had to publicly deny them. A visitor to a beautiful hilltop mansion overlooking Santiago that has been turned into a club for leftists also sees evidence of the strains.

"Those are Communists in that corner, and in the other corner the young bearded guy is a MIRista (a group that believes in violent revolution)," one club member tells a visitor. "The Communists hate the MIRistas because the MIRistas call them 'bourgeois,' and when the Communists get more power, the MIRistas will be the first to go," the club member says, slashing his hand across his throat.

Despite such problems within the leftists' camp, the leftists still stir concern over Chile's democratic future. Sums up one gloomy Santiago magazine editor:

"We will have elections, but they will be controlled, and we will have a press, but that will be controlled too. And maybe I'll be one of the victims."

INTEREST RATES CONTINUE TO DECLINE

Mr. SCOTT. Mr. President, yesterday—for the 10th time in just under a year—the interest rate on prime loans was lowered by the Nation's leading commercial banks. Chase Manhattan Bank initiated the cut in prime lending rates by reducing their prime rate to 5¼ from 5¾ percent.

This is testimony to one fact, Mr. President, and that fact is simply this: Mr. Nixon inherited a white-hot inflationary economy and, without thrusting the country into the depths of depression, has succeeded in cooling it off to a degree. The benefits to America's housing industry alone are immense.

Said the Associated Press:

> The continuing slide, was expected to result in a further lowering of interest charges on home mortgages and personal loans.

This is good news to all Americans. It means that commitment to a game plan, meticulously drawn up and carefully executed, brings concrete results. And to slow a runaway economy without falling into depression while at the same time converting the entire Nation from a wartime economy to a peacetime economy, is nothing short of miraculous.

A number of other major banks followed Chase Manhattan's lead and reduced their prime rates, most to 5½ percent.

New York banks that trimmed their prime rate to 5½ percent included Manufacturers Hanover, Chemical, and Irving Trust.

Among other banks which went to 5½ percent were First Pennsylvania of Philadelphia, Continental Illinois National of Chicago, Bank of California of San Francisco, First National Bank of Dallas, Manufacturers Bank of Los Angeles, and First Union National Bank of Charlotte, N.C.

Mr. President, I hope this move on the part of our largest financial institutions—as I said earlier, the 10th reduction in interest rates in just under a year—will continue and, by so doing, make possible at last a strong and lasting equilibrium between growth and inflation.

WHITNEY M. YOUNG

Mr. CASE. Mr. President, it is still unbelievable. The personal sense of loss that all of us feel has come with stunning effect. I have known Whitney Young for a long time and counted on him, as all of us had, for the sort of leadership which America cannot get enough of in these times.

Mrs. Case and I extend our deepest sympathy to Mrs. Young and his family.

SOME REPORTED ACCOUNTS OF THE WAR ARE MISLEADING

Mr. SCOTT. Mr. President, a number of Senators today have been in the Chamber discussing reporting accounts of the war, particularly the recent Laos situation. Some of these war accounts, unfortunately, have misled the American people and thus have created a great doubt of what actually is happening as the war winds down. I have, myself, always hoped that the news media would reserve judgment on these actions that are now underway until all the results are in. As elected officials who go before the electorate every 6 years, we know the value of waiting for the results.

Mr. President, I do not think it is asking too much to await the results of the Vietnamization efforts which clearly show 16,000 troops have been withdrawn since January, that a major troop withdrawal is expected to be announced by President Nixon next month, and that time and again statements have been made that our withdrawal policy is irreversible. Mr. President, this war is not being escalated in any way, shape, or form. I urge Senators to review carefully the floor statements that appear in the Record.

WHITNEY M. YOUNG, JR.—A GREAT AMERICAN

Mr. PELL. Mr. President, I am shocked and saddened at the death of Whitney Young. His death is a great loss to all of the people of our country, black and white. His leadership of the National Urban League had a unique quality, for it was a leadership that spanned the divisive lines of color, race, and economic class. It was a leadership that appealed to, and brought out, the better and most admirable qualities of other men.

In devoting his life to improving the lot of his own people, he helped to improve the lot of all men. He saw and he knew that the destinies of all races are inextricably entwined; that there is but one human destiny, and he acted in that knowledge.

Whitney M. Young, Jr., will be sorely missed; even though the influence of his life and work will long continue.

CRIMINAL REFORM AND COURT REFORM

Mr. MATHIAS. Mr. President, at the heart of criminal reform is court reform. To the criminal defendant, the court, with its ancillary bodies, becomes his first formal exposure to the judicial process. What it says, what it does, and how the court handles itself, will to a large etxent direct the future activities of that individual within our society.

To many ghetto residents, the court is the government. If the judge is compassionate and competent, they think of government as humane and efficient. If the court is hostile and detached, they think of government as oppressive and irrelevant. The court truly plays an important role in our society.

It is fundamental in a healthy system of jurisprudence that the courts and their officials make a systematic effort to keep abreast of social and academic changes. Like all of us, the courts must be reeducating itself to accommodate the changing laws and values of our country.

Nine of every ten persons go initially to the courts of limited or first jurisdiction. The importance of educating and training the judges who sit in these courts is of the utmost importance.

Judicature magazine recently published an article written by the chief judge of Montgomery County, Maryland People's Court, Hon. Philip M. Fairbanks. Judge Fairbanks is the vice president of the American Academy of Judicial Education. He is also presently serving as vice chairman of the Section of Judicial Administration of the Maryland Bar and is a delegate to the American Bar Association National Conference of Special Court Judges.

Judge Fairbanks writes about a program aimed at benefiting the courts of primary jurisdiction. The program was designed by the North American Judges Association—NAJA—and funded as a pilot project by NAJA and the American Judicature Society.

The American Academy, through the University of Alabama, has made another request for a grant from the LEAA for money to finance another session this coming summer. I support such a conference.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The American Academy of Judicial Education: A National Program for Courts of First Jurisdiction

(By Philip M. Fairbanks)

The story is told of the young lawyer trying a case before a rural justice of the peace. At one point, he was seeking to convince the judge as to the state of the law, and addressing the court, waving the advance sheets of his state reports, he said:

"Your Honor, the most recent case is right here in these advance sheets."

To which His Honor replied:

"We don't take no law from no magazine in this court!"

Unfortunately there is more than a grain of truth in the attitude reflected by the foregoing anecdote. Rough and ready, cracker-barrel justice may still have a place in our society, but with the increasing complexity of our social problems and the resulting legal issues, even the lowliest justice of the peace should have more than a superficial grasp of the law if he is to perform his function properly.

For instance, to keep abreast of the rapidly moving trends in the criminal law is not easy for the trained lawyer. Likewise, the Uniform Commercial Code, which applies to ordinary business transactions, small or large, is a complex statute with which all judges at all levels must work everyday in those states in which it has been adopted. Add the fact that nearly nine of every ten persons who go to court go initially to the courts of limited or first jurisdiction, and the importance of educating and training the judges who sit in these courts, be they lawyers or be they laymen, is immediately apparent.

It is hard to understand why it has taken nearly 50 years for the legal profession, the public and the judicial system itself to reach the point of accepting these premises and doing something concrete on a national basis to educate lower court judges. Perhaps it took the massive increase in criminal activity in the past few years to turn public attention to the administration of justice and having taken a look, to realize at last how outmoded and archaic some of the methods of the operation of the system have become.

Perhaps this same influence finally made the subject of judicial administration politically popular. In any event, within the past several years the movement to upgrade and improve our lower court structures has gained momentum, and state after state has instituted measures to bring about reforms in these courts. Some of these efforts have been successful, others not. In Maryland, after four years of labor and one bitter defeat,[1] a unified state-operated lower court system, with professional full time judges, will finally go into effect next July.

Hand in hand with the movement to improve the courts has come the realization that the judges who sit in these courts need improving also, which means education and training. A number of states have programs in operation to call together their lower court judges for periodic conferences. Attendance at some of these is compulsory and at others not. A few states have well developed educational programs, including in-residence training sessions, but until this past summer no national program existed, general in scope, for the education of lower court judges. The American Bar Association Traffic Court Program has operated successfully for many years, and some general programs for juvenile court judges have also been conducted.[2] These are specialized areas, however, and have not reached the full range of responsibility of the average lower court judge who handles criminal and civil cases in addition to traffic or juvenile matters.

With the need for in-depth training and education on something more than a state scale becoming more and more recognized, the North American Judges Association and the American Judicature Society joined forces to create the American Academy of Judicial Education to provide a program to help satisfy this need. The story of the conception of this idea and of the efforts to bring it to fruition, has been told before,[3] but it bears repeating as background for a description of the first session of the Academy held in August, 1970.

In April, 1969, Judge William Moorhead of the Virgin Islands arose at a meeting of the board of governors of the North American Judges Association held at Albuquerque, New Mexico, and moved that the association adopt as one of its primary objectives the establishment of an educational institution on a national basis for judges of courts of limited jurisdiction. The motion was unanimously adopted, and the plan was born.

A committee of the association was formed soon thereafter to study the problem. This committee put together a program for presentation to the membership of the association at its annual meeting in San Francisco in November, 1969.

AJS BECOMES INVOLVED

The American Judicature Society, through its executive director, Glenn R. Winters, soon learned of the project and expressed an interest in joining with NAJA in sponsorship of the venture. By November, 1969, a fully implemented plan was prepared and adopted by NAJA which provided for a two week in-residence training course to be conducted in the summer of 1970 with facilities offered by the University of Alabama at Tuscaloosa, Alabama. The American Judicature Society joined with NAJA in the project and contributed $6,000 toward the project, matching an equal contribution pledged by NAJA, which later put in an additional $8,000 for a total contribution of $14,000.

In April, 1970, the American Academy of Judicial Education became a reality. Provision was made for its incorporation as a non-profit educational corporation under the laws of Illinois, subsequently completed in July, 1970. The Academy is governed by a board of nine directors consisting of three members from NAJA, three members of AJS and three chosen by the other six.[4] The executive director is Douglas Lanford, also director of the Alabama Continuing Legal Education Program at the University of Alabama.

In June, 1970, the program received a grant from the Law Enforcement Assistance Administration of the United States Department of Justice, which enabled the Academy to offer full scholarships, including transportation.

On August 16, 1970, at the Mary Burke Residence Hall of the University of Alabama, the Academy opened its doors to its first class consisting of 81 judges from 46 states and Puerto Rico. This group included six women. Twelve of the students were presidents of state organizations of lower court judges. A number brought their wives and several both wives and children. The only jurisdictions not represented were Maine, Rhode Island, Connecticut, Hawaii and the District of Columbia.

A faculty of 21 conducted the courses, of whom six spent the full two weeks. Five of these six were judges. Subjects presented included arrest, search and seizure, confessions (including line up and right to counsel), bail, preliminary hearings, fact-finding, evidence, traffic law enforcement, alcohol and drugs, and sentencing. In addition, at the outset, lectures on the judicial function, the public's image of justice, and judicial ethics were offered. The format of the program provided for lectures attended by the entire class, followed by discussions, for which the class was divided into four discussion groups with discussion leaders provided for each group. The hours were rather long, commencing at 8:30 a.m. and concluding at 9:30 p.m. However, the two Wednesday afternoons and evenings were left free, as was the one intervening weekend.

Despite the heavy and concentrated schedule, the interest, attention and enthusiasm of the judges never flagged, and they seemed fully as interested and vigorous on the last hour of the last day as at the start of the program. A large share of the credit for this performance must be given to Douglas Lanford for designing and providing an outstanding program and then sticking to the schedule. Likewise, the facilities and services (including the food) furnished by the University of Alabama were truly superior. Perhaps the fact that the Academy was located in an area without special tourist attractions or night life also contributed to the ability to sustain concentrated student interest.

The biggest single hit of the school was the mock trial program. Every judge appeared for thirty minutes before television cameras and conducted a mock trial with professional actors cast in the role of police officer and defendant. The trial concentrated on the demeanor and conduct of the judge and was taped. Every afternoon those judges who were taped in the morning met with a professional psychiatrist and trainer to review and critique each other's performance. The whole purpose was to permit each judge to see himself as others see him and through this technique to improve his conduct on the bench and his judicial image. Much could be said about this device, and the comments of the judges with regard to it were both candid and enthusiastic. It was an extraordinarily successful program and offers tremendous potential for future sessions.

Only two judges left the program prior to its conclusion, both for reasons of court business in their home states. Fortunately, neither was forced to leave until after the first week of the program.

On Friday evening, August 28, a final banquet was held at which certificates of attendance signed by Mr. Justice Clark as president of the Academy and Douglas Lanford as director, were awarded to 79 students. In addition, each faculty member received a certificate attesting to his participation.

THE QUESTIONNAIRE

A rather detailed questionnaire was furnished to each judge at the outset of the session. The same questionnaire was supplied at the end of the program. The object was to elicit ideas with respect to judicial education programs in general, and to receive comments and criticisms with respect to the Academy program in particular. The overwhelming opinion of those participating was that the Academy session was of utmost value and every effort should be made to continue and expand its operation. The ability to provide in-depth treatment of every subject together with the opportunity for full discussion seemed to have special appeal for most of the participants.

Taking the session as a whole and evaluating all factors, it must be concluded that the enterprise was an unqualified success and should, without any question, be continued. The enthusiasm, spirit and momentum developed in this short, two week, intensive course, should not be lost.

Judicial education has come a long way in the last 10 or 15 years, particularly for higher court judges, but it is just beginning to emerge as a recognized part of the field of judicial administration for courts of first, or limited, jurisdiction. The American Bar Association's National Conference of Special Court Judges is addressing itself to the question and has already offered several valuable seminars for lower court judges. More are planned. The more organizations attacking the problem, the better. There are literally thousands of justices of the peace, trial magistrates, municipal court judges and other judicial officers, by whatever name called, who sit on courts of limited jurisdiction in this country. Unfortunately, many are hard to reach. The turnover tends to be rapid and the ability of these judges to travel to attend educational seminars is severely restricted by local authorities in many cases. In addition, some judges, particularly those whose terms are of short duration and who are not required to devote full time to their duties, have little interest in educational programs. Despite these obstacles and the many other difficulties which present themselves, everyone interested in the improvement of justice should welcome the success of the Academy as a symbol of what can be done.

Perhaps, in the next decade, through educational programs conducted on a statewide, regional and national basis, the caliber of judges at the level of courts of first jurisdiction can be improved to the point where the harsh criticisms of crowded municipal courts and the satirical jokes directed at country J.P.s will become less prevalent. While education is only one of the arena of judicial administration needing attention and effort, in many ways it is the most important because the judge is the real key to the successful operation of any court. His knowledge, his conduct, and his manner determine whether litigants not only in fact receive justice but whether they think they have received it. Perhaps an analogy can be made to the automobile and its driver. No matter how strong, safe and mechanically perfect the vehicle may be, there is always the driver who can pile it into a tree or a wall. So also with a court, no matter how efficient the staff and how dignified the surroundings, there is always the judge who can spoil it all by his lack of knowledge, his conduct, or his manner, and hence the importance of continuing judicial education and training.

In some small way the American Academy of Judicial Education has contributed and

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Footnotes at end of article.

will continue to contribute to the efforts to educate and train that most important judicial officer, the judge of the court of first jurisdiction.

FOOTNOTES

[1] Wheeler & Kinsey, *The Magnificent Failure, National Municipal League,* 1970.

[2] *Judicature,* Vol. 51, No. 9, April 1968 "Summer College for Juvenile Court Judges."

[3] *Trial,* Vol. 6, No. 3, April/May 1970 "Educating Judges for Courts of the Poor."

[4] The present Board consists of: Mr. Justice Tom C. Clark, president; Judge Philip M. Fairbanks, Rockville, Maryland, vice president; Glenn R. Winters, Chicago, Illinois, secretary-treasurer; David Dow, Lincoln, Nebraska; Judge M. Michael Gordon, Houston, Texas; Howard A. James, Chicago, Illinois; Judge Edmund A. Jordan, Portland, Oregon, and Milton G. Rector, New York, New York.

WHITNEY M. YOUNG

Mr. TAFT. Mr. President, our Nation has suffered a great loss with the untimely death of Whitney Young. His dedicated service and sense of purpose have contributed immeasurably to the black movement in this country. As executive director of the National Urban League, his approach has been one of self-help and rehabilitation of black people in our center cities through programs such as job training.

The able leadership of Whitney Young has helped to make black dignity and equality a reality in this country. His energies have been directed to urban problems which must be a top national priority today. His philosophy has been one of constructive action rather than violent protest. His efforts have personified the brotherhood of all men and his accomplishments have brought this goal closer to reality.

The life of Whitney Young will serve as an inspiration to all those who seek real solutions to the problems of poverty and urban decay in our cities.

UNION DUES—A WRIT OF MODERN INDENTURE

Mr. FANNIN. Mr. President—

> The requirement that an individual pay dues to a private organization in order to work is a modern writ of indenture; the requirement that he do the same in order to express an opinion over the public airways involves an act of coercion by a private organization operating under government sanction.

That is the way William F. Buckley, Jr., noted editor, syndicated columnist and television commentator, recently described conditions in the Nation's broadcast industry. These conditions are possible only through the compulsory union shop power wielded by the American Federation of Television and Radio Artists—AFTRA.

AFTRA has wielded that power ruthlessly. Many in the broadcast industry—including those familiar faces of the evening news—are forced to join and pay dues to the union. It is either that or get off the air.

Is this the American way? Mr. Buckley does not think so and has filed suit against AFTRA and RKO General, Inc., the organization that distributes his TV show, "Firing Line."

The formal complaint says that the compulsory unionism requirement deprives Buckley of:

> His property without due process of law, and breaches his rights under the First, Fifth and Ninth Amendments of the Constitution, which Amendments guarantee the individual citizen freedom of association, freedom to pursue the occupation of his choice, freedom from unwarranted invasion of privacy, and other fundamental personal and private rights.

But that is lawyer talk.

Here is how the eloquent Mr. Buckley describes it:

> What is involved here is a fundamental civil and human right. And unless this country has lost hold of its reason, the Supreme Court will acknowledge, as I am confident it will, the right of the individual to exercise his rights as guaranteed under the First Amendment even if he declines to join a union.
>
> Many of the people in this country labeled as "liberals" eloquently object to any compromise of the individual rights of the citizen against the government—particularly free speech and privacy. I think it is time they join me in demanding that the individual have a right to join or not to join, to pay dues or not pay dues, to a private oragnization without surrendering his right to speak.

It is indeed difficult for Americans to understand why union officials should have such a weapon and it is time for the courts to rule that citizens should have the right to work without being forced to pay tribute to a labor boss. Or maybe we should quit pretending this is a free country?

Mr. Buckley filed his case on January 12. But he is still waiting for one of those television newsmen so concerned with freedom of the press to join him, to stand up and be counted on an issue of press freedom that hits the individual newsman personally. Mr. Buckley wrote on this problem in a syndicated column that ran in the Washington Star, Saturday, February 27. I ask unanimous consent to insert this in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AUTHOR'S LAWSUIT IS INDEED "GRANDSTANDING"

(By William F. Buckley, Jr.)

In January I filed a constitutional lawsuit against the American Federation of Television and Radio Artists, asserting that the gentlemen who manage that union may not compel me to join it in order to give my opinions over the air. Why? Because the 1st Amendment of the United States Constitution forbids the enactment of laws abridging the freedom of speech.

The National Labor Relations Act is cited by AFTRA as permitting it to require membership even of news reporters and analysts, and the issue is joined. Stated syllogistically, if A forbids the enactment of B, and C proceeds as if B had been enacted, then it must follow either that C must be denied the misconstruction of B or else B must be declared unconstitutional.

I have been surprised by the volume and consistency of support that my action has received, principally from newspaper editors. Of course there has been criticism, but most of it is tendentious. Frank Mankiewicz apparently accused me (appropriately enough on television) of "grandstanding."

I wish to report that he is exactly correct: that is precisely what I am doing, by attempting to publicize a situation concerning which there has been insufficient indignation. Mankiewicz, who used to work for Bobby Kennedy, will perhaps sympathize, on thinking it over, with the necessity of calling to the attention of large groups of people undesirable situations.

On the legal point, I am of course deadly serious, and the best lawyers are engaged in pressing the constitutional point. The argument, raised by Michael Harrington, that the suit is frivolous because it was not brought before, is interesting.

I do not claim that my moral reflexes are in perfect order. On the other hand, I don't remember that they criticized Martin Luther King for opposing bus segregation in Montgomery on the grounds that it hadn't been opposed before.

For the rest, Harrington does a threnody on the economic security of labor unions, which he sees as the first order of business, and why shouldn't he? He is chairman of the Socialist party of the United States, and doing a distinguished job of expressing the Socialists' traditional impatience with individual rights that inconvenience collectivist policies.

Then there is the American Civil Liberties Union. I invited the ACLU to practice consistency by associating itself even with a lawsuit which would prove unpopular among its labor union supporters.

The executive director, Aryeh Neier, has replied, rather straightforwardly I think. He says, "for many years, it has been the ACLU's policy that the union shop does not, by itself, violate civil liberties. I have felt for some time that we should review this policy and I will use your request to initiate reconsideration," going on to say that it will take a while to canvass the directors.

One hopes that the directors of the ACLU will understand that there is a difference between the union shop as practiced, say, among the steelworkers, and as practiced among newsmen. I do not disparage the rights of steelworkers. I merely observe that freedom of speech is singled out for protection in the Bill of Rights.

And then I got word, through Newsweek magazine, that Eric Sevareid of CBS had sent my brief over to his lawyer for "evaluation."

Sevareid said that he was "glad" that I was pursuing the matter, and of course I await eagerly his lawyer's evaluation, since I would welcome Brother Sevareid as a coplaintiff. Which reminds me that I have not heard from two or three other prominent enthusiasts for the Bill of Rights, whom I invited aboard. But I wrote only a month ago, and these things take time.

Meanwhile, I learned over the telephone that my distinguished friend and colleague, the author and columnist James Jackson Kilpatrick, is also an involuntary member of AFTRA, and has registered his willingness to file along with me. With pleasure and pride in the association, I make way for Buckley and Kilpatrick versus AFTRA.

I urge my liberal friends to hurry, as soon there may be standing room only, and I like for my guests to be comfortable.

NATIONAL CONFERENCE ON THE JUDICIARY IN WILLIAMSBURG, VA.

Mr. HRUSKA. Mr. President, it is without doubt true that the tone set at the top will determine the course and effectiveness of our current efforts to revitalize our judicial system and restore a respect for law in all Americans.

It was my privilege to accompany President Nixon—along with my colleagues from the great State of Virginia—Mr. SPONG and Mr. BYRD—to Williamsburg yesterday and to be present when this tone was firmly established at the National Conference on the Judiciary.

This conference, which is still underway in Williamsburg, brings together judicial personnel of appellate and trial courts, prosecution and defense counsel, crime commission planning officers, bar association representatives, legislators, and others concerned with related fields of administration of justice. They come from all 50 States and from various branches of the Federal court system.

The conference was called under the joint auspices of the Virginia Division of Justice and Crime Prevention, and the Law Enforcement Assistance Administration.

Virginia's Governor Holton performed well as official and personal host throughout the meetings, and in hospitable and gracious manner.

I may say, Mr. President, that all those attending the conference had a rare privilege in hearing our Chief Executive and the Chief Justice state in clear and unequivocal terms the course we must take if we are to restore our judicial system to the high position which it must maintain in a free society such as ours.

The course ahead for reform in the Judiciary was charted eloquently by President Nixon in his address which opened the conference, and by the Chief Justice of the United States, Warren E. Burger, in his address this morning.

With the proper followup, Mr. President, these two statements and this conference can become—as Mr. Burger said so well:

> One of the most important single steps in decades for improvement of the processes of justice.

It is also important to note, in order to place these statements in the proper context, the words of retired Supreme Court Justice Tom C. Clark, who is chairman of the conference. He said the presence of Mr. Nixon as the conference keynoter in itself established Mr. Nixon as the Chief Executive who has gone further than any other in helping the cause of court reform.

The President demonstrated his acute understanding of our Nation's judicial problems. He pointed out that the courts will remain overcrowded until judges are freed of their heavy administrative burdens so that they can spend more time being judges.

He recommended that we search for means to remove from the courts the burden of "victimless crimes" such as traffic and petty offenses, so that more careful and prompt consideration can be given to serious crimes.

He supported the concept of a research and training institution for State and local judges and a national center for State courts—that is a clearinghouse for information on judicial reforms. He also noted, as have our Chief Justice and many of us in this body, that we cannot allow safeguards for the accused to become so elaborate that they jeopardize the effectiveness of the system itself.

I join wholeheartedly with the Chief Justice in the hope, as he stated it, that the Williamsburg conference—

> Will mark the beginning of a closer cooperation between state and federal judges, and closer relationships of both, with local and state bar associations and national groups.

Mr. Burger called such relationships "indispensable to genuine progress."

Attorney General John N. Mitchell expressed similar views. He said:

> It has long been clear that many aspects of the American judicial system desperately need reexamination and reform. As an essential ingredient in this process, searing discussion must take place between concerned members of bench and bar across the country. The National Conference on the Judiciary should provide an invaluable forum for this purpose.

It is my fervent hope that all of us who are concerned with this problem in the United States will carefully study the profound words of these gentlemen and aggressively seize every opportunity available to translate these broad guidelines into effective action at every level.

I ask unanimous consent that the addresses by the President and Chief Justice Burger be printed in the RECORD.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

TEXT OF AN ADDRESS BY THE PRESIDENT

As one who has practiced law; as one who deeply believes in the rule of law; and as one who now holds the responsibility for faithful execution of the laws of the United States, I am honored to give the opening address to this National Conference on the Judiciary.

It is fitting that you come together here in Williamsburg. Like this place, your meeting is historic. Never in the history of this Nation has there been such a gathering of distinguished men of the judicial systems of our States. I salute you all for your willingness to come to grips with the need for court reform and modernization. And I would like to salute especially the man who has been the driving force for court reform; a man whose zeal for reshaping the judicial system to the need of the times carries on the great tradition begun by Chief Justice John Marshall—the Chief Justice of the United States, Warren Burger.

I recall that when I took my bar examination in New York City a few years ago, I dwelt at some length on the wisdom of the separation of powers. My presence here today indicates in no way an erosion of that concept; as a matter of fact, I have come under precedents established by George Washington and John Adams who both spoke out for the need for judicial reform. And President Lincoln, in his first annual message to the Congress, made an observation that is strikingly current—that, in his words, "the country generally has outgrown our present judiciary system."

There is also a Lincoln story—an authentic one—that illustrates the relationship of the judicial and executive branches. When Confederate forces were advancing on Washington, President Lincoln went to observe the battle at Fort Stevens. It was his only exposure to actual gunfire during the Civil War—and he climbed up on a parapet, against the advice of the military commander, to see what was going on. When, not five feet from the President, a man was felled by a bullet, a young Union captain shouted at the President: "Get down, you fool!" Lincoln climbed down and said gratefully to the captain: "I'm glad you know how to talk to a civilian."

The name of the young man who shouted "Get down, you fool!" was Oliver Wendell Holmes, who went on to make history in the law. From that day to this, there has never been a more honest and heartfelt remark made to the head of the executive branch by a member of the judicial branch—though a lot of judges over the years must have felt the same way.

Let me address you today in more temperate words, but in the same spirit of candor.

The purpose of this conference is "to improve the process of justice." We all know how urgent the need is for that improvement at both the State and Federal level. Interminable delays in civil cases; unconscionable delays in criminal cases; inconsistent and unfair bail impositions; a steadily growing backlog of work that threatens to make the delays worse tomorrow than they are today—all this concerns everyone who wants to see justice done.

Overcrowded penal institutions; unremitting pressure on judges and prosecutors to process cases by plea bargaining, without the safeguards recently set forth by the American Bar Association; the clogging of court calendars with inappropriate or relatively unimportant matters—all this sends everyone in the system of justice home at night feeling as if they have been trying to brush back a flood with a broom.

Many hardworking, dedicated judges, lawyers, penologists and law enforcement officials are coming to this conclusion: A system of criminal justice that can guarantee neither a speedy trial nor a safe community cannot excuse its failure by pointing to an elaborate system of safeguards for the accused. Justice dictates not only that the innocent man go free, but that the guilty be punished for his crimes.

When the average citizen comes into court as a party or a witness, and he sees that court bogged down and unable to function effectively, he wonders how this was permitted to happen. Who is to blame? Members of the bench and the bar are not alone responsible for the congestion of justice.

The Nation has turned increasingly to the courts to cure deep-seated ills of our society—and the courts have responded; as a result, they have burdens unknown to the legal system a generation ago. In addition, the courts had to bear the brunt of the rise in crime—almost 150% higher in one decade, an explosion unparalleled in our history.

And now we see the courts being turned to, as they should be, to enter still more fields—from offenses against the environment to new facets of consumer protection and a fresh concern for small claimants. We know, too, that the court system has added to its own workload by enlarging the rights of the accused, providing more counsel in order to protect basic liberties.

Our courts are overloaded for the best of reasons: because our society found the courts willing—and partially able—to assume the burden of its gravest problems. Throughout a tumultuous generation, our system of justice has helped America improve herself; there is an urgent need now for America to help the courts improve our system of justice.

But if we limit ourselves to calling for more judges, more police, more lawyers operating in the same system, we will produce more backlogs, more delays, more litigation, more jails and more criminals. "More of the same" is not the answer. What is needed now is genuine reform—the kind of change that requires imagination and daring, that demands a focus on ultimate goals.

The ultimate goal of changing the process of justice is not to put more people in jail or merely to provide a faster flow of litigation—it is to resolve conflict speedily but fairly, to reverse the trend toward crime and violence, to reinstill a respect for law in all our people.

The watchword of my own administration has been reform. As we have undertaken it in many fields, this is what we have found. "Reform" as an abstraction is something that everybody is for, but reform as a specific is something that a lot of people are against.

A good example of this can be found in the law: Everyone is for a "speedy trial" as a constitutional principle, but there is a good deal of resistance to a speedy trial in practice.

The founders of this nation wrote these words into the Bill of Rights: "the accused shall enjoy the right to a speedy and public trial." The word "speedy" was nowhere modified or watered down. We have to assume they meant exactly what they said—a speedy trial.

It is not an impossible goal. In criminal cases in Great Britain today, most accused persons are brought to trial within 60 days after arrest. Most appeals are decided within three months after they are filed.

But here in the United States, this is what we see: In case after case, the delay between arrest and trial is far too long. In New York and Philadelphia the delay is over five months; in the State of Ohio, over six months; in Chicago, an accused man waits six to nine months before his case comes up.

In case after case, the appeal process is misused—to obstruct rather than advance the cause of justice. Throughout the State systems, the average time it takes to process an appeal is estimated to be as long as 18 months. The greater the delay in commencing a trial, or retrial resulting from an appeal, the greater the likelihood that witnesses will be unavailable and other evidence difficult to preserve and present. This means the failure of the process of justice.

The law's delay creates bail problems, as well as overcrowded jails; it forces judges to accept pleas of guilty to lesser offenses just to process the caseload—to "give away the courthouse for the sake of the calendar." Without proper safeguards, this can turn a court of justice into a mill of injustice.

In his perceptive message on "The State of the Federal Judiciary," Chief Justice Burger makes the point that speedier trials would be a deterrent to crime. I am certain that this holds true in the courts of all jurisdictions.

Justice delayed is not only justice denied—it is also justice circumvented, justice mocked, and the system of justice undermined.

What can be done to break the logjam of justice today, to ensure the right to a speedy trial—and to enhance respect for law? We have to find ways to clear the courts of the endless stream of "victimless crimes" that get in the way of serious consideration of serious crimes. There are more important matters for highly skilled judges and prosecutors than minor traffic offenses, loitering and drunkenness.

We should open our eyes—as the medical profession is doing—to the use of paraprofessionals in the law. Working under the supervision of trained attorneys, "para-judges" could deal with many of the essentially administrative matters of the law, freeing the judge to do what only he can do: to judge. The development of the new office of magistrates in the Federal System is a step in the right direction. In addition, we should take advantage of many technical advances, such as electronic information retrieval, to expedite the result in both new and traditional areas of the law.

But new efficiencies alone, important as they are, are not enough to reinstill respect in our system of justice. A courtroom must be a place where a fair balance must be struck between the rights of society and the rights of the individual.

We all know how the drama of a courtroom often lends itself to exploitation, and, whether it is deliberate or inadvertent, such exploitation is something we must all be alert to prevent. All too often, the right of the accused to a fair trial is eroded by prejudicial publicity. We must never forget that a primary purpose underlying the defendant's right to a speedy and public trial is to prevent star-chamber proceedings, and not to put on an exciting show or to satisfy public curiosity at the expense of the defendant.

In this regard, I strongly agree with the Chief Justice's view that the filming of judicial proceedings, or the introduction of live television to the courtroom, would be a mistake. The solemn business of justice cannot be subject to the command of "lights, camera, action."

The white light of publicity can be a cruel glare, often damaging to the innocent bystander thrust into it, and doubly damaging to the innocent victims of violence. Here again a balance must be struck: The right of a free press must be weighed carefully against an individual's right to privacy.

Sometimes, however, the shoe is on the other foot: Society must be protected from the exploitation of the courts by publicity-seekers. Neither the rights of society nor the rights of the individual are being protected when a court tolerates anyone's abuse of the judicial process. When a court becomes a stage, or the center ring of a circus, it ceases to be a court. The vast majority of Americans are grateful to those judges who insist on order in their courts and who will not be bullied or stampeded by those who hold in contempt all this nation's judicial system stands for.

The reasons for safeguarding the dignity of the courtroom and clearing away the underbrush that delays the process of justice go far beyond questions of taste and tradition. They go to the central issue confronting American justice today.

How can we answer the need for more, and more effective, access to the courts for the resolution of large and small controversies, and the protection of individual and community interests? The right to representation by counsel and the prompt disposition of cases—advocacy and adjudication—are fundamental rights that must be assured to all our citizens.

In a society that cherishes change; in a society that enshrines diversity in its constitution; in a system of justice that pits one adversary against another to find the truth—there will always be conflict. Taken to the street, conflict is a destructive force; taken to the courts, conflict can be a creative force.

What can be done to make certain that civil conflict is resolved in the peaceful arena of the courtroom, and criminal charges lead to justice for both the accused and the community? The charge to all of us is clear.

We must make it possible for judge to spend more time judging, by giving them professional help for administrative tasks. We must change the criminal court system, and provide the manpower—in terms of court staffs, prosecutors, and defense counsel—to bring about speedier trials and appeals.

We must ensure the fundamental civil right of every American—the right to be secure in his home and on the streets. We must make it possible for the civil litigant to get a hearing on his case in the same year he files it.

We must make it possible for each community to train its police to carry out their duties, using the most modern methods of detection and crime prevention. We must make it possible for the convicted criminal to receive constructive training while in confinement, instead of what he receives now—an advanced course in crime.

The time has come to repudiate once and for all the idea that prisons are warehouses for human rubbish; our correctional systems must be changed to make them places that will correct and educate. And, of special concern to this conference, we must strengthen the State court systems to enable them to fulfill their historic role as the tribunals of justice nearest and most responsive to the people.

The Federal Government has been treating the process of justice as a matter of the highest priority. In the budget for the coming year, the Law Enforcement Assistance Administration will be enabled to vigorously expand its aid to State and local governments. Close to one half billion dollars a year will now go to strengthen local efforts to reform court procedures, police methods and correctional action and other related needs. In my new special revenue sharing proposal, law enforcement is an area that receives increased attention and greater funding—in a way that permits States and localities to determine their own priorities.

The District of Columbia, the only American city under direct Federal supervision, now has legislation and funding which reorganizes its court system, provides enough judges to bring accused persons to trial promptly, and protects the public against habitual offenders. We hope that this new reform legislation may serve as an example to other communities throughout the Nation.

And today I am endorsing the concept of a suggestion that I understand Chief Justice Burger will make to you tomorrow: the establishment of a National Center for State Courts.

This will make it possible for State courts to conduct research into problems of procedure, administration and training for State and local judges and their administrative personnel; it could serve as a clearinghouse for the exchange of information about State court problems and reforms. A Federal Judicial Center along these lines already exists for the Federal court system and has proven its worth; the time is overdue for State courts to have such a facility available. I will look to the conferees here in Williamsburg to assist in making recommendations as to how best to create such a center, and what will be needed for its initial funding.

The executive branch will continue to help in every way, but the primary impetus for reforming and improving the judicial process should come from within the system itself. Your presence here is evidence of your deep concern; my presence here bears witness to the concern of all the American people regardless of party, occupation, race or economic condition, for the overhaul of a system of justice that has been neglected too long.

I began my remarks by referring to an episode involving Justice Oliver Wendell Holmes. There is another remark of Holmes not very well known, that reveals an insight it would be well for us to have today.

Judge Learned Hand told of the day that he drove Justice Holmes to a Supreme Court session in a horsedrawn carriage. As he dropped the Justice off in front of the Capitol, Learned Hand said, "Well, sir, goodbye. Do justice!" Mr. Justice Holmes turned and said, most severely, "That is not my job. My job is to play the game according to the rules."

The point of that remark, and the reason that Learned Hand repeated it after he had reached the pinnacle of respect in our profession, was this: Every judge, every attorney, every policeman wants to "do justice." But the only way that can be accomplished, the only way justice can truly be done in any society, is for each member of that society to subject himself to the rule of law—neither to set himself above the law in the name of justice, nor to set himself outside the law in the name of justice.

We shall become a genuinely just society only by "playing the game according to the rules," and when the rules become outdated or are shown to be unfair, by lawfully and peaceably changing those rules.

The genius of our system, the life force of the American Way, is our ability to hold fast to the rules that we know to be right and to change the rules that we see to be wrong. In that regard, we would all do well to remember our constitutional roles: for the legislatures, to set forth the rules; for the judiciary to interpret them; for the executive, to carry them out.

The American Revolution did not end two centuries ago; it is a living process. It must constantly be reexamined and reformed. At one and the the same time, it is as unchanging as the spirit of laws and as changing as the needs of our people.

We live in a time when headlines are made by those few who want to tear down our institutions, by those who say they defy the law. But we also live in a time when history is made by those who are willing to reform and rebuild our institutions—and that can only be accomplished by those who respect the law.

TEXT OF ADDRESS BY WARREN E. BURGER

The President's appearance here yesterday and perhaps even more his pledge of support for our efforts makes this conference unique and gives it a dimension it could not have without the support of the Chief Executive of the United States. There is nothing very new about judges and lawyers gathering and agreeing that the courts are in trouble. When the President places the prestige and power of his office behind these efforts we have cause to take heart.

We have here today a cross-section of State and Federal judges and of State and Federal law enforcement authorities, and others seeking to avert an impending crisis in the courts. The only counterpart to this conference in this century was the Attorney General's Conference on Court congestion and delay convened by Attorney General Herbert Brownell more than fifteen years ago.

Fifty years before that conference, Roscoe Pound had warned the legal profession in the strongest terms that we were on the threshold of a crisis. That was in 1906. Periodically we respond and experience some relief but we are soon overwhelmed by a new tide of problems.

Today the American system of criminal justice in every phase—the police function, the prosecution and defense, the courts and the correctional machinery—is suffering from a severe case of deferred maintenance. By and large, this is true at the State, local and Federal levels. The failure of our machinery is now a matter of common knowledge, fully documented by innumerable studies and surveys.

As a consequence of this deferred maintenance we see

First, that the perpetrators of most criminal acts are not detected, arrested and brought to trial;

Second, those who are apprehended and charged are not tried promptly because we allow unconscionable delays that pervert both the right of the defendant and the public to a speedy trial; and

Third, the convicted persons are not punished promptly after conviction because of delay in the appellate process. Finally, even after the end of litigation, those who are sentenced to confinement are not corrected or rehabilitated, and the majority of them return to commit new crimes. The primary responsibility of judges, of course, is for the operation of the judicial machinery but this does not mean we can ignore the police function or the shortcomings of the correctional systems.

At each of these three stages the enforcement, the trial, the correction—the deferred maintenance became apparent when the machinery was forced to carry too heavy a load. This is what happens to any machine whether it is an industrial plant, an automobile or a dishwasher. It can be no comfort to us that this deferred maintenance crisis is shared by others; by cities and in housing, in the field of medical care, in environmental protection, and many other fields. All of these problems are important, but the administration of justice is the adhesive—the very glue—that keeps the parts of an organized society from flying apart. Man can tolerate many shortcomings of his existence, but a civilized society cannot remain so without an adequate system of justice, and by that I mean justice in its broadest sense.

I have said nothing of civil justice—that is the resolution of cases between private citizens or between citizens and government. This, unhappily, is becoming the stepchild of the law as criminal justice once was. Most people with civil claims, particularly those in the middle economic echelons, who cannot afford the heavy costs of litigation and who cannot qualify for public or government-subsidized legal assistance, are forced to stand by in frustration, and often in want, while they watch the passage of time eat up the value of their case. The public has been quiet and patient, sensing on the one hand the need to improve the quality of criminal justice but also experiencing frustration at the inability to vindicate private claims and rights.

We are rapidly approaching the point where this quiet and patient segment of Americans will totally lose patience with the cumbersome system that makes people wait two, three, four or more years to dispose of an ordinary civil claims while they witness flagrant defiance of law by a growing number of law-breakers who jeopardize cities and towns and life and property of law-abiding people, and monopolize the courts in the process. The courts must be enabled to take care of both civil and criminal litigants without prejudice or neglect of either.

This is why we are here today.

This could be the most significant judicial meeting in our time—depending on what will each of us do when we return to the daily tasks we have temporarily laid aside to gather at this conference let me suggest some of the problem areas and then let me venture some thoughts on what we might try to do about them.

There are many areas which we should study and consider, and, indeed, that we must consider but if we try too much at once we may fail in all our endeavors. I am thinking, for example, of substantive problems which cry out for reexamination, including the handling of personal injury claims, which especially clog the State courts; the need to ask questions about other areas of jurisdiction, such as receiverships or insolvent debtors, the adoption of children, land-title registration in some States, and possibly even such things as divorce jurisdiction and child-custody matters. We need a comprehensive reexamination of the whole basis of jurisdiction in order to eliminate whenever possible all matters which may be better administered by others so as to restore the courts to their basic function of dealing with cases and controversies.

We can see in the development of common law institutions many examples of changing jurisdiction and evolution of new remedies. I suggest no specific changes but I trust it will not be regarded as subversive to suggest the need for study and thought on these problems, remembering that subjects once committed to the courts are now the province of the other governmental bodies.

The common law tradition teaches that rights and remedies are never fixed or static but a continuing process of change however slow. For example, working men once had either no rights at all or common law rights based on negligence when they were injured in their work. The deficiencies of the common law remedies inspired lawyers to find other and better ways of dealing with the claims of injured workmen and no one would seriously consider turning the clock back to the old ways. Large area of regulatory activity was once imposed on courts but for the greater part of this century that has been vested in a wide array of administrative and regulatory bodies with limited judicial review.

All of us attending this conference share and are the beneficiaries of the great common law tradition that undergirds American jurisprudence and virtually all aspects of our procedure, both state and federal. As lawyers and judges we can be proud of the great tradition of the common law and even have a pardonable pride in the improverments and developments that American lawyers and judges have added to it. We do not disparage or undermine the common law when we consider change indeed, change is the very essence—the very heart—of the common law concept.

PRIORITIES

The challenges to our systems of justice are colossal and immediate, and we must assign priorities. I would begin by giving priority to methods and machinery, to procedure and techniques, to management and administration of judicial resources even over the much-needed reexamination of substantive legal institutions that are out of date. That reexamination is important but it is inevitably a long range undertaking and it can wait.

I have said before, but I hope it will bear repeating, that with reference to methods and procedure we may be carrying continuity and tradition too far when we see that John Adams, Hamilton or Burr, Jefferson or Marshall, reincarnated, could step into any court today and after a minimal briefing on procedure and updating in certain areas of law, try a case with the best of today's lawyers. Those great lawyers of the 18th and 19th century would need no more than a hurried briefing and a Brooks' Bros. suits. They would not even need a hair cut, given the styles of our day.

This is not necessarily bad, and I propose nothing specific on how we should change our methods of resolving conflicts in the courtroom. But I do know this—and so does anyone who has read legal history and read the newspapers in recent years—that John Adams, and his reincarnated colleagues at the bar, would be shocked and bewildered at some of the antics and spectacles witnessed today in the courtrooms of America. They would be as shocked and baffled as are a vast number of contemporary Americans and friends of America all over the world. They would not be able to understand why so many cases take weeks or months to try. No one could explain why the jury selection process, for example, should itself become a major piece of litigation consuming days or weeks. Few people can understand it and the public is beginning to ask some searching questions on the subject.

STATE-FEDERAL COOPERATION

I need not burden this well-informed audience on the subject of the tension and the strains existing between the State and Federal courts in recent years. Because of the existence of those problems and the reasons underlying them I urged last August, at the ABA convention in St. Louis, that the chief justice of each State take the initiative to create an informal *ad hoc* State-Federal judicial council in each State. The purpose, of course, was to have these judges meet together informally to develop cooperation to reduce the tensions that have existed in recent years. I was pleasantly surprised, even astonished, at the speed with which the chief justices responded, for I am now informed that such councils are in actual operation in 32 of the States. Many of these councils have been created by formal order of the State supreme court. I am also informed that once the channels of communication were opened these State and Federal judges found other areas of fruitful cooperation and exchange of ideas. I regard this development of such importance that I wish to express my appreciation to the Conference of State Chief Justices and to Chief Justice Calvert of Texas, its chairman.

In urging the cooperation between the State and Federal judges, and in urging the State judges to call upon the State bar associations and on the American Bar Association, I have no thought whatever that all State court systems or all judges be cast in one mold. Far from this, have an abiding conviction that the strength of our entire system in this country and the essence of true federalism lies in diversity among the States. It will not impair this diversity, I submit, to work together to develop effective post-conviction remedies for example, or common standards of judicial administration, common standards of professional conduct for lawyers, and, indeed, for judges. or the improvement in the method of selection, the tenure, and compensation of judges.

The diversity that has existed in our system and the innovativeness of State judges accounts for many of the great improvements that the Federal system has adopted from the States. One of the most crucial is in the developing area of using trained court administrators or executives in the administration of the courts. The States have been a whole generation ahead of the Federal system in this matter. When we sought to create the Institute of Court Management in 1969 the first step was to call on State court administrators for guidance and advice.

Whatever changes we make, we should never forget that under our federal system, the basic structure of the courts of this country contemplated that State courts would deal with local matters while Federal courts would serve a limited and narrow function. I hope we will never become so bigoted as to think that State judges are any less devoted to the principles of the Federal Constitution than other judges and lawyers.

STANDARDS OF ADMINISTRATION

I do not especially like phrase like "management of judicial resources," or "maximum utilization of judge power." They seem stilted to me as they do to most lawyers and judges. But these phrases are simply "shorthand" and if we accept them as such they become tolerable. The important thing is the concept underlying these "shorthand" terms. Every profession and every area of human activity has had to grapple with the hard realities behind the shorthand. The difference is judges and lawyers have lagged for behind the rest. I do not suggest that justice can ever become automated or that production-line processes are adaptable to courts. Other professions have devised new ways to increase their productivity without loss of quality and we must do so.

In terms of methods, machinery and equipment the flow of papers—and we know the business of courts depends on the flow of papers—most courts have changed very little fundamentally in a hundred years or more. I know of no comprehensive surveys, but spot checks have shown for example that the ancient ledger type of record books, sixteen or eighteen inches wide, twenty-four or twenty-six inches high, and four inches thick are still used in a very large number of courts and these cumbersome books, hazardous to handle, still call for longhand entries concerning cases. I mention this only as one symptom of our tendency to cling to old ways. We know that banks, factories, department stores, hospitals and many government agencies have cast off anachronisms of this kind.

With relatively few exceptions, we still call jurors as in the past. We still herd them into a common room in numbers often double the real need because of obsolete concepts of arranging and managing their use. This process is often complicated by the unregulated arbitrariness of a handful of judges, for example, who demand more jurors than they can possibly use to be allocated each day for their exclusive use. There is almost a total absence of even the most primitive techniques in predicting the need for jurors just as there is a large vacuum in the standards and procedures to coordinate the steps of bringing a case and all of its components—the lawyers, witnesses, experts, jurors and court staff—to the same place at the same time.

Happily, a very distinguished committee of the American Bar Association under the chairmanship of Judge Freedman of the United States Court of Appeals of the third circuit is now launching a comprehensive program of bringing up to date the minimum standards of judicial administration.

Independent of what we do in the courtroom itself, we need careful study to make sure that every case which reaches the courtroom stage is there only after every possibility of settlement has been exhausted. Those parties who impose upon the judicial process and clog its functioning by carrying the cases through jury selection before making a settlement which could have been made earlier should be subject to the risk of a very substantial discretionary cost assessment at the hands of the trial judge who can evaluate these abuses of the system. Someone must remind the bar and the public of the enormous cost of a trial.

COURT EXECUTIVE OFFICERS

As litigation has grown and multiple-judge courts have steadily enlarged, the continued use of the old equipment and old methods has brought about a virtual breakdown in many places and a slowdown everywhere in the efficiency and functioning of courts. The judicial system and all its components have been subjected to the same stresses and strains as hospitals and other enterprises. The difference is that, thirty or forty years ago, doctors and nurses recognized the importance of system and management in order to deliver to the patients adequate medical care this resulted, as I have pointed out on other occasions, in the development of hospital administrators and today there is no hospital of any size in this country without a trained hospital administrator who is the chief executive officer dealing with the management and efficient utilization of all the resources of the institution. Courts and judges have, with few exceptions, not responded in this way. To some extent, imaginative and resourceful judges and court clerks have moved partially into the vacuum, but the function of a clerk and the function of a court executive are very different, and a court clerk cannot be expected to perform both functions.

From the day I took office, twenty-one months ago, this seemed to me the most pressing need of the courts of this country, and particularly so in my area of responsibility, the Federal courts. The first step I took was to help lay the foundations for a facility to train executives and I requested the American Bar Association to take the leadership in accomplishing this. That association did so with the American judicature society and the institute of judicial administration as co-sponsors, together they created the institute of court management at the University of Denver Law School. That institute has now graduated the first group of trainees with an intensive full-time course over a period of six months including actual field training in the various courts. It will train two additional classes this year. This is not a Federal facility and indeed I expect most of its output will go to State court systems.

In the meantime, the Congress has taken one of the most important steps in a generation in the administration of justice by providing for a court executive in each of the eleven Federal circuits. The court executive will work under the direction of the judicial council of each circuit. I need not say, surely, to an audience including so many chief judges and administrative judges, that this will not only relieve judges to perform their basic judicial functions but it will provide a person who will, in time, be able to develop new methods and new processes, which busy judges could not do in the past.

The function of a court executive is something none of us really knows very much about. There are only a handful of court administrators or executives in this country and up to 1970 they are all self-taught. The few who were in being were, in the State courts and we called upon them to be members of the teaching faculty for the new Court Management Institute. The concept of court executive or court administrator will have its detractors but I predict they will not be heard for very long. The history books tell us how the admirals reacted when General William Mitchell insisted that an airplane could sink a battleship.

The desperate need for court executive officers does not alter the fact that it will require great patience and industrious homework on the part of judges and chief judges to learn to utilize these officers for their courts.

RULEMAKING POWER

A great many of the infirmities in our procedures could be cured if judges had broad rulemaking power and exercised that power. The best example of this was given a generation ago in the Federal Rules of Civil Procedure and later in the Criminal and Appellate Procedure Rules.

For the past 30 years or more State legislatures, like the Congress, have been overwhelmed by a multitude of new problems and it is increasingly difficult to get their attention on mundane subjects like rules of procedure and other internal matters of the courts. In addition, judges, by and large, have been under increasing pressure of their own daily work and have not brought these matters to the attention of legislators.

The rulemaking process as developed in this country beginning 35 years ago is the best solution yet developed for sound procedural change. Since it is a cooperative process involving not only the legislative and judicial branches officially, but lawyers, judges and law professors, it can synthesize the best thinking at every level.

If your state does not provide for rulemaking power comparable to that vested in the Supreme Court of the United States in conjunction with Congress, I urge you to study closely the potential of this mechanism. In Federal habeas corpus review of State cases it could have saved a great deal of confusion in recent years. Flexible rulemaking processes could have promptly developed post-conviction remedy procedures to blunt the impact of the imposition of Federal standards on the States.

SELECTION, TENURE, AND COMPENSATION OF JUDGES

The combined experience of this country for nearly two hundred years now, with elective judges in most of the States holding office for limited terms and Federal judges who are appointed with tenure, affords a basis for a careful reexamination of the whole method of the selection of judges. This is part of the long range problem, but it deserves some mention. The aggregate of two centuries of experience should be sufficient to give us material for a comprehensive reexamination of the methods of selection and the tenure of State judges. In saying this, I, of course, intend no reflection whatever on those State systems having elected judges with limited terms and the many splendid judges in those States.

The fine quality of judicial work of State judges is in spite of, not because of, the method of selection.

The election of judges for limited terms is a subject on which reasonable men can reasonably have different views. Nevertheless the very nature of the judicial function calls for some comprehensive sutdies directed to the alternative methods developed in the last generation in some States. Those alternatives tend to preserve the virtues of popular choice of judges and at the same time develop a high degree of professionalism, offering an inducement for competent lawyers to make a career of the Bench.

We know that while there are certain patterns common in the fifty States as to the selection and tenure of judges, there is at the same time a wide disparity in their compensation in such States as New York, California, and Illinois, to mention but three of the large States, the compensation of judges of the higher courts is as much as three times the compensation of their counterparts in some other States of the Union.

As lawyers and judges we know that the function of the courts in a small State is essentially the same as the function of the courts in the larger State. The size of the State has no relationship to the nature of the function, the degree of the responsibility, and the degree of the professional competence called for. It is, therefore, an anomaly for a wide disparity to continue. I do not suggest, by any means, that there need be a rigid, uniform standard of compensation or tenure for all the States. All I suggest is that the judges in the small States are performing essentially the same function as that of their brothers in a large State, and the conditions of their service should not vary excessively. It is not a wholesome or healthy thing for the administration of justice to have the highest court of a geographically large and economically powerful State receive two or three times as much as his counterpart a few hundred miles away. If we want quality justice we must pay for it.

A NATIONAL CENTER FOR STATE COURTS

As I range over this rather wide variety of subjects you will notice that in many instances I have been obliged to refer to matters of common or general knowledge or the result of spot checks, or other sources not wholly trustworthy. This suggests strongly the need for some facility that will accumulate and make available all information necessary for comprehensive examination of the problems of the judiciary in the fifty States. Recently a judicial conference developed an accumulation of 500 or more specific problems of courts.

Each of the points I have raised in the list of what seem to me some of the urgent priorities can be more readily treated and with better solutions there is a pooling of ideas and efforts of the States.

For a long time we have talked of the need for a closer exchange and closer cooperation among the States and between the States and the Federal courts on judicial problems. No States without grave problems in the administration of justice. The problems vary chiefly in degree from those States with grave troubles to those on the threshold of disaster in their courts. The valuable work of the National College of Trial Judges is just one example of the value of cooperative enterprise.

We now have in this country a great ferment for court improvement. It is a ferment that has been gaining momentum slowly over a long period of time. More recently, this has taken on a new thrust and force under the leadership of the American Bar Association. The time has come, and I submit that it is here and now at this conference, to make the initial decision and bring into being some kind of national clearinghouse or center to serve all the States and to cooperate with all the agencies seeking to improve justice at every level. The need is great, and the time is now, and I hope this conference will consider creating a working committee to this end—before you adjourn. I know that you will do many important things while you are here, but if you do no more than launch this much-needed service agency for the State courts, your time and attendance here would be justified.

I hope that, having raised this long-discussed subject of a need for a facility to serve as a clearinghouse and service agency for the States, you will not think me unduly presumptuous if I make some specific suggestions for your consideration.

It seems to me obvious that the States should make the final choices and the final decisions. In offering these thoughts, I draw particularly on my experience in the twenty-one months I have been in my present office. I now see the legal profession's strongest voice, the American Bar Association, from a point of view which I never fully appreciated in my years of private practice or even in the period when I was a member of the court of appeals.

The American Bar Association is a force for enormous, almost unlimited, good with respect to every problem in the administration of justice. It is a force that cannot be directed or controlled by any particular group or any selfish interest because it includes approximately 150,000 lawyers and judges and law professors representing 1700 State and local bar associations and other legal groups. Its governing body, the House of Delegates, represents 90% of all the practicing lawyers in this country. I mention these factors because the American Bar Association is essentially a grass-roots institution whose components spring from the 50 States. The facilities and power, the influence and prestige of this association, are literally on the door step of every State capital through the State Bar Association, and that power and influence can be put to work in terms of achieving the objectives I have suggested to you.

My suggestion, therefore, is that in shaping the national organization or center to serve all the States, you consider calling primarily on this great association and its 50 component State associations, along with other groups that specialize in judicial administration. There are additional existing structures representative of all the States and a cross section of the legal profession. I refer now to the American Judicature Society, the institute of judicial administration, the conference of State trial judges, the appellate judge conference, the council of State governments, and the conference of chief justices. I am confident there will be widespread interest in the formation of such a group as this but it will take time to marshal all of the large resources necessary to its accomplishment as a means to an end that we should place high priority on changes in our methods and our machinery. The noblest legal principles will be sterile and meaningless if they cannot be made to work.

In closing, I offer the full cooperation of my own office and the facilities of the Federal Judicial Center and the administrative office of the United States Courts. But bearing in mind my own concepts of federalism I will participate only when and if you ask me to do so.

PUBLIC DEBT AND INTEREST RATE LIMITATIONS

The PRESIDING OFFICER (Mr. TUNNEY). The hour of 12 o'clock having arrived, the Chair now lays before the Senate the unfinished business which the clerk will state.

The assistant legislative clerk read as follows:

> H.R. 4690, to increase the public debt limit set forth in Section 21 of the Second Liberty Bond Act, and for other purposes.

The Senate resumed the consideration of the bill.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time for the quorum call be equally charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, the bill now before the Senate, H.R. 4690, provides for 3 major changes in present law. First, it increases the present $395 billion debt limitation by $35 billion, to a level of $430 billion. Second, a limited exception—$10 billions of issues—is made in the 4¼-percent-interest-rate ceiling on long-term bonds. Third, new issues of Federal obligations are to be available for use as payment of Federal tax obligations only at their current market value, rather than at their face value as has generally been true in the past.

The bill as reported by the Finance Committee is the same as that passed by the House. The Finance Committee recognized that it was important for the country that we obtain an immediate increase in the debt limitation because we will be very close to the limit next week. As a result, we concluded that it was best for us to report out the bill without change.

The Treasury's estimates show that unless we take action, the present $395 billion temporary debt limit will not be adequate to cover the amount of debt outstanding shortly after March 15 of this year.

Mr. President, I ask unanimous consent to have printed in the RECORD a table showing the Treasury estimates of March 12, 15, 16, and 17—which shows that on March 17 we would be over the limit.

There being no objection, the estimates were ordered to be printed in the RECORD, as follows:

TREASURY ESTIMATES ON THE DEBT LIMIT (FRIDAY, MARCH 12, 1971)

Friday, March 12, $394.7 billion.
Monday, March 15, $394.5 billion.
Tuesday, March 16, $394.9 billion.
Wednesday, March 17, over the limit.

NOTE: The cash balance on Friday, March 12, is expected to be $4.3 billion. The cash balances are expected to continue going down through Monday, March 15, but to rise after that as tax receipts are received.

Mr. LONG. Mr. President, in addition, on June 30, the debt limit will automatically drop from its temporary $395 billion level to the presently authorized $380 billion permanent level. Since the debt subject to limit on this same June 30 date is expected to be $396.5 billion, this means that the outstanding debt would be $16.5 billion in excess of the ceiling at the close of the current fiscal year.

In recognition of these hard facts, the pending bill raises the temporary debt limit to $430 billion from its present level of $395 billion. This increase is effective after the date of enactment of the bill until June 30, 1972. The bill also increases the permanent debt limit to $400 billion from its present level of $380 billion.

The increase in the debt limit has been kept as small as possible to avoid encouraging increased spending. In fact, the Treasury asked for a limitation increase of $40 billion, but the level provided in the bill is $5 billion below this.

According to Treasury figures, as of June 30, 1971, the close of the current fiscal year, the debt subject to limit, assuming the usual $6 billion cash balance, will amount to $396.5 billion.

To this amount, we must add a $33.6 billion deficit in the Federal funds budget which is expected to accumulate from the close of the current fiscal year to June 15, 1972. This deficit figure will probably come as a surprise to some because it is substantially above the $11.6 billion deficit in the unified budget for fiscal year 1972. However, the unified budget cannot be used for purposes of the debt ceiling because it shows only the increase in the debt owed to the public. Instead we must use the Federal funds budget which also shows the debt owed to the trust funds, which the Government manages in a fiduciary capacity.

In addition to the Federal funds deficit, we must take into account the peak deficit for the year. This peak deficit of $33.6 billion is expected to be reached on June 15, 1972. This peaking occurs at that time because, while the flow of expenditures is relatively even over the fiscal year, more of the receipts tend to come in late in the year.

Other items that are added to arrive at an adequate debt limit include a $3 billion allowance for contingencies and a $500 million allowance for conceptual differences between the expected deficit in the Federal funds budget and the debt subject to limit.

These figures will give you a total of $433.6 billion.

The fact that the pending bill provides for a temporary debt limit of $430 billion rather than the $433.6 billion is an indication of how conservative the committee was in arriving at the new figure. We set the debt limit at $430 billion because we believed that the cash balance could be held to $2.4 billion on June 15, 1972, instead of the $6 billion as the Treasury assumed. A $2.4 billion cash balance on June 15, 1972, is reasonable since this is within the range of the cash balances usually existing at this date in prior years. After all, the Treasury will still have available an extra $3 billion on that date to cover any contingencies.

I must admit, however, that there are other factors.

I must admit, however, that there are other factors which make me suspect that the $430 billion limit actually will not be adequate for the entire fiscal year 1972. This debt limit is based on Treasury Department estimates of receipts and expenditures. However, as most of us know, almost every year actual expenditures have a way of being higher than projected expenditures. In addition, the receipts estimated by the Treasury are based on a much higher economic level than most economists believe will occur in the calendar year 1971. Our staff, for example, estimates that receipts for fiscal year 1972 will be about $6 billion lower than the administration estimates.

These factors suggest to me that the actual deficit will be larger than is projected by the administration. If this happens, we probably will have to reconsider the limitation about this time next year.

In closing my remarks on the debt limitation, I want to be sure that no Member of the Senate is under any illusion as to what will happen if we fail to act. The Treasury Department would not be able to issue any new Government obligations, the Treasury's cash balance would be exhausted rapidly, and the Government would be compelled to delay full payment of contract obligations, Government salaries, various loan and benefit programs, and grants to State and local governments. It is obvious that we cannot permit these things to happen.

The debt limit in this bill of $430 billion, of course, seems very large—the highest limit yet proposed. As large as it is, though, we need to keep it in perspective by comparing it with the gross national product and the total of private debt. These comparisons show us that the burden of the debt in relation to our economic capabilities has decreased year-by-year.

Since the end of 1946—the first full year after the end of World War II, gross national product has increased more than 4 times, from $221.4 billion to about $1 trillion at the end of 1970. In that same period of time, the total outstanding Federal debt—which includes the debt issued by Federal agencies—has risen from $261 billion to a total outstanding of $402 billion, an increase of 54 percent. These totals show the outstanding Federal debt was about 118 percent of GNP at the end of 1946, but only about 40 percent of GNP at the end of 1970.

Mr. President, I ask unanimous consent that the tabulation showing this relationship be printed in the RECORD at this point.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

TABLE 1.—TOTAL OUTSTANDING FEDERAL GOVERNMENT DEBT RELATED TO GROSS NATIONAL PRODUCT, 1946–69

[In billions of dollars]

End of calendar year	Gross national product[1]	Outstanding Federal debt	Federal debt as a percent of gross national product
1946	221.4	260.7	117.8
1947	245.0	257.6	105.1
1948	261.2	253.8	97.2
1949	260.5	257.9	99.0
1950	311.2	257.8	32.3
1951	338.2	260.2	76.9
1952	361.0	263.3	74.3
1953	360.8	276.0	76.5
1954	379.8	279.5	73.6
1955	409.7	282.2	68.9
1956	433.2	278.3	64.2
1957	438.1	278.1	63.5
1958	469.2	285.3	60.8
1959	496.8	296.5	59.7
1960	503.4	296.6	58.9
1961	542.8	303.0	55.8
1962	574.7	311.3	54.2
1963	611.8	317.4	51.9
1964	654.0	327.0	50.0
1965	719.2	330.7	46.0
1966	770.2	343.3	44.6
1967	825.4	364.8	44.2
1968	899.5	373.1	41.5
1969	955.6	382.0	40.0
1970 (estimate)	1,000.0	401.6	40.2

[1] Implied level end of year, calculated as the average of the 4th and 1st calendar quarters at seasonally adjusted annual rates for the years 1939 through present. Prior to 1939, averages of 2 calendar year figures are used as the best approximation of Dec. 31 levels.

Source: Office of the Secretary of the Treasury, Office of Debt Analysis.

Mr. LONG. When we compare the outstanding Federal debt with the growth in the debt of individuals, corporations, and State and local governments for the period from 1946 through 1969, we find the debt of each of these three groups has increased over 800 percent. In contrast, Federal debt during the same period has increased 50 percent.

These comparisons help us appreciate that the Federal Government has been more careful about the extent to which it resorts to debt in order to finance its operations than any of the other three major groups in our economy.

Mr. President, I ask unanimous consent that the tabulation showing the relationship of these different types of debt for this period be printed in the RECORD at this point.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

TABLE 2.—ESTIMATED GROSS GOVERNMENT AND PRIVATE DEBT, BY MAJOR CATEGORIES, 1946—69

[Dollar amounts in billions]

Dec. 31	Private			State and local	Outstanding Federal debt (including Federal agency issues)	Total	Percent Federal total
	Individual	Corporate [1]	Total				
1946	59.9	109.3	169.2	16.1	260.7	446.0	58
1947	69.4	128.9	198.3	17.5	257.6	473.4	54
1948	80.6	139.4	220.0	19.6	253.8	493.4	51
1949	90.4	140.3	230.7	22.2	257.9	510.8	50
1950	104.3	167.7	272.0	25.3	257.8	555.1	46
1951	114.3	191.9	306.2	28.0	260.2	594.4	44
1952	129.4	202.9	332.3	31.0	268.3	631.6	42
1953	143.2	212.9	356.1	35.0	276.0	667.1	41
1954	157.2	217.6	374.8	40.2	279.5	694.5	40
1955	180.1	253.0	434.9	46.3	282.2	763.4	37
1956	195.5	277.3	472.8	50.1	273.2	801.2	35
1957	207.6	295.8	503.4	54.7	278.1	836.2	33
1958	222.9	312.0	534.9	60.4	285.3	880.6	32
1959	245.0	341.4	586.4	66.6	296.5	949.5	31
1960	263.3	365.1	628.4	72.0	296.6	997.0	30
1961	284.8	391.5	676.3	77.6	303.0	1,056.9	29
1962	311.9	421.5	733.4	83.4	311.3	1,128.1	28
1963	345.8	457.1	802.2	89.5	317.4	1,209.1	26
1964	380.1	497.3	877.4	95.5	327.0	1,299.9	25
1965	416.1	551.9	968.0	103.1	330.7	1,401.8	24
1966	466.9	617.3	1,084.2	109.4	343.3	1,536.9	22
1967	480.6	664.4	1,145.0	117.4	364.8	1,627.2	22
1968	520.5	754.0	1,274.5	127.7	373.1	1,775.3	21
1969	555.1	861.0	1,416.1	137.0	382.0	1,935.1	20

[1] Includes debt of federally sponsored agencies excluded from the Budget which amounted to $700,000,000 on Dec. 31, 1947; $9,000,000,000 on Dec. 31, 1967; and $21,500,000,000 on Dec. 31, 1968.

Source: Commerce and Treasury Departments.

Mr. LONG. I want to turn now to the changes made by the bill in the interest rate limitation on long-term Government bonds. Basically, this provision is designed to give the Treasury greater flexibility in issuing long-term and short-term debt. I want to make clear at the outset that I initially had mixed feelings about this provision. However, we approved this provision because, after careful consideration, we concluded that the limited exception to the interest rate limitation deserves a test.

Let me give you the details of this change. Present law places a 4¼-percent interest ceiling on Government bonds with maturities of more than 7 years. The pending bill keeps this limitation as a general limit but permits the Treasury Department to issue up to $10 billion of long-term securities without regard to this ceiling.

The Treasury Department asked for a complete elimination of the ceiling, but, as I have said, all the bill before us does is provide a limited exception to the 4¼-percent ceiling—$10 billion.

I know that a number of Members of the Senate fear that the removal or modification of the interest rate ceiling will result in increased interest rates. In fact, when I began consideration of this bill I had the same fear and I believe that most of the other Finance Committee members did too.

Why, then, did we approve this provision if this is our position on interest rates? The answer is that the Treasury made an impressive case to the effect that the introduction of some flexibility in the interest rate limitation could well bring down the overall interest rate paid on the public debt by making it possible to manage the public debt more efficiently.

Secretary Connally told us that the present 4¼-percent ceiling has not kept interest rates down. He also said this ceiling has not reduced the Government's overall interest costs. It has merely forced the Treasury to concentrate its financing in short-term securities which are not subject to the interest rate limitation. As a result, the Government had to issue short-term securities even during the tight money period when the short-term rate was higher than the long-term rate. Even when the short-term rate is lower than the long-term rate with the heavy proportion of short-term debt we have, it may pay, in terms of interest cost savings, to use long-term financing. This is true where a limited amount of long-term financing, instead of short-term financing, prevents a rise in interest rates, which would otherwise apply to much larger issues of short-term debt.

So the present rigid 4¼-percent ceiling, no matter what its objectives, may have bad results: Instead of lowering overall interest rates it may raise them. Instead of cutting the Government's interest costs, it may increase these costs.

Secretary Connally also told us that the present interest ceiling has grave effects on the management of the public debt. In June of 1965, the average maturity of the public debt was 5 years and 9 months. At the end of January, this year, the average maturity of the public debt was only 3 years and 4 months. This shortening of the maturity period is the result of being forced, more and more, into short-term financing. The shorter maturity of our debt makes it necessary to rollover this debt more and more frequently, to refinance the securities as they mature. This means the Treasury must enter, and therefore disturb, the market at shorter and shorter intervals. Often, in this case, the refinancing must occur when others are also going heavily into the financial markets.

In recent years the emphasis on short-term Government financing has dammed up the flow of funds for housing. It has diverted funds from savings institutions to short-term Government obligations—funds which normally make capital available for homebuilding.

The open market operations of the Federal Reserve Board also have been made more difficult by the fact that the maturity of the debt requires large and frequent financing.

As I explored the case for flexibility in the interest rate ceiling, I was persuaded that the case is a good one for a limited test. Essentially, what the bill does is give the Treasury a chance to prove its case with a limited amount of long-term debt. Then, at a later date, we can review how successful it was and see whether or not additional authority of this type should be granted. We owe it to the public to let the Treasury demonstrate, if it can, that it can issue long-term debt with a favorable impact on debt management, on interest rates, and on the economy.

Finally, let me turn to the third provision in the bill sent to us by the House. This provision eliminates, for the future, a tax loophole which has been subject to considerable criticism. Under present law, it is possible to use Government notes and bonds at their face value to pay Federal tax liabilities. Generally, although not always, the practice is associated with the estate tax. The advantage lies in using Federal securities whose market value is much less than their face value to pay Federal taxes based on the obligations' face value rather than at their lower current market price.

For example, an individual or his tax planner may be able to purchase a Government security having a face value of $100 for $75 if it bears an interest rate which is too low in today's market. Later, his estate tax can be paid with these bonds treating them as if they were worth $100 instead of the $75 which is their actual value.

The provision in the bill before us does not, in any way, affect this advantage for any existing Federal securities since to do so would interfere with existing contractual rights. However, the bill provides that securities issued after March 3, 1971, cannot be used to pay Federal taxes in an amount above the fair market value of the obligation at the time it is presented for payment. This means that those who have purchased securities which are selling below their face value will not be affected by this provision. As a matter of fact, since there is a large volume of securities already outstanding which are selling below their face value, taxpayers will, for some time to come, be able to use existing securities. Only as the presently outstanding securities mature and are retired will this loophole be completely eliminated. As a result, the effect of this provision is to gradually phase out this tax advantage over a period of years, causing very little, if any, disruption to current tax planning.

There is one minor exception to this new prohibition. It does not apply to Treasury bills issued for less than a year. In the case of Treasury bills, the discount is very minor and the advantage is not for more than 6 days of interest. If we were to deny the use of these bills for tax payments before maturity, it would create financing problems for the Treasury. They permit the use of Treasury bills to pay taxes in order to even out the flow of cash into the Treasury. The Treasury receives large tax payments after the 15th of March, April, and June in the period between the 15th and 22d of these months. The purchase of bills which mature on the 22d of these months before the tax due dates, in effect, means the Treasury receives the cash earlier and has a smoother cash flow.

In any event, since the bills are auctioned off in the market, and since about one-quarter of them are used for payment of tax, it would appear that this 6-day shorter maturity period undoubtedly is a factor taken into account by bidders in arriving at the market price.

Mr. President, I have informed members of the committee, and as the majority leader has announced, that I intend to offer an amendment.

Mr. President, I send to the desk an amendment to the pending bill.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

The amendment is as follows:

At the end of the bill, add the following new title:

TITLE II—AMENDMENTS TO THE SOCIAL SECURITY ACT

INCREASE IN OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS

SEC. 201. (a) Section 215(a) of the Social Security Act is amended by striking out the table and inserting in lieu thereof the following:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

"I		II	III		IV	V
(Primary insurance benefit under 1939 act, as modified)		(Primary insurance amount under 1969 act)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	$26.94	$90.60 or less	----------	$113	$100.00	$150.00
$26.95	27.46	91.90	$114	118	101.10	151.70
27.47	28.00	93.30	119	122	102.70	154.10
28.01	28.68	94.70	123	127	104.20	156.30
28.69	29.25	96.20	128	132	105.90	158.90
29.26	29.68	97.50	133	136	107.30	161.00
29.69	30.36	98.80	137	141	108.70	163.10
30.37	30.92	100.30	142	146	110.40	165.60
30.93	31.36	101.70	147	150	111.90	167.90
31.37	32.00	103.00	151	155	113.30	170.00
32.01	32.60	104.50	156	160	115.00	172.50
32.61	33.20	105.80	161	164	116.40	174.60
33.21	33.88	107.20	165	169	118.00	177.00
33.89	34.50	108.60	170	174	119.50	179.30
34.51	35.00	110.00	175	178	121.00	181.50
35.01	35.80	111.40	179	183	122.60	183.90
35.81	36.40	112.70	184	188	124.00	186.00
36.41	37.08	114.20	189	193	125.70	188.60
37.09	37.60	115.60	194	197	127.20	190.80
37.61	38.20	116.90	198	202	128.60	192.90
38.21	39.12	118.40	203	207	130.30	195.50
39.13	39.68	119.80	208	211	131.80	197.70
39.69	40.33	121.00	212	216	133.10	199.70
40.34	41.12	122.50	217	221	134.80	202.20
41.13	41.76	123.90	222	225	136.30	204.50
41.77	42.44	125.30	226	230	137.90	206.90
42.45	43.20	126.70	231	235	139.40	209.10
43.21	43.76	128.20	236	239	141.10	211.70
43.77	44.44	129.50	240	244	142.50	214.80
44.45	44.88	130.80	245	249	143.90	219.20
44.89	45.60	132.30	250	253	145.60	222.70
		133.70	254	258	147.10	227.10
		134.90	259	263	148.40	231.50
		136.40	264	267	150.10	235.00
		137.80	268	272	151.00	239.40
		139.20	273	277	153.20	243.80
		140.60	278	281	154.70	247.30
		142.00	282	286	156.20	251.70
		143.50	287	291	157.90	256.10
		144.70	292	295	159.20	259.60
		146.20	296	300	160.90	264.00
		147.60	301	305	162.40	268.40
		148.90	306	309	163.80	272.00
		150.40	310	314	165.50	276.40
		151.70	315	319	166.90	280.80
		153.00	320	323	168.30	284.30
		154.50	324	328	170.00	287.70
		155.90	329	333	171.50	293.10
		157.40	334	337	173.20	296.60
		158.60	338	342	174.50	311.00
		160.00	343	347	176.00	305.40
		161.50	348	351	177.70	308.90
		162.80	352	356	179.10	313.30
		164.30	357	361	180.80	317.70
		165.60	362	365	182.20	321.20
		166.90	366	370	183.60	325.60
		168.40	371	375	185.30	330.00
		169.80	376	379	186.80	333.60
		171.30	380	384	188.50	338.00
		172.50	385	389	189.80	342.40
		173.90	390	393	191.30	345.90
		175.40	394	398	193.00	350.30
		176.70	399	403	194.40	354.70
		178.20	404	407	196.10	358.20
		179.40	408	412	197.40	362.60
		180.70	413	417	198.80	367.00
		182.00	418	421	200.20	370.50
		183.40	422	426	201.80	374.90
		184.60	427	431	203.10	379.30
		185.90	432	436	204.50	383.70
		187.30	437	440	206.10	385.50
		$188.50	$441	$445	$207.40	$387.70
		189.80	446	450	208.80	389.90
		191.20	451	454	210.40	391.60
		192.40	455	459	211.70	393.80
		193.70	460	464	213.10	396.00
		195.00	465	468	214.50	397.80
		196.40	469	473	216.10	400.00
		197.60	474	478	217.40	402.20
		198.90	479	482	218.80	404.00
		200.30	483	487	220.40	406.20
		201.50	488	492	221.70	408.40
		202.80	493	496	223.10	410.10
		204.20	497	501	224.70	412.30
		205.40	502	506	226.00	414.50
		206.70	507	510	227.40	416.30
		208.00	511	515	228.80	418.50
		209.30	516	520	230.30	420.70
		210.60	521	524	231.70	422.40
		211.90	525	529	233.10	424.60
		213.30	530	534	234.70	426.80
		214.50	535	538	236.00	428.60
		215.80	539	543	237.40	430.80
		217.20	544	548	239.00	433.00
		218.40	549	553	240.30	435.20
		219.70	554	556	241.70	436.50
		220.80	557	560	242.90	438.30
		222.00	561	563	244.20	439.60
		223.10	564	567	245.50	441.40
		224.30	568	570	246.80	442.70
		225.40	571	574	248.00	444.40
		226.60	575	577	249.30	445.80
		227.70	578	581	250.50	447.50
		228.90	582	584	251.80	448.80
		230.00	585	588	253.00	450.60
		231.20	589	591	254.40	451.90
		232.30	592	595	255.60	453.70
		233.50	596	598	256.90	455.00
		234.60	599	602	258.10	456.80
		235.80	603	605	259.40	458.10
		236.90	606	609	260.60	459.80
		238.10	610	612	262.00	461.20
		239.20	613	616	263.20	462.90
		240.40	617	620	264.50	464.70
		241.50	621	623	265.70	466.00
		242.70	624	627	267.00	467.80
		243.80	628	630	268.20	469.40
		245.00	631	634	269.50	471.70
		246.10	635	637	270.80	473.90
		247.30	638	641	272.10	476.20
		248.40	642	644	273.30	478.30
		249.60	645	648	274.60	480.60
		250.70	649	650	275.80	482.70
			651	655	276.80	484.40
			656	660	277.80	486.20
			661	665	278.80	487.90
			666	670	279.80	489.70
			671	675	280.80	491.40
			676	680	281.80	493.20
			681	685	282.80	494.90
			686	690	283.80	496.70
			691	695	284.80	498.40
			696	700	285.80	500.20
			701	705	286.80	501.90
			706	710	287.80	503.70
			711	715	288.80	505.40
			716	720	289.80	507.20
			721	725	290.80	508.90
			726	730	291.80	510.70
			731	735	292.80	512.40
			736	740	293.80	514.20
			741	745	294.80	515.90
			746	750	295.80	517.70".

(b) Section 203(a) of such Act is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) when two or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for January 1971 on the basis of the wages and self-employment income of such insured individual and at least one such person was so entitled for December 1970 on the basis of such wages and self-employment income, such total of benefits for January 1971 or any subsequent month shall not be reduced to less than the larger of—

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B) an amount equal to the sum of the amounts derived by multiplying the benefit amount determined under this title (including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section), as in effect prior to the enactment of the Social Security Amendments of 1971, for each such person for such month, by 110 percent and raising each such increased amount, if it is not a multiple of $0.10, to the next higher multiple of $0.10;

but in any such case (i) paragraph (1) of this subsection shall not be applied to such total of benefits after the application of subparagraph (B), and (ii) if section 202(k)(2)(A) was applicable in the case of any such benefits for January 1971, and ceases to apply after such month, the provisions of subparagraph (B) shall be applied, for and after the month in which section 202(k)(2)(A) ceases to apply, as though paragraph (1) had not been applicable to such total of benefits for January 1971, or".

(c) Section 215(b)(4) of such Act is amended by striking out "December 1969" each time it appears and inserting in lieu thereof "December 1970".

(d) Section 215(c) of such Act is amended to read as follows:

"Primary Insurance Amount Under 1969 Act

"(c)(1) For the purposes of column II of the table appearing in subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to the enactment of the Social Security Amendments of 1971.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223 before January 1971, or who died before such month."

(e) The amendments made by this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1970 and with respect to lump-sum death payments under such title in the case of deaths occurring after December 1970.

(f) If an individual was entitled to a disability insurance benefit under section 223 of the Social Security Act for December 1970 and became entitled to old-age insurance benefits under section 202(a) of such Act for January 1971, or he died in such month, then, for purposes of section 215(a)(4) of the Social Security Act (if applicable), the amount in column IV of the table appearing in such section 215(a) for such individual shall be the amount in such column on the line on which in column II appears his primary insurance amount (as determined under section 215(c) of such Act) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based.

INCREASE IN BENEFITS FOR CERTAIN INDIVIDUALS AGE 72 AND OVER

SEC. 202. (a)(1) Section 227(a) of the Social Security Act is amended by striking out "$46" and inserting in lieu thereof "$48.30", and by striking out "$23" and inserting in lieu thereof "$24.20".

(2) Section 227(b) of such Act is amended by striking out "$46" and inserting in lieu thereof "$48.30".

(b)(1) Section 228(b)(1) of such Act is amended by striking out "$46" and inserting in lieu thereof "$48.30".

(2) Section 228(b)(2) of such Act is amended by striking out "$46" and inserting in lieu thereof "$48.30", and by striking out "$23" and inserting in lieu thereof "$24.20".

(3) Section 228(c)(2) of such Act is amended by striking out "$23" and inserting in lieu thereof "$24.20".

(4) Section 228(c)(3)(A) of such Act is amended by striking out "$46" and inserting in lieu thereof "$48.30".

(5) Section 228(c)(3)(B) of such Act is amended by striking out "$23" and inserting in lieu thereof "$24.20".

(c) The amendments made by subsections (a) and (b) shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1970.

LIBERALIZATION OF EARNINGS TEST

SEC. 203. (a)(1) Paragraphs (1) and (4)(B) of section 203(f) of the Social Security Act are each amended by striking out "$140" and inserting in lieu thereof "$200".

(2) Paragraph (1)(A) of section 203(h) of such Act is amended by striking out "$140" and inserting in lieu thereof "$200".

(3) Paragraph (3) of section 203(f) of such Act is amended to read as follows:

"(3) For purposes of paragraph (1) and subsection (h), an individual's excess earnings for a taxable year shall be 50 per centum of his earnings for such year in excess of the product of $200 multiplied by the number of months in such year. The excess earnings as derived under the preceding sentence, if not a multiple of $1, shall be reduced to the next lower multiple of $1."

(b) The amendments made by this section shall apply with respect to taxable years ending after December 1970.

INCREASE OF EARNINGS COUNTED FOR BENEFIT AND TAX PURPOSES

SEC. 204. (a)(1)(A) Section 209(a)(5) of the Social Security Act is amended by inserting "and prior to 1972" after "1967".

(B) Section 209(a) of such Act is further amended by adding at the end thereof the following new paragraph:

"(6) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to $9,000 with respect to employment has been paid to an individual during any calendar year after 1971, is paid to such individual during any such calendar year;".

(2) (A) Section 211(b)(1)(E) of such Act is amended by inserting "and beginning prior to 1972" after "1967", and by striking out "; or" and inserting in lieu thereof "; and".

(B) Section 211(b)(1) of such Act is further amended by adding at the end thereof the following new subparagraph:

"(F) For any taxable year beginning after 1971, (i) $9,000, minus (ii) the amount of the wages paid to such individual during the taxable year; or".

(3) (A) Section 213(a)(2)(ii) of such Act is amended by striking out "after 1967" and inserting in lieu thereof "after 1967 and before 1972, or $9,000 in the case of a calendar year after 1971".

(B) Section 213(a)(2)(iii) of such Act is amended by striking out "after 1967" and inserting in lieu thereof "after 1967 and beginning before 1972, or $9,020 in the case of a taxable year beginning after 1971."

(4) Section 215(e)(1) of such Act is amended by striking out "and the excess over $7,800 in the case of any calendar year after 1967" and inserting in lieu thereof "the excess over $7,800 in the case of any calendar year after 1967 and before 1972, the excess over $9,000 in the case of any calendar year after 1971".

(b)(1)(A) Section 1402(b)(1)(E) of the Internal Revenue Code of 1954 (relating to definition of self-employment income) is amended by inserting "and beginning before 1972" after "1967", and by striking out "; or" and inserting in lieu thereof "; and".

(B) Section 1402(b)(1) of such Code is further amended by adding at the end thereof the following new subparagraph:

"(F) for any taxable year beginning after 1971, (i) $9,000, minus (ii) the amount of the wages paid to such individual during the taxable year; or".

(2) Section 3121(a)(1) of such Code (relating to definition of wages) is amended by striking out "$7,800" each place it appears and inserting in lieu thereof "$9,000".

(3) The second sentence of section 3122 of such Code (relating to Federal service) is amended by striking out (c) and inserting in lieu thereof "$9,000".

(4) Section 3125 of such Code (relating to returns in the case of governmental employees in Guam, American Samoa, and the District of Columbia) is amended by striking out "$7,800" where it appears in subsections (a), (b), and (c) and inserting in lieu thereof "$9,000".

(5) Section 6413(c)(1) of Such Code (relating to special refunds of employment taxes is amended—

(A) by inserting "and prior to the calendar year 1972" after "after the calendar year 1967";

(B) by inserting after "exceed $7,800" the following: "or (E) during any calendar year after the calendar year 1971, the wages received by him during such year exceed $9,000,"; and

(C) by inserting before the period at the end thereof the following: "and before 1972, or which exceeds the tax with respect to the first $9,000 of such wages received in such calendar year after 1971".

(6) Section 6413(c)(2)(A) of such Code (relating to refunds of employment taxes in the case of Federal employees) is amended by striking out "or $7,800 for any calendar year after 1967" and inserting in lieu thereof "$7,800 for the calendar year 1968, 1969, 1970, or 1971, or $9,000 for any calendar year after 1971".

(7) Section 6654(d)(2)(B)(ii) of such Code (relating to failure by individual to pay estimated income tax) is amended by striking out "$6,600" and inserting in lieu thereof "$9,000".

(c) The amendments made by subsections (a)(1) and (a)(3)(A), and the amendments made by subsection (b) (except paragraphs (1) and (7) thereof), shall apply only with respect to remuneration paid after December 1971. The amendments made by subsections (a)(2), (a)(3)(B), (b)(1), and (b)(7) shall apply only with respect to taxable years beginning after 1971. The amendment made by subsection (a)(4) shall apply only with respect to calendar years after 1971.

CHANGES IN TAX SCHEDULES

SEC. 205. (a)(1) Section 3101(a) of such Code (relating to rate of tax on employees for purposes of old-age, survivors, and disability insurance) is amended by striking out "and" at the end of paragraph (3) and by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) with respect to wages received during the calendar years 1973, 1974, and 1975, the rate shall be 5.0 percent;

"(5) with respect to wages received during the calendar years 1976, 1977, 1978, 1979, and 1980, the rate shall be 5.3 percent; and

"(6) with respect to wages received after December 31, 1980, the rate shall be 5.6 percent."

(2) Section 3111(a) of such Code (relating to rate of tax on employers for purposes of old-age, survivors, and disability insurance) is amended by striking out "and" at

the end of paragraph (3) and by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) with respect to wages paid during the calendar years 1973, 1974, and 1975, the rate shall be 5.0 percent;

"(5) with respect to wages paid during the calendar years 1976, 1977, 1978, 1979, and 1980, the rate shall be 5.3 percent; and

"(6) with respect to wages received after December 31, 1980, the rate shall be 5.6 percent."

(b) The amendments made by subsection (a) (1) shall apply only with respect to taxable years beginning after December 31, 1971. The remaining amendments made by this section shall apply only with respect to remuneration paid after December 31, 1971.

ALLOCATION TO DISABILITY INSURANCE TRUST FUND

SEC. 206. Section 201(b) (1) of the Social Security Act is amended—

(1) by striking out "and (D)" and inserting in lieu thereof "(D)"; and

(2) by striking out "after December 31, 1969, and so reported," and inserting in lieu thereof the following: "after December 31, 1969, and before January 1, 1973, and so reported, (E) 1.10 per centum of the wages (as so defined) paid after December 31, 1972, and before January 1, 1981, and so reported, and (F) 1.25 per centum of the wages (as so defined) paid after December 31, 1980, and so reported,".

SHORT TITLE

SEC. 207. This title may be cited as the "Social Security Amendments of 1971."

Mr. LONG. Mr. President, I yield myself 10 minutes on the amendment.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, my amendment is a simple one; it incorporates those provisions of last year's social security bill providing for a 10-percent across-the-board benefit increase, a $100 minimum benefit, an increase in special payments to persons 72 and over, and an increase in the earnings limitation from $1,680 to $2,400. The benefit increase would be fully paid for by an increase in the taxable wage base from $7,800 to $9,000, and by slight upward adjustments in the tax rates after 1975.

Senators will recall that last year's social security bill passed the Senate by a vote of 81 to 0. Unfortunately, the House refused to go to conference with us, and the bill died despite its massive support in the Senate. This year I have pleaded for the House to move the social security increase so we can promptly provide higher benefits for 26 million people and help them meet today's higher costs of living. Unfortunately, the House has not responded.

The Ways and Means Committee of the House of Representatives is now involved in considering not only a 10-percent social security benefit increase but also substantial changes in the welfare law. I can say, based on personal experience last year, that this will be an extensive and time-consuming process. I am sure that there is near unanimity that we need to improve our present welfare system, but I believe that it would be unfortunate if we were to let months go by without legislating the 10-percent social security increase which was approved 81 to 0 by the Senate last year.

Under present law monthly social security benefits for workers retiring at age 65 this year now range from $64 to $193.70; under the amendment they would range from $100 to $213.10. Benefits for a couple today average $198 under present law; under the amendment the average benefit would be increased to $233. For a widowed mother with two children the average benefit under present law is now $295; under the amendment it would be $331. The benefit increase would mean additional benefit payments of $5 billion in the first 12 months.

Under present law also special payments of $46 a month for an individual, and $69 for a couple are made to people age 72 and over who have not worked under the Social Security Program long enough to qualify for regular cash benefits. Under my amendment these payments would be increased to $48.30 for an individual and to $72.50 for a couple.

Another important provision of my amendment would make significant changes in the earnings limitation under the social security program. First, the amendment would increase from $1,680 to $2,400 the amount a social security beneficiary may earn and still receive his full social security benefits for that year. Second, the amendment modifies the treatment of earnings above the exempt amount. Under present law each $2 earned between $1,680 and $2,880 results in a $1 reduction in benefits; each dollar earned above $2,880 reduces benefits by $1. This work disincentive would be eliminated under the amendment which would provide a $1 reduction for each $2 earned with respect to all earnings above $2,400. In other words, the more a beneficiary works and earns the more spendable income he would have.

My amendment would provide that the 10 percent social security increase be effective retroactive to January 1, 1971. However, even if my amendment were signed into law today, it would require several months for the Social Security Administration to process the benefit increase. I am informed by the Social Security Administration that if the Senate approves my amendment today and the matter is acted upon quickly by the House, the benefit increase can be processed in time to be included in the checks mailed out at the beginning of June. If final action on my amendment is delayed for even a few days, however, 26 million beneficiaries will have to wait until after the Fourth of July before they begin receiving the increased benefits. This is why I urge prompt congressional action in approving the benefit increase even though it is retroactive.

The Congress has always insured that the social security cash benefit programs are fully financed on a sound actuarial basis. My amendment will continue this practice.

The amendment provides for an increase in the ceiling on taxable and creditable earnings from $7,800 to $9,000, effective beginning January 1972. This means that people earning $9,000 or more will pay taxes on an additional $1,200 of earnings. But it will also mean that they will be credited with higher earnings and will thus be eligible for higher benefits. Thus, the increase in taxable wages will make possible benefits that are more reasonably related to the actual earnings of workers at higher earnings levels. If the base were to remain unchanged, more and more workers would have earnings above the creditable amount and their benefit protection would be related to a smaller and smaller part of their full earnings.

My amendment would also make appropriate adjustment in the tax rates for the social security cash benefit programs to assure that those programs remain actuarially sound. Specifically, during calendar years 1976 through 1980, the rate on employers and employees would be fixed at 5.3 percent for the cash portion of the social security program as compared to the 5-percent rate scheduled for those years under existing law. With respect to wages received in 1981 and thereafter, the rate would be fixed at 5.6 percent on employers and employees as compared to the 5-percent rate scheduled under existing law.

Mr. President, 26 million social security beneficiaries are waiting for the Congress to act on this measure to increase their benefits by $5 billion. I urge my colleagues to pass on my amendment quickly so that we may not keep these 26 million beneficiaries waiting any longer.

Mr. TALMADGE. Mr. President, will my chairman yield at this point?

Mr. LONG. I yield.

Mr. TALMADGE. I congratulate my distinguished chairman for offering this amendment. I approve of it wholeheartedly. It is almost identical to one I had intended to offer. This amendment embodies several provisions of the social security bill which was passed by a vote of 81 to 0 on the floor of the Senate last year.

Many of our retirees living on modest social security benefits are in extreme financial difficulties due to inflationary and other factors. I think it is foolhardy to wait several more months to consider legislation of this character, and I hope the Senate will adopt the amendment unanimously today.

Mr. LONG. I thank the Senator.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. MILLER. I understand that the Senator's amendment includes a proposed $100 minimum in the social security structure.

Mr. LONG. Yes, it does. May I say that is the suggestion that was first offered by the Senator from West Virginia (Mr. BYRD) and the majority leader, the Senator from Montana (Mr. MANSFIELD). The Senator may recall that a $100 minimum has now been passed twice by the Senate.

Mr. MILLER. Yes, the Senator from Iowa recalls that. He also recalls that in the conference committee meeting on the Tax Reform Act of 1969, this particular amendment by the Senate was rejected very forcibly on the part of the House membership of the conference committee. It is my recollection that one of the main reasons why the House conferees rejected the amendment was that they indicated that research showed that a great many of the people who would be eligible for the minimum were already receiving benefits from one or more retirement plans and really did not need it.

I remember the argument made on the floor of the Senate was: Who can live on $100 a month? And, of course, nobody is going to argue about that, but it does not state the question accurately. The question is: Who, without other income, can live on $100 a month? Then I think we might get a different answer.

The concern that the Senator from Iowa has is that there will probably be a great many people receiving benefits from one or more retirement plans, such as civil service retirement, some State retirement system, some private corporate plan, and we are going to come along and give those people, who do not need it, a $100 minimum when they have not paid for it. I do not think such a minimum is as equitable as we ought to be able to devise.

I am wondering if the Senator from Louisiana has given some thought to the possibility of modifying the amendment to take into account those who do not need it because they are receiving benefits from other retirement plans.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. LONG. Mr. President, I yield myself 5 more minutes.

Mr. MILLER. So that we will do equity to those who need it without at the same time favoring those who do not need it.

Mr. LONG. I am sure that the Senator is aware of the fact that to do so would be to build a needs test into the social security program.

I am well aware of the fact that the chairman of the House Ways and Means Committee, in an interview with U.S. News & World Report this month, stated he was opposed to a $100 minimum. His views were reflected as being parallel with those of the Senator from Iowa. He also indicated he was in favor of the 10 percent increase.

I cannot predict what will happen in conference on this matter, but I have seen the Senate vote for a $100 minimum two times. The reason why I have included a $100 minimum in my amendment is that I have no doubt that, if I did not, another Senator would offer it.

Mr. MILLER. I do not like to see an empty gesture, so to speak, and we have had two of them now, as the Senator points out. A number of people have become euphoric about the fact that they were going to receive a $100 minimum. Many of them need it very badly. To get their hopes up and then dash them because of a defect in the approach seems to me to be a little cruel.

If we modified the proposal to take into account income from other retirement plans, so that those who needed it were to receive it, I would think, on the basis of our experience with the distinguished chairman of the House Ways and Means Committee and the conferees a year ago last December, they would go along with the proposal, and then we would deliver instead of just make a further empty gesture.

Would not the Senator think this would be a better approach rather than the approach whereby it failed twice?

Mr. LONG. I think it might be better to go to conference with the provision as it is in my amendment. If the House were willing to go along with any part of this matter, I think we would be in a better position to work it out in conference than on the Senate floor.

Mr. MILLER. Then do I understand that the whole matter would be in conference?

Mr. LONG. Yes, it would be.

Mr. MILLER. So that modifications along this line might be worked out?

Mr. LONG. That is my feeling.

Mr. MILLER. I had one further question to ask of my distinguished chairman. I note that key elements of the social security bill we passed last December, which unfortunately was not taken up by the House because of the lateness of the session, are generally taken care of in his amendment.

There was one item which was extremely vital, which was included in the bill before the Senate and which was included in the bill as reported by the Senate Finance Committee and passed by the Senate, and that was the automatic increase in social security benefits to meet increases in the cost of living.

Does the Senator understand that is going to be taken up later in the House bill or that our Finance Committee will take it up later?

Mr. LONG. Yes; that is one of the many provisions we will have the opportunity to consider this year. When the House completes its action on the social security bill, if that provision is not in it, I am sure it will be offered by a Senator, either in the Finance Committee or on the floor. I have no doubt that it will be offered at a future date if the House does not include it in the bill it sends to us. There is not the same emergency on this matter, however, as there is with respect to the 10-percent increase.

Mr. MILLER. The Senator is correct, and the key elements that he has incorporated in his bill are of greater urgency, if we have a 10-percent increase effective January 1 of this year.

It would be some time before a cost-of-living automatic increase would become operative, but I just wanted to make sure that there was no intention to denigrate that most important provision which, as the Senator from Louisiana knows, I have been striving for ever since 1963.

The PRESIDING OFFICER. The Senator's additional 5 minutes have expired.

Mr. LONG. I yield myself 5 more minutes.

The PRESIDING OFFICER. On the bill?

Mr. MILLER. I thank the Senator for yielding.

Mr. LONG. The Senator will have an opportunity to vote on that provision this year.

The PRESIDING OFFICER. Does the Senator from Louisiana yield himself 5 minutes on the bill?

Mr. LONG. I have, Mr. President.

Mr. President, I would hope we can vote on the amendment. I suspect that perhaps a number of Senators would like a rollcall vote on it, and for that reason——

Mr. CURTIS. Mr. President, could I be recognized for 5 minutes on the bill?

Mr. LONG. I yield first to the Senator from Nebraska.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. Is it correct that half of the time is under the control of the minority leader or his designee?

The PRESIDING OFFICER. That is correct.

Mr. GRIFFIN. I designate the Senator from Nebraska to control the time on our side.

Mr. CURTIS. I thank the Senator. I yield myself 5 minutes.

Mr. President, this is not a pleasant task for the Senate, to have to deal with the so-called debt limit. I think it is important, however, that we put it in proper perspective.

Debts are not created when we pass resolutions such as that before us today. Debts are created when we spend too much money, when Congress appropriates more money than we have coming in, in revenue.

It even goes back beyond that. Whenever Congress enacts a law authorizing expenditures, those expenditures must be made, or the Government breaks faith with the people involved. There must be expenditures, and there must be appropriations made.

We are here today because there has been too much money spent, too much money appropriated. There have been too many programs enacted into law, and because too much money has been spent, Congress is called upon once more to raise the debt limit.

Without raising the debt limit, we would not lessen the obligations of the Government. If the Secretary of the Treasury is called upon to pay bills owed by our Government, and there is not enough revenue coming in to pay those bills, his only recourse is to borrow money through the issuance of Government bonds. If the authority for him to issue Government bonds is denied to him, it does not lessen the public debt. It means that certain bills will go unpaid.

It may mean that individuals who are expecting money from the Government, whether it be a social security payment, the payment of interest on Government bonds, or payment to a contractor for building a road or erecting a building, could not be made if there were no money in the Treasury and none could be borrowed. We would still owe the bill however. If we were to so conduct the financial affairs of this Government that, for instance, there was no money in the Treasury to pay the interest on the national debt, that would not lessen our debts, because we would still owe the money to the persons having interest coming instead of owing it to someone else who had purchased a Government bond.

My point in mentioning this is to point

out that the real cause of a deficit position, the real cause of our mounting national debt, is that day after day and month after month, more expenditures are authorized by Congress, more money is appropriated, and more money is spent.

I, for one, do not like it. I believe that we must reverse the trend and stop increasing the national debt. I do not accept at all as a logical explanation that, because the gross national product has grown, therefore our national debt should likewise grow, and that it really is not bad because, percentagewise, it is not any worse than it was, or may be a little better.

As I say, I do not accept that at all, for many reasons. In the first place, the citizens of this land, the young people of this land, the banks, foreign countries, and everyone else, are some day going to ask the question: Does Uncle Sam pay his obligations, or does he never pay his obligations, and merely renew?

That is one problem. The other is that the national debt is a great burden on the country. The interest on the national debt has reached more than $20 billion a year. Before the next fiscal year is over, it will have reached $21 billion. That means that Congress has to tax the people of the United States and collect $21 billion to pay the interest on the Government debt, before there is $1——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CURTIS. I yield myself 3 additional minutes.

Before there is $1 to spend on any Government program, pay any salary, support any veterans' hospital, or do anything else that ought to be done by the Government.

There is no way that we can explain away the burden of the interest on the national debt by saying it does not amount to much because the national debt has not grown as fast as our general economy has.

It is a very heavy burden. If it were not for the fact that this Government has not lived within its means in the past, from that $20 billion we could have enough money for a very sizable tax reduction, and still sufficient revenue to pay for all Government programs.

What we are doing by going on and increasing the debt is mortgaging the future. Taxes are paid by people who toil and earn income, and part of that income has to be taken to pay the interest on past debts. That is not a good system.

Mr. President, I hope that we can put an end to the increasing of the national debt, and I am just optimistic enough to believe that it can be done. I believe that we can not only stop the rising of the debt, but we can go on a pay-as-you-go basis, and little by little pay off this national debt. I think that would provide a great spurt and start for this economy of ours, and it would certainly lessen the burden upon the taxpayers of the future.

Again, I point out that it is by spending that we increase the debt. Today we are paying the fiddler for past debts.

Mr. President, I yield the floor.

Mr. BEALL. Mr. President, I rise in support of this amendment which would provide for a 10-percent increase in social security benefits. In addition, I favor the liberalization of the social security earning test to $2,400. Indeed, I introduced a similar proposal, H.R. 9509, in the last Congress.

I also strongly support the provision making the increase of social security benefits retroactive to the first of this year. I regard the social security legislation increase as a priority measure before the Congress, for I am aware of the difficulties that many senior citizens are having in making ends meet as they attempt to cope with the rising costs of living.

While inflation erodes the purchasing power of each American, it falls particularly hard on our citizens living on fixed incomes. The average life expectancy at retirement is approximately 15 years. If prices or inflation increase only 2 percent a year, the real value of an individual's pension would still be reduced by 18 percent after a decade; and by 33 percent after two decades. With inflation far exceeding that figure in recent years, it is easy to see why this measure is so important to so many senior citizens.

It also serves to underscore the stake of our senior citizens in the country's battle against inflation. I also support, and the Congress should enact just as soon as possible, legislation which provides for an automatic cost-of-living adjustment for social security recipients. Such a step, as the President has observed, would make certain that senior citizens never again bear the brunt of inflation.

There is not a day that goes by when I do not receive a letter from a retired citizen of Maryland asking the Congress the simple question: When will Congress pass the social security bill which we have been waiting for and which we desperately need. While it is true that the increase provided in this measure will be made retroactive of the first of the year, nevertheless even with the Senate acting today and assuming prompt House action, it will still be about 3 months before the high social security checks are received by social security recipients. This is because it takes the Social Security Administration this period of time to gear up administratively for paying additional benefits.

So I say to my colleagues that last year's delay was a great disappointment to me; my disappointment, however, was minor compared to the disappointment and hardship of our retired citizens. For Congress to further delay would be unconscionable.

Mr. President, the Nation owes a great debt to its senior citizens. They have worked hard all of their lives to help build the great country that we have. They in short have earned a decent retirement and it behoves Congress to pass this measure and send it to the President at the earliest possible date so that this anticipated and much needed additional income will reach the Nation's senior citizens.

Mr. CHURCH. Mr. President, for the 17 million persons 65 and over who now receive social security benefits, the proposed 10-percent increase will mean welcome relief. As chairman of the Senate Committee on Aging, I strongly support this long-overdue raise. Moreover, the retroactive date of this increase—to January 1—can provide further assistance for the aged in their desperate race with inflation. Especially significant is the substantial raise in minimum monthly benefits, from $64 to $100.

Welcome as these provisions are, we must remember that today's measure is a stopgap proposal. And we must not lose sight of the urgent need during this Congress for more fundamental reforms to improve our social security program. A few days ago, I outlined proposals for comprehensive social security and medicare revision. Mr. President, I ask unanimous consent that a description of these provisions be included at this point in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF MAJOR PROVISIONS IN S. 923 (OMNIBUS SOCIAL SECURITY REFORM)

Benefit increases: 15 percent retroactive to January 1, 1971, and then another 15 percent raise in 1972.

Cost-of-living adjustments: Beginning in 1973, benefits would be adjusted automatically on an annual basis for each 3 percent in the cost-of-living.

Minimum benefits: $100 in 1971 for a single person, and then to $120 in 1972.

Widow's benefits: 100 percent at age 65.

Retirement test: Increases the annual earnings limitations for persons under 72 from $1,680 to $2,000.

Age 62 computation point for men: Average earnings for men would be determined over a period of years ending at age 62—the same as now exists for women.

Lump sum death payments: Now equal to 3 times the worker's benefit but not greater than $255. S. 923 would raise the $255 limit to $500.

Disabled child's benefits: Available for a disabled child of a worker, provided disability begins before age 22 rather than 18 as under existing law.

Liberalized disability requirements: S. 923 reduces the waiting period from 6 to 3 months. The requirement that the disability must be expected to last 12 months or result in death would be eliminated. Workers would qualify if unable to engage in substantial gainful activity (by reason of a medically determinable physical or mental impairment) in their regular work or in any other work in which they have engaged with some regularity in the recent past.

Part B (supplementary medical insurance premiums: S. 923 eliminates the premium charge for Part B and provides for financing both hospital and medical insurance programs through (1) contributions of employers and employees and (2) a matching contribution by the Federal Government. All moneys would go into a combined trust fund, which would pay the administrative expenses and benefits of both programs. Eligibility requirements for both programs would be identical to that under existing law for Part A.

Medicare for disabled: Extends Medicare coverage for disabled Social Security beneficiaries under age 65.

Drugs: Extends Medicare coverage for out-of-hospital prescription drugs. Covered drugs would be determined by the Secretary of HEW with the advice of an expert committee provided by the bill. Reimbursement would be made to providers of drugs on the basis of acquisition and dispensing allowances. Beneficiary would be required to make a $1 copayment per prescription or per refill.

General revenue financing: Provides for general revenue financing equaling specified percentages of payroll taxes and gradually increasing over a 10 year period to an amount equal to approximately ⅓ the total cost of the program.

Mr. WILLIAMS. Mr. President, the Senate should act affirmatively today on the proposal to raise social security benefits by 10 percent, raise minimum benefits from $64 to $100, and increase earnings limitation to $2,400.

This action is vitally needed: one out of every four Americans of age 65 and over lives in poverty; approximately 3 million more live in near poverty; and many millions of others know too well what it means to skimp along without necessities in a nation undergoing inflation and recession at one and the same time.

In view of the overwhelming need for immediate relief, today's proposal deserves the support of the Senate.

But it should be recognized clearly for what it is: a holding action until more far-reaching reforms can be enacted on social security and medicare.

It should be remembered that the last congressional action on social security was a stopgap measure, too.

In December 1969, the Congress adopted a 15-percent social security increase to help protect the elderly from the ravages of inflation. But that raise was barely enough to keep pace with the 11-percent rise in the cost of living in 1968 and 1969. And during 1970, the elderly actually fell behind in their struggle with inflation, because the Consumer Price Index increased by nearly 6 percent.

The net impact of these statistics is that a piecemeal, stopgap measure is not the answer to the overall retirement-income crisis now threatening millions of older Americans. Adding a few dollars to social security every 2 or 3 years can provide temporary relief. But much more is needed if we are to come to grips with these major problems. Quite clearly far-reaching action on several fronts is urgently needed if we are to meet the short range and long-term income needs of the retirees of today—as well as those now approaching retirement.

Passage of this amendment, welcome as it is, does not, however, fulfill our mission for those living on limited, fixed incomes. Further major reforms must be acted upon during this Congress.

A few days ago, I sponsored an omnibus measure which would make far-reaching reforms in both the social security and medicare programs. For example, my bill would:

Raise benefits in two steps by 30 percent, 15 percent retroactive to January 1, and then another 15-percent increase in 1972;

Increase minimum monthly benefits also in two steps, to $100 this year and then to $120 in 1972;

Provide for automatic adjustments in social security benefits to protect the aged from inflation;

Establish an age-62 computation point for men, the same as now exists for women,

Provide full benefits for widows, instead of only 82½ percent;

Extend medicare coverage to disabled social security beneficiaries under 65 years of age;

Broaden medicare coverage to include out-of-hospital prescription drugs;

Eliminate the $5.30 monthly premium charge for the elderly for doctor's insurance under medicare; and

Provide for well-conceived and well-timed use of general revenues to finance a portion of the social security and medicare programs.

Mr. President, I again urge prompt and favorable action on these vitally needed improvements when the Senate acts on more comprehensive reform measures during this Congress. With adoption of these reforms, we can establish the broad foundation for a vastly improved social security and medicare system.

Mr. PROUTY. Mr. President, I want to join in strong support for the amendment proposed by the distinguished Senator from Louisiana (Mr. LONG). Millions of older Americans have been waiting far too long for their promised increase in social security benefits.

You will recall, Mr. President, that nearly a year ago the other body passed a social security bill. With the passage of that bill, the expectations of 22 million older Americans were raised. Unfortunately, we in the Senate, were unable to pass a social security bill until the final days of the 91st Congress. The result, Mr. President, was tremendous disappointment for our senior citizens.

Today, we are restoring faith in older Americans by promptly enacting this amendment. Now, I realize that the amendment before us is not as comprehensive as most of us would like. However, it does face up to the essential problems facing every older American; namely, the need for additional income.

Mr. President, last September I testified before the Senate Finance Committee in support of several amendments I had introduced to the social security bill which had passed the House. First, I asked that the minimum monthly social security payment be raised from $64 a month to $100 a month. The amendment before us contains my recommendation.

I sincerely hope, Mr. President, that my colleagues in this body will respond as they did last December and support the $100 minimum monthly payment for social security recipients. We all know, Mr. President, that social security represents the only source of income for most older Americans. We also know that older Americans can barely exist with $100 a month income to say nothing of the present minimum monthly social security payment of $64.

Between 7 and 8 million of our senior citizens will directly benefit by increasing the minimum monthly social security payment. Certainly they will not become affluent Americans because of the $100 monthly payment, but for many of them the hardship associated with abject poverty will become somewhat less.

Second, Mr. President, last September I urged the Senate Finance Committee to grant a 10-percent across-the-board increase rather than a 5-percent benefit increase which had been passed by the House. The amendment before us also incorporates that recommendation. Last December, my colleagues voted overwhelmingly for the 10-percent benefit increase and I sincerely hope they will again today.

Finally, Mr. President, the amendment before us deals with the retirement test or earnings limitation under the Social Security Act. Ever since 1953, I have been attempting to have the complete removal of the retirement earnings limitation from the Social Security Act. It perhaps made sense to have such a limitation in the depression year, 1935. It makes absolutely no sense in 1971. Older Americans who are physically able to work should be encouraged to do so, because of the great contributions they can make.

Now I realize, Mr. President, that it is difficult to generate support for the complete elimination of the earnings limitation. Therefore, since 1964, I have been arguing that at the very least an individual receiving social security should be permitted to earn $200 a month without losing his social security benefits. The amendment before us incorporates my recommendation that the earnings limitation be raised to $2,400.

Now, Mr. President, as I said, all of us realize there are many other important aspects of social security and medicare which deserve our prompt consideration. However, I believe the amendment we are now considering meets the most pressing problems facing older Americans.

The benefit increases provided under this amendment will be retroactive to January 1.

I want to congratulate the distinguished chairman of the Senate Finance Committee for taking this action and for his assurances that his committee will soon consider more comprehensive social security and medicare legislation.

Mr. PELL. Mr. President, although the past session of Congress was marked by a number of notable legislative achievements, it was also marked by one very ignoble failure—failure to complete action on the social security bill.

Nearly all of us have been hurt by the rampages of inflation in these past months, however, there are few of us who have carried the burden of inflation with such weight as our senior citizens have. They, more than any other group in our country, are hurt by inflation—the cruelest tax of all.

More than half of the income received by elderly people is fixed income, that is, it derives from retirement and welfare programs which do not, for the most part, adjust to inflation.

Over one-quarter of our senior citizens live on income below the official poverty line. Yet, older Americans have to spend proportionately more of their income on food, shelter, and medical care than do other elements of the population.

What, in effect, has been happening is that on the one hand our senior citizens are being squeezed by a loss of value in their fixed income because of inflation; and on the other hand, they are being pressured by an increased need for income to meet their requirments for food, shelter, and health services.

Mr. President, I think the time is long overdue for us to act to lessen the economic burdens of our senior citizens.

I believe the Senate should act now to

increase the level of social security benefits received by our senior citizens.

Moreover, I believe we should consider including as many other improvements in the social security program as might be considered legislatively feasible.

In the past sessions of Congress, I have introduced two measures designed to improve the operation of the social security program.

The first measure would increase the amount of money social security beneficiaries could earn and still receive full benefits from $1,680 to $2,400.

The second provision would link increases in social security benefits to the cost-of-living index compiled by the Bureau of Labor Statistics. If the Bureau's index reflected a 3-percent rise related to a stated base period then social security benefits would be adjusted upward by the same percentage. This provision would be made self-financing.

Mr. President, I would hope that similar provisions for cost-of-living adjustments and liberalization of the outside earnings limitation would be included in the legislation which the Senate might consider at this time to improve the social security program.

Basically similar provisions were included in the legislation which the Senate considered in this past session of Congress.

I believe the principles of such proposals have the support of the Senate.

Mr. President, if the Senate acts now to increase social security benefits, it will be the second time the Senate has passed such legislation.

I would urge our colleagues in the House of Representatives to act quickly without delay in support of our actions, and I would urge the President to act quickly to sign this legislation.

For every day we delay, there is another day in which our senior citizens are denied income which they so desperately need.

Therefore, Mr. President, I would hope that each element of the government here in Washington—the Senate, the House of Representatives, the President, and the Social Security Administration, would act now, in coordination with each other and within their own respective powers, to help our deserving senior citizens better bear the burdens of inflation.

Mr. MANSFIELD. Mr. President, pending before the Senate is an issue about which there can be no dispute. Providing a modest benefit increase for social security pensioners is a proposal that is not just overdue; it is delinquent beyond all justification. Indeed, this increase was overdue last December when the Senate passed social security increases essentially identical to those contained in the pending proposal. The vote then was 8 to 0. I would hope that the Senate's resolve on this issue could again be demonstrated just as resoundingly. Our elderly citizens deserve no less.

It should be noted that inflation has eaten up every penny and more of the last social security increase granted back in 1969. Ten percent beginning this year is thus a minimal and wholly justified increase. The sooner it becomes law together with a higher minimum payment, the better off will be those older Americans whose very survival depends upon this insurance program.

Expedition on this issue is imperative. To assist in this regard, the Majority Policy Committee undertook an examination of means by which an early scheduling date on social security could be reached. To that end, on February 2, it adopted a resolution providing in part, as follows:

> Whereas, The adoption by early Spring of the social security measure itself is an objective of great urgency and of the highest priority to those relying upon these annuities, and
>
> Whereas, the welfare reform, foreign trade and social security proposals each involve issues that compel their independent consideration from a procedural standpoint, and
>
> Whereas, simultaneous consideration by the Senate of welfare reform, foreign trade and social security legislation as separate legislative measures would enhance the adoption of each of these measures, especially enhance the objective of early adoption of social securty legislation, be it therefore
>
> *Resolved,* That the Senate Democratic Policy Committee suggests that the Committee on Finance report any recommendations on social security benefit increases, welfare reform and foreign trade as separate legislative measures.

The Policy Committee's action was unanimous in approving that resolution. Two of its members—the distinguished senior Senator from Georgia (Mr. TALMADGE) and the distinguished Senator from Arkansas (Mr. FULBRIGHT)—are members of the Committee on Finance. Senator TALMADGE and a third member of the Policy Committee, the assistant majority leader, the distinguished Senator from West Virginia (Mr. BYRD) were instructed by the Policy Committee to convey this action to the chairman of the Committee on Finance and attempt to work out a mutually agreeable format.

It should be said that the Policy Committee's involvement in this matter was undertaken only because the issue was of the highest national importance. It was undertaken without regard to partisanship in any shape or form. It was undertaken with the hope of achieving an early scheduling date for social security. It was undertaken unanimously and solely in the interest of gaining for our elderly citizens what is only theirs by right.

I commend the chairman of the Committee on Finance for offering this amendment. It demonstrates once again that he is unexcelled in this body in his concern for the aged, for the sick, for the old and the infirm.

I urge the adoption of the amendment.

INCREASES OF PUBLIC DEBT LIMIT—AMENDMENTS

AMENDMENTS NOS. 19, 20, AND 21

Mr. HUMPHREY. Mr. President, the Senate today is considering increases in some of the social security benefits that mean so much to the elderly, the disabled and handicapped, the dependent, and others. For many of these Americans, social security stands between them and destitution or welfare.

I support these immediate increases. Their passage is overdue. Further delay cannot be permitted on the passage of these significant portions of what must be eventual and substantial increases of all benefits across the board.

Many social security beneficiaries have only their payments between themselves and destitution or welfare. Their resources are of the most meager. Making increases in payments retroactive is necessary but what this has forced many of our most needy to do is save from income that was badly needed to maintain their previous slim buying power.

Erosion, by inflation, of one's income, when it is around $80 or $90 per month, literally can be disastrous. This means at an inflation rate of approximately 6 percent, the minimum beneficiary is losing approximately 10 percent of his income every year. While the dollar loss may seem slight to more prosperous Americans, that $9 or $10 loss per month can mean only one nearly adequate meal every day, instead of one and a half. It can mean no busfare to visit family or friends or even go to Church on Sunday.

So, Mr. President, what we are talking about here today is subsistence. It may, indeed, be all that some receive from all sources, but it remains subsistence.

I wish, however, to underline my concern for the stopgap measures that the Congress has been passing for years. This is not to be considered as criticism of the Senate and House. What has happened is that Congress enacts benefit increases, extends eligibility and lowers income limitations. But by the time we pass the legislation and it is implemented, inflation has already robbed those beneficiaries of increases we hoped to add to their purchasing power.

For these reasons, Mr. President, I have submitted today three amendments. They are uncomplicated in their purpose and uncomplicated in their motivation. The Congress must increase benefits significantly, retroactive to the first of this calendar year, and include a minimum payment. We must tie increases in benefits to increases in the cost of living, though this should not preclude the Congress from increases to basic benefits based on other considerations such as tax base increases, increases in payment percentages or simply upgrading the quality of social security living.

Lastly, we must permit beneficiaries to earn more to supplement their total incomes.

My first amendment would increase basic benefits by 12 percent, retroactive to January 1, 1971. It also provides for a minimum payment of $100. We have waited far too long to provide this most basic level of subsistence. We are doing it 20 years after it was first responsibly proposed.

My second amendment ties future increases in benefits to increases in the cost of living. However, this should not make this form of increase the sole means of upgrading the system. Tieing all increases to the cost of living provides no increase at all. There is no room for increasing the quality of life for those living from their social security benefits.

My third amendment would increase the amount of earnings permitted to be retained without penalty, from $1,680 to

$2,800. The arguments for this amendment are increasingly sound as the philosophy that social security is a pension plan for all Americans rather than a poverty program that Americans pay for before they become poor. Social security benefits are something we are paying for. They are a right and should be treated as such. Arguments about the actuarial soundness of the system make no sense, when we realize that every earning generation is paying for the benefits of those that have preceded them. America will not cease tomorrow. Social security will continue to grow and be sound as America will continue to grow.

Mr. President, I have long advocated the type of reforms and increases I have proposed today. I urge the Senate to give them careful consideration. I have long listened to the arguments pro and con on every amendment that has ever been offered on social security. I was here when it was a newly born. We must now help it to a maturity that is a measure of our own concern and maturity as a Nation—a Nation dedicated to a life of quality for all Americans. I realize that some of these amendments will not under the unanimous consent agreement be acted on today. It is imperative that we act promptly to pass the Long amendment. This is sorely needed. Much of what I propose is covered in part by the Long amendment. I support this constructive proposal, but at a later date I shall seek to amend the Social Security Act to include my proposals.

Mr. President, I ask unanimous consent that the text of my amendments be printed at this point in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 19

At the appropriate place in the bill, insert the following new section:

12-PERCENT INCREASE IN SOCIAL SECURITY BENEFITS WITH A MINIMUM BENEFIT OF $100

SEC. —. (a) (1) Section 215(a) of the Social Security Act is amended by striking out the table and inserting in lieu thereof the following:

"I		II	III		IV	V
(Primary insurance benefit under 1939 Act, as modified)		(Primary insurance amount under 1969 Act)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	$20.40	[1] $89.20	----------	$109	$100.00	$150.00
$26.41	26.94	90.60	$110	113	101.50	152.80
26.95	27.46	91.90	114	118	103.00	154.50
27.47	28.00	93.30	119	122	104.50	156.80
28.01	28.68	94.70	123	127	106.10	159.20
28.69	29.25	96.20	128	132	107.80	161.70
29.26	29.68	97.50	133	136	109.20	163.80
29.69	30.36	98.80	137	141	110.70	166.10
30.37	30.92	100.30	142	146	112.40	168.60
30.93	31.36	101.70	147	150	113.90	170.00
31.37	32.00	103.00	151	155	115.40	173.10
32.01	32.60	104.50	156	160	117.10	175.70
32.61	33.20	105.80	161	164	118.50	177.80
33.21	33.88	107.20	165	169	120.10	180.20
33.89	34.50	108.60	170	174	121.70	182.60
34.51	35.00	110.00	175	178	123.20	184.80
35.01	35.80	111.40	179	183	124.80	187.20
35.81	36.40	112.70	184	188	126.30	189.50
36.41	37.08	114.20	189	193	127.90	191.90
37.09	37.60	115.60	194	197	129.50	194.30
37.61	38.20	116.90	198	202	131.00	196.50
38.21	39.12	118.40	203	207	132.70	199.10
39.13	39.68	119.80	208	211	134.20	201.30
39.60	40.33	121.00	212	216	135.60	203.40
40.34	41.12	122.50	217	221	137.20	205.80
41.13	41.76	123.90	222	225	138.80	208.20
41.77	42.44	125.30	226	230	140.40	210.60
42.45	43.20	126.70	231	235	141.90	212.90
43.21	43.76	128.20	236	230	143.60	215.40
43.77	44.44	129.50	240	244	145.10	217.70
44.45	44.88	130.80	245	249	146.50	219.80
44.80	45.60	132.30	250	253	148.20	222.30
		133.70	254	258	149.80	224.70
		134.90	259	263	151.10	226.70
		136.40	264	267	152.80	229.20
		137.80	268	272	154.40	231.60
		139.20	273	277	155.90	233.90
		140.60	278	281	157.50	236.30
		142.00	282	286	159.10	238.70
		143.50	287	291	160.80	241.20
		144.70	292	295	162.10	243.20
		146.20	296	300	163.80	245.70
		147.60	301	305	165.40	248.10
		148.90	306	309	166.80	250.20
		150.40	310	314	168.50	252.80
		151.70	315	319	169.90	255.20
		153.00	320	323	171.40	258.40
		154.50	324	328	173.10	262.40
		155.90	329	333	174.70	266.40
		157.40	334	337	176.30	269.60
		158.60	338	342	177.70	273.60
		160.00	343	347	179.20	277.60
		161.50	348	351	180.90	280.80
		162.80	352	356	182.40	281.80
		161.30	357	361	184.10	288.80
		165.60	362	365	185.50	292.00
		166.90	366	370	187.00	296.00
		168.40	371	375	188.70	300.00
		169.80	376	379	190.20	303.20
		171.30	380	384	191.90	307.20
		172.50	385	389	193.20	311.20
		173.90	390	393	194.80	314.40
		175.40	394	398	196.50	318.40
		$176.70	$399	$403	$197.90	$322.40
		178.20	404	407	199.60	325.60
		179.40	408	412	201.00	329.60
		180.70	413	417	202.40	333.60
		182.00	418	421	203.90	336.80
		183.40	422	426	205.50	340.80
		184.60	427	431	206.80	344.80
		185.90	432	436	208.30	348.80
		187.30	437	440	209.80	350.40
		188.50	441	445	211.20	352.40
		189.80	446	450	212.60	354.40
		191.20	451	454	214.20	356.00
		192.40	455	459	215.50	358.00
		193.70	460	464	217.00	360.00
		195.00	465	468	218.40	361.60
		196.40	469	473	220.00	363.60
		197.60	474	478	221.40	365.60
		198.90	479	482	222.80	367.20
		200.30	483	487	224.40	369.20
		201.50	488	492	225.70	371.20
		202.80	493	496	227.20	372.80
		204.20	497	501	228.70	374.80
		205.40	502	506	230.10	376.80
		206.70	507	510	231.50	378.40
		208.00	511	515	233.00	380.40
		209.30	516	520	234.50	382.40
		210.60	521	524	235.90	384.00
		211.90	525	529	237.40	386.00
		213.30	530	534	238.90	388.00
		214.50	535	538	240.30	389.60
		215.80	539	543	241.70	391.60
		217.20	544	548	243.30	393.60
		218.40	549	553	244.70	395.60
		219.70	554	556	246.10	396.80
		220.80	557	560	247.30	398.40
		222.00	561	563	248.70	399.60
		223.10	564	567	249.90	401.20
		224.30	568	570	251.30	402.40
		225.40	571	574	252.50	404.00
		226.60	575	577	253.80	405.20
		227.70	578	581	255.10	406.80
		228.90	582	584	256.40	408.00
		230.00	585	588	257.60	409.60
		231.20	589	591	259.00	410.80
		232.30	592	595	260.20	412.40
		233.50	596	598	261.60	413.60
		234.60	599	602	262.80	415.20
		235.80	603	605	264.10	416.40
		236.90	606	609	265.40	418.00
		238.10	610	612	266.70	419.20
		239.20	613	616	267.90	420.80
		240.40	617	620	269.30	422.40
		241.50	621	623	270.50	423.60
		242.70	624	627	271.90	425.60
		243.80	628	730	273.10	426.40
		245.00	631	634	274.40	438.00
		246.10	635	637	275.70	429.20
		247.30	638	641	277.00	430.80
		248.40	642	644	278.30	432.00
		249.60	615	648	279.60	433.60
		250.70	619	650	280.80	435.20".

(2) Section 203(a) of such Act is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) when two or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for the fourth month after the month in which the Social Security Amendments of 1971 were enacted on the basis of the wages and self-employment income of such insured individual and at least one such person was so entitled for the month prior to such fourth month on the basis of such wages and self-employment income, such total of benefits for January 1971 or any subsequent month shall not be reduced to less than the larger of—

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B) an amount equal to the sum of the amounts derived by multiplying the benefit amount determined under this title (including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section), as in effect prior to the enactment of the Social Security Amendments of 1971, for each such person for such month, by 112 percent and raising each such increased amount, if it is not a multiple of $0.10, to the next higher multiple of $0.10;

but in any such case (i) paragraph (1) of this subsection shall not be applied to such total of benefits after the application of subparagraph (B), and (ii) if section 202(k)(2)(A) was applicable in the case of any such benefits for January 1971, and ceases to apply after such month, the provisions of subparagraph (B) shall be applied, for and after the month in which section 202(k)(2)(A) ceases to apply, as though paragraph (1) had not been applicable to such total of benefits for January 1971, or".

(3) Section 215(b)(4) of such Act is amended by striking out "December 1969" each time it appears and inserting in lieu thereof "December 1970".

(4) Section 215(c) of such Act is amended to read as follows:

"PRIMARY INSURANCE AMOUNT UNDER 1969 ACT

"(c)(1) For the purposes of column II of the table appearing in subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to the enactment of the Social Security Amendments of 1971.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223 before January 1971, or who died before such month."

(5) The amendments made by this subsection shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1970 and with respect to lump-sum death payments under such title in the case of deaths occurring after December 1970.

(f) If an individual was entitled to a disability insurance benefit under section 223 of the Social Security Act for December 1970 and became entitled to old-age insurance benefits under section 202(a) of such Act for January 1971, or he died in such month, then, for purposes of section 215(a)(4) of the Social Security Act (if applicable), the amount in column IV of the table appearing in such section 215(a) for such individual shall be the amount in such column on the line on which in column II appears his primary insurance amount (as determined under section 215(c) of such Act) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based.

(b)(1)(A) Section 227(a) of the Social Security Act is amended by striking out "$46" and inserting in lieu thereof "$51.52", and by striking out "$23" and inserting in lieu thereof "$25.76".

(B) Section 227(b) of such Act is amended by striking out "$46" and inserting in lieu thereof "$51.52".

(2)(A) Section 228(b)(1) of such Act is amended by striking out "$46" and inserting in lieu thereof "$51.52".

(B) Section 228(b)(2) of such Act is amended by striking out "$46" and inserting in lieu thereof "$51.52", and by striking out "$23" and inserting in lieu thereof "$25.76".

(C) Section 228(c)(2) of such Act is amended by striking out "$23" and inserting in lieu thereof "$25.76".

(D) Section 228(c)(3)(A) of such Act is amended by striking out "$46" and inserting in lieu thereof "$51.52".

(E) Section 228(c)(3)(B) of such Act is amended by striking out "$23" and inserting in lieu thereof "$25.76".

(3) The amendments made by paragraphs (1) and (2) shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1970.

(c) Prior to January 1, 1972, the Secretary of Health, Education, and Welfare shall make such revisions as may be necessary in the table which appears in section 215 (a) of the Social Security Act so as to provide to individuals receiving benefits determined on the basis of such table a 6-percent increase effective with respect to months beginning after December 1971. Any provision of the Social Security Act making reference to such table or any figure contained therein shall be deemed to refer to such table (or the corresponding in such table, as the case may be) as revised by the Secretary pursuant to this subsection.

(d) This section may be cited as the "Social Security Amendments of 1971".

Amendment No. 20

At the appropriate place in the bill, insert the following new section:

COST-OF-LIVING INCREASE IN SOCIAL SECURITY BENEFITS

Sec. —. Section 202 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"COST-OF-LIVING INCREASE IN BENEFITS

"(w)(1) For purposes of this subsection—

"(A) the term 'price index' means the annual average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

"(B) the term 'base period' means the calendar year 1965.

"(2) As soon after January 1, 1972, and as soon after January 1 of each succeeding year as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary shall determine the per centum of increase (if any) in the price index for the calendar year ending with the close of the preceding December over the price index for the base period. For each full 3 per centum of increase occurring in the price index for the latest calendar year with respect to which a determination is made in accordance with this paragraph over the price index for the base period, there shall be made, in accordance with the succeeding provisions of this subsection, an increase of 3 per centum in the monthly insurance benefits payable under this title.

"(3) Increases in such insurance benefits shall be effective for benefits payable with respect to months in the one-year period commencing with April of the year in which the most recent determination pursuant to paragraph (2) is made and ending with the close of the following March.

"(4) In determining the amount of any individual's monthly insurance benefit for purposes of applying the provisions of section 203(a) (relating to reductions of benefits when necessary to prevent certain maximum benefits from being exceeded), amounts payable by reason of this subsection shall not be regarded as part of the monthly benefit of such individual.

"(5) Any increase to be made in the monthly benefits payable to or with respect to any individual shall be applied after all other provisions of this title relating to the amount of such benefit have been applied. If the amount of any increase payable by reason of the provisions of this subsection is not a multiple of $0.10, it shall be reduced to the next lower multiple of $0.10."

Amendment No. 21

At the appropriate place in the bill, insert the following new section:

INCREASE IN AMOUNT OF OUTSIDE EARNINGS PERMITTED WITHOUT LOSS OF SOCIAL SECURITY BENEFITS

Sec. —. (a) Paragraphs (1), (3), and (4)(B) of subsection (f) of section 203 of the Social Security Act are each amended by striking out "$140" wherever it appears therein and inserting in lieu thereof "$233.33⅓".

(b) Paragraph (1)(A) of subsection (h) of section 203 of such Act is amended by striking out "$140" and inserting in lieu thereof "$233.33⅓".

(c) The amendments made by this section shall be effective with respect to taxable years beginning after December 31, 1970.

Mr. BYRD of West Virginia. Mr. President, I commend the distinguished Senator from Louisiana (Mr. Long) for the outstanding work he and the members of his committee have done on the social security amendments now before us.

I am especially pleased that the Finance Committee recommendations include the proposal by the majority leaders and myself to raise from $64 to $100 the minimum monthly social security payment. This increase in the minimum monthly benefit is an essential step in making an across-the-board rise in benefits meaningful to those at the bottom of the social security ladder.

The 26 million Americans on social security including 300,000 West Virginians, are the citizens hardest hit by spiraling inflation. These are fixed-income Americans, who find their monthly social security checks remaining the same, while the cost of essential items rises.

An across-the-board increase of 10 percent will provide little comfort if tacked onto a minimum monthly payment of only $64. A $100 basic minimum, although modest to say the least, will better enable social security recipients to meet the increasing cost of living.

Mr. President, if this $100 minimum is finally enacted into law, about 7.5 million Americans will benefit; and the initial increase in benefits would be over $2 billion. In my home State of West Virginia, over 70,000 recipients would benefit from a $19 million increase the first year.

Again, I commend the Finance Committee, and its very capable chairman (Mr. Long), for moving swiftly and thoroughly to fill a very real need of an important segment of our population.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I should like to direct an inquiry to the manager of time in opposition to the amendment. I believe that there is a desire to have a rollcall vote on this amendment, and I do not detect at this moment that there are sufficient Senators in the Chamber to order the yeas and the nays. So I will suggest the absence of a quorum in a few moments for that purpose.

Prior to that, however, I should like to suggest that we yield back the remainder of the time, so that Senators will know that there will be a vote when they come to the Chamber, in order to expedite the proceedings.

Mr. GRIFFIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. On the amendment there are 7 minutes, and it is controlled by the opposition.

Mr. GRIFFIN. I wonder whether I could suggest to the chairman—I do not know that it would be used, but even if it were used, it would be a very brief period of time—if someone wanted to speak on it, we might hold that in reserve.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. LONG. Mr. President, I yield back the remainder of my time.

Mr. GRIFFIN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. Eagleton), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Hawaii (Mr. Inouye), the Senator from Massachusetts (Mr. Kennedy), the Senator from Arkansas (Mr. McClellan), the Senator from New Mexico (Mr. Montoya), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. Jordan) is absent because of illness.

I further announce that, if present and voting, the Senator from Missouri (Mr. Eagleton), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Hawaii (Mr. Inouye), the Senator from North Carolina (Mr. Jordan), the Senator from Massachusetts (Mr. Kennedy), the Senator from Arkansas (Mr. McClellan), the Senator from New Mexico (Mr. Montoya), and the Senator from Maine (Mr. Muskie) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from New York (Mr. Buckley), the Senator from Oregon (Mr. Packwood), the Senator from Ohio (Mr. Saxbe), the Senator from Alaska (Mr. Stevens), and the Senator from Texas (Mr. Tower) ar necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Oklahoma (Mr. Bellmon), the Senator from New York (Mr. Buckley), the Senator from South Dakota (Mr. Mundt), the Senator from Ohio (Mr. Saxbe), the Senator from Alaska (Mr. Stevens), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 82, nays 0, as follows:

[No. 20 Leg.]

YEAS—82

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Griffin
Gurney
Hansen
Hart
Hatfield
Hollings
Hruska
Hughes
Humphrey
Jackson
Javits
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Moss
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevenson
Symington
Taft
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—18

Bellmon
Buckley
Eagleton
Gambrell
Gravel
Harris
Hartke
Inouye
Jordan, N.C.
Kennedy
McClellan
Montoya
Mundt
Muskie
Packwood
Saxbe
Stevens
Tower

So Mr. Long's amendment was agreed to.

Mr. PEARSON. Mr. President, I am pleased to see this action taken by the Senate today—adding the essentials of the social security bill, as passed by the Senate late in the 91st Congress, to the debt limit increase.

As I have said many times in the past, it is those on fixed incomes which have been hurt most by inflation.

It is my understanding that early House action will be taken on this measure and that within a very few months, the social security checks will reflect these increases which are retroactive to January 1, 1971;

First, a 10-percent across-the-board increase in benefits;

Second, an increase in the minimum monthly benefit to $100 per month;

Third, a 10-percent increase in the special cash payments made to people age 72 or older; and

Fourth, liberalization of the earnings test from $1,680 to $2,400 with a loss of $1 of benefits for every $2 earned over that amount.

I was pleased to support this amendment and commend the efforts of the Finance Committee in attaching it to the debt limit bill.

It is also my understanding that the tax base will be raised from $7,800 to $9,000 per year, effective January 1, 1972, by this amendment.

RAISING SOCIAL SECURITY PAYMENTS—ONLY A BEGINNING

Mr. McINTYRE. Mr. President, I have voted for the amendment calling for a 10-percent increase in social security payments. I want to emphasize immediately, however, that I am taking this action only with the understanding that this is an interim measure designed to bring immediate relief to our senior citizens who have borne the full brunt of our current economic difficulties.

I do not want my vote to indicate that I believe a 10-percent increase in social security benefits is adequate because I do not think that it is. Nor do I believe that a raise in the minimum monthly payments to $100 which the amendment calls for is entirely acceptable in view of the fact that the current poverty level for a single person is $150 a month.

I am sure all of you are aware of my own personal views in this regard. On February 23, I introduced a bill in the Senate which would assure that no one on social security will be forced to live on an income which is less than what is considered to be the minimum above poverty; namely, $1,800 a year for an individual; $2,400 a year for two persons; and $3,000 a year for three or more persons. I hope that adequate consideration can be given this proposal because I believe we have to come to terms with the fact that out of all the groups in our society, only among our senior citizens has the number of persons living on poverty risen.

I personally am committed to the concept of guaranteeing a certain level of income to our senior citizens—if not through social security then through some other means. I recommended the social security approach in my bill because I felt that it was the fastest way to improve the income situation of our elderly.

But I realize that our senior citizens cannot afford to wait while we debate the merits of various approaches to meeting their needs. They are faced with the hard, cold reality of trying to make ends meet on incomes in some cases as low as $64 a month. In view of this, I feel an overwhelming sense of responsibility to do my part to see that we increase social security benefits as soon as possible. This is why I have voted today to raise the minimum monthly payment to $100.

I also believe the amendment contains a number of other important provisions and reforms which are long overdue. One of these is a change in the income limitation which so many senior citizens view as a real curtailment on their desire to seek outside employment in order to supplement inadequate income. I think it is unfortunate that the present law only allows a person on social security to earn $1,680 without suffering a loss in social security payments. We have only to reflect momentarily to realize that a job paying $1,680 a year is hardly worth the effort. The amendment before us raises the income limitation to the more reasonable level of $2,400 a year. I have voted for this provision, although I am convinced that we should go farther in liberalizing the retirement test or in some way modifying it to permit our senior citizens to earn an income comparable to what they were used to before retirement.

Frankly, I must reveal my personal disappointment that the bill which cleared the Senate last December did not reach final passage. Since that time, I have received hundreds of letters from senior citizens in New Hampshire indicating how much they had counted on these increases. I do not believe we can ignore their plight any longer. Although I feel that what this amendment calls for is only the bare minimum that is acceptable, I have decided to vote for it because I feel that immediate action is required. I am confident the House will also agree to these provisions and, therefore, we can be assured of enacting a bill before the month is out.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ALLEN. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 1, line 5, strike "$400,—" and insert in lieu thereof "$385,—".

On page 1, line 11, strike "$30,000,000,000." and insert in lieu thereof "$25,000,000,000."

The PRESIDING OFFICER. How much time does the Senator from Alabama yield himself?

Mr. ALLEN. Mr. President, I yield myself 10 minutes.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. ALLEN. Mr. President, the amendment which has just been stated by the clerk provides for reducing the requested raise in the debt ceiling from $35 billion to a raise of $25 billion. It is accomplished by reducing the amount of the permanent debt ceiling request by $5 billion and the temporary ceiling request by $5 billion. Technically it would amount to two separate amendments. Therefore, I ask unanimous consent that the amendments may be considered en bloc.

The PRESIDING OFFICER (Mr. McINTYRE). Without objection, it is so ordered.

Mr. ALLEN. Mr. President, 2 years ago, the debt ceiling was raised by $12 billion. Last year it was raised by $18 billion. Now, the administration asks that it be raised an additional $35 billion.

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. ALLEN. I yield to the distinguished Senator from Georgia.

Mr. TALMADGE. The administration had requested it be raised by $40 billion. The Ways and Means Committee cut the $40 billion to $35 billion, and the Committee on Finance went along with the $35 billion figure.

Mr. ALLEN. I thank the distinguished Senator from Georgia for making this observation. The administration did, in fact, ask for a $40 billion increase and the House cut it to $35 billion. It comes to us from the Committee on Finance at $35 billion. That, too, is too high.

We hear the amount of the deficit for the fiscal year estimated by the administration at $18 billion. The projected deficit for the next fiscal year starting July 1 of this year, according to the administration, I believe, is $11.6 billion.

Mr. President, that is the deficit in the unified budget which includes trust funds, such as the social security, where much more money is taken in than is paid out, and the highway trust fund where much more money is taken in than is paid out.

The true figures each year can be obtained by observing how much the administration requests that the debt ceiling be raised. Those figures are startling, because the deficit in Federal funds for the current fiscal year ending July 1 of this year, leaving out the trust fund, is estimated by the administration at the staggering sum of $25.5 billion instead of $18 billion under the unified budget. The deficit estimated in Federal funds in the next fiscal year is at $23.1 billion so that the administration, by its own figures, is showing that the deficit in Federal funds for this 2-year period will be almost $50 billion. Actually, it is $48.6 billion.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. ALLEN. I yield to the distinguished Senator from Georgia.

Mr. TALMADGE. Mr. President, the expert professionals that we have on the Joint Committee on Internal Revenue, who have had a much higher batting average on estimates than has the Treasury Department, think that the Treasury Department has overestimated the income for the fiscal year by some $6 billion; so one can add that figure to what the estimate is, also; and then, of course, if Congress makes appropriations over and beyond what the administration has recommended the deficit would still be further increased.

I think in fiscal year 1972 we are looking toward a minimum deficit of $30 billion and probably as high as $35 billion.

Mr. ALLEN. I thank the Senator for this analysis, and for his conclusion.

Mr. President, I ask unanimous consent that tables 1 through 6 appearing in the committee report be printed at this point in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—STATUTORY DEBT LIMITATIONS, FISCAL YEARS 1941 TO DATE, AND PROPOSED LIMITATION FOR THE FISCAL YEARS 1971 AND 1972

[In billions]

Fiscal year	Statutory debt limitation: Permanent	Temporary additional	Total
1941 through Feb. 18	$49		$49
1941: Feb. 19 through June 30	65		65
1942 through Mar. 27	65		65
1942: Mar. 28 through June 30	125		125
1943 through Apr. 10	125		125
1943: Apr. 11 through June 30	210		210
1944 through June 8	210		210
1944: June 9 through June 30	260		260
1945 through Apr. 2	260		260
1945: Apr. 3 through June 30	300		300
1946 through June 25	300		300
1946: June 26 through June 30	275		275
1947–54	275		275
1955 through Aug. 27	275		275
1955: Aug. 28 through June 30	275	$6	281
1956	275	6	281
1957	275	3	278
1958 through Feb. 25	275		275
1958: Feb. 26 through June 30	275	5	280
1959 through Sept. 1	275	5	280
1959: Sept. 2 through June 29	283	5	288
1959: June 30		5	290
1960	285	10	295
1961	285	8	293
1962 through Mar. 12	285	13	298
1962: Mar. 13 through June 30	285	15	300
1963 through Mar. 31	285	23	308
1963: Apr. 1 through May 28	285	20	305
1963: May 29 through June 30	85	22	307
1964 through Nov. 30	285	24	309
1964: Dec. 1 through June 28	285	30	315
1964: June 29 and 30	285	39	324
1965	285	39	324
1966	285	43	328
1967 through Mar. 1	285	45	330
1967: Mar. 2 through June 30	285	51	336
1968 [1]	358		358
1969 through Apr. 6 [1]	358	7	365
1969 after Apr. 6 [1]	358		358
1970 through June 30 [1]	365	12	377
1971 through June 30 [1]	380	15	395
Later years	380		380
Proposed:			
From enactment through June 30, 1972 [1]	400	30	430
After June 30, 1972 [1]	400		400

[1] Includes FNMA participation certificates issued in fiscal year 1968.

TABLE 2.—FEDERAL FUNDS RECEIPTS AND EXPENDITURES, FISCAL YEAR 1970 ACTUAL AND FISCAL YEARS 1971 AND 1972 ESTIMATES[1]

[In billions of dollars]

	1970 actual	1971 budget estimates[2]	1972 budget estimates[2]
Excluding proposed legislation:			
Receipts	143.2	139.1	153.6
Expenditures	156.3	164.7	176.9
Deficit (—)	—13.1	—25.5	—23.3
Including proposed legislation:			
Receipts	143.2	139.1	153.7
Expenditures	156.3	164.7	176.9
Deficit (—)	—13.1	—25.5	—23.1

[1] Details may not add due to rounding.

[2] As indicated in the budget document for fiscal year 1972 and adjusted for the intragovernmental transactions.

TABLE 3.—UNIFIED BUDGET RECEIPTS AND EXPENDITURES FISCAL YEAR 1970 ACTUAL, AND FISCAL YEARS 1971 AND 1972 ESTIMATES [1]

[In billions of dollars]

	1970 actual	1971 budget estimates [2]	1972 budget estimates [2]
Excluding proposed legislation:			
Receipts	193.7	194.0	214.6
Expenditures	196.6	212.8	229.2
Deficit (−)	−2.8	−18.7	−14.7
Including proposed legislation:			
Receipts	193.7	194.2	217.6
Expenditures	196.6	212.8	229.2
Deficit (−)	−2.8	−18.6	−11.6

[1] Details may not add due to rounding.

[2] As indicated in the budget document for fiscal year 1972.

TABLE 4. UNIFIED BUDGET AND FEDERAL FUNDS AND TRUST FUNDS ESTIMATED RECEIPTS FOR FISCAL YEARS 1971 AND 1972 INCLUDING PROPOSED LEGISLATION [1]

[In millions of dollars]

	Estimates			
	1971		1972	
	Budget [2]	Staff [3]	Budget [2]	Staff [3]
Federal funds:				
Individual income taxes	88,300	88,200	93,700	92,300
Corporation income taxes	30,100	29,500	36,700	32,800
Excise taxes	10,650	10,700	11,115	11,165
Estate and gift taxes	3,730	3,700	5,300	5,300
Customs	2,490	2,500	2,700	2,600
Miscellaneous receipts	3,778	3,678	4,114	4,008
Total	139,048	138,278	153,629	148,17 3
Trust funds:				
Social insurance taxes and contributions	48,973	49,070	57,559	57,056
Excise taxes	6,150	5,900	6,385	6,273
Miscellaneous receipts	22	22	20	20
Total	55,145	54,992	63,964	63,349

[1] Receipts from the public only; intragovernmental transfers not included.

[2] As shown in the budget document for fiscal year 1972.

[3] Staff of the Joint Committee on Internal Revenue Taxation.

TABLE 5.—ESTIMATES OF PROPOSED REVENUE LEGISLATION, FISCAL YEARS 1971 AND 9172

[In millions of dollars]

Proposal	Budget revenue estimates [1]
Fiscal year 1971:	
Increase in social security wage base and railroad retirement	170
Airway user taxes	6
Total, 1971	176
Fiscal year 1972:	
Increase in social security wage base and railroad retirement	2,856
DISC	−200
Extension of interest equalization tax	85
Airway user taxes	53
Retirement of old currency, etc	228
Total, 1972	3,022

[1] As indicated in the budget document for fiscal year 1972.

TABLE 6. ESTIMATED DEBT SUBJECT TO LIMIT, FISCAL YEARS 1971 AND 1972

[In billions of dollars]

	Debt with $6.0 cash balance	With $3.0 margin for contingencies
1971		
Mar. 15	397.3	
Mar. 31	395.3	
Apr. 15	400.8	
Apr. 30	392.0	
May 17	397.3	
May 31	399.4	
June 15	404.7	
June 30	396.5	
June 30	396.5	399.5
July 15	403.1	406.1
July 30	403.9	406.9
Aug. 16	409.3	412.3
Aug. 31	409.4	412.4
Sept. 15	413.0	416.0
Sept. 30	405.3	408.3
Oct. 15	410.8	413.8
Oct. 29	409.1	412.1
Nov. 15	413.0	416.0
Nov. 30	413.7	416.7
Dec. 15	418.4	421.4
Dec. 31	416.1	419.1
1972		
Jan. 17	422.5	425.5
Jan. 31	414.6	417.6
Feb. 15	418.8	421.8
Feb. 29	419.4	422.4
Mar. 15	426.0	429.0
Mar. 31	423.8	426.8
Apr 17	429.7	432.7
Apr. 28	419.1	322.1
May 15	424.6	427.6
May 31	425.9	428.9
June 15	430.6	433.6
June 30	420.0	423.0

Source: Treasury Department.

Mr. ALLEN. Mr. President, is an increase in the debt limit to $430 billion, as provided by the bill before us, necessary? Let us examine the figures as shown by the committee report showing that at the end of this fiscal year, through June 30 this year, the Treasury, with a $6 billion cash balance on hand and with a $3 billion margin for contingencies. The total debt will be $399.5 billion, or approximately $400 billion.

Why, then, raise the debt ceiling to $430 billion? Going into the next fiscal year the debt, as shown by the administration, will be less than $400 billion, with a $9 billion fund in cash balances and contingencies.

Why raise the debt ceiling to $430 billion? It is not necessary. What will be the effect of setting the debt limit at $420 billion? It would serve notice on the administration that we do not want to continue to resort to deficit spending, that programs must be cut back, and that we do not approve of the budget of $229 billion that is being submitted.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. ALLEN. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. ERVIN. Mr. President, will the Senator yield to me at that point to permit the Senator from North Carolina to answer the question as to why the administration wants a higher debt limit?

Mr. ALLEN. I yield to the Senator from North Carolina.

Mr. ERVIN. The Senator from North Carolina submits that the administration wants a higher springboard so it can dive deeper into the sea of fiscal irresponsibility.

Mr. ALLEN. I appreciate that reasoning and the statement of the Senator from North Carolina.

Mr. President, the amendment at the desk that we will vote on shortly would still provide for increasing the ceiling on the national debt by the stupendous sum of $25 billion. The administration has said that is not enough. I submit that the time has come when we will have to call some sort of halt to the fiscal irresponsibility evidenced by this request for a $35 billion increase in the debt ceiling.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President——

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Who is in charge of the time in opposition?

Mr. BYRD of West Virginia. Mr. President, does the Senator wish to have time yielded in opposition?

Mr. BENNETT. Yes; I would like to have 10 minutes.

Mr. BYRD of West Virginia. Mr. President, in the absence of the able manager of the bill, I yield 10 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, the kind of argument we have heard is made every time we face the responsibility of handling the problem created by the existence of the debt ceiling. Just for the record, the Treasury felt that it needed a $40 billion increase in the debt limit to carry the responsibility that is loaded onto it by this Congress. The House cut that back $10 billion. This amendment would cut it back $5 billion.

Mr. ALLEN. The other way around.

Mr. BENNETT. I am sorry. I have the figures, but not in the right order. The House cut it back $5 billion. This amendment cuts it back an additional $10 billion, for a total cut of $15 billion.

There are two things interesting about this. In the first place, as a Republican, we see the sides change on this argument. In the past on occasion the Republicans made the argument against an increase in the limit when the Democratic Secretaries of the Treasury asked for the necessary increase in the debt ceiling. Now the Democrats are making the argument against a Secretary when we have a Republican administration.

The second fact I would like to point out is that the debt ceiling is not, has never been, and will never be an effective deterrent to spending. Spending grows out of the appropriations made by the Congress not debt limitations or the absence of debt limitations.

When we bump up against the debt ceiling we approach the time when the Secretary of the Treasury, who has nothing to do with the appropriations, can no longer pay the bills of the U.S. Government. And this Government can never allow the day to come when the check of the Secretary of the Treasury is not good, when the Government cannot pay the salaries of its employees, or cannot pay the bills which have been authorized by the Congress and properly authenticated.

Mr. PASTORE. Mr. President, will the Senator yield at that point?

Mr. BENNETT. May I finish, please? I am on limited time.

The effect of this amendment, if it is adopted, will be to force the Secretary of the Treasury to come back to Congress several months earlier to ask for another increase in the debt ceiling than would be the case if the bill as it came from the House were passed.

The point has been made that the Secretary has a daily cash balance of $6 billion. That balance is divided among accounts in hundreds of banks around the country. If the Secretary of the Treasury has the responsibility of disbursing more than $200 billion, $6 billion, which is about 3 percent of the total, is a very small margin when we put it into perspective.

I see no point in cutting this limitation further simply to satisfy our feeling that we have somehow put a greater brake on the administration, when, as a matter of fact, it is we, and not the administration, on whom the brake should be put.

We are putting pressure on the Secretary of the Treasury and saying, "You cannot pay the bills beyond this point." We are not putting pressure on ourselves and saying, "You must not appropriate more money."

So, under the circumstances, in accordance with the statement I made during the colloquy yesterday when we were talking about how this particular bill should be handled on the floor of the Senate, I give notice that, at the proper time, I intend to move to table the amendment of my friend.

I reserve the remainder of my time.

Mr. ALLEN. Mr. President, before yielding to the distinguished Senator from Virginia, I wonder if I might ask a question of my distinguished colleague, the Senator from Utah.

Mr. BENNETT. Mr. President, I shall be happy to respond.

Mr. ALLEN. I might say parenthetically that the junior Senator from Alabama has voted against raising the debt ceiling ever since he has been in the U.S. Senate; but the Senator from Utah seemed somewhat worried over whether the Secretary of the Treasury would be able to pay the bills of the U.S. Government. If the Senator will refer to table 6 on page 6 of the committee report, he will see that it is anticipated that at the end of this fiscal year the total debt will be $399.5 billion.

Mr. BENNETT. That is correct.

Mr. ALLEN. With a $3 billion fund for contingencies and a $6 billion cash balance. The amendment offered by the junior Senator from Alabama would provide for a ceiling of $420 billion, which would give the Secretary of the Treasury $6 billion in cash, $3 billion in contingencies, and $20 billion in pocket change.

It does seem that would be sufficient to meet any bills of the U.S. Government with tax receipts rolling in.

Mr. BENNETT. Mr. President, may I ask how much time is remaining?

The PRESIDING OFFICER. The Senator from Utah has remaining 4 minutes of the 10 minutes yielded to him.

Mr. BENNETT. How much time remains on the other side?

The PRESIDING OFFICER. Three minutes remain on the other side.

Mr. BENNETT. I thank the Chair.

The point the Senator from Utah would like to make in response to the question of his friend is that the Secretary of the Treasury does not balance his books and go out of business at the end of the current fiscal year. We are not trying to relate the debt limit ceiling to what the figure will be on July 1 of this year. Hopefully, we want to set it at a point that will carry us well into the next fiscal year, and it is obvious that the figure that will result if his amendment is adopted will not carry us very far into the next fiscal year. As I have said, it will just bring us back here sooner to handle the same problem again.

Mr. ALLEN. Would it not have a restraining effect on the administration and the Congress if they knew there was some smaller limitation on the debt ceiling?

Mr. BENNETT. I think the Senator has answered his own question. He has voted against every other increase in the debt limit, as I understand it, since he has been in the Senate, but the national debt has gone up ever since he has been in the Senate, partly, I am sure, because he has voted for many appropriation bills.

Mr. ALLEN. I thank the Senator.

Mr. President, I believe the distinguished Senator from Virginia (Mr. BYRD) had 30 minutes reserved in his own right. Since there is very little time left, I shall reserve the remainder of my time in order that the Senator from Virginia may be recognized in his own right.

The PRESIDENT OFFICER. The Senator from Virginia is recognized. How many minutes does he yield himself?

Mr. BYRD of Virginia. Mr. President, I yield myself 10 minutes.

First, in reply to the comment made by the distinguished Senator from Utah as to the inconsistency of members of the two political parties, I want to say that, so far as the Senator from Virginia is concerned, I voted against the tremendous increase in the debt ceiling sought by President Johnson in 1967, and in presenting an amendment on the floor of the Senate, came within one vote of reducing that ceiling by $10 billion.

I support the proposal of the distinguished Senator from Alabama to reduce by $10 billion the proposed increase in the debt ceiling sought by President Nixon.

I think if one studies the table on page 18 of the committee hearings, one will note that the figure $420 billion, which is the figure proposed by the Senator from Alabama, will not be approached until February 29 of 1972. That is more than a year off.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. BENNETT. If the Senator will look at that same schedule again, he will find it will be exceeded on December 15.

Mr. BYRD of Virginia. That is only when you take into consideration the $3 billion of contingencies.

Mr. BENNETT. You have to have a contingency at all times. You cannot afford to use it up and then assume everything will be all right.

Mr. BYRD of Virginia. Mr. President, I shall deal with the contingency problem in a moment.

There may be contingencies from time to time, but Congress is available to act when the contingencies make it necessary for Congress to act.

I submit that it is not necessary to have a $6 billion balance plus another $3 billion contingency, and then try today, here in the early part of March of 1971, to set a debt limit for a time way into 1972.

Mr. President, I think the amendment offered by the Senator from Alabama should be agreed to, because the pending legislation would increase the public debt limit to $430 billion—an increase of $35 billion above the present debt ceiling.

I think it is important to emphasize, Mr. President, that this proposed increase in the debt ceiling is the largest since World War II.

In response to a question by me, Secretary of the Treasury Connally told the Senate Committee on Finance Monday that the administration expects a $40 billion increase in the national debt during the next 15 months.

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. BYRD of Virginia. I am glad to yield to the Senator from Georgia.

Mr. TALMADGE. Is that not the highest increase in the national debt ceiling since World War II?

Mr. BYRD of Virginia. It is the highest increase in the debt ceiling since World War II. The able and distinguished Senator from Georgia put that question to the Secretary of the Treasury, and he confirmed the fact that no administration has ever asked for such an increase in the debt ceiling as is being requested today.

Mr. TALMADGE. I thank the Senator.

Mr. BYRD of Virginia. Mr. President, never have I been more discouraged about the Government's financial position—or more alarmed. During the 12-year period beginning with fiscal year 1961 through the administration's projections for fiscal year 1972, the Government ran a deficit in the Federal funds budget every year.

The cumulative Federal fund deficit for that 12-year period is $146 billion.

But more to the point are these facts:

The accumulated deficit of the last 3 years of President Johnson's administration totals $49 billion; the accumulated deficit for the first 3 years of President Nixon's Administration will total at least $62 billion.

I ask unanimous consent to have printed in the RECORD at this point in my remarks a table captioned "Deficits in Federal Funds, 1961–72," which table shows the Federal fund receipts for each of these years, the Federal fund outlays, and the deficit by year.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DEFICITS IN FEDERAL FUNDS, 1961–72

[In billions of dollars]

	Receipts	Outlays	Deficit
1961	75.2	79.3	−4.1
1962	79.7	86.6	−6.9
1963	83.6	90.1	−6.5
1964	87.2	95.8	−8.6
1965	90.9	94.8	−3.9
1966	101.4	106.5	−5.1
1967	111.8	126.8	−15.0
1968	114.7	143.1	−28.4
1969	143.3	148.8	−5.5
1970	143.2	156.3	−13.1
1971 [1]	139.1	164.7	−25.6
1972 [1]	153.7	176.9	−23.2
12-year total	1,324.2	1,469.7	−145.9

[1] Estimated figures.

Mr. BYRD of Virginia. It will be noted from this table that while taxes taken from pockets of the wage-earners doubled during that 12-year period, the deficits have continued and increased.

I ask unanimous consent that another table, captioned "Federal taxes and spending" be printed in the RECORD at this point, the source of the figures being the Office of Budget and Management.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FEDERAL TAXES AND SPENDING (ALL YEARS ARE FISCAL YEARS, JULY 1–JUNE 30)

[Federal fund receipts in billions of dollars]

Fiscal year	1968	1969	1970	1971 (estimate)	1972 (estimate)
Individual income taxes	69	87	90	88	94
Corporate income taxes	29	37	33	30	37
Subtotal (income taxes)	98	124	123	118	131
Excise taxes (excluding highway)	10	11	11	11	11
Estate and gift	3	4	4	4	5
Customs	2	2	2	2	2
Miscellaneous	3	3	3	4	4
Total Federal fund receipts	116	144	143	139	153
Federal fund expenditures in billions: total outlays	143	149	156	164	176
Federal fund deficits (−): total deficits	−27	−5	−13	−25	−23
Trust fund receipts in billions: total receipts	38	44	51	55	64
Trust fund outlays in billions: total outlays	36	36	40	48	5
Trust fund surpluses: total surpluses	2	8	11	7	11
"Unified budget" surpluses or deficits (−): total net surplus or deficit (−)	−25	3	−2	−18	−12

Note: Trust fund totals consist mainly of Social Security contributions and payments.

Source: Office of Management and Budget.

Mr. BYRD of Virginia. The administration asserts that deficits for this year and next year combined will total $29 billion. But the fact is that the real deficit for these years will total $48 billion. Were this not the fact, it would not be necessary for the administration to recommend such a tremendous increase in the debt limit.

To understand the actual situation, it is essential to realize that under President Johnson, the Government changed its bookkeeping methods. It inaugurated the so-called unified budget.

Under the unified budget, surpluses in the trust funds—mainly social security—are lumped together with general funds, even though trust funds cannot be used for the general operations of Government.

This reduces the apparent deficit of the Government, but not the real deficit.

Putting aside this sleight-of-hand accounting, we find that actual deficits will reach $25 billion this year and $23 billion next year—and this assumes that the Government's financial estimates hold good.

So, according to normal accounting procedures, our Government will run a smashing deficit for the current fiscal year which ends June 30 and another smashing deficit for the following fiscal year. The Federal fund deficit for the 2 years, by the administration's own figures, will total $48 billion.

In my judgment, the 2-year total will be higher—maybe substantially higher.

With the administration deliberately embarking on a deficit spending program of major magnitude, naturally it seeks an increase in the ceiling on the public debt.

Mr. President, I wish to say at this point that I am inclined to support an increase in the debt ceiling under the conditions existing, but I do not want to support the tremendous increase being sought by this legislation. That is why I am pleased to support the amendment offered by the distinguished Senator from Alabama.

Contrary to many of my colleagues, I believe that Congress should keep a tight ceiling on the debt. The debt limit serves several good purposes.

One main purpose is restraint on the executive branch of the Government, which creates most of the pressure for Government spending.

It is true that the Congress must appropriate the funds for spending programs, but if the executive branch does not show restraint, Congress is at a severe disadvantage.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. BYRD of Virginia. Mr. President, I yield myself 3 additional minutes.

Despite this disadvantage, Congress does usually appropriate less than the executive branch requests.

Contrary to popular belief, the Congress has reduced appropriations below the budget requests from the President nearly every session in recent years.

I do not believe the Congress has made as many reductions in spending as it could have, or should have. But at least it has not increased spending over administration requests.

I cite one example: In fiscal 1969, for which President Johnson's administration prepared the budget, the total reduction by Congress in the Federal funds budget was $14.5 billion under the budget request sought.

Congress is the arena in which spending requests are debated and brought to the attention of the general public.

That fact suggests another reason why the debt limit is important.

The debt ceiling forces officials of the executive branch to come before the people's representatives in Congress and justify their contemplated use of tax funds.

In this process, public attention is focused on Government spending and on the national debt.

I submit that we need to focus public attention on public spending.

That is in the public interest.

It must never be forgotten that there is only one place the Government can get revenues—and that is from the pockets of the working men and women of our Nation.

These people—the wage earners of the United States—pay the Government's bills.

And it should be noted that one of the biggest items in the budget every year—the second largest nondefense item—is interest on the national debt.

As the national debt increases, the annual interest charges on that debt likewise increase.

I ask unanimous consent to have printed at this point in the RECORD a table showing the annual interest payments on the national debt, paid for by the taxpayers, for fiscal years 1967 through 1972.

There being no objecton, the table was ordered to be printed in the RECORD, as follows:

Interest on the national debt, 1967–72

[In billions of dollars]

1967	$13.4
1968	14.6
1969	16.6
1970	19.3
1971 (est.)	20.8
1972 (est.)	21.2

Mr. BYRD of Virginia. Mr. President, from this table it will be seen that the cost to the taxpayers of the interest on the public debt increased from $13.4 billion in fiscal year 1967 to $21.2 billion for fiscal year 1972, an increase of 59 percent during that short period of time.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **BYRD** of Virginia. I yield myself 3 additional minutes.

I believe that the taxpayers should realize that of every dollar of income tax paid by individuals and corporations, 17 cents goes to pay for interest charges on the national debt.

The huge increase in the cost of government must be paid for either by more taxes, or by more inflation—which is a hidden tax, and the cruelest tax of all.

It now seems certain that a tax increase will sooner or later be necessary because of the deficit financing with which the government has been operating.

In a recent interview, Secretary Connally admitted as much.

He said that while the Treasury will not be seeking any major new or increased taxes this year, "and maybe not next year," he sees little hope for avoiding increases in taxes "down the pike."

Mr. President, I interpret that "down the pike" to mean after next year's election—namely, January of 1973.

In that connection, I ask unanimous consent to have printed at the conclusion of my remarks an article published in the Washington Post of March 10 containing the interview with Secretary Connally.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **BYRD** of Virginia. I am very much concerned about what the financial condition of the U.S. Government will be, and what the situation of the individual American taxpayer will be "down the pike."

It seems evident to me that our present fiscal policies mean that when we get to the point "down the pike" that Mr. Connally is talking about, both the Government and the taxpayer will be in even worse shape than they are today.

Somehow, some day, our political leaders must realize that you cannot go on forever running up huge Government deficits, the result of huge Government spending.

I hope that this realization comes soon. The longer it is delayed, the worse off will be the individual wage earner, the individual American citizen.

Mr. President, I feel that the best interests of our Nation would be served if the Senate were to adopt the amendment offered by the distinguished Senator from Alabama and reduce the increase in the debt ceiling from the amount requested by the administration—namely, a $430 billion ceiling to $420 billion.

EXHIBIT 1

[From the Washington Post, Mar. 10, 1971]

CONNALLY SEES FUTURE TAX RISE, LAW REVISION

(By Hobart Rowen)

Treasury Secretary John Connally said yesterday that to pay or "all the additional things that people want," the government will have to levy higher taxes "not this year, not next year, but somewhere down the pike."

He added that "we're not going to get new sources of revenue until we have a major overhaul of the tax laws in this country," and that such a revision could include the much-debated value-added tax, "which obviously has some merit."

His basic approach, Connally volunteered in a wide-ranging session with reporters at the Treasury Department, "is that I dislike all taxes. The question is, 'which ones do you dislike the most?' "

On other topics, Connally:

Described himself as "more optimistic" about prospects for economic recovery than he was 60 days ago, but acknowledged that it is not possible to say what "will happen, even what has happened" until the results for the first quarter of the year are apparent some time next month.

Bluntly called on the business community to assume its share of the burden in fighting inflation. To those businessmen "I know casually to well" who complain about the government, "I say: 'What the hell are you doing in your own business?' "

Insisted that the chances of getting the President's revenue-sharing proposals through Congress are not "hopeless," despite the strong opposition of House Ways and Means Committee Chairman Wilbur Mills (D–Ark.).

The new Treasury Secretary reported that a study of tax revision was now going on "in a halting way—it's not under forced draft." He refused to be pinned down more specifically on the value-added tax except to say that "it doesn't have to be regressive—it depends on how it's levied."

Critics have labeled the value-added tax a form of national sales tax that hits hardest at low and middle-income bracket families who must spend the largest part of their income.

Connally's moderately optimistic assessment of the economic outlook, he said, stemmed more from conversations with businessmen and bankers than from current statistical evidence. "I can't prove it, but there is a general feeling of greater confidence and greater assurance than there was at the start of the year," he said.

Yet, he would only summarize the present status of things as going "fairly well to very well." He restated his conviction that the January rate of expansion of the money supply by the Federal Reserve was not sufficient.

He warned against "drawing too much (optimism)" from the recent declines in unemployment (in December and January) because "too short a time" is involved.

He stressed in several ways that the administration was carefully watching economic developments, and was "flexible enough" to take additional measures if its economic forecasts at the start of the year did not work out.

"If I tell you something today," the Secretary said with a smile, "I don't know if it's going to be true 90 days from now. Anything might be subject to change, and in short order."

Connally's account of his pressure on businessmen to "apply leadership" in an anti-inflation role was in response to a question on what he tells businessmen who are anxious about the economy.

He said that businessmen generally had tended to demand government action when they had—by acts of commission and omission—contributed to inflation themselves.

"The truth is," Connally said, "that this is a matter for everyone. The business community has to assume its share of the burden . . . There have been times when the salaries of top people were going up faster than the wages of their employees, and I think that's inherently wrong."

The **PRESIDING OFFICER**. Who yields time?

Mr. **ALLEN**. Mr. President, I yield back the remainder of my time.

Mr. **BENNETT**. Mr. President, I will take just a minute or so, and then I will be prepared to yield back the remainder of my time.

We are hearing many figures. One of the items that needs to be included in the figures taken into account is the record for fiscal 1971, which ends June 30. Since the budget for fiscal year 1971 was submitted in February 1970 outlays have exceeded the initial budget estimate by $12 billion and revenues have fallen short of the budget estimate by $8 billion, for a total of a $20 billion shortfall, from the administration's first estimate of what would be achieved in this budget. A shortfall of anything approaching this would bring us back shortly after the fiscal year is begun if we were to adopt the pending amendment.

I should also like to point out one other figure with respect to this debt ceiling. The debt ceiling is based on the theory that the administration's estimate of income and out-go this time would be accurate. No administration's estimate ever has been accurate; and if they had a shortfall of $20 billion last year, I am afraid we can expect that there will be a further shortfall this year.

Our staff estimates indicate that the revenue figure for next year, in their opinion, will be $6 billion below the administration figure. That would wipe out the contingency reserved in these figures and cut in half the amount of cash balance requested by the Treasury.

So I think that prudence and responsibility would dictate the defeat of the Allen amendment.

Mr. President, I yield to the Senator from Louisiana, or yield the floor to him.

Mr. **LONG**. I yield myself 2 minutes.

Mr. President, there is not 5 cents of expenditures subject to this debt limit which will not be expended subject to an authorization and appropriation voted in the Senate of the United States. Every nickel of it.

When Senators vote to spend the money and then vote to reduce or raise taxes, they voted to spend the money and had a chance to vote on the revenue bills, whether they voted to reduce or raise taxes. Unless we raise the debt limit, we are faced with the situation that the Government cannot pay its bills.

Every Senator has voted to reduce expenditures on something, I am sure. But when a majority of the Senate has voted to pass the authorization and appropriations bills and then votes not to pay them, by voting not to increase the debt limit, that means the Government cannot pay anybody's salary and cannot pay any contractor for working for the Government.

I sometimes think that I would like to wait and see what would happen, if the Government could not pay its bills. If I were President of the United States and that happened, I would say, "The Senate does not want to pay our bills. So nobody gets paid." If I were President of the United States, I would start with myself. I would not ask for a paycheck. Nobody would get paid. Then we would see how long the Senate could hold out. My guess is that they would hold out for no more than 2 weeks past the first paycheck. I ould be willing to make a bet, to bet the at of my pants against the seat of the nts of the Senator, that the Senate will ot be able to hold out beyond the first aycheck. All the post office employees ould be calling in. All the other people ho work for the various agencies of the ederal Government would be calling in. omeone suggested to me that there uld be one good result if the debt limit ll were to fail, and that would be to ake Western Union and the A.T. & T. ery profitable because there would be so any telegrams showering Senators, and many outraged telephone calls being ade, that these companies would be ble to solve all their financial problems.

The PRESIDING OFFICER (Mr. McNTYRE). All time on the amendment has ow expired.

The question is on agreeing to he—

Mr. ALLEN. Mr. President, will the enator from Louisiana yield me 2 inutes?

Mr. LONG. Mr. President, I yield the enator 2 minutes on the bill.

The PRESIDING OFFICER. The Sentor from Alabama is recognized for 2 inutes.

Mr. ALLEN. Mr. President, I would ke to mention to the Senator from ouisiana that the Senate and House ave not already passed these bills. The enator overlooks the fact that the debt imit increase is an increase that applies p to July 1 of 1972. I do not believe we ave appropriated for anything in fiscal ear 1972. If the Senator will look at the able in his own committee report, he vill see that it is projected that the total ebt of the United States at the end f this fiscal year will be $399.5 billion. hat includes $3 billion for contingencies, and $6 billion cash balance; vhereas the amendment before us would rovide for a debt ceiling of $420 billion. here does not seem to be any indication that there is not going to be money o pay the appropriations, because the ebt limit is designed to cover appropriaions for the next fiscal year as well, nd the Senate and the Congress could nd should cut down on the budget request. Has the Senator considered that oint?

Mr. LONG. Well, Senator, if the Senate oes not want to pass the appropriation ills for the coming year, then this debt imit will not give us any problem. But ve are proposing a bill to provide the Government with the essentials it needs o operate for 1 year. In my statement, said that I strongly doubted whether ve had provided enough anyway, because n my judgment, and I think that the ecord will prove this—we will have to ake a look at it a year from now—usually spending is underestimated by he Budget Bureau, but the income is overestimated. The staff estimates that those in the administration have been optimistic about the level of economic activity and tax receipts and that tax receipts will fall $6 billion short of what is anticipated. In addition, it is likely expenditures will be greater than anticipated—one indication of that is the social security bill which is one of the areas where Congress wants to spend more money. So, with less revenue and more expenditures than anticipated, even this increase in the debt limit will probably not be enough.

The PRESIDING OFFICER (Mr. BEALL). The time on the amendment has now expired.

Mr. ALLEN. Mr. President, will the Senator from Louisiana yield me 2 more minutes on the bill?

Mr. LONG. I yield the Senator from Alabama 2 minutes on the bill.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 2 additional minutes.

Mr. ALLEN. In all likelihood, however, under the amendment now under consideration, allowing for a debt ceiling of $420 billion, any appropriations heretofore made by Congress can be paid in full without exceeding the debt limit; is that not correct?

Mr. LONG. Probably not, but the amendment almost certainly would stop spending from appropriations that are forecast for the coming year. If Congress does not want to appropriate the money, the honest thing to do is not to do so. That is better than passing a law saying we cannot appropriate above a certain amount, but later do so, and give the President the power to spend the money whether he wants to or not. Experience shows that debt limitations have not stopped spending in the past and I see no reason why they will in the future.

Mr. BENNETT. Mr. President, I move to lay the amendment of the Senator from Alabama on the table.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. BEALL). The question is on agreeing to the motion of the Senator from Utah to lay the amendment of the Senator from Alabama on the table.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from New York (Mr. BUCKLEY), the Senator from Oregon (Mr. PACKWOOD), the Senator from Ohio (Mr. SAXBE), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from Alaska (Mr. STEVENS) would each vote "yea."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from New York (Mr. BUCKLEY). If present and voting, the Senator from Texas would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 49, nays 31, as follows:

[No. 21 Leg.]

YEAS—49

Aiken
Allott
Anderson
Baker
Beall
Bennett
Bible
Boggs
Brooke
Burdick
Cannon
Case
Cooper
Cranston
Dole
Fong
Gambrell
Griffin
Hart
Hatfield
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McGee
McIntyre
Mondale
Moss
Nelson
Pastore
Pearson
Percy
Prouty
Randolph
Ribicoff
Schweiker
Scott
Smith
Taft
Tunney
Weicker
Williams
Young

NAYS—31

Allen
Bayh
Brock
Byrd, Va.
Byrd, W. Va.
Chiles
Church
Cook
Cotton
Curtis
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Gurney
Hansen
Hollings
Hughes
Metcalf
Miller
Pell
Proxmire
Roth
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond

NOT VOTING—20

Bellmon
Bentsen
Buckley
Eagleton
Goldwater
Gravel
Harris
Hartke
Jordan, N.C.
Kennedy
McClellan
McGovern
Montoya
Mundt
Muskie
Packwood
Saxbe
Stevens
Stevenson
Tower

So Mr. BENNETT's motion to table Mr. ALLEN's amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ERVIN. Mr. President, I move that the pending bill, H.R. 4690, be committed to the Committee on Finance with instructions to the committee that the committee eliminate from the bill the provisions providing for an increase in the debt limit and forthwith return the other provisions of the bill to the Senate for its consideration.

I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

Mr. COTTON. Mr. President, may we have the motion read? Will the Senator send the motion to the desk?

Mr. ERVIN. Mr. President, I suggest the absence of a quorum so that I can reduce the motion to writing.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, so ordered.

Mr. ERVIN. Mr. President, I have reduced my motion to writing and notwithstanding my high respect for the reading ability of the clerk I will read my own writing first.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. ERVIN. The Senator from North Carolina moves that the pending bill, H.R. 4690, as amended, be committed to the Committee on Finance with instructions that the committee delete from the bill the provisions for an increase in the public debt limit and forthwith return the bill with all its other provisions intact to the Senate.

Mr. President, as I understand, I have an order for the yeas and nays on this motion.

The PRESIDING OFFICER. The Senator is correct.

Mr. ERVIN. Mr. President, I yield to myself such portion of the 15 minutes at my disposal as I may use.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ERVIN. Mr. President, when I came to the Senate in 1954 the public debt limit of the United States was $275 billion.

With the provisions relating to its permanent and temporary limits, the national debt limit now amounts to $395 billion, an increase of $120 billion since I came to the Senate 17 years ago.

The Senator from North Carolina is not subject to the charge that he is responsible for a single penny of the increase in the debt limit. The Senator from North Carolina has always believed that the Federal Government should have enough courage and enough intelligence to cut its expenditures so that they will not exceed its income, or, in the alternative, increase its income by taxation so that its income will cover its expenditures.

With the exception of voting for the Tax Reform Act of 1969 and certain accelerated depreciation allowances, the Senator from North Carolina has voted against every proposal made since he came to the Senate to reduce Federal taxes, because the Senator from North Carolina believes in the principle of honesty embodied in the assertion that an individual or a government ought to be just before it is generous.

We have a disgraceful record of deficit spending. When we reach June 30, 1972, we will mark the end of an era of 43 years in which the expenditures of the Federal Government have exceeded its income 35 times. In other words, at that point we will mark the end of an era in which this Government had a balanced budget only eight times in 43 years. And on those eight occasions when the Federal Government did balance its budget, it had surpluses which approximated $19 billion. All of that surplus in those 8 years is going to be largely exceeded by the amount of the deficit in the fiscal year which ends on June 30, 1971.

We used to call this deficit spending, and everyone admitted that deficits fueled the fires of inflation; that it robbed those who had made any savings such as life insurance and the like of what they had saved through inflation. But the President has changed the name from deficit spending. He calls it a full employment budget.

Mr. President, in my book, a jimsonweed smells just as rank, regardless of what name one gives it. It does not keep deficit spending from being deficit spending by calling it a full employment budget.

It is just like the unified budget we have. It is just something to hide governmental iniquity from people who are susceptible to being deceived.

I recognize that if we do not grant some increase in the national debt limit within a reasonable time there will be danger of chaos. We spent 7 weeks of this session in considering a matter of little importance as compared with the matter of our fiscal state; that is, a change in the Senate rules. Surely, the Congress could postpone immediate action on the national debt and take a few days to consider whether or not its fidelity to the task entrusted to it by the people of the United States does not require it to be honest enough with its people to levy enough taxes to pay the expenditures it authorizes, or courageous enough to cut those expenditures to an amount which its income will pay.

The trouble with deficit financing, the trouble with a so-called full employment budget, is that it robs the past and it robs the future. We have robbed the American people of billions and billions and billions of dollars of their savings by deficit financing. In so doing we have robbed them of their past. Now it is proposed that they be robbed of their future by refusing to pay the expenses we authorize. Moreover, it is proposed that our children and our children's children be robbed of their future earnings to satisfy the actual or supposed needs of the present.

I have told this story once before on the floor of the Senate, but it illustrates the fiscal folly which has characterized the Federal Government for the past 41 years, and will characterize it for the next 2 years, making a total of 43 years. The story goes that many, many years ago a Member of the British Parliament offered a bill to provide for the issuance of an enormous amount of bonds whose proceeds were to be immediately expended to satisfy some of the real or the supposed needs of that generation. The bill provided that there should be no payments on the principal of the bonds for 50 years.

A Member of the British Parliament who entertained the economic philosophy of the Senator from North Carolina arose and stated his opposition to the bill saying, "This bill is not fair to posterity." The author of the bill got up and said, "Posterity has never done anything for me and I do not propose to do anything for posterity, and, furthermore, posterity can't vote in the next election."

That is a complete picture of the financial operations of the Federal Government during the period of 43 years next preceding July 1, 1972.

As I say, we ought to quit the practice of financing our Government through deficits, and we ought to quit trying to disguise deficit financing by calling it a full employment budget. We ought to be financially honest. We ought to be courageous enough to either cut a pattern to suit the cloth, or to get a little more cloth at the expense of the taxpayers.

The Senator from Louisiana talked about betting the seat of his pants on some proposition. The thing that concerns the Senator from North Carolina is that the taxpayers have just about lost their pants. Let us send this measure back to the committee, let the committee delete the provisions relating to the debt limit, and let us pass the bill with the other provisions, and then give some serious study as to how much longer we are going to continue to rob the American people of their past and of their future.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. ERVIN. I yield to the distinguished Senator from New Mexico.

Mr. ANDERSON. I wonder what the Senator from North Carolina proposes to do about this situation. There is trouble; we have bills to pay, and the crisis will not be delayed for 60 days, it will be here next week.

Mr. ERVIN. I say to the Senator from New Mexico that if we can spend 7 weeks here agitating about a rule change, we might spend a week deciding whether after 43 disgraceful years of fiscal folly we are going to make a reasonable effort to set the Nation's financial house in order.

Mr. ANDERSON. Did not the Senator vote for these appropriation bills?

Mr. ERVIN. Not for many of them. No Senator can wave his gory locks at the Senator from North Carolina and say that he is responsible for a single penny of the increase in the debt limit. If a majority of the Senate and the House of Representatives had voted as I have since I got here, we would not have had this increase of $120 billion in the national debt limit. On the contrary, we would have had some money to apply on the retirement of the national debt, and to render a debt limit of less than $275 billion sufficient.

Mr. ANDERSON. What does the Senator suggest we do from here on out?

Mr. ERVIN. I would suggest that we ought to sit down and consider one of two propositions.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ERVIN. I ask unanimous consent to answer that question for 20 seconds.

Mr. LONG. I yield the Senator 2 minutes on the bill.

Mr. ERVIN. We ought to either resolve, here and now, that we are going to collect enough taxes from the taxpayers to pay in full the moneys we appropriate, or we ought to decide to cut those appropriations so that they will be met by the tax moneys which come into the Treasury under existing law.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. ERVIN. I have no more time.

Mr. DOMINICK. Will the Senator from Louisiana yield me 2 minutes on the bill? I wish to support the position of the Senator from North Carolina.

Mr. LONG. I yield the Senator 2 minutes.

The PRESIDING OFFICER. On the amendment, or on the bill?

Mr. LONG. On the bill.

Mr. DOMINICK. I thank the Senator from Louisiana. I just wish to express a position here. I intend to support the Senator from North Carolina, perhaps not for exactly the reasons he has stated, but I think my reasons are worth stating.

I have been here for only 10 years, not nearly as long as the Senator from North Carolina. Each year, we have had either one or two increases in the national debt limit, either temporary or permanent.

It seems to me that we ought to do one of two things. We either ought to abide by the limit we set, and make our expenditures that way, or we ought to abolish the legislative limit on the amount of the debt. Otherwise, we go through this procedure year after year, getting nowhere.

I intend to support the position of the Senator from North Carolina because I think we just go through a charade every year, without accomplishing anything.

Mr. ERVIN. Mr. President, that is exactly the reason that I make this proposal, that we sit down and consider this matter, and quit robbing our people, of their past savings, through inflation, and of their future earnings by deficit spending.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, I yield myself 5 minutes.

I have been here now for 23 years. When I first came here, I heard the old saying that the sure way to be reelected is to vote for every appropriation, and against every tax. That is said to be good politics; and that same logic is prevailing here—to spend money and refuse to provide any tax and also to refuse to vote to pay the bills when they come due.

But, may I say, in 23 years of service here in the Senate, I have not found here anyone who ever fooled anyone else about the debt limit. Just go back and check it. When has anyone ever asked, "Why did you want to vote to raise the debt limit?" No one has ever asked me that question in 23 long years. In some cases, I have voted against increases in the debt limit because I wanted to vote against the foreign aid program, and thought that that might be a good way to protest foreign aid.

But if anyone ever had asked me, I should have told him, "Look, it was not my idea to have a foreign aid program, or to vote for a number of these things, but all of that was done and the money was spent. Then questions come up: do we pay our debts, do we pay the Government employees for their month's work, do we pay the contractor who has performed on a solemn contract of the Government? Because if we do not either raise the taxes to pay them, or, having failed to raise taxes, raise the debt limit, we cannot pay them."

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. LONG. Permit me to explain my position, and then I shall be happy to yield.

If the Senator is successful in what he is trying to do, defeat this debt limit bill, it will mean that in 1 week the Government can no longer pay its bills.

When I referred to betting the seat of my pants, Mr. President, I was referring to a tradition between LSU and Tulane University, in connection with their football games. It used to be that every time, when the game was over, everyone would get out on the football field and fight over taking the goalposts home, so the schools started what they thought was a better tradition, which was that the captains of the respective teams would bet the seats of their pants.

So, for the last 20 years, the Tulane captain would appear at the LSU locker room when the game was over, and the LSU captain would ceremoniously remove the seat of his pants and have it framed for all eternity, because Tulane lost every game for 20 years in a row.

So, as a sporting proposition, I tell the Senator from North Carolina that I will bet the seat of my pants against the seat of his that if his amendment succeeds—and this richest Nation on earth should officially declare itself bankrupt and cannot even pay the postal worker his hard-earned monthly check—I am willing to bet we cannot hold out for a month, to the date of the second paycheck. I bet the Senator the seat of my pants—and he can take it off right here on the floor of the Senate—if he can hold out 2 months doing that. We are not fooling anyone, not a soul on earth.

It is true that the Government is in debt, but look how we are doing, compared to others. Private individuals have problems with their budgets. From 1946, at the end of World War II, until today, individual debt in this country has increased from $60 billion to $555 billion, more than an 800-percent increase in terms of dollars.

Goodness knows, corporations are concerned about debt. But what has happened to them? Their corporate debt, in dollars, went up from $109 billion to $861 billion—an increase of 700 percent.

How about State and local governments? They do not want to go in debt unnecessarily, but their debt went from $16 billion up to $137 billion—almost an 800-percent increase in the debt they owe.

How about the Federal Government? On outstanding Federal agency debts, the increase has been from $260 billion to $382 billion—an increase of about 45 percent. So we did almost 20 times as well in that respect as State governments, almost 20 times as well as individuals. About 15 times as well as corporations. If we are compared to anyone else, we did just great. But, no, we have to have this annual flagellation and have this effort to officially declare ourselves bankrupt because of our profligate ways, when Senators themselves, by majority vote, voted to pass these appropriation bills and spend that money.

Mr. President, I think it is a rather foolish thing to try to declare Uncle Sam bankrupt by an act of Congress. Why do we have a debt limit? Because when we exceed it, we would like to look at our fiscal position.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. I yield myself 2 additional minutes.

To see where we stand, to go forward from here and take a look at what the budget would be for the following year.

Mr. President, having voted to spend the money, with a projection that this would mean the Government would be in debt, the time comes to extend the debt limit. If we fail to pass it and to provide an adequate increase in the debt limit, the Government would be in a difficult and an embarrassing position by an act of folly on the part of Congress. I cannot support that.

If the Senator wanted to vote against the debt limit bill, I do not know why he does not vote against it. We gave him a yea and nay vote on the social security bill so that he could say that he is for the social security increase. We gave him a yea and nay vote on the debt limit itself. Why does he not move to strike sections 1 and 2 of the bill and disassociate the Committee on Finance from something we think is a foolish thing to do?

Mr. ERVIN. Mr. President, will the Senator yield, so that the Senator from North Carolina can explain to the Senator from Louisiana why the Senator from North Carolina takes the position he does?

Mr. LONG. I yield.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. LONG. I yield myself 3 additional minutes.

Mr. ERVIN. The Senator from Louisiana has put the Senator from North Carolina and every other Member of the Senate, by his amendment, in quite a quandary. I have always voted against an increase in the debt limit. I favor the social security bill. Under the Senate rules, I cannot vote half of a "yea" in favor of the social security bill and half of a "nay" against the debt limit provisions. So the Senator has put me in a position in which I cannot express my true sentiments with reference to this matter. To my mind, that is a very unfortunate situation.

Mr. LONG. It seems to me that the Senator expressed himself in favor of the social security increase when he voted for the social security amendment, and he can express himself as being against the debt limit by voting against the bill. If he wished, he could also express himself against it by moving to strike sections 1 and 2 of the bill.

Mr. ERVIN. I may move that if the bill is not recommitted. I do not want to trespass upon the preserves of the Committee on Finance. I would rather for its members to do the striking.

Mr. LONG. If we think it is a foolish thing, why should we be required to be associated with it? Why not let it be the Senator's own handiwork?

In any event, Mr. President, whether it be the motion or the amendment that should be defeated, I think Senators are anxious to vote. Some have made plans to be elsewhere.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the motion to recommit has been yielded back.

The question is on agreeing to the motion of the Senator from North Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from New York (Mr. BUCKLEY), the Senator from Oregon (Mr. PACKWOOD), the Senator from Ohio (Mr. SAXBE), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from North Dakota (Mr. YOUNG) are detained on official business.

If present and voting, the Senator from New York (Mr. BUCKLEY), the Senator from South Dakota (Mr. MUNDT), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 16, nays 63, as follows:

[No. 22 Leg.]

YEAS—16

Allen
Brock
Byrd, Va.
Cook
Cotton
Dominick
Ellender
Ervin
Fulbright
Gambrell
Hollings
Proxmire
Roth
Spong
Talmadge
Thurmond

NAYS—63

Aiken
Allott
Anderson
Baker
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cooper
Cranston
Curtis
Dole
Eastland
Fannin
Fong
Griffin
Gurney
Hansen
Hart
Hatfield
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McGee
McIntyre
Miller
Mondale
Moss
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Randolph
Ribicoff
Schweiker
Scott
Smith
Sparkman
Stennis
Stevenson
Symington
Taft
Tunney
Weicker

NOT VOTING—21

Bellmon
Buckley
Eagleton
Goldwater
Gravel
Harris
Hartke
Jordan, N.C.
Kennedy
McClellan
McGovern
Metcalf
Montoya
Mundt
Muskie
Packwood
Saxbe
Stevens
Tower
Williams
Young

So Mr. ERVIN's motion to recommit the bill (H.R. 4690) was rejected.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. LONG. Mr. President, I yield back the remainder of my time.

Mr. BYRD of Virginia. Mr. President, I yield back the remainder of my time.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA) and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS) and the Senator from New Mexico (Mr. MONTOYA) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from New York (Mr. BUCKLEY), the Senator from Oregon (Mr. PACKWOOD), the Senator from Ohio (Mr. SAXBE), the Senator from Alaska (Mr. STEVENS) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from New York (Mr. BUCKLEY), the Senator from South Dakota (Mr. MUNDT), the Senator from Ohio (Mr. SAXBE), and the Senator from Alaska (Mr. STEVENS) would each vote "yea."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Arizona (Mr. GOLDWATER). If present and voting, the Senator from Texas would vote "yea" and the Senator from Arizona would vote "nay."

The result was announced—yeas 80, nays 0, as follows:

[No. 23 Leg.]

YEAS—80

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Griffin
Gurney
Hansen
Hart
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McGee
McIntyre
Miller
Mondale
Moss
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevenson
Symington
Taft
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—20

Bellmon
Buckley
Eagleton
Fulbright
Goldwater
Gravel
Harris
Hartke
Jordan, N.C.
Kennedy
McClellan
McGovern
Metcalf
Montoya
Mundt
Muskie
Packwood
Saxbe
Stevens
Tower

So the bill (H.R. 4690) was passed.

Mr. LONG. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LONG. Mr. President, I ask unanimous consent that the bill (H.R. 4690) be printed with the amendments of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I move that the Senate insist on its amendment and request a conference with the House on the disagreeing votes thereon, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the presiding officer appointed Mr. LONG, Mr. ANDERSON, Mr. TALMADGE, Mr. BENNETT, and Mr. CURTIS conferees on the part of the Senate.

PRODUCTIVE WEEK

Mr. MANSFIELD. Mr. President, earlier today I made some remarks about the Senate's splendid achievement of yesterday in its extension of the regional development programs. That success, added to the debt ceiling-social security proposal just passed, the 18-year-old vote measure adopted on Wednesday and the disposition of the rules change effort on Tuesday has made this a highly productive week.

For his efforts on the debt ceiling-social security proposal, the Senate is deeply indebted to the distinguished Senator from Louisiana (Mr. LONG). As the chairman of the Senate Committee on Finance, he has labored tirelessly in behalf of our elderly citizens. His expertise and leadership in this vital area is unsurpassed in this body. Today's achievement adds another outstanding accomplishment to his abundant record of public service. The Senate is deeply grateful.

Others contributed their support on this issue. Notable were the fine cooperative efforts of the distinguished senior Senator from Utah (Mr. BENNETT) and the distinguished senior Senator from Georgia (Mr. TALMADGE).

Just as Senator LONG may be proud of his achievement today so may the distinguished and able Senator from Indiana (Mr. BAYH) be justly proud of the adoption on Wednesday of the resolution pertaining to the Constitutional amendment that would enfranchise the 18-, 19-, and 20-year-olds in this country. As chairman of the Subcommittee on Constitutional Amendments he was most active in this effort and the Senate is indebted for his leadership and concern.

To be commended also on that issue for his untiring efforts is the Senator from West Virginia (Mr. RANDOLPH) who has expressed an active and vital interest in this subject since first coming to Congress. As principal sponsor of the resolution he brought great depth and insight to the discussion on the measure, and his contributions this year and in the past have been invaluable. He and the Senator from Massachusetts (Mr. KENNEDY), I am sure, feel greatly rewarded to have witnessed the passage of this amendment by the Senate.

For cooperating so splendidly to assure final disposition of the rules change effort on Tuesday, the Senate is grateful to the distinguished Senator from Idaho (Mr. CHURCH), and the distinguished Senator from Kansas (Mr. PEARSON). Their efforts to enable the Senate to reform its cloture rule are to be highly commended. The fact that the effort was not successful is no reflection on the quality of their advocacy.

Others who contributed to the extended debate on the rules change are also to be commended for presenting their forceful and thoughtful views. Those on both sides of the question were equally sincere in their efforts, and the Senate as a whole appreciates the contributions made by all who participated in the discussion.

The disposition of these many issues—may I say again—has made this a most productive week. It has been a week of great achievement for which all Senators may be proud.

AUTHORIZATION TO CORRECT S. 671 IN ITS ENGROSSMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized in the engrossment of S. 671, dealing with the Blackfeet and Gros Ventre Tribes, which the Senate passed yesterday, to change the word "of" found on page 2, line 4, to "to."

The PRESIDING OFFICER. Without objection, it is so ordered.

REREFERRAL OF A COMMUNICATION FROM THE DEPARTMENT OF DEFENSE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a communication from the Department of Defense on scholarships for military personnel, which was referred to the Committee on Labor and Public Welfare, be rereferred to the Committee on Armed Services.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT COMMITTEE ON THE ENVIRONMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 2, Senate Joint Resolution 17. I do this so that it will be the pending business.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read the joint resolution, as follows:

> A joint resolution (S.J. Res. 17) to establish a Joint Committee on the Environment.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

ORDER FOR ADJOURNMENT UNTIL TUESDAY, MARCH 16, 1971, AT 11 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until the hour of 11 o'clock a.m. on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

OCEAN DUMPING OF ARSENIC COMPOUNDS

Mr. NELSON. Mr. President, a front page story in the Evening Star reports that the ninth largest chemical company in the world—Rohm and Haas—is dumping up to 80 tons a month of arsenic compounds in the Atlantic Ocean off our east coast. This raises the moral question of corporate responsibility. How can people in America have confidence in our private institutions if they will cavalierly throw dangerous wastes into the oceans. Every responsible citizen and corporate leader ought to refuse to do business with Rohm and Haas Co., if any further arsenic dumping is carried out.

Unless the company permanently calls off this dumping, every effort should be made by the Federal Government to bring this practice to a halt. I have telegramed Russell Train, Chairman of the President's Council on Environmental Quality, and William Ruckelshaus, Administrator of the Environmental Protection Agency, to urge them to use every means at their command to persuade against or legally prevent the dumping of the arsenic.

Congress must take immediate action as well. More than a year ago, I introduced legislation which would not allow any ocean dumping from the United States without permits based on public hearings and thorough marine ecological studies, and by 1975, all dumping would be permanently banned.

Unlike other measures, my bill has not been held up in the current discussion over congressional committee jurisdiction in marine pollution. I urge the administration to support this measure so that it can be quickly acted on and all conceivable excuses removed for failing to stop the pollution of the sea.

Mr. President, I ask unanimous consent that a copy of the Evening Star story and a copy of my telegram to Mr. Train and Mr. Ruckelshaus be printed in the RECORD.

There being no objection, the news story and telegram were ordered to be printed in the RECORD, as follows:

ARSENIC DUMPING CONTINUES

(By Roberta Hornig)

On Saturday, following a two-year-old practice, a ship carrying about 70 tons of an arsenic compound will sail from Philadelphia, travel through Delaware Bay, and dump its potentially lethal cargo in the Atlantic Ocean.

The Norton Lilly Company of Philadelphia, which booked the load on the Italian vessel "Non-do Fassio," says that as far as it knows this sort of cargo, ranging between 30 and 80 tons, has been dumped at sea about once a month for "over two years."

Both Norton Lilly and the chemical company involved, Whitmoyer Laboratories of Myerstown, Pa.—a subsidiary of Rohm & Haas Company, the ninth largest in the world—says the dumping occurs about 150 miles out in the ocean.

President Nixon's Council on Environmental Quality, which is against dumping any potentially toxic materials in the sea, is trying to figure out what to do about this Saturday's dumping. At present, spokesmen say, there are no legal restraints.

Dr. Gordon McDonald, the lone scientist on the three-man council, says the dumping flouts Nixon's principles, but that only congressional action can stop it.

McDonald says the worry in this particular case is that when the 246 canisters containing the arsenic compound hit the water, they will break open and the sea water will change the composition of the chemical, making it particularly toxic to sea life in the area.

Both the administration and Sen. Edmund F. Muskie, chairman of the Senate Air and Water Pollution subcommittee, have offered bills to require permits for any kind of ocean dumping within 12 miles of the U.S. coastline and forbid any kind of dumping within that limit by any foreign government.

McDonald also said the U.S. Coast Guard alerted him to the latest chemical dumping and tends to be suspicious about how far out in the ocean the dumping occurs.

A spokesman for Whitmoyer Laboratories said the company considered other disposal methods but that it is "more economical to put it in a ship and dump it in the bottom" of the ocean.

A spokesman for Norton Lilly said, "We understand about this new anti-pollution—let's save the seas, of course."

But, he added: "The only thing here is we're in the middle. If we're in the wrong (referring to the ocean dumping) I'd appreciate it if we'd get some official notification.

Government estimates are that 62 million tons of waste—ranging from DDT residues to old mattresses—are dumped off America's seacoasts annually.

Telegram

(Telegram sent by Senator Gaylord Nelson Friday, March 12, to Mr. Russell Train, Chairman, President's Council on Environmental Quality, and Mr. William Ruckelshaus, Administrator, Environmental Protection Agency)

In a front page story, The Evening Star reports that a private company—Rohm and Haas—has been dumping up to 80 tons of arsenic compounds a month in the Atlantic Ocean off our east coast for the past ten years.

I think you will agree that this is a shocking act of corporate irresponsibility. How can people in America have confidence in our private institutions if they will cavalierly throw dangerous wastes in the oceans?

Unless the company permanently calls off this dumping, I think every effort should be made by the Federal government to bring the practice to a halt. I am certain that if the Administration contacts this corporation, it will defer to your request to terminate this practice.

In the meantime, I think it is important that we act immediately to pass legislation dealing with all ocean dumping. More than a year ago, I introduced a bill which would not allow any ocean dumping from the United States without permits based on public hearings and through marine ecological studies, and by 1975, all dumping would be permanently banned.

DOOR MAY STILL BE OPEN FOR AMICABLE SETTLEMENT OF TEXTILE DISPUTE

Mr. JAVITS. Mr. President, I have carefully reviewed the President's statement rejecting voluntary import restrictions proposed by the Japanese textile industry.

A careful reading of the President's remarks clearly indicates that the President has outlined in detail the type of agreement acceptable to him. The President, after outlining the type of agreement which would be acceptable, indicates:

> I am directing the Secretary of Commerce to monitor imports of wool and man-made fiber textile products from Japan on a monthly basis. I am instructing that this monitoring begin immediately, with the results, including an analysis of any differences from what would have been the results under the terms we presented, to be made available to the entire Congress.

It is widely known that the Japanese Government made an offer last December which was rejected by the White House after consultation with our domestic industry. Reports indicate that the new offer of the Japanese textile industry, which apparently is acceptable to Chairman Mills, is not as favorable as the earlier offer of the Japanese Government.

Thus, while the formulation put forward by our President differs from the formulation of the Japanese industry, it could be very close to the final offer made by the Japanese Government, which was rejected in December.

In viewing the textile dispute, the following observations seem pertinent:

First. The President's statement should not be viewed as closing the door to a mutually satisfactory arrangement with Japan.

Second. Any President would find it extremely difficult to agree to an offer less favorable than the offer the U.S. Government rejected earlier. However, the President, because of changed circumstance, might be willing to approach the Japanese Government's offer of last December.

Third. The President of the United States and Premier Sato have too much at stake to allow the textile dispute alone to affect overall U.S.-Japan relations with all the implications this would have on the Asian policies of both nations.

Fourth. The door to a settlement still seems wide open and both countries should walk through it. The consequences to the international economic system of the free world would be too shattering to contemplate if this were not the case.

Fifth. Japan should carefully read the President's words and be discerning on the position on textiles which is acceptable to the United States.

Sixth. The wisdom of the following remarks by Chairman Mills should be a criterion for us all:

> I cannot understand how under any circumstances a statutory proposal for the protection of a single industry can be developed which is exclusive of consideration of statutory programs for other affected industries.

The congressional consideration of the Trade Act of 1970 made clear that the Congress feels that if the textile industry is deserving of statutory quotas—other industries are equally or more deserving.

I join Chairman Mills in the view that attempting to legislate statutory quotas for one industry, textile—only will result in a Christmas-tree type quota bill and consequently would lead to a trade war with our principal allies in the free world. The history of the Trade bill of 1970 is already an accurate guide on this matter.

So I urge our Government to use the open door which is the offer of a unilateral agreement to try to reach an amicable agreement with the Japanese Government. I urge the Japanese Government to accept the President's invitation toward that end.

I ask unanimous consent that the texts of statements by President Nixon and Representative Mills of the other body be made a part of my remarks.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Texts of Statements by Nixon and Mills

[From the New York Times, Mar. 12, 1971]

Washington.—Following are the statements by President Nixon, rejecting voluntary import restrictions by the Japanese, and by Representative Wilbur D. Mills criticizing the President's action:

STATEMENT BY THE PRESIDENT

For two years, this Administration has attempted to negotiate a voluntary agreement with the Government of Japan curtailing the excessive wool and manmade fiber textile imports from Japan. The United States has sought to be as flexible as possible concerning the details of an agreement while consistently adhering to certain basic principles, which we consider essential to any agreement designed to curb these excessive imports. These principles are reflected in the following terms which have been presented to the Japanese Ambassador by the United States negotiator in meetings through January of this year:

A limited number of categories of particularly sensitive products, covering about one-half of those imports would be assigned specific import ceilings. The ceilings would be based upon imports from Japan in 1969, plus a reasonable growth factor. Shifting of imports among these categories would be permitted so as to reflect changing conditions in the United States market, subject to limitations to avoid excessive concentration in any of these sensitive categories.

If imports from Japan, of any other category exceeded the 1970 import level, plus a more liberal growth factor, the United States could request consultation with Japan, and impose specific limitations if a mutually satisfactory solution was not reached.

On Monday, following discussions between its Washington representative and the Chairman of the House Ways and Means Committee, the Japan Textile Federation announced that the Japanese textile industry is undertaking a unilateral program to limit future exports of textile products to the United States. At the same time, the Government of Japan issued a public statement endorsing this unorthodox action by a private Japanese group and terminating its negotiations with the United States Government. On its face, this unilateral program falls short of the terms essential to the United States in the following significant respects:

Only one over-all ceiling for all cotton, wool and manmade fiber fabric and apparel textiles is provided, with only a general understanding by the Japanese industry "to prevent undue distortions of the present pattern of trade." This allows concentration on specific categories, which could result in these categories growing many times faster than the over-all limits.

The over-all ceiling would be based on imports from Japan in the year ending March 31, 1971, plus a growth factor. During the two years that we have been negotiating with the Government of Japan, imports of manmade fiber textile products have greatly increased, and in January, 1971, they entered this country at a record-breaking level. Moreover, the program magnifies the potential growth of the sensitive categories by including in the base exports of cotton products which are already limited by agreement and which have been declining.

The deficiencies in the Japanese industry program make it clear that it will not result in an acceptable solution. It is well known that I would prefer a negotiated agreement to solve this problem. The answer of the Japanese industry, now apparently ratified by the Government of Japan, has effectively precluded further meaningful Government-to-Government negotiations, the resumption of which this country would welcome.

Consequently, I will strongly support the textile quota provisions of the legislation now pending before the Congress, H.R. 20, a bill passed by the House of Representatives last year and reintroduced this year by Chairman Mills and Congressman Byrnes of the Ways and Means Committee.

At the same time, I am directing the Secretary of Commerce to monitor imports of wool and manmade fiber textile products from Japan on a monthly basis. I am instructing that this monitoring begin immediately, with the results, including an analysis of any differences from what would have been the results under the terms we presented, to be made available to the entire Congress.

Under the circumstances and in order to

provide the relief necessary for United States textile workers and businesses this government must now give the fullest consideration to other alternative solutions to the textile problem.

STATEMENT BY MILLS

I understand that the President and his advisors, after considering the recent initiative of the Japanese Textile Federation toward a solution of the problem of textile imports, have decided to reject the Japanese proposal. Having responded on many occasions to requests from Administration officials during the past two years to assist in furthering a negotiated settlement of this problem, I am both surprised and disappointed at this decision.

This rejection of the Japanese initiative not only involves honest differences of opinion as to the extent and the nature of restraints on textile exports to the United States, it involves the very core of our trade relations with the textile exporting countries and indeed with our ability to deal on a realistic basis with the problems all our industries face in competing in our own markets and abroad.

While I can perhaps understand the position taken by the leaders in the textile industry in opposing the proposal, and I assume that they have given it serious study, it is difficult to understand an out-of-hand rejection of the proposal after two years of unsuccessful attempts to negotiate a settlement. My support of the industry's efforts and my support of the Administration's efforts to obtain a solution to this problem are a matter of public record. I regret that at this time the decision has been made to reject this avenue toward a meaningful accommodation of the international textile trade problem.

The President apparently knows of another way to obtain the protection which the textile industry is seeking, and, at the same time, prevent other protectionist developments from accompanying that relief, but I do not.

As I have pointed out before in several different ways, the stakes involved in an early settlement of the textile controversy are very great. Obviously, our trade problems go far beyond just the question of textiles, and I cannot understand how under any circumstances a statutory program for the protection of a single industry can be developed which is exclusive of consideration of statutory programs for other affected industries. As I have already said, I await with considerable interest the presentation of such a program by the Administration.

THE PRESIDENT'S STATEMENT ON TEXTILES

Mr. THURMOND. Mr. President, I was pleased that President Nixon repudiated the action of Representative MILLS, Chairman of the House Ways and Means Committee, in going along with the Japanese textile declaration that is unworkable, unsatisfactory, and which will not produce results.

I was also highly pleased that President Nixon has strongly endorsed legislation to give relief to the textile industry by limiting imports from Japan and other foreign countries.

In addition, President Nixon has indicated he is giving serious consideration to other alternative solutions to the textile problem and has directed the Secretary of Commerce to monitor Japanese imports on a monthly basis, which will show the inability of the Japanese declaration to solve this serious problem.

Mr. President, both textile workers and management in this country strongly support these actions by the President. It is surprising that the Chairman of the House Ways and Means Committee abandoned this legislation and endorsed an unworkable proposal by the Japanese. Last year this legislation passed the House and was acted upon favorably by the Senate Finance Committee. President Nixon is asking that the Mills bill be enacted into law and is giving full endorsement to it.

The Democrats control both Houses in Congress and they can enact this bill if they see fit to do so and most of the Republicans will favor its enactment. Partisan politics should be laid aside and full support given this legislation by both parties.

Mr. President, let us examine for a moment what the Japanese declaration really is. Senators will notice that I referred to it as a declaration rather than a proposal, for the reason that the Japanese textile industry acted unilaterally and there was nothing for this country to officially accept or reject. The Japanese textile industry wants to relegate to itself the responsibility for making decisions which affect the economic and social well-being of the people of the United States. It seems they are not even willing to leave it to the Governments of Japan and the United States to work the matter out. Of even further irony is that the Japanese textile industry is the very group which has caused the problem in the first place through excessive imports to this country. The President wisely rejected the Japanese declaration and repudiated any suggestion that the administration or the Congress should sanction it.

In addition, the details of the Japanese declaration show it to be entirely meaningless as a serious answer to the textile import problem. There are those who say half a loaf is better than none. Even the most casual examination of the so-called restraints suggested by the Japanese clearly reveals that the Japanese textile interests have come forth with nothing, not even a slice of bread let alone a half a loaf.

The proposal provides no limitations by product line and no differentiation of fibers. This allows the Japanese to move in on a particular product line with extremely heavy imports, totally disrupt the American market for that product, and then move on to another. In addition, the level of imports the Japanese industrialists suggest limiting themselves to, is a level which they have not obtained thus far, even though our textile industry is already suffering greatly. The administration's strategy was to use the 1968 level of imports as a base. The Japanese should not be rewarded for 2 years of dilatory negotiations during a time in which they flooded the American market at an unprecedented level.

Mr. President, experience has shown that a trade agreement is workable only if a government-to-government accord is in force, so that the governments can take the necessary steps to make sure the agreement is kept. I wish to praise the President for his strong and forthright repudiation of the Japanese declaration and for his firm endorsement of a legislative solution to the problem.

Let me conclude by calling on my colleagues of both parties in the Senate and my friends, both Democrat and Republican in the House, to recognize the urgency of the need to enact textile import quotas and to do so as quickly as is feasible.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. THURMOND. I am pleased to yield to the distinguished Senator from Tennessee.

Mr. BROCK. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from South Carolina. I share his concern for the thousands of people across the entire United States who work in our vital textile industry. I think they have been subject to considerable abuse through previous governmental policies in this country regarding imports. The fact of the matter is that, they have not been allowed, in many instances, to compete fairly with these imports.

The fact that the Japanese, who have been so aggressive in promoting an export policy, have not only been dilatory, but have literally refused to negotiate a reasonable limitation on imports. This, I think, bears witness to the strength of the President's statement in which he said we simply cannot accept this so-called limitation on the part of the Japanese manufacturers.

As a matter of fact, it is not a limitation at all. I think the Senator would agree that they have asked, not for a decrease in imports, but for an increase over the exorbitantly high yield of 1970, which was already out of reason, and which was already having severe effects on the textile industry in this country.

If I recall correctly, in the 15 months prior to December of last year, this Nation had lost some 65,000 jobs in the textile industry alone due to imports. I think the Senator would agree that that constitutes a near crisis, if not a crisis, within a basic industry, an industry that is essential to the well-being of this Republic.

I want to say very strongly that I am in agreement with the Senator's position, but more specifically, I am grateful to the President of the United States for stating very clearly that such so-called limits are not accepted. I am also in agreement with his statement that we must pursue the legislative process; and I would note at this point that the Senator from South Carolina has been one of the prime movers in trying to achieve a legislative resolution of this problem.

He has introduced this year a bill, which I cosponsored, to bring reason back to this very fundamental problem. In addition, I congratulate the Senator from South Carolina for bringing this matter to the attention of the Senate today. I support him, and again I express my gratitude to the President for clearly and forthrightly stating his intention to stand with the American textile industry and its employees until we resolve this very difficult problem.

I thank the Senator for yielding.

Mr. THURMOND. Mr. President, I congratulate the distinguished Senator from Tennessee on his fine conception of this problem and his knowledge of the subject, and the dangers that he has the vision to see are facing the textile employees and the textile industry of this Nation.

The Defense Department has ranked textiles second to steel in importance from our national defense standpoint. We just cannot afford to see the textile mills of this Nation closed down.

One million people or more are employed in the textile industry. Furthermore, if they keep closing mill after mill, before we know it, we will not have any textile mills left in this country. We will then be dependent upon other countries for textiles. Suppose we should have a war; where would we be then?

We must be self-sufficient in textiles within the United States. This is most important from the standpoint of our own national security as well from the standpoint of preserving the jobs of, as I have stated, a million people.

For example, in my State 70 percent of the industrial payrolls come from textiles. Take textiles out of South Carolina and we would have a ghost State. The Federal revenues from that State would drop tremendously, until it could hardly be recognized as a State.

It is important, Mr. President, that we preserve this textile industry. It is important that we preserve these textile jobs for the good Americans working in the textile mills.

Again I commend the distinguished Senator from Tennessee.

Mr. BROCK. I thank the Senator.

THE 1972 DEFENSE BUDGET AND A POLICY OF REALISTIC DETERRENCE

Mr. THURMOND. Mr. President, it is with real concern that I view the fiscal year 1972 Defense budget and the new policy of "realistic deterrence," as we begin a 5-year defense plan keyed to preventing war and securing peace.

It appears the administration is embarked upon a "high risk" defense budget and a "low silhouette" defense policy. The $76 billion defense budget is obviously the very minimum we can get by with during the next fiscal year and barely maintain a sufficiency of military strength to provide a deterrence for would-be aggressors.

Mr. President, the situation is best described by saying that we are meeting an increased threat with less hardware and people.

The Defense Department makes it clear the Soviet threat has skyrocketed; the Red Chinese are nearing an intercontinental ballistic missile capability; and small nation belligerents such as Egypt, Cuba, and North Vietnam are as active as ever.

In his posture statement Secretary of Defense Melvin Laird acknowledges what he terms "a growing Soviet military capability and technological momentum." He also notes what he calls "an emerging Chinese Communist nuclear threat."

Yet, at the same time, we are reducing our military personnel strength to the lowest point in years.

Further, we have fewer planes and ships in our defense arsenal than we have had in well over a decade. Last year the United States built fewer planes than at any time since 1935, and 1935 was hardly a year when we faced much of a military challenge.

In the last month we have learned that the Soviet Union has developed a new ICBM and a new long-range bomber, either of which could further push the strategic balance of power in their favor. Presently, they are considerably ahead of the United States in megatonnage delivery capability and in the number of land-based ICBM's.

In his posture statement, Secretary of Defense Melvin Laird revealed the Soviets have a "new swing-wing bomber under development." It is no secret in U.S. defense circles that the Soviets are fairly close to production on this new bomber while here in the United States, Congress is cutting back on the first increments of funds to develop our own bomber program, the B–1.

This shifting balance of military power unfortunately finds us in a period during which a trend toward isolationist thinking prevails in the United States. This desire to withdraw from the world arena is taking hold of the minds and hearts of too many of our people. I believe this attitude, coupled with demands for more domestic programs, has forced the administration to offer a high-risk defense budget simply because they believe Congress would not approve a greater amount of money.

Thus, there are signs everywhere that we stand at the edge of an abyss from which there will be no easy or quick return. We must not yield to these powerful isolationist pressures at home. We must not take those fatal steps into the dreamland of halfway military preparedness. If we make such a mistake, we will be able to do little more than stand by and deplore the ravages of the aggressor and the depredations against peaceful nations which are sure to follow.

With this background, it appears to me that the fiscal year 1972 defense budget is a high-risk budget and the policy it turns on indicates a low silhouette for U.S. military might.

The budget is apparently so constructed because it is based on two conditions. First, it is predicated on our disengagement from Vietnam, and, second, it reflects the fiscal pressures for a reordering of national priorities.

Mr. President, all of us in Congress and the Nation must surely recognize that the President of the United States is taking us out of Vietnam. He is doing this with skill and courage, but his hand is undoubtedly weakened by the shrill calls for "peace now" and "immediate withdrawal," from the Halls of Congress and across the Nation.

Further, it is about time the Nation wakes up and realizes the present administration has already realined national priorities. The public needs to be told that nondefense Federal spending has grown by $90.3 billion from 1964 to 1972. At the same time, State and local spending for domestic needs has increased $89.9 billion. Thus, we can see that each of these figures is greater than the total defense budget of $76 billion fo
fiscal year 1972.

Also, the Nation should consider tha
today defense takes only 20.9 percent
total public spending versus just unde
50 percent in 1953, and the present de
fense budget is the lowest percent of ou
gross national product since 1950.

Mr. President, the administration wi
have my full support in its efforts to wi
congressional approval for the new de
fense budget. My regret is that they di
not ask for more. Hopefully, Congress, a
in some past years, will add items wher
the need is most obvious.

Certainly, we must press forward wit
development of a new bomber, new tac
tical aircraft, and more advanced Nav
ships and submarines.

In connection with this overall matte
the Secretary of Defense is to be com
mended for his efforts to strengthen an
utilize the Nation's Reserve forces. Mor
money is going into needed equipment fo
our Reserves and Guard than ever be
fore.

Unfortunately, the Defense Depart
ment has been less realistic when i
comes to handling Reserve personne
While they are proposing many progres
sive steps to achieve a volunteer arme
services for Regulars, little is being of
fered as inducements to maintain Re
serve personnel strengths.

In recent months I have been investi
gating the Naval Air Reserve reorganiza
tion. While the reasoning for the reorga
nization is sound, the Navy Air Reserv
has moved too drastically away fron
population centers and today finds itsel
with a serious, if not critical, shortag
of Navy Air Reserve enlisted personnel

Few seem to realize that over 70 percent of all reservists are draft motivated; and when we move toward zer
draft, Reserve strength is going to dro
sharply unless enlistment inducement
are greatly increased. Maintaining Reserve strengths in the years ahead wil
be much more difficult than maintaining Regular strengths.

The Navy Air Reserve has serious personnel problems, although it has reduced the number of real flying units i
its organization. When the hard crunch
for personnel comes a year or two from
now, the Navy Air Reserve leaders wil
wish they had stayed in some of the
population centers abandoned last year
It is a mistake to move away from
population centers at the very time
personnel problems are clearly on the
horizon.

Mr. President, the Nixon administration is basing its 5-year defense plan on
three pillars—strength, partnership, and
negotiation.

Secretary Laird admits in his posture
statement that we are walking on a tightrope which could fly from under us at any
time. He states:

> There is some risk attached to our fiscal year 1972 Defense Budget for it continues the downward trend in overall Defense Department purchasing power at a time when the threats we face around the world continue to increase, not diminish.

There is no doubt in my mind that we in the Congress are being asked to consider a defense budget which does not come anyway near meeting the requirements necessary to positively insure our national security. It is a high risk budget for a low silhouette defense policy called "realistic deterrence." I would much rather see us pay the bill to continue the military superiority this Nation has enjoyed since World War II. This would be good insurance.

In closing, I ask unanimous consent that the Washington Daily News article, by Mike Miller, titled "Russia Taking Arms Lead," be printed in the RECORD. This article appeared in the March 10, 1971, issue of the News, and covers the unclassified remarks of Adm. Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, before the House Armed Services Committee.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEEP GLOOM IN PENTAGON: RUSSIA TAKING ARMS LEAD

(By Mike Miller)

The nation's top military officer warned today that nuclear superiority by Russia "must be avoided at all costs" both because of its military implications and the adverse impact it might have on U.S. foreign policy.

Adm. Thomas H. Moorer, chairman of the Joint Chiefs of Staff, said clear-cut strategic superiority by the Soviet Union could cause U.S. allies to lose faith in the deterrent power of the U.S. nuclear forces.

And Adm. Moorer, in his annual appearance before the House Armed Services Committee in support of the Defense Department budget, said that in his opinion the overall strategic balance "has drastically shifted in favor of the Soviet Union" over the past five to six years.

"Our comfortable lead has now all but vanished, and within the next five or six years we could actually find ourselves in a position of overall strategic inferiority," he said.

"We will pay a very high price in the effectiveness of our diplomacy if we permit the Soviet Union to achieve a clearly evident strategic superiority, even were that superiority to have no practical effect on the outcome of an all-out nuclear exchange."

Adm. Moorer said overall strategic nuclear power must be measured as a combination of three factors—megatonnage, numbers of delivery vehicles (missiles and planes) and numbers of nuclear warheads.

He said the Russians already have a substantial lead in megatonnage and could surpass the United States within one or two years in numbers of delivery vehicles.

"Only in numbers of strategic offensive warheads is the United States likely to maintain its lead over the Soviet Union during the 1970s," he said.

While the Russians recently have slowed construction of ICBMs, Adm. Moorer said, they have continued full speed in building new missile-carrying nuclear submarines at the rate of about eight per year. He predicted the Soviet Union will have 20 of these nuclear submarines at sea by mid-1971.

The United States has 41 Polaris missile-firing submarines. Defense officials estimate that at the current rate of construction, the Russians will overtake the United States in strategic nuclear submarines by 1974.

WILL AMERICAN DEMOCRACY BE A CASUALTY OF WAR?

Mr. PELL. Mr. President, the chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. FULBRIGHT) delivered a speech at the Florida State University in Tallahassee, Fla., on March 2. Its title is "Will American Democracy Be a Casualty of War?"

The chairman made a number of significant observations about the impact of the Vietnam war on democracy at home. He referred not only to the economic impact of that war upon our society, but he also discussed some of the effects of the war upon relationships between the executive and legislative branches of the Government.

This is a significant speech not only for people who are concerned about our involvement in Indochina, but also for those who see the effects of that involvement on our basic governmental structure.

I find myself in agreement with this speech, and ask unanimous consent that Mr. FULBRIGHT's remarks be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

WILL AMERICAN DEMOCRACY BE A CASUALTY OF WAR?

Even if the statistics of war were highly accurate, they would tell us only a little about the cost of America's endless war in Vietnam. The figures can tell us how many pounds of rice have been captured in a Cambodian sanctuary and how many trucks have been demolished on the Ho Chi Minh Trail. They can tell us how many men we lost last week as against a much larger number of enemy dead, as if the difference were a margin of profit. They can tell us how many South Vietnamese villages have been transferred from the "insecure" category to "secure" on the tidy, multicolored charts of which the military are so fond.

With due allowance for the natural tendency of nations at war to exaggerate their successes and minimize their failures—and allowing even for the apparent failure thus far of the Laotian operation—I am not much inclined to quarrel with the charts and figures. By all available evidence, we have broken up enemy sanctuaries, pacified South Vietnamese villages, and imposed Saigon's political authority in places where it had not been before. With our vastly superior firepower and resources, it would be something of a miracle if we had not accomplished at least this much.

The charts and figures may demonstrate that we are doing a good job of what we are doing. What they do not show, and cannot show, is whether the job is, or ever was, worth doing. They can show that pacification is proceeding but not whether it is durable. They can show us how many died but not what they died for. They can show us what we have done to the enemy but not what we have done to ourselves, and to the people we are supposed to be saving from the enemy.

Our leaders have told us very little about the effect of the war on the civilian populations of Vietnam, Cambodia and Laos. They point with pride to the reduction in American casualties but they pass over such facts as the following, which have been ascertained by the Senate Subcommittee on Refugees: In the course of the war there have been over one million South Vietnamese civilian casualties of whom at least 300,000 have died. According to President Nixon, the number of civilians killed by the Vietcong since the war began is 40,000; most of the remaining 260,000 appear to have been killed by American bombs and guns. In Laos, so far as can be ascertained, there had been 30,000 civilian casualties, including 10,000 dead, prior to the recent American-South Vietnamese invasion. The Cambodian Government estimates its civilian casualties as being in the "tens of thousands." The war, in addition, has "generated"—to use the cold-blooded military term—some 4 million refugees in South Vietnam, out of a total population of 6 million; and 300,000 refugees in Laos; out of a total population of 2.7 million. Perhaps the final word on America's impact on Indochina was spoken by the American major who said after the Tet offensive in 1968 that he "had to destroy Ben Tre in order to save it."

I. THE PRICE AT HOME

What we are doing to others is inseparable from what we are doing to ourselves. People cannot commit acts of brutality without becoming brutalized themselves. I do not think that the American people have yet lost their basic humanitarianism, but, after a decade of war in Indochina, many of us are becoming anesthetized to the fact of mass killing and destruction. We no longer translate "body counts" into the human tragedy of dead young men and bereaved families. Death has been made into an abstraction, while the enemy himself stripped of his humanity; he is no longer a man but a "gook," and thinking of him as a "gook" makes it bearable to kill him. To assist this process of hiding the painful truth from ourselves, the military have supplied us with a glossary of antiseptic euphemisms—"ordnance" for bombs and bullets, "contact" for blood combat, "neutralize" for kill.

Even our concept of "peace" has been drastically modified: where once it referred to a condition in which nobody is killing anybody, it now refers to a future state of affairs in which Asians will be killing Asians with American guns, bombs and air support—but without American ground combat forces. As a prominent university president recently put it, American policy in Indochina is being shaped "as though America had no concern for the sanctity of human life, as such—as though, somehow, Americans cared only about American lives."[1]

In the same measure as it erodes our moral sensibilities, the war erodes our democracy. Any war, as Alexis de Tocqueville told us over a hundred years ago, is antithetical to democratic values. Democracy thrives on open discussion and humane enterprises; war by its very nature compels secrecy, deceit and the suspension of humanitarian policies at home and abroad. Even when a war is of limited duration, when its objectives are clear and defensible, when the people are united in support of it, and when the nation is led by men of integrity and vision—as was the case in both World War I and World War II—there is a legacy of lasting damage to democracy. Wars are invariably followed by periods of reaction and repressiveness, and the emergency powers yielded to the executive in wartime are never subsequently restored in their entirety to the people or the legislature.

When a war is of long duration, when its objectives are unascertainable, when the people are bitterly divided and their leaders lacking in both vision and candor, then the process of democratic erosion is greatly accelerated. Beset by criticism and doubt, the nation's leaders resort increasingly to secrecy and deception. The people in turn—and especially the young, who have no memory of better days—thereupon begin to lose trust, first in the government in power, then in the institutions of government. That is what is happening in America today, and it ought not to surprise us. When truth becomes the first casualty, belief in truth, and in the very possibility of honest dealings, cannot fail to become the second. And when mutual trust goes, so in time will democracy itself, the ultimate casualty of war. It is extraordinary, when you think of it, that so much of the time and energy of people concerned with foreign policy—students, scholars, reporters and members of Congress—is taken up in

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Footnotes at end of article.

speculations about our country's true aims in Southeast Asia. What does President Nixon really intend? we ask ourselves. Does he really mean to get out? or does he plan, through the use of surrogate armies—backed by American money and air power—to fight on until he wins—whatever "winning" may mean?

The extraordinary thing is that in this free democracy we do not really know what we are fighting for. It is as if our war aims were the President's personal secret. The rest of us can debate and speculate if we like—especially if we don't mind being accused of giving aid and comfort to the enemy—but the real answer lies locked away in the inner recesses of the White House.

Americans may well ask how this state of affairs came about? Did our Constitution really intend for the President to be a remote, secretive and all-powerful leader in matters of foreign policy and a virtual dictator when it comes to starting wars and ending them? Historians have noted that in the great summit conferences of World War II Prime Minister Churchill used to make only provisional commitments, because he had to consult with his Cabinet while President Roosevelt made final decisions on the spot. Even Premier Kosygin of the Soviet Union deferred matters for his colleagues when he met with President Johnson at Glassboro, while the President felt himself to be under no such restraint. Was that the kind of official the Founding Fathers had in mind as the successor to George III?

Senators who serve on the Foreign Relations Committee are permitted from time to time to hear briefings on the war by the Secretary of State and other Administration officials. At the insistance of the Executive these briefings are almost always held in secret; recent Administrations have shown a keen dislike of having to explain their foreign policies in public. This is usually explained on the ground that sensitive matters of national security will be discussed; in fact I can hardly recall hearing anything of consequence in these secret briefings that I had not already seen in my morning paper. Quite obviously, the secrecy has little to do with protecting our country from a foreign enemy; its purpose is to protect the Administration from scrutiny and criticism at home.

Even if these briefings and hearings had real substance, they would still not provide Senators and Congressmen with the opportunity to discuss matters directly and candidly with the principal authors of our foreign policy. Occasionally the President will hold an audience at the White House for senior members of Congress or for members of his own party, but these are ceremonial occasions, on which the legislators demonstrate their awe and deference toward the Presidential office. Anyone who has the temerity to ask a direct question or express a candid opinion is frowned upon, like a child misbehaving in church. Occasionally too, the President's Assistant for National Security Affairs holds briefing sessions for selected members of Congress, or what are called "background" sessions for the press. Under no circumstances, however, will Mr. Kissinger or any of his staff accept an invitation to testify before a Congressional committee, in public or in private. When invited, these close advisers of the President invariably decline, invoking what they call "executive privilege."

As between the executive and legislative branches of our government, the effect of "executive privilege" is exactly the same as a break in diplomatic relations between nations. No direct communications take place between those who make foreign policy in the Executive branch and those in Congress who are supposed to participate in the making of policy and to oversee its execution. Like the Arabs and Israelis, they communicate through intermediaries, with the Secretary of State cast in the role of Ambassador Jarring.

These circumstances make it exceedingly difficult to ascertain what our objectives are in Indochina, or in any of the other "sensitive" areas of American foreign policy. I intend in the immediate future to introduce legislation which, if adopted, would help to correct that situation by opening a channel of direct communication between Congress and the men who make American foreign policy. This bill would require employees of the Executive branch to appear in person before Congress or appropriate Congressional committees when they are duly summoned, even if, upon their arrival, they did nothing more than invoke "executive privilege." It would require an official such as the President's Assistant on National Security Affairs to appear before an appropriate Congressional committee if only for the purpose of publicly stating, in effect: "I am not going to answer your questions about our foreign policy. I have been instructed in writing by the President to invoke 'executive privilege' and here is why. . . ."

The purpose of this bill is to make a small breach in the wall of secrecy which now separates Congress from the Executive in matters of foreign policy, and particularly in matters pertaining to the war in Indochina. The specific change of procedure that would be required by this bill is a limited one, perhaps even a minor one, but its intent goes to the core of the democratic process by reaffirming the principle of accountability to Congress in the conduct of foreign policy.

II. Our Aims in Indochina

An appreciation of the enormous risks involved in the endless war in Southeast Asia will underline the need for a return to clarity and candor in public discussion, and to constitutional accountability in matters of war and peace.

Although the tactics have been changed—by and large for the better, I readily agree—the objective of the Nixon Administration in Indochina is by all available evidence the same as that of the Johnson Administration: to win the war in the sense of establishing viable anti-communist regimes in South Vietnam, Cambodia and probably Laos. A compromise political settlement, which could only mean a sharing of power between Communists and noncommunists has been effectively ruled out. That is why the Paris negotiations have failed—because there has been nothing to negotiate, from the enemy's point of view, except the terms of their surrender. Starting two years with the peculiar assumption that "Vietnamization" would give the North Vietnamese and the Vietcong an incentive to negotiate with mild and easygoing Americans before the tough-minded South Vietnamese took over, Mr. Nixon has now written the Paris negotiations off. "We are not going to make any more concessions," he said at a recent press conference. He also said that the "primary" reason for continuing to pursue diplomacy was "to negotiate some settlement of the prisoners-of-war issue." The President did not explain how he proposes to negotiate the release of the prisoners without making any more concessions.[2]

Clearly a political settlement, which would involve some sharing of power with the Communists, is not the Nixon Administration's aim in Vietnam. Nor, as we are often encouraged to believe, is the Administration's aim simply to get the American forces out in good order—to "back out of the saloon" with both guns blazing. It insults the intelligence of the American people to tell them that we had to invade Cambodia and Laos simply in order to cover our withdrawal; I do not think the North Vietnamese and the Vietcong would be so stupid as to try to interfere with an authentic, total American withdrawal. Indeed, it is only in a political atmosphere dense with obfuscation and mendacity that it becomes necessary to deal with this argument at all.

For President Nixon, as for President Johnson, the objective is military victory. "Vietnamization" has been substituted for escalation and it has achieved certain successes. No informed critic would deny that our casualties are greatly reduced, that the South Vietnamese Army is fighting better than it used to, or that much of South Vietnam has been pacified. The point that the critics are making is a different one: that "Vietnamization" is not going to end the war, that we are marching in triumph down a dead-end street.

The Vietnamese Communists have been fighting for twenty-five years and they have given us every reason to believe that they will continue to fight until they gain power in South Vietnam or until a new government emerges in Saigon with which they can come to terms. They have withstood many reverses in their long years of fighting but they have not been subdued. As Mr. Kissinger noted before he became one of the managers of the war, if a guerrilla army is not defeated, then it has won. "And how long do you Americans wish to fight?" North Vietnamese Premier Pham Van Dong asked in Hanoi four years ago. "One year? Two years? Twenty years? We will be glad to accommodate you."[3]

Behind the tenacious North Vietnamese are the Russians and Chinese, both of whom have pledged continuing support for the North Vietnamese despite any temporary reverses they may suffer. The Chinese in fact have said repeatedly that they welcome a war of attrition as a drain on American military, political and psychological resources.

Taken together, all these factors show that "Vietnamization" means not an end to the war but its perpetuation—with Asians doing the fighting on the ground while Americans provide air power, supplies and money. That is, if "Vietnamization" goes well. If it goes badly, if the South Vietnamese or Cambodian armies falter, the residual American force will be threatened with military disaster—the very specter that has haunted the President for the last two years. What would we then do? Hastily pull out our remaining forces or raise the stakes by launching an all-out attack on North Vietnam? The President has repudiated any intention of using nuclear weapons—and for that we must be grateful—but it must also be remembered that people are least likely to behave rationally when their backs are to the wall, and President Nixon himself has not always responded prudently in conditions of adversity.

At best "Vietnamization" will keep us hostage to the fighting abilities of the South Vietnamese Army and the political ambitions of the Thieu-Ky regime. As far as the South Vietnamese Army is concerned, it has indeed improved, but, as is now being demonstrated in Laos, it is dependent upon massive American air and logistics support. As one American Air Force Officer told a reporter recently, "We will be around a long time to come. You won't see any deadlines on the withdrawal of air power from this place."

As to the Thieu-Ky government, it has ruled out any form of political compromise with the National Liberation Front. Advocates of a compromise peace are prosecuted and imprisoned in South Vietnam, and the countryside is littered with government propaganda slogans such as "Coalition with the Communists is suicide," and "Not one square inch of our land for the Communists!" They are now even threatening to invade North Vietnam—an adventure that they could not dream of carrying off without massive American support. "If we are to

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Footnotes at end of article.

launch operations into neutral Cambodia and Laos," President Thieu said on February 22, "Why shouldn't we dare to attack the very origin of aggression?"[4] In his press conference of February 17, President Nixon pointedly declined to disavow American support for a South Vietnamese invasion of the North.

Perhaps, if General "Big" Minh should defeat Thieu for the presidency next October, a new South Vietnamese government would negotiate a settlement with the National Liberation Front. General Minh has said that he favors a compromise peace and a neutralized South Vietnam. Such a solution would of course be excellent from the standpoint of the United States: the Vietnamese would have settled their own conflict through a popularly elected leader.

The United States Embassy in Saigon, however, with the full support of the Nixon Administration is doing everything possible to help President Thieu stay in power. Ambassador Bunker is known to be a close friend and adviser to Mr. Thieu, and is also known to be contemptuous of General Minh. A former United States pacification adviser wrote recently that, a few days before he resigned last November, he was instructed to supervise an American-sponsored survey of popular attitudes toward the issues and personalities involved in the upcoming political campaign. The items in the survey relating to the presidential election, this American official was told, had been worked out in a meeting between President Thieu himself and Ambassador William Colby, the chief American pacification adviser in South Vietnam, and were designed specifically for the political benefit of President Thieu. If President Thieu is re-elected, it will be with the support of an American political apparatus more formidable than Tammany Hall in its heyday, despite clear evidence that his replacement may well be, in the words of one noted Vietnam expert, "the best remaining hope for an end to the war."[5]

To continue our survey of the possibilities, what if "Vietnamization" goes exceedingly well? What if—as now seems unlikely—the Laotian incursion is a big success and the South Vietnamese succeed in sealing off the Ho Chi Minh Trail? Will China permit her Indochinese allies to be defeated, or will she come to their assistance as she did for North Korea twenty years ago? President Nixon is confident the Chinese will not intervene. The incursions into Laos, he said recently, "present no threat to Communist China and should not be interpreted by Communist Chinese as being a threat against them."[6]

Perhaps the invasion of Laos "should not" be interpreted by China as a threat, but the more pertinent question is: will it? I do not think Mr. Nixon and Mr. Kissinger can guarantee Chinese nonintervention. Ominous statements have been heard from Peking since plans for the Laotian operation first became known. An article in the Peking *People's Daily* signed "Commentator"—a designation used for major official pronouncements—called the Laotian operation a "grave menace to China." The chief North Vietnamese delegate to the Paris peace talks, Xuan Thuy, has also publicly suggested—for the first time—that the invasion of Laos and the threat of a South Vietnamese invasion of North Vietnam might cause China to intervene in the war.

These may be idle threats, but I do not think they should be ignored, as President Truman and General MacArthur ignored the Chinese threat to intervene in Korea at great subsequent cost to the United States. I hope too that the Nixon Administration is not counting on its verbal assurances to persuade the Chinese that the expansion of the Indochina war is no threat to China. How can the Chinese be certain of American aims, when the American people themselves are profoundly uncertain of their Government's intentions? I do not think Mr. Nixon and Mr. Kissinger know, or can know, for certain that China will stay out of the war. My guess is that they are *taking a chance* on Chinese abstention as part of their larger gamble on military victory.

The ironic drawback in this policy is that the risk of Chinese intervention rises exactly in proportion as the gamble on victory seems likely to succeed. The greater our success in closing off the Ho Chi Minh Trail, the closer we come to defeating the North Vietnamese, the Vietcong and the Laotian Pathet Lao, the greater the chance of the Chinese coming to their rescue. Should the American people hope, therefore, for the failure of the Laotian question and for the continuance of a "Vietnamized" war of attrition as their own best protection against an all-out war with China? Such is the twisted logic of the policy of Vietnamization. Never to be forgotten either—for people who wish to preserve the United States as a humane democratic society—is that the morals of this war are as twisted as its logic. The death and destruction go on unabated for the civilian populations of Indochina, even though our own casualties are reduced. The "Vietnamized" war has become, in the words of Tom Wicker, "a slaughter of innocents."[7]

Implicit in this strategy of indiscriminate killing is the cruel and ignorant old supposition that Asians are indifferent to human life. In truth, as anyone who knows Asia at all can testify, the Chinese and Vietnamese and Cambodians and Laotians value their lives and the lives of their children as much as do Americans and Englishmen. They have simply been less successful at surviving, and their cries have been beyond our hearing. As much for the sake of our survival as a civilized society as for their physical survival, we cannot allow ourselves to forget that the victims of our bombs and bullets are people like ourselves, and although they die unheard and in great numbers, they do not die with indifference.

The great Community of 200 million people of which all of us are a part is bound together by devotion to the idea that every individual human being is entitled to be treated in a humane and civilized manner. We Americans are the descendants of people from all regions of this planet. For nearly 400 years our nation has received people seeking a haven from oppression and tyranny and an opportunity for self-expression and fulfillment. Our system of constitutional democracy was intended not only to provide for the security and welfare of those who came here or were born here, but also to serve as an example of democratic decency to the world.

We have scarcely doubted until recently that we had achieved a humane democratic society, but of late—and increasingly—that confidence has been eroded. Democracy is a process not a result. It is no particular set of policies, but a means of reaching them. It is a commitment to rational discourse, to persuasion, to restraint in the use of political advantage, to the renunciation of force or threats. The war in Indochina—its character and the way in which we have conducted it—is eroding our commitment to these values and, with it, our confidence in our selves and in our society.

Under the strain of this long and divisive war, we are conducting our affairs in a way that endangers the survival of our democratic society. "In any war," as a noted academic commented recently: "a democratic polity incurs certain inescapable damage. War by its nature required secrecy; democracy thrives on full disclosure. War causes people in authority not only to withhold the truth upon occasion; it tempts them to twist and distort it."[8] And as Alexis de Tocqueville warned us a century ago: "All those who seek to destroy the freedom of the democratic nations must know that war is the surest and shortest means to accomplish this. That is the very first axiom of their science."[9]

It is all fairly simple when you come right down to it: if democracy disappears from America, it will have been lost as a casualty of war.

FOOTNOTES

[1] Kingman Brewster, Jr. of Yale University, quoted by Joseph B. Treaster, in "Brewster Sees a 'Moral Flaw' in Vietnam Policy," *New York Times*, February 21, 1971, p. 3.

[2] February 17, 1971.

[3] Quoted by David Halberstam in "Laos and the Old Illusions," *New York Times*, February 25, 1971, p. 37.

[4] Quoted by Lee Lescaze, in "Thieu Asks Why Not Attack the North," *Washington Post*, February 25, 1971, p. A 22.

[5] Arthur M. Cox, "Last Chance for Peace in Vietnam," *Washington Post*, February 3, 1971.

[6] Press Conference of February 17, 1971.

[7] Tom Wicker, "A Slaughter of Innocents," *New York Times*, February 21, 1971, p. 11.

[8] Richard W. Lyman, President of Stanford University, "Democracy: Casualty of War," in Letters to the Editor, *New York Times*, February 19, 1971, p. 36.

[9] Alexis de Tocqueville, *Democracy in America* (New York: Harper & Row, Publishers, 1966), vol. II, ch. 22, p. 625.

POLLUTION OF THE OCEANS

Mr. PELL. Mr. President, the March 11, 1971, issue of the Washington Evening Star contains a story by Roberta Hornig which states that tomorrow—

> A ship carrying about 70 tons of an arsenic compound will sail from Philadelphia . . . and dump its potentially lethal cargo in the Atlantic Ocean.

According to the article, this practice of dumping arsenic at sea has been going on for 2 years on a monthly basis. Spokesmen for the companies responsible for the dumping say that it occurs about 150 miles out in the ocean. The only reason given for disposing of the arsenic in this manner is that it is more economical than any other method.

I ask unanimous consent that the article referred to be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Beall). Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. PELL. Mr. President, the arsenic in question is only part of the estimated 60 million tons of waste dumped off American seacoasts every year. Nevertheless, I am deeply disturbed that this practice of dumping arsenic has been carried on for 2 years, particularly in view of the fact that when the arsenic comes in contact with sea water its composition is changed so as to make it potentially toxic to sea life in the area.

I realize that it may be too late to prevent the arsenic dumping which is to take place tomorrow. I have, however, sent a telegram to Mr. Vincent L. Gregory, president, Rohm & Haas Co., Philadelphia, Pa., urging him to postpone this disposal. I ask unanimous consent that this telegram also be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 2.)

Mr. PELL. Mr. President, moreover, in an effort to prevent future dumpings of this nature, I am asking the Environmental Protection Agency to take such steps as may be necessary to obtain temporary restraining orders against any individual or company, based in the United States, engaged in disposing of its waste materials in the ocean. Although this would only represent a "stopgap" measure, it would at least put a halt to this onerous practice of using our oceans as an untreated septic tank for disposing of human and industrial wastes.

Mr. President, immediate action is necessary on both the domestic and international level if ocean dumping is to be brought under control. I hope, therefore, that the Senate will resolve the question as to which committee shall have jurisdiction over the legislation which is being held at the desk pending a decision as to where it should be referred. If the issue cannot be resolved quickly, then I suggest it certainly demonstrates the necessity of establishing a Joint Committee on the Environment as proposed by Senate Joint Resolution 17 which is presently our pending business.

The Foreign Relations Subcommittee on Oceans and International Environment, of which I am chairman, intends to hold hearings next month to receive testimony on conventions relating to pollution of the sea by oil. I might add that I expect the subcommittee to examine this whole question of ocean pollution in greater detail.

Exhibit 1

Ocean Pollution: Arsenic Dumping Continues

(By Roberta Hornig)

On Saturday, following a two-year-old practice, a ship carrying about 70 tons of an arsenic compound will sail from Philadelphia, travel through Delaware Bay, and dump its potentially lethal cargo in the Atlantic Ocean.

The Norton Lilly Company of Philadelphia, which booked the load on the Italian vessel "Nondo Fassio," says that as far as it knows this sort of cargo, ranging between 30 and 80 tons, has been dumped at sea about once a month for "over two years."

Both Norton Lilly and the chemical company involved, Whitmoyer Laboratories of Myerstown, Pa.—a subsidiary of Rohm & Haas Company, the ninth largest in the world—says the dumping occurs about 150 miles out in the ocean.

President Nixon's Council on Environmental Quality, which is against dumping any potentially toxic materials in the sea, is trying to figure out what to do about this Saturday's dumping. At present, spokesmen say, there are no legal restraints.

Dr. Gordon McDonald, the lone scientist on the three-man council, says the dumping flouts Nixon's principles, but that only congressional action can stop it.

McDonald says the worry in this particular case is that when the 246 canisters containing the arsenic compound hit the water, they will break open and the sea water will change the composition of the chemical, making it particularly toxic to sea life in the area.

Both the administration and Sen. Edmund F. Muskie, chairman of the Senate Air and Water Pollution subcommittee, have offered bills to require permits for any kind of ocean dumping within 12 miles of the U.S. coastline and forbid any kind of dumping within that limit by any foreign government.

McDonald also said the U.S. Coast Guard alerted him to the latest chemical dumping and tends to be suspicious about how far out in the ocean the dumping occurs.

A spokesman for Whitmoyer Laboratories said the company considered other disposal methods but that it is "more economical to put it in a ship and dump it in the bottom" of the ocean.

A spokesman for Norton Lilly said, "We understand about this new anti-pollution—let's save the seas, of course."

But, he added: "The only thing here is we're in the middle. If we're in the wrong (referring to the ocean dumping) I'd appreciate it if we'd get some official notification."

Government estimates are that 62 million tons of waste—ranging from DDT residues to old mattresses—are dumped off America's seacoasts annually.

Exhibit 2

Mr. Vincent L. Gregory, President,
Rohm & Haas Co.,
Independence Mall West,
Philadelphia, Pa.:

I have been advised of the planned ocean disposal this weekend of a large quantity of potentially harmful arsenic compound by your company subsidiary, Whitmoyer Laboratories.

As chairman of the Subcommittee on Oceans and International Environment of the Senate Foreign Relations Committee, I urge you to postpone this disposal until potential environmental damage can be fully assessed and until alternate disposal methods are explored. I am urging the environmental protection agency to provide consultation and technical assistance should you desire it, and I understand such assistance can be made available.

Your urgent consideration of this request is appreciated.

Senator Claiborne Pell,
Chairman, Subcommittee on Oceans and International Environment.

Mr. HOLLINGS. Mr. President, I should like to commend the distinguished Senator from Rhode Island for his concern and leadership in the development of the oceans, and more particularly in solving the problem of the pollution of our oceans and the environment.

On reading the same news article regarding the dumping of arsenic in the ocean, the Subcommittee on Oceans and Atmosphere of the Commerce Committee contacted the Rohm & Haas Co. early this morning. Just a few minutes ago, I talked to Mr. John Haas, vice president of the company. Mr. Haas assured me that they will desist from the intended dumping of the arsenic and this particular shipment will not go out until further study and determination can be made.

In talking to Mr. Haas, he said that they will be glad to come and present their views at our subcommittee hearing later this month. They have contacted the White House and Dr. Gordon McDonald of the Council on Environmental Quality, and they have an appointment there on March 19. We shall arrange a hearing before the Subcommittee on Oceans and Atmosphere so that we can hear all the views, as well as to dovetail in with the ocean dumping hearings we are presently conducting.

The inference in the article in last night's Evening Star that there is the ocean dumping bill which now lies on the desk, but nothing else has been done. The fact is, however, that last August the subcommittee held ocean dumping hearings relative to nerve gas dumping. Last week, the Subcommittee on Oceans and Atmosphere of the Commerce Committee began hearings on S. 307, the National Oceanic and Environmental Research Act of 1971. The Secretary of the Navy appeared then and testified on Navy munitions dumping practices. In addition, various engineers appeared to discuss information they need to design proper waste disposal facilities. We are now near the close of the ocean dumping hearings in Congress, so that we can act promptly.

I believe that if we can proceed further with our particular interest in the subcommittee, working with the distinguished Senator from Rhode Island, who heads up the Foreign Relations Committee's concern with respect to the pollution of the seas and the international aspects thereof, then we can act to protect the public interest.

We are indebted to the news media for bringing this to our attention. Somehow, many groups are continuing to dump oil, arsenic, refuse, and sludge, using the oceans as a garbage can, due to lack of policy by Congress and the Government itself.

We hope to establish an overall, acceptable national policy governing ocean dumping during this 92d Congress. But until that policy is established, I have been assured that this particular arsenic dumping will not occur, and that Robin & Haas will hold it up. We shall hold hearings on the subject soon.

Mr. PELL. Mr. President, I should like to congratulate the junior Senator from South Carolina (Mr. Hollings), who is an activist. While many of us talk, he takes action. What he reports is of real interest and of considerable news value.

I regret that while this was brought to our attention by the news media, I see only one body in the press gallery at the moment, so that the statement the Senator from South Carolina has just made may not receive the attention it deserves.

However, I congratulate him on his efforts, and say to him that one of the most enjoyable aspects of service in the Senate is working with the distinguished Senator from South Carolina on this question of solving the problem of ocean pollution.

We in the Committee on Foreign Relations believe that when international programs are involved, and the action of other nationals is involved, too, there is a real responsibility that we carry. We recognize that licensing and other actions of American citizens can only be handled by our own domestic or national jurisdiction, but we are concerned with the problems and activities involving international environment.

Mr. HOLLINGS. I thank my distinguished colleague from Rhode Island.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR FANNIN ON TUESDAY, MARCH 16, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next upon the completion of my remarks, for which an order has already been granted recognizing me, the able Senator from Arizona (Mr. FANNIN) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS PERCY, JAVITS, AND SYMINGTON ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next, upon the conclusion of the remarks by Senator FANNIN, there be a period for not to exceed 30 minutes for a colloquy on arms control, the time to be controlled by the Senator from Illinois (Mr. PERCY), the Senator from New York (Mr. JAVITS), and the Senator from Missouri (Mr. SYMINGTON).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next upon completion of the orders previously entered for recognition of Senators, there be a period for the transaction of routine morning business not to exceed 45 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOES THE WHITE HOUSE REALLY WANT TEXTILE IMPASSE RESOLUTION?

Mr. HUMPHREY. Mr. President, I rise to address myself to the comments from the White House on the voluntary textile limiting agreement with Japan.

I frankly am amazed at yesterday's White House rejection of the yet-to-be-tried voluntary textile-limiting agreement with Japan, in securing which Chairman MILLS of the House Ways and Means Committee was properly helpful.

I reject thinly veiled Presidential irritation, over Chairman MILLS' participation, as political window-dressing. I also reject the pseudoconstitutional grounds the administration is using privately to justify this precipitate and unwise action. The Congress and the Executive have a singularly concomitant role in trade policy—and the White House knows it.

Chairman MILLS was able to achieve swiftly and effectively something the administration failed even to approach in over 2 years of negotiations so singularly inept they make one doubt the administration's supposed commitment to a negotiated settlement. I am not accusing the President or his top trade and economic advisers of being so far behind the times as to really want the type of bill that died in Congress this past January.

What I am saying is this administration is callously holding out false hope of relief to textile workers and textile industries, and indeed, to many other American businesses and groups of workers who are being threatened by increasing imports.

This is what I find so inexcusable—keeping these Americans on the string for 1, 2, now 3 years and then in a move, designed to preclude any quota legislation during this Congress, trying to place the political blame elsewhere.

This country nor any other can afford to see the beginnings of a trade war. Chairman MILLS, by his efforts, was trying to achieve a meeting of the minds. This administration, so identified with business acumen and insight, failed completely in its efforts.

Chairman MILLS appealed to the Japanese sense of fair play and their own long-term economic interests. He was able to conclude an agreement that the administration could have sent to the Congress assured of favorable consideration. These channels were still open. The Congress has had to choke on many an agreement the various administrations have negotiated. I see nothing wrong with the White House sending up a formalization of this agreement, in due time, after they review how the formal voluntary agreement was working and what effect it might have.

The fact is that the executive branch has entered into negotiations for agreements in other areas. We negotiated one on cotton fibers. This is voluntary on the part of the Japanese Government with respect to manmade fibers. I was privileged to serve as chairman 4 years on the Trade Policy Committee during my Vice-Presidency.

I have stated repeatedly on the matter of an agreement on manmade fibers that we were unable to do it. The magnificient leadership of Chairman MILLS of the House Ways and Means Committee has produced the very thing that three administrations had hoped that they might accomplish.

The fact that this agreement was encouraged by a Member of Congress should not in any way make it any less desirable. I would hope that this agreement would be accepted and indeed formalized.

Mr. President, I feel the American people are a lot smarter than the President thinks they are. He has spent over 2 years playing both sides against the middle on trade policy. And nothing has been done. Rejection of this agreement is a prime example.

An example of a President, who is supposedly for helping the States and localities through revenue sharing, restoring dignity and equity to a welfare system, and charting a fair but expanding trade policy for America, and then summarily and rudely dismisses the fine efforts of the man who chairs the committee that is so closely involved in achieving all these things, makes one wonder. Does the President really want all these things? I hope so. I must say that if he does, it might be well to look at what has been accomplished by Chairman MILLS of the Ways and Means Committee. Or would he rather blame someone else for these failures in 1972?

We owe a debt of gratitude to Representative MILLS for his leadership in convincing the Japanese textile industry that self-discipline and voluntary action is preferable to imposed quotas and tariffs. If the Japanese can see the value of such a policy, surely the President should be able to do so.

Mr. President, I ask unanimous consent that Chairman MILLS' statement on this rejection be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STATEMENT BY CHAIRMAN MILLS

I understand that the President and his advisors, after considering the recent initiative of the Japanese Textile Federation toward a solution of the problem of textile imports, have decided to reject the Japanese proposal. Having responded on many occasions to requests from Administration officials during the past two years to assist in furthering a negotiated settlement of this problem, I am both surprised and disappointed at this decision.

This rejection of the Japanese initiative not only involves honest differences of opinion as to the extent and the nature of restraints on textile exports to the United States, it involves the very core of our trade relations with the textile exporting countries and indeed with our ability to deal on a realistic basis with the problems all our industries face in competing in our own markets and abroad.

While I can perhaps understand the position taken by the leaders in the textile industry in opposing the proposal, and I assume that they have given it serious study, it is difficult to understand an out-of-hand rejection of the proposal after two years of unsuccessful attempts to negotiate a settlement. My support of the industry's efforts and my support of the Administration's efforts to obtain a solution to this problem are a matter of public record. I regret that at this time the decision has been made to reject this avenue toward a meaningful accommodation of the international textile trade problem.

The President apparently knows of another way to obtain the protection which the textile industry is seeking, and, at the same time, prevent other protectionist developments from accompanying that relief, but I do not.

As I have pointed out before in several different ways, the stakes involved in an early settlement of the textile controversy are very great. Obviously, our trade problems go far beyond just the question of textiles, and I cannot understand how under any circumstances a statuary program for the protection of a single industry can be developed which is exclusive of consideration of statutory programs for other affected industries. As I have already said, I await with considerable interest the presentation of such a program by the Administration.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM FOR TUESDAY, MARCH 16, 1971

Mr. BYRD of West Virginia. Mr. President, the program for Tuesday next is as follows:

The Senate will convene on Tuesday next at 11 a.m. following an adjournment. Following the disposition of the reading of the Journal and the recognition of the two leaders or their designees under the standing order, the junior Senator from West Virginia (Mr. BYRD) will be recognized for not to exceed 15 minutes for the purpose of submitting a resolution to amend rule XVI of the Standing Rules of the Senate and making a statement in connection therewith.

At the conclusion of my remarks, the distinguished Senator from Arizona (Mr. FANNIN) will be recognized for not to exceed 15 minutes; he will be followed by a colloquy for not to exceed 30 minutes, the time to be controlled by Senators PERCY, JAVITS, and SYMINGTON, on the subject of arms control, at the conclusion of which there will be a period for the transaction of routine morning business not to exceed 45 minutes with statements therein limited to 3 minutes.

Following the transaction of routine morning business the Senate will resume its consideration of the pending business, Senate Joint Resolution 17, to establish a joint committee on the environment. Upon concluding action on Senate Joint Resolution 17, which by virtue of the adjournment will become the unfinished business on Tuesday next, the Senate will consider Senate Resolution 17, a resolution amending rule XXIV of the Standing Rules of the Senate with respect to the nomination and appointment of committee members, introduced by Mr. HARRIS and Mr. MATHIAS.

Mr. President, there are certain resolutions on the calendar which have been reported from the Committee on Rules and Administration—five in number—beginning with Calendar Order No. 37 and going through Calendar Order No. 41. Any one or more of these resolutions may be considered on Tuesday morning next as unobjected to items on the Senate calendar. This would occur immediately following the disposition of the reading of the Journal and when the joint leadership is recognized under the standing order.

If action is completed on all of the foregoing measures on Tuesday next, I am authorized by the majority leader to state that the Senate, barring unforeseen developments, will adjourn over until Friday next so as to give committees the opportunity to put in some uninterrupted sessions.

Mr. President, I now ask the able minority whip if he has any questions or suggestions at this point before the motion to adjourn.

Mr. GRIFFIN. No.

ADJOURNMENT TO 11 A.M. ON TUESDAY, MARCH 16, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. on Tuesday next.

The motion was agreed to; and (at 4 o'clock and 21 minutes p.m.) the Senate adjourned until Tuesday, March 16, 1971, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate March 12, 1971:

U.S. ARMY

Brig. Gen. George Shipley Prugh, Jr., 559-22-8819, Army of the United States (colonel, Judge Advocate General's Corps, U.S. Army), for appointment as the Judge Advocate General, U.S. Army, as major general, Judge Advocate General's Corps, in the Regular Army of the United States and as major general, Army of the United States, under the provisions of title 10, United States Code, sections 3037, 3442, and 3447.

Brig. Gen. Harold Edward Parker, 069-05-3712, Army of the United States (colonel, Judge Advocate General's Corps, U.S. Army), for appointment as the Assistant Judge Advocate General, as major general, Judge Advocate General's Corps, in the Regular Army of the United States and as major general, Army of the United States, under the provisions of title 10, United States Code, sections 3037, 3442, and 3447.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 12, 1971:

U.S. ARMY

Gen. James Hilliard Polk [redacted], Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general, under the provisions of title 10, United States Code, section 3962.

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be general

Lt. Gen. Michael Shannon Davison, [redacted] Army of the United States (major general, U.S. Army).

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. George Marion Seignious II, [redacted] Army of the United States (brigadier general, U.S. Army).

The U.S. Army Reserve officers named herein for promotion as Reserve Commissioned officers of the Army, under provisions of title 10, United States Code, section 953(a) and 3384:

To be major general

Brig. Gen. James B. Faulconer, SSAN [redacted].

Brig. Gen. Stephen S. Ferebee, Jr., SSAN [redacted].

Brig. Gen. Harry J. Rockafeller, SSAN [redacted].

Brig Gen. Moise B. Seligman, Jr., SSAN [redacted].

To be brigadier general

Col. Edwin I. Creed, SSAN [redacted], Ordnance Corps.

Col. Richard T. Cuneo, SSAN [redacted], Infantry.

Col. Edward W. Gaupin, Jr., SSAN [redacted] Corps of Engineers.

Col. Frank C. Harold, SSAN [redacted], Medical Corps.

Col. Howard A. Louderback, Jr., SSAN [redacted] Infantry.

Col. George W. McGrath, Jr., SSAN [redacted] Field Artillery.

Col. Albert G. Peterson, SSAN [redacted], Infantry.

Col. Joseph G. Rebman, SSAN [redacted], Signal Corps.

Col. W. Stanford Smith, Jr., SSAN [redacted] Infantry.

Col. Edwin B. Taylor, SSAN [redacted], Infantry.

Col. Donald A. Yongue, SSAN [redacted], Infantry.

The Army National Guard of the United States officers named herein for promotion as a Reserve Commissioned officer of the Army, under the provisions of title 10, United States Code, section 593(a) and 3385:

To be brigadier general

Col. Kennedy C. Bullard, SSAN [redacted] Field Artillery.

Col. John F. Burk, Jr., SSAN [redacted], Infantry.

Col. O. T. Dalton, Jr., SSAN [redacted], Corps of Engineers.

Col. Sherman J. Gage, SSAN [redacted], Armor.

Col. Howard G. Garrison, SSAN [redacted] Armor.

Col. John J Godfrey, SSAN [redacted], Corps of Engineers.

Brig. Gen. Wilfred C. Menard, Jr., SSAN [redacted] Adjutant General's Corps.

Col. James L. Moreland, SSAN [redacted], Infantry.

Col. Edward M. Yoshimasu, SSAN [redacted] Infantry.

The Army National Guard of the United States officers named herein for appointment as Reserve Commissioned officers of the Army, under provisions of title 10, United States Code, section 593(a) and 3392:

To be major general

Brig. Gen. William R. Sharp, SSAN [redacted] Adjutant General's Corps.

To be brigadier general

Col. John Blatsos, SSAN [redacted], Field Artillery.

Col. Charles J. Cronan III, SSAN [redacted] Field Artillery.

Col. Edward M. Frye, SSAN [redacted], Infantry.

Col. Van D. Nunally, Jr., SSAN [redacted] Armor.

Col. Guy N. Rogers, SSAN [redacted], Infantry.

Col. Willie L. Scott, SSAN [redacted], Air Defense Artillery.

U.S. NAVY

Having designated the following-named officers of the Navy for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving:

Rear Adm. Frank W. Vannoy, U.S. Navy.

Rear Adm. Means Johnston, Jr., U.S. Navy.

Rear Adm. Harold E. Shear, U.S. Navy.

Rear Adm. Frank W. Vannoy, U.S. Navy, for appointment as Navy senior member of the Military Staff Committee of the United Nations pursuant to title 10, United States Code, section 711.

U.S. MARINE CORPS

Maj. Gen. William G. Thrash, U.S. Marine Corps, having been designated, in accordance with the provisions of title 10, United States Code, section 5232, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

Lt. Gen. Raymond G. Davis, U.S. Marine Corps, for appointment as Assistant Commandant of the Marine Corps, in accordance with the provisions of title 10, United States Code, section 5202, with the grade of general while so serving.

Maj. Gen. Wallace H. Robinson, Jr., U.S. Marine Corps, having been designated, in accordance with the provisions of title 10, United States Code, section 5232, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

IN THE AIR FORCE

The nominations beginning John S. Ingari, to be major, and ending Ronald D. Wood, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 1971.

IN THE NAVY

The nominations beginning Robert R. Abbe, to be commander, and ending David M. Muschna, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 1971; and

The nominations beginning James R. Allen, to be ensign, and ending George D. Zeitler, to be chief warrant officer, W-2, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 1971.

IN THE MARINE CORPS

The nominations beginning Rafael Candelario, to be second lieutenant, and ending Peter A. Zaudtke, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 1971.

EXTENSIONS OF REMARKS

INTERNATIONAL DECADE OF OCEAN EXPLORATION

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the excellent address of Feenan D. Jennings, head of the International Decade of Ocean Exploration to a luncheon of the American Oceanic Organization on Thursday, February 25, 1971.

Mr. Jennings, who studied oceanography at the Graduate School of the University of California and at Scripps Institution of Oceanography, is highly qualified to speak on this subject. He has done extensive work on the effects of radiation fallout in relation to oceanography, participating in nuclear tests at the Pacific Proving Ground, and was project officer for Project Redwing, a series of nuclear tests in 1956.

In 1958 Mr. Jennings served as head oceanographer, Geophysics Branch of the Office of Naval Research. In 1966 he was promoted to deputy director, Ocean Science and Technology Division, Office of Naval Research. His many awards include the Navy's meritorious civilian award in 1960; outstanding award in both 1961 and 1963; the Navy superior service award in 1966; and the 1970 Military Oceanography Award, oceanographer of the Navy.

I am sure that my colleagues and the American people will find much of interest in Feenan Jennings address on the "International Decade of Ocean Exploration."

PRESENTATION TO THE AMERICAN OCEANIC ORGANIZATION

(By Feenan D. Jennings)

It is a genuine pleasure for me to address this meeting of the American Oceanic Organization. In particular, I am pleased because this is the first opportunity we have had to discuss the international decade of ocean exploration program outside of the foundation.

As most of you know, the vice-president assigned responsibility for the management of the decade program to the National Science Foundation in November of 1969 as one of the President's five initiatives in marine sciences for fiscal year 1971. The vice-president said the United States would propose emphasis in the international decade of ocean exploration on the following goals:

(1) Preserve the ocean environment by accelerating scientific observations of the natural state of the ocean and its interactions with the coastal margin—to provide a basis for (a) assessing and predicting man-induced and natural modifications of the character of the oceans; (b) identifying damaging or irreversible effects of waste disposal at sea, and (c) comprehending the interaction of various levels of marine life to permit steps to prevent depletion or extinction of valuable species as a result of man's activities.

(2) Improve environmental forecasting to help reduce hazards to life and property and permit more efficient use of marine resources—by improving physical and mathematical models of the ocean and atmosphere which will provide the basis for increased accuracy, timeliness, and geographic precision of environmental forecasts;

(3) Expand seabed assessment activities to permit better management—domestically and internationally—of marine mineral exploration and exploitation by acquiring needed knowledge of seabed topography, structure, physical and dynamic properties, and resource potential, and to assist industry in planning more detailed investigations.

(4) Develop an ocean monitoring system to facilitate prediction of oceanographic and atmospheric conditions—through design and deployment of oceanographic data buoys and other remote sensing platforms;

(5) Improve worldwide data exchange through modernizing and standardizing national and international marine data collection, processing and distribution; and

(6) Accelerate decade planning to increase opportunities for international sharing of responsibilities and costs for ocean exploration, and to assure better use of limited exploration capabilities.

As you must recognize, the goals which I have just quoted are rather broad in their scope, and much of the effort during this first year has been devoted to refining an operating philosophy for the conduct of the program and in identifying more specifically, scientific problems upon which we should focus our attention.

First, I would like to outline three basic points of philosophy which have been used to shape the program and which we will use for the management of the projects during the coming years.

(1) The goals assigned by the vice-president were, in my opinion, well chosen in that they all involved an examination of man's interaction with the oceans. We recognized that a fledgling program such as ours would have to be designed carefully to avoid duplicating the prerogatives and even the assigned responsibilities of on-going Federal agency programs. This meant, for example, that we should not involve ourselves with research into tsunamis, tides, mapping and charting, fisheries research or operational prediction systems, all of which are responsibilities of the National Oceanic and Atmospheric Administration. Nor would we involve ourselves in detailed geological surveys which are rightfully the task of the U.S. Geological Survey; nor in an examination of the environmental quality of rivers and estuaries which, at first glance, are the responsibility of the Environmental Protection Agency and the Federal Water Quality Administration. Having blocked out those areas which were not our concern, we then attempted to arrive at an operational philosophy which would take advantage of existing talent and resources, to stretch the money available to IDOE as far as possible in attaining the goals outlined. We concluded that IDOE and other agencies could enhance each other's activities. This could be done with the Department of Defense and other agencies by encouraging cooperation on research projects. For example, the Navy in pursuit of an oceanographic environmental prediction capability, might support research in air/sea interaction; the IDOE, charged with the task of improving environmental forecasting for the benefit of mankind, would also need to examine the processes involved in the exchange of matter and energy between the atmosphere and the oceans. If we could combine our interests and our support in looking at large-scale air/sea interaction processes, it would benefit the goals of both the Navy and the decade programs.

The other method by which we could stretch our resources, and which was an inherent part of the decade program, would be to encourage and foster international cooperation in programs to which all participating countries actively contribute. Thus, we will seek joint support of the IDOE scientific investigations from other countries whenever it is mutually advantageous to do so.

(2) We have attempted to identify, within the broad goals outlined by the vice president, rather specific scientific problems

which are—at this time—particularly susceptible to a concerted attack by the research community. This may be occasioned by the state of our theoretical understanding of a problem, or by recent advances in our technological capabilities to examine the problem, or by some combination of these and the scientific community's present involvement in them.

(3) Having identified the problems which are particularly amenable to solution by a concerted effort, we would then focus the necessary scientific talent on the problem, and provide enough resources, in terms of technology, equipment, and technical assistance, to offer the hope of really obtaining the answers to significant questions. The combined results of these philosophies is a program which focuses on a very few carefully identified scientific problems and which involves most of the scientists concerned with those problems on an inter-institutional, inter-agency, international basis.

Those philosophies then are the major operating tenets of the program.

I would now like to address the programmatic aspects of the IDOE. Three of the six goals outlined by the vice-president fall into categories which I would define as support functions:

(1) The first of these is the development of technology for monitoring the environment. While we recognize the importance of applying truly modern technology to oceanic investigations, we do not believe that the level of funding presently available to the program will permit the support of technological development in the *general* sense. Instead, we will support that technology required by the IDOE scientific programs as necessary. This will involve participation by industry wherever possible. As the program grows in size and sophistication, increasing involvement of the technological excellence of industry will be required. In addition, we will foster the growth of the national oceanographic instrumentation center by supporting that organization's direct involvement in the testing, calibration, and engineering evaluation of the instruments to be used in the scientific program.

(2) The second support function involves the improvement of national and international data exchange through modernization and standardization of our present systems. Once again we decided that it was not feasible to support such a program in *general* terms, but that it would benefit the scientific research efforts as well as the existing data management organizations if we were to involve the data centers directly in the scientific projects. Accordingly, we have made arrangements by which the environmental data centers of NOAA and the sorting centers of the Smithsonian will participate in the IDOE through the following procedures: (a) the data centers will review the research proposals submitted to the IDOE by the scientific community to insure that adequate attention has been paid to the reduction and processing of the scientific data resulting from the work; (B) the data centers and the scientists will agree on formats for submission of the data and on schedules for delivery of the data to the centers; and, (C) the data centers will estimate the added costs of handling data resulting from the decade program, over and above their on-going responsibilities, so that proper funding for those centers may be provided by the IDOE.

(3) The third support function—which is really more of an objective—concerns international sharing of responsibilities. In a sense the decade program—as we see it—is quite different from previous international cooperative studies of the oecans. For example, the International Indian Ocean Expedition and the International Cooperative Investigations of the Tropical Atlantic concern themselves with cooperative assaults on a given geographic area of the world oceans. The IDOE, on the other hand, will focus on *scientific problems* which will more properly involve cooperation between various countries on a scientist-to-scientist basis, rather than a broad commitment from each country to mount an exploratory expedition to a given geographic area in an agreed upon time period.

Thus, the major emphasis on international cooperation will be to insure that the principal investigators in this country contact their counterparts in other countries and encourage their participation in the programs whenever possible. In addition, we at the program management level will present our overall program plan to intergovernmental organizations in order to obtain their assistance and support.

Having presented to you our general approach to the management of the decade program, I would now like to describe the scientific programs which we have identified within each of the three broad goals outlined by the Vice President.

Although one of the primary goals of IDOE is to stimulate integrated long-term studies of environmental quality of the ocean, it quickly became apparent to the office that markedly lacking was any set of baseline data or other information against which the validity and objectives of proposals could be weighed. Unless such information is obtained, there is the danger of ending the decade without answering important questions relating to the quality of the environment.

Two National Academy of Sciences panels met in 1970 with the primary intent of identifying pollutants of concern in the marine environment. The first, GNEM (Global Network for Environmental Monitoring—IBP: NAS), listed among the elements and compounds of concern a suite of heavy and transition metals including mercury, lead, cadmium, arsenic, copper, and zinc; oil and hydrocarbons of petro-chemical origin; chlorinated hydrocarbons; and polychlorinated biphenyls. Subsequently, a second panel (NASCO—Williams College) recommended that no monitoring program be supported until the completion of adequate baseline studies which identified sources and rates of input, presence or absence of specific pollutants, and concentrations occurring in the ocean at present. The panel estimated that the goal could be reached in one to two years.

To accomplish the objectives outlined at the Williams College Conference, primary consideration should be given to a study of the area and shore-seaward distribution of pollutants, focusing on sources of injection into the marine environment. Specifically, these include (1) rivers (seaward from their mouths), (2) the atmosphere, and (3) accidental or intentional spillage—the first, best studied where water enters the ocean from areas of high population and industrial density; the second, at points remote from land but under the major wind systems.

Recognizing that associated problems differ from one geographical area to another, the office has invited study proposals with the intent of supporting separate studies in the North Atlantic, Northeast Pacific and Gulf of Mexico. The objectives are:

(1) To identify major suspected and unsuspected pollutants and their sources;

(2) To identify ocean processes affecting the dispersal, sedimentation, and fate of pollutants;

(3) To identity or predict the impact of pollutants on the biosphere as well as their effect on esthetic and commercial uses of the oceans; and

(4) To identify areas of the ocean where one might expect to find high concentrations of pollutants.

Using these guidelines, surveys to obtain baseline information of the presence or absence of specific pollutants and their concentrations in the biota, sediments, and water will be made preceding the study programs. Once completed, the studies will provide adequate information to permit the logical development of sophisticated research projects to study the biological amplification, chemical reactions, ultimate fate and effect of pollutants and so forth. We have identified responsible groups in the Atlantic and Pacific and are considering the proper approach to the Gulf and Caribbean.

In addition to the pollutant baseline studies, we hope to support a program to determine the present day distribution patterns of all the most important oceanic tracers—both physical and chemical—along north-south transects of the three major oceans of the world. This work will be important to our program in environmental quality, and to our long-range interests in predicting environmental conditions.

In the area of environmental prediction, we feel much more comfortable in identifying those scientific problems which hold the most hope for pay-off to the benefit of man.

The progress in both the theory and the measurement of upwelling processes over the past few years has reached the point where a concerted scientific research effort into coastal upwelling systems may give us the capability to make some early attempts at predicting the onset of upwelling. It has been estimated that over 50 percent of the world's fish catch is made in upwelling areas. If we are able to improve our capability to predict the onset of upwelling and to understand the processes taking place within the food chain, it will surely result in an increase in man's use of the oceans as a source of food.

Another program which presently has the attention of the majority of east coast physical oceanographers is the study of the role of medium-scale eddy processes in ocean circulation. As a result of the work over the last several decades we now know something about the mean circulation of the oceans, but we have no real understanding of the perturbations which take place. We also know that a large percentage of the energy involved in such perturbations occurs on scales equivalent to the quasi-geostrophic eddies which have been observed in the northern Atlantic over the past several years. We hope to support a program which attempts to delineate these eddies with the ultimate goal of understanding the dynamic processes which control their generation and decay.

Another area of environmental prediction which in my opinion holds great promise for pay-off is the study of the large-scale air/sea interaction processes taking place in the North Pacific. We are considering supporting a program of synoptic observations, combined with theory, which will provide us with the understanding of energy exchange between the ocean and the atmosphere. The goal of the program is to provide the proper scientific basis for increasing our long-range weather forecasting both in the marine environment and over the North American continent. Other important parts of our environmental prediction effort are an examination of water mass formation and abyssal circulation which are important in the distribution of heat energy and pollutants in the ocean. In addition, the top layers of sediments from areas of rapid sediment deposition can be used to identify climatic changes which have occurred in the past. A knowledge of such changes will allow us to determine whether man is influencing changes now observed, or, whether they are naturally cyclic events which have nothing to do with our activities.

In the area of seabed assessment we hope to focus much of our attention on the study of the rift valleys of the mid-ocean ridge systems to determine whether the hot mineral brines observed in the Red Sea—which is itself a rift valley—might also be taking place in the deep sea. We also considered that the deep ocean trenches should be studied for two reasons: First, men are considering the deep trenches as a place for the disposal of some kinds of wastes on the basis that such waste will be buried as the sea floor slides under the continent; and, second, there is a great deal of seismic activity associated with the ocean trenches and there is a good possibility that mineralization may also be taking place there. We intend, therefore, to support research which will help us determine whether our theories are correct; if they are, an understanding of the generating mechanisms may help us to predict the occurrence of resources on the floor of the ocean.

Our understanding of the geophysical framework of the continental margins under the oceans of the world is by no means uniform. We believe that a search for minerals on these margins will require a knowledge of the geophysics of these areas and intend to support studies along continental shelves. While we may support a few fine grain surveys to look at the geology of selected areas, this will not be a major thrust of our seabed program on the continental margins.

I am personally very excited about the scientific program which I have just outlined because this is the first time we will be able to bring the necessary resources to bear to provide us with the hope of obtaining some meaningful answers from our research. Although I cannot tell you today which individual projects will be funded to carry out this program, I can say that if we expend the money according to our present plan in fiscal year '71, we will spend 2.8 million in environmental quality, 7.3 million in environmental prediction, and 4.9 million in seabed assessment. In 1972 we anticipate that these ratios of expenditures will shift as we begin to undertake full-scale investigations into the quality of the ocean environment.

The philosophies and the scientific program which I have just described have been presented to and approved by the National Science Foundation-International Decade of Ocean Exploration Advisory Panel made up of representatives from academic institutions and industry; by the Interagency Decade Planning Group which is composed of representatives from all government agencies; and, tentatively, by the IDOE Planning Panel of the National Academy of Science Ocean Affairs Board and National Academy of Engineering Marine Board, which was responsible for the drafting of "an oceanic quest." We will continue to seek the advice of these groups as the program progresses.

The true strength and ultimate success of the international decade oceanography program will hinge on the scientific excellence of the research effort. While we will not neglect such important aspects as international cooperation, technological advancement, and the proper management of data, our major effort has been and will continue to be directed toward ensuring that the programs we support are of the highest quality. It is only through this approach that we shall make real contributions to man's understanding, treatment, and usage of the oceans during the coming decade.

YOUNG PITTSBURGHER SENDS LETTER TO PRESIDENT NIXON

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. MOORHEAD. Mr. Speaker, recently, one of my young constituents, a high school student participating in an Upward Bound program, had the opportunity to attend a presidential classroom for young Americans. The presidential classroom is designed to give young Americans a broader knowledge of Government activity, especially Congress. Following this experience in the Nation's Capitol, Kenneth Jackson wrote a letter to President Nixon. I would like at this point to include in the RECORD this young man's letter and his views on what the answer is to our world problems:

MARCH 1, 1971.

DEAR MR. PRESIDENT: Let me introduce myself, I'm Kenneth Jackson, Jr., from the Presidential Classroom for Young Americans.

Mr. President, I would like to see you for a short time, but unfortunately you're too busy to see anyone.

I want to give you some verses form the Holy Bible. When you read these verses, will you please address this letter to the members of the Supreme Court, the Congressmen, and your Cabinets. And also those who need help.

It's not the money that will save and heal America's problems. Some people vision money as there god and power. What this world needs is Jesus Christ. He's the source of all Power.

If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land. II Chronicles 7: 14.

When the righteous are in authority, the people rejoice, but when the wicked beareth rule, the people mourn. Proverbs 29: 2.

The fear of the Lord is the beginning of knowledge: but fools despise wisdom and instruction. Proverbs 1: 7.

I'll pray for you and this world.

Love in Christ Jesus.

KENNETH JACKSON, Jr.

THE EMERGENCY DETENTION ACT OF 1950 SHOULD BE AMENDED AND NOT REPEALED

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. ASHBROOK. Mr. Speaker, in the wake of the recent bombing of our own Capitol Building I am confident no Member of this Congress would care to suggest that extreme acts of violence "can't happen here." The fact is, it has happened here and we are all quite aware that even more outrageous was what happened in Canada last fall; namely, political kidnaping and murder—which also can happen here.

It is in full awareness of the realities of life, however harsh and appalling they may be, that I have joined with others in sponsoring legislation to hopefully strengthen our Nation's security by amending title II—the Emergency Detention Act of the Internal Security Act of 1950.

Consider, Mr. Speaker, that Canada cherishes hard-won freedoms as much as those of us here in the United States. Consider that Canada's Prime Minister, Pierre Trudeau, is an avowed liberal whose credentials in this regard are unchallengeable. Time and experience have shown the Canadian people to be generally cool in crises, extremely tolerant and levelheaded in their reaction to protest and dissent, and notably determined to defend the human rights of the individual living in their society.

By the same token, consider that events have forced Canada to take steps I am sure Mr. Trudeau and most Canadians never anticipated taking.

As this House prepares to face up to the need for sound and sane security legislation, I deem it helpful to have the facts of the recent Canadian situation clearly in mind. Even though much publicity occurred at the time of the kidnapings, I hope you will let me share with you a summary of what has transpired to date.

On October 16, 1970, Canadian Prime Minister Pierre Trudeau, reflecting an outrage felt by the vast majority of his fellow Canadians, said in a national broadcast:

> I am speaking to you at a moment of grave crisis, when violent and fanatical men are attempting to destroy the unity and the freedom of Canada. One aspect of that crisis is the threat which has been made on the lives of two innocent men.

Prime Minister Trudeau went on to outline events that had in 2 weeks shocked—and frightened—almost every person in Canada other than those members and backers of a small band of violent revolutionaries.

Principally they were the kidnapings of two prominent persons: Pierre Laporte, Minister of Labor for Quebec; and a foreign diplomat, British Trade Commissioner James Cross, by a band of revolutionaries known as the Front de Liberation du Quebec—Quebec Liberation Front—or FLQ who sought separation of Quebec from Canada.

In its early efforts to deal with the situation, the Canadian Government somewhat resembled a helpless, handcuffed giant, for it had no legislation on hand to cope with subversion other than the standard criminal statutes which proved inadequate and ill suited.

There was only one possible measure that could be applied and it was an extraordinary, perhaps desperate, one.

But the two kidnapings had united the Canadian people, angered them, and strengthened their resolve.

Therefore, Trudeau did what he had to do and it amounted to a virtual declaration of war against the FLQ.

Declaring, in that October broadcast:

> "If a democratic society is to continue to exist, it must be able to root out the cancer of an armed, revolutionary movement that is bent on destroying the very basis of our freedom." Trudeau announced that "for that reason the government, following an analysis of the facts, including requests of the government of Quebec and the city of Montreal for urgent action, decided to proclaim the War Measures Act. It did so at 4 a.m. this morning, in order to permit the full weight of government to be brought quickly to bear on all those persons advocating or practicing violence as a means of achieving political ends."

It was a dramatic move. The act had been employed only twice before in history: World Wars I and II. Not even during the Korean war, when Canadian troops fought on the side of the United Nations, had the Government felt the need for its application.

The series of events that so shocked Canadians and attracted worldwide attention began with the abduction on October 5 of Cross. He was snatched at gunpoint from his Montreal residence at 8:15 a.m., just after breakfast. The FLQ immediately boasted that it was responsible and issued a series of demands incumbent on the victim's release: Payment of $500,000 in gold bullion, cessation of the police investigation and the freeing of a number of "political prisoners"—FLQ members or supporters serving sentences for conviction of such crimes as murder, assault, armed robbery, arson, and bombing.

Subsequently, authorities received a series of notes, some written by Cross and some by his captors, and discussions began between Government representatives and FLQ contact men.

Five days after the Cross kidnaping, Quebec Justice Minister Jerome Choquette delivered a short statement over radio and television.

He declared that the demands of Cross' kidnapers would not be met. However, he said, the Federal Government would agree to provide safe conduct to a foreign country of the kidnapers in exchange for Cross' release. Half an hour after he finished, the FLQ struck again by grabbing the 49-year-old LaPorte from in front of his suburban home. He was seized by four heavily armed men.

Next morning the FLQ confirmed that it had pulled off the kidnaping and reiterated its demands.

During the ensuing week possibly the most massive police effort in Canadian history was deployed by city and provincial authorities and by the famed Royal Canadian Mounted Police. Canadian soldiers were summoned to guard public buildings and figures, freeing police for investigative work.

Further messages were exchanged between authorities and the FLQ, some of them containing evidence that the two captives remained alive.

A hint of Government plans was furnished by Ontario Premier John Robarts who declared on October 14 that the situation had deteriorated into "total war" and the time had come to "stand and fight."

Meanwhile, Montreal Police Director Marcel St. Aubin prepared a report describing "an extremely dangerous subversive movement" that aimed to overthrow the government by sedition and armed insurrection. The report said ordinary police forces were taxed to their limit and asked for extra powers along with the assistance of "senior governments."

In the pre-dawn hours of the next day, Friday, October 16, Trudeau declared war.

But the FLQ swiftly and pitilessly proved that it was not yet finished. It changed its tactics from political abduction to political assassination. The terrorists left a note saying:

> Pierre LaPorte, Minister of Unemployment and Assimilation, was executed at 6:18 tonight—you will find the body in the trunk of the green Chevrolet 9J2420 at the St. Hubert (air force) base. We shall conquer. FLQ.

Just after midnight that night, a bomb expert pried open the car trunk. Inside lay the twisted body of Pierre LaPorte, strangled by a religious chain he wore around his neck. He left a widow and fatherless son and daughter.

Then the War Measures Act began to be felt. It outlawed the FLQ and authorized extraordinary police powers of arrest and detention. On Friday alone more than 240 people were rounded up. Under the act they could be held without charge for 21 days and without trial for up to 90 days. By Monday, October 19, the number of detainees swelled to 342.

By now Canadian emotions about the abductions and the murder were a mixture of rage and sorrow. A Canadian writer reported from the capital city of Ottawa that on Sunday, October 18:

> Hundreds of citizens gathered in sadness and in shame on Parliament Hill in the middle of the night. They sang their national anthem, "O Canada," and fashioned signs saying "We Love Canada, Coast to Coast."

LaPorte's body was taken to a municipal building where it lay in state until the following Tuesday. Hundreds, perhaps thousands, of citizens filed by it, in sadness and in shame.

There was acute concern that the kidnaped British diplomat, Cross, had shared LaPorte's fate but this fear was lessened by an FLQ note saying that Cross was alive and well.

Up until Monday, the War Measures Act had been in force through executive fiat, but now it came up for approval in Parliament and passed by a vote of 190 to 16.

However, the Government anticipated criticism if the act remained in force for long and it was announced prior to the vote that new legislation of a less drastic nature would be introduced within 1 month.

Despite widespread recognition of the necessity for the War Measures Act—or something—to deal with the crisis there was some opposition, chiefly from civil libertarians who felt that the measures put too severe a restriction on civil liberties; and from a handful who publicly endorsed the objectives of the FLQ. All 16 votes against the measure were cast by members of Canada's New Democratic Party. Quite another group, the "Front d'Action Politique," had already endorsed the FLQ's objectives and ideology—although disavowing terrorism.

After LaPorte's murder and the FLQ announcement that Cross remained alive a period began which may best be described as being one of "tense tranquillity." Police maintained their massive search both for LaPorte's killers and Cross' whereabouts. Some of the individuals detained under the War Measures Act were released.

Predictably, the act began to suffer mounting criticism from opposition parties, but the general public remained in favor of some form of emergency law and accepted the annoyance of very visible army and police forces with little objection.

As stated, the Government had no recourse for the moment beyond the War Measures Act simply because it lacked statutory authority in the form of written legislation. The Trudeau government, therefore, began drafting laws to deal with insurrectionary disturbances, but far short of a declaration of war.

By November 14, a total of 447 persons had been arrested and all but 64 released after varying periods of questioning and detention. One of those held, however, was 19-year-old Bernard Lortie, a student, who said he was a member of the FLQ cell that kidnaped the provincial labor and immigration minister. He identified those others, who he said took part in the kidnaping, but told police he knew nothing about the slaying or about Cross' abduction.

During November, proposed new legislation came up for debate in Parliament. Chief spokesman for it was the Honorable John N. Turner, Minister of Justice.

Turner borrowed from Canada's neighbor to the south, the United States, in emphasizing his point, citing from a 1925 Supreme Court decision written by Chief Justice William Howard Taft:

> A single revolutionary spark may kindle a fire that, smouldering for a time, may burst into a sweeping and destructive conflagration. It (the government) cannot reasonably be required to defer the adoption of measures for its own peace and safety until the revolutionary utterances lead to actual disturbances of the public peace or imminent or immediate danger of its own destruction; but it may, in the exercise of its judgment, suppress the threatened danger in its incipiency.

The quotation came from the majority opinion in Gitlow against New York, a case in which the court upheld a conviction for advocating criminal anarchy. Turner said that no less a champion of civil rights then Justice Oliver Wendell Holmes had submitted even his approval of those sentiments.

Turner declared that—

> The government recognized and, from the beginning, expressed the opinion that the War Measures Act was "too blunt an instrument."
>
> We recognized the need for a more definite but flexible statutory instrument . . .
>
> The legislation that we have presented in the form of this bill is intended to meet the present threat of the FLQ.

Then Turner said emotionally:

> The events we went through make us aware of the vulnerability of our democratic institutions. To the extent that violence breaks out in a democracy, it indicates the failure or weakness of that system. But, as members of the House, we cannot accept the suicide of democracy by remaining passive before violence. Rather we should act.

At this point Turner was interrupted by cheers from the Members.

He continued:

> I have already mentioned the genuine concern for civil liberties in these past few weeks. I share that concern. The enduring existence of those rights and freedoms enumerated in the Canadian Bill of Rights, the very essence of our democracy, is beyond dispute. For that reason their existence must be cherished and protected.
>
> However, it is not, and never has been, part of the democratic process that society should refrain from taking such steps as are necessary to protect itself and protect its citizens from being deprived of those very liberties and freedoms by organized criminals and anarchists. The most fundamental right of all, without which no others can be enjoyed, is the right to life itself. In this regard we must not lose sight of one paramount fact, and that is that the members of the FLQ have demonstrated be-

yond doubt their willingness to kill, no matter how innocent their victims might be.

For a government to refrain from taking the required action to deal with an organization like the FLQ would be the height of irresponsibility and folly; indeed, it would be the very negation of the concept of civil liberties as we have come to understand that concept. There are no civil liberties where there is no democratic government to secure them. Mr. Speaker, I cannot state this too strongly: No government entrusted with the security of its people and with the protection of the liberties of the people who conferred the mandate, the temporary power, upon them could have acted otherwise.

No government has a mandate to negotiate away its own existence or surrender the rights of its people. If it did, it would be acting treasonably to its own people while betraying itself.

The House membership again cheered the Justice Minister.

And the legislation under debate, the Public Order—Temporary Measures—Act of 1970 passed the House by a vote of 174 to 31. When it became law it replaced the War Measures Act which then automatically expired as an order in force. The Public Order legislation is scheduled to expire on April 30, 1971.

Whether Canada will draft and approve permanent internal security legislation, either the above act or another version, remains to be seen. Trudeau refused to revoke the act even after the kidnap crisis had passed its peak. At the very least, Canada will have the Public Order Act's language readily available for submission to Parliament and presumably will not have to invoke the War Measures Act in order to confront an internal security crisis again.

The "October Rebellion" as it came to be known had an unexpectedly happy finale. Through a combination of brilliant police work, including excellent cooperation among city and provincial police and the RCMP, and a series of delicate Government maneuvers with Cross' kidnapers, his release was obtained.

The diplomat, in good health but 23 pounds lighter, left soon for London to be reunited with his family. On February 23, 1971, Queen Elizabeth awarded Cross with the Order of St. Michael and St. George for his courage and cool behavior under stress.

The kidnapers, Jacques Lanctor, his wife and child, Marc Carbonneau, Jacques Cosette-Trudel and his wife and Pierre Sequin were furnished a safe-conduct flight to Cuba.

Five alleged members of the FLQ were arraigned under the War Measures Act and charged with seditious conspiracy to overthrow the Government. Five others were arraigned for sedition, conspiracy, and membership in an unlawful association. Fourteen more persons were charged with having been or having claimed to be members of an unlawful association.

Eventually four men were arrested, declared "criminally responsible" for LaPorte's death and ordered held for trial.

May any conclusions be drawn or lessons learned from the unhappy experience suffered by America's northern neighbor?

The most obvious determination to be made is that any nation, no matter how libertarian—Canada reveres civil liberties every bit as much as the United States—will employ extraordinary measures when confronted with crisis. The republic will not sit idly and helplessly by and permit its own destruction to be carried on from without or from within.

Indeed, the danger more probably is of overreaction to crisis rather than otherwise. The United States still suffers from the bitter aftertaste of its incarceration of more than 100,000 Japanese-Americans in reacting to the fear inspired by the attack on Pearl Harbor. The men who ordered and executed that measure were not known either before or after as enemies of civil liberties—in fact, quite the contrary.

The question, it would seem, is whether to have readily available legislation applicable to the situation, or whether to deal with a civil emergency on an ad hoc basis when confronted.

The United States has among its present Federal statutes a measure to cope with civil crisis. Known as the Internal Security Act of 1950, it is of considerably lesser latitude than either of the acts Canada employed during its crisis.

For example, it can be used only in the event of "invasion of the territory of the United States or its possessions; declaration of war by Congress; or insurrection within the United States in aid of a foreign enemy." The act contains no provision for outlawing any specific organization. It has never been applied because the United States has never been threatened with a crisis of sufficient magnitude.

Through study of the Canadian example it would appear that a case can be made for retention of the Emergency Detention Act with revision and improvement of it, rather than outright repeal of title II.

(NOTE: Source material: New York Times, Dec. 29, 1970; Washington Post, Feb. 21, Feb. 7, and Jan. 5, 1971; Canadian Press, Undated Kidnap Chronology, Dec. 3, 1970; The Canada Gazette (War Measures Act) Oct. 16, 1970; House of Commons Debates, Nov. 4, 1970, Dec. 16, 1970; Canada Today, Jan. 1971; Canadian Embassy, Office of Information; Press Release Communique "Notes For A National Broadcast By The Prime Minister," Friday, Oct. 16, 1970; The FLQ—A Montreal Star Book, 1970; and Washington Star, Feb. 24 ,1971.)

THE MOST IMPORTANT WORDS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. MIKVA. Mr. Speaker, the Illinois State Senate recently elected Senator Cecil A. Partee as its president pro tempore. To paraphrase a saying, he is black and brilliant. His 14 years in the Illinois Legislature have been marked by solid achievement, and this most recent recognition by his party and his colleagues is but the most recent acknowledgment of his good works.

In accepting the nomination of his party, he talked about the most important words in the English language.

He said the six most important words were "I admit I made a mistake."

He said the five most important words were "You did a good job."

He said the four most important words were "What is your opinion?"

He said the three most important words were "If you please."

He said the two most important words were "Thank you."

And finally, he said the one least important word was "I." As another example of this remarkable man's capacity to say it like it is, I insert a copy of the spontaneous acceptance speech that he gave on the floor of the Illinois Senate on January 6, 1971, which was recorded as follows:

ACCEPTANCE SPEECH

Gentlemen of the Senate: Before I left my hotel this morning, I made three (3) telephone calls—two of them were happy calls, and one was a sad one.

The first was to my mother and father, in their late 70's, in St. Louis, Missouri, thanking them for the training and encouragement they gave me throughout the years, and also thanking them for living before me, a life worthy of emulation. Another call went out to my wife, a devoted, understanding, helpful and encouraging human being.

The call of sadness went back to Chicago to Mrs. Nettie Campbell, who is the recent widow of my political guide and mentor. Alderman Campbell, who nurtured me politically, departed this life on December 31, 1970, just a few days ago, and was necessarily deprived of the opportunity to see his work product in this august body, in this exalted position today.

I am, of course, grateful to my Party for their endorsement and their confidence.

As I stand here and look out into the State Senate, I am looking at friends. You will observe, that I am not looking on either one side or the other of that aisle, but I am looking at friends on both sides of that aisle. I am looking at new members here, who, I trust, will become friends as time goes on. I have come to recognize a long time ago, that on both sides of this aisle, there are men of talent, there are men of wisdom, there are men of experience, there are men of devotion to that concept, that we categorically define as "Good Government."

As your President, I am sure that we will not forget our Party Labels, but more importantly, that we will put our joint minds, our multi-talents and our combined energies together in the interest of the People of the Great State of Illinois.

One gentleman from the press last night, asked me if I felt that the fact that I was Black would hamper the legislative program of this State. I told him, and I say again here and now, I am an American. I am here to pass, to help pass that legislation which is in the best interest of this State, as it affects people who are rich or poor, black or white, educated or uneducated. I earnestly solicit your cooperation on behalf of the citizens of this great State.

Thank you.

A SALUTE TO "RED" JACOBS

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. BELL. Mr. Speaker, a recent issue of Boxoffice magazine published a tribute to Newton P. "Red" Jacobs, the president of Crown International Pictures. The tribute marked the 10th anniversary of

Crown International and Mr. Jacobs' 55th year in show business.

The article appears below:

A SALUTE TO "RED" JACOBS

BEVERLY HILLS.—Crown International Pictures, observing its tenth year as a worldwide motion picture distribution company, has become one of the strongest and most important independent distributors in the industry.

The company was formed ten years ago by Newton P. "Red" Jacobs, a distributor long recognized as knowledgeable, aggressive, reliable and fair.

So, with himself as president, Mark Tenser as executive vice-president, Bob Levinson serving as national print manager, and Chicko Harano as secretary, Crown International came into being and set up offices on the old "Motion Picture Row" on South Vermont Avenue, Los Angeles. The company operated from that location until 1965, when it moved its home office to the present address in Beverly Hills.

Crown's first releases were "Devil's Hand," which starred Linda Christian and Robert Alda; "Bloodlust," with Robert Reed; "Varan, the Unbelievable," and "First Spaceship on Venus"—the latter considered by science-fiction buffs as the most exciting galaxy film ever produced. Six pictures annually was the company's original output; today Crown lists 12 films for its 1971 schedule selected from literally scores offered and screened each year.

"We could have gone ahead faster," admits Jacobs. "But I've seen too many companies mushroom out overnight, then fold because they didn't have good solid ground under foot. Our growth has been very carefully planned, and it's been consistent and steady."

It's true that Crown International has enjoyed a steady, consistent progress. Not by accident is it a company-on-the-move. From selection of the right films through the many facets of preparing and selling the pictures down to the local promotions, Crown does it right.

And, like many leaders in this and other industries, Jacobs believes in surrounding himself with a fine staff. "Nobody does it alone," he says. The original three have now grown to 32 employees with branch offices in every distribution center in the U.S. and Canada and with foreign representatives throughout the world. Favorite Films of California, Inc., the regional company, is owned by Jacobs and, in addition to Crown releases, distributes other product throughout the 13 Western states, including Alaska and Hawaii.

Despite a period of unrest, Crown has been steadily forging ahead, continuing to supply exhibitors with marketable product for excellent boxoffice grosses. And along the way Crown has collected a few honors, the BOXOFFICE Blue Ribbon Award for "African Safari" among them.

Observing the Crown operation over its ten-year span, the factors contributing to the company's success are readily noted. Flexibility and adaptability are basic with Crown International. They have confidence and optimism—about their own product, and about the motion picture industry generally. The flexibility and adaptability show up in the way Crown moves with the trends—sometimes following, at other times anticipating them. The former takes maturity the latter calls for a youthful—a "now" approach—and Crown has given evidence of combining the two in a successful format.

Newton P. "Red" Jacobs is certainly a vital part of the motion picture industry. He started his show business career at the age of 12 when he worked as a candy butcher at the Gaiety Theatre in Pittsburgh. He came to the West Coast when he was 18, went to work in a film exchange office and rose steadily to the top. He's been in the business now for 55 years.

"I'm very happy right where I am, doing what I do," he says. "Distribution has been my life's work; I know it and I love it. The future looks good, very good to us here at Crown."

OPPOSITION TO TRANS-ALASKA PIPELINE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. DINGELL. Mr. Speaker, I am pleased to note that there is growing opposition being expresed in the news media to the construction of the Trans-Alaska Pipeline. In this regard, the Detroit Free Press ran an excellent editorial, entitled "Pipeline in Perspective," in its February 27, 1971, issue. So that my colleagues may have an opportunity to be aware of the views of the Free Press, I insert the text of the editorial in the CONGRESSIONAL RECORD:

PIPELINE IN PERSPECTIVE

Credit Rogers Morton, newly confirmed secretary of the Interior, with one of the pleasant surprises of the year. In postponing approval of the controversial Alaskan Oil pipeline, he has sounded notes of caution and care that were sadly missing from previous deliberations. And he's indicated that he's a better conservation man than his credentials had hinted.

Pressures have been intense to get the pipeline approved and underway. Alaskan interests are hungry for oil dollars in their state's economy. Gov. William Eagan argued last week that his government faces no less than bankruptcy if the pipeline isn't operating by mid-1976. The oil companies have been no less eager to tap new reserves.

And the Department of Interior has been cooperative to a fault. An Interior report issued in January recommended construction of the pipeline, and purported to find environmental dangers within tolerable limits. But in fact the document was flimsy, the cited evidence spotty and inconclusive. Public hearings early this year opened with precious few facts to weigh.

The arguments of the oil interests and Alaskan spokesmen have their merit. Without doubt, economic development is important to Alaska, and to the country.

But the country has been too urgently invited to build the pipeline now and reckon the full cost later. Much of the American landscape already testifies that prosperity recklessly pursued can be empty when achieved. Measures taken in more recent years indicate that a prosperous world and a livable one need not be mutually exclusive.

Secretary Morton now shows a desire to avoid false choices in Alaska. The pipeline decision must not be made on a "profit-and-loss" basis, he says, but on a full assessment of "national needs"—including environmental needs. Indeed, he calls for a "national energy policy. All things have to be put into perspective with the demands for energy."

In any case, the Alaska decision will not be made in haste. Perhaps the pipeline must someday be built, and environmental sacrifices made. But any such decision ought to rest on thorough exploration of alternatives, and be accompanied by every possible safeguard. Secretary Morton has provided time to make that effort.

THE ENRICO FERMI EDUCATIONAL FUND

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. PEYSER. Mr. Speaker, 7 years ago 15 young Americans got together in the city of Yonkers and decided that something should be done to assist needy high school students of Italian extraction who desired to continue their education beyond high school. This decision resulted in the establishment of the Enrico Fermi Fund of Yonkers.

This fund, which relies on the efforts of citizens of Italian descent, has since its creation in 1964 provided scholarships to 18 highly qualified but needy high school students.

The efforts of this fund are in the fine tradition of pride and dedication to education and the arts which have for many centuries characterized people of Italian extraction.

It is altogether appropriate that this fund should bear the name of Dr. Enrico Fermi, the great Italian American physicist and Nobel Prize winner. For, without scholarship assistance, Dr. Fermi, himself, would never have been able to complete his own education.

Fermi, born on September 20, 1901, in Rome was extremely proud of his heritage. His father, Alberto Fermi, worked as a manager in the Italian railroad system, and his mother, Ida de Gattis, was a schoolteacher before her marriage.

He was very conscious of the fact that his parents had worked all of their lives to make his life a little better. Therefore, he determined that he must dedicate himself to completing his education, and to rising to great heights to justify his parents' dedication.

Throughout his life, Fermi was the recipient of support from his Italian countrymen, who recognized his extraordinary intelligence and his great need to serve mankind.

Perfectly well aware of his unusual mental qualities, Fermi remained a simple and unassuming man, husband, father, and friend. He liked to expound and explain physics, and there are numerous stories concerning his incredible ability of giving extemporaneous discourses on the most detailed and abstruse phases of his beloved subject. He was keenly competitive and enjoyed winning games, tiring out younger companions on walks, climbs, and swims.

He habitually associated with young people and remained young in spirit throughout his life. His inner stability and calm arose from complete confidence in his own ability to steer a successful course through the vicissitudes of life. He became embarrassed and uneasy if treated as a person to whom special privileges should be given; he was punctilious in his observation of the rules and regulations to which all were subjected during the war. At the laboratory he was among the first to arrive in the morning and the last to leave in the evening, inspiring his coworkers by his outpouring of boundless intelligence and energy during each day.

Death ended one of the greatest scientific careers of all time. Fermi, the modest, unassuming Italian American genius, will be remembered forever in the history of science along with such other great Italian scientists as Galileo, inventor of the telescope; Marconi, inventor of the wireless; Volta, inventor of the battery, and Torricelli, inventor of the barometer.

Americans of Italian extraction can be justly proud of their heritage, which includes such men as Enrico Fermi. It is altogether fitting therefore, that the Fermi Educational Fund of Yonkers should provide the inspiration and financial support to assist Italian children today, so that they might have the opportunity to contribute to mankind in the tradition of their Italian ancestors.

NATIONAL LEAGUE OF CITIES AND NATIONAL ASSOCIATION OF COUNTIES SUPPORT REVENUE SHARING

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. KEMP. Mr. Speaker, on February 19, 1971, a historic meeting took place in the city of Indianapolis. For the first time, leaders of county government and municipal government from each State met to consider problems of the American federal system. At this meeting, sponsored by the National League of Cities and the National Association of Counties, the following resolution in support of the President's revenue-sharing proposal received unanimous support:

Whereas, the National League of Cities and the National Association of Counties have supported the concept of revenue sharing for more than five years; and

Whereas, Revenue Sharing provides a distribution of power and resources that will strengthen the Federal system and lead to a revitalization of state and local governments; and

Whereas, the fiscal plight of local government of all sizes has grown more acute and is beyond the capacity of local governments to solve without assistance from the Federal government, and

Whereas, the local and state governments worked closely with the Administration in the development of a new general revenue sharing proposal which the President has adopted and forwarded to Congress for action:

Now therefore be it resolved that those members of the National League of Cities and the National Association of Counties meeting in Indianapolis, Indiana, February 19, 1971, reaffirm their long-standing commitments to general revenue sharing, commend President Nixon for his leadership in offering this vital and long overdue proposal and call upon the continuation of bipartisan efforts in the Congress to immediately enact the $5 billion general revenue sharing measure.

NEW HAMPSHIRE AIR NATIONAL GUARD, RECIPIENT OF DEBRIER TROPHY

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. WYMAN. Mr. Speaker, since its founding, this great Nation has relied in times of stress on its citizen-soldiers. They have consistently rallied in time of need and have provided our country with a defense that has been second to none. Minutemen, doughboys, GI's—by whatever name they have come to be known—these brave men have formed the backbone of our national defense effort.

The present day version of the citizen-soldier is reflected by the many Army and Air National Guard units in the several States. Their members volunteer time and energy to maintain the high level of proficiency required to operate modern weapons systems which form a vital part of the United States defensive arm. It is with pride that I call to the attention of Congress the fact that the 157th Military Airlift Group of the New Hampshire Air National Guard is this year's recipient of the DeBrier Trophy for "the highest degree of readiness, progression, and achievement" among the 13 Air Guard units assigned under the jurisdiction of the 21st Air Force of the Military Airlift Command.

Mr. Speaker, since before the birth of the Nation in 1776, New Hampshire's fighting men and women have proven time and time again what devotion and duty to one's country means and implies. I am particularly pleased with the performance record of the 157th Military Airlift Group and wish to bring to my colleagues' attention their achievement which deserves recognition.

In this connection, the attached article which appeared in the March 9 edition of the Manchester Union-Leader is self-explanatory:

157TH HAILED FOR EXCELLENCE: NHANG UNIT TO RECEIVE AWARD

PEASE AFB.—The 157th Military Airlift Group, N.H. Air National Guard, will receive the 21st Air Force's top award for operational excellence among Air Guard and Reserve forces.

Maj. Gen. Gilbert L. Curtis, commander of the Military Airlift Command's 21st Air Force at McGuire AFB, N.J. announced, selection of the New Hampshire Air Guard as recipient of the 1971 DeBrier trophy.

Selection of the Granite State unit, Gen. Curtis said, recognizes the 157th Military Airlift Group as having "the highest degree of readiness, progression and achievement" this past year among the 13 Air Guard and Air Reserve units assigned to the 21st Air Force.

The award, a large engraved silver bowl on a black lacquered base, is named for its donor, Brig. Gen. Daniel DeBrier, a retired Air Force Reserve officer who is now an attorney in Atlantic City, N.J.

Presentation of the award to officers and airmen of the N.H. Air National Guard is scheduled for Saturday, March 13, at Pease AFB when the unit conducts its monthly training.

OTHER WINNERS

Established in 1966, the award has previously been won by Air Guard and Reserve units in Virginia, Pennsylvania and Minnesota. The DeBrier trophy has twice been won by the Minnesota Air National Guard's 133rd Military Airlift Group in St. Paul-Minneapolis, a sister unit of the 157th Military Airlift Group. The New Hampshire Air Guard was runner-up for the award in 1967.

The New Hampshire unit airlifted more than 900 tons of equipment and more than 2,600 military passengers for the Air Force and the National Guard this past year, and received special commendation during the unit's annual general inspection last fall.

Nearly 950 officers and airmen are assigned to the New Hampshire Air Guard, operating and maintaining nine C–124 Globemaster aircraft used in the dual roles of training Air Guardsmen while performing actual airlift missions for the armed forces.

WHAT CONGRESS IS SAYING

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. DRINAN. Mr. Speaker, I think that all of the Members of the Congress would benefit by having available to them recent comments made in the Near East Report, a Washington letter on American policy in the Near East. This excellent weekly of which I. L. Kenen is the distinguished editor, gives a balanced, comprehensive, and objective presentation of news on a regular basis with regard to the problems of the Middle East. The following item is taken from the February 17 issue of Near East Report:

MUSKIE

Sen. Edmund S. Muskie (D-Me.) urged Israel's neighbors "to recognize that Israel is here to stay" and that "the United States is and will remain committed to Israel's security. . . . And that is what I did say, both in Cairo and Moscow."

In a speech in Cleveland on Feb. 10, the Democratic presidential hopeful told the Jewish Community Federation that peace depends on "honest negotiations to establish secure and recognized boundaires"; "the right to navigation through international waterways in the Middle East"; and the solution of the refugee problem "in a fair and equitable manner." He said that the only formula which "can lay the foundation for peace is one which is hammered out by the parties immediately concerned. That is why we should do what we can to encourage progress in the Jarring talks."

In an ecotonal account of what he saw in Israel during a January visit, Muskie said he was impressed by kibbutzniks on the Golan Heights "building a new community"; by the absence of war propaganda in Kibbutz Gesher, which is frequently a target of terrorist rockets; by former Premier David Ben-Gurion, who was unforgettable; by Premier Golda Meir speaking "without bitterness about Israel's neighbors"; and by Defense Minister Moshe Dayan displaying greater understanding than anyone else about refugee camps.

He said that Israel provides a model for Americans who "have lost a sense of direction" and "have grown suspicious and fearful of each other. . . . To visit Israel is to know that this need not be."

JACKSON

Sen. Henry M. Jackson (D-Wash.) warned against the reopening of the Suez Canal under the conditions proposed by Egypt: that Israel withdraw from the east bank of the waterway.

In Los Angeles, Jackson declared that such a move would not be in the interests of the United States, nor in the interests of a peace settlement, which, he said, must come first.

"With the Canal back in operation," he pointed out, "one of the chief incentives the Soviets have to make concessions on other outstanding differences will vanish."

BAYH

At a press conference in Israel last week, Sen. Birch Bayh (D-Ind.) also cautioned against an Israel acceptance of the Egyptian proposal before an overall settlement is reached.

A "partial solution," he said, would spark a new round of hostilities. He stressed that the settlement should be negotiated by the parties—not imposed by the Great Powers.

ON SOVIET JEWS

Five more Soviet Jews and their families have finally received permission to emigrate to Israel; Jewish sources revealed on Feb. 14 that the five, who had continually pressed for permission to leave, have obtained exit visas.

The departure of this latest group means that 30 of the 40 Moscow Jews who signed the first well-known collective protest last March will have gone to Israel

Among the latest emigrés is Yosif Kazakov, who was one of the first Soviet Jews to make public his demand to be allowed to leave. His son, Yasha, staged a hunger strike last March outside of the UN in an attempt to get the USSR to let his family go. Kazakov was one of four signers denounced by name in *Izvestia*.

The Soviet Jewish sources have estimated that about 200 a month left in 1969, only 100 a month went in 1970, and that only 70 have left for Israel so far this year.

Congress continues to make its voice heard in protests decrying Soviet anti-Semitism.

Since the new Congress convened last month, there have been many speeches and resolutions calling for a reversal of the Soviet anti-Jewish policy.

IN THE SENATE

Sen. Edward W. Brooke (R-Mass.) declared that Soviet Jews bear an "intolerable burden." The refusal to permit Jewish emigration was the "most illogical of all" Soviet harassments, he said.

Sen. Claiborne Pell (D-R. I.) entered a statement of concern signed by eight Rhode Island ministers into the Congressional Record. The clergymen deplored "the accusation of 'treason' applied to Soviet Jews who wish to emigrate to Israel, their spiritual homeland."

Pell urged the Administration to bring the question of Soviet anti-Semitism before the UN Human Rights Commission, pointing out that the right to emigrate is a principle of the UN Universal Declaration of Human Rights which the Soviet Union had ratified.

Sen. John G. Tower (R-Tex.) declared that Russian Jews must have the choice of living in the Soviet Union "free from prejudice" or of emigrating.

Sen. James B. Allen (D-Ala.) also called for a change in the Soviet policy of discrimination.

Sen. Clifford P. Case (R-N.J.) said continuing pressure on the Soviet Union could change its attitude. "The onus of world-wide condemnation," he added, could make the political cost "too great to bear."

Sen. Edward M. Kennedy (D-Mass.) recommended that the Administration bring a formal request before the Council of the Intergovernmental Committee for European Migration (ICEM) "to approach the Soviet government on the question of free emigration and the use of ICEM's service to facilitate the potential movement of Soviet citizens to Israel and other receiving countries."

Sen. Richard S. Schweiker (R-Pa.) termed Soviet anti-Semitism "an extension of their foreign policy—to seize control of the Middle East."

Sen. Jacob K. Javits (R-N.Y.) said that recent events "have focused sharp attention on the threat to the world's second largest Jewish community, which, if nothing is done to save them, runs the risk of becoming a modern lost tribe of Israel."

IN THE HOUSE

In the last month, the following House members introduced resolutions and made statements on the Floor calling for an end to Soviet discriminatory practices and urging the Russian government to allow Jewish emigration:

Representatives Frank Annunzio (D-Ill.), Edward J. Derwinski (R-Ill.), William J. Green (D-Pa.), Frank Horton (R-N.Y.), James J. Howard (D-N.J.), Joseph M. McDade (R-Pa.), Thomas M. Pelly (R-Wash.), Bertram L. Podell (D-N.Y.), Melvin Price (D-Ill.), Roman C. Pucinski (D-Ill.), William F. Ryan (D-N.Y.).

BIRTH OF A NEWSPAPER: THE ATTLEBORO SUN-CHRONICLE

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, two old and outstanding daily newspapers in my district, the 10th Congressional District of Massachusetts, have recently joined forces through a merger to create the Attleboro Sun-Chronicle. I want to congratulate them.

It will be of particular interest to my colleagues to know that our late and great Speaker Joseph W. Martin, Jr., who was my predecessor in the Congress, launched his own distinguished career "as a reporter for $10 a week" on one of these papers, the Attleboro Sun, and was later editor and then publisher and president of the other, the North Attleboro Evening Chronicle. Speaker Joe Martin, a great American and great legislator, was also a great newspaperman.

The birthday of the Sun-Chronicle was March 1. The merger of these two newspapers was almost inevitable. Like Topsy, the communities of Attleboro and North Attleboro just grew—ever closer together, the result of continuing urban development. I think the merger was logical since the citizens of the Attleboros have increasingly become part of a unified community with a multitude of common interests and a plethora of problems which can best be resolved by working together. I sometimes worry that a merger of nearby newspapers will destroy a healthy rivalry between them, but I read that this will not be the case with the Sun-Chronicle—at least on the sports pages, which will retain a separate identity. Local fans, I am pleased to note, will continue to enjoy the boisterous battle of words preceding the annual turkey day high school football games.

We may regret the passing of the Evening Chronicle, which was 101 years old, and the Sun, which was 82 years old, but there is a rich challenge in combining the best of both in order to provide even finer service to these communities. In an editorial, Guy S. DeVany, publisher of the new Attleboro Sun-Chronicle, expressed its goal this way:

> Fundamentally, our efforts will be to provide an increasingly comprehensive news coverage of the area, to editorially lead where leadership seems needed, and to extend our service over a wider radius that Attleboro and North Attleboro may be better served.

I want to offer my best wishes for success to Mr. DeVany, the distinguished publisher; Paul A. Rixon, the dynamic general manager; Clarence D. Roberts, beloved and astute editor, and to the entire staff as they embark on this exciting new venture.

I am pleased to insert in the RECORD a story from the new Attleboro Sun-Chronicle announcing the merger, which follows:

SUN CHRONICLE COMBINATION OF DEDICATION, TRADITION

Two newspapers, each of which has served with a policy of dedication and distinction, have combined their talents and traditions in a single newspaper serving the Attleboros and surrounding towns.

With today's issue, The North Attleboro Evening Chronicle, now in its 101st year, joins the 82-year old Attleboro Sun to form the Sun Chronicle. This merger mirrors the development of the two communities whose progress have brought them together both physically and as economic entities.

Only a few decades ago, Attleboro and North Attleboro were separated by farm and forest, meadow and moor. Now as a result of industrial and residential growth, the two cities have become contiguous communities woven together by a common network of highways, commercial interests, and urban challenges.

The consolidation of their newspapers reflects these realities. A new and expanded newspaper with a circulation of 18,000 has emerged and promises to more effectively serve its readers.

A review of their histories reveals names of men and women who have contributed markedly to the progress of both cities through the newspapers which they served.

FIRST ESTABLISHED

A man's lifetime ambition and his wife's birthplace were responsible for the establishment of the Attleborough Chronicle, the first newspaper to serve this area.

Walter Phillips, an employe of a Providence daily, had dreamed for years of owning his own newspaper. His wife, the former Francena Capron, was a native of Attleboro and through her Phillips became well acquainted with the town. With confidence in himself and the community, he moved his family to Attleboro, started canvassing the town, and succeeded in collecting $1,900 in advance subscriptions. And while he actually started the business in 1870 the first issue of the Attleborough Chronicle, a four-page weekly went on sale Feb. 3, 1871.

To accommodate the growth of the paper, Phillips sought larger quarters. Unable to find them here, he continued his search in North Attleboro. He found them in the new Kendall Block and on January 18, 1873 the Chronicle moved into them. At the same time Phillips took on a partner, Eugene Dunbar.

Shortly thereafter, Phillips sold his share of the business to Dunbar and became general manager of the United Press (now UPI). He developed the Phillips code which all press telegraphers used for a generation.

SOLD TO HUNT

After Phillips departure, Dunbar also took on a partner, Abiel Codding. In 1879 Dunbar sold out to Elliot Hunt. Four years later Edgar Perry bought Hunt's holdings and W. H. Barnes joined him. Later he bought out Codding. At that time the paper sold for four cents a copy or $2 a year.

During these changes in ownership, the Chronicle became a semi-weekly. Three years later, when Attleboro and North Attleboro became separate towns, the masthead was changed from the Attleborough Chronicle to the North Attleboro Evening Chronicle. Shortly thereafter, the Chronicle became a daily.

In 1902, the paper's supremacy was challenged for the first time by a competitor. A group of businessmen formed a newspaper called The Leader.

It was at this time that Joseph W. Martin Jr., who was to become Speaker of the House of Representatives, entered the newspaper field. To quote from his book, My First Fifty Years in Politics, he recounts:

"One of its (The Leader's) principal financial backers was my friend Edward Price. When he invested in the Leader, he said that I was to be given a job on the newspaper. While I was still in school, therefore, I worked on the side as a copy boy, reporter, printer's devil, and handyman. I even used to clean the presses. When the commencement exercises were over, I moved into a full-time job there.

JOINED SUN

"It soon became obvious, however, that the Leader could not make the grade. Shortly before it folded, I was offered a job as a reporter for ten dollars a week on the Sun in Attleboro . . ."

Not long after the turn of the century, Harry Hunt, father of Jarvis Hunt, purchased the Chronicle. He became its publisher and at the same time he was appointed postmaster of the town by Theodore Roosevelt.

It was during his tenure as editor that the Chronicle building on Church Street was erected.

But Hunt was having his difficulties. He had been engaged in a political struggle for leadership in the local Republican party. The faction which opposed him offered to take the paper off his hands.

The price Hunt asked was $10,000. A group of nine businessmen, eight of them Republicans, got together and put up $1,000 apiece.

According to Mr. Martin, "Then they came to me and asked if I would subscribe a like amount and take the job of editor of the paper under the new management. I was twenty-four years old. As it happened I had just $1,000 which I had accumulated through a combination of New England thrift and a succession of jobs that went back almost to my sixth birthday.

"There I was, an ambitious young fellow with $1,000 in the bank. great enthusiasm for newspaper work, and enough experience to know how to put out a small daily. I accepted the proposition, and I never made a better investment."

Eventually, Mr. Martin bought out all the other stockholders.

FAMILY AFFAIR

For a number of years, the Chronicle was in the hands of three Martin brothers. Joe served as publisher and president; Charles was active in the management and Albert was in charge of news coverage. With the death of Charlie in 1954, Edward joined the company for a short time.

For several years prior to Joseph Martin's death on May 6, 1968, Albert Martin assumed full management of the paper. This arrangement obtained until about a year ago when the Attleboro Sun became the owner of the Chronicle.

The first edition of the Sun appeared on September 3, 1889.

At the newspaper's inception, the management changed several times and the office had two or three locations until 1903, when Virgil Blackinton was named manager and George P. Randall, editor. In 1906, John H. Vallette, a Providence advertising man, took over the management and Charles C. Cain Jr. of Traunton, who joined the editorial staff in 1904, was named editor.

The printing plant and office was moved to the Odd Fellows Building on Bank Street, where it was destroyed by fire March 9, 1918. New quarters were soon established at the present address. 34–38 South Main Street, a building which had been vacated by the Attleboro Post Office.

By 1924 the Sun Publishing Co. was incorporated. As the newspaper grew, its job department was merged with the Perry Printing Co. and the Attleboro Print was established on Railroad Avenue, leaving room for the newspaper to expand in the South Main Street building.

The death of Publisher Vallette in 1929 was followed by the election of C. C. Cain Jr. as publisher and general manager.

Early in 1937 the Sun purchased the Norwood Messenger, a semi-weekly newspaper and converted it to a daily, the first issue of which appeared on January 29. This venture was short-lived. However, it did make possible the maintenance of the Sun's record of uninterrupted publication, when in the 1938 hurricane, Attleboro was without power. The Sun was able to print at its Norwood plant.

On October 25, 1953, the Sun's pressroom and paper storage area in the basement of the building was swept by fire. Because the press was damaged the paper was printed at the North Attleboro Chronicle and the Providence Visitor plants.

Shortly thereafter a new street-level addition was erected on the Railroad Avenue side of the Sun office. The addition contained two new presses with 32 page capacity.

In 1957, the board of directors voted to sell the newspaper to an Attleboro group.

In 1963, the building was extensively remodeled and the adjacent lots and buildings were acquired.

The ownership of the Sun changed hands in July of 1969 when it was acquired by the Attleboro Sun Publishing Corporation.

Guy S. DeVany, who had been vice president of the predecessor corporation, was appointed president and publisher of the Sun. Robert V. Olson of Attleboro and Gerald E. Riley and Donald LeStage, Jr., both of North Attleboro, are directors of the corporation which is affiliated with the Kenosha, Wisconsin, News.

In March of 1970 the Chronicle and Sentinel Corporation was acquired by the Attleboro Sun company, with Gerald E. Riley named president; Paul A. Rixon was named publisher of the Chronicle and the Franklin Sentinel.

DeVany will be publisher of the Sun Chronicle, Rixon, general manager, and Clarence D. Roberts editor.

The total complement of personnel of the combined Sun Chronicle consists of 82 full-time and 39 part-time associates. The newspaper will be delivered to area homes by 362 carriers.

The commercial printing plant managed by Raymond F. Cassels and the weekly Sentinel at Franklin will continue to be operated by the Chronicle-Sentinel Publishing Corporation, a subsidiary of the Attleboro Sun Publishing Corporation.

DISSONANCE WITH THE ALLIES

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. BUCHANAN. Mr. Speaker, I have been requested to insert in the CONGRESSIONAL RECORD the following article, which appeared in February in a West German publication. This article is illustrative of the controversy continuing to rage within the Federal Republic itself over Bonn's new policy toward the Soviet Union and Eastern Europe, as evidenced in the Soviet and Polish treaties.

The article follows herewith:

[Frankfurter Allgemeine Zeitung, Frankfurt, Germany, Feb. 1, 1971]

DISSONANCE WITH THE ALLIES

(By Guenther Gillessen)

The NATO-Ambassador of one of our more important Allies showered his German discussion partner with criticism of the Bonn Ostpolitik (policy toward the East), that it was making joint efforts to obtain concessions from the Soviet Union more difficult, that it was arousing concern about the Federal Republic's political objectives, and that it was paving the Soviet Union's way for driving America out of Europe. The most interesting of all was the warning which he expressed in closing: If the German NATO Ambassador would ask him about the attitude of his Government, officially in the NATO Council, he would maintain the contrary and say that the Government of his country was welcoming the objectives of the Bonn policy and was supporting its efforts. "But don't believe a single word of it."

The case is typical of the general changes in the atmosphere prevailing inside the Alliance. In reality, the Federal Government is actually not being supported. The approval that it has been garnering in the exchange of communiques with friendly governments has had holes in it. In many cases it is obviously governed by the desire not to come into open conflict with Bonn. The bewilderment on the part of many Allies by the changes in the European situation that have occurred and even more so, those that are still expected to occur, because of Bonn policy has increased, without being noticed by us Germans who are caught in our own political controversies at home.

Anyone having an opportunity sometime in the next few weeks to listen around, for example, in the NATO headquarters will find his head spin from the contradictory statements coming not only from the military headquarters of SHAPE, but also from the political center in Brussels. The individual arguments differ greatly and many of them are based on obvious misunderstandings. But the solidarity inside the Alliance has, at any rate, been psychologically damaged. The strongest proof of it, stronger than all the whisperings in the NATO cloakrooms, is the change in the U.S. policy concerning the stationing of American troops. All the efforts put forth by Bonn over the years to achieve a coupling of the American troop withdrawals and equally meaningful troop reductions inside the Warsaw bloc of nations and continuous warnings by Germany about the Soviet Union's military superiority have been unable to curb the trend to reduce the American presence in Europe. This trend has now been checked.

The turning point that came this winter will have to be attributed, if not exclusively, then to a certain extent, to the German policy toward the East. Is this an indication that

America is having doubts about the common sense of her major European ally? The other reason for maintaining the presence of American troops in Europe must certainly not be held back: the realization in Washington that America's forced withdrawal policy in East Asia bewildered the European Allies in their turn and that it was necessary to resist it.

There were many things that the Allies were unable to understand: Bonn's hurry, the obvious forgoing of coupling this policy in turn with Soviet equivalent considerations, the concept of a reconciliation with East Europe "as Adenauer had done toward the West," which was considered mistaken, the obvious ignoring of the Soviet interest in a lasting consolidation of the Communist position in Central Europe and in the attempt to drive the Americans out of Europe; they could not understand, finally, Bonn's self-fascination by its policy toward the East, hoping, though it is hard to understand, that a relaxation of tension could be brought about in and for Germany while elsewhere, on the shores of the Mediterranean, on the oceans, in the arms race, and even in Germany herself. In Berlin, an intensification of the Soviet struggle for power can be noted. A German policy of reconciliation with a partner who focusses politically on expansion, though not on aggression, is obviously just as difficult to bring home to the Allies today as it was to bring home to us at the time the attempts made by Macmillan, Kennedy, and de Gaulle.

Not all the contradictions in NATO headquarters should be taken at face value. The interest of the parties concerned in the cohesion of the Alliance is reflected in such (divided) opinions. Yet even if the criticism coming from the NATO center is taken with the corresponding grain of salt, enough contradiction remains that must be taken seriously. If, as it looks, the German Ostpolitik remains, wheels spinning, stuck in the sands of Soviet resistance, the damage would first be limited to the area of domestic policy. If, however, the relationship of trust in the Western Allies, which had been built up laboriously over many years and which will be in jeopardy any time for at least a generation were to experience a setback, this damage would be doubled.

For the time being, the suspicion of the Allies, aroused by the East-West see-saw policy of the Germans, remains alive. It is not entirely unfounded, if one notes the re-emergence, as music accompanying this policy toward the East, of updated political concepts of Germany's central position which belong into a no longer existing Europe, or the characterization of our interests as a bridge between East and West, and even as a mediator between two social systems. Could we carry out this too egocentric role better today than in the time of Emperor William II? Both together—the policy toward the East and the policy toward the West—conceived and attempted in similar qualities of political mobility, that is "something that the Germans cannot take. That is more than they can handle." These were the closing words of one of these skeptical observers in Brussels.

MRS. SUZMAN PLEADS FOR SOUTH AFRICAN POLITICAL PRISONERS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. FRASER. Mr. Speaker, Mrs. Helen Suzman is the only Progressive Party member of the South African House of Assembly. She consistently has been a voice of reason in that body. On February 17, Mrs. Suzman made a plea in behalf of political prisoners. I think all Members will be interested in reports of that debate:

[From the Cape Times, Feb. 18, 1971]

Vorster, Mrs. Suzman in "Red Pals" Row

The Prime Minister, Mr. Vorster, clashed with Mrs. Helen Suzman, Progressive Party MP, in a long series of exchanges across the floor of the Assembly yesterday afternoon while she was pleading for the Republican Festival amnesty to be extended to political prisoners.

Mr. Vorster denied that South Africa possessed any "political prisoners" and he accused Mrs. Suzman of having communist friends.

A Nationalist backbencher, Mr. P. T. C. du Plessis (Lydenburg) called her an "agitator"—a remark he was made to withdraw—and the Nationalist MP for Vanderbijl Park, Mr. J. M. Henning, suggested that democracy might have to be reviewed "so that this type of speech in the House will not be allowed".

Mrs. Suzman said that the amnesty granted to prisoners in 1961 and 1966 had excluded all "political" prisoners, of whom there were now about 800.

"I see no reason why it should be less in the public interest to release a person serving a sentence for a political offence than to release a person who has committed some other crime," she said.

Mr. Vorster interjected: "Why use the term 'political prisoner'?"

Mrs. Suzman: That used to be the term and it was often used by the Prisons Department.

Mr. Vorster: Surely you know they are not political prisoners.

Mrs. Suzman: Well, they are convicted because of political crimes, let us put it that way. Some of them are convicted of sabotage.

Mr. Vorster: Crimes of violence.

Mrs. Suzman: Not all of them, by any means.

CRIMES OF VIOLENCE

Mr. Vorster: Most of them are crimes of violence, and they are all contraventions of the law.

Mrs. Suzman: Some of them have committed no violence whatsoever. Some of them are serving sentences and pretty severe sentences, as the Prime Minister certainly remembers from when he was Minister of Justice.

Mr. Vorster: It is altogether misleading to talk about political prisoners.

Mrs. Suzman: No, I am not misleading anybody. A number of them are serving long sentences for crimes such as belonging to a banned organization.

Mr. Vorster: Yes, communist organizations.

IN RETROSPECT

Mrs. Suzman: Yes, these organizations were banned in retrospect, incidentally. People belonged to that organization when it was still a legal organization. They were then found guilty of being in possession of pamphlets. These are not crimes of violence.

Mr. Vorster: Of communist origin. Yes, of subversive origin.

Mrs. Suzman: Coming from the Prime Minister, all I can say it is quite ironical to hear from the Prime Minister especially when one thinks of his past.

Mr. Vorster: I am prepared to compare mine with yours.

Mrs. Suzman: Oh, mine is very blameless.

"AGITATOR"

Mr. Vorster: Especially your communist friends.

Mrs. Suzman: I have all sorts of friends. I even have Nationalist friends, but I challenge the Prime Minister to find me guilty of one single crime in this country. He would have the greatest possible difficulty to do that.

It was at this point that Mr. P. T. C. du Plessis interjected: "You are an agitator."

The Speaker made him withdraw the remark.

Mrs. Suzman Pleads for Political Offenders

Mrs. Helen Suzman (Prog., Houghton) made a strong plea yesterday to the Minister of Justice, Mr. Pelser, to consider granting amnesty and clemency to prisoners convicted of political offences when the granting of amnesty at the tenth anniversary celebrations of the Republic was considered.

She had asked the Minister recently if he was considering granting such amnesty and, if so, whether he would also consider granting it to political prisoners. The Minister had replied that the matter was still being investigated.

She hoped she could put forward an argument which would persuade the Minister to take a different line to that which had been taken with the establishment of the Republic in 1961 and the fifth anniversary in 1966, when all political prisoners had been refused amnesty.

She hoped that this would not be the case again.

She wished to make it quite clear that she was not asking for a general amnesty, but was merely asking that political prisoners should not be disqualified en masse.

Prisoners who had been convicted of other offences were eligible for parole whereas political prisoners were not. It seemed, as a general rule, that prisoners who were convicted of grave crimes were better off when it came to the granting of amnesty.

According to the latest figures available to her, about 800 people served sentences for political offences in September last year.

Eleven of these were White and included people such as Bram Fischer and Goldberg, who were serving life sentences, and others who were serving sentences of seven years or more.

Two of these were due to be released this year—one shortly and one later in the year. One of them had already served six years of a seven-year sentence and, in any other circumstances, he would already have been released.

ROBBEN ISLAND

There were 400 to 500 non-White political prisoners on Robben Island.

The Prime Minister, Mr. Vorster, interjecting, asked Mrs. Suzman why she called them political prisoners. This was misleading. The people had committed crimes of violence or had belonged to communist organizations, he said.

Mrs. Suzman replied that this was ironic, coming from the Prime Minister, with his past.

Mrs. Suzman said that there were four people who were restricted by banning orders and it was her submission that they should be considered when the question of amnesty was considered.

The latest available figures showed that there were 280 people who were still banned.

The Minister of Justice, Mr. Pelser: They were not banned, but were restricted.

Mrs. Suzman: All right, restricted, if you like.

She said she did not wish to argue about the terminology, but about the question of amnesty.

HELEN JOSEPH

Some people had subsequently come off the list while others had gone on, including the 19 who had been acquitted at the terrorist trial. These people were under various degrees of restriction—some to a small degree and some to the all-encompassing house arrest.

There were at present at least 35 people under house arrest, including Mrs. Helen Joseph, for whom she wished to make a very special plea.

Mrs. Joseph was 65 and would be 67 when her period of house arrest expired.

This was a singularly ugly spectacle of a government persecuting and bullying an aged woman.

There were others who had been served with removal orders and who should also be considered for clemency.

Mr. J. M. Henning (Nat. Vandervijl Park) said Mrs. Suzman, who was supposed to be a responsible member of Parliament, was pleading for a threat to South Africa.

He was not allowed to call her speech incitement, but it came close to that.

"I wonder whether democracy must not be reviewed, so that this type of speech in the House of Assembly will not be allowed."

TWO VIEWS ON NIXON'S FOREIGN POLICY

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. SPRINGER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I attach herewith two articles—one by C. L. Sulzberger, foreign affairs writer for the New York Times, and an article by Gen. Maxwell D. Taylor, now retired but who has served as Ambassador to Vietnam and as a special consultant to the President, 1965–69. I know that may of my colleagues will be interested in reading both of these very penetrating analyses on foreign affairs. The follow:

MR. NIXON IN THE MIRROR

(By C. L. Sulzberger)

WASHINGTON.—The most interesting thing about President Nixon is that he regards himself as a genuine but practical pacifist who is slowly building a world which may never see another war. He attributes this urge to his maternal Quaker but he views his approach as necessarily pragmatic, cautious and based upon wide international experience.

For him there are two quintessential problems: how peace can be achieved and how it can be preserved. But he insists it isn't enough just to be for peace; one must also do something about it. In his own effort to "do something" he considers himself hampered by oppositional extremes he labels as superdoves and superhawks.

He is in fact just as much of a One World advocate as was Wendell Willkie or, one might add, Lyndon Johnson. Furthermore he obviously considers it ridiculous to think that the United States can escape its inherited responsibilities.

Therefore he opposes both the rightwing and left-wing advocates of what he sees as neo-isolationism. He doesn't think a fortress America (for him, the aim of the superhawks) could exist as a reality. And he doesn't think a benevolent, weak America, relying not on its ultimate defense abilities but on the goodwill of others, could endure.

He insists not only that he intends to end the Vietnam war but that he is already engaged in doing just that. For him, he says sadly, the hardest task is awarding posthumously medals of honor. He professes the highest possible regard for peace—not just for today but for tomorrow and the indefinite future. But, he underscores, this is an immensely difficult process and virtually all corners of the world are in one or another way involved.

Another interesting aspect of the President when he talks in relaxed fashion is his evident populist feeling. He cherishes deep mistrust for the Establishment, comparable, perhaps, to his predecessor's mistrust for "East Coast liberals."

Although Nixon is obviously sad to find among his bitterest political enemies today some of those who were in the forefront of American internationalism after World War II, he trusts the judgment of the common man. He feels the instinctual beliefs of the people at large will sustain him in applying a program often savagely attacked by Establishment leaders.

It is quite fascinating to observe his introspective efforts to link the cautious pragmatism of his fairly tough current approach with memories of his boyhood. Somewhat sadly he says: "The kind of relative peace I envision is not the dream of my Quaker youth. But it is realistic."

As he describes it the big question he faces is: "Will our Establishment and our people meet their responsibilities?" He insists he will meet his own: not only terminating the Indochina war in such a way that South Vietnam has a realistic chance of surviving; but maintaining a sufficient military posture to keep the world in balance while negotiations gradually wind down tensions.

Everyone knows the President is an expert politician. Nevertheless, he takes pains to stress that the fundamental program he now pursues is not dictated by political reasons but by the long-range national interest.

Nevertheless, he clearly relishes the thought that some of those now vying for next year's Democratic nomination indicate they will make Vietnam a major issue. For Nixon it is folly to develop an issue for the voters which is going to be a non-issue by the time they vote—and it is his full intention that this shall be the case.

Thus it is obvious from conversations such as the writer has had more than once with the President that when he looks in the mirror he sees a different Nixon from the image so often hammered by political opponents, editorial writers and cartoonists. For them he is a right-wing war-monger, a brinksman par excellence who ignores pressing social problems of a schizophrenic and tormented nation.

But the Nixon seen by the President himself is a pragmatic Quaker who not only wants peace but is patient enough to do something about it in a realistic way, even if it takes a long time during which he has to experience the "vicious crossfire" of those who disagree with his policies.

LET'S UNITE ON VIETNAMIZATION: CAMBODIA AND LAOS INCURSIONS CAN ADVANCE AMERICAN WITHDRAWAL

(By Maxwell D. Taylor)

WASHINGTON.—Notwithstanding our past divisions over Vietnam policy, is it not possible for us to rally behind the President's Vietnamization program long enough to give it a fair trial?

It is hard to oppose the objective of Vietnamization: an expeditious disengagement of American forces on honorable terms, without the sacrifice of important American interests. It is difficult to challenge its feasibility which derives from two important developments.

First, the constantly improving battlefield performance of the South Vietnamese attests to the success of the prolonged American effort—dating back to the Eisenhower Administration—to build up indigenous forces to the point that they would be able to take over full responsibility for the defense of their country. At the same time, while South Vietnam's strength is increasing, the heavy battle losses suffered by the Communists from 1968 to the present have drastically reduced their combat capabilities.

These favorable developments justify considerable confidence in the ultimate success of Vietnamization, which has the added advantage of containing elements of appeal for most shades of American opinion.

Since our involvement in Vietnam, there have been only three strategic alternatives from which to choose—to advance, to retreat, or to stand fast—although variants may be formed from elements of all three. Unfortunately, since 1967 it has been impossible to rally public opinion behind any one of these alternatives. To advance offends the doves, to retreat offends the hawks, and to stand fast exasperates the impatient who constitute the national majority.

For the doves, Vietnamization promises an immediate reduction in American combat participation and battle casualties. The hawks cannot view it as a dishonorable retreat for Vietnamization is essentially a changing of the guard which, if conducted prudently, need cause no loss of combat effectiveness. For the impatient, it offers a way to circumvent the stalemated negotiations in Paris and proceed toward a termination of American combat participation despite Hanoi's obstructionism.

The cross-border operations into Cambodia and Laos have created opposition to Vietnamization among those who see these operations as regrettable expansions of the war. Actually, the incursions and Vietnamization are related only by the fact that the former facilitates the latter, and both are made possible by the improved military situation noted earlier—the growing military strength of South Vietnam and the declining strength of the enemy. It is possible to oppose the Cambodian and Laos incursions—I do not—and still to unite behind Vietnamization.

Vietnamization is not without its disadvantages and uncertainties. It is too slow for some and operates on no fixed schedule. It does not promise in itself a complete withdrawal of all Americans or a complete termination of American military or economic aid. Indeed, there is a strong intimation that both will continue for some time. Nor does Vietnamization provide answers to such troubling questions as the fate of Cambodia and Laos and the safe return of American prisoners of war.

Despite these imperfections, the many advantages of Vietnamization warrant it a serious trial. It is sure to produce results quicker than would negotiations even if Hanoi were to change course and demonstrate a sincere desire for substantive talks. But even with goodwill on both sides, it would take months, possibly years, to reach agreement on such complex issues as a cease-fire which offers no advantage to either side; the withdrawal of North Vietnamese forces from the South; a guarantee of political rights for those Vietcong who accept amnesty; and the disposition of prisoners held by both sides.

For those in a hurry to get out of the war, I would recommend support of Vietnamization as the shortest and fastest way to disengagement.

The uncertainties about Cambodia, Laos and our prisoners of war are with us regardless of what course we elect to pursue. Under any circumstances, Hanoi will try to use our prisoners to extract some kind of ransom. To be prepared for such tactics we need a posture of increased strength derived from South Vietnamese military superiority over the North and a strong U.S. strategic reserve outside Vietnam ready for contingencies.

The successful implementation of the Vietnamization program contributes to this posture and, at the same time, presents Hanoi with the prospect of having to work out the final settlement primarily with their uncompromising enemies in Saigon.

COMPUTERS AND PRIVACY

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. BINGHAM. Mr. Speaker, in the course of the recent hearings before the Senate Constitutional Rights Subcommittee of the Committee on the Judiciary concerning Government invasion of privacy through collection of personal data, a most informative statement was presented by Dr. Jerry M. Rosenberg on the role of computers in the decline of individual privacy. Dr. Rosenberg is a resident of the 23d Congressional District of New York, which I represent, and is a practicing psychotherapist and management consultant.

Dr. Rosenberg's paper emphasizes the difficulties in developing surveillance-proof computer systems and urges creation of an Institute for the Responsible Use of Technology to help instill greater responsibility in this field. I am sure many Members and readers of the Record will find Dr. Rosenberg's views provocative and stimulating. The text of his testimony before Senator Sam Ervin's subcommittee follows:

Computers and Man's Psychological Submission and Loss of Privacy

(By Jerry M. Rosenberg, Ph. D.)

Mr. Chairman, thank you for inviting me to submit my thoughts on the matters of your current concern, the question of protecting personal privacy from being reduced under the influence of computerization.

I would like to say that my particular emphasis, supported by my psychological training and research efforts, has been the impact on the individual of pressure generated by advancing technology. My recent book "The Death of Privacy—Do Government and Industrial Computers Threaten Our Personal Freedom?" was specifically concerned with the erosion of individual privacy, both from direct application of computer designs as well as from a more subtle loss of psychological independence, often unknown to the person affected.

At present, computers in and out of government have an almost limitless capability to store, intermingle and, at the push of a button, retrieve information on persons, organizations and a variety of their activities, all without the knowledge of those involved. Even now, stacks of punched cards and tapes store statistics about us that we may not know exist. We might never escape in time or distance the bureaucratic machinery keeping tabs on us.

With present technical capability, it is possible to develop a composite picture of an individual that can be stored in a single information warehouse. Each year we offer information about ourselves which becomes part of the record. It is often scattered across the continent and is usually inaccessible except after considerable effort. It begins with our birth certificate and is followed by a series of medical notations. Early in life we are documented as an added income tax deduction by our parents. Then there is information on what high school, public or private, and what college, public or private, we attended. At school, records are made of our abilities, grades, tests of intelligence and attendance. For some, there will be car registration and driver's license, draft status, military service or Peace Corps. Then job history is recorded—working papers, Social Security number, a first job, our performance with each employer, recommendations, and references—all this makes an interesting dossier. Then, perhaps, a marriage license, a home mortgage, and when children come, the cycle begins anew. Should we divorce, the court records will be added. These would increase should we be arrested, convicted or serve time in prison. And of course, when we die, a last footnote is made.

In our daily activities we leave behind a trail of records: the credit card carbon for a luncheon meeting, the receipt from the hotel where we spent last night, our airline ticket, the check we cashed in a city bank, and the bill for the toys we charged for our children.

There are also government dossiers including tax returns over a number of years, responses to census questionnaires, Social Security records, passport files, and perhaps, our fingerprints and military intelligence reports. If we have worked for a defense contractor or for the federal government, there are lengthy files on us that may note our associations and affiliations.

Information is power. These records may at various times be of considerable interest to people outside a specific government agency. Years after our birth, for example, an interested party may be happy to pay for information from our birth certificate which is officially confidential. And in a number of cities there are entrepreneurs who obtain and sell this information as well as hospital records, police records, immigration records, and so on.

Confronted with the erosion of his privacy, the individual American has until now had the consolation that all these files have been widely dispersed and often difficult to put together. It has been a time-consuming, expensive proposition to compile a sizable file on any individual. Giant computers with their capacity for instant recall of a great variety of available information are changing all this.

The evolution of computerized complexes without effective public participation and protest can have a serious impact on our democratic process. Under our present system, individuals are expected to make fundamental choices where the future welfare is at stake, as would be the case in an election. By alienating the people from the decision-making process, control of the computer technology is left in the exclusive hands of those in possession of organizational power.

The public itself should question the drift of these technologies. We should want to make certain that human dignity, psychological well being and civil liberties remain intact. We should demand to know the precise nature of the information that will be stored and who will have access to it. The public has the right to know who will have the power to control the computers and most importantly, how confidentiality and individual privacy can and will be protected.

Liberty is never gained once and for all. It is forever in conflict with civilization—a conflict which has no clear-cut solution but which reappears in cycles, usually in different forms. Each succeeding generation must win it anew. Each must defend it against ensuing dangers. This is necessary because we are constantly changing our life environment; society may be altered so frequently that safeguards that in the past adequately protected our liberties become obsolete.

Science and technology are of immense benefit to society. And I for one, am a champion of the computer. These advances are so important to us that we would not want under most circumstances to impede their movement in advancing our knowledge of the world. But they may also expose us to potential danger—to a pollution that could curtail our anonymity, solitude and privacy. Unless certain practices in the technological exploitation of scientific knowledge are restrained, they will cost us more than we should be willing to sacrifice.

And we must constantly evaluate these technologies which are tools developed to increase man's power to understand his world. The mere fact that an innovation presents itself does not mean that we should surrender years of experience and values to its authority. Let it is difficult to bring social pressure to bear against the control of potentially dangerous technologies. One reason is that those who have the use of the technology are influential enough to prevent societal, or for that matter, legal restraints.

Today's college generation, in particular, is challenging the apparent complacency and indifference of its senior leadership. That privacy will forever remain because it is implied in the Constitution and Bill of Rights is not credible to the new adult population. With growing hostility toward the dominating technology and the establishment, a segment of this group fear that the documentation of their so-called acts of rebellion will only show that the freedoms once assumed have been surrendered. Should our older citizens in power fail to come to grips with the issue of preservation of privacy, it can be expected that the last struggle will be made by those who question how their present behavior, if documented, could be used against them at some future time.

The computer cannot be blamed for the loss of privacy. It is but an instrument created by man. Computers and other advanced machine systems are not permitted to be in error, but man is not a machine and does not have to be as efficient as the tools he has created to serve him. If man loses his right to be wrong, will he react by withdrawing from society? Will his curiosity to experiment with life falter? If this happens, man truly becomes nothing more than a machine.

Of course, not all computerized systems contain potentially damaging information. Some operations merely act as accounting systems and high-speed calculators, while others at more sophisticated levels are depositories for internal decision-making; some store research information from diverse sources; and some are documentors for the purpose of assimilation and distribution of pertinent data to a large community.

Not all computerized complexes contain the "sensitive" or potentially "threatening" information that might be found in a computerized system designed to collect personal data. But the possibility of incorporating such information does exist. Even the rather elementary, antiquated computer has the potential for being an information storage center. It doesn't matter whether it is formally called a "bank" or a "single unit processor"—any capacity to collect, store and retrieve data instantaneously upon request may, if misused, infringe on personal privacy.

There is little doubt that as computerized systems spread throughout the nation and world, surveillance by data processing is bound to increase. If the trend continues, it will soon be possible to have personal information about an individual gathered on a continuous basis and held indefinitely until requested. The snowballing effect is quite pronounced here. When the decision is made to purchase a computer, more data are gathered about the employees, customers or taxpayers who are of interest to an organization. Although this may provide for better services, improved decision-making and policy-programming, it also provides personal information about individuals never known before the advent of computers.

ALONG THE ROAD TO PSYCHOLOGICAL SUBMISSION

Today man lives in an atmosphere dominated by the machine. He brushes his teeth with an electric toothbrush; prepares his meals with mechanical toasters; ovens and broilers; works in an atmosphere of motors, switches, fans, typewriters; goes to and from home by car, bus and train, reduces the chores of home life with sewing machines, washing machines and drying machines. In the past only the craftsman used the tool. Today all of us take machinery for granted. As long as machines served us and did not threaten our rights as persons, we welcomed technology.

The charm of the horse-drawn buggy yields to the modern automobile; the candlestick maker is not needed in this day of electric power; the complexities of the abacus are incorporated into the computer's memory unit. Often we are glad to say goodbye to what we leave behind because many innovations free man from monotony, physical effort and waste of energy.

Computers are part of this advance, aiding us in ways that are valuable for our everyday living and essential for progress on all levels. Much of what has been achieved in medical research and outer-space exploration would have been impossible without the wide range of sophisticated computers.

Unfortunately, sacrifices frequently accompany these changes. With all the splendid wonders of the computer we find ourselves asking: has man become submissive to the computers of today? Can each individual profess to be more human in his actions than the complex system he has developed to assist in daily endeavors? Will there be a growing tendency to create a world where we treat each other as machines? Are we building more barriers which prevent the individual from having the opportunity to evolve his own unique potential—to be self-realized?

Man submits more and more as his ability to make choices about and control his future is gradually taken away from him. He is willing to have the machine make numerous decisions for him about his future; he is willing to permit the machine to build towers of brick and metal, hoping that it will not fail him when he has to live or work in them; he is willing to have the machine process his life's facts, hoping that it will be accurate and objective.

It seems that we are not aware of what is happening to us—that we are losing a little each day to the machines. We are usually too busy to think about matters which seem on the surface not to be so "important" as whether our cars are safe, or the price of bacon or the way taxes are skyrocketing.

From the psychologist's point of view, there is an observable area of change in a computerized atmosphere. The fact that information can be processed in fractions of seconds with tremendous accuracy forces the rethinking and redesigning of the use of people. With greater integration, control is further centralized and the autonomy of groups reduced.

A study, that I directed in the spring of 1967 while on the faculty at Columbia University, on the question of computers and people's concern over loss of their privacy, found that the public is troubled over how much of their lives—their thoughts, emotions and personal facts—they are encouraged to share with others.

What is most disturbing to the American population is the undemocratic process which starts at birth to make people believe that they are unable to say "no" to divulging personal information, thus perpetuating a collection of data that will follow them for the remainder of their lives—"frozen in time and the computer."

People want to determine for themselves in every particular situation of life just how much of their complex beliefs, attitudes and actions they choose to disclose. To the American, this data is more than just statistics. It is the data of judgment, a possible last judgment that can affect their schooling, employment possibilities, promotion, or role in the community. The citizens of this country want to have the right to a personal diary that is away and free from the organization's outstretched hands. They plead the case that if all their actions were documented, including their mistakes, it would be difficult to close a page of one's life and start anew. It would be a tyranny over mine and destiny.

To maintain their dignity and fill their needs for psychic distance, people construct mental walls around themselves. To be a total psychic being, with stability and confidence, forces people to reject being intruded upon without permission. Psychologically, privacy demands a delineation of the self, the acceptance that each of us are unique and separate from all others. It recognizes an empathy toward the finer qualities within man. It demands the perpetuation of a private psychic domain, displaying a defensive shield against psychological penetration, unless authorized.

There is a growing antagonism against people desiring power, who will through mental coercion try to intrude upon our concealed thoughts. Unfortunately, we have learned that the man who wishes to gain control will employ various techniques to influence and force individuals and groups into submission.

People have a right to remain unique and different. But there are many, and indeed the number is growing, who intentionally or by title of their office, are against the solitary man. They may envy his uniqueness. They want to keep a close watch on his behavior so as to anticipate future moves, often defended in the name of science or national priority. They too often regard his privacy as a denial of their own mechanized psychology which has a stereotyped and oversimplified answer for everything.

Raymond Katzell, Chairman of the Psychology Department at New York University, has spoken about protecting privacy. Confining men in close quarters physically and socially, as in submarines, he points out would make them particularly prone to peevishness and mutual hostility. Employing the phrases "getting away" and "letting go," Katzell suggests that vacationers are really seeking to avoid the pervasive inspection by society. "In short, there is reason to believe that a modicum of privacy is a necessary condition to mental and emotional well-being. Conceivably, a society which fails sufficiently to preserve the individual's privacy may become characterized by undesirable behavior patterns such as irritability, mistrust and hostility." Campus disorders, including the bombing of computer centers, may be related to this growing phenomenon.

COMPUTER AND PRIVACY PROTECTION

A major problem in protecting our privacy is that too often we believe in the principle that the ends justify the means. When we consider that the goal is the greater good of our people, we cannot understand why a specific intrusion should be prohibited. The result; gradual erosion of the value we place on individual privacy. Sometimes we are confused and become easily convinced that a particular device that may lead to personal intrusion is warranted on other grounds, such as purposes of security. This is an inadequate argument I believe.

I will not attempt to explore with you many of the legal and Constitutional questions raised by the issue of computers and privacy. My book "The Death of Privacy," documents these areas quite thoroughly.

As computer networks spread throughout the country and world, science and privacy must be able to thrive together. We will be collecting thousands of facts about everyone, depositing these details into the unforgetting computers of the future. To date there are no adequate legal protections to safeguard the individual against computer leakage. Furthermore, laws alone will not offer satisfactory protection in the face of widespread use of these systems. Although laws can impose penalties for violation and can set the limits of proper safeguards, legislative actions have not always been effective in the control of surveillance activities like wiretapping and eavesdropping.

There is reason to hesitate before passing new legislation that might in fact backfire. Laws that give special agencies or departments the responsibility of investigating those who break the law would be introducing yet other bodies that decide who can know what, thus putting a new decision-power in the hands of a few.

We have to make sure that information given to a specific organization will not be shared in such a way that the person's identity will be discovered. It is necessary to specify those who may use certain technological devices. Neither the principal of a school nor a personnel director should be allowed to enter at will the dossier on a potential or present student or employee. The question of duration of surveillance is most important. In addition, we need to determine what kinds of electronic devices are appropriate and permissible.

What is a major concern of Senator Ervin—we must define the penalties that would be imposed on those who disclose information improperly or without authorization, and we must regulate the use of information for purposes other than those for which it was originally obtained.

We must also bear in mind that we are dealing with a super-technology that will become increasingly complex and difficult to evaluate. It is safe to assume that probably the only persons who will understand the complexities and operations of these systems will be the computer designers and systems engineers who are directly responsible for the evolution of the industry.

Safeguards can be inserted into a system already in use, but it would be more efficient and less costly to build them in at the time the computer is designed. The burden of a great deal of the responsibility must lie with the computer manufacturers. If they want to avoid external regulations, they will have to start thinking about how to design systems with built-in safeguards.

To date, the best attempt to identify the relationships between computer surveillance and invasion of privacy has been outlined by Petersen and Turn of the Rand Corporation. They visualize two types of disclosures of information—accidental disclosures resulting from failure of the computer, and deliberate disclosures from infiltration of the system. They suggest countermeasures to prevent surveillance of data within a computerized system.

Unfortunately, essential safeguards are not as easily attained as is suggested by some of these outspoken specialists. It is one thing to design countermeasures as they apply to the "general" concept of computer leakage; it is quite another matter to build in protections for a specific computerized system.

For example, few can find fault with Petersen and Turn's countermeasures but they are merely a theoretical framework for the complex changes that are needed. These countermeasures offer little assistance to those attempting to design a surveillance-proof computerized system in the medical field, in an educational community, for a corporation or for a government repository. Examples of a specific computer utilization within a defined framework are necessary. The rules that apply for one computer installation might be inadequate for another or might fail to respond to the more crucial or pressing needs.

Prior to the formal establishment of critical data complexes, an appropriate structure could be developed in the form of a superagency composed of representatives from government, law, the social and behavioral sciences, public interest, computer sciences, corporations and the computer's users. At the outset, they should review any of the proposed computer legislation and, after considerable study and approval, submit their recommendations to the proper authority. Before a government data center is approved, everyone should be satisfied that only summary tabulations of data will be included, in which individual's names are protected against leakage, and that appropriate safeguards exist. Should a computerized repository be established, this group would remain responsible for the physical operation of the center; the procedures for selecting those who will survey the computers; the decision on what data can be stored and retrieved; the control of validity; and the perennial watch for data leakage.

As an alternative to a new government agency to supervise the expansion of computerized data systems, I advocate the establishment of a non-profit, private organization that might be referred to as the Institute for the Responsible Use of Technology. Among its activities, the Institute would:

Conduct research studies to determine how man's rights are being submitted by technological advances and computers;

Present to the public major issues and findings of studies conducted;

Act as a channel of communications between the public and appropriate organizations where individual rights and the needs of society might be violated;

Publish reports on pertinent issues affecting citizens;

Identify and publicize the means for protecting the human dignity of man as he interacts with technological changes and computers; and

Act as an "early warning system" of potential technological "dangers" to the well-being of man.

There are certain general rules of conduct pertaining to *all* computerized data centers that should be followed in order to increase confidentiality and reduce information leakage:

1. Let people know what their records contain, how they are used and protected, and who has access to them.

2. Employ a verification process to insure accuracy of data; in addition, permit the individual to review the data for accuracy, completeness, current application, and freedom from bias.

3. Categorize all stored information as intimate, private and therefore non-circulating (such as physical, psychiatric and credit information); pertinent, but confidential and having limited distribution; or public, and therefore, freely distributed.

4. Regard personal data as personal property, requiring permission for its use, and punishment for its improper use.

5. Appointing an ombudsman agency—or a committee that represents all levels of the organization—to take major responsibility for hearing and responding to complaints, and to determine appropriate measures to minimize leakage.

6. Record each request for access that is made, along with the authorization.

7. Make security checks on computer personnel.

8. Assess, from time to time, people's attitudes toward and anxieties about the issue of invasion of privacy. Such studies could be useful in determining what form of records would be most acceptable.

9. Periodically review and update the adequacy of the physical safeguards. Employ capable outside consultants to attest to the safety of the systems used, and to assist in the development of appropriate technical devices (such as scrambled data and code names), and

10. Allow psychological seclusion and withdrawal from accountability to remain as a permanent stronghold of our value system. The individual must freely choose whether or not he wishes to become submissive to the power of the computer.

A creative response by the computer industry to its technology will probably serve, and satisfy, the public better than rewriting our laws. In fact, one can doubt that legal measures—although necessary—will be as effective as technological adjustments in the protection of the public's privacy.

What is needed before the establishment of large government computerized centers is a rigorous research effort to answer the following unresolved questions:

1. What are the purposes of a computerized central facility? What kinds of information are strictly relevant to these purposes?

2. How much information about an individual is required to guarantee that such services are useful to the person, community and nation? How accurate, objective and challengeable is the information?

3. What are the procedures for interagency cooperation in the system?

4. How will individuals be protected from the creation and distribution of derogatory data caused by clerical mistakes or computer malfunction?

5. Will procedures be developed to permit individuals to see their files?

6. Will the cost of such a facility be justified in terms of future savings?

7. Will there be adequate safeguards to prevent penetration from the outside?

8. In whose backyard should computerized centers be physically established?

9. Will a computerized center officially created as a statistical system eventually become a storehouse of personal information?, and

10. Does the concept of computerized data centers suggest a changing value system and further government intervention in the lives of Americans?

The burden of proof of the security of the data facility should lie primarily with those who propose it. They must demonstrate that they can create a virtually unpenetrable and incorruptible system and justify its greater economy and expanding service.

The dialogue has just begun. The right to preserve privacy is a right worth fighting for. Computerized systems offer great potential for increased efficiency; yet they also present the gravest threat of invasion of our innermost thoughts and actions. As we charge, or are billed for, more and more of the services and goods we buy, all these transactions of our personal movement and financial status will glut the records of our lives and offer a very up-to-date picture of how we conduct ourselves in private. Some see this trend as leading to an Orwellian nightmare with Big Brother watching over us and reporting to the central record-control authorities any behavior adjudged out-of-line with stated policy.

We are slowly drifting into a world of nakedness. Each year an increasing number of technological devices invade the world that once we considered private and personal. In spite of this, we are still confident that our lives, activities, ideas, thoughts, and sensations are shared with no one unless we so chose. Will this confidence be perpetuated?

Traditionally this cherished belief has been based on an expectation that governments would set the pattern that the rest of the nation would follow. In fact, within the decade, unless governments intervene, there will be few questions left to ask about privacy; we will have taken for granted a society in which everything about us may be revealed. It will be difficult to protest unguarded data surveillance if governments fail to set themselves up as a safety model against information leakage.

The snowballing effect of computers is very real indeed. The more you know, the more you want to know and the better your methods will become to get and integrate this information. In the end, will there be any place to hide?

Computers may continue to prove themselves the worthy servant of man. But the servant must yield to his master, and the necessary thought must be given to developing essential safeguards. The computer manufacturers have thus far shirked their responsibility, but they cannot long remain bystanders if they wish to continue to make their own decisions. Both the manufacturers and then the consumer must seek ways to control the all-documenting, all-remembering computer systems and demonstrate that machine technology need not necessarily bear the stamp of increased surveillance.

The ultimate submission must be of the machine to man. If we fail to act immediately to preserve our claims to anonymity, psychological independence and seclusion we may develop a permanent fear—a fear to enjoy the fuller opportunities of life. We will hesitate before experimenting with the challenges of the world. We could become carbon copies of one another—conforming, dull and psychologically equivalent to the computer—heartless and non-emotional.

PROTECT AREAS FOR NONSMOKING PASSENGERS ON COMMERCIAL TRANSPORTATION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. FRENZEL. Mr. Speaker, on February 22, our colleague, the Honorable C. W. Bill Young of Florida, introduced a bill (H.R. 4776) aimed at requiring airliners, trains, and buses to set aside a protected area for nonsmoking passengers.

From across the Nation, the reaction has been overwhelming. Letters, cards, and telegrams—even telephone calls—have poured into Congressman Young's office in support of this legislation.

The bill places no burden on the smoker, but does provide relief for the nonsmoker who is distressed or made ill from having to breathe smoke from someone else's cigarette.

Many Americans feel strongly that their rights are being violated. The majority of our citizens, in fact, do not smoke.

I join Congressman Young in his concern that nonsmokers should not be forced to endure the distress and health hazards resulting from a buildup of smoke in the confines of public carriers under Federal regulation.

No one should be forced to smoke—even indirectly. No one is entitled to pollute the air we breathe in confined spaces.

I strongly urge my colleagues to join in passing this needed legislation promptly.

A sample of the editorial support Congressman Young's measure has gained, follows:

[From the St. Petersburg Times, Feb. 27, 1971]

Air For Non-Smokers, Too

Smokers are polluters.

Their cigarette and cigar puffs may not seriously befoul the atmosphere, but they often make the immediate environment uncomfortable for the non-smoking public, especially travelers.

U.S. Rep. C. W. Bill Young thinks relief is needed. He proposed a law to require airlines, railroads and bus companies to provide protected areas for non-smoker passengers.

The St. Petersburg Republican rightly wants to protect "the person who prefers not to be exposed to exhaled smoke and smoke from the burning end of a fellow passenger's cigarette."

Since transportation companies of all kinds have been aware of such irritations for years and have done nothing to solve the problem, indeed retreated from smokers' sections in railroad cars, Congress should pass Young's bill immediately.

No one should have to bear smoky plane cabins, train coaches or buses any longer.

[From the Sarasota Herald-Tribune, Feb. 23, 1971]

BREATHING RIGHTS

It takes more than a single choked and offended congressman to make it law, but it takes only one to introduce a bill to prohibit the pollution of the air on public conveyances by smoking passengers.

And the one necessary congressman has just stood up.

He is U.S. Representative C. W. Bill Young of St. Petersburg, and after getting off an airliner the other day coughing, wheezing and with tears in his eyes, he declared that it is time for the Congress to come to the aid of the non-smoking traveler.

So this week he is introducing a bill requiring airlines, railroads and bus lines to establish areas where passengers will not be forced to breathe used tobacco smoke.

"My bill," says the freshman Republican from Florida, "places no burden on the smoker, but it does provide relief for the person who prefers not to be exposed . . . The non-smoker is entitled to relief and protection."

The assumption, of course, is that there will be enough customers with a strong desire to smoke to make it worth extra expense to the carriers to provide separately ventilated smoking areas. If not, then the law Young proposes would restrain the carriers from letting the tobacco-addicted impose on others.

The proposal does not go as far as the U.S. Surgeon-General would. Dr. Jesse L. Steinfield wants to outlaw smoking in all confined public places, including theaters and restaurants—except, presumably, when separate smoking areas would be provided where their exhaled smoke would not disturb or offend non-participating patrons.

But the law Young proposes would be a bold step in that direction.

It will be argued, of course, that nonsmokers don't have to attend entertainments. Of course they don't. And smokers don't have to smoke either—certainly not where it offends and disturbs others. That's basic.

We are reminded of a recent call from a reader who had been hospitalized with a respiratory ailment and assigned to a room with a constant smoker. On complaining about the smoking to a hospital official, the patient was advised to consider the "rights" of the smoker! What twisted logic!

Putting first things first, we all have a right to breathe. But those who insist on breathing tobacco fumes don't have a right to do so where it forces others to breathe the fumes too. It makes many people ill.

To some people it is as painful as a kick in the stomach or a punch in the nose. Nobody has a right to treat others in that fashion for the sake on indulging in a habit—and an unhealthy one at that.

Congressman Young doesn't smoke. As a practicing politician, however, it must be evident that he has endured and survived long hours in smoke-filled places. But it got to him on the flight from Florida to Washington when bad weather forced the plane to circle and nervous fellow passengers puffed the air blue until the congressman began to feel himself getting actively sick.

He calls the experience "extremely distressing." His most welcome legislative proposal would save others from the same acute discomfort.

We hope it can be enacted into law.

SURVEY OF SIXTH CONGRESSIONAL DISTRICT OF NEW YORK

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. HALPERN. Mr. Speaker, in recent weeks, I undertook a survey in my congressional district for the purpose of determining the feelings of my constituents on the major issues facing us today.

I feel that it is my duty as the elected representative of these people to bring these results to the attention of this body. With this in mind, I should like to record these findings.

I believe one will find, in looking at this survey, that a constant factor in the opinions of these citizens is that they wish our Government to deal with the problems facing us in a positive, effective manner. This is plain to see in examining the solutions which they feel will be effective against today's problems. Following is a compilation of some of the propositions posed to my constituents in the Sixth Congressional District of New York, together with an indication of how many favored or did not favor the proposition.

FAVOR

[In percent]

Increased health, drug control, pollution funds	79
Strengthening controls over exaggerated TV ads	89
Fighting crime by reforming the courts and speeding up trials	93
Tougher penalties for polluters	90
Imposition of sanctions on all countries that aid airplane hijackers	89
Requiring of exhaust-control devices on all cars	87
Putting detector devices in all airports to stop hijackers	84
Licensing of auto mechanics	84
Abolishing electoral college and electing President by direct vote	74
Hiring more police, training and paying them more	73

DO NOT FAVOR

Escalating our military actions in Vietnam	69
Legalizing marijuana	66
Continuing present welfare system with no change	76

I think that the importance of this information lies in the fact that 10,000 of 150,000 questionnaires were returned. This response is much greater than anticipated and higher than that of a typical professional poll. I feel that it is possible, through this means, to acquire the feelings of a significant segment of my district. With this guide for my actions, I believe I can be a more effective legislator and represent the interests and concerns of the people. So that my colleagues may compare these results with their own constituents, let me give a description of the more than 10,000 respondents:

As indicated by the computer, more men, 52 percent, responded than women, 48 percent; more Democrats, 36 percent, than Republicans, 31 percent; more conservatives responded, 13 percent than liberals, 7 percent. In addition more college graduates responded, 57 percent, than did high school graduates, 39 percent. Although the age levels of the respondents were somewhat evenly divided, 60 percent were over 40 years of age. Although no fine lines can be drawn with regard to political affiliations and age, it can be seen that the concern for the community and the Nation cuts across the differences inherent in any community and peoples.

I think it pertinent to keep in mind that the questions enumerated thus far were merely highlights in the questionnaire which circulated. When pressed upon budget spending, 55 percent of those polled felt that defense spending should be cut, while 52 percent felt that the present welfare program of categorical assistance should be cut back. An increase in spending for housing programs, 56 percent, as well as an increase in law enforcement funds, 61 percent, and funds for education and manpower spending, 55 percent, met with approval of the majority of those responding. As regarding the situation in the Middle East, half of those answering the questionnaire felt that neutrality should be maintained and more than half, 59 percent, advocated withdrawing immediately and unilaterally from Vietnam.

Periodically, it has been my practice to poll constituents to get their feelings about the major issues of the day and about pending legislative matters. This is what democracy is all about. I shall regard these results as an invaluable guide for forthcoming legislation, and in closing would urge my colleagues to undertake similar polls so that the benefits which may be reaped from them be not confined to any small segment in our society.

There are more issues and more responses to my questionnaire, but I do not wish to take your time in repeating all of them. With your permission, Mr. Speaker, I shall simply include them in the RECORD following these comments:

Responses to questionnaire

OTHER QUESTIONS

[In percent]

Reduction of penalties for use of marihuana to a misdemeanor:

Yes	48
No	45

Maintain present penalty—a felony like heroin:

Yes	40
No	47

Keeping the present lottery system:

Yes	44
No	32

Responses to questionnaire—Continued

Adopt administration proposal for an all-voluntary army:	
Yes	47
No	30
Establish a national service alternative, like VISTA:	
Yes	35
No	30
Undecided	25
Authorize police to enter without knocking:	
Yes	40
No	46
Enact tighter money policies:	
Yes	44
No	31
Undecided	16
Stop development of supersonic transports:	
Yes	42
No	41
Undecided	13
Male	52
Female	47
Republican	31
Democrat	36
Liberal	7
Conservative	13
RESIDENCE	
Self-owned	47
Rental	45
Cooperative	5
EDUCATION	
High school	39
College	37
Graduate school	20
AGE	
15 to 19	2
20 to 29	20
30 to 39	15
40 to 49	22
50 to 59	22
60 and up	16
BUDGET EXPENDITURES	
Defense:	
Increase	13
Decrease	55
Remain the same	29
Income security/public assistance:	
Increase	22
Decrease	42
Remain the same	32
Education/manpower training:	
Increase	55
Decrease	15
Remain the same	27
Space:	
Increase	15
Decrease	37
Remain the same	45
General government/law enforcement:	
Increase	61
Decrease	4
Remain the same	32

FAVOR

[In percent]

Provide jets and other arms to Israel	60
Grant economic assistance to Israel	56
Put armed guards in all passenger airplanes to prevent hijackings	73
Continue phased withdrawal from Vietnam and Vietnamization	67
Negotiate a settlement in Vietnam	67
Congressional approval before President commits American troops to combat on foreign soil	64
Establishment of consumer courts	70
Enactment of harsher penalties for crimes	68
Permit preventive detention of criminal suspects	51
Cut in Federal spending	67
Setting wage-price controls	52
Provide more tax incentives for industry to rid pollution	71
Adopt the President's proposed guaranteed annual wage with work incentives	68
Cut back present system of categorical assistance	52
Federal Government turning back to the States a percentage of the Federal taxes to be used as the State sees fit	68

DO NOT FAVOR

Maintaining strict neutrality in Middle East	50
Withdrawing immediately and unilaterally from Vietnam	59
Renew the tax surcharge	62
Replace corporate tax with a national sales tax	65

RUSSIA'S TECHNOLOGICAL GAP WIDENING

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. PUCINSKI. Mr. Speaker, with our concern for keeping ahead of the Soviet Union in national defense, I believe we should also take note of the serious shortages and deficiencies within that country today.

In virtually every domestic and industrial field, Soviet technology is increasingly removed from the more rapid pace of the developed nations of the world. With its paranoid fear of technological secrets from the weapon and space industries being leaked to the Western World, the Russians have theoretically cut off their noses to spite their faces. Information that could benefit domestic industry in the Soviet Union is withheld by the military and space scientific establishments. The resultant lag in progress denies the Russian people the advances a more reasonable government would surely seek to provide.

Mr. Speaker, Mr. John Dornberg of Newsweek Service, published an article in the San Francisco Examiner recently which discussed the Soviet technology gap. I bring it to the attention of my colleagues today with the belief that they will find it an important measure of Soviet concern for the Russian people.

Mr. Speaker, Mr. Dornberg's article follows:

RUSSIA'S TECHNOLOGICAL GAP WIDENING

(By John Dornberg)

After decades of boastful predictions about the inevitability of Russian industrial and economic dominance, the Soviet Union today is faced with an alarming and potentially devastating embarrassment: a technological gap in relation to most of the world's advanced nations.

Russian officials may brag about taking second place to no country in terms of nuclear weapons, but in terms of just about everything else technological, the Soviets take second place to almost every industrialized country.

Even more disturbing to Soviet technocrats, the gap is not only not being closed, it is widening with gathering momentum.

In the field of nuclear-generated electrical power, for instance, Russia two years ago produced 11 percent of the world's total. By 1977, that percentage is expected to drop to about 4, or roughly the same amount Sweden will be producing.

But the evidence of the gap is not visible merely in complex terms like megawatts. It is obvious in almost every area of the Soviet economy.

In computer science, for instance, the nation that sent the first man into space is still shockingly primitive. It is a safe guess that in all of Russia there are only about 5000 working computers—nearly all of the old "second-generation" capability—while the U.S. has well above 50,000 newer, more versatile machines.

The computer gap alone, according to Soviet physicist Andrei Sakharov, the father of the Russian hydrogen bomb, "is so wide that it is impossible to measure it. We simply live in another epoch."

In other fields, Russia might be better off living in another epoch. Communist leaders claim proudly they are building 630 miles of new railroad line every year. What they neglect to mention is that in the 42 years of Czarist rule preceding the 1917 revolution, new tracks were laid at a rate of 927 miles a year.

Under the Soviet political system, average citizens are kept in the dark about the nation's economic and industrial output, but they have only to step outside their doors to see that progress hasn't come along as fast as predicted.

There are only 283,000 miles of surfaced roads in the entire country—or less than a tenth of the pavement covering the small U.S.—and the lack has a direct impact on the general economy. Trucks (of which there are precious few) can average no better than 18 miles an hour on Soviet roads. The Daily Sovietskaya Rossia has estimated that the annual loss due to poor urban roads alone costs 500,000 rubles—in delays, damage to vehicles and increased fuel consumption.

Factories, shops, construction sites and laboratories must wait weeks or months for supplies—which costs the economy hundreds of millions of rubles in lost production. And when a truck or a tractor breaks down, replacement parts are so scarce that it is easier to cannibalize the remains for another vehicle.

"Anything that can't be assembled or repaired by banging on it with a hammer," says one Western economist, "is just left outside to rust."

Finally, in terms of consumer goods, Russia is almost a backward nation. On a per capita basis, Russia has only half as many television sets, a quarter as many telephones, and a fortieth as many automobiles as the six countries of the European Common Market.

Considering Russia's raw potential, it would be logical to assume that once a gap was admitted, the Soviet government would make massive plans to increase productivity. Instead, it is behaving exactly like a young emerging nation—selling natural resources and raw materials in return for technological know-how.

French, German, Italian, British, Swedish and Finnish companies have been brought in to build automobile plants, fiber and plastic factories, paper mills, computers, food processors and machine tools. Even the vaunted Russian merchant and fishing fleets—among the world's largest—couldn't exist without ships made by Poles, Finns, French and East Germans.

The reason for the technological gap are directly traceable to the Soviet political system, which has fathered a stunningly inept bureaucracy, established priorities based on nothing but gross quotas and insisted on absolute secrecy about nearly every development.

Theoretically, administrative secrecy is intended to conceal military developments from foreigners. But it is so thorough that the average Soviet industrialist is often less well informed than a foreign embassy staff.

Consequently, discoveries and developments which benefit the military or space programs are almost never reapplied to domestic industry. Such discoveries virtually have to be re-made before they can benefit the economy as a whole, so applications of military breakthroughs take between six and eight years to be applied domestically.

By contrast, the U.S. National Aeronautics and Space Administration has a service which will provide any applicant with instantaneous computerized retrieval of any of more than 200,000 recent developments in the space field.

The technological gap may appeal to some American chauvinists, but many more thoughtful U.S. officials are deeply worried lest it get too much wider.

"It's great to crow about how great we are and how backward they are," says one Kremlinologist. "But in the long run, a hefty increase in the Soviet standard of living is a lot better deterrent to war than all our ABMs."

RURAL COMMUNITY DEVELOPMENT PROGRAM—AN AFTERTHOUGHT

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. CULVER. Mr. Speaker, after waiting for 2 years for the President to implement constructive rural development programs, we have finally heard from him. However, I fear that the administration's rural community development program was an afterthought—an afterthought forced upon him after rural America recognized that they had been taken for granted and consequently gave his administration a vote of "no confidence" last November.

The President's proposals consist of what he terms "new" funds for the future. What rural America has needed is not promises of "new" moneys at some later date, promises premised on the possible enactment of revenue sharing, but release of the hundreds of millions of dollars he has frozen, and signing of the bills he has vetoed. During the last 2 years, he has slashed out the heartland of rural America's budget by—

Freezing $56 million of the $100 million Congress appropriated for rural water and sewer grants;

Freezing $68 million of the $98 million Congress appropriated for rural water and sewer loans;

Cutting the 502 Rural Housing Insured Loan program from $1.4 billion to $946 million—and only restoring the funds after strong congressional pressure was applied;

Cutting the REAP agricultural conservation program by $44.5 million, almost a quarter of the $195.5 million appropriated by Congress;

Vetoing the $18 billion Housing and Urban Development Act of 1970;

Vetoing the $4.42 billion Education Act of 1970;

Vetoing the $2.79 billion Hill-Burton hospital construction program;

Cutting out the school milk program; and

Vetoing the family medical practice bill.

This money—much better than any promised funds—could have helped the 7,300 rural communities that, over the past 3 years, had their loan and grant applications returned because the Farmers Home Administration could not assist them in the immediate future because of lack of funds. This new-found money could still help fund some of the 129 pending applications, totaling $31 million in loans and $6 million in grants, for sewer and water systems in my own State of Iowa.

The problems of rural development are now, not tomorrow. If the President has new-found money, he should release existing rural development funds and stop tantalizing rural America with the promises of new funds as a basis for politically sugar-coating the concept of revenue sharing.

The President's package of Rural Community Development with capital letters is only a portion of what is needed for sustained, substantial rural community development. Funds for Government programs, whether through grants or revenue sharing, can never take the place of a sound agriculture program, adequate housing and employment, and ample business development. And it is in these latter areas that the last 2 years' policies have been most disastrous.

The administration became the first since World War II not to send Congress a farm message. Last year it opposed a farm bill supported by all major farm organizations. And this year, seeing that parity had dropped to its lowest level since the Depression, achieved "prosperity" by changing the way you compute parity so that the country can now be told that parity stands at a healthy 91 percent when it is really only 68 percent.

More hocus-pocus. When Iowa's unemployment is the worst in 13 years, when rural education and medical assistance lag far behind national norms, when farmers must struggle from one crisis to the next, we do not need new mathematical models for parity nor sleight-of-hand with rural development funds. What we do need is the release of funds that Congress had appropriated to provide rural Americans their fair share of assistance and to begin at once the imperative task of revitalizing rural America.

I include the following tables:

IOWA—WATER AND WASTE DISPOSAL APPLICATIONS ON HAND, FARMERS HOME ADMINISTRATION, FEB. 22, 1971

Name of applicant	County	Type of project	Funds	
			Loan	Grant
First Congressional District:				
Libertyville	Jefferson	Water	$100,000	-------
Hillsboro	Henry	do	90,000	$22,000
Milton	Van Buren	Sewer	220,000	56,000
West Point	Lee	Water	200,000	120,000
Letts	Louisa	Sewer	191,000	125,000
Parnell	Iowa	do	80,000	30,000
Libertyville	Jefferson	do	103,000	65,800
Nichols	Muscatine	do	99,000	70,000
Birmingham	Van Buren	do	30,000	-------
Columbia City	Louisa	do	110,000	65,000
Bonaparte	Van Buren	do	180,000	90,000
North Liberty	Johnson	Water	120,000	60,000
West Liberty	Muscatine	do	100,000	-------
Do	do	Sewer	165,000	-------
Wellman	Washington	do	220,000	-------
Buffalo	Scott	Water	260,000	100,000
Second Congressional District:				
Wadena	Fayette	Sewer	101,000	46,800
Goose Lake	Clinton	do	58,000	30,000
Prairieburg	Linn	do	75,000	25,000
Aurora	Buchanan	do	76,000	25,000
St. Olaf	Clayton	do	100,000	75,000
Greeley	Delaware	do	100,000	55,000
Aurora	Buchanan	Water	60,000	-------
Stanley	do	Sewer	80,000	70,000
Dyersville	Dubuque	Water	390,000	-------
Delmar	Clinton	Sewer	278,000	120,000
Third Congressional District;				
Marble Rock	Floyd	do	170,000	39,000
Coulter	Franklin	do	90,000	55,000
Bassett	Chickasaw	do	70,000	30,000
Beaman	Grundy	do	83,000	49,600
Holland	do	do	105,000	55,000
Frederika	Bremer	do	75,400	42,300
Chester	Howard	do	90,000	70,000
Leland	Winnebago	Water	$60,000	$45,000
Rake	Winnebago	Water	140,000	32,000
Plymouth	Cerro Gordo	do	170,000	100,000
Ventura	do	do	160,000	-------
Woolstock	Wright	Sewer	120,000	80,000
Garner	Hancock	Water	365,000	-------
Raymond	Black Hawk	Sewer	240,000	160,000
Geneva	Franklin	do	94,000	60,000
Rudd	Floyd	do	234,000	100,000
Fourth Congressional District:				
Deep River	Poweshiek	Water	100,000	-------
Drakesville	Davis	do	28,000	10,000
Numa	Appanoose	do	80,000	70,000
Williamson	Lucas	do	55,000	35,000
Van Wert	Decatur	Sewer	90,000	55,000
Clutier	Tama	do	130,000	94,000
Van Wert	Decatur	Water	90,000	78,000
Promise City	Wayne	do	95,000	55,000
Lineville	do	Sewer	150,000	114,000
Seymour	do	do	200,000	65,000
Melrose	Monroe	Water	70,000	50,000
Afton	Union	do	200,000	50,000
Walford	Benton	Sewer	90,000	45,000
Woodburn	Clarke	Water	140,000	40,000
Hartford	Warren	Sewer	140,000	60,000
Ollie	Keokuk	do	100,000	80,000
Otley Public Utilities	Marion	Water	90,000	70,000
Elberton	Tama	Sewer	110,000	95,000
Hamilton	Marion	Water	47,000	28,000
Derby	Lucas	do	66,000	27,000
Decatur City	Decatur	do	100,000	50,000
Dallas	Marion	do	130,000	60,000
Kelleronton	Ringgold	Sewer	90,000	30,000
Agency City	Wapello	do	112,000	70,000
Urbana	Benton	do	180,000	80,000
Blakesburg	Wapello	do	130,000	95,000

IOWA—WATER AND WASTE DISPOSAL APPLICATIONS ON HAND, FARMERS HOME ADMINISTRATION, FEB. 22, 1971—Continued

Name of applicant	County	Type of project	Funds	
			Loan	Grant
Fourth Congressional District—Continued				
Kent	Union	Water	$50,000	$30,000
Exline	Appanoose	do	90,000	70,000
Killduff Development Corp	Jasper	do	50,000	40,000
Davis City	Decatur	Sewer	144,000	96,000
Grand River	do	Water	75,000	75,000
Monroe County Rural Water Association.	Monroe	do	500,000	
Wayne County Rural Water Association.	Wayne	do	1,800,000	
Appanoose County Water Association.	Appanoose	do	950,000	
Town and county water district	Ringgold	do	300,000	
Lucas County Rural Water Association.	Lucas	do	1,500,000	
Fifth Congressional District:				
Callender	Webster	Sewer	190,000	60,000
Vincent	do	do	96,000	72,000
McCallsburg	Story	do	110,000	50,000
Dayton	Webster	do	40,000	20,000
Clarke	do	do	70,000	45,000
Harcourt	do	do	138,000	92,000
Barnum	do	do	76,000	50,000
Gilbert	Story	Water	240,000	50,000
Moingona	Boone	do	30,000	30,000
Sixth Congressional District:				
Paton	Greene	Sewer	170,000	70,000
Rock Rapids	Lyon	Water	100,000	
Mallard	Palo Alto	Sewer	190,000	90,000
Brunsville	Plymouth	Water	45,000	
Oto	Woodbury	Sewer	89,000	56,000
Wallingford	Emmet	do	87,000	54,000
Archer	O'Brien	Water	26,000	
Okoboji	Dickinson	do	150,000	
Rural Water System No. 2	Lyon and Sioux	do	1,260,000	
Wesley	Kossuth	Sewer	170,000	85,000
Cherokee County Rural Water System No. 1.	Cherokee	Water	1,330,000	
Fostoria	Clay	Sewer	$110,000	$70,000
Salix	Woodburg	do	110,000	70,000
Osceola County Rural Water Association.	Osceola	Water	2,250,000	
Fenton	Kossuth	Sewer	117,000	77,000
Calumet	O'Brien	do	55,000	28,000
Smithland	Woodbury	do	110,000	80,000
Seventh Congressional District:				
Shambaugh	Page	Water	60,000	49,000
Yorktown	do	do	50,000	25,000
Pacific Junction	Mills	do	100,000	60,000
St. Charles	Madison	Sewer	119,000	51,000
Kirkman	Shelby	Water	50,000	20,000
Conway	Taylor	do	40,000	28,000
Bridgewater	Adair	Sewer	100,000	70,000
Kimballton	Audmubon	do	83,000	37,900
Pisgah	Harrison	do	140,000	40,000
Adair County Water Corp	Adair	Water	4,600,000	
Tennant	Shelby	do	24,000	20,000
Do	do	Sewer	51,900	20,000
Braddyville	Page	do	61,000	30,000
Halbur	Carroll	do	115,000	10,000
Arcadia	do	do	127,000	60,000
Portsmouth	Shelty	do	55,000	26,000
Knierim	Calhoun	Water	50,000	40,000
Minburn	Dallas	do	10,000	
Twin Lakes Utilities and Pollution Control.	Calhoun	Water & sewer.	350,000	250,000
Blencoe	Monona	Water	40,000	
Bayard	Guthrie	Sewer	320,000	140,000
Imogene	Fremont	Water	40,000	40,000
De Soto	Dallas	do	100,000	
Dexter	do	do	20,0000	50,000
West Central Rural Water Association.	Carroll, Crawford & Shelby.	do	1,800,000	

	Loans	Grants
1st	$2,268,000	$803,800
2d	1,318,000	446,800
3d	2,266,400	917,900
4th	9,172,000	1,817,000
5th	990,000	469,000
6th	6,369,000	680,000
7th	8,685,900	1,066,900
Total	31,069,300	6,201,400

HUSBAND SERVES—WIFE BACKS HIM UP

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. HAGAN. Mr. Speaker, I received a letter today from a young wife of a serviceman from the town of Portal, Ga., who is serving his country in Vietnam.

This 19-year-old Army wife has written me of her intense attitudes and feelings as to what her husband's Vietnam tour of duty and of what her country means to them and I was deeply impressed. So impressed, in fact, that I want my colleagues to share in this truly warm and meaningful expression of patriotic pride and love of country that Mrs. Richard Jones reveals in her moving letter:

PORTAL, GA.,
March 6, 1971.

Hon. G. ELLIOTT HAGAN,
House of Representatives,
Washington, D.C.

SIR: My husband is one of the many young soldiers in Viet Nam.

I would like to express my views on the war in Viet Nam.

I don't enjoy living without my husband. My 9 month daughter probably can't understand who I'm talking about when I mention her daddy. In view of these facts, I am still not against the war. I believe in America. She's a great country. It's up to us to keep her strong. My husband is doing his share, and I feel I'm doing mine. The women of America have an obligation to their country, too. We'd be poor help on a fighting front, but we've got a job to do at home. And that is keep the home sacred and safe. We have to fill our men's shoes, not run them over.

I wish there was another way to obtain peace in this world, but apparently, there's not. Therefore, I say the war is not all wrong. If it were, God would see fit to stop it.

We get aggravated because it seems things don't move fast enough. I for one, would like to express a vote of confidence in our lawmakers. Good or bad, we elected them—now we should trust them to know what they're doing is best for all concerned.

My vote is: If we can't bring our boys home to a country where they won't have to fight from their own doors within a year or two—keep them as safe as we can while they protect the land they obviously love.

Please, if you think my thoughts will help any—pass them to anyone who'll listen. By the way, I'm 19 yrs. old. My husband isn't quite 21 yet and he's very proud of the job he's doing. He was drafted, but he believes in his country enough to give his life if necessary. I pray to God that will never happen, but if it should, I hope He will give me the strength to carry on and make some sacrifice for my country to match that of my husband.

Sincerely,

MRS. RICHARD JONES.

SEEKS TO AMEND SOCIAL SECURITY LAW

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, today I am joining my colleagues in introducing legislation which would amend the social security law so that women with 30 years of coverage could retire at 62 years of age with full benefits. Under the present law women who retire at the age of 62 are eligible to receive only 80 percent of their retirement benefits.

Women may start getting benefits at age 60, but full benefits are not paid until age 65. Women who start getting benefits between ages 62 and 65, however, receive progressively larger amounts.

Up to now we have provided full old-age benefits to widows only. I believe that the woman who has worked most of her life, also, should be entitled to full retirement benefits.

Mr. Speaker, when the present provisions for paying benefits to women workers were proposed in this House in 1955, the Committee on Ways and Means recommended, and the House adopted a provision which would have paid full retirement benefits to women at age 65. It was the Senate that proposed paying reduced benefits. And, under the prevailing conditions, the House yielded to the Senate.

The 1956 provision was a compromise dictated by financial considerations.

The change we are proposing is a compromise, too. It is directed at those women who have worked the most and who have paid the most.

At the present time it would benefit relatively few women because social security coverage started only in 1937; no more than 34 years of coverage is possible. Moreover, the coverage of the original program was limited and major expansions were not effective until 1950 and 1954. Thus, the full effect of my proposal would not come for another 10 years, or so.

It would seem that the very financial considerations which in 1916 led to the payment of reduced benefits at age 62 would in 1971 be considerations in favor of my proposal. Adoption of the proposal would have little effect on the cost of the program, while at the same time, it would provide significant benefits to those who could qualify for the higher benefit payments.

This proposal has been with us too long. It should have been enacted sometime ago, but having been before the Congress for some time, it is gathering additional supporters. In the 91st Congress it had about 100 cosponsors and there are, of course, many other Members who would support the measure. With support like this, I would hope that the Committee on Ways and Means which is now considering H.R. 1, this year's social security amendments, would see its way to report a bill containing the substance of our proposal so that full retirement benefits can be paid at age 62 to women who have spent most of their lives working and paying social security taxes.

JANE TOMCZAK ON THE ISSUE OF THE SUPERSONIC TRANSPORT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. KEMP. Mr. Speaker, there is no more controversial issue before the Congress than the SST. My mail has been very heavy on this subject and is about evenly divided. I am giving careful consideration to every argument, pro and con.

I was most fortunate to have Miss Jane Tomczak on my staff for 2 weeks under the auspices of the Washington Workshop Foundation. Jane is a senior at Mount St. Joseph Academy in Buffalo and chose to do research on the SST while working in my office.

Jane completed a research report for which Mount Vernon College has awarded three academic credits. Jane was an outstanding intern and I include her paper at this point. I want to point out that it is critical to evaluate the views of our young people and commend her remarks to the attention of my colleagues:

THE ISSUE OF THE SUPERSONIC TRANSPORT

(By Jane Tomczak)

In the next twenty years, the volume of commercial air traffic can be expected to be multiplied by a factor of six. This will be the result of an increase in population, business activity, personal income, and leisure time. The SST is the logical and inevitable step forward to meet these growing demands. Internationally, airlines are already shopping around for and looking over the foreign SST's now in existence. Presently, United States airlines have placed 38 reservations for delivery of Concordes while non-United States airlines have placed 36 for this Anglo-French model of the SST, totalling 74.[1] Several airlines are also interested in the Russian TU-144. Thus, if the United States does not build an SST, foreign ones will be purchased. The age of supersonic travel is undoubtedly upon us now. The question is now not whether the SST is to be, but which one is to be flown.

The SST is needed to preserve United States leadership in aviation. It is important to be certain, as indicated by the President's Ad Hoc SST Committee, that prestige is not an issue. In order to have other programs—human resource programs—the United States must also have programs which generate revenue and keep up the balance of trade. Civilian aircraft represent one of the major exports of our country. In 1969, it accounted for $2.2 billion in foreign trade sales. In the years 1964–1969, our favorable balance of trade has dropped almost 90%,[2] and without our 3 billion dollars aircraft sales, the United States' balance of trade would have been a critically negative figure by over 1 billion dollars. Aircraft also had the highest ratio of exports to imports: 10:1.[3] The United States now has 84% of the free world aircraft market, but this will not necessarily remain true without the SST. Airlines require a variety of different crafts for their different routes and tend to purchase an entire line of aircraft to save on training and maintenance costs, obtained when single-source buying is done.[4] Thus, the absence of the SST in the American line would shift our existing subsonic sales to the European industry, harm; possibly negate our balance of trade, and deplenish our funds for domestic use and internal economy. The estimated total damage to the balance of trade by 1990 would be at least 17 billion dollars to 22 billion dollars.[5] More than 600,000 persons are now employed in the industry, many of whom would become jobless.

If the SST program is successfully carried out, the United States can expect to gain nearly $20 billion of the anticipated $25 billion world market through 1990.[6] The entire government investment of $1.3 billion required for prototype development will be returned by the time 300 aircraft are sold out of an expected market for 500.[7] The potential return to the United States Treasury if 500 SST's are sold is 1 billion dollars more than the total original investment. Including the generated federal, state, and local taxes, the return is potentially five and a half times greater than the government's expenditure.[8] At prototype development peak in 1971, 20,000 jobs will have been generated, 50% of them under subcontractors, scattered throughout 46 states. Employment in the production phase will number approximately 50,000 direct employees and an additional 100,000 in allied services.[9]

Financing the SST program of the United States requires funds which are not currently available to manufacturers on any reasonable basis because of the $1.5 billion cost throughout the development of a prototype. This is more than the total worth of the Boeing Company. In addition, private lenders would not wait eight or ten years for repayment except with very high interest rates which would increase the cost of SST. So, no manufacturer could finance the SST development through normal commercial channels because of the financial resources required, the long development time required, and the absence of a prototype aircraft by which the production risk can be evaluated.[10] The government has always aided the aeronautical developments through military programs, regulatory actions, and airports and airway facilities. The United States government has already invested 864 million dollars in the SST prototype development.[11]

The United States 2707–300 SST will be superior to the Russian TU-144 and the Anglo-French Concorde. It is made of titanium, rather than aluminum, eliminating metal fatigue danger anticipated. It is larger, carries more passengers, travels at a higher speed and greater altitude, and has a shorter takeoff distance. Also, unlike the makers of the TU-144 and the Concorde, the GE and Boeing companies have taken into account the various environmental concerns from the start in designing the SST.

The SST would be the only aircraft program to have a noise limitation written into its contract. The SST is smoke-free; its power enables it to climb away fast, taking its noise with it, up and away from the community; it will be compatible with today's airports fitted for many present, subsonic jets; and since airports consume relatively little land space, the SST is a major development in, by far, the most land-conservative mode of transportation.

The passenger safety of the SST is needlessly doubted. Landing and acceleration effect is similar to that of many presently operating jets. Control will be completely by instrument. The SST will be the first airplane to limit ozone environment and the airconditioning will make the environment superior to that of any present airplanes. Passengers will also be exposed to less radiation; although the radiation level is actually higher there, at that altitude, the great speed remedies much of it. Much of airplane design has been improved for the SST, including cabin pressure which will be maintained even in the case of a window blowout, an occurrence which has never been experienced in an airplane.[12]

Special requirements and facilities are neither a source of discouragement. Regardless of whether or not the SST operates, new airports will be badly needed to handle the ever-growing volume of air traffic. Congress has already authorized over $5 billion for these new facilities. Contrary to expectations, the SST will not require longer or thicker runways. It requires a much shorter runway than the 707, DC-8, or Concorde, and most airports already have runways 50% thicker than need. A faster plane does cost more for fuel, but it also requires less labor cost, and labor costs rise much faster than fuel costs. Air traffic conditions will not be aggravated either because the SST will fly at a brand-new air level and shorter travel time also means more flexibility in arrival and departure times and thus, a less congested terminal. The SST is coming at a time when it can greatly benefit from a greatly improved air traffic system prepared to meet the constant growth.

The United States SST, with its passenger capacity ⅔ that of the 747, and three times its speed, works out to be just about twice as productive in a given amount of time.[13] This greater productivity will serve to offset the rising cost of airline operations. Greater productivity has always helped to reduce fares and will do similarly for the SST. SST fares will not be greater than present jet fares.

There are many unfounded fears concerning the development of the SST. Some assume that the motivation of those seeking United States world aviation leadership is desire for prestige. They complain that the $1.3 billion cost to government is too big a risk because of formidable technological problems and that business with the Boeing Company is moving towards socialism. They fear their money will never be recovered and that no citizen benefit will come of it. The most serious fears seem to be of those who claim that there are environmental hazards, the potential unknown danger of which are tremendous. They fear that changes in the upper atmosphere will affect the climate and that ultraviolet radiation will be capable of stripping the earth of its life. They believe that sonic booms will shake their houses, destroy their monuments, and disrupt their daily peace.

"The arguments waged to date, . . . are

Footnotes at end of article.

in many instances based on technical inaccuracies, statements taken out of context, or on the 'bleatings' of the omnipresent pseudo-scientists who make a profession out of 'nit-picking' useful programs to death."[14]

In reference to proclamations that SST will contribute to the pollution of the air, the SST can not be expected to produce any visible carbon emissions. It operates on one of the most efficient gas turbine engines. The gasses produced by SST at 1780 miles per hour carrying 900 passengers, are no more than those generated by three cars at 60 miles per hour. They also dissipate and become virtually undetectable at ground level. Surface vehicles convert 30–50% of their fuel burned into pollutants, which have immediate impact on the environment, while the less than 1% emitted by SST barely even reaches our immediate surroundings. The SST poses less threat to the air than any other means of transport existing.[15]

John Volpe: "I will see to it that the production program will not proceed—period—if tests of the prototypes indicate serious damage to the fabric of the natural world."[16]

The sonic boom seems to be the most universal concern involved. The most intense, or damaging sonic booms have been those at low altitudes; usually accidents, near the airport. However, the FAA has held, and will continue to hold the position that *any* sonic boom over a populated area is unacceptable, regardless of the magnitude. As a result of this regulation, which is based on and only alterable by public interest, by design, the SST will only fly supersonically at very high altitudes only reachable after flight far away from the populated areas. This will be 80–100 miles off a coastal airport and farther, if necessary, inland. It is the Administration's policy that flights will not be permitted over populated areas at speeds that will produce sonic booms, so supersonic flight will be permitted only over the oceans, routed to avoid inhabited islands, and north of the arctic circle.[17] Most people living in the vicinity of airports will be exposed to less noise from the SST than they hear today, because the takeoff and lift is great enough to carry the noise away quickly, before it reaches the community. Sideline noise, principally on the airport itself, is a problem to be solved and further progress will be made over the next 8 years by the multi-million dollar current dollar intensive noise reduction program.

Then, there is concern that the sonic boom will be harmful for marine life if produced over the ocean. Tests have proven acoustic energy to be inefficiently transported through the atmosphere to the ocean causing insignificant pressure, thus only trivial, no harmful or unusual effects on marine life. It has been said that the pressure is no greater than that produced by a fisherman's spinning lure hitting the water. Also, through ten years of supersonic testing of military aircraft, no complaints have ever been registered due to flight over the ocean.[18]

Secretary John Volpe has stated, "before we make a production commitment, we will demonstrate . . . the commercial SST to achieve noise levels consistent with those required." He also recently cited there major developments which have greatly improved the outlook on SST noise: *1* recent tests indicate less noise than originally expected and that *2* the wings are capable of greater lift, thus reducing takeoff distance; *3* high performance suppressors have been developed and tested successfully to reduce sideline noise.[19]

There has been emotional concern about condensation trails, increased amounts of water vapor in the upper atmosphere, and the formation of a layer of clouds, resulting in alteration of the weather. It is feared that a change in the average surface temperature of 2° to 3° might set off a chain reaction, resulting in a drastic change in average surface temperature and melting of polar ice caps or creation of a new ice age. However, it has been noted that contrails do not form above an altitude of 60,000 feet[20] and virtually all SST travel will take place at an altitude of 65,000 feet. Also, the point has been made that previous changes in average surface temperature of up to 9° (1880–1940) and deposits of one cubic mile of sea water into the atmosphere—it would take an SST fleet 500–1000 years to inject this amount assuming the entire amount remained in place—(1883 explosion of Krakatoa island) have been recorded with none of these unusual results (only some green sunsets for the year of 1883.)[21]

Another contention is that water vapor may, through a series of photochemical reactions, reduce ozone traction, which shields the earth from the ultraviolet radiation of the sun, and life on earth would be harmed or destroyed. Possible increases in skin cancer supposedly are threatened. Many responsible scientists have concluded that ozone-water vapor effects would be insignificant or non-existent. Others emphasize that this, as the weather theory, must be admitted to be purely speculative, but that further extensive testing is needed to determine the effects, if any, of the interaction of water vapor and nitrogen oxides, although evidence that water vapor will accumulate in such great amounts has been questioned extensively.[22]

On a normal day, the moisture level in the air weighs about 150 trillion tons, and each cubic mile contains 4000 pounds of water vapor.[23] If billions of tons of water deposited in the air by an SST fleet in a year could be added to the air in a single second, it would add one ten thousandth of the water normal to the atmosphere.[24] Normal fluctuations in the atmosphere's water content exceed this one hundred-fold. Before clouds can form, 152000 pounds of water must be added to each cubic mile of air. An SST will deposit 75 pounds of water in 45 days into the atmosphere throughout its flight level.

At this rate, it would take 250 years if no air movement occurred for a layer of clouds to form.[25] The daily stratospheric water input would be about that of a large thunderstorm, 3000 to 6000 of which are going on in the world constantly.[26] The vapor claims have also been based on the assumption that the water vapor would remain in the atmosphere for a period of ten years. Data, however indicate the circulation time to be nearer one and a half years, which seems to rule out any significant accumulation of water vapor. Authorities have thus concluded that in the natural balance of atmospheric moisture, this vapor is but a miniscule addition. The National Research council of the National Academy of Sciences and the Office of Meteorological Research conclude that up to 1600 SST flights per day would be environmentally safe, and all seem to agree that there would be no danger whatsoever with the testing of two prototypes.

The SST is undoubtedly desirable as a means of transport. It will make it possible to leave the United States at seven or eight o'clock in the morning, spending eight hours in Paris or London, or anywhere in Europe; or ten hours in Hawaii, and returning to the United States by ten o'clock at night. This can bring nations closer and broaden the world scope of the individual. Because of the moderate fares, those who could not afford a long trip abroad could perhaps take a very short one and make it worthwhile with the aid of the SST.

It is inescapable that it is needed for the economy because of the Concorde which will sell if we do not make available an alternative. It is important to produce this alternative also in order to be certain that every measure and investigation is carried to insure protection of environment. We have the assurance of important men in the program and the administration that extensive measures will be taken to be sure that we produce no further harm to our natural world. The limitations and standards will be met before production, during prototype development.

"The purpose of the prototype program is to provide the basis for the eventual development of a commercial United States Supersonic Transport which is safe for passengers, economically sound for the world's airlines, and whose operating performance is superior to that of any comparable airplane . . . The U.S. SST program, according to the draft environmental statement, is also committed to developing an SST that will be compatible with sound environmental practice."[27]

"Before we go into production, we will have the kind of answers that will assure the public of no degradation in the environment. As a matter of fact, at this point in time, I know of no scientist in the free world anywhere who will say there is fear of a serious degradation of the environment from a fleet of SST's."[28]

There are some doubts about the environmental effects which will be resolved before production. If we halt the prototype development, nothing will be done to investigate and the Concorde will still be flying over our heads. We cannot ignore the SST. "We can influence the supersonic era, however, by reasserting the 30-year leadership of our industry by building the 2707–300 SST. It is now in prototype development. Throughout our environmental safeguard program, we can give the peoples of the world the best assurance that widespread use of the SST in the 1980's will not be degrading the quality of life. In so doing, we will create jobs, we will keep the aviation industry healthy and technologically pre-eminent, and we will maintain the aircraft export advantage with its advantage to our balance of payments."[29]

FOOTNOTES

[1] House Republican Research Committee, *The SST Program*, August, 1970, p. 1

[2] *Ibid.*

[3] *Ibid.*

[4] *Ibid.*

[5] *Ibid.*

[6] Mike Gravel, "The Supersonic Transport-the Ecology and Economics" *Aerospace* (July 1970, Aerospace Industries Association of America Inc., Washington, D.C.) p. 3.

[7] Department of Transportation News, SST Fact Sheet, *The U.S. SST (Environment)*, Washington, D.C. p. 5.

[8] *Ibid.*

[9] Gravel, op. cit.

[10] *Ibid.*

[11] DOT, op. cit. (fact sheet).

[12] Republican Research, op. cit.

[13] Gravel, op. cit.

[14] Personal letter from G. Wayne Hawk to Senator Charles Goodell, August 25, 1970.

[15] William Magruder, SST Development Director, DOT, "The Facts About The SST," *The Machinist*, pp. 6 & 7.

[16] John Volpe, DOT News, message from The Office of the Secretary, February 8, 1971, Washington, D.C.

[17] Magruder, *The Machinist*, op. cit.

[18] Gravel, op. cit., p. 2.

[19] Volpe, op. cit.

[20] Gravel, op. cit., p. 2.

[21] Horace Sutton, "Is the SST Really Necessary?", *The Saturday Review*, (August, 1970).

[22] *Ibid.*

[23] Boeing Company Commercial Airplane Group, Supersonic Transport Division, *The Supersonic Transport and the Environment*, January, 1971

[24] Republican Research, op. cit.

[25] Boeing, op. cit., p. 4.

[26] Gravel, op. cit., p. 2.

[27] Personal letter from Charles Orlebeke of HUD to William Magruder, November 5, 1970.

[28] William Magruder, interviewed with William Proxmire by Jules Bergman and Roger Peterson, "ABC's Issues and Answers", Sunday, September 13, 1970.

[29] Magruder, *The Machinist*, op. cit.

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WE ARE GOING TOO FAR ON CONSUMERISM

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. MICHEL. Mr. Speaker, the Presilent's consumer message and the multitude of bills being submitted make it obvious that Congress will be devoting a great deal of time during this session to consumer issues. This is necessary. It is commendable and worthy of our time and efforts.

As we do consider these issues, however, I hope we can approach them with objectivity and good sense. I have noted some of the attacks on the business community of late by various "consumerists." Many of these attacks are based almost entirely on emotional appeal and have the effect of blanket indictments against industry. We, in Congress, must be on guard against being caught up in such shortsighted onslaughts.

Too often, Congress and the public are carried away by blaring headlines accusing this manufacturer or that industry of some supposed wrongdoing without giving any attention to facts which the industry might want to present. Unless we can maintain a proper balance here, a willingness to probe for the truth, to keep things in proper perspective, I fear that the bombardments of one-sided, flamboyant charges may lead to hasty, ill-advised legislative, and regulatory actions.

We must be careful not to let this sort of thing distract us to the degree that we pass legislation that will unfairly penalize or restrict legitimate business operations. My attention was called to this danger by an article in the February issue of Reader's Digest by Thomas R. Sheppard, Jr., the publisher of Look magazine. In the piece, entitled "We're Going Too Far on Consumerism!", he makes the point that in our zeal to protect the consumer and by taking every consumerist charge as truth, we are throttling our economic system. I want to bring that article to the attention of my colleagues:

WE ARE GOING TOO FAR ON CONSUMERISM

"FREE ENTERPRISE: An economic system under which private businessmen were permitted to make and sell whatever products the public wanted, under a pricing structure based primarily on supply and demand. Free enterprise disappeared in the late 20th century, superseded by a network of government control boards."

Far-fetched? Not at all. Free enterprise is a relative newcomer as a method of commerce. It could vanish as quickly as it came, and there are signs that it may be on the way out. Already, according to Prof. Yale Brozen of the Graduate School of Business, University of Chicago, "free enterprise in this country is one-quarter dead and one-quarter strangled—only half alive." And since he said that, over 150 pieces of legislation designed to regulate business have been introduced in Congress. This avalanche of prospective laws—much of it instigated by consumerists—recalls the New Deal legislation of the 1930s that launched us toward Big Government.

One of these bills would permit the Federal Trade Commission (FTC) to establish performance standards for all products. Another would permit any disgruntled consumer to file a class-action suit in a federal court against any manufacturer on behalf of all that manufacturer's customers—"an invitation to legal blackmail," Caspar Weinberger, former FTC chairman, calls it. A third bill would create an independent consumer agency with authority to advocate consumer causes before federal agencies and in the courts—"a continuing engine of business harassment," in the words of a White House spokesman.

Meanwhile, self-anointed consumerists press for stronger and stronger regulations under laws that already exist. One group told a Senate subcommittee that steps should be taken to prevent food companies from advertising "nutritionally inferior breakfast cereals." A White House conference on Food, Nutrition and Health proposed that foods be labeled in terms of nutritive quality. Betty Furness, new chairman of the New York State Consumer Protection Board, wants a law requiring manufacturers to tell "not only what they know about a product but also what they don't know"!

Senators Abraham A. Ribicoff of Connecticut and Philip A. Hart of Michigan complain that our federal agencies are not tough enough in regulating private industry. And the Center for the Study of Democratic Institutions has proposed a new federal constitution, under which there would be an agency with broad powers to govern industry and standardize production.

And these activities barely hint at the scope and depth of the movement. Meanwhile, there is the almost daily output of new regulations from the FCC, the FTC, the FDA, the ICC, the Justice Department, the Commerce Department, the Labor Department, the myriad state and city agencies—regulations affecting the price manufacturers may charge for their products, or the ingredients they may contain, or the way they are allowed to be packaged or marketed.

If free enterprise in the United States is not dead or dying, it certainly is sick enough to attract any reasonably alert undertaker.

Is free enterprise worth saving, then? Experience has proved that despite its faults free enterprise is the best system yet devised for the production, distribution and widespread enjoyment of goods and services.

It is more than coincidence that virtually all of mankind's scientific and technological progress came in the 200 years when free enterprise was the prevailing system throughout the Western world. It is more than coincidence that most of that progress was achieved in the nation regarded as the leading exponent of free enterprise: the United States of America.

For in these past 200 years—an eyeblink in the history of mankind—an America geared to a system of private industry has made available to every citizen luxuries and comforts that only a short time ago were beyond the reach of the most powerful aristocrat. Foreign travel at the speed of sound. Music and drama in one's own living room. Exotic foods and clothes. The wonders of the world at your fingertips. And by developing quick-cook meals and providing the average housewife with time-saving appliances, American industry has done more to liberate women than all of the placard-wielding Betty Friedans and Gloria Steinems combined.

But even more important than the practical benefits is the advantage found in the word "free." Free, as in "freedom." I never cease to be amazed that so many outspoken champions of freedom—jealous guardians of the right of every man to act and speak without government restraint—when it comes to commerce, are perfectly willing to replace freedom with rigid government controls.

Let us not minimize the value of freedom of commerce: the freedom to buy one quart of milk at a time, even though some government economist may think gallon containers are more efficient; the freedom to buy a loaf of white bread, even though some government expert feels that whole-wheat is more nutritious and that white should be banned; the freedom to buy a yellow convertible, even if federal investigators believe black sedans are more practical.

Anyone who doubts the importance of this element of freedom ought to spend some time in countries where the government decides what should and should not be marketed. In Russia, for example, government bureaus see to it that the populace is fed, clothed and housed according to scientific standards. Why then does just about every Western visitor to Russia—and I've been one of them—remark about the glumness of the people, about how drab and empty their lives appear to be? I suspect that the Russians are suffering from a severe and chronic case of controlled enterprise.

And the disease is spreading to our shores. Take the food industry. The consumerists have launched a powerful campaign to limit the number of sizes in which food products are offered. They argue that processors purposely use a plethora of odd-size packages to keep the poor housewife from figuring out which is the biggest bargain. Actually, there are often practical reasons for the odd sizes. For instance, a certain pudding mix comes in a 3¼-ounce package. This is the precise amount of powder which, when mixed with two cups of milk, produces four half-cup servings of pudding. If the mix were sold in an even three-ounce size, the housewife would have to add 1 11/13 cups of milk, and would end up with 3 7/16 servings.

If the consumerists succeed, this is exactly the kind of nit-picking insanity the shopper will have to put up with—along with being forced to buy more of a product than she really needs because somebody in government has decided the smaller size is confusing, or uneconomical.

Then there is the government control that makes the consumer buy something he *doesn't* want, like the seat belt in automobiles.

Once, if you wanted seat belts you ordered them—as optional equipment. Then came the consumer-lobby pressure, followed by the government regulation requiring seat belts in all new cars. Now you get them—and pay for them—whether you want them or not. Yet national studies consistently reveal that only 35 percent of all motorists with seat belts in their cars actually use them. With two thirds of all new-car buyers paying for seat belts they neither want nor use, it means a waste of almost $250 million a year.

Now I happen to believe in the value of seat belts. I use them myself. But I also believe in the freedom of people *not* to use seat belts, particularly since failure to use them hurts only themselves.

Of course the consumerists and their representatives in government are well-meaning people, sincere in their belief that by shifting control of industry into the hands of a beneficent government commission, they will make it possible for Americans to lead happier lives. But freedom has many facets. It includes an individual's right to live in a manner of his own choosing, even if his selections are not the most efficient or the most salubrious or the most esthetically pleasing in the eyes of a government bureau. It includes his right to buy and eat the *least* nutritious breakfast cereal, if he happens to like the taste. He may even buy a product that is not the most economical of its kind. It's *his* decision, *his* choice, *his* responsibility.

Take away those options, and you deprive a man of part of his liberty. And the fact that your motive is altruism of the highest order does not mitigate the loss.

It is not the businessman alone who suffers when government takes over the reins of business. If free enterprise dies, the consumer's freedom dies with it.

IMPORTS HURT IF IT IS YOU, STEEL MEN SAY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. GAYDOS. Mr. Speaker, there is continuing and growing concern over the import of foreign steel into our country. Once again we see foreign steel having a damaging effect on domestic industry, particularly in relation to specialty steels. There is additional concern over the effectiveness of the voluntary restraint agreement presently in effect with certain foreign producers. There is growing and considerable doubt that such an agreement assures the United States of "fair trade" with foreign manufacturers.

Of course, the other side of this controversy has not remained silent. We have heard again from those who loudly protest that any action by this country to protect its own will rupture trade and diplomatic relations with other governments.

Both views are most important. But, both views cannot be right. It is vital that the Congress consider both views in making any determination to curb steel imports. But, I often wonder if the experts do not speak on too lofty a plane. They talk eloquently in terms of impact percentages, millions of tons, billions of dollars, and international repercussions. I fear the mechanical quoting of cold facts and statistics, however, drowns the voice of the steelworker, much like the forest sometimes hides the trees.

After all, Mr. Speaker, it is the steelworker who will be the ultimate victim of whatever action Congress does or does not take. He talks in terms of feeding his family, educating his children, paying off his mortgage. It is his job; his life is at stake in this issue. He should be heard. He must be heard.

Recently, Mr. Edward Verlich, labor editor of the Pittsburgh Press, wrote a story about the steelworkers and what they are saying about the import problem. Their comments, while not couched in lofty phrases or bolstered by columns of figures, are nonetheless most eloquent and carry a message. I am inserting Mr. Verlich's article in the RECORD and invite my colleagues to read it—and be informed:

IMPORTS HURT IF IT IS YOU, STEEL MEN SAY

(By Edward Verlich)

"If this continues, my daughter won't graduate from college," is the way Daniel Amorose said it.

"I am aware of this situation and as chairman of the Pennsylvania Congressional Delegation Steering Committee, I have today written to President Nixon," is the way U.S. Rep. Thomas E. Morgan, D-Fredericktown, put it.

"The first two or three weeks are okay," said Amorose, "but after that things start thinning out. Take the living end of it. In my case, there's the mortgage, car payment, taxes due. You got to live."

Amorose referred to the layoffs that have hit him and his steelworker buddies due to imports of specialty steels.

Morgan said he asked the President to "take cognizance of the situation in specialty steel as a special case in the over-all steel import problem."

THE 1,350 JOBS AT STAKE

Jack McGrogan, president of United Steel Workers (USW) Local 178 at Cyclops Corp. in Bridgeville, said, "It's a joint company-union effort to curb imports or 1,350 jobs will be down the drain."

With McGrogan in the union offices on the second floor of the Bridgeville Trust Co. Building were his vice president, Virgil Colucci; Herbert Taylor, general superintendent at the Bridgeville plant of Cyclops, and 10 other steelworkers, including Amorose.

Colucci and the other steelworkers have many things in common:

They have been employed at Cyclops for 19 to 22 years. They have been laid off since October. It's their first layoff in 10 to 19 years. They are all married, and they all have children.

Morgan's comments were in a letter to Mike Resetar, a crane operator from Canonsburg. "I think he (Morgan) is sincere," Resetar said.

Taylor said Cyclops' payroll has dwindled from 1,750 employes at the Bridgeville and Pittsburgh plants five years ago to 1,350 now. And 330 of the latter figure are not on layoff.

IMPORTS BLAMED

The general superintendent said the layoffs are due to imports of specialty steel from foreign nations, especially products made by Cyclops—stainless steel wire rod and stainless drawn wire.

Foreign companies have 68 per cent of the rod market and 52 per cent of the wire market in the United States.

Rudolph Ringel, a chemical laboratory technician, asked:

"How much deeper is this country going to sink before it realizes the damage being done by imports—not only steel, but textiles, shoes and other products."

"If we can cut imports, we can cut relief rolls. What's the unemployment rate in Japan?" he asked.

ORDERS USUALLY HEAVY

McGrogran injected, "This is a contract year at Universal-Cyclops. This is usually a pick-up period with heavy orders. But we're in this (layoff) position because of imports."

Chester Krawczynski, a welder with four children, is running out of Unemployment Compensation and Supplemental Unemployment Benefits (SUB) checks and is looking at welfare and food stamp programs.

"I've never made over $6,000 to $7,000 a year in my life. How can we build up other countries and knock ours down. If we'd buy our own stuff, the imports would lay in the markets.

"When I go shopping, I buy everything made in the U.S. because I know our people made it," Krawczynski said.

Jacob "Jack" Shadish, a shipper from Bridgeville, said he is "surviving. I'm not saving anything. This is a nickel cigar." He pointed to his stogie.

"FAIR TRADE ISSUE"

Tom Boris, a crane operator, said he believes in free trade as long as there is "fair trade."

"We're a totally self-sufficient country. We don't need other nations as much as they need us. Yet, other countries import only absolute necessities from us and flood us with their products," he charged.

William F. Nelson, a cold roller from Scott Twp., said he views the import situation "with alarm."

Nelson said tax increases have boosted his mortgage payments from $119 a month when he bought his home in 1958 to $151 a month now.

He said he can't understand why "our people help build up the steel industry in foreign countries. We have all the technology and we can't do it for our own people. They're taking care of theirs."

WIFE GOES TO WORK

Richard Pintar said, "I pushed my wife out to do a little work while I have to babysit. I've been trying for years to save for college for the kids, but I guess eating comes first.

"When you get to my age (47), nobody wants you," Pintar said.

Thomas Gates, a grinder, said the $90 a week most of the men average on UC and SUB "doesn't go too far. The economy is going downhill while mortgage payments are rising. We're caught in the middle.

"I get called back to work for a week then I'm laid off again. Free trade is all right, but not when there's unemployment," he added.

Matthew Norak, a gang leader when working at his regular job, said, "We fought and won the war, but now we're losing everything else. They're all coming in here and taking everything from us."

Colucci interjected, "They're recovering off our backs. People are buying foreign products and not realizing it. We should have a 'Buy American' consciousness. The public is being fooled by advertisements."

McGrogan said the union and the company want what Morgan proposed to President Nixon—to make the Japanese and other nations adhere to the 1969 Voluntary Limitation Agreement.

While agreeing to limit the tonnage of steel sent into the United States, the foreign nations have shifted the product mix to the high-cost, high-quality specialty steels.

As imports reduced from 18 million to 13.5 million tons last year, their dollar value reached a record $2 billion.

Morgan and his steering committee want the voluntary pact extended to cover specialty steels.

The seemingly insignificant specialty steel import problem "is causing an enlarged hole in Pittsburgh pocketbooks," McGrogan said.

TAKING ANOTHER LOOK AT THE TRUTH

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. COLLIER. Mr. Speaker, a recent commentary on ABC news by Howard K. Smith provided me with an insight into why some universities seem to be engaged in an endless turmoil of politics rather than education.

Distortion of the truth has often enabled campus radicals to lead others in violent acts. Can we afford to have university presidents using the same deceitful talent to spread their personal political beliefs.

The commentary follows:

ABC Evening News Commentary

(By Howard K. Smith)

Right next to mayors of cities, the people who deserve most sympathy are college presidents.

One recently illustrated his trials with a story: a college president died in his sleep and was condemned to hell. And it was six weeks later before he realized he wasn't still at his desk doing his regular work.

I feel for them. But not enough to let them distort truth. One flagrant case among several was the suggestion last year by Yale's Kingman Brewster that a black man can't get a fair trial in this country. The statement was made in sympathy for Black Panthers, who—a study by the New Yorker magazine shows—have been dismal liars in their stories about mistreatment by our law institutions.

Today, the New York Times prints a letter from the president of Stanford which is worse. He says the war is badly damaging Democracy in America.

How utterly false. Even our British cousins suspend free elections in war. We never have, and don't now.

During this unhappy war, we have actually expanded the vote—to blacks in the great Voting Act of 1965 . . . and recently to 18-year-olds.

Dissent has never been so free. Men like Senator McGovern are seen dissenting on this and other news reports with a frequency out of all proportion to their importance.

It is certainly just to criticize the war. But it is unjust for leaders of institutions designed to teach truth . . . to propagate untruths about it or about us.

SMITHSONIAN INSTITUTION CALENDAR OF EVENTS, MARCH 1971

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the Record the calendar of events for the Smithsonian Institution for the month of March 1971. Once again, the Smithsonian Institution has planned a wide variety of events and exhibits, and I urge all who can to visit the Smithsonian during this month.

The material follows:

March at the Smithsonian

What's new? The Museum of History and Technology has found a way to answer that question. Five special exhibit cases have been installed behind the pendulum on the museum's first floor to highlight recent acquisitions and interesting items from the study collections that the public would otherwise not get a chance to see. Each case features items from one of the museum's departments—Applied Arts, Cultural History, Industries, National and Military History, and Science and Technology. Contents of the cases will change every month to give a continuing picture of the museum's scope.

MONDAY, MARCH 1

Festival of the Arts. Drama, dance and music presented in a series of performances by D.C. elementary, junior high, and high schools throughout March at the Anacostia Neighborhood Museum. For a daily, evening and weekend schedule call 581-1300.

Sale: Museum Shops Sales-Exhibition. One-of-a-kind pieces from over fifty countries including handloomed fabrics, carvings, jewelry, folk dolls, masks, and ceramics are offered at vast price reductions. Arts and Industries Building.

TUESDAY, MARCH 2

Films: The Americal Realists—History of American art in two parts, 18th-19th centuries and 20th century; and Yankee Painter—The work of Winslow Homer. Sponsored by the Smithsonian Associates. 8:30 p.m., Natural History Building auditorium. Public invited.

WEDNESDAY, MARCH 3

Lunchbox Forum. Reminiscences of an Aerospace Reporter. Informal discussion led by Jerry Hannifin, Time, Inc. Arts and Industries Building, Room 2169. Noon—Bring your lunch.

TUESDAY, MARCH 4

Creative Screen: Emak Bakia—Directed by Man Ray (1927) who describes his working progress . . . an assemblage of deforming mirrors . . . spiral lamps . . . using all tricks that might annoy certain spectators: Dada—The words and works of the Dadaists, including a presentation from Cabaret Voltaire in Zurich where Dada was born. Four showings at 11 a.m., 12 noon, 1 p.m., 2 p.m., National Collection of Fine Arts.

Seminar in Marine Biology: Circadian, Tidal and Lunar Rhythms in Marine Organisms. Lectuer: Beatrice M. Sweeney, University of California, Santa Barbara. Fourth in a series of graduate level lectures on current research in marine biology jointly sponsored by the Consortium of Universities of the Washington Metropolitan Area and the Smithsonian Institution. A question and answer period follows each program. 7:30 p.m., History and Technology Building auditorium. Public invited.

SATURDAY, MARCH 6

Creative Screen: Emak Bakia; Dada. Repeat. See March 4 for details.

Concert Series: Music from Marlboro. Five artists from the celebrated Marlboro Festival of Vermont present music featuring rarely heard works by Beethoven and Messiaen in the last concert of this series. Musicians will be Craig Sheppard on the piano; Isidore Cohen, violin; Nobuko Imai, viola; Nathaniel Rosen, cello; and Richard Stoltzman, clarinet. Presented by the Division of Performing Arts, 5:30 p.m., Natural History Building auditorium. Tickets $4.50 and $5. For information call 381-5407.

TUESDAY, MARCH 9

Concert: United States Air Force Chamber Ensemble. Featured will be music by Villa-Lobos, Ravel, Dutilleux, Brahms, and Schubert. 8 p.m., History and Technology Building auditorium.

Illustrated Lecture: Feathers and Fashion. Endangered species and the feather trade controversy of a hundred years ago will be discussed by Robin Doughty, Research Associate, Smithsonian Office of Environmental Sciences. Sponsored by the Smithsonian Associates. 8:30 p.m., Natural History Building Auditorium. Public is invited.

WEDNESDAY, MARCH 10

Lunchbox Forum: Iceland: Volcanoes, Geysers, and Fish (Aircraft and Space Survey). Informal discussion led by Kurt Stehling, Staff Advisor, Executive Officer of The President. Arts and Industries Building, Room 2169. Noon—Bring your lunch.

THURSDAY, MARCH 11

Seminar in Marine Biology: Vocalization of Marine Mammals. Lecturer: William E. Schevill, Woods Hole Oceanographic Institution. See March 4 for seminar details. 7:30 p.m., History and Technology Building auditorium. Public invited.

Concert: United States Air Force String Orchestra. 8 p.m., Natural History Building auditorium.

FRIDAY, MARCH 12

Folk Concert: John Roberts and Tony Barrand, both natives of England, in a program of English and American folk music. Sponsored by the Folklore Society of Greater Washington and the Smithsonian Division of Performing Arts. $1 admission for non-FSGW members. 8:30 p.m., History and Technology Building auditorium.

SATURDAY, MARCH 13

Kite Lectures: Kites and How To Make and Fly Them, by Paul E. Garber, Historian Emeritus, National Air and Space Museum; Kites and the Space Age, by Francis Rogallo, recently of the National Aeronautics and Space Administration. Sponsored by the Smithsonian Associates as a part of the annual Smithsonian Kite Carnival. 1:30 p.m., History and Technology Building auditorium. Public invited.

Workshop: Macrame for Teenagers. Under the direction of Joan H. Koslan Schwartz. Sponsored by the Smithsonian Associates. By subscription only. For information call 381-6159.

MONDAY, MARCH 15

Audubon Lecture: Flora of Alaska, by Stanwyn G. Shetler, Associate Curator of Phanerogams, Smithsonian Department of Botany, and Secretary for Flora North America Project. The remarkable adaptations and geographic relationships of Alaska's flora will be shown. Sponsored by the Audubon Naturalist Society. 8 p.m. only, National History Building auditorium. Public invited.

Concert: Frans Brueggen, recorder virtuoso. Mr. Brueggen's program will include works by Corelli, Loeillet (with harpsichord) and solo works by van Eyck, Luciano Berio and Frans Brueggen. Presented by the Division of Musical Instruments and sponsored by the Smithsonian Associates. 8:30 p.m., History and Technology Building, Hall of Musical Instruments. Tickets: $3 Associates, $3.50 non-members. For information call 381-6158.

TUESDAY, MARCH 16

Lecture: Ming Porcelain in Review. By John A. Pope, Director, Freer Gallery of Art. Fifth lecture in the 18th annual series on Oriental Art. 8:30 p.m., Freer Gallery of Art.

Viewpoint India: Impressions of India in Slides and Sounds. Ronald H. Goodman, artist-craftsman and former Fulbright Scholar, surveys arts and crafts in India. Sponsored by the Smithsonian Associates. 8:30 p.m., History and Technology Building auditorium. Public invited.

WEDNESDAY, MARCH 17

Lunchbox Forum: Fighting Gliders of World War II. Informal discussion led by Col. James E. Mrazek, USA (Ret.) Arts and Industries Building, Room 2169. Noon—Bring your lunch.

THURSDAY, MARCH 18

Creative Screen: Chromophobia—Whimsical animation and music tell a story of suppression and ultimate victory of the free spirit symbolic use of colors; Sculpture Today—The multiple styles of modern sculpture with emphasis on the expressive potential of various materials. Continuous half-hour showings beginning 11 a.m., last showing 2:30 p.m. National Collection of Fine Arts.

Concert: United States Air Force Woodwind Quintet. 8 p.m., History and Technology Building auditorium.

FRIDAY, MARCH 19

Illustrated Lecture: Life on Aldabra Atoll, by Dr. Jay C. Shaffer, Assistant Professor of Biology, George Mason College. One of the few men in the world to know intimately the small Indian Ocean atoll, Dr. Shaffer, through his illustrated lecture, will provide a study of all forms of animal and plant life there. Sponsored by the National Parks and Conservation Association. 8 p.m., Natural History Building auditorium.

SATURDAY, MARCH 20

Creative Screen: Chromophobia; Sculpture Today. Repeat. See March 18 for details.

SUNDAY, MARCH 21

Concert: Smith College Choir. 6 p.m., History and Technology Building auditorium.

MONDAY, MARCH 22

Exhibition: Unique Systems for Living: Furniture 1971. Sixty-seven entries chosen from a furniture design competition held to produce new ideas in low-cost furniture. Models represent furniture that is aesthetically pleasing, of simple structure, and designed for multiple uses. Sponsored by the Washington Center for Metropolitan Studies in cooperation with the U.S. Department of Housing and Urban Development. At the National Collection of Fine Arts through May 16.

TUESDAY, MARCH 23

Illustrated Lecture: In Search of Lost Oceans, by Dr. Richard H. Benson, Smithsonian Institution, Department of Paleobiology. Dr. Benson will examine the current biological evidence of continental drift. Sponsored by the Smithsonian Associates. 8 p.m., Natural History Building auditorium. Public invited.

WEDNESDAY, MARCH 24

Lunchbox Forum: Observations from the Police Helicopter. Informal discussion led by Officers R. W. Miller and Charles MacDonald of the Washington, D.C. Metropolitan Police Department, Arts and Industries Building, Room 2169. Noon.

THURSDAY, MARCH 25

Seminar in Marine Biology: Coral Reef Biology. Lecturer: Robert Johannes, University of Georgia. See March 4 for seminar details. 7:30 p.m., History and Technology Building auditorium. Public invited.

Lecture: Contemporary French Art in the United States, 1850–1870, by Dr. Lois Fink, National Collection of Fine Arts, 2 p.m., Lecture Hall, NCFA.

SATURDAY, MARCH 27

Kite Flying Contest. A contest with homemade kites, judged by age groups in twelve categories. Commentary by Paul E. Garber, Historian Emeritus, National Air and Space Museum. Sponsored by the Smithsonian Associates as part of the Annual Smithsonian Kite Carnival. 12 noon to 5 p.m., Washington Monument Grounds (Rain date April 3). Award ceremony at 4 p.m. Public is invited.

Lecture: The European Background, 1902–1914, by Dr. Joshua C. Taylor, Director, National Collection of Fine Arts. 3 p.m., Lecture Hall, NCFA.

MONDAY, MARCH 29

Exhibition: D.C. Elementary Art. Approximately 75 creations by students of the public elementary schools in the District of Columbia. Presented by the D.C. Elementary Art Department and the National Collection of Fine Arts. Through April 28, NCFA.

WEDNESDAY, MARCH 31

Lunchbox Forum: Japanese Bombing Balloons—WWII. Informal discussion led by Robert C. Mikesh, Curatorial Assistant for Aeronautics, National Air and Space Museum. Sponsored by the Smithsonian Institution National Air and Space Museum. Arts and Industries Building. Room 2169. Noon—Bring your lunch.

Demonstrations

Museum of History and Technology

Musical Instruments—from the Smithsonian's collection. Monday, Wednesday, Friday, 3 p.m., Hall of Musical Instruments, 3rd floor.

Power Machinery—steam engines and pumping engines. Wednesday, Thursday and Friday, 2–3:30 p.m.; Saturday and Sunday, 10:30–noon and 1–3:30 p.m., Power Machinery Hall, 1st floor.

Spinning and Weaving—Monday and Thursday, 10–4 p.m., Tuesday and Friday, 10–noon. Textile Hall, 1st floor.

Tours

(Sponsored by the Smithsonian Associates by Subscription Only)

Winterthur and Odessa, March 6 or 27. One-day tours. For information call Mrs. King. 381-5157.

Florida Marine Biology, April 16–21. A six-day collecting study trip at Placida, Florida. Time will be equally divided between boat and shore collecting and laboratory work on specimens collected. Additional study will be devoted to the island habitat. Phone Mrs. Kilkenny, 381-5159.

Strawberry Banke and Portsmouth, N.H., May 23–26. A unique opportunity to view in depth a fascinating historical preservation and restoration project and to study the different period involved. Phone Mrs. Kilkenny, 381-5159.

Foreign study tours

Tours concerned with archaeology, the arts, museums, private collections and natural history are available to national and local Associates in 1971.

East Africa Safari and Cruise: March 20–April 15. Five days in game reserves; two-week cruise from Mombasa to islands in the Indian Ocean. A few spaces still available.

Cyprus and Turkey: May 11–June 1. Waiting list.

Architectural and Historical Tour in Scotland, Wales and Ireland: May 31–June 20. Waiting list.

"No-Tour" Tour. May 26–June 16. Air France Exclusion-Dulles/Paris/Dulles. Members make their own arrangements for travel in Europe.

Roman Archaeology: July 1–22. Inexpensive excursion for students, teachers and parents.

"No-Tour" Tour. July 15–Aug. 3. Qantas excursion—New York/Frankfort or Vienna (destination to be decided by group interest)/New York. Tour will include one night, lodging free, in London en route. Members make their own arrangements for travel in Europe.

South America: Aug. 2, 21 days. Brazil, Peru, Ecuador and Colombia, with emphasis on archaeology, old and new architecture, museum and private collections plus a short visit to the upper Amazon.

"No-Tour" Tour. Sept. 9–30. BOAC Excursion—Dulles/London/Dulles. Members make their own arrangements for travel in Europe.

Russia. Sept. 20–Oct. 12. Directed by Dr. R. H. Howland and Prof. George Riabov. Tour full. Second group departs Oct. 25 (through Nov. 19).

For itineraries and details, please write to Susan Kennedy, Smithsonian Institution, Washington, D.C. 20560.

Hours

Smithsonian Museums: 10 a.m.–5:30 p.m., 7 days a week.

Cafeteria: 11 a.m.–5 p.m. daily, MHT.

Snack Bar: 10 a.m.–3 p.m. daily, MHT.

National Zoo buildings: 9 a.m.–4:30 p.m., 7 days a week; 9 a.m.–6 p.m., weekends beginning March 15.

Anacostia Neighborhood Museum: 10 a.m.–6 p.m., weekdays; 1–6 p.m., weekends.

Continuing exhibitions

Anacostia Neighborhood Museum, 2405 Martin Luther King, Jr. Avenue, S.E.: Toward Freedom. A review of the civil rights movement from 1954 to the present. Through March 28.

Arts and Industries Building, 9th and Jefferson Drive, S.W.: Apollo 14. The current Apollo mission is explained—its purpose, destination, participants, etc.—with text, photos and a lunar relief map. Through March.

Astronautical Art. Realistic illustration, impressionistic and abstract paintings and sculpture inspired by the space program. Included are works by Norman Rockwell and other well-known artists. On display through Easter.

Freer Gallery of Art, 12th and Jefferson Drive, S.W.: Whistler's Landscapes and Seascapes. Forty paintings show Whistler in his forgotten role as an avant garde artist. On display indefinitely.

Museum of History and Technology, 14th and Constitution Avenue, N.W.: Poetry of the Body. Combining the techniques of medical illustrator and creative artist, Dr. Paul Peck has created a set of paintings of parts of the body that are both medically accurate and visually appealing. Dr. Peck, who earned a PhD degree in medical illustration from Johns Hopkins University, spent ten years on the project. Seven of the paintings from the series will be on display indefinitely in the Hall of Health.

American Holidays. Commemorating Washington's and Lincoln's birthday. Through April 15.

Do It the Hard Way: Rube Goldberg and Modern Times. Featuring cartoons, writings, sculptures and cartoon "inventions." On display indefinitely.

Iron and Steel Hall. Exhibit of the American iron and steel business dealing with modern practices and some of the historical background. On display indefinitely.

Museum of Natural History, 10th and Constitution Avenue, N.W.; Moon Rock Research. Findings of research on lunar samples by Smithsonian scientists. On display indefinitely.

National Collection of Fine Arts, 8th and G Streets, N.W.: Venice 35: More than 30 prints produced in the Smithsonian's Graphic Arts Workshop at the 35th Venice Biennale, and photographs of the workshop activities. Through March 14.

Romaine Brooks: 'Thief of Souls'. Thirty portraits by Romaine Brooks, including a self-portrait, as well as highly self-expressive drawings and associative material on the artist. Through April 3.

Lady Macbeth. A marble sculpture by Elisabet Ney, on loan to the NCFA under the auspices of the Texas Fine Arts Association and Elisabet Ney Museum, Austin, Texas. The sculptor's last work, cut in Italy in 1905.

The John Henry Paintings. Twelve paintings by Palmer Hayden retell the legend of John Henry and the dramatic contest between the steam drill and the steel driver. On display through March 14.

National Portrait Gallery, 8th and F Streets, N.W.: John Muir, 1838–1914. Through portraits, photographs and a film, the exhibit presents the life of an early conservationist and his efforts to preserve the American wilderness. Through June 1.

James Weldon Johnson. Portraits, photographs, death mask, manuscript, and recordings of voice and song present Johnson's contributions as an educator, songwriter, poet and civil rights advocate. A biographical approach to black history.

Radio Smithsonian

Radio Smithsonian weekly presents conversation and music growing out of the institution's exhibits, research, and other activities and interests. The program is broadcast in 34 states, Canada, and throughout many other countries in the world via the Armed Forces Radio and Television Service.

Radio Smithsonian is broadcast every Sunday night on WGMS–AM (570) and FM (103.5) from 9–9:30 p.m. The program schedule for March:

7th—Indians, Part II. A long look at a major area of Smithsonian scholarship, the American Indian, his culture, and some of his problems today.

14th—What If the Pacific Flows into the Atlantic?, Dr. Ira Rubinoff, Assistant Director for Marine Biology, Smithsonian Tropical Research Institute, Canal Zone; the Unicorn Is Alive and Well, Living in Washington (also Kansas City, London and Mars), Dr. John White, author and specialist in mythical animals.

21st—The Birds and the Bees. A program presented by Radio Smithsonian in honor of the coming of spring.

28th—The American Museum, Ian McCallum, Director of the American Museum in Britain; I'll Give You a Dollar for that Penny, Dr. and Mrs. Clain-Stefanelli, Curators of Numismatics.

In the Washington area, the program is also heard on WAMU–FM (88.5) Tuesdays at 6 p.m.; WETA–FM (90.9), Mondays at 9:30 p.m.; and in New York City on WNYC–AM/FM.

Dial-a-phenomenon—737–8855 for weekly announcements on stars, planets and worldwide occurrences of short-lived natural phenomena.

Mailing list requests and changes of address should be sent to the Smithsonian Calendar, 107 Smithsonian Institution Bldg., Washington, D.C. 20560.

Museum tours

Walk-In Tours

Museum of History and Technology (meet in Pendulum area): Tues.-Fri. 10:30, 11:30 a.m., 1 p.m.; Sat. and Sun. 10:30 a.m., noon, 1:30, 3 p.m.

National Collection of Fine Arts—Mon.-Fri. 11:30 a.m., 1 p.m.

National Portrait Gallery (meet at F Street information desk): Mon.-Thurs. noon.

School or Adult Group Tours by Appointment

Museum of History and Technology, Museum of Natural History, National Collection of Fine Arts—381–5019; 381–5680.

Freer Gallery of Art—381–5344.

National Portrait Gallery—381–6347.

National Zoological Park—332–9322.

Dial-A-museum—737–8811 for daily announcements on new exhibits and special events.

The Smithsonian Monthly Calendar of Events is prepared by the Office of Public Affairs. Editor: Lilas Wiltshire. Deadline for entries in the April Calendar: March 5.

AMERICAN GOVERNMENT

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. BROOMFIELD. Mr. Speaker, the separation of legislative, executive, and judicial powers is an established principle of American government, written into our Constitution and reaffirmed consistently by our courts. In recent years, however, that principle has been seriously compromised by the alarming expansion of the executive branch; today we too often find the policymaking powers of Congress in the hands of seemingly self-sufficient administrative agencies of the Federal Government.

By far the worst offender in this area has been the National Labor Relations Board. As long ago as 1962 a member of the Board stated unequivocally that—

> The Board is . . . a policymaking tribunal.

He continued to say that—

> The present Board has freed itself from self-inflicted dedication to *per se* rules.

This type of presumption characterizes the expansion of the executive branch: Measures passed by Congress are not laws demanding compliance, but starting points for future policymaking by the agencies. Time and again NLRB decisions have ignored or circumvented the clear language of law and the intent of Congress in enacting it.

In 1967, for example, the Board legalized product boycotts, which Congress had expressly prohibited in the 1959 amendments to the Taft-Hartley Act. Although the language of the specific amendment is unambiguous and although the boycott activity under review clearly fell within its terms, the Board decided nonetheless to examine the legislative history to see if Congress meant what it said. Then, relying heavily on statements of those who opposed the 1959 measures—instead of those who wrote and supported it—the Board concluded that Congress actually did not mean what it had said.

In its decision the Board claimed that the product boycott in question was legal and not covered by the 1959 amendments because the object of the boycott was to preserve work for employees.

But there is no reference in the amendment to work preservation as an exception to the ban on boycotts. In other words, this theory is nothing more than a Board-legislated proviso to the 1959 amendment. It has no congressional sanction, yet, for all practical purposes, it has the force of law.

Too often the NLRB twists laws made by Congress in such a way as to favor one or another special interest group. Most people assume that this is just another matter of labor versus "big business." In fact, it is not. Those who usually suffer from the distorted rulings of the Board are the individual workers, small unions, small businessmen, and the public at large, not "big business' and certainly not the large labor complexes. In case after case we find clear evidence of bias against those groups which cannot exert a strong enough influence on the Board. These groups will continue to suffer as long as the NLRB is allowed to tailor national policy to the needs of its favorite clients.

I do not believe we can question the right of the NLRB or a similar body to interpret the law in deciding a case, but we must certainly question their right to ignore or twist the provisions of that law. Adjudication cannot become policymaking.

We must have a judicial unit that is not subject to pressure from outside interests and, therefore, will not take on the legislative powers of the Congress. For that purpose I have introduced a bill to abolish the NLRB and replace it with a 15-man Labor Court.

The Labor Court would be designed to provide fair, impartial application of labor laws made by Congress. Like the district courts, the Tax Court, and even the Supreme Court, the labor unit would not be subject to the pressures brought by political and special interest groups. And like these other judicial bodies, the Labor Court would interpret laws, not make them.

Mr. Speaker, in a time when all our institutions are being examined and reformed and when the roles of the legislative, executive, and judicial branches are being carefully redefined, I believe we can no longer tolerate the assumption of policymaking powers by a biased administrative agency. I urge that my bill be given the most careful consideration.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

NAVY COST-CUTTER GETS MEDAL

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, March 12, 1971

Mr. BYRD of Virginia. Mr. President, we hear a great deal about waste and inefficiency in the operation of the Federal Government.

I have myself pointed to examples of this from time to time. Much of this kind of criticism is justified.

However, I feel that it is important that we recognize the contribution made by the many dedicated Federal employees who work hard to conserve the taxpayers' money.

One such employee is Mr. Philip Camberg, who recently was credited with having saved the Government $4.8 million. The Navy has awarded Mr. Camberg its second highest civilian decoration for his economy efforts as an employee of Naval Air Systems Command Pacific.

In an interview published by the Associated Press, Mr. Camberg stated his philosophy of economy, which is commendable and represents the attitude of many Federal employees who seek to reduce or eliminate unnecessary expenditures.

Mr. Camberg had this to say:

> I believe in economy and hard work. I have hounded people. After all, it's Uncle Sam's money.

I commend Mr. Camberg, and all the other Federal employees like him, to whom the taxpayers of the United States owe a great debt.

I ask unanimous consent that the text of an Associated Press article concerning Mr. Camberg's achievement be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Roanoke Times, Feb. 17, 1971]

NAVY COST-CUTTER GETS MEDAL

SAN DIEGO, CALIF.—The Navy credits Philip Camberg with having saved the government $4.8 million and has awarded him its second highest civilian decoration for his penny-pinching efforts for the Naval Air Systems Command, Pacific.

"I've got a keen interest for the savings," said the Scottish-born Camberg in explaining Tuesday why he won the award.

His superiors reckon that in 18 months Camberg, 58, saved the command $4.8 million at North Island Naval Air Station and contributed to a $20.5-million savings in the entire Pacific area. Camberg is the command's director of the "Resources Conservation Program."

Camberg has saved money in various ways.

For example, he discovered that half of the technical libraries which the Navy provides contractors was never used. He ordered the publications given a new look and ended the publishing of useless ones.

He discovered the Army was stocking helicopter gun turrets that were the same as the Navy was buying from a manufacturer, so he started buying from the Army.

Camberg was a college-trained chemist and engineer before he went to work on research and development of ammunition components for the British government. After coming to America, he became chief test engineer for development of the propellant system for the Navy's Polaris missile and then was asked to take a key role in the Navy's cost reduction and value engineering programs.

Last Friday Camberg was given the Superior Civilian Service Award by the Navy.

The citation calls him a wizard in salvaging aircraft parts and a shrewd shipper of materials.

"I believe in economy and hard work," said Camberg. "I've hounded people. After all, it's Uncle Sam's money."

Married, the father of two children, Camberg makes $17,000 a year in what his military superviser calls a thankless job.

Says Cmdr. Frederick Johnson, director of the engineering division for the Naval Air Systems Command: "Camberg is perfect for this, pushing people to do their best, particularly the engineers who by nature don't worry about saving money."

SIXTY-FOUR PERCENT OPPOSE FUNDING SST

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. FRENZEL. Mr. Speaker, congressional hearings began this week on whether or not to continue with the Federal funding of the commercial supersonic transport airplane.

We have all received a great deal of information in recent days and weeks, both pro and con, on this significant issue. The month of March will produce a great deal more debate on the Federal role in this strictly commercial venture—a venture which has raised vital questions on the potential effect on the environment.

The Minnesota Poll of February 22, 1971, points out the switch in attitude on the part of the people of Minnesota. A year ago 69 percent felt the United States would lose a great deal if it stayed out of the SST competition. Today, 55 percent hold an opposite opinion. Likewise, those opposing further Federal funding of this project have risen from 49 percent to 64 percent.

I am inserting the full text of the Minnesota Poll article in the RECORD today so that all Members of Congress will know the attitude of the people in at least one Midwestern State.

The article follows:

SIXTY-FOUR PERCENT OPPOSE FUNDING SST

The supersonic jet transport (SST) project has lost much appeal for Minnesotans during the past year, according to surveys by The Minneapolis Tribune's Minnesota Poll.

Fifty-five percent of the 600 men and women interviewed in January said the United States would not lose a great deal if it stayed out of the SST competition. A year ago, 69 percent of persons questioned in a Minnesota Poll held the opposite view.

Those opposing government funding of SST development have increased from 49 percent a year ago to 64 percent in the current survey.

About half the persons polled this year said the project should be dropped even though some $700 million of the $1.3 billion already has been spent.

Three out of four in the current survey feel that there is no need to have a passenger plane capable of supersonic speeds. More than half said there are reasons, other than cost, why the plane should not be built.

Last year after lengthy debate, Congress agreed to extend the SST program through March 30. The Nixon administration has asked the current session of Congress to appropriate $235 million to the program for the fiscal year 1972.

To measure Minnesota's attitudes on the SST program, interviewers asked:

"Supersonic jet passenger planes are being developed which will fly at 1,800 miles per hour. Do you think there is or is not a real need for supersonic jets?"

The replies for all adults and by men and women:

[In percent]

	All adults	Men	Women
Is need for SST	21	27	15
Is not a need	74	68	79
No opinion	5	5	6
Total	100	100	100

"France and the Soviet Union have made test flights of their SST jets which are scheduled to be in commercial service by 1974, while the United States could produce SSTs by 1978. Some people feel the United States would lose a great deal if it does not develop its own model. Do you agree or disagree?"

[In percent]

	All adults	Men	Women
Agree, United States would lose great deal	36	38	35
United States would not lose	55	56	54
No opinion	9	6	11
Total	100	100	100

In December 1969, the results of a similar question showed 69 percent felt the United States should develop its own SST and 24 percent felt it should not. Seven percent were undecided.

Interviewers next asked:

"Aside from the cost, do you think there are any reasons why the SST should not be built?"

[In percent]

	All adults	Men	Women
Yes, are reasons	52	53	50
No, are not	46	45	48
No opinion	2	2	2
Total	100	100	100

Reasons cited by the 52 percent were: unnecessary, don't have to travel that fast (41 percent), noise pollution and sonic boom damage (33 percent), effect on the environment or health (32 percent), air pollution (12 percent), impractical because plane is too big or airports can't handle (9 percent) and plane is dangerous (7 percent). Four percent said the money could be used for more constructive things and 3 percent said it was being done only for prestige.

Eleven percent gave other reasons and one percent were indefinite.

"Do you think the federal government should or should not pay most of the $1.3 billion to build the first two test planes for commercial use?"

[In percent]

	All adults	Men	Women
Yes, Government should finance	29	32	27
No, Government should not	64	63	64
No opinion	7	5	9
Total	100	100	100

A year ago, Minnesotans also opposed government, but not as strongly. Forty-five percent said Congress should not vote money for the project and 44 percent said Congress should. Seven percent had no opinion.

In the current survey, interviewers next explained where the program stands now to the 64 percent who said the government should not pay for development. The explanation was phrased in the following question:

"About half of the $1.3 billion already has been spent on the test planes. Under those circumstances, do you think the government should continue its investment or drop it?"

Even under these conditions, 48 percent of all the men and women interviewed still hold that the project should be dropped and 41 percent said it should be continued. Eleven percent were indefinite.

WHAT MINNESOTANS SAID

The SST should not be built because:

"I'm starting to rebel against the whole fast pace of life. People have got to become less occupied with mechanical progress and more concerned about people." (Minneapolis woman, age 32).

"The major environmental hazards—the possible effects on global weather and major noise problems." (Moorhead man, age 36)

"I don't feel the rest of the populace should be antagonized with the noise factor just so a small percentage of the population can get some place quicker." (Eden Prairie man, age 50)

YADKIN FARMER HONORED

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. MIZELL. Mr. Speaker, I rise today to announce to my colleagues that one of my constituents, Mr. Winnie W. Johnson, of Boonville, N.C., is a farmer whose corn production has brought him considerable fame and respect in the agriculture industry.

A story chronicling Mr. Johnson's achievement appears in the March 4, 1971, edition of the Yadkin, N.C., Ripple, and I include the article in the RECORD for the benefit of my colleagues:

YADKIN FARMER HONORED THIS WEEK FOR HIGH LEVEL OF CORN PRODUCTION

Yadkin County's champion corn grower is in Chicago today being honored for his outstanding record in production last year.

He is Winnie W. Johnson, Boonville, Route 1, who left by jet plane Tuesday morning with his wife on an all-expense paid trip paid by the DeKalb Seed Company.

The Yadkin man, top winner in the southeastern United States, is with the elite "200 Bushel Club," farmers from over the nation who have met or approached the coveted goal. He will take part in a panel meeting and give a summary of his operations for farm press representatives, as well as receive a reward.

Johnson's record last year was 188 bushels per acre, using DeKalb XL 64 for seed. His record yield was picked from a field which contained about 20 acres, picked wet with the moisture then removed.

When he first started shooting for high yields four years ago he recorded 160 bushels. The next year, he hit 162, and his 1969 yield was 175. In the state contest his yield for 1970 was recorded at 190 bushels, but a different method of computing it was used. He does not irrigate his corn but has built up his field to a high level of minerals.

He and Mrs. Johnson will return tonight or Friday morning.

RARICK'S POSITION ON THE DRAFT EXTENSION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. RARICK. Mr. Speaker, I include my statement to the House Armed Services Committee with regard to H.R. 2476, as follows:

STATEMENT OF JOHN R. RARICK, MEMBER OF CONGRESS FROM LOUISIANA, BEFORE THE ARMED SERVICES COMMITTEE, MARCH 5, 1971

Mr. Chairman, members of the Armed Services Committee, I am thankful for the opportunity to present a statement in consideration of H.R. 2476.

There are views and ideas that thus far have not been aired. Alternatives are never as simple as "yes" or "no" and the same old arguments and cliches have worn thin.

I believe that any country has the right to conscript every qualified citizen for military duty to defend the nation and its institutions from invasion and armed attack and in all wars declared by Congress. This is the price of citizenship.

Likewise, I believe that any country owes reciprocal duties and responsibilities to its citizens, which in this instance I shall limit to its draft-age young men. First, that the draft not be employed except in cases of invasion, attack, or a proclaimed national emergency accompanied by a Constitutionally declared hostility. Second, that drafted men not be enjoined by the nation, preventing them from concluding the hostility as soon as possible so that the citizen-soldier can return to his home, family, and vocation.

I regard as un-American and immoral all exploitation of our manpower in so-called "no-win wars"—"Police actions"—"diplomatic wars"—and the prolonged misuse of drafted men to carry out such missions.

I cannot find any moral, ethical, or legal justification for drafting men for military service in an army of occupation 27 years after cessation of armed hostilities. In such prolonged service, the men are reduced to the role of mercenaries, performing at best the mission of serving as political pawns or honorary hostages to pacify foreign diplomacy.

I do not oppose a draft, per se—nor for procurement of manpower for training and military preparedness, but I do feel that extending the draft for a continued abuse of our manpower as has been demonstrated is an immoral blot on the Constitutional integrity of our nation.

The men of our nation are a great national resource. They must be conserved and protected as any other strategic weapon. Young draftees do not enter military service with its discipline cheerfully, but do so with great hesitancy and reluctance. And understandably, for they understand that they are required to give up their individuality, adopt a new pattern of life, and in many instances sacrifice their lives.

Most Americans are sick and tired of the Vietnams and Koreas—not that they oppose helping free people from aggression but because most are disgusted at their sons being forced to fight in a far-off war while being repeatedly told the war must not end in victory. The American people know better. They know that in war, there is no second best—a country either wins or it loses and if it doesn't win, it loses. Which raises the thought-provoking question as to why should any representative vote to continue drafting his men for battle in a foreign land under such pre-conceived conditions?

Any question as to the Constitutionality of the war is ignored as being academic and irrelevant because it is said we are already at war. But is it irrelevant?

Look at the extreme division among our people and the lack of public confidence in our leaders, which supplies fertile ground for exploitation in America today. Could it not be that, because the Founding Fathers foresaw turmoil from unpopular wars, they provided for Congress alone to declare wars? Treaty wars and international "peace-keeping" agreements be hanged.

Does the end justify the means? Can we allow ourselves to succumb to the emotions that the Constitution can be ignored because we are said to be fighting Communism? But, are we really fighting Communism? If so, where and under what handicap?

In his State of the World message, the President shocked the morale and trust of our free world allies by confessing that his administration last year had authorized trade with the Communist Chinese. At page 85, of his statement, he said—and I quote, "In April we authorized the selective licensing of goods for export to the Peoples Republic of China."

Let us examine the dramatically publicized threat of Communist Russia. Soviet nuclear armed subs ply in the Gulf of Mexico—a novel "fishing armada" floats off the Atlantic Coast—a host of Soviets are housed at the Embassy not too far from this hearing room—and Russian spy satellites circle overhead. Certainly there is sufficient evidence to induce reasonable men to imminent concern over the Soviet threat—to play the game to win.

Yet the latest Export Control report for the 4th quarter or 1970 clearly states, and I quote, "Computers and parts valued at $7.3 million were licensed; primarily to the U.S.S.R., $3.2 million; Hungary $1.1 million; Rumania, $0.7 million; and Czechoslovakia, $0.5 million."

Earlier Export Control reports indicated automatic piston machines, automatic crankshaft grinders, as well as industrial furnaces, cold-rolled carbon steel sheets and electronic equipment made in the U.S. were licensed by the present Administration for sale to Russia and other Soviet Satellites in Eastern Europe.

Does this sound like our leaders are concerned over Communism?

Perhaps the top echelon decision to sell computers to Russia is felt necessary to create an arms parity in the interest of a balance of power—the USA must be made not to appear superior in sophisticated equipment such as computers which the Russian technology must not yet have achieved.

That these business deals with Communist countries continue without even a condition that our P.O.W.'s be released is inconceivable and unconscionable.

Even a school child knows what trading with the enemy is called—especially when his fellow countrymen are at war. It is little wonder that our diplomats and presidential advisers do not want a declared war.

As for a Middle East crisis, what interest could the majority of the American people possibly have in the Middle East? If there is no American interest, then it can only be political interests—balance of power threat because the Russians are giving arms to some of the Arab nations? It is a strange crisis created over a balance of power when we consider that our President is trading with both the Russians and Red Chinese.

And any appeal that should be made toward a pending national emergency in the Continental USA offers small persuasion when one recalls that most of our men are scattered about the world.

I am as ready as anyone to bring a halt to Communist aggression and intimidation but utilizing drafted young men merely to provide numbers for sensitivity training in social change, race relations, and "no win" inferiority doesn't justify extending the draft. Our leaders do not by act or deed demonstrate any crisis situation, especially when present political goals preclude any victory over Communism.

The prolonged misuse of the draft in the absence of a declared war or an exhibited national crisis, I fear has become despised as a form of involuntary servitude in our country. Because we have allowed our "experts" to blatantly divert Constitutional guarantees concerning the war power, we now find our youth disenchanted with us and the system.

If the previously granted power to draft has been misused we must anticipate that extension of the power will continue to be misused unless we in Congress limit conscription to the conditions I have outlined. Congress must regain its Constitutional warmaking authority. Until then, I hold serious conscientious reservations as to casting my people's vote favorably for the extension.

Any drafted American is at least entitled to know the identity of the enemy.

Mr. Speaker, since giving my statement on extension of the draft, a most interesting article on draft dodging has appeared in the VFW magazine for March 1971.

It further appears that should the Congress, in its wisdom, deem an extension of the draft necessary in the best interests of our Nation, then it will also need to put some teeth into the law if it is to be respected.

I insert the VFW article at this point in my remarks:

[From the VFW Magazine, March 1971]

DRAFT-DODGING MUSHROOMS—IT RANKS FOURTH AMONG FEDERAL CRIMES

(By Karl Edgerton)

More Americans are behind prison bars today for refusing military service than any time since 1947 when the number of selective service violators still reflected swollen World War II draft calls.

For those who think courts might be more lenient now that the war in Southeast Asia appears to be de-escalating, there is little comfort in reports that federal judges in many districts are meting out much stiffer sentences—an average of 37.3 months in comparison to 13.4 months in 1950 and 33.4 in 1944, the latter the longest on record up to the Vietnam Era.

However, the number of cases referred to the Justice Department for prosecution has mushroomed in the past five years. In the first four months of fiscal 1971, as an example, there were 1,320 indictments under the Selective Service Act. This figure becomes dramatically significant when compared with 369 cases instituted for the entire fiscal year of 1965.

At present there are 1,200 indictments outstanding against registrants believed to have fled abroad, 900 of them to Canada and the balance to other countries such as Sweden.

Government attorneys scoff at reports of up to 50,000 draft evaders finding refuge in Canada.

At the present time the Justice Department has 4,000 draft cases pending. This makes selective service cases one of the top four federal crimes, just behind narcotics, immigration and auto theft.

And according to William S. Sessions, chief of the Government Operations Section, Criminal Division, of the Department of Justice, draft violators may top the list by the end of the year.

U.S. Attorney David Nisson, who heads the team of government lawyers which prosecute draft violators in Los Angeles, Calif., has stated "there is no doubt that this is the major area where people are ignoring the law today."

One newspaper reported draft defiance has reached epidemic proportions in California and the government is unable to do much about it. The paper cited the period between October, 1969, and May, 1970, when the state's draft quota totaled 7,828. To fill it, local boards mailed induction notices to 18,027 young men between the ages of 18 and 26.

More than 39% failed to appear as ordered. That represented a 66% increase over the 24% failure figure which was the case only 18 months earlier.

Although these cases are referred to the Justice Department for prosecution, only a fourth eventually will be indicted. These are the 1-A's who actually refuse to be inducted into the Armed Forces. Of the number prosecuted, 70% are convicted. But comparatively few of the great majority of cases sent to the Justice Department are prosecuted because in most instances—even though it is apparent that the men involved are deliberate "non-cooperators"— some part of their processing was done incorrectly by the local draft board in their hometowns.

In these cases the youth's file is returned to the draft board and his case begins all over again. When this happens, the defiant young man will have up to two years before he is faced with the choice of jail or military service.

And despite some impressions to the contrary, most of those who chant "hell, no, we won't go" actually do when faced with the alternative. When all due process is exhausted, "grinding down" as it is called by the Justice Department, less than 1% of all draft eligibles are convicted as felons.

Compounding the problem of draft law enforcement is the effort being made by individuals and organizations to counsel registrants on procedures which will enable them to avoid induction. A special House Subcommittee on the Draft pointed out last fall that California is one of the major problem areas.

The committee was advised that approximately 100 attorneys in the San Francisco area volunteered to handle indigent draft cases for a $500 fee which comes from federal funds set aside for court-appointed defense.

A lawyer in Los Angeles who heads a panel of attorneys working full time keeping men out of the armed services is reported as saying "any kid with money can absolutely stay out of the Army—with 100% certainty."

Main reason for the lawyer's confidence is the legal delays at their disposal. But first the client has to go to Seattle for his physical. For some reason, the exam is reportedly easy there.

When and if all delays are exhausted, the sharp lawyer knows which judges are prone to be the most lenient. They sit in California's northern district around Oakland and San Francisco. As a leading defense attorney in a draft case remarked, "I'm winning cases here with defenses that got laughed out of court in New York."

If an accused draft dodger does not win acquittal, the judge normally places him on two-year probation. Only the most outspoken of revolutionaries in northern California are likely to get a prison term. And sentences are lighter in San Francisco—18 months as opposed to three years elsewhere in the country.

The fact that judges will pass sentences differing greatly for the same offense—depending on the locality—is just one part of the system that is unfair. But as one Justice Department lawyer explained, "A convicted rapist in a Southern town would prabably get 30 years while one in Washington, D.C., if convicted, would probably only spend a few months behind bars."

Officials in both the Justice Department and Selective Service headquarters aren't opposed to draft counseling. They want a young man to know just what his rights and obligations are "and what might happen" if he is convicted as a draft felon.

Contrary to some reports, there have been relatively few cases of professional persons, such as doctors and dentists, deliberately attempting to defraud the draft system. The reason is that most professional men today make a good living and aren't apt to jeopardize it and their reputation by skullduggery. Cases have been investigated, but these are described as "negligible" by officials.

However, the government has admitted, that it is faced with a "continuing, open, obvious expressed intent by many groups to absolutely swamp the system, the courts and the Department of Justice."

But these attempts are being met with only limited success. The Selective Service System has maintained an impressive 99.6% of call (requests by the military for manpower). According to William C. Holmberg, Selective Service deputy for public information in Washington, the biggest disservice the draft-dodger is doing is to his own peers—young men in his own age bracket who are shouldering his share of the burden and responsibility.

The most publicized convicted draft-dodger in the country is Cassius Clay who was sentenced to five years in prison and a $10,000 fine. He has exhausted all appeals up to the Supreme Court and still remains free to earn more in an hour than most Americans do in a lifetime.

Although the law requires that draft evasion cases be "expedited" in prosecution, the Supreme Court's apparent reluctance to follow the letter of the law and expedite Clay's case will undoubtedly result in time enough for the title fight which will net him nearly $1 million.

V.F.W. Commander-in-Chief Herbert R. Rainwater has termed the Clay affair an affront to American veterans, American servicemen as well as all other Americans. He has stated that if the Supreme Court overturns Clay's conviction it will mean that all those who were drafted and served in World War II, Korea and Vietnam did so illegally. "It will also mean an end to Selective Service" he has predicted.

Although the government is moving toward an all-volunteer armed force, which the V.F.W. opposes, Selective Service has requested Congress to extend the draft for another two years, in line with V.F.W. Mandate 162.

"It is the only way to go," explained one official. He bases his remark on a tour of South Vietnam made two months ago by Curtis W. Tarr, new director of Selective Service.

Tarr reported that he talked to more than 1,000 men serving in Southeast Asia and they were unanimous in support for the lottery system as the only fair way. They also said that student deferments should be abolished since it is better to complete military obligations as soon as possible.

"There were some in every group I talked to who disagreed with me on many subjects but not on the lottery system," he reported when he returned shortly before Christmas.

There is agreement, too, among those responsible for filling monthly draft quotas for the services. They believe, to a man, it is better for the country to have the youth in uniform, meeting his obligation, than to have him behind bars.

Their thinking is reflected in the number of draft dodgers in the nation's prisons today—approximately 500 as compared to 5,000 during World War II.

ST. LOUIS PRIESTS MANUAL SPREADS CREDIT UNION IDEA IN AFRICA

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mrs. SULLIVAN. Mr. Speaker, those of us who have supported the growth and development of credit unions in the United States are always delighted when the credit union idea is "exported" to underdeveloped areas of the world by missionaries, peace corps men and women, U.S. foreign assistance program officials, and by the American credit union movement itself. I have been enlisted on several occasions in the past by St. Louis enthusiasts of the credit union movement to help obtain clearance of assistance from the Agency for International Development in establishing credit unions in various parts of South America, and have been deeply impressed by the results.

Yesterday, the St. Louis Post-Dispatch carried an excellent article by one of the staff writers of its Washington bureau reporting on the activities of a young St. Louis Catholic priest, the Reverend E. A. Barnicle of the St. Joseph Missionaries, who has been pioneering in the development of credit unions in West Cameroon and other parts of Africa, and has written a manual on the subject which has been published with foreign aid funds.

I am indebted to the Post-Dispatch Washington Bureau for this insight into the effectiveness of credit unions in that part of the world where, according to this article, loanshark transactions at as much as 2,000 percent annual interest were previously the only avenue for the villager to obtain any financing.

KIKAI KELAKI CREDIT UNION LEADS TO 95 OTHERS

Father Barnicle started his first credit union in 1965 in Kikai Kelaki, in the grasslands area of West Cameroon, the Post-Dispatch reported, where the average family income was $100 a year. 'The credit union flourished, and now has 170 members who have saved $8,500 and lent more than $25,000 to each other since 1965. This credit union, the article further states, has served as the pilot for 95 other credit unions, and was a factor in the establishment of the West Cameroon Cooperative Savings and Credit Association in 1968, and Father Barnicle is now regional counselor for the African organization, and will soon be traveling through Senegal, Sierra Leone, Liberia, Ivory Coast, Upper Volta, Ghana, Togo, Dahomey, Nigeria, Kenya, Ethiopia, and the Cameroon on this assignment.

Mr. Speaker, I am pleased to note in the Post-Dispatch article that when Father Barnicle initiated the plan for the formation of the West Cameroon Cooperative Credit Union League in 1966, the American Ambassador, the Honorable Robert L. Paynon, also of St. Louis, provided help and assistance. I am also pleased that our State Department helped in publishing Father Barnicle's manual on credit unions which teaches the "how" of credit union formation. It is good to know that our foreign aid officials recognized the tremendous value of helping the people of underdeveloped nations to help themselves through the credit union idea.

Mr. Speaker, under unanimous consent I submit for inclusion in the CONGRESSIONAL RECORD, as part of my remarks, the article from Sunday's St. Louis Post-Dispatch on Father Barnicle's credit union leadership, as follows:

CHAMPION OF AFRICAN FINANCING

WASHINGTON.—In pursuit of social justice for Africans, a young St. Louis Catholic priest is ranging far and wide these days as regional counselor for an organization known as ACOSCA—the Africa Co-operative Savings and Credit Association.

The priest is the Rev. E. A. Barnicle, an energetic member of the St. Joseph Missionaries who was described by a West Cameroon credit union official as "our most gallant apostle of the movement."

Father Barnicle was born in University City. He took an engineering degree at St. Louis University in 1955 and entered the priesthood after three years in the Air Force and a few months as an industrial engineer with Atlas Cement Co. in Hannibal.

"The timing is right and the field is fertile—they are moving all over Africa from a subsistence economy to a money economy," Father Barnicle said with quiet enthusiasm during a recent interview in Washington.

FUND FOR EDUCATION

He was supporting the idea of a credit union in an effort to raise funds for education. He was close to the departure date for an African tour that will take him from Senegal to Kenya.

When Father Barnicle first went to Africa in 1964, he had studied philosophy for two post-graduate years at St. Louis University and then done work at Mill Hill, in London. In 1965 he started a credit union in the village of Kikai Kelaki, in West Cameroon.

Kikai Kelaki is in grasslands country. The money crop is coffee. Average family income in the village was $100 a year. When people had to borrow money, the interest rates ran as high as 2000 per cent.

"We decided to save our money together," Father Barnicle said, "to lend to each other from our accumulated savings, and to pay back at low interest rates."

At first Father Barnicle looked after the money and taught bookkeeping to villagers. The Kikai Kelaki union flourished. It served as a pilot for 95 other credit unions. The United States Information Service made a film about it and the film has been distributed in four languages.

$25,000 IN LOANS

There are now 170 members in the Kikai Kelaki union, representing 30 per cent of the families in the village. The villagers have saved $8500 and have lent more than $25,000 to one another.

In 1966 the West Cameroon Co-operative Credit Union League was organized under auspices of the Cameroon government. Father Barnicle's friend and fellow-St. Louisan, Robert L. Payton, the United States Ambassador to the Cameroon, gave help.

The newly organized Cameroon league sent a delegate in the fall of 1968 to Nairobi, in Kenya, where the Africa Co-operative Savings and Credit Association was formed. The association now has ten full members and 13 more in sight.

Africa's growing credit union movement had received encouragement and assistance from the United States and Canadian governments, the Credit Leagues of North America and Europe, and a number of religious and philanthropic organizations.

Father Barnicle's itinerary this spring and summer indicates the scope of the movement. His tour includes Senegal, Sierra Leone, Liberia, Ivory Coast, Upper Volta, Ghana, Togo, Dahomey, Nigeria, Kenya, Ethiopia and The Cameroon.

WROTE MANUAL

Father Barnicle wrote a manual that was published with American foreign assistance funds arranged by Ambassador Payton. It is a practical "how to do it" book that also traces the history and philosophy of the credit union idea.

The book has an incisive account of the origins of the movement in nineteenth century Germany, where a country mayor named Frederick William Raffeisen helped deliver long-suffering farm folk from the hands of usurious money-lenders.

Father Barnicle's manual is full of examples of Cameroon farmers and villagers who had to pay astronomical interest to loan sharks, when a credit union would have charged reasonable rates.

But loan sharks are not the only hazard. One citizen of Kikai Kelaki lost more than 200,000 francs, the priest said, when he hid his paper money in his house and it was eaten by white ants.

UNITED PARENTS ASSOCIATIONS WEEK

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. PODELL. Mr. Speaker, for over 50 years the United Parents Association has been a vital force, working for the improvement of our public school system.

In New York City, March 15–21, 1971, has been proclaimed United Parents Associations Week—a week in which the citizens of the city are asked to pay tribute to the contribution of these associations and their 450,000 members.

I consider such recognition and tribute an excellent and timely idea. I have always been in close contact with the associations in my area district and know, first hand, the excellent work they do. Our schools more than ever before need the active support of this dedicated group.

It is with pride that I place into the CONGRESSIONAL RECORD the proclamation that designates the week of March 15–21 "United Parents Associations Week":

PROCLAMATION

In its first fifty years, the United Parents Associations of New York City have served our schools with intelligence, commitment, and common sense. They have helped to make public education a force for progress in the life of our city and the lives of our children.

During the difficult, tense moments of recent years, the United Parents Associations have worked to bring our city together, to heal divisions, to forge a partnership for effective reform. They have proved that teachers, school officials, and the community can cooperate for the sake of our children.

"The New York City school system stands at a crossroads. We now have the chance to build a future of excellence in public education. That effort requires the best from each of us. It requires the kind of meaningful parent participation exemplified by the United Parents Associations. They can help us reshape our schools and improve the quality of our city and our society.

Now, therefore, I, John V. Lindsay, mayor of the City of New York, do hereby proclaim the week of March 15–21, 1971, as "United Parents Associations Week" in New York City. I urge parents, during that week, to pause and reflect on their role in the education of their children—and I urge all New Yorkers to pay tribute to the contribution of the United Parents Associations to the evolution and improvement of our public schools during the past fifty years.

FOREIGN POLICY

HON. ROBERT TAFT, JR.

OF OHIO

IN THE SENATE OF THE UNITED STATES

Friday, March 12, 1971

Mr. TAFT. Mr. President, in his recent foreign policy messages, President Nixon has set forth the direction and goals of U.S. foreign policy. I have consistently supported the President's commitment to ending the war in Southeast Asia and to facilitating a peaceful settlement of the Middle East crisis.

In an interview by C. L. Sulzberger, published in the New York Times on March 1, Mr. Nixon further discusses the role of the United States in foreign policy. His remarks demonstrate a candid understanding of the forces, including public opinion, which shape our foreign policy. I ask unanimous consent that this article be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM THE INTERVIEW GRANTED BY PRESIDENT NIXON ON FOREIGN AFFAIRS

WASHINGTON, March 9.—Following are excerpts from an interview with President Nixon conducted here yesterday by C. L. Sulzberger, foreign-affairs columnist of The New York Times. The transcript which is unofficial, was prepared by Mr. Sulzberger from his notes.

I would strongly commend to you my second foreign-policy report, which I think you should read carefully. I have noticed in some quarters a tendency to discuss this matter sneeringly or condescendingly, saying there is nothing new in it.

But that isn't so. It sets forth new policy directions and outlines, the goals we hope to achieve—the goals not only for this Administration but for subsequent administrations. This is a long-range effort. It doesn't get into a country-by-country analysis except in connection with the Soviet Union.

However, everything you see there is a new philosophy of United States policy. It is the most complete and accurate description of the Nixon doctrine. This doctrine is designed for the specific purpose of maintaining a U.S. policy role in the world rather than a withdrawal from the world and international responsibilities.

The irony today, for those who look at the Washington scene, is that the great internationalists of the post-World War II period have become the neo-isolationists of the Vietnam war period and especially of the period accompanying the ending of that war. And it is ending.

This is also true of the attitude of those former internationalists with respect to our defense posture and defense spending. And, for some, it is even true of our foreign trade policy. There, of course it depends on individuals. For example, Senator Javits is an all-out free-trader and a "European," but he takes a dim view of the United States role in Asia. He would also be for a lower defense budget. I merely cite him as an example of what I mean and the varying attitudes I mention.

The point is, why has this happened? Why have many former internationalists developed neo-isolationist tendencies, at least in some degree? Part of the answer is simply that Americans, like all idealists, are very impatient people. They feel that if a good thing is going to happen it should happen instantly.

And a great many of these people are very disillusioned with the United Nations. I am not, personally, because I never expected it could settle all problems involving major powers but could nevertheless play a useful role in development and in peacekeeping in areas where the superpowers were not directly involved.

The older a nation and a people become, the more they become conscious of history and also of what is possible. Now I will explain to you what I mean. I rate myself as a deeply committed pacifist, perhaps because of my Quaker heritage from my mother. But I must deal with how peace can be achieved and how it must be preserved.

I know that some national leaders and some countries want to expand by conquest and are committed to expansion, and this obviously creates the danger of war. Moreover, some peoples have hated each other for years and years.

Look at the divided peoples of India and Pakistan. Look at the situation in the Middle East. You can't suddenly eliminate these differences, these hatreds, just because some political leaders get together. All you can hope for is to bring about a live-and-let-live situation.

With this in mind, I am deeply devoted to a desire that the United States should make the greatest possible contribution it can make to developing such a peaceful world.

It is not enough just to *be* for peace. The point is, what can we *do* about it?

Through an accident of history we find ourselves today in a situation where no one who is really for peace in this country can reject an American role in the rest of the world. Of course, we had our own period of colonial expansion as typified by Theodore Roosevelt and the idea of Manifest Destiny. But that period is fortunately gone.

Since then this country has fought in four wars which we didn't start, and really what they have in common is the effort to bring about a better chance for a peaceful world.

And this applies for the Vietnam war as well as the two World Wars and Korea. Obviously it was a political temptation when I started office to state simply that we would get out right away without any responsibility for what came next.

But I knew too much about history, about Asia, about the basic feeling in the United States. If we failed to achieve our limited goal—to let a small country exercise the right to choose its own way of life, without having a Communist government imposed upon it by force—if we failed to achieve this, we would not help the cause of peace.

For a time, perhaps, we would be seen as a kind of hero. But soon it would be seen that we had left behind a legacy of even greater dangers for Southeast Asia and for the Pacific region, And, after all, we are a Pacific power.

AMERICAN TIRING OF WORLD ROLE

In 1966 and 1967—culminating in 1968—the American people began to tire of playing a role in the world. We had fought four wars, selflessly and for no gain. We had provided some $100-billion in foreign aid, much of it to former enemies who are now our competitors, like Japan.

And we found ourselves committed in Vietnam, in a war where there are no heroes, only goats. Our people became sick of Vietnam and supported our men there only in order to get them out—after this period of change in mood. Somewhere a great change had taken place.

We had used our power for peace in four wars but this new attitude gained force: "If we can't handle this one, to hell with it."

We got caught up in a vicious cross fire, and it became increasingly difficult to make people understand. I must say that without television it might have been difficult for me to get people to understand a thing.

The cross fire I referred to was this. The superdoves opposed our commitment in Vietnam and *all* world responsibilities—Korea, the Philippines, the Middle East, Europe. This was the kind of isolationism of those who felt the United States shouldn't have played any role at all in Southeast Asia from the very start. For these people Vietnam was a distant, small, foreign country in just the terms that Chamberlain mentioned concerning Czechoslovakia at the time of Munich. These were the superdoves.

But on the other side, the opposite cross fire came from the superhawks. This group stood by their Commander-in-Chief, the President, but became fed up with the war for their own reasons. They felt that if the United States can't handle a distant little war, why then let's just pull out and build up our strength at home. Their logic also favored isolationism, but from another angle. And they want to develop a Fortress America at home and cram it full of missiles while the superdoves want us to pull out of the world also, but reducing our strength at home.

AND THOSE IN THE MIDDLE

In between there are those of us who stand in the middle of the cross fire. The superhawk feels it is his duty to support the President even if that same superhawk isn't sure he wants to see us do what we are doing. The superdove has a different attitude.

He is a good-hearted fellow, but when he looks around and sees the problems of the poor, the blacks, the Indians, the poor whites, the pot-smoking kids, crime in the cities, urban slums, the environment, he says: "We must get out of the war right away and concern ourselves only with our problems at home."

The fact is, however, that there has never been so great a challenge to U.S. leadership. This war is ending. In fact, I seriously doubt if we will ever have another war. This is probably the very last one.

In any theoretical question of a war on the basis of "either them or us," I am sure everyone in the country would join in behind me. But this is not the case in a small country so far away involved in a situation so difficult to explain.

I am certain a Gallup poll would show that the great majority of the people would want to pull out of Vietnam. But a Gallup poll would also show that a great majority of the people would want to pull three or more divisions out of Europe. And it would also show that a great majority of the people would cut our defense budget.

Polls are not the answer. You must look at the facts. The Soviets now have three times the missile strength (ICBM) of ourselves. By 1974 they will pass us in submarines carrying nuclear missiles.

MRS. MEIR UNDERSTOOD HIM

All of these things are very directly related. For example, when Mrs. Meir, the Israeli Prime Minister, visited me, she understood me right away when I said that if America winds up the war in Vietnam in failure and an image is developed that the war was fought only by stupid scoundrels, there would be a wave of isolationism. This would embrace the U.S. role everywhere—including the Middle East. Mrs. Meir saw the point immediately.

As I see it, we have to take certain specific steps. First of all, what we now have to do is end the war—as we now are doing—in a way that gives South Vietnam a reasonable chance to survive without our help. But this doesn't mean we would withdraw all our responsibilities everywhere.

As I stated in first explaining the Nixon doctrine, our idea is to create a situation in which those lands to which we have obligations or in which we have interests, if they are ready to fight a fire, should be able to count on us to furnish the hose and water.

Meanwhile, in Europe, we can't cut down our forces until there is a mutual agreement with the other side. We must stand with our European friends if they will only do a little more themselves in NATO—as they have indicated they will do.

And we cannot foolishly fall behind in the arms competition. In the United States, we remain ahead in the Navy and in the air, but the Soviets are ahead in ICBM's and soon will pass us in modern submarine strength.

But each has a kind of sufficiency. The Soviets are a great land power opposite China as well as having far-reaching interests elsewhere. We are a great sea power and we must keep our strength. I am a strong Navy man myself. I believe in a strong conventional navy which helps us to play a peacekeeping role in such areas, for example, as Latin America.

These are all elements that must be considered with respect to each other. The main thing is that I'd like to see us not end the Vietnamese war foolishly and find ourselves all alone in the world. I could have chosen that course my very first day in office. But I want the American people to be able to be led by me, or by my successor, along a course that allows us to do what is needed to help keep the peace in this world.

We used to look to other nations to do this job once upon a time. But now only the United States plays a major role of this sort in the world. Our responsibilities are not limited to this great continent but include Europe, the Middle East, Southeast Asia, East Asia, many areas whose fate affects the peace of the world.

We must above all tend to our national obligations. We must not forget our alliances or our interests. Other nations must know that the United States has both the capability and the will to defend these allies and protect these interests.

Unless people understand this and understand it well, the United States will simply retreat into isolationism, both politically and diplomatically. We would, of course, continue to be an economic giant; but that is not enough.

Let us look at the world today. There are two great powers facing us, Russia and China. They are great powers and great people. Certainly neither of them wants war. But both are motivated by a philosophy which announces itself as expansionist in character. This they will admit themselves.

And only the United States has sufficient strength to be able to help maintain a balance in Europe and other areas that might otherwise be affected.

U.S.-SOVIET COOPERATION

What I am saying is not a cold-war philosophy. I hope that we can further develop our negotiations with the Soviet Union. For, although we recognize that their ideology is expansionist, they know what it means if the genie comes out of the bottle and that their interest in survival requires that they avoid a conflict with the United States. This means that we must find a way of cooperating.

For obviously pragmatic reasons, therefore, we can see peace slowly shaping up. First, as we are doing, we must end the war in Vietnam. We must continue our Soviet negotiations and open the door of cooperation to China. And in this way there will be a chance of building a world that is relatively peaceful.

I deliberately say relatively peaceful. That doesn't mean everyone will be disarmed, safe and loving everyone else. The kind of relative peace I envision is not the dream of my Quaker youth. But it is realistic, and, I am convinced we can bring it about.

Yet, to do this, we can't heed either our superhawks whose policy would ultimately lead to war or to our superdoves who believe that only they are capable of achieving peace and that everyone else is a heretic. The trouble is that their policy of weakness would also quickly lead to war.

The day the United States quits playing a responsible role in the world—in Europe or Asia or the Middle East—or gives up or recedes from its efforts to maintain an adequate defense force—on that day this will become a very unsafe world to live in.

I can assure you that my words are those of a devoted pacifist. My very hardest job is to give out posthumous Medals of Honor.

I don't question the motives of those who oppose me. But I know this world. I have traveled about and talked to many leaders, and I know we have a chance to play a role in this world.

Another thing: People should be under no illusion that you can play a role in one area but wholly ignore another. Of course we're not going to get into every little firefight everywhere. The Nixon doctrine says only that we will help those who help themselves.

Sometimes people tend to forget the real situation prevailing today. When considering Asia, the great problem is that everyone overlooks the fact that non-Communist Asia—excluding India and Pakistan—produces three times as much as China. Why, Japan alone produces twice as much as China.

What is going to happen if we ignore such basic facts? The United States, as I said earlier is a Pacific power. And the SST will be built—if not by us, by someone else. And then we will be only three hours' flight from Japan.

There will be 400 million people in non-Communist Asia relying ever more upon us. Why Prime Minister Sato said not so long ago that Japan depends on the U.S. nuclear field.

In past times the No. 1 nation was always in that position because of military conquests. But the mantle of leadership fell on American shoulders not by our desire and not for the purposes of conquest. But we have that position today, and how we handle ourselves will determine the chances of world peace.

Do you know, in all my travels, not one leader I have talked to ever said to me in private that he feared the United States as a nation bent on conquest. And I have met many Communist leaders, as you know. Whatever some of them may pretend in public, they understand our true troubles and they are also thankful that the United States wants nothing—nothing but the right for everyone to live and let live.

CONFIDENCE IN THE PEOPLE

The big question to my mind is: Will our Establishment and our people meet their responsibilities? Frankly, I have far more confidence in our people than in the Establishment. The people seem to see the problem in simple terms: "By golly, we have to do the right thing."

But the real problem, what worries me most, is: Will our Establishment see it that way? I am not talking about my critics but about a basic, strange sickness that appears to have spread among those who usually, in this country, can be expected to see clearly ahead into the future.

These are the people who, after World War II, supported the Greek-Turkish aid program, the Marshall Plan, NATO. But today they are in disarray because of two things. They are terribly disillusioned about Vietnam, which is so hard a problem to understand. And they have an enormous concern with home problems of a sort and a degree that did not face us a generation earlier.

I understand these factors. There is a vast need for reforms, for improvements in health, education and environment. But we have to assume our responsibilities both abroad and at home. We have to do both. After all, if we manage to improve the environment and living conditions in this country we must also assure that we will be around to enjoy those improvements.

FOLLY OF U.S. BOYCOTT AGAINST RHODESIA

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, March 12, 1971

Mr. BYRD of Virginia. Mr. President, the Shreveport, La., Journal for March 9 contains an editorial pointing to the folly of the U.S. participation in the boycott against Rhodesia.

The editorial correctly points out that our embargo against Rhodesia, undertaken in line with United Nations policy, is depriving us of our main supply of chrome ore. Chrome ore is a strategically important commodity for the United States.

I ask unanimous consent that the editorial, entitled "Boycott on Rhodesia Endangers United States," be printed in the Extensions of Remarks. The editor of the Shreveport Journal is George W. Shannon.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BOYCOTT ON RHODESIA ENDANGERS UNITED STATES

One of the most powerful voices in the United States Senate—that of Sen. Harry F. Byrd Jr.—has been raised against the senseless economic boycott America has applied to Rhodesia. Senator Byrd's warning that the United States is playing into Russia's hands by allowing the Soviet Union to maintain a stranglehold on our supply of chrome ore—a material vital to our national defense—coincides with this newspaper's own oft-expressed views.

The threat to America's security, as noted in a speech on the Senate floor Mar. 4 by the Independent senator from Virginia, stems from participation in United Nations economic sanctions against the small African country which is the source of two-thirds of the world's supply of chrome ore.

Now the Congress is being asked by the Administration to release chrome ore from the national stockpile to ease the shortage of this commodity resulting from the Rhodesian embargo.

We agree with Senator Byrd that release of chrome ore from the stockpile is not the appropriate remedy for the present situation of the United States.

The correct step for this nation to take would be to end its foolish policy against Rhodesia and resume trade with that nation.

The story leading up to our present shortage of chrome, and our dependence on the Soviet Union, goes back more than five years.

On Nov. 11, 1965, Rhodesia declared her independence of Great Britain.

The United Nations Security Council, at the urging of Great Britain, adopted a resolution condemning Rhodesia as "a threat to international peace and security." The resolution called on the Security Council to take steps to end Rhodesian independence.

Despite the fact that Rhodesia, in declaring independence, was only taking the same step that the United States took in 1776, the U.S. ambassador to the United Nations actively supported the resolution against Rhodesia.

Pursuant to the UN resolution, our government severed diplomatic ties with the Ian Smith government and invoked a boycott of Rhodesian products.

On July 31, 1968, the President of the United States issued Executive Order No. 11419, barring all United States imports from and exports to Rhodesia.

The Smith government still survived. As a matter of fact, the economic sanctions are a failure.

But if the sanctions are a failure, they nevertheless have had serious consequences.

For one thing, Senator Byrd points out, imposition of a mandatory embargo brings the United Nations just one step short of armed intervention.

Is the United States prepared to take part in a war to bring the Rhodesian government to its knees?

While the United States has gone along with the British-sponsored embargo of Rhodesia, ships flying the flag of Great Britain have continued to carry cargo to North Vietnam.

Last year 40 British ships called at Haiphong. In 1969, the total was 74; and in 1968, it was 114.

In line with the economic sanctions policy against Rhodesia, the United States last year closed its consulate in Salisbury; but Britain maintains its consulate in Hanoi.

It would seem, says Senator Byrd, that so far as the British are concerned, cooperation in policies of embargo is a one-way street.

Prior to the imposition of the sanctions, Rhodesia furnished approximately 85 per cent of the imports of metallurgical chrome ore coming into the United States.

With the sanctions in effect, the United States has had to turn to the Soviet Union for chome ore.

The Russians are well aware of the importance of this commodity to the United States. They are charging us more than twice the price which we formerly paid to Rhodesia for chrome.

And more important, the Soviets could easily shut off our supply in the event of an emergency.

Today, as a short-term measure, the Office of Emergency Preparedness is seeking to withdraw chrome ore from the national strategic stockpile.

The national strategic stockpile now has 4,500,000 tons of chrome ore. The Administration is seeking release of 1,300,000 tons, which would leave 3,200,000 tons on hand.

This 3,200,000 tons would be only about 100,000 tons more than the amount required to fulfill the so-called "strategic objective," or emergency reserve, for the United States.

Many of the points raised by Senator Byrd were noted in a series of articles written by the editor of The Shreveport Journal following a visit to the Republic of South Africa and Rhodesia last October. Senator Byrd is hopeful that pressure from the metal industry, members of Congress and, above all, the American people will be so great that President Nixon will lift the boycott on Rhodesia.

"We have followed a foolish policy toward Rhodesia," Senator Byrd declares. "Morally, it is wrong. Legally, it is dubious. Economically, it is costly. And it could jeopardize the security of the United States."

The Journal joins Senator Byrd in urging President Nixon to reverse our present policy and resume trade with the peaceful African country of Rhodesia.

REVENUE SHARING—THE TAX SPENDER'S RELIEF

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. ANDERSON of California. Mr. Speaker, the 1972 elections, like all elections, will be decided on the issues. The question will be raised, "Did you support the President's revenue-sharing proposal?"

Currently, there is much controversy surrounding this issue. Those that would be expected to "carry the ball" for the President are not in sight. Those that one would expect to espouse the virtues of the President's plan are condemning revenue sharing as a highly undesirable plan to separate the level of Government which collects taxes from the level which spends the money collected because this makes it so difficult to call Government to account for how it uses or misuses the money it takes.

The Elephant's Roar—A Gazette for Republican Leaders is in the forefront of those opposing the President. Thus, in 1972, when the issues come to light, I feel that this bipartisan opposition should not be forgotten.

I feel that the blame for the defeat of revenue sharing—if it is defeated—should be laid to rest at the feet of those forces in the President's party who have deserted the President in his hour of need.

The article in the March 6, 1971, issue of the Elephant's Roar—A Gazette for Republican Leaders follows:

REVENUE SHARING—THE TAX SPENDER'S RELIEF

Throughout America today, and particularly in California, resounds the demand for tax relief. In vote after vote the people have made it clear that they think their government costs too much; that the last thing they want is more taxes and more inflation to continue the seemingly endless expansion of government programs.

The greatest impact of these votes has been at the local level of government, where the people either have the right to vote directly on increases in the tax rate—as in the case of school taxes—or at least can see firsthand not only where their tax money is coming from, but also where it is going. The result is that the inevitable clamor for more money to meet government "needs" (read "wants") has been met by a still louder outcry of "Stop!"

So now the spenders have come to Washington in force looking for relief—not for the taxpayer, but for themselves. They want more money in a less visible form. And in Federal revenue sharing they think they have found the magic carpet to carry them over the angry ranks of aroused taxpayers. They are all but beating down the doors of Congressmen to get their hands on the $5 billion President Nixon would offer them—with no strings attached.

The rhetoric of "revenue sharing" pleases many supporters of limited government because it speaks of returning more authority to lower levels of government. But this talk is utterly meaningless *unless Federal authority, or Federal taxes, or local taxes are reduced as a result.* The revenue sharing proposal now being presented to Congress would reduce none of these. It would simply add $5 billion more on top of everything else government at all levels is now spending.

It is highly undesirable to separate the level of government which collects taxes from the level which spends the money collected, because this makes it so difficult to call government to account for how it uses or misuses the money it takes. This point was made in our editorial two weeks ago, and deserves repetition and even greater emphasis as the drive for "revenue sharing" escalates. Local government programs financed by Federal funds are for all practical purposes out of the people's hands, and quickly become bureaucratic nightmares.

Congressman John W. Byrnes of Wisconsin, senior Republican on the House Ways and Means Committee and a leading opponent of the "revenue sharing" proposal, has pointed out that in Germany during the 1920's, before Hitler came to power, a "revenue sharing" system was in effect. The disastrous results were explained in an official report in 1930 by S. Parker Gilbert, Agent General for Reparation Payments:

"The Government of the Reich collects the taxes, but does not feel the full responsibility for them since it must pass on a large share of the proceeds to the States and communes . . . The States and communes, on their side, spend the money without having had any of the responsibility or odium of collecting it, and they have fallen into the habit of expecting the Reich to provide more and more money for them to meet their recurring budgetary deficits . . . The financial relations between the Reich and the States and communes will not be on a sound basis until the responsibility for raising the money by taxation has been reunited with the responsibility for spending it."

There is substantial and growing support for Congressman Byrnes' position—which is also mine—among House members of both parties who do not feel that they should vote relief for local tax spenders trying to evade the voters' verdict on their liberality with other people's money.

LARRY FANNING—A NEWSPAPER GIANT

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. BEGICH. Mr. Speaker, the recent death of Mr. Lawrence Fanning, publisher of the Anchorage Daily News, was a tremendous loss to all Alaskans, and to all those in the field of journalism who recognized him as a man of major stature in the profession.

Perhaps his greatest contribution to journalism was his sponsorship and encouragement of young journalists. While the executive editor of the Chicago Daily News, he provided the initial guidance for what is now a distinguished roster of nationally known columnists and reporters. Among them are Joseph Kraft, Carl Rowan, Pierre Salinger, Peter Lisagor, Ann Landers, and Nicholas Von Hoffman. Most of these men and women felt a personal debt to Larry Fanning and maintained intense pride in their relationship to him.

As the publisher and executive editor of the Anchorage Daily News, he surrounded himself again with a staff of young, talented reporters and columnists. These young men, including Stanley Abbot, Tom Brown, Joe Rothstein, Will Lawson, and C. Robert Zelnick, are all following the successful path so well marked out by Larry Fanning.

Perhaps no one better than one of these young men can express the impact of Larry Fanning, and the great loss caused by his death. The following article, written by C. Robert Zelnick for a memorial edition of the Anchorage Daily News, expresses beautifully the sort of man he was in his own world of journalism.

A Former Fanning Reporter Writes About His Editor

(By C. Robert Zelnick)

WASHINGTON.—It is difficult to write of Larry Fanning without lapsing into the sort of cliches he would have penciled out of copy reaching his desk. He was a supremely talented, gifted man, a great reporter first and then a great editor. He knew a story when he saw one—often before anyone else—he saw the outlines of the forest when others lost themselves among the trees, and he could tell what he saw with an elegant simplicity born of perfect integrity.

Working the desk, he wielded his thick lead pencils with the aplomb of an editorial Picasso. A few scratch marks, a caret or two, and here and there a hyphen or comma, and bloated copy became lithe and readable.

As a publisher, he concerned himself with what readers should know as well as what they wanted to know.

With a constituency hell-bent for rapid economic development, he urged caution and study. In a growing upper middle class white community, he pointed to the misery and despair among the Native population. In 1970, the year of the backlash on the Native land claims, his paper repeatedly pounded home the necessity for responsible state participation in the settlement.

The Fanning credo was to turn out a superior editorial product, and to hope that the demand for such a product eventually became the norm of the community.

Larry Fanning opened shop in Anchorage in September, 1967, as custodian of the second newspaper in a one-newspaper town. It was a forbidding task in a forbidding county. Yet it showed the mettle of the man, as well as his humility. For Larry Fanning was no never-do-well to whom Alaska was the stop before oblivion.

At the time he came to Anchorage he was already a man held in deep national esteem throughout the journalistic profession, an esteem earned over the course of 20 successful years as managing editor of the San Francisco Chronicle, executive editor of the Chicago Sun Times, and editor of the Chicago Daily News. (During one of his gloomier moments in Anchorage, I asked him why he didn't just can the whole Alaskan operation and take one of the numerous outside offers that came across his desk. "I've done everything I ever wanted to do on a major metropolitan daily," he replied matter-of-factly. "But if this little bastard makes it . . .")

So much for the cliches about the public Larry Fanning. There was another side to Larry, a private side that those of us who worked for him and loved him got to know in stages:

There was the tough Irish kid who wanted to go into the priesthood until he discovered that all the fathers at the high school academy loved Franco.

There was the cocky young intellect who once lost his tongue during a high school address in front of a packed auditorium, almost committed suicide over the shame of it—Larry Fanning held himself to a standard of excellence which no human being could approach—and who could never do anything but read a speech in public again.

And there was the patriot who watched Joe McCarthy wreck the lives of other patriots during his heyday, and who decided then that when a reporter catches a politician lying, the place to say it is on the front page in bold type and not buried with the editorial page copy that only a handful of people read.

There was the perfectionist who could brood for hours over minor errata in his paper, who blamed himself rather than the guilty reporter or desk man for every mistake that appeared in print, who had disciplined every ounce of personal motive or bias out of his product without ever depriving that product of a point of view.

And there was the man who worried himself sick about other people's problems, the man with more compassion than his body could contain, the universal donor, the soft touch, a man so distrustful of his own human potential for abusing power that his office often resembled a sitting room for crackpots, malcontents, and every form of community paranoid with a chip on his shoulder or an ax to grind. Larry was more than a publisher; he was a public ombudsman.

For the reporter, the greatest problem in working for Larry Fanning was that you knew you had achieved Nirvana and would never be completely happy working for anyone else. You were coddled. You were given countless opportunities for self expression. Larry would see that you got to where the action was whatever the cost. When he worked the desk, he would polish your copy like a precious gem. If you turned a five-inch story into 30 good inches, he would find a place to fit. When he felt the need to correct or reprimand you, he would lecture you for 45 minutes in his office, the first 44 of which were devoted to a discussion of his own failure. He never asked for a favor; nor did he ever deny one. The kid who had almost become a priest became a father confessor for every one of his staff. When the time came you felt you had to leave, it was like going away from home. And when you got to wherever you were going you invariably found that Larry had paved the way so you would not enter your new surroundings as a stranger.

Such indulgence was uncommon in a world as curt as ours. But it worked for Larry Fanning and his flock. A list of those whose skills he nurtured, whose careers he pushed along could well be mistaken for a list of "Who's Who in American Journalism." Pierre Salinger, press secretary to John F. Kennedy worked nine years for Larry at the San Francisco Chronicle. Peter Lisagor covered Washington for Larry and the Chicago Daily News. Syndicated columnists Joseph Kraft and Carl Rowan owe no small measure of their success to Larry's patronage. Chicago's irreverent Mike Royko literally learned to write under Larry's tutelage, and Nicholas Von Hoffman, the Washington Post's ambassador either to or from the New Left, was a brooding sociologist when he first came under Larry's wing in Chicago.

Larry worked 12 or 14 hours a day, sometimes more, often seven days a week. He was advised not to work so hard or care so much, but it was like advising a cow to spend her time producing something other than milk.

Critics said that Larry led too often with his chin. But he didn't. He led with his heart and his heart gave out last Wednesday for good.

Those whose lives he touched most directly will miss him a lot. A picture of his beaming face—eyes twinkling with a promised mischief that never materialized, pipe clenched firmly between his teeth, collar open, bow tie laying unknotted tracing his collarbone, will always live within us. His inspiration has already been built into our work.

"They give birth astride of a grave, the light gleams an instant, then it's night once more," Samuel Beckett wrote in "Waiting for Godot." Larry Fanning's night has come. But his light will continue to gleam in the souls of those who knew him best.

BASIC VALUES OF TRUE DEMOCRACY

HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Friday, March 12, 1971

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks a column entitled "Perspective On America," written by the distinguished King Features Columnist Prof. John P. Roche, of Brandeis University, and dated March 9, 1971.

Dr. Roche is again demonstrating himself to be one of the most effective and eloquent spokesmen in our country for the basic values of true democracy.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

Perspective on America

(By John P. Roche)

Because I refuse to consider the United States a repressive, fascist, imperialist, racist nation, a number of correspondents have accused me—often quite vividly—of "selling out to the conservatives," or some such crime. It is quite true that, with all its evident failings, I love this crazy country, but not just because I was born here, or because "The Star-Spangled Banner" hits me where I live. Indeed, professional patriots turn me off even faster than New Leftists.

No, my affection for the American people has been a function of experience, of watching for over 30 years the growth of American commitment to freedom, justice and equality. The America of my childhood was constitutionally racist. The Supreme Court had defined "equal protection of the laws" to include mandatory segregation. It was casually and customarily racist: I didn't know the polite words "Jew," "Negro" or, for that matter, "Italian," existed until I was about 14. I recall political posters in New York City in 1938 urging all and sundry to "Vote Dewey, Not Jewey." (In fairness to Thomas E. Dewey, these reflected the views of local leaders, not Dewey's, towards Herbert Lehman.)

When I entered grade school, there was no significant trade union movement in the United States. It was the era of the "open shop" when workers were simply treated like commodities. Every time union organizers attempted to remedy this condition of pure exploitation, some judge or other would issue an injunction. Some injunctions! They even forbade organizers to make speeches that might incite workers to violate "yellow dog" contracts, that is, contracts which included a promise not to join a union. If that didn't work and the unions got uppity, out would come the National Guard to enforce the injunction.

As far as justice was concerned, an individual had no rights protected by the Constitution against his state or local government. A radical whose views offended his listeners was customarily arrested for violence—the proof of which was that this audience had beaten him up.

Yale President Kingman Brewster's statement that he didn't think a Panther could get a fair trial in the United States of 1970 was an accurate description of reality about 40 years ago—only it could then be extended to include all Negroes accused of crimes against white society. (Crimes against fellow blacks were generally ignored by the police; like gangland killings they were considered private rather than public business.)

Admittedly this is a view from the bottom, but most Americans lived on the bottom. In 1934, about 15 million Americans were unemployed, and millions more semiemployed; the South was a disaster area; most farmers were bankrupt; more than 4,000 banks, with uninsured deposits, had folded; and the Gross National Product had dropped to $58 billion. It was a great world to grow up into—and just over the horizon was World War II.

However, this is not an exercise in generational self-pity. My point is that throughout this incredible era (when many feared native fascism) freedom not only survived, but expanded. New Deal legislation, inadequate as it was, began to redress the inequities in our society. In the postwar period, the first real steps were taken to admit Negroes to the political community, and in general the federal courts began protecting minority rights in unprecedented fashion. Finally, under President Johnson's leadership, even Congress got in the act. In short, freedom has flourished as never before in our history.

There are a number of things left on the agenda: A good "Soak the Rich" tax structure, a thoroughgoing reform of our whole system of criminal justice (including prisons), a nationally administered and funded program of income maintenance to eliminate the welfare monstrosity, a resuscitation of our cities (a precondition for racial equality)—to mention only a few.

Perhaps liberals will get the American people to support these measures. Maybe we won't. But we know one thing for certain: we have the freedom to assault "the System," the freedom to mobilize for our cause, the freedom to rebuild America when people are persuaded. If you think I am naive or an Establishment apologist, invite a 50-year-old Negro or unionist to lunch.

PROTECT TAXPAYERS' FUNDS FOR CANAL; LAKE OCKLAWAHA ATTRACTS 340,000 VISITORS TO CROSS-FLORIDA BARGE CANAL

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. BENNETT. Mr. Speaker, Jacksonville, Fla., my hometown, is the Atlantic Ocean exit for the one-third complete Cross-Florida Barge Canal, a project which the House Appropriations Subcommittee for Public Works said in June 1970, would bring about a long-term gain in the environmental quality.

The citizens and taxpayers of Jacksonville, Florida's largest city, have contributed over $6.5 million toward the canal project, which was authorized by the Congress for national defense reasons and is economically justified.

Ten percent of what the Congress has appropriated since fiscal year 1964—$60 million for construction of the 107-mile waterway—has been contributed by Jacksonville taxpayers for right-of-way along the canal route, traversing a little-used area of Florida, and until the canal project was started, almost unavailable for recreation or environmental pleasures by the almost 7 million citizens of Florida and the 23 million visitors to our State annually.

A 13,000-acre lake created at the Rodman Dam as part of the Cross-Florida Barge Canal, now known as Lake Ocklawaha, has attracted 340,000 visitors over the last year. This new recreational oasis is a prime spot for outdoor-hungry Floridians and out-of-State tourists for fishing, boating, camping, picnicking, and other activities.

Attached is an article by Bob Cloaninger of the Jacksonville Journal of February 26, 1971, titled "340,000 Rodman Visitors in 1970," which I include in the CONGRESSIONAL RECORD.

I also include an article from the Florida Times-Union, Jacksonville, March 9, 1971, indicating the support of the city of Jacksonville's city council in efforts to retain the Canal Authority of the State of Florida to protect Jacksonville taxpayers and their $6.5 million in tax funds paid for the canal:

340,000 RODMAN VISITORS IN 1970

(By Bob Cloaninger)

Recreation facilities at Rodman Reservoir, which could be drained in the near future, were used by more than 340,000 people last year.

The 13,000-acre lake was constructed as part of the Cross Florida Barge Canal and while construction on the canal has been stopped, the lake is becoming a focal point for recreation in Putnam and Marion counties.

There are now five outdoor recreation sites bordering the lake, complete with boat-launching ramps and picnic facilities. There's also a camping area near the dam.

Halting construction of the canal has made quite a dent in Florida's big business economy and draining the lake would apparently cut deeply into the pocketbooks of several small businesses.

Fish camps as far away as Welaka have been utilizing the lake and bait and tackle shops in Palatka and small communities near the lake report increased business because of Rodman.

"Frankly, I don't think I could make it if they drained Rodman," said Scotty Craddock, manager of Andersen's Fishing Lodge at Welaka. Craddock said fishing has fallen off so drastically in nearby Lake George and in the St. Johns River that his guides now depend on Rodman to produce strings of big bass for the tourist fishermen.

It's an hour and a half trip by boat from Welaka to Rodman, cruising up the St. Johns to the abandoned canal, up the canal and then through the lock into the lake.

Craddock said all of his guides now fish Rodman exclusively and practically every boat that leaves his camp heads for the reservoir.

Other small businesses closer to the lake have noted increased sales in fishing tackle, soft drinks, beer and foods used by picnickers and fishermen. Service stations on routes leading to Rodman also report numerous sales to people going to and from the reservoir.

Although Rodman hasn't gained a national reputation as a great fishing hole, this writer interviewed anglers from North Carolina, Illinois and Georgia on the lake within the last week. None were greatly impressed with the fishing, but all expressed an interest in returning when "fishing gets better."

The fate of Rodman has not yet been finalized, but conservationists have expressed a desire to see the lake drained and the Oklawaha River, which was dammed to form the reservoir, returning to its primitive state.

The great difference in what is there now and what was there four years ago is primarily that existing facilities are open to the public. A majority of the Oklawaha River prior to construction of the canal was private land without public access.

As a navigable waterway the public could use the river for boating and fishing, but boat ramps were few. However, during periods of low water it was all but impossible to get a boat through some stretches of the river and during the annual high water navigation was again nearly impossible.

Conservationists point out that the Ocala National Forest borders a long portion of the Okalawaha and therefore this section was available to the public. True, the forest did border several miles of the river—the same holds true now for Rodman—but some of this land was leased to individuals for construction of vacation homes.

Conservationists have argued that considerable wildlife habitat has been destroyed by the lake. Deer, bear and other dry-land animals, were forced out of the river bottom, but other wildlife is now making good use of the area.

At least seven bald eagles are known to have moved into the area since the lake was established. Florida and Alaska seem to be the final stronghold of the national emblem and these great birds at Rodman should certainly be protected.

Also, Dave Bowman, wildlife biologist at Rodman, said he has counted 47 limpkins around the lake. Limpkins are a rare and endangered species of wading bird that feeds almost entirely on apple snails, which are in the lake in large numbers.

At least six pairs of osprey (an endangered species of exceptionally large fish-eating hawk) have selected the lake as a nesting area. There are two large rookeries holding numerous egrets, anhinga (water turkey or serpent bird), and other marsh and water birds. There are also a number of great blue herons, little blue herons and cranes living around the lake.

Alligators are making a comeback in Rodman and wild ducks have already started using it as a winter home.

What has happened is that one form of wildlife has already replaced another. If the lake is drained the animals that now reside there will be forced to hunt for a new home—or die.

While draining the lake has been mentioned several times by the conservationists, no one has come up with the solution of what to do with the land. An attorney for the Florida Canal Authority said if the lake is drained the land would probably have to be returned to the original landowners.

UNIT

(By Paul McGinty)

City Council addressed itself to Tallahassee last night in resolutions urging that nothing be done to kill the canal authority and that something be done to get back the shipping the state's oil spillage law is said to be driving away.

Noting that Duval County has invested over $6.5 million in the canal, council quickly and unanimously urged that neither the governor, the Cabinet nor the state legislature take "any action which would restrict the Canal Authority of Florida in seeking a solution to the numerous legal questions which have been raised as a result of the President's order stopping the construction of the (Cross Florida) Barge Canal."

"The interest of Duval County and other interested counties and agencies in the tax monies contributed by Duval County can only be properly represented by the continued existence and freedom of action of the canal authority," states the resolution.

THE SST AND THE ENVIRONMENT

HON. ROBERT TAFT, JR.

OF OHIO

IN THE SENATE OF THE UNITED STATES

Friday, March 12, 1971

Mr. TAFT. Mr. President, throughout the long debate on the supersonic transport—SST—the principal argument used to oppose the development of this aircraft has been based on the allegation that it would have a disastrous impact on our environment.

I have long supported the development of the SST for several reasons. Our continued economic well-being and technological leadership are closely linked to the successful completion of this project.

I have never been dissuaded by those who have characterized this aircraft as an ecological monster. It should be realized that not a single environmental argument raised by the opponents of the SST has stood up under careful examination.

On March 8, 1971, the National Observer published an article on the subject. I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL SCARE OVER SST EVAPORATES

(By Jude Wanniski)

The environmental arguments against the supersonic transport (SST) are now in tatters. As a result, chances have improved that later this month Congress will decide to go ahead with the airplane. Of all the horrifying concerns raised by the environmental lobby against the SST, not one has survived a barrage of intense scientific scrutiny.

In hearings last week before a House Appropriations subcommittee, the Coalition Against the SST showed its desperation. The most serious ecological warning came from Dr. James McDonald, a University of Arizona physicist, who argued that a fleet of SST's would cause atmospheric changes that would expose Americans to greater radiation, that exposure would cause an extra 5,000 to 10,000 cases of skin caner in the United States.

This theory was too much for Rep. Silvio Conte, a Massachusetts Republican who last year voted against the SST. Mr. Conte asked Dr. McDonald if the physicist also believes, as Mr. Conte was told, that flying saucers may have been responsible for the power brown-outs in the Northeastern United States.

"I've kept the same open mind on UFOs as I have on the SST," said Dr. McDonald, who thereupon urged Mr. Conte to scour the Air Force archives for himself to see the evidence that points to the probability of the existence of flying saucers. "I wish I had the time," sighed Mr. Conte.

The most important testimony came from Dr. William Kellogg, associate director of the National Center for Atmospheric Research. Dr. Kellogg last year chaired a symposium of physicists that reviewed the climatic effects of the SST. It concluded that although some additional research was needed, there is no concrete reason for holding up SST prototype development.

Dr. S. Fred Singer, deputy Secretary of the Interior and the chairman of the American Geophysical Union's Committee on Environmental Quality, also gave the project a green light. He told the subcommittee he is "95 per cent sure" the SST would have no significant harmful effect on the environment. And within two years, before the United States would have to decide whether or not to go from prototype to production of SSTs, he believes he can be "99.99 per cent sure."

The environmental lobby should be delighted with its success to date. Through the lobby's pressures, the Administration has ruled out SST flights over land, eliminating the sonic-boom problem. It has also pledged that should the SST fail to get a clean bill of health from the scientific research of the next two years, the plane will not be built. Further, the contractors now promise that the SST will be cleaner and quiter than any of the commercial jets now in use. And if it doesn't meet these higher standards, says the Administration, it will not be certified.

But the lobby, the Coalition Against the SST, is not happy. It simply doesn't want the airplane built. A year ago, the coalition—which includes the Sierra Club, the Friends of the Earth, the Environmental Defense Fund—argued that the SST sideline noise was too high, that it measured 124 EPNdb (effective perceived noise in decibels). The coalition insisted the SST be required to meet the new regulations for subsonic jets, 108 EPNdb. The engine contractor, General Electric, redesigned the engine. It now says it will meet the 108 EPNdb standard. The Sierra Club now insists the requirement be made 98 EPNdb.

REACTION AGAINST PROGRESS

Dr. Singer has a theory about these objections. "Why has there been so much fuss raised about the SST? Why is the conflict focused on this particular new technology? I think the answer is complex, but perhaps one of the important reasons is that the SST has become a symbol. In my view, we are witnessing here a general reaction against all technological progress, and against basic science itself, on the part of a coalition of people which—paradoxically—includes scientists."

In this view, the environmental opposition to the SST is largely unreasoning, more a visceral yearning to see technological proggress frozen while a way is found to cleanse water and air. Of course, this is a hopeless ideal, even a counter-productive one, especially since the United States is profoundly enmeshed in global economics. Indeed, only by more rapid advances in the "right kinds" of technology will the nation outrace pollution.

Before the end of this month, Congress will have to decide whether or not the SST is the "right kind" of technology, a decision that should be easier now that the environmental issues have become clearer. The question now: Is the SST an economically sound proposition?

Here, the Administration and the aviation industry acknowledge they will not really know until the prototypes are completed and flight-tested. But they insist the stakes are so high and the odds are so favorable that it would be near criminal not to take the gamble. The Government has already invested $1 billion; it will take $300,000,000 to complete the prototypes.

Since the British and French and the Russians are well ahead in SST development, the Administration says there is the real possibility that if the Congress says "no" on the SST a lot of unpleasant things could happen: a loss of 150,000 jobs in the U.S. aircraft industry; an accumulative loss, by 1985, in the U.S. balance of trade of more than 50 billion; loss to the U.S. Treasury not only the $1 billion so far invested, which would be repaid through royalties, but more than $6 billion in corporate and personal income taxes.

Private industry is in no position to gamble another $300,000,000 to find out if the SST will prove economic. The industry already has a $139,000,000 investment in the plane, and, if the prototypes show an economic potential, the contractors will have to find more than $4 billion for production. The Government is playing for bigger stakes. If the SST is not built, industry's loss of potential profits would be small compared with the staggering losses the U.S. Government would face in damage to a basic industry. On this reasoning, the House Appropriations subcommittee last week gave its nod, by a 7-to-2 vote, to the SST.

The environmentalists refuse to recognize the chief reason the SST is attractive to the world's airline companies, although this same reason promises a beneficial impact on the environment: The SST would be twice as productive as the most productive subsonic jet, the Boeing 747. Thus, it would take half as many SSTs as 747s to handle transoceanic traffic.

RHETORICAL TRAP

If it had not been for the continuing advances in productivity in commercial aircraft, the skies would be swarming with airplanes to handle the demand and airports would have to be 10 times their current size. William Magruder, director of SST development in the Department of Transportation, points out that it would take 50,000 DC-3s to handle the air traffic now served by the U.S. jet fleet of 3,000.

In a way, the Coalition Against the SST has been trapped by its own rhetoric. It built the SST into "an ecological disaster" of such monstrous proportions—in the process allying itself with forces that don't want the SST built no matter how benign its environmental impact—that it cannot now gracefully back away.

The same coalition, which includes the American Federation of Scientists and the Council for a Liveable World, also came together to lobby against antiballistic missiles. When these groups join together, seeking strength in unity, they give up independence of action. They find they can't peel out from the coalition once they get what they would normally feel is a reasonable compromise. They must fight to the bitter end with nonnegotiable demands.

The coalition will continue to push the skin-cancer theory, but not with any enthusiasm. It recognizes it now must battle the airplane on economic grounds, and last week presented an economic case.

Russell Brown, a young chemical engineer from Idaho, appeared on the coalition's behalf, submitting a paper that "proves" the SST could not compete with the 747. When a subcommittee member praised him for his testimony, Mr. Brown could not resist boasting that he had worked out his calculations "in two evenings at a dining-room table." The arithmetic, he said, was so simple that "any eighth-grader could do it."

CONDONING THE GHETTO

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. CLAY. Mr. Speaker, 3 years ago the Kerner Commission reported that our Nation was moving toward two societies—one black, one white, separate and unequal. Today, the recommendations which the Commission made sit on a shelf collecting dust. And the desperate conditions which the blacks find themselves in are perpetuated. They need not continue. However, they are aggravated by the actions or lack of actions taken by this administration. An editorial which appeared in the St. Louis Post Dispatch on March 3 reports that the Commission's recommendations on improving minority housing outside the ghetto have been totally neglected. The article points up the fact that from 1960 to 1970 the percentage of blacks living in the suburbs increased a mere three one-hundredths of a percent.

This administration has not taken adequate steps to integrate the suburbs. The President shrugged off the recommendations made by Secretary Romney to bring Federal action against suburbs which refuses to accept low- or moderate-income housing. The editorial states that:

> The President told reporters in effect that government would support the black man who had the money to buy a house in the suburbs but faced discriminatory obstacles, yet government would not use its legal and financial leverage to compel suburbs to accept housing projects against their wishes.

The Nixon position exemplifies what the Kerner Commission stated, that white society condones and maintains the ghetto. The position opposes the thesis of the Kerner report that low-cost housing should be dispersed beyond the core cities. And so racial conflict in this Nation will continue until our Chief Executive learns that he must come to grips with these problems.

I commend to my colleagues' attention the St. Louis Post Dispatch editorial. The editorial follows:

CONDONING THE GHETTO

The National Urban Coalition is studying six cities to see how they have fared since the report of the Kerner Commission on Civil Disorders three years ago. Senator Fred Harris, a member of that commission, says government's response has been "almost non-existent." That is probably what the coalition will find.

In 1968 the Kerner Commission warned that the "nation is moving toward two societies—one black, one white, separate and unequal." Hence it proposed rebuilding urban areas, dispersing low-cost housing beyond the central cities, strengthening law enforcement, developing 2,000,000 new jobs and providing some national program of income supplementation.

About the only response from the Federal Government in three years is to put more money and weapons into the hands of law enforcement. Family assistance as proposed by the Nixon Administration has been held up in Congress. The rebuilding of urban areas has been minor, and recession tends to develop unemployment rather than new jobs.

Probably the key proposal of the commission was to provide better minority housing outside the ghetto. The Kerner report said this: "What white Americans have never fully understood—but what the Negro can never forget—is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it and white society condones it."

So it has been; so it is today. St. Louis has seen its suburbs zone out moderate-income projects that would enable blacks to leave the ghetto and go where there are better homes, schools and job opportunities. In the 67 largest metropolitan areas of the country, the percentage of blacks in the suburbs increased between 1960 and 1970 from a minuscule 4.2 per cent to a minute 4.5 per cent.

These statistics reflect, as Senator Harris says, federal inaction. The Civil Rights Act passed in the same year as the Kerner report was issued required affirmative government action to open the suburbs to all races. But the Government is not doing its job.

To a great degree the fault lies with the Nixon Administration. Secretary Romney almost alone has argued for use of federal power to withhold federal grants for public projects, or urban renewal money, if the suburbs do not accept low or moderate-income housing. Communities using zoning laws and other devices against open housing have occasionally faced federal suits.

Yet a few days ago President Nixon undercut these ideas and suits. He told reporters in effect that government would support the black man who had the money to buy a house in the suburbs but faced discriminatory obstacles, yet government would not use its legal and financial leverage to compel suburbs to accept housing projects against their wishes.

This clarifies past statements by Mr. Nixon that he would not "force" integration of suburban housing. Unfortunately, history shows that a good deal of desegregation has had to be "forced" by government. The Nixon position exemplifies what the Kerner commission stated, that white society condones and maintains the ghetto. The position opposes the thesis of the Kerner report that low-cost housing should be dispersed beyond the core cities.

In short, Mr. Nixon offers little against the trend toward two societies, separate and unequal. Yet if the nation is ever to compose its tragic racial division, if it is ever to follow the wise guidance of the Kerner report, it will need national leadership to do so. Where is that leadership?

INDEPENDENCE OF THE FEDERAL RESERVE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, March 12, 1971

Mr. BYRD of Virginia. Mr. President, the Norfolk, Va., Ledger-Star of March 10 contains an excellent editorial on the subject of independence of the Federal Reserve.

I ask unanimous consent that the editorial, entitled "The Fed's Independence," be printed in the Extensions of Remarks. The editor of the Norfolk Ledger-Star is William H. Fitzpatrick.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE FED'S INDEPENDENCE

When Dr. Arthur F. Burns was sworn in as the 10th chairman of the Federal Reserve Board early last year, President Nixon put great emphasis on the new chairman's independence. And then, perhaps more than half seriously, the President said he hoped that "independently, he (Dr. Burns) will conclude that my views are the ones that should be followed."

As matters are turning out, this hope of Mr. Nixon's is fading a bit, while that part about Dr. Burns' independence is getting some fresh and altogether healthy emphasis.

The emerging difference between the Burns view and the Nixon view arises, moreover, from a change in the President's approach to economic questions, rather than from any new concepts on the part of the Fed's chairman.

For while the two were seeing pretty much eye-to-eye at the time of the Burns appointment, the President has most definitely shifted economic ground in the past few months, with his proposals for an expansionary budget and the inclusion of substantial deficit spending in an attempt to spur the flagging economy and reduce unemployment.

Then suddenly, there is Dr. Burns, balking and speaking out against Presidential policy with the same candor and firmness as his tough-minded predecessor, William McChesney Martin, who was quick to challenge the White House when he thought the White House was wrong. Specifically, Dr. Burns is worried that the President's economic stimuli will be inflationary. And while he is willing to have the Fed expand money supply and credit as needed, he is refusing to approve the more rapid expansion the administration wants.

Well, in this situation Dr. Burns is going to get a good deal of applause from those who simply believe he is on the sounder economic footing, and that the President's pump-priming approach is dangerous. Virginia's Senator Byrd is certainly in this category, and in a statement recently found great encouragement in the braking effect of the Burns position on the new Nixon policy.

But even without arguing the merits of the respective economic theories, there is something most reassuring in the way Dr. Burns is functioning in his key fiscal post—something which Senator Byrd also commented favorably upon. That something is the effective separation of the Fed and its influential chairman from the politics and the day-to-day policy decisions of the administration.

The country is fortunate in the way the power to influence the economy by government action has been divided up by law, so that means are at hand to prevent the massive, one-direction fiscal manipulation which could be wrong—disastrously. The nation is even more fortunate when men of great integrity wield the key positions of power in this situation.

Dr. Burns went into the chairmanship as a Nixon appointee, but he is plainly going to be his own man, regardless of who happens to be President. And, with the new chairman's acknowledged competence in money matters, this independence augurs well for the future of the country.

FIRING 57 AIR TRAFFIC CONTROLLERS PROVING COSTLY BOTH TO CONTROLLERS AND TO COUNTRY

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. MATSUNAGA. Mr. Speaker, in the wake of the air traffic controller "sickout" last April, 57 controllers were fired by the Federal Aviation Administration—FAA.

Some of those fired have been reinstated as a result of appeals; most of the others have appeals pending. But the tragic result of the dismissals is that our control towers and centers have been deprived of some of their most skilled controllers.

As we all remember, Mr. Speaker, one of the central issues in this dispute was the shortage of controllers, a shortage acknowledged de facto by the FAA when it hired a record number of controller trainees last year. Ironically, the highly skilled men who could contribute significantly to air safety, are stubbornly being kept off their jobs.

One of those fired is working as a carpenter thousands of miles from his former home; one is selling insurance; one, an ex-chief with 28 years' experience as a controller, is unemployed.

All this at a time when the remaining controllers are again working overtime hours that tax nerves and lower safety standards.

Moreover, it is possible to total up substantial dollar costs resulting from the firings.

At an estimated cost of $15,000 to train a new controller, the price tag for replacing all of those fired would run more than $800,000.

Some of the firings have already been reversed on appeal, either by the Civil Service Commission or the FAA itself, with the men receiving full back pay and benefits for the period between firing and reinstatement—in some cases as long as 10 months.

Many overtime hours now being worked, at a premium cost to the Government, can be attributed to the nonavailability of those who have been fired.

Meanwhile, many of those dismissed have suffered economic tragedies while their sophisticated, highly demanded skills go unused.

Many of the problems I have noted were discussed in a thoughtful article by John Cramer in last Friday's Washington Daily News. For the benefit of my colleagues and other readers of the RECORD, I include the article in its entirety.

[From the Washington Daily News, Mar. 5, 1971]

FAA DEALING HARSHLY WITH CONTROLLERS

(By John Cramer)

There's sharp contrast between the way the Postal Service treated the 200,000 postal employes who went out on a wildcat strike last April—and the way Federal Aviation Administration treated the 3,200 air traffic controllers who went on "sick-out" in March and April.

The postal employes struck for more pay—and got it.

The controllers went "sick" (Labor Department later formally declared their action a strike) for greater air safety, including more controllers. They, too, won their point.

But where the Postal Service, as pointed out here Monday, has not penalized a single striking postal employe except to dock them pay for the days they were off work, FAA has taken the tough approach.

57 FIRED

It has fired a total of 57 controllers, almost all of them local presidents or leaders of the Professional Air Controllers Organization, which sponsored the "sick-out."

It has suspended some 1,800, the great majority on the basis of two days suspension for each "sick" day.

But interestingly, FAA is having trouble making its stiffer penalties stick.

All 57 controllers have appealed.

Five have been restored, with retroactive back pay, after FAA hearings. (Why didn't FAA hold hearings before it fired?)

Six others have been restored, again retroactively, by Civil Service Commission order.

An additional nine have won preliminary commission decisions in their favor at the regional office level. FAA is contesting these decisions.

Thirty-five appeals still are pending.

Only two controllers have lost their appeals at the commission level.

Meanwhile, however, FAA also is finding that at least some federal courts take a dim view of its tough approach. There's large question about the legality of the 57-firings.

A layman may even suspect that FAA's attorneys bungled. And eventually, the Supreme Court probably will decide.

The possible bungling came this way:

About three weeks after the start of the "sick-out", FAA went into 17 federal district courts and obtained injunctions requiring the "sick" to return to work. It argued, among other things, that it desperately needed their services for air safety reasons.

Then, when the controllers returned in response to the court orders, FAA promptly began to fire the first of the 57 local union leaders who allegedly had been most active in promoting the "sick-out".

The union promptly challenged the firings.

And several district courts, including those in Denver, New York, and Chicago, sustained the union.

They ruled in effect: "Whoa, now, FAA. We ordered your people returned to work because you insisted you needed them—for air safety. Then you fired them. That wasn't what we had in mind.

"We heard only your side of the story, FAA. Had we known you intended to fire, we would have heard both.

"We ordered a return to status quo. We didn't mean to give you a license to fire—even though the law permits firing of federal employes who strike against the government."

VARIED RULINGS

U.S. Courts of Appeal upheld the Denver and Chicago decisions against firing of the strikers. But an Appeals Court in New York overruled the lower court decision there.

Thus, the issue now is headed for the Supreme Court on the basis of conflicting decisions from the appellate courts.

Meantime, the controller "sick-out"—or strike as it has been officially ruled—stand as something unique.

Here were 3,200 relatively well-paid ($17,000–$18,000) guys, bearing terrible responsibility, walking off their jobs because they insisted their work conditions imperiled the safety of millions of air travelers they were sworn to protect.

They could cite under-staffing . . . long hours of overtime . . . a minimum of work breaks to ease the strain . . . incompetent supervision . . . group records which proved an exhorbitant rate of broken homes, breakdowns and suicides . . . and above all, that searing responsibility for those 98 passengers, landing, on instruments, at a souped-in, stacked-up airport.

OFFICIAL REPORTS

They also could cite numerous official reports, and the testimony of at least one former FAA chief supporting their basic contention that safe air control calls for far more controllers, and much more effort to reduce strain.

The controllers won something: Last year, FAA hired 3,600 controller trainees, the greatest number in history. Today, it has more controllers, 10,000 journeymen as against 8,900 last year, and more trainees than ever before.

There will be many take-offs and many landings before the "sick-out" finally is evaluated.

Perhaps someday there will be plaques at major airports to commemorate these men who dared so much—not for themselves, but for others.

Meantime, the controllers can expect little compassion from FAA. But probably a great deal from federal officials, including federal judges, who travel much by air.

BERKELEY—AN EXPERIMENT IN TAKEOVER FOR A RED SANCTUARY WITHIN THE U.S.A.

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1971

Mr. RARICK. Mr. Speaker, there appears a likely possibility that a Black Panther controlled police force and a Marxist-type rule might become a reality in Berkeley, Calif., when the ballots are counted in the April 6 municipal elections in that city.

That such a grave experiment in liberal democracy was allowed to develop can be credited in large measure to extreme U.S. Supreme Court decisions which have taken from sovereign States their people's power to regulate voting, invalidated all laws to protect the internal security of the country, provided extralegal sanctuary to criminals, and handcuffed the police. Now the American people may learn the truth behind the voting rights act, instant voting appeals, instant welfare, and instant public housing—a mobile voting bloc for target areas, and have made a shambles of our Constitution.

However, the Supreme Court is not alone to blame for this most serious development. The learned men who wrote the U.S. Constitution, provided through a system of checks and balances, a means for the legislative branch—the only branch elected by the people—to check the power of a tyrannical Supreme Court in article III, section 2, clause 2:

> In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

Congress, therefore, can again save the day simply by passing a law limiting the appellate jurisdiction of the Supreme Court and reenacting laws providing for the protection of our people by the arrest and prosecution of those working and calling for the overthrow of the Constitution.

We are witnessing the effects caused by erosion of the U.S. Constitution and the undermining of this great Republic. It is within our power to stop this insanity now—if only we use that power.

If your children and grandchildren and mine must eventually live as slaves in a totalitarian state, they can rightfully hold us culpable for their servitude because of our apathetic inaction. By our failure to act now to stop the subversion by the collectivists and their exploited idealists within our country, we are in effect collaborating in their satanic endeavors.

Because of the tyrannical usurpation of power by the Supreme Court, I have introduced a bill, H.R. 390, which would limit the jurisdiction of the Supreme Court. The thrust of my bill would be to curb the power of the High Court to rule unconstitutional—a right which does not exist except by judicial usurpation—laws passed by Congress, thereby allowing Congress to go about the business of enacting laws imminently vital to protect the decent productive citizens of this country from the criminal anarchist element which is gnawing from within at the foundations of law and morality upon which our country was built.

I insert my H.R. 390 at this point in my remarks:

H.R. 390

A bill to impose certain restrictions upon the appellate jurisdiction of the Supreme Court

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 81 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 1259. Appellate jurisdiction; limitations

"The Supreme Court shall not have appellate jurisdiction to—

"(1) decide that any provision of a statute of the United States, a State statute, or a State constitution, is invalid because it is in violation of any provision of the Constitution of the United States, or

"(2) reverse, alter, or modify any decision or rule of law made by the Court,

except upon the concurrence of the full membership of the Court.".

(b) The section analysis at the beginning of chapter 81 of title 28, United States Code, is amended by adding at the end the following new item:

"1259. Appellate jurisdiction; limitations.".

Mr. Speaker, the hour is late. It is high time that we, the people's Congress, arouse from our lethargy and take prompt and positive action to curb the appellate jurisdiction of the runaway Court and then proceed with due haste to enact legislation to repair the damage done by the imprudent and unconstitutional decisions of the High Court.

I fail to comprehend that there could be any lack of concern of this responsible body regarding the internal threat to our Constitution.

In addition to the de facto High Court decisions and the failure of previous Congresses to repair the damage wrought by those decisions, the people of the United States, in the final analysis, must shoulder the responsibility for allowing this liberal's induced environment in Berkeley to ferment and to be tolerated.

During the last half of 1969, Dr. George S. Benson, president of the national education program and president emeritus of Harding College of Searcy, Ark., had prepared and distributed a tape recording of the speeches delivered from the main podium of the Black Panther "United Front" revolutionary conference at Oakland, July 18–20, 1969. In attendance at this conference were approximately 4,000 delegates from over 300 Communist and other anti-American groups. At this conference, such publicized Communists as Angela Davis, Herbert Aptheker, and Attorney William Kunstler spoke and openly called for the overthrow of the government of this country.

An outcome of the conference was a call to establish National Committees to Combat Fascism in cities throughout America. One of the primary objectives of an NCCF was to get community control of the police. Already in Berkeley enough signatures have been secured to have placed on the ballot an amendment to Berkeley city charter which would give the Black Panthers control of a part of the police department and the power to virtually destroy law enforcement.

In New Orleans, La., the National Committee to Combat Fascism was active in shaking down welfare recipients to finance the NCCF's fascistic battle. See my remarks in the Congressional Record, volume 116, part 26, page 34971.

Making a mockery of the elective process, thousands of hippies and other unproductive dregs of society have converged on Berkeley to register within the 90-day deadline prior to the election.

In the meantime at the university special interest, noncredit extension courses are offered in such "academic" areas as sex pairing, styles of communes, witchcraft and other high-level psychological offerings to soothe the savage breast and keep the "new voters" on hand with relevant entertainment.

Will the American people be watching the takeover of an American city by a group of Marxists and other radicals while we, their representatives in the Congress, do nothing? May God forbid this.

Again, I say, the time to act is now.

I insert at this point a newsclipping on the "new" extension courses at the University of California at Berkeley and Dr. Benson's account of the Berkeley affair entitled "Red Putsch at Berkeley" from the February 1971, issue of his National Program Letter:

Red Putsch at Berkeley

(By Dr. George S. Benson)

Could an American city be taken over by Communists in 1971? Hardly any person in our nation would answer "Yes" to this question. Could a coalition of radical extremists and revolutionaries, dedicated to actions and programs charted by known Communists, seize control of an American city in 1971 through legal political action? Most Americans understandably would say "No." It might happen in South America, the Carribbean, or some Asian country, they would say, but certainly NOT in America 1971.

It may happen in Berkeley, California, in 1971. A few hundred citizens of Berkeley are mobilizing in an attempt to turn back a powerful radical force seeking to seize control of the Berkeley city government. If the citizen movement (of pitiful, small size) fails and the radical-revolutionary coalition succeeds, many well-informed observers in Berkeley, and elsewhere in California, believe Berkeley will in time become virtually a second Cuba, an aggressive fortress of World Communism at the heart of America's intellectual "Athens" and in one of the most strategic areas, militarily, in the nation.

WE GO TO BERKELEY

Fantastic? Unbelievable? Yes, we thought so too when we began to get word of the developing showdown in Berkeley between the radical forces, whose "Supreme Command Headquarters" would appear to be the University of California campus, and the people whose families have built such a beautiful little city on the slopes of the Berkeley Hills overlooking San Francisco Bay, the Golden Gate, and the glittering Pacific metropolis of story-book and song.

We decided to go to Berkeley and dig out the facts. After interviews with newspaper editors on the scene, police authorities, and undercover intelligence operatives, members of Governor Reagan's staff, groups of concerned citizens, and a day spent probing the situation on the University campus with its 27,000 students (mostly graduate students) from 50 states and many foreign countries, we don't feel so sure it couldn't happen in Berkeley.

IT COULD HAPPEN ANYWHERE

Some of the facts revealed by our reportorial digging in and around Berkeley are, yes, fantastic; certainly unbelievable for most Americans. We hope this report will awaken millions of citizens to some of the perils confronting us inside America—for what happens at Berkeley on April 6 (and thereafter) could be made to happen any and every place in America.

We investigated in depth the Communist-conceived Black Panther referendum in Berkeley for "Community Control of Police;" the larger, more significant effort of the combined radical movement to seize control of the city government; the spread into the hills of northern California of armed "communes" whose members are building well-trained revolutionary cadres to carry on an expanding guerrilla warfare; and the thoughts of police authorities in Los Angeles and San Francisco on a shift in the nature of the revolutionary forces bent on creating chaos and panic as a prelude to seizure of control throughout the nation. The facts will be reported in this and next month's NEP Letter.

ALL POWER AT STAKE

One showdown will be on April 6, when Berkeley's municipal elections are held. The Panthers, through their "National Committees to Combat Fascism" (NCCF), already have succeeded in the first step of their strategy, adopted at the Communist-controlled Black Panther "United Front" revolutionary conference at Oakland, July 18–20, 1969 (reported in our Letter frequently in 1969 and 1970). They have obtained far more than the required 16,000 legal signatures and have thus placed officially on the April 6 ballot an amendment to the Berkeley City Charter which would give the Panthers control of a part of the police department (details later) and the power to virtually destroy law enforcement.

The bigger goal of the radical coalition (which includes the Panthers and about 80 other radical organizations) is control of the city government, including the school board, the entire police department, the courts—the very life and resources of this famed university of 113,000 population. The likelihood that the radicals may indeed succeed in this primary objective is what stirs the deepest fears of those people in Berkeley who have fought, so far ineffectually, the gradual growth of Communist power (in a variety of forms) in the University community and in their idyllic city by the sea.

SHOOTOUT BY BALLOT

Communists within the leadership of the Black Panther Party, and the Soviet and Chinese agents in America who are reportedly controlling the Panthers, are overjoyed with the recent march of events in Berkeley. What makes the Communists so happy is that even if the Panthers' "Communist Control of Police" referendum fails, its provisions would be activated if the radical candidates succeed in gaining control of the city government, which now seems a likely possibility.

Mike Culbert, Editor of the Berkeley Gazette, told us (when we visited Berkeley last week) that the referendum has about a 50–50 chance of passage and that, due to a truly fantastic election law provision requiring only 90-days residence for voting eligibility, a slate of City Council candidates and a Mayoralty candidate backed by a radical coalition has better than a 50–50 chance of winning control of the city; and, if they do, Mr. Culbert says, they would do the things the Panthers want done.

A MARXIST-TYPE RULE?

"Make no mistake about it," he said: "The latest drive by the combined Berkeley Left to destroy the Berkeley Police Department (legally if possible) is a genuine threat to the existence of Berkeley in recognizable form." He went on to say that if the radical slate of candidates running for four City Council seats and the Mayor's office should win, a Marxist-type rule might well become a reality. Another Berkeley citizen, one who is working undercover with various police intelligence units, went further than "might become." He told us: "We would have a completely Marxist-Maoist government in control of our city." This man, whose family for two generations has helped build Berkeley into a beautiful little city, already has made plans to move out of California.

The Black Panther referendum would, if approved, abolish the present police department. It would divide the city into four districts—two in which White residents are predominant; one in which Negro residents are predominant, and one embracing the university community melting pot in the southwest part of the city. Blacks would control police hiring and firing in their area; university students, faculty and "street" people would control their area; and white residents would have control in the two white areas, which are separated by the big Negro district.

GOVERNOR WATCHING

Other provisions would, opponents of the measure say, prove destructive to law and order and bring on anarchy in Berkeley. A number of Berkeley policemen have left the force, and a massive exodus is expected if the referendum passes or the radical slate of City Council candidates, and their mayoralty candidate, should win on April 6. A spokesman for Governor Ronald Reagan told us in Sacramento that the Governor is "very much concerned" over developments at Berkeley. "He is getting information from various officials and organizations," he said. "The Governor is very much aware of the situation and very much concerned."

We have heard Bobby Seale, National Chairman of the Black Panther Party, say that "Community Control of Police" should not be viewed by his comrade revolutionaries as an attempt to gain power "within the system." He said it was a "first step" in revolutionary seizure of power, and that, if the referendum did not prove to be a successful instrument for gaining "first step" control in cities throughout the nation, it was nevertheless a powerful device with which the Panthers could attract the Negro masses into a cooperative undertaking. The non-Communist masses, once they are working with the Panthers in such a project, will be better candidates, Seale explained, for recruitment into the Panther's revolutionary ranks and ultimately into the armed force required to overthrow "American Imperialism." More than 16,000 Negroes and whites signed petitions and thus are aiding the Panthers in their Berkeley grab for power.

BATTLE FOR BERKELEY

Most members of the present City government and many prominent citizen-leaders are frightened at the mammoth drive being mounted by the radical political elements. The radicals call it the "APRIL 6 MOVEMENT" (apparently emulating heroes of campus radicals, Castro and Guevara, with their "26th July" Cuban revolutionary movement).

Mayor Wallace Johnson, who is quitting his post, has created a committee—"ONE BERKELEY COMMUNITY"—and appointed as his co-chairmen: Wilmont Sweeney, Vice Mayor: Arnold Grossberg, President of the Berkeley Board of Education; Mrs. Carol Sibley, Board of Education member; and Mrs. Elenore Newman, Chairman of the Citizens Commission on Public Safety. Two other city-wide organizations, the BERKELEY CITIZENS UNITED (membership, 600) and CONCERNED BERKELEY CITIZENS (membership, 700) are militantly opposing aims of the radical coalition.

RADICALS "STACK THE DECK" AT BERKELEY

The Daily Californian, student newspaper of the University of California at Berkeley, which serves its 27,000 students, several thousand faculty, perhaps 10,000 "street people," and a large segment of the Negro community of Berkeley, has become a powerful voice for the radical political coalition which seeks, with the Black Panther Party and the "National Committees to Combat Fascism," to take over control of the city and its institutions. A January 8 editorial urged that the radical elements: "Seize the City!" The editorial said: "The April 6 Movement, a campus organization . . . has undertaken the task of registering 10,000 voters before the deadline (April 6 city elections), and time is running out. Go to the table at Sather Gate (historic University entrance) to register and volunteer to help . . . The NCCF Community Control of Police measure will be on the ballot, along with four City Council spots and the mayor's office. The present Council and Mayor are scared . . . Too late . . . We want the city and we want it now!"

The present government of the city of Berkeley is indeed frightened. The non-radical citizens of Berkeley are frightened. If the University radicals register 10,000 student-and-faculty voters in additions to present registrations, and if the Panthers and their comrades get the potential radical vote to the polls, they can take over the city legally. Should they bring it off, some of the best informed citizen leaders in Berkeley say the city soon would have "a form of Marxist-Maoist" control.

PADDING THE VOTE ROLLS

As of October 14, 1970, there were 75,269 registered voters in the city of 113,000. This is the highest ratio of voters to population in the country. The reason for the record is that hippies, "street people" and radical transients of all descriptions, with just 90 days residence in Berkeley, can register and vote. Among the 75,269 are 51,269 declared Democrats, 15,550 Republicans, 3,151 Peace and Freedom Party members and about 5,055 fragmented and "party not stated." The voting situation for one of the most important city elections in American history is fantastic, virtually "out of control."

MASS REGISTRATIONS

It has worsened even since the November elections, when Ed Montgomery, top subversive activities reporter of the San Francisco Chronicle, wrote: "Alemeda County (Berkeley-Oakland) District Attorney Lowell Jansen and Edith Campbell, Berkeley City Clerk, agree that as the election code now stands interpreted it theoretically would be possible for 20,000 hippies, say, to converge on Berkeley, register 90 days in advance of an election, from any address bona fide or otherwise, and seize control of the city government in any given election." Theoretically? It *is* happening now!

The radical groups were so successful in Alemeda county in the November elections (with Congressional and State candidates) that 80 have now joined together in a coalition effort to become an overwhelming force in the city elections April 6. At the Sather Gate on the University campus, on the Sproul Hall plaza (where campus violence was first tested, then refined and spread across the country) and on the many streets that fan out from the campus, registration tables have been busy for weeks. The 75,000 city-wide registration total of last October has been passed. We watched one day last week as scores of hippie-types were brought up to the registration tables.

CITY OFFICIALS HELPLESS

City authorities say there is really no way a check can be made of the authenticity of addresses given by the "street people" and obvious transients who are registering in droves.

Young Negroes in the predominantly Negro district (approximately 35,000 population) have been signing up registrants in the thousands and getting paid 10-cents per name. Berkeley police picked up a 14-year-old boy carrying a voter registration slip in his name. Juveniles are using voter registration slips as proof of age in buying liquor. When we observed (last week) the outward character of the present U. C. student body, browsed through wide-open Communist bookstores ringing the campus, inhaled the Marijuana clouds drifting down onto the streets from the second-floor hippie "communes" on Telegraph Avenue, and viewed the fierce revolutionary fervor of Black Panther and other radicals stirring up revolt all over Berkeley, our grave fear for the future of Berkeley—and for our nation—was deepened. This is happening at the intellectual heart of America! And it is spreading.

The people we talked with from Southern to Northern California, including intelligence operatives in the Los Angeles and San Francisco police departments, feel that the alienated radical youth in America now constitute the greatest danger to our society. "If a really high calibre leader should arise from among this 'revolutionary culture'," said Lieutenant Briggs, Chief of Intelligence in LA's Public Disorder Division, "our country would be in for terrible times." More in next Letter.

Some Far-Out Courses

(By Donovan Bess)

A really, really, hip, far-out, mind-blowing, groovy, out-of-sight program of study has been approved by the University of California at Berkeley, a campus whose faculty is almost unbearably distinguished in the realm of academia.

Students in one course (credit allowed) will be treated to songs by the Joy of Cooking rock group and a "musical experience" from the Sweet Smell String Band.

Other students (but not for credit) will hear a psychologist discuss "ways of enriching adult intimacy outside of the marriage relationship."

The psychologist, George R. Bach, has written a book on "Pairing," and when he writes of intimacy he by no means leaves out sex.

PROGRAMS

The courses and programs will be offered by the UC Extension from March 13 to June 2. They were approved by campus departments and the Academic Senate Committee on Courses.

Those who sign up will learn about "differing styles of hippie communes," "mate selection," "quite revolutionary modes of psychotherapy," "the roles of music and drugs in the youth culture," the characteristics of "magic, witchcraft and shamanism," "utopian socialism"—among scores of other similar subjects that run smack up against the new socio-psychic frontier.

How did UC get into all this? Simply by trying to keep up with the times. For one thing, the Extension gets no support from the taxpayers so it has to get lots of people to attend who can pay the fees.

POPULAR

"We tend to keep abreast of what's going on in popular thought," said Vivian Sutcher, one of the 17 programers for Berkeley Extension.

Mrs. Sutcher, working closely with faculty members, developed the course on communes that will be held March 13–14, a lecture series on "Systems of Psychotherapy" that will begin on April 1, and a program for single adults, on March 20–21, called "Pairing: The Search for Intimacy."

"These are all ideas and concepts that people are concerned with," she said, and the university wants to use its resources to "bring clarity and light to what people are talking about."

Unlike the Campus "we are not locked into courses of studies" leading to degree requirements, she observed.

Mrs. Sutcher said she cooked up the course on communes after hearing that a young UC sociologist, Benjamin Zablocki, was about to publish a book, "The Joyful Community," based on six years of studying communes.

She said she lined up Bach to give the weekend on "pairing" after hearing the psychologist give an Extension course in "creative aggression." But the UC Department of Psychology declined to approve the pairing course for students wanting college credit, she said.

Mrs. Sutcher organized the psychotherapy lecture series after 29 students in a class on theories of psychotherapy said they would like to be involved with the people who do the therapy. So eight Ph. D.'s in her series will give the word on their systems—each of them the latest thing.

TITLE

Another programer, Carol Thompson, developed a class with the title of "In Pursuit of Ecstasy." This came about, she said, "from a conversation with George DeVos," a UC professor of anthropology.

The course will go into such questions as "The Drug Experience: Can You Bring It Back to Everyday Life?"

Professor DeVos will direct the course. He said another question to be gone into is: "Why Is Astrology So Popular Again? Why Is There This Need for Security in Trying To Know the Future?"

One of his lecturers will be Margaret Locke, a UC graduate student who studied shamanism in Japan. Miss Thompson said the Extension is trying hard to sign up Carlos Castaneda, the author of a best-selling book on his incredible parapsychological experiences with a Yaqui Indian "sorcerer" known as "Don Juan."

Another programer, Tom Baird, will offer a course on "Mobility of Modern Youth." It will be headed by Paul Heist of the UC Division of Higher Education. This is the course that will give participants some rock music experience.

An elegant team of experts will explore the nature and motivation of "the hikers and wanderers," as well as the new phenomena of students switching continually from college to college.

These days, commented Professor Heist, "people in adolescence now go through more changes in a shorter time than before." And they are "rejecting their heritage earlier" than previously, he said—for example in the realm of religion.

Which brings up the subject of the sixth of these bold new programs: "The Future of Man in Community: Religious and Socialist Utopias."

FAITH

This one was developed by Elspeth Smith because of "the overwhelming success" of an Extension lecture series last fall on "Faith"—it drew more than twice as many participants as expected.

"The unusual thing was that we got so many young people," Mrs. Smith said. "Usually we get older persons—the younger ones can't pay our fees. Religion seems to be what the kids are interested in these days."

Eight lecturers will "search through history for keys to the future of how man can live with his fellow man" and investigate "both religious and socialist models: monasticism, the kibbutzim of Israel and England, encounter-group communities, communes in California, bohemia as utopia and the new political consciousness in Brazil."

The UC Extension address is 2223 Fulton Street, Berkeley 94720.

HOUSE OF REPRESENTATIVES—*Monday, March 15, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let the peace of God rule in your hearts.—Colossians 3: 15.

Most gracious God, we give Thee hearty thanks for this good land in which we live, for the freedoms we enjoy, for the opportunities which are ours, and for the glory of a great government in which we share. Help us ever to be mindful of our responsibilities, ever true to our trust, and ever faithful to Thee.

Grant unto the nations of the world Thy wisdom and help all countries to promote the welfare of all people. In global relationships restrain jealousy, hatred, and bitterness and awaken the spirit of justice, truth, and good will that men may learn to work together for the good of mankind.

Hasten the day when peace shall reign in every heart and rule in every land.

In the spirit of the Prince of Peace we pray. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on March 8, 1971, the President approved and signed a joint resolution of the House of the following title:

H.J. Res. 337. Joint resolution authorizing the President to proclaim the second week of March 1971 as "Volunteers of America Week."

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4690. An act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4690) entitled "An act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. ANDERSON, Mr. TALMADGE, Mr. BENNETT, and Mr. CURTIS to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 575. An act to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended; and

S. 671. An act to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gross Ventre Tribe of the Fort Belknap Reservation, Mont., in Indian Claims Commission docket No. 279-A, and for other purposes.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON JOINT RESOLUTION MAKING FURTHER CONTINUING APPROPRIATIONS, 1971

Mr. **McFALL**. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on a joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes.

Mr. **BOW** reserved all points of order on the joint resolution.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT REGARDING CONTINUING APPROPRIATIONS, 1971

Mr. **MAHON**. Mr. Speaker, I wish to announce to the House that the Committee on Appropriations has today reported a joint resolution making further continuing appropriations for the Department of Transportation for the fiscal year 1971 beyond March 30; that the resolution includes approval of a continuation of the supersonic transport program, the SST; that the joint resolution and report on it are available to all Members and the press at this time; and that the printed hearings are available to all Members.

I understand from the leadership that the joint resolution will be before the House on Wednesday next for debate, and for consideration under the 5-minute rule on Thursday next.

I thought that all Members should have the opportunity to know about the status of this matter at this time.

APPOINTMENT OF CONFEREES ON H.R. 4690, INCREASING PUBLIC DEBT LIMIT

Mr. **MILLS**. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4690) to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? The Chair hears none, and appoints the following conferees: Messrs. MILLS, WATTS, ULLMAN, BYRNES of Wisconsin, and BETTS.

SOCIAL SECURITY BENEFIT INCREASE

Mr. BURKE of Massachusetts. Mr. Speaker, I arise at this time to urge the conferees appointed on the part of the House to consider the debt limit legislation and also the social security amendments by the Senate to that bill to support the 10-percent increase retroactive to January 1, 1971, to all social security recipients. This slight increase is long overdue.

I also request that the conferees further support the Senate version to raise the ceiling on earnings from the present figure of $1,680 to the level of $2,400 as recommended by the Senate.

While this figure is not adequate it is a step forward and will help to relieve the present condition of hardship being endured by social security recipients caused by the acceleration of the cost of living.

A PROPOSED FORESTRY LEGISLATIVE PACKAGE

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am introducing for myself and others a number of bills which are intended to strengthen legislation affecting the Nation's forestry programs. The importance of the forests of America is too well known to require discussion. What is not generally known is the fact that forestry programs have not been updated to meet present-day demands. This I hope can be accomplished by a carefully planned legislative program which is designed for a modern forestry program. There is an immediate need to enact new legislation in a number of specific areas. These include:

First. Fire protection, Clarke-McNary Act, section 2.

In our country, we have taken a great deal of pride in the forest fire control program, yet this work is far from finished. Population expansion and increased use of forest lands impose constantly greater problems. Damaging wildland fires continue to challenge fire protection organizations in different parts of the Nation each year. In 1967 large wildfires occurred in Idaho. In 1968 and 1969 it was Alaska, and then in 1970 California and Washington experienced fires of disaster proportions. Extremely hazardous burning conditions in South Carolina and North Carolina in the fall pushed their fire protection organizations to the limit.

In increasing numbers, people continue to build homes in forested areas considered remote only a few years ago. In addition, the increased mobility of leisure time of our population are placing new pressures on these lands. The value of the Nation's forest resources is growing rapidly. To provide adequate protection, there is a need for an increase in funds used for fire control.

Control of wildfire is a cooperative venture in which State and the Federal Government work together to reduce the number of fires and damage on non-Federal public and private forest and nonforested watershed lands. Through this State-Federal cooperative effort, the million-acre fires around the turn of the century are now a part of history. Progress is being made. Today large fires comprise less than 1 percent of the total number of fires each year and seldom exceed 50,000 acres. However, these fires cause the majority of the losses sustained by our natural resources and improvements, and there are too many of them.

Three-fourths of the Nation's forest lands are in State and private ownership. The national interest in these forests was first expressed in the passage of the Weeks Law of 1911. An expanded program of cooperation for fire control on forests and nonforested watersheds was made possible by section 2 of the Clarke-McNary Act of 1924. In 1924, 33 States were involved in this cooperative enterprise. Today all 50 States actively participate in the cooperative fire control program.

The Federal expenditure level has increased from $360,000 in 1924 to $16.5 million in 1970. Over the same span of 46 years, State expenditures have increased from $1.9 million to about $97 million.

To determine the cost of providing adequate protection for eligible land, periodic studies are performed. The 1949 study indicated this cost to be about $40 million. On a 50–50 matching basis, $20 million would be the Federal share. Congress passed legislation in 1949 which provided for the present $20 million authorization. Remember that was long ago. The most recent survey, made in 1965, showed that $123 million would be needed to provide an adequate level of fire protection for these lands. Translated to today's prices, the cost is estimated to be at least $138 million.

In 1958 the Battelle Memorial Institute of Columbus, Ohio, made a study of the cooperative fire control effort. The study indicated the range of the Federal share to be 59 to 40 percent and the State share from 41 to 60 percent. The 1969 study made by the Southern Forest Resource Analysis Committee—the South's Third Forest—estimated the Federal share for fires in their area should be 29 percent of the total fire control costs. Applying this more recent information to the $138 million estimated program costs for all 50 States would result in a Federal share of $40 million.

Program experience has shown that each Federal appropriation increase results in an increase in State expenditures. The increased Federal funding provides an additional stimulus to place more lands under protection and providing more adequate protection for other areas. But it is significant that the States already are doing much more than the Federal Government.

For the 512 million acres of forest and nonforested watershed land in the Clarke-McNary program to make their optimum contribution to increased income for dependent landowners and operators, better living conditions for rural people and a stronger national economy, a greater Federal effort is necessary.

In summation, fire prevention, detection, and control require activities far beyond the capabilities of individual forest owners. People everywhere are benefited when protective measures are applied effectively because damage to forage, forest, recreation, watershed, and wildlife resources affects both the environment and the national economy.

Congress recognized this need when it authorized cooperative Federal-State fire protection in the Weeks Act of 1911. The Congress clarified its intent in section 2 of the Clarke-McNary Act of 1924 (CM–2). Today all 50 States actively participate in the cooperative fire control program.

The Federal expenditure level has increased from $360,000 in 1924 to $16.5 million in 1970. Over the same span of 46 years, State expenditures have increased from $1.9 million to about $97 million.

Under the Clarke-McNary Act, Federal participation is authorized up to 50 percent of the total cost. But instead of 50 percent, the Federal share in fiscal year 1970 was 14.5 percent while the State share was 85.5 percent.

On 200 million acres, protection forces are spread too thinly for effective control during periods of extreme hazard such as prolonged drought, high temperatures, and strong winds. Some 31 million acres are not protected at all. In 1969, the last year for which complete statistics are available. more than 103,000 fires started on State and private lands. Over 97 percent of these fires were man-caused and thus preventable. They destroyed forest resources on 2,576,987 acres. The most recent survey, made in 1965, showed that $123 million would be needed to provide an adequate level of fire protection for these lands. Translated to today's prices, the cost is estimated to be at least $138 million. Both the number of fires and the acreage burned can be reduced by more intensive fire control efforts.

It should be obvious that the present authorized limit on Federal expenditures is out of date. The States cannot be expected to continue indefinitely to increase their appropriations without a more equitable share from the Federal Government. The size of the job is growing and this will continue to be true. If we are to plan soundly for a long and effective fire control program, the present Federal authorization should be increased to $40 million annually as is recommended by forestry experts throughout the Nation.

Second. Increased authorization for cooperative forest management.

Since the cooperative forest management—CFM—program was authorized by Public Law 729, August 25, 1950—amended September 25, 1962—it has provided a primary vehicle for making technical forest management assistance available through State forestry organizations to hundreds of thousands of nonindustry private forest owners.

Assistance is provided in a broad range of activities such as preparing multiple-use forest management plans; protecting the forests from fire, insects and diseases, and other damaging agents; tree planting; improving timber stands with thinning, cleaning, and cull tree removal; improving the forests for water, wildlife, recreation, and forage; and harvesting and marketing forest products.

Protecting and enhancing the role of nonindustry private forests' contribution to the environment is a very important element in the technical assistance provided.

Also provided is technical assistance to processors of primary forest products. This includes advice in plant layout, equipment, and manufacturing techniques for economically improving the quantity and quality of products and stretching supplies of raw materials.

Although the beneficial effects of the program are substantial, they fall far short of national needs if the 300 million acres of nonindustrial private forests, owned by some 4 million people, are to furnish their share of products in the future. Currently about 115,000 owners annually receive assistance.

By 1985, industrial and Federal forest lands will not be able to provide the larger timber harvests that will be essential for housing, paper products, and other needs. The opportunity to fill the gap lies in the nonindustrial private holdings which account for nearly 60 percent of the acreage available to supply the huge demands for timber forecast for the future. Under their present relatively low level of management, they are producing less than half their productive potential. Far greater use must be made of these forests and at substantially higher levels of management. An important element in solving the timber supply problem is an accelerated and intensified program of Federal-State cooperation in providing technical assistance to landowners who lack forest management expertise.

A parallel need exists for an increased level of technical assistance to help private owners improve management of their forests to meet rapidly growing demands for water, recreation, and other nontimber products and amenities include enhancement of the environment.

As population has increased, so have public demands for other values derived from the forests in addition to timber. Greatly increased demands for outdoor recreation are in prospect—camping, picnicking, driving, hiking, hunting, fishing, and snowmobiling—and they need space in the forests. These demands emanate largely from large centers of dense population where public forests for recreation are often overcrowded and are relatively unavailable to a large segment of the population.

Further growth in population, coupled with increased mobility and leisure time, will tend to sharply increase the impact of recreation demands on nonindustry private forests. The search for forest space for recreation largely is in the direction of the nonindustry private forests, especially in the East, because generally those forests lie nearer the large centers of population than they do in the West and because they are relatively accessible. Here is a major opportunity.

The search for ways to protect and enhance the environment must also, to a large extent, be in the direction of the nonindustry private forests because of the vast aggregate area of land in this category, because of its relative nearness to centers of population, and because of the values these forests have to offer toward a better environment if they are well managed—water free from sediment and pollution, land unscarred by erosion, a place for wild song birds and other wildlife, clean air, and beauty that helps to make this land a pleasant place to live and work.

The management of forests for timber requires a high degree of technical skill and capability. The management of forest for additional values, including protection and enhancement of the environment, requires substantially more expertise. This is not commonly found among nonindustry private owners. In order to deal with this complex problem, technical assistance to those owners must be increased several times above its present level. The present authorization for the cooperative forest management program is $5 million dollars annually. This is far from adequate, and I propose that it be increased to $15 million annually.

Third. A new program for urban and environment forestry.

Secretary Freeman's Forest Research Advisory Committee recommended a new forestry program to meet a need which only recently has been recognized. It is a new program to provide technical assistance for protection, improvement, or establishment of native trees, and shrubs on private lands and public areas in urban and suburban areas. Administration would be by the States through cooperative agreements between the Secretary of Agriculture and the State agency designated by the Governor, usually the State forest service. The services of landscape architects, foresters, horticulturists, nurserymen, and other qaulified experts could be used as needed. It is estimated that by the year 2000, about 85 percent of the people of the United States will be living in metropolitan areas. This will create severe environmental problems in maintaining open spaces, greenbelts, and natural woodlands in and near heavily populated areas, for which there is now no overall program.

Trees and shrubs have significant environmental properties through their ability to renew the atmosphere, filter small particules from the air, muffle noise, reduce wind, shade the soil, conserve moisture, and control erosion. Yet few communities have personnel with the technical skills necessary for administration of an urban environmental program.

The program outline here would provide technical assisance for protection, improvement, or establishment of native trees and shrubs on private lands and public areas in urban and suburban areas. The services of landscape architects, foresters, horticulturists, nurserymen, and other qualified experts could be used as needed.

Georgia and Missouri already are conducting pilot programs with their own funds in Atlanta and St. Louis, respectively. The response of citizens has been excellent. Other interested States are California, Florida, Indiana, Kentucky, Maryland, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Vermont, Virginia, and Wisconsin.

Financial assistance up to 75 percent of the cost could be provided in the initial year of any projects but would not exceed 50 percent of the cost in subsequent years.

For this program, I propose an annual authorization of $5 million.

Bills are herewith introduced to accomplish the purposes which I have spelled out. These are meritorious objectives which should have prompt consideration by the Congress. There are other forestry legislative needs, of course, and these should also have consideration. It is felt, however, that the most pressing immediate objective is spelled out in this legislative package. Joining me in the introduction of some or all of these bills are the following Members of the House:

Mr. Sisk, Mr. Lennon, Mr. Andrews of North Dakota, Mr. Hansen of Idaho, Mr. Pepper, Mrs. Hansen of Washington, Mr. Slack, Mr. Johnson of Pennsylvania, Mr. Saylor, Mr. Garmatz, Mr. Harrington, Mr. Scott, Mr. Jones of North Carolina, Mr. Obey, Mr. Moorhead, Mr. Fuqua, Mr. Wyman, Mr. Melcher, Mr. Duncan, Mr. Wyatt, Mr. Griffin, Mr. Kyros, Mr. Preyer, Mrs. Hicks of Massachusetts, Mr. Whitten, Mr. Taylor, Mr. Quie, Mr. Cleveland, Mr. Johnson of California, Mr. Winn, Mr. Hathaway, Mr. Casey of Texas, Mr. Fascell, Mr. Hicks of Washington, Mr. Dellenback, Mr. Ichord, Mr. Haley, Mr. Halpern, Mrs. Green of Oregon, Mr. Abbitt, Mr. Chappell, Mr. Abourezk, Mr. Gude, and Mr. O'Neill.

I submit herewith for printing in the Congressional Record copies of the bills which are being introduced:

H.R. 6085

A bill to authorize the appropriation of additional funds for cooperative forest fire protection

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Clarke-McNary Act of June 7, 1924 (43 Stat. 653), as amended, is further amended to read as follows:

"Sec. 3. The Secretary of Agriculture shall expend such portions of the appropriations authorized herein as he deems advisable to study the effects of tax laws, methods, and practices upon forest perpetuation, to cooperate with appropriate officials of the various States or other suitable agencies in such investigations and in devising tax laws designed to encourage the conservation and growing of timber, and to investigate and promote practical methods of insuring standing timber on growing forests from losses by fire. There is authorized to be appropriated annually not more than $40,000,000 to enable the Secretary of Agriculture to carry out the provisions of sections one, two, and three of this Act."

H.R. 6082

A bill to authorize the appropriation of additional funds for cooperative forest management

Be it enacted by the Senate and House of Representatives of the United States of Amer-

ica in Congress assembled, That section 2 of the Cooperative Forest Management Act of August 25, 1950 (64 Stat. 473), as amended by the Act of September 25, 1962 (76 Stat. 569); 16 U.S.C. 586c, 658d is hereby amended to read as follows:

"Sec. 2. There is hereby authorized to be appropriated annually, to enable the Secretary to carry out the provisions of this Act, the sum of $15,000,000."

H.R. 6086

A bill to authorize the Secretary of Agriculture to cooperate with and furnish financial and other assistance to States and other public bodies and organizations in providing an urban environmental forestry program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide for the protection, improvement and establishment of trees and shrubs in open spaces, greenbelts, protection zones, roadside screens, community parks, woodlands, private land developments, and other planting and beautification areas, the Secretary of Agriculture is hereby authorized and directed to cooperate with State or other appropriate public agencies and to furnish financial, technical, and other assistance in carrying out a program of urban and community forestry.

Sec. 2. Federal assistance under this Act shall be extended in accordance with cooperative agreements between the Secretary of Agriculture and State or other public bodies containing such conditions as the Secretary deems appropriate for the purposes of this Act. No such agreement shall provide for financial assistance by the Secretary under this Act in any State during any fiscal year in excess of 75 per centum of the total budgeted expenditures or the actual expenditures, whichever is less, of the undertakings of such agreement for such year, including expenditures of local and public and private nonprofit organizations. Payments by the Secretary under such agreements may be made on the certificate of the appropriate State or other appropriate public official that expenditures as provided for under such agreements have been made and funds may be made available, as determined by the Secretary, without regard to the provisions of the Act of July 31, 1823 (3 Stat. 723; 31 U.S.C. 529), concerning the advance of public moneys. Such agreements shall be carried out in such manner as to encourage the utilization of private agencies, firms and individuals furnishing services and materials needed in the conduct of an urban and community forestry program.

Sec. 3. To effectuate the purposes of this Act, the Secretary may share the cost with State or local public agencies or private landholders of practices or measures on public or private land which carry out the purposes of this Act: *Provided,* That no such cost-sharing shall provide for a Federal contribution in excess of 75 per centum of the total cost of the practice or measure. The Secretary may terminate any agreement by mutual agreement with a State or local public agency or private landholder if the Secretary determines that such termination would be in the public interests, and may agree to such modification of agreements as he may determine to be desirable to carry out purposes of this Act or facilitate its administration.

Sec. 4. Loans authorized by Section 32(e) of Title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525, as amended, 7 U.S.C. 1011 (e) (Supp. III)) may also be made to State and local public agencies and local nonprofit organizations to further the purposes of agreements between the Secretary of Agriculture and State or other public bodies pursuant to Section 2 of this Act.

Sec. 5. There is authorized to be appropriated to enable the Secretary to carry out the provisions of this Act the sum of $5,000,000 annually.

Sec. 6. This Act may be cited as the "Urban Environmental Forestry Act."

LAID-OFF FEDERAL WORKERS ARE LEFT HOLDING THE BAG

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VAN DEERLIN. Mr. Speaker, 167,000 laid-off Federal workers are threatened with interruption of their unemployment compensation because of footdragging by the Nixon administration.

Some 1,800 of these hapless workers reside in my home area, San Diego, where an economy ax is being used to slash Civil Service and blue-collar payrolls.

Regardless of the merits of the cutbacks, one fact cannot be disputed: The legal entitlement of these workers to unemployment benefits that now may be tragically delayed.

I speak now simply to point out where responsibility rests for this deplorable situation.

The culprit is not Congress or the Labor Department—it is the grandiosely titled Office of Management and Budget, once touted as the panacea for the financial management problems of the Federal Government.

It is thanks to OMB that the administration was not able to request supplemental funding for this program until March 4—exactly 1 day before the $317 million provided by Congress was scheduled to run out.

And there is even some question whether the $50 million belatedly sought as a supplemental appropriation will be sufficient to cover the balance of this fiscal year. Conceivably, we might have to repeat this whole distressing process in a few weeks.

Fortunately, State unemployment offices in California were able to scrape together the money to continue payments for a few days beyond the March 5 expiration date.

But the unemployed, who have been besieging my San Diego office with anxious phone calls, know this relief is only temporary; they have been told their checks will be halted this week.

Surely, the OMB bureaucrats can do a better job of recognizing the Government's obligation to insure the casualties of its own economizing.

HEARINGS BEFORE SUBCOMMITTEE ON JUDICIARY OF COMMITTEE ON DISTRICT OF COLUMBIA

(Mr. HUNGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNGATE. Mr. Speaker, the Subcommittee on Judiciary of the Committee on the District of Columbia will hold hearings at 10 a.m. on Monday, March 29, in room 1310, the Longworth Building, on the following legislation: H.R. 2590, prohibiting picketing near a church, H.R. 2597, concerning overtime for hospital employees, H.R. 778, regulate advertisement of air-conditioned apartments, H.R. 5638, provide criminal penalties for assaults on firemen and police.

Any Members who would like to testify or file statements in connection with any of that legislation are cordially invited to do so and to notify the committee by Monday, March 22, if possible.

THE REPUBLICANS, THE DEMOCRATS, AND THE FARMERS

(Mr. OBEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, a few weeks ago the chairman of the Republican National Committee, a gentleman who hails from Kansas, delivered an address before the National Farmers Union convention here in Washington.

In his address the chairman said, among other things, that those in the Democratic Party were largely "a group of people who hold dear very little of the values that exist in rural America; values that have made and do make America great."

Further on in his speech, the gentleman from Kansas told the Farmers Union delegates that "the Republican Party does care" about those in rural America.

And, he said:

> Words and phrases are, of course, empty echoes unless accompanied by deeds. And this Administration will be like every other Administration—measured by its deeds—not its words.

With that, Mr. Speaker, I agree. And in fact, I believe that with respect to farm problems, the present administration has already been judged—last November—by those in rural America.

The Republican chairman spoke about farm income in "the Nixon years." I assume he knows—and he should—that farm income went down last year.

He should know that farmers do not really like the fact that in "the Nixon years" we have been saddled with a new, scrawny definition of parity.

He should know that record levels of dairy and beef imports are coming into the country.

He should know, from their appearance in Washington not so long ago, that hog farmers were not very happy when the price of hogs plummeted to $15 a hundredweight—a price hardly reflecting the increased costs the housewife has to pay to put pork on her dinner table.

He should know that those in our farm communities are not pleased when this administration's actions—deeds, if you will—to help rural America include the withholding of millions of dollars in funds appropriated by the Congress last year for water and sewer development and no appropriation request at all for this purpose in the President's 1972 budget.

H should know that farmers were put in a serious and unwelcome economic bind when the administration stopped advance payments under the wheat and feed grain programs.

He should know that the action of the President to eliminate all funds for the cost-sharing agriculture conservation program—ACP—made any voiced concern about protecting the environment seem hollow.

He should know that neither our farmers, nor the parents of thousands of schoolchildren, were pleased with the administration decision to eliminate the special milk program.

He should know that you can hardly convince our farmers that the Republican Party is truly concerned about agriculture and rural problems when this administration failed to present to Congress an agriculture program of its own last year.

And above all else, he should know our dairy farmers were hardly pleased by the decision of the Secretary of Agriculture, announced just last Friday, that the price support level for milk would not be changed from its present $4.66 per hundredweight, a level which is equal to only 81 percent of parity.

The gentleman from Kansas told the Farmers Union to "keep tabs—deeds speak louder than words." The fact is that our farmers have always kept tabs.

Our farmers were assessing the attitudes toward rural America by our major political parties when they elected new Democrats to Congress from North Dakota, South Dakota, Minnesota, Washington, Wisconsin, New Mexico, and the Republican Chairman's own State of Kansas.

And they were doing so when they voted in Democratic Governors in Wisconsin and Minnesota and Idaho and Nebraska and South Dakota, among others.

Indeed, I hope our farmers continue to keep tabs, because if the present administration continues on its present course of rhetoric in print and neglect in deed with regard to rural America, we may well be seeing the election of a good many more Democrats from the Farm Belt next year.

Then, Mr. Speaker, the Republican chairman from Kansas may discover just who our farmers really believe have the values of rural America at heart.

GOVERNMENT PROGRAM EVALUATION COMMISSION BILL

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, today I am introducing a bill providing for the creation of a Government Program Evaluation Commission to bring Federal spending in line with current domestic needs.

Basically, my legislation would establish a bipartisan commission of 12 Members of Congress to be appointed in equal numbers by the President, the President pro tempore of the Senate, and the Speaker of the House of Representatives. This commission will then study and evaluate all existing Federal programs and judge their relation to the fundamental and long range needs of the Nation. In doing this, it will take into consideration such fundamental questions as the effectiveness of each program in terms of its present and projected costs, and the relative priority which should be assigned to each program in the allocation of Federal funds. The Commission will report its findings and recommendations to the President and to the Congress.

Of all the issues raised by my constituents in recent years, none has equaled the demand for a reordering of Federal spending priorities. For all that has been said about the need to reorder Federal spending to reflect realistically our pressing domestic needs, no workable mechanism has been established in Congress to accomplish that objective. Entrenched and separate program funding impedes the coordination of overall program evaluation, and the test for responsible Government spending too frequently is attempted by hindsight. As a consequence of this process, program cutting, rehabilitation, and initiation are on a piecemeal, sporadic basis, and in many cases result in wasted funds, personnel, and effort.

It is within the capacity of the Federal Government, acting in concert with the States, to meet our pressing domestic and international requirements, but this will not be accomplished without a system of prospective program-spending coordination.

The measure I am introducing today provides for an effective evaluation system of the need and level of program funding at the congressional level, and I believe this bill deserves broad congressional support.

FREEDOM FOR LITHUANIA

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the Lithuanian-Americans of the Greater Waterbury area in my Fifth District of Connecticut are a politically active group, concerned with obtaining freedom from Soviet oppression for Lithuania and other enslaved nations of the world. At a meeting of their group last month, they unanimously passed a resolution calling for action by the U.S. Government in their cause.

I submit their resolution at this time for inclusion in the RECORD:

RESOLUTION

Lithuanian Americans of the Greater Waterbury Area assembled Sunday, February 21, 1971, at St. Joseph's Hall, Waterbury, Conn., at exercises commemorating the Fifty-third Anniversary of Lithuania's Proclamation of Reconstituted Independence in Vilnius, February 16, 1918, unanimously resolved:

Whereas, the Government of the United States and other friendly nations have consistently maintained a policy of non-recognition of Soviet Russia's treacherous and illegal seizure of Lithuania in 1940; and

Whereas, the Congress of the United States in 1966 unanimously passed our own U.S. Representative John S. Monagan's H. Con. Res. 416 calling for freedom for Lithuania, Latvia and Estonia; and

Whereas, the daring, desperate acts of seaman Simas Kudirka; hijackers Pranas Brazinskas and Son Algirdas; Vytautas Simokaitis and wife, Grazina, reveal only too well about the freedom in the Soviet Union and, that, contrary to communist propaganda, the subjugated Lithuanian people are suffering yet resisting foreign domination, hoping and striving for justice and liberty; be it therefore

Resolved, that we urgently appeal to President Richard M. Nixon, Secretary of State William P. Rogers, the United States Delegation to the United Nation and to the Government of the United States to take the initiative in world forums and demand withdrawal of the Soviet army, administration and colonists in Lithuania and other enslaved nations, and restore to the people the right of self-determination to freely resolve their political status in the pursuit of life, liberty and happiness as sovereign, not subservient nations.

UNIVERSAL VOTER ENROLLMENT ACT OF 1971

(Mr. UDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. UDALL. Mr. Speaker, today it is my pleasure to reintroduce on behalf of myself and 38 colleagues, a bill that goes to the heart of one of the major problems confronting our Nation—the need to encourage greater voter participation in elections.

Cosponsoring this legislation with me are my distinguished colleagues, the gentleman from Rhode Island (Mr. TIERNAN), the gentleman from Minnesota (Mr. FRASER), the gentleman from Michigan (Mr. CONYERS), the gentleman from California (Mr. ROYBAL), the gentleman from West Virginia (Mr. HECHLER), the gentleman from California (Mr. EDWARDS), the gentleman from New York (Mr. BADILLO), the gentleman from New York (Mr. BINGHAM), the gentleman from Tennessee (Mr. ANDERSON), the gentleman from Michigan (Mr. FORD), the gentleman from Utah (Mr. MCKAY), the gentleman from Pennsylvania (Mr. MOORHEAD), the gentleman from New York (Mr. PODELL), the gentleman from Washington (Mr. MEEDS), the gentleman from New York (Mr. ROSENTHAL), the gentleman from Massachusetts (Mr. DRINAN), the gentleman from California (Mr. HAWKINS), the gentleman from California (Mr. LEGGETT), the gentleman from California (Mr. WILSON), the gentleman from California (Mr. MOSS), the gentleman from Wisconsin (Mr. OBEY), the gentleman from Massachusetts (Mr. HARRINGTON), the gentleman from New York (Mr. HALPERN), the gentleman from New York (Mr. SCHEUER), the gentleman from New York (Mr. RANGEL), the gentleman from Massachusetts (Mr. MORSE), the gentleman from Illinois (Mr. MIKVA), the gentleman from Maryland (Mr. MITCHELL), the gentleman from South Dakota (Mr. ABOUREZK), the gentleman from California (Mr. REES), the gentleman from Alaska (Mr. BEGICH), the gentleman from California (Mr. BURTON), the gentleman from California (Mr. CORMAN), the gentleman from Kansas (Mr. ROY), the gentleman from Connecticut (Mr. COTTER), the gentleman from Indiana (Mr. HAMILTON), and the gentlewoman from New York (Mrs. ABZUG).

In the other body a companion measure has been introduced by Senator DANIEL K. INOUYE, of Hawaii, and a number of cosponsors.

Mr. Speaker, the first tenet of a democracy is that a vast majority of its citizens vote in elections. In America, they do not. In 1968, for example, nonvoters in this country exceeded by 17 million the total number of people who voted for Richard M. Nixon. For every vote separating the two major candidates in that election, there were 150 people who did not vote. In 1960, for every vote separating the major contenders there 330 people who did not vote. Even in the most decisive elections in our recent history, the total number of Americans who did not vote could have changed the majority.

Voter turnouts in this country vary with the highest ranging between 60 and 63 percent, not very impressive when compared with the turnouts of between 75 and 90 percent better in Canada, Britain, and the Commonwealth democracies, and Western European countries. In elections below the level of presidential contests, State turnouts can fluctuate between 40 and 50 percent of the eligible electorate, and in local elections some turnouts during the last 2 years fell to 5, 10, and 15 percent of the eligible voting age population.

This record of declining voter participation is alarming, and its potential for divisiveness, dissatisfaction and alienation among the electorate is great. In recognition of this fact, the Federal Government during the last 10 years has sought to encourage voter participation by all groups and it has invited millions of 18-year-old Americans to join in exercising the franchise.

A number of studies have been conducted to determine why so many Americans do not vote, and each has reached the same conclusion: The trouble is that the election system shuts the doors on millions of potential voters through a series of weird, burdensome, and archaic registration requirements and procedures which post roadblocks to voting.

The legislation I am introducing today attempts to tear down these unnecessary and unfair roadblocks in the voting process by:

Abolishing all residency requirements for voting for President or Vice President.

Establishing a Federal system of enrollment for all persons enrolled in any State who, except for residence, meet the qualifications in that State.

Requiring that during a 3-week period just before a presidential election, the Bureau of the Census conduct a door-to-door drive to enroll all eligible persons who have failed to do so under State law.

Making it possible for all persons so enrolled to vote for President and Vice President even though they might not be eligible to vote in State elections.

Enabling persons absent from their district to cast special absentee ballots in the nearest polling place, even another State.

A detailed analysis of this legislation and voter registration problems which led to its drafting appears in the CONGRESSIONAL RECORD, volume 116, part 21, pages 28863–28876.

Mr. Speaker, the whole question of registration practices and procedures is open to constitutional attack. This attack is the inevitable result, not just of anachronistic laws, but of the work of this Congress during the last decade to guarantee every qualified citizen—black and white, rich and poor—the right to vote. It is the inevitable result of an historical trend—initiated by the Congress and bolstered by the courts—to make American democracy truly and wholly participatory.

This legislation takes one more step in that direction. It provides for universal voter enrollment. It reaches those who because of travel, business, schooling, or military obligation are effectively frozen out of participation in elections today; and it provides adequate means for absentee balloting to enable citizens of the United States who are stationed overseas in military or civilian capacities to vote in presidential elections. For these reasons, our proposal for a universal voter enrollment plan should be enacted as soon as possible.

THE DOMESTIC FILM PRODUCTION INCENTIVE ACT OF 1971

(Mr. CORMAN asked and was given permission to address the House for 1 minute and extend his remarks and include extraneous matter.)

Mr. CORMAN. Mr. Speaker, on behalf of myself and Mr. PETTIS and Mr. ANDERSON of California, Mr. BELL, Mr. DANIELSON, Mr. EDWARDS of California, Mr. GOLDWATER, Mr. GUBSER, Mr. HANNA, Mr. HAWKINS, Mr. HOLIFIELD, Mr. HOSMER, Mr. JOHNSON of California, Mr. LEGGETT, Mr. MILLER of California, Mr. ROYBAL, Mr. SISK, Mr. TEAGUE of California, Mr. WALDIE, Mr. CHARLES H. WILSON, and Mr. BOB WILSON, I introduce today, for appropriate reference, a bill entitled the Domestic Film Production Incentive Act of 1971. I bring this to the special attention of my colleagues because its enactment will not only establish a national policy to encourage the production of motion pictures in the United States by American film makers, but will stimulate such production in a tangible and realistic manner.

It undoubtedly will come as a surprise to many to learn that the American motion picture industry is facing a severe crisis. To those who have not had the opportunity to work with this fine industry over the preceding decade, visions of grandeur from the golden days of Hollywood will frequently come to mind at the mention of American motion pictures. Since its inception early in this century, the industry has portrayed on firm the success and vigor of our Nation. The quality of its product has steadily improved, and the industry has never before, to my knowledge, asked for help from its Government. It is therefore natural that many Americans should be unaware of its current plight.

However, those familiar with the industry realize that unless assistance is received soon, Americans face the day in the very near future when U.S. film production, talent, and know-how will have left our country for foreign shores.

In the last years of the decade of the sixties, the production of American interest feature films produced abroad surpassed for the first time the production of the same type of films in the United States. An "American interest film produced abroad" is usually defined as one largely or entirely produced in foreign countries and financed by American companies either alone or under some type of coproduction or cofinancing arrangement.

From 1967 to 1969, the most recent years for which data is available from the Code and Rating Administration of the Motion Picture Association of America, foreign production of American interest films increased by 64 percent. In 1967, 112 such feature films were produced abroad at an estimated cost of $143,425,000. By 1969, this American investment in motion picture production abroad had risen to 183 feature films produced at an estimated cost of $234,650,000.

During the same time domestic U.S. production continued erratically, with fewer pictures being produced at a smaller aggregate investment than abroad. In 1967, there were only 103 feature films produced in the United States at an estimated cost of $213,200,000. In 1968, the level of U.S. domestic production dropped to 80 feature films at an estimated cost of $175,400,000; it rose in 1969 to 142 films at an estimated cost of $228,300,000. Clearly, domestic film production is not holding its own with the rapidly rising production of U.S. films abroad.

In human terms, in terms of people faced with loss of livelihood, the case for assistance is much more compelling. Hollywood labor leaders report that unemployment in the domestic motion picture industry is at an all time high. It is estimated that between 38 to 40 percent of the labor force in Hollywood is jobless, with some union locals suffering much greater unemployment, often as much as 55 percent.

In each month in 1970 there has been a sharp employment drop compared with the same month the preceeding year, according to the California State Department, Division of Labor Statistics and Research. The comparative employment figures showed that for most of 1969 over 4,000 more workers were employed in the film industry than in the same months of 1970. In the absence of a national policy of Federal assistance, there is no reason for optimism in 1971.

The critical unemployment situation in the motion picture industry represents an extremely aggravated portion of the total employment slump in the State of California in 1970. The California Department of Human Resources Development reported that unemployment in October 1970 was 7.2 percent or 508,000 of the total statewide work force was unemployed. In October of 1969, this figure was only 4.6 percent of 316,000 individuals unemployed, indicating a dramatic increase in unemployment of over half again as much in a single year.

The compelling inducement behind the production of increasing numbers of American films abroad is the availability of some form of subsidy, protection, prize or other governmental incentive for film production from every major motion picture producing nation in the world, with the sole exception of the United States. Under many of these foreign government schemes it is possible for an American producer, through a wholly owned foreign subsidiary, cofinancing, or other arrangement, to qualify for a foreign film subsidy. And these subsidies are often very substantial. For example, under the British "Eady" plan, the best known of the various foreign subsidy devices, the payment rate in recent years has been approximately 50 percent of a film's earnings in Britain. This means that the producer of an eligible film earning $600,000 in Britain can currently expect to receive British Government subsidy payments of approximately $300,000.

I am including at the end of my remarks as appendix A a brief summary of the various foreign subsidy programs offered by foreign nations to encourage motion picture production. Among the nations on this list are all the major free-world film producing countries. As can be seen from the summary, the many other foreign programs vary greatly, and range from an insurance against loss of up to 80 percent of the cost in one country to outright 30 to 50 percent payment of the cost in other countries. A subcommittee of the House Committee on Education and Labor in its report on Impact of Imports and Exports on Employment—87th Congress, second session, May 7, 1962—found that some films could even qualify for more than one subsidy simultaneously, and that it was possible to meet conditions imposed by three subsidy offering countries—a "Co-Co-Co Production" arrangement—and secure subsidies from each mounting to as much as 80 percent of the production cost.

The American motion picture industry itself needs worldwide markets for its products in order to survive. Therefore any thoughtful response to the foreign challenge to capture our motion picture industry should not include the erection of additional trade barriers. In December of last year, the U.S. Special Representative for Trade Negotiations, Mr. Carl Gilbert, warned that any such action against foreign film production schemes engenders an emotional response from foreign nationals which does not exist with respect to other articles of trade. Thus, negative restrictions, such as quotas or tariffs could invite retaliation and have disastrous effects on the American motion picture industry would be particularly vulnerable since it depends on foreign rentals of its film products for over 50 percent of its gross earnings.

Some solution must be found to restore the American domestic motion picture industry to a fair competitive position. The best solution is to utilize the same general concept used so successfully in foreign countries to stimulate production in their lands. It should be America's policy to offset and neutralize the effect of foreign subsidies by the establishment of an appropriate American domestic incentive.

A most effective economic incentive for greater domestic production of motion pictures would be an amendment to the Internal Revenue laws to provide a deduction on the order of 20 percent of the gross income earned by a domestically produced film. The bill I am introducing today incorporates this proposal. This bill, together with a technical summary of its provisions are appended to my remarks as appendix B.

This proposal would stimulate increased domestic production which in turn would generate additional employment in the industry, and help to revive the economy of California and the Nation. Federal and State revenues should increase. The Nation's balance of payments would receive and assist, for this industry already earns as much foreign exchange as any other American industry.

I am pleased to report that this bill is the product of unique cooperation from all segments of the American motion picture industry. During the past year, both labor and management in the motion picture industry have come together to seek a common solution to their serious problems. The Labor Management Industry Committee for Domestic Motion Picture Production was formed as a means to coordinate this industry-wide effort. This committee is composed of the Association of Motion Picture and Television Producers, AMPTP; the Motion Picture Association of America, MPAA; the Screen Actors Guild; the Hollywood AFL Film Council; indeed all the major motion picture producers and most every craft union and talent guild participating in motion picture production are represented in this effect to revive the American motion picture industry.

We must make it our national policy to save this vital American industry without further delay. The motion picture industry is, after all, the industry which has "sold America" to the world by a graphic display of the American system, and of the productivity of free, competitive enterprise. It is the motion picture industry which has opened up new vistas of international communication and it is most directly responsible for much of the development of art and culture in this century.

The material follows:

APPENDIX A

COUNTRIES OFFERING FILM SUBSIDIES AND OTHER FORMS OF STATE AID AND SCREEN-TIME QUOTAS

Region and name of country	Description of types of subsidy or State aid	Description of screen-time quota requirements (according to last available information)
Europe:		
Austria	Government guarantees for repayment of 80 percent of private loans to film producers who quality.	None.
Belgium	Ministry of Economic Affairs authorized to pay cash subsidies to Belgian producers based on 80 percent of admissions tax derived from showing Belgian feature. Smaller percent for short films. Payments to be made on film commission recommendation.	Do.
Denmark	Danish film fund cash subsidy to producer of Danish feature—full 15 percent cinema admissions tax collected when picture shown.	
France	Production credit subsidies, no-interest loans and advances against receipts to French film producers. Funds derived from admission taxes, release taxes, and repayment on prior loans and advances.	By Government decree, exhibitors must show French features at quarter or 5 weeks per quarter if French shorts subiect also shown in programs during at least 6 weeks of preceding quarter. Fines for quota defaults often paid by first-run theaters in larger cities for privilege of giving non-French films longer runs. French short subiects must be shown with "quota features" to satisfy requirements and also have separate annual quota of 18 weeks per year for all theaters. After 3 years from release date, French films can no longer be used to satisfy quota and are dropped from listing of "quota films."
Germany (West)	Cash wards or prizes for quality films, either before or after completion. (Strong recommendations have been made to Federal Government to adopt more substantial subsidies along lines of British film funds.) Local subsidies in Bavaria, Berlin, and Hamburg.	None.
Greece	Cash refunds of percent of admission taxes for Greek producers. Cash awards or prizes also made special levy on all feature films imported or locally made Loans to films from Government's economic development financing organization.	In Greater Athens and the Thessalonika area, first-run theaters must show a Greek feature at least 1 week per quarter. Second and subsequent run theaters in these areas and all theaters in other areas must show a number of Greek pictures per quarter equal to their weekly number of program changes.
Italy	Cash subsidies based on percent of gross box-office receipts; substantial cash awards or prizes to producers. Admission-tax rebates to exhibitors. Low-interest credit loans.	Exhibitors must show Italian features at least 100 days per year; 25 days per quarter. Italian short subjects must be included in each performance for at least 180 days per year. Lengthy annual quota for national newsreels fixed each year by presidential decree. Quota defaults punishable by heavy fines and must be made up in a subsequent period. Closing of theater and prison terms imposed for continued default. 20 percent admission tax rebate for exhibitors showing Italian features, plus 2 percent additional for

APPENDIX A—Continued

COUNTRIES OFFERING FILM SUBSIDIES AND OTHER FORMS OF STATE AID AND SCREEN-TIME QUOTAS—Continued

Region and name of country	Description of types of subsidy or State aid	Description of screen-time quota requirements (according to last available information)
Europe—Continued Italy—Continued		showing Italian shorts or newsreels.
Netherlands	Small Netherlands films foundation production fund newsreel subsidies and advances for Dutch films.	At least 12 weeks per year must be devoted to showing features other than those originating in the dollar area.
Norway	Government subsidies to Norwegian features in amounts varying between 35 percent and 40 percent of gross box-office receipts.	None.
Portugal	Small cash subsidies granted to local producers from fund derived from collection of release taxes on all features shown in the country.	Do.
Spain	Cash subsidies from National Film Institute aid fund, with moneys derived from dubbing taxes on foreign imports and box office aid taxes.	In Madrid and Barcelona, daily single feature theater programs must include at least 4 different Spanish pictures 56 days per year. In other Spanish theaters, exhibitors must show at least 9 different local pictures 63 days per year, if normal run is full week, or at least 18 Spanish pictures if 2 features a week normally are shown. Double feature showings must include Spanish pictures 84 days per year, with split bills counted as half-day showings. Theaters not open every day must show 25 percent Spanish pictures on a holiday for every 4 foreign pictures shown on a holiday.
Sweden	Swedish Film Institute cash subsidies with moneys derived from larger exhibitors' production contribution of 10 percent of box office receipts.	None.
United Kingdom	British film fund cash payments to producers with moneys derived from tax levied against exhibitors based on theater admissions. Low interest loans to producers from National Film Finance Corp.	Exhibitors must show specified proportions of "British Quota" films each year. For several years, Board of Trade quotas have remained at 30 percent of 1st feature screen time and 25 percent of 2d feature and short film screen time for British films. (1st feature on double bill is film with higher rental, or where rentals equal, film shown last on the program.)
Middle East:		
Egypt (U.A.R.)	None	Arabic films must have 1 week's playing time out of every 4 months reserved for them. Theaters playing double features are expected to show at least 1 Arabic film on the program.
Israel	Government Film Center production subsidies, Government-endorsed bank loans, and admission tax rebates.	All exhibitors must show a minimum of 17 hours of other types of Israeli-produced films each year, in addition to Israeli-made newsreels which must be included in all movie programs of 90 minutes or more.
Asia and Southeast Asia:		
Burma	None	In Rangoon, all exhibitors must show Burmese films in their theaters at least 60 days per year, according to law.
Hong Kong	do	1 British "quota film" must be exhibited at every performance for not less than 7 days in each 70-day quota period at all first-run and second-run theaters which ordinarily show English-language films.
India	Government agency can make loans to film producers up to 75 percent of the production cost.	None.
Indonesia	None	Exhibitors must show 1 Indonesian film per month and State-produced newsreel in all theaters.
Korea (South)	do	Variable monthly quota requirements imposed depending on availability of locally made films. Foreign films can only be used to fill out schedule, after provision is made for showing local pictures in main theaters. Government policy understood to be based on allowing 7 days showing time in main theaters for Korean films and 10 days for non-Korean films in main theaters.
Malaya	do	Except in the city of Singapore, all theaters in the Malay Federation showing English-speaking films must devote 10 percent of their playing-time to British films, within a quota period of 70 consecutive days, or in other words, play British films for at least 37 days a year.
Pakistan	do	Theater licenses require exhibition of Pakistani films for 20 percent of playing time.
Philippines	do	Manila first-run theaters must show Filipino-made pictures at least 10 days per year; second-run theaters at least 1 week annually.
Australasia:		
Australia	do	Annual screen-time quota in New South Wales, representing about half the theater-seating capacity of the country, requires by law that 15 percent of all features shown in British and 2 percent be Australian.
Africa:		
South Africa	Government subsidy based on gross receipts for locally-produced pictures.	None.
North America:		
Canada	Newly-enacted law sets up a Canadian Film Development Corp. with a base fund of *10,000,000 to be used for loans to producers of Canadian feature films. Copyrights must be beneficially owned by a Canadian resident or Canadian corporation unless film is an international coproduction.	Do.
Latin America:		
Argentina	Production credit subsidies from National Cinematographic Institute for meritorious Argentine features. Funds derived from cinema admissions tax. Subsidies range from 14 percent of gross receipts to 20 percent for 1st year of exhibition; from 7 percent to 10 percent during 2d year of exhibition. Also Institute loans authorized for feature production on easy terms.	Argentine meritorious features must be shown for at least 1 week first-run and shown subsequent run in roughly ½ of Argentine theaters.
Brazil	Government credit loans and guarantees of private loans to finance films produced by Brazilian companies in Portuguese language with ⅔ of cast and crew Brazilian citizens or permanent residents, using Brazilian studio and film laboratory. In addition to Government film office film production subsidy account derived from income tax on producers of imported films, Guanabara State and city of Sao Paolo maintain local film production subsidy funds derived from cinema admission taxes.	1 out of 8 features exhibited must be Brazilian. Brazilian features must be shown at least 42 days a year, including 2 Saturdays and 2 Sundays in each quarter. Also at least 1 Brazilian short film must be included in each program.
Mexico	Government Film Bank advances 40 percent to 80 percent of production costs against distribution earnings for Mexican films.	Government policy of giving playing-time preference to Mexican films in maior theaters without formal quotas.

APPENDIX B

H.R. 6069

A bill to provide an incentive for the production of motion pictures in the United States by excluding from gross income, for Federal income tax purposes, a part of the gross income derived from the distribution or exploitation of motion pictures produced in the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Domestic Film Production Incentive Act of 1971".

(b) part III of Subchapter B of Chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by renumbering section 124 as 125, and by inserting after section 123 the following new section:

Sec. 124. Income From Motion Pictures Produced in the United States

(a) General Rule—Gross income does not include 20 percent of the gross income derived by any taxpayer from the distribution or exploitation of a domestic production.

(b) Domestic Production Defined—For purposes of this section, the term "domestic production" means a film which satisfies all of the following conditions:

(1) Either the maker of the film or the distributor of the film is a United States person within the meaning of section 7701(a) (30), except that—

(A) with respect to a partnership, all of the partners must be United States persons;

(B) with respect to a corporation, all of its officers and at least a majority of its directors must be United States persons.

(2) The studio, if any, used for the taking of photographs and the recording of sound incorporated into the film is located in the United States.

(3) The aggregate playing time of portions of the film photographed outside the United States does not exceed 20 percent of the playing time of the film.

(4) Not less than 80 percent of the total remuneration paid or payable for services performed in the production of the film is paid or payable to persons who are United States persons at the time the services are performed. In determining such total remuneration, any remuneration which is contingent upon receipts or profits of the film shall be excluded; and there may also be excluded amounts paid or payable as remuneration for services performed by any two individuals, neither of whom was a United States person while performing such services.

(c) The table of sections for such part III is amended by striking out the last item and inserting in lieu thereof the following:

SEC. 124. INCOME FROM MOTION PICTURES PRODUCED IN UNITED STATES

SEC. 125. CROSS REFERENCES TO OTHER ACTS

SEC. 2. The amendment made by this Act shall apply only to taxable years ending after the date of enactment of this Act.

SUMMARY

This is a bill to provide an incentive for the production of motion pictures in the United States, by excluding from gross income, for Federal income tax purposes, a part of the gross income derived from the distribution or exploitation of motion pictures produced in the United States.

This bill would authorize any taxpayer receiving gross income from the distribution or exploitation of a domestic motion picture production to exclude, for Federal income tax purposes, 20 percent of such gross income from his gross income from all sources. For example, a distributor receiving $1 million in rental receipts from distribution of a domestic motion picture production, would be allowed to exclude $200,000 from his gross income for Federal income tax purposes. A producer of the same motion picture receiving gross income in the amount of $250,000 as his share from the distribution of the film, would also be allowed to exclude $50,000 from his gross income for Federal income tax purposes.

The 20 percent exclusion from gross income would be available only with respect to gross income generated by a domestic production. The bill defines domestic production as a film—

(1) which was made or distributed by United States individual citizens or residents, a domestic partnership, or a domestic corporation; and

(2) which used U.S. Studio facilities, if any; and

(3) not more than 20 percent of the playing time of which was photographed outside the United States; and

(4) at least 80 percent of the total labor costs of which were paid to U.S. citizens or residents, not including, however, payments to any person on a contingent basis and payments to any two nonresident aliens.

WHITNEY YOUNG, JR.

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, on Thursday, March 11, America lost a remarkable leader. Whitney Young, Jr., executive director of the National Urban League, was stricken and died in Lagos, Nigeria. For those of us who knew and worked with Whitney Young, this is a heavy personal loss. For all Americans, whether or not they knew him personally, it is as well a heavy loss.

Whitney Young's goal, his life's work, was to improve the lot of black Americans and of all Americans. As a leader of his people, as a leader of all Americans, he contributed much toward achieving that goal. He worked to shape the National Urban League into a major force for change. He served on several Presidential commissions, where his efforts to change our society had a profound impact. His dedication, his sincerity, his concern were unquestioned.

Upon graduating from the University of Minnesota in 1947, with a master's degree in social work, he accepted a position as director of industrial relations and vocational guidance for the St. Paul Chapter of the League. Excelling in the role, he was transferred 3 years later to Omaha, Nebr., in the capacity of executive secretary. Transferring his allegiance for a time to the academic world, he served from 1954 to 1961 as dean of social work at Atlanta University in Georgia, before returning to the National Urban League as executive director.

Upon taking up the reins of leadership at the National Urban League, Whitney Young revealed the true genius of his approach to national problems. Having served, under the Eisenhower administration, as a delegate to the 1960 White House Conference on Children and Youth, he became, under Presidents Kennedy and Johnson, a member of the President's Committee on Youth, a member of several advisory committees on equal opportunity in the Armed Forces, and a member of the Advisory Committee on Junvenile Delinquency of the Justice Department. In these roles, his influence was extended into numerous areas of Government and his advice was sought on many issues. Several of his ideas were incorporated into the war on poverty as proposed by President Johnson.

In his last published article, appearing in the Scripps-Howard press, he praised the performance of the California Rural Legal Assistance program, established, under the Office of Equal Opportunity, to serve the poor without cost. Ever hopeful of peaceful solutions to political controversy, Young observed that—

> Such agencies help to make the [American] system work; they provide the needed reforms from within; they make the structure responsive to change. Without them, the system will die of hardening of the arteries—it will become unable to function for millions of people, who will then hasten its death through violence.

We shall all miss Whitney Young, Jr. and we shall all be the less for his loss.

At this time, I should like to include in the CONGRESSIONAL RECORD an article by Thomas A. Johnson which appeared in the March 12 edition of the New York Times, describing the life and accomplishments of Whitney Young, Jr. as well as the New York Times editorial for March 12 and the New York Post editorial of March 12:

[From the New York Times, Mar. 12, 1971]

WHITNEY YOUNG, JR., DIES ON VISIT TO LAGOS

LAGOS, NIGERIA, March 11.—Whitney M. Young Jr., executive director of the National Urban League, who focused his efforts in the civil rights movement on getting jobs for blacks, died here today while swimming. He was 49 years old.

Mr. Young was here for a conference to increase understanding between Africans and Americans. The cause of his death was not immediately known, but a heart attack was considered a possibility. An autopsy is scheduled.

The black leader had been swimming in the heavy surf with Ramsey Clark, former United States Attorney General; William W. Broom, Washington bureau chief for Ridder Publications; their wives, and Thomas Wyman, a Polaroid vice president.

"Ramsey pulled him out of the water and we gave him mouth-to-mouth resuscitation," Mr. Broom said.

AN ARTICULATE LEADER

(By Thomas A. Johnson)

"The only criterion by which I want to be measured is whether or not I have helped to improve the economic, political, health and social future for black people—not on the basis of how many white people I curse out."

This is where the urbane and articulate civil rights leader, Whitney Moore Young Jr., placed himself on the black revolution's scale of militancy. A man who was often perturbed by the frequent references to himself as a "moderate," Mr. Young once said:

"There is no such thing as a moderate in the civil rights movement; everyone is a radical. The difference is whether or not one is all rhetoric or relevant."

Mr. Young carved, in some 10 years on the national scene, an impressive record as a national black leader who moved with unusual ease among corporate heads, politicians, the black poor and many of those blacks who talked about armed revolution.

As executive director of the National Urban League since 1961, he converted the 60-chapter and basically middle-class-oriented social work group into one of the nation's primary non-government forces working toward the self-sufficiency of the black American poor. The organization now has 98 chapters, and its professional staff grew under Mr. Young from 300 to more than 1,200.

PERSUASIVE ABILITIES

Due to a great extent to Mr. Young's own highly persuasive abilities—his voice, most often quiet, carried just a slight reminder of his Southern background—the National Urban League has in recent years conducted rehabilitation programs among the black poor averaging some $55-million a year.

Harold R. Sims, the assistant executive director of the league, was appointed acting executive director, pending the appointment of a permanent Urban League head by the organization's board of directors. He said yesterday that funeral arrangements were incomplete.

Traveling with a reporter from his home in New Rochelle to his mid-Manhattan office, Mr. Young once remarked when the train moved swiftly through Harlem:

"I think to myself, should I get off this train and stand on 125th Street cussing out Whitey to show I am tough? Or should I go downtown and talk to an executive of General Motors about 2,000 jobs for unemployed Negroes?"

He went downtown. He also went to Washington, to Houston, to Detroit and to whereever his seven-day work schedule took him while he spoke, persuaded, advised and argued with a widely disparate group of Americans on behalf of what he considered a more just and a more sensible nation.

To angry black youths in riot-ready slums, the 6-foot 2-inch 200-pound, former social work professor would say:

"Personally, I am not non-violent, but I'm not a fool either, I can count. I know you can't fight a tank with a beer can or destroy a regiment with a switch. White racists are not afraid of our firepower but they are afraid of our brain, our political and our economic power."

To magazine editors and publishers at a Waldorf-Astoria luncheon, Mr. Young urged "a massive educational program on the basics of democracy," adding "for white people."

Last summer Mr. Young criticized the Nixon Administration as being "sort of like Jell-O."

"You really can't get hold of it," he said. "It's what I call white magic, you know, now you see it, now you don't."

But four months later, after growing angry one day at reports that the Administration was preparing to spend millions to bail out some industrial giants in financial trouble, Mr. Young called the President's Urban Affairs Council and demanded to talk to them. The result was that Mr. Young talked to Mr. Nixon and his Cabinet, impressing on them as a group the continued need for money for the poor.

This has resulted, the chairman of the Urban League's board, James Linen, said yesterday, in a Federal grant of $28-million to the league for rehabilitative programs and for running the organization's 30 veterans' centers across the country.

Mr. Young served on seven Presidential commissions and had worked closely with President Lyndon B. Johnson.

One observer, who had watched the Johnson-Young relationship develop over the years, noted that they got along because they were both "consummate politicians and skillful horse traders."

One of Mr. Young's two trips to South Vietnam, when he served as a team of Americans observing the national elections there, was reportedly done to pay a debt to Mr. Johnson. The civil rights leader's first trip to South Vietnam was to interview black servicemen there.

STRONGLY AGAINST WAR

Mr. Young came out publicly, and strongly, against the war in Vietnam, some two years ago, as dividing the nation and using funds that could best be spent in the urban centers.

The official, whose closely cropped temples were showing a salt-and-pepper gray, never swerved during his decade as a national figure from his support of a racially integrated America and from his concept that massive funds must be spent to solve the racial problems.

In both his widely read books, "To Be Equal" and "Beyond Racism," plus a weekly syndicated column, emphasized his central themes.

Racial separation, he contended, is the major cause of the racial dilemma. His urging that the nation begin a "Domestic Marshall Plan" for the poor was considered a definite influence on the war on poverty that followed.

Mr. Young, a quiet, reflective man, known by associates to possess an infectious sense of humor, often said that in order for the back wheels of a wagon (black people) to catch up with the front wheels (white people) "something had to happen to the wagon."

EQUAL SIGN ON BUTTON

The official, a well-tailored man who was never without a button that had an equal sign on his lapel, was born on July 31, 1921, in Lincoln Ridge, Ky. His father was the president of Lincoln Institute, a boarding high school for blacks, and his mother was a teacher.

Graduating from the school at 14, he later took a B.S. degree from Kentucky State College with the intention of going into medicine.

During World War II he served as a first sergeant with an antiaircraft artillery unit in Europe. In the Army, where he saw both the "problems" and "potential" for race relations in America, he changed his mind about a career as a doctor and decided to go into social work.

Mr. Young took an M.A. degree in social work from the University of Minnesota in 1947 and went to work immediately for the St. Paul Urban League as director of industrial relations. Three years later he moved to Omaha to become executive secretary of the league in that city, where he stayed until 1954, then became the dean of the School of Social Work of Atlanta University.

"Whitney was one of the strongest links between the university and the community," said a long-time associate, who remembered that Mr. Young helped to form Atlanta's Committee for Cooperative Action. The group made up primarily of business and professional men sought to organize that city's varied black interests for social and political actions, and they also formed patrols for the blacks districts when threatened by white violence.

To blacks who complained about Mr. Young's "radicalism" of some 15 years ago, he would invariably and prophetically answer: "If you think we're radical, look out for the folks behind us."

ABREAST OF NEW IDEAS

Although his own work since 1961 was most often far distant from protest demonstrations, sit-ins and picket lines, Mr. Young made a point of staying abreast of the ideas and concepts that moved young black America. He was a confidant of the late Malcolm X and was a featured speaker at last summer's Congress of African People's in Atlanta.

When asked how one of the nation's best known black racial integrationists could explain his presence at an all black conference, he said:

"I make no apologies at all for attending a conference where only blacks are. We are a family and it is appropriate and essential that family members get together before they plan to go elsewhere."

Mr. Young had said earlier: "We can agree on objectives and disagree on techniques. Like in any other war, we need a variety of resources and techniques. The difference between myself and some others is that they have given up on the American systems. As poor as the system is, until they provide me with an alternative I'm convinced we can follow no other without committing suicide."

Mr. Young married Margaret Buckner, a teacher, in 1944, and they have two daughters. The oldest, Marcia, is married to Robert Boles, the novelist, and the youngest, Lauren, lives at home in New Rochelle.

Speaking, planning and organizing trips kept Mr. Young moving just about every day in the week. He relaxed by reading on the subjects of race, psychology, sociology or labor.

Mrs. Young was once asked if her husband spent more time at home when he was a college professor and she said: "Not really, he would leave the office then and go work for the N.A.A.C.P."

Hardworking, shrewd, a persuasive and dedicated man, Mr. Young was described yesterday by close associates as a man who stood for ideals that a less strong man would have long abandoned or disguised under pressures from the black movement. He was seen too as a complicated figure out of a complex time "who will probably emerge as the most misunderstood civil rights figure of his time.

Tributes Are Paid to Young

The following tributes were issued yesterday on the death of Whitney M. Young Jr., executive director of the National Urban League:

President Nixon—With Whitney Young's death today in Nigeria, I have lost a friend, black America has lost a gifted and commanding champion of its just cause, and this nation has lost one of the most compassionate and principled leaders it has had in all the long centuries since whites from Europe and blacks from Africa began building together toward the American dream."

Governor Rockefeller—The sudden death of Whitney M. Young is a tragic loss for all Americans. A lifelong foe of injustice, poverty and repression, he entered today's human rights movement in its early days and became a strong voice for moderation and orderly progress.

Mayor Lindsay—Under his inspired leadership he peacefully pushed and prodded our country toward social justice. All of us owe him a debt no words can repay. . . . His work was still unfinished. The most meaningful tribute is a renewed dedication to realize his vision.

Roy Wilkins, executive director, National Association for the Advancement of Colored People—The tragic and untimely death of Whitney M. Young Jr. removes from the front ranks of the nation's freedom fighters one of the most dynamic and effective leaders in this struggle for human dignity.

Roy Innis, executive director, Congress of Racial Equality—The heart of a black leader stopped today in the liberated black nation of Nigeria. . . . His death comes as a profound shock to the black world. Although we had philosophical and programmatic differences, our points of agreement were numerous. He was a friend and a great leader.

Livingston L. Wingate, executive director of the New York Urban League—In less than a decade, the cause of freedom has suffered a series of incalculable losses within its ranks of leadership. It would be Whitney's wish that those who espoused his goals tarry not in mourning but sound the cry for renewed commitment in the quest for human justice.

[From the New York Times, Mar. 12, 1971]

Force for Understanding

Whitney M. Young Jr. made himself a healing force in the tormented relations between blacks and whites. As executive director of the National Urban League, he applied his impressive resources of intelligence, energy and charm to leveling the walls of the slums through expanded opportunity for education and good jobs.

He hated to be called a "moderate" because that term might imply some lack of passion for eradicating social evils he loathed. But he never equated dedication to constructive change with pointless military, violence or villification. "We are all in the same boat," was his constant rejoinder to those who advocated separatist solutions.

Despite disappointments, Whitney Young did not abandon his faith in the efficacy of joint effort for a better society. His chief regret was that so many others—both white and black—failed to stay the distance.

[From the New York Post, Mar. 12, 1971]

Whitney M. Young Jr.

At his death yesterday, Whitney M. Young Jr. was 49 years old, chronologically between the older leaders of the civil rights revolution and some young men and women who have preached a new separatism. They have not always communicated well with each other; they rarely had trouble talking with Whitney Young.

In a long, purposeful and productive career, his consistently humane approach to people, developed in his professional training in social work, was complemented by his tough, intelligent and pragmatic policies as a kind of executive in human relations. He was more interested in finding solutions than in decrying the problems; his theory and his practice were rarely in conflict; he did not measure depth of conviction by stridency of language.

Young was an easy, eloquent public speaker, but many of the most persuasive points he made were offered in quiet, patient conversation with other men of affairs; the decisions that came from those conferences—about fund-raising, about jobs, about housing—were and are a source of hope for the affirmative reconciliation he represented so skillfully. They are also a memorial to an American who reminded his countrymen so often of promises upkept, and their fulfillment is the only tribute he would have asked.

A BILL REQUIRING FEDERAL EXPENDITURES BE LIMITED TO REVENUES

(Mr. WYMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WYMAN. Mr. Speaker, this country has not witnessed an actual budget surplus since fiscal year 1960, more than a decade ago. On the contrary, the national debt has increased $100 billion during the past 10 years. Just the interest on that debt presently costs the American taxpayers more than $20 billion annually—the second largest single item expense in the fiscal year 1971 appropriations. This comes to $400 million a week, or roughly $2 per week for each person in the United States. And it is not ending there. The Office of Management and Budget estimates a Federal funds deficit of $25.5 billion for fiscal year 1971 and an additional deficit of $23.3 billion for fiscal year 1972.

The national economy cannot withstand a continuation of the accelerating inflation that has resulted from the Federal Government continually spending more money than it receives in revenues. This Nation is fortunate in having a wealth of natural resources which have been creatively utilized by an industrious people. But great as it is, our wealth is not limitless. We must learn to use it responsibly.

I propose, and am introducing today, legislation to require that Congress may not make appropriations in excess of revenue. The only exception would be in the event of war or a declared national emergency when the national interest can best be served by deficit spending for brief periods. In light of what has become habitual national overspending, this is a necessary step toward returning our economy to a financially secure footing.

The text of the bill follows:

A bill to require fiscal responsibility on the part of the Federal Government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a legislative budget shall be prepared and submitted by the Congress not later than May 1st of each fiscal year. Such budget shall contain an estimate of expenditures and revenues for the next fiscal year. Estimated revenues for any fiscal year may not exceed the actual revenues for the preceding fiscal year by more than 20 percent, except during a fiscal year any part of which included a period of declared war or national emergency.

SEC. 2. Except during a fiscal year any part of which included a period of declared war or national emergency, the Congress shall limit appropriations in such a manner as to assure that expenditures in each fiscal year do not exceed revenues for that year. Within 90 days after the close of each fiscal year, the President shall submit to each House of Congress a report showing actual revenues and expenditures for such year. If expenditures exceeded revenues for that fiscal year (except for a fiscal year any part of which includes such a period), the Congress shall compensate for such excess by reducing expenditures in the succeeding fiscal year in the amount of the excess.

SEC. 3. For purposes of this Act, the term "period of war or national emergency" means—

(1) any period beginning with a declaration of war and ending with the date of transmittal of a proclamation of the President that such war has terminated, and

(2) any period beginning with the date of approval of a concurrent resolution (approved by two-thirds of each House) which states in effect that the Congress concurs in a proclamation by the President of a national emergency, and ending on the date of transmittal of a proclamation of the President that such emergency is terminated.

SEC. 4. (a) Section 237 of the Revised Statutes of the United States (31 U.S.C. 1020), relating to the fiscal year, is amended by striking out "first day of July" and inserting in lieu thereof "first day of October".

(b) The amendment made by subsection (a) of this section shall take effect October 1, 1973. The fiscal year beginning July 1, 1972, shall end September 30, 1973. The President shall prescribe such regulations as may be necessary to carry out this section.

TAX REFORM

(Mr. CONABLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CONABLE. Mr. Speaker, there was considerable notice in the press over the weekend of a statement emanating from Congress to the effect that 301 persons with adjusted gross income of $200,000 or more will report no income due for 1969. The immediate implication of this statement is that this is a continuing problem which Congress has failed to deal with.

What are the facts?

Members will recall that a similar statement was made by the then Secretary of the Treasury Joseph Barr prior to consideration by the Ways and Means Committee of tax reform legislation in 1969. As a result, Congress enacted a minimum tax provision as part of the Tax Reform Act of 1969 to reduce avoidance of all tax liability. This minimum tax provision was not in effect, however, for income earned in 1969, the period referred to in the weekend statement; it became effective only in 1970. The tax returns for 1970 are not due until April 15, 1971, and so the impact of the Tax Reform Act is not yet known. Doubtless there will still be some taxpayers with substantial income who will pay no taxes; this was determined when Congress agreed to continue the tax exempt status of interest on municipal bonds to aid financing of municipal governments.

But I think we do a disservice to government and to the relationship between the taxpayer and our tax system by statements which reflect unjustly on the credibility of our efforts at tax reform. My purpose here is to set the record straight so that people are not unduly upset about a problem for which a remedy has been approved by Congress.

CHINA POLICY

(Mr. FINDLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, today I have introduced two resolutions on China policy—one to repeal the Formosa resolution, which is an outdated vestige which engenders misunderstanding and misapprehension, if not hostility, and another which declares that the United States should cease its opposition to admission into the United Nations of the Peoples Republic of China but not accept expulsion from membership of the Republic of China on Formosa.

Enactment of these resolutions would help to convince mainland China that the United States recognizes its legitimate national interests, wishes it to participate in world councils, and has no intention of threatening its borders from Vietnam or elsewhere.

While repeating our determination to stand by our commitment to defend Formosa as embodied in our mutual defense treaty, and our support for continued Formosan membership in the United Nations, we should also do all possible to convince the Peoples Republic of China that we recognize its existence as a nation and regard its present borders as inviolable.

Today's decision by the State Department to remove all passport restrictions on travel to mainland China is a wise and bold initiative by President Nixon which shows America's willingness to improve relations with the People's Republic.

In a letter, March 12, I proposed to President Nixon seven steps to ease mounting tension with the Peoples Republic of China.

The steps:

First. Repeal of the Formosa resolution to be accomplished by a joint resolution I will introduce today.

Second. Rescind U.S.-imposed embargo on trade with the Peoples Republic.

Third. Reduce U.S. military forces on Formosa.

Fourth. Demand that Nationalist China halt guerrilla forays against the mainland.

Fifth. Announce that the United States will respect the integrity of the present borders of the Peoples Republic.

Sixth. Announce readiness to appoint

a special emissary for the sole purpose of discussions with the Peoples Republic.

Seventh. Remove U.S. passport restrictions on travel to the Peoples Republic.

The text of my letter follows:

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The forward-looking and progressive policies which you have adopted toward the Peoples Republic of China are building blocks of a lasting peace is Asia. Recognition in your recent State of the World Message that China is a major world power with legitimate national interests demonstrates an awareness of reality heretofore absent from our Asian policy. The actions you have taken since enunciation of your doctrine at Guam—troop withdrawals from several Asian countries, your expressed desire to normalize relations and to establish a serious dialogue between the Peoples Republic and the United States, and your willingness to accept China into the family of nations on an equitable basis—demonstrate a statesmanship which recognizes America's national interests and facilitates world peace.

In your message you state that you will carefully examine what further steps may be taken—beyond the enlightened measures already adopted by your Administration—to broaden contacts between the U.S. and China and remove needless obstacles to their realization. I write not only to express my profound admiration of your statement, but also to suggest specific actions which you may wish to consider.

Initiatives to ease relations would be especially timely in view of the uneasy and uncertainty with which some capitals view recent Allied moves in Indochina. North Vietnam has raised the spectre of Chinese intervention, and China itself has stated that it "will not stand idly by," and that it will "take all necessary measures, not flinching from the greatest national sacrifices." China maintains that Allied incursions into Laos "directly menaces . . . the security of the Peoples Republic of China." Behind these threats and protestations may be the fear that Allied troops actually threaten Chinese territory and interests. You have made clear through your statements that no such threat to China exists; the peaceful initiatives I suggest would support these assurances.

First. Permit trade with China on the same basis as trade with the Soviet Union; that is, rescind the U.S.-imposed embargo. This would be a logical extension of the wise course upon which you have embarked, looking toward the elimination of all barriers to direct trade between our two countries. The announcement you made a year ago that foreign subsidiaries of U.S. corporations would be permitted to trade with China created no adverse reaction in this country or elsewhere. Quite the contrary, it evoked widespread praise. The step I suggest would extend the same right to all citizens within the United States as is presently enjoyed by many outside the country. It would subject trade with China only to those restrictions which presently limit trade with the Soviet Union. If deemed prudent, the embargo could be lifted in two stages: first, agricultural commodities; later, all others except those of strategic nature. Certainly the Soviet Union has done nothing to justify the preferential trade status it now enjoys, vis-a-vis Peking. The injustice of this double standard may cause Peking wrongly to assume that in a Soviet-China confrontation, the U.S. would side with Moscow.

Second. Remove completely the passport endorsement restricting travel to China. The endorsement has no real effect, as you ordered a year ago that passports be validated for travel to China for any legitimate purpose. This means the restriction has, in fact, been removed. To leave the travel ban inscribed upon passports, while at the same time freely authorizing such travel, creates an affront to China while gaining nothing for our country. Removal of the endorsement would, again put policy toward China on the same basis as policy toward the Soviet Union.

Third. Reduce U.S. military force levels on Formosa. This would be a logical extension of the doctrine you enunciated at Guam in 1969 and have already effectively applied elsewhere in East Asia. This of course includes the reduction of troops in Vietnam and Korea, arrangements for the return of Okinawa to Japan with the consequent removal of nuclear installations, and the removal of the Seventh Fleet from the Formosa Straits. The reduction of U.S. force levels in Formosa similar to reductions elsewhere would in no way alter our commitment to the Taipei government, and such could be restated.

Fourth. Insist that the Republic of China terminate guerrilla forays by its forces against the Mainland. Revelations of such attacks during recent Senate hearings were disappointing to those who seek to normalize relations with the Peoples Republic of China. Although our position undoubtedly is in opposition to such raids, our objective should be to prevent their recurrence. No doubt the Peoples Republic believes the raids are U.S. inspired.

Fifth. Announce that the operative clause of the Formosa Resolution has expired and so report to Congress. This resolution, like the Gulf of Tonkin Resolution, has long since outlived its usefulness. It has been twelve years since the off-shore islands were last shelled, and eight years since Chinese troops threatened Formosa. Surely the resolution is one of "the vestiges of the postwar period" of which you spoke in your message.

The Gulf of Tonkin Resolution was used and described by the previous Administration as "the functional equivalent of a declaration of war," and the similarity of language between it and the Formosa Resolution makes the description equally applicable to the latter. Your initiative was responsible for repeal of the Gulf of Tonkin Resolution.

Termination of the Formosa Resolution could be much simpler. All that is required is a finding by you that "the peace and security of the area is reasonably assured," and a report of such finding to the Congress. Your decision to limit Seventh Fleet patrols in the Formosa Straits evidences the return of stability to that area.

When making the report to Congress, however, I strongly urge that you reaffirm once again that the United States will stand by its commitment to defend Taiwan as embodied in our Mutual Defense Treaty.

Sixth. Announce that the United States recognizes the integrity of the Chinese coastline and will respect the integrity of the borders of the Peoples Republic of China in Southeast Asia. Such a statement could be broad enough to leave no doubt about the inviolability by Allied troops of Chinese borders, and might do much to alleviate fears of Allied thrusts to the North during present operations in Laos.

Seventh. Announce privately your readiness to appoint a special emissary for the sole and express purpose of conducting talks with Chinese representatives, and your willingness to have the site of the talks moved to any agreeable location. Although resumption of talks may be unlikely in the near future, your expressed willingness to elevate the level of the talks might hasten the day.

Such talks have been given new meaning and urgency in recent days by Secretary Laird's announcement that China may have an ICBM capability as early as 1973, and that by the middle of this year China will already have a number of medium range missiles deployed. The United States should make clear its willingness to open SALT talks with the Peoples Republic of China. To do so might help to allay Chinese fears regarding the existing SALT talks between the U.S. and the U.S.S.R. In an earlier day, China proposed controls on nuclear weapons, and it was the United States which refused to consider their plan or enter into such talks. Now it is time for us to take the initiative.

The Warsaw talks have now been recessed for over one year. The appointment of a special emissary authorized to discuss all matters affecting U.S.-China relations, including strategic arms limitation, would demonstrate uniquely and impressively the earnestness of our desire to establish normal relations with Peking. In a limited but important sense it would denote official recognition on our part because we would be designating a diplomat whose sole responsibility would be communication with the Peoples Republic. Peking would not be required to respond with a special emissary and thus could test the sincerity of our proposal with minimum risk.

In closing, Mr. President, no statement was more welcome than your candid and realistic assessment of the present relationship between the United States and the Peoples Republic of China.

Though the Peoples Republic of China may continue to remain hostile despite our best efforts, the people of the United States will, I believe, support you as you do "what we can" to ease that hostility and improve our relationship.

In that spirit I offer these suggestions.

Sincerely,

PAUL FINDLEY,
Representative in Congress.

ALLAN NEVINS: A EULOGY

(Mr. SCHWENGEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, centuries ago the great Cicero wrote, in these words, of the historian whose "first law", he declared, "is that he shall never dare to set down what is false; the second is that he shall never dare to conceal the truth; the third, that there shall be no suspicion in his work of either favoritism or prejudice." I can think of no more appropriate tribute than this to the life and achievement of Allan Nevins, who passed away on Friday, March 5, in Menlo Park, Calif. Among the most distinguished historians of this or any time, Allan Nevins was one who brought to his work that deep and passionate respect for truth which is ever the hallmark of a great historian and scholar. He pioneered in the establishment of the oral history movement, perhaps his most significant contribution to historical studies.

His interest in and support for the work of the U.S. Capitol Historical Society is known to many who are a part of Capitol Hill activity and who are interested in its history. In this respect, his enthusiasm reflected a lifelong commitment to America, its past, its present, and its future, its values, its ideals, and its noblest aspirations.

It should be noted that Allan Nevins wrote the introduction to "We, the People", the book which is published by the U.S. Capitol Historical Society and my colleagues, among other things, will appreciate, the last paragraph of that introduction which reads:

> If the stars were visible only once in a thousand years, wrote Emerson, we should await the spectacle with breathless interest; but our legislators, like the stars, are visible all the time, and hence are little noted unless of special magnitude. The Capitol is History; it is the Major Symbol of the Nation, full of minor symbols; but above all it is a Mighty Engine, tended and kept throbbing by the indefatigable efforts of a select assemblage which represents far more of our national strengths than our national weaknesses.

In addition, Allan Nevins had a continuing interest in the work of the U.S. Capitol Historical Society, not only periodically attending meetings when he could, but making valuable suggestions and helping the society make judgments on the type of research and studies that the society should do. He was an invaluable asset to the U.S. Capitol Historical Society.

Born near Camp Point, Ill. in 1890, he was raised on a farm in which the values of family life, hard work, and frugality were ever present. Like the young Lincoln, he acquired an early passion for history by voracious reading at home. A Phi Beta Kappa graduate of the University of Illinois in 1912, he completed graduate studies there in 1914, publishing his first book, a life of the colonial frontiersman, Robert Rogers—prophetic of his lively interest in every aspect of the American heritage.

Mindful of Oscar Wilde's saying that "anybody can make history; only the great man can write it," he turned at first to journalism, that living history where the making and the writing are shaped. From 1913 to 1923, he was an editorial writer for the New York Post, and literary editor of the New York Sun, 1924 to 1925. He was on the staff of the New York World until 1931, when he accepted a full-time professorship in American history at Columbia University, having taught in this field at Cornell in 1927–28. He remained at Columbia until his retirement in 1958 after nearly 30 years of distinguished service. The Allan Nevins chair of American history was founded in his honor by the university.

Through the years his scholarly output continued, covering virtually every aspect of American history from colonial days to the present. In 1924, he wrote "The American States During and After the Revolution," and in 1927, "The Emergence of Modern America." His 1928 biography of Frémont was the basis for his definitive book on "Frémont: Pathmarker of the West" in 1939.

Two of his works won Pulitzer prizes: "Grover Cleveland: A Study in Courage" in 1933, and "Hamilton Fish: The Inner Story of the Grant Administration" in 1937. These were works which exhibited his ability to raise biography to the level of literature, infusing warmth and style into his scholarly research, motivated as always by love for America and for historical truth.

His 12-volume history of the United States from 1850 through the Civil War, began in 1940, with the last two volumes due to be published this year, reflects his fundamental historical approach. In these works, he analyzed the tragic rise of sectionalism in America and its culmination in the conflict of 1861–65, truly the forging of the Nation in the crucible of battle. "The Ordeal of the Union" won for its author the prestigious Bancroft Prize and the $10,000 Scribner's Centenary Prize. Not surprisingly, he was named in 1961 as chairman of the Civil War Centennial Commission.

His 1940 "Life of John D. Rockefeller," revised in 1953, prepared the way for a new look at economic self-interest in the lives of the industrial giants of an earlier era who had laid the foundations of American business. It challenged the dominant determinism of Charles Beard and his disciples by its rediscovery of the place of values and ideals over and above economic gain. His three-volume study of "Ford," written with Frank Hill, gave the lie to hostile critics who had challenged his integrity.

In all, he wrote more than 50 books, edited at least another 75, and wrote literally hundreds of reviews and essays. Honors were showered upon him; at the time of his death he held honorary degrees from fully 28 institutions. He had received his doctorate from Oxford in 1914. After his mandatory retirement, he went on to become senior research associate of the Huntington Library in San Marino, Calif., from which he retired in June of 1970. In 1964, for an unprecedented second time, he held the chair of Harsworth professor of American history at Oxford.

Indefatigable in research, patient and meticulous in scholarship, he set standards which have seldom been matched in the whole area of American historical studies. Balanced, judicious, conscientious, he embodied those qualities which Cardinal Newman rightly attributed to the study of history—a mind enlarged and enlightened by "a power of judging of passing events, and of all events." He recognized the element of truth in Gibbon's bitter reference to history as a record of "the crimes, follies, and misfortunes of mankind," but beyond that he perceived something more—the power of ideals to shape and transform men and nations. He passing will be deeply felt by all who cherish America's past even as the unique achievement of his life and work will continue to inspire all who share his confidence in America's future.

A fitting tribute is a quote from Edward Markham's poem "Lincoln, The Man," in which he said:

> He is a man to hold against the world, a man to match the mountains and the sea.

It is high tribute to say a man will be missed and in this case, it is especially high tribute because he will be missed by so many, but there is also compensation as we mourn his loss in knowing that we can forever know about him and learn about him from the magnificent literature that he wrote and left us as our heritage.

TENTH ANNUAL REPORT OF U.S. ARMS CONTROL AND DISARMAMENT AGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The Speaker laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

The report which I transmit to you covers the activities of the U.S. Arms Control and Disarmament Agency during the calendar year 1970. It is noteworthy that this is the Agency's Tenth Annual Report; it marks a decade of diligent pursuit of arms control and disarmament.

I have set as my goal the attainment of a generation of peace. I believe that arms control presents both a necessary and a promising road towards a stable, secure world in which true peace can exist. There are many problems to be solved and the answers will not come easily, but with determination and perseverance, we can prevail.

For the first time, a realistic dialogue is taking place between the Soviet Union and ourselves about the management of our strategic relations. The mutuality of interests which brought us to the table encourages our hope that the Strategic Arms Limitation Talks will succeed. I am heartened by the work which has already been done, and I am hopeful that the constructive nature of the exchange will continue in Phase IV of SALT, which resumes in Vienna in March.

During the past year, another arms control measure was added to the growing number which have emerged from international negotiations. A treaty banning weapons of mass destruction from the ocean floor was successfully negotiated, thus expanding still farther the areas and environments in which nuclear weapons are precluded.

These and other efforts in the arms control field are described in the accompanying report. Progress is not always dramatic, but the direction is sure. My Administration is dedicated to finding better, safer, and cheaper alternatives for insuring our security than the expedient of competition in weaponry.

RICHARD NIXON.

THE WHITE HOUSE, *March 15, 1971.*

PERMISSION TO CONSIDER TOMORROW, SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF LABOR

Mr. MAHON. Mr. Speaker, would it be in order at this time for me to ask unanimous consent that on tomorrow the House consider a supplemental appropriation bill for the Department of Labor for unemployment compensation, which was reported today out of the Committee on Appropriations?

The SPEAKER. The Chair will state to the gentleman from Texas that such unanimous-consent request would be in order.

Mr. MAHON. Mr. Speaker, I make that request.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, again, what is the request?

Mr. MAHON. Mr. Speaker, if the gentleman from Iowa will yield, the request is that it be in order on tomorrow for the House to consider the joint resolution making a supplemental appropriation for unemployment compensation payments for former servicemen and Federal employees for fiscal 1971, which was approved unanimously today by the Committee on Appropriations. The current appropriation for the program is exhausted.

The gentleman from Pennsylvania (Mr. FLOOD) will make a full statement to the House on this matter when it is before us.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

INDEPENDENT RESEARCH AND DEVELOPMENT BY THE DOD

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. GUBSER), is recognized for 30 minutes.

Mr. GUBSER. Mr. Speaker, I regret that because certain information, which is essential to the work I do as a member of the House Committee on Armed Services, has been denied me until just a few moments ago. As a result, it is necessary for me to take the floor in a completely extemporaneous fashion, in order to preserve the quality of timeliness for my remarks.

Mr. Speaker, year before last we had a very controversial section of the military procurement bill which had to do with independent research and development on the part of the Department of Defense. It is a very complicated subject, but let me try to explain what independent research and development actually is.

It is a common practice of all businesses to continuously probe the frontiers of science in the hope that such probing will point the way toward a product which is marketable. American business spends a good percentage of its gross income each year on independent research and development. To use General Motors as an hypothetical example, if one of us happened to buy a General Motors automobile such as a Cadillac or a Buick we probably would be paying, for I. R. & D. related to future smog control devices or possibly research on highway safety which may be indirectly related to the auto but, nevertheless, essential to our own well-being.

Business can only get its money back for the cost of this constant research by adding its cost to the prices of products it sells. Therefore, when you are buying most products a part of the price paid is for progress—a commodity that is essential to our national welfare.

That is the background. American business without independent research and development could not progress, and no major business could stay in business without IRD—independent research and development.

Now, this type of activity is also essential to our Department of Defense. Without independent research and development we might not have radar today. We would not have had the color TV camera which went to the moon except for the fact that Westinghouse, with its own money invested in independent research and development, discovered the technique which resulted in such a camera. We would not have had many of the features in the nuclear submarine and other weapons were it not for independent research and development. Without it we could not have an up-to-date Defense Establishment.

When I. R. & D. is done for the Department of Defense—just how does the contractor get his money back? Well, obviously, he has to get it back the same way that General Motors does when it sells you that Buick. It has to be tacked on to the price paid by the customer—and the customer in this case is the Department of Defense.

Two years ago in the military authorization hearing, a great misrepresentation occurred. There were certain elements in the other body which tried to convey the impression that this was a bonanza of several billion dollars merely handed out on a silver platter to American industry.

Not one word was said about the fact that DOD examines costs for I. R. & D. and that the bulk of I. R. & D. programs of contractors are closely monitored by Government evaluators and field auditors. Nothing was said about cost-sharing arrangements wherein the Department of Defense unlike commercial customers, pays less than its proportional share of I. R. & D. The Department gets almost $1 worth of research for every 50 cents it spends and the contractor absorbs the difference by taking it from profits. But, of course, it is popular these days to damn the Pentagon and consider it the root of all evil.

So the true story of I. R. & D. did not get across to some last year. An effort was made in the other body to separate I. R. & D. from the cost of products purchased by DOD and appropriate funds as a special category. This we considered an administrative nightmare and an impracticality. How do you know today when you are buying a weapon system or aircraft or submarine that it did not originate from independent research and development conducted by that company 10 years ago? How do you know what I. R. & D. might suggest for the future. A fly fisherman does not know whether he must cast 10, 20, or a thousand times before he catches something. Likewise, you cannot predict how much will be necessary in a given year for I. R. & D.

There is no way of isolating what is done in one year and putting a line item amount in the budget to cover everything that is going to be required.

After considerable debate 2 years ago, it was decided that this was utterly impractical and impossible. The two Armed Service Committees in conference on the military authorization bill agreed that we should hold extensive hearings—and this was done last year. The House held several days of hearings on the subject. We went into it in depth and we listened to the General Accounting Office and the Comptroller General who examined I. R. & D. for 2 years.

The other body also held extensive hearings. With that background of knowledge which was a thousand percent more than we ever had before, we again went into conference on the military authorization bill last year and again after days of debate we decided we should improve surveillance of independent research and development, but that it was not necessary or possible to line itemize it by putting a specific x amount in the budget.

So last year we wrote law which tied down independent research and development, improved its administration and required more visibility to the Congress and required that reports be rendered. In fact, one is due today, March 15. That law took effect January 1 of this year, and it has now been in operation about 75 days, or 2½ months.

But certain persons in the other body still insisted that this totally unworkable plan to line itemize was possible and a request was made of the General Accounting Office to express its views as to whether or not it would be possible to line itemize independent research and development.

I heard about this request and I asked that I receive a copy on the same day as it was given to the Senator. I felt as one of the persons in the House who was assigned a good share of the responsibility for I. R. & D. during the past 2 years and who had participated actively in the hearings—and a person whose committee work was definitely involved with the subject matter of this report—I felt that I had a right to receive it.

But I was refused, and I make the statement that I was refused in no sense being critical of the General Accounting Office, because we know that is established policy. In fact, I read from the last paragraph of the letter of transmittal of this report a clear statement of GAO policy with which we are all familiar. This is written to the Senator who requested the report:

> We hope this information will serve the purpose of your request.
>
> If we can be of further assistance to you in this matter, please let us know. We plan

> to make no further distribution of this letter unless specifically requested, and then copies will be distributed only after your approval has been obtained or public announcement has been made by you concerning the contents of this letter.

I am not complaining about GAO violating established policy. They did not violate, they adhered to it. But I do now raise the question as to whether it is not time to review the General Accounting Office, to investigate it, and to determine whether it should withhold information gained at the taxpayers' expense from the Members of Congress who are intimately concerned with this type of activity and whose responsibility in their committee is to deal with the subject matter of this report.

If we allow this to go on, and if we do not ask for a change of policy, then we are making personal publicity agents out of the General Accounting Office for individual Members of the Congress. Why should I as a person who has a responsibility in this field and my constituents have to first read about it in the Washington Post, as I did this morning, and the Washington Star this noon. Talk about secrecy. Talk about withholding information. Can you not distort news just as well by withholding it as you can by manipulating it? This amounts to news distortion. This amounts to withholding information. This amounts to secrecy, when there is no need for it insofar as the national security is concerned. In fact, the only need is to preserve the individual publicity rights of the Member, whether it be a Member of the House or a Senator, who makes the request. This information should be public property, and we should immediately discuss the advisability of asking the General Accounting Office to change its policy accordingly.

That was the principal reason for my taking this time today, to raise this question and to ask if it is not time that we reviewed the General Accounting Office with a view to perhaps making changes in policy.

A few words about the report itself. It is rather interesting that the report requested information as to whether or not independent research and development could be line itemized. There is a vague reference in the report to the fact that it could be. No details are given in the scant seven pages of supporting evidence which was not gathered in an in-depth study. But 90 percent of the letter of transmittal to the Senator who had requested the report states that due to the laws we enacted last year, due to the safeguards which we put into the law and the better control over independent research and development, due to those laws, which have been operating only since January 1—2½ months—that it would be inadvisable to undertake the administrative problem of installing line itemization at this time. GAO has said that for at least 1 year, and probably 2, we ought to give the improved law a chance to work.

So their recommendation is against the immediate implementation of line itemization. That was what the good Senator was requesting, and that is what he wanted.

However, it is interesting that this morning's news account, which I saw and which prompted the whole of this statement, does not say a single word about the fact that GAO recommends against the implementation of the very thing which motivated the request for the report. In order to make it newsworthy, the only thing emphasized was that somebody in the Pentagon tried to squelch it.

Let us investigate that one. The "somebody" was supposed to be Assistant Secretary of Defense for Installations and Logistics, Mr. Barry Shillito. His comments on this report were requested by the General Accounting Office, and on December 19, he responded with a letter which is included in this report and is 2½ pages of single-spaced typing, which goes directly to the issues involved in line itemization of I. R. & D.

There is one unfortunate sentence that should not have been included in this letter—just one sentence. I want to read it, though, in context with the entire paragraph in which it appears, and then identify the sentence which I think is unfortunate.

This is the concluding paragraph of Mr. Shillito's letter, and he says:

> IR&D plays an important part in maintaining the technological base of this country and careful consideration is imperative before any revolutionary changes are made that could have a serious adverse impact. There is no indication that the GAO proposal is supported by anything approaching the type of in-depth study required. Yet it infers that the proposed line item approach is feasible and desirable.

Then here comes the unfortunate sentence:

> I urge that a report of this nature, with its inferences, not be furnished the Congress or anyone else.

Then it goes on:

> I would also suggest that a complete in-depth study of this vitally important matter be conducted before any conclusions or recommendations are made.

But the news story only talks about the one sentence, attempting to convey the impression that a "gag" was attempted by the Department of Defense, and says nothing in the world about the sentences in the paragraph which preceded that one sentence or which followed it, and which convey a very, very different situation entirely.

Furthermore, planted in the middle of the press items was a quotation of a Senate aide which had nothing to do with the content of the GAO report or the facts related to I. R. & D. management. The aide said:

> They (the contractors) can use this money for any commercial enterprise they might also be engaged in—and there are no checks on this money.

This remark infers that DOD simply gives a billion dollars away without any question whatever and the benefit to the Government is zero. Last year, GAO examined and reported that this was, in fact, not true. So the aide created a credibility gap in the office he serves.

Mr. Speaker, to summarize I want to make it very clear that I have the utmost of respect for the General Accounting Office. It has done some magnificent work and is continuing to do magnificent work. It has not violated established policy.

But I do say that the time has come when in the people's interest the people's business should be known to the people's representatives before they appear in a distorted fashion in a news story. We should look into the General Accounting Office and determine whether or not we want this information, which is the subject matter under the jurisdiction of a legislative committee, to be made available to that committee rather than reserved so that it can serve the private publicity purposes of some other party. In the instant case, the credibility problem might have been avoided had the rules under which GAO operates permitted full public disclosure of this report rather than having it serve a single master.

This is a serious question. It is one the Congress should go into.

PERSONAL ANNOUNCEMENT

Mrs. ABZUG. Mr. Speaker, I should like to point out that on Wednesday, March 10, I was absent because of illness and I missed the votes on H.R. 4246 and H.R. 5432. Had I been present I would have voted "yea" for each of them.

THE GOVERNMENT'S ROLE IN THE VIETNAMESE OIL ISSUE

(Mrs. ABZUG asked and was given permission to address the House for 1 minute.)

Mrs. ABZUG. Mr. Speaker, I rise today to introduce a resolution asking the Committee on Government Operations to investigate the role various Government agencies are playing in the decisions of American oil companies to bid for tracts on the continental shelf of Vietnam. According to both the public press and the industry press, the bidding for concessions is about to commence either this month or next.

For 2 years now explorations off the shore of South Vietnam have been going on at substantial cost, in the millions of dollars, both under U.N. and private auspices. Singapore, the oil center of Southeast Asia, is buzzing with the prospects, and speculation is that British Petroleum has already discovered rich oil deposits offshore Con Son, the island made famous in the 91st Congress by the discovery of the "tiger cages."

Over the past year, in anticipation of this economic windfall, the South Vietnamese legislature has spent a great deal of time in developing a law, the 011–70 Petroleum Law, to govern all the exploration and exploitation of their continental shelf. It is this law which will govern the bidding about to open. The financial investment contemplated by the 20-odd oil companies, mostly American, is enormous—in the billions of dollars. The proposals being developed by the oil companies in compliance with the 011–70 Petroleum Law are sophisticated, including job training programs for South Vietnamese people, and estimates of large returns on their investments. Everyone is tooling up for the rush.

Even to the most financially naive, the immediate question is how secure these investments are, immediately offshore a country ravaged by war for the last two decades. It is inconceivable that the companies would not have consulted with the U.S. Government in determining their financial risk—consulted with them to determine the safety of their investments; to find out how long American troops, planes, and fleets will be present as an added measure of protection; to discover how the Republic of Vietnam will be governed over the next 2, 4, or 10 years.

Even though an official of the Department of Commerce informed a reporter for the Village Voice that he was sure that administration assurances had been given to the oil companies, the State Department, so far the only Government agency publicly asked by a committee of this Congress, has denied it—denied making any assurances, denied knowledge of Vietnamese oil, denied assisting in the development of the petroleum law, and denied that bidding will be soon opening up, in letters of January and February to the chairman of the Senate Foreign Relations Committee, Mr. FULBRIGHT.

Today the Washington Post reports that public belief in Mr. Nixon is at an alltime low. No wonder. This latest in the series of denials is not a new trend; it is the same old administration line, particularly with respect to Southeast Asia, that we have all come to expect—that we are winding down the war when we begin new incursions into Laos and Cambodia and bomb North Vietnam more heavily than ever before; that Vietnamization is going well; that we are seriously negotiating at Paris, and so on—interminable two-facedness. This Congress, to say nothing of the American people, must no longer suffer this continuous insult by the administration, this continued refusal to deal with us "at arm's length" so that we can fulfill our constitutional responsibility to the American people. This Congress must insure that it does not suffer the same serious public disbelief that the President suffers.

We have a mandate from a majority of the American people to end this war. We need the information that the administration is withholding to fulfill that mandate. However, that is not the only reason we need the information. Congress in addition to waging war and building peace, needs to make other kinds of foreign policy decisions. Further, the information is necessary to assure an effective congressional role in solving the problems of the inadequacy of energy resources and the dangerous shape the energy industry is taking in its attempts to meet these demands. I refer you to the excellent speech by the gentleman from Tennessee (Mr. ANDERSON) on March 10, 1971, before this body for further development of this rationale.

For these reasons and more, the Congress needs the information that will be gathered by the investigation, and I urge your support of this resolution:

RESOLUTION

Whereas, geophysical explorations in the continental shelf of South Vietnam are raising great excitement in the oil industry and the potential of substantial investment and causing great apprehension in the American people; and

Whereas, the Government of the Republic of Vietnam is going to presently open bidding on some or all eighteen tracts established on the continental shelf of Vietnam; and

Whereas, many American oil companies are indicating interest in bidding for said concessions,

Resolved, That the Committee on Government Operations acting as a whole or by subcommittee, is authorized and directed to conduct a full and complete investigation of the nature and extent of various government agencies involvement in and promotion of various U.S. oil companies decisions to submit bids on the tracts presently to be offered by the Republic of Vietnam.

For the purposes of carrying out this resolution, the committee is authorized to sit and act during the present Congress at such times and places within the United States or elsewhere, whether the House is in session, has recessed, or has adjourned, to take such depositions, to hold such hearings, and to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpoenas may be issued under the signature of the chairman of the Committee or any member designated by him, and may be served by any person designated by such chairman or member.

The committee shall report to the House, as soon as practicable during the present Congress but not later than forty-two days after the date of the adoption of this resolution, the results of its investigation, together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

At this point, I call your attention to the following bibliography on which these remarks were based:

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U.S. GOVERNMENT AGENCY RESPONSES

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Some of the material follows:

THE FACTS ABOUT OIL LEASES OFF THE COAST OF SOUTH VIETNAM

The most essential facts are well outlined in the attached report which first appeared in *Le Monde*, Jan. 8, 1971. Essentially, using the U.N. Economic Commission for Asia and the Far East (ECA) as a cover at the end of 1968, the U.S. began extensive oil explorations off the Southwest Vietnam Coast—with England supplying the equipment. Results were highly successful."

Earlier that year, U.N.-sponsored searchers found zircon, rutile and ilmenite sands of "economic significance" in South Vietnam itself, and has scheduled new geologic surveys in the Mekong Delta. By April 1969, using U.S. equipment, the oil search had moved to the waters east of Vietnam, and essentially the entire coast was explored. During 1969 the oil journals were full of details on the promise of an immense oil region—"potentially one of the most prolific oil reserves in the world," according to a U.S. Navy expert—ranging from Korea to Thailand and including Vietnam.

Despite industry discussion, Washington publicly said nothing about the topic and allowed the U.N. ECAFE to provide the front for mounting explorations. During November 1969 the U.S. Ambassador to Thailand told a Senate committee that six oil firms (five of them American) were actively exploring the Gulf of Thailand. The press still did not pick up the subject, though oil industry estimates became yet more optimistic. Even when the March 1970 *Fortune* summed up the basic facts describing the oil rush in what was estimated as possibly the richest offshore field in the world, the relationship of the issue to the war was ignored. By May, David Rockefeller of the Chase Manhattan Bank estimated that over the next 12 years U.S. oil firms might spend $35 billion developing the Asia-Western Pacific Region. Meanwhile, geophysical exploration off Vietnam continued.

By fall of last year the Thieu-Ky regime had divided its offshort water into 18 blocks, and on December 1st passed a law governing the terms under which these concessions were to be let. In the very near future (in March, according to recent reports) it will take bids on terms that are low by prevailing world standards. It should be noted that the oil involved is of the especially precious low-sulphur variety (the U.S. is likely soon to tax high-sulphur fuels because they are major pollutants). The U.S. and Western Europe are confronting a major, probably permanent oil shortage, and the non-Asia Third World oil nations are in the midst of a profound struggle with the industrial consumer nations to obtain fairer, more costly terms. Objectively, at no time have U.S. oil companies been in greater need of new oil sources.

(Summary by Dr. Gabriel Kolko, York University, Toronto Canada)

Documents and reprints of key articles attached.

[From the New Republic, Mar. 13, 1971]

OILING THE ESCALATOR

(By Gabriel Kolko)

One of the most remarkable aspects of the U.S.'s decade-old intervention in Indochina is that it never developed an important, specific economic constituency that could only lose from total American withdrawal. On the contrary, the monumental impact of the war on inflation at home and the U.S.'s world monetary position made the war increasingly a danger to a profitable, cohesive social order. Aerospace contracts and dividends fell, and even napam producers had no special interest in their deadly merchandise being employed in Indochina as opposed to some other hapless nation. Raw materials, a factor to which the Eisenhower Administration paid some (but by no means exclusive) attention when it decided to support the French, were predominantly in the neighboring states rather than Indochina itself. If the domino theory required saving every link in the chain for fear of losing it all, there was always reasonable doubt whether that dubious analogy adequately explained the nature of agrarian revolutions and Southeast Asia's inexorable fate. By 1968 the economic, military, and social costs of depending that doctrine appeared far too high not just to tens of millions of Americans but to a growing number of major business and financial leaders who endorsed the principle of U.S. withdrawal in one fashion or another.

The absence of some immense economic incentive to attain victory and a politically significant economic force to sustain it, meant that Nixon's consistent strategy of protracted air and artillery war in Indochina could not in the long-run win political time at home during which to attempt to gain the ever-elusive military dominance in Indochina. This fact was a source of optimism, for never before has the U.S. been ruled without the consent of the electorate or the leaders of the key centers of industrial and financial power. Today, however, this sanguine future estimate is profoundly in doubt. For there is now emerging the possibility of a new economic bloc that could dangerously shift a vital portion of a hitherto neutral or hostile sector of big business and banking back into the strongly pro-war camp.

Indochina's main blessing, ironically, was that while it was known to be rich in agricultural commodities, until 1968 too little was known about its other resources to make it appear worth the costs to profit-oriented businessmen. For some years, however, American oil firms regarded Vietnam's offshore oil potential as promising. Only at the end of 1968, under the nominal auspices of the UN's Economic Commission for Asia and the Far East (ECAFE), what proved to be "highly successful" oil explorations began off Vietnam's southwest coast. By the following spring, still sponsored by ECAFE but with US funds, the oil search then led to a 4000 mile seismic survey of the eastern and southern Vietnamese coast and the data were sold to an unidentified group of predominantly American firms.

This fruitful beginning took place as an oil bonanza atmosphere was building up throughout the East Asia offshore region, and as the US Navy's experts announced that the vast shallow areas running from Korea to Thailand might contain "potentially one of the most prolific oil reserves in the world." The oil was especially precious because it has a very low sulfur content, making it far less of a pollutant. By November 1968, when testified to the Senate Committee on Foreign Relations, he casually mentioned "one very, very large development that may take place" in Thailand: six oil firms, five of them American, were busy exploring offshore with "pretty good hope of finding something."

Amidst growing industry predictions of "bluechip boom" for oil everywhere in Southeast Asia, "creating an atmosphere reminiscent of the Alaska-Yukon gold rush," quote *Fortune's* survey of the topic in May 1970, undiscussed incentives for military-political victory in Indochina were growing. The following months, David Rockefeller, chairman of Chase Manhattan Bank, intimated that the predominantly American international oil firms would spend $35 billion in Asia and the Western Pacific, mainly Southeast Asia, over the next 12 years. Meanwhile, further US explorations off Vietnam continued and estimates of immense future output in the region became more and more common. As the editor of *Petroleum Engineer* summed it up last June, "The projected work pace for all of Asian Pacific could turn out to be woefully conservative, depending on how long it takes to settle the war against the communists in Vietnam. If and when the US wins its objectives there, oil exploration conceivably could be successful enough to turn that part of the world into another South Louisiana-Texas-type producing area. This would be one of the biggest booms in the industry's history. It all depends on the Vietnam war how long it takes to get the job done and how well the job is done."

The discovery of oil near Vietnam comes at a time when non-Far East producers are in the process of extracting higher royalties, the US has narrowly averted a fuel shortage, and the pollution crisis has led the Administration to consider taxing the sulfur content of oil. Today the US imports over one-fifth of its oil supply, but by 1985, reliable industry sources claim, imports could reach one-half the national consumption. "We are a great country largely because of our supply and use of energy," George A. Lincoln, chairman of Nixon's Oil Policy Committee stated earlier this year; "Without control of that energy supply, we could become a Samson shorn of his locks." Never has the incentive for the US to control a politically reliable, major petroleum region been greater. If Southeast Asia is to play that role, then the implications for the outcome of the war are monumental.

At the same time, Saigon has been locked in an insoluble economic crisis which has grown consistently worse since 1968. Inflation and speculation, which last fall's piastre devaluation only momentarily slowed, has continuously undermined the regime's authority and following in the urban areas threatening to duplicate the Chinese experience of 1946–49 when Chiang possessed nominal physical control while the socio-economic fabric of society unravelled around him. The artificially stimulated and highly fragile urban sector is today largely dependent on a high rate of US military expenditures.

Nixon has never developed an economic equivalent of "Vietnamization" in the military sphere, a fact Ambassador-at-Large David Kennedy is expected to consider during his visit to Saigon this month. The President's current strategy of indefinitely fighting a protracted air and mechanized war does assume, however, an important reduction of US manpower and costs. Oil investments would partially compensate for this new economic vacuum, and it would gain the Administration what it has hitherto lacked: a politically and economically powerful constituency—the international oil firms—with a tangible vested interest in Indochina puppet regimes and a protracted war to consolidate US hegemony in the region. This constituency, which in this century has been the most important single economic element in influencing the conduct of American foreign policy in the Third World, can operate only where it attains the political prerequisities of economic activity. Since the process of oil development in new areas, from exploration to commercial production, usually takes a decade or longer, in the past US firms have not invested heavily in any region unless Washington has first assured them that their often large investments will ultimately be rewarded. This understanding is almost always explicit, and also a better measure of the US's long-term intentions than any speech or platitude.

Washington has avoided specifying the exact type of economic order it wishes in Indochina, but the Asian Development Bank's recent report on the future of Southeast Asia in this decade offers some basic themes appealing to the Japanese-American alliance that controls it. Essentially, the Bank stresses the need to develop the raw materials export sectors via foreign investment, to modernize agriculture, and to fit Southeast Asia into a regionally integrated capitalist economy based preeminently on Japanese and Australian needs. The Bank explicitly recognizes this will require a "Korea solution" to the war, a solution the US would attain by reducing combat and its forces to a residual army of 25,000 or more until at least 1971. Such an Indochina, of course, completely prejudges the political and economic outcome of the war in favor of the present Saigon regime or something akin to it. So would a massive influx of US capital. It would also reveal, more candidly than its words, that the Administration has no intention of withdrawing from a major role in guiding the future affairs of Indochina and that, on the contrary, it is establishing a permanent presence. That role would require many years of combat and economic and human expenses—only eventually to end in failure.

The Thieu-Ky regime has grasped the significance of these possibilities and in recent months has adroitly attempted to deepen the American stake in its future as well as solve the potentially fatal economic illnesses it now confronts. During the summer of last year Saigon divided its offshore waters into 18 immense blocks and then rewrote its investment laws to facilitate foreign entry on terms that will tempt even the most cautious investors. Last December 1 it issued a new oil law containing tax rates far lower than prevailing world standards, and it embarked on a public relations campaign to make what was admittedly a very promising situation look like, to quote Saigon sources, "one of the most spectacular oil deposits in the world." Explicitly releasing it in the context of an attack on a coalition-government solution to the war, Saigon has also just published *Doing Business in Vietnam* and is distributing it free in the US. It has successfully fed the speculative fever by announcing that individual firms have been attempting to obtain special rights, and far exceeded even foreign optimists in promising alluring riches. Then, at the end of December Saigon authorities declared they would begin accepting tenders for leases at the end of February, and within a month at least 22 firms—predominantly American—were in Saigon ready to offer bids. As Thieu's men never tire of pointing out, whether American business will reap the harvest depends on a regime ready to cooperate with the US on most generous terms. Such a government precludes both a political settlement to the war and American withdrawal.

Although we cannot know the exact encouragement the Nixon Administration has given the oil firms, save via a congressional inquiry, outside the U.S. there has been growing concern regarding this new and subtle phase of the war. In early January, Jacques Decornoy in *Le Monde* outlined the contours of the development and candidly asked what assurances Washington had given the oil firms. At the same time, the Sihanouk government denounced Phnom Penh's important new concessions to the Thais and U.S. oil firms, and Stockholm's respected *Dagens Nyheter* at the end of January also linked the published economic facts to their obvious political dimensions, speculating that Washington must have urged the oil firms to gamble on Saigon. Then, on February 7, Agence France Presse's Moscow correspondent reported a Soviet official assessment which assigned to the discovery of oil a large role in shaping U.S. policy in Indochina since early 1970. And at the end of the month, the Provisional Revolutionary Government announced that it would not recognize Saigon's oil concession. So far, no major American news outlet has yet deigned to analyze the political significance of oil in Indochina.

Should Congress, the press, and the people eventually consider the implications of massive oil investments to the future of the war, its first effect will be to expose further Nixon's claims to favor U.S. withdrawal, for economic penetration will require what is tantamount to a U.S. colony and a war that can only escalate without hope of an end. No doubt that those who oppose the war will press for a ban on U.S. investments that the Administration can only protect at the cost of future massive expenditures of Vietnamese and American blood. And it is likely that oil firms that take leases will find themselves replacing the napalm manufacturers as the object of the antiwar movement's wrath—a fact that will be of more material consequence as young people become angrier and more desperate. If major oil firms decide the war is still worth the gains, and actively back Nixon's undertaking, then the balance of political forces within the U.S. will be very different than in March 1968 when, according to Townsend Hoopes' account, major financial and industrial interests prevailed on President Johnson not to further escalate manpower in Vietnam for fear of aggravating the already sagging health of the economy and society.

We are now on the verge of a development that could transform a war that was initially based less on tangible considerations of economic gain than it was on ideological and strategic assumptions that had only a quite indirect economic component. Should economic spoils replace the desire to maintain a credible military image and contain revolution as the source of American conduct in Indochina, adding a powerful new domestic constituency to Nixon's present fragile, emotional following, the dangers confronting antiwar forces and the peace of Indochina and the world may prove incalculable.

[From the Nation, Mar. 8, 1971]

SOUTHEAST ASIA: OFFSHORE OIL BOOM

(By Barry Weisberg)

(NOTE.—*Mr. Weisberg, co-director of the Bay Area Institute, San Francisco, has written widely on the political economy of petroleum, and is the editor of* Ecocide in Indochina *(Canfield Press, a department of Harper & Row)*.

SAN FRANCISCO.—On December 1, the Thieu-Ky government issued Public Law No. 011/70 regarding the "Exploration and Exploitation of Petroleum and related taxation, fees and exchange regulations." This law gives the official go-ahead for negotiating offshore leasing arrangements between South Vietnam and twenty-one contending petroleum companies, mostly American. Extensive American petroleum exploration in Indochina and South Vietnam has been conducted for more than two years under the auspices of the United Nations Economic Commission for Asia and the Far East (ECAFE).

The eighteen offshore South Vietnamese concessions are in the Gulf of Thailand and the southeast offshore region adjacent to the penal colony of Con Son. Saigon will offer the concessions on a "best offer basis," allowing great flexibility on the part of the contending petroleum companies. The specified tax rate of 55 per cent can be lowered by official decree to 45 per cent or raised to a maximum 65 per cent, but not retroactively.

In addition to the offshore areas, prospecting as also occurred in the rich Mekong River Delta and on the alluvial plains of Thailand. Potential petroleum deposits have been detected along a continental shelf that connects Japan, Indochina, Indonesia and Australia. With more than 1 million square miles of Southeast jungles and shallow seas, this continental shelf is the largest in the world. Also, it appears to hold the largest deposit of petroleum. A report by *World Oil* of August 15 predicts "a daily average crude production of 400 million barrels by 1975 from this area." That would be 146 billion barrels a year, or nearly three-quarters of the entire production of petroleum in the world to date!

America has a long-standing interest in the natural resources of Southeast Asia. In 1965, Henry Cabot Lodge, then U.S. Ambassador to South Vietnam, stated: "He who holds or has the influence in Vietnam can affect the future of the Philippines and Formosa to the East, Thailand and Burma with their huge rice supplies to the West, and Malaysia and Indonesia with their rubber, oil, tin to the south."

The rise of American economic investment in all of Indochina was made explicit on November 11, 1969 in a statement by the U.S. Ambassador to Thailand before a Congressional hearing: "There is one very large development that may take place. Nobody knows at this point whether it will prove out or not. That is the oil exploration going on in the Gulf of Thailand. . . . Now if that develops, it of course will be a very major additional investment in the country. Since the coup of Gen. Lon Nol and the U.S. invasion of Cambodia, Khmer-Thai economic negotiations have increased substantially. They center on a common plan for petroleum exploration.

It appears that recent military escalations in Cambodia and Laos coincided with the actual determination of petroleum deposits in Indochina. A story sent out by the wire service Agence France-Presse on February 7, 1971 states: "The very recent discovery of important oil deposits in Thailand and South Vietnam explains in great part, according to reliable sources in Moscow, the resurgence of military activities in Indochina, particularly the recent events in Laos. . . . One cannot know precisely when the existence of the deposits became known to the Americans, but according to the same sources, one cannot discard the possibility that decisive information on this subject was obtained before the unrolling of events in Cambodia, last spring." Jacques Decornoy, Southeast Asian editor for *Le Monde*, wondered on January 8, "Have the oil companies perhaps received some solid assurances from Washington concerning the willingness of the United States to 'hold' Indochina, and South Vietnam in particular?"

American petroleum investment in Southeast Asia is already extensive. Standard Oil and Shell have been investing in the region for more than fifty years. At present, offshore oil concessions dot a map of Southeast Asian waters, and by the end of 1971 Indonesian petroleum production is expected to reach 1 million barrels a day, with American interests dominating 80 per cent of production. U.S. investment in Indonesian oil has sprinted from $100 million in 1969 to $130 million in 1970 and is expected to climb to $160 million in 1971. Pertamina (the national Indonesian petroleum company) has negotiated more than twenty-eight production and exploration contracts with foreign companies, seventeen of which are American.

More than $100 billion worth of military spending has been poured into South Vietnam in the last twenty years, with another $4 billion going to Saigon in non-military aid. The extensive network of highways, harbors, railroads, airports and communications provides an ample foundation for an oil rush to Southeast Asia. David Rockefeller of the Chase Manhattan Bank estimated last May that American oil firms would spend $35 billion on pertoleum in the western Pacific over the next dozen years.

To date there have been five major petroleum finds on the shelf, one by Royal Dutch Shell and four by American companies; Atlantic Richfield (which pioneered the Alaskan North Slope discovery), Cities Service and the Union Oil Company and Natomas of California. Aside from Indoniesian waters, there has been a rush to the Gulf of Thailand and Malaysia with continued attention to the coastal waters of South Vietnam.

The Wall Street Journal of September 22, 1970 reported rumors that Standard Oil of New Jersey (Esso) had discovered oil in its 28,000-square-mile concession off the coast of Malaysia, directly adjacent to the South Vietnamese blocs. Esso had made no announcement, realizing that news of the find would greatly boost the South Vietnamese bidding. However, it opened a greatly enlarged petroleum refinery in Singapore on February 19. A U.S. Embassy official in Singapore, base for the burgeoning petroleum operations of Southeast Asia, suggested: "We've had all the feelings of an oil boom here in Singapore already. But with the recent chaos in the Middle East the oil moguls must be frantic now to get more firmly into Southeast Asia."

One cannot grasp the importance of the current oil rush to Southeast Asia without reference to the larger international petroleum picture and the Middle East. The predictions are that within the next ten years the industrial world will consume as much petroleum as was produced in the entire previous history of oil. In the past decade Western Europe has tripled its consumption. France annually increases consumption by 17 per cent and Japan by 13 per cent, while the United States averages about 6 per cent. However, although the United States both produces and consumes more petroleum than any other nation, it is comparatively self-sufficient. The annual production here is now three times that of any Mideast nation. Imports account for 20 per cent of our consumption, but they are largely Canadian and then from Venezuela, with only 3 per cent of the supply coming from the Mideast. By contrast, the six Common Market nations import 63 per cent and Japan 90 per cent—mostly from the Middle East and Africa.

With the closing of the Suez Canal, oil-consuming nations have been paying an additional $1 billion annually for increased tanker costs. In this context, one understands the importance of the recent controversy in Tehran between the ten-member Organization of Petroleum Exporting Countries (OPEC) and the American petroleum companies. As Walter J. Levy suggested in December at the OPEC meeting in Caracas of the new tax and price demands, "It is most foreboding in terms of Western economic and strategic interests. There is the definite potential that producing nations will take unilateral control over the pricing and taxation of all foreign production. If so, the consuming nations are in for a crude awakening." The recent settlement by the six Persian Gulf states, and the settlements with Libya, Algeria, Venezuela and Indonesia yet to be negotiated, may well cost petroleum companies an additional $5 billion a year.

While the United States is not dependent upon Mideast supplies, American companies control 59 per cent of the oil in the Mideast, which is sold to the oil-hungry nations of Western Europe and to Japan. The American balance of power in the Pacific depends in part upon Japanese reliance on American petroleum supplies. The Japanese have declared their intention that by 1985 at least 30 per cent of oil imports should be brought in by Japanese-owned resources, but American companies own substantial interest in Japanese firms. Recently, negotiations for oil and gas have increased between the Soviet Union and Japan. The Soviet oil and gas discoveries in the Siberian Arctic, convenient to Japan, are no doubt an important spur to American exploration and development in Southeast Asia. Soviet supplies will more than likely dwarf Alaskan finds and, given current North Slope delays, might easily compete for the Japanese petroleum market.

Ecologically, Southeast Asian crude is important because of its extreme low sulfur content—less than two-thirds of 1 per cent. The Administration is contemplating a tax on the sulfur content of fuel, and there is thus reason for the industry to call low-sulfur fuels "sweet."

These events will no doubt shape the destiny of the entire Pacific Basin. Petroleum today represents 70 per cent of all U.S. investments in Third World nations. This explains a statement by *The Washington Post* on October 4, 1969: "What happens in the board rooms of Standard Oil or Gulf may be of more interest and more permanent consequence to a country . . . than what happens on the seventh floor of the State Department."

Recently, anti-war groups in the United States have voiced concern in this area, though the American media have been silent. The Senate Foreign Relations Committee has been receiving several hundred letters a day from citizens who have asked that hearings be held on the relationship between petroleum and the continued American presence in Indochina. Such hearings might ask: Does petroleum wag the tail of the U.S. military in Indochina? Is petroleum the reason we continue to support the highly unpopular Thieu-Ky regime? Does it explain the invasion of Cambodia and Laos? Are people dying in Indochina for noble ideas or the crude profits of oil?

[From Far Eastern Economic Review, Mar. 6, 1971]

WAITING FOR A BONANZA

(By Phi Bang)

SAIGON.—A South Vietnamese government delegation left for Iran last week on an unusual mission: to pave the way for co-operation between the two countries in the exploitation of oil resources. The delegation reportedly carried a top secret message from the South Vietnamese Prime Minister to the Shah of Iran.

Saigon is highly optimistic these days about an oil bonanza being round the corner. Mining officials talk as though the South Vietnamese continental shelf is one of the richest in the world. A Natural Resources Agency technician asserts that the oil track that lies hidden somewhere off the shore will some day make the Middle East green with envy. A columnist recently said South Vietnam's oil may well change the face of Southeast Asia within this decade. And some politicians even speculate that President Nixon is having second thoughts about withdrawing from Vietnam because the oil potential is simply too good.

One thing is sure: many international oil companies have taken South Vietnam's potential seriously. According to government sources, some 27 firms have shown interest in applying for preliminary investigation permits. Japanese companies, including Itoh, Mitsui and Mitsubishi, are reported to be organising a consortium to compete with powerful western interests.

Prodded by the oil fever, President Thieu last December promulgated a petroleum law (the 011–70 law on the exploration and exploitation of petroleum and related conditions concerning taxes, dues and exchanges) which was hailed by officials and legislators as a necessary first step to usher in an era of unprecedented prosperity.

Foreign interests, however, have been less enthusiastic about the law. Though they note that the law gives unequivocal guarantee against nationalisation, they think there are many restrictive clauses. Some, they point out, are ambiguous enough to affect concessionaires' rights in the post-exploration phase. There is a provision that when oil is found in commercial quantity, the concessionaire must pay "special additional taxes" (which are not spelled out) and also allow the government "the right to participate in the exploitation at the maximum percentage to be agreed upon".

Vietnamese law makers consider the royalty rate of 12.5% of production reasonable and competitive compared to those levied by the oil-rich countries. But international interests argue that the higher risks and expenses involved in marine exploitation call for a lower rate. They also are suspicious about what they call traps in the Vietnamese legal jargon.

For its part, the government has gone ahead and created a National Petroleum Committee to supervise the implementation of the law and screen applications for oil concessions. It is expected to call world-wide tenders soon for concessions with the bid deadline set probably for May. The idea is to get prospecting started by early next year.

Strangely the possibility of striking submarine oil in Vietnam was never thoroughly explored by the French who, it must be admitted, had studied every square inch of the Vietnamese geological map. Oil prospects first caught Vietnam's imagination in 1969 when a two-month survey of the continental shelf was sponsored by 10 American oil firms. Although "bad weather" cut short the US $1 million "air gun" survey conducted by Manderstan Engineering Company, the belief grew that the South Vietnamese shelf was a good oil risk.

From 1966 to 1968 aeromagnetic and seismic surveys made by the nine-nation regional committee for coordination of offshore prospecting had indicated that the South Vietnam continental shelf was an extension of the geological structure of oil-rich North Borneo. At one point—near the island of Poulo Panjang, southwest of Rach Gia in the Gulf of Siam—there are sedimentary layers from two to seven kilometres thick interspersed with salt domes. Geologists consider it almost certain that either oil or gas will be found around these domes.

A seismic reflection profile running north-east and southwest of Conson Island in the South China Sea carried out last year, combined with geologic interpretation of aeromagnetic data in the Mekong Delta area, shows a substantial thickness of sediment off the Delta river mouths. According to technicians at the Natural Resources Agency, this represents a requisite for the best oil possibilities.

Sources from the Ministry of Economy say further seismic and "sparker" profiling offshore will be made by the South Vietnamese government with the assistance of experts from the Imperial College of London. The recent discovery of oil in the Java Sea, 80 kilometres north of Djakarta, and natural gas in Taiwan, Thailand and South Korea has strengthened the South Vietnamese prospects.

Directly affected by the possibility of producing crude oil in South Vietnam will be Shell, Esso and Caltex, the three firms that have been marketing petroleum products here for years. These firms have managed to keep themselves apparently above the present oil rush. South Vietnam's petroleum imports have increased from $16 million in 1958 to over $30 million a decade later. An oil refinery using imported crude was planned in 1964 as a joint venture between the government and the three firms but it never materialised.

Now, the authorities in Saigon are evidently looking forward to a rush of applications from world oil companies. The tentative timetable the government has set reflects confidence that oil will start flowing commercially very soon. One snag, however, is that the stringent conditions of the petroleum law may make negotiations lengthy and thereby upset the timetable.

[From the Village Voice, Feb. 25, 1971]

OIL: A HIDDEN FACTOR IN THE INDOCHINA WAR

(By Paul Cowan and David Gelber)

It now seems as if oil might be a hidden factor in the Indochina war—if not in provoking the fighting, at least in prolonging the United States' commitment. We have learned that the major U.S. oil companies plan to bid for concessions off the shore of Vietnam within 60 days, and that the U.S. government has apparently assured them that their investments will be protected.

The American media has so far remained almost mute on the issue of the U.S. offshore oil investments in Southeast Asia, though they extend from Indochina through Indonesia to New Guinea. In trade journals and the Western European press, however, the story has been prominently covered. Until now there has been no corroboration from government or industry sources that the U.S. government has paved the way for investments by providing critical assurances to the oil companies. In wide-ranging interviews last week with generally reluctant spokesmen, we discovered that the Nixon administration has indeed promised the oil industry some combination of political, military, and financial support to protect its high-risk enterprise.

We have seen no documents; there may not be any. We cannot say precisely how the government will protect the oil, though one middle echelon official in a major oil company told us he had heard the project discussed in several of his firm's meetings "and I think the assurances involve continued U.S. military involvement in Vietnam, some way somehow." But whether the emphasis is on the hard assurance of military support for oil exploitation or, simply, in the form of an insurance policy against the risk of expropriation, the inescapable conclusion is that the U.S. government has become even further committed to an open-ended involvement in Vietnam.

Here is what we have learned:

Since the early 1950s the major U.S. oil companies have suspected that the waters off the coast of Vietnam, and throughout the South China Sea, contain one of the richest deposits of offshore oil in the world. At that time, "we decided to put the area 'in the drawer' until it achieved political stability," an official at a major oil company told us. In the 1960s, a series of probes by independent exploration teams, and one by a UN-sponsored crew, converted the possibility of oil into a near certainty, but the oil companies didn't invest until 1970, "when it was peaceful enough to do some work." That assessment was not theirs alone. Sometime last year the oil companies received their assurances from the U.S. government.

Such assurances would be a "critical" prerequisite to any oil company commitment in Vietnam, we were told by a source in the executive branch of the government. They would most likely have come from Henry Kissinger or William Rogers, he said. (Like many people we contacted he was willing to talk but unwilling to be identified, so we are forced to attribute his comments in journalese.)

The assurances seem to have been conveyed through informal conversations, not through written documents. Indeed, any formal arrangement might have violated the anti-trust act, the oil company official said, "but you can be sure discussions took place." The assurances were political, military, and financial, but since the officials who described them to us were middle-level bureaucrats, who knew the story primarily from the point of view of their own organizations, it is not clear which of the three factors received the greatest emphasis. But that doesn't really matter. The impression we got from our interviews is that most officials connected with the war are now confident of victory, and ready to enter a new long-term commitment to Vietnam.

"To do business offshore you need to be able to drill, to recover oil, and bring it back to a terminal point," said the oil company official, whose firm will almost certainly be one of the leading investors in the Vietnamese fields. He told us the assurances were military. "You can't be worried about enemy attack when you've made the kind of huge financial investment this kind of work requires."

If there is as much oil in the water as preliminary seismic probes suggest, he said, then each major company will invest several billion dollars in the exploitation. "Off the record speaking for myself," he said, "I think a top secret commitment was made in Washington that involves continued American military presence in Vietnam until the oil is drilled." He was obviously disturbed about the development.

But strictly military assurances are impossible to enforce according to Craig Wilton of the Chemical, Petroleum, and Rubber Division of the Commerce Department. "How can you stop an enemy from putting a 10-pound charge of dynamite or a pipeline and blowing the thing to bits?" Wilton's main concern was for political guarantees. He listed countries in which revolutions or coups d'etat had caused violations of contracts signed with the United States—countries like Libya, Bolivia, and Peru. He suggested that to protect themselves in Vietnam the oil companies had insisted upon, and received, assurances that the Thieu-Ky regime, or a government with a similar attitude toward the United States, would remain in power for the time the oil companies needed to complete their work in the off shore fields. He made Vietnam's future sound something like Panama's present.

Richard Palmer, a spokesman for the government-sponsored Overseas Private Investment corporation, told us last Friday that preliminary discussions have already taken place between OPIC officials and the oil companies planning to bid on the South Vietnam fields. OPIC is empowered to provide "specific risk insurance" against the possibility of expropriation or physical damage inflicted by a hostile force. "At the present time," he said, "we have no prejudice one way or the other on the question of insuring oil investments in South Vietnam." Just last week Palmer sounded more negative, telling Steve Bookchester of WBAI that OPIC "would not now" insure the oil investment.

A leading international banker, familiar with Southeast Asia, told us, "If the insurance is available I would advise the oil companies to make the investment."

The bidding for concessions in Vietnam's water is supposed to begin within 60 days. Originally, the bids were to have been submitted this month, according to Wilton. They were delayed only because two of the most deeply committed companies, Gulf and Mobile, wanted the South Vietnamese government to clarify the legislation that will cover the offshore tracts.

Some people we interviewed about the Vietnamese oil say the deposit there is relatively unimportant because it's probably smaller than the one in Indonesia (U.S. companies began to prospect shortly after Sukarno was overthrown). But oil industry trade journals, which are buoyant with the news of Southeast Asia's offshore deposits, blur that distinction. They describe a "lake of oil" which stretches from Indochina through Indonesia to New Guinea. One U.S. geologist predicts that by 1975 the area will be ready to produce 400 million barrels daily, more than is now produced in the entire Western world. A United Nations team reported that the Southeast Asian deposits might be many times greater than those in the Middle East.

U.S. diplomats and investors share the optimism. In November 1969, the U.S. Ambassador to Thailand Leonard Unger, informed the Senate Foreign Relations Committee that "there is one very, very large development that may take place (in Thailand). . . . That is oil exploration." In April 1970 David Rockefeller predicted to an Asian financial forum, sponsored by the Chase Manhattan Bank and held in Singapore, that oil companies would invest $35 billion in Asia and the Western Pacific over the next 12 years, most of it in Southeast Asia.

It is clear that the turbulence in the Middle East, particularly the 1969 nationalization of the Libyan oil fields, has induced the major oil companies to concentrate on the offshore fields of Southeast Asia. Last week's agreement of the Organization of Petroleum Exporting Countries (OPEC), which guaranteed poor countries an unprecedentedly large share of the oil industry's profit, provided an additional impetus to invest in Asian countries, which offer some of the most generous rates in the world. And the fact that Southeast Asia's offshore oil is ecologically sound, with a low sulfur content, makes it extremely attractive. That is especially true because of its proximity to Japan, the world's fastest-growing economy and its most polluted nation, which is now almost totally reliant on the high-sulfur Middle Eastern oil.

But such specific speculations, like the debate over which Asian country contains the largest oil deposits, tend to fog the most important political conclusion that the developing boom provokes. It is that if the area is indeed rich with oil, then the domino theory makes sense economically if not politically. The major oil companies need friendly governments in the area in order to protect their enormous investments. (And the problems the oil companies have had in Africa, the Middle East, and Latin America may mean that their definition of friendly governments in Asia is stricter than ever.) Certainly they must feel that a hostile force in one country means a threat of sabotage throughout the region.

If the major oil companies have suspected the existence of rich deposits off Southeast Asia's waters since the early 1950s, and kept the region "in the drawer" until the past few years, then it stands to reason that they must have tried, during the post decade, to lobby for a U.S. foreign policy that would guarantee them stability. That suggests that oil may have always been a factor, in the United States' Southeast Asia policy, though probably not the primary factor. For these powerful companies make voracious demands on the world, as this paragraph from a statement from Gulf Oil suggests:

"During the next 10 years the oil company is going to have to invest more than $200 billion to provide for the growing demand for petroleum. . . . Free world demand is expected to increase by some 25 million barrels per day. That means . . . the industry will have to discover about 40 billion barrels of new oil reserves each year, build the equivalent of another 900 of the 100,000-ton tankers, and construct 250 new refineries, each with an average capacity of 100,000 barrels per day. Since it is estimated that exploration in the U.S. will provide only a small fraction of these requirements, the majority of these oil reserves must be found elsewhere."

Both of us doubt that the United States is anywhere near as sure of winning the war as our sources in the oil industry and the government seem to believe. One oil man we spoke to, whose firm is not yet involved in the Vietnam bidding, stated that reservation with bewildering force. Because of the risk involved, he said, the investment "is the damn stupidest thing the oil industry has ever done. If Nixon is serious about troop withdrawal, then the Viet Cong will sabotage pipeline after pipeline. If he's not, then the public will have the image of U.S. soldiers guarding American oil fields, and that will be disastrous for our public relations."

What is the role of the Vietnamese government in the prospective boom? Some of the people we spoke to, whose companies and publications had only glanced at the situation, suggested that the initiative for the bids must have come from them. They may have put the concessions on the market now, hoping to force the companies to speculate. Certainly they have everything to gain from the sale of oil rights. It could pour more money into the country's sickly economy and win a stubborn hawkish stance from a major U.S. industry. There is certainly a corrupt Vietnamese oligarchy, already rich from U.S. aid, who now must plan to share oil profits with U.S. businessmen and U.S. government officials. Indeed, the Southeast Asia oil boom could be the new Teapot Dome scandal.

Crucial questions need to be answered. Nixon has everything to gain by encouraging the nation's most powerful industry to increase its interest in the Indochina war. Precisely what has he promised them? Alternately, to what extent has the oil industry prodded a heightened U.S. commitment to the governments of Southeast Asia?

Except for minor notices, usually relegated to the business page, the mass media has generally ignored this story. A TV network which did take note of the Vietnamese oil situation conveyed the impression that the oil companies in Vietnam are engaged in an international goodwill enterprise. In fact, oil companies in the Third World invariably created air-conditioned hotels, gaudy restaurants, and spectacular wealth for the native oligarchy—the overlay of false wealth which cloaks retarded social and economic development. And now Saigon, bulging with three million displaced farmers, victims of American military technology, is slated for salvation by the business wing of the American technological elite: the men who created Singapore, Beirut, Caracas, and, one might add, Dallas.

It is, of course, not just the future of Saigon that's at stake. Oil takes years to extract; we must consider the possibility that the Indochina war will last a decade more at least. In preparing this article our information has been fragmented, our sources limited and, for the most part, middle echelon. The issue demands an intensive investigation by Congress as well as by the mass media, with its world-wide resources. If major American companies are preparing to make huge investments in Vietnamese oil, we must know who's behind that development, why, and for how long.

[From Petroleum Intelligence Weekly, (Feb. 15, 1971]

Even South Vietnam Getting Drawn Into Offshore Oil Play

One of the few remaining countries with uncommitted offshore oil rights is about to throw them open for international bidding: It's war-ravaged South Vietnam, which around mid-March aims to offer continental shelf acreage in which 21 oil companies—mainly U.S., also Japanese and Canadian—have already shown interest. A petroleum committee is being formed under the National Economy Minister, and a bidding form is being drafted in accordance with guidelines in the new oil law passed in late December (see PIW—Dec. 28, p. 8). Mid-March is the government's target date for issuing the bidding invitation, according to the latest indications in informed industry circles. Subsequently, but perhaps not until nearly mid-year, these sources believe, the government will call in all interested parties to discuss their proposals.

The government hasn't yet indicated whether it will open all 18 offshore blocks in the initial offering, or whether there will be a series of offerings. In any case, it's expected to make grants on a "best offer" basis, with review by outside advisers to assure the best deal. As the oil law indicates, it will put strong emphasis on work programs, as well as offers of government participation options and bonus payments, which the law calls "special surtax." Bidders will be invited to set forth proposals based on the old law, which is left open for a wide spectrum of offers. On the tax rate, for example, the 50% rate can be reduced by decree to 45% "for a certain period" in areas of high risk for the concessionaire, or raised to a maximum 55% in regions with less risk—though not retroactively. (The oil law doesn't say whether this means geological or personal risk.)

Taxable income will be calculated on realized prices, or those that may be eventually fixed for tax purposes, and a minimum expensed royalty equal to 12.5% of volume. The royalty is payable in kind or cash or both at government option. If paid in cash, it will be based on the wellhead value. The law also provides an unequivocal guarantee against nationalization of oil installations and other properties as well as mining rights.

The prospect that a steep rise in energy costs will result from the tax-price demands of oil producing countries has led to increasing suggestions in consuming countries that the industrial nations may be forced to lighten their taxes on oil products to hold down inflationary cost hikes. This is being mentioned in both western Europe and Japan, where the Japan Petroleum Association has already filed a strong appeal with the Ministry of International Trade & Industry for reduction of oil import duties and product excise taxes to offset the increased costs of imported oil. Underscoring the impact, the 22-nation Paris-based OECD said the rise in energy costs resulting from the price increases which oil companies say they'll have to make will nearly cancel its previous prediction that inflation in OECD countries would slow down this year.

But despite the suggestions that consumer governments may have to shave their taxes on oil, European oil circles are quick to add that this doesn't justify the OPEC contention that it's "unfair" for consumer governments to get much bigger revenues from oil than the producing countries do. In this European view, the OPEC argument is irrelevant and based on false premises, since consumer taxes aren't levied on the oil itself but on transport and other economic activities that use it. In Europe, for example, 80% of the taxes on oil products are on gasoline and gas oil, which represent only some 20% of the crude oil imported. And though motor fuels are an easy source of revenue for fiscal authorities to tap, they have taxable value only because of the motor vehicles owned by the population in these countries. Further, these circles point out, these taxes are voted by national parliaments to help cover costs of public services. In addition, they note, once any product is sold and paid for, the buyer may do as he likes with it, and the seller has no follow-up rights, as the OPEC countries seem to suggest in their complaint on comparative revenues from oil.

Offshore Oil Bid

South Vietnam.—About 20 companies—mainly U.S., plus Japanese, Canadian and probably the Germans—are expected to bid for offshore oil rights the government will offer early in 1971 under its new offshore law.

The law leaves wide latitude to the government and Economics Ministry. Its terms include expensed royalty and a 50% income tax rate which the government may reduce to 45% or raise to 55%, depending on the extent of interest in the acreage.

The entire offshore area has been divided into 17 blocks, but the government hasn't yet decided whether it will offer all of them.

Vietnam Offshore Lease Sale Expected in March

Washington.—South Vietnamese Ministry of Economy will issue bid call for oil and gas lease sale offshore South Vietnam around middle of March, it was learned here (see 2/3 and 2/11 Platt's OILGRAM News).

Informed sources said, however, that Ministry of Economy also reported that no meeting is planned this month between oil companies and Vietnamese officials as was earlier anticipated.

Sources said Vietnamese government is still in process of drawing up regulations governing lease sale.

Department of State,
Washington, D.C., February 27, 1971.
Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: I have your letter of February 12 requesting further information on offshore oil activities in the Viet-Nam area. The answers to your specific questions are as follows:

1. There are no oil refineries in Viet-Nam. Therefore, the oil distributing companies there—Shell, Caltex, and Esso—supply the Viet-Nam market from their refineries in the Persian Gulf and Singapore, primarily.

2. An "offshore concession zone" is an area in which concessions have been or will be granted. The "marine survey zone" indicated in Enclosure No. 2 to my letter of February 10 was established in 1969 by the Vietnamese Government for a single offshore seismic survey which was completed in the same year by the Ray Geophysical Division of Mandrel Industries. There would have been no particular reason to divide the zone into blocks since the work was done by one company over a two months period in 1969. Other offshore surface surveys have been conducted from time to time by the United Nations Economic Commission for Asia and the Far East (ECAFE) through its Committee for Coordination of Joint Prospecting for Mineral Resources in Asia Offshore Areas (established in 1966). Since these were international surveys with full cooperation from the countries in the area it is not likely that national marine survey zones established by Viet-Nam or the other countries were involved. We know of no survey being conducted now in the Viet-Nam offshore areas.

3. Of the two American oil companies with offices in Viet-Nam, Caltax and Esso, only the latter has expressed an interest in the country's offshore oil potential to the Department of State.

4. The Government of Viet-Nam has not issued any call for bids on offshore exploration rights and, therefore, is not likely to be receiving bids this months. To our knowledge there has been no official announcement on this matter nor are we aware of a timetable for opening the offshore zone to kids.

5. The Vietnamese petroleum law was drafted by the Ministry of Economy, submitted to the National Assembly, debated, amended and passed by the Assembly without any involvement by the United States Government. Nor was any technical assistance provided by our Government.

6. Neither the U.S. Geological Survey nor the U.S. Navy has done any oceanographic research work in the offshore areas of South Viet-Nam that would be useful in exploring for oil.

7. Thailand and Cambodia have held discussions concerning their conflicting offshore claims. These negotiations are still in progress.

8. *Thailand*

(A) Provisional concessions for offshore oil exploration have been granted to the following American firms: Union, Amoco, Gulf, Conoco, and Tenneco. Marathan Oil Company and Phillips Petroleum now share an interest in the concession originally obtained by Tenneco.

(B) None of these companies have received AID investment guarantees. Amoco, Gulf, Tenneco and Phillips have applied for investment guarantees and received a registration letter but have not provided a formal detailed application. None have received Thai Government approval which is required for guarantees.

(C) Thailand's "Consideration Bases in Applying for Petroleum Exploration and/or Production" do not indicate any specific fee for granting the concessions. Although it is possible that some type of "bonus" may have been paid to the Thai Government at the time the concession was awarded, we have no information on what amount, if any, might have been paid.

(D) The petroleum companies are operating in the Gulf of Thailand under provisional agreements pending final enactment of petroleum legislation. The terms are embodied in a document attached to the agreements entitled *Consideration Bases in Applying for Petroleum and/or Production*. This document is without legislative foundation and therefore does not contain the safeguards necessary for the firms to commit investment funds required for exploration.

Thailand's Parliament passed the Petroleum Act and Petroleum Income Tax Act on February 24, 1971; this legislation now awaits the formality of the King's signature. Some of its main features are summarized below:

Concessions—The initial term for concessions awarded is not to exceed 8 years, with an extension of 4 years possible. Petroleum production rights are not to exceed 30 years, with one extension not to exceed 10 years allowable.

Petroleum Prices—The selling price of

crude oil for domestic consumption is geared to the price of imported crude oil delivered to domestic refineries and the price of natural gas for domestic consumption is not to exceed the average export price.

Royalty—Royalty is normally to be paid in cash at the rate of 12½ percent of the total value of petroleum sold or disposed of. It may be paid in kind if so required by the Minister of National Development in which case it is to be assessed at the rate equal to one-seventh of the total value of petroleum sold or disposed of.

Tax exemption—The act provides for exemption from taxes imposed by the central, provincial and local government except for those specifically cited in the Act, such as royalties and the Petroleum Income Tax.

Petroleum Income Tax—The income tax rate is to be established by Royal Decree at not less than 50 percent nor more than 60 percent of the net profit derived from petroleum operations. Under the Act, the Minister of Finance is empowered to accord a reduction in the price used for calculating profits of not exceeding 7 percent of the posted price for a period of not to exceed 9 years from the date a company starts production.

(E) Oil is not now being produced since drilling has not yet been started. According to petroleum geologists, the seismic soundings and other preliminary exploratory work done so far have produced encouraging results, and there are good expectations that oil fields may exist in the Gulf of Thailand.

9. *Cambodia*

(A) The Government of Cambodia granted a concession November 22, 1969 to the French petroleum company ELF/ERAP covering the entire offshore oil area in Cambodia. No American company holds any concession in Cambodia.

(B) Thus, no AID investment guarantees are involved.

(C) The Department has no information on precisely what, if any, earnings the Cambodian Government has received from the concession. It has announced, however, authorization for ELF/ERAP to invest a total of $2.5 million during the first three years of validity of the exploration license, and $1.5 million a year in the fourth and fifth years. Tax rates are indicated below.

(D) According to published information, the Cambodian exploration license is for five years, renewable once. Any production license would be for an additional 30 years. ELF/ERAP is required to return to the Govrenment after 18 months areas amounting to more than one-half the concession, and to commence drilling within two years. The concessionaire enjoys a 30-year guarantee against expropriation, the right to transfer profits up to 20 percent on the capital invested, and a right to repatriate capital, in case of disinvestment, at a rate of 20 percent per year. Surface rental taxes on the concession are fixed at $30 a square kilometer per year for the first five years, $80 for the four years following, $160 for the 11th through 20th years, $350 for the 21st through 30th years, and $400 for the 31st thorugh 40th years. Royalties amount to 12.5 percent of production for the first 5 million tons per year, and 15 percent on any additional production. Whenever total taxable profits exceed total royalties, the difference between the two is subject to direct taxes of 50 percent. In case petroleum is discovered the Government has the option to participate up to the extent of 20 percent.

(E) No oil is being produced and so far as we are aware no drilling has yet taken place in Cambodian waters. We are not in a position to evaluate the prospects thoroughly, but apparently the Gulf of Thailand is generally considered to be a promising area for oil exploration.

9. We would not speculate at this time about the petroleum potential of the combined Gulf of Siam, South China Sea and Java Sea area since it is generally unexplored and unproven.

If I can be of further assistance, please do not hesitate to call on me.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

DEPARTMENT OF STATE,
Washington, D.C., February 10, 1971.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I have your letter of January 28 about South Vietnam's offshore oil prospects. All of Vietnam's petroleum is imported. It is not certain at this time whether there are any petroleum deposits in the country or in offshore areas. No concessions have been granted to any oil companies in Vietnam.

The Vietnamese Government presented a petroleum exploration and exploitation law to the Vietnamese National Assembly in 1969. The law was debated, amended, and passed by the Assembly in late 1970 and promulgated by President Thieu on December 1. An unofficial translation is attached (Enclosure 1).

The answers to your specific questions are as follows:

1. South Viet-Nam satisfies its current petroleum requirements solely through imports which have been at the rate of $30 million annually in recent years. It produces no petroleum in-country or offshore.

2. It is difficult to say when South Viet-Nam's offshore oil prospects were first recognized but it certainly was some years ago. The drain on that country's foreign exchange caused by petroleum imports has increased steadily, thus making the need for a domestic source more critical. Moreover, Viet-Nam has watched its neighbors in the area stake out concession zones and grant concessions in the Gulf of Siam/South China Sea area for several years now. The Vietnamese Government undertook preliminary surveys including some under United Nations' auspices. It prepared and submitted a draft petroleum law to the National Assembly in 1969. The promulgation of that law in December 1970 served to attract the interest of various international oil companies since it established for the first time the terms under which oil companies would operate in exploring and exploiting possible offshore petroleum deposits.

3. The Republic of Viet-Nam has not as yet defined an offshore concession zone. The boundaries of a marine survey zone established on an ad hoc basis in 1969 are indicated on an attached map (Enclosure 2).

4. The Republic of Viet-Nam is not a party to the 1958 Geneva Convention on the Continental Shelf. The marine survey zone indicated on the above-mentioned map suggests, however, that the Vietnamese are following the convention's definition of the continental shelf in the area surveyed.

5. As indicated above South Viet-Nam has not yet defined a concession zone. The attached State Department map on a U.S. Naval oceanographic base (Enclosure 3) portraying national concession boundaries in the Gulf of Siam indicates that concession boundaries of other countries in the area appear already to overlap. The overlaps will be increased if a future South Viet-Nam concession zone takes the same pattern as the marine survey zone that the Vietnamese Government has established.

6. The Republic of Viet-Nam has not granted off-shore concessions nor has it offered any for bid. There is as yet no basis upon which to estimate how much it could earn from concessions.

7. Since no offshore oil has been discovered, it is not possible to estimate the country's offshore oil potential. The value of current petroleum imports is $30 million annually.

8. The United States Government has not provided South Viet-Nam any technical assistance relating to offshore oil exploration. Nor has the U.S. Geological Survey or the U.S. Navy performed any surveys for offshore oil deposits on the continental shelf of Viet-Nam.

If I can be of any further assistance in this matter please call on me.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

DEPARTMENT OF STATE,
Washington, D.C., February 23, 1971.

DEAR ——— ———: Secretary Rogers has asked me to reply to your comments on allegations that we are fighting in Viet-Nam to protect American oil interests. All of us in the Department share the Secretary's interest in knowing the views of the American people.

South Viet-Nam's economy is basically agricultural. Little is known about its mineral resources because a complete geological survey has never been made. Known minerals include coal, limestone, pozzuolana, glass, ilmenite sand and phosphate rock, but none is of more than limited importance. There are no American commercial interests involved in the exploitation of any of these minerals.

Since petroleum has not yet been discovered in Viet-Nam, there are no oil wells there nor are there at present any specific plans to drill wells. The Vietnamese National Assembly recently passed a petroleum exploration and exploitation law by which the Government may at some future date grant concessions in the South China Sea offshore from the Mekong Delta. Preliminary geologic surveys in that area have been favorable, but no petroleum has yet been found nor has any drilling taken place.

Viet-Nam has always been entirely dependent upon imports for its petroleum requirements. These have risen to a value of over $30 million annually in recent years. This is more than the country's total exports of all products, and it is only natural that Viet-Nam should seek a domestic source of petroleum to save the foreign exchange now required for petroleum imports.

There is, of course, no relation between the rate of our troop withdrawals and offshore drilling rights, as alleged by some critics of the war. There is likewise no basis for the allegation that we are involved in Viet-Nam because of large American investments there. The idea that the United States would expend 40,000 lives and billions of dollars so that the scant natural resources of South Viet-Nam could be exploited by American commercial interests is repugnant on the face of it. That it is even advanced is evidence of the irresponsible nature of some elements of the anti-war movement in this country.

Sincerely yours,

LOUIS J. LINK,
Chief, Public Inquiries Division.

THE LATE HONORABLE WHITNEY YOUNG

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, last week saw the death of a great American leader, Whitney Young, the head of the National Urban League.

Mr. Young was esteemed by black and white alike. In particular he was esteemed for his efforts to secure justice on behalf of his brothers and sisters.

He believed that economic justice for the black community was the key to the solution of the problem. That belief was shared by many people, including myself.

Whitney Young devoted his life to making equal opportunity a reality rather than only a promise. Despite frustrations, he never lost faith in the capacity of America or the fundamental decency of American people of all colors and creeds.

His loss is a loss to all Americans. We have lost a great leader and a great fighter for the community.

APPOINTMENT AS MEMBERS OF SELECT COMMITTEE TO CONDUCT AN INVESTIGATION AND STUDY OF CRIME IN THE UNITED STATES

The SPEAKER. Pursuant to the provisions of House Resolution 115, 92d Congress, the Chair appoints as members of the Select Committee To Conduct an Investigation and Study of all Aspects of Crime in the United States the following Members of the House: Mr. PEPPER, of Florida, chairman; Mr. WALDIE, of California; Mr. BRASCO, of New York; Mr. MANN, of South Carolina; Mr. MORGAN MURPHY, of Illinois; Mr. RANGEL, of New York; Mr. WIGGINS, of California; Mr. STEIGER, of Arizona; Mr. WINN, of Kansas; Mr. SANDMAN, of New Jersey; and Mr. KEATING, of Ohio.

DR. THEODORE H. REED AND THE NATIONAL ZOOLOGICAL PARK

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 10 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, we who spend a great deal of time in the Washington area often are prone to take for granted some of the outstanding sights, monuments, and facilities of all kinds which annually lure millions of visitors to the Nation's Capital. As the father of three young children, I have made a recent command visit to the National Zoological Park and would like to call this outstanding facility to the attention of any of my colleagues who have not yet visited the Washington zoo.

Each year several million tourists and metropolitan area residents do visit the zoo. Exhibited there is a collection of 3,000 animals representing more than 800 species and subspecies. Many of these are unusual and rare and not to be found in captivity elsewhere in the world.

A few of the National Zoological Park's animals-in-residence have achieved national and international fame. Among these are "Ham," a chimpanzee who in 1961 took a 16-minute ride into space, and "Smokey the Bear," Smokey was presented to the zoo as a survivor of a New Mexico forest fire and since has become the living symbol of our country's fire prevention and forest protection program.

Because of the original interest of Samuel P. Langley, third secretary of the Smithsonian, a Department of Living Animals was established to maintain wildlife given to the institution. At the end of the 19th century concern over the possible extermination of the buffalo, mountain goat, and elk led to the creation of the present zoological park for the preservation of these animals. The present director of the zoo is Dr. Theodore—Ted—H. Reed who joined the staff of the zoo as a veterinarian in 1955. Becoming director of the zoo in 1958 Dr. Reed has directed new activities in the areas of wildlife conservation, animal health care, and zoo expansion and construction.

As president of the wild animal propagation trust Ted Reed has promoted the captive breeding of rare and endangered species at the zoo and in the United States. Throughout the zoo the endangered animal symbol, a bovine skull with the words "vanishing animal," is used to designate those animals whose present livelihood is endangered. Approximately 30 animals are endangered including such well-known American species as the alligator and the polar bear. Dr. Reed has become one of the world's leaders in the area of wildlife conservation and has been responsible for many commonly used conservation practices.

Primarily through the efforts of Dr. Reed the zoo has increased its medical facilities for animals. The Office of Pathology of the National Zoological Park, instituted entirely through the efforts of Dr. Reed, has been responsible for the increase of knowledge in the area of animal diseases and cures. Because of the development of new techniques and instruments new findings have been made possible. The recent completion of a hospital at the park has allowed the zoo to study animal reproduction, animal diseases, and the maintenance of captive animals. The hospital at present is carrying out studies for possible cures for lead poisoning.

The medical concern that is shown toward the animals is reflected in the precautions taken to arrest a possible tuberculosis epidemic at the zoo. In October of 1968 while making a routine test on an orangutan it was determined that the animal was carrying TB. Since that time each animal has gone through series of X-rays, blood tests, PPD injections, skin biopses, and chomosomal analyses.

Under the direction of Dr. Reed the National Zoological Park is now undergoing a complete reconstruction and modernization program. This program will not only improve the exhibition and animal management practices but will emphasize the scientific and educational potential of the zoo. The plan is to utilize more of the park's acreage, to subordinate building structures to the need of proper animal background and to improve the circulation, ease and convenience of visitors.

In a recent conversation between Marlin Perkins and my office, Mr. Perkins stated that he personally had a "high regard for Ted Reed." Marlin Perkins, who is nationally known for his TV series Wild Kingdom and serves as director emeritus of the St. Louis Zoo, said that:

> Ted Reed is doing a heroic job taking hold of an organization which was down at the heel.

According to Perkins, Dr. Reed has aimed the National Zoological Park in the direction of development "although he lacks money and appropriations for forthcoming expansion."

Perkins continued to state that Ted Reed is an international leader in wildlife conservation. Acting as a member of several conservation committees, Reed, according to Perkins, "has been alert to the needs of wildlife conservation and has had the drive to follow through on various projects and programs." Perkins concluded by stating that Dr. Reed is held in high esteem among zoo directors throughout the world.

Therefore, I call upon the Members of Congress to recognize the contributions of Dr. Ted Reed to not only the national zoo but to wildlife conservation and animal health care. Ted Reed will be long appreciated by many for his outstanding accomplishments in these fields. It is an honor that the United States has such a dedicated man in its service.

FLORIDA BARGE CANAL MEANS DESECRATION NOT RECREATION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Florida (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Speaker, advocates of the Cross-Florida Barge Canal are huffing and puffing in a futile effort to breathe new life into this dead project. Attempts at resurrection now include the droll claim that a 107-mile ditch across the middle of the State will result in great recreational benefits.

Ignoring President Nixon's decision to halt permanently the project because it would do irreparable harm to Florida's environment, canal supporters say the big ditch is just the thing for sun, fun, and relaxation.

They boast that the 13,000-acre lake created by Rodman Dam as part of the canal drew 340,000 visitors last year for fishing, boating, camping, and picnicking.

The Florida Game and Fresh Water Fish Commission says the Rodman Reservoir has "created ecological problems almost beyond comprehension." The commission, charged with improving the State's recreational assets, recommends the pool be drained as soon as possible to prevent further damage.

In their enthusiasm for the so-called recreational benefits of Rodman Reservoir, canal advocates fail to mention that it will cost $815,000 a year in weed control, that many acres of valuable trees are dying because of inundation, and that the vast pool will be a tremendous tax burden to the citizens of the State.

These are not my opinions, they are the facts set down by the Florida Game and Fresh Water Fish Commission, March 1, in making recommendations for possible future use of the canal facilities.

I feel strongly that the public is entitled to the full facts about the devastation already caused by this discredited project rather than a smokescreen about great recreational benefits at stake.

Here, in its entirety, is the State agency's latest report on the canal:

Recommendations for Alteration and Future Use of Cross Florida Barge Canal Project Facilities

With this project halted the Florida Game and Fresh Water Fish Commission has been requested to present its views as to how the lands and facilities could be utilized for optimum benefit to the public. It is understood that the views of numerous agencies will be sought to formulate a final comprehensive plan, and the following recommendations are set forth with this in mind.

1. A complete hydrologic and geologic study should be conducted on the western portion of the canal to ascertain the extent of salt water intrusion and interruption of ground and surface water flowage patterns in the Withlacoochee River area. It has been rumored in the past several months by local residents that both of these conditions have occurred, and to date no documented evidence has been presented to the contrary. We feel that these data should be obtained before any finalization of a plan for this area is developed. If the data obtained indicate there are no major problems we see no reason why a protected barge port could not be developed near the mouth of the canal that would assist local economy. During the course of the hydrological study we would like to have the possibility explored as to the effect of plugging up the Barge Canal channel west of the intersection of the Withlacoochee River and the removal of the rock dam so that the historic flow of the river can be restored. This would still allow boaters to use the Inglis lock for access into the Inglis Pool.

2. Continue the improvement of Inglis Dam. This structure is quite old and will need to be replaced in the near future. Since much of the preparation of the site and other work has been done, completion of this structure would not significantly affect fish and wildlife resources of the area.

3. A drawdown should be instituted in the Inglis Reservoir as soon as possible to restore the aquatic habitat and public usage of the reservoir. We commenced planning this effort in 1966; however, due to the Barge Canal construction schedule at that time the benefits of such action would have been negated and, therefore, we withdrew the request. Due to termination of this project every effort should be exerted to make this reservoir more usable by the public for fishing and other outdoor recreational activities. The Florida Game and Fresh Water Fish Commission as well as other state and federal agencies should conduct adequate studies to document the effects and possible benefits of such drawdown.

4. Those lands purchased for the Barge Canal between the Inglis Reservoir and Dunnellon Lock that possess desirable fish, wildlife and water quality aspects should be retained in public ownership.

5. Ross Prairie located at the junction of the Summit Pool and Highway 200 should be retained in public ownership. This prairie type lake fluctuates with the natural water table and offers habitat to numerous fish and wildlife species, most noticeable of which is the population of wading birds that use the area for foraging purposes. The remaining portions of the Summit Pool should be completely studied to determine its highest and best use for the long range public benefit. If segments of this land are sold, the money could be returned to the counties along the route to replace the ad valorem tax money assessed them for purchase of project lands.

6. The portion of the Oklawaha River Valley that has been purchased for the project should be retained in public ownership and that portion lying between Rodman Dam and the St. Johns River should be purchased. Every effort should be made to establish the entire system as a National or State Scenic River. This river constitutes approximately 10–13% of the state's wild rivers that can be navigated by motor boat. The state has already lost approximately 1,500 miles of rivers to public works channelization projects. This fact alone seems justification enough for saving the river. The primary reason, however, for retaining it is the flood control benefits that the flood plain offers. If the flood plain reverts to private ownership, development will undoubtedly take place within it that will be subject to inundation or which will constrict the river to such a point that it cannot handle flood waters, thus necessitating channelization of the river, a remedy that will again be vigorously opposed. Along these same lines of flood control is the constriction that presently exists as a result of the existing highway 40 bridge and causeway. Several reputable hydrologists have stated that if this causeway were removed the flood plain could adequately handle the flood waters from the upper chain of lakes. We request that a hydrological study be conducted to determine the validity of this assumption. In any event, the new bridge should be completed and the old bridge and causeway removed.

7. The Rodman Pool should be drained to restore the Oklawaha River flood plain to its original scenic qualities. While it is tempting to retain a reservoir that has produced good fishing in its three years of existence, we feel obligated to evaluate it in terms of its ecological impact over a period of more than its short lifespan. Our recommendation is based on the opinion of biologists of the Game and Fresh Water Fish Commission having more than 60 years of Florida experience. Our reasons for making this decision are covered in the two previous reports that we prepared for the House and Senate Conservation Committees this past year. We will cover these points only briefly in this statement but are attaching copies of these reports for your review. Briefly, our reasons are as follows:

(a) The Rodman Reservoir was created in the organically rich Oklawaha River Valley, which receives water from the over-enriched Oklawaha Chain of Lakes and Silver Springs. This condition has created ecological problems almost beyond comprehension. For example, in less than one year after its creation approximately 3,700 acres of water hyacinths blossomed. This past year hundreds of acres of coontail, naiad and Florida elodea grew in the reservoir. Present day weed control methods, which are primarily by chemicals, do not remove the real problem—excess nutrients—from the water. They simply allow nutrients to be recycled into the system as either the same plant or in many cases a much less desirable plant. Our most recent experience with the cost of weed control was in a joint effort with the Corps of Engineers in which we treated 149 acres of hydrilla in the Inglis Pool. The cost of this endeavor was $40,218. We have estimated it would cost $815,000 for a complete treatment of this 3,500 acre reservoir. While this particular plant is not presently found in the Rodman Reservoir, we believe it will grow there and feel that it will be only a matter of time before it finds its way there. (A vegetation map of the Rodman Pool compiled in September 1970 is attached for your information.) Our research project which was started on this reservoir has obtained invaluable data and will continue until the reservoir is drained. All trends based on our chemical analysis of water vegetation, and the effects on the sports fishery which were projected in our reports of November 1969 and March 1970 have been found to be accurate.

(b) Another serious problem to be encountered in the Rodman Pool if it is retained at its present level is the removal of logs that were crushed into the mud as a result of the method used in clearing. These logs will continue to rise to the surface for many years, and it will take a tremendous expenditure of monies to remove them if the reservoir is to be maintained as a multiple recreation area.

(c) Immediately reducing the level of the reservoir will also save many acres of trees that will soon die as a result of being inundated. It will also allow reforestation where trees have already died and begin the process of restoring the area to a tax free scenic river system.

(d) The Rodman Dam has created a barrier that prevents the annual migration of the stripped bass up the Oklawaha River. If the pool is lowered, this quality species can once again migrate up the river where it is eagerly sought by fishermen and to Silver Springs where it is enjoyed each year by thousands of Florida visitors.

In the long run we feel that this reservoir will be a tremendous tax burden to the citizens of the state if it is to be maintained for multi-purpose uses. If a scenic river can be re-established, it would be an almost tax free situation requiring very little maintenance by man. The money that would be spent in this Reservoir could be better spent to maintain other natural lakes in Florida.

8. A gap should be created in the earthen Rodman Dam so that river can follow its original course below the Rodman Dam. At the present time, approximately one and one-quarter miles of the Oklawaha River are cut off by the creation of a get-away canal from the Rodman spillway. This section of the river gets some flow by a feeder canal; however, it is much reduced and the fish population has suffered greatly because of it. It now supports rough fish such as gar and mudfish. If the Rodman Reservoir is drained the sill of the structure is set at a certain elevation where it would be virtually impossible to direct adequate flow down the old river channel; therefore, an opening must be created. The plug that would be removed from the earthen dam should be wide enough so that the natural sheet flow through the flood plain could be restored. If the plug is only the width of the river channel when the river overflows into the flood plain, the earthen dam would act as a weir flooding out new tree growth upstream and causing additional scouring and siltation downstream.

9. The lands which have been purchased along the St. Johns River from the Barge Canal to Palatka for channel relocation and construction and maintenance spoil areas should be kept in public ownership. Most of this land is lowland swamp connected to the river. These lands should be kept in public ownership because of their ability to absorb and utilize watershed nutrients and also for their aesthetic qualities along the St. Johns River.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Ohio (Mr. Miller) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. In

1969, we used 4.1 billion pounds of cotton, or approximately 20 pounds per person. That is the equivalent of about 24 house dresses or 32 dress shirts for every man, woman, and child in the Nation.

WHITNEY M. YOUNG TRIBUTE TO A LEADER

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. ADDABBO) is recognized for 10 minutes.

Mr. ADDABBO. Mr. Speaker, the premature death of Whitney M. Young, Jr., in Lagos, Nigeria, was a sad loss for the American people. Whitney Young was a leader of men, able to see far beyond his time yet deal with the problems of the moment.

A determined fighter for social justice, Whitney Young brought the power of his convictions to bear on the goals of political, social, and economic justice for the disadvantaged of our Nation and throughout the world. He was a man driven by the desire to bring men together and he had the unique ability to find areas of agreement among his fellow men.

This leader knew that his most effective tools for bringing about meaningful change were the tools of the existing system. He used those tools to their fullest potential, achieving his immediate goals by working within the system and then realizing changes in the system on a step-by-step basis.

It is tragic that such a responsible and important voice in the struggle for freedom should be taken from us at such an early age. We can take comfort in his life as a real example of how progressive leadership can find a role in our society. Our heartfelt sympathy and prayers go with him and his.

Mr. Speaker, I insert in the RECORD at this point an editorial entitled "The Man Who Went Downtown" which appeared in the March 12, 1971 edition of the Long Island Press:

THE MAN WHO WENT DOWNTOWN

Whitney M. Young was called a moderate, although he disliked the term. "It isn't a question of moderate versus militant," he said, "but of responsibility versus irresponsibility, sanity versus insanity, effectiveness versus ineffectiveness."

While riding the railroad through Harlem, he said, "I thought to myself, should I get off this train and stand on 125th Street cussing out Whitey to show I am tough? Or should I go downtown and talk to an executive of General Motors about 2,000 jobs for unemployed Negroes?"

The executive director of the Urban League went downtown and, among many other things, got jobs for 40,000 unemployed blacks and better positions for 8,000 more. Moderation may be out of fashion, but Whitney Young demonstrated how it can get results—not by playing up differences, but by showing how irrelevant in judging a human being they must be. He is dead, but the spirit of what he stood for remains the best hope for civil rights—and civil peace.

THE SHOE INDUSTRY AND PETITIONS FOR RELIEF DENIED

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Massachusetts (Mr. BURKE) is recognized for 15 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, on March 8 the Tariff Commission announced action on nine petitions which have been pending before that body for some time. Once again, the Tariff Commission has run true to form by deciding in the negative on seven of the nine petitions and splitting hopelessly in a tie vote on the two remaining.

These nine petitions involved the shoe industry and petitions of relief presented by shoe workers around the country in accordance with the provisions of the Trade Expansion Act of 1962 which enable the workers to obtain a measure of relief if it can be demonstrated to the satisfaction of the Tariff Commission that their jobs were threatened by the impact of foreign imports on the domestic market.

By my calculations since the inception of the practice of these petitions, some 42 petitions have been filed by United Shoe worker groups. Of these 42 petitions, only five have been acted on favorably after months of delay and study by the Tariff Commission. Even then, the Tariff Commission itself did not recommend favorable action to the President, but, as on March 8, split down the middle and it was only presidential action, after further delay and review, that saved the day in these five cases.

Mr. Speaker, I think it is safe to say that this is hardly a very encouraging track record for the workers who have lost their jobs and are left with no further recourse after the unemployment benefits have been exhausted but to receive a presidential handout. To judge from some of the publicity given lately to the assistance available to unemployed shoe workers under the Trade Expansion Act of 1962, one would have thought that quite a number of workers had benefited under its provisions. The fact is, as the figures eloquently demonstrate, very little has been done in the past to assist them. And what is so distressing, the action of the Tariff Commission last week shows that things have not changed.

There is now pending before the President another 2-to-2 tie vote of the Tariff Commission of January 21 which would grant a measure of relief, on an industrywide basis, to the shoe industry because of the devastating impact of foreign dumping in the domestic footwear market. The Tariff Commission was handed the problem after a presidentially appointed interagency task force failed to offer any clear guidance to the President in this area. The Tariff Commission proved equally incapable of positive action. Mr. Speaker, 60 days later, the President also appears incapable of decisive action when it comes to shoes. His initial reaction was to appoint a new Presidential Commission on International Economic Development and refer to it the question of shoe industry relief as its first order of business. The President to date has given no indication of how he will decide in the end. When the Tariff Commission split, the press indicated that the President would be forced to make a decision in 60 days. Apparently the press was unaware of the loopholes of the 1962 act which gave the President more than 60 days if he wants to use them. Apparently the press did not know the tremendous mental block which this administration seems to have where shoes are concerned.

This administration appears to me to have demonstrated a consistent and complete inability to act with decisiveness when shoes are involved. Yet this same administration never seems to be indecisive when other industries are concerned. Protection against foreign trade has been granted and promised for years past and to come to the oil industry. American air carriers are very carefully protected from competition from foreign air carriers in this country—to mention but a few industries. Apparently, though, there is no room in this administration's scheme of things for the plight of the shoe workers.

Thus, I find very little comfort to take from past performance when I examine the record on assistance available under existing legislation for the shoe industry. But over and above the failure of the administration to act decisively and provide the relief available under existing legislation, I go further and question whether the relief permitted by that act is really sufficient to cope with the situation the shoe industry finds itself in today. Long term financial assistance in the form of loans to help a plant modernize does not meet foreign dumping in the domestic market here and now. The reason American shoes are not competitive with foreign made products is not because our plants are out of date and our machinery is uncompetitive. The most modern machinery, according to the best estimates, will not significantly narrow the cost gap favoring foreign manufacturers with access to pools of inexpensive foreign labor. But even if we were to concede that plant modernization will make some difference, the process takes time and I seriously question how much time is left to the shoe industry in view of the unbelievable flooding of the domestic market every day by foreign imports. When foreign-made shoes reach the point where they account for 50 percent of domestic sales of shoes and there is every indication that the percentage will grow each year, then we are faced with serious dislocation of a market and very little time to do something about it. Long-term programs of modernization and reorganization will not have time to succeed.

Again, under the 1962 act, relief is available to the workers who are left jobless or laid off by shoe companies who failed because of foreign competition. But to provide a man assistance who is now out of work hardly gets his job back and fails completely to attack the problem at its source. I suppose after financial adjustment assistance is used up, there is always the welfare department to look to. I do not mean to be completely negative about this, but on the other hand, I would not want anyone to be lulled into any false sense of security by a promise of adjustment assistance under existing legislation. To be sure, I want the President to act and act now in favor of industrywide assistance. I am in favor of everything that would help the shoe industry. I am in favor of the industry getting all that is available to it in the form of assistance and relief. But I think that all this really amounts to is the payment of burial costs and this is hardly the way to keep industry alive. The point I am trying to make is that we are not just asking for handouts for the shoe industry which is what the 1962 act is really all about. What we really need is action here and now which will have the effect of giving the shoe industry time to modernize and adapt, by regulating the growth of the foreign share of the domestic market. What we want is to bring out of the present chaos reasonable growth in place of the present unbridled growth. Given such support, the shoe industry can pull itself up by its own bootstraps. Then measures of relief to provide for modernization will make sense, but only then. We must protect the market first. We need to move ahead with a Trade Reform Act before any more valuable time goes by.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Broyhill of North Carolina, for 60 minutes, on March 17, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Ruth) and to revise and extend their remarks and include therein extraneous matter:)

Mr. Myers, for 1 hour, on Tuesday, March 23.

Mr. Gubser, for 30 minutes, today.

(The following Members (at the request of Mr. McFall) to revise and extend their remarks and include extraneous material:)

Mr. Rooney of Pennsylvania, for 10 minutes, today.

Mr. Rarick, for 15 minutes, today.

(The following Members (at the request of Mr. Frenzel) to revise and extend their remarks and include extraneous material:)

Mr. Young of Florida, for 5 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. McKay) to revise and extend their remarks and include extraneous material:)

Mr. Minish, for 10 mintues, today.

Mr. Addabbo, for 20 minutes, today.

Mr. Burke of Massachusetts, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Burke of Massachusetts immediately following Mr. Mill's remarks on the appointment of conferees on the debt limit and social security.

(The following Members (at the request of Mr. Ruth) and to include extraneous matter:)

Mr. Lent.

Mr. Gude.

Mr. Scherle in 10 instances.

Mr. Young of Florida in five instances.

Mr. Crane in five instances.

Mr. duPont.

Mr. Sebelius.

Mr. Schwengel in three instances.

Mr. Steiger of Wisconsin.

Mr. Carter.

Mr. Derwinski in two instances.

Mr. Thompson of Georgia.

Mr. Bow in three instances.

Mr. Esch.

(The following Members (at the request of Mr. McFall) and to include extraneous material:)

Mr. James V. Stanton in two instances.

Mr. Hamilton in two instances.

Mr. William D. Ford in five instances.

Mr. Gettys.

Mr. Rooney of New York.

Mr. Harrington in three instances.

Mr. Hathaway in two instances.

Mr. Mikva in eight instances.

Mr. Jacobs.

Mr. Rostenkowski.

Mr. Rarick in two instances.

Mr. Long of Maryland.

Mr. Patten in two instances.

Mr. Hungate in two instances.

(The following Members (at the request of Mr. Frenzel) and to include extraneous material:)

Mr. Bob Wilson.

Mr. Shriver.

Mr. Lujan in two instances.

Mr. Hosmer in three instances.

Mr. Bray in two instances.

(The following Members (at the request of Mr. McKay) and to include extraneous material:)

Mr. Boland in three instances.

Mr. Badillo.

Mr. Burke of Massachusetts.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 575. An act to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended; to the Committee on Public Works.

S. 671. An act to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., in Indian Claims Commission docket numbered 279–A, and for other purposes; to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Mr. McKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 43 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 16, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

411. A letter from the Secretary of Defense, transmitting a draft of proposed legislation to amend section 5232 of title 10, United States Code, to provide authority for appointment to the grade of general of Marine Corps officers designated under that section for appropriate higher commands or for performance of duties of great importance and responsibility; to the Committee on Armed Services.

412. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to provide Federal revenues to State and local governments and afford them broad discretion in furnishing training and employment opportunities needed by individuals to qualify for satisfying and self-supporting employment; to the Committee on Education and Labor.

413. A letter from the assistant to the president, American Academy of Arts and Letters, transmitting the 1970 annual report of the academy, pursuant to section 4 of its charter; to the Committee on House Administration.

414. A letter from the Chairman, Water Resources Council, transmitting a draft of proposed legislation to amend the Water Resources Planning Act to authorize increased appropriations; to the Committee on Interior and Insular Affairs.

415. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to assist in meeting national housing goals by authorizing the Securities and Exchange Commission to permit companies subject to the Public Utility Holding Company Act of 1935 to provide housing for persons of low and moderate income; to the Committee on Interstate and Foreign Commerce.

416. A letter from the Administrator, Environmental Protection Agency, transmitting the fourth annual report on the national requirements and costs of water pollution control, pursuant to section 26(a) of the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAHON: Committee on Appropriations. H.J. Res. 465. Joint resolution making a supplemental appropriation for the fiscal year 1971 for the Department of Labor, and for other purposes; (Rept. No. 92–40). Referred to the Committee of the Whole House on the State of the Union.

Mr. McFALL: Committee on Appropriations, H.J. Res. 468. Joint resolution making certain further continuing appropriations for the fiscal year 1971, and for other purposes; (Rept. No. 92–41). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOMFIELD:

H.R. 6011. A bill to provide Federal assistance to State and local governments for the purpose of developing and improving communication procedures and facilities with respect to the prompt and efficient dispatch of police, fire, rescue, and other emergency services; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 6012. A bill to terminate the authority of the President to suspend the Davis-Bacon Act; to the Committee on Education and Labor.

H.R. 6013. A bill to amend title 39, United States Code, to provide for the mailing of letter mail to Senators and Representatives in Congress at no cost to the sender, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 6014. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. EILBERG:

H.R. 6015. A bill to terminate the airlines mutual aid agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAM D. FORD (for himself, Mr. CONYERS, Mr. DIGGS, Mr. DINGELL, and Mrs. GRIFFITHS):

H.R. 6016. A bill to amend title 32, United States Code, to provide that Army and Air Force National Guard technicians shall not be required to wear the military uniform while performing their duties in a civilian status; to the Committee on Armed Services.

By Mr. WILLIAM D. FORD (for himself, Mr. NEDZI, Mr. HAWKINS, Mr. BELL, Mrs. MINK, and Mr. ERLENBORN):

H.R. 6017. A bill to amend title 37, United States Code, to authorize travel, transportation, and education allowances to certain members of the uniformed services for dependents' schooling, and for other purposes; to the Committee on Armed Services.

By Mr. WILLIAM D. FORD (for himself, Mr. HAWKINS, and Mr. CLAY):

H.R. 6018. A bill to amend the loan program in the National Defense Education Act of 1958 to extend the forgiveness for teaching benefit to teachers in American schools abroad supported by the United States; to the Committee on Education and Labor.

By Mr. WILLIAM D. FORD (for himself, Mr. BUCHANAN, Mr. GALLAGHER, Mr. HECHLER of West Virginia, Mr. DINGELL, Mr. LEGGETT, Mr. ROSENTHAL, Mr. PEPPER, Mr. HORTON, Mr. MOSS, Mr. VANDER JAGT, Mr. BROOMFIELD, Mr. McCORMACK, Mr. MITCHELL, Mr. JAMES V. STANTON, Mrs. HICKS of Massachusetts, Mr. BRASCO, Mr. RYAN, Mr. FRENZEL, Mr. MIKVA, Mr. MANN, and Mr. CAREY of New York):

H.R. 6019. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to prohibit the mailing of unsolicited samples of cigarettes; to the Committee on Post Office and Civil Service.

By Mr. FRENZEL:

H.R. 6020. A bill to amend the Social Security Act to authorize a family assistance plan providing basic benefits to low-income families with children with incentives for employment and training to improve the capacity for employment of members of such families, to achieve more uniform treatment of recipients under the Federal-State public assistance programs and otherwise improve such programs, and for other purposes; to the Committee on Ways and Means.

H.R. 6021. A bill to amend title II of the Social Security Act to provide increases in benefits, to improve computation methods, to raise the earnings base under the old-age, survivors, and disability insurance system, and for other purposes; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 6022. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 6023. A bill to amend the Federal Aviation Act of 1958 to authorize reduced-rate transportation for elderly people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

H.R. 6024. A bill to amend the Railroad Retirement Act of 1937 to provide a full annuity for any individual (without regard to his age) who has completed 30 years of railroad service; to the Committee on Interstate and Foreign Commerce.

H.R. 6025. A bill to amend chapter 2 of the Internal Revenue Code of 1954 to reduce (to the level of the tax imposed on employees and employers) the rates of tax imposed on self-employment income for purposes of old-age, survivors, and disability insurance; to the Committee on Ways and Means.

H.R. 6026. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1954 to provide that an individual who has attained age 65 may elect to treat services performed by him as noncovered (and exempt from tax) for social security purposes; to the Committee on Ways and Means.

H.R. 6027. A bill to amend title II of the Social Security Act to provide in certain cases for an exchange of credits between the old-age, survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have some coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

H.R. 6028. A bill to amend title II of the Social Security Act to provide a substantial liberalization in the retirement test; to the Committee on Ways and Means.

H.R. 6029. A bill to amend title II of the Social Security Act to provide for standard-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

H.R. 6030. A bill to amend title II of the Social Security Act to increase widow's and widower's insurance benefits; to the Committee on Ways and Means.

H.R. 6031. A bill to amend title II of the Social Security Act to increase, in the case of individuals having 40 or more quarters of coverage, the number of years which may be disregarded in computing such individual's average monthly wage, and to provide that, for benefit computation purposes, a man's insured status and average monthly wage will be figured on the basis of an age-62 cutoff (the same as presently provided in the case of women); to the Committee on Ways and Means.

H.R. 6032. A bill to amend title II of the Social Security Act to provide a method for reimbursing beneficiaries for certain expenses incurred by them as a result of delays in their benefit checks; to the Committee on Ways and Means.

H.R. 6033. A bill to amend title II of the Social Security Act to eliminate the 6-month waiting period for disability insurance benefits in cases of blindness or loss of limb and in certain other cases where the severity of the impairment is immediately determinable; to the Committee on Ways and Means.

H.R. 6034. A bill to amend part B of title XVIII of the Social Security Act to include prescribed drugs among the items and services covered under the supplementary medical insurance program for the aged; to the Committee on Ways and Means.

By Mr. HOSMER:

H.R. 6035. A bill to amend title 38 of the United States Code to provide for a pension of $100 per month for widows of veterans of World War I, and to disregard the spouse's income in determining the annual income of veterans for pension purposes under section 521 of such title; to the Committee on Veterans' Affairs.

H.R. 6036. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. HOWARD:

H.R. 6037. A bill to increase the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund; to the Committee on Veterans' Affairs.

H.R. 6038. A bill to amend title 38 of the United States Code so as to permit the Administrator of Veterans' Affairs to provide medical and hospital care to the widows and children of persons who died of service-connected disabilities and to wives and children of persons who have service-connected disabilities rated as total; to the Committee on Veterans' Affairs.

H.R. 6039. A bill to amend section 620 of title 38 of the United States Code to authorize the transfer for nursing home care of servicemen who have received care in Armed Forces hospitals and who upon discharge therefrom will become veterans; to the Committee on Veterans' Affairs.

H.R. 6040. A bill to amend title 38, United States Code, to authorize increased benefits for veterans requiring regularly scheduled hemodialysis; to the Committee on Veterans' Affairs.

H.R. 6041. A bill to amend title 38, United States Code, to establish a Court of Veterans' Appeals and to prescribe its jurisdiction and functions; to the Committee on Veterans' Affairs.

By Mr. LUJAN:

H.R. 6042. A bill to amend title 38 of the United States Code in order to make the same criteria for determining satisfactory pursuance of course work apply in the case of college-level and non-college-level educational institutions; to the Committee on Veterans' Affairs.

By Mr. McCLURE:

H.R. 6043. A bill to provide for the regulation of public exposure to sonic booms, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MATSUNAGA:

H.R. 6044. A bill making appropriations to the Secretary of Commerce for the fiscal year 1972 to carry out the provisions of the National Sea Grant College and Program Act of 1966; to the Committee on Appropriations.

H.R. 6045. A bill to give effect to the sixth amendment right to a speedy trial for persons charged with offenses against the United States, and to reduce the danger of recidivism by strengthening the supervision over persons released on bail, probation, or parole, and for other purposes; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 6046. A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption as food; to the Committee on Interstate and Foreign Commerce.

By Mr. MONAGAN:

H.R. 6047. A bill to assist school districts to meet special problems incident to desegregation, and to the elimination, reduction, or prevention of racial isolation, in elementary and secondary schools, and for other purposes; to the Committee on Education and Labor.

H.R. 6048. A bill to establish the Government Program Evaluation Commission; to the Committee on Government Operations.

By Mr. MONTGOMERY:

H.R. 6049. A bill to provide authority for the payment of proficiency pay to enlisted members of the Reserve components of the Armed Forces; to the Committee on Armed Services.

H.R. 6050. A bill to amend chapter 67 of title 10, United States Code, to provide an annuity for the dependents of persons who perform the service required under chapter 67 of title 10, United States Code, and die before being granted retired pay; to the Committee on Armed Services.

H.R. 6051. A bill to amend title 37, United States Code, to provide an incentive plan for participation in the Ready Reserve; to the Committee on Armed Services.

By Mr. PATTEN:

H.R. 6052. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. PEYSER:

H.R. 6053. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

By Mr. PEYSER (for himself and Mr. Biaggi):

H.R. 6054. A bill to provide for the issuance of a special postage stamp in commemoration of the life and work of Dr. Enrico Fermi; to the Committee on Post Office and Civil Service.

By Mr. PEYSER (for himself and Mr. McKinney):

H.R. 6055. A bill to provide for the development and implementation of programs for youth camp safety; to the Committee on Education and Labor.

By Mr. QUILLEN:

H.R. 6056. A bill to repeal the Gun Control Act of 1968; to the Committee on the Judiciary.

H.R. 6057. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 6058. A bill to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations; to the Committee on Post Office and Civil Service.

By Mr. RYAN (for himself, Mr. Bingham, Mr. Carey of New York, and Mr. Koch):

H.R. 6059. A bill to provide for the establishment of the Gateway National Seashore in the States of New York and New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RYAN (for himself and Mr. James V. Stanton):

H.R. 6060. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHMITZ:

H.R. 6061. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing education; to the Committee on Ways and Means.

By Mr. SHRIVER:

H.R. 6062. A bill to amend student loan provisions of the National Defense Education Act of 1958 to provide that certain voluntary civilian service will be credited in the same manner as service in the Armed Forces; to the Committee on Education and Labor.

H.R. 6063. A bill to amend the Uniform Time Act of 1966 in order to provide that daylight saving time shall be observed in the United States from the first Sunday following Memorial Day to the first Sunday following Labor Day; to the Committee on Interstate and Foreign Commerce.

H.R. 6064. A bill to amend title I of the Social Security Act to provide a 10-percent across-the-board benefit increase, with a $100 minimum primary benefit and subsequent benefit increases based on the cost of living, and to raise the amount of outside earnings a beneficiary may have without suffering deductions from his benefits; to the Committee on Ways and Means.

By Mr. WAGGONNER:

H.R. 6065. A bill to amend section 903(c)(2) of the Social Security Act; to the Committee on Ways and Means.

By Mr. WIGGINS:

H.R. 6066. A bill to provide for the establishment of a U.S. Court of Labor-Management Relations which shall have jurisdiction over certain labor disputes in industries substantially affecting commerce; to the Committee on the Judiciary.

By Mr. ABOUREZK (for himself, Mr. Quie, Mr. Denholm, Mr. Fraser, Mr. Link, and Mr. Thone):

H.R. 6067. A bill to provide for the disposition of funds appropriated to pay judgment in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets Nos. 359, 360, 361, 362 and 363, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CELLER:

H.R. 6068. A bill to establish the Commission on a Universal Service Corps; to the Committee on Education and Labor.

By Mr. CORMAN (for himself, Mr. Pettis, Mr. Anderson of California, Mr. Bell, Mr. Danielson, Mr. Edwards of California, Mr. Goldwater, Mr. Gubser, Mr. Hanna, Mr. Hawkins, Mr. Holifield, Mr. Hosmer, Mr. Johnson of California, Mr. Leggett, Mr. Miller of California, Mr. Roybal, Mr. Sisk, Mr. Teague of California, Mr. Waldie, Mr. Charles H. Wilson, and Mr. Bob Wilson):

H.R. 6069. A bill to provide an incentive for the production of motion pictures in the United States by excluding from gross income, for Federal income tax purposes, a part of the gross income derived from the distribution or exploitation of motion pictures produced in the United States; to the Committee on Ways and Means.

By Mr. DENHOLM (for himself, Mr. Abourezk, Mr. Fraser, Mr. Link, and Mr. Thone):

H.R. 6070. A bill to provide for the distribution to the Sisseton and Wahpeton Tribes of Sioux Indians of their portion of the funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets Nos. 142 and 359, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GUDE:

H.R. 6071. A bill to authorize the States of Virginia and Maryland and the District of Columbia to negotiate and enter into a compact to establish a multistate authority to operate the Washington-Baltimore metropolitan area's airports, and for other purposes; to the Committee on the District of Columbia.

By Mr. HALEY (by request):

H.R. 6072. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Pembina Band of Chippewa Indians in Indian Claims Commission dockets Nos. 18–A, 113, and 191, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARSHA (for himself, Mr. Smith of California, Mr. Frelinghuysen, Mr. Hastings, Mr. McClory, Mr. Halpern, Mr. Del Clawson and Mr. Williams):

H.R. 6073. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mr. Smith of California, Mr. Frelinghuysen, Mr. Hastings, Mr. McClory, Mr. Halpern, Mr. Del Clawson, Mr. Shoup, and Mr. Williams):

H.R. 6074. A bill to amend section 8 of the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mr. Smith of California, Mr. Frelinghuysen, Mr. Hastings, Mr. McClory, Mr. Halpern, Mr. Del Clawson, and Mr. Williams):

H.R. 6075. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mr. Smith of California, Mr. Frelinghuysen, Mr. Hastings, Mr. McClory, Mr. Halpern, Mr. Del Clawson, Mr. Shoup, and Mr. Williams):

H.R. 6076. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

By Mr. HOLIFIELD (for himself and Mrs. Dwyer):

H.R. 6077. A bill to remove limitations on the granting of relief to owners of lost or stolen bearer securities of the United States, and for other purposes; to the Committee on Government Operations.

By Mr. JOHNSON of California:

H.R. 6078. A bill granting the consent and approval of Congress to the California-Nevada interstate compact; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 6079. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. ROBINSON of Virginia:

H.R. 6080. A bill to amend the Truth in Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

By Mr. SCHEUER:

H.R. 6081. A bill to establish the Office of Drug Abuse Control within the Executive Office of the President; to the Committee on Interstate and Foreign Commerce.

By Mr. SIKES (for himself, Mr. Sisk, Mr. Lennon, Mr. Andrews of North Dakota, Mr. Hansen of Idaho, Mr. Pepper, Mrs. Hansen of Washington, Mr. Slack, Mr. Johnson of Pennsylvania, Mr. Saylor, Mr. Garmatz, Mr. Harrington, Mr. Scott, Mr. Jones of North Carolina, Mr. Obey, Mr. Moorhead, Mr. Fuqua, Mr. Wyman, Mr. Melcher, Mr. Duncan, Mr. Wyatt, Mr. Griffin, Mr. Kyros, Mr. Preyer of North Carolina, and Mrs. Hicks of Massachusetts):

H.R. 6082. A bill to authorize the appropriation of additional funds for cooperative forest management; to the Committee on Agriculture.

By Mr. SIKES (for himself, Mr. Whitten, Mr. Taylor, Mr. Quie, Mr. Cleveland, Mr. Johnson of California, Mr. Winn, Mr. Hathaway, Mr. Casey of Texas, Mr. Fascell, Mr. Haley, Mr. Halpern, Mrs. Green of Oregon, Mr. Abbitt, Mr. Chappell, Mr. Abourezk, Mr. Dellenback, and Mr. Gude):

H.R. 6083. A bill to authorize the appropriation of additional funds for cooperative forest management; to the Committee on Agriculture.

By Mr. SIKES (for himself, Mr. Sisk, Mr. Lennon, Mr. Andrews of North Dakota, Mr. Hansen of Idaho, Mr. Pepper, Mrs. Hansen of Washington, Mr. Slack, Mr. Johnson of Pennsylvania, Mr. Saylor, Mr. Garmatz, Mr. Harrington, Mr. Scott, Mr.

Jones of North Carolina, Mr. Obey, Mr. Moorhead, Mr. Fuqua, Mr. Wyman, Mr. Melcher, Mr. Duncan, Mr. Wyatt, Mr. Griffin, Mr. Kyros, Mr. Preyer of North Carolina, and Mrs. Hicks of Massachusetts):

H.R. 6084. A bill to authorize the appropriation of additional funds for cooperative forest fire protection; to the Committee on Agriculture.

Mr. SIKES (for himself, Mr. Whitten, Mr. Taylor, Mr. Quie, Mr. Cleveland, Mr. Johnson of California, Mr. Winn, Mr. Hathaway, Mr. Casey of Texas, Mr. Fascell, Mr. Haley, Mr. Halpern, Mrs. Green of Oregon, Mr. Abbitt, Mr. Chappell, Mr. Abourezk, Mr. Dellenback, Mr. Gude, Mr. Ichord, Mr. Hicks of Washington, and Mr. O'Neill):

H.R. 6085. A bill to authorize the appropriation of additional funds for cooperative forest fire protection; to the Committee on Agriculture.

By Mr. SIKES (for himself, Mr. Sisk, Mr. Lennon, Mr. Andrews of North Dakota, Mr. Hansen of Idaho, Mr. Pepper, Mrs. Hansen of Washington, Mr. Slack, Mr. Johnson of Pennsylvania, Mr. Saylor, Mr. Garmatz, Mr. Harrington, Mr. Scott, Mr. Jones of North Carolina, Mr. Obey, Mr. Moorhead, Mr. Fuqua, Mr. Wyman, Mr. Melcher, Mr. Duncan, Mr. Wyatt, Mr. Griffin, Mr. Kyros, Mr. Preyer of North Carolina, and Mrs. Hicks of Massachusetts):

H.R. 6086. A bill to authorize the Secretary of Agriculture to cooperate with and furnish financial and other assistance to States and other public bodies and organizations in providing an urban environmental forestry program, and for other purposes; to the Committee on Agriculture.

By Mr. SIKES (for himself, Mr. Whitten, Mr. Taylor, Mr. Quie, Mr. Cleveland, Mr. Johnson of California, Mr. Winn, Mr. Hathaway, Mr. Casey of Texas, Mr. Fascell, Mr. Haley, Mr. Halpern, Mrs. Green of Oregon, Mr. Abbitt, Mr. Chappell, and Mr. Abourezk):

H.R. 6087. A bill to authorize the Secretary of Agriculture to cooperate with and furnish financial and other assistance to States and other public bodies and organizations in providing an urban environmental forestry program, and for other purposes; to the Committee on Agriculture.

By Mr. UDALL (for himself, Mr. Abourezk, Mr. Anderson of Tennessee, Mr. Badillo, Mr. Begich, Mr. Bingham, Mr. Burton, Mrs. Chisholm, Mr. Conyers, Mr. Corman, Mr. Cotter, Mr. Drinan, Mr. Edwards of California, Mr. William D. Ford, Mr. Fraser, Mr. Halpern, Mr. Hamilton, Mr. Harrington, Mr. Hawkins, and Mr. Hechler of West Virginia):

H.R. 6088. A bill amending title 13 of the United States Code by authorizing the Secretary of Commerce through the Bureau of the Census to undertake a quadrennial enrollment of those persons to vote in elections of the President and Vice President that meet the qualifications of the various States other than residency; to the Committee on House Administration.

By Mr. UDALL (for himself, Mr. Leggett, Mr. McKay, Mr. Meeds, Mr. Mikva, Mr. Mitchell, Mr. Moorhead, Mr. Morse, Mr. Moss, Mr. Obey, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Rosenthal, Mr. Roy, Mr. Roybal, Mr. Scheuer, Mr. Tiernan, Mr. Charles H. Wilson, and Mr. Yatron):

H.R. 6089. A bill amending title 13 of the United States Code by authorizing the Secretary of Commerce through the Bureau of the Census to undertake a quadrennial enrollment of those persons to vote in elections of the President and Vice President that meet the qualifications of the various States other than residency; to the Committee on House Administration.

By Mr. WYMAN:

H.R. 6090. A bill to require fiscal responsibility on the part of the Federal Government; to the Committee on Government Operations.

By Mr. FINDLEY:

H.J. Res. 466. Joint resolution to repeal the Formosa resolution; to the Committee on Foreign Affairs.

By Mr. WYMAN:

H.J. Res. 467. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. McFALL:

H.J. Res. 468. Joint resolution making certain further continuing appropriations for the fiscal year 1971, and for other purposes; to the Committee on Appropriations.

By Mr. HOLIFIELD:

H. Con. Res. 204. Concurrent resolution that the Congress hereby creates an Atlantic Union delegation; to the Committee on Foreign Affairs.

By Mrs. ABZUG:

H. Res. 295. Resolution calling for an investigation of Government agency involvement in U.S. oil company investment in oil deposits offshore Vietnam; to the Committee on Rules.

By Mr. FINDLEY:

H. Res. 296. Resolution to express the sense of the House of Representatives relative to the relations between the United States and the Peoples Republic of China; to the Committee on Foreign Affairs.

By Mr. PEPPER:

H. Res. 297. Resolution on dismissal of professional air traffic controllers by the Federal Aviation Administration; to the Committee on Interstate and Foreign Commerce.

By Mr. STAFFORD (for himself and Mr. Begich):

H. Res. 298. Resolution expressing the sense of the House of Representatives with respect to the establishment of at least one standard metropolitan statistical area in each State; to the Committee on Government Operations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAREY of New York:

H.R. 6091. A bill for the relief of Antonio Arena, his wife, Anna Arena, and their daughter, Anna Nicoletta Arena; to the Committee on the Judiciary.

H.R. 6092. A bill for the relief of Arnaldo Cefalo and his wife, Cristina Cefalo; to the Committee on the Judiciary.

H.R. 6093. A bill for the relief of Maria Gagliano; to the Committee on the Judiciary.

H.R. 6094. A bill for the relief of San Lutfrya; to the Committee on the Judiciary.

H.R. 6095. A bill for the relief of Rocco Roppo, his wife, Grazia Roppo, and their children, Michele Roppo and Giacoma Roppo; to the Committee on the Judiciary.

H.R. 6096. A bill for the relief of Nicolo Rutigliano; to the Committee on the Judiciary.

H.R. 6097. A bill for the relief of Ninfa Gemma Sinagra; to the Committee on the Judiciary.

H.R. 6098. A bill for the relief of Alfredo Vacca, his wife, Carmela Vacca, and their child, Sergio Vacca; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 6099. A bill for the relief of Elvira Maria Bruno; to the Committee on the Judiciary.

H.R. 6100. A bill for the relief of Janis Zalcmanis, Gertrude Jansons, Lorena Jansons Murphy, and Asja Jansons Liders; to the Committee on the Judiciary.

By Mr. DELANEY (by request):

H.R. 6101. A bill for the relief of Domenica Gagliano; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 6102. A bill for the relief of Mr. Andrea Ripepi and Mrs. Concetta Ripepi; to the Committee on the Judiciary.

By Mr. HOWARD:

H.R. 6103. A bill for the relief of Guido Gheselli; to the Committee on the Judiciary.

H.R. 6104. A bill for the relief of Secundo Neri; to the Committee on the Judiciary.

By Mr. HUNGATE:

H.R. 6105. A bill for the incorporation of the Merchant Marine War Veterans Association; to the Committee on the District of Columbia.

By Mr. LINK:

H.R. 6106. A bill for the relief of Dr. Dionisio Teng Libi and Dr. Bernadette Libi; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 6107. A bill for the relief of Janina Szmyd; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 6108. A bill for the relief of Mrs. Carmen Prado; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 6109. A bill for the relief of Alexander Ghebhardt; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

61. By the SPEAKER: A memorial of the Legislature of the State of California, relative to prisoners of war; to the Committee on Foreign Affairs.

62. Also, a memorial of the Legislature of the State of Michigan, relative to prisoners of war; to the Committee on Foreign Affairs.

63. Also, a memorial of the Legislature of the State of New York, relative to prisoners of war; to the Committee on Foreign Affairs.

64. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, requesting an investigation of the incident involving the Massachusetts-based lobster boat *F/V Sea Dog* and the Japanese fishing traweler *Yabase-Maru*; to the Committee on Merchant Marine and Fisheries.

65. Also, a memorial of the Legislature of the State of Nevada, relative to increasing the rates for certain third-class mail; to the Committee on Post Office and Civil Service.

66. Also, a memorial of the Legislature of the State of Oklahoma, relative to connecting the Arkansas River navigation project with the Central Oklahoma navigation project; to the Committee on Public Works.

67. Also, a memorial of the Legislature of the Commonwealth of Massachusetts, relative to financing transit costs from the Federal highway fund; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII,

43. The SPEAKER presented a petition of the King County Council, Washington, relative to development of the supersonic transport, which was referred to the Committee on Appropriations.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

* All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following registrations were submitted for the fourth calendar quarter 1970:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

(NOTE.—The form used for registration is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_______ ◄

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◄

AFFIDAVIT

[Omitted in printing]

PAGE 1◄

A. Air Force Sergeants Association, Inc., 1501 Pennsylvania Avenue SE., Washington, D.C.

A. Thomas Appleby, 322 East 44th Street, New York, N.Y.

B. United Nations Development Corp., 322 East 44th Street, New York, N.Y.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.

B. HRH Construction Corp., 515 Madison Avenue, New York, N.Y.

A. J. Paul Bernier, 11405 Rolling House Road, Rockville, Md.

B. Data Associates, Inc., 400 12th Street, Washington, D.C.

A. J. Paul Bernier, 11405 Rolling House Road, Rockville, Md.

B. Lee Markey Equipment, 197 Telegraph Road, Alexandria, Va.

A. J. Paul Bernier, 11405 Rolling House Road, Rockville, Md.

B. Union Environmental Corp., 3314 Holloman Road, Falls Church, Va.

A. Max N. Berry, 888 17th Street, NW., Washington, D.C.

B. The Austrian Trade Delegate in the United States, 845 Third Avenue, New York, N.Y.

A. Albert D. Bourland, Industry-Government Relations, GMC, 1660 L Street, NW., Washington, D.C.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.

A. Charles R. Bragg, 90 Stony Corners Circle, Avon, Conn.

B. Northeast Utilities Service Co., 176 Cumberland Avenue, Wethersfield, Conn.

A. Anne Bryant, 1025 Connecticut Avenue NW., Washington, D.C.

B. Holmes/Harmon Corp., 484 Pierce Street, Birmingham, Mich.

A. Anne Bryant, 1025 Connecticut Avenue NW. Washington, D.C.

B. Union Commerce Corp., 1025 Connecticut Avenue NW., Washington, D.C.

A. Monroe Butler, Avenue of the Stars, Los Angeles, Calif.

B. The Superior Oil Co., Avenue of the Stars, Los Angeles, Calif.

A. Charles S. Caldwell, 1437 K Street NW., Washington, D.C.

B. United Mine Workers of America, 15th Street NW., Washington, D.C.

A. Candlelighters, Fernwood Road, Bethesda, Md.

A. Frank H. Case III, American Retail Federation, 1616 H Street NW., Washington, D.C.

B. American Retail Federation, 1616 H Street NW., Washington, D.C.

A. Coalition Against the SST, 917 15th Street NW., Washington, D.C.

A. Jeffery Cohelan, Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C.

B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C.

A. Common Cause (formerly Urban Coalition Action Council), 2100 M Street NW., Washington, D.C.

A. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C.

B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C.

A. Richard J. Congleton, attorney, 734 15th Street NW., Washington, D.C.

B. American Academy of Actuaries, 208 South LaSalle Street, Chicago, Ill.

A. Richard J. Congleton, attorney, 734 15th Street NW., Washington, D.C.

B. The Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, N.Y.

A. Council of AFL–CIO Unions for Scientific, Professional and Cultural Employees, 1155 15th Street NW., Washington, D.C.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.

B. MGIC Investment Corp., 600 Marine Plaza, Milwaukee, Wis.

A. Crowell Collier and Macmillan, Inc., 1701 North Fort Myer Drive, Arlington, Va.

A. DeHart & Broide, Inc., 1150 Connecticut Avenue NW., Washington, D.C.

B. Publicker Industries, Inc., 1429 Walnut Street, Philadelphia, Pa.

A. Mr. James F. Doherty, Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C.

B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Suite 203, Washington, D.C.

A. Robert C. Dolan, 1140 Connecticut Avenue NW., Washington, D.C.

B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.

A. Harry J. Doyle, American Optometric Association, 1026 17th Street NW., Washington, D.C.

B. American Optometric Association, Inc., in care of M. L. DeBolt, O.D., Box 605, 117 West 3d, Winona, Minn.

A. George V. Egge, Jr., 1730 Rhode Island Avenue NW., Washington, D.C.

B. Committee for the Development, Promotion, and Defense of Spanish Footwear in Foreign Markets, Avda. de Jose Antonio, 32, Madrid 13, Spain.

A. Scott H. Elder, Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio.

B. Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio.

A. James I. Fender, 100 Northeast Adams Street, Peoria, Ill.

B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill.

A. Francis C. Fini, Air Force Sergeants Association, Inc., 1501 Pennsylvania Avenue SE., Washington, D.C.

B. Air Force Sergeants Association, Inc., 1501 Pennsylvania Avenue SE., Washington, D.C.

A. Frosh, Lane & Edson, 1430 K Street NW., Washington, D.C.

B. National Association of Building Manufacturers, 1701 18th Street NW., Washington, D.C.

A. John W. Gardner, 2100 M Street NW., Washington, D.C.

B. Common Cause, 2100 M Street NW., Washington, D.C.

A. General Aviation Manufacturers Association, Inc., 1025 Connecticut Avenue NW., Washington, D.C.

A. Jack Golodner, 1155 15th Street NW., Washington, D.C.

B. Council of AFL–CIO Unions for Scientific, Professional and Cultural Employees, 1155 15th Street NW., Washington, D.C.

A. Graubard, Moskovitz & McCauley, 1629 K Street NW., Washington, D.C.

B. American Institute for Imported Steel, Inc., 420 Lexington Avenue, New York, N.Y.

A. Graubard, Moskovitz & McCauley, 1629 K Street NW., Washington, D.C.

B. Organic Chemicals Group, American Importers Association, 420 Lexington Avenue, New York, N.Y.

A. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C.

A. Judith Hamburg, 120 Maryland Avenue NE., Washington, D.C.

B. Women's International League for Peace and Freedom, 1 North 13th Street, Philadelphia, Pa.

A. Leslie P. Hemry, 1701 K Street NW., Washington, D.C.

B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

A. The Hertz Corp., 660 Madison Avenue, New York, N.Y.

A. J. Thomas Higginbotham, 815 Connecticut Avenue NW., Washington, D.C.

B. The American Bankers Association, 815 Connecticut Avenue NW., Washington, D.C.

A. Holyoke Water Power Co., 1 Canal Street, Holyoke, Mass.

A. Wayne L. Horvitz, 1816 Jefferson Place NW., Washington, D.C.

A. Lester S. Hyman, 815 Connecticut Avenue NW., Washington, D.C.

B. Leva, Hawes, Symington, Marton & Oppenheimer FMC Corporation, 633 Third Ave., New York, N.Y.

A. Lester S. Hyman, 815 Connecticut Avenue, NW., Washington, D.C.

B. Leva, Hawes, Symington, Martin & Oppenheimer Popular Services, Inc., 128 Dayton Avenue, Passaic, N. J.

A. William R. Joyce, Jr., 1701 Pennsylvania Avenue NW., Washington, D.C.

B. Centro Azucarero Argentino, Reconquista 336, Buenos Aires, Argentina.

A. Robert G. (Bob) Kendall, Jr., Alabama Railroad Assoc., Montgomery, Ala.

B. Alabama Railroad Assoc., 1002 First National Bank Building, Montgomery Ala.

A. William J. Kuhfuss, American Farm Bureau Federation, 1000 Merchandise Mart, Chicago, Ill.

B. American Farm Bureau Federation, 1000 Merchandise Mart, Chicago, Ill.

A. Lake Carriers' Assoc., 1411 Rockefeller Building, Cleveland, Ohio.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C.

B. FMC Corp., 633 Third Avenue, New York, N.Y.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C.

B. Popular Services, Inc., 128 Dayton Avenue, Passaic, N.J.

A. Marx Leva, 815 Connecticut Avenue NW., Washington, D.C.

B. Leva, Hawes, Symington, Martin & Oppenheimer, FMC Corp., 633 Third Avenue, New York, N.Y.

A. Marx Leva, 815 Connecticut Avenue N.W., Washington, D.C.

B. Leva, Hawes, Symington, Martin & Oppenheimer, Popular Services, Inc., 128 Dayton Avenue, Passaic, N.J.

A. Philip J. Loree, 25 Broadway, New York, N.Y.

B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y.

A. William R. Lucas, Non-Commissioned Officers Association of the U.S.A., Post Office 2268, San Antonio, Tex.

A. Joseph V. Machugh, 225 A Street, N.E., Washington, D.C.

B. Menswear Retailers of America, National Press Building, 14th and F Streets NW., Washington, D.C.

A. Robert McElwaine, Volkswagen American Dealers Association, Inc., 1129 20th Street N.W., Washington, D.C.

A. McGuire, Woods & Battle, 1400 Ross Building, Richmond, Va.

B. Concrete Industries (Monier), Ltd., Monier Square, Villawood, N.S.W. Australia.

A. John Muth (Youth Lobby), 400 West 38th, Wilmington, Del.

B. Sapiens, 400 West 38th, Wilmington, Del.

A. National Association Armed Forces Retirees, Post Office Box 5327, North Charleston, S.C.

A. National Association of Single Taxpayers, 1010 Vermont Avenue NW., Washington, D.C.

A. Non-Commissioned Officers Association of the U.S.A., Post Office 2268, San Antonio, Tex.

A. Northeast Utilities Service Co., 176 Cumberland Avenue, Wethersfield, Conn.

A. Kenneth G. Olson, Mountain Road, Stowe, Vt.

B. American Importers Association, 420 Lexington Avenue, New York, N.Y.

A. Alejandro Orfila, 1211 Connecticut Avenue NW., Washington, D.C.

B. Centro Azucarero Argentino, Reconquista 336, Buenos Aires, Argentina.

A. Christopher A. Peterson, 1316 Fenwick Lane, Silver Spring, Md.

B. National Association of Single Taxpayers, 1010 Vermont Avenue NW., Washington, D.C.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.

B. Cameron County Courthouse, Brownsville, Tex., et al.

A. Richard S. Paulson, Paulson & Humphreys, 1140 Connecticut Avenue NW., Washington, D.C.

B. Washington Coca Cola Bottling Co., Inc., 1710 Elton Road, Silver Spring, Md.

A. Geoffrey G. Peterson, American Retail Federation, 1616 H Street NW., Washington, D.C.

B. American Retail Federation, 1616 H Street NW., Washington, D.C.

A. Raymond Raedy, 1701 K Street NW., Washington, D.C.

B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

A. Rial M. Rainwater, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

A. William W. Rayner, 1701 North Fort Myer Drive, Arlington, Va.

B. Crowell, Collier & Macmillan, Inc., 1701 North Fort Myer Drive, Arlington, Va.

A. Peter Regalado, 1706 Columbia Road NW., Washington, D.C.

B. Bufete Latino, S.A., 1706 Columbia Road NW., Washington, D.C.

A. Scott Runkle, 1000 Connecticut Avenue NW., Washington, D.C.

B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.

A. James M. Souby, Jr., Western Railroad Association, 224 Union Station Building, Chicago, Ill.

B. Western Railroad Association, 224 Union Station Building, Chicago, Ill.

A. Edward W. Stimpson, 1025 Connecticut Avenue NW., Washington, D.C.

B. General Aviation Manufacturers Association, Inc., 1025 Connecticut Avenue NW., Washington, D.C.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 1700 K Street NW., Washington, D.C.

B. Devils Lake Sioux Tribe, Fort Totten, N. Dak.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 1700 K Street NW., Washington, D.C.

B. Sisseton and Wahpeton Sioux Tribe, Sisseton, S. Dak.

A. Stroock, Stroock & Lavan, 1100 Connecticut Avenue NW., Washington, D.C.

B. Volkswagen American Dealers Association, Inc., care of Gezon Motors, Inc., 3985 Plainfield Street NE., Grand Rapids, Mich.

A. H. William Tanaka, 1819 H Street NW., Washington, D.C.

B. Toshiba America, Inc., 477 Madison Avenue, New York, N.Y.

A. William D. Thompson, Industry-Government Relations, GMC, 1660 L Street NW., Washington, D.C.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.

A. Vice Adm. Paul E. Trimble, Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio.

B. Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio.

A. Bowen H. Tucker, Esq., 100 Northeast Adams Street, Peoria, Ill.

B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill.

A. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C.

A. United Nations Development Corporation, 322 East 44th Street, New York, New York.

A. Ted Van Dyk and/or Kirby Jones, Ted Van Dyk Associates, Inc., 1224 17th Street NW., Washington, D.C.

B. Hertz Corp., 660 Madison Avenue, New York, N.Y.

A. Westbay Associates, Government Relations Consultants, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. Citizens Committee for Postal Reform, Inc., 1725 Eye Street NW., Washington, D.C.

A. Western Massachusetts Electric Co., 174 Brush Hill Avenue, West Springfield, Mass.

A. Ed White, Western Railroad Association, 280 Union Station Building, Chicago, Ill.

B. Western Railroad Association, 224 Union Station Building, Chicago, Ill.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.

B. American Courier Corp., 2 Nevada Drive, Lake Success, N.Y.

A. J. D. Williams, Esq., Williams & Jensen, 1130 17th Street NW., Washington, D.C.

B. International Utilities Corp., 1500 Walnut Street, Philadelphia, Pa.

A. J. D. Williams, Esq., Williams & Jensen, 1130 17th Street NW., Washington, D.C.

B. National Council for Health Care Services, 1625 Eye Street NW., Washington, D.C.

A. Women's International League for Peace and Freedom, 1 North 13th Street, Philadelphia, Pa.

A. Robert C. Zimmer, 1775 K Street NW., Washington, D.C.

B. Charge Account Bankers Association, 1775 K Street NW., Washington, D.C.

QUARTERLY REPORTS*

* All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the fourth calendar quarter 1970:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_______ ◄

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◄

AFFIDAVIT

[Omitted in printing]

PAGE 1◄

NOTE ON ITEM "D."—(*a*) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(*c*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $--------Dues and assessments
2. $--------Gifts of money or anything of value
3. $--------Printed or duplicated matter received as a gift
4. $--------Receipts from sale of printed or duplicated matter
5. $--------Received for services (e.g., salary, fee, etc.)

6. $--------TOTAL for this Quarter (Add items "1" through "5")
7. $--------Received during previous Quarters of calendar year

8. $--------TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $--------TOTAL now owed to others on account of loans
10. $--------Borrowed from others during this Quarter
11. $--------Repaid to others during this Quarter

12. $--------"Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": --------

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor*
	(*"Period"* from Jan. 1 through ------------------, 19----)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(*a*) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $--------Public relations and advertising services
2. $--------Wages, salaries, fees, commissions (other than item "1")
3. $--------Gifts or contributions made during Quarter
4. $--------Printed or duplicated matter, including distribution cost
5. $--------Office overhead (rent, supplies, utilities, etc.)
6. $--------Telephone and telegraph
7. $--------Travel, food, lodging, and entertainment
8. $--------All other expenditures

9. $--------TOTAL for this Quarter (Add "1" through "8")
10. $--------Expended during previous Quarters of calendar year

11. $--------TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $--------TOTAL now owed to person filing
13. $--------Lent to others during this Quarter
14. $--------Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7–11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

PAGE 2

A. Sotheron Kirby Able, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $135.

A. John J. Adams, 1819 H Street NW., Washington, D.C.
B. Ethyl Corp., 330 South Fourth Street, Richmond, Va.
D. (6) $600.

A. S. Allan Adelman, American Gas Association, Inc., 1515 Wilson Boulevard, Arlington, Va.
B. American Gas Association, Inc., 1515 Wilson Boulevard, Arlington, Va.
D. (6) $1,125. E. (9) $244.

A. Aerospace Industries Association of America, Inc., 1725 DeSales Street, NW., Washington, D.C.
D. (6) $7,013.88. E. (9) $7,013.88.

A. Air Traffic Control Association, Inc., ARBA Building, 525 School Street, SW., Washington, D.C.

A. Air Transport Association of America, 1000 Connecticut Avenue, NW., Washington, D.C.
B. Same as above
D. (6) $4,050.23. E. (9) $4,050.23.

A. Aircraft Owners & Pilots Association, Post Office Box 5800, Washington, D.C.
B. Aircraft Owners & Pilots Association, Post Office Box 5800, Washington, D.C.

A. George Alderson, 917 15th Street, NW., Washington, D.C.
B. Friends of the Earth, 30 East 42nd Street, New York, N.Y.
D. (6) $2,000.00.

A. John R. Ale, American Life Convention, 1701 K Street, NW., Washington, D.C.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $75.00. E. (9) $59.00.

A. Willis W. Alexander, 815 Connecticut Avenue, NW., Washington, D.C.
B. The American Bankers Association, 90 Park Avenue, New York, N.Y.
D. (6) $1,500.00. E. (9)$2,535.69.

A. All-Industry Committee For Radio All-Channel Legislation, 1225 Connecticut Avenue, NW., Washington, D.C.
D. (6) $2,506.00. E. (9) $641.89.

A. Mrs. Donna Allen, 3306 Ross Place NW., Washington, D.C.
B. National Committee Against Repressive Legislation, 555 North Western Avenue, Los Angeles, Calif.
D. (6) $1,040. E. (9) $1,472.29.

A. Kenneth D. Allen, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $5.18.

A. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Amalgamated Transit Union, National Capital Local Division 689, 100 Indiana Avenue NW., Washington, D.C.

A. American Automobile Association, 1712 G Street NW., Washington, D.C.
B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y.
D. (6) $210. E. (9) $210.

A. American Dental Association, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $3,992.76. E. (9) $3,992.76.

A. American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
D. (6) $40,865. E. (9) $40,865.

A. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
E. (6) $49,380.93.

A. American Frozen Food Institute, 919 18th Street NW., Washington, D.C.
D. (6) $75,219.72. E. (9) $1,050.60.

A. American Gas Association, Inc., 1515 Wilson Boulevard, Arlington, Va.

A. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y.
D. (6) $2,555.31. E. (9) $3,360.36.

A. American Humane Association, 5351 Roslyn Street, Englewood, Colo.
E. (9) $1,586.64.

A. American Industrial Bankers Assn., 1629 K Street, NW., Washington, D.C.
D. (6) $2,150. E. (9) $2,150.

A. American Insurance Association, 85 John Street, New York, N.Y.
B. Admiral Insurance Co. et al.
D. (6) $13,191.38. D. (9) $13,191.38.

A. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C.
D. (6) $1,497.50. E. (9) $2,241.80.

A. American Justice Association, Defense Highway, Gambrills, Md.
D. (6) $2. E. (9) $2.

A. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $2,005.50. E. (9) $319.38.

A. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
E. (9) $24,036.68.

A. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.
E. (9) $2,100.

A. American National Cattlemen's Association, 1540 Emerson Street, Denver, Colo.
E. (9) $1,324.80.

A. American Optometric Association, care of M. L. DeBolt, O.D., Post Office Box 605, 117 West Third Street, Winona, Minn.
D. (6) $2,986. E. (9) $2,986.

A. American Parents Committee, Inc., 20 E Street NW., Washington, D.C.
D. (6) $2,196.61. E. (9) $4,958.34.

A. American Petroleum Institute, 1801 K Street NW., Washington, D.C.
D. (6) $5,090. E. (9) $9,089.

A. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.
E. (9) $4,113.56.

A. American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C.
B. American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C.
D. (6) $1,104.04. E. (9) $1,104.04.

A. American Society of Consulting Planners, 1819 H Street NW., Washington, D.C.
E. (9) $2,250.

A. American Surveys, 2000 P Street NW., Washington, D.C.
B. National Customs Brokers & Forwarders Association of America, Inc., 80 Wall Street, New York, N.Y.
D. (6) $162.50. E. (9) $69.84.

A. American Textile Machinery Association, 1730 M Street NW., Washington, D.C.

A. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C.
D. (6) $16,706.15. E. (9) $16,706.15.

A. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $10,290.06. E. (9) $17,539.98.

A. American Veterinary Medical Association, 1522 K Street NW., Washington, D.C.
B. American Veterinary Medical Association, 1522 K Street NW., Washington, D.C.
E. (9) $100.

A. American Waterways Operators, Inc., 1250 Connecticut Avenue NW., Washington, D.C.
D. (6) $3,867.43. E. (9) $3,867.43.

A. Edward T. Anderson, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $1,428.

A. Walter M. Anderson, Jr., Alabama Railroad Association, Montgomery, Ala.
B. Alabama Railroad Association, Montgomery, Ala.
D. (6) $192. E. (9) 114.05.

A. William C. Anderson, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $1,979. E. (9) $25.03.

A. George W. Apperson, President, Amalgamated Transit Union, 100 Indiana Avenue NW., Washington, D.C.
B. Amalgamated Transit Union.

A. Arkansas Railroads, 1100 Boyle Building, Little Rock, Ark.

A. Carl F. Arnold, 1101 17th Street NW., Washington, D.C.
B. American Petroleum Institute, 1101 17th Street NW., Washington, D.C.
D. (6) $2,897.50. E. (9) $2,310.87.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Bohemian National Cemetery Association, 5255 North Pulaski Road, Chicago, Ill.
E. (9) $7.05

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Fairchild Camera and Instrument Corp., 464 Ellis Street, Mountain View, Calif.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Floor Covering Committee Affiliated With the National Council of American Importers, 25 Fifth Avenue, New York, N.Y.
D. (6) $2,000. E. (9) $100.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Hoffmann-La Roche, Inc., Nutley, N.J.
D. (6) $9,897. E. (9) $31.94.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Insurance & Securities Inc., Institutional Fund A, 100 California Street, San Francisco, Calif.
E. (9) $2.80.

A. Associated Credit Bureaus, Inc., 6767 Southwest Freeway, Houston, Tex.
B. Associated Credit Bureaus, 6767 Southwest Freeway, Houston, Tex.
E. (9) $1,227.35.

A. Associated Dairymen, Inc., 1026 17th Street NW., Washington, D.C.
E. (9) $1,050.

A. Associated Railroads of New Jersey, Pennsylvania Station, Raymond Plaza, Newark, N.J.
D. (6) $745.56. E. (9) $132.77.

A. Associated Third Class Mail Users, 1725 K Street NW., Washington, D.C.
B. Associated Third Class Mail Users, 1725 K Street NW., Washington, D.C.
D. (6) $300. E. (9) $300.

A. Association for Broadcast-Engineering Standards, Inc., 1130 17th Street NW., Washington, D.C.

A. Association of American Railroads, American Railroads Building, 1920 L Street NW., Washington, D.C.
D. (6) $5,804.73. E. (9) $5,804.73.

A. Association of Oil Pipe Lines, 1725 K Street, NW., Washington, D.C.
E. (9) $305.

A. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y.
E. (9) $1,000.

A. Atlanta Committee for Democratic Republican Independent Voter Education, 2540 Lakewood Avenue, SW., Atlanta, Ga.
D. (6) $2,360. E. (9) $5,833.25.

A. Atlantic Richfield Co., 717 Fifth Avenue, New York, N.Y.
E. (9) $300.

A. William S. Aud, Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C.
B. Veterans of Foreign Wars of the United States.
D. (6) $3,500. E. (9) $59.95.

A. Robert L. Augenblick, 1775 K Street NW., Washington, D.C.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C.
D. (6) $75. E. (9) $3.50.

A. Richard W. Averill, American Optometric Association, 1026 17th Street NW., Washington, D.C.
B. American Optometric Association, % M. L. DeBolt, O.D., Box 605, Winona, Minn.
D. (6) $800. E. (9) $301.

A. Michael H. Bader, 1730 M. Street NW., Washington, D.C.
B. Association for Broadcast Engineering Standards, Inc., 1130 17th Street NW., Washington, D.C.

A. John C. Bagwell, Hawaiian Sugar Planters' Association, 723 Investment Building, Washington, D.C.
B. Hawaiian Sugar Planters' Association, Honolulu, Hawaii.

A. Ernest L. Barcella, General Motors Corp., Washington, D.C.
B. General Motors Corp., 3044 W. Grand Boulevard, Detroit, Mich.

A. Thomas H. Barksdale, Jr., 1435 Waggaman Circle, McLean, Va.
B. American Petroleum Institute, 1101 17th Street NW., Washington, D.C.
D. (6) $1,500. E. (9) $300.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Arthur R. Barnett, 1140 Connecticut Avenue NW., Washington, D.C.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $150.40.

A. Weldon V. Barton.
B. The Farmers' Educational and Cooperative Union of America, 1012–14th Street NW., Washington, D.C.
D. (6) $3,446.02. E. (9) $52.48.

A. A. David Baumhart, Post Office Box 553, Lorain, Ohio.
B. Green Olive Trade Association, 80 Wall Street, New York, N.Y.
D. (6) $450. E. (9) $71.93.

A. Dita Davis Beard, ITT Building, 1707 L Street NW., Washington, D.C.
B. International Telephone & Telegraph Corp., ITT Building, 1707 L Street NW., Washington, D.C.
D. (6) $1,250. E. (9) $2,110.

A. Lowell R. Beck, 2100 M Street NW., Washington, D.C.
B. Common Cause, 2100 M Street NW., Washington, D.C.
D. (6) $4,375.

A. Reed A. Benson, for The John Birch Society, 1028 Connecticut Avenue NW., Washington, D.C.
B. The John Birch Society, Inc., 395 Concord Avenue, Belmont, Massachusetts.

A. Robert L. Bevan, 815 Connecticut Avenue NW., Washington, D.C.
B. American Bankers Association, 90 Park Avenue, New York, N.Y.
D. (6) $450. E. (9) $11.

A. Walter J. Bierwagen, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Sid G. Bishop, 1850 Columbia Pike, Arlington, Va.
B. Transportation-Communication Division, Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $438.65. E. (9) $36.20.

A. William Rhea Blake, 1918 North Parkway, Memphis, Tenn.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
E. (9) $425.40.

A. William Blum, Jr., 700 Federal Bar Building, 1815 H Street N.W., Washington, D.C.
B. Committee for the Study of Revenue Bond Financing, care of William A. Geoghegan, 1000 Ring Building, Washington, D.C.
D. (6) $500. E. (9) $451.54.

A. Blumberg, Singer, Ross, Gottesman & Gordon, 245 Park Avenue, New York, N.Y.
B. Cigar Manufacturers Association of America, Inc., 350 Fifth Avenue, New York, N.Y.
D. (6) $6,875.

A. Eugene F. Bogan, Bogand & Freeland, 1000 16th Street NW., Washington, D.C.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C.

A. G. Stewart Boswell, American Textile Manufacturers Institute, Inc., 1120 Connecticut Avenue NW., Washington, D.C.
B. American Textile Manufacturers Institute, 1501 Johnston Building, Charlotte, N.C.
D. (6) $2,850. E. (9) $299.67.

A. Albert D. Bourland, 1660 L Street NW., Washington, D.C.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
D. (6) $1,500. E. (9) $210.44.

A. Melvin J. Boyle, International Brotherhood of Electrical Workers, 1200 15th Street NW., Washington, D.C.
B. International Brotherhood of Electrical Workers, AFL–CIO–CLC 1200 15th Street NW., Washington, D.C.
D. (6) $5,000.

A. Wayne W. Bradley, 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $2,062.50. E. (9) $676.27.

A. Charles N. Brady, Highway Department, American Automobile Association, 1712 G Street NW., Washington, D.C.
B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Joseph E. Brady, Room 122, Sheraton Gibson Hotel, Cincinnati, Ohio.
B. National Coordinating Committee of the Beverage Industry.

A. Thomas C. Brickle, 1835 K Street NW., Washington, D.C.
B. American Institute of Laundering, Joliet, Ill.
D. (6) $2,000.

A. Parke C. Brinkley, the Madison Building, 1155 15th Street NW., Washington, D.C.
B. National Agricultural Chemicals Association.

A. Wally Briscoe.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.
D. (6) $135. E. (9) $16.50.

A. Florence I. Broadwell, 1737 H Street NW., Washington, D.C.
B. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C.
D. (6) $1,510.40. E. (9) $280.70.

A. David A. Brody, Washington Office, Anti-Defamation League of B'nai B'rith, 1640 Rhode Island Avenue NW., Washington, D.C.
B. Anti-Defamation League of B'nai B'rith, 315 Lexington Avenue, New York, N.Y.
D. (6) App. $350.

A. Joe B. Browder, 917 15th Street NW., Washington, D.C.
B. Friends of the Earth, 30 East 42d Street, New York, N.Y.
D. (6) $300.

A. J. D. Brown, 2600 Virginia Avenue NW., Washington, D.C.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.

D. (6) $300.00.

A. Brown Lund & Levin, 1625 Eye Street NW., Washington, D.C.

B. Cominco American Inc., West 818 Riverside, Spokane, Wash.

E. (9) $0.80.

A. Brown Lund & Levin, 1625 Eye Street NW., Washington, D.C.

B. Ebasco Industries, 345 Park Avenue, New York, N.Y.

D. (6) $937.50.

A. Brown Lund & Levin, 1625 Eye Street NW., Washington, D.C.

B. General Public Utilities Corp., 80 Pine Street, New York, N.Y.

D. (6) $100.

A. Brown Lund & Levin, 1625 Eye Street NW., Washington, D.C.

B. Pacific Northwest Power Co., Public Service Building, Portland, Oreg.

D. (6) $413.25. E. (9) $13.51.

A. Brownstein, Zeidman, Drew & Schomer, 1025 Connecticut Avenue NW., Washington, D.C.

B. Council of Housing Producers, 340 19th Street, Santa Monica, Calif.

E. (9) $78.30.

A. Brownstein, Zeidman, Drew & Schomer, 1025 Connecticut Avenue NW., Washington, D.C.

B. International Franchise Association, 1 East Wacker Drive, Chicago, Ill.

A. Anne Bryant, 1025 Connecticut Avenue, Washington, D.C.

B. Holmes/Harmon Corp., 434 Pierce Street, Birmingham, Mich.

A. Anne Bryant, 1025 Connecticut Avenue NW., Washington, D.C.

B. Union Commerce Corp., 1025 Connecticut Avenue NW., Washington, D.C.

A. George S. Buck, Jr., Office Box 12285, 1918 North Parkway, Memphis, Tenn.

B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.

A. Bulgarian Claims Committee, Moore, Schley, Cameron Co., 2 Broadway, New York, N.Y.

D. (6) $50. E. (9) $51.81.

A. George J. Burger, 250 West 57th Street, New York, N.Y.

B. Burger Tire Consultant Service, 250 West 57th Street, New York, N.Y.

A. George J. Burger, National Federation of Independent Business, 921 Washington Building, 15th Street and New York Avenue, NW., Washington, D.C.

B. National Federation of Independent Business, 921 Washington Building 15th Street and New York Avenue NW., Washington, D.C.

D. (6) $6,749.98. E. (9) $1,350.75.

A. Burley and Dark Leaf Tobacco Export Association, Post Office Box 860, Lexington, Ky.

D. (6) $37,253.93. E. (9) $758.42.

A. George Burnham IV, United States Steel Corp., 1625 K Street NW., Washington, D.C.

B. United States Steel Corp. 525 William Penn Place, Pittsburgh, Pa.

D. (6) $578. E. (9) $470.

A. George B. Burnham, 120 C Street NE., Washington, D.C.

B. Numerous stockholders of the Burnham Chemical Co., 120 C Street NE., Washington, D.C.

D. (6) $125. E. (9) $125.

A. Charles S. Burns, American Mining Congress, 1100 Ring Building, Washington, D.C.

B. American Mining Congress, 1100 Ring Building, Washington, D.C.

D. (6) $825. E. (9) $88.35.

A. David Burpee, Fordhook Farms, Doylestown, Pa.

E. (9) $203.89.

A. George Burrack, American Society of Bank Directors, National Press Building, Washington, D.C.

B. American Society of Bank Directors, National Press Building, Washington, D.C.

A. Herbert H. Butler, 438 Pennsylvania Building, Washington, D.C.

B. United States Independent Telephone Association, 438 Pennsylvania Building, Washington, D.C.

D. (6) $240. E. (9) $620.

A. Monroe Butler, 1801 Avenue of the Stars, Los Angeles, Calif.

B. The Superior Oil Co., 1801 Avenue of the Stars, Los Angeles, Calif.

A. John H. Callahan, 1126 16th Street NW., Washington, D.C.

B. International Union of Electrical Radio, and Machine Workers, AFL–CIO, 1126 16th Street NW., Washington, D.C.

D. (6) $875. E. (9) $240.

A. Gordon L. Calvert, 425 13th Street NW., Washington, D.C.

B. Investment Bankers Association of America, 425 13th Street NW., Washington, D.C.

D. (6) $2,000. E. (9) $1,787.50.

A. Carl C. Campbell, room 610, Ring Building, 1200 18th Street NW., Washington, D.C.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn.

D. (6) $90.90.

A. Charles Argyll Campbell, 1615 H St. NW., Washington, D.C.

B. Chamber of Commerce of the U.S.A., 1615 H St. NW., Washington, D.C.

E. (9) $107.65.

A. Candlelighters, 9210 Fernwood Rd., Bethesda, Md.

D. (6) $70. E. (9) $62.80.

A. Marvin Caplan, Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.

B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.

D. (6) $2,653. E. (9) $102.38.

A. Ronald A. Capone, Kirlin, Campbell & Keating, The Farragut Building, Washington, D.C.

B. Committee of European Shipowners, 30–32 Saint Mary Axe, London, E.C.3, England; et al.

E. (9) $826.06.

A. Michael H. Cardozo, One Dupont Circle NW., Washington, D.C.

B. Association of American Law Schools, One Dupont Circle NW., Washington, D.C.

A. Norval E. Carey, 1025 Connecticut Avenue NW., Washington, D.C.

B. Gulf Oil Corp., Pittsburgh, Pa.

D. (6) $1,000. E. (9) $375.

A. C. Sargent Carleton, 3150 Spring Street, Fairfax, Va.

B. National Audio-Visual Association, 3150 Spring Street, Fairfax, Va.

D. (6) $1,346.

A. Philip Carlip, District 2, National Marine Engineers Beneficial Association, 650 Fourth Avenue, Brooklyn, N.Y.

B. District 2, National Marine Engineers Beneficial Association.

D. (6) $1,000.

A. Philip Carlip, Seafarers International Union of North America, 675 Fourth Avenue, Brooklyn, N.Y.

B. Seafarers International Union.

D. (6) $2,500. E. (9) $1,397.25.

A. Braxton B. Carr, 1250 Connecticut Avenue NW., Washington, D.C.

B. American Waterways Operators, Inc.

D. (6) $3,333.33. E. (9) $274.91.

A. John R. Carson, 20 Chevy Chase Circle, Washington, D.C.

B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.

D. (6) $1,875.

A. Blue Allan Carstenson.

B. The Farmers' Educational & Co-Operative Union of America, 1012 14th Street NW., Washington, D.C.

D. (6) $825. E. (9) $65.75.

A. Eugene C. Carusi, 1629 K Street NW., Washington, D.C.

B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y.

D. (6) $100.

A. Frank H. Case III, American Retail Federation, 1616 H Street NW., Washington, D.C.

B. American Retail Federation.

E. (9) $1,250.

A. James B. Cash, Jr., American Bankers Association, 815 Connecticut Avenue NW., Washington, D.C.

B. American Bankers Association.

D. (6) $1,500. E. (9) $87.25.

A. Frank R. Cawley, Agricultural Publishers Association, Wilson Plaza Building, 2425 Wilson Boulevard, Arlington, Va.

B. Agrciultural Publishers Association.

A. Frank R. Cawley, Harcourt Brace Jovanovich, Inc., 1625 I Street NW., Washington, D.C.

B. Harcourt Brace Jovanovich, Inc.

A. Ceramic Tile Manufacturers of the United States, Inc., 643 Main Street, Olean, N.Y.

A. J. M. Chambers & Co., Inc., 2300 Calvert Street NW., Washington, D.C.

B. Cordage Institute, 370 Lexington Avenue, New York, N.Y.

D. (6) $1,275.

A. Chapman, Duff & Lenzini, 932 Pennsylvania Building, Washington, D.C.

B. International Association of Game, Fish, and Conservation Commissioners, 5727 Blake Road, Minneapolis, Minn.

D. (6) $253.75. E. (9) $6.80.

A. Chapman, Duff & Lenzini, 932 Pennsylvania Building, Washington, D.C.

B. Libby, McNeill & Libby, 200 South Michigan Avenue, Chicago, Ill.

D. (6) $162.50. E. (9) $1.70.

A. Chapman, Duff & Lenzini, 932 Pennsylvania Building, Washington, D.C.

B. National Committee for the Recording Arts, 1012 South Robertson Boulevard, Los Angeles, Calif.

E. (9) $28.83.

A. James W. Chapman, Retired Officers Association, 1625 Eye Street NW., Washington, D.C.
B. Retired Officers Association, 1625 I Street NW., Washington, D.C.
D. (6) $2,250.

A. William C. Chapman, Industry-Government Relatons, GMC, 1660 L Street NW., Washington, D.C.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
D. (6) $3,000. E. (9) $1,776.93.

A. Leslie Cheek III, American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.
B. American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,500. E. (9) $250.

A. Mr. A. H. Chesser, United Transportation Union, 400 First Street NW., Washington, D.C.
B. United Transportation Union, 400 First Street NW., Washington, D.C.
E. (9) $300.

A. Edwin Christianson.
B. The Farmers' Educational and Cooperative Union of America, 1012–14th Street NW., Washington, D.C.
D. (6) $70. E. (9) $133.

A. Lowell T. Christison, American Optometric Association, 1026 17th Street NW., Washington, D.C.
B. American Optometric Association c/o M. L. DeBolt, O. D., Box 605, Winona, Minnesota.
D. (6) $174. E. (9) $98.

A. Cigar Manufacturers Association of America, Inc., 350 Fifth Avenue, New York, N.Y.
D. (6) $39,324.66.

A. Citizens Committee for Postal Reform, Inc., 206 Premier Building, 1725 Eye Street NW., Washington, D.C.
E. (9) $11,782.91.

A. Allen C. K. Clark, Shipbuilders Council of America, 1730 K Street NW., Washington, D.C.
B. Shipbuilders Council of America, 1730 K Street NW., Washington, D.C.

A. Earl W. Clark.
B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $1,500. E. (9) $46.48.

A. Robert M. Clark, The Atchison, Topeka & Santa Fe Railway Co., 1100 Connecticut Avenue NW., Washington, D.C.
B. The Atchison, Topeka & Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Aceitunas de Mesa, S.A. Rosario, 10, Seville, Spain.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cabot Corp. et al.
E. (9) $30.45.
A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Interbank Card Association, 110 East 59th Street, New York, N.Y.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Synthetic Organic Chemical Manufacturers Association, 330 Madison Avenue, New York, N.Y.
D. (6) $2,300. E. (9) $31.05.

A. William T. Cleary, 1126 16th Street NW., Washington, D.C.
B. American Federation of Technical Engineers, 1126 16th Street NW., Washington, D.C.
D. (6) $240. E. (9) $20.

A. Walter S. Clement, 915 L'Enfant Plaza SW., Washington, D.C.
B. Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va.
D. (6) $625. E. (9) $225.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. American Brands, Inc., 245 Park Avenue, New York, N.Y.
E. (9) $72.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. Brown & Williamson Tobacco Corp., Louisville, Ky.
E. (9) $72.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. Liggett & Myers Incorporated, 630 Fifth Avenue, New York, N.Y.
E. (9) $72.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. Philip Morris Inc., 100 Park Avenue, New York, N.Y.
E. (9) $72.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. R. J. Reynolds Industries, Winston-Salem, N.C.
E. (9) $72.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C.
B. Avco Corp., 750 Third Avenue, New York, N.Y.
D. (6) $1,050. E. (9) $227.15.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C.
B. CNA Insurance, 310 South Michigan Avenue, Chicago, Ill.
E. (9) $4.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C.
B. General American Transportation Corporation, 120 South Riverside Plaza, Chicago, Ill.
D. (6) $5,000. E. (9) $1,000.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C.
B. Realty Committee on Taxation, 299 Madison Avenue, New York, N.Y.
D. (6) $5,000. E. (9) $1,000.

A. Coles & Goertner, 1000 Connecticut Avenue NW., Washington, D.C.
B. Committee of American Tanker Owners, Inc., One Chase Manhattan Plaza, New York, N.Y.

A. William J. Colihan, Jr., 1000 Connecticut Avenue NW., Washington, D.C.
B. American Association of Advertising Agencies, 200 Park Avenue, New York, N.Y.
D. (6) $1,250.

A. William J. Colley, 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $2,062.50. E. (9) $754.83.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C.
B. American Footwear Manufacturers Association, Inc., 342 Madison Avenue, New York, N.Y.
D. (6) $500. E. (9) $475.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C.
B. The Boston Herald Traveler Corp., 300 Harrison Avenue, Boston, Mass.
D. (6) $1,000. E. (9) $400.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C.
B. National Association of Food Chains, 1725 I Street NW., Washington, D.C.
E. (9) $300.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C.
B. National Broiler Council, 1155 Fifteenth Street NW., Washington, D.C.
D. (6) $300.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C.
B. Tool and Stainless Steel Industry Committee, c/o Carpenter Technology Corp., Reading, Pa.
D. (6) $1,250. E. (9) $525.

A. Paul G. Collins, The Industrial National Bank of Rhode Island, 111 Westminster Street, Providence, R.I.
B. Paul G. Collins, The Industrial National Bank of Rhode Island, 111 Westminster Street, Providence, R.I.
D. (6) $68.75.

A. Colorado Railroad Association, 702 Majestic Building, Denver, Colo.
B. Colorado Railroad Association, 702 Majestic Building, Denver, Colo.
D. (6) $650. E. (9) $1,400.

A. The Committee for Broadening Commercial Bank Participation in Public Financing, An Association of Commercial Banks, 50 South La Salle Street, Chicago, Ill.
D. (6) $100.

A. Committee for Study of Revenue Bond Financing, 1000 King Building, Washington, D.C.
D. (6) $4,450. E. (9) $4,379.44.

A. Committee to Except Assembled U.S. Textile Articles from Quotas, 608 So. Hill Street, Los Angeles, Calif.
D. (6) $1,000. E. (9) $1,000.

A. Common Cause, 2100 M Street NW., Washington, D.C.
D. (6) $796,357. E. (9) $59,359.55.

A. Richard J. Congleton, 734 15th Street NW., Washington, D.C.
B. American Academy of Actuaries, 208 South LaSalle Street, Chicago, Ill.
D. (6) $750. E. (9) $170.80.

A. Richard J. Congleton, 734 15th Street NW., Washington, D.C.
B. The Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, N.Y.
D. (6) $1,500. E. (9) $200.

A. Raymond F. Conkling, 1001 Connecticut Avenue NW., Washington, D.C.
B. Texaco Inc., 135 East 42d Street, New York, N.Y.
D. (6) $200. E. (9) $320.25.

A. Howard M. Conner, 1725 K Street, NW., Washington, D.C.
B. Pacific Gas & Electric Co., 245 Market Street, San Francisco, Calif.

A. Mitchell J. Cooper, 1001 Connecticut Avenue, Washington, D.C.
B. Council of Forest Industries, 1055 W. Hastings Street, Vancouver, Canada.
D. (6) $3,000.

A. James T. Connor, The Madison Building, 1155–15th Street NW., Washington, D.C.
B. National Agricultural Chemicals Association.
D. (6) $210. E. (9) $14.

A. John A. Connor, 2139 Wisconsin Avenue NW., Washington, D.C.
B. National Machine Tool Buildings Association, 2139 Wisconsin Avenue NW., Washington, D.C.
D. (6) $5,250.00. E. (9) $299.60.

A. Bernard J. Conway, 211 East Chicago Avenue, Chicago, Ill.
B. American Dental Association, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $2,254.80.

A. Harry N. Cook, 1130 17th Street NW., Washington, D.C.
B. The National Waterways Conference.

A. Howard Lee Cook, Jr., 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $2,062.50. E. (9) $884.30.

A. Miss Eileen D. Cooke, 110 Maryland Avenue NE., Washington, D.C.
B. American Library Association, 50 E. Huron Street, Chicago, Ill.
D. (6) $92.76.

A. Edward Cooper.
B. Motion Picture Association of America, Inc., 1600 Eye Street NW., Washington, D.C.

A. Joshua W. Cooper, 626 South Lee Street, Alexandria, Va.
B. Portsmouth - Kittery Armed Services Committee, Portsmouth, N.H.
D. (6) $3,750. E. (9) $2,019.43.

A. Mitchell J. Cooper, 1001 Connecticut Avenue, Washington, D.C.
B. Footwear Division, Rubber Manufacturers Association, 444 Madison Avenue, New York, N.Y.
D. (6) $6,000.00. E. (9) $28.45.

A. Darrell Coover, 1625 Eye Street NW., Washington, D.C.
B. National Association of Independent Insurers, 30 West Monroe Street, Chicago, Ill.
D. (6) $2,000. E. (9) $582.00.

A. Corcoran, Foley, Youngman & Rowe, 1511 K Street NW., Washington, D.C.
B. The Committee for Broadening Commercial Bank Participation in Public Financing, 50 South LaSalle Street, Chicago, Ill.

A. Corcoran, Foley, Youngman & Rowe, 1511 K Street NW., Washington, D.C.
B. Lilly Endowment, Inc., 914 Merchants Bank Building, Indianapolis, Ind.

A. Allan D. Cors, 1629 K Street NW., Washington, D.C.
B. Corning Glass Works, Corning, N.Y.
D. (6) $200.00. E. (9) $94.35.

A. Robert M. Coultas, 1612 K Street NW., Washington, D.C.
B. Institute for Rapid Transit, 1612 K Street NW., Washington, D.C.
D. (6) $250.00.

A. Council for a Livable World, 201 Massachusetts Avenue NE., Washington, D.C.
D. (6) $28,291.69. E. (9) $58,038.00.

A. Council of State Chambers of Commerce, 1028 Connecticut Avenue, Washington, D.C.
D. (6) $500.29. E. (9) $500.29.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C.
B. Adhesive & Sealant Council, 1410 Higgens Road, Park Ridge, Ill.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C.
B. American Corn Millers Federation, 1030 15th Street NW., Washington, D.C.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C.
B. Classroom Periodical Publishers Association, 38 W. 5th Street, Dayton, Ohio.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C.
B. Industrial Diamond Association of America, Inc., 2017 Walnut Street, Philadelphia, Pa.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C.
B. Jewelers Vigilance Committee, Inc., 156 East 52d Street, New York, N.Y.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C.
B. Kohler Co., Kohler, Wis.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. Linen Supply Association of America, 975 Arthur Godfrey Road, Miami Beach, Fla.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. National Association of Casualty and Surety Agents, 83 Maiden Lane, New York, N.Y.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. Optical Manufacturers Association, 30 East 42d Street, New York, N.Y.

A. Raymond L. Courage, Independent Natural Gas Association of America, 1660 L Street NW., Washington, D.C.
B. Independent Natural Gas Association of America, 1660 L Street NW., Washington, D.C.
D. (6) $300.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. American Machine Tool Distributors Association, 1500 Massachusetts Avenue NW., Washington, D.C.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. Institute of Makers of Explosives, 420 Lexington Avenue, New York, N.Y.
E. (9) $35.10.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. MGIC Investment Corp., 600 Marine Plaza, Milwaukee, Wis.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. National Machine Tool Builders Association, 2139 Wisconsin Avenue NW., Washington, D.C.

A. Cox, Langford & Brown, 1521 New Hampshire Avenue NW., Washington, D.C.
B. Association of Research Libraries, 1527 New Hampshire Avenue NW., Washington, D.C.

A. Cox, Langford & Brown, 1521 New Hampshire Avenue NW., Washington, D.C.
B. Glaverbel (USA) Inc., 75 Plandome Road, Manhasset, N.Y.
D. (6) $700.

A. Cox, Langford & Brown, 1521 New Hampshire Avenue NW., Washington, D.C.
B. The National Collegiate Athletic Association, Midland Building, Kansas City, Mo.

A. W. J. Crawford, Post Office Box 2180, Houston, Tex.
B. Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex.

A. Jay Creswell, The Universal Exchange, 802 South Summerlin Avenue, Orlando, Fla.
E. (9) $182.32.

A. Francis D. Cronin, American Mining Congress, Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $475.

A. H. C. Crotty, Brotherhood of Maintenance of Way Employees, 12050 Woodward Avenue, Detroit, Mich.

A. J. A. Crowder, 1015 18th Street NW., Washington, D.C.
B. National Association of Wool Manufacturers, 1015 18th Street NW., Washington, D.C.
D. (6) $1,500.

A. Crowell Collier and Macmillan, Inc., 1701 North Fort Myer Drive, Arlington, Va.
E. (9) $354.64.

A. F. Bosley Crowther 3rd, American Gas Association, Inc., 1515 Wilson Boulevard, Arlington, Va.
B. American Gas Association, Inc., 1515 Wilson Boulevard, Arlington, Va.

A. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $3,246.92. E. (9) $1,902.23.

A. John T. Curran, 905 16th Street NW., Washington, D.C.
B. Laborers' International Union of North America, 905 16th Street NW., Washington, D.C.
D. (6) $6,999.99. E. (9) $3,838.80.

A. John C. Datt, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $1,250. E. (9) $19.74.

A. Philip J. Daugherty, Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
D. (6) $2,376.50. E. (9) $98.75.

A. John B. Davenport, Jr., 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $87.57.

A. Aled P. Davies, 59 East Van Buren Street, Chicago, Ill.
B. American Meat Institute, 59 East Van Buren Street, Chicago, Ill.
D. (6) $1,000. E. (9) $93.87.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill.
B. Inland Steel Co., 30 West Monroe Street, Chicago, Ill.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill.
B. The Myron Stratton Home, Post Office Box 1178, Colorado Springs, Colo.
D. (6) $363.51. E. (9) $1,099.01.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill.
B. Northwest Industries, Inc., 400 West Madison Street, Chicago, Ill.
E. (9) $319.29.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill.
B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill.
E. (9) $478.30.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill.
B. Trans Union Corp., 111 West Jackson Boulevard, Chicago, Ill.
E. (9) $163.50.

A. Mr. Fred E. Davis, 1133 15th Street, NW., Washington, D.C.
B. National Association of Manufacturers, 277 Park Avenue, New York, N.Y.
D. (6) $400. E. (9) $175.

A. R. Hilton Davis, 1615 H Street NW., Washington, D.C.
B. Chamber of Commerce of the United States of America, 1615 H Street NW, Washington, D.C.

A. Davis, Wright, Todd, Riese & Jones, 4200 Seattle-First National Bank Building, Seattle, Wash.
B. Arctic Slope Native Association, Post Office Box 486, Barrow, Alaska.
E. (9) $269.15.

A. Charles W. Day, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C.
B. Ford Motor Co., Dearborn, Mich.
D (6) $128. E. (9) $304.

A. Tony T. Dechant, 1012 14th Street NW., Washington, D.C.
B. The Farmers' Educational and Cooperative Union of America, 1012 14th Street NW., Washington, D.C.
D. (6) $2,500. E. (9) $401.33.

A. Richard A Dell, 2000 Florida Avenue NW, Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $150.

A. Max A. Denny, 1629 K Street NW., Washington, D.C.
B. American Industrial Bankers Association, 1629 K Street NW., Washington, D.C.
D. (6) $900.

A. The Denver Post, Inc., 650 15th Street, Denver, Colo.
E. (9) $6,655.

A. Horace J. DePodwin Associates, Inc., 350 Fifth Avenue, New York, N.Y.
B. Ceramic Tile Manufacturers of the United States, Inc., 643 Main Street, Olean, N.Y.

A. Claude J. Desautels, Citizens Committee for Postal Reform, Inc., 1725 I Street NW., Washington, D.C.
B. Citizens Committee for Postal Reform, Inc., 1725 I Street NW., Washington, D.C.
D. (6) $4,532.96.

A. Claude J. Desautels Associates, 206 Premier Building, 1725 I Street NW., Washington, D.C.
B. American Society of Composers, 575 Madison Avenue, New York, N.Y.
D. (6) $6,000.

A. Claude J. Desautels Associates, 206 Premier Building, 1725 I Street NW., Washington, D.C.
B. American Soybean Association, Hudson, Iowa.
D. (6) $9,000. E. (9) $422.20.

A. C. H. DeVaney, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $2,187. E. (9) $20.25.

A. R. Daniel Devlin, 1000 16th Street NW., Washington, D.C.
B. Trans World Airlines, Inc., 10 Richards Road, Kansas City, Mo.
E. (9) $215.

A. George S. Dietrich, Association for Broadcast Engineering Standards, Inc., 1130 17th Street NW., Washington, D.C.
B. Association for Broadcast Engineering Standards, Inc., 1130 17th Street NW., Washington, D.C.

A. Timothy V. A Dillon, 1001 15th Street NW., Washington, D.C.
B. Department of Water Resources, State of California, Post Office Box 388, Sacramento, Calif.
D. (6) $2,428.91. E. (9) $268.91.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C.
B. Sacramento Municipal Utility District, Post Office Box 15830, Sacramento, Calif.
D. (6) $1,619.65. E. (9) $69.65.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C.
B. Yuba County Water Agency, Marysville, Calif.
D. (6) $1,228.20. E. (9) $28.20.

A. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky.
D. (6) $30,234.33. E. (9) $30,234.33.

A. Disabled Officers Association, 1612 K Street NW., Washington, D.C.
E. (9) $3,000.

A. Joseph DiStefano, 4880 MacArthur Boulevard NW., Washington, D.C.
B. International Union of District 50, Allied & Technical Workers of the U.S. & Canada.
D. (6) $3,901.33.

A. William H. Dodds, UAW, 1126 16th Street NW., Washington, D.C.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW, 8000 East Jefferson, Detroit, Mich.
D. (6) $989. E. (9) $186.62.

A. C. L. Dorson, Room 1128, Warner Building, 501 13th Street NW., Washington, D.C.
B. Retirement Federation of Civil Service Employees of the U.S. Government, Room 1128, Warner Building, 501 13th Street NW., Washington, D.C.
D. (6) $3,061.10. E. (9) $280.

A. Dow, Lohnes and Albertson, 1225 Connecticut Avenue NW., Washington, D.C.
B. Newspaper Committee for Cablevision, David R. Bradley, agent, News Press & Gazette Co., 9th and Edmond Streets, St. Joseph, Mo.

A. F. Raymond Downs, 1812 K Street NW., Washington, D.C.
B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio.

A. Harry J. Doyle, American Optometric Association, 1026 17th Street NW., Washington, D.C.
B. American Optometric Association, Inc., c/o M. L. DeBolt, O. D., Box 605, Winona, Minn.
D. (6) $80. E. (9) $47.

A. Robert H. Doyle, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
D. (6) $3,468.75.

A. Franklin B. Dryden.
B. Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.
D. (6) $100.00. E (9) $75.00.

A. William DuChessi, 1126 16th Street NW., Washington, D.C.
B. Textile Workers Union of America, 99 University Place, New York, N.Y.
D. (6) $1,162.52. E. (9) $100.

A. M. L. DuMars, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $60.

A. J. D. Durand, Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C.
B. Association of Oil Pipelines.
E. (9) $305.

A. Henry I. Dworshak, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress.
D. (6) $975.

A. Roy W. Easley, Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C.
B. Association of Maximum Service Telecasters, Inc.
D. (6) $27.54. E. (9) $2.

A. Hallett D. Edson, NAUS, 956 North Monroe Street, Arlington, Va.
B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va.
D. (6) $1,200.

A. Macon T. Edwards, 1918 North Parkway, Memphis, Tenn.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $405. E. (9) $33.58.

A. George V. Egge, Jr., 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. George V. Egge, Jr., 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. J. C. B. Ehringhaus, Jr., American Railroads Building, Washington, D.C.
B. Association of American Railroads, American Railroads Building, Washington, D.C.

A. Harmon L. Elder, 1900 L Street NW., Washington, D.C.

B. Wilson E. Hamilton & Associates, Inc., 1900 L Street NW., Washington, D.C.
D. (6) $250. E. (9) $42.97.

A. John Doyle Elliott, 5500 Quincy Street, Hyattsville, Md.
D. (6) $2,853.07. E. (9) $3,294.84.

A. John M. Elliott, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Northcutt Ely, 1200 Tower Building, Washington, D.C.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.
D. (6) $2,100.

A. Northcutt Ely, 1200 Tower Building, Washington, D.C.
B. Coachella Valley County Water District, Coachella, Calif.
D. (6) $1,200.

A. Northcutt Ely, 1200 Tower Building, Washington, D.C.
B. Department of Water & Power of the City of Los Angeles, Calif., 111 North Hope Street, Los Angeles, Calif.
D. (6) $3,200.

A. Northcutt Ely, 1200 Tower Building, Washington, D.C.
B. East Bay Municipal Utility District, 2130 Adeline Street, Oakland, Calif.
D. (6) $1,200.

A. Northcutt Ely, 1200 Tower Building, Washington, D.C.
B. Imperial Irrigation District, El Centro, Calif.
D. (6) $1,300.

A. Northcutt Ely, 1200 Tower Building, Washington, D.C.
B. Six Agency Committee, 302 State Building, 217 West First Street, Los Angeles, Calif.
D. (6) $3,000.

A. Richard W. Emory, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md.
B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md.
D. (6) $2,500. E.(9) $504.20.

A. Grover W. Ensley, National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y.
D. (6) $368.20. E. (9) $23.40.

A. David G. Erskine, 1629 K Street NW., Washington, D.C.
B. American Industrial Bankers Association, 1629 K Street NW., Washington, D.C.
D. (6) $500.

A. John D. Fagan, Veterans of Foreign Wars of the U.S., 200 Maryland Avenue NE., Washington, D.C.
B. Veterans of Foreign Wars of the U.S., 200 Maryland Avenue NE., Washington, D.C.
D. (6) $2,575. E. (9) $27.

A. The Farmers' Educational and Cooperative Union of America, 1012 14th Street NW., Washington, D.C.
D. (6) $94,679.50. E. (9) $26,866.94.

A. Federation of American Scientists, 203 C Street NE., Washington, D.C.
D. (6) $11,453. E. (9) $250.

A. Herbert A. Fierst, 607 Ring Building, Washington, D.C.
B. Council of Forest Industries of British Columbia, 1500 Guiness Tower, 1055 West Hastings Street, Vancouver 1, Canada.
D. (6) $7,749.99. E. (9) $122.

A. Herbert A. Fierst, 607 Ring Building, Washington, D.C.
B. Joint Committee of Printing and Publishing Industries of Canada, 117 Eglington Avenue East, Toronto 12, Canada.
D. (6) $999.99. E. (9) $28.40.

A. Francis S. Filbey, United Federation of Postal Clerks, AFL-CIO, 817 14th Street NW., Washington, D.C.
B. United Federation of Postal Clerks, AFL-CIO, 817 14th Street NW., Washington, D.C.
D. (6) $4,027.44.

A. Maurice W. Fillius, 5040 Lowell Street NW., Washington, D.C.
B. Bacardi Corp., San Juan, Puerto Rico.

A. William J. Flaherty, Disabled American Veterans, 1221 Massachusetts Avenue NW., Washington, D.C.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.
D. (6) $5,625. E. (9) $77.70.

A. Roger Fleming, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $1,691. E. (9) $32.04.

A. Frank U. Fletcher, Fletcher, Heald, Rowell, Kenehan & Hildreth, 1225 Connecticut Avenue NW., Washington, D.C.
B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y.

A. Fletcher, Heald, Rowell, Kenehan & Hildreth, 1225 Connecticut Avenue NW., Washington, D.C.
B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y.

A. Gene N. Fondren, P.O. Box 192, Taylor, Tex.
B. Texas Railroads.
D. (6) $2,250. E. (9) $785.92.

A. Gordon Forbes, 207 Union Depot Building, St. Paul, Minn.
B. Burlington Northern, Inc., et al.
D. (6) $500. E. (9) $522.86.

A. Forest Farmers Association Cooperative, 1375 Peachtree Street NE., Atlanta, Ga.

A. James W. Foristel, 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $2,250. E. (9) $354.56.

A. John S. Forsythe, Life Insurance Association of America, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $418.75. E. ($9) $16.01.

A. Ronald J. Foulis, 1140 Connecticut Avenue NW., Washington, D.C.
B. United States Independent Telephone Association, 425 13th Street NW., Washington. D.C.

A. John G. Fox, 2000 L Street NW., Washington, D.C.
B. American Telephone & Telegraph Co., 195 Broadway, New York, N.Y.
D. (6) $100.02.

A. Morley E. Fox, 300 New Jersey Avenue SE., Washington, D.C.
B. Central Arizona Project Association, 1124 Arizona Title Building, Phoenix, Ariz.
D. (6) $27.70. E. (9) $19.06.

A. Walter L. Frankland, Jr., 1625 Eye Street NW., Washington, D.C.
B. Silver Users Association, 1625 Eye Street NW., Washington, D.C.
D. (6) $1,124.90. E. (9) $159.83.

A. R. Frank Frazier, National Broiler Council, 1155 15th Street NW., Washington, D.C.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C.
D. (6) $500.

A. Robert M. Frederick, 1616 H Street NW., Washington, D.C.
B. The National Grange, 1616 H Street NW., Washington, D.C.
D. (6) $4,125.

A. James O. Freeman, 812 Pennsylvania Building, Washington, D.C.
B. United States Savings & Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $1,875. E. (9) $75.50.

A. Philip P. Friedlander, Jr., 1343 L Street NW., Washington, D.C.
B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.
D. (6) $60.

A. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $50,000. E. (9) $13,948.

A. Friends of the Earth, 30 East 42d Street, New York, N.Y.
D. (6) $2,700. E. (9) $2,700.

A. Frank W. Frisk, Jr., 2600 Virginia Avenue NW., Washington, D.C.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.
D. (6) $350.

A. Bernard Fuchs, 545 Fifth Avenue, New York, N.Y.
B. National Association of Residents & Interns, Inc., 292 Madison Avenue, New York, N.Y.

A. David C. Fullarton, 1000 Connecticut Avenue NW., Washington, D.C.
B. National Telephone Cooperative Association, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $314.

A. Garrett Fuller, 1307 Wyatt Building, Washington, D.C.
B. United Medical Laboratories, 6060 NE. 112th Avenue, Portland, Oreg.

A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Anchor Corporation, et al.
D. (6) $1,500.

A. James E. Gaffigan, 777 14th Street NW., Washington, D.C.
B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y.
D. (6) $100.

A. William B. Gardiner, Disabled American Veterans, 1221 Mass. Avenue NW., Washington, D.C.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky.
D. (6) $4,875. E. (9) $51.90.

A. John W. Gardner, 2100 M Street NW., Washington, D.C.
B. Common Cause, 2100 M Street NW., Washington, D.C.
E. (9) $671.42.

A. Marion R. Garstang, 30 F Street NW., Washington, D.C.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.
D. (6) $200.

A. Gas Appliance Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va.
B. Gas Appliance Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va.

A. Jose A. Gemeil, 1250 Connecticut Avenue NW., Washington, D.C.
B. S. E. Stavisky & Associates, Inc., 1250 Connecticut Avenue NW., Washington, D.C.
D. (6) $300. E. (9) $325.

A. William T. Gibb, Life Insurance Association of America, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $189.31. E. (9) $34.84.

A. Arthur P. Gildea, 2347 Vine Street, Cincinnati, Ohio.
B. International Union of United Brewery, Flour, Cereal, Soft Drink, & Distillery Workers of America, 2347 Vine Street, Cincinnati, Ohio.
E. (9) $10.

A. Joseph S. Gill, 16 East Broad Street, Columbus, Ohio.
B. The Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio.
E. (9) $132.08.

A. Vance M. Gilmer, Shell Oil Company, 1700 K Street NW., Washington, D.C.
B. Shell Oil Co., 50 West 50th Street, New York, N.Y.
D. (6) $500.

A. Dave Givens, Tennessee Railroad Association, 916 Nashville Trust Building, Nashville, Tenn.
B. Class I Railroads in Tennessee.
D. (6) $17,500. 1. (9) $361.36.

A. Glassie Pewett, Beebe & Shanks, 1819 H Street NW., Washington, D.C.
B. Eastern Meat Packers Association, Inc., 734 15th Street NW., Washington, D.C.
D. (6) $5. E. (9) $5.85.

A. Glassie, Pewett, Beebe & Shanks, 1819 H Street NW., Washington, D.C.
B. National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C.
D. (6) $225. E. (9) $11.46.

A. James M. Goldberg, American Retail Federation, 1616 H Street NW., Washington, D.C.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $1,250.

A. Don A. Goodall, 416 Washington Building, Washington, D.C.
B. American Cyanamid Co., Wayne, N.J.
D. (6) $49. E. (9) $2.

A. Vance V. Goodfellow, 828 Midland Bank Building, Minneapolis, Minn.
B. Crop Quality Council, 828 Midland Bank Building, Minneapolis, Minn.
D. (6) $4,825.50.

A. W. S. Gookin, 403 N. Brown Avenue, Scottsdale, Ariz.

A. Frederick D. Goss, 1000 Connecticut Avenue, NW., Washington, D.C.
B. National Telephone Cooperative Association, 1000 Conecticut Avenue, Washington, D.C.
D. (6) $189.

A. Edward Gottlieb & Associates Ltd., 485 Madison Avenue, New York, N.Y.
B. Florists' Transworld Delivery Association, 900 W. Lafayete Boulevard, Detroit, Mich.

A. Government Employes Council, AFL–CIO, 100 Indiana Avenue, NW., Washington, D.C.
D. (6) $11,936.50. E. (9) $5,706.59.

A. George Grant, 1619 Massachusetts Avenue, NW., Washington, D.C.
B. National Forest Products Association, 1619 Massachusetts Avenue, NW., Washington, D.C.
D. (6) $250.

A. Cornelius R. Gray, American Automobile Association, 1712 G Street, NW., Washington, D.C.
B. American Automobile Association, 1712 G Street, NW., Washington, D.C.

A. James A. Gray, 2139 Wisconsin Avenue, NW., Washington, D.C.
B. National Machine Tool Builders Association, 2139 Wisconsin Avenue, NW., Washington, D.C.
D. (6) $9,999.99. E. (9) $359.24.

A. Robert K. Gray, Hill and Knowlton, Inc., 1425 K Street, NW., Washington, D.C.
B. Hill and Knowlton, Inc., 150 East 42nd Street, New York, N.Y.
D. (6) $2,000. E. (9) $185.

A. Mrs. Virginia M. Gray, 3501 Williamsburg Lane, NW., Washington, D.C.
B. Citizens Committee for UNICEF, 20 E Street, NW, Washington, D.C.

A. Samuel A. Grayson, Union Pacific Railroad, 611 Idaho Building, Boise, Idaho.
B. Union Pacific Railroad, 1416 Dodge Street, Omaha, Nebr.
E. (9) $566.56.

A. Dale Greenwood, Washington Railroad Association, 302 Hoge Building, Seattle, Wash.
B. Washington Railroad Association, 302 Hoge Building, Seattle, Wash.
E. (9) $426.26.

A. William G. Grief, 1155 15th Street NW., Washington, D.C.
B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y.
D. (6) $500.

A. Fred J. Greiner, Evaporated Milk Association, 910 17th Street NW., Washington, D.C.
B. Evaporated Milk Association, 910 17th Street NW., Washington, D.C.

A. John F. Griner, American Federation of Government Employees, 400 First Street NW., Washington, D.C.
B. American Federation of Government Employees, 400 First Street NW., Washington, D.C.
D. (6) $11,059.30. E. (9) $2,797.75.

A. Grootemaat, Cook & Franke, 660 East Mason Street, Milwaukee, Wis.
B. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis.

A. James J. Gudinas, American Automobile Association, 1712 G Street NW., Washington, D.C.
B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Dr. Harry P. Guenther, 1101 17th Street NW., Washington, D.C.
B. National Association of Supervisors of State Banks, 1101 17th Street NW., Washington, D.C.
D. (6) $950.

A. Ben H. Guill, 2000 K Street NW., Washington, D.C.
B. National Automobile Dealers Association, 2000 K Street NW., Washington, D.C., and American Zinc Co., 20 South Fourth Street, St. Louis, Mo.
D. (6) $1,888.44. E. (9) $925.

A. Jerome R. Gulan, National Federation of Independent Business.
B. National Federation of Independent Business, Washington Building, 15th Street and New York Avenue NW., Washington, D.C.
D. (6) $3,000. E. (9) $300.

A. Robert J. Habenicht, 1400 South Joyce Street, Arlington, Va.
B. A. H. Robbins Co., Inc., 1407 Commings Drive, Richmond, Va.
D. (6) $300.00. E. (9) $250.

A. Hoyt S. Haddock.
B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $1,500. E. (9) $93.10.

A. Matthew Hale, 815 Connecticut Avenue NW., Washington, D.C.
B. American Bankers Association, 815 Connecticut Avenue NW., and 90 Park Avenue, New York, N.Y.
D. (6) $1,500. E. (9) $350.

A. J. G. Hall, General Motors Corp., Detroit, Mich.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
D. (6) $4,500. E. (9) $2,015.89.

A. Keith Halliday, 1725 K Street NW., Washington, D.C.
B. Associated Third-Class Mail Users, 1725 K Street NW., Washington, D.C.
D. (6) $300.

A. Norman S. Halliday, 1629 K Street NW., Washington, D.C.
B. Magazine Publishers Association, Inc., 575 Lexington Avenue, New York, N.Y.
D. (6) $2.500. E. (9) $40.25.

A. Thomas A. Halsted, 201 Massachusetts Avenue NE., Washington, D.C.
B. Council for a Livable World, 201 Massachusetts Avenue NE., Washington, D.C.
D. (6) $5,749.98.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NW., Washington, D.C.
B. Ida Cason Callaway Foundation, Pine Mountain, Ga.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NW., Washington, D.C.
B. Labor Law Study Committee, 888 17th Street NW., Washington, D.C.
D. (6) $2,500. E. (9) $100.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NW., Washington, D.C.
B. National School Supply & Equipment Association, 79 West Monroe Street, Chicago, Ill.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NW., Washington, D.C.
B. United Student Aid Funds, Inc., 845 Third Avenue, New York, N.Y.

A. Edward F. Harding, 140 New Montgomery Street, San Francisco, Calif.
B. The Pacific Telephone and Telegraph Company, 140 New Montgomery Street, San Francisco, Calif.
D. (6) $102. E. (9) $213.26.

A. Franklin Hardinge, Jr., 1444 Wentworth Avenue, Pasadena, Calif.

B. California Savings and Loan League, 1444 Wentworth Avenue, Post Office Box R, Pasadena, Calif.
D. (6) $1,800.

A. William E. Hardman, 1411 K Street NW., Washington, D.C.
B. National Tool, Die and Precision Machining Association, 1411 K Street, NW., Washington, D.C.

A. Mr. Eugene J. Hardy, 1133 15th Street NW., Washington, D.C.
B. National Association of Manufacturers, 277 Park Avenue, New York, N.Y.
D. (6) $2,500. E. (9) $232.43.

A. Mr. Andrew E. Hare, 1315 16th Street NW., Washington, D.C.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.
E. (9) $15.50.

A. Mrs. Mildred B. Harman, Warner Building, 13th and E Streets NW., Washington, D.C.
B. National Woman's Christian Temperance Union, 1730 Chicago Avenue, Evanston, Ill.
D. (6) $825. E. (9) $89.57.

A. William B. Harman, Jr., American Life Convention, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 211 Each Chicago Avenue, Chicago, Ill.
D. (6) $440. E. (9) $243.43.

A. John H. Harper, 1140 Connecticut Avenue NW., Washington, D.C.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $287.50. E. (9) $402.12.

A. Dennis E. Hart, Standard Oil Co. (Indiana), 1000 16th Street NW., Washington, D.C.
B. Standard Oil Co. (Indiana), 910 South Michigan Avenue, Chicago, Ill.
D. (6) $996. E. (9) $17.76.

A. F. Donald Hart, American Gas Association, Inc., 1515 Wilson Boulevard, Arlington, Va.
B. American Gas Association, Inc., 1515 Wilson Boulevard, Arlington, Va.

A. Rita M. Hartz, 1737 H Street NW., Washington, D.C.
B. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C.
D. (6) $2,643.20. E. (9) $462.

A. Clifford J. Harvison, Assistant Managing Director, 1616 P Street NW., Washington, D.C.
B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C.

A. Walter A. Hasty, Jr., American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,000. E. (9) $533.02.

A. Michael D. Hathaway, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $112.00.

Paul M. Hawkins, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $192.50. E. (9) $15.

A. Lyn Hayes, 917 15th Street NW., Washington, D.C.
B. Friends of the Earth, 30 East 42d St., New York, N.Y.
D. (6) $100.

A. Kit H. Haynes, American Farm Bureau Federation, 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 13th Street NW., Washington, D.C.
D. (6) $1,916. E. (9) $47.60.

A. Hays & Hays, Warner Building, Washington, D.C.
B. Motor Commerce Association, Inc., 4004 Versailles Road, Lexington, Ky.
D. (6) $9.20. E. (9) $26.80.

A. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $1,625.23. E. (9) $1,625.23.

A. Patrick B. Healy, 30 F Street NW., Washington, D.C.
B. National Milk Producers Federation, 30 F. Street NW., Washington, D.C.
D. (6) $300.

A. Mr. George J. Hecht, 52 Vanderbilt Avenue, New York, N.Y., 20 E Street, Washington, D.C.
B. American Parents Committee, Inc., 20 E Street NW., Washington, D.C.

A. Robert B. Heiney, National Canners Association, 1133 20th Street NW., Washington, D.C.
B. National Canners Association, 1133 20th Street NW., Washington, D.C.
D. (6) $875. E. (9) $1,177.56.

A. Kenneth G. Heisler, National League of Insured Savings Associations, 1200 17th Street, NW., Washington, D.C.
B. National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.
D. (6) $1,300.

A. Walter G. Held, 1025 Connecticut Avenue NW., Washington, D.C.
B. Standard Oil Co. (New Jersey), 30 Rockefeller Plaza, New York, N.Y.

A. Ross E. Heller, 1000 Connecticut Avenue NW., Washington, D.C.
B. National Telephone Cooperative Association, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $523.

A. Phil D. Helmig, 1025 Connecticut Avenue NW., Washington, D.C.
B. Atlantic Richfield Co., 717 Fifth Avenue, New York, N.Y.
D. (6) $150. E. (9) $150.

A. Leslie P. Hemry, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

A. Edmund P. Hennelly, 150 East 42d Street, New York, N.Y.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y.
D. (6) $1,125. E. (9) $635.53.

A. Richard I. Hersh, Box 1333, Syracuse, N.Y.
B. Agway Incorporated, Box 1333, Syracuse, N.Y.
D. (6) $450. E. (9) $440.05.

A. The Hertz Corp., 660 Madison Avenue, New York, N.Y.
B. The Hertz Corp., 660 Madison Avenue, New York, N.Y.
E. (9) $317.98.

A. Clinton M. Hester, 432 Shoreham Building, Washington, D.C.
B. National Football League, 410 Park Avenue, New York, N.Y.

A. Clinton M. Hester, 432 Shoreham Building, Washington, D.C.
B. Savage Arms, Westfield, Mass., et al.
E. (9) $44.30.

A. Hester & Stone Law Offices, 432 Shoreham Building, Washington, D.C.
B. U.S. Brewers Association, 1750 K Street NW., Washington, D.C.
D. (6) $5,000. E. (9) $68.30.

A. Andrew I. Hickey, Jr., Federal National Mortgage Association, 1133 15th Street NW., Washington, D.C.
B. Federal National Mortgage Association, 1133 15th Street NW., Washington, D.C.
D. (6) $3,993.75. E. (9) $329.51.

A. M. F. Hicklin, Iowa Railway Association, 720 Bankers Trust Building, Des Moines Iowa.
B. Iowa Railway Association.
E. (9) $462.76.

A. John W. Hight, 1028 Connecticut Avenue NW., Washington, D.C.
B. Legislative Committee of the Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.
D. (6) $200.

A. J. Eldred Hill, Jr., Unemployment Benefit Advisors, Inc., 720 Hotel Washington, Washington, D.C.
B. Unemployment Benefit Advisors, Inc., 720 Hotel Washington, Washington, D.C.
D. (6) $2,000. E. (9) $2,000.

A. James J. Hill, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Harry R. Hinton, 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $2,100. E. (9) $825.99.

A. Mrs. Mae Hipsley, 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $787.50. E. (9) $53.19.

A. Lawrence S. Hobart, 2600 Virginia Avenue NW., Washington, D.C.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.
D. (6) $300.

A. Claude E. Hobbs, 1801 K Street NW., Washington, D.C.
B. Westinghouse Electric Corp., Westinghouse Building, Pittsburgh, Pa.
D. (6) $900. E. (9) $195.

A. Mr. Lee B. Holmes, 1707 H Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.
D. (6) $500. E. (9) $3,383.

A. John M. Holt, Eli Lilly and Co., 307 East McCarty Street, Indianapolis, Ind.
B. Eli Lilly and Co., 307 East McCarty Street, Indianapolis, Ind.

A. John W. Holton, American Bankers Association, 815 Connecticut Avenue NW., Washington, D.C.

B. The American Bankers Association, 90 Park Avenue, New York, N.Y.
D. (6) $1,750.

A. Edwin M. Hood, Shipbuilders Council of America, 1730 K Street NW., Washington, D.C.
B. Shipbuilders Council of America, 1730 K Street NW., Washington, D.C.

A. Thomas B. House.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C.
D. (6) $100.

A. C. T. Hoversten, 209 West 53d Street, Western Springs, Ill.
B. National Advertising Co., 6850 S. Harlem Ave., Bedford Park, Argo, Ill.
D. (6) $600.

A. Joe L. Howell, 1225 Connecticut Avenue NW., Washington, D.C.
B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill.

A. Joe L. Howell, 1225 Connecticut Avenue NW., Washington, D.C.
B. Allstate Insurance Co., Allstate Plaza, Northbrook, Ill.

A. Howrey, Simon, Baker & Murchison, 1707 H Street NW., Washington, D.C.
B. Ceramic Tile Manufacturers of the United States, Inc., 643 Main Street, Olean, N.Y.

A. Charles L. Huber, Disabled American Veterans, 1221 Mass Ave. NW., Washington, D.C.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.
D. (6) $7,500. E. (9) $2,475.12.

A. Edward W. Hummers, Jr., Fletcher, Heald, Rowell, Kenehan & Hildreth, 1225 Connecticut Avenue NW., Washington, D.C.
B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y.

A. Richard M. Hunt, 1660 L Street NW., Washington, D.C.
B. National Lead Company, 111 Broadway, New York, N.Y.
D. (6) $675. E. (9) $160.

A. James L. Huntley, Active Ballot Club Dept., Retail Clerks International Association, AFL-CIO, 1775 K Street NW., Washington, D.C.
B. Retail Clerks International Association, AFL-CIO, 1775 K Street NW., Washington, D.C.
D. (6) $5,922.98. E. (9) $1,246.70.

A. Philip A. Hutchinson, Jr., 1735 New York Avenue NW., Washington, D.C.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C.
D. (6) $1,000. E. (9) $5,196.23.

A. Elmer P. Hutter, Post Office Box 2255, Washington, D.C.
B. Elmer P. Hutter, Lobbyist, Post Office Box 2255, Washington, D.C.
D. (6) $5.00.

A. Elmer P. Hutter, Post Office Box 2255, Washington, D.C.
B. Norman E. Watkins, Washington, D.C., Secretary, et al.
E. (9) $219.

A. Hydeman & Mason, 1001 Connecticut Avenue NW., Washington, D.C.
B. J. C. Penney Company, Inc., 1301 Avenue of the Americas, New York, N.Y.

A. Gerald Hyland, 1730 Rhode Island Avenue, NW., Washington, D.C.
B. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $909.58. E. (9) $114.10.

A. Frank N. Ikard, 1801 K Street, NW., Washington, D.C.
B. American Petroleum Institute, 1801 K Street, NW., Washington, D.C.

A. Illinois Railroad Association, 135 East 11th Place, Chicago, Ill.
B. Illinois Railroad Association, 135 East 11th Place, Chicago, Ill.
D. (6) $3,185.50. E. (9) $1,632.92.

A. Industrial Union Department, AFL-CIO, 815 16th Street NW., Washington, D.C.
D. (6) $22,569.80. E. (9) $22,569.80.

A. Institute for Rapid Transit, 1612 K Street, NW., Washington, D.C.
B. Bi-State Transit System, et al.
D. (6) $20,912. E. (9) $32.96.

A. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue, NW., Washington, D.C.
E. (9) $8,087.68.

A. International Brotherhood of Teamsters, 25 Louisiana Avenue, NW., Washington, D.C.
E. (9) $27,403.38.

A. International Union of District 50, Allied and Technical Workers of the United States and Canada, 4880 MacArthur Blvd., NW., Washington, D.C.
E. (9) $3,901.33.

A. Investment Company Institute, 1775 K Street, NW., Washington, D.C.
E. (9) $2,414.69.

A. Iron Ore Lessors Association, Inc., 1500 First National Bank Building, Saint Paul, Minn.
D. (6) $739.50. E. (9) $9,039.51.

A. William E. Isaeff, American Automobile Association, 1712 G Street, NW., Washington, D.C.
B. American Automobile Association, 1712 G Street, NW., Washington, D.C.

A. Ronald A. Jacks, 1025 Connecticut Avenue NW., Washington, D.C.
B. Reinsurance Association of America, 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) Not more than $1,500.00. E. (9) Not more than $100.00.

A. Chas. E. Jackson, 1200 18th Street NW., Washington, D.C.

A. Robert C. Jackson, American Textile Manufacturers Institute, Inc., 1120 Connecticut Avenue NW., Washington, D.C.
B. American Textile Manufacturers Institute, 1501 Johnston Building, Charlotte, N.C.
D. (6) $2,750. E. (9) $237.65.

A. Raymond M. Jacobson, 1819 H Street NW., Washington, D.C.
B. American Society of Consulting Planners, 1819 H Street NW., Washington, D.C.
D. (6) $2,250.

A. Robert L. James, 730 15th Street NW., Washington, D.C.
B. Bank of America N. T. and S. A., Bank of America Center, San Francisco, Calif.
D. (6) $30. E. (9) $20.

A. Daniel Jaspan, National Association of Postal Supervisors, Post Office Box 1924, Washington, D.C.
B. National Association of Postal Supervisors, Post Office Box 1924, Washington, D.C.
D. (6) $7,858.74. E. (9) $73.10.

A. Philip F. Jehle, 300 National Press Building, Washington, D.C.
B. Smith Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa.
E. (9) $669.

A. H. Bradley Johnson, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $725.

A. Hugo E. Johnson, 600 Bulkley Building, Cleveland, Ohio.
B. American Iron Ore Association, 600 Bulkley Building, Cleveland, Ohio.

A. Reuben L. Johnson.
B. The Farmers' Educational and Co-Operative Union of America, 1012 14th Street NW., Washington, D.C.
D. (6) $4,566.02. E. (9) $241.46.

A. Spencer A. Johnson, National Home Furnishings Association, 1025 Vermont Avenue NW., Washington, D.C.
B. National Home Furnishings Association, 1150 Merchandise Mart, Chicago, Ill.
D. (6) $225.

A. Herbert Jolovitz.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.
D. (6) $130. E. (9) $16.

A. Albert Jones, 1730 Rhode Island Avenue NW., Washington, D.C.
B. CUNA International, Inc., 1617 Sherman Avenue, Madison Wis.
D. (6) $740. E. (9) $215.75.

A. L. Dan Jones, 1110 Ring Building, Washington, D.C.
B. Independent Petroleum Association of America, 1110 Ring Building, Washington, D.C.
E. (9) $14.93.

A. Dr. Oliver H. Jones, Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.
B. Mortgage Bankers Association of America.
D. (6) $600. E. (9) $6,444.

A. Ardon B. Judd, Jr., 1100 Connecticut Avenue, Washington, D.C.
B. Dresser Industries, Inc., 1100 Connecticut Avenue, Washington, D.C.

A. Francis M. Judge, 1615 H Street NW., Washington, D.C.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C.
E. (9) $16.35.

A. Mrs. Fritz R. Kahn, 9202 Ponce Place, Fairfax, Va.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.
E. (9) $27.95.

A. Gerald M. Katz, 1800 Mercantile Bank and Trust Building, 2 Hopkins Plaza, Baltimore, Md.
B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md.
D. (6) $2,500. E. (9) $21.92.

A. Carleton R. Kear, Jr., Retired Officers Association, 1625 I Street NW., Washington, D.C.

B. Retired Officers Association, 1625 I Street NW., Washington, D.C.

D. (6) $782.50.

A. Capt. William J. Keating, 500 Folger Building, 725 15th Street NW., Washington, D.C.

B. National Grain & Feed Association, 500 Folger Building, 725 15th Street NW., Washington, D.C.

D. (6) $25.

A. Howard B. Keck, 1801 Avenue of the Stars, Los Angeles, Calif.

B. The Superior Oil Co., 1801 Avenue of the Stars, Los Angeles, Calif.

E. (9) $300.

A. Charles C. Keeble, Post Office Box 2180, Houston, Tex.

B. Humble Oil & Refining Co. (a Delaware corporation), Post Office Box 2180, Houston, Tex.

E. (9) $20.08.

A. Eugene A. Keeney, American Retail Federation, 1616 H Street NW., Washington, D.C.

B. American Retail Federation, 1616 H Street NW., Washington, D.C.

E. (9) $1,250.

A. James C. Kelley, 1500 Massachusetts Avenue NW., Washington, D.C.

B. American Machine Tool Distributors Association, 1500 Massachusetts Avenue NW., Washington, D.C.

D. (6) $7,500. E. (9) $3,265.23.

A. Harold V. Kelly, Unemployment Benefit Advisors, Inc., 720 Hotel Washington, Washington, D.C.

B. Unemployment Benefit Advisors, Inc.

D. (6) $1,000. E. (9) $1,000.

A. John T. Kelly, Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C.

B. Pharmaceutical Manufacturers Association.

A. George Kelm, 1 First National Plaza, Chicago, Ill.

B. The Myron Stratton Home, Post Office Box 1178, Colorado Springs, Colo.

D. (6) $363.51. E. (9) $1,099.01.

A. Robert G. (Bob) Kendall, Jr., Alabama Railroad Association, Montgomery, Ala.

B. Alabama Railroad Association, 1002 First National Bank Building, Montgomery, Ala.

D. (6) $172. E. (9) $52.79.

A. Edward F. Kenehan, Fletcher, Heald, Rowell, Kenehan and Hildreth, 1225 Connecticut Avenue NW., Washington, D.C.

B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y.

A. I. L. Kenen, 1341 G Street NW., Washington, D.C.

B. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C.

D. (6) $192.31.

A. Harold L. Kennedy, Marathon Oil Co., 420 Cafritz Building, Washington, D.C.

B. Marathon Oil Co., Findlay, Ohio.

E. (9) $155.20.

A. Franklin E. Kepner, The Berwick Bank Building, Berwick, Pa.

B. Associated Railroads of Pennsylvania, Transportation Center, Philadelphia, Pa

D. (6) $1,800. E. (9) $687.41.

A. Thomas P. Kerester, 1025 Connecticut Avenue NW., Washington, D.C.

B. Gulf Oil Corp., Pittsburgh, Pa.

D. (6) $750. E. (9) $150.

A. J. Don Kerlin, 1108 Stuart Road, Herndon, Va.

B. TIME, Inc., Rockefeller Center, New York, N.Y.

D. (6) $250. E. (9) $175.

A. Kenneth L. Kimble, Life Insurance Association of America, 1701 K Street NW., Washington, D.C.

B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.

D. (6) $1,200. E. (9) $68.

A. Charles L. King, American Life Convention, 1701 K Street NW., Washington, D.C.

B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.

D. (6) $350.

A. Joseph T. King, 3600 M Street NW., Washington, D.C.

B. General Counsel for Associated Equipment Distributors.

D. (6) Approximately $20,000 to $25,000 per year. E. (9) $1,059.15.

A. Mr. and Mrs. Harry L. Kingman, 535 San Luis Road, Berkeley, Calif.

D. (6) $200. E. (9) $200.

A. John M. Kinnaird, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.

D. (6) $1,000. E. (9) $790.59.

A. Kirkland, Ellis, Hodson, Chaffetz, Masters & Rowe, 1776 K Street NW., Washington, D.C.

B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C.

A. Herbert C. Kirstein, 30 F Street NW., Washington, D.C.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.

D. (6) $3,560.

A. Ernest A. Kistler, 901 Hamilton Street, Allentown, Pa.

B. Pennsylvania Power & Light Co., 901 Hamilton Street, Allentown, Pa.

D. (6) $77. E. (9) $70.65.

A. James D. Kittelton, American Mining Congress, 1100 Ring Building, Washington, D.C.

B. American Mining Congress, 1100 Ring Building, Washington, D.C.

D. (6) $575.

A. Ralph W. Kittle.

B. International Paper Co., 220 East 42d Street, New York, N.Y.

A. Robert E. Kline, Jr., 409 LaSalle Building, 1028 Connecticut Avenue NW., Washington, D.C.

B. Bowling Proprietors Association of America, Inc., West Higgins Road, Hoffman Estates, Ill.

D. (6) $1,250. E. (9) $82.41.

A. James F. Kmetz, 1437 K Street NW., Washington, D.C.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C.

D. (6) $5,400. E. (9) $456.

A. Keith R. Knoblock, American Mining Congress, 1100 Ring Building, Washington, D.C.

B. American Mining Congress, 1100 Ring Building, Washington, D.C.

D. (6) $475.

A. Philip M. Knox, Jr., 1211 Connecticut Avenue NW., Washington, D.C.

B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill.

A. Mr. Robert M. Koch, 1315 16th Street NW., Washington, D.C.

B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.

E. (9) $55.25.

A. William L. Kohler, American Trucking Association, Inc., 1616 P Street NW., Washington, D.C.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.

D. (6) $1,200.

A. Horace R. Kornegay, 1776 K Street NW., Washington, D.C.

B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.

D. (6) $1,000.00. E. (9) $175.00.

A. Kenneth S. Kovack, United Steelworkers of America, 1001 Connecticut Avenue NW., Washington, D.C.

B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa.

D. (6) $3,877.50. E. (9) $1,415.45.

A. Howard R. Koven and Abe Fortas, 208 South LaSalle Street, Chicago, Ill.

B. Loeb, Rhoades & Co., 42 Wall Street,

D. (6) $1,250.00. E. (9) $250.00.

New York, N.Y.

A. June Kysilko Kraeft, 2000 Florida Avenue NW., Washington, D.C.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

D. (6) $95.

A. Miss Germaine Krettek, 110 Maryland Avenue NE., Washington, D.C.

B. American Library Association, 50 East Huron Street, Chicago, Ill.

D. (6) $714.30.

A. Krooth & Altman, 1001 15th Street NW., Washington, D.C.

E. (9) $700.

A. Lloyd R. Kuhn, Aerospace Industries Association, 1725 DeSales Street NW., Washington, D.C.

B. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C.

D. (6) $5,784. E. (9) $1,192.78.

A. Labor Bureau of Middle West, 1155 15th Street NW., Washington, D.C.

A. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.

D. (6) $11,419.85. E. (9) $8,194.82.

A. Laborer's International Union of North America, AFL-CIO, 950 16th Street NW., Washington, D.C.

E. (9) $12,713.79.

A. John P. Lagomarcino, 2100 M Street NW., Washington, D.C.

B. Common Cause, 2100 M Street N.W., Washington, D.C.

D. (6) $4,687.50.

A. Mr. A. M. Lampley, United Transportation Union, 400 First Street NW., Washington, D.C.

B. United Transportation Union, 400 First Street NW., Washington, D.C.

E. (9) $200.

A. Ronald A. Lang, 330 Madison Avenue, New York, N.Y.

B. Synthetic Organic Chemical Manufacturers Association, 330 Madison Avenue, New York, N.Y.

A. Asger F. Langlykke, 1913 Eye Street N.W., Washington, D.C.

B. American Society for Microbiology, 1913 Eye Street N.W., Washington, D. C.

A. Albert Lannon, 1341 G Street NW., Washington, D.C.
B. International Longshoremen's & Warehousemen's Union, 150 Golden Gate Avenue, San Francisco, Calif.
D. (6) $3,730.73. E. (9) $369.38.

A. James J. La Penta, Jr., 965 16th Street NW., Washington, D.C.
B. Laborers' International Union of N. A., 905 16th Street NW., Washington, D.C.
E. (9) $245.05.

A. Glenn T. Lashley, American Automobile Association, 1712 G Street NW., Washington, D.C.
B. D.C. Division, American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Dillard B. Lasseter, American Trucking Associations, Inc., 1616 P Street NW., Washington D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1.200. E. (9) 525.

A. Donald F. Lavanty, American Optometric Association, 1026 17th Street NW., Washington, D.C.
B. American Optometric Association, care of M. L. DeBolt, O.D., Post Office Box 605, Winona, Minn.
D. (6) $398. E. (9) $366.

A. George H. Lawrence, American Gas Association, Inc., 1515 Wilson Boulevard, Arlington, Va.
B. American Gas Association, Inc., 1515 Wilson Boulevard, Arlington, Va.
D. (6) $425. E. (9) $110.

A. William Lazarus, American Retail Federation, 1616 H Street NW., Washington, D.C.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $1,250.

A. Robert F. Lederer, 835 Southern Building, Washington, D.C.
B. American Association of Nurserymen, Inc., 835 Southern Building, Washington, D.C.
D. (6) $20. E. (9) $267.84.

A. Legislation for Animal Welfare, Inc., 3045 P Street NW., Washington, D.C.

A. Legislative Committee of the Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.
D. (6) $100. E. (9) $678.

A. Robert J. Leigh, 1000 Connecticut Avenue NW., Washington, D.C.
B. National Telephone Cooperative Association, 1000 Connecticut Avenue NW., Washington, D.C.

A. Nils A. Lennartson, Railway Progress Institute, 1140 Connecticut Avenue NW., Washington, D.C.
B. Railway Progress Institute, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $11,000.06.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Waterways Operators, Inc., 1250 Connecticut Avenue NW., Washington, D.C.
D. (6) $3,722.50. E. (9) $125.85.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue, Washington, D.C.
B. Committee of Producers of Ferroalloys and Related Products, % Leva, Hawes, Symington, Martin & Oppenheimer.
D. (6) $150.

A. Morris J. Levin, 839 17th Street NW., Washington, D.C.
B. Association of American Railroads, American Railroads Building, Washington, D.C.
D. (6) $1,250.

A. J. Stanly Lewis, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $3,351.

A. Herbert Liebenson, National Small Business Association, 1225 19th Street NW., Washington, D.C.
B. National Small Business Association, 1225 19th Street NW., Washington, D.C.
D. (6) $4,500. E. (9) $1,200.

A. Life Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $5,247.88. E. (9) $5,247.88.

A. Lester W. Lindow, Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C.
B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C.
D. (6) $17.35. E. (9) $5.00.

A. Lindsay, Nahstoll, Hart, Duncan, Dafoe & Krause, Loyalty Building, Portland, Oreg.
B. Master Contracting Stevedore Association of the Pacific Coast, Inc., San Francisco, Calif.

A. Lindsay, Nahstoll, Hart, Duncan, Dafoe & Krause, Loyalty Building, Portland, Oreg.
B. National Maritime Compensation Committee, Loyalty Building, Portland, Oreg.
D. (6) $5,500.

A. Charles B. Lipsen, Active Ballot Club Department, Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C.
B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C.
D. (6) $5,923.10. E. (9) $924.57.

A. Robert G. Litschert, 1140 Connecticut Avenue NW., Washington, D.C.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $267.75. E. (9) $204.42.

A. Robert R. Lovelace, 1250 Connecticut Avenue NW., Washington, D.C.
B. Paperboard Packaging Council, 1250 Connecticut Avenue NW., Washington, D.C.
D. (6) Not more than $450.00. E. (9) Not more than $75.00.

A. James F. Lovett, 1000 Connecticut Avenue NW., Washington, D.C.
B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa.
D. (6) $700. E. (9) $200.

A. Harold O. Lovre, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $2,400. E. (9) $161.

A. Otto Lowe, Cape Charles, Va.
B. National Canners Association, 1133 20th Street NW., Washington, D. C.
D. (6) $750.

A. Otto Lowe, Cape Charles, Va.
B. Norfolk and Western Railway Co., Roanoke, Va.

A. Wilbur C. Lowrey, Shell Oil Co., 1700 K Street NW., Washington, D.C.
B. Shell Oil Co., 50 West 50th Street, New York, N.Y.
D. (6) $500.

A. Milton F. Lunch, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
D. (6) $1,000.

A. Clarence T. Lundquist, 4822 Tilden Street NW., Washington, D.C.
B. Menswear Retailers of America, National Press Building, Washington, D.C.
D. (6) $1,200.

A. James H. Lynch, American Federation of Government Employees, 400 First Street NW., Washington, D.C.
B. American Federation of Government Employees, 400 First Street NW., Washington, D.C.
D. (6) $4,512.90. E. (9) $261.76.

A. LeRoy E. Lyon, Jr., Eleventh and L Building, Sacramento, Calif.
B. California Railroad Association, Eleventh and L Building, Sacramento, California.

A. Shane MacCarthy, 1730 North Lynn Street, Arlington, Va.
B. Printing Industries of America, 1730 North Lynn Street, Arlington, Va.
D. (6) $850. E. (9) $1,350.

A. H. E. Mahlman, American Optometric Association, 1026 17th Street NW., Washington, D.C.
B. American Optometric Association, Care Of M. L. DeBolt, O.D., Box 605, Winona, Minn.
D. (6) $700. E. (9) $22.

A. Robert L. Maier, 900 17th Street NW., Washington, D.C.
B. Kaiser Industries Corp., 900 17th Street NW., Washington, D.C.

A. Andre Maisonpierre, 666 11th Street NW., Washington, D.C.
B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.
E. (9) $1,070.

A. William J. Malatesta, 1629 K Street NW., Washington, D.C.
B. American Industrial Bankers Association, 1629 K Street NW., Washington, D.C.
D. (6) $750.

A. Carter Manasco, 5932 Chesterbrook Road, McLean, Va.
B. National Coal Association, Coal Building, 1100 17th Street NW., Washington, D.C.
D. (6) $6,625. E. (9) $116.15.

A. Mike Manatos, 1812 K Street NW., Washington, D.C.
B. The Procter & Gamble Manufacturing Co., 301 East 6th Street, Cincinnati, Ohio.
D. (6) $31.33. E. (9) $31.33.

A. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C.
D. (6) $5,000. E. (9) $3,000.

A. Rodney W. Markley, Jr., Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $5,000. E. (9) $780.90.

A. Ralph J. Marlatt, 640 Investment Building NW., Washington, D.C.
B. National Association of Mutual Insurance Agents, 640 Investment Building, Washington, D.C.
E. (9) $5,397.90.

A. Winston W. Marsh, 1343 L Street NW., Washington, D.C.
B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.
D. (6) $45.

A. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis.
E. (9) $1,609.35.

A. J. Paull Marshall, Association of American Railroads, 300 New Jersey Avenue SE., Washington, D.C.
B. Association of American Railroads, American Railroads Building, Washington, D.C.
D. (6) $127.32. E. (9) $138.80.

A. Thomas A. Martin, 1625 K Street NW., Washington, D.C.
B. Mid-Continent Oil & Gas Association, 300 Tulsa Building, Tulsa, Okla.
D. (6) $500. E. (9) $100.

A. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md.
D. (6) $2,500. E. (9) $21.92.

A. Mike M. Masaoka, Association on Japanese Textile Imports, Inc., 2021 L Street NW., Washington, D.C.
B. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y.
D. (6) $1,000.

A. Mike B. Masaoka, Japanese American Citizens League, 2021 L Street NW., Washington, D.C.
B. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif.
D. (6) $200.

A. Mike Masaoka, Masaoka-Ishikawa and Associates, Inc., 2021 L Street NW., Washington, D.C.
B. West Mexico Vegetable Distributors Association, Post Office Box 848, Nogales, Ariz.
D. (6) $500.

A. Guy B. Maseritz, Life Insurance Association of America, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, N.Y.

A. Paul J. Mason, Life Insurance Association of America, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $81.25. E. (9) $8.79.

A. Walter J. Mason, Building and Construction Trades Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
B. Building and Construction Trades Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
D. (6) $6,853.73. E. (9) $225.

A. P. H. Mathews, Association of American Railroads, 300 New Jersey Avenue SE, Washington, D.C.
B. Association of American Railroads, American Railroads Building, Washington, D.C.
D. (6) $1,121.80. E. (9) $694.15.

A. Charles D. Matthews, 1140 Connecticut Avenue NW., Washington, D.C.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $530. E (9) $473.92.

A. Charles E. Mattingly, National Legislative Commission, the American Legion, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $3,612. E. (9) $93.51.

A. C. V. and R. V. Maudlin, 1111 E Street NW., Washington, D.C.
B. Georgia Power Co., 270 Peachtree Street, Atlanta, Ga.

A. Arnold Mayer, 100 Indiana Avenue NW., Washington, D.C.
B. Amalgamated Meat Cutters and Butcher Workmen of North America, 2800 North Sheridan Road, Chicago, Ill.
D. (6) $5,420. E. (9) $890.

A. Anthony Mazzocchi, 1126 16th Street NW., Washington, D.C.
B. Oil, Chemical & Atomic Workers International, 1340 California Street, Denver, Colo.
D. (6) $1,875. E. (9) $227.

A. Breck P. McAllister, 25 Broadway, New York, N.Y.
B. American Committee for Flags of Necessity, 25 Broadway, New York.

A. William J. McAuliffe, Jr., American Land Title Association, 1828 L Street NW., Washington, D.C.
B. American Land Title Association, 1828 L Street NW., Washington, D.C.
D. (6) $775. E. (9) $20.

A. John A. McCart, Government Employes Council, AFL–CIO, 100 Indiana Avenue NW., Washington, D.C.
B. Government Employees Council, AFL–CIO, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $2,908.74.

A. Jack F. McCarthy, 1700 K Street NW., Washington, D.C.
B. United Utilities, Inc., 2330 Johnson Drive, Shawnee Mission, Kans.
E. (9) $93.

A. W. W. McClanahan, Jr., National Coal Policy Conference, Inc., 1000 16th Street NW., Washington, D.C.
B. National Coal Policy Conference, Inc., 1000 16th Street NW., Washington, D.C.
D. (6) $437.50.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C.
B. Cities Service Co., 60 Wall Tower, New York, N.Y.
D. (6) $10,000.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C.
B. Gulf & Western Industries, Inc., One Gulf & Western Plaza, New York, N.Y.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C.
B. Gulf Resources & Chemical Corp., 2125 Tenneco Building, Houston, Tex.

A. McClure & Trotter, 1100 Connecticut Avenue, Washington, D.C.
B. Mobil Oil Corp., 150 East 52d Street, New York, N.Y.
D. (6) $10,000.

A. E. L. McCulloch, Brotherhood of Locomotive Engineers, 400 First Street NW., Washington, D.C.
B. Brotherhood of Locomotive Engineers, Engineers Building, Cleveland, Ohio.
D. (6) $284.60. E. (9) $81.50.

A. Albert L. McDermott, American Hotel & Motel Association, 777 14th Street NW., Washington, D.C.
B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y.
D. (6) $165.

A. Edward A. McDermott, 815 Connecticut Avenue NW., Washington, D.C.
B. Society of Independent Gasoline Marketers of America, 230 South Bemiston Avenue, St. Louis, Mo.
D. (6) $557.36. E. (9) $57.36.

A. Joseph J. McDonald, United Steelworkers of America, 1001 Connecticut Avenue NW., Washington, D.C.
B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa.
D. (6) $3,877.50. E. (9) $684.15.

A. J. Patrick McElroy, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $475.

A. Joseph A. McElwain, 40 East Broadway, Butte, Mont.
B. The Montana Power Co., Butte, Mont.
E. (9) $74.27.

A. Mrs. Barbara D. McGarry, 20 E Street NW., Washington, D.C.
B. American Parents Committee, Inc., 20 E Street NW., Washington, D.C.

A. J. Raymond McGlaughlin, 400 First Street NW., Washington, D.C.
B. Brotherhood Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich.
D. (6) $7,080.

A. Marshall C. McGrath.
B. International Paper Co., 220 East 42d Street, New York, N.Y.
D. (6) $560. E. (9) $186.43.

A. Clifford G. McIntire, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $1,270. E. (9) $4.25.

A. Clarence M. McIntosh, Jr., Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.
B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.
D. (6) $1,749.99.

A. Graham N. McKelvey, 1437 K Street NW., Washington, D.C.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C.
D. (6) $1,500. E. (9) $300.

A. William F. McKenna, National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.
B. National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.
D. (6) $295.75. E. (9) $1.70.

A. Marvin L. McLain, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $3,458. E. (9) $28.80.

A. Mrs. Teresa D. McLaughlin, Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.
D. (6) $350. E. (9) $2,350.

A. John S. McLees, 1615 H Street NW., Washington, D.C.
B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C.
D. (6) $200.

A. William F. McManus, 777 14th Street NW., Washington, D.C.
B. General Electric Co., 570 Lexington Avenue, New York, N.Y.
D. (6) $975. E. (9) $546.35.

A. C. W. McMillan, National Press Building, 14th and F Streets, Washington, D.C.
B. American National Cattlemen's Association, 1540 Emerson Street, Denver, Colo.
D. (6) $1,200.

A. Ralph J. McNair, Life Insurance Association of America, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $449.49. E. (9) $57.65.

A. Charles R. McNeill, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 815 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,000. E. (9) $532.72.

A. McNutt, Dudley & Easterwood, 910 17th Street NW., Washington, D.C.
B. American Dredging Co., 12 South 12th Street, Philadelphia, Pa.
D. (6) $5,150. E. (9) $488.45.

A. Medical-Surgical Manufacturers Association, 342 Madison Avenue, New York, N.Y.
B. Medical-Surgical Manufacturers Association, 342 Madison Avenue, New York, N.Y.
E. (9) $307.19.

A. Mr. Carl J. Megel, American Federation of Teachers, AFL–CIO, 1012 14th Street NW., Washington, D.C.
B. American Federation of Teachers, AFL–CIO, 1012 14th Street NW., Washington, D.C.
E. (9) $12,100.

A. R. Otto Meletzke, Life Insurance Association of America, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $183.15. E. (9) $7.57.

A. Mr. Ellis E. Meredith, 2000 K Street NW., Washington, D.C.
B. American Apparel Manufacturers Association, Inc., 2000 K Street NW., Washington, D.C.
E. (9) $516.08.

A. Lawrence C. Merthan, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C.
B. Hill & Knowlton, Inc., 150 East 42d Street, New York, N.Y.
D. (6) $2,500. E. (9) $185.

A. Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C.
B. Same

A. George F. Meyer, Jr., Retired Officers Association, 1625 I Street NW., Washington, Street NW., Washington, D.C.
B. Retired Officers Association, 1625 I Street, Washington, D.C.
D. (6) $937.50.

A. Larry L. Meyer, American Retail Federation, 1616 H Street NW., Washington, D.C.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $1,250.

A. James G. Michaux, 777 14th Street NW., Washington, D.C.
B. Federated Department Stores, Inc., 222 West Seventh Street, Cincinnati, Ohio.
D. (6) $500.

A. Midland Cooperative Dairy Association, Box 128, Gazenovia, N.Y.

A. Capt. A. Stanley Miller, 1629 K Street NW., Washington, D.C.
B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y.
D. (6) $100.

A. Miller & Chevalier, 1700 Pennsylvania Avenue, Washington, D.C.
B. Texas Eastern Transmission Corp., Post Office Box 2521, Houston, Tex.
D. (6) $2,500.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C.
B. Dallas, Tex., Chamber of Commerce.
D. (6) $1,950.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C.
B. Gulf Intracoastal Canal Association, Houston, Tex.
D. (6) $2,625.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C.
B. Texas Gulf Sulphur Co., Newgulf, Tex., New York, N.Y.
D. (6) $2,250.

A. Edwin Reid Miller, Nebraska Railroads Legislative Committee, 1815 Capitol Avenue, Omaha, Nebr.
B. Nebraska Railroads Legislative Committee, 1815 Capitol Avenue, Omaha, Nebr.
D. (6) $4,999.98 E. (9) $436.52.

A. Hermon I. Miller, National Turkey Federation, 425 13th Street, Washington, D.C.
B. National Turkey Federation, Mount Morris, Ill.

A. Joe D. Miller, 535 North Dearborn Street, Chicago, Ill.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $875.

A. Luman G. Miller, 912 Failing Building, Portland, Oreg.
B. Oregon Railroad Association, 912 Failing Building, Portland, Oreg.
E. (9) $54.70.

A. Robert H. Miller, Tenneco Inc., 402 Solar Building, 1000 16th Street NW., Washington, D.C.
B. Tenneco Inc., Post Office Box 2511, Houston, Tex.
E. (9) $73.50.

A. Minnesota Mining & Manufacturing Co., 3-M Center, St. Paul, Minn.
B. Minnesota Mining & Manufacturing Co., 3-M Center, St. Paul, Minn.

A. Jack Mills, 1776 K Street NW., Washington, D.C.
B. The Tobacco Institute, Inc.
D. (6) Not more than $1,000.00. E. (9) Not more than $240.00.

A. Daniel Minchew, 1000 Connecticut Avenue NW., Washington, D.C.
B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,250.

A. Thomas F. Mitchell, Georgia-Pacific Corp., 1735 I Street NW., Washington, D.C.
B. Georgia-Pacific Corp., Post Office Box 311, Portland, Oreg.
E. (9) $282.70.

A. G. Merrill Moody, Association of American Railroads, 300 New Jersey Avenue SE., Washington, D.C.
B. Association of American Railroads, American Railroads Building, Washington, D.C.
D. (6) $63. E. (9) $84.98.

A. Joseph E. Moody, Bituminous Coal Operators Association, 918 16th Street NW., Washington, D.C.
B. Bituminous Coal Operators Association, 918 16th Street NW., Washington, D.C.
D. (6) $500.

A. O. William Moody, Jr., Maritime Trades Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
B. Maritime Trades Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
D. (6) $2,500. E. (9) $1,162.20.

A. Carlos Moore, 25 Louisiana Avenue NW., Washington, D.C.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.
D. (6) $6,253.

A. Jo V. Morgan, Jr., 815 15th Street NW., Washington, D.C.
B. The American Humane Association, Post Office Box 1266, Denver, Colo.
D. (6) $1,500.

A. Morison, Murphy, Abrams & Haddock, 1776 K Street NW., Washington, D.C.
B. Ethyl Corp., 330 South Fourth Street, Richmond, Va.
D. (6) $6,806.25. E. (9) $74.48.

A. Morison, Murphy, Abrams & Haddock, 1776 K Street NW., Washington, D.C.
B. The Sperry & Hutchinson Co., 330 Madison Avenue, New York, N.Y.

A. James M. Morris, Industry Government Relations, GMC, 1660 L Street NW., Washington, D.C.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
D. (6) $2,500. E. (9) $805.28.

A. James G. Morton, Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C.
B. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,500. E. (9) Under $50.

A. Jack Moskowitz, 2100 M Street NW., Washington, D.C.
B. Common Cause, 2100 M Street NW., Washington, D.C.
D. (6) $9,750. E. (9) $80.67.

A. Lynn E. Mote, Northern Natural Gas Co., 1730 Rhode Island Avenue NW., Washington, D.C.
B. Northern Natural Gas Co., 2223 Dodge Street, Omaha, Nebr.
D. (6) $2,000.

A. Motor Commerce Association, Inc., 4004 Versailles Road, Lexington, Ky.
D. (6) $100. E. (9) $113.

A. William G. Mullen, National Newspaper Association, 491 National Press Building, Washington, D.C.
B. National Newspaper Association, 491 National Press Building, Washington, D.C.
E. (9) $133.70.

A. John J. Murphy, 806 15th Street NW., Washington, D.C.
B. National Customs Service Association.

A. D. Michael Murray, 915 L'Enfant Plaza SW., Washington, D.C.

B. Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va.
D. (6) $250. E. (9) $85.

A. William E. Murray, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $185.

A. J. Walter Myers, Jr., Peachtree Street NE., Atlanta, Ga.
B. Forest Farmers Association Cooperative, 1375 Peachtree Street NE., Atlanta, Ga.

A. John J. Nangle, 1625 I Street NW., Washington, D.C.
B. National Association of Independent Insurers, 30 West Monroe Street, Chicago, Ill.
D. (6) $2,000. E. (9) $586.

A. Augustus Nasmith, Pennsylvania Station, Raymond Plaza, Newark, N.J.
B. Associated Railroads of New Jersey, Pennsylvania Station, Raymond Plaza, Newark, N.J.

A. Gary M. Nateman, 1922 F Street NW., Washington, D.C.
B. National Association of Life Underwriters, 1922 F Street NW., Washington, D.C.

A. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C.
D. (6) $224. E. (9) $224.

A. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va.
D. (6) $25,268.50. E. (9) $4,426.27.

A. National Association of Credit Management, 475 Park Avenue South, New York, N.Y.

A. National Association of Electric Co.'s, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,713.69. E. (9) $10,619.25.

A. National Association of Insurance Agents, Inc., 96 Fulton Street, New York, N.Y.
E. (9) $14,675.47.

A. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $649,647.76. E. (9) $68,051.56.

A. National Association of Mutual Insurance Companies, 2511 East 46th Street Suite H, Indianapolis, Ind.
B. National Association of Mutual Insurance Companies, 2511 East 46th Street Suite H, Indianapolis, Ind.

A. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y.
D. (6) $413.88. E. (9) $413.88.

A. National Association of Postal Supervisors, Post Office Box 1924, Washington, D.C.
D. (6) $35,000. E. (9) $24,237.24.

A. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va.
D. (6) $64,754.28. E. (9) $2,124.85.

A. National Automobile Dealers Association, 2000 K Street NW., Washington, D.C.
D. (6) $2,006.97. E. (9) $2,006.97.

A. National Broiler Council, 1155 15th Street NW., Washington, D.C.
D. (6) $500. E. (9) $500.

A. National Canners Association, 1133 20th Street NW., Washington, D.C.
D. (6) $734,299.41. E. (9) $5,136.38.

A. National Coal Association, Coal Building, Washington, D.C.
D. (6) $430,043.36. E. (9) $9,678.03.

A. National Coal Policy Conference, Inc., 1000 16th Street NW., Washington, D.C.
D. (6) $2,318.49. E. $4,717.25.

A. National Committee Against Repressive Legislation, 555 North Western Avenue, Los Angeles, Calif.
D. (6) $1,462.29. E. (9) $1,472.29.

A. National Committee for the Recording Arts, 10000 Santa Monica Boulevard, Los Angeles, Calif.
E. (9) $10,868.19.

A. National Congress of Parents & Teachers, 700 North Rush Street, Chicago, Ill.
B. National Congress of Parents & Teachers, 700 North Rush Street, Chicago, Ill.
D. (6) $116,895.79. E. (9) $353.30.

A. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $19,917.79. E. (9) $19,917.79.

A. National Council of Technical Service Industries, 888 17th Street NW., Washington, D.C.
B. National Council of Technical Service Industries (NCTSI), 888 17th Street NW., Washington, D.C.
D. (6) $631.24. E. (9) $760.46.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C.
B. Committee for the Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C.
D. (6) $500. E. (9) $96.22.

A. National Electric Contractors Association, Inc., 1730 Rhode Island Avenue NW., Washington, D.C.

A. National Electrical Manufacturers Association, 155 East 44th Street, New York, N.Y.

A. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C.
D. (6) $88,318.20. E. (9) $5,081.04.

A. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C.
D. (6) $191,828.95. E. (9) $11,025.67.

A. National Federation of Independent Business, Inc., 920–922 Washington Building, Washington, D.C.
D. (6) $16,933.82. E. (9) $16,933.82.

A. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.
D. (6) $1,199.36. E. (9) $1,715.29.

A. National Grain & Feed Association, 500 Folger Building, 725 15th Street NW., Washington, D.C.
E. (9) $15.

A. The National Grange, 1616 H Street NW., Washington, D.C.
D. (6) $155,067.96. E. (9) $10,375.00.

A. National Home Furnishings Association, 1150 Merchandise Mart, Chicago, Ill.
E. (9) $334.65.

A. National Lead Co., 111 Broadway, New York, N.Y.
E. (9) $835.

A. National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.
D. (6) $765.39. E. (9) $1,696.59.

A. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.
D. (6) $3,176.25. E. (9) $3,176.25.

A. National Livestock Feeders Association, Inc., 309 Livestock Exchange Building, Omaha, Nebr.
D. (6) $1,890.32. E. (9) $1,890.32.

A. National Milk Producers Federation, 30 F Street NW., Washington, D.C.
D. (6) $6,903.10. E. (9) $6,903.10.

A. National Patent Council, 1225 19th Street NW., Washington, D.C.
E. (9) $750.

A. National Rehabilitation Association, 1522 K Street NW., Washington, D.C.
D. (6) $17,151.88. E. (9) $1,290.

A. National Retail Merchants Association, 100 West 31st Street, New York, N.Y.

A. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
E. (9) $2,430.08.

A. National Small Business Association, 1225 19th Street NW., Washington, D.C.
D. (6) $5,000. E. (9) $2,562.52.

A. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
D. (6) $12,500. E. (9) $11,540.

A. National Telephone Cooperative Association, 1000 Connecticut Avenue NW., Washington, D.C.
E. (9) $1,026.

A. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.
D. (6) $305. E. (9) $305.

A. National Turkey Federation, Mount Morris, Ill.

A. The Nation-Wide Committee on Import-Export Policy, 815 15th Street NW., Washington, D.C.
D. (6) $10,450. E. (9) $9,648.04.

A. Alexander W. Neale, Jr., 1101 17th Street NW., Washington, D.C.
B. National Association of Supervisors of State Banks, 1101 17th Street NW., Washington, D.C.
D. (6) $1,900. E. (9) $75.97.

A. Alan M. Nedry, 888 17th Street NW., Washington, D.C.
B. Southern California Edison Co., Post Office Box 351, Los Angeles, Calif.
D. (6) $1,000. E. (9) $105.97.

A. Allen Neece, Jr., 537 Washington Building, Washington, D.C.
B. National Association of Small Business Investment Companies, 537 Washington Building, Washington, D.C.
D. (6) $300.

A. Mr. Samuel E. Neel, 1707 H Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.

A. Frances E. Neely, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NW., Washington, D.C.
D. (6) $1,649.

A. George R. Nelson, 1300 Connecticut Avenue NW., Washington, D.C.

B. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C.

D. (6) $2,500. E. (9) $223.02.

A. Ivan A. Nestingen, 1000 Connecticut Avenue NW., Washington, D.C.

B. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.

D. (6) $300. E. (9) $272.40.

A. Robert B. Neville, 1155 15th Street NW., Washington, D.C.

B. National Restaurant Association, 1155 15th Street NW., Washington, D.C.

D. (6) $2,687.50. E. (9) $100.

A. Louis H. Nevins, National Association of Real Estate Boards, 1300 Connecticut Avenue NW., Washington, D.C.

B. National Association of Real Estate Boards, 155 East Superior Street, Chicago, Ill.

D. (6) $2,833.

A. E. J. Newbould, 1130 17th Street NW., Washington, D.C.

B. National Clay Pipe Institute, 350 West Terra Cotta Avenue, Crystal Lake, Ill.

D. (6) $150. E. (9) $7.50.

A. Jonathan Newkirk, 245 Second Street NE., Washington, D.C.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $1,142. E. (9) $4.

A. F. Clayton Nicholson, Post Office Box 15, Route 1, Henryville, Pa.

B. Northern Helex Co., 2223 Dodge Street, Omaha, Nebr.

D. (6) $1,963.50. E. (9) $555.55.

A. Patrick J. Nilan, United Federation of Postal Clerks, 817 14th Street NW., Washington, D.C.

B. United Federation of Postal Clerks, 817 14th Street NW., Washington, D.C.

D. (6) $5,753.40. E. (9) $899.77.

A. James W. Nisbet, Western Railroad Association, 280 Union Station Building, Chicago, Ill.

B. Western Railroad Association, 280 Union Station Building, Chicago, Ill.

A. Charles M. Noone, 1225 Connecticut Avenue NW., Washington, D.C.

B. National Association of Small Business Investment Companies, 537 Washington Building, Washington, D.C.

D. (6) $1,500. E. (9) $101.73.

A. Robert D. Nordstrom, director, Fishery Products Program, 1133 20th Street NW., Washington, D.C.

B. National Canners Association, 1133 20th Street NW., Washington, D.C.

D. (6) $400. E. (9) $100.

A. North Dakota Railway Lines, 418 East Rosser Avenue, Bismarck, N. Dak.

B. Burlington Northern, Inc., et al.

E. (9) $8.25.

A. Robert H. North, 1105 Barr Building, Washington, D.C.

B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

E. (9) $60.69.

A. Ira H. Nunn, 1155 15th Street NW., Washington, D.C.

B. National Restaurant Association, 1155 15th Street NW., Washington, D.C.

D. (6) $3,375. E. (9) $250.

A. Seward P. Nyman, D.P.M., 20 Chevy Chase Circle, Washington, D.C.

B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.

D. (6) $650.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. American Transit Association, 815 Connecticut Avenue NW., Washington, D.C.

D. (6) $3,750. E. (9) $82.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. Baldwin Piano Co., 1801 Gilbert Avenue, Cincinnati, Ohio.

D. (6) $3,875. E. (9) $433.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. Investors Diversified Services, Inc., Investors Building, Minneapolis, Minn.

D. (6) $1,500. E. (9) $80.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. Upper Mississippi Towing Corp., 7703 Normandale Road, Minneapolis, Minn.

E. (9) $145.

A. John B. O'Day, CLU, 11 East Adams Street, Chicago, Ill.

B. Insurance Economics Society of America, 11 East Adams Street, Chicago, Ill.

D. (6) $11,872.72.

A. John A. O'Donnell, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.

D. (6) $1,200.

A. John A. O'Donnell, 1001 Connecticut Avenue NW., Washington, D.C.

B. Philippine Sugar Institute, Post Office Box 978, Manila, Philippines.

D. (6) $500. E. (9) $250.

A. Jane O'Grady, Amalgamated Clothing Workers of America, AFL-CIO, 815 16th Street NW., Washington, D.C.

B. Amalgamated Clothing Workers of America, AFL-CIO, 15 Union Square, New York, N.Y.

D. (6) $2,884.60. E. (9) $1,137.

A. Richard C. O'Hare, 1120 Investment Building, Washington, D.C.

B. Harness Tracks of America, 333 North Michigan Avenue, Chicago, Ill.

A. The Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio.

E. (9) $265.08.

A. Mr. Alvin E. Oliver, 500 Folger Building, 725 15th Street NW., Washington, D.C.

B. National Grain & Feed Association, Folger Building, 725 15th Street NW., Washington, D.C.

A. Edward W. Oliver, 5025 Wisconsin Avenue NW., Washington, D.C.

B. Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Robert Oliver, 400 First Street NW., Washington, D.C.

B. L. T. Barringer and Co., 161 South Front Street, Memphis, Tenn.

D. (6) $2,500.

A. Robert Oliver, 400 First Street NW., Washington, D.C.

B. The Sperry & Hutchinson Co., 330 Madison Avenue, New York City.

A. Michael Olson, Carolinas Association of Mutual Insurance Agents, 501 Raleigh Building, Raleigh, N.C.

A. Mr. Samuel Omasta, 1315 16th Street NW., Washington, D.C.

B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.

E. (9) $30.50.

A. Charles T. O'Neill, Jr., The American Bankers Association, 815 Connecticut Avenue, Washington, D.C.

B. The American Bankers Association, 90 Park Avenue, New York, N.Y.

D. (6) $2,000. E. (9) $249.95.

A. Jerry H. Opack, 1211 Connecticut Avenue NW., Washington, D.C.

B. Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, Ill.

A. Kermit Overby, 2000 Florida Avenue NW., Washington, D.C.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

D. (6) $185.

A. J. Allen Overton, Jr., American Mining Congress, Ring Building, Washington, D.C.

B. American Mining Congress, 1100 Ring Building, Washington, D.C.

D. (6) $1,200.

A. Raymond S. Page, Jr., Mill Creek Terrace, Gladwyne, Pa.

B. Campbell Soup Co., Campbell Place, Camden, N.J.

A. Walter Page, Box 128, Cazenovia, N.Y.

A. Norman Paige, Pennsylvania Building, Washington, D.C.

B. Distilled Spirits Institute, Pennsylvania Building, Washington, D.C.

A. Paperboard Packaging Council, 1250 Connecticut Avenue NW., Washington, D.C.

D. (6) $897.51. E. (9) $897.51.

A. Michael L. Parker, 3300 Crocker Plaza, San Francisco, Calif.

B. Kaiser Foundation Health Plan: Prepaid Group Medical Care, 300 Lakeside Drive, Oakland, Calif.

D. (6) $1,833.33. E. (9) $3,582.46.

A. Geo. F. Parrish, West Virginia Railroad Association, Post Office Box 7, Charleston, W. Va.

B. West Virginia Railroad Association.

D. (6) $6,000.

A. Robert D. Partridge, 2000 Florida Avenue NW., Washington, D.C.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

D. (6) $131.61.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.

B. Boating Industry Association, 333 North Michigan Avenue, Chicago, Ill.

D. (6) $2,500.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.

B. Donaldson, Lufkin & Jenrette, Inc., 140 Broadway, New York, N.Y.

D. (6) $3,400. E. (9) $1.43.

A. Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison, 1775 K Street NW., Washington, D.C.

B. The Denver Post, Inc., 650 15th Street, Denver, Colo.

A. Peabody, Rivlin, Kelly, Cladouhos & Lambert, 1730 M Street NW., Washington, D.C.
B. Mass Retailing Institute, 570 Seventh Avenue, New York, N.Y.
D. (6) $4,500. E. (9) $150.

A. Peabody, Rivlin, Kelly, Cladouhos & Lambert, 1730 M Street NW., Washington, D.C.
B. National Tool Die & Precision Machining Association.

A. Elver T. Pearson, American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.
B. American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $3,000. E. (9) $350.

A. John J. Pecoraro, 1925 K Street NW., Washington, D.C.
B. International Brotherhood of Painters and Allied Trades, 217 19 North Sixth Street, Lafayette, Ind.
D. (6) $1,825.

A. Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex.
E. (9) $2,629.75.

A. D. V. Pensabene, 1700 K Street NW., Washington, D.C.
B. Standard Oil Co. of California, 1700 K Street NW., Washington, D.C.
D. (6) $50. E. (9) $25.

A. J. Carter Perkins, Shell Oil Co., 1700 K Street NW., Washington, D.C.
B. Shell Oil Co., 50 West 50th Street, New York, N.Y.
D. (6) $1,000.

A. A. J. Pessel, 2919 Cathedral Avenue NW., Washington, D.C.
D. (6) $750. E. (9) $195.

A. Geoffrey G. Peterson, American Retail Federation, 1616 H Street NW., Washington, D.C.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $1,250.

A. Michael Peteresky, 400 First Street NW., Washington, D.C.
B. Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich.
D. (6) $2,550.

A. Walter T. Phair, 900 17th Street NW., Washington, D.C.
B. Kaiser Industries, Corp., 900 17th Street NW.,
D. (6) $425. E. (9) $350.

A. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C.

A. John P. Philbin, 1100 Connecticut Avenue, Washington, D.C.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y.
D. (6) $1,125.

A. Bruce E. Phillips, American Retail Federation, 1616 H Street NW., Washington, D.C.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $1,250.

A. John K. Pickens, 201 North Washington Street, Alexandria, Va.
B. American Nursing Home Association, 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $4,700.

A. Pierson, Ball & Dowd, 1000 Ring Building, Washington, D.C.
B. Committee for Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C.
D. (6) $1,750. E. (9) $46.02.

A. James F. Pinkney, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,000. E. (9) $117.36.

A. James H. Pipkin, Texaco Inc., 1001 Connecticut Avenue NW., Washington, D.C.
B. Texaco Inc., 135 East 42d Street, New York, N.Y.
D. (6) $700. E. (9) $1,700.

A. Plains Cotton Growers, Inc., 1720 Avenue M, Lubbock, Tex.
D. (6) $6,884.34. E. (9) $1,350.

A. Frederick T. Poole, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $425. E. (9) $28.42.

A. George G. Potts, 640 Investment Building NW., Washington, D.C.
B. National Association of Mutual Insurance Agents, 640 Investment Building, Washington, D.C.
E. (9) $3,181.67.

A. Ramsay D. Potts, Shaw, Pittman, Potts, Trowbridge & Madden, 910 17th Street NW., Washington, D.C.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C.
D. (6) $2,250. E. (9) $21.30.

A. William J. Potts, Jr., 1730 M Street NW., Washington, D.C.
B. Association for Broadcast Engineering Standards, Inc., 1130 17th Street NW., Washington, D.C.

A. Richard M. Powell, National Association of Refrigerated Warehouses, 1210 Tower Building, Washington, D.C.
B. National Association of Refrigerated Warehouses, 1210 Tower Building, Washington, D.C.

A. William I. Powell, 1110 Ring Building, Washington, D.C.
B. Independent Petroleum Association of America, 1110 Ring Building, Washington, D.C.
E. (9) $5.60.

A. Carlton H. Power, 1918 North Parkway, Memphis, Tenn.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $540.

A. William C. Prather, 111 East Wacker Drive, Chicago, Ill.
B. United States Savings & Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $475.

A. William H. Press, Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C.
D. (6) $13,500.

A. Forrest J. Prettyman, 730 50th Street NW., Washington, D.C.
B. Association of Registered Bank Holding Companies, 730 15th Street NW., Washington, D.C.
D. (6) $250. E. (9) $2.

A. Mrs. Pearl B. Price, 406 Mayrant Drive, Dallas, Tex.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.

A. The Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $1,554.05. E. (9) $1,554.05.

A. Earle W. Putnam, 5025 Wisconsin Avenue, NW., Washington, D.C.
B. Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Joseph E. Quin, 1616 H Street NW., Washington, D.C.
B. The National Grange, 1616 H Street NW., Washington, D.C.
D. (6) $1,250.

A. Thomas H. Quinn, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. Committee for Study of Revenue Bond Financing, 1200 18th Street NW., Washington, D.C.
D. (6) $1,035.66. E. (9) $222.33.

A. James H. Rademacher, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $4,022.

A. Alex Radin, 2600 Virginia Avenue NW., Washington, D.C.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.
D. (6) $321.84.

A. Raymond Raedy, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

A. Edward F. Ragland, 6917 Marbury Road, Bethesda, Md.,
B. Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.

A. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.
B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.
D. (6) $10,752. E. (9) $10,752.

A. Railway Progress Institute, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $25. E. (9) $25.

A. William A. Raleigh, Jr., 1000 16th Street NW., Washington, D.C.
B. National Coal Policy Conference, Inc., 1000 16th Street NW., Washington, D.C.
D. (6) $498.80.

A. G. J. Rauschenbach, Communications Satellite Corp.
B. Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C.
D. (6) $875. E. (9) $708.

A. William W. Rayner, 1701 North Fort Myer Drive, Arlington, Va.
B. Crowell Collier and Macmillan, Inc., 1701 North Fort Myer Drive, Arlington, Va.
D. (6) $166.

A. Sydney C. Reagan, 6815 Prestonshire, Dallas, Tex.
B. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex.
D. (6) $175. E. (9) $25.

A. David J. Reedy, 1517 Virginia Street, Downers Grove, Ill.
B. National Advertising Co., 6850 South Harlem Avenue, Bedford Park, Argo, Ill.
D. (6) $1,300.

A. Retired Officers Association, 1625 I Street NW., Washington, D.C.
D. (6) $3,970.

A. Retirement Federation of Civil Service Employees of the U.S. Government, Warner Building, 13th and E Streets NW., Washington, D.C.
D. (6) $19,732. E. (9) $8,857.39.

A. John Arthur Reynolds, Post Office Box 512, Fresno, Calif.
B. Western Cotton Growers Association of California, Post Office Box 512, Fresno, Calif.
D. (6) $625. E. (9) $500.

A. William L. Reynolds, National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.
B. National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.
D. (6) $52. E. (9) $25.

A. Theron J. Rice, Continental Oil Co., 1130 17th Street NW., Washington, D.C.
B. Continental Oil Co., 30 Rockefeller Plaza, New York, N.Y.

A. James W. Richards, Standard Oil Co. (Indiana), 1000 16th Street NW., Washington, D.C.
B. Standard Oil Co. (Indiana), 910 S. Michigan Avenue, Chicago, Ill.
D. (6) $1,379.84. E. (9) $11.74.

A. Mr. Richard N. Rigby, Jr., 1900 L Street NW., Washington, D.C.
B. National Oceanography Association, 1900 L Street NW., Washington, D.C.
D. (6) $400. E. (9) $38.

A. John S. Rippey, 1725 K Street NW., Washington, D.C.
B. The Consumer Bankers Association, 1725 K Street NW., Washington, D.C.
D. (6) $3,000. E. (9) $159.78.

A. Miss Rebekah Rivers, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $60.

A. William Neale Roach, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,200.

A. Paul H. Robbins, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
D. (6) $1,000.

A. Roberts & Holland, 1301 Avenue of the Americas, New York, N.Y.
B. Trustees of the Bernice P. Bishop Estate, 419 Halekauwila Street, Post Office Box 3466, Honolulu, Hawaii.

A. Kenneth A. Roberts, 1026 17th Street NW., Washington, D.C.
B. Proprietary Association, 1700 Pennsylvania Avenue, Washington, D.C.
D. (6) $500.

A. William S. Roberts, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C..
D. (6) $75.

A. Charles A. Robinson, Jr., 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $185.

A. James A. Rock, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $182. E. (9) $1.89.

A. Mr. C. Richard Rogers, 1600 Rhode Island Avenue NW., Washington, D.C.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C.

A. Donald L. Rogers, 730 15th Street NW., Washington, D.C.
B. Association of Registered Bank Holding Companies, 730 15th Street NW., Washington, D.C.
D. (6) $656.25.

A. Frank W. Rogers, 1700 K Street NW., Washington, D.C.
B. Western Oil and Gas Association, 910 National Oil Building, Sixth and Grand, Los Angeles, Calif.
D. (6) $750.

A. Walter E. Rogers, Independent Natural Gas Association of America, 1660 L Street NW., Washington, D.C.
B. Independent Natural Gas Association of America, 1660 L Street NW., Washington, D.C.
D. (6) $1,000.

A. Michael J. Romig, American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.
B. American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,500. E. (9) $250.

A. Michael P. Roudnev, 1825 K Street NW., Washington, D.C.
B. Del Monte Corporation, 215 Fremont Street, San Francisco, Calif.
D. (6) $500. E. (9) $50.

A. Robert J. Routier, American Life Convention, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.

A. Royall, Koegel & Wells, 1730 K Street NW., Washington, D.C.
B. The Deltona Corporation, 3250 Southwest Third Avenue, Miami, Fla.
D. (6) $2,345. E. (9) $3,379.48.

A. John Forney Rudy, 902 Ring Building, Washington, D.C.
B. The Goodyear Tire & Rubber Co., Akron, Ohio.

A. Scott Runkle, 1000 Connecticut Avenue NW., Washington, D.C.
B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $200.

A. Albert R. Russell, Post Office Box 12285, Memphis, Tenn.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $2,121. E. (9) $463.96.

A. J. T. Rutherford, 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,200. (9) $315.90.

A. J. T. Rutherford & Associates, Inc., 1555 Connecticut Avenue NW., Washington, D.C.
B. The American College of Radiology, 20 North Wacker Drive, Chicago, Ill.
D. (6) $1,500. E. (9) $1,141.14.

A. Stanley H. Ruttenberg, 1211 Connecticut Avenue NW., Washington, D.C.
B. Stanley H. Ruttenberg & Associates, Inc., 1211 Connecticut Avenue NW., Washington, D.C.
D. (6) $900. E. (9) $25.

A. Stanley H. Ruttenberg & Associates, Inc., 1211 Connecticut Avenue NW., Washington, D.C.
A. Amalgamated Clothing Workers of America, 15 Union Square, New York, N.Y.
D. (6) $900. E. (9) $1,000.

A. Mrs. Edward F. Ryan, 110 Bridge Street, Manchester, Mass.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.
E. (9) $353.30.

A. William H. Ryan, Machinists Building, Washington, D.C.
B. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue, NW., Washington, D.C.
D. (6) $2,137.50. E. (9) $1,440.

A. Francis J. Ryley, 519 Title & Trust Building, Phoenix, Ariz.
B. Standard Oil Co. of California, San Francisco, et al.

A. Sachs, Greenebaum, Frohlich & Tayler, 839 17th Street NW., Washington, D.C.
B. Ontario Corp., 1200 West Jackson Street, Muncie, Ind.
D. (6) $135. E. (9) $18.08.

A. Carl K. Sadler, American Federation of Government Employees, 400 First Street NW., Washington, D.C.
D. (6) $5,463.50. E. (9) $8,708.61.

A. Eric P. Schellin, 1225 19th Street NW., Washington, D.C.
B. National Patent Council, 1225 19th Street NW., Washington, D.C.
D. (6) $750.

A. Jacques T. Schlenger, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md.
B. Maryland State Fair & Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md.
D. (6) $2,500. E. (9) $21.92.

A. C. Herschel Schooley, Washington office, Independent Bankers Association of America, 815 15th Street NW., Washington, D.C.
B. Independent Bankers Association of America, Sauk Centre, Minn.
D. (6) $4,250. E. (9) $3,296.13.

A. Hilliard Schulberg, 1900 L Street NW., Washington, D.C.
B. Washington, D.C., Retail Liquor Dealers Association, Inc., 1900 L Street NW., Washington, D.C.
D. (6) $555. E. (9) $227.50.

A. John W. Scott, 1616 H Street NW., Washington, D.C.
B. The National Grange, 1616 H Street NW., Washington, D. C.
D. (6) $5,000.

A. Scribner, Hall, Casey, Thornburg & Thompson, 1200 18th Street NW., Washington, D.C.
B. Jefferson Pilot Corp., Post Office Box 21008, Greensboro, N.C.
E. (9) $12.

A. Ronald C. Seeley, 1357 Nicolet Place, Detroit, Mich.
B. Estate of Bert N. Adams et al.
E. (9) $174.45.

A. Stanton P. Sender, 1211 Connecticut Avenue NW., Washington, D.C.

B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago. Ill.

A. Theodore A. Serrill, National Newspaper Association, 491 National Press Building, Washington, D.C.

B. National Newspaper Association, 491 National Press Building, Washington, D.C.

E. (9) $137.96.

A. Robert R. Shaefer, 1400 South Joyce Street, Arlington, Va.

B. Leisure Time Specialists, Inc., 1400 South Joyce Street, Arlington, Va.

A. Robert L. Shafer, 1700 Pennsylvania Avenue NW., Washington, D.C.

B. Pfizer, Inc., 235 East 42d Street, New York, N.Y.

D. (6) $950. E. (9) $385.

A. Sharon, Pierson and Semmes, 1054 31st Street NW., Washington, D.C.

B. Anchor Corporation et al.

D. (6) $1,500.

A. Sharon, Pierson and Semmes, 1054 31st Street NW., Washington, D.C.

B. Milton Hershey School Trust, Hershey, Pa.

D. (6) $15,505. E. (9) $158.98.

A. James R. Sharp, 1108 16th Street NW., Washington, D.C.

B. American Fur Merchants' Association, 224 West 30th Street, New York, N.Y.

D. (6) $2,500. E. (9) $69.81.

A. James R. Sharp, 1108 16th Street NW., Washington, D.C.

B. American Fur Merchants' Association, 224 West 30th Street, New York, N.Y.

D. (6) $3,000. E. (9) $927.81.

A. Arnold F. Shaw, 503 D Street NW., Washington, D.C.

B. The National Committee for the Recording Arts, 9300 Wilshire Boulevard, Beverly Hills, Calif.

A. Shaw, Pittman, Potts, Trowbridge & Madden, 910 17th Street NW., Washington, D.C.

B. Committee of Foreign-Owned Banks, 52 Broadway, New York, N.Y.

D. (6) $6,000. E. (9) $438.78.

A. Shaw, Pittman, Potts, Trowbridge & Madden, Barr Building, Washington, D.C.

B. Doubleday & Company, Inc., 277 Park Avenue, New York, N.Y.

A. John J. Sheehan, United Steelworkers of America, 1001 Connecticut Avenue NW., Washington, D.C.

B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa.

D. (6) $5,212.50. E. (9) $3,027.15.

A. Laurence P. Sherfy, American Mining Congress, 1100 Ring Building, Washington, D.C.

B. American Mining Congress, 1100 Ring Building, Washington, D.C.

D. (6) $1,075.

A. Dale Sherwin, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.

D. (6) $1,791. E. (9) $10

A. Max Shine, 1126 16th Street NW., Washington, D.C.

B. American Federation of Technical Engineers, 1126 16th Street NW., Washington, D.C.

D. (6) $992.50. E. (9) $20.

A. Mr. Grant S. Shotwell, 1957 E Street NW., Washington, D.C.

B. The Associated General Contractors of America, 1957 E. Street NW., Washington, D.C.

D. (6) $1,350. E. (9) $100.

A. Charles B. Shuman, American Farm Bureau Federation, Merchandise Mart Plaza, Chicago, Ill.

B. American Farm Bureau Federation, Merchandise Mart Plaza, Chicago, Ill.

D. (6) $1,009.

A. David Silver, 1775 K Street NW., Washington, D.C.

B. Investment Co. Institute, 1775 K Street NW., Washington, D.C.

E. (9) $64.89.

A. Silver Users Association, 1625 I Street NW., Washington, D.C.

D. (6) $842.80. E. (9) $2,062.74.

A. Lana H. Sims, South Carolina Railroad Association, 1003 Security Federal Building, Columbia, S.C.

B. South Carolina Railroad Association, 1003 Security Federal Building, Columbia, S.C.

D. (6) $33.64. E. (9) $14.45.

A. Marcus W. Sisk, Jr., 1250 Connecticut Avenue NW., Washington, D.C.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Marcus W. Sisk, Jr., 1250 Connecticut Avenue NW., Washington, D.C.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Six Agency Committee, 217 West First Street, Los Angeles, Calif.

D. (6) $800. E. (9) $3,000.

A. Carstens Slack, Phillips Petroleum Co., 1625 Eye Street NW., Washington, D.C.

B. Phillips Petroleum Co., Bartlesville, Okla.

A. William L. Slayton, American Institute of Architects, 1735 New York Avenue NW., Washington, D.C.

B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C.

D. (6) $1,500.

A. Stephen Slipher, 812 Pennsylvania Building, Washington, D.C.

B. United States Savings & Loan League, 111 East Wacker Drive, Chicago, Ill.

D. (6) $3,750. E. (9) $9.80.

A. Donald E. Smiley, 1025 Connecticut Avenue NW., Washington, D.C.

B. Humble Oil & Refining Co. (a Delaware corporation), Post Office Box 2180, Houston, Tex.

E. (9) $467.86.

A. T. W. Smiley, 135 East 11th Place, Chicago, Ill.

B. Illinois Railroad Association, 135 East 11th Place, Chicago, Ill.

D. (6) $3,185.50. E. (9) $1,632.92.

A. Gordon L. Smith, 1145 19th Street NW., Washington, D.C.

B. Edward Gottlieb & Associates, Ltd., 485 Madison Avenue, New York, N.Y.

E. (9) $124.93.

A. Robert Wm. Smith, Washington Staff, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C.

B. Ford Motor Co., Dearborn, Mich.

D. (6) $420. E. (9) $453.11.

A. Wallace M. Smith, 425 13th Street NW., Washington, D.C.

B. National Association of Mutual Insurance Companies, 2611 East 46th Street, Indianapolis, Ind.

A. Wayne H. Smithey, 815 Connecticut Avenue NW., Washington, D.C.

B. Ford Motor Co., Dearborn, Mich.

D. (6) $2,870.25. E. (9) $1,697.25.

A. Arthur V. Smyth, 1625 Eye Street NW., Washington, D.C.

B. Weyerhaeuser Co., Tacoma, Wash.

D. (6) $500. E. (9) $100.

A. Lyle O. Snader, Association of American Railroads, 300 New Jersey Avenue SE., Washington, D.C.

B. Association of American Railroads, 300 New Jersey Avenue SE., Washington, D.C.

D. (6) $371.07. E. (9) $260.

A. Frank B. Snodgrass, 1100 17th Street NW., Washington, D.C.

B. Burley & Dark Leaf Tobacco Export Association, Inc., Post Office Box 869, Lexington, Ky.

D. (6) $550. E. (9) $208.42.

A. Edward F. Snyder, 245 Second Street NE., Washington, D.C.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $1,963.

A. Society for Animal Protective Legislation, Post Office Box 3719, Georgetown Station, Washington, D.C.

D. (6) $2,947.45. E. (9) $7,828.05.

A. Carl A. Soderblom, Nevada Railroad Association, 1 East First Street, Reno, Nev.

B. Nevada Railroad Association, 1 East First Street, Reno, Nev.

D. (6) $175. E. (9) $507.20.

A. J. Taylor Soop, 400 First Street NW., Washington, D.C.

B. International Brotherhood Electrical Workers, 330 South Wells Street, Chicago, Ill.

D. (6) $1,999.80.

A. Gary A. Soucie, 30 East 42d Street, New York, N.Y.

B. Friends of the Earth, 30 East 42d Street, New York, N.Y.

D. (6) $300.

A. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex.

D. (6) $175. E. (9) $175.

A. William W. Spear, 1000 16th Street NW., Washington, D.C.

B. Standard Oil Co., 910 South Michigan Avenue, Chicago, Ill.

D. (6) $1,245.69. E. (9) $2.74.

A. Frank J. Specht, Schenley Industries, Inc., 1725 DeSales Street NW., Washington, D.C.

B. Schenley Industries, Inc., 888 Seventh Avenue, New York, N.Y.

A. John F. Speer, Jr., 1105 Barr Building, Washington, D.C.

B. International Association of Ice Cream Manufacturer & Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

A. Mr. Nicholas J. Spiezio, Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.

B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.

D. (6) $500. E. (9) $2,466.

A. Joseph L. Spilman, Jr., 1625 K Street NW., Washington, D.C.

B. Mid-Continent Oil & Gas Association, 300 Tulsa Building, Tulsa, Okla.
D. (6) $500. E. (9) $90.

A. Louis P. Spitz, American Association of Motor Vehicle Administrators, 1828 L Street NW., Washington, D.C.
B. American Association of Motor Vehicle Administrators, 1828 L Street NW., Washington, D.C.
D.(6) $1,000.

A. Lynn Stalbaum, Associated Dairymen, Inc., 1026 17th Street NW., Washington, D.C.
B. Associated Dairymen, Inc., 1026 17th Street NW., Washington, D.C.
D. (6) $900.00.

A. Melvin L. Stark, American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.
B. American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $3,000. E. (9) $350.

A. Samuel E. Stavisky, 1250 Connecticut Avenue NW., Washington, D.C.
B. S. E. Stavisky & Associates, Inc., 1250 Connecticut Avenue NW., Washington, D.C.
D. (6) $800. E. (9) $875.

A. Samuel E. Stavisky & Associates, Inc., 1250 Connecticut Avenue NW., Washington, D.C.
B. Samuel E. Stavisky & Associates, Inc., 1250 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,100. E. (9) $1,200.

A. Steinhart, Goldberg, Feigenbaum & Ladar, Crocker Plaza, Montgomery at Post, San Francisco, Calif.
B. Valley Center Municipal Water District, Valley Center, Calif.
D. (6) $200. E. (9) $48.41.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.
B. Green Olive Trade Association, Inc., 82 Beaver Street, New York, N.Y.
D. (6) $500.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.
B. Mallinckrodt Chemical Works, Post Office Box 5439, St. Louis, Mo.
D. (6) $500.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.
B. Robert College of Istanbul, Turkey, 305 East 45th Street, New York, N.Y.
D. (6) $150. E. (9) $3.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.
B. Teachers Insurance & Annuity Association of America, 730 Third Avenue, New York, N.Y.
D. (6) $6,100. E.(9) $146.42.

A. B. H. Steuerwald, Brotherhood of Railroad Signalmen, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railroad Signalmen, 2247 West Lawrence Avenue, Chicago, Ill.

A. Travis B. Stewart, Hoffman-La Roche, Inc., 1775 K Street NW., Washington, D.C.
B. Hoffman-La Roche, Inc., 340 Kingsland Street, Nutley, N.J.
D. (6) $850. E. (9) $600.

A. Stitt, Hemmendinger & Kennedy, 1000 Connecticut Avenue NW., Washington, D.C.
B. Imported Footwear Group, American Importers Association, New York, N.Y.
E. (9) $200.

A. Stitt, Hemmendinger & Kennedy, 1000 Connecticut Avenue NW., Washington, D.C.
B. Japan Iron & Steel Exporters' Association, Tokyo, Japan.

A. Nelson A. Stitt, 1000 Connecticut Avenue NW., Washington, D.C.
B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $191.25.

A. Sterling F. Stoudenmire, Jr., 61 St. Joseph Street, Mobile, Ala.
B. Waterman Steamship Corp., 61 St. Joseph Street, Mobile, Ala.

A. Francis W. Stover, National Legislative Service, VFW, 200 Maryland Avenue NE., Washington, D.C.
B. Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C.
D. (6) $5,724.50. E. (9) $400.89.

A. William M. Stover, Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C.
B. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C.
D. (6) $925. E. (9) $100.

A. Herald E. Stringer, National Legislative Commission, the American Legion, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $5,304. E. (9) $732.86.

A. John Stringer, 666 11th Street NW., Washington, D.C.
B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.
E. (9) $1,030.

A. Stroock & Stroock & Lawn, 1100 Connecticut Avenue NW., Washington, D.C.
B. Volkswagen American Dealers Association, Inc., care of Gezon Motors, Inc., 3985 Plainfield Street NE., Grand Rapids, Mich.
D. (6) $2,500. E. (9) $195.47.

A. Norman Strunk, 111 East Wacker Drive, Chicago, Ill.
B. U.S. Savings & Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $2,250.

A. Walter B. Stults, 537 Washington Building, Washington, D.C.
B. National Association of Small Business Investment Companies, 537 Washington Building, Washington, D.C.
D. (6) $600.

A. G. Don Sullivan, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $475.

A. C. Austin Sutherland, 1616 P Street NW., Washington, D.C.
B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C.

A. Irving W. Swanson, Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C.
B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C.

A. John R. Sweeney, Solar Building, 1000 16th Street NW., Washington, D.C.
B. Bethlehem Steel Corp., Bethlehem, Pa.
D. (6) $425. E. (9) $289.10.

A. Synthetic Organic Chemical Manufacturers Association, 330 Madison Avenue, New York, N.Y.

A. Charles P. Taft, General Counsel, Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.
B. Legislative Committee, Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.
D. (6) $100.

A. Rev. Charles C. Talley, 100 Angus Court, Charlottesville, Va.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.

A. Roy W. Terwilliger, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 815 Connecticut Avenue NW., Washington, D.C.

A. L. D. Tharp, Jr., Independent Natural Gas Association of America, 1660 L Street NW., Washington, D.C.
B. Independent Natural Gas Association of America, 1660 L Street NW., Washington, D.C.
D. (6) $300.

A. Evert S. Thomas, Jr., 1730 Rhode Island Avenue NW., Washington, D.C.
B. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $1,297.34. E. (9) $1,299.98.

A. Clark W. Thompson, Tenneco Inc., 1000 16th Street NW., Washington, D.C.
B. Tenneco Inc., Post Office Box 2511, Houston, Tex.

A. Julia C. Thompson, 1030 15th Street NW., Washington, D.C.
B. American Nurses' Association, Inc., 10 Columbus Circle, New York, N.Y.
D. (6) $4,020.51.

A. William D. Thompson, Industry-Government Relations, GMC, 1660 L Street NW., Washington, D.C.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
D. (6) $1,500. E. (9) $452.44.

A. E. Linwood Tipton, 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

A. H. Willis Tobler, 30 F Street NW., Washington, D.C.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.
D. (6) $2,800. E. (9) $43.10.

A. David R. Toll, 1140 Connecticut Avenue, Washington, D.C.
B. National Association of Electric Companies, 1140 Connecticut Avenue, Washington, D.C.
D. (6) $402. E. (9) $1,130.23.

A. John P. Tracey, American Bar Association.
B. American Bar Association, 1705 DeSales Street NW., Washington, D.C.
D. (6) $400. E. (9) $50.

A. Transportation Association of America, 1101 17th Street NW., Washington, D.C.
E. (9) $19.25.

A. W. M. Trevarrow, 1056 National Press Building, Washington, D.C.
B. American Motors Corp., 14250 Plymouth Road, Detroit, Mich.
D. (6) $1,350. E. (9) $123.50.

A. Matt Triggs, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $2,344. E. (9) $68.84.

A. Bernard H. Trimble, 1730 Rhode Island Avenue NW., Washington, D.C.
B. National Electrical Contractors Association, 1730 Rhode Island Avenue NW., Washington, D.C.

A. Glenwood S. Troop, Jr., 812 Pennsylvania Building, Washington, D.C.
B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $5,000. E. (9) $66.40.

A. Mr. Galen Douglas Trussell, 1133 15th Street NW., Washington, D.C.
B. National Association of Manufacturers, 277 Park Avenue, New York, N.Y.
D. (6) $792. E. (9) $245.

A. Richard F. Turney, 835 Southern Building, Washington, D.C.
B. American Association of Nurserymen, 835 Southern Building, Washington, D.C.
D. (6) $20.00. E. (9) $287.84.

A. John D. Tyson.
B. International Paper Co., 220 East 42d Street, New York, N.Y.
D. (6) $304. E. (9) $477.31.

A. United Federation of Postal Clerks, AFL–CIO, 817 14th Street NW., Washington, D.C.
D. (6) $640,991.50. E. (9) $31,485.34.

A. United Mine Workers of America, 900 15th Street NW., Washington, D.C.
E. (9) $15,777.48.

A. United States Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C.
E. (9) $292.08.

A. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) 1,269.40. E. (9) $1,803.75.

A. United States Savings & Loan League, 111 East Wacker Drive, Chicago, Ill.
E. (9) $38,892.61.

A. John A. Vance, 1725 K Street NW., Washington, D.C.
B. Pacific Gas & Electric Co., 245 Market Street, San Francisco, Calif.
D. (6) $1,845. E. (9) $741.44.

A. Theodore A. Vanderzyde, Machinists Building, Washington, D.C.
B. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,137.50. E. (9) $480.

A. Ted Van Dyk Associates, Inc., 1224 17th Street NW., Washington, D.C.
B. The Hertz Corp., 660 Madison Avenue, New York, N.Y.
E. (9) $317.98.

A. Mrs. Lois W. Van Valkenburgh, 1673 Preston Road, Alexandria, Va.
B. Citizens Committee for UNICEF, 20 E Street NW., Washington, D.C.

A. Venable, Baetjer & Howard, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md.
B. Maryland State Fair & Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md.
D. (6) $2,500. E. (9) $21.92.

A. Richard E. Vernor, American Life Convention, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $1,140.50. E. (9) $16.95.

A. Veterans of World War I of the U.S.A., Inc., 916 Prince Street, Alexandria, Va.
D. (6) $154,177.40. E. (9) $116,307.69.

A. Mr. L. T. Vice, 1700 K Street NW., Washington, D.C.
B. Standard Oil Co. of California, 1700 K Street NW., Washington, D.C.
E. (9) $125.

A. Vinson Elkins, Searls & Connally, 2201 First City National Bank Building, Houston, Tex.
B. Livestock Producers Committee, 2000 National Bank of Commerce Building, San Antonio, Tex.
D. (6) $98,750. E. (9) $1,181.69.

A. Donn L. Waage, 730 15th Street NW., Washington, D.C.
B. Association of Registered Bank Holding Companies, 730 15th Street NW., Washington, D.C.
D. (6) $120. E. (9) $14.50.

A. E. R. Wagner, 888 17th Street NW., Washington, D.C.
B. National Council of Technical Service Industries (NCTSD), 888 17th Street NW., Washington, D.C.
D. (6) $215.38. E. (9) $45.

A. Franklin Wallick, 1126 16th Street NW., Washington, D.C.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America; Solidarity House, 8000 East Jefferson Avenue, Detroit, Mich.
D. (6) $2,846.09. E. (9) $765.55.

A. Thomas G. Walters, National Association of Retired Civil Employees, 1909 Q Street NW., Washington, D.C.
B. National Association of Retired Civil Employees, 1909 Q Street NW., Washington, D.C.
D. (6) $3,365.60. E. (9) $4,756.33.

A. William A. Walton, 800 Merchants National Bank Building, Eighth and Jackson Streets, Topeka, Kans.
B. Kansas Railroad Committee, 800 Merchants National Bank Building, Eighth and Jackson Streets, Topeka, Kans.

A. Alan M. Warren, 1025 Connecticut Avenue NW., Washington, D.C.
B. Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex.
E. (9) $106.15.

A. Washington Consulting Service, 1435 G Street NW., Washington, D.C.
B. American Occupational Therapy Association, 251 Park Avenue South, New York, N.Y.
D. (6) $350. E. (9) $338.05.

A. Washington Consulting Service, 1345 G Street NW., Washington, D.C.
B. Rehabilitation Institute of Chicago, 401 East Ohio Street, Chicago, Ill.
D. (6) $900. E. (9) $845.17.

A. Washington Research Project Action Council, 1823 Jefferson Place NW., Washington, D.C.
E. (9) $663.88.

A. E. Jerome Webster, Jr., 919 18th Street NW., Washington, D.C.
B. The American Frozen Food Institute, 919 18th Street NW., Washington, D.C.
D. (6) $100.

A. Clarence M. Weiner, 350 Fifth Avenue, New York, N.Y.
B. Cigar Manufacturers Association of America, Inc.
D. (6) $9,125.

A. Dr. Frank J. Welch, 3724 Manor Road, Chevy Chase, Md.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.

A. Joseph E. Welch, 1630 Locust Street, Philadelphia, Pa.
B. Wellington Management Co., 1630 Locust Street, Philadelphia, Pa..

A. Terrell M. Wertz, National Legislative Commission, the American Legion, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $3,210. E. (9) $173.40.

A. Westbay Associates, Government Relations Consultants, 1750 Pennsylvania Avenue NW., Washington, D.C.

A. Western Cotton Growers Association of California, Post Office Box 512, Fresno, Calif.
D. (6) $22,211.80. E. (9) $2,408 75.

A. Western Railroad Association, 224 Union Station Building, Chicago, Ill.

A. West Mexico Vegetable Distributors Association, Post Office Box 848, Nogales, Ariz.
B. West Mexico Vegetable Distributors Association, Post Office Box 848, Nogales, Ariz.
E. (9) $500.

A. Clyde A. Wheeler, Jr., Federal Bar Building, West, 1819 H Street NW., Washington, D.C.
B. Sun Oil Co., 1608 Walnut Street, Philadelphia, Pa.
E. (9) $1,550.

A. John L. Wheeler, 1211 Connecticut Avenue NW., Washington, D.C.
B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill.

A. Wheeler, Van Sickle, Day & Anderson, 25 West Main Street, Madison, Wis.
B. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis.
D. (6) $1,352. E. (9) $257.41.

A. Donald F. White, American Retail Federation, 1616 H Street NW., Washington, D.C.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $1,250.

A. John S. White, Marathon Oil Co., 420 Cafritz Building, Washington, D.C.
B. Marathon Oil Co., Findlay, Ohio.
E. (9) $264.35.

A. Robert L. White, 1730 Rhode Island Avenue NW., Washington, D.C.
B. National Electrical Contractors Association, 1730 Rhode Island Avenue NW., Washington, D.C.

A. Douglas Whitlock II, 910 Washington Building, Washington, D.C.
B. Montgomery Ward & Co., Inc., 910 Washington Building, Washington, D.C.
D. (6) $500. E. (9) $150.

A. Leonard M. Wickliffe, 11th and L Building, Sacramento, Calif.
B. California Railroad Association, 11th and L Building, Sacramento, Calif.
D. (6) $2,499.99. E. (9) $3,724.01.

A. Claude G. Wild, Jr., 1025 Connecticut Avenue NW., Washington, D.C.

B. Gulf Oil Corp., Pittsburgh, Pa.
D. (6) $1,000. E. (9) $750.

A. Francis G. Williams.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C.
D. (6) $100.

A. Harding de C. Williams, 1133 15th Street NW., Washington, D.C.
B. National Association of Manufacturers, 277 Park Avenue, New York, N.Y.
D. (6) $200. E. (9) $100.

A. John C. Williamson, Realtors' Washington Committee of the National Association of Real Estate Boards, 1300 Connecticut Avenue NW., Washington, D.C.
B. National Association of Real Estate Boards, 155 East Superior Street, Chicago, Ill.
D. (6) $5,000. E. (9) $142.72.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. American Express Co., 65 Broadway, New York, N.Y.
D. (6) $1,550. E. (9) $12.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. Automobile Manufacturers Association, Inc., 320 New Center Building, Detroit, Mich.
D. (6) $13,691.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y.
D. (6) $5,012. E. (9) $125.61.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. J. P. Morgan & Co. Inc., 23 Wall Street, New York, N.Y.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. Jonathan Development Corp., Post Office Box 68, Chaska, Minn.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. National Corp. for Housing Partnerships, 1133 15th Street NW., Washington, D.C.
D. (6) $560. E. (9) $7.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. Oil Investment Institute, 1 Greenwich Plaza, Greenwich, Conn.

A. W. E. Wilson, 623 Ockley Drive, Shreveport, La.
B. Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex.
D. (6) $1,200. E. (9) $40.67.

A. R. J. Winchester, 900 Southwest Tower, Houston, Tex.
B. Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex.
D. (6) $900. E. (9) $489.08.

A. Richard F. Witherall, Colorado Railroad Association, Denver, Colo.
B. Colorado Railroad Association, 702 Majestic Building, Denver, Colo.
D. (6) $650. E. (9) $1,400.

A. Peter L. Wolff, 1 Dupont Circle NW., Washington, D.C.
B. Association of American Law Schools.

A. Nathan T. Wolkomir, 1737 H Street NW., Washington, D.C.
B. National Federation of Federal Employees.
D. (6) $6,331.20. E. (9) $1,225.55.

A. Albert Young Woodward, 815 Connecticut Avenue NW., Washington, D.C.
B. The Signal Companies, Inc., 1010 Wilshire Boulevard, Los Angeles, Calif.

A. Albert Young Woodward, 815 Connecticut Avenue NW., Washington, D.C.
B. The Flying Tiger Line Inc., Los Angeles International Airport, Los Angeles, Calif.

A. Perry W. Woofter, 1101 17th Street NW., Washington, D.C.
B. American Petroleum Institute, 1101 17th Street NW., Washington, D.C.
D. (6) $1,812.50. E. (9) $801.29.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. Asociacion Nacional De Cultivadores De Cana De Azucar, P.B. 4448, Cali, Colombia.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. Association of Motion Picture & Television Producers, 8480 Beverly Boulevard, Los Angeles, Calif.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. Copyright Owners Negotiating Committee, % Phillips, Nizer, Benjamin, Krim & Ballon, 477 Madison Avenue, New York, N.Y.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. City of Palm Springs, 3200 Tahquitz-McCallum Way, Palm Springs, Calif.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, N.Y.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. Unionamerica, Inc., 435 South Figueroa Street, Los Angeles, Calif.
D. (6) $50.

A. John H. Yingling, 905 16th Street NW., Washington, D.C.
B. Association of Corporate Owners of One Bank, 905 16th Street NW., Washington, D.C.
D. (6) $500. E. (9) $54.54.

A. John H. Yingling, 905 16th Street NW., Washington, D.C.
B. First National City Bank, 399 Park Avenue, New York, N.Y.
D. (6) $100. E. (9) $107.65.

A. J. Banks Young, Ring Building, 1200 18th Street NW., Washington, D.C.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $1,071. E. (9) $444.

A. Robert C. Zimmer, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Robert C. Zimmer, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Robert C. Zimmer, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton.

A. Albert H. Zinkand, Getty Oil Co., 1701 Pennsylvania Avenue, Washington, D.C.
B. Getty Oil Co., 1701 Pennsylvania Avenue, Washington, D.C.

A. Charles O. Zuver, the American Bankers Association, 815 Connecticut Avenue NW., Washington, D.C.
B. American Bankers Association, 815 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,200. E. (9) $206.46.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the third calendar quarter of 1970 were received too late to be included in the published reports for that quarter:

A. Academic & Professional Alliance for a Responsible Congress, 11 West 42d Street, New York, N.Y.
D. (6) $6,186.44. E. (9) $6,452.06.

A. Herbert F. Alfrey, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $327. E. (9) $31.

A. All-Industry Committee for Radio All-Channel Legislation, 1225 Connecticut Avenue NW., Washington, D.C.
D. (6) $19,247.50. E. (9) $24,125.27.

A. American Dental Association, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $6,214.18. E. (9) $6,214.18.

A. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill.
D. (6) $38,916.50. E. (9) $38,916.50.

A. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C.
E. (9) $2,567.67.

A. American Nurses' Association, Inc., 10 Columbus Circle, New York, N.Y.
D. (6) $12,230.42. E. (9) $12,230.42.

A. American Parents Committee, Inc., 21 E Street NW., Washington, D.C.
D. (6) $16,771.84. E. (9) $8,814.19.

A. American Society of Consulting Planners, 1819 H Street NW., Washington, D.C.
E. (9) $2,250.

A. James Anderson, 112 Fifth Street NE., Washington, D.C.
B. The Academic & Professional Alliance for a Responsible Congress, 11 West 42d Street, New York, N.Y.
D. (6) $2,275.

A. Robert E. Ansheles, 1028 Connecticut Avenue NW., Washington, D.C.

B. CITC Industries, Inc., 1 Park Avenue, New York, N.Y.
D. (6) $925. E. (9) $192.91.

A. Thomas Appleby, 322 East 44th Street, New York, N.Y.
B. United Nations Development Corp., 322 East 44th Street, New York, N.Y.
E. (9) $725.

A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C.
B. Conwood Corp., 701 North Main Street, Memphis, Tenn.
D. (6) $5,915. E. (9) $81.52.

A. Arkansas Railroads, 1100 Boyle Building, Little Rock, Ark.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Hoffmann-La Roche, Inc., Nutley, N.J.
D. (6) $8,750. E. (9) $438.04.

A. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C.
E. (9) $265.

A. Australian Trade Council, Inc., 1030 15th Street NW., Washington, D.C.
D. (6) $6,000. E. (9) $6,000.

A. Anne Bailey, 4607 Asbury Place, Washington, D.C.
B. The Academic & Professional Alliance for a Responsible Congress, 11 West 42d Street, New York, N.Y.
D. (6) $285.

A. Charles W. Bailey, 1900 L Street NW., Washington, D.C.
B. National Right To Work Committee, 1900 L Street NW., Washington, D.C.
D. (6) $39. E. (9) $47.15.

A. Davis M. Batson, director of Government relations and services, Ethyl Corp., 1155 15th Street NW., Washington, D.C.
B. Ethyl Corp., 1155 15th Street NW., Washington, D.C.
D. (6) $750.

A. Mrs. Dita David Beard, 1707 L Street NW., Washington, D.C.
B. International Telephone & Telegraph Corp., 1707 L Street NW., Washington, D.C.
D. (6) $1,225. E. (9) $2,115.

A. Lowell R. Beck, 2100 M Street NW., Washington, D.C.
B. Common Cause, 2100 M Street NW., Washington, D.C.
D. (6) $1,875.

A. C. B. Blankenship, Communications Workers of America, 1925 K Street NW., Washington, D.C.
B. Communications Workers of America, 1925 K Street NW., Washington, D.C.
E. (9) $4,518.15.

A. Melvin Block, 16 Court Street, Brooklyn, N.Y.
B. Optical Manufacturers of America, 30 East 42d Street, New York, N.Y.

A. Wayne A. Bonney, 1900 L Street NW., Washington, D.C.
B. National Right To Work Committee, 1900 L Street NW., Washington, D.C.
D. (6) $48. E. (9) $57.25.

A. John Borbridge, Jr., Central Council of the Tlingit and Haida Indians of Alaska,
B. Central Council of the Tlingit and Haida Indians of Alaska, Box 529, Juneau, Alaska.
D. (6) $3,593.75. E. (9) $767.21.

A. Charles R. Bragg, 90 Stony Corners Circle, Avon, Conn.
B. Northeast Utilities Service Co., 176 Cumberland Avenue, Wethersfield, Conn.
E. (9) $528.87.

A. David A. Bunn, consultant, 1211 Connecticut Avenue NW., Washington, D.C.
B. The Hearst Corp., 959 Eighth Avenue, New York, N.Y.
E. (9) $1,200.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C.
B. Parcel Post Association, 1211 Connecticut Avenue NW., Washington, D.C.
E. (9) $700.

A. S. D. Cadwallader, 1900 L Street NW., Waashington, D.C.
B. National Right to Work Committee, 1900 L Street NW., Washington, D.C.
D. (6) $46.80. E. (9) $152.42.

A. Canal Zone Central Labor Union-Metal Trades Council, AFL–CIO, Post Office Box 471, Balboa Heights, Canal Zone.
D. (6) $1,945.43. E. (9) $862.94.

A. Ronald A. Capone, Kirlin, Campbell & Keating, the Farragut Building, Washington, D.C.
B. Committee of European Shipowners, 30–32 St. Mary Axe, London, England.
D. (6) $5,625. E. (9) $170.15.

A. C. Sargent Carleton, 3150 Spring Street, Fairfax Va.
B. National Audio-Visual Association, 3150 Spring Street, Fairfax, Va.
D. (6) $1,346.

A. James B. Cash, Jr., The American Bankers Association, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 90 Park Avenue, New York, N.Y.
D. (6) $1,500. E. (9) $120.75.

A. Central Council of the Tlingit and Haida Indians, Box 529, Juneau, Alaska.
E. (9) $4,360.96.

A. Ceramic Tile Manufacturers of the United States, Inc., % Mr. Norris E. Phillips, 643 Main Street, Olean, N.Y.
D. (6) $574. E. (9) $574.

A. Frank Chelf, Congressional Plaza Building, 220 C Street SE., Washington, D.C.
B. Conwood Corp., 701 North Main Street, Memphis, Tenn.
D. (6) $1,800.

A. Hal M. Christensen, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. American Dental Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $2,250.

A. Citizens Committee on Natural Resources, 1346 Connecticut Avenue NW., Dupont Circle Building, Washington, D.C.
D. (6) $13,094.50. E. (9) $6,165.53.

A. William F. Claire, World Federalists, U.S.A., Inc., 2029 K Street NW., Washington, D.C.
B. World Federalists, U.S.A., Inc., 2029 K Street NW., Washington, D.C.
D. (9) $6,250.02. E. (9) $1,470.05.

A. Joseph S. Clark, World Federalists, USA, Inc., 2029 K Street NW., Washington, D.C.
B. World Federalists, U.S.A., Inc., 2029 K Street NW., Washington D.C.
E. (9) $1,875.07.

A. Carl A. S. Coan, Jr., 1625 L Street NW., Washington, D.C.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $5,156.25. E. (9) $296.18.

A. College of American Pathologists, 230 North Michigan Avenue, Chicago, Ill.
E. (9) $4,389.18.

A. Common Cause, 2100 M Street NW., Washington, D.C.
D. (6) $216,740. E. (9) $15,849.19.

A. Richard J. Congleton, 734 15th Street NW., Washington, D.C.
B. American Academy of Actuaries, 208 South LaSalle Street, Chicago, Ill.
D. (6) $750. E. (9) $140.60.

A. Richard J. Congleton, 734 15th Street NW., Washington, D.C.
B. The Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, N.Y.
D. (6) $1,500. E. (9) $200.

A. Robert J. Conner, Jr., 1100 Connecticut Avenue NW., Washington, D.C.
B. Chrysler Corporation, 341 Massachusetts Avenue, Detroit, Mich.
D. (6) $500. E. (9) $295.

A. Bernard J. Conway, 211 East Chicago Avenue, Chicago, Ill.
B. American Dental Association, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $2,254.80.

A. Conwood Corp., 701 North Main Street, Memphis, Tenn.
E. (9) $7,796.52.

A. Cooperative League of U.S.A., 1012 14th Street NW., Washington, D.C.
B. Cooperative League of U.S.A., 59 East Van Buren Street, Chicago, Ill.
D. (6) $1,750. E. (9) $2,395.

A. W. J. Crawford, Post Office Box 2180, Houston, Tex.
B. Humble Oil & Refining Co., Post Office Box 2180, Houston Tex.

A. Culbertson, Pendleton & Pendleton, 1815 H Street NW., Washington, D.C.
B. The Canned Meat Importer's Association, % North American Foods, Division of Deltec International, Ltd., 401 North Michigan Avenue, Chicago, Ill.
D. (6) $1,245. E. (9) $183.66.

A. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $2.813.08. E. (9) $2,759.08.

A. William Kay Daines, 1156 15th Street NW., Washington, D.C.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y.
D. (6) $1,300. E. (9) $466.90.

A. Richard C. Darling, 1156 15th Street NW., Washington, D.C.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y.
D. (6) $3,650. E. (9) $791.06.

A. DeHart, Broide & McCrory, Inc., 1150 Connecticut Avenue NW., Washington, D.C.
B. Recording Industry Association of America, Inc., New York, N.Y.
D. (6) $650. E. (9) $90.10.

A. Vincent A. Demo, 25 Broadway, New York, N.Y.

B. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y.
D. (6) $6,250.

A. Horace J. DePodwin Associates, Inc., 350 Fifth Avenue, New York, N.Y.
B. Ceramic Tile Manufacturers of the United States, Inc., 643 Main Street, Olean, N.Y.

A. Evelyn Dubrow, International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y.
B. International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y.
D. (6) $3,445. E. (9) $2,851.31.

A. William DuChessi, 1126 16th Street NW., Washington, D.C.
B. Textile Workers Union of America, 99 University Place, New York, N.Y.
D.(6) $1,162.52. E (9) $100.

A. Ethyl Corp., 1155 15th Street NW., Washington, D.C.
E. (9) $750.

A. Joseph J. Fanelli, 1615 H Street NW., Washington, D.C.
B. Chamber of Commerce of the United States of America, 1615 H Street NW., Washington, D.C.
D. (6) $195.

A. Federation of American Scientists, 203 C Street NE., Washington, D.C.
D. (6) $3,161. E.(9) $877.82.

A. Gordon Forbes, 207 Union Depot Building, St. Paul, Minn.
B. Burlington Northern, Inc., et al.
D. (6) $500. E. (9) $10.

A. Ronald J. Foulis, 1140 Connecticut Avenue NW., Washington, D.C.
B. United States Independent Telephone Association, 425 13th Street NW., Washington, D.C.
D. (6) $225.

A. Garrett Fuller, 1307 Wyatt Building, Washington, D.C.
B. United Medical Laboratories, Inc., 6060 Northeast 112th Avenue, Portland, Oreg.
D. (6) $140. E. (9) $4.

A. Jay W. Glasmann, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Browning Arms Co., Morgan, Utah.
D. (6) $2,500.

A. Vance V. Goodfellow, 828 Midland Bank Building, Minneapolis, Minn.
B. Crop Quality Council, 828 Midland Bank Building, Minneapolis, Minn.
D. (6) $4,825.50.

A. W. Lee Gosnell, 1900 L Street NW., Washington, D.C.
B. National Right to Work Committee, 1900 L Street NW., Washington, D.C.
D. (6) $1,025. E. (9) $1,614.18.

A. Ben H. Guill, 2000 K Street NW., Washington, D.C.
B. National Automobile Dealers Association, 2000 K Street, Washington, D.C.
D. (6) $2,086.54. E. (9) $925.

A. William E. Hardman, 1411 K Street NW., Washington, D.C.
B. National Tool, Die & Precision Machining Association, 1411 K Street NW., Washington, D.C.

A. Herbert E. Harris II, Australian Trade Council, Inc., 1030 15th Street NW., Washington, D.C.
B. Australian Trade Council, Inc., 1030 15th Street NW., Washington, D.C.
D. (6) $1,250.

A. Mr. George J. Hecht, 52 Vanderbilt Avenue, New York, N.Y.
B. American Parents Committee, Inc., 20 E Street NW., Washington, D.C.

A. William H. Hedlund, 909 American Bank Building, Portland, Oreg.
B. Standard Oil Co. of California, San Francisco, Calif., et al.

A. H. W. Henderson, 908 West Broadway, Louisville, Ky.
B. Kentucky Railroad Association, 101 East High Street, Lexington, Ky.
E. (9) $159.60.

A. George T. Higgins, 1100 Connecticut Avenue NW., Washington, D.C.
B. Chrysler Corp., 341 Massachusetts Avenue, Detroit, Mich.
D. (6) $1,000. E. (9) $200.

A. John M. Holt, Eli Lilly & Co., 307 East McCarty Street, Indianapolis, Ind.
B. Eli Lilly & Co., 307 East McCarty Street, Indianapolis, Ind.
D. (6) $996. E. (9) $1,082.04.

A. Wayne L. Horvitz, 1816 Jefferson Place NW., Washington, D.C.
B. Common Cause, 2100 M Street NW., Washington, D.C.
D. (6) $1,800.

A. Howrey, Simon, Baker & Murchison, 1707 H Street NW., Washington, D.C.
B. Ceramic Tile Manufacturers of the United States, Inc., care of Mr. Norris E. Phillips, 643 Main Street, Olean, N.Y.
D. (6) $499. E. (9) $574.

A. Edward W. Hummers, Jr., Fletcher, Heald, Rowell, Kenehan & Hildreth, 1225 Connecticut Avenue NW., Washington, D.C.
B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y.

A. Gerald Hyland, 1730 Rhode Island Avenue NW., Washington, D.C.
B. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $775.38. E. (9) $240.87.

A. Lester S. Hyman, 815 Connecticut Avenue NW., Washington, D.C.
B. FMC Corp., 633 Third Avenue, New York, N.Y.
D. (6) $625.62. E. (9) $625.62.

A. Lester S. Hyman, 815 Connecticut Avenue NW., Washington, D.C.
B. Popular Services, Inc., 128 Dayton Avenue, Passaic, N.J.
D. (6) $3,575. E. (9) $3,575.

A. Bernard J. Imming, United Fresh Fruit & Vegetable Association, 777 14th Street NW.,
B. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C.
D. (6) $312.50. E. (9) $11.19.

A. Robert A. Jackson, 627 Allison Street NW., Washington, D.C.

A. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif.
E. (9) $200.

A. Philip F. Jehle, 300 National Press Building, Washington, D.C.
B. Smith Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa.
E. (9) $729.

A. Albert Jones, 1730 Rhode Island Avenue NW., Washington, D.C.
B. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $630. E. (9) $265.85.

A. Mr. Elmer A. Jones, 1145 19th Street NW., Washington, D.C.
B. Lead-Zinc Producers Committee.
D. (6) $750. E. (9) $335.74.

A. Howard B. Keck, 1801 Avenue of the Stars, Los Angeles, Calif.
B. The Superior Oil Co., 1801 Avenue of the Stars, Los Angeles, Calif.
E. (9) $300.00.

A. Franklin E. Kepner, The Berwick Bank, Berwick, Pa.
B. Associated Railroads of Pennsylvania, Transportation Center, Philadelphia, Pa.
D. (6) $1,800. E. (9) $343.67.

A. Mr. and Mrs. Harry L. Kingman, 535 San Luis Road, Berkeley, Calif.
D. (6) $190. E. (9) $190.

A. George J. Knaly, International Brotherhood of Electrical Workers, 1200 15th Street NW., Washington, D.C.
B. International Brotherhood of Electrical Workers, AFL–CIO and CLC, 1200 15th Street NW., Washington, D.C.
D. (6) $4,999.98.

A. George W. Koch, 1425 K Street NW., Washington, D.C.
B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C.
D. (6) $41.76.

A. Kominers, Fort, Schlefer & Boyer, Tower Building, Washington, D.C.
B. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C.
D. (6) $13,200. E. (9) $24.

A. John P. Lagomarcino, 2100 M Street NW., Washington, D.C.
B. Common Cause, 2100 M Street NW., Washington, D.C.
D. (6) $3,666.67.

A. Walter Lang, 1900 L Street NW., Washington, D.C.
B. National Right to Work Committee, 1900 L Street NW., Washington, D.C.
D. (6) $769. E. (9) $850.05.

A. Asger F. Langlykke, 1913 I Street NW., Washington, D.C.
B. American Society for Microbiology, 1913 I Street NW., Washington, D.C.

A. Reed E. Larson, 1900 L Street NW., Washington, D.C.
B. National Right to Work Committee, 1900 L. Street NW., Washington, D.C.
D. (6) $167.50. E. (9) $180.50.

A. Glenn T. Lashley, American Automobile Association, 1712 G Street NW., Washington, D.C.
B. District of Columbia division, American Automobile Association, 1712 G Street NW., Washington, D.C.

A. League for Economic Assistance & Development, Inc., 390 Plandome Road, Manhasset, N.Y.
D. (6) $699.99. E. (9) $689.99.

A. Charles W. Lee, Congressional Hotel.
B. Emergency Committee for Full Funding of Education Programs, 300 New Jersey Avenue SE., Washington, D.C.
D. (6) $500. E. (9) $50.

A. Legislation for Animal Welfare, Inc., 3045 P Street NW., Washington, D.C.
E. (9) $91.52.

A. Donald Lerch, Jr. & Co., Inc., 1522 K Street NW., Washington, D.C.
B. Asahi Chemical Industry Co., Ltd., Hibiya-Mitsui Building, 12, 1-Chome, Yurakucho, Chiyoda-Ku, Tokyo, Japan.

A. Donald Lerch, Jr. & Co., Inc., 1522 K Street NW., Washington, D.C.

B. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C.

A. Donald Lerch, Jr. & Co., Inc., 1522 K Street NW., Washington, D.C.

B. Shell Chemical Co., 2401 Crow-Canyon Road, San Ramon, Calif.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C.

B. FMC Corp., 633 Third Avenue, New York, N.Y.

D. (6) $822.49. E. (9) $822.49.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C.

B. Popular Services, Inc., 128 Dayton Avenue, Passaic, N.J.

D. (6) $4,730. E. (9) $4,730.

A. Marx Leva, 815 Connecticut Avenue NW., Washington, D.C.

B. FMC Corp., 633 Third Avenue, New York, N.Y.

D. (6) $196.87. E. (9) $196.87.

A. Marx Leva, 815 Connecticut Avenue NW., Washington, D.C.

B. Popular Services, Inc., 128 Dayton Avenue, Passaic, N.J.

D. (6) $1,155. E. (9) $1,155.

A. Liberty Lobby, Inc., 130 Third Street, SE., Washington, D.C.

D. (6) $13,942.90. E. (9) $18,670.58.

A. LeRoy E. Lyon, Jr., 11th and L Building, Sacramento, Calif.

B. California Railroad Association, 11th and L Building, Sacramento, Calif.

A. Edwin E. Marsh, 600 Crandall Building, Salt Lake City, Utah.

B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah.

D. (6) $3,949.68. E. (9) $300.10.

A. Anthony Mazzocchi, 1126 16th Street NW., Washington, D.C.

B. Oil, Chemical & Atomic Workers International Union, 1840 California Street, Denver, Colo.

D. (6) $1,875. E. (9) $227.50.

A. Albert E. May, American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C.

B. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C.

D. (6) $330. E. (9) $27.74.

A. W. W. McClanahan, Jr., National Coal Policy Conference, Inc., 1000 16th Street NW., Washington, D.C.

B. National Coal Policy Conference, Inc., 1000 16th Street NW., Washington, D.C.

D. (6) $437.50.

A. Mrs. Barbara D. McGarry, 20 E Street NW., Washington, D.C.

B. American Parents Committee, Inc., 20 E Street NW., Washington, D.C.

A. Migdal, Low, Tenney & Glass, 598 Madison Avenue, New York, N.Y.

B. Tie Fabrics Importers Association, 598 Madison Avenue, New York, N.Y.

D. (6) $3,375.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.

B. Washington Mutual Investors Fund, Inc., Southern Building, Washington, D.C.

A. Lester F. Miller, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

D. (6) $317. E. (9) $26.

A. Clarence Mitchell, Washington Bureau, NAACP, 422 First Street SE., Washington, D.C.

B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y.

D. (6) $4,000.

A. Susan Moon, 1030 15th Street NW., Washington, D.C.

B. American Nurses Association, Inc., 10 Columbus Circle, New York, N.Y.

D. (6) $3,108.56.

A. John Morgan, Communications Workers of America, 1925 K Street NW., Washington, D.C.

B. Communications Workers of America, 1925 K Street NW., Washington, D.C.

E. (9) $526.72.

A. Jack Moskowitz, 2100 M Street NW., Washington, D.C.

B. Common Cause, 2100 M Street NW., Washington, D.C.

D. (6) $6,600. E. (9) $178.53.

A. National Associated Businessmen, 1000 Connecticut Avenue, Washington, D.C.

D. (6) $864.35. E. (9) $944.68.

A. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y.

D. (6) $11,354.88. E. (9) $11,494.62.

A. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.

D. (6) $79,672.95. E. (9) $43,837.75.

A. National Association of Margarine Manufacturers, 545 Munsey Building, Washington, D.C.

D. (6) $1,120.80. E. (9) $1,120.80.

A. National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C.

D. (6) $60,432. E. (9) $15,634.73.

A. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va.

D. (6) $11,246.86. E. (9) $2,948.58.

A. National Coal Policy Conference, Inc., 1000 16th Street NW., Washington, D.C.

D. (6) $2,147.65. E. (9) $5,877.46.

A. National Congress of Parents & Teachers, 700 North Rush Street, Chicago, Ill.

B. National Congress of Parents & Teachers, 700 North Rush Street, Chicago, Ill.

D. (6) $32,072.35. E. (9) $377.30.

A. National Housing Conference, Inc., 1250 Connecticut Avenue NW., Washington, D.C.

D. (6) $24,783.40. E. (9) $20,098.94.

A. National Patent Council, 1225 19th Street NW., Washington, D.C.

E. (9) $750.

A. National Right To Work Committee, 1900 L Street NW., Washington, D.C.

D. (6) $3,676.55. E. (9) $3,676.55.

A. National Rural Letter Carriers Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

D. (6) $13,678. E. (9) $3,519.

A. National Sharecroppers Fund, Inc., 112 East 19th Street, New York, N.Y.

D. (6) $5,412.20. E. (9) $5,778.06.

A. National Tax Equality Association, Inc., 1000 Connecticut Avenue Bldg., NW., Washington, D.C.

D. (6) $946.04. E. (9) $1,170.83.

A. National Water Resources Association, 897 National Press Building, Washington, D.C.

B. National Water Resources Association, 897 National Press Building, Washington, D.C.

D. (6) $4,850.10. D. (9) $8,555.44.

A. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah.

D. (6) $11,791. E. (9) $5,137.18.

A. Ivan A. Nestingen, 1000 Connecticut Avenue NW., Washington, D.C.

B. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.

D. (6) $300. E. (9) $282.90.

A. Northeast Utilities Service Co., 176 Cumberland Avenue, Wethersfield, Conn.

E. (9) $528.87.

A. Leo W. O'Brien, 160 South Manning Boulevard, Albany, N.Y.

B. Home Rule Committee, Virgin Islands Legislature, Virgin Islands.

D. (6) $1,875. E. (9) $300.

A. Claude E. Olmstead, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

D. (6) $298. E. (9) $25.

A. Charles T. O'Neill, Jr., the American Bankers Association, 815 Connecticut Avenue NW., Washington, D.C.

B. The American Bankers Association, 90 Park Avenue, New York, N.Y.

D. (6) $2,000. E. (9) $149.67.

A. Raymond S. Page, Jr., Mill Creek Terrace, Gladwyne, Pa.

B. Campbell Soup Co., Campbell Place, Camden, N.J.

A. Michael L. Parker, 3300 Crocker Plaza, San Francisco, Calif.

B. Kaiser Foundation Health Plan: Prepaid Group Medical Care, 300 Lakeside Drive, Oakland, Calif.

D. (6) $1,833.33. E. (9) $2,308.72.

A. Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, N.Y.

B. Alaska Federation of Natives, Anchorage, Alaska.

E. (9) $1,696.89.

A. Peabody, Rivlin, Kelly, Cladouhos & Lambert, 1730 M Street NW., Washington, D.C.

B. Mass Retailing Institute, 570 Seventh Avenue, New York, N.Y.

D. (6) $1,000. E. (9) $45.

A. Peabody, Rivlin, Kelly, Cladouhos & Lambert, 1730 M Street NW., Washington, D.C.

B. National Tool, Die & Precision Machining Association, 1411 K Street NW., Washington, D.C.

A. Peabody, Rivlin, Kelly, Cladouhos & Lambert, 1730 M Street NW., Washington, D.C.

B. Volkswagen Dealers of America, care of Gezon Motors, Inc., 3985 Plainfield Street NW., Grand Rapids, Mich.

D. (6) $500. E. (9) $35.

A. J. Francis Pohlhaus, 422 First Street SE., Washington, D.C.

B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y.

D. (6) $1,000.00.

A. William C. Prather, 221 North LaSalle Street, Chicago, Ill.

B. United States Savings & Loan League, 221 North LaSalle Street, Chicago, Ill.

D. (6) $475.

A. Jerry C. Pritchett, 1414 30th Street NW., Washington, D.C.

B. Mechanical Contractors Association of America, 5530 Wisconsin Avenue, Washington, D.C.

D. (6) $500. E. (9) $500.

A. Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C.

D. (6) $1,228.22. E. (9) $1,228.22.

A. Ragan & Mason, 910 17th Street NW., Farragut Building, Washington, D.C.

B. Atkins, Kroll & Co., Ltd., 417 Montgomery Street, San Francisco, Calif.

D. (6) $3,000. E. (9) $55.

A. Ragan & Mason, 900 17th Street NW., Farragut Building, Washington, D.C.

B. Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J.

D. (6) $900.

A. Ragan & Mason, 900 17th Street NW., Washington, D.C.

B. South Atlantic & Caribbean Lines, Inc., 250 Park Avenue, New York, N.Y.

D. (6) $200.

A. Alan T. Rains, United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C.

B. United Fresh Fruit & Vegetable Association, 777 14th Street NW, Washington, D.C.

D. (6) $450.

A. William A. Raleigh, Jr., 1000 16th Street NW., Washington, D.C.

B. National Coal Policy Conference, Inc., 1000 16th Street NW., Washington, D.C.

D. (6) $498.80.

A. Sydney C. Reagan, 6815 Prestonshire, Dallas, Tex.

B. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex.

D. (6) $397. E. (9) $247.

A. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y.

B. Recording Industry Association of America, Inc, 1 East 57th Street, New York, N.Y.

D. (6) $21,808.32. E. (9) $45,245.27.

A. Recreational Vehicle Institute, Inc., 2720 Des Plaines Avenue, Des Plaines, Ill.

E. (9) $8,941.93.

A. John T. Reggitts, Jr., 95 Boonton Avenue, Rural Delivery 2, Boonton, N.J.

A. W. W. Renfroe, Kentucky Railroad Association, 101 East High Street, Lexington, Ky.

B. Kentucky Railroad Association, 101 East High Street, Lexington, Ky.

E. (9) $333.57.

A. Research to Prevent Blindness, Inc., 598 Madison Avenue, New York City, N.Y.

E. (9) $3,000.

A. Reserve Officers Association of the United States, One Constitution Avenue NE., Washington, D.C.

B. Reserve Officers Association of United States.

D. (6) $105,559. E. (9) $596.40.

A. James J. Reynolds, American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washintgon, D.C.

B. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C.

D. (6) $1,875. E. (9) $284.

A. John Arthur Reynolds, Post Office Box 512, Fresno, Calif.

B. Western Cotton Growers Association of Calif., Post Office Box 512, Fresno, Calif.

D. (6) $937.50. E. (9) $500.

A. Earl F. Rieger, 1629 K Street NW., Washington, D.C.

B. National Association of Uniform Manufacturers, 112 East 19th Street, New York, N.Y.

D. (6) $4,350. E. (9) $169.20.

A. Siert F. Riepma, National Association of Margarine Manufacturers, Munsey Building, Washington, D.C.

B. National Association of Margarine Manufacturers, Munsey Building, Washington, D.C.

D. (6) $1,015.

A. John Riley, 1625 L Street NW., Washington, D.C.

B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.

D. (6) $628.12. E. (9) $30.72.

A. John P. Roche, 150 East 42d Street, New York, N.Y.

B. American Iron and Steel Institute, 150 East 42d Street, New York, N.Y.

D. (6) $500. E. (9) $210.

A. Nathaniel H. Rogg, 1625 L Street NW., Washington, D.C.

B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.

D. (6) $1,875. E. (9) $106.80.

A. William E. Rollow, National Capital Area Council of Sportsmen, 815 15th Street NW., Washington D.C.

B. National Capital Area Council of Sportsmen, 815 15th Street, NW., Washington, D.C.

A. William E. Rollow, 815 15th Street NW., Washington, D.C.

B. The National Skeet Shooting Association.

A. J. T. Rutherford & Association, Inc., 1555 Connecticut Avenue NW., Washington, D.C.

B. American College of Radiology, 20 North Wacker Drive, Chicago, Ill.

D. (6) $1,500. E. (9) $1,058.82.

A. Eric P. Schellin, 1225 19th Street NW., Washington, D.C.

B. National Patent Council, 1225 19th Street NW., Washington, D.C.

D. (6) $750.

A. Durward Seals, United Fresh Fruit & Vegetable Association. 777 14th Street NW., Washington, D.C.

B. United Fresh Fruit and Vegetable Association, 77 14th Street NW., Washington, D.C.

D. (6) $212.50. E. (9) $25.85.

A. Robert R. Shaefer, 1400 South Joyce Street, Arlington, Va.

B. Leisure Time Specialists, Inc., 1400 South Joyce Street, Arlington, Va.

A. Mr. Grant S. Shotwell, 1957 E Street NW., Washington, D.C.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C.

D. (6) $1,350. E. (9) $100.

A. Lana H. Sims, South Carolina Railroad Association, 1003 Security Federal Building, Columbia, S.C.

B. South Carolina Railroad Association, 1003 Security Federal Building, Columbia, S.C.

D. (6) $46.86. E. (9) $264.25.

A. Jonathan W. Sloat, 1425 K Street NW., Washington, D.C.

B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C.

D. (6) $143. E. (9) $6.

A. Amanda Smith, 3124 38th Street NW., Washington, D.C.

B. The Academic & Professional Alliance for a Responsible Congress, 11 West 42d Street, New York, N.Y.

D. (6) $1,500. E. (9) $106.27.

A. Dr. Spencer M. Smith, Jr., 1709 North Glebe Road, Arlington, Va.

B. Citizens Committee on Natural Resources, 1346 Connecticut Avenue NW., Washington, D C.

D. (6) $677.74. E. (9) $2,452.82.

A. Wallace M. Smith, 425 13th Street NW., Washington, D.C.

B. National Association of Mutual Insurance Companies, 2611 East 46th Street, Indianapolis, Ind.

A. John D. Smyers, 1 Rockefeller Plaza, New York, N.Y.

B. United Nations Development Corp., 322 East 44th Street, New York, N.Y.

D. (6) $200.

A. Eugene L. Stewart, 1001 Connecticut Avenue NW., Washington, D.C.

B. Trade Relations Council of the United States, 1001 Connecticut Avenue NW., Washington, D.C.

D. (6) $350. E. (9) $50.

A. Eugene L. Stewart, 1001 Connecticut Avenue, Washington, D. C.

B. World Trade Committee of Parts Division, Electronic Industries Association, 2001 Eye Street NW., Washington, D. C.

D. (6) $750. E. (9) $50.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 1700 K Street NW., Washington, D.C.

B. Devils Lake Sioux Tribe, Fort Totten, N. Dak.

D. (6) $2,820.83. E. (9) $26.05.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 1700 K Street NW., Washington, D.C.

B. The Hualapai Tribe of the Hualapai Reservation, Box 168, Peach Springs, Ariz.

D. (6) $117.35. E. (9) $25.23.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 1700 K Street NW., Washington, D.C.

B. Metlakatla Indian Community, Box 142, Metlakatla, Alaska.

D. (6) $875. E. (9) $52.23.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 1700 K Street NW., Washington, D.C.

B. The Nez Perce Tribe, Lapwai, Idaho.
D. (6) $1,400. E. (9) $87.81.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 1700 K Street NW., Washington, D.C.
B. The Oglala Sioux Tribe of the Pine Ridge Reservation, Pine Ridge, S. Dak.
D. (6) $3,710.65. E. (9) $204.96.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 1700 K Street NW., Washington, D.C.
B. Salt River Pima Maricopa Indian Community, Box 120, Route 1, Scottsdale, Ariz.
D. (6) $187.50. E. (9) $19.87.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 1700 K Street NW., Washington, D.C.
B. San Carlos Apache Tribe, San Carlos, Ariz.
D. (6) $117.35. E. (9) $6.74.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 1700 K Street NW., Washington, D.C.
B. Seneca Nation of Indians, Box 231. Salamanca, N.Y.
E. (9) $70.43.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 1700 K Street NW., Washington, D.C.
B. The Sisseton and Wahpeton Sioux Tribe, Sisseton, S. Dak.
D. (6) $2,283.33. E. (9) $27.99.

A. Sutherland, Asbill & Brennan, 1200 Farragut Building, Washington, D.C.
B. Retail Credit Co., Post Office Box 4081, Atlanta, Ga.
D. (6) $10,000. E. (9) $258.08.

A. Noble J. Swearingen, 128 C Street NE., Washington, D.C.
B. National Tuberculosis & Respiratory Disease Association, 1740 Broadway, New York, N.Y.
D. (6) $950. E. (9) $72.20.

A. Ivan Swift, Communications Workers of America, 1925 K Street NW., Washington, D.C.
B. Communications Workers of America, 1925 K Street NW., Washington, D.C.
E. (9) $4,630.36.

A. Henry B. Taliaferro, Jr., 1614 20th Street NW., Washington, D.C.
B. Weissbrodt & Weissbrodt, 1614 20th Street NW., Washington, D.C.

A. Evert S. Thomas, Jr., 1730 Rhode Island Avenue NW., Washington, D.C.
B. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $1,107.70. E. (9) $1,969.46.

A. F. Gerald Toye, 777 14th Street NW., Washington, D.C.
B. General Electric Co., 570 Lexington Avenue, New York, N.Y.

A. John P. Tracey, American Bar Association, 1705 DeSales Street NW., Washington, D.C.
B. American Bar Association, 1705 DeSales Street NW., Washington, D.C.
D. (6) $400. E. (9) $50.

A. Trade Relations Council of the United States, 1001 Connecticut Avenue, Washington, D.C.
E. (9) $400.

A. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C.
D. (6) $2,110.59. E. (9) $2,110.59.

A. United Nations Development Corp., 322 East 44th Street, New York, N.Y.
E. (9) $925.

A. Veterans of World War I of the U.S.A., Inc., 916 Prince Street, Alexandria, Va.
D. (6) $14,566.41. E. (9) $73,519.20.

A. Leonard Warner, Australian Trade Council, Inc., 1030 15th Street NW., Washington, D.C.
B. Australian Trade Council, Inc., 1030 15th Street NW., Washington, D.C.
D. (6) $1,250.

A. James A. Warren, 5500 Prospect Place, Chevy Chase, Md.
B. REA Express, Inc., 219 East 42d Street, New York, N.Y.
D. (6) $450. E. (9) $150.

A. Wayne B. Warrington, National Association of Food Chains, 1725 I Street NW., Washington, D.C.
B. National Association of Food Chains, 1725 I Street NW., Washington, D.C.
E. (9) $300.

A. Weissbrodt & Weissbrodt, 1614 20th Street NW., Washington, D.C.
B. Central Council of the Tlingit and Haida Indians of Alaska, Box 529, Juneau, Alaska.
E. (9) $294.95.

A. Westbay Associates, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. Citizens Commission for Postal Reform, Inc., 1725 I Street NW., Washington, D.C.
D. (6) $1,125. E. (9) $2,506.82.

A. Western Cotton Growers Association of California, Post Office Box 512, Fresno, Calif.
D. (6) $5,929.90. E. (9) $2,825.23.

A. Leonard M. Wickliffe, Eleventh and L Building, Sacramento, Calif.
B. California Railroad Association, Eleventh and L Building, Sacramento, Calif.
D. (6) $2,499.99. E. (9) $1,957.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. American Courier Corporation, 2 Nevada Drive, Lake Success, N.Y.
E. (9) $22.85.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. American Society of Travel Agents, Inc., 360 Lexington Avenue, New York N.Y.
E. (9) $743.80.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Arapahoe Indian Tribe, Fort Washakie, Wyo.
E. (9) $102.08.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Association of Data Processing Service Organizations, Inc., 420 Lexington Avenue, New York, N.Y.
E. (9) $46.88.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Brigham Young University, Provo, Utah.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. College Placement Council, Inc., 65 East Elizabeth Street, Bethlehem, Pa.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Computer Time Sharing Services Section of the Association of Data Processing Service Organizations, Inc., 551 Fifth Avenue, New York, N.Y.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana.
E. (9) $102.07.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Estate of Albert W. Small, 5803 Green Tree Road, Bethesda, Md.
E. (9) $4.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. The Hoopa Valley Tribe, Post Office Box 817, Hoopa, Calif.
E. (9) $93.45.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. National Congress of American Indians, 1346 Connecticut Avenue NW., Washington, D.C.
E. (9) $73.62.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. The Taos Pueblo, Taos, N. Mex.
E. (9) $237.78.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. The Three Affiliated Tribes of the Fort Berthold Reservation, New Town, N. Dak.
E. (9) $102.07.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Quinaielt Tribe of Indians, Taholah, Wash.
E. (9) $102.07.

A. J. D. Williams, Williams & Jensen, 1130 17th Street NW., Washington, D.C.
B. International Utilities Corp., 1500 Walnut Street, Philadelphia, Pa.
E. (9) $21.50.

A. J. D. Williams, Williams & Jensen, 1130 17th Street NW., Washington, D.C.
B. National Council for Health Care Services, 1625 Eye Street NW., Washington, D.C.
E. (9) $562.40.

A. J. D. Williams, Williams & Jensen, 1130 17th Street NW., Washington, D.C.
B. Pinkerton Holding Corp., 100 Church Street, New York, N.Y.
E. (9) $65.20.

A. Kenneth Williamson, American Hospital Association, 1 Farragut Square South, Washington, D.C.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill.
D. (6) $4,000. E. (9) $1,252.18.

A. Burton C. Wood, 1625 L Street, NW., Washington, D.C.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $4,218.75. E. (9) $427.16.

A. William E. Woods, 440 National Press Building, Washington, D.C.
B. The National Association of Retail Druggists, 1 East Wacker Drive, Chicago, Ill.
D. (6) $750. E. (9) $150.

A. World Trade Committee of Parts Division, Electronic Industries Association, 2001 Eye Street NW., Washington, D.C.
D. (6) $800. E. (9) $800.

EXTENSIONS OF REMARKS

NATIONAL DEFENSE EDUCATION ACT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, I am reintroducing today a bill which I introduced in the 91st Congress to amend the loan program of the National Defense Education Act of 1958. This amendment would extend cancellation of such loans at the rate of 10 percent a year—up to a 50-percent cancellation—to teachers in American schools abroad that are supported by the State Department or AID. Such cancellation provisions now apply for loans made prior to July 1, 1970, to students who became teachers in nonprofit State elementary or secondary schools, institutions of higher education, or overseas elementary and secondary schools of the Armed Forces of the United States.

Having served as a member of the investigating committee that looked into the educational opportunities for dependents of American personnel on overseas assignment, I had opportunity to observe the serious problems faced by the American parents, the teachers, and the overseas schools who are struggling to provide American children with decent educations.

The purpose of this bill is to encourage highly qualified American teachers to accept foreign teaching assignments. Students receiving NDEA loans are often the brightest and the best prepared teachers from among our recent graduates. A student who now graduates with NDEA loan repayments to make is reluctant to accept a foreign teaching assignment in an American or international school. To teach in such a school would, in effect, cost him 50 percent of his loan repayment—when compared to teaching in a stateside or Department of Defense school. Since the mission of all these schools is basically the same, this discrimination should not continue.

It is my hope that this bill will receive the prompt and favorable consideration of my colleagues in the House of Representatives during this session of the 92d Congress. At this point I would like to insert the text of this bill into the RECORD:

A bill to amend the loan program in the National Defense Education Act of 1958 to extend the forgiveness for teaching benefit to teachers in American schools abroad supported by the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 205 (b) (3) of the National Defense Education Act of 1958 is amended by striking out "or" after "institution of higher education," and by inserting after "Armed Forces of the United States," the following: "or in an American-sponsored elementary or secondary school overseas which is eligible for assistance by the Department of State or the Agency for International Development.".

COLLEGE-LEVEL AND NON-COLLEGE-LEVEL EDUCATIONAL INSTITUTIONS

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. LUJAN. Mr. Speaker, I am introducing a bill today to make the same criteria for determining satisfactory pursuance of course work apply in the case of college-level and non-college-level educational institutions. I request consent to revise and extend my remarks about this and to include extraneous matter.

My bill, I hope, will abolish the discrimination now practiced against those veterans who enroll in technical and vocational schools. Until now, the standards for classroom attendance have been such that those veterans who choose a school offering courses leading to a college degree are only required to notify the Veterans' Administration as to the school in which they have enrolled, and the school itself certifies this. On the other hand, students in technical or vocational schools not only must be certified, but also must meet an attendance standard of hours spent in a classroom for a particular course.

This is patently unjust and unfair—and it tells the vocational student that he is not able to decide for himself whether he can master the lessons without putting in the required hours—an obligation not required of the college-attending veteran. It is an insult to his intelligence and ability. Are we not speaking down to these veterans, telling them that they are second-class citizens, not entitled to the benefits and privileges reserved for the college students? Are we not saying to them that their service to our country should be equal, but the benefits to them as veterans should not be?

I do not agree that we should have established this as a standard of practice, and I believe that the time is here to change it. My bill will require that the attendance standards for all veterans will be the same; that the schools that certify, be they college level or technical-vocational, be only obliged to attest to enrollment. Surely this is not a great deal to ask, especially for those of us who have done so much for so many.

The text of the bill follows:

H.R. 6042

A bill to amend title 38 of the United States Code in order to make the same criteria for determining satisfactory pursuance of course work apply in the case of college level and noncollege level educational institutions

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1681(b) of title 38, United States Code, is amended—

(1) by striking out paragraphs (1) and (2);

(2) by redesignating paragraph (3) as paragraph (2); and

(3) by inserting immediately before paragraph (2) (as so redesignated) the following new paragraph:

"(1) to any veteran enrolled in a course (except programs of apprenticeship and programs of other on-job training authorized by section 1683 of this title) for any period when such veteran is not pursuing such course in accordance with the regularly established policies and regulations of the educational institution and the requirements of this chapter, or of chapter 36, of this title; or".

(b) The first sentence of section 1681(d) of such title is amended to read as follows: "No educational assistance allowance shall be paid to an eligible veteran pursuing a program of education by correspondence for any period until the Administrator receives—

"(1) from the eligible veteran a certificate as to the number of lessons actually completed by the veteran and serviced by the institution; and

"(2) from the institution furnishing such education by correspondence, a certificate, or an endorsement on the veteran's certificate, as to the number of lessons completed by the veteran and serviced by the institution."

SEC. 2. (a) Section 1731(b) of title 38, United States Code, is amended by striking out "shall be paid—" and all that follows thereafter and inserting in lieu thereof the following: "shall be paid on behalf of any person enrolled in a course for any period when such person is not pursuing his course in accordance with the regularly established policies and regulations of the educational institution and the requirements of this chapter."

(b) Section 1731(d) of such title is repealed.

SEC. 3. This Act applies with respect to the administration of educational assistance allowances under chapters 34 and 35 of title 38, United States Code, during semesters or quarters beginning after June 30, 1971.

BREWING SASSAFRAS TEA, THE HOOSIER WAY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. HAMILTON. Mr. Speaker, I include the following delightful account of a dying rural custom, that of preparing sassafras tea.

Mr. Elmer Shaw, a native of southeastern Indiana who is now with the Library of Congress, reflects on his Hoosier heritage in describing the preparation of this traditional spring tonic.

As we approach the greening season, perhaps we can take a moment to reflect on the art of brewing sassafras tea—Hoosier style.

An article from the Indiana Acres International Clubs Pow-Wow follows:

THE GENTLE ART OF BREWING SASSAFRAS TEA—HOOSIER STYLE

(By Elmer Shaw)

Sassafras team is a traditional spring tonic in Indiana. Old-time Hoosiers still claim that it helps thin the blood and put pep in your step. Besides, it's a mighty good drink regardless of its alleged medicinal value.

To make this delightful tea, you first of all need the bark of the sassafras root. Usually, you can buy it at Safeway or other large grocery stores, but it's more fun to dig your own. Besides, the brew from a store-bought package somehow never seems to taste quite so good as tea from bark you dig yourself.

You can do the digging any time you happen to feel like it, but the best time to grub out the roots is when the tree is dormant and the sap is down, because then the bark is more potent for tea brewing. As for me, I always preferred to dig sassafras early in the spring after the ground thaws but before the willow buds begin to swell and the green frogs start their serenade along the creek banks. At this time of year it is tonic enough just to tramp around in the hills and woods hunting for a good patch of sassafras. To a boy, the hunt is almost as invigorating as going barefoot for the first time each spring.

Identifying this sought-after tree is no problem. The easiest way is by smell. Leaves, stems, wood, bark, and roots, all have an unmistakable fragrance—so does the tea. One good sniff of its distinctive aroma and you are an identification expert.

Another identity clue is the green bark. On all the smaller twigs and young shoots the bark is smooth and pale green. On the trunk and large limbs the bark becomes rough and reddish gray.

The leaves, too, have their peculiarties. Part of them are shaped like mittens. On some, the lop-sided leaf lobe gives the appearance of a left-handed mitten. On others, the pattern is right-handed. And some have two lobes or no lobes at all, as shown in the illustration.

Sassafras trees grow wild in most parts of eastern United States, especially in the hill country, along fence rows, and on abandoned farms. As a boy I grubbed many a sassafras patch out of my dad's fence rows on his 80-acre clay farm near Holton, Indiana down in the Ohio-Kentucky corner of the State. Actually, I did two jobs at one time—cleaned the fence rows and got plenty of root bark for tea.

Also I used to chew the fresh bark mixed with slippery elm as a substitute for chewing gum. A good chaw of this slick, tasty mix helped keep me from getting too thirsty while cutting green briars, sumac, and witch hazel along the fences.

Not until I became a land owner myself could I understand why dad was so particular about his fence rows. Other farmers didn't seem to care how many briars and bushes grew along their fences. They figured a little extra brush made good cover for quail. But not dad; he was different. He wanted the fences clear so all the neighbors could see how straight his corn rows were. I could never keep the team in hand well enough myself to plant a straight row of corn.

"You spend too much time daydreaming," dad would say as he sighted down the tracks of the corn planter.

"Old Tom is too bullheaded," I would say. "That horse is downright ornery!"

But dad had a way with horses. He made them mind. And when he plowed a deadfurrow. I'm sure it was the straightest ditch in Otter Creek Township if not in all of Ripley County. I never did learn to plow the way he did. I reckon I just didn't care as much. Anyhow, I was good at digging sassafras.

Grubbing out the small trees to get at the roots was hard work, but it was worth it. After the roots were exposed, I would cut them up in short lengths, trim away the small fibers, scrub the root sections vigorously to remove the yellow clay, then peel off the bark and dry it slowly to prevent mildew.

Brewing the tea is the easiest part of the whole procedure. I still do it just about the way my mother did 40 years ago—except I use a modern electric range. She would take about one-fourth teacup of dried bark, tie it up in cheesecloth, place it in a kettle, add about one quart of water, and then let it simmer on the old cook stove until the water took on a deep pink color.

I always wanted to put more kindling in the stove, but mother would say, "Don't hurry the first brewing. It takes a while for the bark to soak and give up its flavor. No need to boil the water. Slow and easy does it."

In an hour or so she was ready to serve the fragrant drink. She would pour it into a cup and add plenty of sugar—at least a couple of teaspoons. Even before it was cool enough, I would start sipping. There's nothing quite like sassafras tea made in the old-fashioned Hoosier way.

The same tea bag can be used for two or three brewings or until the bark loses its strength. Then it's time to fix another tea bag and start over again. If you have plenty of bark, you can have the tea all year long. But for me, the brewing urge comes on about the time the dogwood begins to bloom, and usually lasts all spring.

But even in Indiana, the time-honored tonic isn't cherished the way it used to be. Times are changing. The family farms are disappearing. The team and plow has given way to huge tractors. And nowadays most country boys have other things to think about besides fence rows, sassafras, and making tea.

Now that I live in Washington, D.C., I can no longer dig my own tea roots—except on rare vacations at the old home place. Yet, for me, the flavor and the lift from the tea is still there; and with it, the boyhood memories of limestone ledges, cool beech woods, and whippoorwills.

ECONOMIC CONVERSION: THE NEED FOR PLANNING AND "IMAGINATIVE REDIRECTION"

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. HARRINGTON. Mr. Speaker, ours is a war economy. The past 30 years have witnessed a ravenous increase in our military appetite until the projection for weaponry in our 1972 budget is almost 34 percent of our total anticipated spending.

The care and feeding of the military has come in many guises: Not only increased weapons expenditures, but the gorging of our defense industries with fat Government contracts. We have made weaponry construction so profitable, we have created such an effective propaganda mystique regarding national security, we have fostered such a strong economic need based upon a weapons culture that the reversal of this trend has become increasingly difficult.

Economic conversion, however, is a necessity. Our floundering economy is witness to this fact. We have 6 percent of our employable population unemployed with the possibility that this figure will reach 10 percent. As we attempt to move in the direction of a less defense oriented economy we can only expect increasing strains on the employment market unless we provide for effective conversion.

Conversion will only move ahead effectively if planning, initiative, and innovation are the basic ingredients. To date there has really been no concerted conversion planning. There has been no national goal to move our economy in the direction of conversion. There must be an imaginative redirection of our funding priorities as has been called for by Prof. Ronald F. Probstein of MIT. This must be done most importantly by the administration. The need is for new markets and reallocated funds.

The conversion market must be created, and as such groups as the National Urban Coalition realistically inform us, the market is potentially there. We need 3 million new homes a year, we need better and more mass transit, we need more schools, we need a new control system in the airways.

Allocation of our national funds must be seen in the light of our total societal needs, as Lt. Gen. James M. Gavin, board chairman of Arthur D. Little, Inc., has said. Conversion can be effected, our social needs can be met, and military spending can be cut if the needed innovation and planning that has been applied to building a military machine is applied to building a domestic market.

I commend the following five-part series of editorials from the Boston Globe regarding conversion to my colleagues' attention. They delineate the overall conversion problems we are now faced with and provide some important food for thought and action.

[From the Boston Globe, March 1, 1971]

CONVERSION: HOW, WHEN, IF—1

There has been no lack of official "assurances" that all is well or soon will be, on the industrial conversion front. But all is not well, and assurances to the contrary could be disastrous.

"We shall plan now," said President Nixon in his inaugural address on Jan. 20, 1969, "for the day when our wealth can be transferred from the destruction of war abroad to the urgent needs of our people at home."

Again, last June, the President declared his intention "to deal with the problems of a nation in transition from a wartime to a peacetime economy. . . . The cuts in defense spending mean a shift of job opportunities away from defense production to the kind of production that meets social needs. This will require adjustments for many employees and businesses."

As the President spoke, unemployment was at five percent; 400,000 military and civilian employees had been released from the armed forces; defense spending cutbacks had reduced the job supply by 300,000.

"Many workers in defense industries," said the Labor Department, taking its falsely optimistic cue from the President, "could shift easily to civilian goods."

WORSE IS FORESEEN

Neither the planning of which Mr. Nixon spoke nor the ease of the workers' shift to civilian production is much in evidence. Unemployment has risen to more than six percent and is heading, by some calculations, toward the eight to 10 percent level. Jobless rolls for the first time in decades include thousands of scientists, engineers and managerial personnel. Ten thousand such in Boston's Route 128 and 495 complex of aerospace and electronic industries will be the first to attest that the ease of the shift to new jobs has been somewhat overstated, to put it mildly.

The problem is far from simple. It is complicated by one of the great economic curios—inflation in the midst of recession, a recession which will in no way be eased by the estimated 1.9 million job closeouts anticipated in the military, civil service and defense areas in 1971-72. So it well may be that something more fundamental than conversion is involved, a possibility that will be explored in the final editorial of this series. Conversion, in any event, is a nut that does not easily yield to cracking. The nation for approximately 30 years has been living in a war and defense economy, spending up to one-third or more of its national budget on weaponry (34 percent of $229.2 billion in Mr. Nixon's '72 projection), and there is little indication of the defense industry's desire to change things.

The problem of converting or trying to convert from war to peace is not new. As contrasted with other periods, it is merely more difficult because of the sophistication of today's weaponry. Some 80 percent of the military supplies in World War I consisted of "standard goods" easily produced by normal peacetime production lines, as Assistant Treasury Secretary Murray L. Weidenbaum has noted.

SENATE TESTIMONY CITED

The special purpose portion climbed to almost 50 percent in World War II. It climbed to 90 percent as the Indochina war escalated. Whereas defense or war contractors after World War I welcomed the opportunity to return to familiar civilian markets (that being all there then was), the civilian marketplace today is a mystery for industries and businesses that were born in a defense and war economy and have dealt with none but the military throughout their entire lifetime.

Illustrative is the experience of a Senate committee studying a proposal for a national economic conversion commission. It solicited the opinions of 118 major defense industries, the mayors of 18 major cities and the leaders of seven labor unions. The committee had anticipated an enthusiastic response to the proposition that the technology and ingenuity of the space and war industries, as well as some defense expenditures, could be converted, with government help, to equally dramatic accomplishments in the area of such public needs as housing, hospitals, schools, pollution control and the design of adequate mass transit systems. But responses were received from only about half of those whose interest, it was hoped, might be stimulated—69 industries, five mayors, two labor unions. And of these, the great majority was negative.

"The responses," says Sen. Abraham Ribicoff (D-Conn.), chairman of the committee, "indicate that private industry is not interested in initiating any major attempts at meeting critical public needs. Most industries have no plans or projects designed to apply their resources to civilian problems. They indicated an unwillingness to initiate such actions without a firm commitment from the government that their efforts will quickly reap the financial rewards to which they are accustomed. Otherwise they are eager to pursue greater defense contracts."

The National Security Industrial Association, founded in 1944 as the spokesman for 300 defense contractors, said much the same thing in a letter to President Nixon last September:

"We find that national policy makers are naturally and understandably preoccupied with meeting today's fiscal and social problems and thus do not find it possible to give weight in procurement funding and contract placement to the maintenance of a properly balanced minimum industrial mobilization base required to meet the unique military needs of national security. . . . It is respectfully and urgently recommended that you establish a high priority program to determine the size and state of the industrial base needed to support the force and materiel requirements for defense during the '70s, and take the steps necessary to protect and maintain that base . . ."

UNHAPPY ALTERNATIVE

The letter was written by H. B. Chapman 3rd, the NSIA chairman, whose AAI Corporation in Baltimore has been manufacturing test equipment, weapons and munitions for 21 years. His contracts totaled $30.2 million last year. His letter expresses the view of the defense industry as such. But he is himself greatly concerned as he views the emphasis placed on defense contracts to the comparative exclusion of other imperatives. He stresses the need "for a viable program to satisfy our domestic wants" and wonders, as Government itself should be wondering, "what we will have left in this country 20 or 30 years from now if government and industrial leaders do not soon put their heads together." Lt. Gen. James M. Gavin, chairman of the board of Arthur D. Little Inc. thinks we may not have even that long. The view does not appear to be far removed from that of Sen. George S. McGovern (D-S.D.), author of a pending bill to create a national economic conversion commission:

"Unless alternatives to war industry are found, we may find ourselves one or two years hence casting routine votes for more outlandish military devices than anything we can conceive today, done with the usual proclamation about 'national security' but with an even keener sense of the potential for economic collapse among our constituencies."

[From the Boston Globe Mar. 2 1971]

CONVERSION: HOW, WHEN, IF—2

The conversion of the defense industry to civilian pursuits will remain a will-o'-the-wisp so long as the industry and its Midas client, the Department of Defense, are able to keep the American people convinced that the nation's only security lies in the expenditure of $70 billion to $80 billion and more every year for the weapons of war. History, as so often happens, is repeating itself.

At the close of World War II the nation had a right to expect that its resources would be devoted mainly to its domestic needs. The demand for demobilization (slowed to hold down the ranks of persons seeking nonexistent jobs) rose to clamorous heights. The war was over. It was time for peace.

To quiet public demand that the nation get on with the business of living, it was necessary, in the late Sen. Arthur Vandenberg's revealing phrase (as quoted in "The Pentagon Watchers," Doubleday), "to scare the hell out of the country." The then Secretary of State, Dean Acheson, repeated the illuminating phrase, asserting that the country "had to be scared" into supporting the Truman Doctrine.

DEFENSE OR PUMP PRIMER?

"It is part of your responsibility," Mr. Acheson told the first graduating class of the Armed Forces Information School in 1948, "to make citizens aware of their responsibility to the services."

This was a new doctrine in a nation where the responsibility traditionally had been just the other way around. But Washington has been at it ever since, "scaring the hell out of the people," spending more than $1 trillion ($1000 thousand billion) on national security in the meantime, yet still frightening us with polemics on insecurity and spending, according to Sen. J. W. Fulbright (D-Ark.), up to $400 million a year on the propaganda to do it.

This is not to say that Mr Vandenberg and Mr. Acheson or, for that matter, the munitions makers and their Defense Department client are or were evil men. It is to say only what need to be weighed carefully if conversion is to become possible. This is the claim of many that the defense industry is operating not only as a security or defense mechanism but as a device (demonstrably not a very good one) for pumping dollars into the economy.

"The United States," it was said two years ago by Dr. Ralph E. Lapp, a Manhattan Project scientist and later a consulting physicist specializing in defense problems, "is becoming a weapons culture. The health of our entire economy has come to depend on the making of arms. The machinery of defense . . . has become a juggernaut in our society . . . Our commitment to weaponsmaking has distorted the free enterprise system into a kind of defense socialism, a system in which the welfare of the country is permanently tied to the continued growth of military technology and the continued stockpiling of military hardware."

EISENHOWER SAW DANGER

Dr. Lapp was breaking no new ground. The late President Eisenhower, hardly a professional pacifist, had said virtually the same thing years earlier not only in his familiar warning that the nation should beware the military-industrial complex, but in zeroing in even closer when he cut $5 billion from the Air Force budget in 1953:

"National survival rests on security with solvency, not in heeding noisy trumpeting about dazzling military schemes and untrustworthy programs."

It was for such utterances that Mr. Eisenhower was branded as a Communist agent by the Far Right.

Former Defense Secretary Robert S. McNamara was certainly no pinch-penny. But he, too, has bluntly stated the problem which confronts the nation now as it did in his own tenure at the money spout:

"There is a kind of mad momentum in such spending. If a weapons system works, there is a strong pressure from many quarters to procure and deploy it out of all proportion to the prudent level required."

There is not only "strong pressure." There are also cost-overruns estimated at $25 billion in one year.

The campaign to "scare the hell out of the country," and thus make it an instance of disloyalty and treachery to question official judgment, goes on apace despite President Truman's experience in 1948. At that time it was disclosed (U.S. News & World Report) that Mr. Truman was greatly concerned because the fear of Russia persisted in the nation after the official line had changed from war scares to the prospect of peace. It is easy to turn on a war psychology and a consequent escalation in defense spending, but very difficult to turn it off. Instead of security, it is the ultimate insecurity that it invited by the fright mongering which makes the squandering of billions acceptable.

"We are on the verge of turning into a military nation," Sen. Fulbright, chairman of the Foreign Relations Committee, asserted last November in his book, "The Pentagon Propaganda Machine," (Liveright, New York), thus supporting retired Gen. David M. Shoup, one-time Marine commandant, in Gen. Shoup's warning that "we have become a militaristic and aggressive nation."

WEAPONS MEAN PROFITS

"For the industrialist," says Sen. Fulbright, "weapons means profits; for the worker, new jobs and the prospect of higher wages; for the politician, a new installation or defense order to ingratiate himself with his constituents. Military expenditures today provide a livelihood for some 10 percent of our work force. There are 22,000 major corporate defense contractors and another 100,000 subcontractors. Defense plants and installations are located in 363 of the country's 435 congressional districts . . . These millions of Americans who have a vested interest in the weapons system spawned by our global military involvements are as much a part of the military-industrial complex as are the generals and the corporation heads. They have had a direct influence on a weapons development policy that has driven the US into a spiraling arms race . . . The American public has become so conditioned by crises, by warnings, by words that there are few, other than the young, who protest what is happening."

It is all this the American people will have to reverse before the nation can get on with the essential problem of conversion, assuring a reordering of national purpose so that public funds now squandered on defense that is not defense may be applied, instead, to housing, pollution, hunger, schools, health and other needs at home.

[From the Boston Globe, Mar. 3, 1971]

Conversion: How, When, If—3

In his testimony before a House Conservation and Natural Resources subcommittee, Prof. Ronald F. Probstein of the Massachusetts Institute of Technology made a point with regard to the jobless in Boston's aerospace and electronic industries that applies also to others, especially technicians, in the whole defense industry—not to mention New England's shoe and textile industries.

This is that the talents of these men would not now go begging, nor would the defense industry be so understandably concerned with the possibility of lost profits in a conversion to peacetime needs, if the role of technological research, development and production were better understood in the government agencies and industries dealing with environmental and other social problems. With better understanding and better planning and less frightmongering in Washington, the defense industry could convert without collapsing. The collapse to be feared is not of the defense industry when, as and if it converts, but of American democracy if it does not.

"What is not wholly understood," said Prof. Probstein, "is that aerospace firms, for example, do not require major retraining of personnel and great physical reconversion and dislocation, but, rather, they need imaginative redirection.

REDIRECTION IS LACKING

"After all, their technical and scientific personnel were not trained to develop lunar landers or design supersonic transports. They were trained as computer scientists, electric engineers, physicists, material engineers, chemists, mathematicians, designers, business administrators, labor managers and so forth. Not many of them studied manned space flight problems in the colleges and universities they attended. They represent an imaginative and successful conversion to the aerospace field. With redirection, this valuable resource of highly trained individuals could, along with their firms, reconvert in a very short time to the benefit not only of the affected individuals and concerns but, more importantly, to America as a whole."

The key phrase in Prof. Probstein's thesis is "imaginative redirection." It is this that is lacking.

The Administration, it is true, has made allowance in its '72 budget for a token increase in some of the federally funded science programs. This is in line with the insistence of George F. Shultz, director of the President's Office of Management and Budget, that "productivity and prosperity are linked closely in a technologically advanced society to job-creating advances." And Sen. Edward W. Brooke, noting that the proportion of the research and development budget devoted to domestic needs has risen only three percent in the last three years, has proposed "a substantial increase" in the funds with which the National Science Foundation can support research "into usable technical developments."

EFFECTS ARE SCATTERED

It is true, too, that sundry government agencies (Labor, Commerce, Housing and Urban Development, and Health, Education and Welfare, for instance) are touching at least lightly on conversion and related problems. The Office of Management and Budget has its own task force, Operation Transition, and so, also, does the Defense Department have its Office of Economic Adjustment. But there is little if any central direction. An observer looks in vain for cohesion and some factual evidence of something concrete rather than merely rhetorical, and he comes away from Washington with an impression of good intent and goodwill but of confused and scattered effort.

The Office of Economic Adjustment, for instance, deals with depressed communities in job training, job adjustment and techniques for attracting new industries. There is nothing wrong with this, nor is there any intent here to downgrade the office. Such efforts, however, help merely to adjust to a bad situation, not to correct it. Job training (there are more than 100 such programs) avails little when there is no job at the end of the training period. And while City A may benefit after it has wooed an industry from City B, City B then suffers in direct proportion to City A's gain. The national economy profits nothing from this game of musical chairs. Someone always remains chairless when the music stops. The problem of conversion, in short, is in no way solved, no can it be, so long as a diminishing civilian marketplace is less attractive and less manageable than is the comparatively unlimited defense market where the return on investment is (or has been) large.

What one looks for in vain is a concert of effort and a proper census of what needs to be done, how to do it and what it will cost, rather than enthusiastic but unproductive gibble-gabble about "enhancing the quality of life." It would cost an estimated $2 or $3 billion over five years to clean the Charles River, to cite just one purely parochial but typical example of how "the quality of life" could be enhanced. But such projects, as is true also of adequate low-cost housing and other needs, are still confined to oratorical flourishes and insufficient funding. It is of course easier to indict both government and industry for not doing what needs to be done than it is to lay out the specifics for doing it. But this does not alter or diminish the need, a need which government is pledged to satisfy.

It is said in Washington that the lead in matters of this kind must come from the Executive Branch, that half a thousand members of Congress cannot be expected to set policy. To this, the reply on Capitol Hill is that Congress, in that event, might as well go home. And several innovative members have indeed come forward with their own programs to get things started and help fill the void.

WHERE ARE THE JOBS?

Some of these amount merely to more job training, vital, of course, to the upgrading of skills demanded by the new technology (and especially useful in penology), but, as in the case of so many job training programs, providing no jobs at the end of the training period. One of the best of the legislative proposals is an Emergency Employment Act, proposed as a substitute for a similar act vetoed last year by the President but now endorsed in a somewhat similar proposal he himself made two weeks ago. It has been proposed by Sen. Gaylord Nelson (D-Wis.) for himself and 27 other senators, including Senators Kennedy and Brooke of Massachusetts and Sen. Edmund S. Muskie (D-Me.). Another is a proposal for a National Economic Conversion Commission drafted by Sen. George S. McGovern (D-S.D.) for himself and 29 others including, once again, Mr. Brooke, Mr. Kennedy and Mr. Muskie. Both are good tries.

But the jobs bill, funding city and state government needs, would provide only 200,000 jobs, a drop in the bucket with more then six percent of the workforce unemployed. It makes only a small bow to the theory that government is the essential employer of last resort, a theory with which taxpayers may query but the unemployed certainly will not.

The National Economic Conversion Commission should have been created when it was first proposed five years ago. But there is no way to recover the water that has gone over the dam. The commission, properly staffed, could at least be a clearing house of needs and ways to satisfy them. It could also supply the imaginative redirection so sorely needed.

[From the Boston Globe, Mar. 4, 1971]

Conversion: How, When, If—4

There are some encouraging successes in the Boston area that somewhat brighten the tragic overall picture of the defense industry's difficulty in converting from war to peace manufacturing. But they do not change the larger aspect.

Raytheon's development of a home heating plant scarcely larger than a shoebox is one. It was developed out of the company's work on power tubes for the defense establishment.

Itek Corp. of Lexington is another. When it was founded in 1957, it was a 100 percent defense industry. Now, two-thirds of its operations are non-defense and its sales last year totaled $156 million. It has broadened into vision products, prepress printing products, photocopiers and duplicators, microrecords systems, industrial measurement and automation products, and it now plans to go into microwave products. True, the acquisition of existing commercial companies by defense manufacturers is not precisely the kind of conversion that is required by the defense industry. What is required is not contraction but a widening of defense manufacturing into other areas, many of them untouched. Itek, however, by feeding in its own technology, has more than doubled the operations of its acquisitions.

EXCEPTIONS TO THE RULE

ABT Associates Inc. of Cambridge is another. It was primarily a Defense Department think tank when it was organized six years ago. Now it is 100 percent devoted to domestic and international social problems because its president, Dr. Clark C. Abt, came to the decision that defense was overemphasized to the detriment of domestic needs.

Sanders Associates Inc. in Nashua, N.H., is still in defense production but has set up a subsidiary to manufacture computer peripherals and oceanographic instruments.

The Digital Equipment Corp. of Maynard, a spinoff of the Lincoln Laboratory, went immediately into the commercial field to make medium-sized computers.

The Damon Corp. five years ago was a 100 percent defense and space industry. Last year it converted almost 100 percent to scientific educational aids and other civilian products and services.

These and others like them are exceptions to the rule, however, in the Boston area as elsewhere. Of approximately 300 aerospace and electronics companies in the Route 128 and 495 complex, one-third are described as in financial trouble with some of them facing bankruptcy because of cutbacks and closeouts of defense and space contracts. Many of them were subcontractors and were hit a double blow when the out-of-state prime contractors pulled in their horns to do more work in-house and to subcontract less.

INFLATION TAKES OVER

There is, it is true, an increase in the Defense Department budget as projected by President Nixon for 1972. But it is mostly a consequence of inflation and salary and wage increases in both the uniformed and civilian Defense Department personnel. The research and development funds applicable to industries in this area have been cut back by 15 percent, as calculated by Dr. Albert J.

Kelley, dean of Boston College's School of Management, chairman of the state Board of Economic Advisers and a former NASA administrator. Moreover, total aerospace appropriations on which the Rtes. 128 and 495 communities had thrived are down from $20.5 billion in the peak year, 1968, to a projected $16.4 billion this year. Their consequent difficulties are reflected in the 12,600 unemployed Bostonians, many of them engineers and high level technicians, who line up every week to collect their unemployment compensation—so long as it lasts.

One of the difficulties on the local scene as elsewhere has been well put by Itek's president, Franklin A. Lindsay. It is not only that New England contracts have been cut back 24 percent, the largest of any geographic area (from $3.6 billion in 1969 to $2.7 billion last year). But also, as Mr. Lindsay puts it, "The Defense Department set up a world of its own. It created a way of doing business completely different from the commercial area, from the letting of contracts right through all of the legal, accounting and management steps. No great managerial skills are required. As orders shift back and forth, you hire like mad and then cut back. It is a kind of Yo-Yo business."

It obviously takes money, not yet in evidence, and planning, still in short supply, to get out of the Yo-Yo business where there are no great demands on managerial and marketing skills (especially, marketing skills) and into civilian production which can be likened, so far as the defense industry is concerned, to a foreign country where neither the language nor the customs are understood.

"There seems to be a feeling in Washington," says Dr. Kelley, "that the impact on industry is either not the Government's problem or will go away if we don't worry about it or will be taken care of by overly optimistic predictions of an upturn in the economy."

The Consulting Engineers Council has said much the same thing at a hearing by the House Committee on Government Operations:

"It takes money, far more than is being spent, to get the conversion job done . . . Engineering consultants across the nation are operating at only 50 to 60 percent of capacity with very little work on the horizon because of a lack of an orderly, non-duplicating administration of better coordinated programs directed at the attainment of specific goals."

SEED MONEY SOUGHT

How much money is needed has not even been estimated, nor is there agreement as to where the funds should go.

Dr. Kelley urges "seed money" and guaranteed government loans to industry. Labor unions and many liberal economists, fearing further concentration of wealth, object to this as "the trickle down theory" in what is poured in at the top. They make a good case, but so do Dr. Kelley and others of like mind.

Dr. Kelley argues that "the unemployed business creates the unemployed worker," that "the snowballing and multiplier effect of a high technology community out of business cannot be isolated, that it affects every element of the national society," and that the lack of "some form of adequate Federal assistance would deal a serious blow to our economy on a national scale."

The blow, indeed, already has been struck, wholly apart from the philosophical argument as to whether the chicken or the egg comes first.

"Marketing," says Dr. Kelley, "is a traumatic change for those who have been in the government side of business. The 'management shock' in assimilating new business methods and criteria is just too much to expect the defense industry to absorb unaided . . . It usually takes one to two years for planning, strategy, financing and garage work. It does not happen overnight, especially when cash is no longer flowing in."

[From The Boston Globe, March 5, 1971]

CONVERSION: HOW, WHEN, IF—5

An unidentified spokesman for the West Coast aerospace industry is quoted in Newsweek as saying, "It's a bunch of baloney, nothing but a big snow job on the American public . . . that aerospace has all this massive brainpower ready to be utilized on the great social problems."

An East Coast munitions maker, also not for attribution, has told The Globe, "I would have to have a customer before I would spend a penny on conversion."

And still another adds that his company "could desalinate Great Salt Lake if government put up the money."

The sum total of these observations defines the defense industry to a T. Some of its elements frankly confess mental sterility resulting from decades-long dependence on a one-purpose and wasteful bureaucracy. Others understandably look for a fair profit on their stockholders' investments. All are looking for markets and the funds that finance markets, whether it be in the area of low-cost housing and the restoration of life to the dying Great Lakes or in the area of more commonplace civilian commodities.

JOB IS NOT EASY

There is nothing easy about conversion. It cannot be done with a wave of the hand, let alone without a great investment of some of the billions now squandered by Defense, the greatest spending machine in history. But it is significant that not all in the industry are sitting tight, waiting for someone else to pass a miracle.

It is not easy to convert, for instance, to pollution control, as has been pointed out by Franklin A. Lindsay, president of Itek Corp., one of half a dozen or so local defense industries which have found that managerial ingenuity has its rewards even while Washington remains firmly fixed on the seat of its pants. But easy or not, it can be done.

North American Rockwell engineers are using nuclear energy to develop a Diesel muffler to reduce exhaust contaminants (Newsweek, March 1); Aerojet-General is using rocketry techniques to develop a water desalination program and design a $7.6 million pilot plant near Los Angeles; Boeing has moved into several non-aerospace areas, including a computer subsidiary that employs 2600 and grossed $1 million in its first year. But private and local commitment and initiative are not enough.

Boeing's vice president Oliver Boileau correctly states "We are going to have to spend big money—bigger than we ever spent in going to the moon . . . The only way to do it is for the country to set goals and decide that everyone will have pure drinking water by 1975 or that we'll eliminate smog by 1980."

But it is not only pollution and smog about which Washington talks a lot but does little. One would think the nation's housing needs would have been accurately defined by now. But for the most realistic estimates in this area as well as others, one turns to such non-government agencies as say the Committee for Economic Development a group of concerned industrialists and academicians with no political fish to fry.

PRODUCE FOR PEACE

"The nation," says CED trustee Lindsay "needs 3 million new homes a year and new techniques as well as moderized codes for building them. Our airways are at a saturation point; we need a whole new control system and local skills match completely the skills needed to provide it. And medical electronics is a whole new industry, or should be."

Adequate mass transit systems are an obvious national need. And if an aircraft company on the West Coast (Rohr Inc.) can convert to build San Francisco's subway why could not this be done on a national scale as in the case of superhighways? Since cost-plus contracts can produce defense weapons, why could they not also be used to tackle domestic problems? In short since business and industry can work together in building history's greatest war machine, why cannot they similarly work together producing for peace?

It is argued that it would cost a lot of money. Of course it would. The approximately $50 billion and probably more that will be spent on destruction in Indochina during Mr. Nixon's first three years could serve (or could have served) a host of constructive purposes at home.

Lt. Gen. James M. Gavin, board chairman of Arthur D. Little Inc., is just one of the many experts who say the defense budget could be cut back to a maximum of $50 billion from Mr. Nixon's projected $77.5 billion without any risk to national security.

Even $50 billion seems high, inasmuch as our arsenal includes the weaponry either to zero in on and obliterate any world area of our choosing, as Gen. Gavin points out, or to kill everyone on earth several times over. There is room for a plethora of what Dr. Albert J. Kelley, dean of Boston College's School of Management and chairman of the state Board of Economic Advisers, calls "seed money" for conversion in the $27.5 billion that would be left over—just as (idle thought!) the nation's needs long before now could have been satisfied, with the nation all the stronger for it, if some appreciable part of the $1 trillion spent on arms since the Korean war had been spent for constructive rather than destructive purposes.

As to the civilian market for the consumer goods a converted defense industry would produce, the assessment of the National Security Industrial Association that "it isn't there" has to be taken at face value.

As private economists in Washington (Leon Keyserling, Robert Nathan and others) and some government economists, in private, point out, today's market is entirely different from the post-World War II market. There were unemployed then as now, millions of poor then as now. But industry largely had abandoned the production of civilian goods during the war. When the war ended (as this one surely will have to sometime), the civilian market was there to grab automobiles, nylons, refrigerators, radios, TVs and other goods as fast as industry could produce them.

MARKET'S ISN'T THERE

The civilian market today is confined to absolute necessities for the many and luxuries for the few. But it is not on luxury purchases that the economy thrives. A "His" and "Hers" yacht is not the same as two chickens in every pot. The more than 6 percent of unemployed and as many more who are underemployed are not going to purchase new automobiles. (For young blacks in poverty neighborhoods, it should be noted, the unemployment rate is a catastrophic 42.3 percent, and for all job-seeking teenagers it is 27.8 percent, statistics which suggest a disastrous social upheaval potential.) Welfare recipients whose numbers increased to 12.2 million last year and are increasing at the rate of 200,000 per month are in no position to rush to market, nor would they be under the Administration's family assistance plan which would not elevate them even to the officially defined poverty level. Route 128's $15,000 and $20,000 a year technicians, now exhausting their unemployment compensation, are not rushing to the market place, either, nor are the parents of the 55 million Americans under 14 who, by Mr. Nixon's own estimate, are suffering the bitter consequences of the grossly uneven distribution of wealth.

But if the civilian market for conversion simply isn't there—and isn't even being planned—how can it be created? For one thing, the Administration had better start planning soon—and realistically. And part of the planning must have to do with creating purchasing power at the lower levels through an equitable tax policy and the social techniques that are available but have never been utilized to the full—social security benefits, unemployment compensation, pensions and allowances for the poor and retired that will enable them not just to exist but to live decently. There is money for this in the defense budget, too.

"The allocation of our national resources to the country's needs," as Gen. Gavin told a Senate committee, "should be considered in the light of the total needs of all aspects of our society."

That was well said. It is not the absence of weaponry that threatens the nation. What threatens is its neglected utilities and social upheaval resulting from the cencentration of life's comforts and spending power in too few hands. The defense industry will convert and the nation will stabilize and prosper when government policies create the market for the goods industry can produce.

The nation has the resources to do all that needs to be done. What is needed is understanding, imagination and bold planning. As munitions maker R. B. Chapman 3rd has suggested, it could be that we will not have much to defend within 20 or 30 years "if government and industrial leaders do not soon put their heads together on a viable program to satisfy our domestic wants."

NEW ISOLATIONISTS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. JACOBS. Mr. Speaker, on Friday, March 12, 1971, the Washington Evening Star displayed the following words in two different stories on the lower half of its front page:

> The President said he was familiar with the arguments of the "new isolationists" (column 3).
>
> Mills helped negotiate the voluntary textile plan, which Nixon bluntly rejected yesterday. Besides calling the plan inadequate to protect U.S. textile companies against excessive competition from imports, the President . . . (column 8).

Mr. Speaker, it may be recalled that shortly prior to Pearl Harbor, Japanese envoys told Judge Cordell Hull that the trade restrictions by the United States against Japan were as severe, from the point of view of Japan, as a military attack.

There is nothing new about this kind of isolationism which most historians agree did in fact play a major role in getting us into the Pacific portion of World War II.

So what is the real lesson of history?

It is possible to deal with your neighbors who are not attacking you without attacking them.

And if those neighbors are attacking other neighbors, you should phone the police—as we did in the case of the North Korean aggression against South Korea—rather than take the law into your own hands, which is to say determine for yourself whether international aggression has occurred across a 17th parallel copiously, specifically, and clearly described in the 1954 Geneva accords as a military line of demarcation and also described in those same accords as not an international boundary.

REPORT ON THE AGING

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. OBEY. Mr. Speaker, a short while ago my hometown newspaper, the Wausau Daily Record-Herald carried a series of articles on problems facing the elderly. The stories were the result of 6 weeks of investigating all aspects of the problems of our senior citizens by Record-Herald reporter Miss Geri Nikolai.

I am inserting several of those articles in the RECORD because I think they sum up very well the frustration and almost desperation experienced by many of our elderly citizens. I think they highlight better than any remarks I could make the needs for more adequate social security legislation, more comprehensive medicare programs—most especially including the cost of prescription drugs under medicare—the need for more adequate housing for the elderly, and the need for more old-fashioned concern on the part of all of us.

The articles follow:

[From the Wausau (Wis.) Record-Herald, Feb. 11, 1971]

REPORT ON THE AGING

The Record-Herald today presents an in-depth study of the aging—their problems, their assistance, their feelings.

Miss Geri Nikolai, staff reporter, has spent the last six weeks investigating all aspects of this topic. From her interviews have come 12 stories, one on this page, the remainder on pages 4 and 5.

Miss Nikolai, daughter of Mr. and Mrs. Edmund Nikolai, Stratford Route 3, is a graduate of Wisconsin State University-Eau Claire and has been a staff reporter since Jan. 27, 1969.

Meet Mr. X.

Not much of a way to describe the elderly gentleman, but his story will provide all the description that is needed.

Mr. X and his wife live in that elite part of Wausau referred to as "the hill." His neighbors are among the most prominent of citizens in wealth and influence.

Not so Mr. X. His name isn't in the news paper's business pages or the Chamber of Commerce "past chairman of" list. He refuses to let it appear in this story to identify him. Mr. X may be afraid to see his name and story in print . . . he certainly need not be ashamed.

Born in Milwaukee, Mr. X was married in 1926 and moved to Wausau, his wife's hometown, a year later.

The couple rented quarters for a time, and in 1946 bought a modest Tenth Street home for $6,000.

"On the 10-year plan," Mr. X recalled. "And we never missed a payment," his wife added.

He worked for a drug store and later a dairy while she clerked at grocery stores and baby-sat. They made their payments and raised their only child to be a policeman.

The years flew by . . . and suddenly there was retirement. That happened one year before it was planned. Mr. X was only 64, but illness forced him to quit work.

That was in 1958. Mrs. X quit work then, too, because the couple could collect more in Social Security than they could with partial SS and her earnings.

Now it's 1971. Mr. and Mrs. X receives $182 a month in Social Security and $73 in rent for an upstairs apartment. Outside of a savings account of $300, that is all they have.

Now in their retirement years, the couple is involved in the biggest struggle of their 44 years together.

They want to spend the rest of their lives quietly and comfortably in their own home. Taxes and the cost of living make them fight for every day of that life.

New clothing of Mr. and Mrs. X consist of remade articles given them by the neighbors.

Shopping and going to church involve long walks. "We take a cab if its cold or if we buy something like a bag of flour, but we always walk one way," said Mrs. X. "It costs $1.35 for the two of us to take a cab one way to Salem Lutheran."

Food is purchased and prepared carefully in the X household. "I bought two chicken breasts and two chicken legs yesterday. That'll be three meals anyway.

"Our grandson gave us a small ham for Christmas. I stretched that along by making scalloped potatoes and pea soup. I do all our baking."

Gas bills come to $30 a month in the winter, electricity to about $8, and telephone, about $7.

But the big expense, said the couple, is medicine.

Mr. X, 76, has Parkinson's disease. His 74-year-old wife has a heart condition. Between the two of them, they require more than $40 a month in medication.

In the past, they received their medicine through Medicaid. Tightening of the financial eligibility standards, coupled with increased assessment on their home, changed that and the couple must now buy their medicines.

"I had to drop one prescription that was $7 a month for refills. The doctor said I need it, but . . ." said Mrs. X.

"He should have a new hearing aid . . . he just has a cheap one . . . but new ones are $600," she went on.

"It was an awful heartbreak when we lost medical assistance," she said.

The couple was due for still another such "heartbreak."

"Our taxes went up from $288 to $486 this year," said Mr. X.

"We went to the board of review. They said we live up on the hill among the well-to-do.

"What has that got to do with us? We've got to live somewhere.

"If I'd known that 25 years ago, I wouldn't have bought a house here."

The X's home needs a new roof, they say. It has only half a basement, and that is too low to walk in without stooping. A small home, it has two downstairs bedrooms and the one they rent upstairs.

The home was reassessed at $14,900.

"After we complained, they said they'd come and investigate," said Mrs. X. "He was here, but he never came in the house."

The visit and complaint did result in $1,000 being dropped from the assessment, Mr. X noted. But, he said, "when you almost double the taxes, what's $35?"

The couple plans to "scrape a lot" to come up with the tax money and hope for some Homestead Relief. (They will get less than a $100 rebate).

Sell the home?

"Where would we go?" asks Mrs. X.

The X's have a comrade on Kickbusch Street who is more angry when he speaks about taxes.

"Our assessment was more than doubled. Taxes went way up. We'll have to scrape the gutter all summer to pay the taxes. If we need a new pair of shoes, it'll have to wait till the taxes are paid."

Sell the house?

"Where in the heck would I go otherwise?"

Over on North Sixth Avenue lives a man who considers himself lucky.

Now 75 years old, he is still healthy enough to climb the roof of his house and shovel off the snow when it gets deep enough to be dangerous.

"So far we've been very lucky. We're holding our own," he said.

The man has a retirement pension from his company in addition to Social Security.

He built his modest two-bedroom home himself. The recent reassessment raised its value from a little over $5,000 to $12,000.

"We went to the board of review. They wouldn't listen.

"The house needs paint and a new roof. I don't know if I can swing it . . . they overdid taxes."

Sell the home?

"I've lived here almost 50 years . . . now I'm thinking to sell the house.

"If taxes keep going up, I'll have to sell, I guess."

Old, Broke, and Unable To Find Work; Here's Assistance Offered to Elderly

Picture this.

You're old. You're broke . . . like no money. You have no way of earning any.

So how did you get that way?

Maybe it was your fault. You spent money like it grew on trees and never saved for the golden years.

More than likely you did do some thinking about retirement. You may even have accumulated a neat little stack of savings, then spent it all on hospital and medical bills when a spouse was ill.

Maybe you're one of the at least 150 Marathon County elderly residents who spent their lives in employment not covered by Social Security . . . or maybe your earnings were low and your Social Security check amounts to $50 or less each month.

Maybe you're taking care of a retarded son or daughter who can't contribute to income but eat and wear clothing and need a place to sleep just the same.

Maybe you're disabled, but Disabled Aid stops at age 65.

So you hate it . . . or maybe you don't . . . but you're going to have to ask for some help. Off you go to the Marathon County Department of Social Services.

"How much is your rent," they ask. "Fifty dollars a month?"

"Then the state says you need another $63 a month to live."

That's it, friend. That's how much the government will give to support you if you have no other income.

Maybe you get $60 a month in Social Security. The county department then subtracts your $50 rental fee and that leaves you $10 to live on. Since you need $63, according to the government, the county will give you a monthly Old Age Assistance allotment of $53 to add to your Social Security.

So anyway, there you are with 63 bucks and from 28 to 31 days to use it up. That's roughly $2 a day for your food, clothing, utilities and any form of entertainment you may desire.

"Okay," the county says. "We've got a budget all figured out for you . . . and surplus foods, too.

"Our budget says you should spend $12 a month for fuel and $8 for utilities. You may have to close off some rooms if your fuel bill is too high. Eight dollars won't cover your phone, electricity and water bills? Well, we can give you an extra $5 for the phone if you may need it because of illness.

"Now you have $43 left. Spend $7 on clothing and $7 on household and personal items. That'll leave $29 for food . . . and that's your budget."

It doesn't take much pondering to figure that $29 for what should be about 90 meals is going to be a bit difficult . . . at 30 cents a meal. (Note—the food allotment for prisoners at the County Jail is 85 cents per meal).

But back to you. Thirty cents a meal might be rough. So enter the surplus foods.

In one month you are entitled to receive a maximum of: a one-pound can of fruit; a two-pound package of dry beans; two pounds of butter; a two-and-a-half pound can of either chicken, turkey, beef or pork; a 12-ounce can of egg mix; a can of fruit or vegetable juice; a pound or two of lard or shortening; a pound package of macaroni; a two-and-a-half pound can of chopped meat; two 14-ounce cans of evaporated milk; four pounds of instant milk; a pound of split peas; a pound package of instant mashed potatoes; a pound of raisins; two pounds of rice; 16 ounces of corn syrup, and a pound can of vegetables.

In addition, you may receive two pounds of cheese, five pounds of corn meal, 10 pounds of flour and three pounds of rolled oats every two months; two pounds of peanut butter and a pound of dried prunes every three months, and two pounds of bulgur (cracked wheat cereal) every four months.

That should help some, but when those five pounds of canned meat run out, you'll have to buy your own or go without. And if you run out of food money, you might take your $7 budgeted for clothes and use that, or a part of your $7 household and personal money.

Of course, if you have no cooking facilities and must eat out, you receive no surplus foods. You do, however, receive some added funds to pay restaurant checks . . . to the tune of $54 a month (soon to rise to $65) instead of the $29 for food. That gives you $1.80 (soon $2.15) a day to eat in a restaurant.

If there are two of you, the Old Age Assistance is increased. A couple is entitled to $99 a month, again in addition to their rent.

There are about 335 persons aged 65 or older on Old Age Assistance in Marathon County, according to Richard Delap, director of the county social services department.

The Old Age Assistance allotments and eligibility requirements are woefully inadequate, Delap feels.

"Even with Social Security and separate medical assistance, the people on OAA are only existing.

"They don't have a thing extra."

To qualify for OAA, a person must be over 65, have no more than $750 in an "exempt account," may own a home of reasonable value (the department figures from $10,000 to $15,000), and may have a cash value life insurance policy of up to $1,000. He is not eligible if there is a living relative who would be able to support him.

In addition, when a person is put on the OAA rolls, a lien is put on his real estate. His property is resold and the Social Service Department repaid at his death . . . if there is enough to repay, that is.

"The biggest collection in OAA I've made in 11 years was slightly more than $8,000," Delap said.

"Most are around $2,000 to $3,000 and many right around $1,000. Last month I sold a shack an OAA recipient had been living in for $760."

So Youth Oriented—Faye LaPorte Laments Plight of the Elderly

Mrs. Faye LaPorte is the last person in the world Wausau's senior citizens would expect to see in tears.

For them, the director of the Marathon County Office on Aging has nothing but a smile and some friendly advice and encouragement. But one recent day she "heard one sad story too many" and talked about the problems of aging through sadness and a touch of anger.

"This damn society of ours—it's so youth oriented. At the end of their lives there's no place for them."

Mrs. LaPorte spoke of the terrible sense of loneliness and uselessness that plagues so many elderly people.

"It doesn't just affect the poor. One gentleman used to stop in when we had offices in City Hall. He's a retired Employers Insurance executive who worked for Employers when it was located there.

"'Retirement is hell,' he said. 'I've been appointed to this city committee . . . but we don't do anything.'

"You're shelved at retirement," said Mrs. LaPorte.

"If people are over 65, we put them in the retirement category . . . they lose status and feel the deterioration socially and economically.

"They lose a sense of belonging. Even our churches are so organized. Loneliness set in . . . nobody is terribly willing to talk to an older person . . . we all move too fast. If they're a little hard of hearing, people don't have patience with them.

"They don't have money to spend . . . it's the kids that do."

Not that life is one big bowl of cherries for young people, Mrs. LaPorte noted.

"Young people have great problems, but they also have their health, their youth . . . everything's going for them.

"Young people can play society's game better. When you're old, your personality, with all its human faults, is accented."

Having to face the modern world's pace and complications can discourage and frighten the elderly, she said.

"After the reassessment in Wausau, we had 131 people come to the office asking what to do. We tried to convince them to appeal . . . many of them wanted to, but they felt it wouldn't do any good.

"It was a traumatic experience for many of them, especially the women. They're from the generation where the husband did everything . . . they just don't know where they're going to turn.

"The thing that especially concerns me is the number of people considering selling their homes because of taxes.

"Where are they going to go?"

It is pride—not Medicare or Social Security or the committee on aging—but pride, that keeps the elderly going, said Mrs. LaPorte.

"They have a tremendous resistance to charity. They think 'I made it through the depression and I'll make it now.'

"There are more than 5,000 people in Wausau over 65 and think how few will accept welfare. I've seem them eat oatmeal twice a day but they will not accept public assistance."

Even suspicion of poverty is a terrible blow to the pride of most senior citizens, she added.

"One woman, who gives every appearance of being comfortably situated, said a few weeks before Christmas she had two more items to sell the Talent Shop and then she could buy herself a needed pair of new eyeglasses."

But money isn't the only reward of Talent Shop sales, Mrs. LaPorte noted.

"To sell something gives a sense of status. They have produced something that someone is willing to pay for.

"This is at least as important as the money."

Low Cost Housing Is Well Accepted

When low cost housing for the elderly was first proposed in Wausau, it met with some opposition.

Uncle Sam doesn't have to build homes for the elderly in our town, many people said. Some retired persons vowed they would never live in such a housing project.

No longer. If there are still objections to housing for the elderly, they are mighty quiet. And the only problem at River View Tower East is that it is not big enough.

"We could build another unit of the same size (149 apartments), fill it up and still have a waiting list," said Ray Bareis, executive director.

"Right now we have a waiting list of more than 140 requests. And for everyone who filed an application and was accepted as eligible, there are three or four who said 'to heck with it. With a list like that, I'll be dead before there's room.'

"All it takes is an obituary of someone who lived at 500 Grand Ave, and the phone is ringing off the wall."

Bareis noted calls have increased and the waiting list is growing faster since the recent reassessment in Wausau.

The applicants are often in a financial bind, he said. Others are living in "obnoxious" conditions or with children who don't want them.

All have heard talk of building River View Tower West, and all are anxiously waiting.

So are Bareis and members of the Housing Authority of Wausau.

An application has been submitted to the Department of Housing and Urban Development (HUD) for another unit of identical size. Bareis and Authority commissioners have been in frequent touch with HUD officials to convince them of the need.

That much has been accomplished, Bareis said.

"They agree we need another one, but all building projects of this type have been frozen. The government ran out of money . . . as I understand it, every dime designated for housing for the elderly is gone."

The government would approve additional housing, but not the type the Wausau Authority wants, Bareis said.

HUD gave approval for a 30-apartment unit, but this would be inadequate and commissioner feel it would jeopardize chances for a larger unit later, he said.

Approval would also be given if the unit would be a county project. However, the politics and complications of setting up a Marathon County housing authority could delay this for the same period the Wausau Authority will have to wait, he said.

HUD would also approve building 100 units if they were designated for low income families. Since this would virtually eliminate the elderly, this idea also has not gained acceptance, Bareis explained.

"We haven't given up," he said. "We'll get a second building, there's no question of that.

"The only question is when."

Bareis estimated it would be from one-and-a-half to two years before funding of elderly housing projects is rejuvenated. That would mean opening of another unit in Wausau is from three to four years away.

The Housing Authority is hoping to locate the planned Tower West on the city lot near the Riverside Shopping Plaza. The location would be ideal, Bareis noted, since it is within walking distance of medical assistance and grocery stores of suitable size to assure fair prices.

JOHNSON & JOHNSON: ONE OF 10 BEST-MANAGED FIRMS IN AMERICA

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. PATTEN. Mr. Speaker, recently Dun & Bradstreet conducted a poll among 2,300 top-ranking business executives on their choice for the 10 best-managed industrial companies in America.

One of the firms selected—and cited for innnovative management—is located in the congressional district I represent: Johnson & Johnson.

Mr. Speaker, Johnson & Johnson is not only preeminent in the production of health care products. It is also one of the most progressive and responsive firms in the Nation in many areas—ranging from harmonious labor—management relations, to a real and deep interest in environmental matters.

These enlightened policies were initiated by the late and great Gen. Robert W. Johnson, chairman of the J. & J. board for many years, and continued and expanded by the present chairman, Philip B. Hoffman, whose talents, compassion and leadership are leading J. & J. to even greater preeminence.

An article from Middlesex County Industry explains the award.

J&J: ONE OF BEST-MANAGED

Johnson & Johnson, the world's leading producer of heatlh care products, has been cited as one of the 10 best-managed companies in American industry in 1970.

The company, which maintains several major installations in Middlesex County, was singled out for innovative management, one of the 10 categories included in a poll conducted among 2,300 highest-ranking business executives by Dun & Bradstreet. Johnson & Johnson's leadership in developing and marketing new products was cited in the poll.

At the same time, the company reported substantial growth and expansion during the past year. Johnson & Johnson expanded operations in 1970 to include 70 separate companies with installations in 15 states at home and in 35 foreign nations.

Over the past five years, the companies sales increased by approximately 11 per cent each year.

Johnson & Johnson's Middlesex County operations include the headquarters in New Brunswick.

Cel-Fibe and Cellulose Products Corporation are located in Milltown, as are installations for Personal Products and Chicopee Manufacturing Company. The latter also has operations in New Brunswick. Permacel is located in North Brunswick and there are facilities for the Domestic Operating Company in both New Brunswick and North Brunswick.

DISPLAYING THE FLAG

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. THOMPSON of Georgia. Mr. Speaker, the many attacks on our national emblem in recent years by irresponsible elements in our society has, I am sure, had the adverse reaction expected by those guilty of these offenses: it has stimulated respect for the flag and brought about far more display and affection for Old Glory than ever existed before.

Veterans' organizations have particularly been active in encouraging activity in flying the flag. As a result, most congressional offices in 1970 had larger requests for U.S. flags than ever in recent memory and at one time the waiting list at the stationery room was so long that it was virtually impossible to get one for constituents in less than 6 weeks.

One of my constituents has been particularly active in this regard. Mr. Charles A. Moran of the Waldo M. Slaton Post of the American Legion in Atlanta, Ga., has for 7 years had a U.S. flag owned by him flown over the Georgia State Capitol on November 22 of those years in commemoration of the death of President John F. Kennedy. He recently sent me a copy of the certificate issued by the Honorable Ben W. Fortson, Jr., the Secretary of State for Georgia, and with the permission of the Chair I wish to insert it in the RECORD at this point so that all Members may become aware of this noble effort:

SECRETARY OF STATE,
Atlanta, Ga.

This is to certify that a special United States Flag, property of Charles A. Moran, Sr., a disabled foreign service veteran of World War One, was flown over the Georgia State Capitol building on November 22, 1970, to commemorate the seventh anniversary of the death of President John F. Kennedy.

To quote Commander Moran: "This was the seventh time this request was made to the Honorable Ben W. Fortson, Jr., Secretary of State and Flag Custodian, and was met with graceful compliance, to help focus attention to this important date in our history, to pay tribute to a patriot and to encourage our fellow-Georgians to display our flag more often."

BEN W. FORTSON, Jr.,
Secretary of State, Keeper, Building and Grounds.

GEORGE L. DEMENT

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. ROSTENKOWSKI. Mr. Speaker, it is my sad task to inform my colleagues in the House of the sudden passing last Saturday of one of America's leading experts in the field of metropolitan transportation, my good friend, Mr. George L. DeMent, chairman of the board of the Chicago Transit Authority.

Mr. DeMent, past president of the Institute for Rapid Transit, had been in Las Vegas, where he was attending an executive meeting of the American Transit Association, of which he had been president since last September.

George DeMent had been chairman of the board of the Chicago Transit Authority since 1963. During this period, under his guidance, he watched it grow to become one of the Nation's largest and most efficient metropolitan transit systems.

His career, which spanned 44 years, began in 1927, after his graduation from the University of Illinois, as an engineer with the metropolitan sanitary district. In 1939, he was among the engineers selected to plan and build Chicago's initial subway system.

From 1954 to 1963, he was commissioner of public works for the city of Chicago.

Mr. Speaker, Chicago's loss is the Nation's loss.

Just last week, I had the occasion to place in the Congressional Record, his remarks before the Senate Subcommittee on Housing and Urban Affairs, in which he expressed his strong disapproval of the administration's 1971 plans for urban mass transportation.

The record he made as chairman of the Chicago Transit Authority is so outstanding that it stands as a monument to the man who made it. He not only possessed all the attributes of leadership and statesmanship, but he also had the ability to place service above self as few men have been able to do.

To his lovely wife and daughter, LaVerne and I express our deepest sympathies.

THE RURAL JOB DEVELOPMENT ACT OF 1971

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. SEBELIUS. Mr. Speaker, in view of President Nixon's rural community development message that was received by Congress last week, I think it is appropriate to focus attention on the Rural Job Development Act of 1971. This proposal initiated by Senator James Pearson has the bipartisan support of 50 Senators and over 40 Representatives.

As principle sponsor for this legislation in the House of Representatives, I am honored to have been joined by the following who are cosponsors of the Rural Job Development Act of 1971:

Mr. James S. Abourezk, of South Dakota; Mr. Bill Alexander, of Arkansas; Mr. Mark Andrews of North Dakota, Mr. Bill Archer, of Texas; Mr. John N. Camp, of Oklahoma; Mr. W. C. Daniel of Virginia, Mr. William L. Dickinson, of Alabama; Mr. Harold D. Donohue, of Massachusetts; Mr. John J. Duncan, of Tennessee; Mr. Bill Frenzel, of Minnesota; Mr. Don Fuqua, of Florida; Mr. Seymour Halpern, of New York; Mr. Orval Hansen of Idaho, Mr. Michael Harrington, of Massachusetts; Mr. James F. Hastings, of New York; Mr. Edward Hutchinson, of Michigan; Mr. Ed Jones of Tennessee, Mr. Peter N. Kyros, of Maine; Mr. Arthur A. Link, of North Dakota; Mr. Manuel Lujan, of New Mexico; Mr. Romano L. Mazzoli, of Kentucky; Mr. James A. McClure of Idaho; Mr. John Melcher, of Montana; Mr. Clarence E. Miller of Ohio, Mr. Wilmer Mizell, of North Carolina; Mr. John T. Myers, of Indiana; Mr. Bill Nichols, of Alabama; Mr. William R. Roy, of Kansas; Mr. William J. Scherle, of Iowa; Mr. Garner Shriver, of Kansas; Mr. Robert L. Sikes, of Florida; Mr. Robert H. Steele, of Connecticut; Mr. John Terry, of New York; Mr. Charles Thone, of Nebraska; Mr. Al Ullman, of Oregon; Mr. Victor V. Veysey, of California; Mr. Richard C. White, of Texas; Mr. Lawrence G. Williams, of Pennsylvania; Mr. Jim Wright, of Texas, and Mr. John M. Zwach, of Minnesota.

Every day we hear of the crisis in our Nation's cities. Crime escalates, pollution threatens the health of urban life, complexities of everyday affairs multiply, and the quality of life in general continues to decline. No one disputes the severity and crucial nature of the urban crisis, but there is another and equally important related crisis in this country: The declining economy and eroded vitality of rural America.

These problem areas are distinct; however, in terms of cause and effect, they are related. Over the past several decades, rising production expenses, higher taxes and declining farm prices have forced millions of farmers out of business, as well as the closing of many business establishments in rural communities. This coupled with the lack of adequate housing, educational opportunity, water and sewer facilities, health care facilities, community services, and general economic opportunity has created the tremendous population migration from rural to urban America.

Into the cities have come the unskilled rural poor attracted by the lure of economic advancement. Many gain, but a tragically high number do not. Instead of economic salvation, too many of the rural poor, both white and black, find tenements, unemployment, welfare and the depersonalized, demoralized environments of the slum-ghetto.

Into the cities also come the young, the educated and the talented. They often do much better materially, but for this economic gain they pay the social costs of the loneliness of the crowd, the frustrations of congested streets and crowded stores, the stultifying sameness of the bedroom suburbs, the loss of community identity, and the lack of contact with nature.

These overcrowded conditions in our cities have imposed impossible demands on urban resources to meet the requirements of transportation, education, welfare, crime control, pollution control, health care, public services, and housing. If answers are not found, the pressure of people against the resources and services of our cities of the future may simply break them down.

In short, too many communities are underdeveloped. Too many of our metropolitan areas are overcrowded. This unequal distribution of population and economic activity will surely worsen unless we take strong positive action.

To underscore this fact, statistics show that even if today's rural population were doubled by the end of this century, there would still be up to 40 million people added to the metropolitan areas.

Former President Dwight D. Eisenhower was one of the first to recognize this problem in the decade of the 1950's. His proposed solution included the location of industry in rural areas and the possibility of creating new towns in the country. This proposal, in part, reached fruition with the development of the new pilot city, Jonathan, located 20 miles southwest of Minneapolis, with an eventual population of 50,000 as it target.

The Secretary of Agriculture, Dr. Clifford M. Hardin, in announcing the creation of President Nixon's Rural Affairs Council, succinctly outlined our task in solving the problems of rural and urban America. Secretary Hardin said:

> We have to make the whole of rural America more attractive, economically, culturally, and socially. We must expand opportunity not only for the ten million farm people, but for the other 45 million residents living in the countryside. It is not enough that we think in terms of improving conditions and opportunity for the people living today in rural America, and thereby stemming the flow of people to the cities. We must do much more. We must make it a matter of national policy that we create in, and around, the smaller cities and towns sufficiently good employment opportunities and living environments that large numbers of families will choose to rear their children there.

The Rural Job Development Act of 1971, whose principal author is Senator Jim Pearson, my good friend and the distinguished senior Senator from my home State of Kansas, would encourage job-creating industries in our rural areas which would stimulate economic activity and create income opportunity and would be a logical and reasonable means of implementing rural job development. This bill should and can be an integral part of our growing commitment to deal with our Nation's urban and rural crisis.

The economic potential resulting from rural job development is tremendous. Recently a community in my congressional district of western Kansas revealed the projected impact of 100 new jobs. In Hays, Kans., according to the statistics 100 new jobs would mean: A population increase of 296 people, 112 more households, 174 total additional workers employed, 107 more registered passenger cars, four more retail establishments, $360,000 more in annual retail sales, $270,000 more in bank deposits, and $590,000 additional personal income in the community.

We must work together to find solutions to the dual crisis in rural and urban America. United, we can reverse the flow of rural people to metropolitan areas and initiate a reverse migration.

This, truly, is the turning point in our history. We must provide the tools to achieve a true population balance.

I am hopeful that the record of the 92d Congress will reveal that we operated with dispatch to meet this challenge and that we provided new opportunity and better living conditions for all Americans.

To further this most worthwhile goal, the National Federation of Independent Business, Inc., has initiated a most worthwhile program, "Operation Build America" founded on the principle of rural job development. This program is discussed in some detail in a recent statement by the federation, the largest business organization in the United States:

RURAL JOB DEVELOPMENT

> Calling attention to the fact that the National Federation of Independent Business has developed a program, "Operation Build America" to support the principle of Rural Job Development, Congressman Keith G. Sebelius of Kansas, and 40 some co-sponsors have introduced legislation to achieve this objective.
>
> The bill, heavily supported by 40 co-sponsoring members and companion legislation supported by 50 Members of the U.S. Senate, would provide limited, controlled tax incen-

tives for the creation of new employment-providing enterprises in rural and small town America.

Sponsors of the measure recognize that many of the problems which constitute the crisis of the cities can be traced to the overcrowding of people and the excessive concentration of industry. Thus the rural development movement, which ultimately seeks to slow down the great rural-to-urban migration, if successful, will be of benefit not only to our rural communities but to our cities as well. We are coming to realize that rural development is not simply a desirable objective, but indeed, a national necessity.

Spearheading "Operation Build America", radio stations throughout the nation are airing special public messages from such well known performers as Ken Berry, star of the top-rated CBS show, "Mayberry RFD," from Lorne Greene of NBC's "Bonanza" and Michael Constantine from ABC's "Room 222." In addition Jerry Van Dyke, Lloyd Nolan, Richard Long, Denies Weaver, Clu Gullager and Shirley Jones are making appeals to the public to make rural America a better place to live, and a place where people can find employment.

The objective of the project "Operation Build America" is to make it possible for job producing enterprises to be launched in the economically under-developed areas of the country to provide jobs for the young people of these communities, to check the migration of job seekers to the already swollen population of the big metropolitan area which creates almost unsurmountable problems of welfare, transportation, pollution and crime.

THE 52D ANNIVERSARY OF THE FOUNDING OF THE AMERICAN LEGION

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. PEYSER. Mr. Speaker, today is the 52d anniversary of the founding of the American Legion. This organization founded in Paris, France at the historic caucus of delegates from the First American Expeditionary Force, on March 15, 1919, was dedicated to God and country, and during its brief history it has honored that dedication.

This group of patriotic Americans has served admirably as a champion of veterans of our wars, and has served with only the best interests of our Nation in mind. It pioneered in obtaining deserved rehabilitation assistance for those who suffered physical disabilities in military service. It led the fight for deserved assistance to widows, orphans, and dependents of those who gave their lives in military service. It obtained increased educational and training opportunities for veterans with its sponsorship of the GI bill of rights and the Korean GI bill. And, of course, the American Legion played a prominent role in the creation of the Veterans' Administration in 1930. The American Legion last year spent $10 million alone for its child welfare program, and its youth training program is one of the Nation's largest, including junior baseball, sponsorship of Boy Scout troops, Boys State, and Boys National Government.

Mr. Speaker, no greater compliment can be paid, I think, than to state that the American Legion has lived up to the high standards it set for itself 52 years ago.

The largest veterans oragnization in the United States with about 3 million Legionnaires, the American Legion has enjoyed a consistent record of dedication to, and pursuit of, the American ideal. On this occasion of the 52d anniversary of the founding of this organization I join with all Americans to extend my most sincere congratulations to the members of the American Legion.

PUBLIC BROADCASTING IN MAINE

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. HATHAWAY. Mr. Speaker, it is with great pleasure that I insert in today's RECORD an article which appears in this month's edition of Down East: The Magazine of Maine. Written by Nancy Skoglund, it concerns the growth of public television in our State and the men and institutions who have been responsible for its successes. I commend both the article and the model of Maine's Public Broadcasting Service to my colleagues:

THIS IS THE MAINE PUBLIC BROADCASTING SERVICE

(By Nancy Skoglund)

Alumni Hall on the Orono campus of the University of Maine used to house the women's gym. Today it is the home of Maine's Educational Broadcasting Network. In place of athletic equipment stand television cameras, videotape recorders and other mind-boggling machines which ETV uses to bring Maine viewers national and regional shows and—most meaningful to the ambitious young television crew—programs of impact to Maine.

Noncommercial television became a reality in Maine in 1961 when Colby, Bates and Bowdoin Colleges solicited $500,000 in private funds to put WCBB Channel 10 in Augusta on the air. Two years later a legislative act and a bond issue resulted in a public educational network, supported by legislative appropriation and licensed by the Federal Communications Commission to the University of Maine. Today about 90 percent of the state's viewers live within the beam of Maine ETV's three public stations—WMEB–TV Channel 12 in Orono, WMEM-TV Channel 10 in Presque Isle and WMED–TV Channel 13 in Calais—and privately owned WCBB Channel 10 in Augusta.

Roughly 70 percent of ETV's programs are supplied either by the Eastern Education Television Network, a regional association of public broadcasting stations and production centers in the Northeast, or by the Public Broadcasting Service. PBS' major function is to supply non-commercial stations with nationally available programs—*Forsyte Saga* and *Civilisation,* for example. The remaining 30 percent of Maine's ETV programming is produced by the personnel at Orono. College-owned WCBB has no production facilities, but by mutual agreement swaps use of its transmission building at Litchfield for the privilege of tapping in on the U. of M's 700-mile microwave network.

The original justification for state sponsorship of non-commercial television was the potential role of the medium in the public schools. Initially, therefore, ETV's thrust was, and to a great extent still is, instructional. Throughout much of the school day educational videotapes rented by the State Department of Education or produced by the network are broadcast primarily for student audiences. During this time period, ETV also airs children's shows such as *Misterogers' Neighborhood, Hodgepodge Lodge,* and the award-winning series *Sesame Street.*

In the late afternoon and early evening, ETV broadcasts adult education programs, giving instruction in such subjects as foreign languages, music and vocational training. Some are produced at Orono: for example, ETV signed up the University of Maine's only anthropology professor and, by putting him on the air, enabled students state-wide to "attend" his lectures and receive college credit through the U. of M.'s Continuing Education program.

Evening scheduling, with plays, concerts and especially public affairs programs, such as those on oil at Machiasport, mental health and drugs in Maine, is the area in which Maine's public broadcasting personnel are currently most active, for they produce roughly half of it. Although the listener may not always agree with what is aired after 7 p.m., he can hardly call it dull. It is on this kind of programming that general manager John Morison and his imaginative young producers have put their personal stamp.

Suave, self-assured John Morison had logged seventeen years in television, including three years in Boston as program director for the Eastern Educational Television Network, when in the spring of 1969 the University of Maine offered him the position as manager of the state broadcasting network. Although Orono seemed remote from the center of action in his trade, Maine ETV's potential for growth was so appealing that Morison accepted the offer. "In Boston I was at the end of the pipe," he says of his former job, in which he scheduled shows produced by others. But in Maine public broadcasting he has the chance to originate lively, engaging shows himself. In his eighteen months of directorship he has expanded the network from an extension of the classroom to a broadcasting force which is beginning to lure prime-time audiences away from commercial channels.

One of Morison's most impressive tours de force was production of Bowdoin professor Louis Coxe's *Birth of a State.* After four live performances by the Portland Players in Portland's First Parish Church, this play about Maine's separation from Massachusetts in 1820 was headed for oblivion. Morison procured funds from the Maine Sesquicentennial Commission, State Commission on the Arts and Humanities and Department of Education, and bussed the Players to Orono for a one-day "shooting." This television drama, the first produced in Maine, was shown several times last fall and then offered to the State Department of Education and commercial stations.

Other productions for limited audiences which have received state-wide viewing under Morison's management are a Millinocket high school play and a Smithsonian Puppet Theatre performance of *The Thousand and One Nights.* ETV's recent production of *A Downeast Smile-In*, the first Maine-produced show to receive national distribution, brought Marshall Dodge ("I" of "Bert and I") and his dry tales, delivered in Maine dialect and ending gently "with a poke instead of a punch," into living rooms all across the country. According to the Public Broadcasting Service, *Smile-In* is one of the nation's most popular shows.

Sharing the Orono limelight until his recent move to National Public Radio in Washington, D.C. was Charles G. Herbits. While Morison is diplomatic and reluctant to be critical, Chuck Herbits obviously delighted in being the network gadfly. His outspokenness, often caustic and always witty, was occasionally apparent onstage during *Crosstalk*—a weekly interview show which last year provided a forum for diverse opinions, including those of war critics, abortion advocates, marijuana testers, deer hunting opponents and low income tenants unions, as well as those of the University chancellor and gubernatorial candidates. In addition to procuring federal funds for *A Time to Live*, a new series of entertainment and news for the elderly, one of Herbits' chief contributions to ETV was his assistance to U. of M. attorneys in their successful challenge of Section 5 of the network's enabling act, which in the past had prevented the station from broadcasting political programs. Removal of Section 5 permitted ETV to cover last November's campaigns in depth.

Taking over Herbits' post as director of program development—and replacing his pop art wall hanging with a French Impressionist print—is Calvin M. Thomas II, a distinguished, articulate young Bangor native who has been with the Maine network since 1968 as overseer of instructional programming. In expanding his scope from instructional to public television and radio, he assumes the responsibility of shaping program ideas into air-worthy shows and soliciting outside funds to help finance them.

Cal Thomas brings a background in the performing arts to his new job. In addition to his television duties, until last year he was manager of the Bangor Symphony Orchestra, and still serves on the boards of the Symphony and the Maine State Ballet Company. His family runs the Thomas School of Dance in Bangor and Portland, and Thomas himself taught there and helped to develop Husson College's dance department. While studying for an M.A. in speech at the U. of M., he became involved in public broadcasting and decided upon it as a career. Thomas' enthusiasm, characteristic of many people at ETV, appears in the glint which comes to his eyes when talking about a favorite project.

Education Perspectus, a former biweekly series on innovations in Maine education, reflected producer Thomas' interest in new ideas. On Christmas Eve ETV broadcast an hour-long "special," which he both produced and directed, featuring the Colby College Summer Music School String Quartet in a coaching session with a member of the world famous Hungarian String Quartet. Like *Birth of a State*, it will be used in instructional television as well as in evening programming. Other ideas which Thomas hopes to make into programs are shows depicting a New England Christmas, tracing a bill through the state legislature, focusing attention on Maine's Indians, and portraying how people in different parts of the state make their living. As second in command in the Orono studio, Thomas is acutely conscious of the responsibility imposed by involvement with powerful media such as television and radio, and senses that "more is expected of public broadcasting" than of commercial television because the public has a stake in it.

Whereas much of ETV's endeavors are directed at making viewers concerned about public issues, the efforts of Tobias LeBoutillier, whose special province is promotion, are aimed at keeping everyone happy. An intense, eager young man with a B.S. in physics from the U. of M., he gained experience for his present job through radio and television work in Bangor and Waterville. When he isn't on the phone with the press or editing *PG*—the network's fledgling program guide which last April took first prize in national competition—LeBoutillier can often be found in the production control room synchronizing camera shots and sound for on-the-air program promotion spots.

Director of television programming Kenneth Krall is in charge of scheduling local, regional and national programs for Maine viewing. A former promotion-publicity specialist with experience in Buffalo, New York, he teaches journalism part time at the U. of M. Assisted by the network's production staff, which falls under his directorship, Krall generates new ideas and techniques for television programming.

Recruited from Schenectady, New York to assume the duties as director of instructional television (ITV) is Erik Van DeBogart. In New York, where he earned an M.S. in education and did classroom teaching over closed circuit television, Van DeBogart was chairman of a committee which coordinated ITV selection, production and utilization for the state. At Orono he is responsible for developing and programming all ITV offerings for broadcast over the network and the closed circuit systems of the U. of M., and works in close coordination with the University's Continuing Education Division and the State Department of Education.

Last year a major innovation for Maine—public radio—was launched by the Maine Educational Broadcasting Network. Veteran broadcaster Lester Spencer, who was directing radio programming in Columbus, Ohio, was invited by the Maine network to develop its public radio station from scratch. Spencer cheerfully departed from the city and returned to his native Maine—he was born in Freindship—where he assembled several thousand stereo records and drew on the television division's public affairs facilities to create WMEH–FM, Bangor. WMEH–FM, with studios in Orono, is heard throughout a 100-mile radius and, since its first week of broadcasting last September, has been deluged with mail from listeners applauding the emphasis on classical music.

While ETV's affiliation with the University of Maine entails a measure of restraint and prohibits fund-raising on the air, it more often works to the station's advantage. Guest lecturers and special events on the Orono campus provide the network with a wealth of program material. Last year *Maine News and Comment*—a five-nights weekly show hosted by public affairs director Dan Everett—featured Senators Edmund Muskie and George McGovern speaking at Bates and Orono on Moratorium Day. CBS News bought copies of ETV's tapes of those events and flew them to New York for its 11 p.m. news. Former Catholic priest James Kavanaugh, speaking out on sex and birth control, was another guest whose television appearance resulted from his presence on campus. ETV officials admit that without University backing public broadcasting in Maine would never have got off the ground.

Staff members at the Orono studios—from students building new sets in the graphics room to the girls in the news department—all have opinions on what the network needs and what future priorities should be. Long on the want list has been a transmission tower in the Portland area including a transmitter for FM radio broadcasting. At present, ETV has transmitters at Eddington (Channel 12, Orono), Meddybemps (Channel 13, Calais) and Mars Hill (Channel 10, Presque Isle). Southern Maine viewers are supplied only by a distant signal from WCBB at Litchfield (Channel 10, Augusta) or from WENH–TV (Channel 11) in Durham, New Hampshire. The comments the Orono network receives complaining of poor reception in the Portland region indicate that at present ETV is not able to serve all the people whose tax dollars contribute to the network's $484,000 annual budget.

In addition to acquiring a fourth transmitter, ETV badly needs to update its studio equipment. Recently the network obtained a new videotape recorder which, for the first time, enables it to record color programs. Prior to this, the only ETV color shows which Maine viewers saw were those re-transmitted simultaneously with their original broadcast from regional or national networks. Statistics showing that 40 percent of all television sets in the nation and 25 percent of those in Maine are color sets make general manager Morison feel "pushed" into color. All new public broadcasting stations, he points out, are investing initially in color equipment. More important, most sources of outside funds are receptive only to ideas for color programs.

Last fall ETV's directors were successful in convincing University trustees that these needs warranted special funding. The result was a University request—presently before the legislature—for funds to enable ETV to extend adequate public television and radio broadcasting to all Maine citizens. If the legislature votes money to match the federal government's 75 percent, the network will build its transmitter in southern Maine and equip the Presque Isle facility with FM radio service to Aroostook County. In addition, new cameras and videotape recorders will replace the ten-year-old black and white instruments, which will be transferred to a van equipped as a much-needed mobile unit to make production possible anywhere in the state.

Nationally the trend in public broadcasting is expanding its role from strictly instructional television to public affairs and cultural programming. Motivated by a pronounced sense of professionalism, Maine's public broadcasting personnel appear to be keeping pace. As one observer suggested, ETV in Maine is no longer an "electronic bauble," but rather "TV that lingers in the mind after the set goes off."

TAXES RUIN BUSINESS—RAISE CONSUMER PRICES

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. COLLINS of Texas. Mr. Speaker, In 1969, Congress passed an antibusiness tax bill. Supposed to produce more taxes, it simply meant a heavier load on business and depressed the growth pattern.

A major target of this oppressive taxation was the oil business. History had proved the economic strength of oil depletion of 27½ percent. This incentive provided more oil, more gas, and more pipe lines to give lower energy costs to consumers.

Then, in 1969, the bureaucrats slashed depletion to 22 percent. This discouragement from our Nation's legislators meant that the oil drillers would have difficulties with their future explorations.

I have just read the latest figures on the depressed oil business. Rotary oil drilling last week reached the lowest level since the present reporting procedure was started in 1938. The oilwell drilling contractors release showed only 836 rotary drilling units engaged. This is 364 fewer than mid-December. The previous low was 847 units drilling back in May 1943.

Canada is not experiencing the same decline as we are having in the United States.

The power to tax is the power to destroy was a statement of Justice Marshall about 150 years ago. When America is seeking more job opportunities, we question the logic of excessive taxation that limits business activity.

All the oil news is on the Middle East. Now these countries threaten us with increased prices. At the same time we have lower reserves to meet our domestic needs.

We need oil for energy and domestic expansion. Consumers do not want to be dependent on foreign oil and gas with rapidly escalated prices. Let us get back on the right track by strengthening domestic reserves, increasing production, and providing more jobs for Americans in the oil business. The biggest step forward will be to reestablish oil depletion at 27½ percent.

GOVERNMENT MUST CORRECT BASIC PROBLEMS OF RURAL AMERICA

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. LUJAN. Mr. Speaker, the Government must move now to correct the basic problems of rural America or those problems will erupt tenfold as urban problems in a very few years.

Young people, middle-aged people, and a growing number of older people are leaving rural areas in droves. And the only place for them to go is the city. But the cities are already overcrowded and there are few job opportunities for the unskilled.

It appears to me that we have two avenues of approach to these problems:

First, for those actually engaged in farming for a livelihood, we must find ways to help them derive their fair proportionate share of the income from their product. The current trend of vertical integration—downward from processor to producer and upward from processor to retailer—appears to point the way toward this goal.

Individual food producers can no longer bargain for the best price for their product on the open market because buying power is concentrating more and more into the hands of a few processors of each commodity. The farmer's best protection is to join with other producers of the same commodity to form one bargaining unit. They are then in a position to enter into contractual or joint venture agreements with major processors whereby both the processor and producer gain economic advantage. They share each other's risks and participate in each other's profits.

Government can assist the producers by providing long-term, low-interest loans to build the necessary central storage and primary processing facilities. The Government can also provide interim markets through the Small Business Administration's 8–A program.

By encouraging vertical integration between producers, processors and retailers, we will go far toward giving the farmer a "bigger slice of the action." Opportunity for growth and profit will thus be added to the farm production field and young people will find it more attractive and challenging.

Second, but with the continued mechanization and computerization of farm operations and the resultant trend toward larger and larger farm units and fewer farm operators, it does not appear that food production will be able to provide employment for all rural young people. Yet most youngsters raised in a rural atmosphere would prefer to live there if they were assured of an opportunity to earn a livelihood. To give them this opportunity, we must assist in rural economic development by encouraging industries to direct their expansion toward rural areas rather than urban centers.

This can be done through long-term, low-interest loans for those companies that move in this direction, preferential government buying policies, tax concessions and any number of other standard economic techniques. Further, the improvement of recreational, cultural, educational, medical, and housing facilities in rural areas will assist in reaching this goal.

With these two approaches: Helping the farmer obtain his fair share of income from his product and providing off-the-land job opportunities in rural areas, we will go far toward accomplishing our aims of solving our basic rural problems.

IRISH MOTHER OF THE YEAR

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. JAMES V. STANTON. Mr. Speaker, as we prepare to celebrate St. Patrick's Day Wednesday, I wish to call to the attention of my colleagues another Irishman who by her deeds has set an example for all Americans to follow.

Mrs. James T. Kilbane has been chosen Cleveland's Irish Mother of the Year, an honor which includes leading the city's St. Patrick's Day parade. I am proud to have known Mrs. Kilbane as a friend.

An article citing her distinguished accomplishments appeared in the Plain Dealer of March 10 as follows:

MRS JAMES T. KILBANE: IRISH MOTHER OF THE YEAR NAMED HERE

Mrs. James T. Kilbane, wife of a retired policeman and mother of a former state legislator, has been named Irish Mother of the Year.

She will ride in a position of honor at the head of the St. Patrick's Day Parade here.

Mrs. Kilbane, active in Irish-American circles, was cited as "a woman whose life has reflected credit upon the Irish nationality, and whose example has been a source of inspiration to the community."

She is past president of the Yankee Division Ladies' Auxiliary, a trustee of World War I Pioneer Barrack 1 and a member of the St. Ignatius Parish Altar and Rosary Society.

Her husband is president of the Irish Civic Association. He is a native of Achill Beg in County Mayo, Ireland. They were married in 1921 and will celebrate their 50th wedding anniversary April 19.

Mrs. Kilbane was born Anna E. Gannon in the old Angle on Cleveland's West Side and graduated from St. Malachi's Academy.

The Kilbanes live at 3303 West Boulevard S.W. They have two children—Mrs. R. G. Sutter, New York, and James P., a partner in the law firm of Kilbane, McDonnell and Sweeney and former state representative and senator. They have 10 grandchildren and two great-grandchildren.

The Mother of the Year was chosen by the United Irish Societies of Greater Cleveland which sponsors the St. Patrick's Day parade.

A BILL TO RAISE SOCIAL SECURITY BENEFITS AND INCOME LIMITATION

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. SHRIVER. Mr. Speaker, it is apparent that Congress will soon approve the long-delayed across-the-board social security benefit increase. I support the action whereby this basic benefit increase has been separated from the far more controversial problem of welfare reform.

The matter of increased benefits and automatic cost-of-living increases has already been the subject of long and unnecessary delay for almost a year. On May 21, 1970, the House passed legislation which provided for these increases. That legislation then became the target of Senate delaying tactics which stalled final passage until December 29. As finally passed by the Senate, the bill included over 100 differences from the House-passed version. Agreement between the two Houses was impossible in the short time remaining in the 91st Congress.

Nearly 27 million elderly Americans depend on social security benefits to meet living costs. To most of these people, the low fixed income they receive is not sufficient to assure them a decent standard of living.

As I am saying this, it is not clear what will be recommended by the conference committee now considering these social security amendments. It is fairly certain that the bill will include a 10-percent across-the-board benefits increase and possibly the automatic cost-of-living increase.

I will support these basic increases, and I hope that they will be made retroactive to the first of this year. At the same time, I do not believe that this is enough.

Today, I am introducing legislation which would provide a more comprehensive package to assist our older Americans and to help them help themselves. I do not mean for this bill to hold up immediate action on the benefits increase, but we should not pass this increase and feel we have done all that is necessary in this area.

My bill calls for the 10 percent across-the-board benefits increase, the automatic cost-of-living increase, an increase in the minimum monthly payment from $64 to $100, and an increase in the limitation on outside earnings from the present $1,680 to $3,600 annually. I would hope that all four of these provisions would be recommended by the conference committee this week. It is important that a consolidated package such as this is enacted to combat poverty among our elderly citizens who have contributed so much to our country.

The unrealistically low outside income limitation which now exists deprives our country from further contributions which our senior citizens can and want to make. Their skills, talents, and experience should be solicited rather than discouraged, as presently is the case. By raising this limitation to $3,600, we can encourage these people to more substantially earn their own way, something they want to do very much.

The total package I have introduced would provide a floor of $100 per month for each beneficiary plus the necessary escalator clause to automatically increase all benefit levels to keep pace with the rising cost of living. When we add to this the income limitation increase to enable beneficiaries to earn their way to better living standards if they so choose, we will have gone a long way toward alleviating the financial straits now faced by millions of senior citizens.

I urge prompt consideration of this coordinated attack on elderly poverty.

THE ROOTS OF LAWLESSNESS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. SCHWENGEL. Mr. Speaker, it is not unusual these days to have members from the intellectual community and especially great historians write on public questions.

Recently Prof. Henry Steele Commager, a noted historian and highly responsible citizen with a deep concern about the destiny of America, has written a very perceptive article entitled "The Roots of Lawlessness."

I commend this article to the reading of any who may have occasion to read the CONGRESSIONAL RECORD:

THE ROOTS OF LAWLESSNESS

(By Henry Steele Commager)

"If destruction be our lot, we must ourselves be its author. . . ."—ABRAHAM LINCOLN, SPRINGFIELD, 1838.

It was in 1838 that the young Abraham Lincoln—he was not yet twenty-nine—delivered an address at Springfield, Illinois, on "The Perpetuation of Our Political Institutions." What he had to say is curiously relevant today. Like many of us, Lincoln was by no means sure that our institutions could be perpetuated; unlike some of us, he was convinced that they should be.

What, after all threatened American political institutions? There was no threat from outside, for "all the armies of Europe, Asia, and Africa combined could not by force take a drink from the Ohio or make a track on the Blue Ridge in a thousand years." No, the danger was from within. "If destruction be our lot, we must ourselves be its author and finisher. As a nation of freemen, we must live through all time or die by suicide."

This, Lincoln asserted, was not outside the realm of possibility; as he looked about him, he saw everywhere a lawlessness that, if persisted in, would surely destroy both law and Constitution and eventually the nation itself. In the end, *lawlessness* did do that—lawlessness in official guise that refused to abide by the Constitutional processes of election or by the will of the Constitutional majority. It was to be Lincoln's fate to be called upon to frustrate that lawless attack on the nation, and to be remembered as the savior of the Union. And it has been our fate to be so bemused by that particular threat to unity—the threat of sectional fragmentation—that we have failed to appreciate the danger that so deeply disturbed Lincoln at the threshold of his political career.

The explanation of our confusion is rooted in history. The United States invented, or developed, a new kind of nationalism, one that differed in important ways from the nationalism that flourished in the Old World. One difference was the enormous emphasis that Americans, from the beginning, put on territory and the extent to which American nationalism came to be bound up with the acquisition of all the territory west to the Pacific and with the notion of territorial integrity on a continental scale. The idea that a nation should "round out" its territory, or take over all unoccupied territory, was not prominent in the nationalism of the Old World. Territory there, after all, was pretty well pre-empted, and there was no compelling urge to acquire neighboring land for its own sake.

In the Old World, threats to unity had been, for the most part, dynastic or religious rather than territorial. As proximity did not dictate assimilation, distance did not require separation. But in America space and distance appeared to pose threats to the Union from the beginning. Some of the Founding Fathers, to be sure, continued to think of unity and disunion in Old World terms of interests and factions, rather than in terms of territory. This was perhaps because they had little choice in the matter or none that they could publicly acknowledge, for the United States was born the largest nation in the Western world, and the Framers had to put a good face on the matter. But Europeans generally, and some Americans, long familiar with Montesquieu's dictum that, while a republic could flourish in a small territory, a large territory required a despotism, assumed that the new United States, with boundaries so extensive, could not survive.

Jefferson and his associates were determined to prove Montesquieu mistaken. From the beginning, they formulated a counterargument that size would strengthen rather than weaken the nation. Brushing aside the warnings of such men as Gouverneur Morris, they boldly added new states west of the Alleghenies. They made the Lousiana Purchase, seized West Florida, and looked with confidence to acquiring all the territory west to the Pacific; thus, the Lewis and Clark expedition into foreign territory, something we would not tolerate today in our territory. Territorial expansion and integrity became a prime test of the American experiment, and within a few years what had been a test became, no less, a providential command: Manifest Destiny. From this flowed naturally the principle that the proof of union was territorial, and the threat to union territorial.

A second American contribution to the ideology of nationalism was, in time, to become its most prominent characteristic: the notion that national unity required not merely territorial unity but social and cultural. In the Old World, the only cultural unity that had any meaning was religious: The principle *Cuius regio eius religio* was dictated by the fact that the ruler's religion determined the religion of the state. But class distinctions were taken for granted, as were profound differences in cultural and social habits in speech, for example, or in such simple things as food and drink and dress and games.

Americans changed this pattern around. They rejected the principle of religious unity—doubtless in large part because they had no alternative—and then substituted cultural for religious unity. Americans were not expected to pray alike, but they were expected to talk alike, dress alike, work alike, profess the same moral code, and subscribe to the same legal code. Eventually, as we know, they were expected to eat the same food, drink the same liquors, play the same games, read the same journals, watch the same television programs, and even have the same political ideas—expectations never seriously entertained by, say, German or Italian nationalists.

American nationalism thus became, at a very early stage, a self-conscious affair of imposing unity upon a vast territory, a heterogeneous population, and a miscellaneous culture. Because there was indeed land enough to absorb some forty million immigrants, because those immigrants were so heterogeneous that (with the exception of the Germans and, in modern times, the Negroes) they were unable to maintain a cultural identity counter to the prevailing American culture, and because, in provisions for naturalization and opportunities for active participation, the political system was the most hospitable of any in the world, an artificial unity became, in time, a real unity. Americans managed to achieve a single language with fewer deviations than were to be found in England, Germany, or Italy; to achieve a common education—not universal, to be sure, but more nearly universal than elsewhere in the nineteenth-century world; to create a common political system, each state like every other state; and, *mirabile dictu*, to conjure up a common history and a common past.

The threat to union, as Lincoln saw it in 1838, was not sectional or economic or social or even moral; it was quite simply the "spirit of lawlessness." As early as *Notes on Virginia* (1782), Thomas Jefferson had confessed that he trembled for his country when he reflected that "God is just and his justice cannot sleep forever," and throughout his life Jefferson saw slavery as a moral threat, but in this he was more farsighted than most. The threat to union posed by slavery was unprecedented; it was a product of that elementary fact by now so familiar that we take it for granted: that deep economic, social, and moral differences assumed a geographical pattern, and that the American Constitutional system, namely federalism, permitted them to take a political pattern as well. As it happened, the sectional pattern of slavery was in mortal conflict with a very different sectional pattern, and it was this conflict that proved in the end fatal to the thrust for Southern independence: the sectionalism created by the Mississippi River and its tributaries. That, as it turned out, was the decisive fact that preserved the Union; when, in the summer of 1863, Lincoln wrote that "the signs look better," what he noted first was that "the Father of Waters goes again unvexed to the sea."

Suppose slavery had rooted itself vertically in the Mississippi Valley rather than horizontally across the South from the Atlantic to Texas. That would have given sectionalism a more rational base than it had in the South—a base that in all likelihood would have been impregnable.

Here we have one of the assumptions about American history that gets in the way of an appreciation of our distinctive characteristics. Because thirteen American states, hugging the Atlantic seaboard, became a single nation spanning a continent, we either take American unity for granted or consider fragmentation only in terms of the experiment in Southern nationalism, which misfired. But there was nothing foreordained about the triumph of unity. Why did not the vast American territory between Canada and the

Gulf of Mexico go the way of Latin America, which, with a common religion, language, and territory, nevertheless fragmented into numerous independent states?

The spectacular nature of the American achievement has bemused almost all students of American nationalism and dictated most interpretations of the problem of American unity. The transcendent fact of slavery and of the Negro—so largely responsible for creating a sectionalism that did not yield to the ameliorating influences of economy, social mobility, cultural uniformity, and political compromise—has distracted our attention from other threats, if not to union then to unity. Because we had a civil war, precipitated by sectional fragmentation, we did not imagine that we could have a revolution based on social fragmentation.

We are tempted to say of Lincoln's Springfield address that it was shortsighted of him not to have seen that the threats to union were slavery and sectionalism—something he learned, in time. We should say rather that he was farsighted in imagining the possibility of a very different threat to union: an internal dissension and lawlessness that bespoke a breakdown in cultural and moral unity. This is what confronts us today: blacks against whites, old against young, skinheads against eggheads, militarists against doves, the cities against the suburbs and the countryside—hostilities that more and more frequently erupt into open violence.

Two considerations warrant attention. First, that what Lincoln described was in fact normal—we have always been a lawless and a violent people. Thus, our almost unbroken record of violence against the Indians and all others who got in our way—the Spaniards in the Floridas, the Mexicans in Texas; the violence of the vigilantes on a hundred frontiers; the pervasive violence of slavery (a "perpetual exercise," Jefferson called it, "of the most boisterous passions"); the lawlessness of the Ku Klux Klan during Reconstruction and after; and of scores of race riots from those of New Orleans in the 1860s to those of Chicago in 1919. Yet, all this violence, shocking as it doubtless was, no more threatened the fabric of our society or the integrity of the Union than did the lawlessness of Prohibition back in the Twenties.

The explanation for this is to be found in the embarrassing fact that most of it was official, quasi-official, or countenanced by public opinion: exterminating the Indian; flogging the slave; lynching the outlaw; exploiting women and children in textile mills and sweatshops; hiring Pinkertons to shoot down strikers; condemning immigrants to fetid ghettos; punishing Negroes who tried to exercise their civil or political rights. Most of this was socially acceptable—or at least not wholly unacceptable—just as so much of our current violence is socially acceptable: the 50,000 automobile deaths every year; the mortality rate for Negro babies twice that for white; the deaths from cancer induced by cigarettes or by air pollution; the sadism of our penal system and the horrors of our prisons; the violence of the police against what Theodore Parker called the "perishing and dangerous classes of society."

What we have now is the emergence of violence that is not acceptable either to the Establishment, which is frightened and alarmed, or to the victims of the Establishment, who are no longer submissive and who are numerous and powerful. This is the now familiar "crime in the streets," or it is the revolt of the young against the economy, the politics, and the wars of the established order, or it is the convulsive reaction of the blacks to a century of injustice. But now, too, official violence is no longer acceptable to its victims—or to their ever more numerous sympathizers: the violence of great corporations and of government itself against the natural resources of the nation; the long drawn-out violence of the white majority against Negroes and other minorities; the violence of the police and the National Guard against the young; the massive and never-ending violence of the military against the peoples of Vietnam and Cambodia. These acts can no longer be absorbed by large segments of our society. It is this new polarization that threatens the body public and the social fabric much as religious dissent threatened them in the Europe of the sixteenth and seventeenth centuries.

A second consideration is this: The center of gravity has shifted from "obedience" to "enforcement." This shift in vocabulary is doubtless unconscious but nonetheless revealing. Obedience is the vocabulary of democracy, for it recognizes that the responsibility for the commonwealth is in the people and appeals to the people to recognize and fulfill their responsibility. Enforcement is the language of authority prepared to impose its will on the people. Lincoln knew instinctively that a democracy flourishes when men obey and revere the law; he did not invoke the language of authority. We are no longer confident of the virtue or good will of the people; so it is natural that we fall back on force. The resort to lawless force—by the Weathermen, the Black Panthers, the Ku Klux Klan, the hardhats; by the police in Chicago; by the National Guard at Orangeburg, South Carolina, and Kent, Ohio; or by highway police at Jackson, Mississippi—is a confession that both the people and their government have lost faith in the law, and that the political and social fabric that has held our society together is unraveling: "By such examples," said Lincoln at Springfield, "the lawless in spirit are encouraged to become lawless in practice."

It has long been our boast—repeated by the President's Commission on Violence—that notwithstanding our lengthy history of violence we have never had a "revolution," and that our political system appears to be more stable than those of other nations. Our only real revolution took a sectional pattern and was not called revolution but rebellion; since it was rationalized by high-minded rhetoric, led by honorable men, and fought with gallantry, it speedily took on an aura of respectability, and to this day Southerners would be outraged by the display of the red flag of rebellion proudly wave the Stars and Bars of rebellion.

Thus, like most of our violence, violence against the Constitution and the Union, and by implication against the blacks who were to be kept in slavery, is socially approved. Where such violence has been dramatic (as in lynching or industrial warfare), it has not been widespread or prolonged; where it has been widespread and prolonged (as in slavery and the persistent humiliation of the Negro), it has not been dramatic. Where its victims were desperate, they were not numerous enough or strong enough to revolt; where they were numerous (never strong), they did not appear to be desperate, and it was easy to ignore their despair. Now this situation is changing. Lawlessness is more pervasive than ever; the sense of outrage against the malpractices of those in power is more widespread and articulate; and the divisions in society are both deeper and more diverse, and the repsonse to them more intractable.

One explanation of our current malaise is that it seems to belong to the Old World pattern rather than that of the New. Much of the rhetoric of the conflict between generations is that of class or religious wars—class war on the part of, let us say, Vice President Agnew; religious protest on the part of Professor Reich and those involved in what he calls "the greening of America." If this is so, it goes far toward explaining some of our current confusion and blundering: the almost convulsive efforts to distract attention from the genuine problems of environment, social injustice, and war, and to fasten it on such phony issues as campus unrest or social permissiveness or pornography. What this implies is ominous: Our society is not prepared, either by history or philosophy, for the kind of lawlessness and violence and alienation that now afflict us.

Why is this so ominous?

Traditionally, our federal system could and and did absorb regionalism and particularism, or channel these into political conduits. More accurately than in any other political system, our representatives represent geographical places—a specific Congressional district or a state—and our parties, too, are organized atop and through states. Our system is not designed to absorb or to dissipate such internal animosities as those of class against class, race against race, or generation against generation.

A people confident of progress, with a social philosophy that assumed that what counted most was children and that took for granted that each new generation would be bigger, stronger, brighter, and better educated than its predecessor, could afford to indulge the young. "Permissiveness" is not an invention of Dr. Spock but of the first settlers in America. Today, a people that has lost faith in progress and in the future, and that has lost confidence in the ameliorating influence of education, indulges instead in convulsive counter-attacks upon the young.

A nation with, in Jefferson's glowing words, "land enough for our descendants to the thousandth and thousandth generation" could indulge itself in reckless exploitation of that land—the mining of natural, resources, the destruction of deer and bison and beavers, of the birds in the skies and the fish in the streams, and could even (this was a risky business from the beginning) afford to ignore its fiduciary obligations to coming generations without exciting dangerous resentment. But a nation of more than two hundred million, working through giant corporations and giant governments that ravage, pollute, and destroy on a scale heretofore unimagined, cannot afford such self-indulgence. Nor can it persist in its habit of violating its fiduciary obligations without outraging those who are its legal and moral legatees.

A nation that had more and better land available for its people than any other in history and that, for the first time, equated civilization with the pastoral life and exalted the farmer over the denizen of the city could take urban development in its stride, confident that the city would never get the upper hand, as it were. Modern America seems wholly unable to adapt its institutions, or its psychology to massive urbanization, but proceeds instead to the fateful policy of reducing its farm population to a fraction and, at the same time destroying its cities and turning them into ghettos that are breeding places for crime and violence.

A system that maintained and respected the principal of the superiority of the civil power over that of the military could afford to fight even such great conflicts as the Civil War, the First World War, and the Second World War without danger to its Constitution or its moral character. It cannot absorb the kind of war we are now fighting in Southeast Asia without irreparable damage to its moral values nor can it exercise power on a world scale without moving the military to the center of power.

No nation could afford slavery, certainly not one that thought itself dedicated to equality and justice. The issue of slavery tore the nation asunder and left wounds still unhealed. Here is our greatest failure: that we destroyed slavery but not racism, promised legal equality but retained a dual citizenship, did away with legal exploitation of a whole race but substituted for it an economic exploitation almost as cruel. And this political and legal failure reflects a deeper psychological and moral failure.

Unlike some of our contemporary politicians, Lincoln was not content with decrying lawlessness. He inquired into its causes and less perspicaciously, into its cure. In this inquiry, he identified two explanations that illuminated the problem. These—translated into modern vocabulary—are the decline of the sense of fiduciary obligation and the evaporation of political resourcefulness and creativity. Both are still with us.

No one who immerses himself in the writings of the Revolutionary generation—a generation still in command when Lincoln was born—can doubt that the sense of obligation to posterity was pervasive and lively. Recall Tom Paine's plea for independence. " 'Tis not the concern of a day, a year, or an age; *Posterity* are virtually involved in the contest and will be . . . affected to the end of time." Or John Adams's moving letter to his beloved Abigail when he had signed the Declaration of Independence: "Through all the gloom I can see the rays of ravishing light and glory. *Posterity* will triumph in this day's transaction." Or Dr. Benjamin Rush's confession, after his signing, that "I was animated constantly by a belief that I was acting for the benefit of the whole world and of future ages." So were they all.

The decline of the awareness of posterity and of the fiduciary principle is a complex phenomenon not unconnected with the hostility to the young that animates many older Americans today. It is to be explained, in part, by the concept of an equality that had to be vindicated by each individual; in part, by the fragmentation of the Old World concepts of family and community relationships, which was an almost inevitable consequence of the uprooting from the Old World and the transplanting to the New; in part, by the seeming infinity of resources and the seeming advantages of rapid exploitation and rapid aggrandizement; in part, by the weakness of governmental and institutional controls; in part, by the ostentatious potentialities of industry and technology, the advent of which coincided with the emergence of nationalism in the United States; and, in part, by the triumph of private enterprise over public.

However complex the explanation, the fact is simple enough: We have wasted our natural resources more recklessly than has any other people in modern history and are persisting in this waste and destruction even though we are fully aware that our children will pay for our folly and our greed.

Lincoln's second explanation—if it can be called that—was that we had suffered a decline of the creativity and resourcefulness that had been the special distinction of the Founding Fathers. "The field of glory is harvested," he said, "the crop is already appropriated." Other leaders would emerge, no doubt, and would "seek regions hitherto unexplored." At a time when Martin Van Buren was in the White House, to be succeeded by Harrison, Tyler, Polk, Taylor, Fillmore, Pierce, and Buchanan, that expectation doubtless represented the triumph of hope over history. But the decline of political creativity and leadership was not confined to this somewhat dismal period of our history; it has persisted into our own day. We can no more afford it than could Lincoln's generation. At a time when the white population of English America was less than three million, it produced Franklin and Washington, Jefferson and Madison, John Adams and Hamilton, John Jay and James Wilson, George Wythe and John Marshall, and Tom Paine, who emerged, first, in America. We have not done that well since.

Even more arresting is the undeniable fact that this Revolutionary generation produced not only many of our major leaders but all of our major political institutions, among them federalism, the Constitutional convention, the Bill of Rights, the effective separation of powers, judicial review, the new colonial system, the political party. It is no exaggeration to say that we have been living on that political capital ever since.

Here again the explanation is obscure. There is the consoling consideration that the Founding Fathers did the job so well that it did not need to be done over; the depressing consideration that American talent has gone, for the past century or so, more into private than into public enterprise; and the sobering consideration that at a time when our chief preoccupation appears to be with extension of power rather than with wise application of resources, those "regions hitherto unexplored" appear to be in the global arena rather than the domestic. Whatever the explanation, lack of leadership is the most prominent feature on our political landscape, and lack of creativity the most striking characteristic of our political life.

It is still true that, "if destruction be our lot, we must ourselves be its author"—that the danger is not from without but from within. But . . . passions spin the plot. We are betrayed by what is false within.

For, paradoxically, the danger from within is rooted in and precipitated by foreign adventures that we seem unable either to understand or to control. We have not been attacked from Latin America or from Asia; we have attacked ourselves by our own ventures into these areas.

The problem Lincoln faced in 1838 is with us once again: the breakdown of the social fabric and its overt expression in the breakdown of the law. Lincoln's solution, if greatly oversimplified, is still valid: reverence for the law. A people will revere the law when it is just and is seen to be just. But no matter how many litanies we intone, we will not induce our people to obey laws that those in authority do not themselves obey. The most striking feature of lawlessness in America today is that it is encouraged by public examples. It is no use telling a Mississippi Negro to reverse the law that is palpably an instrument of injustice to him and his race. It is no use exhorting the young to obey the law when most of the major institutions of our society—the great corporations, the powerful trade unions, the very instruments of government—flout the law whenever it gets in their way. It is of little use to admonish a young man about to be drafted to revere the law when he knows that he is to be an instrument for the violation of international law on a massive scale by his own government. It is futile to celebrate the rule of law and the sanctity of life when our own armies engage in ghoulish "body counts," burn unoffending villages, and massacre civilians. While governments, corporations, and respectable elements in our society not only countenance lawlessness and violence but actively engage in it, violence will spread and lawlessness will flourish. We are betrayed by what is false within.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

VOICE OF DEMOCRACY CONTEST

HON. PIERRE S. (PETE) duPONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. DUPONT. Mr. Speaker, as my colleagues may be aware, the Veterans of Foreign Wars sponsors a contest each year, in which high school students are invited to enter themes about democracy in this country.

In a recent letter from Couper T. Halt, the executive director of the VFW in Delaware, I was informed that the winner of the Voice of Democracy Contest is Judi Grezlikowski.

Miss Grezlikowski, a student at the St. Elizabeth's High School in Wilmington, Del., won the contest with an entry entitled "Freedom—Our Heritage."

I think that the vigorous patriotic spirit she has shown in her essay is exemplary, I would like to have her remarks inserted in the RECORD:

"FREEDOM—OUR HERITAGE"

(By Judi Grezlikowski)

The Boston Massacre, The Revolutionary War, The War Between The States, World Wars I and II, all of these produced one thing—our amazing heritage of freedom. Freedom was the word that forced the early Revolutionary soldiers on to victory. It was the fire that raged in their hearts and the word ever-uttered on their lips. Freedom was the cry of the Negro slave, "Free at last! Free at last! Thank God we're free at last!" Freedom was precious in the hearts of those who fought to preserve it—both young and old, rich and poor black and white, all alike. Freedom was the golden flame that kept men moving, fighting and dying. Today, freedom is the Statue of Liberty standing in New York Harbor waving that glorious torch—the gleam that symbolizes our freedom. And freedom is the "Star Spangled Banner"—"O say can you see by the dawn's early light"—and our flag "Old Glory", the "Stars and Stripes", that object that represents the land of the free and the home of the brave—that object that waves over the "purple mountains majesty from sea to shining sea'.

But, more than this freedom is our right to choose—to choose our own occupation, religion, and form of government. We were granted life, liberty and the pursuit of happiness many years ago by the Declaration of Independence. Even though all these freedoms are granted us, why then do I live in a society where some people go to bed hungry, where many are afraid to walk the streets at night and no one cares enough to get involved even on a local level? Probably the best motto a person can have today is taken from the Bible, the gospel of St. Matthew, Chapter 23, Verses 39-40. "Thou shalt love thy neighbor as thyself."

Over the years people have slowly drawn away from their neighbor. They do not realize that in order to have freedom they must also let their neighbor have freedom. They must also live with, work with, and help their neighbor in the fight to preserve freedom—the heritage we all share. The pioneers understood this need and came to each other's rescue in times of strife.

Today, I live in a prosperous and powerful nation. At present my country is involved on two great battlefields. The first is our involvement in the Vietnamese War. The United States is trying to preserve the freedom of a small backward nation against the mighty forces of Communistic power. From this turmoil results the second and more disturbing problem—a problem at home, the college campus disorders. Many college students, kids just a few years older than myself are revolting against the measures the national government has taken to aid Vietnam. They are burning draft cards, evading draft laws, rioting, marching and even going so far as burning their own flag.

I am not trying to say that these college students are entirely wrong. There could be many logical reasons for their actions just as there could be many logical reasons for our Vietnamese involvement. However, on thing stands for certain. Emotion plays a big part in the disorders on the campuses and when you're fighting against nuclear weapons, your actions must be based on more than emotion.

In this the 20th Century our freedom is faced with many opponents. Chances are, however, that it will take a lot more war and hate and violence that this world has ever seen to destroy it.

This democracy we share as citizens of the United States has grown from a seed in the colonial days to a mighty oak in the 1970's. All men must die before this great creation falls. All men must die before the Statue of Liberty extinguishes her flame and all men must die before the "Star Spangled Banner" waves no more.

TRIBUTE TO WHITNEY M. YOUNG

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. MURPHY of Illinois. Mr. Speaker, the untimely death of Whitney M. Young, executive director of the National Urban League, is a tragic loss for all who believe in the dignity and betterment of man, black or white. Whitney Young believed in the politics of persuasion and, in his words, "accommodation." Rejecting the militancy of black extremists, he preferred order to chaos and promoted calm in the midst of violent reaction.

During his 49 years, Whitney Young developed a toughness of character. He believed his moderate course of action was right and suffered verbal abuse from black militants who preferred the violent upheaval of society.

He objected to labeling people and causes. When asked if he were a moderate or militant, he replied:

> It isn't a question of moderate versus militant, but of responsibility versus irresponsibility, sanity versus insanity, effectiveness versus ineffectiveness.

He worked tirelessly and behind the scenes to provide jobs for blacks. Under his direction, the National Urban League secured funds for urban job training facilities across the country. He once considered the consequences of getting off a New York commuter train at 125th Street to "cuss whitey" or continuing downtown to "talk to an executive of General Motors about 2,000 jobs for unemployed blacks." It is not difficult to imagine his preference.

Whitney Young refused to curse the darkness all around him. He established goals early in life and his struggle to achieve these goals is a fitting epitaph indeed.

FOREIGN AFFAIRS CHIEF CONTROVERSY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, the Washington Evening Star recently printed an article by Richard Wilson spotlighting the teapot tempest raging in Washington about the relative roles of the Secretary of State, Mr. Rogers, and the President's National Security Adviser, Dr. Kissinger.

For the information of my colleagues I am including the text as a part of my remarks at this point:

Fulbright vs. Nixon, Rogers and Kissinger

Sen. Symington's laughable statement that Secretary of State Rogers is the laughing stock of the Washington cocktail circuit affords an opportunity to express some convictions which have grown from two years of reasonably close observation of the Nixon-Rogers-Kissinger control of American foreign affairs.

In short, they have all learned a great deal. Rogers has hardened. The presidential national security adviser, Dr. Henry A. Kissinger, has broken with accepted academic concepts. In his passion for definition, Nixon has redefined and hardened a doctrine which might have once been considered a measured withdrawal from responsibilities of world leadership.

Thus, they have all hardened under the pressure of a continuing and severe confrontation in a real world of unrelenting adversaries.

This is not an uncommon experience for those at the summit of power and authority, but one shared with other Presidents, other secretaries of state, and other presential advisers on national security.

It is not so much that Sens. Symington, Fulbright and others think that Kissinger has become an Over-Secretary of State, with Rogers trailing ineffectually along. The heart of the matter is that Rogers, Kissinger and Nixon have consolidated their attitudes, have learned from each other and the world at large, and have come to conclusions contrary to those prevailing in the Senate Foreign Relations Committee. There is no dispute on policy between Nixon, Rogers and Kissinger.

This is especially galling where Rogers is concerned, because he was originally conceived to have a softening influence on Nixon. There were thought to be significant gradations between his attitudes and those of his predecessor, Dean Rusk, which would be more pleasing to the anti-war elements in the Foreign Relations Committee who could neither intimidate Rusk nor change him.

That has proved to be a miscalculation, and while Rogers may seem more agreeable and complaisant than the adamant Rusk, he is no less committed to Nixon's policies than was Rusk to those of President Johnson and presidential adviser Walt Rostow.

So, the disappointment is showing now in such ill-conceived statements as those of Symington, and in Fulbright's equally laughable pose that he does not know what is going on. Columnists are being told more than he, Fulbright complains, although he has had Kissinger at his home for secret and private sessions. Rogers is willing to fill him in at any time and everybody who disagrees with Nixon's policy comes running to him.

Fulbright knows all too well what is going on; it is just that he does not like it and wishes to get Kissinger and Rogers in the open before the Foreign Relations Committee so that he can try to do to them what he tried to do to Rusk—challenge and discredit the policy and the officials responsible for it.

Kissinger is the despair of the cocktail circuit. This witty fellow from Harvard is a traitor to his class. He should be slyly undermining Nixon's policy instead of wasting his time articulating it. Isn't that what all true intellectuals in the Nixon administration should do?

Instead, Kissinger has organized a large and effective staff advisory to the President and the National Security Council on the elements of international problems and decisions.

These analyses have preceded decisions opposed by the anti-war elements of the Foreign Relations Committee, such as the military operations in Laos and Cambodia. At the end of a long and complex process Kissinger has his hour with Nixon and is unquestionably in an influential position. So is Rogers.

Neither advised the Foreign Relations Committee formally or informally of the projected military operations in Laos or Cambodia. Both are thus accused of dissembling and in effect, misleading Congress.

But that is not really the problem, although it adds to the irritation. The problem is that they are in agreement on the military measures required in withdrawing from South Vietnam so that a government can be left behind equal ot the challenge from the North for the indefinite future as was the case in South Korea.

They not only are in agreement on this policy but they believe it is working. The Fulbright element in the Foreign Relations Committee does not agree and wishes to get Kissinger before the committee to harry and unhinge him as the sinister architect of a doomed policy which must be discontinued before it has a chance to succeed.

Thus the idea that Kissinger is leading everyone, including Rogers and Nixon, around by the nose, which is a senseless distortion of the consensus of three responsible officials on how to bring the Vietnam matter to a constructive end.

NATIONAL PRIVACY ACT

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. LENT. Mr. Speaker, I am pleased to have been an original cosponsor of the National Privacy Act, which has just been reintroduced. I believe this to be an important piece of legislation that should attract the support of all those concerned with the preservation of individual liberties in the United States.

Much has been said recently, and widely reported in the media, about the alleged surveillance by the military of certain American citizens, some of them persons of prominence. It has been widely stated, and with good reason, that there is no place in a free society for the "big brother" syndrome.

In the last Congress the distinguished Senator from North Carolina, the Honorable Sam J. Ervin, was instrumental in the passage of the legislation protecting Government employees from unwarranted invasions of privacy by Federal agencies. The Senate is presently conducting hearings to determine the need for further legislation along these lines.

There have been instances of agencies selling data to companies that solicit business through the mails. Several years ago there was a proposal to consolidate all Federal records in one massive data bank, which without extremely stringent safeguards would have made readily accessible vast stores of information on any individual in the Nation. These are but a few examples of possible infringements of individual privacy by Government. But they are not the only ones.

It may be argued that there is little harm in any of this. That itself is a debatable point. But even if it is not a serious matter today, how can we be sure that such intrusions of Government into the lives of every American will not open the door to some future big brother?

The legislation I have cosponsored will limit invasions of individual privacy by Government agencies, both military and civilian. It will not curtail the effectiveness of either law enforcement agencies or those charged with the protection of our national security, for matters of concern to these agencies are specifically excluded. But it will insure that no American need fear the accumulation of information relating to his life by any potential "big brother" data bank in Washington. Few individuals are aware that many agencies of the Federal Government maintain extensive dossiers on private citizens. The citizen has a right to know such data exists and he should be able to check it for veracity, and exercise some control over its dissemination. This bill will guarantee him those rights without jeopardizing the necessary functions of the agency involved, or the vital necessity of maintaining domestic order and international security.

BRINGING US TOGETHER

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. HUNGATE. Mr. Speaker, an article in the Des Moines Register of March 2, 1971, indicates the President may be bringing us together. The article follows:

BRINGING US TOGETHER

Well, he did it. He finally did it. For one brief moment Monday, Richard (The President) Nixon brought us together again.

Peaceniks, hard hats, farmers, Golden Agers; they were all together on the Statehouse lawn—united by their opposition to the President and his ways. (That may not be exactly what Mr. Nixon had in mind during the 1968 campaign, but it's better than he's done on a lot of his promises.)

The scene at the Statehouse was wild, really wild. You'd see a construction worker carrying a sign, "Nixon Unfair to Hard Hats," next to a shaggy-haired kid with a "Stop the War" placard, next to a man in a cowboy hat with a "Parity, Not Charity" poster.

It was like a central casting office at a Rent-A-Demonstrator agency.

The high point of the Togetherness was reached when the Presiednt's caravan arrived at the Statehouse. The crowd was gathered in front of the building, under the impression that the cars were going to sweep right by them, so that they could shake their signs and yell and otherwise be disrespectful, in a nice way.

They were encouraged in this expectation by a man with a bullhorn who seemed to be in contact with the Secret Service.

The caravan came down Locust headed straight for the Capitol, and the crowd got ready to let the President know what it thought of him.

However, the caravan turned off a block short of the Statehouse, and sped to Grand Avenue; indicating that the President already knew what the crowd thought of him.

"He double-crossed us," the man with a bullhorn said. "Tricky Dick does it again," a hard hat yelled.

The crowd made a wild surge toward Grand, hoping to intercept the caravan, but the line of presidential cars whipped by at about 40 miles an hour. The President, with his characteristic sense of the appropriate, could be seen in the back seat of his limousine, smiling and waving at the howling mob.

At that moment, he couldn't have gotten five votes out of that bunch if he were running against Genghis Khan.

The student-worker-farmer solidarity went to pieces after that, though. They can agree on Mr. Nixon, but not on much else.

During the time when Mr. Nixon was delivering his speech in the Capitol, the crowd was pretty much standing around outside, milling.

One student type was moving through the hard hats passing out radical literature and receiving less than a warm reception.

"Are you fellows going to march to the Fort Des Moines for the demonstration there?" he asked one one of them.

"No," the hard hat said. "I don't think you'll find many labor guys doing that. That's just for people who want to tear down this country."

"We're not trying to tear down the country: we're trying to get it together. The government would like nothing better than to see working people and students at each other's throats."

"I'd like to see that myself," said the hard hat, "and I'm not even with the government. That's the only way to straighten you guys out."

"But working people all over the world have to stick together."

"That's what I say. Why don't you get yourself a job, boy? Then I won't have to work so hard to pay for your food stamps."

Still, it's hard to argue that an event like Monday's demonstration doesn't narrow the Class Gap.

Earlier, a group of Simpson College students had staged some heavily symbolic political theater on the steps of the Statehouse. The workers looking on displayed less than unalloyed enthusiasm for the proceedings until the company, which included a number of comely young maidens, broke into a hip-swinging dance.

"Right on!" yelled one of the construction workers.

That's not a complete meeting of minds, perhaps, but it's a start.

DONALD KAUL.

EDUCATIONAL TRAVEL ALLOWANCES FOR OVERSEAS MILITARY DEPENDENTS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, today I am reintroducing a bill which would authorize an educational travel allowance for dependents of military personnel serving outside of the United States. This bill would also authorize payment for room and board expenses at Department of Defense dormitory schools and one round trip a year for Department of Defense dependents to go to the United States to obtain an undergraduate college education.

It is my feeling that payment of dormitory costs, as well as transportation costs should be provided for by a specific law so that authorizations and appropriations for such costs can be dealt with in a routine fashion on a permanent basis.

Travel allowances are necessary when there is no suitable school where parents are stationed overseas and dependents must attend the nearest Department of Defense dormitory school. Payment of dormitory costs is necessary. The fortuitous circumstances of the location of a military man's assignment should not deny his children access to a free public education which is available to other military and civilian Government employee dependents stationed abroad. Travel allowances for one trip stateside to attend an undergraduate college is necessary. It is not fair to make access to a college education more difficult for dependents of military stationed overseas than it is for civilian Government personnel also stationed abroad.

Certainly it must be recognized that we are not now dealing fairly with the hundreds of military dependents who are attending the same schools as civilian Government employee dependents. Travel allowances are available to the civilian dependents while military must pay for the transportation of their dependents to and from school.

This bill would remedy an inequity by extending the benefits now available to civilian Government employees to those who are serving their country in the armed services.

Mr. Speaker, it is my hope that this legislation will be given early and favorable consideration during the 92d Congress. The text of this bill is as follows:

H.R. 13284

A bill to amend title 37, United States Code, to authorize travel, transportation, and education allowances to certain members of the uniformed services for dependents' schooling, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 7 of title 37, United States Code, is amended as follows:

(1) The following new section is inserted after section 427:

"§ 428. Education, travel, and transportation allowances: dependents at permanent station outside United States

"Under regulations prescribed by the Secretaries concerned, which shall be, as far as practicable, uniform for all of the uniformed services, a member of a uniformed service who is on duty outside of the United States at a permanent station and when such benefits are not made available in kind by the Government, is entitled to an education allowance and a travel and transportation allowance, to assist in providing adequate education for his dependents who are authorized to accompany the member, as follows:

"(1) An allowance for elementary and secondary education not to exceed the cost of obtaining such elementary and secondary educational services as are ordinarily provided without charge by the public schools in the United States, plus, in those cases where the Secretary concerned has designated the duty station of the member as having inadequate educational facilities, board and room, and periodic transportation between that station and the nearest locality (including where applicable the United States), designated by the Secretaries concerned as having adequate educational facilities; but the amount of the allowance granted shall be determined on the basis of the educational facility used.

"(2) A travel and transportation allowance is authorized to meet the travel expenses of the dependents of a member to and from a school in the United States to obtain an undergraduate college education, not to exceed one round trip each school year for each dependent for the purpose of obtaining such type of education. All or any portion of the travel for which a transportation allowance is authorized by this section will be performed wherever possible by the Military Airlift Command or the Military Sea Transportation Service on a space required basis. Notwithstanding the area limitations in this section, a travel and transportation allowance for the purpose of obtaining undergraduate college education may be authorized under this clause for dependents of members stationed in the Canal Zone.

"(3) The term 'United States' shall, for the purpose of this section, mean the several States, the District of Columbia, Puerto Rico, and the Canal Zone.

"(4) The words 'permanent station' shall, for the purpose of this section, include the home yard or home port of a vessel to which a member of a uniformed service may be assigned.

"(5) Notwithstanding section 401 of this title, 'dependent' in this section may include an unmarried child over twenty-one years of age who is in fact dependent and is obtaining undergraduate college education."

(2) The analysis is amended by inserting the following item:

"482. Education, travel and transportation allowances: dependents at permanent station outside United States."

SEC. 2. Section 912 of the Internal Revenue Code of 1954 (26 U.S.C. 912) (relating to exemption from taxation for certain allowances) is amended by adding the following new paragraph at the end:

"(4) EDUCATION ALLOWANCE.—In the case of member of a uniformed service, amounts received under section 428 of title 37, United States Code."

NEGLECT OF PUBLIC WORKS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. CRANE. Mr. Speaker, my distinguished colleagues from Illinois, Congressmen DERWINSKI and COLLIER, are cosponsoring a bill to help railroads replace dangerous street level crossings in metropolitan areas. The Citizen in La Grange, Ill., recently published an editorial which makes some interesting points about the bill, and I would like to include the editorial, as follows:

SPEND "LARGESSE" ON RAILROADS

Every time the war in Vietnam seems to be coming to a conclusion, there arise all manner of schemes for using the funds which are now being spent for military purposes.

The proposals, all involving such impeccable goals as education, housing, environmental control, medical research, health care and the abolishment of poverty, are nearly as abundant as the number of volunteers offering their services, for a substantial remuneration, as the administrators of the largesse.

The construction of public works seems to have little support. Providing opportunities for employment while adding to the capital assets of the nation does not offer much scope of paternalism.

Yet bills recently introduced in congress with the support of Congressmen Edward Derwinski and Harold Collier deserve higher priority than they are getting.

The bills would make federal funds available for grade separation of major rail lines in metropolitan areas.

Such grants should require some contribution by the carriers.

The use of public money can be justified when it is considered that the greater benefit would accrue to the people. The automotive industry has been aided by using federal money to assist in the construction of trunk highways; the airlines have been assisted through government grants for airports.

Abolishment of street level crossings in much of Chicago as well as in Oak Park, Evanston and Winnetka, has many times proved its advantages if only in producing an uninterrupted flow of vehicular traffic.

A greater advantage lies in safety. In the past 50 years, there has averaged, on the section of the Burlington Northern railroad between the county line and Harlem avenue, one fatality every year. Except in two or those cases where it appeared that the victim sought self destruction, none of these would have occurred.

The terrain of the area is such that track depression would not seem practical. Elevation, the only answer, would raise the old objection to a "community split by a Chinese wall".

Evanston and Oak Park neighborhoods seem not to have been sundered because a railroad embankment runs the length of both communities and it is doubtful if the residents, were the opportunity offered, would advocate a return to the original grade level.

Elevation need not produce a "Chinese" wall. A sloping embankment, carefully planted and maintained, would improve rather than detract from, the appearance of the area.

Depots, with their waiting rooms and ticket offices, should be placed below the tracks and thus free space for landscaping, for commuter parking and for widening adjoining streets.

Commuter lines are essential to any mass transit program. No transit system can provide the swift and frequent service the future will demand if it is to compete with, or interrupt, surface traffic.

The futility of unlimited superhighway construction has been demonstrated.

The time has come to create the supercarriers of the rails.

OVERLOOKED SPACE PROGRAM BENEFITS

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. MILLER of California. Mr. Speaker, in the most recent issue of McGraw-Hill's publication, Aviation Week, which I received this morning, there was an editorial which brings sharply into focus the enormous benefits the national space program has brought to this Nation. The editorial contains remarks recently made by Mr. J. F. Clayton, general manager of the Bendix Aerospace Systems Division, in, which he drew dramatic comparisons between what this country is spending in many areas of Government activity and what we are spending to explore space. I urge every Member to read and reflect upon that editorial which I now include for the RECORD and that all of us should carry the message back to our constituents that they really have gotten more than their money's worth out of the national space program.

The article follows:

OVERLOOKED SPACE PROGRAM BENEFITS

Apollo 14's three astronauts passed by a hotel housing welfare families during their tickertape parade welcome to New York last week. Waiting there on the sidewalk were 20 or so demonstrators with signs like one that read: "White astronauts fly to the moon while black children die in welfare hotels."

On the steps of City Hall, where Mayor John V. Lindsay greeted the three crewmen—Alan B. Shepard, Jr., Edgar D. Mitchell, Jr., and Stuart A. Roosa—there were other demonstrators. While the mayor spoke, the chanted, "Crumbs for the children, millions for the moon."

A National Aeronautics and Space Administration spokesman with the astronauts said that the welfare demonstration was not directed at the astronauts. His impression was that they took advantage of the TV and news coverage they knew would follow the parade, whose route had been published, to focus attention on an issue that has been controversial in New York. Similarly, the City Hall demonstration had been planned earlier in the wake of a proposed mass layoff of New York substitute teachers, he said, and the demonstrators adapted their message to the occasion.

This may well be the case. Mayor Lindsay in the past has himself taken the line that space or defense funds ought to be diverted to the cities. On this occasion, however, he talked more in terms that funding for space and for urban programs were not mutually exclusive.

Nevertheless, the incidents—even if the demonstrators were few—brought home again that the U.S. space effort cannot exist on a bed of platitudes. A good example of how to meet a grassroots audience with facts was a recent appearance by J. F. Clayton, general manager at Bendix Aerospace Systems Div., at a Rotary Club meeting in Ann Arbor, Mich. He said in part:

"What are the benefits of the space program? You have all heard of sharper X-ray pictures, the longer lasting paint, the faster dentist drills, small TV cameras, new medical instruments and far better ice cream freezers. These are comparatively trivial and insignificant outputs of the program and certainly not in themselves ways to justify the expense and energy we have undertaken.

"I believe there are [other] overriding benefits that have already been realized and will continue to have a profound effect on not only this country but the rest of the world.

"The first benefit has to do with finding solutions to overwhelmingly complex problems. The national space program represents a successful management approach to accomplish the almost impossible. The task of going to the moon required a government, industry, and university team which, at its peak, involved organizing 400,000 people, hundreds of universities and 20,000 separate industrial companies to a common goal. This project was done in public and full view of the world. It was done without a military objective and it was done within the cost and schedule set for it 10 years earlier. These management techniques are available to the country if we ever decide to again use them on what we now consider almost impossible tasks.

"The second benefit is the exploration itself. We obviously cannot forecast what our descendants centuries from now will say about our beginning the exploration of space. But as we look back to earlier centuries it is obvious how tremendous an impact the exploration of our ancestors had on our life today. We can think of Columbus and Marco Polo and Charles Darwin and the voyage of the Beagle and many others. One of the unique aspects of the voyage of the Beagle was that it was the first time that science had ever been involved in exploration.

"Darwin's 'ridiculous' collection of rocks, plants and animals life took ten years to study after he returned. But now we know that the results of this obscure exploration simply revolutionized our understanding of our world and everything in it.

"A third benefit of the national space program is the leadership that it has given us in science and technology.

"At this time someone usually interrupts me, perhaps if they are polite Rotarians they do not jump up and shout, but they say 'how can we justify spending billions exploring the moon when there are so many pressing problems here on earth?' Well then let us look at a comparison of where the taxpayers' money has gone.

"Since 1961, when it started, through last year the space program has cost $38 billion. Of this, $24 billion has been involved directly or indirectly on the Apollo program. During the same period the country has spent $624 billion for military purposes. This, too, is a well known number. But here is a number people have not been made aware of: during the same period we have spent $340 billion on health and welfare. Do we feel that health and welfare social programs are getting a fair share of the federal budget?

"The ratio of expenditures on the social programs is growing. In 1971, this fiscal year, the country will spend $77.2 billion on social programs, slightly greater than the defense budget of $73.5 billion compared to the space expenditure of $3.265 billion. That is a ratio of 23 to 1 in favor of social programs. We could close down the NASA establishment, let facilities at Cape Kennedy go back to jungle. We could terminate the employment of all aerospace engineers and scientists. We could close the university laboratories. Save the $3 billion and spend perhaps $80 billion next year on social programs. Does anyone seriously think that the country's interest would be served. Please do not misunderstand. I do not oppose social welfare programs. But the figures do show that these programs are currently being funded at substantial levels when one looks at the total budget.

"There has been clearly one event in our national life that has caused real frustration and perhaps is responsible for this senseless lashing out against good science and technology. I am referring, of course, to the Vietnam War. Through last year the expenditures for this war during the previous six years have been $107 billion. During the last three years the war has cost as much per year as the total cost of the lunar exploration program. In 1969 the war cost $25 billion, 1968—$28 billion, 1967—$26 billion. We spend as a nation $160 million per day for the Vietnam War. The space program has cost you 5 cents per day since 1961.

"I was impressed with something that Mr. [Daniel P.] Moynihan recently said in his farewell address to the Administration. The American people are particularly able to skip their attention from one major problem to another very quickly and in the process lose sight of long-term priorities. Just yesterday space exploration was a major concern but today is out of vogue.

"The suggestion of an either/or choice between technological and social advances ignores the fact that without a technology base we will not have the capability to address ourselves effectively to any national problem."

MISUSE OF TERM "SOCIAL JUSTICE"

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. TEAGUE of Texas. Mr. Speaker, the Honorable A. R. Stout of Waxahachie, Tex., a recently retired district judge, wrote an article on "Social Justice" which appeared in the January 22 edition of the Texas Bar Journal, I include Judge Stout's article in the RECORD:

MISUSE OF THE TERM "SOCIAL JUSTICE"

(By A. R. Stout of Waxahachie)

FOR THE AMERICAN CITIZENSHIP COMMITTEE

The much used term "Social Justice" that we hear so much about today is a socialistic term which originated in Europe, which means a division of money and property and which means Socialism itself.

Most of our so-called liberal officeholders of national repute repeatedly espouse and advocate "Social Justice." If these politicians were to say they are Socialists or for Socialism, they could not hold office for long nor be elected to any position of public trust. The question arises: To whom are these officials appealing? It is logical to believe that, first, they are seeking the votes of all who admit they are for Socialism as well as all who want to enjoy governmental support and the fruits of other men's labor and frugality; second, they are making a veiled and subtle appeal to the cupidity and prejudice of every one who wants something for nothing or fancies that he has some grievance that should be redressed at the expense of his fellowman; and, third, they are hoping that the rest of the voters will misinterpret the term "Social Justice" to mean that such politicians are advocating "law and order," whereas, "Social Justice" and "law and order" have entirely different meanings.

Congress and legislatures can pass laws but they cannot make a man rich or happy, nor can they even give him a social status that he does not deserve and earn for himself. It could be possible, if our government were completely changed by a new Constitution, that every man start off with the same amount of property, but this would not last very long. There would still have to be those who stand ready to fight for our country and who are willing to work to support it. The man with genius and industry, no matter how great the division or levelling process may be, would forge ahead, and the laggard, the malcontent and the no-account would fall behind. This is as it should be and as Nature and God intended it to be.

The government can and should give every man the choice of being free, as it has done for "Lo, these many years." It should protect him in his liberty, possessions and property, and not enslave, despoil or destroy him. It should insofar as is possible, without injuring other men, endeavor to create a climate for opportunity. But neither our government nor our law can for long make men equal in worldly goods or give them gold at the rainbow's end. This Utopian dream has never been achieved on this earth and, men being what they are, it likely never will be. "Social Justice" is contrary to every rule of reason and commonsense as well as every American heritage, tradition and virtue. It must be labeled for what it is—a misleading term and political perversion to make a trap for the unwary.

As has been suggested, many "liberal" politicians of national stature endorse and advocate the term "Social Justice." Few seem willing to say that they are against it, and not any of them seem willing to say he is for, or proposes, what the term really means, to-wit: "National Socialism." We should postpone and prevent the evil day when Socialism reigns supreme and man is reduced to the status of an ant in a hill—not hasten it by surrender or subterfuge. To that end, we hope that the great majority of our fellow Bar members will be vigilant and active.

VALUE OF UNITED NATIONS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. GAYDOS. Mr. Speaker, much has been said and written about the value of the United Nations, that magnificent monument to an international something or other which graces the skyline of New York City. I expect the number of spoken and printed words are exceeded only by the amount of U.S. dollars, nearly $4 billion since 1946, spent by American taxpayers to finance its existence.

There has been much speculation about what the U.N., conceived and dedicated to the proposition of keeping peace throughout the world, has been doing while Americans die in combat in Southeast Asia and while the Middle East broils under the threat of a new war.

However, Mr. Speaker, a recent editorial appearing in the Daily News, published in the city of McKeesport, Pa., may have supplied the answer. I am inserting the article in the RECORD for the benefit of my colleagues and the American taxpayer. I am certain they will find it most interesting and informative:

THE UN RAISES

One of the more fascinating questions among the diplomats has to do with whether any assignment in their world of treaties and alliances can beat one to the United Nations.

First of all, pay is good—far better, in fact, than most diplomats might receive from their own countries. And life in New York City is swinging and especially when it can be engaged in on an expense account as a part of the traditional round of diplomatic entertainment.

What's more, the U.S., that patsy for everybody, continues to pay 31.5 per cent of the UN budget while the other 126 members divide up the balance. So there isn't much chance of a UN functionary having to stand criticism at home. His high life rests lightly on his taxpaying constituents—that is, if he isn't an American.

But now the UN post has become even more rewarding. Eight per cent pay boosts have been awarded the upper echelon people. Those down the line have gotten six per cent raises. Together, these hikes will cost the U.S. taxpayers a total of $1.5 million in addition to the $53 million they already are contributing to the UN annually.

The UN's budget for this year—before the raises, amounted to $168.2 million, or quite a sum for an organization whose value is questionable and whose services appear mostly of the make-work variety. This year's total reflects a raise of $11.4 million from last year. As with most public organizations, costs keep mounting with each new budget.

It is interesting, perhaps for the U.S. taxpayer to note that his own country abstained in the final General Assembly vote on the new salary increases. However, 57 nations voted aye, or more than enough to approve them. Many of those which voted in favor, as the Richmond News Leader found in a checkup, are arrears in their own UN dues even though they amount to only small fractions of the total. In fact, $190 million is past due on the UN books.

So the UN adventure goes on while the Middle East, which it has failed to quiet, sputters with new dangers and Americans continue to die in Indochina. And as we remember, this thing was supposed to keep the peace and not an army of world diplomats and their aides in high-salaried comfort.

ANIMAL EXPERIMENT

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. CARTER. Mr. Speaker, the much publicized animal smoke inhalation study by Drs. E. Cuyler Hammond and Oscar Auerbach has now been published as a two-part article in the December 1970, issue of "Archives of Environmental Health." Its appearance in the medical literature lagged 10 months behind its debut at a press conference in the Waldorf Astoria Hotel in New York. The findings of this animal experiment have been heavily relied upon in both the English Royal College of Physicians' 1971 report and the U.S. Surgeon General's 1971 report, which has just recently been presented to Congress.

However, I noted that the authors of the Royal College of Physicians' report apparently relied upon and cited a February 1970, news article reporting on the animal study rather than the long delayed published report. Thus the results recited in the Royal College report are different from those finally reported by Drs. Auerbach and Hammond in the medical literature.

In a thoughtful response to an earlier inquiry I had made about this animal study, Dr. Victor Buhler, one of America's most distinguished pathologists, and a former president of the College of American Pathology, provided a keen analysis of what was known about it based on prepublication reports. Since the study has now been published, I have again solicited his comments and am pleased to present his views regarding this controversial animal experiment to my colleagues in Congress:

ST. JOSEPH HOSPITAL,
Kansas City, Mo., February 27, 1971.

Hon. TIM LEE CARTER,
House of Representatives,
Washington, D.C.

DEAR DR. CARTER: Thank you for your recent inquiry requesting my additional comments on the cigarette smoke inhalation experiment by Drs. Auerbach and Hammond et al. now that their work has finally been published.

I have made a comparison of the text of their two-part article appearing in the December 1970 issue of Archives of Environmental Health with the original text presented to the press at an American Cancer Society meeting in February 1970. In my evaluation, I have also considered presentations by Drs. Auerbach and Hammond to the Section on Diseases of the Chest at the June 1970 A.M.A. Convention, which I attended.

The changes which have been made, both in wording and in substance, are quite remarkable. For example, the original text presented to the press in February 1970 by the American Cancer Society stated that one of the primary purposes of the experiment was "to ascertain whether smoking cigarettes for two years or longer will produce lung cancer in dogs." This purpose has been deleted in the *Archives* text.

Another example of the numerous changes wrought is the tacit acknowledgment that the entire experiment had no controls. Eight nonsmoking dogs, originally designated as controls, have now become simply "group N." They were not subjected to the same stresses and strains as the smoking dogs and obviously should never have been called controls. The authors' explanation that they did not have eight dogs "smoke" unlighted cigarettes because "nonsmoking human beings do not 'smoke' unlighted cigarettes", and "because of having a limited number of technicians", is hardly plausible. The first explanation completely evades the question of possible traumatic effect. And the failure to provide technical help to have eight dogs "sham" smoke—in an experiment which is claimed to be so vital to the public interest—is beyond comprehension.

Perhaps the most startling change is the dramatic reduction in the number of dogs with "cancer" from twelve, as originally reported, to but *two* in the published version. The first reports of the experiment presented in February 1970 referred to *twelve* dogs with cancer. In the final version appearing in the *Archives,* the authors refer only to *two* dogs with cancer. The photomicrographs in the published material are inconclusive as to the existence of any cancer.

These changes leave me with a feeling that if the purpose, interpretations and conclusions attending this study can be so radically altered within a span of several months, based on the same experimental data, then the entire study is suspect.

In addition to the fact that the results published in *Archives* do not support the claims originally made, the article itself contains many fundamental deficiencies. Briefly stated, these include:

1. Dr. Auerbach accepts Liebow's criteria for bronchiolo-alveolar tumors in humans. Yet his discussion of the tumors in the experimental dogs shows that virtually none of these criteria were fulfilled.

2. The photomicrographs published with the article would not permit most pathologists to reach the conclusions stated by the authors. Specifically, the photomicrographs of "emphysema", "invasive" tumors and "early squamous cell carcinoma" are inconclusive.

3. The reported incidence of tumors in 25 percent of the nonsmoking dogs is from 40 to 125 times greater than has been reported by other investigators. This finding, which Dr. Auerbach said "surprised" him, calls into question (1) the use of beagle dogs as experimental animals, (2) the interpretation of the data which led the authors to diagnose tumors and (3) the entire experimental design.

4. It is overtly obvious, since 12 of the 24 dogs in Group H compelled to smoke died of disease states as cor pulmonale, pulmonary infarction, aspiration of food, bronchopneumonia and of "uncertain causes", that the stated conclusions that "male beagle dogs are suitable experimental animals and that our procedures are satisfactory for testing the relative potency of cigarettes . . ." are not justified.

5. None of the tumors, including the bronchiolo-alveolar tumors, are reported to have metastasized, yet in humans the rate of metastasis from such tumors is 50% according to Liebow's criteria.

Many of the now apparent deficiencies in this animal experiment were mentioned in my letter to you dated February 21, 1970. Most significant perhaps, was the method used to get the animals to "smoke." This involved the direct delivery of cigarette smoke to the lower trachea, the bronchi and the lungs, thus bypassing the oral cavity, the pharynx, the larynx and the upper portion of the trachea. A tracheostomy is a most unusual and unnatural way for an animal to breathe and introduces a great possibility of infection, both bacterial and viral. There is now ample evidence that all of the dogs were subjected to abnormal respiratory infections and diseases. The authors report that among the dogs that died during the course of the experiment, autopsy revealed that all had microscopic evidence of pneumonia.

A tracheostomy not only bypasses all the protective mechanisms of the animal's upper respiratory tract, but, additionally, does not permit the mixture of air and smoke which occurs under normal smoking conditions. The traumatic method used to force the dogs to "smoke" has been criticized in the scientific literature. For example, an article by Bair et al. entitled, "Apparatus for Direct Inhalation of Cigarette Smoke by Dogs", Journal of Applied Physiology, June 1969, pp. 847–850, pointed out that experiments exposing animals to cigarette smoke through a tracheostomy aperture "lack similarity to human smoking habits." The authors warned that the "validity of extrapolating results from such experiments to possible effects in man is therefore highly questionable." It is of interest to note that Bair et al., using controlled muzzle masks, caused their dogs to smoke up to 20 cigarettes per day. In their two-year experience the dogs were reported to "tolerate smoking well" and there was an "absence of subjective signs of discomfort or clinical symptoms of adverse reactions . . ." Such results are far different from those reported by Drs. Auerbach and Hammond.

My previous concern about this study has been confirmed by the finally published article, which so completely fails to bear out the claims announced at the American Cancer Society's press conference last February. The mischief of such premature statements is illustrated by your reference to certain claims in the 1971 Report of the English Royal College of Physicians which were not supported by the dog study as finally published. This does, indeed, show the danger of relying on pre-publication results. There is obviously a grave risk that the public, and even the medical profession, may be misinformed and misled by such reliance. Science can well do without the hanky-panky which results from such unwarranted publicity.

Respectfully,
VICTOR B. BUHLER, M.D.,
Pathologist.

NOT WITHOUT THE AMERICANS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. BRAY. Mr. Speaker, at this time I wish to insert an editorial that recently appeared in the Indianapolis Star. Mr. Keyes Beech, who for 20 years has been an outstanding U.S. foreign correspondent in Asia, has written a new book, "Not Without the Americans," and is the subject of the following editorial:

U.S. GOOD IN VIETNAM

Keyes Beech is known as "the dean of United States foreign correspondents in Asia." He has been "up front" in the Orient for more than 20 years. He learned his craft "at the feet of the old Far Eastern hands," as he puts it.

"I believed in our Vietnam commitment and, at the risk of being blackjacked in a dark alley by some of my liberal friends, I still do. I just wish we had not handled it so badly," Beech writes in a preface to his new book, "Not Without the Americans," which deals, as the title suggests, with the U.S. role in the Orient.

"I also happen to believe, at the risk of being called a mindless optimist, that in the long run our decision to intervene will be proved right. I also believe that we will win. Perhaps this is because I prefer to win wars rather than lose them. And despite the cliche that nobody wins a war, I can assure you that it is far better to win than to lose . . ." Beech continues.

"Mainly because of Vietnam, America seems ready to turn its back on Asia. That is a pity, because we got into the mess in Vietnam precisely because of our appalling ignorance of that part of the world.

"We have been accused of many crimes, among them arrogance, when our real crime was an excess of humility or half-baked imperialism. We had the name but not the game. I do not share the hair-shirt complex nor, I hope, the arrogance of so many of America's liberal intellectuals . . .

"If we had been truly arrogant we would not have vacillated between whole and half-measures. In Vietnam, as elsewhere, we have been the victims of our own anti-colonial legacy. We were damned for supporting corrupt military dictatorships. But when we attempted to reform them we were damned for meddling in the affairs of sovereign nations. Often our sin was that we did not meddle enough.

"A British critic has made the eminently sensible observation that, 'With all due deference to Senator Fulbright, it is possible to argue that the false starts of American policy in Asia and elsewhere have been at least as much due to the illusions of liberalism as the arrogance of power.

"There were two fundamental flaws in liberal thinking on Asian policy. One was to underestimate, if not wholly ignore, the utter hostility and implacability of Asian Communism, often to the point of idiotically assuming a community of interests. The other was to assign to our enemies a measure of good will that never existed.

" 'In a sense,' " as Beech quotes Coral Bell, of the London School of Economics, as saying " 'it is only after you have paid your adversary the compliment of understanding how serious and formidable is his determination to cut your throat—and how reasonable, from his own point of view—that you can settle to the reality of a long-continuing struggle, on which battlefields must be carefully chosen and strategies carefully judged. The best guide to this situation is not, unfortunately, Senator Fulbright. It is Mao Tse-tung's "On Protracted War." '

"We have been accused of relying too much on military force when our real crime was not using that force selectively and effectively. 'Weeding with a bulldozer,' is the way a New Zealand friend described our Vietnam tactics.

"We have been accused to laying waste to the land. But wherever we went we built far more than we destroyed. And how many people are aware of the 'green revolution' that is sweeping Asia?

"It, like our guns and airplanes, is a product of American technology. And its meaning is that millions of half-starved Asians should, for the first time in their history, no longer go hungry.

"Finally, I find it ironic that my generation should be accused of not caring. We cared too much. That is why we fought in World War II, why we went into Korea, why we went into Vietnam . . ."

When experience speaks, the wise listen.

THE MICHIGAN ENVIRONMENTAL TEACH-IN 1 YEAR LATER

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. ESCH. Mr. Speaker, a year ago today the University of Michigan completed the first university teach-in on the environment. Some 15,000 students worked together for 4 days to express their deep concern about man's relationship to his environment and to urge that greater attention be given to the environmental effects of man's technological and economic advances.

This highly successful event was followed a month later by environmental teach-ins in numerous universities throughout the Nation. The environmental youth movement was culminated in a national day of concern which involved nearly every American—Earth Day.

As we look back on these first strong efforts on behalf of the environment by America's youth a year ago, it is important to point out that they were more than just a series of rallies and speeches and demonstrations. They were serious discussions that have led to serious and positive results. In Ann Arbor, where the movement started, the young people have established the Ecology Center, Inc., a nonprofit institution which serves as an environmental education center for all of southeastern Michigan. The parent organization of the Ecology Center is ENACT, a student organization at the University of Michigan, which has led an active fight to clean up the environment both near their home base of Ann Arbor and around the Nation. Two notable efforts have been undertaken which are the establishment of a recycling center in Ann Arbor and the coordination of a Huron River cleanup.

On a national level, the environmental movement led by the youth of the Nation has made great strides during the last year. The creation of the Council on Environmental Quality in the White House and the establishment of the Environmental Protection Administration are symptomatic of the increased concern by government officials for preservation of the environment and correction of damage already done. Without the great outpouring of public support engendered by the activities of our young people, I am convinced that those steps forward would have been longer in coming.

Mr. Speaker, I think the significance of the participation and enthusiasm of our youth in this important subject cannot be overrated. Despite years of rhetoric on the part of politicians, it took the enthusiasm and dedication of the youth of the Nation to get results. Despite many discouraging predictions about this generation its efforts in this field may result in improving life for all of society. The system can and does respond to the youth of America when they speak loudly, in unison and with research, reasoning, and dedication on their side.

On this first anniversary, it is also appropriate for us to rededicate ourselves to the fight for the environment. There is still much to be done—we have barely started the necessary work on cleaning up our environment. We need stronger Federal regulation of pollution sources and we need improved enforcement procedures. We need more funds both on a governmental and a private level to finance the needed antipollution devices. We need even more public attention and participation in cleanup drives, in cooperation with recycling campaigns, in patronizing those products which are least guilty of pollution. We need immediate action on the preservation of many wilderness areas throughout the Nation and the creation of additional national parks, so that our national resources of beauty and tranquility will not be destroyed for future generations.

Barry Commoner, director of the Center for the Biology of Natural Systems at Washington University in St. Louis and a noted environmentalist described the success of the Michigan teach-in and the problems which remain in his article in the Saturday Review last April. I include it at this point in the CONGRESSIONAL RECORD:

BEYOND THE TEACH-IN

(By Barry Commoner)

The sudden public concern with the environment has taken many people by surprise. After all, garbage, foul air, putrid water, and mindless noise are nothing new; the sights, smells, and sounds of pollution have become an accustomed burden of life. To be sure, the mess has worsened and spread in the last decade, but not at a rate to match the dramatic, nearly universal reaction to it that has hit the country in the past year.

Although the growing demand for action against environmental pollution is very clear, it is not so clear how the movement came about and where it is going. This is a particularly crucial time to find out. For the environmental teach-ins that are being planned on thousands of campuses this month are both the chief evidence of the origins of the movement and the main force that will determine its future.

Several environmental teach-ins have already taken place, the largest of them being that of March 11–14 at the University of Michigan, where the roster of speakers and participants was dramatic evidence that the environmental movement has become a meeting place for major and divergent elements of American society.

The kick-off rally for the teach-in, attended by 15,000 enthusiastic students, was addressed by Michigan's Governor Milliken, and a number of other municipal, state, and federal officials were present—testimony to the importance government figures attach to voter interest in the environment.

Among the teach-in speakers were a variety of scientists with a professional interest in the environment: biologists, ecologists, engineers, sociologists, urban analysts, and public health experts. This reflects one of the earliest origins of the environmental movements—the work of those of us in the scientific community who, some years ago, began to detect in our own studies evidence that pollution is not only a nuisance but a threat to the health, even the survival, of mankind.

The well-known performers Arthur Godfrey and Eddie Albert—both ardent conservationists and anti-pollutionists—were teach-in participants, lending the prestige of the world of entertainment. Ralph Nader, another teach-in participant, spoke for the consumer and dealt with the failure of our technological society to meet the real needs of those who live in it.

Industry was represented by officers of the Detroit Edison Company, Ford Motor Company, Dow Chemical Company, and others—all industries that bear a large responsibility for serious pollution problems. The interest of these companies in public concern with the environment has become a matter of direct corporate necessity.

Labor was represented by Walter Reuther, whose union—the United Automobile Workers—opposed the construction about five years ago of Detroit Edison's Fermi reactor, located about five miles outside Detroit. Through an educational program, the UAW has developed a broad interest in environmental quality, and that consideration is now included among UAW contract demands.

That the president of the Dow Chemical Company was invited to speak at Michigan reveals another important element in the environmental movement. Dow has been, of course a prime target of the antiwar movement; its campus recruiting program has triggered many demonstrations by student activists, who cite the hold of the military-industrial complex on U.S. policy as a reason why our social system must be radically changed. And the activists had *their* representatives on the roster of teach-in speakers—one being Murray Boochin, an environmental analyst who takes a socio-revolutionary approach to this and other social ills. Finally, the speech that closed the teach-in was given by Richard Hatcher, mayor of Gary, Indiana, a city that suffers the specially intense environmental problems of a largely black population.

The Michigan teach-in epitomized the remarkable convergence around the environmental issue of a number of earlier, separate concerns: conservation, scientists' responsibility for the social consequences of science and technology, the consumer movement, the young generation's feeling for a more humane life-style, the businessman's worries over the impact of all of these on industrial profits, the problem of the ghetto and urban decay, the antiwar movement, and student activism against the nation's social and economic system. Somehow, the issue of environmental quality touches all these separate facets of the crisis of American society.

I can report from my own experience that there is a close link between the problem of war and the problem of the environment. My concern with the environment does not stem from my professional training; I was trained as a cellular biologist, not as an ecologist. But I also learned that science is part of society and that every scientist owes it to himself, and to the society that supports him, to be concerned with the impact of science on social problems. And it was the problem of war that first introduced me to the environmental crisis. In the 1950s, when nuclear tests first showered the world with fallout, and the Atomic Energy Commission showered the nation with assurances that radiation was "harmless," I studied, along with many other scientists, the path that fallout takes in the environment from the bomb to man. And I was shocked to learn that nuclear radiation is never harmless, to the ecosystem or to man. That is when I began to appreciate the importance of the environment to man. It was the AEC that turned me into an ecologist.

There are specific links between the environmental crises, the evils of war in general, and the war in Vietnam in particular. One link can be seen in the economics of war and of pollution. That our industrial system is heavily sustained by the military diversion of human and natural resources from human needs has been demonstrated cogently by numerous observers; the military-industrial complex was not a myth to President Eisenhower, nor is it to the stockholders in major American industries. What is less known, but can be equally well documented is that the profitability of most American industry and agriculture has been related significantly to their avoidance of a large cost of doing business—environmental deterioration. For example, the power industry, a major cause of urban air pollution sells electricity to its consumers for a certain amount of money, but those same consumers pay an added cost for the environmental consequences of the power they buy—in laundry bills caused by soot, and in doctor bills (and some reduction in their life expectancy) caused by sulfur dioxide and organic air pollutants from power plants. The dollar value alone of these "social costs" of air pollution that we now know of—and many remain unknown—adds about 25 per cent to the city dweller's electric bill.

Some economists assert that the economic system could readily adjust itself to this situation by undertaking the cost of preventing pollution and adding that cost to the real price of its products. Such a readjustment would affect the cost to the consumer, not only of power but of all manufactured goods (nearly every factory pollutes the air and water), of transportation (cars, trucks, and airplanes are major polluters of air), and of food (U.S. agriculture through its use of intensive fertilization and feedlots for fattening cattle to high-priced grades, bears a major responsibility for water pollution; organic wastes from U.S. feedlots exceed those produced by the total U.S. urban population). *It may be that the economic system can get along without the crutch provided by the diversion of environmental costs to the people, and that it can get along without the crutch of military production. But thus far it hasn't, and one can at least suspect that in both cases the crutch has become a support essential to the system's stability.*

Another close link between the problems of war and environment is that both represent the inability of our technology to foresee its own inherently fatal environmental flaws. Like detergents—which, much to their developers' surprise, failed to be accommodated by natural water systems and bloomed into unsightly mounds of foam on our rivers—or the unanticipated backlash of DDT, the nation's war program can be viewed as a vast technological blunder. When, in the 1950s, the Pentagon and its scientific advisers decided to hang the nation's defense on nuclear weapons, they did not know what the scientific community has since told them: It will not work; no nation can survive a nuclear war. Remember that in 1956 Eisenhower campaigned for continued nuclear tests in part because "by the most sober and responsible scientific judgment they do not imperil the health of man." Eight years later, Johnson praised the nuclear test ban treaty, because it "halted the steady, menacing increase of radioactive fallout." The Pentagon also told scientists that it would not use herbicides in Vietnam if it believed that these agents would have "long-term ecological effects" on that tortured land. Now we know from scientific evidence that mangrove areas of Vietnam will not recover from herbicide attacks for at least twenty years. Indeed, because of herbicide attacks not only on forest areas but on food crops, together with the massive assaults by more conventional weapons, the way in Vietnam represents, in my opinion, the first ecological warfare conducted by the United States since the attacks on American Indians. The technological failure of biological warfare as a suitable means of defense (for there is no way to test artificial infectious agents, much less use them, without incurring serious risks to ourselves) was recently acknowledged when the government ordered the abandonment of its entire biological warfare program.

If there is little reason to regard the environmental movement as a diversion from the antiwar movement, its relation to the racial issue is less clear. Some approaches to the environmental problem seem to run counter to the interests of the blacks. This was dramatized recently at San Jose State College, where, as a symbol of environmental rebellion, a student program was climaxed by the burial of a brand new car. The event was picketed by black students who believed the $2,500 paid for the car could have been better spent in the ghetto.

The San Jose burial reflects a personalized attack on the environmental crisis, an approach that is now fairly common among some student groups. They reason that pollution in the United States is caused by the excessive consumption of goods and resources, a favorite statistic being that the U.S. contains about 6 per cent of the world's population but consumes half of the planet's total goods and resources. Since the wastes generated by this intense consumption pollute our environment, the eco-activist is advised to "consume less." In the absence of the added statistic that in the United States the per capita consumption by blacks is much lower than that of whites, such observations are not likely to arouse the enthusiasm of blacks.

Disaffiliation of blacks from the environmental movement would be particularly unfortunate, because in many ways blacks are the special victims of pollution and have much to teach whites about survival. A white suburbanite can escape from the city's dirt, smog, carbon monoxide, lead, and noise when he goes home; the ghetto dweller not only works in a polluted environment, he lives in it. And in the ghetto he confronts added environmental problems: rats and other vermin and the danger of his children's suffering lead poisoning when they eat bits of ancient, peeling paint. To middle-class Americans, survival is not a familiar issue. They have not yet learned how to face such a soul-shaking threat, as demonstrated by the continued failure to appreciate that the existence of ready-armed nuclear weapons may bring doomsday as close as tomorrow. For blacks, the issue of survival is 200 years old. If they have not yet mastered it, they at least have had a good deal of experience that may be enormously valuable to a society that now, as a whole, must face the threat of extinction. Blacks need the environmental movement, and the movement needs the blacks.

Confusion between certain aspects of the environmental movement and other social issues is also generated by the view that the former is closely connected to the population crisis. In one sense, this belief is valid, for clearly the world population cannot continue to grow at its present rapid rate (largely in underdeveloped countries) without eventually outrunning the capacity of the planetary ecosystem to produce sufficient food to sustain it. But some environmentalists hold that in an advanced country like the United States "the pollution problem is a consequence of population." This view leads to the idea that the environmental crisis in the U.S., which clearly calls for drastic action, can be solved only if we take strong action to stop the growth of the U.S. population.

A good deal of the confusion surrounding priorities can be cleared up by some facts.

Nearly all of the stresses that have caused the environmental breakdown here—smog, detergents, insecticides, heavy use of fertilizers, radiation—began about 20 to 25 years ago. That period saw a sharp rise in the *per capita* production of pollutants. For example, between 1946 and 1966 total utilization of fertilizer increased about 700 per cent, electric power nearly 400 per cent, and pesticides more than 500 per cent. In that period the U.S. population increased by only 43 per cent. This means that the major factor responsible for increasing pollution in the U.S. since 1946 is not the increased number of people, but the intensified effects of ecologically faulty technology on the environment.

So the environmental movement—and the teach-ins that signal its emergence as a major political force—has become a meeting place for the major issues that trouble American society. This is its strength, and this is the importance of its future course.

Demands for *action* dominate the environmental movement, and wide-ranging programs of action are being organized. Some are direct, personal efforts to clear up the environment, such as community-wide campaigns to remove the junk from a stream bed. Some are politically oriented demonstrations, such as the delivery of a mass of beer cans to the lawn of a can manufacturer's home. Petition campaigns directed at remedial legislation abound, and legislators have been busy trying to reflect in law the new desire of their constituents for a clean environment. There are strong indications that on most campuses the current teach-ins will lead to environmental action's becoming a major, continuing feature of campus life.

Of course, there are those who regard the environmental movement as only the latest in a series of ephemeral fads for political action, doomed like its predecessors—civil rights, the anti-war movement, and student power—to rise to an enthusiastic peak and fade away before the hard, intransigent realities of political life. I disagree.

That danger does exist, for there are no easy solutions to the *fundamental* problems of the environmental crisis. Some of the superficial symptoms can be attacked directly: Creeks can be cleared of junk and beer cans can be collected. But no band of activists can return a river to an unpolluted state when the polluting agent is fertilizer draining from the surrounding farmland. And if farmers were abruptly required to halt their intensive use of fertilizer, often crucial to the solvency of their operation, they would simply go out of business.

Once we look beyond its immediate accessible symptoms, the environmental crisis confronts us with very hard, inescapable choices. If we really want to cure the evil of water pollution, we will have to make drastic revisions in present waste-treatment methods, for these overfertilize the algae in the water, which soon die, reimposing on rivers and lakes the very burden of organic waste that the treatment was supposed to remove. The natural ecological system that can accommodate organic waste is not in the water, but in the soil, and no lasting solution to the deterioration of both surface waters and the soil can be achieved until organic waste is returned to the soil. For the same reason, no scheme of handling garbage that fails to meet this fundamental requirement of nature can, in the long run, succeed. And since these and similar violations of the demands of the ecosystem have become embedded in our ways of productivity, any effort to change them will encounter the massive economic, social, and political forces that sustain that system. Our major technologies—power production, transport, the metal and chemical industries, and agriculture—are a threat to the ecosystems that support them and to our very lives. Because we reckon the value of a technology by the value of its marketable products, we have neglected their cost to society—which is, potentially, extinction.

President Nixon has spoken of the need for "the total mobilization of the nation's resources" in order to pay our "debt to nature." But the resources needed to roll back pollution remain immobilized by the cost of the Vietnam war and the huge military budget, by the talent-and-money-gulping space program, by the disastrous cuts in the federal budget for research support, by the reduction in funds for the cities and for education. The environmental crisis, together with all of the other evils that blight the nation—racial inequality, hunger, poverty, and war—cries out for a profound revision of our national priorities. No national problem can be solved until this is accomplished.

Confronted by the depth of this multiple crisis, it is easy to respond with a spate of studies, reports, and projections for future action. But, however essential they may be, more than plans are needed. For the grinding oppression of environmental deterioration—the blighted streets and uncollected garbage, the rats and the cockroaches, the decaying beaches and foul rivers, the choking, polluted air—degrades the hope of our citizens for the future and their will to secure it. To unwind this spiral of despair, we must take immediate steps against the symptoms as well as the fundamental disorder. Community efforts to clean up rivers and beaches, to build parks, to insist on enforcement of anti-pollution ordinances and to improve them can give tangible meaning to the spirit of environmental revival.

All of our problems seem to have a common root. Something is wrong with the way this nation uses its human and natural resources. And I believe that it is always healthy to reexamine, to test, the basic mechanism we have created to run our affairs. Those who are already convinced that our social system is in need of radical revision will welcome this opportunity to discuss the prospect. Those who are convinced that the system is fundamentally sound and can be adjusted to the new stresses should welcome this opportunity to demonstrate their conviction. Here, then, is good reason to bring the social revolutionary and the industrialist onto the same platform. Both need to face the same question: How should our society be organized to resolve the crisis of survival?

It is fitting that these issues are being called to our attention by the nation's youth—in the teach-ins and in the student movement that will surely follow them. For young people, our future generations, are the real victims of the impending environmental catastrophe. They are the first generation in human history to carry strontium 90 in their bones and DDT in their fat; their bodies will record, in time, the effects on human health of the new environmental insults. It is they who face the frightful task of seeking humane knowledge in a world that has, with cunning perversity, transformed the power knowledge generates into an instrument of catastrophe. And during the coming months, I think, our young people will demonstrate that they are, in fact, equal to this task, as their environmental teach-ins and ecological actions begin to mobilize the knowledge of our schools and universities and the civic zeal of our communities for a real attack on the environmental predicament.

We have long known that ours is a technological society, a society in which the knowledge generated by science is a chief source of wealth and power. But what the environmental crisis tells us is that the future of our society now depends on new, profoundly fundamental judgments of how this knowledge, and the power that it endows, is to be used. If power is to be derived from the will of the people, as it should be in our democracy, then the people need to have the new knowledge—about strontium 90, DDT, herbicides, smog, and all the other elements of the environmental crisis—that must be the source of the grave new judgments and sweeping programs this nation must undertake. Here, then, is an urgent task that must follow the teachings. Let us take our knowledge about the environmental plight to the people; let us help them learn what they need to know to decide the future course of our society.

The obligation that our technological society forces upon all of us is to discover how humanity can survive the new power engendered by science. Every major advance in man's technological competence has enforced new obligations on human society. The present age is no exception to this rule of history. We already know the enormous benefits technology can bestow, and we have begun to perceive its frightful threats.

The environmental peril now upon us is a grim challenge. It also represents a great opportunity. From it we may yet learn that the proper use of science is not to conquer nature but to live in it. We may yet learn that to save ourselves we must save the world, which is our habitat. We may yet discover how to devote the wisdom of science and the power of technology to the welfare and survival of man.

THE UNTIMELY DEATH OF WHITNEY M. YOUNG, JR.

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. BADILLO. Mr. Speaker, I join with men of good will throughout the world in mourning the untimely death of Whitney M. Young, Jr.

The cause of human rights and dignity has lost an eloquent champion and the civil rights movement in America has lost an effective spokesman. A brilliant, energetic, and dedicated man, Whitney Young made the National Urban Coalition an effective tool in advancing the progress of blacks throughout the United States.

The inhabitants of our deeply troubled cities—regardless of their race or ethnic heritage—have lost a good and understanding friend. In paying tribute to this great civil rights leader we should rededicate ourselves to those goals and principles for which he worked and fought. As a memorial to Whitney Young we should continue to strive to right those wrongs which he opposed, to assist all of our citizens to achieve equal and full opportunity and true equality and to aid those in need.

Mr. Speaker, as a tribute to Whitney Young I insert herewith, for inclusion in the RECORD, the last article which he wrote and which appeared in last Saturday's New York Times:

THE GHETTO INVESTMENT

(By Whitney M. Young, Jr.)

The statements of concern and the rhetoric of "involvement in the community" that emanated from so many public relations departments of major corporations a few years ago seem to have given way, if not to a retreat, then to an orderly withdrawal, from the problems of society.

In many quarters, the "great involvement" in the social arena is beginning to look like the "great copout." In fact, our business leaders sometimes act like restless college kids, flirting first with civil rights action, then speaking up against the war, and now, clutching the new-found environment issue to their collective bosoms.

That sound, hard-headed businessmen are reflecting the same qualities they find no reprehensible in others—lack of staying power and dilettantism—is a rough charge, but a very deserving one for some inhabitants of executive suites.

The period of corporate activism in social concerns coincided with two phenomena of great importance—a booming economy and the spread of urban rioting. On the one hand, companies were rolling in record-high profits; on the other, they perceived civil disorders as harming the good climate for business and as demanding responsible civic action from the corporate citizen.

Corporations that had never put their toes in the muddy waters of urban problems plunged in, not nearly as deep as they should have, but at least enough to get their feet wet. Now, crying that the water is too hot, many are clambering back to shore. The result of this unseemly dash to the beach is that the motives of many corporations are called into question, and their pullback has endangered worthwhile programs, increasing the frustrations of the ghetto.

A good case in point is what happened in the New York Urban League's Street Academy Program. This program, which has taken high school dropouts and, through intensive innovative educational techniques, has placed many in the best colleges in the country, is having its troubles. Some of these are related to administrative and other causes, but the root cause of the problems is fiscal—not enough dollars. Some of the academies have had to close their doors because corporate sponsors dropped out, refusing to fund them for more than the initial year or two.

One company blamed its pullout on the recession. "When the red ink shows," said an executive, "anything that is not of a direct business nature is the first to go." Another corporate official showed the complacency that drives so many critics of business up the walls: "We've done our share," he said. "We've put in $100,000."

The same businessman will pour many millions into research and development of new products. He'll only expect a 5 per cent return, even though he's dealing with known chemical and physical properties.

But when he's trying to help solve social problems 400 years in the making, created by the racialist attitudes of companies and unions like his own, he suddenly expects fast returns and instant successes.

It is beginning to look like business, in its attempt to become part of the solution, is once again becoming part of the problem.

HELP SOVIET JEWS EMIGRATE

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. PEYSER. Mr. Speaker, in recent months the plight of the Soviet Jews has been particularly in the news. I have sent the following letter to the Soviet Government in the hope that this expression of concern along with many others that have been voiced will persuade the Soviet Government to change its present inhumane policies:

HOUSE OF REPRESENTATIVES,
Washington, D.C. March 1, 1971.

ALEXEI KOSYGIN,
Council of Ministers, The Kremlin,
Moscow, U.S.S.R.

MY DEAR PREMIER: I am taking the liberty, as a United States Congressman of writing you directly to plead with you to use your great influence to bring relief to those Soviet Jews who wish to return to their homeland in Israel.

Today, your country is in a unique position to demonstrate to a troubled world, a genuine humanitarian concern for the rights of those Jewish people who wish to join their countrymen and live in accordance with their rich and ancient traditions.

Such a policy of free emigration would not only be consistent with basic humanitarian concepts, but it would also be consistent with Article 13 of the Universal Declaration of Human Rights passed unanimously by the United Nations General Assembly in 1948, the International Covenant on Civil and Political Rights signed by the U.S.S.R. in March of 1968, and the International convention on all forms of racial discrimination signed by the Soviet Union in March 1966.

Allowing Jews to emigrate to Israel would be consistent with your own stated policy first announced in 1966 of permitting reunification of families in Israel.

Many of my Congressional colleagues believe you are insensitive to a problem that deeply concerns men of all faiths and from all countries. I cannot accept the view that a man who has achieved one of the most powerful positions in the modern world is callous and indifferent to the cries of a few thousand helpless Jews who wish nothing more than to enjoy their cultural heritage.

The world community craves for new humanitarian initiatives for those people living in second class citizenship and at the same time demands that all nations live up to their international commitments. I earnestly believe that your personal commitment to allow Soviet Jews to emigrate to Israel would represent the statesman-like leadership so desperately needed to produce peace and understanding among all nations. I genuinely hope that this will be your mark on the history of modern world leaders.

Respectfully yours,
PETER A. PEYSER,
Member of Congress.

WHITNEY YOUNG

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, the untimely death last week of Whitney Young was a great loss for all Americans. Mr. Young distinguished himself as a man of patience, moderation and pride.

While others believed that in order to change they must first destroy, Mr. Young continually labored to bring the conflicting elements together.

When two sides each demanded their own solutions to problems, Mr. Young struggled to find a compromise solution.

As groups on both sides of an agreement sought to inflame the situation, Mr. Young was always one of the first to calm the fires.

While working at great personal cost to bring an end to racial discrimination and poverty, Mr. Young carried the message of pride and respect for his country and all peoples wherever he went. I am deeply saddened at his passing and send my deepest condolences to his wife and two daughters.

THE $10 BILLION MISUNDERSTANDING

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. HARRINGTON. Mr. Speaker, few things remain sacrosanct today. Unfortunately, our defense budget appears to be one of them. However, last November, Dr. Kaysen, director of the Institute for Advanced Study at Princeton, in his testimony before the Senate Foreign Relations Subcommittee on U.S. Security Agreements and Commitments Abroad, suggested that the defense budget could be cut by $10 billion in the next year without endangering our security or defense posture.

His testimony as presented in Roland Paul's column, "The $10 Billion Misunderstanding" is a convincing argument for a substantial budget cut without forcing us back to a policy of "massive retaliation."

I hope my colleagues will give careful consideration to the ideas it espouses:

THE $10 BILLION MISUNDERSTANDING

(By Rowland A. Paul)

WASHINGTON.—Last November Dr. Carl Kaysen, the director of the Institute for Advanced Study at Princeton and a former deputy special assistant to President Kennedy for national security affairs, testified before the Senate Foreign Relations Subcommittee on United States Security Agreements and Commitments Abroad. There was no press coverage for Dr. Kaysen's testimony because public attention was absorbed at that time by the dramatic raid on the North Vietnamese P.O.W. camp at Sontay. Nevertheless, Dr. Kaysen had a very important message to deliver—the defense budget for nonnuclear forces, in his opinion, could in the next year or so be reduced by $10 billion.

I would like to explain how this savings of $10 billion can be achieved, based upon Dr. Kaysen's testimony and the work done by the Brookings Institution, which Dr. Kaysen referred to in his testimony.

The 1971 defense budget of about $73 billion is composed of $18 billion for strategic (nuclear) forces, $11 billion as the incremental costs of the Vietnam war this year and $44 billion for the base line general purpose forces, i.e., the pre-Vietnam Army divisions, Air Force wings and Navy task forces at 1971 prices. It is out of this $44 billion which Dr. Kaysen and Dr. William Kaufmann, who did the basic work for Brookings, believe that $10 billion can be saved.

Let me first show the savings that could be achieved among the Army and Marine Corps divisions, and then indicate the parallel savings within the Navy and Air Force. The nineteen and two-thirds Army and Marine Corps divisions which we have today (we had nineteen and one-third in 1964) are roughly allocable: eight to Europe, eight to Asia, one to other regions and two and one-third to a strategic reserve.

Some of these, though allocable to a contingency beyond our borders, are, of course, stationed within the United States. Until the recently announced doctrine of the Administration that the United States will henceforth stand ready to engage in one and one-half major contingencies, namely, one in Europe or one in Asia and a minor contingency elsewhere, it becomes clear that we do not need to have the same number of active divisions for an Asian contingency as for a European contingency.

Instead, Dr. Kaysen and Dr. Kaufmann recommend reducing the eight active divisions allocable to Asia by six, leaving two active divisions in being as an immediate force available for an Asian contingency. Since each division deactivated represents an annual savings of $800 million, such a reduction in itself would represent an annual savings of $4.8 billion.

Similarly under the one and one-half wars doctrine, three wings of tactical aircraft and six naval carrier task forces could be cut. The elimination of the three air wings would mean a savings of more than $1 billion annually and the elimination of the six task forces would constitute an annual savings of $3 billion. Additional savings among the antisubmarine warfare carriers and airlift and sealift forces would make the total savings about $10 billion.

Such savings would still leave the United States with forces actually in the Pacific of one, and possibly two, carrier task forces (with one or two backup task forces), four Air Force wings, two ground divisions and, if those divisions were Marine Corps divisions, two additional air wings (since Marine air is integral to the Marine Corps divisions).

Some of these forces recommended for reduction are now in Vietnam. Five of the eight base line divisions mentioned above as allocable to Asia are there. What is recommended then, is that as Vietnamization occurs and the United States withdraws from a combat role in Southeast Asia, we should demobilize not only those units which represent the special augmentation for that conflict but also units that would have been in existence had there been no such war.

The recent announcement by the Secretary of Defense that he expects an increase in the defense budget suggests that he does not contemplate making all the reductions which I have outlined above, especially since further savings should be possible in Vietnam as we reduce our $11 billion commitment there.

It is not absolutely necessary that the total savings come solely from forces allocated to an Asian contingency. They could also be taken from the eight Army divisions allocable to Europe, the one allocable to other regions, or the two and one-third allocable to the strategic reserve. We also have sixteen Air Force air wings allocable to Europe, which could bear part of the Air Force reduction.

A current myth about such reductions in American manpower should be laid to rest. This myth is that such reductions are tantamount to a return to the doctrine of massive retaliation. This is not so. These reductions are being proposed because American interests abroad can be adequately protected with a smaller American force in being in light of the reduced risk of overt aggression against those interests today, both in Europe and in Asia. The flexible response policy would continue, but with greater peacetime efficiency.

FORCE PLANNING UNDER THE NEW STRATEGY

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. BOB WILSON. Mr. Speaker, it is important that every American fully understand the new strategy of realistic deterrence which emerges from the defense report submitted last week to the Congress by Secretary of Defense Melvin R. Laird. This strategy leaves no doubt as to our Nation's desire for peace by maintaining adequate strength and by remaining willing to negotiate differences.

Through the Laird report, we have for the first time a clear-cut defense budget and manpower goals established under a 5-year program that envisions a modern and efficient military force. I believe the 5-year program deserves our careful study and request that a section of the defense report related to this program be printed in the RECORD.

I include the following material:

FORCE PLANNING UNDER THE NEW STRATEGY

The traditional discussion of both the threat and our own force planning in specific mission categories has certain limitations. While it is convenient for budgetary purposes and superficially clearer to analyze threats and forces in neat categories, such categorization can be both misleading and hazardous for force planning. The military strategist necessarily deals with the complete spectrum of conflict, just as the national security strategist must take account of both military and non-military resources.

In planning forces for the complete spectrum of conflict, we must recognize all the capabilities that can be provided by our existing forces. Many of these forces are versatile enough to perform more than one mission or function and to serve purposes different from the one for which they have been specifically designed and procured. Many examples are available: the B-52, although designed as a strategic bomber, has played a large role in tactical operations in the conflict in Southeast Asia; most tactical aircraft and tactical missile systems have both conventional and nuclear delivery capabilities and several aircraft have multimission roles, such as interdiction, close support, and air superiority; some tactical fighters can be used as interceptors for strategic air defense of the Continental U.S.; and aircraft carriers, depending on aircraft complement, are capable of being used in defending the fleet, attacking hostile ships or submarines, providing close air support or interdiction overland, or other missions.

Thus, the use to which any system can be put derives more from inherent capability and the nature of the conflict than from primary mission design. At the same time, it should be recognized that any given force element cannot always be used in a time-critical environment for more than one mission, a major reason for prudent levels of force redundancy.

A. THE FIVE-YEAR PROGRAM

Last year, when presenting the FY 1971 Defense Budget and Program I advised you that we had broken the cycle of five-year planning, and that the FY 1971 Budget was transitional. This year, as I promised, we are presenting the first Five-Year Defense Program of this Administration. The summary forces, shown in classified tables provided to the Committee, represent the basic minimum capabilities which we deem necessary and appropriate to provide for the immediate years ahead. In effect, we have completed our transition to baseline planning, and are now building for the future. Table 9 includes a summary of the active forces we plan to maintain through FY 1972.

In the following sections, I will discuss many of the specific programs which we are recommending in the FY 1972 Budget to preserve baseline capabilities and to provide for readiness, modernization and improvement in existing forces, while at the same time creating additional options for new forces should future events require them. Before turning to a more detailed discussion, however, I believe it is important to note certain trends.

As you know, major reductions have occurred over the past two years in the size of our armed forces—in numbers of Army divisions, in the number of aircraft in the total tactical and strategic aircraft inventory, in active naval ships, and, of course, in the manpower associated with these forces. In FY 1972, continuing reductions in certain areas are planned, although of a much smaller scope than in the immediate past.

An examination of Table 1 reveals a change in emphasis in the FY 1972 Defense Budget, in that both research and development and procurement reflect considerable increases from FY 1971. The procurement increases will provide us with some badly needed modernization of existing forces, while the R&D increases represent a needed investment for the future.

Several other points are worthy of note. First, the FY 1972 Defense Budget, in terms of constant dollars, is about equal to what might be termed the last peacetime budget, that of FY 1964.

Second, the cost of manpower required to maintain our active forces is increasing. As we proceed towards an all-volunteer force, we can except manpower costs to continue increasing substantially as we seek to make military service more attractive and more rewarding. It will not be easy to strike a balance between our equipment needs and our manpower needs.

In addition, you will note that there is no appreciable change in our strategic force funding compared with last year. We continue to believe that hard decisions may have to be made in this area in the coming months, and I will not hesitate to recommend additional effort should the threat or developments in SALT warrant. But pending favorable development in SALT, we continue to believe that an orderly phased program, to preserve essential capabilities, maintain available options and create new ones as appropriate, is both prudent and necessary.

Let me turn now to a discussion of major forces and modernization programs we are proposing for FY 1972. Of course, many of the details associated with these programs will be amplified by other Department of Defense witnesses when they appear before the Committee.

B. STRATEGIC NUCLEAR FORCES FOR DETERRENCE

"Our strategic forces are the cornerstone of the Free World's deterrent against nuclear attack and must always be sufficient for this crucial role. We seek a negotiated limit or reduction of strategic nuclear forces in the Strategic Arms Limitation Talks (SALT). But in the absence of an agreement, we must proceed with planned improvements to assure the effectiveness of our strategic forces in the face of a formidable Soviet threat."—President's Message to Congress on FY 1972 Budget, January 29, 1971.

Since the Soviet Union was approaching the strategic strength of the United States in the past two years, re-examination of the basis for strategic force planning was required. As a result of the re-examination, the Nixon Administration established sufficiency criteria insofar as a nuclear attack upon the United States is concerned, which are more comprehensive than the retaliatory, or "assured destruction" objective followed in the past.

These criteria for strategic sufficiency are not rigid and unchanging, but rather are developed as broad guidance for planning. They are kept under review in the light of changing technology and other factors, such as intelligence estimates of Soviet and Chinese Communist capabilities in strategic weaponry

Furthermore, as the President noted in his Foreign Policy Report, the concept of sufficiency in what I like to call the broader context of total force planning includes more than just military considerations. In the President's words:

"In its broader political sense, sufficiency means the maintenance of forces adequate to prevent us and our allies from being coerced. Thus the relationship between our strategic forces and those of the Soviet Union must be such that our ability and resolve to protect our vital security interests will not be underestimated. I must not be—and my successors must not be—limited to the indiscriminate mass destruction of enemy civilians as the sole possible response to challenges. This is especially so when that response involves the likelihood of triggering nuclear attacks on our own population. It would be inconsistent with the political meaning of sufficiency to base our force planning solely on some finite—and theoretical—capacity to inflict casualties presumed to be unacceptable to the other side."

We are continually examining ways to diversify our strategic systems to reduce the possibility that an unforeseen technological development or early deployment of projected threats could neutralize a substantial part of our strategic capability.

In planning strategic forces to meet the military criteria for deterrence, our principal objectives, derived from the sufficiency criteria, currently include:

Maintaining an adequate second-strike capability to deter an all-out surprise attack on our strategic forces.

Providing no incentive for the Soviet Union to strike the United States first in a crisis.

Preventing the Soviet Union from gaining the ability to cause considerably greater urban/industrial destruction than the United States could inflict on the Soviets in a nuclear war.

Defending against damage from small attacks or accidental launches.

While these general planning objectives provide overall guidance, there are a number of more specific issues which must be considered when planning our strategic forces.

Among them is the Strategic Arms Limitation Talks (SALT). Because we cannot predict their outcome we must insure the maintenance of our present capabilities, while at the same time preserving or creating options to adjust those capabilities upward or downward if that is required at some time in the future. In the absence of an appropriate SALT agreement that provides for mutual security, an approach that preserves needed capabilties while we continue to seek an effective agreement is, in my view, essential.

To fulfill our objectives in strategic force planning, we strive to maintain a reliable retaliatory force, placing primary emphasis on measures that both reduce vulnerability to attack and assure defense penetration. In addition, we seek to provide reliable reconnaissance and early warning capabilities to minimize the likelihood and consequences of surprise, appropriate defensive forces to protect both air and ballistic missile attack, and effective and reliable command and control of these forces.

At the same time, recognizing the uncertainty inherent in strategic force planning, it is essential to pursue a vigorous research and development program to preserve our options to augment or modify both our offensive and defensive capabilities.

Both the Soviet Union and the Chinese Communist strategic nuclear threats, as presently projected through the mid-1970's, have important implications for our strategic force planning.

Even if the Soviet Union levels off at roughly the present number of ICBMs operational and under construction, it could have more than 1,900 reentry vehicles in its ICBM force by the mid-1970's. This force, alone, would be more than enough to destroy all U.S. cities of any substantial size. Practically all of the U.S. population also lies within range of the growing Soviet SLBM force. We must also continue to take into account the Soviet bomber force, which is expected to decline only gradually in the near term.

We continue to believe that an effective defense of our population against a major Soviet attack is not now feasible. Thus, we must continue to rely on our strategic offensive forces to deter a Soviet nuclear attack on our cities.

Since we rely on these forces for deterrence, we must insure that they are adequate to convince all potential aggressors that acts which could lead to nuclear attack or nuclear blackmail pose unacceptable risks to them.

Recent analyses of strategic force effectiveness indicate that planned strategic forces should continue to provide an adequate deterrent for the near term. We do have reliable and survivable strategic retaliatory forces, and their capabilities for retaliation today cannot be denied by nuclear attack.

1. The planned fiscal year 1972 strategic forces

For FY 1972, in the absence of a SALT agreement, the major numerical change that will take place in these forces is the inactivation of three B-52 squadrons. We currently plan to keep the aircraft from one of these inactivated squadrons, plus those of the two B52-D squadrons in Southeast Asia, as rotational aircraft to support our mission requirements in that area.

Our strategic offensive forces at the end of FY 1972 will consist of 1,000 Minuteman missiles, 54 Titan missiles, 450 B-52 aircraft (26 squadrons), 71 FB-111 aircraft (four squadrons), and 656 Polaris and Poseidon missiles carried in 41 nuclear submarines.

Our strategic defensive forces at the end of FY 1972 will include about 600 manned interceptors and about 900 surface-to-air missiles on site, together with the required warning and command and control systems.

With planned modernization, and with a phased Safeguard deployment as appropriate, these strategic force strengths represent our baseline planning forces for the future.

2. Modernization of U.S. strategic forces in fiscal year 1972

The major programs for improvement and modernization discussed in the following sections are designed to preserve the sufficiency of these forces to fulfill the basic planning objectives I noted earlier, while at the same time preserving our flexibility. A summary of these programs, and the comparable FY 1971 effort, is shown:

SELECTED STRATEGIC FORCES PROGRAMS

[In millions of dollars]

	Fiscal year 1971 actual funding	Fiscal year 1972 proposed funding
Reliable, survivable retaliatory forces:		
Development and continued procurement of short-range attack missile (SRAM) and modification of aircraft	266	359
Continued development of subsonic cruise Armed decoy (SCAD)		10
Continued procurement of minuteman III and minuteman force modernization	589	839
Conversion of SSBN's to Poseidon configuration, continued procurement of Poseidon missiles, and associated effort	1,022	803
Development of new undersea long-range missile system (ULMS)	45	110
Continued development of new strategic bomber, B-1	75	370
Development of advanced ballistic reentry systems and technology	100	87
Reconnaissance, early warning, and air defense:		
Continued development of airborne warning and control system (AWACS), and over the horizon radar (OTH)	92	149
Continued deployment of new satellite strategic surveillance system and development of follow-on systems	213	187
Ballistic missile defense:		
Continued deployment of safeguard	1,331	1,278
Identification and development of advanced ballistic missile defense technology by the Army's Ballistic Missile Defense Agency	105	100
Prototype development of hard-site defense	25	65
Civil defense	73	78

a. A Reliable and Survivable Retaliatory Force

In the strategic offensive forces area, we are concerned both about the potential vulnerability and the penetration capability of our bombers and missiles as we approach the mid-1970's.

As I noted last year, to enhance the prelaunch survivability of our strategic bomber force against the Soviet submarine-launched ballistic missile threat, alert aircraft are being dispersed over a greater number of bases, generally further inland than in the past. Fourteen satellite bases, each with minimum facilities to support aircraft, will be in operation by the end of FY 1972. We are currently examining options for more extensive interior basing of this force, and other means to further improve prelaunch survivability against a broad range of potential submarine-launched ballistic missile threats. For example, one specific initiative undertaken by the Air Force is the provision of a rapid start capability for the B-52's and associated tankers assigned to the Strategic Air Command to reduce engine start time.

We will also need to provide improved penetration capability for the B-52 force as well as the FB-111 bomber force which will be operational through the mid-to-late 1970's. For this purpose, we are requesting $359 million in FY 1972 to: (1) complete development of the Short Range Attack Missile (SRAM), (2) procure a quantity of missiles, and (3) modify B-52 and FB-111 aircraft to carry SRAMs. In addition, we are requesting $10 million to continue development of the Subsonic Cruise Armed Decoy (SCAD) to counter possible Soviet air defenses of the late 1970's.

The SRAM will carry a nuclear warhead and travel at supersonic speed. It will give the attacking plane a capability to "stand off" from a target and avoid anti-aircraft defenses. Based on favorable static and flight test results of the SRAM motor, the Air Force has recently ordered the start of full production of the missile.

We are continuing the program to deploy MIRVs in our MINUTEMAN and POSEIDON missiles. We consider this program essential to preserve the credibility of U.S. deterrent forces when faced with the growing Soviet strategic threat. The MIRV program will provide a number of small, independently-targetable warheads on a single missile. Should part of our missile force be unexpectedly and severely degraded by Soviet preemptive actions, the increased number of warheads provided by the remaining MIRV missiles will insure that we have enough warheads to attack the essential soft urban/industrial targets in the Soviet Union. At the same time, the MIRV program gives us increased confidence in our ability to penetrate Soviet ABM defenses, even if part of our missile force were destroyed.

Including MIRV, several major programs for the improvement and modernization of our land-based missile force are now underway, with a total funding requested of $839 million. The budget includes $591 million to procure Minuteman IIIs toward a total planning objective of 550 missiles. The force modernization program includes upgrading Minuteman silos against nuclear blast and radiation effects, in order to reduce their vulnerability. This program will be coordinated with the replacement of Minuteman I by Minuteman III missiles to complete both the silo upgrading and Minuteman III deployment programs efficiently. The Budget also includes funds to continue the program of reducing the vulnerability of the Minuteman II missiles to nuclear radiation effects while in flight. The Minuteman III missiles currently being produced are already designed to withstand these effects. In addition, we will continue the Command Data Buffer Program, which will permit more rapid and remote retargeting of Minuteman III missiles.

In addition, we are planning steps to preserve this portion of our strategic offensive forces through the deployment of active ballistic missile defense. I will discuss this program and its relation to our overall planning in a later section.

We are continuing to convert Polaris submarines to carry the Poseidon MIRV missile. The Poseidon development test program was completed in June 1970 with 14 successes in 20 firings. In addition, through February 1971, there have been eight production missiles fired from submerged submarines. The first Poseidon-equipped submarine will deploy this spring. The budget includes $803 million to convert more submarines, procure more missiles and provide long lead items for conversions planned next year. Funding for the Poseidon submarine conversion program should be completed in FY 1974.

In addition to these programs now in progress, we must also make preparations to carry out long-range modernization programs to provide adequate strategic offensive forces in the 1980's. We believe that the best near-term approach is to do design studies and preliminary engineering development of a number of systems without committing ourselves to produce any of them. In this way, we will preserve the flexibility to capitalize on opportunities as they appear, counter threats which may emerge in the future, and respond to changes emerging from SALT.

The two most significant of our on-going long-range developments are the Undersea Long-Range Missile System (ULMS) and the B-1 intercontinental bomber. The ULMS program now underway will provide the option to augment or eventually modernize the sea-based portion of our missile forces. Work is proceeding deliberately so as to preserve options on performance characteristics and to shorten the leadtime for deployment should this become necessary in the future. Although our continuing investigations have resulted in no immediate concern about the survivability of our Polaris and Poseidon submarines at sea, we are continuing our active program for SSBN defense. Of course, no system can be guaranteed to remain invulnerable indefinitely and we are aware that the Soviets are working on new ASW techniques. However, our investigations have also persuaded us that the expanded operating area permitted by the long range of an ULMS missile could offset possible anti-submarine threats which might develop during the late 1970's or beyond. Since continued development work on ULMS preserves our flexibility to respond to a possible future degradation in the effectiveness of any of our strategic systems, it is an important factor in our future strategic force planning. The Budget contains $110 million, primarily for continued technical trade-off studies, preliminary submarine and facilities design, and design work on the power plant and navigation, guidance, fire control, and launcher systems.

The Budget also includes $370 million to continue engineering development of the B-1 intercontinental bomber. This aircraft is designed to modernize the aging B-52 fleet. The B-1 is being designed to enhance survivability in all modes of operation through faster reaction, increased resistance to overpressure, faster fly-out times, higher speeds and lower altitudes during penetration, reduced IR and radar cross sections and greatly increased ECM capabilities; it is being designed for increased conventional capabilities as well. The B-1 is being developed in such a manner as to minimize the concurrence of development and production. This will permit a B-1 operational capability by the early 1980's if we choose at a later date to proceed into production.

The B-1 engineering development contract with North American Rockwell is a "Cost Plus Incentive Fee" contract with no provision for a buy option. I want to emphasize that we will not commit the B-1 to production before development is completed. The program provides for seven basic milestones. At the present time, the only fixed date is a September 1974 first flight time, but a contract change proposal is being prepared to move the first flight time ahead to April 1974 and to eliminate two test aircraft. The Preliminary Design Review and the System and Engine Design Validations are scheduled for FY 1972.

We plan to continue our investigations of Advanced Ballistic Re-entry systems (AB RES) and technology, and are requesting $87 million in FY 1972 for this effort.

b. Air Defense

During FY 1972, we will make certain additional reductions in the current air defense forces, primarily with reductions in surface-to-air missiles, but we will maintain our aircraft early warning capability and will continue research and development to provide effective bomber defenses. The major change planned for these forces is FY 1972 is a reduction in the number of NIKE-HERCULES missile batteries.

Even if we successfully conclude a strategic arms limitation agreement, we may need to modernize our air defenses in the late 1970's. Therefore, the Budget includes research and development funds for two key systems: $3.6 million for the CONUS Over-the-Horizon radar (OTH-B) and $145 million for the Airborne Warning and Control System (AWACS).

The CONUS OTH-B radar system will provide distant, all-altitude detection of approaching aircraft. Tests now being conducted should provide by mid-1972 performance data needed to decide whether to construct an operational system.

AWACS will provide the capability to detect and track low- or high-flying aircraft against the surface clutter over land or sea. It is now in engineering development, and two prototype radars are being prepared for flight testing in military versions of the Boeing 707 commercial jet aircraft. We expect the tests to be completed in late 1972. We can then select the better system, and decide in light of circumstances at that time whether to proceed with the final stages of system development.

A future air defense system will require an improved interceptor that possesses a "look-down/shoot-down" capability, greater time on station at AWACS operating ranges, and improved fire power. Both the Navy F-14 and Air Force F-15 now under development are capable of being adapted to fulfill the mission of a new air defense manned interceptor, and we expect to examine closely the feasibility of using one of them for this mission. The Army surface-to-air missile system (SAM-D) currently under development could also play a significant role in CONUS air defense.

c. Missile Warning and Space Systems

Early warning of ICBM attack will continue to be provided by the Ballistic Missile Early Warning System (BMEWS) radars and the "forward scatter" OTH radar system. The seven radars of the 474N system will give limited early warning of SLBM attack. Development of the satellite early warning system is continuing. The FY 1972 Budget includes $187 million to deploy this new advanced system, which will complement our radars in providing early warning of ICBM, SLBM and Fractional Orbit Bombardment System (FOBS) launches, and continue development work on follow-on systems. The system will greatly improve the overall capability of our warning network, especially against both ICBM and SLBM launchers.

We will continue to maintain an active anti-satellite defense capability. Satellite tracking and identification will continue to be provided by the existing USAF Spacetrack system and the Navy's SPASUR system; both tied into the North American Air Defense Command and supported by the Space Defense Center for continuous space cataloguing.

d. Ballistic Missile Defense

The Safeguard Anti-Ballistic Missile Defense System has been and continues to be designed to achieve several objectives against a combination of Soviet and Chinese threats. They include:

"Protection of our land-based retaliatory forces against a direct attack by the Soviet Union.

"Defense of the American people against the kind of nuclear attack which Communist China is likely to be able to mount within the decade.

"Protection against the possibility of accidental attacks from any source."

Last year I told the Congress that ". . . without the Safeguard increment provided by this [FY 1971] budget, we would be faced now with the hard decisions about adding immediately to our offensive systems rather than being able to await hoped for progress in SALT." I further noted in discussing Safeguard several other important points:

That the impact of technological surprise—for example, Sputnik—can lead to expensive crash responses unless we face and make important national security decisions in a timely manner.

That Safeguard may not be sufficient to cope with all possible threats, but that it can serve as a core for growth options to defend Minuteman as well as providing the basic four-site coverage.

That we were pursuing other concepts, including Mobile Minuteman (on land or afloat), further hardening of Minuteman silos, and shelter based Minuteman, through FY 1971 R&D programs to provide other approaches to the Minuteman survivability problem.

And that if the threat development warranted, I would not hesitate to recommend accelerated development of ULMS.

Before turning to a discussion of this year's proposed Safeguard program, let me note that we have moved forward in this budget on both the ULMS and the B-1 development programs, and we are continuing to examine other options as well. With regard to deployment options, we are requesting funds to exercise only one in FY 1972, to start the increased hardness program for Minuteman silos. Our philosophy has not changed: we are pursuing moderate programs, preserving our flexibility with regard to both SALT and the threat, and keeping our options open for the future.

This year a complete and comprehensive review was conducted in accordance with the President's commitment of March 14, 1969. The review of Safeguard included:

Technical Progress. The technical and deployment progress of Safeguard has been satisfactory. The Spartan and Sprint missiles under control of the Missile Site Radar deployed at Meck Island have successfully intercepted ICBM targets. Of ten systems tests to date, eight have been successful, one partially successful, and one unsuccessful.

Threat. The threat is discussed in detail in Chapter III and the Tables. In summary:

(a) There has been an unexplained slowdown in deployment of current Soviet ICBM models, but tests of modifications of the SS-9, SS-11, and SS-13 have continued. Even at current ICBM levels, qualitative force improvements, to include MIRV's, could pose a threat to the survivability of U.S. land-based ICBM's unless defensive measures are taken;

(b) The continued deployment of Soviet Y-class submarines, and a new long-range Submarine Launched Ballistic Missile (SLBM) which is being tested, could threaten the survivability of our strategic bomber force; and

(c) The Chinese have continued to make progress toward the development of an ICBM system. Estimated earliest possible initial ICBM capability is 1973 with the more likely time being the mid-1970's.

Diplomatic Context. The President has discussed developments in SALT in his Foreign Policy Report to Congress on February 25th. Although there has been progress in SALT, we have not obtained the necessary results from the negotiations to allow us confidently to change our basic plans for Safeguard.

As the President said two years ago, the deployment of Safeguard depends on the evolution of the Soviet and Chinese threats, and the outcome of SALT. As we found in the review, the threat developments indicate that we should continue to move ahead toward the full Safeguard deployment; however, we cannot predict the outcome of SALT.

The President has decided to request authorization to implement the following Safeguard program through FY 72:

Continue construction at the sites at Grand Forks AFB, North Dakota and Malmstrom AFB, Montana.

In 1971, strat construction at the site at Whiteman AFB, Missouri, authorized in the FY 71 Budget.

Take steps toward deployment of a fourth site at either Warren AFB *or* in the Washington, D.C. area.

This decision reflects the following considerations:

To be responsive to the threat, orderly progress on the presently authorized Minuteman defense and those research and development activities for improving future Minuteman survivability should continue. A fourth Safeguard site at Warren would allow timely deployment of additional Minuteman defense and light defense of some inland strategic bomber bases and command and control centers at Omaha and Colorado Springs. However, an acceptable arms control agreement could affect the planned Safeguard defense of Minuteman.

The National Command Authorities are vulnerable to attack by Soviet ICBMs and SLBMs and the defense of our NCA would add to the credibility of our deterrent. At the same time, NCA defense is part of one option of a U.S. SALT proposal and is of interest to the Soviet negotiators.

The initiation of a full light area defense deployment of the entire U.S. continues to be a desirable objective because of the continuing efforts of the Chinese to produce an ICBM. Therefore, we should retain the option for proceeding with full Safeguard area defense deployment.

In summary, the Soviet and Chinese threats to the U.S. call for moving ahead toward the full Safeguard deployment. However, we wish to exercise those restraints which we believe may enhance the chances for reaching an acceptable agreement. In short:

The President's program will continue progress toward satisfying our strategic objectives. It continues progress toward defense of Minuteman pending a satisfactory agreement in SALT. It maintains an option to provide for defense of the NCA as outlined as part of one option in a U.S. SALT proposal, and it maintains the option for the deployment of area defense against small attacks at a later time.

The President's program will continue progress in SALT. The proposed program does not request authorization for additional area defense sites beyond those which also protect Minuteman and the NCA. The U.S. has indicated a willingness to modify the long-range plans for full Safeguard area defense of CONUS if an acceptable arms control agreement with the Soviet Union can be reached.

Our FY 1972 request for funds and authorization includes both Warren AFB and Washington, D.C. We believe that the Congress should authorize work on both sites this year, to provide the President maximum flexibility both with regard to SALT developments and the threat. I would emphasize that under this request, the FY 1972 deployment program would be limited to only one of the two locations.

The Safeguard program is designed to achieve several strategic objectives. In addition, the present program provides flexibility for several SALT contingencies and possible outcomes. It does not prejudge either the decisions to be made in SALT or the possible results of SALT. Until it becomes clear that an agreement adequately constraining the Soviet threat to our retaliatory forces is attainable, the program will proceed in an orderly and timely manner. To do more could reduce the chances for success in SALT: to do less could erode our security and reduce Soviet incentives to negotiate seriously in SALT.

In summary Mr. Chairman, the proposed FY 1972 Safeguard program and other related actions which we are recommending reflect the basic philosophy which President Nixon announced in making his first decision on Safeguard—a measured, orderly, and sufficient pace, subject to review and modifications as developments dictate. While we proceed at a measured pace with Safeguard, we intend to keep our other options open. We are continuing to examine those which I mentioned last year, and are examining other concepts as well: for providing light area defense against small or accidental attacks through other means than the current full Safeguard to enhance our ability to counter the Chinese threat even if a desirable SALT agreement precludes full deployment of the current Safeguard program; through prototype development of a hard site defense to augment the Safeguard defense of Minuteman if necessary; and other potential programs that may become available in the decade ahead in both offensive and defensive areas. Our objective is to ensure that under any foreseeable circumstances we can continue to provide for the safety and security of the American people.

A summary of the deployment schedule through FY 1972 for the proposed SAFEGUARD program is shown below. The $1,278 million we are requesting for FY 1972 will accommodate the funding level required for either site, excluding personnel and operation and maintenance costs. The details of the SAFEGUARD program and related ballistic missile defense activities will be discussed in detail by Department of Defense witnesses.

DEPLOYMENT SCHEDULE (EQUIPMENT READINESS DATE)

October 1974	May 1975	Early 1976	Mid 1977	Late 1977
Grand Forks	Malmstrom	Whiteman	Warren	Initial Washington capability.[1]

[1] The initial defense of Washington is the same as would be provided in the full Safeguard deployment and includes a single missile site radar (MSR).

e. Civil Defense

A complete review of the U.S. Civil defense Program has been conducted by the Office of Emergency Preparedness at the direction of the National Security Council (NSC). Pending consideration of the review by the NSC we do not propose any major changes in the civil defense funding for FY 1972. The Budget includes $78 million for this program. We will maintain current programs to identify shelters, equipment and train civil defense volunteers. Deployment of the prototype low frequency warning transmitter will continue in FY 1972. As in previous years a large portion of the civil defense funds will be used to assist state and local civil defense activities and finance federal emergency operations.

THE 18-YEAR-OLD VOTE

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. BOLAND. Mr. Speaker, the Senate has just passed a constitutional amendment that would grant 18-year-olds the right to vote in any election. The need for this legislation is plain. The Supreme Court, as you know, has upheld the constitutionality of the Voting Rights Act provision extending the franchise to 18-year-olds. The Court, however, ruled that this law is binding only for Federal elections. America's young people, as a result, are left with this irony: they can take part in elections for the highest Federal offices, but not in elections for offices in their own communities.

The constitutional amendment passed by the Senate last week—an amendment that explicitly spells out any 18-year-old's right to vote in any election—would clear away this inequity.

Like most of my colleagues here, I hope this legislation is promptly enacted into law.

It is clear—indeed, conspicuous—that today's 18-year-olds are far better educated and far more sophisticated than those of even a generation ago. It can be argued convincingly, in fact, that contemporary youth is more keenly aware of the problems confronting American society and more ardently committed to solving those problems than many of their elders. At the age of 18, young men and women have completed their secondary education. They are entering college, joining the Armed Forces, taking jobs. They are more intellectually mature and more politically responsible than any generation in the country's history. It was nearly two centuries ago—in a small, rural, agrarian society—that most States set the voting age at 21. It made sense then. It no longer makes sense today.

The overwhelming majority of American youth want to work within what is called "the system," seeking their political goals through the traditional institutions of our democracy. They are frustrated, however, merely because they are denied the right to vote. American young people are a powerful force for good in our society. Granted, a minority so small that it can be accurately termed "trivial" has embraced radicalism and revolution. But—I cannot emphasize this point strongly enough—most young people border on exemplary citizens. They are bright. They are responsible. They are conscientious. They deserve the right to vote.

STRONG SUPPORT FOR BILL TO BAN UNSOLICITED CIGARETTE SAMPLES

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, on February 4, 1971, I introduced a bill to prohibit the mailing of unsolicited cigarette samples. Since then I have received numerous complaints from all over the country from people who have received cigarette samples in the mail. The Federal Trade Commission has been receiving complaints as well.

Due to the widespread interest in this legislation and the many inquiries I have received from my colleagues in the House of Representatives, I am reintroducing this bill today with 21 additional cosponsors.

It is my hope that the Committee on Post Office and Civil Service, will give this bill its prompt and favorable consideration. At this point, I would like to insert the text of this legislation in the RECORD:

H.R. 3559

A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to prohibit the mailing of unsolicited samples of cigarettes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3001 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 745 and 746; Public Law 91-375) and amended by the Act of January 8, 1971 (84 Stat. 1974; Public Law 91-662), is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting immediately below subsection (e) the following new subsection:

"(f) (1) Any sample of any cigarette mailed without the prior express written consent or request of the addressee is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs. The Postal Service may permit the transmission in the mails, under regulations prescribed by the Postal Service, of any such unsolicited sample addressed to a physician, chemist, or medical technician engaged in medical research or to a hospital, clinic, laboratory, medical school, or other agency, institution, or organization, whether government or private, engaged in medical research or having medical research facilities. Such regulations shall provide that the envelope, package, or other cover under which such unsolicited sample is mailed shall bear on its face in conspicuous type a notice, in words prescribed by the Postal Service, to the effect that such envelope, package, or other cover contains a sample of one or more cigarettes unsolicited by the addressee but which may be of interest or assistance to the addressee for purposes of medical research.

"(2) As used in this subsection, 'cigarette' has the meaning provided by section 1332 (1) (A) and (B) of title 15."

SEC. 2. The amendments made by this Act shall become effective at the beginning of the third calendar month following the date of enactment of this Act or on such earlier date, published in the Federal Register by the Board of Governors of the Postal Service, as the Board may prescribe.

THE PLIGHT OF THE "UNPEOPLES" OF THE RED EMPIRE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. DERWINSKI. Mr. Speaker, one of the most informed scholars of the Soviet Empire is Dr. Walter Dushnyck, editor of the Ukrainian Quarterly of New York City. In an article in the spring 1971 edition of that publication, Dr. Dushnyck pens a precise and objective article on conditions within the U.S.S.R. The article follows:

THE PLIGHT OF THE "UNPEOPLES" OF THE RED EMPIRE

"There were Ukrainian nationalists and therefore had a pathological hatred of the Soviet regime. . . . During the second half of the war he (Bandera) fought against both us and the Germans. Later, after the war, we lost thousands of men in a bitter struggle between the Ukrainian Nationalists and the forces of the Soviet Powers." (Cf. *Khrushchev Remembers*, pp. 140–141)

Once again, the world's attention has been drawn to the plight of the captive peoples of the Soviet Russian empire, this time by a series of incidents which, unhappily for them, could not be suppressed by the Communist rulers behind the Iron Curtain.

The December 1970 riots in the Baltic ports of Poland, the infamous case of extradition of the Lithuanian seaman Simas Kudirka to Soviet guards by the U.S. Coast Guard officials off Boston, and the global repercussions of the Leningrad trial of the Soviet Jewish would-be plane high-jackers—all again confirm the great tragedy suffered by the captive "Unpeoples" in the Russian communist empire.

The term "Unpeople" is an exceedingly appropriate one. It captures the relentless drive of the Kremlin rulers to destroy physically if need be, all non-Russian ethnic entities in their empire and to "Sovietize," that is, Russify, all heterogeneous peoples.[1]

Owing to the special nature of their society and government, the Russian rulers have always been successful in eliminating unpalatable facts from their history books, whether they pertain to persons or to whole nations. It has now became commonplace in Soviet historiography to try to hide actual happenings and facts from Western eyes and knowledge. Several prominent Soviet figures in recent times, once they were "liquidated" for real or imaginary conspiracy, have become "Unpersons," and no longer receive mention in Soviet history books or Soviet encyclopedias. One case in point is Lavrenti Beria, once Stalin's chief of secret police, who was "unpersoned" in 1953. Nikita S. Khrushchev is now treading this path of official obliteration. Although he escaped physical liquidation by the present tenants in the Kremlin, his name eventually will be removed from the annals of Soviet history; he will not even have lived.

The Russians specialize in wholesale inhumanity and cruelty. They seek to wipe out no less than whole ethnic communities and peoples, all to the end of making the hapless people inhabiting the slave empire of the USSR comprise a "Soviet" (read Russian) nation.

UPROOTING OF WHOLE NATIONS

This genocidal policy of the Soviet government has been known for decades to the Western world, especially to various governments and to the academic and journalistic communities. Such horrible features of Soviet rule as the man-made famine in Ukraine in 1932–33, the massacre of 10,000 Ukrainian men, women and children in 1937–38 in the City of Vynnytsia, the murder of 10,000 Polish officers in the Katyn Forest by the NKVD during World War II, the war-time deportation of the entire Chechen-Ingush nation, the Volga Germans and the Crimean Tartars, and the thoroughgoing destruction of the Ukrainian Catholic Church in Western Ukraine in 1945–46—all are irrevocably on record.

None other than oblivion-slated Khruschchev, the alleged author of *Khrushchev Remembers* revealed in his "secret speech" to the 20th Party Congress in 1956 that Stalin officially ordered the mass physical liquidation of the small non-Russian peoples under the pretext that they had "collaborated" with the Germans during World War II. In the case of the Ukrainians, Krushchev reports, Stalin wanted to deport all of them, but "the Ukrainians were too numerous, and there was no place to which to deport them . . ."

One and a half million Chechen-Ingush, Volga Germans and Crimean Tartars, including women and children, however, were brutally uprooted. The casualties of this genocidal operation ran into the hundred of thousands. Of this nothing is mentioned in the *Large Soviet Encyclopedia:* the Russians help along their demonic philosophy of history wherein communism's triumph is inevitable not only by falsifying it but also by taking a macabre hand in its making—even if it has meant the death of millions of "enemies of the people."

It is ironic to note that this policy of extermination did not always apply to the peoples of the Caucasus. Early in the course of the Soviet regime, one of the Caucasian leaders and freedom fighters, Shamil, who had led a rebellion against the Russian Czar in the XIXth century, was considered a progressive force by the Soviet historians of that time. But because he was a devoted Muslim and a defender of the social and national customs of the Chechens, he was subsequently labeled a "reactionary nationalist." His modern descendants were deported *en masse*. Although the majority of these "established permanent roots in their new territories," a goodly number of them died or were killed outright during the heinous "resettlement."

Other imperialisms, of course, were by their nature inhumane. But the crimes of Western imperialism were exposed, criticized and denounced by *Western* historians. Furthermore, these colonial peoples suffered chiefly from an indifference to their lot; they comprised an economic market to exploit. But Russian imperialism has gone incomparably further; its colonial peoples have had to give up their very souls or die.

CULTURAL AND LINGUISTIC GENOCIDE

The Russians are satisfied with nothing less than the eradication of the culture, language and traditions of a people. They assiduously aim at the very extirpation of an entire nation wherein what propaganda cannot achieve

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Footnotes at end of article.

bloodletting assuredly does. One must identify with the Russians or perish.[2]

But the Ukrainians in Ukraine and in other parts of the USSR, as Khrushchev writes, proved to have been too many. There are today about 47,000,000 of them, according to the recent Soviet population census. All are implicitly or explicitly accused of *nationalism*, that consciousness of identity that plagues the Russian totalitarians. One Ukranian intellectual imprisoned in a Mordovian labor camp, Mykhailo Masyutko, in his appeal to the Supreme Soviet of the Ukranian SSR, dated February, 1967, wrote:

"Entering into the second part of the case against Ukranian citizens—*nationalist* propaganda (or activity). By what code of law does one explain an indictment for nationalistic propaganda (or activity)? There are no such laws. On the contrary, there is the Constitution of the USSR, which guarantees the right of nations to self-determinations; there is the Leninist nationality policy, which fully guarantees the right of nations to self-determination without limit, and which assures the complete withdrawal of the troops of the annexing country, of propaganda for separation, of the resolving of national problems by way of the referendum of a whole nation . . . Sukarno's book, *Indonesia Accuses*, which is officially published in the Soviet Union—which means that its ideas are accepted by Communist ideology—quotes Dr. Sun Yat-sen: "Without nationalism there is no progress; without nationalism there is no nation. Nationalism is that treasure which gives a state the strength to strive for progress, gives the nation in question the strength to defend its existence . . ."[3]

This fear of Ukrainian nationalism—the most numerous people in the Soviet Union after the Russian—is strikingly evident in Khrushchev's book. In discussing Stalin's obsession with Ukrainian nationalism, he recalls how in 1943 Stalin assailed Alexander P. Dovzhenko, noted Ukrainian film director, for his scenario, called "Ukraine in Flames." The deposed Soviet head writes:

"During one of my trips to Moscow, Stalin asked me if I'd read it. I said, yes, I had. Actually, I hadn't really sat down and read it, but Dovzhenko himself had read it to me during the German offensive in July, 1942 . . . I explained this to Stalin. He said I was trying to weasel out of my responsibility for what had happened, and he started a blistering denunciation of Dovzhenko, criticizing him up and down, accusing him of Ukrainian nationalism and all kinds of other sins. At that time it was fashionable to accuse Ukrainians of nationalism, regardless of whether there was any evidence for doing so. This practice had started during Kaganovich's term in Ukraine. He was fond of saying that every Ukrainian is potentially a nationalist—which is, of course, nonsense."[4]

This from a man who earned in Ukraine the epithet, "Hangman of Ukraine," for trying to stamp out Ukrainian national consciousness in the Thirties.

During World War II an astonishingly well-organized force—the Ukrainian Insurgent Army—sprang up to combat for Ukraine's freedom not only the Russians but the Nazis as well, as Khrushchev himself acknowledges.

Thus Masyutko, in his petition discussing the unbridled lawlessness of the Soviet security organs, brings forth the fate of another Ukrainian political prisoner, Myroslav Yovchuk:

". . . He had written 268 complaints altogether. Yovchuk writes that the investigating organs soon realized from the proceedings of the inquest that he was not guilty of anything, but they approached the case according to the theory of probability: Yovchuk is a Ukrainian, and since in the view of the State Security organs, all Ukrainians, if they have not committed any crimes against the Soviet government, are bound to commit them, therefore Yovchuk has to be convicted . . ."[5]

To this day the resistance of Ukrainians against the Russification policy is classified as "Ukrainian bourgeois nationalism," or, synonymously, "anti-Soviet propaganda and agitation," and dealt with accordingly.

For instance, at the 1970 meeting of the Union of Writers of Ukraine, impassioned speeches were made in defense of the Ukrainian language and against its restriction and its debasement with Russicisms and, above all, against its relegation to a second place in Ukraine. One young writer, Butin, demanded: "Where are the grammars, dictionaries, phonograph records and other materials with which to learn Ukrainian?" Another young writer, Korotych, protested that foreign literature and many other subjects are taught at Ukrainian universities solely through the medium of the Russian language.

A London-based Polish review has summed up ably the intellectual resistance and the general opposition against Russian rule in Ukraine as follows:

"The Ukrainian intellectuals have been in a state of ferment for some time, but their ranks were decimated by Stalin's purges. The pressure of Russification was much stronger in Ukraine than elsewhere in the Soviet Union. . . Consequently, Ukraine was the scene of the most frequent trials and persecution on the pretext of "nationalist deviation," as well as of the influx of Russians on a large scale . . .

"But the years of persecution in great and small matters have had the reverse effect, that of stiffening the resistance and obstinacy of the Ukrainian people. The young generation, as a result, is even more anti-Russian than its fathers and grandfathers. Many young Ukrainians have been put on trial recently for demonstrating publicly their desire for independence from Moscow. It may thus be assumed that the national consciousness is growing stronger and that resistance to Russification is not only stiffening but extending to the masses. The populous Ukrainian nation is approaching the point at which it will again feel strong enough to give proof of its independence and cultural identity. One sign of the new spirit of independence is that the Union (of Writers of Ukraine—Ed) refused to expel from its ranks Ivan Dzyuba, the courageous author of a book with the provocative title: *Internationalism of Russification?* This work has only appeared abroad, but it is undoubtedly of great significance as regards the attitude of Ukrainians in their own language area. It is of little importance that the Russians forbid its publication in Ukraine, when the truths expressed in it can be brought to the Ukrainian people by means of broadcasting. And the main truth it reveals is that the multi-national Soviet State is a Muscovite empire with the dominant nation—the Russian; and to this the Ukrainians are determined not to submit . . ."[6]

Perhaps one of the most telling documents on the oppression of Ukraine by Communist Russia is the book, *Two Years in Soviet Ukraine*. It was written by John Kolasky, a former Canadian Marxist of Ukrainian descent, who was sent a few years ago to Ukraine to a party training school, only to become disenchanted swiftly with Marxist-Leninist ideology. In this book, written in 1970 (and in his *Education in Soviet Ukraine*, written two years earlier), he has described in detail the unbridled rule of Moscow over 47,000,000 Ukrainians and the overall Russian attempt to eradicate the Ukrainian nation by cultural and linguistic techniques, supplemented by persecution and oppression. In a word, by genocide.

LACK OF WESTERN RESPONSE TO ENSLAVEMENT OF "UNPEOPLES"

It is almost unbelievable that the Western world, which prides itself on upholding the general principles of freedom and emancipation, should continue to be so oblivious to the plight and suffering of the "unpeoples" of the Russian empire.

In the past, both the Truman and Eisenhower Administrations adhered to the principle of containing the spread of communism. In subsequent years, however, this policy has gradually become watered down into one of "bridge building" to Eastern Europe. Today President Nixon essays a dubious policy of "negotiation rather than confrontation."

This erosion of our belief in universal freedom was not a bit affected by the invasion of Czechoslovakia and the challenging "Brezhnev Doctrine," which had serious, adverse effects upon Yugoslavia and West Germany, not to mention the captive nations in the Soviet Russian empire. Accompanying this deteriorating Western policy with respect to the USSR were the non-proliferation treaty in 1969, the SALT talks, and the Soviet-German Agreement of 1970. The Kremlin sees no reason why it cannot call a European Security Conference which would eventually secure a much-wanted *status quo* and thus assure the permanent division of Europe.

The basic "unprinciples" (to coin a word) of U.S. foreign policy were aired by President Nixon in his report to Congress on February 18, 1970.[7] The fundamental outline of this "strategy" seems to grope for some kind of liberalization in the communist bloc, with an eventual convergence or symbiosis of the two world systems. This despite the swift political demise of Alexander Dubcek in Czechoslovakia, who made the mistake of thinking a more "humane" communism was at hand. At best, this policy relies on a pious hope that the Western system will simply outlast Communism.

An editorial in an English review characterizes scathingly the Western stance:

"The West's foreign policy is still one of futile optimism geared to reconciliation and trusting men such as Brezhnnev and Kosygin who have a record of incorrigible treachery. It is based on a totally false assessment of Soviet intentions and ruthlessness both at home (in the field of repression) and abroad (in the area of subversive imperialism) . . . Both the British and American governments are basically disinterested in the fate of the captive nations. Their members turn a blind eye to reports of re-Stalinization, repression, slave labor camps and putting dissident intellectuals into lunatic asylums. . .

"Western leaders want to enjoy the friendship of both the rulers of communist states at the same time of the peoples who endure living under such totalitarian regimes. They pursue the fatuous illusion of being all things to all men. They solemnly maintain the contemptible theory that tyranny and freedom are reconcilable and that people denied liberty will happily continue to agree to being denied the freedom that Western politicians themselves enjoy. . . ."[8]

This dangerously unrealistic policy is mirrored by the *Ostpolitik* of Willie Brandt, which, some claim is a "second capitulation of Germany." The Bonn government has agreed to recognize *two* German States, although one of them is an outright Russian colony; it has renounced all claims to the annexed German territories without any *fluid pro quo*. The Russians, in turn, have promised nothing, not even to tear down the infamous "Wall of Shame" in Berlin. This new policy of Bonn cannot fail to dishearten not only the German people of East Germany but all the captive nations as well.

To be expected now is a gradual Soviet penetration of Germany and a pressuring pol-

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Footnotes at end of article.

icy against all those in the West who do not accept the *status quo* in Europe, that is, on Russian terms.

And in all this, no help is to be expected from the NATO organization which has long been reduced to an ineffectual club of 15 nations, without any power of retaliation against Soviet invasions implementing the "Brezhnev Doctrine."

The overall picture is grim, indeed. Not because the Kremlin, morally or physically, is superior. Far from it. The USSR is beset by seething opposition in Ukraine, the Baltic states, the Caucasus and elsewhere. The tragedy for the "unpeoples" in the Soviet empire lies in the West's ineptitude to comprehend its vested interest in freedom.

But there are those in the West who have its security at heart. Former U.S. Undersecretary of State George Ball, for example, has sharply criticized the new Brandt policy. Others must marshal their moral and material resources to support the captive nations in their unequal but vital struggle for freedom, self-determination and justice.

The people of the free world are endlessly fed half-truths in the communications media to the end of accepting the Soviet viewpoint on "peaceful coexistence" and the abandonment of the captive nations, those "unpeoples" of the Russian communist empire. It is high time, however, that our spokesmen realize that incantations to the power of freedom are mere rhetoric, ineffectual, self-debasing and eventually suicidal, unless accompanied by a realistic confrontation with the self-avowed enemy.

Otherwise—although to be an "unpeople" is un-American—this may be our fate, too.

FOOTNOTES

[1] Unpeoples," *The Nation Killers*: The Soviet Deportation of Nationalities, Robert Conquest, *The Times Literary Supplement*, September 4, 1970, London.

[2] Cf. "A Chronicle of Resistance in Ukraine," by Valentyn Moroz, appearing elsewhere in this issue of *The Ukrainian Quarterly*.

[3] Cf. "Masyutko Condemns Russian Repressions in Ukraine," *ABN-Correspondence*, November-December 1970, p. 7, Munich.

[4] *Khrushchev Remembers*: With An Introduction, Commentary and Notes by Edward Crankshaw, Little, Brown & Co., 1970, New York, p. 172.

[5] Cf. Masyutko, *op. cit.*, p. 5.

[6] *Polish Affairs and Problems of Central and Eastern Europe*, No. 84, July, 1970, London, pp. 42–43 Cf. "Ukrainians Fight Russification."

[7] *A New Strategy for Peace*: United States Foreign Policy for the 1970's, President Richard M. Nixon. A Report to Congress. February 18, 1970, Washington, D.C.

[8] "The Need to Breach the Conspiracy of Silence," Editorial, *East West Digest*, October, 1970, Vol. VI, No. pp. 293–294, London.

REMOVE BARRIERS TO IRISH IMMIGRATION

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. JAMES V. STANTON. Mr. Speaker, St. Patrick's Day recalls the many contributions of Irish and other immigrants who helped build this country.

Today I have joined 56 of my colleagues in introducing a bill that will remove the last major barrier to Irish immigration. This bill will double the number of visas for Irish immigrants, as well as other European countries which have traditionally been sources of valuable immigrants.

The bill introduced by my friend, the gentleman from New York (Mr. RYAN), would place a floor under immigration from every Nation. Each country would be guaranteed a minimum number of visas equal to 75 percent of its immigration between 1956 and 1965. No more than 10,000 visas could be issued to any one country. Unused visas would carry over to the next year.

For Ireland this would mean an increase from 1,150 visas in 1970 to more than 4,000 next year.

The Ryan bill would permit young men and women who do not qualify for a skilled labor certificate to enter the country without a job. The Immigration and Nationality Act of 1965 required skilled professionals to have a firm job offer before they could enter the country.

The 1965 act severally limited Irish immigration. This restriction was not intended, but it has never been corrected.

Our history books are filled with the names of famous immigrants who came to this country with few skills and rose to the top of their professions. I feel it is in our Nation's best interest to give these new immigrants a chance to see what they can do.

GOOD CHOICE FOR NASA

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. TEAGUE of Texas. Mr. Speaker, the Houston Chronicle, Houston, Tex., who has been over the years a supporter of our space program, editorialized the selection of Dr. James C. Fletcher as the new head of NASA. I include the editorial which appeared on March 8, 1971, in the RECORD:

GOOD CHOICE FOR NASA

The man President Nixon has nominated to be the new administrator of the National Aeronautics and Space Administration has an impressive record of achievement.

Dr. James C. Fletcher, 51, a physicist who is president of the University of Utah, has worked as a scientist, a government advisor, a company president and an educator. He has an unusually broad background which combines his scientific knowhow and his organizing ability. He has been deeply involved in the government's space program.

A native of New Jersey, Dr. Fletcher is the son of a scientist, Dr. Harvey Fletcher, who was research director at the Bell Telephone Laboratories.

He was the organizer and president of a space electronics corporation and before that was organizer of another space company which was a subsidiary of Aerojet-General Corp. He served as associate director for the guided missile laboratory at Ramo-Woolridge Corp. and as a consultant for the secretary of defense, to the President's Science Advisory Committee, and to the Arms Control and Disarmament Agency.

His associates at the University of Utah have described him as "uncommonly able."

He earned his bachelor's degree in science at Columbia University and his Ph.D. in physics and mathematics at the California Institute of Technology. He has taught both at Harvard and Princeton.

Dr. Fletcher has the necessary qualifications for his important new responsibility. We'll have to wait to see how he chooses to direct the space program, of course. He was quoted in the New York Times the other day as saying he intends to do some fresh thinking about the logic of the space program. He favors a greater emphasis on unmanned space ventures, particularly such projects as the "grand tour" of Jupiter, Saturn, Uranus and Neptune that is planned for the late '70s but has had little support thus far.

From the standpoint of the Manned Spacecraft Center here in Houston, that sounds somewhat disturbing. Yet he shouldn't be prejudged. He will be assuming a big job at a critical moment in the space program. We wish him well.

SUPERSONIC EXAGGERATION

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. OBEY. Mr. Speaker, pointing out that backers of the SST are "really pulling out all the stops" in their campaign for continued Federal subsidy, a recent editorial in the Wall Street Journal today comments:

> In the process, though, some of them are sounding a little odd.

What the Journal picks out from all the sideline noise is the remark by presidential science adviser Edward E. David, Jr., that refusal to proceed would reflect "timidity and lack of courage" on the part of Congress and the country.

After debunking that one, the editorial acknowledges environmental uncertainties about the SST, then adds:

> On a purely practical level, however, there's still the question of whether the supersonic transport will be commercially viable any time soon.

That brings to mind an SST overstatement in the President's 1972 budget. Referring to the two prototypes scheduled to be completed and flight tested during 1973, the budget asserts:

> Federal funds will not be required after the flight testing since the experience from this program should enable the aviation industry to proceed to production of an economically efficient aircraft that will not create adverse environmental effects.

Yet, Richard L. Garwin, a member of the President's Science Advisory Committee, has declared that:

First. Boeing and General Electric originally were to submit plans by June 30, 1968, for financing certification and production costs, but have been allowed to hold back their proposals. The deadline now has been postponed until 1972.

Second. The FAA's original contract with Boeing would have required the prototypes to have the same aerodynamic configuration as a safe and economically profitable production model, but under contract changes the prototypes need only show that a successful SST program—financed either publicly or privately—could emerge from their performance.

Given the lack of detailed financing plans and contract guarantees, we can tell what is likely to happen by looking at the Anglo-French Concorde—the subsidized and unsold aircraft whose existence is so often cited as "proof" that the age of supersonic airliners has arrived.

The Concorde test and development program requires seven aircraft, not two. These are prototypes 001 and 002—now flying—preproduction aircraft 01—scheduled to fly late this year—and 02—now delayed until mid-1972—and three production aircraft.

Aviation Week & Space Technology, the McGraw-Hill publication, declares that the Concorde's performance "will be completely certified with the No. 2 production aircraft"; in other words, the sixth in the series.

Mr. Speaker, the text of the Wall Street Journal editorial of March 4 follows:

SUPERSONIC COURAGE

A decisive vote on further federal subsidy for the supersonic transport will be coming soon in Congress, and the plane's backers are really pulling out all the stops. In the process, though, some of them are sounding a little odd.

The other day, for example, Presidential science adviser Edward E. David, Jr., said that refusal to go ahead with the supersonic subsidy would reflect "timidity and lack of courage" on the part of Congress and the country. The only way the nation can determine whether the SST will damage the environment, he said, is to build a couple of them and then see what happens.

"Make no mistake," Dr. David went on. "A limitation on experimentation in whatever cause is the beginning of wider suppression. When we fail to experiment, we fail. In failing, we bring the best part of American society, as we know it today, to a halt."

Let's back off from that one for a minute. The particular experiment we're talking about here is the creation of a special machine for the commercial transportation industry. That would be an interesting and possibly even a useful development, but it's hardly to be equated with general scientific advance, such as the search for a cure for cancer.

It's true that a great many Americans are concerned about sonic booms and other potentially damaging side effects of an SST. On a purely practical level, however, there's still the question of whether the supersonic transport will be commercially viable any time soon.

In recent months the airlines have been having a hard time financing, not to mention filling, the planes already available. If a wide demand for supersonic flight actually existed, there probably would be less need to lean so hard on federal subsidy.

For our part we remain unconvinced that more research can't answer those environmental questions. By that time perhaps the market would have changed so much that this private transportation project could be taken over by private enterprise.

FARM REAL ESTATE TAXES

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. HUNGATE. Mr. Speaker, the following article indicated that farm real estate taxes showed the biggest 1-year increase on record in the year 1969, rising by 11.1 percent. This marks the 27th consecutive year in which farm real estate taxes increased and I call this to the attention of my colleagues:

FARM REAL ESTATE TAXES IN U.S. ROSE 11 PERCENT IN 1969

WASHINGTON, March 10—The tightening money pinch, felt by local and state governments has produced a sharp new drain on farm income through rising real estate taxes, an Agriculture Department report indicates.

The report said that state and local taxes on farm real estate rose 11.1 per cent in 1969, the biggest one-year increase on record. The increase, the 27th consecutive one, brought total real estate taxes on American farms to nearly $2.3-billion.

Agriculture Department economists said that the reports covered taxes levied in 1969 and mostly payable last year. Data on taxes levied in 1970 and payable this year will show another increase, though the amount has not been determined, experts said.

THE PLIGHT OF THE RAILROADS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include this excellent series of articles on the financial plight of the country's railroad systems.

Christian Science Monitor Reporter Merelice K. England has put together a series of interviews with a wide range of those interested in the railroad systems—from train crew members to officials of the Department of Transportation.

This study of the problems of railroads today deserves the attention of all of us.

The material follows:

[From the Christian Science Monitor, Mar. 4, 1971]

RAILROAD FINANCIAL CLOUD MAY HAVE SILVER LINING—PART I

(By Merelice K. England)

CHICAGO.—They stand dismally in big cities across the United States, former elegance now faded to cavernous dinginess—railroad passenger stations, symbols of decline.

In seeming contrast, tracks sing, cars bump, and cranes swing at many a freight yard as railroad freight tonnage—41 percent of all freight moved in the nation—keeps climbing. Yet railroads say they don't make enough profit on freight to finance new equipment or running repairs.

With continuing labor-union unrest which regularly raises the threat of nationwide strikes (though at this writing a strike this year seems unlikely), it all adds up to crisis—yet it is a crisis in which glimmers of hope are beginning to appear.

RAILPAX FORMED

Both Congress in Washington and railroad management itself have begun to act. Congress last year passed legislation setting up the semipublic National Railroad Passenger Corporation (Railpax), which goes into effect May 1. Railpax, which would take over a minimum network of routes, is seen by many experts as a workable solution to the passenger crisis, which has sent traveled passenger miles from 21 billion down to 12 billion per year during the 1960's. Air, road, and water transport has taken over.

Passenger lines are down from 11,000 in 1946 to less than 400 today.

Railroad management for its part, has come up with a report by its own American's Sound Transportation Review Organization (ASTRO).

FEDERAL AID SOUGHT

ASTRO's plans are to attract government aid that would keep American railroads in private hands, with renewed financial health. "Creative federal involvement" is the railroad term. The plans oppose the other alternative now the subject of widespread debate among management, the Nixon administration, unions, and passenger groups alike—government take-over by nationalization.

In an interview in Washington, James M. Beggs, Undersecretary of Transportation, says one encouraging sign in the overall crisis is that Congress—spurred on by the gigantic bankruptcy of the Penn Central Railroad—now is well aware that a crisis does exist. The awareness has not always existed, sources say.

MANY MILES OF TRACK

Despite constant complaints about having to maintain unneeded lines, the railroads have managed to lop off only 10,000 miles of physical track in the last decade and to prune a mere 40,000 miles since a peak of 249,433 miles of track 40 years ago.

There now are some 75 class I railroads—a figure that cannot accurately be compared with earlier figures since it represents many consolidations of carriers that, in merged form, still exist. Class I railroads have annual gross revenue of at least $5 million.

BANKRUPTCIES OCCUR

According to the Association of American Railroads (AAR), they operate 95 percent of the nation's railway mileage, employ almost 93 percent of its railroad workers, and handle more than 99 percent of railway freight and passenger traffic.

Three of them last year, besides Penn Central, have tumbled into bankruptcy, says Dr. Burton N. Behling, vice-president of economics and finance of the AAR which speaks for railroad management.

They include the Boston and Maine, Lehigh Valley, and Central of New Jersey: all Eastern roads. There is still concern that the ailing Pennsy could financially derail connecting roads.

When 1970's totals are tabulated, Dr. Behling estimates that "about 20 railroads will have deficits." Most of the roads not losing money still find they are spending it at a faster rate than they are making it.

Railroads, in a remarkable show of unanimity, started this decade determined to let people know a "countdown" for railroad survival had started.

PITCH TO PUBLIC

More than 2,000 railroad employees are making radio and TV speeches, addressing local meetings of civic clubs, and distributing explanatory brochures.

The AAR has had former astronaut Walter M. Schirra Jr. step onto TV screens with the down-to-earth message that everyone needs the railroads.

Gradually the railroads are also picking up the public's aroused concern about pollution on the highways and in the air.

The debate on nationalization grows, aided by the fact that except for a few lines in Canada, the United States has the only privately run railroad system in the world.

Notes Dr. John A. Bailey, director of the transportation center at Northwestern University: "Wherever the railroads are nationalized, they're in trouble. But if changed policies don't occur here [to improve the railroad,] we'll go ahead and nationalize anyway."

"LAST RESORT" SPECIFIED

Across the board, no one actually urges nationalization. It is always proposed only as a last resort." But Dr. Bailey is not alone in concluding that if no alternative solutions are successfully urged and proved effective, there's a real possibility nationalization would win by default.

Railroad opinion. What individual railroad presidents say is summed up by the AAR:

Nationalization would be costly—an estimated "$60 billion merely to acquire privately owned railroad facilities." Simple takeover still would not have solved the problems. The government would then be responsible for making expensive improvements. (When the government took over the railroads in World War I, it lost about $2 million a day.)

The national railroads of Western Europe and Japan operate at an average 20 percent deficit—even though they often get interest-free financing and pay no taxes.

GOVERNMENT OPPOSED

Government outlook.

Undersecretary Beggs says of nationalization, "I dont like it."

His reasons: It's a multibillion dollar proposition, he says. The market value of the railroads today is $15-billion-to-$20 billion; the railroads claim $60 billion.

There is a tendency in nationalized service to improve what is visible—that is, the passenger service—and offer "lousy freight service," Mr. Beggs goes on. And, he says, other nationalized systems elsewhere are extremely overstaffed—in some cases admittedly "sopping up unemployment." Featherbedding makes for deficits, he adds.

Labor view.

Resistance here is less pronounced. The Congress of Railway Unions says only recently have some prominent brotherhood chiefs, when faced with critical negotiating problems, said it's the only way.

The labor congress consists of 75-to-80 percent of all railroad employees. Another labor group, the Railway Labor Executives' Association, wants a study done.

HOW PASSENGERS FEEL

Passenger opinion.

Anthony Haswell, chairman of the National Association of Railroad Passengers, agrees that nationalization needs to be studied. He calls the railroad's own estimate of their worth—$60 billion—"outrageous propaganda."

Though Mr. Haswell says he would choose nationalization over the "present state of affairs," he stresses that "the government does not have a particularly exciting record in running a business." He hopes Railpax will provide the answer for passengers.

Another area of some agreement: complaints about the role of the Interstate Commerce Commission (ICC) as the government's regulatory agency. There is even increasing evidence government itself agrees that railroads no longer should be restricted to turn-of-the-century rules, imposed at a time when the roads were abusing their power as a monopoly.

NEW AGENCY URGED

The ASTRO report seeks equal opportunity as follows: The railroads want the freedom to make changes in rates and services without delays pending ICC decision. They ask that a new agency be created "to regulate all modes with equality."

The railroads also want exemption from property taxes since highways and airports are public property. They ask help maintaining rights-of-way, government loans to buy and improve equipment, and a 10-year research-and-development program with the federal government sharing some of the research largess it has bestowed on airlines.

After railroads concede the need for self-improvement, they gingerly suggest in euphemistic language that unions eliminate featherbedding.

FEATHERBEDDING

Chief negotiator representing railroad management John P. Hiltz Jr., chairman of the National Railway Labor Conference, says 15 years ago, eliminating featherbedding in its entirety could have saved half a billion dollars a year. Since then, he says, the figure could have climbed to $1 billion a year.

Donald S. Beattie, executive secretary of the labor congress, defends, "Every so-called work rule on the books today was the product of collective bargaining."

One labor leader privately admits, "There's no question some work rules could and need to be modified. They are as old as the industry. And they will be modified, given the right attitude [of management]. But the trenches have been dug deep.

[From the Christian Science Monitor, Mar. 6, 1971]

RAIL FREIGHT HIGHBALLS ON TROUBLED TRACKS—PART II

(By Merelice K. England)

ABOARD THE "SUPER C" BETWEEN CHICAGO AND LOS ANGELES.—Barreling down a long straight stretch of track, the high-speed train slices through the stillness of remote, flat, expansive Missouri farmland.

A huge flock of geese lifts and flutters as the engineer blows his whistle at them. The "whooo-whooo" of whistle signals float out to each tiny crossing—little-used, rutted dirt roads—then melt like mist into the morning air.

The day started bright and cold in the yards in Chicago; snow flurries set in briefly as the train rumbles on, now beside a frozen Mississippi River, now through a tiny township.

This is the views from the cab of the "Super C," the pride of the Santa Fe—the fastest freight train in the world. Speed is this train's major service.

Chicago to Los Angeles (2,213 track miles) is covered in less than 40 hours. Over 95 percent of runs are on-time, or early. For maximum speed (up to 80 miles an hour), no more than 15 to 20 cars are hauled—premium-rated, container and piggy-back freight. A large bulk of it is U.S. mail.

INDUSTRY MIXES GLOOM AND ELATION

Individual U.S. railroads, like the Sante Fe, can show ways they are improving freight services. But in the railroad freight industry as a whole, there exists a puzzling combination of elation and gloom.

Freight service is where the United States really depends on the railroads. Even though the railroads' share of freight transport has diminished in deference to pipelines, barges, trucks, and airlines, the actual amount of railroad freight is increasing.

Without railroad delivery, grocery stores run out of canned and frozen foods. Half our meat and dairy products come by train.

Without the coal that fires generating plants, lights and other electrical devices black out. Without its purification chemicals, drinking water stays untreated.

Intercity freight volume gained 33 percent (in ton miles) in the last decade. By 1980 railroads will be moving freight to an extraordinary one trillion ton-miles annually about 46 percent more than they do now—according to a projection by America's Sound Transportation Review Organization (ASTRO).

RAIL SHIPPING VITAL

Industries and their jobs depend on railroads—and would be hard-pressed to find alternative means of shipping if railroads ground to a long-term halt. For example, railroads have 71 percent of the household appliance shipping business, 76 percent of automobiles and automobile parts, 40 percent of furniture, 78 percent of lumber and wood, 73 percent of the cotton crop going to textile mills.

And yet the gloomy side: Like a young couple that finds the home of its dreams and doesn't have a down payment, railroads are frustrated by financial limitations.

With the industry in a generally depressed financial condition, capital for needed improvements is harder and harder to come by. Purchases and repairs are stalled. Result: chronic freight-car shortages, defective or excess tracks, and poor service—all of which turn shippers to other methods of transportation.

Defective tracks often mean derailments. In the two years between year-end 1967 and year-end 1969, the number of derailments went up 1,000 from 4,960 to 5,960. This was during a period in which the number of train-miles traveled dropped from 895 million to 864 million.

The bankrupt Penn Central would like to dispose of about 40 percent of its 20,000 miles of track. Long before the New Haven & Hartford Railroad went bankrupt, it had said it needed to abandon 1,200 miles.

TOO MUCH TRACKAGE

Even "successful" railroads are trying to shed excess trackages still requiring costly care. The Sante Fe currently has 830 miles scheduled for abandonment.

Most railroads grumble about long delays and refusals by the Interstate Commerce Commission when railroads want permission to drop both unprofitable service and little-used track mileage.

Yet many people—including James M. Beggs, Undersecretary of Transportation—suggest that railroads have not been as aggressive as they should have in pursuing such permission.

"Consequently we have 200,000 miles of right-of-way," notes Mr. Beggs. "Some experts are saying that's 100,000 miles too much. We agree with about 50,000 to 60,000."

HARVEST PEAKS A PROBLEM

Failings in the industry—though they might be limited to certain railroads—affect the whole system. As a Santa Fe spokesman points out, "We can run the wheels off a train to give a shipper fast service from Los Angeles to Kansas City. But if another railroad can't provide the same service and a car is idle for a few days somewhere, the shipper is unhappy with both of us."

Another industrywide problem which plagues even those with a good supply of rolling stock is that of freight-car shortages.

At peak harvest time, Western railroads often have to send out a call to Eastern roalroads asking for the return of their boxcars to haul grain. Financially bereft Eastern railroads sometimes hold on to such cars, finding it cheaper to pay per diem rental fees than to replenish their own rolling stock.

Undersecretary Beggs insists, "We must find a way to rationalize the car-shortage problem." He says it might require a government-backed loan program for purchase of a reserve fleet.

Mr. Beggs attributes the box-car shortage to the railroads' "$1 billion per year capital deficit during the last decade."

Beyond the shortage itself, however, Mr. Beggs also assails the inefficient use of cars already in stock. Cars are so underutilized, he notes, "the result is that the average box-car moves about six miles an hour, or is used the equivalent of two houre a day."

On the Santa Fe "Super C," crews change every two to three hours—18 different crews in all—because the train laps up 100 miles that often.

A day's work, by union rules, is 100 miles or eight hours—whichever is less. Railroad management call it "featherbedding" and lash out at such frequent and expensive crew changes. Unions call it "incentive" and say that by it, trains are moved faster.

TWO OR THREE RIDE CAB

When this correspondent recently rode in the diesel of the Super C (the first woman to do so), each crew consisted of at least the engineer, a brakeman up front (to pull the emergency brake in case of need), and two brakemen in the caboose. Occasionally a "firemen" joined the diesel crew even though there no longer are any fires to feed and tend.

For the first stretch, to Chillicothe, Ill., the locomotive engineer was Charles A. Villanova, in jaunty kelly-green beret that matches his union pin. "I don't like to work—this just happens to be the best work I don't like to do," he quips.

The second stretch, to Fort Madison, Iowa (the train crew pronounced it eye-oh-way) brought the train through Galesburg, Ill., with its dozens of railroad crossings—one for every street marking every block.

At such a place, the engineer holds on to the whistle and brings the train down to a crawl. Even so, some motorists showed little respect for the train's length, tonnage, speed, and inability to stop quickly as they played "dodge 'em," trying to beat the overpowering diesel across the tracks.

Engineers can do without that, they say. Each year, a large proportion of railroad deaths and injuries are attributed to careless or undiscerning motorists at railroad crossings.

FREIGHT YARD VISITED

The train whistled on to Los Angeles, but this correspondent got off at Kansas City where another example of quick freight service is located—Santa Fe's Argentine freight yard.

Here, a switch engine pushed a line of cars, classified on arrival, up an incline. Once identified, a car is pushed over the "hump" and uncoupled by hand (the only job the railroad doesn't yet know how to automate).

The rumbling car slide down the humping track and over a weight-measuring rail (determining whether the car is full or empty).

Radar measures the car's acceleration and "retarders" compress against the squealing wheels, holding the car to four miles per hour. It is then automatically shunted to the right track as rail switches guide it along tracks spread out in a wide fan below the humping track—all under the benevolent eye of a computer.

As cars are "humped" and trains are "blocked" (put together) an inventory is kept, so that at any time the Santa Fe knows the location of rolling stock on its tracks. The system is meant to become part of a nationwide freight-car tracking system being developed in the industry.

SANTE FE—A MONEYMAKER

The Santa Fe Railroad is a moneymaker. Its freight business is good enough to more than offset passenger losses of $42 million last year. So the Santa Fe can afford to be innovative, not only at its yard operations but also in its equipment and services. It is in the forefront of developing such new cars as jumbo closed hoppers, autoveyors, flatcars, gondolas, and special-purpose boxcars.

Part of this correspondent's ride here from Chicago was on smooth, welded strips of rail several miles long which not only eliminate the constant clickety-click of rail joints but keeps bounciness at a minimum.

In Chicago, where the Super C originates, Santa Fe's piggyback operation is streamlined. While large trailer trucks are single-filed, parallel to railroad flatcars, a high-boxy crane scoots along. In five minutes, the crane clasps, lifts, and sweeps two trailers onto a flatcar.

And yet it will take even more efficient operations like the ones at Santa Fe's Argentine Yard to remedy such deficiencies as not knowing whether a freight car is empty or loaded, where it came from, where it is going next, or how it can be blocked to save steps at the next switching site.

FREIGHT CAR SHORTAGE CRITICAL

The Association of American Railroads warns that freight operations are in trouble unless funds are pumped into needed areas—specifically, between now and 1980, $18.6 billion for freight cars, $6 billion for new locomotives, and $11.9 billion for rail and tie replacements.

Donald S. Beattie, executive secretary of the Congress of Railway Unions, considers the freight-car shortage and the inefficient use of cars the most important problem now facing the industry.

Mr. Beattie solicits shipper support and insists, "Shippers are willing to pay more money for reliable efficient service." He notes there will be at least three freight-car bills introduced in Congress this year, and he elaborates briefly on the approach of the bill being drawn up by his labor group, which would:

Set up a semi-public corporation patterned after the new legislated National Railroad Passenger Corporation.

Provide for government investment—"not a great deal"—with guaranteed loans and tax-exempt bonds. Income from corporation cars would then revolve to buy more cars.

Centralize computer control of the cars so that railroads would always have access to all cars.

"We can get 20 percent more utilization of freight cars if the industry runs as a nationwide system rather than as regional railroads," says Mr. Beattie. "Translated into dollars, that means huge savings just in using the equipment on hand."

Any bill to improve and modernize railroad freight service needs public support—certainly as much as that needed to set up a passenger corporation last year.

Sometimes nostalgia stands in the way. Some traditionlists find it hard to see railroading, so crucial to the nation's pioneering expansion and development, as a computerized industry in the space age—with hefty freight cars guided not by hundreds of rugged individuals in a freight yard but by a computer in a tower.

Yet this is the direction the railroad industry must take throughout the nation if it is to have any hope of keeping up with demands for service.

[From the Christian Science Monitor, Mar. 8, 1971]

DEFICITS RIDE THE RAILS—PART III

(By Merelice K. England)

ABOARD THE CAPITOL LIMITED.—Promptly at 3:50 p.m., the mustard-yellow Capitol Limited gently eases its way out of its Chicago berth, its once proud name wearing an air of genteel poverty, symbol of an era fast fading.

For a single night this correspondent, in Car 66, Roomette 4, is one of a dwindling breed—the United States railroad passenger.

Empty cars, once full of passengers who now prefer faster and more glamorous plane travel . . the nearly deserted railroad station, once bustling with people hurrying to catch their trains . . . nearby tracks, now unused and overgrown with weeds, and silent railway crossings where bells once warned of approaching trains. . . . All are symbols of the Capitol Limited's past glory.

The train picks up speed through Chicago's suburbs. It will touch base at Akron and Youngstown (both in northern Ohio) before cutting south to Pittsburgh and Cumberland, Md., then on down to Washington, D.C.

Less than 2 percent of America's intercity passengers now travel by train. Cars and planes have taken over the rest.

Railroads say they lose an estimated $200 million a year on passenger service. The National Association of Railroad Passengers admits the railroads could save more than $150 million a year if they dropped all remaining passenger service. But the association insists that it would be wrong to drop passengers—instead, service should be modernized and expanded, it says.

A few railroads—notably the Santa Fe, Southern, and Seaboard (East) Coast Line (complete with a fashion show on board)—still consider it good business to maintain attractive long-distance passenger service. They can still afford to.

Some 20,000 passenger trains ran in the United States in 1929. By 1946, the number had dropped to 11,000. In 1970, less than 400 remained, and more than 100 of these were seeking permission from the Interstate Commerce Commission to discontinue.

The heyday of passenger trains is gone, the days—before airplane travel—when all the trimmings that went with the journey made riding a train a memorable experience: elegant dining cars, luxurious comfort, swift service.

Aboard the Capitol Limited, train workers talk wistfully about the good old days. Once this train was known for its excellent cuisine. One conductor especially recalls its roquefort salad dressing. He adds: "Now, the dining-car fare is about average."

The train is moving along well. Passengers get ready for the evening meal. Once those in roomettes were served a free dinner in the dining car. Now they have to pay extra for it.

The answer, both for passengers and the railroads losing money on them, may be the new National Railroad Passenger Corporation, dubbed Railpax—the biggest thing to happen to railroad passengers since the invention of the Pullman car.

The quasi-public corporation was set up by the 1970 Congress to operate a nationwide rail-passenger service beginning May 1.

Twenty-one major U.S. cities have been designated as end points by John A. Volpe, Secretary of the Department of Transportation. Routes will be developed between these cities.

When Secretary Volpe announced this preliminary nucleus of a nationwide passenger network, he stressed: "I believe that Americans will ride the railroads in increasing numbers if they are given good, fast, clean, safe, and efficient service between metropolitan centers.

"I also believe that we need rail-passenger service," he continued, "or else the congestion on our highways and in our airways will become intolerable."

A mere 28 passengers ride the Capitol Limited—six first-class riders in double bedrooms or single roomettes. The rest are in the coach section with reclining seats for the overnight haul.

This correspondent has a private roomette which has its own bathroom facilities and passenger seat, the back of which pulls down for a bed. Roomette doors can be slid shut or left open.

For its 28 passengers, the diesel hauls two coach cars (one empty), a lounge car which provides reading material and snacks, a first-class sleeper car, and a dining car.

The basic fare is $42, just $6 less than coach air fare from Chicago to Washington. Yet a roomette costs an additional $40, for a total of $82. It's expensive.

But still the railroads lose money on passenger tickets. Railpax—the hope for the future—evolved when the railroads, burdened by the compulsory money-losing passenger runs, asked for help—and got more than they had bargained for.

Initially, the railroads sought federal legislation to be reimbursed for costly passenger runs whenever the Interstate Commerce Commission prohibited them from being dropped. Under that proposal, the railroads would not have made money. Yet the plan still would have meant more money in their budgets, since continuing high losses would have been avoided.

But the railroads' plan—which would have kept them in charge of passenger service and schedules—was scuttled in favor of Railpax.

The board of Railpax will have 15 directors—eight appointed, with Senate approval, by the President and seven chosen by stockholders. Railpax will contract with relevant railroads to provide needed employees and track passages for the passenger routes it develops.

Whatever routes are designated now at the start of the system's operation must be kept running at least until July 1, 1973. If at that time, Railpax decides a train is no longer needed by the public or that it impairs the corporation's overall services, the train can be discontinued. But if a state or other local agency then offers to reimburse Railpax for at least two-thirds of the losses attributed to such services, the train cannot be dropped.

In either case, such a decision no longer falls into the bailiwick of the Interstate Commerce Commission. Railpax is on its own.

Railroads don't have to join Railpax. But it is expected that most will, since those that do not, must continue to operate all their present passenger trains until Jan. 1, 1975.

Those railroads that do join Railpax may drop all their own passenger service as of May 1. Then, in exchange for payments based on their present passenger-service losses, railroads can receive common stock in the corporation. Their payments, at the option of Railpax, might sometimes be made by transferring equipment or providing future services to the corporation.

According to a spokesman for the Federal Railroad Administration: "There is no question that the corporation will operate at a deficit at the beginning. But the idea is to turn the corner and make the system economically viable."

Congress authorized $40 million in seed money for Railpax. The railroads will shell out some $200 million (not much more than their annual losses for providing passenger service). And additional funds are available for loans—both to Railpax and to railroads needing financial assistance in joining.

"Tickets please." The railroad personnel here on the Capitol Limited are friendly, but the mood on this train is different from airlines: sedate rather than glamorous or swinging.

A relaxed, slow pace, in fact, is one railroad characteristic that keeps B. Morris Hopkins—a neighboring roomette passenger—riding the trains. A resident of Scott City, Kans., Dr. Hopkins is en route to a convention in Washington. He says he appreciates a couple of days away from the telephone where he can work and read undisturbed.

The train, with its 28 passengers, is quiet. Some passengers remember back to when all the seats were filled; when they had to wait in line to get served in the dining car.

Dr. Hopkins observes, "I don't like to fly." But he adds, "I don't think it makes sense to keep running trains like this for just a few people like me."

The railroads agree. Explains James A. Schultz, a vice-president at the Association of American Railroads: "Just as the stagecoach had no role when the railroad came along, running passenger trains is detrimental to the whole railroad system."

Mr. Schultz continues, "At one time our attitude was 'so what? We can make up for the loss through freight earnings.'"

But passenger losses ballooned, freight competition stiffened, and railroads decided they couldn't be so blase.

On the other side of the coin, Donald S. Beattie—executive secretary of the Congress of Railway Unions—charges that the railroads "deliberately ran [passenger service] into the ground. They preferred handling freight rather than people."

In agreement, Anthony Haswell—energetic chairman of the National Association of Railroad Passengers—points out: "We have been fighting in court to keep management from walking away from passengers. They have done everything they can to get rid of us."

Passenger complaints include the growing scarcity of conveniently timed service and the dirt and decrepitude of many passenger lines.

Aboard the Capitol Limited a porter comes to ask what time each passenger wants to be awakened in the morning. But no one is awakened—and no one is reminded of the change in time zone before going to bed. We lose an hour.

"You don't need any explanations, do you?" asks a porter, with a reassuring sweep of his arm that implies they'll be no problems learning the details of riding an overnight train. But soon one discovers on his own that all water, including drinking water, is shut off at station stops, and that the air vent circulates hot air instead of fresh air.

"Actually, passenger service was one of our assets until the financial situation got more and more bleak," says Mr. Schultz, defending the railroads. "Now it's one of our biggest public-relations problems. People don't realize that passengers are only a very small fraction of the whole industry."

James M. Beggs, Undersecretary of Transportation, says: "Personally, I don't see railroads regaining any position in long-distance passenger service. We should maintain a minimum of such service. But it won't grow."

"By 1985," Mr. Beggs continues, "85 to 90 percent of the people will live in population corridors. The demand for mobility still will be strong, and it will be for short-stage distances. Railpax will show that in such cases—300 to 400 miles—trains can be competitive with planes. If they can carry 60 to 70 percent capacity, they will make money."

Mr. Beggs' comments are not just speculation. Recent experience with the frequent high-speed Metroliner runs between Washington and New York already bears him out.

Added to that is the one-round-trip-a-day TurboTrain between New York and Boston. Both enjoy significant popularity with the traveling public in the Northeast Corridor.

Irving Banner, a businessman from Boston, explained to me during a recent Turbo trip that he became a rider for two reasons: It avoided the hassle and delay of getting to and from airports at each end. And it was less expensive.

A fellow passenger on the same train, Lawrence I. Phillips of Boston emphasized the same two reasons and added two more: His time is better spent on the train getting some work done than it would be getting to an airport. And he finds the airplane confining in comparison.

Both men justifiably complain, however, that the railroad bed and track are not good enough to test the Turbo's true potential for speeds well over 100 m.p.h. The ride on that trip, in fact, did not exceed 70 m.p.h. and the ride was jouncy.

According to the Federal Railroad Administration, the Turbo is "an exercise in equipment" to test whether the train can maintain speed around curves—thus eliminating the costly need to straighten track routes for high-speed travel.

In contrast, the Metroliner is regarded as "an exercise in people" to determine whether masses of people can be attracted back to the railroad. Its service is fast and smooth. About half its passengers have switched from other methods of travel. And about 80 percent of them say they'll stick with the Metro.

As Mr. Haswell of the passenger association notes: Trains over short-to-medium distances between cities can run fast enough to nullify planes in downtown-to-downtown service.

Meanwhile, daily commuters—by far the largest number of railroad passengers—are not included in the Railpax system. Their plight is yet another chapter in the woes of the railroad wayfarer.

How long trains like the Capitol Limited will run is another open question. A Chicago-to-Washington run will be part of the Railpax service. But the route could be quite different.

It's been a clear night and now it's a sunny morning churning through the Appalachian Mountains and cutting through small Maryland towns. Then the Capitol Limited backs into Washington's Union Station—at 10:40 a.m.—only 40 minutes late.

As the train brakes slowly to a halt, this correspondent recalls a recent telephone conversation with the railroad man she will soon be interviewing—at the only time he is available. Concerned about undependable rail service and that she might arrive too late, he had asked: "Couldn't you fly instead?"

ROTC, MYLAI, AND THE VOLUNTEER ARMY: CITIZEN SOLDIERS AGAINST PROFESSIONALS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. FRASER. Mr. Speaker, the question of ending military conscription is before this Congress. It is not an easy question.

In the Sunday, March 14 Washington Post, Senator ALAN CRANSTON of California effectively presents the arguments against the so-called "citizen-soldier" idea. In Senator CRANSTON's words, advocates of this thesis "contend that the draft must be maintained to insure civilian influence within the military."

Most who support continuance of the draft, because they want to maintain the "citizen-soldier" influence also advocate basic changes in the existing draft law. The end of student deferments, establishment of a uniform national draft call, draft ceilings which limit the Presidential ability to induct men, a liberalized conscientious objection statute and a prohibition against sending draftees into a combat zone unless Congress has acted are some of the reforms advocated.

Mr. Speaker, a permanent military force of 2.5 million officers and men, consisting solely of volunteers, is not attractive to me. I share some of the concerns expressed by those pressing for a voluntary military. But, to quote the authors of "ROTC, Mylai, and the Volunteer Army" which appears in the spring 1971 issue of Foreign Policy:

> If you don't like the way the military functions, you can't expect it to improve by insulating yourself from it.

The "citizen-soldier," or even better, the "citizen-officer" issue should be at the center of the voluntary military debate. I think it will be useful to collect in one place three of the best articles devoted to this subject. They are the Cranston article, the Foreign Policy article, and a statement authored by two career officers Col. Donald F. Bletz, USA, and Capt. Robert J. Hanks, USN, which appeared in the Sunday, February 14, 1971 Washington Post.

I also include two statements from the March 13 National Journal, which consider the role played by the draft in stimulating enlistments and participation in programs such as the ROTC:

[From the Foreign Policy, Spring 1971]

ROTC, MYLAI, AND THE VOLUNTARY ARMY

(By Ed Berger, Larry Flatley, John Frisch, Mayda Gottlieb, Judy Haisley, Peter Karsten, Larry Pexton, and William Worrest)

Voluntary professionals may replace citizen-soldiers in the American armed forces of the 1970's. Apart from the question of draft reform and plans to end conscription entirely after Vietnam, widely discussed in Washington today, the Reserve Officers Training Corps (ROTC) is under attack on many of the nation's campuses. ROTC has been asked to leave a number of universities, while falling enrollments, broken windows, burned-out offices and a hostile student environment have led each of the three armed services to cancel some of their programs. Still, ROTC currently provides a majority of the career officers in the military services as well as the reserve system.

ROTC has made an inviting target for critics of the Vietnam war. Those seeking ROTC's demise have also made much of the indoctrinary nature of its curriculum, the presence of external, government control of the program, and the militarization they feel that the ROTC student experiences—all occurring within an academic setting with the contrary goal of liberating and stimulating the students' powers of inquiry.

Defenders of ROTC have warned that its removal from the nation's campuses would severely injure the efficiency of a military that has increasingly come to depend on the technical and managerial skills that the ROTC graduate can offer. Such an argument is not a very telling blow to the case of the critics. Indeed, many of these critics are quite satisfied with an arrangement which may weaken the ability of the government to prosecute its policies in Southeast Asia, at the same time that it rids the campuses of an alien spirit. But several ROTC defenders have offered an argument that does alarm some of the critics.

ROTC AGAINST THE PROS

These defenders have argued that dismantling ROTC would result in an increase in the number of officers recruited from the enlisted ranks and in the size or number of the service academies. In the former case—recruitment from the ranks—tests have established that the average enlisted man, with less than a college education, scores higher on psychological attitude scales measuring authoritarianism, acceptance of military idealogy, and aggression than does the average college-bred officer candidate.[1] These same ROTC defenders have then claimed (without verifying the claim) that the latter case—an increase in the number of service academy graduates—would have the same effect. The average West Pointer or Annapolis graduate, they argue, is less flexible and able to think for himself than the average ROTC or Officer Candidate School (OCS) officer. Thus ROTC and OCS officers may provide a desirable "leavening," a counterbalance to the more aggressive values of academy graduates and "rankers." The Association of State Universities and Land-Grant Colleges put it this way in a recent report: "The continued presence in substantial numbers in the Armed Forces of officers from a wide variety of civilian educational institutions and backgrounds is one of the best guarantees against the establishment in this country of a military caste or clique . . ."[2]

For those critical of the presence of formally accredited ROTC programs on campus, the suggestion that the death of ROTC would result in expansion of service academies and enlisted-oriented OCS programs should provoke serious reflection. If the citizen-officer defenders are correct, any changes in present recruitment that would result in a significant increase in the flow of professional soldiers from the enlisted and academy ranks might be counterproductive. That is the demise of ROTC would only temporarily dislocate military leadership plans. And any increase in the percentage of authoritarian, aggressive "leaders" would, we submit, be undesirable. But are the citizen-officer defenders correct?

The question concerns the nature of citizen-officers—ROTC and college-grad OCS types who serve for two or three years as platoon and company grade officers or pilots and then either stay on as careerists or (in most cases) resign. Some citizen-officers rise to high command, but all, whether they stay on or not, may be faced as lieutenants, due to the nature of modern, dispersed military deployment, with awesome on-the-spot decisions. For the inhabitants of many a Vietnamese hamlet or river village, survival may well depend on the attitude of the platoon leader, gunboat skipper, or helicopter gunship pilot approaching, guns trained, on their homes.

We know that the average ROTC or college grad OCS student scores lower on F-scale (authoritarianism) psychological measurements than the average enlisted man or non-college peer.[3] Thus, for those concerned about the attitudes and values of individuals placed in positions of military authority and responsibility the ROTC or college grad OCS officer would appear to be a safer bet than one acquiring his commission without first acquiring a college degree. It is probably not simply the fact of the college experience that makes the difference. Less advantaged youths, after all receive a different moral education in their environments than do the college-bound suburban children of the middle and upper-middle classes. But, for whatever reasons the difference between the two potential military leader groups is a known significant quantity.

What is unknown is just how such ROTC students compare with their service academy counterparts. Are the ROTC types more "flexible" than the academy types, as claimed? One leader of the anti-ROTC movement at Harvard thinks not: "An officer trained at Princeton kills on orders as quickly as an officer trained at the Point."[4] Is there any significant attitudinal distinction between the two types at all?

MEASURING ATTITUDES

The best way of answering such a question would be to measure the attitudes of the two groups in the field a year or two after graduation or commissioning. But the Defense Department does not appear ever to have conducted such an investigation; and our own research capacities did not allow for such an analysis. We had to be satisfied with administering an attitude questionnaire (with a near 100 percent response) in the spring and fall of 1970, to 90 randomly selected service academy (Annapolis) students, 177 ROTC students (110 Air Force and Army ROTC students from the University of Pittsburgh and 67 Naval ROTC students from Ohio State University) and 117 male non-ROTC college undergraduates.[5] Such a comparison may be of limited value if earlier researchers are correct when they claim that ROTC graduates quickly adjust and adapt to the codes and mores of the professional military. But such a claim is highly moot, and even if a certain amount of adjustment and adaptation does occur if significant differences between ROTC and academy types exist upon entry into the officer corps, it seems reasonable to expect that some of those differences would persist.[6]

Over the years, a number of studies have been made using attitude questionnaires to analyze service academy students, and to compare ROTC undergrads to non-ROTC undergrads. But to the best of our knowledge service academy and ROTC students have never been systematically compared. C. J. Lammers has compared the development of values and attitudes, i.e., the "socialization," of Royal Netherlands Naval College midshipmen and Candidate Reserve Officers, but the circumstances of that socialization process are not altogether the same as those we are dealing with. And furthermore Lammers was concerned only with "the socialization process," not with attitudes. John Lovell, in his study of "the professional socialization of the West Point cadet," compared West Pointers to a sampling of Dartmouth students, 82 percent of whom expected to perform military service upon graduation, but the sample did not appear to be exclusively composed of ROTC students, and Lovell did not pursue the attitudinal comparison very far. R. W. Gage and William A. Lucas have compared the attitudes of ROTC and non-ROTC students, and both have concluded that ROTC students are significantly more accepting of authority and military ideology than non-ROTC students; but neither study included a sampling of service academy students.[7] Thus the need for our own study.

THREE GROUPS

Our three sample groups do not spring from precisely the same social background. In terms of family income, parents' level of education, and father's occupation, our Annapolis respondents come from families with slightly higher incomes, better educated parents, and more professional fathers than either the non-ROTC students, who were next, or the ROTC students, whose social origins were slightly more humble than either of the other groups. But these differences in social origins are not relevant to the differences we found in the attitudes of members of our three groups—that is, *there was no difference in the response of representatives of one level of social origin from those of any other level.*

This surprised us, since one would expect lower class respondents to be somewhat more authoritarian than those whose parents were college graduates and professional people. And this would probably have been the case if our respondents had been sampled at random from the public at large. But Annapolis students were overrepresented in the upper economic echelons. And since these same Annapolis students were consistently more authoritarian, absolutistic, and militaristic than either of the other two groups, the "class differentials" were neutralized.

R. W. Gage, in his earlier study, found that ROTC students were more "patriotic" and accepting of military discipline than non-ROTC college students,[8] and we found that ranking to apply with every aspect of aggressiveness, absolutism, "patriotism," and military discipline tested for. *But our service academy students were consistently more aggressive and absolutistic than our* ROTC *sample.* When asked what their reaction might be if, while walking with their girl friend, someone were to make "a vulgar, obscene comment about her," nearly half (49 percent) of our sample of Annapolis officers-and-gentlemen-to-be indicated that they would offer some form of physical response, typically: "I'd kick his teeth in." Only 31 percent of the ROTC sample, and only 23 percent of the non-ROTC group, gave similar responses (see Table 1). No less than 60 of the 90 Annapolis respondents indicated that, if given the choice, they would prefer to serve in a "combat" capacity, while only 32 percent of ROTC students preferred "combat" duty to the alternatives offered: administrative or technical work. The question was more hypothetical for the non-ROTC male undergradu-

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ates, many of whom will see no service at all, but, for what it is worth, predictably, only 8 percent indicated that they would prefer combat service to the other less belligerent options.

TABLE 1

[In percent]

	Offer physical response to insult to girl friend	Offer verbal response or ignore insult	Prefer combat duty	Prefer administrative or technical service
Annapolis (90)	49.9(44)	16.1(29)	66.7(60)	25.5(23)
ROTC (177)	31.6(56)	57.6(102)	32.0(57)	64.0(113)
Non-ROTC control group (117)	23.0(27)	62.4(73)	7.7(9)	69.0(81)

Note: Figures do not always total 100 percent because some respondents had "no opinion" or "no preference."

John Lovell long ago noted that West Point students "tend to be more 'absolutistic' in their strategic perspectives than their Dartmouth peers."[9] Our study revealed the same distinction between our Annapolis and our Pittsburgh-Ohio State sample (see Table 2). Seventy-seven percent of the Annapolis sample agreed with the statement, "war is the inevitable result of man's nature," while only 55.3 percent of the ROTC, and 39 percent of the non-ROTC samples agreed. And twice as many Annapolis students (24 percent) agreed *strongly* with that statement as their Pittsburgh-Ohio State peers. No less than one in every three midshipmen could conceive of circumstances in which a takeover of the U.S. government by the military would be justified, while only 19.5 percent of ROTC, and 18 percent of non-ROTC students, were of the same mind. Only 8 percent of the non-ROTC "control" sample felt that the U.S. should ever use nuclear weapons in situations other than retaliation. A larger percentage (16 percent) of ROTC students, and a still larger percentage (28 percent) of Annapolis students were "first-strikers."

"MY COUNTRY, RIGHT OR WRONG"

While only 39 percent of our *combined* sample of academy and ROTC officer candidates indicated that they would obey orders morally repugnant to them (see Table 3), nearly half (48 percent) of all our officer candidates who indicated a preference for combat duty, and 44 percent of those who indicated that they would offer physical violence to one who insulted their girl friend, would obey such orders. The same positive correlation between aggressive propensities and what we regard as undesirable behavior exists with regard to our questions about the use of nuclear weapons. Less than one in every five (19.5 percent) of our *combined* samples of officer candidates felt that the U.S. should ever strike first with nuclear weapons. But 27.3 percent of those showing a preference for combat duty, and 28 percent or our "physical force" group, were nuclear "first-strikers."

TABLE 2

[In percent]

	Agree that "war is the inevitable result of man's nature."	Disagree	Military Takeover might be justified	Regard "First-strike" use as acceptable
Annapolis	77(68)	22(20)	33.3(30)	28(25)
ROTC	55.3(98)	37(65)	19.5(34)	16(28)
Non-ROTC control group	39(46)	47.8(56)	18(20)	8(10)

Our heroic fighter sample were not the only ones to correlate positively to "first-strikers." We asked our subjects whether or not they agreed that "the practice of war is a science best left to professionals." Of those who agreed, 28 percent were also "first-strikers" (Table 3). One West Point cadet may have spoken for this group when he recently observed that "small tac nukes" could be of considerable value in suppressing revolution in Latin America: "Well, you have got to hold the spread of Communism [which he defined as 'sedition, and so forth'] down, and keep whoever is in government *there*. That's what's important." Lieutenant William Calley says that he went to Vietnam "with the absolute philosophy that the U.S.A.'s right. And there was no grey . . . there was just black or white." In another interview he told John Sack: "I'll do as I'm told to do. I won't revolt. I'll put the will of America above my own conscience, always."[10]

Moreover, as in the case of our fighter group, no less than 53.6 percent of those who agreed that war was a science best left to the control of pros indicated that they would obey morally repugnant orders. Over half (51.7 percent) of all officer candidates agreed with that pre-Nuremberg canon of the ardent statist, "My country, right or wrong," but no less than 67.2 percent of those feeling war to be a science best left to professionals, and approximately the same percentage of "fighter" types found this conscience-evading dogma attractive.

For one familiar with Morris Janowitz's distinction between "heroic" and "managerial" professional military officers,[11] this high correlation between "fighters," "professionals," service academy students (see Table 3), and undesirable propensities may be somewhat surprising, unless one is also familiar with John Lovell's research. Lovell could find no statistically significant difference at West Point between "heroic" fighter types and "managerial" types (our "pros") in terms of absolutism.[12] "Pros" are just as dangerous to have around as "fighters."

TABLE 3

[In percent]

	Percent who would obey morally repugnant orders	Percent who consider "first strike" to be acceptable	Percent who agree with "my country, right or wrong"
Combined officer candidates (267)	39.0(105)	19.5(52)	52.0(138)
Officer candidates preferring combat (117)	48.0(56)	27.3(32)	63.2(74)
Officer candidates offering physical force response (100)	44.0(44)	28.0(28)	69.0(69)
Officer candidates feeling war a science for professionals (125)	53.6(67)	28.0(35)	67.2(84)
Annapolis sample (90)	41.0(67)	28.0(25)	74.0(67)
ROTC			40.0(71)
Non-ROTC			19.5(23)

THE SCIENCE OF WAR

How did our three categories of students like the "pro" and "statist" tenets? No less than 72 percent of Annapolis respondents agreed with the remark that war was a science best left to professionals (with 33.3 percent agreeing *strongly*), whereas only 47.5 percent of our ROTC "citizen" officer candidates, and only 18 percent of the non-ROTC "control" group, agreed. And the same pattern held for the dogma found to be so attractive to our "pros." Almost three of every four Annapolis students sampled (74 percent) found the adage of Captain Stephen Decatur, U.S.N., "My country, right or wrong," to be attractive, whereas only 40 percent of the ROTC and 19.5 percent of the non-ROTC students approved of this pre-Nuremberg code of conduct.

The attitudinal distinctions occurred again when our subjects were asked their opinions about the military budget and the war in Vietnam. Only a few non-ROTC students and only a handful of the ROTC sample felt the military budget was too small (Table 4), but 39 percent of the Annapolis sample thought the budget inadequate. On questions relating to the Vietnam war, however, ROTC students were closer to their fellow officer-candidates than they were to their non-officer-bound peers. Four of every five non-ROTC students objected to the war in Vietnam, while only 36.7 percent of ROTC, and 28 percent of Annapolis students found the war objectionable. Only 10 percent of our sample of non-ROTC students expressed a willingness to volunteer for service in Vietnam, while 40 percent of the ROTC, and 60 percent of the Annapolis samples indicated they would volunteer for that war. Only one of every four non-officer candidate respondents imagined that he would obey a direct order morally repugnant to him; no less than 38 percent of the ROTC sample and 41 percent of the Annapolis sample indicated that they would obey such an order. Only 18.7 percent of non-ROTC students felt that the atrocities committed at Mylai were "extremely rare" in Vietnam, but the same percentage (37 percent) of the ROTC and Annapolis samples considered Mylai extremely rare."

TABLE 4

[In percent]

	Military budget too small	Object to presence of U.S. troops in Vietnam	Would volunteer for Vietnam	Consider Mylai extremely rare
Annapolis	39(35)	28.0(25)	60(54)	37.0(32)
ROTC	10(18)	36.7(65)	40(71)	37.0(67)
Non-ROTC control group	4(5)	78.5(92)	10(12)	18.7(22)

It could be argued that our officer candidate groups, having once committed themselves to military service, find Vietnam tolerable and Mylai exceptional largely because they recognize that they must live with a decision to serve that may one day thrust them into a Southeast Asian rice paddy or river delta. They may have come to accept the validity of "morally repugnant orders" as a result of their introduction to the military's traditions, mores, and missions—the military's point of view.

However, we think it more likely that they were *always* more positive toward the war and the military than those who avoided the officer candidate programs. We suspect that the reasons for the persistent attitudinal differences between those who are officer candidates and those who are not lie primarily in the process of self-recruitment by which means they selected military futures in the first place, and less in the process of military "socialization" taking place as they prepare for command. Our reasons are twofold, having to do with (1) self-selection and (2) the impotence of "militarization."

The research of William Lucas and C. J. Lammers shows that there is a self-selection process at work in both the American ROTC and the Dutch naval officer corps. "Militaristic" young men elect at age 17 or 18 to pursue a course that will make them officers.[13] Moreover, Lammers notes that the regular academy midshipmen, many the sons of naval officers, are considerably more accepting of military ideology than their reserve officer candidate counterparts.[14] That seems to be the case with our service academy and ROTC samples, and the reason may well be related to the reasons they gave for selecting Annapolis or ROTC. Nearly half of the Annapolis sample (48 percent) indicated that one of their reasons for seeking appointment was a desire to "be a career officer." Only 17 percent of the ROTC sample indicated that such ambitions had motivated them (Table 5). Nearly three in every four (73 percent) of the ROTC sample confessed that a prime motive for joining the program was a "preference to serve as an officer versus an enlisted man"

Footnotes at end or article.

(a few wrote in "to dodge the draft"). Slightly more Annapolis (26 percent) than ROTC (19.2 percent) students indicated that an important reason for joining was a "belief in military traditions and methods." Conversely, nearly half (47.5 percent) of the ROTC sample said that an important reason for seeking a commission was a desire to secure "training for assuming positions of responsibility in civilian life," while only 36.5 percent of career-bound Annapolis midshipmen gave a similar response. In short, the ROTC students appear to have more limited and "practical" reasons for service than the professional-minded middies. As one anonymous Annapolis ditty puts it:

> Some join for the love of the Service,
> Some join for the love of the Sea,
> But I know a guy who's in Rotcie;
> He joined for a college degree.

Similarly, just as Lammers found disproportionate numbers of naval officers' parents in his sample of Royal Netherlands Naval College midshipmen, we found that the fathers of 33.3 percent of our Annapolis, 12.4 percent of our ROTC, and only 2.3 percent of our non-ROTC samples had been commissioned officers. Moreover, when we added those whose fathers had served in a noncommissioned status we got similar results (see Table 6). Apparently many of the sons of military officers seek programs that will allow them to emulate their fathers.

THE IMPOTENCE OF MILITARIZATION

Once in the programs, a buttressing of prejudgments, values, and goals may occur. C. J. Lammers and William Lucas both maintain that officer candidates "socialize" one another over time, and Lammers hypothesizes that where initial motivation is low, such "socialization" may actually serve to drive the student out of the program.[15] But when we asked respondents to recall views held on entering college, or created an *ersatz* time-lapse by comparing various school years, *we did not find evidence of any significant shifts on the part of either officer candidate group in a direction away from that the non-officer candidate group might be taking*. All three groups, for example, showed a slight increase, from freshmen to seniors, in opposition to the war in Vietnam, a slight shift from conservative to moderate, or from moderate to liberal views, and a slight move toward a more critical view of the size of the military budget. In the case of immoral orders, to offer one illustration (see Table 7), fewer and fewer officer candidates indicated a willingness to obey immoral orders with each succeeding class. Not all of these differences were statistically significant, but they all point in the same direction as John Lovell's study of West Pointers, the Feldman-Newcomb study of college undergrads, and the Campbell-McCormack study of Air Force Academy classes.[16] Thus we feel that while there may be some reinforcing of previously held values taking place within the officer candidate programs that we did not detect, we doubt that there are many new values being created.

TABLE 5.—REASONS IMPORTANT IN DECISION TO SEEK COMMISSION

[In percent]

	Desire to make a career of military	Due to belief in military traditions and methods	Desire training for responsibilities in future civilian life	Prefer to be officer rather than enlisted man
Annapolis	48(43)	26(23)	36.5(31)	56(49)
ROTC	17(29)	19.2(34)	47.5(84)	73(130)

Footnotes at end of article.

TABLE 6

[In percent]

	Father a commissioned officer	Father served in military in some capacity
Annapolis	33.3(30)	89.0(80)
ROTC	12.4(22)	81.7(145)
Non-ROTC control group	2.3(3)	68.2(80)

Surely some traditions, mores, attitudes are "learned" by officer candidates—particularly by those at the "closed-circuit" service academies—but our data leads us to claim that the differences between our three subject samples are less a function of in-house "militarization" or "humanization" than they are a function of a self-selection (or joint-selection) process occurring when young men of 17 decide whether to seek a professional military career, or a program that offers leadership training for future civilian life and a chance to serve as an officer rather than an enlisted man, or no voluntary military service at all. It is this decision that separates the "fighters" and "pros" from the "citizen soldiers" and "civilian types." The liberal arts environment of academe may have *something* to do with the fact that ROTC students are less absolutistic, less aggressive, less militaristic than service academy students, but *our* data could not prove it. Furthermore if ROTC *units on campus do not significantly "militarize" any of those who volunteer to take their programs, neither do we find any evidence suggesting that the "liberal arts" environment of academe does any "liberalizing" of ROTC students*. The responses of freshmen ROTC students fall between those of their Annapolis and non-ROTC peers, and so do those of sophomores, juniors, and seniors. College education, four years of relative insulation from the school of hard knocks, apparently "humanizes" *all three* groups at approximately the same pace. If pre-college self-recruitment is the key factor, then the *particular* college environment may make very little difference, since our evidence, as well as the Lovell and Campbell-McCormack studies, suggest that there may be a progressive softening of many of the "hard-line" views held as freshmen by members of all three groups.

THE MYLAI MENTALITY

In the spring of 1969, Ronald Ridenhour, a college-bound Vietnam veteran, precipitated an investigation into the March, 1968 massacre of the villagers of Mylai. Before the dust had settled, two generals, three colonels, nine other officers, and six enlisted personnel faced courts martial.

TABLE 7.—WOULD OBEY ORDERS MORALLY REPUGNANT

	Percent
Combined Officer Candidate Freshman (78)	48.5(38)
Combined Officer Candidate Sophomores (55)	42(23)
Combined Officer Candidate Juniors (62)	35.5(22)
Combined Officer Candidate Seniors (70)	30(21)

Of the 20 men (14 officers and six enlisted men) involved, facing charges ranging from mass murder to suppressing evidence, one (Major General Samuel Koster) was a West Pointer. One (Brigadier General George Young) was a graduate of Columbia Military Academy and The Citadel ("the West Point of the South"). Twelve, including six of the officers, had entered the Army as enlisted personnel with high school educations. These included Captain Ernest Medina (charged with murder), Captain Eugene Kotouc (charged with murder), Captain Kenneth Boatman, Captain Dennis Johnson, Major Robert McKnight, Colonel Robert Luper (all charged with suppressing evidence or making false official statements), and six enlisted personnel, four of whom were charged with murder. Of the remaining six officers all had attended colleges in the South, several for only a year or two. These were First Lieutenant William Calley (charged with murder), who had attended one year of junior college, Captain Thomas Willingham (charged with murder), a graduate of Murray State College, Kentucky, Major Charles Calhoun, a Clemson graduate, Lieutenant Colonel William Guinn, who had attended the University of Tennessee and the University of Alabama, Lieutenant Colonel David Gavin, a graduate of Mississippi Southern College, and Colonel Oran Henderson, who attended military base extension centers of the University of Maryland and George Washington University. Captain Willingham, the Murray State graduate, was the only one of the eight charged as principals in the massacre who was a college graduate.

Members of one platoon, Lieutenant Calley's, were accused of committing the vast majority of the murders. The platoon appears to have developed the impression (as one of its members put it) that "if they wanted to do something wrong, it was all right with Calley. He didn't try to stop them." Calley impressed one soldier as "a kid trying to play war."

A few weeks before Mylai, Calley ordered one of his men Pfc. Michael Bernhardt, to shoot a woman running from them. Bernhardt called in Vietnamese for the woman to stop, but did not fire on her when she continued to run. Bernhardt was convinced that the woman was a noncombatant, but Calley was furious. Thereafter, Bernhardt explained, "I would just fire and miss on purpose. . . ." Bernhardt had been a junior and an ROTC honor student at the University of Miami before he enlisted "to test [his] courage under fire." Consequently he was only a private when his platoon entered Mylai. Bernhardt was the last of his platoon to enter the village. He was appalled by the indiscriminate killing going on. When he spoke of reporting the massacre to his congressman, Captain Medina warned him to keep silent. Bernhardt was the key source of Ronald Ridenhour's information about Mylai, and was a willing witness before the two non-West Pointers, Colonel William Wilson and General William Peers, who pressed home the overdue investigation.

When it appeared possible that the White House or the Army was prepared to allow Lieutenant Calley to leave the service before being formally charged with any crime, Captain William Hill, a reservist and thoroughly "civilianist" legal officer at Fort Benning (to which post Calley had been transferred during the course of the investigation), urged his careerist superior to overcome his reluctance to offend higher-ups and "to go ahead with the trial even if he had to defy the Pentagon [or the White House]." Hill was instrumental in precipitating the lodging of formal charges against Calley a day before Calley's separation from the service would have withdrawn him from the Army's jurisdiction.

When word reached West Point of the charges against General Koster, head of the Americal in 1968, and Superintendent of the Academy in 1969, the Corps of Cadets were assembled to hear Koster tell them that "throughout my military career the cherished principles of [our Academy's] motto—Duty, Honor, Country—have served as a constant guide to me." The Corps gave Koster a 90-second ovation. As one plebe put it, "everybody [here] seemed to sympathize with the general."[17]

Simultaneous with news of Koster's implication came word of the first recorded case of a West Point graduate ever to request a discharge on the basis of selective conscientious objection to a war. First Lieutenant Louis Font, 23, had been attending Harvard Graduate School in Government at the time.[18]

While our first data were being assembled, in late May 1970, the Army charged two officers, Captain Vincent Hartmann and First Lieutenant Rober G. Lee, Jr., with attempted murder and manslaughter for ordering their men to conduct target practice" on a number of Vietnamese huts in 1969. One woman eventually died of wounds inflicted during this target practice"; her nephew was wounded. Neither officer had ever attended college.[19]

In early 1968 Lieutenant Commander Aurelius Arnheiter, a graduate of the Naval Academy, was relieved of command of the U.S.S. *Vance*. Several junior officers of Arnheiter's command, Lieutenant (j.g.) William Generous (an ROTC honor graduate, Phi Beta Kappa, from Brown University), Lieutenant (j.g.) Edward Mason (an OCS college graduate), and Ensign Luis Belmonte (another OCS college grad), had complained that Arnheiter had hazarded his vessel, falsified its location while entering prohibited areas, sought to draw enemy fire on his ship, and generally taken the vessel, as Arnheiter put it, where the action is."

At one point, the junior officers claimed, he ordered Lieutenant (j.g.) Mason, in an armed motor whaleboat, to fire at a number of Vietnamese ashore. Mason refused. I can't see shooting a bunch of civilians or even shooting at them," he told Arnheiter. Mason says he feared that Arnheiter would interpret my shooting as somebody else's shooting and start shooting himself." The Vietnamese turned out to be refugees from a coastal village bombed out by American air strikes. As one crewman put it, "that kind of guy [Arnheiter] could start World War III."

Arnheiter's executive officer, Lieutenant Ray Hardy, another product of the Naval Academy, remained loyal to his chief and enforced Arnheiter's often bizarre orders. (Hardy acquired an ulcer in the process.) All of those who came to Arnheiter's defense (Rear Admiral Walter Baumberger, Rear Admiral Daniel Gallery, and Captain Richard Alexander) were Academy graduates. Admiral Gallery referred to the non-Annapolis critics of our veritable Captain Queeg as "oddball officers who should have been wearing beads and picketing the White House." Arnheiter himself called them a "bunch of dissident malcontents . . . a Berkeley-campus type of Vietnik/beatnik.[20]

Would that there had been a Mason at Mylai.

THE RESPONSIBILITIES OF "HARVARD BASTARDS"

What are the lessons of our experiment in attitude-behavior analysis and our excursion into the backgrounds of officers involved in "alleged misconduct" in Vietnam?

Certainly one conclusion is that those critics of ROTC who have suggested that "an officer trained at Princeton kills as quickly on orders as an officer trained at the Point" are probably incorrect. ROTC (and probably college-grad OCS officers) appear to be less belligerent and less militaristic than either non-college or service academy officers. (Indeed, one Ohio State NROTC student went so far as to note that he had joined ROTC to "work constructively to 'pacify' the military. . . .") This is not to say that the ROTC student is the ideal officer candidate. We would prefer officers from a still more humanistic mold, but we are not likely to get a lottery drafting of college graduates for Officers Candidate School for some time, and meanwhile the apparent contrast of service academy and ROTC student values suggested by our analysis ought to provoke those intent on driving ROTC from the liberal arts campus to some serious second thoughts.

We do not feel it proper that there be any formal relationship between the military and the academic community. ROTC, like OCS and the Marine Corps' summer training program for officer candidates, could well go "off campus." But it should be allowed—indeed, it should be encouraged—to "stick around." Some we are of the opinion that the military is going to be with us in the U.S. for some time, we feel that any "reform" that makes it difficult for a Princeton English major or a Pittsburgh philosophy major to become an officer is most undesirable. Major William Muhlenfeld recently put it nicely when he argued that it was—

> Of utmost importance that [our] armies be led by just and compassionate men—men who understand that as leaders they are also public servants who have a profound responsibility to minister to the welfare of those they command, to serve with . . . the wisdom to see beyond their actions to the effects their actions wreak. This kind of leadership must come from the university . . . The paradox is that we must wait for the professors to learn.

One senior officer was more explicit: "[Lieutenant] Calley never would have become an officer if we were not so short-handed. Why are we short-handed? Because the bastards at Harvard wouldn't . . . stěp up to their responsibilities." [21]

TABLE 8

[In percent]

College major	Willing to obey morally repugnant order	Willing to respond physically to insult to girl	Willing to use nuclear weapons	Military takeover might be justified some day	Agreed with "my country, right or wrong"	Disagreed with "my country, right or wrong"	Felt military budget too high	Felt military budget too low	Feel military "most dangerous" to U.S. Government
Humanities (29)	14.0	14.0	37	14	14	72.5	72.5	6.7	55
Social science (100)	30.0	33.0	65	23	39	46.0	51.0	16.0	14
Natural science (102)	37.0	40.0	75	26	37	43.0	41.0	19.0	8
Engineering (117)	42.5	30.5	76	22	48	38.5	24.0	17.0	2

Our own notion of the "responsibilities" of "Harvard bastards" may differ somewhat from the Army's, but, in any event, for the benefit of the American GI, as well as the Vietnamese villager, we hope that college graduates continue to serve as officers.

THE HUMANIST AS OFFICER?

Which leads us to our second conclusion. We feel that English, philosophy, "humanities" majors should be encouraged to become military officers (and probably, for that matter, policemen, social workers, and government officials as well). Why humanities majors? Because these were the types who consistently gave the "best" responses to our questionnaire. Those who indicated that they were humanities majors [22] were *less* willing to obey immoral orders than were social science, natural science, or engineering majors (Table 8). They were the *least* willing to use nuclear weapons; they were the *least* likely to respond physically to insult; they were the *least* capable of imagining a situation in which a military takeover of the U.S. government would be justified; they were the *least* interested in endorsing "My country, right or wrong"; and they were the *most* critical of the size of the military budget.[23]

The trouble is that humanities majors do not seem very enthusiastic about joining the military, nor are they the bemedalled recruiting officer's dream-come-true. Isabella Williams has found them to be less interested than any of the other majors in joining ROTC, and more insistent than others on "the right of the soldier to criticize his superior officer and/or government policies without facing sanctions for his dissent." [24] Very few (less than 5 percent) of our ROTC sample were humanities majors. But they were disproportionately represented in that group of respondents who feel that the military, as an organization, constitutes one of the "most dangerous" threats to the American system of government (see Table 8).

Many military men, concerned as they are with "leadership," body counts, power, and discipline, are probably quite satisfied with any system that allows Yosarians, Pete Seegers, and Staughton Lynds to stay clear of the military. The advocates of a volunteer professional army argue the virtues of such a self-selection process. We are not as convinced of the advantages of any system that can do without the citizen officer or, for that matter, the citizen soldier.

THE CITIZEN-OFFICER

Which brings us to our third conclusion. *If you don't like the way the military functions you can't expect it to improve by insulating yourself from it.* William Lucas feels that ROTC is undesirable because it "does not reflect the composition and attitudes of society," [25] and thus serves as no check on service academy Arnheiters and "up-through-the ranks" Medinas. But Lucas did not *compare* ROTC people to the other types of officer candidates. Had he done so, we feel that he would have discovered significant differences. Moreover, we are a little uneasy with the way Lucas has phrased his hypothesis. We are not at all certain that officers *should* reflect the "attitudes of society," as society is presently structured. The "up-through-the-ranks" and service academy officers probably *do* reflect such attitudes. What Lucas may have intended to say and, in any event, what we feel ourselves, is that the citizen officer should represent the noblest attitudes and values in American society—values which we maintain would include a refusal to obey immoral orders, a reluctance to sling nuclear weapons around, and a strong disinclination for any military coup or other invasion of the political process.

Some will say that we are naive—that one officer is as powerless as the next to effect any significant check on the ways of a military which, after all, takes its orders from civilians in Washington. We admit that having "good" officers does not mean that they will receive "good" orders. We concede that if a sensitive officer distinguishes between combatants and non-combatants, moral and immoral orders, he may still kill the combatants, may still obey the "moral" orders. But we have seen infantry lieutenants in Cambodia wearing peace symbols on the TV news, telling reporters of how they had deliberately led their men clear of the combat zone. We have seen young Army doctors refusing to collaborate,

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Footnotes at end of article.

young Army lawyers demanding justice, and young junior officers protesting the war. A volunteer army would end all of that.

It is true that the most significant changes must occur higher up the ladder of authority (which is why we suggested politics and government service for humanities majors). But the vicissitudes of the antiwar movement have demonstrated the difficulties that dissenters will have in penetrating the political process. The military and the police are more accessible. We must all work towards the day when war and inequity no longer exist, but in the meantime, for the villagers at Mylai and those under the guns of Arnheiter, Mason, and the *Vance*, the presence of a "good" officer counts.

Which is why we were chagrined to find that 84 percent (31 of 37) of those who felt the military is "most dangerous," also favored a volunteer army! A volunteer army of "pros," void of citizen officers coming in out of the draft, would be dangerous. As Peter Barnes recently put it: [26]

An end to the draft would shield the army from the influx of citizen-soldiers who are the yeast of internal change. The army *needs* Yosarians, Ronald Ridenhours, independent-minded ROTC junior officers and J.A.G. lawyers—soldiers who do their jobs but who are not committed to the cover-your-ass system, whose loyalties are to civilians, not careerist values.

Critics of ROTC, ironically, the Army needs you!

FOOTNOTES

[1] R. W. Gage, "Patriotism and Military Discipline as a Function of the Degree of Military Training," Journal of Social Psychology, LXIV (1964), pp. 101–111; E. G. French and R. R. Ernst, "The Relationship between Authoritarianism and the Acceptance of Military Ideology," Journal of Personality, XXIV (1955), pp. 181–191; William A. Lucas, "The American Lieutenant: An Empirical Investigation of Normative Theories of Civil-Military Relations," unpublished Ph.D. thesis, University of North Carolina, 1967, passim.

[2] Cited in Harvard Bulletin (May 25, 1970), p. 26.

[3] i.e. Gage, loc. cit.

[4] Harvard Bulletin (May 21, 1970), p. 29.

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[6] The "earlier researchers" are Gene Lyons and John Masland, Education and Military Leadership: A Study of ROTC (Princeton, 1959), p. 169.

[7] C. J. Lammers, "Midshipmen and Candidate Reserve Officers at the Royal Netherlands Naval College: A Comparative Study of a Socialization Process," Sociologia Neerlandica, II (1965), pp. 98–122; John Lovell, "The Professional Socialization of the West Point Cadet," in Morris Janowitz, ed., The New Military (New York; Norton, 1946); Gage, op. cit.; Lucas, op. cit.

[8] Gage, op. cit., pp. 101–111.

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[10] Cited on Ward Just, "Soldiers," Atlantic (October 1970), p. 66; Calley, interviewed by Sack, "The Confessions of Lieutenant Calley," Esquire (November 1970), p. 229.

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[15] Lammers, op. cit., p. 119; Lucas, op. cit., pp. 75–77, 120–127.

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[20] New York Times, May 8, 1968, p. 12; May 10, 1968, p. 1 ff; U.S. Dept. of Navy, Register of Commissioned Officers (NavPers, 1966); Neil Sheehan, "The 99 Days of Captain Arnheiter," New York Times Magazine, Aug. 11, 1968, pp. 7-9, 69-75.

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[From the Washington Post, Feb. 14, 1971]

ALL-VOLUNTEER ARMY

(By Col. Donald F. Bletz, USA and
Capt. Robert J. Hanks, USN)

Career officers Bletz and Hanks are visiting fellows at the Harvard Center for International Affairs. Their views are their own and do not necessarily reflect those of their services.

The idea of an all-volunteer armed force for the United States has rocketed into orbit atop the antidraft flames which continue to burn brightly across the land. Unfortunately, too few citizens are examining all of the concept's ramifications, caught up as many of them are in the euphoric prospect of a draft-free future.

Most reservations about an all-volunteer force have so far centered mainly on its prospective cost. But there are additional, and some potentially disastrous, consequences. Foremost among them is the danger that we will develop what we have never before seen in America: a large standing defense force composed entirely of career military men who are isolated, even alienated, from the people they have sworn to defend. It is possible that this kind of force would lose touch with and sympathy for the aspirations of the American people.

Only since World War II has it been necessary to maintain a huge military establishment to discharge the world-power responsibilities which America inherited and to protect her from the vastly expanded uncertainties of the nuclear-electronic age. To do this, it has been necessary to rely on a device which heretofore was called into operation solely to meet wartime needs—the draft.

Today we find the draft and its inherent inequities called into question. The resultant clamor has shoved the all-volunteer force to the forefront as the best solution to the problem. Before the American people opt for this answer, however, they would be well advised to ponder two basic considerations: the impact the all-volunteer concept would have on the enlisted ranks, particularly in the lower levels and its more indirect effect on the officer corps.

Filling the ranks of a nation's armed forces is not a unique problem. For the last three decades, the United States has relied on conscription to do the job, and it has seen us through the greatest declared war in the history of mankind, an unprecedented cold war and two bitter but undeclared limited wars.

While the Army has perennially been the primary user of draftees and has thus taken the brunt of the criticism associated with conscription, the other services also have been affected by it. They have, of course, resorted at times to the direct use of draftees. But the draft's greatest effect on them has been manifested in the rise and fall of voluntary enlistment rates, geared directly as they are to the size of the draft call.

CASE AND EFFECT

For example, several months before the elections of 1964, President Johnson let it be known that he seriously hoped to eliminate the Selective Service program in the near future. Enlistments in all the services dropped off sharply when, as a result of the announcement, the probability of being drafted fell, or seemed about to fall. Many young men under threat of being drafted into the Army and sent to Vietnam had been "volunteering" for the Air Force or the Navy as a more desirable alternative.

This is in no way intended as criticism of those who chose that particular course of action. It was and continues to be a perfectly legitimate alternative, and its adoption was and is a legal prerogative of the individual.

These men brought with them to their respective services the same basic philosophical outlook as did the draftee, offering to their respective services the same individual strengths and weaknesses as the draftee. The Navy is used here as an example, but the same holds for the Air Force. The men who enlisted in the Marine Corps or the Special Forces or Airborne units in the Army are a bit different. Many of them, too, volunteered rather than being drafted, but they exercised their option to serve in the more adventurous organizations. They fall somewhere between the career man and the civilian-in-uniform in their outlook and, therefore, in their impact on the services.

Elimination of conscription would affect each of the services by removing the civilian soldier, sailor, airman and marine from the ranks. Whether this is a good thing is open to question.

If the armed forces of the United States are reduced to token or caretaker status, then we need not concern ourselves about the loss of the citizen soldier from the ranks, because the impact of the military profession on American society as a whole will be insignificant. If, on the other hand, the nation's armed forces are maintained at a level reasonably commensurate with great-power status, the loss of the citizen soldier is a quite different matter.

Past experience suggests that the citizen soldier would not necessarily bring to the armed forces significantly greater technical expertise or higher intelligence than would the volunteer we could "hire" if the price were right. What he has brought to the armed forces in the past is a bit of American liberal democratic philosophy which he has not been about to give up. In this respect, he has been a positive influence.

On the negative side, the citizen soldier has also brought along an ambivalent outlook toward his military obligation, in the sense that he sees it as a great inconvenience to him and a disruption of his life which he would much prefer to avoid.

In any event, this ambivalence places a burden on the military establishment, since the task of the career officer and noncommissioned officer is made infinitely more difficult by the citizen soldier who constantly questions and stretches the system to the breaking point. At times, especially in an operational combat environment, this ambivalence can have disastrous results—lives can be lost because of it.

This, however, is part of the price a democracy must pay. For the most part, the strains the citizen soldier places on the system are the most positive contribution he makes. While many of his questions and complaints are superficial and pointless, more valid ones do call attention to weaknesses and shortcomings in the military profession and the national military system. Thus the citizen soldier helps to ensure dynamism in the system.

Emphasis on the positive contributions of the citizen soldier is by no means intended to detract in any way from the many regulars who constitute the bulk of the noncommissioned officer corps in all the services. Their professional expertise and devotion to their respective services and to the nation are the strongest possible combination any democratic society could ask for. But the touch of the citizen soldier provides a balance.

A REFLECTION OF SOCIETY

Never in its 200-year history has the United States possessed a military officer caste. The officer corps, ashore and afloat, has been broadly representative of the national body politic from which it was drawn and with which it generally remained in touch. Whatever "militaristic" caste influences emerged were never cause for alarm, because of the small size of the services and the necessarily limited power base they constituted.

The greatly expanded officer corps of today has been fueled from sources which span the nation's regional and educational spectrum. This broad base of intellectual persuasion, coupled with the relatively large proportion of Reservists on active duty (and the concomitant turnover rates as they come and go), has discouraged formation of a military officer caste—even had the Regular structure shown any proclivity to develop one.

Thus, the officer corps, despite its huge size, has remained basically a reflection of the society it serves. But the antidraft-antiwar influences now actively promoting the all-volunteer concept threaten to upset this inherent balance in two ways.

First, the demise of conscription would remove those pressures which now encourage many bright young men to seek a short-term commission rather than a shorter term as an enlisted draftee. This essentially skeptical, questioning young officer at once brings his own unique point of view into the officer corps and helps to prevent homogeneity—the first requisite of any caste system.

Secondly, the drive to eliminate ROTC units from the nation's campuses would eliminate this disparate source of officers which has promoted diversification, not only in the ethnic and regional background of the officer corps, but in its educational base as well.

So long as national security requirements dictate the maintenance of armed forces in the order of magnitude which prevails today, it will still be necessary to recruit college graduates via some form of officer candidate program. But as the all-volunteer officer corps takes shape, turnover rates can be expected to decrease dramatically, the size of this leavening input will shrink proportionately, and those who so elect a life in uniform will, quite likely, shed their differences rather quickly as they adapt to the military ethic.

If the United States is to remain a powerful and democratic nation it will require a military establishment well beyond the caretaker or token level. The armed forces can be expected, therefore, to continue to be a meaningful part of the American scene. Moreover, the armed forces of a democracy must be as representative of that democracy as is reasonably possible.

The citizen soldier is an ever-present force for dynamism, and he serves as the conscience of the nation in the services—a conscience that should not be removed. It is ironic that those who are opposed to the draft and all it stands for—particularly those of liberal persuasion—may very well foster the development of a militaristic defense system.

The ogre of militarism has haunted the United States from its birth, and the fear of it has been accentuated since World War II as the dictates of national security produced the largest standing military force in our history. That we have eluded the tyranny of militaristic control—be it civilian or uniformed—is due in no small measure to the way in which we have structured and manned the armed services.

Despite the siren call of the all-volunteer force, this neat solution carries inherent dangers which must not be ignored. And though professionalism and technical competence within the armed services will continue to suffer from the constant personnel instability, inevitably caused by the draft and reserve programs, in the long run they may very well be a far better bargain for the nation.

CONSCRIPT ARMY LURE TO BATTLE

(By Alan Cranston)

The longest peacetime draft in the history of the Republic has been followed by the longest war in our history. I believe that Americans would not be in Vietnam today were it not for the draft.

From 7,800 men called up in December, 1964, President Johnson was able to expand his combat forces by merely raising draft calls to over 40,200 in December, 1965. Without having to ask permission of Congress, the President was able to increase the size of the Army from 973,238 men at the time of the Gulf of Tonkin Resolution to 1,397,899 by the election of 1966, when the first major rumblings of dissent were heard.

Despite the policy pronouncements of two Presidents and numbers of government officials during the 1960s committing this country to the defense of Vietnam, it was the uninterrupted stream of young Americans to Indochina that transformed mere rhetoric into reality. And it is the presence of 322,200 Americans in Vietnam that is preventing President Nixon from rapidly terminating the American commitment.

The Hatfield-Goldwater Volunteer Military Act of 1971 would require congressional decision-making before the country drafts again. This would remove the danger that we will fight again in an undeclared war.

Sen. Robert A. Taft once said, "The compulsory draft is far more typical of totalitarian nations than of democratic nations." The deepest difference between democracy and dictatorship lies in the degree of compulsion used by government in the lives of individual citizens.

A dictatorship compels people even to do things that they would be willing to do voluntarily. A German in the anti-Nazi underground once defined that regime for me as one under which everything not prohibited was compulsory. A democracy should never ask its citizens to sacrifice their freedom of choice if a valid alternative can be found.

A CONVINCING CASE

There is a valid alternataive to the draft. Defense Department studies, the President's Commission on an All-Volunteer Armed Force and independent analyses have all demonstrated that a volunteer army is obtainable. They show convincingly that a volunteer army will neither undermine national security nor create a poor, black army.

As a consequence, critics of the volunteer army have focused on the "citizen-soldier" concept. They contend that the draft must be maintained to ensure civilian influence within the military and restrain the President's warmaking powers. They say that the draft serves democracy by evoking protest against it and thus inhibiting the President.

I believe that Vietnam tells us differently. Even granting the possibility that protest against the draft helped bring about the retirement of President Johnson, one can hardly ignore the fact that by the time LBJ bowed out, troop levels had exceeded 500,000 in Vietnam and casualties and costs were catastrophic. That we had an army of draftees did not stop the war, nor has it stopped it yet.

I find it impossible to accept philosophically the use of the draft as a legitimate way to place constraints on Presidents. Surely we can find a better way that does not disrupt the lives of a whole generation and confront the conscientious objector with the choice of going to jail or fleeing to Canada.

The draft actually increases the risk for those young Americans who do go to Southeast Asia. Because of the two-year limit on draftee service, draftees are hurried into combat and, if they survive after their short training period, they are retired from combat at just about the time when they've learned how to take care of themselves under fire—only to be replaced by raw, inexperienced draftees.

"INFUSION" WOULD CONTINUE

Some senior military officers want to retain the draft to infuse the armed forces with representatives of the civilian sector. One argued that "the draft gives us the turnover necessary to breathe fresh air into an otherwise close system." This suggests that under a voluntary system, the turnover of men would be significantly lower than it is under the present mixed volunteer-conscript force.

In fact, under a volunteer system, the turnover of men would be approximately 75 per cent of what it would be if conscription were maintained. The President's Commission on an All-Volunteer Armed Force noted that out of an estimated 325,000 additional men needed each year to maintain a volunteer force of 2.5 million, roughly 215,000, or 65 per cent, would leave after a single tour.

Higher pay and other amenities proposed by the Gates Commission would provide a steady flow of volunteers. Men enter the service for a variety of reasons not connected with the draft or fear of the draft: technical training, inservice and postservice education, travel, service to their country or the desire to "become a man." Those entering as true volunteers provide nearly 50 per cent of all current enlistees.

Critics also fear that we will lose potential officers with liberal arts backgrounds. They perceive the current disruption of ROTC programs as adding to the alienation of the military. The fact is that there are today more students and colleges desiring scholarship ROTC programs than there are spaces or units available.

In addition to the 347 existing programs, approximately 50 colleges and universities are now actively interested in establishing their own. What is even more interesting is that some of the 12 schools that have dropped ROTC on their own initiative in the last two years have begun making serious inquiry into re-establishing their units.

COUPS ARE TOPHEAVY

I think that senior military officers also tend to over-estimate the influence that the draftee can exert upon the armed services. In Latin America, out of some 72 military coups in the last 25 years, 60 were with conscripted armies. European experience has been similar.

Coups are mounted by high-ranking officers—by generals and colonels—not by enlisted men. And high-ranking officers are likely to be professional soldiers—draft or no draft. The presence of the draft has little bearing on whether or not a military coup is possible in this country, or any country, today.

It is in the nature of the military that the power to command obedience is great while the tolerance of dissent, especially from the junior servicemen, is limited. Most short-termers avoid confrontation with their officers and NCOs simply by following orders for their two years. Those who step out of line fill the ranks of the court-martialed, stockaded or undesirably discharged. The questioning of military procedures and policies by draftees cannot conceivably provide anywhere near an adequate check on military officers or their civilian chiefs.

Actually, a volunteer army will do more than a conscript army to make our military establishment more civilianized, better scrutinized and less independent of civilian control. The demand for a volunteer army has already begun to close the gap between the senior officer and the first-term enlisted man.

Faced with the prospect that they may have to attract and retain more men, the services have implemented several manpower policy reforms. At Ft. Carson, a private sits across the hall from the base commander's office with instant access to convey complaints from the enlisted men. The San Diego Naval Base has established a direct complaint line to the commanding officer. And at other bases across the country, superior officers are meeting the enlisted men in group discussion. This is in sharp contrast to practices in the recent past.

Military training often relies on dehumanization, humiliation and fear to instill discipline. But at Ft. Ord, the specter of the volunteer force has promoted a change to the "positive reinforcement" method of training and its concomitant uplifting of the trainee. This important experiment is revealing results beyond the expectations of the most optimistic civilians.

FITTING MAN TO JOB

Additional evidence that a voluntary force would increase civilian influence is found in a recent Defense Department study. Only 4 per cent of college graduates were placed in military jobs where their skills could be used with little or no additional training. Only 62 men, for instance, who qualified for Army accounting positions were placed in this military occupational speciality, although there were 463 openings and 912 inductees with accounting degrees.

Under a volunteer system, the more limited supply of men and the greater budgetary expenditures per man would promote greater matching of man and skills and less misuse of man power. As an increasing number of men were assigned to jobs where their civilian experiences were put to use, more men would be in a position to inform those already in similiar work of recent developments in the civilian sector.

More experienced volunteers would receive greater respect from the professional soldier, enhancing the likelihood of a better relationship between the two. Reduced transfers, appropriate assignment of military occupational specialties and longer initial tours under a volunteer system would all magnify this effect.

One of the most important ways the volunteer army would increase civilian control over the military relates again to the role of Congress. For the past 30 years, the draft has hidden from the public eye a large proportion of our military manpower costs. By using the draft to hold down first-term pay to less than half of unskilled blue-collar wages, the military imposes on junior enlisted men an implict tax of $2 billion dollars.

By not having that $2 billion appear in the defense budget, the Defense Department is understating the cost of defense to the nation while forcing 19-year-olds to bear a grossly disproportionate share of the defense burden. If the draft were ended and the implicit tax translated directly into tax dollars, Congress would be far more likely to pay attention to the number of men in the forces and the uses to which they were put.

Lateral recruitment has been put forth as another means of opening up the military to civilian influence. This recommendation is based on the Seabee program, in which men are brought into the military at a rank roughly commensurate with the skill they have to offer. With some 85 per cent of military skills directly related to civilian skills, a greater flow in and out of the military at higher ranks is a real possibility.

The American people must realize that the conscription of cheap, apparently unlimited manpower into the lowest ranks of the military, while maintaining relatively complete control from the top, is antithetical to a democratic society and further endangers the workings of a political system already under great stress. For the last 30 years, American families have become so accustomed to offering their sons to the armed forces that they have forgotten that conscription is not in the American tradition.

National conscription has existed for only 34 of the 200 years of American independence. Since World War II, the draft has become a bad habit of political convenience that needs to be broken before it further jeopardizes our freedom.

THE DRAFT AS MOTIVATION FOR VOLUNTEERS

The Nixon Administration hopes that improved life-styles in the military, increased pay and other incentives will attract enough men to enable the nation to move eventually to a voluntary system.

No one really knows if these measures will accomplish their goals, since any analysis of what motivates men to volunteer for military service is inherently speculative.

The most powerful motivation to volunteer service in recent years has been the threat of the draft. By enlisting voluntarily, men could avoid serving in the Army, which has supplied most of the combat soldiers for the Vietnam war, and could choose their military occupations, thus avoiding service in front-line combat roles.

The most recent analysis of the motivations of volunteers for military service was conducted by the Defense Department in November 1968. The Pentagon surveyed more than 17,000 officers and 48,000 enlisted personnel with less than three years' service; the survey did not include basic trainees or men stationed in Vietnam.

In the survey, the Pentagon asked the following question: "If there had been no draft and you had not had any military obligation at the time you first entered active military service, do you think you would have entered the service?"

Of those surveyed, 88.3 per cent answered in four categories: yes definitely, yes probably, no probably, no definitely. The remaining 11.7 percent said they had "no idea."

The Defense Department concluded that 47.9 per cent of those surveyed—the men who answered in the last two categories—were motivated to enter military service by the threat of the draft. The Pentagon noted that this represented 54.2 per cent on those who answered in one of the four categories.

The survey also showed that, in the absence of a draft:

17–19 year-olds would be more likely to volunteer than older men;

the less education a man has, the more likely he would be to volunteer for military service;

Negroes would be more likely to volunteer than white men.

Following are the survey's results:

[In percent]

	Yes definitely	Yes probably	True volunteers	No probably	No definitely	Draft motivated
Total	17.0	23.4	40.4	27.1	20.8	47.9
Service:						
Army	15.4	22.4	37.8	25.6	25.9	51.5
Navy	16.4	23.5	39.9	28.6	20.3	48.9
Air Force	15.0	21.9	36.9	31.7	19.8	51.5
Marine Corps	25.4	28.9	54.3	18.2	12.7	30.9
Age at enlistment:						
17 to 19 years	19.4	26.0	45.4	24.3	17.6	41.9
20 to 25 years	10.6	16.7	27.3	34.5	29.1	63.6
Education:[1]						
Less than high school	26.3	29.1	55.4	14.0	13.5	27.5
High school graduate	19.4	25.5	44.9	26.6	17.4	44.0
Some college	7.5	18.5	26.0	35.3	30.6	65.9
Race:						
White	15.9	23.4	39.3	27.8	21.2	49.0
Black	25.3	25.5	50.8	21.8	15.6	37.4

[1] At time of entry on active military service.

FEASIBILITY: HOW MANY TRUE VOLUNTEERS?

Central to the volunteer army debate is the question of feasibility—whether enough men could be recruited without the inducement of the draft and without unacceptably high expenditures.

The Army now believes the job of attracting volunteers would be a lot tougher than estimated last year by the President's Commission on an All-Volunteer Armed Force (the Gates commission).

A key to answering the feasibility question is determining how many "true" volunteers the Army is getting now. A true volunteer is a man who is motivated to join by reasons other than the threat of the draft.

New Army analysis: On the basis of the first six months of experience with the lottery system of induction, the Army estimates it is receiving 60,000 to 70,000 true volunteers a year. The lottery system was instituted in December 1969.

To arrive at an estimate of the number of true volunteers, the Army first arbitrarily divided the pool of draft-eligible men into three categories, according to lottery sequence numbers (1 through 120, 121 through 140, and 141 through 166). The three categories contain roughly equal numbers of men.

Assumptions—The Army then based its analysis on a series of assumptions.

It assumed that all enlistees with lottery sequence numbers 241 to 366 are true volunteers, since they could have expected to escape the draft. (The highest lottery number drafted in calendar 1970 was 195.) There were 5,900 enlistees with lottery numbers 241–366 during the six-month period.

Since the three lottery sequence categories contain roughly equal numbers of men, the Pentagon assumed that each of the first two categories would produce the same number of true volunteers (5,900) as the third.

On the basis of the first two assumptions, the Pentagon found that 47.8 per cent of enlistees with lottery numbers were true volunteers. It then assumed that the same percentage of true volunteers existed among men (primarily 17- and 18-year-olds) who enlisted although they had not been assigned lottery numbers.

Results—On this basis, there were 17,700 estimated true volunteers with lottery numbers and 14,100 without lottery numbers, for a total of 31,800 volunteers for the six-month period—or an average of 5,300 a month.

For a full year, total enlistments would run about 133,400; the Army estimates that 60,000 to 70,000 would be true volunteers, and the others would be draft-motivated.

Army spokesmen stress that in the first few months the lottery system was operating, some registrants with high numbers may not have understood their relative immunity from induction. This would tend to inflate the estimate of true volunteers in the Army's analysis.

Consequences: The Army estimates that it will need 243,000 replacements to maintain an average strength of 1,024,000 men in fiscal 1972.

The Gates commission estimated last year that Army enlistments would total about 97,000 a year without the draft. The shortfall of 146,000, it said, could be offset by increasing enlistments through pay raises, more effective recruiting and other steps.

The commission did not have the lottery experience to work with in arriving at its estimates of true volunteers.

By the Army's reckoning, the shortfall would be 183,000 to 193,000.

THE NEED FOR INCREASES IN SOCIAL SECURITY BENEFITS

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. BOLAND. Mr. Speaker, the need for increased social security benefits grows more pressing day by day. Each time the cost of living inches upward, the 25 million retired Americans whose livelihoods hinge on social security are pushed deeper and deeper into what most people would consider poverty. Inflation is slowly eroding away the dollar's buying power. Everyone is a victim of this alarming trend, of course, but nowhere has its impact been more harsh than on the country's elderly. They are in a financial plight virtually unprecedented in recent American history.

The incomes provided by social security are modest enough. Coupled with the inflation that is driving up the cost of virtually everything sold in the American marketplace, they are nothing short of trifling. Most Americans are not aware of the dreary and disheartening existence this forces on the elderly. Unable to buy anything more than the rudimentary necessities—indeed, they often cannot buy even enough food and clothing—the elderly find their lives are growing more and more bleak.

The Senate, as you know, has just passed legislation granting significant new increase in social security benefits.

I intend to do everything within my power to hasten this bill's enactment into law.

Most Americans find this era financially troublesome; the elderly find it next to impossible.

Social security increases—major increases—are among the very top priorities of this Congress.

AT LEAST ONE SHARE OF STOCK FOR THE PUBLIC

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. SCHWENGEL. Mr. Speaker, recently in one of our prominent newspapers, there appeared an article under the title of "Responsibility" with a subtitle "At Least One Share of Stock for the Public."

It is evidence once again how conscious America's free enterprise system and business are of the problems of today. Too often we legislate to force right things to happen and fail to recognize the right things that have happened.

The purpose of my unanimous request to have this put in the RECORD is to call to the attention of my colleagues and others who might read it to the fact that America's business and businessmen do have a conscience and a concern.

The article follows:

RESPONSIBILITY: AT LEAST ONE SHARE OF STOCK FOR THE PUBLIC

(By Philip M. Stern)

In recent months, many of America's major corporations have taken steps to meet public demands that they look beyond "mere profit-making" and consider the impact of their activities on the society as a whole. What remains uncertain is the real significance of these changes and the effect they will have on corporate policy.

During the last fortnight there have been two major developments. The Chrysler Corporation announced the establishment of an "Office of Public Responsibility" headed by three top officers, with a directive to "continually review and challenge the corporation's practices" in such areas as pollution, safety and equal opportunity. A few days later General Motors told of naming a committee of six prestigious scientists to advise G.M. on the environmental effect of its products and operations.

G.M. has been particularly busy in this area. Last summer, the company created a "Public Policy Committee" of its board of directors and since then it has departed sharply from tradition by appointing its first black to the G.M. board (activist Leon Sullivan of Philadelphia) and by naming an "outsider," California pollution authority Ernest Starkman, as a vice president in charge of environmental activities. It has also: Funneled some $5-million of its bank deposits into black-owned banks; given a $1-million order for truck cushions to a black-owned company in Watts; launched an experimental program of toll-free calls to Detroit from complaining G.M. car owners.

CRITICS INSPIRE CHANGE

The First Pennsylvania Banking and Trust Company is studying the possibility of turning over as much as a third of its 24-man board to consumer representatives, blacks and possibly even militant feminists. The Quaker Oats Company refused to move ahead with a new plant in Danville, Ill., until the town adopted an open housing ordinance. And a growing list of companies has appointed urban affairs directors to press for minority training or investment programs.

Such changes have been inspired in large measure by a sharp increase in public criticism and by the activities of public-interest groups. At last spring's annual shareholder meetings, usually tranquil affairs, both stockholders and management were confronted by protests against company policies on such matters as pollution, South African apartheid, safety and minority opportunity. Groups like the Council on Economic Priorities are researching and publicizing company attitudes in such fields.

The corporate responsiblity question was most systematically raised by a group of young Washington lawyers who last spring mounted a "campaign to make General Motors responsible." They sought support from G.M. shareholders for such proposals as enlarging the G.M. board of directors to include a black, an ecologist and a consumer representative. In pressing such issues, the protestors obliged the largely conservative trustees of universities, retirement and mutual funds, insurance companies and the like to consider the social impact of the world's largest corporation, and of their investment in it. The insurgents won less than 3 per cent of the votes but G.M.'s subsequent response suggests that their campaign was far more effective than the vote indicated.

Thus there has been some progress in the campaign to increase corporate responsibility—but how significant has it been?

Campaign G.M. and other activities have sharply broadened public and corporate awarness of the "responsibility" issue, and even those most critical of the companies will grant that the steps they have taken when measured against the level of such activities a year ago, represent a substantial change.

Skeptics point out, however, that there has been no apparent change in the corporate managers' concept or their mission—profit-making—and where the exercise of "responsibility" costs money and reduces profits, it conflicts with that mission. Thus they fear such programs will never get very far.

DOUBTS VOICED

Even in the short run, these skeptics say, the actions to date have not made the corporate managers of bureaucracy any more accountable to forces outside the company. They argue that the new "public responsibility" units are manned by company men, unlikely to be vigorously critical of their colleagues. Information about internal goings-on, it is felt, will, in general, still be dispensed to the public only to the extent the corporate bureaucracy find it convenient. Boards of directors, the critics believe, will remain almost entirely self-selected, with no meaningful participation by shareholders and no voice at all for other affected groups such as employes, customers and the public at large. Moreover, the critics say, most directors are, in effect, just occasional visitors to the corporation, with their attention focused elsewhere, and are poor matches for a naturally protective corporate bureaucracy. So while G.M.'s new director, the Rev. Leon Sullivan, has vowed to "do what I can to help my brothers, particularly my black brothers," some question how much change he can effect at G.M., especially if he lacks an independent staff of his own.

To attack the self-contained nature of corporate power, "Campaign G.M.—Round II," now in progress, proposed opening up the selection of corporate directors to "constituent groups" other than shareholders. Under the insurgents' proposals, three members of the G.M. board would be elected, respectively, by G.M. employes, dealers and car owners, subject only to veto by the shareholders.

While the proposal is expected to win no more than a minute fraction of G.M.'s shareholders, it will doubtless cause much debate between now and the G.M. meeting in May, not only on the general question of "corporate responsibility" but on the extent of a corporation's unaccountability to the public it affects. And, as recent history attests, the mere ventilation of these issues can have considerable impact on corporate management.

THE SLEEP OF THE STATESMAN

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. HARRINGTON. Mr. Speaker, there are times when many of us feel that our involvement in Indochina is more dream than reality. We, therefore, lose ourselves in illusions of withdrawal, deescalation, Vietnamization. The names differ slightly, but the intent is the same; to conceal from ourselves and each other the frightening truth of our continuing presence. If withdrawal is but a mirage then killing and maiming are but hallucinations incapable of unnerving us and we need carry their burden no longer.

Russell Baker perceives the nature of such dreams and tries in his column to awaken a slumbering nation. I insert that column in the hope that my colleagues will take the opportunity to read it and attempt to assess the nature of their own dreams:

THE SLEEP OF THE STATESMAN

(By Russell Baker)

WASHINGTON, March 6.—Gaze deeply into my pupils as I spin this glittering antenna in my hand. Round and round it goes. It is one of Secretary Rusk's antennas that he used in the old days to detect signals from Hanoi. Secretary Rusk's antennas were very sensitive, remember. Very sensitive. "The Secretary has very sensitive antennas," they used to say at the State Department. Do not fight me now. Lie back and breathe deeply.

You are no longer going to think of Secretary Rusk's antennas. You are going to sleep, and you are going to clear your mind of all thoughts of falling dominoes. You are not going to think of Paper Tiger any more. You are going to forget the hawks and the doves, and sleep.

I want you to clear your mind of the fish hook. You are no longer going to think of the parrot's beak. You are going to forget all about the tiger cages. You are no longer going to remember the coonskin. You are going to forget all the dragon ladies. You are going to sleep, sleep.

You are going to forget about the body count, the bombing pauses, freefire zones and Tet.

Do you remember Pacification? If so, I want you to put it out of your mind, and sleep. Do you remember strategic hamlets? If so, erase the memory and sleep, for you are very, very old if you remember pacification and strategic hamlets, and you want to sleep very, very much.

You want to forget all about captured documents. Close your eyes and let COSVN dissipate from memory, as though it had never existed. Sleep and make the tunnel go away forever, as well as the light at the end of it. Forget the reports of captured enemy rice supplies and sleep.

I want you to stop thinking of all the occasions on which the corner was turned, and sleep. Sleep, and in sleep let the iron triangle cease to be even a memory. Let there be no such place as the Michelin rubber plantation, and let there never have been. Sleep.

Your mind is drifting free now because great weights have been lifted from it. Sleep deeply, and away will go all memory of the weighty bawlings of "no wider war" and "honor our commitment." In sweet sleep, let search-and-destroy cease ever to have existed. I want your sleep to help you forget that those American casualties, which were always light to moderate no matter how heavy they were, were ever casualties at all. In sleep, dream 50,000 men back into life and restore the bodies of the hurt. Sleep.

Sleep profoundly, for in the profoundest sleep there is blessed forgetfulness of privileged sanctuaries, interdiction and incursion.

You will keep your eyes tightly closed and dive deeply, deeply into the sweet springs of sleep's oblivion, there to be washed clean of the memory of Bao Dai, Big Minh, General Khanh, Madame Nhu and Hamburger Hill. Watch this glittering antenna spin and let fierce Meo tribesmen vanish in sleep.

In sleep purge your mind of thoughts of Thich Tri Quang, Ngo Dinh Diem, Nguyen Cao Ky. The Pathet Lao cannot survive if you sleep. Sleep and let Lon Nol and Souvanna Phouma be gone forever.

Gone with Ellsworth Bunker and Henry Cabot Lodge and Ambassador David Bruce and Xuan Thuy, coming and going, going and coming, coming nowhere, going nowhere, endlessly, endlessly, except to be gently forgotten in glorious sleep.

In your sleep, forget Vietnamization, another fruitless session of the Paris peace talks today, bombing halt, Senator Fulbright's Foreign Relations Committee, Gulf of Tonkin resolution, Melvin Laird, air force briefers, Ho Chi Minh Trail, no ground troops, Cooper-Church amendment. Sleep with a profundity you have never slept with before.

Sleep away all thought of Professors Henry Kissinger and Walt W. Roston and of the deans—Bundy, Acheson and Rusk. In such an all-obliterating sleep as you have never known, cease remembering proposals to bomb 'em back to the Stone Age. In sleep, cast off all remembrance of protective reaction and protective encirclement.

Sleep. Sleep. Sleep, until ditches filled with bodies may lose their existence, and the dread of becoming a pitiful helpless giant can never again haunt your sun-filled afternoons. In sleep, forget.

See my antenna spin. See how it glitters in the light, even through the deepest darkness of unutterably restful sleep, with the bone-eating brightness of liquid fire in the night. Sleep warm in its brightness. When you awake you shall think of sports or flowers, or of bills and of nice fun things to do after work.

GEORGE L. DEMENT—A EULOGY

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. PUCINSKI. Mr. Speaker, the city of Chicago lost one of its great men last weekend with the death of George L. DeMent. Mr. DeMent had been chairman of the board of the Chicago Transit Authority since 1963. During that time, the mass transit system of Chicago became one of the best in the Nation.

George DeMent was recognized as a national expert in the field of metropolitan transportation. Just last year, Mr. DeMent was honored by his colleagues by being named as the president of the American Transit Association. In addition, he was president of the Institute for Rapid Transit.

Prior to becoming the head of the CTA, Mr. DeMent served as the commissioner of public works for the city of Chicago. As commissioner, Mr. DeMent planned the initial stages of the rapid transit lines which became a reality during his years as head of the CTA.

I wish to express my deepest sympathy to his family and tell them that the rapid transit lines along the city's expressways serving thousands and thousands of commuting Chicagoans each day will serve as a fitting memorial to the dedication, vision, and leadership of George L. DeMent.

ZAMBIA: SANCTUARY FOR MURDERERS AND KIDNAPERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. RARICK. Mr. Speaker, kidnapings in the Middle East and in Latin America make frequent headlines these days. In Russia, detention of Russian citizens on criminal charges provided an avalanche for adverse public opinion; yet knowledge of the kidnaping of 6 Portuguese civilians 2 months ago and their detention—if not deaths—in the Red Colony of Zambia has barely reached the American people.

Possibly these strange double standards are intentional because our State Department and political leaders do not want the average American to be informed of the critical situation which threatens all of the whites in South Africa—to a great extent, because of the agitation and encouragement of U.S. foreign policy "experts" who find it easier to lead the blacks than fool the whites in that area.

Is it really worth trading off the lives and futures of white minorities in South Africa simply to try to win a few votes in the United Nations?

Exemplary of the inflammatory U.S. racist propaganda was a news release dated February 26 from the Democratic National Committee, which in attacking the Nixon administration on Africa, had this to say:

AFRICA

The report seems to regard Africa as easier to deal with since in the past it has "depended less than other areas on American leadership and assistance" and therefore should be more prepared for the neglect contemplated under the Nixon Doctrine.

Two issues dominate all others in Africa—economic and social development in those countries already free and independent and the demand for racial and political justice in those countries in Southern Africa which are dominated by a racist white minority. The response of the Nixon Administration on both issues have been neglect and cynicism.

The failure of President Nixon to find a way to meet with either President Kaunda of Zambia or President Nyerere of Tanzania during their visits to the United Nations last October is the most flagrant example of the no-profile policy being pursued by the White House.

Africa is a continent with enormous growth potential—yet the Administration fails to show any concern for the aid needed by Africa.

The racial and political crises in Rhodesia, Portuguese Africa, Southwest Africa and the Republic of South Africa (an area containing thirty-four million Africans dominated by four million Europeans) continue to deepen. These minority regimes pursue policies of repression which are leading toward violence, to polarization between black and white, and to the risk of Communist gains feeding on this repression of a huge majority.

Ridiculous. Note the recent Ford Foundation pow-wow in Lagos, Nigeria—the administration's announcement of trade with Red China and continued East-West trade with Russia but stiff sanctions against trade with the Christian nation of Rhodesia. Yet the American people are led to believe by our democratic national spokemen that if the civilized countries of Southern Africa are not overthrown, we risk Communist gains in those areas. Since our policy under both parties seems to be that only Communist nations and Red-puppet tribal states in Africa are in our graces and our national policy is open trade with Communist China and Russia, we may well wonder who is trying to fool whom? It is hard to find even a dime's worth of difference.

What seems to bug the national Democrats the most is that President Nixon did not stop running the country to go to the United Nations to shake hands with their favorite rabble rouser, Kenneth Kauanda of Zambia. Chief Kauanda, who runs a fair police state, is probably better remembered for the house arrest of newsmen who were in Lusaka last year covering Kauanda's Communist peace parlay—CONGRESSIONAL RECORD, volume 116, part 24, page 32321.

So the Republican retaliation to counteract Kauanda's snub was to pick up their share of the marbles by sending a U.S. jet to return Whitney Young's remains from Nigeria.

Since the attitude of the Nixon administration seems to vary little from the outlined anti-white attack by the democratic spokesmen, one must logically conclude that public opinion makers in the United States would regard without exception that every nonblack in Africa is a heathen racist whose death or destruction is essential to peace in Africa.

I include a news clipping discussing the kidnaped Portuguese and the new Red travel policies of the new American Revolution, as follows:

[From the Washington Post, March 15, 1971]

ZAMBIA ACCUSED IN KIDNAPING

(By Jim Hoagland)

LOURENCO MARQUES, MOZAMBIQUE.—Fear is mounting in this Portuguese African territory that five Portuguese civilians kidnaped by an African guerrilla movement two months ago are dead.

The fate of the five men, who are believed to have been taken into the neighboring country of Zambia, could have important economic and diplomatic consequences for Southern Africa.

Zambia, which allows anti-Portuguese guerrillas to operate from its territory, depends on Portuguese railways and ports in Angola and Mozambique to export about two-thirds of Zambia's valuable copper production.

Large quantities of food and other vital supplies are also railed into Zambia from the Portuguese-controlled harbors.

In the wake of the kidnaping, Portugal has been examining plans for economic retaliation against Zambia, an important official in Mazambique hinted last week. And the incident has further embittered the already strained relations between the two nations.

ZAMBIA ACCUSED

A government statement published here last Friday directly accused Zambian authorities of having refused to intervene to protect the hostages after they were brought into Zambian territory.

Zambia has officially denied having any knowledge of the kidnaping. In its denial, Zambia countered by accusing the Portuguese of illegally holding three Zambian citizens who mistakenly wandered across the Mazambique border last month.

The sharp wording of the Portuguese statement, and the fact that it publicly raised for the first time the possibility that the Portuguese may have been killed by the guerrillas, leads some observers here to think that the government has given up hope for the hostages.

According to Portuguese military sources, eight to 10 armed insurgents belonging to an exile organiaztion known as Coremo captured six men working on a rural resettlement project about 50 miles from the Zambian border on January 15.

One of the whites was unable to make the three-day march to the border, and either died or was killed in Mozambique. About 50 African villagers also taken prisoner by the guerrillas escaped or were released before the party reached Zambia.

CLAIM HOSTAGES RELEASED

Portuguese sources say Coremo (Mozambique Revolution Committee) staged the kidnaping to draw publicity and support, and planned to produce the hostages in a press conference at Coremo's headquarters in Lusaka, the Zambian capital.

But it appears that the Zambians, deeply embarrassed by the incident and well aware of their vulnerability to Portuguese reprisal, wanted no part in sanctioning the abduction and told the guerrillas that the hostages were their problem.

Corema has taken credit for the kidnaping, but asserts that it occurred much deeper inside Mozambique and that the hostages were released unharmed, in Mozambique. Coremo, which is thought to have no more than a few hundred members, is considered an insignificant rival to the much stronger guerrilla group known as Frelimo which operates largely from Tanzania.

The Portuguese fear that the guerrillas may have decided to resolve the awkward problem of the hostages by executing them. The entire incident seems to have upset authorities in Mozambique much more than the occasional death of Portuguese civilians from guerrillas' mines and ambushes.

"That is part of the luck of war," one source said. "This was not. And Zambia could have prevented it."

The abduction was almost certainly among the subjects discussed last month at a meeting between top security officials of Portugal, Angola, Mozambique, Rhodesia and South Africa held in Salisbury, Rhodesia.

CONFERENCE ON ZAMBIA

A major purpose of the conference was "to discuss the relations of Zambia with its neighbors, in the international context" Jose Ramires Ramos, director of Mozambique's civilian intelligence system, disclosed in an interview last week.

"Zambia is still very dependent on us economically," Ramos said. "We have some cards in our hands and we were examining them."

In 1970 Zambia, which is the world's third largest exporter of copper, shipped 143,000 tons of the metal through the Angolan port of Lobito and almost twice that amount through Mozambique ports. Zambia's only other outlet is the longer, more expensive road trip to Dar es Salaam, Tanzania.

For their part, the Portuguese are reluctant to lose the foreign-exchange earnings that the Zambian imports and exports bring. Their willingness to even consider economic reprisals is an indication of how seriously they view the kidnapping, qualified sources feel.

[From the Evening Star, Mar. 15, 1971]

ROGERS DECIDES TO DROP CURBS ON CHINA TRAVEL

The State Department lifted today 20-year-old restrictions on the travel of American citizens to Communist China.

Following up earlier measures which loosened restraints, Secretary of State William P. Rogers ordered that passports would no longer carry a stamp stating they could not be used for travel to the Chinese mainland.

Such a restriction is being continued, however, on travel by Americans to North Vietnam, North Korea and Cuba.

President Nixon had pledged last month to see what more might be done "to create broader opportunities for contacts between the Chinese and American peoples."

Rogers' action, reportedly with presidential approval, is unlikely to have much effect on actual travel. However, it serves as another clue to administration policy toward the Communist areas.

Nixon reported in his "State of the World" message last month that 270 Americans last year received special U.S. permission to go to China, bringing the total in recent years to 1,000. Peking had admitted only three, he said.

Under present regulations, the State Department's travel bans were to end automatically today unless the secretary acted to continue any or all of them.

Some of Rogers' advisers proposed dropping the restrictions entirely because U.S. courts in recent years have struck down attempts to enforce them. Many U.S. citizens have traveled to the off-limits areas without official permission.

But others argued successfully that the department's curb on visits to North Vietnam by Americans should be continued because of the war. They also viewed the diplomatic situation as inappropriate now for dropping the restriction toward North Korea.

Cuba came under a different category because the U.S. travel ban there is part of the hemisphere-wide campaign to isolate the Castro regime.

U.S. policymakers indicated that Washington, as a leader of the anti-Castro effort, should not appear to undercut the continuing Inter-American sanctions against Cuba by lifting its travel restriction.

Though ending the ban toward Red China is unlikely to boost U.S. travel there as long as Peking keeps its doors closed, U.S. diplomats privately anticipated another round of criticism of U.S. policy from Nationalist China.

BLUE ANGEL APPRECIATION DAY

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. VEYSEY. Mr. Speaker, Sunday, March 21, 1971, is a day of great significance to the people and to the communities of California's Imperial Valley. In honor of the U.S. Navy flight demonstration team, the Blue Angels, in this their 25th anniversary year, Imperial

County has declared this day "Blue Angel Appreciation Day."

Imperial County is the winter training ground for the Blues, and our citizens have had few associations or relationships which invoke more inspiration or more community pride than this one.

The Blues, representing the highest ideals and the highest caliber of our Nation's youth, have made a contribution to the Imperial Valley which far transcends their thrilling, awesome precision flight through our clear, blue skies.

They have given us, by their very presence, a sterling testimonial to the excellence of achievement of which our American young people are capable. They have deeply inspired young and old alike with their determination, dedication, and their resulting successes.

Imperial County has been termed the Blue Angels' second home by Vice Adm. Bernard Strean, chief of naval air training at Pensacola, Fla., and we cherish that designation.

As our 80,000 people from this great valley pay tribute to the Blues on March 21, I respectfully invite the Congress of the United States to join us in this acknowledgement.

For Blue Angel Cmdr. Harley Hall, U.S. Navy; Lt. Comdr. J. D. Davis, U.S. Navy; Capt. Kevin O'Mara, U.S. Marine Corps; Lt. Jim Maslowski, U.S. Navy; Lt. Skip Umstead, U.S. Navy; Lt. Bill Beardsley, U.S. Navy; Lt. Bill Switzer, U.S. Navy; and Lt. Dick Schram, U.S. Navy; the Blue Angel pilots; and for Lt. Comdr. Mack Prose and the 90-member Blue Angel ground crew; I ask special congressional recognition and appreciation for their inspirational contributions to our youth, and to our country.

I submit for your further enlightenment, an article from the Imperial Valley Weekly, which depicts the community spirit and involvement generated by the Blue Angels:

SUPERVISORS DECLARE MARCH 21 BLUE ANGELS APPRECIATION DAY: PUBLIC IS INVITED TO FAMILY DINNER AT FAIRGROUNDS

Honoring the Navy's Flight Demonstration Team on their Silver Anniversary Year, Imperial County Supervisors Tuesday passed a resolution designating March 21, 1971, Blue Angels Appreciation Day.

The resolution, presented by James Logan manager of Imperial Valley Development Agency, authorized the celebrating of Angel Appreciation Day with a public dinner at the California Mid-Winter Fairgrounds at Imperial and appropriate public ceremonies to "individually honor for their long hours of hard work to accomplish their missions" Blue Angels Commander Harley Hall and the officers and enlisted men that comprise the Flight Demonstration Team.

The dinner is planned for Sunday, March 21, 5:00 to 8:00 p.m.

In the resolution, the Supervisors cite the Blue Angels as representing:

The finest in military aviation;

The highest type of American youth;

An outstanding example to youth of the perfection that can be achieved through teamwork, training, practice and discipline; and

For establishing their winter home here to take advantage of Imperial County's unexcelled winter weather, which they thereby publicize throughout the world.

"The Angel Appreciation Dinner will be a cooperative effort of people from throughout the county, set up through the help of Chambers of Commerce," Logan stated.

"It will be open to the public as a family dinner to give our children as well as the rank and file of our people an opportunity to meet the members of the Blue Angel Team."

VOLUNTEERS FOR OUR ARMED FORCES

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, the critics of the volunteer force ask where will the recruits come from when we end the draft. A most eloquent answer to this question appeared recently in the New York Times in an article written by John H. Caldwell of New Canaan, Conn.

New Canaan is one of the 10 wealthiest suburbs in the Nation—the average family income is $24,861 per year. In spite of the myth that the affluent do not volunteer for military service, Mr. Caldwell's son Douglas enlisted in the Marines. He is now a company commander and has decided to make a career in the Armed Forces.

Why has not our son come back to all this? How did he resist the peer pressure in the first place and enlist? "Hey Caldwell, why aren't you going to college?" He is now, 3 nights a week after work as a marine company commander.

Why is our son staying in the service? Do not most of us start on a job, give it a try, find we like the work, and do well at it, and make it our career? That is, you do when you pick a civilian job. Whatever job you take, you do not expect people to be hostile to you.

Mr. Caldwell stresses that support for his son's career is based on his belief in the connection between voluntarism and a free society:

Each of us is a consumer of liberty. That is what the United States is all about. It is so easy to do. We take it for granted. It is our right. Protection of liberty. Who is to do it, when it involves military service? Our national dilemma. In a democracy, each one must make his own decision. Our son chose his occupation: Marine. We are proud of his occupation.

I commend this item to your attention:

MY SON IS A MARINE

(By John H. Caldwell)

President Nixon's goal is an all-volunteer armed forces by mid-1973. The chairman of the Senate Armed Services Committee flatly says it is "a flight from reality." The Secretary of Defense believes he can meet that goal if "the general public gives support by a positive attitude toward military service." The Caldwell family is part of that "general public." Our son is a Marine. He is staying in.

Douglas Caldwell. At 18 a private. Worse, from the point of view of many of his peers and their parents, he was just an infantryman, a "grunt." At 20 he was a second lieutenant. He was at Hue in the Tet offensive, leading a 50-man rifle platoon. At 22 he was an infantry company commander. At 23 he was a captain in the regulars. In the vernacular, he is a "lifer."

To meet the President's goal—in just two more years—Secretary Laird must find or retain some 3,000,000 "lifers." Your son may be one of them. Perhaps.

Douglas Caldwell. Our only child. A Marine! Almost incredible. The deck was stacked against the Marine recruiter. At our son's age I had a beard, attended a radical college, was antimilitary, antidraft, and I happily demonstrated against Mayor ("I am the law!") Hague in Jersey City.

Military recruiters do not find many privates in New Canaan, Conn. Of our son's high school peers 95 per cent went directly to college, vs. 40 per cent for the nation. The town is one of the nation's ten wealthiest suburbs. Annual per family income is $24,861. Among its 20,000 residents are an Under Secretary of State, Secretary of the Army, the Ambassador to France.

Why hasn't our son come back to all this? How did he resist the peer pressure in the first place and enlist? "Hey Caldwell, why aren't you going to college?" He is now, three nights a week, after work as a Marine company commander.

Why is our son staying in the service? Don't most of us start on a job, give it a try, find we like the work and do well at it, and make it our career? That is, you do when you pick a civilian job. Whatever job you take, you do not expect people to be hostile to you.

But it is something else, isn't it, to volunteer or be drafted as a soldier, sailor, airman, marine? The truth is society seems to say to its youth: if you get stuck with military duty, just serve your time. Then get out. Get out fast.

You may agree, grudgingly, the nation requires armed forces. But *my* son serve? Never unless drafted. Volunteer? Are you nuts? My wife and I hear this viewpoint quite often, expressed in the form of a friendly question: "Your son must be back home and out of the service by now, and what is he doing?"

Senator John Stennis has a real basis for saying the concept of an all-volunteer military service is a "flight from reality." Secretary Laird has put the matter squarely to American parents and their children. It could be possible, by mid-1973—to have that zero draft—if—"the general public gives support by a positive attitude toward military service."

Who is going to help—in the next two years—to overcome all those no-no's? Some of them are:

Parent Pressure: Your pressure favors college against military service. Understandable. Yet your son chooses to volunteer. Will you give him emotional support? Take an interest in his work? Be proud of his success? He would appreciate that. Expect it, too. Isn't that the kind of warm parental embrace you give to all your children, whatever they do?

Peer Pressure: Suppose one of your peers says he might volunteer. Do you jump on him? Or do you help him test the strength of his budding convictions? That is probably why he let you know what he had in mind in the first place.

To volunteer or to reject military service: at age 18 you really are making your own personal political assessment. You are likely to live an additional 50–60 years. What will the world be like in that time—your lifetime? It is human to hope there will be no war then. But to be antimilitary service is something else. During the remainder of your life do you believe the United States should maintain armed forces? If you all say no-no at 18, what then?

Pressure through Media: The anti-military viewpoint is heard often. Everyone has an opinion on world affairs. Entertainers, for example. They appear on TV and radio talk shows, do their thing, and then sit down and chat with the host. They are articulate. Many are antimilitary to varying degrees. They have a cumulative impact on opinion.

For all of us, the root question is: Does the United States require armed forces? Each of us is a consumer of liberty. That is what the United States is all about. It is so easy to do. We take it for granted. It is our right. Protection of liberty. Who is to do it, when it involves military service? Our national dilemma. In a democracy, each one must make his own decision. Our son chose his occupation: Marine. We are proud of his occupation.

Mr. and Mrs. John H. Caldwell live in New Canaan, Conn., the permanent residence of their only child, Douglas, who is making his career in the Marine Corps.

WHITNEY M. YOUNG, JR.

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. BOLAND. Mr. Speaker, Whitney M. Young, Jr., director of the National Urban League for the past decade, is dead at the age of 49. Respected among blacks and whites alike for his straightforward and workmanlike approach to the civil rights struggle, Mr. Young broke down racial barriers that had withstood all assaults but his. In one 2-year period alone—from 1964 to 1966, when the Urban League shook itself out of what Young considered a kind of moody weariness—he almost singlehandedly got jobs for 40,000 blacks and helped 8,000 others to move up to better jobs.

A negotiator so skilled and so convincing that he was virtually unrivaled in the civil rights movement, Mr. Young knew how to get things done. He stayed away from the bullying tactics and menacing talk that had become fashionable among civil rights workers. He used reason, not threats. His battleground was the corporation boardroom, not the streets.

Once, when commuting between his suburban home in New Rochelle, N.Y., and New York City, he asked himself:

> Should I get off this train this morning and stand on 125th Street cussing "Whitey" to show I am tough? Or should I go downtown and talk to an executive of General Motors about 2,000 jobs for unemployed Negroes?

Everyone concerned about civil rights is thankful he chose the latter course.

Widely described as a moderate—a term he disliked, since his dogged tenacity in pursuit of social justice yielded to nothing—Mr. Young quietly achieved goals other people could only shout about.

With permission, Mr. Speaker, I put in the RECORD newspaper articles paying tribute to Mr. Young:

[From the Washington Post]

WHITNEY M. YOUNG, JR.

Whitney Young's sudden and untimely death—he was only 49 years old and at the summit of his usefulness—takes from the contemporary scene another of those Negro leaders who worked at once for Negro rights and for interracial understanding, knowing them to be inseparable. Like the late Martin Luther King Jr., he opposed violence yet sought with the most ardent militancy to achieve for black Americans full equality of economic opportunity. As executive director of the National Urban League during the past decade, he worked tirelessly at the task of opening fields of employment previously closed to blacks. His tactic was to go straight to the top echelons of authority in commerce and industry and demand a fair chance for black workers.

Jobs, Whitney Young believed, afforded the master key that would, in time, open every other barrier to full racial equality. In trade after trade, he pried open doors which had been relentlessly closed and locked. Behind his quiet and cultivated demeanor, there was an extraordinary quality of force. Behind his personal charm, there lay the genuine toughness of conviction and dedication. He was a pragmatist, preferring accomplishment to rhetoric and effective influence to the assertion of power. His death diminishes all of us, for he appealed to the best in our national character—the capacity for reform and yearning for justice.

[From the Christian Science Monitor]

WHITNEY M. YOUNG, JR.

Whitney M. Young Jr., who passed on Thursday, was a leading spokesman for the moderate factions in the civil-rights struggle in the United States. He led no demonstrations and served no jail sentences.

Mr. Young became executive director of the National Urban League in 1961. During his time in the post he sought to obtain job commitments for blacks in urban ghettos.

As his train from New Rochelle, N.Y. moved through Harlem, he once observed: "I think to myself, should I get off this train and stand on 125th Street cussing out whitey to show I am tough? Or should I go downtown and talk to an executive of General Motors about 2,000 jobs for unemployed Negroes?"

His choice was to go downtown. Between 1964 and 1966, when the league undertook a massive reorganization program, the league obtained jobs for 40,000 unemployed blacks and better positions for another 8,000.

"Someone," he once remarked, "has to work within the system to try to change it."

He thought of himself as that someone, and during his years as executive director of the Urban League his efforts to lead blacks into the mainstream of American society brought him wide respect from blacks and whites alike.

[From the New York Times]

FORCE FOR UNDERSTANDING

Whitney M. Young Jr. made himself a healing force in the tormented relations between blacks and whites. As executive director of the National Urban League, he applied his impressive resources of intelligence, energy and charm to leveling the walls of the slums through expanded opportunity for education and good jobs.

He hated to be called a "moderate" because that term might imply some lack of passion for eradicating social evils he loathed. But he never equated dedication to constructive change with pointless militancy, violence or villification. "We are all in the same boat," was his constant rejoinder to those who advocated separatist solutions.

Despite disappointments, Whitney Young did not abandon his faith in the efficacy of joint effort for a better society. His chief regret was that so many others—both white and black—failed to stay the distance.

[From the Washington Post, Mar. 12, 1971]

WHITNEY YOUNG: COMPROMISE WAS HIS BYWORD

(By Robert C. Maynard)

In Atlanta in the middle 1950s, a group of young black professionals, unhappy about the direction of leadership from their elders, were planning to release a hearty blast at them and the city fathers.

The dean of the Atlanta University School of Social Work was apprised of the plan and urged that the older leaders be informed before the criticisms were made public. To the amazement of the younger men, the older leaders supported virtually all the criticisms and helped pay for printing the pamphlets.

Whitney Moore Young, Jr., the School of Social Work dean, had demonstrated once again the guiding principle of his life: persuasion and moderation can succeed in solving difficult problems.

He had proved it before in a Jim Crow Army, when he became the moderator between the white officers and the angry black soldiers. And he would prove it again and again as he rose to the leadership of the 60-year-old National Urban League.

"Nobody who's working for black people is a moderate," Young once told an interviewer. "We're all militants in different ways. I can't afford the luxury of a completely dogmatic position."

Psychologist Kenneth Clark, a friend for many years, said the role that Mr. Young had chosen for himself "was one of the most difficult roles a man could have chosen. He was sniped at from all sides, but he realized the importance of maintaining bridges of understanding, no matter how difficult."

Clark and others gave as an example of the difficulty of the role Young played, the constant criticism he received from blacks for his conciliatory relationship with the Nixon administration.

At a point last year when the NAACP was criticizing the administration for being "anti-Negro," Young said the administration, "isn't so bad," causing a minor uproar in civil rights and black circles.

A common reaction was that Mr. Young was seeking a position in the Nixon administration, but an official of the administration said privately yesterday that Mr. Young could have had a job there, anytime he wanted one.

"It was important to Whitney," one of his friends said yesterday, "to keep those bridges of communications open between blacks and the administration. That to him was crucial."

Mr. Young lived with his wife Margaret in suburban New Rochelle, N.Y. He recalled once that as the commuter train came through Harlem he asked himself:

"Should I get off this train this morning and stand on 125th Street cussing "Whitey" to show I am tough? Or should I go downtown and talk to an executive of General Motors about 2,000 jobs for unemployed Negroes?"

From the time he became the director of the National Urban League in 1961, Mr. Young placed the goal of jobs for blacks at the top of his list of priorities. By 1966, the Urban League, with a present budget of $35 million for its national and local operations, could claim to have helped 40,000 blacks go from unemployment to jobs between 1964 and 1966.

The impact of Mr. Young's leadership was evidenced in the reaction to his death:

Vice President Spiro T. Agnew:

"The sudden and untimely death of Whitney Young is a serious setback to the forces of moderation . . . He never allowed his energy to deteriorate to irresponsible action, and his was always a calm, reasonable, persuasive voice."

Lawrence O'Brien, Democratic National Chairman:

". . . one of the heroic figures of the 1960s . . . His tragic death is an incalculable loss, not only to those on whose behalf he fought for so long, but to men everywhere who hold truth and justice and equality to be the most transcendental of goals . . ."

Secretary of Labor James Hodgson:

"All of us are poor because of the loss of Whitney Young. But everyone is richer for all this courageous fighter gave us in a life of untiring service."

Frank Stanton, president of CBS:

"Whitney Young's death is a loss to the whole nation and a loss our country can ill afford at this critical period. He will take his place in history as a great humanitarian and a great leader."

Sen. Edmund S. Muskie (D-Maine), who had been with Mr. Young in Lagos, Nigeria, the day before he died:

"Just yesterday in Lagos, he was so vital and alive, participating actively in the kind of work he loved so well."

Whitney Young was born July 31, 1921, in Lincoln Ridge, Kentucky, the son of the president of Lincoln Institute, a Negro high school. His mother was a teacher. He graduated from the school his father headed at 14 and went on to a Negro college, Kentucky State.

He had planned to become a physician after spending a year as a teacher, but he entered the Army in 1943 and was sent to the Massachusetts Institute of Technology to learn engineering. It was after that, when he was with an Army road-building company, that he found himself in the role of peacekeeper between the white Southern officers and the black enlisted men.

"That was the beginning of my work in that field—being an intermediary between whites and blacks," Young recalled last year.

"I would say to the brothers in the company, 'I agree you are getting a bad deal, but what's it going to take to get you to fall out in the morning.' "

Then, as he recalled for Tom Buckley of The New York Times, he would take the grievances of the men to the white officers and "we'd extract the conditions."

When 1st Sgt. Young's black fellow soldiers accused him of "Uncle Toming" to the white officers, he told them, "O.K., you take over." Nobody wanted to.

Out of the service, he took a master's degree in social work from the University of Minnesota and worked for a time as the director of the Urban League in Omaha, Neb., before joining the faculty of Atlanta University.

It was while he was making a speech at an annual meeting of the Urban League in Washington that he came to the attention of Lindsley Kimball, who scouted worthy causes for Rockefeller family philanthropies.

Impressed with the "strong, logical, sensible address," Kimball approached Young, arranged for him to spend a year at Harvard thinking and reading, in preparation for replacing Lester Granger, who had headed the Urban League for many years.

The Urban League had long been regarded by others as a civil rights organization, but that is not how it regards itself. It is, to those who have served over the six decades of its existence, a social service agency. It seeks to help blacks with jobs and other social needs.

In the tumult of the 1960s, Mr. Young pursued jobs for blacks with vigor among all of the top corporations of the nation. He was considered very successful at his mission.

Once, he took a position that many in his organization thought would lose support among white donors. He decided to be among the 10 leading civil rights leaders who sponsored the 1963 March on Washington for Jobs and Freedom. If it lost him any support, it did not seem to matter to him or to the Urban League.

At a time in the middle 1960s when Martin Luther King was opposing the war in Vietnam, Mr. Young toured the country at the request of President Johnson and praised the war effort. He criticized King for his antiwar stand, linking civil rights and the war.

Through the years, his role as a moderate created uncomfortable moments for Whitney Young, but two of his friends yesterday, who have known him through the years, suggested that his role was one that will be hard to fill.

"This struggle has such a thin front line," said Kenneth Clark. "When we lose a Whitney Young there is no one to replace him."

Carl Holman, vice president of the Urban Coalition, said, "There just aren't any more Whitney Youngs around. It's devastating."

"To lose a Malcolm X, a Martin Luther King and now a Whitney Young," Clark said, "is fantastic. They were each irreplaceable men, although so different."

TWENTY-FOUR YEARS IN THE LIFE OF LYUBA BERSHADSKAYA

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. GUDE. Mr. Speaker, last week it was my privilege to attend a lunch given by the gentleman from New York (Mr. Scheuer) to meet Mrs. Lyuba Bershadskaya, a Soviet Jew who was permitted to emigrate to Israel in July 1970. This remarkable woman was a ballet dancer and later a member of Ambassador Averell Harriman's staff in the American Embassy during World War II. In 1946, she was arrested for her association with Americans and sent to Siberia where she endured 10 years of imprisonment at forced labor.

In 1956, Mrs. Bershadskaya was released from prison, but not freed from official oppression. For many years, she was unable to obtain work and lodging because she is a Jew. Her experiences are described in a moving article in the New York Times magazine of March 14, 1971. The article was written by Miss Trudie Vocse and is entitled "24 Years in the Life of Lyuba Bershadskaya." I am inserting it in the Record for the attention of my colleagues.

Mrs. Bershadskaya's story is an inspiring example of great personal courage and determination, and an outrageous example of Soviet oppression and antisemitism. I share her hope that the Soviet Union will grant exit visas to all who desire to emigrate, and I support her efforts to illuminate the plight of Soviet Jewry for concerned Americans and members of the world community.

[From the New York Times Magazine, March 14, 1971]

24 Years in the Life of Lyuba Bershadskaya

(By Trudie Vocse)

[Note.—Trudie Vocse is a pseudony. She is an American novelist and poet with relatives living in the Soviet Union.]

At first it was easy to listen to Lyuba Bershadskaya—it was all music. I was standing on a maroon carpet in a dark corridor outside her New York hotel room, while from behind the shut door waves and waves of lovely Russian sounds flowed out. There was a bell to ring, and in the dimness I pushed it, but nothing happened—only more and more of that skipping Russian tide, full of *gdye* and *horosho* and *znayesh*. The hallway was perfectly still; the only stir was the stir of this intricate birdlike foreign voice.

It belonged to a vistor six months out of Russia who had flown in from Israel the evening before. Two American organizations—the Union of Councils for Soviet Jews and the B'nai B'rith Hillel Foundations—had invited her to come. Beyond these few cool facts I knew only one more fact—Lyuba Bershadskaya had survived 10 years of forced labor in Siberian prison camps. In 1946, she had gone into prison a Soviet citizen; in 1956, she emerged a passionate Jew, determined to get out of the Soviet Union. On July 10, 1970, the Soviet Government issued a visa to Lyuba Bershadskaya to leave Russia for Israel—14 years after the start of her struggle to escape, 24 years after her arrest.

The visitor who finally opened the door was a striking woman in her middle 50's, wearing a white sweater and dragging after her the cord of a white telephone, all the while animatedly pouring out Russian syllables. Her face was splendidly strong and utterly—almost stereotypically—Russian, with great smooth cheeks, a brief elfin nose that slid upward in profile, and Tartarishly slanted eyelids. Her hair was short and gray, with businesslike bangs. A tiny chip of gold glinted in her smile. Her manner was warm, close; I began to feel I had never not known her. Her full name, I soon learned, was Lyubov Leontyevna Bershadskaya; it was unthinkable to call her anything but Lyuba. "My husband has friends in New York that he used to know in Russia," she explained in English, and went back to the telephone and Russian.

Lyuba hung up. "A terrible situation! No wonder he didn't write Nikolai—imagine that, 43 years married, and now he leaves her for a young girl!" Somehow this shred of anecdote, with its overtones of vaudeville tragedy, set us laughing. Suddenly Lyuba was telling a joke. "A Jew comes to OVIR," she began. "What? You don't know what is OVIR?" (It stands for the Government agency in charge of issuing visas to leave the Soviet Union.) "So he comes to OVIR, and he says he wants to be reunited with this blind brother. 'You want to be reunited with your brother?' says the official. 'Then tell your brother to come here.' 'No, no,' the Jew protests, 'you seem to have misunderstood me. I said my brother is blind: I didn't say he's crazy.' "

I went to the telephone to order Lyuba's lunch: apple pie and tea. A teasing family mood had taken hold of the room. Here was all this handsome American plumbing, the gleam of all that furniture—standard hotel bed, shining end tables, plump-but-hard easy chairs: it seemed grotesque to be hearing Russian jokes in such a place. It seemed grotesque even to be laughing. A moment ago, coming into indoor warmth from the frigid New York streets, I had said without thinking, "It's Siberia out there." Siberia! Another joke. And here was Lyuba, who had been there. The point of the laughter all at once came clear: we were reluctant to speak of the thing Lyuba had come to tell. We fussed about, ruminated over where to sit, dragged chairs. I took out my pen and puzzled over the list of formal questions I had ready. Then I tore the page out of my pad and folded it away. Instead, I asked Lyuba how it was she could laugh so easily.

"To laugh and to joke is better than to cry. In the camps many people wept. Many people sobbed and screamed, many got crazy. I stayed calm," Lyuba said. Her gaze turned inward. "Before the camps I used to be gay all the time. I never cried, except at films. At films I cried very much. But in the camps I never cried, never. I was all the time thinking of one thing."

The door opened, Lyuba's mouth snapped shut. She stared at the wall behind me. The bellboy had come in and was setting up a little table, laying out forks and plates and pots of hot water.

I looked at Lyuba and waited for her to go on. "It's only the lunch," I said. Her face was divided—she wanted to be polite, to comply. "You see, I had this *idée fixe*. . . ." But it was a murmur and died away. She could not speak. It was ludicrous, it was outrageous: Lyuba was afraid of the bellboy. The man finished and left. "A habit," she explained, with mocking self-consciousness. "In Moscow, the bellboys. . . ." It came out part anger, part defiance, part shame and apology. "In Moscow the bellboys are official eavesdroppers." But the anger took over:

"All that time in the camps I thought how I wanted the whole world to know. I was thinking how I would write it all. Write! Write! I thought only about writing. And the first day, the very day I came to Israel, I sat down and began. And in a month I was finished. I wrote one whole day after another, because I had only to set it down. Now I have written my book. It was all in my mind, ready, saved up."

I asked whether she had ever thought of herself as a writer before—whether she had ever written, even in childhood, poems or stories. No, she said, never. Only this book.

She lifted the manuscript out of her suitcase. It was moderately thick, and all in Russian. She held it as if it could burn her. "This book, this book," she said. "Everything is in it. It would be the greatest crime if my book were not read in America. Even those who have published abroad—the novelists—have not told all there is. What happened to me is the biography of thousands." She returned it to the suitcase as if the suitcase were a cradle, and out of this cradle she took a smaller sheaf of papers. "Here are two translated episodes. In Tel Aviv someone translated for me, but he was sick, his wife wouldn't let him work at it a lot. . . ." I leafed through the pages. The handwriting was clear but the language was awkward. It was about Lyuba's journey to Siberia. I began to read.

For 28 full days and nights she traveled in a locked iron cage on a train headed for the town of Mariinsk, Kemerovo District, Siberia. The journey began on Dec. 15, 1946, and ended on Jan. 13, 1947. Fifteen hundred other prisoners were on the same train; except for Lyuba and five other women classified as political detainees, all were criminals. The six women were confined together in the tiny cage, which was furnished only with a plank. There was room for four on the plank. The other two sat on the floor. At night, five could manage to stretch out their legs, while the sixth had to arrange herself in a crouching hump, with legs tucked under, close to the door of the cage. They took turns at crouching.

During the whole 28 days they were given water only three times. The daily food consisted of heavily salted fish, so a choice had to be made between hunger and thirst. The six women chose not to eat the fish. Lyuba had in her pocket the peelings of some oranges which her mother had brought to the prison in Moscow—at that time, the investigation of her case had been still under way, and such things were still permitted. Lyuba distributed bits of the orange peel. They all chewed it slowly, letting tears fall into their mouths to moisten the bitter taste. Three times a day they chewed the peels. They were tortured by hunger; they expected to die of thirst. No one slept. The journey went on slowly—every two or three hours, the train jerked to a halt. The prisoners screamed for water, but no water came, and the train went on.

Armed soldiers passed through the carriages constantly, frightening the screams into whispers. Now and then, a soldier would remove a corpse. The soldiers never spoke. There were more and more corpses.

On New Year's Eve, it was Lyuba's turn to crouch by the cage door. She huddled there dully. On the plank the women were weeping—tears without noise. Shrieks wafted out of the far cars; for water, for removal of the dead. Lyuba's head was pressed against the grates of the cage; a guard's legs moved back and forth inches from her eyes. She could smell him. Suddenly the legs squatted down. A little soldier, terribly young, breathed in her ear: "Ssh! Want some soup? Hey! Wake up!"

The women on the plank stirred. No one could understand what was happening. And all at once there was a pail of soup in the middle of the floor. The commandant was asleep; the little soldier had unlocked the door. He stood in the narrow space beyond the cage, watching, whispering for them to hurry—if he got caught, he'd be shot. The smell of the soup dizzied them. It was real food, something to swallow. They wanted it. Out of nowhere, one of the women found a spoon. One spoon. She put it on the floor. No one picked it up. Each was waiting for the next to begin. They were all looking into one another's eyes. Every face was as pitiful as the next. They all pitied one another, and no one could bear to be first. Someone picked up the spoon and they passed it around. But no one dipped into the pail. No one touched the pail. "Eat!" said the soldier. No one ate. "Idiots!" He took the pail away and locked up the cage.

Thirteen days later, the train hissed onto a great snowy field in the heart of a Siberian storm. The prisoners were herded out into the depths of the wind and snow. They saw an endless collection of soldiers, guns, dogs, officers, officials—and there, piled up on eight waiting wagons, the frozen bodies of those who had died on the way.

There was more to read, but here I stopped.

"Tell me about when you were little," I said to Lyuba.

"I was the only one in my school who didn't belong to the Pioneers—that's the first echelon. After that, when you're older, it's Komsomol, and then the party. I used to come crying to my mother, 'Everybody has a red tie but me.' But she wouldn't let me join."

Somehow it was difficult to go forward. I put down my pen and picked up the manuscript. I understood why Lyuba had handled it as if it contained a conflagration. The rest of it demanded to be read.

From Lyuba's manuscript:

"The following incident took place.

"They brought these women from Western Ukraine. They had been collected from various prisons of different towns. They had been arrested while pregnant and had given birth to children in prison. They were 320 in number.

"They had been told in prison before being sent to Siberia that they must give up their children and they themselves go to camp. Not one of them agreed.

"A scandal broke out within the walls of Krasnaya Presnya, the Moscow women's prison. Women sobbed; the shouting and moaning were such that the walls shook. In the end, the authorities 'softened' and informed the mothers that they would go to the camp with their children, where they would bring them up and work.

"So holding their children still more firmly, the 320 mothers were quieted.

"And then they brought the 320 mothers with their children, the oldest no more than six months of age, to the Mariinsk at the end of January, 1947, in the middle of the Siberian frost. They lived for a week without letting their children out of their hands. Like intimidated animals, the tiny children, exactly as if understanding something, lay quietly in their mothers' arms.

"At the end of the week the mothers were unexpectedly told to collect the children and wrap them up more warmly: the whole group was to be sent somewhere else. Carts containing straw stood beside the guardroom and it was suggested to the mothers that they should put the children in the carts because of the long journey before them.

"Trustingly, the weakened mothers carefully put the children in the carts and formed themselves in fives behind them. This army of mothers, in the order of a convoy, spread itself out widely, ready to march. The gates opened. The carts pulled forward. And the gates closed behind the last of them. The mothers, at their wits' end, did not understand for a moment what had happened. Then they thought it over and it became clear that their children had been taken away right in front of their eyes.

"For three days and nights the women lay in the snow beside the guardroom. They no longer wept but howled. For hours they neither ate nor drank nor left the gates. They let out animal-like noises, knowing they would never see their little ones again. All the other prisoners were held locked in the huts until the exhausted women had recovered and been put back in the huts. Some had to be carried on stretchers.

"The cries of the mothers were long heard throughout the camp. Anybody who was at the camp of Mariinsk in those years will never forget those terrible cries!

"Such were the ways of the M. V. D. in those years."

I set Lyuba's manuscript down in the suitcase that was its cradle and said: "Tell me about your mother and father."

"My father died when I was a year old. My mother was a young woman of 30 then, beautiful, and elegantly educated—she could speak English, French and German. To us she spoke mostly German. I was the youngest, the baby. There were six of us—my three sisters and my two brothers."

"Where are they now?"

"Dead, all dead. I will tell how one of my sisters died. It was only three years ago. My sister's husband was chief of a big plant, a nice, clever man. He worked 15 years at this big job and all that time he and his family lived in a flat with a common kitchen shared by many families. For 15 years they promised him a separate flat, and for 15 years my sister hoped and hoped. One day he came with the news: a new flat! It had one room and a kitchen all to itself—the room 20 square meters [about 215 square feet], the kitchen 6 square meters [about 64 square feet]. So they moved in, and they had a housewarming. And on that day, in the middle of the party, in the separate kitchen, my sister fell dead of a stroke. That is one sister. I had another sister who died another way."

"How?"

"At Babi Yar."

"And your mother?"

"She died when I was in prison."

"Were you ever conscious of anti-Semitism when you were a child?"

"Never. I didn't feel or know any difference between Jews or Russians. I think it was because no one ever took me for Jewish. I was brought up in Kiev, in the Ukraine, where they aren't fond of Jews. But also my mother was exceptionally protective. She never let go of my hand. She checked all my friends. She chose my world for me. We never talked about differences—Jews, Russians. But I remember one episode. Someone got beaten up in school, and Mama said: 'You must protect Jews.' And later, when I had boyfriends, she wanted only Jewish boys.

"My mother's mother was pious, Orthodox—she spoke only Yiddish. But my mother's father made friends with actresses and gypsies and lived to be 109. My grandparents were well-off; my grandfather was a wood merchant, and my mother's dowry when she got married was a factory that made nails. My mother was sent to a fashionable school that didn't take Jews—she was one of only three in the whole school. She was educated like a Russian; this was very unusual for Jews. The factory is still there—in Cherkassy, the town I was born in. I was born April 25, 1916. The next year, the Soviets took over the factory, workers and all, and my father died, and my mother moved with all of us to Kiev. We lived poorly, we had nothing."

"Is that why your mother was angry at the

Government? And wouldn't let you join the Pioneers?"

"In the beginning, when she was young, she felt it for herself, for what she had lost. But afterward it was different. She saw what was happening to people who had other backgrounds. She saw everything and she felt it for everyone."

"But you yourself were born into Communism: you never knew anything else."

"In school I was like everyone. I wanted to have the red tie. Still, I had something else—I loved dancing. My teacher—she died when I was 7—was a pupil of Isadora Duncan. I went to regular school all along, but I was dancing in the theater at the same time. Later, I studied with Professor Zacharov—he's in charge of the opera theater in Kiev now. But when I was 6 or 7 I was dancing in a Jewish operetta, 'Reyzele.' And I had the part of a little boy in 'Tsvey Shvester,' a play put on by the Kunstvinkl, the Yiddish theater they used to have in Kiev. I played 101 performances. I didn't know Yiddish, so they copied the lines out for me into the Russian alphabet and I memorized them.

"From then on, I was always dancing. In Moscow, I went to the Institute of Art—I studied cinema—but I went on dancing until 1944. I was with the Bolshoi Theater when Zacharov was there. But the Bolshoi didn't pay well, so then I gave concerts. And I began to teach classical ballet; I had a group until 1946."

"And you did all these things—the institute, and dancing and teaching—while you were a wife and mother too?"

"I was married at 17—in 1933. My husband came from a family of bakers. They were very religious people. I had to go to the ritual bath before the wedding. My husband's brother makes matzoth in Moscow even today. My older son was born in 1934, my daughter in 1937, my second son in 1941. My second son was born 18 days after the start of the war. We had no food, no lights. Moscow was starving. The only thing we had to eat was what the Americans sent in. My husband went into the army. And I went to work for the American Embassy."

"How did that come about?"

"For two years I had been taking English courses. At that time, my English was really very good—much, much better than now. I had this friend from the institute, Alla Karavayeva, who was in the cinema. She played the leading role in 'Mashenka'—you're familiar with 'Mashenka'? No? A well-known film. Alla Karavayeva was engaged to an English captain—his name was Maurice Chapman. He lived at the Hotel Savoy in Moscow. One day in 1942 I went to visit them there, and Chapman had a friend visiting, too. Lieut. Col. Mark Cape, who was chief of staff of the American military mission in the U.S.S.R. He liked my English and invited me to come as a translator.

"I worked at the military mission until it left Moscow in 1945. Then the military attaché at the American Embassy, General Roberts, took me into his office. I worked for Ambassador Harriman on Spasopeskovsky Street. He was always very kind to me. He gave me little gifts which I treasured, but I wasn't allowed to bring them out when I left. My chief was Col. Crockett James, the grandson of Davy Crockett—he was from Tennessee. The counselor of the Embassy was Mr. Kennan. He was there with his wife and two little daughters.

"In spite of the war and all the hardships, I was immensely happy in those years—I had my job and my dancing and my children. I worked at the American Embassy until 1946, when I was arrested. They arrested anybody who had anything to do with Americans."

"What was the trial like?"

"Trial! What trial? There was no trial. They said there was no crime; it was a question of suspicion only. There were no witnesses, no lawyers; there was nothing. They held a troika—three judges. I wasn't there; I never saw it or knew anything about it, only what they told me. They came in the middle of the night. I was in bed asleep—it was 2 A.M. on March 21, 1946. At the door there was a soldier with a gun, hauling in a street cleaner. In those days they always used to grab the street cleaner, anybody at all, right off the streets, to be a witness when they came to search. They said: 'Militia checking your documents,' and pointed the gun, and kept turning things inside out and asking me questions until 10 the next morning. Then they took me to Lubyanka Prison.

"Lubyanka Prison is on one of the main squares of Moscow. A great, beautiful, impressive building, made all of glossy black marble. When tourists come to Moscow this is one of the places they show—shining Government offices. All the outside parts of the building—the sides facing on the street—house the offices of the secret police, but inside, deep and away from the street, in the core of the building—there they hide the prison. They took me to a door, and on it was a sign: 'Waiting Room.' But in Russian these same words can also mean 'Eternal Resting Place.' This was how they mocked whomever they made go through that door.

"I was in solitary confinement there for nine months. There was a little chair and a wooden bench to sleep on. For the first three months, my mother was allowed to bring something to the prison for me every week. That was how the orange peelings got into my pocket. But I was never allowed to see anyone, and I couldn't write letters and no one could write to me.

"During these nine months an investigator came to talk to me five—no, I think six—times. He wanted me to sign a paper, to confess. He would say he had documents to prove I was 'in criminal connection with Americans.' I would say, 'Show me the papers.' 'If I say so it's enough,' he said. He never showed me anything, but once he sat on the chair and read from a page which he said was a letter from my husband. I laughed in his face. The letter was all about how I was a spy, and denounced me. I said, 'You don't expect me to believe that fake letter!'

"Afterward I found out that many who were told about such letters really believed. They felt isolated, abandoned, and it was easy for them to believe their families had come to suspect them. Later on, we heard that at that time there were 30 million political detainees in the Soviet Union. And the prisoners knew this; we knew. In the camps we understood this massiveness. You could get arrested for anything—for telling an anecdote. In one of the camps there was an old woman, an illiterate peasant, who had been arrested for the crime of having two little lambs named Stalin and Lenin. She used to summon them—'Here, Stalin, here, Lenin, come!'—and so they sent her to Siberia for disrespect.

"After the nine months in isolation in Lubyanka Prison they put me in Butirskaya Prison. I was in a cell with 28 other women. After a month, they herded us into the Black Crow. This was a truck fitted with bars all around inside, but no one could guess its use. On the outside it looked like an ordinary delivery vehicle. It had big letters all over it that said 'Bread,' and it went right through the streets of Moscow without attracting any attention. In this way we were brought to the train for Mariinsk. And this train also would not make you look at it twice—on the outside it seemed no different from a regular passenger train, but inside there were the cages, exactly like zoo cages.

"I was 30 years old when I went into the camps and 40 when I came out—the best years of a woman's life. I spent 10 years in three different camps: Mariinski, Kazakhstan—that means 'Dead Field,' it was a desert full of sand—and Mordoviya. These were all old political camps, in use since 1927. Until 1949, they kept the criminals and the politicals together, and the criminals tortured the politicals.

"The camps were huge, huge, with a great closed gate and fences, and all around were three rows of barbed wire, and inside the barbed wire soldiers stood watching, with guns and dogs. Many, many dogs. Dogs in packs, only each one was on its own chain, and we would hear them always barking and barking, and the chains ringing out, scraping. In the four corners of the camp there were tall sentry posts. Each one had a soldier with a machine gun, and sometimes they would call down to us, 'We don't have to waste good Russian bullets on you, you're finished anyhow.' They were all warmly dressed and fed, and when they shouted we would look up at them in their good thick, heavy uniforms; we were always in agony because of the cold. Everyday there were between 60 and 70 deaths—some from cold, some from hunger, some from suicide.

"We were kept in long barracks. All the land was flat and stretched far, and on this distant flatness you could see barracks and barracks in endless rows, with a few tiny windows high up under the roofs. We slept in wooden bunks three tiers high, on straw mattresses and straw pillows. We had to use our jackets for blankets. There was one immense building they called the dining hall. A stink of fish was always coming out of it, and the wind brought the smell everywhere. The smell itself—when I think of it now I want to vomit. The only other building was the washhouse. It was unheated, and it was a torment to wet your body in the icy air. We were allowed to wash every ten days.

"I did all sorts of work. Some of it wasn't even for beasts to do. The easiest time I had was two years working in a laundry—I had to wash 200 soldiers' uniforms every day. The working day was from 6 in the morning until 6 at night. When they found out that some of us were talented people they took us out every night and made us perform for the camp officials. So from 6 to 6 we had to slave, and from 8 to 10 at night we had to sing and dance for them. They made us organize a sort of theater.

"One day—this was at Kazakhstan—I refused to work. It was too much. An animal couldn't do what they expected of me. So they had a trial. A judge came from Moscow—his name was Duzhansky, a Jew. He was very nice to me. Even before he said anything he gave me a reassuring look. He told them: 'You can't do anything to her. It's against the law that she's here. There was no crime. There were no witnesses.' I had to go back to work, but they didn't punish me for striking.

"Soon after the trial, there was a strike that lasted 40 days. It was spreading, the whole camp refused to work. There was a huge high fence that confined us—2,500 women and 11,000 men. The men came yelling: 'Strike! No work!' and broke through the fence. They put out a big flag: 'Death or Freedom.' And now all those thousands and thousands of prisoners were there behind the broken fence, women and men together, and the camp authorities ordered tanks. The tanks smashed into the crowd, directly into living flesh, grinding people up. Five hundred were killed, 750 lost their minds that day.

"There was a public report. Colonel Dimura, one of the camp officials, told these figures; it was no secret. Everyone knew. After the report a group of generals came from Moscow to investigate. They made the prisoners choose their own representatives to talk for them. Ten men and two women were selected. I was one of the women. The other was a strong, simple peasant woman named Nussi. Nussi could never believe that out of 2,500 women prisoners in that place I was the only Jew. 'No!' she'd say with her mouth open. 'You're not a Jew, not you!' The two of us were together on everything.

"The generals sent a civilian to question us: 'Who organized the strike? Who acted to start things off? Give the names.' We didn't tell. Then he said: 'If you don't tell, you will be sent to the closed prison at Kurgan.' We knew about Kurgan, everyone did. To be sent there was a death sentence. There they kept only the most dangerous criminals. Nobody, criminal or political, had ever come out of Kurgan alive. If they wanted to get rid of a political they would send him to Kurgan and the regular prisoners there would tear him to pieces.

"Even the guards who brought us there were afraid. They threw us past the gates; they didn't dare go in themselves.

"In Kurgan they put Nussi and me into a cell with 12 terrible women. We were put there to die. They weren't like women at all; they were savages. All of them had been in prison since they were 12 years old. They never knew any other life. Soviet law allows political criminals to be put in prison only at the age of 18, but ordinary criminals can be imprisoned at 12. These had all been child offenders—thieves, delinquents, wild children collected out of the streets; some had murdered before the age of 15. In prison they continued to commit crimes. They were no longer sane—maybe they had never been. They were not like human beings. They had never seen political prisoners, only their own sort. They hardly knew any language. Their talk was all filth. They sniffed around us, watching us all the time. They were powerful, ready to destroy, full of hate, curses, fury.

"We were a year in Kurgan and we survived. How? By a miracle. I don't know how it began, but once—maybe to distract them, or myself—I found myself singing a song. It was a simple little children's song. They sat down around me and asked me to sing it again. And I did. Then I told them a story. They had never heard a story. I told them all the stories I could remember, and I sang all the songs I had ever known, and it tamed them. I even got them to give up their dirty words. 'Please, Lyuba, tell us a story!' 'Not unless you stop the naughty language and talk properly.' When we finished our term they cried because we had to go away.

"They sent me to Mordoviya.

"And now the camps became more glutted than ever. Train after train after train with prisoners, all Jews. Only Jews, Jews and Jews. They came by the hundreds. The whole camp was full of Jews. It was 1953, the year of the Doctors' Plot. Hundreds of Jews were trying to escape from the Soviet Union at that time. There were all sorts of undergrounds. There was a ferryman in the Caucasus who took people across the water at night, out of Russia. But they caught him and sent the whole boatload, and all the people waiting to go next, to the camps.

"I remember one day there was an old Jewish woman, one of the new arrivals, sobbing terribly. Tears were falling all over her. 'How could they do this to me? To *me!*' she said. 'All my life I was a good Communist. I gave my life and my soul to the party . . .' 'That's why,' I told her. She didn't understand me. But a few weeks afterward, she said, 'You were right. I was deluded.'

"In the camp she stopped being a Communist—this they did for her—and she became a Jew. This they did for her also. And I, who had never been a Communist, but had not been much of anything else either, also became a Jew. I saw how they were bringing in Jews without any pretext at all—only because they were Jews.

"So I became a Jew. It was clear how I stood in relation to my country. I knew I would never find a place in it again, because of being a Jew.

"The Soviet Government helped to turn us into Jews. They did everything to make us feel we were strangers in the country where we were born."

Lyuba sighed.

She said: "I'm glad I had this experience. It taught me, it transformed me. It's no use asking myself *how* I became a Jew. I just became one. I started to love my people. My brother, who never knew a word of Yiddish, when he died spoke his last words in Yiddish: '*Siz mir shlekht.*' How did it happen? We just became Jews. It happened.

"In 1956, the rehabilitation started. They admitted their own crimes. Did things change then? Were they better? I will come to that. I will answer from my own life. I will answer as a Jew.

"From April until October, representatives from the Government came to the camps to free the political prisoners. Hundreds of people went home. The day I was released, I sent a telegram to my family to tell them it was over: I was coming out.

"On the way back, in the train, there was a certain exprisoner I couldn't help noticing. He had a beautiful Jewish face; he was very intelligent and very nice, but he was dirty, unshaven, full of the smell of the camps. He hadn't even tried to clean up a little. He was going to his wife in Moscow, but he hadn't sent a telegram. In Moscow, he had been an engineer. He told me he had stayed kosher for the whole eight years he was in prison. Eight years! How he did it and didn't die of starvation. . . .

"I said I thought it odd he hadn't sent a cable: Didn't he realize his wife would get a terrible shock? He explained a little custom he had with his wife. Because they shared a flat with others, he didn't like to ring the bell when he came home from work—it disturbed the neighbors, who were asleep at that hour. So, instead, he used to come round the corner and give a little tap on the window, and then his wife would come running to the door to embrace him. They had done that every day since their marriage. That was what he meant to do now—tap on the window. 'Just the way I am,' he said, 'I want her to see how I looked in prison, the way things were.' 'But if you give your wife a surprise like that, you'll kill her!' I said. I asked him to let me know how things turned out. Afterward, in Moscow, I heard from him. He has tapped on the window, and his wife had run to the door. They were together again. Everything was like eight years before.

"But when I came to my own family, nothing was like before. My children were strangers to me; I was a stranger to them. Not just any stranger—a bad stranger. They were educated without me, and against me. In school they were told their mother was an enemy of the Soviet Government. When I went to prison, my younger son was a little boy of 5, my older son was 12, my daughter was 9. Now they were 15 and 19, and one was a man of 22. I didn't know them. When I was taken away, they never heard from me afterward—nor I anything from them."

"Where are they now?"

"In Moscow. My elder son is a lawyer; the younger one is an architect. My daughter is married to an engineer—she has three little ones. They are all married and have families."

I asked how the children felt about her leaving the Soviet Union.

Lyuba's mouth hardened. "They are pure Soviet persons. They are afraid to talk, they are afraid to say anything. The day I left Moscow to go to Israel, 200 people came to the airport to say good-by. They already considered me a free person. They trusted me, they could say anything. People kept calling out: 'Lyuba, tell Nixon, tell U Thant, tell Nixon!' Only my children weren't there. Only my children didn't come."

"Do they write you?"

"Not my sons. Before leaving home—I live in Haifa now—I had a letter from my daughter: 'Write me how life is in Israel, maybe I'll come to you.' Write her how it is!' Lyuba gave a scornful hiss.

"Nobody had to explain Israel to *me!* She'll have to find out by herself who she is. When her heart changes, then I'll write her these things. She's not interested; it was only something to say in a letter. Only her own family is her concern—she was educated in that style. To be quiet, to huddle into your own family, not to say anything."

"Who took care of your children while you were gone?

"My husband's family. Aunts, cousins, whoever."

"But you describe them as a religious family, a Jewish family. How is it they didn't form the children's thinking differently . . .?"

"You don't know, you can't understand. They are Soviet youth. The schools made them. You don't understand the atmosphere. When I came back from the camps in 1956, I could feel the difference in Moscow. Worse, worse. Anti-Semitism was thick, deep—it was everywhere. Whenever you turned, you heard it and saw it. Once—on the street, right under a policeman's nose—a man was shouting things against the Jews. I said to the policeman, 'Why don't you arrest that hooligan? If he were shouting things like that against the Government you'd grab him right off.' 'He's only a drunk,' he said, and turned his back. The whole city was full of talk against the Jews. It was like a fog: you breathed it.

"I had been in prison a decade. I had no job, no home, no children. I looked at my husband and I knew I had no husband. The camps had divorced us: we had been separated too long.

"Then began my three years as a wanderer through the streets of Moscow. I will tell how this came about.

'I tried to get a place to live and I tried to get a job. Both were impossible.

"The prisoners who were rehabilitated were told that in order to be allowed to work again they had to obtain a work record from their last employer. Without this work record you were not eligible for a job. My own last employer had been the American Embassy. I couldn't go back *there*—they had arrested me for being there in the first place. So I went instead to the offices of UPEDEKA—these are the initials that stand for the Administration for Service to the Diplomatic Corps. They had a section in charge of employment—the Department of Cadres, it was called.

"A man named Syergeyev was the head of this section, and he was kind to me. He tried and tried to help me get a work record. But every time I came back to him, he had bad news: 'No record possible for you. No job possible for you.' One day, in desperation, I asked Syergeyev, please, please, to tell me frankly what the trouble was, why he could do nothing for me. He gave me a straightforward look: 'Do you want to know really?' 'Yes.' 'The truth?' 'Yes.' 'It is because you are a Jew.'

"So I had no work and no money. I could not buy food, I had no clothes, and I ate and wore whatever was given me by friends and relatives.

"Even worse than this was that I had no place to stay. The rehabilitated prisoners had been promised lodging. But this was impossible: there was not enough housing to go around. The waiting lists were long, long, but even the list did not matter much, because there was no space. They said to me: 'If you will agree to go out of Moscow, you will be allowed to rent a room.'

"But how could I go out of Moscow? To rent a room from Whom? I had just come from the camps—I knew only my immediate circle. I did not know a single person outside of Moscow. And I had to stay in Moscow, anyhow, because of my struggle to get my work papers. And besides this, there was a further difficulty. Even if they had given me my documents, I would not have been allowed to work; the law says that you cannot have a job unless you have a stamp on your internal passport signifying that you have lodging in the city. So I was not allowed to work because they would not give me my work record, and because I was a Jew, and because I had no lodging. All those reasons.

"At that time I had a sister and a brother still alive, both living in Moscow. I could easily have moved in with my sister or my brother, but this was not allowed. You don't understand why? In the Soviet Union, there is a law against moving in with other people. You cannot make a long visit without registering with the police. You cannot stay more than 24 hours in someone else's lodging without reporting to the police; you cannot stay longer than one night. You have to tell them with whom you are staying and for how many hours, and also you have to give them the address of your own lodging. I had no address of my own, so I was afraid to go to the police. I would stay two days with my sister, two days with my brother, always in fear of being found out. This friend took me in, that friend, another friend. I never knew at the start of any day where I would spend the night. And everyone who gave me hospitality overnight gave it at the risk of getting arrested for breaking the law.

"I was a fugitive inside my own city. They had forced me to become a wanderer and a fugitive. And even though I was not to blame, and everyone knew I was not to blame, I felt the guilt you feel, and the shame, when people offer you charity. Sometimes a friend would want to take me home for a meal and I would say, 'No, no, thank you very much, I have just eaten dinner in a restaurant.' And that day I would go hungry, because it is easier to be hungry than to be pitied.

"And during the day I would walk the streets and look up at windows and get glimpses of the inside of people's houses and think how so many had places of their own and beds of their own, and only I had no bed of my own and no work. And I burned with envy of all the ordinary lives behind all the windows of Moscow. Even in the camps I had a pillow filled with straw that was my own. In Moscow, after the rehabilitation, I did not have even that. Every day I walked toward nowhere. I was lonely, isolated. And always afraid.

"By now I knew only one thing: that I must get out of Russia. I saw that it was not a place for Jews. Wandering through Moscow, I used my eyes. I began to understand this new anti-Semitism that was everywhere in the streets. If you were not a Russian, if you were not a member of the Communist party, if you could not play—*play*—that you were a Soviet person, then you would never find your place.

"In those years, I didn't yet think about Israel—such a possibility never entered anyone's mind. My private dream was America. Even to think about getting out was a fantasy. But I thought about it continually. I was in a fever of wanting to escape.

"I lived this way for three years from 1956 to 1959. In 1959, they assigned me lodging at last, a little room. I had survived my life as a fugitive, but I came out of it half-broken. I was sick, I was exhausted. There was no possibility of my ever getting work in Moscow. So I took my little room and did what was permitted: I made a trade with it for another little room in the city of Sochi, on the Black Sea, to recuperate. In Sochi it was warm. I fell into a deep rest. The sun was shining, it was summer. There I met Nikolai Roitburd, a graphic artist. Like myself, he was originally from Kiev. I told him my story and he told me his.

"He had escaped from Babi Yar. The way it happened had to do with the Rumor. You don't know about the Rumor? The Germans announced a collection point for all the Jews in Kiev—they all had to come to Babi Yar, this open place near a ravine. And all the Jews came. They came willingly—63,000 Jews. Why willingly? Because of the Rumor :'America has agreed to pay three million rubles to ransom the Jews of Kiev!' The Jews ran to be ransomed at Babi Yar.

"Nikolai heard about it from two of his friends, who had heard it from some Ukrainians. It spread widely; the Ukrainians were spreading it. Everybody Nikolai knew was getting ready to go to America. One of his friends was logical: 'Look,' he said, 'so many people all in one day? It's impossible! How many planes can they have ready? Probably they'll take only the earliest bunch, and the rest will be out of luck. So come on, let's be first on line.'

"But Nikolai dawdled and dawdled—he was suspicious of the Rumor. The other two quarreled with him to get him to stir. As a result, they were the last ones to arrive. They came to the edge of a great waiting crowd, with Germans all around. Faintly, from far away, they heard shooting. 'Then,' Nikolai told me, 'I understood what "America" was.'

"He started to run, and his two friends took off after him. One was shot at once by a German. The other made it back to Kiev, where he was captured by a Ukrainian street cleaner—always the street cleaner!—who told him, 'A Jew like you belongs at Babi Yar,' and brought him back to be shot. But Nikolai ran away from Kiev, and hid under a floor with partisans for the rest of the war.

"Soon after I came to Sochi, Nikolai and I were married.

"And then, in 1960, there came an opportunity for work—for both Nikolai and myself. A brand-new national holiday was announced; it was called 'The Day of the Fishermen,' to honor the workers of the fishing industry. The opening ceremonies were to be in Murmansk, high up on the Arctic Sea. The whole city was to be decorated with signs and paintings, and an army of artists was called in for the job. Nikolai was among them.

"In Murmansk—because it was so far north, and cold, and remote—they made no great fuss about documents and work records. There was a shortage of workers and teachers: they needed everyone they could get. I went to the Palace of Culture for Builders—masons, carpenters, people who worked at putting up houses—and they gave me a ballet group to teach. It was a three-year program, so I was assured of work for at least this long.

"Oh, don't pay attention to that photograph!" I had picked up a snapshot, one of several Lyuba had taken out of her purse. "It's nothing; it's very bad; it was taken by a 12-year-old. I had so many better pictures, but I had to leave everything behind. This one came somehow."

The picture was, nevertheless, lovely, poignant. It showed Lyuba striding in black ballet slippers across a parqueted wooden floor in the Palace of Culture for Builders. The room is spacious, with large, curtained windows. There is a radiator under one of the windows, which reminds you of the stubborn Northern winter, and a practice bar all along the walls. Lyuba is wearing a dark dress with a high collar and long sleeves. She looks plump and stern; her face is remote and fiercely dreaming—she seems to gaze past her pupils at something infinitely sad. Behind her are five beautiful little girls, all about 9 or 10 years old, with their arms extended. Each child has a white ribbon in her hair. The photograph is like Keats' urn—a kinetic moment held fixed forever, the little girls eternally pointing their toes, Lyuba walking with her fiercely dreaming look in that room eternally.

I asked her how long they had stayed in Murmansk.

"Until 1963. But then Nikolai could bear the climate no longer. We had a tiny, frozen room, and his legs became sick. So we went back to Sochi. And again I had trouble getting employment. But because we had come from three years in the North, this carried with it a little, little privilege, and finally they gave me a class in the Palace of Culture in Sochi. After another three years, we returned to Moscow. Nikolai had work there, but I didn't.

In Moscow something new began. For us it was without precedent. It started this way: One day in 1966, a journalist from a Moscow newspaper mentioned to us that there were crowds of people near the Israeli Embassy. This was strange, amazing. What had happened was that Kosygin, in Paris, had said he would let Jews join their families in Israel if they wanted to. If they wanted to! We ran to the embassy in a minute, and it was from someone there that we learned about OVIR, the Organization for Visas and Registration. It was actually possible to get an application to leave! In another minute we were at the offices of OVIR. There we saw another great crowd. It was astonishing! We had believed we were the only ones with this mad idea, to try to escape.

"The person we dealt with at OVIR was a woman named Akulova. She poured contempt on us, bitterness, hate. We asked for an application to go to Israel. She said, 'Never mind, you have no chance anyway. The Soviet Union has no diplomatic relations with Israel.' I told her it was not her job to lecture us; we didn't want her opinions, we wanted the application form.

"No one in Russia talks to even the lowliest Government clerk like that, but I wasn't afraid. What could they do to me? I was already acquainted with Siberia. Somehow I had suddenly stopped being afraid.

"One time, an important official in an inner office wouldn't let any Jews come in. They were all waiting meekly outside. What kind of business was this? I went up to his door and banged on it. 'Hey, anti-Semite!' I yelled, 'open up for the Jews!' Siberia couldn't scare me. I told them: 'Israel or Siberia again.'

"At last, they gave us the application and we filled it out. But then we saw that it was necessary to have a written invitation from a relative in Israel. We flew home and wrote a letter to Tel Aviv. We didn't know names or addresses, we didn't know whom to ask for. But exactly 20 days later we received a letter from Israel, with an invitation from Nikolai's brother-in-law. They found him in record time.

"We began to wait for permission to leave. Every morning for three years I went to the office of OVIR and asked if the permission had come. Every morning they were spiteful, rotten. But I went on taunting them right back—'Israel or Siberia again!'"

Here I intervened. "But listen to this," I said. I unfolded a newspaper I had with me and read aloud from it: "The Soviet Government has denied that there is discrimination against Jews and has pointed out that procedures for obtaining emigration visas are the same for all Soviet citizens."

"I don't speak for anyone else, I speak for myself as a Jew," said Lyuba. "These inspectors—they do what they are told; they don't decide anything, they don't make policy on how to act. Their job is to make a wall between the Jewish applicants and the higher officials, and this they do by treating us like animals. I got to know them well, all their tactics. The whole world should know who they are, what their 'procedures' are!

"After a while, we began to know other people who were trying to get out, who were enduring these 'procedures.' We even discovered a sort of club room for applicants. One afternoon, we met a young man who took us to a flat. It looked like an ordinary flat, right in the middle of Moscow. But then he opened a door, and we found ourselves in a little room that stupefied us—on the walls, huge Israeli photos. On one wall, Moshe Dayan! On one wall, Golda Meir! On one wall, a great, big up-to-date map of Israel! In the middle of Moscow! 'You're not afraid either,' we marveled. And we began to feel a solidarity.

"After that, waiting for permission became a way of life for us. It was all we lived for. We became more and more daring. We followed all the Israeli news—we heard it on the radio, from Kol Yisrael, five times a day. We never looked at a Moscow newspaper—rags: it was all fake. During the Six-Day War the woman at OVIR said, "Ha, look how those Arabs are beating up you Jew cowards.' I said, 'No, we Jews are winning.' 'How do you know that?' 'Directly from the Jews in Israel, on the overseas radio,' I told her.

'We were getting absolutely audacious. One time, we decided to celebrate Israel's Independence Day. We didn't have an Israeli flag, so Nikolai painted one, and we took it into a wood. There were 200 of us singing 'Hatikvah' in the wood. It was May, but it was still cool. We built open fires and cooked shashlik and danced and sang Hebrew songs at the top of our lungs. Two policemen came by, saw everything, and went away. Maybe they didn't want to tangle with 200 self-liberated Jews. And all the while, right under their noses, we were making an illegal film of the whole proceeding!

"The Six-Day War Changed everything. Suddenly, you saw young men and women openly wearing the Star of David around their necks. People began coming to OVIR flaunting their Stars of David. And once I saw a man walking all around a huge square in Moscow, holding the hand of a little girl about 6 years old. Her dress was pinned all over with big Stars of David. He walked around and around the square, not going anywhere, just for everyone to see what was on the little girl's dress. A policeman chased him away finally.

"We had stopped being afraid. We began fighting openly, we began to give our names and addresses. The silent time was over for us. I wrote letters to everybody, from U Thant to Kosygin. I wrote more than 20 letters to Kosygin. I told him I had started petitioning for emigration precisely after his statement that there would be no impediments for Jews who wanted to leave. I told him I was unemployed and already getting on in years and that my departure would make no difference to the Soviet Union. I entreated him to be kind and humane. I never received any answer.

"I and 10 other women wrote a letter addressed to the women of the whole world. We all gave our names and addresses. We said that the Ministry of Internal Affairs had ignored all our petitions. We said it was our right to go to the land of our forefathers.

"Nikolai and I and 23 others from Moscow signed a petition to U Thant, citing the Universal Declaration of Human Rights, which says that everyone has the right to leave any country again, we gave our names and addresses.

"We began to sense a response from outside the Soviet Union. It was remarkable, we began to feel supported. Any time we heard our letters over the radio from England, from America, from Israel, we would become braver, we would start to fight even more openly. And sometimes it was surprising how fast our news flew out. One night, 39 people signed a petition. This took place at 8 p.m. in Moscow. At 10 p.m.—two hours later the same night—we heard about it on the BBC!

"On Friday, July 10, 1970, Akulova called me on the telephone. Oh, how different her voice was! How suddenly sweet! 'Bring 36 rubles and come for your visa on Monday.' The permission had arrived! The first thing I did was lock up my flat and get out. I was finished with it. I moved in with a friend. People were saying, 'Oh, poor Lyuba, she got crazy, she lost her mind, she closed up her house.'

"On Monday, I gave Akulova the 36 rubles and she gave me the documents. 'You have to get out in 10 days.' I sat down and sighed. An enormous, exhausted sign. 'Aha,' said Akulova, 'you fought so hard to go and now you're sorry? So why are you sighing?' " Lyuba set her face and mimicked Akulova. " 'So why are you sighing?' 'I'm sighing,' I told her, 'because I'm going now with my gray hair and not 20 years ago.'

"Nikolai asked if he could take his brushes with him, his cherished brushes that he had used for years. "They don't have brushes in Israel?' Akulova sneered. 'Yes, they have brushes in Israel.' So that was the end of that.

"In the Soviet Union it takes days and days to buy an airplane ticket. But if you pay for it with American dollars you can get a ticket immediately. Some of our friends sent us to the Netherlands Embassy. There they received us very cordially, saying 'How do you do?' out loud—and handing us pads and pencils if we wanted to tell them something important. It wasn't the first time I'd been in a room with a listening device. They gave us a letter guaranteeing American dollars for our fare.

"The last thing I did in Moscow was to give away my Star of David. This is now our tradition—you give over your Star of David to someone else who is waiting, and if he is let out he hands it on to still another person who is waiting. It becomes a chain of hope and thankfulness.

"A few days later, we were in Vienna, getting ready to board El Al. The Jewish Agency were like fathers and mothers to us. They set up tables with things to drink, a feast of food, mounds of cakes. It was a celebration, unbelievable, joyous. All sorts of Jewish tourists from different countries were there, children too, all applauding us, and hugging and crying. In Vienna I first knew I was free. I couldn't believe it, the fuss they made over us, the love they gave us.

"The second day we were in Israel, someone said, 'Lyuba, come!' Zoom! We were on a hillside outside Jerusalem. Golda Meir was planting a tree in honor of those who had died in the prisons of Russia. All of a sudden, I don't know how, I found myself standing—and in Jerusalem!—right next to the Prime Minister of Israel. I myself, so close I could see every seam of her face. And I thought: What a face! How strong! How clever!

"So we came home to our own people.

"In Haifa I want to teach dance. When my Hebrew gets better I hope again to have a group of little ones. But at the same time I know I don't altogether belong to my new life. My feelings are in Moscow. It's impossible to tell you my feelings. My heart *aches* when I think about my friends who are still there, still in it all, waiting and waiting for visas. They are being kept forcibly—by the law of the stronger. As for myself, I will never forget and I will never forgive. I feel I am responsible to the ones who are waiting to come out: I must be their tongue in the world outside. To me they seem like people who are sinking."

We stood up, Lyuba put on her hat; it was fuzzy and covered her ears, and made her look more Russian than ever. She was going on to the airport, to another city, to be a tongue for those left behind. Between two columns of draperies, the hotel room window showed a frozen New York twilight. It was a blue-colored city out there, a staircase city of zigzag towers. With her face to the blue towers, Lyuba said: "But why do you want to write so much about *me*? I am not all Jews I am only I!"

I tapped my newspaper. "The Soviets also say you are not all Jews. They say that Jews are ordinary citizens who do not feel oppressed in their country, and that the only ones who agitate to leave are the dissidents and troublemakers. Why is your position—the position of Jews who try to get out—different from that of other Jews?"

Lyuba pulled her hat down with a hard tug and turned to me. I recognized the fierce and dreaming look of Murmansk. "We are braver," she said.

MILITARY BRAINWASHING BY THE NUMBERS—RACE RELATIONS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. RARICK. Mr. Speaker, Secretary of Defense Laird has now made it official. All military personnel will be required to take at least 6 hours of race relations instruction every year.

The new basic training in racism is said to range from minority history to teaching skills.

Since the Army is now to become minority conscious, a top local problem is presented in giving all minorities equal exposure in only 6 weeks. After all, minorities must necessarily include in addition to Negroes—Mexicans, Puerto Ricans, and Indians; such other American cultural minorities as Chinese, Irish, Japanese, Germans, Italians, Cubans, Poles, Greeks, Jews, French, and on ad infinitum.

The interesting question posed is what will happen to a GI who flunks his race relations basic training. Will he be forced to repeat it, will he be declared unfit for overseas duty, or will he be disqualified for military duty and discharged?

Race relations—the new priority. Billions for disarmament and race relations but not one copper for national defense.

I insert in the Record at this point the front page of the Pentagram News for March 11, 1971, which is said to be published in the interest of personnel of the U.S. Army, Military District of Washington:

[From the Pentagram News, March 11, 1971]

DOD Launches Race Education Program—At Least Six Hours Instruction Set for Military Personnel

(By Oziel Garza)

Defense Secretary Melvin Laird announced Friday the establishment of an educational program in race relations which will require all military personnel to take at least six hours of instruction every year.

Laird said he expects to have some 1,400 specially trained instructors teaching race relations courses throughout the armed forces within a year.

The Department of Defense hopes the new program will bring about "a more harmonious relationship among all the military personnel so that organizational efficiency and combat readiness will not be impaired by racial unrest, tension or conflict."

To carry out the new program a Defense Race Relations Education Board has been formed. The board will be headed by Roger T. Kelly, assistant secretary of defense (Manpower and Reserve Affairs).

Also a Defense Race Relations Institute is expected to be established soon. Heading the institute will be Colonel Edward F. Krise, an "Army social worker" for more than 20 years.

In an interview Monday with the Pentagram News, Krise explained the Institute's function.

"The task is to develop a curriculum in education and race relations and to train instructors that will be deployed throughout the armed services to conduct this training," Krise said.

The institute will have the capacity for training 100 instructors per class. The training will last about six weeks and the classes will range from minority history and sociology to teaching skills.

"The important aspect of any kind of education is the modification of attitudes, the necessary change of emotional response, one to the other, and it is really through this discussion that the real kinds of changes will take place," Krise pointed out.

"We hope to be able to utilize this approach to enable our people to engage in a meaningful communication so that each can understand and appreciate the other," he explained.

"We are dealing with a matter of increasing misunderstanding among the races and ethnic groups. We are dealing with problems of communications and the appropriate medium for attacking the problems is the opportunity for everybody to participate in a meaningful educational experience.

"Classes will be mandatory because it's an issue that involves every member of the Department of Defense. Many times people who have the need are often the ones who don't take part. To make the educational program fair and equitable it will be necessary for everyone to attend the classes," Krise said.

Training programs will vary within the services. The Army will have a teaching team in each of the major installations.

The Institute is to provide a central training faculty for the services and develop a broad curriculum implementations by each service. It will also provide evaluation and research capabilities.

Krise hopes to have the Institute in full operation by this summer and deploy the instructors as early as this fall.

Students attending the Institute will be volunteers from all services selected to be trained as instructors on the basis of their backgrounds in teaching and group communication skills.

Pentagon officials hope the Race Relations Education Program will have an impact not only on the armed forces but also in the country as a whole. It is anticipated that results of the program will be felt in communities where armed forces are located and that there will be a carryover into the rest of the country as servicemen return to civilian life.

Prior to being selected to head the Defense Race Relations Institute, Krise, who has a doctorate in social welfare from the University of Chicago, was responsible for the Equal Opportunity Program for the Continental Army Command. He took part in a one-year research in cross-cultural communications at the Walter Reed Army Institute of Research. Krise started his professional career as a student case worker in the Chicago Welfare Department. He also served as executive secretary of the North Dakota Youth Council in the early 1950s and performed social work with the Indian minorities and later served in New Mexico.

NEW DIRECTIONS FOR SUICIDE PREVENTION CENTERS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. KOCH. Mr. Speaker, I would like to bring to the attention of our colleagues an article by Dr. Ari Kiev concerning suicide prevention centers and how they may better be utilized. Dr. Kiev is associated with the Cornell program in social psychiatry, New York Hospital-Cornell Medical Center in New York City. His article recently appeared in the American Journal of Psychiatry. I commend it to you, as follows:

NEW DIRECTIONS FOR SUICIDE PREVENTION CENTERS

In the past 15 years some 120 suicide prevention centers have been established throughout the country. The development of these centers has had considerable effect in generating an awareness of the problem of suicide, and yet there is no evidence to date that any of these centers—which in the main specialize in telephone referral rather than direct treatment—have reduced the suicide rate in the areas they cover. Evidence suggests that only a small percentage of all calls relate to suicide. Most of the calls are from low suicidal risks; high-risk persons are less likely to be in touch with such centers.

New methods must be developed for widening the treatment net and delivering care to high-risk groups that are now not being reached. Suicide prevention centers must clarify their objectives, analyze their day-to-day operations, and determine whom they are helping. Ideally, suicide prevention centers should be able to provide treatment for potentially suicidal patients. When patients are referred elsewhere for treatment, active efforts must be made to ensure that the patient reaches the treatment facility—a follow-up procedure that is too often neglected.

Suicide prevention centers should actively seek out high-risk populations by initiating contact with old age homes, city shelters, alcohol rehabilitation centers, and the residents of anomic areas with high rates of single-room occupancy. The establishment of personal ties between center personnel and high-risk individuals should have considerable preventive effect. General practitioners and psychiatrists might refer appropriate patients to the center for regular telephone contacts. There is an enormous number of interested people who could be utilized in the development of such extended suicide prevention work by telephone. The addition of picture screens to the telephone will make contact by telephone more personal and should provide further stimulus to developing telephone programs beyond their present uses.

The suicide rate among men is considerably higher than among women and indeed other population subgroups. Yet the attendance of men in psychiatric clinics and in psychiatric office practice is considerably lower than that of other groups. In our society men do not enter the sick role very readily. Active links should be established with industry, schools, and prisons to increase awareness among leaders and problem solvers of the early signs and symptoms of psychiatric illness.

Existing programs must be coordinated and computer technology used to establish case registers of high-risk individuals and to store and update treatment records. A central data bank with information about the specific programs at different facilities should reduce unnecessary duplication of services and facilitate periodic follow-up programs over an extended number of years during which patients may continue to be at risk. Better coordination can also lead to more efficient use of teaching personnel. Combining the special interests and skills of different programs ought to provide a comprehensive approach to the problem of suicidal behavior in a given community and reduce the need for each program to develop additional activities to round out its program at the expense of its area of expertise. Collaboration among agencies will help each improve on that part of the total treatment process it does best without being fragmented by taking on too great a diversity of programs. Liaison with hospital emergency rooms should be established to provide treatment for recent suicide attempters, who are often discharged with no provision for follow-up care.

There is an urgent need to differentiate the different forms of suicidal behavior in terms of seriousness of the intent, dangerousness of the attempt, methods used, primary psychiatric disorder, willingness to accept treatment and other crucial dimensions that influence the degree of individual suicidal risk. This differentiation will facilitate the development and critical evaluation of specific treatments for specific patient groups. New techniques must be developed for the impulsive psychopath, the isolated schizophrenic, the intractable depressive, and the disguised alcoholic. These groups account for large numbers of suicides but are recalcitrant to treatment or unwilling to utilize prevention agencies. Suicide prevention centers provide an ideal locus for therapeutic social clubs and patient-led groups, which may be better able to break through the isolation, stigmatization, and hopelessness of these patient groups.

OIL AND VIETNAM

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. RYAN. Mr. Speaker, recently there have been disturbing reports that the protection of lucrative investment opportunities—particularly in offshore oil concessions—may be a factor in prolonging the war in Indochina.

The war in Vietnam has dragged on long enough. For a decade this Nation has sent her young men to die in Asia. The price for this tragic venture has incalculably high—53,500 American lives since January 1, 1961; more than 750,000 Vietnamese. South Vietnam is now ravaged—its villages destroyed, its crop lands poisoned, its social fabric torn by the wrench of a 20th century war fought on the fields of a pastoral nation.

Therefore, anything—anything at all—that would prolong this war must be of the greatest concern to all Americans.

Reports that the Thieu-Ky regime is about to grant concessions to American oil companies for exploration of oil off the coast of South Vietnam raise important political questions that must be answered. Therefore, I have called upon the chairman of the Senate Committee on Foreign Relations, Senator FULBRIGHT, to hold open hearings into the role of oil companies and other business enterprises in influencing American foreign and military policy in Southeast Asia. It is essential that the American public know whether or not our foreign policy in Southeast Asia is being influenced by U.S. business interests.

I include in the RECORD an article from the March 15, 1971, edition of Forbes magazine entitled "Oil: Hidden Factor in the Vietnam Equation":

OIL: HIDDEN FACTOR IN THE VIETNAM EQUATION?

It has passed the rumor stage. Clues are beginning to pile up that there may be huge quantities of crude oil in the waters of the Far East and Southeast Asia. Discoveries by Natomas, Atlantic Richfield, and Union Oil have triggered a frantic exploration race off Indonesia. An optimistic report by a United Nations team about possible oil deposits between Japan and Taiwan is fueling speculation that the entire Far East could contain oil deposits rivaling those of the Middle East.

Some of these deposits would almost certainly lie off South Vietnam. Nobody knows for sure because no drilling has taken place. But preliminary United Nations surveys have given the area good marks. And there are plenty of rumors. One is that a British company has found signs of oil on the prison island of Con Son, east of the southern tip of Vietnam.

The political implications, of course, are enormous. But if the oil is there, or even probably there, the queston of who rules in Saigon takes on a more than political significance. Already, U.S. antiwar groups are beginning to suggest that a desire to ensure friendly governments in the Indochina area could slow down President Nixon's withdrawal from the war. An organization called "Another Mother for Peace" has flooded the Senate Foreign Relations Committee with over 10,000 letters calling for public hearings.

Not surprisingly, the oil companies are less than anxious to discuss the topic. Walter Levy, the New York-based oil expert and consultant to many of the companies, says flatly: "I don't want to comment. It's become a political issue."

"We haven't made up our minds yet," says a spokesman for Mobil Oil, asked whether his company would bid for concessions. Another dodges the question: "Texaco is not participating in exploration in Vietnam."

Queried about his government's plans, Ngo Thanh Tung, an economist at the South Vietnamese Embassy in Washington, says: "Several companies have been sending their proposals, but none of them have yet been considered." But oilmen expect Saigon to ask for bids quite soon.

In a conference last year, Chase Manhattan Chairman David Rockefeller made a little-noticed speech that created a quiet stir among Asia-watchers. By 1980, Rockefeller said, the oil industry could pour $36 billion of new capital investment into the Asian Pacific. This kind of money could give the area the boost it needs to enter the industrial age. It could help make up for the loss of U.S. military expenditures by substituting oil wells for military bases. To give a sense of proportion, the total Free World investment Chase predicts for 1969-80 is $250 billion. But the Asian Pacific share will almost equal the total slated for Latin America, Africa and the Middle East. "The Asian Pacific," commented *Petroleum Engineer*, a trade journal, "looks like the next big international boom area."

If the oil is there, the boom will undoubtedly follow. The Asian area is the fastest-growing oil market in the world. Japan, which currently burns 3.4 million barrels per day, is forecast to consume over 10 million per day by 1980. While Southeast Asia consumes relatively little oil, consumption could rise at a brisk pace if industrialization plans catch hold. "Just think of all those people who are now burning charcoal and using oxcarts," sighs one oilman.

Where is all the oil coming from? Southeast Asia may contain enough offshore crude to fuel that growth. Right now its production doesn't come close. Indonesia, the largest producer, turns out only 900,000 barrels a day. Japan must therefore rely on the Middle East for 85% of its oil, but Japan is uneasy at its dependence on this volatile area. Compared with Middle East oil, moreover South Asian oil will be close to its markets, reducing transportation costs. Drilling and production costs are reasonable, because the offshore areas of Indonesia and Vietnam are relatively calm and very shallow. Perhaps most important, the oil found so far off Indonesia is exceptionally low in sulphur content, less than 1% compared with the 3%-plus content of Middle East crude. This would give it a major cost advantage in Japan, which is imposing strict pollution controls.

Much of the oil could find its way into the rest of the world market, where more oil will be needed within the next 15 years than has been produced in the history of the oil industry. The low sulphur content could make the oil very attractive to the west coast American market, where pollution is a big issue. The uncertainties of Middle East politics, the higher prices being imposed by the Organization of Petroleum Exporting Countries and the delay in finding a way to transport crude from the North Slope of Alaska to the 48 states add to the prospects. A veteran oilman puts it this way: "We don't have the oil in the U.S. to meet our future requirements. Either we are going to have our future committed to those crazy Arabs or we are going to develop Southeast Asia, the West Coast of Africa and the West Coast of Latin America as alternate sources—and, hopefully, build the Alaskan pipeline."

THE HARD QUESTIONS

In any case, mounting U.S. activity in the area raises hugh political questions that must be balanced against the economic benefits for Southeast Asia and the U.S.: 1) Might a discovery lead to pressure for slowing down the pace of U.S. troops withdrawals? 2) Might oil industry agreements with the present Thieu-Ky regime commit the U.S. even closer to this controversial government? 3) If the war in Indochina bogs down permanently, won't the oil industry run the risk of being made the scapegoat for whatever goes wrong? 4) Is a "friendly" regime in Saigon really vital to U.S. access to such oil? After all, many Arab countries are rabidly unfriendly to the West but sell their oil there. 5) What will the effect be on the political and military policies of Japan and China?

Oil seems forever fated to be a political mineral.

TO SAVE HIS SON'S LIFE

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. HAGAN. Mr. Speaker, although most of us are involved primarily in keeping our own and our family's lives in order in this busy and hectic world, we need to take time to notice the hardships and heartaches of others and learn from their gallant efforts to cope with adversity.

Such an instance was graphically outlined in a recent article in the Darien News in my First District of Georgia, in which long-ailing 14-year-old Lamar Bumby is to be the recipient of a kidney transplant from his father, Julian Bumby.

Lamar's grandparents are Mr. and Mrs. D. D. Chancey of Ridgeville in McIntosh County, Ga.

I think my colleagues will agree that family misfortune can be lightened when family members strive to lighten the load for one another, just as the Bumbys are doing.

Lamar Bumby has my prayers and I hope the operation will bring him good health and happiness.

The article follows:

To Save His Son's Life

(Editor's Note: The warm story of Julian Bumby, formerly of Ridgeville, serving as the donor of one of his kidneys to his 14-year-old son, Lamar, has created widespread sympathy and interest. The kidney transplant operation has been scheduled for March at the Shands Teaching Hospital and Clinic in Gainesville, Fla. Locally, gifts to aid the Bumby family during this time of hardship have climbed to $304.32. Mr. Bumby, a refrigeration repairman, will be unable to work for sometime following the expensive and delicate transplant of his kidney to his son. Gifts should be sent to Mrs. Nancy Denty at McIntosh Gas Company here where Mr. Bumby was a former manager.

Portions of an article by Stacey Bridges, Staff Writer for the Gainesville, Fla., Sun, which appeared on Feb. 16, follow:)

Julian Bumby has never been admitted to a hospital as far back as he remembers.

Yet he and wife Dorothy have been "living" at the University of Florida Hospital since December.

Next month Bumby will get his own bed.

That's when he'll give one of his kidneys to save his 14-year-old son's life.

Young Lamar is an old pro to hospital life, though, so he can tell his dad all about it.

Lamar has had kidney trouble since he was almost 5.

"The doctors told us then that Lamar had only about one-fourth of a kidney operating at that time," said his mom. That's when the Bumby family lived in California. "They told us we were taking as much of a chance when we put him to bed as we were letting him play. That's how close it's been and that's what we've had to live with all these years."

In 1962 the Bumbys moved to Georgia to be with the wife's family. About a year and a half ago they set up housekeeping in Wachulla, Fla.

But for the last nine years Lamar has been in and out of UF hospitals with kidney trouble.

Mrs. Bumby explained that in January, 1970, one of the doctors attending her son told the parents Lamar would have to have a kidney transplant by March.

"But he just kept hanging on without any complications," she said.

In November, the trouble started. . . . He returned in December and hasn't left since . . . That's when the Bumby's packed up and came to Gainesville. "They told us then he's got to have a new kidney," the dad said. "I tried to sell my appliance business. When we couldn't find a buyer, I just closed the place up and left."

Doctors began making tests on both of the parents to determine if they could be donors.

"We didn't know which one of us would be right or if either of us would match, so I left the baby (the 12-year-old son) with my sister-in-law in Ft. Myers," Mrs. Bumby said. The Bumby's also have a 22-year-old daughter in Jacksonville.

Then, in January, Bumby got the word his kidney was perfect for the transplant.

"Actually, I knew before the doctor told me," he laughed. "Just as soon as the people finished testing me, I asked them and they said it was 'almost certain' my kidney would do. I can't tell you how happy I felt."

. . . "I don't know which one of my kidneys they're going to use," Bumby said, and then smiled. "You see, I'm sort of an oddball. The doctor told me I'm one of only a few people who have a kidney with one tube and a kidney with two tubes. He told me they'd be using the one with only one tube, but I don't know which one that is."

As an ex-Navy man Bumby said the military will pay 75 percent of the cost of Lamar's hospitalization and operations.

But the costs will still be staggering for the family.

"Last week Lamar and I figured the room cost alone had already run up to $2,200 and that doesn't include his operation or intensive care he's had since December," he said. (Lamar's non-functioning kidneys were removed Feb. 9).

. . . Mrs. Bumby said she's proud of the way her son has reacted to his illness.

"He's never rebelled," she smiled. "The most important thing for him has been just trying to take care of himself."

While Lamar has been at the med center, the Alachua County School System has provided a teacher to help him along with his ninth grade work.

She explained he will get credit for the year.

Lamar, who is pale from his indoor stay at the hospital said softly he's pretty good at math.

He's a science fiction nut, too, his mother pointed out.

"He's reading 'Journey to the Center of the Earth' and he likes all those monster magazines," she said.

But whether he wants to be a scientist, a mathematician or even a doctor, Lamar doesn't say.

"He hasn't ever even mentioned it to us," his parents said.

But they're hoping, with a new kidney, Lamar can be anything he wants.

FREE SPEECH AND FREE PRESS ABROGATED BY RACE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. RARICK. Mr. Speaker, most Americans still believe that the first amendment to the Constitution protects free speech and free press. We now learn that free speech and free press are protected so long as race is not involved. If race is injected then the first amendment right is qualified as if inapplicable.

In Washington and nearby Virginia, newspapers have now acquiesced to the Justice Department and Federal judges' prohibition against using racial designations in their newspaper advertising.

And have the newspapers invoked free press? No; they have not only refused to use their freedom to defend their freedom but the local Evening Star has even editorially opposed free speech in the U.S. Senate by attacking the filibuster.

This is a tragic occurrence of much further reaching significance than merely satisfying the lawsuits against the wealthy owners of the newspapers. Free speech and free press do not belong to the profit and loss ledger of the wealthy nor to the owners and managers of newspapers to surrender or forfeit.

Neither is the Attorney General of the United States nor the Justice Department authorized to be censors of free speech and free press so as to use their prestigious base of operations to intimidate free speech and free press. Most Americans have always regarded the Attorney General and the Justice Department as guardians of constitutional freedoms secured to the American people by that basic document. But now we are given to understand that a purported act of Congress can supersede and abrogate the first amendment if race is involved. Carried to a logical conclusion, we may next find the Justice Department removing such a designation as "Communists" from free speech and free press—if it has not already been done.

Free speech and free press belong to the people. For it is only through an uncontrolled and unregulated media that the people have a chance to inform themselves as to the truth which can help them remain free.

President Thomas Jefferson once said:

> Our liberty depends on the freedom of the press, and that cannot be limited without being lost.

It is appropriate that all Americans, but especially the U.S. Attorney General, Federal judges, and members of the fourth estate, be reminded of what President Jefferson had to say concerning the vital need for a free press for a free people.

Quotes of President Jefferson on a free press and several newsclippings follow:

A COMPREHENSIVE COLLECTION OF THE VIEWS OF THOMAS JEFFERSON—FROM THE JEFFERSONIAN CYCLOPEDIA, EDITED BY JOHN P. FOLEY

6917. Press (Freedom of the), Abolished.—The press, the only tocsin of a nation, is completely silenced in France.—To THOMAS COOPER. iv, 452. FORD ED., viii, 177. (W., Nov. 1802).

6918. Press (Freedom of the), Abused.—The firmness with which the people have withstood the late abuses of the press, the discernment they have manifested between truth and falsehood, show that they may safely be trusted to hear everything true and false, and to form a correct judgment between them.—To JUDGE TYLER. iv, 549. (W., 1804).

———Press (Freedom of the), Bill of Rights and.—See BILL OF RIGHTS.

6919. Press (Freedom of the), Control of.—While we deny that Congress have a right to control the freedom of the press, we have ever asserted the right of the States, and their exclusive right, to do so. They have accordingly, all of them, made provisions for punishing slander. * * * In general, the State laws appear to have made the presses responsible for slander as far as is consistent with its useful freedom. In those States where they do not admit even the truth of allegations to protect the printer, they have gone too far.—To MRS. JOHN ADAMS. iv, 561. FORD ED., viii, 311. (M., 1804.)

6920. Press (Freedom of the), The Constitution and.—It is true as a general principle, and is also expressly declared by one of the amendments to the Constitution, that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people; and * * * no power over the freedom of religion, freedom of speech, or freedom of the press being delegated to the United States by the Constitution, nor prohibited by it to the States, all lawful powers respecting the same did of right remain, and were reserved to the States or the people. * * * Thus was manifested their determination to retain to themselves the right of judging how far the licentiousness of speech, and of the press, may be abridged without lessening their useful freedom, and how far those abuses which cannot be separated from their use should be tolerated, rather than the use be destroyed. And thus also they guarded against all abridgment by the United States of the freedom of religious opinions and exercises, and retained to themselves the right of protecting the same, as this State [Kentucky], by a law passed on the general demand of its citizens, had already protected them from all human restraint or interference. * * * In addition to this general principle and express declaration, another and more special provision has been made by one of the amendments to the Constitution, which expressly declares, that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press", thereby guarding in the same sentence, and under the same words, the freedom of religion, of speech and of the press; insomuch, that whatever violates either, throws down the sanctuary which covers the others, and, that libels, falsehood, and defamation, equally with heresy and false religion, are withheld from the cognizance of Federal tribunals. * * * Therefore, the act of Congress of the United States passed on the 14th day of July, 1798, intituled, "An Act in addition to the act intituled 'An Act for the punishment of certain crimes against the United States' ", which does abridge the freedom of the press, is not law, but is altogether void, and of no force.—KENTUCKY RESOLUTIONS. ix, 465. FORD ED., vii, 294. (1798.)

6921. ——— ———. I am for freedom of the press, and against all violations of the Constitution to silence by force and not by reason the complaints or criticisms, just or unjust, of our citizens against the conduct of their agents.—To ELBRIDGE GERRY. iv, 269. FORD ED., vii, 328. (Pa., 1799.)

6922. Press (Freedom of the), Government and.—No government ought to be without censors; and where the press is free. no one ever will.—To PRESIDENT WASHINGTON. iii, 467. FORD ED., vi, 108. (M. 1792.)

6923. ——— ———. Conscious that there was not a *truth* on earth which I feared should be known. I have lent myself willingly as the subject of a great experiment, which was to prove that an administration, conducting itself with integrity and common understanding, cannot be battered down, even by the falsehods of a licentious press, and consequently still less by the press, as restrained within the legal and wholesome limits of truth. This experiment was wanting for the world to demonstrate the falsehood of the pretext that freedom of the press is incompatible with orderly government. I have never, therefore, even contradicted the thousands of calumnies so industriously propagated against myself. But the fact being once established, that the press is impotent when it abandons itself to falsehood. I leave to others to restore it to its strength, by recalling it within the pale of truth. Within that, it is a noble institution, equally the friend of science and of civil liberty.—To THOMAS SEYMOUR. v, 43. FORD ED. ix, 30. (W., Feb. 1807.)

6924 Press (Freedom of the), Invasion of.—There are rights which it is useless to surrender to the government, and which governments have yet always, been found to invade. [Among] are the rights of thinking and publishing our thoughts by * * * writing.—To DAVID HUMPHREYS. iii, 13. FORD ED., v, 89. (P., 1789.)

6925. Press (Freedom of the), Libels.—Printing presses shall be subject to no other restraint than liableness to legal prosecution for false facts printed and published.—PROPOSED CONSTITUTION FOR VIRGINIA, viii, 452. FORD ED. iii, 332. (1783.)

6926. ——— ———. Printing presses shall be free except as to false facts published maliciously, either to injure the reputation of another, whether followed by pecuniary damages or not, or to expose him to the punishment of the law.—NOTES FOR A CONSTITUTION. FORD ED., vi, 521. (1794.)

6927. Press (Freedom of the), Liberty and.—Our liberty depends on the freedom of the press, and that cannot be limited without being lost.—To DR. JAMES CURRIE. FORD ED., iv, 132. (P., 1786.)

6928. ——— ———. The liberty of speaking and writing guards our other liberties.—Reply to Address. viii, 129. (1808.)

6929. Press (Freedom of the), Mankind and.—The press is the best instrument for enlightening the mind of man, and improving him as a rational, moral, and social being.—To M. Coray. vii, 324. (M., 1823.)

6930. Press (Freedom of the), Principle of government.—Freedom of the press I deem [one of the] essential principles of our government and, consequently, [one] which ought to shape its administration.—First Inaugural Address. viii, 4. Ford ed., viii, 5. (1801.)

6931. ——— ———. There are certain principles in which the constitutions of our several States all agree, and which all cherish as vitally essential to the protection of the life, liberty, property and safety of the citizen. [One is] Freedom of the Press, subject only to liability for personal injuries.—To M. Coray. vii, 323. (M., 1823.)

6932. Press (Freedom of the), Private injury.—Printing presses shall be free, except so far as, by commission of private injury, cause may be given of private action.—Proposed Va. Constitution. Ford ed., ii, 27. (June 1776.)

6933. Press (Freedom of the), Reform through.—This formidable censor of the public functionaries, by arraigning them at the tribunal of public opinion, produces reform peaceably, which must otherwise be done by revolution.—To M. Coray. vii, 324. (M., 1823.)

6934. Press (Freedom of the), Safety in.—Where the press is free, and every man able to read, all is safe.—To Charles Yancey. vi, 517. Ford ed., x, 4. (M., 1816.)

6935. Press (Freedom of the), Security in.—The only security of all is in a free press. The force of public opinion cannot be resisted, when permitted freely to be expressed. The agitation it produces must be submitted to. It is necessary to keep the waters pure.—To Marquis Lafayette. vii., 325. Ford ed., x, 280. (M., 1823.)

6936. Press (Freedom of the), Shackled.—Nor should we wonder at * * * [the] pressure [for a fixed constitution in 1788–9] when we consider the monstrous abuses of power under which * * * [the French] people were ground to powder; when we pass in review the shackles * * * on the freedom of the press by the Censure. Autobiography. i, 86. Ford ed., i, 118. (1821.) See Editors, Newspapers, and Publicity.

[From the Evening Star, March 9, 1971]

Ads Still Show Race

The Washington Daily News is continuing its policy of accepting housing advertisements which contain racially discriminating wording, according to an investigation by a District housing group.

However, the study showed that The Star and the Washington Post had stopped accepting advertisements with explicit reference to "white" and "colored." It followed a survey last August in which all three papers were charged with permitting the practice.

While The Star and the Post no longer permit racial designations, the study said that they still permitted wordings which "have the same effect," such as "private" or "exclusive" rooms.

The study was conducted by the Washington Center for Metropolitan Studies and the Housing Opportunities Council.

Papers' Realty Ads Held To Be Biased

The Richmond News Leader and The Richmond Times-Dispatch have agreed to cease real estate advertising practices that the U.S. Justice Department "found to be racially discriminatory," Attorney General John N. Mitchell announced yesterday.

"While denying that their prior procedures violated the law, the newspapers voluntarily agreed to the out-of-court settlement," a Justice Department statement said.

The statement said both newspapers, which are published by Richmond Newspapers, Inc., advertising real estate by geographical area and that both carried a "general" section of advertising for dwellings outside the areas listed.

"The Justice Department contended that the 'general' column was used almost exclusively to list houses for sale in Negro residential areas and in areas changing from white to Negro," it continued.

D. Tennant Bryant, publisher of the newspapers, said in an interview that "we had no idea that we were in violation of the law. The 'general' heading and the geographical areas were drawn up by the Richmond Board of Realtors, and it had nothing to do with race.

"The Department of Justice pointed out to us that some of the homes in the 'general' section could have been listed by geographical area. We did not realize that this was happening. It started out one way and ended up another."

Bryant said the listings by geographical areas were accompanied by a map to aid newcomers to the city in finding homes.

The Justice Department announcement said that the newspapers "agreed to eliminate the 'general' column. In addition, the newspapers agreed to publish during the month of March a statement that the Fair Housing Act of 1968 contains prohibitions against discrimination in the sale of houses."

[From the Evening Star, March 3, 1971]

The Filibuster Filibuster

The filibuster is still riding high, the third effort to corral it having failed yesterday by eight votes. The reformers mustered precisely the same number of affirmative votes they did on February 18, when the first tally was taken. Their hopes are paper-thin, though there is wishful talk of some alchemy that might materialize in the fourth vote, next Tuesday. to set Rule 22 on its ear.

That would be a gladdening development, for the unlimited debate provision is long overdue for overhaul. This is not to say it should be junked, because there is an indispensable buffer function in protracted discussion—in the power to delay. This power has been used to impede excellent legislation in the past, but it also has stalled some obnoxious proposals long enough for good sense to take effect.

Still, there must be sensible limits if the Senate is to avoid paralysis of the kind that set in last December when several filibusters were going at once. Vital business was still untended as the 91st Congress expired. The requirement of a two-thirds majority to shut off debate is too stringent, in view of Congress' monstrous and mounting workload, and its notorious inefficiency in handling that load. The proposal being considered, for permitting debate cutoff on a three-fifths vote, would be a major improvement. It would prevent some logjams while retaining a brake on ill-considered action.

Fifty-one senators, including the majority and minority leaders, favor this alteration. Hence the majority needed to effect it is committed, but cannot act because the filibuster alteration itself is being subjected to a filibuster. This appears incongruous, especially considering that only two months ago, in the pre-adjournment lock-up, senators were unabashedly deploring what a chaotic spectacle they were presenting.

They should act, before this year's pressures build up, to reduce the likelihood of a repeat performance. Some compromise should be possible before the terminal vote next Tuesday.

HEADLESS HORSEMAN CHAPTER OF DEMOLAY IN NEW YORK

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. PEYSER. Mr. Speaker, this week, 2,500 DeMolay chapters are conducting local observances of International DeMolay Week. This week is designed to acquaint the public throughout the free world with the purposes and activities of this character-building organization for young men between the ages of 14 and 21.

The purpose of the DeMolay is to build better citizens, and the order does just that by offering wholesome occupation for spare time, with worthwhile associates, in a character-building environment. One such example of the productive type of activity which the DeMolay sponsors was recently illustrated to me by my local "Headless Horseman" chapter in Westchester, N.Y.

The "Headless Horseman" chapter, under the direction of Bruce Kelly, of Irvington, who is the master counselor, has selected the theme "Environmental Action" for its observance of International DeMolay Week. In accordance with this theme the chapter has developed a flyer which contains "do-it-yourself" plans for a paper bundler. This bundler would make it easier to store newspapers and magazines neatly, and would facilitate easy bundling in sizes necessary for recycling. The flyer also contains detailed instructions for recycling in the villages of Hastings, Dobbs Ferry, Irvington, Tarrytown, and North Tarrytown. Models of the bundler have been constructed by the chapter members with materials donated by Weyerhauser Co., of Irvington, N.Y., and have been placed in most banks and post offices in the five villages. Five thousand copies of this flyer are presently being distributed by chapter members and the flyer is also available wherever the model bundlers are on display.

This flyer and construction of the model bundlers is extremely important and productive for it not only highlights a way to reduce the need for waste disposal but it also will encourage the reuse of salvagable materials, thereby conserving our precious natural resources.

Mr. Speaker, I certainly feel that the members of the "Headless Horseman" chapter of the DeMolay deserve the recognition of every Member of the House of Representatives for the excellent work which they have done in developing these make-it-yourself plans for paper recycling.

Furthermore, Mr. Speaker, I want to point out that this project is only one example of the type of worthwhile activity done by the members of the DeMolay all year around. This same "Headless Horseman" chapter in addition to their regular chapter activities has recently staged various fundraising activities which allowed them to purchase a sizable quantity of toys and games which were delivered personally, by the chapter members, to the children at the Shriners Crippled Children's Hospital in Philadelphia, Pa.

It is because of all of these worthwhile activities that such men as John Wayne, and my esteemed colleague, Congressman Bob Mathias, newscasters Walter Cronkite and Paul Harvey, and many other Senators, Congressmen, and Governors are proud to say that they are senior members of the Order of the DeMolay.

REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the Record, I include my Washington report concerning the problems of the Nation's farm belt:

Uncertainty Over the Farm Belt

The clouds of uncertainty are hanging over the Nation's farm belt. Even as spring planting time approaches, many farmers are still trying to fit together a crop and livestock plan for the coming season.

Few Americans realize, I suspect, the gamble the farmer takes each year with the weather, a possible slump in market demands, the cost-price squeeze, or the possibility of disease or damage to his crops. It is in this atmosphere of uncertainty that the farmer must make his plans for the year. This year, several new factors complicate his decision, among them:

THE CORN BLIGHT

This fungus disease, which ravaged some fields and left others, nearby, undamaged is expected to be back again this season. The farmer's vulnerability will be decided by (1) his obtaining blight-resistant seed, and (2) growing season weather conditions which will either retard or accelerate its spread.

An estimated 3 million bushels of resistant seed available this year will satisfy only about 20 percent of the national requirement. A considerable portion is being earmarked for the Southern states where the disease was most severe last summer. The remainder of available seed is either a mix of resistant and non-resistant strains, or non-resistant seed.

THE HOG MARKET CRASH

Hog prices tumbled from about $25 per hundredweight last August to about $15 by the year's end. The slump was precipitated by attractive hog prices in late 1969, and an over-response in production by the farmers. Almost simultaneous with the slump came spectacular increases in corn prices because of the prospect of a blight-shortened crop.

THE NEW FARM PROGRAM

This year, farmers are permitted to comply with acreage diversion requirements and still increase their ability to expand corn and other feed grain acreage. If they go after attractive corn prices, and the blight turns out to be negligible, we could be in for one of the largest crops ever. Some observers are estimating that the corn acreage will be increased by about 4 million acres this year.

Feed grain production this year is likely to have a greater impact on prices because surplus stocks of most major grains have been reduced. The current higher prices and the new farm program's flexibility will encourage expansion in feed grain acreages.

THE EXPORT SITUATION

Exports took about 22 percent of the total U.S. crop output last year. Indiana farmers export about 25 percent of their crops. The export picture is clouded, however, because (1) current higher price levels could dampen foreign demand, and (2) Congress' look toward more restrictive trade policies could produce a retaliatory cut in foreign demand.

THE COST-PRICE SQUEEZE

In 1970, net farm income edged lower under the pressures of increased production costs and declining commodity prices. Although total gross income rose by about 3 percent, production costs increased by 5 percent. As a result, net farm income declined to about $15.8 billion, as compared by $16.2 billion in 1969.

If the move is to expand crop acreage this season, farm production expenses will increase and credit needs and interest expenses are likely to increase.

With all of these factors in the picture, most farm economists are predicting little, if any, improvement in net farm income in 1971. Total meat supplies are likely to remain about the 1970 level because of the time required to cut back on production. While a strong demand, and high prices, are expected in the grain markets, greatly expanded feed grain production could weaken both demand and prices.

The watchword for feed grain and livestock farmers this year is uncertainty. High risks are normal. This year, however, may be a year of super-high risks.

SENATE—*Tuesday, March 16, 1971*

The Senate met at 11 a.m. and was called to order by Hon. John V. Tunney, a Senator from the State of California.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou who art infinite and eternal, we lift our prayer to Thee, beseeching Thee to pour out Thy spirit upon all peoples of the world. Remove the barriers which separate man from man and nation from nation. Guide by Thy higher wisdom all who confer for the peace of the world. Illumine their consultations by the mind and spirit of the Prince of Peace. May faith replace fear, justice triumph over greed, truth arise over falsehood, love prevail over hate, and Thy peace possess all men.

Bless this Nation and all who lead it. Impart Thy strength and wisdom to the President, to all legislators, to those who make and enforce the laws, to those on missions of mercy and good will, and to all in the Armed Forces. Instruct us in the knowledge of Thy truth and the ways of Thy kingdom until Thy ways become our ways, through Him who is the way, the truth, and the life. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Ellender).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., March 16, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. John V. Tunney, a Senator from the State of California, to perform the duties of the Chair during my absence.

Allen J. Ellender,
President pro tempore.

Mr. TUNNEY thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, March 12, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

ACTIVITIES OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY DURING 1970—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92-67)

The ACTING PRESIDENT pro tempore (Mr. Tunney) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

The report which I transmit to you covers the activities of the U.S. Arms Control and Disarmament Agency during the calendar year 1970. It is noteworthy that this is the Agency's Tenth Annual Report; it marks a decade of diligent pursuit of arms control and disarmament.

I have set as my goal the attainment of a generation of peace. I believe that arms control presents both a necessary and a promising road towards a stable, secure world in which true peace can exist. There are many problems to be solved and the answers will not come easily, but with determination and perseverance, we can prevail.

For the first time, a realistic dialog is taking place between the Soviet Union and ourselves about the management of our strategic relations. The mutuality of interests which brought us to the table encourages our hope that the Strategic Arms Limitation Talks will succeed. I am heartened by the work which has already been done, and I am hopeful that the constructive nature of the exchange will continue in Phase IV of SALT, which resumes in Vienna in March.

During the past year, another arms control measure was added to the growing number which have emerged from international negotiations. A treaty banning weapons of mass destruction from the ocean floor was successfully negotiated, thus expanding still farther the areas and environments in which nuclear weapons are precluded.

These and other efforts in the arms control field are described in the accompanying report. Progress is not always dramatic, but the direction is sure. My Administration is dedicated to finding better, safer, and cheaper alternatives for insuring our security than the expedient of competition in weaponry.

RICHARD NIXON.

THE WHITE HOUSE, *March 15, 1971.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 4690) to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. WATTS, Mr. ULLMAN, Mr. BYRNES of Wisconsin, and Mr. BETTS were appointed managers on the part of the House at the conference.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar from No. 37 through No. 41.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FEDERAL HANDLING OF MASS DEMONSTRATIONS

The resolution (S. Res. 61) authorizing the printing of additional copies of Senate hearings on Federal Handling of Mass Demonstrations was considered and agreed to, as follows:

S. RES. 61

Resolved, That there be printed for the use of the Senate Committee on the Judiciary seven hundred and fifty additional copies of part I of the hearings before its Subcommittee on Administrative Practice and Procedure during the Ninety-first Congress, second session, on Federal Handling of Mass Demonstrations.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–31), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 61 would authorize the printing for the use of the Committee on the Judiciary of 750 additional copies of part I of the hearings before its Subcommittee on Administrative Practice and Procedure during the 91st Congress, second session, on Federal handling of mass demonstrations.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

Back to press, 750 copies	$1,200

THE ECONOMICS OF CLEAN AIR

The resolution (S. Res. 67) authorizing the printing of the report entitled "The Economics of Clean Air" as a Senate document was considered and agreed to, as follows:

S. RES. 67

Resolved, That the annual report of the Administrator of the Environmental Protection Agency to the Congress of the United States (in compliance with Public Law 90–148, the Clean Air Act as amended) entitled "The Economics of Clean Air", be printed with illustrations as a Senate document.

SEC. 2. There shall be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–32), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 67 would provide (1) that the annual report of the Administrator of the Environmental Protection Agency to the Congress of the United States (in compliance with Public Law 90–148, the Clean Air Act as amended) entitled "The Economics of Clean Air", be printed, with illustrations, as a Senate document; and (2) that there be printed 2,500 additional copies of such document for the use of the Committee on Public Works.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$4,194.49
2,500 additional copies, at $271.16 per thousand	677.90
Total estimated cost, S. Res. 67	4,872.39

MRS. MARJORIE S. MORGAN

The resolution (S. Res. 72) to pay a gratuity to Mrs. Marjorie S. Morgan was considered and agreed to, as follows:

S. RES. 72

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Marjorie S. Morgan, widow of Walter L. Morgan, Junior, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

INVESTIGATION INTO ELECTRONIC BATTLEFIELD PROGRAM

The concurrent resolution (S. Con. Res. 9) authorizing the printing of additional copies of Senate hearings entitled "Investigation Into Electronic Battlefield Program" was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Armed Services two thousand additional copies of the hearings before the Electronic Battlefield Subcommittee of the Preparedness Investigating Subcommittee during the Ninety-first Congress, second session, entitled "Investigation Into Electronic Battlefield Program".

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–30), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Concurrent Resolution 9 would authorize the printing for the use of the Senate Committee on Armed Services of 2,000 additional copies of the hearings before the Electronic Battlefield Subcommittee of the Preparedness Investigating Subcommittee during the 91st Congress, second session, entitled "Investigation Into Electronic Battlefield Program."

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

Back to press, 1st 1,000 copies	$2,437.00
1,000 additional copies, at $329.09 per 1,000	329.09
Total estimated cost, S. Con. Res. 9	2,766.09

HISTORY OF THE U.S. HOUSE OF REPRESENTATIVES

The concurrent resolution (H. Con. Res. 97) authorizing the printing of a revised edition of the publication entitled "History of the United States House of Representatives," and for other purposes was considered, and agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–33), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

REPORT

House Concurrent Resolution 97 would provide (1) that a revised edition of the publication entitled "History of the United States House of Representatives" be printed as a House document; and (2) that there be printed 43,900 additional copies of such document for the use of the House of Representatives. The additional copies would be prorated to Members (100 each) for a period of 60 days, after which the unused balance would be distributed by the House document room.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$2,089.72
43,900 additional copies, at $312.74 per thousand	13,729.29
Total estimated cost, H. Con. Res. 97	15,819.01

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the

Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF TRANSPORTATION

The legislative clerk read the nomination of Herbert F. DeSimone, of Rhode Island, to be an Assistant Secretary of Transportation.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The legislative clerk proceeded to read sundry nominations in the National Oceanic and Atmospheric Administration which had been placed on the Secretary's desk.

Mr. BYRD of West Virginia. I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER FOR ADJOURNMENT TO 11:30 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 11:30 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, if the Senate completes the program it seeks to complete today; namely, action on the resolution to create a Joint Committee on the Environment and the resolution to amend rule XXIV, the latter offered by the Senator from Oklahoma (Mr. HARRIS) and the Senator from Maryland (Mr. MATHIAS), the order may be changed to provide for going over until Friday next.

The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania seek recognition?

Mr. SCOTT. Yes, Mr. President. I would reflect that this is a good way to operate the carrot-and-stick philosophy. If Senators will be present on the days on which we have business in the Chamber, it will help us immeasurably by providing some respite on other days from time to time.

Mr. President, I yield back the remainder of my time.

VACATING OF ORDER FOR RECOGNITION OF SENATOR FANNIN AND ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TODAY

Mr. BYRD of West Virginia. Mr. President, in view of the fact that the able Senator from Arizona (Mr. FANNIN) is necessarily absent today because of a death in the family, I ask unanimous consent that the order previously entered recognizing him for not to exceed 15 minutes following the conclusion of my remarks be vacated and that, instead, there be a period of not to exceed 15 minutes for the transaction of routine morning business, with statements therein limited to 3 minutes, which is the amount of time allotted to the able Senator from Arizona under the previous order, and without prejudice to the order recognizing other Senators who will speak subsequently.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia (Mr. BYRD) is recognized for not to exceed 15 minutes.

(The remarks of Mr. BYRD of West Virginia when submitting Senate Resolution 73 and the ensuing debate appear in the RECORD under the submission of this resolution.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes with the statements therein limited to 3 minutes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. TUNNEY) laid before the Senate the following letters, which were referred as indicated:

Report on Certain Disbursements Under the Department of Defense Appropriation Act

A letter from the Deputy Secretary of Defense reporting, pursuant to law, certain disbursements made against the Department of Defense Appropriation Act under the heading "Contingencies, Defense," from July 1, 1970 through December 31, 1970; to the Committee on Appropriations.

Report Covering Military Construction Awarded Without Competition

A letter from the Commander, Naval Facilities Engineering Command, Department of the Navy, transmitting, pursuant to law, a report covering military construction contracts awarded on other than a competitive bid basis during the period July 1, 1970, to December 31, 1970 (with accompanying report); to the Committee on Armed Services.

Report on Independent Research and Development and Bid and Proposal Costs

A letter from the Assistant Secretary of Defense transmitting, pursuant to law, a report on independent research and development and bid and proposal costs (with accompanying report); to the Committee on Armed Services.

Annual Report on Independent Research and Development and Bid and Proposal Costs

A letter from the Assistant Secretary of Defense transmitting a report, pursuant to law, on independent research and development and bid and proposal costs (with accompanying report); to the Committee on Armed Services.

Proposed Legislation To Provide Housing For Persons of Low and Moderate Income

A letter from the Secretary of Housing and Urban Development transmitting proposed legislation to assist in meeting national housing goals by authorizing the Securities and Exchange Commission to permit companies subject to the Public Utility Holding Company Act of 1935 to provide housing for persons of low and moderate income (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

Report on Disposal of Certain Foreign Excess Property

A letter from the Acting Administrator of the National Aeronautics and Space Administration reporting, pursuant to law, on the disposal of certain foreign excess property under the Federal Property and Administrative Services Act; to the Committee on Government Operations.

Report of the Commission on Population Growth and the American Future

A letter from the Chairman of the Commission on Population Growth and the American Future transmitting, pursuant to law, the interim report of the Commission (with accompanying report); to the Committee on Government Operations.

Report on Review of Phasedown of U.S. Military Activities in Vietnam

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report on the first review of the phasedown of U.S. military activities in Vietnam by the Department of Defense (with accompanying report); to the Committee on Government Operations.

Proposed Legislation To Authorize Increased Appropriations Under the Water Resources Planning Act

A letter from the Chairman of the Water Resources Council submitting proposed legislation to amend the Water Resources Planning Act to authorize increased appropriations (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report of the National Institute of Arts and Letters

A leter from the Assistant Secretary of the National Institute of Arts and Letters transmitting, pursuant to law, the Institute's report for the year 1970 (with accompanying report); to the Committee on the Judiciary.

Proposed Legislation To Facilitate Travel to the United States by Foreign Tourists and Business Visitors

A letter from the Assistant Secretary of State transmitting proposed legislation to facilitate travel to the United States by foreign tourists and business visitors (with accompanying papers); to the Committee on the Judiciary.

Report of the Upper Great Lakes Regional Commission

A letter from the Cochairmen of the Upper Great Lakes Regional Commission transmitting, pursuant to law, a report on the activities of the Upper Great Lakes Regional Commission for the period July 1, 1969 to June 30, 1970 (with accompanying report); to the Committee on Public Works.

Report on National Requirements and Costs of Water Pollution Control

A letter from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, the annual report on the national requirements and costs of water pollution control (with accompanying report); to the Committee on Public Works.

Report on Oil Pollution Liability and Financial Responsibility

A letter from the Secretary of Transportation transmitting, pursuant to law, the Report of Oil Pollution Liability and Financial Responsibility (with accompanying report); to the Committee on Public Works.

Proposed Legislation To Regulate the Dumping of Material in the Oceans, Coastal, and Other Waters

A letter from the Administrator of the Environmental Protection Agency transmitting proposed legislation entitled the Marine Protection Act of 1971 (with accompanying papers); to the Committee on Public Works.

Proposed Legislation Providing for Authority for Apppointment to the Grade of General Certain Marine Corps Officers

A letter from the Secretary of Defense transmitting proposed legislation amending section 5232 of title 10, United States Code, to provide authority for appointment to the grade of general of Marine Corps officers designated under that section for appropriate higher commands or for performance of duties of great importance and responsibility (with accompanying papers); to the Committee on Armed Services.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Tunney):

A concurrent resolution of the Legislature of the State of Arkansas; to the Committee on Finance:

"House Concurrent Resolution Urging the Adoption by the Congress of the Proposed Amendments to the Airport/Airway Development Act of 1970 to Change the Present 50–50 Matching Formula to a 90 Federal–10 Local Formula in Order to Further Develop the State System of Airports

"Whereas, the Airport/Airway Development Act of 1970 imposed user taxes on the aviation industry and the users of this industry; and

"Whereas, the revenues to be derived from said user taxes were dedicated for the use in developing and improving the Nation's airports and airways; and

"Whereas, $250,000,000 is to be allocated each year from user funds for construction and improvement of air carrier and reliever airports, and $30,000,000 is to be allocated for general aviation airports each year; and

"Whereas, the Arkansas Department of Aeronautics assists the cities and counties in this State with their airport construction and improvement projects; and

"Whereas, it is extremely difficult for local communities in Arkansas to provide the necessary matching funds for airport construction and improvements on the basis of the federal grants available on a 50–50 formula;

"Now, therefore be it resolved by the House of Representatives of the Sixty-Eighth General Assembly of the State of Arkansas, the Senate concurring therein:

"That the General Assembly respectfully requests the Arkansas Congressional Delegation of the Congress of the United States to support amendments to the Air/Airways Development Act of 1970 to change the distribution formula from its present 50–50 matching basis to a formula providing monies on the basis of 90 federal–10 local funds in order to further develop the system of airports in this State and throughout the Nation.

"Be it further resolved that upon adoption hereof, a copy of this Resolution shall be furnished, by the Secretary of State, to each member of the Congress of the United States from the State of Arkansas and to the Speaker of the House of Representatives and the President of the Senate of the Congress of the United States."

A concurrent resolution of the General Assembly of the State of Indiana; to the Committee on Finance:

"A Senate Resolution Urging the Secretary of the Department of Health, Education, and Welfare To Reconsider the Import of the Department Policy To Disregard the Financial Responsibility of any Individual for an Applicant for Assistance

"Whereas, the Department of Health, Education, and Welfare has unequivocally stated in its 'Handbook of Public Assistance' Administration Supplement D, Medical Assistance Programs, Appendix A, Sec. 1902(a), (17), (D) that the financial responsibility of any individual for an applicant should not be taken into account in granting assistance under Title XIX of the Social Security Act unless such applicant or recipient is such individual's spouse or child under the age of twenty-one (21) or such individual is blind or permanently disabled;

"Whereas, this policy is in diametric conflict with the law of the State of Indiana which requires, under Acts 1947, chapter 82, Section 1, the children of a parent, when said children are financially able and when they have been supported by said parent until reaching the age of sixteen (16) years for a male and seventeen (17) years for a female, to contribute to their parents support, if the parents are unable to support themselves;

"Whereas, it is the unmistakable intent and purpose of the General Assembly of the State of Indiana to relieve the general public of the undue burden and liability of supporting those individuals who have children financially able to contribute to their parents maintenance and support;

"Whereas, the General Assembly of the State of Indiana steadfastly believes and wholly endorses the basic concept that the family unit is the fundamental structure upon which civilization is based and that the burden of supporting a parent must equitably fall upon the child who has been fostered, nurtured, educated and cared for by that parent and that to espouse a policy contrary to these principles gravely damages the necessary cohesiveness of the family unit, and;

"Whereas, the passage of Title XIX, Sec. 1962(a) (17) (D) (Supplement D Medical Assistance Programs) conflicts with existing Indiana law and deprives the people of Indiana from the application of its statutes if the State wishes to receive all benefits to which it is entitled under the Social Security Act; Therefore, Be it resolved by the Senate of the General Assembly of the State of Indiana:

"Section 1. While interpretations of Title XIX and its subparts have abrogated and nullified the moral laws, natural laws and statutory laws of the State of Indiana, the General Assembly of the State of Indiana publicly disclaims the aforesaid results.

"Sec. 2. The General Assembly of the State of Indiana urges the Secretary of the Department of Health, Education and Welfare and the Department of Health, Education and Welfare to realign their thinking, procedures, policies and interpretation to reflect more concern with the moral and natural laws of our society and the statutory laws of the State of Indiana and her sister states in order to allow the State of Indiana to enforce its statutes and simultaneously be a recipient of and in compliance with Title XIX of the Social Security Act.

"Sec. 3. The Secretary of the Senate is hereby directed to forward copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives of the Congress of the United States, to all members of Congress from the State of Indiana, and to the Secretary of the Department of Health, Education and Welfare."

A joint resolution of the Legislature of the State of Maine; to the Committee on Agriculture and Forestry:

"Joint Resolution Memorializing the Honorable Clifford M. Hardin, Secretary of Agriculture, To Institute Programs of Commodity Assistance and Removal of Surplus Potatoes

"We, your memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Fifth Legislative Session now assembled, most respectfully present and petition the Secretary of Agriculture, the Honorable Clifford M. Hardin, as follows:

"Whereas, serious economic conditions afflict all portions of the State's economy; and

"Whereas, tight money and inflation have dealt crippling blows to the State's potato industry; and

"Whereas, the State's second largest industry, agriculture, also is suffering economically, in particular respect to potatoes; and

"Whereas, low prices have been such that many producers in the major potato-growing areas, including Aroostook County, are faced with bankruptcy; and

"Whereas, potato prices currently do not reflect even 40% of the cost of production to the grower; and

"Whereas, other potato-growing regions of the United States, such as Washington, Idaho and northern California have an oversupply of 10% to 15% above normal market needs; and

"Whereas, these regions are all competing in the same markets, driving prices down even further; and

"Whereas, programs of the U.S. Department of Agriculture, through the Agricultural Conservation and Stabilization Service, could be of vital assistance to Maine potato producers, and the producers of Washington, Idaho, Oregon and northern California; now, therefore, be it

"Resolved: That we, your memorialists, recommend and urge the Honorable Clifford M. Harin, Secretary of Agriculture, to take appropriate action to promptly institute a commodity assistance or surplus removal program or any combination of both, for which potato growers may be eligible for relief under the federal farm laws; and be it further

"Resolved: That copies of this Memorial, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the Honorable Richard M. Nixon, President of the United States, the President of the Senate and Speaker of the House of Representatives in Congress, to the members of said Senate and House of Representatives from this State, to the Honorable Kenneth M. Curtis, Governor of the State of Maine and to Maynard C. Dolloff, Commissioner of Agriculture for the State of Maine."

A joint resolution of the Legislature of the State of Maine; to the Committee on Banking, Housing and Urban Affairs:

"Joint Resolution Proposing Abolition of Futures Trading of Potatoes on the New York Mercantile Exchange by the Congress of the United States

"We, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Fifth Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

"Whereas, the Constitution of the United States provides that the Congress may regulate commerce among the several states; and

"Whereas, Irish potatoes grown in Maine are now traded in futures contracts on the New York Mercantile Exchange, 6 Harrison Street, New York City, N.Y.; and

"Whereas, the essential ingredients of a successful potato marketing program include orderly and continuous marketing, minimum short-term price fluctuation and incentives for quality produce; and

"Whereas, futures trading of Maine potatoes on the New York Mercantile Exchange represents the antithesis of a satisfactory marketing scheme by encouraging consolidation of sales within the months of March, April and May; maximizing short-term price fluctuation and failing to recognize other than minimal quality; and

"Whereas, Maine potato producers, through self-imposed commodity taxes, have for years attempted to improve the handling and quality of the product reaching consumers and such efforts have been diluted largely by the effects of futures trading of Maine potatoes; and

"Whereas, the price at which future contracts are bought and sold has a direct and immediate effect on cash prices received by producers for potatoes in Maine and all other areas producing potatoes for market: and

"Whereas, experience has proven that futures trading can be carried on without detrimental and depressing effect on price only in the case of those commodities which can be stored for extensive periods of time either within the areas of production or the areas of marketing and distribution; and

"Whereas, Irish potatoes are a perishable commodity that do not lend themselves to extended periods of storage, especially following preparation for market; and

"Whereas, Irish potatoes historically are one of the most volatile commodities in terms of price range and in degree of sensitivity to myriad market factors, including rumors, speculation, available supply both in storage and in the market places, as well as many others; and

"Whereas, many production areas of other states have vehemently registered their opposition to the continued trading of Irish potatoes futures, and producers in Maine, by mail ballot, have continuously voted overwhelming in favor of abolishing futures trading in Maine potatoes; and

"Whereas, the Congress of the United States has already established a precedent for the action to be proposed by this resolution in the instance of another perishable commodity, namely onions; now, therefore, be it

"Resolved: That we, your Memorialists, recommend that the Congress enact legislation abolishing futures trading in Maine potatoes upon the New York Mercantile Exchange or upon any Commodity Exchange; and be it further

"Resolved: That the Secretary of State be directed to transmit duly attested copies of this Resolution to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, to the Chairmen of the Senate and House Committees on Agriculture, to the Secretary of Agriculture, and to the Members of Congress from the State of Maine."

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Commerce:

"Resolutions Memorializing Congress To Launch an Investigation of the Incident Involving the Yabase-Maru, a Japanese Fishing Trawler and F/V Sea Dog, a Massachusetts-Based Lobster Boat

"*Whereas,* On February 3, 1971, the F/V Sea Dog, a Marblehead based lobster boat was engaged in deep sea lobstering operations on the Continenal Shelf approximately one hundred and twenty-five miles from the Massachusetts coast; and

"*Whereas,* The F/V Sea Dog had laid down lobster traps in a well-posted and clearly defined lobster trap field; and

"*Whereas,* While so engaged in lobstering operations, the F/V Sea Dog was harassed by the Yabase-Maru, a Japanese fishing trawler duly licensed by the Japanese government, said trawler sweeping through said marked areas three times in spite of the Sea Dog's repeated attempts to stop them through radio transmission, voice, sign language and actual positioning of the boat, which harassment was stopped only by the arrival of United States Coast Guard Aircraft; and

"*Whereas,* As a result of this regrettable incident, the F/V Sea Dog suffered great financial losses by the destruction of their fishing gear which resulted also in unemployment for the crew of five, all Massachusetts citizens; now, therefore, be it

"*Resolved,* That the Massachusetts House of Representatives respectfully urges the Congress of the United States to launch an immediate investigation and study of this recent incident; and be it further

"*Resolved,* That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the presiding officer of each branch of Congress and to each member thereof from this Commonwealth."

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Finance:

"Resolutions Memorializing the Congress of the United States To Enact Legislation To Finance Massachusetts Transit Costs by Using the Federal Highway Fund

"*Whereas,* Massachusetts transit costs have increased so rapidly and to such extent as to become almost unbearable; and

"*Whereas,* The payment of such costs exceeds the capacity of the people to assume; and

"*Whereas,* The solution of this problem now requires the aid of the federal government; and

"*Whereas,* Numerous bills dealing with the problem have been introduced in Congress; therefore be it

"*Resolved,* That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation to meet such costs not only in the commonwealth but throughout the United States by the assumption of the same by the use of the Federal Highway Fund; and be it further

"*Resolved,* That a copy of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of the Congress and to the members thereof from this Commonwealth."

A concurrent resolution of the Legislature of the State of Michigan; to the Committee on Foreign Relations:

"Senate Concurrent Resolution No. 29

"(Offered by Senators McCollough, Plawecki, the Lieutenant Governor, Bellenger, Bishop, Bouwsma, Bowman, Bursley, Byker, Cartwright, Cooper, Davis, DeGrow, DeMaso, Faust, Fitzgerald, Fleming, Gray, Hart, Lane, Lodge, Mack, McCauley, Novak, O'Brien, Pittenger, Pursell, Richardson, Rockwell, Rozycki, Stamm, Toepp, VanderLaan, Young, Youngblood, Zaagman and Zollar.)

"A Concurrent Resolution on Prisoners of War

"Whereas, The Unknown Soldier is not solely represented among the dead, where for generations those unknown sacrifices to their countries' service have been publicly and ceremoniously honored and great monuments are erected to their memory. During this decade and now, there has been a return to barbarism in the treatment of many hundreds of unknown soldiers among the living; and

"Whereas, Known prisoners of war and many "Missing In Action" who are unknown prisoners of war are daily, hourly suffering and dying of cruel and barbarously inhumane treatment by their North Vietnam captors in contemptuous violation of the articles of the Geneva Convention—which Hanoi signed in 1957 as solemn pledge of agreement to provide humane treatment to all captives taken in wartime; and

"Whereas, Proof has been obtained of these extreme cruelties practiced daily; and for the thousands of relatives and friends of such living sacrifices, these facts bring a never-ending anguish. Not only are barbarities of extreme abuse and corrosive public ridicule inflicted, but Hanoi thus far refuses to release any listing of prisoners of war, deliberately spreading anguish among families of American service personnel and thereby compounding Communist barbarities; and

"Whereas, Although the contention as to whether America should continue her presence in Southeast Asia is currently dividing this Nation, that contention should neither divert nor delay the compelling need for immediate action concerning American prisoners of war. By any civilized standard, by any claim to humane decencies, this Nation, through her public, demands humane treatment and release of American prisoners of war; now therefore be it

"Resolved by the Senate (the House of Representatives concurring), That hereby the Congress of the United States is memorialized, requesting that immediate and effective measures be taken to obtain identification of POW and MIA personnel; to compel treatment for such prisoners according to Hanoi's signatory with the Geneva Convention articles with humane treatment; to impose impartial inspection by authorized agencies of prison facilities; to effect immediate repatriation of the sick and wounded prisoners; and, without exception, to establish and sustain the right of communication between prisoners and their families; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the Senate and the Speaker of the House of each of the sister State Legislatures; and to the President of the Senate, the Speaker of the House of Representatives and to each Member of the Michigan delegation to the Congress of the United States.

"Adopted by the Senate, February 16, 1971.

"Adopted by the House of Representatives, February 16, 1971."

A joint resolution of the Legislature of the State of Montana; to the Committee on Finance:

"Resolution

"A joint resolution of the Senate and House of Representatives of the State of Montana to the Honorable Richard M. Nixon, President of the United States; to the Honorable Elliot L. Richardson, Secretary of Health, Education and Welfare; to the Congress of the United States; to the Honorable Mike Mansfield and the Honorable Lee Metcalf, Senators from the State of Montana; to the Honorable Richard Shoup and the Honorable John Melcher, Representatives from the State of Montana calling attention to the plight of Montana's small, rural hospitals, extended care facilities, skilled nursing homes and intermediate care facilities which are facing loss of certification under Medicare and Medicaid because of the increasingly stringent Medicare requirements.

"Whereas, the requirements imposed upon hospitals, extended care facilities, skilled nursing homes and intermediate care facilities by Medicare and Medicaid for certification are becoming increasingly strict and costly; and

"Whereas, faced with these rigid requirements many of Montana's small, rural facilities are in danger of losing their Medicare and Medicaid certification; and

"Whereas, the loss of certification for Medicare and Medicaid funds by these hospitals may possibly result in the closure of these hospitals; and

"Whereas, the closure of any such facility in the State of Montana will seriously affect the people of Montana and will be extremely detrimental to the health and welfare, especially, of the elderly and the needy in those areas serviced by such facilities;

"Now, therefore, be it resolved by the Senate and the House of Representatives of the State of Montana:

"That the President of the United States, the Department of Health, Education and Welfare, and the Congress of the United States seriously study the effect of the requirements imposed on the small, rural hospitals, extended care facilities, skilled nursing homes and intermediate care facilities for them to receive certification under the Medicare and Medicaid provisions, and to seriously consider the rights of the beneficiaries of the Medicare programs to receive their health care and do all things possible to cooperate with those servicing and serviced by small, rural facilities to relieve them of burdensome requirements which threaten the continued existence of such facilities thereby depriving the sick, needy and elderly of treatment in a local environment by their family physician in their own community.

"Be it further resolved, that the Secretary of State is instructed to send copies of this resolution to the Honorable Richard M. Nixon, the Honorable Elliot L. Richardson, the Honorable Mike Mansfield, the Honorable Lee Metcalf, the Honorable Richard Shoup, and Honorable John Melcher, the Honorable Speaker of the House of Representatives of the United States, and the Honorable President of the Senate of the United States."

A resolution of the Legislature of the State of Montana; to the Committee on Interior and Insular Affairs:

"SENATE JOINT RESOLUTION No. 6

"A resolution of the House of Representatives of the State of Montana, to the United States Congress, in support of the proposed plan of the United States Bureau of Reclamation for dust abatement on the Canyon Ferry Unit, Helena-Great Falls Division, Pick-Sloan Missouri Basin program of the Missouri River Basin project, Montana

"Whereas, the Canyon Ferry Unit, Helena-Great Falls Division, Pick-Sloan Missouri Basin Program, Montana, was constructed at considerable expense to the United States in 1954, and

"Whereas, in the normal practice of raising and lowering the water level in Canyon Ferry Reservoir for the purpose of flood control and hydro-electric power production some nine thousand (9,000) acres of beaches at the south end of the reservoir become exposed and subject to wind erosion, and

"Whereas, the Bureau of Reclamation, in conjunction with the Montana Fish and Game Commission, has developed a plan to protect the most frequently exposed areas by a series of dikes, dredging of silt, and flooding, resulting in impoundments being created and developed for wildlife enhancement, and

"Whereas, the proposed plan would:

"(a) provide complete dust abatement for forty-six hundred (4,600) acres of beaches lying between elevation 3797 and 3780, which constitutes the limit of the most frequently exposed areas;

"(b) maximize wildlife and recreation enhancement with a planned water supply and control facilities;

"(c) greatly enhance the ecology, environment, and physical appearance of the area by providing wildlife nesting and breeding grounds;

"(d) assist in controlling the air pollution of the area; and

"(e) would serve as an excellent demonstration project for other areas experiencing similar dust problems.

"Now, therefore, be it resolved by the House of Representatives of the State of Montana:

"That the House of Representatives of the state of Montana urge the United States Congress to appropriate funds to carry out the plan of dust abatement proposed by the Bureau of Reclamation for Canyon Ferry Reservoir.

"Be it further resolved, that the House of Representatives of the state of Montana urge the Montana congressional delegation to support any federal legislation proposed to accomplish this purpose.

"Be it further resolved, that the Chief Clerk of the House of Representatives is instructed to send copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, The Honorable Mike Mansfield and The Honorable Lee Metcalf, Senators from the state of Montana, and The Honorable John Melcher and The Honorable Richard Shoup, Congressmen from the state of Montana."

A joint resolution of the Legislature of the State of Nevada; to the Committee on Post Office and Civil Service:

"ASSEMBLY JOINT RESOLUTION No. 14—MESSRS. SWALLOW, PRINCE AND HAFEN, FILE NUMBER 66

"Assembly joint resolution—Memorializing the Congress of the United States to increase rates for certain third class mail.

"Whereas, The Congress of the United States has declared that the post office is to be a public service to be used in the promotion of social, cultural, intellectual and commercial intercourse among the people of the United States; and

"Whereas, Third class mail includes circulars being sent in identical terms to several persons and is afforded a lesser rate; and

"Whereas, Seldom do such circulars operate as a service to the public and more often do they work to the public's aggravation, distress and exasperation; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, jointly, That the Congress of the United States direct the Postmaster General to increase the postal rates to an amount which will fully cover costs of delivery for circulars presently enjoying third class postal rates; and be it further

Resolved, That a copy of this resolution be prepared and transmitted forthwith by the legislative counsel to the President of Senate, the Speaker of the House of Representatives of the United States, to the Postmaster General and to all members of the Nevada congressional delegation."

A resolution adopted by the Legislature of the Territory of Guam; to the Committee on Armed Services:

"RESOLUTION No. 158

"Relative to expressing to the Government of the United States of America the position of the people of Guam on the proposed acquisition of Sella Bay and its environs for an ammunition wharf.

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, one of the more vital issues affecting the people of Guam is the proposed acquisition by the Federal Government of Sella Bay and the area surrounding it for use by the Navy as an ammunition wharf, the land in question being an unspoiled and unexploited part of Guam bordering on the Pacific Ocean that is not only beautiful and of great recreational potential but also a unique example in the American commonwealth of a Pacific reef environment that should be studied and preserved for future generations; and

"Whereas, the Legislature is advised that the proposed acquisition will include 4,400 acres, almost 3% of the whole land area of Guam, and yet the Legislature is further advised that of those 4,400 acres only 10 acres are actually needed for the dock site, the remaining land only being allegedly necessary because of the potential damage which would be caused by a Port Chicago type of explosion at the wharf, the Navy promising that the remaining land will be open to the public and that the historic artifacts and the unique coral ecology will supposedly be preserved, and while no one wishes to question the good faith of the members of the local Navy command who are currently making these assurances, it is ineluctable that once the United States acquires the fee title to the 4,400 acres no resident of Guam nor agency of the territorial government will be in a position to enforce these commitments if the Department of Defense later decides that these 4,400 acres should be put to other and more restrictive military uses; and

"Whereas, there are a number of facts that have recently come to light that seriously disturb the Legislature respecting this proposed acquisition and which demand explanation before the people of Guam acquiesce to this loss of a vital natural resource, such facts including the following:

"(1) That if nearby Facpi Point were to be utilized for the wharf rather than Sella Bay, the blast area requiring a limitation on buildings would have a radius of only 1,400 feet because of the height and location of the point, the alleged reason for using Sella Bay, instead, with its two mile blast radius requirement, being that Facpi Point would require a more expensive installation and longer roads, leading the Legislature to question the good faith of the Navy which would thereby seem to place construction costs above any other consideration in connection with this acquisition;

"(2) That the Navy has caused a study to be made of the environmental impact of the proposed project, but in spite of Federal policy to the contrary, the local community's opinion was neither sought nor obtained in connection with such study:

"(3) That an agency of the Federal Government has studied U.S. landholdings in the territory and has determined that the Department of Defense is holding on to land in Guam greatly in excess of its actual needs, this finding being borne out by the readiness with which the Navy indicates it will give up certain other land in exchange for Sella Bay, the conclusion being inescapable that if it can give up this land on an exchange basis, there is nothing to prevent it from releasing the excess land forthwith, whether Sella Bay be acquired or not, it being the understanding of the people of Guam that the Defense Department is not a land speculator but only holds on to land it actually requires for its vital defense mission; and

"Whereas, the Legislature has in the past adopted a series of resolutions asking reconsideration by the Department of Defense on this proposed taking and otherwise presenting the opposition of the people of Guam thereto, but no response has ever been afforded to these anguished pleas, which leaves this body to conclude that much stronger action must be taken in asserting the rights of the people of Guam; now therefore be it

"Resolved, that the Eleventh Guam Legislature does hereby on behalf of the people of Guam express its official position respecting the proposed acquisition of 4,400 acres of land in the Sella Bay area for use as an ammunition wharf, this position to be manifested not only by the adoption of this resolution but also by all legislation necessary to carry out its mandate, the position including the following:

"(1) That the Federal Government, already owning over one-third of the whole island of Guam, has no need for an additional 4,400 acres, or another 3% of Guam's very limited land mass, and that the largest fee simple acquisition for a new wharf that the Legislature will reluctantly acquiesce to is that of the 700 foot by 700 foot area needed for a fenced-in pier;

"(2) That respecting the requirements for a prohibition on construction within the blast radius area, this should be handled by way of an easement to the Federal Government so long as the wharf is used for ammunition unloading purposes, the underlying fee simple title to the land in the blast area to remain with the people of Guam;

"(3) That additionally, the government of Guam insists on release to it by the Defense Department of excess Federal land in Guam at least equal in area to that covered by the blast radius and the wharf area;

"(4) That any use of the blast area for park purposes be negotiated between the government of Guam and the United States Park Service and not be left up to the vagaries of military contingencies;

"(5) That not even the foregoing be permitted until the Federal Government has published the results of its study on the excess lands held by the military in Guam, if such study has in fact been made, and if no such study has been made, that the Federal Government undertake the same forthwith and publish the results to the public, and that the Environmental Impact Study made by the Navy respecting the proposed acquisition also be forthwith released to the public; and be it further

"Resolved, that the Eleventh Guam Legislature does hereby go on record in firm support of the Nixon Doctrine first enunciated in Guam by our President in June of 1969, which doctrine clearly and unequivocably spells out the commitment by the United States of America to change its defense posture in the Pacific from one of actively and aggressively defending this area from communism to one of assisting the people of Asia to defend themselves, the whole profile of America in the Pacific being lowered, and the age of military confrontation between America and its communist enemies in Asia being brought to a close, the Legislature respectively pointing out that its opposition to the Sella Bay acquisition is in furtherance and in support of the Nixon Doctrine, the people of Guam wondering how the defenders of this doctrine can ever hope to defend the acquisition of another 3% of Guam over the unanimous opposition of its people for an ammunition wharf as being an example of America's new military low profile in Asia; and be it further

"Resolved, that, congruent to the Nixon Doctrine, the Eleventh Guam Legislature does hereby on behalf of the people of Guam express the fervent desire of all the inhabitants of this territory for a new image for Guam—an image not of a large military base, armed to the teeth, and aggressively poised to bomb Vietnam or threaten Red China, but of a peaceful South Pacific tourist site, with friendly people, open beaches, and the general aura of romance and relaxation that make Hawaii and Tahiti so popular, although in both instances the military plays a major role in their respective economies, the people of Guam aspiring to an economy where the military, although important, are not absolutely dominant and where the major economic activity for the people is not in servicing military installations but by having in operation a private, commercial and tourist economy; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, to the Secretary of the Interior, to the Secretary of Defense, to the Secretary of the Navy, to the Attorney General of the United States, to the Chairmen of the Interior and Insular Affairs Committees, Senate and House, to Guam's Washington Representative, and to the Governor of Guam.

Duly and regularly adopted this 24th day of February, 1971.

F. T. Ramirez,
Speaker.
G. M. Bamba,
Legislative Secretary.

A resolution of the House of Representatives of Puerto Rico; to the Committee on Armed Services:

"Resolution

"To favorably recommend to the Congress of the United States of America the elimination of the compulsory military service and to express the endorsement of the House of Representatives of Puerto Rico to the concept of a voluntary army for the defense of the Nation

"Statement of Motives

"Whereas: For many years there has been debated in the entire nation the convenience of eliminating the cumpulsory military service and to create and army exclusively composed of voluntary soldiers;

"Whereas: We Puerto Ricans are under the obligation of contributing with our opinion toward vital matters affecting the common defense and the safety of Puerto Rico and the United States of America, considering that we are profoundly committed with the efforts of our Nation to defend the democratic system;

"Whereas: Puerto Rico, in compliance with the patriotic duty of defending the postulates of freedom of our Nation, has complied with every requirement made by the Nation to serve in the army of the United States of America, mainly, in times of crisis, when our men have shown a high degree of patriotism by volunteering to defend world peace;

"Whereas: The glorious history of our soldiers at the service of the Nation gives us the right to express the feeling of our youth by permitting them to voluntarily choose their career, profession and way of living, without being interrupted by involuntary elements such as the compulsory military service;

"Whereas: At present the Congress of the United States of America has under its consideration various bills which favor the elimination of the compulsory military service and the creation of a voluntary army, as recommended by a Committee to study this problem, appointed by the President, Hon. Richard M. Nixon;

"Whereas: The House of Representatives of Puerto Rico, in response to the outcry of the Puerto Rican youth, concurs with the view of the elimination of the compulsory military service and the creation of a voluntary army for the defense of the Nation:

"Therefore, be it resolved by the House of Representatives of Puerto Rico:

"Section 1.—To favorably recommend to the Congress of the United States of America the elimination of the compulsory military service, and to express the endorsement of the House of Representatives of Puerto Rico to the concept of a voluntary army for the defense of the Nation.

"Section 2.—To send a copy of this Resolution, properly translated into the English language, to the President of the United States, Hon. Richard M. Nixon, and to the Congress of the United States of America, as well as to the Resident Commissioner of Puerto Rico in Washington, and to the Press, Radio and Television of Puerto Rico and of the Nation."

A resolution adopted by the Common Council of the City of Buffalo, New York, relating to rehabilitation grants; to the Committee on Banking, Housing and Urban Affairs.

A resolution adopted by the City Council of the City of San Diego concerning the seizure by foreign naval forces of American-flag tuna clippers based in California ports; to the Committee on Commerce.

A resolution adopted by the Western New York Police Association, Inc., relating to changes in the design of the American Flag; to the Committee on the Judiciary.

A resolution adopted by the Legislature of Rockland County, New York, praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

A resolution adopted by the Council of the City of New York, New York, calling upon Congress to pass the "Safe Schools Act"; to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Appropriations without amendment:

H.J. Res. 465. Joint resolution making a supplemental appropriation for the fiscal year 1971 for the Department of Labor, and for other purposes (Rept. No. 92-36).

By Mr. PROXMIRE (for Mr. Sparkman), from the Committee on Banking, Housing and Urban Affairs, without amendment:

S. 1181. A bill to remove certain limitations on the granting of a relief to owners of lost or stolen bearer securities of the United States, and for other purposes (Rept. No. 92-37).

REPORT ENTITLED "ACTIVITIES OF THE COMMITTEE ON GOVERNMENT OPERATIONS"—REPORT OF A COMMITTEE—(S. REPT. NO. 92-35)

Mr. McCLELLAN submitted a report entitled "Activities of the Committee on Government Operations," which was ordered to be printed.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BOGGS (for himself, Mr. Cooper, Mr. Allott, Mr. Beall, Mr. Baker, Mr. Bayh, Mr. Bennett, Mr. Buckley, Mr. Dole, Mr. Dominick, Mr. Fannin, Mr. Goldwater, Mr. Gurney, Mr. Hart, Mr. Hatfield, Mr. Hruska, Mr. Javits, Mr. Jordan of Idaho, Mr. Mathias, Mr. Muskie, Mr. Packwood, Mr. Pastore, Mr. Pearson, Mr. Percy, Mr. Prouty, Mr. Randolph, Mr. Roth, Mr. Saxbe, Mr. Schweiker, Mr. Scott, Mr. Spong, Mr. Taft, Mr. Tower, and Mr. Weicker):

S. 1238. A bill to regulate the dumping of material in the oceans, coastal, and other waters and for other purposes. Referred to the Committees on Commerce and Public Works, by unanimous consent.

By Mr. PERCY:

S. 1239. A bill for the relief of Ofelia Santos. Referred to the Committee on the Judiciary.

By Mr. CHURCH (for himself, Mr. JORDAN of Idaho, Mr. MANSFIELD, Mr. METCALF, and Mr. MOSS):

S. 1240. A bill relating to prospecting and exploring for minerals on public lands of the United States by means of bulldozers or other mechanical earth-moving equipment. Referred to the Committee on Interior and Insular Affairs.

By Mr. CRANSTON (for himself, Mr. JACKSON, Mr. MAGNUSON, and Mr. TUNNEY):

S. 1241. A bill to amend section 2(3), section 8c(2), section 8c(6)(I), and section 8c(7)(C) of the Agricultural Marketing Agreement Act of 1937, as amended. Referred to the Committee on Agriculture and Forestry.

By Mr. TUNNEY (for himself and Mr. CRANSTON):

S. 1242. A bill to amend the Fishermen's Protective Act of 1967, to provide for reimbursement for certain expenses incurred as the result of the unlawful attempted seizure or seizure of U.S. fishing vessels. Referred to the Committee on Commerce.

By Mr. PROUTY (for himself, Mr. DOMINICK, Mr. GRIFFIN, and Mr. JORDAN of Idaho):

S. 1243. A bill to provide Federal revenues to State and local governments and afford them broad discretion in furnishing training and employment opportunities needed by individuals to qualify for satisfying and self-supporting employment. Referred to the Committee on Labor and Public Welfare.

By Mr. METCALF:

S. 1244. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. MOSS (for himself, Mr. BIBLE, Mr. CHURCH, Mr. CRANSTON, Mr. FONG, Mr. FULBRIGHT, Mr. GOLDWATER, Mr. HARRIS, Mr. HARTKE, Mr. HATFIELD, Mr. JACKSON, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. KENNEDY, Mr. MCCLELLAN, Mr. MCGEE, Mr. METCALF, Mr. MONDALE, Mr. MUSKIE, Mr. PELL, Mr. PERCY, and Mr. THURMOND):

S. 1245. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data. Referred to the Committee on Interior and Insular Affairs.

By Mr. THURMOND:

S. 1246. A bill for the relief of Prakong Chotsiri. Referred to the Committee on the Judiciary.

By Mr. MILLER:

S. 1247. A bill for the relief of Enzo Rellini. Referred to the Committee on the Judiciary.

By Mr. ANDERSON (for himself and Mr. AIKEN):

S. 1248. A bill to require the Secretary of Health, Education, and Welfare to keep certain records and make certain reports to Congress concerning amounts received by providers of medical and health care items and services to individuals entitled thereto under title XVIII of the Social Security Act or under any program or project under or established pursuant to titles V, XI, or XIX of such act. Referred to the Committee on Finance.

By Mr. PROXMIRE:

S. 1249. A bill to amend the Department of Transportation Act to provide for a more adequate transportation investment analysis. Referred to the Committee on Commerce.

By Mr. GURNEY:

S. 1250. A bill to amend title II of the Social Security Act to increase the amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; and to amend title II of the Social Security Act to provide a minimum monthly benefit of $100. Referred to the Committee on Finance.

By Mr. HANSEN:

S. 1251. A bill to provide that quotas on certain meat and meat products provided for by section 2 of the act of August 22, 1964, shall come into effect when the estimate of imports by the Secretary of Agriculture equals or exceeds the level prescribed by such section. Referred to the Committee on Finance.

By Mr. McCLELLAN (by request):

S. 1252. A bill to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967. Referred to the Committee on the Judiciary.

S. 1253. A bill to amend section 6 of title 35, United States Code, "Patents", to authorize domestic and international studies and programs relating to patents and trademarks. Referred to the Committee on the Judiciary.

By Mr. McCLELLAN:

S. 1254. A bill to amend title 35, United States Code, "Patents", and for other purposes. Referred to the Committee on the Judiciary.

S. 1255. A bill to fix the fees payable to the Patent Office, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 1256. A bill to facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel. Referred to the Committee on Commerce.

S. 1257. A bill to authorize an appropriation for fiscal year 1972 to carry out the metric system study. Referred to the Committee on Commerce.

S. 1258. A bill to provide for the reporting of weather modification activities to the Federal Government. Referred to the Committee on Commerce.

By Mr. MAGNUSON:

S. 1259. A bill to amend the Federal Water Pollution Control Act in order to authorize the Secretary of the Interior to incur obligations for construction grants under section 8 of such act, and for other purposes. Referred to the Committee on Public Works.

By Mr. McINTYRE (for himself, Mr. SPARKMAN, and Mr. TOWER):

S. 1260. A bill to amend the Small Business Act. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. KENNEDY:

S. 1261. A bill to authorize the National Science Foundation to undertake a loan guarantee and interest assistance program to aid unemployed scientists and engineers in the conversion from defense-related to civilian, socially oriented research, development, and engineering activities. Referred to the Committee on Labor and Public Welfare.

By Mr. HARTKE:

S. 1262. A bill to restore the investment credit and to increase the amount of such credit to 10 percent of the qualified investment. Referred to the Committee on Finance.

By Mr. HRUSKA:

S. 1263. A bill for the relief of Alice Gruenwald. Referred to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 1264. A bill for the relief of Enriqueta M. Par. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 1265. A bill to amend the Social Security Act to provide automatic adjustments in benefits;

S. 1266. A bill to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title;

S. 1267. A bill to amend the Social Security Act to provide an increase in the minimum benefit; and

S. 1268. A bill to amend title II of the Social Security Act to permit the computation of benefits thereunder on the basis of the worker's 10 years of highest earnings. Referred to the Committee on Finance.

By Mr. MAGNUSON:

S. 1269. A bill for the relief of Miriam Lazarowitz;

S. 1270. A bill for the relief of Daisy M. Tharp; and

S. 1271. A bill for the relief of Wong Wah Sin. Referred to the Committee on the Judiciary.

S. 1272. A bill designating certain election days as legal public holidays. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 1273. A bill to amend Public Law 89–701, as amended, to extend until June 30, 1973, the expiration date of the Act and the authorization of appropriations therefor, and for other purposes. Referred to the Committee on Commerce.

S. 1274. A bill to revise and improve the laws relating to the documentation of vessels. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself, Mr. HATFIELD, and Mr. PACKWOOD) (by request):

S. 1275. A bill to amend the maritime lien provisions of the Ship Mortgage Act of 1920. Referred to the Committee on Commerce.

By Mr. BUCKLEY (for himself and Mr. JAVITS):

S. 1276. A bill to fix the date of citizenship of Alfred Lorman for purposes of the War Claims Act of 1948. Referred to the Committee on the Judiciary.

By Mr. NELSON:

S. 1277. A bill to support the price of manufacturing milk at not less than 85 per centum of parity for the marketing year 1971–72. Referred to the Committee on Agriculture and Forestry.

S. 1278. A bill to provide for the free entry of a four octave carillon for the use of Marquette University, Milwaukee, Wis. Referred to the Committee on Finance.

By Mr. FONG:

S. 1279. A bill to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; and

S. 1280. A bill to amend title II of the Social Security Act to provide that the widow's or widower's insurance benefit of an individual, who first becomes entitled to such benefit after attainment of age 65, will be equal to 100 percent of the primary insurance amount of the deceased spouse of such individual. Referred to the Committee on Finance.

By Mr. ERVIN:

S. 1281. A bill to incorporate the National Federation of Music Clubs. Referred to the Committee on the Judiciary.

By Mr. RIBICOFF (for himself, Mr. BROOKE, and Mr. CRANSTON):

S. 1282. A bill entitled "Government Facilities Location Act of 1971." Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. RIBICOFF:

S. 1283. A bill entitled "Urban Education Improvement Act of 1971." Referred to the Committee on Labor and Public Welfare.

By Mr. ANDERSON (by request):

S.J. Res. 72. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOGGS (for himself, Mr. Cooper, Mr. Allott, Mr. Beall, Mr. Baker, Mr. Bayh, Mr. Bennett, Mr. Buckley, Mr. Dole, Mr. Dominick, Mr. Fannin, Mr. Goldwater, Mr. Gurney, Mr. Hart, Mr. Hatfield, Mr. Hruska, Mr. Javits, Mr. Jordan of Idaho, Mr. Mathias, Mr. Muskie, Mr. Packwood, Mr. Pastore, Mr. Pearson, Mr. Percy, Prouty, Mr. Randolph, Mr. Roth, Mr. Saxbe, Mr. Schweiker, Mr. Scott, Mr. Spong, Mr. Taft, Mr. Tower, and Mr. Weicker):

S. 1238. A bill to regulate the dumping of material in the oceans, coastal, and other waters and for other purposes. Referred to the Committees on Commerce and Public Works, by unanimous consent.

Mr. BOGGS. Mr. President, I am greatly honored to introduce today the Marine Protection Act of 1971 on behalf of the administration. Our distinguished colleague, the senior Senator from Kentucky (Mr. Cooper), had intended to introduce this legislation, but he is necessarily absent. He asked me to introduce it today in order to bring it to the attention of the Senate as soon as possible.

Mr. President, I ask unanimous consent that the remarks Senator Cooper had intended to make be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Cooper

Mr. President, in the Committee on Public Works, particularly in its Subcommittee on Air and Water Pollution, we have learned that the control of water pollution and air pollution is inextricably related to the generation and disposal of solid waste. Pollutants removed from water effluents become solid waste. Similarly, pollutants removed from air emissions become solid waste. With the increasing stringency of air and water pollution controls, therefore, we are generating increasing volumes of solid waste. This fact, coupled with the phase out of land fill and other obsolete methods of waste disposal, is causing a search for new areas to dispose of waste. Naturally, the oceans represent a likely repository.

However, many scientific experts have decried the current degradation of our oceans that is resulting from unregulated dumping and they urge that controls be adopted.

In the 91st Congress the Committee held hearings on the effects of ocean dumping, particularly that associated with northeastern metropolitan concentrations, and it is clear that comprehensive and strict controls over ocean dumping must be provided as part of the overall control of environmental pollution. The present regulatory law is simply not sufficient to provide affirmative control over the discharge of waste into the oceans. Not only is the proper Federal agency—the Environmental Protection Agency—without necessary authority, the present authority of the Corps of Engineers to issue permits for the discharge of waste into the oceans beyond three miles is, in the words of General Koisch, Director of the Civil Works office of the Corps, "somewhat tenuous." This situation must be remedied and the President's bill would provide the necessary regulatory framework by providing that before any waste matter generated in the U.S. could be deposited into the oceans in any manner, a permit would first have to be applied for, and received from the Environmental Protection Agency.

Perhaps the most definitive summary on the problems associated with the growing volume of waste discharged into the oceans and which the President's bill would implement, is the report of the Council on Environmental Quality, October 1970, entitled "Ocean Dumping." I commend this report to the Senate and I am sure it will play an important role in the development of legislation authorizing the control of the discharge of solid waste into the oceans.

The problem of solid waste disposal is critical. You will recall that the Committee on Public Works was responsible for the enactment of the Resources Recovery Act of 1970 which authorized a program to reverse the thrust of America's management of waste from a policy of mere disposal to one of the recovery of maximum material and energy. In last year's hearings on ocean dumping Dr. Bostwick Ketchum, Associate Director of the Woods Hole Oceanographic Institute, testified to the relationship of environmental pollution, particularly ocean dumping, and recovery of materials and energy in waste as follows:

"The ultimate solution to most pollution problems is the recycling and reuse of as much of the waste materials as is humanly possible. Our present philosophy is to recycle and reuse materials only when it is economically profitable. The basic fallacy of this appoach is that only immediate costs are considered. It is becoming obvious that restoring a damaged environment to a quality environment is more costly than it would have been to maintain the quality of the environment in the first place."

Combined with the full implementation of the Resources Recovery Act program the regulation of ocean dumping as proposed in the Administration's bill will enable the application of environmentally sound solutions to the growing accumulation of solid waste. In this manner we will provide the necessary systems to enable us to protect the quality of the oceans as well as the fresh waters of the United States.

Mr. BOGGS. This legislation seeks to create an effective system protecting that portion of our environment that currently has the least protection. This legislation, if enacted, would establish a permit system to prevent or seriously limit the use of the oceans off the United States as sewers.

Recent estimates state that 48,000,000 tons of waste annually are now barged from the United States and dumped at sea. And the figure is rising dramatically.

William D. Ruckelshaus, Administrator of the Environmental Protection Agency, discussed ocean dumping in testimony yesterday before our Subcommittee on Air and Water Pollution. Administrator Ruckelshaus told our subcommittee:

> Because the capacity of land-based waste disposal sites is becoming exhausted in some coastal cities, communities increasingly are looking to the ocean as a dumping ground for their wastes. Faced with higher water quality standards, industries may also look to the ocean for disposal. The result, without controls, could be a massive increase in the already growing level of ocean dumping. If this occurs, environmental deterioration will become widespread.

Five major ocean dumping sites exist off the New Jersey-Delaware-Maryland-Virginia coastal area. No evidence has yet been found that disposal of these pollutants has reached the shore. But the threat cannot be dismissed. These pollutants conceivably could someday force the closing of some of the most popular beaches along the Atlantic coast.

But there already has been damage to the local area. Dumping of sewage sludge has destroyed dozens of square miles of shellfish beds a few miles from the cities of Rehoboth Beach, Del., and Cape May, N.J. This has hampered the livelihood of area fishermen. The bill I am introducing today would go a long way toward preventing the further degradation of our oceans by such dumping practices.

Personally, I have no preconceived ideas on what is the best method to control this form of pollution. I am convinced that the year 1971 must mark the creation of some control system to regulate disposal practices at sea.

Many questions come to mind in any evaluation of ocean dumping legislation. A very basic one is whether or not ocean dumping of any nature should be allowed to continue off the United States. Certainly, it would appear to me that the Federal Government must have the authority to prohibit disposal at sea of certain toxic materials such as arsenic. This bill would grant that authority.

A second question is the location of any such dumping, if dumping is to be permitted. Many experts, for example, have suggested that ocean dumping must be limited to areas beyond the Continental Shelf. A related topic is the question of criteria to be used in selection of potential dumping sites, if permitted.

Too little knowledge now exists concerning the ecological effect produced when poisons and other wastes are dumped into the oceans. Do these wastes adversely affect the chain of life in the marine environment?

Further investigations may conclude with the finding that dumping will be continued on a limited basis. If this is so, I would hope that the Congress and the Environmental Protection Agency could consider various methods to encourage a voluntary end to whatever ocean dumping is permitted to continue. This might be accomplished through creation of a permit-fee system. The municipalities or industries seeking an ocean dumping permit from the Environmental Protection Agency, as called for under this bill, might be required to pay a pollution fee, possibly based on the weight, volume, or toxicity of the materials dumped at sea.

Such a fee system would place an economic burden on ocean dumping equal to its environmental burden.

These and many other points will be discussed at length in hearings on this bill that will be held March 26 in Rehoboth Beach, Del. I believe those hearings will prove most fruitful.

In closing, Mr. President, may I commend the administration on the preparation of this legislation, and their strong support for it. This bill represents an important and necessary aspect of our national commitment to a better environment.

Mr. President, I ask unanimous consent that the text of the Marine Protection Act, as well as a section-by-section analysis of the bill be printed at this point in the RECORD. In addition, I ask unanimous consent that Mr. Ruckelshaus' statement yesterday also be printed in the RECORD.

There being no objection, the bill, analysis, and statement were ordered to be printed in the RECORD, as follows:

S. 1238

A bill to regulate the dumping of material in the oceans, coastal, and other waters and for other purposes

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That, this Act may be cited as the "Marine Protection Act of 1971."

FINDING, POLICY, AND PURPOSE

SEC. 2. (a) Unregulated dumping of material into the oceans, coastal, and other waters endangers human health, welfare, and amenities, and the marine environment, ecological systems, and economic potentialities.

(b) Congress declares that it is the policy of the United States to regulate the dumping of all types of material in the oceans, coastal, and other waters and to prevent or vigorously limit the dumping into the oceans, coastal, and other waters of any material which could adversely affect human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities. To this end, it is the purpose of this Act to regulate the transportation of material from the United States for dumping into the oceans, coastal, and other waters, and the dumping of material by any person from any source if the dumping occurs in waters over which the United States has jurisdiction.

DEFINITIONS

SEC. 3. For the purposes of this Act the term—

(a) "Administrator" means the Administrator of the Environmental Protection Agency.

(b) "Oceans, coastal, and other waters" means oceans, gulfs, bays, salt-water lagoons, salt-water harbors, other coastal waters where the tide ebbs and flows, and the Great Lakes.

(c) "Material" means matter of any kind or description, including, but not limited to, dredge spoil, solid waste, garbage, sewage sludge, munitions, chemical, biological, and radiological warfare agents, radioactive materials, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial waste, *provided,* that it does not mean oil within the meaning of section 11 of the Federal Water Pollution Control Act or sewage from vessels within the meaning of Section 13 of said Act.

(d) "United States" includes the several States, the District of Columbia, the Commonwealth of Pureto Rico, the Canal Zone, the territories and possessions of the United States and the Trust Territory of the Pacfic Islands.

(e) "Person" means any private person or entity, any employee, agent, department, agency, or instrumentality of any State or local unit of government, or foreign government, and, except as to the provisions of section 6, any employee, agent, department, agency, or instrumentality of the Federal Government.

(f) "Dumping" means a disposition of material, *provided,* that it does not mean a disposition of any effluent from any outfall structure, or a routine discharge of effluent incidental to the propulsion of vessels, and *provided further,* that it does not mean the intentional placement of any device in the oceans, coastal, or other waters or on the submerged land beneath such waters, for the purpose of using such device there to produce an effect attributable to other than its mere physical presence.

(g) "District Court of the United States" includes the District Court of Guam, the District Court of the Virgin Islands, the District Court of the Canal Zone, and in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii, which court shall have jurisdiction over actions arising therein.

PROHIBITED ACTS

SEC. 4. Except as such transportation or dumping or both may be authorized in a permit issued by the Administrator,

(a) No person shall transport material from the United States for the purpose of dumping it into the oceans, coastal, and other waters, and

(b) No person shall dump material (1) in that part of the oceans, coastal, and other waters which is within the territorial jurisdiction of the United States, or, (2) in a zone contiguous to the territorial sea of the United States, extending to a line 12 nautical miles seaward from the base line of the territorial sea as provided in Article 24 of the Convention on the Territorial Sea and the Contiguous Zone, to the extent that it may affect the territorial sea or the territory of the United States.

PERMITS

SEC. 5. (a) The Administrator may issue permits to transport material for dumping into the oceans, coastal, and other waters, or to dump material into the waters described in subsection 4(b), or both, where the applicant presents information respecting the proposed activity which in the judgment of the Administrator indicates that such transportation, or dumping, or both will not unreasonably degrade or unreasonably endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities. The Administrator shall establish and apply criteria for reviewing and evaluating such permit applications, and, in establishing or revising such criteria, shall consider, but not be limited in his consideration to, the following:

(1) the likely impact of the proposed dumping on human health, welfare, and amenities, and on the marine environment, ecological systems, and economic potentialities, including an assessment of—

(A) the possible persistence or permanence of the effects of the proposed dumping,

(B) the volume and concentration of materials involved, and

(C) the location proposed for the dumping.

(2) alternative locations and methods of disposal, including land-based alternatives; the probable impact of requiring the use of such locations or methods of disposal on considerations affecting the public interest; and the probable impact of issuing or denying permits on considerations affecting the public interest.

In establishing or revising such criteria, the Administrator shall consult with the Secretaries of Commerce, Interior, State, Defense, Agriculture, Health, Education, and Welfare, and Transportation, the Atomic Energy Commission, and other appropriate Federal, State, and local officials. With respect to such criteria as may affect the civil works program of the Department of the Army, the Administrator shall also consult with the Secretary of the Army. In reviewing applications for permits, the Administrator shall make such provision for consultation with interested Federal and State agencies as he deems useful or necessary. No permit shall be issued for a dumping of material which will violate applicable water quality standards.

(b)(1) The Administrator may establish and issue various categories of permits, including the general permits described in subsection (e).

(2) The Administrator may require an applicant for a permit under subsection (a) to provide such information as the Administrator may consider necessary to review and evaluate such an application.

(c) Permits issued under subsection (a) may designate and include (1) the type of material authorized to be transported for dumping or to be dumped; (2) the amount of material authorized to be transported for dumping or to be dumped; (3) the location where such transport for dumping will be terminated or where such dumping will occur; (4) the length of time for which the permits are valid and their expiration date; and (5) such other matters as the Administrator deems appropriate.

(d) The Administrator may prescribe such processing fees for permits and such reporting requirements for actions taken pursuant to permits issued under subsection (a) as he deems appropriate.

(e) Notwithstanding any other provision of this Act, the Administrator may issue general permits for the transportation for dumping, or dumping, or both, of classes of materials which he determines will have a minimal impact, considering the factors stated in subsection (a).

(f) The Administrator may limit or deny the issuance of permits, or may alter or revoke partially or entirely the terms of permits issued by him under this Act, for the transportation for dumping, or the dumping, or both, of specified material, where he finds that such material cannot be dumped consistently with the criteria established pursuant to subsection (a). No action shall be taken under this subsection unless the affected person or permittee shall have been given notice and opportunity for hearing on such action as proposed.

(g) The Administrator may, considering the criteria established pursuant to subsection (a), designate recommended sites for the dumping of specified materials.

(h) Nothing in this Act shall prohibit any transportation for dumping or dumping of material where such transportation or dumping is necessary, in an emergency, to safeguard human life. Such transportation on dumping shall be reported to the Administrator within such times and under such conditions as he may prescribe by regulation.

PENALTIES

SEC. 6. (a) A person who violates section 4 of this Act, or regulations promulgated under this Act, or a permit issued under this Act by the Administrator shall be liable to a civil penalty of not more than $50,000 for each violation to be assessed by the Administrator. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such violation. Any such civil penalty may be compromised by the Administrator. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation and the demonstrated good faith of the person charged in attempting to achieve rapid compliance after notification of a violation shall be considered by said Administrator. Upon failure of the offending party to pay the penalty, the Administrator may request the Attorney General to commence an action in the appropriate district court of the United States for such relief as may be appropriate.

(b) In addition to any action which may be brought under subsection (a), a person who knowingly and willfully violates section 4 of this Act, regulations promulgated under this Act, or a permit issued under this Act by the Administrator shall be fined not more than $50,000 or imprisoned for not more than one year, or both.

(c) For the purpose of imposing civil penalties and criminal fines under this section, each day of a continuing violation shall constitute a separate offense.

(d) The Attorney General or his delegate may bring actions for equitable relief to redress a violation by any person of this Act, regulations promulgated under this Act, and permits issued under this Act by the Administrator, and the district courts of the United States shall have jurisdiction to grant such relief as the equities of the case may require.

(e) A vessel, except a public vessel within the meaning of subsection 13(a)(3) of the Federal Water Pollution Control Act or other public property of a similar nature, used in a violation shall be liable in rem for any civil penalty assessed or criminal fine imposed and may be proceeded against in any district court of the United States having jurisdiction thereof, *provided*, that no vessel shall be liable unless it shall appear that the owner was at the time of the violation a consenting party or privy to such violation.

(f) If the provisions of any permit issued under subsection (a) of section 5 are violated, the Administrator may revoke the permit or may suspend the permit for a specified period of time. No permit shall be revoked or suspended unless the permittee shall have been given notice and opportunity for a hearing on such violation and proposed suspension or revocation.

RELATIONSHIP TO OTHER LAWS

SEC. 7. (a) After the effective date of this Act, all licenses, permits, or authorizations which have been issued by any officer or employee of the United States under authority of any other provision of law shall be terminated and of no effect to the extent they authorize any activity regulated by this Act. Thereafter, except as hereafter provided, no license, permit, or authority shall be issued by any officer or employee of the United States other than the Administrator which would authorize any activity regulated by this Act or the regulations issued hereunder.

(b) Nothing in this Act shall abrogate or negate any existing responsibility or authority contained in the Atomic Energy Act of 1954, as amended, and section 4 and subsection 7(a) of this Act shall not apply to any activity regulated by that Act, *provided*, the Atomic Energy Commission shall consult with the Administrator prior to issuing a permit to conduct any activity which would otherwise be regulated by this Act. In issuing any such permit, the Atomic Energy Commission shall comply with standards set by the Administrator respecting limits on radiation exposures or levels, or concentrations or quantities of radioactive material. In setting such standards for application to the oceans, coastal, and other waters, or for specific portions of such waters, the Administrator shall consider the policy expressed in subsection 2(b) of this Act and the factors stated in subsections 5(a)(1) and 5(a)(2) of this Act.

(c)(1) The provisions of subsection (a) shall not apply to actions taken before or after the effective date of this Act under the authority of the Rivers and Harbors Act of 1899.[1]

(2) Except as provided in subsection 11(e), nothing in this Act shall be construed as abrogating or negating any existing responsibility or authority contained in the Rivers and Harbors Act of 1899, *provided*, that after the effective date of this Act, no Federal license or permit shall be issued under the authority of the Rivers and Harbors Act of 1899 to conduct any activity otherwise regulated by section 4 of this Act and the regulations issued hereunder, unless the Administrator has certified that the activity proposed to be conducted is in conformity with the provisions of this Act and with the regulations issued hereunder.

(3) Where a license or permit to conduct an activity has been granted under the authority of subsections (c)(1) and (c)(2) of this section and of the Rivers and Harbors Act of 1899, no separate permit to conduct such activity shall be required under this Act.

(d) Prior to issuing any permit under this Act, where it appears to the Administrator that the disposition of the material to be transported for dumping or to be dumped may affect navigation in the navigable waters of the United States or may create an artificial island on the Outer Continental Shelf, the Administrator shall consult with the Secretary of the Army and no permit shall be issued if the Secretary of the Army determines that navigation will be unreasonably impaired.

(e) Nothing in this Act shall be construed as preempting any State, Federal Territory or Commonwealth, or subdivision thereof from imposing any requirement or liability.

ENFORCEMENT

SEC. 8. (a) The Administrator may, whenever appropriate, utilize by agreement, the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities, whether on a reimbursable or a nonreimbursable basis.

(b) The Administrator may delegate responsibility and authority for reviewing and evaluating permit applications, including the decision as to whether a permit will be issued, to an officer of the Environmental Protection Agency, or he may delegate, by agreement, such responsibility and authority to the heads of other Federal departments or agencies, whether on a reimbursable or nonreimbursable basis.

(c) The Secretary of the department in which the Coast Guard is operating shall conduct surveillance and other appropriate enforcement activity to prevent unlawful transportation of material for dumping or dumping.

REGULATIONS

SEC. 9. In carrying out the responsibilities and authority conferred by this Act, the Administrator is authorized to issue such regulations as he may deem appropriate.

INTERNATIONAL COOPERATION

SEC. 10. The Secretary of State, in consultation with the Administrator, shall seek effective international action and cooperation to ensure protection of the marine environment. and may for this purpose, formulate, present, or support specific proposals in the United Nations and other competent international organizations for the development of appropriate international rules and regulations in support of the policy of this Act.

REPEAL AND SUPERSESSION

SEC. 11. (a) The second proviso to the last paragraph of section 20 of the Act of March 3, 1899 (30 Stat. 1154), as amended,[2] is repealed.

(b) Sections 1, 2, 3, 4, 5, 6, and 7 of the Act of June 29, 1888 (25 Stat. 209), as amended,[3] are repealed.

(c) Section 2 of the Act of August 5, 1886 (24 Stat. 329),[4] is repealed.

(d) To the extent that it authorizes action regulated by this Act, section 4 of the Act of March 3, 1905 (33 Stat. 1147),[5] is superseded.

(e) Section 13 of the Rivers and Harbors Act of 1899 (30 Stat. 1152), as amended,[6] is superseded insofar as it applies to dumping, as defined in subsection 3(f) of this Act, of material in the waters covered by subsection 4(b) of this Act.

EFFECTIVE DATE AND SAVINGS PROVISION

SEC. 12. (a) This Act shall take effect six months after its enactment.

(b) No legal action begun, or right of action accrued, prior to the effective date of this Act shall be affected by any provision of this Act.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 13. There is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for the purposes and administration, of this Act.

Analysis of the Proposed Marine Protection Act of 1971

The title of the proposed act is designated as the "Marine Protection Act of 1971."

Section 2, drawing on the report of the Council on Environmental Quality made public by the President October 7, 1970, makes a finding by the Congress that unregulated dumping of material in the oceans, coastal, and other waters endangers human health, welfare, and amenities, and the marine environment, ecological systems, and economic potentialities. It declares a federal policy of regulating dumping of all types of material in the relevant waters and of vigorously limiting the dumping of material which could have an unfavorable effect.

Section 3 defines certain terms used in the proposal. Subsection 3(a) defines the responsible official for implementation of the legislation as the Administrator of the Environmental Protection Agency (EPA). Subsection 3(b) provides that the proposal applies to the oceans, to gulfs, bays, and other similar salt waters, other coastal areas where the tide ebbs and flows, and to the Great Lakes.

Subsection 3(c) defines material, the transportation for dumping and dumping of which are regulated by the proposal, very broadly as "matter of any kind or description", and then, for illustrative purposes, but without limiting the comprehensive scope of this initial definition, lists specific materials which are included in the general definition. Oil and sewage from vessels, discharge of which are covered by the Federal Water Pollution Control Act, are excluded from the scope of this Act.

Subsection 3(e) defines "person" in such a way that all Federal, State, and foreign governmental organizations, employees, and agents, along with private persons or entities, are included within the prohibition on transportation for dumping or dumping contained in Section 4. Federal organizations, employees, and agents, however, are excepted from the definition of "person" insofar as section 6, providing for penalties, is concerned. Thus, Federal organizations, employees, and agents must comply with the permit and standard setting provisions of the Act, *i.e.*, they would be required to obtain approval from the Administrator of EPA for the transportation for dumping or the dumping of materials in the relevant waters, but they are not liable for or subject to the penalty provisions.

Subsection 3(f) defines dumping for purposes of the Act as "a disposition of material". Provisos make two important exceptions to this general rule of applicability. The first proviso excepts from the Act's coverage disposition of effluents from any outfall structure or routine discharges of effluents incidental to the propulsion of vessels. Municipal sewage outfalls or industrial waste outfalls come within this proviso. Discharges of effluents other than sewage from outfalls come within the purview of standards set pursuant to the Federal Water Pollution Control Act and also will be subject to the proposed permit program under the Refuse Act (33 U.S.C. § 407). Municipal sewage outfalls also come under the Federal Water Pollution Control Act's standards and also are affected by that Act's assistance programs.

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[1] 33 U.S.C. § 401 et. seq.

[2] 33 U.S.C. § 418.

[3] 33 U.S.C. §§ 441–45 lb.

[4] 33 U.S.C. § 407a.

[5] 33 U.S.C. § 419.

[6] 33 U.S.C. § 407.

The second proviso could be called the "lobsterpot" proviso. It excepts intentional placement of devices in the relevant waters or on the submerged lands beneath those waters. Several federal departments and agencies place testing, monitoring, sensing, or surveillance devices on the ocean floor. Under this provision, the placement of such items or their transportation for placement is not within the coverage of the proposal. Private activities similarly not within the proposal would include placing into the ocean and other pertinent waters lobster traps, offshore drilling platforms, pipelines, or cables. The latter portion of the proviso ensures that any excepted placement of devices does not include placement of material to produce an effect attributable only to the physical presence of the material in the ocean or other relevant waters. Thus, if car bodies or other similar material were placed in the ocean to serve as a shelter for fish, the effect from placing the car bodies would be attributable only to the physical presence of the car bodies in the ocean, and the placement would constitute a dumping for which a permit would be required under the Act.

Special note should also be made of the fact that "dumping" as defined in subsection 3(f) would not include an activity which has as its primary purpose a result other than "a disposition of material" but which involves the incidental depositing of some debris or other material in the relevant waters. For example, material from missiles and debris from gun projectiles and bombs ultimately come to rest in the protected waters. Such activities are not covered by this Act.

Except where the Administrator has issued a permit for such activity, subsection 4(a) of the proposal prohibits transportation of material from the United States for the purpose of dumping it in the oceans, coastal, and other waters. Similarly, except where a permit has been granted, section 4(b) prohibits dumping of material in that part of such waters which is within the territoral jurisdiction of the United States, or in the Contiguous Zone of the United States when the dumping affects the territorial sea or territory of the United States.

Section 5 places authority to grant transportation and dumping permits in the Administrator of EPA, provides standards for his use in acting on permit applications, and governs the nature of permits which may be issued.

Section 5(a) allows issuance of a permit where the applicant presents information which indicates that the transportation or dumping or both will not unreasonably degrade or unreasonably endanger human health, welfare, or amenities, or the marine environment, ecological ssytems, or economic potentialities. The Administrator is directed to establish and apply criteria for reviewng and evaluating permit applications. In establishing or revising the criteria, the Adminstrator s required to consider the likely impact of the proposed dumping along with alternative locations and methods of disposal, including those based on land, the probable impact of using such alternatives on considerations affecting the public interest, and the probable impact of issuing or denying permits on such considerations. In establishing or revising criteria, the Adminstrator is directed to consult with the heads of concerned departments and agencies.

Subsection 5(b) authorizes the Administrator to establish and issue various categories of permits. If he deems such a step to be desirable, the Administrator could set different procedures for handling applications in the various categories. Subsection (b)(2) allows the Administrator to require applicants for permits to provide necessary information. The Administrator could require differing amounts and types of information according to category.

Subsection 5(c) and 5(d) set out the requirements which may be incorporated into permits issued under the authority of subsection 5(a). They also allow the Administrator, as he deems appropriate, to state further requirements and actions, such as charges for permits or reporting on actions taken under a permit.

Subsection 5(e) authorizes the Administrator to grant general permits for the transportation for dumping or dumping of quantities and types of materials which he determines will have a minimal effect on the ocean. This provides flexibility to give general permits for certain types of periodic or continuing activities where the amounts dumped are minimal.

Subsection 5(f) authorizes the Administrator to limit or deny the issuance of permits involving specified substances where he finds that the substances cannot be dumped consistently with the provisions of and criteria established under subsection 5(a). In such cases the Administrator may also alter or revoke partially or entirely the terms of existing permits.

Subsection 5(g) allows the Administrator to designate recommended sites for dumping specified materials. This would give guidance to applicants and facilitate the Administrator's implementation of the control programs.

Subsection 5(h) establishes a very limited exemption from the prohibition on transportation for dumping or dumping where no permit has been granted. Such transportation or dumping is not prohibited where it is necessary in an emergency to safeguard human life. In such cases reports of the excepted emergency actions must be made to the Administrator.

Section 6 provides for penalties. Under subsection 6(a) of the Administrator could assess a civil penalty recoverable in federal district court, of up to $50,000 for each violation. Subsection 6(b) establishes, in addition, criminal sanctions for knowing and willful violations. The court could assess a fine of up to $50,000 or order imprisonment for a period of up to one year, or both. For those cases where violations are of a continuing nature, and for the purpose of imposing civil penalties and criminal fines but not imprisonment, subsection 6(c) makes each day of such a violation a separate offense. Under the provisions of subsection 6(d), the Attorney General is authorized to seek equitable relief to redress violations. Subsection 6(e) subjects vessels used in violations to in rem liability for any civil penalty assessed or criminal fine imposed. Public vessels within the meaning of subsection 13(a)(3) of the Federal Water Pollution Control Act and other public property of a similar nature would not be subject to the remedy authorized by this provision. Subsection 6(f) adds authority for the Administrator to revoke or suspend a permit issued under subsection 6(a) if the permit's provisions have been violated.

Section 7 deals with the relationship of this legislation to other laws. Generally, except as provided in subsections 7(b) and 7(c), it provides that after the Act's effective date, existing licenses, permits, or authorizations would be terminated to the extent they authorize activity covered by this proposal, and that further licenses, permits, or authorizations of a similar nature could not be issued.

Subsection 7(b) maintains present responsibility and authority contained in the Atomic Energy Act of 1954, and provides that the provisions of Sections 4 and 7(a) of this proposal do not apply to actions taken under that Act. However, the AEC must consult with the Administrator before issuing a permit to conduct any activity otherwise regulated by this proposal. Moreover, the AEC must comply with the radioactive-material standards set by the Administrator, and the Administrator is directed to consider the policy expressed in subsection 2(b) of this proposal along with the factors stated in subsections 5(a)(1) and 5(a)(2) in setting such standards for the waters covered by this proposal.

Subsection 7(c) relates to authorities contained in the Rivers and Harbors Act of 1899, respecting dredging, filling, harbor works, and maintenance of navigability. The powers are exercised for the most part by the Secretary of the Army and the Chief of Engineers. Except for the limited supersession found in subsection 11(e), the Rivers and Harbors Act authorities are not negated or abrogated, nor are existing licenses or permits issued under the Act terminated. Rather, in situations where this Act and the Act of 1899 both apply to dumping of material in connection with a dredge, fill or other permit issued by the Corps of Engineers, issuance of the permit requires a certification by the Administrator of EPA that the activity is in conformity with this proposal and any regulations issued under it. The Administrator will not issue separate permits in such cases.

After this Act become effective, the Department of the Army's permit program under the Refuse Act, which is administered in close cooperation with EPA on all water quality matters, will continue to regulate the disposition of any affluent covered by the Refuse Act from any outfall structure regardless of the waters into which this disposition occurs, in addition to regulating all depositing of material into other navigable waters of the United States not covered by subsection 4(b) of this Act.

Subsection 7(d) provides for consultation by the Administrator of EPA with the Secretary of the Army in cases where the Administrator finds that the proposed activity may affect navigation or create an artificial island on the Outer Continental Shelf.

Subsection 7(e) saves State or local laws from being preempted by this proposal.

Section 8 allows the Administrator to use, by agreement, resources of other federal agencies, on either a reimbursable or nonreimbursable basis. In subsection 8(b) the Administrator is authorized to delegate responsibility for acting on permit applications to an officer of EPA or, by agreement, to the head of other federal departments or agencies, such as the Commandant of the Coast Guard. Subsection 8(c) directs that surveillance, and other appropriate enforcement activity be conducted by the Secretary of the department in which the Coast Guard is operating.

Section 9 gives the Administrator power to issue appropriate regulations in carrying out the responsibilities and authority conferred by the Act.

Section 10 directs the Secretary of State, in consultation with the Administrator, to seek appropriate international action and cooperation to support the policy of this proposal.

Subsections 11(a) and 11(b) repeal the Supervisory Harbors Act of 1888, as amended (33 U.S.C. § § 441–451b), and the provision of the Rivers and Harbors Act of 1899 (33 U.S.C. § 418) which preserved the Supervisory Harbors Act from supersession by the 1899 Act. The Supervisory Harbors Act provides a special authority to control transit in and from the harbors of New York, Baltimore, and Hampton Roads, Virginia. This authority has been used to regulate ocean dumping. The proposed Act would replace that authority. A portion of the Act of August 5, 1886 (33 U.S.C. § 407a), which pertains to deposits of debris from mines and stamp works, and which is covered by this bill or the Refuse Act, is also repealed. A provision contained in the Rivers and Harbors Act of 1905 (33 U.S.C. § 419), which has been used to buttress the Corps of Engineers' authority to regulate ocean dumping, is superseded, insofar as it authorizes action that would be regulated by this proposal. Lastly, section 13 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 407), commonly known as the Refuse Act, is superseded, but only insofar as it applies to dumping of material in the waters covered by subsection 4(b) of this proposal.

Section 12 provides that this proposal shall take effect six months after its enactment and further saves from being affected by this proposal legal actions begun or rights of action accrued prior to the proposal's effective date.

Section 13 contains an authorization for appropriations to carry out the purposes and administration of the proposal.

Statement of Hon. William D. Ruckelshaus, Administrator, Environmental Protection Agency, Before the Committee on Public Works, Subcommittee on Air and Water Pollution, March 15, 1971

Mr. Chairman and Members of the Subcommittee: I am pleased to have the opportunity today to appear before you to discuss the President's 1971 legislative program for water pollution control.

When I last appeared before this Subcommittee, a few weeks ago, we discussed the status of our water pollution control program, the progress we have been making and the deficiencies and shortcomings we have experienced. Today I would like to discuss the future and our plans and proposals for that future.

We believe that our legislative proposals for water pollution control provide the remedies for many of the deficiencies we discussed during the oversight hearings. Our proposals grow out of our experience and our assessment of the problems. They represent our best judgment. We realize, Mr. Chairman, that the problem of water pollution is not solved solely by the enactment of legislation, no matter how expertly conceived and drawn. We know that vigorous and consistent implementation of all of our authorities is essential.

We have closely studied the provisions of the Clean Air Act as recently amended, and have endeavored, to the extent appropriate, to make the terminology and the administrative and regulatory approaches of our own proposals consistent with that Act. This is in accord with the concept underlying the establishment of EPA—a consistent and unified approach to environmental protection.

The President's 1971 legislative proposals for water pollution control, introduced as S. 1012, S. 1013, S. 1014, and S. 1015, plus the proposed "Marine Protection Act of 1971," are addressed to the areas of State program grants, waste treatment facility construction, water quality standards, enforcement, and ocean dumping.

WATER QUALITY STANDARDS

The Federal Water Pollution Control Act, which has been structured largely by this Committee over the years, builds increasingly upon the foundation of standards. Water quality standards provide the basis for State and local action, and the measure of progress of such action. They identify the remedial measures that must be taken by industries and municipalities. They provide the basis for Federal enforcement action as well.

We believe those standards should be strengthened. They should apply to all navigable waters and their tributaries, whether interstate or intrastate. They must be enforceable—and they can only be enforceable if they are as clear and precise and as realistic as we can make them. They must be able to develop with advances in technology, and provide the basis for continued enhancement.

These are our goals in S. 1014. Mr. Chairman, it is clear from a comparison of our own proposal with proposals introduced by members of the Committee, that we are in basic agreement as to the needed improvements in Water quality standards.

We would extend water quality standards to all navigable waters and their tributaries, whether interstate or intrastate, as well as to ground waters and under some circumstances to the waters of the contiguous zone and the high seas.

The extension of water quality standards to intrastate waters is especially important in the context of the permit program to be administered by EPA and the Corps of Engineers under authority of the Refuse Act.

We view the permit program as complementary to the water quality standards and enforcement measures we are proposing in S. 1014. The establishment of Federal-State water quality standards for all navigable waters will provide for a much stronger and more consistent enforcement of the Refuse Act permit authority. For this reason the most expeditious enactment of S. 1014 is urgent.

If we are to have a comprehensive national system of water quality standards, there is no valid reason to perpetuate the patchwork of jurisdiction we now have with standards only for interstate waters.

Since the passage of the Water Quality Act of 1965, the States have taken many different approaches in developing water quality standards. The uncertainty and confusion which have resulted from this diversity of approach have often delayed the establishment of enforceable standards. Our bill would require the Administrator to provide guidance to the States by promulgating regulations establishing specifications for water use designations, water quality criteria, and effluent limitations in advance of State action.

We believe that such Federal guidance is especially important in the area of effluent limitations. This concept is new in the law. It would be difficult and needlessly duplicative for each State to gather all the scientific, industrial and technological information upon which effluent limitations must be based. Federal leadership must be provided here so that the States in setting effluent limitations have a clear idea of the task. Our experience with the initial establishment of water quality standards by the States without the benefit of clear guidance, resulting in protracted delays, is the strongest argument for clear Federal direction at the outset of a new effort.

In our view the importance of effluent limitations cannot be over-estimated. It is our intention that these limitations, to consist of clear descriptions of effluent quantity and quality, will tell industries and municipalities in unambiguous terms exactly what must be done to meet Federal requirements. We expect these limitations to be the principal basis for future enforcement actions.

We also propose a new category of effluent limitations and prohibitions which would be federally imposed with respect to elements and compounds which have been identified as hazardous to human health or welfare. The control of such substances must be immediate and direct. We must never again be so unprepared as we were in the case of mercury.

ENFORCEMENT

Federal enforcement must now take full benefit of existing water quality standards and the more precise requirements we will have when effluent limitations are established.

In this new context much of the work of the old enforcement conference will now be accomplished through the standard setting process.

We should be in a position to move effectively whenever we determine a violation of standards is occurring.

We propose an enforcement system that capitalizes on the administrative regulatory procedures which have matured in the American legal system.

Its key elements are:

Initial administrative determination of a violation followed by instructions for appropriate remedy.

Issuance of an administrative order and assessment of fines administratively.

Provision for administrative hearing at the option of the alleged violator.

All of this would be accomplished in a short time frame and action would be taken by those specially equipped and knowledgeable in this complex area.

We would be able to advance a long way toward achieving compliance at the administrative level, without any sacrifice of the equity and fair play and full hearing required by due process.

We would need to address the issues judicially only as a last resort; and then with a full hearing record which would be conclusive as to the facts.

Consistent with our proposal that water quality standards be extended to all navigable waters, whether interstate or intrastate, we propose that Federal enforcement authority be coextensive with the standard-setting authority and not limited to cases of interstate effects.

Of course the primary responsibility for enforcement remains with the States. Our proposals are in no way intended to diminish that role. But we must be able to act swiftly if the States fail to do so.

Again, Mr. Chairman, it appears that we are in basic agreement as to needed improvements of our Federal enforcement authority in the areas of information gathering, injunctions and citizen suits.

The inability to secure adequate information and data concerning pollution has inhibited truly effective enforcement. We propose to give EPA broad authority to obtain information and data, to subpoena witnesses and records and to require monitoring and reporting, all consistent with the due process requirements of law.

We would authorize EPA to move immediately when an emergency presents an imminent and substantial danger to human health or welfare or to water quality, by seeking temporary or permanent injunctions in Federal court.

Citizen suits would be authorized to enable private groups and individuals to compel compliance with the law and to assure that governmental inertia need not be tolerated where the law provides a clear duty and remedy.

CONSTRUCTION GRANTS

In order to combat water pollution and enhance water quality, our program must have many elements—realistic criteria, practical plans, vigorous enforcement, and imaginative research. But of particular significance in the achievement of our objectives is the construction of treatment facilities. At the present time, substantial Federal participation in financing of waste treatment plant construction still is essential.

In recognition of that central fact, our legislative proposal S. 1013 was structured as a solution to the problem presented by these key questions—

What is the cost of waste treatment facilities needed by municipalities through fiscal year 1974 if water quality standards are to be met?

What was the cost of needed facilities constructed by States and municipalities since 1966 without the benefit of the full Federal share?

How can Federal grant monies be most expeditiously and effectively distributed to the States and municipalities?

How can we prevent a backlog of needed construction from reoccurring; that is, how can we best assure that plants will be enlarged, improved, replaced and new plants built as needed?

We realize that there are various possible answers to some of these questions. Our bill represents our answer. It is our best answer. It represents exhaustive study and analysis. It represents our experience in coping with the problem. It reflects our close and continuing consultation with the States and municipalities.

Any answer to the first question—what is the cost of needed waste treatment facilities—is subject to change because of a series of variables which preclude any completely sure answer. Inaccuracies in assessments of needs reported by States and municipalities; inflation; refinements in cost determinations for particular projects as they proceed from planning through construction; reassessment of needs by States and municipalities in the light of changing Federal, State or local regulatory requirements and changing levels of Federal support; rescheduling of construction starts—all of these factors singly and in combination affect our estimates of needs and costs.

However, we must make an assessment—and we have made the best assessment we can, realizing that we are aiming at an elusive and moving target.

Our best estimate of the Federal funds needed for the construction program through fiscal year 1974 to meet water quality standards is $6 billion. I would like to explain that figure with the aid of a chart.

The first element is the assessment of municipal waste treatment needs through fiscal year 1974. That need has been determined to be $12.56 billion. We arrived at that figure through a detailed reassessment of needs, which included information furnished by all of the States, direct contact with most of the major cities and our own studies and statistical analysis.

The second element taken into account is the so-called "reimbursable balance." The total amount of that balance for all underfunded and un-funded projects is $1.46 billion.

The third element to be considered in the calculation is the Federal share. The range of Federal participation in a project varies between 30% and 55% of the cost of construction depending on a number of factors, such as State matching, adoption of water quality standards, and consistency with comprehensive planning. The eligibility for increased Federal shares has been going up steadily. The average eligibility is now at approximately 47.5%.

The fourth element to be considered is the amount of Federal funds from previous appropriations which are as yet unobligated. That figure is $1.26 billion.

On the basis of the foregoing we reach a figure of $6.17 billion. The last consideration that must be taken into account is the necessity to make the program as cost-effective as possible. We endeavor to achieve cost-effectiveness to the fullest extent possible by requiring that projects be included in river basin and regional or metropolitan plans. These are essentially waste treatment cost-effectiveness plans. We have also developed treatment facility design, operation and maintenance criteria and intensive review procedures to achieve the maximum benefit for our investment and to preclude construction of excess capacity. Through these cost saving practices, required by good administration, we believe we can reduce further the Federal investment as well as offset inflationary increases.

We have concluded that $6 billion in Federal funds will be needed over the next three years to support the program of needed construction and to deal with reimbursables.

S. 1013, which calls for $2 billion for each of the next three fiscal years, is our best estimate of what is needed to do the job.

As to that troublesome question of "reimbursables"—we propose a straight-forward solution; all will be honored and receive their full Federal share. That is what we propose in S. 1013.

In our asessment of needs we studied the problem of stormwater and combined sewers. We concluded that in most instances municipalities have a long way to go in assessing their stormwater and combined sewer problems and in devising practical solutions. The technology needed to deal with this problem is only now emerging, largely as a result of research and demonstrations supported by the Water Quality Office. The adaptation of that new tehcnology to individual municipal situations requires a great deal of study, planning and preparation. In most cases this has yet to be accomplished.

One significant difficulty that we have experienced with the construction grant program stems from the fact that under our present authority Federal funds are initially distributed among the States according to population, a factor that does not, taken alone, adequately reflect the true needs of the various States. This occasions a delay of 18 months before unused funds can be redistributed to areas that have immediate needs.

To remedy this situation we propose in S. 1013 to revise the allocation formula as follows:

45% on the basis of population

20% to States that provide adequate "matching" funds

25% on the basis of outstanding "reimbursables" and

10% on the basis of the severity of the pollution problem, in the discretion of the Administrator.

We have studied many variations and alternatives to the allocation formula and have determined that the formula we propose in S. 1013 provides for the most effective distribution of funds. The new formula provides for a close correlation between the amount of funds distributed and the need for and ability to use such funds.

Our purpose is to maximize the effectiveness of the initial allocation, thereby minimizing the need for reallocation, with the result that delays are eliminated and the funds are put to work where they are most needed.

To enable municipalities which would otherwise be unable to participate in the construction grants program because of an inability to market their bonds on reasonable terms, the Administration proposes, in S. 1015, an Environmental Financing Authority. The Environmental Financing Authority would be authorized to purchase municipal bonds and to issue its own obligations to finance such purchases. We understand that Secretary Connally will appear before this committee at a later date to testify concerning this proposal.

Mr. Chairman, you can see that we have endeavored, as you and other members of the committee have endeavored in other proposals, to improve and refine our existing mechanisms to support the construction of needed facilities. We believe this to be necessary to meet and deal with immediate needs. Those needs include a backlog of unconstructed and unfunded projects which evidence a fundamental inadequacy of the present system.

We believe a much more efficient and workable system should be developed. We believe that we should now begin to structure into the law and into the life and pattern of this program the concept and the realization of "self-sufficiency."

By "self-sufficiency" we mean the ability of a community to manage and pay for the operation, maintenance and replacement of its waste treatment facilities and to meet the future treatment needs of the community. We believe strongly that all communities should operate waste treatment systems on a "utility" basis with each user paying a fair share of the cost.

We have addressed this concept in a number of ways in our proposal, S. 1013. We would require every grantee as a condition of receiving a grant to assure that it is taking "measures to establish or acquire adequate legal, institutional, managerial and financial capability for meeting forseeable future needs with respect to operation, maintenance, expansion and replacement of the treatment works."

The grant would support community efforts to acquire such capability.

The possession of such capability including a user charge system would be an acceptable alternative to a State "matching" program as the basis for eligibility for increased Federal support.

EPA would be obliged to administer its authorities so as to encourage such community self-sufficiency.

As a further assist toward the realization of self-sufficiency, grantees would be obliged to recover from industrial users of a waste treatment plant that portion of the total cost of the plant attributable to industrial waste treatment. Retention of the Federal portion of the amount so recovered would be permitted to communities establishing self-sufficient systems with user charges.

If communities were self-sufficient in this regard—and clearly they can be with some initial assistance—they would recognize needs as they grow, make plans to deal with them and construct new facilities as needed. We would then never again have to be faced with the backlog of needed construction we now face with all the pollution and water degradation it represents.

Mr. Chairman, let me again emphasize that we are dealing here with a vast problem the complexities of which increase constantly. We continue to reassess the situation, to keep abreast and endeavor to project and anticipate the growing scope of the problem. We know that this is an area where reasonable men may differ. Hopefully we will agree.

My Staff and I stand ready to work with you and the Committee.

STATE PROGRAM GRANTS

Another proposal, S. 1012, would, over a four-year period, triple the authorizations for Federal grants to support State and interstate water pollution prevention and control programs. Increased support of those programs is essential if State and interstate agencies are to meet increased responsibilities under our water quality standards and enforcement proposal, our waste treatment facilities construction program, and the Refuse Act permit program. A phased increase from the $10 million authorized for fiscal year 1971 to $30 million for fiscal year 1975—for a total of $90 million in new authorizations over a four-year period will provide funds to enable the Administrator to award grants for specific program improvements and to sustain such improvements. New Federal funds will be directed to programs with demonstrated effectiveness. This is a different and, in our view, a superior approach to the usual one of simply increasing support for the same old programs.

We would continue to support the basic programs at the current $10 million level.

Amounts in excess of the $10 million each year would be used for specific program improvements. As such improvements are achieved, bonus grants would be authorized. These improvements fall into five categories: (1) a mandatory permit program; (2) a sewage treatment facilities program; (3) a program for the training and development of personnel; (4) a State recruitment and personnel system; and (5) a water quality planning capability.

We believe the approach taken in S. 1012, which provides flexibility through the use of incentives and bonuses in the awarding of grants to State and interstate agencies for developing elements of a superior program, will channel the increased funding to those agencies demonstrating a capability to use the funds effectively. At the same time those agencies with adequate basic programs will continue to receive funding at levels presently authorized.

OCEAN DUMPING

Our proposal, entitled the "Marine Protection Act of 1971," would put an end to unregulated dumping of materials in ocean waters, and establish a permit system designed to prevent or seriously limit the dumping of materials into ocean waters which could adversely affect human health or welfare or the environment.

Last year the Council on Environmental Quality at the request of the President, investigated the problem of ocean pollution and concluded that there is a critical need for a national policy on ocean dumping. Ocean-dumped wastes are heavily concentrated and often contain materials that have a number of adverse effects. Many are toxic to human and marine life, deplete oxygen necessary to maintain the marine ecosystem, reduce populations of fish and other economic resources, and damage aesthetic values.

The CEO report indicates that the volume of waste materials dumped in the ocean is growing rapidly. Because the capacity of land-based waste disposal sites is becoming exhausted in some coastal cities, communities increasingly are looking to the ocean as a dumping ground for their wastes. Faced with higher water quality standards, industries may also look to the ocean for disposal. The result, without controls, could be a massive increase in the already growing level of ocean dumping. If this occurs, environmental deterioration will become widespread.

In most cases, feasible and economic land-based disposal methods are available for wastes currently being dumped in the ocean. In many cases, alternatives to ocean dumping can be applied positively for purposes such as land reclamation and recycling to recover valuable waste components.

Current regulatory activities and authorities are not adequate to handle the problem of ocean dumping. States have not exercised extensive regulatory authority. Furthermore, their authority extends only within the three-mile territorial sea, and most ocean dumping occurs outside of these waters. The Corps of Engineers has some regulatory authority over ocean dumping, but such authority is subject to severe limitations. EPA has no authority under the Federal Water Pollution Control Act to control ocean dumping. Furthermore, the general thrust of that Act is the control of continuous discharges which violate water quality standards, rather than control of intermittent dumping. The Coast Guard has enforcement capability but no independent authority to control ocean dumping. The AEC's authority is limited to controlling the disposal of radioactive materials. In short, such regulatory authority as exists is dispersed, inadequate, and lodged largely in agencies which have operational as well as regulatory functions.

There is a clear and urgent need to provide strong Federal authority. We believe such authority should be centralized in an agency whose chief role is environmental control. Our proposed bill would give this responsibility to EPA.

The bill provides that, except as may be authorized in a permit issued by the Administrator, no person may transport material from the United States for the purpose of dumping it into ocean or other waters covered by the bill, or dump any materials into any such waters which are within the territorial jurisdiction of the United States, or dump any materials into the waters of the contiguous zone to the extent that such dumping may affect the territorial sea or the territory of the United States. The bill would apply to all Federal, State and foreign governmental organizations, employees and agents, as well as to private persons and entities. The waters to which the bill applies would include the Great Lakes. It would apply to all kinds of matter including dredge spoil, solid waste, sewage sludge, industrial wastes, radioactvie materials, munitions, and chemical, biological and radiological warfare agents.

The Administrator would be authorized to issue permits to dump materials or to transport them for dumping where in his judgment such activity will not unreasonably degrade or endanger human health, welfare or amenities, or the marine environment, ecological systems or economic potentialities. He would be required to establish criteria for evaluating permit applications, taking into account the likely environmental impact of the proposed dumping, as well as alternative locations and methods of disposal and the impact on the public interest of issuing or denying permits or of requiring such alternative disposal. The Administrator would be authorized to impose restrictions relating to the type and amount of materials to be dumped, and the time and place of dumping. He would be authorized to limit, deny, alter or revoke permits where he finds that materials cannot be dumped consistently with the criteria established for the issuance of permits. Civil and criminal penalties of up to $50,000 per violation would be provided for violations of the Act or of any regulations or permit issued thereunder. The Attorney General would be authorized to bring actions for equitable relief to redress such violations. Surveillance and enforcement authority would be given to the Coast Guard.

Mr. Chairman, I would like to be able to say that in this area our efforts are all preventive and that we seek to protect an undamaged resource. Unfortunately, as the Committee well knows, the nation has permitted unregulated and damaging dumping into the the oceans on the false premise that the oceans have unlimited capacity to accept our wastes and debris. But we now know with very little time to spare, that the ocean is fragile.

* * * * *

We would be pleased to discuss these proposals in detail and to answer any questions you may have.

[In billions]

Total construction needs, Dec. 1, 1970–June 30, 1974	$12.56
Federal share (est. 47.5% of $12.56 billion)	5.97
Total reimbursement balance as of Dec. 1, 1970	1.46
Total	7.43
Unobligated appropriations as of Dec. 1, 1970:	
Fiscal year 1970	0.317
Fiscal year 1971	.945
Total	1.26
Subtotal	6.17
Federal share	6

Mr. BOGGS. Mr. President, I ask unanimous consent that the bill, the Marine Protection Act, that I have just introduced, be jointly referred to the Commerce Committee and the Public Works Committee.

Each committee is to consider those aspects of the bill which relate to their respective jurisdictions as delineated in Public Law 601, 79th Congress, as amended.

Mr. President, I ask unanimous consent that the bill S. 1082, introduced on March 2, 1971 by Senator CASE and held at the desk, be similarly referred.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

By Mr. CHURCH (for himself, Mr. JORDAN of Idaho, Mr. MANSFIELD, Mr. METCALF, and Mr. MOSS):

S. 1240. A bill relating to prospecting and exploring for minerals on public lands of the United States by means of bulldozers or other mechanical earthmoving equipment. Referred to the Committee on Interior and Insular Affairs.

Mr. CHURCH. Mr. President, I introduce for appropriate reference, on behalf of myself and my distinguished colleagues, the Senator from Idaho (Mr. JORDAN) and the Senators from Montana (Mr. MANSFIELD and Mr. METCALF), and the Senator from Utah (Mr. MOSS), a bill relating to prospecting and exploring for minerals on public lands of the United States by means of bulldozers or other mechanical earthmoving equipment.

The West has long borne the scars of mining. Our mountains are pock-marked with abandoned tunnels, tailings, and the ruins of old mills, where rich ores were once extracted from the hard rock.

Today, however, the advance in technology from pick-and-shovel prospecting to mineral exploration with the bulldozer has created serious new problems, not known to the early West.

The mining law has failed to keep pace with mechanized prospecting. One man with a bulldozer, in search of minerals, can scrape away the topsoil, ruin a streambed, or wreck a mountain meadow—with no requirement that he abate these damages. He is given unlimited license by the archaic General Mining Law of 1872.

Mr. President, this bill is in no way designed to discourage or disrupt legitimate prospecting on the public domain, which is necessary to our mineral economy. It would not affect pick-and-shovel prospecting, but it would subject mechanized prospecting to reasonable regulation.

In certain areas, where, due to fragile soil conditions, steep slopes, or high elevations, bulldozers would cause irreparable damage, their use could be prohibited. Everywhere, the employment of bulldozers or other mechanical earthmoving equipment for mineral exploration would be preceded by the filing of a declaration of intent as to how and where the proposed prospecting would be carried out, and the posting of a performance bond with the Bureau of Land Management Office nearest the affected area.

The operator using bulldozers or other mechanical earthmoving equipment would be responsible for the exercise of reasonable restraint, including the restoration or reclamation of the surface of the lands, unless a valid discovery is made.

The Secretary of the Interior would be directed to prepare and publish in the Federal Register the necessary regulations to carry out the provisions of the act, and in the case of any actions affecting the national forest lands would be required to consult with and receive the approval of the Secretary of Agriculture.

It seems to me, Mr. President, that this legislation is long overdue. With increasing public demand that decent protection be given to the quality of our environment, we would be remiss in our duty if we failed to call upon the mining industry to accept responsibility in its prospecting activities on the public lands.

Mr. President, I ask unanimous consent that the text of the bill follow my remarks, together with a statement by the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD).

There being no objection, the bill and statement were ordered to be printed in the RECORD, as follows:

S. 1240

A bill relating to prospecting and exploring for minerals on public lands of the United States by means of bulldozers or other mechanical earth-moving equipment

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) on and after the date of the enactment of this Act, the Secretary of the Interior is authorized to designate and establish certain areas comprising the public lands (including national forest lands) of the United States within which no individual, company, or other organization shall enter for the purpose of prospecting or exploring for minerals with bulldozers or other mechanical earth-moving equipment, if the Secretary has first determined that—

(1) the fragile soil condition, steep slopes or high elevations of the lands comprising such area makes it inadvisable to permit the use of such equipment; or

(2) the use of such equipment in such area is likely to result in irreparable damage to the land surface thereof.

(b) No action taken by the Secretary of the Interior pursuant to subsection (a), with respect to the designation of an area within which no prospecting or exploring for minerals with the use of bulldozers or other mechanical earth-moving equipment shall be carried out, shall become effective until such time as the Secretary has published a detailed description of the boundaries of such area so designated in the Federal Register, which description shall be made available for public inspection at the closest Bureau of Land Management Office to the affected area.

SEC. 2. On and after the date of the enactment of this Act, no individual, company, or other organization shall enter upon the public lands (including national forest lands) for the purpose of prospecting or exploring for minerals with bulldozers or other mechanical earth-moving equipment, unless such individual, company or organization has first filed in the office of the United States Bureau of Land Management in the district in which the lands to be prospected or explored are situated—

(1) a statement of intent, together with a detailed description of the lands involved, the type of prospecting or exploring intended, and the type of bulldozers or other mechanical earth-moving equipment intended to be used; and

(2) a performance bond, in such amount as the Secretary of the Interior shall determine, to assure reasonable protection of the environment, including restoration or reclamation of the surface of the lands with respect to which such prospecting or exploration is carried out unless a valid discovery is made as a result thereof.

(3) in carrying out Subsection 2(2) of this Act the Secretary shall establish procedure to assure that the amount of the performance bond in each case shall be fixed within 60 days of the filing of the statement of intent as provided in Subsection 2(1).

SEC. 3. The Secretary of the Interior shall take no action pursuant to this Act affecting national forest lands unless he has first consulted with and received the approval of the Secretary of Agriculture with respect to any such proposed action so affecting such national forest lands.

SEC. 4. The Secretary of the Interior is authorized to issue such regulations as he determines necessary to carry out the provisions of this Act. Such regulations so issued shall be published in the Federal Register.

STATEMENT OF SENATOR MANSFIELD

Mr. Mansfield. Mr. President, today I joined with the distinguished Senator from Idaho, Mr. Church, in the introduction of a most timely piece of legislation designed to curb extensive environmental degradation occurring in many regions in the United States as a result of extensive and uncontrolled mining exploration.

Concern for our public lands, environment and pollution have, in the past few years, been brought very much to the forefront of this Nation's problems, not only by a continued and escalated rate of deterioration and degradation, but by the far reaching expressions of concern on the part of millions of Americans. I have, in the past, and will continue to believe that the Congress has a clear mandate to join with the concerned in providing the impetus to bring about an essential change in course.

This past year, from travels in my State of Montana and from considerable correspondence received from a great many people, I have been made keenly aware of the dimension of the problem. The need and desire for continued and increased economic growth has, in the past, often taken precedence over other and equally important considerations. In Montana these have been particularly manifest in the areas of forestry and mining on both federal and private lands.

My distinguished colleague, the junior Senator from Montana, Mr. Metcalf, on November 18 eloquently brought national attention to the problems of timber management on federal lands. In the past, the Government has effectively developed the concepts of multiple land usage, a concept and philosophy based on the principle that maximum consideration be given to the potential of federal holdings including mineral and timber production, recreational use, agricultural use, and other considerations. Where effectively administered, this approach has met with the wholehearted support of the people of this Nation. There is little question that the time has come for the reaffirmation of the multiple use concepts based upon a vital recognition of environmental concerns.

In September of 1964, the Congress created the Public Land Law Review Commission and in its creation charged it with the responsibility of reviewing existing public land laws and regulations and asked that it advise the Congress of its findings. A substantial portion of the completed report deals with the environmental impact of industries deriving raw materials from public lands. The public reaction to the Commission's report are many and varied. The one thing surfacing above all considerations is, however, the fact that past managerial practices and environmental considerations have been deficient. It is not my intention at this time to discuss the Commission's report. However, it is my hope the Congress will rapidly move to recognize the magnitude of the problems so amply demonstrated in this report, and that expeditious consideration will be given to the reviewing and eventual adoption of recommendations which will provide for long range governmental control of its lands.

One of our major problems in providing for adequate land management is a direct result of past legislation, of jobs half done and poorly done which lead that segment of the national economy dependent upon resources belonging to the people to believe erroneously that the Federal Government intends for the ultimate relinquishment of public lands, either in fact or in philosophy. For anyone to assume an inalienable right to the natural resources of this Nation without essential consideration for the concepts of multiple land usage, environmental concerns and the changing social values of the people is making a grave mistake. The mining laws of 1872 were promulgated by a philosophy to encourage westward movement and economic development. To that end this legislation was most successful. The problems we meet today are problems of this century—not the last—and to assume that measures effective in the 1870's can be applied to the 1970's is erroneous. The time has come for a reordering of the legislation in these areas. I appreciate that the concern I express is shared by a great many of my colleagues in the Congress and that a number of responsible people elsewhere are giving serious consideration to the revamping of these laws.

I am among the first to support and promote economic development. It is essential that we move ahead in these areas, but this should not be done at the expense of our Nation's basic resources. There exists today far too many examples of blatant disregard for human values and ecological considerations. The existing levels of industrial technology, as well as the efforts of a few conscientious firms in the timber and mining industry, attest to the fact that there is no reason to believe that quality and balanced development—and I would stress quality and balanced—cannot take place while giving consideration to the resulting impact.

Last fall, in expressing my concern to the Forest Service, I asked that I be provided with a detailed report indicating the present level of activity on federal properties in my State of Montana, as well as the course of action being taken to assure environmental considerations. I have now had an opportunity to review preliminary reports on this matter. There is little question that the problems are both real and substantial.

Prior to the introduction of legislation, my immediate concern had been in assuring the necessary funds for federal agencies to assist in the enforcement of existing rules and regulations. Through the efforts of the distinguished Senator from West Virginia, Mr. Byrd, this was accomplished, and sufficient funds were provided the Forest Service for mineral management for the remainder of the 1971 fiscal year. In addition, I have recently requested the Senate and House Appropriations Committees to include additional funds for mineral management in the FY '72 appropriation measures.

Mr. President, I would take this opportunity to express my particular appreciation to the distinguished Senator from Idaho, Mr. Church, for his recognition of this problem and for his decision to hold hearings in the early spring to thoroughly review the situation.

The bill introduced today is a step in the right direction. Our work is certainly not complete in these areas, but I do believe that we are making substantial progress in recognizing the extent and scope of our problems, as well as what measures are necessary to bring about a realistic solution.

Mr. JORDAN of Idaho. Mr. President, I am pleased to join my colleagues as a cosponsor of this bill to restrict the use of bulldozers and other mechanized earth-moving equipment in mineral prospecting.

This bill is not designed to prevent the use of such equipment where it is needed and where surface conditions permit its use. It is aimed exclusively at unnecessary and destructive use of bulldozers on fragile terrain. It also requires a performance bond to assure reclamation of the bulldozed area.

I feel sure that responsible miners will not object to the objectives of this proposed legislation. I have heard them express condemnation of mining property promoters and speculators who have gouged out waffle iron designs on entire mountainsides, allegedly for prospecting or assessment work.

A responsible miner loves the outdoors and mountain scenery, and he resents irresponsible mining operations. Moreover, these miners utilize drilling and other modern prospecting methods wherever possible to search for minerals and prove their claims, and they cooperate with the administrators of the public lands.

This proposed law, of course, will not take the place of major revisionary legislation to update the 1872 mining law, but it is needed now and can apply until more extensive legislation is considered and enacted. Major legislative changes were recommended by the Public Land Law Review Commission, of which I was a member.

This law also will need to be implemented by State laws dealing with state requirements for prospecting, discovery cuts, and assessment work. I am pleased that my own State of Idaho recently enacted a law permitting modern methods of mineral prospecting.

Supplementary action by the states was recommended by the Forest Service in a reply I received to an inquiry about unsightly bulldozer pits found in the creek bottoms in Lemhi County in my State.

Mr. President, I ask unanimous consent to have the letter of October 26, 1970, from the Deputy Chief of the Forest Service, printed in the Record.

There being io objection, the letter was ordered to be printed in the Record, as follows:

U.S. Department of Agriculture,
Forest Service,
Washington, D.C., October 26, 1970.
Hon. Len B. Jordan,
U.S. Senate.

Dear Senator Jordan: This responds to your letter of October 19, 1970, and the enclosure from Fred Crandall of Nevada City, California. Mr. Crandall deplores the bulldozer pits found in creek bottoms in Lemhi County, Idaho.

The Forest Service is also very much concerned with the unnecessary surface disturbance often associated with prospecting and exploration of mineral deposits. In our recommendations to the Public Land Law Review Commission we suggested that state laws be abolished which require discovery cuts and assessment work which do not directly develop the ore deposit. We further suggested that the United States mining laws be amended to require permits for prospecting and mining leading toward essential and productive development of mineral deposits rather than meeting a requirement of law which would, in effect, waste the miners' time and money and leave unnecessary desecration of the landscape.

The Environmental Policy Act of 1969 also lends a great deal of support to maintaining a quality environment. Forest Service policy for multiple use management is being reframed to emphasize our past practices of conservation and continuing positive consideration of the environment in our management decisions.

We appreciate Mr. Crandall's interest in the National Forest and for taking the time for expressing his concern in this matter.

Sincerely,

M. M. Nelson,
Deputy Chief.

By Mr. CRANSTON (for himself, Mr. Jackson, Mr. Magnuson, and Mr. Tunney):

S. 1241. A bill to amend section 2(3), section 8c(2), section 8c(6) (I), and section 8c(7) (C) of the Agricultural Marketing Agreement Act of 1937, as amended. Referred to the Committee on Agriculture and Forestry.

Mr. CRANSTON. Mr. President, I am introducing today, for appropriate reference, a bill to add canning pears to the list of commodities eligible for Federal marketing agreements and orders under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended. At the present time, only fresh pears are included.

I am pleased to be joined in this effort by my distinguished colleagues, the Senator from California (Mr. Tunney), and the Senators from Washington (Mr. Magnuson and Mr. Jackson).

Producing pears for canning is primarily a Pacific coast industry. In fact, the canning pear production of the three Pacific coast States—California, Oregon, and Washington—accounts for over 90 percent of the canning pear production of the United States. In 1970, the value of the canning pear production in these three States amounted to $51 million. In California alone, the 1970 production of canning pears was worth $31.3 million.

The Agricultural Marketing Agreement Act provides the basic framework for the development of self-help programs tailored to meet the marketing needs of each eligible commodity. The 1937 act covered most fruits and vegetables for fresh use, but excluded those for processing except for olives and asparagus for canning. Over the years the act has been amended to include a number of fruits and vegetables for canning and freezing.

For a number of years, the organizations representing the canning pear industry of California, Oregon, and Washington have cooperated in the trade promotion of canned pears. It is now felt that closer cooperation through a regional marketing order program is both necessary and desirable for the continued well-being of the industry.

A similar bill was introduced in the House in the 91st Congress and was favorably reported by the House Agriculture Committee. It did not reach the House floor, however, because the industry representatives felt some modifications were in order to eliminate certain opposition to the measure. These modifications have now been made. The bill I am introducing today is identical to several already introduced on the House side. It incorporates two major modifications: first, it provides for equal representation of processors and producers on any marketing order administrative committee; and second, it reinforces the right of the producers in each State which might be included in an order to determine whether they shall be so included. A referendum must be conducted in each State and approved by two-thirds of the producers from each State. This insures that the more populous State cannot dominate its smaller neighbors.

I believe that these changes have provided the kinds of safeguards that many felt were lacking in the previous measure. I hope that the Senate will act on this legislation swiftly and enable the canning pear producers to work together to provide for more orderly and stable marketing conditions.

By Mr. TUNNEY (for himself and Mr. Cranston):

S. 1242. A bill to amend the Fishermen's Protective Act of 1967, to provide for reimbursement for certain expenses incurred as the result of the unlawful attempted seizure or seizure of U.S. fishing vessels. Referred to the Committee on Commerce.

FISHERMEN'S PROTECTIVE ACT AMENDMENTS—1971

Mr. TUNNEY. Mr. President, since 1961, over 100 tuna vessels flying the flag of the United States have been seized by various Latin American nations. During the last month and a half 22 boats have been seized by Ecuador and many more harassed while sailing on the high seas.

Such seizures and harassments represent a clear violation of international law. The United States, along with 92 other nations recognize a 12-mile territorial limit for fishing. Ecuador, Peru, and Chile claim control of waters extending 200 miles offshore. This claim is an infringement on the rights of the United States and these constant harassments are nothing more than illegal attempts to bully American vessels off the oceans on which they have the right to sail.

For years the State Department has protested these Latin American attempts to restrict free access to the seas, yet seizures and harassments continue. Heavy fines are being levied upon those who attempt to fish inside these illegal 200-mile limits; fines which impose severe economic hardships on the American tuna industry.

Diplomatic persuasion has been attempted with little apparent success. I implore the administration to diligently pursue diplomatic efforts to settle this crisis through the Organization of American States and personal, high-level diplomacy. Most importantly, the United States should be well prepared to present a forceful case at the 1973 Conference on the Law of the Sea to assure the enactment of a resolution bringing to bear the full force of world opinion on the unreasonable and illegal claims of certain Latin American nations.

The Governments of Chile, Ecuador, and Peru base their 200-mile limits on territorial watters on the rationale that they must conserve and protect the fishery resources off their shores from indiscriminate exploitation. To this end the highest priority should be given to devising a mutually acceptable agreement for the conservation of the fishing resources of the area and of the oceans in general.

However, diplomatic maneuvering takes times and the outcome is uncertain; yet scores of American vessels are seized or harassed each month. In 1968 the Congress amended the Fisherman's Protective Act with the specific intention of increasing the protection from loss afforded fishing vessels.

The Fisherman's Protective Act affords two distinct kinds of protection. First, the act provides for reimbursement by the Secretary of the Treasury for any fine, license fee, registration fee, or any other direct charge paid to secure the prompt release of the vessel and crew.

Second, it provides for payment by the Secretary of Interior of all actual costs incurred during seizure and detention including costs resulting from damage to, or confiscation of, the vessel or gear, docking fees, utilities, et cetera. It also provides for the payment of the market value of fish caught before seizure and confiscated or spoiled during the period of detention and up to 50 percent of the gross income lost because of the detention.

This is the so-called "lost opportunity cost." Reflecting the loss incurred because of idle days while seized boats were being detained.

During the past 2 years in which this amendment has been in effect, tuna boat operators have been reimbursed for losses incurred by seizures. However, the Fishermen's Protective Act does not cover damage in the absence of any actual seizure or compensation of personal injuries sustained by fishermen during a harassment or seizure.

Claim payments that are made take an average of 7 months to be processed and paid. During the first week of March the tuna clipper *Apollo* was seized by Ecuador and fined over $155,000.

The speedy payment of these claims is vital to the economic well being of the industry.

The fines and other losses are large and the fishing vessel owners desperately need the capital to operate their vessels and to meet their payrolls.

To rectify these conditions I am introducing with Senator CRANSTON the Fisherman's Protective Act Amendment of 1971. This legislation is designed to end the redtape involved in Federal Government payment for losses incurred by attempted or actual seizures and to expand its coverage.

Presently, there is no regular appropriation available for the payment of claims by illegally seized fishing vessels. The law operates in the following manner: A ship is illegally seized and pays a fine in order to be released. The owner of the ship then must file a claim with the State Department for the amount of the fine. If the claim is certified by the State Department, it is sent over to the Treasury Department which must then obtain funds from the Congress in a supplemental appropriations request. The claim cannot be paid to the boatowner until the Congress passes the supplemental appropriations bill and it is signed by the President.

My amendment would provide general appropriations so as to allow the Treasury Department to pay a claim as soon as it is certified by the Department of State.

I ask unanimous consent to have printed in the RECORD a letter and statistical information from Mr. Fabian A. Kwiatek, deputy assistant legal adviser for the State Department, demonstrating the long delay in the payment of certified claims to various fishing vessels.

There being no objection, the letter and statistics were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D.C., March 4, 1971.

Mr GEORGE STEELE,
Robert Carter Associates, Inc.,
Washintgon, D.C.

DEAR GEORGE: Pursuant to the request made by you during our telephone conversation of today there is enclosed certain statistical information regarding the certification of claims by the Department of State to the Secretary of Treasury under the Fishermen's Protection Act of 1954, as amended.

The information is limited to claims based upon seizures by the Government of Ecuador and Peru as no claims have been filed for seizures by the Government of Chile.

You will note from the information that in many instances claimants were not paid until six or more months from the date of certification. As you know payments cannot be made by the Department of Treasury until a supplemental appropriation is received from the Congress as there is no regular appropriation for such purpose.

While the statistical information does not show the date the claims were filed with the Department, our records establish that well documented claims are certified within an average of two to three weeks and in some instances in a matter of a few days.

I shall be pleased to meet with you and August Felando of the American Tuna Boat Association at your convenience with a view toward discussing methods to assist claimants in filing their claims with the Department of State within a shorter period of time than has been the custom.

If I can be of any further assistance in this matter please do not hesitate to call on me.

Sincerely yours,
FABIAN A. KWIATEK,
Deputy Assistant Legal Adviser.

ECUADOR

Year, name of vessel, and owner	Date seized	Amount of fine levied	Value of shrimp confiscated	Value of equipment confiscated	Date claim certified to Treasury	Amount of reimbursement certified	Date claim paid by Treasury
1. 1954 Sun Streak—Sun-Pacific, Inc	Sept. 4, 1954	$12,000.00	None	None	May 20, 1955	$12,000.00	Aug. 26, 1955
2. 1955 Arctic Maid—Arctic Maid Fisheries, Inc	Mar. 27, 1955	43,481.20	None	None	July 19, 1955	43,181.20	July 9, 1957
3. 1955 Santa Anna—John Gradis 4/20 interest; Leo S. Mirkovich 5/20 interest; Oliver W. Pittenger 5/20 interest; San Gradis 6/20 interest.	do	5,881.10	[1] $19,272.22	None	Jan. 29, 1958	5,881.10	April 16, 1958
4. 1960 Judy S—Pacific Clippers, Inc. 65 percent; Leif Bjorly 25 percent; Blue Pacific, Inc. 10 percent.	May 12, 1960	9,906.60	None	None	April 4, 1961	9,906.60	Oct. 24, 1961
5. 1963 Ranger—Harbor Boat & Yacht Co., co-partnership	May 25, 1963	9,504.00	None	None	Oct 18, 1963	9,504.00	Jan. 10, 1954
6. 1963 White Star—White Star Fishing Co., Inc	do	11,184.00	None	None	Feb. 20, 1964	11,184.00	June 24, 1964
7. 1967 Sea-Preme—Daniel A. Marks, 32½ percent; James E. Ransier, 5 percent; Joseph A. Taormina and Maria Ann Taormina, 25 percent; Frank V. Valin, Jr. and Mary Dorie Valin 25 percent; Janous J. Marks and Sue Joan Marks, 12½ percent.	Jan. 20, 1967	12,528.00	None	None	Apr. 10, 1967	12,528.00	June 6, 1967
8. 1967 Victoria—The Victoria Fishing Co., Inc	Jan. 7, 1967	8,448.00	None	None	Mar. 31, 1967	8,448.00	Do.
9. 1967 Endeavor—Ambrose Co. 41 percent; Virginia Lee Morton, 6 percent; John S. Campbell, 6 percent; Joseph S. Alioto, 10 percent; Jean C. Immehschuh, 20 percent; Jay C. Vinson and Mary E. Vinson, 5 percent; Thomas J. Olsen.	do	8,064.00	None	None	do	8,064.00	Do.
10. 1967 Ronnie S.—Thomas Joseph Santos and Mary F. Santos 10 percent; Jose Marcal Ferreira 15 percent; Albert M. Ferreiro 5 percent; Joe Marcal Ferreiro 5 percent; Manuel Marcal Ferreiro 5 percent; Thomas Joseph Santos 10 percent; Ambrose Company 50 percent.	Feb. 15, 1967	12,768.00			June 28, 1967	12,768.00	June 25, 1968
11. 1967 Western King—Pete rPan Caribe, Inc. (formerly Western King Co., Inc.)	July 4, 1967	18,096.00			Dec. 4, 1967	18,096.00	Do.
12. 1968 M/V Navigator—Charles J. Marciel, Lucy Mary Marciel, Nello George Marciel	Mar. 3, 1968	[2] 6,905.00					
13. 1968 M/V Ranger—Harbor Boat & Yacht, Inc	Jan. 15, 1967	9,504.00			Sept. 23, 1968	9,504.00	Oct. 25, 1968
14. 1968 Royal Pacific—J. S. Martinac 25 percent; Luciano L. Brito 25 percent; San Simeon Seafoods, Inc. 25 percent; Maurice F. Correia and Mary D. Correia 25 percent.	Aug. 8, 1968	34,580.00			Nov. 6, 1968	34,580.00	July 24, 1969
15. 1968 M/V Connie Jean—Connie Jean, Inc	do	52,640.00			do	52,640.00	Do.
16. 1968 Pacific Queen—Cape San Vincent, Inc	do	63,000.00			do	63,000.00	Do.
17. 1968 Eastern Pacific—Joseph S. Martinac 40 percent; Frederick Borovice 20 percent; Eugene Dehout 5 percent; G. F. Skewis 5 percent; William A. Magellan 25 percent; Frank T. Correia and Beatrice R. Correia 5 percent.	do	51,940.00			Nov. 8, 1968	51,940.00	Do.
18. 1969 Day Island—M/V Day Island, Inc	Dec. 10, 1968	65,100.00	16,275	(5)	Mar. 12, 1969	81,375.00	Do
19. 1969 Carribbean—Sultana Fishing Co., Inc	June 18, 1969	41,200.00			Oct. 31, 1969	41,200.00	Jan. 6, 1970
20. 1970 Day Island—M/V Day Island, Inc	Feb. 25, 1970	84,050.00			June 12, 1970	84,050.00	Jan. 18, 1971
21. 1970 City of Panama—Caribe Master, Inc	Feb. 14, 1970	49,650.00			Nov. 3, 1970	49,650.00	Do.
PERU							
1. 1962 Chicken of the Sea—Ponce Fishing Co., Inc	Oct. 28, 1962	$10,000.00	None	None	Sept. 9, 1963	$10,000.00	Jan. 10, 1964
2. 1962 Western Ace—Western Ace Co., Inc	do	5,000.00	None	None	Sept. 17, 1963	5,000.00	Do.
3. 1965 San Juan—M/V San Juan, Inc	June 10, 1965	5,394.02	(3,4)				
4. 1965 Clipperton—Clipperton, Inc	June 4, 1965	7,128.00	None	None	Sept. 21, 1965	7,128.00	Nov. 16, 1965

Footnotes at end of table.

PERU—Continued

Year, name of vessel, and owner	Date seized	Amount of fine levied	Value of shrimp confiscated	Value of equipment confiscated	Date claim certified to Treasury	Amount of reimbursement certified	Date claim paid by Treasury
5. 1966 M.V. Hornet—Mayaguez Fishing Co., Inc.	June 13, 1965	$5,205.93	(3, 5)				
6. 1966 Ronnie S.—Thomas Joseph Santos and Mary F. Santos, 10 percent; Jose Marcal Ferreira, 15 percent; Albert M. Ferreiro, 5 percent; Joe Marcal Ferreiro, 5 percent; Manuel Marcal Ferreiro, 5 percent; Thomas Joseph Santos, 10 percent; Ambrose Company, 50 percent.	Oct. 2, 1966	7,384.00			June 30, 1967	$7,384,000	June 25, 1968
7. 1966 Pilgrim—United States Tuna, Inc.	May 23, 1966	11,512.00			July 17, 1967	11,512.00	Do.
8. 1966 Day Island—M/V Day Island, Inc.	do.	12,160.00	None		July 24, 1967	12,160.00	Do.
9. 1966 San Juan—M/V San Juan, Inc.	do.	11,776.00	None		do.	11,776.00	Do.
10. 1966 Eastern Pacific—Joseph S. Martinac, 40 percent; Frederick T. Borevich, 20 percent; G. E. Skewis, 5 percent; William A. Magellan, 25 percent; Eugene Dahout, 5 percent; Frank T. and Beatrice R. Correia, 5 percent.	Oct. 3, 1966	9,904.00	None		Aug. 1, 1967	9,904.00	Do.
11. 1967 Caribbean—Sultana Fishing Co., Inc.	Jan. 26, 1967	10,888.00	None	None	do.	10,888.00	Do.
12. 1967 Hornet—Mayaguez Fishing Co., Inc.	do.	10,072.00	None	None	do.	10,072.00	Do.
13. 1969 Chicken of the Sea—White Star Fishing Co., Inc.	May 23, 1966	2,900.00			Jan. 15, 1969	2,900.00	July 24, 1969
14. 1969 Mariner—Mariner, Inc.	Feb. 14, 1969	10,824.00			Sept. 18, 1969	10,824.00	Jan. 6, 1970
15. 1969 Cape Ann—Mayflower, Inc.	Mar. 19, 1969	8,732.00			do.	8,732.00	Do.
16. 1969 San Juan—M/V San Juan, Inc.	do.	18,164.00			do.	18,164.00	Do.
17. 1969 Western King—Peter Pan Caribe, Inc.	May 16, 1969	15,072.00			do.	15,072.00	Do.
18. 1970 Western King—Peter Pan Caribe, Inc.	Feb. 23, 1970	15,072.00			May 8, 1970	15,072.00	July 10, 1970

[1] Fish.
[2] Claim denied by Department (letter May 24, 1968).
[3] License.
[4] Claim denied by Department (letter Aug. 17, 1965).
[5] Claim denied by Department (letter May 13, 1966).

Mr. TUNNEY. Mr. President, in addition, this legislation will expand present protection of the law to, among other things, reimburse the fishing boat owners for the cost of repairing damage to the vessel caused by harassment or attempted seizure, the cost of medical treatment for injuries sustained during an attempted as well as a successful seizure, and for the market value of fish lost or spoiled as a result of harassment of attempted seizure.

Present law limits many claims to actual seizures and in many ways penalizes vessels which escape seizure. My amendment would insure that harassments and attempted seizures are taken into consideration.

I hope that the Senate will give this legislation an early hearing. Its urgency has been made clear by the events of the last month when over 20 tuna boats were illegally seized. As long as we allow our tuna fleet to sail in an attempt to uphold America's right to travel the seas, we must protect them from the penalties caused by international disorder.

I ask unanimous consent that my amendment be printed in full in the RECORD.

By Mr. PROUTY (for himself, Mr. DOMINICK, Mr. GRIFFIN, and Mr. JORDAN of Idaho):

S. 1243. A bill to provide Federal revenues to State and local governments and afford them broad discretion in furnishing training and employment opportunities needed by individuals to qualify for satisfying and self-supporting employment. Referred to the Committee on Labor and Public Welfare.

THE MANPOWER REVENUE SHARING ACT OF 1971

Mr. PROUTY. Mr. President, I send a bill to the desk and ask that it be appropriately referred.

This, Mr. President, is the President's proposed "Manpower Revenue Sharing Act of 1971," which I have the pleasure of introducing in the Senate today, on behalf of myself and Messrs. DOMINICK, GRIFFIN and JORDAN of Idaho.

I agree with President Nixon's statement, in his eloquent message to Congress, when he said:

> By converting the Nation's manpower programs from categorical grants to Special Revenue Sharing, we can play to the strengths of the Federal partnership, teaming Federal dollars with State and local decision making.

This concept, Mr. President—reliance on State and local governments closest to the people—is the key to resolving many of the issues with which the Congress has struggled in seeking to enact manpower reform legislation which will gain the President's approval.

I was one of the principal sponsors of the President's Manpower programs and to allow State and local governments to play and administer comprehensive manpower programs shaped to their own citizens' needs.

The final version of that bill, the proposed Employment and Manpower Act of 1970, was vetoed last December because the President found that it fell far short of the administration's objectives with regard to assuring flexibility in manpower programs and its treatment of the new public service employment program.

Broad agreement was achieved in the 91st Congress, however, that States and major units of local government should have greatly expanded responsibilities for implementing federally supported manpower programs. The people must have the funds and the flexibility to serve the needs of their own areas, and increased planning and management by State and local governments is indispensable to more effective and efficient manpower programs.

Within the context of the philosophy of revenue sharing, which I strongly support, the proposed Manpower Revenue Sharing Act builds upon this concept of decentralizing manpower responsibilities.

I shall touch briefly, Mr. President, on the basic features of the proposed Manpower Revenue Sharing Act. It will replace the Manpower Development and Training Act and manpower provisions of the Economic Opportunity Act. The President has already proposed that $2 billion be appropriated for this bill's first full year which constitutes an increase of almost one-third over current levels of funding for the affected categorical grants.

Eighty-five percent of the funds will be distributed to the States and to cities and counties in metropolitan areas with a population of 100,000 or more. Bonus funds within the formula will be awarded to consortia of local governments which embrace entire major labor market areas, since jobs and workers often cross city and county lines. Smaller units of local governments which agree to act in concert will also qualify for funds. The remaining 15 percent would be made available to the Secretary of Labor to fund special activities.

The shared revenues are to be allocated by statutory formula. Each State or local area's share will be determined by its proportionate number of workers, unemployed persons, and low-income adults. These funds will be available to carry out broadly defined manpower programs.

What are these manpower programs? Manpower programs develop job skills. They help the unemployed and underemployed, particularly welfare recipients and other disadvantaged persons, make the transition to better jobs, better pay and higher skill levels.

An effective program focuses on individual needs and available jobs. It embraces a wide range of manpower activities, providing combinations of services to more people toward their employment goals. Authorized manpower activities include:

Recruitment, counseling, testing, placement and followup services;

Classroom instruction in both remedial education and occupational skills;

On-the-job training with both public and private employers, aided by manpower subsidies;

Job opportunities, including work experience and short-term employment for special age groups and the temporary unemployed, and transitional public service employment at all levels of Government;

Ancillary services such as child care assistance, relocation assistance and minor health services; and

Appropriate training allowances.

Decisions on the mix and specifics of State and local activities under this broad umbrella would be up to each government. However, payments and allowances for individuals are limited to 2 consecutive years, in recognition of the fact that these manpower programs are designed to assist jobseekers in making the transition to permanent, better jobs, rather than to provide long-term public support.

In keeping with the principles of special revenue sharing, State and local governments will be given wide discretion in determining how the funds provided should be used.

This manpower program, unlike its predecessors, has no exhaustive volumes of Federal standards to be met. There will be no towering piles of Federal program applications to complete and no frustrating delays at the Federal level. State and local money now tied down by matching requirements and maintenance of effort will be freed for spending elsewhere as community priorities may dictate.

Giving State and local officials full power to spend Federal manpower funds will sharply increase the citizen's ability to influence how the funds are spent, and will make Government more responsive to legitimate demands for quality services from State and local taxpayers.

To enhance public accountability for manpower programs, State and local governments will be required to publish a statement of program objectives and projected uses of funds each year, prior to receiving their shared revenues. These statements, will include information on the area's economic and labor market conditions; targeted client groups; proposed activities; wages, allowances and other benefits; manpower agencies involved; and the positions and salaries of the program's administrators. In addition, they will review the previous year's programs.

Both State and local governments will be required to make comments about each other's program statements. In particular, they will be responsible for coordinating and making full use of all other State and local manpower activities available. After full public exposure and discussion, they will be required to publish their final program statements for the coming year.

To increase the information available to the public, the Labor Department may publish evaluations of program effectiveness.

The people will then have the hard facts needed to hold their public officials directly and readily accountable for the manner in which manpower programs are administered.

What will be the resulting effect on current categorical programs? This proposal neither mandates nor terminates any programs. It provides that the continuation, expansion, or modification of each program will be determined by the State or community which the program serves on the basis of performance and need.

Programs that have proved themselves in practice may be continued with the use of the Federal funds provided. Many current categorical programs probably will continue and expand in response to local needs once arbitrary Federal restrictions are removed.

On the other hand, programs whose past claims of effectiveness are not justified by the record deserve to be replaced by others more responsive to community needs. Vesting the program authority in governments close to the people will make it harder for programs to coast along on their momentum from year to year, and easier to tailor manpower assistance to on-the-scene realities.

The special activities financed by the 15 percent of manpower funds retained for use by the Secretary of Labor will include support and assistance for State and local programs through staff training and technical aid, through research, and through experimental and demonstration programs to develop new manpower techniques.

The Department of Labor will also maintain a comprehensive system of labor market information and computerized job banks to facilitate exchange of information among different areas. It will monitor State and local programs for fiscal accountability and compile comparative data on all programs to help the Congress and the public assess their effectiveness.

In addition, the Labor Department will have funds to help support certain programs which operate most effectively across the State and local boundaries.

This act, like the President's other revenue-sharing proposals, includes rigorous safeguards against all discrimination. The proposed legislation I am introducing today stipulates that revenue shared and other funds expended by the Secretary of Labor are to be considered Federal financial assistance within the meaning of title VI of the Civil Rights Act of 1964.

One of the most innovative features of the proposed Manpower Training Act of 1969 was an automatic trigger which provided more manpower funds when the national unemployment rate rose to 4.5 percent or more for 3 consecutive months.

The Manpower Revenue Sharing Act contains a similar feature. Triggered funds will be distributed by the Secretary of Labor to areas of high unemployment to provide additional training and employment opportunities. Under such conditions, many State and local governments may choose to use these funds to create temporary public service jobs to offset the rise in unemployment.

This bill also provides permanent authority for public service job creation as part of an overall manpower program—but with the proviso that such jobs must constitute transitional opportunities. Within a 2-year period, participants must be enabled to move into the public employer's regular payroll, or helped to obtain other public or private employment not subsidized by funds under this bill.

Public jobs created through manpower funds thus will be used to develop skills and abilities, with participants moving through such positions into permanent opportunities.

This bill, Mr. President, responds to the basic concerns which have guided the Congress' consideration of manpower reform. In summary, it:

First, responds to Governors' and Mayors' appeals for increased responsibility and increased flexibility;

Second, makes manpower programs more readily accountable to the clients they serve and the taxpayers who support them;

Third, recognizes that transitional public service employment is an integral part of manpower policy, and places no ceiling on its extent within the manpower program; and

Fourth, triggers extra Federal funds to counteract periods of rising unemployment.

Overall, Mr. President, this proposal is designed to give more effective help to those who need it, and to give Americans full return for their tax dollars spent on manpower assistance in the years ahead.

While building on the best experience of past manpower measures, it introduces bold new concepts to make our national manpower revenue sharing system more effective.

I am proud to introduce this landmark proposal today and urge all of my colleagues to work for its early enactment.

Mr. President, I ask unanimous consent that the bill and a section-by-section analysis be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 1243

A bill to provide Federal revenues to State and local governments and afford them broad discretion in furnishing training and employment opportunities needed by individuals to qualify for satisfying and self-supporting employment

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Manpower Revenue Sharing Act of 1971."

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. The Congress finds and declares that—

(1) The Nation's prosperity, economic stability, and productive capacity are limited by a shortage of workers with sufficient skills to perform the demanding production, service, and supervisory tasks necessary in an increasingly technological society. There are also many workers who are unemployed or are employed below their capacity who, with appropriate skill development and training, could make a greater contribution to the national economy and share more fully in its benefits.

(2) Experience has shown that the administration and delivery of effective manpower programs are essentially local matters, requiring a more comprehensive, unified, and flexible approach and that State and local governments are in the best position to assure the active cooperation of employers, employees, and other public and private agencies, individuals and organizations.

(3) The effectiveness of manpower programs would be improved by making resources for such purposes available to State and local governments to use with broad discretion in evaluating the needs of individual participants and allocating resources to meet those needs.

(4) The Federal Government should make available to State and local governments a wide range of assistance and support to enhance the effectiveness of manpower programs.

It is therefore the purpose of this Act to establish a flexible and decentralized National manpower program involving the efforts of all sectors of the economy and all levels of Government, by sharing Federal revenues for the purpose of carrying out manpower training and employment activities designed to provide greater opportunities for training and related services necessary to assist individuals to develop their full economic and occupational potential.

AUTHORIZATION OF APPROPRIATIONS AND ALLOCATION OF FUNDS

SEC. 3. (a) For the purpose of carrying out this Act, there is authorized to be appropriated without fiscal year limitation such sums as may be necessary for each fiscal year.

(b) The amounts appropriated to carry out titles I and II of this Act for any fiscal year shall be allocated as follows:

(1) 85 per centum shall be for training and employment activities carried out by States and eligible units of local general government under title I of this Act; and

(2) 15 per centum shall be for activities carried out by the Secretary of Labor (hereinafter referred to as the Secretary) under title II of this Act.

TITLE I—STATE AND LOCAL MANPOWER PROGRAMS

USES OF SHARED REVENUES

SEC. 101. (a) Recipient units of government shall have broad discretion as to the various uses of revenues shared under this Act for manpower program purposes. Manpower programs shall constitute a developmental process, essentially transitional for each participant, consisting of whatever sequence or combination of manpower services, institutional training, on-the-job training, supported employment, and ancillary services which are needed by unemployed and underemployed persons, with priority afforded to those who are disadvantaged or who receive public welfare payments, to prepare for, secure and hold self-sustaining public and private employment not supported by revenues shared under this Act. The activities authorized under this title, among which revenues shared may be used at the discretion of recipients, are:

(1) Outreach, intake, counseling, testing, work evaluation and work sampling, employability development planning, job coaching, job development (including job redesign and occupational restructuring), orientation, placement, and follow-up services;

(2) Institutional training, including basic and remedial education, improvement in communications skills, and occupational skill training, with such training provided in languages other than English, where appropriate;

(3) On-the-job training for both entry and upgraded employees, providing for reimbursement of public and private employers for bona fide training and associated costs, such as where applicable, the temporary reduction in employee productivity in the course of such training;

(4) Supported employment, which shall consist of:

(A) work experience and temporary employment in public and private non-profit agencies, including that affording part-time work for students in ninth through twelfth grades, and

(B) transitional public service employment in Federal, State, and local government, which, within the period of support, will enable participants to move onto the employer's regular payroll or obtain other suitable public or private employment, not supported by revenues shared under this Act.

(5) Ancillary services, where not available without reimbursement from agencies which normally provide such services, including assistance to involuntarily unemployed workers to voluntarily relocate, residential support, minor health services (including the furnishing of prosthetic devices), voluntarily received family counseling and planning, child care, bonding, and other special services reasonably related to enhancing the employability of participants in programs assisted under this title.

(6) When deemed appropriate, recipient units of government may provide allowances or other financial assistance to individuals engaged in training or other activities under this Act for which they are not directly compensated by employers.

(b) Benefits (including services, employment, allowances and other financial assistance) for each participant may be continued for a period of up to one hundred four weeks.

(c) Recipients of revenues shared under this Act are responsible for assuring that manpower services provided therewith are coordinated, to the fullest extent possible, with similar services provided by other public or private agencies under other statutory authority to develop a comprehensive manpower program in each jurisdiction served.

(d) Activities carried out under this title shall not—

(1) Involve the use of funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such programs with any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office.

(2) Result in the displacement of employed workers or impair existing contracts for services.

DISTRIBUTION OF SHARED REVENUES

SEC. 102. (a) The amounts available for any fiscal year under this title shall be distributed by the Secretary among—

(1) States, for use in those parts of the State not within the jurisdiction of recipient units of local general government;

(2) Units of local general government with a population of 100,000 or more persons which are (i) cities, or (ii) counties and other units of local general government within Standard Metropolitan Statistical Areas (qualifying population of which is exclusive of eligible cities) with powers substantially similar to those of a city;

(3) Standard Metropolitan Statistical Areas in which no single unit of government is eligible under clause (2) of this subsection, but where local units of general government with a combined population which constitutes at least 75 per centum of the total SMSA population form a consortium (hereinafter referred to as eligible units of local general government), recognized by the Secretary, to act for the entire area for purposes of this Act; and

(4) Other combinations of units of general government which include at least one unit of local general government eligible under clause (2) of this subsection (hereinafter referred to as eligible units of local general government), recognized by the Secretary as manpower consortia, to act as one for purposes of this Act,

which are authorized by State or local law to carry out the activities as provided by this Act.

(b) Revenues shared among State and eligible units of local general government shall be amounts calculated in accordance with the proportions, equally weighted, which the number of persons in the labor force, the number of unemployed persons, and the number of low income individuals 16 years of age or older residing in each such jurisdiction bear to such total number, respectively, in the United States: *Provided*, that the funds to be distributed to manpower consortia formed pursuant to clause (4) of subsection (a) of this section which constitute a defined labor market area shall be an amount 10 per centum greater than that to which such jurisdiction would be entitled under the formula provided in this subsection. That data used in applying the formula in this subsection shall be the annual data for the most recent year available, referrable to the same time period for all jurisdictions. In lieu of an amount calculated in accordance with the foregoing provision of this subsection, the amount distributed to the Virgin Islands shall be $1,000,000 and the amount distributed to Guam shall be $300,000.

(c) Not less than three months prior to the beginning of any fiscal year, the Secretary shall determine the units of government eligible for shared revenues during the subsequent fiscal year upon receipt of evidence of authorization to carry out the activities provided by this Act under State or local law, and shall publish in the Federal Register the apportionment factors which govern the distribution of funds under subsection (b). As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the actual revenue shares required by subsection (b). All computations and determinations by the Secretary under subsection (b) of this section shall be final and conclusive.

(d) Until such time as a unit of local general government is authorized under State or local law and is eligible to receive funds and carry out activities as provided by this Act, or in the event such a unit refuses to accept such funds, the revenue shares to which it would have been entitled under subsection (b) of this section shall be added to the shared revenues of the State in which that unit is located for discretionary use in providing manpower programs under this title.

(e) Until such time as a State is authorized under State law and is eligible to receive funds and carry out activities as provided by this Act, or in the event it refuses to accept such funds, the shared revenues to which it would have been entitled under subsection (b) of this section shall be available for expenditure by the Secretary for purposes of this title.

PROGRAM STATEMENTS

SEC. 103. (a) Prior to the receipt of any funds under this title for any fiscal year (and at least two months prior to the beginning of the appropriate fiscal year), in order to facilitate coordination among units of government, to permit public examination of the effectiveness of activities carried out under this title and to enhance the public accountability of recipients of shared revenues—

(1) Each State shall publish and make available to the eligible units of local general government within its jurisdiction, and to the Secretary, a statement of program objectives and projected uses of funds; and

(2) Each recipient unit of local general government (or combination of units) shall publish and make available to the State, and to the Secretary, a statement of program objectives and projected uses of funds.

(b) Statements of program objectives and projected uses of funds shall describe—

(1) The economic and labor market conditions and manpower needs for the area served;

(2) The number and characteristics of persons to be served;

(3) The types of activities which will be carried out under this title;

(4) The schedules of benefits (services, wages, allowances, other financial assistance) to be provided to participants;

(5) The offices and positions through which the activities are to be administered and the salaries thereof;

(6) The identity of agencies and organizations, public and private, carrying out services provided by this and other related Acts; and

(7) Staff training and technical assistance needs.

(c) With respect to the annual program statement of each recipient unit of local general government, each State receiving funds under this Act shall provide to such unit of government not less than one month prior to the beginning of the appropriate fiscal year comments and recommendations regarding local program statements received under subsection (a)(2) of this section including comments and recommendations about duplication of services and capacity, coordination, and integration with State-provided employment and manpower services.

(d) With respect to the annual program statement of each State, each recipient unit of local general government shall provide to the State not less than one month prior to the beginning of the appropriate fiscal year comments and recommendations regarding the State's program statement received under subsection (a)(1) of this section.

(e) The Secretary may provide to each unit of government such comments on its annual program statement as he deems appropriate.

(f) Each unit of government receiving funds under this title shall, prior to the beginning of the fiscal year, publish a final statement of program objectives and projected uses of funds amended as it deems necessary in the light of comments and recommendations which are provided under subsections (c), (d), and (e) of this section or are otherwise received.

(g) Accompanying each final program statement after the first one, each unit of government receiving funds under this title shall publish an annual report on the uses of such funds during the year then ending, which shall set forth expenditures made and the results achieved in relation to objectives, including the information required by subsection (b) (1) through (7) of this section and three year projections of needs and requirements.

RECORDS, AUDIT, AND REPORTS

SEC. 104. (a) All revenues shared with recipient units of government under this title shall be properly accounted for as Federal funds in the accounts of such recipients:

(b) In order to assure that revenues shared under this title are used in accordance with the provisions of this Act, each recipient unit of government shall

(1) Use such fiscal and accounting procedures as may be necessary to assure (i) proper accounting for payments received by it, and (ii) proper disbursement of such amounts;

(2) Provide to the Secretary, on reasonable notice, access to, and the right to examine any books, documents, papers, or records as he may reasonably require, and

(3) Make such reports to the Secretary as he may reasonably require.

RECOVERY OF FUNDS

SEC. 105. (a) If the Secretary determines after giving reasonable notice and opportunity for hearing that a recipient unit of government has failed to comply substantially with the provisions of this Act, he shall—

(1) refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted; or

(2) notify the recipient unit of government that if corrective action is not taken within 60 days from the date of such notification, revenues shared with it will be reduced in the same or succeeding fiscal year by an amount equal to the amount of funds which were not expended in accordance with the provisions of this Act; or

(3) take such other action as may be provided by law.

(b) When a matter is referred to the Attorney General pursuant to subsection (a) (1) of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

(c) (1) Any recipient unit of government which received notice of reduction of revenues shared, under subsection (a)(2) of this section may, within 60 days after receiving notice of such reduction, file with the United States Court of Appeals for the Circuit in which such unit of government is located or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. The petitioner shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in litigation.

(2) The Secretary shall file in the Court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code. No objection to the action of the Secretary shall be considered by the Court unless such objection has been urged before the Secretary.

(3) The Court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole shall be conclusive. The Court may order additional evidence to be taken by the Secretary, and to be made a part of the record. The Secretary may modify his findings of fact, or make new findings, by reason of the new evidence so taken and filed with the Court, and he shall also file such modified or new findings, which findings with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a whole, and shall also file his recommendations, if any, for the modification or setting aside of his original action.

(4) Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of Title 28, United States Code.

TITLE II—ACTIVITIES OF THE SECRETARY OF LABOR

SEC. 201. In order to maximize the effectiveness of activities carried out by recipient units of government under Title I of this Act, the Secretary, either directly or through funds provided to public and private organizations, shall:

(a) Contribute to the efficient exercise of discretionary powers under this Act of State and local governments, by developing capacity for and providing such training, staff development and technical assistance as may be requested by States and recipient units of local general government;

(b) Assist State and local governments to fulfill their responsibilities under this Act by carrying out a comprehensive program of manpower research and experimental, demonstration and pilot programs to improve understanding and methods of meeting manpower, employment, and training problems;

(c) Enhance the capacity of State and local governments to assess their manpower needs and set their own priorities by developing a comprehensive system of labor market information on a national, State, local or other appropriate basis, which shall be made publicly available in a timely fashion;

(d) Establish and carry out a national computerized job bank program, using electronic data processing and telecommunications systems to the maximum extent possible for the purpose of identifying sources of available manpower supply and job vacancies, providing an expeditious means of matching the qualifications of unemployed, underemployed, and disadvantaged persons with employer requirements and job opportunities, and referring and placing such persons in jobs;

(e) Secure information and data designed to enable the Secretary to evaluate and measure the relative and, where programs can be compared appropriately, comparative effectiveness of the activities carried out under this Act;

(f) Administer the Wagner-Peyser Act and the manpower provisions of Title IV, Part C of the Social Security Act in such a manner that services under such laws contribute to the fullest extent possible in the development of comprehensive manpower programs under this Act;

(g) Establish programs designed to assure that manpower programs contribute fully to national policy objectives, including services and activities such as authorized under title I of this Act.

SEC. 202. The Secretary shall make an annual manpower report to the President and the Congress pertaining to manpower requirements, resources, utilization, and training and to the effectiveness of programs authorized under this Act.

TITLE III—EMERGENCY TRAINING AND EMPLOYMENT ASSISTANCE

SEC. 301. When the Secretary determines that the rate (seasonally adjusted) of national unemployment has risen to equal or exceed 4.5 per centum for three consecutive months, the Secretary is authorized to obligate from the funds appropriated for carrying out this title an amount up to 10 per centum of the funds appropriated for carrying out titles I and II of this Act for the fiscal year in which such determination is made.

SEC. 302. The Secretary shall distribute funds available pursuant to section 301 of this title among States and eligible units of local general government to provide training and other services authorized by title I to groups or communities of high unemployment.

SEC. 303. No further obligation of funds made available under section 301 of this title may be made subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 4.5 per centum for three consecutive months.

SEC. 304. Whenever the Secretary determines that the unemployment rate criteria prescribed in section 301 and in section 303 of this title have been met, he shall promptly notify the Congress and the Secretary of the Treasury, and shall publish such determination in the Federal Register.

SEC. 305. This title shall be effective July 1, 1972.

TITLE IV—GENERAL PROVISIONS

SEC. 401. The Secretary shall prescribe such rules, regulations, and standards as may be necessary to carry out the purposes and conditions of this Act, including standards to assure the compatibility on a nationwide basis of data systems used in carrying out activities under this Act in order to provide the public and the Congress with objective information on which to evaluate activities under this Act.

SEC. 402. Revenues shared under this Act shall be considered as Federal financial assistance within the meaning of title VI of the Civil Rights Act of 1964 (42 U.S.C. Sec. 2000d).

SEC. 403. (a) Effective December 31, 1971, the Manpower Development and Training Act of 1962, as amended, and title I (parts A, B, and E) of the Economic Opportunity Act of 1964, as amended are repealed: *Provided,* That for the fiscal year ending June 30, 1972, revenues shared shall be calculated on the basis of Federal appropriations for the entire fiscal year under this Act and statutory provisions repealed by this subsection, and cumulative Federal obligations from the appropriations for the fiscal year ending June 30, 1972, as of December 31, 1971, for grants or contracts consonant with the activities authorized under section 101(a) of this Act, within or attributable to the jurisdiction of each recipient unit of government will be charged against its shared revenues: *Provided further,* That each recipient unit may at its discretion assume and act on behalf of the Secretary with respect to the unexpended portion of any Federal obligation for a grant or contract for such activities as of December 31, 1971, under the statutory provisions repealed by this subsection, and may terminate or continue such grant or contract in accordance with its terms on its own responsibility. The grantee or contractor may terminate any assumed grant or contract within thirty days after such assumption without incurring penalties for default. In the event that a recipient unit of government declines to assume the obligation for any such grant or contract, it shall continue in accordance with its terms until termination. For the purpose of this proviso, all authority of the statutory provisions repealed by this subsection shall remain in effect, but not beyond December 31, 1972.

(b) Advance payments made prior to and including December 31, 1971, and unearned at the close of business on December 31, 1971, shall be either returned promptly to the Federal agency concerned, or offset against the first shared revenues to which the same unit of government becomes entitled under this Act.

(c) Unobligated balances of appropriations on the books of the Federal Government under the statutory provisions repealed by subsection (a) of this section shall be transferred to and merged with funds appropriated under the authority of section 3 of this Act.

SEC. 404. The amounts appropriated and allocated pursuant to this Act shall be paid to the recipient units of government at such intervals and in such installments as the Secretary may determine, taking account of the objective that the time elapsing between the transfer of funds from the United States Treasury and the disbursement thereof by a recipient unit of government shall be minimized: *Provided,* That the Secretary shall, with the concurrence of the Director of the Office of Management and Budget, prescribe regulations for the purpose of avoiding an inordinate rise in Federal outlays in fiscal years 1972 and 1973 resulting from concurrent disbursements pursuant to (i) obligations incurred prior to December 31, 1971, under the statutory provisions repealed by section 403(a), and (ii) revenues shared under this Act.

SEC. 405. In the event that cooperation or agreements between States is necessary in order to realize the full benefit of provisions of this Act, the consent of Congress is hereby given to such States to enter into such agreements.

SEC. 406. The Secretary shall not provide funds for activities of a health, education, or welfare character under title II of this Act unless he shall first have obtained the concurrence of the Secretary of Health, Education, and Welfare. Such activities shall include but not be limited to basic and general education; institutional training; health, child care, and related ancillary activities; and supported work and job restructuring in the health, education, and welfare professions.

SEC. 407. (a) The Secretary is authorized to exercise all powers necessary for the implementations of title II including the power (1) to rent or renovate real property without regard to any other law or regulation governing rental or renovation of such property, provided he first advises the Administrator of General Services Administration of his intent to do so and the reasons therefor, (2) to purchase real property for training centers, (3) to accept and use gifts and voluntary services for the benefit of the program, (4) to enter into contracts or agreements, (5) to make such payments in advance or by way of reimbursement as he may deem to be necessary or appropriate to carry out the provisions of the Act, and (6) to expend, without regard to the provisions of any other law or regulation, funds made available for purposes of this Act for printing and binding.

(b) Enrollees in residential centers assisted under title II of this Act shall not be regarded as Federal employees for any purpose, except that such enrollees shall be deemed Federal employees for the purposes of (1) the Federal tort claims provisions of title 28, United States Code; (2) the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act, 42 U.S.C. 401 et seq.); and (3) subchapter I of chapter 81 of title 5, United States Code (relating to compensation for work injuries); *except,* that the Secretary may prescribe rules and regulations, including variances from the provisions of this subchapter where he deems it appropriate and including the designation of appropriate salary levels to be used as a basis for computing benefits to such enrollees.

SEC. 408. All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating of projects, buildings, and works which are federally assisted, which shall include revenue shared, under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

SEC. 409. (a) As used in this Act, the term "State" means a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands.

(b) For purposes of determining shared revenues under section 102 of this Act—

(1) The term "labor force" means the civilian labor force as defined and used by the Department of Labor's Bureau of Labor Statistics;

(2) The term "unemployed persons" means those persons who are unemployed as defined and used by the Department of Labor's Bureau of Labor Statistics;

(3) The term "low income persons" means members of households or individuals living separately, whose income does not exceed criteria established by the Secretary, taking into consideration family size, urban-rural and farm-nonfarm differences and other relevant factors;

(4) The term "Standard Metropolitan Statistical Area" means those population centers as defined by the Office of Management and Budget;

(5) The term "labor market area" means a local economic complex as defined by the Secretary, within which workers may normally change their place of work without changing their place of residence.

(c) Where appropriate, the definitions in subsection (b) of this section shall be based on the latest published reports of the Department of Labor and the Office of Management and Budget on the date of enactment of this Act and of each subsequent year. The Secretary may by regulation change or otherwise modify the definitions in subsection (b) of this section in order to reflect any change or modification thereof made subsequent to such date by the Department of Labor or the Office of Management and Budget.

SEC. 410. The effective date of this Act, except as provided in section 305 of this Act, shall be January 1, 1972. Rules, regulations, guidelines, and other published interpretations or orders may be issued by the Secretary at any time after the date of enactment.

A SECTION-BY-SECTION ANALYSIS OF THE MANPOWER REVENUE SHARING ACT OF 1971

The intent of "The Manpower Revenue Sharing Act of 1971" is to provide discretionary Federal revenues and State and local governments in order to furnish training and employment opportunities needed by individuals to qualify for satisfying and self-supporting employment.

Section 1 provides that the Act may be cited as the "Manpower Revenue Sharing Act of 1971".

STATEMENT OF FINDINGS AND PURPOSE

Section 2 sets forth Congressional findings and declares that it is the Act's purpose to establish a flexible and decentralized national manpower program by sharing Federal revenues with eligible State and local governments in order that they may provide such training and related services that they deem necessary to assist individuals in their jurisdictions to develop their full economic and occupational potential. It emphasizes that the Nation's progress would be aided thereby, since at present it is limited by a shortage of workers with skills needed in a technological society. With appropriate training and skill development, unemployed and underemployed workers could help fill the gap and also as a result share more in the economy.

AUTHORIZATION OF APPROPRIATIONS AND ALLOCATION OF FUNDS

Section 3 authorizes such appropriations as may be necessary without fiscal year limitation to carry out the Act.

Amounts appropriated for Titles I and II shall be allocated so that:

(1) 85% shall be for activities carried out by States and other eligible units of local general government under Title I; and

(2) 15% shall be for activities carried out by the Secretary of Labor under Title II.

TITLE I. STATE AND LOCAL MANPOWER PROGRAMS

USES OF SHARED REVENUES

Section 101 gives recipient units of government broad discretion in using available funds for manpower program purposes. The Act specifies that manpower programs shall be a developmental process, essentially transitional for each participant, to prepare unemployed and underemployed persons to hold self-sustaining public and private jobs not supported by funds under this Act. Special priority is given to welfare recipients and other disadvantaged persons. An effective manpower program must focus on the individual's needs in relation to available jobs. It provides whatever sequence or combination of activities (among the following) needed to meet a particular individual's employment goals.

(1) Outreach, intake, counseling, testing, work evaluation and work sampling, employability development planning, job coaching, job development, orientation, placement and follow-up services;

(2) Institutional training, including both remedial education and occupational skill training, with training in other than the English language, where appropriate;

(3) On-the-job training providing for reimbursement of public and private employers for bona fide training and associated costs;

(4) Supported employment, which shall consist of work experience and temporary employment in public and private nonprofit agencies and transitional public service employment in Federal, State and local government;

(5) Ancillary services reasonably related to enhancing a participant's employability, including, but not limited to, child care assistance, relocation assistance, and minor health services;

(6) Allowances or other financial assist-

ance to individuals in training and other authorized activities, when appropriate.

To emphasize that manpower programs are developmental and transitional in nature, benefits for individuals are limited to a maximum of two years.

Recipient governments are responsibile for assuring that manpower services delivered under this Act are coordinated with similar services provided under other legislative authority to the fullest extent possible to develop a comprehensive manpower program in each jurisdiction served.

Activities under this title shall not involve participation in partisan or nonpartisan political activities, displacing employed workers or impairing existing contracts.

DISTRIBUTION OF SHARED REVENUES

Section 102 defines units of general government eligible to receive manpower funds as States (for areas not served by local governmental recipients); cities with a population of 100,000 or more persons; counties or other units of local general government with city-like powers in Standard Metropolitan Statistical Areas (SMSAs) and having a population of 100,000 or more persons (exclusive of the population of qualifying cities); consortia of local general governments representing at least 75 percent of the population of SMSAs with populations of less than 100,000 persons; and consortia of local general governments in larger SMSAs.

Each State or local area's share will be in accordance with its resident number of workers, unemployed persons, and low income individuals 16 years of age or older as a proportion of the national totals, respectively. When local governments form a consortium to serve an entire labor market area in a large SMSA, the funds they are entitled to under the formula will be increased by 10%. The Virgin Islands shall receive a flat sum of $1,000,000; Guam $300,000.

The section provides that the Secretary shall determine the units of government eligible for shared revenues during the subsequent fiscal year upon receipt of evidence of authorization to carry out the activities provided by the Act under State or local law. At least three months prior to the beginning of any fiscal year the Secretary shall publish in the Federal Register the apportionment factors which govern the distribution of funds. After funds are appropriated, he shall publish the actual distribution of shared revenues.

Until such time as a unit of local general government is eligible to receive funds or if it declines its allocation, its revenue share shall be added to those of the State in which the eligible unit is located.

Any revenue shares available because a State declines its allotment or is not yet eligible to receive funds shall be made available to the Secretary to carry out the purposes of Title I.

PUBLICATION OF PROGRAM STATEMENTS

Section 103 provides that in order to facilitate coordination among units of government and to permit public examination of activities carried out under this title, recipient State and local governments must publish a statement of program objectives and projected uses of funds at least three months before the beginning of the fiscal year. These statements shall include information on the area's economic and labor market conditions; target client groups; proposed activities; wages, allowances and other benefits; manpower agencies involved; and the positions and salaries of the programs' administrators.

State and local governments shall review one another's annual program statement and exchange explicit comments and recommendations. Particular attention shall be given to steps to eliminate duplication of services and to achieve coordination and integration with State-provided employment and manpower services. The Secretary may provide suggestions and recommendations on the program statements. Taking into account such comments and recommendations, each unit of government receiving shared revenues shall publish prior to the beginning of the fiscal year a final amended statement of program objectives and projected uses of funds. Each participant unit of government is also required to publish an annual report on the uses of such funds for the previous year.

RECORDS, AUDITS AND REPORTS

Section 104 provides that all revenue shared with recipient units of government under this title shall be accounted for as Federal funds in the accounts of such recipients. To assure that funds are used in accordance with the provisions of this Act, each recipient shall properly account for receipts and disbursements, provide the Secretary access to records on reasonable notice, and make reports to the Secretary as he may reasonably require.

RECOVERY OF FUNDS

Section 105 provides that if the Secretary determines, after reasonable notice and an opportunity for hearing, that a recipient unit of government has failed to comply substantially with the provisions of this Act, he shall (1) refer the matter to the Attorney General with a recommenadtion for appropriate civil action; or (2) notify the recipient that if corrective action is not taken within 60 days, its revenue share shall be reduced proportionately, or (3) take such other action as may be provided by law. A recipient which receives notice of reduction of revenue share, may, after pursuing certain administrative remedies, file for judicial review.

TITLE II. ACTIVITIES OF THE SECRETARY OF LABOR

Section 201 assigns specific activities to the Secretary designed to maximize the effectiveness of recipient governments in providing manpower services. The authorized activities are staff development and technical assistance; manpower research and experimental, demonstration and pilot programs; labor market information; a national computerized job bank; and program evaluation, including comparative data systems. Such activities may be carried out directly or through arrangements with public or private agencies.

The Secretary will administer other programs, such as the Federal-State employment security system and the Work Incentive Program in such a manner that services under such laws contribute to the fullest extent possible, in the development of comprehensive manpower programs under this Act.

To assure that manpower programs contribute fully to national policy objectives, the Secretary may establish programs providing any services and activities authorized under Title I.

Section 202 requires that the Secretary transmit an annual report to the President and the Congress pertaining to manpower requirements, resources, utilization, and training, and to the effectiveness of programs authorized under this Act.

TITLE III. EMERGENCY TRAINING AND EMPLOYMENT ASSISTANCE

Section 301 provides that when the Secretary determines that the rate (seasonally adjusted) of national unemployment has risen to equal or exceed 4.5 per centum for three consecutive months, the Secretary is authorized to obligate from funds appropriated to carry out this title an amount equal to 10 per centum of the funds appropriated to carry out Titles I and II of this Act for the fiscal year in which the determination is made.

Section 302 provides that the Secretary shall distribute such funds among State and eligible units of local general government to provide training and other Title I services to groups or communities of high unemployment.

Section 303 provides that no further obligation of funds may be made subsequent to a determination by the Secretary that the rate of national unemployment has receded below 4.5 per centum for three consecutive months.

Section 304 provides that whenever the Secretary determines that the unemployment rate criteria reaches or falls below the 4.5 percent level, he shall promptly notify the Congress and the Secretary of Treasury, and shall publish such determination in the Federal Register.

Section 305 provides that this title shall be effective July 1, 1972.

TITLE IV. GENERAL PROVISIONS

Section 401 provides that the Secretary shall prescribe such rules, regulations, and standards as may be necessary to carry out the purposes and conditions of this Act, including standards to assure the compatibility on a nationwide basis of data systems used in carrying out activities under this Act in order to provide the public and the Congress with objective information on which to evaluate activities under this Act.

Section 402 provides that shared revenues under this Act shall be considered Federal financial assistance within the meaning of Title VI of the Civil Rights Act of 1964.

Section 403 provides that effective December 31, 1971, the Manpower Development and Training Act of 1962, as amended, and Title I (Parts A, B and E) of the Economic Opportunity Act of 1964, as amended, are repealed. FY 1972 obligations of FY 1972 funds under MDTA and EOA shall be charged against appropriate governments' revenue shares. Such governments may assume and act on behalf of the Secretary with respect to the unexpended portion of any grants or contracts as of December 31, 1971, and may terminate or continue them (in accordance with their terms) on their own responsibility. The grantee or contractor may terminate any assumed contract or grant within 30 days after such assumption without incurring penalties for default. If eligible governments decline this option, the Secretary shall continue to be responsible for carrying on such grants or contracts until they terminate. For the purpose of completing the contracts and grants, all of the repealed statutory authority will remain in effect but not beyond December 31, 1972. Unexpended advance payments as of December 31, 1971, must be returned to the Federal agency concerned or offset against the appropriate governments' revenue shares. Unobligated balances shall be merged with funds appropriated under this Act.

Section 404 requires that amounts appropriated and allocated pursuant to Title I of this Act shall be paid to recipient units of government at such intervals and in such installments as to minimize the time elapsing between the transfer of funds from the United States Treasury and the disbursement thereof by recipient governments. The Secretary, with concurrence of the Director of the Office of Management and Budget, shall prescribe regulations to avoid an inordinate rise in Federal outlays in FY 1972 and 1973 as a result of concurrent disbursements under both this Act and the repealed laws.

Section 405 gives Congressional consent to any needed interstate compacts.

Section 406 provides that the Secretary shall not fund health, education of welfare activities under Title II of this Act unless he shall first have obtained the concurrence of the Secretary of Health, Education, and Welfare.

Section 407 authorizes the Secretary to exerise all powers necessary for the implementation of title II, including the power to rent or renovate real property, to purchase real property for training centers, to accept and use gifts and voluntary services for the benefit of the program, to enter into contracts or agreements, to make such payments in advance or by way of reimbursement as he may deem necessary or appropriate to carry out the provisions of the Act, and to expand, without regard to the provisions of any other law or regulation, funds made available for purposes of this Act for printing and binding.

This section also provides that enrollees in residential centers under title II shall not be regarded as Federal employees except for purposes of the Federal Tort Claims Act, the Federal Employees' Compensation Act, and the Federal employees' unemployment compensation program.

Section 408 provides that all laborers and mechanics employed by contractors or subcontractors in any construction, alteration or repair of projects, buildings and works which are assisted under this Act shall be paid wages at rates not less than those prevailing on similar local construction as determined by the Secretary in accordance with the Davis-Bacon Act.

Section 409 provides definitions of terms as used in the Act. The term "State" means a State, Commonwealth of Puerto Rico, the District of Columbia, Guam and the Virgin Islands. In addition, the following terms are defined: labor force, unemployed persons, low income persons, Standard Metropolitan Statistical Area, and labor market area.

Where appropriate, the definitions shall be based on the latest published reports of the Department of Labor and the Office of Management and Budget on the date of enactment of this Act and of each subsequent year. The Secretary may, by regulation, change or otherwise modify the definitions in order to reflect any change or modification thereof made subsequent to such date.

Section 410 sets the effective date of this Act, except as otherwise provided, as January 1, 1972. Rules, regulations, guidelines, and other published interpretations or orders may be issued by the Secretary at any time after the date of enactment.

By Mr. MOSS (for himself, Mr. Bible, Mr. Church, Mr. Cranston, Mr. Fong, Mr. Fulbright, Mr. Goldwater, Mr. Harris, Mr. Hartke, Mr. Hatfield, Mr. Jackson, Mr. Javits, Mr. Jordan of Idaho, Mr. Kennedy, Mr. McClellan, Mr. McGee, Mr. Metcalf Mr. Mondale, Mr. Muskie, Mr. Pell, Mr. Percy, and Mr. Thurmond):

S. 1245. A bill to amend the Act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data. Referred to the Committee on Interior and Insular Affairs.

PROTECTION AND RECOVERY OF ARCHEOLOGICAL SITES

Mr. MOSS. Mr. President, I introduce for myself and Senators Bible, Church, Cranston, Fulbright, Goldwater, Harris, Hartke, Hatfield, Jackson, Jordan of Idaho, Kennedy, McClellan, McGee, Metcalf, Mondale, Muskie, Pell, Percy, and Thurmond, a bill to provide for the protection and recovery of scientific, prehistorical, historical, and archeological data which might be affected through alteration of the terrain by any Federal, federally assisted or federally licensed activity or program. The bill amends the act of June 27, 1960 (70 Stat. 220).

The bill is basically a conservation measure. Its enactment will help us protect and recover one of America's great nonrenewable resources—the evidence of the past. Without it, a majority of our archeological sites will be damaged or destroyed within the next 25 years.

The National Park Service has maintained for more than 20 years a program of cooperative agreements with State and local institutions for recovery of archeological data about to be lost through flooding behind dams. The 1960 act—Public Law 86–523—required Federal agencies building dams or licensing the construction of dams to notify the Secretary of the Interior of such intentions and formalized the ongoing reservoir archeological salvage program.

Unfortunately there has never been any provision for the recovery of archeological and historical data being lost as a result of Federal programs, other than dam construction. These losses far surpass those resulting from the building of dams.

A measure basically similar to this present amendment was introduced in the last session of Congress—S. 2893, H.R. 15453—and, at the request of the House and Senate Committees on Interior and Insular Affairs, was commented upon by all Federal agencies concerned. The bill introduced today incorporates improvements which satisfy all of the recommendations made by those Federal agencies.

This bill amends and broadens the 1960 act as follows:

First, coverage is extended to all Federal and federally assisted or licensed programs which alter the terrain and thus potentially cause loss of scientific, prehistorical, historical, or archeological data.

Second, Federal agencies are directed to notify the Secretary of the Interior if in their operations archeological or other scientific data are revealed or threatened.

Third, the Secretary of the Interior, upon notification by any responsible authority that a Federal program is threatening, damaging, or destroying such data, shall evaluate the situation and cause a survey or other investigation to be made to the extent necessary to protect the public interest.

Fourth, Federal agencies whose programs are causing damage or destruction of scientific, prehistorical, historical, or archeological data are authorized to transfer to the Secretary of the Interior a small portion of the program funds to protect or recover such data prior to its loss.

Since the Nation's Federal and private funds and archeological personnel are limited, they must be utilized where there is the greatest priority and scientific need. Passage of this bill would authorize additional Federal funding and activities to recover archeological data.

But of even greater importance, enactment of the bill would enable archeologists to select the sites upon which to concentrate their efforts on the basis of scientific need, rather than being restricted to sites which are being destroyed by dam construction or reservoir flooding. In the past much extremely valuable scientific data has been lost because there were no funds or personnel to be used at the critical time. By authorizing the transfer of the necessary funds from the program which threatens destruction at the time of the threat, it would be possible to tie in, directly and immediately, archeological skills and funds when they are needed.

Under the bill, the responsibility for initiating action rests with the archeologists, and the Federal agencies involved would not be burdened with unnecessary administrative problems or expense.

The bill has the endorsement of the executive committee of the Society for American Archeology and the committee on the recovery of archeological remains.

I send the bill to the desk, and ask that it be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1245

A bill to amend the Act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam," approved June 27, 1960 (74 Stat. 220), is amended to read as follows: "That it is the purpose of this Act to further the policy set forth in the Act entitled 'An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes,' approved August 21, 1935 (16 U.S.C. 461–467), and the Act entitled 'An Act to establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes,' approved October 15, 1966 (80 Stat. 915), by specifically providing for the preservation of scientific, prehistorical, historical, and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of (1) flooding, the building of access roads, the erection of workmen's communities, the relocation of railroads and highways, and other alterations of the terrain caused by the construction of a dam by any agency of the United States, or by any private person or corporation holding a license issued by any such agency; or (2) any alteration of the terrain caused as a result of any Federal, federally assisted, or federally licensed activity or program.

"Sec. 2. Before any agency of the United States shall undertake the construction of a dam, or issue a license to any private individual or corporation for the construction of a dam it shall give written notice to the Secretary of the Interior (hereinafter referred to as the "Secretary") setting forth the site of the proposed dam and the approximate area to be flooded and otherwise changed if such construction is undertaken: *Provided,* That with respect to any floodwater retarding dam which provides less than five thousand acre-feet of detention capacity and with respect to any other type of dam which creates a reservoir of less than forty surface acres the provisions of this section shall apply only when the construction agency, in its preliminary surveys, finds, or is presented with evidence that scientific, prehistorical, historical, or archeological data exist or may be present in the proposed reservoir area.

"Sec. 3. (a) Whenever any Federal agency finds, or is made aware by an appropriate historical or archeological authority, that its operation in connection with any Federal, federally assisted, or federally licensed project, activity, or program adversely affects or may adversely affect significant scientific, prehistorical, historical, or archeological data, such agency shall notify the Secretary, in writing, and shall provide the Secretary with appropriate information concerning the project, program, or activity. Such agency (1) may request the Secretary to undertake the recovery, protection, and preservation of such data (including preliminary survey, or other investigation as needed, and analysis and publication of the reports resulting from such investigation), or (2) may, with funds appropriated for such project, programs, or activity, undertake the activities referred to in clause (1). Copies of reports of any investigations made pursuant to clause (2) shall be made available to the Secretary.

"(b) The Secretary, upon notification by any such agency or by any other Federal or State agency or appropriate historical or archeological authority that scientific, prehistorical, historical, or archeological data is or may be adversely affected by any Federal, federally assisted, or federally licensed project, activity, or program, shall, if he determines that such data is being or may be adversely affected, and after reasonable notice to the agency responsible for such project, activity, or program, conduct or cause to be conducted a survey and other investigation of the areas which are or may be affected and recover and preserve such data (including analysis and publication) which, in his opinion are not being but should be recovered and preserved in the public interest. The Secretary shall initiate action within 60 days of notification to him by an agency pursuant to subsection (a), and within such time as may be agreed upon with the head of the responsible agency in all other cases. The responsible agency upon request of the Secretary is hereby authorized to assist the Secretary and to transfer to the Secretary such funds as may be necessary, in an amount not to exceed 1 per centum of the total amount appropriated for such project, activity, or program, to enable the Secretary to conduct such survey or other investigation and recover and preserve such data (including analysis and publication) or, in the case of small projects which cause extensive scientific, prehistorical, historical, or archeological damage, such larger amount as may be mutually agreed upon by the Secretary and the responsible Federal agency as being necessary to effect adequate protection and recovery: *Provided*, That the costs of such survey, recovery, analysis, and publication shall be considered project costs allocated to the several project purposes. An appropriate share, as determined by the responsible Federal agency, of the costs of survey, recovery, analysis, and publication shall be borne by the grantee in the case of projects, activities, or programs funded under Federal grant-in-aid programs.

"(c) The Secretary shall keep the responsible agency notified at all times of the progress of any survey or other investigation made under this Act, or of any work undertaken as a result of such survey, in order that there will be as little disruption or delay as possible in the carrying out of the functions of such agency.

"(d) A survey or other investigation similar to that provided for by subsection (b) of this section and the work required to be performed as a result thereof shall so far as practicable also be undertaken in connection with any dam, project, activity, or program which has been heretofore authorized by any agency of the United States, by any private person or corporation holding a license issued by any such agency, or by Federal law.

"(e) The Secretary shall consult with any interested Federal and State agencies, educational and scientific organizations, and private institutions and qualified individuals, with a view to determining the ownership of and the most appropriate repository for any relics and specimens recovered as a result of any work performed as provided for in this section.

"Sec. 4. In the administration of this Act, the Secretary may:

(1) accept and utilize funds transferred to him by any Federal agency pursuant to this Act;

(2) enter into contracts or make cooperative agreements with any Federal or State agency, any educational or scientific organization, or any institution, corporation, associations, or qualified individual;

(3) obtain the services of experts and consultants or organizations thereof in accordance with section 3109 of title 5, United States Code; and

(4) accept and utilize funds made available for salvage archeological purposes by any private person or corporation.

"Sec. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act."

By Mr. PROXMIRE:

S. 1249. A bill to amend the Department of Transportation Act to provide for a more adequate transportation investment analysis. Referred to the Committee on Commerce.

A BILL TO PROVIDE FOR MORE ADEQUATE TRANSPORTATION INVESTMENT ANALYSIS

Mr. PROXMIRE. Mr. President, today I am introducing a bill to amend the act which established the Department of Transportation. The purpose of my amendment is, first, to remove the restrictions which hamper the ability of the Department to analyze the value of investment in different modes of transportation and, second, to make clear that it is the responsibility of the Department of Transportation to perform economic analysis of proposed investments and to present the results to Congress in a timely and useful manner.

More specifically, this bill would clarify the authority of the Department of Transportation to establish investment criteria for the Federal highway program and for the transportation features of multipurpose water resource projects. The bill does not in any way weaken the role of Congress in establishing transportation policy. The language which Congress wrote into section 4 of the original law reading "nothing in this act shall be construed to authorize, without appropriate action by the Congress, the adoption, revision, or implementation of any transportation policy" remains. This language makes clear that the final authority rests, as it should, with the Congress. My purpose is to insure that Congress has available from the executive branch the best possible analysis of the expenditure proposals on which we in Congress make the final decisions.

This bill was previously introduced last September as S. 4338, and favorable views on it were received from several agencies. I hope that it will be possible to obtain prompt passage of this bill in the present Congress.

I ask unanimous consent that the bill I have introduced be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1249

A bill to amend the Department of Transportation Act to provide for a more adequate transportation investment analysis

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby declares that the Department of Transportation has not yet fulfilled its promise with respect to promoting the efficient and equitable allocation of investment funds among the various modes of transportation; that the Department is handicapped in the performance of this duty by certain restrictive provisions of the Department of Transportation Act; and that it is the sense of Congress that the Department of Transportation should establish improved procedures for conducting economic analysis of the relative public value of investment in different modes of transportation and that to the extent feasible such analysis should take into account the external costs and benefits of proposed investments, including nonmonetary costs and benefits and the probable distribution of the costs and benefits among different groups in the population. It is the purpose of this Act to make clear the authority and responsibility of the Department of Transportation to establish the necessary standards and criteria for the economic evaluation of transportation investments.

Sec. 2. (a) Section 4(b)(2) of the Department of Transportation Act is amended to read as follows:

"(2) Nothing in this Act shall be construed to authorize, without appropriate action by Congress, the adoption, revision, or implementation of any transportation policy."

(b) Section 7(a) of the Department of Transportation Act is amended to read as follows:

"Sec. 7. (a)(1) The Secretary, subject to the provisions of section 4 of this Act, shall develop and from time to time in the light of experience revise standards and criteria consistent with national transportation policies for the formulation and economic evaluation of all proposals for the investment of Federal funds in transportation facilities or equipment, except such proposals as are concerned with (A) the acquisition of transportation facilities or equipment by Federal agencies in providing transportation services for their own use; and (B) programs of foreign assistance. The standards and criteria for economic evaluation of the transportation features of multipurpose water resource projects shall be developed by the Secretary after consultation with the Water Resources Council, of which the Secretary of Transportation shall remain a member, and shall be compatible with the standards and criteria for economic evaluation applicable to nontransportation features of such projects.

"(2) The standards and criteria developed or revised pursuant to this subsection shall be such as to insure that the resulting economic evaluation permits to the maximum feasible degree a comparison of the relative public value of investment in alternative modes of transportation.

"(3) The standards and criteria developed or revised pursuant to this subsection shall be promulgated by the Secretary upon their approval by the President."

By Mr. GURNEY:

S. 1250. A bill to amend title II of the Social Security Act to increase the amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; and to amend title II of the Social Security Act to provide a minimum monthly benefit of $100. Referred to the Committee on Finance.

AMENDMENT TO SOCIAL SECURITY ACT

Mr. GURNEY. Mr. President, I am today introducing legislation which would do two things:

First, raise to $100 the monthly minimum paid to social security recipients;

Second, permit a person to earn $3,000 per year before losing benefits under the social security scheme.

I note that the Senate-House conferees have agreed on the 10-percent increase in social security payments, retroactive to January 1, 1971. I think this is all well and good. It is in fact long overdue—we in the Senate voted this raise in December 1970 and it failed of passage in the House in the final days of the 91st Congress. This increase was properly treated as a special item this year and attached to the debt limitation bill. Other Senate amendments to this bill were cut off in conference and my bill is intended to pick up that slack.

The least we in Congress should do for our elderly people on social security is to provide a $100 monthly minimum.

When we talk about a $100 monthly limit we must remember that $100 monthly, $1,200 a year, is not very much money these days. When I was a boy, a man could buy a very good house for $5,000 and a more than adequate automobile for $200. Those days are gone forever and the inflation which is so pervasive nowadays strikes hardest at our older citizens. This is a commonplace statement nowadays but it sounds very cold and impersonal.

There is nothing impersonal about an older person trying to make do on $100 per month, $1,200 per year. It robs these individuals of dignity and self-respect. I am aware that social security was not intended to be the final or ultimate retirement plan. Happily, people who are now working are more and more arranging to supplement their retirement income with annuities, private retirement plans, savings, and so on. People who are already retired, however, are not able to plan in this fashion. They are not able to enter the labor market in many cases. They are dependent whether we like it or not, on social security. Raising this minimum would mean a great deal to the people who need it most. Let us think of it in personal terms and do what we can for these people.

The second portion of the bill goes to another different but related problem: Older persons who can and do wish to work. Last month, I addressed the National Association of Retired Persons regional convention in Atlanta and I stressed at that time what the illustrious founder of that organization had said: Idleness means stagnation; enforced idleness is often a death warrant for older persons. In work we find salvation.

As it stands now, a person can collect social security although he or she collects huge sums in unearned income—in interest, dividends, rents, and so forth. But once he becomes a wage earner, the older person puts his social security payments in jeopardy. He can only earn $1,680. Earnings after that modest sum will cut off his social security payments. This is simply not fair.

If an older person wants to work for wages—and thousands do—he should be permitted to keep the fruits of his labor, his wages, and continue to receive social security payments. I propose in this bill a more realistic limit: I say, let a retired person earn up to $3,000 per year without suffering a loss of social security payments—$3,000 is the poverty level we hear so much about. It is not fair, in my judgment, to force willing and able-bodied older people out of the labor market if they do not wish to go that route. This is fair and equitable and I hope we get favorable consideration of these proposals and proposals like them which have been introduced by our colleagues in the Finance Committee.

By Mr. HANSEN:

S. 1251. A bill to provide that quotas on certain meat and meat products provided for by section 2 of the act of August 22, 1964, shall come into effect when the estimate of imports by the Secretary of Agriculture equals or exceeds the level prescribed by such section. Referred to the Committee on Finance.

Mr. HANSEN. Mr. President, I am today introducing legislation which provides that quotas on certain meat and meat products provided for by section 2 of the 1964 Meat Import Act shall come into effect when the estimate of imports by the Secretary of Agriculture equals or exceeds 110 percent of the adjusted base figure for the new year as developed by the formula within the 1964 law.

The 1964 meat import law provides that upon findings by the Secretary of Agriculture that the estimated importation of meat for the forthcoming year will equal or exceed 110 percent of the adjusted base figure established in the 1964 law, the President shall by proclamation impose quotas limiting the total quantity of meat which will be imported into the United States during that year. The law further provides that the President may suspend the quota figure and establish a new level of meat imports at such point as he determines is in the public interest.

The original intent of the Meat Import Act was to have the President of the United States impose quotas by proclamation at the beginning of the calendar year if the Secretary determined that the expected import level of meat into the United States during any given year would exceed 110 percent of the adjusted base figure. Having the President impose quotas at the beginning of the calendar year gave the meat producer a base from which he could anticipate and conduct his business for the new year.

Unfortunately, the law has not been implemented to coincide with this original intent. For 1971, the proclamation was not issued until March 13. What this means is that the meat industry has been left hanging without quotas for 2½ months.

Mr. President, I certainly do not take issue with the right of the President to suspend quotas and set the meat import figure at such level as he determines to be in the national interest. My legislation would not alter this provision. What I do take issue with is the fact that quotas were not issued at the beginning of the calendar year as was originally intended by the 1964 law.

This legislation would provide for the implementation of quotas automatically on the finding by the Secretary of Agriculture that the expected level of meat imported into the United States equaled or exceeded 110 percent of the adjusted base quota figure.

This is good legislation. It is not intended to reduce the President's power in any way. Its only intent is to establish quotas at the beginning of the calendar year.

I ask unanimous consent that the full text of my bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1251

A bill to provide that quotas on certain meat and meat products provided for by section 2 of the Act of August 22, 1964, shall come into effect when the estimate of imports by the Secretary of Agriculture equals or exceeds the level prescribed by such section

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to provide for the free importation of certain wild animals, and to provide for the imposition of quotas on certain meat and meat products", approved August 22, 1964 (Public Law 88–482), is amended—

(1) by inserting "in the Federal Register" after "publish" in subsection (b);

(2) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) (1) If the aggregate quantity estimated before any calendar quarter by the Secretary of Agriculture pursuant to subsection (b) (2) equals or exceeds 110 percent of the aggregate quantity estimated by him pursuant to subsection (b) (1), and if there is no limitation in effect under this section with respect to such calendar year, the total quantity of the articles described in subsection (a) which may be entered, or withdrawn from warehouse, for consumption during such calendar year shall not exceed the aggregate quantity estimated for such calendar year by the Secretary of Agriculture pursuant to subsection (b) (1).

"(2) If the aggregate quantity estimated before any calendar quarter by the Secretary of Agriculture pursuant to subsection (b) (2) does not equal or exceed 110 percent of the aggregate quantity estimated by him pursuant to subsection (b) (1), and if a limitation is in effect under this section with respect to such calendar year, such limitation shall cease to apply as of the first day of such calendar quarter; except that any limitation which has been in effect for the third calendar quarter of any calendar year shall continue in effect for the fourth calendar quarter of such year unless such limitation is suspended or increased pursuant to subsection (d).

"(3) The Secretary of Agriculture shall allocate the total quantity of articles which may be entered or withdrawn under paragraph (1), and any increase in such quantity proclaimed pursuant to subsection (d), among supplying countries on the basis of the shares such countries supplied to the United States market during a representative period of the articles described in subsection (a), except that due account may be given to special factors which have affected or may affect the trade in such articles. The Secretary of Agriculture shall certify such allocations to the Secretary of the Treasury."; and

(3) by striking out so much of subsection (d) as precedes pargaraph (1) and inserting in lieu thereof the following:

"(d) The President may suspend or increase any limitation in effect under subsection (c), if he determines and proclaims that—".

Sec. 2. The amendments made by this Act shall take effect on the first day of the first calendar quarter which begins after the date of the enactment of this Act.

By Mr. McCLELLAN (by request):

S. 1252. A bill to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967. Referred to the Committee on the Judiciary.

INVENTOR'S CERTIFICATE

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights, I introduce, by request of the Department of Commerce, for appropriate reference, a bill to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967.

The International Convention for the Protection of Industrial Property, to which the United States has been a party since 1887, was revised in Stockholm on July 14, 1967. Articles 1 through 12 of the Stockholm revision deal with substantive patent and trademark matters. The only change effected by the Stockholm revision in these articles is a modification providing a right of priority with respect to inventors' certificates. Article 4 of the Stockholm Revision provides a right of priority for inventors' certificates—the same as has been provided in earlier revisions of the convention for patents.

Industrial property laws in the Soviet Union and the other Eastern European countries that are member states of the Paris Convention provide for the granting of either patents or inventors' certificates for new inventions, at the option of the inventor. Inventors' certificates confer entirely different rights than patents, in that they do not convey or recognize any exclusive right to deal with the invention.

In the United States, the right of priority is governed by section 119 of title 35. This section provides that an application for patent filed in this country by a person who has previously filed an application for patent for the same invention in a foreign country, which similarly affords a right of priority for U.S. applications, shall have the same effect as if it were filed in the United States on the date the foreign application was filed. The present state of the law under section 119 of title 35 is commonly understood as precluding inventors' certificates from being considered as the equivalent of patent applications for the purpose of receiving a right of priority.

Section 1 of the bill which I am introducing today amends section 1119 to establish a right of priority based on inventors' certificates subject to the same conditions as now apply to foreign patent applications. Section 2 of the bill amends section 102(d) of title 35 to provide that an inventors' certificate shall bar the granting of a U.S. patent under the same conditions as a foreign patent does under present law. Section 3 establishes the effective date of these provisions.

By Mr. McCLELLAN (by request):

S. 1253. A bill to amend section 6 of title 35, United States Code, "Patents," to authorize domestic and international studies and programs relating to patents and trademarks. Referred to the Committee on the Judiciary.

INTERNATIONAL PATENT STUDIES AND PROGRAMS

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights, I introduce, by request of the Department of Commerce, for appropriate reference, a bill to amend section 6 of title 35, United States Code, "Patents," to authorize domestic and international studies and programs relating to patents and trademarks.

U.S. participation in cooperative international efforts in the patent and trademark fields is vitally important to the American business community. Until recent years the international role of the United States was limited primarily to membership in the Paris Convention of 1883. The United States more recently has played an active role in the creation of the World Intellectual Property Organization and the drafting and signing of the Patent Cooperation Treaty. The planning and administration of these international efforts require financial contributions by the member nations.

The bill which I am introducing today clarifies the authority of the Patent Office to carry on international patent and trademark studies and programs. It also authorizes the Department of Commerce, with the concurrence of the Secretary of State, to transfer appropriated funds of the Patent Office, not to exceed $100,000 in any year, to the Department of State for the purpose of making special payments to international organizations for studies and programs concerning patents, trademarks and related matters.

By Mr. McCLELLAN:

S. 1254. A bill to amend title 35, United States Code, "Patents," and for other purposes. Referred to the Committee on the Judiciary.

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights, I introduce, for appropriate reference, a bill to amend title 35, United States Code, "Patents," and for other purposes.

This legislation provides for several miscellaneous amendments of title 35 of the United States Code, and adjusts the structure of the Patent Office within the Department of Commerce. All of the provisions contained in this bill relate to subjects concerning which action by the Congress at an early date is desirable. I have previously introduced S. 643 for the general revision of the patent laws, but that legislation would not become effective until at least 1973.

There appears to be an increase in the number of situations in which a patent applicant has failed to make timely payment of the final patent issue fee. Under existing law, if this payment is rendered more than 3 months after the due date, there is no discretion in the Commissioner of Patents to accept such late payment even upon a showing of good cause. The only available remedy is by the enactment of a private relief bill. The time of the Congress should not be consumed in the processing of such bills. Therefore, section 151 of S. 643 authorizes the Commissioner of Patents to accept late payment of the issue fee if the "late payment is shown to have been unavoidable." The identical text of section 151 of S. 643 is contained in this bill.

Under existing law there are 19 positions in the Patent Office which are filled by nomination of the President with the advice and consent of the Senate. No useful public policy purpose is served by such a procedure. Therefore, this bill amends section 3 of title 35 to require Senate confirmation only of the Commissioner of Patents, the deputy commissioner, and the two assistant commissioners. While the number of positions requiring Senate confirmation is being reduced, the structure of the Patent Office within the Department of Commerce should be such that there is clear and direct responsibility in the Commissioner of Patents for all aspects of the administration of the patent system and the efficient functioning of the Patent Office. Therefore, this bill provides that in addition to the assistant secretaries now provided by law there shall be one additional Assistant Secretary of Commerce for Patents and Trademarks. The Assistant Secretary of Commerce for Patents and Trademarks, shall, ex officio, be the Commissioner of Patents. This structure of the Department of Commerce would be consistent with the action previously taken by the Congress whereby the Director of the Travel Service and the Maritime Administrator have the rank of Assistant Secretary of Commerce.

By Mr. McCLELLAN:

S. 1255. A bill to fix the fees payable to the Patent Office, and for other purposes. Referred to the Committee on the Judiciary.

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights, I introduce, for appropriate reference, a bill to fix the fees payable to the Patent Office, and for other purposes.

On February 8 I introduced S. 643, for the general revision of the patent laws. The fee schedule set forth in chapter 4 of that legislation is identical with that provided under existing law. Section 41(e) of S. 643 would provide for recovery by fees of not less than 65 percent of the costs of operation of the Patent Office.

S. 643 as introduced did not provide for an adjustment of the patent fee schedule because the Congress has yet to receive the recommendations of the administraetion. As indicated in my remarks of February 8, it will be necessary for the Subcommittee on Patents to reopen the hearings on patent law revision solely for the purpose of considering several issues which have developed since the original hearings were concluded. The adjustment of patent and trademark fees will be included in the resumed hearings of the subcommittee on S. 643. In order to provide a basis for that part of the hearings relating to the adjustment of fees I am introducing this bill to revise both patent and trademark fees. I am not necessarily committed to the particular schedule established in this bill, however the appropriate committees of the Congress expect that whatever fee schedule is adopted will provide for the recovery of a substantial portion of the costs of operation of the Patent Office. I am aware that there are alternative methods to produce the desired revenue and these will be considered by the subcommittee together with the bill which I am introducing.

Based on the budget of the Patent Office for fiscal year 1972 it is estimated that the fee level provided in this bill would recover approximately 75 percent of the Patent Office costs. During the congressional hearings prior to the enactment of the 1965 fee bill it was widely agreed that fees should not be increased to levels which would discourage the filing of patent applications. It would appear that increases in the patent issue fee would be less likely to deter the filing of applications than similar increases in the filing fee. Accordingly, the bill would increase the issue fee from an average of about $150 to a fixed fee of $200, while increasing the filing fee by a smaller amount, from $65 to $90. The current fee schedule provides a basic issue fee of $100 plus additional fees averaging nearly $50 per application based on the number of printed pages of specification and sheets of drawing. These latter provisions have created some administrative problems and my bill proposes to replace them with a single issue fee. The provisions of the current fee schedule providing for additional filing fees for certain extra claims have been retained but the amount of such fees has been increased.

With respect to design patents, current law provides the applicant with an election as to whether he desires a 3½-, 7-, or 14-year term. Since nearly all design patent applicants elect the 14-year term the bill eliminates the 3½- and 7-year terms. The bill establishes a design filing fee of $30 and an issue fee of $50.

Concerning trademark fees, the bill would increase the application filing fee from $35 to $50 and would increase the fee for filing affidavits under section 8 of the Trademark Act from $10 to $25. This change would bring the affidavit fee in line with the fee for trademark renewals.

By Mr. MAGNUSON (by request):

S. 1256. A bill to facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, by request I introduce for appropriate reference a bill to facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel. This legislation is a response to a problem which has developed from the introduction of the revolutionary new LASH and Seabee barge-carrying vessels. It is intended to facilitate the important role that these technologically advanced vessels can play in strengthening our U.S. merchant marine. I ask unanimous consent that the bill, the letter dated February 2, 1971 from the American Institute of Merchant Shipping, and the accompanying Statement of Justification for the Legislation be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1256

A bill—To facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 27, Merchant Marine Act, 1920, as amended (46 U.S.C. 883), is further amended by inserting after "(c) empty barges specifically designed for carriage aboard a vessel" the words "and equipment for use with such barges", and by striking out the period at the end of said section 27 and inserting in lieu thereof a colon and the following: "*Provided further,* That upon such terms and conditions as the Secretary of the Treasury by regulation may prescribe, and, if the transporting vessel is of foreign registry, upon his finding, pursuant to information furnished by the Secretary of State, that the government of the nation of registry extends reciprocal privileges to vessels of the United States, this section shall not apply to the transportation of merchandise between points in the United States, including districts, territories, and possessions thereof embraced within the coastwise laws, which, while moving in the foreign trade of the United States, is transferred from a barge certified by the owner or operator to be specifically designed for carriage aboard a vessel and regularly carried aboard a vessel in foreign trade to another such barge owned or leased by the same owner or operator, without regard to whether any such barge is under foreign registry or qualified to engage in the coastwise trade."

February 2, 1971.

Hon. Warren G. Magnuson,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Three U.S. flag steamship operators, Lykes Bros. Steamship Co., Inc., Pacific Far East Line, Inc. and Prudential-Grace Lines, Inc. presently have under construction or entering operation 14 of the revolutionary LASH and SEABEE barge-carrying vessels. The first of these ships, the LASH ITALIA, made her maiden voyage on January 31, 1971. In addition, a number of other operators have advised the Maritime Administration that they plan to contract for the construction of these efficient, new ships in U.S. yards during the next several years.

Cargo transported by these ships will be loaded onto specially designed barges which are towed to the LASH or SEABEE vessel, where the entire barge is lifted onboard for transportation overseas. When the barges arrive at a foreign port, they will be off-loaded from the mother ship and then towed to destinations in foreign waters, either at the port of entry or to another point in the waters of the country of such off-loading. This operation is reversed on the homeward leg.

U.S. flag operators will find it necessary to reshuffle and consolidate cargoes in the barges. This will entail transfer of cargo from one to another ship-carried barge before or after the movement of the cargo by barge between points in foreign waters. To insure that U.S. operators are permitted this flexibility of operations in foreign waters, it will be necessary to extend reciprocal rights to foreign flag barge ships operating in U.S. waters.

Enclosed is a draft of a bill which would authorize the United States Government to grant such reciprocity. Also enclosed is a detailed statement of justification for this proposed legislation. You will note from the statement that the draft bill is purposely narrow in scope so as not to be in conflict with our Sabotage Laws. To this end, the bill covers only barges used as part of an ocean-going barge ship system and only cargoes in the foreign commerce.

Chairman Garmatz, for himself and other Congressmen, introduced a similar bill, H.R. 155, in the House of Representatives on January 21, 1971.

We respectfully request that you introduce the enclosed draft legislation in the Senate. We hope that the bill can be scheduled for early hearings, for its passage will materially contribute to the realization of the maximum potential of the new barge ship systems.

Sincerely yours,
James J. Reynolds,
President.

STATEMENT OF JUSTIFICATION FOR LEGISLATION

"To facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel"

This draft bill is designed to obtain for United States-flag companies the operating flexibility in foreign waters which is necessary to efficient and economical conduct of LASH and Seabee operations. It would do this by reciprocally permitting foreign-flag barges specifically designed for and regularly carried aboard a LASH or Seabee vessel in foreign trade to carry export or import cargo between U.S. points which has been transferred from one such barge to another. This privilege would be accorded, that is, only where the same privilege is accorded to U.S.-flag operators in the conduct of like service in foreign waters.

In 1970 and 1971 three subsidized carriers—Lykes, PFEL, and Prudential-Grace—will initiate transatlantic and transpacific services with LASH and Seabee vessels. Cargo transported in such operations will be loaded into specially designed barges, towed to shipside—to the side of the mother ship, that is—the barges will there be loaded onto the mother ship and carried to foreign ports where the operation is reversed. The barges will there be off-loaded from the mother ship and towed to destination in those foreign waters, either at the port of entry or to another point in the waters of such country of off-loading.

In the interest of efficiency and economy of operations, U.S.-flag operators will find it necessary to reshuffle and consolidate cargoes in these barges. This will entail transfer of cargo from one to another ship-carried barge before or after the movement of the cargo by barge between points, in foreign waters—in the waters, for example, of Germany, France and Japan. To obtain such flexibility of operations in foreign waters it will be necessary to extend like rights reciprocally to foreign-flag barges used in the same kind of operations in U.S. waters. The enclosed draft bill is designed and confined to that end.

This bill is necessary for purposes of the described reciprocity and to realize fully the economic potential of this latest innovation in ocean transportation. It is purposely narrow in scope so as not to be in conflict with the cabotage laws. To this end—

1. The bill does not permit coastwise trade by foreign-flag barges or vessels. By its terms the bill is addressed exclusively to cargoes "moving in the foreign trade of the United States," *i.e.,* cargo moving from a U.S. point of origin to an ultimate foreign destination, or cargo moving from a foreign point of origin to a U.S. ultimate destination. Under H.R. 18061 any cargo proposed to be moved from a U.S. point of origin to a U.S. ultimate destination would therefore continue to be subject to all the requirements of the Jones Act (section 27 of the Merchant Marine Act, 1920) and could not be carried by foreign-flag barges or vessels, whether of the LASH-Seabee type or otherwise.

2. As noted in 1 above, the only case to which the bill is addressed is the case where cargo is moving in foreign trade. Under the existing provisions of the Jones Act foreign-flag LASH or Seabee ships can use their foreign-flag LASH-Seabee barges to pick up foreign trade cargo from the U.S. point of origin, move the loaded barge to the mother ship, load the cargo (in the barge) on board the mother ship, and proceed outward to the foreign port. If, however, the foreign trade cargo were to be shifted from one barge to another—as would be the case if cargoes were to be consolidated from two barges into one—then the Bureau of Customs has taken the position that notwithstanding the ultimate foreign destination of the cargo, the shifting from one barge to another will not be permitted unless the bill is enacted. The Bureau takes the same position with respect to inbound cargoes originating in a foreign country and moving to a U.S. destination.

3. In order to meet these technical objections by the Bureau of Customs, the bill permits shifting of cargo from one foreign-flag LASH-Seabee barge to another—subject, however, to the following rigorous limitations, which are to be policed by the Bureau of Customs:

(a) The Treasury, *i.e.*, the Bureau of Customs, must be informed by the State Department that the foreign government involved extends reciprocal privileges to U.S.-flag LASH-Seabee vessels. Unless and until such reciprocal privileges are extended by a particular foreign country, LASH-Seabee vessels registered under the laws of that foreign country will not be entitled to the benefits of this bill.

(b) As noted above, the cargo must be "moving in the foreign trade of the United States", *i.e.*, under no circumstances will a domestic movement be permitted.

(c) The barge must be one which has been certified to the Bureau of Customs as specially designed for carriage aboard a vessel, *i.e.*, it must be of the LASH or Seabee type.

(d) The barge must be one which is "regularly carried aboard the mother vessel in foreign trade", *i.e.*, the barge cannot be used in a domestic shuttle service under any circumstances.

(e) The barge to which the cargo is moved must meet all of the requirements listed in (c) and (d) above and in addition must be owned or leased by the ocean carrier so using it. In other words, both the barge from which the cargo is transferred and the barge to which the cargo is transferred, must be of the LASH or Seabee type, must be regularly carried aboard the mother vessel in foreign trade, and must be under common ownership or operation by the ocean carrier.

4. The bill is not intended to, and would not, permit the carriage of cargo in LASH or Seabee barges towed between the U.S. mainland, on the one hand, and offshore States, territories, or possessions, on the other, nor between such offshore States, territories or possessions.

5. Thus the bill in no way infringes on the principle that coastwise trade is and should be reserved to United States-flag vessels. It is designed solely to correct a technical difficulty resulting from Customs' position with respect to movements in foreign trade. The purpose is to assure that foreign governments will not raise similar technical difficulties for U.S.-flag vessels operating in their waters in the same way. We anticipate that it will be of immediate benefit to U.S.-flag LASH and Seabee vessels operating abroad in that it will result in reciprocity which will permit consolidation of cargoes between U.S.-flag barges unloaded at foreign ports.

6. Exact precedents for the reciprocity provisions of the bill are Public Laws 89–194, which was enacted in 1965, and 90–474, which was enacted in 1968 (46 U.S.C. 883). These acts permitted the Bureau of Customs to extend reciprocal privileges to the carriage of (among other things) empty containers and empty LASH or Seabee barges between U.S. ports by foreign-flag vessels, so long as the containers or barges were owned or leased by the owner or operator of the foreign-flag vessel and were being transported for use in the carriage of cargo in foreign trade. These, too, were technical amendments designed to meet Bureau of Customs views as to movements which were in foreign trade. As in the case of this bill, their purpose was to assure that foreign governments would not impose similar technical restrictions on U.S. operators. The language of this bill is mirrored in Public Laws 89–194 and 90–474. In each case, it will be noted that the relief granted to foreigners only applies to vessels registered under the flag of a foreign country which is found by the Secretary of State to extend reciprocal privileges.

In view of these considerations, the enactment of this bill would be in the best interests of the U.S. Merchant Marine and its U.S.-flag LASH and Seabee ships. It would stimulate the extension of reciprocal privileges to Lykes, PFEL and Prudential-Grace by foreign countries without in any way opening up United States coastwise trade to foreigners.

By Mr. MAGNUSON (by request):

S. 1257. A bill to authorize an appropriation for fiscal year 1972 to carry out the metric system study. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to authorize an appropriation for fiscal year 1972 to carry out the metric system study, and ask unanimous consent that the letter of transmittal and statement of need be printed in the RECORD with the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1257

A bill—To authorize an appropriation for fiscal year 1972 to carry out the metric system study.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are hereby authorized to be appropriated for the use of the Department of Commerce during fiscal year 1972, such sums, not to exceed a total of $144,000, as may be necessary to carry out the purposes of the Act of August 9, 1968 (82 Stat. 693; Public Law 90–472).

THE SECRETARY OF COMMERCE,
Washington, D.C., Mar 3, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill "To authorize an appropriation for fiscal year 1972 to carry out the metric system study," together with a statement of purpose and need in support thereof.

We have been advised by the Office of Management and Budget that there would be no objection to submission of our draft bill to the Congress from the standpoint of the Administration's program.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED

The Metric System Study Act, approved August 9, 1968 (P.L. 90–472; 82 Stat. 693), authorizes the Secretary of Commerce to conduct a three year comprehensive program of investigation, research, and survey to determine the advantages and disadvantages of the increased use of the metric system in the United States. Section 5 of that statute limited the Secretary, for the first year of the study, which was Fiscal Year 1969, to the use of funds previously appropriated to the Department of Commerce. Funding for Fiscal Years 1970 and 1971 to conduct this study was provided in the Department's regular appropriations for those years.

It may be noted that the three year period of this study and the termination of the program in the 30 days following submission of the Secretary's final report, at which time the Act expires, will extend slightly into Fiscal Year 1972. It is the purpose of this bill to obtain an authorization to appropriate $144 thousand for that part of Fiscal Year 1972 needed to conclude the study.

The study is intended to provide factual information concerning the impact on the United States of the increasing worldwide trend toward the use of the metric system. It involves extensive scientific, engineering, and economic investigation and appraisal of U.S. and international measurement practices, with particular attention focused on certain critical areas delineated in the authorizing legislation (P.L. 90–472). This effort is being carried out by the staff of the National Bureau of Standards, by interagency agreement with other government agencies, and to a limited extent by contract with private organizations. Assistance and guidance in the study is also provided by an advisory panel, since section 2(5) of P.L. 90–472 requires appropriate participation in the study by representatives of industry. science, engineering, and labor, and their associations.

The major portion of the data gathering phase of the study has already been completed. One interim report has been transmitted to the Congress and others are in process. The $144 thousand sought by this bill is needed for staff expenses in connection with the final report for transmittal to the Congress, and termination of the program.

By Mr. MAGNUSON (by request):

S. 1258. A bill to provide for the reporting of weather modification activities to the Federal Government. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to provide for the reporting of weather modification activities to the Federal Government, and ask unanimous consent that the letter of transmittal, and statement of need be printed in the RECORD with the text of the bill.

There being no objection, the bill material was ordered to be printed in the RECORD, as follows:

S. 1258

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. In order to provide for the acquisition and compilation of information concerning actual or attempted weather modification activities, each person, before engaging in and upon completion of any form of weather modification activity, including attempts, within the United States, including any possession or territory thereof and the Commonwealth of Puerto Rico, shall submit to the Secretary of Commerce a report at such time, in such form and containing such information as the Secretary may prescribe.

SEC. 2. As used in this Act—

(a) The term "person" includes any individual, corporation, company, association, firm, partnership, society, joint stock company, and any other organization, whether commercial or nonprofit, including State and local governments and agencies thereof, who is not performing weather modification activities as an employee, agent, or independent contractor of the Federal Government.

(b) The term "weather modification" means any intentional, artificially produced changes in the composition, behavior, or dynamics of the atmosphere.

(c) The term "territory" includes the insular possessions of the United States and also any territory of the United States.

Sec. 3. The Secretary of Commerce shall maintain a continuous record of weather modification activities, including attempts, and shall disseminate summaries periodically.

Sec. 4. The Secretary of Commerce may obtain from any person by regulation, subpena, or otherwise such information in the form of testimony, books, records, or other writings, may require the keeping and furnishing of such reports and records, and may make such inspection of the books, records, and other writings and premises or property of any person as may be deemed necessary or appropriate by him to carry out the provisions of this Act, but this authority shall not be exercised if adequate and authoritative data are available from any Federal agency. In case of contumacy by, or refusal to obey a subpena served upon any person referred to in this section, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the Attorney General, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Sec. 5. Any person who knowingly and willfully performs any act prohibited or knowingly and willfully fails to perform any act required by the provisions of this Act, or any regulation issued thereunder, shall upon conviction be fined not more than $10,000.

Sec. 6. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The Secretary of Commerce,
Washington, D.C., March 4, 1971.

Hon. Spiro T. Agnew,
President of the Senate,
U.S. Senate,
Washington, D.C.

Dear Mr. President: Enclosed are four copies of a draft bill "To provide for the reporting of weather modification activities to the Federal Government," together with a statement of purpose and need in support thereof and a sectional analysis.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of our draft bill to the Congress from the standpoint of the Administration's program.

Sincerely,

Maurice H. Stans.

Statement of Purpose and Need

The purpose of this bill is to require that non-Federally sponsored weather modification activities within the U.S. be reported to the Secretary of Commerce both before and after taking place and to give the Secretary the authority and responsibility for compiling and maintaining records of weather modification activities.

Prior to September 1, 1968, the National Science Foundation had authority to compel reporting of non-Federal weather modification activities (42 U.S.C. 1872a(f) in addition to authority to promote weather modification activities (42 U.S.C. 1862(a)(9), 1872a). A Congressional reassessment of the functions of N.S.F. resulted in enactment of P.L. 90–407 which repealed the Foundation's special authority in weather modification, including the reporting of weather modification activities. Although this authority was not reassigned to another agency, the Senate Committee on Labor and Public Welfare in its report on the bill (Senate Report No. 1137) emphasized "the necessity for legislation to continue elsewhere in the executive branch the development and reporting activities which N.S.F. will not have authority to support after September 1, 1968." This bill will reestablish that part of the repealed N.S.F. authority which provided for the reporting of weather modification activities to the Federal Government.

This legislation is needed in order that the Federal Government may: (1) maintain a record of all weather modification activities in the United States that might affect the public welfare or might affect on-going weather modification research projects; (2) be kept aware of all releases of pollutants in the atmosphere in connection with weather modification activities; and (3) keep the public informed regarding weather modification activities.

SECTION-BY-SECTION ANALYSIS

Section 1 of the bill establishes the authority for requiring the reporting of weather modification activities within the United States in the Secretary of Commerce. Similar requirements were contained in the National Science Foundation regulations published in the Federal Register (30 F.R. 16202, December 29, 1965).

Section 2 includes definitions of the terms "person", "weather modification", and "territory". The definition of persons in subsection (a) is based on 1 U.S.C. 1. However, it is broadened to encompass State and local governments and agencies thereof in order to be more comprehensive.

Section 3 will require the Secretary of Commerce to maintain a record of weather modification activities reported pursuant to the provisions of the bill and to disseminate summaries of such information periodically.

Sections 4 and 5 are reenactments of subsections (f)(1) and (3) of the repealed Section 14 of the National Science Foundation Act (former 42 U.S.C. 1872a(f)(1) and (3)). Section 4 does raise the limitation of the monetary fine from $500 to $10,000 in order to provide a more effective sanction.

Section 6 is included in this bill to ensure that the Secretary of Commerce has sufficient funds to carry out the purposes of this bill.

By Mr. MAGNUSON:

S. 1259. A bill to amend the Federal Water Pollution Control Act in order to authorize the Secretary of the Interior to incur obligations for construction grants under section 8 of such act, and for other purposes. Referred to the Committee on Public Works.

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference a bill which would amend the Federal Water Pollution Control Act.

The fact that the existing authorization for the water quality program will expire on June 30 of this year makes it evident that some legislation will be enacted early in this first session of the 92d Congress. Senator Muskie has introduced a very comprehensive and major proposal (S. 523), and the President has sent to the Congress with his special message on the environment an administration bill to extend and modify the existing authority. It is evident from the increased national concern about the quality of our environment that this legislation properly enjoys a very high priority.

The legislation which I propose today will complement that of the administration and that of Senator Muskie, and I am pleased that during last year's hearings on the subject held by Senator Muskie's Subcommittee on Air and Water Pollution, he expressed an interest in the legislative suggestions embodied in the bill which I introduced last year (S. 4105) and which I am reintroducing today.

This legislation rests, not only upon the situation that exists in Seattle, but in many of the Nation's largest cities. It is the result of consultations I have had with Mr. C. V. "Tom" Gibbs, executive director of the municipality of Metropolitan Seattle and president of the Association of Metropolitan Sewerage Agencies—AMSA. AMSA, which includes in its membership some of the Nation's most densely populated cities represents more than 31 million people. Although a relatively new organization, it has already made a significant contribution to the work of Senator Muskie's subcommittee and to the appropriate agencies of the executive branch. I am satisfied that the special problems facing our large urban areas call for careful assessment and consideration of the proposals contained in my bill. The bill focuses on two principal problems: First, the fact that through no fault of theirs many large cities in the past were shortchanged in the Federal matching grant program for the construction of water pollution treatment facilities, and second, the narrow definition of facilities that can be supported by Federal construction grants excludes facilities for handling storm overflows thereby forcing cities either to uneconomic solutions or depriving them of their fair share of the Federal money.

With regard to the shortchanging point, my legislation would amend subsection (f) of section 8 of the Federal Water Pollution Control Act by authorizing a special 20-percent incentive grant for new construction of pollution abatement works by any municipality which has built sewerage projects since 1956 that qualified for Federal assistance at the time they were built but did not in fact receive the 30-percent Federal grant then authorized. The total of these incentive grants for new construction would be limited to the total amount of Federal grants for which such municipalities were shortchanged over the period since 1956.

There is, of course, something basically unfair about penalizing those communities—for the most part large metropolitan areas requiring tremendous expenditures—which responded at an early stage to their local community needs and the concept underlying the Federal supporting program. Those communities did not receive the full Federal incentive grants due them under the program; this was not because of any failure on their part but, rather, because of the lack of full funding for the authorized program and the dollar ceiling imposed on all project grants—an obvious discrimination against the major metropolitan areas. Those cities which have, therefore, committed their resources and in effect mortgaged their bonding and financing ability for the future in order to initiate a program of water pollution control should, in my view, be given an opportunity to continue their efforts on the same scale available for those communities which did not respond and which did not take the initiative under the early Federal programs. Such a provision would not be supportable—and it certainly would not be incorporated in the bill that I introduce today—if the proposed incentive grants were to be paid into the general funds of the community. But, under the amendment that I propose, the incentive grants would redress the discrimination and the past failure to fund the program adequately for facilitating the future construction of authorized facilities. Under the proposed amendment, the supplemental grant could not exceed 20 percent of any new project.

Cutoff dates always create difficulties but where, as here, participants in a Federal program have been discriminated against through no fault of their own, I think it is imperative that we find a fair, equitable, and constructive way of redressing the situation. The amendment suggested by the Association of Metropolitan Sewerage Agencies and incorporated in my bill provides a proper way of doing so.

The second change is an amendment to subsection (c) of section 23 and would permit Federal funding of projects directed toward the solution of the combined sewer problem. Large cities will only be able to deal effectively with the problem of raw sewage overflows if they can either separate the combined flows of sanitary and storm sewers so that all of the sanitary sewage can flow to treatment plants, or provide for storage of heavy combined sewer flows during rainstorms which can then be spread out for orderly delivery to disposal plants.

I have asked President Gibbs, of AMSA, in light of the fact that hearings will be held next month by the Air and Water Pollution Subcommittee, to examine the specific language of the legislation that I am reintroducing today with a view to determining whether any additions or modifications appear warranted inasmuch as nearly 7 months have elapsed since I introduced S. 4105 in the 91st Congress. Should this prove to be the case, I will either introduce the new version or refer it directly to the Air and Water Pollution Subcommittee for its consideration.

It is reassuring to us in the State of Washington that the executive branch of the Government is beginning to match the interest and enthusiasm of the Congress in facing up to the difficult and costly programs required to restore our Nation's water to acceptable quality levels.

Mr. President, I ask unanimous consent that the text of this bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1259

A bill to amend the Federal Water Pollution Control Act in order to authorize the Secretary of the Interior to incur obligations for construction grants under section 8 of such Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (d) of section 8 of the Federal Water Pollution Control Act (33 U.S.C. 466e(d)) is amended by inserting "(1)" after "(d)", and by inserting at the end thereof the following:

"(2) To finance the programs and activities under this section, the Secretary is authorized to incur obligations in the form of grant agreements or otherwise in amounts aggregating not to exceed $10,000,000,000. This amount shall become available for obligation upon the effective date of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of obligations incurred under this subsection not to exceed $2,000,000,000 prior to July 1, 1972, which amount may be increased to not to exceed an aggregate of $4,000,000,000 prior to July 1, 1973, not to exceed an aggregate of $6,000,000,000 prior to July 1, 1974, not to exceed an aggregate of $8,000,000,000 prior to July 1, 1975, and not to exceed an aggregate of $10,000,000,000 prior to July 1, 1976. Sums so appropriated shall remain available until expended.

Sec. 2. Section 8 of the Federal Water Pollution Control Act is further amended by redesignating subsection (g) as subsection (h) and by inserting before such subsection a new subsection as follows:

"(g) Notwithstanding any other provision of this section, the Secretary may also increase the amount of a grant made under subsection (b) of this section to any State, municipality, or intermunicipal or interstate agency which, after July 1, 1956, completed construction of a project or projects which would have qualified for grants under this section but were constructed without assistance under this section or which received such assistance in an amount less than 30 per centum of the cost of the project or projects. Any increased grants made pursuant to this subsection shall not exceed 20 per centum of the cost of the project for which the grant is being made. The total amount of supplemental grants to be received by any State, municipality, or intermunicipal or interstate agency under this subsection shall not exceed the difference between the amount of such assistance, if any, received for such prior project or projects and 30 per centum of the cost of such project or projects."

Sec. 3. Section 23(c) of the Federal Water Pollution Control Act is amended to read as follows:

"(c) The term 'treatment works' means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including works necessary for the separation of combined storm and sanitary sewers, works for the abatement of combined sewer overflows, intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof."

By Mr. McINTYRE (for himself, Mr. Sparkman, and Mr. Tower):

S. 1260. A bill to amend the Small Business Act. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. McINTYRE. Mr. President, I am introducing for appropriate reference a bill to increase the amount of loans, guarantees, and other obligations or commitments which may be outstanding at any one time in the Small Business Administration's Business Loan and Investment Fund. The bill would increase the present ceiling of $2.2 billion to $3.1 billion.

This increase will affect SBA's regular business loan program, the displaced business loan program, the trade adjustment loan program, the prime contract program and loans made under title IV of the Economic Opportunity Act of 1964. SBA estimates that this increase will enable it to operate these programs through June 30, 1972.

Mr. President, I ask unanimous consent to have the bill and an analysis of the bill printed at this point in the Record.

There being no objection, the bill and analysis were ordered to be printed in the Record, as follows:

S. 1260

A bill to amend the Small Business Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of section 4(c) of the Small Business Act is amended by striking out "$2,200,000,000" and inserting in lieu thereof "$3,100,000,000".

ANALYSIS OF THE BILL

The bill would effect an amendment to one of the provisions of section 4(c)(4) of the Small Business Act governing the amount of loans, guarantees, and other obligations or commitments which may be outstanding at any one time in the Business Loan and Investment Fund. The amendment proposed would increase from $2,200,000,000 to $3,100,000,000 the amount which may be outstanding from the fund at any one time under Sections 7(a), 7(b)(3), 7(e), and 8(a) of this Act, and title IV of the Economic Opportunity Act of 1964.

Public Law 91–558, approved December 17, 1970, effected increases in three of the four subject limitations contained in section 4(c)(4), including an increase from $1,900,000,000 to $2,200,000,000 in the one limitation now proposed to be further increased to $3,100,000,000. The increases effected by P.L 91–558 had been proposed to and considered by the 91st Congress pursuant to an expression of intent for a period review and consideration of limitation requirements for the various programs financed from the Business Loan and Investment Fund, which expression of intent may be found in the legislative history of Public Law 87–552 approved July 25, 1962 (S. 2970).

The subject limitation amount as increased by the 91st Congress was developed in January 1969 as being adequate to cover the projected limitation requirements for the several programs involved through June 30, 1972. However, as a result since January 1969 of an unprecedented and unanticipated increase in actual and projected new loan approvals, primarily guaranteed loans, along with a substantial reduction in estimated loan repayments due presumably to the financial stringencies of current economic conditions, the existing limitation is now inadequate to cover requirements through June 30, 1972.

As provided in the budget estimates for the Small Business Administration in the President's 1972 Budget, outstanding loans and commitments under the subject limitation are projected to amount to about $2,358,000,000 at June 30, 1971, and almost $2,925,000,000 at June 30, 1972. In order to provide a reasonable reserve for contingencies, it is recommended that the limitation amount be increased from the existing $2,-

200,000,000 to $3,100,000,000 to cover projected requirements through June 30, 1972.

At December 31, 1970, outstanding loans and commitments against the existing limitation of $2,200,000,000 aggregated to $1,969,000,000, leaving an unused balance of $231 million. At the current rate of approvals the limitation total will be reached by approximately April 1, 1971. Thereafter, pending an increase as recommended, new loan approvals would be limited to increased availability within the statutory ceiling as represented by loan repayments, cancellations, and other credits.

By Mr. KENNEDY:

S. 1261. A bill to authorize the National Science Foundation to undertake a loan guarantee and interest assistance program to aid unemployed scientists and engineers in the conversion from defense-related to civilian, socially oriented research, development, and engineering activities. Referred to the Committee on Labor and Public Welfare.

S. 1261—INTRODUCTION OF BILL TO PROVIDE ECONOMIC CONVERSION LOANS FOR UNEMPLOYED SCIENTISTS AND ENGINEERS

Mr. KENNEDY. Mr. President, I introduce, for appropriate reference the Economic Conversion Loan Authorization Act of 1971, and I ask unanimous consent that the text of the bill may be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. Mr. President, the purpose of this legislation is to provide immediate financial assistance to the many thousands of unemployed scientists, engineers, and technicians throughout the Nation. The bill I am proposing would enable banks to make low-interest, long-term conversion loans to unemployed technical personnel, in amounts up to 60 percent of their former salary, or $12,000 a year, whichever is lower. With these tax-free funds added to their unemployment compensation and other sources of income, unemployed scientists and other technical personnel will be able to maintain their family responsibilities, while making the difficult transition from defense to civilian, socially oriented research and development.

The proposed conversion loan bill is intended to supplement the Conversion Research, Education, and Assistance Act of 1971—S. 32—which I introduced at the opening of the 92d Congress last January. The earlier legislation establishes national policy for increasing Federal expenditures for civilian research and development, and for maintaining these expenditures at an adequate annual level. Specifically, S. 32 authorizes $500 million over a 3-year period for retraining technical personnel, establishing Community Conversion Corporations, and aiding State and local governments and small technical firms engaged in converting their activities from defense to civilian activities.

S. 32 will facilitate the conversion of the Nation's technical talents over the next few years, but it is not the immediate short-run solution we need. Prompt aid is urgently needed for the thousands of scientists and engineers who have already lost their jobs, or who will lose their jobs over the course of the coming year. The legislation I am introducing today is designed to provide this assistance.

As we know, the scientists, engineers, and technicians of America are one of our Nation's most valuable resources. They are extremely dependent on financed programs for their employment. Of the more than 2 million scientists, engineers, and technicians employed at the beginning of 1970, one in every four was engaged in work generated by the Department of Defense, the National Aeronautics and Space Administration, or the Atomic Energy Commission.

Half of those employed directly by the Federal Government work in DOD, NASA, or AEC. Sixty-two percent of all physicists and 88 percent of all scientists in the atmospheric and space sciences depend on Federal programs for employment. Similarly, 59 percent of aeronautical engineers and 54 percent of skilled airplane mechanics depend on defense spending.

These individuals have been especially hard hit by the decline in the economy in general, and by the extensive defense and space cutbacks in particular. Over 10,000 men in the speciality of electrical engineering alone have been laid off. In a little over 1 year, employment in aerospace and related industries has declined 15 percent—from about 2.7 million to 2.3 million employees—involving the loss of an estimated 400,000 jobs. According to current projections, it is expected that further reductions during the current fiscal year will affect an additional 400,000 employees.

Overall, the estimated unemployment rate for scientists and engineers increased from 5 percent in the third quarter of 1968 to 2.4 percent in the third quarter of 1970. By January 1971, the rate had climbed to a record high of 3 percent, representing the highest unemployment level for professional personnel since the Federal Government began keeping such statistics in 1958.

In my own State of Massachusetts, it is estimated that between 30,000 and 60,000 jobs will eventually be lost because of defense and space cutbacks. We know the immense human toll represented by these figures. The average unemployed engineer or scientist along Route 128 outside Boston has been out of work for 6 months. He has at least a bachelor of science degree. He was making $16,000 a year before he lost his job. Over 75 percent of these unemployed professionals are over 35 years of age.

These statistics represent not only increasing personal indebtedness and overdue mortgage payments, but families without life and health insurance. And home life is suddenly disrupted, as the wife is forced to seek employment of her own.

Of course, we know that there are many unemployed workers who are not scientists or engineers. Many workers have been unemployed longer, and did not begin with the same educational and job opportunities as the scientists and engineers. We know that to them unemployment is not new. Debts are not new. Hunger is not new. And it is to these depressed families that we have directed our efforts in recent months to increasing and improving unemployment compensation, funding food and welfare programs, and increasing educational and job opportunities. We will continue to press for solutions to these devastating problems. We will continue to seek ways to alleviate the plight of all of our unemployed, especially in times like these, when the inadequate economic policies of the administration have brought us to a new high level of unemployment unknown in America for a decade.

In the present legislation, we are directing our efforts to assisting a specialized group, because we have found a way, I think, that can be of immediate practical assistance. We are making an investment in the future that will benefit us all. The retraining and reemployment of our scientific and technological manpower, and their application to our social problems, is an opportunity we cannot afford to miss. This measure and this effort to stabilize their lives during this tragic period of hardship for them will in time benefit millions of Americans. It will benefit citizens touched by crime, poverty, ill health, poor housing, pollution, and all the other problems of our society. For it is from our scientific community that solutions to these problems will be found. The seeds we sow today will pay us rich rewards in the future.

In the long run, to be sure, the solution to the unemployment of highly skilled professional personnel lies in the conversion of our technical talent and resources from defense and space to civilian, socially useful programs—programs which can lead to a genuine improvement in the quality of our lives.

But designing and implementing sound, socially useful civilian R. & D. programs takes time. It also takes time to implement the necessary manpower retraining programs for those scientists and engineers who need on-the-job retraining or other educational assistance to maximize their contribution to civilian R. & D.

In the short run, therefore, our highest priority must be to conserve our valuable reservoir of technical talent during the interim period, before the long-range programs are fully operational. We must provide adequate financial assistance to the Nation's technical personnel so that they can weather this difficult transitional period.

Because their potential earning power is high—once their skills are successfully converted to civilian programs—the Nation's scientists and engineers constitute a unique group among the unemployed. We know that over the coming years the Nation will undoubtedly find ways of putting their exceptional skills and talents to use again, and that their earnings will be restored to levels that equal or surpass their prior earnings in defense or space. Accordingly, the Nation's scientists and engineers are eligible for a form of financial assistance that might not be feasible for other unemployed groups.

I believe that the Federal Government should guarantee long-term, low-interest conversion loans to unemployed scientists and engineers, which they can pay back after they resume work. By using this financially sound approach, our valuable resource of technical manpower can be preserved intact throughout the difficult transition period, and at minimal cost to the Government.

The principal provisions of the bill are as follows:

First, the Federal Government provides loan guarantees and interest assistance payments for conversion loans to unemployed scientists and engineers, to assist them in making the transition to civilian, socially oriented research and development.

Second, the bill authorizes $200 million over a 3-year period for the purposes of the program, which will be administered by the National Science Foundation. The bulk of these funds will be used to provide interest assistance payments and repayments of loans in default to banks and other lending institutions, which in turn will be enabled to make conversion loans of hundreds of millions of dollars to individual scientists and engineers.

Third, each unemployed scientist or engineer will be eligible to receive a conversion loan, in an amount up to 60 percent of his previous salary, up to a ceiling of $12,000 for the loan. The bank will disburse the loan funds to the individual in monthly installments, as if he were receiving a monthly salary, up to a maximum of $1,000 per month.

The individual will be required to begin repayment of the loan 3 months after he is reemployed at a salary rate equal to two-thirds or more of his previous salary. Repayment will be made in monthly installments over a 10-year period, including interest payments at 3 percent. During the scientist's period of unemployment, the National Science Foundation would pay all interest on his loan. After he is reemployed and repayments commence, NSF would pay the difference between 3 percent and the actual amount of interest charged on the loan.

I believe this legislation offers a practical, financially sound measure that can bring immediate relief for one of the most serious national problems we face. We cannot allow these priceless scientific resources to be wasted.

At last, we are beginning to establish a sensible set of national priorities. At last, we are cutting back on the mindless spending on ABM's and SST's and putting our scarce resources into more ABC's and M.D.'s and all the other areas where they are urgently needed. A major shift in priorities is underway, and we must take every possible precaution to safeguard the skills of the men who can make it possible.

Mr. President, one of the most perceptive analyses of the problem of economic conversion is contained in a recent series of four articles in the Wall Street Journal on the aerospace crisis. In particular, the fourth article in the series describe the success the Raytheon Co. located in Lexington, Mass., has had in shifting from defense to civilian technology.

I believe these articles will be of interest to all of us in the Senate concerned with these problems, and I ask unanimous consent that they may be printed in the Record at this point:

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Feb. 23, 1971]

Aerospace Crisis—The Plight of Lockheed Poses Many Problems in the Nation's Capital: Aid for the California Giant Is by No Means a Sure Bet; Alternatives Are Examined—But the Industry May Benefit

(By Albert R. Karr and Richard Levine)

Washington.—The government may abandon its effort to bail out troubled Lockheed Aircraft Corp.

The search for a way to help rescue Lockheed from the shock of the Rolls-Royce Ltd. collapse is still continuing. Officials are deeply concerned about the effect of any possible Lockheed bankruptcy, especially on the company's thousands of suppliers. But so far the hunt has come to naught—government men have considered, and apparently rejected, several choices.

Their deliberations have included a possible government loan guarantee for the planemaker and an intriguing plan to persuade over-equipped airlines to ground about 120 used planes, try to sell them to foreign carriers or even the U.S. Air Force and continue buying new planes like the Lockheed L–1011 airbus; the Rolls-Royce RB211 engine was to power the Lockheed plane, and now the aircraft company faces loss of the engine or at least sharply higher costs.

(The British government, still probing the Rolls-Royce debacle, could yet decide to furnish funds for continued production of the RB211 engine.)

But as they weigh the possibilities, the inclination of most concerned American officials to take action is waning. Congress isn't in a mood to entertain a bailout of Lockheed, especially after what many members regard as a soft renegotiation of the Pentagon contract for the Lockheed C5A military jet transport; the company has accepted a $200 million loss.

Many lawmakers share the sentiments of Democratic Sen. William Proxmire of Wisconsin. Speaking of a possible U.S. bailout of Lockheed after the Rolls-Royce collapse, Sen. Proxmire declared: "It would be irresponsible to dole out hundreds of millions of dollars to a sick defense contractor under circumstances that suggest it might go under anyway."

Transportation Secretary John Volpe has privately told underlings his department won't act to help Lockheed. Even the Pentagon has apparently decided it did about all it could for the company in the C5A renegotiation. And the scheme to scrap used planes so airlines can buy new ones is judged very iffy, especially since the used plane market is in the doldrums.

Whatever its outcome, the Lockheed plight is likely to bring new and stronger emphasis on now-scattered government programs for helping the ailing aerospace industry generally. Its federal overseers see a need to find lasting ways to attack the whole situation.

SOME PROGRAMS TO HELP

"I thought I was as concerned as I could get about aerospace problems—until the Lockheed thing came along," says William Anders, the former astronaut who is now executive secretary of the National Aeronautics and Space Council, an advisory group to President Nixon.

Likely to get increased emphasis now are various programs to help hard-hit aerospace manufacturers and their employes. These efforts include encouraging foreign countries to buy American-made planes, developing ways to convert the skills of aerospace engineers and technicians to deal with urban problems, and getting aerospace companies to move into down-to-earth activities like mass transit.

But these aid programs, largely embryonic and limited in scope, can't promise any big payoff soon. Moreover, they have encountered a number of obstacles. Among other things, aerospace companies frequently flounder when trying to turn from space, defense or airline markets to complex, fragmented urban business.

What's more, says one government planner, "nobody has yet tried to pull all the individual efforts together. I'd like to publish a white paper on how to mount a concerted attack on aerospace industry problems, but nothing has jelled to the point where our wisdom looks good enough to tell anybody about."

The industry's fortunes have slid a long way in recent years. Aerospace employment, which averaged 1.42 million during busy 1968, had dwindled to 1.08 million by last November. Prospects now are for still harder times ahead. A Commerce Department analysis, not yet finished, will project a further decline in aerospace revenues this year after a 1970 leveling-off.

SHRINKING MARKETS

What's happening is that the industry's three major markets are shrinking all at once. The biggest of the three is military aircraft, and the No. 1 buyer, the Air Force, is planning to spend only about $3.5 billion in the fiscal year starting July 1, down from $3.9 billion this fiscal year and $4.6 billion last year.

Spending on the space program, must of it for "hardware," is also slated to keep dropping, from $3.8 billion last fiscal year to $3.4 billion this year to $3.2 billion next year.

And U.S. airlines, even before their current curtailments in purchasing, planned only $1.7 billion in capital spending (mainly for planes) in 1971 and $1.8 billion in 1972, down from $2.4 billion last year. Aircraft deliveries were to plummet from 335 in 1969 to 60 this year, as buying of smaller jets was phased out.

Lately, purchases of new, wide-bodied jets are being affected. United Air Lines canceled orders for eight McDonnell Douglas DC10s and deferred delivery of four Boeing 747s that were to have been added to its fleet this summer.

"You can't say that anything the airlines are thinking now makes very happy news for the aerospace industry," says Charles Tillinghast, chairman of Trans World Airlines. The carriers feel they must reassess their buying plans because new equipment is being delivered amid an unforeseen sharp slowdown in air travel, instead of the once-predicted continuation of a healthy climb in business.

Furthermore, government analysts say the world aircraft market, long dominated by American producers, threatens to swing more to foreign concerns. Richard E. Cohen, an aerospace specialist at the Commerce Department, says new European consortiums could grab half of the U.S. makers' share of the world market in the next decade or so.

THE MAN IN BEIRUT

In looking for ways to aid the industry, government agencies are trying to stimulate U.S. aviation exports and stem any swing away from reliance on American manufacturers. Federal Aviation Administration representatives abroad, who usually perform such tasks as telling the home office what new air-traffic-control techniques foreign nations develop, are spending more time acting as salesmen for U.S. aviation products. The agency's man in Beirut, Lebanon, for instance, spent 80% of his time last year on market promotion. The Commerce Department has similarly been promoting aeronautical exports.

The FAA is also working on new rules for certifying foreign-flag aircraft flying to the U.S. These would soften such restrictions as those against use of pilots not certified by the U.S. The aim is to smooth the way for leasing of U.S.-built planes by foreign carriers.

Both the FAA and the Commerce Department have also been encouraging more financing of aircraft sales by the U.S. Export-Import Bank and commercial banks. This summer, the FAA expects to start operations of the Private Export Finance Corp., a combine of 54 major American banks and aerospace firms being formed to attract new financing for big-ticket U.S. exports like aeronautical products. PEFCO, as it's known, is being set up to circumvent restrictions against loans to foreign corporations by insurance companies and trust funds. PEFCO will lend the money to the foreign plane buyers (the loans being guaranteed by the Ex-Im bank) and will then sell PEFCO debentures to the American investors.

The scheme to encourage airlines to ground used planes and buy more new ones, while apparently on the shelf as a plan to aid Lockheed, will probably be revived later in behalf of the aerospace industry as a whole. The administration will ask Congress to consider setting up a reserve transport fleet by authorizing the government to purchase the used aircraft.

Meanwhile the Transportation Department is laboring to get aerospace companies involved in mass transit—both to develop fresh approaches to transit problems and to help out the depressed industry.

"At every opportunity, we're trying to get the aerospace companies involved in more mundane ventures than they're used to," a department official says.

The department's National Highway Safety Bureau (now the National Highway Traffic Safety Administration) recently awarded Fairchild Hiller Corp's Republic Aviation division a contract to build an experimental safety car. Late last week, the Urban Mass Transportation Administration said it plans to ask three other aerospace concerns to bid on a tracked air-cushion vehicle line to serve Dulles International Airport in Virginia. The three are Rohr Corp.; Vought Aeronautics Co., a unit of Ling-Temco-Vought Inc.; and Grumman Corp.

But switching to new products won't necessarily be the industry's salvation. Aerospace companies have already dipped into everything from crime-detection techniques to water-desalting without any major payoffs to date.

One alternative approach to aerospace ills seeks to help individual people rather than companies. The Housing and Urban Development Department is seeking White House backing for a pilot program that would move 1,500 jobless persons in the aerospace and defense industries into city government, school, health and related jobs. The program would stress converting skills of unemployed engineers and others to fill these needs, says Floyd Hyde, assistant HUD secretary.

Looking further ahead, the National Aeronautics and Space Administration and the Transportation Department have nearly finished a joint investigation of future civil aviation research and development work that could benefit the aerospace industry as well as enhance U.S. air transportation. One possible upshot: new short take-off-and-landing airplanes for short-distance "corridor" travel between big cities.

Meanwhile, administration lobbyists will be pushing hard on behalf of hard-pressed Boeing to overcome congressional opposition to continued federal financing of supersonic transport development. The Lockheed plight gives an added selling-point. "I expect we'll make use of that argument," says a Transportation Department official.

[From the Wall Street Journal, Feb. 25, 1971]

AEROSPACE CRISIS—DEFENSE FIRMS FIND IT ISN'T EASY TO SWITCH TO PEACETIME WORK: MAKERS OF MISSILES, PLANES FIND DIVERSIFYING IS HARD—GETTING THE PIGGY TO MARKET

(By William H. McAllister)

When Ralph Nader arrived in Seattle for a speaking engagement last fall, he had one major message: Boeing Co., the area's major employer, should diversify.

As Mr. Nader saw it, Boeing could apply its vast technological and management skills to mass transit, housing, pollution and other urban woes, rather than maintaining the "myopic" position that the company's future rested solely on jet airplanes, missiles and military hardware.

The consumer advocate's speech was coolly received, despite the fact that in recent months Boeing had laid off over 50,000 employes, or more than half its work force, as demand had dwindled for its jets and military products. "Mr. Nader appears to be badly misinformed," huffed one Boeing spokesman.

Nevertheless, 12 days after Mr. Nader left town, Boeing president T. A. Wilson disclosed that a top-level panel of executives had been formed to examine possible diversification ventures. The areas under consideration, Mr. Wilson said, included computer services, electronics, housing and hydrofoil boats.

That was November. Today, Boeing spokesmen glumly conceded that not much has happened, or is likely to happen before four or five years, to change the company's fortunes through diversification. Observers inside Boeing express doubt that diversification ventures will ever do much to change the company's emphasis on its traditional aerospace activities.

Outsiders are also pessimistic. Diversification, one Seattle economist flatly predicts, "isn't going to be large enough to make for a turnaround" in Boeing's fortunes.

Boeing doesn't stand alone. With few exceptions, the nation's hard-pressed defense and aerospace companies are discovering it is much easier to talk about diversification than to diversify. Many experts within the military-industrial complex now are conceding that the sophisticated technology of the weaponry and aerospace industries isn't necessarily adaptable to solving urban problems or meeting other consumer needs.

The experts weren't always so pessimistic. In the early days of the Vietnam war, there was much talk of a "peace dividend"—a concept that envisioned a multibillion-dollar bonus for the economy when the conflict came to a halt and the nation turned to domestic needs. The aerospace and defense companies, it was assumed by some economists, would somehow adapt their technologies to consumer needs and everyone would benefit.

FAULTY THINKING

That same assumption today is felt by economists and industry leaders to have been based on faulty thinking. One aerospace official says the whole peace-dividend idea, at least for his industry, was conceived with "substantial naivete." Indeed, most sources within aerospace and defense companies feel that major diversification can only be achieved with massive government aid—an unlikely occurrence in view of the current attitude of the Nixon administration on spending.

But even if aid should be granted, many within the industry say the results might not be all that successful. "Personally, I happen to question the ability of a company devoted solely to defense-space to succeed in the commercial field," asserts M. G. O'Neill, president of General Tire & Rubber Co., which has a major defense and aerospace subsidiary, Aerojet-General Corp. And Assistant Treasury Secretary Murray L. Weidenbaum, a former Boeing offical, recently told a congressional subcommittee that "many of these diversification endeavors, perhaps the bulk of them, appear to have been unsuccessful in terms of sales, profits and employment created."

Examples of failure aren't hard to find. Northrop Corp., a Beverly Hills, Calif., aerospace concern, tried in the early 1960s to develop production of a portable school classroom, but potential customers proved apathetic and the effort was subsequently folded. And aerospace personnel at Philco-Ford Corp., a Ford Motor Co. subsidiary, in mid-1968 developed a new traffic-light control device; but the developers are said to have lacked the necessary expertise to market the product, which two years later was sold to another company.

In many cases, the lack of the accustomed single buyer—such as the Department of Defense or the National Aeronautics and Space Administration—is a major frustration for the military contractors. "The aerospace people may have a good product but they don't know how to get the piggy to market," says a Philco-Ford marketing executive.

TAKING ON GENERAL MOTORS

Economist Harold Buma of San Francisco's Wells Fargo Bank says markets outside the space and defense sectors represent "another world" to the aerospace industry. This world, Mr. Buma maintains, looks "very menacing to (aerospace companies). After all, it's hard to take on a General Motors."

The aerospace companies have encountered all sorts of problems. Lockheed Aircraft Corp., whose well-publicized dependence on one area of technology had led it to the brink of financial disaster, claims conflicting local laws are an insurmountable barrier to fabricating housing on an assembly-line basis.

From a financial standpoint, moreover, diversification isn't always that attractive. Pollution-control equipment, for example, is a favorite diversification target these days, but markets for such products are currently so small and scattered that the aerospace companies find them questionable to pursue. "It's going to take a lot of $100,000 contracts to feed a company like Lockheed, which has had sales of $2 billion a year," Herbert Seidman, an aerospace consultant, recently told California legislators.

Such problems are, of course, compounded by the financial problems of much of the defense and aerospace industry. Underwriting the start-up costs of new peacetime ventures is "damn tough, very tough" for the government contractors, asserts a spokesman for the Aerospace Industries Association.

Some government officials, however, contend the major problem is the industry's lack of commitment to diversification. A California legislative committee, after studying conversion problems of the state's huge aerospace industry, concluded last January that "there is little indication that these firms will voluntarily initiate" efforts to convert their facilities to other uses.

The California committee's chairman, Assemblyman John L. Burton of San Francisco, says the aerospace companies are encrusted with layers of retired military officers who are riding out what they feel to be a short-lived slump. "(The aerospace companies) just say, 'There is no problem,'" Mr. Burton asserts. "Their approach is, 'Maybe it'll go away.'"

Mr. Burton argues that the industry's ability to convert to peacetime projects is "essential" for California, a state considered by many to be top-heavy with aerospace employment. (It is estimated that roughly one out of every three California manufacturing employes work for aerospace concerns, compared with a national average of one out of five.) The aerospace companies, however, generally contend that complete conversion is unlikely and unwise.

"FUTURE OPPORTUNITIES"

A prime example is Boeing. When Mr. Wilson disclosed his company's diversification efforts last fall, he nevertheless stressed the company's historic reliance on commercial aircraft sales. "To abandon our established position in this field would be folly," Boeing's president said. "Nor do we believe it would be wise to turn our backs on the fields of space and defense, for we do not think this nation is going to withdraw from the exploration of outer space or dismantle its defenses. There will be future opportunities for both."

Exactly how many opportunities will arise is currently a matter of conjecture, but it seems to be generally agreed by economists and government officials that defense spending will rise somewhat in the coming years. Nevertheless, many West Coast economists who have studied the industry say it would be folly for the aerospace companies to assume any return to the spending of the mid-1960s. Walter Hoadley, chief economist for Bank of America, says only events posing "a personal threat" to Americans, such as Russia's launching of Sputnik or the Cuba missile crisis, could create a defense-spending situation equal to the 60s.

Possible crises, however. are "a weak reed to base hopes on," says Wells Fargo Bank's Mr. Buma.

In an attempt to discover feasible conversion projects, the state of California in the late 1960s paid four aerospace concerns $100,000 each to study four areas: transportation, the flow of information in government, juvenile delinquency and waste management. "Creating a system to warn a field army the enemy has launched an attack of germ warfare is basically no different from creating a system to control juvenile delinquency," one aerospace official predicted at the time.

State officials today, however, say the studies were failures. "You hate to condemn something like this that was sent up as a flier, but I don't know of one thing we got out of it," says James S. Dwight, chief deputy director of the California Department of Finance.

This isn't to say the industry was entirely to blame. It's generally felt by state officials that the funds provided for the studies were inadequate. Furthermore, some say the studies themselves were ill-conceived. "No one had any idea of what output was desired," says one California lawmaker.

On the federal level, Sen. George McGovern (D., S.D.) is convinced that conversion is not only possible, but imperative. Sen. McGovern has proposed that each Defense Department grant or contract "contain provisions effective to require the contractor to define his capabilitity for converting manpower, facilities and any other resources now used for specific military products, or purposes, to civilian uses."

Not unexpectedly, the McGovern proposal has run afoul of the aerospace industry's powerful Washington lobby. Implementation of such a plan, the lobby argues, would tack even higher price tags on defense work.

SOME SUCCESSES

The arguments on both sides tend to obscure the fact that some successful endeavors have been achieved by aerospace companies. Rohr Corp. of Chula Vista, Calif., for example, is turning out rapid-transit rail cars in facilities adjacent to its aircraft operations and is thereby employing 250 workers who might otherwise be jobless. And Raytheon Co., in Lexington, Mass., has successfully diversified into a number of commercial areas, including kitchen appliances and publishing. (The fourth story in this series will look closely at Raytheon's success.)

Frequently, an aerospace company's apparent success in diversification isn't due to converting its aerospace technology, but rather to the acquisition of going concerns. Envirotech Corp., a Palo Alto, Calif., pollution-control concern, is one example.

North American Rockwell Corp. helped organize Envirotech in 1969 and agreed to give the new firm certain pollution-control patents, processes and techniques, as well as executive assistance, in exchange for 24% ownership. Envirotech has been successful. Although less than two years old, its sales are running at a rate of nearly $100 million a year, and it earned $1.6 million in its first fiscal year.

North American Rockwell frequently cites prospering Envirotech as an example of the successful application of aerospace technology in the commercial market. But interviews with Envirotech officers indicate the company's success thus far has been largely due to the acquisition of two well-established divisions of Ogden Corp. and Bangor Punta Corp. North American Rockwell's technology, on the other hand, has been "not terribly important" in Envirotech's fortunes thus far, says an official of the pollution-control firm.

[From The Wall Street Journal, March 1, 1971]

AEROSPACE CRISIS—SUBCONTRACTORS SUFFER AS BIG DEFENSE FIRMS CANCEL THEIR ORDERS; MANY FAILURES, BANKRUPTCIES ARE CAUSED BY DEPENDENCE ON THE PRIME CONTRACTORS—BUT SOME FIND OTHER BUYERS

(By Bill Paul)

When Gesme Machine Co. was founded seven years ago in a Marysville, Wash., garage, its future seemed promising. The company produced airplane parts, and demand was brisk in the early 1960s. The aerospace industry was booming.

Founder George Gesme's initial investment in the new venture was $300. By 1968, four years after the company was started, Gesme Machine had a new plant and 14 employes. In that same year, a high-water mark in the aerospace industry, George Gesme's company sold $150,000 worth of airplane parts, most of them to Boeing Co. in nearby Seattle.

Then came 1969. Boeing's earnings plunged nearly 90%. Gesme Machine's sales fell 40%. And in 1970, another bad year for the Seattle aerospace giant, the fortunes of Gesme Machine continued to decline. "We couldn't sell (Boeing) a thing," Mr. Gesme says.

On Dec. 1, 1970, Gesme Machine Co. permanently closed its doors.

The saga of Gesme Machine is, unfortunately, by no means unique. Many small subcontractors have found their business is totally dependent on the giant aerospace and defense firms, which have normally parceled out 35% to 40% of their work. But as the prime contractors have experienced sharply declining sales and profits, they have often drastically cut their subcontractor lists.

A prime example is troubled Lockheed Aircraft Corp. In the first half of 1970, Lockheed used 35,682 subcontractors, a drop of 1,818 from the same period in 1969. The individual fates of these 1,818 aren't known. But it is known that hundreds of subcontractors throughout the country have recently folded or declared bankruptcy as demand from prime contractors has been shut off. And many of those fortunate enough to stay in business have had to change their activities to attract buyers outside the defense industry.

Economists and government officials have predicted an upswing in defense-related industries for both 1971 and 1972. Industry experts, however, say that a scarcity of subcontractors could slow down the rate of recovery. "It will take months to reorganize our network of subcontractors," says an official of a leading defense concern.

There are no national statistics on subcontractor attrition. Nevertheless, a good indication of its extent comes from a Bank of America report concerning Southern California and Phoenix, a particularly defense-oriented section of the country. In that area, the report notes, about 1,200 subcontractors filed for bankruptcy during the first six months of 1970, the same as for all of 1969.

The Denver office of the Small Business Administration reports that 70% of the area's defense firms (most of them subcontractors) have converted, or are trying to convert, their operations to nondefense activities. And elsewhere around the country, many small firms have begun to shy away from bidding on defense subcontracts.

"FOR THE BIRDS"

"Military contracts are for the birds," says G. W. Wildman, vice president of Salt Lake City's Edo-Western Corp. "Let the other guy do them. We're phasing out of defense work."

Edo-Western, before the drop in defense spending, attributed 80% of its revenues to the sale of oceanographic instruments to the military. Last year, however, the company bought a closed-circuit television and video-systems firm that, by the end of the year, comprised more than 50% of Edo-Western's business. By 1980, Mr. Wildman says, the company expects to be 80% commercial.

A similar example is Strite-Anderson Manufacturing Co., a Minneapolis die-cast firm. In 1969, 95% of the company's business was related to defense. In 1970, the company cut its employment 50%. "Things were very bad," recalls Kathryn Anderson, secretary-treasurer.

Strite-Anderson, however, has recently developed a number of commercial products, including bank-security cameras and brakes and chains for snowmobiles. This year, the company expects its defense business will only amount to about 30% of total operations. Miss Anderson, somewhat ironically, says Strite's defense work helped in the transition. "You have creative people when you do defense work, because of the quality of product demanded," she says. "We told our people to come up with new ideas and they did."

ORCHARD HEATING DEVICE

Rocket Research Corp. of Redmond, Wash., credits its work in aerospace research for its subsequent development of commercial products, including a heating device for orchards and an inflatable passenger-evacuation slide for airplanes. Rocket Research's commercial business amounted to 15% of its total operations in 1969; last year, the company was 52% commercial, and earnings jumped nearly 40% over 1969.

Many subcontractors haven't been so fortunate. Like some of the giant prime contractors, the small defense firms have often found themselves unable to adapt defense and aerospace technology to commercial fields. When demand for their military and aerospace hardware shrinks or disappears, many, like Gesme Machine Co., simply go out of business.

Holly Manufacturing Co. of Anoka, Minn., hasn't yet gone out of business, but owner George Le Hew isn't optimistic. Holly, a maker of bomb pins, electric fuses and other military hardware, has in recent months seen demand for its product dry up. The company has amassed a $150,000 debt, and Mr. Le Hew has laid off his entire staff of 45 employes.

Mr. Le Hew says he's tried without success to negotiate new contracts with dozens of former customers. He adds he has also suspended his own salary and built up a major personal debt; but it has all been to no avail. "It's pretty near the end of the old ball game," the executive says.

Even those firms with the ability to convert their technology to nondefense ventures find that diversification doesn't always help when the overall economy is lagging. Frost Engineering Development Corp. of Englewood, Colo., in 1969 turned to sub-contracting electrical products for nondefense corporations when it appeared the company's research and development programs for the government were drying up. The commercial customers, however, were subsequently affected by the flagging economy and asked Frost to postpone their orders. The company has now cut its employment from 50 to 11, sold some of its furniture and subleased parts of its plant.

In the face of adversity, some subcontractors have adopted a philosophical attitude. "It's just part of the defense game," says Chester John, president of Adventure Line Manufacturing Co., a Parsons, Kans., die-cast firm.

Mr. John, who founded Adventure Line 11 years ago in a backyard chicken coop, says he's been through the ups and downs of the defense industry before. The company initially made recreational vehicles, he says, but turned to civil defense products when bomb shelters were popular. In 1967, as customers began to cancel civil defense contracts, Adventure Line floundered; but business once again picked up with increased fighting in Vietnam.

Last September, Adventure Line's business took another downturn. In that month, the army cancelled a contract for bomb castings, and 60% of the company's business suddenly disappeared. Mr. John cut employment 65%, and executives' salaries were slashed by 35% to 50%. But Adventure Line's president is optimistic: "If I get lucky," he says, "I'll be back up there in a year or two."

At least one subcontractor feels it isn't necessary to wait. "There's still money out there for guys who keep their cool and work like hell," asserts Charles Raybuck, president of Maryland's Washington Technological Associates Inc., a research and development subsidiary of Quanta Systems Inc.

"Everyone is wasting money bidding on contracts they have no chance of winning."

[From the Wall Street Journal, Mar. 5, 1971]

Aerospace Crisis—Raytheon Co. Prospers Despite Big Slowdown in the Defense Industry; Missile Maker Diversifies, Converts Its Technology to Commercial Activities—Cooking a Roast with Radar

(By David Gumpert)

Lexington, Mass.—Several weeks ago Raytheon Co., a diversified manufacturer based in this Boston suburb, released its financial results for 1970. Profits totaled $34.3 million, $1 million shy of the prior year's $35.3 million. Earnings per share amounted to $2.32, off two cents from 1969.

In most years, such news might be greeted with some alarm on the part of the company's stockholders. For a major defense concern, however, Raytheon performed unusually well, if not uniquely so. Many defense and aerospace companies have recently announced or said they anticipated losses or significant profit declines for the past year.

Even more unusual, part of Raytheon's performance is attributed to the company's successful diversification into commercial fields and its adaptation of defense technology to commercial products. For example, the development of Raytheon's profitable Radarange kitchen oven, which can cook a five-pound roast in 35 minutes, stemmed from the company's work with military radar.

Other defense contractors, plagued with shrinking military demand, have also turned to diversification and technological conversion, but the results on the whole haven't been very favorable. General Dynamics Corp., as only one of many examples, lost $7.2 million in the first half of 1970 on its venture into the microfilm business.

Furthermore, Raytheon says it is profiting on its defense contracts. The company, which specializes in missiles and sonar systems for submarines, has thus far avoided costly debacles such as Lockheed Aircraft Corp.'s $200 million loss on its government contract for the C5A cargo jet.

Granted, Raytheon hasn't been untouched by the recent slowdown in defense spending. Largely due to stretch-outs of its defense contracts, the company had laid off 8,000 employes, or about 15% of its 55,000-man work force. Most layoffs have occurred around Boston, where Raytheon's plants are concentrated, and the move hasn't added to the company's popularity in Massachusetts.

Nevertheless, Raytheon's performance during a period of adversity for most defense companies has received praise from many quarters, including Wall Street. "I can't think of one defense company that's been more successful than Raytheon," says Tom Bennett, a security analyst at Shearson-Hammill & Co., the large New York securities firm.

What is Raytheon's magic formula? According to Thomas L. Phillips, Raytheon's 46–year-old president, there's no magic involved at all. "We win our fair share of business because we do an awful lot of homework," Mr. Phillips says. But many insiders and not a few outsiders attribute Raytheon's ability to weather recent economic storms to the ability of the company's president himself.

Tom Phillips was born and raised in Boston. His advanced education was received at Virginia Polytechnic Institute, from which he received both bachelor's and master's degrees. In 1948, he joined Raytheon as a design engineer.

Raytheon at that time was 26 years old, having been founded in Newton, Mass., in 1922, as American Appliance Co. The principal product of American Appliance was a radio rectifier tube. In 1925, when the company developed a full line of radio receiving tubes, it changed its name to Raytheon Manufacturing Co. "Manufacturing" was dropped from the company's name in 1959.

Raytheon continued making radio tubes until World War II, when, in cooperation with Massachusetts Institute of Technology, it developed microwave tubes used to power radar systems for use in the war effort. The era of government work had begun for the company.

At the time Mr. Phillips joined Raytheon, the company was run by Charles Adams, a great-great-grandson of John Quincy Adams. Mr. Adams tenure as president began in 1948 and ended in 1964, when he became chairman. Raytheon's work with missiles, however, had begun and Mr. Phillips' assumption of the presidency in 1964 is said to have come about largely because of his expertise in managing missile projects.

The year of Mr. Phillips' accession is regarded by many Raytheon observers as a turning point for the company. Prior to 1964, insiders say, Raytheon was too dependent on too few government contracts. Furthermore, the company's acquisition program had been modest and largely unsuccessful.

Since diversification is one of the thornier problems faced by defense firms in recent times, Raytheon's successes and failures in that area are worth examination. Certainly the company's first attempts to diversify weren't particularly auspicious.

Following World War II, Raytheon bought Belmont Radio, a private-label television maker based in Chicago. But after a few years of Belmont losses, Raytheon liquidated the subsidiary.

In 1956, during the presidency of Mr. Adams, Raytheon acquired a 14% equity interest in Elsi S.p.A., an Italian maker of components for television sets. In the following years, Raytheon increased its holdings in Raytheon-Elsi, as the subsidiary came to be called, until its ownership reached 98% in 1967. In 1968, after continued losses, Raytheon-Elsi went bankrupt.

ACQUIRING EXPERTISE

Mr. Philipps, however, says the company learned some valuable lessons. "While the Zeniths and the RCAs had their fingers on the public pulse, Belmont didn't," he says of the Chicago fiasco. The result was to hunt for acquisitions whose managements possessed what Raytheon felt it lacked: marketing expertise in commercial fields.

"We knew almost nothing about commercial marketing," admits a Raytheon man. But others did. Between 1965 and 1969, Raytheon acquired several marketing-oriented commercial firms: Amana Refrigeration Inc., a maker of kitchen appliances; D. C. Heath & Co., a textbook publisher, and Caloric Corp., a dishwasher and kitchen-equipment maker.

(In industrial areas, the company also acquired Seismograph Service Corp., an oil exploration firm, and Badger Co. and United Engineers and Constructors Inc., both builders of industrial plants.)

As important as the acquisitions themselves is the fact that Raytheon in several instances successfully transferred its military technology to commercial products. These products, in turn, have then been marketed by the acquired subsidiaries.

The Radarange, for example, had been on the market for seven years prior to Raytheon's acquisition of Amana. Sales had been mainly to hospitals, restaurants and other institutions and were never spectacular. When the product was turned over to Amana, however, the subsidiary aimed it at the general public and Raytheon says sales skyrocketed.

In another conversion, Raytheon engineers say they recently came upon a highly efficient heat-transfer process while seeking a more efficient cooling process for huge radar tubes. The company won't go into details—it's still applying for patents—but it says the process enables a module the size of a two-pound coffee can to act as the heart of a furnace able to heat a nine-room house.

Raytheon ays it hopes to introduce the module, which is powered by natural gas, in the U.S. later this year. The product has already been test-marketed in Great Britain, and the British Gas Council has ordered 70,000 units for delivery over the next three years.

MILITARY, COMMERCIAL SUCCESS

Raytheon's commercial sales last year were 50% of its total $1,26 billion, up from 15% in 1964. Mr. Phillips wants to push the commercial figure even higher. "Our forte is still air-defense missiles and radar systems," he says, "but our course is to get as strong in commercial markets as fast as we can."

Whether 50% or less, Raytheon's military programs are, as Mr. Phillips says, an important part of the company's operations. Moreover, the company has thus far met with great success in its Pentagon dealings. "When they say something, you can take them at their word," says Gen. Austin Betts, the Army's recently retired chief of research and development.

Perhaps as a result, Raytheon has in recent years lost only one bid for a major military contract—and it won that bid in a second competitive round. But another factor in Raytheon's defense contracting success is diversity. Before Mr. Phillips took over as president, the company had been involved mainly in building only the Hawk and Sparrow missiles and a sonar system for Navy submarines.

"We had a dependence on too few government programs," Mr. Phillips says. Raytheon therefore has sought other contracts over the past few years; and today, besides Hawk and Sparrow and the sonar system, the company holds contracts for the SAM–D and Sidewinder missiles, as well as a subcontract for the ground-based radar that will guide the controversial missiles in the Safeguard system.

Raytheon has been selective in searching for contracts, Mr. Phillips says. Other defense firms, he says, "depend on the one or two big contracts," leaving them highly vulnerable if trouble develops. Raytheon therefore sought several contracts, each under $100 million a year volume, "so the defense business we would have would be spread around," Mr. Phillips says.

CAN GROWTH CONTINUE?

Raytheon's activities under Mr. Phillips haven't all been unqualified successes. The company paid more than $40 million in stock for D. C. Heath, and the president concedes this figure was perhaps too high. Not only did Heath lack a substantial "blacklist" (the inventory of previously issued books that publishers continue to sell), but its electronic teaching systems were losing money and failed, after the takeover, to show the growth potential that Raytheon had initially expected.

Raytheon has tried to solve Heath's problems in a variety of ways. The subsidiary's management was changed, and several unprofitable educational systems have been sold. And last year, Raytheon bought, and added to D. C. Heath, Caedmon Records Inc., the world's biggest producer of spoken-word recordings, including speeches, plays and poetry recitations.

Heath, whose earnings had been stagnant, now has begun showing modest profit growth, Raytheon says. The company has also become even more deeply involved with publishing, having last year bought 10% of Atheneum Publishers. If both sides agree, Raytheon has an option to acquire the remaining 90% of Atheneum, in which case the firm will be added to Heath.

Can Raytheon continue to buck the downward trend experienced by so many defense companies? Raytheon thinks so. Mr. Phillips, although he declines to be specific, promises more acquisitions that will put the company into new businesses. And on its own, Raytheon is entering new commercial fields, including such projects as a radiation machine for the treatment of cancer.

At any rate, the future of Raytheon appears sufficiently rosy to cause some security analysts to project 1971 earnings of $2.60 a share, versus last year's $2.32. Mr. Phillips, while optimistic, is somewhat more cautiously predicting at least $2.40 a share.

EXHIBIT 1

S. 1261

A bill to authorize the National Science Foundation to undertake a loan guarantee and interest assistance program to aid unemployed scientists and engineers in the conversion from defense-related to civilian, socially-oriented research, development, and engineering activities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic Conversion Loan Authorization Act of 1971".

DECLARATION OF POLICY

SEC. 2. (a) The Congress makes the following findings:

(1) Scientists and engineers have been greatly encouraged and influenced in their educational studies and subsequent career choices by the policies, programs, and pronouncements of the Federal Government.

(2) The growing unemployment among scientists and engineers results primarily from terminations and cutbacks in Federally sponsored research, development, and engineering in the areas of defense, space, and atomic energy.

(3) Extensive unemployment among scientists and engineers represents not only human hardship to the individuals and communities concerned, but is also a substantial waste of the valuable national resource of technical talent.

(4) This resource of scientific and technical manpower must be converted to focus on the nation's social problems in areas such as health, housing, unemployment, poverty, transportation, crime, education, pollution, and nutrition.

(5) As scientists and engineers are reemployed in civilian, socially-oriented research and development, their earning power will be restored.

(b) Accordingly, the Congress declares that:

(1) It is the policy and responsibility of the Federal Government to assist unemployed scientists and engineers in the conversion from defense-related to civilian, socially-oriented research and development activities.

(2) This Act is intended to further that policy through the establishment of a Conversion Loan Program to aid unemployed scientists and engineers.

AUTHORITY OF NATIONAL SCIENCE FOUNDATION

SEC. 3. The National Science Foundation (hereinafter referred to as the "Foundation") is responsible for administering the provisions of this Act. In carrying out this function the Foundation shall—

(1) collect and analyze data regarding scientific and technical manpower, including past and projected earnings data;

(2) develop eligibility criteria and regulations for administering the conversion loan guarantee and interest assistance program authorized by this Act;

(3) publish eligibility criteria and regulations prescribed by it with respect to such program in the Federal Register and otherwise cause the widest practicable dissemination of information regarding such program throughout the scientific, technical, and financial communities;

(4) administer the operation of the conversion loan guarantee and interest assistance program in accordance with the provisions and purposes of this Act; and

(5) make an annual report to the Congress with respect to its administration of this Act, including such recommendations for legislative action as it deems appropriate in furtherance of the purposes of this Act.

CONVERSION LOANS

SEC. 4. As used in this Act, the term "Conversion Loan" means a loan made to an unemployed scientist or engineer by a bank or other lending institution, under the terms of the Conversion Loan Program established by this Act. Any such loan shall conform to criteria established by the Foundation, shall be made in accordance with regulations prescribed by the Foundation, including regulations for establishing the eligibilty of such recipients, and shall be subject to the following requirements and limitations:

(1) The principal amount of any loan or loans to any individual shall not exceed 60 per centum of the annual salary (hereinafter referred to as "previous salary") which the borrower was receiving at the time his most recent employment was terminated, or $12,000, whichever is lower.

(2) The proceeds of the loan shall be paid to the borrower in twelve equal installments over a period of one year.

(3) Repayment of the loan shall be made over a period of ten years in accordance with a schedule (meeting criteria established by the Foundation) of graduated payments, the first such payment becoming due upon the expiration of three months after the borrower has resumed a status of full-time employment at an annual salary which is not less than an amount equal to two-thirds of his previous salary: *Provided,* That the borrower may at his election accelerate the repayment of any such loan without incurring penalty therefor.

(4) The loan shall bear interest at a rate which does not exceed a rate prescribed by the Foundation after consultation with the Secretary of the Treasury. The Foundation shall from time to time, after consultation with the Secretary of the Treasury, revise the rate applicable to new conversion loans having regard to the then current market conditions.

CONVERSION LOAN GUARANTEES AND INTEREST ASSISTANCE PAYMENTS

SEC. 5. (a) The Foundation is authorized to guarantee, and to enter into commitments to guarantee, any bank or other financial institution against loss of principal or interest on any conversion loan made by such institution pursuant to the provisions of this Act.

(b) With respect to any conversion loan as to which a guarantee is issued to any bank or other financial institution under subsection (a), the Foundation is authorized to enter into a contract to pay and to pay to the lender for and on behalf of the borrower—

(1) the interest charges which become due and payable on the loan until such date as the borrower is required to make the first payment under the repayment scheduled applicable to the loan; and

(2) so much of the interest charges which become due and payable on the loan after such date as is attributable to that part of the interest rate which is in excess of 3 per centum per annum.

(c) There is established in the Treasury a conversion loan fund which shall be used for carrying out the conversion loan guarantee and interest assistance program authorized by this Act, including the payment of administrative expenses incurred in connection therewith. Moneys in the fund not needed for current operations shall be invested in bonds or other obligations of, or guaranteed by, the United States.

AUTHORIZATION OF APPROPRIATION

SEC. 6. (a) There are authorized to be appropriated to the conversion loan fund, established by section 5(c), not to exceed—

(1) $100,000,000 for the remainder of the fiscal year ending June 30, 1971, and for the fiscal year ending June 30, 1972;

(2) $65,000,000 for the fiscal year ending June 30, 1973; and

(3) $35,000,000 for the fiscal year ending June 30, 1974.

Of the amount authorized to be appropriated for any fiscal year, not to exceed $5,000,000 shall be available for administrative purposes.

(b) Any amounts appropriated under this section shall remain available until expended, and any amounts authorized for any fiscal year under this section but not appropriated may be appropriated for any succeeding fiscal year.

ADMINISTRATIVE PROVISIONS

SEC. 7. (a) Except as otherwise specifically provided in this Act, in the performance of, and with respect to, the functions vested in it by this Act, the Foundation shall (in addition to any authority otherwise vested in it by the National Foundation Act of 1950) have the powers and duties set forth in section 432 of the Higher Education Act of 1965 (20 U.S.C. 1081); except that any references in such section to the "Commissioner" and to "insurance" shall be deemed to refer to the Foundation and to guarantees under section 5 of this Act, respectively.

(b) The Director of the Foundation is authorized, in furtherance of the purposes and provisions of this Act, to—

(1) appoint such additional personnel as he deems necessary to carry out this Act;

(2) appoint such advisory committees as he deems advisable;

(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code; and

(4) use the services, personnel, facilities, and information of any other Federal department or agency, any agency of a State, or

political subdivision thereof, or any private research agency with the consent of such agencies, with or without reimbursement therefor.

(c) Upon request by the Director, each Federal department or agency is authorized to make its services, personnel, facilities, and information, including suggestions, estimates, and statistics, available to the greatest practicable extent to the Director, or his designee, in the performance of his functions under this Act.

By Mr. HARTKE:

S. 1262. A bill to restore the investment credit and to increase the amount of such credit to 10 percent of the qualified investment. Referred to the Committee on Finance.

A BILL TO REINSTATE THE INVESTMENT TAX CREDIT AT A LEVEL OF 10 PERCENT

Mr. HARTKE. Mr. President, I submit today, for appropriate reference, a bill to reinstate the investment tax credit at a level of 10 percent. If passed, it will prove the single most important step we can responsibly take along the road to a revitalized economy.

The economic policies of the Nixon administration are simply not working. They have not checked inflation. They have not reduced unemployment. They have not stimulated new investment.

The economy continues to stagnate at a time when prices are rising at an almost unprecedented rate. Just last month the wholesale price index showed the sharpest increase in 18 years. And while the unemployment figures revealed a very modest decline, that was due entirely to people leaving the job market instead of to any increase in the actual number of available jobs.

In short, the administration's plan to create an artificial recession has succeeded in every respect except what it was designed for—to halt inflation.

An important part of that plan was the 1969 repeal of the 7-percent investment tax credit. I argued as forcefully as I could, both in the Finance Committee and on the floor of the Senate, against that repeal because it was obvious to me that even if there were a short-term anti-inflationary advantage to be had—and I did not for a moment believe that—the long-term injury to our productive capacity would more than offset it.

The Chairman of the Federal Reserve Board, Dr. Arthur F. Burns, has now openly declared his support for reinstatement of the investment tax credit. I am hopeful that this support for reinstatement will encourage the Congress and the administration to act expeditiously on my bill.

The purpose of the legislation I introduce is twofold: The immediate effect would be a powerful stimulus to the investment sector of the economy. With unemployment continuing at close to 6 percent, and production of goods and services at lower levels than last year, such a stimulus is indeed fitting. With Government spending rising fairly rapidly, and projections of the increase in investment for the coming year in the range of 1½ to 4 percent, an increase which does not even equal the rate of inflation, the investment sector is the appropriate area in which to provide fiscal stimulus.

The second purpose of the bill is long range, and equally as significant. While Japan and most of Europe picked themselves up from the ruins of World War II and rebuilt their capital stock almost from scratch, we have continued to struggle along with plants equipment which is too often outdated. While Europe has adopted active governmental policies and tax incentives to encourage the continued modernization and upgrading of their plants and equipment, we remain in the economic dark ages of laissez-faire and technological stagnation. While we have divided into pressure groups wasting time, effort, and resources squabbling over the division of our economic pie, we have neglected to provide for the continuing growth of that pie, which would have permitted a larger slice for all.

In addition, the fact that Europe and Japan have not been as improvident with their potential and their future as we have, has caused a gradual but steady deterioration of our competitive position with respect to our trading partners. The outcome has been that we—as a nation the greatest proponent of free trade in the past 30 years—have descended to the point of considering a variety of far-reaching trade restrictions because we have been unable to maintain our competitive position in terms of productivity, and consequently must worry about our balance of payments and a crisis of confidence in the dollar.

Mr. President, we cannot, in good conscience, permit these conditions to continue unattended. Clearly any immediate loss in revenue to the Treasury will be quickly repaid many times over by the additional revenue generated from the economic growth induced by this measure.

We can delay no longer. We must not permit the situation I have outlined to deteriorate further. I urge that serious consideration be accorded this measure, with a view to its prompt passage.

By Mr. MONDALE:

S. 1265. A bill to amend the Social Security Act to provide automatic adjustments in benefits;

S. 1266. A bill to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title;

S. 1267. A bill to amend the Social Security Act to provide an increase in the minimum benefit; and

S. 1268. A bill to amend title II of the Social Security Act to permit the computation of benefits thereunder on the basis of the worker's 10 years of highest earnings. Referred to the Committee on Finance.

SOCIAL SECURITY AMENDMENTS

Mr. MONDALE. Mr. President, improvements to social security legislation are now moving through the Congress. It was gratifying to see the overwhelming support in the Senate for the 10 percent across-the-board increase in benefits. I regret that the conference committee did not adopt the $100 monthly minimum provision, and the increase of the earnings limitation, which I had introduced in the last Congress, and which I feel more strongly than ever should be adopted.

There is additional legislation on social security now being considered in the House. I am introducing today amendments for consideration when that legislation is taken up by the Senate, to continue the vital work assisting our older citizens.

I propose the following improvements:

We should adopt the cost-of-living provision which was approved by the Senate in December.

The computation of average monthly wages should be narrowed to eliminate periods of unemployment or income loss; I propose that benefits be based on a retiree's 10 highest earning years.

We should provide a $100 monthly minimum benefit.

The limitation on other earnings allowed without loss of benefits should be raised from $1,680 to $2,400 per year.

The definition of disability should be broadened to include occupational disability.

To grow old and retire in the United States today is to surrender rather than gain independence. In 1935, when the Social Security Act became law, President Roosevelt regarded it as the beginning of a "supreme achievement" of national legislation. Thirty-six years later, this Government has not redeemed that promise. We have not protected the economic trust of senior Americans; we have rather seen their rewards for labor eroded, and millions of older citizens have become imprisoned in poverty. Almost 30 percent of all Americans over 65 live in poverty, as opposed to 12 percent of all other citizens. Nearly half of all persons over 65 have less than $1,500 income per year; particularly distressing is the statistic that 60 percent of elderly widows are in poverty, and this figure is 85 percent for nonwhite widows. Many citizens who are now retiring or approaching retirement had to bear the heavy burdens of the depression and the Second World War; in the twilight of their citizenship we owe these Americans economic security.

As technology accelerates, problem of age are exacerbated. Skills gained in earlier decades need updating. Increased mobility quickly depreciates old associations. Family and personal relationships are geographically split. As economic and physical ability declines with age, vocational, and social handicaps press upon the elderly as never before.

Elderly rural residents are particularly disadvantaged. Approximately 15 percent more elderly persons live in poverty in rural as opposed to other areas. The rapid advances in medical technology have generally not become available to elderly rural residents who often do not have the financial means to travel to urban medical centers. In addition to medical clinics, social service centers, and housing for the elderly have not been brought to rural areas. In both rural and urban areas, the presence of weakened, lonely, poverty-stricken Americans quietly dying in wretched surroundings is all too hauntingly familiar.

The United States has not even kept pace with other industrialized Western nations in efforts to assist the elderly. During the last decade, Sweden, West Germany, and France have outstripped us in average amounts spent per capita on benefits to the elderly. In addition, these and other Western countries have spent significantly larger percentages of gross national products to aid older citizens, in some cases doubling our effort.

I propose, Mr. President, that we begin now to remedy this national neglect.

We need to provide an automatic review of social security incomes to protect older citizens against inflation. I propose that benefits rise automatically with the cost-of-living, whenever Congress fails to legislate increases.

The average retired citizen over 65 receives only 30 percent of his previous wages. Each day I receive letters from older citizens about to lose homes because pensions cannot keep pace with property taxes. How such elderly persons manage to survive is often incomprehensible to me. We must remove the pressure of inflation on older citizens and decrease the anxious waiting which surrounds each periodic increase in benefits.

Last month saw the largest rise in wholesale prices in years, while 7 million Americans over 65 are living in poverty. The Senate Special Committee on Aging of which I am a member reported that the number of all poor persons in the United States fell 36 percent between 1959 and 1968, while the number of poor persons over 65 was reduced by only 16 percent. I estimate that raising the minimum social security payment to $100 per month for an individual will remove approximately a million and a half persons from poverty.

In proposing that the earnings limitation be raised to $2,400 per year, I call attention to the following statistics:

In the last 30 years, the average life expectancy in the United States has risen from 53 years to 70. At the same time the mandatory retirement ages in many occupations have been lowered. This has brought enforced idleness and feelings of uselessness to millions of our citizens. In the past 15 years, the percentage of those between 65 and 70 who were employed dropped from 58 to 34 percent.

At the same time, as our society has become more mobile, our traditions of mutual support between children and aging parents have fallen away.

Idleness and isolation are often accompanied by severe income losses. The incident of poverty among persons over 65 is almost three times the rate among the population under 65. Most importantly, only 17 percent of social security recipients have any outside source of income.

Many retirees wish to remain active by working part time. This often contributes to good physical and mental health, and obviously many retirees need income supplements. This amendment would reduce enforced idleness and low levels of income. It would do much to encourage part-time employment among retired persons and would also help prevent the complete loss of the valuable talent and experience which senior citizens add to the Nation's productivity.

I propose that we further protect retirement incomes by basing benefits on an individual's 10 highest earning years. This bases the computation on the positive side of the employment record, over which an individual has control. Under present law, benefits are based on average earnings in all years, minus the 5 lowest years. On this basis, benefits are reduced in cases of declining earnings in later years, or in cases of reduced wages of unemployment in a changing industry.

To illustrate the workings of this provision: In Minnesota, where we have had rises and declines in the iron ore and lumber industries, a laborer at the median wage level would have $168 monthly social security benefits at best. If he had suffered 5 years of reduced pay or a year of unemployment late in his career because of changes in his industry, he would get only $161, or a 4-percent reduction. Under my amendment, his benefit would be based only on his 10 highest years of earnings, and he would pay no penalty for wage conditions beyond his control. He would earn $179 per month, or 12 percent more than under present law.

The high current rate of general unemployment is causing losses in the computation of average monthly wages for those covered by social security among the 5 million unemployed.

It is obvious that we ought to design methods of computing benefits which would protect social security beneficiaries from erosions of their benefit base over which they have no control. This kind of policy is now applicable to Federal civil service employees; the Congress recently established their retirement benefits based on their highest 3 years of wages. For many years the military has based retirement income on the highest permanent pay grade attained. These positive definitions result in pension levels which are in sharp contrast with the average social security payment, which the Bureau of Labor Statistics says constitutes only one-third of a reasonable budget for retired persons.

Large discrepancies currently exist in administration of disability insurance benefits. Social Security Administration guidelines are significantly more severe for the disabled than those definitions used in the Railroad Retirement System and those adopted by major industrial firms and labor organizations. In recent years, approximately 25 percent of those eligible for disability benefits by industrial standards could not qualify for social security disability awards.

I will propose that the social security definition be broadened to include "occupational" as well as "total and permanent" disability. This distinction is particularly important in times of high unemployment. For example, a 50-year-old worker who becomes incapacitated and unable to continue in his usual occupation may not be totally and permanently disabled, but he may have little chance of finding substantial gainful employment. Rather than denying him assistance under an unduly strict standard, the Social Security Administration ought to be able to make a verification of his real ability to get any employment, and award him disability benefits based on his occupational disability if he is not employable.

We must take adequate steps to provide equitably for older citizens. This is not largesse; it is their social and economic right. We must remove the uncertainties and insecurities of aging in the United States, and begin to redeem the promise made in 1935.

Of the thousands of letters we receive in the Senate on this subject, I believe one quoted in a report by the Special Committee on Aging says it all:

> I am . . . now retired after 42 years of service, of supporting myself, of being a law respecting citizen. Now my income is fixed. I want to . . . contribute, and be involved with American life. I should be able to enjoy the monetary security that I have worked for, planned for. But I may not be able to even keep my home; I feel that I am one of the workers who has contributed to this great nation. Don't destroy me, and my age group—for if it is done, not only I, but the nation suffers.

Mr. President, I urge early approval of these amendments to improve social security benefits.

By Mr. MAGNUSON:

S. 1272. A bill designating certain election days as legal public holidays. Referred to the Committee on the Judiciary.

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill to make election day a national holiday. The purpose of this bill is to allow greater numbers of Americans to participate more fully in the electoral process.

Mr. President, every Member of this body is familiar with the fact that a great number of eligible voters each year do not register, and that a great number of those who are registered do not vote. This is a fact that is commonly lamented on the editorial pages and here in Congress each November. The low turnout phenomenon is a little like the weather: Everybody talks about it, but nobody does anything about it.

Making election day a national holiday would be a first step in doing something about our low election turnouts, and would go a long way toward increasing the legitimacy of the electoral process by expanding the participation in that process. We tend to regard low turnouts as a sign of apathy, yet we know from our mail that few of our constituents are truly apathetic. It is reasonable to assume that many of those who are eligible to vote but fail to show up at the polls do so because of inconveniences that we can and should minimize.

Let me demonstrate why I think making election day a holiday is important. I will use the hypothetical case of Mr. Smith, a man who works in a location some miles from his home. On election day morning, Mr. Smith has to drive to work or ride a bus. He does not have time to vote before he goes; he has to be at the office by 8:45 a.m. At lunchtime, he does not have time to drive back to his home in order to vote. After work, he gets home at around 6 or 6:30 p.m. In less than 2 hours, the polls will be closed. Dinner may be delayed, the car may have problems, the weather may have turned very bad, his wife may not be able to find a babysitter for the children and she may not have had time to vote herself during the day. Both Mr. and Mrs. Smith may be tired from a long day. If they finally do get to the polls, they may find a long line of voters in exactly the same predicament, and they may have to wait so long that eventually they just go home. The net result is that two people who may have wanted to vote simply did not set foot in the polling booth.

I think it should be our goal to minimize the inconvenience of voting and the chanciness of individuals getting to the polls. Passage of this bill would eliminate most of the obstacles to voting that face millions of Americans like the Smiths. But the bill would serve another purpose; increasing the awareness of political issues and political candidates. This would be so because the average voter would recognize that a national holiday on election day would increase the likelihood of his getting to the polls. Knowing that he was likely to vote, and that most technical obstacles to his voting had been removed, he would be more inclined to think about the decisions he will have to make within the polling booth. And so, on the national holiday of election day, we not only would have more voters, but better informed voters as well.

There are other reasons for this proposal that I could go into, such as the social value of emphasizing the importance of election day. I honestly believe, however, that the burden of proof should lie with anyone—and I do not know of anyone—who opposes this proposal. The fact that election day is not a national holiday in the United States, as it is in so many other countries, probably indicates more of an oversight than a deliberate decision. If there is opposition to this proposal, I imagine it will come from those who feel it is in their own interest to keep voter turnouts from expanding. This position in itself argues more effectively for this bill than any argument I could devise.

Mr. President, I hope that the Senate will give this bill careful consideration, and I ask unanimous consent that it be printed in full at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1272

A bill designating certain election days as legal public holidays

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6103(a) of title 5, United States Code, as it will exist on and after January 1, 1971, pursuant to the first section of the Act entitled "An Act to provide for uniform annual observances of certain legal public holidays on Mondays, and for other purposes", approved June 28, 1968 (82 Stat. 250; Pub. L. 90-363), is amended by inserting between—

"Veterans Day, the fourth Monday in October." and

"Thanksgiving Day, the fourth Thursday in November." the following new item:

"Election Day, the first Tuesday after the first Monday in November in 1972, and in every even numbered year thereafter."

By Mr. MAGNUSON (by request):

S. 1273. A bill to amend Public Law 89-701, as amended, to extend until June 30, 1973, the expiration date of the act and the authorization of appropriations therefor, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend Public Law 89-701, as amended, to extend until June 30, 1973, the expiration date of the act and the authorization of appropriations therefor.

This legislation is particularly important to me because a major fish protein concentrate plant is being constructed, under this authority, at the Port of Grays Harbor, Aberdeen, Wash. The official opening of this plant is scheduled for April 17. Ocean Harvesters, Inc., of Los Angeles, has designed and constructed the Grays Harbor plant under this legislation that was first enacted in 1967.

This extension will hopefully provide the time needed to get this operation started. The demand for high quality fish protein concentrate has been manifested many times by both domestic and overseas interests. The U.S. fishing industry is closely watching the operation of this experimental plant in order to determine whether the process is economical.

I am hopeful that this experimental operation may be the cornerstone for a major new fish processing industry in Washington State.

I ask unanimous consent that the letter of transmittal and statement of need be printed in the RECORD with the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1273

A bill to amend Public Law 89-701, as amended, to extend until June 30, 1973 the expiration date of the Act and the authorization of appropriations therefor, and for other purposes.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That Public Law 89-701, as amended (16 USC 778d, et seq) is further amended

(a) by striking in Section 3 the words "five fiscal years" and inserting in lieu thereof "six fiscal years".

(b) by amending Section 5 to read "Sec. 5. The authority of the Secretary under this Act shall expire June 30, 1973."

(c) by striking the words "of the Interior" wherever they appear, and inserting in lieu thereof "of Commerce".

THE SECRETARY OF COMMERCE,
Washington, D.C.

Hon. SPIRO T. AGNEW,
President of the Senate, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill:

"To amend Public Law 89-701, as amended, to extend until June 30, 1973 the expiration date of the Act and the authorization of appropriations therefor, and for other purposes"

Together with a statement of purpose and need in support thereof.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of our draft bill to the Congress from the standpoint of the Administration's program.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED

Public Law 89-701 authorized development, through the use of experiment and demonstration plants, of practicable and economic means for the production of fish protein concentrate. The Act assigned this function to the Secretary of the Interior. Reorganization Plan No. 4 of 1970 transferred this function (along with other functions relating to marine fisheries development) to the Secretary of Commerce.

The Act authorized the construction of one plant and the leasing of one additional plant. There was authorized to be appropriated $1.0 million for construction of a plant. A further appropriation authorization of $1.555 million annually for fiscal years 1968, 1969, 1970, 1971, and 1972, was contained in the Act. This latter authorization was for:

Leasing of the one additional plant;

Operation and maintenance of the two plants leased or constructed; and

Conducting the program authorized by the Act.

Public Law 90-549 amended the original Act to authorize appropriations for only one plant which could be either leased or constructed. The purposes for which the $1.555 million annual appropriation could be used were expanded to permit their use for construction of the one plant, after it had been found that the $1.0 million originally authorized for construction was insufficient.

At the time the original Act was enacted it was thought that two years could be allotted to construction leaving three years for plant operation under the overall five-year limit for the program which the Congress had determined to be reasonable. However, construction was not completed within the two years. A delay of some 18 months resulted from the need to obtain the amendment contained in P.L. 90-549, permitting authorized funds, other than the original $1.0 million, to be used for construction. The plant is now expected to be ready for start-up about March 1, 1971.

It will be the objective of the Department to complete the required experimental demonstration by June 30, 1972. However, experience shows that introducing a novel process relating to a raw material, such as fish, where there is no assurance or guarantee that a consistent supply can be obtained, can result in unexpected complications which require time to cure. Accordingly, the Department believes it would be wise to authorize an additional one year of operation beyond June 30, 1972.

A rather unusual feature of the original Act was the appropriation authorization termination date of June 30, 1972, while another section of the Act terminates the basic authority under the Act effective November 2, 1971. It is necessary to obtain clarifying language to conform the two conflicting termination dates. For the reasons set forth above, we recommend that both the basic authority and the appropriation authorization be extended to June 30, 1973, thus assuring that an adequate demonstration can be undertaken. Subsections (a) and (b) of the bill would provide this extension.

Subsection (c) of the bill substitutes "Secretary of Commerce" for "Secretary of the Interior" wherever that phrase appears in the Act. This conforming amendment merely reflects the transfer effected by Reorganization Plan No. 4 of 1970.

By Mr. MAGNUSON (by request):

S. 1274. A bill to revise and improve the laws relating to the documentation of vessels. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to revise and improve the laws relating to the documentation of vessels, and ask unanimous consent that the letter of transmittal, section-by-section analysis and comparative text be printed in the Record with the text of the bill.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 1274

A bill to revise and improve the laws relating to the documentation of vessels

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vessel Documentation Act".

Sec. 2. Definitions.—As used in this Act—

(1) "documented vessel" means a vessel for which a certificate of documentation has been issued under this Act; and

(2) "Secretary" means the head of the department in which the Coast Guard is operating.

Sec. 3. Ports of documentation.—The Secretary shall designate ports of documentation in the United States where vessels may be documented and instruments affecting title to, or interest in, documented vessels may be recorded. The Secretary shall specify the geographic area to be served by each designated port, and he may discontinue, relocate, or designate additional ports of documentation.

Sec. 4. Vessels eligible for documentation.—Any vessel of at least 5 net tons, which is not registered under the laws of a foreign country, is eligible for documentation if it is owned by—

(1) an individual who is a citizen of the United States;

(2) a partnership or association whose members are all citizens of the United States;

(3) a corporation created under the laws of the United States, or of any State, territory or possession thereof, or of the District of Columbia, the Commonwealth of Puerto Rico, or the Virgin Islands; whose president or other chief executive officer and chairman of its board of directors are citizens of the United States and no more of its directors are noncitizens than a minority of the number necessary to constitute a quorum;

(4) the United States Government; or

(5) the government of any State, territory or possession of the United States, the District of Columbia, the Commonwealth of Pueto Rico, or the Virgin Islands.

Sec. 5. Home ports.—(a) The port of documentation selected by an owner for the documentation of his vessel shall, with the approval of the Secretary and subject to such regulations as he may prescribe, be the vessel's home port.

(b) Once a vessel's home port has been fixed as provided in subsection (a), it may only be changed with the approval of the Secretary and subject to such regulations as he may prescribe.

Sec. 6. Name of vessel.—(a) At the time of application for initial documentation of a vessel, the owner shall provide a name for the vessel. Subject to the approval of the Secretary, that name shall, upon the issuance of a certificate of documentation, become the vessel's name of record.

(b) Once a vessel's name of record has been fixed as provided in subsection (a), it may only be changed with the approval of the Secretary and subject to such regulations as he may prescribe.

(c) The Secretary may prescribe a reasonable fee for changing a documented vessel's name of record.

Sec. 7. Certificate of documentation; application; issuance; form; exhibition.—(a) Upon application by the owner of any vessel eligible for documentation, the Secretary shall issue a certificate of documentation of a type specified in sections 10, 11, 12, 13, or 14 of this Act.

(b) The Secretary may prescribe the form, manner of filing, and the information to be contained in, applications for certificates of documentation.

(c) Each certification of documentation shall—

(1) contain the name, the home port, and a description of the vessel for which it is issued;

(2) identify its owner; and

(3) be in such form and contain such additional information as the Secretary may prescribe.

(d) The Secretary shall, by regulation, prescribe procedures to ensure the integrity of, and the accuracy of information contained in, certificates of documentation issued this Act.

(e) The owner and the master of each documented vessel shall make the vessel's certificate of documentation available for examination by such persons and at such times and places as may be required by law and as the Secretary may prescribe.

Sec. 8. Numbers; signal letters; identification markings.—(a) The Secretary shall maintain a numbering system for the identification of documented vessels and assign a number to each documented vessel.

(b) The Secretary may maintain a system of signal letters for documented vessels.

(c) The owner of each documented vessel shall affix to the vessel and maintain in the manner prescribed by the Secretary, the number assigned under subsection (a) and such other identification markings as the Secretary may prescribe.

Sec. 9. Purpose of documentation.—A certificate of documentation issued under this act is—

(1) conclusive evidence of nationality for international purposes, but not in any proceeding conducted under laws of the United States;

(2) in the case of a license, evidence of qualification to be employed in a specific trade; and

(3) not conclusive evidence of ownership in any proceeding in which ownership is in issue.

Sec. 10. Certificate of documentation: registry.—(a) A registry may be issued for any vessel which is eligible for documentation.

(b) A vessel for which a registry is issued may be employed in foreign trade or trade with the Islands of Guam, Tutuila, Wake, or Midway or Kingman Reef.

(c) The Secretary may, upon application of the owner of any vessel which qualifies for a coastwise license under section 11 of this Act, a Great Lakes license under section 12 of this Act, or a fishery license under section 13 of this Act, issue a registry appropriately endorsed authorizing the vessel to be employed in the coastwise trade, the Great Lakes trade, or the fisheries, as the case may be.

Sec. 11. Certificate of documentation: Coastwise license.—(a) A coastwise license, or, as provided in section 10(c) of this Act, an appropriately endorsed registry, may be issued for any vessel which—

(1) is eligible for documentation;

(2) was built in the United States; and

(3) qualifies under laws of the United States to be employed in the coastwise trade.

(b) A vessel for which a coastwise license or an appropriately endorsed registry, is issued may, subject to the laws of the United States regulating those trades, be employed in—

(1) the coastwise trade; and

(2) the fisheries.

Sec. 12. Certificate of documentation: Great Lakes license.—(a) A Great Lakes license, or, as provided in section 10(c) of this Act, an appropriately endorsed registry, may be issued for any vessel which—

(1) is eligible for documentation;

(2) was built in the United States; and

(3) qualifies under the laws of the United States to be employed in the coastwise trade.

(b) A vessel for which a Great Lakes license or an appropriately endorsed registry is issued may, on the Great Lakes and their tributary and connecting waters and subject to the laws of the United States regulating those trades, be employed in—

(1) the coastwise trade;

(2) trade with Canada; and

(3) the fisheries.

Sec. 13. Certificate of documentation: Fishery license.—(a) A fishery license, or, as provided in section 10(c) of this Act, an appropriately endorsed registry, may be issued for any vessel which—

(1) is eligible for documentation;

(2) was built in the United States; and

(3) qualifies under the laws of the United States to be employed in the fisheries.

(b) A vessel for which a fishery license, or an appropriately endorsed registry, is issued may, subject to the laws of the United States regulating the fisheries, be employed in that trade.

Sec. 14. Certificate of documentation: Yacht license.—A yacht license may be issued for any pleasure vessel which is eligible for documentation.

Sec. 15. Vessel limited to trade covered by certificate of documentation; exemptions; penalty.—(a) A documented vessel may not be employed in any trade other than a trade covered by the certificate of documentation issued for that vessel. However, any certificate of documentation may, under regulations prescribed by the Secretary, be exchanged for any other type of certificate of documentation, or appropriately endorsed for any trade, for which the vessel qualifies.

(b) A non-self propelled vessel which is qualified to be employed in the coastwise trade may, without being documented, be employed in trade exclusively within a harbor or on the rivers or inland lakes of the United States, or on the internal waters of any State.

(c) Whenever a documented vessel is employed in a trade that is not covered by the certificate of documentation issued for that vessel, the vessel, together with its equipment is liable to seizure and forfeiture to the United States.

(d) A documented vessel may not be placed under the command of a person other than a citizen of the United States.

SEC. 16. FALSIFICATION IN DOCUMENTATION; FRAUDULENT USE OF DOCUMENT; PENALTY.—(a) Whenever the owner of a vessel knowingly falsifies or conceals a material fact, or makes a false statement or representation in connection with the documentation of his vessel under this Act, in addition to any other penalty provided by law, that vessel, together wtih its equipment, is liable to seizure and forfeiture to the United States.

(b) Whenever a certificate of documentation is knowingly and fraudulently used for any vessel, that vessel, together with its equipment, is liable to seizure and forfeiture to the United States.

SEC. 17. CERTIFICATE OF DOCUMENTATION; TERMINATION OF VALIDITY.—(a) A certificate of documentation becomes invalid if the vessel for which it is issued—

(1) no longer meets the requirements in this Act and the regulations prescribed unmentation; or

(2) is placed under the command of a person who is not a citizen of the United States.

(b) Except as provided by section 961(a) of title 46, an invalid certificate of documentation shall be surrendered to the Secretary in accordance with regulations prescribed by him.

SEC. 18. PROVISIONAL REGISTRY.—(a) The Secretary and the Secretary of State, acting jointly may provide for the issuance of a provisional registry for any vessel procured outside the United States which meets the ownership requirements of section 4 of this Act.

(b) A vessel for which a provisional registry is issued may proceed to the United States and, subject to such limitations as the Secretary prescribes, engage en route in the foreign trade or trade with the Islands of Guam, Tutuila, Wake, or Midway or Gingman Reef. Upon the vessel's arrival in the United States the provisional registry shall be surrendered to the Secretary.

(c) A vessel for which a provisional registry is issued is subject to the jurisdiction and laws of the United States. However, the Secretary may suspend the application of any vessel inspection law administered by him, or any regulation thereunder, if he considers the suspension to be in the public interest.

SEC. 19. RECORDING OF U.S. BUILT VESSELS.—The Secretary may provide for the recording and certifying of such information pertaining to vessels built in the United States as he finds to be in the public interest.

SEC. 20. REGISTRATION OF FUNNEL MARKS AND HOUSE FLAGS.—The Secretary shall provide for the registration of funnel marks and house flags by owners of vessels.

SEC. 21. LIST OF DOCUMENTED VESSELS.—The Secretary shall publish periodically a list of all documented vessels together with such information pertaining to them as he considers pertinent and useful.

SEC. 22. REPORTS.—To ensure compliance with this Act and the laws governing the qualifications of vessels to engage in the coastwise trade and the fisheries, the Secretary may require owners and masters of documented vessels to submit reports in such form and manner as the Secretary may prescribe.

SEC. 23. VIOLATIONS; PENALTY.—(a) Whoever violates any provision of this Act or any regulation thereunder for which no other penalty is specifically provided, is liable to a civil penalty of not more than $500 for each violation.

(b) The Secretary may compromise any civil penalty provided for in this Act.

SEC. 24. DELEGATIONS AND REGULATIONS.—The Secretary may—

(1) delegate, and authorize successive redelegations of, any of the duties or powers conferred on him in this Act; and

(2) prescribe regulations to carry out this Act.

SEC. 25. RELATED TERMS IN OTHER LAWS.—Whenever used with respect to the documentation of a vessel in any law, regulation, document, ruling, or other official act—

(1) "certificate of registry", "registry", and "register" are considered to mean a registry as provided for in section 10 of this Act;

(2) "license", "enrollment and license", "license for the coastwise (or coasting) trade", and "enrollment and license for the coastwise (or coasting) trade" are considered to mean a coastwise license as provided for in section 11 of this Act;

(3) "enrollment and license to engage in the foreign and coastwise (or coasting) trade on the northern, northeastern, and northwestern frontiers, otherwise than by sea" is considered to mean a Great Lakes license as provided for in section 12 of this Act;

(4) "license for the fisheries" and "enrollment and license for the fisheries" are considered to mean a fishery license as provided for in section 13 of this Act; and

(5) "yacht license" and "yacht enrollment and license" are considered to mean a yacht license as provided for in section 14 of this Act.

SEC. 26. AMENDMENTS TO OTHER LAWS.—(a) Section 4131 of the Revised Statutes, as amended (46 U.S.C. 221), is amended to read as follows:

"No person who is not a citizen of the United States may serve as master, chief engineer, or officer in charge of a deckwatch or engineering watch on any vessel documented under the laws of the United States. However, if a documented vessel is deprived of the services of any officer, other than the master, while on a foreign voyage, a person who is not a citizen of the United States may, until the vessel's first return to a United States port where a United States citizen replacement can be obtained serve in—

(1) the vacancy, or

(2) any vacancy resulting from the promotion of another to fill the original vacancy."

(b) Section 4148 of the Revised Statutes, as amended (46 U.S.C. 71), is amended by striking out the first sentence of subsection (a) and inserting in place thereof:

"The Secretary of the Department in which the Coast Guard is operating shall provide for the admeasuring of each vessel documented under the Vessel Documentation Act and each vessel recorded under section 19 of that Act. Except in cases where the Secretary of the Department in which the Coast Guard is operating has, by regulation, otherwise provided, a vessel must be admeasured before a certificate of documentation or a certificate of record is issued for that vessel".

(c) Section 4311 of the Revised Statutes, as amended (46 U.S.C. 251), is amended by striking out the first sentence of subsection (a).

(d) Section 4320 of the Revised Statutes, as amended (46 U.S.C. 262), is amended by—

(1) striking out the word "licensed" in the first sentence and inserting in place thereof the word "documented"; and

(2) striking out the last sentence.

(e) Section 4377 of the Revised Statutes, as amended (46 U.S.C. 325), is amended by striking out the second sentence.

(f) Section 7 of the Act of June 19, 1886, as amended (24 Stat. 81; 46 U.S.C. 319), is amended by—

(1) striking out the first sentence and inserting in place thereof:

Revised Statutes section	Revised Statutes section	Revised Statutes section
4132	4167	4314
4136	4168	4315
4137	4169	4318
4138	4170	4319
4139	4171	4321
4141	4174	4322
4142	4176	4323
4143	4177	4324
4144	4178	4325
4146	4179	4326
4147	4180	4327
4150	4182	4328
4155	4183	4329
4156	4187	4330
4157	4189	4331
4158	4190	4333
4159	4191	4335
4160	4214	4337
4161	4217	4338
4162	4312	4339
4163	4313	4372
4164		4384
4166		4385
		4495
		4498

Date	Chapter	Section	Statutes at Large Volume	Statutes at Large Page
Apr. 17, 1874	106		18	30
Feb. 27, 1877	69	1 (only the part amending R.S. 4315, 4318, and 4319).	19	251
June 30, 1879	54		21	44
Mar. 3, 1883	133	1	22	566
June 26, 1884	121	21	23	58
July 5, 1884	221	4	23	119
June 19, 1886	421	6	24	81
Feb. 21, 1891	250	1	26	765
Jan. 16, 1895	24	2, 4	28	624, 625
Jan. 20, 1897	67	1, 2	29	491, 492
June 24, 1902	1155	1, 2	32	398, 399
Mar. 3, 1905	1457	9	33	1032
Apr. 24, 1966	1865	1, 2	34	136
May 28, 1908	212	7	35	426
Feb. 29, 1912	47		37	70
July 9, 1912	220		37	189
Aug. 20, 1912	307	1	37	315
Aug. 24, 1912	390	5 (only the part amending R.S. 4132).	37	562
Aug. 18, 1914	256	1	38	698
Feb. 24, 1915	57		38	812
Mar. 4, 1915	172	1	38	1193
Do	184	5	38	1218
Feb. 19, 1920	33	1, 2, 3	41	436, 437
Feb. 16, 1925	235	1	43	947
Aug. 5, 1935	438	310	49	528
May 20, 1936	434		49	1, 367
May 24, 1938	265		52	437
May 31, 1939	159		53	794
Do	160		53	795
Jun. 2, 1939	168		53	798
Aug. 17, 1961	Public Law 87-157		75	392
Sep. 29, 1965	Public Law 89-219	10	79	892

Note: Sec. 28. Effective date. This act becomes effective on the 1st day of the 6th month following the month in which it is enacted.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., March 5, 1971.
Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a proposed bill "To revise and improve the laws relating to documentation of vessels", together with a section-by-section analysis.

This proposed bill would supplant the statutes pertaining to the documentation of American vessels, other than motorboats, now administered by the Coast Guard.

One of the earliest Acts of the First Congress was the establishment of a system of vessel documentation. The procedures spelled out in the Act of September 1, 1789, are still the foundation of our vessel documentation program today. Succeeding Congresses added to that foundation additional laws intended to meet the variety and change of conditions attending our waterborne commerce.

From its inception until 1967, documentation of vessels was supervised by a succession of Federal agencies although during those 178 years field activities were continuously performed by local officials of the Bureau of Customs. On February 24, 1967, by virtue of Treasury Department Order No. 167-81, full responsibility of vessel documentation was transferred to the Commandant of the Coast Guard in anticipation of the pending transfer of the Coast Guard from the Treasury Department into the new Department of Transportation on April 1, 1967.

When the Coast Guard assumed responsibility for vessel documentation there were 124 separate locations throughout the United States where documents were being issued. A few of those locations, where the volume of activity is low, are being discontinued as "ports of documentation" and their activities consolidated with those of more active nearby "ports of documentation." At present 125 Coast Guard employees are performing over 100,000 transactions a year in connection with nearly 70,000 American documented vessels. The annual budget for vessel documentation is slightly in excess of $1,000,000.

During the four years that the Coast Guard has been responsible for its administration we have examined the procedures and public transactions involved in the vessel documentation process with a view to cost-reduction, modernization, and improvement. Unfortunately, most of the procedural changes that could produce improvements and increase efficiency are legally barred under the existing accumulation of laws.

Amendment of selected portions of the existing laws could, of course, allow implementation of specific procedural improvements. However, this sort of limited treatment would fall far short of producing a coherent and rational body of law. A number of the existing obstacles to modern and efficient administration are directly attributable to the piecemeal amending that has resulted in today's patchwork of statutes.

The proposed bill would extract from the existing laws, and restate in a concise and orderly arrangement, the purposes and objectives of vessel documentation and the related substantive policies. It would abandon the restricting administrative detailedness of the existing law. Instead it would delegate responsibility, and co-extensive authority, for administration of the vessel documentation program, within specific guidelines.

Enactment of the proposed bill would not result in any increased Government costs. It would, moreover, allow introduction of modern procedures and business techniques commonly used elsewhere in the Government. This would in turn, lead to more effective use of funds budgeted for this program and possible cost reductions in subsequent years.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection of the submission of this draft legislation for the consideration of the Congress.

Sincerely,

JOHN A. VOLPE.

SECTION-BY-SECTION ANALYSIS OF A BILL TO REVISE AND IMPROVE THE LAWS RELATING TO THE DOCUMENTATION OF VESSELS

SEC. 1. *Short Title.* This section cites the Act as the "Vessel Documentation Act".

SEC. 2. *Definitions.* This section defines the terms "documented vessel" and "Secretary" for the purpose of their use in this Act.

SEC. 3. *Ports of Documentation.* This section provides for the designation by the Secretary of ports of documentation in the United States where vessels may be documented and instruments of title recorded and for the designation of the geographic area to be served by each designated port. It also authorizes the discontinuance and relocation of ports of documentation and the designation of additional ports of documentation. This section is a general re-statement of the existing law concerning the authority of the Secretary in regard to ports of documentation. The authority of the Secretary in regard to ports of documentation derived through reorganization plans, implication from related statutes, intradepartmental delegation orders, and transfers of functions from other governmental agencies is made more explicit.

SEC. 4. *Vessels Eligible for Documentation.* This section is a clarification and general restatement of existing law providing that vessels of at least 5 net tons, not registered under the laws of a foreign nation, are eligible for documentation if owned by citizens, partnerships, or corporations of the United States or by the Federal or State Governments. It expressly prescribes the 5 net ton limitation on vessels eligible for documentation rather than leaving it to implication.

SEC. 5. *Home Ports.* This section defines a vessel's home port as the port of documentation selected by an owner for the documentation of his vessel with the approval of the Secretary and provides that a vessel's home port may only be changed with the approval of the Secretary. It is a general re-statement of existing law but leaves the detailed procedures for fixing and changing a vessel's home port to regulations to be prescribed by the Secretary.

SEC. 6. *Name of Vessel.* This section provides that the name of record of the vessel to be documented will be the name provided by the owner subject to the approval of the Secretary and that the name may only be changed with approval of the Secretary. It is a re-statement of existing law except to the extent that the procedural details of the transactions now in the statute, such as the publication of notices of change of name in newspapers, will be governed by regulations prescribed by the Secretary. The authorization for a reasonable fee, to be prescribed by the Secretary, for changing a documented vessel's name of record takes the place of the graduated fee schedule now set forth in detail in the existing statute and allows the fee to be specified in regulations.

SEC. 7. *Certificate of Documentation; Application; Issuance; Form; Exhibition.* This section provides that a certificate of documentation shall be issued upon application by the owner of any vessel eligible for documentation on the form and in the manner prescribed by the Secretary and that such certificate of documentation shall be available for examination. The entire text of registers, enrollments and licenses, and licenses are now set forth at length in existing statutes. To provide flexibility and take advantage of savings afforded by modern forms and record keeping procedures this section provides only that each certificate of documentation shall contain the name, the home port, the description of the vessel; identity of its owner; and be in such form and contain such additional information as the Secretary may prescribe. The provision in this section that the Secretary shall, by regulation, prescribe procedures to ensure the integrity of, and the accuracy of information contained in, certificates of documentation will provide a means for updating vessel documents through the submission of occasional reports rather than continue the presently required annual endorsement of renewals of licenses and enrollments and licenses and the endorsements of changes of master.

SEC. 8. *Numbers; Signal Letters; Identification Markings.* This section provides for continuing the present system of assigning official numbers, signal letters, and identification markings to documented vessels.

SEC. 9. *Purpose of Documentation.* This section does not modify existing law but for clarity contains express provisions that a certificate of documentation is conlusive evidence of nationality but not conclusive evidence of ownership in any proceeding in which ownership, determined by State law, is in issue. It also gives express recognition to the special nature of "license" type documents.

SEC. 10. *Certificate of Documentation Registry.* This section provides that the issuance of a certificate of documentation in the form of a registry may be issued to any vessel meeting the requirements of section 4 entitling it to be employed in the same foreign trade in which it may now be employed under existing law.

SEC. 11. *Certificate of Documentation; Coastwise License.* This section provides for the issuance of a certificate of documentation in the form of a coastwise license for any vessel which is eligible for documentation, built in the United States; and qualifies under the laws of the United States to be employed in the Coastwise Trade. This license takes the place of the "Consolidated Certificate of Enrollment and License" and the "License of Vessel Under 20 Tons" now issued under existing law for the Coastwise Trade and also for the Coastwise Trade and Mackerel Fishery when appropriately endorsed.

SEC. 12. *Certificate of Documentation; Great Lakes License.* This section provides for the issuance of a Certificate of Documentation in the form of a Great Lakes License to take the place of the "Consolidated Certificate of Enrollment and License (Northern and Northwestern Frontiers of the United States Other Than by Sea)" now issued under existing law.

SEC. 13. *Certificate of Documentation; Fishery License.* This section provides that a certificate of documentation in the form of a fishery license may be issued for any vessel which is eligible for documentation, was built in the United States, and qualifies under the laws of the United States to be employed in the fisheries. This license takes the place of a "Consolidated Certificate of Enrollment and License" and a "License of Vessel Under Twenty Tons" now issued under existing law for the trades of whale fishery, cod fishery, and mackerel fishery.

SEC. 14. *Certificate of Documentation; Yacht License.* This section provides for the issuance of a yacht license to any vessel which is eligible for documentation and is to be used exclusively for pleasure. The yacht license takes the place of the "Consolidated Certificate of Enrollment and Yacht License" and the "License of Yacht Under Twenty Tons" now issued under existing law.

SEC. 15. *Vessel Limited to Trade Covered by Certificate of Documentation; Exemption; Penalty.* This section which is a re-statement of existing law provides that a vessel is limited to the trade covered by her certificate of documentation; exempts certain non-self-propelled vessels from documentation; requires that the master must be a citizen; and continues the present penalty for violations.

Sec. 16. *Falsification in Documentation; Fraudulent Use of Document; Penalty.* This section continues the existing penalty of seizure and forfeiture in existing law for false statements or representations in connection with the documentation of vessels and for fraudulent use of a certificate of documentation.

Sec. 17. *Certificate of Documentation; Termination of Validity.* This section continues the provisions of existing law providing that a certificate of documentation becomes invalid if the vessel for which it is issued no longer meets the requirements for issuance of the certificate or is placed under the command of a person who is not a citizen of the United States. It also continues the requirement for the surrender of invalid certificates but recognizes the protection accorded preferred mortgagees by section 961(a) of title 46.

Sec. 18. *Provisional Registry.* This section authorizes the Secretary of Transportation and the Secretary of State to provide for the issuance of a provisional registry for a vessel procured by a citizen outside of the United States. This enables the vessel to proceed directly to the United States and to trade en route with the requirement that the provisional registry shall be surrendered upon the vessel's arrival in the United States. The present statutory authority of Consular Officers and persons designated by the President to issue provisional registers which are automatically valid for a period of six (6) months or until arrival in the United States is eliminated. This section does not continue the present automatic statutory exemption of a vessel with a provisional registry from laws relating to officers, inspections, and admeasurement but it authorizes the Secretary to suspend application of those vessel inspection and admeasurement laws if he considered the suspension to be in the public interest.

Sec. 19. *Recording of U.S. Built Vessels.* This section authorizes the Secretary to provide for the recording and certifying of such information pertaining to vessels built in the United States as he finds to be in the public interest. It thereby continues provisions in the existing law providing for the recording and certifying of essential information pertaining to vessels built in the United States for foreign owners.

Sec. 20. *Registration of Funnel Marks and House Flags.* This section continues the provisions of the existing law providing for the registration of funnel marks and house flags by owners of vessels.

Sec. 21. *List of Documented Vessels.* This section continues the requirement for publication of a list of all documented vessels.

Sec. 22. *Reports.* This section authorizes reports to be required of owners and masters of documented vessels to ensure compliance with this act and the laws governing the qualification of vessels to engage in the coastwise trade and fisheries. These reports will also keep the vessel data current and certificates of documentation up to date. They will take the place of annual endorsements of renewals of enrollments and licenses and endorsements of changes of masters on the certificate of documentation.

Sec. 23. *Violations, Penalty.* This section provides a civil penalty of not more than $500.00 for each violation of this act. It takes the place of numerous specific statutory penalties now included in the individual statutes. This section also authorizes the Secretary to compromise any civil penalty provided in order that only the appropriate penalty need be assessed. The assessment of the maximum penalty in minor cases where the penalty will later be mitigated will no longer be required.

Sec. 24. *Delegations and Regulations.* This section retains the provisions of existing law by authorizing the Secretary to delegate and authorize successive re-delegations of any of the duties or powers conferred in him in this act. It also authorizes the Secretary to prescribe regulations to carry out this act.

Sec. 25. *Related Terms in Other Laws.* This section defines the new types of certificates of documentation provided for in this act to ensure that their changed names have no legal effect.

Sec. 26. *Amendments to Other Laws.*

Sec. 26(a) restates the existing 46 U.S.C. 221 in terms of "vessels documented under the laws of the United States" to conform to the terminology of this bill.

Sec. 26(b) authorizes the Secretary to prescribe conditions under which a vessel may be documented before being admeasured until such time as the vessel is available for complete admeasurement. This amends the existing statutory requirement that a vessel must be admeasured before being documented.

Sec. 26(c) eliminates the references in 46 U.S.C. 251 to statutes pertaining to documentation that will be repealed by this bill and eliminates the provisions in that statute that only documented vessels shall be deemed vessels of the United States.

Sec. 26(d) eliminates the detailed statutory language prescribing oaths now required for the issuance of licenses.

Sec. 26(e) eliminates the provision of 46 U.S.C. 325 that vessels licensed for the "mackeral" fishery to be employed in other fisheries since section 13 provides for a single fishery license covering all fisheries.

Sec. 26(f) restates the first sentence and eliminates the last sentence of 46 U.S.C. 319 to conform to the terminology of this bill.

Sec. 27. *Repeals.* The corresponding sections of the United States Code are listed below for each of the Revised Statutes and Statutes at Large repealed by this section.

Revised Statutes: Section	Title 46, U.S. Code: Section
4137	15
4138	16
4139	20
4141	17
4142	19
4143	21
4144	22
4146	23
4147	24
4150	74
4155	25
4156	26
4157	27
4158	28
4159	29
4160	30
4161	31
4162	32
4163	33
4164	34
4166	35
4167	36
4168	37
4169	38
4170	39
4171	40
4174	43
4176	44
4177	45
4178	46
4179	50
4180	54
4182	55
4183	56
4187	58
4189	60
4190	61
4191	62
4214	103
4217	105
4312	252
4313	253
4314	254
4315	255
4318	258
4319	259
4321	263
4322	264
4323	265
4324	266
4325	267
4326	268
4327	269
4328	270
4329	271
4330	272
4333	275
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4338	279
4339	280
4372	318
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4385	335
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STATUTES AT LARGE

Volume	Page	Title 46, U.S. code section
18	30	270
19	251	255, 258, 259
21	44	332
22	566	103
23	58	47
23	119	55
24	81	45
26	765	46
28	624, 625	23
29	491, 492	46
32	398, 399	20
33	1032	496
34	136	260
35	426	49
37	70	260
37	189	63
37	315	103
37	562	11
38	698	11
38	812	14
38	1193	12
38	1218	496
41	436, 437	51
43	947	18
49	528	60
49	1367	263
52	437	11
53	794	276
53	795	267
53	798	496
75	392	35
79	892	74

Sec. 28. *Effective Date.* This section prescribes the effective date of the act as the first day of the sixth month following the month in which it is enacted.

COMPARATIVE TEXT OF STATUTES FOR AMENDMENT BY A BILL TO REVISE AND IMPROVE THE LAWS RELATING TO THE DOCUMENTATION OF VESSELS

(Omissions are indicated by brackets and additions are italic)

Section 26(a) of the Bill amends Revised Statute 4131, as amended (46 U.S.C. 221).

Comparative text—

[Vessels registered pursuant to law and no others, except such as shall be duly qualified according to law for carrying on the coasting or fishing trade, shall be deemed vessels of the United States; and entitled to the benefits and privileges appertaining to such vessels; but no vessel shall enjoy such benefits and privileges longer than it shall continue to be wholly owned by a citizen or citizens of the United States or a corporation created under the laws of any of the States thereof, and be commanded by a citizen of the United States. And all of the officers of vessels of the United States who shall have charge of a watch, including pilots, shall in all cases be citizens of the United States.

The word "officers" shall include the chief engineer and each assistant engineer in charge of a watch on vessels propelled wholly or in part by steam; and no person shall be qualified to hold a license as a commander or watch officer of a merchant vessel of the United States who is not a native-born citizen, or whose naturalization as a citizen shall not have been fully completed. In cases where on a foreign voyage, or on a voyage from an Atlantic to a Pacific port of the United States, any such vessel is for any reason deprived of the services of an officer below the grade of master, his place, or a vacancy caused by the promotion of another officer to such place, may be supplied by a person not a citizen of the United States until the first return of such vessel to its home port; and such vessel shall not be liable to any penalty or penal tax for such employment of an alien officer.] *No person who is not a citizen of the United States may serve as master, chief engineer, or officer in charge of a deckwatch or engineering watch on any vessel documented under the laws of the United States. However, if a documented vessel is deprived of the services of any officer, other than the master, while on a foreign voyage, a person who is not a citizen of the United States may, until the vessel's first return to a United States port where a United States citizen replacement can be obtained serve in—*

(1) the vacancy; or

(2) any vacancy resulting from the promotion of another to fill the original vacancy.

Section 26(b) of the Bill amends Revised Statute 4148(a), as amended (46 U.S.C. 71 (a)).

Comparative text—

[Before a vessel is documented under the laws of the United States or issued a certificate of record she shall be admeasured by the Secretary of the Treasury as provided in subsection (b) or (c) of this section.] *The Secretary of the Department in which the Coast Guard is operating shall provide for the admeasuring of each vessel documented under the Vessel Documentation Act and each vessel recorded under section 19 of that Act. Except in cases where the Secretary of the Department in which Coast Guard is operating has, by regulation, otherwise provided, a vessel must be admeasured before a certificate of record is issued for that vessel.* A vessel which has been admeasured need not be readmeasured solely to obtain another document, unless it is a vessel admeasured under subsection (b) of this section which is required to be readmeasured under subsection (c) of this section; but a vessel which is intended to be used exclusively as a pleasure vessel may at the owner's option be admeasured under subsection (b) of this section.

Section 26(c) of the Bill amends Revised Statute 4311(a), as amended (46 U.S.C. 251(a)).

Comparative text—

[Vessels of twenty tons and upward, enrolled in pursuance of sections 251–255, 258, 259, 262–280, 293, 306–316, 318, 321–330 and 333–335 of this title, and having a license in force, or vessels of less than twenty tons, which, although not enrolled, have a license in force, as required by such sections, and no others, shall be deemed vessels of the United States entitled to the privileges of vessels employed in the coasting trade or fisheries.] Except as otherwise provided by treaty or convention to which the United States is a party, no foreign-flag vessel shall, whether documented as a cargo vessel or otherwise, land in a port of the United States its catch of fish taken on board such vessels of the high seas or fish products processed therefrom, or any fish or fish products taken on board such vessel on the high seas from a vessel engaged in fishing operations or in the processing of fish or fish products.

Section 26(d) of the Bill amends Revised Statute 4320, as amended (46 U.S.C. 262).

Comparative text—

No *documented* vessel shall be employed in any trade whereby the revenue laws of the United States shall be defrauded. [The master of every such vessel shall swear that he is a citizen of the United States and that such license shall not be used for any other vessel or any other employment than that for which it was specially granted, or in any trade or business whereby the revenue of the United States may be defrauded; and if such vessel be less than twenty tons burden, the husband or managing owner shall swear that she is wholly the property of citizens of the United States; whereupon it shall be the duty of the collector of the district comprehending the port whereto such vessel may belong to grant a license.]

Section 26(e) of the Bill amends Revised Statute 4377, as amended (46 U.S.C. 325.)

Comparative text—

Whenever any licensed vessel is transferred, in whole or in part, to any person who is not at the time of such transfer a citizen and resident within the United States, or is employed in any other trade than that for which she is licensed, or is employed in any trade whereby the revenue of the United States is defrauded, or is found with a forged or altered license, or one granted for any other vessel, or with merchandise of foreign growth or manufacture (sea stores excepted), or any taxable domestic spirits, wines, or other alcoholic liquors, on which the duties or taxes have not been paid or secured to be paid, such vessel with her tackle, apparel, and furniture, and the cargo, found on board her, shall be forfeited. [But vessels which may be licensed for the mackerel fishery shall not incur such forfeiture by engaging in catching cod or fish of any other description whatever.] For the purposes of this section, marks, labels, brands, or stamps, indicative of foreign origin, upon or accompanying merchandise or containers of merchandise found upon any vessels, shall be prima facie evidence of the foreign origin of such merchandise.

Section 26(f) of the Bill amends Section 7 of the Act of June 19, 1886, as amended (24 Stat. 81; 46 U.S.C. 319).

Comparative text—

[Every vessel of twenty tons or upwards, entitled to be documented as a vessel of the United States, other than registered vessels found trading between district and district, or between different places in the same district, or carrying on the fishery, without being enrolled and licensed, and every vessel of less than twenty tons and not less than five tons burden found trading or carrying on the fishery as aforesaid without a license obtained as provided by this chapter, shall be liable to a fine of $30 at every port of arrival without such enrollment or license, and if she have on board any merchandise of foreign growth or manufacture (sea stories excepted, or any taxable domestic spirits, wines or other alcoholic liquors, on which the duties or taxes have not been paid or secured to be paid, she shall, together with her tackle, apparel and furniture, and the lading found on board, be forfeited.] *Whenever a vessel is employed in a trade for which certificates of documentation are issued under the Vessel Documentation Act, other than a trade covered by a registry, the vessel is liable to a civil penalty of $30 for each port at which it arrives without the proper certificate of documentation, and if it has on board any merchandise of foreign growth or manufacture (sea stores excepted), or any taxable domestic spirits, wines or other alcoholic liquors, on which the duties or taxes have not been paid or secured to be paid, the vessel, together with its equipment and cargo is liable to seizure and forfeiture.* Marks, labels, brands, or stamps, indicative of foreign origin, upon or accompanying merchandise or containers of merchandise found on board such vessel, shall be prima facie evidence of the foreign origin of such merchandise. [But if the license shall have expired while the vessel was at sea, and there shall have been no opportunity to renew such license, then said fine or forfeiture shall not be incurred.]

Text of Statutes for Repeal by a Bill To Revise and Improve the Laws Relating to the Documentation of Vessels

Section 27 of the Bill repeals the following laws:

REVISED STATUTES

Sec. 4132—

Vessels built within the United States, and belonging wholly to citizens thereof, and vessels which may be captured in war by citizens of the United States, and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States, being wholly owned by citizens, and no others, may be registered as directed in this Title.

Sec. 4136—

The Secretary of the Treasury may issue a register or enrollment for any vessel built in a foreign country, whenever such vessel shall be wrecked in the United States, and shall be purchased and repaired by a citizen of the United States, if it shall be proved to the satisfaction of the Secretary that the repairs put upon such vessel are equal to three-fourths of the cost of the vessel when so repaired.

Sec. 4137—

Registers for vessels owned by any incorporated company may be issued in the name of the president or secretary of such company; and such register shall not be vacated or affected by sales of any shares of stock in such company.

Sec. 4138—

Upon the death, removal, or resignation of such president or secretary of any incorporated company owning any vessel, a new register shall be taken out for such vessel.

Sec. 4139—

Previously to granting a register for any vessel, owned by any company, the president or secretary thereof shall swear to the ownership of the vessel, by such company, without designating the names of the persons composing the company; and the oath shall be deemed sufficient, without requiring the oath of any other person interested or concerned in such vessel.

Sec. 4141—

Every vessel, except as is hereinafter provided, shall be registered by the collector of that collection-district which includes the port to which such vessel shall belong at the time of the registry; which port shall be deemed to be that at or nearest to which the owner, if there be but one, or, if more than one, the husband or acting and managing owner of such vessel, usually resides.

Sec. 4142—

In order to the registry of any vessel, an oath shall be taken and subscribed by the owner, or by one of the owners thereof, before the officer authorized to make such registry, declaring, according to her best of the knowledge and belief of the person so swearing, the name of such vessel, her burden, the place where she was built, if built within the United States, and the year in which she was built; or that she has been captured in war, specifying the time, by a citizen of the United States, and lawfully condemned as prize, producing a copy of the sentence of condemnation, authenticated in the usual forms; or that she has been adjudged to be forfeited for a breach of the laws of the United States, producing a like copy of the adjudication of forfeiture; and declaring his name and place of abode, and if he be the sole owner of the vessel, that such is the case; or if there be another owner, that there is such other owner, specifying his name and place of abode, and that he is a citizen of the United States, and specifying the proportion belonging to each owner; and where an owner resides in a foreign country, in the capacity of a consul of the United States, or as an agent for and a partner in a house or copartnership consisting of citizens of the United States, actually carrying on trade within the United States, that such is the case, that the person so swearing is a citizen of the United States, and that there is no subject or citizen of any foreign prince or state, directly or indirectly, by way of trust, confidence, or otherwise, interested in such vessel, or in the profits or issues thereof; and that the master thereof is a citizen, naming the master, and stating the means whereby or manner in which he is a citizen.

Sec. 4143.—If any of the matters of fact alleged in the oath taken by an owner to obtain the registry of any vessel, which within the knowledge of the party so swearing are not true, there shall be a forfeiture of the vessel, together with her tackle, apparel, and furniture, in respect to which the oath shall have been made, or of the value thereof, to be recovered, with the costs of suit, of the person by whom the oath was made.

Sec. 4144.—If the master of a vessel is within the district where a registry thereof is to be made; when application is made for registering the same, he shall, himself instead of the owner, or of the agent or attorney, as hereinafter mentioned, make oath touching his being a citizen, and the means whereby or manner in which he is a citizen; in which case, if the master shall knowingly swear to anything untrue, no forfeiture of the vessel, on account of such false oath, shall be incurred, but the master shall be liable to a penalty of one thousand dollars.

Sec. 4146.—The conditions of the bond given to obtain the registry of a vessel shall in each case be that the certificate of such registry shall be solely used for the vessel for which it is granted, and shall not be sold, lent, or otherwise disposed of, to any person whomsoever; and that, in case such vessel shall be lost, or taken by an enemy, burned, or broken up, or shall be otherwise prevented from returning to the port to which she may belong, the certificate, if preserved, shall be delivered up, within eight days after the arrival of the master or person having the charge or command of such vessel, within any district of the United States, to the collector of such district; and that if any foreigner, or any person for the use and benefit of such foreigner, shall purchase or otherwise become entitled to the whole or any part or share of or interest in such vessel, the same being within a district of the United States, the certificate shall, in such case, within seven days after such purchase, change, or transfer of property, be delivered up to the collector of the district; and that if any such purchase, change, or transfer of property shall happen when such vessel shall be at any foreign port or place, or at sea, then the master or person having the charge or command thereof, shall, within eight days after his arrival within any district of the United States, deliver up the certificate to the collector of such district.

Sec. 4147.—In order to the registry of any vessel built within the United States, it shall be necessary to produce a certificate, under the hand of the principal or master carpenter, by whom or under whose direction the vessel has been built, testifying that she was built by him or under his direction, and specifying the place where, the time when, and the person for whom, and describing her build, number of decks and masts, length, breadth, depth, tonnage, and such other circumstances as are usually descriptive of the identity of a vessel; which certificate shall be sufficient to authorize the removal of a new vessel from the district where she may be built to another district in the same or an adjoining State, where the owner actually resides, provided it be with ballast only.

Sec. 4150—

The registry of every vessel shall express her length and breadth, together with her depth and the height under the third or spar deck, which shall be ascertained in the following manner: The tonnage-deck, in vessels having three or more decks to the hull, shall be the second deck from below; in all other cases the upper deck of the hull is to be the tonnage-deck. The length from the fore part of the outer planking on the side of the stem to the after part of the main stern-post of screw-steamers, and to the after part of the rudder-post of all other vessels measured on the top of the tonnage-deck, shall be accounted the vessel's length. The breadth of the broadest part on the outside of the vessel shall be accounted the vessel's breadth of beam. A measure from the under side of the tonnage-deck plank, amidships, to the ceiling of the hold (average thickness), shall be accounted the depth of hold. If the vessel has a third deck, then the height from the top of the tonnage-deck plank to the underside of the upper-deck plank shall be accounted as the height under the spar-deck. All measurement to be taken in feet and fractions of feet; and all fractions of feet shall be expressed in decimals.

Sec. 4154—

When the several matters hereinbefore required, in order to the registering of any vessel, have been complied with, the collector of the district comprehending the port to which she belongs shall make and keep in some proper book a registry thereof, and shall grant a certificate of such registry, as nearly as may be, in the form following:

In pursuance of chapter one, Title XLVIII, "Regulation of Commerce and Navigation," of the Revised Statutes of the United States (inserting here the name, occupation, and place of abode of the person by whom the oath was made), having taken and subscribed the oath required by law, and having sworn that he or she, and (if more than one owner, adding the words, "together with," and the name or names, occupations, place or places of abode, of the owner or owners, and the part or proportion of such vessel belonging to each owner) is (or are) the only owner (or owners) of the vessel called the (inserting here her name), of (inserting here the port to which she may belong), whereof (inserting here the name of the master) is at present master, and is a citizen of the United States, and that the said vessel was (inserting here when and where built), and (inserting here the name and office, if any, of the person by whom she shall have been surveyed or measured) having certified that the said vessel has (inserting here the number of decks) and (inserting here the number of masts), and that her length is (inserting here the number of feet), her breadth (inserting here the number of feet), her depth (inserting here the number of feet), and that she measures (inserting here her number of tons); that she is (describing here the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her build, and specifying whether she has any or no galley or head); and the said (naming the owner, or the master, or other person acting in behalf of the owner or owners, by whom the certificate of measurement has been countersigned, as aforesaid) having agreed to the description and measurement above specified, and sufficient security having been given, according to law, the said vessel has been dully registered at the port of (naming the port where registered). Given under my hand and seal, at (naming the said port), this (inserting the particular day) day of (naming the month), in the year(specifying the number of the year, in words, at length).

Sec. 4156—

When the master of such vessel himself makes oath touching his being a citizen, the wording of the certificate shall be varied so as to be conformable to the truth of the case. When a new certificate of registry is granted in consequence of any transfer of a vessel, the words shall be so varied as to refer to the former certificate of registry for her measurement.

Sec. 4157—

It shall be the duty of the Secretary of the Treasury to cause to be provided blank certificates of registry and such other papers as may be necessary, executed in such manner and with such marks as he may direct. No certificate of registry shall be issued, except such as shall have been so provided and marked.

Sec. 4158—

The Secretary of the Treasury shall cause to be transmitted, from time to time, to the collectors of the several districts, a sufficient number of forms of the certificates of registry, attested under the seal of the Treasury and the hand of the Register thereof, with proper blanks, to be filled by the collectors, respectively, by whom also the certificate shall be signed and sealed, before they are issued; and where there is a naval officer at any port, they shall be countersigned by him; and where there is a surveyor, but no naval officer, they shall be countersigned by him. A copy of each certificate issued shall be transmitted to the Register, who shall cause a record to be kept of the same.

Sec. 4159—

Whenever any citizen of the United States purchases or becomes owner of any vessel entitled to be registered, such vessel being within any district other than the one in which he usually resides, such vessel shall be entitled to be registered by the collector of the district where she may be, at the time of his becoming owner thereof, upon his complying with the provisions hereinbefore prescribed, in order to the registry of vessels. And the oath which is required to be taken may, at the option of such owner, be taken either before the collector of the district within which such vessel may be, either of whom is hereby empowered to administer such oath.

Sec. 4160—

Whenever any vessel, registered in pursuance of the provisions of the preceding section, shall arrive at the district comprehending the port to which she belongs, the certificate of registry so obtained, shall be delivered up to the collector of such district, who, upon the requisites of this Title in order to the registry of vessels, being complied with, shall grant a new one in lieu of the first. The certificate so delivered up shall forthwith be returned by the collector who receives the same, to the collector who granted it. If the first-mentioned certificate of registry is not delivered up, as above directed, the owner and the master of such vessel, at the time of her arrival within the district comprehending the port to which she may belong, shall severally be liable to a penalty of one hundred dollars, and the certificate of registry shall be thenceforth void.

Sec. 4161—

Whenever any vessel entitled to be registered is purchased by an agent or attorney for or on account of a citizen of the United States, such vessel being in a district of the United States more than fifty miles distant, taking the nearest usual route by land, from the one comprehending the port to which, by virtue of such purchase, and by force of this Title, such vessel ought to be deemed to belong, it shall be lawful for the collector of the district where such vessel may be, and he is hereby required, upon the application of such agent or attorney, to proceed to the registering of the vessel, the agent or attorney first complying, on behalf and in the stead of the owner thereof, with the requisites prescribed by this Title in order to the registry of vessels, except that, in the oath taken by the agent or attorney, instead of swearing that he is agent or attorney for the owner thereof, and that he has, in good faith, purchased the vessel for the person whom he names and describes as the owner thereof.

Sec. 4162—

Whenever any vessel registered in pursuance of the provisions of the preceding section, shall arrive within the district comprehending the port to which she belongs, the certificate of registry so obtained shall be delivered up to the collector of such district, who, upon the requirements of this Title in order to the registry of vessels being complied with, shall grant a new one in lieu of the first. The certificate, so delivered up, shall forthwith be returned to the collector, who shall transmit the same to the collector who granted it. If the first-mentioned certificate of registry is not delivered up, as above directed, the owner and the master of such vessel, at the time of her arrival within the district comprehending the port to which she may belong, shall severally be liable to a penalty of one hundred dollars, and the certificate of registry shall be thenceforth void.

Sec. 4163—

If any of the matters of fact alleged in the oath taken by an agent or attorney to obtain the registry of a vessel which are within the knowledge of the party so swearing, are not true, there shall be a forfeiture of vessel, together with her tackle, apparel, and furniture, in respect to which the same was made, or of the value thereof, to be recovered, with costs of suit, of the person by whom such oath was made.

Sec. 4164—

Whenever it appears, by satisfactory proof, to the Secretary of the Treasury, that any vessel has been sold and transferred by process of law, and that the register of such vessel is retained by the former owner, the Secretary may direct the collector of the district to which such vessel may belong to grant a new register, under such sale, on the owners complying with such terms and conditions as are by law required for granting such papers; excepting only the delivering up of the former certificate of registry. But nothing in this section shall be construed to remove the liability of any person to any penalty for not surrendering the papers belonging to any vessel, on a transfer or sale of the same.

Sec. 4166—

When any vessel, registered pursuant to any law of the United States, shall, while she is without the limits of the United States, be sold or transferred in whole or in part to a citizen of the United States, such vessel on her first arrival in the United States thereafter, shall be entitled to all the privileges and benefits of a vessel of the United States: Provided, That all the requisites of law, in order to the registry of vessels, shall be complied with, and a new certificate of registry obtained for such vessel, within three days from the time at which the master or other person having the charge of command of such vessel is required to make his final report upon her first arrival afterward.

Sec. 4167—

Whenever the certificate of the registry of any vessel is lost, destroyed, or mislaid, the master, or other person having the charge or command thereof, may make oath before the collector of the district where such vessel shall first be after such loss, destruction, or mislaying, in the form following: "I, (inserting here the name of the person swearing), being master (or having the charge or command) of the ship or vessel called the (inserting the name of the vessel), do swear (or affirm) that the said vessel hath been, as I verily believe, registered according to law, by the name of (inserting again the name of the vessel), and that a certificate thereof was granted by the collector of the district of (naming the district where registered), with certificate has been lost (or destroyed, or unintentionally and by mere accident mislaid, as the case may be); and (except where the certificate is alleged to have been destroyed) that the same, if found again, and within my power, shall be delivered up to the collector of the district in which it was granted." Such oath shall be subscribed by the party making the same; and upon such oath being made, and the other requisites of this Title in order to the registry of vessels being complied with, it shall be lawful for the collector of the district before whom such oath is made, to grant a new register, inserting therein that the same is issued in lieu of the one lost or destroyed.

Sec. 4168—

Whenever a register is granted in lieu of one lost or destroyed, by any other than the collector of the district to which the vessel actually belongs, such register shall, within ten days after her first arrival within the district to which she belongs, be delivered up to the collector of such district, who shall, thereupon, grant a new register in lieu thereof. And in case the master or commander shall neglect to deliver up such register within the time above mentioned, he shall be liable to a penalty of one hundred dollars; and the former register shall become null and void.

Sec. 4169—

In every case in which a vessel is required to be registered anew, if she shall not be so registered anew, she shall not be entitled to any of the privileges or benefits of a vessel of the United States. And if her former certificate of registry is not delivered up, except where the same may have been destroyed, lost, or unintentionally mislaid, and an oath thereof shall have been made, as hereinbefore prescribed, the owner of such vessel shall be liable to a penalty of five hundred dollars, to be recovered with costs of suit.

Sec. 4170—

Whenever any vessel, which has been registered, is, in whole or in part, sold or transferred to a citizen of the United States, or is altered in form or burden, by being lengthened or built upon, or from one denomination to another, by the mode or method of rigging or fitting, the vessel shall be registered anew, by her former name, according to the directions hereinbefore contained, otherwise she shall cease to be deemed a vessel of the United States. The former certificate of registry of such vessel shall be delivered up to the collector to whom application for such new registry is made, at the time that the same is made, to be by him transmitted to the Register of the Treasury, who shall cause the same to be canceled. In every such case of sale or transfer, there shall be some instrument of writing, in the nature of a bill of sale, which shall recite, at length, the certificate; otherwise the vessel shall be incapable of being so registered anew.

Sec. 4171—

When the master or person having the charge or command of a registered vessel is changed, the owner, or one of the owners, or the new master of such vessel, shall report such change to the collector of the district where the same has happened, or where the vessel shall first be after the same has happened, and shall produce to him the certificate of registry of such vessel, and shall make oath, showing that such new master is a citizen of the United States, and the manner in which or means whereby he is so a citizen. Thereupon the collector shall indorse upon the certificate of registry a memorandum of such change, specifying the name of such new master, and shall subscribe the memorandum with his name; and if other than the collector of the district by whom the certificate of registry was granted, shall transmit a copy of the memorandum to him, with notice of the particular vessel to which it relates; and the collector of the district, by whom the certificate shall have been granted, shall make a like memorandum of such change in his book of registers, and shall transmit a copy thereof to the Register of the Treasury. If the change is not reported, or if the oath is not taken, as above directed, the registry of such vessel shall be void, and the master or person having the charge or command of her shall be liable to a penalty of one hundred dollars.

Sec. 4174—

Every certificate of registry which is delivered up to a collector on the loss, destruction, or capture of a vessel, or the transfer thereof to a foreigner, shall be forthwith transmitted to the Register of the Treasury, to be canceled; who, if the same shall have been delivered up to a collector other than of the district in which it was granted, shall cause notice of such delivery to be given to the collector of such district.

Sec. 4176—

The collector of each district shall progressively number the certificates of the registry by him granted, beginning anew at the commencement of each year, and shall enter an exact copy of each certificate in a book to be kept for that purpose; and shall, once in three months, transmit to the Register of the Treasury copies of all the certificates which shall have been granted by him, including the number of each.

Sec. 4177—

The Secretary of the Treasury shall have power, under such regulations as he shall prescribe, to establish and provide a system of numbering vessels so registered, enrolled, and licensed; and each vessel so numbered shall have her numbr deeply carved or otherwise permanently marked on her main beam; and if at any time she shall cease to be so marked, such vessel shall be no longer recognized as a vessel of the United States.

Sec. 4178—

The name of every registered vessel, and of the port to which she shall belong, shall be painted on her stern, on a black ground, in white letters, of not less than three inches in length. If any vessel of the United States shall be found without having her name and the name of the port to which she belongs so painted, the owner or owners shall be liable to a penalty of fifty dollars; recoverable one-half to the person giving the information thereof, the other half to the use of the United States.

Sec. 4179—

No master, owner, or agent of any vessel of the United States shall in any way change the name of such vessel, or by any device, advertisement, or contrivance to deceive or attempt to deceive the public, or any officer or agent of the United States, or of any State, or any corporation or agent thereof, or any person or persons, as to the true name or character of such vessel, on pain of the forfeiture of such vessel.

Sec. 4180—

Every vessel built in the United States, and belonging wholly or in part to the subjects of foreign powers, in order to be entitled to the benefits of a ship built and recorded in the United States, shall be recorded in the office of the collector of the district in which such vessel was built, in the manner following: The builder of every such vessel shall make oath before the collector of such district in manner following: "I, (inserting here the name of such builder), of (inserting here the place of his residence), shipwright, do swear (or affirm) that (describing here the kind of vessel, as whether ship, brig, scow, schooner, sloop, or whatever else) named (inserting here the name of the ship or vessel), having (inserting here the number of decks), and being in length (inserting here the number of feet) in breadth (inserting here the number of feet), in depth (inserting here the number of feet), and measuring (inserting here the number of tons), having (specifying whether any or no) galley, and (also specifying whether any or no) head, was built by me or under my direction at (naming the place, county, and State), in the United States, in the year (inserting here the number of the year)." Which oath shall be subscribed by the person making the same, and shall be recorded in a book to be kept by the collector for that purpose.

Sec. 4182—

A certificate of the record, attested under the hand and seal of the collector, shall be granted to the master of every such vessel, as nearly as may be, of the form following: "In pursuance of chapter one, Title XLVIII, 'Regulation of Commerce and Navigation,' of the Revised Statutes of the United States, I (inserting here the name of the collector of the district), of (inserting here the name of the district), in the United States, do certify that (inserting here the name of the builder), of (inserting here the place of his residence, county, and State), having sworn (or affirmed) that the (describing the ship or vessel, as in the certificate of record) named (inserting here her name), whereof (inserting here the name of her master) is, at present, master, was built at (inserting here the name of the place, county, and State where built), by him or under his direction, in the year (inserting here the number of the year); and (inserting here the name of the surveyor, or other person, by whom the measurement shall have been made) having certified that the said ship or vessel has (inserting here her number of decks), is in length (inserting here the number of feet), in breadth (inserting here the number of feet), in depth (inserting here the number of feet), and measures (inserting here the number of tons): And the said builder and (naming and describing the owner, or master, or agent for the owner or owners, as the case may be, by whom the said certificate shall have been countersigned) having agreed to the said description and admeasurement, the said vessel has been recorded, in the district of (inserting here the name of the district where recorded), in the United States. Witness my hand and seal this (inserting here the day of the month) day of (inserting here the name of the month), in the year (inserting here the number of the year)." Which certificate shall be recorded in the office of the collector, and a duplicate thereof transmitted to the Register of the Treasury to be recorded in his office.

Sec. 4183—

Whenever the master or the name of a vessel so recorded is changed, the owner, part owner, or consignee of such vessel shall cause a memorandum thereof to be indorsed on the certificate of the record, by the collector of the district where such vessel may be, or at which she shall first arrive if such change took place in a foreign country; and a copy thereof shall be entered in the book of records, a transcript whereof shall be transmitted by the collector to the collector of the district where such certificate was granted, if not the same person, who shall enter the same in his book of records, and forward a duplicate of such entry to the Register of the Treasury; and in such case, until the owner, part owner, or consignee shall cause the memorandum to be made by the collector, in the manner above prescribed, such vessel shall not be deemed a vessed recorded, in pursuance of this Title.

Sec. 4187—

Every collector or officer who knowingly makes, or is concerned in making, any false register or record, or who knowingly grants or is concerned in granting, any false certificate of registry or record of or for any vessel, or any other false document whatever touching the same, contrary to the true intent and meaning of this Title, or who designedly takes any other or greater fees than are by this Title allowed, or who receives any voluntary reward or gratuity for any of the services performed, pursuant thereto; and every surveyor or other person appointed to measure any vessel, who willfully delivers to any collector or naval officer a false description of such vessel, to be registered or recorded, shall be punishable by a fine of one thousand dollars, and be rendered incapable of serving in any office of trust or profit under the United States.

Sec. 4189—

Whenever any certificate of registry, enrollment, or license, or other record or document granted in lieu thereof, to any vessel, is knowingly and fraudulently obtained or used for any vessel not entitled to the benefit thereof, such vessel, with her tackle, apparel, and furniture, shall be liable to forfeiture.

Sec. 4190—

No sea-letter or other document certifying or proving any vessel to be the property of a citizen of the United States shall be issued, except to vessels duly registered, or enrolled and licensed as vessels of the United States, or to vessels which shall be wholly owned by citizens of the United States, and furnished with or entitled to sea-letters or other custom-house documents.

Sec. 4191—

Every person who knowingly makes, utters, or publishes any false sea-letter, Mediterranean passport, or certificate of registry, or who knowingly avails himself of any such Mediterranean passport, sea-letter, or certificate of registry, shall be liable to a penalty of not more than five thousand dollars, and, if an officer of the United States, shall thenceforth be incapable of holding any office of trust or profit under the authority of the United States.

Sec. 4214—

The Secretary of the Treasury may cause yachts used and employed exclusively as pleasure-vessels, and designed as models of naval architecture, if entitled to be enrolled as American vessels, to be licensed on terms which will authorize them to proceed from port to port of the United States, and by sea to foreign ports, without entering or clearing at the customhouse. Such license shall be in such form as the Secretary of the Treasury shall prescribe, conditioned that the vessel shall not engage in any unlawful trade, nor in any way violate the revenue laws of the United States, and shall comply with the laws in all other respects. Such vessels so enrolled and licensed shall not be allowed to transport merchandise or carry passengers for pay. Such vessels shall, in all respects, except as above, be subject to the laws of the United States, and shall be liable to seizure and forfeiture for any violation of the provisions of this Title.

Sec. 4217—

For the identification of yachts and their owners, a commission to sail for pleasure in any designated yacht belonging to any regularly organized and incorporated yacht club, stating the exemptions and privileges enjoyed under it, may be issued by the Secretary of the Treasury, and shall be a token of credit to any United States official, and to the authorities of any foreign power, for privileges enjoyed under it.

Sec. 4312—

In order for the enrollment of any vessel, she shall possess the same qualifications, and the same requirements in all respects shall be complied with, as are required before registering a vessel; and the same powers and duties are conferred and imposed upon all officers, respectively, and the same proceedings shall be had, in enrollment of vessels, as are prescribed for similar cases in registering; and vessels enrolled, with the masters or owners thereof, shall be subject to the same requirements as are prescribed for registered vessels.

Sec. 4313—

Enrollments and licenses for vessels owned by any incorporated company may be issued in the name of the president or secretary of such company; and such enrollments or licenses shall not be vacated or affected by any sale of shares of stock in such company.

Sec. 4314—

Previously to granting enrollment and license for any vessel, owned by any company, the president or secretary of such company shall swear to the ownership of such vessel, by such company, without designating the names of the persons composing such company; which oath shall be deemed sufficient, without requiring the oath of any other person interested or concerned in such vessel.

Sec. 4315—

Upon the death, removal, or resignation of the president or secretary of any incorporated company owning any steamboat or vessel, a new enrollment and license shall be taken out for such steamboat or vessel.

Sec. 4318—

Any vessel of the United States, navigating the waters on the northern, northeastern, and northwestern frontiers, otherwise than by sea, shall be enrolled and licensed in such form as other vessels; such enrollment and license shall authorize any such vessel to be employed either in the coasting or foreign trade on such frontiers, and no certificate of registry shall be required for vessels so employed. Such vessels shall be, in every other respect, liable to the regulations and penalties relating to registered and licensed vessels.

Sec. 4319—

The record of the enrollment of a vessel shall be made, and an abstract or copy thereof granted, as nearly as may be in the following [form]: Enrollment. In conformity to Title L, "Regulation of Vessels in Domestic Commerce," of the Revised Statutes of the United States (inserting here the name of the person, with his occupation and place of abode, by whom the oath or affirmation is to be made) having taken and subscribed the oath (or affirmation) required by law, and having sworn (or affirmed) that he (or she) and if more than one owner adding the words (together with, "and the name or names, occupation or occupations, place or places of abode of the owner or owners, and the part or proportion of such vessel belong to each owner) is (or are) a citizen (or citizens) or the United States, and sole owner (or owners) of the ship or vessel called the (inserting here her name) of (inserting here the name of the port to which she may belong), whereof (inserting here the name of the master) is at present master, and is a citizen of the United States, and that the said ship or vessel was (inserting here when and where built), and (inserting here the name and office, if any, of the person by whom she shall have been surveyed and measured), having certified that the said ship or vessel has (inserting here the number of decks), and (inserting here the number of masts), and that her length is (inserting here the number of feet), her breadth (inserting here the number of feet), her depth (inserting here the number of feet), and that she measures (inserting here her number of tons); that she is (describing here the particular kind of vessel, whether ship, brigantine, scow, schooner, sloop, or whatever else together with her build, and specifying whether she has any or no galley or head) and the said (naming the owner or master, or other person acting in behalf of the owner or owners) by whom the certificate of measurement shall have been countersigned, having agreed to the description and measurement above specified, and sufficient security having been given, according to the said title, the said ship or vessel has been duly enrolled at the port of (naming the port where enrolled). Given under my hand and seal, at (naming the said port), this (inserting the particular day) day of (naming the month), in the year (specifying the number of the year, in words, at length)."

Sec. 4321—

The form of a license for carrying on the coasting-trade or fisheries shall be as follows:

"License for carrying on the (here insert 'coasting trade,' 'whale-fishery,' 'mackerel-fishery,' or 'cod-fishery,' as the case may be).

"In pursuance of Title L, 'Regulation of Vessels in Domestic Commerce,' of the Revised Statutes of the United States (inserting here the name of the husband or managing owner, with his occupation and place of abode, and the name of the master, with the place of his abode), having given bond that the (insert here the description of the vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else she may be), called the (insert here the vessel's name), whereof the said (naming the master) is master, burden (insert here the number of tons, in words) tons, as appears by her enrollment, dated at (naming the district, day, month, and year, in words at length, but if she be less than twenty tons, insert, instead thereof, 'proof being had of her admeasurement'), shall not be employed in any trade, while this license shall continue in force, whereby the revenue of the United States shall be defrauded, and having also sworn (or affirmed) that this license shall not be used for any other vessel, or for any other employment, than is herein specified, license is hereby granted for the said (inserting here the description of the vessel) called the (inserting here the vessel's name), to be employed in carrying on the (inserting here 'coasting-trade,' 'whale-fishery,' 'mackerel-fishery,' or 'cod-fishery,' as the case may be), for one year from the date hereof, and no longer. Given under my hand and seal, at (naming the said district), this (inserting the particular day) day of (naming the month), in the year (specifying the number of the year in words at length)."

Sec. 4322—

The collectors of the several districts may enroll and license any vessel that may be registered, upon such registry being given up, or may register any vessel that may be enrolled, upon such enrollment and license being given up.

Sec. 4323—

When any vessel shall be in any other district than the one to which she belongs, the collector of such district, on the application of the master thereof, and upon his taking an oath that, according to his best knowledge and belief, the property remains as expressed in the register or enrollment proposed to be given up, and upon his giving the bonds required for granting registers, shall make the exchange of an enrollment for a register or a register for an enrollment; but in every such case, the collector to whom the registeror enrollment and license may be given up shall transmit the same to the Register of the Treasury; and the register, or enrollment and license, granted in lieu thereof, shall, within ten days after the arrival of such vessel within the district to which she belongs, be delivered to the collector of the district, and be by him canceled. If the master shall neglect to deliver the register or enrollment and license within such time, he shall be liable to a penalty of one hundred dollars.

Sec. 4324—

No license, granted to any vessel, shall be considered in force any longer than such vessel is owned, and of the description set forth in such license, or for carrying on any other business or employment than that for which she is specially licensed.

Sec. 4325—

The license granted to any vessel shall be given up to the collector of the district who may have granted the same, within three days after the expiration of the time for which it was granted, in case such vessel be then within the district, or if she be absent at that time, within three days from her first arrival within the district afterward, or if she be sold out of the district, to the collector of such district, taking her certificate therefor; and if the master thereof shall neglect or refuse to deliver up the license, he shall be liable to a penalty of fifty dollars.

Sec. 4326—

If such license, however, shall have been previously given up to the collector of any other district, as authorized by this Title, and a certificate thereof under the hand of such collector be produced by such master, or if such license be lost, or destroyed, or unintentionally mislaid, as he verily believes, and that the same, if found, shall be delivered up, as is herein required, then the penalty prescribed in the preceding section shall not be incurred. If such license shall be lost, destroyed, or unintentionally mislaid, before the expiration of the time for which it was granted, upon the like oath being made and subscribed by the master of such vessel, the collector, upon application being made therefor, shall license such vessel anew.

Sec. 4327—

The owner of any licensed vessel may return such license to the collector who granted the same, at any time within the year for which it was granted; and thereupon the collector shall cancel the same, and shall license such vessel anew, upon the application of the owner, and upon the conditions hereinbefore required being complied with.

Sec. 4328—

Whenever it becomes necessary for the owner of any vessel of the United States navigating the western rivers or the waters on the northern, northeastern, and northwestern frontiers of the United States otherwise than by sea, and being in a district other than that to which such vessel belongs, to procure her enrollment and license, or license, or renewal thereof, the same proceedings may be had in the district in which the vessel then is, as are required by law on application for such enrollment and license, or renewal thereof, as the case may be, in the district to which such vessel belongs, excepting the giving of bond and the enrollment and issuance of license; and the officer before whom such proceeding is had shall certify the same to the collector of the district to which such vessel belongs, who shall thereupon, on the owner giving bond as required in other cases, duly enroll the vessel and issue license in the same form as if the application had originally been made in his office; and shall either deliver the license to the owner, or forward it by mail to the officer who certified to him the preliminary proceedings; and in the latter case, such officer shall deliver the license to the owner or master of the vessel.

Sec. 4329—

Whenever it appears, by satisfactory proof, to the Secretary of the Treasury that any vessel has been sold and transferred by process of law, and that the certificate of enrollment or license of such vessel is retained by the former owner, the Secretary may direct the collector of the district to which such vessel belongs to grant a new certificate of enrollment or license, on the owner's, owner such sale, complying with such terms and conditions as are by law required for granting of such papers, excepting only the delivering up of the former certificate of enrollment or license, But nothing in this section shall be construed to remove the liability of any person to any penalty for not surrendering up the papers belonging to any vessel, on a transfer or sale of the same.

Sec. 4330—

No license, or enrollment and license, or renewal of either, shall hereafter be issued to any vessel until the collector to whom application is made for the same is satisfied, from the oath of the owner or master, that all equipments and repairs, made in a foreign port within the year immediately preceding such application, have been duly accounted for, and the duties accruing thereon duly paid; and if such owner or master shall refuse to take such oath, or take it falsely, the vessel shall be seized and forfeited.

Sec. 4331—Before any vessel, of the burden of five tons, and less than twenty tons, shall be licensed, the same measurement shall be made of such vessel, and the same provisions observed relative thereto, as are to be observed in case of measuring vessels to be registered or enrolled; but in all cases, where such vessel or any other licensed vessel shall have been once measured, it shall not be necessary to measure such vessel anew, for the purpose of obtaining another enrollment or license, unless such vessel shall have undergone some alteration as to her burden, subsequent to the time of her former license.

Sec. 4333—The collector of each district shall progressively number the licenses by him granted, beginning anew at the commencement of each year, and shall make a record thereof in a book, to be by him kept for that purpose, and shall, once in three months, transmit to the Register of the Treasury copies of the licenses which shall have been so granted by him; and also of such licenses as shall have been given up or returned to him, respectively, in pursuance of this Title. Whenever any vessel is licensed or enrolled anew, or being licensed or enrolled is afterward registered, or being registered is afterward enrolled or licensed, she shall, in every such case, be enrolled, licensed, or registered by her former name.

Sec. 4335—Whenever the master of any licensed vessel, ferry-boats excepted, is changed, the new master, or, in case of his absence, the owner or one of the owners thereof, shall report such change to the collector residing at the port where the same happens, if there be one; otherwise, to the collector residing at any port where such vessel next arrives, who, upon the oath of such new master, or, in case of his absence, of the owner, that such master is a citizen of the United States, and that such vessel shall not, while such license continues in force, be employed in any manner whereby the revenue of the United States may be defrauded, shall indorse such change on the license, with the name of the new master. Whenever such change is not reported, and indorsed, as herein required, such vessel, if found carrying on the coasting-trade or fisheries, shall be subject to pay the same fees and tonnage as a vessel of the United States having a register, and the new master shall be liable to a penalty of ten dollars.

Sec. 4337—If any vessel, enrolled or licensed, shall proceed on a foreign voyage, without first giving up her enrollment and license to the collector of the district comprehending the port from which she is about to proceed on such voyage, and being duly registered by such collector, every such vessel, together with her tackle, apparel, and furniture, and the merchandise so imported therein, shall be liable to seizure and forfeiture.

Sec. 4338—

If the port from which any vessel, so enrolled or licensed is about to proceed on a foreign voyage, is not within the district where such vessel is enrolled, the collector of such district shall give to the master of such vessel a certificate, specifying that the enrollment and license of such vessel has been received by him, and the time when it was so received; which certificate shall afterward be delivered by the master to the collector who may have granted such enrollment and license.

Sec. 4339—

All vessels which may clear with registers for the purpose of engaging in the whale fishery shall be deemed to have lawful and sufficient papers for such voyages, securing the privileges and rights of registered vessels, and the privileges and exemptions of vessels enrolled and licensed for the fisheries.

Sec. 4372—

If any vessel be at sea at the expiration of the time for which the license was given, and the master of such vessel shall swear that such was the case, and shall also, within forty-eight hours after his arrival, deliver to the collector of the district in which he shall first arrive the license which shall have expired, the forfeiture prescribed in the preceding section shall not be incurred, nor shall the vessel be liable to pay the fees and tonnage therein required.

Sec. 4384—

All vessels subject to enrollment or license shall be liable to the payment of the fees established by law for services of customs offices incident thereto.

Sec. 4385—

Nothing in this Title shall be construed to extend to any boat or lighter not being masted, or if masted and not decked, employed in the harbor of any town or city.

Sec. 4495—

Every steam-vessel of the United States, in addition to having her name painted on her stern, shall have the same conspicuously placed in distinct, plain letters, of not less than six inches in length, on each outer side of the pilot-house, if it has such, and in case the vessel has side-wheels also on the outerside of each wheel-house; and if any such steamboat be found without having her name placed as required; she shall be subject to the same penalty and forfeitures as provided by law in the case of a vessel of the United States found without having her name, and the name of the port to which she belongs, painted on her stern.

Sec. 4498—

No license, register, or enrollment shall be granted, nor any other papers be issued, by any collector or other chief officer of the customs, to any vessel propelled in whole or in part by steam, until he shall have satisfactory evidence that all the provisions of this Title have been fully complied with.

STATUTES AT LARGE

Apr. 17, 1874, ch. 106, 18 Stat. 30—

That the provisions of the act relating to the enrollment and license of vessels navigating the western rivers and the waters on the northern, northeastern, and northwestern frontiers of the United States, otherwise than by sea, approved February twenty-eighth, eighteen hundred and sixty-five, are hereby extended to include all vessels of the United States navigating the waters of the United States.

Feb. 27, 1877, ch. 80, sec. 1 (part amending sections 4315, 4318, and 4320 of the Revised Statutes), 19 Stat. 250—

Section forty-three hundred and fifteen is amended by inserting, in the second line, before the word "vessel," the words "steamboat or."

Section forty-three hundred and eighteen is amended by striking out, in the sixth line, the word "register," and inserting the word "registry."

Section forty-three hundred and nineteen is amended by inserting, in the third line, after the word "following," the word "form;" and by striking out, in the thirty-first line, the word "act," and inserting the word "title."

Section forty-three hundred and twenty is amended by striking out, in the last line, the words "the duty of six cents per ton being first paid."

June 30, 1879, ch. 54, Stat. 44—

That the provisions of title fifty of the Revised Statutes of the United States shall not be so construed as to require the payment of any fee or charge for the enrolling or licensing of vessels built in the United States and owned by citizens thereof, not propelled by sail or by internal motive power of their own, and not in any case carrying passengers, whether navigating the internal waters of a state or the navigable waters of the United States, and not engaged in trade with contiguous foreign territory, nor shall this or any existing law be construed to require the enrolling, registering or licensing of any flat boat, barge or like craft for the carriage of freight, not propelled by sail or by internal motive power of its own, on the rivers or lakes of the United States.

Mar. 3, 1883, ch. 133, Sec. 1, 22 Stat. 566—

That section forty-two hundred and fourteen of the Revised Statutes of the United States be amended so as to read as follows:

"Sec. 4214. The Secretary of the Treasury may cause yachts used and employed exclusively as pleasure vessels or designed as models of naval architecture, if built and owned in compliance with the provisions of sections forty-one hundred and thirty-three to forty-one hundred and thirty-five, to be licensed on terms which will authorize them to proceed from port to port of the United States, and by sea to foreign ports, without entering or clearing at the customhouse, such license shall be in such form as the Secretary of the Treasury may prescribe. The owner of any such vessel, before taking out such license, shall give a bond in such form and for such amount as the Secretary of the Treasury shall prescribe, conditioned that the vessel shall not engage in any trade, nor in any way violate the revenue laws of the United States; and shall comply with the laws in all other respects. Such vessels, so enrolled and licensed, shall not be allowed to transport merchandise or carry passengers for pay. Such vessels shall have their name and port placed on some conspicuous portion of their hulls. Such vessels shall, in all respects, except as above, be subject to the laws of the United States, and shall be liable to seizure and forfeiture for any violation of the provisions of this title: Provided, That all charges for license and inspection fees for any pleasure vessel or yacht shall not exceed five dollars, and for admeasurement shall not exceed ten cents per ton."

June 26, 1884, ch. 121, Sec. 21, 23 Stat. 58—

That the word, "port," as used in sections forty-one hundred and seventy-eight and forty-three hundred and thirty-four of the Revised Statutes, in reference to painting the name and port of every registered or licensed vessel on the stern of such vessel, shall be construed to mean either the port where the vessel is registered or enrolled, or the place in the same district where the vessel was built or where one or more of the owners reside.

July 5, 1884, ch. 221, Sec. 4, 23 Stat. 119—

That the Commissioner of Navigation shall annually prepare and publish a list of vessels of the United States belonging to the commercial marine, specifying the official number, signal letters, names, rig, tonnage, home port, and place and date of building of every vessel distinguishing in such list sailing-vessels from such as may be propelled by steam or other motive power. He shall also report annually to the Secretary of the Treasury the increase of vessels of the United States, by building or otherwise, specifying their number, rig, and motive power. He shall also investigate the operations of the laws relative to navigation, and annually report to the Secretary of the Treasury such particulars as may, in his judgment, admit of improvement or may require amendment.

June 19, 1886. ch. 421, Sec. 6, 24 Stat. 81—

That from the close of section forty-one hundred and seventy-seven of said statutes the following words shall be stricken out, to wit: "Such vessel shall be no longer recognized as a vessel of the United States;" and in lieu thereof there shall be inserted the words following: "Such vessel shall be liable to a fine of thirty dollars on every arrival in a port of the United States if she have not her proper official number legally carved or permanently marked."

Feb. 21, 1891, ch. 250, Sec. 1, 26 Stat. 765—

That section forty-one hundred and seventy-eight, of the Revised Statutes be, and the same is hereby, amended to read entire as follows:

"Sec. 4178. The name of every documented vessel of the United States shall be marked upon each bow and upon the stern, and the home port shall also be marked upon the stern. These names shall be painted, or carved and gilded, in Roman letters in a light color on a dark ground, or in a dark color on a light ground, and to be distinctly visible. The smallest letters to be used shall not be less in size than four inches. If any vessels of the United States shall be found without these names being so marked the owner or owners shall be liable to a penalty of ten dollars for each name omitted; Provided, however, that the names on each bow may be marked within the year eighteen hundred and ninety-one.

Jan. 16, 1895, ch. 24, Sec. 2, 4, Stat. 624, 625—

Sec. 2. That section forty-one hundred and forty-six of the Revised Statutes is hereby amended so as to read:

"Sec. 4146. A certificate of registry shall be solely used for the vessel for which it is granted, and shall not be sold, lent, or otherwise disposed of, to any person whomsoever; and in case the vessel so registered shall be lost, or taken by an enemy, burned, or broken up, or shall be otherwise prevented from returning to the port to which she may belong, the certificate, if preserved, shall be delivered up within eight days after the arrival of the master or person having the charge or command of such vessel within any district of the United States, to the collector of such district; and if any foreigner, or any person for the use and benefit of such foreigner, shall purchase or otherwise become entitled to the whole, or any part or share of, or interest in such vessel, the same being within a district of the United States, the certificate shall, within seven days after such purchase, change, or transfer of property, be delivered up to the collector of the district; and if any such purchase, change, or transfer of property shall happen when such vessel shall be at any foreign port or place, or at sea, then the master or person having the charge or command thereof shall, within eight days after his arrival within any district of the United States, deliver up the certificate to the collector of such district. Any master or owner violating the provisions of this section shall be liable to a penalty of not exceeding five hundred dollars, and the certificate of registery shall be thenceforth void. The Secretary of the Treasury shall have the power to remit or mitigate such penalty if in his opinion it was incurred without willful negligence or intention of fraud."

Sec. 4. That no bond shall be required on the licensing of yachts; no licensed yacht shall engage in any trade, nor in any way violate the revenue laws of the United States; and every such yacht shall comply with the laws in all respects. Section one of the Act approved March third, eighteen hundred and eighty-three, amending section forty-two hundred and fourteen, Revised Statutes, and so forth, is amended accordingly.

Jan. 20, 1897, ch. 67, Sec. 1, 2, 29 Stat. 491, 492—

That the Act entitled "An Act to amend section forty-one hundred and seventy-eight, Revised Statutes, in relation to the marking of vessels' names at bow and stern, and also to provide for marking the draft," approved February twenty-first, eighteen hundred and ninety-one, is hereby amended to read as follows:

"That section forty-one hundred and seventy-eight of the Revised Statutes be, and the same is hereby amended to read entire as follows:

"Sec. 4178. The name of every documented vessel of the United States shall be marked upon each bow and upon the stern, and the home port shall also be marked upon the stern. These names shall be painted or gilded, or consist of cut or carved or cast roman letters in light color on a dark ground, or in a dark color on a light ground, secured in place, and to be distinctly visible. The smallest letters used shall not be less in size than four inches. If any such vessel shall be found without these names being so marked the owner or owners shall be liable to a penalty of ten dollars for each name omitted: Provided, however, That the names on each bow may be marked within the year eighteen hundred and ninety-seven."

"Sec. 2. That the draft of every registered vessel shall be marked upon the stem and stern post, in English feet or decimeters, in either arabic or roman numerals. The bottom of each numeral shall indicate the draft to that line."

June 24, 1902, ch. 1155, Sec. 1, 2, 32 Stat. 398, 399—

That section forty-one hundred and thirty-nine of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"Sec. 4139. Previous to granting a register for any vessel owned by any incorporated company, or by an individual or individuals, the president or secretary of such company, or any other officer or agent thereof, duly authorized by said company in writing, attested by the corporate seal thereof, to act for the company in this behalf, or the managing owner, or his agent duly authorized by power of attorney, when such vessel is owned by an individual or individuals, shall swear to the ownership of the vessel without designating the names of the persons composing the company, when such vessel is owned by a corporation, and the oath of either of said officers or agents shall be deemed sufficient without requiring the oath of any other person interested and concerned in such vessel."

Sec. 2. That section forty-three hundred and fourteen of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"Sec. 4314. Previous to granting enrollment and license for any vessel owned by an incorporated company, or by an individual or individuals, the president or secretary of such company, or any other officer or agent thereof, duly authorized by said company in writing, attested by the corporate seal thereof, to act in its behalf, or the managing owner, or his agent duly authorized by power of attorney, when such vessel is owned by an individual or individuals, shall swear to the ownership of such vessel without designating the names of the persons composing such company, when such vessel is owned by a corporation, which oath shall be deemed sufficient without requiring the oath of any other person interested or concerned in such vessel."

Mar. 3, 1905, ch. 1457, Sec. 9, 33 Stat. 1033—

That section forty-four hundred and ninety-eight of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

"Sec. 4498. A register, enrollment, or license shall not be granted or other papers be issued by any collector or other chief officer of customs to any vessel subject by law to inspection under this title until all the provisions of this title applicable to such vessel have been fully complied with and until the certificate of inspection required by this title for such vessel has been filed with said collector."

Apr. 24, 1906, ch. 1865, Sec. 1, 2, 34 Stat. 136—

That under the direction of the Secretary of Commerce and Labor the Commissioner of Navigation is hereby authorized and directed from time to time to consolidate into one document in the case of any vessel of the United States of twenty net register tons or over, the form of enrollment prescribed by section forty-three hundred and nineteen of the Revised Statutes and the form of license prescribed by section forty-three hundred and twenty-one of the Revised Statutes, and such consolidated form shall hereafter be issued to a vessel of the United States in lieu of the separate enrollment and license, now prescribed by law, and shall be deemed sufficient compliance with the requirements of laws relating to the subject.

Sec. 2. That section forty-three hundred and twenty-five of the Revised Statutes is hereby amended to read:

"Sec. 4325. The license granted to any vessel shall be presented for renewal by endorsement to the collector of customs of the district in which the vessel then may be within three days after the expiration of the time for which it was granted, or, if she be absent at that time, within three days from her first arrival within a district. In case of change of build, ownership, district, trade, or arrival under temporary papers in the district where she belongs the license shall be surrendered. If the master shall fail to deliver the license he shall be liable to a penalty of ten dollars, which shall not be mitigated."

May 28, 1908, ch. 212, Sec. 7, 35 Stat. 426—

That thirty days after the passage of this Act if a shipowner desires to use for the purpose of a private code any rockets, lights, or other similar signals, he may register those signals and house flags and funnel marks with the Commissioner of Navigation, who shall give public notice from time to time of the signals, house flags, and funnel marks so registered in such manner as he may think requisite for preventing those signals from being mistaken for signals of distress or signals for pilots. The Commissioner of Navigation may refuse to register any signals which in his opinion cannot easily be distinguished from signals of distress, signals for pilots, or signals prescribed by laws for preventing collisions.

Feb. 29, 1912, ch. 47, 37 Stat. 70

That section one of the Act entitled "An Act to simplify the issue of enrollments and licenses of vessels of the United States," approved April twenty-fourth, nineteen hundred and six, is hereby amended by striking out the words "of twenty net register tons or over," so that it will read as follows:

"That under the direction of the Secretary of Commerce and Labor the Commissioner of Navigation is hereby authorized and directed from time to time to consolidate into one document in the case of any vessel of the United States the form of enrollment prescribed by section forty-three hundred and nineteen of the Revised Statutes and the form of license prescribed by section forty-three hundred and twenty-one of the Revised Statutes, and such consolidated form shall hereafter be issued to a vessel of the United States in lieu of the separate enrollment and license now prescribed by law, and shall be deemed sufficient compliance with the requirements of laws relating to the subject."

July 9, 1912, ch. 220, 37 Stat. 189—

That upon affidavit by a reputable shipbuilder of the United States than an unrigged wooden vessel of the United States has been rebuilt, giving the date and place of such rebuilding, is sound and free from rotten or doted wood in structural parts, properly fastened and calked and in strength and seaworthiness as good as new, the Commissioner of Navigation shall include in the List of Merchant Vessels a notation to that effect.

Aug. 20, 1912, ch. 307, Sec. 1, 37 Stat. 315—

That sections forty-two hundred and fourteen and forty-two hundred and eighteen of the Revised Statutes be, and the same are hereby, amended to read as follows:

"Sec. 4214. The Secretary of Commerce and Labor may cause yachts used and employed exclusively as pleasure vessels or designed as models of naval architecture, if built and owned in compliance with the provisions of sections forty-one hundred and thirty-three to forty-one hundred and thirty-five, to be licensed on terms which will authorize them to proceed from port to port of the United States and to foreign ports without entering or clearing at the customhouse; such license shall be in such form as the Secretary of Commerce and Labor may prescribe. Such vessels, so enrolled and licensed, shall not be allowed to transport merchandise or carry passengers for pay. Such vessels shall have their name and port placed on some conspicuous portion of their hulls. Such vessels shall, in all respects, except as above, be subject to the laws of the United States, and shall be liable to seizure and forfeiture for any violation of the provisions of this title."

"Sec. 4218. Every yacht, except those of fifteen gross tons or under, visiting a foreign country under the provisions of sections forty-two hundred and fourteen, forty-two hundred and fifteen, and forty-two hundred and seventeen of the Revised Statutes shall, on her return to the United States, make due entry at the customhouse of the port at which, on such return, she shall arrive: *Provided,* That nothing in this act shall be so construed as to exempt the master or person in charge of a yacht or vessel arriving from a foreign port or place with dutiable articles on board from reporting to the customs officer of the United States at the port or place at which said yacht or vessel shall arrive, and deliver in to said officer a manifest of all dutiable articles brought from a foreign country in such yachts or vessels."

Aug. 24, 1912, ch. 390, Sec. 5 (part), 37 Stat. 562—

Sec. 5 * * * That section forty-one hundred and thirty-two of the Revised Statutes is hereby amended to read as follows:

"Sec. 4132. Vessels built within the United States and belonging wholly to citizens thereof; and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjusted to be forfeitured for a breach of the laws of the United States; and seagoing vessels, whether steam or sail, which have been certified by the Steamboat-Inspection Service as safe to carry dry and perishable cargo, not more than five years old at the time they apply for registry, wherever built, which are to engage only in trade with foreign countries or with the Philippine Islands and the islands of Guam and Tutuila, being wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the President and managing directors of which shall be citizens of the United States, and no others, may be registered as directed in this title. Foreign-built vessels registered pursuant to this Act shall not engage in the coastwise trade: *Provided,* That a foreign built yacht, pleasure boat, or vessel not used intended to be used for trade admitted to American registry pursuant to this section shall not be exempt from the collection of ad valorem duty provided in section thirty-seven of the Act approved August fifth, nineteen hundred and nine, entitled 'An Act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.' That all materials of foreign production which may be necessary for the construction or repair of vessels built in the United States and all such materials necessary for the building or repair of their machinery and all articles necessary for their outfit and equipment may be imported into the United States free of duty under such regulations as the Secretary of the Treasury may prescribe: *Provided further,* That such vessels so admitted under the Act of March third, eighteen hundred and ninety-one, entitled 'An Act to provide for ocean mail service between the United States and foreign ports, and to promote commerce,' so long as such vessels shall in all respects comply with the provisions and requirements of said Act."

Aug. 18, 1914, ch. 256, Sec. 1, 38 Stat. 698—

That the words "not more than five years old at the time they apply for registry" in section five of the Act entitled "An Act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," are hereby repealed.

Feb. 24, 1915, ch. 57, 38 Stat. 812—

That section forty-one hundred and thirty-six of the Revised Statutes of the United States be reenacted and revised to read as follows:

"Sec. 4136. The Secretary of Commerce may issue a register or enrollment for any vessel wrecked on the coast of the United States or her possessions or adjacent waters, when purchased by a citizen or citizens of the United States and thereupon repaired in a shipyard in the United States or her possessions, if it shall be proved to the satisfaction of the Secretary of Commerce, if he deems it necessary, through a board of three appraisers appointed by him, that the said repairs put upon such vessels are equal to three times the appraised salved value of the vessel: Provided: That the expense of the appraisal herein provided for shall be borne by the owner of the vessel: Provided further, That if any of the material matters of fact sworn to or represented by the owner, or at his instance, to obtain the register of any vessel are not true, there shall be a forfeiture to the United States of the vessel in respect to which the oath shall have been made, together with tackel, apparel, and furniture thereof."

Mar. 4, 1915, ch. 172, Sec. 1, 38 Stat. 1193—

That consular officers of the United States and such other persons as may from time to time be designated by the President for the purpose are hereby authorized to issue provisional certificates of registry to vessels abroad which have been purchased by citizens of the United States, including corporations, as defined in section forty-one hundred and thirty-two, Revised Statutes, as amended by the Panama Canal Act and the Act of August eighteenth, nineteen hundred and fourteen.

(a) Such a provisional certificate shall entitle the vessel to the privileges of a vessel of the United States in trade with foreign countries or with the Philippine Islands and the islands of Guam and Tutuila until the expiration of six months from its date or until ten days after the vessel's arrival at a port of the United States, whichever first happens, and no longer. On arrival at a port of the United States the vessel shall become subject to the laws relating to officers, inspection, and measurement, as amended by the Act of August eighteenth, nineteen hundred and fourteen.

(b) The Secretary of Commerce shall prescribe the conditions in accordance with which such provisional certificates shall be issued and the manner in which they shall be surrendered in exchange for certificates of registry at ports of the United States.

(c) The form of such provisional certificate shall be prescribed by the Commissioner of Navigation and shall include the name of the ship and of the master, time and place of purchase and names of purchasers, and the best particulars respecting her tonnage, build, description, and inspection or survey which the consular officer is able to obtain.

(d) Copies of such provisional certificates shall be forwarded as soon as practicable by the issuing officer to the Commissioner of Navigation.

Mar. 4, 1915, ch. 184, Sec. 5, 38 Stat. 1218—

That section forty-four hundred and ninety-eight of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"Sec. 4498. A register, enrollment, or license shall not be granted, or other papers be issued by any collector or other chief officer of customs to any vessel subject by law to inspection under this title until all the provisions of this title applicable to such vessel have been fully complied with and until the copy of the certificate of inspection required by this title for such vessel has been filed with said collector or other chief officer of customs."

Feb. 19, 1920, ch. 83, Sec. 1–3, 41 Stat. 436, 437—

That the Commissioner of Navigation shall, under the direction of the Secretary of Commerce, be empowered to change the names of vessels of the United States on application of the owner or owners of such vessels when in his judgment there shall be sufficient cause for so doing.

Sec. 2. That the Commissioner of Navigation, with the approval of the Secretary of Commerce, shall establish such rules and regulations and procure such evidence as to age, condition, where built, and pecuniary liability of the vessel as he may deem necessary to prevent injury to public or private interests; and when permission is granted by the Commissioner of Navigation, he shall cause the order for the change of name to be published at least in four issues in some daily or weekly paper at the place of documentation, and the cost of procuring evidence and advertising the change of name to be paid by the person or persons desiring such change of name.

Sec. 3. That for the privilege of securing such changes of name the following fees shall be paid by the owners of vessels to collectors of customs, to be deposited in the Treasury by such collectors as navigation fees: For vessels ninety-nine gross tons and under, $10; for vessels one hundred gross tons and up to and including four hundred and ninety-nine gross tons, $25; for vessels five hundred gross tons and up to and including nine hundred and ninety-nine gross tons, $50; for vessels one thousand gross tons and up to and including four thousand nine hundred and ninety-nine gross tons, $75; for vessels five thousand gross tons and over, $100.

Feb. 16, 1925, ch. 235, Sec. 1, 43 Stat. 947—

That for the purposes of the navigation laws of the United States and of the Ship Mortgage Act, 1920, otherwise known as section 30 of the Merchant Marine Act, 1920, every vessel of the United States shall have a "home port" in the United States, including Alaska, Hawaii, and Porto Rico, which port the owner of such vessel, subject to the approval of the Commissioner of Navigation of the Department of Commerce, shall specifically fix and determine, and subject to such approval may from time to time change. Such home port shall be shown in the register, enrollment and license, or license of such vessel, which documents, respectively, are hereinafter referred to as the vessel's document. The home port shown in the document of any vessel of the United States in force at the time of the approval of this Act shall be deemed to have been fixed and determined in accordance with the provisions hereof. Section 4141 of the Revised Statutes is hereby amended to conform herewith.

Aug. 5, 1935, ch. 438, Sec. 310, 49 Stat. 528—

Section 4189 of the Revised Statutes (U.S.C., title 46, sec. 60) is amended by striking out the words "not entitled to the benefit thereof".

May 20, 1936, ch. 434, 49 Stat. 1367—

That section 4321, Revised Statutes of the United States (U.S.C., title 46, sec. 263), be, and is hereby, amended to read as follows:

"The form of a license for carrying on the coasting trade or fisheries shall be as follows:

"License for carrying on the (here insert 'coasting trade', whale fishery,' 'mackerel fishery', or 'cod fishery', as the case may be).

"In pursuance of title L (Revised Statutes 4311–4390), 'Regulation of Vessels in Domestic Commerce,' of the Revised Statutes of the United States (inserting here the name of the husband or managing owner, with his occupation and place of abode, and the name of the master, with the place of his abode). having sworn that the (insert here the description of the vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else she may be), called the (insert here the vessel's name), whereof the said (naming the master) is master, burden (insert here the number of tons, in words) tons, as appears by her enrollment, dated at (naming the district, day, month, and year, in words at length, but if she be less than twenty tons, insert, instead thereof, 'proof being had of her admeasurement'), shall not be employed in any trade, while this license shall continue in force, whereby the revenue of the United States shall be defrauded, and having also sworn (or affirmed) that this license shall not be used for any other vessel, or for any other employment, then is herein specified, license is hereby granted for the said (inserting here the description of the vessel) called the (inserting here the vessel's name), to be employed in carrying on the (inserting here 'coasting trade,' whale fishery,' mackerel fisher,' or 'cod fishery,' as the case may be), for one year from the date hereof, and no longer. Given under my hand and seal, at (naming the said district), this (inserting the particular day) day of (naming the month), in the year (specifying the number of the year in words at length);": *Provided,* That vessels of five net tons and over entitled under the laws of the United States to be enrolled and licensed or licensed for the coasting trade may be licensed for the "coasting trade and mackerel fishery," and shall be deemed to have sufficient license for engaging in the coasting trade and the taking of fish of every description, including shellfish: *Provided further,* That the provisions of sections 4364 and 4365, Revised Statutes of the United States (U.S.C., title 46, secs. 310 and 311), shall be, and are hereby, made applicable to vessels so licensed: And *provided further,* That vessels operating on the Great Lakes and their connecting and tributary waters under enrollment and license issued in conformity with the provisions of section 4318, Revised Statutes of the United States (U.S.C., title 46, sec. 258), shall be deemed to have sufficient license for engaging in the taking of fish of every description within such waters without change in the form of enrollment and license prescribed under the authority of that section.

May 24, 1938, ch. 265, 52 Stat. 437—

That the first sentence of section 4132 of the Revised Statutes as amended (U.S.C., 1934 edition, title 46, sec. 11), is hereby amended to read as follows:

"Vessels built within the United States and belonging wholly to citizens thereof; and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States; and seagoing vessels, whether steam or sail, which have been certified by the Bureau of Marine Inspection and navigation as safe to carry dry and perishable cargo, wherever built, which are to engage only in trade with foreign countries, with the Philippine Islands, the Islands of Guam, Tutuila, Wake, Midway, and Kingman Reef, being wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States, or of any State thereof, the president and managing directions of which shall be citizens of the United States, and no others, may be registered as directed in this title."

May 31, 1939, ch. 159, 53 Stat. 794—

That section 4335 of the Revised Statutes (U.S.C., 1934 edition, title 46, sec. 276) is hereby amended to read as follows:

"(a) Whenever the master of any licensed vessel, ferryboats excepted, is changed, the new master, or, in case of his absence, the owner or one of the owners thereof, shall report such change to the collector residing at the port where the same happens, if there be one: otherwise, to the collector residing at any port where such vessel next arrives, who, upon the oath of such new master, or, in case of his absence, of the owner, that such master is a citizen of the United States, and that such vessel shall not, while such license continues in force, be employed in any manner whereby the revenue of the United States may be defrauded, shall endorse such change on the license, with the name of the new master. Whenever such change is not reported, and endorsed, as herein required, such vessel, if found carrying on the coasting trade or fisheries, shall be subject to pay the same fees and tonnage as a vessel of the United States having a register, and the new master shall be liable to a penalty of $10: Provided. That the Secretary of Commerce may authorize the endorsement of not more than two alternate masters in addition to the one already endorsed on the license, whenever in his judgment the condition of employment of the vessel warrants such action: Provided further, That in the case of vessels navigated within the limits of the harbor of any town or city, the name of the owner or some responsible person acting for the owner who otherwise meets all requirements of the laws of the United States with regard to masters, may be endorsed on the license of such vessel, although not actually employed thereon, in accordance with rules and regulations prescribed by the Secretary of Commerce: And provided further, That in the case of unrigged vessels which are not required by law to have on board a certificate of inspection, the name of the owner or any responsible person acting for the owner who otherwise meets all requirements of the laws of the United States with regard to masters, may be endorsed on the license of such vessel, although not actually employed thereon, in accordance with rules and regulations prescribed by the Secretary of Commerce: And provided further, That in the case of unrigged vessels which are not required by law to have on board a certificate of inspection, the name of the owner or any responsible person acting for the owner who otherwise meets all requirements of the laws of the United States with regard to masters, may be endorsed on the license of such unrigged vessel although not actually employed on board the vessel.

"(b) In the case of those vessels on the licenses of which there are endorsed the names of more than one master, the master actually in charge of the vessel shall assume all of the duties and responsibilities imposed by any statute upon masters of vessels, and incur the liabilities provided by any law against masters of vessels during any period in which he is in charge of the vessel.

"(c) The term 'unrigged vessel' as used herein, means any vessel that is not self-propelled."

May 31, 1939, ch. 160, 53 Stat. 795—

That section 4325 of the Revised Statutes, as amended (U.S.C., 1934 edition, title 46, sec. 267), is hereby amended to read as follows:

"The license granted to any vessel shall be presented for renewal by endorsement to the collector of customs of the district in which the vessel then may be within three days after the expiration of time for which it was granted, or, if she be absent at that time, within three days from her first arrival within a district. In case of change of build, ownership, district, trade, or arrival under temporary papers in the district where she belongs the license shall be surrendered. If the master shall fail to deliver the license he shall be liable to a penalty of $10. Such penalty on application may be mitigated or remitted by the Secretary of Commerce."

June 2, 1939, ch. 168, 53 Stat. 798—

That section 4498 of the Revised Statutes, as amended (U.S.C., 1934 edition, title 46, sec. 496), is hereby amended to read as follows:

"A register, enrollment, or license shall not be granted, or other papers be issued by any collector or other chief officer or customs to any vessel subject by law to inspection under this title (R.S. 4399–4500) until all the provisions of this title applicable to such vessel have been fully complied with and until the copy of the certificate of inspection required by this title for such vessel has been filed with said collector or other chief officer of customs: Provided, that the license granted to any vessel, if presented to any collector of customs at any time within thirty calendar days prior to the date of expiration shown thereon, may be renewed by the endorsement by the collector of customs for a period of one year from the date of expiration shown on the license, if there be on file in the office of the collector at that time a copy of the certificate of inspection required by title LII of the Revised Statutes, which is in force on the date renewal is made."

Aug. 17, 1961, Pub. L. 87–157, 75 Stat. 392—

That section 4166 of the Revised Statutes (U.S.C., 1958 edition, title 46, sec. 35) is amended to read as follows:

"A vessel of the United States which, while outside the limits of a customs collection district of the United States and not in any port designated as a port of documentation outside any such customs collection district, is sold or transferred in whole or in part to a citizen of the United States, may be documented anew as a vessel of the United States in such manner and upon such conditions as may be prescribed by the Secretary of the Treasury: Provided, That, if any vessel so sold or transferred is not redocumented while abroad, it shall nevertheless be entitled to all the privileges and benefits of a vessel of the United States up to and for the purpose of its first arrival thereafter within a customs collection district or within a designated port of documentation outside any such customs collection district."

Sept. 29, 1965, Pub. L. 89–219, Sec. 10, 79 Stat. 892—

Section 4149 of the Revised Statutes (46 U.S.C. 72) is amended to read as follows:

"Sec. 4149. The Secretary of the Treasury shall prescribe how evidence of admeasurement shall be given."

By Mr. MAGNUSON (for himself, Mr. HATFIELD, and Mr. PACKWOOD) (by request):

S. 1275. A bill to amend the maritime lien provisions of the Ship Mortgage Act of 1920. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, by request, I introduce for appropriate reference, on behalf of myself and the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD) a bill to amend the maritime lien provisions of the Ship Mortgage Act of 1920.

This bill is identical to S. 4280 which I introduced by request in the last Congress. As I indicated at that time, I did not expect action to be taken on the bill in the 91st Congress, but introduced it primarily to give interested persons an opportunity to study and consider the problem to which the bill is addressed: the effect on ports and suppliers of necessaries of a "no lien clause" in a vessel charter party.

The bill I introduce today does not make any item lienable which is not lienable under maritime law today. It makes no changes in the schedule of priorities between various claims against the ship. It simply addresses itself to the legal efficacy of a "no lien clause" in a charter party.

I ask unanimous consent that the bill and an accompanying memorandum in support of the legislation be printed in the RECORD.

There being no objection, the bill and memorandum were ordered to be printed in the RECORD, as follows:

S. 1275

A bill to amend the maritime lien provisions of the Ship Mortgage Act of 1920

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 30 of the Ship Mortgage Act of 1920 (46 U.S.C. 971–975) is amended as follows:

(1) by striking from subsection R thereof (46 U.S.C. 973) the semicolon, substituting a period therefor and deleting all thereafter.

MEMORANDUM IN SUPPORT OF AMENDMENT TO THE FEDERAL MARITIME LIEN LAW

Under long established principles of maritime law, suppliers of necessaries to vessels have been accorded the right to impose a lien or arrest the vessel in support of their right to collect their proper charges for such necessaries. Over the years priorities between such suppliers have been established with the seaman's rights to his wages at the head of the list. Over the years the question of what services and supplies constitute "necessaries to the ship" have likewise become fairly well defined.

In 1910 there came into the Federal Maritime Law what is now 46 USCA 973. This section takes away these lien rights:

"When the furnisher (of necessaries) knew, or by the exercise of reasonable diligence could have ascertained, that because of the terms of a charter party, agreement for sale of the vessel, or for any other reason, the person ordering the repairs, supplies, or other necessaries was without authority to bind the vessel therefor."

This section of the code was relied upon recently in the case of *The Port of Tacoma vs. S. S. Duval,* 364 F2d 615 (CCA 9th 1968) wherein the Port of Tacoma sought to assert a lien for wharfage or dockage and the court held that because there was a "no lien clause" in the charter party under which the Duval was being operated that the port had no right to a lien.

Stevedores, ship chandlers, ship repairers, as well as ports and marine terminal operators have likewise run into this problem primarily with foreign flag vessels chartered to foreign operators. Stevedores alone in the San Francisco Bay Area have sustained losses over the years in excess of two million dollars. In the Williamette-Columbia River Area in the last five years, losses in excess of $45,000 have been documented, along with a report of at least one company forced into bankruptcy because of such a loss. The losses to ports, ship chandlers and ship repairers doubtless would run into very substantial sums. All of these people report that their problems are not with domestic owners or charterers who for the most part are responsible.

It is difficult for these American businessmen to understand why our law should permit a contract to be made in Athens, for example, between an owner and a charterer, and to which no American supplier is a party, which effectively denies a right to a lien which they would otherwise have in the absence of such a contract provision.

Accordingly, Senator Magnuson of Washington at the request of the National Association of Port Authorities introduced S. 2817 which, as introduced would have given a lien to any person furnishing services to a vessel in accordance with the provisions of tariffs filed with the Federal Maritime Commission in spite of the existence of a "no lien clause" in the charter party. This would have given some, but not complete, relief to a marine terminal operator but none to stevedores, ship chandlers, ship repairers or other persons. This bill ran into problems with the Federal Maritime Commission which really has no interest in the policy question involved here, but is concerned about the administrative responsibilities conceivably created by S. 2817. S. 2817 has had a hearing but no action has been taken on it by the Subcommittee of the Senate Commerce Committee and none is expected.

Interestingly enough Senator Magnuson's remarks at the time he introduced his bill (Congressional Record August 19, 1969) suggested that ". . . the simplest amendment to that (lien) law might be said to be deletion of everything in Section 973 after the semicolon in the fourth line. This would permit the imposition of liens by all persons covered in Section 971, a much broader class than Marine Terminal Operators . . ."

The Senator was absolutely correct and the attached bill proceeds along that very "most practical legislative" road. The attached bill makes no changes in the definition of necessaries, it makes no changes in the priorities of liens, it simply prohibits a clause in a contract to which the supplier was not a party and of which, in a practical sense, he has no knowledge, from being deprived of a lien for his services to which he would otherwise be entitled. It does not give any one tortiously or wrongfully in charge of a vessel the right to incur or permit any such lien to attach.

The theory behind the present law apparently is that the owner, or perhaps the mortgagee, should not have his property or his security arrested without his consent or knowledge. But this is not the law on land. There is not a piece of property sold or mortgaged where in the documentation thereof, there is not a prohibition against the purchaser for credit, or the mortgagor suffering or permitting liens to attach. Yet this provision in the contract of sale or mortgage does not deny to the plumber, the carpenter or other artisan a lien for his services should they be furnished and not paid for. Nor should it with respect to a vessel.

While a supplier of necessaries might be said to be able to demand and inspect the charter party and refuse to supply necessaries in the face of such a "no lien clause" this is not a practical answer. The vessel is in the harbor, it must be unloaded, serviced or repaired by members of highly competitive industries. Except for such an obscure clause in an involved document they are entitled to a lien. As a practical matter they have no opportunity to advise themselves and protect themselves.

If the owner, or mortgagee, is to be considered an innocent party, certainly so is the supplier of necessaries. And there is a well established principle of law that where one of two innocent parties must suffer a loss, that loss must fall on the one who by his affirmative act makes it possible, or creates the condition under which another suffers the loss. The owner, or mortgagee, by chartering or surrendering possession of the vessel clothes the master thereof with at least apparent authority to bind the vessel. If a loss must be suffered the owner, or mortgagee, should suffer it.

And the fact of the matter is that the owner, or mortgagee, can much more easily protect himself contractually, by bonds, or otherwise, at the time he charters or advances money on the vessel than can the supplier of necessaries to a vessel under great economic pressure to get back to sea.

This attached bill enjoys, at this time, the unqualified support of the West Coast Association of Stevedores, the National Association of Marine Services and the National Ship Builders Association. The National Association of Port Authorities support is expected as is that of a number of other organizations and individuals.

By Mr. ERVIN:

S. 1281. A bill to incorporate the National Federation of Music Clubs. Referred to the Committee on the Judiciary.

Mr. ERVIN. Mr. President, I introduce today, for appropriate reference, a bill to provide a national charter for the National Federation of Music Clubs.

Through the years, the National Federation of Music Clubs has provided leadership in making the fine arts an important part of our national life. Actually, the influence of the national federation is international in scope because it is the world's largest philanthropic music organization.

I believe that the passage of a bill to give a Federal charter to the National Federation of Music Clubs would be a most helpful contribution to the advancement of music in our country. It would mean governmental recognition for the work of the national federation, and, thereby, add to its prestige and strengthen the place of music in our national life. A Federal charter for this fine organization will not mean any Federal control over its activities, and it does not call for any Government subsidy for its work. The passage of this bill will simply give recognition to this outstanding music group, just as the National Music Council, the American Symphony Orchestra League, and the American National Theater and Academy have been honored by Congress.

I certainly hope this bill to support the advancement of music in our society is given early approval by Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1281

A bill to incorporate the National Federation of Music Clubs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that—

(1) the influence of the National Federation of Music Clubs is felt throughout the United States and throughout the world;

(2) the National Federation of Music Clubs has provided leadership in making the fine arts an important part of our national and international life; and

(3) the National Federation of Music Clubs is devoted to encouraging excellence in all fields of music.

SEC. 2. Mrs. Maurice Honigman, Doctor Merle Montgomery, Mrs. J. Knox Byrum, Miss Gertrude P. Caulfield, Mrs. Jack C. Ward, Mrs. Naomi Reynolds, Mrs. Dwight D. Robinson, Mr. J. Phillip Plank, and Mrs. James A. Brady; and their successors, are hereby created and declared to be a body corporate by the name of the National Federation of Music Clubs (hereinafter referred to as the "corporation"), and by such name shall be known and have perpetual succession, and the powers, limitations, and restrictions herein contained.

SEC. 3. The persons named in section 2 of this Act shall be the incorporators of the corporation and a majority of such persons are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws, not inconsistent with this Act, and the doing of such other acts as may be necessary for such purpose.

SEC. 4. This corporation is formed for fraternal, patriotic, historical, and educational purposes; to bring into working relations with one another, music clubs and other musical organizations and individuals directly or indirectly associated with musical activity for the purpose of developing and maintaining high musical standards; to aid and encourage musical education; and to promote American music and American artists throughout the United States of America and other nations.

SEC. 5. The corporation shall have power—

(1) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(2) to adopt, alter, and use a corporate seal;

(3) to appoint and fix the compensation of such officers, employees, managers, and agents, as its business may require, and define their authority and duties;

(4) to adopt, amend, and alter bylaws and regulations not inconsistent with the laws of the United States or any State, or the District of Columbia, in which such corporation is to operate, for the management of its property and the regulation of its affairs;

(5) to make and carry out contracts;

(6) to charge and collect membership dues, subscription fees, and receive contributions or grants of money to be devoted to the carrying out of its purposes;

(7) to take and hold by lease, gift, purchase, grant, devise, or bequest any property, real, personal, or mixed, necessary for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State or the iDstrict of Columbia (A) governing the amount or kind of real and personal property which may be held by or (B) otherwise limiting or controlling the owner ship of real and personal property by, a corporation operating in such State, or the District of Columbia;

(8) to transfer, convey, lease, sublease, mortgage, encumber, and otherwise alienate real, personal, or mixed property;

(9) to borrow money for the purposes of the corporation, issue bonds or other evidences of indebtedness therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of the Federal and State laws or of the laws of the District of Columbia; and

(10) to do any and all lawful acts and things necessary and proper to carry out the objects and purposes of the corporation.

SEC. 6. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be determined as the constitution and bylaws of the corporation may provide.

SEC. 7. (a) Upon the enactment of this Act and for not more than one year thereafter, the membership of the initial board of directors of the corporation shall consist of those persons named in section 2 of this Act.

(b) Thereafter, the board of directors of the corporation shall consist of such number, shall be selected in such manner, and shall serve for such term as may be prescribed in the constitution and bylaws of the corporation.

(c) The board of directors shall be the governing board of the corporation, and shall be responsible for the general policies and program of the corporation and for the control of all funds of the corporation.

(d) The board of directors may establish an executive committee and other committees to exercise such power as may be prescribed in the bylaws.

Sec. 8. The officers of the corporation shall be those provided in its bylaws. Such officers shall be elected in such manner, for such term, and with such duties, as may be prescribed in such bylaws.

Sec. 9. (a) The principal office of the corporation shall be located at 600 South Michigan Avenue, Chicago, Illinois, 60605, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place but may be conducted throughout the United States and each territory, possession, and dependency of the United States.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation, and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to, or service upon, the corporation.

Sec. 10. (a) No part of the income or assets of the corporation shall inure to any member, officer, employee or member of the board of directors, executive board, or committees, or be distributable to any such person during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation or reimbursement for actual expenses in amounts approved by the corporation's board of directors.

(b) The corporation shall not make loans to its members, officers, employees, or members of the board of directors, executive board, or committees. Any member of the board of directors who votes for or assents to the making of such loan, and any officer who participates in the making of a loan, shall be jointly and severally liable to the corporation for the amount of such a loan until the repayment thereof.

Sec. 11. The corporation shall be liable for the acts of its officers, agents, managers, and employees when acting within the scope of their authority or employment.

Sec. 12. The corporation and its officers and members of the board of directors as such, shall not contribute to or otherwise support or assist any political party or candidate for office.

Sec. 13. The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

Sec. 14. The corporation shall keep correct and complete books and records of accounts. It shall also keep minutes of the proceedings of its members and board of directors, and executive board and committees authorized by the board of directors. The corporation shall keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member, or his agent or attorney, for any proper purpose, at any reasonable time.

Sec. 15. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with this Act, the bylaws of the corporation, and all other Federal and State laws and laws of the District of Columbia applicable thereto.

Sec. 16. The corporation shall have the sole and exclusive right to use and allow or refuse to others the use of the name "National Federation of Music Clubs", and to have and to use such distinctive insignia, emblems, seals, and badges, descriptive or designating marks, and words or phrases as may be required to carry out the purposes of the corporation. No powers or privileges hereby granted shall, however, interfere or conflict with established or vested rights.

Sec. 17. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (78 Stat. 635; 36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(49) National Federation of Music Clubs".

Sec. 18. The right to alter, amend, or repeal this Act is hereby expressly reserved to the Congress.

By Mr. RIBICOFF (for himself, Mr. BROOKE, and Mr. CRANSTON):

S. 1282. A bill entitled "Government Facilities Location Act of 1971." Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. RIBICOFF:

S. 1283. A bill entitled "Urban Education Improvement Act of 1971." Referred to the Committee on Labor and Public Welfare.

Mr. RIBICOFF. Mr. President, 13 months ago we began a dialog in this Chamber about the sickness that is riddling our society: The seemingly inexorable march toward apartheid in the North as well as in the South. Some disagreed then about the magnitude of the problem, but recent figures clearly demonstrate that this country is already well on the road to total racial and economic separation.

The 1970 census found that during the 1960's virtually all central cities became blacker and all suburbs remained as white as ever. Central cities lost 2½ million whites and gained 3 million blacks during the last 10 years. At the same time, the suburbs in the 66 largest metropolitan areas gained 12.5 million whites and only 800,000 blacks.

The South is rapidly urbanizing along northern lines. Southern suburbs will soon be just as white as their northern counterparts while the central cities will be just as black. Atlanta's central city population went from 38.3 percent black in 1960 to 51.3 percent black in 1970 while its suburbs went from 91.3 white to 93.6 white. Houston's suburbs are now 90.7 percent white and New Orleans' are 87.2 percent white.

The meaning of these figures should be obvious. Many have argued that we have residential or de facto segregation in the North which is not illegal the way de jure segregation is in the South. Ironically, that argument may soon immunize southern as well as northern segregation as the South begins to emulate northern segregated living patterns.

Last spring when I argued that we in the North had nothing to be proud of in our own backyards, many assured me that the problem was certainly worse in the South, at least as far as school segregation went. That is simply no longer the case. The most recent figures on school integration show that while only 27.6 percent of black students in the North attend majority white schools, 38.1 percent in the South do.

This country is at a turning point in the crisis of national unity.

No longer is the problem of discrimination regional. Racial isolation is now just as pervasive in the North as it is in the South.

No longer is the question of integration confined to our schools. Segregated education only reflects the underlying residential segregation we have come to accept as normal.

And no longer can those of us in white suburbs formulate solutions affecting only those in increasingly black central cities.

North and South, in schools as well as housing, we must recognize that the divisiveness undermining the strength of this country will end only when we develop a national commitment to attack segregation on a metropolitan-wide basis.

We cannot stand still. We will either move forward or continue the slide toward a racial and economic separation that can only lead to disaster.

Some tentative steps have been taken to confront this problem since I spoke in support of a national policy of desegregation in February of 1970. Following that debate, the Senate established a Select Committee on Equal Educational Opportunity. After spending some time analyzing the problem in the South, that committee has begun to struggle with the difficult problems we have in the North.

The administration also responded to the debate over the Stennis amendment by proposing several weeks later that assistance be given to those schools desegregating under administrative or court order. De facto segregation, however, was basically left untouched.

The President's bill in turn encouraged Senator MONDALE to introduce this year a bill strengthening the President's proposal and adopting my suggestion that we must provide incentives and assistance for suburban schools to develop integration plans with central city schools.

Each of these moves should be applauded. Each has helped raise the level of the dialog and encouraged many Americans to recognize that we have a problem in the North as well as the South that demands immediate attention.

But more must be done. The danger is that, even with these actions, we will only repeat the mistakes of the past 17 years. We must recognize for once and for all that we cannot require our schools to bear the entire brunt of our attempts to integrate our society.

For years we have assumed that integrated education would lead to an integrated society. Figures in the South show today that while educational integration is increasing, residential segregation is also on the rise. If we allow this to continue in the North as well as the South, we will soon be confronted throughout this Nation with the situation we have in Washington, D.C. Talk about integrating central city schools here is an academic exercise with a school population 94 percent black.

Integrated education is important. It deserves our continued support and assistance. But unless we also open the suburbs to those trapped in the city, we will labor in vain.

I introduced last year a bill to integrate our schools on a metropolitan basis over the next 12 years. I am reintroducing it and submitting testimony to Senator PELL's Subcommittee on Education urging that this bill be reported out by that subcommittee. A copy of that testimony will be included at the end of my remarks.

But even my education bill will ultimately fail if we continue the status quo of all white suburbs and black central cities. We simply cannot shuffle enough students around fast enough by buses, trains, or automobiles to overcome the effects of residential segregation.

On the other hand, if neighborhoods were integrated, supporters of the neighborhood schools concept would find that they had also achieved integrated schools.

We must move, and move quickly, therefore, to begin to breach the growing barriers between the central cities and the suburbs. This is critical not only for blacks but for low- and middle-income whites as well, who are just as excluded by housing costs and zoning laws in suburban areas.

The House Banking and Currency Committee found recently that 28.4 million households—101 million people in this country—cannot afford payments on a $20,000 mortgage. At the same time, studies show that the average cost of homes in the suburbs are far above that amount. The Miami Valley Regional Commission found that housing in the five-county Dayton, Ohio, area averaged $25,000 per unit. The average cost of a new home in Montgomery County, Md., here in the Washington area, is over $40,000, with virtually no homes in the $15,000 to $25,00 range being built.

Solutions to this problem will be complex and difficult. But there is one action we can take now.

Each year, thousands of new jobs open in the suburbs beyond the reach of willing and able workers in the central cities. In fact, in many cases, those jobs moved out of the central cities leaving their workers behind because of the impossibility of finding adequate housing.

The magnitude of the problem is shown not only by the housing costs, but by job development figures. The Census Bureau estimates that the number of males employed in central cities decreased by 2 percent from 1960 to 1970. At the same time, male employment outside the central cities increased by 35.4 percent. Professional and managerial positions were up 81 percent. Service jobs increased 46.9 percent, clerical and sales jobs were up 26.8 percent and general nonfarm labor rose 26.6 percent.

In St. Louis, jobs in the central city declined by 9 percent while those in the suburbs rose 144 percent. In Baltimore, jobs in the suburbs increased 161 percent while those in the city rose only 6 percent. In Washington, while central city jobs rose 38 percent, those in the suburbs were up by 352 percent.

The suburbs, indeed, are the new America where jobs and housing are located. We cannot continue to exclude Americans from that development simply because of the color of their skin or the size of their paycheck.

The problem is serious generally. But it is unconscionable in those instances where a facility is relocating or expanding in a suburban area where its workers will be unable to live. In that situation, the suburb gets all the economic benefits of the facility and assumes none of the burdens of providing for all of its workers. Many low and middle income workers of the facility, both blacks and whites, are either forced to become long distance commuters or move into the already overcrowded labor market in the city with unemployment often the result.

We are not talking here about moving welfare recipients into the suburbs. Nor are we building public housing. We are talking about men and women with jobs—in fact the very jobs that are moving into the community.

The legislation I reintroduce today, therefore, makes it a requirement that adequate housing be made available for low- and middle-income employees, both black and white, in a community before a Federal or State government facility or a Federal contractor can locate or expand in the community. This is only fair and equitable.

My legislation also recognizes the financial plight in which many suburbs now find themselves. Much of the opposition to the provision of low- and middle-income housing in these areas stems from fears that taxes will have to be raised to maintain existing levels of municipal services, particularly education. This fear comes not only from affluent members of the community, but from many middle income people already there who fear the impact on school budgets of more children whatever their color.

Since from 50 to 65 percent of most suburban budgets is devoted to educational expenses, my bill provides assistance for education to any suburb that makes available the housing required by this legislation.

Some have argued that no assistance should be provided to such suburbs. The mere fact that they get the facility should be sufficient incentive.

In many cases, that may well be true. But I am equally concerned about the numerous suburbs that would be willing to cooperate if they were assured that the level of their educational activities would not suffer or be burdened by new arrivals.

An analysis of the Massachusetts antisnob zoning law has shown that a major reason for its ineffectiveness is that it ignores the economic and tax consequences imposed on suburbs that admit low- and middle-income people. In particular, the failure to adjust school aid formulas for suburbs has been highlighted as a major area of concern.

I am pleased that Senator CRANSTON and Senator BROOKE, both members of the Banking and Currency Committee, have agreed to cosponsor this bill with me this year. Their commitment to equality of opportunity for all Americans, white and black, is well known and this bill will have strong and effective advocates in the committee this year.

Enactment of this legislation will help stem the drift toward separatism in this country. On the other hand, it will only be a first step. More must be done.

But the time for action is now. We have talked and quibbled too long about the nature of the problem confronting us and dealt too long with stereotypes.

Talk abounds about "forced integration."

It is not forced integration to allow a man to live near his job.

It is not forced integration to remove the existing barriers confronting low-income and minority members of this society that keep them from living where they would like.

And it is not forced integration to provide this Nation with a national goal and commitment to end the racial isolation that threatens more than anything else to tear this country apart.

At the same time, we cannot afford to continue to argue in the North who, if anyone, is responsible for the segregation we can all see around us. It is clear that this segregation did not just "happen." There is nothing accidental about the fact that in city after city in the North, the blacks and the poor are concentrated in slums in the central cities while the whites increasingly are isolated in the surrounding suburbs. The impact of zoning practices, school districting decisions, municipal incorporations and FHA housing policies is well known.

In fact, I am confident that cases could be brought and won to establish that there is as much "state action" behind de facto segregation as there is behind de jure. We may have been more artful about catering to our biases in the North, but we have been no less ruthless in imposing them.

But there is enough guilt to go around without subjecting the courts to the burden of endless litigation about the impact of a given zoning ordinance or a particular school location. I am disturbed, therefore, at the suggestion of some of integration's strongest supporters that such litigation is necessary before sufficient grounds exist for action.

How ironic it is that those of us in the North who have so long urged integration upon the South are now hesitant and suddenly tentative, when the issue is brought home to us. Our unwillingness to move vigorously in the North only illustrates the magnitude of the problem confronting this country. The difficulty of the solution has never in the past been sufficient to justify delay and obstruction. I see no reason to change now.

The people of this country have a reservoir of commonsense and decency and a great desire in these days of turbulence for reasonable, responsible leadership. Such leadership will not be found by consulting the latest public opinion polls. It will not be found in the continued mouthings of words we either don't mean or don't understand. It will only come from a willingness to recognize the danger we face and to deal with it honestly.

I ask unanimous consent that the following exhibits be printed at this point in the RECORD:

Exhibit I: Statement of Senator RIBICOFF submitted to the Education Subcommittee of Senate Labor and Public Welfare Committee, March 17, 1971.

Exhibit II: Census Bureau figures showing population changes in selected metropolitan areas.

Exhibit III: HEW statistics on school integration.

Exhibit IV: Census Bureau Statistics on Employment in metropolitan areas together with explanatory letter of Bureau Director George H. Brown.

Exhibit V: Text of Urban Education Improvement Act of 1971.

Exhibit VI: Section-by-section analysis of Urban Education Improvement Act of 1971.

Exhibit VII: Text of Government Facilities Location Act of 1971.

Exhibit VIII: Section-by-section analysis of Government facilities Location Act of 1971.

Exhibit IX: Questions and answers relating to these two bills.

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

EXHIBIT I

STATEMENT OF SENATOR ABE RIBICOFF SUBMITTED TO THE EDUCATION SUBCOMMITTEE OF THE SENATE LABOR AND PUBLIC WELFARE COMMITTEE, MARCH 17, 1971

Mr. Chairman, I am pleased to have this opportunity to support S. 683, the Quality Integrated Education Act of 1971, which I cosponsored on February 9 with Senator Mondale and sixteen other Senators of both political parties and to urge this Subcommittee to consider favorably the "Urban Education Improvement Act of 1971" which I am introducing today.

Our society continues its inexorable march toward a complete division into two camps, one white and one black. And our schools, being part of that society, follow.

Our cities are increasingly populated by minority groups and our suburbs take on the character of an encircling white noose. Our schools, drawing pupils as a consequence of geography, follow suit.

We used to think that segregation in America was a problem of one region, the South. And then we found that in the North only 27.6 percent of black students attend majority white schools while in the South the figure is nearly half again as high—38.1 percent.

We thought the problem was confined primarily to our schools but now we know the cancer goes to the heart of our society. The problem is not just school segregation. It is real estate practices, VA and FHA mortgage policies, zoning ordinances, and a host of other factors which deliberately or inadvertently sustain the Nation's drift toward separatism.

We have debated the relative evils of de jure and de facto segregation. But there is no more time for debate. Segregation is wrong, whatever its form and whatever the labels we attach to it. Segregation means that white people don't think black, brown, or red children are good enough to associate with their children. However the message of segregation comes, whether de jure or de facto, is irrelevant. What counts is the damage that it does to minority and majority alike, to young and to old, to individuals and to the Nation as a whole.

We are dealing with a national problem. We must find a national solution.

The Nation has addressed this problem twice before. In the Supreme Court Brown decision of 1954 and the Civil Rights Act of 1964, the Nation has worked—in fits and starts—to end segregation in the South. We in the North, however, by preserving for far too long the distinction between de facto and de jure segregation and by regarding the question of desegregation as entirely a Southern problem, may have won a victory only to lose the larger war.

The time has come to establish—clearly and unequivocally—a national policy for the integration of American society. S. 683 is an important beginning in establishing that policy.

The same cannot be said for the proposal offered by the Administration. No one can argue that school systems throughout this country do not need the one billion, five hundred million dollars authorized by the President's bill. In city after city we see the spectre of schools and school districts going bankrupt financially as well as educationally. Local property taxes have long been an inadequate and regressive base upon which to build educational excellence.

But if we are anxious simply to provide more funding to disadvantaged schools, let us increase appropriations for Title I of the Elementary and Secondary Education Act. Let us not deceive the people of this country by claiming that the money is going to end racial isolation in this nation's schools.

Yet, that is just the deception practiced by the Administration's bill. It sets not national policy or goal to end racial isolation throughout this country. Instead, it perpetuates the dual standard of forcing the South to do one thing while allowing the North in similar situations to exercise local option.

The bill in effect, moves against segregation in the North only where someone else is willing to take the political heat. If a local mayor or school board member is willing to assume the task of selling the goal of integration on the local level, funds may be available under this act. But the Congress makes no decision whether this is a necessary or even desirable goal.

Moreover, the Administration's bill does nothing to attack the problem of segregation where it is most virulent—in the relationship between the suburbs and central cities across our country. The focus remains on individual school districts notwithstanding the evidence that all that will happen when we narrow our focus in this way is that whites will flee to the surrounding suburbs. The poor and the blacks will be left to share deteriorating schools and financially bankrupt cities.

If we are going to spend one and a half billion dollars in two years to begin to end racial isolation in the schools of this country, I think we have an obligation to consider more than the Administration's inadequate bill. That is why I am here this morning to support S. 683.

S. 683 defines the goal as integration rather than simply desegregation. It establishes strong standards before proposed programs can be eligible. It invites and requires parent and student participation. It earmarks funds for inter-district, metropolitan integration efforts and establishes a standard of integration to be achieved in such efforts. It provides funds to experiment with educational parks in metropolitan areas.

Even these important steps forward can and should be strengthened, however. For example, we should move beyond individual schools and focus on entire school districts. S. 683 as currently drafted leaves open the possibility that school districts could integrate only a small sample of their schools, thus practicing the worst form of tokenism.

Second, I think that the bill should make it clear that it seeks stable, quality integrated schools as an objective rather than as an initial criteria for funding. We should support and encourage those schools that now offer stable enrollment and quality programs. But greater encouragement should be given to positive attempts to generate more of these schools throughout the Nation.

Third, I urge you to examine carefully the criteria which limits the eligibility of school districts based on the number and percentage of minority children. The districts covered include most children, both minority and majority, in racially isolated schools. But we must also offer incentives and assistance to such schools wherever they exist.

My major purpose in coming before you this morning, however, is to urge you to be even bolder. S. 683 is a fine beginning. We need to provide assistance for those schools already desegregating. And we need to encourage schools within a given school district or city to begin to end racial isolation. But, ultimately, we will fail if we do not involve the suburbs with the central cities in the solution to our problem.

Therefore, I am reintroducing today The Urban Education Improvement Act of 1971 which I first introduced last November.

This bill requires state and local educational agencies in metropolitan areas throughout the country to develop and implement plans to reduce and eliminate minority-group isolation in the public schools whatever the cause of such isolation. Financial assistance would be granted for the development of such plans. Each plan must provide that within 10 years every school in a metropolitan area will have a percentage of minority-group students equal to at least one-half the percentage of minority-group students in the metropolitan area as a whole.

For example, the percentage of minority-group children in the Baltimore metropolitan area is about 32%. Under my bill, each school in the Baltimore area would be required to have a minority-group population of at least 16% no later than 10 years after adoption of an acceptable plan.

Substantial progress toward this goal would be required each year.

Noncooperating school districts would be deprived of all Federal education funds and states that funded such noncooperating districts would lose Federal funds for statewide programs.

This bill is designed to learn from the lessons of the last sixteen years. It is now clear that we must offer financial incentives and assistance to those we ask and require to undertake new burdens. We cannot reasonably expect state and local educational agencies to fund new programs out of existing, often inadequate, budgets.

In addition, while we should seek to end racial isolation as soon as possible, we must recognize that this cannot be done immediately. No two-year program devised by anyone will create stable, quality integrated education throughout this country. On the other hand, left to their own devices, local communities will continue to emphasize "deliberate" and not "speed." We need a realistic, but firm, deadline.

Enactment of these provisions of my bill is essential if we are to achieve the goals of S. 683. The provision of 150 million dollars under S. 683 during the next two years for programs of interdistrict cooperation in effect establishes a pilot program for metropolitan area integration. This provision was added after introduction of my bill last year as a beginning toward the goals of my legislation and is a major reason for my support of S. 683.

A two year pilot program will enable us to gain experience at the local and national level regarding the best methods for dealing with the relationships of the suburbs and our control cities.

Without a clear understanding, however, that this two year pilot program is simply the precursor for a national program, the results of the program will be of limited use. Only if state and local authorities know that commencement of a national program is inevitable will many of them be anxious to get in on the ground floor. Otherwise, local leaders will be forced to convince the local electorate that they should begin a program that is not required and will not be adopted by other communities in the foreseeable future. Many local leaders will be unwilling or unable to carry this burden.

The net effect of the adoption of S. 683 without a national commitment will be a lengthy debate in Congress now, two years of pilot programs only in those special areas where people can be convinced to act, and no guarantee that anything else will happen. Once again, we will have raised expectations with our preambles only to dash them with our fine print.

The better solution, it seems to me, is to provide the pilot programs of S. 683 and the follow-up national commitment and twelve year plan of my bill, the Urban Education Improvement Act. My bill leaves the selection of techniques to be used to accomplish its goal to the local educational agencies of the metropolitan area. Therefore, experience gained during the two years of pilot programs could easily be shared and accumulated.

A number of possible techniques are identified in my bill, including construction of magnet schools and educational parks together with school redistricting, pairing and transportation. But it should be clear that this bill is not simply or primarily a bussing bill. If transportation is identified as a useful technique in a city, my bill requires that the burden shall fall equitably on minority and majority children. But, if we have to depend solely upon bussing children from one area to another on a metropolitan-wide basis to achieve integration, we will fail no matter what bill or plan we adopt.

Success will come only if we open up the suburbs for housing as well as education. Experience has shown that we will never have truly integrated schools until we have an integrated society. Schools have borne the burden of integration alone too long.

This does not mean we should not attack the segregation in our schools. We must. But we must also attack the segregation in our society at the same time. I am also reintroducing today, therefore, my Government Facilities Relocation Act which requires government facilities and government contractors to expand or locate only in those communities willing to provide adequate housing for the facilities' low and middle-income employees. If enacted, this bill would be a significant first step toward ending the residential segregation we face.

My two bills are only a part of what must be a many-faceted attack on the problem of segregation in American society. We must wage that battle wherever it needs to be fought and with whatever legislative weapons we can forge.

S. 683 is an important beginning in the battle on the education front. By conceiving of it as an opening experiment and adding my bill as an amendment, I think we can effectively and equitably integrate the schools of America. This should be our goal and our promise to our children and our Nation.

EXHIBIT II

POPULATION CHANGE FOR WHITE AND BLACK POPULATION IN SELECTED METROPOLITAN AREAS OF 500,000 OR MORE, BY CENTRAL CITY AND RING—1960 TO 1970

SMSA, Central city and ring	Percent of population white		Percent of population black	
	1960	1970	1960	1970
NORTHERN CITIES				
New York	88.0	82.0	11.5	16.3
Central city	85.3	76.6	14.0	21.2
Suburbs	95.0	93.6	4.8	5.9
Detroit, Mich	84.9	81.4	14.9	18.0
Central city	70.8	55.5	28.9	43.7
Suburbs	96.2	96.0	3.7	3.6
Chicago, Ill	85.2	81.3	14.3	17.6
Central city	76.4	65.6	22.9	32.7
Suburbs	96.9	96.0	2.9	3.5
Philadelphia, Pa	84.3	81.9	15.5	17.5
Central city	73.2	65.6	26.4	33.6
Suburbs	93.8	92.9	6.1	6.6
San Francisco-Oakland, Calif	87.5	82.8	8.5	10.6
San Francisco	79.0	71.4	10.0	13.4
Oakland		59.1	22.8	34.5
Suburbs	93.7	91.0	4.4	5.4
Baltimore, Md	78.3	75.8	21.4	23.7
Central city	65.1	53.0	34.7	46.4
Suburbs	92.8	93.5	7.0	6.0
Washington, D.C	75.5	74.3	23.9	24.6
Central city	45.6	27.6	53.9	71.1
Suburbs	93.3	91.0	6.3	7.9
SOUTHERN CITIES				
Atlanta, Ga	77.2	77.4	22.8	22.3
Central city	61.8	48.5	38.3	51.3
Suburbs	91.3	93.6	8.5	6.2
Houston, Tex	80.3	79.9	19.5	19.3
Central city	76.9	73.3	22.9	25.7
Suburbs	86.9	90.7	12.9	8.8
New Orleans, La	69.1	68.6	30.6	31.0
Central city	62.6	54.5	37.2	45.0
Suburbs	83.9	87.2	15.9	12.5
CONNECTICUT CITIES				
Bridgeport, Conn	94.7	92.0	5.2	7.4
Central City	90.0	82.7	9.8	16.3
Suburb	98.8	98.3	1.1	1.5
Hartford, Conn	94.6	91.9	5.2	7.6
Central City	84.5	70.8	15.4	27.9
Suburb	98.9	98.5	1.0	1.3
New Haven, Conn	92.3	87.7	7.5	11.6
Central City	85.1	72.6	14.5	26.3
Suburb	98.8	97.3	1.1	2.3
Stamford, Conn	94.8	92.2	5.0	7.3
Central City	91.8	87.0	8.0	12.3
Suburb	98.0	98.0	1.8	1.8
Waterbury Conn	95.9	94.1	4.0	5.6
Central City	93.3	89.4	6.6	10.0
Suburb	99.6	99.2	.4	.7

Note: Columns do not tota. 100 percent because nonwhite groups within the population other than Negroes are not included.

Source: U.S. Census Bureau, U.S. Department of Commerce.

EXHIBIT III

NEGRO PUPILS IN ALL DISTRICTS[1]: FALL 1968, FALL 1970

NUMBER AND PERCENT OF NEGRO PUPILS ATTENDING PUBLIC ELEMENTARY AND SECONDARY SCHOOLS

Geographic area	Total pupils	Negro pupils	Negro pupils attending—					
			0–49.9 percent minority schools		80–100 percent minority schools		100 percent minority schools	
			Number	Percent	Number	Percent	Number	Percent
Continental United States:								
1968	43,353,568	6,282,173	1,467,291	23.4	4,274,461	68.0	2,493,398	39.7
1970, estimate	44,774,679	6,723,950	2,206,521	32.8	3,378,231	50.2	1,076,033	16.0
32 North and West:[2]								
1968	28,579,766	2,703,056	746,030	27.6	1,550,440	57.4	332,408	12.3
1970 estimate	29,162,896	2,865,059	792,442	27.7	1,645,508	57.4	341,354	11.9
11 South:[3]								
1968	11,043,485	2,942,960	540,692	18.4	2,317,850	78.8	2,000,486	68.0
1970 estimate	11,738,916	3,187,684	1,215,089	38.1	1,328,137	41.7	587,172	18.4
6 Border and District of Columbia:[4]								
1968	3,730,317	636,157	180,569	28.4	406,171	63.8	160,504	25.2
1970 estimate	3,872,867	671,207	198,990	29.6	404,586	60.3	147,507	22.0

[1] Districts with fewer than 300 pupils are not included in the survey. 1970 figures are estimates based on latest available data and are subject to variation upon final compilation.

[2] Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.

[3] Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.

[4] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.

EXHIBIT IV

NUMBER OF EMPLOYED CIVILIANS 14 YEARS OLD AND OVER BY NONFARM OCCUPATION GROUPS AND RESIDENCE IN 1960 AND 1970

Nonfarm occupation	Metropolitan areas			In central cities			Outside central cities			Nonmetropolitan areas		
	1960[1]	1970[2]	Percent change	1960[1]	1970[2]	Percent change	1960[1]	1970[2]	Percent change	1960[1]	1970[2]	Percent change
MALE												
Total	27,520	31,910	16.0	14,333	14,049	−2.0	13,187	17,861	35.4	12,356	14,474	17.1
Professional and managerial	6,522	9,873	51.4	3,151	3,760	19.3	3,371	6,113	81.3	2,600	3,915	50.6
Clerical and sales	4,604	5,045	9.6	2,487	2,360	−5.1	2,117	2,684	26.8	1,491	1,532	2.7
Craftsmen and foremen	5,668	6,454	13.9	2,656	2,685	1.1	3,012	3,768	25.1	2,720	3,201	17.7
Operatives	5,524	6,066	9.8	2,918	2,858	−2.1	2,606	3,208	23.1	3,099	3,596	16.0

Footnotes at end of table.

Nonfarm occupation	Metropolitan areas			In central cities			Outside central cities			Nonmetropolitan areas		
	1960[1]	1970[2]	Percent change	1960[1]	1970[2]	Percent change	1960[1]	1970[2]	Percent change	1960[1]	1970[2]	Percent change
MALE—Continued												
Private household workers	29	42	(3)	16	13	(3)	13	28	(3)	23	20	(3)
Other service workers	1,879	2,325	23.7	1,177	1,294	9.9	702	1,031	46.9	721	920	27.6
Nonfarm laborers	1,802	2,106	16.9	990	1,078	8.9	812	1,028	26.6	1,166	1,290	10.6
Occupation not reported	1,492	(4)	(5)	938	(4)	(5)	554	(4)	(5)	536	(4)	(5)
FEMALE												
Total	14,232	20,102	41.2	8,294	9,745	17.5	5,938	10,356	74.4	6,445	9,586	48.7
Professional and managerial	2,346	3,981	69.7	1,303	1,840	41.2	1,043	2,141	105.3	1,172	1,763	50.4
Clerical and sales	5,853	8,943	52.8	3,336	4,300	28.9	2,517	4,643	84.5	2,018	3,203	58.7
Craftsmen and foremen	184	224	21.7	105	114	8.6	79	109	38.0	75	103	37.3
Operatives	2,124	2,552	20.2	1,252	1,275	1.8	872	1,277	46.4	1,129	1,802	59.6
Private household workers	999	1,199	20.0	646	552	−14.6	353	646	83.0	646	796	23.2
Other service workers	1,779	3,138	76.4	1,026	1,624	58.3	753	1,514	101.1	1,081	1,856	71.7
Nonfarm laborers	58	65	(3)	37	40	(3)	21	25	(3)	44	63	(3)
Occupation not reported	889	(4)	(5)	589		(5)	300	(4)	(5)	280	(4)	(5)

[1] 1960 census of population and housing.
[2] 1970 current population survey.
[3] Base less than 75,000.
[4] Occupations not reported were allocated.
[5] Not applicable.

Note on reliability of the data.—These figures are estimates derived from a sample survey of households and therefore, are subject to sampling variability. Moreover, as in all field surveys of income, the figures are subject to errors of response and nonreporting.

Source: Current population survey Bureau of the Census.

U.S. DEPARTMENT OF COMMERCE,
Washington, D.C., February 4, 1971.
Hon. ABRAHAM A. RIBICOFF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RIBICOFF: In response to a telephone request from Mr. Bowler, we are forwarding two tables showing the number of employed civilians 14 years old and over in April 1960 and March 1970 and median earnings in income years 1959 and 1969 (in 1969 constant dollars) for all employed civilians 14 years old and over, by nonfarm occupation groups and by residence in metropolitan areas, in or outside of central cities in metropolitan areas, and nonmetropolitan areas. The data for 1960 (and 1959 earnings) were obtained from the Census of Population and Housing while the data for 1970 (and 1969 earnings) were obtained from the March Current Population Survey. Consequently, these data may not be strictly comparable.

All of these figures are estimates derived from a sample survey of households, and are subject to sampling variability. Moreover, as in all field surveys of income, the figures are subject to errors of response and nonreporting.

Please let us know if we can be of any further assistance.

Sincerely,

GEORGE H. BROWN,
Director, Bureau of the Census.

EXHIBIT V

S. 1283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PURPOSES AND FINDINGS

SEC. 201. The Congress finds that:

(a) Minority group isolation in our public schools, regardless of the origin of such isolation, causes irreparable harm to the children of this Nation;

(b) Minority group isolation in the public schools of our Nation's metropolitan areas, where the majority of our children live, is increasing and intensifying;

(c) Minority group isolation in large part results from housing, zoning, education, and other economic, social, and political policies and decisions of government at all levels;

(d) The general welfare of this Nation requires the elimination of minority group isolation in public schools wherever and how it occurs; and

(e) This Nation must therefore commit its moral strength and financial resources to the achievement of this goal.

SEC. 202. It is the purpose of this Act—

(a) to require State and local educational agencies in metropolitan areas throughout this country to develop and implement plans which will reduce and eliminate minority group isolation in our public schools, whatever the cause of such isolation; and

(b) to provide financial assistance to assist State and local educational agencies to develop and implement such plans.

DEFINITIONS

SEC. 301. As used in this Act, except when otherwise specified—

(a) (1) The term "minority group children" means:

(A) children, aged five to nineteen, inclusive, who are Negro, American Indian, or Spanish-surnamed Americans; and

(B) as determined by the Secretary, children of such ages from environments where the dominant language is other than English and who, as a result of limited English-speaking ability, are educationally deprived.

(2) The term "Spanish-surnamed American" includes persons of Mexican, Puerto Rican, Cuban, or other Latin American or Spanish origin or ancestry.

(b) The term "racial separation" "minority group isolation" means a condition in which minority group children in a school constitute more than 50 per centum of the average daily enrollment of that school. The term "racially separated" "minority group isolated" refers to a school in which such condition of racial separation minority group isolation exists.

(c) The term "school" means those elementary and secondary public schools of a State which are located within a standard metropolitan statistical area (SMSA).

(d) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law for this purpose.

(e) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control, or direction of, public elementary or secondary schools in a district or other unit of the State, or a combination of such districts or other units and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school: *Provided*, That the term shall not refer to any such agency located outside an SMSA.

(f) The term "noncooperating local educational agency" means any local educational agency which refuses or has refused to participate in the preparation, submission, revision, or implementation of an acceptable plan as required by this Act.

(g) The term "cooperating local educational agency" means any local educational agency that has participated in the preparation, submission, revision, and implementation of an acceptable plan as required by this Act.

(h) The term "State" means any State in which there is an area defined as a standard metropolitan statistical area, and the District of Columbia.

(i) The term "Standard Metropolitan Statistical Area" or "SMSA" means the area in and around cities of fifty thousand inhabitants or more as defined by the Office of Management and Budget: *Provided*, That the term shall mean only that portion of any standard metropolitan statistical area which lies wholly within the boundaries of one State. Each portion of an SMSA in a different State shall be considered an independent SMSA for purposes of this Act.

(j) The term "Secretary" means the Secretary of Health, Education, and Welfare or his designee.

(k) The term "Federal educational funds" means Federal funds appropriated for grants, loans, contracts, or other financial assistance to a State educational agency, a local educational agency, an individual school, or to an individual in compensation for services rendered such organizations. This term shall not mean funds which go to individuals in the form of scholarship, fellowships, loans, cost-of-education payments, or other such assistance which is designed to further that individual's education, nor shall it mean funds which are to assist private, nonprofit organizations in the provision of education in pre-elementary and elementary situations.

THE PLAN

SEC. 401. Each State shall prepare and file with the Secretary for his approval, in accordance with regulations issued by him, a plan under which it will establish and supervise the operation in each SMSA of an SMSA agency to develop with the local educational agencies within the SMSA a plan to reduce minority group isolation in their schools: *Provided*, That, should any State refuse to comply with the provisions of this Act, the local educational agencies within an SMSA may then independently create or assume control of such an SMSA agency.

SEC. 402. The plan developed by each such SMSA agency shall—

(a) contain the proposals by which the local educational agencies within an SMSA agree to reduce minority racial separation group isolation in their schools;

(b) provide that by a date approved by the Secretary, but in no event later than July 1, 1983, the percentage of minority group children enrolled in each school of the SMSA shall be at least 50 per centum of the percentage of minority group children enrolled in all the schools of that SMSA;

(c) include the use of techniques, as appropriate in local circumstances, such as redrawing school boundaries, creating unified school districts, pairing schools or school districts, establishing educational parks and magnet schools as well as other techniques designed to end as soon as possible racial separation, minority group isolation in all schools within the SMSA;

(d) provide for the establishment of committees composed of local parents, teachers, and students, the members of such committees to be representative of the minoriy and majority population groups of the SMSA as a whole and the geographical areas within the SMSA, to advise the local education agencies and the SMSA agency, in open consultation including public hearings at which such persons have had a full opportunity to explore and discuss the program for which assistance is being sought and to offer recommendations thereon, regarding the development of the plan required by this Act and to report periodically to the Secretary on the extent of compliance with the requirements of this Act;

(e) set forth such policies and procedures as will insure that the program for which assistance is sought will be operated in consultation with, and the involvement of, parents of the children and representatives of the area to be served, including the committees established for the purposes of section 402(d);

(f) provide that in each year of operation of the plan, substantial progress toward fulfilling the requirements of this Act shall be made; and

(g) provide that State financial assistance to local educational agencies within each SMSA shall not be so calculated, based, rated, or fixed in any manner as to result in the condition that the per pupil contribution of the State to any racially separated minority group isolated school within the SMSA shall be less than per pupil contribution of the State to any nonracially separated nonminority group isolated school within the SMSA.

Sec. 403. (a) The plan required by section 402 must be submitted to and approved by the Secretary no later than July 1, 1973.

(b) The Secretary is authorized to promulgate and issue regulations regarding the time and manner of submission of such plans for his approval.

Sec. 404. In extreme and unusual cases should the Secretary determine that the size, shape, or population distribution of an SMSA would make inclusion of some parts of that SMSA in a plan unnecessary for fulfillment of the purposes of this Act or excessively disruptive of the educational process, he may exempt such parts from participation in the plan. Such exemptions shall be in writing, fully explained and justified, and freely available to the public and the committees established for the purposes of section 402(d).

Sec. 405. Each SMSA agency shall annually prepare and file in accordance with regulations issued by the Secretary a report setting forth the results achieved under the plan and any necessary amendments to the plan to correct any deficiency of the plan. The Secretary shall assure that the plan and any reports filed with the Secretary in accordance with this section shall be made readily available to the public and to the committees established for the purposes of section 402(d).

Sec. 406. The Secretary is directed to review annually the plan and the reports of each SMSA agency. If the Secretary finds that for any reason the purposes of this Act are not being effectuated by the plan and any amendments thereto he shall, after giving appropriate notice to all concerned parties, withdraw his approval of the plan and each local educational agency in question will be treated as a noncooperating local educational agency: *Provided*, That if within a period prescribed by the Secretary, but in no event exceeding one hundred and eighty days following the Secretary's withdrawal of approval, the local educational agencies through their SMSA agency submit a revised plan approved by the Secretary, the local educational agencies within the SMSA shall be entitled to receive all funds withheld during the period.

Sec. 407. (a) Because of its unique circumstances, the SMSA for the District of Columbia shall include for purposes of this Act Montgomery and Prince Georges Counties in Maryland, Arlington, Fairfax, and Prince William Counties in Virginia, and the cities of Falls Church and Alexandria in Virginia, notwithstanding the provisions of section 301(i) of this Act.

(b) A single plan shall be designed and submitted by all local educational agencies included in the District of Columbia SMSA: *Provided*, That the existence of noncooperating local educational agencies within this SMSA shall not affect the status of cooperating local educational agencies.

Sec. 408. No State or local educational agency shall formulate or administer its plan in a manner that will result in the separation of minority group children within a school or classroom.

FINANCIAL ASSISTANCE

Sec. 501. Planning Funds.—

(a) Within six months of the date of enactment of this Act, the Secretary shall notify each State and local educational agency within an SMSA of the requirements of this Act.

(b) The Secretary shall issue regulations establishing procedures and a timetable according to which SMSA agencies required to file a plan under this Act may apply for funds authorized to be appropriated by this Act.

(c) Upon application meeting the standards established by the Secretary, the Secretary shall grant to each SMSA agency funds for the development of a plan to reduce minority racial separation group isolation pursuant to the requirements of this Act, the amount of such funds being determined by the number of minority group students and the number of all students enrolled in schools in the SMSA.

Sec. 502. (a) Each year following the implementation of an approved plan, cooperating local educational agencies, through their SMSA agency, may submit to the Secretary applications for financial assistance.

(b) An application for assistance under this Act may be approved by the Secretary only if he determines that—

(1) such application—

(A) sets forth a plan which is sufficiently comprehensive to offer reasonable assurance that it will achieve one or more purposes for which grants may be made under this Act; and

(B) contains such other information, terms, conditions, and assurances as the Secretary may require to carry out the purposes of this Act;

(2) the applicant has adopted effective procedures for the continuing evaluation of programs or projects under this Act;

(3) the programs or projects for which assistance is sought will not result, and in the case of an ongoing program or project has not resulted, in an increase in the percentage of racial separation in any school;

(4) no part of the assistance provided under this Act shall be used to supplant funds, equipment, or services which are used to assist any private school. Should any funds provided under this Act be used for this purpose, or for any other purpose that the Secretary finds to be inconsistent with the purposes of this Act, the Secretary shall file suit in the United States District Court for the District of Columbia against either the school which received such funds or the State educational agency, or both, for restitution of the funds.

(c) Upon the submission and approval of such an application, the Secretary is authorized to provide a cooperating local educational agency with sufficient funds to meet its obligations under its approved plan.

(d) Funds provided under this section may be used for the following purposes or any other purposes the Secretary finds will promote an end to racial separation minority group isolation:

(1) establishing and constructing magnet schools or educational parks in locations chosen to reduce the degree of racial separation minority group isolation in the schools of the SMSA;

(2) providing additional staff members including paraprofessionals to provide guidance, counseling, and training to assist minority group children in adjusting to a nonracially separated nonminority group isolated school environment;

(3) providing counseling, retraining, and guidance for professional and other staff members who will be working with minority group children;

(4) developing and implementing interracial educational programs and projects involving the joint participation of minority group and nonminority group children attending different schools, including extracurricular activities and cooperative exchanges or other arrangements between schools within the same or different school districts;

(5) providing such additional transportation for children as may be necessitated by the plan developed pursuant to this Act: *Provided*, That in the review and approval of SMSA plans under this Act, the Secretary shall assure that any burden of transportation shall fall equitably on both minority and majority children;

(6) expanding or altering facilities to accommodate students transferred under the plan;

(7) community activities, including public education efforts, in support of the plans, programs, projects, or other activities developed pursuant to this Act;

(8) planning and evaluation activities and expenses of administration;

(9) work study programs to provide the financial assistance necessary for minority group children to complete their education; and

(10) other specially designed programs or projects which meet the purposes of this Act.

(e) No funds granted under this Act may be used to supplant State or local educational funds presently being expended by State, and local educational agencies.

(f) The Secretary shall issue regulations establishing procedures and a timetable according to which State and local educational agencies entitled to apply for financial assistance under this Act may apply to the Secretary for funds authorized to be appropriated by this section.

RESTRICTIONS ON FEDERAL FINANCIAL ASSISTANCE

Sec. 601. (a) No noncooperating local educational agency shall be entitled to receive any Federal educational funds: *Provided*, That the presence within an SMSA of a noncooperating local educational agency shall not affect the eligibility of cooperating local educational agencies in the SMSA to receive Federal educational funds.

(b) No State that fails to participate in the preparation, submission, revision, and implementation of any plan or plans required by this Act, and no State that continues to provide State funds or assistance after July 1, 1973, to any noncooperating local educational agency under section 401(a) shall be entitled to receive any Federal educational funds.

APPROPRIATIONS

SEC. 701. (a) For the fiscal years beginning July 1, 1971, and July 1, 1972, respectively, there is authorized to be appropriated $25,000,000 each year to be used by SMSA agencies to develop and promulgate the plan herein required to be filed.

SEC. 702. For the fiscal year beginning July 1, 1973, and for each of the nine fiscal years following, there is authorized to be appropriated $2,000,000,000 each year for purposes of carrying out this Act.

SEC. 703. Funds so appropriated shall remain available for obligation for one fiscal year beyond that for which they are appropriated.

JUDICIAL REVIEW

SEC. 801. (a) Any person affected by the enforcement or nonenforcement in the SMSA in which he resides of any provision of this Act may petition the Secretary for an expedited hearing of his complaint.

(b) Within sixty days of receiving such petition the Secretary shall hold a formal hearing to determine whether the provisions and purposes of this Act are being carried out in the cause raised by the petitioned Transcript shall be kept of the proceedings of the hearing.

(c) Within thirty days after the date of the hearing, the Secretary shall issue a decision in writing which sets forth his findings and appropriate orders.

(d) The Secretary's decision shall be reviewable, upon petition by the United States Court of Appeals for the District of Columbia Circuit. The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(e) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28.

LAWS REPEALED

SEC. 901. The following provisions of law are hereby repealed:

(a) Section 181 of the Elementary and Secondary Education Act Amendments of 1966.

(b) Section 422 of the Elementary and Secondary Education Act Amendments of 1970.

(c) Section 2 of the Elementary and Secondary Education Act Amendments of 1970.

(d) Sections 102(d) and 205(f) of the Demonstration Cities and Metropolitan Development Act of 1966.

(e) Section 401(b) of the Civil Rights Act of 1964.

EXHIBIT VI

URBAN EDUCATION ACT OF 1971 (S. 1283)—SECTION-BY-SECTION ANALYSIS

Sections 201 and 202: State that the purpose of this Act is to end minority group isolation in the public schools of our Nation's metropolitan areas regardless of the origin of such isolation.

Section 301: Provides definitions of terms used throughout the Act. The term "minority group children" includes Negro, American Indian, or Spanish-surnamed Americans, and, as determined by the Secretary, children from environments where the dominant language is other than English. "Minority group isolation" is a situation where minority group children in a school constitute more than 50% of the average daily enrollment of that school. "Standard Metropolitan Statistical Area" or "SMSA", as defined by the Office of Management and Budget, is the area in and around cities of 50,000 inhabitants or more.

Section 401: Requires each state to prepare and file an acceptable plan pursuant to which it will establish and supervise the operation of an SMSA agency, within each SMSA, to develop with local educational agencies a plan to reduce minority group isolation in their schools.

Section 402 (generally): Sets forth the requirements of the plan to be prepared.

Section 402(b): The plan must insure that, no later than July 1, 1983, the percentage of minority group children enrolled in each school of the SMSA shall be at least half the percentage of minority group children enrolled in all schools in the SMSA.

Section 402(c): As appropriate in local circumstances the plan must use such techniques as redrawing school boundaries, creating unified districts, and establishing magnet schools and educational parks so as to end minority group isolation in all schools within the SMSA.

Section 402(d): Local committees of parents, teachers, and students representative of minority and majority groups and the geographical areas within the SMSA must be established to advise the local education agencies and SMSA agency in open consultation regarding the development of the plan and must report periodically to the Secretary on the extent of compliance with the requirements of this Act.

Section 402(e): Provides that parents of the children and representatives of the areas must be consulted and involved in the operation of the proposed programs.

Section 402(f): Substantial progress toward the goal must be demonstrated in each year of operation of the plan.

Section 402(g): Per pupil contributions of the State to any minority-group isolated school shall not be less than per pupil contributions to non-minority group isolated schools.

Section 403: Requires submission of the plan and approval by the Secretary no later than July 1, 1973.

Section 404: Allows the Secretary in extreme and unusual cases to exempt portions of an SMSA from the plan where necessary because of the size, shape or population distribution of an SMSA.

Section 405: Each SMSA agency must file an annual report setting forth the results achieved under the plan. The Secretary must assure the ready availability of the plan to the public and the local committees.

Section 406: The Secretary must review each plan and report for each SMSA agency annually and require revised plans where necessary.

Section 407: Provides that the District of Columbia SMSA shall include those parts of the metropolitan areas lying in Virginia and Maryland.

Section 408: Prohibits the formulation or administration of a plan in any way that will result in separation of minority group children within a school or a classroom.

Section 501: Provides Federal funds for each SMSA agency for development of the plan required by this Act.

Section 502 (generally): Provides Federal financial assistance for implementation of an approved plan. No Federal funds are to be used to supplant funds, equipment, or services that are used to assist any private school. The Secretary is given power to file suit for restitution of any funds used for these purposes.

Section 502(d): Describe the purposes for which funds provided may be used including, among others, establishing and constructing magnet schools and educational parks, providing additional staff members, and the necessary counselling, retraining and guidance for those working with minority group children, furnishing transportation where necessary (provided that any burden of transportation shall fall equitably on both minority and majority group children) and expanding or altering facilities to accommodate students transferred.

Section 502(e): Prohibits the supplanting of State or local educational agency funds presently being expended.

Section 601: Any local educational agency in an SMSA refusing to cooperate in the formulation or implementation of a plan shall not be entitled to receive any Federal educational funds. Likewise, any State failing to participate in the preparation, submission, revision or implementation of any plan required by the act and any State continuing to provide State funds to any noncooperating local educational agency shall not be entitled to receive Federal educational funds. The presence within an SMSA of a noncooperating local educational agency does not affect the eligibility for Federal funds of the remaining cooperating local educational agencies.

Section 701: Provides $25 million for each of two years for SMSA's to develop and promulgate the plans required.

Sections 702 and 703: Authorizes $2 billion a year for each of ten years to implement the plans developed pursuant to this Act.

Section 801: Provides for expedited hearings by the Secretary for complaints concerning the enforcement or nonenforcement of provisions of this Act. Review of the Secretary's final decision lies with the United States Court of Appeals for the District of Columbia Circuit.

Section 901: Repeals those provisions of law which would interfere with the operation of this Act, particularly those forbidding the use of Federal funds to overcome racial imbalance.

EXHIBIT VII

S. 1282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PURPOSES AND FINDINGS

SEC. 201. The Congress finds that:

(a) Government facilities are increasingly located and relocating outside central cities in communities which have not made housing available for middle or lower income employees;

(b) the unavailability of middle or lower income housing in such communities compels many employees of Government facilities to commute long distances at considerable expenditure of time and money to acquire or retain employment;

(c) the growing separation of work sites from residence, especially for middle and lower income Government employees and government contractor employees, prevents the proper matching of jobs and workers in the Nation's metropolitan areas and contributes to the persistence of the manpower problems of central cities;

(d) a positive, affirmative program is necessary to provide middle and lower income employees of government facilities with the opportunity to purchase or rent decent and safe housing in suitable living environments, at rents and prices they can afford, in all communities in which such government facilities are located.

SEC. 202. It is the purpose of this Act:

(a) to require federal agencies and federal contractors to assure that an adequate supply of housing for middle and lower income employees will be available in any community in which a government facility is to be located.

(b) to provide financial assistance to communities to assist them in meeting the requirements of the Act.

DEFINITIONS

SEC. 301. As used in this Act, except where otherwise specified, the following terms shall bear the definitions provided:

(a) "Government agency" shall mean any federal government organization listed in the Government Organization Manual published by the General Services Administration or any unit of any state government receiving federal funds;

(b) "Government employee" shall mean any person employed by any Government agency;

(c) "Government facility" shall mean any building or complex of buildings occupied in whole or in part during working hours by more than twenty-five Government employees or any plant, factory, installation, office, or other place of business which houses, during working hours, more than 25 employees of a Federal contractor;

(d) "Federal contractor" shall mean any person, corporation, partnership or association with more than 50 employees which is a party, the parent company of a party, a subsidiary of a party, or a subsidiary of the parent company of a party, to any contract, or which is a subcontractor under a contract, with any unit of the Federal government which exceeds $50,000 in value;

(e) "Immediate area" shall mean any area which is within the corporate limits of the community in which a Government facility is located and which is within a reasonable commuting distance as defined by the Chairman;

(f) "Middle and lower income employee" shall mean any employee of any Government agency or federal contractor whose wages and salary are such that he is unable to buy or rent decent and safe housing in a suitable living environment in the immediate area with 25% or less of his monthly income;

(g) "Chairman" shall mean the Chairman of the Equal Employment Opportunity Commission or his designee;

(h) "Community" shall mean any political subdivision of a state;

(i) "Locate" shall mean to establish, construct, move from another location or make any addition or additions to any existing facility such that such additions or the sum of such additions results in increasing the work forces at that facility by 50 employees within any 365-day period, or in any other way create or directly cause to be created any facility meeting the requirements of Section 301(c);

(j) "Child" shall mean any young person who is within the age limits for which the applicable State provides free public education.

(k) "Parent" shall mean a legal guardian or other person standing in loco parentis.

(l) "Free public education" shall mean education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State.

(m) "Current expenditures" shall mean expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds granted under Title 20 U.S.C. Sections 241a to 241m or Sections 821 to 827 or 841 to 848.

(n) "Local educational agency" shall mean a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State. Such term includes any State agency which directly operates and maintains facilities for providing free public education.

(o) "State educational agency" shall mean the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

(p) "State" shall mean a State, Puerto Rico, Wake Island, Guam, the District of Columbia, American Samoa, or the Virgin Islands.

(q) "Commissioner of Education" and "Commissioner" shall mean the United States Commissioner of Education.

(r) Average daily attendance shall be determined in accordance with State law, except that the average daily attendance of children with respect to whom payment is to be made under Section 601(c)(1) shall be determined in accordance with regulations of the Commissioner.

(s) "Construction" shall include the preparation of drawings and specifications for school facilities; erecting, building, acquiring, altering, remodeling, improving, or extending school facilities; and the inspection and supervision of the construction of school facilities.

(t) "School facilities" shall mean classrooms and related facilities (including initial equipment) for free public education and interests in land (including site, grading improvements) on which such facilities are constructed, except that such term does not include those gymnasiums and similar facilities intended primarily for exhibitions for which admission is to be charged to the general public.

(u) "Equipment" shall mean machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as for the provision of educational services, including items such as instructional equipment and necessary furniture, printed, published, and audio-visual instructional materials, and books periodicals, documents and other related materials.

(v) The average per pupil cost of constructing minimum school facilities in the State in which the school district of a local educational agency is situated shall be determined by the Commissioner of Education on the basis of the contract cost per square foot under contracts for the construction of school facilities (exclusive of costs of site improvements, equipment, and architectural, engineering, and legal fees) entered into in the States for the second fiscal year preceding the year of the application, increased by a percentage estimated by the Commissioner to represent additional costs for site improvements, equipment, and architectural, engineering, and legal fees, and multiplied by a factor estimated by the Commissioner to represent the area needed per pupil in minimum school facilities. If the Commissioner finds that the information available for the State concerned for such second preceding fiscal year is inadequate or not sufficiently representative, he shall determine such cost on the basis of such information as he has available and after consultation with the State educational agency. The cost of construction minimum school facilities in the school district of a local educational agency shall be determined by the Commissioner, after consultation with the State and local educational agencies, on the basis of such information as may be contained in the application of such local educational agency and such other information as he may obtain.

(w) Whether or not school facilities are minimum school facilities shall be determined by the Commissioner, after consultation with the State and local educational agencies, in accordance with regulations prescribed by him. Such regulations shall (A) require the local educational agency concerned to give due consideration to excellence of architecture and design, (B) provide that no facility shall be disqualified as a minimum school facility because of the inclusion of works of art in the plans thereof if the cost of such works of art does not exceed 1 per centum of the cost of the project, and (C) require compliance with such standards as the Secretary of Health, Education and Welfare may prescribe or approve in order to insure that facilities constructed with the use of Federal funds under this Act shall be, to the extent appropriate in view of the uses to be made of the facilities, accessible to and usable by handicapped persons.

RESTRICTIONS ON THE LOCATION OF FEDERAL FACILITIES

SEC. 401. (a) After January 1, 1972, no government facility may be located in any community which has failed to develop an acceptable plan which provides, in the opinion of the Chairman, an adequate supply of housing for middle and lower income employees of the facility;

(b) Each government agency or Federal contractor shall, prior to initiating location procedures, require written assurance in the form of a plan that the relevant community will conform to the requirements of section 502;

(c) Should, after the acceptance of the plan by the Chairman, any community fail to comply with its approved plan, the Chairman shall bring suit in the U.S. District Court for the District of Columbia to secure an injunction to require such community to conform to its plan;

(d) Should any Federal contractor locate or expand any government facility in violation of the provisions of this section, the Chairman shall, after giving appropriate notice, terminate all Federal contracts held by such contractor: *Provided*, That the Secretary of a Department or Chief Executive Officer of an independent agency that holds a contract with a Federal contractor who locates a Federal facility in violation of this section may, subject to court review, veto the Chairman's termination of such contract, if he finds, on the basis of facts presented, that such a termination will seriously and substantially impede the mission of the Department or agency.

(e) The Chairman shall also prohibit the granting of any future Federal contracts with a noncomplying Federal contractor; and

(f) Should any State take action to locate a government facility in violation of the provisions of this Act, the Chairman shall after giving appropriate notice, order the suspension of all Federal assistance to the State agency that has jurisdiction over such facility until such time as the community has produced an acceptable plan as provided by sections 501–508 of this Act.

THE PLAN

SEC. 501. The plans required to be filed by section 401 of this Act shall conform to the requirements of this section.

SEC. 502. Each plan shall:

(a) Be embodied in a contract between the Federal Government, as represented by the Chairman, and the community in which the Government facility is to be located;

(b) Provide that at least one unit of middle and lower income housing is available in the community for every prospective middle and lower income employee of the local government agency or Federal contractor; such units shall meet the requirements of size, price, location, cleanliness, and habitability as set by the Chairman;

(c) Provide assurances that the community has taken the necessary steps to permit operation of all housing programs authorized under Federal housing legislation;

(d) Contain a timetable for provision of the housing units required by section (b) above, provided that at least one-half of such units shall be in existence within 6 months after the actual completion date of the government facility, with the remaining units to be in existence within 12 months after the completion date;

(e) In circumstances where a community does not file a plan or is found to be in noncompliance with an approved plan, and where compelling reasons exist for the government contractor facility to locate in that community as described in section 401(d), the Federal Government shall provide housing to meet the needs of current and potential middle and lower income employees; and

(f) Provide for sufficient community services to serve the new residents of the community.

Sec. 503. Should the Chairman determine that a change in the local situation, the size of the Government facility or other relevant factors necessitates a modification of the plan, he may approve such modifications, if they are proposed by the community or require a community to make necessary modifications: *Provided,* That such modifications do not impede the effectuation or achievement of the purposes of this Act.

Sec. 504. The Chairman shall reject any plan or modifications in any plan, if they fail to comply with the provisions of section 502 or if they would result in residential segregation of low- and moderate-income families within the community.

Sec. 505. Should the Chairman determine that, as a result of the size, location, and accessibility of two or more communities, it would facilitate implementation of the purposes of this Act for such communities to develop a joint plan, he may approve such a plan: *Provided,* That any such plan otherwise meets the requirements of this Act; *And provided further,* That each such community shall be jointly and severally liable for specific performance under section 401 (c) of this Act.

Sec. 506. Each Government agency and Federal contractor shall report annually to the Chairman the number of low- and moderate-income employees employed at each Government facility, the availability of housing for such employees, and such other information as the Chairman may require.

Sec. 507. With respect to communities whose plans are approved pursuant to section 401, the Chairman shall prepare with the cooperation of the Secretary of Housing and Urban Development a report to the Congress describing the funds needed for existing Federal programs which the Chairman deems necessary for the successful implementation of the approved plan.

Sec. 508. Each Government agency and Federal contractor shall designate one person who shall act as liaison with the Chairman. This person shall serve as Chairman of an advisory committee on housing established by the Government agency or contractor. At least one-third of the membership of this committee shall consist of low- and moderate-income employees. It shall be the function of this committee to channel employee needs and preferences to those persons responsible for the location of the facility.

SECTION 601 FINANCIAL ASSISTANCE

Section 601 (a) Each community that files a plan under this Act may also file an application with the Chairman for financial assistance under Section 601(b). The local education agency which administers the community's schools may file an application for financial assistance under Section 601(c) with the Commissioner of Education through its State educational agency.

Section 601(b) Upon application meeting the standards established by the Chairman, the Chairman shall grant to each community an amount not to exceed $100,000 to reimburse such community for the expense of developing a Plan to conform to the requirements of this Act;

Section 601 (c)

(1) The Commissioner of Education shall pay to the local educational agency in each community in which moderate and lower income housing has been constructed pursuant to this Act a sum to be computed by him in consultation with the State educational agency and the local educational agency, in the following manner—

(A) he shall first determine the number of children living in moderate and lower income housing constructed pursuant to this Act for whom the community provided free public education during fiscal year for which the computation is being made;

(B) he shall next determine the contribution derived exclusively from local sources which the local educational agency made to the cost of educating the community's school-age population during the second fiscal year preceding the date for which he is making the computation;

(C) he shall then divide that aggregate expenditure by the aggregate number of children in average daily attendance in the community's free public schools during such second preceding fiscal year;

(D) finally, he shall multiply the figure determined in (A) by the figure determined in (C) and divide in two.

In those instances in which a local educational agency does not make a contribution derived from local sources or in which the local contribution is below the national average per child contribution, the national average per child contribution for the second preceding fiscal year will be considered the figure in (C) for the purposes of the calculation in this subsection.

(2) Whenever the Commissioner determines that—

(A) a local educational agency has made preparations to provide during a fiscal year free public education for a certain number of children to whom subsection (1)(A) of this section applies;

(B) such preparations were in his judgment reasonable in the light of the information available to such agency at the time such preparations were made; and

(C) such number has been substantially reduced by reason of a decrease in or cessation of activities at the Government facility, or by reason of a failure of any of such activities to occur,

the amount to which such agency is otherwise entitled under this section for such year shall be increased to the amount to which, in the judgment of the Commissioner, such agency would have been entitled but for such decrease in or cessation of federal activities or the failure of such activities to occur, minus any reduction in current expenditures for such year which the Commissioner determines that such agency has effected, or reasonably should have effected, by reason of such decrease in or cessation of activities or the failure of such activities to occur.

(3)(A) No local educational agency shall be entitled to any payment under section 601(c) of this Act for any fiscal year except upon application therefor, submitted through the State educational agency, and filed in accordance with regulations of the Commissioner, which application gives adequate assurance that the local educational agency will submit such reports as the Commissioner may reasonably require to determine the amount to which such agency is entitled under this subsection.

(B) The Commissioner shall from time to time pay to each local educational agency, in advance or otherwise, the amount which such agency is entitled to receive under this subsection. Such payments shall be made through the disbursing facilities of the Department of the Treasury and prior to audit or settlement by the General Accounting office.

(C)(i) The amount which a local educational agency in a State is otherwise entitled to receive under this subsection for any fiscal year shall be reduced in the same proportion (if any) that the State has reduced for that year its aggregate expenditures (from non-Federal sources) per pupil for current expenditure purposes for free public education (as determined pursuant to regulations of the Commissioner) below the level of such expenditures per pupil in the second preceding fiscal year. The Commissioner may waive or reduce this reduction whenever in his judgment exceptional circumstances exist which would make its application inequitable and would defeat the purpose of this subsection.

(ii) No payments may be made during any fiscal year to any local educational agency in any State which has taken into consideration payments under this subsection in determining eligibility of any local educational agency in that State for State aid (as defined by regulation), or the amount of that aid, with respect to free public education during that year or the preceding fiscal year, or which makes such aid available to local educational agencies in such a manner as to result in less State aid to any local educational agency which is eligible for payments under this subsection than such local educational agency would receive if it were not so eligible.

(iii) No payments may be made under this subsection unless the local educational agency is, in the judgment of the Commissioner, making a reasonable tax effort and exercising due diligence in availing itself of State and other financial assistance.

Section 601(d)

(1) Where the increase in a community's school-age population brought about by the construction of housing pursuant to this Act necessitates the construction of minimum school facilities to house such children, the Commissioner of Education shall pay the local educational agency a sum to be computed in the following manner—

(A) he shall determine the number of children living in moderate and lower income housing constructed pursuant to this Act for whom the community provides free public education and who will be without adequate school facilities unless new facilities are constructed;

(B) he shall determine the average per pupil cost of constructing minimum school facilities in the State in the manner set forth in Section 301(v) of this Act.

(C) he shall multiply the figure determined in (A) by the figure determined in (B) and divide by two.

The Commissioner will not pay the local educational agency any sum for the construction of minimum school facilities if the figure determined in (A) is twenty or less.

(2)(A) No payment may be made to any local educational agency under this subsection except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Commissioner in accordance with regulations prescribed by him.

(B) Each application by a local educational agency shall set forth the project for the construction of school facilities for such agency with respect to which it is filed, and shall contain or be supported by—

(i) a description of the project and the site therefor, preliminary drawings of the school facilities to be constructed thereon, and such other information relating to the project as may reasonably be required by the Commissioner;

(ii) assurance that such agency has or will have title to the site, or the right to construct upon such site school facilities as specified in the application and to maintain such school facilities on such site for a period of not less than twenty years after the completion of the construction;

(iii) assurance that such agency has legal authority to undertake the construction of the project and to finance any non-Federal share of the cost thereof as proposed, and assurance that adequate funds to defray any such non-Federal share will be available when needed;

(iv) assurance that such agency will cause work on the project to be commenced within a reasonable time and prosecuted to completion with reasonable diligence;

(v) assurance that the rates of pay for laborers and mechanics engaged in the construction will be not less than the prevailing local wage rates for similar work as determined in accordance with sections 276a to 276a–5 of title 40;

(vi) assurance that the school facilities of such agency will be available to the children for whose education contributions are provided in this subsection on the same terms, in accordance with the laws of the State in which the school district of such agency is situated, as they are available to other children in such school district; and

(vii) assurance that such agency will from time to time prior to the completion of the project submit such reports relating to the project as the Commissioner may reasonably require.

(3) Upon approving the application of any local educational agency under subsection (d)(2)(A) of this Act, the Commissioner shall pay to such agency an amount equal to 10 per centum of the Federal share of the cost of the project. After final drawings and specifications have been approved by the Commissioner and the construction contract has been entered into, the Commissioner shall, in accordance with regulations prescribed by him, and at such times and in such installments as may be reasonable, pay to such agency the remainder of the Federal share of the cost of the project.

(4) Whenever the Commissioner, after reasonable notice and opportunity for hearing to a local educational agency, finds (A) that there is a substantial failure to comply with the drawings and specifications for the project, (B) that any funds paid to a local educational agency under this subsection have been diverted from the purposes for which paid, or (C) that any assurance given in an application is not being or cannot be carried out, the Commissioner may forthwith notify such agency that no further payment will be made under this chapter with respect to such agency until there is no longer any failure to comply or the diversion or default has been corrected, or, if compliance or correction is impossible, until such agency repays or arranges for the repayment of Federal moneys which have been diverted or improperly expended.

SEC. 601(e) (1) In the administration of subsections (c) and (d) of this section, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the personnel, curriculum, or program of instruction of any school or school system of any local or State educational agency.

(2) The Commissioner of Education shall administer subsections (c) and (d) of this section, and he may make such regulations and perform such other functions as he finds necessary to carry out the provisions of this chapter.

(3) The Commissioner may delegate to any officer or employee of the Office of Education any of his functions under subsections (c) and (d) of this section, except the making of regulations. In carrying out his functions under subsections (c) and (d), the Commissioner of Education may also utilize the facilities and services of any other federal department or agency and may delegate the performance of any of his functions except the making of regulations, to any officer or employee of any other Federal department or agency.

APPROPRIATIONS

SEC. 701. (a) For the fiscal year beginning July 1, 1971 and for the four fiscal years thereafter there are authorized to be appropriated sufficient funds to allow the Chairman to fulfill the requirements of Sections 601 (b) and (c). (b) Funds or a part of the funds so appropriated which are not allotted because a community or several communities have failed to file a Plan or Plans may be granted by the Chairman to communities upon a special, compelling showing of need by the community.

SEC. 702. Funds appropriated shall remain available for obligation for one fiscal year beyond that for which they are appropriated.

SEC. 703. In each fiscal year, sufficient funds shall be appropriated for the Equal Employment Opportunity Commission to cover costs of administering this Act.

EXHIBIT VIII

GOVERNMENT FACILITIES LOCATION ACT OF 1971 (S. 1282)—SECTION-BY-SECTION ANALYSIS

Sections 201 and 202: State that the increasing concentration of Government facilities in suburban areas has placed many jobs beyond the reach of low- and middle-income inner city residents for whom housing is presently unavailable in these suburbs. The Act's purpose therefore is to require Federal agencies, Federal contractors and State governments to insure that adequate housing is available wherever they locate or expand their facilities.

Section 301: Contains definitions. The term "Government facility" includes any State or Federal building or buildings in which 25 or more government employees work or a facility of a Federal contractor in which more than 25 employees work. A "Low- and Middle-income employee" is a person whose wages and salary are insufficient to allow him to buy or rent decent housing in the immediate area of his place of work with 25% of his monthly income.

Section 401: Provides that no Government facility may be located in a community which has failed to develop an acceptable plan to provide adequate housing in the immediate area of the facility for prospective low- and middle-income employees. If a contractor locates or expands a Government facility in violation of this Act, the Chairman of the Equal Employment Opportunity Commission (EEOC) is given the power to terminate all Federal contracts held by such contractor unless the agency involved certifies that such termination will seriously and substantially impede the mission of the Department or agency. Likewise, any State agency that locates a facility in violation of this Act may have its Federal assistance terminated until compliance is achieved.

Sections 501 and 502: Describe the plan which each community must file providing at least one unit of decent housing, either vacant or to be built, for every prospective low- and middle-income employee of the locating government agency or Federal contractor. A minimum of one-half of such units shall be in existence within 6 months after the completion date of the government facility, with the remaining units to be in existence within 12 months after the completion date.

Section 503: Gives the Chairman of the EEOC authority to require and approve modifications of any plan where necessary to meet the purposes of this Act.

Section 504: Requires the Chairman of the EEOC to reject a plan or modifications of a plan if it fails to meet the requirements of this Act or would result in residential segregation of low- and moderate-income families within the community.

Section 505: Gives the Chairman of the EEOC authority to approve a joint plan filed by two or more communities, if it otherwise meets the requirements of the Act.

Section 506: Requires each government agency and Federal contractor to report annually to the Chairman of the EEOC the number of low- and middle-income employees employed at each government facility, the availability of housing for such employees and such other information that the Chairman may require.

Section 507: Requires the Chairman, with the Secretary of Housing and Urban Development, to report to the Congress the funds needed under existing programs to successfully implement this Act.

Section 508: Provides that each government agency and Federal contractor shall establish a liaison with the Chairman of the EEOC. This liaison shall also serve as chairman of an advisory committee on housing established by the government agency or contractor.

Section 601: Provides that each community filing a plan under this Act may also file for financial assistance. Up to $100,000 will be available to develop the required plan. The Commissioner of Education shall compute the per pupil cost the influx of low- and middle-income families will have on the local educational authority and shall pay this amount to such authority.

Sections 701, 702, and 703: Provide for the appropriation of sufficient funds to allow the Chairman to meet the requirements of this Act.

EXHIBIT IX

QUESTIONS AND ANSWERS RELATING TO BILLS

Question. How does your education bill relate to the Administration's proposed Emergency School Aid Act of 1971?

Answer. The President's bill primarily provides assistance only to those school systems proceeding under court-ordered desegregation. This, by definition, focuses primarily on the South and single school districts. The President's bill does not confront directly the problem of de facto segregation on a metropolitan basis.

Question. How does your education bill relate to the cases presently before the United States Supreme Court?

Answer. There is no way to predict how the Supreme Court will decide these cases. Even if the cases are used to attack de facto segregation, it will only be within individual school districts, not throughout metropolitan areas.

Question. Isn't the basis of the problem of educational segregation to be found in residential housing patterns?

Answer. That's exactly what I argued months ago on the floor of the Senate. We can't consider problems of educational segregation apart from problems of residential segregation. That's why I am re-introducing my bill designed to assist suburbs in providing low-income housing.

Question. Isn't your Government Facilities Relocation bill simply a means of "forced integration"?

Answer. No. All it does is say that if a community wants to reap the benefits of a government facility or contractor locating within its jurisdiction, it must provide housing for workers associated with that facility.

Question. Won't it be expensive for a town to draw up the elaborate plans which might be needed to meet the requirements of your housing bill?

Answer. No. Any town wishing to accept a facility is eligible for a planning grant of up to $100,000.

Question. Towns complying with your housing bill may face an influx of school children from low- and middle-income families who do not contribute their fair share to the local school system. Won't this lower the quality of education offered all the children of the community?

Answer. In order to insure a continuation of existing standards in the local school system, the Commissioner of Education will be authorized to compute the per pupil cost of such children to the system and reimburse it for additional expenses it might incur.

Question. How will the affected communities finance the additional low- and middle-income housing units required by your bill?

Answer. Housing programs already exist to provide assistance. In fact, such a requirement should serve as a stimulant to the housing market.

Question. Won't you simply create instant ghettoes in the suburbs?

Answer. No. The persons affected by the Act will be fully employed, the house to be built will have to pass strict quality standards, and no plan will be acceptable if it results in economic or racial segregation.

Question. Won't your bills encourage migration outside SMSA's?

Answer. Almost 70% of the population already live within SMSA's. It would be difficult for large numbers of them to move far enough away to be beyond an SMSA and still within reach of their jobs. Moreover, the percentages of minority groups involved in integration are not large enough to generate the threat of white flight that presently exists within our central cities. Public opinion polls have demonstrated that most Americans support integration in their neighborhoods as long as it is within manageable proportions.

Question. Don't many black leaders today believe integration is irrelevant if not actually undesirable?

Answer. Yes. And a lot of whites could not be more pleased with that development. In many ways it is a result of the failure of the white community to do any more than talk about the importance of integration. Nonetheless, the majority of blacks in this country still seek and desire integration and the purpose of my bills for integrating housing as well as education is to provide them with that opportunity.

Question. Isn't your education legislation just a thinly disguished bussing bill?

Answer. No. Bussing is one technique which local districts in an SMSA might choose to employ, but there is no requirement that they do so. In many situations, substantial integration can be achieved with little or no significant transportation above that now being undertaken. Ultimately, no bill relying totally on bussing will succeed. Only by integrating neighborhoods as we integrate our schools will we be able to end racial isolation in this country.

Question. Why was a ten-year period chosen for achieving school integration?

Answer. That is only to be a maximum period. Some districts can meet the requirements in a lesser period of time. However, it is important to look at this problem realistically and not naively expect that we can change patterns of housing and education on a metropolitan basis overnight or even in two years. If we can achieve the goals of my bills within ten years, we will have made a major move away from the development of two separate societies.

Question. How and why did you choose a goal requiring each school in the metropolitan area to have a percentage of minority-group students that is at least one-half of the percentage of the minority-group school population in the metropolitan area as a whole?

Answer. As my legislation makes clear, the percentage requirements at the end of a ten year period are simply minimums. In most SMSA's the requirement will be between 10 and 15 percent of the school population and, therefore, will generally reflect the percentage of minority group persons in the population as a whole.

Question. How will your school bill affect the growth and development of private schools?

Answer. It is hard to predict the impact of my bill on the development of private schools. The percentage of blacks moving into suburban schools will be small enough, and over such a long enough period of time, that few whites will feel so threatened that they will incur the large expense of placing their children in private schools.

Question. Your education bill says that no state which continues to provide state funds to a noncooperating local educational agency shall be entitled to receive federal educational funds. Does this mean that an entire state will lose federal funds if it continues to aid just one noncooperating agency? If so, do you believe that this will penalize more children than it will benefit?

Answer. I agree that it would be unwise to cut off all Federal funds to all local school districts simply because one school district does not cooperate. My bill specifically provides that cooperating local educational agencies are to continue to receive state and local funds even if there is a noncooperating educational agency in their SMSA. However, the states, themselves, receive Federal funds for state-wide activities as distinguished from Federal funds channeled through the states to specific local educational agencies. These funds would be cut off if a state continued to provide state funds to a noncooperating local educational agency. The political realities are such that local pressures will generally result in state cutoffs of funds to noncooperating agencies rather than rejection of Federal funding for state-wide programs.

Q. Nonetheless, won't many suburban school districts simply decide to do without federal aid rather than comply with the requirements of your education act.

Answer. The act will also cut off federal educational funds for any state that continues to supply state funds to a noncooperating school district. Therefore, a suburban school district will have to do without both state and federal funds if it does not want to follow the requirements of this act. Not many will be able to do that.

Question. Won't there still be a possibility of all black central city schools?

Answer. Yes, but it is my hope that the development of new school construction and imaginative educational programs in the central city will alleviate much of this problem by attracting white students in the city. Moreover, the impetus behind much of the so-called "white flight" to the suburbs will fade away once it becomes clear that the racial situation is stabilizing and the suburbs are not a white sanctuary.

Question. What about the District of Columbia?

Answer. The District must receive separate treatment, since all of its suburbs are in other states. This my education bill does.

Question. Aren't some metropolitan areas so large or irregularly shaped that difficulties will be encountered in developing a school plan.

Answer. The bill gives the Secretary of HEW discretion to take such unusual factors into consideration.

Question. What about metropolitan areas that cross state lines?

Answer. My bill provides that each portion of a metropolitan area within a state would be treated separately for purposes of the education act. This does not present a problem since in all cases there are blacks and whites on both sides of the state lines.

Question If the focus is on large metropolitan areas what say will local residents have in the development of their school integration plan and its implementation?

Answer. My bill requires that any plan submitted for approval must provide for establishment of multiracial committees composed of local parents and students who are representative geographically and racially of the population for the SMSA as a whole. Open hearings must be held and full opportunity for discussion and exploration of the issues must be guaranteed. Provisions must be made for the continuing involvement of these committees during implementation of the plan. In addition, the bill requires the Secretary to assure that all plans and progress reports are made freely available to the public and to the multiracial committees in each SMSA.

Question. What do you think the chances are for your bills?

Answer. Still as tough as they were last November. Many will shy away from them. Nonetheless, I think it is important to refocus our attention not only beyond the South, but also beyond central city schools. We won't begin to solve these problems until we look at the problems of education and housing in the North and South on a metropolitan basis. I think this approach will find supporters in the Senate.

ADDITIONAL COSPONSORS OF BILLS, JOINT RESOLUTIONS, AND CONCURRENT RESOLUTIONS

S. 23

At the request of Mr. SCHWEIKER, the Senator from Ohio (Mr. TAFT) was added as a cosponsor of S. 23, the Ethnic Heritage Studies Centers Act of 1971.

S. 41

At the request of Mr. DOLE, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 41, to establish a national information and resource center for the handicapped.

S. 78—TO PROHIBIT THE HUNTING OF WILDLIFE FROM AIRCRAFT

Mr. NELSON. Mr. President, on January 26, 1971, I reintroduced in the Senate legislation designed to prohibit the hunting of wildlife from an airplane.

This measure, S. 78, would amend the Fish and Wildlife Act of 1956 by providing a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft.

Legislation on this subject was first introduced by myself and others in December of 1969. These proposals aimed at putting an end to a cruel practice that currently threatens the very existence of the North American wolf, and endangers the future of many other animals. An NBC documentary film, "The Wolf Men," shown in November of 1969, portrayed the cruelty that is passing for "sport" in aerial hunting, and resulted in a wave of public indignation calling for a cessation of this callous disregard for the fragile balance in wild animal life.

After hearings were held in March of last year by the Subcommittee on Fisheries and Wildlife Conservation of the House Committee on Merchant Marine and Fisheries, the House of Representatives passed unanimously on December 7, 1971, H.R. 15188, a bill to prohibit aerial hunting. Unfortunately, however, this measure did receive final approval in the Senate before the conclusion of the 91st Congress on January 2, 1971.

This measure, S. 78, is identical to the one passed by the House in December of last year. The bill has been reintroduced in the House as H.R. 5060 by Representatives SAYLOR and OBEY, with 20 cosponsors.

Mr. President, I have earlier announced that the Senator from California (Mr. CRANSTON), the Senator from Oregon (Mr. PACKWOOD), and the Senator from New Hampshire (Mr. McINTYRE) have asked to cosponsor S. 78.

Fourteen additional Senators have added their support to this measure, and at this point I ask unanimous consent that the Senator from Tennessee (Mr. BAKER), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from New Jersey (Mr. CASE), the Senator from Florida (Mr. GURNEY), the Senator from Minnesota (Mr. MONDALE), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mr. EAGLETON), the Senator from Rhode Island (Mr. PELL), the Senator from New York (Mr. JAVITS), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Hawaii (Mr. INOUYE) be added as cosponsors of S. 78, a bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. NELSON. Mr. President, the threat which aerial hunting poses to this Nation's vanishing wildlife continues to be an urgent matter. I hope that the Senate will move toward passage of this measure at an early date.

S. 391

At the request of Mr. HATFIELD, the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. BAYH), the Senator from Illinois (Mr. STEVENSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Maryland (Mr. BEALL) were added as cosponsors of S. 391, to amend section 306 of the Consolidated Farmers Home Administration Act to increase the aggregate annual limit on grants for water and waste facilities constructed to serve rural areas and to increase the aggregate annual limit on grants for plans for the development of such facilities.

Mr. BEALL. Mr. President, I am pleased to join Senator HATFIELD as a cosponsor of S. 391, a bill designed to respond to the dire need for adequate sewers in rural communities of the country.

At present the Consolidated Farmers Home Administration Act authorizes both loans and development grants for the construction of water and waste disposal facilities. It also authorizes grants for the preparation of comprehensive rural area water and sewer plans. The existing authorization is $100 million per year for development grants and $15 million per year for comprehensive planning grants. S. 391 would double these limits, raising them to $200 million and $30 million respectively.

Mr. President, there is little question that there exists a great need in rural America for adequate sewers. As of January 31, 1971, the Farmers Home Administration had 2,680 applications for loans for water and waste disposal systems representing a total cost of approximately $500 million. They also had on hand 1,309 applications for grant funds representing requests of approximately $104 million. Over the past 3 years, the Farmers Home Administration has had to turn down 7,300 loans and grant applications totaling $1.2 billion, because of lack of funds.

These applications do not tell the full story of the need of rural America. I am certain that the turning down of over 7,300 loans and grants has probably deterred others from even applying. One has to remember that many of these communities have had little or no experience in "Federal grantsmanship" and do not have the staff to put together the necessary papers.

The Farmers Home Administration in 1969 conducted a survey to determine the need for rural water and sewage disposals in rural America. The survey showed that there were 17,476 communities which need a complete water system and 14,207 which need improvements in existing systems. The survey further found that 23,356 need a complete sewage system and 6,823 communities need improvements to existing systems. The survey revealed funds in excess of $11 billion would be required to meet these needs of rural America.

In my own State of Maryland, the national survey identified 831 Maryland communities either without sewer or water systems or with systems in need of improvements.

The survey clearly documents the great need that exists in rural America for sewage facilities and the magnitude of the funds necessary. Last year Congress enacted Public Law 91–617, the effect of which is to make insured loans to public bodies issuing tax exemptions obligations. As a result it is expected that a demand for loans, for which there is no authorization ceiling, will increase. Because many communities simply cannot move ahead without some grant assistance, there is a close relationship between the loan and the grant authority. It is important that Congress provide adequate grant authority so that the packaging of loans and grants to meet the needs of each community can continue.

Mr. President, as a member of the Senate Public Works Subcommittee on Air and Water Pollution, I am concerned about the lack of sewer facilities in rural America for environmental reasons. I am also concerned because as a Member of the Public Works Subcommittee on Economic Development, I am aware that the renewal of rural America depends on many factors. An important factor is the adequacy of sewer and water facilities. There is no question that many of the problems of urban America have their roots in problems of rural America. Since World War II, a great exodus in America from rural to urban America has occurred until 73.5 percent of our citizens now live in urban areas containing less than 1.2 percent of our land. Obviously there are many factors which work to produce this mass migration. Certainly the poor conditions and limited opportunities often found in rural America has pushed people to the cities in search of great opportunities and better conditions. By this process rural America in many cases has been stripped of its younger and better trained and educated citizens. The tax base of the communities was thereby diminished.

Mr. President, the point I am making is the problem of urban and rural America cannot be viewed in isolation. It behooves us as a nation to take a close look at rural America for its revitalization has the potential of not only improving the conditions of rural America but also of alleviating the problems of the Nation's metropolitan areas. It also costs more on a per capita basis for large metropolitan areas. Mr. Louis Cassels in a recent UPI story had this to say:

> Also, there has been an increasing concentration of people in Urban areas. This is significant, according to Urbanologist L. L. Ecker-Racz, because government "is obligated to do more things" for city-dwellers than for people who live in town and country, and each government service costs more. The bigger a city gets, the more it has to spend per capita to provide police and fire protection sanitation and health services, and transportation facilities.

I am aware that this bill addresses only one part of the problems of rural America and that we must approach the development of rural America from many angles. Certainly health, housing, education, manpower, transportation, and industrial development are other important components of rural renewal. I look forward to working on proposals in these areas also.

Mr. President, I ask unanimous consent that a chart showing Maryland communities that have received assistance under the Farmers Home Administration Act, those communities where funds have been obligated but agreement still waiting to be closed, and those communities who have applications on hand waiting to be funded, be printed at this point in the RECORD.

Mr. President, I also ask unanimous consent that my press release on this subject be printed in the RECORD.

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

The Maryland communities that have received assistance are as follows:

Community	Loan	Grant
Kennedyville	$50, 140	$43, 260
Bedford Road	542, 000	358, 900
Poolesville	37, 250	
Rumbly—Frenchtown	53, 900	50, 700
Indian Head	147, 150	
Grellin	11, 500	
Sharpsburg	300, 000	173, 000
Cecilton	300, 000	141, 000
Chesapeake Beach	482, 770	282, 660
Cresaptown	24, 000	39, 990
Betterton	424, 000	30, 000
Fairlee	206, 860	136, 000
Grahamtown—Wrights Crossing	40, 000	18, 000
Contennial Hill	40, 000	5, 500
Eckhart Mines—Clarysville	40, 000	26, 500
Secretary	75, 000	154, 000

Community	Loan	Grant
Communities with funds obligated waiting to be closed:		
Walkersville	324,100	200,000
Port Deposit	174,350	----------
Rock Hall	547,000	----------
Prince Frederick	226,600	27,600
Fruitland	665,000	200,000
Selbyville	508,000	300,000
Georgetown	190,000	81,300
Rawlings	130,000	35,000
Clayton	3,300	8,100
Mount Airy	----------	100,000
Oakland	96,000	10,000
Sudlersville	340,400	389,900
Queenstown	50,000	234,200
Newark	173,820	95,000
Applications on hand waiting to be funded:		
Mount Airy	850,200	----------
Prince Frederick	501,600	141,250
Allegany County Commissioners	27,500	27,500
La Plata	50,000	25,000
Worton	335,600	217,500
La Vale Sanitary District	185,000	185,000
Clayton	20,000	15,000
Saint Michaels	48,000	----------
Thurmont	250,000	----------
Accident	134,000	333,000
Clear Spring	245,000	194,000
Willards	662,300	294,300
Rock Hall	984,900	639,100
Chesapeake Beach	103,000	----------
Bedford Road	202,100	187,900
Chesapeake Beach	361,000	296,000
Bowling Green	395,000	367,500
Wills Creek	465,100	315,500
Jennings Run	339,900	320,700
Princess Anne	160,000	160,000

Senator Beall Sponsors Bill To Combat Water Pollution

Senator J. Glenn Beall, Jr. (R-Md), disturbed by the growing gap between demonstrated need and available funds for small town water and sewer systems in Maryland, has announced he will cosponsor a Senate bill to double existing authorizations for the Farmers Home Administration's sewer grants program.

Senator Beall said he had learned that the present authorization for the agency, one of three federal agencies funding water and sewer projects in towns of fewer than 5,500 people, may leave at least 20 Maryland towns "gasping for federal water and sewer funds."

The Republican member of the Public Works Committee added, "It just seems the height of incongruity to me that we can move so boldly and properly against so many forms of pollution, yet continue to underfund this program—thereby allowing literally thousands of small towns in this country to dump raw and undertreated wastes into our creeks and streams."

In a just completed special study, conducted for Senator Beall by the Farmers Home Administration, 821 towns in Maryland were found to either be without water and sewer systems altogether or with systems in need of immediate improvement. The Senator had requested the investigation after noting in a 1969 report the agency had certified 23,350 communities across the nation to be in need of complete sewer systems. An additional 6,823 communities were shown to need improvements to existing systems. The agency estimated it would take at least $11 billion "to 'water and sewer' all these towns."

The Maryland Senator will join Senator Mark Hatfield (R-Ore) in sponsoring the bill which will raise the Farmers Home Administration sewer grant program from $115 million to $230 million.

Senator Beall revealed applications pending in the agency awaiting federal funding for the 20 Maryland towns totalled "over $10 million. Of that, $3.7 million is in outright grant requests with the remainder in federal loans."

Although the funding of the projects is not directly tied to the doubling of the authorization, Senator Beall said, "It will certainly ease the situation and brighten funding prospects."

The Senator mentioned another 14 towns with project applications totalling over $4 million "have been fortunate enough to have funds recently obligated to them under the existing authorization."

S. 422

At the request of Mr. Metcalf, his name was added as a cosponsor of S. 422, a bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes.

S. 646

At the request of Mr. McClellan, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 646, a bill to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound records.

S. 718

At the request of Mr. Roth, the Senator from New York (Mr. Buckley) was added as a cosponsor of S. 718, to create a catalog of Federal assistance programs.

S. 882, 883

At the request of Mr. Williams, the Senator from Minnesota (Mr. Mondale), the Senator from Wisconsin (Mr. Nelson), and the Senator from Rhode Island (Mr. Pell), were added as cosponsors of S. 882, a bill authorizing payment under Medicare for services performed by a household aide; and the Senator from Hawaii (Mr. Fong), the Senator from Iowa (Mr. Miller) and the Senator from Rhode Island (Mr. Pell), were added as cosponsors of S. 883, a bill to establish an Institute on Retirement Income;

S. 923

At the request of Mr. Williams, the Senator from Massachusetts (Mr. Brooke) and the Senator from Rhode Island (Mr. Pell) were added as cosponsors of S. 923, to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes.

S. 934 AND S. 935

At the request of Mr. Williams, the Senator from Oklahoma (Mr. Harris) and the Senator from Minnesota (Mr. Humphrey) were added as cosponsors of S. 934, the Health Professions Educational Assistance Amendments of 1971; and S. 935, the Physicians Manpower Support and Services Act of 1971.

S. 987

At the request of Mr. Hansen, the Senator from Colorado (Mr. Dominick) and the Senator from Idaho (Mr. Jordan) were added as cosponsors of S. 987, to amend the Social Security Act to provide medical and hospital care through allowance of tax credits.

S. 988

At the request of Mr. Proxmire, the Senator from Minnesota (Mr. Mondale) was added as a cosponsor of S. 988, the imitation dairy products labeling bill.

S. 1018

At the request of Mr. Church, the Senator from Idaho (Mr. Jordan), the Senator from Wyoming (Mr. Hansen), the Senator from Wyoming (Mr. McGee), and the Senator from South Dakota (Mr. McGovern) were added as cosponsors of S. 1018, a bill to require Railpax to provide service to one major population area in each of the contiguous 48 States.

S. 1037

At the request of Mr. Williams, the Senator from Wisconsin (Mr. Nelson) was added as a cosponsor of S. 1037, the adult education bill.

S. 1173

At the request of Mr. Metcalf, the Senator from Washington (Mr. Jackson) was added as a cosponsor of S. 1173, a bill to redefine disability for purposes of social security benefits.

S. 1233 AND S. 1234

At the request of Mr. Inouye, the Senator from Maryland (Mr. Mathias) was added as a cosponsor of S. 1233, a bill to amend the Internal Revenue Code of 1954, to provide the same tax exemption for servicemen in and around Korea as is presently provided for those in Vietnam; and the Senator from Minnesota (Mr. Humphrey), the Senator from West Virginia (Mr. Randolph), and the Senator from New Mexico (Mr. Montoya) were added as cosponsors of S. 1234, a bill to establish limits on the assignment of a member of the Armed Forces to a combat zone, and for other purposes.

S. 1082

At the request of Mr. Case, the Senator from New York (Mr. Javits) was added as a cosponsor of S. 1082, dealing with the ocean dumping of wastes.

S. J. RES. 5

At the request of Mr. Brooke, the Senator from California (Mr. Tunney), the Senator from Utah (Mr. Moss), and the Senator from Massachusetts (Mr. Kennedy) were added as cosponsors of Senate Joint Resolution 5, designating the birthday of Dr. Martin Luther King, Jr., as a national day of commemoration.

S.J. RES. 11

At the request of Mr. Hatfield, the Senator from North Carolina (Mr. Jordan) and the Senator from Maryland (Mr. Mathias) were added as cosponsors of Senate Joint Resolution 11, to authorize the President to proclaim the week of April 19, 1971, through April 23, 1971, as "Student's Week Against Drug Abuse."

SENATE JOINT RESOLUTION 17

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished majority leader, I ask unanimous consent that the name of the Senator from Georgia (Mr. Gambrell) be added as a cosponsor of Senate Joint Resolution 17, a joint resolution to establish a Joint Committee on the Environment.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 68

Mr. BYRD of West Virginia. Mr. President, on March 10, I introduced Senate Joint Resolution 68, a resolution to restore the full rights of citizenship posthumously to Gen. Robert E. Lee.

I am hopeful that this resolution will receive early and favorable consideration.

The March 15 edition of the Richmond Times-Dispatch included an excellent editorial on the subject of restoration of General Lee's rights. The editorial rightly emphasizes that in the years after Appomattox, General Lee sought reconciliation between the North and the South.

I ask unanimous consent that the editorial, entitled "'Citizenship for General Lee," be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CITIZENSHIP FOR GENERAL LEE

The Congress has a unique opportunity to correct a century-old injustice and to promote the amelioration of North-South regional disharmony, which still occasionally crops up 106 years after Appomattox. It can do so by acting favorably on Virginia Sen. Harry F. Byrd Jr.'s resolution to restore full citizens rights posthumously to Gen. Robert E. Lee.

The discovery in the National Archives of an oath of allegiance to the United States signed by the Confederate commander after the Civil War, and apparently pigeonholed inside a burgeoning bureaucracy all these years unbeknownst to historians or the government, should remove any lingering doubts about the wisdom of such an action. As Charles McDowell Jr., Times-Dispatch Washington correspondent, notes, similar resolutions in past Congresses—including one in 1957 sponsored by the late Sens. Harry F. Byrd Sr. and John F. Kennedy, among others—failed apparently for lack of evidence that Lee signed an oath.

Even if the oath had not been discovered, however, Lee's citizenship should have been returned to him long ago—while he was still alive, for that matter—for there was no more sincere advocate than Lee of the need to bind the old wounds and go forward as a united nation. Indeed, his crowning achievement was as an innovative educator preparing young men to live productive and peaceful lives in a New South. Replying to an appeal from a committee of trustees of Washington College (now Washington and Lee University) that he assume the college's presidency, Lee wrote on Aug. 24, 1865:

"I think it the duty of every citizen to do all in his power to aid in the restoration of peace and harmony, and in no way to oppose the policy of the State or General Governments directed to that object. It is particularly incumbent on those charged with the instruction of the young to set them an example of submission to authority . . ."

According to the "find" in the National Archives, Lee formally signed the oath of allegiance on Oct. 2, 1865, the same day he was inaugurated and took the oath of office at the college in Lexington. Earlier that year he had submitted an application to President Andrew Johnson for amnesty and pardon—an appeal, incidentally, bearing the warm endorsement of Union Gen. Ulysses S. Grant—but Johnson ignored it. Historian Clifford Dowdey of Richmond called this an "incomprehensible attitude" on Johnson's part.

From time to time while in Lexington, Lee had to endure some hateful attacks on him in the Northern press. Mostly he suffered in silence, not wishing to rekindle emotions. But to one suggestion that the South had fought to preserve a system of slavery, Lee could not remain mute: "So far from engaging in war to perpetuate slavery," he said, "I am rejoiced that slavery is abolished . . . I would cheerfully have lost all I have . . . to have this attained."

After five years of brilliant educational leadership that set Washington College along the paths of excellence, Gen. Lee died at his Lexington home on Oct. 12, 1870, a man without a country in the eyes of the law. This year, Washington and Lee marked the 100th anniversary of the renaming of the institution to honor Lee the great reconciliator. How fitting it would be in 1971—when the development of a forward-looking "New South" is again being celebrated—to restore U.S. citizenship to a man who by word and deed taught his fellowmen the regenerative power of love!

Mr. BYRD of Virginia. Mr. President, I also ask unanimous consent that the name of my distinguished colleague from Virginia (Mr. SPONG) be added as a cosponsor of Senate Joint Resolution 68.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 4

At the request of Mr. BROOKE, the Senator from Florida (Mr. GURNEY) and the Senator from Arizona (Mr. GOLDWATER) were added as cosponsors of Senate Concurrent Resolution 4, expressing the sense of Congress on the expanded use of the model cities program.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROOKE, the Senator from Utah (Mr. BENNETT), the Senator from Wyoming (Mr. HANSEN), the Senator from Indiana (Mr. HARTKE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Florida (Mr. CHILES), the Senator from West Virginia (Mr. RANDOLPH), the Senator from North Dakota (Mr. YOUNG), the Senator from Oregon (Mr. PACKWOOD), the Senator from Iowa (Mr. HUGHES), the Senator from Arizona (Mr. GOLDWATER), the Senator from Hawaii (Mr. INOUYE), the Senator from Utah (Mr. MOSS), the Senator from Alaska (Mr. STEVENS), and the Senator from Hawaii (Mr. FONG) were added as cosponsors of Senate Concurrent Resolution 5, creating a joint committee on the treatment of prisoners of war and missing in action.

SENATE RESOLUTION 73—SUBMISSION OF A RESOLUTION AMENDING RULE XVI OF THE STANDING RULES OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I am offering a resolution today to amend rule XVI of the Standing Rules of the Senate. Rule XVI deals, in the main, with appropriation bills.

As chairman of the Subcommittee on Rules of the Senate Committee on Rules and Administration, I propose to hold hearings on the resolution, and all Senators will be notified and will be invited to participate if they so desire.

Perhaps we can eventually add to the Standing Rules of the Senate this new verbiage which my resolution embodies and, with the good judgment of Senators who wish to express themselves on it, we may be able to improve it and come out with a feasible and workable addition to rule XVI which will protect the Senate and prevent it from getting into the kind of vexing logjam in which the Senate found itself during the closing days of the 91st Congress.

Mr. President, for the most part I am proposing a procedure with regard to appropriations measures that would be patterned after the procedures we follow in connection with reorganization plans, and on which debate is limited.

I am proposing, Mr. President, in my resolution that, come August 1 of any fiscal year, whenever a general appropriation bill for that fiscal year has not been enacted by that date, a motion for the immediate consideration of that bill be decided without debate.

I would also suggest that consideration of any such bill be a highly privileged matter and that debate thereon be limited to 2 hours upon each amendment offered thereto, and 10 hours on passage of the bill. I would further suggest that any procedural questions arising be decided without debate.

With regard to conference reports on appropriation bills my resolution would provide that debate upon such conference reports be limited to 10 hours, with 1 hour upon each matter reported in disagreement between the Senate and the House of Representatives. A motion further to limit debate—for example, if someone wanted to reduce the time from 10 hours to 5 hours, or even to 5 minutes—could be made and that motion would be privileged and would be decided without debate.

I would also provide that whenever debate upon any amendment, bill, or report is limited under the time provided for debate, the time would be divided equally between Senators in favor of the bill, amendment, or report, and Senators opposed to the bill, amendment, or report.

I have included a provision which reads as follows:

> The above provisions of this paragraph would not be applicable to any general appropriation bill appropriating funds not authorized by law or embodying legislation not approved by at least a three-fourths vote of the total membership of a Senate committee.

Mr. President, why do I add the provision with respect to a three-fourts vote of a committee? For the simple reason that in almost every appropriation bill that comes before the Senate there is language constituting legislation on an appropriation bill against which points of order can be made. But points of order are not often made against the legislation because it is not of a general nature or of a controversial nature. But it is quite possible that very controversial legislation could be written into an appropriation bill. So I would suggest a three-fourths vote of the committee for approval of that legislation, else the limitation on time, which I am proposing for floor debates, would not apply.

I should think that, anent controversial legislation, there would be at least more than one-fourth of the membership on a committee who would oppose the legislation and, consequently, all bets would be off and the limitation on debate would not be applicable.

My resolution may have some flaws in it, but if we have hearings thereon, perhaps they will be found and cured. I do feel that this proposal is the real way to get at the bottleneck which has sometimes strangulated the Senate in the past in the effort to pass appropriation measures. The most recent glaring example was during the dying days of the 91st Congress, on which occasion we were kept here until the second day of January of this year.

I wish to state that at such time as my Subcommittee on Rules calendars the resolution which I am introducing today for consideration, all Senators will be informed.

I ask unanimous consent that my resolution to amend rule XVI be printed in the RECORD at this point.

The resolution (S. Res. 73), which reads as follows, was referred to the Committee on Rules and Administration:

S. RES. 73

Resolved, That rule XVI of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"8. Whenever a general appropriation bill for a fiscal year has not been enacted before the 1st day of August of that year, and that bill has been reported by the Committee on Appropriations, a motion for the immediate consideration of that bill shall be decided without debate. Consideration of any such bill shall be a highly privileged matter, and debate thereon shall be limited to two hours upon each amendment offered thereto and to ten hours upon the passage of the bill. Any procedural question arising in the course of such debate shall be decided without debate. Debate upon the report of a committee of conference upon any such bill shall be limited to ten hours upon agreement to the conference report and to one hour upon each matter reported in disagreement between the Senate and the House of Representatives. A motion to further limit debate upon any such bill so privileged, or upon the report of a committee of conference upon any such bill, shall be decided without debate. Whenever debate upon any bill, amendment, or report is limited under this paragraph, the time provided for debate thereupon shall be divided equally between Senators in favor of the bill, amendment, or report and Senators opposed to the bill, amendment, or report. The above provisions of this paragraph shall not be applicable to any general appropriation bill appropriating funds not authorized by law or embodying legislation not approved by at least a three-fourths vote of the total membership of a Senate committee.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Mr. President, I yield to the distinguisted Senator from California.

Mr. CRANSTON. Mr. President, I compliment the Senator from West Virginia on the thought he has given to this matter and the creative suggestions he has made with respect to the rules. I have worked closely with the Senator in streamlining the procedures.

While I did not have an opportunity to read in detail the Senator's proposal today, it sounds that they are very constructive. I look forward to working with the Senator in moving them ahead.

I thank the Senator for acting on a suggestion pursuant to the discussion we had the other day in which we felt that if Senators would indicate te subject they had to discuss, other interested Senators would be able to be present.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator for his comments. I wish more than that, however, to thank him for the diligent and consistent efforts he is making with respect to improving the procedures in the Senate and expediting the Senate business. He has been instrumental in advancing some very helpful suggestions in the past. Working with him have been Mr. SAXBE, Mr. HUGHES, Mr. SCHWEIKER, and other Senators. The procedures they have suggested have gone a long way, I think, toward improving the legislative process.

I again thank the Senator. I shall welcome his contributions during the hearing which will be held. I hope that he will be able to lend his able support to the resolution at the appropriate time.

Mr. CRANSTON. Mr. President, the Senator is very kind. I look forward to working on this matter with him.

SENATE RESOLUTION 74—ORIGINAL RESOLUTION REPORTED AUTHORIZING THE PRINTING OF A REVISED EDITION (S. REPT. NO. 92-38)

Mr. CANNON, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 74); and submitted a report thereon, which resolution was placed on the calendar, and the report was ordered to be printed:

S. RES. 74

Resolved, That a revised edition of Senate Document 71, Eighty-seventh Congress, entitled "Senate Election, Expulsion and Censure Cases", compiled by Richard D. Hupman, Senate Librarian, under the direction of Francis R. Valeo, Secretary of the Senate, be printed as a Senate document.

Sec. 2. There shall be printed three thousand additional copies of such document for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 75—SUBMISSION OF A RESOLUTION TO AUTHORIZE A SUITABLE MONUMENT FOR "THE LOST BATTALION"

Mr. JAVITS. Mr. President, I reintroduce a resolution that would result in the creation of a battle monument honoring the "Lost Battalion" of World War I.

The September–November 1918 Meuse-Argonne campaign constituted the greatest battle in American history up to that time. More than 1,200,000 Americans took part in this 47-day campaign along a front that extended from southeast of Verdun at the Argonne Forest. Out of this battle section emerged the legend of the "Lost Battalion." For 5 days, a valiant detachment of American soldiers, under constant enemy fire and lacking food, water, and medical supplies, held fast even though completely surrounded by German forces.

On October 2, 1918, Maj. Gen. Robert Alexander, commander of the 77th Division, ordered the understrength 1st and 2d Battalions of 308th Infantry Regiment to the attack. Maj. Charles Whittlesey, commanding the 1st Battalion, led the assault. The offensive of which this attack was a part failed everywhere, but Major Whittlesey and his men reached a ravine just south of their objective.

Thus began the legend of the "Lost Battalion." Cut off from the other U.S. forces—sewed up in a pocket approximately 300 yards long and 60 yards wide—Major Whittlesey's men dug into the thickets of the Argonne Forest to secure their positions.

Attempts made to reach the "Lost Battalion" were repulsed by the Germans. By October 5, Major Whittlesey and his men were suffering severely, having been isolated for 3 nights and lacking sufficient food, water and medical supplies, and they were surrounded by a fresh German division, the mortars, machine-guns, flamethrowers and rifles of which lashed at them relentlessly.

On October 7, Major Whittlesey received a surrender message from his German counterpart. He sent no reply. The Germans launched a fierce attack with flamethrowers, and were repulsed. Paralleling this action, a major American attack was launched, and the "Lost Battalion" was reached.

The "Lost Battalion," in reality, consisted of the 1st Battalion of the 308th Regiment and elements of the 307th and the 306th Machine Gun Company. It would have been lost to the enemy, save for the heroism and tenacity of the American fighting men involved. Published figures vary, but of the 550 men sealed off in the pocket, one source lists 252 survivors, 107 dead, 190 wounded, and 63 missing. Major Whittlesey, Captain McMurty, and Captain Holderman each received the Congressional Medal of Honor and the survivors of the "Lost Battalion" volunteered to remain on the front line.

The deeds of the men of the "Lost Battalion" constitute a legend and a symbol, equaling such other moments in American history as the Alamo, when Americans have done that which has been necessary regardless of the cost to themselves. It is only fitting, therefore, that the Nation should honor the men of the "Lost Battalion" in like manner.

The PRESIDING OFFICER (Mr. BUCKLEY). The resolution will be received and appropriately referred.

The resolution (S. Res. 75), which reads as follows, was referred to the Committee on Interior and Insular Affairs:

S. RES. 75

Whereas the Lost Battalion, portions of two battalions of the Seventy-seventh Division, United States Army, fought heroically during the Battle of the Argonne Forest, in October, 1918, for approximately five to six days while being without food, water, and medical supplies, and being completely surrounded by a German division; and

Whereas the Lost Battalion refused to surrender, and suffered great losses, including one hundred and seven killed, one hundred and ninety wounded, and sixty-three missing; and

Whereas it is appropriate to honor the members of the Lost Battalion following the fiftieth anniversary of their acts of bravery: Now, therefore, be it

Resolved, That the American Battle Monuments Commission, with the consent and cooperation of the Secretary of the Army, is urged to include the Lost Battalion in the distinguished-military-actions commemorative program for the World Wars and Korea; and to plan a monument for it in the vicinity of the Argonne Forest.

AMENDMENT OF HIGHER EDUCATION ACT OF 1965—AMENDMENT

AMENDMENT NO. 22

Mr. MOSS submitted an amendment, intended to be proposed by him, to the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Educational Act of 1963, and related acts, and for other purposes, which was referred to the Committee on Labor and Public Welfare and ordered to be printed.

SUBCOMMITTEE ON SEPARATION OF POWERS TO HOLD HEARINGS ON EXECUTIVE IMPOUNDMENT OF FUNDS

Mr. ERVIN. Mr. President, on March 23, 24, and 25, 1971, the Judiciary Subcommittee on Separation of Powers, of which I am Chairman, will conduct hearings on the impoundment of funds by the executive branch of the Government. The hearings will be in the form of a roundtable discussion.

This practice has long been of concern to the Congress, which under the Constitution alone has the power to raise revenue and appropriate funds. It has become an axiom that the greatest power possessed by the Congress is the "power of the purse." It seems evident that if the impoundment practice is legal, the highly proclaimed power of the purse is, in fact, little or no power at all.

At the outset I should like to reiterate for the Record a fact that is well known to my colleagues in this body: I have long been convinced that the Federal Government is rapidly spending itself into bankruptcy, and I have constantly advocated that we expend only those minimal sums which are essential for the health, safety, welfare, and security of our citizens. My objection to the Executive practice of impoundment bears no relationship to fiscal policies, but rather is based on the principle that the Constitution plainly provides that the Congress shall have the power to pass legislation to raise revenue and appropriate funds, and that the President shall faithfully carry out the laws passed by the Congress. If the President legally can refuse to expend sums duly authorized and appropriated by the Congress, he has, in effect, the power of absolute veto, ex post facto, of the laws passed by the Congress.

When Congress, in exercising its appropriating function, votes substantially more funds for a program than the executive branch requests, the President all too frequently signs the appropriations bill, then directs the Office of Management and Budget not to release the additional funds to the agencies designated to carry out the program.

In effect, this practice gives the President not only an absolute veto, it establishes an "item veto"—a power he clearly does not have under the Constitution. The plain language of that great document provides only that the President can veto entire bills—not a particular part of a bill. Also, there are occasions when the President simply refuses to spend moneys for a specific project which Congress has initiated and authorized.

During the past several weeks, numerous examples of impounded funds have come to the attention of the subcommittee and the public. Just 2 weeks ago, the distinguished Senator from Alabama, Mr. Sparkman, who is chairman of the Senate Banking and Currency Committee, conducted hearings on funds withheld for housing, urban development, mass transit, and model cities programs. Just in these categories alone, the total of funds impounded by the present administration came to more than $1.5 billion.

A complete listing of funds that have been placed in reserve during the present fiscal year has been extremely difficult to come by. Twice during the past several weeks, the Office of Management and Budget has been requested by the Appropriations Committees of both the Senate and the House of Representatives to submit a complete accounting of such funds. This list is eagerly awaited.

While the Subcommittee on Separation of Powers does not contemplate a substantive discussion about the reasons for each of the impoundments, we will discuss the President's constitutional powers in this respect. While I admit that the President has some authority to reserve funds to affect savings and economies, there surely must be some limit to his power to refuse to spend large sums appropriated by Congress under its constitutional power. The subcommittee's hearings will be directed at trying to determine where these bounds are and at methods by which Congress can reestablish its prerogatives in this area.

Aiding the subcommittee in this endeavor will be, among others, Representatives Julia Butler Hansen and Charles E. Bennett; Caspar Weinberger, Deputy Director of OMB; former Secretary of the Interior Stewart L. Udall; F. C. Turner, Administrator of the Federal Highway Administration; William G. Rehnquist, Assistant Attorney General, Office of Legal Counsel, Department of Justice; and Prof. Arthur Maass of Harvard University, Joseph Cooper of Rice University, Harvey Mansfield and Bruce L. R. Smith of Columbia University, and Loch Johnson of the University of North Carolina at Chapel Hill.

In addition, the subcommittee will have on hand its professional consultants, Profs. Philip B. Kurland of the University of Chicago Law School, Alexander M. Bickel and Ralph K. Winter, Jr., of Yale Law School, and Arthur S. Miller of the George Washington University National Law Center.

I invite all Senators and other interested parties to participate in this inquiry on the impoundment question. The subcommittee is actively seeking examples of impounded funds, and I urge anyone knowing of such examples to contact the subcommittee staff. The subcommittee's offices are in room 1418, New Senate Office Building, Washington, D.C. 20510. The telephone number is 225-4434.

NOTICE OF HEARINGS ON INTEREST RATES

Mr. PROXMIRE. Mr. President, I wish to announce that the Subcommittee on Financial Institutions of the Committee on Banking, Housing and Urban Affairs will hold hearings on the following bills:

S. 1201, to extend certain laws relating to the payment of interest on time and savings deposits, the control of credit and economic stabilization, to vest in the Federal Reserve Board authority to establish variable reserve requirements based on bank assets.

H.R. 4246, to extend until March 31, 1973, certain provisions of law relating to interest rates, mortgage credit controls and cost-of-living stabilization.

The hearings will be held on March 31, April 1, and April 2, 1971, and will begin at 10 a.m. in room 5302, New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Kenneth A. McLean, Senate Committee on Banking, Housing and Urban Affairs, room 5300, New Senate Office Building, Washington, D.C. 20510, telephone 225-7391.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ALFRED H. F. SELBY, MEMBER OF SENATE STAFF, TO BE HONORED

Mr. SCOTT. Mr. President, next month, on April 18, a former Philadelphian will be honored by Morning Star Lodge No. 40 of the Elks. This gentleman, Alfred H. F. Selby, who has worked with Members of the U.S. Senate for 57 consecutive years, will be toasted by hundreds of his friends and associates who have gained his friendship over these many years. It was March 12, 1914, when our good friend, Alfred, joined the staff of the U.S. Senate, and since that day, he has served more than 700 Senators faithfully. Alfred has seen five former Senators become President of the United States. He looks upon Mark Trice as a youngster and remembers him as a page when he began his service more than 51 years ago. Alfred, while a former Philadelphian, having been born in West Philadelphia, will be the honored guest on the 18th of April, and the speaker for this memorable event will be another former Philadelphian who went to high school in West Philadelphia, the distinguished Senator from Michigan, Philip Hart.

Mr. President, I ask unanimous consent that the Senate in this 92d Congress unanimously express its appreciation to Mr. Alfred H. F. Selby for his 57 years of faithful service.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Pursuant to the previous order, a colloquy, not to exceed 30 minutes, will take place at this time, and the time will be controlled by the Senator from Illinois (Mr. PERCY).

Mr. PERCY. Mr. President, I first yield to the Senator from Pennsylvania.

SALT

Mr. SCOTT. Mr. President, yesterday the fourth round of the strategic arms limitation talks—commonly known as SALT—opened at Vienna, Austria. Reports in the daily press indicate the talks are proceeding on a cordial note, but lack the high degree of optimism which surrounded them last year and in 1969. For some, this may produce a degree of pessimism.

Cause for some of the restraint between the American and Soviet delegations is, obviously, the Middle Eastern crisis.

The cause for this restraint is precisely why there is overwhelming need for success. The Middle East, with its potential for disastrous confrontation, is the very reason why these efforts to limit nuclear weapons must succeed.

It is important to note that despite the very grave differences between the United States and the Soviet Union—in the Middle East, in Europe, in Southeast Asia—the talks themselves are continuing. To date they have not been turned into a propaganda circus by either side. This should be very encouraging.

Because Americans so devoutly wish for peace and an end to the spiraling arms race, we tend to be impatient with delays. We tend to consider anything that is less than wildly optimistic as, in fact, gloomy. This need not be, and indeed is not, the case.

The SALT negotiations have been slow and will continue to be slow; the significant fact is that these talks continue. That in itself is progress.

A PROPOSAL TO HALT THE ARMS RACE

Mr. PERCY. Mr. President, I note with interest the comments just made by the distinguished minority leader, Senator SCOTT, giving certain views regarding the Vienna session of the SALT talks that has just commenced. I feel confident that the President, the Secretary of State, and Ambassador Gerard Smith are devoted to taking every reasonable step toward bringing about a successful conclusion to our present series of negotiations with the Soviet Union. The President has pledged his administration to work toward this end.

However, the strategic arms limitation talks—SALT—between the United States and the Soviet Union, which began yesterday in Vienna, seem to be at an impasse. The U.S. position is reported to call for an initial agreement on both offensive and defensive central strategic systems: antiballistic missiles—ABM—both land and sea based offensive missiles, and heavy bombers. The Soviets are said to have replied that it was necessary to include all forward-based systems capable of attacking homelands with nuclear weapons. When the United States resisted this, the Soviets proposed a limit on ABM systems only. The difference between the United States and Soviet positions is considerable. Indications now are that neither side plans to alter its stance significantly at the next round of SALT talks to begin in Vienna on March 15.

I believe that it would be in the U.S. interest to make a bold initiative to break this impasse. Such an initiative is urgent, for reasons having to do with the technology of the strategic arms race and with the political situation within the Soviet Union.

A congress of the Communist Party of the Soviet Union—CPSU—will convene in Moscow on March 31, 1971. On the average, CPSU congresses have been held every 4 to 5 years since World War II. They are the occasion for an explicit and often fundamental review of Soviet policy on all major issues both domestic and foreign. To a greater extent than in other major nations, the dynamics of policy formation in the Soviet Union operates through the personal identification of powerful individuals with certain policy alternatives. Before and during CPSU congresses, political figures attempt to line up support behind positions which, if approved by the congress, would bring their sponsors to greater political power. At such a time, both the issues themselves and the personal alliances of the leaders are necessarily in flux. By the end of the forthcoming congress, new positions will have been adopted and old ones confirmed. The brief span of time when the top leaders must seek the support of the rank and file will be past, not to return for another 4 or 5 years, by which time the critical issues of the present SALT negotiations will long since have been resolved.

The Soviets have shown no reticence about attempting to influence the U.S. domestic debate on many issues of strategic weaponry, including ABM and multiple independently targetable reentry vehicles—MIRV. They may well expect some U.S. attempt to influence their own internal debate. Nonetheless, it would be in no way improper for the United States to insure that the strongest possible arguments are available to those in the Soviet Union who favor detente and mutually beneficial arms control, in time for their debate at the 1971 CPSU congress.

The dangers of the arms race are well understood by the leaders of both superpowers. Yet, the United States and the Soviet Union find themselves poised once again on the threshold of a new level of weaponry escalation at once both destabilizing and staggeringly expensive.

The Soviets have expressed continuing concern over the U.S. Safeguard ABM system, which they fear could ultimately be expanded to the point where it might degrade their retaliatory capability in the event of a U.S. first strike. They also fear the U.S. MIRV program, which is well in advance of the corresponding Soviet program, since U.S. MIRV's are already deployed on Minuteman missiles at Minot, N. Dak., while the Soviets are still in the testing stage of a less sophisticated multiple-warhead missile. MIRV, if combined with improvements in missile accuracy and if installed on enough missiles, could give a nation the ability to destroy even relatively well-protected, land-based missiles. Most of the Soviet strategic force is in land-based missiles. U.S. MIRV and ABM improvements, therefore, will drive the Soviets toward more ABM emplacements, toward mobile missiles which are inherently difficult to verify in an arms control agreement, and toward development of improved offensive deterrent forces including completion of MIRV development.

The greatest U.S. concern at the moment is the Soviet SS–9 or successor missile, large enough and accurate enough so that, if equipped with MIRV's and deployed in sufficient numbers, it could seriously threaten the survival of the U.S. ICBM force. Other serious but perhaps negotiable issues abound, including potential upgrading of Soviet bomber defenses to missile defenses and upgrading of MR/IRBM's to ICBM's.

Yet it appears that the United States will go into the next round of SALT with no change in its position. If the Soviet Union does the same· and it is they who have made the most recent initiatives, new weapons deployment will go forward and Soviet policy could be frozen in a hostile and unyielding stance for some time.

I believe that a new U.S. proposal at SALT, which would attempt to bridge the gulf between the existing positions while not calling for drastic concessions by either side, should contain the following three elements to be accepted or rejected as a package:

First. Accept the Soviet ABM proposal, but at zero level, rather than the Moscow-Washington national command center level as is now discussed. This could stop the arms spiral and the possible covert upgrading of ABM systems, and make unnecessary further improvements in offensive missile systems. The Moscow ABM would be dismantled.

Second. Propose freezing all offensive systems where they are, including the SS–9, MIRV, and Poseidon. Since the United States has a significant edge in MIRV development, we could agree to dismantle our MIRV's and not install our Poseidons. The Soviets would have to accept a ban on their testing of multiheaded missiles. Soviet testing can be observed externally, while deployment cannot be. U.S. deployments are publicly known.

Third. Agree to negotiate in a European forum reductions in forward-based systems—such as U.S. aircraft in Europe which could strike the Soviet Union even though they are intended primarily for other missions. The U.S. forward-based systems may well be the single most critical problem for the Soviets at SALT. They see the forward-based systems as one of several systems which threaten their homeland; in American eyes, these forward-based systems redress an otherwise imbalanced military force system in Europe. In fact, these systems play a role both in the United States-Soviet strategic balance and in the local European balance. While the Soviet concern over the "strategic" threat of forward-based systems is real, negotiations to reduce the threat should take place in that politico-military arena where these systems play their primary role—in the European arena.

This proposal would have the following advantages over the present United States and Soviet positions:

First. It would be a more far-reaching arms control measure, halting MIRV, reducing ABM to zero, and destroying the rationale for increased offensive capabilities.

Second. Verification would not impose insuperable problems.

Third. It would be more evenhanded in its strategic effects than either of the present United States or Soviet positions.

Fourth. It would take forward-based systems out of the SALT deliberations, opening the way to agreement in SALT on central strategic systems.

Fifth. It would demonstrate a U.S. interest in European arms control and perhaps help to create an atmosphere conducive to serious European negotiations.

For these reasons, I am hopeful that the U.S. Arms Control and Disarmament Agency, the National Security Council, and the President will give thoughtful consideration to this proposal. The time for initiative is now. Unless we are creative and resourceful now, an important opportunity to halt the arms race will be lost.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield to my distinguished colleague from Missouri.

Mr. SYMINGTON. Let me congratulate the able Senator from Illinois for an able presentation in one of the most important talks that were made on this floor. He has been a student of this subject over an extended period. I had the good fortune to see the text of his talk before he delivered it this morning, and am glad to note that a man of his standing in the Senate and the country is taking up for discussion the fundamental question of whether we should or should not take what might be called the first step to a basic arms control agreement.

Has the able Senator read the thoughtful article by Mr. Chalmers Roberts on this subject?

Mr. PERCY. I read the article yesterday. I noticed another long article this morning.

Mr. SYMINGTON. Perhaps it was this morning.

I ask the able Senator if he would have any objection to my inserting some excerpts from this article, which I was planning to do anyway before his talk.

Mr. PERCY. I would have no objection. In fact, I would welcome it.

Mr. SYMINGTON. As long as we are engaged in the discussion to this extent, I shall change the request, and ask unanimous consent that, at the end of these remarks, the entire article to which I have referred be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. SYMINGTON. I ask the able Senator also if by chance he read an editorial in the New York Times, entitled "Back to the SALT Mines."

Mr. PERCY. I have. I was impressed with the timeliness and the directness of it.

Mr. SYMINGTON. It does not surprise me that the Senator was impressed with this morning's editorial, because it backs up his position as expressed in the address he just made to the Senate.

Mr. President, I would hope the American people realize the grave significance of this discussion this morning. It has been my privilege to be associated for well over a quarter of a century with problems incident to our national security. I see in the Chamber my friend the able senior Senator from Vermont; he knows more about the concrete aspects of this nuclear problem as it has developed in recent years than I do. But I do not believe yet a majority of the American people are aware of just how tremendous is this new force, one that makes it relatively easy to destroy civilization as we know it. Does not the Senator agree?

Mr. PERCY. I agree that it is perhaps the most important and most urgent topic to which we can address ourselves, the executive as well as the legislative branch of Government.

Mr. SYMINGTON. Mr. President, I had the privilege of listening to the Secretary of Defense yesterday afternoon, the Secretary of the Air Force yesterday morning, and the Secretary of the Army this morning.

Is there anything more we can do, that the Senator can think of—and I ask this in all sincerity—which would bring the danger of this new force as well as the possibilities of it, more forcibly to the attention of the American people?

Mr. PERCY. I think the fact that the SALT talks are underway, and that the CPSU Congress is going to be debating this issue—I understand their primary emphasis is going to be upon the economics, but I cannot imagine that they can engage in a discussion of the subject of economics and where their national resources are going to be placed without taking account of what they are going to spend on strategic offensive and defensive weapon systems, because the cost of such systems could engulf and will certainly influence their entire economic projection for the future.

It is interesting to note that they are engaged in investing about fifty-fifty in offensive and defensive systems, as they have done in the past. Obviously, they do this from a feeling of concern over the possibility of attack. We may think that that is preposterous, but it is not a question of what we think, it is a question of what they think. They are investing these huge resources to protect themselves. So as they build their defenses, we continue to build our offenses; as we build our defenses, they continue to build more offense; and if the distinguished Senator from Washington, Sen. JACKSON, is correct, that now there may be something beyond the SS-9 that now they may be building something different. I do not know, but it appears that they may be going into still a new generation of weaponry. It seems to me it would be advisable to call a halt because it will not result in any more security to us to continue to escalate this arms race, nor to the U.S.S.R. Both of us will be in a more dangerous position rather than less. How can we talk about national priorities when we have this crucial question ahead of us, as yet unanswered? Are we going to continue this mad arms race indefinitely into the future?

Mr. SYMINGTON. Mr. President, the Senator is right. What difference does it make whether we can destroy the Russians 5,000 times and they can destroy us 3,000 times, or they can destroy us 5,000 times and we can destroy them 3,000 times over?

We started our ICBM development some 25 years ago. The Soviets started their ABM development 15 years ago, which would appear a logical thing for them to do. They started to develop a defense against the ICBM after many years of watching us develop an ICBM.

If the Soviet SS-9 is anywhere near as effective as we are told, and at the same time they go ahead with an ABM, I think we have the right to consider whether or not—perhaps to agree—that they are going for a first strike. On the other hand, if we continue with the MIRV's, not only in the Minuteman warheads but also in the Poseidons, and at the same time develop an ABM, then, as the Senator points out, they in turn would seem to have the right to believe we are going for a first strike. We would see a further, and much more expensive, increase in the arms race if this goes on.

What interested me about the article of Mr. Roberts was that his heading is "SALT Talks Reopen Today in Less Optimistic Mood." I note that he says, with respect to a meeting of last December:

> So last December, after fruitless discussions at SALT of the FBS (forward based systems), Semyonov said in substance: Since we are deadlocked here, why not simply start with an agreement on ABM's alone? He might have added: After all, in asking for SALT in the first place, President Johnson wanted only to curb ABM's and we Soviets insisted on including offensive weapons and you agreed. Now we are back to your position.

I thought that was an interesting observation. But he notes that the President said February 25 that any agreement "should" include offensive missiles, and that at his March 4 press conference the President hardened this by saying "we reject that proposal," any agreement "must include offensive as well as defensive weapons, some mix."

If such a mix were possible to attain, I would be for it, let me assure the Senator from Illinois. But at least an ABM agreement would be a first step, and the only real first step unless the Test Ban Treaty was so considered.

Mr. PERCY. I think we all can recall the statement made by the President to the country about the potential of the SALT talks. He was originally extremely optimistic. I was pleased at his optimism, because you do not go into a negotiation expecting it not to succeed. He wants it to succeed. He knows it is vital that it succeeds, and he is still hopeful that it will be successful.

When I visited Helsinki last November and had intensive talks there with our very able negotiating team, headed by Ambassador Gerard Smith, I was somewhat less optimistic. While the talks are realistic and not being used for propaganda, as the minority leader has pointed out, there seemed to be an impasse. I have the feeling that we have less cause for optimism even today, as this new series of talks starts than we had last November. That is why I came to the conclusion that we must find a formula which meets their fears and needs and meets ours at the same time. We cannot have it all our way, and they cannot have it all their way if we are to succeed in this vital undertaking.

I should like to ask this question of the distinguished Senator from Missouri, who has had extensive experience in these fields: I thought very carefully about the first of the three points I made in the "package" proposal; going for a zero ABM as against a command center ABM. I finally concluded that it would be best in this package proposal to go for zero ABM. Zero ABM actually removes all stimuli for offensive advancements, including widespread MIRV deployment. A national command authority level would require continuing verification to check possible cheating. And I just wonder whether the U.S.S.R. would not actually feel that we were building it for more than just the Washington, D.C., area. If they felt that way about us, they would then want to expand their own ABM.

Frankly, I do not think their ABM system around Moscow is worth very much, and I do not actually think they feel it is worth very much. They have 64 missiles emplaced. There has been an apparent slowdown on the entire project. They know that we could easily penetrate the system. I should think they could be interested in dismantling it if we would be interested in going for zero-level ABM also.

I wonder whether the Senator concurs, or whether he feels that going for zero ABM is unrealistic.

Mr. SYMINGTON. Mr. President, I could not agree more with the able Senator from Illinois.

When I was working in the Pentagon most people considered it would be many years before the Soviets would have the atomic bomb after ours first went off; and it was not many years. They were close behind us, a case of a few months, with respect to the hydrogen bomb.

I mention this because they, too, have tremendous scientific capacity. Many people do not realize it, but the Russian Academy of Sciences was a 50-year-old organization, subsidized by the state, the day the Constitution of the United States was signed. So they have the scientific capacity. They watched us develop the ICBM's, later started out with the Leningrad system. Apparently they found that design did not work. So they abandoned it and went to the Galosh system to which the able Senator just referred.

The reason I agree with the Senator in this matter, is that, as the Senator has pointed out, the Soviets have reduced their interest in the Galosh system.

So if we started to build a system for the city of Washington, which is what we are talking about, they would know that our system for Washington would be considerably better than their Galosh, in effect abandoned. So they would start out on another system. They already have another in engineering development, no doubt, and it would be but another leap forward in the arms race.

I agree with the Senator that we should go for the zero concept instead of a site at both capitals.

I congratulate the Senator again for one of the most important addresses which could be delivered.

Mr. President, I ask unanimous consent to have printed in the RECORD, at the end of the colloquies the Senator from Illinois is having with me and other Senators, an editorial published in this morning's Times, entitled "Back to the SALT Mines."

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 2.)

Mr. PERCY. I thank the distinguished Senator for his valuable comments.

With respect to the second point I raise on MIRV, we, ourselves, are at the next generation level, where once we get committed and deployed, as we are, there is going to be a point of no return beyond which we cannot come back and they are not going to cease moving ahead in the same field.

So that here, again, we get into a whole new area where we both will escalate and stimulate the arms race, which is against the national policy as enunciated by four Presidents and certainly is against the majority sentiment of the Senate.

I know that this argument can be made: "Why would the United States agree to dismantle its MIRVed Minutemen when we have an advantage? We should keep every conceivable advantage we have." But in the proposal I make you will note, I propose that MIRV testing be banned.

There is no possibility of the Soviet Union testing MIRV without our detection of it. We could tell if they would be breaking any agreement. Our aerial reconnaissance, they know and we know, is adequate to detect that. So that if we have an advantage, under the terms of that ban, we would keep that advantage, as our technology is far ahead. They could not test without detection, so it is a verifiable agreement.

What is wrong with our just going ahead and dismantling MIRV in an even-handed agreement? Without ABM's, if we go to zero ABM, there is really no need for MIRV. They know and we know that we have adequate power to destroy the Soviet Union. We do not need MIRV to add to that. Without MIRV, there is no need for ABM. This holds true for the United States, and it also holds true for the Soviet Union.

I would say let us get rid of both systems and do it now, before each side commits itself to vast expenditures on these systems at the expense of their domestic economies, without increasing our national security on either side one iota.

I defy anyone to indicate how we are going to find the resources to meet our national needs at home—Nation-build at home—unless we are able to scale down the nuclear arms race, both offensive and defensive weapons systems.

The problems inside the country are greater than the threat from outside, unless the country is ruled and the world is ruled by men lacking totally in reason, which I do not think it is today.

Mr. CRANSTON. Mr. President, will the Senator from Illinois yield?

Mr. BYRD of West Virginia. Mr. President, how much time remains under the previous order?

The ACTING PRESIDENT pro tempore. One minute remains.

Mr. PERCY. Mr. President, I am happy to yield that 1 minute to the Senator from California.

Mr. CRANSTON. I would like to join the distinguished Senator from Missouri (Mr. SYMINGTON) in complimenting the distinguished Senator from Illinois on the devotion and dedication he has displayed on this vitally important matter.

There is nothing more important on the agenda of the United States and of mankind today than bringing the arms race to a halt.

I wholeheartedly support the proposal the Senator from Illinois has made in his three-point plan.

I would like to ask the Senator, how will we be able to move ahead and turn our country in this direction?

Mr. PERCY. I briefly discussed this proposal with the Secretary of State last week. I also sent him an advance copy of the text last week.

I know of no better way than to enter into a colloquy with the American people, to bring various alternatives to the attention of the American people, and see whether we cannot build a body of support for taking such steps as will be necessary to bring realism and creativity to the SALT talks and make them successful.

Some important officials within the Soviet Union want these talks to be successful, or they would not be wasting their time with them now. The United States of America does also, because President Nixon has clearly enunciated that ending the nuclear arms race is a matter of the highest priority.

Mr. TUNNEY. Mr. President, will the Senator from Illinois yield briefly?

The PRESIDING OFFICER (Mr. CRANSTON). Does the Senator from Illinois yield to the Senator from California?

Mr. PERCY. I am happy to yield.

Mr. TUNNEY. I would like to associate myself with the Senator from Illinois. His proposal is excellent.

I feel that we are living in a dangerous period where there is a great chance for a new instability, the kind of instability that we have not had during the past 10 years.

The PRESIDING OFFICER (Mr. CRANSTON). The time of the Senator from Illinois has expired.

Mr. TUNNEY. I want to compliment the Senator from Illinois for bringing this very important matter to the attention of the Senate today.

Mr. President, we commemorate this week the opening of the latest record of talks between the United States and Soviet Governments to achieve stable limits on strategic armaments.

These talks are critical to our future. We are approaching the end of a period of time when a relatively stable "balance of terror" in fact gave us some measure of hope for peace: During the 1960's, U.S. and Soviet forces reached a kind of equilibrium in which either government could clearly launch a devastating attack after being hit with a first strike; both governments realized this; both openly established as a prime strategic goal the deterrence of a first strike; the worst excesses of an arms race were avoided.

Now, as we enter a new decade, with newly developing technologies for strategic weapons, there appears again the terrible danger we have repeatedly faced since 1945. We confront again the possibility that new combinations of offensive and defensive weaponry between the United States and the Soviet Union may narrow our strategic alternatives. New weaponry may thus force occasions when either the U.S. or the Soviet government will be forced to consider a first strike nuclear attack as a rational military step. None of us want this. None of us want to enter a new era of instability, of massive expenditures on weapons systems which at best become obsolescent hardware and monuments to abandoned hopes for a humane society. We all want to preserve the chance for peace we gained after the Cuban missile crisis of 1962, when our new equilibrium with the Soviet Government made possible the Nuclear Test Ban Treaty of 1963.

The major strategic problem presently before the Nation and world is to stop the strategic nuclear arms race and at the same time preserve the present stability of deterrence between the United States and the Soviet Union. At this very time, with SALT resuming in Vienna on March 15, all the ramifications of the ABM and MIRV debates of the past 2 years are coming into sharp focus. Today our hopes and prayers are for success at SALT to stop the present deadly dangerous arms race. Toward this goal we must not flirt with foolish and deluding notions of fighting and prevailing in "controlled" or "clean" or "surgical" nuclear wars. Our great common enemy is the arms race and our overriding concern must be to defeat this race. We must accomplish the "imperative" of arms control that President Eisenhower spoke of on the eve of his retirement from the Presidency in 1960. We must "take every step—to secure arms limitation" that President Kennedy urged us to take, for if we fail at SALT the world will see another round of escalation in the nuclear arms race leading to a higher level of danger for us all.

We are today on the threshold of taking that step upward in the arms race with ABM's and MIRV's being deployed. When accurate MIRV's are extensively deployed so that numbers of warheads can no longer be counted just by adding up numbers of launchers; when the numbers of these warheads for each nation are much larger than the numbers of enemy launchers they threaten; when their guidance accuracy is precise enough so that they can destroy hardened missile silos that are invulnerable to anything but almost a direct hit; and when large ABM radars dot the landscape, we shall have considerably greater uncertainty about how dangerous a threat we pose to each other. This will be the price of failure. High accuracy MIRV's and broad coverage ABM's have ambiguous missions. One cannot distinguish their role as a second strike deterrent force from their potential for a counterforce first strike.

It is the curse of weapons systems with ambiguous missions that they begin to bridge the gulf between a deterrent and a first strike policy and add more fuel to the arms race. Today SALT gives us the vital chance to prevent the new level of sophisticated weapons' technology from enslaving us to the wasteful and expensive arms race that has already led to a destructive power of more than 10 tons of TNT equivalent for every man, woman and child on earth today—and that eats up more than 8 percent of the world's total income and costs 40 percent more than the world's total spending on public education. Worse than its costs, the arms race is deadly dangerous, and at SALT we must not lose sight of the fact that there is no greater risk than continuing the nuclear arms race to these new levels of destructiveness—and ambiguity. It will take the highest levels of statemanship and vision, as well as determination on both sides, for SALT to succeed.

EXHIBIT 1

NUCLEAR PARITY AGREEMENT SOUGHT: SALT TALKS REOPEN TODAY IN LESS OPTIMISTIC MOOD

(By Chalmers M. Roberts)

Today in Vienna they will clink the champagne glasses once again and SALT IV will be under way. This round in the strategic arms limitation talks will open in a more somber mood than did any of the previous three, the initial exploratory round at Helsinki beginning Nov. 17, 1969, the first business round at Vienna last spring and summer and last winter's deadlocked round at Helsinki.

Probably today's less optimistic mood was inevitable. It took a good many months for the two delegation chiefs, America's Gerard C. Smith and Russia's Vladimir S. Semyonov, each obviously operating on a short string from the White House and the Kremlin, to get through the wary initial stage and into the cold, hard core of what is at issue on this nuclear threatened globe; how to construct a parity agreement that gives neither superpower an advantage, now or in the foreseable future, in such life-and-death weaponry.

A great deal of optimism has been expressed in Washington that the long dialogue between Smith and Semyonov and their two groups of associates has enabled each side to learn how the other thinks. There doubtless is merit in this view but, the fact remains—and it is overriding—that as the talks have gone on the suspicions have increased. And they were rather considerable to begin with.

The official veil of secrecy about details of the talks was pretty well removed in President Nixon's second annual foreign policy report on Feb. 25. There, though four or five pages of the original draft were excised so as not to offend Moscow, the situation that now exists was made quite clear. Its central fact is that the chances for a truly comprehensive nuclear arms agreement have now disappeared. Thus what Mr. Nixon meant when he subsequently said, at his March 4 press conference, that "we will negotiate an agreement that is not comprehensive" was that qualitative control of ICBMs is rated impossible. Qualitative control would have meant outlawing or limiting MIRVs, the multiple warheads which increase the numbers of nuclear tips one side can throw at the other in a single missile by factors of three, six, ten and potentially more.

Control of MIRV failed because the two sides did not sit down at the table when this new development was still in its infancy and because, once the weapon was developed, the technicians said it would be impossible to check on its deployment without the on-site inspection the U.S. demanded and Moscow rejected. Control of MIRVs through a ban on multiple warhead testing fell by the wayside because of a combination of the on-site inspection issue and Soviet reluctance to halt its own development at the point where the U.S. already had MIRVs and indeed was deploying them.

Without MIRV control, what is left? The two major new elements that threaten the stability many perceived in the nuclear arms race over the past decade or so are MIRV's and ABM's, or the rival anti-missile systems. The Soviets have four ABM complexes operational in the Moscow area, Defense Secretary Laird said in his March 9 posture report. The rival American Safeguard system is now under way and Laird has asked for one additional site, either in Wyoming or to protect the Washington area and what are termed "the national command authorities" who run the country.

The United States has already proposed to the Soviet Union that they agree either to outlaw ABM's altogether (the so-called "zero ABM") or limit them to the two national capital areas. But the U.S. proposal was not simply to curb ABM's but to do so as part of a package that also would put a numerical ceiling on rival intercontinental offensive missiles (ICBM's) with a specific sub-ceiling on super sized missiles, the latter being designed to limit the giant Soviet SS–9's. (That sub-ceiling, incidentally, would apply to the extrapolated new Soviet missile Sen. Henry M. Jackson disclosed on March 7 and which Laird has confirmed from satellite sightings of new and different large silo construction.)

The reasoning behind this U.S. proposal is evident from the initial meetings in Helsinki: the Soviets have shown special interest in curbing the Safeguard program, so much so that the idea developed here that it was a fine "bargaining chip" to trade off for control of the SS–9. But Moscow never came up with any numbers it would accept as ceilings on all ICBM's let alone on the SS–9's, to American frustration.

Instead, Semyonov developed the theme he had initially laid down at the beginning of SALT that control of strategic offensive weapons must include all U.S. nuclear weapons capable of reaching Soviet soil. That meant including in any agreement on offensive weapons that are known here as FBS's, forward based systems, the tactical aircraft based in Western Europe and on carriers in the Atlantic, the Mediterranean and the Pacific. In Europe alone the U.S. normally deploys about 600 fighters and attack aircraft. Most tactical aircraft have both nuclear and conventional capabilities.

Inclusion of FBS's has been strongly resisted by the U.S. essentially on the grounds that such aircraft in Europe and the Mediterranean are a counter to Soviet medium and intermediate range missiles targeted on Western Europe and that to curtail them would be to upset the European balance and create major problems with the allies, especially West Germany. The Soviets, of course, know that well enough. For years Moscow has been trying to find devices to split NATO and move West Germany toward a neutralist position politically.

So last December, after fruitless discussions at SALT of the FBS issue, Semyonov said in substance: since we are deadlocked here, why not simply start with an agreement on ABMs alone? He might have added: after all, in asking for SALT in the first place, President Johnson wanted only to curb ABMs and we Soviets insisted on including offensive weapons and you agreed. Now we are back to your position.

Word of this Soviet "ABMs only" proposal leaked out in January and, as Moscow doubtless hoped, produced a considerable amount of backing in the Congress and elsewhere in the U.S. Indeed, Soviet diplomats have been doing some discreet Washington lobbying for the idea.

But the administration was instantly cool to "ABMs only." Mr. Nixon's Feb. 25 foreign policy report said an agreement "should" include offensive missiles. At his March 4 press conference the President hardened this by saying that "we reject that proposal" and that any agreement "must include offensive as well as defensive weapons, some mix."

Just how much leeway the term "mix" leaves negotiator Smith at Vienna is locked up in his top secret instructions from the President. Every indication is that Mr. Nixon's definition of "mix" includes some form of limitation on SS–9s. What Laird had to say in his March 9 posture statement about the numbers of SS–9s, their potentially increased accuracy and their initial multiple warheads plus what he and others have said about the new mystery missile silos would seem to confirm that view of "mix." Furthermore, the Nixon foreign policy report, chiefly the product of Henry A. Kissinger, states that "the number of Soviet strategic forces now exceeds the level needed for deterrence" and that "these forces include systems—particularly the SS–9 ICBM with large multiple warheads—which, if further improved and deployed in sufficient numbers could be uniquely suitable for a first strike against our land-based deterrent forces."

That last sentence brings us to the problem of mutual suspicions, first from the U.S. side and then from the Soviet side.

In his foreign policy paper the President declared that "ideology continues to shape many aspects of Soviet policy. It dictates an attitude of constant pressure toward the outside world . . . In certain fundamental aspects the Soviet outlook on world affairs is incompatible with a stable international system." These statements are not disputed by most serious students of world affairs, indeed they are subscribed to by many who nonetheless believe Mr. Nixon is too rigid about SALT and other issues.

But the President went further when he referred to Soviet weaponry development and its potential use. While he spoke of first strike potential, the language of many in the Pentagon both military and civilian, he also emphasized the political potential, viz: "The growth of Soviet power in the last several years could tempt Soviet leaders into bolder challenges. It could lead them to underestimate the risks of certain policies." Mr. Nixon went on to take up a favorite Kissinger theme. "Confrontation may arise from a mistaken perception of the posture of an adversary," i.e., the Kremlin may think the White House is engaged in a world-wide retreat (the Nixon Doctrine as it originally emerged). "Such a mistake can lead to a failure to appreciate the risks and consequences of probing for advantage or testing the limits of toleration." The Middle East and Cuba, in recent months, were cited as examples.

On the Soviet side there are less clear statements but the mirror image remains evident. Articles and speeches appear contending American "imperialists" are thinking of launching new "aggressive wars" on top of the one in Indochina and are warned they will be "totally rebuffed" if they try any such thing.

When Soviet weapons development is directly related to the SALT talks, Presidential thinking becomes clearer. Discussing SALT in his report, Mr. Nixon said: "Given the available resources, neither of us will concede a significant strategic advantage to the other. Yet the temptation to attempt to achieve such advantage is ever present, and modern technology makes such an attempt feasible." Here the implication is that Moscow alone would do so. But in Moscow they can read Laird's recent remarks about negotiating "from a position of strength," a phrase from the days of John Foster Dulles when Nikita Khrushchev (as Khrushchev later admitted) had to be very wary of the prevailing and undoubtedly massive American nuclear superiority. Nor does Moscow miss the coincidence of Sen. Jackson's leak about their new missile silo work with appropriation time in Congress, as pointed out last week by Sen. Stuart Symington.

Jackson was asked on the same TV program whether he really believed Moscow was thinking of a first strike against the U.S. His response was in line with the Nixon view; the senator said: "When you look at these huge weapons systems, you have to ask what can they be used for other than a first strike?" He added he was reasonably sure that Soviet "use of this new huge buildup will come not in the form of a first strike" on the U.S. "but to use this growing power to take greater and greater international political risks in the 1970s." In short political blackmail, as the Nixon Administration sees it in some future crises with "probing for advantage or testing the limits of toleration" as a steady process. On this, too, there is rather wide general agreement among Soviet specialists in and out of government.

It is against this backdrop of Nixon thinking that one must view of the President's rejection of an ABMs only agreement and his insistence that any SALT pact must control ICBMs, particularly SS–9s, in "some mix."

And it is because of the deadlock that, the rival Soviet and American approaches now have produced that the omens for SALT IV are not favorable.

Still, it is a fact that the Soviet Communist Party formally adopted, in 1963, after the Cuban missile crisis, the Khrushchevian logic that "the atomic bomb does not adhere to the class principle—it destroys everybody within range of its devastating force." Brezhnev, Kosygin & Co. have not repealed that aphorism. On nuclear issues they have rattled rockets far less than did Khrushchev when he had far fewer; instead they have concentrated on building to the parity they now have an exploiting it politically. Inside the Soviet structure there is fierce competition for slices of the economic pie, just as here, with the military resisting, just as here, hold-downs no nuclear weaponry.

Ideology and power politics separate the two giant states, suspicions remain and at times intensify. Still there is the appeal in both Washington and Moscow in the self-interest of arms limitation both for economic reasons and because of the fear of a further spiraling of the arms race leading to doomsday.

As of today SALT has made that horrendous prospect even clearer to both sides but it has yet to lead the men in either the Kremlin or the White House to find a precise way to halt the arms race. To do so requires risk taking beyond the apparent willingness of either leadership.

EXHIBIT 2

BACK TO THE SALT MINES

Resumption of the strategic arms limitation talks (SALT) in Vienna finds both the Soviet and American delegates dug into rigid positions on non-essential issues. The deadlock that emerged after 55 sessions could well frustrate any chance of meaningful agreement unless both sides face up to the illogic of their respective stands.

What is essential to an agreement is that it help to maintain the stability of mutual deterrence, the certainty on both sides that any attempt to launch a first strike against the other would bring unacceptable retaliation. Short of a first-strike capability, numerical advantages in the forces—which now are close to parity, but many times larger than deterrence requires—are of little military importance and only add to overkill.

Limitations in a SALT agreement other than those constraining first-strike capability may be desirable for economic or other reasons. But they are not essential to the security of either side. Yet these are precisely the kind of limitations, sought both by Moscow and Washington, that now are endangering the success of the SALT talks.

The American tactical fighter-bombers in Europe that Moscow wants to count in any numerical limitation of strategic offensive delivery systems do not have a significant first-strike capability. Their targets would be warned long before arrival. In a second-strike retaliatory role, they might reach the Soviet Union. But they could only inflict marginal damage on top of that already done by missiles. Some flexibility on both sides, as a result, should make it possible to resolve this relatively minor issue, which is more political and psychological than military.

Similarly, there is little logic in American rejection of the Soviet proposal that an initial SALT agreement be restricted to defensive antiballistic missile (ABM) systems. American insistence on linking to ABM limitations a numerical ceiling on offensive missiles, including a subceiling on the large Soviet SS–9 intercontinental ballistic missiles (ICBMs), can accomplish little.

The first-strike threat to the 1,000 silo-based American Minuteman ICBMs that the Pentagon envisages does not stem from SS–9 numbers, which remain less than 300. The Minuteman force can be expanded more rapidly and cheaply than the SS–9 force. The threat the Pentagon sees stems from the MIRV multiple warheads the SS–9 might carry; 420 SS–9s equipped with three MIRV warheads each would endanger the bulk of the Minuteman force, it is argued. But limiting the Soviet Union to 250 SS–9s without restricting MIRV, as the U.S. proposes, would accomplish little. The Soviet Union could install six-warhead MIRVs on its SS–9s a bit later.

An effort to stop the Soviet MIRV—by offering to give up the American MIRV—would be the single most important move that could be made to halt the nuclear arms race. But President Nixon has refused to pay this price, siding with the Pentagon on this issue against the State Department, the C.I.A., his prestigious General Advisory Committee and a 72–6 vote of the Senate.

Unless Mr. Nixon is prepared to propose a realistic MIRV ban, it runs counter to the deepest security interests of the United States to delay exploration of an ABM agreement by linking it to valueless limitations on offensive missiles. If agreement can be reached to limit deployment of ABM radars and interceptors to present levels—or, better still, to ban them completely—there will be no need for MIRV warheads or any other expansion of offensive missiles on either side. Chances for a subsequent agreement limiting, then reducing, offensive missiles would be enhanced.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. CRANSTON). Under the order of last Friday, there will now be a period for the transaction of routine morning business for not to exceed 45 minutes, with a time limitation therein of 3 minutes.

DELAY IN ESTABLISHMENT OF A NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

Mr. HUGHES. Mr. President, on December 31, 1971, President Nixon signed into law the most progressive and far-reaching legislation in our history to protect America from one of the three deadliest and costliest diseases that afflicts our Nation—alcoholism.

It was the culmination of the Federal legislative process working at its optimum level.

The law to which I have reference was the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

This legislation was passed by both Senate and House unanimously. It was endorsed by the leading medical and health associations of the land.

It was hailed throughout the country as bringing hope to the American society of the first substantial breakthrough toward control of the deadly alcoholism plague that Dr. Roger Egeberg, our country's No. 1 health officer, stated in hearings of the Subcommittee on Alcoholism and Narcotics to be our Nation's "No. 1 health problem."

But since the historic enactment of this legislation, representing the best in bipartisan cooperation between the executive and legislative branches in the public interest, something has happened—or more specifically failed to happen—with regard to this new law that has me puzzled and deeply concerned.

The law requires the establishment of a National Institute on Alcohol Abuse and Alcoholism.

It also establishes an independent National Advisory Council on Alcohol Abuse and Alcoholism, to insure outside evaluation of the Federal efforts in this area.

Mr. President, to date, no institute has been created; no director for the institute has yet been appointed; and no national advisory council has yet been administratively established or selected.

At first, it was assumed that this lapse was due to some explainable delay in the governmental process.

Recently, however, staff members of the Senate Subcommittee on Alcoholism and Narcotics, which I chair, made inquiry of NIMH and OMB personnel about the reason for the delay.

They were informed that there is no intention on the part of the administration to request supplemental appropriations for 1971 or even an expanded budget for 1972 to implement this new law.

In other words, it would appear that the thrust of the executive budget is to repeal, for all practical effects, the law that was passed without dissent by the two Houses of the Congress and signed by the President.

To make matters worse, the administration is presently proposing that the alcoholism program in OEO, for which the Congress required mandatory funding of $10 million in 1970 and $15 million in 1971 be cut back from the $12.8 million actually funded by the administration in 1971 to $2 million in 1972.

The administration is proposing to add some additional funding to the old community mental health centers program in 1972, we are told, but the amount to be added appears to be a matter of some confusion.

The President's health message indicated that the budget for alcoholism programs in this area would be raised from $7 to $14 million. But the alcoholism program already has $14 million in it this year.

Mr. President, the old saying goes:

> There is many a slip 'twixt the cup and the lip.

In the vast bureaucracy of the Federal Government, there are bound to be miscarriages of high executive intent within the structure.

I can only believe that this is the case in the present instance.

I cannot believe that the President who brought hope to millions of people in America suffering directly or indirectly from the blight of alcoholism intended to have this historic effort cut off at the pass in the budget process.

I am strengthened in this belief by the fact that on January 11, 1971, the distinguished Secretary of Health, Education, and Welfare, Elliot Richardson, speaking at a press conference announcing a joint drinker-drivers interagency program between the Department of Health, Education, and Welfare and the Department of Transportation, stated:

> Our collaborative effort with the Department of Transportation coupled with the new legislation signed by President Nixon on January 2, 1971—the Comprehensive Alcohol Abuse, Prevention, Treatment and Rehabilitation Act—give us for the first time the tools we need to fight alcohol abuse and alcoholism on a nationwide scale.

And, referring to the toll which alcoholism exacts in lives, injuries, and illness each year, the Secretary further stated:

> These figures are reducible, however. One reason for optimism is that on January 2, 1971, President Nixon signed into law the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act. The new law creates a National Institute on Alcoholism within the National Institute of Mental Health.

Mr. President, I would ask my colleagues to bear in mind what we are talking about with reference to the comparatively moderate funding involved in this new law; namely, to control one of the Nation's deadliest plagues which threatens not only our national health but our national security as well.

Alcohol-related problems result in over 85,000 deaths yearly. Compare this, if you will, with the casualties in Vietnam.

It is estimated that a staggering total of 9 million Americans are now alcoholics.

Nearly 2 million arrests annually are made for public drunkenness. In some areas, more than one-third, in some areas, more than one-half of all arrests made are for this charge. Consider the strain on our justice system.

One-third of all deaths reported as suicides are considered to be alcohol-related.

Upward of 25,000 Americans a year lose their lives in traffic accidents in which alcohol is involved.

Including families deeply hurt because one or more family members suffer from this disease, I estimate that at least 40 million Americans suffer as a result of this blight.

Some 15 billions of dollars of this Nation's economic capability is lost to alcoholism.

And yet our experience has proven:

That the overwhelmig majority of the men and women suffering from alcoholism can recover with proper treatment.

That industry and Government can effect enormous economic savings from a relatively small investment in sound alcoholism control programs.

And that we need not settle for the shocking death-toll we are experiencing now as a result of alcohol abuse.

Mr. President, because of my strong concerns about the perils in the years ahead if this new Federal law is not carried out as intended, I have called a day of hearings of the Senate Subcommittee on Alcoholism and Narcotics for Thursday, March 18, and have invited Secretary of Health, Education, and Welfare Elliot Richardson and Director of OEO Frank Carlucci to discuss the critical need of implementing these programs which the Congress and the President have put into Federal law.

I will personally report to the Senate, which kept faith with the American people by unanimously passing this historic legislation to control alcoholism, the results of these hearings.

QUORUM CALL

Mr. **BYRD** of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **TUNNEY**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FAMILY ASSISTANCE PLAN

Mr. **PROUTY**. Mr. President, as some of my colleagues may know, for the past 8 months, Vermont has been cooperating with the Federal Government in a study of some aspects of operating the family assistance plan.

In view of my State's experience in this area, I would like to bring attention to a joint resolution recently passed by the Vermont Legislature attesting to their belief that passage of some form of family assistance plan is necessary. This resolution reflects the widespread belief in the State that such reform is vital and is based on much experience with projected workings of that type of plan.

I ask unanimous consent that a copy of Joint Resolution No. 7 as passed by the Vermont Legislature be included at this point in the RECORD.

There being no objection, the copy of the resolution was ordered to be printed in the RECORD, as follows:

JOINT RESOLUTION RELATING TO FAMILY ASSISTANCE PROGRAMS

Whereas, the growth of the welfare rolls threatens the fiscal stability of the States, and

Whereas, the President of the United States has proposed a national Family Assistance Program which is a far-reaching reform of the present welfare system, and will doubtless submit a similar program to the new Congress, and

Whereas, it is vital for the economic health of our state and other states as well that such program be adopted, *now therefore be it*

Resolved by the Senate and House of Representatives: That this General Assembly as did the 1969 General Assembly supports and approves the efforts of the President of the United States to have the United States Congress enact a Family Assistance Program, *and be it further*

Resolved: That this General Assembly does hereby memoralize the United States Congress to give favorable and prompt consideration to such Family Assistance Programs, *and be it further*

Resolved: That copies of this joint resolution be forwarded by the Secretary of State to all members of the Vermont congressional delegation and to the Speaker of the House of Representatives in Washington, D.C. and to the President Pro Tempore of the United States Senate in Washington, D.C.

AMERICA NEEDS NONVIOLENT ACTIVISTS

Mr. METCALF. Mr. President, the bombing of the Capitol and other acts of politically motivated violence are of great concern to all of us. Our concern, with that of many prominent Americans, has been widely registered in the media.

However, the views of one segment of Americans have not received much attention. I speak of American college students, a group often blamed for militance. It is from the students that much of the push for change is coming, and it is they who ultimately will shape a large part of America's future. It is, therefore, important to consider the means favored by those of college age to bring about the changes they seek. If American youth were to choose to follow the examples set by those who bomb and claim political legitimacy, then everyone's future is threatened.

I am confident that our young people will make the right choice. An editorial by Editor Jack Cloherty of the Montana Kaimin, student daily newspaper at the University of Montana, Missoula, is a sample of student opinion of which I am proud. I ask unanimous consent that Mr. Cloherty's editorial, in the issue of March 2, 1971, be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

America Needs Nonviolent Activists

Many leftists and anti-war militants, disillusioned and despondent, would find it easy to excuse or even applaud Monday night's bombing of the U.S. Senate. After all, one B–52 bomber run in Indochina does far more violence and killing than all of the terrorist bombing that has taken place in America. That truth is much too easy.

In order to turn this country around the "revolutionary" movement will need millions of people. It does not have millions enlisted now, nor will it ever if it continues resorting to terror tactics. Through terrorism, the left will merely alienate the masses it needs. Bombings supply witches for the right-wing witch hunt. Next to detonating a bomb, creative, productive and non-violent activism is just a shadow of an act. But non-violent activism at the grassroots level is what must be carried on if this nation is ever to be deterred from its aggression and racism.

By indulging in terrorism, the movement forfeits more than its political legitimacy, however. It forfeits the moral legitimacy that is the movement's heart and soul. By sinking as low as the killer system itself, it has lost the right to serve as the American guardian of human compassion and betrayed its promise as the killer system's antidote.

Violence can only be tolerated when it is the last desperate act of a people oppressed beyond recourse. Although oppressed, the American anti-war movement is not yet beyond recourse. Hope is on the horizon. Nixon will have problems getting reelected in 1972. The economic recession is the most powerful anti-war issue working against him and there is evidence his silent majority has risen from the dead. (Yesterday, anti-war construction workers booed him in Des Moines, Iowa.)

Non-violence is the hardest, and most courageous vehicle leading to social change. Non-violence forces one to understand all facets of the system's problems, and forces the movement to create before it destroys.

We cannot destroy and expect to create—no more than our government can destroy and expect to save. To reorder a nation, much care and love will be needed. Political and social creativity is a necessity to the formation of this new America.

We must give it, for the now-America's cancerous immorality is rotting the world, and it is up to us to give the world a new America.

INTERNATIONAL COOPERATION IN SPACE

Mr. PERCY. Mr. President, recently I had the opportunity to participate in the city of Chicago's tribute to the Apollo 14 astronauts, Capt. Alan B. Shepard, Capt. Edgar D. Mitchell, Jr., and Lt. Col. Stuart A. Roosa, and their families.

Like every other American, I felt a strong sense of pride in the accomplishments of these remarkable men and the thousands of scientific and technical personnel who made their mission to the moon possible

At the same time, however, I was again reminded of a theme that I have discussed many times before on the floor of the Senate—the need for expanded international cooperation in the exploration of space.

Great as our successes have been in opening up man's last frontier, the potential for further advances in the exploration of space is virtually limitless. But I believe that further progress will come most quickly, and with the maximum benefit in terms of international understanding, if the nations of the world pool their technological and financial resources in space.

Last December I noted the status of efforts to bring Europe to the point at which it would consider and undertake major commitments to post-Apollo projects. These efforts are continuing through a political dialog and through a series of technical discussions which seek to frame a concrete proposal for European participation in the development of the future space transportation system. Should significant European participation materialize, the United States could gain very considerable benefits in both finance and technology.

With the encouragement of all four Presidents since the dawning of the space age, NASA has also persevered in continuing efforts to broaden the base for cooperation in space with the Soviet Union. I am particularly pleased that these efforts seem now to be making very good headway.

In October 1970, NASA successfully negotiated an agreement on procedures by which the two nations can develop compatible rendezvous and docking systems for their manned spacecraft. Obviously, this could be a key step toward cooperation in space itself in a wide variety of projects.

Dr. George Low of NASA, has now reported further successful negotiations in Moscow in January of this year. Dr. Low reports that the most recent talks were frank, open, and to the point. The agreement comprehends a number of areas of space activity.

Thus, NASA and the Soviet Academy of Sciences have agreed to exchange some of the material from each of the sites which the two nations have already explored. Although the amounts to be exchanged are small, they will be sufficient for detailed scientific examination of a comparative nature. It is intended that this exchange will continue as future sites are explored. In this way, each country will have firsthand benefits from the explorations of both at different locations on the lunar surface.

The United States and Soviet delegations also agreed to work jointly to improve their exchange of data from meteorological satellites. They agreed to provide, in effect, for a world system of atmospheric probes by meteorological sounding rockets. They plan to do this by coordinating rocket soundings along a meridional network each side is developing, one in the Eastern and the other in the Western Hemisphere.

Perhaps of most long-range practical significance, NASA and the Soviet Academy of Sciences have agreed to formulate a program under which they will coordinate studies of integrated surface, air, and space research in specified ocean and land areas in order to advance the techniques for investigating the natural environment in the common interest.

The two agencies have further agreed to meet together to define the most important scientific objectives for future exploration of near-earth space, the moon and the planets, and to exchange information of the scientific objectives and results of their national programs in these fields.

Finally, they have agreed, on a regular basis, to exchange highly detailed biomedical data obtained from the manned space flights of each country.

The January agreement is subject to confirmation by the NASA Administrator and the president of the Academy of Sciences within 60 days. Joint working groups will then be utilized to further develop the various elements of the agreement.

It is important to recognize that there are significant potential benefits to the United States from cooperation with the Soviet Union in space. These will be even exchanges, and the United States will not be giving up more than it gets. The character of the exchanges which have been agreed and the types of activity which are covered are such that both sides can benefit, but both remain free to pursue their national programs according to their independent views and decisions.

It will require patient effort over a long period of time to bring this cooperation from plans to realities. The United States has and will continue to have important differences with the Soviet Union in many areas. But as we live with and attempt over a period of time to resolve these differences, I believe it important that the United States continually seek to expand areas of agreement and cooperation with the U.S.S.R. in areas in which we can do so without affecting our security or compromising our support of free institutions.

The administration and NASA are to be commended for pressing forward their continuing efforts to achieve the advantages of cooperation in space with the U.S.S.R.

TRADE WITH RED CHINA

Mr. INOUYE. Mr. President, I am greatly encouraged by a new attitude that seems to be emerging in the administration regarding trade with Red China. If recent reports are correct, new initiatives to improve our commercial relations with this major Communist power will shortly be made.

As chairman of the Subcommittee on Foreign Commerce and Tourism, I find these new developments highly significant. I have long believed that our policy of diplomatic, political, and economic isolation of Red China was futile and counterproductive. The rigid, inflexible doctrines that characterized the early years of the cold war are giving way, finally, to the realities of world politics. There has been rising interest in trade with Communist China, and what was once the unmentionable has become a topic of serious consideration.

In spite of the new realism, I realize that there are still formidable obstacles to trade with the People's Republic of China. We must still review our regulations and revise them where appropriate. The Communists still have shown little desire to cooperate with the United States on commercial matters. Their dogmatism and often abusive conduct may have a detrimental effect on trade, as may their relative isolation from customary commercial contact. Moreover, the Communist Chinese market, while of great potential benefit, will yield little profit to American companies in the immediate future. Nevertheless, it is difficult to underestimate the value that will accrue to us from increased contacts with the People's Republic of China. Even as we maintain our vigilant guard against aggression, we can gain a better understanding of this Asian giant through trade and tourist visits.

I ask unanimous consent that an article from the March 11, 1971, Wall Street Journal be inserted in the RECORD. It reports a relaxation of rules affecting American subsidiaries abroad which deal with Red China.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CHINA TRADE: UNITED STATES CONCERNS EXPORT MAINLAND-BOUND GOODS AS EMBARGO LOOSENS

(By Jonathan Kwitny)

After a 20-year embargo, American corporations have begun to do business with Communist China.

The flow of American products and technology into the People's Republic has just started, and it is only a trickle. Still, it amounts to at least several millions of dollars a year. And many businessmen who have no trade with mainland China now are seeking it.

So far only a handful of American companies have traded with China through intermediaries since December, 1969, when the Nixon administration eased the near-total ban on trade with mainland China that had existed since 1949. But this handful includes such major manufacturers as General Motors and two large chemical companies, Monsanto and Hercules. Among other American companies whose products have been sold to China are American Optical, Sperry Rand and Cummins Engine.

The government still bans sales to China of goods deemed "strategic," though there is an occasional argument over just what is strategic. In any case, the new trade effort is being encouraged by the Nixon administration.

CORPORATE SECRECY

Last month President Nixon, in his State of the World message, pledged to "remove needless obstacles to . . . contracts between the Chinese and American peoples," a statement interpreted by some to mean more trade barriers would fall.

In most cases the Commerce Department refuses to name companies whose deals it has cleared. However, the department has made known the kinds of China-bound products it has licensed for export. They include bag-closing sewing machines, brake parts for locomotives, parts for copying machines and chemicals for pesticide and antibiotics as well as some foreign-made products manufactured under licensing agreements with American companies. All products are processed further or assembled in Europe or Japan before shipment to China.

For executives of most American companies involved, the trade could become a highly controversial issue. So they won't even admit they are involved unless confronted with evidence. For example, one East Coast manufacturing company officially insists it has sold nothing to China. But told that a product of which it is the major supplier is on the Commerce Department's list, a spokesman concedes, "That has as much chance of not being us as I have of getting the next male lead in the Ballet Rousse."

THE 740 MILLION ASPIRIN CHEWERS?

The Chinese themselves are even more secretive. They encourage the view that they aren't interested in American trade, and the decision to tolerate a little of it seems to have been based at least partly on economic necessity. The Chinese still rebuff American businessmen who try to approach them directly, and deals through middlemen are made in an atmosphere of international intrigue.

Monsanto, one of the companies that has been identified, has sold China through subsidiaries abroad roughly $750,000 worth of chemicals including base materials for aspirin and for rubber compounding. Transactions not yet consummated, for which Monsanta has received approval, may push its sales to China past the $1 million mark.

Monsanto talks more freely about its sales than do other companies. A spokesman says it could take 10 years for mainland China, with its 740 million people, to rival Nationalist China (Taiwan) as a purchaser of U.S. products although Taiwan has only 14 million people. "But you just can't look at a market of that size and not believe that eventually a lot of goods are going to be sold there," he says. "One aspirin tablet a day to each of those guys, and that's a lot of aspirin."

GM AND CHINA'S FOREIGN AID

Last year General Motors sold 80 truck engines to the Roberto Perlini Co. of Italy, which planned to export the engines to China in Perlini dump trucks. That sale was publicized when the Commerce Department licensed it. The department said GM received $232,000 for the engines and $450,000 for spare parts.

Since then, GM acknowledges, it has sold—without publicity—two $30,000 earth movers to a Chinese construction group building a highway in Zambia. The sale was licensed by the Commerce Department on Jan. 7.

From its Reichert Division in Vienna, American Optical has shipped about $15,000 worth of microscopes for medical research to China. Equipment produced by Sperry Rand and four smaller American companies, in a transaction approved by the government, went to China as part of four British Trident aircraft sold by Pakistani Airways. And China has bought bulldozers powered by Cummins diesels, manufactured by a Japanese firm under license from the American company.

Most of the trade with China is one way. The one known exception involves Hercules, the chemical company, whose foreign subsidiaries have bought more than $1 million in resin from China.

Altogether, the Commerce Department says it has issued nine licenses for the export of goods or technology to China. However, sources in the State Department say that Commerce Department officials have issued several times that many "advisory opinions" interpreted as permission to trade with China. Such opinions apparently deal with sales by American-owned companies abroad of goods originating outside the U.S. These sales don't have to be licensed.

The Commerce Department says it has denied only one license application. In the proposed transaction, an Italian company using an American-owned process would have made and sold a heavy press for turning out sheet steel. But the press was considered strategic.

Before issuing licenses, the Commerce Department checks with the State Department and the Defense Department. The Defense Depratment reportedly has delayed approval of an application by Citron, the French concern, to use GM or Cummins engines in trucks to be shipped to China on the grounds the trucks are strategic. However, both GM and Cummins deny any plans to sell these engines, which would be valued at several hundred thousand dollars.

The three departments are supposed to hash out any dispute over a license in an interdepartmental committee. But that committee hasn't decided a single case involving China trade, says its chairman, Theodore Thau of the Commerce Department. A controversy over the GM-Perlini application last year reportedly was resolved by the National Security Council.

The new tolerance toward China helps American businessmen compete more effectively for sales abroad even when the China-bound portion is insignificant. The story behind one Commerce Department license—to export a $5 spring—shows why. The spring was to be used in one Japanese-built bulldozer destined for China. Prior to the new regulations, the American manufacturer of the spring would have violated the law by selling it to his Japanese customer and, as a consequence, might have lost the customer's entire business; rather than tolerate the nuisance, the customer might have switched to a non-American supplier.

Businessmen who are interested in selling directly to the Chinese, and plenty of them are, find it frustrating. Most Chinese industrial purchases are negotiated at trade fairs in Canton in April and October. Attendance is by invitation only. So far Americans have not been invited, and requests for invitations have been ignored. So sales are negotiated through professional traders from Britain, Australia, Switzerland and other countries.

It may be a good thing the Americans aren't invited. A China specialist, Massachusetts Institute of Technology professor Lucian Pye, says agents for British and Japanese companies are "insulted, harangued, kicked, but they just blink and take it. You're not going to have that with American businessmen. They have much shorter fuses."

Western brokers arrive in the knowledge their stay may last a month, and it may produce no sale. Some ease the pain with gallon-plus jugs of whisky purchased in Hong Kong. Though Chinese rules allow a visitor only one bottle of booze, they dont' say how big a bottle.

The first few days of the fair are taken up with lectures from the Little Red Book—and admonitions against dealing with the U.S. or the Soviet Union. Afterwards the Chinese bargainers, distribute lists of the goods they have to sell, usually agricultural products and raw materials. Once they see how sales are going, they decide whether and what to buy.

The Chinese usually pay for their purchases in European currencies, often Swiss francs. They are reported to be scrupulous in fulfilling their contracts, although they are tough negotiators.

MR. PATRICK B. HEALY

Mr. YOUNG. Mr. President, a recent article by syndicated newspaper columnist, Kenneth Scheibel, had high praise for Mr. Patrick B. Healy, whom I am certain in well known by most Members of Congress as the secretary of the National Milk Producers Federation.

This column, which appeared in a large number of newspapers throughout the country detailed the hard, effective work Pat Healy has done in behalf of American dairy producers over the years. I share the views expressed by Mr. Scheibel. Pat Healy is a good, effective representative of one of our major farm organizations. Even more important, he is a great credit, not only to the organization he represents, but to agriculture in general.

Mr. President, I feel that the views expressed in this article would be of great interest to all readers of the CONGRESSIONAL RECORD. I ask therefore that it be placed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WASHINGTON FARM BEAT

WASHINGTON, D.C.—The best spokesman farmers have for getting things done for them in Congress never had anything to do with a farm.

He's Patrick B. Healy, 50 year old former government official who grew up in a small town in Indiana. Today as Secretary of the National Milk Producers Federation here, he seems to stand in a class by himself in getting agricultural bills through Congress when other farm leaders flop.

"I never tried to kid anybody about farming," he said. Healy's wizardry is in getting legislation through Congress benefiting dairy farmers.

In 1970 Healy and his staff of lobbyists were notably successful. Congress okayed a special school milk program, appropriations for dairy programs, import controls, a legislative package for dairy farmers, a Class I base plan, pesticide indemnities, an advertising and promotion bill, and others.

Healy and his dairy groups don't bat 100 percent by any means. But they do score remarkably high. Perhaps there are several reasons.

One U.S. Senator said, "The reason the dairy folks are successful is that they are never unreasonable. They don't try to get too much."

Healy told why his organization gets things done where other outfits flounder:

"We talk to our members, find out what they want, get the direction to take. In Congress, we choose workers. We are careful who introduces our bills. We keep our issues out of party politics. We learn what Congress is willing to do. We don't ask for the moon. Then we ask Congress to do for us what we already know they will do. We guide Congress a step at a time. This makes them feel good, gives us winners and builds for the future.

"When a man introduces our bill, we go to work to help him. We don't let one of our friends stand out there alone. But if we find out we can't get along with a fellow, we don't blast him. We stay away."

Healy learned the ropes in government, spending 14 years with the Department of Agriculture. He knows how and why the Department will react to various situations.

On Capitol Hill, Healy goes out of his way to do favors for his friends. He has been known to fly all night, coast to coast, to show up the next morning to help a Congressman celebrate a hometown recognition party.

"I never forget that gesture by Pat," said one lawmaker from the west. "And I never will."

A lonely Senator or Representative whose family is back home, or away from town a few weeks, may find himself as Healy's guest for the weekend on the golf course. Healy shoots in the 70's but some of his Congressional friends are even better.

In Congress, Healy limits his activities to agriculture. He stresses the economic background of his proposals. "We can get political if we have to," he said. But he prefers to keep his programs out of politics.

Healy has learned that to have friends he and his dairy group have to be friends. So they help both Republicans and Democrats when they can, whether it be a world renowned Senator, a Presidential candidate, or an obscure young Representative.

Perhaps these are a few of the reasons one farm outfit clicks in Congress. There may be others. Unlike some of his colleagues in lobbying, Healy looks to the future and what can be achieved, not back to the dim past and what's impossible. And he never talks wistfully about "going back to the farm."

ODDS AGAINST SST PRIVATE FINANCING 100 TO 1

Mr. PROXMIRE. Mr. President, conservative calculations show the odds far more than 100 to 1 against the SST ever being a successful privately financed commercial plane.

Be your own "Jimmie the Greek" or handicapper and you will find that any conceivable future developments—no matter how optimistic—could give the SST 1 chance in 10 of succeeding.

I have taken the various conditions that witnesses before the Senate Appropriations Committee said were necessary to enable the SST not to have to come back in failure to the Federal trough for additional billions. Every one of these conditions must develop or the SST will be a commercial failure that could cost the Federal taxpayer plenty.

The odds that each of these conditions will work out favorably for the SST vary. For some the outlook is good. For some bad. But because every one must be favorable, the cumulative odds against the SST could be as high as 250 to 1 against for a skeptical realist. They are at least 100 to 1 against for an optimist. And they are 10 to 1 against for the starry eyed, all-out SST buff.

You be your own handicapper, simply remembering that any necessary conditions for the SST's success must be cumulative, that is each one must be fulfilled. Throw out any conditions you believe to be a lead-pipe cinch, sure to be fulfilled. Just leave in the conditions you think represent any risk or chance of missing.

This SST oddsmaking game takes only 3 or 4 minutes to play. There are no prizes for winners but you can have the satisfaction of determining what your chances are as a taxpayer of being a big and maybe a very big loser.

Here is the table:

Cumulative odds	Odds on this condition	Condition
1 in 3	1 in 3	No substantial over-runs in the cost of producing the plane. An over-run of 50 percent or more would make the plane economically impossible. And no substantial over-runs in the plane's operating costs. A 50 percent increase here would also destroy the plane's capacity to compete. In view of the track record on all new state-of-the-art planes where R & D and prototypes are government financed, this is highly unlikely.
1 in 4	3 in 4	A big economic recovery for America and the rest of the free world. This is very likely. But not certain. If big economic recovery does not come, the plane will not sell and can not be financed.
1 in 8	1 in 2 (even money).	The financing and sale of the SST depends on quadrupling overseas air-traffic in next 20 years. If it merely doubles, the sale of SST's will drop precipitously. Chances are even that sales will quadruple.
1 in 16	1 in 2 (even money).	Complete solution of noise problem without serious economic penalties. Testimony shows an increase in weight of 50,000 pounds for noise suppressors—equal to entire payload. This is sure to reduce range, increase fuel consumption and capital cost. Proponents are sure they can do this. Competent opponents are highly skeptical. Chances are about even.
1 in 32	1 in 2 (even money).	Elimination of upper atmosphere threat by SST's. Agreement that SST's will put enough water vapor into upper atmosphere to reduce ozone by at least 4 percent. Agreement that this may increase radiation on earth. Agreement that if it does, radiation induced illnesses would increase. Agreement that if this is established, plane should not fly. Proponents think this threat is very unlikely. Opponents don't see how this can be avoided.

Cumulative odds	Odds on this condition	Condition
1 in 64	1 in 2 (even money).	That fuel consumption will not be prohibitively high. Several experts have predicted that the SST would require the discovery of another oilfield the size of the north slope of Alaska. Chances of keeping fuel down to acceptable limits: 1 in 2.
1 in 256	1 in 4	Repeal of antitrust laws application to air carriers. (Najeeb Halaby, the principal pro-SST witness for the airlines, called this essential for private financing.)

ELECTION REFORM

Mr. SCOTT. Mr. President, since Senator MATHIAS and I introduced our Federal Election Reform Act of 1971, a great deal of interest has been generated on the subject of campaign reform. Just recently, WTOP—TV and radio—endorsed our bill. I ask unanimous consent to include the editorial at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

REFORM CAMPAIGN FINANCE THIS YEAR

Congress must move with deliberate speed to erase the evil effects of money on political campaigns. The President, we believe, cannot continue to be neutral in this fight and should declare himself for strong, specific reforms.

Congress will have to move fast if new legislation is to cover the 1972 campaigns. It will be absolutely inexcusable if candidates are bought, sold, and otherwise compromised in 1972 as has happened so often in the past.

Several major bills have emerged. Most of them have at least some praiseworthy features. At this point, the best of the lot appears to be one drafted by Senator Hugh Scott, the minority leader, and Senator Charles Mathias of Maryland.

The Scott-Mathias bill bypasses the notion of spending limits in favor of limits on contributions. It would regulate what may be given to a candidate by supporters as well as what he may give himself, which should deter the rich man from trying to buy public office. The bill also provides tax incentives that will encourage more people to contribute.

The Scott-Mathias package would create a disclosure system with teeth in it. On any list of priorities for legislation, disclosure must be at the top. The sources of political money must cease to be secret.

It won't be easy to get reform legislation in this field. Many members of Congress—perhaps most—have profited from the existing money arrangements. But this is a gut issue if ever there was one, for if elections aren't clean how can government be clean? If members of Congress balk on these reforms, they should be voted out of office.

It's time to quit winking at campaign abuses and hyprocrisies. There must be reform legislation this year.

This was a WTOP Editorial . . . Norman Davis speaking for WTOP.

ANNIVERSARY OF HUNGARIAN INDEPENDENCE

Mr. PERCY. Mr. President, on this anniversary of Hungarian independence, we recall the March Laws of 1848 which made Hungary virtually independent under the Hapsburg monarchy and which called for popular, representative government, religious freedom, the right of public assembly and the abolition of serfdom.

Unfortunately Hungary's independence did not endure. In a few months the Hapsburgs, aided by Russian troops, overthrew the young republic.

In our own time we have witnessed similar tragedies which have befallen the people of Hungary. In 1956 the Hungarians tried again to achieve real freedom, and again the effort was thwarted by Russian troops.

We can conclude that the past has been unkind to the Hungarians in a political sense. Yet the prestige of the Hungarian people has always been high, both in Europe and America. All know that the Hungarians have made magnificent contributions in music, drama, and literature. Indeed the Hungarians have been acclaimed as well for their style of life, their great interest in the arts, their dedication to life and freedom. Hungarians are much respected in the civilized world.

Against the backdrop of their political misfortunes, the Hungarians have maintained their traditions, their constructive character, and their determination that one day Hungary again will be free of foreign influence. They deserve the concern and the prayers of all Americans.

DEATH OF JACK ENTRATTER

Mr. CANNON. Mr. President, a few days ago, the State of Nevada lost one of the principal leaders of its tourist industry, Jack Entratter of the Sands Hotel.

More than any other figure in a decade, Jack Entratter brought to Nevada the biggest stars in the world of entertainment and is more than any single individual responsible for the growth of the State's reputation as the world capital of entertainment.

He lived for nearly 20 years in my State and during that time became a leader in the business, cultural, and social life of the community and set an example of friendship and talent that was inspiring to young and old. I counted him among the most unforgettable friends that I have had.

I ask unanimous consent that editorials commenting on his passing from the Las Vegas Sun and the Las Vegas Review Journal be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

WHERE I STAND

(By Hank Greenspun)

Death cancels everything except the truth. The truth about Jack Entratter is something we must make known. For he was a man who held the truth at the center of his life.

He had faith in people. He believed that human beings were worth bothering about. This gave him courage and strength, despite many moments when a lesser man would have become a cynic.

He was sensitive and talented, imaginative and creative. He made Las Vegas the show business capital of the world.

At the Los Angeles airport last night when Danny Thomas was catching a plane to come to Las Vegas, he said "Under Jack Entratter the Sands was the flag ship of the Strip. It was the home of the greatest solo performers in the business. The Sands was a family and Jack was the Daddy."

A marvel is that all his great qualities were with him to the end of his life despite disappointments and betrayals; despite ingratitude and the forgetfulness of the many people he helped on their way to stardom.

He gave people their starts, many of them celebrated names in show business and a lot of them, in their empty success turned their backs on him.

His faith in people enabled him to shrug aside the memory of those who had turned on him, treated him badly, were incapable of appreciating his help.

Jack was a civilized man. He started in the jungle of the New York night clubs in the entertainment business with its great variety of performers, its peripheral characters, its strong arm men and its leeches. The great thing about Jack is that, despite all the pressures, he never went down to that level.

He survived the fringe elements, kept himself scrupulously clean in a sometimes dirty business.

He might suffer many disappointments but he started each day anew trying to keep to his truth, to remain human in the jungle.

No man was more devoted to the less fortunate, the needy and all the causes which uplifted man. He was a leader in our community.

Ironically, the most complete ruthlessness he experienced did not come from the people on the edges of our society, but from those cold and faceless robots of the corporate structure.

Perhaps in the end that was what ground him down most of all. He could understand viciousness and greed. He could understand all human frailties and vices, except the manipulations and the lack of loyalty which rend the human soul.

The jungle could not destroy his sensitivity, his goodness, his basic humanity.

Even the sharp blade of corporate guillotine could not destroy his faith. He is gone and the industry he represented, the world of show business, the community he lived and worked in are diminished.

We are all diminished when a good and believing man leaves us.

JACK ENTRATTER STOOD TALL IN LAS VEGAS

Jack Entratter was a tall man in stature.

To those whose lives evolved in and around the world of entertainment; to countless numbers of disadvantaged children; to thousands of working people; and to this community, he stood even taller.

The handsome, always impeccably-dressed former president of the Sands Hotel died Thursday morning. His unexpected death shocked notables and "little people" throughout the country.

The 58-year old Entratter came to Las Vegas as vice president of the Sands in 1952. He became president 10 years later and held that post until Howard Hughes purchased the hotel in 1967.

At the time of his death, he was senior vice president of the Sands as well as entertainment director, a capacity he held since his arrival in Nevada.

Among the thousands of telegrams and communications received at the hotel since his death are those from "his boys" the Clan, Frank Sinatra, Dean Martin, Sammy Davis, Jr., Peter Lawford and Joey Bishop. Entratter was instrumental in initiating the big name policy that has prevailed over the years in hotel showrooms on the famed Strip. The Clan members brought new heights to the entertainment scene.

Entratter was also instrumental in founding the Jewish community of Las Vegas, and in establishing Temple Beth Sholom, where he served as president for five years.

Following the death of his wife Dorothy in 1961, he founded the Dorothy Entratter Homes for Children in Israel.

And, because of his great concern for the economy of Clark County and the welfare of its residents, he created jobs and found employment for hundreds of people.

Jack Entratter's survivors, his close business associates, his employes, the "greats" of show business, homeless children in Israel and members of this community will find a deep void because of the man's death.

Jack Entratter was a TALL man.

THE PRESIDENT AND THE NEO-ISOLATIONISTS

Mr. MILLER. Mr. President, in the March 16, issue of the Washington Evening Star there is an excellent article by Columnist Crosby Noyes entitled "The President and the Neo-Isolationists."

Mr. Noyes presents his usual penetrating, dispassionate, and balanced analysis of differing viewpoints and comes down hard on the need for pragmatism in our international posture.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PRESIDENT AND THE NEO-ISOLATIONISTS

(By Crosby S. Noyes)

President Nixon, quite evidently, is trying to broaden the scope of the debate. For several weeks now, in a variety of forums, he is inviting the nation to lift its attention from the immediate problem of the Indochina war and concentrate on the role of the nation in the world in the postwar period.

Nixon is concerned with reaction to the experience of the war in terms of what he calls a growing "neo-isolationism" in the Congress and the country at large.

He is convinced that it would be a tragedy for the world if the attitudes and responses bred in Vietnam should come to condition American foreign policy over the next decade or so. And he notes that those who most warmly embrace the new isolationism include some of the most ardent internationalists of a few years back.

The President's critics, of course, deny that they are isolationists. They are simply repelled, they say, by the ugliness of the war. The young ones are calling for a new international morality which would outlaw the use of force—presumably by everybody. The older ones are calling for unilateral restraints on the use of American power to back up our overseas commitments.

Historian Henry Steele Commager recently diagnosed our "fundamental disease" as "the psychology of the cold war, our obsession with power, our assumption that the great problems that glare upon us so hideously from every corner of the horizon can be solved by force."

Labels aside, of course, it comes pretty much to the same thing. The motivations may be different. But what constituted classical American isolationism was precisely the non-commitment of American power in the international equation that existed before World War II.

In those days, even without American power, a precarious balance could be maintained between the other great powers then existing. The great and devastating wars broke out only when that essential power balance was seriously destabilized.

The difference today, as Nixon has been at some pains to point out, is that only the United States has the strength to maintain a balance to Chinese and Russian power. The destabilizing effect if this counterbalancing force were withdrawn everywhere in the world is no mere figment of the cold warriors' imagination. If you don't believe it, ask a German or a Japanese.

But the liberal critics aren't consulting the Germans or Japanese. They are taking counsel from such as Henry Steele Commager and the youthful idealists who quite understandably would like the world to be different from what it is.

Those that are in Congress are busy trying to restrict the authority of the President to commit American power abroad on the dubious assumption that Congress is inherently more cautious and peace-loving than the President is. At the same time they are mounting a determined assault on the military establishment, flailing away at every proposal to strengthen the nation's defenses against a rapidly growing Soviet nuclear threat. To an extent rarely seen in the past, congressional committees are trying to mobilize public opinion in support of their demand for a general abdication by the United States of its role as a world power.

Nixon, in his various statements, is trying to chart a middle course. He is prepared to make concessions to the neo-isolationists but not to capitulate to them. In recent days, the emphasis of the Nixon doctrine has been on maintaining, rather than shedding, our global obligations.

Nixon insists that what he is saying is new and different from what has been said in the past. His critics deny it, charging that the President's thinking on world affairs is still firmly planted in the tradition of Truman, Eisenhower, Kennedy and Johnson.

They are both right. The course that Nixon is charting is new in the sense that it lies between the sweeping, go-anywhere-do-anything philosophy of the 50s and the cut-and-run sentiment of the day. The accent is on shared burdens and responsibilities for keeping the peace rather than the strictly made-in-America approach of the earlier era.

But of course Nixon's thinking has not changed all that much because the realities have not changed all that much either. The forces that motivate nations, the harsh dialectics of power, the contention between inherently antagonistic systems is very much the same today as it was 20 or even 200 years ago. And no amount of wishful thinking by the apostles of the New Enlightenment is going to have much effect on the forces with which every American President must contend.

CHINA TRADE

Mr. SYMINGTON. Mr. President, recently the Wall Street Journal carried a thought-provoking article by Jonathan Kwitny entitled "The China Trade: U.S. Concerns Export Mainland-Bound Goods as Embargo Loosens. GM, Monsanto, Others Make Deals; Defense Officials Frown on Some Proposals."

To me that is welcome news. For many years I have presented the fact I believe our policy toward the People's Republic of China is unrealistic; have asked, "Why turn your back on 800 million people some assert want to stab you in the back?"

Better relations with all peoples would result from a policy of more trade, less aid—so I was glad to read this article, and proud that a great Missouri corporation, Monsanto Chemical has joined such companies as General Motors in effort to increase our trade with this nation and all nations.

I ask unanimous consent that this article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 11, 1971]

THE CHINA TRADE: U.S. CONCERNS EXPORT MAINLAND-BOUND GOODS AS EMBARGO LOOSENS—GM, MONSANTO, OTHERS MAKE DEALS; DEFENSE OFFICIALS FROWN ON SOME PROPOSALS—740 MILLION ASPIRIN A DAY?

(By Jonathan Kwitny)

After a 20-year embargo, American corporations have begun to do business with Communist China.

The flow of American products and technology into the People's Republic has just started, and it is only a trickle. Still, it amounts to at least several millions of dollars a year. And many businessmen who have no trade with mainland China now are seeking it.

So far only a handful of American companies have traded with China through intermediaries since December, 1969, when the Nixon administration eased the near-total ban on trade with mainland China that had existed since 1949. But this handful includes such major manufacturers as General Motors and two large chemical companies, Monsanto and Hercules. Among other American companies whose products have been sold to China are American Optical, Sperry Rand and Cummins Engine.

The government still bans sales to China of goods deemed "strategic," though there is an occasional argument over just what is strategic. In any case, the new trade effort is being encouraged by the Nixon administration.

CORPORATE SECRECY

Last month President Nixon, in his State of the World message, pledged to "remove needless obstacles to . . . contacts between the Chinese and American peoples," a statement interpreted by some to mean more trade barriers would fall.

In most cases the Commerce Department refuses to name companies whose deals it has cleared. However, the department has made known the kinds of China-bound products it has licensed for export. They include bag-closing sewing machines, brake parts for locomotives, parts for copying machines and chemicals for pesticide and antibiotics as well as some foreign-made products manufactured under licensing agreements with American companies. All products are processed further or assembed in Europe or Japan before shipment to China.

For executives of most American companies involved, the trade could become a highly controversial issue. So they won't even admit they are involved unless confronted with evidence. For example, one East Coast manufacturing company officially insists it has sold nothing to China. But told that a product of which it is the major supplier is on the Commerce Department's list, a spokesman concedes, "That has as much chance of not being us as I have of getting the next male lead in the Ballet Rousse."

SEVEN HUNDRED FORTY MILLION ASPIRIN CHEWERS?

The Chinese themselves are even more secretive. They encourage the view that they aren't interested in American trade, and the decision to tolerate a little of it seems to have been based at least partly on economic necessity. The Chinese still rebuff American businessmen who try to approach them directly, and deals through middlemen are made in an atmosphere of international intrigue.

Monsanto, one of the companies that has been identified, has sold China through subsidiaries abroad roughly $750,000 worth of chemicals including base materials for aspirin and for rubber compounding. Transactions not yet consummated, for which Monsanto has received approval, may push its sales to China past the $1 million mark.

Monsanto talks more freely about its sales than do other companies. A spokesman says it could take 10 years for mainland China, with its 740 million people, to rival Nationalist China (Taiwan) as a purchaser of U.S. products although Taiwan has only 14 million people. "But you just can't look at a market of that size and not believe that eventually a lot of goods are going to be sold there," he says. "One aspirin tablet a day to each of those guys, and that's a lot of aspirin."

GM AND CHINA'S FOREIGN AID

Last year General Motors sold 80 truck engines to the Roberto Perlini Co. of Italy, which planned to export the engines to China in Perlini dump trucks. That sale was publicized when the Commerce Department licensed it. The department said GM received $232,000 for the engines and $450,000 for spare parts.

Since then, GM acknowledges, it has sold—without publicity—two $30,000 earth movers to a Chinese construction group building a highway in Zambia. The sale was licensed by the Commerce Department on Jan. 7.

From its Reichert Division in Vienna, American Optical has shipped about $15,000 worth of microscopes for medical research to China. Equipment produced by Sperry Rand and four smaller American companies, in a transaction approved by the government, went to China as part of four British Trident aircraft sold by Pakistani Airways. And China has bought bulldozers powered by Cummins diesels, manufactured by a Japanese firm under license from the American company.

Most of the trade with China is one way. The one known exception involves Hercules, the chemical company, whose foreign subsidiaries have bought more than $1 million in resin from China.

Altogether, the Commerce Department says it has issued nine licenses for the export of goods or technology to China. However, sources in the State Department say that Commerce Department officials have issued several times that many "advisory opinions" interpreted as permission to trade with China. Such opinions apparently deal with sales by American-owned companies abroad of goods originating outside the U.S. These sales don't have to be licensed.

The Commerce Department says it has denied only one license application. In the proposed transaction, an Italian company using an American-owned process would have made and sold a heavy press for turning out sheet steel. But the press was considered strategic.

Before issuing licenses, the Commerce Department checks with the State Department and the Defense Department. The Defense Department reportedly has delayed approval of an application by Citron, the French concern, to use GM or Cummins engines in trucks to be shipped to China on the grounds the trucks are strategic. However, both GM and Cummins deny any plans to sell these engines, which would be valued at several hundred thousand dollars.

The three departments are supposed to hash out any dispute over a license in an interdepartmental committee. But that committee hasn't decided a single case involving China trade, says its chairman, Theodore Thau of the Commerce Department. A controversy over the GM-Perlini application last year reportedly was resolved by the National Security Council.

The new tolerance toward China helps American businessmen compete more effectively for sales abroad even when the China-bound portion is insignificant. The story behind one Commerce Department license—to export a $5 spring—shows why. The spring was to be used in one Japanese-built bulldozer destined for China. Prior to the new regulations, the American manufacturer of the spring would have violated the law by selling it to his Japanese customer and, as a consequence, might have lost the customer's entire business; rather than tolerate the nuisance, the customer might have switched to a non-American supplier.

Businessmen who are interested in selling directly to the Chinese, and plenty of them are, find it frustrating. Most Chinese industrial purchases are negotiated at trade fairs in Canton in April and October. Attendance is by invitation only. So far Americans have not been invited, and requests for invitations have been ignored. So sales are negotiated through professional traders from Britain, Australia, Switzerland and other countries.

It may be a good thing the Americans aren't invited. A China specialist, Massachusetts Institute of Technology professor Lucian Pye, says agents for British and Japanese companies are "insulted, harangued, kicked, but they just blink and take it. You're not going to have that with American businessmen. They have much shorter fuses."

Western brokers arrive in the knowledge their stay may last a month, and it may produce no sale. Some ease the pain with gallon-plus jugs of whisky purchased in Hong Kong. Though Chinese rules allow a visitor only one bottle of booze, they don't say how big a bottle.

The first few days of the fair are taken up with lectures from the Little Red Book—and admonitions aganist dealing with the U.S. or the Soviet Union. Afterward the Chinese bargainers distribute lists of goods they have to sell, usually agricultural products and raw materials. Once they see how sales are going, they decide whether and what to buy.

The Chinese usually pay for their purchases in European currencies, often Swiss francs. They are reported to be scrupulous in fulfilling their contracts, although they are tough negotiators.

THE SST

Mr. HATFIELD. Mr. President, the syndicated columnist, James J. Kilpatrick, is well known for his articulation of his political views, which usually reflect the conservative viewpoint. While I do not always agree with his comments, I always find them provocative.

Mr. Kilpatrick addressed the current controversy surrounding the SST in his recent column of March 14. I agree with his comments and ask unanimous consent that his column appear at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WILL WE BE STUCK WITH AN AIRBORNE EDSEL?

(By James J. Kilpatrick)

Let me come back, if I may, to this matter of the supersonic transport plane. The question has sorely divided conservatives. It has split the Senate almost exactly in half. Before the end of this month, one more legislative decision will have to be made, and we ought to think it out slowly.

This is the parliamentary situation: The House and Senate agreed in December to continue funds for development of two prototype SSTs at the rate of $210 million for this fiscal year. The agreement expires on Mar. 31. As of April 1, unless a new continuing resolution is adopted, funds will run out and the program will be effectively killed. The Senate Appropriations Committee conducted hearings on such a resolution this week. The House may reach a vote in the next 10 days.

Proponents of the SST are seeking to have the funding level increased to $290 million for the year. They are placing their greatest emphasis on two arguments—first, that the program involves the two Boeing prototypes only, with no commitment to future subsidy of production models; and second, that if the United States abandons the project, "somebody else" will build commercial supersonic liners and reap a harvest from them.

The first of the two arguments is better than the second, but neither is worth much. If the SST is inherently unwise, continued funding even of prototypes is surely folly. The prototypes might answer a host of questions relating to design and performance, but they will tell us little about environmental damage and they will contribute nothing toward the critical issue of actual commercial operation.

This is the question in my own view, that the Congress will want to examine most closely. Are the taxpayers being stuck with financing an airborne Edsel? Unless convincing evidence can be marshalled to demonstrate the profitability of the SST, the whole justification collapses.

In estimating profit or loss, some factors can be put down with reasonable accuracy—fuel consumption, crew pay, landing fees, ground maintenance, and the like. But once these items have been calculated, one flies into fiscal fog. It is far from clear what an SST would cost at the outset. Estimates range from $40 million to $60 million a copy; the figure of $48 million lately has settled down in the news. If this is roughly the capital investment that must be recovered—and recovered at a profit, with royalties paid back to the taxpayers—it becomes clear that the airlines are projecting an enormously expensive adventure.

Where would the revenues come from to pay it off? Here one climbs out of fog into fantasy. The proponents' expectations are as thin as the air an SST would fly in. On a typical trans-Atlantic trip, a passenger would save about three hours. Granted, time is money. But money to whom? Is it truly conceivable that thousands upon thousands of passengers can be found—enough to produce a load factor of 55 to 58 percent—willing to pay the steep surcharges of supersonic flight, just to save three hours?

It seems exceedingly doubtful. The Edsel, to return to that dismal analogy, was in fact an excellent machine; it just looked funny. The sales resistance was mostly subjective. To believe in the commercial success of the SST, one must believe that intercontinental passengers will put subjective doubts aside—that they will accept the new dangers of flight in a flying fuel tank at 55,000 feet; will involve themselves in responsibility for possible environmental damage; will swallow the internal shocks of accelerated time changes; and will do all these things at higher fares.

I do not believe it, and if this disbelief is widely shared, it will make no difference if "somebody else"—the Russians, or the British-French—build an SST. No Western airline in its right mind would buy the Russian entry, and thus become dependent upon the Communists for parts. Two years of testing the prototype Concorde have evoked little but groans and sighs.

This is public money the Congress is talking of spending. And in the long catalogue of legitimate public needs, the funding of an SST ranks near the absolute bottom.

ABA TO HOLD INSTITUTE ON ASH REPORT

Mr. KENNEDY. Mr. President, on February 11, 1971, President Nixon released, for study and comment by interested parties, a report recommending far-reaching changes in Federal independent regulatory agencies. The report was prepared by the President's Advisory Council on Executive Organization—chaired by Roy L. Ash, president of Litton Industries, and popularly known as the "Ash Council."

The Ash Council conducted a study of the organization and operation of seven regulatory commissions: The Interstate Commerce Commission, Civil Aeronautics Board, Federal Maritime Commission, Securities and Exchange Commission, Federal Power Commission, Federal Trade Commission, and Federal Communications Commission. It has recommended far-reaching changes substantially affecting all of these agencies except the Federal Communications Commission. These changes involve not only a realinement of functions among agencies, but also substantial changes in the internal organization and functions of the regulatory agencies.

The American Bar Association will hold a National Institute at the Mayflower Hotel in Washington, D.C., April 16–17 to examine this report. The institute will present an analysis and evaluation of the principal recommendations, by both proponents and opponents, as well as a broad overview of the methods and goals of Federal regulation of business and the impact of these recommendations on industry, the bar, the consumer, and the public interest.

The moderators of the three panels will be Prof. Jerre Williams, the former Chairman of the U.S. Administrative Conference, Prof. Roger Cramton, its present Chairman, and Frank Wozencraft, former Assistant Attorney General, Office of Legal Counsel. The participants will include Roy Ash, Andrew M. Rouse, the Ash Council's Executive Director; U.S. Circuit Judge Henry J. Friendly; Lee C. White, former FPC Chairman; Louis J. Hector, former CAB Commissioner; Prof. William L. Cary, former SEC Chairman; Richard B. Smith, presently an SEC Commissioner; Stephen Ailes, president, Association of American Railroads; Alan S. Boyd, president, Illinois Central Railroad, and former CAB Chairman and Secretary of Transportation; Roger Noll, senior fellow, Brookings Institution; William D. Ruckelshaus, Administrator of the Environmental Protection Agency; and Bruce J. Terris, former senior attorney, Center for Law and Social Policy.

Peter M. Flanigan, Assistant to President Nixon, will be the luncheon speaker on Friday, April 16, and will be introduced by William B. Spann, Jr., chairman of the ABA House of Delegates.

I know that all Members of Congress will be interested in this institute, and I look forward to its analysis and recommendations. Once again, the ABA is performing a valuable public service for the Nation.

POLITICAL SPENDING

Mr. HANSEN. Mr. President, the senior Senator from Arizona had planned to introduce a bill and make a statement this morning. I regret to announce that he has been called to Arizona because of a death in the family.

Senator FANNIN will introduce the bill upon his return from Arizona. I ask unanimous consent that the statement he prepared be included in the RECORD for today.

There being no objection, Senator FANNIN'S statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR FANNIN

Mr. President, in recent years there has been a growing recognition of the need for reform in our system of political campaigning.

There is deep concern over the fact that it requires astronomical sums of money to run for elective offices these days. Candidates either must have considerable wealth or the backing of individuals and organizations that can provide the money to pay for a vast array of campaign costs.

Basically, campaign reform should accomplish two goals:

First, it should make it possible for the best candidates—not just the richest—to run for public office.

And equally as important, campaign reform should encourage the broadest possible base for financing so that a candidate does not become the captive of any special interest.

In the waning hours of the 91st Congress, a very feeble bill was passed. It was so anemic that it did not really deserve to be called a "campaign reform" bill, and it was mercifully laid to rest by President Nixon.

With the 92d Congress now well under way, we have a new flurry of activity on campaign reform.

I commend my colleagues who have drawn up proposed legislation, and I am encouraged to hear that committee chairmen are pledged to speedy consideration of this important issue. We should have reforms in our election campaigning and in campaign funding. And this should be enacted in time to apply to the 1972 elections.

It appears to me, however, that in the haste to get this legislation moving there has been a very serious, fundamental oversight.

As I recall, we are pledged to work out a comprehensive bill to put meaningful controls on campaign financing and spending. We have promised the people legislation that would cure the major abuses of campaign financing.

The bills that I have seen would not accomplish this.

Mr. President, it would be a sham for the Senate to pass any bill under the banner of campaign reform unless it contains provisions to block use of union dues to finance political activities.

Steps have been taken and are being taken to prevent abuses in campaign contributions by big business. This is a worthwhile goal.

At the same time, we must take action to curb the blatant abuses by big union bosses and to protect individual union members who are now being forced to financially support causes and candidates they do not believe in.

The barons of big unions have terrific sums of money at their disposal.

Anyone who doubts this need only step to the West front of this Capitol and gaze to the northwest at the proliferation of elaborate, plush union lobbying headquarters.

Tax-free dues collected from union members build up fantastic wealth—estimates run from $75 million to $125 million per month. In addition, other income has been estimated at around $1.5 billion per year.

Properly used, such resources could be of great benefit to union members and to the nation.

Unfortunately, the temptation to abuse this resource is great. Misuse of these funds poses a great threat to democracy.

It is not right that union dues collected involuntarily are being used to support political campaigns. Many of the workers who are forced to pay these dues find that their money is helping elect public officials they do not want, or being used to defeat candidates they want to see elected.

Union dues are being used to finance voter registration drives in selected locations to enhance the chances of a favored party or candidate.

Union dues are being used for questionable lobbying activities intended to keep big union bosses in power to the detriment of rank and file union members.

Most union members do not realize how much of their hard-earned money is going to pay for political activity.

There was a time when the AFL, under Samuel Gompers, pretty well limited its lobbying activities to legislation that would be of benefit to labor. Now, the union lobby is so big and vast that it covers a wide spectrum.

By taking a bit of the paycheck of every union man, this lobby thrives.

Legally, unions can collect voluntary contributions which may be funneled into political campaigns. They cannot legally donate union dues and they cannot legally require workers to contribute for political purposes.

This is fine in theory, but it just isn't the way that the game is played today. Too often union members and their families are coerced into "donating" to union political funds. Too often portions of union dues are "donated" to the political arm of unions.

This money, taken from the union member by force of law, may be and often is, spent contrary to the political desires of the member.

Mr. President, I said that the resources of these unions are vast and I would like to expand on that.

It is estimated that in the 1968 election year the unions spent more than $100 million on political activities. And when we speak of union resources, we are not talking only of money. During the 1968 presidential campaign it is estimated that the AFL–CIO produced and distributed some 115 million pamphlets and leaflets; provided 638 telephone banks manned by 24,611 union members and their families; and produced 72,225 house-to-house canvassers. This is only a portion of the picture.

Union leaders would have us believe that all this money and all these services were donated spontaneously by the 18 million union members in this country.

These leaders have tried to maintain the fiction that forced dues of rank and file members are not used for political purposes.

There is a federal statute that prohibits the political use of involuntary union dues. This is the Federal Corrupt Practices Act. Some people argue that since we have this act, we have no need for further legislation to control the political activities of the unions.

There are several very obvious reasons why this argument is false.

First, and most obvious, is the fact that the Federal Corrupt Practices Act has been incredibly ineffective. Union bosses generally have flouted this law. There are a few exceptions. For example, the Seafarers International Union has been indicted for violation of the act. Still, the union scraped up $422,649 to donate to political campaigns in 1970.

Another shortcoming of the Corrupt Practices Act is the fact that it applies only to Federal offices. It does not include State and local elections. It is every bit as important that we stop abuses at local levels of government.

Mr. President, we must take action to stop the illegal and unjust use of involuntary union dues for political purposes.

That is why I will be introducing a bill to amend the Internal Revenue Code to deny tax-exempt status to organizations which use membership dues or assessments for political purposes.

This bill would prohibit organizations from claiming an income tax exemption "for any taxable year in which any part of its income or of the amounts received for its support (including, in the case of a membership organization, dues, assessments, fees, compulsory or other charges imposed on members) is used, directly or indirectly—

"(1) to support or oppose any candidate for public office,

"(2) to support or oppose any political party, or

"(3) to carry on any voter registration."

Labor unions currently are taxed on unrelated business income, but under 501(c)(5) are not taxed on passive or investment income, such as dividends, interest, annuities, or royalties.

501(c) of the code provides some 17 categories of exemptions for a number of varied organizations.

501(c)(5) is the only one of the 17 paragraphs that contain no definitions, limitations, or prohibitions. In view of this my amendment is an absolute necessity.

Tax exemption under Section 501(c) of the Internal Revenue Code is a special privilege. The underlying assumption is that tax exempt organizations will not engage in activities beyond their exempt purposes.

The original intent of Congress was to keep unions from engaging in political activities through the use of involuntary dues. This, I believe is very clear.

It was the Internal Revenue Service that arrived at the conclusion that a union is tax exempt no matter how much of its money it spends for political purposes. This was the ruling despite the fact that the Federal Corrupt Practices Act makes such expenditures a federal crime.

Now it is time to reassert the principles that Congress originally intended, and to eliminate, at least in part, an abuse that now exists.

This bill also is consistent with the Supreme Court decisions in *Street* and *Allen* holding that Congress did not intend to authorize unions to use compulsory dues and fees for political purposes.

In this case, there was an interesting opinion written by Justice Black who objected to the refusal of the majority of the Supreme Court to face up to constitutional questions involved in the case.

Justice Black said:

"There can be no doubt that the federally sanctioned union-shop contract here, as it actually works, takes a part of the earnings of some men and turns it over to others, who spend a substantial part of the funds so received in efforts to thwart the political, economic and ideological hopes of those whose money has been forced from them under authority of law. This injects Federal compulsion into the political and ideological processes, a result which I have supposed everyone would agree the First Amendment was particularly intended to prevent. And it makes no difference if, as is urged, political and legislative activities are helpful adjuncts of collective bargaining. Doubtless employers could make the same arguments in favor of compulsory contributions to an association of employers for use in political and economic programs calculated to help collective bargaining on their side. But the argument is equally unappealing whoever makes it."

Justice Douglas, in a separate opinion, said:

"The collection of dues for paying the costs of collective bargaining of which each member is a beneficiary is one thing. If, however, dues are used, or assessments are made, to promote or oppose birth control, to repeal or increase the taxes on cosmetics, to promote or oppose the admission of Red China into the United Nations, and the like, then the group compels an individual to support with his money causes beyond what gave rise to the need for group action.

"I think the same must be said when union dues or assessments are used to elect a Governor, a Congressman, a Senator, or a President. It may be said that the election of a Franklin D. Roosevelt rather than a Calvin Coolidge might be the best possible way to serve the cause of collective bargaining. But even such a selective use of union funds for political purposes subordinates the individual's First Amendment rights to the views of the majority. I do not see how that can be done, even though the objector retains his rights to campaign, to speak, to vote as he chooses. For when union funds are used for that purpose, the individual is required to finance political projects against which he may be in rebellion."

Mr. President, so far I have talked mainly about labor unions. I must point out that the object of my proposal is not to single out unions for special punitive legislation.

My bill applies to all organizations presently designated tax-exempt under the Internal Revenue Code. There is no favoritism in this bill. It would apply not only to unions but to organizations such as the National Association of Manufacturers, the American Medical Association, the Chambers of Commerce, National Right to Work Committee and similar organizations.

The test as to whether an organization remains tax exempt would be its use of compulsory dues and assessments required for membership. If none of these dues went for political purposes, the tax exemptions could remain. If any part of such dues are used politically, the tax exemption is severed.

This would not prevent the use of separate political arms of organizations.

Unions and associations could remain tax-free simply by sticking to the business of being unions and associations. They would have to remain free of political wheeling and dealing. Union and association members still could voluntarily give to separate political pressure organizations of their choice.

My proposal, Mr. President, is aimed at helping the laboring man—not hurting him. This is a pro-labor proposal, although the powerful union lobby that I have discussed today will label it differently.

It is my belief that if given the opportunity to vote freely on it, most union members would reject the idea of having their compulsory dues used for political activities. Such a referendum, of course, is impossible. The coercion that is used to keep so many union members in line prohibits any really fair test of rank and file sentiment on this important matter.

Mr. President, although I will be introducing this proposal as a separate bill, it more properly should be considered as an amendment to whatever campaign reform bill we bring before the Senate. At the proper time, I will propose this bill and further proposals in this area as amendments to the campaign spending act.

THE DEATH OF WHITNEY YOUNG

Mr. CRANSTON. Mr. President, the Senator from Illinois (Mr. STEVENSON) has issued a statement on the death of Whitney Young. I ask unanimous consent that it be printed in the RECORD.

There being no objection, Mr. STEVENSON's statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY ADLAI E. STEVENSON III

Whitney Young was not a man who would want those who knew him, loved him, and worked with him to mourn over his death. Rather we should rejoice that a man like Whitney Young, so full of vitality and humor, strong within, has been with us—though all too briefly. His life and his work is important not only to black Americans, but to all people everywhere who believe that equal rights and equal opportunities for all are vital to our future.

In the pursuit of his goals, he at times incurred the wrath of those, both to the left and to the right of him, those who felt that he was pushing too hard for what he believed, and those who felt that he was moving too slowly. He was sometimes called a moderate in the Civil Rights movement, but he would prefer to be remembered and described as an activist, for he was always working and moving for those who could not fight as effectively as he. He talked untiringly with executives in America's major industries trying to open up new jobs and eliminate the dead-end jobs where minority Americans all too often find themselves. He talked with presidents, cabinet members, and members of Congress as a spokesman for new legislation, and for vigorous enforcement of existing laws protecting the rights of minorities. And he also talked with compassion to the poor, angry and disenchanted people of our country about their grief and their hopes. Whitney Young's name was known throughout the country for many things—for his leadership role in the 1963 march on Washington for jobs and freedom, and most particularly for his ten years of dedicated work as head of the National Urban League.

He was a man who pricked the moral conscience of many, and who gave to those whose life touched his a renewed sense of purpose in their own lives. His was basically a positive approach to the world, and he was quoted as saying "'The difference between myself and some others is that they have given up on the American system." Instead, Whitney Young observed our flawed country and sought to improve it.

His death leaves many of us with a sense of emptiness resulting from the importance of his presence among us. His family particularly, the Urban League and all of us who knew him will miss him, but he would want us to remember him not in sadness but in joy, not by weeping, but by working together.

RULES OF THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. PROXMIRE. Mr. President, section 133B of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, requires that each committee publish its rules not later than March 1 each year.

Unanimous consent to delay the filing of the rules until March 15, 1971, was obtained by the Chairman of the Banking, Housing and Urban Affairs Committee (Mr. SPARKMAN).

In accordance with this section, I ask unanimous consent that the rules of the Banking, Housing and Urban Affairs Committee be printed in the RECORD.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES OF COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

RULE 1.—REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be cancelled at the discretion of the Chairman.

RULE 2.—COMMITTEE

(a) No investigation shall be initiated by the Committee unless the Senate or the full Committee has specifically authorized such investigation.

(b) No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the ranking minority member of the Committee or by a majority vote of the Committee.

(c) No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Committee and the ranking minority member of the Committee or by a majority vote of the Committee.

(d) Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the ranking minority member of the Committee.

RULE 3.—SUBCOMMITTEES

(a) A subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

(b) Membership to subcommittees shall be by nomination of the Chairman and the ranking minority member of the Committee and shall be approved by the majority vote of the Committee.

(c) No investigation shall be initiated by a subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

(d) No hearing of a subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the ranking minority member of the Subcommittee or by a majority vote of the Committee.

(e) No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the ranking minority member of the Subcommittee or by a majority vote of the Subcommittee.

(f) Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the ranking minority member of the Subcommittee.

(g) If at least three members of a subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within three calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular, additional, or special meeting of the Subcommittee, the ranking member of the majority party on the Subcommittee who is present shall preside at that meeting.

RULE 4.—WITNESSES

(a) Any witness appearing before the Committee or Subcommittee (including any witness representing a Government agency) must file with the Committee or Subcommittee before noon on the day preceding his appearance 75 copies of his statement to the Committee or Subcommittee. In the event that the witness fails to file a written statement in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

(b) Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his views to the Committee or Subcommittee. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

(c) Oral statements of witnesses shall be based upon their filed statements but shall be limited to 15 minutes duration. This period may be extended at the discretion of the Chairman presiding at the hearings.

(d) Witnesses may be subpoenaed by the Chairman of the Committee or a subcommittee with the agreement of the ranking minority member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

(e) Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(f) No witness shall be reimbursed for his appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and ranking minority member of the Committee or by a majority vote of the Committee.

(g) Questioning of a witness by members shall be limited to 10 minutes duration, except that if a member is unable to finish his questioning in the 10 minute period, he may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 10 minutes until all members have been given the opportunity of questioning the witness for a second time. This 10 minute time period per member will be continued until all members have exhausted their questions of the witness.

RULE 5.—VOTING

Vote to report a measure or matter

No measure or matter shall be reported from the Committee unless a majority of the Committee are actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the roll call vote of the members present and voting, as an official record of the vote on the measure or matter.

Vote on matters other than a report on a measure or matter

On committee matters other than the vote to report a measure or matter, a member of the Committee may request that his vote may be cast by proxy.

RULE 6.—QUORUM

Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony.

RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him during such public or executive hearing on the dais. If a member desires a second staff person to accompany him on the dais he must make a request to the Chairman for that purpose.

PROPAGANDA—CBS STYLE

Mr. GOLDWATER. Mr. President, we hear a great deal today about the so-called "credibility gap" and much of it comes from television commentators who like to establish themselves as arbiters of all governmental performance.

Thus it is very refreshing to have an expert in his field charge one of the Nation's top TV networks—CBS—with "a credibility gap wider than the canyons at Rockfeller Center."

The charge was leveled by Mr. Claude Witze, senior editor of Air Force magazine, in his publication's April issue and was applied specifically to a CBS special program called "The Selling of the Pentagon."

Mr. Witze referred to the CBS special as a documentary film and he very properly put quotes around the word documentary. He pointed out that the producers of the program appear to make no claim to objectivity. Mr. Witze points out that the program is a flat-out charge "that the Department of Defense spends a vast amount of money on propaganda designed to win public support of its program."

Having seen the film myself, Mr. President, I think it is fair to say that the product is proof that CBS itself spent a vast amount of money on propaganda designed to downgrade and belittle the Military Establishment of this country in a time of war.

Mr. President, I do not have to explain to Members of this body that Mr. Witze is a man of great experience and expertise who has been a close observer of the Pentagon and its activities for many years. He does not need me to attest to his credentials.

Because of the importance of Mr. Witze's very informative article, aptly entitled "The Wayward Press (Tube Div.)," I ask that it be printed in full at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WAYWARD PRESS (TUBE DIV.)

The winter issue of the *Columbia Journalism Review*, a quarterly published at the Columbia University Graduate School of Journalism, is devoted almost entirely to a study of how the press has performed in covering the war in Vietnam. The only possible conclusion a read of these eight essays can reach is that the press has done a deplorable job. No matter what epithets you might want to hurl at the political administrations in Washington and Saigon, at the military hierarchy, at the military-industrial complex, and at the doves or the hawks, even more heated epithets could justifiably be thrown at the purveyors of ink and electronic signals.

There is one examination of television's performance, written by Fred W. Friendly, a former president of CBS News, who indulges in a bit of self-flagellation, confessing that the "news media, and particularly broadcast journalism" must share the responsibility for public misunderstanding of the situation in Indochina. Speaking of the years when he, Friendly, was the man in charge at CBS, he says, "The mistakes we made in 1964 and 1965 almost outran those of the statesmen."

One thing missing from Mr. Friendly's recitation is any suggestion that the television medium lends itself in a peculiar way to distortion of fact. This reporter has nearly forty years of experience on newspapers and magazines, including more than a decade operating from the copy desk of a metropolitan daily. Television news was born and brought up within that same forty-year period. I have watched it closely and confess that I never was impressed by its impact until Lee Harvey Oswald was murdered on camera. No newspaper or magazine ever will duplicate that 1963 performance in Dallas. Yet, if I saw it today, I would demand confirmation that the event took place at all and that what we saw on the tube was not a clever compilation of film clips, snipped from a wide variety of source material and glued together to make a visual product that could be marketed to some huckster of toothpaste or gasoline, and then turn out to be a winner of the Peabody Award.

In support of this professional skepticism, we have the performance of Mr. Friendly's own CBS on February 23. The program was billed as a "News Special" and was called "The Selling of the Pentagon." It ran for one hour, with commercials, and featured a recitation of the script by CBS's charismatic Roger Mudd. Mr. Mudd did not write the script; he was burdened with it. The show's producer works in New York. He is reported to be thirty-four-year-old Peter Davis, who says he and his staff spent ten months working on this "documentary." Mr. Davis does not appear to make any claim to objectivity in his work. He is making a charge: that the Department of Defense spends a vast amount of money on propaganda designed to win public approval of its programs. Armed with cameras, scissors, and cement, he proceeded to make his case.

This magazine has neither the space nor the desire to do a detailed critique of "The Selling of the Pentagon", but we have examined enough of it to demonstrate that it leaves CBS with a credibility gap wider than the canyons at Rockefeller Center. Here is an example:

At one point, early in the script, Mr. Mudd, the narrator, transitions to a new sequence in Mr. Davis' portrayal with a paragraph of four sentences. We will examine the sentences one at a time:

MUDD. "The Pentagon has a team of colonels touring the country to lecture on foreign policy."

The team to which he refers comes from the Industrial College of the Armed Forces (ICAF), with headquarters here in Washington. There are four colonels on the team—two from the Army and one each from the Air Force and the Marine Corps. There is also a Navy captain, and, totally ignored by CBS, a foreign-service officer from the State Department. They are not "touring the country." They have a briefing on national-security policy that is given seven times a year, no more and no less. ICAF is not mentioned in the CBS script, and there is no reference to the mission of the college. A TV cameraman who visited the school could easily take a picture in the lobby of a wall inscription that says:

"Our liberties rest with our people, upon the scope and depth of their understanding of the nation's spiritual, political, military, and economic realities. It is the high mission of the Industrial College of the Armed Forces to develop such understanding among our people and their military and civilian leaders."

The quote is attributed to Dwight D. Eisenhower, who spoke those words at the dedication of the college in 1960. He understood the requirement, perhaps more clearly than any other man in our history.

The ICAF national-security policy briefing is designed for the education of Reserve officers from all branches of the armed forces, not primarily for the general public. The reason the team, including the State Department officer, gives it in seven locations each year is to reduce travel expenses by eliminating the necessity for Reserve officers to visit the college. None of this was explained by CBS.

MUDD. "We found them [the ICAF team] in Peoria, Ill., where they were invited to speak to a mixed audience of civilians and military Reservists."

Here we have a use of the word "found" that would not be permitted by a competent newspaper copy editor. CBS was told that Peoria was on the schedule, and the CBS camera crew spent three days at the seminar in that city with the concurrence and cooperation of the Defense Department, the ICAF, and the Peoria Association of Commerce. Before departing, CBS was given full information on the curriculum, the scheduling, the military and civilian participation, the costs, and the funding. The Association of Commerce was the sponsor, in this case, and was permitted to establish the rules under which civilians were admitted. Their seminar, billed in Peoria as the "World Affairs Forum"—a label not mentioned by CBS—covered all aspects of national-security affairs. That includes economics, resources, technology, social problems, and military affairs, as well as foreign policy.

MUDD. "The invitation [to Peoria] was arranged by Peoria's Caterpillar Tractor Co. It was arranged by the city's Association of Commerce, which provided the auditorium and other facilities. The Association has no defense contracts. A spokesman for the Association, contacted by this reporter, said his group shared the sponsorship with the 9th Naval District. There were two chairmen for the meeting. The civilian chairman was Charles B. Leber, who in his business life is an officer of the Caterpillar Tractor Co. The military chairman was Capt. Paul Haberkorn, USNR. He is the owner and operator of Peoria's Ace Hardware Store. The hardware store also has no defense contracts, which probably explains why it failed to get a mention on the CBS show.

MUDD. "The Army has a regulation stating: 'Personnel should not speak on the foreign-policy implications of the U.S. involvement in Vietnam.'"

The ICAF team, consisting of five military officers and a State Department officer, does not speak on the foreign-policy implications of our involvement in Vietnam, which would be in violation of Army regulations. The regulations governing ICAF say the material used must be cleared for accuracy, propriety, and consistency with official policy. Both the State Department and the Defense Department have a hand in this routine clearance of all ICAF presentations.

In the CBS show, the camera moves from Mr. Mudd, following his recitation of the above inaccuracies, to one of the lecturers at Peoria. CBS does not identify the speaker in this paste-together of film clips, but he is Col. John A. MacNeil of the US Marines, a veteran of World War II and Vietnam. If the TV audience sensed that the next five sentences, out of the mouth of Colonel MacNeil, sounded somewhat disjointed, there was good reason for it. They came from four different spots in the camera record, and the sequence was rearranged to suit the somewhat warped taste of producer Davis. Sentence by sentence, the quotes go like this:

MACNEIL. "Well, now we're coming to the heart of the problem, Vietnam."

This apepars on page fifty-five of the prepared, and approved, text of the briefing. Next sentence:

MACNEIL. "Now, the Chinese have clearly and repeatedly stated that Thailand is next on their list after Vietnam."

That one was cut out of what the Colonel was saying back when he was on page thirty-six and discussing an entirely different aspect of the presentation. Then:

MACNEIL. "If South Vietnam becomes Communist, it will be difficult for Laos to exist. The same goes for Cambodia and the other countries of Southeast Asia."

This is found on page forty-eight of the script. What is most important is that the statement was not original with Colonel MacNeil or the drafters of the briefing. It is a quotation. The CBS scissors-and-paste wizard deleted the attribution. Colonel MacNeil made it clear, in the words immediately preceding the above sentences, that he was quoting Souvanna Phouma, the Prime Minister of Laos. In other words, Souvanna Phouma said it; CBS distorted the film to make its viewers think Colonel MacNeil said it. It is the kind of journalistic dishonesty that a reputable newspaper would not tolerate. Many reporters have been fired for lesser indiscretions.

MACNEIL. "So, I think if the Communists were to win in South Vietnam, the record in the North, what happened in Tet of '68 makes it clear that there would be a bloodbath in store for a lot of the population of the South."

To get this one, the CBS film clipper searched deeper into his filmed record. In the prepared script of the ICAF team, it appears on page seventy-three.

It is easy to see how this technique can be used to make a man say almost anything you want him to say. Once the right words are on tape, they can be rearranged, and were by CBS in this instance, to make a presentation sound inept, stupid, wrong, vicious, or to reach any conclusion that the film clipper wants to get across to his audience. What the speaker actually put onto the sound track cannot be recognized.

Another example of this in "The Selling of the Pentagon" comes out of Roger Mudd's interview with Daniel Z. Henkin, the Assistant Secretary of Defense for Public Affairs. Two minutes and four seconds of the interview were used out of forty-two minutes of filmed conversation. Here is one breakdown:

MUDD. "What about your public displays of military equipment at state fairs and shopping centers? What purpose does that serve?"

Now, this is not easy to explain, but there are two answers to that question from Mr. Henkin. One is his real answer and the other is the answer concocted by the CBS cutting room from the available tape. TV viewers only know the answer CBS put together. We will give you both.

Here is the answer from the transcript of the Mudd broadcast:

HENKIN. "Well, I think it serves the purpose of informing the public about their armed forces. I believe the American public has the right to request information about the armed forces, to have speakers come before them, to ask questions, and to understand the need for our armed forces, why we ask for funds that we do ask for, how we spend these funds, what we are doing about such problems as drugs—and we do have a drug problem in the armed forces; what we are doing about the racial problem—and we do have a racial problem. I think the public has a valid right to ask us these questions."

If the TV viewers thought that was a bit disjointed for a reply, and, more important, that it did not answer the question about displays at fairs and shopping centers, it was not Mr. Henkin's fault, because—except for the first sentence—that was not his answer to the question. In the transcript of the interview, the real answer appears, most of which ended up on the CBS cutting-room floor:

HENKIN. "Well, I think it serves the purpose of informing the public about their armed forces. It also has the ancillary benefit, I would hope, of stimulating interest in recruiting as we move or try to move to zero draft calls and increased reliance on volunteers for our armed forces. I think it is very important that the American youth have an opportunity to learn about the armed forces."

This reply, the real one, of course makes sense and is responsive to the question. The producer of "The Selling of the Pentagon," however, was less interested in responsive answers that made sense than he was in portraying Mr. Henkin as a bureaucratic buffoon. The Secretary, incidentally, is himself an experienced and sophisticated reporter of military affairs but can be portrayed otherwise with the television technique of clipping what amounts to a phony reply from his answer to another question. And the other question, TV viewers did not know, also ended up on the cutting-room floor.

It is not necessary to labor the point, although there are several other instances. Mr. Henkin, in a letter to F. Edward Hébert, Chairman of the House Armed Services Committee, said that after spending his life in the news profession he "could not be pleased by the fact that the program's producer [Mr. Davis] chose to rearrange my words. . . ."

Congressman Hébert himself stars in "The Selling of the Pentagon." He also is a former newspaperman and stands completely shaken by this experience with television, although he had been quoted earlier as considering network TV "the most vicious instrument in America today."

That opinion appears to have been reinforced. Lou G. Burnett, who is Mr. Hébert's press aide, testifies that he was contacted early in the CBS effort by one James Branon of the network's New York office. Mr. Branon said CBS was planning to do a documentary on the prisoner-of-war situation. He said the show would explore the plight of the POW and his family. He was seeking film clips that might contribute to this exercise. Mr. Burnett responded with alacrity because he knows his boss is deeply interested in the problem and eager to help the POW families. In New Orleans, he knew, station WWL–TV had a film clip from an old "Congressional Report" program, in which the Congressman had interviewed Maj. James Rowe, a former POW. The interview was in the form of a report to Mr. Hébert's constituents. Mr. Burnett, Mr. Hébert's press aide, had the film shipped from New Orleans to New York and helped CBS's Mr. Branon round up other films dealing with the POW problem. The Hébert clip wound up in "The Selling of the Pentagon" and was offered as an example of how "sympathetic congressmen" are used by the Pentagon "to counter what it regards as the antimilitary tilt of network reporting."

Mr. Hébert's ire, it should be suggested, was aroused more by his depiction as a patsy for the Defense Department than it was by the misrepresentations used to obtain the film. The chairman is, of course, proud of his reputation as a stern critic of military transgressions wherever they occur. In many years as an inquisitor for the House Armed Services Committees, he has never been accused of being unfair, but often accused of being tough. From the time of his famous "Chamber of Horrors," which depicted military procurement waste and had officers squirming at their desks, to the most recent congressional inquiry into the My Lai incident, he has been one of the Pentagon' most uncomfortable hair shirts.

Mr. Henkin's office estimates that it expended 640 man-hours of labor assisting CBS in the production of "The Selling of the Pentagon." No reasonable request for help was denied. CBS reimbursed the government for the cost of one guard and one electrician employed during photography one day in the Pentagon.

Out of this day's effort came a short clip of a news briefing that was deemed suitable by CBS for inclusion in "The Selling of the Pentagon." The CBS crew filmed an entire DoD press briefing, at which Jerry W. Friedheim, a deputy to Mr. Henkin, responded to routine queries from the Pentagon's regular press corps. During the session, the reporters asked thirty-four questions. Thirty-one of them brought replies from Mr. Friedheim. In three cases, he was unable to be responsive. As the film was edited for broadcast, CBS used six of the thirty-four questions, including, of course, all three of the ones that could not be answered. Why couldn't they be answered? In one example, used by CBS, Mr. Friedheim was asked about the size of some warheads. He said he had nothing to give out on that. If he did have something and gave it out, he could go to jail.

There are a number of small factual errors in the CBS script that represent nothing more than sloppy reporting. For example, narrator Mudd has a line referring to "30,000 Pentagon offices." There are only a few more than 26,000 persons employed in the Pentagon, all but the top executives sharing an office with many other people. An educated guess is that there may be 5,000 offices in the building.

One interesting fact, denied to viewers of "The Selling of the Pentagon" by CBS editors, is the origin of a clip introduced by Mr. Mudd as "an excerpt from a film called 'Road to the Wall' [in which] the Pentagon has James Cagney tell of a Communist plan that encompasses even more than the world." The excerpt was shown. What CBS did not disclose is that "The Road to the Wall" was prdouced by CBS itself in 1962 and that James Cagney was the CBS choice as star of the picture. Also, that CBS was paid about $100,000 of the taxpayers' money to turn out the picture. At the time, CBS Films said in a press release from its offices—on Madison Avenue, of all places—that the picture would be "an historical treatment of the Communist Party in operation throughout the world—its doctrine, its pronouncements." In 1962 CBS was far from derisive about the project and was proud that "it will be distributed for showing at all military bases inside and outside the USA and will be backed with pamphlets, posters, and other informational material on communism."

Once all the facts about "The Selling of the Pentagon" are on the record, and someone has examined the clips on the cutting-room floor, it will be interesting to find out what Fred Friendly will write about it in the *Columbia Journalism Review*. From where we sit, watching the tube, the broadcast industry continues to carry its share of responsibility for public misunderstanding. The incredible thing is that the camera is not to blame. It's scissors, paste, and a collection of calloused conscience.

THE WAR IN INDOCHINA

Mr. WILLIAMS. Mr. President, together with millions of other Americans, I have watched with increasing dismay and a growing sense of frustration the events which unfolded during the past 5 weeks in Laos, and elsewhere in Southeast Asia.

The experience was for me, and I believe for many other people in this country, very much like a nightmare which you know has a tragic conclusion, but which you are powerless to stop. It has been a nightmare very much like others which remain fresh in our national consciousness.

During the past 6 years these Indochinese nightmares have reoccurred with increasing frequency, each one more terrible than the one before.

Let me make it clear at the outset of these remarks, Mr. President, that I am not among those who believe the time has come when the United States can abandon the military strength needed to insure our national security. We all fervently pray for the day on which all the peoples of the world can live together in peace and harmony, without the need for weapons of destruction. Unfortunately, that day is not yet at hand.

I believe very strongly that we must maintain strong, vital, and modern, military forces to insure the present and future security of our Nation. However, there is no way in which continued involvement in the disastrous war in Indochina will contribute to our national security. Instead, it will continue to divide our people and to drain our military of the personnel, the spirit, and the material resources needed to safeguard that security.

Mr. President, a recent Gallup poll indicated 73 percent of the American people believe Congress should pass a law requiring that all U.S. troops be brought home from Southeast Asia by the end of this year. I am a cosponsor of the bill which would accomplish that, the Vietnam Disengagement Act, and I think these samples of public sentiment ought to spur us to redouble our efforts to pass this bill.

In addition, the Congress should give the most expeditious consideration to the bill introduced by Senators MONDALE and SAXBE, of which I am a cosponsor, to prohibit U.S. support for an invasion of North Vietnam without the express authorization of Congress.

It is time, Mr. President, for the Members of Congress, as representatives of the Nation as a whole, to say firmly and finally, stop the killing regardless of what weapons are used to accomplish it.

It is time to say, stop spreading the plague of war to country after country. It is time to say, do more than talk about the plight of our servicemen held prisoner by the Communists; start pursuing policies which will lead to their release. And, the way to reunite our POW's with their loved ones is to end the war.

It is time to call a halt to the misleading and misguided rhetoric about "protective reaction," and "air interdiction," and "limited incursions." Instead, let us get about the task of ending U.S. involvement in the Indochinese conflict, securing the return of our POW's, and bringing all our troops home.

For 2 years now, this country has followed a policy of "Vietnamization." But now we find that Vietnamization, with immense U.S. support, has gotten us into the jungles of Cambodia and Laos. This plan that was supposed to allow us to withdraw from Southeast Asia has, instead, sucked our military forces into new battles in an expanded war.

The President has set as his objective the withdrawal of American fighting men from Vietnam.

He has told the Nation, in a statement last May relating to Laos and Cambodia, that the United States—

> Should not take the responsibility in the future to send American men in to defend the neutrality of countries that are unable to defend themselves.

The Congress has supported these principles enunciated by the President, by passing the Cooper-Church amendment prohibiting use of American ground troops in Laos and Cambodia. As the distinguished majority leader has pointed out, we support the President's goal of withdrawing U.S. troops.

So, to that end, let us now view the situation in Southeast Asia in terms of what is actually happening. Let us put away the myths, and look at the realities.

Let us put away the myth that Vietnamization is allowing us to end American involvement in that war.

Let us put away the myth that our fighting men have gone into Cambodia and Laos simply to safeguard our withdrawal from Vietnam.

And, let us certainly put away the myth that, merely because large numbers of American ground troops are not slogging through the Cambodian and Laotian jungles, our forces are not fighting an intense and expanded war in those countries.

Bullets are as deadly whether they are fired from a helicopter just above the tree tops, or from an M–16 on the ground.

Explosives tear apart homes, and people, with the same destructive energy whether they are launched from a mortar, or dropped 50,000 feet from a B–52.

And war ravages a nation and its people just as brutally whether it is brought by men in American uniforms, or by men wearing other uniforms who are recruited, trained, paid, and directed by American agents.

Mr. President, the course this war is now taking contravenes some of the finest qualities in the history of the American people.

It is not in our nature to use mercenaries to wage war. And yet, we are pouring hundreds of millions of dollars into the hire of exactly such mercenaries.

It is against our nature to force war upon another people when we are not willing to accept the casualties we would incur were we to commit our own troops. And yet, we are doing exactly that in Cambodia and Laos.

It is against our nature to destroy a nation, to kill tens of thousands of civilians, and to make millions more into homeless refugees, while we are claiming to be saving it. And yet, that is what we have done, systematically, and methodically, to Vietnam, and are in the process of doing to Cambodia and Laos.

Rhetoric aside, it is clear that some Pentagon officials are using every method they think the American people will stand for in order to pursue a military victory in Indochina. If this course is pursued the next logical steps would be to push into Northern Laos, broaden the war into Thailand and, a contingency reportedly being discussed even now by the President of South Vietnam, invade North Vietnam.

These steps would have tragic, possibly disastrous, consequences. It would matter very little whether they were carried out by American troops or by South Vietnamese with American air, artillery, and logistical support, or by American-paid mercenaries. The results would be the same—an expanded war, increased bloodshed, still more destruction and civilian casualties and, possibly, the spark that would trigger a new and devastating conflict.

We have had a clear warning that China will take direct action if she feels her borders are threatened by South Vietnamese or American military operations in the northern part of Laos, or in North Vietnam. We should take this warning seriously.

We know only too well how the Chinese reacted once before when our forces approached their border. And we know with certainty how we, ourselves, would react were we threatened with similar military operations close to our borders.

It is clear that we must not allow any further expansion of the war. Now, before our B–52's bomb fresh territory, before our helicopters land invasion troops in another country, now, we must make clear that this Nation is not going to stand for it.

We in Congress, and Americans everywhere, must make it clear that we insist on an end to this war. If we remain silent, we will share equally the guilt for what could happen next.

Mr. President, the very soul of America is in danger. All that we have stood for, in our eyes and the eyes of those abroad who have looked to us with trust, respect and affection, is at stake. Our reputation, our spirit, our traditions can only be salvaged by a firm determination to leave this ravaged corner of the world without delay.

REFUGES FOR WILD HORSES

Mr. HATFIELD. Mr. President, it seems to me entirely proper today to recognize the efforts of a most dedicated lobby—the school children of Oregon and their counterparts across the Nation. It was the children's letters and pictures, compelling in their simplicity, that first alerted me to the plight of the free-roaming horses and burros in the United States.

These wild horses are part of our treasured Western heritage, and their free-roaming ancestors were invaluable to explorers Lewis and Clark as they journeyed to the Pacific. Yet, as with many of nature's creatures, the continual development of the West has forced the wild horses and burros into the most desolate areas of that vast land to escape man's harrassment and commercialization. Today there are less than 17,000 wild horses in this country, and their numbers are diminishing rapidly.

S. 1116 which I am sponsoring with the Senator from Washington (Mr. JACKSON) is designed to protect the last of these free-roaming horses by requiring the Secretary of the Interior to establish and maintain a minimum of 12 refuges with the advice of a board of qualified scientists.

This measure is needed to spare these animals from the cruel and inhumane treatment to which they have become prey, and to insure that future generations of children will know the romance and nobility of the wild horse.

Daily we are becoming aware of the fact that we are running out of resources for all forms of life in our global village, and to maintain every species properly, conservation and careful planning are needed. This bill is an important step toward achieving that goal.

It is now my sincere hope that Congress heeds the voices of our children, and enacts this important legislation without delay.

I ask unanimous consent to have printed in the RECORD a section-by-section analysis of the bill.

There being no objection, the analysis was ordered to be printed in the RECORD as follows:

SECTION-BY-SECTION ANALYSIS

Section 1: Section states the various purposes of the Act. Specifically, it states that it is the sense of the Congress that the few remaining free-roaming wild horses and burros be given protection as part of our national heritage. It states that this end shall be accomplished by the designation or establishment by the Secretary of Interior of specific sanctuaries on federal land for these animals.

Section 2: Section 2 defines "Secretary", "wild free-roaming horses and burros", "ranges", "band", and "herd".

Section 3: Section 3 places all wild free-roaming horses and burros under the jurisdiction of the Secretary of Interior, and directs him to designate, establish, and maintain a minimum of twelve sanctuaries for the protection and preservation of existing bands of wild horses and burros. It also provides means for humane thinning of the herds where necessary, and it specifically prohibits the killing of these animals on the ranges by private individuals.

Section 4: Section 4 authorizes the keeping of wild horses and burros on private land or land leased from the Government, if the animals are being protected from the harassment which this bill is designed to alleviate.

Section 5: Section 5 authorizes the Secretary of Interior to enter into cooperative agreements with the state and local governments and with private land owners, and to issue certain regulations as he deems necessary.

Section 6: Section 6 calls for the establishment of an advisory board of non-governmental experts to advise the Secretary of Interior as to carrying out the provisions of this Act.

Sections 7 and 8: Sections 7 and 8 provide penalties for those who might violate the provisions of this Act or the regulations issued thereunder.

Section 9: Section 9 authorizes the appropriation of sums necessary to carry out the provisions of this Act.

Section 10: Section 10, which has been included to prevent undue alarm by the livestock industry, specifically limits the Secretary of Interior in the designation and establishment of ranges. He is limited to those areas of the public lands where wild horses and burros presently exist.

Section 11: Section 11 provides the periodic reports by the Secretary of the Interior to Congress with respect to the administration of the Act.

THE BRITISH-FRENCH CONCORDE—SST

Mr. PROXMIRE. Mr. President, Servan-Schreiber, the French journalist and author, is a member of the French National Assembly. He is the author of the best seller "American Challenge," a book that traced the economic impact on Europe of American industrial investment there. The cable was sent to me on the British-French Concorde after Servan-Schreiber was unable to travel from Paris to testify at hearings on the U.S. supersonic transport held by the Senate Appropriations Committee.

Excerpts from the cable:

Every single cost analysis (of the Concorde) from the beginning has proved to be wrong. The cost of the SST has multiplied here, as it will everywhere, 4 times since the initial evaluations.

The Rolls-Royce disaster of last month already looks small compared to the financial quagmire of the SST.

The minimum transport capacity of the European SST was considered to be as of last year for any competitive operation 134 passengers per plane. After the first flight tests this capacity is now reduced to 110, or less. At that level, the plane can be bought by Air France and BOAC only if it flies at full capacity on every flight, an impossible assumption as any airline executive knows.

The flight distance of the European SST has also been drastically decreased.

Maintenance costs for the SST climbed from the first estimated 30 percent margin for present jet planes to 60 percent at least, in the latest accounting. . . . the latest requirements from airlines to add qualitative changes in order to lower the noise level and to make the luxury flight more comfortable have been flatly refused by the builders as impossible within the present budget, already 300 percent over the initial estimation.

Mr. President, I ask unanimous consent that the cable be printed in the RECORD at this point.

There being no objection, the cable was ordered to be printed in the RECORD, as follows:

Statement by Jean-Jacques Servan-Schreiber

The debate in the Congress of the United States on supersonic transport may remain in the history of the industrial state as the first truly universal debate.

The problem is the same in each modern democracy: Man and technology. Decisions of government and parliaments in each of our nations have immediate consequences on all others. In view of the SST debate there is no such thing any more as "national independence." The multinational political decision, at long last, confronts the multinational industrial complex.

Any French parliamentarian must consider it his duty, as I do, to respond in all candor to his fellow parliamentarians in Washington, if invited to do so. France and Great Britain now have nine years experience with supersonic transport and that experience can, perhaps, shed some light on this vital debate.

1. Every single cost analysis from the beginning has proved to be wrong. The cost of the SST has multiplied here, as it will everywhere, four times since the initial evaluations. By all normal decision-making systems, it should have been cancelled long ago, but the debate and the cost have for years been kept from the public. The facts have not been available until the most recent months when they could no longer be hidden.

Now the public eye is on the project and what it sees is bankruptcy.

The Rolls-Royce disaster of last month already looks small compared to the financial quagmire of the SST.

Not only those who had doubts about the project, but more and more former supporters of supersonic transport are now frightened by the project. Mr. Charles de Chambrun, a major political figure of the ruling party in France, making a special report for his parliamentary committee declared: "Even a superficial analysis now reveals to us a terrifying truth, on purely prestige projects (like the supersonic aircraft) we are throwing away billions with no hope whatsoever of any future commercial returns. So much so that we should urgently face these problems and, if possible, before they become public scandals." Former conservative Prime Minister Antoine Pinay, a cautious and respected man, who seldom speaks out in public, decided last week that he could no longer remain silent, came out flatly against it as an immensely costly gadget on taxpayers money designed for an incredibly few rich people, mostly North Americans. The impact of his unprecedented and violent attack is shaking the establishment and prefaces more defections from the pro-SST ranks among public figures.

If the number of persons in America that could profit by SST flights is evaluated, officially, at 0.5 percent of the population, that figure in France is only 0.3 percent—(Portion of cable missing)—thus an unavoidable political assault, in a country like ours where housing, schools, hospitals, roads, telephones, urban problems are in such dramatic need of immediate attention.

The municipal elections on Sunday in France have brought to the forefront some facts that represent formidable new obstacles for the SST.

In Paris, for instance, it has been revealed that over 70 percent of housing dates back to 1920, and only less than 10 percent has been rebuilt in the last 20 years. Also, in Paris, considered the most advanced city in France, 52 percent of housing is without central heating and 45 percent has no internal sanitary facilities. Again in Paris, there is, today, only one child care center for 2,000 working women with children. The number of school children by class is 60 percent higher by teacher than is considered an acceptable norm. The cost of land for building has increased by 300 percent in the last eight years because the city has no money left at all to buy land for new construction.

For the first time since General de Gaulle left the public scene these truths are rising to the surface. A fundamental reappraisal of the whole range of public appropriations is the inevitable result. In face of these social scandals, the SST has now few defenders. Only those directly concerned by the contracting industries are still openly in favor of the project.

Today a nationally broadcasted debate on the SST was organized in Paris, triggered by the hearings in Washington, in which I was asked to oppose a civil servant, the head of the aircraft industry. He, himself, could give no answers to the basic questions that we shall now survey.

II. Even if there were no problem at all of public opinion of urgent social needs, there are now even more pressing problems confronting the SST builders and their clients. We shall note here the latest developments in the first two months of this year.

The minimum transport capacity of the European SST was considered to be as of last year for any competitive operation 134 passengers per plane. After the first flight tests this capacity is now reduced to 110 or less. At that level, the plane can be bought by Air France and BOAC only if it flies at full capacity on every flight, an impossible assumption, as any airline executive knows.

The flight distance of the European SST has also been drastically decreased. It is still considered able to fly from Paris and London to New York, but it is now officially admitted that it will not be able to fly from Berlin to New York and not even from Rome, Hamburg or Frankfurt. The use of the SST for European airlines is shrinking. Practically, the British and and French clients are at this point left alone.

Maintenance costs for the SST climbed from the first estimated 30 percent margin for present jet planes to 60 percent at least in the latest accounting. The initial and basic idea that the fare for an SST passenger would not be more than the first-class seat today on normal jet aircraft is abandoned. The SST passenger will have to pay at least 30 percent more than the first-class fare. At that price level, company executives not paying for their own travel expenses will be the only routine passengers taking advantage of the new plane.

Finally, the latest requirements from airlines to add qualitative changes in order to lower the noise level and to make the luxury flight more comfortable have been flatly refused by the builders as impossible within the present budget—already 300 percent over the initial estimation.

III. Some major leaders of the pro-SST crusade have now decided in my country to express in public their unwillingness to continue the project under present conditions.

Among them the chief executive of the SST program in Toulouse has considered it to be his duty to release, last month, some new facts and figures in an unprecedented press conference.

Since its first test flight in 1969, the SST prototype has flown less than 10 percent of the number of hours of test flight that were planned as a minimum for testing the project. Also, he revealed in anger, that the budgeted investments planned for the middle of last year had still not been allocated by the government.

He made public that on the basis of the latest developments a new postponement of test flights is unavoidable. What was planned to be achieved in 1973 will not be accomplished before the second half of 1974. Finally he concluded that all of this will cost an eventual loss of 50 SST commercial options per year and that one more delay, after the deadline of 1974, would simply see the European SST cancel itself out of any possible market.

The conclusion in France today, after a few weeks of publicly airing the facts is that the project is at a minimum a commercial and financial disaster. Technologically it has lost most of its significance for two reasons. First, because the engineers and scientists are not permitted to continue their research due to budget limitations. Second, the only remaining technological fallout (supersonic flight experience) has lost its meaning since this aircraft will not be the first of its generation of planes but the last. To create a new generation of aircraft a varied geometry wing system and new metal alloys were, and are, needed but they have been abandoned.

It is a common belief among responsible politicians in this country that the concrete social problems for daily life in the cities of France and the dramatic problems of balance of payments in Great Britain are now converging to move public opinion in Europe against projects that contradict the elementary needs of the mass of the people. Ninety-seven percent of the population of France is not in the least concerned by the luxury of supersonic flying, but in anguish with the deterioration of urban life, the bankruptcy of public service in every city.

The European SST looks to us, on this side of the Atlantic like an industrial Vietnam.

We know what Vietnam means. We had the experience of an Indochina War fifteen years before the United States and with the same results: Impotence on the battle-field and the disintegration, at home, of the social fabric. We had unfortunately no success in preventing the American political leaders from repeating in Indochina our own mistakes. If for that reason alone, we should spare no effort, dismiss no occasion, refuse no debate, accept no protocol, to keep us from participating with those in America who have rightly decided that the decision, at this time and place, on the SST is for the industrial state, a trial of truth. Should man be the servant of the industrial system or its master?

It is not an American, not a French, not a British debate—but a universal and truly crucial test.

WASHINGTON STAR'S EDITORIAL ON GOVERNMENT AND PRIVACY

Mr. ERVIN. Mr. President, surrounding the recent hearings by the Subcommittee on Constitutional Rights on Data Banks, Computers, and the Bill of Rights, there has been a great deal of misunderstanding concerning the subcommittee's purposes and motives. Thus, it was with a great deal of pleasure that I read an editorial in the Washington Star of March 14 which summarized so well my reasons for conducting these hearings. The editorial covers the entire subject, and emphasizes the point that no one is interested in turning back the clock on technology but only in seeing that this technology is not used as a tool by the Government to invade an individual's privacy. Also, the editorial makes clear that no one is interested in denying the Government the right to collect information it needs for legitimate purposes, including the enforcement of the laws; but only in denying the indiscreet and indiscriminate gathering and use of such information.

Mr. President, I ask unanimous consent that the Washington Star's editorial "Checking on the Government's Data Bankers" be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CHECKING ON THE GOVERNMENT'S DATA BANKERS

Assistant Attorney General William H. Rehnquist maintains that he—and we presume he was speaking for the Justice Department in his testimony before Senator Ervin's Constitutional Rights subcommittee—would "vigorously oppose" any legislation designed to limit the government's ability to procure information on the activities of American citizens on grounds that this would amount to "opening the door to unnecessary and unmanageable judicial supervision." On this question, we find ourselves equally vigorously opposed to the assistant attorney general, and we intend to be so, if we can, without becoming hysterical about it.

We acknowledge that the era of computer data banks has arrived, and we are not Luddites who would turn back the clock by smashing the technology which our genius has produced. We believe both that government—any government—has an inherent right to insure its own survival (and there are, as all of us must know by now, Americans dedicated to the destruction of our system of government and our society) and that data banks have a lawful, useful function extending far beyond the parameters of common criminality or treason.

But we are concerned that the information stored in federal, state and municipal data banks might be used indiscretely, indiscriminately, wrongly or unfairly. And we believe that we and all Americans are right to be concerned about this.

Rehnquist takes the position that "self-discipline on the part of the executive branch" will provide sufficient safeguards against illegal or improper use of information stored in data banks. That is not quite good enough. We do not think Attorney General Mitchell fancies himself in jackboots. Nor are we of the opinion that a dark night of fascism is about to fall over these United States. But there will be other administrations and they will need guidelines as much as, if not more than, this one. And finally: Our system is one of laws, not men.

The Federal Bureau of Investigation, the Secret Service and other government agencies were keeping dossiers on American citizens years before the first computer came into operation. But in that simpler age, we were protected from gross intrusions into our privacy by our own incompetence, forgetfulness and lack of technology.

No longer. Today, computers can provide almost instantaneously a "printout" on an individual's personal and political history. An attempt to a create a national data bank was killed five years ago by a House subcommittee. One is no longer needed: Computers can "interface" (talk to each other) relatively easily. Nobody knows precisely how many Americans have their vital statistics stored in such banks, but it would be conservative to say that the figure runs into many millions.

Such data banks can provide useful, perhaps essential, services for the federal and state governments. And in the process they can protect the people and enhance their lives. Interfacing can, for instance, prevent an applicant for a driver's license in California who has been convicted of drunken driving in New Jersey from becoming a menace on the highways. Physicians can draw in seconds on the knowledge of specialists. Tax-cheating can be made more difficult, and the whole process of government rendered more efficient.

But a computer has no morals. It can neither forgive nor forget. Its printout depends entirely on what information has been programmed into it. And that information is provided by people, people who may be negligent, thoughtless, partisan or just plain stupid.

Another problem involves access to printouts. Senator Mathias, in his testimony before Ervin's subcommittee, maintained that "computers are bringing the ammunition for persecution, harassment and idle gossip within the reach of every prosecutor and part-time deputy sheriff." That statement is a trifle excessive, but the senator has a point: While the Internal Revenue Service has the right to know how much you earned last year, the State Department does not, and certainly no private organization has that right.

Finally, there are questions of on whom, by whom, how and what material is to be collected for storage in data banks. All this makes it clear to us, if not to Rehnquist, that, as Mathias told Ervin's subcommittee, "it is not only proper but essential for Congress to enact controls" over data banks maintained by agencies of the federal government and those supported financially by or connected with the federal system. And the several states ought to adopt similar codes.

The storage of basic information about an individual in a data bank does not strike us as an invasion of privacy. But hearsay, second-hand and anonymous data certainly should be excluded. And we believe individuals who have reason to believe they are being persecuted by the contents of their dossiers should have an appeal of some sort to a tribunal authorized to grant the right of inspection to the individual concerned. Even when this right is not exercised, there should be periodic reviews of the contents of data banks to insure, insofar as is possible, the fairness and relevance of the data contained there (a youthful indiscretion obviously should not be allowed to plague the career of a man who since has lived an exemplary life).

As to who should collect such data, it is clear that there is one organization which should not: The United States Army, which (on orders from the "highest" officials in the Johnson administration, according to Assistant Secretary of Defense Robert F. Froehlke's testimony before the Ervin subcommittee) in the late 1960s compiled dossiers on some 18,000 civilians. Only the traditional law enforcement agencies should be involved in this task and the tools which they employ obviously must be in compliance with existing laws.

The question of access to data banks obviously will be an extremely difficult one. In general, only individuals and agencies who *have* to have access should be allowed it. It should not be just a matter of convenience, or broad interest. The line has to be drawn—and it will not be easy to do so—between the legitimate needs of government and the requirement, as Mathias puts it, "to protect individuals against arbitrary or excessive exercises of the awesome police powers of the state."

For a state in which men joined the silent majority because they feared that their foolish words and unwise deeds would remain to haunt them all the days of their lives would not be a state worth living in or preserving. We remember the words of Justice Brandeis, in his dissent on *Olmstead v. U.S.:*

"Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficent. . . . The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding."

We believe the present administration's purposes to be beneficient. We are sure that Mitchell (and Rehnquist), not to speak of J. Edgar Hoover, are zealous. Accordingly, we are grateful that Senators Ervin, Mathias and others are on guard, as, indeed, are we. If our liberties are to be diminished—and we see no reason why they should be, if a fair and intelligent data bank code of ethics is created—let it be by the elected representatives of the people, the Congress of the United States, not by an appointed official of the Justice Department.

Computers were brought into being by the minds of men. They can serve men, or they can act as agents of repression. The choice, ultimately, is one for all of us to make, not just Rehnquist.

SENATOR RICHARD B. RUSSELL

Mr. BUCKLEY. Mr. President, I never had the privilege of meeting the late senior Senator from Georgia, Richard B. Russell, but I am honored to have served in the same Congress with him—if only for a few days. Senator Russell was one of the great men of the Senate, not because of his 38 years of service in the U.S. Senate, but because of qualities which characterized his tenure. He brought to this body a high sense of public duty, a capacity for self-sacrifice and an earnest dedication which earned him the great respect of all of his colleagues.

Senator Russell's high sense of duty was illustrated in early 1969, when he learned of an inoperable tumor in his left lung. Senator Russell summoned Washington correspondents for Atlanta newspapers, and he calmly announced the doctors' finding. He described this announcement as an act of faith with his constituents.

During his five decades in public life, Senator Russell displayed both prudence and patience. He once said:

> When I am in doubt about a question, I always vote "No." I think that is the only safe plan to follow. If you are in doubt and vote "Yes," you have to take responsibility for what is done. If you are in doubt and vote "No," you get another look at it somewhere further down the line.

In all of the tributes to Senator Russell, there is a constant recognition of the deep sense of honor which guided his actions in the Senate, and the abiding integrity which characterized his relationship with others. Senator Russell was justifiably proud of his personal sense of honor, and when it was questioned once on the Senate floor, Senator Russell declared:

> When the time comes for me to go out of this Chamber, whether I go voluntarily, whether my commission is revoked by the electorate of Georgia, or whether I am carried out in a box, I hope it will at least be possible to say of me that I was an honorable man. I do not know of anything that might be said that would better please me.

Senator Russell exemplified the best in the Senate, and personified the tradition of reasonable and honest discourse among men in a free society.

ILUS DAVIS—MAYOR OF KANSAS CITY

Mr. SYMINGTON. Mr. President, after 8 years of outstanding public service, Mayor Ilus W. Davis of Kansas City, Mo., a great public servant and outstanding American, is retiring voluntarily.

Kansas City and Missouri will miss Ike Davis, his character and his courage, and I ask unanimous consent that an article in the Wall Street Journal of Thursday, March 11, entitled "Kansas City's Davis: Tribal Leader," be inserted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEET THE MAYOR—KANSAS CITY'S DAVIS: TRIBAL LEADER

(By Dennis Farney)

KANSAS CITY, Mo.—It seems deceptively manageable from this height, the city rolling away in an orderly grid below the skyscraper Tom Pendergast built. But for the man on the 29th floor—characteristically reflective today, his face crinkling into a wry smile—there's a different view from City Hall.

"I don't really run a government," quips Mayor Ilus W. Davis. "I run a loose tribal democracy."

Ike Davis will be stepping down next month. The 53-year-old banker and attorney took office eight years ago, when city government here seemed near paralysis; he leaves with observers rating him as one of Kansas City's most effective mayors. Some of the accomplishments they cite:

Rebuilding City Hall's professional staff, gutted between 1959 and 1963 when remnants of the old Pendergast machine regained power. Passing a public accommodations ordinance and making it stick in a bitter referendum, the first major city to do so. Winning voters authorization of some $230 million in bonds; launching construction of an international airport and dozens of lesser projects. Fundamental gains, if not a breakthrough, against this city's chronic revenue shortage.

But the talk of "tribal democracy" is revealing, as is the assessment by Councilman J. D. Robins of Mr. Davis' performance: "A strong mayor in a weak-mayor type of government." Both comments refer to a governmental structure that has shaped the mayor's whole approach to his job.

POWERLESS TO LEAD

It is an interlocking structure—federal, state, county, city—that diffuses power and hedges against power. It does this so effectively that a Kansas City mayor, though officially the leader of the city, could be almost powerless to lead. This didn't happen with Ike Davis, which says something about his skill as tribal leader and the demands of the times in which he governed.

A key to the structure is Missouri's state constitution, still reflecting a simpler time and rural past. Mayor Davis calls it "almost antiurban" because it requires Missouri cities to work very hard to do some relatively simple things. For example, in some states a city council can simply authorize the sale of a special-assessment bond to extend a sewer or pave a street; here the council must win a two-thirds vote in a city-wide election. More important, the constitution requires a four-sevenths vote before the city can sell a revenue bond and a two-thirds vote to authorize a general obligation bond.

When Mayor Davis took office the constitution also was forcing the city to rely heavily on the property tax, while limiting the amount of the city's tax levy for operating purposes. Kansas City was (and is) at the state ceiling, so property tax revenues were growing only as fast as the tax base grew—about 3% a year. Kansas City couldn't increase revenues by raising property assessments, either; only the county has that power.

Further, Kansas City doesn't fully control its own police force. In the 1930s, with boss Pendergast running the police and City Hall from his office at 1908 Main St., the state took over effective control and never gave it back. Today the legislature, not the council, decides how much Kansas City policemen should be paid. Then the city decides how to meet the payroll.

The reform-minded Citizens Association swept the Pendergast machine from City Hall in the 1940 election; except for the 1959–63 administration, the association has controlled city hall ever since. With association government has come strict adherence to Kansas City's 1925 charter, and the charter has some hedges of its own.

The charter decrees nonpartisan elections for mayor and council, depriving Mayor Davis, a Democrat, of some political clout with the city's decidedly partisan representatives in Jefferson City and Washington. It specifies a weak-mayor, city manager administrative system, diffusing power at city hall. (The mayor has only one of 13 council votes; the council sets policy and hires the manager; the manager executes policy.) And it allows a determined minority of voters to force a referendum on controversial council ordinances, making council leadership more difficult.

The object of all this was to replace patronage politics with businesslike government, and this is pretty much what has happened. But safeguards against evil men doing evil can work equally well against good men doing good. When combined with restrictions at other levels of government, the hedges in the charter can help produce "tribal democracy"; a system under which political representatives lack authority to do what they think needs doing.

So it isn't surprising that Ike Davis could walk into City Hall one morning and confess that he felt "like the college kids" that day—that the structure of government wasn't adequate to the task. ("I'm not down," he told a reporter who said he certainly looked down. "I'm just not exuberant.") Nevertheless, everyone agrees, Ike Davis led. How did he do it?

MYSTIQUE AND THE STAR

One factor is the mystique that surrounds nonpartisan government and the Citizens Association here. The association has never forgotten—and its ally. The Kansas City Star, has never let voters forget—that it is the organization that replaced "spoils politics" with "charter government." (So potent have been the Star's editorial lambastings of "political" candidates over the years that "The Kansas City Star" or, alternatively, "The Great White Father at 18th and Grand" is often an issue in city elections.)

So closely is the association identified with "good government" publicly, so closely do individual association council members identify with "charter government" privately, that the organization has remained a strong and relatively cohesive force in city life for more than 30 years. Since the association enjoyed big council majorities throughout the Davis years, the mayor always had a solid bloc at least predisposed to his leadership.

And the nature of urban problems in the 1960s helped thrust Mr. Davis into that leadership. In quiet times, perhaps, the administrative-oriented city manager system can make a stronger manager the prime mover in city hall. But the 1960s were not quiet times. Riots in the inner city after the assassination of Martin Luther King, the continuing revenue crisis and the difficult choices it posed, the rise of issues like public accommodations and open housing—all were political questions that demanded political leadership. And Mayor Davis, despite his lone council vote, was the logical leader.

Howard Neighbor, a political scientist who has studied Kansas City's municipal politics, believes Mr. Davis' hand was further strengthened by the growing impact of federal urban programs. Mayors everywhere, he explains, are becoming increasingly responsible to two constituencies: the local voters and the federal administrators who dispense money cities need. As go-between, a mayor in even a weak-mayor system "can acquire a substantial degree of political power, just because he's there."

But none of these factors would have made much difference without what Councilman Robins calls Mr. Davis' "sheer force of personality."

That description might seem an ironic one for lanky, scholarly looking Mr. Davis, because political observers generally rank "personality" as his weakest point. Even the Star, unequivocally backing him in 1963, had to describe Mr. Davis editorially as "somewhat professorish" while conceding that his opponent was "a natural leader." As mayor, Mr. Davis usually looked a bit too stiff and formal on television. Jokes Bruce Watkins, a councilman during the mayor's first term: "He's the only politician I know who never smiles."

But Mr. Robins makes it clear he's using "personality" in a particular way—not as charisma but rather as personal strength and "just sheer ability." And as Councilman Robins and Mr. Watkins discuss the mayor, certain descriptions keep recurring: a man who came across warmly, forcefully, face-to-face, who always had the facts, who kept his word and never ducked a fight. "I hate to see Ike Davis leave," says Mr. Watkins, "because it's going to be a different ball game."

"Too many people here are more interested in bricks and mortar than in human needs," says Mr. Watkins, who's now county Democratic chairman and head of a black political organization. But Mayor Davis "really cared about people . . . by his deeds and the money he had available he did everything he could to eliminate human suffering." He adds: "Members of the council had confidence in him . . . I will never in my life question his integrity."

Mr. Watkins cites the mayor's leadership on a bitter issue he might easily have finesed: sustaining the council's public-accommodations ordinance when voters forced a public referendum. Opposition was clearly widespread, and in one strategy session in the mayor's office someone mentioned that anti-ordinance placards were popping up in taverns all over town. Mr. Watkins remembers that the mayor pounded his desk and declared: "I'll be damned if I'll let tavern operators dictate the moral tone of this city." The ordinance survived by about 1,614 votes out of almost 100,000.

That referendum was only one of 19 separate campaigns (bond elections, referendums and other issues) that Mayor Davis took to the people in eight years—a total that illustrates as well as anything the nature of Mr. Davis' "tribal democracy." His record was 18 wins and 1 loss. But the loss was his biggest fight of all, and it illustrates, as well as anything how tribal democracy can gradually erode a mayor's public support.

Taking office with the city heavily tied to an inflexible property tax, Mayor Davis carried the fight to the state legislature and won the right to submit an earnings tax to a vote of the city. Voters approved the new tax in 1963.

A "PROGRAM FOR PROGRESS"

But the earnings tax didn't completely solve the money problem—not with inflation eating away at city revenues, with residents pressing for increased city services and the city eager to build a new airport and begin dozens of other costly projects. So the ensuing years found Mayor Davis leading repeated bond and taxing campaigns, inside the council and out. Then, late in 1969, the mayor and council presented voters with a "Program for Progress" that embodied all the goals of the Davis years.

There would be a broadened, flexible tax structure: a new sales tax (authorized by the legislature after another lobbying effort), a doubled earnings tax, but halved real estate and utility tax rates. Existing city services would be expanded and new ones added. A $143 million bond package would authorize projects ranging from fire stations to parks and rapid transit. There were 24 separate proposals in all, and if they failed, Mayor Davis said, "We'll only be able to move from hour to hour." Every one failed.

Observers attributed this partly to an anti-tax mood that seemed to pervade the country at the time. And, they think, Mayor Davis' many other campaigns had worn out his welcome. Voters were now grumbling about their "high-tax mayor," and when Mr. Davis opened last spring's baseball season, the fans booed him. Last October, he announced he wouldn't run again.

He might have quit there. Instead, he led the fight within the council to resubmit the doubled earnings tax to the voters; and he refused to postpone the election when some council members became worried it would jeopardize their re-election bids. Last December, a year after the Program for Progress failed, the doubled earnings tax carried almost 2 to 1.

So the Davis years are ending with a victory, and the feeling here is that the mayor will be a hard man to replace. Mr. Davis wouldn't agree with that, of course, but he does wonder how, given the present structure, any Kansas City mayor can fully meet his responsibilities. Change keeps coming faster, and elected representatives are supposed to lead, he says. The problem is, "We're still not really sure we believe in representative government."

NIXON AS A MAN OF RIGID PRINCIPLES

Mr. MILLER. Mr. President, Tom Wicker has a knowledgeable and perceptive human interest story in the March 16, issue of the Washington Evening Star entitled "Nixon as a Man of Rigid Principles."

I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Nixon as a Man of Rigid Principles

(By Tom Wicker)

Richard M. Nixon, like most Presidents, is easy to criticize—so easy, in fact, that there is a breed of Nixon critic that tries to have it both ways.

They will declare in one breath that the President is a convinced cold warrior, anti-Communist, and social Darwinian who will never change; in the next breath, they will denounce him as a totally unprincipled political chameleon who will do anything to win an election, and thinks of nothing else.

Obviously, these descriptions are mutually exclusive, even when offered by the same critic. And in two recent interviews, Nixon has appeared much more nearly as a man of certain rigid principles—as one who had staked his political fortunes on those principles, and whose gift for facile argument was at least as much devoted to the defense of the principles as to the re-election of the President.

When asked by Peregrine Worsthrone (who is neither a bird nor a tree, but a British journalist) whether he might not have become a Democrat had he gone into politics during the Depression, Nixon gave a reply he must have considered inadequate; for he later sent Worsthrone a written memo on the subject.

In the 1930s, the President said in the memo, he could not adopt a "stand-pat attitude" because of the massive unemployment he saw. But neither could he accept the New Deal philosophy "due to a strong streak of individualism which probably was more than anything else rooted in my family background . . . we had drilled into us the idea that we should if at all possible take care of ourselves and not expect others to take care of us."

He then told the rather touching story of his older brother's five-year bout with tuberculosis, a "catastrophic illness" that shattered the Nixon family economy. Despite a doctor's advice that the family put the sick boy in a county hospital "not only so that he could get more adequate care but in order to relieve us of the financial burden," his parents "adamantly refused' and borrowed money to pay the bills.

His mother and father, Nixon wrote, were "almost fierce in their adherence to what is now deprecatingly referred to as Puritan ethics," therefore, they considered it "wrong from a moral standpoint" to accept help from the government.

Set down briefly and without bombast, this memo probably tells more than any of his messages and speeches about Nixon's domestic social views—whey he resists public service employment, for example, and why he can speak with real feeling about both "deadbeats" on the welfare rolls and families being destroyed by reliance on welfare, perhaps why many blacks sense that while the President may enforce anti-discrimination laws he is not responsive to their needs for various forms of assistance.

Did not the Nixon family refuse "more adequate care" for the older son, in pursuit of the principle of self-help?

In a later interview with C. L. Sulzberger, Nixon made crystal clear a world view that seemed less remarkable for negating his earlier "low-profile" stance than for the vigor and even passion with which he stated it (although Sulzberger's version of the President's remarks was unofficial, the words have a Nixonian ring and the White House has not repudiated them).

"I'd like to see us not end the Vietnamese war foolishly and find ourselves all alone in the world," Nixon said. "I want the American people to be able to be led by me, or by my successor, along a course that allows us to do what is needed to help keep the peace in this world."

And what must be done? "Other nations must know that the United States has both the capability and the will to defent (its) allies and protect (its) interests."

Again and again, Nixon's emphasis was on "maintaining a U.S. policy role in the world rather than a withdrawal from the world and international responsibilities . . . no one who is really for peace in this country can reject an American role in the rest of the world."

An expansionist Soviet Union and Communist China confront a United States that wants only "the right for everyone to live and let live" but that must "maintain a balance."

Many persons as knowledgeable and responsible as Nixon believe that this world-policeman, Pax Americana view is self-righteous, outdated, dangerous, a problem rather than a solution.

Nevertheless, it is the President's view, which is to say the governing view of American policy in the world; and since it seems as much a product of his experience as the social views deriving from his early years, there is no reason to believe it is lightly held or easily subject to change.

TORTURES IN BRAZIL LEAK OUT DESPITE REBUFF OF OAS PROBE

Mr. PROXMIRE. Mr. President, an excellent article appeared in the March 7 edition of the Washington Post which concerns the refusal of the Brazilian Government to allow the Human Rights Commission of the Organization of American States to investigate apparently documented incidents of torture by the military and federal police of Brazil.

This article, written by Dan Griffin, mentions the torture methods used by the Brazilian authorities, which seem to me to be some of the most inhumane methods of interrogation that I have ever encountered.

This situation takes on additional significance when we consider that our Government, through the Agency for International Development, has spent in excess of $8 million in training and equipping the Brazilian federal and state polices.

Certainly the implications of our direct involvement and support of such a repressive military government need to be thoroughly investigated.

Mr. President, I ask unanimous consent that the article "Tortures in Brazil Leak Out Despite Rebuff of OAS Probe," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Tortures in Brazil Leak Out Despite Rebuff of OAS Probe

(By Dan Griffin)

The Government of Brazil has refused to let the Inter-American Commission on Human Rights, an organ of the Organization of American States, enter the country to investigate charges that political prisoners are being tortured there.

At the same time, new reports of torture continue to filter out of Brazil, where urban guerrillas have obtained the release of 130 prisoners held by the government in exchange for the safe return of four kidnapped foreign diplomats. And Brazil's Catholic bishops have said for the first time that torture does exist in Brazil.

The most recent report of tortures came from the Metropolitan Archbishop of Sao Paulo, the Most Rev. Paulo Evaristo Arns, described by one knowledgeable foreigner as "calm, balanced, highly respected and formerly skeptical" of torture charges.

In an office proclamation Feb. 4, which he ordered affixed to the doors of churches in his archdiocese, Archbishop Arns stated that he and a fellow prelate "personally verified" that a priest of his archdiocese and a woman social worker were "ignominously tortured" in the Sao Paulo State Department of Political and Social Order after they were arrested in late January on suspicion of subversion.

In a letter smuggled out of Brazil, a foreign missionary priest working in the Sao Paulo archdiocese said that the social worker had been "worked over sexually" by six men while she was in custody. The priest's letter added that there is "a systematic method of torture for all accused political prisoners."

Archbishop Arns said in his proclamation that the governor of the State of Sao Paulo had offered to allow the two prisoners to be examined by a physician chosen by the archbishop. The prelate added, "To date, however, they have not permitted us to carry out this measure."

NUN'S TORTURE CHARGED

Archbishop Arn's accusation is by no means the first to be issued by a Brazilian bishop. In July, 1969, Bishop Waldyr Calheiros of Volta Redonda, center of Brazil's steel industry, issued—together with 11 priests of his diocese—a letter charging that a labor leader had been tortured during an interrogation at a local military unit. Bishop Calheiros was charged with subversion as an agitator.

In November, 1969, Bishop Felicio da Cunha Vasconcelos of the diocese of Ribeirao Preto excommunicated two police officials for having tortured a jailed nun. Sister Maurina Borges da Silveira. Last August, the bishops and priests of the State of Maranhao charged that a young rural priest had been tortured for two days.

Other denunciations of torture have come from Archbishop Helder Camara of the Northeast's principal archdiocese, Olinda and Recife, and from Eugenio Cardinal de Araujo Sales, archbishop of Salvador and primate of Brazil.

A number of international groups have denounced torture of political prisoners in Brazil, among them the International Commission of Jurists, which said last July that torture appeared to be a systematic and scientifically developed practice of the Brazilian government. The jurists' commission—a nonpolitical organization having consultative status with the United Nations and the Council of Europe—has frequently criticized Communist countries and military dictatorships in its role of defending human rights and the rule of law.

The National Conference of Brazilian Bishops last month sent Bishops Calheiros and Arns letters of solidarity that reflected a change in attitude among some bishops who had previously been skeptical of the torture charges. The letter to Bishop Calheiros said: "Tortures, unfortunately, do exist in Brazil, and in many cases in the most shocking ways." The bishops' strongest language previous to this had been a condemnation of torture "wherever it occurs, either in Brazil or in any other nation."

A CAUTIOUS PROCESS

The Inter-American Commission on Human Rights does not act on the basis of published reports or denunciations issued to the world at large—not even those issued by bishops. Rather, it responds to complaints made directly to it by individuals or governments, and its response is painstaking, diplomatic and time-consuming.

According to Luis Reque, the executive secretary, the commission first received denunciations of the torture of Brazilian prisoners late last spring. On Oct 26, Reque said, the commission took the next step in its procedure: It sent the Brazilian government what information it had gathered concerning the cases and requested further information. It also asked permission to send a commission member—Prof. Durward V. Sandifer of American University—to investigate the charges.

Reque said that the Brazilian government refused the request for an on-the-spot investigation in a letter dated Jan. 11 and signed by Foreign Minister Mario Gibson Barboza. However, Reque said, the Brazilian reply did furnish information about the cases the commission had asked about.

Sandifer—who has been designated "rapporteur" in the case—is now considering the charges and Brazil's answer and will report to the commission. If the commission concludes that there have been violations of human rights, it can recommend steps the Brazilian government can take to remedy the violations. If the government takes no such action within a reasonable time, the commission can report the case in its annual report to the Organization of American States next spring.

Meanwhile, other organizations, including the U.S. Catholic Conference and the Canadian Catholic Conference as well as nonreligious groups such as Amnesty International, continue to collect information on individual cases. One group—the Brazilian Information Front, made up largely of Brazilian exiles and headquartered in Algiers—has assembled a file of more than 120 cases.

The Front is a mixture of Christians and Marxists and includes some individuals who were prominent in Bazilian national life until the military takeover of April, 1964, or, in some cases, until the Brazilian Congress was closed in December, 1968. It cloaks itself in anonymity.

MANY ACADEMICS

If the cases in the Front's dossier, nearly half the victims are students or teachers; most of the rest are in the professions—psychiatrists, lawyers, sociologists, a dentist, etc.—though there are a few laborers listed. The youngest is 18, the oldest 63, and the average age is slightly over 29.

Most of the cases were in the three most developed states of Brazil: Sao Paulo, Guanabara (Rio de Janeiro) and Minas Gerais; in most cases, a branch of the military service was involved. Here are two fairly typical cases:

Victim: Dulce de Souza Maia, actress, single, 30.

Circumstances of arrest: Taken prisoner in her home in Sao Paulo in January, 1969. accused of belonging to a subversive organization.

Place and date of torture: Sao Paulo Department of Political and Social Order. (No date given.)

Type of tortures: Violated several times in front of other prisoners. Electric shocks in the vagina.

Torturers: Police of the army.

Other important data: The victim was among those exchanged for the West German ambassador. The victim shows traces of mental disturbances.

Victim: Joel Jose de Carvalho, printer, 21.

Circumstances and date of arrest: May 23, 1969, in Sao Paulo, suspected of subversion.

Place and date of torture: Sao Paulo Department of Political and Social Order, on the same day as his arrest.

Type of torture: Electric shocks, principally on the genital organs; telephones (simultaneous blows on both ears); parrot's perch (being hung by wrists and knees from a pole); suffocation; kicks; beatings.

Torturers: (The dossier lists 10 names, adding "and others.")

Responsible authorities: Gen. Vianna Moog, Gen. Canavarro Pereira.

Witnesses and sources of information: Reports of other prisoners.

Other data: Granted asylum in Chile in exchange for the ambassador of Switzerland.

MOST STILL IMPRISONED

Both of these cases involve individuals now outside Brazil, though most of the Front's cases conclude by indicating where the victim is imprisoned. A few are listed as being at liberty in Brazil.

The places where the tortures are said to have taken place were usually police or military headquarters, though a few cases mention the use of deserted cabins or the prisoners' own homes. In nearly every case, the prisoners had not been formally charged at the time of the tortures, which seem to have been practiced as a means of interrogation.

Tortures listed most frequently are beatings, the "parrot's perch" and "telephones," stripping and sexual molestation, electrical shocks and being forced to watch the tortures of others.

The anonymity of the Front's operation may weaken its credibility; the same cannot be said for another detailed list of names, dates and places smuggled out of Rio's Ilha das Flores prison, for the 16 women prisoners who compiled the list signed it Dec. 8, 1969.

Brazil's government and its urban guerrillas seem to have arrived at an impasse. The government continues to arrest those it suspects of subversive activities, such as belonging to an armed revolutionary group. The guerrillas, charging that their imprisoned comrades are being tortured, kidnap foreign diplomats to trade for prisoners.

When the OAS discusses measures to deal with diplomatic kidnapings, Brazil's government leads the faction that insists that these must not be considered as "an isolated problem but rather, in some cases, an end to a sequence." When the OAS Commission on Human Rights asks to be allowed to investigate the torture charges—which many observers regard as another part of the "sequence"—Brazil refuses.

The cycle seems destined to continue, beyond the 130 prisoners Brazil has released and the four diplomats the guerrillas have kidnaped, unless the government adopts the suggestion of one congressman: Send all political prisoners out of the country, depriving the guerrillas of their main excuse for kidnaping diplomats.

NURSING HOME CONDITIONS

Mr. PERCY. Mr. President, 2 weeks ago the Chicago Tribune began running a series of articles describing conditions found in nursing homes in the Chicago area. The articles painted a grim, dismal picture of the conditions in the nursing homes as well as of the lives of their residents.

Because the Tribune reporters and investigators from the Better Government Association had actually gone into and worked in the homes, their reports were exceptionally detailed and specific in relating incidents of physical abuse and inhumane treatment of the helpless and elderly residents:

We learned that derelicts can walk off the streets, into a home, and become nurses' aides—and dispense medication—in less than 24 hours;

We learned that old and helpless patients are heavily sedated to avoid the more difficult but more humane task of rehabilitating and remotivating patients;

And we learned that some nursing homes have an incentive to keep residents flat on their backs because of the higher reimbursement rate from State and Federal funds for the intensive care patients.

I think it would not be an exaggeration to say that the Chicago Tribune and other media reports shocked the entire State of Illinois. More importantly, however, the stories prompted officials from the three levels of government involved, city, State, and Federal, to ask why these conditions exist and what can be done to correct them.

The Chicago City Health Department decided to redouble its inspection efforts of nursing homes in the area. The city council was moved to reevaluate its fire, safety, and sanitary codes to determine whether these codes need revision. And Governor Ogilvie requested a Federal grand jury investigation, in addition to ordering a halt in the flow of State funds to those homes which do not measure up to standards.

The scandalous conditions found in the Chicago homes are, unfortunately, not limited to the State of Illinois. A task force study completed several months ago under the direction of Ralph Nader indicates that conditions in nursing homes in the Washington, D.C., metropolitan area may be just as bad as they are in Chicago. Congressman DAVID PRYOR of Arkansas presented convincing evidence last year that conditions in his State equal those depicted by the Chicago Tribune in their filth, squalor, and depressing atmosphere.

It seems clear that we are facing a national problem, and that if we are to correct these conditions on a permanent, nationwide basis, then the Federal Government will need to take some affirmative action.

Since large amounts of Federal funds are involved through the medicare and medicaid programs, I feel the Senate should investigate the possible misuse of these funds and determine what legislative, remedial action is needed. I, therefore, requested that the Senate's Special Committee on Aging, of which I am a member, hold hearings on the nursing homes in Illinois. I am glad to inform this body that the able Senator from Utah (Mr. Moss) a recognized leader in the long-term care field, has agreed to hold hearings in Chicago on April 2.

The purpose of these hearings will be to look into all aspects of the problem, but especially to explore the role of the Federal Government in the establishment and enforcement of nursing home standards. We need to find answers to the questions raised by the Chicago Tribune articles. Specifically:

Why is it that within 72 hours a stranger can walk into a home, apply for a job, and become a nursing home administrator—with no experience or qualifications for this job?

Why is it that employees totally ignorant of the effect of drugs can be allowed to pass them out among nursing home patients?

What effects do the low salaries prevalent among nursing homes have on the quality of personnel employed?

How great a role does the profit motive play in the operation of these homes?

What kind of medical care are the patients getting?

Are they being properly rehabilitated? If they are not, what can we do to see that they are?

Should Congress pass new legislation to provide for generally higher standards?

What can we learn from successful, well-managed nursing homes?

As the Chicago Tribune task force stories and those of other media have continued, they have raised an increasing number of questions. A week ago I called the attention of my colleagues to this situation by printing the first seven Tribune articles in the RECORD. At this point I ask unanimous consent to place the subsequent articles in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

TOURS NURSING HOMES HERE

(By William Jones and Pamela Zekman)

Illinois top health officials arrived in Chicago yesterday to make an inspection of nursing homes and announced that for the first time state health inspectors will be permanently assigned to Chicago.

"We are no longer going to take the city's word for everything," said Dr. Franklin Yoder, director of the State's Health Department. "We are not going to discredit the city's inspections, but their reports on nursing home conditions will only be part of our expanded program."

In the past, the state automatically licensed Chicago nursing homes if they were approved by city health inspectors. Yoder said rubber-stamping of city inspections would end after inspectors from his 1,100-member staff in Springfield are assigned to Chicago.

Yoder said TRIBUNE Task Force reports of patient neglect and abuse in some nursing homes have brought a "barrage of complaints" to his office from the relatives of nursing homes patients. The six-week investigation was conducted in cooperation with the Better Government Association.

The first place visited by Yoder and members of his staff yesterday was the Panenka Nursing Home, 1901 S. Lawndale Av. The home surrendered its city license in August, 1970, after repeated nursing home code violations were uncovered by city health inspectors.

KEPT STATE LICENSE

A city health official said the home refused to surrender its state license at the time and since has become an apartment building, altho the nursing home sign remains in front of the building.

Yoder then went to the Douglas Park Nursing Home, 1518 S. Albany Av., where he spent several minutes talking to an old man before the administrator realized what was happening.

"Hello. How are you?" Yoder said to the patient.

IT IS BAD HERE

The patient replied, "It's bad here. There's no help. Terrible. Need medicine. No medicine."

An old woman told Yoder, "I'm kept a strict prisoner here. I haven't been out walking on the sidewalk for a year. I'd like to go outside."

When the administrator appeared she ordered reporters and photographers to leave before permitting Yoder and his assistants to inspect the home.

Yoder emerged about 30 minutes later and said he watched the staff serving the noon meal and thought the food was excellent. He said he observed minor housekeeping violations but the "patients seem to be pretty well cared for."

WILL INSPECT OTHERS

Yoder said he planned to inspect other homes before returning to Springfield.

"The governor has ordered me to start the inspections and I'm here to get a first hand look before I report back," he said. Yoder said the homes to be inspected were picked at random.

In a related development in Washington, Rep. David Pyror [D., Ark.], an outspoken critic of nursing home operations and the sponsor of a bill to create a committee on aging in the House, said he hopes the disclosures in Chicago will prompt similar probes in other large cities.

"Americans refuse to believe that such things can happen here, but it can happen and is happening and newspapers like THE TRIBUNE are awakening the public," Pryor said.

U.S. JURY SUBPENAS NURSING HOMES DATA

(By Pamela Zekman and Philip Caputo)

Subpenas were served on Chicago area nursing home operators yesterday as a special federal grand jury opened an investigation into the operations of substandard homes and their dealings with drug suppliers, physicians and the public agencies that pay for patient care.

William J. Bauer, United States attorney for Northern Illinois, said his office expects to question hundreds of patients and their families in an effort to determine if nursing homes are charging fees for services they have never provided.

APPOINTS PROSECUTOR

Bauer said the investigation will be directed by James R. Thompson, first assistant U.S. attorney. He credited Tribune disclosures of patient neglect and abuse in nursing homes for sparking the probe.

Thompson will be assisted in the investigation by Fred J. Studevant, a veteran postal inspector, and Matthias Lydon and Richard Ciecka, both assistant U.S. attorneys.

"The patients and their families are relying on the representations made by these nursing homes and if criminal activities are involved and the public is being swindled, we are going to do something about it," said Thompson.

TELLS PROBE'S FOCUS

Thompson said the investigation will seek to determine if patients receiving payments from Medicare, Social Security and public aid and private patients have been billed for services and products they did not receive. He said nursing homes advertising such specialized care programs as physical therapy will be scrutinized to determine if patients do receive such care.

In another development, the deputy director of the Cook County Public Aid Department said patients living in the nursing homes "appear to have been coached" in their answers to questions asked by public aid investigators, in initial interviews.

The deputy director, Harold Boysaw, said his conclusion that many patients were coached has prompted an "in-depth" follow-up investigation that may take three months. He said investigating teams reported there were no patient complaints in five of the first six homes visited.

Boysaw indicated that the most obvious evidence of coaching was reported at the Monterey-Drexel Nursing Home, 4616 S. Drexel Blvd., one of a chain of homes operated by Joseph Bonnan. As an aide of Mayor Daley in 1959, Bonnan authored the city's nursing home code.

Boysaw said five of the 10 patients interviewed at Park Home, 2320 S. Lawndale Av., complained of a lack of heat, poor food and no medical care. An employe of the home told The Tribune yesterday that the owners of Park Home ordered large quantities of new linen Tuesday, but said employes were told to keep it in the storage cabinet because it would be returned "after this thing blows over."

The subpenas prepared by federal prosecutors yesterday order nursing home operators to produce their books and records and any other statements related to their fees.

Among those already ordered to produce such records are the N-H Management Corp., 1200 W. Belden Av., one of the city's largest nursing home chains and the company headed by Bonnan; The Melbourne Nursing Center, 4621 N. Racine Av., owned and operated by Daniel A. Slader, treasurer of the Metropolitan Chicago Nursing Home Association; and four nursing homes with a common office at 1612 S. Michigan Av.

The four homes are the North Shore Rest Haven, 7421 N. Rogers Av., Englewood Rest Haven, 7253 S. Yale Av.; Midwest Rest Haven, 310 S. Hamlin Av.; and St. Michaels Rest Haven, 4815 S. Drexel Blvd.

The grand jury also is expected to seek the books and records of a suburban nursing home where undercover TRIBUNE Task Force members were told by an employe that the home's drug supplier provides a double set of bills.

The scheme unwittingly disclosed by the employe is used to inflate bills sent to patients and their families. The employe also charged that the drug supplier and the nursing home owners split the extra fees.

Investigators also plan to summon several doctors, including one who receives $300 a month for patient care in a nursing home but spends less than 10 minutes a week in the home. An employee at the home described how she fills out the doctor's reports so that he only has to sign them.

Thompson said the grand jury began serving in February and will be in session for 18 months. He said the investigation will be a "long tortuous process" of sifting thru records, interviewing patients, employes and owners of nursing homes and examining records of drug companies and physicians.

Thompson said criminal charges could include mail fraud in the collection of phony fees, making false statements to public agencies or families of patients to collect the fees and concealing facts regarding an alleged fraud scheme.

FOUR PATIENTS FIND DESPAIR, ABUSE IN NURSING HOMES

(By William Jones)

The shabbily dressed, gray-haired man stood silent in the front hall of the dingy West Side nursing home.

He had only been in the home a few minutes, but the smell and physical decay of the ancient structure provided a grim preview of what he would live thru for the next 24 hours.

"It's nothing fancy," an administrator told the members of his family as she wrote out a receipt for $30. "Just think of it as a hotel."

THEN HE'S ALONE

Then the family was gone and the seemingly confused and senile man was alone.

The same day, on the Northwest Side, a young man whose relatives claimed he was mentally retarded, was left in another nursing home. During his stay he would be served meals in a dining area where the stench of human wastes made his eyes water.

These experiences are not unusual. This is what thousands of elderly poor and other helpless persons experience in substandard nursing homes in the Chicago area.

BOTH INVESTIGATORS

What is unusual in these two cases is that both patients and their "families" were members of a TRIBUNE Task Force and Better Government Association team that spent six weeks investigating every phase of nursing home operations.

In addition to working in nearly 20 homes, investigators and reporters posed as patients to find out how patients are treated. In a period of less than 24 hours, the investigating teams placed four persons in four different homes.

In each case, it took less than 15 minutes to place the patient. The only thing owners or administrators asked was that the families pay in advance. Once that transaction is out of the way, in some cases they will accept a patient even tho they do not know his age, address or where his family can be reached in an emergency.

ACTED BY B.G.A. CHIEF

In the first case the seemingly senile gray-haired patient was George Bliss, acting executive director of the B.G.A., and his home for a day was the Fullerton Convalescent Home, Inc., 1400 W. Monroe St. He was placed in the home by Reporters William Jones and Pamela Zekman, who posed as his family. They said Bliss was confused and could not be left alone.

Bliss remembers his experience as the "most depressing I can ever remember. Most of the patients seemed aware that they were brought to this home to die."

The young man posing as a mentally retarded patient was Philip Caputo, a Task Force reporter who also worked in nursing homes as an orderly and maintenance man.

CAPUTO'S STORY

Caputo summed up his experience at the Winston Manor, 2115 W. Pierce Av., this way:

"This experience showed in the most emphatic way how someone with a normal mind could, in a short time, become a near vegetable. Over and over again I heard [elderly] patients ask nurses what time it was and then express disappointment if it was earlier than they had hoped."

Others admitted as mentally retarded patients were William Recktenwald and William Hood, both B.G.A. investigators. Recktenwald spent his time in the North Shore Rest Haven, 7428 N. Rogers St., and Hood was a patient at Belmont Rest Home Inc., 1936 W. Belmont Av.

SENSE OF DEPRESSION

Bliss noted that a sense of depression came over him when he was taken to his room on the second floor.

"The walls were in need of paint and there was debris piled between furniture and the walls and radiator," he said. "The only place to hang clothes was a battered metal locker with the doors secured by a bent clothes hanger.

"The second floor community bathroom was so filthy that I was unable to make myself use the wash basin. A pile of bones had been thrown on the floor near a locker and an old wine bottle was under the sink."

MEAL-TIME HORROR

Caputo vividly remembers the day room where patients spend most of their time and are served meals at the Winston Manor.

"I sat in the room with about 25 other patients, most of them elderly and confined to wheel chairs. There were puddles of urine and feces stains under several patients, but there was no effort to clean up or change the patients' clothing. The stench was so strong that my eyes began watering."

At meal times, Caputo said patients begged for more food while nurse's aides stuffed their pockets with cookies. He also saw a woman in a wheel chair call for help to get to the bathroom. She was ignored.

SHREDDING HER DRESS

"The woman then began shedding her dress until she was naked, all the while crying in broken English and Polish for someone to help her," Caputo said." She cried for an hour and a half. No one came to help her until her son arrived for a visit and noticed her condition."

The son reprimanded the nurse, only then was the woman wheeled away to be changed.

Dinner at the Fullerton the night Bliss was there was chicken soup, sausage and beans. Bliss ate sparingly because "the eating utensils appeared dirty and I was wary of using them."

COBWEBS ON WALLS

Recktenwald remembers the North Shore Rest Haven as a place where there are cobwebs and filth on the walls and a woman patient screamed for help for hours. Nobody responded.

"Thruout the evening I heard the screams of a bedridden patient, a woman of about 75," Recktenwald said. "She was in a bed with rails on the sides to keep her from falling out and had become wedged between the rails and the mattress. She screamed for help for almost three hours and I never saw anyone go to her aid."

Perhaps the most poignant observation by a task force patient during the investigation was made by Hood. He listened one evening to a conversation between two old women in the Belmont Nursing Home.

"Every night when I go to sleep I pray that I'll die so that I don't have to wake up here in the morning," one woman said.

The other woman answered: "Yes, if I had two legs I'd walk out of this place."

NURSING HOME INVESTIGATORS CITE EXAMPLES OF GOOD CARE

Henry Mermelstein has operated nursing homes for the last 20 years under this simple philosophy:

"I will not put a patient in a bed that I wouldn't lie in myself. I will not feed a patient a meal that I wouldn't eat myself. And I won't hire a person I wouldn't let care for me if I needed help. I spent time in a concentration camp and I know what it is to be abused and hungry."

TASK FORCE TARGET

Mermelstein, 48, and his wife, Louise, own and operate the Balmoral Nursing Home, 2055 W. Balmoral Av., one of nearly 20 nursing homes where TRIBUNE Task Force reporters and Better Government Association investigators worked undercover as Nurse's aides, maintenance men and mop boys. At most homes, they quit in disgust after several days of observing patient neglect and abuse.

But the report on Balmoral, where a reporter worked as a nurse's aide, is one of several examples that good nursing home care is available at a reasonable cost.

"A chain of nursing home chains cannot provide good care," said Mermelstein. "I still spend 12 to 14 hours a day in this one home to make sure everything is going properly. You can't own a chain and depend on hired help to run the place. When these chains get into trouble and go broke the owners are still rich. It is the public that has gone broke."

A STARK CONTRAST

His attitude is in stark contrast to those of operators of other nursing homes, many of them part of a chain, where reporters were hired and left in charge of entire homes or floors less than 24 hours after they began work.

The three-story Balmoral Home houses 195 patients. It operates below capacity because patients are not accepted if there is not enough help to provide proper care, said Mermelstein. The reporter who worked as a nurse's aide made these observations her first day on the job:

"I reported for work at 7 a.m. and helped distribute breakfast—a bowl of oatmeal, buttered toast, egg, milk, and coffee. Most of the patients were bedridden and were helped in changing their clothes and with general grooming.

SHOWS IMPROVEMENT

"One woman, unable to move one of her arms when she came to Balmoral, showed her daughter how much progress she had made and was able to move the arm very well.

"The rooms are pleasant and each one has a bathroom, a large closet, nightstand and modern hospital bed. During the day I saw several servicemen scrubbing and then waxing the floors. There is no odor in the home and all of the rooms have cheerful curtains and bedspreads."

Mermelstein said his staff includes 9 registered nurses, 8 licensed practical nurses and 50 nurse's aides, who attend classes three times a week at their employer's expense.

"We emphasize good skin care, disaster plans, lifting and moving a patient properly and anything else we feel is necessary for our aides to know," said Mermelstein. He said the home charges $450 to $540 a month depending on the care needed. About 10 per cent of the patients are public aid recipients.

The Balmoral Home is a dramatic contrast to the Bee Dozier Nursing Home in suburban Palatine where the same reporter worked as a nurse's aide. In the Bee Dozier Home, the only nurse on the staff confided that patients only are brought to the dining room when a health inspector is present.

All orderlies and other aides in the home are hired thru a Chicago skid row hotel where a maid gets a kickback for sending new employes to the home by train.

REPORTS MEDICINE CACHE

The nurse at the Dozier Home also confided that the owners have accumulated more than 50 bottles of medication prescribed for patients who since have died. The medicine is given other patients who are over charged as much as 100 per cent for the medication, said the nurse.

"I always hide these bottles when the inspectors come around," she said.

At the Royal Oak Nursing Home in Oak Park, a B.G.A. investigator worked as a maintenance man and found the home "as clean or cleaner than any hospital I have ever been in."

WATCHES MEAL SERVICE

"I also had a chance to observe both the morning and noon meal trays," the investigator reported. "The carts which I used to deliver the meals are interesting themselves. They have their self-contained heating and refrigeration units to insure that each patient receives warm food, hot coffee and cold milk.

"Patient care appears to be excellent. Even patients who are advance senility cases wear clean clothes and disposable diapers."

The same investigator also worked at the Kenmore Nursing Home, 5517 N. Kenmore Av., where fees for patient care begin at $350 a month. He said that Kenmore patients are fed table scraps to make sure there is enough food for all.

The B.G.A. investigator was hired as a nurse by the Kenmore Home when he applied for work as a janitor.

REPORTER GETS TOP NURSING HOME JOB

(By William Currie)

It was his first day on the job, and the young nursing home administrator paced the floor in front of his desk.

He had a problem, and he knew it. He was utterly incompetent for the task of administering care to 31 helpless old people, many of them crippled and senile, who lived in the South Side nursing home.

AN UNEXPECTED OFFER

Less than 72 hours earlier, he had walked into the converted mansion at 6522 S. Harvard Av., and asked for a job as a houseboy or orderly.

Those positions were all filled, the stranger was told, but the home did have a problem with the Health Department, which requires every nursing home to have an administrator. Would he be interested in running the place?

"Well, sure," the job applicant stammered. "I never really thought of being an administrator. I don't have that kind of experience."

A phone conversation with an absentee owner followed. Then, over lunch with him in an expensive Loop restaurant the next day, the applicant became an executive in Chicago's rapidly growing empire of warehouses for the dying.

"The Health Department says we have to have an administrator, the owner said. "I don't get there much myself. I don't like to go down there. It's a bad neighborhood.

TOLD TO KEEP PRESS OUT

"The plumbing, quite frankly, is horrible. Now don't let anyone in who cannot identify themselves. Sometimes reporters try to get into these places and find some scandal. Can you begin tomorrow?"

That was it. No background check. No minimum qualifications. Just walk in off the street and begin to direct the lives of 31 helpless individuals.

It was a frightening responsibility. I know, because I was that new administrator of the Howard Nursing Home.

"I don't know if the Health Department will bother a little place like ours," the part-owner, Melvin Ross, had told me in our first phone conversation.

Ross and his associates also own the Stewart Nursing Home, 6710 S. Stewart Av. Ross spends his days selling cameras in a Loop store.

MOMENT OF PANIC

My first day at work brought a moment of panic when a city public health nurse arrived for an inspection. I prepared myself for a thoro grilling, well aware that I knew nothing at all about health care and had not taken the required medical tests. When I told her that I planned to take the tests soon, she replied:

"That's okay. If people show good intentions, I give them time."

One of her concerns on that visit was Ross' earlier failure to hire an administrator. He had not been granted a 1971 permanent license because of the violation. Noting my presence, she marked the violation corrected and asked me to sign the inspection report.

NO PLACE ELSE

For the next few hours, the inspector chatted and leisurely filled out her report. She pointed out reasons why the home can never hope to comply with state codes governing the nursing facilities. But she also concluded that the code could never be fully enforced because "the state has no place else to put these people."

She also noted candidly that a bay window area in the living room, where some patients eat daily, also doubles as a morgue when necessary. She then went into some detail about the various makeshift morgue arrangements in other nursing homes and recalled one where they "just had a board over two wooden sawhorses.

"I'd hate to think of one of my loved ones laid out in such dreary places," she said.

SEWERS FLOOD KITCHEN

The inspector also stood by when another crisis arose. The ancient sewer system serving the home had flooded the basement and was spewing water into the kitchen when I excused myself from our conversation to greet the city Sewer Department workers.

I spent much of the two days studying patient records and talking with them, an act that aroused the suspicion of the head nurse, who had doubled as administrator. On the first day, she confronted me and accused me of being an investigator or a student working on a thesis.

She immediately called Ross and informed him of her suspicions: "I can tell by the way he goes thru those records."

I managed to talk my way thru the incident until Ross discussed the matter with his associates the next day.

FINDS MEDICARE LETTERS

The next day, which was to be my last, I asked the head nurse about several hundred letters addressed to patients from Medicare. They were stuffed in several office drawers unopened.

"The doctor told me they don't mean a thing," she responded. "I usually throw them away."

That night, Ross told me I would have to leave because of the apparent "personality conflict" with his head nurse. The next day, he called again to chastise me for being too nosy about patient records and suggested I avoid being so aggressive in my next job as an administrator.

When I mentioned one patient's case history to him, saying I thought it only natural that an administrator take an interest in the patients, he said:

"Who? I don't know him. I told you, I don't get there very often."

The patient had been there for two years.

CLOSE ONE NURSING HOME

(By William Jones and Pamela Zekman)

Dr. Murray Brown, city health commissioner, yesterday ordered a South Side nursing home closed and directed the owners to immediately begin transferring an estimated 81 patients to other homes.

Brown described the administration of the Park House, 2320 S. Lawndale Av., as "dangerous to life" and said the staff was "disorganized and demoralized."

Brown acted after a Health Department physician, a registered nurse and the city's nursing supervisor made a complete investigation of the home yesterday and discovered numerous examples of patient neglect and filth.

SUBJECT OF PROBE

The nursing home is one of nearly 20 exposed by Tribune Task Force reporters working in cooperation with the Better Government Association.

"The staff at the home just didn't know what to do with the patients," said Brown. "There was no one there who was able to direct the staff or supervise them in giving care."

He said his staff reported that one old man had to apply ointment to a leg injury himself and then use an old dressing to cover the wound. Brown said dirty mops and other cleaning equipment were stored in the same cabinet with food. He said there was no evidence that the patients had been provided with soap or towels in a bathroom area.

FEARS LACK OF SHELTER

Brown said he now fears that if the Health Department is forced to close other nursing homes it will result in a critical shortage of shelter and beds.

"I seriously considered putting a public health nurse in the Park House and attempt to organize the staff," said Brown. "But I concluded that the problems could not be corrected in a day or two. I am very concerned about the same thing in other nursing homes where the staffs may be leaving. I am concerned that we won't have enough beds for these people."

NOT YET INSPECTED

Park House also was one of seven nursing homes charged yesterday with failing to have 1971 city licenses as the crackdown against nursing homes by city, county and state agencies widened.

Nick Camillo, an investigator for the city collector's office which is issuing citations for the license violations, said the failure means the nursing homes have not been inspected by Chicago's Health, Fire and Building departments.

The owners of the homes cited must appear in court March 25. If they do not obtain licenses and pass city inspections they then will be ordered closed.

In other developments, Dr. John B. Hall, director of the county Health Department, said he will decide by Tuesday what action will be taken against eight other nursing homes that Hall accused of "backsliding" in patient care in recent months. Hall said six of the eight have been named in the Tribune series.

MAY SEEK AID

"If we feel these homes are unfit for human habitation we will seek legal aid from state's attorney's office in closing them down," said Hall. He said the county cannot revoke a state-issued nursing home license, but that his office can close a home it considers to be a health hazard.

Dr. Roger F. Sondag, chief of the chronic illness division of the state Health Department, said 12 two-man teams of state inspectors will be in Chicago by next week to investigate nursing home conditions.

Sondag said he has assigned registered nurses and sanitation experts to the teams.

OTHER HOMES CITED

Other homes cited yesterday by license investigators were the Beatrice Brown Nursing Home, 3501 W. Monroe St., Patterson Convalescent Home, 3242 Maypole Av., Garfield Nursing Home, 3834 W. Washington Blvd.; Boulevard Nursing Home, 4533 W. Washington Blvd.; Austin-Congress Nursing Home, 901 S. Austin Blvd.; and the Hadley Nursing Home, 3209 W. Douglas Blvd.

Bonnie Esposito, a staff member of the Little Brothers of the Poor, 1658 W. Belmont Ave., said her office is accepting offers of clothing and volunteer services from people who want to help nursing home patients. She asked that volunteers come to the office or call 528-5588.

Some Nursing Homes Seems To Laugh at Licensing Laws

(By William Jones and Philip Caputo)

Substandard nursing homes in the Chicago area have a remarkable survival record.

Despite long lists of public health violations reported by state and city health inspectors, they continue to have their licenses renewed each year, even after they have ignored second, third and fourth warnings to clean up their operations.

In other cases, where enforcement action has been taken, the nursing home owners have gone to court and continued to operate for years while family complaints and health charges awaited a hearing before a judge.

GOT LICENSE BACK

One south suburban home was given 10 followup inspections in an effort to get a passing mark from health inspectors. Its license finally was revoked, and it lost its status as a nursing home. One month later, the license was reinstated—with no record that the owner had corrected a single violation.

The Tribune Task Force, working in cooperation with the Better Government Association, uncovered dozens of such examples in city and state health records.

The case histories of two nursing homes like these underscore the problems faced by health enforcement agencies and those inspectors who are making an effort to upgrade homes for the elderly.

State public health records show that Largent's Convalescent Home, 4323 W. 147th St., Midlothian, first came under criticism from health inspectors in 1950. For the next 10 years, state files show that the home was repeatedly in violation of nursing home codes. In recent years, the home has had the following series of run-ins with inspectors:

FOOD VIOLATIONS REPORTED

March 3, 1967—A county inspector listed 14 food service violations and recommended that the home not be relicensed. The inspector noted: "This home has continued to deteriorate during the past year . . . there is a strong odor of urine, a lack of organization and qualified personnel and a lack of respect for human dignity."

May 4, 1967—The owner, Mrs. Fern Largent, was told by the state public health office to correct the violations. She also was ordered to hire an administrator.

July 7, 1967—The home hired an administrator, but there is no record that any of the violations were corrected. The home was relicensed by the state.

QUESTION STAFF SIZE

March 14, 1968—A county inspector noted that despite her confinement to a wheel chair, Mrs. Largent continued to act as director of nursing. Apparently in an effort to show a larger staff employe lists carrried one person twice and another who had quit. The home was not recommended for relicensing.

June 5, 1968—A reinspection showed that all violations had been corrected. The home was relicensed.

April 10, 1969—A county inspection now indicated that the administrator hired in 1967 was not a high school graduate and therefore in violation of the nursing home code. Nine additional nursing care violations were found, and an inspector again recommended that the license not be renewed.

ORDERS CORRECTION

May 1, 1969—Mrs. Largent was notified that she must correct the violations.

June 10, 1969—A followup inspection revealed 10 violations and the Medicare division of the County Health Department refused to grant a license. The same month, another inspection by the county concluded with an eight-page report of violations in all areas. A recommendation was made that the license not be renewed.

Nov. 12, 1969—An inspector noted in his report that the home had been operating since June 1969, despite nine inspections and reinspections. Mrs. Largent was given a 10th warning to comply.

Dec. 24, 1969—The state fire marshal discovered several fire violations.

FIND NUTRITION FAULTS

June 7, 1970—A county inspector noted numerous nutrition violations and recommended that a new license not be issued. There is no record that a 1969 license ever was issued. This report also shows that on last March 25 and May 11, the home failed its sanitation and nursing inspections and in both cases the inspector recommended that the license not be renewed.

July 10, 1970—The home was again instructed to correct its deficiencies. The owner also was encouraged to send her unqualified administrator to nursing home administration seminars.

REDUCED IN STATUS

Dec. 13, 1970—A report from another inspector informed the Health Department that the home had failed its nursing inspection two years in a row. It also had failed its building inspection, and the home was ordered reduced from a skilled care facility to a shelter care home.

Jan. 11, 1971—The state fire marshal listed 17 fire violations described as "hazardous and dangerous."

CONDITIONS UNCHANGED

Jan. 21, 1971—Six weeks after it was ordered to stop accepting skilled care patients, Largent's again was relicensed as a skilled care facility. There is no record that any of its nursing, building, fire or nutrition violations have been corrected.

William Hood, a B.G.A. investigator, worked undercover in the nursing home in February and reported that conditions have not improved. Three dogs and four cats, all pets of the owner, have the run of the building and Hood found rodent manure in open food boxes in the kitchen storeroom.

One old man who can't control his body functions was yanked from his chair by a nurse's aide who stripped off his clothing in front of five other patients as the elderly man clung to his walker.

The case of the Ridge Manor Convalescent Home, 5388 N. Ridge Av., followed a different pattern.

HOME CHANGES NAME

Two license revocation actions and nearly four years of complaints, hearing and court actions have failed to close its doors. It is still operating, under the name Senn Park Nursing Center. The case began in January, 1968, when the complaint of a Northwest Side woman was brought before the license revocation board of the Chicago Board of Health.

Mrs. Jean Dimpfl, 4454 N. Central Park Av., testified that her father, Rice C. Cambo, 83, died in Grant Hospital as a result of the treatment he received at the nursing home. She also charged that her father had been moved from the home without family approval by Dr. William Becker.

GUILTY ON ANOTHER CHARGE

Becker, who regularly treated patients in the home at the time, was suspended as a nursing home inspector in 1956 when the State Public Aid Department charged him with receiving thousands of dollars in kickbacks from drugs sold to the state for use in nursing homes.

Becker also pleaded guilty last year in Federal District Court to seven counts of fraud in an ambulance chasing racket and was placed on two years' probation.

Testimony by witnesses during the Board of Health hearing indicated that Mrs. Dimpfl's father was thrown against a wall by a nurse's aide after he attempted to leave his room to get a cup of coffee. He was knocked unconscious and within a few days an arm became swollen and infected, according to the testimony.

Mrs. Dimpfl said she then made arrangements to transfer her father to a hospital, but before she could act, Dr. Becker moved him to another hospital.

THEIR EFFORTS FAIL

Finally, Mrs. Dimpfl succeeded in getting her father into her preferred hospital, where her family physician prescribed massive intravenous feedings in an effort to restore his health. Cambo died Dec. 30, 1967.

The family physician later testified at the hearing that he watched Cambo undergo a personality change while living in the nursing home, from a "high-spirited little man" to one who was frightened, withdrawn and often hysterical. Ten months after Cambo died, the Board of Health revoked Ridge Manor's license.

Approximately six weeks after it lost its license, the home appealed and received permission to continue operating while the appeal was continued for seven months in the courts. In March, 1969, Circuit Court Judge Edward F. Healy reversed the board's decision and restored the home's license.

LOSES LICENSE AGAIN

Mrs. Dimpfl, with the cooperation of the city corporation counsel appealed Healy's decision. Her appeal has received numerous continuances and is still pending.

While the appeal was pending, the home lost its license a second time for failing to report a serious case of infectious disease which had struck one of its patients.

HOME BARS TRANSFER OF PATIENTS

(By William Jones and Pamela Zekman)

The owner of a South Side nursing home that city health officials had ordered closed on Monday locked the doors yesterday and refused for six hours to permit the transfer of 33 public aid patients, even tho 15 said they wanted to leave.

The action by Mrs. Marian Ivory, owner of the Ivory Nursing Home, 5839 S. Calumet Av., was described as an "outrageous act, an act of incarceration," by Jack B. Schmetterer, first assistant state's attorney. The prosecutor's office is representing the County Public Aid Department in the case.

CALL EMERGENCY HEARING

During an emergency hearing late yesterday before Judge Samuel E. Epstein, in Circuit Court, an attorney for Mrs. Ivory said no further effort would be made to prevent the transfer, but asked that the patients not be moved until Thursday morning. The attorney said Mrs. Ivory would continue to seek a temporary injunction blocking Chicago Board of Health efforts to close the home.

Several private ambulance crews arriving at the Ivory Home yesterday morning said they were ordered out of the building and the doors were locked. The ambulances had been sent to the home by the Public Aid Department to transfer the 33 patients to other nursing homes.

HAD ASKED TO LEAVE

Gordon Milner, an assistant state's attorney investigating Tribune and Better Government Association disclosures of patient abuse in some Chicago area nursing homes, said 15 of the patients scheduled to be transferred yesterday had told investigators earlier they wanted to get out of the home.

Milner said Mrs. Ivory's action amounted to an "illegal obstruction of the rights of these people to leave."

"If I locked up 15 people, it would be an outrageous act," Schmetterer said.

FOUND DANGEROUS

Dr. Murray Brown, city health commissioner, said he ordered the home closed Monday after concluding it was "dangerous to the health and welfare of the patients." The home is one of four ordered closed by Brown in the midst of the Chicago area nursing home scandal exposed by THE TRIBUNE and B.G.A.

Edward King, deputy health commissioner, said the home failed to qualify for license renewal when inspectors found filthy living conditions, poor maintenance, broken chairs and paint peeling from the walls. King said the nursing home has a 15-year history of nursing home code violations and has made only token efforts to correct them.

Mrs. Ivory said the reasons given by the Board of Health for closing the home were "vague and uncertain" and lacked substantial or "concrete reasons" for the order.

TERMS ORDER UNJUST

She said she received no formal written charges and termed the order "oppressive, unjust and unfair."

King said the patients in three other nursing homes ordered closed this week were rapidly being transferred to other homes

All of the 71 patients have been relocated from the Park House Nursing Home, 2320 S. Lawndale Ave., he said. Only four of the 41 patients at the North Shore Rest Haven, 7428 N. Rogers Ave., remain to be transferred, and all 38 patients of the Mount Pisgah Nursing Home, 4220 S. Champlain Ave., will be moved tomorrow, King said.

NURSING HOME CRISIS BLAMED ON STATE POLICY

(By William Jones and Pamela Zekman)

City health officials charged yesterday that the transfer of thousands of former mental patients into Chicago area nursing homes since 1969 has created a crisis in care for mentally disturbed and elderly patients. They urged that the transfers be stopped.

Dr. Eric Oldberg, president of the Chicago Board of Health, Dr. Murray Brown, city health commissioner, and Edward F. King, deputy health commissioner, also accused the Illinois Public Health Department of "playing politics" with nursing home investigations.

King described the state program of transferring mental patients into private nursing homes as a "disservice to the community, a disservice to the patients and a disservice to the nursing home itself."

DEMORALIZES STAFF

"It demoralizes the staff and creates intolerable conditions for the mentally incompetent, not to mention the lack of care for the elderly," he added.

The transfer program, aimed at relieving overcrowding in state mental institutions, was first announced in 1969 by Gov. Ogilvie.

Brown said the owners and operators of nursing homes are not without blame because they agreed to accept the extra patient loads in order to make more money.

URGE HALT TO TRANSFERS

The three health officials, at a press conference in board of health offices in the Civic Center, said efforts to obtain state records on where the patients transferred here are housed have been ignored by Dr. Franklin Yoder, director of the Illinois Public Health Department.

"The thing that hurts me and makes me feel very badly is that our relationship with Dr. Yoder should have degenerated to a political basis," said Brown. "We now find ourselves in the midst of an attack that is pure partisan politics to the detriment of the sick and elderly."

Yoder announced last week that state inspectors will no longer rubber stamp the nursing home inspection reports of city inspectors, but will instead be assigned to work permanently out of a Chicago office.

CRITICIZES INSPECTIONS

Brown criticized state inspectors for not policing the 900 nursing homes outside Chicago and said they are relying on annual inspections that are frequently made with advance notice.

Brown and King said they have studied Tribune Task Force and Better Government Association reports and praised their efforts as a "tremendous public service." Disclosures by THE TRIBUNE and the B.G.A. in recent weeks have exposed patient neglect and abuse in Chicago area nursing homes, and have promoted a federal grand jury, state and city investigations.

"Reform of overcrowded conditions cannot start with the [city] board of health because they [mental patients] are wards of the state and the state has to mind its own Ps and Qs," and Oldberg. "I think the state should look after its own to relieve overcrowding."

WANTS STIFFER FINES

Oldberg said the city's present nursing home code is now under study by a board staff with an eye toward stiff increases in fines that can be levied against nursing home operators who violate city codes. The present maximum punishment is six months in jail and a $200 fine.

"I think a fine ought to be big enough to hurt," said Oldberg." "Our staff has been doing its job, but there are road blocks, along the way such as the courts and all their continuances. We do our very best to make it rough for them [substandard nursing homes] to exist."

King said that based on information continued in Task Force reports, his office plans to call in numerous nursing home operators, nurses and nurse's aides in the next few days to question them about operating policies that show little or no concern for the patients.

DEATH OF WHITNEY YOUNG

Mr. KENNEDY. Mr. President, I join with all Americans in mourning the death of Whitney Young.

His vigorous efforts through the years on behalf of the National Urban League were inspiring to us all. I admired Mr. Young because I know that he used his energies to strengthen the social and economic realities of life for those who have been oppressed. Through his leadership, white Americans were awakened to the persistent denials of equal opportunities for people who are black. From his magnificent ability to lead, black Americans were inspired to seek their rights in justice and equality.

Whitney Young used his knowledge and his skills to improve the quality of life for us all. He sought with his abilities, not to create conditions of oppression that lead to violence, but to mold new hope that would lead to peace.

Whitney Young was deeply sensitive to the dignity of each man's life. He worked to guarantee the respect that each man deserves as his birthright. Most important, he worked to assure for all men that their chance to fulfill the dreams of a lifetime would be realized.

I hope that his death will not serve as a signal to slow the progress of those who are devoted to ending social inequities and the despair of bigotry.

Let us pause now, not only in respect for the life he led, but also to evaluate our success in striving for the goals he set for us. Each of us must resolve to work for an end to the conditions of oppression that he strived to achieve.

Let us mark the end of his life as the start of renewed battles to end the oppression and injustice of those who are seeking to gain the rewards of life that Whitney Young sought so tirelessly to obtain for them.

Mr. President, an excellent account of Whitney Young's life and work, an eloquent tribute prepared by Mr. Philip Geyelin, appeared in the Washington Post this morning. I commend it to all of my colleagues and ask unanimous consent that it may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar, 16, 1971]

THE LOSS OF WHITNEY YOUNG

(By Philip Geyelin)

Among the black leaders in the struggle for racial equality, some brought religion to the movement, some brought the liberals, some brought labor. Whitney Young, more than any man, brought the business community, the men of money and of the power and the influence that comes with money, and in a certain sense this was the hardest part of it although it was not by any means where his contribution ends. Still, it was the role that made him unique because it made him exposed. A black man had to be suspect who dealt with the Rockefellers and the Fords. So Whitney Young was a controversial figure from his first days as the executive director of the National Urban League. His chosen role within the movement was by the nature of things politically precarious. But if this bothered him, it was not in his nature to show it very often; he was too busy getting things done.

Whitney Young had come to the Nigerian capital for a meeting of the African American Institute, as a member of an American delegation which included many of the black leaders he had worked with most closely over the years. As they huddled together in the numbness of their sorrow, after his death, what they remembered best about brother Whitney was not the arguments they may have had over strategy—one rarely does, of course. What they were saying was that "Whitney was always there when you needed him . . . and that somebody had to do what Whitney did . . . and the man could not have done it better . . . and that no man could fill those shoes." And the way they talked and worked together and worried about the future and grabbed for the first signs of leadership by one of their number (the young radical preacher from the Southern Christian Leadership Conference, the Rev. Jesse Jackson) you could not doubt that they meant what they said.

"He was the big man who led the interference around the end," said Bayard Rustin, the veteran from the A. Philip Randolph Institute who had fought the long wars with Young. "And he was also a man you could sing and drink and bull with." So Rustin only spoke briefly at the memorial service in the sweltering Christ Church Cathedral in Lagos on Saturday and then he sang "Death ain't nothing but a robber . . ."

Jesse Jackson led the final prayer and he called him "a father figure in the civil rights movement." To the former Attorney General Ramsey Clark, he was "a giant laughing man" and quoting Sandburg on the one hundred and fiftieth anniversary of Lincoln's birth, he spoke of the "paradox of terrible storm and peace, unspeakable and perfect."

He was the man who cooled things, was what they were saying, who brought every kind of people, rich and poor, together because he could talk to all of them. And yet, to suggest that his death is somehow a setback to the forces of moderation—as the Vice President did—is to miss the point. There was nothing moderate about Whitney Young's devotion to the cause of humanity and to the redressing of the grievances of his race. "He had an impatient patience" is the way one of his American colleagues described him. "He had a tremendously sublimated anger and he turned it into creative acts." His achievements were very practical ones; they can be measured in the work of the Urban League over the years, in its great effort to improve the lot of the black men who had poured into the Northern ghettos from the South. It can perhaps be best illustrated by the street academies in the ghettos which were his special creation—places where young blacks could gather and study and learn and receive counsel because they could do none of these things in overcrowded homes.

Practical solutions born of a profound compassion for people, a restless, driving energy, unending good humor and a love of living—these were his great strengths. Because he was a sociologist before he was a national and international figure in the struggle for human rights, he knew what the problems were in an academic, theoretical way. And he knew them first hand as well; not the least of his contributions was what he did to bring the Urban League itself more actively into the political rough and tumble of the ghettos—into the places where the problems are. That was the key to it: he knew the problems and he knew the right people and if this led some of his black brothers to fault his lack of militancy or his close associations with the rich and powerful, it led none of them to fault him for himself, none could withstand the warmth and wit and wisdom of the man.

His wisdom lay in his acceptance of the realities of what it would take to make his country move. He knew the value of dedication and hard work and rhetoric and organization and all the rest. He felt deep down the rightness of the cause. But he also knew where the levers of power were and how they worked. "Say something that I can go back and scare America with" he told Africans at the meeting here. "What's going to happen —that's the only basis on which America is going to move." He didn't mean it quite the way it sounded, because he didn't believe in fear. "My father said to me you only hate that which you fear and I don't want you to fear a living soul," he also told his colleagues at another point. What he did believe was that America would only act effectively to increase aid to Africa out of an acute self interest in its own security because that was the way it had always been with foreign aid, and he wanted the Africans to tell what would be the consequences if the United States did not do more for the developing nations and the black people on this continent.

Not fearing and not hating, he dealt with the corporate executives and counselled with Presidents; he consorted, in other words, with men who were looked upon by others in the movement with unrelieved hostility. And the fact is that many who were critical of this approach would be the first to admit that in the practical terms that matter he was right—that the movement had to have such an ambassador.

Jesse Jackson said as much in his booming eulogy. Recalling a time when it appeared that Whitney Young might become a member of the Nixon Cabinet, Jackson said he sent him a telegram urging him to accept. "I felt it didn't matter what you thought of the man," Jackson declared. "I felt that I didn't want twenty million or thirty million Americans disconnected from the man who is making decisions about them every week." Jackson said that later he asked Young why he hadn't taken the job and that "Whitney bowed his head in the dilemma that the black man is trapped in and replied that he wanted the job and that he thought he could have done the job but that he thought the brothers would not have understood."

And so he worked on with the patient impatience to the end. "We have to talk to people who are hungry *tonight*," he said at another point while he was in Lagos. "The rats are biting the kids *tonight*."

He relished every part of it. "This is great," he is said to have shouted in the surf of a Nigerian beach just before he died and he would have said the same thing about his life's work. He was in Nigeria for a conference of Africans and Americans dedicated to the causes of black men on two continents, and it will be said many times over that there was something appropriate about the fact that he should have died on an African beach while actively and exuberantly engaged in such an enterprise. Perhaps so. But the grief of all the black brothers of many nations who were working with him when he died, and of other men, white as well as black in this country and abroad, is a measure of how little consolation there is in this for his loss.

COOPERATIVE PROGRAMS FOR NOXIOUS WEED CONTROL

Mr. HANSEN. Mr. President, on March 11, I introduced a bill, S. 1209, to streamline administrative procedures for the Carlson-Foley Act, a law designed to establish cooperative Federal-State programs to eradicate noxious weeds on Federal lands.

I commented during my introductory remarks about the economic damage wrought by weed infestations, and I have additional statistics obtained from Mr. Glenn Hertzler, commissioner of the Wyoming Department of Agriculture, which further point out the need for an effective control effort by State and Federal governments.

The Wyoming Department of Agriculture conducted a noxious weed survey during 1969 and 1970, and found that the value of Wyoming agriculture is being reduced annually by an incredible $23 million, because of noxious weeds.

An estimated 600,000 acres of Wyoming land are infested with noxious weeds, and it has been estimated by experts in the division of plant industry that weeds cost an estimated average of $38 per acre.

This figure is based on the amount of land taken out of agricultural production because of noxious weeds and the cost of controlling these weeds.

I mentioned in my earlier remarks that weeds compete with crops and desirable plants for air, water, and soil. Dr. Walter Patch, director of the Division of Plant Industry at the State Department of Agriculture, points out that 801 pounds of water are needed to produce 1 pound of lambsquarter—an annual weed—dry matter and 948 pounds of water are required to produce 1 pound of ragweed dry matter.

By contrast, 368 pounds of water are needed to produce 1 pound of corn dry matter and 597 pounds of water are required to produce 1 pound of oat dry matter.

Dr. Patch also notes that mustard weed uses two times as much nitrogen, phosphorous, and potassium as is required by oats, and that two Canada thistle noxious plants per square yard result in a 15-percent loss in wheat yield.

Commissioner Hertzler notes that the increasing demand for more land and water and the increased value of agricultural land make weeds more and more of an economic problem.

Mr. President, I am certain the problems Wyoming faces in attempting to control noxious weeds—particularly when control efforts on vast areas of contiguous Federal land are ineffective—are not limited to Wyoming, but are common in most areas and particularly in the public lands States.

I am hopeful many of my colleagues will join with me in supporting this amendment to the Carlson-Foley Act in an effort to facilitate more effective control programs.

THE EMERGENCY SCHOOL ASSISTANCE PROGRAM

Mr. MONDALE. Mr. President, I am releasing today a study by the General Accounting Office of the administration of the emergency school assistance program. This study, along with the report of six civil rights organizations which was released last November, and supplemented by a committee staff investigation, together unfortunately demonstrate that in the administration of ESAP there has been wholesale, tragic and callous disregard for the needs of school children in desegregating school systems. Grants were made to school districts in violation of civil rights laws and of HEW's own program regulations. The purposes of the program were forgotten and the intent of Congress was dismissed, as $75 million was distributed in return for token applications to desegregating school districts.

The emergency school assistance program was presented to Congress as an emergency program to help make integration successful, to provide quality education for black, white, Spanish-surnamed and other students, and to develop understanding and community acceptance among students, teachers, parents, and school administrators in newly desegregating school districts. It is the first installment of President Nixon's proposed $1.5 billion program to aid both voluntary and legally desegregating school districts. So in a sense it is a demonstration. But I am sorry to say it has been a demonstrable failure.

First it was supposed to have been a nationwide program. When Congress appropriated the $75 million it included an amendment designed to make the program a nationwide effort to help desegregated school districts. The amendment stated that any school district which was desegregating whether under State or Federal legal requirement would be eligible for funding. The administration has failed to comply with the spirit, if not the letter, of the amendment.

Except, in the case of one State, Pennsylvania, it is my understanding that school districts were declared ineligible unless they were desegregating either under title VI of the Civil Rights Act of 1964 or under Federal court order. More than a dozen districts in California, for example, that should have been eligible for funds and which initially had funds allocated to them, were subsequently declared ineligible because they were not under court order. Among these districts were Berkeley and Riverside, Calif., which had desegregated their schools voluntarily.

Because they undertook voluntarily to desegregate their schools, other districts across the country that desperately need help to make integration successful, were denied funds. More than 90 per cent of the ESAP appropriations allocated to local educational agencies went to southern States. These States are of course in need of assistance. But that assistance was spread so thin, to so many school districts, that only about $18 has been spent for each minority group pupil.

Second, it was supposed to fund projects that would make integration a successful educational experience.

Instead, in an effort to get the money out last September and October, grants were made without the slightest regard for program content, for the merits of the proposals made by applicant school districts or even for whether school districts were eligible for funds.

Contrary to HEW's own regulations, applications were approved which, on their face, contain proposals having nothing whatever to do with the problems of desegregation. Most of the applications contained only the most cursory descriptions of how the money was to be spent.

Jackson, Miss., was the first grant awarded. It was awarded $1.3 million by telegram from the Acting Commissioner of Education 4 days before HEW even received Jackson's application.

One district, Memphis, Tenn., submitted an application stating its desire to undertake special "curriculum revision programs." In order to revise its curriculum, according to GAO, the district proposed to employ one area specialist, one aide, and one truckdriver; to purchase one truck with trailer hitch; to renovate the main cage of the trailer; to acquire domestic and wild animals and necessary equipment, materials, feed and supplies, in order to maintain a mobile zoo at a total cost of $14,797. The same application also proposed to purchase $25,000 worth of newspaper subscriptions.

To make matters worse, the HEW program officer personally assisted the Memphis school district in preparing its application and in revising the project descriptions in the application.

With resect to the Atlanta Regional Office, GAO states in its report that:

> In our opinion, 25 of the 28 applications included in our review did not contain, contrary to the regulations, comprehensive statements of the problems faced in achieving and maintaining desegregated school systems or adequate descriptions of the proposed activities designed to effectively meet such problems. In addition, the applications did not adequately explain how the proposed activities would meet the special needs of the children incident to the elimination of racial segregation and discrimination in the schools. In only a few cases did the applications show the basis for the dollar amounts requested for the proposed activities.

GAO's findings were confirmed by an investigation undertaken by the staff of the Select Committee on Equal Educational Opportunity. With respect to the Jackson, Miss., application, the HEW Regional Director in Atlanta stated to a committee investigator "all I did was sign off." Another regional official said, "We reviewed it when it came in and we rejected it, but Washington had already approved it." The same official said that his name was listed on the jacket covers as having approved applications that he had not approved and that he simply took directions from Washington that the applications had to be approved.

The committee staff investigation found that in Charleston, S.C., $300,000 of its $441,000 grant was approved for the purchase of Ampex television equipment. HEW's own post-grant field review of the Charleston project as reported in a memorandum of December 14 states:

> It appears that the program . . . is not dealing with emergency problems resulting from desegregation of school . . . It appears that this grant is not dealing with an emergency situation . . . This project does not relate to the problems resulting from desegregation.

An HEW employee who signed off, approving Charleston's application, told the select committee investigator:

> This is a rubber stamp, blank check operation. I don't know what's in any of the applications.

Third, ESAP was intended and presented to Congress as a "project grant" program under which money would be awarded solely on the basis of the needs of individual school districts. The GAO report demonstrates that the program was operated on a formula grant basis under which each school district was told the amount of funds for which it was eligible.

There was a striking correlation between the amounts of funds for which school districts were told they were eligible and the amounts of the grants made. Grants to 20 of the 28 Atlanta school districts were within 5 percent of the established funding levels, within 2 percent in 16 districts and within 1 percent in 11 of these districts. Thus, rather than concentrating funds on the basis of need where there was some promise of a result the amounts allotted to school districts within the 24 States averaged about $18.65 for each minority group child.

Fourth, it has been demonstrated now in two independent reports that school districts with both known and undisclosed civil rights violations were funded in violation of law.

As I indicated earlier, HEW determined the amount of funds for which school districts were eligible under a formula. That formula was released to HEW's regional offices in a memorandum dated August 24, 1970. HEW began funding projects 3 days after this formula was released; 1,318 school districts were, at that time, determined to be potentially eligible for ESAP funds In spite of this, that same August 24 memorandum discloses that:

HEW lacked information as to whether 343 of these districts were in compliance with title VI or court orders; HEW had information indicating a bad civil rights compliance record on 394 districts;

HEW had no information on another 247 districts.

Thus at the time HEW began funding from its list of 1,318 potentially eligible school districts, it either lacked sufficient information or had file records disclosing bad compliance records in 984, or 75 percent of the 1,318 target districts.

Although HEW officials in Washington told GAO that applications were to be reviewed by both regional and headquarters' civil rights personnel for compliance with civil rights requirements, GAO found that in Atlanta—

> Regional officials told us that they had accepted, in the absence of indications to

> the contrary, the assurances of the school districts that they were not (1) discriminating on the basis of race in teacher and professional staffing patterns, (2) assigning children to classes on the basis of their being members of minority groups, or (3) engaging in the transfer of property or services to any nonpublic school or school system which practiced racial discrimination.

In one Alabama school district the school superintendent assured HEW on November 4 that there was no discrimination against teachers in the school district. The district was granted $168,247 on November 5. Yet, the Justice Department had been investigating complaints filed by the National Education Association since September. On January 8, 1971, 2 months after the ESAP grant was approved, Justice's investigation resulted in a court order requiring reinstatement of the dismissed teachers.

The GAO report discloses that school districts with civil rights complaints under review at HEW and in the Justice Department were awarded funds without regard to those violations. Nineteen of the 28 school districts examined in the Atlanta region were under court-ordered desegregation plans. HEW's Office for Civil Rights told GAO it was not responsible for investigating complaints against those 19 court-ordered districts. In two of these districts the HEW Atlanta office had forwarded civil rights violations complaints to the Justice Department before approval of the ESAP grants. No attempt was made in these two cases or in other cases to determine whether complaints were justified or what the status of the Justice Department's reviews were.

Last November the six civil rights groups that studied ESAP stated in their report that 179 of 295 ESAP-assisted school districts which they visited were engaged in civil rights violations that rendered them clearly ineligible for grants. In 87 other districts they found sufficient evidence to question eligibility. In only 29 of the 295 districts did they find no evidence of illegal civil rights practices.

Specifically, they found the following clear violations in ESAP districts that had received funds: 94 districts with segregated classrooms or facilities; 47 districts with segregated or discriminatory busing; 62 districts without desegregated faculty or staff; 98 districts that had dismissed or demoted black teachers; 12 districts in violation of HEW or court-ordered student assignment plans; and 13 districts that have assisted private segregated academies.

In appropriating $75 million for the ESAP program, Congress specifically required that any school district which had transferred public property or rendered services to a private segregation academy should be ineligible for funds. Despite this provision and despite HEW's own determination that a majority of 14 Louisiana school districts had transferred property or provided transportation to private schools under State law, HEW certified these districts as eligible if there was no indication of civil rights violations other than these transfers.

Let me cite another example:

HEW was notified by the Select Committee and by the Washington Research project on September 3, that the Jackson, Miss. School District had transferred textbooks to private segregation academies about a week before Jackson filed its ESAP application. Jackson's ESAP application contains an assurance signed by the applicant as follows:

> The applicant is not engaged in the gift, lease, or sale of property or services, directly or *indirectly* to any nonpublic school or school system, which, at the time of such transaction practices discrimination on the basis of race, color or national origin, where such gift, lease, or sale was for the purpose of, or had the effect of, encouraging, facilitating, supporting or otherwise assisting the operation of such school or school system as an alternative available to non-minority group students seeking to avoid desegregating public schools.

The Jackson School District gave that assurance in its application 1 week following the transfers of textbooks. The application also requires that the applying school district state the name and address "of any nonpublic school or school system" to which property directly or indirectly has been transferred.

Jackson was the first school district funded under ESAP.

Following the report of this transfer to HEW, a truck arrived at the segregation academies to which the textbooks had been transferred, collected the books and delivered them to the State Schoolbook Depository. The books were then delivered by the State Schoolbook Depository back to the private schools.

About a month later, after looking into the situation, HEW notified Jackson that it was still free to spend ESAP funds.

Fifth, contrary to regulations, few districts established biracial and student advisory committees. The regulations require that these be consulted during the application process and with respect to policy matters arising in the demonstration and operation of ESAP projects. Fourteen of the 28 school districts studied by GAO in the Atlanta region failed to comply with the regulations establishing biracial advisory committees. Applications filed by 21 of the districts did not contain assurances that a student advisory committee would be formed in each secondary school affected by the ESAP project.

Sixth, again in violation of law, at least two applications were approved which, with the most cursory examination, would have disclosed that ESAP money was to be used to supplant non-Federal funds available to the school district. In one case HEW approved $48,000 for the construction of mobile classrooms already under contract with the school district a month before the grant was made.

Mr. President, this is a tragic story. It adds up at the very least to a classic case of bureaucratic negligence and incompetence. But more important, school children simply have been forgotten at a time when we need above all to fund an educational process designed to bring students, parents, and teachers of all races and backgrounds together in quality, integrated schools. Instead we have spent $75 million in a manner that may well result in a demonstration that school desegregation will fail.

I hope that as we consider the school integrgation legislation now pending in Congress we can somehow recognize that integration implies more than just the mixing of children behind school doors. It can be successful only if there are programs designed to emphasize those human elements—the warmth, receptivity, sensitivity, and respect which children and adults must have for each other if we are to get along together in our society. I believe that integration, not mere desegregation, is an indispensable element in our education process. But it will not work, indeed it will fail, unless Federal aid designed to help integration is directed toward the kind of culturally sensitive programs designed to foster human understanding.

TRIBUTE TO IVOR BOIARSKY

Mr. PERCY. Mr. President, as my colleagues know, I have a strong personal interest in the State of West Virginia. My son-in-law, Jay Rockefeller, my daughter, Sharon and my grandson Jamie have made West Virginia their home, and through them I have come to know the State well and to admire its strong-willed, independent people, and its magnificent natural beauty.

Since my son-in-law is secretary of State of West Virginia, I have had an opportunity over the past few years to become acquainted with a few of his State's political leaders and to develop a high regard for them. Jay Rockefeller told me many times during this period that one of his closest personal friends and the most effective leader in State government was the distinguished speaker of the House of Delegates, Ivor Boiarsky, an assessment that I came to share as I learned more of this remarkable West Virginian.

Ivor Boiarsky's unexpected death in Charleston last Friday night, on the day before the legislature was to adjourn, left his colleagues stunned and leaderless and was a personal tragedy not only for his family, but for all of the people of his State. Barely past the age of 50, he was in the prime of his public life and should have had another productive decade to give to the people of West Virginia.

His 13 years of service in the house of delegates, including 26 months as speaker and eight years as chairman of the Finance Committee, brought him a well-deserved reputation for absolute integrity and uncompromising dedication to better government.

As is invariably the case with politicians, Mr. Boiarsky faced disagreements on issues. But even though he was a fierce advocate for such causes as individual and minority rights, tax reform and preservation of the environment, his motives were never questioned even by his opponents. His positions were always forthright and open, and as a consequence he was admired and respected by colleagues in both parties.

Mr. President, Ivor Boiarsky exemplified the very best in State government today. Combining ability, integrity, and deep personal commitment, his name became synonymous with excellence in public service in his State I join the citizens of West Virginia in mourning his passing. To his beloved wife Barbara, a truly remarkable woman in her own right, to members of Ivor's family, and to his friends I extend my deepest and most heartfelt sympathy. Those of us in public life can at this time, in tribute to our friend, rededicate ourselves to the principles for which he stood.

I ask unanimous consent that an extract from an Associated Press article be incorporated in the RECORD at the conclusion of my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

FELLOW LAWMAKERS SHOCKED, TEARFUL

The members of the West Virginia Legislature who served with and under House Speaker Ivor Boiarsky were shocked and in tears this morning as they received the news of Bioarsky's death late Friday night.

"It's a sad day for all of us," House Minority Leader George H. Seibert said of the Democratic leader.

As the Senate convened this morning, a tearful Senate President Hans McCourt told fellow senators:

"This is a most difficult time for all of us.

"It is always difficult to lose a friend.

"And Ivor Boiarsky was a friend of every person in this chamber.

"But it is doubly difficult to lose one who was in the prime of life . . . one who was a leader of our people.

"The greatness of men is measured by many yardsticks:

"By his love of his God . . .

"His love of country . . .

"His love of his fellow man . . .

"His devotion to his wife and children.

"The man whose passing we mourn measured the full length.

"He fought the hard fights, and fought them well. But he always respected those whose convictions differed from his own.

"His integrity was unmatched.

"It will stand as an example to every legislator who ever walks the corridors of this state capitol for generations to come.

"This becomes a real personal loss for the president of the senate.

"I remember a friend with whom I spent long, long hours during our years of service together—addressing ourselves to the problems of the state he served in such a splendid fashion.

"I remember a friend with a subtle sense of humor, who was able to chuckle at himself, as well as at others who benefited from his wit.

"I remember a friend who refused to be complacent, and was never satisfied with anything less than perfection. And for that, we are all thankful. He leaves us a mandate to finish his unfulfilled hopes.

"Our grief is so great, we want to share it with the entire state.

"And I believe we should—for this state has lost a great leader among men—one who fought ignorance, prejudice and complacency—one who brought dignity to political life and unmatched talents to the legislative process."

"Everyone's upset," said House Majority Leader T. E. Myles. "It came as a shock to us all."

One of the first legislators to arrive at the capitol today was House Judiciary Committee Chairman Robert Steptoe. He said a soft "good morning," brushed back tears and then hurried off to his office.

Del. Richard Neely, D-Marion, was one of the few members of either chamber willing to talk at length.

"There's a great deal of talk that politicians are lazy and dishonest," the freshman delegate said. "Ivor Boiarsky was an inspiration to everyone. Here is an example of a man who literally killed himself working for the state of West Virginia.

"Ivor had nothing to gain except the consciousness that proceeds the knowledge of duty faithfully performed," Neely said.

"He served neither for money or glory, was not a statewide candidate and yet had as great an impact upon the state as any single man in the last 50 years."

A senator, who asked not to be identified said Boiarsky was the only person among the State Democratic Party who could hold together "the liberals and the young who follow Jay Rockefeller and the old guard."

THE LATE SENATOR RICHARD RUSSELL

Mr. BAYH. Mr. President, it is difficult indeed to express in a few words what a man like our late colleague, the distinguished Richard Brevard Russell, of Georgia, meant to this body and this Nation.

The only man in history who literally spent more than half his lifetime as a Senator of the United States, he was truly the "dean of the Senate" in his later years. In an age when so many of us seem preoccupied with new ways of doing things, when the future seems constantly to be rushing upon us—and frequently overwhelming us—Senator Russell played an invaluable role of reminding his colleagues of their ties to the past and the important role traditional values could and should play in these modern times.

While "situational ethics" may have gained favor among some in the last half of the 20th century, such a concept was a contradiction in terms to our late distinguished colleague. Integrity was his byword, and few men in public life could claim to have lived and acted so true to this principle.

This is not to say Senator Russell was not a practical man. Chairman of two of the Senate's most important committees, he was for years our foremost authority on military matters. He believed firmly in a strong defense posture, warning that the United States should never become complacent toward potential enemies. Yet so farseeing was he that long before most Americans recognized the dangers inherent in U.S. intervention in Indochina, he urged against such a policy.

Perhaps Senator Russell's most admirable quality, however, was his ability to combine practicality with integrity. As chairman of the Armed Services-Foreign Relations inquiry into the dismissal of Gen. Douglas MacArthur as U.S. commander in the Far East in 1951, Senator Russell well demonstrated that fairness and firmness are never inconsistent.

The Senate has lost a great man, an honorable man, in Richard Brevard Russell. No more fitting tribute to his memory could be paid than to dedicate ourselves in conducting this Chamber's business to the same unselfish devotion to duty, unquestioned integrity, fairness to all, thoughtful consideration of issues, and unswerving loyalty to country which so clearly marked his unparalleled career in public life.

WE NEED THE ALASKA PIPELINE

Mr. STEVENS. Mr. President, in recent weeks, I have received many requests from all over the country for information regarding my position on the proposed Trans-Alaska Pipeline. As you know, the pipeline would be used to transport crude oil from Alaska's North Slope to the ice free port of Valdez on the Gulf of Alaska. To facilitate the dissemination of my views on this important project, I am today inserting in the CONGRESSIONAL RECORD the statements which I made during the recent pipeline hearings held in Washington, D.C., and in Anchorage, Alaska, by the Department of the Interior. These hearings were held in accordance with the provisions of the National Environmental Policy Act of 1969. The act permits such hearings to enable the Interior Department to assess more thoroughly the impact of activity which could have environmental consequences.

As my statements indicate, I believe that there are compelling economic and strategic reasons for building the TAPS Pipeline as soon as possible. Moreover, it is my view that the nature and comprehensive scope of the stipulations which the pipeline company has agreed to and the other safety precautions which will be instituted will insure the adequate protection of Alaska's terrestrial and marine environment.

Mr. President, I ask unanimous consent that my statements on the pipeline be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

TESTIMONY FOR PIPELINE HEARINGS BY TED STEVENS, U.S. SENATOR, WASHINGTON, D.C., FEBRUARY 16, 1971

Gentlemen: Since the House and Senate Committees on Interior and Insular Affairs completed their Trans-Alaska Pipeline hearings during the last Congress, there has been a change of Administration in the State of Alaska. The present Governor is the Honorable William A. Egan. Governor Egan was the first elected Governor of Alaska and served in that capacity for two terms ending in December, 1966. The Governor is a native-born Alaskan and has lived there his entire life. Before his election as Governor in 1958, he served several terms in the Territorial House of Representatives, including a term as Speaker of the House. In 1956, he was chosen by the people of Alaska to represent them in Washington, D.C. as a "Tennessee Plan" provisional senator. Before that, he served as President of the Alaska Statehood Constitutional Convention. Governor Egan's knowledge of Alaska and her people—gained over a lifetime in Alaska and a distinguished career of public service—eminently qualify him as Alaska's spokesman at this important hearing. After the Governor delivers his statement, I want to make some brief comments concerning the need for the prompt construction of the TAPS pipeline.

If construction on the pipeline is begun in the near future, North Slope crude oil will begin to flow to market in the mid-1970's, just when the United States would otherwise be confronting a serious energy shortage. In states other than Alaska, the rate of new petroleum discoveries has slackened significantly in recent years. For this reason, proven domestic reserves have fallen to a ten-year supply, which is two years less than most experts consider a safe level. These experts believe that the oil fields in Kansas and Oklahoma have passed their prime and that production in California, Louisiana, and Texas will reach a peak in the late '70s. As a result, oil production in the continental United States is expected to increase very slowly—from 9,100,000 barrels a day in 1968 to an estimated 9,500,000 barrels in 1980. However, in the same period, the average dairy rate of petroleum consumption in the United States will increase from 12,900,000 barrels to an estimated 18,200,000 barrels. The difference between the rate of consumption and the rate of supply will increase the daily deficit from 3,800,000 barrels to 8,700,000 barrels. If Alaskan petroleum sources are not developed in the very near future, this rapidly increasing deficit will force us either to draw very heavily on foreign sources of crude oil or to develop other domestic sources, such as oil shale or tar sand. At the very least, crude oil from Prudhoe Bay will give us time to make an informal decision on these alternatives. If the North Slope reserves exceed the most conservative estimates, there will be a far greater beneficial impact on the economic and social well-being of this nation. Thus, for example, it is reasonable to expect that crude oil prices will be reduced in the U.S. domestic market. At the very least, Alaskan oil will help stabilize domestic petroleum prices.

The most immediate impact of North Slope petroleum development will be in Alaska and along the West Coast of the United States. Many Alaskans, particularly Alaskan Indians, Eskimos, and Aleuts, will find employment. Today, 80 to 90% unemployment persists in rural Alaska. Moreover, the state would receive substantial royalties which could be used to solve the massive problems created by our inadequate transportation and communications facilities, deplorable housing conditions, inadequate educational facilities, insufficient health care, etc.

The first great market impact of North Slope crude oil will be felt along the West Coast of the United States. This region has suffered a crude oil deficit for many years. To eliminate the deficit, oil has been imported from foreign nations. It is reasonable to expect that the rapid development of the North Slope, which would be precipitated by construction of the TAPS pipeline, would significantly reduce the need for such large-scale importation.

If the North Slope reserves approximate present estimates, the impact of Alaskan crude oil will be even more profound. In recent years, the declining domestic production of oil, coupled with a rapidly increasing domestic demand, has forced a greater and greater reliance on foreign imports. Thus, the total importation of crude oil and its products, including residual fuel, reached 3,415,000 barrels per day in 1970. This rate is equivalent to more than 35% of domestic crude oil production. Last year, about 5% of the oil consumed in the United States came from the Eastern Hemisphere, which is a most uncertain source at best. The frequency and violent nature of political turmoil in that area of the world dictate that we avoid a dependency on Mideast crude oil sources.

Alaskan petroleum could also alter world geo-politics in a way that would be very beneficial to the United States. At present, many of our staunchest allies are forced to rely heavily on the uncertain Middle East oil area. Thus, France currently purchases 86% of its crude oil from Arab nations; Italy, 82%; West Germany, 75% and Great Britain, 73%. Japan buys approximately 90% of its oil from the Middle East, including non-Arab Iran. This widespread reliance gives the countries of the Middle East a great deal of leverage in world politics and is of very real concern to many American foreign policy experts.

In emphasizing the economic and strategic importance of the North Slope crude oil reserves, I have not meant to overlook the ecological aspects of pipeline construction. It is my view that economic development can be compatible with the protection of Alaska's arctic environment. The developmental policies which have led to rampant pollution and destruction of natural beauty in the "South 48" states cannot and will not be used in Alaska. Instead, through the prudent utilization of our advanced technology, we have the ability to develop the state's natural resources in accordance with sound conservation principles. As an illustration of this proposition, the private company which is to build the TAPS pipeline must construct and maintain that system in compliance with a set of very stringent regulations designed to minimize the ecological disturbance of Northern Alaska. I am convinced that the nature and comprehensive scope of these stipulations will insure protection of the natural environment and wildlife of the Alaskan tundra.

Moreover, it seems to me that the construction of the TAPS pipeline is the best alternative for transporting North Slope crude oil to market. The alternative of shipping this oil by ice breaking tanker through the Bering Sea is totally unacceptable to most Alaskans. The waters off the Alaskan coast still provide our major source of employment and income. This area sustains such marine creatures as salmon, halibut, king crab, whale, and otter—all of which would suffer grievously from oil spills in ice-filled waters.

The alternative of constructing a hot oil pipeline through Canada is also untenable. Such a route would deprive Alaskans of employment. Moreover, a Canadian route would subject the transportation of North Slope crude oil to the decisions and policies of a foreign government. Even in the case of a friendly government, such as Canada, there will inevitably be situations where U.S. policies would tend to conflict with those of the other nation. Thus, security considerations dictate a pipeline route which is exclusively under the jurisdiction of the United States. Furthermore, the cost is prohibitive and such a pipeline through Canada would limit Alaska to one market for our oil. The present plan provides flexibility—our oil could be shipped anywhere in the world from Valdez.

As you know, the TAPS pipeline will terminate at the ice-free port of Valdez. The experience with the SS MANHATTAN indicates that tanker transportation through frozen Arctic waters would not be economically feasible at this time. Further, as I have already pointed out, such transportation cannot insure the adequate protection of our marine resources, for, at present, we simply do not have the technology necessary to prevent oil spills caused by the pressure of thick ice, nor the means for cleaning up spills if they do occur in icy waters A tanker link from Valdez to markets in other parts of the nation and the world presents no such problems. Many decades of experience in ocean shipping indicate that crude oil can be shipped economically through ice-free waters. Of even greater importance is the fact that merchant marine transportation is relatively safe. We all hear about the three or four great tanker accidents which occur each year; we do not hear about the thousands and thousands of vessels which routinely ply the waters of the world without incident. Statistics which can be used to compare the safety of different modes of transportation are hard to find since different factors and indices are employed. However, after studying statistics relating to merchant marine accidents which occurred in 1969, I believe that this means of transportation ranks very well from a safety point of view.

Having carefully examined the merits of the TAPS pipeline, most Alaskans, including those who live along the proposed construction route, believe that the system should be built as soon as possible. I feel that this is an enlightened view, and I strongly support it.

I thank you for the opportunity to appear before you today to express my views on this very important matter.

STATEMENT FOR ALASKA PIPELINE HEARINGS BY TED STEVENS, U.S. SENATOR, ANCHORAGE, ALASKA, FEBRUARY 24, 1971

I appreciate the opportunity to appear here today to give my support to the proposed Trans-Alaska Pipeline. These hearings and the ones which were held last week in Washington, D.C. have been scheduled in accordance with the provisions of the National Environmental Policy Act of 1969. This legislation requires such hearings to enable the Department of the Interior to assess more thoroughly the impact of activity which could have environmental consequences. In this connection, I should point out that the preliminary impact statement, which was issued by the Department on January 13, has only an interim status. Before the final statement is promulgated, all interested parties will be afforded the opportunity to comment on it and to make their own suggestions and recommendations.

However, the draft statement is the product of over 18 months of intensive study and investigation by various bureaus, offices, and task forces in the Interior Department and, therefore, deserves very careful consideration.

A very brief chronology of the relevant events leading to the issuance of the draft statement will reveal the care with which the Department has studied the proposed pipeline and its environmental, social, and economic consequences. In May of 1969, the President established a federal task force to coordinate the efforts of all federal agencies and departments in considering the initial pipeline application. Later that same year, a set of stringent stipulations was drafted to insure the adequate protection of Alaska's Arctic ecology and the rights of Alaska's Indians, Eskimos and Aleuts. An enforcement team was also established and was vested with the authority to inspect all phases of the pipeline project; to suspend or terminate construction activities for non-compliance with the pipeline stipulations; to require modification of construction plants; to require the rehabilitation of any resources or land harmed during any phase of pipeline activity; and the authority to acquire a performance bond of $5 million to insure adequate financing of any necessary rehabilitation. It is also worth noting that the pipeline stipulations are the most stringent regulatory controls ever imposed on private enterprise by the federal government. Even now, the Department of the Interior and other federal agencies are continuing their ongoing examination of the technical and geological aspects of pipeline construction to determine whether further modification of these stipulations is necessary at this time. It is my opinion that this chronology demonstrates a strong commitment to the adequate protection of Alaska's Arctic environment and establishes a basis for the prompt granting of a construction permit.

In the pipeline testimony which I delivered last week in Washington, I referred to the rapidly growing difference between the rate of petroleum consumption in the United States and the rate of supply. This alarming disparity is strong evidence for the development of new domestic crude oil sources—the kind of development which would be precipitated by the construction of the TAPS pipeline system. I will not repeat the statistics which I used in Washington to illustrate our growing energy deficit. However, I do want to mention some different statistics that militate for the immediate development of Alaska's North Slope reserves.

In 1970, the domestic demand for petroleum products reached an all-time high of more than 5.4 billion barrels—the equivalent of 1,100 gallons of oil products for every man, woman and child in the United States. Since 1960, the domestic demand for petroleum products has increased by 51%, and the 1970 demand was 4.9% above that of the previous year. This need for oil translates into a consumption rate of 1,408 million barrels a day—enough oil to fill 62,000 railroad tank cars making a train 500 miles long.

Petroleum consumption should also be viewed in terms of our demand for specific petroleum products having a profound impact on our daily lives. In this connection, I should point out that crude oil supplied 43.2% of all our energy needs in 1969. More than 60% of this amount was used to power various modes of transportation. Statistics that I have seen indicate that the demand for the various types of petroleum products used to power our transportation system has increased at a yearly rate in excess of 4.5%. At the same time, our consumption of the various types of fuel oil used in heating is also accelerating.

It does not appear that our vast energy needs can be satisfied from any source of energy other than petroleum. According to the preliminary impact statement, the use of hydroelectric power will continue to grow but will be of decreasing relative importance as time goes on. Moreover, nuclear power capacity, though growing, is lagging behind earlier schedules. Because of unforeseen ecological problems, the nuclear industry has encountered great public concern which is expected to delay development still further. Environmental considerations have also curtailed the use of coal, at least until the low sulfur mines of the West are expanded.

As I pointed out in my Washington, D.C. testimony, the growing "energy crunch" has profound national and international implications. If our future energy requirements are not satisfied, the social and economic progress of this nation will be severely retarded. Moreover, the geopolitics of the entire world could be changed in a way that would be very detrimental to the United States. The frequent political turmoil in the Middle East illustrates beyond doubt that we must avoid a dependency on this source of crude oil. In addition, we must assist our allies in Western Europe to reduce their dependence on Mideast supplies.

The most immediate impact of North Slope petroleum development will be in our own state. At the time of statehood, it was known that certain lands in Alaska contained vast oil and gas reserves. We hoped then, as we do now, that the state income derived from the prudent development of these reserves could be used to resolve the massive problems confronting the people of Alaska. Thus, it was expected that the state would receive the revenues necessary to build adequate transportation and communications facilities, to eliminate our deplorable housing conditions, to improve the delivery of health care and the quality of our educational facilities, and generally to upgrade the standard of living among all our people. Recognizing the vast potential inherent in our natural resources, the Alaska Constitution preserves public ownership in subsurface interests throughout the state in order to obtain the revenues necessary to achieve economic self-sufficiency. This important trust cannot be completely carried out until the pipeline is constructed and the North Slope petroleum reserves are developed.

In the testimony which I delivered in Washington, I pointed out the various reasons for utilizing a pipeline as the mode for transporting North Slope crude oil to southern points and also discussed the reasons for building the pipeline from the Slope to Valdez and not through Canada. I want to emphasize that the state has already taken or will soon take several steps to ensure the adequate protection of Alaska's environment. These measures will be in addition to the federal activities which I have already described, and will supplement the state's supervision of fisheries, game reserves, roadway construction, etc. As a consequence, I envision the establishment of a very close working relationship between the state, the federal government and the Alyeska Pipeline Company. Such an alliance, which is designed to ensure the prudent development of the North Slope and the adequate protection of our ecology, will assuredly inure to the benefit of the people of Alaska and the entire nation.

In closing, I want to reemphasize my view that economic development can be compatible with the protection of Alaska's Arctic. For prudent development to occur, we must avoid the technological mistakes and unconcern which have led to rampant pollution and destruction of natural beauty in the "South 48" states. I believe that the excellent work of the state, the federal government, and the oil companies has established a sound basis for an enlightened developmental policy in Arctic Alaska. This policy takes cognizance of the stark reality that America's energy requirements will triple within the next three decades. Yet, in meeting this challenge, environmental concerns and the rights of Alaska's Native people have also been recognized. The time for actions has now come.

FEASIBILITY OF TREATING CONTRACTORS' INDEPENDENT RESEARCH AND DEVELOPMENT COSTS AS A BUDGET LINE ITEM

Mr. PROXMIRE. Mr. President, Sunday I released a General Accounting Office report concluding that budgetary controls over the Pentagon's independent research and development program are feasible. The report, prepared by the GAO at my request was released even though the Pentagon had tried to suppress it by making vehement objections to the Comptroller General.

I deplore the attempt of the Pentagon to suppress the Comptroller General's report on independent research and development.

Assistant Secretary of Defense Barry J. Shillito, in a last-ditch effort to kill the report, wrote to Comptroller General Elmer Staats the following:

> IR&D plays an important part in maintaining the technological base of this country and careful consideration is imperative before any revolutionary changes are made that could have a serious adverse impact. There is no indication that the GAO proposal is supported by anything approaching the type of in-depth study required. Yet it infers that the proposed line item approach is feasible and desirable. *I urge that a report of this nature, with its inferences, not be furnished the Congress or anyone else.* I would also suggest that a complete in-depth study of this vitally important matter be conducted before any conclusions or recommendations are made. (Italic added.)

Through a policy of malignant neglect, independent research and development has been allowed to mushroom into a billion-dollar program.

When I first raised a question about it 2 years ago, only a small handful of Senators had ever heard of independent research and development. Yet, the defense and space agencies had paid out over a billion dollars to its contractors in 1968, and $1.2 billion in 1969, for services that were in large measure unrelated to government needs and that were uncontrolled by contractual or other administrative devices.

It comes as no surprise therefore that the Pentagon is opposed to efforts within the Congress to provide visibility and accountability for this program. What is surprising is that a high Pentagon official would actually try to prevent the General Accounting Office from releasing a report to a U.S. Senator who requested that the report be made.

The extreme language used by the Pentagon official in his letter to the Comptroller General is in strong contrast to the moderate and cautious approach taken in the report. Assistant Secretary of Defense Barry J. Shillito may be the first person to have ever labeled a GA recommendation as "revolutionary".

I believe we made some progress last year by passing a law containing modest restrictions and requiring an annual report on the amount spent for independent research and development. But we must go much further if this program is to be brought fully under control.

It is my understanding that as much as 90 percent of the costs of this program are not included in the figures contained in the Federal budget for research and development. If this is true, the budget understates the costs of R. & D. by about a billion dollars annually, most of which is spent by the Pentagon.

I am asking the General Accounting Office to make a new study of independent research and development, following up the excellent work it has done so far and checking on the results of last year's legislation. In my judgment, huge amounts can be saved by applying sound principles of accountability to this program.

Independent research and development differs from other research and development. It is really an overhead cost charged against Government contracts. There is no requirement that the costs be related to contracts entered into by the Pentagon and its contractors. Contractors are now permitted to treat independent research and development as an overhead item and allocate it between work done for the Government and commercial clients. This has led to serious abuses. I proposed that the amounts be specifically authorized and shown in the budget as line items.

In its report, the GAO backed this view. It stated that it would be feasible for independent research and development to be treated as a line item in the annual budget. At the present time, the costs of independent research and development are not identified in the budget.

Payments to defense contractors for independent research and development totaled $759 million in 1969. Figures for 1970 are due to be reported this week under legislation passed by the 91st Congress. At the present time the program is a back-door boondoggle. Stricter controls over it are needed.

The report goes on to suggest that no further legislative controls be imposed pending the results of legislative restrictions enacted last year.

I ask unanimous consent that the report in its entirety be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Feasibility of Treating Contractors' Independent Research and Development Costs as a Budget Line Item

Comptroller General of the
United States,
Washington, D.C., March 8, 1971.

Hon. William Proxmire,
U.S. Senate.

Dear Senator Proxmire: Reference is made to your letter of October 5, 1970, requesting our views as to the feasibility of converting contractors' independent research and development to a budget line item.

We have given this matter serious consideration. Based on our analysis we believe that a line-item control of independent research and development payments to major defense contractors can be developed using estimates based on historical data, together with the Department of Defense's estimate of the amount of research and development and procurement activity to be contracted. However, we suggest that no further legislative controls be imposed pending evaluation of the effect of the legislative restrictions that became effective January 1, 1971.

As you know, the recently enacted Section 203 of Public Law 91–441 requires the Department of Defense to establish certain controls over the payments for independent research and development to its major contractors and to provide the Congress with annual reports on the payments made. Although this law does not contain all of the limitations on independent research and development that were embodied in your bill or in the Senate procurement bill, it does contain certain restrictions on payments for independent research and development that may achieve results comparable to those sought to be obtained through a line-item control mechanism.

For example, the law now requires that a report be made to the Congress by March 15 of each year showing statistics for companies that received payments from the Department of Defense for independent research and development (and bid and proposal) of more than $2 million. Thus, the Congress for the first time will be provided visibility of the extent of the Department's expenditures for independent research and development costs of major contractors, and therefore will have the means for deciding whether more or less restrictions are required.

In view of the recency of this legislation we believe it would be desirable to allow sufficient time—at least one year, preferably two—for evaluating the law's impact before considering introduction of legislation to establish additional controls.

In this connection, we have been informed by officials of the Department of Defense that preliminary reports show that expenditures by major defense contractors for independent research and development declined during the past year. Comparison of the report to be submitted to the Congress by March 15, 1971, with data for previous years should show the trend of expenditures and should assist in determining whether additional controls may be necessary.

During our study of this matter we prepared a paper (appendix I) describing (1) the present system for allowing independent research and development as a contract cost and (2) a system which we believe would enable line-item control. We asked officials of the Office of the Secretary of Defense for their views on our proposal. In a letter dated December 19, 1970 (appendix II), the Assistant Secretary of Defense (Installations and Logistics) objected vigorously to the suggested system. He described several problems which he believes would be created by imposition of such a system and he contended that implementation of a line-item control could have a serious adverse impact on the technological base of this country.

We agree with his position that line-item control of independent research and development would lead to additional administrative burden. Therefore, if such control is determined to be necessary, we suggest that a system change of this magnitude be tested on a trial basis before legislation is proposed requiring implementation on a broad scale. Our analysis of the views expressed by the Assistant Secretary is included in appendix III.

We hope this information will serve the purpose of your request. If we can be of further assistance to you in this matter, please let us know. We plan to make no further distribution of this letter unless specifically requested, and then copies will be distributed only after your approval has been obtained or public announcement has been made by you concerning the contents of this letter.

Sincerely yours,

Elmer B. Staats,
Comptroller General of the United States.

GAO Views on Feasibility of Line-Item Control of Independent Research and Development

DEFINITIONS

In this paper, "line item" is intended to mean a congressionally approved aggregate limitation or limitations that may not be exceeded by the agency or agencies responsible for controlling the applicable appropriated funds. Also, the term "independent research and development (IR&D)" is construed in its broadest sense—it includes bid and proposal (B&P) costs and costs of other technical efforts that are closely related to either IR&D or B&P costs.

PRESENT SYSTEM FOR ALLOWING IR&D AS A CONTRACT COST

At the present time IR&D is considered by the Department of Defense (DOD) as an indirect cost (overhead item). Contractors doing business with DOD accumulate IR&D costs in various overhead accounts and allocate them by various methods to the work they perform for both Government and commercial clients. DOD generally allows such costs to be charged to its contracts if properly allocated and reasonable in amount.

In determining reasonableness of these overhead costs for contractors or their divisions whose work is predominantly or substantially with the Government, DOD has for many years attempted to negotiate advance agreements setting out the maximum amount of IR&D to be recognized as an overhead cost allocable to all of the contractor's activities. Section 203, Public Law 91–441, requires that, beginning January 1, 1971, such advance agreements shall be negotiated for companies which received from DOD more than $2 million of IR&D and B&P during the preceding year, or for product divisions of such companies which received more than $250,000 during the preceding fiscal year. DOD is planning to expand this requirement to cover the top 100 Defense contractors. DOD estimates that this will cover over 85 percent of the total amount of IR&D costs absorbed under DOD contracts.

In preparation for advance agreements, the contractors are required to submit brochures describing the IR&D work planned. Section 203 requires that DOD make a technical evaluation of the contractor's IR&D plans. Such evaluation will also serve to determine whether there is a potential relationship of the IR&D project to a military function or operation as required under Section 203.

PROPOSED SYSTEM

We believe that a line-item control for IR&D would be feasible if the limitation is restricted to payments to the larger companies, and if for these same companies IR&D is paid directly under a special contract rather than as an allocated overhead charge under various contracts. It would be extremely difficult, if not impossible, to adequately administer a line-item limitation for any segment of overhead because some type of control would have to be developed to accumulate data on costs allocated to each of thousands of procurement contracts.

In lieu of the overhead advance agreements described above, annual special contractual agreements could be negotiated with the larger companies providing for direct payment (up to a ceiling) of the appropriate share of the contractor's IR&D. The special agreement for IR&D would be negotiated in a manner similar to the present advance agreements with major contractors and would continue to permit the contractor to conduct IR&D in the manner and to the extent he deems advisable. However, the special agreements would provide for direct payments by DOD to the contractor for up to the agreed amount, rather than establishing an amount acceptable for inclusion in the contractor's overhead allocable to all of his customers which then must be distributed to all of his contracts. The special agreements also would provide that IR&D would be excluded from charges for costs under the contractor's regular negotiated contracts with DOD.

The agreement for IR&D would, in effect, provide for payment of a proportionate share of the actual costs of the contractor's IR&D program not in excess of the agreed ceiling. The agreement also would provide that the payment may not exceed the total costs of IR&D work which, in the opinion of the Secretary of Defense, has a potential relationship to a military function or operation.

The DOD share of the contractor's IR&D program would be based on the ratio of the contractor's negotiated contract activity for DOD compared to the contractor's total workload. Inasmuch as the actual ratio cannot be determined until the end of the year, the proportionate share could be determined on the basis of the ratio for the most recent year completed at the time the contractor's proposed IR&D program is submitted for evaluation. To avoid additional administrative effort and to enable orderly planning by the contractor, the proportionate share so determined should not be changed even though the actual ratio may differ from the ratio used in determining this share. If the actual ratio differs substantially, DOD might consider its effect as a factor in negotiating the special agreement for the following year.

Those contractors who do not come within the category of "major defense contractors" would continue to be reimbursed for the allocable share of their IR&D costs through distribution of overhead costs, as is presently done. Because of the smaller amounts involved, the IR&D programs of these contractors are not subject to technical evaluation by DOD. Those "major" contractors who prefer similar treatment could be offered the option of limiting their allocable IR&D charges to DOD contracts to a stipulated maximum (perhaps $2 million as the law presently indicates for other than major contractors). Otherwise, "major" contractors would be required to enter into the special contract agreements for IR&D. As a practical matter, it is unlikely that many major contractors would refuse to enter into the special agreements in view of the significant difference in cost recovery.

BUDGET PRESENTATION

In its annual budget request, DOD would set out the amount or amounts for the proposed payments of IR&D to its major contractors. The budget line-item proposal would be developed based in part on historical data. Section 203, Public Law 91–441, requires annual reporting of the latest available Defense Contract Audit Agency statistics on IR&D or B&P payments to major defense contractors. Similar data is available for the past seven years. Such data, together with DOD's estimate for the amount of research and development and procurement activity to be contracted for, should provide a realistic basis to DOD for estimating the amount to be set out as a line item for the IR&D of major contractors. The budget back-up would explain any significant changes anticipated by DOD in the ratio of the IR&D estimate to the contract work estimate.

At present, IR&D is included without identification in the budget as a part of the appropriations for research, development, test and evaluation (RDT&E), procurement, and operations and maintenance for each of the military services and the Defense agencies. To facilitate control and to eliminate the work involved in making extensive cost allocations to the numerous appropriations, it would be preferable to include the amount authorized for IR&D of major contractors as a part of only one of these appropriations. This appropriation would be used to fund the payments to each major contractor for the agreed share of his IR&D, as distinguished from payments made from the various appropriations for contract work performed.

A reduction in the amounts otherwise requested to be appropriated for DOD would, of course, be warranted corresponding to the amount(s) specifically requested to be appropriated for IR&D.

CONGRESSIONAL ACTION

The data presented by DOD in its budget submission, as explained above, should provide the Congress with good visibility of the basis for the estimated IR&D costs for major contractors. This should enable the Congress to be in a position to judge the propriety of the requested line-item amount.

The proposed line-item amount should, in our opinion, be considered by the Congress in conjunction with the total of the RDT&E appropriations. The activities carried out by contractors under their IR&D programs are closely related in nature to research and development work performed under Government contracts or in Government laboratories. If DOD's costs for participating in IR&D programs and its costs for direct RDT&E activities are considered as a package, the Congress would obtain a clearer picture of the total current expenditures authorized for research and development.

COMPLIANCE AND CONTROL BY DOD

The total amount of the planned IR&D programs for major contractors which DOD can determine to be reasonable and potentially relevant to a military function or operation obviously will not be known until all of the programs have been received and evaluated by DOD. When such determination has been made, the DOD would be in a position to gauge whether its share of such amount would be within the line-item limitation, or whether reductions will be needed. Consequently, it would be necessary for DOD to arrange for early submission and evaluation of major contractors' IR&D programs.

EFFECT ON OTHER AGENCIES

The implementation of line-item control of IR&D applicable to DOD would probably create some additional burden on other Government agencies which negotiate contracts with major defense contractors, particularly the National Aeronautics and Space Administration (NASA).

At present NASA participates with DOD in the negotiation of advance agreements on IR&D, and such agreements are considered to be applicable to NASA, as well as DOD contracts. If special agreements are negotiated by DOD for direct payment of IR&D such agreements would not have any effect on NASA, and separate agreements would be required. Inasmuch as the negotiations leading to the IR&D special agreements would be similar to those presently used for advance agreements, it does not seem that the execution of separate agreements for NASA's participation in IR&D should require extensive time and effort.

NASA was asked to review our proposal for line-item control and to comment on problems it might present. A NASA official replied informally that his agency felt that a line-item control would cause them problems that they do not now have, but until they know what DOD's procedures would be they could not reasonably evaluate the impact.

Assistant Secretary of Defense,
Washington, D.C., Dec. 19, 1970.

Hon. Elmer B. Staats,
Comptroller General of the United States,
U.S. General Accounting Office, Washington, D.C.

Dear Mr. Staats: Recently, members of your staff furnished to us draft copies of a GAO Study titled "Feasibility of Line-Item Control of IR&D." I understand that this study was prepared at the request of Senator Proxmire. The paper describes a method of establishing budget line-item control which requires very significant changes from past practices that have been followed by the Government and Industry. There is no evidence that any in-depth study has been made of the impact. Yet, the report gives the impression that the approach is simple to administer, assures equitable treatment to contractors, provides good visibility of IR&D and B&P costs and, in the opinion of the GAO, is feasible. There is no evidence that the detailed analysis required to support these claims has been undertaken.

In the short time we have had to consider this proposal we have found a number of problems. I would like to touch briefly on some of these.

BUDGET PLANNING

The GAO paper expresses the view that a realistic line item amount could be established for IR&D and B&P using historical data on payments to contractors and relating this to the procurement budget. Such an approach is no more than a projection of historical costs without consideration of the value of the effort that is to be supported. In addition, for budget purposes, our latest data would have to be projected two years in advance. We believe that it is unrealistic to expect Congress to approve such a line item without some detail as to the projects that are to be supported. At the same time, we believe it is unrealistic to expect that contractors can furnish valid information two years in advance on IR&D projects to be performed. If they are required to do so, it is inevitable that they will find it increasingly more difficult to depart from "approved" projects and contractor initiative will disappear. With respect to B&P projects, advance information could not possibly be furnished.

Comparison of an IR&D and B&P line item with the Defense procurement budget is also an inappropriate approach because such a comparison is not valid. Items in the Defense budget will be placed on contracts to be performed over a period of several years. The IR&D/B&P line item is to be expended in the fiscal year for which it is appropriated. The proposed comparison should therefore be made with contractors' sales to the DoD in an appropriate fiscal year. This figure is not readily available until the year is near its end. Even if it were proper to compare the IR&D/B&P line item to the procurement budget we would have the problem of determining that portion of new procurement dollars that would be awarded to contractors who had been selected for negotiation of advance agreements and we would need to know the dollar amount of their new contracts that would be performed in house and the amount to be performed by subcontractors who were not on the advance agreement list. The difficulty of this task is apparent when you consider that at this point in time we would not know what contractors would be sucessful in capturing the new awards.

ADVANCE AGREEMENT NEGOTIATIONS

The fiscal year used by most contractors is the calendar year. The Government's fiscal year begins with July. The GAO plan provides for the IR&D/B&P line item to be expended during the Government's fiscal year. This would require advance agreements to be negotiated with two six-month ceilings. The problems this may cause require investigation. Advance agreements would have to provide for after the fact negotiation to adjust for changes in the business mix between DoD and other customers since this can only be estimated at the outset. This would substantially increase administrative effort.

OTHER ADMINISTRATIVE PROBLEMS

Present contracts have all been negotiated under existing law and the ASPR. These contracts would still recover IR&D and B&P costs in overhead. Until they phased out over a period of several years they would not be affected by the proposed line item approach. This would present problems in budgeting, negotiating ceilings and segregation of costs. None of these problems have been considered in the GAO proposal.

EFFECT ON COMPETITION

The impact of the proposed plan on competitive awards presents a major problem that would have to be resolved before such an approach could be considered. Payment of IR&D and B&P as a direct cost removes these costs from the overhead accounts of those contractors subject to the proposed control. This means that in competitive situations, these contractors would be relieved of this burden and would be able to quote lower prices than companies who do not have advance agreements; or, conversely, would receive duplicate recovery of IR&D and B&P costs. The proposal does not indicate how this would be handled.

IR&D plays an important part in maintaining the technological base of this country and careful consideration is imperative before any revolutionary changes are made that could have a serious adverse impact. There is no indication that the GAO proposal is supported by anything approaching the type of in-depth study required. Yet it infers that the proposed line item approach is feasible and desirable. I urge that a report of this nature, with its inferences, not be furnished the Congress or anyone else. I would also suggest that a complete in-depth study of this vitally important matter be conducted before any conclusions or recommendations are made.

Sincerely,

Barry J. Shillito,
Assistant Secretary of Defense,
(Installations and Logistics).

GAO Comments on Assistant Secretary of Defense Letter of December 19, 1970, on Independent Research and Development

The Assistant Secretary refers to our line-item proposal as being a revolutionary change, and suggests that a complete in-depth study be made before considering it for implementation. He also commented on several problems that he felt would result from establishing a line-item control on IR&D.

BUDGET PLANNING

DOD believes that presenting a budget item based on historical data would not take into consideration the value of the IR&D effort to be supported; that the Congress would not approve a line item without some detail of the projects to be worked on by the contractors; that the contractors could not realistically predict in advance the content of projects to be performed during the budget year; that if required to submit such data, contractors would hesitate to depart from their planned IR&D programs, and thus would lose their initiative; and that advance information on bid and proposal projects could not possibly be furnished.

We recognize that a line item in DOD's budget covering the IR&D costs to be reimbursed to contractors must necessarily be based on estimates and cannot be supported by a detailed listing of contractors showing the precise amounts to be paid each contractor. However, we believe that the historical data now available showing the total costs to DOD for supporting IR&D programs of major contractors during the past seven years should serve as a realistic base for projecting the line-item estimate for the next budget year. While such back-up support may not be as detailed as the normal support for budget line items, we believe the information would be useful to the Congress inasmuch as it should present an understandable and verifiable basis for the amount proposed. Although we cannot predict that such information would be acceptable to the Congress as support for the budget line item, we believe it may suffice under the circumstances.

DOD also questions the validity of comparing a proposed line-item amount for IR&D with the Defense procurement budget. Although many of the problems and points discussed by DOD in raising this question appear to be valid, it seems to us that DOD is suggesting that we are proposing much more preciseness in justifying an IR&D line item than exists in justifications for other portions of the Defense budget. There obviously is a relationship between IR&D and the procurement budget and all we are suggesting is that the best information available and the best estimates of contractual activity that can be made, using historical and other data, be presented to the Congress for use in its deliberations.

ADVANCE AGREEMENT NEGOTIATIONS

DOD says that because most contractors use the calendar year as their fiscal year, whereas the Government fiscal year begins with July, the special IR&D contractual agreements would have to be negotiated with two 6-month ceilings.

If the special IR&D contractual agreements were to be negotiated on the basis of the contractor's fiscal year (apparently the calendar year for most contractors) DOD's comment would appear to be valid. Under such circumstances, DOD could not enter into a contract covering the contractor's IR&D program for the second half of the calendar year until funds covering that period of time had been appropriated by the Congress. While the special contractual agreements would be similar in many respects to the advance agreements presently negotiated with major contractors, a significant difference would be that they would cover the contractor's IR&D program to be conducted during the Government's, rather than the contractor's, fiscal year. This would preclude the need for two 6-month ceilings.

We believe that the contractors would be able to prepare a proposed program to be implemented during the Government's fiscal year even though their planning in the past may have been on a calendar-year basis. Actually, IR&D programs are generally planned by contractors on a long-range basis—two or more years—and, therefore, the contractors should not have great difficulty in preparing a plan for the Government's fiscal year.

DOD also says that increased administrative effort would be required by the need for after-the-fact negotiation to adjust for changes in the contractor's business mix between DOD and other customers. This comment was prompted by the draft proposal reviewed by DOD which suggested that the proportionate share of a contractor's IR&D program to be paid by DOD be adjusted to conform to the actual ratio of Defense work to all of the contractor's work, in the same manner as presently followed.

In view of the administrative problems involved and to facilitate effective programming by the contractors, we have revised the suggested proposal to provide that once a special IR&D agreement has been negotiated, the contractor will be paid for the work performed using the proportionate share considered in negotiating the agreement. No adjustments of the share would be made if the mix of business changes during the year, but DOD should give consideration to the effects of such a change in negotiating the agreement for the following year.

OTHER ADMINISTRATIVE PROBLEMS

DOD states that there would be problems in budgeting, negotiating ceilings, and segregating costs due to the fact that present procurement contracts would continue to recover IR&D costs in overhead.

There undoubtedly will be problems encountered in converting from the present system to another, but such problems should be eliminated once the conversion is completed. In making the conversion, we believe the problems mentioned by DOD may be minimized through amendments to major contractors' current contracts eliminating amounts equivalent to the IR&D costs to be included in the special agreements. These contractors will probably find it essential to continue to receive substantial funds for IR&D from DOD in order to sustain their technological capability, and should, therefore, be willing to adjust their current contracts in consideration of DOD's guarantee of additional financing.

EFFECT ON COMPETITION

DOD contends that contractors receiving direct payments of IR&D from DOD would have a competitive advantage as they would be able to quote lower prices than companies not having special IR&D agreements; or, conversely, such contractors receiving direct payments of IR&D could obtain duplicate recovery of IR&D.

We recognize that additional safeguards would be needed to preclude competitive advantages in bidding for Defense contracts. However, we believe the problems cited by DOD can be substantially avoided. IR&D costs generally represent a very small portion of a contractor's costs and, therefore, a small portion of his bid price. To the extent that the share of IR&D paid by DOD (which is based on the business mix of the preceding year) is greater than the actual DOD share, the contractor may have a slight competitive advantage. However, the share paid by DOD also could be lower than the actual. In any event, we believe that any competitive advantage would probably be minor.

As stated in our letter, we believe that a system change of the magnitude involved in a line-item control of IR&D should be tested on a trial basis before legislation is proposed requiring its implementation on a broad scale. The extent to which a competitive advantage may be a factor could be one of the elements tested during such trial period.

EFFECT ON TECHNOLOGICAL BASE

In the last paragraph of his letter, the Assistant Secretary states that "IR&D plays an important part in maintaining the technological base of this country and careful consideration is imperative before any revolutionary changes are made that could have a serious adverse impact."

We understand that the basis for this statement is DOD's concern that through the line-item method Congress would gradually impose further controls that would lead to the elimination of the independence of contractors in selecting work projects and eventually cause a drying up of this source of new technology.

We cannot, of course, predict what the Congress may do in the future. It is our view that a budget line-item method as suggested would not affect the contractor's independence in selecting work projects to any greater degree than the advance agreement method required under Section 203 of Public Law 91–441. Under current procedures, the contractor determines the research and development projects he wishes to pursue in his IR&D program. This procedure would not be affected under the suggested line-item method.

VIETNAM NEWS COVERAGE

Mr. HRUSKA. Mr. President, in the few weeks since the Laos operation began, we have been treated to a barrage of commentary, critique, and analyses-in-depth by the press and the networks.

It is safe to say, especially of the eastern media, that the net result of this outpouring has been a great emphasis upon South Vietnam defeats and the portents of doom and ultimate failure of the vital mission.

It is significant to note that a few of the doomsayers are finally conceding that the Cambodian operation of last year did encompass an element of success. Never mind that this concession is noted only as an aside in casting doubt on the likelihood of success in Laos. A small concession from the pundits is better than none at all.

The fact that the concession on the Cambodian operation exists reminds us that even the analysts revise their thinking now and then. For it seems to me that the same onslaught of self-defeatism was disseminated broadly during the Cambodian operation as we are now experiencing in connection with Laos.

It is important for those subjected to this constant defeatist commentary, as we are accustomed to in Washington, to remember there is other comment throughout the country—just as there is a large and informed public—which sees things in a much better perspective.

There are those who believe the Government speaks the truth about such matters. There are those who feel that the networks, either consciously or unconsciously, demonstrate an abysmal lack of objectivity in their commentary. There are those who feel the President is keeping his word to get us out of Vietnam and that operations like Cambodia and Laos are helping to achieve this goal.

Mr. President, in the event some of my colleagues have forgotten these facts, I ask unanimous consent to have printed in the RECORD an editorial on this subject which appeared in the Omaha World-Herald on March 6. It is worthy of note.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SPIRO REVISITED

At one point in his televised press conference Thursday night, President Nixon sounded as if he had been taking cues from Spiro Agnew.

More politely than Agnew would have done it, but still pointedly, Nixon chided the television commentators for trying nightly to make the Laotian operation look like a bum trip.

Like a "drumbeat," the President said, the networks night after night, for three weeks, have emphasized only the discouraging aspects of the operation.

In what we thought was a telling comparison, Nixon pointed out that the same kind of negative news coverage occurred during the Cambodian expedition last spring.

Last year in Cambodia, as now in Laos, a certain amount of news coverage seemed to be weighted noticeably on the gloom-doom side.

The lesson to be drawn from this—and Nixon emphasized it strongly—is that the United States and South Vietnam should not be declared losers until the battle is over and the results are known.

In Cambodia, the operation was successful. The strikes against Communist sanctuaries did disrupt supply centers and staging areas. American troops did get out of Cambodia when the President promised they would. The action did result in a noticeable drop in both the level of the fighting in Vietnam and the American casualty rate.

It is too early to tell whether the operation in Laos will pay off in similar measure. At first the operation looked good, but lately it has not been as encouraging—though the President did brighten the picture considerably in his press conference when he revealed that truck traffic down the Ho Chi Minh Trail had been cut in half. His statement that Gen. Abrams believes the South Vietnamese "can hack it" is also encouraging.

We believe it is wrong to conclude—as Nixon implied the commentators have concluded—that the Laos operation is a failure. It simply is too soon to tell, as it was with the Cambodian venture.

It was interesting to watch the commentary immediately after the press conference, because the TV analysts proved the point the President had made about their attitude.

NBC took pains to point out that the South Vietnamese troops had not gone as far in Laos as the timetable called for. CBS noted dolefully that even if the operation turned out to be successful in messing up the Ho Chi Minh Trail, the Communists can always open a new trail somewhere else. This consideration was used by CBS to derogate the Cambodian incursion of last year as well—Roger Mudd has a long memory.

Thus the defeatism that has characterized too much Vietnam news coverage was continued, highlighted and underlined by the President's pointed remarks.

We never have been among those who complain that the President doesn't hold press conferences often enough. But we are beginning to think he should go on TV more often, for no other reason than to keep the TV record balanced as to what's happening in Southeast Asia.

DEATH OF WHITNEY YOUNG

Mr. MONDALE. Mr. President, with Whitney Young's death, we all lost something of the best within us.

It was the gift for cool reason when voices were raised and violence was in the air.

It was the decency that outlasts hate.

It was the wisdom to nail the phony answers and to reject the destroyers.

It was the fortitude to keep in the small undramatic steps that slowly build until they cascade toward a real revolution of justice.

Most of all, it was the capacity for faith—faith in hard work against great odds, faith in the promise of a free society, however often it may be fortified or doubted.

That is what Whitney Young brought to America.

In the end, of course, the Whitney Youngs are what democracy and human rights are all about.

To those who despair of the system and of hopes for progressive change, Whitney Young's life is a resounding answer. It tells us that there is no evil, no absurdity, no madness which is stronger than a quiet passion for freedom.

I pray that all of us—young and old—will come to know that.

For the kind of America we could have then would be the kind of America Whitney Young was trying to build.

And until we have it, we will owe him an unpaid debt.

DEATH OF IRA KAPENSTEIN

Mr. KENNEDY. Mr. President, all of us who knew him were shocked by the untimely death of Ira Kapenstein, deputy chairman of the Democratic National Committee, 2 weeks ago. Many words of praise were spoken and written about him at that time. But perhaps none of them express the man and his life as well as a column about Ira which Bruce Biossat wrote and which appeared this weekend.

Mr. President, I ask unanimous consent that this column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

HE GOT JUST 35 YEARS

When great qualities mark a quiet man, they often go unspoken. So it was for Ira Kapenstein, deputy chairman of the Democratic Party, who died the other day at 35. In that brief passage, without fanfare, he set foot on the summit.

He bore the stamp of leader, tho cancer struck him from the role of vital "second man" to others.

Secure in his manliness, he could always be gentle, performing kindnesses in profusion, with no claim of authorship. His brilliant, exacting mind led him nonetheless to tough judgments, which were his hallmark. He burned with loyalty, dedication, a sense of justice.

He would want no one to dwell upon his dying. Yet his courage at the end measures him. He worked on, masking his failing strength with a show of normalcy.

"Ira died the way men should live," Sen. Edward Kennedy said.

What so few of us who knew him realized is how long he carried his burden. National Chairman Lawrence O'Brien, his boss, stresses it:

"He had to live for 10 years of his short life with that specter. In all his time with me, he allowed himself only a brief comment and a fleeting smile when he passed the fifth anniversary (supposedly a safety milestone) of his first cancer operation."

Until that moment in 1965, Mr. O'Brien did not know. And Ira's comfort was illusory. In 1969 he underwent surgery again, then last October a third time. By then he knew he was doomed. Few others did.

The story is not his ordeal, but how he lived in its awful shadow. His visible achievements—top political reporter, counsellor to two postmasters general, winner of awards for excellence in government, friend and helper to Mr. O'Brien the respected political leader—are well recorded. The value of Ira's life goes deeper.

Perhaps, knowing his own harsh secret, he had no room for anything not real. You spoke always to the only, the true Ira Kapenstein. That made him a rock, a friend to far more people than he grasped. Says one of many:

"Whether you knew him 10 years or 10 minutes, he could help you. He got to the heart of everything."

Another friend tells of the compassion which molded these skills:

"He was just a good man—so obviously good that everyone recognized it. If he had been rabbi or social worker, this would have been no surprise. But he managed to stay that way and still be effective in the rough world of politics."

Many remark this unique blend. As gentle as anyone who ever decried inhumanities in "the system," he yet chose to work for change within the establishment's walls.

For a decade, leaders sought the young man's wisdom. The late Robert Kennedy asked him to join John Kennedy's 1960 campaign. Even as he was faltering, Ira heard a new figure call for his services above all. The lad who was raised in a small Bronx apartment over a Chinese restaurant had come far and, luckily for him, fast.

As at work, so at home he battled for normalcy with his characteristic grace and balance in the face of peril. Fortune gave him a proud hour two weeks before his death, when his eldest son, Joel, 13, had his bar mitzvah with mother and two younger brothers looking on. A hundred friends heard the boy speak eloquently of poverty, hunger and peace. Ira beamed, and told of the family warmth he felt.

He had another high moment when, only days later, major Democratic Party reforms he helped to shape won final sanction. Then danger crept closer. Once in 1969, when Mr. O'Brien spoke of his own future at 50, Ira Kapenstein said softly: "I'd settle for 50." He got just 35 years, but their richness and quality are what living is all about.

AMERICAN TRIAL LAWYERS SPONSOR COMPETITION ON THE ENVIRONMENT

Mr. NELSON. Mr. President, this year the environmental law section celebrates the 25th anniversary of its parent American Trial Lawyers Association by sponsoring moot court or legal essay competitions on environmental subjects at various law schools throughout the country.

A $100 prize is being offered by the ATLA to the winning law student or team of students at each school whose brief will be judged soon after the April 15 deadline.

Over 70 law schools are participating, and judges will be representative of a select number of men knowledgeable in the environmental law field.

This prestigous association is to be commended for stimulating this worthwhile competition in today's most critical problem area—the preservation of our environment.

Today when we hear so much of the problem of student unrest, we ought to know about the worthwhile concern American students will be showing for helping to stem this tidal wave of pollution engulfing us.

My colleagues may be interested in the 70 colleges and universities participating in this event. They are: Cumberland School of Law, Samford University; University of Alabama School of Law; Arizona State University College of Law; the University of Arizona; University of Santa Clara; University of San Diego School of Law; University of California, at Los Angeles, School of Law; University of California, Berkeley, Law School; California Western Law School; University of California Hastings College of Law; Loyola University School of Law; University of California at Davis, School of Law; University of Connecticut School of Law; Catholic University School of Law; Florida State University; University of Idaho College of Law; Indiana University School of Law; Chicago-Kent College of Law; Drake University Law School; Tulane University School of Law; Southern University Law School; Harvard Law School; Wayne State University School of Law; University of Minnesota Law School; University of Mississippi School of Law; University of Missouri, Kansas City; Saint Louis University School of Law; University of Missouri, Columbia; Cornell Law School; University of North Carolina at Chapel Hill, School of Law; University of Oklahoma School of Law; Cleveland Marshall College of Law; University of Akron School of Law; University of Toledo College of Law; Willamette University College of Law; Dickenson School of Law; University of Texas at Austin School of Law; Southern Methodist University School of Law; Baylor University School of Law; Texas Tech University; Washington and Lee University School of Law; University of Washington School of Law; Gonzaga University School of Law; University of Utah, School of Law; University of Pennsylvania School of Law; Boston University School of Law; University of Oregon School of Law; Ohio Northern University; University of Wyoming College of Law; University of New Mexico School of Law; University of San Francisco School of Law; Boston College Law School; University of Puerto Rico School of Law; St. John's University School of Law; Lewis and Clark College, Northwestern School of Law; Indiana University-Purdue University Indianapolis; Wake Forest University; George Washington University; University of Florida; Seton Hall University Law School; University of South Dakota Law School; University of Louisville Law School; University of North Dakota; Notre Dame Law School; University of Baltimore; University of Miami; University of Montana School of Law; Emory University School of Law.

MRS. PAULINE BROOKS CELEBRATES 102D BIRTHDAY

Mr. MATHIAS. Mr. President, I cannot recall when I had a more interesting experience than I did on last Sunday, March 9. On that day, I went to the home of Mr. and Mrs. Charles C. Smith, the Jefferson View Farm in the beautiful rolling countryside of Frederick County, Md. There I joined many Maryland citizens who had gathered to show their admiration and respect for Mrs. Pauline Brooks and to help her celebrate her 102d birthday in the home in which she was born and raised. A sprightly and articulate woman, with a persistent twinkle in her eye, Mrs. Brooks was born on March 9, 1869, the daughter of a former slave. She spent her first 16 years at what is now the Smith farm, but had belonged to Col. and Mrs. Thomas Johnson at the time Mrs. Brooks lived there as a child.

Mrs. Brooks has since lived in New Market, Frederick, and Brunswick, Md. She has had a total of 12 children, five of whom are still living. A number of them, with their children and grandchildren, were among the many guests paying tribute to Mrs. Brooks. This was the first time she had returned to the home in which she was born and grew up. Her birthday party was sponsored by the Smith family, the Brunswick 4-H Club, and the Brunswick Senior Citizens, of which Mrs. Brooks is a member. It symbolizes the spirit of community and friendship that is so characteristic of the people of Frederick County and all of Maryland. Mrs. Brooks herself, with her indomitable energy, her sense of humor, and her boundless humanity, also represents what is best in Maryland.

Mr. President, I ask unanimous consent that an article published in the Post, Frederick, Md., of Monday, March 8, 1971, and an article published in the Morning Herald, Hagerstown, Md., of Monday, March 8, 1971, on the subject of Mrs. Brooks' birthday be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Frederick (Md.) Post. Mar. 8, 1971]

102-YEAR-OLD WOMAN RETURNS TO PLACE OF BIRTH FOR PARTY

(By Katharine Van Holten)

Spry and active at 102 years, Mrs. Pauline Brooks returned to her birthplace, the farm of Mr. and Mrs. Charles C. Smith in Jefferson, to receive relatives and friends, at a party Sunday given in honor of her birthday.

Mrs. Brooks greeted the guests in the Smith's rec room, which she knew as the parlor when she lived there with the Colonel William Johnson family.

Mrs. Sherman Berry, assistant pastor of the Brunswick Pentecostal Church of which Mrs. Brooks is a member, cut and served the two layer, 16-inch square birthday cake a gift of the Mayor and Council of Brunswick. A buffet luncheon was served.

Hostesses assisting Mrs. Smith were the officers of the Brunswick 4-H Club; Roxanne Dixon, Patty Piper, Norman Piper, Patricia Hoffmaster, Vicky Pry and Linda Moss. Also acting as hostesses were Mrs. Merele Huffer and Mrs. Evelyn Summers, sisters of Mr. Smith and who were also born on this farm; and Mrs. Dwight Smith and Mrs. Linwood Moss.

Along with many cards and notes from personal friends, Mrs. Brooks received birthday greetings from President Richard M. Nixon, Senator Charles Mathias, and Governor Marvin Mandel. Rep. Goodloe Byron stopped by to extend his best wishes.

Mrs. Brooks was born on March 9, 1869, the daughter of a former slave of the Johnson family and his wife. His mother named her Mary, but the Johnson family renamed her Pauline Bonapart for friends of theirs. She never liked the name Bonapart and dropped it when she grew older.

Family history tells that her grandmother was given as a birthday present to Miss Catherine Johnson. Her mother had not been a slave, did not like living on the farm and left to go to Washington, D.C. when her daughter was 10 years old. This was the last time she ever saw her mother.

She remembers the Johnson's having two daughters and several sons. The Johnson girls liked her, washed and dressed her and let her sleep in their bedroom. The "old folks" (Colonel and Mrs. Johnson) would go to bed early and the girls would let her stay up. When they kept company in the parlor, they would put her in a corner where she would play with her dolls and doll bed. She said, "I never bothered them and they never bothered me."

She also told that the girls were never allowed to whip her. She only remembers one whipping—by her father. She says that to this day she doesn't like switches, but she did have to spank her own children.

Mrs. Brooks stayed on the farm until she was 16, when she was old enough to work. She would come back to the farm sometimes to wash for Col. Johnson, but never stayed after she was 16. Her first visit to her birthplace since she was a young woman was on February 17, 1971, when she paid a visit to the Smiths and helped plan for the party.

As a young girl on the Johnson farm, she was taught to milk and to skim milk. She took the milk and cream to the spring house. She also churned butter. Miss Catherine Johnson taught her to sew. She made most of her children's clothes and even at the age of 102, she still makes her own clothes by hand.

While she was on the farm she said that she attended church with the Johnson family. They put her in the balcony while they worshipped in the main part of the church. She also told that whenever they went to Jefferson in the buggy, they would call her to go along.

The church the Johnson family attended may have been the Methodist Protestant. This building is now the Jefferson Post Office and for many years it was a garage. The graveyard, where William Johnson was buried, was in back of this place.

From Jefferson, she went to New Market and Frederick and moved to Brunswick while it was still called Berlin, where she now lives on West J. Street. At the time she moved there the town had one church, one school and one railroad station.

This must have been about 1889, since she recalls that she was 20 when she came there. In Brunswick, she worked for Dr. Leven West, Dr. A. Horine and William Gross Sr.

Mrs. Brooks was twice married and at the time of her second marriage, Dr. West gave a reception for her. She was working as a maid for him at the time.

She had a great affection for Dr. A. Horine, too. At the time of his death in March 1956, though she had been long retired she insisted on returning to his home to prepare the funeral dinner. She had fixed the dinner when he was married and felt that she wanted to do this for the family.

Of her 12 children, five are living. One son is a Bishop of the Pentecostal Church: Bishop George Brooks, New Haven, Conn. Her other children are Mrs. Marie Spriggs, Petersville; Frank Brooks and Jack Brooks of

Brunswick; and Clyde Brooks of Washington, D.C.

During her February visit to the Smith home, Mrs. Smith took Mrs. Brooks on a tour of the house so that she might get a look at her former home. Mrs. Smith also asked her what the farm was like as she remembered it. She said that "Mr. William" did the farming. She helped "Mr. Tom" in the garden and that he took care of the grape vines and fruit trees.

An old orchard was on the farm when it was purchased by Homer Smith in 1932. He is the father of Charles C. Smith, the present owner. Records of an inventory of this farm, dated Sept. 23, 1786, lists two log houses, 100 young apple trees, 30 cherry trees and 2000 old fence rails.

[From the Hagerstown (Md.) Morning Herald, Mar. 8, 1971]

DAUGHTER OF SLAVE RETURNS "HOME" ON 102D BIRTHDAY

JEFFERSON.—A Brunswick woman celebrated her 102d birthday Sunday by returning to the Jefferson farm where she was born and where her father was a slave.

Hundreds of friends and relatives crowded the old farm house, now the home of Mr. and Mrs. Charles C. Smith, to say "Happy birthday" to Mrs. Mary Pauline Brooks.

Although Mrs. Brooks lives only eight miles from the farm, this was the first time she's returned to her birthplace since she left it at age 16.

Sponsoring the open house Sunday were the Smiths, the Brunswick Senior Citizens—of which Mrs. Brooks is a member—and the Brunswick 4-H Club.

Mrs. Brooks' father was a slave of Col. Thomas Johnson, who owned the farm now owned by the Smiths.

Her mother was a free woman who didn't like living on the farm. When Mrs. Brooks was 10 years old, her mother went to Washington and never returned.

Col. Johnson, the man who owned Mrs. Brooks' father, served several times in Congress, was a candidate for Maryland governor and once came close to being nominated as U.S. vice president. He is buried at Jefferson.

Johnson was the last of his family, and when he died the old farm became the property of ancestors of the Smiths.

Mrs. Brooks recalls working in the farm's garden, tending grape vines and fruit trees, churning butter, milking cows and learning how to sew from Johnson's wife.

After leaving the farm at 16, Mrs. Brooks moved to New Market, then to Frederick, and finally to Brunswick.

She was married twice and had a dozen children. Five still live, and they and their children and children's children were among visitors Sunday at the farm.

Mrs. Brooks does her own housekeeping and cooking at home in Brunswick and sews her own clothes.

ECONOMISTS VOICE NEW SST OPPOSITION

Mr. PERCY. Mr. President, yesterday I released a new compendium of commentaries by eleven leading economists, commenting specifically on the March 1 testimony of Mr. William M. Magruder, Department of Transportation before the House Appropriations Subcommittee on Transportation. Ten economists continue to oppose the SST, and one favors delaying commercial production as long as is feasible. Of the original 16 economists who prepared statements last September, two were not in the country, and three were unable to prepare updated statements, although they continue to oppose Federal funding and development of the SST.

The statements released Monday are cogent, compelling, and serious analyses of the latest claims, forecasts and warnings by the Department of Transportation, as expressed in Mr. Magruder's March 1 testimony.

On the employment question, Milton Friedman, leading monetarist economist said of Mr. Magruder's arguments:

> The so-called employment effects involve a fallacy of composition. The funds spent on the SST will have to come from somewhere. Extra employment on the SST will be offset by smaller employment elsewhere. Our objective should not be jobs but productive jobs and that objective is best achieved by the test of the market not by the government subsidization of leaf-raking jobs— and if the SST is not commercially viable then jobs in producing it are the economic equivalent of leaf-raking.

Who benefits from the SST? Walter W. Heller, former chairman of the Council of Economic Advisers, who first advised against Federal funding of the SST under the Kennedy administration, stated last week:

> The benefits will go mostly to high-income and business travelers for whom "time is money"—for whom a 3-hour instead of a 6-hour ocean crossing is meaningful—while the risks and costs will be borne by taxpayers generally (most of whom will never fly an SST).

What are the costs of the SST? Prof. Kenneth J. Arrow, Harvard University, concluded that Mr. Magruder's testimony was riddled with irrelevancies and omissions. Of the omissions, he remarked:

> The most conspicuous is an almost complete failure to discuss costs—either for development or for production. But the whole competitive possibility for the SST rests on these costs.

If Congress denies SST funding, will the Concorde overwhelm the supersonic transport market? Richard R. Nelson, professor of economics at Yale University thinks not:

> If Congress should deny funds for the SST, I believe the Concorde would fail economically because it would look so inefficient, uncomfortable, and expensive when compared with the 747. . . . There is no reason why the U.S. should help the continental powers bail themselves out for their own errors.

Is the funding of the SST essential to maintenance of our national prestige? Not so, says Wassily Leontief, professor of economics, Harvard, an expert on the structure of the American economy.

> Maintenance of national prestige? Soviet competition? Since when has a Russian example of erroneous decisionmaking on economic matters become a valid argument to use against sound American business judgment?

And the balance-of-payments argument supporting the SST? Professor Friedman concludes:

> The balance-of-payments arguments is simple-minded protectionism. Believers in free trade oppose subsidization of exports whether aircraft or other exports as well as the taxation on imports.

Professor Arrow notes that:

> The Annual Report of the Council of Economic Advisers makes no mention of the SST as a major instrument in meeting its problems. As a former staff member of the Council I do know that in the middle sixties the Council never found the SST to be an interesting instrument of either domestic or foreign economic policy and remained thoroughly opposed to it.

Will foreign competition force the SST to become an export subsidy? William M. Capron, Harvard University, and assistant budget secretary under President Johnson, warns that:

> In order to make the U.S. SST viable we may be forced to price it way below cost. Either we won't sell SST's or we will sell them with a huge subsidy from the taxpayer.

Why not let the free market system test the viability of the SST? Arthur M. Okun, former Chairman of the Council of Economic Adivsers, remarked:

> By standards of the private financial marketplace, SST is a big project, but not an indigestible one. I frankly do not know whether the companies involved in SST development have made a serious effort to obtain private financing. If they have not, the Congress should send them out to do so. If they have, and have failed, then they must not have been able to demonstrate to the investment bankers of this nation that SST is going to be technically and commercially sound and that it is going to meet essential environmental standards. In the latter event, the verdict of the investment community should be decisive.

Okun added:

> Try as I may, I can't find a reason and I submit there is no reason to justify overruling the verdict of the marketplace.

Do we need SST prototypes? Nobel Prize winning economist Paul Samuelson thinks not:

> Existing military planes can be utilized to add to our knowledge about the environmental effects; and if the foregoing models are as viable as SST defenders allege, science can learn much more from them.

Samuelson adds:

> The case for deciding to go ahead with a few prototypes only, reserving further judgments until after we have learned more about performance and environmental effects, is a weak one.

What decision is before the 92d Congress? Arthur Okun concludes:

> The U.S. Congress has to make many tremendously difficult decisions. SST is not one of these decisions. The only difficult decisions now is how to disengage the federal government's involvement as rapidly and as efficiently as possible.

Mr. President, I ask unanimous consent to have printed in the RECORD the list of economists who have prepared these timely and compelling commentaries, together with their complete statements, from which I extracted a few excerpts.

There being no objection, the list and statements were ordered to be printed in the RECORD, as follows:

WHY ECONOMISTS OPPOSE THE SST

BALANCE OF PAYMENTS, FREE MARKET SYSTEM, EMPLOYMENT, PRODUCTIVITY, AND PRIORITIES

(Eleven expert economists have responded to an invitation to comment on the economics of the proposed SST, and the testimony presented by Mr. William M. Magruder, Director, Supersonic Transport Development, Department of Transportation, before the House Appropriations Subcommittee on Transportation, United States House of Representatives, March 1, 1971)

KENNETH J. ARROW, PROFESSOR OF ECONOMICS, HARVARD UNIVERSITY (LEADING ECONOMIC THEORIST, EXPERT ON TECHNOLOGY AND PUBLIC INVESTMENT)

Mr. Magruder's statement deserves careful scrutiny as what I take to be the definitive statement of the case for the supersonic transport. As an economist, I limit my portion of this scrutiny to the economic arguments. In this context, I must say that the most marked characteristics of Mr. Magruder's testimony are (1) its frequent irrelevancies, and (2) its equally frequent omissions.

The Congress is being asked to authorize a development program with expenditure stated to be $1.3 billion but in fact open-ended in magnitude. The two key arguments for this considerable sum are in improvement in the balance of payments and the provision of employment in the aircraft industry. Let me state flatly that both of these arguments are essentially irrelevant, and this without regard to the details of potential sales of SST's abroad and the like.

Employment

Both employment and balance of payments are characteristically general problems of the economy, and it is only reasonable that they should be met by general measures. In fact, both are met in good part by the automatic workings of the economy. To the extent that they are not, there is no warrant for putting the burden of adjustment on any one part of the economy, and, indeed, every reason for broad policies of fiscal and monetary regulation to be used. To the extent, for example, that the aircraft industry is built up, we are simply creating for ourselves a subsequent problem of adjustment. If we overcome some employment or balance-of-payments problems by subsidizing SST development, what happens when the SST demand is fulfilled? Will there not be another demand for something to keep this industry occupied and happy? Indeed, that is precisely the burden of the discussion on pages 43–47. Because there is less need for increased civilian transport aircraft and less social priority on the space program, we are being asked to create a special work relief program for the aircraft industry. But a sharp separation should be maintained between the effects of shifting demand, which are an inevitable result of progress and change, and the effects of overall unemployment, which must be met by general policy. There are a lot of unemployed and the aircraft industry is merely part of the story; the aim of the present administration, as set forth in the recent President's Economic Report, is primarily to reduce the level of unemployment overall, *not* to keep up particular industries.

No doubt people can be employed by spending money on the aircraft industry; they can be employed in equal numbers by spending the same money in other ways or, indeed, by cutting taxes and letting the consumer spend money in his own way.

The employment argument has thus no validity in terms of directing the resources into the aircraft industry rather than elsewhere. The balance of payments argument is similarly inappropriate. In fact, in some respects there is even less to be said for it, for at the present time the balance of payments is not a serious problem for the United States (Annual Report of the Council of Economic Advisers, 1971, chapter V). Since the dollar is the world's reserve currency for international payments, our deficits merely amount to increasing the dollar reserves in the hands of foreign countries, reserves which, currently at least, they welcome as additions to their international liquidity. There is of course no virtue in a balance of payments surplus, any more than in overful employment. There would be some danger in a deficit so large that our reserves of gold and special drawing rights were being drained, as did seem to occur during the middle sixties. But such is not the case nor do we have any reason to believe it will be the case in the future.

That the above argument is not only correct but in fact fully accepted by the present administration is shown by the fact that current economic policy is virtually uninfluenced by balance of payments arguments. There are only the mildest restrictions on capital outflow and in arguments about fiscal and monetary policy, the effects on the balance of payments play no significant role. There is thus no reason for engaging in the SST program to overcome a currently nonexistent problem. In fact, the results could easily be adverse. This program is no short-run affair; its results will accrue from now to 1990 at least. During that period it is easily possible and indeed probable that at some time our problems will be the opposite of those envisaged by Mr. Magruder. We may have a full employment situation and the addition of SST demand could make for a still stronger inflation; or, because of inflation abroad, we might be running an undesirable surplus on the balance of payments. To make a long-run commitment to solve what are at best short-run problems is truly foolish.

Balance of payments

I notice in this regard that the agencies of the government who are properly charged with responsibility for the problems of employment and balance of payments, in particular, the President's Council of Economic Advisers, do not seem to have desired to be represented in the hearings on the SST. The Annual Report of the Council makes no mention of the SST as a major instrument in meeting its problems. As a former staff member of the Council, I do know that in the middle sixties, the Council never found the SST to be an interesting instrument of either domestic or foreign economic policy and remained thoroughly opposed to it.

Mr. Magruder quotes a British aircraft official as urging the importance of aerospace technology for the British economy. This suggests a rather unpleasant implication of the balance-of-payments argument for the SST. If the argument were correct, our advantage in the SST would be a disadvantage of equal magnitude for our allies, Great Britain and France. Since their reserve situation is far more serious than ours, it would follow, if the FAA analysis were indeed superior to that of professional economists or of the Council of Economic Advisers, that the healthy and sound economy promised to us would be at their expense.

But of course, as I have been arguing, the whole view that we benefit from improved balance of payments and lose in the contrary case is a long-exploded fallacy. Foreign trade is a mutually beneficial transaction. If the British and French find it worthwhile to buy SST's from us, they will intend to pay for them with increased exports or with reductions in other imports. It is obvious, in any case, that their narrow reserves would not permit them to do otherwise even if they were so foolish as to try.

This argument, that increased SST sales abroad would inevitably be offset by compensating reductions in other sales, was pointed out strongly by the Institute for Defense Analyses in its study for the Federal Aviation Administration, but the latter has since then consistently evaded the point. It is obliquely recognized by Mr. Magruder at one point. "The balance of payments problem is amazingly complex. It is virtually impossible to accurately relate one account like aircraft exports to the total balance of payments." But after this disarming and accurate statement, he proceeds to develop in detail a series of foreign sales projections as though he had not just admitted that the whole exercise is beside the point.

Family of aircraft

The details of the argument, by the way, are also intriguing, though as I have said they really don't matter. The initial estimates of a 17-billion dollar balance-of-payments swing are built up ingeniously into a total of more than 50 billions. One point made is that of the "family of aircraft;" the airlines buyer apparently prefers to buy several airplanes from the same manufacturer. But the argument is then applied to the "family" composed of the Concorde, the A–300, and the Mercure—do these constitute a family in any appreciable sense? Mr. Magruder does not go so far as to claim that the SST will improve the sales of other Boeing planes or of DC–8's. In fact, according to his charts, the A–300 will invade the domestic market if there is no SST but not otherwise; the connection between these two noncompetitive items is quite elusive, I would say. Another similar question arises in my mind about the effect of a possible Concorde II. He argues that if this occurs, we would import still more of the Concordes in the absence of an SST, but completely omits to note that such a development would probably seriously curtail any exports of SST's. Finally, the effect of inflation is then introduced illegitimately. Clearly, balance of payments effects would be computed in constant dollars; otherwise we have simply a rubber standard. If indeed there is inflation here but none abroad, then the chances of selling these SST's would grow dimmer.

However, detailed critique of the projected sales is really beside the point. The fundamental observations to be made about the balance of payments argument are to sum up, the following: (1) the balance of payments is not currently a significant economic problem for the United States and may not be in the future; (2) if it were a problem, it should be handled by general fiscal and monetary tools, not by expansion of one industry at the possible complication of increased re-adjustment problems in the future; (3) short-run problems should not in any case be handled by long-run solutions; the problem may simply be turned into its opposite at some future time.

Thus, the balance of payments argument, like the employment argument, must be judged irrelevant to decision to develop the SST. There are a few additional, less important, points where arguments are advanced which, upon reflection, are seen to have no bearing on the decision. Some examples follow. (1) To refute the argument that the SST will benefit only a very small segment of the United States population, it is noted that, by 1985, 10 percent of the population will travel by air internationally; but there is no indication that the bulk of this group will prefer an expensive SST to charter. flights. Indeed, the projections of SST usage made by the FAA presupposes that only those whose time is valuable enough will pay the surcharge. (2) It is noted that the SST will be used only on the more profitable long-haul and international routs. One is almost tempted to believe that the sonic boom restrictions on overland travel have somehow made the case for the SST stronger. The greater profitability of international operations, if it is true, must necessarily reflect a cartelized rate structure, which is, in itself, objectionable. (3) It is pointed out that airline fares have declined relative to other prices since 1947. No argument is in fact advanced that the SST will in any way contribute to the maintenance of this situation. (4) Because the SST has higher usage (more hours of flying time per year), it is held that it will decrease fleet sizes and airport congestion. But fleet sizes are not in themselves of any interest; it is capital tied up in air fleets that should be economized on. As for congestion, that is related to the number of landings and the number of airplanes in the air at any moment of time, not to the total number of airplanes. Since the SST will be in the air more, the decrease in numbers will be offset by the increased utilization. Indeed, this must be so; since the capacity of the SST is not larger than its subsonic rivals, we must have the same number of airplanes landing and in the air by either supersonic or subsonic airplanes. Only increasing the capacity per airplane can decrease congestion.

At the beginning of these remarks, I stated that in addition to irrelevancies, Mr. Magruder's testimony was also marked by omissions. The most conspicuous is an almost complete failure to discuss costs—either for development or for production. But the whole competitive possibility for the SST rests on these costs. The Congress is being asked to commit money for this year on the basis of a program alleged to cost the Government about 1.3 billion dollars. But development costs are by their very nature uncertain; the process of development means seeking solutions to hitherto unsolved problems. Military aeronautical and missile development, with which we have had a good deal of experience, has not been exactly encouraging in this regard. A fifty percent overrun has been more common than not. According to one newspaper account the Government will be committed to pay 75 percent of overrun costs on development; this provision suggests that the possibility of additional costs is not excluded. I would be more impressed with the reliability of the Government's obligation with regard to development costs if the aircraft companies and/or the airlines were to agree firmly to assume all additional development costs.

Further, there is no experience with production of the SST, which after all involves a radical change in fuselage technology. What evidence is there that production costs can be predicted with reasonable accuracy? Even if, in the long run, costs are as predicted, one would expect an initial period in which many production errors are made and the manufacturer is learning how best to handle the new materials. With at most 500 SST's to be produced, these learning costs will be spread over relatively few planes and therefore might add significantly to the unit costs.

But if costs turn out significantly higher than planned, the surcharge will have to be correspondingly higher. The usage of the SST's will be lower, and the demand for planes less than that predicted. It is to be feared that at that stage either the airlines will raise subsonic fares to keep up the demand for supersonic travel, or the manufacturer will put pressure on the Government to forgive its royalties, to keep the sales price of the plane down. The argument will be raised that if some such relief is not provided, the whole investment already made by the Government will be completely wasted in that no SST at all will emerge.

The failure to mention costs makes many of the statements in the testimony valueless. Thus, it is noted that the Concorde will earn a higher profit (at equal load factor) than the DC–10; but this is a profit per plane, whereas the only economically significant figure is profit per dollar invested. It is of little interest to know that the Concorde or the SST will earn twice as much per plane if in fact each plane costs four times as much. A similar comparison is made later; the SST is alleged to be three times as "productive" (measured in number of seats per airplane multiplied by speed) as the Concorde; or again that the SST earns 2½ times as many dollars per installed seat as the 747. But again these comparisons are of no intrinsic interest without a figure for the cost of the airplane.

There are some other rather curious omissions. (1) According to recent newspaper accounts, the BOAC does not consider that the Concorde is economically viable. No direct comment on this relevant piece of information is made, though there are indirect remarks about the satisfactory progress of the Concorde program. Clearly, if the story is true, it is hardly a good predictor for United States' success. (2) Again according to many newspaper accounts, the much-stressed confidence that sideline noise can be adequately controlled has been purchased at the cost of range or payload. There is no evidence that the profitability calculations presented to the subcommittee have reflected this change. (3) There have been assurances that if, on completion of the prototypes, it is found that the SST is either environmentally or economically unsuitable, the program will be terminated. If this review is genuine, there is a significant probability that the entire development program will prove to be wasted. To say the least, the Congress should be fully informed about this possibility. (4) In comparisons of the SST with alternatives, there is virtually no mention of the developing airbus, though detailed comparisons are made with presently existing planes. Since the airbus will surely be part of the competitive environment, its omission seems rather disturbing.

I have tried to show that the arguments advanced on behalf of the SST program are basically irrelevant and that there are many omissions which vitiate even those arguments. The SST is a proposal for the Government to invest, at considerable risk, in a project of dubious profitability whose benefits accrue to a very narrow high-income segment of our society while its side-effects either are adverse to the population at large or are controllable at the cost of making the program still less viable economically. I respectfully urge the Congress to vote down appropriations for further research.

WILLIAM M. CAPRON, ASSOCIATE DEAN JOHN F. KENNEDY SCHOOL OF GOVERNMENT, HARVARD UNIVERSITY (ASST. BUDGET SECRETARY UNDER LBJ)

Concorde

Mr. Magruder makes several statements in his testimony which I find puzzling. The first is his assertion that the Concorde, an expensive and inefficient plane, will be popular. One must at least question the assumption that the airlines will purchase anything like 200 Concordes and that even a load factor of 55% will be obtained if passengers are asked to pay a premium fare. Passengers will be comparing a somewhat faster flight in a Concorde—assuming it really does "fly"—with the choice of flying in the more comfortable and spacious jumbo jet. Furthermore, unless they sell many more than 200, I don't see how the British and French can expect to reap a profit.

Family of aircraft

I find Mr. Magruder's section on the "family of aircraft" extremely puzzling. In this country we do not have one government-dominated air production company. We have Boeing, Lockheed, and MacDonnell-Douglas, each of which is as different from the other as the aircraft industries of Britain, France and the U. S. are from each other. The major airlines buy from all these companies. In brief, I am not persuaded that the "family" concept in this context has any relation to the actual decision which airline executives will make.

Export subsidy

On page 20, Mr. Magruder refers to all the things foreign countries (Britain, France, and Russia) can do to pressure nations to buy their planes. Should foreign aircraft producers use these devices, the United States will be forced to match the "attractive" terms made available by such foreign producers or lose sales. In order to make the U. S. SST viable we may be forced to price it way below cost. Either we won't sell SST's or we will sell them with a huge subsidy from the taxpayer.

Balance of payments

Mr. Magruder is inconsistent in his balance of payments argument when he dismisses increased tourist expenditures. If we sell 500 aircraft, we must assume above-trend growth in overseas travel, largely by Americans, and there must be an increase in tourist expenditures. Furthermore his dismissal of the increased tourist expenditures argument assumes that there will be no subsonic jets such as the 747. One must ask the question whether this is the industry we ought to bankroll in order to improve our balance of payments position. Why the aircraft industry and not the computer industry which is likely to find tremendous competition from the Japanese within the next decade?

I find that Mr. Magruder's employment arguments are specious, as the number of employees involved in the prototype program is minimal. It is understandable that proponents of the SST should take maximum advantage of the present plight of the aerospace industry. No matter how the decision comes out at this time, however, the employment effects one way or another will certainly be swamped by other decisions currently being made by the Congress in the space and defense area.

Employment

On page 48 of his testimony, Mr. Magruder discusses the tax revenue that will accrue from SST employment. This argument is specious because it assumes that these people will not be working at all unless they are working on the SST.

It seems that Mr. Magruder's rate of return is based on obsolete figures. A proper evaluation requires using figures based on the new engine changes which include the lower range, lower payload, and higher construction costs.

MILTON FRIEDMAN, PROFESSOR OF ECONOMICS, UNIVERSITY OF CHICAGO (NATION'S LEADING MONETARIST ECONOMIST)

Subsidy

The crucial issue, in my mind, is not whether the SST should be built, but whether the government should subsidize it. Most of Mr. Magruder's evidence on the commercial value of the Concorde as well as on the families of airlines and productivity is relevant to the probable commercial value of a U.S. SST, but not to whether the U.S. government should subsidize it. If his evidence is correct a U.S. SST will in fact be feasible as a strictly commercial venture and that should be judged by the airline companies and not by the Congress.

Balance of payments

The balance of payments arguments is simple-minded protectionism. Believers in free trade oppose subsidization of exports whether aircraft or other exports, as well as the taxation on imports.

Employment

Similarly, the so-called employment effects involve a fallacy of composition. The funds spent on the SST will have to come from somewhere. Extra employment on the SST will be offset by smaller employment elsewhere. Our objective should not be jobs but productive jobs and that objective is best achieved by the test of the market not by government subsidization of leaf-raking jobs—and if the SST is not commercially viable then jobs in producing it are the economic equivalent of leaf-raking.

Aside from specific points, I find it disgraceful that knowledgeable government officials should use arguments—such as the Balance of Payments argument, the job arguments, and the claim of additional taxes from job—that are demonstrable fallacies and have been so demonstrated. The economic selections of Mr. Magruder's testimony are special pleading of the most blatant kind. They display a willingness to drag in any argument however disreputable, so long as it appears to support a pre-ordained conclusion. This is propaganda, not the honest and reasonable presentation of relevant evidence and argument that the public is entitled to from the servants it hires.

WALTER W. HELLER, PROFESSOR OF ECONOMICS, UNIVERSITY OF MINNESOTA (FORMER CHAIRMAN OF COUNCIL OF ECONOMIC ADVISERS)

From William Magruder's testimony of March 1 before the House Subcommittee on Transportation, one might gather that the SST is going to be an economic dream—a golden investment for the U.S. Government, a bonanza for the U.S. balance of payments, a panacea for the unemployment problem in the aerospace industries, and a boon to tens of millions of air travelers. In saying this, I don't think I am overstating the economic hyperbole implicit in his 55-page statement and 27 charts.

A point-by-point rebuttal would go beyond my resources and your time, but I hope you will consider the following counterpoints in arriving at a position on the SST:

1. If the SST is such a profitable undertaking, why does the U.S. Government, i.e., the taxpayer, have to put up 80–90% of the development costs?

Subsidy

As of March 30, the U.S. Government has put up $864 million, or 86% of the $1009 million total thus far invested in this program.

If private industry can't even take it from *here*—even after the Government has cut private risks drastically by putting in *half* of the total $1.7 billion required to develop the SST prototypes—one can only conclude that the SST dismally fails the fundamental test of the marketplace.

2. If there were great benefits to the public, one could perhaps justify the Government's big economic risk and its huge subsidy (which would not be regained until 300 SST's had been sold, and even then, the Government's interest costs would not be covered). On the contrary, the plan would inflict serious costs on the public through sonic booms, sideline and take-off noise, and possible environmental disturbance. Obviously, the cost-benefit analysis on which the proponents of the SST base their case is highly questionable and incomplete:

Costs versus benefits

On the cost side, it not only leaves out the interest costs to the Government and the intangible costs inflicted on the public, but makes no allowance for the inflation and overruns that always bedevil projects of this kind.

It fails to take into account who gets the benefits and who bears the costs and economic risks. The benefits will go mostly to high-income and business travelers for whom "time is money"—for whom a 3-hour instead of a 6-hour ocean crossing is meaningful—while the risks and costs will be borne by taxpayers generally (most of whom will never fly an SST).

To reduce take-off noise and sonic boom to tolerable levels requires (a) restriction to over-water routes and (b) a reduction in power and thrust. These factors sharply limit the payloads and payoffs on the SST. The higher costs and lower revenues make even more remote any chance that the taxpayer will get his money back.

On the benefit side, even that three hours saved crossing the ocean is not one-half, but perhaps one-third or one-quarter of the total portal-to-portal travel time (or even less if one is not starting out from an ocean gateway city).

3. With respect to the job-creating impact of further SST work, there are two things to be said:

On strictly economic grounds, the SST is an enormously costly way to create jobs. Except by attaching some dubious and unproved multipliers to the limited direct employment on the SST, one can't begin to match the job-creating power of a public service jobs program, or a housing program, or even a carefully selected program of consumer stimulus that could be mounted with the same funds that are involved in the SST program. These alternatives would:

Employment

Devote a much higher proportion of their dollars to jobs, to wage and salary payments, relative to investment in sophisticated hardware, machinery, and equipment;

Create jobs for those who are most severely hit as victims in the war against inflation (the black, the poor, the hard-core unemployed).

The SST approach to job creation seems to say that no matter how questionable the priority of this project, let's push ahead with it because it preserves jobs in areas where aerospace unemployment is high. That's a little like saying that, as Viet Nam winds down, we should start another war to restore employment in the defense industries and the Pentagon.

4. Much of the balance-of-payments reasoning on behalf of the SST is specious. I'm not referring here to the Treasury's counterargument that the SST will carry many more U.S. travelers overseas, and thus lead to a more adverse tourist balance. Rather, my point is on the *trade* balance as such:

Balance of payments

Seen in proper perspective, our balance-of-trade interest is best served by devoting our resources to their most efficient uses, not to undertakings that require a $1.3 billion subsidy to get off the ground.

Consider the argument for a moment in this light: Suppose we had a large U.S. balance-of-payments surplus that we needed to cut back to help the deficit countries. Would this be a legitimate argument for not building the SST?

5. It is argued that we have already sunk so much money into the SST that we should at least appropriate enough Federal funds to complete the prototypes. But will that end the drain on the Federal Treasury?

Cost escalation

The prototypes may well be economically obsolete even before they are completed. At the current stage of development and technology, the SST's high noise levels and destructive sonic boom would deny it access to economically viable air routes. Moreover, the potential risk of damage to the upper atmosphere argues against large-scale use of the SST until we have ascertained the true nature of that risk.

Efforts to overcome these problems are destined to create new financial crunches in building the SST. Private producers are likely to return to the Federal well again and again.

6. What about the allied argument that the march of technological progress will put viable supersonic passenger craft aloft one of these days, and the U.S. had better be there? Even if we grant this premise (which doesn't strike me as a categorical imperative), it does not call for throwing good money after bad, for proceeding with the building of a plane that hasn't solved the problems which would make it economically viable. It calls instead for:

PRIORITIES

Modest research appropriations to continue work on problems of noise abatement, environmental impact, less costly technology;

Redirection of the bulk of the public SST funds to higher priority uses, including constructive programs to help Seattle and other aerospace centers redirect their technological and managerial genius to such projects as the abatement of air and water pollution, the building of new cities, and the solving of mass (not class) transit problems.

(Perhaps I should note that I am both a Boeing stockholder and a part-time resident of the Puget Sound area.)

C. P. KINDLEBERGER, PROFESSOR OF ECONOMICS, MASSACHUSETTS INSTITUTE OF TECHNOLOGY (LEADING EXPERT ON INTERNATIONAL TRADE—BALANCE OF PAYMENTS—AND THE INTERNATIONAL CORPORATION)

Balance of payments

On an earlier occasion, I remarked that I did not know the balance of payments effects of the SST and that I did not care. Resource-allocation questions in this country should be decided on resource-allocation considerations, not on the basis of overall questions of employment and international payments. We have come to recognize that it was an error to try to limit foreign travel to improve the balance of payments, and it would be to put a tariff on automobile imports or prohibit the import of bananas or whiskey. Macro-economic problems require macro-economic answers, not fiddling with particular items.

In the face of this good advice, Mr. Magruder has chosen to go ahead and estimate the balance of payments effects of the SST as though the decision to invest further government funds in it should be made on balance of payments grounds. He does not, however, compare this method of improving the balance of payments with others, as to certainty, cost, etc. His aim is not to improve the balance of payments but to sell the SST. While he tries hard, the case is unpersuasive.

Concorde—U.S. SST—747

The case rests on a series of assumptions which he uses to produce a series of numbers as to the total loss in exports and increase in imports over a twelve-year period. It is important to note that he restricts the case to trade, and leaves out any increase in foreign travel expenditure from an SST, on grounds partly of the doubtfulness of an assumption of speed-induced extra travel, which assumption, however, underlies the balance of trade estimate. Another contradiction is implicit in the assertion that the Concorde would dominate the jumbo-tri-jet and the 747 in the absence of the SST, but that the SST is three times as productive as the Concorde and the jumbo-tri-jet and twice as productive as the 747. The last statement leaves the 747 fifty percent more effective than the Concorde, and under mines the basic assumption of the testimony that the Concorde will succeed, attract speed-induced travel, be improved, push out "family-induced"' sales of other U.S. aircraft, etc.

The estimates are thus based on a giddy edifice of partly contradictory assumptions which he multiplied together to give a true estimate of all being realized. If there is a fifty percent chance in each instance, for example, of the Concorde flying commercially in 1974, of it inducing speed-conscious extra air traffic willing to pay higher fares, and of an improved more efficient Concorde following the first, the chances of all three happening is ½ x ½ x ½ or ⅛. The $22.1 billion loss envisioned for 1974 to

1986 should then be multiplied by ⅛ which gives less than $3 billion. This divided by 12 would be $250 million a year. The amount could be brought down further by applying a discount to the later items to measure them in present dollars. Thus by a different technique Mr. Magruder's base or conservative estimate can be whittled away.

In short I believe that there is very little validity to these estimates of the balance of payments losses from not building the SST, but that this is a faulty basis for deciding the question in the first place.

WASSILY LEONTIEF, PROFESSOR OF ECONOMICS, HARVARD UNIVERSITY (DIRECTOR OF HARVARD ECONOMIC RESEARCH PROJECT, EXPERT ON STRUCTURE OF THE AMERICAN ECONOMY, PRESIDENT OF AMERICAN ECONOMICS ASSOCIATION)

A careful review of Mr. Magruder's latest and most comprehensive statement on the SST only reinforces the original conclusion that the expenditure of hundreds of millions of dollars of public money in support of the ill-conceived venture would be economically unsound and contrary to our national interests.

Priorities

At a time when millions of average American citizens make their trips by bus or private car because the one-way flight from Boston to New York for which they paid $13 four years ago now costs $26, and when our airlines lose money because of empty seats and increasing costs, research and development efforts to provide a somewhat faster transoceanic passage for a few thousand well-heeled travelers at still higher costs makes no sense.

Employment

True, some 200,000 aerospace jobs were lost in the past year and the construction of the SST would provide some employment. A closer examination of Mr. Magruder's figures, however, shows that under most favorable circumstances the work on the SST prototypes would provide in the next several years less than 3,000 jobs. The 200,000 jobs of which he speaks could become available only 10 to 15 years from now. By 1980 to 1985 the present transitional difficulties on our labor market should certainly be over. The housing, hospital building, and anti-pollution programs now starved for funds will certainly demand all labor, capital, and entrepreneurial skill the nation will be able to provide. To tie up these scarce skills and resources in the construction of billions of dollars worth of superjets makes no sense.

Subsidy

The American public is being asked to subsidize an industry incapable of standing on its own financial feet in order to enable it to sell its product to foreign countries below cost.

Balance of payments

If our balance of payments problem were as critical as Mr. Magruder says it is, a call for national sacrifice might be justified, although the choice of that particular product to be subsidized seems from a practical point of view to be rather perverse. However, our foreign trade position is actually much less serious than he thinks. Six months ago Professor Milton Friedman—who is not notable for anti-Administration positions—characterized the pro-SST argument based on balance of payment considerations as a "complete red herring" in a pamphlet entitled "A Strategy for U.S. Balance of Payment Policy", published by the American Enterprise Institute for Public Policy.

Professor Gottfried Haberler—a foremost authority on that particular subject—comes to an unequivocal conclusion that "domestic policy objectives should take precedence over balance of payment considerations." The wording is slightly different from Professor Friedman's, its meaning is the same.

Exports

Moreover 10 to 15 years from now when foreign governments will refuse to provide money with which to pay for the economically valueless, costly American plane offered to their respective national airlines, Mr. Magruder's present balance of payment argument will be forgotten. Instead he or his successor will come up with a statement in favor of several billion dollars worth of U.S. government export credits to bail out the overextended and ailing aircraft industry.

National Prestige

Maintenance of national prestige? Soviet competition? Since when has a Russian example of erroneous decisionmaking on economic matters become a valid argument to use against sound American business judgment?

Banning SST'S

The immense environmental threat presented by supersonic planes is so obvious that it does not need to be reiterated in detail. Any foreign aircraft of this type is obviously as undesirable from this point of view as the American-built SST. By banning the Concorde and the TU 144 from the use of American airports we certainly would doom whatever hope might still exist for a profitable operation of these planes on any other runs. By protecting ourselves we thus will protect also all other countries. True, world leadership requires exercise of calm scientific judgment, not emotional engagement in a wasteful technological race.

Any holder of elected public office who would support the proposed continuation of the SST program after having studied Mr. Magruder's latest statement will have an additional reason to regret his vote.

RICHARD R. NELSON, PROFESSOR OF ECONOMICS, YALE UNIVERSITY (FORMERLY ECONOMIST WITH RAND CORPORATION, EXPERT ON TECHNOLOGY AND ECONOMIC GROWTH)

Productivity

Mr. Magruder's statement is peculiar in many respects. His section on productivity I consider an intellectual scandal. One cannot measure productivity and performance without including the cost of the plane. What he does is to compare a Greyhound Bus with a Volkswagen, and then say that a Greyhound Bus is better because it carries more people without recognizing that the bus costs much much more. In fact, a Greyhound Bus may be more productive per dollar as an investment than a Volkswagen. The figures I have seen, however, suggest that this is not true for the SST compared to the jump jet.

Subsidy

When the SST project was first considered, no one dreamed that the government would contribute 90% of the funds for it. To date the government has spent $864 million and the industry $144 million. The figure of $144 million is peanuts to the aerospace industry which has always had great financial backing. The only inference can be that private sources have no confidence in the plane and expect it to be an economic failure.

Fare structure

Mr. Magruder omits any discussion of fare structure from his testimony. There exists a fare structure of course, that would make the SST profitable. However, this fare would be extremely high. If there is a large differential between the fare for the SST and the 747, then no one will fly the SST. It follows that in order to pressure people to fly the SST, the 747 fare will have to be raised. The 747 was introduced as an economical way to low air fares and it will be if the SST does not force its rates up. In addition, the U.S. has traditionally been the leader in international aviation in pressing for lower air fares. Now that the government has a monetary interest in seeing the SST become profitable, it will have an interest in higher fares.

Concorde

If Congress should deny funds for the SST, I believe the Concorde would fail economically because it would look so inefficient, uncomfortable, and expensive when compared with the 747. That is, provided that the 747 fares are kept down to the cost level of flying the 747 at near-capacity. A fare structure for the Concorde that would enable it to compete with low fare 747's would be a severe drain on either the airlines using the Concorde, or the subsidizing governments. There is no reason why the U. S. should help the continental powers bail themselves out for their own errors.

The Administration's present posture is to emphasise that all that Congress and the American taxpayer is being asked to buy now are prototypes. I fear very much that this is yet another example of a well-known tactic which has cost us dearly in terms of low priority expensive programs. This tactic is known as "foot-in-the-door." If we continue down the present path as proposed by the Administration the political pressures to continue the program no matter how gloomy the technical and economic prospects for the SST may look will become increasingly difficult to resist. Indeed, this may be the last chance for us to stop, look and listen.

ARTHUR M. OKUN, SENIOR FELLOW, BROOKINGS INSTITUTION * (FORMER CHAIRMAN OF COUNCIL OF ECONOMIC ADVISERS). TESTIMONY FOR SENATE APPROPRIATIONS COMMITTEE, MARCH 11, 1971

Subsidy

I am not an expert on, or even an intensive student of, the supersonic transport. But I feel pleased and privileged to accept your invitation to testify, because many broad economic issues that fall within my professional specialty have been brought up in this debate. These issues include the scope and limits of federal budgetary responsibility, the balance of payments, and job opportunities. I believe that careful economic analysis of these issues leads to a clear verdict on whether further public financing of the SST is desirable, even though it cannot determine whether the SST is a "good thing." My message is short and simple:

Market test

1) If the SST is nearly as good—as feasible technically, as sound commercially, and as demonstrably safe environmentally—as its proponents insist, then the SST does not need public funds. If the case is that good, private investors in private financial markets would provide ample funds to cover SST development without any drain on the already strained resources of the federal treasury.

2) If, however, the SST is not attractive to private investors, that should be decisive evidence that the SST should not be built or further developed at this time. I see no public interest in the construction of the SST that would warrant the expenditure of taxpayers' money if the project fails to meet the market test and to attract private investors' funds.

Private vs. public capital allocation

Much of the material advanced in support of the SST reads like a submission to the capital budgeting committee of a corporation or to an investment banking firm. It details data on prototype designs, wind tunnel tests, turbine engine thrusts, Mach numbers, and load factor calculations. These are all relevant to the commercial viability of the project—not to the public interest. There is something wrong with this picture—it is the wrong set of arguments and the wrong issues for this forum. The discussion really does belong in an investment bank or a capital budgeting interest, but it should not be asked or expected to pass judgment on the commercial feasibility of a project.

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* Views reflect opinion of individual, not Institution.

Private market test

The corporate industrial and financial community is full of people who specialize precisely in the evaluation that you are being asked to perform—to appraise the potential commercial feasibility and profitability of a project. On the basis of their judgments, our financial businesses have created a long-term capital market that stands as the envy of the world. It allocates enormous sums of money. Last year, it provided to American industry $23 billion of new funds in the form of corporate bonds and $8 billion in the form of corporate stocks. It financed projects with longer gestation periods than the SST is supposed to have, such as mineral exploration projects that will not yield a marketable product for a decade. By standards of the private financial marketplace, SST is a big project, but not an indigestible one. I frankly do not know whether the companies involved in SST development have made a serious effort to obtain private financing. If they have not, the Congress should send them out to do so. If they have, and have failed, then they must not have been able to demonstrate to the investment bankers of this nation that SST is going to be technically and commercially sound and that it is going to meet essential environmental standards. In the latter event, the verdict of the investment community should be decisive.

Innovative activity

On the drawing boards of American industries today, there are thousands of projects which point the way to new developments in technology, new products, and lower-cost processes. They all rest heavily on the wisdom of federal policy in creating the proper climate for innovative activity. Through the patent system, our laws provide incentive to the inventor. Through the rules of the game for competition, the man with a new product is ensured access to markets. Through the growth and prosperity of our overall economy, the innovator is given confidence that consumers and businesses will have the income to buy the better new products that emerge.

But these efforts do not rest on public funds. The system is meant to ensure that private funds will be forthcoming so that firms can engage in research, invent and develop and market new products. The system provides incentives for executives and investors to develop expertise in appraising investment choices and to put their money into projects which are likely to be most profitable. For a wide range of products, the profit yardstick is a good measure of the public interest as well as of the private interest. A new product that has a wide market, that substantially lower costs, and that confers great benefits on consumers will be privately profitable and socially productive for the same reasons.

Private incentives

The system of private investment isn't perfect by any means: many failing projects have absorbed capital, like Lustron homes and Edsel cars; other projects have languished when they should have been developed. But these are the exceptions and not the rule. For marketable products, the test of the market is the best we have. In particular, no congressional deliberation could hope to provide as good a test—certainly not while still properly carrying out its other vital assignments in the area of the public interest.

Federal role

In some areas, technological advances that could be important to the nation will not yield a marketable civilian product and hence cannot rest on the profit incentive. That is when the federal government must take an active role. The development of new products essential to national security is properly financed by the Defense Department and sometimes new civilian items emerge as a by-product. Space exploration clearly does not yield a marketable product and, therefore, if it is to be pursued, it must be undertaken at public costs and under public sponsorship. Certain types of health research may seek to develop new surgical procedures or new treatments which would not be marketable, and they deserve public support; in contrast, research on pharmaceuticals is primarily private and profit-oriented. In certain areas, like mass transit today or rural electrification in the thirties, the product provides benefits that accrue not only to immediate direct consumers but also to the entire community, and some special government effort can be justified.

SST and public funds

I have considered the SST carefully from this point of view, to examine its social consequences. Like any other of the many technological advances that industry has been and is developing, its success—including environmental safety—would be welcome to society. If successful, the SST will be a clearly marketable product, attractive to the airlines and beneficial to airline passengers. It will in that event save time, and time is valuable. The benefits will accrue to airline passengers and they will pay the bill if it works, amply rewarding those people who would innovate and finance it. It promises no enormous gains to others in the community who do not choose to ride airplanes. Why should they pay the bill? Why should the government funds underwrite this project? What criterion makes SST different from color television or flip-top cans? Try as I may, I can't find a reason and I submit there is no reason to justify overruling the verdict of the marketplace.

Free market system

The business community has been an ardent exponent of the free market system. It has had many reservations about the expanding role of the federal government. Yet in the present case some businessmen are asking the government to step over the normal dividing line between private and public responsibility. Apparently, they fail to see the contradiction between asking the government to extend a special helping hand to business and demanding that the government keep its hands off business. They should be willing to stand on their own feet.

The job argument

In an attempt to justify the use of federal funds to support SST, the argument is made that the SST will create jobs—even figures like 150,000 jobs for 15 years are used. It is my considered professional judgment that this argument on long-term job benefits is nonsense and palpable nonsense. The kindest thing I can say about anyone who puts forth that argument is that he doesn't know any economics. The total employment situation of this nation depends on the willingness of families and businesses to spend their incomes and on the stimulus of the federal budget and monetary policy. If the SST is not produced, airline passengers are not going to put more of their incomes in banks; they will keep spending in job-creating ways. Even if airlines invest less, a small twist of monetary policy can enable other industries to invest more and thereby create other jobs. If this Committee decides not to put $290 million of public funds into SST, it surely can put those funds to some other public use, maintaining firm control of the overall budget total. The issue is *where* to spend public funds—not *whether* to spend them.

Employment

Every calculation that shows a favorable employment effect for SST is based on a statistical trick. That trick involves the assumption that a decision not to finance SST out of public funds would simply lower the size of the federal budget, rather than free funds for other purposes. That is an absurd comparison; it could be used to prove that jobs would be created by a federal appropriation for digging holes and filling them, or for dynamiting buildings and rebuilding them. There is simply no evidence that expenditure of federal funds on SST will create more jobs or better jobs than expenditures for manpower programs or health or urban renewal. I submit that if this Committee asks where an extra $290 million will do the most to create jobs, SST will not be the answer.

Perhaps the job argument has popular appeal because the jobs associated with SST are visible and identifiable, while those that would be created by some alternative program are invisible. This involves one of the oldest fallacies in economics; it was debunked more than a century ago by Frederic Bastiat, a great French economist. He used the example of a shopkeeper who had to spend six francs to replace a broken window. Responding to someone who insisted that this misfortune of the shopkeeper was good for national employment Bastiat argued:

"Stop there! your theory is confined to that which is seen; it takes no account of that which is not seen.

"It is not seen that as our shopkeeper has spent six francs upon one thing he cannot spend them upon another. It is not seen that if he had not had a window to replace, he would, perhaps, have replaced his old shoes, or added another book to his library. In short, he would have employed his six francs in some way which this accident has prevented." If the SST program is substituted for the broken window, the U.S. Treasury for the shopkeeper, and $290 million for six francs, this ancient homily becomes directly relevant to the issue before this Committee.

The balance-of-payments argument

A second argument that allegedly identifies favorable national effects of the SST program relates to its supposed contribution to the net export balance of our international trade over the long-run. In the first place, these calcualtions are very tenuous—so tenuous that the staff of the U.S. Treasury Department used to insist that SST would reduce net exports; now the position has been completely reversed. I can only sympathize with these staff economists. They are being asked to do an impossible job—to predict the degree of success and the timing of the Concorde, the pace of technological advance in the U.S. aircraft industry with and without special federal aid, the enthusiasm of airline passengers for a faster plane, the number of extra Americans who will spend dollars abroad, the resolution of environmental issues, etc., etc. It is a disservice to the Congress for any official to suggest that such exercises in speculative arithmetic—indeed such numerical science fiction—can serve as a keystone for public policy decisions.

Second and even more important, the argument rests on the assumption that the U.S. payments deficit will persist from now until 1990. To be sure, for the past decade, the United States would have wished to have a greater export balance in its foreign trade. But in the previous decade, the U.S. was working hard to alleviate a worldwide dollar shortage. The thing we can be most confident about in long-term forecasts of the balance of payments is that it will fluctuate. The world monetary system is evolving, the price performance of other nations is changing, exchange rates will be altered. It is no better than even money bet that the United States will be in a balance of payments deficit situation in 1980. It is much less than an even bet that the nation will be in deficit between 1979 and 1990 so persistently and so seriously as to justify the present use of taxpayers' funds to promote a greater export balance.

Finally, even if Congress made the judgment (which I do not) that a long-term stimulus to exports was desirable, it could find far more efficient incentives than the funding of SST.

Summary

The U. S. Congress has to make many tremendously difficult decisions. SST is not one of these decisions. The only difficult decision now is how to disengage the federal government's involvement as rapidly and as efficiently as possible.

A limited volume of federal funds has to be carefully allocated among high-priority programs that serve vital national interests. SST is not one of those high priority programs.

While we would all prefer that the federal government could play a less active role in our economy, the nation has urgent priorities and urgent needs that require federal action—the SST is not one of them.

The SST program has been described as a "unique industry-government partnership." I agree that it is unique—uniquely inappropriate for the funds of taxpayers to be financing a project that ought to be competing for the funds of private investors.

PAUL SAMUELSON, PROFESSOR OF ECONOMICS, MASSACHUSETTS INSTITUTE OF TECHNOLOGY (AUTHOR OF THE LEADING INTRODUCTORY ECONOMICS TEXTBOOK), TESTIMONY FOR SENATE APPROPRIATIONS COMMITTEE, MARCH 11, 1971

Recognizing the problems for the environment from supersonic passenger flight, but confining myself primarily to my own field of specialization, my considered conclusion is this:

Forecast

The SST proposal, both for development of prototypes and looking toward larger-scale production of SST's for sale to commercial airlines, is economically unsound.

1. In terms of commercial criteria, the available data suggest that the government and the companies will end up with severe losses.

Employment

2. In terms of the creation of American jobs, the sums squandered will be relatively ineffective. The same totals of expenditure can be applied in alternative directions to better effect not only in terms of overall employment but also in terms of alleviation of the surpluses of workers in particular occupational and regional categories.

Balance of payments

3. In terms of the future of our balance of payments, the SST, even after after proper consideration of the competitive threat from the Concorde, will have effects which can as well be unfavorable as favorable. Even those effects which might work out to be expansionary may impinge on a situation which is so far forward in the future as to be with almost equal probability harmful as favorable. For the same dollars of wasted expenditure, even more effective improvements in our near-term and far-term payments deficit could be made in other directions. Furthermore, in principle, economists are widely agreed that no forms of "dumping" and state subsidy are part of an optimal program for improving on a balance of payments deficit: even-handed changes in currency parities and in trade restrictions are available and are surely going to be used in the next twenty years relevant for the current decision issues.

Pro-set contradictions

4. An examination of the economic briefs prepared in defense of the SST will show that at every point in the discussion possibilities have been treated as probabilities. This is not merely my conclusion, but also that of a great variety of economists to whom I have spoken, including some of the most eminent members of the profession and adherents of both political parties. At many places the arguments are self-contradictory—if changes in design to meet acoustical needs are made, various indices of performance and profitabilities will not be met.

Concorde

5. By use of the methods employed by the defenders of the SST, one could arrive at the conclusion that the Concorde was an economically sound project—an absurd conclusion not shared by any informed people on either side of the Atlantic. The threat of a Concorde or Russian supersonic plane is used to sell the inevitability of our developing an SST at whatever expense and ultimate loss. After realistically surveying what those two models can accomplish if we do not have an SST, one arrives at the proper economic conclusion that an SST at this time is not warranted.

Prototypes

6. The case for deciding to go ahead with a few prototypes only, reserving further judgments until after we have learned more about performance and environmental effects, is a weak one. Existing military planes can be utilized to add to our knowledge about the environmental effects; and if the foregoing models are as viable as SST defenders allege, science can learn much more from them. Sober experience shows that when one does not cut one's losses early on what is essentially an uneconomic enterprise, one sinks deeper and deeper in the mire. (The Concorde is a brilliant example if one were needed, but there are plenty of examples of lemons in the military procurement area here at home.) After the prototypes are built, the invalid arguments on the balance of payments and job-creation situation will remain as invalid as ever. When only 50 instead of 500 SST's can be sold, it will be too late to recover the lost resources.

Economic folly

7. In short, we are faced here with a colossal economic folly. In this day there is no excuse for pyramid building to make work, and add to a nation's spurious glory. Public expenditure must always take into account human as well as dollar factors. But in this case any realistic cost-benefit analysis will reach the conclusion that at every stage in the history of this project non-political commissions have arrived—namely, that government subsidy of the SST or similar supersonic aircraft is at this stage of technology and economic development both an economic and a human disaster.

JAMES TOBIN, PROFESSOR OF ECONOMICS, YALE UNIVERSITY (PRESIDENT-ELECT, AMERICAN ECONOMICS ASSOCIATION, MEMBER OF COUNCIL OF ECONOMIC ADVISERS, 1961–62)

Employment

Any government expenditure program can be said to provide jobs directly and indirectly to create incomes and generate tax payments. This does not distinguish one program from another or provide any reason to adopt one program instead of another. It is true of SST spending, space exploration, raking leaves, building houses, cleaning up rivers, etc. It may be true that employment in particular industries and regions will dwindle over the next 10 years unless new airplanes are found for them to make. But our economy is flexible and adaptable and our population is mobile. Over any 10-year period there are always vast changes in the industrial, occupational, and regional distribution of the labor force. This is the way progress is made. We do not have to waste resources on things we don't need just to create jobs.

Balance of payments

The same remarks apply to the balance of payments argument. If it were desirable to subsidize exports there are lots of potential exports that could be subsidized—the SST is not unique. But it is not necessary or desirable to subsidize exports. It is wasteful. It may or may not turn out that without subsidies the U.S. runs a balance of payments deficit in the 1970's. If so, the remedy is a change of exchange rates so that European currencies become more expensive in dollars. We cannot do things that are not worth doing just to protect the present exchange rate of the dollar.

Both of these arguments are irrelevant and worthless.

HENRY WALLICH, PROFESSOR OF ECONOMICS, YALE UNIVERSITY (MEMBER OF COUNCIL OF ECONOMIC ADVISERS, 1959–60; CHIEF CONSULTANT TO SECRETARY OF THE TREASURY KENNEDY)

Concorde

I continue to believe that the key to the right decision on the SST is the outlook for the Concorde. If we are sure that the Concorde will not fly commercially, there is much to be said for terminating the SST program. If the Concorde is viable, we stand to lose a great deal economically.

I have heard nothing to make me believe that the Concorde has been stopped. Rumors, press reports, and even statements by airlines about our prospective purchases need to be heavily discounted. That countries of the technological capabilities of the U.K. and France should permanently write off the construction of a supersonic plane seems very unlikely to me.

Delay production

If foreign countries build, and we do not, we shall lose not only the opportunity of putting our supersonic plane into the sky instead of theirs. It is hard to believe that foreign leadership in so major a project should leave unaffected our leadership in aircraft manufacture generally.

We are now told that we need not worry about the balance of payments, official statements about the economics of the Concorde are all wrong, that unemployment in Seattle could be dealt with by other means. One can find some basis for all these claims. Nevertheless, we cannot write off our international financial relations, we cannot ignore our position in a prime area of modern technology, we cannot ignore domestic realities. We can and probably should delay commercial production as long as feasible. We should focus as much as possible on technological improvements before we build. But we cannot afford to give up the project at this point.

WHITNEY YOUNG—A FIGHTER FOR HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, we are all saddened by the tragic loss of Whitney M. Young, Jr., executive director of the Urban League, civil rights advocate, a healer of black-white relations, a force in both eliminating urban slums and providing jobs for underprivileged black Americans.

He once said:

> The only criteria by which I want to be measured is whether or not I helped to improve the economic, political, health, and social future for black people—not on the basis of how many white people I can curse out.

This is a just standard for all of us. In a time when many have little confidence in the actions of their government, when many are frustrated and cynical about prospects for constructive change, when many use violence—both rhetorically and physically—in pushing for reforms—it is imperative that we accept the challenge that the life of Whitney Young, Jr., presents to all of us. There is no substitute for intelligent, relevant, dynamic, and effective action.

And Whitney Young acted. As executive director of the Urban League he transformed a social-work oriented group into one of the Nation's most influential and successful organizations working for the self-sufficiency of poor black Americans.

As the New York Times pointed out, Whitney Young "went downtown." Instead of condemning white America for past and present injustices, he "went downtown" and "talked to an executive of General Motors about 2,000 jobs for unemployed Negroes."

His two books, "To Be Equal" and "Beyond Racism" stressed the two dominant themes of his life: That racial segregation is a major factor in racial strife and that the United States should dedicate itself to a domestic Marshall plan for the poor.

In striving to protect human rights here at home, Whitney Young also reminded us of our international obligation to protect human rights abroad.

It is my conviction that the international protection of human rights can begin with the nations of the world ratifying and adhering to the Human Rights Covenants of the United Nations.

In tribute to this remarkable civil rights leader, let us dedicate ourselves to ratifying these conventions. World peace depends both on national guarantees of human rights and on an international commitment to those very same rights.

PAN AMERICAN DEVELOPMENT FOUNDATION

Mr. JAVITS. Mr. President, at a time of increasing concern within Congress as well as within the American public for terminating as much as possible of our bilateral foreign aid program, it is encouraging to find evidence of successful nongovernmental alternatives. One such organization which I have been privileged to have known about during the past 4 years, is the Pan American Development Foundation.

While sponsored by the Organization of American States, the foundation is responsible to an independent board of trustees composed of leading citizens from North and South America. Included in the board of trustees are the following:

Galo Plaza, chairman of the board.

William Sanders, president.

Board of trustees: Francisco Aguirre, Luis José Alvarez, William H. Bolin, John F. Gallagher, Francisco V. Garcia-Amador, Jorge Grieve, Sergio Gutiérrez Olivos, Felipe Herrera, Abraham Horwitz, EDWARD M. KENNEDY, Israel Klabin, Alberto Lleras Camargo, Sol M. Linowitz, Eugenio Mendoza, José A. Mora, Wayne Morse, Peter R. Nehemkis, Jr., Stuart Portner, Hickman Price, Jr., Jay R. Reist, Victor G. Reuther, Patricio Rojas, Armando Samper, Reinaldo C. Santos, Carlos Sanz de Santamaria, L. Ronald Scheman, Walter J. Sedwitz, Carl B. Spaeth, T. Graydon Upton, M. Rafael Urquia.

The foundation is dedicated to the proposition that all citizens, representing the broadest spectrum of the economic and social scale within Latin America, have a common responsibility to participate in the development process within their own countries.

Recognition of the need to supplement large-scale governmental development efforts with community oriented self-help programs is encouraged by the PADF, which offers technical assistance to community leaders to help them organize their own nonprofit, community development foundations which in turn may receive matching loan and grant funds.

A summary report on the status of this program was recently highlighted in the Vision newsletter by Winthrop P. Carty. In view of the significance of this program in terms of our current concern for identifying innovative and creative nongovernment development alternatives.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW APPROACH TO AID

In an era of disenchantment with foreign aid, one program, the Pan American Development Foundation (PADF), is receiving increasing attention in Washington. In existence since 1964, PADF works on the simple proposition that if credit is made available, so-called marginal people can help themselves. An estimated 40% of all Latin Americans have no access to credit of any kind. Casting around for some way to revive public support for foreign assistance, the Nixon administration and some congressmen are taking a good look at the concept of development through credit.

Under the aegis of the OAS, the PADF serves as a clearinghouse for national development foundations now mushrooming in Latin America. The nonprofit Washington institution receives loans and grants from a variety of sources, mainly private foundations, corporations, and the U.S. government. The operation flows through private sector channels, and attempts to spread available credit more equitably.

The PADF matches funds generated by 15 national development foundations established in 13 countries. The local programs have varied objectives and degrees of support, but all are the product of local initiative. The national foundations help the little man to band together and plan a project. They make direct loans but, wherever possible, local banks are encouraged to make the loans on a commercial basis. Over 95% of all loans are repaid promptly, stunning proof that poor people pay their debts. Only .5% of the money lent has been written off as uncollectable.

Key to the movement's success is the dignified contract. The PADF receives most of its money in the form of loans, and in turn lends money (the equivalent of local currency raised) to the regional foundations on reasonable terms. Community groups identify their needs, receive financing as a debt to be repaid, not charity, and invest their sweat in the development project. And the PADF doesn't try to dictate programs from Washington.

The first national development foundation was created in the Dominican Republic in 1966, and is used as a measure of the movement's potential. The Fundación Dominicana de Desarrollo now has 130 regular contributors. Over 1,500 loans totaling $1.5 million have been made to 24,000 families. Most loans are made to the rural sector where credit is most remote.

A donor may earmark his contribution for any given area, a situation which gives foreign firms a chance to exercise healthy self-interest. Alcoa, for example, has a limited mining operation in an isolated area along the Haitian border. The local village was threatening to become a "company town", something the local operation couldn't afford nor thought was socially desirable. Channeled through the foundation, Alcoa money galvanized townspeople to improve their community on a self-reliant basis. As a bonus, the company found it easier to attract labor to the remote but progressive town.

The Dominican experience shows that it is possible to bring marginal people into the cash economy. Where feasible, community groups are turned into formal entities and repay their loans through a savings account to establish their credit worthiness at a local bank. But success is pressing hard on the system's resources. The Dominican foundation now has more good applications than it can handle. Similarly, the PADF finds it increasingly more difficult to match funds raised by the national foundations.

The PADF is clearly a successful pilot project. The next question is whether or not to convert the movement into a major facet of the U.S. aid program. The Peterson Commission, the presidential study group on foreign aid, recommended an "umbrella" organization along the lines of the PADF.

As a test measure, the U.S. Congress late last year authorized a $15 million investment guarantee program in Brazil, Ecuador, Guatemala, Guyana, and Honduras. Local banks can make development-oriented loans, and receive a U.S. investment guarantee of up to 75% on some individual loans and 25% on the total social portfolio.

Given the present difficulty of selling the traditional aid program, the credit movement has undoubted appeal in Washington. Fairly or not, many U.S. citizens feel that foreigners are receiving handouts, the Alliance for Progress is a bust, and foreign aid leads to such foreign entanglements as the Vietnam war. Sy Rotter, Executive Secretary of the PADF, notes the credit movement is a "new approach" to foreign aid. This is a very compelling argument to congressmen completely jaded with the present program.

STATEMENT OF THE AMERICAN BAR ASSOCIATION IN OPPOSITION TO THE GENOCIDE CONVENTION

Mr. ERVIN. Mr. President, it has been 21 years since the Genocide Convention was first submitted to the Senate for ratification. Thus, it was very strange to me when the Senate Foreign Relations Committee revived the question of ratification last year despite the fact that the committee had opposed the convention in 1949; and despite the fact that there has been no change of circumstances which would make what was unwise in 1950 wise in 1971. I believe that this renewed interest by the Foreign Relations Committee is especially peculiar at a time when we are constantly being told that a substantial part of the American people wish to contract rather than expand their international obligations.

During the past 20 years, the American Bar Association has played a significant role in opposing the Genocide Convention. The house of delegates of the ABA has urged the Senate to reject the Convention on two different occasions. Most recently, in 1970, the American Bar Association reaffirmed its earlier finding that—

> The Genocide Convention involves important constitutional questions (which) the proposed convention . . . does not resolve . . . in a manner consistent with our form of Government.

The American Bar Association deserves real credit for having the courage to look behind the easy facade of the Genocide Convention. And much of this credit belongs to Mr. Eberhard Deutsch of the New Orleans bar. Mr. Deutsch appeared on March 10, 1971, as a representative of the ABA before a Senate Foreign Relations Subcommittee in opposition to the convention. In his statement Mr. Deutsch thoroughly documents the ABA's belief that the convention would have a tragic impact upon our system of government. Because the convention concerns the complex issues involved in any consideration of treaties, international law, and our Constitution, I hope all of you will have a chance to study Mr. Deutsch's excellent statement before the matter is debated on the Senate floor.

Mr. President, I ask unanimous consent that Mr. Deutsch's statement be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY EBERHARD P. DEUTSCH

My name is Eberhard P. Deutsch, and I am a lawyer in New Orleans. The within statement is made in my capacity as one of the two duly appointed and accredited representatives of the American Bar Association, to appear before this Committee in behalf of the Association in opposition to ratification of the Genocide Convention.

On September 8, 1949, at its annual convention in St. Louis, the American Bar Association, through its House of Delegates, expressed the "sense of the Association that the conscience of America, like that of the (entire) civilized world, revolts against Genocide . . .; that such acts are contrary to the moral law and are abhorrent to all who have a proper and decent regard for the dignity of human beings, regardless of the national, ethnical, racial, religious or political groups to which they belong; (and) that Genocide as thus understood should have the constant opposition of the government of the United States and of all of its people".

The House found, however, "that the suppression and punishment of Genocide under an international convention to which it is proposed the United States shall be a party involves important constitutional questions (which) the proposed convention . . . does not resolve . . . in a manner consistent with our form of Government".

The House accordingly placed the Association of record as opposing approval, by the Senate of the United States, of the Convention on the Prevention and Punishment of the Crime of Genocide "as submitted" to it for its advice and consent by President Truman less than three months earlier—on June 16.

At its mid-winter meeting in Atlanta on February 23, 1970, the House, by the narrow margin of 130 to 126, re-affirmed the position which it had taken in 1949, by voting down a recommendation for reversal of that position and for unreserved approval of the Convention.

This statement is submitted in support of the position of the American Bar Association as recited above, and to record the background of that position which, in the last analysis, is simply that whole-hearted concurrence in the lofty ideals that engender promotion of moral issues, should not be permitted to substitute the ephemeral tissue of those ideals for the enduring fiber of constitutional limitations.

On December 11, 1946, the General Assembly of the United Nations adopted a Declaration to the effect that genocide "is contrary to moral law and to the spirit and aims of the United Nations"; that many instances . . . of genocide have occurred when racial, religious, *political* and other groups have been destroyed, entirely or in part"; that genocide is a crime, whether it "is committed on religious, racial, *political* or any other grounds"; and inviting "the Member States to enact the necessary legislation for the prevention and punishment of this crime" (emphasis added).

The United States joined in this declaration. Standing foremost as a world leader in the protection of individual rights, she could do no less. Representing the American Bar Association, we are accordingly in complete and unequivocal accord with the following statement made by the Association's Section of Individual Rights and Responsibilities in its recent Report (p. 7) recommending that the Association go on record as favoring ratification of the Genocide Convention: [1]

"The United States which was founded on the basis of protest against government excesses, and which grew great in substantial measure because it was a haven and the hope for oppressed persons everywhere, should be in the lead in joining in the declaration of revulsion at the organized effort to eliminate a whole people during World War II, and of determination that such an effort should not be undertaken ever again."

But our conviction is equally firm that, having joined in such a declaration as to a matter which lies, ultimately, within the domestic sphere of each of the world's nations, the United States has gone far enough.

She should not, in our opinion, join in a Convention by which she would commit herself in advance to protect the people of other nations against their own governments, nor agree that such other countries may determine for themselves what is to be deemed to be genocide within the borders of the United States, and invite them in advance, in the words of Article VIII of the Genocide Convention, to take, through "the competent organs of the United Nations, such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression thereof.

The Section Report itself makes this point abundantly, and indeed shockingly, clear. It is stated therein (p. 17) that under Article VIII of the Genocide Convention,

"Even if the complaint involved alleged prohibited action by one country against an ethnic group within its own country . . . the claim that the United Nations could not consider the matter because it concerned the domestic jurisdiction of one state . . . would be foreclosed. The Security Council, or the General Assembly, or the Economic and Social Council would all be authorized to hear the complaint. In appropriate cases, where the complaint was borne out by the facts, the United Nations organs could recommend or decide on measures to be taken."

It is submitted that treaties with other nations are not the proper constitutional means for the government of the people of the United States in their internal affairs, which should continue to be regulated by our own federal and state and local legislative bodies through enactments which have their foundation in our own constitutional processes.

We subscribe whole-heartedly to the statement made by the late John Foster Dulles as Secretary of State, testifying before a sub-committee of the Senate Judiciary Committee on a proposed constitutional amendment to limit the effect of treaties as internal law within the United States. He said (Hearings, 83rd Cong., 1st Sess. 824–825–1953):

"I do not believe that treaties should, or lawfully can, be used as a device to circumvent the constitutional procedures established in relation to what are essentially matters of domestic concern." The United States should, he felt, "favor methods of persuasion, education and example rather than formal undertakings . . .

"We do not ourselves look upon a treaty as the means which we would now select as the proper and most effective way to spread throughout the world the goals of human liberty to which this Nation has been dedicated since its inception."

We do not agree with the extravagant statement which has at times been made (Section Report, p. 16) that "in terms of a threat to international peace and security, the occurrence of genocide anywhere in the world is as much a matter of international concern as, for example, the spread of nuclear weapons"; nor with the further submission that when a number of other nations consider a matter to be of sufficient concern to make a treaty about it, it becomes a matter of international concern cognizable as such under the Constitution of the United States.

This is the old bootstrap doctrine by which a domestic issue, not subject as such to regulation by treaty, can be transmuted by the very prohibited act of making it the subject of a treaty, into the arena of international affairs subject to regulation by treaty.

It is the same doctrime which gave rise to the dictum by the Department of State (Publication 3972, Foreign Policy Series 26, September, 1950), which we cannot accept either, that "there is no longer any distinction between 'domestic' and 'foreign' affairs".

If indeed the limitations contained in the Constitution of the United States are subject to circumvention by such judisprudential sorcery, the matter becomes one of broad constitutional policy rather than of strict constitutional law; and it is submitted that our constitutional philosophy should not be so impaired by transplanting matters within our domestic jurisdiction into the international forum, subject to legislation by treaty and adjudication by international bodies.

There can really be no question that the crime which gave rise to the Genocide Convention—mass murder of Jews by the Nazis—was committed with the encouragement and indeed at the direction of the Government of Germany.

It is our position that in order for genocide to be an international crime, and accordingly a matter of international concern appropriately the subject of a treaty with other nations under the Constitution of the United States, it must, by definition, be committed with the complicity of the government concerned—not merely by individuals.

When the Convention was being formulated, the representatives of the United States, backed by those of other Western nations, sought, as a *sine qua non*, to have genocide defined as having been committed "with the complicity of government", because its "delegation felt in fact that genocide could not be an international crime unless a government participated in its perpetration." [2]

This demand was rejected, and under Article IV of the Convention, states-parties are required merely to enact legislation providing punishment for "persons committing genocide", and requiring trial of "persons

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Footnotes at end of article.

charged with genocide", whether they are "public officials or private individuals".

Instead, therefore, of including government complicity as an element of the offense required to constitute it a matter of international concern, Article VIII of the Convention, as already shown, permits "the competent organs of the United Nations" to interfere in the domestic affairs of member nations by hearing complaints as to the conduct of their individual citizens, and to "take such action . . . as they consider appropriate" against them.

The type of problem with which the United States might be faced in this regard, if it became a party to the Genocide Convention, is illustrated graphically, and quite startlingly, by a recent news item (see Time Magazine, December 12, 1969, p. 20) which reported that a "San Francisco lawyer who represents the (Black) Panthers . . . revealed plans to go before the United Nations and charge the United States with 'genocide' against the Panthers".

Already before the United Nations is a petition stated to be supported by "such outstanding leaders" as Paul Robeson, Mrs. Coretta Scott King, the Rev. Ralph D. Abernathy, William L. Patterson and Bobby Seale, addressed to the General Assembly, and published in 1970 in the form of a book entitled, "We Charge Genocide", a copy of which is filed with this statement.

The petitioners describe themselves as "being the first in history to charge the government of the United States of America with the crime of genocide . . . with mass murder of its own nationals (and) with institutionalized oppression and persistent slaughter of the Negro people in the United States", a crime "prohibited by the conscience of the world as expressed in the" Genocide Convention.

The petitioners ask that the General Assembly "declare by resolution that the Government of the United States is guilty of the crime of Genocide against the Negro people of the United States"; that it "condemn the Government of the United States for failure to . . . observe its solemn international obligations under . . . the Genocide Convention"; and "finally, for whatever other measures shall be deemed proper by the General Assembly, under the . . . Genocide Convention, to secure the safety of the Negro people of the United States".[3]

Another constitutional question of some significance arises out of the vagueness of certain provisions of the Convention. It provides, in Article II, for instance, that genocide consists of certain "acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such" by (b) "causing serious . . . mental harm to members of the group".

In its favorable report of December 8, 1970, on the Genocide Convention, this Committee proposed that in its ratification of the Convention, the United States should state expressly that it "understands and construes the words 'mental harm' . . . to mean permanent impairment of mental faculties".

In the Foreword to "We Charge Genocide", cited above, William L. Patterson, one of the petitioners to the United Nations, submits that "the psychological impact . . . of jim-crow and segregation in their subtle and covert forms does extreme mental harm to the group".

In *Brown vs. Board of Education*,[4] the Supreme Court of the United States went even further and held expressly that separation of Negro children "from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone . . . (and) has a tendency to (retard their) education and mental development . . ."

In light of this holding by the Supreme Court, such an understanding as this Committee has proposed in recommending advice and consent to ratification, that "mental harm" is to be construed "to mean impairment of mental faculties", would hardly deter any tribunal from determining that any form of local segregation is within the definition of the international crime of genocide under the Convention.

Another understanding proposed by this Committee in its recommendation, made toward the close of the Second Session of the 91st Congress, that the Senate advise and consent to ratification of the Genocide Convention, is that the United States "understands and construes the words "intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such . . . to mean the intent to destroy" such a group "in such manner as to affect a substantial part of the group concerned".

It is again submitted that such an understanding in ratification of the Genocide Convention by the United States would hardly stand in the way of finding of guilt on such a charge as that of Mr. Patterson in his cited Foreword, that "America's racism is bringing about in part the physical destruction of the group".

Just as the United States and her political allies were unable to get "complicity of government" into the definition of genocide while the Convention was being formulated, they also acquiesced, at the insistence of the Community block, in the omission of "political" from the categories of groups as to which genocide is to be prohibited.

The original United Nations Declaration against Genocide, adopted by the General Assembly in December 1946, denounced genocide whether "committed on religious, racial, *political* or any other grounds" (emphasis added). When this declaration was being converted into the Convention, the Communist nations insisted on omission of "political" from the listed categories, and the United States capitulated; so that none of the Communist nations could, for example, ever be charged, under the Convention, with committing genocide by inflicting intolerable "conditions of life" on a political group, and seeking to destroy its members.

When this point was raised in the course of the debate before the House of Delegates of the American Bar Association at its midwinter meeting in Atlanta on February 23, 1970, Nicholas Katzenbach, former Under Secretary of State of the United States said, in effect, that omission of "political" from the Convention was simply a "trade" in the course of compromise between the Communist and Western nations, by which "we succeeded in getting 'ethical' included among the groups in place of 'political' ".

Considering that "ethnical", in its ordinary meaning, is defined as "pertaining to or designating races", and that "racial" was already in the draft Genocide Convention, a compromise for insertion of "ethnical" in return for omission of "political" was acceptance of a stale, crumbling cracker for a carload of fine smoked hams.

This "legislative history" as to the circumstances under which the word "political" was omitted, on the insistence of the Communist nations, from the Genocide Convention, so that genocide as to political groups is not prohibited by that Convention, is explained and confirmed by the refusal of the Soviet Union to ratify the 1957 Convention on the Abolition of Forced Labor, because of its prohibition of the imposition of such labor as a means of political coercion, or as punishment for the expression of political views opposed to those of the government.

Aside from the answerability of governments for violation of the Convention, on charges filed with the United Nations, the treaty provides (Article VI) that "persons charged with genocide . . . shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction".

Proponents of the Genocide Convention, ignoring the words of the foregoing Article that trials of persons charged with commission of genocide are to be conducted by a tribunal "of the State in the territory of which the act was committed", conclude that a United States citizen charged with genocide could, under no circumstances, be tried elsewhere than in a court of the United States.

The same egregious non-sequitur has been drawn to the effect that since there is no such international tribunal as is contemplated under this Article, no American citizen could be deprived of his constitutional right to trial by jury, or be forced into a trial in some foreign court under procedures not American.

It seems especially difficult to understand such fallacious syllogisms, especially in light of the provisions of Article VII of the Convention that genocide is not to be considered a political crime, and that the parties to the Convention "pledge themselves in such cases to grant extradition (presumably for trial in 'the State in the territory of which the act was committed') in accordance with their laws and treaties in force".

These jurisdictional and "extraditional" provisions raise important practical problems for the United States. The authorities in Hanoi have (see New York Times, November 29, 1969) charged that members of the armed forces of the United States have been guilty of committing genocide in "the alleged massacre of civilians in a South Vietnamese village".[5]

If the United States were a party to the Genocide Convention, she would necessarily have agreed that these soldiers would be subject to trial in Vietnam under the provisions of Article VI, and, if the United States and Vietnam should have an extradition treaty, would be subject to extradition for trial in Vietnam, even if deemed (or even found) innocent in this country.

Of course, no extradition would be necessary as to our American prisoners in North Vietnam. That country, it may be assumed, would cite the Genocide Convention, if we were a party to it, as our consent to trial of those prisoners on such charges in that country, with the Nuremberg trials as a precedent sanctioning such procedure.

It is true that this Committee, in its favorable report on the Genocide Convention during the 91st Session of the Congress, recommended that the United States should, when ratifying the Convention, state that it "understands and construes Article VI" thereof as containing nothing which would "affect the right of any State to bring to trial before its own tribunals any of its nationals for acts committed outside the State".

It is submitted, however, that such an understanding would, under no circumstances, deprive any other country of its concurrent jurisdiction over the trial of such individuals, especially since the understanding pointedly fails to negative the obligation of the United States, under Article VII, to grant extradition of its citizens for trial in other countries with which it has extradition treaties.

This suggestion in turn raises another interesting, serious and really dangerous question for the United States. The so-called "Nuremburg defense", universally pleaded in war-crimes trials, is that the accused was following orders which he was required to

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obey. Article IV of the Genocide Convention provides:

"Persons committing genocide . . . shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals."

As stated by the ABA Section of Individual Rights and Responsibilities, in its Report (p. 19) favoring ratification of the Genocide Convention:

"The Genocide Convention makes clear, in Article IV, that in respect of the crimes specified, no one, not governmental officials, not private individuals, can escape responsibility for his action through this (Nuremberg) defense."

In his dissent from the foregoing report, Mr. Ben R. Miller, a member of the Council of the Section, posed a serious question in this regard:

"Would not the military strength of this nation, and hence the nation itself, be endangered if, in the following orders of a superior officer in the heat of battle, subordinates would be faced with instant decision of whether to risk court marital for refusing to follow orders, or punishment for genocide if a (tribunal) in the calm aftermath of a war could consider the result of following a particular order to have been genocide? For the Treaty abolishes the defense of subordinates that they were but following orders of their superior officers."

As has already been noted, under Article VI of the Convention, "persons charged with genocide" may be tried either before a tribunal of the country in which "the act was committed", or before "such international penal tribunal as may have jurisdiction with respect to those contracting parties which shall have accepted its jurisdiction".

Opponents of the Genocide Convention have insisted that if the Convention were ratified by the United States, there would always be the possibility of trial of an American citizen accused of genocide thereunder before an international penal tribunal when, as and if such court should be established and its jurisdiction accepted by the United States, without the constitutional safeguards by which he would be protected in a court of the United States.

To this the proponents of the Convention say (Section Report, pp. 25–26) that "the answer is simple. No such tribunal has been established"; and they add:

"If one were established, parties to the Genocide Convention would have the option whether to accept its jurisdiction or not. For the United States, that option would have to be independently exercised through the Treaty Power, that is only with the advice and consent of the Senate by a two-thirds vote."

In the first place, this is just the type of objective which would probably be sought to be reached by an executive agreement without the advice and consent of the Senate. This point is well illustrated by the case of the International Anti-Dumping Code, concluded by the United States with seventeen other nations in Geneva on June 10, 1967. All of those seventeen countries treated this Code as a formal treaty requiring parliamentary approval, and so ratified it.

The United States alone dealt with the document as an executive agreement, and because certain of its provisions were in direct conflict with corresponding provisions of Congressional tariff acts, the Code was not submitted to the Senate for its advice and consent, for fear of adverse action by that body.[6]

There would quite possibly be no practical way in which to assert the invalidity of an executive agreement accepting, in behalf of the United States, the jurisdiction of an international penal tribunal established for the trial of offenders under the Genocide Convention, once that convention had been ratified by the United States.

Nor can it be said cavalierly that it is not contemplated by the United States that such an international penal tribunal is to be established at all. The minutes of the 74th meeting of the Sixth (Legal) Committee of the General Assembly of the United Nations, held at Paris in October, 1948, contain a significant statement to the effect that the United States Delegation stated that it "intended, at a later stage, to show the need for the establishment of an appropriate international tribunal" in connection with Article VI of the Genocide Convention.

George A. Finch, erstwhile deputy undersecretary of State, Professor of International Law at Georgetown University, Vice-President of the American Society of International Law and Editor-in-Chief of its Journal, in an address before the annual meeting of the Society at Washington on April 29, 1949, said:

"The proposals . . . to prevent genocide . . . have been framed so as to take American domestic questions out of the jurisdiction of American courts and place them under some form of international jurisdiction."

In a book on International Enforcement of Human Rights, Professor Paul Gormley of the University of Tulsa School of Law, states that

"A private individual must be able to prosecute an action before an international tribunal—in his own name—against an offending government, particularly his own."

Finally, the Bangkok Conference on World Peace Through Law, held in September, 1969, unanimously adopted a resolution commending its committee engaged in a project entitled "Toward a Feasible International Criminal Court", and voted to give it all possible support and assistance.

How can it be said, in good conscience, in face of this wealth of background material to the contrary, that Americans may rest assured that ratification of the Genocide Convention by the United States at this time, will not carry with it ultimate establishment of an international penal tribunal for the trial of citizens of the United States charged with commission of offenses thereunder?

The concept of an international criminal court raises also an intriguing constitutional issue—especially if the court were to have its seat, as seems likely, outside the United States. The constitutional policy of the Declaration of Independence in this regard centers on its protest of the transportation of Americans "beyond Seas to be tried for pretended offenses"; and the Sixth Amendment to the Constitution itself gives to every person accused "the right of a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed".

How could an American charged with the commission of genocide in the United States, be sent out of the country for trial before an international penal tribunal, if such a court were established, and its jurisdiction accepted by the United States under the Genocide Convention, in light of the foregoing clear guarantee of the Sixth Amendment's protection?

Another constitutional issue militating against ratification of the Genocide Convention arises out of the provision of its Article III(c) making punishable "direct and public incitement to commit genocide" vis-a-vis the First Amendment's guaranties of free speech and press. Suffice it to say here that there is at least grave doubt, under recent decisions of the Supreme Court of the United States, as to the effect to be given, even by that Court, to such a treaty provision in the circumstances of different cases—certainly completely incomprehensible to judges of an international tribunal to whom our concepts of freedom of thought and expression are chimeric mysteries at best.

It will be recalled that by the Connally Amendment to the reservation of the United States to its declaration of adherence to the International Court of Justice, it is stipulated that the United States is not to be subjected to the processes of that court as to disputes which are essentially within her own domestic jurisdiction "as determined by the United States of America".

To circumvent that reservation safeguard, it was provided by Article IX of the Genocide Convention that

"Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."

This Article clearly overrides the Conally Amendment, and subjects the United States to the unreserved jurisdiction of the International Court of Justice as to all matters involving the "interpretation, application or fulfilment" of the Genocide Convention.

Thus, if the United States should ratify that Convention, and a case should arise thereunder which our Supreme Court should hold to be one within this country's domestic jurisdiction and protected by the First Amendment to our Constitution, any party to the treaty could still bring the matter before the International Court of Justice, which could disregard completely the decision of our Supreme Court, and hold that the matter was not one of domestic jurisdiction, and was not protected by the free-speech guaranty of the Constitution of the United States—and the United States would be bound by that decision despite the Connally Amendment.[7]

Parenthetically, it is well to note at this point that all of the Communist nations have ratified the Genocide Convention, now that it contains no prohibition against commission of the crime on political grounds, but each of those nations has expressly reserved against jurisdiction of the International Court of Justice over disputes under the Convention.

It is especially interesting to note, in this connection, that, in the prayer of the pending petition to the General Assembly, charging that the "United States is guilty of the crime of Genocide against the Negro people of the United States", it is requested "that any dispute as to the applicability of the Genocide Convention to the crime here alleged submitted to the International Court of Justice".

It is submitted that, in any event, the entire Convention presents constitutional issues devoutly to be avoided. As stated at the outset, in 1949 the American Bar Association resolved that the Genocide Convention should not be "approved as submitted," because "the suppression and punishment of genocide under an international convention . . . involve important constitutional questions," and the proposed convention "does not resolve them in a manner consistent with our form of government"; and on February 23, 1970, the House of Delegates of the Association voted not to recede from the position of the Association as expressed in 1949.

In the final analysis, prohibition of genocide by treaty must inevitably become an exercise in futility. Adolf Hitler would hardly have restrained the frightful acts of genocide which gave rise to the Convention, even if it had been in existence, and Germany had been a party to it, during the Nazi reign of terror.

The Soviet Union and her Communist-bloc allies were not deterred from the 1968 invasion of Czechoslovakia by the non-aggression provisions of the Charter of the United Nations of which they are all pious members. And yet, incredibly, the Section Report advocating ratification of the Geno-

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cide Convention, states unequivocally (p. 14) that no member state of the United Nations has ever "acted in deliberate defiance of the commitments it entered into" in the Charter!

The Convention on the Prevention and Punishment of the Crime of Genocide places in the hands of foreign nations whose peoples have never known such freedoms as are guaranteed under the Constitution of the United States, the power to judge whether those freedoms are being protected properly within our domestic borders.

It is submitted that an international convention whose provisions may be invoked in an international forum when an individual commits a crime within the domestic jurisdiction of his own state, would cause far more friction between peoples and governments than does the evil which it seeks to correct, and would tend to promote war rather than to "maintain international peace and security" within the letter and spirit of the Charter of the United Nations.

FOOTNOTES

[1] Reference to that report will hereinafter sometimes be made as the "Section Report".

[2] See record of the proceedings of the Ad Hoc Commitee in 1948, and especially the statement made on April 15, 1948, by Mr. Maktos of the United States, chairman of the Committee, as to the position of the United States, and also the proceedings and votes in the Sixth (Legal) Committee (75th and 128th meetings), and the Official Records of the Third Session of the General Assembly, Part I, "Legal Questions".

[3] In this connection, there is also filed herewith a copy of a news release of September 17, 1970, by the Cardinal Mindszenty Foundation, discussing background of the foregoing petitions, and stating, *inter alia*, that "the U.S. Communist Party has ordered its membership to mount a full-scale campaign for Senate Ratification" of the Genocide Convention.

[4] 347 US 483, 493, 494 (1954).

[5] A copy of this New York Times article is filed herewith.

[6] See Public Law 90-634, 82 Stat. 1347 (October 24, 1968), 19 USCA 160, note (Suppl.), suspending certain provisions of the Code, and its legislative history in *US Congressional and Administrative News* (1968), Vol. 3, 4359 *ff*. See also Long, *United States Law and the Anti-Dumping Code*, 3 *The International Lawyer*, 464 (April, 1969).

[7] See Phillips, The Genocide Convention, 35 ABAJ 623, 625 (April 1949).

[From the New York Times, Nov. 26, 1969]

Genocide Charge Is Made by Hanoi—It Hints Village Killings May Be Exploited at Paris Talks

(By Charles Mohr)

Hong Kong.—North Vietnam accused the United States yesterday of genocide.

The North Vietnamese Foreign Ministry said in a statement that the alleged massacre of civilians in a South Vietnamese village in March of last year grew out of United States policy in Southeast Asia and was not merely the result of criminal acts by one American unit.

The Hanoi Government thus seemed to be moving to exploit the reported incident in Songmy village to reinforce its negotiating demands that the United States withdraw quickly and unconditionally from South Vietnam.

U.S. OFFICIALS DENOUNCED

The Foreign Ministry statement was the latest of at least four long news articles and reports transmitted by the official Vietnam News Agency since Sunday. Other articles included an editorial denunciation of American officials and what were asserted to be first-hand accounts by survivors of the Songmy incident.

The United States Army has charged First Lieut. William L. Calley Jr. with the murder of at least 109 persons in the incident at Songmy last year.

The North Vietnamese Foreign Ministry statement broadcast late last night, said:

"The United States war of aggression is a genocidal war against the Vietnamese people. This loathsome crime, which will be forever cursed, has itself laid bare the United States allegation on its so-called defense of the freedom and respect for the fight to self-determination of the South Vietnamese people."

"The question here," the statement continued, "is not only the responsibility of the criminals in Songmy" but "the responsibility of the United States. Ruling circles who have unleashed a war of aggression against Vietnam and committed innumerable and abominable charges against the Vietnamese people."

"To put an end to the United States crimes against the Vietnamese people, the United States aggression must be stopped and the United States and satellite troops must be totally withdrawn from South Vietnam," it asserted.

The Hanoi Government "strongly denounces" the killing of civilians in Songmy, according to the statement, and calls on "progressive people in the United States" and elsewhere to "raise their voices and take measures" to check American policy.

A similar statement by "a spokesman" of the Vietcong's political organization, provisional revolutionary government of South Vietnam, said the reported incident in Songmy "laid bare the fallacy of the United States ruling circles' mythical contention that a 'wholesale massacre' would take place in South Vietnam if the United States withdraws all its troops."

SAVE YOUR VISION WEEK

Mr. JAVITS. Mr. President, President Nixon has proclaimed the week of March 7 as Save Your Vision Week. The first such observance was held 44 years ago for the purpose of making Americans more aware of the important role vision plays in our lives, and how we can better preserve our eyesight.

Blindness is a great tragedy, but it becomes even a greater tragedy when it is unnecessary—and most blindness is unnecessary. For example the harmful effects of glaucoma, one of the leading causes of blindness, can be avoided if discovered early enough. Yet, an estimated 1,000,000 Americans suffer from this disease and are not aware of it. For many of them, the disease will not be recognized until it is too late.

There are many vision problems less severe than blindness that also take a high toll on society. Poor vision is often the cause of learning difficulties among school children, and possible consequent antisocial behavior. Vision problems are a factor in loss of industrial safety and productivity. Among the aged, vision problems are almost universal and are a significant factor in mobility problems that confront them.

This observance should encourage doctors in the field of eye care to renew their efforts to provide the best possible eye care to the 50 percent of America's people who have vision problems.

In this regard I am pleased to note that New York State will soon open the doors of a new College of Optometry to be operated under the auspices of the State University of New York. The college was created by an act of the New York State Legislature that was signed into law by Governor Rockefeller during the closing hours of the 1970 legislative session. This school will be the 12th such school in the Nation, and the first school of optometry to be located in New York State since the Columbia Optometry School closed many years ago.

We would be well advised if we all took the simple measures necessary to preserve and protect our vision. No matter what field of endeavor we are engaged in, good eyesight can help us to live fuller and more rewarding lives.

RAILPAX SHOULD PROVIDE ADEQUATE TRAIN SERVICE FOR THE SHORE LINE ROUTE IN NEW ENGLAND

Mr. PELL. Mr. President, I am most disturbed at hearing the suggestion that the inland New Haven-Hartford-Worcester-Boston route may be substituted by Railpax for the shore line New Haven to New London-Westerly-Providence-Boston route.

This option simply does not make sense for three reasons.

First, the trains should be where the people are and the Providence-Pawtucket standard metropolitan statistical area is the largest one between Boston and New York.

Second, the inland route already has a practically parallel automobile highway route whereas our area does not.

Third, the present shore line route's roadbed and facilities, bad as they are, are better than are those of the inland route.

Actually, I would support service on both of these routes, if each of them can be made to pay.

This danger of inadequate service in New England, I believe, points up all the more the need for the creation of a regional transportation agency.

It is most important that we move ahead before the May 1, 1971, deadline in order to insure that our rail service in the Northeast Corridor—which can prove profitable from the viewpoint of passenger transportation—is not used to support the passenger vanity railroads, the long haul, more than 500-mile passenger railroads which are only being kept in business in order to tickle the pride of a single section of our country. These long-distance trains cannot profitably compete with the airplane, and, hence, cannot prove profitable from this viewpoint of hauling passengers.

I ask unanimous consent that an editorial from the Washington Post, my statement at the Congressional Hotel on regional transportation agencies, and the description of a regional transportation agency being formed out of Philadelphia be inserted in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

STATEMENT BY SENATOR CLAIBORNE PELL

As many of you here know, for many years I have been crusading for the revival of rail passenger service. I advocated the creation of high speed ground transportation because I believed people would ride trains if they were clean, fast, and punctual. The successes of the Metroliner and the Turbo-Train have borne out those beliefs.

Today I would like to talk to you about another belief I have long held. I believe Regional Authorities are required to operate economical passenger service.

As I see it, the key element missing today in the formula for improving rail passenger service is the proper organizational structure.

The Penn Central conglomerate by its record has demonstrated that it is not the structure.

The bigger it became the less trains it ran. In New England, we were told that the merger of our New Haven railroad with the Pennsylvania and the Central would improve rail passenger service. The merger gave us less trains, worse service, and bigger problems.

Now we are told that the proper structure for running rail passenger service is an even bigger structure, Railpax, a sort of national Penn Central.

I am not convinced Railpax, as presently envisioned, is the answer to our problems on the East Coast.

We have people here on the East Coast who need the service. Railpax by its Congressional charter has to have trains running across the great expanses of the West where there are few people.

It seems to me that we should put the trains where the people are; and the people are in our urban corridors, that is, our Megalopolises. It is for this reason, I am a strong supporter of the establishment of a regional rail transportation agency on the East Coast.

I believe there is a needed and meaningful role for regional transportation agencies to play under the umbrella of Railpax. It is a role which I believe can be complementary to, rather than adverse to, the interests of Railpax.

An amendment, I offered, and included in the Railpax law, allows regional transportation agencies to operate trains in place of the operation of trains by Railpax itself within a region. My amendment also allows the Secretary of Transportation to provide guarantees for the bonds of such regional agencies.

It is my hope that Regional Transportation Agencies, such as Norpax, could operate as subsidiaries of Railpax, the National Rail Passenger Service Corporation.

There are some functions of scale which a large national organization such as Railpax, can better perform than a regional operation. But these functions come under the heading of coordination and promotion, and not operation. Railpax should leave regional management of rail passenger service to regional interests.

Accordingly, it is my hope that Railpax would evolve through my amendment as a public interest conglomerate with regional transportation agencies, such as Norpax, as operational subsidiaries. Railpax should be like a holding company and not involved in management.

This approach would have advantages for both. Railpax could contract for national service with a regional agency and not have to worry about local operational needs. Regional transportation agencies would have control over the provision of their own service needs, and still have the advantages of the national marketing and financing services of Railpax.

This is the direction in which I see Norpax headed, and I applaud Dave Berger, Governor Shapp of Pennsylvania, Mayor Tate of Philadelphia, for their initiative. I would also add that Geo-Transport of New England, the future regional transportation agency of the Northern half of the Megalopolis, supports the efforts of Norpax and expects to coordinate New England's efforts with those of the Mid-Atlantic States.

I believe these regional efforts are worthwhile and I would urge my fellow members of Congress to lend them their support.

[Blueprint]

NORTHEAST CORRIDOR RAIL PASSENGER IMPROVEMENT CORPORATION—NORPAX

I. INTRODUCTION

To serve the 30,000,000 people in the Northeast Corridor, passenger rail service must be fast, frequent, comfortable, safe and low-cost. It must be completely different from the indifferent, high-cost, low quality, infrequent service the public has come to expect from the railroads. Properly serviced and maintained, present equipment can be utilized until new and better replacements and additions can be obtained. The basic problem in rail transportation is not equipment; it is service, management and, above all, attitude. There must be a desire to improve service constantly.

Traffic studies have indicated that a city of over 800,000 population is required to anchor a successful passenger rail operation, but with such an anchor, smaller cities develop significant travel volume attracted by the metropolitan center magnet. In the Northeast Corridor, there are five urban cores in this magnet category: Boston, New York, Philadelphia, Baltimore and Washington, D.C.

There are over 30 cities that will generate trainload volumes of passengers if fares and schedules are set to move people.

Some of these cities are (listed by state): *Maine*: Portland; *New Hampshire*: Manchester; *Delaware*: Wilmington; *Pennsylvania*: Bethlehem; Erie; Harrisburg; Johnstown; Pittsburgh; Williamsport; *Massachusetts*: New Bedford; Springfield; Worcester; *New Jersey*: Newark; New Brunswick; Trenton; *Virginia*: Alexandria; Norfolk; Richmond *Connecticut*: Bridgeport; Hartford; New Britain; New Haven; *Rhode Island*: Providence; *Maryland*: Baltimore; *Vermont*.

II. KIND OF REGIONAL ENTITY TO BE CREATED

Under the National Rail Transportation Service Act (Public Law 91-518), a regional entity may be created to operate intercity rail passenger service. The Act states in Title IV § 401(4) (b):

"On May 1, 1971, the Corporation shall begin the provision of intercity rail passenger service between points within the basic system unless such service is being provided either (i) by a railroad with which it has not entered into a contract under subsection (a) of this agency or (ii) by a regional transportation agency, provided such agency gives satisfactory assurance to the Corporation of the agency's financial and operating capability to provide such service, and of its willingness to cooperate with the Corporation and with other regional transportation agencies on matters of through train service, through car service, and connecting train service. The Corporation may at any time subsequent to May 1, 1971, contract with a regional transportation agency to provide intercity rail passenger service between points within the basic system included within the service of such agency."

In compliance with the provisions of the Non-Profit Corporation Law of Pennsylvania approved the 5th day of May, A.D. 1933, P.L. 289, as amended, an entity whose purpose would be to operate, manage and control intercity rail passenger service between Virginia and Maine can quickly and easily be created. This corporation would not contemplate pecuniary gain or profit, incidental or otherwise, to its members and would be organized upon a non-stock basis. Upon approval of the application to the Corporate Bureau of the Commonwealth of Pennsylvania, the Regional Transportation Agency would establish its Board of Directors. The Board would be composed of approximately fifteen (15) members (with the possibility of increase and decrease in membership) selected in accordance with the Corporation's by-laws. There will be three classes of members who will be members of the Board of Directors: Eleven (11) states; the five (5) magnet metropolitan areas, and seven (7) representative metropolitan areas. The seven representative metropolitan areas will select Board directors from the many cities being served by the rail lines. The state representatives will be selected by the governors of the respective states (District of Columbia representative being selected by its Mayor). The representatives of the five magnet metropolitan areas will be selected by their respective Mayors. The members of the Board from the representative metropolitan areas shall be appointed by the Governors, a selection scheme to be determined on the basis of demographic and geographic criteria. The Chairman of the Board will be elected by the Board of Directors. He will be the chief executive responsible for liaison with all outside agencies. The officers of the corporation will be selected by the Board of Directors in accordance with standards as established in the by-laws.

III. HOW TO STAFF

Prior to May 1, 1971, an office with a skeleton staff of secretaries and managerial help would be established. This staff will perform the necessary and detailed ground work for the changeover. As well, a system of communications among all interested parties throughout the Northeast Corridor will be established. Contact, weekly and daily, if necessary, will be made with all interested parties. All railroad employees will remain protected under existing union contracts and retirement laws. The non-profit corporation will retain all qualified employees of existing railroads who will be required for the operation of the new corporation.

As to middle management and executive staff, a compact and tight knit organization is planned. The membership of this group will be composed either of those who are or have been within the railroad or a related industry, or with government or scholastic institutions.

IV. HOW TO FUND

Short Range: Financing will be largely on a cash flow basis, at the rate of over one million dollars per week. The take-over date must be one day following a payday to give maximum time to build cash for the next payday. Approximately $100,000 "seed money" would be requested for organizational expenses. It is hoped that these initial funds would be obtained from the participating governmental agencies and/or interested foundations and organizations. The funds would be treated strictly as an advance and would be reimbursed after the corporation begins its operations. A pro forma income statement for 1970 has been attached to demonstrate sources of revenue as well as expenses. (See Appendix.)

With the above income, the non-profit corporation would be able to maintain and eventually improve and increase present levels of service and operation. Upon the formation of the non-profit corporation, the new Board of Directors would ultimately apply to Congress for an appropriation which would amount to approximately 15% of gross fares or $10,000,000. It is believed that these funds would be earmarked from Federal Pilot Program funds.

In acquiring funds, it is imperative that all existing resources be used. Arrangements must be made to secure the active cooperation of organized labor and all the existing relevant authorities throughout the Northeast Corridor. The Resources available from the eleven states appear on page two of the appendix to this document.

Long Range: Plans for long range financing will be developed by the working staff and management as well as the new Board of Directors. Initially, two sources of additional revenue are envisioned. The first would be to apply for new federal legislation whereby appropriations and/or federally guaranteed loans might be acquired. As well, application would be made to existing state and regional authorities with power to acquire new equipment and cars. Jointly beneficial arrangements would be made to accomplish the long range objectives.

V. SUMMARY

A non-profit corporation can be quickly and easily formed in Pennsylvania. The home offices of the leading railroad herein involved is located in Pennsylvania; naturally, to have the non-profit corporation in such close proximity would be most economical and practical. It is the intent of this non-profit corporation to assume the operation of existing rail passenger service through negotiations with existing railroads. Equipment, fixed and mobile, would hopefully be pooled and modernized. All this would be negotiated jointly. It must be kept in mind at all times that pending new negotiations and new capital, the non-profit corporation would honor and maintain existing contracts and arrangements. In short, on May 1, 1971, the trains will run as they were running on April 30, 1971. The *first phase* of the entire operation is to *save* the lines in existence and running on April 30, 1971. The *second phase* is to maintain and develop these lines. The *third phase* is to improve the lines greatly by modernizing the road beds so they will be able to take the most up-to-date and fastest equipment; to increase frequencies of service and to lower fares.

In this way, congestion of highways and skyways will be relieved and a massive assault will be mounted on the pollution of air environment from motor vehicular traffic.

Respectfully submitted.

David Berger.

[Appendix to blueprint]

Northeast Corridor Rail Passenger Corporation

RESOURCES AVAILABLE FROM STATES

Maine: New England Governors' Conference support plus modest new legislation.

New Hampshire: same as Maine.

Massachusetts: The Massachusetts Bay Transportation Authority, a state agency, has the power and is contracting for railroad service within 25 miles of Boston. The NE Corridor Corp. can share Boston Terminal facilities as the guest of MBTA. The Governor has promised to divert travel from highway to rail.

Rhode Island: same as Maine, plus cooperation from Rhode Island Public Transit Authority, so far a bus operation.

Connecticut: The Connecticut Transportation Authority has already leased the most vital portion of the corridor from New Haven west from the railroad and can be the host for NE Corridor Corp. in this area. The Authority has funding and could expand its area to Hartford to assist NE Corridor.

New York: New York Metropolitan Transit Authority now controls all railroad service in the Metropolitan area. MTA can serve as host for the NE Corridor service in both Grand Central and Penn Stations.

New Jersey: New Jersey Department of Transportation is already contracting for all rail service in the corridor from New York to Trenton. General taxes and bond issues are being used. Under these conditions profitable operations are practically assured in New Jersey.

Pennsylvania: Southeastern Pennsylvania Transportation Authority contracts for service betwen Trenton and Wilmington, including Philadelphia and west 43% of the way to Harrisburg. State support of SEPTA can be broadened to include modest NE Corridor support but very little should be necessary.

Delaware: The new Department of Transportation should be brought in to provide its modest share of any necessary support, but little is likely.

Maryland: The new Department of Transportation can assume responsibility for the Baltimore terminal on July first, and the improved local service between Baltimore and Washington.

Virginia: Efforts should be made to bring the new Department of Transportation into the program, particularly with reference to the Norfolk terminal, and rolling stock improvement for two sets of trains.

IMPROVEMENT PROGRAM

May 1, 1971: Corridor oriented capable management;

Clean trains more nearly on-time;

Reduced basic fare level, some increases in special rates;

New, more convenient, more efficient schedules;

New service to Maine, New Hampshire, Taunton, New Bedford, Allentown, Lebanon, Atlantic City;

Effective advertising program to generate revenue;

Preventive maintenance program for equipment;

Brightened and cleaned up stations;

Coordination with Railpax; and

Coordination with the metropolitan transit authorities.

Short range improvements

Rehabilitation of Rail Diesel Cars, possibly as Turbine cars;

Development of more suburban stations with parking;

Design and construction of an efficient shop facility;

Contracts with cooperating transit authorities for the purchase and lease of new 100 mph, air conditioned air suspension, efficient electric cars for use in electrified territory where lighter travel volume is predominent; and

Reconstruction of stations worst in need, in cooperation with metropolitan transit authorities.

Long range improvements

Restoration of 120 mph Metroliner operation;

Electrification of tracks from New Haven to Hartford, New Haven to Boston, and Bridgeport to Hartford and Boston;

Electrification of tracks, Frankford Junction (Phila.) to Atlantic City, with better Atlantic City Station;

New cars and rebuilt locomotives for trains requiring standard interchangeable rolling stock;

More, but simplified and more reliable Metroliner cars;

Elimination of sharp curves and drawbridges where possible; and

Coordination with new Washington, D.C. subway system.

PROPOSED SERVICES—NEW YORK, TRENTON, PHILADELPHIA, BALTIMORE, WASHINGTON

Leave New York 3:25 a.m. for Washington.

6:30 a.m. for Philadelphia.

7:00 a.m. Metro for Washington.

7:30 a.m. for Washington.

8:00 a.m. for Philadelphia.

9:00 a.m. Metro for Washington.

9:30 a.m. for Washington.

10:15 a.m. for Philadelphia.

11:00 a.m. Metro for Washington.

11:30 a.m. for Washington.

12:15 p.m. Metro for Philadelphia.

1:00 p.m. Metro for Washington.

1:30 p.m. for Washington.

2:00 p.m. for Philadelphia.

2:30 p.m. for Philadelphia.

3:00 p.m. Metro for Washington.

3:30 p.m. for Washington.

4:00 p.m. for Philadelphia.

4:30 p.m. for Philadelphia.

5:00 p.m. Metro for Washington.

5:03 p.m. for Philadelphia.

5:07 p.m. for Philadelphia.

5:30 p.m. for Philadelphia.

5:45 p.m. for Washington.

6:00 p.m. for Philadelphia.

6:30 p.m. Metro for Philadelphia.

7:00 p.m. Metro for Washington.

7:30 p.m. for Washington.

8:15 p.m. for Philadelphia.

9:00 p.m. Metro for Washington.

10:00 p.m. for Philadelphia.

11:00 p.m. for Philadelphia.

12:05 a.m. for Philadelphia, then 7:10 a.m. from Philadelphia to Washington, D.C.

Leave Baltimore for Washington 6:23 a.m. local.

7:00 a.m.

7:05 a.m. local.

8:40 a.m.

9:25 a.m. Metro.

10:40 a.m.

11:27 a.m. Metro.

12:40 p.m.

1:27 p.m. Metro.

2:40 p.m.

3:23 p.m. Metro.

4:15 p.m. local.

4:40 p.m.

5:27 p.m. Metro.

6:40 p.m.

7:12 p.m. Metro.

8:55 p.m.

9:27 p.m. Metro.

10:40 p.m.

11:27 p.m. Metro.

Corresponding service in the other direction.

Slightly different service in weekends.

PHILADELPHIA AND ATLANTIC CITY

Leave Philadelphia 9:00 a.m., 1:00 p.m., 4:35, 5:05, 5:35, 9:20 p.m.

PHILADELPHIA AND HARRISBURG

Leave Philadelphia 5:45 a.m., 8:00, 12:25 p.m., 2:00 Metro, 3:25 p.m., 5:28 p.m., 6:20, 8:15 p.m., 9:50 p.m.

Railpax Service leaves New York over these routes: 8:30 a.m., 1:45 p.m., 6:15 p.m., 10:00 p.m.

NEW YORK, NEW HAVEN, HARTFORD, PROVIDENCE, BOSTON

Leave New York 7:00 a.m. for Boston via Hartford.

8:00 a.m. for Boston via Providence.

9:00 a.m. for Hartford.

10:00 a.m. for Boston via Providence.

11:00 a.m. for Boston via Hartford.

12:00 a.m. for Boston via Providence.

1:00 p.m. for Springfield.

2:00 p.m. for Boston via Providence.

3:00 p.m. for Boston via Hartford.

3:30 p.m. for Boston via Providence.

4:00 p.m. for Hartford.

4:30 p.m. for Boston via Providence.

5:00 p.m. for Springfield.

5:30 p.m. for Boston via Providence.

6:00 p.m. for Hartford.

7:00 p.m. for Boston via Providence.

8:00 p.m. for Springfield.

2:00 a.m. for Boston via Providence.

Leave Hartford 6:30 a.m. for Boston.

Through service to and from Washington 4 times per day, noted.

When New York to Boston trains operate via Hartford, added trains will be operated, Providence to Boston.

Slightly different service on weekends.

BOSTON, NASHUA, MANCHESTER, CONCORD

Leave Boston 9:10 a.m., 1:30 p.m., 5:20 p.m., 9:20 p.m.

BOSTON, HAVERHILL, DOVER, PORTLAND, LEWISTON-AUBURN

Leave Boston 10:10 a.m. to Portland only, 5:10 p.m. to Lewiston.

BOSTON, PITTSFIELD, ALBANY

Leave Boston 4:00 p.m., connections to Buffalo, Chicago.

BOSTON, TAUNTON, NEW BEDFORD

Leave Boston 9:15 a.m., 2:00 p.m., 5:20 p.m., 9:20 p.m.

WORCESTER, NEW LONDON, NEW YORK

Leave Worcester 7:30 a.m., 2:30 p.m.

NEW YORK, NEWARK, WEST TRENTON, PHILADELPHIA

NEW YORK, NEWARK, BETHLEHEM, ALLENTOWN, READING, HARRISBURG

Leave Newark 9:00 a.m. to Harrisburg. 5:20 p.m. to Lebanon.

PHILADEPHIA, BETHLEHEM, ALLENTOWN

Leave Philadelphia 8:35 a.m., 1:25 p.m., 5:05B, 5:56, 9:50 p.m. B.

(B)—to Bethlehem only.

PHILADELPHIA, READING, POTTSVILLE

Leave Philadelphia 6:23 a.m., 10:00 a.m., 1:30 p.m., 4:37R, 5:28, 7:00R p.m., 9:30 p.m.

(R)—to Reading only.

PHILADELPHIA, OCEAN CITY, WILDWOOD, CAPE MAY

Leave Philadelphia 5:05 p.m., also 4:35 p.m. summer months. 9:00 a.m. summer months.

BALTIMORE, LAUREL, COLLEGE PARK, WASHINGTON

Leave Baltimore 6:05 a.m., 7:00, 7:55 a.m., 4:55 p.m., 5:25, 6:05, 7:50 p.m.

WASHINGTON, RICHMOND, NORFOLK

Leave Washington 12:50 p.m. and 5:40 p.m., the latter joint with Railpax as far as Petersburg.

Slightly different service on weekends.

Corresponding service in the other direction.

For running times see sample on routing tables.

Also coordinated with Corridor.

RECOMMENDED PENNDOT SERVICE CONTRACT WITH RAILPAX

Leave Washington for Baltimore, York, Harrisburg, Williamsport: 4:00 p.m.

Leave Harrisburg 4:00 p.m. for Altoona.

Leave Altoona 7:05 a.m. for Pittsburgh.

Leave Newark (New York connection) for Stroudsburg, Poconos, Scranton, Binghamton and Syracuse 3:15 p.m., 7:30 p.m.

NORTHEAST CORRIDORAIL SERVICE

[Estimated patronage, average daily travel]

Route	ADT	Density (population per mile)
New York-Philadelphia	12,621	142,500
New York-Washington	6,968	42,500
New York-New Haven-Hartford	5,302	93,700
New York-Providence-Boston	5,739	54,270
Waterbury-Boston	6,410	25,000
Washington-Norfolk	1,564	11,370
Philadelphia-Harrisburg	1,130	31,900
Newark-Lebanon	1,390	63,360
Philadelphia-Pottsville	1,343	33,600
Philadelphia-Allentown	908	41,000
Philadelphia-Atlantic City	[1] 572	19,000
Philadelphia-Cape May	[1] 91	19,000
New London-Worcester	200	15,000
Boston-New Bedford	1,904	30,400
Boston-Concord	2,101	32,000
Boston-Maine	635	20,750
Average daily	48,878	

[1] Double to triple in summer, should also increase markedly with better service. Local area commuters excluded. Overlaps on through trips excluded.

PRO-FORMA INCOME STATEMENT—1970

Revenues:	
New York-Washington	$28,500,000
New York-Boston	26,250,000
Washington-Norfolk	2,900,000
Philadelphia radials	2,850,000
Boston radials	3,300,000
Newark radials	2,000,000
Total annual revenue	65,800,000
Mail, express, parcel revenue	8,000,000
Grand total	73,800,000
Expenses:	
Maintenance of way and structures	7,000,000
Maintenance of equipment—$16,000 plus 12 cents a mile	7,050,000
Fuel and power—4 cents a mile	2,250,000
Transportation crews	19,000,000
Station operations	6,400,000
Yard operations	4,000,000
General and miscellaneous	13,600,000
	59,300,000
Net railway operating income	6,500,000
Financing charges	5,000,000
Net per year for contingencies	3,000,000

[From the Washington Post, Mar. 16, 1971]

GETTING STARTED ON THE RAILROAD CORPORATION

If you were a visitor from another country and had thumbed through the Congressional Record for the last few weeks, you might well begin to believe that railroad passenger trains are vital to almost every area of the United States. Day after day, one congressman or another has made a pitch to the new National Railroad Passenger Corporation for special consideration. Almost always, the argument is that his state needs at least as much, and perhaps more, passenger service than it now has and that the new corporation (Railpax) ought to provide it.

That is only one of the many problems, although it is undoubtedly a nagging one, confronting the men who are working to get Railpax going. The new corporation goes into operation later this year and it has a great deal of work to do if it is going to start off properly. The scope of its task is monumental in that it involves reorganizing the intercity trains now operated by dozens of railroads into a workable structure and, at the same time, negotiating with the railroads on equipment and operations, not to mention such things as crew arrangements and ticket office space.

We would like to offer a couple of suggestions while this process is under way. One is that it might make sense for Railpax to move into operation in stages, taking over this year in some of the major traffic corridors and adding the rest of the national network subsequently. If the time schedule makes such an arrangement the best alternative, Railpax ought to say so and ask Congress for any modifications in its statute that are required. The future of the railroad passenger train in this country rests with the success or failure of Railpax and it ought to begin operations from the strongest possible position.

The other suggestion is that it is about time for public officials to begin to face up to the realities of the passenger train business. The main hope for success in this new semi-public corporation lies in trains which operate in the densely populated areas of the country. If these can be modernized so they attract passengers and can be made to pay financially, Railpax may be able to support some, but not much, non-economic passenger service elsewhere. Thus, these are the areas in which Railpax must focus its attention. This means, undoubtedly, that there are broad geographic areas of the country which will get less railroad service than their residents think acceptable. But there are provisions in the Railpax legislation for regional organizations to underwrite specific trains, and public officials ought to be examining that possibility instead of urging the new corporation to expand its original network beyond that already marked off by Secretary Volpe.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

JOINT COMMITTEE ON THE ENVIRONMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Joint Resolution 17.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 17) to establish a Joint Committee on the Environment.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I support the resolution to establish a new nonlegislative Congressional Joint Committee on the Environment. Although the matter did not become law, the action of the Senate last year in passing a similar resolution was timely and several incidents in the last several months support the timeliness of early action by Congress this session.

Mr. President, on February 10 of this year, President Nixon submitted to the Congress the most comprehensive package of environmental proposals ever submitted to the Congress. Naturally, several of these proposals, innovative and comprehensive in their scope, have been the subject of committee jurisdiction contests some of which have not, even to this date, been completely resolved. As the principal sponsor of the resolution, Senator MUSKIE has pointed out, one of the prime functions of the Joint Environment Committee will be to provide a forum to resolve these disputes since the joint committee will have membership from the chairmen and ranking members of the principal standing legislative committees having jurisdiction over environmental matters. All of us certainly recognize the importance of committee jurisdiction. And naturally all of us seek to maintain and enhance the jurisdiction of those committees on which we serve. However, it is also clear that the public interest dictates that there be some measure of finality to committee jurisdiction so that Congress can formally initiate the process leading to responsive legislation.

Under the two acts authorizing the Council and Office of Environmental Quality headed by the Honorable Russell E. Train; the National Environmental Policy Act, Public Law 91–190, and the Water Quality Improvement Act of 1970, Public Law 91–224, the President is required to submit annually to Congress a report on the environment. Many Senators will recall that upon transmission of the report to the Congress last August, Mr. Train spent the better part of a month appearing before various committees and subcommittees on both sides of the Congress. These repeated appearances cannot represent the most effective use of his and the Council's time. However, unless Congress provides otherwise, Mr. Train has no choice, and the only real effect is that the Council's limited resources are further diverted from the large tasks before that small agency. The creation of a Joint Committee on the Enviroment will enable Congress to receive the annual report on the environment from the President, and provide a single forum for the Chairman of the Council on Environmental Quality to formally submit and explain the report to Congress. Congress has an obligation to provide such a mechanism to reflect the action it has taken in establishing in the executive branch a Council on Environmental Quality.

All of us who have engaged in committee work involving environmental issues have become decisively aware that environmental quality is a subject which cuts across nearly every program and policy of this Nation. To match this fact, Congress must provide a forum to enable a single comprehensive review and analysis of the relationship of environmental issues. Such a mechanism is now lacking and such a mechanism would be provided by the Joint Committee. It would be of great value to the Congress, in all its legislative activities, to have a structure which can acquire information on the broad reach of environmental issues in a coherent and comprehensive manner and make such reports available to each of the standing legislative committees. In this way redundancy and overlap can be avoided in legislation and harmony instead of conflict can be woven into legislation arising from the several committees.

I therefore support this measure and want to compliment Senator MUSKIE for his leadership in bringing this matter back to the Senate early in the 92d Congress. The legislative record which supports this Joint Committee is impressive. In Senator MUSKIE's Subcommittee on Intergovernmental Relations hearings were held on a proposal to create a Select Senate Committee on the Environment—a proposal now expanded to the Joint Committee—with two volumes of proceedings that include some of the most enlightened and helpful testimony ever compiled in a single source on environmental issues.

I would also like to commend the chairman and ranking minority members of the three committees which have been instrumental in bringing the legislation to the Senate: Senator MAGNUSON, chairman of the Commerce Committee; and Senator COTTON, the ranking minority member of that committee. Similarly, Senator JACKSON, chairman of the Interior Committee; Senator GORDON ALLOTT, ranking minority member of that committee; and of course from my own committee, the Committee on Public Works, I would also like to commend especially the chairman, Senator JENNINGS RANDOLPH, and Senator JOHN SHERMAN COOPER, ranking minority member for their role in bringing this matter to the floor.

The action the Senate takes today is yet another index of the commitment of this Government, including the executive branch and Congress, to provide the environment necessary for all Americans to enjoy a quality of life.

I wish also to commend the Senator from Delaware (Mr. BOGGS) for his contribution to this undertaking as ranking minority member of the Subcommittee on Air and Water Pollution.

Mr. President, I have the happy privilege of serving on two committees affected by this resolution—the Committee on Public Works, on which I serve on the Subcommittee on Air and Water Pollution, and the Committee on Commerce.

I yield the floor.

Mr. BOGGS. Mr. President, I thank the distinguished Senator from Tennessee (Mr. BAKER) for his kind and generous remarks. It is a great privilege to serve with him on the Committee on Public Works as well as the Subcommittee on Air and Water Pollution. I commend him for his interest in this important measure.

Mr. President, I wish to join Senator BAKER and other Members in expressing my strong support for the adoption of Senate Joint Resolution 17, which would establish a Joint Committee on the Environment.

It was my honor last year to cosponsor a similar resolution and then to represent the Senate during the unsuccessful conference with the House. I am once again pleased to cosponsor this important joint resolution.

Creation of a Joint Committee on the Environment, I believe, will serve to augment and streamline the ability of Congress to handle the environmental challenge.

The current jurisdiction over environmental matters is somewhat fragmented among various standing committees of the Senate. While the Committee on Public Works, on which I have the honor to serve, has jurisdiction over pollution control legislation, many related factors affecting our efforts to enhance the environment are properly the jurisdiction of other standing committees.

While the legislative authority of these standing committees would in no way be altered by this resolution, I believe the creation of a Joint Committee on the Environment would serve as a useful focus. It has been pointed out to me, for example, that Chairman Train of the President's Council on Environmental Quality, spent numerous hours in testifying before a number of congressional committees last year on various environmental topics. I cannot but help believe Chairman Train's time, as well as that of the Members of the House and Senate, would occasionally have better served if a single forum had existed for discussion of these matters and reports to the Congress.

The Joint Committee we are discussing today would create such a forum and focal point. It is necessary.

Mr. President, two of the Senate's most effective leaders in the effort to develop environmental enhancement legislation are necessarily absent today. The distinguished Chairman of the Committee on Public Works (Mr. RANDOLPH) and the committee's distinguished ranking Republican member (Mr. COOPER) have each prepared an assessment of the joint resolution. As I know my colleagues will value their observations, I ask unanimous consent that Senator RANDOLPH's statement be printed at this point in the RECORD.

There being no objection, the statements by Senators RANDOLPH and COOPER were ordered to be printed in the RECORD, as follows:

SENATOR RANDOLPH URGES CREATION OF JOINT COMMITTEE ON THE ENVIRONMENT

Mr. RANDOLPH. Mr. President, for nine years the Committee on Public Works has been deeply involved in the development of legislation to protect and enhance the environment.

More recently, the United States has witnessed a resurgence of public interest in environmental matters. This heightened concern for the world in which we live has brought with it a substantial increase in legislative proposals, not only within the jurisdiction of the Committee on Public Works but within that of other committees who are engaged with us in this important work.

I am grateful for this interest, and I hope that it is sustained, for it creates a body of public opinion that allows us in the Congress to move swiftly toward the enactment of laws necessary to protect the environment.

The growing pressure on government to provide the legal mechanisms and the leadership for an improved environment, while welcome, brings with it certain administrative difficulties within the Congress. I am pleased to be a co-sponsor of the legislation before us today to create a Joint Committee on the Environment. Such action is timely and constitutes a proper response by the Congress in adjusting its own organization to the new and urgent demands being made on it.

With responsibility for environmental legislation divided among several standing committees, this Joint Committee would meet an important need by coordinating the work of the standing committees. A Joint Committee on the Environment, even though it would be non-legislative in nature, would facilitate a more efficient operation of the Congress in an area that is of vital concern to all Americans.

The Senate can demonstrate its dedication to the cause of a better environment by approving this resolution today.

Mr. COOPER. Mr. President, I regret that I was not able to participate today in the Senate action to establish a Joint Committee on the Environment. It is a historic act that continues the development of institutions that will enable Congress to be responsive to the complex and urgent problems of the environment.

My experience with the Senate spans the emergence of public concern over the quality of our environment. This experience clearly reveals the need of harmonizing and coordinating the activities of the many standing legislative committees which have jurisdiction over various matters related to the environment. The Joint Committee on Environment should fill this need and I support it.

I would like to commend Senator Baker for managing this Resolution on the Senate floor and also commend Senator Boggs for his continued and steadfast participation in the activities of Congress on environmental issues. These two men are as responsible as any other Senators in fashioning environmental legislation in the Committee on Public Works. It is with a great deal of pleasure that I serve with these men as well as with the membership of the full committee. Of course commendation is also due Senators Randolph and Muskie of the Committee on Public Works, Senators Magnuson and Cotton of the Commerce Committee and Senator Jackson and Albert of the Interior Committee. These men have been instrumental in working and the formula of the Joint Committee and they have performed a great service in the public interest.

Mr. BOGGS. Mr. President, I would like to also join the Senator from Tennessee (Mr. BAKER) in expressing my appreciation to the distinguished Senator from Kentucky (Mr. COOPER), who is the ranking minority member of the Committee on Public Works. The interest and support that he and the distinguished chairman of our subcommittee, the Senator from Maine (Mr. MUSKIE), have given to this joint resolution has been most important in building support for the joint committee.

I urge my colleagues to give their full support to the joint resolution.

I yield the floor.

Mr. BAKER. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement prepared for delivery by Senator MUSKIE on Senate Joint Resolution 17, with the explanation that Senator MUSKIE, who has been so instrumental in this matter, found it necessary to be absent from the Senate today on a very important matter.

There being no objection, the statement by Senator MUSKIE was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MUSKIE

Mr. MUSKIE. Mr. President, I think there can be no serious doubt that the Congress needs, and wants, a non-legislative joint committee on the environment as proposed by Senate Joint Resolution No. 17.

This is the fourth consecutive session of the Congress in which this proposal or similar proposals have been considered. A resolution identical to this one, in fact, passed both bodies last year but died in conference when Congress adjourned.

During that session, more than 40 bills and resolutions were introduced in the Congress to change the structure of the legislative branch so it might work more effectively on environmental problems.

I think these events suggest that the Senate recognizes a joint committee on the environment could accomplish four major purposes in the conduct of the Senate's environmental business:

1. It could improve greatly the Senate's capacity for getting together the relevant information concerning existing and emerging environmental problems.

2. It could provide the continuing study and assessment of the changing relationship among human beings and their environment so that corrective measures could be agreed upon promptly and put into action.

3. It could assist the Senate in keeping an accurate record of accomplishments and failures in the handling of environmental problems. No such legislative machinery now exists.

4. It could assist the Senate in maintaining its role as a balance to the executive and judicial branches in the Federal consideration and handling of environmental problems.

The executive branch, for example, changed its structure last year to deal more effectively with the environment. The Council on Environmental Quality was set up; an Office of Environmental Quality was authorized. By reorganization plans, the Environmental Protection Agency and the National Oceanic and Atmospheric Administration were established.

Mr. President, I think the Senate report on last year's resolution was correct when it said:

"It is clear that none of the existing congressional committees is equipped, or has the jurisdictional authority, to provide a comprehensive overview which will identify the emerging problems which threaten the deterioration of man's environment."

Let me emphasize, as I did when the resolution was introduced two months ago, that the joint committee is not intended to invade or infringe upon the substantive jurisdiction of any standing committee.

To the contrary, the resolution intends to provide a source of information and analysis which the standing committees do not have the time nor the authority to produce for themselves.

I believe the Senate recognizes that Congress needs a joint committee on the environment; I trust the Senate will adopt the joint resolution.

Mr. METCALF. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 2, line 15, beginning with the word "The" where it appears the first time, strike out down through and including line 19.

The language proposed to be stricken is as follows:

> The appointment of Members of the Senate during the Ninety-second Congress shall be made (and service of the initial Members so appointed shall continue thereafter) without regard to the provisions of section 132 of Public Law 91-510, Act of October 26, 1970.

Mr. METCALF. Mr. President, I completely concur with the Senator from Tennessee and the Senator from Delaware in paying strong tribute to the sponsors of this measure. This is some of the most needed legislation we will consider in this Congress. More and more, we are concerned with our environment, and more and more, we find that we need a Joint Committee on the Environment. We need a joint committee consisting of representatives of the various committees that have been named—Commerce, Interior, Public Works, and so forth.

Almost every Senator is concerned these days with environment. We are not only concerned with pollution but also with protection of the unpolluted environment we have. We are not only concerned with the mud that we use to pollute our rivers but also with the industrial wastes, and we are concerned with growth of power and the insatiability of these demands.

So it is with some trepidation that I submit an amendment against the proposed legislation, which has such a distinguished group of sponsors, including my very respected colleague, the majority leader, Senator MANSFIELD; and Senator MUSKIE; Senator MAGNUSON; Senator RANDOLPH; Senator JACKSON—chairmen of great committees—and so forth.

I feel that I have a responsibility to submit this amendment, and I feel that it will make the joint resolution a better piece of legislation than it is at present.

My amendment, on line 15, page 2, strikes from the bill the provision:

> The appointment of Members of the Senate—

This applies only to Members of the Senate. It does not apply to Members of the House.

> The appointment of Members of the Senate during the Ninety-second Congress shall be made (and service of the initial Members so appointed shall continue thereafter) without regard to the provisions of section 132 of Public Law 91-510, Act of October 26, 1970.

Public Law 91-510 is the Legislative Reorganization Act, and section 132 is the provision of the Legislative Reorganization Act that provides that a Senator may serve on only one joint committee.

The exemption provided here is not only an exemption for the 92d Congress, but also, any Senator who is appointed to the committee as the result of the enactment of this act will be permitted to serve and his service will continue thereafter, through the 92d, the 93d, and other Congresses.

When we passed the Legislative Reorganization Act, we recognized that before its enactment there was no provision whatever that limited the number of joint committees on which Senators could serve. Many Senators served on several. One Senator served on as many as five joint committees. We "grandfathered" in all those Senators who were already serving as members of joint committees.

Congress subsequently provided that if a Senator was serving on more than one joint committee and he wanted to move and go to another, he would not have to give up all the joint committees on which he served. He would have to give up only one, and then he could be appointed to another joint committee. So we have taken care of all the provisions that we had prior to the passage of the Legislative Reorganization Act.

I want to point out that the Legislative Reorganization Act is the act of October 26, 1970, but really the Senate origin of this act dates back to the Monroney-Madden Joint Committee on the Organization of the Congress; and the Senate version of the act was passed 3 years before that. It was only after action by the House of Representatives in the 91st Congress that the Senate passed the Legislative Reorganization Act of 1970. Under its provisions, for this Congress—that is, the 92d Congress—the chairman of the newly formed Joint Committee on Congressional Operations will be Representative BROOKS, of Texas, who has called the organization meeting of the committee for this coming Thursday, the day after tomorrow.

And yet, before the Legislative Reorganization Act has really gone into effect, before any meeting of any joint committee has been permitted to take effect, we will be eroding the provisions of the act by saying it shall not apply to the next joint congressional committee we have created.

I would say that the Joint Committee on the Environment is the most important joint committee that has been created at least since the Joint Committee on Atomic Energy. Everyone in the Senate should have an opportunity to serve on this committee, but we should provide that Senators should have to leave another joint committee in order to serve on it. If this provision is stricken, there is not a single Senator that will not have an opportunity to serve. All he will have to do is to leave some other joint committee upon which he serves and say, "I would rather serve on the Joint Committee on the Environment, which is the new committee we have created than serve on the other joint congressional committee upon which I serve." But if this amendment is not adopted and the language we have in the bill is adopted, then we will not have continued diffusion of opportunity for junior Members and less experienced Members to serve on a new, important, and significant joint congressional committee.

This committee will affect every single State in the Union. It will have an effect on pollution, park development, and environmental control in every one of the States. Every Senator should, therefore, have an opportunity to serve on it. If we provide for this, we will be going back to the old system of seniority and committee chairmen, and so forth, which will mean a proliferation of joint committee responsibilities.

I submit that this is a different proposition than we have entered into before. We have given Senators an opportunity to continue to serve on many committees because they were already appointed before the Legislative Reorganization Act was passed. We have given them the opportunity, if they wanted to serve on some other joint committee, to leave only one of them of which they are a member and go on to another; but this provision says that we will not take into consideration the provisions of the Legislative Reorganization Act for the Senate only, and will say that Senators appointed to this new committee, passed after the Legislative Reorganization Act was passed, will continue to serve thereafter.

I submit that if we believe in legislative reorganization, if we believe in the opportunity for every Senator to participate, if we believe that the work of the Senate should be spread out among all Senators elected to the Senate, then this provision should be stricken and the rest of this excellent, important, and significant legislation should be passed.

I yield the floor.

Mr. COTTON. Mr. President, I recognize that the creation of the Joint Committee on the Environment appeals very much to the Senate, and undoubtedly to the American people. However, I think it is about time that a gentle warning be sounded on the general subject of creating so many joint congressional committees.

There are two main reasons why I think we should be wary of continuing down the road of establishing additional joint committees. One that I have noted in past years is the increasing tendency of joint committees becoming super committees which invade the responsibilities of the standing committees of the Senate and House.

Mr. METCALF. Mr. President, will the Senator from New Hampshire yield for a moment?

Mr. COTTON. Yes, of course.

Mr. METCALF. This resolution does provide for a joint committee to be created which has no legislative responsibility. It would make only recommendations. The standing committees of the Senate and House would have to pass on any legislation which has been recommended by such joint committee.

Mr. COTTON. I am perfectly well aware of that. That is also true on some of the other——

Mr. METCALF. Most of the other——

Mr. COTTON. Most of the other committees. Nevertheless, I must call attention to the tendency I have observed in some of these operations. As a matter of fact, I note that there are presently seven joint committees which have been authorized and, with the establishment of one for the environment, we will soon be able to almost permit membership on a joint committee for each Member of the Senate and House.

Each year we apparently equip the joint committees with larger staffs and more money.

In fiscal 1970, those presently in being required appropriations of $1,955,000 for their activities.

In fiscal 1971, it increased to $2,118,615.

In fiscal 1972 they are budgeted for $2,684,465, including $425,000 for the new Joint Committee on Congressional Operations.

The seven committees are the Joint Committee on Reduction of Federal Expenditures which now has a staff and spends $65,000 per year. In a sense, Mr. President, this is a supercommittee that oversees and recommends and investigates matters usually in the province of the Appropriations Committee of the Senate and House.

The Joint Economic Committee, $614,000. That also is almost a supercommittee which sometimes operates in the appropriations field.

The Joint Committee on Atomic Energy, $467,000, we all agree, fulfills a distinct, necessary, definite, and independent function.

The Joint Committee on Printing is a longstanding committee—$272,000.

The Joint Committee on Internal Revenue Taxation, $714,780, which gets into the field of the Finance Committee of the Senate and the Ways and Means Committee of the House.

The Joint Committee on Defense Production—$125,930, which is in the field, of course, of the regular Armed Services Committees of the Senate and House.

Finally there is the new Joint Committee on Congressional Operations which is starting out with $425,000.

My concern is not just a matter of dollars and cents because I can see that it could be argued that this concern for the environment extends across the responsibilities of almost every standing committee of the Senate and House. An overall joint committee might function very well in looking at the forest instead of the trees and doing what my distinguished friend from Montana (Mr. METCALF) very correctly suggests: Making recommendations to be implemented by the proper standing committees.

We have several committees in the Congress charged with responsibility for the environment. For instance here in the Senate we have the Subcommittee on Energy, Natural Resources, and the Environment in the Committee on Commerce. In the Committee on Public Works we have the Subcommittee on Air and Water Pollution. There are subcommittees on minerals, materials, and fuels; parks and recreation; public lands; and water and power resources in the Committee on Interior and Insular Affairs.

In the House there is a Subcommittee on Conservation and Natural Resources in the Committee on Government Operations; and a Subcommittee on Fisheries and Wildlife Conservation in the Committee on Merchant Marine and Fisheries.

While these subcommittees are well known for their environmental activities, as a practical matter we could name the whole list of committees. In some way they practically all extend into the very important field of the environment. Consider the important work of our newly renamed "Committee on Banking, Housing and Urban Affairs" in whose locale much of the environmental crunch is occurring. Similarly the Finance Committee must weight the effect on the environment of the various tax incentives and other revenue proposals. The Committee on Armed Forces certainly has a continuing concern in the matter, while the Committee on Aeronautics and Space is not only concerned with what we are doing on earth but in the vast reaches of space. Even the Appropriations Committee must be concerned about the environment. Several of us have listened to considerable testimony regarding the effect of the SST on the atmosphere.

With this all-pervading interest in the environment, I will be interested in watching how 11 Members of each body shall be selected to serve on this joint committee, since almost every Member of the Senate and of the House serves on a standing committee that deals with this problem. In a sense, it gives them some experience and qualification which would make them perfectly eligible and be good reason for them to seek service upon this committee.

It has been my experience, and this may be one of the matters that would be cured by a change in the seniority policy, that as the years go on we get ourselves on too many committees and find ourselves in a situation where it is almost impossible to do justice to all of them. It was my pleasure and privilege to have served on the Joint Committee on Atomic Energy. I have had to forego that duty due to increased responsibilities on the Appropriations Committee, particularly my recent assignment to the Defense Subcommittee.

I merely wanted to take this time to sound a warning, Mr. President, that when we create these joint committees and they get a staff and an aggressive chairman, the first thing we know we are building up a supercommittee that is duplicating and invading, to a certain extent, the authority and the jurisdiction of the standing committees.

It could be an entering wedge that could lead to another thing as there have been an increasing number of perfectly sincere and dedicated Senators and Representatives—and I have noted their increase during the last few years—who are constantly advocating joint hearings. We have had two or three examples in the committee on which I serve. I have steadfastly opposed it, not because I do not welcome the presence of our friends from the other body to sit with us, but because this is a bicameral Congress. A great many Members, especially inexperienced Members, have the idea that we will accomplish a lot more and get through a lot earlier and speed up the wheels of legislation if we indulge more and more in the practice of joint hearings.

Our country is entitled to have the independent judgment of the House of Representatives, a body that is close to the people, elected in districts of approximately equal population representing urban districts, surburban districts, and rural districts. Not only is the country entitled to have the independent judgment of the House of Representatives but it is equally entitled to have the independent judgment of the Senate.

Every time we move into the realm of joint effort, and I repeat we have gotten to the point that we now have eight operating joint committees—and we are moving further and further into a unicameral realm. Every time we move further into the practice of joint effort and collaborating, we come closer to the point when someone will want to start—and we may be surprised at how many Members will find it appealing to them—engaging more and more in joint hearings instead of going our separate ways and then reconciling our differences in committees of conference.

Mr. President, I am not against the proposal to create a Joint Committee on the Environment, but I am raising a word of warning. It seems that every time we find some attractive and important field of activity some immediately want to create a joint committee of the House and Senate. We are creating a superstructure that I was going to say could someday even rival the bureaucracy downtown. I will not go so far as to make such an impossible statement because that would be an impossibility. I hope we will consider the matter very carefully before we move any further toward creating more joint committees of the Senate and House.

Mr. BAKER. Mr. President, I commend the distinguished Senator from New Hamphire, the ranking minority member of the Committee on Commerce, on which I serve for his perceptive remarks. I agree with much of what Senator Cotton has said.

As a matter of fact, I, too, have some concern for the proliferation of joint committees or committees generally. I think there is a trend toward the bureaucratic proliferation of the legislative department. However, I do feel there is justification for the creation of this joint committee.

It is important to note, as the distinguished Senator from Montana noted, that this proposal is not for the creation of a legislative committee as in the format of the Joint Committee on Atomic Energy, but rather for a joint committee whose primary function is to serve as a clearinghouse and as a conduit for highly specialized information to serve the existing standing, legislative committees of the House and the Senate.

I agree with our distinguished colleague, the Senator from New Hampshire, the proliferation of joint committees may in time lead to the demonstration of a yearning for a unicameral system that may be harbored in our breast. I hope not. I think the Nation has been served well by the bicameral system.

However, in the case of a joint committee in the nature of a clearinghouse of information in such a difficult and pervasive area as environment, I think the disadvantages, when weighed against the advantages, are not important or significant enough to alter the desirability and attractiveness of this particular effort.

I shall not detain the Senate very much longer. I think it should proceed soon to a vote on the amendment by the distinguished Senator from Montana. I would only make these remarks in opposition:

First of all, I agree with him that the situation is such that, if we are not careful, many committees will be staffed entirely by a certain elite group of Senators based on seniority or otherwise. There has to be some basis for limitation. But I think this threat is less applicable in this case than it is in most, because, once again, of the nature of this committee—that is, a joint committee serving as an advisory committee, with a clearinghouse, coordinative function, and not as a legislative committee.

I might point out that if the bill were amended as proposed by the distinguished Senator from Montana, there would be 70 Members of the Senate who would not, under present committee assignments, be eligible to serve. They would include such distinguished Senators who have expertise in this field as the Senator from West Virginia (Mr. Randolph), chairman of the Public Works Committee, the Senator from Washington (Mr. Jackson), chairman of the Committee on Interior and Insular Affairs, the Senator from Maine (Mr. Muskie), the senior Senator from Washington and chairman of the Commerce Committee (Mr. Magnuson), and other Senators.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. BAKER. In 1 second.

The idea behind the creation of the committee was to gather together those with special knowledge and having direct relationship with legislative committees. I would suggest, if my memory serves me correctly, that the only other committee formed in that regard was the Joint Economic Committee, which has on it certain ranking members of experience in the field covered by that committee.

I am happy to yield to the Senator from Montana.

Mr. METCALF. The Senator from Tennessee said that 70 Members of the Senate would not be eligible to serve on the committee. The 70 Members of the Senate would have to abide by the rules of the Senate and give up another joint committee before they would be eligible to serve on that committee. Every Member of the Senate would be eligible to serve on that committee under my amendment by doing what they would have to do under the provisions of the Legislative Reorganization Act—resign from one joint committee before being permitted to be a member of another joint committee.

The whole concept of the Legislative Reorganization Act was that we would have some diffusion in the responsibilities of Members of this body and would not pile up committee membership and committee chairmanship in all the other joint committees. That is what happened before the passage of the Legislative Reorganization Act.

Mr. BAKER. Mr. President, I think the Senator's point is well taken. I misstated the issue. I should have said that before certain Senators could serve on the Joint committee if the amendment were adopted, it would require substantial reorganization of the present committee assignments in order to let them serve on the new committee.

The purpose of the language of joint resolution which the amendment of the distinguished Senator from Montana would strike is to permit all Members of the Senate an opportunity to serve on the Joint Committee on the Environment.

The purpose of the amendment of the Senator from Montana would be to prohibit some Members of the Senate from serving on the New joint committee unless they relinquished memberships on other joint committees. This effect would result by reason of the provisions we recently adopted in the Legislative Reorganization Act of 1970.

I submit this was a consequence which was not known to the Senate when it initially acted upon Senate Joint Resolution 207 in the 91st Congress.

Subsequent to the filing of the Senate report on Senate Joint Resolution 207 on

July 22, 1970, the Legislative Reorganization Act of 1970 was enacted on October 26, 1970. This measure provides in part that no Member of the Senate may serve at the same time on more than two standing committees and one special, select, or joint committee.

This provision of the Legislative Reorganization Act has the effect of defeating the primary purpose of the Joint Environment Committee. It was the clear intent of the cosponsors of Senate Joint Resolution 207 of the 91st Congress, and Senate Joint Resolution 17 this year, that the joint committee should serve as a forum in which environmental problems under the jurisdiction of more than one standing committee should be comprehensibly reviewed and studied. A major purpose was to insure that the members of the standing committees having important environmental responsibilities would have an opportunity to serve on the joint committee and to coordinate a meaningful legislative environmental program.

The provisions of section 132 of the Legislative Reorganization Act would, however, prevent any Member already serving on a special, select, or joint committee from serving on the Joint Committee on the Environment. The effect of this would be that no member of the Joint Committee on Atomic Energy or the Joint Economic Committee, for example, could bring his experience and expertise to bear on environmental problems involving atomic energy or the economy unless they relinquished those positions. I suggest that this was not the intent of the sponsors or the committees which considered the joint resolution.

It is for these reasons, Mr. President, that while I recognize there is merit in the amendment offered by the distinguished Senator from Montana, I find that I must oppose the amendment at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METCALF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

YEAS AND NAYS ORDERED

Mr. METCALF. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest an absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the vote on the amendment offered by the able Senator from Montana (Mr. METCALF) to Senate Joint Resolution 17 follow immediately after the announcement of the vote on the impending consideration of the conference report.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4690) to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes.

The message also announced that the House had passed a joint resolution (H.J. Res. 465) making a supplemental appropriation for the fiscal year 1971 for the Department of Labor, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 465) making a supplemental appropriation for the fiscal year 1971 for the Department of Labor, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

Mr. LONG. Mr. President, the message just received by the Senate on the conference report on H.R. 4690 is a bill which was passed by the Senate unanimously, and I believe that there are Senators who would like a vote on this conference report today.

For that reason, I ask unanimous consent that the conference report be considered immediately.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

PUBLIC DEBT AND INTEREST RATE LIMITATIONS—CONFERENCE REPORT

Mr. LONG. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4690) to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes.

(For conference report, see House proceedings in the CONGRESSIONAL RECORD of today.)

Mr. LONG. Mr. President, the House bill increased the temporary debt limit from $395 billion to $430 billion and made certain other changes in present law. The Senate made no change in this provision, but added a new title to the bill increasing social security benefits 10 percent across the board, with certain other provisions.

Let me summarize what the conferees did.

The House agreed to the Senate amendment providing a 10-percent across-the-board increase. The House was unwilling to agree to a $100 minimum benefit. However, the 10-percent increase does apply to the existing minimum, so that the minimum benefit under the conference agreement will go up from $64 to $70.40.

I quote from the statement of the managers in this regard:

> The Managers believe that it is not necessary to increase the minimum benefit amount beyond the 10 percent provided in the conference agreement at this time since the Committee on Ways and Means is presently considering social security legislation, and it is the understanding of the Managers that the minimum benefit is among a number of proposals included in that consideration.

It is my understanding, Mr. President, that it is the desire of the Committee on Ways and Means to consider a proposal to substantially increase the minimum benefit both for welfare payments and for social security payments. The House conferees insisted on the House's prerogative to initiate that legislation.

The Senate amendment had guaranteed a 10-percent increase in maximum family benefits. The House conferees greed to this provision which will assure that all families, both now and in the future, will receive the benefit of the 10-percent social security increase.

The 5-percent increase in special payments to persons age 72 and over was agreed to by the House conferees. This provision of the Senate amendment will raise special benefits from $46 to $48.30 for individuals and from $69 to $72.50 for couples.

With regard to the increase in the earnings limitation, the Senate amendment would have raised the annual limit from $1,680 to $2,400. The House conferees disagreed to the Senate amendment at this time, and the report of the managers states as follows:

> It is the understanding of the managers that the House will be considering this matter in connection with social security legislation now pending before the Committee on Ways and Means and they expect that the legislation reported out by the Committee on Ways and Means will provide for an increase in the earnings test.

With regard to the taxable wage base, the conferees agreed to the Senate amendment raising the taxable wage base from $7,800 to $9,000 effective in January 1972.

With regard to the tax rates, the conferees agreed to the taxes necessary to assure the actuarial soundness of the social security cash benefit program. Under the conference agreement, the tax rate on employers and employees will be 4.6 percent through 1972 and 5 percent from 1973 to 1975, as under present law, with the only increase above present law occurring after 1976, when the rate would go up from 5 percent to 5.15 percent.

I should point out that the social security bill which we expect will be sent to the Senate later this year will call for a further increase in the social security tax, because additional benefits will be provided.

The conferees agreed to permit the States to disregard, for welfare purposes, the retroactive social security benefit increase check that will be mailed out in June.

Briefly, the conference agreement will increase social security benefits by $3.6 billion in the first full year, for the benefit of more than 26 million beneficiaries.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. LONG. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Texas (Mr. Bentsen), the Senator from Mississippi (Mr. Eastland), the Senator from Arkansas (Mr. Fulbright), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from Massachusetts (Mr. Kennedy), the Senator from Montana (Mr. Mansfield), the Senator from New Mexico (Mr. Montoya), the Senator from Maine (Mr. Muskie), the Senator from West Virginia (Mr. Randolph), the Senator from Alabama (Mr. Sparkman), and the Senator from Illinois (Mr. Stevenson) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. Jordan) is absent because of illness.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from Texas (Mr. Bentsen), the Senator from Georgia (Mr. Gambrell), the Senator from New Mexico (Mr. Montoya), the Senator from Maine (Mr. Muskie), the Senator from West Virginia (Mr. Randolph), the Senator from Alaska (Mr. Gravel), the Senator from Illinois (Mr. Stevenson), the Senator from North Carolina (Mr. Jordan), the Senator from Mississippi (Mr. Eastland), and the Senator from Minnesota (Mr. Humphrey) would each vote "yea."

Mr. GRIFFIN. I announce that the Senators from New York (Mr. Buckley and Mr. Javits), and the Senator from New Jersey (Mr. Case) are necessarily absent to attend the funeral of a friend.

The Senator from Kentucky (Mr. Cooper) is necessarily absent.

The Senator from Arizona (Mr. Fannin) is absent because of a death in his family.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Arizona (Mr. Goldwater) and the Senator from Texas (Mr. Tower) are detained on official business.

If present and voting, the Senators from New York (Mr. Buckley and Mr. Javits), the Senator from New Jersey (Mr. Case), the Senator from South Dakota (Mr. Mundt) and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 76, nays 0, as follows:

[No. 24 Leg.]

YEAS—76

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Church
Cook
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Ellender
Ervin
Fong
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Jordan, Idaho
Long
Magnuson
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stennis
Stevens
Symington
Taft
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—24

Bayh
Bentsen
Buckley
Case
Cooper
Eastland
Fannin
Fulbright
Gambrell
Goldwater
Gravel
Harris
Humphrey
Javits
Jordan, N.C.
Kennedy
Mansfield
Montoya
Mundt
Muskie
Randolph
Sparkman
Stevenson
Tower

So the report was agreed to.

Mr. JAVITS subsequently said: Mr. President, at the time of the vote I was on my way to Washington from the funeral of Whitney M. Young, Jr., in an Air Force plane which was delayed by a head wind, and though my vote was not needed, I wish to state that I favor it very strongly, and am so recorded on this measure, having voted on the original bill when it left the Senate. I think it is an earnest of our good faith that we have acted so promptly, after our inability to act at the end of the last session of Congress because of the embroilment in trade matters and other measures with which I was deeply concerned. I am delighted to see we have made good on our promise to the older people of America that they would not suffer because of the differences which developed in this Chamber on other matters of national interest.

JOINT COMMITTEE ON THE ENVIRONMENT

The Senate resumed the consideration of the joint resolution (S.J. Res. 17), to establish a Joint Committee on the Environment.

The PRESIDING OFFICER. Under the previous agreement, the Senate will now proceed to vote on the amendment of the Senator from Montana (Mr. Metcalf) to Senate Joint Resolution 217.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alabama (Mr. Allen), the Senator from Indiana (Mr. Bayh), the Senator from Texas (Mr. Bentsen), the Senator from Mississippi (Mr. Eastland), the Senator from Arkansas (Mr. Fulbright), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from Massachusetts (Mr. Kennedy), the Senator from Montana (Mr. Mansfield), the Senator from New Mexico (Mr. Montoya), the Senator from Maine (Mr. Muskie), the Senator from West Virginia (Mr. Randolph), the Senator from Alabama (Mr. Sparkman), and the Senator from Illinois (Mr. Stevenson) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. Jordan) is absent because of illness.

I further announce that, if present and voting, the Senator from West Virginia (Mr. Randolph), and the Senator from Mississippi (Mr. Eastland) would vote "nay."

I further announce that, if present and voting, the Senator from Illinois (Mr. Stevenson) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. Cooper) is necessarily absent.

The Senator from Arizona (Mr. Fannin) is absent because of a death in his family.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Arizona (Mr. Goldwater) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt) would vote "nay."

The result was announced—yeas 36, nays 43, as follows:

[No. 25 Leg.]

YEAS—36

Beall
Bellmon
Boggs
Brooke
Buckley
Burdick
Byrd, Va.
Case
Chiles
Cranston
Eagleton
Ervin
Hartke
Hollings
Hughes
Javits
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Moss
Nelson
Packwood
Pearson
Percy
Proxmire
Roth
Saxbe
Schweiker
Spong
Taft
Thurmond
Weicker
Williams

NAYS—43

Aiken
Allott
Anderson
Baker
Bennett
Bible
Brock
Byrd, W. Va.
Cannon
Church
Cook
Cotton
Curtis
Dole
Dominick
Ellender
Fong
Griffin
Gurney
Hansen
Hart
Hatfield
Hruska
Inouye
Jackson
Jordan, Idaho
Long
Magnuson
McClellan
Miller
Pastore
Pell
Prouty
Ribicoff
Scott
Smith
Stennis
Stevens
Symington
Talmadge
Tower
Tunney
Young

NOT VOTING—21

Allen
Bayh
Bentsen
Cooper
Eastland
Fannin
Fulbright
Gambrell
Goldwater
Gravel
Harris
Humphrey
Jordan, N.C.
Kennedy
Mansfield
Montoya
Mundt
Muskie
Randolph
Sparkman
Stevenson

So Mr. Metcalf's amendment was rejected.

The PRESIDING OFFICER. The joint resolution is open to further amendment.

Mr. PELL obtained the floor.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Rhode Island yield, so that we may ask for the yeas and nays and that Senators will know that there will be a yea-and-nay vote on passage of the joint resolution?

Mr. PELL. I yield for that purpose.

The yeas and nays were ordered.

Mr. PELL. Mr. President, I support strongly the joint resolution to establish a Joint Committee on the Environment.

I do so as one who has both a deep interest and also legislative responsibilities in international environmental matters. I might add that I have been opposed generally to a proliferation of committees in the Senate. I do not believe that each problem and each special constituency must have its own committee. Too often proposals for new committees are born of a desire to give prestige and status to a relatively narrow area of concern; and if all such proposals were approved, we would have a totally unmanageable fragmentation of legislative responsibility.

But this proposal for a Joint Committee on the Environment, I believe, moves in the opposite direction; away from fragmentation and toward a comprehensive view of environmental problems, which by their nature touch on nearly every part of our national life, as well as our relations with other peoples and nations.

As a member of the Committee on Rules and Administration, I have been acutely aware of the need for a more comprehensive legislative organization in the environmental field, as committee after committee came before the Rules Committee quite legitimately requesting funds to explore one part of the total environmental problem.

I support this joint resolution also as one who has a specific legislative responsibility as chairman of the Subcommittee on Oceans and International Environment of the Foreign Relations Committee. We are not the only Nation or people in the world concerned about pollution. Throughout the world there is a growing recognition that there are no national boundaries to the environment or to environmental problems; that we all share one atmosphere, and that the same ocean waters lap on the shores of many nations.

The International Conference on the Environment to be held next year in Stockholm is one indication of this growing worldwide awareness.

Consequently, I would hope that in the formation of this new committee, the international aspects of environmental problems would be kept very much in mind and that the responsibilities of the Committee on Foreign Relations in the international environmental field would be borne in mind in determining the composition of this Joint Committee on the Environment.

Mr. HART. Mr. President, I welcome again the opportunity to pass the joint resolution to establish a Joint Committee on Environment.

In my view it identifies an important gap in our system of environmental protection and provides an effective means for filling that gap. Although Congress in the past year has become increasingly sensitive to problems of environmental protection, repeatedly its efforts in this area have been hampered by an unfortunate lack of coordination. Duplication of effort has too often denied valuable resources to projects of vital importance. Laudable efforts have too often been dissipated by dispersal in different, and sometimes inconsistent, directions. The joint resolution before us, by bringing together members of the various environmentally oriented committees of Congress into one joint committee, for once would provide for the kind of coordination which has been missing.

It would also enable Congress to examine more thoroughly a broad range of environmental issues. In the recent past, the environmental movement has expanded its focus from questions of esthetics and conservation to problems of public health, population growth, and technology assessment. As this expansion continues—as indeed it must if our total environment is to be protected and enhanced—increased environmental activity on the part of the Congress will also be needed. The proposal for a Joint Committee on the Environment wisely anticipates that need.

In view of the worthy objectives of the proposal, it is unfortunate that Congress failed to act on it in the closing days of the last session. It is my hope that we will move quickly this year to establish an institution which is so obviously in the public interest.

Mr. ROTH. Mr. President, I strongly support the establishment of a new joint Senate-House Committee on the Environment. Nearly all standing committees of the Congress share in the responsibility for stewardship of our environment, because the issues and programs involved in this broad policy area involve many legislative jurisdictions. There is wide agreement, I believe, on the need for a new mechanism to undertake comprehensive, high-level analysis and to conduct hearings which would avoid repetition of the same testimony before several committees of the Congress. Such a mechanism is needed to economize the time of busy legislators in both houses.

The administration has shown its willingness to consolidate, coordinate, and generally improve the executive branch approaches to environmental policies and programs through the establishment of a Presidential Council on Environmental Quality, a Subcommittee on Environment within the Domestic Council, a new Environmental Protection Agency, and more recently the proposal to establish a Department of Natural Resources. The real issue which faces the Senate today is whether the Congress will measure the consequences of these organizational changes in terms of its own legislative response.

The 91st Congress studied a number of alternative methods to accomplish the objective of improved policy review, giving the concept of a joint committee the most serious attention. Outside of Government, several prestigious research organizations including the Committee on Economic Development, the Brookings Institution, and the National Academy of Sciences issued reports which endorsed the joint committee mechanism. A new joint committee will provide a unique opportunity in my view, for committee cooperation and mediation in environmental policy matters. It should also assist in maintaining legislative equality among the numerous committees concerned and provide a central forum for yearly, across-the-board reviews and full public discussion of the President's annual environmental report and related messages.

Mr. President, I understand that Senate Joint Resolution 17 is modeled after the legislation considered by the 91st Congress which was accepted by both the House and Senate but failed to emerge from the conference committee in the closing, hectic days of the second session.

I urge the enactment of this important legislation.

Mr. MAGNUSON. Mr. President, in this time of rapid change and progress, Congress must retain flexibility as an institution and be prepared to improve its structure in order to meet and solve important problems facing the Nation. There are no more pressing national problems than those embodied in the term "environment." It is time for Congress to adjust its structure to meet head-on in a coordinated fashion these problems. Therefore, I was pleased to join the Senator from Maine (Mr. Muskie), the Senator from Washington (Mr. Jackson), the Senator from West Virginia (Mr. Randolph) and other Senators in sponsoring the joint resolution to create a joint committee on the environment.

The Committee on Commerce on has begun to recognize danger signals arising from the very developments we have pursued as goals of national policy—industrial growth and innovations; the tapping of natural resources; mechanization and cybernation; and a blanketing network of fast, powerful, efficient air, land, and water transports.

We have awakened to the realization that the uninvited companion of economic progress is too often an unseen environmental hazard or poisonous byproduct. Our national cost accounts for evaluating technological progress must weigh fully in the balance the assault of that technology on our air and water and our soil, the marring of our countryside, and the brutalizing of our tranquility.

In 1971 and beyond, this committee will undertake as a first priority to evaluate, and, where necessary, balance the necesary growth of commerce against the essential preservation of the environment.

This is not a new task, though it has assumed new prominence and urgency. In the past, the committee has both investigated and legislated on such environmental concerns as the impact of pesticides on fish and wildlife, radiation emissions from electronic products, airport and airways noise abatement, estuarine contamination, sport and commercial fisheries conservation, and rail, aviation, and motor vehicle safety—each reflecting the committee's concern and responsibility for a sound physical environment as well as a healthy economic environment.

To meet its growing responsibilities in environmental matters as well as to facilitate its overall efficiency, the Commerce Committee established two new subcommittees in 1969: The Subcommittee on the Environment and the Subcommittee on Oceans and Atmosphere.

The work of the committee, in particular of these two subcommittees will include such environmentally critical projects as: First, the stimulation of low-emission vehicle development through Federal motor vehicle procurement practices; second, examination of the environmental as well as the economic implications of powerplant siting and related issues; third, the conservation and nondegradating development of ocean resources; fourth, examination of the need for new measures to assure the environmental integrity of estuarine areas and coastal zones; fifth, the exploration of techniques for promoting more efficent, less polluting technology for energy generation; sixth, the comprehensive investigation of transportation-related noise from trucks to motorcycles to aircraft; seventh, the review of progress in controlling electronic radiation from television sets and microwave ovens; eighth, review of recent developments and the need for restructuring in weather modification programs; ninth, the examination of available technology for control and improvement of the interior environment with emphasis on air purification possibilites; tenth, study of the degradation of railroad rights-of-way because of sewage disposal procedures; eleventh, exploration of the need for technology assessment prior to the undertaking of new commercial ventures and production of new potentially hazardous substances; twelfth, examination of needed changes in the process of environmental litigation; thirteenth, a review of progress toward the elimination of pesticides contamination of the environment; and fourteenth, through its oversight jurisdiction over foreign commerce, the oceans, and the new National Oceanographic and Atmospheric Agency, an examination of the effects of foreign commerce on the environment and other related international and environmental problems.

With the creation of a Joint Committee on the Environment, which we consider today, our resources in dealing with problems rationally, competently, and thoroughly will be substantially enhanced. Therefore, I support immediate action on this measure.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The resolution having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerks called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Montana (Mr. MANSFIELD), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alabama (Mr. SPARKMAN), the Senator from Illinois (Mr. STEVENSON), the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Illinois (Mr. STEVENSON), the Senator from Georgia (Mr. GAMBRELL), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Mississippi (Mr. EASTLAND), the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Delaware (Mr. BOGGS) and the Senator from Kentucky (Mr. COOPER) are necessarily absent.

The Senator from Arizona (Mr. FANNIN) is absent because of a death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS), and the Senator from South Dakota (Mr. MUNDT) would each vote "yea."

The result was announced—yeas 76, nays 4, as follows:

[No. 26 Leg.]

YEAS—76

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bible
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cranston
Curtis
Dole
Dominick
Eagleton
Ervin
Fong
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Young

NAYS—4

Bennett
Cotton
Ellender
Stennis

NOT VOTING—20

Bayh
Bentsen
Boggs
Cooper
Eastland
Fannin
Fulbright
Gambrell
Goldwater
Gravel
Humphrey
Jordan, N.C.
Mansfield
Montoya
Mundt
Muskie
Randolph
Sparkman
Stevenson
Williams

So the joint resolution (Senate Joint Resolution 17) was passed, as follows:

S.J. RES. 17

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is established a joint congressional committee which shall be known as the Joint Committee on Environment (hereafter in this joint resolution referred to as the "committee") consisting of eleven Members of the Senate to be appointed by the President of the Senate acting upon the recommendations of the majority and minority leaders, and eleven Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Of the eleven Members of the Senate appointed under this subsection, six Members shall be from the majority party, and five Members shall be from the minority party. Of the eleven Members of the House of Representatives appointed under this subsection, six Members shall be from the majority party, and five Members shall be from the minority party. In the appointment of members of the committee under this subsection, the President of the Senate and the Speaker of the House of Representatives shall give due consideration to providing representation on the committee from the various committees of the Senate and the House of Representatives having jurisdiction over matters relating to the environment. The appointment of Members of the Senate during the Ninety-second Congress shall be made (and service of the initial Members so appointed shall continue thereafter) without regard to the provisions of section 132 of Public Law 91-510, Act of October 26, 1970.

(b) The committee shall select a chairman and a vice chairman from among its members, at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship shall alternate between the Senate and House of Representatives with each Congress, and the chairman shall be selected by Members from that House entitled to the chairmanship. The vice chairman shall be chosen from the House other than that of the chairman by the Members of that House. The committee may establish such subcommittees as it deems necessary and appropriate to carry out the purposes of this joint resolution.

(c) Vacancies in the membership of the committee shall not affect the authority of the remaining members to execute the functions of the committee. Vacancies shall be filled in the same manner as original appointments are made.

(d) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony.

(e) The committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded. All committee records, data, charts, and files shall be the property of the committee and shall be kept in the offices of the committee or such other places as the committee may direct.

(f) No legislative measure shall be referred to the committee, and it shall have no authority to report any such measure to the Senate or to the House of Representatives.

SEC. 2. (a) It shall be the duty of the committee—

(1) to conduct a continuing comprehensive study and review of the interrelationship between the character and extent of environmental and technological changes on population, communities, and industries;

(2) to study methods of using all practicable means and measures, including financial and technical assistance, in a manner calculated to foster, promote, create, and maintain conditions under which man and nature can exist in harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans; and

(3) to develop policies that would encourage maximum private investment in means of improving environmental quality.

(b) The environmental quality report required to be submitted pursuant to section 201 of the National Environmental Policy Act of 1969 shall, when transmitted to Congress, be referred to the committee, as well as to standing committees in the Senate and the House of Representatives having jurisdiction over the subject matter of such report.

(c) On or before the last day of December of each year, the committee shall submit to the Senate and to the House of Representatives for reference to the standing committees an annual report on the studies, reviews, and other projects undertaken by it, together with its recommendations. The committee may make such interim reports to the standing committees of the Congress prior to such annual report as it deems advisable.

(d) Before undergoing any study or investigation, the committee shall notify and consult with standing committees having jurisdiction over the subject matter thereof to avoid unnecessary duplication with any investigation undertaken by any other joint committee, or by any standing committee of the Senate or of the House of Representatives.

SEC. 3. (a) For the purposes of this joint resolution, the committee is authorized, as it deems advisable (1) to make such expenditures; (2) to hold such hearings; (3) to sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate and of the House of Representatives; and (4) to employ and fix the compensation of technical, clerical, and other assistants and consultants. Persons employed under authority of this subsection shall be employed without regard to political affiliations and solely on the basis of fitness to perform the duties for which employed.

(b) The committee may (1) utilize the services, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Congress, or any subcommittee thereof, the committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the committee determines that such action is necessary and appropriate.

SEC. 4. To enable the committee to exercise its powers, functions, and duties under this joint resolution, there are authorized to be appropriated for each fiscal year such sums as may be necessary to be disbursed by the Secretary of the Senate on vouchers signed by the chairman or vice chairman of the committee.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. JACKSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

STATEMENT ON VOTES

Mr. GRAVEL. Mr. President, as previously announced because of my absence from the Senate for the last three yea and nay votes in the last 2 hours due to an address I was delivering at the Sonesta Hotel this afternoon, if I had been present on the vote on the conference report on the debt limit extension and social security amendment thereto I would have voted "yea." If I had been present on the vote on the passage of Senate Joint Resolution 17, to establish a joint committee on the environment, I would have voted "yea."

NOMINATION AND APPOINTMENT OF COMMITTEE MEMBERS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 30, Senate Resolution 17.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

The resolution (S. Res. 17) amending rule XXIV of the Standing Rules of the Senate with respect to the nomination and appointment of committee members.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the resolution.

AUTHORITY FOR THE SECRETARY OF THE SENATE AND PRESIDENT PRO TEMPORE TO TAKE CERTAIN ACTION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the secretary of the Senate be authorized to receive messages from the House of Representatives and that the President pro tempore be authorized to sign duly enrolled bills during the adjournment following today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATION, DEPARTMENT OF LABOR

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.J. Res. 465, providing for supplemental appropriations for the Department of Labor, reported earlier today by the Committee on Appropriations.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 465) making a supplemental appropriations for fiscal year 1971 for the Department of Labor, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. MAGNUSON. Mr. President, the reason we are considering House Joint Resolution 465 today is that while we have many supplemental appropriation requests pending before Congress, this is in the nature of an emergency. It has been approved by the Labor Department, and the Office of Management and Budget, and the resolution has been reported just today by the subcommittee on Labor and HEW of the Committee on Appropriations, and the full committee.

The resolution provides for a supplemental appropriation for the fiscal year 1971, for the Department of Labor, of $50,675,000 for unemployment compensation for Federal employees and ex-servicemen.

The term "Federal employees and ex-servicemen" might be a little out of context, because, actually, the appropriation applies mainly to ex-servicemen. The amount was requested by the President on March 4 as being urgently needed. The committee agrees with the House Appropriations Committee, who have already passed the resolution and considered it as urgent, and is therefore reporting it to the Senate as an individual item rather than holding it for the second supplemental appropriation bill, which likely will be acted on within the next few weeks.

Previously appropriated funds for this purpose were exhausted last week. The funds were used much more rapidly than originally estimated because of the higher unemployment due to general economic conditions, the increased number of discharges from the Armed Forces, and the separation of civilian employees from defense installations. The money is urgently needed.

There are two other items in the supplemental which the subcommittee did not accept and the House did not accept. One is for $10,900,000 under the Wage and Labor Standards Administration for carrying out the provisions of the Occupational Safety and Health Act of 1970. That act will not take effect until April 28 of this year. Inasmuch as the House felt that they should not make this appropriation at this time, we thought, in order not to jeopardize the really important item, the $50.6 million for unemployment compensation for ex-servicemen and Federal employees, we should agree with the House at this point, but with the clear understanding—and I hope this will be clearly understood—that there is no reluctance on the part of the Appropriations Committee to appropriate the funds to carry out the Occupational Safety and Health Act of 1970. We intend to do so, and we expect to do it in time for the Department of Labor to make the plans necessary to carry out this act, beginning when the law takes effect which is April 28.

In the meantime, the States have to come up with their plans. This is a matching fund program and the Department will be making grants to State governments to aid them in planning and carrying out safety programs, collecting and evaluating injury statistics, training personnel, and taking all necessary action to ensure that workers have safe and healthful working conditions. I believe the act of 1970 was passed unanimously by the Senate. We will make available the money for the States, and I am sure it will pass the Senate Appropriations Committee and the House without any difficulty.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. I thank the Senator from Washington, the chairman of our subcommittee, for his statement.

It was the earnest desire of the administration that the $10.9 million be appropriated in order to get the newly enacted occupational safety program started. Because of that, it was my motion in the subcommittee and in the full committee that we appropriate a portion—at least half—of the $10.9 million.

The Labor Department does have $3 million in the present appropriation for the former program that related to Federal construction only. I am advised that the 1972 budget provides $31,350,000 for this program. They have been able to get underway, but what the Senator from Washington has said is true. The practical matter was that the House committee had rejected it, and the House, by rollcall vote, had passed the $50 million without the other two items. Therefore, it was the opinion of the majority of the committee that we defer this and get to it as soon as possible, and I am glad to have the assurance of the distinguished chairman that we will try to get some money for this purpose.

Mr. MAGNUSON. The second supplemental will be here before or about the time the act becomes effective.

Mr. COTTON. They do require some time to get going on the new procedure and regulations, and I had hoped to give them at least half of their request. But it was the practical matter of going to conference on this one item.

Mr. MAGNUSON. That is correct.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. JAVITS. Mr. President, I have heard the explanations of both my colleagues. I understand their view of the practicalities. I am sure they are right as to the practicalities. But this makes nonetheless clear the fact that the Labor Department will not be able to get ready before the effective date of the act. They so represent to me. I am the ranking member of the Committee on Labor and Public Welfare on this side of the aisle, and with Senator WILLIAMS had a good deal to do with enacting the occupational safety and health bill.

I am well aware of the difficulties we have with legislation, and I know that the Senate committee would have voted these funds. If it had not known of this adamant opposition by the House, it would have acted affirmatively.

I rise only to say that I think it is most deplorable. It will result in slowing up, I know, from the Labor Department. They are not complaining, because that is not their function in a matter such as this. But I am complaining. It will result in slowing up preparation to enforce this very important and long overdue piece of safety legislation. I deprecate it. I think it is said.

I can only express the hope to Senator MAGNUSON, who I know acts in utmost good faith, that if there is any delay in the supplemental—and sometimes that happens—we should move specially on this, and I think the House would go along.

Mr. MAGNUSON. I give the Senator from New York my assurance and that of the Senator from New Hampshire. This supplemental request deals with 635 new employees. I think it is a little premature, because some of the States, as I understand—it is a matching program—are not quite ready. The States probably would go out and hire people they should not hire until they know what is required of them and know what is encompassed within the program. We would have passed this item quickly in the Senate, but we do not want to delay the really important part of the bill. The Department of Labor is out of money for unemployment compensation to ex-servicemen and Federal employees.

Mr. JAVITS. When the Senator says "the really important part"——

Mr. MAGNUSON. Both items are important.

Mr. JAVITS. That is it. One is that they are out of money, and the other is that it is a program getting started.

Mr. MAGNUSON. That is correct.

Mr. JAVITS. I wish to tell the Senator that there are large duties in the Labor Department, which he knows, for enforcement which will require a staff. So I do not think we can say that the States have not sent in their plans.

Mr. MAGNUSON. I do not say that. I say they are getting ready.

Mr. JAVITS. It is a selective thing. The States may send in plans, but the responsibility is in the Department of Labor.

Mr. MAGNUSON. And this item was not of the same urgency—let us put it that way. It is very seldom that we have an urgent supplemental here. I think they were out of money two and a half or 3 weeks ago. The claimants for unemployment benefits have to be paid.

I am certain we will handle the other matter with due dispatch. I assure the Senator that if the second supplemental is not here in time, we will consider funds to implement the Occupational Safety and Health Act an urgency and go right ahead with it.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. I say to the Senator from New York that I am thoroughly in accord with him as to the urgency of this matter. I am sure that the Senator from Washington and the rest of us on the subcommittee will see that it is acted upon.

I think it is unfortunate that we could not have gotten it now, because this is a safety program and should be started. The Senator from New York has served on this committee, and he has served on conferences with the House. As a practical matter, we had to let this go for a brief time; but if I have my way, it will be an extremely brief time.

Mr. MAGNUSON. There is one other thing which I hope will satisfy all of us. We have stated in the report that this matter is to be considered in the second supplemental.

Mr. JAVITS. May I say one thing to both my colleagues.

We know how the world goes. If the Labor Department feels confident that it is going to get this money in a month or 6 weeks, it is going to make a difference in what other funds, what other resources, what other attention they give the program. If they felt that, well, it could not happen now, maybe it will and maybe it will not, there would be a reflection in their own attitude. So what Senators have said is very much an accurate feeling, and I hope that Secretary Hodgson will feel that this can firm up the back of the Labor Department and it can go ahead and make commitments with confidence that this will be done in a short period of time.

Mr. COTTON. That is the legislative history, and I am sure that they can do so.

Mr. JAVITS. I thank my colleague. Can the chairman confirm that, too?

Mr. MAGNUSON. I would thoroughly agree.

The PRESIDING OFFICER (Mr. BUCKLEY). If there be no amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution (H.J. Res. 465) was ordered to a third reading, was read the third time, and passed.

DEATH OF WHITNEY M. YOUNG, JR.

Mr. HARRIS. Mr. President, earlier today, along with other Members of the Senate and a great host of his friends, colleagues, and admirers, I attended the funeral services in New York for the late Whitney M. Young, Jr., executive director of the Urban League.

I believe this country has lost a great leader, that the void left by his untimely death will be impossible to fill.

I am sad that I personally, and my wife, LaDonna, have lost a friend. I am equally sad that America has lost such a man of great dedication and principle, whose life has been a monument to the highest calling that any American could follow; namely, to further the cause of mankind in this country and around the world.

It is particularly appropriate, Mr. President, that I should mention Whitney Young on the occasion of the consideration today of an amendment to Senate rule XXIV to reform the seniority system, because in the ad hoc informal hearings which the distinguished Senator from Maryland (Mr. MATHIAS) and I held earlier this year on this subject, Whitney Young was not only an eloquent and persuasive witness for change in the outmoded seniority system of the Senate, but I believe I am quite correct in saying he was the most eloquent and most persuasive witness we heard.

NOMINATION AND APPOINTMENT OF COMMITTEE MEMBERS

The Senate resumed the consideration of the resolution (S. Res. 17) amending rule XXIV of the Standing Rules of the Senate with respect to the nomination and appointment of committee members.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, will the Senator from Oklahoma yield for a unanimous-consent request?

Mr. HARRIS. Yes; I yield.

Mr. BYRD of West Virginia. Mr. President, it is my intention, as chairman of the Subcommittee on Rules of the Committee on Rules and Administration, to move to table the resolution which has been offered by the able Senator from Oklahoma (Mr. Harris) and the equally able Senator from Maryland (Mr. Mathias).

I wonder whether the Senator from Oklahoma and the Senator from Maryland would be willing to enter into a time limitation, say of 40 minutes to be equally divided, with the 40 minutes to be controlled by the able Senators and myself, as chairman of the subcommittee, and that at the end of which 40 minutes I be recognized for the purpose of offer- the tabling motion.

Mr. HARRIS. May I say that I am quite willing to agree to the time limitation. I have not had an opportunity to discuss this with my colleague from Maryland. I would have thought maybe an hour would be enough, but I would not haggle over the time. I now yield to my colleague from Maryland.

Mr. MATHIAS. Mr. President, the distinguished Senator from West Virginia talked to me about this today, before offering his motion to table, and I have no objection to it.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that that be done.

The PRESIDING OFFICER (Mr. Buckley). Is there objection to the request of the Senator from West Virginia? The Chair hears none and it is so ordered.

Who yields time?

Mr. HARRIS. I yield myself 5 minutes.

Mr. President, I rise in support of Senate Resolution 17 which the Senator from Maryland (Mr. Mathias) and I have submitted as part of our joint effort to achieve reform in what we feel is the outmoded seniority system in the Senate.

Mr. President, at this time, I ask unanimous consent that the testimony of Whitney M. Young, Jr., late Executive Director of the National Urban League, on Senate reform at the bipartisan ad hoc Senate hearing, on Monday, January 18, 1971, be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Testimony of Whitney M. Young, Jr.

Mr. Chairman and members of this ad hoc bi-partisan committee on Senate Reform, my name is Whitney M. Young, Jr., Executive Director of the National Urban League.

The National Urban League is a professional, non-profit, non-partisan community service organization founded in 1910 to secure equal opportunities for minority Americans. It is governed by an interracial Board of Trustees and seeks to foster good race relations and increased understanding among all people of these United States.

The National Urban League works to obtain its goals by developing and operating programs to (1) equalize job and housing opportunities; (2) encourage and stimulate youth in the pursuit of responsible citizenship; (3) develop and strengthen healthy family life; and (4) involve minority citizens in seeking solutions to their own problems in the areas of employment, education, housing, health, and family community services.

The League has local affiliates in some 98 cities located in 36 states and the District of Columbia. It maintains a national headquarters in New York City; regional offices in Akron, Atlanta, Los Angeles, New York, and St. Louis, and the Bureau of Governmental Affairs in Washington, D.C.

A professional staff of about 1,600 persons trained in the social sciences and in social welfare practices conduct the day-to-day activities of the organization throughout the country. In doing so, it is assisted by upward of 10,000 volunteers who bring expert knowledge and experience to the resolution of the problems of minorities in a variety of fields.

The National Urban League welcomes this opportunity to appear before this bi-partisan, ad hoc panel to discuss the problems of Senate reform. This is an important area of consideration for us because so much of our work has its basis in congressional legislation.

These two days of hearings are extremely timely, Mr. Chairman, coming as they do so close to the adjournment of the 91st Congress. Less than a month ago the Congress, especially the Senate was embroiled in a legislative tangle which clearly focused attention on the need for reform of many of its rules. Many of the legislative maneuvers used to block the passage of vital legislation seemed more like a struggle for power than efforts to carry out the public will. A large portion of the public which makes up our constituency must have been overwhelmed by the failure of the 91st Congress to pass legislation related to consumer advocacy, draft revision, higher education, ratification of the Genocide Treaty, drug abuse prevention, public housing, private pension plans, public welfare reform, revenue sharing, and the repeal of the Emergency Detention Act.

We know, of course, that during each session many more bills are introduced than it is physically possible for Congress to consider, but the publics we serve must be hard put to understand why so many bills designed to promote social reform failed short of legislative enactment. Bills such as the Social Security amendments and the Family Assistance Act are cases in point. Both underwent a long series of Committee hearings and lengthy floor debate, but both of them died for lack of congressional consensus.

To poor people across the Nation, the failure to pass these bills was tantamount to a thwarting of the public will—a throwback to the earlier days of "the public be dammed." It also raised some serious questions in the minds of many persons about the practicality of the legislative process, the makeup of committees, and the rules which govern floor debate.

In these perilous times when many young people—and some who are not so young—sincerely believe that society is rapidly approaching the brink of collapse, it is more important than ever that the public maintain its faith in our legislative process and our political institutions. Reform of some of our archaic systems may be the only way to maintain that faith.

To be sure, Congress took a step in the right direction when it passed the Legislative Reorganization Act of 1970. This new law contains a long list of revisions of rules in both Houses concerning committee procedure, changes designed to reduce the arbitrary power of committee chairmen, and giving members a stronger role in committee activity. The Act, however, failed to modify the seniority system of either House, and it is the modification of that longevity system which can bring about meaningful change.

The National Urban League, therefore, supports any efforts to bring about positive change in the Congress. We are especially anxious to see changes in (1) the seniority system and (2) Senate Rule No. 22 which outlines the "cloture" process.

We recognize that it may be an exercise in futility to talk about revamping a system which is steeped in tradition and firmly established by persistent custom, but we have a responsibility to seek a new system providing greater promise for our constituency, and we do not hesitate to discharge that responsibility.

Sen. Fred R. Harris (D-Okla.) suggested in a memorandum circulated to members of the Senate that the seniority system be changed, and that committee chairmen be voted upon each two years by the party Caucus. He also discussed the matter of imposing a mandatory retirement age for committee chairmen. Both of the approaches to seniority reform have some merit, but we would prefer the election of chairmen. We know that this approach has the least chance of passage in the immediate future, but the Senate must come to grips with the problems of reform if it is to discharge its responsibility to the public.

No one is really sure when or how the current system of seniority got started, but it is clear that the practice has been firmly established since about 1910. The system is simple, giving the greatest status in committees to those who have served in the Congress longer. On cursory inspection, it is difficult to argue with this system which assumes that those with the greatest longevity also have the greater skills and experience. The system breaks down, however, on closer inspection. In many instances committee chairmen have become virtual dictators, deciding what legislation will be assigned to subcommittees and what legislation will be reported to the floor for debate and a vote. Such behavior frustrates the interest of the national public and demands reform. Now is the time to return to the system adopted by the Senate in 1789 which provided that "all committees shall be appointed by ballot, and a plurality of votes shall make a choice."

The idea of electing committee chairmen is not new. During the 1945 LaFollette-Monroney hearings on seniority, Rep. Estes Kefauver testified that the seniority rule "works well in 75 percent of the cases," but suggested that the system might be modified by having the chairmen elected by secret ballot at the start of each session, a majority or two-thirds of the majority party members of the committee being required to elect the chairman who would serve throughout that Congress. Rep. A. L. Miller, at those same hearings, said that "there is no relation beween tenure and ability" and proposed that the party Caucus select the chairmen by secret ballot.

John Lindsay in *We Propose: A Modern Congress* indicted the present system as being undemocratic. He wrote: "In America's continuing experiment in democracy, the seniority system operates to elevate men to positions of leadership in Congress without regard to any qualification except length of service. As presently practiced, the system is unsound, inflexible, undemocratic, and certainly discouraging to junior Members of Congress. Even the law of the jungle operates on a higher level than the 'law' of seniority: the first at least works to assure survival of the fittest; the latter operates only to assure survival of the oldest."

Whatever the pros and cons, revision of the seniority system seems to be an idea whose time has come. All across the country, editors reflecting the concerns of their readers, have set pen to paper to discuss seniority reform. Among them have been such prestigious journals as the Portland *Oregonian*, the Philadelphia *Inquirer*, the Baltimore *Sun*, the St. Louis *Post-Dispatch*, the Washington (D.C.) *Post*, the San Francisco *Chronicle*, the New York *Times*, the Seattle-*Post Intelligencer*, the Cleveland *Plain Dealer*, the Louisville *Courier-Journal*, the Chicago *Sun-Times*, the Los Angeles *Herald Examiner*, the Miami *Herald*, the Providence (R.I.) *Journal*, and the Minneapolis *Star*. As early as last August, Sen. Robert Packwood (R-Ore.) counted more than 30 newspapers, large and small and representing all geographical areas of the country, which have published editorials opposing the Senate's seniority system.

The other major change which we would like to see made in the Congress involves cloture, the process by which debate can be limited in the Senate other than by unanimous consent. I need not say that for years the Senate's Rule XXII has been the bane of much social legislation, allowing many good bills to be talked literally to death. The undemocratic practice permits a few members to overrule the will of the majority.

I need not attempt to tell you the evils of the filibuster tactic. You know them all too well, but listen to the words of Sen. Jacob Javits (R-N.Y.) and Sen. Philip Hart (D-Mich.) in a letter circulated to all Senators at the beginning of the 91st Congress:

"There is no need to belabor the arguments against the filibuster. Whether the filibuster or the threat of one has done more damage to the public interest through bills diluted into unsatisfactory compromises, or through Senate action totally obstructed, is a question for the historians. But for us as Senators, the damage that the filibuster does to our work is obvious and the ridicule to which it subjects the Senate is clear.

"The difficulty we face is that Rule XXII is self-perpetuating except at the opening of the Senate of a new Congress. Once the Senate of the 91st Congress accepts the rules of the Senate of the 90th Congress as its own rules, it is with us for the balance of this Congress. Any revision in the filibuster rule attempted under the existing rules of the Senate could be filibustered, and there is no way of obtaining the two-thirds vote required under the present rules to close debate.

"There is just one point in the history of the Senate of a new Congress when the existing rules are not self-perpetuating and that is at the opening of the new Congress. At that moment, *the majority of the Senate has the clear power to set the rules for its own operations*. We have in past years filed a number of briefs in support of this proposition and are convinced that a majority does have the power to determine the rules of the Senate of a new Congress at its opening and before the old rules have been accepted and ratified.

"What we shall seek to do at the opening of the 91st Congress is two-fold:

"(i) settle the principle that a majority of the Senate of a new Congress can in fact act at the opening of the new Congress;

"(ii) adopt a new Rule XXII which will permit realistic limitations on debate."

That attempt to change the rule failed. We are hopeful, however, that other liberal members of this august body will try again at the opening of the 92nd Congress to avoid the adoption of Rule XXII. We have little hope that it will ever be possible to get two-thirds of the Senate to cast "yea" votes in any battle to revise the rules of cloture. Since its adoption in 1917, the sacrosanct rule has been so firmly entrenched that it has been possible to invoke cloture only eight times in 46 attempts. Those odds simply must be changed if the Senate is to be truly representative of the public.

In closing, Mr. Chairman let me talk again briefly about the nation's press. The Portland *Oregonian*, a paper generally known for its editorial restraint, said earlier this year that "it is long past time when the American people should rise up in wrath and demand that their elected officials quit preening, posturing, politicking and procrastinating at the expense of all of us. If they continue to refuse to reform the American government, we must elect officials who will."

These may be prophetic words. The Senate has both the power and mandate for reform of its anachronistic system of senority. All it needs is the will.

I thank you.

Mr. HARRIS. Mr. President, too many people today feel that nothing much is going to be done to right fundamental wrongs which exist in this country. That feeling puts a special burden on every public official to do everything in his power to respond to urgent and desperately felt needs in this country, and to make the institutions he belongs to and over which he has some control far more relevant and sensitive to the will of the majority than they are now.

The Senate, great body that it is, is nevertheless among all the other institutions in the country which must be modernized and which must become more responsive to the public will, and to what its own majority wishes.

The changes Senator MATHIAS and I propose in rule XXIV would require the Senate to elect, one by one, every chairman and every ranking minority member of each committee, as well as new members added to the committees to fill vacancies, or for other reasons.

A new paragraph we would add to rule XXIV would, further, for the first time, formally recognize the existence of the minority and majority caucuses in the Senate and charge them explicitly with the responsibility of nominating, for final election by the Senate, all chairmen and ranking minority members of each committee. This nominating process in the caucuses would also specify that individual ballots would be required in every case of selection of chairmen and ranking minority members and the language of the section clearly contemplates the possibility of contests within each caucus for the top positions on committees.

Mr. President, I believe that the people of this country have a right to hold the Senate and each Member of the Senate responsible for all the officers of the Senate. As I demonstrated at the beginning of this session in invoking the right of each Senator under rule XXIV to call for an individual vote on the selection of each committee chairman separately, chairmen of committees are officers of the Senate, elected by the majority of the Senate, and are responsible to the majority. More than that, in addition to the individual responsibility I think each Senator is responsible to the public for what Senate committees do, whether he is a member of the particular committee or not. Since he is a part of the selection process. There should be more party responsibility as well. The people should have some way to judge whether the two parties are responsible and responsive to the public will on the great issues of our day.

So, Mr. President, we should recognize and make clear that individual responsibility and party responsibility in the selection of committee chairmen, ranking minority members, and new members of committees. I believe that that would provide for greater accountability to the public and help reduce the sense of powerlessness which exists among so many of our people in this country, powerlessness to affect governmental processes with the immediacy which they rightly desire.

This new section of rule XXIV also would include a sentence which explicitly states that the rule of seniority may not bind the majority and minority caucuses in their decisions.

We would not be doing away with seniority, which is the result of an unwritten rule, by the adoption of this resolution. We would simply say that seniority would be only one of the qualifications that the Senate and the relative caucus might take into account in making choices.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARRIS. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 2 additional minutes.

Mr. HARRIS. Mr. President, taken together, these changes would go a long way toward opening up the process of choosing committee chairmen and ranking minority members to the direct influence of the full membership of the Senate itself. The resolution would grant the membership of each caucus and then the full membership of the Senate a real opportunity, not the present illusory opportunity, to decide whether an incumbent chairman had been doing a satisfactory job, whether he had been responding to his own committee members and to the will of his caucus, which would first nominate him, and the Senate itself, which would select him, on the issues and legislation and selection of staff under his committee's jurisdiction.

I believe this resolution, concerning which I am pleased to join with the distinguished Senator from Maryland in proposing to the Senate, will be adopted if the Senate has the opportunity to study it, consider its implication, and what it means to the country so far as the modernization and democratization of the political process is concerned.

I believe that if we do adopt Senate Resolution 17, the very fact of its adoption will have a salutary effect on the way the Senate operates and on the way the chairmen run their committees during this, the 92d Congress.

I am grateful to the distinguished Senator from West Virginia for the full, thorough, and prompt hearings which he gave to this resolution in the Committee on Rules and Administration, as well as to all of those who testified earlier in the ad hoc hearings which the distinguished Senator from Maryland (Mr. MATHIAS) and I conducted. I ask unanimous consent that their names and titles be printed in the Record at this point.

There being no objection, the list was ordered to be printed in the Record, as follows:

John Gardner, head of Common Cause; Mr. Leonard Woodcock's representative from the United Automobile Workers; Clarence Mitchell of the Leadership Conference on Civil Rights; Whitney Young of the Urban League; Lee Auspitz, president of the Ripon Society; Tony Dechant, president of the Farmer's Union; and David Cohen, chairman of the executive committee of Americans for Democratic Action.

Mr. HARRIS. I am particularly honored to be associated with my cosponsor, to whom I now yield 7 minutes, the distinguished Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 7 minutes.

Mr. MATHIAS. Mr. President, I am grateful to the Senator from Oklahoma for his continuing leadership in this whole fight to clearly restore confidence in the legislative process by making the choice of our leaders in the Senate as representative and as democratic as we would have all of our institutions of government. That is really what we are doing. We are trying to restore confidence in government by making it clear to the American people that merit is the standard by which we are going to make the choice of our leadership.

If that is well understood across the country, there cannot help being an increase in confidence and trust in Congress.

Mr. President, at this point, I ask unanimous consent that the names of the Senator from Arizona (Mr. Goldwater) and the Senator from Oregon (Mr. Packwood) be added as cosponsors of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, as we look forward to the difficult, complex decisions which will confront and challenge Congress in the 1970's, we hear an increasingly vocal skepticism advanced by the American people. For example, there are the very difficult decisions involving the SALT talks now underway which were so eloquently described on the floor earlier today by the senior Senator from Illinois (Mr. Percy) who, I think, outlined with remarkable clarity for such a complex subject the difficulty of that decision. That is what the Senator from Illinois has described for us in connection with the SALT talks. It could also be said of many of the difficult and complex decisions that will have to be made by the American people and by their Government.

As we approach these difficult decisions, perhaps because of the complexity of the decisions and the remoteness of these problems from ordinary life, we hear an increasingly vocal skepticism advanced by the American people. We hear pointed doubts raised as to whether the procedures and traditions of this body will still enable us to act wisely, comprehensively, and without undue delay. We perceive, underlying these protestations of doubt, a growing impatience with an institution which has survived and attained political nobility for almost 200 years. We also feel an eroding of confidence in a system of government which depends fundamentally upon a trust between the people and their elected Representatives and Senators.

Surely some of this doubt, amounting to cynicism, is unnecessary. As the distinguished Senator from Oklahoma has said, there is a fear that nothing will be done. But that fear is not altogether an accurate concern, because things are being done.

What the Senator from Oklahoma has done in bringing this matter to the attention of the Senate and to the attention of the American people is a sign that there is a change in the wind and that things can be done.

This is a subject that no one would have even spoken about in this Chamber a few years ago. Yet, with his leadership, this is being debated now. And I must give full credit to the distinguished Senator from West Virginia who not only is on the other side of this debate on the floor of the Senate, but who was exceedingly generous in the hearings he accorded us before the Committee on Rules and Administration.

This is a subject that would not have been spoken of in polite conversation. Yet we are debating it. More than that, there have been changes this very year in the seniority system, changes that do not go to an alteration of principle, which I think is unfortunate, but they do go to the application of that principle and practice and have mitigated the effect of the seniority system.

In the Republican caucus there was a rule adopted which limits the application of the seniority system to a single committee. That seems like a very minor change. However, in fact that has had a very significant change on our side of the aisle.

I ask unanimous consent to have printed in the Record a summary of the changes which came about as a result of that Republican caucus action and the Mathias amendment as modified.

There being no objection, the summary and modified amendment was ordered to be printed in the Record, as follows:

Minority Committee Changes Resulting From Mathias Resolution

I. Sen. Bennett was R.M.M. on both Finance (Williams having retired) and Banking and Currency. He chose Finance. This allowed Sen. Tower to become R.M.M. on Banking and Currency.

II. Sen. Aiken had to choose between Agriculture and Foreign Relations. Aiken therefore relinquished Agriculture. Sen. Young was next in line on Agriculture, but he chose to remain R.M.M. on Appropriations. Sen. Miller therefore stepped up as R.M.M. on Agriculture.

III. Sen. Smith had to choose between Armed Services and Space. She relinquished the Space Committee R.M.M. Sen. Curtis, next in line on the Space Committee, then had to choose between Rules and Space. He chose Space.

IV. Sen. Cooper thus had to choose between Rules and Public Works. He chose Public Works. Sen. Scott was therefore next in line on Rules, but could not accept because he was minority leader. Sen. Thurmond was next on Rules, but he left to become R.M.M. on the Veterans Committee.

V. Sen. Prouty left the D.C. Committee to become R.M.M. on Rules. Sen. Mathias therefore became R.M.M. on D.C. Committee.

Mathias Amendment as Modified and Agreed To by the Republican Conference, January 26, 1971

Be it resolved by the Republican Conference of the United States Senate that the majority or minority leader or assistant majority or minority leader shall not serve as chairman or ranking member on any standing committee or on any joint committees the membership of which is not determined by ranking position on a standing committee; nor shall any member serve as chairman except in accordance with the Reorganization Act of 1970 or ranking minority member on more than one standing plus not more than one joint committee, the membership of which is not determined by ranking position on a standing committee; but any member thus required to relinquish a chairmanship or ranking minority member position will assume the position first in seniority following the new chairman or ranking minority member, so long as the respective leadership is held, and when such leadership position is changed the member will revert to his previous position on that committee, if he has not previously given up said committee or been assigned to another committee.

Provided further, that the foregoing provision shall be limited to those Senators holding those positions during the 92d Congress.

Mr. MATHIAS. Mr. President, things have been done now. These changes affected, I believe, 13 Republican Senators in their direct impact. But they have a rippling action and an indirect consequence that has touched every single Republican Member of the Senate.

The Senate changes have primarily been in the minority party. But these are changes that have been made. The distinguished Senator from Utah (Mr. Bennett) has been appointed by the Chairman of the Republican Conference, to undertake a study of the seniority system. This does not mean that we will prejudge what that study will conclude. But the very fact that a study is being made is of real significance. So, the doubts that are expressed, the doubts and the questions that come to us, the inquiries and the questionnaires are not unrelated to the subject.

Mr. PROUTY. Mr. President, will the Senator yield for a question?

Mr. MATHIAS. Mr. President, I yield to the Senator from Vermont without losing my right to the floor.

Mr. PROUTY. Mr. President, assuming that the Senator has been chosen by the Republican conference to be the ranking minority member on the District of Columbia Committee, which he presently is, if paragraph 3 should be adopted, what will prevent the majority from saying that the Senator from Maryland cannot serve in that capacity, but that someone else would, either a member on the majority side or on the minority side?

Mr. MATHIAS. Mr. President, I think that the nominations for the ranking minority membership come from the Republican caucus.

It is perfectly true that there could be some combinations with Members on the other side. That is true of any committee.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MATHIAS. Mr. President, may I have 2 additional minutes?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, we discussed this question very fully in the Committee on Rules and Administration. I think such a result would not be likely. In fact, this is true today. I point out to the distinguished Senator from Vermont that the appointment of any committee member, be he the chairman or the lowest ranking committee member, is subject to confirmation by the entire Senate. If Senators on this side of the aisle chose to outlaw any of us from any Senate position, they could do so. So there is nothing different between this resolution and the provisions of existing rules.

Mr. PROUTY. I agree with the Senator from Maryland, but I think the point should be made very clear that a majority of Senators, Republicans, and Democrats, can very definitely override the recommendations made by the Democratic conference or the Republican conference.

Mr. MATHIAS. I concur entirely with the Senator and say that that is the situation today, and that situation would be unaltered by the resolution.

Mr. PROUTY. Is it not true today that the Senate elects its committee chairmen?

The PRESIDING OFFICER. The 2 additional minutes yielded to the Senator from Vermont have expired.

Mr. PROUTY. Mr. President, will the Senator from West Virginia yield me 1 additional minute?

Mr. BYRD of West Virginia. I yield 1 minute to the Senator from Vermont.

Mr. PROUTY. Is it not true that the Senate today elects its committee chairmen and that they are coextensive with the ranking committee members of the minority?

Mr. MATHIAS. Due to the energy and leadership of the distinguished Senator from Oklahoma (Mr. HARRIS), it is true that Senate chairmen were elected in this Congress, but that is the first time it has happened in fact. It has been pure theory for many years. It is a rule that has been more honored in the breach than in the observance. The fact is that there was an actual vote on each committee chairmanship this year. In the past, the vote was en bloc because the choices were made in other places.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired. Who yields time?

Mr. BYRD of West Virginia. Mr. President on Tuesday, April 7, 1789, the Senate effected its organization and appointed a committee to prepare rules for conducting the Senate's business. Each of the five members of that committee was a lawyer and had had experience in some legislative body. Three of the members had been members of the Constitutional Convention; one had served as President of the Continental Congress; and the fifth had served in the Pennsylvania Provincial Assembly.

There is no record of the deliberations of that committee. Its report was presented and considered 9 days later, on Thursday, April 16, 1789. Apparently without any amendment, it was resolved that the 19 rules submitted in the report "be observed." Two days later, on April 18, 1789, a 20th rule was added.

Since then, there have been four major codifications of Senate rules. By the revision of March 1806, the list grew from the 20 of 1789 to 40 rules. The 1820 revision brought the number up to 45. In 1868, the number of rules increased to 53.

The revision of 1884 reduced the number to 40 rules, and the 1884 revision has met the Senate's wishes so well that no further general revision of the rules has been found necessary in more than fourscore years—87 years, to be exact.

The rule we have been discussing today is rule XXIV of the Standing Rules of the Senate. Rule XXIV, with some modifications along the way, has roots that are deep. It is almost as old as the Senate itself. It was one of the 19 rules which were adopted on April 16, 1789. In that first code of 19 rules, the present rule XXIV was, at that time, rule XV, which read as follows:

> All committees shall be appointed by ballot, and a plurality of votes shall make a choice.

In the early years of the Senate, it must be remembered, its standing committees almost invariably consisted of only three members. In 1816, 11 new committees were created, each to be of five members. In the mid-1800's, seven became the common number; while in the years from 1885 to 1900, most of the new committees were of nine members.

It is interesting to note that for the first 37 years of the Senate's history its rules made no provision as to the choice of committee chairmen; although, in the tentative draft apparently prepared by Senator William Maclay for the consideration of the committee which framed the Senate's first code of rules in 1789, it was stipulated that each committee's chairman:

> Shall be the Senator from the most northerly state of those from whom the committee is taken.

This fantastic proposal did not find its way into the rules.

John Quincy Adams, in 1808, declared it to be the prevailing practice in the Senate that "the member having the greatest number of votes is first named, and as such is chairman."

In the revision of March 26, 1806, rule 15—present rule XXIV—was renumbered 14.

In the revision of January 3, 1820, the rule was renumbered 31 and ready as follows:

> 31. All committees shall be appointed by ballot, and a plurality of votes shall make a choice. But when any subject or matter shall have been referred to a committee, any other subject or matter of a similar nature may, on motion, be referred to such committee.

On December 9, 1823, rule 31 was amended to read as follows:

> 31. All committees shall be appointed by the presiding officer of this House, unless specially ordered otherwise by the Senate. Journal, 18th Cong., 1st sess., p. 28.

On December 8, 1826, the following resolution was agreed to:

> Resolved, That in the appointment of the standing committees the Senate will proceed by severally appointing the chairman of each committee; and then, by one ballot, for the other members necessary to complete the same; and a majority of the whole number of votes given shall be necessary to the choice of a chairman.

If Senators will read the present rule XXIV, they will find it interesting to note that for almost 150 years the rule of 1826 has remained practically the same, in this respect, modified only by the addition of the significant phrase "unless otherwise ordered."

In the revision of February 14, 1828, the rule was amended and renumbered 34 so as to read as follows:

> 34. In the appointment of the standing committees, the Senate will proceed, by ballot, severally to appoint the chairmen of each committee, and then, by one ballot, the other members necessary to complete the same; and a majority of the whole number of votes given shall be necessary to the choice of a chairman of a standing committee. All other committees shall be appointed by ballot, and a plurality of votes shall make a choice. When any subject or matter shall have been referred to a committee, any other subject or matter of a similar nature may, on motion, be referred to such committee.

On December 24, 1828, rule 34 was amended to read as follows:

> 34. The President pro tempore of the Senate shall appoint the committees of the Senate; but if there be no President pro tempore, the Senate, in the appointment of the standing committees, will proceed, by ballot, severally to appoint the chairman of each committee, and then by one ballot the other members necessary to complete the same; and a majority of the whole number of votes given, shall be necessary to the choice of a chairman of a standing committee. When other committees shall be appointed by ballot, a plurality of votes shall make a choice. When any subject or matter shall have been referred to a committee, any other subject or matter of a similar nature may, on motion, be referred to such committee.

Five years later, on December 10, 1833, the following resolution was agreed to:

> Resolved, That the 34th rule of the Senate shall be so amended as to read and stand as it did prior to the 24th day of December, 1828.

In the revision of March 25, 1868, the rule was renumbered 35 and was amended to read as follows:

> 35. In the appointment of the standing committees the Senate will proceed, by ballot, to appoint severally the chairmen of each committee, and then, by one ballot, the other members necessary to complete the same; and a majority of the whole number of votes given shall be necessary to the choice of a chairman of a standing committee, but a plurality of votes shall elect the other members thereof. All other committees shall be appointed by ballot, and a plurality of votes shall make a choice.

In the revision of January 16, 1877, the phrase "unless otherwise ordered" was inserted. The word "appoint" was substituted for the word "elect." Other minor changes were effectuated. A new paragraph was added, the rule was renumbered 46, and, as revised, was as follows:

> 46. In the appointment of the standing committees, the Senate, unless otherwise ordered, shall proceed by ballot to appoint, severally, the chairman of each committee, and then, by one ballot, the other members

> necessary to complete the same. A majority of the whole number of votes given shall be necessary to the choice of a chairman of a standing committee, but a plurality of votes shall appoint the other members thereof. All other committees shall be appointed by ballot, unless otherwise ordered, and a plurality of votes shall appoint.
>
> *When the chairman of a committee shall resign or cease to serve on a committee, and the Presiding Officer be authorized by the Senate to fill the vacancy in such committee, unless specially otherwise ordered, it shall be only to fill up the number on the committee.*

In the revision of January 11, 1884, the rule was renumbered XXIV, and the only other changes were to strike out the commas before and after the word "severally," in the first paragraph; and

The second word in the second paragraph, namely, "the" was stricken out and "a" inserted.

The paragraphs were numbered 1 and 2, respectively, of rule XXIV, as follows:

> RULE XXIV
>
> 1. In the appointment of the standing committees, the Senate, unless otherwise ordered, shall proceed by ballot to appoint severally the chairman of each committee, and then, by one ballot, the other members necessary to complete the same. A majority of the whole number of votes given shall be necessary to the choice of a chairman of a standing committee, but a plurality of votes shall elect the other members thereof. All other committees shall be appointed by ballot, unless otherwise ordered, and a plurality of votes shall appoint.
>
> 2. When a chairman of a committee shall resign or cease to serve on a committee, and the Presiding Officer be authorized by the Senate to fill the vacancy in such committee, unless specially otherwise ordered, it shall be only to fill up the number on the committee.

A careful examination of the 1884 rule will reveal that only one slight change has been made in the rule in 87 years, to wit, the word "on"—which appears near the end of paragraph 2—has been changed to "of." In other words "on the committee" has been changed to "of the committee."

Over the years, the Senate has tried a variety of experiments, feeling its way toward a system which would enable it to keep some control of committee appointments while avoiding the abuses of promiscuous balloting. Hence, the phrase "unless otherwise ordered."

To quote George H. Haynes, in his treatise entitled "The Senate of the United States":

> Senator Bibb declared that he had seen five or six votes elect a committee, the result representing by no means the choice of the majority of the Senate, but being perfectly accidental, decided in some cases by the simple chance that some members were sitting near each other.

Mr. President, I have taken the time to cite this history of present rule XXIV—going back to the 1789 Code of Rules—and I have done so to indicate that almost in its present form, it has withstood the tests, the storms, and the trials of a century and a half, and the rule has served the Senate well. The experiences of these many decades would indicate that rule XXIV should not be amended as is being suggested in Senate Resolution 17.

Mr. President, I ask unanimous consent that Senate rule XXIV of the Standing Rules of the Senate be printed at this point in the RECORD.

There being no objection, Senate Rule XXIV was ordered to be printed in the RECORD, as follows:

> RULE XXIV: APPOINTMENT OF COMMITTEES
>
> 1. In the appointment of the standing committees, the Senate, unless otherwise ordered, shall proceed by ballot to appoint severally the chairman of each committee, and then, by one ballot, the other members necessary to complete the same. A majority of the whole number of votes given shall be necessary to the choice of a chairman of a standing committee, but a plurality of votes shall elect the other members thereof. All other committees shall be appointed by ballot, unless otherwise ordered, and a plurality of votes shall appoint.
>
> [Jefferson's Manual, Sec. XI.
>
> 2. When a chairman of a committee shall resign or cease to serve on a committee, and the Presiding Officer be authorized by the Senate to fill the vacancy in such committee, unless specially otherwise ordered, it shall be only to fill up the number of the committee.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that Senate Resolution 17, a resolution amending rule XXIV of the Standing Rules of the Senate with respect to the nomination and appointment of committee members, be incorporated in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

> S. RES. 17
>
> *Resolved,* That the Senate of the United States strike out the existing language of rule XXIV and insert in lieu thereof the following:
>
> "1. In the appointment of the standing committees, the Senate shall proceed by ballot to appoint severally the chairman and ranking minority member of each committee, and the other members necessary to complete the same. A majority of the whole number of votes given shall be necessary to the choice of a chairman and a ranking minority member of a standing committee, but a plurality of votes shall elect the other members thereof. All other committees shall be appointed by ballot in the same manner, and a plurality of votes shall appoint. No one shall be appointed chairman or ranking minority member of more than one standing committee.
>
> "2. When a chairman, ranking minority member, or other member of a committee shall resign or cease to serve on a committee, the vacancy shall be filled in the manner prescribed by sections 1 and 3 of this rule.
>
> "3. The chairman of each standing committee and the other members of the majority party necessary to complete its membership on each committee shall be nominated severally by ballot in a conference of Members of the Senate who are members of the majority party. The ranking minority members of each standing committee and the other members of the minority party necessary to complete its membership on each committee shall be nominated severally by ballot in a conference of Members of the Senate who are members of the minority party. In all such nominations, neither conference shall be bound by any tradition, custom, or principle of seniority. A majority of the whole number of votes given shall be necessary to nominate a chairman and a ranking minority member of a standing committee, but a plurality of votes shall nominate the other members thereof. A plurality shall nominate a chairman, a ranking minority member, and other members of all other committees."

Mr. BYRD of West Virginia. Mr. President, rule XXIV as it is presently written provides that at the beginning of each new Congress there shall be a separate ballot, "unless otherwise ordered," on every chairman of every standing committee of the U.S. Senate. So any Senator who wishes to invoke the present rule—as did the Senator from Oklahoma at the beginning of the 92d Congress—may have a separate vote on every chairman of every standing committee of the U.S. Senate; and at the present time there are 17 standing committees.

The resolution that has been offered by the distinguished Senator from Oklahoma (Mr. HARRIS) and the distinguished Senator from Maryland (Mr. MATHIAS), respectively, would go much further and would require that there be a separate ballot at the beginning of each new Congress on every chairman, every ranking minority member, and every member of every standing committee in the U.S. Senate. The words "unless otherwise ordered" would be stricken, so that such balloting would be mandatory.

This means that whereas heretofore it has been possible for any Senator to invoke the rule and have a separate vote on any chairman of any standing committee, it would be mandatory in the future. Heretofore, the two parties have presented the resolutions with their respective slates of nominations, and the Senate, usually by voice vote, has accepted the nominations as proposed by the two party caucuses. But the resolution before the Senate, as I say, would require a separate ballot on each chairman, each ranking minority member, and each other member of each standing committee, at the beginning of each new Congress. Yet, this is not all.

It would go further and for the first time a standing rule of the Senate would govern the procedures in both party caucuses with respect to the nomination of chairmen and members of standing committees. The rule would require that in each party caucus there be a separate ballot on every chairman—and every ranking minority member, respectively—and on every member of every standing committee of the 17 standing committees of the U.S. Senate.

Mr. President, as chairman of the Subcommittee on Rules of the Senate Committee on Rules and Administration, I conducted a brief hearing on this resolution. The two able authors of the resolution appeared and made exceedingly fine presentations. I compliment the two Senators on their presentations before my Subcommittee on Rules, but, more than that, I compliment them on their desire to improve the rules and procedures of the Senate so as to assure the better expedition of the legislative process and to assure, as they see it, a better selection of committee chairman, ranking minority members, and members of the 17 standing committees.

Mr. President, their case is not without some merit, but the resolution as written would be destructive, in my judgment, not only of the comity among members on the respective committees, but I think it would be destructive of the Senate itself to a considerable degree.

I object to the resolution for the following reasons, in the main:

First, it would require for the first time that a Senate rule govern the two political party caucuses. I do not believe that there can be any justification whatsoever for a Senate rule governing the procedures of political party caucuses. The Senate rules are devised to expedite the flow of legislative business in the U.S. Senate; devised to protect not only a majority viewpoint but a minority viewpoint. The party caucus is not a part of the Senate but is independent and separate therefrom. I think we would rue the day if we adopted a Senate rule which in any way governed the procedures of the Democratic and Republican Party caucuses.

Second, if this resolution were to be adopted, it would be cumbersome, unwieldy, and time consuming. It would cause repeated and frustrating delays. It would result in a great amount of friction, divisiveness, bickering, and ill will among the members of a particular committee.

With respect to the delays that would ensue as a result of the adoption of this resolution, let me merely cite to the Members of this body the CONGRESSIONAL RECORD of January 13, 1953, from the middle column of page 346 to the third column on page 349. A ballot was taken which involved 88 Senators. Eighty-eight Senators voted and eight Senators were absent—there being 48 States and 96 Senators at the time.

Mr. President, the balloting on that occasion, which involved Senator Wayne Morse—Senator Morse having declared himself an Independent at that time—was for the purpose of appointing the members of the Armed Services Committee. A ballot was taken and 88 Senators sent their ballots to the desk and the legislative clerk called the names. After each Senator had sent his ballot to the desk, the legislative clerk called the name of each Senator, starting with the name of Mr. AIKEN.

For example, the ballot of Mr. AIKEN having been sent to the desk, it was read by the Chief Clerk, as follows:

> Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

This ritual was repeated 88 times. As each of the 88 Senators who were present sent his ballot to the desk, the clerk would read the 14 names from the ballot; and so, after a considerable time, covering the better part of four pages of the CONGRESSIONAL RECORD, the tabulation was completed and the clerk announced the result.

The legislative clerk announced the result, as follows:

Mr. Bridges, 88 votes.
Mr. Flanders, 88 votes.
Mrs. Smith of Maine, 88 votes.
Mr. Hendrickson, 88 votes.
Mr. Case, 88 votes.
Mr. Duff, 88 votes.
Mr. Cooper, 83 votes.
Mr. Russell, 88 votes.
Mr. Byrd, 88 votes.
Mr. Johnson of Texas, 88 votes.
Mr. Kefauver, 88 votes.
Mr. Hunt, 88 votes.
Mr. Stennis, 88 votes.
Mr. Symington, 86 votes.
Mr. Morse, 7 votes.

Not voting—8: Byrd, Douglas, Duff, Eastland, Ellender, Fulbright, McClellan, Symington.

Mr. President, I ask unanimous consent that the pertinent matter from these 4 pages from the CONGRESSIONAL RECORD of January 13, 1953, be inserted in the RECORD.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

The VICE PRESIDENT. The Chair is informed that under the motion of the Senator from California [Mr. KNOWLAND], as modified by the suggestion made by the Senator from Indiana [Mr. CAPEHART], each Senator's ballot will be read as it is sent to the desk, and in that way the names contained in each ballot will be read as the ballot is received at the desk.

The Secretary will resume the call of the roll; and as each Senator's name is called, he will send his ballot to the desk, and the names contained in the ballot will then be read at the desk.

The legislative clerk again called the name of Mr. AIKEN, and his ballot having been sent to the desk, was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. ANDERSON, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, MORSE, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. BARRETT, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. BEALL, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. BENNETT, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. BRICKER, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

The legislative clerk called the name of Mr. BRIDGES, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. BUSH, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. BUTLER of Maryland, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. BUTLER of Nebraska, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. BYRD, who was not present.

The legislative clerk called the name of Mr. CAPEHART, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. CARLSON, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. CASE, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. CHAVEZ, whereupon his ballot was sent to the desk, and was read by the Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. CLEMENTS, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. COOPER, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. CORDON, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. DANIEL, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. DIRKSEN, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Douglas, who was not present.

The legislative clerk called the name of Mr. Duff, who was not present.

The legislative clerk called the name of Mr. Dworshak, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Eastland, who was not present.

The legislative clerk called the name of Mr. Ellender, who was not present.

The legislative clerk called the name of Mr. Ferguson, whereupon his ballot was sent to the desk, and was read by the Chief Clerk as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Flanders.

The VICE PRESIDENT. The Chair suggests under the unanimous consent request heretofore agreed to, that the vote of the Senator from Vermont be now announced.

Mr. Flanders' ballot was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Frear, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Fulbright, who was not present.

The legislative clerk called the name of Mr. George, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Gillette, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Goldwater, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Gore, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Green, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Griswold, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Hayden, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Hendrickson, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Hennings, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Hickenlooper, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Hill, whereupon his ballot was sent to the desk and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Hoey, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Holland, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Humphrey, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislataive clerk called the name of Mr. Hunt, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Ives, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Jackson, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Jenner, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Johnson of Colorado, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Johnson of Texas whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Johnston of South Carolina, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Kefauver, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Morse, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Kennedy, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Kerr, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Kilgore, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Morse, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Knowland, whereupon his ballot was sent to the desk, and read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Kuchel, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Langer, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. LEHMAN, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. LONG, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. MAGNUSON, whereupon his ballot was sent to the desk, and it was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. MALONE, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. MANSFIELD, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. MARTIN, whereupon his ballot was sent to the desk, and was read by the Chief Clerk as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. MAYBANK, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. MCCARRAN, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. MCCARTHY, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. MCCLELLAN, who was not present.

The legislative clerk called the name of Mr. MILLIKIN, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. MONRONEY, whereupon his ballot was sent to the desk, and was read by the Chief clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name Mr. MORSE, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, MORSE.

The legislative clerk called the name Mr. MUNDT, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. MURRAY, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. NEELY, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, MORSE, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. PASTORE, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGE, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name Mr. PAYNE, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGE, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. POTTER, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGE, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. PURTELL, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGE, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. ROBERTSON, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGE, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. RUSSELL, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGE, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. SALTONSTALL, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. SCHOEPPEL, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. SMATHERS, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mrs. SMITH of Maine, whereupon her ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. SMITH of New Jersey, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. SMITH of North Carolina, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. SPARKMAN, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. STENNIS, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. SYMINGTON, who was not present.

The legislative clerk called the name of Mr. TAFT, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. THYE, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. TOBEY, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, MORSE, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS.

The legislative clerk called the name of Mr. WATKINS, whereupon his name was sent to the desk, and was read by the Chief Clerk, as follows:

BRIDGES, FLANDERS, SMITH of Maine, HENDRICKSON, CASE, DUFF, COOPER, RUSSELL, BYRD, JOHNSON of Texas, KEFAUVER, HUNT, STENNIS, SYMINGTON.

The legislative clerk called the name of Mr. WELKER, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Wiley, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Williams, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The legislative clerk called the name of Mr. Young, whereupon his ballot was sent to the desk, and was read by the Chief Clerk, as follows:

Bridges, Flanders, Smith of Maine, Hendrickson, Case, Duff, Cooper, Russell, Byrd, Johnson of Texas, Kefauver, Hunt, Stennis, Symington.

The roll call was concluded.

Mr. Saltonstall. I announce that the Senator from Pennsylvania [Mr. Duff] is necessarily absent.

Mr. Clements. I announce that the Senator from Virginia [Mr. Byrd], the Senator from Illinois [Mr. Douglas], the Senator from Mississippi [Mr. Eastland], the Senator from Louisiana [Mr. Ellender], and the Senator from Arkansas [Mr. McClellan] are absent on official business.

The Senator from Arkansas [Mr. Fulbright] is absent because of a death in his family.

The Senator from Missouri [Mr. Symington] attended the inauguration yesterday of Gov. Phil Donnelly at Jefferson City, Mo., and is therefore necessarily absent.

The Presiding Officer (Mr. Ives in the chair). The balloting has been completed. The Chair wishes to inquire whether there are any Senators who have not cast their ballots. If so, the ballots will be received at this time.

There will be a short delay while the recapitulation of the balloting is being completed.

Mr. Magnuson. Mr. President, a parliamentary inquiry.

The Presiding Officer. The Senator will state it.

Mr. Magnuson. If I should obtain the floor for 2 minutes, would I be interrupting the roll call?

The Presiding Officer. The Chair would suggest that there be no interruptions while this particular function is being completed; otherwise there might be confusion.

The tabulation having been completed, the clerk will announce the result.

The legislative clerk announced the result, as follows:

Mr. Bridges, 88 votes.
Mr. Flanders, 88 votes.
Mrs. Smith of Maine, 88 votes.
Mr. Hendrickson, 88 votes.
Mr. Case, 88 votes.
Mr. Duff, 88 votes.
Mr. Cooper, 83 votes.
Mr. Russell, 88 votes.
Mr. Byrd, 88 votes.
Mr. Johnson of Texas, 88 votes.
Mr. Kefauver, 88 votes.
Mr. Hunt, 88 votes.
Mr. Stennis, 88 votes.
Mr. Symington, 86 votes.
Mr. Morse, 7 votes.

Not voting—8; Byrd, Douglas, Duff, Eastland, Ellender, Fulbright, McClellan, Symington.

The Presiding Officer. The results speak for themselves. The Committee on Armed Services is so constituted.

Mr. BYRD of West Virginia. Mr. President, if the resolution now before the Senate were to be adopted, the time consuming procedure that was followed on that occasion on January 13, 1953, with respect to appointing the members of the Armed Services Committee would be repeated at the beginning of every new Congress with respect to the appointment of every chairman of every one of the 17 standing committees, with respect to the appointment of every ranking minority member of every one of the 17 standing committees, and with respect to the appointment of every other member of the entire membership of each of the 17 standing committees—to say nothing of all other committees which would be appointed by ballot in the same manner.

Moreover, this same time-consuming procedure would be required in each party caucus if this resolution were to be adopted.

One can understand readily the confusion, the chaos, and the exorbitant waste of time that would be involved in selecting the chairmen, ranking minority members, and members of the 17 standing committees—not to mention the time equally consumed in the two caucuses—and to say nothing of the friction, the divisiveness, the bitterness and ill-feeling that would result, in too many cases, if the pending resolution were made a part of the Senate rules.

Third, my objection to the resolution in the main, Mr. President—and I have other objections, but I shall not take the time to state them—would be as follows: If this resolution were agreed to, I think it would open the way for such politicking, logrolling, buttonholing, backslapping, and trading in committee caucuses as has never been heard of with respect to the selection of members, and particularly with respect to the selection of chairmen, of standing committees. The present seniority rule, while it is not perfect, has worked well. It is a highly impersonal rule, and it promotes harmony in that every one accepts the method by which chairmen and ranking minority members will be selected, and we therefore avoid these blood-letting and scar-leaving battles which would ensue if the resolution were adopted.

Finally, Mr. President, I think we all should be able readily to envision the participation in the selection of chairmen of the 17 standing committees, not just by Senators, but also by various pressure groups, to say nothing of the White House itself if this resolution were to be adopted If a chairman is to be selected on the basis of his personal popularity, on the basis of how many votes he can get through political logrolling and pork-barreling, then, Mr. President, we can expect the pressure groups and the special interest groups in this country not only to get into the act, but they will see to it that there are biennial contests for chairmen of committees and in all too many instances they will dictate the selection of those chairmen.

Moreover, I do not believe anyone would want to deny that the White House, seeing the likelihood, regardless of what party is in power, of the election of Mr. X as chairman of a certain committee, would certainly begin pulling strings and applying pressure to line up votes for Mr. Y to be chairman of that committee, Mr. Y being more favorable to the White House.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. BYRD of West Virginia. If I may make just one further point in this regard.

Mr. President, before proceeding, I ask unanimous consent that the time before I offer my motion to table be extended by 10 minutes on each side, to be equally divided.

Mr. LONG. Mr. President, I object.

Mr. BYRD of West Virginia. Five minutes on each side, then. I have promised to yield to the Senator from Iowa, and there are others who wish to speak.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. I thank the Senator. Mr. President, the pressure groups or the White House might even go so far as to try to elect a chairman from the political party opposite to the party in control of the Senate if the seniority rule were completely discarded and the resolution before us adopted. Mr. President, in this regard, I call attention to one additional experience, from the record. In 1923, on December 10, the Senate began balloting on the selection of a chairman for the Committee on Commerce After 32 ballots, the Senate selected Senator Smith, from a field of six Senators, as the chairman of the Commerce Committee on January 9, 1924; so the contest ran from December 10, 1923, to January 9, 1924, with 32 votes in the meantime. Senators will be interested to note that at the close of the balloting on that occasion, a Democrat was selected to be chairman of the Committee on Commerce, although the Republican Party commanded control of the U.S. Senate at the time.

This can happen again. Of course, it can happen now, under extreme circumstances, because, as has already been indicated, Senate rule XXIV allows for balloting on each chairman. But it is not likely to occur often. But if we adopt this resolution to provide that each chairmanship be balloted upon separately—making it mandatory by striking the words "unless otherwise ordered"—if we make it mandatory that each ranking minority member be balloted upon, and require that each of the other members of the 17 standing committees be balloted upon severally, not only in the Senate Chamber but also in the two caucuses, then, Mr. President, we will rue the day that we ever called this resolution a "reform" measure. I am for reform, but this is not it.

Mr. President, I yield 4 minutes to the able Senator from Iowa.

Mr. HUGHES. Mr. President, I thank the Senator from West Virginia for yielding. As I indicated to the Senator before I requested the time, with the greatest respect for this institution, the Senate of the United States, in which I have served so briefly, and for the committee chairmen that I have come to know as well as I can in serving on several of the committees of the U.S. Senate, I shall oppose the viewpoint which he has so ably presented here today.

As I have traveled the length and breadth of America in the last 2 years, one of the great cries that has been heard abroad in this land is that the institutions of government are failing, that there is no way that the people of the United States can reflect their will. This has resulted in great outcries at the national conventions of both great political parties. It has resulted in movements for reform within the general structure, demanding that it be made to respond to the will of the people from the precinct level on up.

Yet today in this country, in spite of those steps that have been taken, the general opinion is that it does not make any difference who is elected in the United States of America, because the will of the American people still cannot be reflected.

One of the reasons for that opinion is that people believe their voices cannot be heard through the committee structures of the U.S. Senate and the House of Representatives. This is said, again, with the greatest respect. They believe they have acquired the right, by electing Senators from their respective States in this country, to have a voice in the selection of the chairmen of Senate committees, and the right to seek to make changes in this country. Unless this belief is reflected in political reform brought about in this country, in my opinion, the American people will continue increasingly to believe that their voices cannot be heard at this level in American government.

I think it is really important to consider the historic background that has been so ably presented by the Senator from West Virginia—and in listening to it, I was greatly impressed by it—and to consider the fact that it has endured through the years, and that it has served this body and the country well. But times have changed in this country very greatly in recent years, and in the last decade, the pressures have built up very strongly.

Yes, the lobbying interests will present great pressures if we adopt this type of system. But I am sure they present the greatest pressures they possibly can today on the chairmen of the committees, in any way that they can use them, and also on every member of each committee in any way they can use them.

The pressures will be present, because we are an organized society, and organizations work to represent the special interests which they are organized for. But the will of Senators, as they are elected, can resist those pressures. The right of the Members of this body to select their committee chairmen, believing that the people have the right, in electing their representatives to this body, ultimately to have a voice in making the decision, other than through the fact that a man who lives to a ripe old age ultimately becomes chairman of a committee, I think is of vital importance, and this thought is left out entirely, as the case has been presented; and although there are questions about this being a representative body——

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. HUGHES. I thank the Senator from West Virginia for yielding.

Mr. GRIFFIN. Mr. President, when Senate Resolution 17 was reported unfavorably by the Rules Committee, a brief statement of my views was included as part of the committee's report. I ask that those individual views be printed in the RECORD.

There being no objection, the individual views were ordered to be printed in the RECORD, as follows:

INDIVIDUAL VIEWS OF MR. GRIFFIN

Believing that reforms in the seniority system are needed, I was pleased when steps were taken by the Republican conference at the beginning of this session to implement a proposal advanced by Senator Mathias that no Senator could serve as ranking minority member on more than one standing committee. In addition, the Republican conference authorized the appointment of a special committee to study the seniority system and make recommendations for further revisions.

In view of the fact that the change in rule XXIV proposed in Senate Resolution 17 could have no meaning or effect until the beginning of the 93d Congress, I would like to have the benefit of the study and recommendations of the special committee which are expected at the end of this year.

ROBERT P. GRIFFIN.

Mr. BYRD of West Virginia. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 1 minute. The Senator from Oklahoma has 5 minutes.

Mr. HARRIS. Mr. President, I yield 2 minutes to the distinguished Senator from Maryland.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MATHIAS. If this will not be on my time.

Mr. BYRD of West Virginia. Mr. President, I yield on my 1 minute.

Mr. President, I yielded 4 of my 5 minutes to a Senator in opposition. I knew he was going to oppose my motion, inasmuch as he had told me beforehand. Would the Senators in opposition yield 3 minutes, at least, to the Senator from Vermont (Mr. PROUTY)?

Mr. HARRIS. Mr. President, I believe that the Parliamentarian is in error in counting up the time. I used 5 minutes of my time. I yielded 7 minutes, and then an additional 2 minutes to the distinguished Senator from Maryland, and that adds up to 16 out of 20 minutes. There should have been 4 minutes remaining out of that, and another 5 just agreed to; we should have 9 minutes now remaining on our side. Does the Chair concur in that calculation?

The PRESIDING OFFICER. The Chair concurs in that calculation.

Mr. HARRIS. I am pleased, if the distinguished Senator from Maryland will allow it, to yield some time to the other side at this time.

How much time is desired?

Mr. BYRD of West Virginia. How much time does the Senator desire?

Mr. PROUTY. Three or 4 minutes.

Mr. HARRIS. I yield 4 minutes to the distinguished Senator from Vermont.

Mr. PROUTY. Mr. President, the Senator from West Virginia has explained the arguments against this proposal. It seems to me that it would result in confusion compounded if it were approved.

As the ranking minority member of the Senate Committee on Rules, I have been quite disturbed by the real import of the language of Senate Resolution 17 which the Senate now has under consideration. I do not suggest that there is any hidden meaning in the resolution, but I am concerned that all of its meaning must be pointed out for our very thorough and serious consideration.

Basically, Mr. President, the resolution eliminates any possibility that the committee structure of the Senate will be at all related to seniority as a condition to membership. I personally do not agree that seniority can be eliminated from the procedures of the Senate. There may be better means to organize this Senate and its committees, but Senate Resolution 17 does not provide a better form of organization.

Paragraph 1 of Senate Resolution 17 is, for the most part, the wording presently contained in Senate rule XXIV. The number of words by which rule XXIV would be changed is not great. The import of those words, however, is substantial, to say the least.

In its first paragraph, Senate Resolution 17 requires that the ranking minority member of each committee must also be elected by ballot on the floor of the Senate. As long as I am a member of the minority in the Senate, I want to make completely sure that a member of the minority party is, indeed, the ranking minority member. If Senate Resolution 17 were to be adopted in its present form, I have no assurance that both the chairman and the ranking minority member will not be members of the majority party.

Senate Resolution 17 could, indeed, eliminate, along with seniority, the concept of political parties insofar as the Senate is concerned.

There is one other addition in paragraph 1 of Senate Resolution 17 which I think every Senator should be aware of: In all respects, insofar as chairman and ranking minority members are concerned, all committees—special, select, and otherwise—are treated for the first time as though they were standing committees.

Again, Mr. President, in paragraph 2 of Senate Resolution 17, the present rule XXIV is modified so that the President of the Senate, once the Senate has been organized for a Congress, is denied his present power to fill vacancies on committees. We would be required under paragraph 2 of Senate Resolution 17 to go through the entire matter of organizing committees all over again simply because one member has resigned or otherwise ceased to serve.

Mr. President, paragraph 3 of Senate Resolution 17 is entirely new material and does not appear at all in the Senate rules; and, although I have not researched the matter, I think I could say without fear of contradiction that the subject matter of paragraph 3 has never been a part of the rules in the history of the Senate.

I say this, Mr. President, because I think the portent of paragraph 3 raises more questions than it could possibly attempt to resolve. My objection to paragraph 3 is that for the first time the rules of the Senate attempt to dictate the manner in which the separate party caucuses actually conduct purely partisan business. Paragraph 3 requires that the members of each party caucus must nominate by ballot not only the ranking member on each committee, but every other member which that caucus proposes for membership on every committee.

It may very well be a good idea for the Republican caucus or the Democratic caucus to elect by ballot the Members it wishes to be named to each committee. I submit, however, Mr. President, that is peculiarly the business respectively of the Republican and Democratic caucuses—it is not the business of the U.S. Senate and I hope that none of us sees the day when the Senate itself makes an attempt to influence, let alone control, the intraparty affairs of our two national political parties.

Mr. President, the objections which I see to Senate Resolution 17 go far beyond my personal conviction that seniority is the appropriate means by which the committees of the Senate should be organized. There may be another way, or indeed a combination of ways for organizing committees which would be superior to our present system. As a matter of fact, recently, in a spirit of self-inspection, both party caucuses in the Senate have appointed subcommittees to study and review our present methods of operation.

We on the minority side have appointed Senators BENNETT, BOGGS, HANSEN, PACKWOOD, and TAFT to study and make suggested recommendations for possible reforms in the seniority system. It is my understanding that on the majority side Senators HARRIS, TALMADGE, and HUMPHREY have been appointed to undertake a similar task. I know that I am but one of many Senators who are looking forward to receiving the prudent recommendations that my colleagues on these two committees will ultimately suggest.

During the course of their forthcoming deliberations, these committees may very well find that under our traditional rules some Senator, or group of Senators, feels aggrieved and subject to inequitable treatment. However, to date these pending investigations have not even begun. The adoption of this resolution will destroy the viability of the committees. Is this, therefore, the proper time to nullify the responsible progress that each of our caucuses has made in considering reforms? Is this the time to abrogate the progressive measures we adopted in the Legislative Reorganzation Act of 1970? I sincerely hope not.

I, for one, feel it mandatory upon me to know precisely how the members of the Democratic delegation in the Senate and the members of the Republican delegation in the Senate, feel as individual units on the subject of Senate control of purely intraparty matters. I do not fear to venture the guess that paragraph 3 of Senate Resolution 17 would probably exist only long enough to be voted down once the caucuses have made their views known as political bodies.

Finally, Mr. President, there is one other problem raised by Senate Resolution 17 which should not go unnoticed. That is the perennial question of whether or not the U.S. Senate is a continuing body. I shall not dwell on it for long, but Senators should examine this aspect of the pending resolution very carefully.

Under its provisions, the fact that a Member of the Senate is presently a member of a committee would have absolutely no effect at the beginning of a new Congress if that Senator were not reelected to membership on that committee. This would be true even though that Senator might only be starting his third year as a Member of the Senate. Surely, we cannot want to tell a Senator that he cannot continue to serve in the capacity to which he was elected at the beginning of the last Congress.

Any Senator, once a member of any committee should continue to remain a member of that committee without fear of summary removal simply because some other Senator might have resigned. Yet, Mr. President, that is exactly the effect that Senate Resolution 17 could have.

Mr. President, one of the aspects of this discussion which needs to be underlined is the actual language of the presently existing rule XXIV. After one has read rule XXIV, he may be surprised at its language, but there can be no doubt in his mind that under the present rules of the Senate, chairmen of committees are not designated purely by seniority, but on the contrary, are required to be elected on the Senate floor by the full membership of the Senate.

If any Member of the Senate objects to any of the methods being used for the selection of chairmen, the chairmen are bound to be elected unless a motion to suspend the rules be sustained by a two-third vote of the membership. Since we have been so recently involved in several attempts to raise a two-third majority and have not been able to do so, I can well imagine that such an attempt would rarely be made under rule XXIV.

In any event, Mr. President, if those Senators who prefer change in selection of chairmen would take full advantage of the present rule structure, a good deal of their objections to seniority as a fact of life would no longer be valid.

I concede that the present rules of the Senate are silent with respect to designation of the ranking minority member on committees. That is as it should be. While the ranking minority member indeed might be considered the dean of the members on that particular committee from his party, he is not the chairman, does not necessarily succeed the chairman and cannot act in his place in his absence. The entire authority over the committee lies purely within the chairman and his colleagues on the majority side. If my colleagues who support Senate Resolution 17 are, nevertheless, concerned about the appointment of ranking minority members, I submit to them that should the minority gain control of the Senate, we will then have the same opportunity to select a chairman by the elective process under rule XXIV, as our friends on the other side of the aisle now have.

In any profession experience, knowledge, and expertise are indispensable for success. Adoption of Senate Resolution 17 could very well deprive the Senate committees of the services of their more experienced members. I hope that popularity and fame, which can be both frail and transitory, are never substituted for experience and competence.

I think it is most important that my colleagues review the testimony elicited during the hearings held on this resolution.

During the course of the proceedings held before the Subcommittee on Standing Rules of the Senate, one of the coauthors of this resolution stated categorically that:

> I am very happy to be able to say to the Chairman that I am familiar with the roster of ranking minority members of the Republican Party. I would support in a Party caucus the election of every one of them to the positions that they are now in and have so stated publicly before this. I feel very happy about that situation.

If one of the authors of this resolution feels that our ranking minority members are all well qualified and knowledgeable, why chance having an election produce a less desirable result?

Some of you may remember the situation a few years ago when those of us on this side of the aisle were outnumbered by our Democrat colleagues by a 2-to-1 ratio. Had this resolution been in effect at that time, think if you will, how easy it would have been for our colleagues on the majority side to have selected our ranking minority members. The resolution now under consideration has not one safeguard to protect the prerogatives necessary for a minority party to function effectively.

One can well imagine what would result with the adoption of Senate Resolution 17.

At the present time, the adoption of a list of committee members submitted by the caucus is an orderly procedure. It is relatively immune from politicking and lobbying.

Imagine, however, the situation in which each member of a committee must be elected in the caucus. Each and every lobby and pressure group, all other represented segments of our society—indeed, the White House itself could try to get embroiled in the process of electing the membership of committees.

Yes, Mr. President, campaigning would become the primary function of the Senate at the beginning of each session. Politics and lobbying would stall our functions even more than the biennial spectacular on the rules change which we have just concluded.

Mr. President, with campaigning, comes oratory. How often, do you suppose, will we have to try to invoke cloture on Senators who simply will not want the membership of any committee to be structured as might first be put forth in a resolution? I cannot imagine an easier way for the Senate to tie itself up in knots more easily than under the provisions of Senate Resolution 17.

The potential for mischief is appalling.

As I stated at the outset, it is very possible that rule XXIV has serious imperfections, and needs improvement. But, make no mistake, Senate Resolution 17 is no improvement. The adoption of this resolution would promote chaos and disorder at the very beginning of every Congress when the Senate is trying to get organized and attend to the Nation's business.

The record is explicit, we have made and are making necessary reforms. This is not the time to take a step backward by the adoption of Resolution 17.

I see in the Chamber the distinguished chairman of the Committee on Finance, the Senator from Louisiana (Mr. LONG), and my esteemed colleague, the ranking minority member of the Committee on Foreign Relations. If this resolution were adopted, not only these Senators but the entire membership on the committee as well could be supplanted by action of the Senate.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **PROUTY**. I thank the Senator for yielding.

Mr. **HARRIS**. I yield 2 minutes to the distinguished Senator from Maryland.

Mr. President, how much time do I have remaining,

The **PRESIDING OFFICER**. The Senator has 3 minutes remaining.

Mr. **HARRIS**. I dislike to disagree with the Chair, but we had agreed——

The **PRESIDING OFFICER**. After these 2 minutes have been yielded.

Mr. **MATHIAS**. Mr. President, the Senator from West Virginia led us on a sentimental journey through the history of the rules of the Senate, but I suggest that it is a useless and futile journey, because the problem we confront here is not abiding in the rules; it is in the unwritten rules of the Senate. It is the seniority system. What happens that we think is objectionable happens in spite of the existing rules, not because of them; and as a result of that, the so-called elections on the floor of the Senate are not elections; they are a farce, because the decision is made by the inflexible rule of seniority somewhere else.

What we propose is not a very radical change. We want to go from this divine rule that has existed to a constitutional rule, and it is not that much of a change.

The Senator from West Virginia says that the adoption of this resolution would be destructive of the Senate. Yet he, himself, called my attention to the language of the Prime Minister of England, William Gladstone, that the Senate was the noblest invention of man; and Gladstone made that observation before the seniority system had ever been thought of.

All we want to do here is to introduce, as the Senator from Oklahoma has said, an expectation of change in the minds of committee chairmen, so that they will know that there is a day of accounting, that their stewardship is one which is looked upon by the Senate as just that, and that they will have to present their accounts some day and seek reelection in the committee chairmanships.

It is not a change of faces that we seek. It is a change of attitudes.

Doubts are expressed in inquiries, questionnaires, physical confrontations, and outward denunciations. They are posed by the old generation as well as the young generation. Laborers and financiers, country folk and city dwellers. I am sure that many of my colleagues have heard such concerns raised by their constituents. Assuming that we, as political leaders, subscribe to a theory of democracy, it is imperative that we listen to, and judge, these queries and entreaties. We must do so for two reasons. First, whatever wisdom we may display in the sequestered confines of the Nation's Capitol, that wisdom will be worthless if it is not heard, believed, and trusted by the people. Second, we shall be involved in decisions in the future which will be of great complexity and pervasiveness. Every action that we take, however small on the surface, will affect and reverberate in every corner and country of the world—let alone America. It is the price of responsibility and accountability demanded of a powerful, influential nation.

Taken in this light, Senate Resolution 17 is more than a liturgical departure from dogma. It is not even a gauntlet thrown in the path of past traditions and customs. It has never been meant to be so construed.

It represents, rather, an opportunity for 100 men to agree that whatever talent, ability and experience resides in this Chamber must be sought out and utilized, and that leadership acquired on the basis of such criteria is accountable to a set of one's peers. It does not, by implication, criticize past Congresses. It does seek to fuse the essential elements of American politics—foresight, practicality, and constitutional democracy—into a structure which will be workable and effective in the decades to come.

Senate Resolution 17 would amend the procedure whereby Members of the Senate are appointed to the various committees. These committees are the veritable action centers of the Senate. Ninety percent of all legislation which comes out of committee is enacted without amendment. The present rule regarding the appointment to committees, rule XXIV of the Standing Rules of the Senate reads as follows:

RULE XXIV—APPOINTMENT OF COMMITTEES

1. In the appointment of the standing committees, the Senate, unless otherwise ordered, shall proceed by ballot to appoint severally the chairman of each committee, and then, by one ballot, the other members necessary to complete the same. A majority of the whole number of votes given shall be necessary to the choice of a chairman of a standing committee, but a plurality of votes shall elect the other members thereof. All other committees shall be appointed by ballot, unless otherwise ordered, and a plurality of votes shall appoint.

2. When a chairman of a committee shall resign or cease to serve on a committee, and the presiding officer be authorized by the Senate to fill the vacancy in such committee, unless specially otherwise ordered, it shall be only to fill up the number of the committee.

Senate Resolution 17 would amend rule XXIV to the extent that the following language would be substituted for rule XXIV in toto:

Amending Rule XXIV of the Standing Rules of the Senate with respect to the nomination and appointment of committee members.

Resolved, that the Senate of the United States strike out the existing language of Rule XXIV and insert in lieu thereof the following:

1. In the appointment of the standing committees, the Senate shall proceed by ballot to appoint severally the chairman and ranking minority member of each committee, and the other members necessary to complete the same. A majority of the whole number of votes given shall be necessary to the choice of a chairman and a ranking minority member of a standing committee, but a plurality of votes shall elect the other members thereof. All other committees shall be appointed by ballot in the same manner, and a plurality of votes shall appoint. No one shall be appointed chairman or ranking minority member of more than one standing committee.

2. When a chairman, ranking minority member or other member of a committee shall resign or cease to serve on a committee, the vacancy shall be filled in the manner prescribed by Sections 1 and 3 of this rule.

3. The chairman of each standing committee and the other members of the majority party necessary to complete its membership on each committee shall be nominated severally by ballot in a conference of members of the Senate who are members of the majority party. The ranking minority members of each standing committee and the other members of the minority party necessary to complete its membership on each committee shall be nominated severally by ballot in a conference of members of the Senate who are members of the minority party. In all such nominations, neither conference shall be bound by any tradition, custom, or principle of seniority. A majority of the whole number of votes given shall be necessary to nominate a chairman and a ranking minority member of a standing committee, but a plurality of votes shall nominate the other members thereof. A plurality shall nominate a chairman, a ranking minority member and other members of all other committees.

There are several changes proposed in Senate Resolution 17. The resolution would formally recognize the existence of the respective party caucuses, and would charge them with the responsibility of nominating members of their caucus to positions on senatorial committees. This would simply formalize in words the practice that is currently employed and that has been so for some time.

Senate Resolution 17 would also initiate a new selective process. It would provide that each chairman and ranking minority member—and the other members if so desired—of a committee shall be nominated by his caucus and appointed by the Senate on an individual basis. In such determinations, no principle, tradition, or custom of seniority shall necessarily be binding.

It is well to remember that the resolution in question departs from the ironclad tradition of seniority, but not necessarily from rule XXIV as Thomas Jefferson originally conceived it. Rather it amplifies the existing rule. It is also well to remember that in no rule of the Senate is seniority mentioned in any manner at all. Thus Senate Resolution 17 is more in conformity with the intent of the original rule than it is with the tradition of seniority adopted unofficially at a later date.

Senators HARRIS, GOLDWATER, KENNEDY, MONDALE, PACKWOOD, and I are not seeking a change of faces in the committee rooms of the Senate. We seek a change of attitude. The way one creates that change of attitude is to make it clear that every steward has his day of reckoning. In other words, we would all recognize the existence of a principle of accountability in our actions and words. This would create an expectation in the mind of a chairman that someday he is going to have to obtain the suffrage of his colleagues if he wishes to remain chairman or ranking member.

I wish to make it perfectly clear that most of our chairmen are good and faithful stewards; most of them can render good accounts. Yet that is not the result of the present system. It is simply because it has happened that way.

Senate Resolution 17 would also give the Senate an opportunity to avoid those unhappy situations, and fortunately rare situations, wherein somebody, for some tragic reason or other, is obviously unfitted for a job. Without a revolution, without some extraordinary action which is devastating to the individual and harmful to the institution, he could be set aside and some more prudent choice made.

The argument has been raised that, were seniority not binding in the selective process, the Senate would be prey to a multitude of outside pressures and influences with detrimental results. I cannot agree with this conclusion; I have more faith in my colleagues than that. We are men who are used to the forces of politics, and we seem able to freely elect our senatorial party leaders without succumbing to undue logrolling and without incurring prolonged recriminations amongst ourselves.

I would suggest to my colleagues that if, in fact, the chairmanship of the committees, and the importance of who is chairman, were dramatized to the American people by the fact that were an occasional challenge—it would have a very salutary effect. It would symbolize to the American people the vigor, the importance, and the essential nature of both the Congress and the unique American congressional committee system which is one of our great contributions to the art of government. I urge my colleagues to take this step forward toward a more effective, more democratic legislature by rendering support to Senate Resolution 17.

Mr. HARRIS. Mr. President, I am a populist. By that I mean that we ought to stand up for the people's interests against the vested interests and knock down the barriers to the public will which continue to exist in this country and in many ways are now worse because of changed conditions.

I believe this country needs a kind of new populism and that a part of it ought to be the reform of the outmoded and archaic seniority system, so that the people can feel that each Member of the Senate as well as the parties in the Senate are accountable for what the committee chairmen and committees do, because that in fact is, and ought to be, the case.

Mr. President, it has been argued by the distinguished Senator from West Virginia that if we adopt this resolution, we might take up too much time with the new procedure. I can think of many days in the Senate when we have spent a good deal more time than that which might be taken under this new procedure for far less important public business. I might just ask the Senate to note the last months since this session of the Senate has convened. I do not believe that we have worn ourselves out struggling with matters more important than we would take up under Senate Resolution 17—that is, the election as officers of the Senate and nomination by the caucuses of individual committee chairmen, ranking minority members, and added new members of committees.

Further, may I say that the distinguished Senator from West Virginia has argued for the present system by saying that it is a highly impersonal system. That is exactly the objection. Too many people in this country think that most of the decisions being made in America today are faceless and impersonal. They want to be much more involved in the decisionmaking process. They want to see how it operates. They want to know how the people's power can be brought to bear on these decisions.

By the adoption of Senate Resolution 17, we would make much more clear that individual Members of the Senate are responsible for what committees do and what chairmen do, whether they are on those committees or not, and that the party caucuses which nominate chairmen, the ranking minority members, and the members of the committees are also responsible.

I hope the resolution will not be tabled and that it will be adopted.

Mr. President, in my remaining time, I ask unanimous consent that all the statements made at the ad hoc hearings on congressional reform, which Senator MATHIAS and I held on January 19, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IMPROVING SENATE PROCEDURES

Senators Harris and Mathias: Let me say at the outset that I think these hearings serve a useful purpose. I am very pleased to be able to participate in your effort to find ways of improving Senate procedures and making our distinguished body more responsive to the nation; and as a Member of the institution we are discussing, I will try to add some helpful insight to this study.

Perhaps more than most Members, I have had an opportunity to observe and examine the practices and procedures under which the Senate operates. Before my present term, I was privileged to serve for 12 years as a Member of the Senate and then to have a self-imposed sabbatical of 4 years during which I could reflect upon the basic structure and distinguishing features of this national institution. So, unlike many of the voices which you will hear in the course of these proceedings, I will speak to you as one who has viewed the inner workings of the Senate's machinery and who has had a unique opportunity to examine the issues which are the subject of your hearing.

With this background, I wish to express my strong view that there is no need to perform major surgery on the Senate. To the contrary, I shall propose several changes in practices used on the Senate Floor which would make the Senate operate in a smoother, swifter, and more responsive manner, but would not require amendment of the Senate rules. In addition, I shall suggest one reform which would require a substantial break with Senate tradition.

But before launching into the details of these suggested changes, let me explain the reasons for my belief that no drastic alterations are called for. To my mind, the Senate is not the irresponsble, ponderous dinosaur which many of its critics make it out to be. Though there are times when we all become frustrated over its inability to grab hold of an issue and reach a decision right here and now, upon reflection, when one looks at the record developed by the last Congress, we can see the Senate is capable of reaching a great many significant decisions. On the other hand, I do not think the mark of a successful Congress is necessarily found in how many laws it passes, and often the Senate can serve the country best by not acting to pass ill-considered proposals.

On the positive side, I might mention two laws which I had sponsored in the last Congress together with wide bipartisan support that might contribute to the public good. One of these new laws will protect the important personal right of privacy by completely barring the use of the United States mails as a means to distribute unsolicited and unwanted sexually related advertisements.

The second will enhance the right to vote for President and Vice President for over 10 million American citizens. You may recall this law abolishes residence requirements as a pre-condition to voting for President and Vice President, and grants to all United States citizens the right to register absentee and to vote by absentee ballot in Presidential elections. I like to point to this statute when anyone suggests the previous Congress has failed to act on election reform. Why this one change alone will expand the vote by nearly 14 per cent.

And have we already forgotten the giant step taken when Congress reduced the voting age to 18? This provision will add another 11 million persons to our election rolls. Therefore, it must be recognized that the 91st Congress deserves credit for having enabled over 20 million additional American citizens to join the ranks of eligible voters in future elections. This is an increase of almost 30 per cent in the number of persons who elect a President.

Other legislative contributions made by the previous Congress include a Water Quality Improvement law, enactment of a major organized crime bill, a Clean Air measure, and a complete reform of the postal system.

Among the legislative proposals which the last Congress turned down is the so-called welfare reform proposal. Though I realize there is some disagreement over this issue, I am persuaded that my good friend from Delaware, Senator John Williams, is correct when he concludes the welfare package would freeze all the inequities of existing law into the new program and add several new ones. For example, my colleagues revealed that not one welfare recipient in America would receive a dime less than that which he is now getting under existing law. On the other hand, the welfare proposal would increase the public assistance rolls from 11 to 24 million persons, a rise of more than 100 per cent. In addition, it was discovered the bill would have provided a 1,300 dollar cash bonus to a mother who had an illegitimate baby over and above what she would receive if the baby were born in wedlock.

It's this kind of deficiency which leads me to believe it might not be such a bad idea if the Senate would defer action on a Presidential proposal every once in a while. I do not think there is anyone here who wants the Senate to become a rubber stamp for the President, whatever his political beliefs. I have mentioned one instance where I believe President Nixon has been given bad advice. I would also like to refer to a related measure which should never have gotten through during the term of Mr. Nixon's predecessor, Lyndon Johnson—and this is the Medicaid program for which public expenditures have leaped 1,000 per cent above the estimates given to Congress. Indeed, I might add that much of the inflationary costs saddled upon the national economy today can be traced back to legislation which was barreled through by an obliging Congress which was all too eager to accept and expand President Johnson's social schemes.

With these thoughts in mind, I would like to list some of the practical changes which can be made in order to improve the Senate's performance. I will preface this list by saying they did not originate with me. Rather, these are items which have been developed as a result of great efforts and time spent by the joint leadership of the Senate, particularly Senator Mansfield and Senator Scott. I do not think I am revealing any secret today when I mention that the joint leadership is likely to request—perhaps I should say insist—that at least a dozen changes shall be implemented in the Senate's procedure once the new Congress convenes.

These changes include a decision by the leadership to insist that roll call votes do not last more than 20 minutes in the Senate. On occasion, I can recall when these votes have stretched out up to 45 and 50 minutes in order to accommodate the convenience of one or two individual Members. If we are to cope with the ever increasing needs of a growing nation, we should try to prevent this kind of ridiculous waste of time which holds up the country's business.

In order to make this practice workable, the Sergeant-at-Arms will be asked to install a new light and bell system to indicate the beginning of the final 5 minutes of each roll call vote. In this way, each Member can know at a glance this is his last opportunity to be recorded. Whether Senators will find this acceptable will depend upon them, of course. The mechanics can be provided to assist Senators, but it's up to them to make proper use of these procedures.

Another move to cut down on the time for holding votes will be an appeal to Members to stay close to the Floor once they know a unanimous consent agreement has gone into effect. If Senators will keep close to the Chamber instead of being scattered all over Capitol Hill, I am confident this will save several precious minutes out of each day whenever a vote is called.

The next change would require that all Members should be prepared to accept strict enforcement of the 3 minute rule on speeches during the morning hour. Here we have a rule that is broken regularly and draws out the beginning of the Senate's day time after time. It is my feeling Senators should abide by the present rule; and if they cannot deliver their full statement within 3 minutes they can always ask for their speech to be printed in the Congressional Record as if it had been read in its entirety.

This proposal is related to a decision to crack down on the growing tendency of Senators to seek a special order setting aside the whole morning hour for their speeches. When the new Congress convenes, Senators will be expected to ask for no more than 15 minutes under any special order; and if their thoughts need further development, they should insert their remarks in the Record or come back at the end of the day to resume their statement after the Senate's business has been conducted.

Perhaps the most important change will be the giving of a firm notice to each Member that he must remain in Washington except during announced recesses. All too often in the past individual Senators have been allowed to delay the holding of a vote from one day to another in order to satisfy their outside speaking plans. Now if we would just think about this, we would see that if each Senator is granted a delay only once in each session of Congress, the Senate would thereby lose a full 100 days out of its work year. This is an impossible situation, and I shall support the enforcement of the new practice with great hopes for its success.

In order to assist the needs of each Senator, I understand the joint leadership will seek to provide for a 5-day recess at the end of every month during which Senators can carry out their speaking engagements. Again, it will be up to each Senator to adjust his schedule in the service of the entire Senate.

There are other changes which will improve the ability of each Senator to do his job well even though it may not reduce the time it takes him to do it. For example, the 3-day rule on appropriations bills will be followed to the letter. As you know, this rule provides that an appropriation measure must stay on the Senate's calendar for 3 days before it is acted upon. The close monitoring of this rule will assure Members who do not sit on the Appropriations Committee that they will have the time to study and inform themselves about these massive, important bills.

Secondly, the final 15 minutes of debate under a limited time agreement will hereafter be equally divided between the proponents and opponents of an issue. Very often in the past, the Senate has witnesed the spectacle in which all the minutes reserved for one side has been used up early in a debate, so that by the time most Members come onto the Floor, they will hear only a one-sided presentation of the issue. By altering this practice, I believe Senators who are in the Chamber shortly before a vote will be able to hear a balanced discussion of both sides of the matter before them.

This concludes my review of the mechanical changes which will be laid before the new Congress when it convenes. I shall leave it for the Senate leadership to announce the full details of their new plan. But before closing, I would like to add one suggestion to their list which is the proposal that Senate Committees should begin their work much earlier in the session by scheduling hearings immediately after Congress convenes.

Finally, I want to join with the many opinions voiced at this hearing that conclude the Seniority system is outmoded and improper for a Twentieth Century Congress. While I do not have any hard and fast position about what we might use to replace it, I do think it would be worthwhile to consider whether the Chairmen and members of each Committee can be chosen by party vote, or in the case of the Chairmen, perhaps by the ranking three or four members of each Committee.

For my part, I am very impressed with the energy and skill shown by many of our junior Members, and I strongly believe these young men should be given greater opportunities to rise to the heights of their abilities within our political structure.

Furthermore, I will go a step beyond the usual recommendation by announcing my position that the Senate procedures must be revised to make room on our Committees for the younger Members according to their personal area of expertise. In my view, any consideration of a change in the Seniority system should not be restricted merely to the spot of Committee Chairman, but must be aimed at the broader question of how one can get onto that Committee in the first place. If we can achieve this one limited change, I think we can do more to modernize the Senate and preserve its stature than by adopting any other reform which I have heard about.

This concludes my statement.

Williams Urges Reform of Seniority System

Washington, January 19.—U.S. Senator Harrison A. Williams, Jr. (D–NJ), said today that the seniority system of choosing committee chairmen, and other Senate procedures should be reformed to make them more responsive.

Williams' comments came in remarks prepared for delivery at a special hearing on Senate reform at 10:30 a.m. Tuesday in Room 318 of the Senate Office Building. The hearing was convened by Senators Fred R. Harris (D–Okla) and Charles McC. Mathias, Jr. (R-Md).

Williams' testimony was of particular interest because he is in line to assume the chairmanship of the Senate Labor and Public Welfare Committee under the same seniority system which he believes should be changed. The 51-year-old Senator was reelected in November to his third Senate term.

The text of Williams' comments was as follows:

Mr. Chairman, I feel privileged to testify at these ad hoc hearings on Senate reform, not only because they concern the institution of which I am proud to be a member, but also because I sense that some of the issues which will be raised during these two days of testimony could have a dramatic impact upon the direction of our entire nation during the next few years.

I do not think I overstate the case when I assert that the delicate and sometimes shifting balance of power between the three branches of our government—a balance brilliantly conceived to protect us from the excesses of other governmental systems—has, until rather recently, been tilted in favor of the exeutive branch. But I believe we are now in the process of setting that balance aright; a process which began with the recognition that the awful consequences of our Southeast Asia venture resulted, in part, from a virtually unanimous relinquishing of Congressional authority in the military-foreign policy fields to the Executive. This recognition, in turn, catalyzed a whole new awareness of the need for Congress to reassert itself in these and other fields for the good of the country. The now common phrase "reordering of priorities" can be said to have developed hand-in-glove with this new awareness. It is a healthy partnership; it must be nurtured; it can be greatly aided by these hearings. For we are now face to face with the question of how Congress can best implement this new awareness and assert those initiatives which are properly its own.—How, in fact, it can be made to respond so that the yearnings for an improvement in the quality of our lives may be satisfied; the unhappy divisions within our society at least bridged, if not completely healed; and the apprehensions about the very efficacy of our system relieved.

Mr. Chairman, disillusionment with the procedure of our legislative system has affected a great many Americans and, increasingly, members of the Congress are numbered among this group. Senators and

Congressmen are no longer loath to admit to a sense of frustration over continued adherence to customs and rules designed to obstruct and delay legislation having the support of a majority of the members of Congress and, of course, the public which it represents. While minority rights should, and I am sure will, be preserved, continued frustration of congressional majorities is a stain upon our democratic traditions which must be erased.

The French poet, and Senator, Victor Hugo, once remarked, "No army can withstand the strength of an idea whose time has come." I believe that this is the time of the idea of Congressional reform, and we must not fail to act.

The criticism most frequently mentioned in discussions of Congressional reform concerns the seniority system which, as we all know, provides for the virtually automatic accession of those legislators blessed with longevity and safe districts to extremely powerful positions. Merit plays no part in the process. And neither, Mr. Chairman, does the existence, or lack of it, of a responsiveness to the view of a majority of the members of a chairman's party.

This is not to say that the chairmen of Congressional committees either lack merit or are in disharmony with the majority of their party. In fact, the opposite is true. The distinguished gentlemen who chair the Standing Committees of the U. S. Senate are extremely knowledgeable in their areas of responsibility and have consistently demonstrated their ability to work closely and cooperatively with their colleagues on most issues. However, under the present system a lack of merit or consistent disharmony with a party majority would not necessarily disqualify a member from attaining a chairmanship, and there have been examples in our history of legislators attaining chairmanships which, on the basis of ability or philosophy, they might not have received under a different system.

The seniority system has existed in the U. S. Senate for almost 125 years. One possible indication of its worth can be deduced from the fact that this system which we venerate so highly has not been adopted, to our knowledge, by any other parliament or legislature in the world. It is unlikely that any profit-making business firm would seriously consider a similar form of promotion. Among certain primitive societies, however, I understand that the concept enjoyed widespread currency until quite recently. The Nyakyusa tribe in East Africa practiced a particularly interesting form of seniority. The tribal elder and leader was called the "Lwembe" and he occupied a most exalted and venerable position. Such deification, however, was not without its disadvantages. The old leader was carefully watched in his advanced years and upon the first signs of an ebbing vitality, he would be secretly smothered by the tribal priests.

The proposal which I would like to present today is considerably more in keeping with Senatorial decorum and courtesy than the just-mentioned method of determining leadership.

I propose that the seniority system be abandoned and that the chairmen of all standing committees be elected at the convening of each new Congress by a secret vote of the majority members of the committees. Only members who have served at least two years on the committee of which they are members at the start of each Congress would be eligible, in order to ensure familiarity with the substance and procedures of their committee. I suggest that a majority of those voting be required for election, with run-offs held as necessary. In the event of deadlocks, the member with the longest committee service would prevail.

Having gone through the electoral process ourselves, Mr. Chairman, we are all familiar with its imperfections. But, if we can agree that merit and party consistency should be the critical factors in the selection of our committee chairmen, then I suggest that none are better qualified to render these judgments than fellow committee members, and that no better way of rendering these judgments than through a secret ballot can be devised.

Such an election of chairmen would have several advantages. It would, for example, immeasurably increase the participation and interest in committee work of each majority member who aspires to the chair, and ensure a continuing commitment to diligence on the part of the chairman, who must stand for reelection each Congress. It is also obvious that the prospect of such elections would discourage any drastically divisive or uncooperative behavior on the part of an aspiring or unsuccessful candidate. The experience of the Joint Committee on Atomic Energy is somewhat revealing in this respect. According to some of its members, the automatic rotation of that Chairmanship between its Senate and House ranking members has led to a greater responsiveness on the part of committee members from the one body to the suggestions and proposals of members from the other body. This has prevented the growth of complacency and has encouraged better performance on this committee.

I believe also, that much of the danger of factionalism that is so feared would be avoided by the use of a secret ballot—a condition which would, incidentally, serve to thwart the intervention of the Executive branch or other interest groups into the selection process.

One of the drawbacks of the election method occasionally cited is that the need for a compromise candidate in some instances might cause "moderation" rather than "qualification" to emerge as the dominant consideration. There is no doubt that this is a possibility. But this eventually, Mr. Chairman, would still seem far less of a risk to the committee system than the selection, as has sometimes happened, of a chairman who may not be at all representative of the views of the committee members.

If I may, Mr. Chairman, I also wish to speak in favor of another change in practice which has been proposed for the Congress. As my colleagues are all aware, there are many occasions when the Senate, in its wisdom, must differ with the House of Representatives upon diverse issues. We have employed, over the years, the traditional method of meeting with our counterparts from the House in conference, to iron out differences in legislation. It frequently happens, however, that the conferees which are appointed by this body, are Senators who are not completely in agreement with the majority of the Senate with respect to the issue under consideration. I feel that this practice is unfair not only to the majority position in the Senate, which deserves to be defended in conference by its most enthusiastic proponents, it is also unfair to the conferees themselves, who are put in the uncomfortable position of being called upon to defend a position with which they are not in sympathy. I call upon the Senate to study, with a view toward implementation in the near future, alternative procedures to enable the selection of conferees more reflective of the prevailing view of the Senate.

Mr. Chairman, these are, in essence, proposals which I feel would be most effective in reforming Senate procedure and practice. However, I recognize that there are many other proposals which could result in an improvement over the present situation. For example, proposals have been made to limit the age of committee chairmen to a certain maximum. I would support a resolution to undertake a study of the age factor, or indeed to examine the entire seniority question should we fail to grasp the opportunity for meaningful reform now before us.

Mr. Chairman, in closing I would like to make a few additional observations as to the implications of the suggestions which I have made today. I cannot help but feel that the present system serves the unhealthy end of weakening party accountability, which in turn abets growing discontent with the ability of the two-party system to function. Every other November there is a national election and we campaign as members of our national parties. Certain pledges are made to the people which, as honest men, we feel committed to quite strongly. Those fortunate enough to be elected come to Washington and attempt to carry out their mandate only to find that power may lie in the hands of men who ignored the national party and, in fact, sometimes opposed it. To the extent that the seniority system prevents the pledges of either national party from being executed, the voters who judged on that basis are being robbed of their victory and faith in our two-party system is shaken. This situation must be replaced by a clearer expression of the people's will.

Mr. Chairman, I believe the bipartisan nature of these hearings is a major step in ensuring the success of the reform movement. I congratulate you and your colleagues on your initiative, and I am proud to be a part of it.

REMARKS BY JOHN W. GARDNER, CHAIRMAN, COMMON CAUSE

Gentlemen, it is a privilege to appear before you to present the views of my organization on the question of seniority.

Let me begin with a simple but supremely important fact. Americans from all levels of society—young and old, working men and suburban housewives, middle level executives and poor people, minority groups and Middle Americans—are increasingly skeptical of the great institutions that dominate their lives. Ask any ten Americans, from whatever walk of life, what they think of Congress, what they think of the federal agencies, what they think of the so-called Establishment—and you will uncover some very deep-seated doubts.

Those doubts, as expressed by ordinary, law-abiding citizens don't sound very alarming, but to a thinking observer they are a firebell in the night. The handful of revolutionaries who have plagued our national life are a threat only to the extent that they can count on exploitable discontent among ordinary Americans, an exploitable loss of confidence in established institutions, an exploitable spekticism. That skepticism exists today.

There is only one way to meet that skepticism, gentlemen, and that is to revitalize our institutions, to make them work as they should work. If that is to be anything but empty rhetoric, it means we must be honest about the flaws that keep our institutions from functioning as they should, and must take tough, direct action to correct those flaws.

That will always displease some people. No matter how creaky the old and accustomed ways, sophisticated men can offer superbly plausible reasons why those ways should never, never be changed. But as Francis Bacon put it:

> "He that will not apply new remedies must expect new evils; for time is the greatest innovator; if time alters things to the worse, and wisdom and counsel shall not alter them to the better, what shall be the end?"

The time has come to modify a long-standing custom of this great deliberative body—the so-called seniority system. I should like to discuss the principle as it relates to both houses of Congress, though I recognize that your own concern lies with Senate proceedings.

I will go directly to the central issue. It is the issue of accountability and responsiveness in our institutions. And I want to emphasize that the same issue is at the heart of all the uneasiness that the average American citizen has about his institutions today.

We were once a small society and we are now vast. We were once a simple society, we are now unimaginably complex. As we have moved from smallness and simplicity to vastness and complexity, it has become increasingly difficult for the citizen to understand, much less influence, the distant and inaccessible institutions that control his life. And that—in part—is the root of his discontent. He can no longer hold the great institutions of his society accountable. He feels that they are no longer responsive.

Let us look at the seniority system from the standpoint of accountability and responsiveness. Most of the work of the Congress is done in committees, and the Committee chairmen constitute the power structure in Congress. They determine what legislation will come before Congress, whether or not hearings will be held, how $200 billion in appropriations will be allocated and so on. The taxes we pay, the condition of the economy, the quality of our lives—all are deeply influenced by the decisions of these few powerful men.

The word "dictatorial" is not too strong to describe the power they wield. The chairman dominates his committee. By giving or withholding favors he can effectively discipline committee members. He may (and often does) defy the elected leadership of the chamber. He need not exhibit loyalty to his party.

One might suppose that men who enjoy such enormous power would be chosen with great care by their fellow Members of Congress on the basis of well accepted criteria—wisdom, experience, intelligence, integrity or leadership. But in fact—in any real sense—they are not chosen by their peers at all; and wisdom and integrity have nothing to do with the case. They gain their chairmanship on one criterion only: length of continuous service on the committee.

As Congressman McCloskey has put it, a committee chairman "may be arrogant, slothful, negligent or infirm. . . . If the bills awaiting consideration by his committee are never heard, if hearings are cursory and incomplete in nature, if witnesses expressing all shades of opinion are not called or permitted to testify, who can complain? . . . (His) position as chairman remains secure."

It is a curious state of affairs. The party which organizes the Senate or the House (currently the Democrats in both chambers) gains that right by the ancient principle of majority rule—yet the members cannot choose the committee chairmen by majority rule. The members elect their majority and minority leadership, their clerks, doorkeepers, caucus and conference leaders. But they are not allowed to elect the committee chairmen as individuals.

The breach in the principles of accountability and responsiveness is apparent. If some committee chairmen conduct themselves with unexampled arrogance it is because there is no mechanism by which their fellow party members can call them to account. If they are utterly unresponsive to their peers it is because they do not owe their posts to the judgment of their peers.

We propose that the Committee or Committees nominate one candidate for the chairmanship of each legislative committee and that the majority party caucus then be allowed to vote on that name individually.

No doubt the Committee or Committees will often (perhaps usually) nominate the senior member of the committee in question. No doubt the majority party caucus will often (perhaps usually) vote "yes" on the nomination. But occasionally good reasons, for example, the infirmities of age or misconduct in office, will lead the majority party caucus to reject the senior member. And "occasionally" will be often enough. It will revive instantly the principles of accountability and responsiveness. It will re-establish in the mind of each chairman a healthy awareness that every two years he will stand before a jury of his peers.

We think the vote in the majority party caucus on each chairmanship nomination should take place automatically and should be recorded so the public will know exactly who voted for whom.

There are two levels of accountability here. The first is the accountability of chairmen to the party caucus. The second is the accountability of all members of Congress to the public. Not only should chairmen be accountable for their performance, but the members who select them should have to account to their constituents for the choices. I venture to say, gentlemen, that the club-like tolerance which returns unresponsive or incompetent chairmen to their positions year after year will dissolve rather quickly when members of Congress can be asked by the public why they have continued to vote for such men.

I want to stress further that these procedural changes will mean nothing unless they are accompanied by changes in substance—transfers of power from men who have distorted national priorities and thwarted fair consideration of urgent legislation. Common Cause is concentrating at this time on the House of Representatives, because we think the House is readier to act than are your colleagues. We have singled out Congressmen Colmer, Poage, and McMillan—all chairmen whose age, irrelevance of contemporary needs, and recalcitrant refusal to grant procedural fairness make them prime examples of the system we are seeking to change. You may wish to search your minds as to the chairman within your own body who deserve similar attention.

There is a third matter which we at Common Cause are working on. That is the Mississippi Challenge. Its relevance in the Senate is, of course, that the principle underlying it applies to the 1970 campaigns of Senator Byrd of Virginia and Senator Stennis. While I recognize that it may be difficult to discipline these powerful men at this time, I would strongly urge the Senate to adopt a prospective rule requiring that a man run at least jointly as a Democrat if he wishes to acquire and retain seniority through the Democratic Caucus. It would be most unfortunate if Senators Byrd and Stennis are free to do in 1976 exactly what they did in 1970.

Defenders of the seniority principle say "Yes, it is an imperfect system—but all the alternatives are disastrous." Such debaters must explain why no other parliamentary body in the free world uses the seniority system and why no state legislature in any of our 50 states uses it with the regularly that it is here. If the alternatives are so disastrous, why are many other parliamentary bodies doing perfectly well with those alternatives.

Gentlemen, I recognize that there are more colorful ways of attacking the seniority system than I have chosen to use. I recognize that we have had chairmen who were alcoholics, chairmen who were senile to the point of mental deterioration, chairmen so incapacitated by illness as to make impossible the discharge of their duties.

I recognize too that the seniority system produces an extraordinary high age level in the power structure of Congress. In the early 1800s, Henry Clay served brilliantly as Speaker of the House beginning at the age of 33. Contrast that with the situation in the Congress just ended, in which the Speaker retired at the age of 79 and the median age of House chairmen was 69, compared with 53 for all members of the House. Comparable figures for the Senate were 67 for chairmen and 58 for the Senate as a whole.

A system which rewards length of continuous service is, of course, grossly partial to one-party states and districts. No Senator from my native state of California—a dynamic two-party state—has held the chairmanship of a Senate Standing Committee in the past 24 years.

But I want to rest my case on the issues with which I began—*accountability* and *responsiveness*. We are not dealing here with a technical detail of organization. We are dealing with the capacity of one of our greatest institutions to respond flexibly and effectively in one of the deepest crises of our history.

It is no accident that the word "Establishment" has become an expression of resentment. It is no accident that even middle class, middle-of-the-road Americans take a negative view of the great institutions that dominate their lives. It would be a mistake for Senators and Representatives to imagine that somehow the Congress of the United States has been immune to that negative view. Far from it. The grave failures of performance on the part of Congress have not gone unnoticed. The American people, who once seemed endlessly tolerant of official bumbling, are losing their patience—not just with Congress but with the quality of our public life generally. They are fed to the teeth with power-hungry politicians. They are weary of self-serving administrators. They are sick of being bilked and manipulated. They are tired of the sense of powerlessness that afflicts them. They want to know what's going on. They want to have their say. They resent the unresponsiveness of their governmental institutions.

If the members of this great deliberative body fully grasp the depth of that popular resentment, they will hasten to correct a flaw in their procedures that has so gravely damaged their reputation. And they will do so not just for the sake of enhancing that reputation but in order that they may better discharge their lofty responsibilities.

Dependent—at least in part—on your decisions are the answers to the most deeply felt questions of American life—whether men and women will have jobs and decent housing, whether every boy and girl will have the opportunity to be what he has it in him to be, whether we can create a just society, whether we can free ourselves of the dreadful plague of war, whether we will preserve a livable environment, the disintegrative currents of the contemporary life—a society that is enobling rather than demeaning, a society that lends dignity to our lives and our joint endeavors.

To settle those questions affirmatively is your historic opportunity. It must not be lost through adherence to a crippling tradition.

Statement of Leonard Woodcock on Congressional Reform

Senator Harris, Senator Mathias, I am Leonard Woodcock, President of the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America. I am happy to be present today to present the views of my Union on congressional reform and reorganization.

First, I want to commend the Congress for the advances made in the Legislative Reorganization Act of 1970. The provision for recording of teller votes in the House of Representatives alone justifies the passage of that Act. Significant advances were also made in opening committee proceedings to public scrutiny.

It is in this area—the public's right to know how their Representatives and Senators represent them—that the Congress still has far to go. We in the UAW believe firmly that representative democracy can work most effectively only when the public's business is conducted openly. Under current procedures, it has not been done so and will not be done so in the 92nd Congress.

Secrecy still applies in two major areas, the committee system and the party caucuses.

Even under the new Reorganization Act, many committee activities will be closed to the press and to the public. Chief among these are committee "mark-up" sessions in both Houses in which final decisions, the most crucial decisions, are made regarding a bill before it is reported to the floor.

Although roll call votes taken in such sessions will now be made public, discussion and procedural moves will not. This denies the public important and needed information with which to judge the performance of its elected representatives.

For several years, the House Committee on Education and Labor has held open "mark-up" sessions. In our judgment, this procedure has not resulted in any detriment to the handling of the public's business. It has instead made the committee members, singly and collectively, more responsive to the public will. In democratic government, this is a wholly desirable objective.

We believe, therefore, that all committee activities, except possibly those relating directly and crucially to the national safety, should be public.

The other major area closed to the public is the party caucus.

Party caucuses of both parties and both Houses should be open to the press and the public. The decisions made there, relating to changes in Congressional rules and to the election of committee members and floor leaders, can have a more fundamental effect on the work of the Congress than a vote on legislation on the floor.

It is critical, therefore, that the party caucuses, and the roll call votes taken therein, be accessible to the press and public, so the public may make its choices in the voting booth with full knowledge.

Another major area crying out for reform is the seniority system. Seniority, of course, is not of itself bad. We use it as a test for security in employment and for promotion in our collective bargaining contracts.

We do not, however, use seniority to preserve the jobs of those who are incompetent or those who refuse to produce. The seniority rule in Congress, however, is used that way too often.

It is a travesty on electoral democracy when one man, by the simple accident of continuous reelection from a one-party district or state, can achieve by longevity the power to frustrate the will of the majority of the nation's electorate.

Committee chairmen, subcommittee chairmen, and ranking minority members should reflect in their actions the will of the majority of those who elect them.

Although committee chairmen and ranking members technically are elected by the whole Senate and the whole House of Representatives respectively, they are in fact elected by the caucus of their own party. The caucus then refers its selection to the full House or Senate for automatic ratification.

The caucus, therefore, is responsible for its selections. It should, in turn, force those chairmen, subcommittee chairmen and ranking members it selects to be responsive to it.

I submit that James Eastland is not responsive, even remotely, to the majority of Senate Democrats. Nor is William Colmer or W. R. Poage responsive to the majority of House Democrats.

They should be made to be so, or be deprived of the prerogatives of their rank.

It is not easy to establish an objective test of the performance of a committee chairman. Obviously total conformity to the will of the majority of the caucus is no more desirable than total opposition. Innovation is as desirable as retrogression is destructive.

But surely any chairman who votes less than two-thirds of the time with the majority of the members of his caucus should be required to answer to the caucus for his record.

It would then be up to the caucus to decide whether his continued incumbency would be acceptable.

By depriving a chairman of his office the caucus would not, of course, deprive him of his right to vote or to debate in the House. That is a question for his constituents.

But the office of chairman is awarded by the caucus, and may be withdrawn by the caucus.

To be effectively exercised, the means to express this power must be established procedurally. It would be most desirable that each chairman and ranking member be elected separately, at the beginning of each Congress, by his respective caucus, and that such election be subject to a roll call vote.

Having established a method for effectively disciplining chairmen and ranking members, in a caucus open to the public, it would then be a matter of conscience of the individual caucus member to decide, and for the public to judge.

Another major problem confronting the Congress is the imbalance of committee membership as a whole.

Presently, seniority and the desire of individual Senators and Representatives have more to do with committee membership than does any test of political responsiveness to the country or the caucus.

Many committees are not representative of either. Seniority assures an overabundance of conservation, for example, on the Senate Finance Committee.

The Republican side of that committee currently includes not one of the liberals and moderates who represent the majority of Republicans in the Senate. The Democratic side shows a majority of members representing the conservative minority of the Democratic caucus.

Other committees in both Houses reflect a similar imbalance. In some cases, the result is that legislation reported by these committees fails to reflect the majority will of their respective Houses, and opportunities for constructive legislation enactment are lost.

In other cases, bills reported by such committees are substantially rewritten on the floor, a poor substitute for careful consideration by a responsive committee.

As in the case of committee chairmen, committees themselves should be responsive to the caucus. Again, some method should be established whereby the opportunity for such responsiveness is maximized.

One such method, although not foolproof, was recommended by the House Democratic caucus's Committee on Organization, Study and Review. That committee, chaired by Rep. Julia Butler Hansen, recommended that House committees have a minimum ratio of three Democrats to two Republicans on each standing committee.

This policy has been followed on the House Ways and Means Committee, which for some years has had a ratio of 15 to 10.

I would advocate an even larger ratio. Some years ago, the House, faced with an independent and recalcitrant Rules Committee which denied the House the right to vote on a wide range of legislation, fixed that committee's ratio at two to one, or 10 Democrats to five Republicans.

The ratios, of course, would prevail no matter which party controlled the Senate or the House.

One might ask whether all committee members should not be members of the majority party, leaving minority members to cast their votes on the floor.

Clearly, however, the committee system serves a useful purpose, permitting more careful consideration than time permits during floor debate. It is essential that minority views be expressed at that stage, and that minority members be permitted to become sufficiently expert on the issues to offer constructive opposition on the floor.

The two to one committee ratio, I believe, strikes a fair balance between assuring the majority of either House the right to bring legislation to the floor and the right and ability of the minority to offer constructive opposition.

Entrenched seniority also tends strongly to defeat the majority will on conference committees.

Time after time, the majority will, as expressed on the floor by the passage of legislation, is frustrated in committees of conference between the two Houses on differing versions of bills.

The reason is simply that often only the most senior members are appointed to conference committees, and too often these conferees give up too easily, sometimes purposefully, the legislative positions adopted by their own House.

The rule books and precedents already embody clear language holding that conferees should represent the prevailing views of their own Houses. Too often, the actual practice is the reverse.

I suppose adding corrective language to the rules would therefore be futile. It seems clear that the practice can be changed only by an exercise of power by the body as a whole.

At some time, I hope those who have prevailed during floor consideration, and who are faced with the certainty of appointment of unfriendly conferees by their own House, will move to appoint conferees friendly to their views. A few successful attempts of this nature should be sufficient to break the present destructive procedure.

Finally, I want to give encouragement to those who will shortly begin another in the long series of fights to amend Senate Rule XXII.

The inability of the Senate to bring to a vote issues crucial to the nation because of the power of the filibuster is a dangerous and deleterious anachronism.

I need not list the legislation which has come to naught through the efforts of willful few. In modern America, faced with an abundance of critical needs taxing the wisdom of any body of men, the filibuster cannot remain an unchanging blockade.

The Senate, of course, is a great deliberative body, and should not be denied its right to exercise thoughtful deliberation. But, at some point, after ample time has been provided for airing the issues and for careful conderation, a simple majority of the Senate must be allowed to work its will.

I hope 1971 will be the year in which the long battle to restrict the filibuster will be victorious.

This has been a long list of suggestions for reform and modernization. As each member of Congress knows, it could be much longer.

It does, however, provide a basic recipe for the change our Congress and our country so vitally need.

Our nation will be strong only so long as its government is responsive to the needs and to the will of its people.

These suggestions, if implemented, would go far toward making our nation a more responsive democracy. I hope they will be adopted.

STATEMENT OF CLARENCE MITCHELL ON THE NEED FOR SENATE REFORM

Gentlemen, I am Clarence Mitchell, director of the Washington Bureau of the NAACP and legislative chairman of the Leadership Conference on Civil Rights. The following are suggestions which should improve the functioning of the Senate and make that body more capable of taking prompt and fair action on matters that it has under consideration.

1. Senate Rule XXII for invoking cloture should be amended to permit a constitutional majority of 51 members of the Senate to limit debate once such debate becomes clearly obstructive.

2. The practice of naming committee chairmen solely on seniority should be stopped. Chairmen should be chosen on the basis of ability, fairness and their pledge to abstain from using delays and other blocking tactics to kill proposed legislation or other matters before the committee.

3. All hearings of the Appropriations Committees should be open to the public, except in those rare instances where an open hearing might endanger the national security.

4. The practice of weakening enforcement of laws by attaching crippling amendments to appropriations for agencies that administer such laws should be barred absolutely.

5. Because of the tendency to make unfair cuts for the purpose of hamstringing the functioning of some agencies, especially those in the area of civil rights, serious consideration should be given to providing for a floor as well as for a ceiling in authorizing legislation.

As a young man on his first assignment in Washington, I stood alone on the north side of Constitution Avenue at dusk on a pleasant summer evening. To me, few sights were more impressive than the lighted dome, the flags flying against the darkening sky because the Senate was still in session and the eagerness of my fellow citizens who had come to see their law makers at work.

Often, I repeat that ritual but now I am also painfully aware of the fact that as a Nation we have experienced much domestic tragedy, great frustration, divisive turmoil and international embarrassment because of parliamentary pollution in the House of Representatives and in the United States Senate.

We have permitted our law making process and congressional oversight of the Nation's business to be contaminated by filibustering, stagnated by the tyranny of committee chairmen who ignore the public interest and strangled by false economies that tighten the purse strings on the great programs that are designed to give all of our people an opportunity to share in the bounty of our land.

You distinguished gentlemen who are conducting these hearings are beginning the tasks that must be performed if we are to put Congress at the highest level of national respect where it ought to be. You can assemble the legislative work teams to bury the filibuster by changing Rule XXII at the opening of the 92nd Congress. You can curb the insensitive committee chairman by ending accession to power under what some seem to think is a divine right of seniority. You can begin to open the channels that will let the Nation's wealth be invested in the salvation of our cities, the feeding of our hungry and the removal of the scars of racism from our society. You can open the way to change our priorities from spending for instruments of destruction to expenditures for dwelling places, for institutions of learning, for hospitals and health facilities and for expanding horizons of the living as well as for generations yet to be born.

This testimony, based on first hand knowledge, is an attempt to give a few examples of the role of the Senate in creating obstructions and frustrations which have culminated in disillusionment, civil strife, the destruction of property and even in the death of some of our finest citizens, not on foreign fields of battle, but right here in the United States.

The protection and implementation of Constitutional rights for minorities in the Senate is largely entrusted to the Judiciary Committee. Programs that will improve opportunities for education and employment are usually referred to the Committee on Labor and Public Welfare. Housing programs are authorized by the Banking and Currency Committee. The Appropriations Committee holds the power of the purse.

For the past fifteen years, and in some instances for even longer periods, these committees have been dominated by those who are captains of resistance to civil rights or by those who come from areas where it has been, and sometimes still is, political suicide to make a public expression in favor of the equality of man.

Let us begin support of the foregoing criticism by looking at the Judiciary Committee. On March 2, 1956, the Senate invoked the seniority rule to name a chairman of that committee. That Senator had boasted during his campaign that he was an unyielding opponent of civil rights. In one flight of eloquence he told the voters in his state that he had broken the law by carrying a civil rights bill in his hip pocket to prevent committee consideration. These facts were duly presented to the Senate in an effort to block his approval as chairman. Only two members of the Senate took the floor to express opposition. One of them was the late Herbert Lehman (D.-N.Y.), and the other was that great constitutional laweyr, Wayne Morse (D.-Ore.). One Republican took the floor to chastise the Democrats for offering the name of the new chairman for approval, but he quickly added that he would not vote against the nomination.

About six months later, a newspaper in the new chairman's home state said he gave an example of how he had used his power to kill civil rights bills. President Dwight D. Eisenhower had named the Solicitor General of the United States, Simon F. Sobeloff, to the U.S. Fourth Circuit Court of Appeals. Mr. Sobeloff had argued in favor of school desegregation and he was under attack by advocates of racial segregation. His nomination to the bench languished in the Judiciary Committee for weeks. The following was published as a direct quote from a speech by the Committee Chairman in his home state:

"The liberals had a schedule calling for committee approval of bills important to them by May 1. One was the appointment of Sobeloff to a Circuit Court of Appeals Judgeship. I had the committee staff prepare a lengthy brief on Sobeloff and in the committee meetings recognized Senator (Olin D.) Johnston (D.-S.C.) who spent five weeks of our committee sessions reading it. I told them (the liberals) they could have him (Mr. Sobeloff) as long as no further civil rights measures were offered and on July 1 we agreed."

The legislation which the chairman said was shelved in exchange for the release of the Sobeloff nomination included what eventually became the 1957 Civil Rights Act establishing the Civil Rights Division in the Department of Justice, giving the Attorney General power to institute civil action to protect the right to vote and creating the Civil Rights Commission. At the time of that quid pro quo, the Department of Justice was telling Congress that more than 11,000 Negroes had been taken off the voting rolls illegally in Louisiana, some Negroes were being shot or beaten because of their civil rights activity, homes of civil rights advocates were being bombed and a quiet spoken seamstress named Mrs. Rosa Parks, had triggered the Montgomery, Alabama, bus boycott when she was arrested for refusing to move to a so-called Negro section in the back of the vehicle in which she was riding.

Of course some will say, "but the Judiciary Committee did not really kill the legislation because it became the law in 1957." The answer to that observation is a short statement on how the committee's obstruction was overcome. The 1956 Republican and Democratic National Conventions both expressed support for the bill. President Eisenhower, the Majority Leader in the Senate, Lyndon B. Johnson, and the Senate Minority Leader, William F. Knowland, all called for passage. Yet, it was impossible to get the Committee to act. Finally, it was necessary to by-pass the committee by taking up the bill passed by the House. At that point the Lords of the Filibuster took over. Their price for passage was the killing of Part III of the bill, which authorized the Attorney General to take civil action to protect Constitutional rights.

Shortly after Part III was killed by the combined power of the committee obstructionists and the filibusterers on the floor, the Governor of Arkansas used the national guard of his state to prevent colored children from entering the public schools of Little Rock. Kenneth B. Keating (R.), who was then the senior Senator from New York said on September 4, 1957:

"The Governor's action in this case, if it proves unjustified, will point up the need for further legislation to protect the constitutional rights of our citizens. . . . Part III . . . would have fulfilled that need by enabling the Federal Government to act in the first instance on behalf of citizens. . . . Had the Attorney General been authorized to act from the beginning of the situation in Arkansas, all of this trouble could have been avoided."

It is my opinion that Senator Keating was right. The seed of the violence and the humiliation of black children was planted by committee obstruction and the filibusterers in the United States Senate, but it grew into an ugly plant in Arkansas that could be seen as a symbol of shame throughout the civilized world.

Perhaps the greatest damage done by the Judiciary Committee was in the area of voting rights. At least three times before enactment of the highly effective 1965 Voting Rights Act, which banned literacy tests because they were used for purposes of racial discrimination, Congress could have passed a similar bill. If it had done so there would have been no reason for the Selma, Alabama, march and the bloody, even fatal consequences of that tragic chapter in our country's history. Early action might well have prevented the dreadful assassination of Medgar Evers, NAACP Mississippi field director, who was killed June 12, 1963, while trying to overcome obstacles to voting that have been banned by the 1965 Voting Rights Act.

The first opportunity to tackle discriminatory use of literacy tests came when Congress considered the 1960 Civil Rights law. Senator Thomas C. Hennings, Jr. (D.-Mo.) proposed an enrollment plan which would have facilitated voter participation but this was lost in the bargaining to get a bill passed without more committee delay and a filibuster. The second opportunity came in 1962 when Senator Jacob Javits (R.-N.Y.) proposed an amendment to make the right to vote "available to all citizens with a sixth grade education." A similar proposal was offered as an administration measure by Senator Mike Mansfield (D.-Mont.). An effort was made to send these bills to the Senate Rules Committee where the possibility of action was bright. Instead, the bill was referred to the Senate Judiciary Committee. Even though the Senate Leadership eventually got the bill out of committee, it was killed by a filibuster. The third chance came when the Civil Rights Act of 1964 was under consideration. Here again, the hostility of the Senate Judiciary Committee was a factor in preventing needed action. The 1964 law included a provision making a sixth grade education a rebuttable presumption of literacy, but this was not adequate to meet the problem—especially in Alabama and Mississippi. (Even in 1970 the Judiciary Committee Chairman refused to hold a meeting on the Voting Rights Bill.)

In spite of this record, the Senate Judiciary Committee continues to be an obstacle course for civil rights bills. The chairman is totally opposed to such legislation and now the key subcommittee which handles Constitutional Rights also has a chairman who opposes civil rights bills. This combination has made it necessary for the Senate to by-pass the Judiciary Committee or instruct the committee to act before meaningful civil rights bills within its jurisdiction can reach the floor. Even as late as 1968, when the Senate passed the fair housing law, Committee delay and filibustering consumed weeks of the Senate's time.

A civil rights bill (H.R. 2516) was passed by the House on August 16, 1967. It did not reach the Senate floor until January 18, 1968. Filibustering prevented a final vote until March 11 and this action was possible only because cloture had been invoked on March 4, 1968.

The open occupancy housing legislation itself is another example of problems created even when fair minded chairmen of committees are elevated to their positions of power by seniority, but find that political considerations at home prevent them from giving orderly and timely clearance to important measures.

Proposed fair housing legislation was considered in the Senate Banking and Currency Committee in 1967. Extensive and highly informative hearings were held by the Subcommittee on Housing and Urban Affairs of that Committee. A majority of the committee favored the bill. Nevertheless, it was generally understood that the political climate of the chairman's home state made it very unlikely that he would consent to a plan that would have permitted a vote on the bill for the purpose of reporting it out. This impasse made it necessary for interested Senators to offer the fair housing legislation as an amendment to H.R. 2516. In addition to perils that the fair housing bill faced in the Banking and Currency Committee, there were other pitfalls and delays because of a threat by some Senators that they would not support cloture unless some of their preferences were written into a sharply revised bill.

During one of the meetings on the bill at the Department of Justice, at a late hour in the evening, it was discovered that a vital part of the legislation had somehow been dropped from a working text in the Senate. Inquiry revealed that this particular section had become separated from the main bill by accident. A hurried telephone call from the Attorney General to the Capitol corrected the oversight, but not in time to be included in proper sequence. No doubt students of legislative construction have spotted this oddity, but not many could know how it came about. Needless to say, if it had not been necessary to improvise methods of handling the bill, in order to escape the twin perils of committee obstruction and filibustering, it is unlikely that the error would have occurred at all. It is equally true that if the then U.S. Attorney General had not been sympathetic to civil rights a monumental bill would have gotten through Congress with a major part lost by default traceable to the committee obstruction and the power of filibusterers under the present Rule XXII.

A great part of the racial conflict that we have witnessed in recent years stems from the sense of frustration that some feel about the slow progress of school desegration. In 1954 the faith of Negroes in the United States Supreme Court bordered on reverence. It is interesting to note that even many advocates of segregation believed that classes had to be integrated as a matter of law in the school term following the 1954 decision. Here again, the working of the Senate made its contribution to the rude awakening of the Negroes and the reassurance of the segregation advocates. Its committee system was used to block legislation that would have eased compliance and supported the Supreme Court.

The United States Senate is noted for the gentlemanly consideration members give each other, but this code does not seem to operate on civil rights matters. As early as 1961 Congress had an opportunity to consider legislation which, would have aided school desegregation in somewhat the same manner suggested by President Nixon in 1970.

The 1961 proposal was a victim of the power of a committee chairman. Although this chairman had a well deserved reputation for fairness to his colleagues and concern about education, health, and welfare matters, he came from a state in which even the slightest hint of support for civil rights meant an early and complete political retirement. A bill which included a provision for at least first step school desegregation by the 1963–64 school year and provisions for financial assistance in accomplishing compliance was sent to the Senate Committee on Labor and Public Welfare. It was assigned to a Subcommittee in October, 1961, and many Senators thought they had a commitment that hearings would be held in December, 1961. When the time for the hearing arrived the chairman of the full committee insisted that he had not made a commitment to give the bill consideration. The subcommittee, which was headed by Senator Wayne Morse (D.-Ore.), apparently could not move without the consent of the chairman of the full committee. The bill died without a hearing in the Senate.

In substantive civil rights legislation the House usually takes the lead by giving the Senate a bill that can be brought to the floor and amended without clearance through a hostile committee. (It should be noted of course that the Fair Housing Act of 1968 and the unsuccessful 1970 effort to get House approval of the Senate passed Equal Employment amendments are exceptions to this general rule.).

Where appropriations are concerned, the opposite is true. The House usually creates a problem and that problem is compounded in the Senate Committee. Those who oppose civil rights, food stamp programs, antipoverty measures and other federal efforts to solve problems of the poor can begin their destruction in the cozy secrecy of the House committees. By adding propositions stated in the negative they prevent the striking of such amendments on points of order. These amendments are so engrafted in important bills that opposition to them can endanger the entire appropriation. In addition, they are masked in such distortion that many members fear political reprisals at home if they oppose them. Who, for example, wants to go home and be accused of forcing first grade children to ride thirty miles to school because he voted against a Whitten anti-busing amendment?

Once these amendments are passed by the House they fall into the hands of a Senate Appropriations Committee with four of the top five Democrats in the anticivil rights camp and four of the influential Republicans inclined to go along with the segregation advocates. Even when the Senate corrects committee mischief on the floor, harmful amendments are revived in House-Senate conferences that are dominated by bipartisan obstructionists.

Much more could be said to document the need for reform in the Senate. However, a wise former Senator once made the observation that "you don't need to make a speech if you've got the votes."

In the end the success of the effort that you gentlemen are making will depend on how many votes you can get. Personally, I feel optimistic. It is my opinion that both the Republican and Democratic leaders are concerned about the need for reform. Certainly all who can read or look at television know that our fellow Americans are fed up with filibusters, delaying tactics in committees and shortchanging of vital programs that help the common man. With diligence and mobilization of public opinion, it is quite possible that 1971 will mark the beginning of success.

Statement of Tony T. Dechant on Senate Reorganization

Senators, I am Tony T. Dechant, President of the National Farmers Union.

We all know that, in the final analysis, it is the Senate's own prerogative and responsibility to determine how best to organize to handle the nation's public business. But your decision to conduct these hearings shows your concern to secure information on Senate reorganization from all perspectives. I am pleased to make some comments on possible Senate reforms from the perspective of the independent, family farmer.

You have commenced this hearing at a time when the Senate of the United States must be the envy of legislators and legislative bodies throughout the world. We live in an era when the powers and law-making functions of legislatures around the world are drifting into the hands of executives and bureaucrats. Whereas political writers of the 19th century often bespoke of "congressional government" in democratic nations, today's analyst is more likely to describe what he observes as "presidential government," or the "administrative state".

Within bicameral legislatures, upper houses—whether called a Senate, House of Lords, or some other name—tend to be losing their effective powers to the lower houses. Upper houses are increasingly relegated to ceremonial, governmental functions, while the lower house carries on the serious business of legislating.

The U.S. Senate stands virtually alone in resisting both of these world trends. The Senate, generally speaking, has protected its constitutional powers against encroachment by either the executive branch or the House of Representatives. There are some recent instances—the Agricultural Act of 1970 is one—in which the Senate virtually capitulated to the House in conference committee. But I trust that these do not represent a pattern to be followed in the future, and that Senate conferees will preserve the influence of the Senate in forthcoming conferences with the House.

In my view, the Senate's ability to retain its rightful role in our national legislative process is rather easy to explain. The fact is that, among our political institutions, the Senate has been relatively adaptive and responsive to the changing policy needs and demands of the American people. In a democracy governmental power tends to adhere to those agencies of government that are most responsive to the current and emerging problems of society. An institution loses power if it becomes indifferent and preoccupied with its own perpetuation, rather than oriented toward the people from which organizational life and vitality ultimately must be drawn.

On a wide variety of issues, the Senate has been more responsive to changing public interests than either the Presidency or the House of Representatives. Recent examples include the dominant role of the Senate in controlling military spending and waste in defense contracts, in putting substance into environmental protection programs, and in working uncompromisingly to end the tragic war in Vietnam.

The Senate has been equally in the forefront on legislation vital to the farmer. In the 91st Congress, it was the Senate that did the most to strengthen the farm bill for the nation's independent farmers. It was the Senate that passed the more workable and liberal food stamp bill to use our abundant agricultural production to feed the hungry and the malnourished. It was the Senate that forestalled action on a protectionist trade bill that would have prompted retaliation from abroad against our agricultural exports. And the Senate's predominant role on the agricultural front did not begin with the 91st Congress; farmers are growing accustomed to looking to the Senate as their "court of appeals" in the national legislature.

But while the Senate is the farmer's best hope for adequate legislative programs, farmers rightfully find the Congressional system woefully inadequate to meet their needs. I must report to you that independent farmers are increasingly disillusioned with the national legislative scene. During 1970, farmers were "turned off" by the wrangling on the Senate floor over whether the prices that farmers receive for their feed grains should be 75 percent, or 77 percent, of par with the purchasing power that others in society receive for the products of their labor—while no one gave more than lip service to *full* parity for the feed grain farmer. Equally disheartening, the farmer saw the Administration work with certain senior members of the Congress to strip the major commodity programs of parity support and replace parity with fixed-dollar figures—leaving the independent farmer a pawn and whipping boy to inflationary forces now rampant in the economy.

If labor unions and social security recipients are to have an escalator clause in their contracts or legislation to protect them against inflation—and they certainly should have—then the farmer should retain the same type of protection. In large part because of the movement away from parity price supports, the farm parity ratio has now slipped to 67—the lowest that it has been since the depths of the Great Depression.

The independent, family farmer knows that, if he is to work his way out of this downward spiral in income that is inevitably removing him from the economic scene, new approaches to farm income are essential. The farmer is coming increasingly to recognize that he needs a general enabling act under which he can organize and bargain collectively in the market for a more equitable price for his produce. But he is on the verge of despair at getting such a law through the Congress. When Senator Mondale introduced a bargaining act on the Senate during the 91st Congress, he was not able even to secure hearings on his bill.

There is one bright ray of hope for the farmer on this dark horizon. The November 1970 congressional election was in effect a farm revolt, particularly in the Midwest contest for House seats. The farmer spoke out clearly against his gradual strangulation under the present and emerging system of farm policy, and his words and message were echoed in the national press and other mass media.

This brings me directly to the question of Senate procedural reform. For if there is any way to translate the November 1970 mandate by the voters into bold new enabling legislation that will give farmers renewed hope and confidence in the legislative process, it must be by strengthening the national political parties. *The political party is the only institution in our system of government that can pull together the fragmented forces, interests, and power centers into a coherent and unified program of action.* Even the President must work through the party structure if his initiatives are to be given continuity and be more than ad hoc actions of the moment.

Within the Senate, the party caucus is the primary mechanism through which legislative activity can be made more responsive to the public will. The standing committees are the major centers of fragmented power—the major forces against coherent party responsibility. Consequently, a major element of Senate reorganization must be the strengthening of the Democratic and Republican Party Caucuses relative to the power of the legislative committees and committee chairmen.

To accomplish this, I would suggest that the chairman and ranking minority member of each legislative committee be nominated by the members of the committee from their own party and elected by their respective party caucuses. This would encourage greater responsibility by committee chairmen in two ways. First, election by the party caucus would make the chairmen more receptive to the party position on issues. Second, nomination by committee members would increase majority control within the committees and make the chairmen more receptive to the different views among committee members.

These deviations from seniority in selecting Senate committee chairmen and ranking minority members could lead to some relaxation of the seniority rule in selecting members of conference committees. Because of the tendency to select as conferees the most senior members of Senate committees, the conferees often fail to reflect the majority view of the Senate on legislation. Indeed, Senate conferees named on the basis of seniority may be closer to the House conferees than to the dominant position of the Senate—thus setting the stage for capitulation of the Senate conferees to their House counterparts.

In order to assure that the majority position of the Senate is effectively represented on conference committees, we would urge that Senate conferees be ideologically representative of the majority position of the Senate on the legislation.

We think that the Senate rule on cloture of debate should be changed from a two-thirds to a simple majority of Senators present and voting—provided that a quorum is present. Farmers Union has direct experience with the frustration of majority interests that can flow from a ⅔ majority requirement. Operating under the ⅔ referendum requirement for approval of marketing quotas in commodity programs, we have seen a minority of wheat producers exercise a veto power and force the majority of producers who wanted the quotas to operate without them. To prevent a minority from dominating the majority of wheat and other commodity producers, Farmers Union has urged that a simple majority referendum be used wherever referenda are required in farm programs. The filibuster, which can give a similar control to a minority in the Senate, should be prevented by adoption of a simple majority cloture rule.

There is need for change in the committee structure of the Senate so as to deal more effectively and timely with complex problems. Some streamlining and clarification of committee jurisdiction would help. However, because of the interrelatedness of most public problems today, a certain amount of overlap and duplication of jurisdictions among committees seem inevitable.

We think it would be useful for the Senate to institute a procedure for the creation of special legislative committees to focus on, and bring to the forefront of attention, emerging problems before they reach an acute stage. Membership of such committees could be drawn from the regular standing committees that have jurisdiction over the problem area, and might also include other Senators who have particular expertise. The committee chairman could be elected by the caucus of the majority party in the Senate—thus facilitating party responsibility—and staff could be loaned from existing committees. These special committees could be created for a limited duration, as specified by Senate rules, with provision for the Senate by majority vote to extend their duration for an additional time.

Finally, to the maximum extent practicable, I urge the Senate to conduct its proceedings in open, public sessions. The party caucuses should meet in public. I know that a much larger percentage of committee meetings are open in the Senate than in the House—where all House Appropriations Committee and Subcommittee meetings, for example, are closed. But more public meetings even in the Senate could increase public understanding and confidence in the legislative process.

Statement by Josiah Lee Auspitz on Reform of the Seniority System

CONCENTRATION AND ABUSE OF POWER, NOT SENIORITY, IS THE PROBLEM

First, let me thank you for having invited me to testify on behalf of the Ripon Society. Members of the Ripon Society have often been in your offices in one role or another, whether as volunteer workers, as petitioners for various worthy causes, or as paid staff of the Administration or of Republican Senators. We are mostly younger people concerned about public policy, and we have come up against a good many frustrations watching legislation wend its way through the Congress. We would like to see legislative procedures opened up to a broader constituency, so that they are more fair, efficient and democratic.

But before the legislative process can be opened up to us on the outside, it must be opened up to you on the inside. A few of the younger men elected to the Senate since 1966 have met with Ripon groups to discuss their experiences. Their frustrations with the system certainly seem far greater than ours. A man is generally elected Senator after a successful career in politics, law or business. He is looked up to by his state and the nation at large as a man to decide great questions, as a member of a select club that has produced four of our last five Presidents. He comes to the Senate at the peak of his capacities. Yet for years and years he must watch other men exercise real, ongoing power, while he takes satisfaction in sporadic contributions to political debate. His Senatorial career becomes, in an old phrase, a race between power and senility. It is tempting to blame the Seniority system for this waste of good talent. But this is really only a secondary issue. The root problem is not seniority but the concentration of power in too few hands.

Suppose some other system were used to get younger men into chairmanships. There would still be a basic problem of supply and demand. No matter what system is used, there are going to be more Senators in the majority party who want to exercise responsibility than there are responsible positions available; in the minority party even more senators will be left out in the cold.

The seniority system actually reduces the bickering for the few slots that have ongoing responsibility. A group of 100 independent, ambitious men probably cannot work together if these slots are apportioned by the law of the jungle. In all legislative bodies, and in most large organizations, some rule of seniority holds, not because it is ideal, but because it enables men to function without petty jealousies.

So the solution is not to overthrow the principle of seniority but to increase the supply of meaningful positions. This means using the committee system for the purpose for which it was intended: to disperse and share power among the most Senators possible. Three directions for reform seem appropriate:

First, the balance of power between the chairman of a committee and the members must be changed. The chairman should be a first among equals, not a general among privates. (The power to hold hearings should be more widely spread, as Senators Harris and Mathias are spreading it today at their own initiative.)

Second, the chairman should be checked by set procedures and an unwritten ethical code against the most common abuse of his power: the temptation to substitute his own interests for those of the Senate as a whole. As Senator he represents his state; as chairman, he represents the Senate. When he interposes his own views for those of the Senate majority, or the majority of his committee, he is betraying an essential trust; when he uses the chairmanship to extract enormous parochial advantages for his state, he is going beyond the bounds of ethical conduct.

Third, the balance between the majority and minority parties should be tilted more towards the minority. There should be greater allowances for minority staffing on committees if a responsible partisanship is to be possible.

If seniority is not really the problem, why all the fuss about it? The enthusiasm for overthrowing the seniority system and replacing it with the rule of the majority caucus derives from factional disputes within the Democratic Party. Southern Democrats are one-third of the party caucus but dominate two-thirds of the chairmanships. By voting them out in caucus, Northern and Western Democrats could take all power to themselves. This is reminiscent of the Democratic reformers in New York City who didn't really want to abolish Tammany Hall, but to control it themselves.

We Republicans naturally have a slightly different perspective. Since our Senators come from two-party states, the seniority system sprinkles power among Republicans from all areas of the country. Also, since we are not likely to dominate a majority caucus, we don't want to put all our eggs in that basket. In this we share a view with the framers of the Constitution.

Senator Harris, in yesterday's Washington *Post*, you wrote that the "majority caucus in the Senate has immense power, so much power, in fact, that it constitutes an important unofficial branch of government . . ." The Constitution intended that this power rest in Congress as a whole. The best way to assure this is to let the caucuses serve as a check on abuses of the seniority system but keep the seniority system as a check on the caucuses. The key issue for a truly bipartisan approach is both in the caucuses and in the committees to find ways to disperse and share power among more senators.

TESTIMONY OF DR. A. DUDLEY WARD ON THE SENIORITY SYSTEM

Senator Harris and Senator Mathias, we appreciate your holding these informal hearings on a question vitally affecting the public interest.

I am Dudley Ward, General Secretary of the Board of Christian Social Concerns of The United Methodist Church. The Board of Christian Social Concerns is an official national agency of The United Methodist Church which is authorized "to analyze the issues which confront the person, the local community, the nation, and the world and to encourage Christian lines of action. . . ." The Board is also expected to "speak to the Church, and to the world, its convictions, interpretations, and concerns. . . ." (*The Book of Discipline of The United Methodist Church*, 1968).

The Board is composed of some 90 members, including not only bishops and ministers, but also farmers, lawyers, housewives, students, businessmen, scientists, professors, and college presidents. These persons come from all sections of the nation.

At a regular meeting of the Board gathered in Washington, D.C. in October of 1970, after substantial discussion and debate, the Board passed the following resolution regarding the seniority system:

"The seniority system of the United States Congress represents an undemocratic method of choosing leadership, holds little relationship to competence, and tends to produce chairmen who are an anachronism on the contemporary scene.

"A nation dedicated to democratic ideals should not elevate men to key leadership posts without giving consideration to qualifications other than length of service. The person with the longest tenure on a committee is not necessarily the best qualified to be chairman.

"The present system favors members of Congress from "safe" one-party districts and states, since continued re-election eventually pushes a man's name to the top of the list, without regard to expertise or ability.

"Therefore, the Board of Christian Social Concerns of The United Methodist Church recommends:

"(1) The seniority system be abolished in both Houses of Congress; and

"(2) Congressional Committees be permitted to elect their own chairmen or that chairmen be selected by some other appropriate method which gives consideration to ability, energy, and sensitivity to the needs of the time as well as length of service."

* * * * *

Now, Mr. Chairman, I would like to make some personal comments on the seniority system in keeping with the Board's policy statement.

The seniority system represents an undemocratic method of choosing leadership. If seniority is the automatic basis upon which nominations are presented to the caucuses for a vote, then the latitude of free choice is already limited and voting has little meaning. The *dignity and worth of every human being* is a Christian principle upon which the democratic process is built. Unless each committee member's worth is given full consideration when chairmen are nominated, giving attention to his knowledge, interest, capability, and sensitivity to the needs of the nation, then democracy is not being served. That the present system does not provide for this reflects its urgent need for change.

We have often spoken of all men being equal under God; by that we mean all men should have *equal opportunity*. Nevertheless, it is difficult to see how the seniority system provides for equal opportunity. In fact, no matter how great a Representative's interest, knowledge and ability may be, his chance of becoming chairman of a committee is not equal to those with longer tenure. In most areas of government service, merit is recognized as an important factor in promotion. But in the U.S. Congress merit does not enter into the decision of who will head the powerful committees of the House and Senate. Such a system is unfair, unjust and untenable for reasonable and honorable men.

The famous statement of Lord Acton has often been quoted: "Power tends to corrupt; absolute power corrupts absolutely." Churchmen, of course, have always been concerned about corruption and have not always avoided it in their own provinces. Certainly the vast majority of members of Congress have handled the public trust with fine-tuned integrity. However, the system used to select chairmen in the Congress and entrench them in seats of power for decades is one which can *tempt men to be less than responsible to the overall public interest*. For while there are those who say it would be impossible for committees to elect their own chairmen for fear of logrolling, logrolling occurs under the present system; the difference is that, in many instances, the favors are largely directed toward the chairman's own district, state, geographical area, or the major industry in his locale. Reciprocity occurs through continuous re-election to the Congress. Such a procedure occurs often enough to be cause for public alarm. It would not be so likely to occur if a chairman felt his position was maintained at the pleasure of his committee or of the entire party caucus, and not by virtue of seniority alone.

A further concern of Christians has been that the system currently in practice is *fundamentally unfair*. Those coming from safe one-party districts and states tend to be re-elected year after year with little struggle and consequently build up their deposit of seniority rights. On the other hand, those who serve districts and states more evenly balanced between the parties must strive to be more responsive to the electorate but nevertheless risk suffering lapses in continuous service. The latter may lose their seniority while the former accrue rights on the ladder to a chairmanship. This, despite the fact that those who serve districts and states more balanced politically must, in the nature of the case, seek to be especially responsive to the needs of their constituents. To put it another way, those who need not be responsive move up more quickly toward committee chairmanships, but those who have to be responsive face considerable pitfalls in the path toward leadership.

As Senator Packwood has said: "Those states where the two parties are more closely matched politically—as New York, Illinois, California, and Pennsylvania—have not held major Senate Committee chairmanships for a considerable number of years, despite their vast populations and their importance to the nation's economy."

Much interest has been generated in the last several years in the issues of conservation, pollution, and ecology with respect to the nation's environment. At the same time renewed attention is being given to the conservation of natural resources, it would be folly to be guilty of *wasting human political resources*. Yet the seniority system tends to do this requiring that the leadership talents of younger members of Congress lie fallow while they mark time waiting for many years before receiving the opportunity to serve as a chairman. Congressman Thomas M. Rees expressed this view very well when he said: "The creative years of younger members—men in their 20's, 30's, and 40's—should be utilized to their utmost and should not be spent waiting for senior members to retire, to be defeated at the polls, or to die off in order to provide the sole corridor of advancement."

Another concern many of us in the church have felt recently tends to stem from *feelings expressed by youth*. Students in particular have in the last few years not only held the Establishment in disrespect but have questioned whether it was possible to work through the normal democratic channels within a system that seems to be inflexible and unresponsive. Our own United Methodist Church has some 125 church-related colleges and universities in the country and we have been especially sensitive to this fairly popular view expressed on our campuses in recent years. True, the 18-year-old vote has tended to open up the system to greater use by youth. Still, if the system itself rejects equality of opportunity for young adults in the Congress to move into positions of responsibility in keeping with their talents, I fear our young people may become increasingly disillusioned. Thus, if for no other reason than we wish our youth to feel that the system belongs to them as well as the rest of the country, the rigid seniority requirement for leadership positions should be considerably modified at this time.

As you will note, our Board's policy statement has not settled upon the propriety of any particular alternate system but has suggested that consideration be given to "ability, energy, and sensitivity to the needs of the time as well as length of service." Certainly the suggestion of those who are conducting these hearings—that the party caucuses have an opportunity to vote on committee chairmen—would be very helpful in attaining this end.

Although originally back in 1910 the seniority method represented a reform movement, today the system has developed into a status quo arrangement which all too often is insufficiently flexible to provide for critically needed social change. If the country is going to move ahead in the crucial fields of health, housing, civil rights, education, welfare and peace, then the seniority system should be modified now. The Congress should be democratized and equality of opportunity become a reality within the highest legislative bodies as well as in the nation as a whole.

I appreciate the opportunity to testify on this significant question in these hearings prophetically called by the distinguished Senators from Maryland and Oklahoma.

The PRESIDING OFFICER. The Senator from West Virginia has 30 seconds remaining.

Mr. BYRD of West Virginia. Mr. President, I think that the case the Senators have made has some merit. But I think that the particular verbiage of this resolution is not the way to go about correcting whatever inefficiencies and flaws they may see in the present rule with respect to the selection of chairmen and committee members. I respect them for their sincerity of purpose, however.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the committee report, Report No. 92–23—which is quite brief—on the resolution, Senate Resolution 17, and that on page 4, in paragraph numbered 4, the last sentence be deleted because that sentence is in error. I read it:

> It also could overthrow the so-called Mathias amendment adopted in the Republican caucus.

The PRESIDING OFFICER. Without objection, it is so ordered.

The excerpt from the report was ordered to be printed in the RECORD, as follows:

Senate Resolution 17 was submitted by Senator Harris, for himself and Senator Mathias, on January 28, 1971. It was referred the same day to the Committee on Rules and Administration with the stipulation that the committee report the measure back to the Senate by March 1, 1971.

This resolution would amend rule XXIV of the Standing Rules of the Senate, which sets forth the procedure for the appointment of Members to the committees of the U.S. Senate. Under this procedure, unless otherwise ordered, the Senate shall proceed by ballot to appoint severally the chairman of each standing committee, and then, by one ballot, the other members necessary to complete the same. A majority of the whole number of votes given shall be necessary to appoint a chairman of a standing committee, but a plurality shall elect the other members thereof. All other committees shall be appointed by ballot, unless otherwise ordered, and a plurality of votes shall appoint. Also, under present procedure the Presiding Officer may be authorized by the Senate to fill any vacancies in committees.

Although rule XXIV provides for the appointments to be made by ballot, the usual practice of the Senate is to suspend its rules by unanimous consent and to proceed to consider resolutions containing slates for committee assignments submitted by the respective caucuses.

Basically, the Harris-Mathias resolution would require the Senate to elect, one by one, every chairman and every ranking minority member of each committee, and the other members necessary to complete the same; and would add to the Standing Rules of the Senate, for the first time, formal recognition of majority and minority caucuses, charging them explicitly with the responsibility of nominating, severally by ballot, for final election by the Senate, all chairmen and ranking minority members, as well as all members of each committee. It further would require that in all such nominations, neither conference shall be bound by any tradition, custom, or principle of seniority. The details and extent of the changes which would be effected in rule XXIV by Senate Resolution 17 are made apparent by the section immediately below.

PROPOSED CHANGES IN RULE XXIV

The changes in rule XXIV proposed by Senate Resolution 17 are shown as follows (existing text proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing text in which no change is proposed is shown in roman):

RULE XXIV—APPOINTMENT OF COMMITTEES

1. In the appointment of the standing committees, the Senate[, unless otherwise ordered,] shall proceed by ballot to appoint severally the chairman *and ranking minority member* of each committee, and [then, by one ballot,] the other members necessary to complete the same. A majority of the whole number of votes given shall be necessary to the choice of a chairman *and a ranking minority member* of a standing committee, but a plurality of votes shall elect the other members thereof. All other committees shall be appointed by ballot[, unless otherwise ordered,] *in the same manner,* and a plurality of votes shall appoint. *No one shall be appointed chairman or ranking minority member of more than one standing committee.*

2. When a chairman, *ranking minority member, or other member* of a committee shall resign or cease to serve on a committee, [and the Presiding Officer be authorized by the Senate to fill the vacancy in such committee, unless specially otherwise ordered, it shall be only to fill up the number of the committee.] *the vacancy shall be filled in the manner prescribed by sections 1 and 3 of this rule.*

3. The chairman of each standing committee and the other members of the majority party necessary to complete its membership on each committee shall be nominated severally by ballot in a conference of Members of the Senate who are members of the majority party. The ranking minority members of each standing committee and the other members of the minority party necessary to complete its membership on each committee shall be nominated severally by ballot in a conference of Members of the Senate who are members of the minority party. In all such nominations, neither conference shall be bound by any tradition, custom, or principle of seniority. A majority of the whole number of votes given shall be necessary to nominate a chairman and a ranking minority member of a standing committee, but a plurality of votes shall nominate the other members thereof. A plurality shall nominate a chairman, a ranking minority member of a standing committee, but a plurality of votes shall nominate the other members thereof. A plurality shall nominate a chairman, a ranking minority member, and other members of all other committees.

ARGUMENTS IN FAVOR OF AND IN OPPOSITION TO SENATE RESOLUTION 17

(Summarized from hearing before Subcommittee on Standing Rules of the Senate on February 12, 1971)

On Friday, February 12, 1971, the Subcommittee on Standing Rules of the Senate, chaired by Senator Robert C. Byrd, held a hearing on Senate Resolution 17. Senator Fred R. Harris and Senator Charles McC. Mathias, Jr., coauthors of the resolution, appeared in person and presented arguments for the cessation of the Senate seniority system in the selection of committee chairmen and ranking minority members. They brought out the following points in support of their proposal:

(1) The seniority system does not recognize talent and leadership ability in the choice of chairmen and ranking minority members.

(2) The seniority system has outlived its usefulness. Great change has taken place in American society and the Congress should change accordingly. Their recommended reform would give more vigor and efficiency to the committee system.

(3) It is important that the chairman and the ranking minority member know that they must seek the approval and suffrage of their colleagues each two years if they are to continue to hold their positions.

(4) They argue that they do not seek a change in people, but a change in attitude. (Leaders would be more responsive.)

(5) They feel that the changes which would be brought about by adoption of their resolution would make the committees of Congress more relevant and sensitive to the will of the majority.

(6) Adoption of Senate Resolution 17 would be a step toward utilizing the best talents of all Senators.

(7) Refinement or elimination of the seniority system is a prerequisite for the intelligent innovations and orderly change that the legislative branch requires in order to maintain its position of responsibility to the people.

During the course of a thorough colloquy, Subcommittee Chairman Robert C. Byrd brought out the following points:

(1) The seniority system is impersonal and promotes legislative harmony. It is a built-in cushion against friction and division and strife, both in the caucus and in the Senate itself.

(2) The seniority system avoids the waste implicit in instability of committee composition and management. It invokes the presumption that, other things being equal, the person with the greatest experience in a particular job is best fitted to participate in and lead in its performance. (Experience, knowledge, and expertise are indispensable.)

(3) Under our present Standing Rules, there is nothing which requires the seniority system to be applied or used. (Exceptions have been made.) Caucuses of both parties are free to make their own rules.

(4) There is danger under Senate Resolution 17 that even if a Senator was selected by his party caucus for the position of chairman or ranking minority member, said Senator might be denied such position by vote of the entire Senate. For example, Democrats might join dissident Republicans to prevent a Republican Senator from becoming a ranking minority member even though he was the choice of his party caucus.

(5) Senate Resolution 17 would incorporate into the Standing Rules of the Senate language which could govern the operation of the two party caucuses.

(6) The seniority system, although not perfect, has worked well. It was the unanimous opinion of all three Senators present—Byrd, Harris, and Mathias—that all incumbent chairmen and incumbent ranking minority members are well qualified and superbly fitted for the positions they hold.

(7) The seniority system, although not mentioned in the rules, was adopted as a measure of reform to avoid the selection of chairmen and ranking minority members by either a despotic majority or a despotic leadership.

(8) Any substitution for the seniority system would make popularity more important than experience in the selection of chairmen and ranking minority members.

(9) The abolition of the seniority system might result in a "log-rolling, back-scratching, back-slapping" system of political campaigning within the Senate itself. Senator Byrd asked the hypothetical question: "What would be the position of a successful candidate for chairman of the Public Works Committee if charges, either true or false, were made that he had promised homestate pork-barrel projects to Colleagues for their support?"

(10) There is nothing in Senate Resolution

17 to prevent a popular Senator from being elected chairman or ranking minority member on a committee on which he has never served.

(11) The abolition of the seniority system might promote unseemly struggles for the election of chairman and ranking minority members whereby lobbyists, pressure groups, and even the White House could exert influence to elect their favorites.

(12) There is no substitute for experience in other fields; and the same is true in the legislative process, where the seniority system guarantees that the Nation will benefit from experience.

STATEMENT BY THE COMMITTEE ON RULES AND ADMINISTRATION

After serious review of the information elicited from its hearing on Senate Resolution 17, and with due consideration to other pertinent factors involved, the Committee on Rules and Administration is reporting the measure unfavorably (with some members of the committee abstaining) and recommending that it not be agreed to. The reasons for the committee's action are as follows:

The seniority practice is neither recognized nor required by the present Standing Rules of the Senate. Rather, it has operated only within the framework of each party caucus. Both the majority party and the minority party have just recently appointed their own committees to study and review the practice thoroughly, and to come forth with recommendations on the entire question of seniority in respect to the selection of committee chairmen and other members. Therefore, if the Committee on Rules and Administration were to report favorably on Senate Resolution 17 at this time, such action would, in effect, preempt the traditional rights and prerogatives of each party conference, and destroy the viability of the two committees which the respective caucuses have established to study this problem.

Moreover, it should be noted that both caucuses have already adopted progressive innovations and modifications of the seniority system whereby a Senator cannot serve either as chairman or ranking minority member on more than one standing committee, and newer members are accorded fair and equitable treatment in the determination of committee assignments.

The committee further feels that the abolition of the seniority practice might promote unseemly struggles for the election of chairmen and ranking minority members whereby lobbyists, pressure groups, and even the White House could influence the election of their favorites. The change also might result in a "log-rolling, back-scratching, back-slapping" system of political campaigning within the Senate itself and destroy the impersonal legislative harmony which exists under the present system.

The committee recognizes the importance of experience and feels that it is much more important than popularity. Experience is just as vital in the legislative process as it is in all other areas of life. The committee feels that the Nation should continue to benefit from that consideration, and that changes such as proposed by Senate Resolution 17 should not be accepted by the Senate, at least not until the special committees appointee by the respective caucuses have had an opportunity to study the question and report their recommendations.

Mr. BYRD of West Virginia. I respect the Senators who have spoken in support of the resolution. I now am ready to make my tabling motion, albeit reluctantly.

Mr. President, in my capacity as chairman of the Subcommittee on Rules, I move to table the pending resolution, Senate Resolution 17.

Mr. LONG. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Buckley). The question is on agreeing to the motion of the Senator from West Virginia to table Senate Resolution 17.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. RIBICOFF (when his name was called). On this vote, I have a pair with the distinguished Senator from Alabama (Mr. Sparkman). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. MATHIAS (after having voted in the negative). On this vote, I have a pair with the distinguished Senator from Mississippi (Mr. Eastland). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. GRIFFIN (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Delaware (Mr. Boggs). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Texas (Mr. Bentsen), the Senator from Idaho (Mr. Church), the Senator from Mississippi (Mr. Eastland), the Senator from Arkansas (Mr. Fulbright), the Senator from Georgia (Mr. Gambrell), the Senator from Minnesota (Mr. Humphrey), the Senator from Montana (Mr. Mansfield), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from West Virginia (Mr. Randolph), the Senator from Alabama (Mr. Sparkman), the Senator from Illinois (Mr. Stevenson), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. Jordan) is absent because of illness.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from West Virginia (Mr. Randolph), the Senator from Illinois (Mr. Stevenson), and the Senator from Minnesota (Mr. Humphrey) would each vote "nay."

I further announce that, if present and voting, the Senator from Idaho (Mr. Church), the Senator from Georgia (Mr. Gambrell), and the Senator from North Carolina (Mr. Jordan) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Delaware (Mr. Boggs) and the Senator from Kentucky (Mr. Cooper) are necessarily absent.

The Senator from Arizona (Mr. Fannin) is absent because of a death in his family.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Kansas (Mr. Dole), the Senator from Arizona (Mr. Goldwater), and the Senator from Texas (Mr. Tower) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt) and the Senator from Texas (Mr. Tower) would each vote "yea."

The pair of the Senator from Delaware (Mr. Boggs) has been previously announced.

The result was announced—yeas 48, nays 26, as follows:

[No. 27 Leg.]

YEAS—48

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Brock
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Cotton
Curtis
Dominick
Ellender
Ervin
Fong
Gravel
Gurney
Hansen
Hartke
Hatfield
Hollings
Hruska
Inouye
Jackson
Jordan, Idaho
Long
Magnuson
McClellan
McGee
Miller
Pastore
Prouty
Proxmire
Scott
Smith
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Weicker
Young

NAYS—26

Beall
Brooke
Case
Chiles
Cook
Cranston
Eagleton
Harris
Hart
Hughes
Javits
Kennedy
McGovern
McIntyre
Metcalf
Mondale
Nelson
Packwood
Pearson
Pell
Percy
Roth
Saxbe
Schweiker
Taft
Tunney

PRESENT AND GIVING LIVE PAIRS AS PREVIOUSLY RECORDED—3

Ribicoff, against.
Mathias, against.
Griffin, against.

NOT VOTING—23

Bayh
Bentsen
Boggs
Church
Cooper
Dole
Eastland
Fannin
Fulbright
Gambrell
Goldwater
Humphrey
Jordan, N.C.
Mansfield
Montoya
Moss
Mundt
Muskie
Randolph
Sparkman
Stevenson
Tower
Williams

So the motion of the Senator from West Virginia to table Senate Resolution 17 was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate reconsider the vote by which Senate Resolution 17 was laid on the table.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. Tunney) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Aeronautical and Space Sciences:

To the Congress of the United States:

I transmit herewith the Twenty-Second Semiannual Report of the National Aeronautics and Space Administration.

This Report covers the six month period ending December 31, 1969.

RICHARD NIXON.

THE WHITE HOUSE, *March 16, 1971.*

REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. TUNNEY) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

In accordance with Section 396(i) of the Public Broadcasting Act of 1967, as amended, I hereby transmit the Annual Report of the Corporation for Public Broadcasting covering the fiscal year July 1, 1969 to June 30, 1970.

RICHARD NIXON.

THE WHITE HOUSE, *March 16, 1971.*

REPORT OF THE NATIONAL SCIENCE FOUNDATION—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. TUNNEY) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I am pleased to submit to the Congress the Twentieth Annual Report of the National Science Foundation, covering the fiscal year 1970.

The activities described in this report underscore the importance of science as a national resource and as an essential element in our Nation's progress. The scientific research supported by the Foundation reflects our continuing concern for the quality of life in the United States today and in the future.

Science has entered an era of unprecedented fruitfulness. The investment we have made in the last three decades offers us an array of opportunity in the next. This guarantees us no instant or easy answers, but it does afford us the ability to bring to bear on our national problems an array of scientific talent and a heritage of scientific achievement unprecedented in human history.

New programs initiated by the Foundation in fiscal year 1970 are designed to promote and encourage the search for solutions to problems of the natural and social environment. Interdisciplinary work by scientists from many specialties shows promise of producing new knowledge of the earth, the oceans, and the atmosphere which will permit a better understanding of the relationship between man and his surroundings.

The programs of the National Science Foundation during fiscal year 1970 covered a broad range of activities. More than $200 million was devoted to the pursuit of scientific research, including major interdisciplinary efforts of national and international significance. Another $120 million was allocated to support of science education at all levels, and nearly $45 million was invested in broad-based institutional development in our colleges and universities.

I believe it was a most productive year. I commend this report to the attention of the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *March 16, 1971.*

REPORT ON CONTROL OF HAZARDOUS POLLUTING SUBSTANCES—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. TUNNEY) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Public Works:

To the Congress of the United States:

I have the honor to transmit herewith for the consideration of the Congress a report on "Control of Hazardous Polluting Substances" as required by Section 12(g) of the Federal Water Pollution Control Act as amended.

The recommendations made in the enclosed report reflect the conclusions reached by the Department of Transportation in its study made at my request. Additional study, beyond that possible in the short period available for this report, may indicate a need for modifications in these recommendations. Such modifications would be incorporated in any legislation which is developed to implement the recommendations of the report.

RICHARD NIXON.

THE WHITE HOUSE, *March 16, 1971.*

PROGRAM

Mr. SCOTT. Mr. President, I wish to ask the distinguished acting majority leader if he will advise the Senate of the future program as regards tomorrow, Thursday, and Friday, and perhaps next week.

Mr. BYRD of West Virginia. Mr. President, in response to the query of the distinguished minority leader, only one measure remains on the calendar, and that is, if I may call attention to it, Calendar 42, S. 1117. Therefore, I ask unanimous consent—by way of partial response to the able Senator from Pennsylvania, the minority leader, and with the purpose of laying the measure before the Senate and making it the pending business—that the Senate proceed to the consideration of S. 1117, Calendar Order No. 42.

REGULATION OF PUBLIC EXPOSURE TO SONIC BOOMS

The PRESIDING OFFICER. The clerk will state Calendar No. 42, S. 1117, by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1117) to provide for regulation of public exposure to sonic booms, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. FRIDAY, MARCH 19, 1971

Mr. BYRD of West Virginia. Mr. President, in further response to the Minority Leader, there will be no more votes today. The Senate, when it completes its business today, and in accordance with the statement issued last Friday by the majority whip—he having been authorized by the distinguished majority leader to do so—will adjourn over to Friday morning next. Therefore, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Friday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES TO SUBMIT REPORTS DURING ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that committees may be authorized to submit reports during the adjournment of the Senate to Friday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, it is possible—and it is hoped—that committees will submit reports on measures during the adjournment, so that when the Senate convenes on Friday morning next, there will be measures on the calendar in addition to Calendar Order No. 42, S. 1117.

If the Senate completes its business on Friday next—by that I mean completes action on S. 1117 and any other unanimous consent measures that may be placed on the calendar during the adjournment—it would be the plan of the leadership possibly to adjourn over until Tuesday next. The reasons why the Senate is adjourning as it is are quite clear. The calendar is being kept clean; so it is hoped—and I know that the distinguished minority leader joins me in saying this—that committees will be active during the adjournment of the Senate to Friday next in preparing measures for consideration by the Senate, in order that we may continue to work and make progress.

Mr. SCOTT. Mr. President, if the distinguished acting majority leader will further indulge me, it is my hope that the bill currently referred to as the SST may be brought up next week.

Mr. BYRD of West Virginia. The Senator, I believe, has reference to the continuing resolution.

Mr. SCOTT. The continuing resolution.

Mr. BYRD of West Virginia. I have not talked with the chairman of the Committee on Appropriations (Mr. ELLENDER) about the matter, but I think it is quite possible that that measure will be brought up one day next week.

Mr. SCOTT. Mr. President, as I understand, there is also a nomination from the Committee on Banking, Urban Development, and Housing for the chairmanship of the Securities and Exchange Commission, which I believe the committee has acted upon. Can the distinguished acting majority leader advise me whether it will be on the Executive Calendar?

Mr. BYRD of West Virginia. That is quite likely, I expect.

ORDER FOR YEA-AND-NAY VOTE ON S. 1117

Mr. BYRD of West Virginia. Mr. President, in order that Senators may be on notice that there will be a yea-and-nay vote on Friday morning next, I ask for the yeas and nays on the pending business, Calendar No. 42, S. 1117, the sonic boom bill.

The yeas and nays were ordered.

Mr. SCOTT. I thank the Senator.

Mr. CURTIS. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. CURTIS. I understood the assistant majority leader to refer to a yea-and-nay vote on Friday morning. Can he inform the Senate at what time that vote will be?

Mr. BYRD of West Virginia. I cannot anticipate the time, but I would hope that it would be fairly early.

I have a request from a Senator for recognition for the purpose of making a statement which will consume 15 minutes on Friday morning. Following that, there will be a period for the transaction of routine business, which will consume perhaps 30 minutes. So I think we should get started early on the pending business, which will, by virtue of the adjournment, become the unfinished business on Friday morning next.

Mr. CURTIS. When does the Senator expect the vote to occur?

Mr. BYRD of West Virginia. I cannot say, but perhaps the distinguished Senator from Washington, who will manage the bill, can say.

Mr. MAGNUSON. Mr. President, a similar bill was reported unanimously by the Committee on Commerce last year, and the Senate passed it unanimously. There were no votes against it. The bill is to establish strict regulations on noise and all the other things we are talking about in the way of pollution of the environment. Unless there is something I do not know about, I should think that the vote on passage would again be unanimous, and that it would not take more than a half hour to pass the bill.

Mr. SCOTT. I should not think there would be lengthy debate. I do not know whether the Senator is of the opinion that a yea-and-nay vote has been demanded. The yeas and nays have just been ordered, but I do not know that there necessarily has to be a yea-and-nay vote.

Mr. MAGNUSON. The only reason why I asked for a yea-and-nay vote at the last session was that I wanted to be able to say that the Senate was unanimously in favor of the sort of restriction we are talking about. I started early this year, because I want to get the bill through the House, if that is possible. I think its passage will allay a lot of speculation that is taking place, particularly in view of the fact that the Senate and House will conclude this matter by March 30.

The Committee on Commerce again reported the bill unanimously. I have no particular reason for desiring a yea-and-nay vote. I should like to have the order for a yea-and-nay vote stand; and if there is any reason for having it on Friday, we would let it stand. But if there is not—and I know that many Senators want to be relieved of it and would be for the bill if it is going to be unanimous, with not much debate—I could ask unanimous consent to withdraw the order for the yea-and-nay vote, and I would do so.

Mr. SCOTT. I thank the Senator from Washington.

Mr. MAGNUSON. I want to accommodate all Senators, but I do not think there will be much discussion, if any.

Mr. BYRD of West Virginia. Mr. President, I wonder if it would be possible to enter into a time agreement now on the pending business, so the Senate may be on notice as to the approximate time on Friday next when a roll-call vote might occur.

Mr. MAGNUSON. If it does.

Mr. BYRD of West Virginia. If it does, and I think it should, now that the yeas and nays have been ordered.

Mr. President, I ask unanimous consent that on Friday, March 19, beginning at 11 o'clock a.m., the time on each amendment, motion, and appeal, with the exception of a motion to lay on the table, be limited to 30 minutes, the time to be equally divided between the mover of such amendment or motion or appeal and the manager of the bill (Mr. MAGNUSON); that the time on the bill be limited——

Mr. MAGNUSON. Also to a half hour.

Mr. BYRD of West Virginia. The time on final passage of the bill to be limited to 30 minutes, equally divided between the manager of the bill (Mr. MAGNUSON) and the minority leader or his designee, with the understanding that Senators in control of the time on the bill may yield time therefrom to Senators on any amendment, motion or appeal.

Mr. MAGNUSON. Mr. President, that is agreeable to me.

The PRESIDING OFFICER. Does the Senator want the unanimous-consent agreement in the usual form?

Mr. BYRD of West Virginia. Yes; that no amendment that is not germane may be offered.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement? Without objection, it is so ordered.

The unanimous-consent agreement reduced to writing is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective on Friday, March 19, 1971, at 11 o'clock A.M. during the further consideration of the bill, S. 1117, to provide for regulation of public exposure to sonic booms, and for other purposes, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to ½ hour, to be equally divided and controlled by the mover of any such amendment or motion and the Senator from Washington (Mr. MAGNUSON): Provided, That in the event the Senator from Washington is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: Provided further, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to ½ hour, to be equally divided and controlled, respectively, by the Senator from Washington (Mr. MAGNUSON) and the minority leader: Provided, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. MAGNUSON. Mr. President, I do not think there will be any amendments.

Mr. BYRD of West Virginia. I thank the distinguished Senator.

DEATH OF HON. THOMAS E. DEWEY

Mr. SCOTT. Mr. President, I have the very sad duty to announce, as I have just this moment heard, of the death of a very dear friend, a very great American citizen, the Honorable Thomas E. Dewey, who, as we know, almost achieved the White House. His death was reported from Miami Beach. The cause of death has not immediately been determined. He was released from the Miami Heart Institute on Monday.

As some will recall, I was the chairman of the Republican National Committee at the time of the campaign of Governor Dewey for the Presidency. I had some very pleasant visits with him during this past weekend, and I thought at that time that he seemed to be in the best of health, suntanned, and his usual alert and entertaining self.

I might not be here today, as a matter of fact, had I not been catapulted into a prominence beyond my desserts, and certainly beyond my preparation, into the post of the chairmanship of one of the political parties.

During all the time that I served with Governor Dewey, as determined as he was, as positive a man as he was, as clear in his judgments as he was, I never knew him to be unkind or impatient or other than completely understanding of those who had the pleasure and privilege of working with him.

We had maintained this very happy relationship over the years on a number of occasions. Before some of the Gridiron Dinners he would come down and have lunch with me. We had often discussed politics, antique collecting, literature, and many other mutual interests.

I know the recent death of his wife, Frances, was a great shock to him, and that he must have been very greatly grieved indeed.

I shall have something further to say when there is an opportunity to gather some thoughts together, but I did want the Senate to be advised of the passing of a man who deserved well of the Republic, who contributed without stint or reservation of his time and his talents to so many civic responsibilities, who was a true leader of men, a man much honored, a man much respected, a man much loved. So we will all mourn him for a very long time.

I regret very much that I have to make this announcement, which shocks me and which will, of course, bring great sadness to all who had the honor and privilege of knowing Thomas E. Dewey.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SCOTT. I am glad to yield.

Mr. JAVITS. Mr. President, I am shocked beyond words by the news I have just heard. Former Governor Dewey was a personal friend of mine for years and years. He had been my political colleague for a quarter of a century and more—a man of the greatest vigor, of the keenest intelligence, of unbelievably cool and objective mind. I feel that Governor Dewey offered New York a concept of State government—a concept which Governor Rockefeller has followed—based on the premise that one can be very hardheaded, effective, and efficient and at the same time run a government with real solicitude for the concerns of the people. Governor Dewey also made of my party in New York a proper, progressive platform for such people as myself to run for high office and be elected.

I think he was one of the truly great Governors of our State, certainly a great precursor of what the Republican Party has meant in my State, and what it has, therefore, meant in the Nation.

Interestingly enough, his campaign for the Presidency, in my judgment, never really showed him at his best. He was uniquely at his best in State government. I do not think the American people in those campaigns got nearly the view of him as the effective and historic figure that he was. It remained for his gallantry and intelligence after he had been defeated for the Presidency to bring him to the fore in the eyes of the American people as a man of historic capacity.

Mr. President, I cannot help but feel that Governor Dewey's great attachment to his wife, Frances, who passed away not too long ago, had something to do with his own early passing. It was a very unique relationship, which was a cause of great admiration on the part of all of us who knew them both very well.

I can only hope that the American people, in evaluating his great career, will give it the appraisal in terms of national significance that it richly deserves, and that the deep affection which he bore for my State and its people, and which he bore for his wife, will be an added element of warmth and sentiment in that appreciation and in that memorial.

I know I bespeak the view and feeling of millions of New Yorkers. I rarely say that, but I know I do in this case in what I say this afternoon.

Mr. SCOTT. I thank the distinguished Senator from New York. I hope that at some future time other Senators who wish to be heard will make such request, and I would like to request of the majority at that time that it allow us some opportunity to pay a true, genuine, and much deserved tribute to this great American.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. BYRD of West Virginia. Mr. President, I wish to join in the heartfelt expressions of shock and sorrow that have been stated by the distinguished minority leader and the distinguished senior Senator from New York this afternoon with respect to the untimely passing of the former Governor of the State of New York, Thomas E. Dewey. He was a man of national prominence, he was a national figure, and he was a great Governor of a great State. To me, it is just almost unbelievable that this could have happened so suddenly.

The Senator from Pennsylvania has referred to the Gridiron Club and the fact that the late Governor Thomas E. Dewey would often join with him in the past upon those occasions when the club met. It was only last Saturday evening that Governor Dewey was present at the meeting of the Gridiron Club. So it is just unbelievable. One wonders, of course, how and why these sad occurrences happen as they do.

The people of the State of New York, I am sure, will long remember the services of this man, and the Nation will long remember him.

I share the sentiments of Senators who have spoken in expressing sympathy and condolences, to those relatives and friends who were very close to Governor Dewey, in the passing of this great citizen and great American who has departed from among us.

Mr. SCOTT. He was indeed, as the Romans called their great men, "vir et fortissimus in publica re et fermissimus in re suscepta." A man both very brave in public life and very strong in a cause which he had undertaken.

WAR POWERS TESTIMONY OF PROFESSORS COMMAGER, MORRIS AND KELLY ON S. 731

Mr. JAVITS. Mr. President, on March 8 and 9 the Senate Foreign Relations Committee opened its hearings on S. 731, a bill which I have introduced with Senators Mathias, Pell and Spong as cosponsors, to establish rules and procedures for the use of the Armed Forces in military hostilities in the absence of a declaration of war. The first witnesses called were three very distinguished historians who are widely acknowledged authorities on the historical aspects of the war powers question. Prof. Henry Steele Commager of Amherst College, Prof. Richard B. Morris of Columbia University and Prof. Alfred H. Kelly of Wayne State University appeared before the Foreign Relations Committee and gave what I think all present recognized to be truly historic testimony. Their testimony will be supplemented on March 25 by the testimony of Prof. Alpheus T. Mason, a noted authority in constitutional law and the history of the Supreme Court.

Mr. President, in view of the truly historic nature of the testimony—and in view of the critical importance of the basic issue under consideration—I believe that Senators who were not able to be present at the Foreign Relations Committee hearings will want to read these statements and familiarize themselves with the basic information contained therein.

The testimony of Professors Commager, Morris, and Kelly has attracted very wide interest. Many requests have been received for copies of their statements. The hearings as a whole will, of course, be published in full. But in view of the large number of urgent requests for copies of the prepared statements of the three professors, I ask unanimous consent that these statements be printed in the Record, where they will be immediately and readily available to Senators and the public.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Testimony on S. 731, a Bill To Regulate Undeclared Wars by Prof. Henry Steele Commager, Amherst College

In the historic steel seizure case of 1952 Justice Jackson said that "what is at stake is the equilibrium of our constitutional system." Now, after twenty years marked by repeated, and almost routine, invasions by the executive of the war making powers assigned by the constitution to congress, we can see that more is at stake even than the constitutional principle of the separation of powers. At stake is the fate of the age-long effort of men to fix effective limits on government; at stake the reconciliation of the claims of freedom and of security; at stake the fateful issue of peace or war, an issue fateful not for the American people alone, nor alone for the stricken peoples of Southeast Asia, but for the whole of mankind.

Your chairman has asked me to address myself primarily to the constitutional and historical aspects of the proposal which the distinguished Senator from New York has submitted to your consideration S. 731. This is not the first time this committee has considered proposals of this nature, proposals designed to reassert and vindicate the constitutional role of the senate in the war-making and treaty making powers, and to curb the pretentions of the executive in those areas. Your concern—and that of many Americans—is not hard to understand. Five times in the past ten years presidents have mounted major military interventions in foreign nations without prior consultation with the congress: The Bay of Pigs, the invasion of the Dominican Republic, the attacks on North Vietnam, Cambodia, and Laos. None of these now appear to have represented a genuine emergency; none were in response to attacks upon the United States which implacably required immediate military reaction. None therefore appear to meet the requirements for the exercise of war powers by the President formulated by the makers of the constitution.

The constitution, as written in 1787 and as developed over a century and three quarters is of course a product of history, not the conclusion of a syllogism, and any consideration of the war powers must be rooted in history rather than in theory, and it is chiefly to history that I address myself. In this I shall be brief, for I am conscious that in your past campaigns you have marched over this terrain until you are familiar with every foot of it.

There is—as your own committee said four years ago—no ambiguity about the intent of the framers of the constitution. They proposed to make it impossible for a "ruler" to plunge the nation into war. In the old world monarchs had "the sole prerogative of making war and peace"—the phrase is from Blackstone Commentaries—and the founding fathers were determined that no American executive would have the power of a George III or a Frederick The Great . . . "To that end, too," your committee continued, "they provided a pretty rigid separation of powers." This too was something new in history. for while philosophers of the old world recognized a "balance" of powers. none had imagined the kind of functional separation which Americans established in their state and their national constitutions. Separation of powers, as Justice Brandeis observed in a now classic obiter dicta "was adopted [by the convention of 1787] not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but by means of the inevitable friction indicent to the distribution of the governmental powers among three departments, to save the people from autocracy" (Myers v. U.S. 272 U.S. at 293.)

Experience under the articles of confederation throws only a flickering light on our problem, for there was in fact no proper executive in the confederation. It was inevitable therefore that the articles of confederation assigned to the congress, "The sole and exclusive right and power to determining on peace and war."—A good phrase that—"Determining on war;" a pity we did not retain it . . . Something is to be drawn from the relation of Congress to the Commander-in-Chief—a subject which the Distinguished Senator from New York has explored in his speech on S. 731, and which I need not therefore rehearse here: suffice it to note—as casting some light on the meaning that the constitution makers infused into the phrase, that Washington's commission required him "punctually to observe and follow such orders and directions from time to time as he shall receive from this and future Congresses" because—we can assert this with confidence—everyone, including Washington himself took for granted the supremacy of the civil over the military power and took for granted that the term Commander-In-Chief described not another Louis XIV or Frederick II or George III, but Washington. How revealing that even Hamilton, always ardent for power, provided in his famous draft constitution that the President was to be Commander in Chief and "to have the direction of war *when authorized or begun*" (note in another version of speech) "The direction of war *when commenced*" (I Farrand 292 and III Farrand 624). This limited view of the powers of the C-in-C persisted almost down to our own time: as late as 1940 Atty. Gen. Robert Jackson could inform the President that "happily there has been little occasion in our history for the interpretation of the powers of the President as Commander in Chief of the Army and Navy," and he added that he did not base on that phrase justification for the destroyer-bases agreement.

The constitution makers proposed to assign to the Legislature the power to declare war, e.g. to decide on war, and to the executive the power to make or conduct or direct the war. This is inescapably clear from the all-too-brief discussion of these words and phrases in the convention; it is sufficient to note here what is familiar enough: that the shift in terms from "make" to "declare" was designed to preserve to "the executive the power to repel sudden attacks": Sherman wanted to nail that down: The President should be able to repel *and not to commence war*, and as for the always cautious George Mason of Virginia "he was against giving the power of war to the executive because he was not to be trusted with it . . . He was for clogging not for facilitating the making of war."

Hamilton took it upon himself to explain the Presidential powers in the Federalist papers. In no. 69 he wrote that the authority of the President as C in C "would amount to nothing more than the Supreme Command and direction of the military and naval forces, as First General and Admiral of the Confederacy" in no. 74 he returned to the point "the direction of war," he wrote, "implies the direction of the common strength, and the power of directing and employing the common strength forms an essential part of the executive authority." No. 75 is a bit more sweeping:

"The history of human conduct" he wrote, "does not warrant that exalted opinion of human virtue which would make it wise in a Nation to commit interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world to the sole disposal of a magistrate created and circumstanced as would be a President of the United States."

And a decade later—even as he argued the propriety of Presidential response to the threat of the barbary corsairs, Hamilton once again indicated the accepted limits of executive power in this realm. For it is the peculiar and exclusive province of Congress, when the Nation is at peace, to change that to a state of war . . . in other words *it belongs to Congress only to go to war.*

It is Madison, not Hamilton, who has a just claim to be considered not only the Father of the Constitution but its most authoritative interpreter. Writing as Helvidius, in 1793, he addressed himself to precisely this problem of executive power to make war:

> Every just view that can be taken of this subject admonishes the public of the necessity of a rigid adherence to the simple, the received, and the fundamental doctrine of the Constitution, that the power to declare war including the power of judging the causes of war, is *fully and exclusively vested in the Legislature*, that the executive has no right in any case, to decide the question whether there is or is not cause for declaring war, that the right of convening and informing Congress whenever such a question seems to call for a decision, is all the right which the Constitution has deemed requisite or proper (Hunt, ed. VI, 174), and he added an observation which we may take to heart today: "In no part of the Constitution is more wisdom to be found than in the clause which confides the question of war or peace to the Legislature and not to the Executive department."

Distinguished colleagues will pursue this matter in the detail it deserves, but it is fair to say that those statesmen who were closest to the Constitution makers—the statesmen of the generation of the founding fathers and their successors, seemed all but unanimous in this interpretation of the war powers. Here is Jefferson reporting to Congress on the decision to defend American ships against barbary corsairs. "The bravery exhibited by our citizens on that element (the sea) will be a testimony to the world that it is not the want of that virtue which makes us seek their peace, but a conscientious desire to direct the energies of our Nation to the multiplication of the human race, or to its destruction" and he adds—"unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense, the vessel, being disabled from committing further hostilities, was liberated. The Legislature will doubtless consider whether by authorizing measures of defense also, they will place our force on an equal footing."

Or here is John Quincy Adams, surely one of the most learned of constitutional lawyers, speaking to the problem of dealing with a threat from the Holy alliance—a threat surely more serious than the alleged threat from China in our own time. . . .

> With respect to the question, in what manner the Government of the U.S. intends to resist on its part any interference of the Holy alliance for the purpose of subjugating the New Republics . . . you understand that by the Constitution of the U.S. the ultimate decision of this question belongs to the Legislative department of the Government.

Or Daniel Webster—who knew something of the Constitution and believed in the Presidential power—writing in 1851, as Secretary of State, on the proposal to intervene in Hawaii:

> In the first place I have to say that the war-making power in this Government rests entirely with Congress, and that the President can authorize belligerent operations only in the cases expressly provided for by the Constitution and the laws. By these no power is given to the executive to oppose an attack by one independent Nation on the possession of another. . . . If this interference be an act of hostile force, it is not within the Constitutional power of the President.

And finally consider how Secretary of State Lewis Cass disposed of the proposal that the U.S. intervene in China over a century ago: "This proposition" he wrote in 1957 to Lord Napier, "looking to a participation by the United States in the existing hostilities against China makes it proper to remind Your Lordship that, under the Constitution of the United States, the executive branch of this Government is not the war-making power. The exercise of that great attribute of sovereignty is vested in Congress, and the President has no authority to order aggressive hostilities to be undertaken."

Needless to say, Presidential conduct did not always correspond with Presidential principles, and the correspondence grew—I shall not say more tenuous but more fortuitous—with the passing of time. It is not necessary for me to detail here the many examples of executive use or abuse of war powers. In 1818, President Monroe authorized General Jackson to engage in "Hot pursuit" of the Seminole Indians into Spanish Florida: Always eager to smite the enemy Jackson showed perhaps excessive zeal, captured Spanish Forts, and hanged Arbuthnot and Ambrister, two British subjects. In 1845 President Polk ordered General Scott to occupy the disputed land between the Nueces and the Rio Grande; when the Mexicans advanced into the territory he engaged in battle—purely on Presidential authority. "American blood has been shed on American soil" Polk announced and only then asked for Congressional authority to fight. Polk earned the name "Polk the mendacious" but public opinion rejoiced in the fruits of the war. In 1854 Pres. Pierce authorized the bombardment of the city of Greytown, on the Mosquito Coast, and that act of quasi war rested exclusively on Presidential fiat. President Lincoln, as all know, raised armies, launched campaigns, declared a blockade and suspended the Writ of Habeas Corpus all on his own: More clearly than other executives who invoked the war powers, he was able to fall back upon the Constitutional obligation to see that the laws were faithfully executed, and we are still debating the thorny question whether the Cival War was a war within the meaning of the Constitution or not: certainly there was no declaration of war nor treaty of peace nor was there a "Foreign" enemy. Grant's escapade in Santa Domingo in 1869 is notorious—and was embarrassing, McKinley launched an expeditionary force of 5,000 men into China—part of the Boxer Expedition—without bothering to obtain Congressional approval. Theodore Roosevelt's interventions in the Caribbean—as those, later, of Taft, Wilson, and Coolidge—were mostly without benefit of Congressional authorization. Wilson ordered the bombardment of Vera Cruz on his own, and so too the invasion of Mexico in pursuit of the elusive Pancho Villa, though here he went through the form of getting approval from Pres. Carranza of Mexico—an approval that speedily changed to disapproval.

It is impressive (when summed up in this fashion). But it is relevant to note that in almost every instance in the 19th century, and in most in the first half of the 20th Presidential intervention was confined to the western hemisphere and even to contiguous territory or our *Mare Nostrum*, the Caribbean. President McKinley's astonishing participation in the Boxer Expedition came, with a symbolic appropriateness, in the year 1900. Yet even Franklin Roosevelt's executive agreements with Britain for a Destroyer—Bases exchange and with Denmark for the occupation of Iceland and Greenland, which pushed what was permissable to the further extreme, could be held, not implausibly, to be a legitimate part of hemispheric defense. It is only in the last twenty years or so that Presidents appear to have thrown caution and even constitutional scruples to the wind, as it were, and ventured, on their own authority, into military operations that were in fact acts of war, that were on a large scale, that were in distant parts of the Globe, and that constituted "commitments" whose vindication threatened the integrity of our political and constitutional system.

It is not, I think, sufficiently realized that the kind of intervention we have witnessed in the past quarter century is, if not wholly unprecedented, clearly a departure from a long and deeply-rooted tradition. Since the neutrality Proclamation of 1793 that tradition has been one of non-intervention, not intervention. Washington, and his cabinet, refused to intervene in the wars between France and her enemies even though the United States was far more deeply "committed" to come to the aid of France by the terms of the Treaty of Alliance of 1778, than she was to intervene in Viet Nam by the terms of the SEATO Treaty. Notwithstanding almost universal sympathy for the peoples of Latin America who sought to throw off Spanish rule, we did not intervene militarily in that conflict. The ideas of "manifest destiny" and "young America" dictated support to peoples everywhere struggling to throw off ancient tyrannies, but no President intervened militarily in the Greek struggle for independence from Turkey, the Italian uprisings against Austria, the Hungarian Revolution of 1848, or other internal revolutions of that fateful year, Garibaldi's fight for Italian independence, the many Irish uprisings against Britain, in Ireland and even in Canada—close to home, that—or even, *Mirable Dictu*, the ten year war of the Cubans against their Spanish Overlords from 1868–78. Nor, in more modern times, did Presidents see fit to intervene on behalf of Jewish victims of pogroms, Turkish genocide against Armenians, Franco's overthrow of the Loyalist Regime in Spain. Whether such abstention was always wise is a question we need not raise here. The point here is that in none of these situations did the executive think it proper, or legal, to use his powers as Commander in Chief or as Chief organ of Foreign relations to commit the United States to military intervention in distant lands. With the sole exception of McKinley's unnecessary participation in the Boxer Expedition, that concept of executive powers belongs to the past quarter century. And if it should be asked why the United States should refrain from intervention in the internal struggles of other nations, even when her sympathies are deeply involved and her interests enlisted, it is perhaps sufficient to say that few of us would be prepared to endorse a principle which would have justified the intervention of Britain and France in the American Civil War—on behalf of the Confederacy of course—and that in international law you cannot really have it both ways.

The present crisis is a continuation of a long series of crises stretching from Washington's Proclamation of Neutrality to Truman's use of military and naval force in Korea and our current involvement in Southeast Asia. There are however new ingredients in the executive use of the war power which make earlier precedents if not irrelevant then far from conclusive and which greatly enhance the threat to the integrity of our constitutional system and to the peace of the world. Let me deal briefly with these:

First, our current presidential commitments—and if we cannot curb these, our future as well—are global rather than, as with Lincoln, domestic or, as with Monroe, Polk, Roosevelt and Wilson, hemispheric. They are not to be justified by invoking The Monroe Doctrine or its accumulated corollaries: they are justified rather by new doctrines such as that of "Vital Interest" or by the "Nixon Doctrine" of shared responsibility. Of both of these it can be said that their most conspicuous feature is the fog which enshrouds them.

Second, the unlimited power of the executive in foreign relations is no longer justified as an emergency power, but asserted to be a normal and almost routine exercise of executive authority. Lincoln pushed his authority to the outward limits of what was constitutionally permissible, but confessed, with characteristic humility that the emergency required him to do what he did, and asked congress to give retroactive sanction to his acts. No such humility characterizes what we may call The Johnson-Nixon Theory of Executive Authority. Thus President Johnson asserted that he did not need the authority of the Tonkin Gulf Resolution to justify his bombardment of North Vietnam, for he already had that: thus President Nixon's Asst. Attorney General asserted that the President's authority to invade Cambodia "must be conceded by even those who read executive authority narrowly" (June 16, 1970). Why must it be? Certainly not because of the persuasive character of the arguments advanced by this distinguished counsel, for that character is wanting.

Third, the new commitments are not, as generally in the past, Ad Hoc and even fortuitous, but calculated and ideological. Thus we do not drop bombs on Vietnam or Laos because "American blood has been shed on American soil"—Polk's excuse, nor does the President respond to an imperative like the attack on Fort Sumter or even to U-boat warfare: nor do recent presidents presume to act—like President Truman—in response to a United Nations decision. Now presidents act to "contain communism" or to protect "vital interests 9000 miles away," to fulfill "commitments" that are somehow never made clear and that other nations pledged to them just as solemnly somehow do not think require military fulfillment (e.g. the SEATO "commitments" which bind Britain, France, Pakistan, etc.)—and they do so by programs which are by their very nature open-ended and tenacious. Thus Secretary Rusk's assertion in 1966 that "no would-be aggressor should suppose that the absence of a defense treaty, congressional declaration, or United States Military presence, grants immunity to aggression;" the key words, for our purposes, are "Absence of Treaty" and "Absence of Congressional Declaration." For this left only the alternative of the application of the executive power, unilaterally in the international arena, unilaterally in the U.S. Constitution arena to.

Fourth, we are a charter member of the United Nations whose function it is to settle international disputes peacefully yet Presidential Declarations of what they are prepared to do around the globe, blatantly by-pass the U.N. and the International Court of Justice and thus add to the undermining of our own Constitution the undermining of the United Nations.

Fifth, as power corrupts, the possession of great power encourages and even creates conditions in which it seems imperative to use it, and the concentration of that power vastly increases the risks of misuse. We had one example of that as early as 1846: what began as a simple vindication of a boundary line ended up as a war in which we tore Mexico in two.

Now the original assumption of our constitution framers, that presidents could not engage in war on their own, was greatly strengthened by the elementary fact that he could not if he wanted to because there were no armies or navies with which to war. At the time of the ratification of the U.S. Constitution the United States Army consisted of 719 officers and men, not a formidable force for military adventures. The situation did not change perceptibly over the years. Our armed forces increased to some 20,000 by 1840, to 28,000 on the eve of The Civil War and to 38,000 by 1890. Even in 1915, with the world locked in mortal combat, the armed forces of the United States were less than 175,000. With the worst will, there was little that presidents could do with these forces—little that would involve us in the kind of embroilments in which we now find ourselves.

Now we have a wholly new situation. Not only do we keep some three million men under arms at all times—since 1951 the number has rarely fallen below that—but we have the greatest and most formidable armaments that any nation ever commanded. What this means is quite simply that while in the past presidents could not involve the nation, or the world, very deeply in war without congressional approval, now they can—and do.

The symbol of our new power is the nuclear weapon. Doubtless the threat of nuclear war goes far to justify giving the executive whatever discretion is necessary to secure survival in the face of attack. Correspondingly our possession of the most formidable nuclear armaments places upon us a graver responsibility than we had to observe in the past. We should therefore make it our first objective to minimize the risk of a nuclear showdown. This we are not doing. Our invasion of Vietnam, Cambodia, Laos is a temptation, almost a challenge, to China to come into the war as she came into the war in Korea; such a confrontation conjures up the spectre of a nuclear war. As for chemical and biological warfare it is notorious that we have used and are still using chemical defoliant and that only a public outcry and congressional protest brought some modification of the use of chemicals and the adoption of new policies for the disposition of nerve gases.

These are new ingredients within the matrix of The Presidential power, and they change the constitutional mix, for the constitution, after all, is not static but dynamic. The problem is complicated by a new terminology: the obsolescence of older terms which once had clear legal meaning, and the emergence of new terms, some of them (like "combat" meaning only ground troops, or "protective reaction") designed to deceive. Thus it is conceded that the President has authority to "repel" attacks, but the term has been drained of the meaning that a Madison or a Jefferson read into it. When we launch invasions of Cambodia and Laos not to defeat the enemy or to conquer territory but to enable us "to withdraw," anything can be called a protective reaction. Besides, it is a truism now that all wars are defensive. Hitler claimed that his assaults on Denmark and Norway were "defensive" and I need not remind this committee that the Tonkin Bay Resolution is phrased in this vocabulary. It declares that the congress approves and supports the determination of the President "to repel armed attack against the forces of the United States and to prevent further aggression." This is as good an example as any of the "aggressions" against the United States which the President is called upon to resist!

Or there is the relatively new concept of "Vital Interests," in 1967 the congress authorized President Eisenhower to protect the "Vital Interests" of the United States in the Middle East: it is not without interest that President Eisenhower modified that authorization and justified the dispatch of 14,000 marines to Lebanon on the principle of protecting American "lives:"—very old fashioned of him. What after all is a vital interest? Who, or what branch of the government is authorized to define it and to determine when it needs protection? The parallel between the vital interest in international law and the police power in municipal comes to mind, but the police power is always subject to review by the courts: what comparable check is there on the misuse of presidential power on behalf of what he may consider vital interests?

It is not only concepts like offensive and defensive war, or territorial waters, or vital interests, that have been drained of their historic meaning. Even the constitutional concept of a Declaration of war has been hopelessly impaired by the Presidential interpretation of the Tonkin Bay Resolution. Thus in testimony to this committee in 1967 formally asserted that the Tonkin Bay Resolution, together with the SEATO treaty, constituted a "functional declaration of war"—thus neatly combining an original contribution to international law with a repeal of an important provision of the constitution.

There is a final consideration which seems to me of vital importance: I need not enlarge upon it because it was in considerable part the subject of senate resolution 85, and some of its implications were elaborately discussed at that time. I mean of course the growing role of the executive agreement as a method for by-passing the requirements of treaty-making. Unknown to article II of the Constitution, they emerged early as a useful method of disposing of routine business that did not rise to the dignity of a treaty. Until very recent times it was customarily used only for such routine business—tariff agreements, postal conventions, patent arrangements, and so forth, and the great majority of them were negotiated in pursuance of congressional authorization. As late as 1930 the United States concluded 25 treaties and only nine executive agreements. But in 1968 it concluded 16 treaties and 266 executive agreements. As of January 1, 1969 the U.S. had a total of 909 treaties and 3973 executive agreements. And while the great majority of these were still concerned with routine matters, a substantial number of them dealt with problems which in the past had been considered proper subjects of the treaty making power. Well might the distinguished senator from Arkansas say at that time that during the course of years . . . the senate has allowed an imbalance to arise within our governmental structure and, by a process of erosion and by a process of acceptance of executive action, some of the most significant powers of the senate have been lost . . . the traditional distinction between the treaty as the appropriate means of making significant political commitments and the executive department as the appropriate instrument for routine, non-political arrangements, has substantially broken down.

It cannot be said that this development came without warning. As far back as 1907 the solicitor for the Department of State informed the Swedish authorities that "to the Executive Department of the government is confined the general authority over foreign intercourse and, as a necessary incident to such authority the executive possess a large and undefined power to enter into compacts and agreements relating to almost topic properly subject to international negotiation. (V. Hackworth, 342) and in 1940 Mr. Hackworth himself asserted that "from the point of view of international law, treaties and executive agreements are alike in that both constitute equally binding obligations upon the nation." (ibid 398) He did however add a cautioned U.S. that has been forgotten by recent administrations—that "international agreements involving political issues or changes of national policy and those involving international arrangements of a permanent character, usually take the form of treaties." No longer.

In 1940 Attorney General Jackson—later Justice of the Supreme Court—spelled out with customary clarity the permissible and impermissible limits of the use of executive agreements in foreign affairs:

"The President's power over foreign relations, while delicate, plenary and exclusive, is not unlimited. Some negotiations involve commitments as to the future which would carry an obligation to exercise powers vested in the congress. Such presidential arrangements are customarily submitted for ratification . . . of the senate before the future legislative power of the country is committed."

And he made a distinction between what was proper and what was improper relevant to the current scene:

The transaction now proposed represents only an exchange with no statutory requirement for the embodiment thereof in any treaty and *involving no promises or undertakings* by the United States that might raise the question of the propriety of incorporation in a treaty (Hackworth V, 407).

It is superfluous to point out that the use of executive agreements in such areas as joint use of air bases and joint defense of them in Spain, repudiates these carefully drawn limitations. For these, and similar agreements, do "carry promises and undertakings of future action. "They are" properly the subject for treaties: they are not properly the subject of executive agreements.

It is difficult to escape the conclusion that the executive is whittling away the constitutional authority of the congress in the momentous arena of treaty-making as it is whittling away its constitutional authority in the realm of war making.

I am reluctant to concentrate, as I have heretofore done, on the constitutional and legal aspects of this great problem of the power to commit this nation to war. One of the dangers of our American system, against which we must be constantly alert, is the temptation to evaluate great questions of public policy not so much on their merits as on their legality. It is one price we pay for judicial review, and all that implies, that as we tend to equate what is unconstitutional with what is pernicious, so we tend to equate what has a claim to constitutional correctness as thereby sound. These things are not always the same.

Besides, however we may balance the constitutional and legal arguments on the presidential power, it is highly improbable that those who have already made up their minds on the wisdom or the error of our involvement in Indochina are going to be persuaded or dissuaded by legal arguments. Those familiar with the arguments of state department spokesmen, witnesses before senate committees, law professors and others learned in the law, know how easy it is to construct impressive monuments out of the disjecta membra of legal precedents and judicial citations: each of us can say of the arguments of our critics and opponents what Finley Peter Dunne said of the arguments of corporation lawyers, that "what looks like a stonewall to a layman is a triumphant arch to a corporation lawyer."

Great questions of constitutional law are great not because they are complicated legal or technical questions, but because they embody issues of high policy, of public good, and of morality. We must consider the problem of the presidential authority to make war not merely in the light of constitutional precedents but in the light of wisdom and justice. Other witnesses will, I am confident, speak to this affluent subject.

Let me then turn from the legal and constitutional considerations to those, of historical experience, of experience not as precedents but as—in the famous words of Lord Bolingbroke of "Philosophy teaching by examples."

In 1967 Undersecretary Nicholas Katzenbach assured this committee that "History has surely vindicated the wisdom of the flexibility of the conduct of our foreign affairs." Two years later the distinguished senator from Wyoming stated, in his minority report on S. 85, that "The decision making process may be reduced by events to a single day, or even hours. On more than one occasion the time allotted by crisis incidents to those who must make the decisions has been less than the time it would take to assemble a quorum of the congress."

We must face squarely the issues raised by Mr. Katzenbach and Senator McGee: that after all history has vindicated the use of the presidential powers in the realm of war making and that time has been and is of the essence. Has history in fact vindicated the use of armed forces by presidents? Have presidents been well advised—again in the light of history—to by-pass congress in using American armed forces overseas? Would consultation with the congress, would even second-thoughts, have made a difference detrimental to national, or world, interests?

I shall not rehearse for you the long list of episodes here but comment on them in passing. Was it really of vital importance that General Jackson pursue the Seminoles and hang Arbuthnot and Ambrister?

Would the fate of Texas have been different had Polk consulted the Congress before launching a war: had he done so he might have escaped the name which has clung to him through history—"Polk the Mendacious". Was it really essential to bombard Greytown in 1854—would we do that now? Grant himself learned what a mistake it was to send troops to the Dominican Republic, for a senate, perhaps more strong minded than some later senates, refused to back him up or allow him to go through with his plans for annexation. Was McKinley wise to commit 5000 troops to the invasion of China in 1900 and would we do this today in a comparable situation? Our commitment to the provisions of the constitution of the Organization of American States is perhaps sufficient commentary on the wisdom of our many military interventions in the Carribbean, and President Wilson's resort to the ABC Conference—which rescued us from an ugly situation in Mexico—sufficient commentary on the wisdom of the pershing expedition into Mexico. Once again we may ask, would we do this now? The hapless Jacob Abrams was sentenced to jail for 20 years for distributing leaflets criticizing the Archangel and Siberian Expeditions: at the time he had only the consolation of being the occasion for one of the greatest of all Justice Holmes's opinions. If he were living now he might have the dubious consolation of knowing that almost everyone agrees with his argument: certainly we have paid a high price in the long-range enmity of the Soviet for that particular folly. Clearly a strong case can be made out for FDR's destroyer bases exchange and for extending protection to Greenland and Iceland, but is it conceivable that the congress would have denied him the right to carry through these programs?

If we turn to the many examples of presidential war making in the past twenty years we are, I submit, impressed by the fact that in almost every instance the congress was actually in session and available for consultation: thus the Korean intervention, the landing of troops in Lebanon, the Bay of Pigs, the Occupation of the Dominican Republic by President Johnson, and the successive series of forays into Vietnam, Cambodia and Laos.

I have, to be sure, omitted consideration of Lincoln's use of the Executive Power to meet the crisis of secession. Whether Lincoln was wise not to call the congress into session for four months is still debated: perhaps it can be said that the use of executive authority to put down a domestic insurrection rests on somewhat stronger constitutional arguments than those used to justify the use of force against China in 1900 or Vietnam in 1964.

There is one further observation that is relevant and may be instructive. Almost every instance of the use of presidential force in the past has been against small, backward, or distraught peoples: just the situation today. Call the role of the victims of presidential application of force in the past: Spanish Florida, Honduras, Santo Domingo, Nicaragua, Panama, Haiti, Guatemala, a China torn by civil war, a Mexico distraught by civil war, a Russia and a Vietnam riven by war, it is a sobering fact that presidents do not thus rush in with the weapons of war to bring Britain, France, Italy, Russia, or Japan to heel. Would we have bombarded Southampton to collect a debt? Would we have sent an expedition into Rome to protect Americans against a threat from a fascist government? Would we have precipitated a war with Britain over a boundary dispute in Maine? Would we land marines in France if customs collectors did not behave themselves? Would we bomb Siberia for years if shots were fired—without any hits—at an American vessel? And does it really comport with the honor and dignity of a great nation to indulge its Chief Executive in one standard of conduct for the strong and another for the weak?

I confess that I do not think this record justifies Mr. Katzenbach's rosy view of the use of presidential authority in this arena of foreign affairs, nor do I find a single instance that bears out Senator McGee's assertion that "On more than one occasion the time allotted by crisis. . . . has been less than the time it would take to assemble a quorum of the congress."

Whether such a situation might arise in the future we do not have to determine. For Senator Javit's bill S. 721 makes ample provision for such an emergency by specifically authorizing the president to act "to repel a sudden attack against the United States" or "against the Armed Forces of the United States" when *"lawfully* stationed on foreign territory."

In his minority report on Sen. 85 limiting the power of the president to make national commitments on his own, the senator from Wyoming speaks of S. 85's "capabilities of mischief making." I have no doubt that the same argument will be brought against S. 731; it is the argument almost invariably used against any proposal to limit the Executive Power. That S. 85 and S. 731 contain ambiguities cannot be denied. If we were to reject every constitutional provision, every guaranty of rights, every law that was ambiguous we should have to settle for anarchy. The distinguished Professor Thomas Reed Powell of Harvard Law School used to advise his students not to read the constitution as "it tended to confuse the mind." Indeed it does. The honorable senator does not, I presume, reject "commerce among the several states" "the general welfare" "the establishment of religion" because these phrases forever elude final precision. St. Mathew's reference to "blind guides who strain at a gnat and swallow a camel" is a fitting description of those who find quite acceptable the constitutional provision that "the executive power shall be vested in a president" but find the carefully drawn and precise language of S. 85 and S. 731 dangerously vague.

"Reason may mislead us. Experience must be our guide" said James Madison at the constitutional convention. By "reason" he meant theory or doctrine. Experience must indeed be our guide, and on the basis of a century and three quarters of experience, confirmed by a quarter century of intensive modern experience, we can say with some confidence that:

With the exception of the Civil War—a special case—and perhaps of the Korean War where the President responded to the decision of the Security Council—there are no instances in our history where the use of war making powers by the Executive without authority of congress was clearly and incontrovertibly required by the nature of the emergency which the nation faced but that on the contrary in almost every instance the long run interests of the nation would have been better promoted by consultation and delay. 2. That great principles of government are not to be decided on the basis of the argumentum ad horrendum—by conjuring up hypothetical dangers and insisting that the structure and operations of government must be based on the chance of these rather than on experience. It was to this kind of argument that Thomas Jefferson said, "Shake not your raw-head and bloody-bones at me." 3. But that if such an emergency were to arise, it is simply provided for by the provisions of senate 731.

Let me conclude with some specific recommendations.

What Justice Jackson said in the steel seizure case is relevant now as then: "We may say that power to legislate for emergencies belongs in the hands of Congress, but only Congress itself can prevent power from slipping through its fingers."

First, needless to say I endorse Senate 85 which the Senate adopted in June 1969 by an overwhelming majority, but which has so far been ineffective, and the proposed Senate 731.

Second, I suggest that the Senate meet the argument of emergency, hypothetical as it is, by creating a permanent committee, a quorum of whose members would remain permanently in Washington, with authority to require that the President consult with the Senate or the whole Congress before taking any action that might involve the Nation in armed conflict. Such a committee could be counted on to respond to a genuine emergency just as promptly as would the President, and counted on, too, to present the case for caution.

Third, I suggest that the Senate create a standing committee to consult with the President on all executive agreements, and with authority to designate those of sufficient importance to require submission to the Senate as treaties.

Fourth, I suggest that the Congress reinvigorate the power of the purse, that power which, as James Madison said, "May be regarded as the most complete and effectual weapon with which any Constitution can arm the immediate representatives of the people," and that it use with more particularity than in the past the power to limit the place and the manner of the introduction of American arms and armed forces.

One final observation, and I conclude.

The problems that confront us cannot be solved by debates over precedents, appeals to constitutional probity, or confronting Presidential power with Congressional; These may mitigate but will not resolve our crisis. For all of these gestures address themselves to symptoms rather than to the fundamental disease. That disease is the psychology of the cold war: that disease is our obsession with power; that disease is our assumption that the great problems that glare upon us so hideously from every corner of the horizon can be solved by force.

Abuse of power by Presidents is a reflection, and perhaps a consequence, of abuse of power by the American people and nation. For two decades now we have misused our prodigious power. We misused our economic power, not least in associating economic with military assistance, and in imposing economic sanctions against Nations who did not see eye with us about trade with our "enemies." We misused our political power by trying to force neutrals onto our side in the cold war by bringing pressure on the Nations of Latin America to support our short-sighted policy of excluding China from the United Nations—surely the most egregious blunder in the history of modern diplomacy. We misused our political power by planting the CIA in some sixty countries to carry on what we chose to regard as National Defense but what was in the eyes of its victims the work of subversion. We misused our military power in forcing our weapons on scores of Nations throughout the globe, maintaining military alliances like NATO and SEATO and imposing our will upon these where we were able. We misused our international power by flouting the sovereign rights of neighboring Nations like Cuba and Guatemala and the Dominican Republic and violating our obligations under the OAS Treaty and the United Nations. And we are even now engaged in a monstrous misuse of power in waging war on a distant people that does not accept our ideology, or our determination of its future. Is it any wonder that against this almost lurid background, Presidents misuse their power?

As we have greater power than any other Nation, so we should display greater moderation in using it, greater humility in justifying it, and greater magnanimity in withholding it. We display neither moderation nor humility nor magnanimity, but that arrogance of power which your chairman has so eloquently deplored.

In the long run the abuse of the executive power cannot be divorced from the abuse of national power. If we subvert world order and threaten world peace, we must inevitably subvert and threaten our own political institutions first. This we are in process of doing.

HENRY STEELE COMMAGER.

THE REGULATION OF UNDECLARED WAR: SOME HISTORICAL AND CONSTITUTIONAL REFLECTIONS

(By Richard B. Morris, Gouverneur Morris Professor of History, Columbia University)

Repeadtedly have the historical and constitutional origins of the warmaking power been subjected to close scrutiny without having any noticeably deterrent effect upon this nation's proclivity for embarking upon undeclared war. Contrariwise, the last quarter century has witnessed undeclared wars assuming a shape and dimension of fearsome proportions, and with fearsome results. The undeclared war that is now being waged in Indochina tragically divides the American people, diverts resources from the most urgent tasks of domestic reconstruction, fans the fires of inflation, seriously diminishes our prestige and credibility abroad, and even threatens the constitutional fabric of the nation, aside from the toll it is exacting in blood and treasure.

I am impelled to support this prudent and well-conceived bill, S. 731, "to regulate undeclared wars," not only by the urgency of Congress's acting promptly to define and delineate the warmaking powers under the

Constitution, but as an historian of the founding years of the republic I am especially concerned that so awesome a power should not be exercised in derogation of the letter of the Constitution and in contravention of its spirit.

Our nation's independence was achieved in the first anticolonial war of modern times, but it was at its inception dedicated to peace, not war. Only a peaceful climate, it was believed, would guarantee the American people life, liberty, and the pursuit of happiness. The Founding Fathers, along with friends abroad, considered that the American Revolution would, as Tom Paine felicitously phrased it, "form a new era and give a new turn to human affairs."[1] Turn to the reverse side of any dollar bill, and you will find engraved thereon the Great Seal of the United States, an everlasting pyramid carrying the date 1776, and underneath, the Latin motto: *Novus Ordo Seclorum* ("A New Order of the Ages [Is Born]"). Every dollar that we spend abroad, carrying this adaptation of an inspired phrase of Vergil, conveys this message of hope. Silas Deane, Franklin's fellow commissioner in France, made the point that for economic reasons, if for no other, it would "ever" be the interest of Americans "to pursue an inviolable peace with the states of Europe." Thus, the world would become peaceful because no new war-loving nation would replace the two powers. England and France, that had been expelled in whole or part from North America. John Adams reassured Europe that the Americans for a long time to come would be too much occupied with building their own nation to "go abroad and trouble other nations." Franklin, who made a number of serious proposals to humanize warfare, expressed the fervent wish that the definitive peace signed with Great Britain in 1783 would be "lasting, and that mankind will at length, as they call themselves reasonable creatures, have reason and sense enough to settle their differences without cutting throats; for, in my opinion, *there* never was a good war or a bad peace."[2] That great French apostle of the Enlightenment, the Marquis de Condorcet, in a famous essay, sought to reassure European readers that America would "help to maintain peace in Europe by the force of their example." Condorcet found that, unlike Europe, where peaceloving notions were confined to a few ideologues, such opinions were embraced in America "by a great people," who condemn "any idea of aggressive wars undertaken for aggrandizement of conquest."[3]

The commitment to peace was buttressed by an abiding hostility to standing armies, an insistence on maintaining the supremacy of the civil over the military, and a deep concern lest the long war of the American Revolution produce an interest group of military personages who would endure as a quasi-hereditary caste. In the Declaration and Resolves the First Continental Congress denounced the keeping of standing armies in the colonies by the British government in time of peace without the consent of the legislatures of the respective colonies as "against law," a charge levied against the Crown in the Declaration of Independence.[4] The Virginia Bill of Rights not only asserted that "standing armies in time of peace should be avoided as dangerous to liberty," but insisted on the strict subordination of the military to the civil power "in all cases."[5] Even General Washington paid tribute to this entrenched opposition to standing armies when, in his last circular letter to the states (June 8, 1783), he stressed the importance of placing the militia "upon a regular and respectable footing" in order to set up a proper peace establishment for the United States.[6]

Added to this pervasive anti-military cast of mind was an abiding fear of executive usurpation, expressed both on the state and the national levels. The state constitutions narrowly defined the powers granted to their governors, and four states used the term "president" instead of governor, indicating in fact that the executive authority was shared with a council of state.[7] Even more significant for the exercise of war power, the Continental Congress, both the First and Second, designated its chairman as "The President," but that official's duties were largely confined to presiding over the Congress, and he possessed scarcely a shred of executive or administrative functions.[8]

In practice these fundamental principles profoundly shaped the conduct of the Revolutionary War and the administration of military affairs during the years of the Confederacy. Certain policies and certain decisions taken as early as 1775 were not only to determine the locus of the warmaking power, the control of the army, and the making of the peace, but were to cast a long shadow ahead.

When John Adams argued that the issue of war should be one of those areas "sacredly confined" to Congress,[9] his views were adopted both in law and in practice. The Second Continental Congress had the general oversight of the war, appointed a commander-in-chief and other general officers, set up a navy, chose naval officers, and kept a tight rein on the purse strings. While immense discretion was vested in the commission to George Washington, who was given "full power and authority to act" as he should "think for the good and welfare of the service," he was charged not only with regulating his conduct "in every respect" by "the rules and discipline of war," with which he was provided, but enjoined "punctually to observe and follow such orders and directions from time to time as you shall receive from this or a future Congress of the said United Colonies or a committee of Congress for that purpose appointed." Specific instructions required Washington to make a return to the Congress of all forces, military stores and provisions under his command, as well as the numbers of the British forces in America, enjoined him from disbanding any of the troops he raised "until further direction of this Congress," placed a ceiling on the number of troops he was authorized to recruit (not to exceed "double that of the enemy"), and in the absence of positive instructions for emergencies, required him to consult with his council of war.[10]

Despite the degree of discretion entrusted to the commander-in-chief, Congress kept the control of the war in its own hands. On June 12, 1776 it set up a board of War and Ordnance, charged with maintaining a register of troops, keeping accounts of military stores, forwarding dispatches of Congress, and caring for prisoners of war.[11] Congress still retained supreme warmaking authority, acting now on reports from both the Commander-in-Chief and the Board of War and Ordnance. The latter was supplanted the following year by a new Board of War, comprising three individuals who were not members of Congress and, in addition to the powers of the old Board, was authorized to superintend the construction and management of military buildings and to supervise recruiting. Congress or a committee thereof reserved the right to inspect the proceedings of the new Board.[12] The prestige of the new Board was irreparably damaged by its association in the public mind with a cabal against General Washington, and, as a result, it was reorganized on October 29, 1778 to constitute a mixed commission: three members from outside the ranks of Congress and two from the members of Congress.[13] Its chief function was to investigate the armies to determine whether the "regulations of Congress" were being properly executed,[14] and to the end it remained an agency of the Congress. Even the appearance of executive departments by early 1781,[15] including the creation of a Secretary at War, did not perceptibly diminish the authority of Congress in military affairs.

Meantime, on March 1, 1781, the Articles of Confederation had gone into effect. Since the Articles did not provide for an independent executive branch, "the sole and exclusive right and power of determining peace and war" was vested in Congress (Art. IX), except where states were "actually invaded" or being apprised of a resolve of an Indian nation to invade, and "the danger" was "so imminent as not to admit of a delay till the United States in Congress assembled can be consulted" (Art. VI). The States were forbidden to maintain naval or military forces in peacetime "except such number as shall be deemed necessary by the United States in Congress assembled, for the defense of such state, or its trade" or "deemed requisite to garrison the forts necessary for the defense of such state." On the other hand, the States were expected to maintain "a well-regulated and disciplined militia" (Art. VI). Article VIII provided that "all charges of war" and other expenses incurred for the common defense or general welfare, and allowed by the Congress, should be defrayed out of a common treasury.[16]

Despite these explicit restrictions on the power of the States to conduct war and conclude treaties, the States, in direct contravention of the Articles, did on occasion, as James Madison lamented at the Constitutional Convention, ignore such limitations. Even during the Revolution there were unauthorized operations by states, as in the case of the ill-starred descent of the Massachusetts army in 1779 on the Penobscot forts and much of the conduct of the early part of the war in the Southern States.[17]

Recognizing, as James Madison later remarked, that to declare war was "one of the most deliberative acts that can be performed," the framers of the Constitution were concerned, first of all, that the war powers would remain lodged in the legislative branch of the government, wherein they had been previously vested. They were also concerned that the warmaking proclivities of individual states be drastically curbed, while the executive arm, which they were in the throes of fashioning. be given the kind of emergency powers for military defense which the Secretary at War had never been able to exercise effectually.

Considering the stakes involved, it attests to the degree of unanimity among the Founding Fathers that the clause in the Constitutional draft "to make war" stirred up so little debate. There was some question whether the warmaking power be vested in the entire Congress or just the Senate. Charles Pinckney of South Carolina favoring the letter as the repository of such power. It is noteworthy that Pierce Butler, his fellow delegate, was the only member of the Convention on record who favored vesting this power in the President. As has frequently been pointed out Messrs. Madison and Gerry moved to substitute "declare" for "make" war, in order to leave to the Executive "the power to repel sudden attacks." Significantly, those who spoke to this motion all expressed concern lest the warmaking powers of the President be enlarged. Elbridge Gerry declared that he "never expected to hear in a republic a motion to empower the Executive talons to declare war"; Oliver Ellsworth reminded his fellow delegates that it "should be more easy to get out of war, than into it," and George Mason expressed himself as firmly "against giving the power of war to the Executive," on the ground that he was "not safely to be trusted with it." Supporting "declare" instead of

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"make," Mason asserted that "he was for clogging rather than facilitating war; but for facilitating peace." The motion carried by eight states to one, Ellsworth, being persuaded by the observation of Rufus King that "*make*" war might be understood to "conduct" it, "which was an Executive function,"[18] waived his objections to the change.

The Constitution as finally adopted, in Article I, sect. 8 vests in Congress the right to declare war and to raise and support armies, but limits appropriations of money to their use to a maximum of two years. It further empowers Congress to provide and maintain a navy, to make rules for the government and regulation of the land and naval forces, and to call forth the militia to execute the laws of the Union, suppress insurrections, and repel invasion. Article II, sect. 2 describes the President as Commander in Chief. Thus the Constitution clearly distinguishes between declaring war and supporting it on the one hand, and conducting its operations on the other. So far the country was prepared to go in 1787 in entrusting to the Executive a portion of the war powers, but no further.

The remarks on the floor of the Convention by delegates who were later to oppose the ratification of the Constitution reveal an immense concern on the part of the Antifederalists about the assumption on the part of the Executive of any portion of the warmaking powers whatsoever. In the Virginia Ratifying Convention Patrick Henry expressed his alarm over the prospect of "a standing army," charged that the Constitution "squints towards monarchy," and raised the spectre of a President "in the field, at the head of his army," prescribing "the terms on which he shall reign master."[19]

To allay fears that the warmaking powers under the Constitution would subvert republican institutions, the authors of *The Federalist* papers took pains to construe the President's role rather narrowly. So ardent an advocate of executive energy as Alexander Hamilton felt it expedient to remind his readers in *Federalist* No. 69 that the President as commander-in-chief had far less powers than the King of Great Britain. The latter could not only declare war but could raise and regulate fleets and armies, "all which, by the Constitution under consideration, would appertain to the legislature." Hamilton, who took a pessimistic view of the springs of human action, was not prepared, in the 75th *Federalist*, to place at the "sole disposal" of the President "interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world." From these words one could reasonably infer that, regardless of how he may have felt a decade later, when he was second in command of the army, Hamilton would not have been prepared to interpret the President's powers as commander-in-chief as extending beyond the defense against invasion, except for specific legislative sanction, and clearly not authorizing the President to embark upon overseas military ventures on his own. Such an interpretation is reinforced by a reading of the 8th *Federalist*, wherein Hamilton seeks to reassure the public that there will be no need for a large standing army, by the 24th *Federalist*, in which he reminds his readers that "the whole power of raising armies was lodged in the *legislature*, not in the *executive*," and wherein he singles out the clauses forbidding appropriations for the support of an army for more than two years, thereby preventing the vesting in the Executive Department of permanent funds for the support of an army (*Federalist* No. 26), a point which Madison also stresses in the 41st *Federalist* paper. Finally, it should be added that John Jay, in the 3rd *Federalist* paper, sought to allay fears that the federal government would provoke wars and to remind his readers that states had shown a far greater warlike propensity than the federal government, certainly toward the Indians.

Indeed, it is a fair inference from the debates on ratification and from the learned analysis offered by the *Federalist* papers that the warmaking power of the President was little more than the power to defend against imminent invasion when Congress was not in session. Even Jefferson, who was a critic of some aspects of the Constitution, felt reassured. In a well-known letter to James Madison in 1789, he said, "We have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay."[20]

So much for the warmaking powers spelled out in the Constitution. Let us now consider briefly how these powers were executed in practice by the earliest Presidents. Fortunate indeed was the country in its early Chief Executives who executed their powers as commander-in-chief with prudence and restraint. As commander-in-chief during the American Revolution, Washington, at the time of the Newburgh Address, had demonstrated his abhorrence of the use of military power to coerce the Congress. His disinterested stand has long been a classic example of military restraint and stands as a noble tribute to the republican principle that the civilian arm is supreme over the military.

Two of the occasions in which President Washington used the army or the militia might be considered as authorized by the Constitution. The operations to dislodge Indians from territory awarded the United States by the peace of 1783 could well be considered as repelling invasion. Without consulting Congress, Secretary of War Knox, who had the exclusive management of Indian Affairs, issued orders to commanding officers to advance against the Indians, and such wars might be considered as having been waged largely on Presidential initiative and direction.[21] Likewise it was Washington, not the Congress, who issued a proclamation calling upon the Whiskey insurrectionaries to disperse, himself furnishing the only example in history of a President taking the field with his troops.[22]

More crucial, perhaps, to the enlargement of the President's warmaking powers was Washington's Proclamation of Neutrality. Its issuance in 1793 provoked a public debate between Alexander Hamilton and James Madison, in which the latter argued that since the execution of such a power might commit the country to a course which would lead to war, it therefore belonged to Congress. In short, a proclamation of neutrality was merely the negative side of a declaration of war. Hamilton, to the contrary, argued that the power to issue such a proclamation inhered in the executive power which the Constitution vested in the President. "If the Legislature have a right to make war on the one hand," Hamilton maintained, "It is, on the other, the duty of the executive to preserve peace till the war is declared."[23] Supporting neutrality, Chief Justice John Jay charged a grand jury at Richmond, Virginia, in 1793 that "until war is constitutionally declared, the nation and all its members must observe and preserve peace."[24]

Washington managed to avoid war with a major power while his successor, John Adams, was nudged into fighting an undeclared naval war with France largely as a result of the pressure of the warhawks in his own party. Congress authorized the President to instruct the naval commanders to seize any armed French vessels whether in United States territorial waters or on the high seas, and there ensued an undeclared war, initiated by Congress at the President's request, a war which the Supreme Court later designated an "imperfect" war as distinguished from a "solemn war," the latter requiring a declaration of Congress.[25]

Not only did President Adams seek to construe his war powers strictly and in accordance with the Congressional mandate, but he went so far as in effect to divest himself of his role as commander-in-chief, and, with Senate approval, confer it upon George Washington. Had the more extreme members of the President's own party possessed the votes, they would have issued a declaration of war over the President's head, a possibility that also confronted President McKinley in the Spanish-American War. Both occassions posed serious threats that Congress, or a portion thereof, would declare war without a recommendation by the President.[26] Instead, President Adams showed admirable restraint, and has provided us with a model for our own day of how to wind down an undeclared war. Realizing that elements within his own party were seeking to convert an undeclared naval war into an unrestrained expansionist move and receiving informal assurances that France would receive respectfully an American minister plenipotentiary, he named a tripartite commission to go to France and settle outstanding issues between the two nations. As a supporting step, Congress on February 20, 1800 passed an act suspending further enlistments in the Army until the next session of Congress or a declaration of war. That act was followed by a supplementary law authorizing the discharge of officers and men, who had already enlisted, at an early date. News from Paris seemed so auspicious that on May 14, the last day of the session, President Adams signed the act, thus marking the end of the controversial Provincial Army, which was soon disbanded. At the end of the session Congress reduced the military appropriation from over four million dollars to approximately three million. By the next session Congress had stripped the armed forces of their offensive armaments, and in effect ended the nation's capacity to carry on the undeclared war.[27]

Finally, a convention was entered into by the two nations under which the quasi-war was brought to a close and the troublesome alliance with France terminated. Historians emphatically support John Adams' own estimate of his courageous decision to dispatch the mission to France as "the most disinterested, the most determined and the most successful of my career."[28]

In short, President Adams, by construing his war powers strictly, by avoiding a call upon Congress for a declaration of war, and by securing support of a majority in Congress for a curtailment of military operations, combined with effective Presidential diplomacy, managed to wind down successfully an undeclared war with a major power, a war whose continuance could have been seriously detrimental to this nation's welfare.

If John Adams were here today I am confident that he would give his wholehearted support to the proposed bill S. 731 "to make rules respecting military hostilities in the absence of a declaration of war." No one today can presume to speak for the Founding Fathers on this grave issue, but to a lifelong student of the early days of the republic the proposed bill, considered in conjunction with Senate Resolution 85 of the 91st Congress, first session, defining "national commitments," is calculated to provide those safeguards for the exercise of warmaking intended by the drafters and ratifiers of the Constitution without hampering the President in his capacity as commander in chief to act in defense of national security. Nor does it inhibit his capacity to operate in an emergency with that dispatch which, as John Jay long ago pointed out in the 64th *Federalist* paper, is a distinctive attribute of the Presidential power.

Footnotes at end of article.

CONCLUSION

Those who would defend the enormous expansion of the President's warmaking powers make much of the differences between the posture of the United States today and in 1789. That the problems were of far less complexity is a fact readily conceded, but to the Founding Fathers the peril to the young nation from foreign wars seemed no less grave than it does today. What is amazing to us in retrospect is the modesty of the foreign affairs operation. When in 1788 a committee of Congress investigated the administration of the office of Secretary for Foreign Affairs, a post then held by John Jay, they reported that the Department consisted of two rooms, one for the Secretary and the other for his two clerks—quite a contrast to the farflung bureaucracy which handles similar tasks today! The Department of State continued as a relatively simple operation under Jay's successor Thomas Jefferson. In 1970 the Chief Clerk pointed out that he kept the consular returns in the bottom right hand drawer of his desk, while foreign proceedings, including ratification and letters to European powers were stuffed in a left hand pigeon-hole. This is a far cry from the style and scale of operations conducted today by the Department of State, the National Security Council, and other agencies of the Executive arm.

The argument has repeatedly been made that the relationships governing the warmaking powers spelled out in the Constitution and shaped by early precedents were better-fitted for the era of the pigeon-hole filing system of Secretary of State Jefferson and no longer relevant to the world of electronic data systems, and that the position of the United States in the Nuclear Space Age dictates an enlargement of Presidential powers to respond immediately to threats to our national security. It is my contention that the bill introduced by Senator Javits covers all these contingencies.

The fact is that our most extensive and serious recent involvement overseas did not appear like a flashing meteor in the skies but resulted from a state of political erosion in Indochina which goes back for a quarter of a century. Indubitably during that substantial period of time there must have been some moment when the issue of war or peace could have been put to Congress on a basis more candid and substantial than the Gulf of Tonkin Resolution. Instead, in the absence of candid communication between the Executive and Congress we have seen a phantom undeclared war which is supposed to contract but actually escalates, which is supposed to shorten but spitefully drags on. The 30-day time period provided by the present bill amply safeguards the essential powers of the President for instant response but assures an opportunity for that sober second thought about the necessity for continuing military operations. It provides that national consensus for going to war so woefully lacking in the present operation.

Lastly, the use of the Executive Agreement to bypass the Senate's role in treatymaking may commit the nation in secrecy to a perilous course—the dread possibility that the framers of the Constitution sought to obviate. This bill, by defining a national commitment to mean one "affirmatively undertaken by Congress and the President," would restore those safeguards prudently inserted into the Constitution by men who were generally agreed that going to war and continuing at war were too serious and awesome responsibilities to be left to the decision of one man alone.

FOOTNOTES

[1] Thomas Paine, *Letter to the Abbé Raynal* (Philadelphia, 1782).

[2] Richard B. Morris, *The Emerging Nations and the American Revolution* (New York, 1970), pp. 51, 52.

[3] Marquis de Condorcet, "The Influence of the American Revolution in Europe," trans. by Durand Echeverria, *William and Mary Quarterly*, XXV (1968), 99–100.

[4] *Journals of the Continental Congress*, ed. by Worthington C. Ford (34 vols., Washington, D. C., 1904–1937), I, 63–73. These assertions echoed the resolves drawn up by Samuel Adams and adopted by the Town of Boston, October 28, 1772, "Boston Town Records, 1770–1777," Boston Record Commissioners, *18th Report* (1887), pp. 88–108.

[5] W. W. Hening, ed., *The Statutes-at-Large, being a Collection of all the Laws of Virginia* (13 vols., Philadelphia and New York, 1823), IX, 110.

[6] Worthington C. Ford, *Writings of George Washington* (14 vols., New York, 1891), X, 254–265.

[7] Gordon S. Wood, *Creation of the American Republic* (Chapel Hill, 1969), pp. 132–150; Allan Nevins, *The American States During and After the Revolution, 1775–1789* (New York, 1924), pp. 117–205.

[8] Edmund C. Burnett, *The Continental Congress* (New York, 1941), p. 34.

[9] John Adams, "Thoughts on Government," in C. F. Adams, ed., *Works of John Adams* (10 vols., Boston, 1850–1856), IV, 193–200.

[10] *Journals of the Continental Congress*, II, 96, 97.

[11] *Ibid.*, V, 434.

[12] *Ibid.*, VIII, 365; IX, 818–820.

[13] *Ibid.*, XII, 1076.

[14] *Ibid.*, IX, 818–820.

[15] The Secretary of Marine set up at this time became part of the Department of Finance. See J. B. Sanders, *Evolution of the Executive Departments of the Continental Congress, 1774–1789* (Chapel Hill, 1935).

[16] The crucial article was originally adopted after little if any debate. *Journals of the Continental Congress*, V, 679.

[17] See Allan Nevins, *The American States*, pp. 658, 659.

[18] *Documents Illustrative of the Formation of the Union* (Washington, D.C., 1927), pp. 561, 562, and note.

[19] *Debates and other Proceedings of the Convention of Virginia, Convened at Richmond, on Monday the 2nd day of June 1788, for the purpose of deliberating on the Constitution recommended by the Grand Federal Convention* (3 vols., Petersburg, Penna., 1788–89). Similarly, "Cato" [George Clinton], New York *Journal*, Nov. 8, 1787; an "Old Whig," Philadelphia *Independent Gazetteer*, Dec. 4, 1787, in Robert S. Hirschfeld, *The Power of the Presidency* (New York, 1968), pp. 24–29.

[20] Julian P. Boyd, ed., *The Papers of Thomas Jefferson* (Princeton, 1955), XV, 397.

[21] See Harry M. Ward, *The Department of War, 1781–1795* (Pittsburgh, 1962).

[22] See Richard B. Morris, *Great Presidential Decisions* (New York, 1969), pp. 21–24.

[23] *Letters of Pacificus: Written in Justification of the President's Proclamation of Neutrality* (Philadelphia, Samuel H. Smith, 1796). For James Madison's first "Helvidius" letter, see Hirschfeld, *Power of the Presidency*, pp. 55–61.

[24] *Correspondence and Public Papers of John Jay*, ed. by Henry P. Johnston (New York, 1891), III, 485.

[25] *Public Statutes at Large of the United States of America* (Boston, 1840), I, 578. A few weeks earlier Congress authorized the commanders of U.S. merchant ships to resist attack from, or seizure by, any French ship and to capture the attacking craft if possible. *Ibid.*, p. 574. *The Eliza*, 4 Dall. (1800) 37. In *Bas* v. *Tingey*, 4 Dall. 43 (1800), Justice Chase used the term "limited, partial war" to describe the quasi-war with France.

[26] See Stephen G. Kurtz, *The Presidency of John Adams* (Philadelphia, 1957), p. 311; Manning J. Dauer, *The Adams Federalists* (Baltimore, 1953), pp. 168–170, 188. For the Spanish-American War, see Henry F. Graff, "Participatory Foreign Policy," *New Leader* (Mar. 2, 1970).

[27] See Alexander De Conde, *The Quasi-War* (New York, 1966).

[28] Richard B. Morris, *Great Presidential Decisions*, pp. 49–55.

THE CONSTITUTION AND THE WAR POWER: SOME OBSERVATIONS

(By Prof. Alfred H. Kelly, Wayne State University)

Senators, a very great deal has been published or uttered on the subject of the Constitution and the war power thereunder, and I am not at all certain that a specialist in American constitutional history can add anything particularly new or profound to the current discussion. But I offer these observations in the hope that they may contain a little something of value.

Two things strike a constitutional historian when he considers the war power as the 1787 Convention dealt with the matter. First, the delegates rather carefully isolated and distinguished at least four distinct types of power having to do with the waging of war. First, and most obvious, they lodged in Congress the *power to declare* (but not to wage war). This power they granted to the legislature unconditionally, this despite the crumbling of that power that has taken place in the "living Constitution" in the last thirty years. Second, they lodged in the President subject only to senatorial limitations on the appointive power and the indirect limitations of the congressional appropriations provision, command of the armed forces of the United States. Third, they bestowed upon the President, subject to senatorial treaty limitations, an indeterminate prerogative in the conduct of foreign relations, a sweep of prerogative perhaps best described by Hamilton in his 1793 Pacificus papers as resting upon the introductory clause in Article II confiding the executive power to the President, rather than upon a specific enumeration of delegated executive functions. This view of the foreign policy prerogative has been confirmed by the Supreme Court of the United States in the well known Curtiss-Wright case[1]; it contrasts sharply with the generally limited character or indeed the entire absence of internal executive prerogative, as the Youngstown case in 1952 made clear.[2] Finally, as everyone here knows, the exclusive congressional power to appropriate constitutes a general check upon executive discretion in the twilight area between foreign policy, military commitment, and war. But the point I wish to make here is that Madison's Notes on the Convention make it pretty clear that the Convention associated, and yet distinguished, all four of these functions as they impinge upon the entering upon and conduct of war—and association and distinction that was quite evidently deliberate, and which obviously accorded very well with the general notion of checks and balances of that day. The view of the warpower taken by the authors of the *Federalist Papers* in general accords very well with this interpretation.

Less obvious is a second characteristic of the way the Constitution handles the war power—which seems to me to be essential to an understanding of the breakdown of the traditional executive-congressional relationship with respect to that function which has occurred in the last thirty years: the Constitution embodies both a classic rationalistic Enlightment and a Republican view of the relationship between peace and war. The Constitution first draws an extremely sharp differentiation between the state of peace, in which the nation ordinarily finds itself, and the state of war, an extraordinary legal state which can be arrived at only through a specific constitutional process.

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[1] United States v. Curtiss-Wright Export Corporation, 299 U.S. 304 (1936).

[2] Youngstown Sheet and Tube Co. v. Sawyer, 343 U.S. 579 (1952).

To put the matter differently the constitution treats peace as the normal state of affairs; while it considers war to be abnormal. The nation, the Constitution implicitly assumes, will normally be at peace; war is a special and extraordinary condition, which brings into operation a whole series of extraordinary constitutional potentialities, i.e., with respect to habeas corpus treason, the right of the states to repel invasion and so on. The Constitution also assumes that the progress of a war itself will move toward specific termination via another well defined constitutional process—that of the treaty power. This view of war, which displaced an older circumstance of the state system under which the distinction between peace and war was blurred, and which treated fighting as the normal business of states, had been gaining some ground since its clear formulation by Hugo Grotius early in the seventeenth century.

But what is perhaps more to the point here, this view of war which the Constitution embodies was extraordinarily prescient in that it turned out to fit precisely that American pattern of belief and practice about war which made its appearance with the emerging synthesis between the American constitutional system and political democracy in the course of the nineteenth century.

For the American people, as time progressed, increasingly embraced the notion that peace was the normal state of affairs for a constitutional democracy. They assumed—and the assumption is already clearly evidenced in Madison's call for war against Great Britain in 1812—that was was so extraordinary, extraconstitutional and anti-democratic a state of affairs as to be justified only when the nation was put in peril by direct attack. Further they assumed, correctly enough, that the Constitution entrusted the reluctant recognition of that extraordinary state of affairs to a formal declaration by the legislative representative of a whole people. The situation created by the half-war with France in 1798 and the subsequent punitive measures against the Barbary Pirate states I would regard as obsolescent constitutionally at the time they occurred, although it is to be observed that Congress sanctioned the Quasi war with France through the adoption of at least four major legislative measures.

This view of an extremely sharp constitutional distinction between peace and war—which treated peace as normal and war as an abnormal state of affairs, justified only as an act of self-defense, gained ground both in executive and legislative practice and in the popular conception of the realities involved throughout the course of the nineteenth and early twentieth centuries. Thus the dominant pattern of political belief required President Polk, on the eve of the Mexican War in 1846, to announce that "American blood has been shed on American soil; war exists by act of the Republic of Mexico". Again in 1898, it was Spain's aggression against Cuba—on our doorstep—which led to intervention and a formal declaration. In 1917, Wilson, profoundly aware of the imperatives of the American peace-war process, waited for the "overt act" by Germany against American shipping before asking for a declaration of war. And the formal design of war declaration in World War II, arising as it did out of the Pearl Harbor crisis, where the Japanese attack once again satisfied the deepest requirements of American conviction and belief, was constructed in the same fashion. Even the Civil War, by the time of its onset a conflict between two constitutional entities both dedicated to this already traditional concept of the peace-war relationship, began, with Confederate attack on Fort Sumter, a development Lincoln had intuitively recognized as essential were the appropriate northern response of "self-defense" to be generated. Thus, there was, for more than 150 years of national life, an intimate and harmonious relationship between constitutional provision, the "living Constitution", and the deepest well-springs of popular democratic belief.

There was another element in this nineteenth and early twentieth century formula: the role the United States occupied in the state system, together with the existing state of technology of the time. The sharp and special constitutional designation of war as a peculiar and abnormal legal state of affairs fitted exactly a world in which the United States, between 1815 and 1940, dwelt in a state system virtually devoid of the ancient hereditary European curse of imminent natural enemies. In the western hemisphere, the United States confronted only decaying empires and technologically and politically weak and disorganized states—none of them capable of menacing American security. As for Europe, the much abused European balance of power system, the existing state of technology in relation to the great ocean barrier, and the quasi-alliance and special understanding which gradually grew up between Britain and America protected the United States from any serious menace. On its part, the United States renounced all power-state pretensions to a role in Europe; as Monroe put it, "with the affairs of Europe, we have no concern . . .". This state of affairs fitted in precisely with a constitutional system which isolated war as a legal abnormality and with a popular myth which treated war as having a special and extraordinary character to be invoked only under the myth of self-defense—the democratic idea of a *bellum justum*.

Even in this near-pastoral state of affairs, the steady growth of executive prerogative in the nineteenth century brought about, in a number of instances, a certain degree of impingement upon the constitutional war powers of Congress. The process of American constitutional history, viewed from one possible point of view, is the story with many advances and retreats of the steady expansion of executive power—prerogative power, if one wishes to put it that way, in spite of what the Court has chosen to say about the matter. The entrance of the Executive upon the area of the declaratory power with respect to war, i.e., the lessening of the distinction between "declaring" and "waging," so as to increase Executive discretion and lessen that of Congress, is no exception to the general rule. Already in 1950, Henry Steele Commager was able to document at least 140 distinct instances of executive initiative in something like war-making—i.e., the resort by the President in his role as Commander-in-Chief to the movement of armed forces in such a way as to increase the potential for war as a matter of executive choice and at the same time to lessen the range of discretionary choice in the exercise of its declaratory powers open to Congress. I do not mean thereby to indicate any acceptance on my part of the too-often elucidated argument that there is no difference between the constitutional balance between Congress and the Executive with respect to peace-war discretionary power that existed before 1940 and that which exists today. Such an assumption, in the opinion of this observer, is false.

The underlying reasons for the major disturbance in the constitutional balance in war-making power between Congress and the Executive which characterize the last thirty years are rather evident to everyone in this room and need no extensive elucidation here. They include the destruction, between 1914 and 1950 of the self-maintaining European balance of power system, together with the concomitant destruction of the ocean barrier, which to paraphrase Walter Lippmann has ceased to be a barrier and has become instead a three- or four-dimensioned highway. Equally evident is the role of atomic weaponry in impinging upon the area of discretionary rational calculation with respect to decisions to pass from peace to war, so that the rationalistic Enlightenment assumption of reasonable calculation, embedded as it is in our constitutional system, has been upset and in part thrust into the background. (It is in this sense, in part, that the initiation of war, as distinct from the waging of war, has to some extent tended to become an a-rational act.). Third, and this is perhaps the most devastating development of all, the emergence of the United States as the principal guardian of a gigantic power sphere in which a constant posture of war-wilingness against a series of potential aggressor imperiums has tended to undermine if not destroy entirely the "peace is normal; war is abnormal" conception both of constitutional life and of the international order as they developed in the nineteenth century.

The tragedy of a polarized world, in which a geographic power area has to be defended against constant potential incursion or redefinition by other states, is that it creates a state of affairs at odds with the fundamental rationalistic republican and democratic genuis of the American constitutional system. But the American people, it is extremely important to observe, still adhere to the assumption of the "peace is normal—war is abnormal" belief, to their belief in the imperative necessity of maintaining the concept of the democratic *bellum Justum* rather than the notion of war for the sake of defining power boundaries, and to their belief in the importance of maintaining the element of rationalistic and discretionary public analysis as a function of decisions as to peace versus war. It is within this frame of reference of belief that the Javits bill is before the Committee today.

In this complex of beliefs and constitutional practices obsolete? Is it simply to be dismissed as a victim of what sociologists sometime fondly label "cultural lag?" It is certainly a possible argument. An examination of the history of attempts by the Congress, particularly the Senate, since 1950 to protect, defend, and preserve some element of genuine legislature discretion with respect to peace—war decisions yields a distinctly pessimistic conclusion—there has been a slow but steady distintegration—or at least decline—of the extent of congressional control of that discretion. The record is one of a series of frustrated expressions of good intent, resolutions piled upon congressional resolution in defense of Congressional Constitutional prerogative, all to no great purpose.

There were two decisive "breaks" in the continuity of peace-war relationships between Executive and the Congress, which tended, when taken together, to damage very badly the traditional balance of power with respect to peace-war decisions between Congress and the Executive. The first occurred between May of 1940 and December 7, 1941, when President Roosevelt was able to mobilize mass popular support to sanction a series of executive acts of war—properly described as that when seen in the context of international law—beginning with the Destroyer-Base deal and ending with the convoy system instituted against the "rattlesnakes of the Atlantic" which took from congressional hands the discretionary peace-war decision with respect to the struggle in Europe. This is intended as no criticism of Franklin Roosevelt. On the contrary, the constitutional tragedy lies precisely in the fact, seen in the light of our present knowledge of the historical events involved, that the exercise of presidential prerogative which stretched the limits of the Constitution well beyond the breaking point appear to have been necessary to national survival. The Presidential measures were not acts of irrespsonible executive despotism; rather the contrary, although I have always regarded it as doubly tragic that they did on occasion involve some considerable manipulation both of factual and legal realities, a state of affairs which has been known to recur since that time.

The second major "break" in congressional-executive relations with respect to the war power came in two developments in 1950, both of them in connection with the defense of the newly emergent American power sphere in Asia and Europe, which the United States now was charged with maintaining and defending. The first was President Truman's decision in June, 1950, to intervene militarily against the Communist aggression in South Korea, and thus to take the United States, by an act of executive discretion alone, into a large scale war on the continent of Asia. I am aware that the President acted nominally in defense of obligations of the United States to the United Nations, in spite of the fact that the United States had never assigned police forces to the U.N., nor had it implemented the earlier United Nations Participation Act of 1945.

The second, and closely related circumstance in point of time and national policy, was the decision of the Truman Administration that year to place seven divisions in Germany as a kind of trip-wire against potential Soviet aggression. Now in spite of the argument to the contrary which relies heavily upon the 140 precedents cited earlier, I would contend that from a constitutional point of view this move was entirely unprecedented. Seen from our vantage-point now, it constituted a dangerous break in constitutional continuity. For never before had a President moved armed forces of such a number and character as to imply total national military commitment outside the confines of the United States or its territorial environs and possessions, let alone overseas into the ancient cockpit of European wars. To compare this situation with President Wilson's landing the marines at Vera Cruz in 1914 or the first Roosevelt's intervention in Santo Domingo in 1904 is to ignore power relations, war potential, commitment, and geography. Again, the Executive's decision cannot be condemned merely as an act of irresponsible presidential despotism. The decision, with all its tragic potential, was in a sense necessary. But it exposed a certain tragic inconsistency between the ancient peace-war balance between Congress and the Executive in the American constitutional system, and the exigencies of the decision-making process in the marginal area between diplomacy and war inherent in the defense of the new American power system.

It would be too much to label the various senatorial and congressional resolutions since 1950 which represent attempts to recoup the congressional discretion in the war declaratory power as exercises in futility, but they certainly have not succeeded to any important degree in restoring the constitutional balance which existed in the matter before that time. The outcome of the "great debate," staged in the Senate early in 1951 over presidential versus Congressional warpower—a debate precipitated by Senator Robert Taft's stern speech denouncing executive "usurpation of power" in "violation of the Constitution and laws of the United States" was a serious defeat for the champions of congressional constitutional war-declaring prerogative. Not only did the President refuse to yield up any acknowledgment of wrong-doing either in Europe or America; what was more significant, the Senate itself finally in effect quietly resigned itself to the adoption of a very weak resolution declaring it to be "the sense of the Senate" that "in the interests of sound constitutional process . . . congressional approval should be obtained on any policy requiring the movement of American troops abroad . . ."

The precedents here were decisive. President Eisenhower did gain congressional concurrence in his decision to defend the offshore Chinese islands in 1958. But the Executive-determined military intervention in Lebanon in 1958, the Kennedy moves in 1962 into Thailand and Vietnam, the "Cuban naval quarantine" of that same year (polite terminology for a blockade, a state of affairs described in all textbooks in international law as recognizing the technical existence of a state of war) all were taken without so much as a prior bow toward the congressional war-declaring discretion. In the same class was the 1965 intervention in Santo Domingo. And while the Tonkin Gulf Resolution of August, 1964 represented a certain recognition of congressional constitutional right, its ultimate effect was to weaken rather than to strengthen congressional prerogative, since the President used what amounted in force to nothing like a full declaration of war to mount a full-scale war in Southeast Asia. And as for the National Commitments Resolution of June 1969, declaring it to be the "Sense of the Senate" that no further overseas military commitments be undertaken without the consent of Congress, not only is it in force disturbingly like the abortive Senate resolution of 1950, to the same general end but also it has had so far no perceptible effect upon the executive—legislative constitutional balance with respect to war-peace decisions.

Let me now say a few words in support of the Senate 731, the Javits bill. The measure obviously poses few constitutional problems in the immediate sense, since however unprecedented it is in direct pursuance of the congressional war power. As an attempt to repair, implement and revitalize congressional discretion with respect to the war power, I believe that it expresses the will of the American people, in their long-standing conviction that "peace is normal; war is abnormal;" that for that reason a declaration of war requires some formal national affirmation, usually a democratic affirmation in support of the idea of a "bellum justum." It is as a reaffirmation of this spirit that the measure, I believe, has its achief value.

In terms of the Javits bill's practical efficacy as a means of imposing limits upon Executive discretion in crisis politico-military situations, I am less sure. The measure obviously is no panacea. Conceivably the limits upon emergency military action imposed upon the Executive in the bill might well have given the President pause on the eve of such acts of intervention as those in Lebanon or Santo Domingo, which, it would appear, would fall outside the four categories of authorized presidential authority to resort to military action. But it is debatable, both affirmatively and negatively, whether, if the Javits bill had been law at the time, it would have altered seriously the element of presidential discretion which led President Truman to make his fateful decision to interpose American military force against the Communist invasion of South Korea. (There were American defense forces on the scene in that state, and the President construed American action, correctly or not, as in defense of American obligations under the UN Covenant). Nor would the bill have had much meaning, beyond its formal applicability, had American ground forces in Germany at any time in the last twenty years been put under massive attack from across the Elbe. It is conceivable, of course, that the bill, if its spirit were carefully observed, would put a certain limitation upon potential American intervention in a Middle East crisis, although it is difficult, in that complex mess, to decide whether the provisions of the bill would be applicable to any of the variety of complex situations that might develop.

The thirty-day limitation on Executive acts of war authorized by the general terms of the bill but unsupported by a specific declaration is noble in intent, but again its efficacy, meaning, and applicability might be expected to vary greatly depending upon circumstances. Conceivably, it would be in situations like the Lebanon or Santo Domingo interventions where its limitations might be brought to bear most effectively. But it is scarcely conceivable that the thirty-day limitation would have much meaning in a Korean-type situation, or in the swift onset of a general war, where large-scale engagement with enemy ground forces had already occurred. And its irrelevance to a war situation where atomic weaponry had already come into play is too evident for extended comment.

What emerges is that a measure of this kind would not be likely to have any great force and effect in controlling the great crisis situations, upon which the onset of major wars have turned. The diplomacy, wise or not, which may have brought these situations about, also lies beyond the purview of the bill. In show-down military cases, neither the Executive nor the Congress are as a rule in possession of any very large measure of discretion as to the appropriate decisions, however tragic, which must be taken in the national defense.

On the other hand, the Javits bill, if enacted into law, might well be of some value in limiting Executive policy in those instances where some small scale intervention is contemplated of a kind that presumably lies outside the "enabling" provisions of the bill. Interventions of this kind, while sometimes justified, have a way of damaging badly the American image as a peace-loving constitutional democracy, while in at least one instance, that in Vietnam, it was a small-scale intervention of this kind which eventually was transformed, by a series of other seemingly secondary decisions, into a large-scale war.

A measure which does no more than give the Executive pause in such situations will have justified itself. In any event, the Javits bill expresses a belief which seems to me to be cherished rather widely by the American people today, regardless of any immediate opinions they may entertain about the present situation in Vietnam: that the exigencies of modern technology, diplomacy, and power have distorted rather too much the constitutional balance between Congress and the Executive with respect to those fateful decisions involving peace and war. In its attempt to correct that imbalance the Javits bill is at least a beginning.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR EAGLETON ON FRIDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Friday next, immediately following the recognition of the two leaders or their designees under the standing order, and action on any unobjected-to measures on the legislative calendar, the distinguished Senator from Missouri (Mr. EAGLETON) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TRANSACTION OF ROUTINE MORNING BUSINESS ON FRIDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the conclusion of the remarks by the distinguished Senator from Missouri (Mr. EAGLETON) on Friday morning next, there be a period for the transaction of routine morning business with statements therein limited to 3 minutes, the period not to extend beyond 10:45 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGULATION OF PUBLIC EXPOSURE TO SONIC BOOMS

The Senate continued with the consideration of the bill (S. 1117) to provide for regulation of public exposure to sonic booms, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of morning business on Friday next, the unfinished business, Calendar No. 42, S. 1117, be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM FOR FRIDAY, MARCH 19, 1971

Mr. BYRD of West Virginia. Mr. President, if the able assistant Republican leader has no suggestions, requests, or statements, I shall proceed to state the program for Friday.

On Friday next, the Senate will convene at 10 o'clock a.m., following the expiration of an adjournment.

Immediately after the disposition of the reading of the Journal, the recognition of the two leaders or their designees, and the transaction of any unobjected-to business on the legislative calendar, the distinguished Senator from Missouri (Mr. EAGLETON) will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business, not to extend beyond 10:45 a.m., following which the then unfinished business, Calendar No. 42, S. 1117, will be laid before the Senate. Time between 10:45 a.m. and 11 a.m.—if not needed for additional morning business—will be used for general debate on the bill and will be uncontrolled. Controlled time will begin running at 11 a.m.

Under the previous agreement, the consideration of any amendment, motion or appeal with respect to S. 1117 will be limited to 30 minutes, the time to be equally divided between the mover of such amendment, motion or appeal, and the distinguished manager of the bill (Mr. MAGNUSON). Amendments not germane will not be received, and time on the bill itself will be limited to 30 minutes, the time to be equally divided between the manager of the bill (Mr. MAGNUSON) and the distinguished minority leader or his designee.

Under the agreement, any Senator in control of time on the bill may allot time thereunder to Senators wishing additional time on any amendment, motion, or appeal—with the exception of a motion to lay on the table, of course.

Mr. President, a yea-and-nay vote has been ordered on S. 1117, and it should occur early in the day because of the limited time agreement.

Mr. President, I call attention once again to the fact that the calendar is clear, with the exception of the pending business, S. 1117, and it is hoped that all committees will utilize the time to report measures to the Senate for early consideration on the floor.

AUTHORIZATION TO RECEIVE MESSAGES FROM THE PRESIDENT OF THE UNITED STATES DURING ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that messages from the President of the United States may be received and appropriately referred during the adjournment over to Friday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. FRIDAY, MARCH 19, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. on Friday morning next.

The motion was agreed to; and (at 4 o'clock and 51 minutes p.m.) the Senate adjourned until Friday, March 19, 1971, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 16, 1971:

IN THE DEPARTMENT OF TRANSPORTATION

Herbert F. DeSimone, of Rhode Island, to be an Assistant Secretary of Transportation.

IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The nominations beginning Donald J. Florwick, to be commander, and ending Richard A. Zachariason, to be ensign, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 1, 1971.

HOUSE OF REPRESENTATIVES—*Tuesday, March 16, 1971*

The House met at 12 o'clock noon.

Rev. Bernard A. Peters, O.S.B., St. Joseph's Church, Maplewood, N.J., offered the following prayer:

Almighty God of infinite wisdom and understanding, we beseech You in these confused years to inspire the Members of this Congress with Your inspiration and care. Let them bear witness of Your principles, give them the strength and courage to form a right conscience and to follow it.

Let none of the hardships that are found in life cause faithlessness or impatience. Let them always declare themselves for the true and just. May their decisions be to their glory.

May we never forget our blessings and give thanks to Thee, from whom all blessings flow. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

CONFERENCE REPORT ON H.R. 4690, INCREASING PUBLIC DEBT LIMIT AND AMENDING SOCIAL SECURITY ACT

Mr. MILLS submitted the following conference report and statement on the bill (H.R. 4690) to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 92–42)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4690) to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE II—AMENDMENTS TO THE SOCIAL SECURITY ACT

INCREASE IN OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS

SEC. 201. (a) Section 215(a) of the Social Security Act is amended by striking out the table and inserting in lieu thereof the following:

“TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

“I (Primary insurance benefit under 1939 act, as modified)		II (Primary insurance amount under 1969 act)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
....	$16.20	$64.00 or less	....	$76	$70.40	$105.60
$16.21	16.84	65.00	$77	78	71.50	107.30
16.85	17.60	66.40	79	80	73.10	109.70
17.61	18.40	67.70	81	81	74.50	111.80
18.41	19.24	68.90	82	83	75.80	113.70
19.25	20.00	70.30	84	85	77.40	116.10
20.01	20.64	71.60	86	87	78.80	118.20
20.65	21.28	72.80	88	89	80.10	120.20
21.20	21.88	74.20	90	90	81.70	122.60
21.89	22.28	75.50	91	92	83.10	124.70
22.29	22.68	76.80	93	94	84.50	126.80
22.69	23.08	78.00	95	96	85.80	128.70
23.09	23.44	79.40	97	97	87.40	131.10
23.45	23.76	80.80	98	99	88.90	133.40
23.77	24.20	82.30	100	101	90.60	135.90
24.21	24.60	83.50	102	102	91.90	137.90
24.61	25.00	84.90	103	104	93.40	140.10
25.01	25.48	86.40	105	106	95.10	142.70
25.49	25.92	87.80	107	107	96.60	144.90
25.93	26.40	89.20	108	109	98.20	147.30
26.41	26.94	90.60	110	113	99.70	149.60
26.95	27.46	91.90	114	118	101.10	151.70
27.47	28.00	93.30	119	122	102.70	154.10
28.01	28.68	94.70	123	127	104.20	156.30
28.69	29.25	96.20	128	132	105.90	158.90
29.26	29.68	97.50	133	136	107.30	161.00
29.69	30.36	98.80	137	141	108.70	163.10
30.37	30.92	100.30	142	146	110.40	165.60
30.93	31.36	101.70	147	150	111.90	167.90
31.37	32.00	103.00	151	155	113.30	170.00
32.01	32.60	104.50	156	160	115.00	172.50
32.61	33.20	105.80	161	164	116.40	174.60
33.21	33.88	107.20	165	169	118.00	177.00
33.89	34.50	108.60	170	174	119.50	179.30
34.51	35.00	110.00	175	178	121.00	181.50
35.01	35.80	111.40	179	183	122.60	183.90
35.81	36.40	112.70	184	188	124.00	186.00
36.41	37.08	114.20	189	193	125.70	188.60
37.09	37.60	115.60	194	197	127.20	190.80
37.61	38.20	116.90	198	202	128.60	192.90
38.21	39.12	118.40	203	207	130.30	195.50
39.13	39.68	119.80	208	211	131.80	197.70
39.69	40.33	121.00	212	216	133.10	199.70
40.34	41.12	122.50	217	221	134.80	202.20
41.13	41.76	123.90	222	225	136.30	204.50
41.77	42.44	125.30	226	230	137.90	206.90
42.45	43.20	126.70	231	235	139.40	209.10
43.21	43.76	128.20	236	239	141.10	211.70
43.77	44.44	129.50	240	244	142.50	214.80
44.45	44.88	130.80	245	249	143.90	219.20
44.89	45.60	132.30	250	253	145.60	222.70
		133.70	254	258	147.10	227.10
		134.90	259	263	148.40	231.50
		136.40	264	267	150.10	235.00
		137.80	268	272	151.60	239.40
		139.20	273	277	153.20	246.80
		140.60	278	281	154.70	247.30
		142.00	282	286	156.20	251.70
		143.50	287	291	157.90	256.10
		144.70	292	295	159.20	259.60
		146.20	296	300	160.90	264.00
		147.60	301	305	162.40	268.40
		148.90	306	309	163.80	272.00
		150.40	310	314	165.50	276.40
		151.70	315	319	166.90	280.80
		153.00	320	323	168.30	284.30
		154.50	324	328	170.00	288.70
		155.90	329	333	171.50	293.10
		157.40	334	337	173.20	296.60
		158.60	338	342	174.50	301.00
		160.00	343	347	176.00	305.40
		161.50	348	351	177.70	308.90
		162.80	352	356	179.10	313.30
		164.30	357	361	180.80	317.70
		165.60	362	365	182.20	321.20
		166.90	366	370	183.60	325.60
		168.40	371	375	185.30	330.00
		169.80	376	379	186.80	333.60
		171.30	380	384	188.50	338.00
		172.50	385	389	189.80	342.40
		173.90	390	393	191.30	345.90

“I (Primary insurance benefit under 1939 act, as modified)		II (Primary insurance amount under 1967 act)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		$175.40	$394	$398	$193.00	$350.30
		176.70	399	403	194.40	354.70
		178.20	404	407	196.10	358.20
		179.40	408	412	197.40	362.60
		180.70	413	417	198.80	367.00
		182.00	418	421	200.20	370.50
		183.40	422	426	201.80	374.90
		184.60	427	431	203.10	379.30
		185.90	432	436	204.50	383.70
		187.30	437	440	206.10	385.50
		188.50	441	445	207.40	387.70
		189.80	446	450	208.80	389.90
		191.20	451	454	210.40	391.60
		192.40	455	459	211.70	393.80
		193.70	460	464	213.10	396.00
		195.00	465	468	214.50	397.80
		196.40	469	473	216.10	400.00
		197.60	474	478	217.40	402.20
		198.90	479	482	218.80	404.00
		200.30	483	487	220.40	406.20
		201.50	488	492	221.70	408.40
		202.80	493	496	223.10	410.10
		204.20	497	501	224.70	412.30
		205.40	502	506	226.00	414.50
		206.70	507	510	227.40	416.30
		208.00	511	515	228.80	418.50
		209.30	516	520	230.30	420.70
		210.60	521	524	231.70	422.40
		211.90	525	529	233.10	424.60
		213.30	530	534	234.70	426.80
		214.50	535	538	236.00	428.60
		215.80	539	543	237.40	430.80
		217.20	544	548	239.00	433.00
		218.40	549	553	240.30	435.20
		219.70	554	556	241.70	436.50
		220.80	557	560	242.90	438.30
		222.00	561	563	244.20	439.60
		223.10	564	567	245.50	441.40
		224.30	568	570	246.80	442.70
		225.40	571	574	248.00	444.40
		226.60	575	577	249.30	445.80
		227.70	578	581	250.50	447.50
		228.90	582	584	251.80	448.80
		230.00	585	588	253.00	450.60
		231.20	589	591	254.40	451.90
		232.30	592	595	255.60	453.70
		233.50	596	598	256.90	455.00
		234.60	599	602	258.10	456.80
		235.80	603	605	259.40	458.10
		236.90	606	609	260.60	459.80
		238.10	610	612	262.00	461.20
		239.20	613	616	263.20	462.90
		240.40	617	620	264.50	464.70
		241.50	621	623	265.70	466.00
		242.70	624	627	267.00	467.80
		243.80	628	630	268.20	469.40
		245.00	631	634	269.50	471.70
		246.10	635	637	270.80	473.90
		247.30	638	641	272.10	476.20
		248.40	642	644	273.30	478.30
		249.60	645	648	274.60	480.60
		250.70	649	652	275.80	482.70
			653	656	276.60	484.10
			657	660	277.40	485.50
			661	665	278.40	487.20
			666	670	279.40	489.00
			671	675	280.40	490.70
			676	680	281.40	492.50
			681	685	282.40	494.20
			686	690	283.40	496.00
			691	695	284.40	497.70
			696	700	285.40	499.50
			701	705	286.40	501.20
			706	710	287.40	503.00
			711	715	288.40	504.70
			716	720	289.40	506.50
			721	725	290.40	508.20
			726	730	291.40	510.00
			731	735	292.40	511.70
			736	740	293.40	513.50
			741	745	294.40	515.20
			746	750	295.40	517.00”.

(b) Section 203(a) of such Act is amended by striking out paragraph (2) and inserting in lieu thereof the following:

“(2) when two or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for January 1971 on the basis of the wages and self-employment income of such insured individual and at least one such person was so entitled for December 1970 on the basis of such wages and self-employment income, such total of benefits for January 1971 or any subsequent month shall not be reduced to less than the larger of—

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B) an amount equal to the sum of the amounts derived by multiplying the benefit amount determined under this title (including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section), as in effect prior to the amendment of this subsection in March 1971, for each such person for such month, by 110 percent and raising each such increased amount, if it is not a multiple of $0.10, to the next higher multiple of $0.10;

but in any such case (i) paragraph (1) of this subsection shall not be applied to such total of benefits after the application of subparagraph (B), and (ii) if section 202 (k)(2)(A) was applicable in the case of any such benefits for January 1971, and ceases to apply after such month, the provisions of subparagraph (B) shall be applied, for and after the month in which section 202(k)(2)(A) ceases to apply, as though paragraph (1) had not been applicable to such total of benefits for January 1971, or".

(c) Section 215(b)(4) of such Act is amended by striking out "December 1969" each time it appears and inserting in lieu thereof "December 1970".

(d) Section 215(c) of such Act is amended to read as follows:

"PRIMARY INSURANCE AMOUNT UNDER 1969 ACT

"(c)(1) For the purposes of column II of the table appearing in subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to the amendment of this subsection in March 1971.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223 before the date on which this subsection was amended in March 1971, or who died before such date."

(e) The amendments made by this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1970 and with respect to lump-sum death payments under such title in the case of deaths occurring in and after the month in which this Act is enacted.

(f) If an individual was entitled to a disability insurance benefit under section 223 of the Social Security Act for December 1970 on the basis of an application filed in or after the month in which this Act is enacted, and became entitled to old-age insurance benefits under section 202(a) of such Act for January 1971, then, for purposes of section 215(a)(4) of the Social Security Act (if applicable), the amount in column IV of the table appearing in such section 215(c) for such individual shall be the amount in such column on the line on which in column II appears his primary insurance amount (as determined under section 215(c) of such Act) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based.

(g) Notwithstanding the provisions of sections 2(a)(10), 402(a)(7), 1002(a)(8), 1402 (a)(8), and 1602(a)(13) and (14) of the Social Security Act, each State, in determining need for aid or assistance under a State plan approved under title I, X, XIV, or XVI, or part A of title IV, of such Act, may disregard (and the plan may be deemed to require the State to disregard), in addition to any other amounts which the State is required or permitted to disregard in determining such need, any amount paid to an individual under title II of such Act (or under the Railroad Retirement Act of 1937 by reason of the first proviso in section 3(e) thereof), in any month after the month in which this Act is enacted, to the extent that (1) such payment is attributable to the increase in monthly benefits under the old-age, survivors, and disability insurance system for January, February, March, or April 1971 resulting from the enactment of this title, and (2) the amount of such increase is paid separately from the rest of the monthly benefit of such individual for January, February, March, or April 1971.

INCREASE IN BENEFITS FOR CERTAIN INDIVIDUALS AGE 72 AND OVER

SEC. 202. (a)(1) Section 227(a) of the Social Security Act is amended by striking out "$46" and inserting in lieu thereof "$48.30", and by striking out "$23" and inserting in lieu thereof "$24.20".

(2) Section 227(b) of such Act is amended by striking out "$46" and inserting in lieu thereof "$48.30".

(b)(1) Section 228(b)(1) of such Act is amended by striking out "$46" and inserting in lieu thereof "$48.30".

(2) Section 228(b)(2) of such Act is amended by striking out "$46" and inserting in lieu thereof "$48.30", and by striking out "$23" and inserting in lieu thereof "$24.20".

(3) Section 228(c)(2) of such Act is amended by striking out "$23" and inserting in lieu thereof "$24.20".

(4) Section 228(c)(3)(A) of such Act is amended by striking out "$46" and inserting in lieu thereof "$48.30".

(5) Section 228(c)(3)(B) of such Act is amended by striking out "$23" and inserting in lieu thereof "$24.20".

(c) The amendments made by subsections (a) and (b) shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1970.

INCREASE OF EARNINGS COUNTED FOR BENEFIT AND TAX PURPOSES

SEC. 203. (a)(1)(A) Section 209(a)(5) of the Social Security Act is amended by inserting "and prior to 1972" after "1967".

(B) Section 209(a) of such Act is further amended by adding at the end thereof the following new paragraph:

"(6) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to $9,000 with respect to employment has been paid to an individual during any calendar year after 1971, is paid to such individual during any such calendar year;".

(2)(A) Section 211(b)(1)(E) of such Act is amended by inserting "and beginning prior to 1972" after "1967", and by striking out "; or" and inserting in lieu thereof "; and".

(B) Section 211(b)(1) of such Act is further amended by adding at the end thereof the following new subparagraph:

"(F) For any taxable year beginning after 1971, (i) $9,000, minus (ii) the amount of the wages paid to such individual during the taxable year; or".

(3)(A) Section 213(a)(2)(ii) of such Act is amended by striking out "after 1967" and inserting in lieu thereof "after 1967 and before 1972, or $9,000 in the case of a calendar year after 1971".

(B) Section 213(a)(2)(iii) of such Act is amended by striking out "after 1967" and inserting in lieu thereof "after 1967 and beginning before 1972, or $9,000 in the case of a taxable year beginning after 1971".

(4) Section 215(e)(1) of such Act is amended by striking out "and the excess over $7,800 in the case of any calendar year after 1967" and inserting in lieu thereof "the excess over $7,800 in the case of any calendar year after 1967 and before 1972, and the excess over $9,000 in the case of any calendar year after 1971".

(b)(1)(A) Section 1402(b)(1)(E) of the Internal Revenue Code of 1954 (relating to definition of self-employment income) is amended by inserting "and beginning before 1972" after "1967", and by striking out "; or" and inserting in lieu thereof "; and".

(B) Section 1402(b)(1) of such Code is further amended by adding at the end thereof the following new subparagraph:

"(F) for any taxable year beginning after 1971, (i) $9,000, minus (ii) the amount of the wages paid to such individual during the taxable year; or".

(2) Section 3121(a)(1) of such Code (relating to definition of wages) is amended by striking out "$7,800" each place it appears and inserting in lieu thereof "$9,000."

(3) The second sentence of section 3122 of such Code (relating to Federal service) is amended by striking out "$7,800" and inserting in lieu thereof "$9,000".

(4) Section 3125 of such Code (relating to returns in the case of governmental employees in Guam, American Samoa, and the District of Columbia) is amended by striking out "$7,800" where it appears in subsections (a), (b), and (c) and inserting in lieu thereof "$9,000".

(5) Section 6413(c)(1) of such Code (relating to special refunds of employment taxes) is amended—

(A) by inserting "and prior to the calendar year 1972" after "after the calendar year 1967";

(B) by inserting after "exceed $7,800," the following: "or (E) during any calendar year after the calendar year 1971, the wages received by him during such year exceed $9,000,"; and

(C) by inserting before the period at the end thereof the following: "and before 1972, or which exceeds the tax with respect to the first $9,000 of such wages received in such calendar year after 1971".

(6) Section 6413 (c)(2)(A) of such Code (relating to refunds of employment taxes in the case of Federal employees) is amended by striking out "or $7,800 for any calendar year after 1967" and inserting in lieu thereof "$7,800 for the calendar year 1968, 1969, 1970, or 1971, or $9,000 for any calendar year after 1971".

(7) Section 6654(d)(2)(B)(ii) of such Code (relating to failure by individual to pay estimated income tax) is amended by striking out "$6,600" and inserting in lieu thereof "$9,000".

(c) The amendments made by subsections (a)(1) and (a)(3)(A), and the amendments made by subsection (b) (except paragraphs (1) and (7) thereof), shall apply only with respect to remuneration paid after December 1971. The amendments made by subsections (a)(2), (a)(3)(B), (b)(1), and (b)(7) shall apply only with respect to taxable years beginning after 1971. The amendment made by subsection (a)(4) shall apply only with respect to calendar years after 1971.

CHANGES IN TAX SCHEDULES

SEC. 204. (a)(1) Section 3101(a) of such Code (relating to rate of tax on employees for purposes of old-age, survivors, and disability insurance) is amended by striking out "and" at the end of paragraph (3), and by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) with respect to wages received during the calendar years 1973, 1974, and 1975, the rate shall be 5.0 percent; and

"(5) with respect to wages received after December 31, 1975, the rate shall be 5.15 percent."

(2) Section 3111(a) of such Code (relating to rate of tax on employers for purposes of old-age, survivors, and disability insurance) is amended by striking out "and" at the end of paragraph (3), and by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) with respect to wages paid during the calendar years 1973, 1974, and 1975, the rate shall be 5.0 percent; and

"(5) with respect to wages paid after December 31, 1975, the rate shall be 5.15 percent."

(b) The amendments made by subsection (a)(1) shall apply only with respect to taxable years beginning after December 31, 1971. The remaining amendments made by this section shall apply only with respect to remuneration paid after December 31, 1971.

And the Senate agree to the same.

Mr. Mills,
Mr. Watts,
Mr. Ullman,
Mr. Byrnes of Wisconsin,
Mr. Betts,
Managers on the Part of the House.
Mr. Long,
Mr. Anderson,
Mr. Talmadge,
Mr. Bennett,
Mr. Curtis,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4690) to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

INCREASE IN SOCIAL SECURITY BENEFITS

The Senate amendment added to the House bill a new title II increasing social security benefits and making related changes in the OASDI program.

1. OASDI benefit increase

The Senate amendment increases regular OASDI benefits by 10 percent with a minimum primary insurance amount of $100 a month beginning January 1971.

The Senate amendment provides that families coming on the rolls after the effective date of the benefit increase, as well as families already on the rolls on such effective date, will be guaranteed the full amount of the 10-percent increase. When social security benefits have been increased in the past, the family maximum amounts have not been increased since they were based on a percentage of the worker's average monthly wage, which does not change with a benefit increase. The Senate amendment would change the basic nature of the family maximum by making it a percentage of the primary insurance amount rather than a percentage of the worker's average monthly wage. The Senate amendment would eliminate a problem which has arisen whenever social security benefits have been increased in the past. Those families whose benefits are limited by the family maximum and who came on the rolls after the effective date of a benefit increase have not shared in the percentage increase enacted. Those families on the rolls prior to the effective date of a benefit increase have been granted the benefit increase under a saving clause which has accompanied every recent benefit increase.

The conference agreement accepts a 10-percent benefit increase (including the increase in family maximum benefits) as in the Senate amendment, but with the 10-percent increase applied to the minimum benefit with a resulting minimum benefit of $70.40 rather than $100.

The Managers believe that it is not necessary to increase the minimum benefit amount beyond the 10 percent provided in the conference agreement at this time since the Committee on Ways and Means is presently considering social security legislation, and it is the understanding of the Managers that the minimum benefit is among a number of proposals included in that consideration.

Under the conference agreement each State is permitted (in determining the need of its public assistance recipients) to disregard any retroactive payment of the OASDI benefit increase provided by the bill for the months of January through April of 1971 which is expected to be paid out (by separate check) in June.

TABLE 1.—ILLUSTRATIVE MONTHLY BENEFITS PAYABLE UNDER PRESENT LAW AND UNDER THE CONFERENCE AGREEMENT

Average monthly earnings	Benefit amount			
	Worker		Couple	
	Present law	Conference agreement	Present law	Conference agreement
$76	$64.00	$70.40	$96.00	$105.60
$114	91.90	101.10	137.90	151.70
$150	101.70	111.90	152.60	167.90
$250	132.30	145.60	198.50	218.40
$350	161.50	177.70	242.30	266.60
$450	189.80	208.80	284.70	313.20
$550	218.40	240.30	327.60	360.50
$650	250.70	275.80	376.10	413.70
$750	(1)	295.40	(1)	443.10

[1] Not applicable, since the highest possible average earnings is $650.

2. Increase in benefits for certain individuals age 72 and over

The Senate amendment provides a 5-percent increase in the special benefits payable to certain individuals age 72 and over who are not insured for regular benefits. This increase would be effective for January 1971 and would raise payments from $46 to $48.30 for individuals and from $69 to $72.50 for couples.

The conference agreement accepts the provision of the Senate amendment.

3. Liberalization of earnings test

Under present law, a beneficiary may earn up to $1,680 annually (or up to $140 in a month) with no reduction in social security benefits. Each $2 earned between $1,680 and $2,880 results in a $1 reduction in benefits; each $1 earned above $2,880 reduces benefits by $1. The Senate amendment would make two changes, effective January 1971:

(*a*) Beneficiaries could earn up to $2,400 annually (up to $200 in 1 month) with no reduction in benefits.

(*b*) For all earnings above $2,400, benefits would be reduced $1 for each $2 earned.

This provision is omitted from the conference substitute.

It is the understanding of the managers that the House will be considering this matter in connection with social security legislation now pending before the Committee on Ways and Means and they expect that the legislation reported out by the Committee on Ways and Means will provide for an increase in the earnings test.

4. Changes in social security taxes

The cost of the Senate amendment would be met by increasing the tax base from $7,800 to $9,000 a year, beginning January 1972, and by increasing the tax rates on employers and employees. The tax base would similarly be increased for the self-employed, although the tax rates for them scheduled in present law would not be raised.

Under present law, the OASDI tax rate is scheduled to remain at 4.6 percent through 1972 and to increase to 5 percent in 1973 and thereafter. Under the Senate-passed amendment, the rates would increase to 5 percent in 1973 (as under present law), to 5.3 percent in 1976, and to 5.6 percent in 1981.

The allocation of taxable wages to the disability insurance trust fund would be increased under the Senate amendment from 1.1 percent today to 1.25 percent beginning in 1981.

The conference agreement includes the increase in the tax base from $7,800 to $9,000 a year effective January 1972 provided under the Senate amendment.

Omission of the provisions of the Senate amendment providing a $100 minimum primary insurance amount and increasing the earnings limit reduces the cost of the amendment. Therefore, the conference agreement provides for an increase in taxes in 1976 and after from 5 percent to 5.15 percent for employers and employees. This change results in keeping the program on an actuarially sound basis.

In addition, the conference agreement omits the change in the allocation to the disability insurance trust fund.

TABLE 2.—SOCIAL SECURITY TAX RATES AND MAXIMUM ANNUAL SOCIAL SECURITY TAXES FOR EMPLOYEES, EMPLOYERS AND SELF-EMPLOYED

	Employees and employers, each				Self-employed			
	OASDI (percent)	HI (percent)	Total (percent)	Maximum tax	OASDI (percent)	HI (percent)	Total (percent)	Maximum tax
Present law: [1]								
1971–72	4.6	0.6	5.2	$405.60	6.9	0.6	7.5	$585.00
1973–75	5.0	.65	5.65	440.70	7.0	.65	7.65	596.70
1976–79	5.0	.7	5.7	444.60	7.0	.7	7.7	600.60
1980–86	5.0	.8	5.8	452.40	7.0	.8	7.8	608.40
1987 and after	5.0	.9	5.9	460.20	7.0	.9	7.9	616.20
Conference agreement:								
1971	4.6	.6	5.2	405.60	6.9	.6	7.5	585.00
1972 [2]	4.6	.6	5.2	468.00	6.9	.6	7.5	675.00
1973–75 [2]	5.0	.65	5.65	508.50	7.0	.65	7.65	688.50
1976–79 [2]	5.15	.7	5.85	526.50	7.0	.7	7.7	693.00
1980–86 [2]	5.15	.8	5.95	535.50	7.0	.8	7.8	702.00
1987 and after [2]	5.15	.9	6.05	544.50	7.0	.9	7.9	711.00

[1] Tax rates apply to annual earnings up to $7,800.

[2] Tax rates apply to annual earnings up to $9,000.

ACTUARIAL COST ESTIMATES

The Old-Age, Survivors, and Disability Insurance system, as modified by the conference agreement, has an estimated long-range cost that is in close balance with income. The Old-Age, and Survivors Insurance portion of the program has an actuarial imbalance of −0.06 percent of taxable payroll while the DI portion has an imbalance of −0.04 percent of taxable payroll. As a whole, the OASDI system has an actuarial imbalance of −0.10 percent of taxable payroll, which is within the acceptable limit of variation for long-range financing. Accordingly, the OASDI system as modified by the conference agreement is actuarially sound.

The combined employer-employee rate for the Old-Age, Survivors, and Disability Insurance system is compared with present law in the following table:

TABLE 3.—OLD-AGE, SURVIVORS AND DISABILITY INSURANCE

[In percent]

Calendar year	Combined employer-employee rate	
	Present law	Conference agreement
1971 to 1972	9.2	9.2
1973 to 1975	10.0	10.0
1976 and after	10.0	10.3

The allocation to the Disability Insurance program would under the conference agreement be exactly as under the present law—namely, 1.1 percent of taxable payroll for all future years.

The self-employed rate for OASDI will also be the same under the conference agreement as under present law—namely 6.9 percent in 1971–72 and 7.0 percent thereafter.

The following table traces the changes in actuarial balance of the OASDI system from its situation under present law, according to the latest estimates, to that under the conference agreement:

TABLE 4.—CHANGES IN ACTUARIAL BALANCE OF OLD-AGE, SURVIVORS, AND DISABILITY SYSTEM AS PERCENTAGE OF TAXABLE PAYROLL, BY TYPE OF CHANGE, INTERMEDIATE-COST ESTIMATES, PRESENT LAW AND CONFERENCE AGREEMENT

	OASI	DI	Total
Actuarial balance of present system changes	+0.29	+0.05	+0.34
$9,000 earnings base in 1972	+.25	+.02	+.27
10-percent benefit increase	−.78	−.10	−.88
Liberalized maximum family benefits	−.05	−.01	−.06
Revised contribution schedule	+.23	.00	+.23
Total effect of amendments	−.35	−.09	−.44
Actuarial balance under the conference agreement	−.06	−.04	−.10

Additional OASDI benefit payments resulting from the conference agreement, for selected years in the shortrun future, are shown in the following table, by provision:

TABLE 5.—ESTIMATED ADDITIONAL OASDI BENEFIT PAYMENTS IN CALENDAR YEARS 1971, 1972, AND 1975

[In millions of dollars]

	1971	1972	1975
General 10 percent benefit increase	$3,120	$3,572	$3,994
5 percent increase in special payments to noninsured and transitional insured persons aged 72 and over	16	14	8
Liberalized family maximum benefits	20	63	152
Total	3,156	3,649	4,154

The following table shows short-range estimates of the progress of the OASI and DI Trust Funds, combined, under present law, and under the system as modified by the conference agreement:

TABLE 6.—PROGRESS OF THE OASI AND DI TRUST FUNDS COMBINED, UNDER PRESENT LAW AND UNDER THE SYSTEM AS MODIFIED BY THE AMENDMENTS, CALENDAR YEARS 1971–75

[In billions]

Calendar year	Income		Outgo	
	Present law	Conference agreement	Present law	Conference agreement
1971	$41.9	$41.8	$35.3	$38.4
1972	45.7	47.7	36.9	40.6
1973	52.1	55.3	38.4	42.3
1974	55.3	58.9	39.9	44.0
1975	58.4	62.3	41.5	45.7

Calendar year	Net increase in funds		Assets, end of year	
	Present law	Conference agreement	Present law	Conference agreement
1971	$6.6	$3.4	$44.7	$41.4
1972	8.9	7.2	53.5	48.6
1973	13.7	13.0	67.3	61.6
1974	15.4	14.9	82.6	76.5
1975	16.9	16.6	99.5	93.1

Mr. MILLS,
Mr. WATTS,
Mr. ULLMAN,
Mr. BYRNES of Wisconsin,
Mr. BETTS,
Managers on the Part of the House.

Mr. LONG,
Mr. ANDERSON,
Mr. TALMADGE,
Mr. BENNETT,
Mr. CURTIS,
Managers on the Part of the Senate.

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 4690) to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes, and further, that all points of order against the report be waived.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. GROSS. Mr. Speaker, reserving the right to object, I think that this proposal is of such importance that it deserves an explanation before granting the privilege of waiving all points of order, as well as the immediate consideration which, of course, sets aside the 3-day rule.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to my friend, the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, I appreciate the gentleman from Iowa, my good friend, yielding to me. I must agree, Mr. Speaker, with the comment raised by the gentleman that this is an unusual procedure that I am asking for today. I want to do this in order to obtain prompt consideration by the House on the several matters that are involved in this legislation.

First of all, Mr. Speaker, let me call attention to the fact that the debt ceiling requires immediate action, as the debt is now at the existing ceiling. It should be borne in mind that we are spending at the rate of about $4 billion a week.

Mr. GROSS. If the gentleman will pardon my interruption, did he say this Government is spending at the rate of $4 billion per week?

Mr. MILLS. That is correct. That is the rate of our spending at the present time. If we do not approve the legislation today, so that it can be promptly approved by the other body and sent to the President so he will be in a position to sign it as soon as possible, in my opinion there could be bills presented to the Treasury for the remainder of this week that the Treasury will not be able to pay.

Now, if I may proceed further, the only thing involved in the conference report itself is the increase in social security payments retroactive to January 1, 1971, of 10 percent across the board, plus a 5-percent increase for those who are 72 years of age, and not entitled to regular social security benefits. That is all that is in the conference report, except of course the financing provisions are also in it. We will raise on January 1, 1972, the existing $7,800 taxable wage base to $9,000. This was recommended by the administration to go into effect at an earlier date, but the Senate fixed it at January 1, 1972, and it was impossible for us to move it to an earlier date. That would have been beyond the power of the conference committee.

Now the reason we must have waivers of points of order on the conference report and the reason I am asking for that is because under the House rules the 10-percent social security amendment is not germane to the bill that the House passed—that bill dealt only with the debt ceiling. So anyone could make a point of order and it would have stood. Then it might have to go to the Committee on Rules and the legislation could not otherwise be considered prior to Friday. In my opinion, under those circumstances, it could not then become law until, possibly, sometime next week because the manager of the Senate conferees advised us he would not be in town after tonight. So I hope we can get this matter disposed of here so they can dispose of it on the Senate side and the President can sign it as soon as it is sent to him. We should not get into this impasse of the Treasury possibly not being able to pay its bills for the rest of the week.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. Gross. I am glad to yield to the gentleman.

Mr. BYRNES of Wisconsin. I do not think there is any disagreement among the Members with regard to the items in this particular conference report.

In the first place, the debt ceiling provisions of the bill really were not in conference. The two Houses acted identically with respect to those items. If that is all there was involved, we would not even be considering a conference report——

Mr. MILLS. The gentleman is correctly stating the situation.

Mr. BYRNES of Wisconsin. The bill would automatically be sent to the President. We would receive the Senate message and send the bill down to the President.

The situation has been complicated by the fact that the Senate added some social security amendments. The only amendment retained by the conferees and before the House 10-percent across-the-board increase in benefits and the correlative financing, and the 5-percent increase in the special benefits paid from the general fund to certain individuals over age 72. I do not think there is anybody on this floor who would vote against the 10-percent increase retroactive to January 1. I think there is general agreement that this is desirable and that it is needed.

Under the former rules of the House, we would simply have brought the bill back to the House. Somebody could have raised the question asking us to explain why we accepted something that was not germane and we would have had to explain the situation just as we are explaining it now. We think while it is not germane, it is a matter that both Houses are in agreement on and favorable consideration in this context would expedite matters. The only reason for the present procedure is because the new rules we adopted provide a special procedure on nongermane amendments added by the Senate. If we were to follow the procedure of the new rules, it would delay both the 10-percent across-the-board social security increase and also, very importantly, the increase in borrowing authority that we know we must provide the executive branch. If we do not act now it is going to cause the Treasury some costly operations in the next few days, which we might just as well avoid by taking this procedure.

So, Mr. Speaker, I would plead with any Member of the House not to impose hurdles at this time on this most important legislation. It is important so far as both aspects of the bill are concerned—one, relating to the borrowing authority and, the other, relating to the increase in benefits for our elderly people who are dependent upon their social security check.

Mr. MILLS. Mr. Speaker, will the gentleman from Iowa yield further?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. MILLS. Mr. Speaker, I would like to make the record very clear that all that is involved in a vote on this conference report is the 10-percent across-the-board increase in social security retroactive to January 1, 1971, the increase in the special payments for persons age 72 and over, plus the tax provisions that continue to keep the fund actuarially sound. When a Member votes on this, that is all he is voting on.

Mr. GROSS. Of course, the gentleman understands that when a Member votes for this proposal, it may be construed that by indirection he is voting for an increase in the debt ceiling.

Mr. MILLS. Oh, I would not interpret it that way.

Mr. GROSS. And I voted against an increase in the debt ceiling.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. I do not think that this is an appropriate rationale, frankly. I will say to the gentleman, because it if were not for the 10-percent proposal, the across-the-board increase in social security benefits, this matter would not be before the House; no further action in that area by the Congress would be needed. The only reason the issue is before the House is the 10-percent across-the-board increase.

Mr. GROSS. Yes, but the gentleman from Wisconsin is overlooking the fact that there may be a vote on the passage of this conference report, and I want the record to show that I am unalterably opposed to this increase in the debt ceiling, and so voted when that issue alone was before the House a few days ago.

I am going to withdraw my reservation of objection and will vote for the conference report only because I believe an increase in benefits to social security beneficiaries is justified. But I just do not like this method of doing business even though the Government is about to exceed the debt ceiling.

Mr. MILLS. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. I yield to the gentleman from Arkansas, and then I will withdraw my reservation.

Mr. MILLS. I agree with everything the gentleman has said. Certainly it is only because of what the gentleman has observed that I have asked for this unusual procedure.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk proceeded to read the statement.

Mr. MILLS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers on the part of the House be dispensed with. We have discussed it fully.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The SPEAKER. The gentleman from Arkansas is recognized.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Ohio.

Mr. VANIK. I would like to ask the distinguished chairman, for my benefit and for the benefit of other Members of the House, what is planned with respect to the need for increased retirement benefits, the need for an increase in the minimum and the need to provide widows with their full entitlement?

Mr. MILLS. I appreciate the gentleman asking me that question. Let me respond hurriedly to the gentleman. We asked the Members of the Senate conference group to recede from the amendments relating to the retirement test and the minimum benefit because those matters are presently being considered in connection with H.R. 1, which is before the Ways and Means Committee. We wanted them to let us initiate any action which might be taken on these matters rather than having it initiated on the Senate side. I, of course, do not purport to say what, if any, action we may or may not take. We viewed the 10 percent as a matter of immediate urgency, or immediate necessity, but the other matters we do have time to consider later.

Mr. VANIK. I thank the gentleman.

Mr. FULTON of Tennessee. Mr. Speaker, my sentiments on this bill with the amendment to increase social security benefits by 10 percent are mixed.

On the one hand, I am delighted we have brought the matter to a final vote in the house and that these increases now are a near certainty.

On the other hand, I am very disappointed that the increase is only 10 percent. An increase of 15 to 20 percent is needed and certainly could be economically justified in the wake of inflation which has continued over the past 15 months while social security benefits have remained fixed.

Also there is no provision in this legislation to deal with the much needed rise in the minimum monthly benefit. This 10-percent increase will bring the minimum benefit to just over $70 a month which simply is not adequate. It has been pretty well established that the minimum benefit floor today should be no less than $100.

Finally, no provision is made in this legislation for a further easing of the overstringent earnings limitation which restricts annual outside earnings to $1,680. Legislation passed by the House and Senate last year would have eased the limitation of $2,000 and $2,400, respectively. However, this legislation died before final action could be taken.

Therefore, Mr. Speaker, I view this legislation which we approve today as simply a stopgap measure. We must further this year complete these unfinished tasks which are required to bring social security benefits in tune with the economics of our times. We must increase benefits an additional 5 to 10 percent; we must raise the basic minimum to no less than $100 per month; and we must ease the outside earnings limitation. I believe the committee can do this and am hopeful that we will.

Mr. ADDABBO. Mr. Speaker, I am pleased to support the 10-percent increase in social security for more than 26 million beneficiaries of social security benefits. While approval of this legislation is not as comprehensive as most of us would like, it is a further indication that the Congress is aware of the fact that our country owes a great debt to our senior citizens and proposes to take appropriate action. I am hopeful that the Ways and Means Committee in its consideration of H.R. 1 will recommend further increases and reforms, in meeting the realistic needs of our people. People living on fixed incomes are the forgotten people of the inflationary period and it is up to the Congress to restore their purchasing power and to help them meet today's high costs of living.

Though I may not agree fully with the other conditions of this conference report relative to the national debt ceiling and interest on bonds, I feel the importance of this social security increase surpasses all other considerations.

I would urge the President to act quickly to sign this legislation so that this much needed income will become available to our retired citizens.

Mr. DONOHUE. Mr. Speaker, as one who sponsored legislation to provide a 10-percent across-the-board, retroactive to January 1, 1971, increase in social security benefits with minimum payments of $100 and an increase in the income earnings limitation to at least $2,400, I intend to support this conference report on H.R. 4690 and I most earnestly urge its approval by the very great majority of the House membership.

Although the overall benefits contained in this conference report are not increased and expanded as much as many of us would like, and have advocated, the basic increase of 10 percent and the special increase for those persons over 72 not eligible for full social security payments does offer a timely measure of financial assistance and morale encouragement to the more than 26 million Americans who need such assistance pretty desperately in this time of continuing inflation and ever higher living costs.

Also our action here today, making the increased benefits retroactive to January 1, 1971, will enable these additional benefits to reach social security recipients much earlier than they could obtain them otherwise. The representatives of the Social Security Administration have indicated that procedures would be initiated to have the higher payment checks reach the recipients on the usual June payment date and the retroactive portion would also be paid by separate check sometime in June. Needless to say, these increased benefits will be, as a matter of absolute necessity, immediately used by the recipients and our lagging and sagging economy can certainly use the strengthening impact of this increased consumer purchasing power.

Although I and many of my colleagues are impelled to support this conference measure we do not and we will not, by any means, accept this bill as the only and final legislative gesture of assistance to our older citizens who are trying to live upon social security benefits. I shall maintain my own efforts, and I am certain that many others will also, to obtain, as a matter of simple equity, an increase in minimum payments to $100 a month, the inclusion of an escalator clause tying benefit levels to the cost-of-living advances and an increase, pending complete elimination, of the earnings income limitation to at least $2,400. These are wholesome legislative objectives for the economic benefit of the people in this country who are suffering the greatest from the inflationary factors that are making it increasingly more difficult for them to live at a minimum of economic security within the wealthiest country in the world.

As we take this first step in this new 92d Congress to give a little help to so many millions of our older citizens who are experiencing tremendous difficulties in just meeting payments for the basic necessities of life, let us pledge ourselves to legislatively work together to at least obtain these limited further objectives before the first year of this new Congress has ended.

Mrs. HECKLER of Massachusetts. Mr. Speaker, just last week I addressed this body asking that it reject the notion that vitally important social security legislation be tied to any other matter.

In condemning this kind of parliamentary gamesmanship, I asked why cannot the Congress simply honor the Nation's commitment to its retired citizens free and clear of legislative maneuvering?

Today, we are faced with precisely the situation I feel we must avoid. A 10-percent increase in social security benefits is attached to the conference report on the debt limitation bill.

The increase in benefits for social security recipients is immediately and desperately needed but the other improved benefits we have worked so hard to obtain for our senior citizens are not included in the bill and we are prohibited from offering amendments to add them. These improvements include the automatic cost-of-living clause, the increase in the limitation on the national debt when it was originally before the House. The bill authorizes the largest increase in the national debt limitation since the requirements of World War II. The proposed increase of $35 billion is based on imprecise and vague substantiation and I opposed it to demonstrate my feeling that we must reorder our national priorities in such a way as to gain the greatest overall benefits from the resources available. I believe we are spending far too much on nonessential or unnecessary activities.

Nonetheless, despite the fact that the rationale for such a historic increase in the debt limitation is weak and unconvincing, I shall vote affirmatively for the pending bill because the social security increase is so desperately needed.

In announcing my vote, I want to register my complete disrespect for the parliamentary maneuvering which has joined these two totally unrelated items. Tying them together in an appalling misuse of the legislative process.

The Congress must face issues head on if it is to become more responsible. We are being unfair to older Americans and unworthy of the Congress if we must rely on a parliamentary gimmick to meet the urgent needs of social security recipients. This increase is long overdue and should not have to be brought in through the back door.

Mr. REID of New York. Mr. Speaker, I wish to go on record in support of the conference report on H.R. 4690, which includes a 10-percent across-the-board rise in social security benefits, retroactive to January 1, 1971.

I regret that I missed the vote on this important issue, due to my attendance in New York City of the funeral of Mr. Whitney Young, Jr., executive director of the National Urban League. Had I been here 30 minutes earlier, I would of course have voted "aye." I might add that I find it shocking that the House today lacked the courtesy to await the completion of funeral services prior to taking up legislation. Such hasty and impulsive procedure strikes me as a sign of the insensitivity of this body to the death of a fine and great American. Indeed, it will not reassure the poor—irrespective of color—nor indeed black Americans, for all of whom Whitney Young gave his life.

I have long supported a cross-the-board rise in social security benefits. However, let me at this time express my strong disappointment over the failure of the House conferees to rectify some of the inadequacies of our present system. I strongly commend the Senate for increasing the earnings limitation to $2,400 annually from the present $1,680. I have in the past advocated complete removal of this income limitation, as I believe that social security benefits should be treated as the end result of a bought and paid for retirement program—totally independent of present efforts to supplement it and not as something to be taken away as punishment for still wishing to be a productive member of society.

The $1,200 per year minimum in benefits for an individual and $1,800 for a couple, approved by the Senate but rejected by the conference committee, would not have even brought affected senior citizens up to the current official poverty levels of $1,840 per individual and $2,383 per couple per year.

The right of an individual to confidently look forward to living out his retirement years in reasonable economic comfort should be a paramount goal of our society, and I urge that in the future we face the economic plight of many of our senior citizens, and act accordingly.

Mr. MINISH. Mr. Speaker, I rise in support of the conference report providing a 10-percent across-the-board increase in social security benefits.

My colleague, Chairman MILLS of the Ways and Means Committee, has stated that comprehensive improvements in the social security system will be considered later in the session. In view of this fact, I am pleased to support today's across-the-board increase knowing full well how necessary it is for social security beneficiaries.

I, nonetheless, intend to press further for a much needed increase in the social security minimum payment, an increase in the earnings limitation, automatic adjustments in benefits, equal treatment for working wives as well as coverage of prescription drugs under medicare.

However, today's action will assure that our senior citizens receive much needed retroactive benefits to help equalize their standard of living in spite of the steep inflation they have experienced. Social security recipients have paid into the social security fund to protect themselves during their later years. Their investment in their own economic protection must not be in vain.

Mr. PICKLE. Mr. Speaker I am pleased the bill granting the long overdue increase in social security benefits passed today and I want to take this means to register my support. Unfortunately, I was not able to be present to cast my vote in favor of the bill because my plane from Texas was delayed for over an hour. Had I been here my vote would have been a strong "aye" and I want the record to so read.

The strong vote in favor of this bill 358 to 3, shows that Congress realizes that those on fixed incomes such as social security have suffered the most from inflation and that they need relief. The 10 percent increase is retroactive to January 1, 1971, and recipients should start getting the back payment sometime in May. The increase itself will show in the May check which is received around the 1st of June.

I regret that the House conferees did not agree to the Senate provision that would have raised the ceiling from $1,680 to $2,400 per year on the amount social security recipients can earn without reducing their benefits. I have introduced a bill in the House that would raise the ceiling to $2,400. The Ways and Means Committee will consider raising the ceiling on outside earnings and the minimum payment in H.R. 1, the comprehensive social security bill, which is pending.

Again I salute the passage of the 10-percent increase as a signal from Congress that we will not allow our senior citizens to become forgotten Americans.

Mr. ANDERSON of Illinois. Mr. Speaker, I wish to applaud the action taken by the House today in approving the 10-percent increase in social security benefits. It is on our senior citizens that our inflationary economy inflicts the severest hardships since it is this group that must remain on a fixed income in the face of rising prices. The many people for whom social security is the sole source of income must struggle to maintain an adequate standard of living. A great deal of procrastination and delay has characterized congressional action on this measure and I am most pleased that we have finally enacted legislation that is so desperately needed by our older Americans.

I feel that I must, however, register my displeasure with several omissions from this measure. At present, the outside earning limitation for those who collect social security is $1,680, a figure which I feel is grossly unfair to our many senior citizens who are physically able, and who are willing to work. By placing the limitation at such a low level, we are providing a disincentive for many to work to their maximum capabilities. I have introduced a bill, H.R. 565, which would raise this limitation to $3,000. I believe that this is a much more equitable and realistic figure and I strongly urge my colleagues on the Ways and Means Committee to include this in future social security legislation.

There is one more provision which I believe must be enacted; namely, an automatic cost-of-living escalator. My bill would provide for an automatic increase in benefits if, over a 3-month period, the cost of living increases 3 percent or more. This would help insure that our senior citizens would be able to adequately provide for themselves in times of sudden shifts in the economy. I would hope that the Ways and Means Committee would also carefully consider this recommendation.

I realize that the Ways and Means Committee will be continuing hearings on other social security measures as well as on amendments to the medicare program. In connection with this last point, I would like to draw your attention to a bill I have introduced, H.R. 3230, which would allow the services of a chiropractor to be included as an item for reimbursement under the medicare program. There are many older people who derive great benefits from chiropractic care but, at present, this is not covered by medicare. I, therefore, hope that this bill receives serious thought by the Ways and Means Committee in its future deliberations.

Mr. BADILLO. Mr. Speaker, I am pleased to support this conference report and its provision for a 10-percent increase in social security benefits retroactive to January 1. The speed with which this measure has been brought to final passage is entirely appropriate, for the inflation which continues to plague our economy strikes hardest at our older Americans living on fixed incomes.

However, I am not pleased with the fact that this conference report omits two vital provisions of the Senate-passed bill—an increase in new monthly minimum benefits of $100 for individuals and $150 for couples and an increase in the ceiling on permissible outside earnings for social security recipients to $2,400 a year. In my view, these increases were necessary and proper.

I am well aware of the argument that our social security system must remain actuarily sound—that the sanctity of the trust fund must be preserved. But I believe the time has come to go beyond that trust fund and to use general revenues to meet the urgent needs of our senior citizens.

With Senator HARRISON WILLIAMS of New Jersey, I have sponsored legislation that would bring social security benefits up to date. I sincerely hope that Congress will not rest on its laurels with the benefits contained in this conference report, but will go beyond them later this year and enact the broad revisions our social security system requires if it is truly to keep pace with the economic realities of our times.

Mr. CLEVELAND. Mr. Speaker, today, at long last, Congress is completing action on an overdue increase in social security benefits. The need for an increase is unquestioned. It is regrettable that this has taken so long, and that the increase passed is inadequate. An increase of 10 percent does not meet all of the needs of our senior citizens. The bill we act on now does nothing to raise the earnings limit; it does not provide for future automatic cost-of-living increases; and it does not sufficiently increase the current minimum level of benefits which is disgracefully low. These were all included in the bill passed by the House last May and for which I voted.

In addition to being inadequate in amount and scope, today's action is procedurally outrageous. Last year the Senate held hostage the House-passed bill providing comprehensive reforms. In fact, it delayed acting on it for so long that the bill died when the session ended in December. Now, the Senate has tacked this important issue onto a bill providing for yet another increase in the debt limit.

I have consistently voted against increases in the debt limit. My record on that is clear. But I have also consistently urged and voted for increases in social security benefits. In this case, the need of our retired citizens is so great that my choice is clear, so I shall vote for the entire bill.

I deplore the procedure used by the Senate in this case. I also deplore the fact that the Senate dawdled and procrastinated on this issue so long that after 8 months of doing nothing, it used this method of achieving an inadequate answer to a serious problem. It could have easily passed a good bill providing not only an increase, but the other needed reforms. It is a sad commentary that we act in this manner on an important issue. The need for meaningful congressional reform is again clearly demonstrated.

Mr. McCORMACK. Mr. Speaker, while I want to be recorded in support of the increase in social security benefits included in the bill before us today, I want to object to the method by which we are forced to accept undesirable legislation in order to support an inadequate increase in benefits.

It is my belief, as expressed in a letter some 55 of my colleagues and I sent to the distinguished chairman of the Ways and Means Committee, the gentleman from Arkansas (Mr. MILLS), in January, that the rate of benefits should be increased by 15 percent rather than 10. In addition, we proposed setting a minimum of $100 a month for individual payments and permitting persons receiving social security benefits to earn up to $2,400 a year without loss of some of their benefits.

It is disappointing that the conferees saw fit to drop these provisions, and I feel that before this Congress finally adjourns sine die, corrective action will have to be taken.

It would have been preferable had we been given the opportunity to debate and vote on the social security increases by themselves and not have the whole thing handed to us to take or leave. I find it particularly distasteful to be placed in a position of seemingly approving an inflationary increase in interest rates on long-term Government bonds simply because social security increases have been made part of an inseparable package.

Mr. COTTER. Mr. Speaker, I rise in support of the bill H.R. 4690. Appended to this routine bill to raise the debt ceiling are the Social Security Amendments of 1970.

I am not completely satisfied with the bill. The provision which removed the 4¼-interest ceiling on long-term bonds I opposed when the bill was in the House. This feature remains in the bill and I am still opposed to it.

The greatest concern in this bill is the increase in social security benefits. I would be less than completely candid if I said I was happy with the limited social security provisions in this bill. But I do believe that increased social security payments should be speedily enacted. Therefore, I will support this conference report which includes a 10-percent increase in social security benefits.

Mr. Speaker, I feel that H.R. 4521, which I introduced, is a better bill. It would provide a 15-percent increase in benefits, raise the permissible outside earnings to $2,500, provide an automatic cost-of-living feature, and provide a minimum payment of $100. I am hopeful that this Congress will again take up social security legislation in the near future to include these essential features.

Mr. LATTA. Mr. Speaker, I rise in support of this measure as it is the only bill before the House. It is not the bill I would like before the House today. It is the result of a conference committee's efforts and they do not always reflect the wishes of this body. Let me also point out that had it not been for the delaying tactics of the Senate, this 10-percent social security increase would have been enacted last year.

The record is clear. On May 21, 1970, nearly a year ago, the House passed legislation which provided for the increase I trust we will approve today. In addition, the bill featured a provision for an automatic cost-of-living increase.

However, the other body delayed passage of the measure until December 29, 1970. As finally passed by the Senate it included nearly 100 differences from the version this body passed. Due to the wide range of differences, agreement was impossible in the short time the 91st Congress remained in session.

The result: further delay of the increase in social security benefits so needed by the nearly 27 million Americans depending on social security to meet their living costs.

I am disappointed at the decision of the conferees in rejecting provisions that would have increased the minimum monthly payment to $100 and that would have increased to $2,400 from $1,680 the outside income allowed without a cut in benefits.

These are matters that should be rectified as early as possible.

Our obligation to the senior citizens of America is clear.

We are talking about the people who through hard work made the United States the richest, most affluent Nation on the face of the earth. Their generation experienced the hardships of the great depression. Their generation filled the ranks of our armies in World War I, and bore the burden and the costs of, first, defeating Hitler's Germany and the other Fascist powers, and then, of containing the world ambitions of communism.

We owe them more than they are receiving.

Today they are in a desperate plight. They are caught between the fryingpan of low, fixed income and the fire of inflation. Despite the best efforts of the Nixon administration, inflation continues nearly unabated.

It is a small thing for us to increase social security benefits by 10 percent. They are entitled to much more.

Mr. Speaker, again, I emphasize the need to pass this measure. Although it is not enough, it will help a little.

Mrs. ABZUG. Mr. Speaker, I vote "yes" today on the adoption of the conference report to accompany H.R. 4690 increasing the public debt limit and including the social security amendments, because the elderly in this country so desperately need whatever assistance they can get, and they need it now.

So I reluctantly cast my vote for the 10-percent increase, for the same reason I reluctantly cosponsored legislation calling for the increase—because a 10-percent increase is better than no increase.

But the need is for a 15-percent increase in social security benefits going up to 20 percent next year; the need is for minimum payments of at least $100 a month; $120 is more realistic.

For many people social security is the only check they get after they are 65, and $100 a month scarcely approaches adequacy and is hardly a good return on a lifetime investment in the labor market.

I vote "yes" today, but I will take whatever measures are appropriate to bring the real needs of the elderly before the Ways and Means Committee to assure a 15-percent increase in social security benefits this year, and minimum payments of $120 a month.

Mr. NIX. Mr. Speaker, there are moments when I am genuinely impressed with the speed with which the House of Representatives can be moved to act on matters of urgent public importance.

Less than 24 hours elapsed from the time a House-Senate conference committee submitted and this body approved a 10-percent across-the-board increase in social security benefits. It will indeed be welcome news and bring a measure of relief to the Nation's 26 million beneficiaries, many of whom are struggling to make ends meet on limited, fixed incomes.

As pleased as I am by this action today, I must confess that I anxiously await legislation to extend and increase the base at these benefits. Unfortunately, such provisions were stricken in conference in an effort to expedite passage of the 10-percent increase and raise the Federal debt ceiling.

Specifically, I refer to such provisions as would increase the amount of outside earnings permitted without reduction of social security benefits; raise minimum benefits to $100 for individuals and $150 for couples, and make special payments to persons 72 or older who do not qualify for regular benefits. There is also the very real need to consider an early additional across-the-board boost as the 10-percent raise approved today has barely kept pace with the cost-of-living increases since the last hike in benefits.

While I sympathize with the good intentions of the Ways and Means Committee to draft comprehensive legislation to cover revenue sharing, welfare reform, and social security benefit extensions, I empathize as strongly with those we are trying to help and who need that help now.

Let us hope that today's action is a harbinger of an even broader commitment.

Mr. PEPPER. Mr. Speaker, I am gratified that the House has moved swiftly to ratify yesterday's conference committee agreement to include a 10-percent increase in social security benefits in the legislation to raise the limit on the Federal debt.

It is unfortunate that the senior citizens of America have had to wait these additional months, since the failure of social security legislation in the legislative logjam last year, for the increases which they so desperately need. The inflation since the last social security increase has virtually eaten up the 10-percent increase which we are now granting. This increase is overdue as a bare minimum for action on benefits.

We must, Mr. Speaker, look upon this action as only a first step in the fulfillment of our responsibilities to our senior citizens in the 92d Congress. We must move ahead with dispatch to more comprehensive legislation to improve the provisions of the social security program.

I will certainly insist that we provide at least another 5-percent increase in benefits retroactive to January 1 of this year. I believe it should be another 15-percent increase, for a total increase of 25 percent over the wholly inadequate level of benefits in the past.

I will also keep up my fight to see that our senior citizens are permitted to earn as much as they can without losing any of their monthly benefits. If this is not possible in this session, I will press for the highest figure we can get as an earnings limitation—whether that may be $2,000 or $2,400 or more.

I had hoped that we would, at last, raise the minimum benefit to $100 a month in the legislation we are approving today. I certainly hope we will establish this minimum for one person and a $150 minimum for a couple in the more comprehensive legislation we must enact later this year.

It is essential also, I think, that we permit widows to obtain a full benefit if they are willing to delay their retirement until age 65. This 100-percent provision is one which is overdue and should be a priority item in the next legislation.

There are many other provisions which should be improved in the social security program. We must provide a means of keeping our senior citizens abreast of the rising cost of living. But for this to be meaningful, we must first assure that the level of benefits provides a decent standard of living. That must be our first commitment—to provide a decent standard of living for our retired citizens in their remaining years—and then to provide automatic increases to preserve for them this standard of living. Anything less will be a failure in our obligation.

This Nation owes a great debt to the millions of men and women who have helped to build its great industrial and economic strength. We owe them a deep debt of gratitude for their contributions to making this a sound society as well as a strong economy. I feel, therefore, that we should repay this debt with a comprehensive social security program which will permit them to enjoy just that—security—the security to which they are entitled on the basis of their contributions to the growth and development of this great and wealthy and free land.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of this long overdue measure which provides a 10-percent across-the-board increase in social security benefits, and a 5-percent increase in special payments to persons 72 years and over. In addition, this bill provides that the 10-percent social security increase be retroactive to January 1, 1971.

This action is vitally needed. One out of every four Americans, of age 65 and over, lives in poverty; approximately 3 million more live in near poverty; and many millions of others know too well what it means to skimp along without necessities in a nation undergoing inflation.

Presently, 26 million social security beneficiaries are waiting for this increase in their benefits by $5 billion, and I am hopeful that the Social Security

Administration will expedite this matter so that the beneficiaries can get their retroactive checks by June.

Mr. Speaker, welcome as these provisions are, we must remember that today's measure is a stopgap proposal. And, we must not lose sight of the urgent need for more fundamental reforms to improve our social security program.

Mr. Speaker, adding a few dollars to social security every 2 or 3 years can provide temporary relief, but much more is needed, if we are to come to grips with these major problems.

We must increase benefits by no less than an additional 10 percent as soon as possible.

We must increase minimum monthly benefits to $100 this year and then $120 in 1972.

We must provide for automatic adjustments in social security benefits to protect the aged from inflation.

We must broaden medicare coverage to include out-of-hospital prescription drugs.

We must liberalize the disability provisions to include social security beneficiaries under 65.

We must provide hospital insurance benefits for certain uninsured groups.

We must increase the amount of money social security beneficiaries may earn and still receive full benefits.

Mr. Speaker, I support this 10-percent increase, but we must recognize it as a holding action until more far-reaching reforms can be enacted on social security and medicare.

Mr. VANIK. Mr. Speaker, the action of the House today on this proposal to increase social security benefits by 10 percent retroactive to January 1, 1971, is long overdue and complies substantially with the promise of this Congress to act on this matter early in the session.

This action today insures that increased benefit checks and the payment of the retroactive benefit will be delivered to beneficiaries in the first week of June. The check for retroactive benefits will be mailed out in a separate check later in the month of June. This delay between law and benefits results from the problem of preparing social security computers to issue checks to 26 million beneficiaries.

The 10-percent increase in social security benefits across the board will result in an increased benefit payout of $3.6 billion per year to the elderly. It is a considerable improvement over the Nixon administration's request that the social security benefit be limited to 6 percent. The cost of living of the elderly has risen well over 6 percent and is very closely related to the 10-percent increase. Meanwhile, upward pressures on the cost of living continue without Government restraint.

In my county—Cuyahoga County—there are presently about 220,000 social security beneficiaries of all types receiving between $25 and $27 million in benefits per month. The 10-percent increase, in the conference report before us today, and which will undoubtedly be approved, will mean nearly $2.7 million extra a month in Cuyahoga County alone.

As our work in the Ways and Means Committee continues on social security improvements, I will vigorously endeavor to increase the minimum payment to $100 per month and to increase the retirement test to $2,400. For the greater part, the elderly who continue to work do so because they must. They are among the working poor. Many elderly on social security are also receiving old-age assistance to supplement low social security payments. The present retirement test of $1,680 is a tremendous burden on the elderly working poor who draw low social security benefits. This group can only be reached by a higher minimum payment and an increase in the retirement test.

Elderly citizens generally continue to work because and to the extent that it is necessary for survival. Until social security benefits reach a level which can insure a decent standard of living for the elderly, it is absolutely essential to liberalize the retirement test to permit an acceptable standard of life.

It is also essential to provide a surviving spouse with 100 percent of the worker's benefit upon his death. When one of the household partners is deceased, the surviving partner is left with the full cost of household maintenance. This problem must be recognized by the Congress.

It is also my hope that this legislation will include improvements to the medicare program. The $50 deduction on medical bills prevents medical utilizations which would prevent or reduce long-term hospitalizations and long-term illness.

The hospitalization coverage should include hospital outpatient services to prevent the unnecessary hospitalization of patients in order to obtain the use of laboratory and testing services. This type of service would provide better health care and economies in the Nation's medical service.

There are also extended complaints in my community about the arbitrary cutback in allowances for medical services. In my community, where hundreds of doctors refuse new patients, where many doctors insist on an initial visit fee of $50 to $75, the medical carrier often allows only $8 on a $10 doctor's bill for an office visit. The patient pays the $50 deductible and then must pay the $2 differential on the $10 bill and in addition must pay 20 percent of the allowed payment or an additional $160. The patient thus pays $3.60 of the $10 doctor bill, while the medicare carrier pays $6.40. The paperwork in this kind of transaction may run to more than the claim. The goals of medicare should be to provide quality health service without redtape or frustrating delay.

It is my hope that our amendments to medicare will encourage health maintenance, the prevention of illness, and a full and prompt recognition of reasonable claims for service.

Medicare must be made into an effective and viable system as a necessary step to the development of a comprehensive health program to serve all groups of citizens. This challenge must be met in the bill which Ways and Means reports out.

It is my hope, therefore, that as the Ways and Means Committee continues its consideration of H.R. 1, the Social Security and Family Assistance Plan Amendments of 1971, that these additional provisions can be considered and adopted in whole or in part.

Mr. RANDALL. Mr. Speaker, I rise in enthusiastic support of the conference report to accompany H.R. 4690. I have long and consistently worked for and supported more realistic benefits for those who must depend upon social security payments. In the recent past, I have introduced bills to increase these benefits, to liberalize the bases on which benefits are computed, and to build automatic cost-of-living increases into the social security benefit structure. My record in this area is so well established by the legislation I have introduced and the bills I have supported as to make it unnecessary for me to take this time to express how gratifying it is that a shortcut has been agreed to by which long overdue increases in social security benefits can be speeded up. Nevertheless, I cannot let this moment pass without adding my voice to those who acclaim the conference report now before the House.

At the same time, I want to make it abundantly clear why I voted for H.R. 4690—to increase the Federal debt limit—when that bill was before the House on March 3. The fact that such a desirable addition as increased social security benefits was made to this bill in the Senate has nothing to do with my vote today to agree to the conference report.

I remain as much concerned as any of my colleagues about the level of our national debt. It has never been easy for me to vote to increase the debt limit. In each of the last several years I have voted against a sufficient number of spending proposals to have made debt limit increases unnecessary, if I had been on the winning side every time.

But, if I had voted against a higher ceiling on our national debt on March 3, I could not undo the actions of those who voted to spend the money that created this debt. By voting down the bill to increase the debt limit, the Federal Government could not meet its bills as they accrue, and in private business that is called involuntary bankruptcy.

What would be a few of the consequences our country would face if the present debt limit is not increased? One good place to start is in the matter of payments to social security annuitants, which we are increasing today.

Highly qualified economists tell us that the fund from which social security payments are made is actuarially sound; that there are adequate sums deposited in that fund from deductions made in earnings and contributions by employers to meet all foreseeable demands. Nevertheless, the Social Security Administration employs thousands of persons on the Government payroll to ascertain the amount of benefits and see that benefit checks are prepared and mailed in timely fashion at the first of each month. The cost of buying or leasing and then serviceing and maintaining hundreds of big computers for use in this task is a staggering amount. Space must be purchased or rented for housing the workers in national social security headquarters and the dozens of field service offices located throughout the country.

Without an increase in the limit, we would exceed the present debt authority, including the contingency cushion, sometime this month. There would be no money to pay these Social Security Administration workers; no money to pay the rent on the quarters they occupy; no funds for paying for the computers and other mailing machinery. It might happen there would not even be enough money to pay the salaries of the postmen who deliver the checks.

No one should conclude that this is an extreme example. Not only could such a condition occur, but it would be multiplied by other similar instances throughout the Government. For another example, payments to contractors on Government work would have to be suspended; defaults would be taken on amounts due suppliers of goods and services to our Government. Schools that are dependent upon the Federal Government for funds promised by the various aid to education enactments would be left emptyhanded, their teachers unpaid. Foreign governments, to which we have made commitments under the various aid programs voted by a majority of my colleagues—but opposed by a substantial minority including myself—would be stood up. Overseas holders of U.S. currencies would stampede our depositories with immediate demands for redemption of this currency in gold.

Our fightingmen in Vietnam, who have not been defeated by either the enemy or by those who misguidedly advocate withdrawal without honor, would be left abandoned on the battlefields by those in their Congress who, by voting against a higher debt limit, would take away their subsistence and their ammunition. A vote against the debt limit would be a cruel way to vote against the war.

Some of us who are opposed to indebtedness are prone to lose the proper perspective in which to consider the subject of the debt ceiling. To vote against raising the ceiling is not an economy vote. The money has already been spent.

Corporations hate debt. Investors look carefully before buying the stock of companies with heavy debt. But since 1946, corporate debt in America has increased from $109 billion to $861 billion, 700 percent. That increase is recognizable in the farflung production-distribution complex of the Nation, which represents the greatest industrial growth any country in the world has ever known.

But a quick look at our Federal debt will reveal it has increased from $300 billion in the first half of 1946 to about $395 billion today. Therefore, our national debt has increased only 32 percent during the same period corporate debt was increasing 700 percent.

To make this comparison the more startling, it must be remembered that while we were increasing our debt limit only 35 percent in a 25-year period, we were also experiencing the same inflationary influences at the Government level as were experienced by corporations.

Since 1946, we have fought a war in Korea, and in Southeast Asia we are now involved in the most expensive war in history. We have sent more than $120 billion in aid to foreign countries. Many billions of dollars have been spent in revolutionary new educational programs, for hospital and other medical facility construction. More than $10 billion has been spent on poverty wars and on regional development. Some $40 billion has been spent on space exploration and in putting the first and only men on the moon. All this has been done and is being done within a debt limit that has increased only 35 percent.

I did not vote for many of these programs. On the other hand, many of my colleagues did not vote for some of the programs I supported, such as large education expenditures and money for cancer and other health research. But the point is that there were a sufficient number of Senators and Representatives in favor of all these programs to obligate our Government for vast amounts of expenditures. If the Congress were to fail now to increase the Federal debt limit sufficiently to enable us to satisfy the obligations arising from all of these programs, we would be guilty of a serious breach of faith at home and abroad. Increasing the debt limit at this time is nothing more than fulfillment of our responsibilities to make the money available to pay for those programs and services undertaken by our Government under authority granted by the laws passed by a majority of this Congress.

It has been said that increasing the debt limit has become an annual, or a semiannual or biannual exercise by this Congress, that it can be expected that another request to increase the debt limit will be before the Congress within a few months or next year. That may very well be, although I devoutly hope not.

But I hereby commit myself in this public forum to join with any one of my colleagues, within the House of Representatives or within the other body of the Congress, to effect every possible cut that can wisely be made in the programs we authorize and the appropriations we make, in a sincere effort to cut Government operating costs sufficiently to not only avoid any further increases in our debt, but, hopefully, to save enough money in the next year to significantly reduce that debt.

Regardless of the depth of commitment by any Member of this Congress to the cause of economy in Government, that commitment cannot be expressed in a vote against increasing the debt limit, at this time. No matter how well meant such a vote might be, defeat of the proposal to increase the debt limit could only assign the Nation to a position of inability to meet its obligations for the first time since 1791.

Again, I want to say that I am very glad that H.R. 4690 came back to us from the other body with an amendment that will speed up increases in social security benefits paid to our elderly. I am disappointed, however, that two very important and much-needed improvements were omitted from the bill as agreed upon in conference. One of these would have increased from $1,680 to $2,400 the earnings an annuitant may receive without affecting his benefits. The amendment would have also liberalized the treatment of those earnings above the higher level for purposes of adjusting benefits. I urge that the Ways and Means Committee, in its current consideration of comprehensive amendments to the Social Security Act, should restore this much-needed provision.

In another area, I was disappointed that the conference committee made a downward adjustment in the Senate-approved amendment which would have raised minimum monthly benefits to $100. The $70.40 figure agreed upon is totally unrealistic. I am informed that increased minimum benefits is among a number of proposals now under consideration by the Ways and Means Committee, and I urge that group to fix a more meaningful figure in this respect. We should all hurry to achieve that objective.

Mr. HORTON. Mr. Speaker, I rise in support of a retroactive 10-percent increase in social security benefit payments. If we pass this bill today, and it is signed into law, we will help establish a record of responsibility for this Congress, which together with the last Congress, is demonstrating at least a willingness to prevent inflation from eating away at the living standards of the elderly who benefit from social security.

The bill before us today, as amended in the Senate, would authorize a 10-percent increase in benefit payments effective January 1, 1971, in addition to authorizing an increase in the temporary and permanent treasury debt ceilings.

As enthusiastic as I am about the necessity for this social security increase, I am fearful that we not allow this action to postpone or eliminate the even greater necessity for action on meaningful reforms in the structure and operation of the social security system, and other programs which affect the well-being of the elderly.

There are no issues before our society today that are more vital than positive responses to the needs of older Americans. Both young and old will benefit from creative national policies leading to a new era of opportunity in aging.

How our society meets the challenges of aging will have impact not only on the 20 million persons now past 65 and the million and a half reaching that age each year, but also on every citizen, including those in middle age and youth.

Goals of a new, positive national policy toward older Americans should include incomes adequate for each to live in dignity with honor and independence and increased opportunities for economic and social involvement in society's mainstream. But, first, we must all recognize the resources which older persons can bring to our Nation's growth—physical, cultural, and spiritual.

If we are to achieve a new era of opportunity in aging, we must abandon outmoded 19th century stereotypes of older people as infirm, sick, or useless. We will have to reverse today's all too common practice of rejecting persons, capable of great contributions to themselves and others, simply because of age.

We must make both immediate action and long-range commitments, based on the facts of life as they relate to aging in the last third of the 20th century, if we are to end unjustifiable discrimination against the aged.

It is high time we admit that this nation so far has ducked the problems confronting older persons. Our hit-or-miss approach to their needs is an evasion of the issues, an evasion that ill befits our country. This avoidance of responsibility is one we can afford no longer.

So, meeting our responsibility to older Americans of today—and tomorrow—calls for the most imaginative and creative thinking possible. It will involve new attitudes toward aging by all elements of society. Above all, it will require positive action.

Past and current failure to recognize older Americans' aspirations for their country—and their need for fulfillment as individuals—is an inexcusable blight on our society. Absence of a positive national philosophy in aging, and the resulting policy vacuum, has meant second-class citizenship for countless older persons. It has forced millions into intolerable social and economic situations.

Correction of such negativism will take ingenuity and time. Too often, we have subjected the elderly to the cruel hoax of unrealistic political promises. We would be equally unfair now to imply that a new era of opportunity in aging can come overnight. But we must make a beginning—and without delay.

Older Americans deserve an immediate diligent national effort to restore to them the life choices—with dignity—which are the due of all men and women. This means expansion of work opportunities, full-time and part-time. It will involve creation of avenues for pursuit of volunteer second careers, new educational and recreational emphases—and, above all, assurance to all of decent standards of living.

Look into the past and glimpse into the future and get an indication of the magnitudes of both problems and opportunities. In 1930, we had fewer than 7 million Americans over 65. In the 40 years since, the number has grown to over 20 million. It is hard to guess what the next 40 years will bring, but continuing research and improved quality of life suggest the increase will be great.

Serious medical sicentists predict extension of lifespan to 90 or 100 years. If this occurs, how can we possibly adhere to current practices which put so many active and able persons on the shelf at 65 or 70? How can we accept the current trend to relegate persons to inactivity at even young ages?

Countless older persons today strongly resent what this antisenior policy is doing to them psychologically, economically, and socially. We dare not turn our back on the problem created by adherence to unreasonable 19th-century concepts of aging.

We speak of increased lifespan. How valid are these predictions?

It is reasonable to expect great progress against major killing and crippling diseases, as well as less dramatic but possibly no less significant gains produced by better health education and medical skills and by rising living standards.

Millions now past 65 would be dead had their lives been spent in environments such as those which faced their fathers and mothers. We cannot estimate how many now are living whose life depends on miracle drugs nonexistent 40 years ago, whose life has been preserved by surgical techniques and medical procedures unknown 40 years ago.

The fact is that we have a new generation of older Americans, unlike any of the past. It is pioneering with a new phenomenon of aging characterized by vigor and physical and mental prowess which impose new demands for fulfillment.

While special efforts should be made to help older persons as such, recognition must be given to the vital concern of this new generation of older Americans with all that happens in and to America.

The capacity and desire for continuing participation in the mainstream of life is an essential part of the current crisis in aging. It is but compounded by the numbers who are affected. Within it, however, is the potential for a whole new affirmation of life in later years for all citizens.

In creating a new era of opportunity in aging, we must give attention to both quantitative and qualitative elements of the revolution—a fresh approach to immediate needs as well as long-range plans for the future. Expansion of choices for all is essential.

Never before has the importance of purpose in life been less related to chronological age—never before so large an older population, more diversified in interests, desires, experiences, and abilities.

To the 20 million older Americans this Nation owes a great debt, but they do not ask for special treatment. They only hope for the opportunity to participate in the promise of America without discrimination. They want freedom—freedom to be involved in the life of the land they love; freedom from a second-class citizenship imposed by ill-founded misconceptions as to what aging means to an individual; freedom to persist as human beings with a dignity which should be denied to no one; and freedom to choose, a right given to all at birth, but also earned by them through lifetimes of service.

We need to instill a new concept of retirement. Retirement—and perhaps that is not the proper word—should aim at reaffirmation of life purpose—should involve renewal of activity, whether in leisure, continued employment part-time, or second careers. It should offer restoration of freedom with dignity.

Hopefully, the 1971 White House Conference on Aging called by President Nixon will reflect the wisdom and experience of older Americans. Its recommendations should call for expansion of employment opportunities, and for several other things: Creation of new mechanisms for volunteer service, adult educational facilities, better housing and medical care, new techniques in transportation, and services necessary to combat loneliness.

None of these should wait for the White House Conference, but this national meeting certainly must concern itself with them in our determination to replace a national policy vacuum in aging with a new era of opportunity.

But most immediate and fundamental to a positive policy is the obligation for an affirmative response to the primary need of all those older Americans who now endure serious income shortages.

As among younger citizens, older persons with lowest incomes and those in the lower middle-income group are hit hardest by rising living costs. They have the least economic cushion to absorb the shock of higher prices for essential goods and services. The hidden tax of inflation contributes to the more visible property taxes.

As the dominant factor in the inflationary problem, the Federal Government has a responsibility—especially to those no longer in the work force—to provide relief as fully as possible. The truth remains, however, that low- and middle-income people can never fully escape the impact of rising prices. The greatest service possible to all older Americans would be provided by success in President Nixon's objective of restoration of a stable dollar.

Concurrent with efforts to control inflation is the need for a more realistic response to the problems of the aged whose incomes by any standard are inadequate. This calls for improvement in social security—and beyond that a willingness to consider new approaches to correcting income deficiencies among older Americans.

During the last 10 years, the gap between incomes of those past 65 and younger people has widened, not narrowed. The number of persons past 65 forced to face life with inadequate incomes has increased. At the same time the burden imposed on younger workers through social security taxes has grown, and with this has come a heightened resistance to further increases.

Social security is a vital part of our Nation's life. It should be strengthened and improved.

Today, approximately 5 million persons past 65 have incomes below the poverty line. Most became poor only after retirement. Many are women. A high percentage are past 75 or 80.

It is a national disgrace that we have not yet provided assurances that none of these persons, whose contributions to the Nation's growth has been so great, should suffer want in their later years.

Few want, or expect, charity, so a national effort should be made to give them opportunity to supplement social security and pension incomes with jobs, part time or full. Job opportunities should be expanded in both private and public sectors of our communities.

Many, however, are unable to avail themselves of job opportunities. Our debt to them is no less because of their disability or infirmity or isolation. They, too, are entitled to at least minimum standards of living in decency and dignity.

Toward that end, Mr. Speaker, I have introduced several bills which would provide some relief to our senior citizens. These bills would increase widow's and widower's insurance benefits; eliminate the existing reduction in benefits on account of other governmental pensions; provide a substantial liberalization of the retirement test; provide an automatic standard-of-living increase in benefits to social security and railroad retirees; reduce the rates of tax imposed on self-employment income for purposes of old-age, survivors, and disability insurance; include prescribed drugs among services covered under the supplemental medical insurance program for the aged; amend the Railroad Retirement Act to provide a full annuity to any individual completing 30 years' railroad service; eliminate the 6-month waiting period for disability insurance benefits for those with permanent disabilities; reimburse beneficiaries for expenses incurred as a result of delay in their benefit checks; increase the number of years disregarded in computing social security benefits; provide for optional payment of social security taxes for individuals aged 65 and over who are employed; and provide for an exchange of credits between the old-age, survivors, and disability insurance system and the civil service retirement system.

Mr. Speaker, I have discussed in more detail, the need for these measures in two recent weekly columns I prepared for newspapers in my district. I should like to insert these at this point in the Record to more fully explain my support for this legislation.

ARE WE RETIRING THE ELDERLY TO PASTURES OF POVERTY?

(By Congressman Frank Horton)

With all the emphasis on reform in the way government deals with important public problems, the terrible plight of America's twenty-two million senior citizens has been swept under the rug.

In terms of housing, health care and income security, older Americans have suffered grave indifference almost amounting to abuse at the hands of the public at large and the government. A few generalities outlining the scope of senior citizens' problems will serve to set the stage for the importance of immediate reforms:

1. One in every four Americans over 65 in the United States is living in poverty. The only way to avoid hardship for these people is to provide a meaningful income security program for the elderly most of whom do not have work as an alternative income source.
2. The Social Security program is still held out as an insurance program, despite the fact that the vast majority of enrollees receive less in benefits than they contribute to Social Security tax payments.
3. Medicare pays less than half of the health costs of the elderly—costs which have grown by leaps and bounds over the past few years.
4. With some happy exceptions, the quality of care offered in many homes for the aged and nursing homes ranges from inadequate to inhuman.
5. Reforms in every aspect of public policies toward the elderly have been recommended for years, but for the most part, patchwork, temporary, inadequate and undignified solutions are all that has emerged from Congress.

Of these ills, the problems with the Social Security system are the most serious. This system is basically the same today as when it was created in the 1930's.

All Social Security funds are derived from a regressive payroll tax on employers and employees. The tax is "regressive" because those earning $7,800 per year pay the same amount as those earning $50,000, $100,000 or more per year.

I feel that the Social Security system is the best means of combating poverty among the elderly, and that new dimensions of the program designed to provide income security should be financed out of the general fund, not out of social security taxes. It is not fair to take funds from the payroll tax which will not be repaid as benefits to those paying the tax. The broader income security programs should not be financed by a regressive tax.

The general fund is made up of revenue collected from the more equitable and progressive individual and corporate income taxes.

Since my service in the mid-1960's on the National Task Force on Problems of the Aging, I have stressed the need for several far-reaching Social Security reforms.

Tragically, the 91st Congress failed to pass into law a bill which would have made a beginning toward needed reform. Any further delay in modernizing the outdated provisions of this program will mean that more thousands of senior citizens will face loss of their homes because of inadequate income and further years of hopeless retirement into poverty.

In next week's column, I will outline the specific reforms that will be contained in my comprehensive Social Security bill.

PROPOSED ACTION ON PROBLEMS OF THE ELDERLY

(By Congressman Frank Horton)

Last week, I outlined the problems of poverty and neglect which afflict millions of older Americans. These problems cannot be solved with words or good intentions.

The only way action will be taken and the proper priorities placed on helping the elderly and the social security taxpayer is for the people to demand this action from their elected representatives.

Each year since coming to Congress, I have tried to respond creatively to the problems of the tens of thousands of retired people in my district. Each year, further research into the problem has led me to introduce new legislation containing new ideas for tackling the poverty and neglect of older people.

Most of my efforts have been geared toward revamping the outdated social security system, which functions basically the same way today as in the 1930's.

Any reforms contained in social security bills Congress has passed usually tinker with the outskirts of the real problems. We have not yet provided the comprehensive reforms necessary to take older Americans out of poverty and out of "the beggar's role" when it comes to their need for income, food, health care, and housing care.

This year, I will introduce the most far reaching social security reform bill of my Congressional career. It will include concepts I have proposed in past years in addition to new ones which constituents have recently brought to my attention.

The three main provisions of this bill are a substantial liberalization of the retirement test, automatic standard-of-living increases, and a new broader based income security program for the elderly which will be financed out of the general fund not out of social security payroll taxes.

One way to provide the needed income security is to eliminate the unfair retirement test which penalizes recipients who earn more than $1,680 per year after they reach the age of eligibility. The effect of this earnings penalty is to withhold benefits from the income elderly who need them the most, while still paying full payments to those who have no need to work because they have substantial investments, dividends, private pension payments and other non-work incomes.

I have suggested that social security income level limitations be changed to include income from all sources, not just earned income, and that no benefit penalties be imposed unless the recipient receives over $7,000 per year in total outside income. This reform would have to be gradually implemented so as not to penalize those receiving full benefits under present provisions.

I have long proposed that social security benefits be increased automatically as real income and the cost of living move upward during periods of inflation. Recipients should not be forced to ask Congress for benefit increases needed to keep pace with inflation. My plan, called "standard-of-living" increases, would allow the elderly to share in the purchasing power gains of the rest of the economy and would not limit them to "nearly keeping up" with inflation.

Other provisions of my comprehensive social security reform bill include: (1) remove social security tax penalty for the self-employed; (2) increase widow's benefits; (3) eliminate six-month waiting period for permanent disabilities; (4) include prescribed drugs under Medicare; (5) extend standard-of-living increases and retirement test liberalizations to railroad retirees; (6) allow workers over 65 the option of not paying further social security taxes and (7) provide a benefit increase retroactive to Jan. 1, 1971, commensurate with standard-of-living increases since the time of the last benefit adjustment.

To make these proposals law will require the support of my constituents and my colleagues. They are vital to the well-being of America's twenty-two million elderly.

Mr. Speaker, we must insist on the certainty of economic independence based on a decent minimum standard of living for all older persons. For those senior citizens who wish to work, we must insure their freedom to do so without restriction or penalty. In short, we must provide all older Americans security with freedom and dignity.

Our national purposes, long neglected, must include acknowledgment that age is no barrier to useful, satisfying experiences. We must strive to create maximum choices for older Americans, in work and leisure, with dignity and honor.

Mr. Speaker, reforms contained in the bills I sponsored will serve those ends.

Mr. BIAGGI. Mr. Speaker, swift approval of the across-the-board 10-percent social security increase by Congress and the President is essential. The some 26 million predominantly older Americans who depend on these payments for their main source of income cannot be told to wait any longer.

This measure, however, should be considered only a bare bones minimum—an emergency measure. These are numerous other important changes that must be made in the law such as elimination of the outside earnings limitation, raising death benefits and establishing a formula for automatic cost-of-living increases.

Over the past years inflation has taken a heavy toll in terms of purchasing power of the dollar. The $100 a month wage in the thirties barely buys bread today. Yet, the average payment under social security for most individuals even after this increase will only be about $130.

The changes sent to the President also provide for a 5-percent increase in payments for some 600,000 Americans over the age of 72 who were not able to qualify for social security, but were in dire need of assistance.

I would like to take a few minutes today to comment on some urgently needed changes.

OUTSIDE EARNINGS LIMIT

The first is the elimination of the outside earnings limitation. The Senate had approved a $2,400 cutoff in the emergency bill, but Members of this body prevailed in the conference committee and the figure was dropped back to the original $1,680.

This provision is a real travesty. It keeps many older Americans in poverty when they could be out earning extra money to help improve their standard of living. Their skills in many cases would also provide essential services in the marketplace.

I am presently working with the Senior Citizens of America and Staff Builders, Inc., to gather 1 million signatures on a petition to Congress calling for the elimination of the outside-earnings limitation. I hope this body will listen to the plea of these retired citizens.

MINIMUM PAYMENT INCREASE

Mr. Speaker, we must also recognize that a certain minimum income is necessary to sustain life today. Raising the present minimum payment from $64 to $100 would be a step in the right direction. Yet, Members of this body have balked at providing even this modest increase to those in need.

Another essential feature that should be built into the law is an automatic cost-of-living increase. This would guarantee social security recipients that their payments would at least keep pace with inflation. Such a provision was approved by both Houses last year but failed to pass in the end-of-session rush. I sincerely hope that such a proposal will be included in any new measure that comes out of Congress this year.

DEATH BENEFITS INCREASE

In a few weeks I will be introducing a measure calling for an increase in the lump-sum death benefits payment. Present law provides for a payment three times the monthly benefit up to a maximum of $255. This figure has not changed since 1951 despite the fact that funeral costs have skyrocketed.

For comparison purposes the average prices for adult funerals selected in the years 1958 through 1969 run from $661 to $926. These figures do not include charges for a vault, cemetery, or crematory expenses, monument, or marker costs or miscellaneous items such as an honorarium for the clergyman, flowers, additional transportation charges, burial clothing, or newspaper notices.

My bill would raise the lump sum benefit to $750, eliminating the provision pegging it to the monthly payment. This in itself represents the minimum cost for a funeral. It would recognize that certain costs are the same for all persons regardless of income. Without a doubt such a change is long overdue.

COSTS OF SUCH INCREASES

I would be less than candid if I did not talk about the costs of the present increases and any future increases in social security benefits. The bill before us today would call for imposing the present 10.4-percent employer-employee tax on the first $9,000 of income rather than the first $7,800 as under the present law.

Any increases in the minimum, in death benefits, in regular payments, or other provisions of the law would certainly call for an increase in the contributions. Already the law provides for a jump in the tax in small increments from 10.4 to 11.8 percent by 1987. A higher cut may be needed if the system is to continue to pay for itself.

Social security is the primary old age and retirement insurance for most Americans. For many others it is an essential aid when disability strikes. The medicare provisions have assured the elderly of protection in case of catastrophic illness.

Insurance is an important investment, but one that many Americans fail to make. The Government has provided this protection through social security. Unlike many other Government programs, social security payments come out of a trust fund that is supplied by employer-employee contributions and by earnings on investments made with the contributions.

Such a program embodies the American spirit of mutual help and assistance. It preserves the traditional commitment of all Americans to the belief that working for one's own security is far preferable to a public handout.

Moreover, these people are the backbone of the Nation. They took this country through two world wars and a great depression. When America was at its crossroads, these were the people who selected the right road to follow. They worked hard and their life was hard, but they pulled through. I know. My mother is 77 and still has the independent spirit that kept her going through the difficulties of the first half of this century.

Through improvements in legislation we who are still in the work force can keep the many proud Americans who have retired still proud of those traditions that have made this country great.

Mr. DORN. Mr. Speaker, I am pleased to support the 10-percent increase in social security benefits. This is a timely action for the 26 million social security beneficiaries, especially in view of the severe burden that the recent inflation has placed on our senior citizens.

Most of our senior citizens must live off a fixed income, and for them a rise in benefits is an absolute necessity.

Mr. Speaker, we owe a great obligation to this generation of senior citizens. It was they whose taxes made our World War II effort possible. It was they who saved hard money only to see its purchasing power later eroded. I enthusiastically support this 10-percent increase, and I hope the Congress will proceed expeditiously to consider a bill I have sponsored which would allow women to retire at age 62 with full social security benefits. I also support House action to provide for a higher monthly minimum payment and an increase in the ceiling on permissible outside earnings for social security recipients. I hope today's timely House action is indicative of future action.

Mr. MILLS. Mr. Speaker, I have no further requests for time.

The SPEAKER. Does the gentleman from Wisconsin desire to use any time?

Mr. BYRNES of Wisconsin. Mr. Speaker, I have no requests for time.

Mr. MILLS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

Mr. MILLS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 360, nays 3, answered "present" 1, not voting 68, as follows:

[Roll No. 20]

YEAS—360

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biester
Blackburn
Blanton
Blatnik
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Caffery
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conte
Corbett
Corman
Cotter
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Denholm
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Duncan
duPont
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks, Mass.
Hicks, Wash.
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Latta
Leggett

Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Madden
Mahon
Mailliard
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Mizell
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pike
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Waggonner
Waldie
Wampler
Ware
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—3

Ashbrook
Crane
Schmitz

ANSWERED "PRESENT"—1

Lennon

NOT VOTING—68

Anderson, Tenn.
Annunzio
Baker
Biaggi
Bingham
Boggs
Byrne, Pa.
Camp
Chisholm
Clawson, Del
Colmer
Conyers
de la Garza
Dellums
Dennis
Diggs
Dowdy
Dulski
Eckhardt
Edwards, La.
Eilberg
Erlenborn
Eshleman
Fish
Ford, Gerald R.
Giaimo
Gibbons
Green, Pa.
Grover
Gubser
Hall
Hanley
Helstoski
Hillis
Hogan
Landgrebe
Lent
Long, La.
McCulloch
Macdonald, Mass.
Mann
Melcher
Metcalfe
Minshall
Mitchell
Mollohan
Murphy, Ill.
Nix
Obey
O'Hara
Pickle
Pirnie
Poage
Pryor, Ark.
Rangel
Rees
Reid, N.Y.
Riegle
Rostenkowski
Rousselot
Sandman
Stokes
Terry
Thomson, Wis.
Vigorito
Wydler
Yatron
Zwach

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Baker.

Mr. Macdonald of Massachusetts with Mr. Hogan.

Mr. Dowdy with Mr. Landgrebe.

Mr. O'Hara with Mr. Reid of New York.

Mr. Giaimo with Mr. Eshleman.

Mr. Rostenkowski with Mr. Erlenborn.

Mr. Hanley with Mr. Wydler.

Mr. Vigorito with Mr. Fish.

Mr. Byrne of Pennsylvania with Mr. Sandman.

Mr. Edwards of Louisiana with Mr. Minshall.

Mr. Green of Pennsylvania with Mr. Gubser.

Mr. Pickle with Mr. Hall.

Mr. Pryor of Arkansas with Mr. Lent.

Mrs. Chisholm with Mr. Helstoski.

Mr. Nix with Mr. Bingham.

Mr. Anderson of Tennessee with Mr. Del Clawson.

Mr. Long of Louisiana with Mr. Rousselot.

Mr. Dulski with Mr. Diggs.

Mr. Dellums with Mr. Rees.

Mr. Yatron with Mr. Stokes.

Mr. Boggs with Mr. Gerald R. Ford.

Mr. Biaggi with Mr. Grover.

Mr. Eilberg with Mr. Conyers.

Mr. Mollohan with Mr. Metcalfe.

Mr. Colmer with Mr. Thompson of Wisconsin.

Mr. Gibbons with Mr. Pirnie.

Mr. Murphy of Illinois with Mr. Riegle.

Mr. Melcher with Mr. Camp.

Mr. de la Garza with Mr. Dennis.

Mr. Obey with Mr. Rangel.

Mr. Eckhardt with Mr. Mitchell.

Mr. Zwach with Mr. Terry.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days within which to extend their remarks in the RECORD on the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF LABOR, 1971

Mr. MAHON. Mr. Speaker, pursuant to the order of the House yesterday, I call up the joint resolution (H.J. Res. 465) making a supplemental appropriation for the fiscal year 1971 for the Department of Labor, and for other purposes, and I ask unanimous consent that the joint resolution be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 465

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1971, namely:

DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES AND EX-SERVICEMEN AND TRADE ADJUSTMENT ACTIVITIES

For an additional amount for "Unemployment compensation for Federal employees and ex-servicemen and trade adjustment activities," $50,675,000.

Mr. MAHON. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Texas is recognized for 5 minutes.

Mr. MAHON. Mr. Speaker, this is a joint resolution providing an additional appropriation for unemployment compensation for Federal employees and ex-servicemen in the sum of $50,675,000 for the current fiscal year 1971.

The subcommittee headed by the distinguished gentleman from Pennsylvania (Mr. FLOOD) studied this request and conducted the hearings on it. I yield to the gentleman from Pennsylvania for further explanation.

Mr. FLOOD. Mr. Speaker, this is an urgent matter that should be acted upon by Congress as soon as possible. Funds for this appropriation—unemployment compensation for Federal employees and ex-servicemen—were actually exhausted last week. This resolution includes $50,675,000 which is the exact amount of the request. However, the departmental witnesses testified that this will not be sufficient to pay all claims for the rest of the fiscal year. They plan to mortgage the 1972 fiscal year funds to make up the difference. They have this authority during the last quarter of the fiscal year.

While I suspect that previous estimates for fiscal year 1971 have been purposely estimated on the low side, I do not know of any way to prove it. However, we all know that unemployment has gone up considerably during this fiscal year. Of direct impact on this program, the number of ex-servicemen drawing unemployment compensation during July 1970 was 80,000 and it went up to 130,000 in February 1971. Likewise, the number of Federal employees drawing unemployment compensation went up from 30,000 to 37,000 during the same period.

Mr. Speaker, I include some additional pertinent statistics in the RECORD at this point:

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES AND EX-SERVICEMEN

1970 appropriatio i	$187, 930, 000
1971 appropriation to date	266, 400, 000
Current estimate	317, 075, 000
Proposed supplemental	50, 675, 000
Federal employees	(8, 400, 000)
Ex-servicemen	(42, 275, 000)
Average weekly benefit—fiscal year 1971:	
Federal employees	51. 17
Ex-servicemen	52. 15

	Presently available	Revised estimate	Change
Number of weeks compensated:			
Federal employees	1, 442, 000	1, 600, 000	+158, 000
Ex-servicemen	3, 270, 000	4, 050, 000	+780, 000

	July 1970	February 1971
Total unemployment among Federal employees and ex-servicemen:		
Federal employees	30, 000	37, 000
Ex-servicemen	80, 000	130, 000

(Mr. FLOOD asked and was given permission to extend his remarks and include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Mr. Speaker, last year the Congress adopted a most important bill, the occupational health and safety bill. I would like to address a question to the distinguished chairman inquiring as to whether or not any funds have been appropriated under this bill, and, if not, what is the intention of the committee with reference to appropriating sufficient funds so that the law which is to take effect on April 28, 1971, may actually be put to work?

Mr. MAHON. The gentleman has asked a significant question. There will be a supplemental bill to be reported within the next several weeks which will deal with that request and with many others which we expect to receive shortly. We did not want to couple action on the request for the occupational health and safety program with this highly emergency action which is required today. The unemployment compensation account is exhausted. Prompt action is required.

I yield to the gentleman from Pennsylvania (Mr. Flood) for comment.

The SPEAKER. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. Mahon was allowed to proceed for 3 additional minutes.)

Mr. FLOOD. Mr. Speaker, that is a very important question my friend, the gentleman from New Jersey, has asked. We did conduct hearings on this. The fact that one appropriation is not included in this emergency House joint resolution under no circumstances indicates we do not recognize the import of what the gentleman refers to.

We would hope in a few weeks—I would hope in 2 weeks—that this could be before the committee for action in the supplemental bill. This resolution is merely to take care of a real emergency, but I would like my friend to understand the subcommittee appreciates the problem. As Chairman Mahon said, it will certainly be in the second supplemental bill. That is a matter of 2 weeks or so now.

As far as the hiring of the employees to carry out the new law, there have been 150 assigned to this already. In addition to that, the Davis-Bacon Act has been set aside. All those employees could be assigned at once to this problem. We will meet this problem with a supplemental appropriation very soon.

Mr. DANIELS of New Jersey. Mr. Speaker, I would like to thank the chairman of the committee and the chairman of the subcommittee for those explanations.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, I appreciate the chairman yielding.

I would address myself to this question with respect to the Occupational Health and Safety Act. I think we ought to make clear for the record that if that act is to be implemented on April 28, and without funds to back up that proposal, the administration is considerably handicapped in being able to put on board the kind of competent people that will be needed to make sure we do not get ourselves into the position on this act as we did on the mine safety legislation where the thing got bogged down because we did not come up with money quickly enough to coincide with the enactment date.

Mr. Speaker, as the chairman of our full committee and chairman of our subcommittee have indicated, there is a real emergency with respect to the $50,675,000 requested for Unemployment Compensation for Federal employees, ex-servicemen, and trade adjustment activities. This will bring the total for this fiscal year for former Federal employees and ex-servicemen up to $305,175,000. There are currently 37,000 Federal workers unemployed and 137,000 ex-servicemen. With respect to the latter, it may be interesting to note that the average length of time that our returning veterans are on unemployment compensation today is about 11½ weeks, and that is an increase of 2½ weeks over what it was a year ago. Federal employees are currently on unemployment compensation on the average of 19 weeks.

There is nothing we can do about this particular item except to ante up the money or find ourselves in default of fulfilling our obligation to our ex-servicemen and unemployed Federal workers under the law.

I must say, Mr. Speaker, that during the hearings on this supplemental that I expressed considerable concern over the faultiness of the estimates that were submitted to us in justification of this appropriation in the regular bill nearly a year ago. It was quite obvious to us then that what was being asked for in the regular bill was never going to be adequate to meet our obligation, I urge the support of the resolution.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the distinguished chairman of the Appropriations Committee yield?

Mr. MAHON. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. At what point does the supplemental come to the floor of the House? Do we know that now?

Mr. MAHON. No; we have not received the estimates from the administration. We will get those requests, I am assured, in the near future. Then we can see what requests are forthcoming and then we can make a determination as to when we can bring the legislation before the House.

Mr. STEIGER of Wisconsin. Will the distinguished chairman yield further?

Mr. MAHON. I am glad to yield further.

Mr. STEIGER of Wisconsin. I appreciate very much the gentleman's honest answer to that question. I do want to make clear my own concern, one I share with the distinguished gentleman from New Jersey, about making available the supplemental request of $10.9 million to the Department of Labor for implementation of the Health and Safety Act. I would hope there would be a willingness on the part of the HEW-Labor Subcommittee and of the full committee to consider this matter just as quickly as possible in order to give the Department tools with which to take action on this bill effective April 28.

The SPEAKER. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. Mahon was allowed to proceed for 1 additional minute.)

Mr. MAHON. Mr. Speaker, the pending resolution would appropriate $50,675,000 for ex-servicemen and former employees of the Government. It is urgently needed. At the appropriate time I shall ask for a rollcall vote on the resolution.

Mr. GROSS. Mr. Speaker, I move to strike the necessary number of words.

Mr. Speaker, I am disturbed by the history of this legislation. If I understand the figures correctly, $199.5 million was appropriated in the regular budget for the fiscal year 1971. Then Congress last December approved a supplemental of $55 million. Now we are asked to approve still another supplemental of $50 million.

It seems to me there is something wrong with the estimating apparatus in the executive branch of the Government, when it cannot do better than provide an estimate which winds up with supplemental requests totaling more than 50 percent of the original budget asking.

I attach no blame whatever to the Appropriations Committee. The Appropriations Committee is carrying out a job that it has to do in terms of providing the unemployment compensation funds for ex-servicemen and Federal employees.

But it seems to me to be almost incomprehensible that they cannot do a better job than to underestimate by 50 percent their requirements.

If I understand the timing correctly, the troop withdrawals in Vietnam were announced before the regular budget was adopted last year. Therefore, they had a pretty good idea of the number of servicemen who would be brought back and discharged as a result of the withdrawals.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to my friend from Illinois.

Mr. MICHEL. The gentleman from Illinois is just as much concerned as the gentleman from Iowa. I raised a question in the hearings. I pointed back to the Record of over a year ago, when I suggested that the estimates might be faulty. Predicting a 4-percent unemployment rate for the year 1970 seemed to me to be somewhat ridiculous. I actually made the point in the Record, with respect to the request for increased amounts of money for the estimators, that perhaps we ought to do away with the estimators for 1 year, do our own prognosticating and save the administrative costs.

I agree with the gentleman wholeheartedly. We are in a real box when we sit there listening to the testimony of estimates that prove to be 50 percent off and come in here in good faith with the best figures available to us from the professionals.

Mr. GROSS. I thank the gentleman very much for his observations.

I want to reiterate that I attach no

blame whatever to the Committee on Appropriations. They must rely on estimates given them by representatives of the administration. I agree with the gentleman from Illinois that if they cannot do better than that on their estimates, perhaps we ought to dispense with some of the estimators.

Mr. Speaker, I yield back the balance of my time.

Mr. STEIGER of Wisconsin. Mr. Speaker, in order to give the house a more complete understanding of the importance and urgency of the supplemental request of $10,900,000 for the implementation of the Occupational Health and Safety Act I want to include as a part of my remarks the statement by the Under Secretary of Labor, Laurence Silberman, before the Senate Appropriations Committee at this point:

Workplace Standards Administration

Salaries and Expenses

(Statement by Laurence H. Silberman, Under Secretary of Labor before the Senate Appropriations Subcommittee)

Mr. Chairman and Members of the Committee, the supplemental budget request for fiscal year 1971 is for $10,900,000. This is to cover the Department's start-up costs for implementation of the Williams-Steiger Occupational Safety and Health Act of 1970, which becomes effective April 28 of this year. In enacting this law, both the Congress and the President have recognized the critical need for rapid and effective action to reduce occupational injuries, illness, and fatalities which are taking such a heavy human and economic toll. The Department is now doing everything it can to be prepared to handle its responsibilities, but the timely appropriation of this supplemental budget request is essential if we are to make a successful start at meeting the many goals of the Act.

We are establishing a separate Administration headed by a new Assistant Secretary to carry out the Department's responsibilities under the Act. However, the Department has been planning for implementation of the Act since long before its passage by Congress, and we have been able to commence action rapidly within the present organization.

Since the President signed the Act on December 29, Department Task Forces have been at work with the following objectives:

1. Promulgation of an "initial standards package" on or about April 28: The "initial standards package" will consist of construction, maritime, and general industries safety and health standards. The package is before compiled from established Federal standards and national consensus standards as required by the Act.

The setting of construction safety standards has been expedited in order to promulgate them prior to April 28.

2. Commence National Program Staffing: The Department has initiated intensive recruitment efforts to meet the responsibilities placed upon it on the effetcive date of the Act, April 28, 1971. We are presently recruiting and training to increase the existing safety field structure of 150 to 540 by June 1, 1971. We plan to supplement the National Headquarters Staff by 245 new positions by June 1st. After the addition of this staff the June 1st deployment including existing Bureau of Labor Standards staff will be:

	Total	New staff
National headquarters and field support staff	465	245
National field operations staff	540	390
	1,005	635

National recruiting efforts to date have produced approximately 4,000 applicants representing all position skills anticipated by the new Safety and Health Program. For the National Headquarters Staff we are presently recruiting the full new complement of 245—of which 105 have been placed on board. The balance of this requirement will be on board by June 1st. The additional 390 field positions are being recruited—125 by March 31, 125 by April 15 and 140 by May 15. This is to allow for 4 weeks specialized training in Washington prior to field assignment.

As of this date total additional staff recruited and on board or reporting is 105 in the National Headquarters and 45 in the field. We expect no difficulty in meeting our staff build-up requirements either in quantity of recruits or quality of skills on the job.

3. Commence action with the States to produce maximum State participation in the program; it is the Administration's intention to achieve maximum participation by the States. I would like to submit for the record documents which have been mailed to every governor.

At this time it is difficult to predict just how many States will qualify for planning grants before the end of this fiscal year, and our estimate may exceed our requirements for this purpose. However, we feel that it is necessary to have the funds available on a contingency basis so that no legitimate application will have to be denied for lack of funds. We would like to have this Committee provide two-year appropriation language for the Grants operations so that any unused funds would remain available in 1972.

4. Inform employers and employees of their responsibilities: The Department has already produced fact sheets, factbooks, radio and TV spots and slides and made available copies of the Act across the country. Hundreds of thousands of these documents have already been distributed and this information effort is only a beginning. As the program matures, specific education and training approaches will be developed for employers to eliminate unsafe conditions and for employees to avoid unsafe acts.

Numerous appearances and contacts have been and are being made with trade associations, industry and labor groups and others to enlist maximum organized support to achieve the purposes of the Act.

5. Create a statistical "yardstick" to enable effective compliance planning and to provide a measurement of the success of the program: Looking ahead to the passage of the Act, the Department requested in 1969 the development by the American National Standards Institute of a new approach to recordkeeping and reporting injuries and illnesses. This new system has been received and will be the basis of the Secretary's recordkeeping requirements which it is planned to activate July 1, 1971.

6. Activate the National Commission on State Workmen's Compensation Laws to evaluate State programs: While this Commission will be independent, the Department has been given fiscal and organization responsibility and a package plan has been developed which upon appointment of the Commission will enable it to commence its work immediately. It is expected that the nominees to the Commission will be announced in the near future.

7. Coordinate with HEW to assure maximum program effectiveness: An extensive information exchange is taking place between the two Departments and will continue. Coordination of research and field efforts is essential.

8. Create the Occupational Safety and Health Review Commission to carry out adjudicatory functions under the Act: The Commission is requesting a separate supplemental appropriation of $100,000 to cover its initial staffing needs. Because of the time lag in cases reaching a point requiring hearings and review, the workload is not expected to become too significant until Fiscal Year 1972.

It should be noted that the Department has already committed substantial resources to this program. It was necessary and essential that these resources be reprogrammed within the Workplace Standards Administration. We believe our action in this regard properly reflects the commitment of Congress and of this Administration to activate this vital program as rapidly as possible.

It should also be noted that without this supplemental no funds can be available for planning documents or other grants to the States and such funding is a necessary ingredient to provide them with the incentive to assume responsibility.

The Act of course requires additional program efforts above and beyond those mentioned. We believe, however, that we have selected our immediate priorities correctly and that the actions we are taking will produce the results desired. It goes without saying, however, that the funds requested are essential if we are to cover the reprogrammed resources and continue implementation action in the balance of this fiscal year.

This request also includes a relatively minor non-occupational safety matter. The appropriation language currently authorizes transfer of an amount not to exceed $32,000 from the appropriation to the Longshoremen's and Harbor Workers' Compensation Trust Fund. This request includes a change in the language to authorize transfer authority not to exceed $150,000 in order to insure continued solvency of the trust fund. No additional funds are requested for this purpose.

We have a very big job to do and very little time which to do it. Your approval of this supplement is respectfully requested.

U.S. Department of Labor,
Washington.

Dear Governor: The enactment of the Williams-Steiger Occupational Safety and Health Act of 1970 (PL 91–596) gives the Nation a new and important instrument for curtailing the human and economic waste that stems from injuries and illnesses arising out of work situations. I am writing to enlist your support in a cooperative effort between the Federal Government and the States to achieve the objectives of this legislation.

I am sure that you and your staff have already given serious thought to the provisions of the Act and the role your State will play in its implementation and administration. As you know, Congress declared its purpose and policy to be "encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws." A primary objective of the Department's current planning is to facilitate State effort and participation under the Act. We are giving highest priority to the development of procedures which will enable the States to continue their current programs and to assume as quickly as possible the role envisioned for them by the Act. The purpose of this letter is to provide you with an initial outline of our program plans in order that you may initiate such action as you believe necessary in your State.

We contemplate issuing a package of basic safety and health standards on or immediately after April 28, 1971, the effective date of the Act. As the Act is written, these standards will preempt existing State standards and programs unless specific action is taken. Therefore, it is necessary quickly to enter into agreements under Section 18(h) of the Act with States wishing to continue administration and enforcement of their standards pending approval of a State program plan under Section 18(b). Enclosed is a document setting forth the general procedures for making application for 18(h) agreements, on the basis of which you may proceed to prepare and submit applications.

In mid-March we will provide you materials for planning grants under Section 23(a) along with the guidelines and criteria for State program plans under Section 18(b). First priority will go to grant applications for the development of State program plans, the development of statistical systems, and the review of State needs and responsibilities which will lead to a decision on whether the States should develop and submit a program plan. We will be prepared to issue the planning grants immediately after the effective date of the Act and would wish to have all initial grants issued by June 1971.

Our overall objective is to have approved State programs under 18(b) in operation no later than July 1972. This will necessitate the submission of State program plans by early 1972 in order that final action can be completed by May 1972 and funding arranged by the start of this fiscal year.

It would be helpful if you would designate the agency or agencies which will work with this Department in administering the provisions of the Williams-Steiger Occupational Safety and Health Act in your State. We intend to work closely with such agencies and to keep them informed of our activities.

In particular, would you let us know as soon as possible what agency you are designating to be responsible for the injury and illness statistics program. A comprehensive program of statistics is now being developed. To provide for the participation of your State in the planning at this initial stage, the Bureau of Labor Statistics will contact your designee to provide information and technical assistance in making application for statistics planning grants and otherwise developing a statistics program.

I look forward to working closely with you and your staff in the implementation of this important new legislation.

Sincerely yours,

______ ______,

Secretary of Labor.

PROCEDURES FOR APPLICATION FOR 18(h) AGREEMENTS UNDER WILLIAMS-STEIGER OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 (PUBLIC LAW 91–596)

Section 18(h) of the Williams-Steiger Occupational Safety and Health Act (P.L. 91–596) provides that the Secretary of Labor may enter into an agreement with a State under which the State will be permitted to continue to enforce one or more occupational health and safety standards in effect in such State until final action is taken by the Secretary with respect to a plan submitted by a State under Section 18(b) of the Act, or two years from the date of enactment (which will be December 29, 1972) whichever is earlier.

While a State will be required to indicate its intent to submit a plan under Section 18(b) for the Secretary to enter into a Section 18(h) agreement, the State need not express such intent until it has had an opportunity to become familiar with the specific regulations, guidelines and criteria to be issued by the Secretary to determine the acceptability of Section 18(b) plans. Accordingly, States will be invited to apply for a Section 18(h) agreement without an immediate expression of intent to submit a plan under Section 18(b). However, in order for the Section 18(h) agreement to continue in effect, the State will be required to make such expression of intent within sixty days of issuance of regulations, guidelines or criteria for State plans. In addition, the State will be required to submit its plan within nine months following its filing of a notice of intention to file such a plan.

States wishing to apply for a Section 18(h) agreement will submit their request to the Secretary. The request should include:

(1) A brief description of each standard or standards which the State or a political subdivision thereof wishes to continue to enforce, including citations to statutes and regulations. This description shall include a statement of the occupational safety and health covered by each such standard, specifying the scope of the coverage of the standard with respect to such matters as industry, establishment size, and locality;

(2) The names, addresses and telephone numbers of the agency or agencies of the State or of a political subdivision thereof responsible for administering and enforcing the standard or standards, and the standard or standards each such agency is responsible for administering enforcing;

(3) The name, address and telephone number of the head of each such agency;

(4) A description of the program for administering the standards, including a statement of the authority, enforcement machinery and procedures used by each agency referred to in subparagraph (2);

(5) The dollars and approximate man-years allocated within each agency designated in (2) above to the administration and enforcement of each standard to be covered by the agreement during the previous fiscal period and the current fiscal period, and a description of the fiscal period.

Upon acceptance of a State's application, the Secretary may execute a written agreement with the State, in accordance with Section 18(h). These written agreements, among other things, will:

a. Permit the continued enforcement of the standard or standards referred to in the agreement by the State or the political subdivision of the State;

b. Require the State or the political subdivision of the State to maintain at least its current level of enforcement;

c. Terminate on December 29, 1972, or upon the Secretary's taking final action on a plan submitted under Section 18(b), whichever is earlier:

d. Terminate if the State does not file a notice of intent to submit a Section 18(b) plan within sixty days of the issuance by the Secretary of Labor of the regulations, guidelines or criteria for Section 18(b) plans, or if the State does not submit a State plan under Section 18(b) within nine months of its filing of such notice of intent.

The Section 18(h) agreement will not restrict the enforcement authority of the Secretary of Labor in the State with respect to standards issued under Section 6 of the Williams-Steiger Act. However, the agreement will provide for coordination of enforcement activity between the State and the Secretary. The agreement will also require the agencies of the State or of the political subdivision thereof to make such reports as may be required by the Secretary on their activities performed under the terms of the agreement.

In States where agencies responsible for the administration and enforcement of the standards covered by the agreement are not under the direct cognizance of the Governor, the Governor will take the necessary action to assure that such agencies will implement and adhere to the agreement.

Mr. Speaker, the statement by Mr. Silberman pinpoints clearly the real effort being put forth by the Department of Labor to implement the Health and Safety Act promptly. It would be a real tragedy if the Congress failed to respond to the needs so clearly put forth by the Department of Labor. I urge action on the supplemental request just as soon as possible.

GENERAL LEAVE TO REVISE AND EXTEND

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members speaking on the resolution be permitted to revise and extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. MAHON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 356, nays 0, not voting 76, as follows:

[Roll No. 21]

YEAS—355

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biester
Blackburn
Blatnik
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Caffery
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Collier
Collins, Tex.
Conte
Corbett
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Denholm
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Duncan
duPont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Flood
Flowers
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha

Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Madden
Mahon
Mailliard
Martin
Mathis, Ga.
Matsunaga

Mayne
Mazzoli
Meeds
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morse
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Konski
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pike
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Satterfield
Saylor
Scherle

Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thone
Tiernan
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wylie
Wyman
Yates
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—0

NOT VOTING—77

Anderson, Tenn.
Annunzio
Baker
Biaggi
Bingham
Blanton
Boggs
Burke, Fla.
Byrne, Pa.
Camp
Chisholm
Clawson, Del
Collins, Ill.
Colmer
Conable
Conyers
de la Garza
Dellums
Dennis
Diggs
Dow
Dowdy
Dulski
Edwards, La.
Eilberg
Erlenborn

Eshleman
Fish
Fisher
Ford, Gerald R.
Gibbons
Green, Pa.
Grover
Hall
Hanley
Helstoski
Hogan
Kemp
Long, La.
McCulloch
Macdonald, Mass.
Mann
Mathias, Calif.
Melcher
Metcalfe
Mink
Minshall
Mitchell
Moorhead
Murphy, Ill.
Nix
O'Hara

Pelly
Pickle
Pirnie
Poage
Price, Tex.
Pryor, Ark.
Rangel
Rees
Riegle
Rostenkowski
Rousselot
Sandman
Sarbanes
Seiberling
Shoup
Stokes
Stuckey
Terry
Thomson, Wis.
Udall
Wilson, Charles H.
Wyatt
Wydler
Yatron
Zwach

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Boggs with Mr. Gerald R. Ford.

Mr. Rostenkowski with Mr. Erlenborn.

Mr. Annunzio with Mr. Price of Texas.

Mr. Dowdy with Mr. Baker.

Mr. Hanley with Mr. Grover.

Mr. Macdonald of Massachusetts with Mr. Hogan.

Mr. Moorhead with Mr. Sandman.

Mr. Charles H. Wilson with Mr. Mathias of California.

Mr. Bingham with Mr. Diggs.

Mr. Blanton with Mr. Del Clawson.

Mr. Anderson of Tennessee with Mr. Camp.

Mr. Collins of Illinois with Mrs. Mink.

Mr. Biaggi with Mr. Burke of Florida.

Mr. Byrne of Pennsylvania with Mr. Thomson of Wisconsin.

Mr. Green of Pennsylvania with Mr. Conyers.

Mr. Long of Louisiana with Mr. Minshall.

Mr. Udall with Mr. Stokes.

Mr. Edwards of Louisiana with Mr. Kemp.

Mr. Pryor of Arkansas with Mr. Fish.

Mr. Helstoski with Mr. Dellums.

Mr. Rees with Mr. Rangel.

Mr. Fisher with Mr. Hall.

Mr. Dulski with Mr. Wydler.

Mr. Eilberg with Mr. Conable.

Mr. O'Hara with Mr. Mitchell.

Mr. Murphy of Illinois with Mr. Nix.

Mr. Gibbons with Mr. Eshleman.

Mr. Mann with Mr. Pirnie.

Mrs. Chisholm with Mr. Dow.

Mr. Pickle with Mr. Wyatt.

Mr. Seiberling with Mr. Zwach.

Mr. de la Garza with Mr. Pelly.

Mr. Sarbanes with Mr. Metcalfe.

Mr. Stuckey with Mr. Riegle.

Mr. Colmer with Mr. Dennis.

Mr. Melcher with Mr. Shoup.

Mr. Rousselot with Mr. Terry.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file two privileged reports on House Joint Resolution 223 and House Joint Resolution 468.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AUTHORIZING CLERK TO RECEIVE MESSAGES AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED NOTWITHSTANDING ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until tomorrow, the Clerk be authorized to receive messages from the Senate and the Speaker be authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, is there to be an adjournment of the House without a meeting tomorrow?

Mr. O'NEILL. No. The House will meet tomorrow.

Tomorrow we will bring up for 2 hours of debate the appropriation bill for the Department of Transportation, including the SST, and there will also be 2 hours of debate on the 18-year-old vote measure. It was agreed last week that there would be no rollcalls. The rollcalls will take place on Thursday.

Mr. GROSS. My attention was centered on the request that the Speaker be given permission to dispose of legislation despite the adjournment of the House. This is not an ordinary request, when going over from day to day.

Mr. O'NEILL. This is just the usual procedure we have always followed in the past, to allow the Speaker later today to sign legislation in order that it may be sent to the White House.

Mr. GROSS. Well, I would not say this is an ordinary request. That request is not made every day.

Mr. O'NEILL. No. I did not say it is made every day, but I will say nobody in this House knows the rules better than the gentleman from Iowa, and he knows that it is a customary request.

Mr. GROSS. I thought perhaps there was a plan for adjournment tomorrow that I knew nothing about.

Mr. O'NEILL. There is not. When the House adjourns today it adjourns until tomorrow.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ANNOUNCEMENT OF PROGRAM

The SPEAKER. The Chair would like to state that even though we will only consider the general debate on the appropriation bill on the Department of Transportation, according to the schedule, if we conclude at an appropriate time, we might consider having the general debate on the so-called 18-year-old vote joint resolution.

PERSONAL ANNOUNCEMENT

Mr. HILLIS. Mr. Speaker, I was unavoidably detained at the airport returning from my congressional district in Indiana and was unable to vote on the conference report on H.R. 4690. If I would have been present I would have voted "aye."

I certainly want to be on record as being in favor of this bill which will increase the social security benefits by 10 percent and will be retroactive to last January.

It is important that Congress recognize the fact that our senior citizens are having a difficult time making ends meet.

We should all acknowledge this problem and work to help these older Americans. I pledge that I will do everything possible in this area.

It is also my hope that Congress will act on the proposal which would set up an automatic cost-of-living increase in the social security program.

REV. BERNARD A. PETERS

(Mr. MINISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MINISH. Mr. Speaker, today we had the distinction of listening to Father Bernard A. Peters deliver the opening prayer.

Father Peters is not only the highly esteemed pastor of St. Joseph's Church in Maplewood, N.J., but a long-time friend as well.

Reverend Peters was born and attended school in Newark, N.J. A graduate of St. Benedicts Preparatory School in Newark, he thereupon attended St. Anselm's College in Manchester, N.H.

Father Peters was ordained in Manchester in 1927. Thereafter, he taught at St. Benedict's Prep, becoming pastor of St. Joseph's Church in Maplewood in 1943.

He has done an impressive and dedicated job both within the community and at St. Joseph's Church, and I am pleased and honored to welcome Father Peters to the Halls of Congress.

THE NEED FOR PRIVACY LEGISLATION

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, there are now 53 House cosponsors of my bill, H.R. 854, which would protect the right of privacy for our citizens.

This week the Secretary of Health, Education, and Welfare, Elliot L. Richardson, told the Senate Subcommittee on Constitutional Rights, chaired by Senator SAM ERVIN:

> We may need to consider affirmative regulation of this technology if present judicial processes prove inadequate in protecting our privacy.

Reasonable men will disagree on the legitimate role and the scope of the role the Government has in collecting information on its citizens. But I submit that everyone would agree that once that information has been collected, there must be some mechanism whereby the individual citizen can be apprised of what has been collected and, further, that there be some controls on how that information may be dispensed.

H.R. 854 would act as a check, to a large degree self-executing, on governmental recordkeeping. Under this bill, each agency maintaining records concerning any individual would have to, first, notify the individual that such a record exists; second, notify the individual of all transfers of such information; third, disclose information from such records only with the consent of the individual or when legally required; fourth, maintain a record of all persons inspecting such records; fifth, permit the individual to inspect his records, make copies of them, and supplement them.

The bill provides exceptions in cases of national security and investigations for purposes of criminal prosecutions, as well as safeguards for informants. Initially it would cause some inconvenience to Government officials, but the benefits of creating a system of protection are eminently worth this cost.

H.R. 854 is not the whole answer. Some types of surveillance and data collection should be forbidden absolutely—and I put Army surveillance of civilian political activity in that category.

I hope that the House Government Operations Committee will hold hearings on this bill and that some of our colleagues will become sponsors of it when it is next introduced on March 18.

I am appending to this statement the article written by Richard Halloran of the New York Times which appeared in that paper today on this subject:

RICHARDSON SAYS: DATA BANKS MUST BE CONTROLLED

WASHINGTON, March 15.—The Secretary of Health, Education and Welfare, Elliott L. Richardson, said today that the nation "must develop the means of controlling the potential for harm inherent" in the Government's computerized data banks of information on citizens.

Mr. Richardson told a Senate subcommittee, "We may need to consider affirmative regulation of this technology if present judicial processes prove inadequate in protecting our privacy."

Only last week Assistant Attorney General William H. Rehnquist said the Justice Department "will vigorously oppose any legislation" that would impair the Government's ability to gather such information.

Mr. Rehnquist said, 'Self-discipline on the part of the executive branch will provide an answer to virtually all of the legitimate complaints against excesses of information gathering."

TO DEFINE AND PROTECT

Mr. Richardson, while not recommending specific legislation, said that "statutes designed to define and protect an individual's rights in computerized information storage and exchange can be enacted" if present safeguards are not adequate.

It seemed evident that the Nixon Administration had not arrived at a position on the issue. Spokesmen for the Justice Department and for H.E.W. said Mr. Rehnquist and Mr. Richardson each spoke for his department only.

Mr. Richardson appeared before Senator Sam J. Ervin Jr.'s subcommittee on Constitutional Rights, which has been investigating the Government's widespread collection, storage and dissemination of information about individuals.

Senator Ervin, who said that H.E.W. "probably maintains more personal data on individuals than any other Federal department," questioned the increasing use of the Social Security number to identify citizens.

He noted, "The social security card states on its face that it is not to be used for identification purposes, except for Social Security and income tax purposes."

Yet, he said, citizens are required to submit their Social Security numbers on voter registration affidavits, telephone company records, credit applications, arrest records, military records, driver's licenses, death certificates and other forms.

Some Federal agencies are permitted by Presidential Executive order issued in 1943 to use the Social Security number for identification. Some state laws require the number for a driver's license or other documents. Banks, credit bureaus and other private concerns may also require them. Mr. Richardson said, "It is not illegal for a non-Federal organization to use the Social Security number in its record keeping system."

Mr. Ervin read several letters from irate citizens protesting the demands on them to furnish their Social Security numbers. Said one man from Indiana:

"I bought a car, paid cash, but the dealer would not give me title to it until I gave him my Social Security number. It made me so mad I gave him a phony number out of the air."

He continued: "I took my dog to the vet to get his toe nails clipped. Cash deal $3. He insisted I make out a credit report with my Social Security number. I refused. He settled for $3."

TWO VIEWS DISCUSSED

The man from Indiana concluded: "Since I have lost my personal identity (name) I will sign off with only my number. Punch your computer if you want to know who I am."

Mr. Richardson said, "The potential for invasion of privacy or breach of confidentiality of information lies not in the use of the number itself, but rather in how the organization uses computerized collections of data which are indexed by the number."

He also testified, "Two conflicting kinds of pressures and concerns have developed" over the use of Social Security numbers. Some believe, he said, that "current number issuance procedures should be tightened to make the number more reliable as an identifier."

"On the other hand," he said, "concern is expressed about increased risks of invasion of privacy that may result from the existence of a universal identifier, particularly in computerized data exchange." Such an identifier would be assigned to a person at birth and would follow him until death.

Senator Ervin noted that some citizens favor the universal identifier. He quoted from a letter written by a man in Maryland who said:

"There is no one that I can see who would not want a number except a crook. It is my opinion that everyone at birth should be given a Social Security number and told that they will be watched for honesty for the remainder of their lives."

BOB DOLE SPEAKS FOR HIS PARTY

(Mr. LEGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, followers of Republican Party campaign strategy were recently treated to what must be described as a spectacular falling out among thieves.

It centered around a 1970 campaign advertisement, run in more than a dozen newspapers at a cost of several hundred thousand dollars, which attacked eight Democratic candidates for the U.S. Senate. This advertisement, which accused the Democratic candidates of association with heroin pushers, was widely acclaimed as the dirtiest trick of the campaign. Seven of its eight targets went on to win.

Several weeks ago, we heard District of Columbia Republican Chairman Carl Shipley, who signed the ad, claim it was put together by the White House, and we heard the White House deny it. We heard Mr. Shipley claim the ads were run "with the knowledge and consent of the Republican candidates in each case," and we heard the candidates deny it—although several of them refused to repudiate it at the time it came out.

Amidst the frantic finger pointing it is particularly interesting to note Mr. Shipley's admission that he regrets the ad, not because it dragged the American political fabric through the mud, but because it "got a negative reaction." In other words, no blow is too low if it works.

Two nights ago, the Republican National Chairman, Senator Bob Dole, gave a speech which seemed to indicate his intention to carry on in the best Shipley tradition.

Evidently assuming that public hysteria and gullibility have not decreased since the days of the Nixon-Voorhis and Nixon-Douglas campaigns, Mr. Dole accused Senator Muskie of kicking off his presidential campaign in Moscow.

Evidently assuming that nobody had heard or read Senator McGovern's statement on the bombing of the Capitol, Senator Dole tried to tell his audience Senator McGovern had said the bombing "was the price we had to pay for the war in Vietnam."

Evidently having no use for the fine American tradition in which the most eminent lawyers have defended the most controversial defendants, Senator Dole condemned Ramsey Clark as a "left-leaning marshmallow" for agreeing to defend Philip Berrigan.

Evidently regarding a desire to halt the arms race as un-American, Senator Dole condemned Senator Humphrey for praising the recent Soviet suspension of new ICBM deployment.

Mr. Speaker, I would like to make a prediction. I predict that in 1972 the American people will express their desire for an administration of integrity and competence. And I further predict that after the election the same folks who are now frantically trying to dissociate themselves for the Shipley advertisement will then frantically try to dissociate themselves from Senator Dole.

PERSONAL STATEMENT

Mr. GIAIMO. Mr. Speaker, on rollcall No. 20 today I was inadvertently delayed in getting to the floor of the House. Consequently, I did not vote on this rollcall, which was on the conference report on the debt ceiling with the increases in the social security benefits. If I had been here, I would have voted "yea" on that conference report.

ADEQUATE INCOME

(Mrs. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, I am deeply concerned about the current fiscal crisis facing the Nation's cities. New York City is particularly hard hit—and I am appalled when I see that the board of education has run $36 million short of its current fiscal budget; that New York cannot provide a cost-of-living wage increase for city employees; and that at the same time, New Yorkers are being asked to pay more and higher prices for fewer and poorer municipal services.

Yet the crises in our cities has had a positive effect: In focusing our attention on ways of counting city and State expenses and revenues, the huge discrepancy and the continuing state of crisis has thrust upon us the chance to reform our present grossly inadequate and degrading system of welfare. It has given us an opportunity not just to federalize welfare for the fiscal relief of cities, but to strengthen and improve it for the fiscal relief of people, most especially those people unable to support themselves.

The present welfare system—a system providing only subsistence level payments, a system rooted in indignity, must be scrapped. There are many proposals for its reform. The problem is that the projected income of many of these plans is too low to be adequate. They therefore continue many traditional aspects of welfare programs not conducive to the freedom of those who must use the system to survive.

Any minimum income plan which replaces the present system must be reasonable, providing between $4,000 and $6,500 for a family of four. The plans must be related to the reality of the cost of living. Bureau of Labor Standards statistics show that in December 1970, the average lower level living cost for an urban family of four was $6,960. In New York City, where the cost of living is not average, the figure is higher. Under these conditions, these facts of life, a Federal guarantee of $6,500 is clearly necessary.

Mr. Speaker, any Federal subsidy, whether we call it income maintainence or federalized welfare is inadequate, if it does not begin, at the very least, at the $4,000 level.

Last week I indicated to members of the New York City delegation that I would find it difficult to support any bill which provides less. At this point in the Record, I wish to include a copy of that letter.

March 12, 1971.

Hon. Hugh Carey,
Washington, D.C.

Dear Hugh: The purpose of this letter is to amplify the concerns I raised at the March 2nd meeting of the New York City Caucus and to set down in writing my views on the necessary elements of any plan for federalized welfare.

As I indicated at the meeting, I believe that any Federal takeover of the welfare system must incorporate a specific commitment to adequate income, must eliminate the onerous work requirements of H.R. 1, and must reinforce and strengthen the legal rights of welfare recipients.

Specifically, I believe federalized welfare should include the following features:

1. *Grant Levels of Between $4,000–$6,500 for a Family of Four in 1972.* In addition single individuals should be guaranteed an income of at least $2,500.

2. *Steps Leading to Adequacy of Income Consistent with Increases in the Cost-of-Living, by 1976.*

3. *Maintenance of Present Benefit Levels in New York City.* In cases where present benefits exceed those which would be provided under a federal plan, New York State should be required to supplement Federal payments up to present payment levels.

4. *Cost-of-Living Variations According to Geographical Area.*

5. *Recipients' Right of Refusal of Any Job.*

6. *Recipients' Right to Retain Assets,* such as a home, household goods, personal effects, etc.

7. *Protection of Legal Rights of Welfare Recipients.*

8. *Mandated Emergency Assistance Whenever Needed.*

9. *Application for Assistance through Declaration.*

10. *Job Protection for Present New York City Welfare Employees.*

I base these suggestions upon the combined recommendations of a number of organizations, including the Committee on Income Maintenance, The National Council of Churches Crusade against Hunger, The League of Women Voters, and The National Welfare Rights Organization. These groups believe, as I do, that federalized welfare must provide an adequate income for poor people as well as fiscal relief for the cities.

I hope that the New York City delegation will not support any bill which does not include, at a minimum, the elements listed above.

Sincerely,

Bella S. Abzug,
Member of Congress.

SOCIAL SECURITY INCREASE

(Mr. LENT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LENT. Mr. Speaker, although I was inadvertently detained in my congressional office and did not cast a vote on rollcall No. 20, the social security increase bill, I would most certainly have voted for the bill had I been present. The passage of this important measure which provides our Nation's much-deserving Senior Citizens a 10-percent social security benefit increase retroactive to January 1, 1971, has been long overdue. It is heartening to me that this Congress has chosen to make the benefit increase one of the first and most important orders of business.

HOUSE JOINT RESOLUTION 465

(Mr. PRICE of Texas asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PRICE of Texas. Mr. Speaker, I regret I was unable to personally vote on House Joint Resolution 465, a bill to make a supplemental appropriation for unemployment compensation payments for former servicemen and Federal employees. At the time the vote was taken, I was meeting in my office with constituents on a matter of importance to the 18th Congressional District of Texas.

Had I been able to cast my vote on the proposal, I would have voted to grant this supplemental appropriation as unanimously requested by the House Appropriations Committee. I would have done so because at the present time, Federal funds allotted for veterans and Federal employees unemployment compensation are exhausted. This notwithstanding, claims on these funds are still being made. These claims are legal ones; the Government is obligated to make unemployment compensation payments to qualifying veterans and Federal employees. For this reason, the supplemental request is a valid one and should, without delay, be approved by Congress.

APPOINTMENT AS MEMBERS OF U.S. DELEGATION OF CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of Public Law 86–42, the Chair appoints as members of the U.S. delegation of the Canada-United States Interparliamentary Group the following Members on the part of the House: Mr. GALLAGHER, of New Jersey, chairman; Mr. JOHNSON of California; Mr. RANDALL, of Missouri; Mr. MORGAN, of Pennsylvania; Mr. KYROS, of Maine; Mr. STRATTON, of New York; Mr. MEEDS, of Washington; Mr. HARVEY, of Michigan; Mr. HORTON, of New York; Mr. BUCHANAN, of Alabama; Mr. MCEWEN, of New York; and Mr. VANDER JAGT, of Michigan.

APPOINTMENT AS MEMBERS OF U.S. GROUP OF THE NORTH ATLANTIC ASSEMBLY

The SPEAKER. Pursuant to the provisions of Public Law 689, 84th Congress, as amended, the Chair appoints as members of the U.S. Group of the North Atlantic Assembly the following Members on the part of the House: Mr. HAYS, of Ohio, chairman; Mr. RODINO, of New Jersey; Mr. CLARK, of Pennsylvania; Mr. BROOKS, of Texas; Mr. BURTON, of California; Mr. ARENDS, of Illinois; Mr. DEVINE, of Ohio, Mr. CORBETT, of Pennsylvania; and Mr. MATHIAS of California.

APPOINTMENT AS MEMBERS OF U.S. DELEGATION OF MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of Public Law 86–420, the Chair appoints as members of the U.S. delegation of the Mexico-United States Interparliamentary Group the following Members on the part of the House: Mr. NIX, of Pennsylvania, chairman; Mr. WRIGHT, of Texas; Mr. JOHNSON, of California; Mr. GONZALEZ, of Texas; Mr. DE LA GARZA, of Texas; Mr. MOSS, of California; Mr. KAZEN, of Texas; Mr. FRELINGHUYSEN, of New Jersey; Mr. THOMSON, of Wisconsin; Mr. STEIGER of Arizona; Mr. WIGGINS, of California; and Mr. LUJAN, of New Mexico.

NATIONAL PARTNERSHIP IN EDUCATION ACT

The SPEAKER. Under a previous order of the House the gentleman from Illinois (Mr. PUCINSKI) is recognized for 1 hour.

(Mr. PUCINSKI asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, today I have introduced the National Partnership in Education Act which calls for the assumption by the Federal Government over a 3-year period of one-third of the cost of elementary and secondary education to save the Nation's school districts from financial disaster.

The act provides for gradually increasing Federal grants for every elementary and secondary school student in the country.

I introduced this bill because, as chairman of the General Subcommittee on Education, I know the financial crisis facing almost every school district in America.

New York City is laying off 10,000 teachers; Chicago is $58 million short of funds to keep its schools open the remainder of this year; every large city is in desperate financial straits. Budget deficits, teacher layoffs, reduced services are the rule, rather than the exception, in practically every school district in America.

While it is true that such crises have heretofore primarily been State and local matters, the increasing mobility of school students from one district to another has enlarged the Federal responsibility and made these crises a Federal concern.

Host communities should not be saddled with the rising costs of educating children whose families have exercised the Federal constitutional right of movement from one community to another for whatever reason.

I am also introducing this bill as a result of extensive hearings which I chaired during 1969 and 1970, on the "Needs of Elementary and Secondary Education for the Seventies." These hearings, conducted by the General Subcommittee on Education, reviewed the present status of our educational system, analyzed future trends, and considered changes in the role of the Federal Government.

Throughout our hearings, the subcommittee heard again and again of a growing disillusionment with our public schools. Many witnesses suggested alternatives such as storefront schools, tuition vouchers, and "schools without walls." Almost every witness before the subcommittee appealed for greater flexibility in the schools and for more accountability for funds and scholastic results from administrators and teachers.

On a number of occasions I myself have urged fundamental changes in our schools and have enthusiastically endorsed both the need for greater flexibility and for more accountability. But from all of the testimony and policy papers presented to the subcommittee, I have come to the belief that there are two fundamental defects in our educational system which must be corrected before any really significant change can occur.

The first defect is that, as a nation, we simply do not finance elementary and secondary education adequately, and second, the resources which we do expend are spent in a manner which assures that richer children will be better educated, and at less comparative expense to their parents, than will poor or middle-income children.

The United States likes to pride itself on its support of education, but the facts speak differently. Our country is spending from all sources and from all levels of government a little more than 6 percent of its national income on education while Canada and Israel are spending 9.6 and 9.2 percent, respectively. In fact, most of the other highly industrialized countries are spending far more than the United States; for example, Denmark 8.1 percent, Sweden 7.9 percent, Netherlands 7.6 percent, and the U.S.S.R. 7.1 percent.

Furthermore, of the total amount which we are spending on education a disproportionate share is going for higher education. Last year we spent more than $2,100 on every college student and only $700 on every elementary and secondary school student. Of course, some expenses involved in higher education may be greater, such as dormitories and more sophisticated science laboratories, but an expenditure three times greater per student does not make sense when we consider that less than 20 percent of our children ever attain a college degree and especially when we consider the enormous importance of the early years in all children's intellectual and personal development.

I believe that we should not only increase our expenditures on education but also that we should increase our spending on elementary and secondary by decreasing our support of higher education.

Inadequate funding, however, is only part of the problem. Equally important is correcting the pattern of maldistribution of our resources which has resulted in an outright bias in favor of richer, more easily educated children. I have reached this conclusion after a careful analysis of the data on local, State, and Federal expenditures for education, and these data have shown me that all three levels of funding are heavily weighted in favor of the wealthier school districts.

The first level of funding, and the most important, is the local. Even though there has been recently some movement to increase State financing of elementary and secondary education, local sources nationally still provide more than 52 cents of every dollar spent.

Since almost all of these local funds come from the real property tax and since there are great disparities in property wealth between school districts, more than half the funds for elementary and secondary education are raised on an inherently unequal basis. In the New York metropolitan area, for instance, the richest and the poorest school districts are Manhasset and Levittown. In 1967, the property valuation in Manhasset was more than five times that of Levittown, yet Levittown taxed itself at a rate of 50 percent higher than Manhasset and raised only one-fourth the local revenues. Levittown raised $338 per pupil against Manhasset's $1,252.

The simple result of this reliance on local sources for school revenue is that wealthy school districts can raise great sums for education by taxing themselves at a modest rate, while poor or middle-income districts must use higher rates to raise fewer dollars. In other words, children who happen to be unfortunate enough to be born in a poor or middle-income community are going to be offered a poor education and thereby be condemned to repeating the same cycle with their children.

Another result of the reliance on property taxes is a taxpayers' revolt which is imperiling all further increases in aid to education. Last November, for instance, Ohio voters defeated 72 percent of the new money issues on the general election ballot while 60 percent of the bond issues were being defeated in California. Long Island voters after defeating 47 of their school districts' budgets still had to accept a property tax increase of more than 15 percent in order to keep their schools open.

Consequently, many schools have had to curtail services because of bond defeats and increasing expenses. Brookfield, Ill., fired seven teachers, a librarian, and a guidance counselor from its high school. Los Angeles eliminated 3,500 staff positions, shortened the school day, and dropped interscholastic athletics. Youngstown, Versailles, and other cities in Ohio have had to close down entirely for months after repeated defeats of tax referendums and bond issues.

Unfortunately, recent studies have found that present State and Federal sources, which provide the other half of the cost of education, do not provide the needed relief. In fact they even reinforce the pattern of more dollars being spent in richer districts with the result that poorer districts must put an even greater reliance on propety taxes if they want an adequate education.

A recently released Harvard study, "The Effects of Revenue Sharing and Block Grants for Education," found that although various State formulas consider local need the total effect of State aid is to reinforce local disparities in wealth. The study further found little hope for change in this pattern in the future. These findings are particularly distressing because of the increasing sentiment for greater State support of education. If this support is to be granted in the same form as in the past, then it too will only serve to make it easier for the very affluent to have a good education for their children at a minimal expense.

We must not, however, simply scold the States. We in the Federal Government also have been guilty of many of the same faults. A Syracuse University study released 3 weeks ago, "Federal Aid to Education: Who Benefits," found that most Federal educational programs were actually giving more aid per student to affluent school districts than to poor ones.

Studies conducted by the U.S. Office of Education have confirmed this finding. In fiscal 1969, for instance, Los Angeles with almost 15 percent of the public school enrollment in California and more than 20 percent of the poor children received only 2 percent of the Federal funds for equipment and textbooks under title III of the National Defense Education Act. Philadelphia with 13 percent of the public enrollment in Pennsylvania and more than 25 percent of the poor children receive less than 2 percent of the Federal funds for vocational education allotted to Pennsylvania.

Poor counties have also been subject to the same neglect. Dallas County, Ala., one of the poorest counties in the United States, has 2 percent of the public school enrollment in Alabama and more than 3 percent of the poor children, and yet in 1969 it received only 0.18 percent of the instructional equipment and textbook funds under title III of the National Defense Education Act. Apache County, Ariz., also one of the poorest in the country, has 3 percent of the public school enrollment in Arizona and 8 percent of the poor children and yet it received only 0.19 percent of the textbook funds and 1.8 percent of the Federal vocational education funds allotted to Arizona. The same injustice occurred in Bell County, Ky., which has 2.4 percent of the poor children in Kentucky and yet it only received 0.09 percent of the title III, NDEA funds allotted to Kentucky.

The only exception to this pattern of inequitable distribution was found by the Syracuse study to be title I of the Elementary and Secondary Education Act. The reason for this exception is simple: under title I, unlike most other Federal education programs, State departments of education have almost no discretion over the distribution of Federal funds among school districts. Title I explicitly sets out in the law the intrastate formula for apportionment, a formula which is based on need as measured by the number of poor children. This formula, in addition to focusing educational services on disadvantaged children, has been found by the Harvard study and others to have a definite equalizing effect on the distribution of funds among school districts.

From these facts I have reached the conclusion that the Federal Government must greatly increase its expenditures for elementary and secondary education and must provide explicitly in the law for the distribution of those funds.

Therefore, I propose in the National Partnership in Education Act that the Federal Government increase its support from the present 6 percent of expenditures to at least 33⅓ percent within 3 fiscal years. And I propose that these funds be distributed according to a precise formula which takes the money down to the school district level.

The bill provides, explicitly, that each school district is to receive a Federal grant for every school-age child and that this grant will vary according to four factors. The first factor is the reimbursement rate: that is, the rate at which the Federal Government will assume the cost of education. This rate will be 10 percent for fiscal 1972, 20 percent for fiscal 1973, and 33⅓ percent for fiscal 1974.

The second factor is the school district's need which will be measured by the number of poor children which it has. This criterion has proved to be an accurate gauge of need under title I and thus has the advantage of being easily understood and administered.

The third factor is the average local and State expenditure per pupil in the State in which the school district is located. The national reimbursement rate—as modified by the fourth factor—will be multiplied against this expenditure in order to determine the Federal grant per pupil. The use of the average expenditure within the State will achieve some equalization of resources since richer districts will be spending more than the State average and poorer and middle-income districts less.

The fourth factor is the average per capita income within the State as compared with the national per capita average. This factor will be used to increase the national reimbursement rate for poorer States and decrease it for wealthier States. Consequently, some equalization of resources will be achieved between the States.

I believe that this formula will lead to an equitable distribution of Federal general aid funds both between States and between school districts within States. Our objective is to achieve a fair opportunity for an education of high quality to every child regardless of which region of the country or which area of the State he resides in.

A further objective is to achieve the same opportunity for every child regardless of whether he attends a public or a private school. Therefore, a major component of the act is the provision that local school districts may enter into purchase of services agreements for the benefit of private school pupils who otherwise would be attending public schools.

School districts will receive Federal grants per pupil for all the children within the district, those in private as well as in public schools. The amount of the entitlement which is attributable to the number of private school children will be used by the public school authorities for paying the salaries of teachers of secular subjects in the private schools. Four States—Pennsylvania, Connecticut, Rhode Island, and Ohio—are presently funding this type of program, and many others are considering its enactment.

Private school children deserve this support and must receive it in any fair Federal general aid law. We all know of the crisis in private school finances. In the last 5 years the Catholic schools alone have lost almost a quarter of a million students because of the closing of parochial schools or the curtailment of classes for financial reasons.

The probable cost on a national basis of absorbing parochial students is staggering. President Nixon estimated that—

> If most or all private schools were to close or turn public, the added burden on public funds by the end of the 1970's would exceed $4 billion per year in operations with an estimated $5 billion more needed for facilities.

Economically it only makes sense that it would cost much less to help keep the private schools open than to pay for the public education of their children if they were to close.

But more important than the economics are the human values involved. As a nation which prizes the freedom of its citizens above all, we cannot logically restrict the free choice of more than 8 million parents who want their children to attend private schools.

Finally, I would like to comment on the relationship of this bill to present programs and to the President's revenue-sharing proposals. I have estimated that the National Partnership in Education Act will cost $3.4 billion for fiscal 1972, $6.8 billion for fiscal 1973, and $12 billion for fiscal 1974. And it is only proper to discuss where this money is going to come from.

First of all, let me say that I believe that the President has the core of a good idea in both his general revenue sharing and in his special revenue sharing for education proposals. As regards the latter I believe that the time is ripe for reducing the duplication present in some of the categorical programs and for streamlining the administration of all programs. But from the drafts of the President's proposal which I have seen I do not have much faith in his approach to achieving these goals. The basic thrust of these drafts is to turn almost all of the Federal elementary and secondary money over to the States with very few strings attached. From my prior discussion of present distribution by State departments of education of both State and Federal funds I can only believe that this approach will lead to the wealthier school districts receiving more money and to the downgrading of programs which Congress has been declaring as areas of national concern for the last 15 years.

Regarding the President's general revenue-sharing proposal, I must admit to grave doubts about its effectiveness. In particular, I find three faults with it:

First. The funds are distributed to the States and to local governmental bodies without any restrictions as to their use. Administration spokesmen have been claiming that since presently 40 percent of the funds within the States are being expended for education that education has a "good chance" of receiving 40 percent of these funds. But unfortunately, that is all it has, a good chance. Once the funds are distributed, the States and the local governments are the sole determinants of their use, and education must vie with powerful highway lobbies and agricultural interests for its share. And if history is to be any guide, education will not do well.

Second. Although the President's proposal provides that a certain percentage of the funds must be distributed to local governments within the States, local school districts are explicitly excluded from the category of eligible recipients. So the schools, if they want any of these funds, must go hat in hand to the cities and counties for a share. And again, I believe that their chances are not good.

Third. I object to the President's proposal because in his intrastate distribution there is no weight given to need. In fact, the formula is heavily weighted in favor of the rich. The formula provides that the money is to be distributed on the basis of the local government's share of the total amount of local tax revenue raised within the State. In other words, a town with a tremendous industrial tax base or with very affluent residents—which is thereby able to raise great sums of local moneys with little effort—would receive a proportionately greater share of this revenue-sharing money than a town with a poor population and a small tax base. The rich get richer and the poor get poorer. This approach is simply indefensible.

For these reasons I do not believe that the President's revenue-sharing proposals are adequate. They plainly will not meet our needs. Therefore, my proposal would take some of the money which the President has allotted for his general revenue sharing and some of the money which would be saved by a consolidation of programs and put it into a program which will provide massive, direct aid to local schools for improving the education of their pupils. This is revenue sharing in its best form, a distribution based on need directly to local bodies concerned with the problem. I am certain that by carefully redirecting the revenue-sharing funds and some existing programs we can fund this bill without any new burden on the Treasury.

Alexis de Tocqueville stated more than a century ago that the secular faith of Americans was education. This faith has produced one of the finest educational systems in the world, but we are imperiling that system by not providing adequate funds and by providing present funds in an inequitable manner. I believe that passage of the National Partnership in Education Act will correct those deficiencies and will make the best education available to all children.

Mr. Speaker, I am including with my remarks a copy of the National Partnership Act of 1971, a table of reimbursement to the respective States for the first year, and a copy of the entitlement formula.

I am also enclosing an article which appeared in yesterday's New York Times which shows the enormity of the financial crises facing the Nation's school systems.

The additional material follows:

H.R. 6179

A bill to authorize assistance to local educational agencies for the financial support of elementary and secondary education, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the National Partnership in Education Act of 1971.

DECLARATION OF POLICY

SEC. 2. The Congress finds that, despite the great efforts of States and of local educational agencies, the opportunity for an education of high quality is being denied to many children. The Congress further finds that such denial results both from the widely varying financial abilities of States and local educational agencies and from an unequal distribution of resources, both within and between States. It is therefore the policy of the United States that the Federal Government shall provide each local educational agency with resources which, when supplemented by State and local funds, will be adequate to provide an excellent elementary and secondary education for all children.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) For the fiscal years 1972, 1973, and 1974, there are hereby authorized to be appropriated such sums as may be necessary to pay the amounts authorized under sections 4 and 7(b).

(b) For the same fiscal years there is also authorized to be appropriated an amount equal to not more than 2 per centum of the amount appropriated for each such year under (a) above. The Commissioner shall allot this amount of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for such grants, and shall set the maximum amount which their local educational agencies shall be eligible to receive.

GRANTS TO LOCAL EDUCATIONAL AGENCIES

SEC. 4. (a) In any case in which the Commissioner determines that satisfactory data for that purpose are available, the maximum grant which a local educational agency in a State shall be eligible to receive under this Act for any fiscal year shall be an amount equal to the Federal grant per pupil multiplied by the adjusted number of children in the school district of such agency.

(b) In any other case the maximum grant for any local educational agency in a State shall be determined on the basis of the aggregate maximum amount of such grants for all such agencies in the county or counties in which the school district of the particular agency is located, which aggregate maximum amount shall be equal to the Federal grant per pupil multiplied by the adjusted number of children in such county or counties, and shall be allocated among these agencies upon such equitable basis as may be determined by the State educational agency in accordance with basic criteria prescribed by the Commissioner.

(c) In the case of local educational agencies which serve in whole or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the State educational agency may allocate the amount of the maximum grants for those agencies among them in such manner as it determines will best carry out the purposes of this Act.

(d) For purposes of this section, the term "State" does not include Puerto Rico, Guam, American Samoa, the Virgin Islands or the Trust Territory of the Pacific Islands.

APPLICATIONS FROM LOCAL EDUCATIONAL AGENCIES

SEC. 5. (a) Any local educational agency which desires to receive for any fiscal year the grant to which it is entitled under section 4 must submit to the appropriate State educational agency an application which contains—

(1) an assessment of the educational needs of the children enrolled in the schools of such agency and its plans for meeting those needs with funds provided under this Act;

(2) an evaluation of the effectiveness, including objective measurements of educational achievement, of programs and projects funded in the preceding fiscal year from funds provided under this Act;

(3) such other information as the State educational agency may reasonably need to enable it to perform its duties under this Act; and

(4) assurances that—

(A) to the extent consistent with the number of children in the school district of the such agency who are enrolled in private nonprofit elementary and secondary schools, such agency has made provision (after consultation with the appropriate private school officials) for a purchase of services program or, if such a program is not feasible in one or more of the private schools (as jointly determined by the public and appropriate private school officials), such other arrangements as dual enrollments which will assure adequate participation of such children;

(B) (i) the control of funds provided under this Act and title to property acquired therewith shall be in a public agency for the uses and purposes provided in this Act, and that a public agency will administer such funds and property; (ii) the funds provided under this Act shall not be commingled with State or local funds; and (iii) Federal funds made available under this Act will be so used as to supplement and, to extent possible, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs and projects assisted under this Act;

(C) it will keep such records and afford such access thereto as the State educational agency may find necessary to assure the correctness and verification of such applications; and

(D) no more than 25 per centum of the funds received under this Act in any fiscal year will be used for capital outlay and debt service.

(b) The State educational agency shall not finally disapprove in whole or in part any application for funds under this Act without first affording the local educational agency submitting the application reasonable notice and opportunity for a hearing.

ASSURANCES FROM STATES

SEC. 6. (a) Any State which desires to participate under this Act shall submit through its State educational agency to the Commissioner an application, in such detail as the Commissioner deems necessary, which provides satisfactory assurance that—

(1) except as provided in section 7(b), payments under this Act will be used only for programs and projects which have been approved by the State educational agency pursuant to section 5(a) and which meet the applicable requirements of that section, and that such agency will in all other respects comply with the provisions of this Act, including the enforcement of any obligations imposed upon a local educational agency under section 5(a); and

(2) the State educational agency will make to the Commissioner (A) periodic reports (including the results of objective measurements required by section 5(a)) evaluating the effectiveness of programs and projects assisted under this Act in improving educational attainment, and (B) such other reports as may be reasonably necessary to enable the Commissioner to perform his duties under this Act (including such reports as he may require to determine the amounts which the local educational agencies of that State are eligible to receive for any fiscal year).

(b) The Commissioner shall approve an application which meets the requirements specified in subsection (a), and he shall not finally disapprove an application except after reasonable notice and opportunity for a hearing to the State educational agency.

PAYMENTS

SEC. 7. (a)(1) The Commissioner shall, subject to the provisions of section 8, from time to time pay to each State the amount which the local educational agencies of that State are eligible to receive under this Act.

(2) From the funds paid to it pursuant to paragraph (1) each State educational agency shall distribute to each local educational agency of the State which has submitted an application approved pursuant to section 5(a) the amount for which such application has been approved, except that this amount shall not exceed the maximum amount determined for that agency pursuant to section 4.

(b) The Commissioner is authorized to pay to each State amounts equal to the amounts expended by it for the proper and efficient performance of its duties under this Act (including technical assistance for the measurements and evaluations required by section 5), except that the total of such payments in any fiscal year shall not exceed—

(1) 1 per centum of the total grants made to local educational agencies of such State within that fiscal year; or

(2) $150,000, or $25,000 in the case of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands, whichever is greater.

(c) No payments shall be made under this Act for any fiscal year to a State which has taken into consideration payments under this Act in determining the eligibility of any local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

ADJUSTMENTS

SEC. 8. (a) If the sums appropriated for any fiscal year for making the payments provided in this Act are not sufficient to pay in full the total amounts which all local educational agencies are eligible to receive under section 4 for such year, allocations shall be made to local educational agencies on the basis of computations, in accordance with that section, as reduced rotably. In case additional funds become available for making payments under this Act for that year, such reduced amounts shall be increased on the same basis that they were reduced.

(b) In order to permit the most effective use of all appropriations made to carry out this Act, the Commissioner may set dates by which State educational agencies must certify to him the amounts for which the applications of educational agencies have been or will be approved by the State.

WITHHOLDINGS

SEC. 9. Whenever the Commissioner, after reasonable notice and opportunity for hearing to any State educational agency, finds that there has been a failure to comply substantially with any assurance set forth in the application of that State approved under section 6, the Commissioner shall notify the agency that further payments will not be made to the State under this Act (or, in his discretion, that the State educational agency shall not make further payments under this Act to specified local educational agencies affected by the failure, until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to the State under this Act, or payments by the State educational agency under this Act shall be limited to local educational agencies not affected by the failure, as the case may be.

JUDICIAL REVIEW

SEC. 10. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its application submitted under section 6 or with his final action under section 9, such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

DEFINITIONS

SEC. 11. For purposes of this Act—

(a)(1) The term "adjusted number of children" for any local educational agency or county for a fiscal year means a number equal to the sum of (i) the number of children who are aged five to seventeen, inclusive, in the school district of the agency or in the county, as the case may be, (based on the latest available data from the Department of Commerce) and (ii) the number of children who are counted for that fiscal year for purposes of section 103(a)(2) of title I of the Elementary and Secondary Education Act for which such agency is responsible for providing free public education;

(2) The term "Federal grant per pupil" for any particular State means the product obtained by multiplying the State and local current expenditure per public school pupil by the product obtained by multiplying the national reimbursement rate by the quotient obtained by dividing the national per capita income by the State per capita income;

(3) The "national reimbursement rate" shall be 10 per centum for the fiscal year ending June 30, 1972, 20 per centum for the fiscal year ending June 30, 1973, and 33⅓ per centum for the fiscal year ending June 30, 1974.

(b)(1) The term "Commissioner" means the Commissioner of Education;

(2) The term "current expenditures" means expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay and debt service, or any expenditures made from funds granted under title I, II, or III of the Elementary and Secondary Education Act of 1965;

(3) The term "elementary school" means a day or residential school which provides elementary education, as determined under State law; and the term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12;

(4) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency hav-

ing administrative control and direction of public elementary or secondary schools;

(5) The term "nonprofit" as applied to a school means a school owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

(6) The term "per capita income" means the per capita personal income of a State and the United States determined by the Commissioner on the basis of data for the fiscal year preceding the fiscal year for which the computation is made available from the Department of Commerce;

(7) The term "State" means the fifty States, the District of Columbia, Puerto Rico, Guam, American Samoa, The Virgin Islands, and Trust Territory of the Pacific Islands; and

(8) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools.

GENERAL PROVISIONS

SEC. 12. (a) Section 422 of the General Education Provisions Act is amended by inserting "the National Partnership in Education Act;" after "the International Education Act of 1966;".

(b) The prohibition contained in section 302(d) of Public Law 81-874 shall not apply to programs and projects conducted under this Act.

STUDY OF DATA

SEC. 13. The Secretary of Health, Education, and Welfare shall conduct a study of the needs for accurate income and population data for every local educational agency and alternative methods for obtaining such data. This study and his recommendations shall be included in the study of allocation of funds required under section 102 of the Elementary and Secondary Education Amendments of 1969 (P.L. 91-230).

NATIONAL PARTNERSHIP IN EDUCATION ACT: STATE ALLOTMENTS AND PERCENTAGES

	Allotment	Percent
	$3,469,203,246.43	100.000000
Alabama	66,879,899.45	1,927817
Alaska	4,829,600.79	.139214
Arizona	27,822,699.45	.801991
Arkansas	41,169,009.14	1.186699
California	261,391,011.64	7.534612
Colorado	31,660,872.45	.912627
Connecticut	41,895,622.86	1.207644
Delaware	7,677,163.62	.221295
Florida	86,472,677.72	2.492580
Georgia	75,951,848.72	2.189317
Hawaii	12,725,487.44	.366813
Idaho	12,705,621.59	.36624
Illinois	163,745,711.25	4.719980
Indiana	79,899,437.20	2.303106
Iowa	55,464,456.32	1.598766
Kansas	40,545,629.12	1.168730
Kentucky	61,099,846.63	1.761207
Louisiana	78,677,687.50	2.267889
Maine	18,621,584.10	.536768
Maryland	58,731,360.55	1.692935
Massachusetts	82,592,046.80	2.380721
Michigan	157,918,752.00	4.552018
Minnesota	77,829,774.12	2.243448
Mississippi	57,449,054.55	1.655973
Missouri	73,565,158.16	2.120520
Montana	15,290,764.72	.440757
Nebraska	26,290,444.32	.757910
Nevada	3,933,572.58	.113385
New Hampshire	9,967,275.08	.287307
New Jersey	118,381,584.49	3.412357
New Mexico	23,247,028.20	.670097
New York	409,665,188.79	11.808625
North Carolina	95,536,620.80	2.753849
North Dakota	13,786,215.56	.397389
Ohio	156,065,152.32	4.498588
Oklahoma	43,346,703.76	1.249471
Oregon	39,005,668.98	1.124341
Pennsylvania	213,240,246.30	6.146663
Rhode Island	15,900,104.22	.458321
South Carolina	15,978,161.44	1.555924
South Dakota	14,902,181.16	.429556
Tennessee	65,512,211.66	1.888394
Texas	171,869,565.40	4.954151
Utah	18,045,496.86	.520163
Vermont	8,354,949.44	.240832
Virginia	77,725,409.31	2.240440
Washington	52,736,692.80	1.520138
West Virginia	44,146,065.60	1.272513
Wisconsin	82,062,362.67	2.365453
Wyoming	7,256,034.72	.209156
District of Columbia	11,632,532.08	.335308

NATIONAL PARTNERSHIP IN EDUCATION ACT—ENTITLEMENT FORMULA

Federal grant per pupil × Adjusted number of children = School district entitlement

$$\left[\text{National reimbursement rate (10 percent)} \times \frac{\text{National per capita income}}{\text{State per capita income}}\right] \times \text{State and local expenditure per public school pupil} = \text{Federal grant per pupil}$$

Children aged 5 to 17 living in school district + Title I children = Adjusted number of children

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[From the New York Times, Mar. 15, 1971]

FINANCIAL PROBLEMS PLAGUE SCHOOLS ACROSS THE NATION

(By David E. Rosenbaum)

WASHINGTON, March 14.—New York City is not alone; the school system of nearly every large city in the country is in desperate financial straits, and budget deficits, teacher layoffs and reduced services in the schools are the rule rather than the exception.

In Chicago, school officials have warned that more than 4,000 teachers and other employes will not be rehired in June unless an additional $58-million is forthcoming from the state.

The Los Angeles Board of Education was forced to trim $20-million from its budget at the beginning of this school year. It reduced the high school day from six to five instructional periods and dismissed about 500 substitute and provisional teachers and 1,000 other employes.

Philadelphia schools may have to close three or four weeks ahead of schedule this spring for lack of the $6-million a day it costs to keep the schools open.

In Detroit, nearly 200 substitute teachers were dismissed recently as part of an $11-million budget cutback, and, according to school board spokesmen, the result is that there are as many as 40 pupils in some classes.

PROBLEMS OUTSIDE CITIES TOO

In New York, the school board has managed to avoid severe reductions in schools staffs and services only by shifting $25-million of this year's costs into next year's budget. The state Senate and the Education Commissioner, Ewald B. Nyquist, are investigating what the Senate called the city's "disastrous educational crisis."

Chicago, Los Angeles, Philadelphia and Detroit are, after New York, the largest cities in the country.

But the problem is not limited to the biggest cities. A number of medium-sized school systems, including those in Youngstown, Ohio, and Santa Barbara, Calif., are in serious financial trouble.

Many suburbs, including Wilmette and Niles Township in the Chicago area, have laid off teachers. And even rural areas—the entire State of Montana, for example—are facing reductions in staff and services.

But it is in the largest cities where the problem is most severe and where solutions seem the hardest to come by. From Boston to Seattle, big-city school officials are nearly unanimous in forecasting disaster unless additional sources of revenue are found.

"We've reached an extremely critical point in the history of the public schools," said Dr. Mark R. Shedd, superintendent of public schools in Philadelphia. "Federal, state and local governments are either going to have to fund the schools or close them down.

NO MONEY, NO SCHOOLS

"We've got no more fiscal rabbits to pull out of the hat. If we don't have the money, we can't operate the schools. It's as simple as that. And until legislators face up to this problem you will have inadequate schools, inadequately funded."

Reports from the country's largest cities show that the school systems vary widely in the percentage of their budgets that comes from local property taxes, in the salaries they pay their teachers, in their teacher-pupil ratios and in their per-pupil expenditures.

Some of these city school boards have taxing authority. Others depend on the city to levy their taxes. In some districts, enrollment is increasing; in others, it is decreasing.

But nearly all of these large systems have one characteristic in common: their expenditures are growing enormously each year, and taxpayers are increasingly unable or unwilling to pay for the rising costs.

The school budget in most cities has doubled or even tripled in the last 10 years. In Baltimore, it went from $57-million in 1961 to $184-million this year. In New Orleans, it went from $28.5-million 10 years ago to $73.9-million this year. In Boston, the budget rose from $35.4-million in 1961 to $95.7-million now.

RISE IN TEACHERS' PAY

The increasing cost of public education is attributable partly to inflation and partly to an increased demand for services. But mostly it can be laid to the rapidly rising salaries of teachers.

Over the decade, in many cities, teachers' salaries caught up with those in other professions. In Philadelphia, for instance, the average annual teacher's salary went from $5,000 a decade ago to $11,300 today.

While in most cities the collective bargaining agent for teachers, wherever there were unions or associations, became increasingly powerful over the decade, school systems without collective bargaining kept pace with the salary increases. In St. Louis, for example, the average salary rose from $7,557 five years ago to $10,500 this year.

While costs are increasing, most cities have a tax base that is dwindling or, at best, only creeping upward.

"We see no increased revenue but continuing increased expenditure," said James Potter, chief fiscal officer in the San Francisco school system. "Any time you have a salary increase of 1 per cent, it costs an additional $800,000."

A spokesman for the Philadelphia school system said that operating costs were increasing at a rate of 15 to 20 per cent a year. Half the budget comes from property taxes, and real estate valuation has risen only about 1 per cent a year, he said.

TAXPAYERS' RESISTANCE

At the same time, there is growing resistance to rising taxes among taxpayers. In Seattle, for example, the odds are overwhelming that a March 23 referendum on a special levy for schools will be defeated. In Ohio, only 29 per cent of the proposals for a school tax increase were approved last year.

Bond issues for schools are also being rejected at a record pace. According to the Investment Bankers Association, only 48 per cent of school bond issues were approved at the polls last year, compared to 77 per cent in 1965.

Nowhere does the situation appear so grim as in Detroit. In addition to dismissing the 192 substitute teachers, all of whom taught on a regular basis, plumbers, carpenters and other tradesmen who work in the schools have been placed on a four-day week, and officials are considering the possibility of sending elementary pupils home at noon on Fridays. The deficit is nearly $30 million in a budget only a fraction the size of New York's.

Mrs. Mary Dickerson, a member of the Detroit Board of Education, has suggested that the schools continue to spend what is needed to maintain the present level of teaching and services until the money is gone. Then, when the schools are shut down, she says, the Michigan Legislature, which is dominated by rural and suburban interests, will be forced to come to the rescue.

The situation will be even more serious next year, when, it is expected, teachers will win at least a 5 per cent pay increase, and during the next year the school board will have to ask the voters to renew a property tax levy that expires in June, 1972. Many school officials believe the millage campaign will likely fail, depriving the schools of $25 million in local taxes.

Dr. Orlando Furno, assistant superintendent of schools in Baltimore, who conducts an annual survey of the relative expenditures on education in various cities and communities, believes that Americans are simply going to have to accept lower quality education.

"Americans have the philosophy that we're the biggest and the richest country in the world, and we can provide everything," Dr. Furno said. "Well, we can't. It's a mistaken notion. If we keep asking for more and more, and if we won't cut back, I hate to think what will happen."

COMPARATIVE STATISTICS ON PUBLIC ELEMENTARY AND SECONDARY SCHOOLS IN 15 LARGE CITIES

	Fall 1969				1969–70		
					Estimated annual current expenditure per pupil in average daily attendance	Estimated average annual salary	
	Enrollment	Classroom teachers	Pupil-teacher ratio	High school graduates, 1968–70		Total instructional staff (including administrators)	Classroom teachers
Baltimore	192,150	9,854	19.6	7,483	$862	$9,346	$8,998
Boston	97,859	4,346	22.5	3,914	768	9,500	9,300
Chicago	562,196	23,046	24.4	21,082	972	11,990	10,400
Cleveland	150,734	6,449	23.4	6,210	880	9,410	9,220
Dallas	159,820	5,929	27.0	8,070	570	9,400	7,800
Detroit	[1] 292,931	[1] 10,020	29.2	(2)	[3] 722	(2)	(2)
Houston	236,861	8,840	26.8	10,982	535	7,954	7,837
Los Angeles	654,201	30,291	21.6	33,513	775	10,600	10,350
Milwaukee	132,461	5,060	26.2	7,141	$940	$9,700	$9,394
New Orleans	111,939	4,151	27.0	5,049	676	7,950	7,700
New York	1,123,165	60,691	18.5	56,102	1,300	10,300	9,800
Philadelphia	294,381	11,965	24.6	12,967	1,144	12,000	10,000
San Francisco	92,242	4,798	19.2	5,291	1,107	11,100	10,900
St. Louis	113,391	3,975	28.5	4,180	936	10,171	9,878
Washington, D.C.	149,054	7,403	20.1	5,144	[4] 1,023	11,075	10,660

[1] Fall 1968 date.
[2] Data not available.
[3] Data for 1967–68.
[4] Estimate.

Source: U.S. Office of Education.

Mr. MYERS. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Indiana.

Mr. MYERS. In the earlier remarks the gentleman made reference to the amount of money being appropriated now and spent by the Federal Government, which is sent directly back for elementary and secondary education. Does the gentleman have that figure there?

Mr. PUCINSKI. Six percent.

Mr. MYERS. That was all categories?

Mr. PUCINSKI. All categories.

Mr. MYERS. How much Federal money now goes back for elementary and secondary education?

Mr. PUCINSKI. Of the total cost of public education in the United States the local governments provide roughly 52 percent. The State governments provide roughly 41 percent. The Federal Government provides between 6 and 7 percent, 6.3 percent.

Mr. MYERS. What total number of dollars would that be?

Mr. PUCINSKI. Our title I program, which is exclusively elementary and secondary education, is roughly $1.5 billion. All told, for all elementary and secondary programs—title II, title III, vocational education and various other programs—it runs somewhere in the vicinity of $3.3 billion. If you include $1.2 billion for higher education, total Federal aid to education came to $4.5 billion.

Mr. MYERS. The gentleman made reference to revenue sharing. Is the gentleman aware that in the President's proposal there is also special revenue sharing?

Mr. PUCINSKI. Yes, I am aware of that. This is why I do not dismiss the President's revenue-sharing proposal entirely. I believe that much can be said in its defense. I intend in due time to say it.

But I believe as we look at the maldistribution of Federal programs and State programs, and even in some instances local programs, that we can, after considerable dialog, discussion, and debate, find a better way of disturbing the revenue sharing the President has in mind both for special revenue sharing and general revenue sharing. I believe that we can adopt the concepts in this bill without disturbing too much the President's main thrust.

I am hopeful the administration will look at this bill and realize that we have here a formula which could help 18,000 school districts in America. Those who need that help more urgently would get more help. Those who need it less urgently would get less help.

I believe if my colleague will study the bill and the formula he will find this is an honest effort to try to find a workable compromise between the President's main concept of revenue sharing, yet writing in some standards that will distribute this Federal aid to those communities which need it most urgently.

I underscore that I do not quarrel with the President's initiative. I believe it is a bold concept and one that is long overdue, and he is to be congratulated for initiating it.

Mr. MYERS. Of course, I must confess I do not thoroughly understand the proposal, and I shall look into it further.

I believe the President's concern is this: not only in education but in all categories as they currently exist today, national standards, under the Federal programs, must be applied to Cook County, Ill., the same as to Lake County, Ind., or some place in Mississippi or anyplace throughout the country. This is the objection. The problem in Cook County, Ill., is quite different from that in some smaller rural counties, not only in education but also in other areas.

I believe this is the concern. We want to make sure that in special revenue sharing that not only so much money is spent in the area of elementary and secondary education but also there is an opportunity to provide some differences in the program.

I did observe that the gentleman also said he felt more money was being spent today in higher education than needed to be.

Mr. PUCINSKI. That is right.

Mr. MYERS. And he observed that the Governor of Illinois made a proposal in his budget that less be spent on higher education and more be spent on elementary and secondary education I think the gentleman will support that view.

Mr. PUCINSKI. I think, as I said in my remarks and just as you said, we are now spending $2,100 a year for higher education per student from all sources. We are only spending $700 for elementary and secondary education. Yet, less than 20 percent of our youth ever attain a college degree. However, the youngsters we have to prepare for life with verbal skills; career development, and the other things they have to have in order to prepare themselves for the world of work are being shortchanged. This bill tries to do the very thing that my colleague talked about; namely, to recognize that there are different needs in different communities. Working together with the President in his basic concept of revenue sharing, we hope to redistribute this money in a way that will help those who need it most urgently.

Under our present distribution formula under the Federal programs, as you know, the rich get richer and the poor get poorer. Then you ask yourself why the vast middle-income America is so disappointed. These people read about programs that are passed in this Congress and they try to get these programs for their children at their local level, only to find for all sorts of reasons that they do not qualify. We whet their appetite through the mass media and excite them into thinking that some kind of help is coming, and then they find they do not qualify for these programs. They do not qualify for Headstart, they do not qualify for title I or for compensatory education or for cultural programs. Their kids do not get a chance to hear the symphonies. All of these educational aids are generated in this country but most of these programs never get to that vast middle-income America. To a great extent, as a matter of fact, the programs never get to the poor people, either. So there is disillusion with it.

I believe when a community like Willamette, Ill., which is a suburb of Chicago——

Mr. MYERS. A very rich area, too.

Mr. PUCINSKI. One of the wealthiest communities in this country—has to lay off 14 teachers because they ran out of money, and then at the other extreme, you see the very poor districts shutting down their school, shortening their school terms, and jeopardizing their accreditation because they, too, have run out of money, you sense the enormity of the problem. I say that we have a problem all across the board. There are 18,000 school districts in America that have a crisis.

Why do I say that this is a Federal responsibility? Historically this has been a local responsibility, but with the tremendous mobility of our country, where one out of every five families in America moves every year, this has created vast problems all over our country. I submit that the host community should not be saddled with the full expense simply because Americans exercise a constitutional right of movement. I do not want to take away that constitutional right. I am not suggesting in any way that we jeopardize it, but I do say that we must recognize as a republic of 50 States with this tremendous mobility of families that we have to look at many of our problems from a national standpoint rather than from a local standpoint.

Mr. MYERS. If the gentleman will yield for one further observation?

Mr. PUCINSKI. I yield to the gentleman.

Mr. MYERS. The cases you have presented here are certainly evidence not only in the field of education but in other areas where we have grants made in certain fields which are administered on a Federal level. There has to be a new way for distributing these funds, and probably revenue sharing would be one of the ways.

Mr. PUCINSKI. I underscore that. I have no quarrel with the basic concept of revenue sharing. All I am saying is I hope we will be able to find some system that will be more equitable in its distribution of our resources. I am sure that we can do this. We certainly have no quarrel with the idea.

Mr. MYERS. I might not disagree with that, but I have some serious reservations on the matter of trying again to tell the local communities where and how the money must be spent, because this creates problems that you speak about of, for example, having to lay off 14 teachers in one place or 200 teachers some place else. We have to give the local communities the right to make local decisions.

Mr. PUCINSKI. My colleague has made a very good point. I want to make it as clear as I can and as concisely as I can that there is nothing in this bill that tells a community how it must spend its money. Most of our categorical grant programs do.

This bill merely recognizes the fact that our school districts across the country are faced with an enormous financial crisis.

This bill proposes that the Federal Government accept as a national policy a part of the responsibility for educating young Americans and providing this education for young children all over America, because we never know where these children will wind up.

Mr. MYERS. Mr. Speaker, if the gentleman will yield further, we have already partly done that.

Mr. PUCINSKI. We have done it in many categorical programs. I just got through holding hearings this morning on this subject with the very distinguished Commissioner of Education before our committee. We were going into how some $75 million has been spent to help certain schools in the country undergoing the problems of integration.

Everyone agrees, the Commissioner, the General Accounting Office, and the Washington Research Project, that there has been some bad management in some of these programs. However, I was very pleased to hear the Commissioner say today that they have taken steps to correct this.

But what happens is when you try to tell people at the Federal Government level what they must do or what they can do or what they cannot do, you run into these problems.

The legislation does not go into that at all. This legislation proposes to do to a great extent what we have done in the impacted areas bills, Public Laws 815 and 874, wherein the Federal Government undertakes to pay one-half of the cost of every child who has been brought into a community by virtue of some Federal activity—an Army base or Government installation. Under Public Laws 815 and 874 we determine how many such children there are in that school district and what it costs to educate them and how much is one-half of that. Then we prorate that against what the Committee on Appropriations has appropriated and the Federal Treasury sends a check into that school board. That check is added to the general finances of the local school board. There is no further action. They can use that money for janitors or windows or teachers or counselors or clerks or whenever or for whatever they want to use it for.

What I envision in this bill is the same kind of general aid with no strings attached.

I think the local people know what the problems are. I think the local school boards know what the problems are and I know that especially the elective school boards are very sensitive to the needs of the community. Their biggest problem is lack of money. All I say in this bill is let us follow somewhat the President's revenue-sharing concept.

That is the main thrust of the bill, and write into it a formula which provides for a far more equitable distribution of the money. But once that money arrives in that local school district as far as this gentleman is concerned the Federal control stops right there.

Mr. MYERS. Mr. Speaker, if the gentleman will yield for one final question, the gentleman made reference to the fact that we are now spending 6 percent of our gross national product on all types of education. Does the gentleman know what that might have been at the turn of the century, in 1900—what percentage of the gross national product was expended on education?

Mr. PUCINSKI. No; I am sorry that I cannot give the gentleman those figures.

Mr. MYERS. I do not know either.

Mr. PUCINSKI. Dollarwise it might have been very low but percentagewise I do not know. We did not get into the business of Federal aid to education except for the land-grant colleges in higher education, of helping elementary schools, until the Smith-Hughes Act, dealing with vocational education, some 50 years ago.

But the big thrust came first of all with the impact bill, the 815 and 874, and then the NDEA—the National Defense Education Act—when sputnik shook the whole world, or at least our own Nation, and Congress rammed through the National Defense Education Act. But our involvement in helping local communities with Federal funds is a relatively new phenomena. Of course, the land-grant colleges go back many years.

Mr. MYERS. I thought the statement made by the gentleman was that we spent 6 percent of our gross national product on education from all sources and at all levels, and that would include, I presume, private education?

Mr. PUCINSKI. That is correct.

Mr. MYERS. As well as State contributions and local contributions?

Mr. PUCINSKI. That is correct. We spend in this country only about 6 percent of our gross national product as compared to 9.2 percent in Israel and I believe it is 8.4 percent in Denmark, and so on. We do not spend as much money on elementary and secondary education as people generally believe. They look at a local budget or a State budget, and they say, well, 40 percent of the State and local tax revenue is spent on education. That looks like a very impressive figure.

But if you look at the total amount spent on education in relation to the gross national product, or the total wealth of the country, not just the taxes that are collected, but the total wealth of the country, you will find we are not spending as much as some Americans think we are on education.

Mr. MYERS. I think the gentleman will agree that this is not necessarily a reflection on the quality of education, or the quantity of education, because there are some things in the GNP now that were not in it 30 or 40 years ago, and the GNP has grown rather rapidly, but still there are other elements that are growing in our society which take part of that percentage, and we still could have a very fine—and I think we do have—a very fine educational system in this country. I think the gentleman will agree with that.

Mr. PUCINSKI. I agree.

Mr. MYERS. But the total percentages are not necessarily reflective of a downgrading or a deemphasis on education.

Mr. PUCINSKI. I think the gentleman is right in defending the basic school system in America. With all its faults and shortcomings it still offers America's youngsters a broad preparation for life in a very complicated world. And certainly the things that children have to learn today are vastly more than their parents had to learn, or their grandparents had to learn. It is a much tougher job to teach today. There are many factors involved. But I agree with the gentleman. I think that on total we have one of the finest educational systems in the history of mankind. But what is happening is that, because of the cost-push forces at play against the existing system, that the system is deteriorating.

As in the examples when a school has to drop 14 teachers; when a school has to drop a counselor, when a school has to drop a librarian; when a system like the one in New York City has to lay off 10,000 teachers; when a system like that at Chicago is faced with curtailing the services of 4,000 teachers; when you bring down the statutory requirement of 178 days of school year down to 150 school days; when you have to increase the size of the classes in the classrooms beyond the capacity of the teacher to handle a class like that—when you have all of these forces brought to play then we are deteriorating what has been the finest educational system in the world. You cannot indict the system, because America has made more progress in every single field of human endeavor than any other nation in the world, and that progress has been made posible by our educational institutions.

Those institutions I believe have done very well in a complex society. But all I am saying in my bill is that the system is now at the breaking point, the system is at the crash point, the system is at the point of no return. I am really amazed at the ingenuity of our educators in keeping the system going under these fantastic social pressures that have beset the system in the last decade, and I think that we owe our educators a mandate of gratitude.

But I can tell you this, and that is that we in the Congress had better take a hard look at our educational system. I wish I could get every one of my colleagues to read the transcripts of the hearings we held on the educational needs in 1970, because I think if my colleagues would read that transcript we would have no problem in getting this legislation through. This is a very modest bill.

It is a very modest bill, in a nation that has a trillion-dollar gross national product. I happen to agree with Bob Shultz that we are going to reach $1,065,000,000,000 gross national product in 1971. I think he has proven to be a pretty good prophet.

Here is a nation surging to a trillion-dollar economy by the end of this decade—in the next 100 months America is going to reach a $2 trillion economy. No one in the wildest stretch of their imagination ever dreamed that this Republic of ours could reach that kind of plateau of achievement. So, we are going to stand in this well and quibble about $3½ billion this year and $6½ billion next year and $12 billion for 1974 to give the educators the tools they need to keep this trillion-dollar economy going and to produce the kind of manpower we are going to need in a $2 trillion economy?

When I look downrange and I see the enormous problems that lie ahead for this country over the next 100 months in the wake of this fantastic surge to a $2 trillion economy, I tell you that we have to give our educators the help they need because the only thing that can destroy America is the failure to produce the kind of Americans who can provide the kind of leadership and the kind of judgment and guidance and technology in that surge forward. That is why I am making my appeal in this bill.

Mr. MYERS. Mr. Speaker, if the gentleman will yield again, the gentleman referred to his home city of Chicago and the problems they were having in curtailing the number of days as well as the number of teachers, and combinations of everything, in order to balance the budget. Did not the school board in Chicago totally ignore the matter of resources as they increased the salaries that were paid to teachers? I think we all recognize, certainly, that we want to pay teachers and are very glad to pay them everything we can, but in this did they not totally ignore the realities as they ordered that, and did not know where the money was going to come from—did they not really cause their own problems?

Mr. PUCINSKI. It is, if you will think of it, like General Motors use their bargaining judgment at the bargaining table when General Motors signed a contract with the UAW for the next 3 years to say that they have the money stashed away in the bank. Does the gentleman think that or did they say with any degree of absolute, indisputable, and unequivocal certainty that they are going to be able to meet those payrolls? Certainly, Chicago as a corporate entity and the school district sitting at the bargaining table was in no different position than management is at that very beginning table.

While it is true that they did not have the funds at that time, they were confronted with the prospect of a complete shutdown of the school system—which they do not want—and so they had to opt out—on a wing and a prayer—and they signed the contract and kept the schools open. Then they prayed like all school administrators all over the country that somewhere, somehow a miracle would occur that would give them that extra money.

This is happening all over the country. But now when teachers were let out—teachers have to pay rent and teachers have to send their kids to school and teachers are not much different from everybody else and they are caught in the cost-push squeeze and that is what happened in Chicago.

But I must tell my colleague that I am grateful to him for his questions because as I look downrange—and I do not share that cynicism and that skepticism of those who think the country is falling apart and who think that somehow or other this whole Republic is going to come tumbling down. I do not share that skepticism. Certainly, we have problems and we are going to have problems as we surge forward to this $2 trillion economy by 1980. There are going to be enormous problems. But I comfort myself by the fact that these are problems that are the result of our successes as a society and not the result of our failures.

When I was a kid I stood in the breadlines. We had a lot of people who were unemployed. We saw the whole country coming apart. We had problems then and they were problems that came about because of our failures as a society. But in the decade of the seventies we are going to have problems which I am pleased to say are going to arise because of the successes of our society. They are going to be great shortages of help and manpower and shortages of schools and the necessary equipment we need in our society when you have this fantastic surge to a $2 trillion economy.

But the greatest shortage we will have will be in decisionmakers, people who are capable intellectually of comprehending what is happening, and evaluating that information properly as intelligent human beings. That is why our educational system is so important. It may not be important in totalitarian countries, but the keystone of freedom is education.

Freedom is a very complicated thing, as my colleagues see every day on the floor of the House. Freedom is a very complicated thing. Our Government, as a free society, is the most complicated government on the face of the earth. No nation in the world has as complex a government structure as we have. People who come to Washington watch our Government in action, and they cannot understand it because it is a tremendously complex machine that gives the individual the greatest degree of freedom and opportunity.

The survival of this freedom within this complex structure depends upon how well the American child is educated to understand its complexity. If the American is incapable of understanding the complexity of the society in which he lives as a free man, that society will collapse. That is why I say education is so important.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from California.

Mr. MILLER of California. I think what the gentleman is telling us is that we had better go back to the great Founding Father, Thomas Jefferson, and study what he had to say about education. It is strange that only now are we coming to accept his theory that any man who is capable of absorbing education should not be denied that education. It should be made available to him even at a cost to the public.

Let us take a look at what has taken place. Perhaps one of the greatest technological groups ever put together was NASA. Future historians will understand what has taken place in the decades of the 1960's and the 1970's. This was only possible because we had the great expertise coming out of American education through its university system to put together the type of knowledge and technique that would make going into space a success. These, together with American industry and American labor, brought it about. But primarily it was the work of education.

Where does education start? Does it start when a man is handed a paper conferring upon him a degree of doctor of philosophy? Does it start when he graduates from high school? Rather, does it not start from the time he enters the primary school?

We in California are very proud of the space effort and the things that we developed there. They have come under a lot of criticism. Many people are very jealous of us. But one of the reasons we were able to do what we did do was that we had a very good educational system built on effective primary and secondary grades in the schools and on up to the university level. This is what we cannot lose. This is what we must have throughout the country.

If the gentleman will bear with me for a minute, I would like to point out that I have a bill that has been in committee for a few years.

I confess it has not gotten very far, but I am still going to press it. It deals with the way in which we would make block grants to universities so they do not fall behind—and every university in this country today is pressed for finances. The records will show those universities we consider the most stable are being hit, and their reserves are being eroded away. When this happens, if we allow it to happen, we will do what others have not been able to do to us militarily or in any other way. If we build our democracy on a basis of education and support that education, this country is safe from now on out.

Mr. PUCINSKI. I believe it is safe to state here that no one in this Chamber knows more about the value of education than the distinguished gentleman from California (Mr. MILLER) who is chairman of the Space Committee, and who has done so much to provide national leadership at times when it was rough going, at times when there were those who questioned the value of the space program. I remember well the many speeches the gentleman made in support of the program, in particular in support of the spinoffs. All the wealth of knowledge that is being generated and used in so many different ways results from these spinoffs. Some people look at the space program and equate it to two men walking on the moon, but they do not see the myraid ways in which the fantastic knowledge that has been generated in every field of social and scientific endeavor has resulted from this program.

So I welcome the remarks of my colleagues on this special order in a plea for greater help for education. I also thank the gentleman from Indiana (Mr. MYERS) for the contribution he is making this afternoon, and I thank him for his participation in our discussion.

Mr. MYERS. Mr. Speaker, will the gentleman yield further?

Mr. PUCINSKI. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Speaker, the gentleman from California made a very interesting observation about what education has provided. He referred to the question: Where does education start?

I think we might also ask another question: Where does education stop?

The gentleman mentioned Thomas Jefferson as a great American who supported education. Another great American, from the home State of the gentleman in the well, who also supported education, was Abraham Lincoln. But if we judge by the number of dollars spent on the education of Mr. Lincoln, Abraham Lincoln, was definitely a failure, because we did not spend very much money on educating Abraham Lincoln. But I think that did not deny him the gifts and talents to raise him to the very necessary level of leadership this Nation needed in his time. So there are other criteria for judging education than the number of dollars spent on education. While that is important, there are other criteria.

Mr. PUCINSKI. Mr. Speaker, the gentleman from California made an interesting point about where education begins. We have ample evidence before our committee that the average human being learns in the first 5 years of his life 40 percent of the knowledge he will use in the remainder of his life. He learns the habits and foundations and observations and the development of intellectual processes in his development in the first most critical 60 months.

So we have seen that while it is important to spend money on all phases of education, as the gentleman from Indiana (Mr. MYERS) raises the question, there are, of course, other criteria. As we surge forward into this $2 trillion economy I speak of by 1980, we have evidence that the average breadwinner in this country, the average worker in America will change skills four times in his working lifetime. Many people spend a lifetime on one skill today, but in these next 100 months it will not be uncommon to see people skilled in one craft or trade or job having to learn another entirely new skill because of changing technologies.

So we have to give the children of this country this basic educational experience. We have to develop in them the intellectual capacity and the capability to face and meet the needs of the decade of the 1970s. That is why I believe the bill I have introduced today is timely and is not exorbitant and is not pie-in-the-sky. It addresses itself to a problem being experienced by 18,000 school districts in America, and basically it places trust in those individual school members that as far as their own community is concerned, they are the keepers and guardians of the educational standards of that community.

All we want to do is to give them some financial help so that they can do a better job.

I thank my colleagues for participating in this special order.

FINANCIAL DEALINGS OF FEDERAL JUDGES AND JUSTICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK) is recognized for 15 minutes.

Mr. RAILSBACK. Mr. Speaker, I am today introducing legislation on behalf of myself and several of my colleagues who share the concern that the integrity of the men and women who serve as Federal judges and justices be revitalized insofar as financial conflicts and dealings are concerned.

The cosponsors of this legislation were each cosponsors of identical bills in the 91st Congress and are in agreement that there is still a need to improve the confidence of the citizens of this country in the financial dealings of our justices and judges on the Federal bench.

In recent years we have seen controversy arise over the financial dealings of Supreme Court Justices and of nominees to that Court. To a less publicized extent we have observed questions raised concerning judges of other Federal courts.

We have taken note of the efforts of both the bench and bar to study the subject and undertake various efforts to control the financial dealings of judges, and yet we feel there is more that needs to be done.

The salary of the Chief Justice of the Supreme Court of the United States is $62,500 per year. Associate Justices have a salary of $60,000 per year. Other Federal judges and judges of the courts of appeal receive salaries of $42,500, while district court judges are paid $40,000 per year. And these positions are not described as part-time jobs, they are obviously full-time jobs with a salary set high enough to hopefully eliminate the need or reliance upon outside income.

Part of the reason in providing for a substantial salary for our judges is so that they would not have to hold a part-time job, practice law in their spare time, or speak, write, lecture, teach, or otherwise offer their services for hire in order to support themselves and their families. We had the hope, I believe, that they would be full-time judges.

Under the legislation we have again submitted, we would prohibit Supreme Court Justices and Federal judges from practicing law or earning outside income unless specific advance approval coupled with full and complete disclosure was obtained from the appropriate authority. In addition, we would require that there be an annual disclosure or statement of income by each Justice and judge to be kept on file with the Judicial Conference and available for public disclosure under proper regulations.

The purpose and intent is not to prevent talented and dedicated men and women of stature from sharing their insights and observations through public speaking or otherwise. The desire is only to prevent financial conflicts and the resultant deteriorating public confidence in our judges.

We have specifically provided, for instance, that where the services are in the public interest or are justified by exceptional circumstances and where the services will not interfere with the judicial duties, that upon appropriate advance application to the Judicial Council or other authority, a judge can obtain approval to accept some compensation for a particular outside activity.

We believe our bill is fair and reasonable and we would welcome the cosponsorship of any of our colleagues who might wish to join us in this effort.

Those joining with me in sponsoring this legislation at this time are John Anderson, George Andrews, Edward Biester, Charles Griffin, Richard Ichord, Robert Mathias, Abner Mikva, Bill Nichols, Albert Quie, William Randall, William Scott, and Keith Sebelius.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Miller) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. American agricultural abundance is a powerful force for world peace. More than $5.7 billion in farm products were exported in 1969. The value of our farm exports since World War II exceeds $100 billion. The United States is the world's largest exporter of agricultural products. Fifty-seven million acres of our 300 million harvested are exported.

LIMIT TEXTILE IMPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. Mizell) is recognized for 5 minutes.

Mr. MIZELL. Mr. Speaker, I rise at this time to introduce for consideration by this body a bill to limit the importation of textile products manufactured by low-wage foreign competitors.

As everyone in this Chamber is aware, the Japanese textile industry has recently proposed a unilateral restriction on the level of textile products it will export to the United States.

It must be just as well known, Mr. Speaker, that the Japanese proposal, setting its "restricted" rate of exports to the United States at the highest level in history, is nothing more than a declaration of "open season" on American textile markets and textile jobs.

Even more important, although this proposal was made by the Japanese textile industry and not the Japanese Government, that Government's inference that this proposal should and would be acceptable to the American people has resulted in a breakdown of 2 years of serious negotiations between the United States and Japanese Governments.

These actions have dramatized the need for effective legislation placing quotas on the importation of textile products to this country.

For this reason, I am introducing today, as I did in the 91st Congress, a bill designed to protect our domestic textile jobs against cheaply made imports, but still permitting our trade partners to maintain a growing share of our markets, at a rate proportionate to the overall growth of the textile industry in America.

The bill also provides for quotas to be set on electronics imports, reverting them to the 1967–68 level.

Under the terms of my proposal, any country not participating in domestic textile markets under prior trade agreements would be subject to specific limitations on shipments to the United States.

These limitations would be set, by category, during 1971 to equal the average amounts that entered the United States in 1967–68. After 1971, the level of imports would be adjusted up or down annually to reflect increases or decreases in domestic consumption.

Japan has trade limitation agreements with Canada and with 10 European countries, pertaining specifically to textiles. I cannot understand why the Japanese will not accept a reasonable agreement, such as the one I have outlined with the United States, especially since they will be able to participate in a percentage increase of the growing American market.

I believe my proposal is as reasonable and as logical as any yet introduced. It is extremely unreasonable and illogical to continue on our present course.

Approximately 100,000 textile jobs have been lost by American workers since 1967, with 10,000 being lost in North Carolina alone.

What is the reason for this startling rise in textile unemployment? The reason for loss of textile jobs, unlike those in other industries, is not because of increased efficiency of production. The American textile industry has long been regarded as the standard of efficiency in production.

The reason is simply that American textile manufacturers cannot hope to compete with foreign imports, when they are faced with a disparity of textile wages that borders on the ridiculous.

American textile workers, on the average, earn seven times as much in wages as do their Japanese counterparts. Certainly, no one seeks to lower American wages to match Japanese standards. It would be difficult, indeed, for a man to feed and clothe and house his family on 35 cents an hour in America today.

Clearly, the answer lies in an effective system of regulation of textile imports, and this legislation provides just such a system.

The Japanese unilateral proposal on textiles is completely unacceptable. The President has said as much, and in no uncertain terms, as have the textile manufacturers and textile workers throughout America.

The President has pledged his wholehearted support for effective textile import legislation. Both management and labor within the textile industry have pledged similar support. The majority of Members of this House gave their support to similar legislation in the last Congress. I strongly urge my colleagues to pledge their continued support, as I have pledged mine, and let us work together to see this measure passed at the earliest possible date.

SPECIAL REVENUE SHARING FOR MANPOWER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. Quie) is recognized for 5 minutes.

Mr. QUIE. Mr. Speaker, I am pleased to introduce today the bill to carry out the recommendations of President Nixon for special revenue sharing for manpower.

Joining me in sponsoring this legislation is one of the ablest and hardest working Members of this House, Marvin Esch—who as ranking member on the Select Labor Subcommittee carries the principal responsibility on our side for shaping manpower legislation—and a distinguished group of colleagues. We are sponsoring this bill not merely because the President requested its enactment, but also because we deeply believe that it is sound legislation.

At the outset, I want to pay tribute to the imagination and farsighted leadership of President Nixon. Quietly—without the great public fanfare which has accompanied far less sweeping proposals in recent years—he is proposing a second American revolution; a revolution which would utilize the more efficient and more equitable taxing powers of the Federal Government to support vital governmental programs, but with most power of decision about the shape of those programs returned to the governmental levels where they actually operate and where people who are affected by them can have some voice in their operation. This truly is "power to the people." It is also a more effective way to use our total governmental system to serve people. The President stated the proposition in the opening paragraph of the message which preceded this proposal.

> We have an opportunity to build on the strengths of the federal system, and by so doing to forge a strong new partnership in which each level of government does what it does best, and in which each function of government is lodged at that level at which it can best be performed.

President Nixon's message deserves more than routine attention, because it makes a compelling case for dramatic change in the management of the Nation's manpower programs. It gives many of the specifics of what virtually everyone who is well-informed in this field concedes: that the existing hodgepodge of categorical programs has become enmeshed in redtape and trivial requirements at all levels that a significant proportion of the funds and energies are wasted.

Many people who have serious reservations about the concept of special revenue sharing fear a loss of Federal leadership. If I really felt that the talents of the very able men and women in the Department of Labor and other Federal agencies would be lost to these programs, I would share that concern. But I feel that this fear is unjustified and, quite to the contrary, that this bill would free a lot of expert people from the hopeless task of attempting to oversee 10,000 separate local manpower programs and permit them to begin to exercise some real leadership in giving technical assistance to State and local sponsors of these programs.

Indeed, the leadership problem cuts both ways. At the State and local level much of the time of our best people in the manpower field is taken up in responding to detailed Federal requirements rather than to serving the people the programs are intended to help.

The enactment of this legislation would make available a vast reserve of our most precious national commodity: the time of able people.

Mr. Speaker, this bill is not based upon a philosophical exercise about the proper roles of levels of government; it is based upon practical necessity. This Nation is too large and diverse, local conditions change too rapidly, and the needs of people often are too immediate to permit the detailed operation of programs such as manpower training from Washington, D.C.

While the President's proposal has revolutionary implications for the uses of Federal powers in responding to national needs, it is not a radical departure from propositions we have overwhelmingly approved in this House.

Just as in the manpower legislation—H.R. 19519—which we passed last year by voice vote: it would get rid of over a dozen narrow, categorical programs and replace them with a single, flexible authority; it would decentralize program administration to the States and major cities or urban areas; it would reduce the number of "prime sponsors" of programs from 10,000 to approximately 450; and it would permit—in an even more flexible way, without percentage limitations—so-called public service employment where and to the extent that is judged by local administrators to meet local needs.

Where are the major differences between this proposal and the House-passed comprehensive manpower bill?

First, this bill goes one step further and drops the weapon of Federal approval of locally designed programs, substituting requirements for complete public disclosure of the nature of the programs and the details of their administration; and

Second, this bill removes the Federal Government entirely from the operation of programs—including the Job Corps—and projects it into the vital areas of research and development, leadership training, program evaluation, and technical assistance.

I believe that these further steps are ones we ought now be prepared to take.

There will be much debate, for example, about terminating a Federal Job Corps. I feel that we should have this debate, but I hope it can be in rational terms. Our issue is not whether to help young people who are enrolled in or eligible for the Job Corps, but how best to do the job. I have long argued for residential occupational education facilities, preferably as a part of a multipurpose training center. A few States—notably Ohio with the Mahoning Valley School—have experimented successfully with residential facilities; all the others would now have that option as a practical possibility. There are two other points to be made on this issue:

First. The Congress in the 1968 Vocational Education Act authorized appropriations for residential vocational schools, and has since extended that authorization. But it has been impossible—I feel, because of the funding of a Federal Job Corps—to obtain appropriations for this purpose. Perhaps with the enactment of this manpower bill it would at last be possible to get that funding. The ultimate advantage of a strong residential component to the vocational-technical education program of all or most of the States should be too obvious to require extended argument.

Second. Enough has been learned from the mistakes and successes of the Federal Job Corps to enable States or cities to establish and operate really effective facilities where they see a need for them. Accordingly, I would argue that the funds already expended for the Job Corps—far from being wasted—constitute an invaluable demonstration program. We should now proceed to terminate the demonstration at the Federal level and work its results into the permanent educational structure where they can be a continuing benefit to far more young people.

The Manpower Revenue Sharing Act, in my judgment, would be a far more effective instrument for dealing with the critical problem of unemployment among young people than the existing Jobs Corps and Neighborhood Youth Corps, because it would permit a far more flexible response in those areas where the problem is particularly acute. Also, it would for the first time afford State and local officials the opportunity to meld manpower training with vocational-technical education in such a way as to strengthen both activities. In the long run—as I have been arguing for years—education and manpower training must be integral parts of the same process. That, I believe, is the only real solution to the problem of unemployed young people.

Mr. Speaker, all of us should be careful not to claim too much for proposals we favor. The manpower revenue sharing bill is not a panacea for all of our economic and employment ills. It would not work equally well in every area and in every circumstances. But I am prepared to argue, and confidently, that this proposal would provide a far, far better delivery system for manpower training services, and be far more responsive to the actual needs of people, than our existing patchwork of manpower programs. And I would argue that the existing structure most certainly would not be improved by adding to it yet another patch called public service employment. We desperately need the comprehensive, flexible, and imaginative approach recommended by the President.

So let us put partisanship aside. Let us give the President's proposal the careful, objective study it deserves and improve upon it where we feel we can. That is what the American people expect of their Congress. That is our clear obligation to them and to our country. I shall do all in my power to see to it that we follow this course.

SPECIAL REVENUE SHARING FOR MANPOWER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Esch), is recognized for 20 minutes.

Mr. ESCH. Mr. Speaker, 10 days ago President Nixon sent to the Congress his message dealing with the second major area of special revenue sharing—manpower.

The legislation which Mr. Quie and I, together with other colleagues, are introducing today—the Manpower Special Revenue Sharing Act of 1971—will be most helpful to our hard-pressed States, cities, and counties in meeting the needs of the unemployed and underemployed. Decentralization of decisionmaking is not only desirable to improve our manpower training programs, but essential to their continued success. Manpower training particularly is an area where flexibility to adapt to local conditions and needs is vital to insure that more people are served in a more responsive way.

Last year Congress concluded that we must eliminate the confusion, duplication, and inefficiency of our present manpower training system. Under the present program, one man, speaking for one department, makes decisions on 10,000 grants and contracts affecting at least half a million persons—and involving $1.5 billion in Federal funds. And yet, manpower needs multiply and local problems become more diverse. Decentralization will alleviate many of our manpower "bottlenecks."

This legislation builds on the foundation on the Comprehensive Manpower Training Act of 1970, approved so strongly by the 91st Congress. It acknowledges that manpower training should be a partnership—but an organized and efficient partnership. In his message to Congress, the President stated that manpower special revenue sharing would "play to the strengths of the Federal partnership—teaming Federal dollars with State and local decisionmaking."

But, while local governments are in a better position to devise and operate suitable area programs, the Federal Government has a responsibility to see that manpower needs are being met. This bill places the responsibility for services, such as the National Job Bank, with the Secretary of Labor, as well as requiring him to issue reports and evaluations on all manpower programs and problems periodically. Such supervision will insure that manpower programs keep up with manpower demands.

Within the context of the philosophy of revenue sharing, which I strongly support, the proposed Manpower Revenue Sharing Act builds upon the agreement which was reached last session on the decentralization of manpower responsibilities.

This bill, Mr. Speaker, would:

Provide $2 billion during the first full year of its operation—$4 for every $3 billion now being spent—to help move men and women into productive employment;

Unify into one the many programs under which Federal manpower oversight disperses authority and free local officials from intricate administrative procedures;

Vest the power to shape local manpower programs in governments close to the people they assist;

Establish important national services, under the direction of the Secretary of Labor, to improve and assist local manpower efforts; and

Include provision for public service employment which local governments can shape to meet their own needs and economic conditions.

The Manpower Revenue Sharing Act would replace the Manpower Development and Training Act and manpower provisions of the Economic Opportunity Act. It would take effect on January 1, 1972.

Since the need for job training and other manpower assistance expands as the Nation grows, the act sets no ceiling on future appropriations. However, the President has already proposed that $2 billion be appropriated for the act's first full year—an increase of almost one-third over current levels of funding. Of this amount provided, the States, and cities and counties of 100,000 or more in metropolitan areas will receive 85 percent. Jobs and workers often cross city and county lines, so bonus funds within the formula distribution would be awarded to consortia of local governments which embrace entire major market areas. Those governments which can agree to act in concert in smaller urban areas would also qualify for these funds. The remaining 15 percent would be made available to the Secretary of Labor.

The shared revenues would be allocated by statutory formula. Each State or local area's share would be determined by its proportionate number of workers, unemployed persons and low-income adults. These funds would be available to carry out broadly defined manpower programs.

Under this act manpower programs must develop job skills. They help the unemployed and underemployed, particularly welfare recipients and other disadvantaged persons, make the transition to better jobs, better pay and higher skill levels.

An effective program focuses on individual needs and available jobs. It should provide a wide range of manpower activities and services to help more people obtain their employment goals. Authorized manpower activities are:

Recruitment, counseling, testing, placement, and followup services;

Classroom instruction in both remedial education and occupational skills;

Training on the job with both public and private employers, aided by manpower subsidies;

Job opportunities, including work experience and short-term employment for special age groups and the temporary unemployed, and transitional public service employment at all levels of government;

Ancillary services like child-care assistance, relocation assistance, and minor health services; and

Appropriate training allowances and other benefits.

Payments and allowances for individuals would be limited to 2 consecutive years, in recognition of the fact that these manpower programs are designed not to provide long-term public support, but rather to assist job seekers in making the transition to permanent or better jobs.

In keeping with the principles of special revenue sharing, State and local governments would be given wide discretion in determining how the funds provided should be used.

Manpower revenue sharing would have no volumes of Federal standards to be met. There would be no towering piles of Federal program applications to complete and no frustrating delays at the Federal level. State and local money, now tied down by matching requirements and maintenance of effort, would be freed for spending elsewhere as community priorities might dictate.

Giving our State and local officials authority to spend Federal manpower funds would increase the citizen's ability to influence how the funds are spent. It would make government more responsive to legitimate demands for quality services.

The State and local governments would be required to publish a statement of program objectives and projected uses of funds each year, prior to receiving their shared revenues. These statements would include information on the area's economic and labor market conditions' targeted client groups; proposed activities; wages, allowances, and other benefits; manpower agencies involved; and the positions and salaries of the program's administrators. In addition, the statements would review the previous year's programs.

Both State and local governments would be required to make comments about each other's program statements. In particular, they would be responsible for coordinating and making full use of all other State and local manpower activities available. After full public disclosure and discussion they would be required to publish their final program statements for the coming year.

To increase the information available to the public, the Labor Department would make public evaluations of program effectiveness.

The people would have the hard facts needed to hold their public officials directly and readily accountable for the manner in which manpower programs are administered.

What would be the resulting effect on current categorical programs? This proposal neither mandates nor terminates any programs. It provides that the continuation, expansion, or modification of each program would be determined, as it ought to be, by the test of performance alone—and determined by the State or community which the program serves.

Programs that have proved themselves in practice could be continued with the use of the Federal funds provided. Indeed, many current categorical programs probably would continue and expand in response to local needs once arbitrary Federal restrictions were removed.

On the other hand, programs whose past claims of effectiveness are not justified could be replaced by others more responsive to community needs. Vesting the program authority in governments close to the people will make it harder for programs to coast along on their momentum from year to year, and easier to tailor manpower assistance to on-the-scene realities.

The special activities financed by the 15 percent of manpower funds retained for use by the Secretary of Labor would include support and assistance for State and local programs through staff training and technical aid, through research, and through experimental and demonstration programs to develop new manpower techniques.

The Department of Labor would also maintain comprehensive systems of labor market information and computerized job banks to facilitate exchange of information among different areas. It would monitor State and local programs for fiscal accountability and compile comparative data on all programs to help the Congress and the public assess their effectiveness.

In addition, the Labor Department would have funds to help support certain programs which operate most effectively across State and local boundaries.

The Manpower Revenue Sharing Act, like the President's other revenue-sharing proposals, would include rigorous safeguards against all discrimination. It stipulates that revenues shared under this act would be considered Federal financial assistance within the meaning of title VI of the Civil Rights Act of 1964, and that all protections of that act would apply to participants in revenue-sharing manpower programs.

One of the most innovative features of the proposed Manpower Training Act of 1969 was an automatic "trigger" which provided more manpower funds when the national unemployment rate rose to 4.5 percent or more for 3 consecutive months.

The Manpower Revenue Sharing Act contains a similar feature. Triggered funds would be distributed by the Secretary of Labor to areas of high unemployment to provide additional training and employment opportunities. Under such conditions, many State and local governments might choose to use these funds to create temporary public service jobs to offset the rise in unemployment.

However, there is in my judgment a defect in the introduced bill which I intend to correct in the course of our consideration of the bill. The effective date of this triggering device should be changed from July 1, 1972, back to January 1, 1972, which would be the effective date of the act. If, as I firmly believe, a higher rate of unemployment requires a greater effort in stimulating manpower utilization, then there is no substantive reason for a delay in the additional "triggered" funding.

This act would also provide permanent authority for public service job creation as part of an overall manpower program—but with the proviso that such jobs must constitute transitional opportunities. Within a 2-year period participants must be enabled to move into the public employer's regular payroll, or helped to obtain other public or private employment.

Public jobs created through manpower funds would thus be used to develop skills and abilities, with participants moving through such positions into permanent opportunities.

This bill, Mr. Speaker, responds to the basic concerns which have guided the Congress consideration of manpower reform.

It responds to Governors' and mayors' appeals for increased responsibility and increased flexibility.

It makes manpower programs more readily accountable to the clients they serve and the taxpayers who support them.

It recognizes that transitional public service employment is an integral part of manpower policy—and places no ceiling on its extent within the manpower program.

It triggers extra Federal funds to counteract periods of rising unemployment.

In summary, this proposal is designed to give more effective help to those who need it, and to give Americans full return for their tax dollars spent on manpower assistance in the years ahead—full return in the form of unemployment brought down and kept down, and in the form of new income and achievement opportunities for millions of deserving men and women.

While building on the best experience of past manpower measures, it introduces bold new concepts to make our national manpower revenuing system more effective.

I am also including as an appendix to my statement a section-by-section analysis of the bill, as well as a fact sheet giving full year manpower special revenue sharing payments to the States.

I am proud to introduce this legislation and urge my colleagues to work for its early enactment.

The material follows:

A Section-by-Section Analysis of the Manpower Revenue Sharing Act of 1971

The intent of "The Manpower Revenue Sharing Act of 1971" is to provide discretionary Federal revenues to State and local governments in order to furnish training and employment opportunities needed by individuals to qualify for satisfying and self-supporting employment.

Section 1 provides that the Act may be cited as the "Manpower Revenue Sharing Act of 1971".

STATEMENT OF FINDINGS AND PURPOSE

Section 2 sets forth Congressional findings and declares that it is the Act's purpose to establish a flexible and decentralized national manpower program by sharing Federal revenues with eligible State and local governments in order that they may provide such training and related services that they deem necessary to assist individuals in their jurisdictions to develop their full economic and occupational potential. It emphasizes that the Nation's progress would be aided thereby, since at present it is limited by a lack of workers with skills needed in a technological society. With appropriate training and skill development, unemployed and underemployed workers could help fill the gap and also as a result share more in the economy.

AUTHORIZATION OF APPROPRIATIONS AND ALLOCATION OF FUNDS

Section 3 authorizes such appropriations as may be necessary without fiscal year limitation to carry out the Act.

Amounts appropriated for Titles I and II shall be allocated so that:

(1) 85% shall be for activities carried out by States and other eligible units of local general government under Title I; and

(2) 15% shall be for activities carried out by the Secretary of Labor under Title II.

TITLE I. STATE AND LOCAL MANPOWER PROGRAMS

Uses of shared revenues

Section 101 gives recipient units of government broad discretion in using available funds for manpower program purposes. The Act specifies that manpower programs shall be a developmental process, essentially transitional for each participant, to prepare unemployed and underemployed persons to hold self-sustaining public and private jobs not supported by funds under this Act. Special priority is given to welfare recipients and other disadvantaged persons. An effective manpower program must focus on the individual's needs in relation to available jobs. It provides whatever sequence or combination of activities (among the following) needed to meet a particular individual's employment goals.

(1) Outreach, intake, counseling, testing, work evaluation and work sampling, employability development planning, job coaching, job development, orientation, placement and follow-up services;

(2) Institutional training, including both remedial education and occupational skill training, with training in other than the English language, where appropriate;

(3) On-the-job training providing for reimbursement of public and private employers for bona fide training and associated costs;

(4) Supported employment, which shall consist of work experience and temporary employment in public and private nonprofit agencies *and* transitional public service employment in Federal, State and local government;

(5) Ancillary services reasonably related to enhancing a participant's employability, including, but not limited to, child care assistance, relocation assistance, and minor health services;

(6) Allowances or other financial assistance to individuals in training and other authorized activities, when appropriate.

To emphasize that manpower programs are developmental and transitional in nature, benefits for individuals are limited to a maximum of two years.

Recipient governments are responsible for assuring that manpower services delivered under this Act are coordinated with similar services provided under other legislative authority to the fullest extent possible to develop a comprehensive manpower program in each jurisdiction served.

Activities under this title shall not involve participation in partisan or nonpartisan political activities, displacing employed workers or impairing existing contracts.

Distribution of shared revenues

Section 102 defines units of general government eligible to receive manpower funds as States (for areas not served by local governmental recipients); cities with a population of 100,000 or more persons; counties or other units of local general government with city-like powers in Standard Metropolitan Statistical Areas (SMSAs) and having a population of 100,000 or more persons (exclusive of the population of qualifying cities); consortia of local general governments representing at least 75 percent of the population of SMSAs with populations of less than 100,000 persons; and consortia of local general governments in larger SMSAs.

Each State or local area's share will be in accordance with its resident number of workers, unemployed persons, and low income individuals 16 years of age or older as a proportion of the national totals, respectively. When local governments form a consortium to serve an entire labor market area in a large SMSA, the funds they are entitled to under the formula will be increased by 10%. The Virgin Islands shall receive a flat sum of $1,000,000; Guam $300,000.

The section provides that the Secretary shall determine the units of government eligible for shared revenues during the subsequent fiscal year upon receipt of evidence of authorization to carry out the activities provided by the Act under State or local law. At least three months prior to the beginning of any fiscal year the Secretary shall publish in the *Federal Register* the apportionment factors which govern the distribution of funds. After funds are appropriated, he shall publish the actual distribution of shared revenues.

Until such time as a unit of local general government is eligible to receive funds or if it declines its allocation, its revenue share shall be added to those of the State in which the eligible unit is located.

Any revenue share available because a State declines its allotment or is not yet eligible to receive funds shall be made available to the Secretary to carry out the purposes of Title I.

Publication of program statements

Section 103 provides that in order to facilitate coordination among units of government and to permit public examination of activities carried out under this title, recipient State and local governments must publish a statement of program objectives and projected uses of funds at least three months before the beginning of the fiscal year. These statements shall include information on the area's economic and labor market conditions; target client groups; proposed activities; wages, allowances and other benefits; manpower agencies involved; and the positions and salaries of the programs' administrators.

State and local governments shall review one another's annual program statement and exchange explicit comments and recommendations. Particular attention shall be given to steps to eliminate duplication of services and to achieve coordination and integration with State-provided employment and manpower services. The Secretary may provide suggestions and recommendations on the program statements. Taking into account such comments and recommendations, each unit of government receiving shared revenues shall publish prior to the beginning of the fiscal year a final amended statement of program objectives and projected uses of funds. Each participant unit of government is also required to publish an annual report on the uses of such funds for the previous year.

Records, Audit and Reports

Section 104 provides that all revenue shared with recipient units of government under this title shall be accounted for as Federal funds in the accounts of such recipients. To assure that funds are used in accordance with the provisions of this Act, each recipient shall properly account for receipts and disbursements, provide the Secretary access to records on reasonable notice, and make reports to the Secretary as he may reasonably require.

Recovery of Funds

Section 105 provides that if the Secretary determines that a recipient unit of government has failed to comply substantially with the provisions of this Act, (1) he may refer the matter to the Attorney General with a recommendation for appropriate civil action, or (2) after reasonable notice and opportunity for a hearing, he shall notify the recipient that if corrective action is not taken within 60 days, its revenue share shall be reduced proportionately, or (3) he may take such other action as may be provided by law. A recipient which receives notice of reduction of revenue share, may, after pursuing certain administrative remedies, file for judicial review.

TITLE II. ACTIVITIES OF THE SECRETARY OF LABOR

Section 201 assigns specific activities to the Secretary designed to maximize the effectiveness of recipient governments in providing manpower services. The authorized activities are staff development and technical assistance; manpower research and experimental, demonstration and pilot programs; labor market information; a national computerized job bank; and program evaluation, including comparative data systems. Such activities may be carried out directly or through arrangements with public or private agencies.

The Secretary will assure that other programs which he administers, such as the Federal-State employment security system and the Work Incentive Program, contribute to the fullest extent possible, to the development of a comprehensive manpower program in each jurisdiction served by this Act.

To assure that manpower programs contribute fully to national policy objectives, the Secretary may establish programs providing any services and activities authorized under Title I.

Section 202 requires that the Secretary transmit an annual report to the President and the Congress pertaining to manpower requirements, resources, utilization, and training, and to the effectiveness of programs authorized under this Act.

TITLE III. EMERGENCY TRAINING AND EMPLOYMENT ASSISTANCE

Section 301 provides that when the Secretary determines that the rate (seasonally adjusted) of national unemployment has risen to equal or exceed 4.5 per centum for three consecutive months, the Secretary is authorized to obligate from funds appropriated to carry out this title an amount equal to 10 per centum of the funds appropriated to carry out Titles I and II of this Act for the fiscal year in which the determination is made.

Section 302 provides that the Secretary shall distribute such funds among State and eligible units of local general government to provide training and other Title I services to groups or communities of high unemployment.

Section 303 provides that no further obligation of funds may be made subsequent to a determination by the Secretary that the rates of national unemployment has receded below 4.5 per centum for three consecutive months.

Section 304 provides that whenever the Secretary determines that the unemployment rate criteria reaches or falls below the 4.5 percent level, he shall promptly notify the Congress and the Secretary of Treasury, and shall publish such determination in the *Federal Register*.

Section 305 provides that this title shall be effective July 1, 1972.

TITLE IV. GENERAL PROVISIONS

Section 401 provides that the Secretary shall prescribe such rules, regulations, and standards as may be necessary to carry out the purposes and conditions of this Act, including standards to assure the compatibility on a nationwide basis of data systems used in carrying out activities under this Act in order to provide the public and the Congress with objective information on which to evaluate activities under this Act.

Section 402 provides that shared revenues under this Act shall be considered Federal financial assistance within the meaning of Title VI of the Civil Rights Act of 1964.

Section 403 provides that effective December 31, 1971, the Manpower Development and Training Act of 1962, as amended, and Title I (Parts A, B and E) of the Economic Opportunity Act of 1964, as amended, are repealed. FY 1972 obligations of FY 1972 funds under MDTA and EOA shall be charged against appropriate governments' revenue shares. Such governments may assume and act on behalf of the Secretary with respect to the unexpended portion of any grants or contracts as of December 31, 1971, and may terminate or continue them (in accordance with their terms) on their own responsibility. The grantee or contractor may terminate any assumed contract or grant within 30 days after such assumption without incurring penalties for default. If eligible governments decline this option, the Secretary shall continue to be responsible for carrying on such grants or contracts until they terminate. For the purpose of completing the contracts and grants, all of the repealed statutory authority will remain in effect but not beyond December 31, 1972. Unexpended advance payments as of December 31, 1971, must be returned to the Federal agency concerned or offset against the appropriate governments' revenue shares. Unobligated balances shall be merged with funds appropriated under this Act.

Section 404 requires that amounts appropriated and allocated pursuant to Title I of this Act shall be paid to recipient units of government at such intervals and in such installments as to minimize the time elapsing between the transfer of funds from the United States Treasury and the disbursement thereof by recipient governments. The Secretary, with concurrence of the Director of the Office of Management and Budget, shall prescribe regulations to avoid an inordinate rise in Federal outlays in FY 1972 and 1973 as a result of concurrent disbursements under both this Act and the repealed laws.

Section 405 gives Congressional consent to any needed interstate compacts.

Section 406 provides that the Secretary shall not fund health, education or welfare activities under Title II of this Act unless he shall first have obtained the concurrence of the Secretary of Health, Education, and Welfare.

Section 407 authorizes the Secretary to exercise all powers necessary for the implementation of title II, including the power to rent or renovate real property, to purchase real property for training centers, to accept and use gifts and voluntary services for the benefit of the program, to enter into contracts or agreements, to make such payments in advance or by way of reimbursement as he may deem necessary or appropriate to carry out the provisions of the Act, and to expend, without regard to the provisions of any other law or regulation, funds made available for purposes of this Act for printing and binding.

This section also provides that enrollees in residential centers under title II shall not be regarded as Federal employees except for purposes of the Federal Tort Claims Act, the Federal Employees' Compensation Act, and the Federal employees' unemployment compensation program.

Section 408 provides that all laborers and mechanics employed by contractors or subcontractors in any construction, alteration or repair of projects, buildings and works which are assisted under this Act shall be paid wages at rates not less than those prevailing on similar local construction as determined by the Secretary in accordance with the Davis-Bacon Act.

Section 409 provides definitions of terms as used in the Act. The term "State" means a State, Commonwealth of Puerto Rico, the District of Columbia, Guam and the Virgin Islands. In addition, the following terms are defined: labor force, unemployed persons, low income persons, Standard Metropolitan Statistical Area, and labor market area.

Where appropriate, the definitions shall be based on the latest published reports of the Department of Labor and the Office of Management and Budget on the date of enactment of this Act and of each subsequent year. The Secretary may, by regulation, change or otherwise modify the definitions in order to reflect any change or modification thereof made subsequent to such date.

Section 410 sets the effective date of this Act, except as otherwise provided, as January 1, 1972. Rules, regulations, guidelines, and other published interpretations or orders may be issued by the Secretary at any time after the date of enactment.

Full year manpower revenue sharing fund fact sheet

[Full year manpower special revenue-sharing payments]

State:	
Alabama	$36,169,000
Alaska	3,184,000
Arizona	13,392,000
Arkansas	18,299,000
California	167,996,000
Colorado	17,656,000
Connecticut	23,199,000
Delaware	4,830,000
District of Columbia	15,155,000
Florida	59,308,000
Georgia	42,551,000
Hawaii	5,095,000
Idaho	5,319,000
Illinois	80,870,000
Indiana	41,030,000
Iowa	19,243,000
Kansas	15,520,000
Kentucky	25,784,000
Louisiana	37,034,000
Maine	8,805,000
Maryland	26,432,000
Massachusetts	43,218,000
Michigan	76,162,000
Minnesota	27,492,000
Mississippi	29,116,000
Missouri	40,225,000
Montana	6,288,000
Nebraska	9,986,000
Nevada	4,223,000
New Hampshire	4,850,000
New Jersey	53,546,000
New Mexico	9,165,000
New York	140,522,000
North Carolina	44,491,000
North Dakota	4,922,000
Ohio	77,855,000
Oklahoma	21,224,000
Oregon	17,815,000
Pennsylvania	87,467,000
Rhode Island	7,264,000
South Carolina	24,668,000
South Dakota	5,157,000
Tennessee	37,301,000
Texas	92,605,000
Utah	7,548,000
Vermont	3,569,000
Virginia	33,564,000
Washington	30,802,000
West Virginia	15,543,000
Wisconsin	30,853,000
Wyoming	2,743,000
Puerto Rico	40,291,000
American Samoa	300,000
Guam	300,000
Trust territories	1,000,000
Virgin Islands	1,000,000
Total, special revenue sharing payments	1,700,000,000
Total, discretionary grants	300,000,000
Total, full-year manpower special revenue-sharing fund	2,000,000,000

NOTE: Based on latest available data; as provided in Manpower Bill, will be updated when 1970 census data becomes available.

VOTER PARTICIPATION MUST BE IMPROVED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 30 minutes.

Mr. HAMILTON. Mr. Speaker, today I am introducing three bills which, if enacted, would make it much easier to vote in Federal elections. One bill would establish a universal voter enrollment plan to increase the registered eligible voters in presidential elections, and abolish residency requirements for voting in those elections. A second bill would limit to 30 days residency requirements for voting in congressional elections. The third bill would make election day a national legal holiday.

Richard Scammon, the elections analyst, has said that voting "ought to be as simple as making a telephone call." That is the goal of these bills. Their enactment would encourage public participation and infuse vitality into the electoral process.

NEED FOR PROPOSED LEGISLATION

The national election holiday, the limitations on residency requirements for presidential and congressional elections, and the universal enrollment plan are needed to reduce the number of nonvoters. In a country which prides itself on being democratic, we should devise methods to assure that every citizen who wishes to register and vote may do so without unreasonable or unnecessary obstacles. The voluntary nature of voting is a strength in our election system. As one of the oldest democracies in the world, with a tradition of free elections and voluntary balloting, we should have one of the world's best voting records. Though our ideal is universal suffrage, a substantial number of Americans choose not or cannot vote.

The need, then, is to remove the involuntary barriers to voting. This should be a prime responsibility of our Federal, State, and local governments. Once the involuntary barriers are removed—the residency and registration requirements and the election day inconvenience—the voluntary barrier in the form of a lack of interest in voting should at least be reduced. Census studies have shown that of those who claimed to have registered to vote in 1968, better than 90 percent claimed to have voted.

How great are these barriers? A few statistics should give some indication of the challenge of the task of improving voter participation in this country:

First. In the 1968 presidential election, 31.8 million people voted for Richard Nixon and 31.3 million for HUBERT HUMPHREY. For every vote separating candidates Nixon and HUMPHREY there were 150 people who did not vote at all. These 47 million people were 40 percent of the American electorate.

Second. The number of nonvoters in 1968 was up from a level of 43 million in the 1964 presidential race, and 39 million in 1960. If this trend continues, in 20 years we will have from 70 to 90 million nonparticipants in the election for the highest office in the land.

Third. Since 1904, voter turnout in presidential elections in the United States has not risen above 65.4 percent. Twice in that time period, a minority of the eligible voters have participated—49 percent in 1920 and 1924.

Fourth. In contrast, between 1840 and 1900, a period marked by the beginnings of mass suffrage and preceding the adoption of restrictive voter registration requirements, an average of three out of four, 76 percent, of the electorate voted in presidential elections.

Fifth. The record is even worse for House of Representatives elections. For the period 1920 through 1968, voter turnout never exceeded 60 percent, and fell below 50 percent in all of the nonpresidential election years for that time period.

Sixth. Senatorial elections have a comparable record, with percentages 10 or more points lower in nonpresidential years, and rarely rising above a 70 percent turnout even during presidential election years.

Seventh. Indiana's voter participation in presidential and congressional elections has consistently been better than the national average, but the pattern of turnout in 1970 is revealing and disturbing. In the elections for House seats in that year, the four congressional districts with the most metropolitan constituencies had the four lowest turnout percentages.

The dismal record in recent American elections becomes even more disturbing when placed in the context of voter turnout in other democratic nations. Again, the figures tell the tale:

First. In Canada and Great Britain, turnout since 1920 has not fallen below 70 percent, with only two exceptions, and has recently hovered around 80 percent.

Second. Turnout in West Germany has been from 85 to 90 percent in recent years.

Third. In Italy, turnout has topped 90 percent in several recent occasions.

Fourth. In their last election, Great Britain and Canada had turnouts of 76 percent, France 80 percent, West Germany 87 percent, Sweden and Denmark 89 percent.

As President Johnson's Commission on Registration and Voter Participation stated in 1963:

> The plain fact remains that citizens of other democracies vote in greater relative numbers than Americans. The United States, leader of the free world, lags behind many other free countries in voter participation.

This statement is still true 8 years and two presidential elections later.

When a person does not vote, he is failing to take advantage of three important opportunities provided by elections: the opportunity for the electorate to choose its leaders, the opportunity to indicate choice among Government policies, and the chance to demonstrate public faith in the democratic process.

These opportunities should be greatly valued by us all. Unfortunately, they are not. Low voter turnout reflects a lack of faith and interest in the democratic process.

Recent polls bear this attitude out. According to a recent study by Jack Dennis, a University of Wisconsin political scientist, there has been a net decline over the past 20 years in the value voters assign to elections. In a 1966 poll, only 57 percent either agreed or strongly agreed with the statement that—

> The way people vote is the main thing that decides how things are run in this country.

This percentage indicates the problem of voter apathy in this country, an apathy that needs to be eliminated for the sake of preserving a vibrant political process. H. G. Wells once called the voting process "democracy's ceremonial, its feast, its great function." We must act now if we are to prevent this feast for the many becoming a banquet for the few.

RECENT DEVELOPMENTS

The prospects for increased voter participation are brighter as a result of the Supreme Court's decision of December 21, 1970, upholding the constitutionality of Public Law 91-285, the Voting Rights Amendments of 1970. The chief provisions of that law are these:

First. Suspension of the use of literacy tests in all States until August 1976.

Second. Permission for any person to vote in a presidential election in the State in which he had lived for 30 days immediately prior to such an election.

Third. Lowering the voting age from 21 to 18 for all Federal elections, effective January 1, 1971. I hope this age group will be able to vote in State and local elections as well, and I have introduced legislation to achieve this end.

The Congressional Quarterly has estimated that the Supreme Court decision will result in the enfranchisement of an additional 22 million persons in the 1972 Federal elections, distributed thusly: Suspension of literacy tests, 1 million; reduction in residency requirements for presidential elections, 10 million; and lowering of the voting age for Federal elections, 11.5 million persons.

The addition of these 22 million persons to the ranks of the eligible voters makes more imperative the enactment of the legislation I propose today. We will create problems for the Nation if we take such steps as legalizing the 18-year-old vote and yet provide inadequate mechanisms to make it effective.

IMPACT OF NONVOTING

The crucial question is this: How long can the democratic process work when half of its people do not vote? The answer is "Not for very long," a fact recognized by the Democratic National Committee in its report of the Freedom To Vote Task Force:

> The decline of democratic participation holds both a danger and a paradox. The danger is that democratic institutions cannot function effectively or respond promptly to society's needs unless citizens participate in the decisions that affect their daily lives . . .
>
> The paradox is that while millions of citizens, at odds with basic policies, are struggling for a more active role in public decisionmaking, participation in the electoral process continues to wane.

Responsiveness of government to the voters is the key to a smoothly functioning democratic government. Its presence is assured by frequent elections and voter participation. Noninvolvement of the electorate makes it difficult for government to operate responsively. Failure to meet their people's needs produces more distrust and lack of respect for the established political institutions, which in turn produces more noninvolvement.

We in the Congress cannot, by any single piece of legislation, dissolve voter apathy. But it is incumbent upon us to do all we can to remove the barriers between the citizen and the voting booth.

Skeptical attitudes about voting—the "my vote will not do any good" syndrome—are difficult to change. However, there are several major obstacles to voting which we can reduce. These obstacles, called involuntary barriers, include: residency requirements, registration procedures, and election day inconveniences.

BARRIERS TO HIGH VOTER TURNOUT

Residency requirements: Every year 20 million Americans move from one State to another. Many of these citizens have been prevented from voting in Federal elections until they have lived in their new State for at least 1 year. Typical residency requirements stipulate a residency in the State of 1 year, in the county for 30 to 90 days, and in the precinct for 30 days. These stipulations are estimated to exclude from voting 5 percent of the potential electorate. In the 1968 election, this meant that 6 million potential voters were disenfranchised in the presidential election by residency requirements alone.

Though provisions of the new voting rights law of 1970 dealing with residency requirements for presidential elections are expected to enfranchise 11.5 million new voters in 1972, the 30-day minimum for State residence will still prohibit millions from casting a ballot in that election. Residency requirements for voting in congressional elections were not affected by the law, a gap that continues to disenfranchise additional millions and that must be filled.

Residency requirements for voting in Federal elections have been restrictive. Though 31 States have had some form of waiver of normal residency requirements for presidential elections, 19 of those States' waivers still stipulate a residency in the State of more than 30 days. Seventeen States and the District of Columbia have had no waiver, and none of them now have State residency requirements of 30 days or less for either presidential elections or congressional elections.

This past set of residency requirements has been most undesirable. President Johnson aptly remarked in 1967 that—

> The people's right[s] to travel freely from State to State is constitutionally protected. The exercise of that right should not imperil the loss of another constitutionally protected right—the right to vote.

Registration procedures: The exercise of the franchise in the United States usually requires two deliberate acts on two different days: registration and voting. The finest voting system in the world will not work if registration procedures discourage voters.

An efficient registration system, on the other hand, would have a beneficial impact on voter turnout. Studies of the 1968 election, mentioned earlier, have indicated that 90 percent of those who claimed to have registered also claimed to have voted.

In many States, registration has become an obstacle course for the voter rather than an assistance to voting. In 1968, an estimated 3.2 million did not get the chance to vote because they found registration procedures so inconvenient.

In 26 States, the registration period closes 30 days or more prior to a general election. In Indiana, the figure is 29 days. In many communities there is only one place to register to vote. It is often an inconveniently located office with office hours that make it difficult for the working man or woman. A few glaring examples of registration procedures are worth citing:

First. Delaware: Voters may register in their precinct on the fourth Sunday in July, the second Saturday in September, and the third Saturday in October prior to an election.

Second. Maryland: Registration is possible on the first and third Tuesday of each month, with additional sessions at the discretion of the board. The registration period closes the fifth Monday prior to an election.

Third. Mississippi: The registration period closes 4 months prior to an election.

Furthermore, in 28 States registration lists are canceled or purged every 2 years or less, and in some cases at the discretion of the local election board.

These procedures cast a burden upon the average voter. It is no wonder that many eligible voters do not vote. The Freedom to Vote Task Force identified the crux of the matter when it noted that turnout is not a function of the interest of voters in elections as much as it is a function of the interest demanded of them. How many voters are seriously considering the issues in a general election prior to October 1 of an election year? Not very many. Yet, in more than half the States, they will have already had to register if they want to vote.

Election day inconvenience: In 1968, an estimated 6 million Americans did not vote because they could not leave work or they were away from home.

In some States, it is easier to get a hunting or fishing license or a pistol permit than to register and vote.

Today, the average American must expect to go to the polls often, or if not often, to face a complicated ballot when he does. Americans vote in the middle of the workweek, and the hours of voting have not really changed—in Indiana, they were reduced in 1970—while the population has doubled. The problem of the jammed polling place may be why some voters just do not feel that they can spare the amount of time it takes to vote. In the face of unreasonable inconvenience, the voter may elect to stay home on election day.

This need not, and should not, be the case. Consider arrangements in other democracies:

First. Italy: Italians vote on Sunday and until Monday noon. Turnout has topped 90 percent a number of times.

Second. West Germany: Elections are held on Sunday. Turnout has exceeded 85 percent in recent years.

Third. Canada: Voting is usually on a Monday. Turnout has been around 80 percent in the last few general elections—aided by a universal voter enrollment plan.

In these three countries, a trip to the polling place is less of a burden than it is in the United States. Voting should not be a burden. The right to vote is a privilege, but why make it so difficult to exercise?

CORRECTIVE MEASURES

Mr. Speaker, today the three bills I introduce are designed to make it easier to vote. I urge their prompt consideration by the appropriate committees of this House. They would establish a universal voter enrollment plan, limit to 30 days residency requirements for voting in congressional elections, and make election day a national holiday.

Universal voter enrollment: The United States is virtually the only advanced democratic nation that does not have a universal voter enrollment plan. Such a plan places the responsibility for registered voters on the Government rather than on an individual's willingness and initiative in meeting and overcoming a series of government-inspired obstacles to his participation in our political system. The main features of the bill establishing this plan are these:

First. It would abolish all residency requirements for voting for President and Vice President.

Second. It would set up a federal system of enrollment for all persons unenrolled in any State who, except for residency, meet the qualifications in that State.

Third. During a 3-week period immediately preceding a presidential election, the Bureau of the Census, at Federal expense, would conduct an intensive, door-to-door drive to enroll all eligible persons who have failed to enroll under State law.

Fourth. On election day, all persons so enrolled would be permitted to vote for the offices of President and Vice President even though they might not be eligible to vote in the State elections. If, for any reason, any would-be voter was missed, he could still vote on election day by signing an appropriate affidavit to preclude any kind of fraud.

Fifth. Persons absent from their election districts would be able to cast special absentee ballots in the nearest polling place—even in another State—upon showing proper identification. These special ballots would be mailed back to their own election districts and counted once their eligibility was established.

Sixth. A National Enrollment Commission would be created, to serve as a clearinghouse for election information, to make current, accurate returns available, and to assist the States in advising them as to any election problems they may encounter.

Universal voter enrollment plans have been proven in many European states, in Canada, in the States of Idaho and Washington, and in parts of California. They have achieved enrollments of better than 90 percent of the voting-age population.

Evidence compiled by the Freedom to Vote Task Force, which originally proposed this approach, indicates that a reasonable set of limited registration requirements, plus a universal enrollment system, would greatly increase voter turnout, bringing into the electorate groups badly in need of representation, while at the same time making allowance for those who would normally vote but are excluded by physical inconvenience from registering.

Reduce residency requirements in congressional elections: My second proposal would limit State residency requirements for congressional elections to 30 days, thus bringing them into line with provisions of the 1970 voting rights amendments and eliminating the current discrepancy between congressional and presidential disenfranchisement.

No State now provides for a residency requirement of only 30 days. Thirty States and the District of Columbia now require a residence of 1 year, 17 States require 6 months' residence, and only 3 States—New York, Pennsylvania, and Utah—require 3 months or 90 days.

National election holiday: The third bill I introduce would designate a national legal holiday on Federal election days, beginning in 1972 and every second year thereafter.

An election holiday has recently been propounded by CBS president, Dr. Frank Stanton, in a "Five-Point Program for Election Reform." It is an eminently reasonable proposal, and deserves congressional support and action. Declining voter turnout warrants its adoption.

CONCLUSION

Mr. Speaker, we still have a paper curtain of old-fashioned registration and voting laws which keep people away from the polls. This curtain should be torn down. The bills I introduce today will do it. By reducing several of the primary obstacles to involuntary nonvoting, thus making it easier to participate in the political process, Congress will also help reduce voluntary nonvoting as well.

I urge prompt hearings on these bills. Congress has worked toward expanding the vote before, by granting the franchise to women, assuring minorities the vote, and allowing more young people an opportunity to vote. Yet, as long as barriers to voting exist, universal suffrage eludes us, and the work of the Congress to create a more perfect union is undone.

PROPOSED AMENDMENT TO SELECTIVE SERVICE ACT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. **GONZALEZ**) is recognized for 10 minutes.

Mr. **GONZALEZ**. Mr. Speaker, can we pass a law that allows the Executive to draft men into military service and send them into combat when Congress has not declared war?

There is no doubt that Congress can enact a law providing for peacetime conscription. But neither we nor the courts have ever settled the question of the legality of drafting men and sending them into combat without Congress first having declared war.

This is an issue that we must face. And that is why I offer an amendment to the Selective Service Act which would prohibit the President from sending draftees into combat without first securing a declaration of war from Congress.

I have sponsored this amendment in each of the last two Congresses, and again offer it this year.

At the time I first raised this question, not many felt that it was a pressing matter but today the question appears in the courts again and again. And the Supreme Court only narrowly refused to hear it in a case last December. We must address ourselves to this issue, because it is a question that must be heard in one forum or another, sooner or later.

I personally believe that the Constitution requires that Congress must declare a state of war to exist before citizens can be conscripted and sent into combat. I believe that insofar as the Selective Service Act allows the President to send men into combat without any declaration of war from Congress, it is unconstitutional.

I do not argue here the legality or the morality of the present war in Indochina. All I say is that we are in grievous error to commit men to that war or any war if they are draftees, in the absence of declaration of war.

I do not believe that my position is new, novel, or alien to American law and tradition. Indeed, my position is completely in line with all of these, and with precedents that antedate the Constitution itself.

Even though we now fully accept the idea of a peacetime draft, we have not always completely accepted even that, for the House was divided within one vote on passage of such a law as late as 1940. The draft then was conceived of as strictly a defensive measure, a radical act that would allow the United States to build up a military force sufficient to repel attack. Yet, though the world around us was even then in flames, Congress reserved to itself the right to commit draftees to combat anywhere except in the United States or its possessions. The President could not have sent draftees to Vietnam under that 1940 law, and it is doubtful that draftees could have been used in Korea either—unless Congress had declared war and given its consent.

What I am proposing is nothing radical—it is a reservation that Congress itself insisted on before it would enact the original peacetime draft.

This type of reservation was not one limited to our country—Canada's draft law, drawn up in 1940, prohibited the use of conscripts anywhere except in Canadian territory. France, even as late as the war in Indochina, would not allow the use of conscripts in any but French territory—there were no draftees at Dien Bien Phy, nor any in Algeria.

Military conscription was thus, as late as 30 years ago, a measure taken strictly for the defense of our home territory, and for no other reason. Probably that conception is as old as conscription itself, since no less an authority than Blackstone himself wrote with respect to military conscription:

> No man can be required to go out of his

shire except in a national emergency and not out of the Kingdom at any rate.

The 1940 draft law was radical for its time, but it was conceived strictly as a defensive measure. Congress reserved for itself the decision on use of draftees anywhere but in defense of American territory. That was a protection and provisio that we abandoned only later, in 1948.

All I am asking is that Congress reassert its reservation on use of draftees, and insist that if men are to be conscripted to fight anywhere but on our own soil, Congress must give its approval by declaring a state of war.

I do not quarrel with the right of Congress to establish a peacetime draft; but I do insist that we have a responsibility—moral, legal, historical and constitutional—to forbid the use of draftees in undeclared wars.

Neither Congress nor the courts have faced this issue—and it is our duty to do so.

This is a question that will not go away; it must be resolved sooner or later.

There are those who argue that the Gulf of Tonkin resolution was "the functional equivalent" of a declaration of war, but that is beside the point. For if the courts take this question up, they must first decide whether we have a right to send drafteesmen into combat without declaring war—and then will decide what constitutes such a declaration. The issue simply cannot be evaded; we must determine what our responsibility is, and I believe our responsibility is to maintain a reservation of the use of conscripts except in defense of our own territories.

The reservation I propose would be in line with the original peacetime draft, in line with practices of many other countries, in keeping with our responsibilities to maintain a proper balance of powers between the branches of Government, and in keeping with legal concepts that are older than the Constitution itself, deeply rooted in both American and English tradition and law.

Beyond that, I believe that Congress had the responsibility to declare war, if we are going to commit men to combat. We have the responsibility to define what the national interests are that compel the use of violence, and cause the country to ask draftees to give up their lives to protect; we have the responsibility to define the dangers facing the country; it is our duty to speak for the Nation, and to bring about the unity that alone can create sufficient support to prosecute war; it is for us, as elected representatives of the people of this country, to say when war is justified and when it is not.

Members of Congress occupy the prime constitutional office. It is for us to act for the people, as their representatives. We cannot abandon that duty, if this Nation is to long exist.

Congress never declared war in the case of the Korean conflict. I felt then, and many others did too, that is was illegal to send draftees into that war, because Congress had never sanctioned it. As would have been required under the 1940 draft law. That war became extremely unpopular—not because it was unjust, but because it came to be a presidential war. Again in Indochina, Congress has never defined the issue, or set forth the national objectives, as it is our duty to do, consequently we had another presidential war, and the frustrations and political paralysis of the 1950's have again been visited upon us.

Had we retained in the Selective Service Act a proviso forbidding the use of conscripts in undeclared wars, there would have been no presidential wars; Congress would have had to give its sanction to the employment of draftees, and there would have been a very different conception of who held the responsibility.

Our men have not been unwilling to fight, either in Korea or Indochina; they have fought bravely and well, in the most overwhelming circumstances. It is not a question of willingness to fight; our country does not lack will, but it expects, and has a right to expect, that Congress say when we shall have war, and why.

Congress could not declare war if the country were not unified, because of the representative nature of our branch of Government. That is why I believe that a proviso on the draft such as I advocate might have avoided the deep and bitter divisions of our country in the case of Korea and Indochina as well.

But since there was no sanction by Congress, and since we did allow men to be drafted to fight these wars without our specific consent, we wound up with conflicts not of the United States against our enemies, but with what has become known as presidential war, a war conceived not as our country opposed to another, but the will of our President against some unknown executive in another part of the world.

The sadness is not that Korea and Vietnam ended presidential careers, but that they blighted the country and poisoned the political processes with the seeds of unreason.

We have a duty to do.

We have a duty to fulfill our responsibilities to the Constitution, to see that the rights of our citizens are fully protected.

We have a duty to protect and exercise the powers of Congress.

We have a duty to see that there will be no more presidential wars—only wars Congress declares in the name of the people of the United States, wars to protect national interests that we define, as the Constitution intended. I pray that there will be no more wars. But even more I pray that Congress will accept my amendment, and take up the responsibilities we are given by the Constitution.

What I propose to you is nothing novel or radical—far from it. I only propose that we return to the exercise of powers and responsibilities that we jealously guarded up until very recent years, powers confided to us by the Constitution itself, powers that we cannot divest, if we believe in constitutional government at all, and aim to preserve it.

ELECTED CITY GOVERNMENT AND REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 15 minutes.

Mr. HARRINGTON. Mr. Speaker, I am introducing two pieces of legislation today to give the District of Columbia an elected city government and full representation in Congress.

The first bill would enable the people of Washington, D.C., to elect a Mayor and City Council. It would increase the fiscal autonomy of the city government. My second bill, a joint resolution, would amend the Constitution to give the District of Columbia two Senators and as many Representatives as it is entitled to on the basis of population.

The United States of America is often described as a great experiment in democracy. That experiment can hardly succeed as long as the residents of the Nation's Capital are deprived of nearly all vestiges of that democracy. The citizens of Washington, D.C., can elect a school board and vote in presidential elections, and they will soon elect a nonvoting Delegate to the House of Representatives. The people do not, however, have any voice in the selection of their Mayor and of the members of their City Council. The decisions arrived at even by the elected school board can ultimately be overruled by the Congress. How meaningful a government can the people of Washington, D.C., have when this situation is allowed to continue?

In 1776, taxation without representation brought the residents of the American colonies to revolution against the tyranny of their British rulers. Today, 195 years later, this Government seemingly has not yet learned history's lesson of 1776. The residents of the District of Columbia like their colonial ancestors are still subject to taxation without representation. Almost 200 years after the American Revolution, Washington, D.C., remains the lost colony. The Congress has the power to erase that stigma from the District and from the Nation. I urge it to do so.

The District of Columbia Charter Act would provide the District of Columbia with an elected Mayor, City Council, and a Board of Elections. It would provide greater fiscal autonomy for the District. The purpose of the bill is not to deprive Congress of its constitutional responsibility for the District. It will, however, allow the citizens of the District to have a voice in their government similar to that of citizens in other cities in the country.

The District government would be composed of an elected District Council and an elected Mayor. Council members and the Mayor would serve concurrent 4-year terms. Eight Council members would represent designated wards. Five would be chosen at large. The Council would choose one of its members to be Chairman. The Council would serve as a legislative body with powers as designated in this act. All acts passed by the Council would be sent to the Mayor for approval. The Council would have the authority to override the Mayor's veto by a two-thirds vote. The President has the right to veto such legislation when he feels the law would not be in the Federal interest.

As the chief executive officer of the District, the Mayor would be responsible for the proper administration of the affairs of the District. He would, thereby, have the power to appoint the personnel in the District's executive departments, to administer the laws relating to personnel in the District's government and to prepare District finance reports. He would also be allowed to draft legislation for enactment by the Council, but would not be a member of the Council.

The budget for the District would be prepared by the Mayor and considered by the Council for appropriation purposes. The District would be empowered to borrow, within certain limitations, and to issue bonds.

The District of Columbia Charter Act provides for the continuation of an annual Federal payment to the city. This payment is obviously necessary if the District is to be solvent. Due to the large Federal presence in the District and the nontaxable status of Federal real and tangible personal property, it is imperative that there be an adjustment. The annual Federal payment will be made on a formula basis. The District of Columbia will be paid an amount equal to 30 percent of all general fund revenues derived from taxes, charges, and miscellaneous receipts. Included in the Federal payment would also be the amounts of charges for water and sanitary sewer services furnished to the Federal Government by the District.

The act also provides for a Board of Elections to be appointed by the Mayor. The Board would administer elections in the District in the manner set forth by the act.

The act must be ratified by a referendum placed before the qualified voters of the District within 4 months after it is signed into law.

Passage of the District of Columbia Charter Act would insure the citizens of the District a representative municipal government. Passage of the second measure I am introducing would provide those citizens with full voting representation in Congress. Neither measure by itself is sufficient. Both are necessary to make the District truly self-governing.

There is a strong sentiment in the District of Columbia for representative government. A majority of those voting in the 1964 Republican presidential primary in the District expressed their desire for home rule. In the 1968 Democratic presidential primary, those voting stated overwhelmingly that they wanted self-government. Last week Senator KENNEDY and Senator EAGLETON brought together leaders of the Washington, D.C., community to discuss the very same constitutional amendment which I am proposing today. Democratic nonvoting Delegate candidate Walter Fauntroy, Democratic City Chairman Bruce Terris, Statehood nonvoting Delegate candidate Julius Hobson, City Chairman Gilbert Hahn, Republican City Chairman Carl Shipley, Republican nonvoting Delegate candidate John Nevius, and other leaders were in attendance. There was discussion about the means of gaining self-government for the District. However, the end was never in doubt. These leaders—representing all political persuasions and all races—were unified in their desire to see self-government come soon to Washington, D.C.

An attempt in the Senate last week by Senator KENNEDY and Senator EAGLETON to bring full congressional representation to the District was unsuccessful. Nevertheless, we must press on and continue to attempt to bring full representation and self-government to Washington, D.C., until those goals become realities.

Our Government is presently directing a military effort to bring democracy and free elections to South Vietnam. How can we possibly think of democracy and free elections 10,000 miles away when we deny democracy here in our own Capitol?

For too long the District has been governed—not represented. Congress has the ability and the obligation to extend to the District the basic rights of self-government upon which the rest of the Nation functions. A city of almost a million people, denied the right to govern itself, to be represented in Congress, and to elect its own officials, is politically suppressed. The establishment of an elected city government and granting of voting representation in Congress is no more than an act of simple justice.

Mr. Speaker, I urge immediate enactment of the legislation I am introducing today.

FISH FARMING ASSISTANCE ACT OF 1971

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. GRIFFIN) is recognized for 10 minutes.

Mr. GRIFFIN. Mr. Speaker, my distinguished colleague, the gentleman from Texas (Mr. PICKLE), and I are today reintroducing the Fish Farming Assistance Act of 1971 with 32 cosponsors.

I want to point out, Mr. Speaker, that we are very pleased to have such a large and bipartisan group sponsoring this legislation. It underscores, I believe, the widespread and growing interest in fish farming all over the Nation today.

Mr. Speaker, I have, on several previous occasions, brought items of interest on fish farming to the attention of the Congress. Today, I would like to call our colleagues attention to an informative article by Mr. Sam Dickinson which recently which recently appeared in the Shreveport Journal. It follows:

U.S. HELP FOR FISH FARMERS

A bill sponsored by Rep. J. J. Pickle (D.-Tex) and Rep. Charles H. Griffin (D-Miss) holds interest for Louisiana farmers who are interested in commercial production of fish.

The measure, known as the Fish Farming Assistance Act of 1971, would authorize the federal government to offer both financial and technical help to farmers engaged in that business.

Fresh-water fish culture continues to increase, but it still is a relatively small enterprise as compared to what it could be made. Last year farmers had nearly 70,000 acres in ponds as compared to 16,870 acres under water for fish production in 1963.

The 1969 fish crop was worth more than $33,000,000, yet it was only a minor part of the total amount of fish consumed in the United States that year.

MORE ATTENTION

American fisheries, including salt and fresh-water businesses, have not received the attention they deserve. In fact, U.S. consumers actually encourage foreign fisheries to the detriment of American enterprise.

Imports account for seventy per cent of all the fish products eaten in this country. Salt water fish make up most of the home products.

Fish culture, as can be seen in the Ark-La-Tex region, can be combined successfully with row crop and livestock enterprises. The fish producer does not have to worry about crop quotas or national over-production.

More than a decade ago, the Arkansas General Assembly declared pond-grown fish to be "livestock" in order that fish producers would not have to be regulated by the State Game and Fish Commission. In that state a clear distinction has been drawn between game fish and fish that come under the heading of "livestock."

SWITCH ASKED

The federal government's limited program to help fish farmers now is administered by the Bureau of Sports Fisheries and Wildlife in the Department of the Interior and the National Marine Fisheries Service in the Commerce Department. Under the Pickle-Griffin bill, the program would be transferred to the Department of Agriculture, where the Soil Conservation Service and the Federal Extension Service already are contributing to development of fish farming through help given by their state and local offices.

Farmers who are planning to start raising fish for market may be in greater need of technical information and advice than they are of loans to finance construction of ponds and water systems. Because of the Department of Agriculture's long experience in assisting rural people, it would be advantageous to fish farmers to have this agency in charge of the federal program for fresh-water fish culture.

Mr. PICKLE. Mr. Speaker, today Congressman CHARLES GRIFFIN and I are reintroducing the Fish Farming Assistance Act of 1971, with 32 cosponsors. This is a bill that he and I both introduced at the close of the 91st Congress and at the beginning of this session. We are pleased to have so many of our colleagues join with us in sponsoring this bill. At this point with the permission of the Speaker, I would like to have a report published by the Bureau of Sports Fisheries inserted into the RECORD. Although the report is a little lengthy, I think it will be very informative to the Members about the reasons for the introduction of this bill.

The report follows:

REPORT TO THE FISH FARMERS: THE STATUS OF WARMWATER FISH FARMING AND PROGRESS IN FISH FARMING RESEARCH

WARMWATER FISH FARMING: AN AQUACULTURAL SUCCESS STORY

Private warmwater fish culture was probably born in the late twenties and early thirties when a few individuals began raising minnows to supply the growing demand for fish bait for sport fishing.

Shortly after World War II, with the boom in farm pond and reservoir construction and the many water conservation projects inspired by the dust-bowl years of the thirties, the demand for minnows increased. By the late 1940's there were a dozen or more successful private producers of bait fish. By 1953, there was literally an outbreak of minnow farmers, and simultaneously farmers began raising buffalo fish, bass, and crappie. Much of this attempt at fish husbandry failed because the farmers were not experienced in fish culture, because of improper pond construction, or because low-value species were stocked.

From 1955 to 1959, the U.S. Fish and Wildlife Service, with funds from the Saltonstall-Kennedy Act for Commercial Fisheries, sponsored research on channel catfish at the University of Oklahoma to learn how to improve production methods in the National Fish Hatcheries and to develop a basis for commercial fish farming. Other agencies and universities also became interested in channel catfish as a commercial and sport species, and the Bureau of Sport Fisheries and Wildlife established the Southeastern Fish Cultural Laboratory at Marion, Alabama, and the Fish Farming Experimental Station at Stuttgart, Arkansas. The Bureau began the Fish Farming Development Center at Rowher, Arkansas in 1963. These stations, the Warmwater Fish Cultural Laboratories, began mainly on the catfishes and baitfishes, but other kinds of fish have come into the program.

By 1959 the fish farming industry was again in a state of expansion; this time it was based on better experience and the results of some limited research, especially that concerned with catfishes, the most desirable species for fish farming in the Grand Prairie and Delta areas.

We estimate there are about 68,000 acres in the U.S. under intensive warmwater fish culture, 39,300 acres for catfish. In 1963 the total was 16,870 acres, with only 2,370 acres in catfish. This comparison dramatically attests to the explosive growth of the industry, especially that in catfish production. The wholesale value of the 1969 crop was more than 33 million dollars. We are probably dealing with a 75-million dollar retail business.

What relation, if any, does this developing industry have to field crops? First, fish farming in the Lower Mississippi Valley is so well established that it is a basic part of the agricultural program of the area. Second, fish is the only crop developed in the past generation that offers an opportunity to diversify the agriculture of this area. Third, it is a natural addition to the cultural practices now used in rice-soybean farming. That is, it completes a triad of rice-fish-bean rotation. Fourth, even in its present primitive state, fish farming can be profitable, sometimes yielding gross income and net profits exceeding those of rice, as seen in the following table.

PER-ACRE RETURNS FROM VARIOUS FARMING PRACTICES IN ARKANSAS[1]

Crop	Gross	Production net[2] [3]
Rice (yield 50 hundredweight, price $4.80)	$240.00	$142.60
Soybeans, irrigated (yield 38 bushels, price $2.35)	89.30	50.05
Soybeans, nonirrigated (yield 30 bushels, price $2.35)	70.50	36.78
Oats (yield 70 bushels, price ($0.80)	56.00	22.52
Catfish, intensive	450.00	150.00
Catfish, fingerlings[4]	1,000.00	500.00
Mixed fish species	24.00	20.00
Golden shiners	307.70	200.00
Fathead minnows	300.00	200.00
Goldfish[4]	1,000.00	500.00
Sport fish, fingerlings	200.00	100.00
Sport fish, food size	25.00	20.00
Trout[4]	10,000.00	2,000.00
Fee fishing, extensive	15.00	12.00
Fee fishing, catfish[4]	1,000.00	350.00

[1] Arable crop figures by Dr. Troy Mullins, Department of Agriculture Economics, University of Arkansas, Fayetteville, Ark. for 1968.

[2] These estimates reflect current yields for better farmers.

[3] This is not net, but is return to capital invested in land, to operator's management, and to risk of staying in business. Land investment cost would be approximately $27 per acre ($450 per acre at 6 percent) and should be subtracted from "production net" to calculate real "net."

[4] Specialized types of culture.

Many farmers have idle land which cannot be planted in cotton, rice, or bean, either because of crop controls or because of the margin of profits. In Arkansas alone there are about 3.5 million acres of land that could be used for fish farming. If about 10,000 acres of catfish brought 4 million dollars in 1968, the income from 3.5 million acres becomes staggering. In contrast, the natural habitat and man-made impoundments above 1,000 acres for commercial species of fish in the Missouri River basin is 2,267,000 acres with annual yield less than 3 million pounds of fish, with a value of well under $1 million. The prospect of improving that fishery is limited. The prospect for pond production in the South-Central States is limited mostly by technological development, farmer enterprise, and product merchandising.

A market for the fish is there, waiting. More than 70 percent of all fish products used in this country are imported. Growing consumption of fish products and the growing population will increase the need for fish.

This is the picture, and it may appear too rosy. Look at fish farming prospects in another way. In this country financial institutions, whether private or government-sponsored, are notoriously successful. Until the early 1960's no bank or other loan company would finance a fish operation. The viewpoint has changed, so that about the same rules are applied to fish farming as to any other type of agriculture. The early loans were to minnow farmers. Over the years the number and size of the loans have increased to meet the growth of the catfish farming industry. The Production Credit Association has reported there had never been a default in payment from fish farmers and no serious difficulty in collection. Now, the Farmers Home Administration is financing catfish farmers in the vicinity of Jasper, Texas. Confidence in the fledgling industry by financial groups assures landowners that fish farming has considerable promise of success.

There are fringe benefits in fish farming. First, let us consider rice. Rice plants require large amounts of nitrogen ($7 to $14 per acre) to produce high grain yields. Much of the usable nitrogen can come from the soil, and agriculture is one of the least expensive ways to make it available to the plants. The Rice Experiment Station, Stuttgart, Ark., found as much as 224 lbs. of nitrogen/acre in reservoir soils, most of it as highly stable ammonium. Too much nitrogen may make rice grow rank and lodge. But lodging may be prevented. Soy beans can follow rice, and much of the nitrogen will be removed. Farmers report much higher yields of both rice and beans following fish.

Rice farming holds some water on the land, delaying its return to the sea. Fish farming holds much more water for a longer time, thus conserving this important resource. It does more. It improves the subsoil moisture, improves the texture of the soil, and may provide a supplemental source of irrigation water. Already some fish-rice farmers are pumping water through fish ponds and then irrigating rice from the ponds. The benefits appear to be considerable. The aeration of groundwater removes the iron present in most wells. The vegetation desalts the water, making rice land last longer before rotation becomes essential. Nitrogen levels are relatively unaffected by the procedure, and lodging is probably not a danger.

There are still other benefits from fish farming. This water use is in keeping with the nation's philosophy of total conservation of natural resources, and at the same time it allows the harvest of a cash crop, produces large poundages per acre of needed animal protein, and beautifies the landscape. It certainly may increase recreational values of land for duck hunting, sport fishing, frog hunting, and trapping, and esthetic values for biologists, photographers, and nature lovers.

What are the future limitations, problems and pitfalls that await the fish farmer?

Many animal husbandry problems have been reasonably well solved. Scientists working with the industry feel confident that the fundamentals of spawning, disease control, and feeding are well-enough understood that the knowledgeable fish farmer can grow a profitable crop. In the last 5 years several farmers have learned to raise up to 2,000 pounds of catfish per acre. But when he raises this many fish, he has a problem. He has a market; his fish are in 40-acre ponds, let us say; he can seine all 40 acres, which means that he may draw to the pond bank as much as 40 to 50 thousand pounds of fish. What then? This is too many fish to handle quickly by hand, and the fish are perishable. No one can yet count, weigh, and load this many fish quickly enough to prevent death or spoilage. Few trucks are big enough to haul as much as 10,000 lbs. per load. Thus, it is easy to see that mechanical harvesting and better logistics are necessary to get the farmer's fish to market. Research is already underway to solve the problem, and some recent developments have improved the situation.

Another limitation on expansion in the distant future may be the lack of adequate water, but here again there is research directed at reclaiming, reconditioning, and reuse of water.

The use of some abandoned land, such as diverted cotton acreage, may be impossible owing to the accumulation of pesticides, such as endrin, toxaphene, dieldrin, and others. These chemicals are not readily degraded in aquatic or arable crop environments.

Where do we stand, then? A fledgling industry is off the ground. It's based on sound enough foundations to merit financial backing. There is a growing demand for fish, both for food and for sport fishing. Fish farming is a sound conservation practice with many fringe benefits. It can improve the yields of rice and beans. It is certainly a more profitable crop than beans and even promises to be more profitable than rice. Fish give a high return per acre in protein. This protein is needed, and the markets are available. Millions of acres of land are still available for the expansion of fish farming, and, if properly used, the water is still there.

What happens from here on will depend upon both basic and applied research and the confidence that land owners have in that research.

IS THERE A DAVIS-BACON FOR THE SALARIES OF BANK OFFICIALS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 10 minutes.

Mr. PATMAN. Mr. Speaker, over the past few weeks, the President and his economic advisers have had a lot to say about the wages paid workers, particularly those in the construction industry. The President has become so concerned about these wages that he has now suspended the Davis-Bacon Act which required contractors to pay the prevailing wage on any construction built under Government contracts.

With all of this excitement over wages for workers, I presume that the President will be the first to jump in and denounce the new salary increases for the Nation's bank executives announced in this morning's New York Times. Surely, if a construction worker's wages are inflationary, a million dollar a year salary for David Rockefeller must be placed in the same category. I trust that the President does not believe that different economic principles apply to construction workers and bank executives.

The New York Times, this morning, March 16, says:

> The heads of the nation's largest banks—which enjoyed sharp increases in profits in the recession year of 1970—generally were rewarded with higher salaries last year.

The New York Times says that David Rockefeller—who I must admit worked hard all year in explaining away high interest rates—wins the all-time prize for compensation in the banking industry. The Times says:

> However, the over-all prize for both compensation and dividends—and a mark that is unlikely soon to be challenged—belongs to David Rockefeller, chairman of the Chase Manhattan Bank and its largest individual stockholder. All told, Mr. Rockefeller and his family received $976,135 from Chase last year in salary, "thrift-incentive" awards and dividends—including Mr. Rockefeller's share in the dividends paid to two corporations in which he holds an interest.

And Chase Manhattan is making sure that there will never be any poverty in David Rockefeller's future. They have voted him a life-long annual pension of $116,883. The Times story goes on to relate that the increase in bank profits also brought Mr. Rockefeller an additional $74,000 last year.

Mr. Rockefeller's colleagues at the club didn't exactly suffer last year. The New York Times reports that John M. Meyer, Jr., chairman of J. P. Morgan & Company and its principal subsidiary, the Morgan Guaranty Trust Company, received $276,250 in compensation last year.

To help meet the inflationary costs, A. W. Clausen, president of the Bank of America, received a salary increase of $94,000 in 1970; Richard P. Cooley, president of the Wells Fargo Bank in San Francisco received a $51,000 increase in salary and Donald P. Graham, chairman of the Continental Illinois National Bank & Trust in Chicago received a raise of $30,000.

The list goes on and on and apparently covers the entire range of top bank executives in the Nation. What the Times story does not reveal are the stock options which have become a lucrative and complex means of increasing the compensation of the top bank officials.

I trust that Secretary of Labor Hodgson is on his way to Wall Street right now to warn these bank presidents about excessive salary increases.

Mr. Speaker, I place in the Record a copy of the New York Times article, entitled, "Salaries Rise for Heads of Banks":

> [From The New York Times, March 16, 1971]
>
> ### Salaries Rise for Heads of Banks
>
> The heads of the nation's largest banks—which enjoyed sharp increases in profits in the recession year of 1970—generally were rewarded with higher salaries last year. This was the principal conclusion to emerge from the annual survey by The New York Times of compensation of senior banking officials.
>
> The nation's highest-paid banker last year in terms of direct compensation was John M. Meyer Jr., chairman of J. P. Morgan & Co. and its principal subsidiary, the Morgan Guaranty Trust Company. Mr. Meyer, who has held this distinction for some years, received $276,250 last year, up $10,000 from the combined salary, additional compensation and profit sharing that he received in 1969.
>
> However, the over-all prize for both compensation and dividends—and a mark that is unlikely soon to be challenged—belongs to David Rockefeller, chairman of the Chase Manhattan Bank and its largest individual stockholder. All told, Mr. Rockefeller and his family received $976,135 from Chase last year in salary, "thrift-incentive" awards and dividends—including Mr. Rockefeller's share in the dividends paid to two corporations in which he holds an interest.
>
> Furthermore, on retirement Mr. Rockefeller will be entitled to a life-long annual pension of $116,883.
>
> Additionally, the increase in Chase's annual dividend rate to $2.00 from $1.80 a share—which was announced last year effective with the first quarterly payment in 1971—will give Mr. Rockefeller an additional $74,000 a year.
>
> The biggest dollar increase in compensation last year (roughly $94,000) went to A. W. (Tom) Clausen, president of the Bank of America, reflecting his promotion to be the chief executive of the nation's largest bank.
>
> But Mr. Clausen's compensation of $171,190 last year, was well under the more than $200,000 paid to his predecessor as chief executive, Rudolph A. Peterson, during 1969, his last year before retirement.
>
> Richard P. Cooley, president of the Wells Fargo Bank in San Francisco, received a whopping increase of $51,000 in salary and benefits and Donald P. Graham, chairman of the Continental Illinois National Bank and Trust in Chicago, got a raise of almost $30,000.
>
> R. E. ("Jeff") McNeill Jr., who retired this winter as chairman of the Manufacturers Hanover Trust Company, got a raise of almost $20,000 last year, over 1969 and William H. Moore, chairman of the Bankers Trust Company, got a $10,000 raise, as did Gaylord A. Freeman Jr. of the First National Bank of Chicago and Frederick G. Larkin Jr., chairman of the Security Pacific National Bank.
>
> Pensions of more than $100,000 a year are becoming fairly common in the stratosphere of the banking profession. The highest pension to which the present generation of senior bank management will become entitled is apparently the $139,696 a year that Walter B. Wriston, chairman of the First National City Bank, is due to get when he reaches retirement age of 65 in 1984. Mr. Freeman, of the First National Bank of Chicago, is in line for an annual stipend of $121,750, among other pensions in the $100,000-plus class.

MEDICAL DISCHARGES AND TREATMENT FOR DRUG DEPENDENT SERVICEMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Murphy) is recognized for 30 minutes.

Mr. MURPHY of New York. Mr. Speaker, I introduce, for appropriate reference, a bill to authorize members of the Armed Forces to be discharged from active military service by reason of physical disability when such members are suffering from drug dependency, to authorize the civil commitment of such members after their discharge, and for other purposes. This is the third of my anticrime bills I began introducing during the last 2 weeks.

The problem of drug abuse in the military has preyed heavily on my mind over the last several months. I have carefully studied the reports of the Senate, the House and the Pentagon on the vast increase in the use of drugs by our service personnel in the United States, in Europe, and in Vietnam.

The problem is, of course, especially acute in Vietnam.

Hearings before the Congress have proved that in the last few months, South Vietnam has been flooded with the most powerful heroin available anywhere. The Army chemists have put it in the 98–100 percent pure range. A vial of this heroin is available to thousands of American soldiers in Vietnam for just a few dollars. This sudden availability of potent heroin has resulted in a dramatic increase in overdose deaths of our soldiers. In just a 3-month period last year in Vietnam there were 89 such overdose deaths reported.

The frequency of marihuana use by our troops is at an alltime high. Marihuana is readily, easily, and cheaply available to every soldier in every town and hamlet in Vietnam where the weed is grown abundantly and sold cheaply to our troops by the local population.

The estimates on the percentage of troops smoking marihuana vary, but there is no basic disagreement on the proposition that large amounts are involved—perhaps hundreds of thousands.

But Vietnam is not the only area where we have problems.

In 1970, 7,000 sailors and marines were discharged for illegal drug activity.

That is enough men to complement three aircraft carriers.

Until August of last year, the Department of Defense and the military services were doggedly claiming that while the use of drugs was widespread among youth not in the Armed Forces, it was not a major problem among those in uniform.

Such claims were viewed with considerable skepticism by Members of Congress, by men in and out of the services, and particularly by military personnel and newsmen in Vietnam.

Finally, thanks largely to the efforts of Vice Adm. William P. Mack, Deputy Assistant Secretary of Defense, Manpower and Reserve Affairs, who is charged with determining the size and nature of the problem among those in uniform, the Defense Department has finally admitted to a problem of unbelievable proportions.

I have had firsthand experience with the drug user in combat situations. I served with the 9th Infantry Regiment in Korea and participated in many combat actions in that war.

Even in those years we had problems with drug users in the service. The situation got so bad we had to lock up the morphine syrettes carried by some of the medics to keep them out of the hands of drug-using troops.

But only a fraction of our soldiers were drug users in that war.

From Defense Department reports I have read and from testimony before the House and Senate, it now appears that in 1971 we may have more drug users in the services than nonusers.

Admiral Mack has publicly stated that the only thing that will save our men from the tremendous drug problem in Vietnam is troop withdrawal.

I flatly reject this and I have a far better solution.

When the Pentagon admits drug-using soldiers have been killed that should not have, that platoons have been put in danger because of drug users, and that some combat units have lost their effectiveness because of drug abuse, it is time we took steps to separate such troops from the service and treat and rehabilitate them under a sound, organized program of medical-psychiatric treatment.

Our very survival as a nation may depend on such a program.

As a Washington Star editorial writer pointed out in September, 1970:

> Perhaps the most tightly held secret—if, indeed, the facts are known—is the extent to which the use of narcotics has contributed to America's failure to gain a military victory in Southeast Asia.

The situation is critical and demands the immediate attention of both the public and the Federal authorities. To make matters worse, the disastrous drug situation among the troops has spilled over into civilian life as our GI's return home.

My bill would attack the drug problem not only in the military, but here at home where drug abuse and dependency has been compounded by returning servicemen who have become "dope fiends" while serving their country.

Under present discharge procedures, these drug-using troops are released back onto the streets of our cities and towns, unknown to local authorities. This is true in my own city of New York where "strung out" Vietnam veterans are turning up at Bellevue or in our police stations under arrest for drug-related crimes.

My district in New York is a perfect example of what I have been talking about. I have had many cases of distraught parents writing to me of the problems they have encountered trying to get help for their sons.

One particular case stands out in my mind, of a young Army enlistee from Staten Island who was offered drugs by his sergeant as soon as his basic training began. He experimented with the drugs occasionally at first, but managed to stay away from continued use until he was transferred to Germany where he became addicted. He requested assignment to Vietnam, but before being sent there, realized the difficulty that he was in and went to an Army doctor for help.

The doctor told him to return to his company.

He went home and asked his parents for help.

They took him to more Army doctors and to an Army chaplain.

No one could give him any help and, finally, after spending the night locked up in a cell sleeping on the floor he attempted to take his life.

Even though he made one last desperate effort to get help, none was available.

Now he is facing a court-martial for possession of drugs although he and his family have repeatedly requested that he receive medical attention at the Federal hospital at Lexington, Ky.

In another case from my district, a young marine was recommended for an undesirable discharge for the use and possession of dangerous drugs. He had previously been reprimanded, unofficially, by his commanding officer and advised of his possible court-martial if he continued to use drugs. In checking out this case the marine's commanding officer stated in a letter to me that the young man was facing an appearance before an administrative discharge hearing board and that, to quote the colonel:

> As I am sure you are aware, the Marine Corps does not currently have facilities available for use as rehabilitation centers for the care of drug offenders. In view of this, the Commandant of the Marine Corps has authorized discharge of habitual offenders.

If convicted by court-martial, the discharge will be punitive; that is, bad conduct or dishonorable.

If he receives a less than honorable discharge the young man will have to carry this stigma to the end of his life because a change in discharge papers is almost impossible to get.

This is just one of many examples of the military's admitted inability to cope with this serious problem.

The armed services of the United States are the best in the world and they should occupy their time with their primary function, the defense of this country.

It is too much to ask that each service set up huge programs to rehabilitate and treat drug abusers. That is why I have proposed that servicemen who do become seriously involved with drugs be made eligible for the programs set up under the Federal Narcotic Addict Rehabilitation Act.

We should provide the very best of care for all of our returning veterans and this includes adequate treatment for drug dependency.

That is precisely what my bill will do.

Such drug abusers would be under confinement which I am certain will reduce the possibility malingerers using the law to evade military service.

In my discussions with the Pentagon many military men have expressed a fear that large numbers of troops would in fact become drug adicts in order to avoid military service.

I strongly feel that anyone whose personality is so defective as to purposefully make himself a drug addict, facing the possibility of long years of hospital confinement, is not the type of individual that should be allowed to wear the uniform of an American serviceman.

The psychiatric and medical personnel in our Armed Forces are the best in the world.

I have been advised by experts in the field that it would be comparatively easy to weed out the truly addicted servicemen who need help from those who would feign addiction to avoid military service.

Under present military rules, the use of illicit drugs is outlawed. Regulations require that drug addicts be discharged with something other than an honorable discharge. Because drug addicts are usually involved in some other form of misconduct—which is, in the main, caused by their drug use—they are routinely processed out of the service for reasons other than drug addiction.

The Supreme Court has recognized that narcotic addiction is an illness rather than a crime.

The proposition of addiction being a medical problem is a matter of Federal law. The Congress recognized that in 1966 when for the first time in history it provided an alternative to jail for those Federal offenders adjudged to be addicts and likely to be rehabilitated.

As I said at the beginning of my statement, the Military Establishment has finally accepted the distasteful fact that drug abuse in all services, in all parts of the world, has been increasing at a startling rate and that during the last 2 years, the rate of increase of addicted servicemen has gone literally right off the charts.

The hit or miss, fragmented attempts of the armed services to meet this problem have not proven successful.

The amnesty programs are not working.

That is why we in Congress must recognize the disastrous nature of the drug-abuse problem in the military and take immediate action to solve the problem not only on an immediate, but on a long-term basis.

Military leaders, combat commanders, physicians, and psychiatrists who handle this problem daily in Vietnam agree with my approach.

They support the medical approach toward the problem which is incorporated in the bill I introduce today because they confirm that the amnesty programs are not working.

I have discussed this approach with one of the Nation's leading authorities on the drug problem in Vietnam, Mr. Jon Steinberg. Mr. Steinberg, who is currently the administrator of the office of the district attorney of Philadelphia, won a Bronze Star from the Army and a commendation from the U.S. Congress for his on-the-spot investigations of drug abuse in the military, particularly in Vietnam.

He has been described on the front page of the Christian Science Monitor as "one of the best informed Americans" on drug abuse in the military.

At my request, Mr. Steinberg studied my bill and the other bills that are and have been before the Congress which attempt to handle the problem of drug-addicted servicemen.

Mr. Steinberg personally told me that "the Murphy bill is by far the best program before the Congress to handle the problem of drug-dependent servicemen. Not only is it an excellent piece of legislation, but when it is combined with your recently introduced 'Drug Dependent Persons Rehabilitation Act of 1971,' it will provide the most comprehensive approach to the problem of handling our addicted and drug-dependent troops ever available in the United States."

Mr. Steinberg has also written to me in a letter dated March 8, 1971, of his support for my bill and I include the letter at this point in the RECORD:

> DISTRICT ATTORNEY'S OFFICE,
> *Philadelphia, Pa., March 8, 1971.*
> Hon. JOHN M. MURPHY,
> *Rayburn House Office Building,*
> *Washington, D.C.*
>
> DEAR CONGRESSMAN MURPHY: I have read over your proposed legislation concerning treatment of military drug abusers. As one who is fully aware of the death and destruction which drugs cause young Americans, I think that your bill is by far the most comprehensive of any proposed legislation which I have seen on the subject.
>
> The fact that your bill will make all of Title 3 of the Narcotics Addict Rehabilitation Act's civil procedures applicable in the case of petitions filed by persons separated from the service and that the Uniform Code of Military Justice is amended so that you have established statutory penalty provisions applicable to drug offenses under Title 10 of the United States Code, make your bill the most definitive on the subject.
>
> I commend you for your forthright stand on this most controversial subject.
>
> I very much appreciate your efforts in behalf of these troubled young Americans who, without your proposals, would have no chance for a successful future.
>
> If I can be of any assistance to your efforts in the future, please feel free to contact me.
>
> Sincerely,
> JON STEINBERG,
> *Administrative Aide.*

He interviewed scores of military officers about the plan I offer today and he told me that the majority of them are enthusiastic about the approach taken in my bill.

Mr. Steinberg personally presented documentation to me in the form of interviews he had with these men which shows their support for my approach.

For example: Maj. Jerome Char, the psychiatrist for the 101st Airmobile Division, estimated that anywhere from 40 to 50 percent of the men in his division experiment with or are hooked on hard drugs. In relation to that high drug use rate, Major Char made the following observations about the amnesty program and my bill:

> (Under the Amnesty Program) a man is supposed to turn in his drugs, seek treatment, but there is no real treatment available for the problem. It looks to me that the whole philosophy is sort of moral. A man should turn in drugs and then his conscience should catch up with him and he just is supposed to use his own willpower to stop using drugs. Which is a totally ridiculous idea. To advertise it (the Amnesty Program) as the answer to the problem I think is incorrect, because it just doesn't work. The program (contained in the Murphy Bill) is a very good one and I think the authority should rest with the medical people in the Army. If it is determined that a man is psychologically or physically addicted I think he should be medically removed from the Army. And the program contained in the bill would be a very good one by trying to help these people when they get back to the States rather than by throwing them out on the streets where they have to take drugs.

Maj. John O. Ives, psychiatrist for the 483d Air Force Hospital at Cam Ranh Bay, does not think the amnesty program can work either. He said:

> What we are doing at the moment (with the Amnesty Program) I do not consider at all adequate. We offer an Amnesty Program which consists simply of an amnesty. A person is offered the chance to give himself up in return for amnesty from prosecution for anything he has done up to that time. After that the medical people see the person and give him help in withdrawing himself from drugs. We can do this quite effectively.
>
> However, I suspect that the rates of return to drugs are quite high. We have seen many individuals who have returned to the drug after being sent back to their units here in Vietnam. We have made certain attempts at aftercare but these have been unsuccessful. I feel quite strongly that because of the availability of drugs here in Vietnam, that it is difficult, extremely difficult, and almost impossible, to treat and expect a troop who has been on heroin to stay off heroin once he is returned to his unit. Consequently, I agree with Colonel Bowen's proposal that people who have been addicted to heroin here in Vietnam should be evacuated to the United States as soon as possible.

Col. William Bethea, XXIV Corps surgeon, said the drug problem in Vietnam is uncontrollable under existing conditions for discharge and treatment. He said:

> If we took all the psychiatrists in the U.S. Army, we wouldn't have enough medical men to treat the drug abusers in Vietnam.

Lt. Col. Lawrence E. Ison, brigade surgeon, 1/5 Infantry Division, mechanized said that drug addiction should be treated as a medical problem, as it is in civilian life, and said of the Murphy bill:

> The discharge and treatment provisions contained in the bill would be a great help.

Col. Jasper C. Vance, XXIV Corps provost marshal, said:

> I am completely against giving a man a dishonorable discharge for his drug use. It's a medical problem. We owe it to the man and to our country.

Col. George A. Robinson, Commander of the 355 Tactical Fighter Wing, Air Force, said the existing policy of discharge for military drug abusers is not acceptable. He said:

> We wait and allow a man to get in more serious trouble until we can get rid of him by dumping him on society where he'll even get into bigger trouble.

Maj. Richard Cameron, the 1st Air Cavalry Division psychiatrist, claimed that the amnesty program does not work, and as to treatment which could work, he said:

> (The Amnesty Program) sort of reminds me of how we are approaching pollution in the United States. The Army for years has been sort of painting its own house, sort of dumping these people back in society, and I certainly think that we have to do more. I'm not sure this is the Army's job, but I think the civilian community has to do something with these people.

Col. Clotilde D. Bowen, the USARV psychiatric consultant who is the top military psychiatrist in Vietnam, said:

> Certainly the military cannot do it here (treat drug addicts) in Vietnam. I would think the only possibility would be to return these people to the States, with the possibility that they would have some center there or some type of organization there to treat these people. But I don't think that this is really the mission of the Army, *that is the point*. Yes I do agree with this approach (that recommended in the Murphy bill). I think the one thing that we would have to watch in Vietnam though would be to carry out testing to be sure that they are truly addicted to drugs . . . We do have some of these things available to us. We are getting Naline in the country, and we are going to be using it to test if people are truly addicted.

Mr. Speaker, I believe that the need for this legislation is well documented. The military is not particularly equipped to become involved in long-range programs of drug rehabilitation and this bill, if enacted into law, will provide the needed flexibility in Department of Defense drug abuse policy, which will benefit both the services and the drug-addicted or dependent servicemen.

In summary, Mr. Speaker, my bill provides—

For the physical disability separation from service of drug-dependent and drug-addicted military personnel;

For their civil commitment to treatment under the Narcotic Addict Rehabilitation Act of 1966, and

For penalties for drug offenses that are commensurate with those provided for in the Comprehensive Drug Abuse Prevention and Control Act of 1970.

My bill will make all of title III of the Narcotic Addict Rehabilitation Act's civil procedures applicable in the case of petitions filed by persons separated from the service. This means that it provides for the same hearing and examination that NARA provides.

Further, in my bill, the Uniform Code of Military Justice is amended so that, in effect, I have established statutory penalty provisions applicable to drug offenses under section 934 of title 10 of the United States Code.

I feel the same progressive treatment of young drug offenders we provided for in the new drug law Congress passed in 1970 should apply to our young servicemen as well.

A 19-year-old serviceman who is an addict should receive the same treatment as a 19-year-old civilian.

Justice dictates that we do no less.

I understand a Member of the other body has introduced a companion bill similar to mine and I welcome his interest in this problem. I would suggest he study my bill, and incorporate the more comprehensive features of it into the final version of any legislation acted upon by the Senate.

I urge that this bill be given the earnest consideration of each Member and that it be enacted without undue delay.

THE 18-YEAR-OLD VOTE BY LAW OR BY USURPATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, we will shortly be called upon to vote on House Joint Resolution 223, the 18-year-old vote amendment to the Constitution giving State legislatures an opportunity to decide whether or not they will ratify a constitutional amendment to apply the 18-year-old vote to the States.

The present status of the 18-year-old vote is uncertain inasmuch as the Supreme Court by a 5-to-4 decision had earlier ruled that Congress could by statute amend the Constitution as to itself but not to the States.

Members of this body, some members of the Supreme Court, and even the President of the United States are well aware of the grave threat created by the passage of such an unconstitutional piece of legislation. The original enactment evidenced a complete breakdown in the constitutional system. First, Congress passed the measure. Second, the President signed the bill that even he regarded unconstitutional; and finally, the High Court bowed to media-created "public opinion" and by one vote confirmed such patently illegal legislation—a classic display of buckpassing.

An organization known as the Defenders of the American Constitution Inc., remaining neutral on the merits of granting the 18-year-old vote, has distributed a most informative and responsible statement calling for the repeal of section 302 of the Voting Rights Act Amendments of 1970—the 18-year-old vote by legislation—and the placing of the 18-year-old vote issue before the Congress and the State legislatures in the form of a proposed constitutional amendment as is the proper method to legally amend the Constitution of the United States pursuant to the terms of our basic law.

I include the statement and accompanying papers in the Record at this point and commend their perusal by my colleagues:

Defenders of the American Constitution, Inc., Annandale, Va., February 15, 1971

(Statement urging State legislatures to memorialize the Congress)

(1) To repeal, as usurpatious, Section 302 of the Voting Rights Act Amendments of 1970, and

(2) To place before the States a proposed constitutional amendment for approval by three-fourths thereof to authorize persons from 18 to 20, both inclusive, the right to vote in all federal, state and local elections.[1]

I. INTRODUCTION

The Defenders of the American Constitution, Incorporated (hereinafter called "The Defenders") is grateful for the opportunity to present this Statement which discusses what leading constitutional scholars and experts, and other informed persons must surely regard as the most serious threat to constitutional government in the United States during the past century.

The Defenders is not a political, activistic organization. It takes no position on political policy questions, as such. It is an association of concerned citizens who are dedicated to the preservation of the Constitution and constitutional government in the United States. It is a non-profit, education and informational organization.

The Defenders does *not* support or oppose the policy involved as to whether 18-year-olds should be fully recognized as qualified and authorized to vote in all elections, federal and state. It *does* oppose any method to accomplish this, other than through established constitutional means.

The Defenders expresses its views (1) as to the manner in which the United States Congress, attempted by statute, instead of through an appropriate proposed amendment to the Constitution, to extend to 18-year-olds the right to vote in all elections; (2) the failure of President Nixon to record in our constitutional history presidential objection to this usurpation of power by a veto of the Voting Rights Act Amendments of 1970, in order to influence a removal of this unsupportable provision from the Act and (3) the lack of constiutional justification with which the Supreme Court rendered valid, in so far as federal elections are concerned this dangerous and unconstitutional procedure.

The Defenders urge that our legislators fully realize the dangerous implication of the recent federal action on this matter and to recommend that our legislatures, in their wisdom, take appropriate action by resolution to memorialize Congress to repeal the statutory provision and to enact a proposed constitutional amendment for ratification by the States to authorize the 18-year-old vote.

II. CONSTITUTIONAL POWER TO FIX AGE QUALIFICATION OF VOTERS IS VESTED SOLELY IN THE STATES BY THE UNITED STATES CONSTITUTION

Article I, section 2, United States Constitution, reads as follows:

"The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature."

Article II, section 1, United States Constitution, reads as follows:

"Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector."

The 17th Amendment, United States Constitution. reads as follows:

"The electors in each State (for the election of Senators) shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

The 10th Amendment, United States Constitution, reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The power of the States to set voting qualifications is subject only to the limitations of the three amendments, respecting abridgment based on race or sex, and the limitation on the imposition of poll taxes, and of the 14th Amendment, respecting denial of equal application of the laws. Subject only to prohibiting legislation to enforce these four limitations, Congress has no authority whatever over voting.

III. LEGISLATIVE, EXECUTIVE AND JUDICIAL ERROR

(a) *Legislative Usurpation*

Not once in the almost 200 years of our existence as a nation, until 1970, when it enacted Section 302 of the Voting Rights Act Amendments of 1970, intended to lower to 18 the right to vote in all elections, federal, state, and local, had Congress attempted *by statute* to change *basic* voting qualifications.[2] It had been consistently and uniformly recognized by everyone that no such *basic* change in voting qualifications could be established, except through the adoption of constitutional amendments, under the procedures provided under Article V of the Constitution.

It was deemed necessary to proceed by constitutional amendment to eliminate restrictions on voting by reason of race in 1870 (Amendment XV); as to sex in 1920 (Amendment XIX); and for failure to pay state poll taxes in 1964 (Amendment XXIV).

On March 4, 1970, two days after the bill HR 4249 to extend the Voting Rights Act of 1965 for an additional period of five years (first passed by the House on Dec. 11, 1969) became the pending business of the Senate, the Majority leader, Senator Mansfield (on behalf of Senators Magnuson, Kennedy and himself) offered an amendment, as a "rider", to lower the voting age by statute to 18 in all elections—federal, state and local.

No such proposal to proceed by way of statute had been considered, much less approved, in the House; and no such proposal had been favorably reported to the Senate by the responsible Senate Committee on the Judiciary, although the question of the constitutionality of proceeding by statute to grant the vote to those above 18 was being considered by two of its subcommittees (Constitutional Rights and Constitutional Amendments) at the very time when the "rider" was offered by Senator Mansfield.

The scheme, thus to circumvent the established amending process of the Constitution was not conceived by Senator Mansfield, not himself a lawyer, but a fair man, unlikely to suggest such a devious procedure. It was conceived and masterminded by the *then* Assistant Majority Leader, Senator Edward M. Kennedy. When he appeared before the Senate Subcommittee on Constitutional Rights on February 24, 1970, and, only eight days before it was offered on the Senate floor, first disclosed his objective publicly, Senator Kennedy said: "I have consulted with interested Sentaors and have raised the question whether *an 18-year-old vote amendment to the voting rights bill should be considered.*" (Emphasis added.)

This constitutionally destructive Mansfield-Magnuson-Kennedy "rider" was agreed to in the Senate on March 12, 1970 by a whopping vote of 64–17, showing the extent of the stampede which Senator Kennedy had been able to activate.

During the eulogistic exchange, after the Senate had been stampeded into acceptance, Senator Mansfield said, concerning the 18-year-old *statutory amendment*, "It was through the initial efforts of Senator Kennedy, I might say, that the idea of establishing *by statute* the vote for 18-year-old was developed." (Emphasis added.)

Among others whom Senator Mansfield singled out for commendation "on the victory (they) may truly cherish," as Senator Mansfield characterized it, were Senators Magnuson, Bayh, Cook and Randolph, all ultra-liberal Kennedy supporters for the achievement of such goals.

On April 1, 1970, well before the Senate substitute for the House bill was considered by the House, in a letter to the Editor of the New York Times, published on April 4, 1970, six members of the Yale Law School Faculty, all recognized constitutional experts (Bickel, Black, Bork, Ely, Pollock and Rostow) completely supported the declared opposition by the Justice Department to the pending proposal, to lower the voting age in all elections, federal, state and local to 18 by statute, as unconstitutional. (A copy of the letter is attached.)

The Defenders, after an in depth study of the constitutional problem involved, fully concur with those who conclude that to proceed by statute to extend to those over 18 the right to vote in both so-called national and state elections is unconstitutional. That considered conclusion is entertained by the vast majority of leading scholars and constitutional experts in our country. It is, likewise, the judgment of the recognized leading constitutional expert in the Senate, Senator Sam Ervin of North Carolina, who on several occasions on the Senate floor eloquently expressed sound constitutional objections to that effect.

But the stampede in Congress was now in full swing and no amount of warning, could bring the congressional herd under control. The House did not even consider, much less demand, a conference with the Senate on the extensive changes the Senate had made in the House bill. It avoided a conference because of fear by the House leadership that a conference would result in defeat of the legislation. Instead, the House proceeded under a rule, obtained from the cooperative Rules Committee strictly limiting debate, under which the Senate amendments were accepted by the House on June 17, 1970 and sent to the President for signature, after

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Footnotes at end of article.

scanty debate on the 18-year-old "rider", concerning which then House Majority Leader, now Speaker, Carl Albert said:

"The constitutional amendment route is not under the present circumstances a viable alternative of congressional statutory action. All of us know that. There is absolutely no chance whatsoever of getting such a constitutional amendment passed by the Congress and ratified by the necessary three-fourths of the States prior to the 1972 presidential elections."[3]

Throughout the far too brief debates on this dangerous measure in both the Senate and the House, Senator Kennedy and other senators and congressmen spoke in similar vein, evidencing on their part a conviction that insufficient support existed throughout the country to accomplish their purpose through ratification of a constitutional amendment by three-fourths of the state legislatures, as required by Article V of the Constitution. They, thus, demonstrated a distrust of the people and the legislatures in their desire to impose their views upon the people, by statute, against their will.[3]

To summarize, what Congress did, under the Kennedy scheme, was to accomplish, what many people throughout the United States believe to be good, in an evil manner. In so doing it set the stage for what has turned out to be an unsupportable and unacceptable Supreme Court decision.

(b) *Executive surrender*

During the consideration of this matter in the Senate, President Nixon informally urged the senatorial leaders not to adopt a *statutory* course to extend to 18-year-olds the right to vote. He urged the Senate to proceed by way of constitutional amendment and expressed his conviction that to do otherwise would be in violation of the constitutional amending process.

After the Senate had passed the statutory provision, in an attempt to cause its rejection by the House of Representatives, President Nixon on April 27, 1970 addressed a letter to Speaker McCormack, Majority Leader Albert, and Minority Leader Ford, elaborately outlining the constitutional objections to enactment of this provision by statute and in which he urged: (1) "that the 18-year-old rider be separated from the bill extending the Voting Rights Act," and that (2) "the voting rights bill be approved," and that (3) "Congress proceed expeditiously to secure the vote for the Nation's 18-, 19-, and 20-year-olds in the one way that is plainly provided for in the Constitution, and the one way that will leave no doubt as to its validity; by Constitutional amendment." (A copy of the President's letter is attached.)

When the enrolled bill was received by the President, he should have returned it to Congress with an emphatic veto message to become part of the constitutional history of the United States to stand as an enduring defense of the amending process. Instead, he surrendered. On June 22, 1970, when he signed the bill, he merely accompanied his action with a "Statement of the President." (A copy is attached.)

(c) *Judicial circumvention*

On December 21, 1970, in what was probably the most incredibly bizarre "opinion" ever rendered by the Supreme Court, Justice Black announced the Court's judgment in the case of *Oregon* v. *Mitchell* in the following language:

"For the reasons set out in Part I of this opinion, I believe Congress can fix the age of voters in national elections, such as congressional, senatorial Vice-Presidential and Presidential elections, but cannot set the voting age in state and local elections. For reasons expressed in separate opinions, my Brothers Douglas, Brennan, White, and Marshall join me in concluding that Congress can enfranchise 18-year-old citizens in national elections, but dissent from the judgment that Congress cannot extend the franchise to 18-year-old citizens in state and local elections. For reasons expressed in separate opinions, my Brothers The Chief Justice, Harlan, Stewart, and Blackmun join me in concluding that Congress cannot interfere with the age for voters set by the States for state and local elections. They, however, dissent from the judgment that Congress can control voter qualifications in federal election. In summary, it is the judgment of the Court that the 18-year-old vote provisions of the Voting Rights Amendments of 1970 are constitutional and enforceable insofar as they pertain to federal elections and unconstitutional and unenforceable insofar as they pertain to state and local elections."

On December 30, 1970, nine days after the justices of the Supreme Court had in "five wide-ranging opinions . . . churned the law on voting qualifications into a chaotic state" Merlo J. Pusey concluded an article, in the Washington Post, entitled "Court's Clouding of the 18-Year-Old Vote" by saying:

"In any event, the performance of the Supreme Court is a shabby sequel to a shabby gesture in Congress. The clean and proper way to lower the voting age to 18 was, and is, a constitutional amendment. After all the squirming and twisting and inflation of elastic language, an amendment is still necessary. Much confusion and weakening of constitutional safeguards could have been avoided by approaching this reform in the right way in the first place. The court should have been spared the unquestioned wound it has inflicted upon itself." (A copy of the Pusey article is attached.)

The extent of this constitutional monstrosity must have come as a complete surprise and a deep disappointment to many members of Congress for they had apparently concluded, as apparently eight members of the Court concluded, that the qualifications for voters in federal and state elections are firmly bound together by the provisions of Article I, Section 2, of, and the Seventeenth Amendment to, the Constitution and that to alter the qualifications for voting in federal elections would require alteration of the qualifications of those voting in state elections.

Justice Black also recognized that the Constitution had tied voter qualifications in both federal and state elections together. He then tore them apart in one of the strangest judicial performances in Supreme Court history.

In his separate opinion, which none of his brethren shared, Justice Black relied upon Article I, Section 4, of the Constitution which reads, in part, as follows:

"The times, places and manner of holding elections for senators and representatives shall be prescribed in each state by the legislators, thereof, but the Congress may at any time by law make or alter such regulation . . ."

Justice Black attempts to find his principal support by reliance upon this language in former Chief Justice Hughes' discussion of congressional power under Section 4 of Article I in the case of *Smiley* v. *Holm*, 285 U.S. 355 (1932) in which Chief Justice Hughes stated:

"The subject matter is the 'times, places and manner of holding elections for Senators and Representatives.' It cannot be doubted that these comprehensive words embrace authority to provide a complete code for congressional elections, not only as to times and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices counting of votes, duties of inspectors and canvassers, and making and publication of election returns; in short, to enact the numerous requirements as to procedure and safeguards which experience shows are necessary in order to enforce the fundamental right involved . . ."

Justice Black then tries to read "qualifications" of voters into this language, but nowhere is it used. Neither Congress, nor the Courts have ever so construed this language.

Justice Stewart declared in his opinion in which The Chief Justice and Justice Blackmun joined that the word "manner" can hardly be read to mean "qualifications" for voters, pointing out that the word "qualifications" was used in Article I, Section 2, and stated "It is plain, in short, that when the Framers meant qualifications they said 'qualifications'." He also made it clear that the Framers did not authorize Congress to modify this section, pointing out that this matter was thoroughly discussed by Madison, Mason and others in the Constitutional Convention which decided against giving Congress power to fix other qualifications. He also stated that the Committee on Detail voted seven to one against a motion to let Congress have such power. Hamilton noted in "The Federalist" that the qualifications of voters in congressional elections "are defined and fixed in the Constitution and are unalterable by the legislature."

In the light of these facts how can credence be placed in Justice Black's interpretation that the word "manner" includes the word "qualifications", so as to authorize Congress to override state action in the establishment of voter qualifications, as authorized to States in four provisions of the Constitution.

Justices Brennan, White, and Marshall (with Justice Douglas concurring in a separate opinion) held that the equal protection clause of the Fourteenth Amendment may be made broad enough through distortion in the application of Section 5, its enforcement provision, to override any state law with which Congress disagrees, as to the qualifications of voters in both federal and State elections, without a finding that such state laws discriminate against anyone in violation of the substantive provisions of the equal protection of the laws.

They hold that the powers granted Congress by Section 5 of the Fourteenth Amendment to "enforce" the Equal Protection Clause are "the same broad powers expressed in the Necessary and Proper Clause, Article I, Section 8, Clause 18", as stated in *Katzenbach* v. *Morgan*, 384 U.S. 641, 650. There it was stated "correctly viewed Section 5 is a positive grant of legislative power authorizing Congress to exercise its discretion in determining whether and what legislation is needed to secure the guarantees of the Fourteenth Amendment."

Justice Black stated that Justice Brennan's opinion, if carried to its logical conclusion, would, under the guise of insuring equal protection, blot out all state power, leaving all 50 states little more than impotent figureheads, if applied to State and local elections. That is inescapably true, but it is also equally true, when applied to so-called national elections, absent invidious discrimination.

Justices Stewart, Chief Justice Burger, and Justice Blackmun argued that the Constitution vests voter qualifications for State elections in the States to determine, but they disagreed with Justice Black that Congress can override the States, except in cases of invidious discrimination among those otherwise fully entitled to vote.

Justice Black made two other observations which raise serious questions:

(1) He appears to conclude that, since Article I, Section 4 (as he interprets it) gives to the federal government supervisory power to set qualifications of voters in national

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Footnotes at end of article.

elections, "the Equal Protection Clause of the Fourteenth Amendment was never intended to destroy States' power to govern themselves making the Nineteenth and the Twenty-fourth Amendment superfluous." He appears to mean that what was done by these amendments could have been accomplished by statutes. If that were true, then by the same reasoning, the Thirteenth and Fourteenth Amendments, taken together, made the Fifteenth Amendment, likewise, superfluous. These amendments were drafted and processed by substantially the same members of Congress. That being the case, would not the congressional leaders at that time have known that the Fifteenth Amendment was superfluous and thus have saved themselves a great deal of time and work? And would not such a conclusion make Justice Black's concurring and dissenting opinion in *South Carolina* v. *Katzenbach* rather superfluous too?

(2) Justice Black seems to infer that, if Congress could make a finding, supported by substantial evidence, that young black people, less than 21 years old, have been discriminated against as a class by denying them the right to vote, this could make for them a stronger case than young white voters who have no specific amendment like the Fifteenth Amendment to protect them. If that be true, and that theory advanced, as was done in *South Carolina* v. *Katzenbach*, then where would Justice Black suggest that the age limitation line be drawn? It seems clear that it could hardly be drawn anywhere, even as to babes in arms, since, if discrimination existed at all it would apply to all—at all ages. There would then be no way to differentiate between them since literacy tests have been abolished throughout the United States by the Voting Rights Act Amendments of 1970.

As Solicitor General, Justice Marshall supervised and participated in the preparation of the briefs for and argued the case in *Katzenbach* v. *Morgan* to overcome the unanimous judgment of a 3-judge District Court, declaring Section 4(e) of the Voting Rights Act of 1965 unconstitutional. That case was the sole basis on which he, Justice Marshall, and three of his brethren declared that provision of law was constitutional. Justice Marshall could hardly have been unbiased in *Oregon* v. *Mitchell*, in view of the circumstances, no matter how conscientiously he might have striven to be such. It is suggested that he should have disqualified himself, for he who sits in judgment of such matters should not only be without bias, but he should not even allow the appearance of bias. Time has not permitted a search of the records, but it would be incredible were one who might search them not to find instances where former attorneys general and former solicitors general had disqualified themselves under similar circumstances and in this respect former Attorney General and Supreme Court Justice Tom Clark, who was very careful about such matters, come to mind.

There are many reasons why the Supreme Court should reconsider and reverse its determination that Congress has power to alter voting age qualifications for federal elections, either upon rehearing or on the basis of a new case. A motion for rehearing in *Texas* v. *Mitchell*, one of the associated cases, was filed, on January 14, 1971, on behalf of Dawn P. German, a citizen and resident of Texas, 19 years of age, who desires to ask the Court to extend to her the right to vote in state elections.

IV. RECOMMENDATION

The Defenders recommends that each State legislature enact an appropriate resolution [4] memorializing the Congress of the United States:

(1) To repeal as usurpatious, Section 302 of the Voting Rights Act Amendments of 1970 (Sec. 302, Pub. L. 91-285, 84 Stat. 314) and

(2) To place before the States a proposed constitutional amendment for approval by three-fourths thereof to authorize persons from 18 to 20, both inclusive, the right to vote in all federal, state and local elections.[5]

FOOTNOTES

[1] Prepared by Franz O. Willenbucher, Captain USN (Ret.), 7803 Overhill Road, Bethesda, Maryland 20014, whose doctorate in jurisprudence (Georgetown University 1937) was based upon constitutional and legislative interpretation. Presented to the Senate Committee on Judicial Procedures, Maryland General Assembly (Jan. 21, 1971) and the Committee on Privileges and Elections, House of Delegates, Virginia General Assembly (Feb. 4, 1971). To be distributed to the legislatures of the remaining 48 states.

[2] The Voting Rights Act of 1965, enacted under the power of Congress, granted in Section 2 of the 15th Amendment, dealt with racial discriminations among members of a class all otherwise fully qualified to vote and did not create basically a new class of voters. Section 302 of the Voting Rights Act Amendments of 1970 was a congressional attempt by statute to create a new class of voters by enfranchizing persons above 18 to vote in all elections, federal, state and local, no discriminations, theretofore, having existed among them.

[3] This pragmatical conclusion caused congressional leaders to adopt a procedure they should have known was unconstitutional and dangerous. Senator Holland on March 13, 1970, stated on the Senate floor (Cong. Rec. 3/13/70, p. 7346) that the voters of 11 States had voted down proposals to lower their voting age qualification to 18. He said: "I have placed a list of these 11 States (Hawaii, Idaho, Md., Mich., Neb., N.D., N.J., N.Y., Ohio, Okla., S.D.) in the Record a few days ago, and I think the Record shows with great force that the majority of the people in those States which lie in all parts of the United States have expressed very clearly their disapproval of the granting of voting to 18-year-old citizens"

Senator Holland's statement was made on March 13, 1970. Eight months later, during the November 1970 elction, 10 of 15 states voted down such proposals (Colo., Conn., Fla., Hawaii, Ill., Mich., Minn., N.J., S.D., Wash.) Therefore, the number of States which have rejected such proposals stands at 17. Four states have twice rejected such proposals (Hawaii, Mich., N.J., S.D.).

Three states allow vote at 18 (Ga. 1943, Ky. 1955, Alas. 1970), four at 19 (Mass., Minn., Mont., Wyo.—all 1970), three at 20 (Hawaii 1959, Me. 1970, Neb. 1970). Total only 10 of 50. Only 13 States needed to prevent ratification of a congressional amendment.

[4] A copy of House Joint Resolution 66, introduced on February 11, 1971 in the Virginia General Assembly, passed its House of Delegates without dissent and its Senate, on February 26, 1971 with only two dissenting votes has so memorialized the members of its delegation in the Congress of the United States, is attached.

[5] Senator Jennings Randolph (D-W.Va.) has introduced in the present Congress, Senate Joint Resolution 7 which has for its purpose the establishment of the right to vote for all persons in the United States aged 18 to 20, both inclusive.

[From the New York Times, Apr. 5, 1970]

Amendment Favored for Lowering Voting Age

To the Editor: As The Times has reported, the Justice Department opposes, as unconstitutional, the pending proposal to lower the voting age in national and state elections to 18 by statute.

As constitutional lawyers—some of whom favor and some of whom oppose lowering the voting age, and none of whom counts himself a knee-jerk partisan of all Justice Department positions—we believe the Department is right on this very important constitutional issue. Our reasons are these:

1. Within broad limits, the Constitution leaves states free to set qualifications for participation in national and state elections. The limits are these: Those qualified to vote for the most numerous branch of the state legislature must be permitted to vote for Representatives and Senators.

No would-be voter can be excluded from any election on grounds of race (the 15th Amendment) or sex (the 19th Amendment). And no state can impose a poll tax in any national election (the 24th Amendment) or, in any election, prescribe a voting qualification so invidious or irrational as to be a denial of the equal protection of the laws (Section 1 of the 14th Amendment).

2. Those who believe Congress can lower the voting age by statute argue in substance that Congress can declare that the 46 states with a minimum voting age of 21 are denying younger would-be voters the equal protection of the laws.

Reliance is placed on Katzenbach v. Morgan, where the Supreme Court sustained a Federal statute barring states from denying the vote to Americans of Puerto Rican origin literate in Spanish but not in English. Katzenbach v. Morgan makes sense as part of the main stream of 14th Amendment litigation, policing state restrictions on ethnic minorities. But it has little apparent application to a restriction affecting all young Americans in 46 states.

3. There is a further, and to us conclusive, reason why Katzenbach v. Morgan is unavailing: The long-ignored Section 2 of the 14th Amendment explicitly recognizes the age of 21 as a presumptive bench mark for entry into the franchise. It surpasses belief that the Constitution authorizes Congress to define the 14th Amendment's equal-protection clause so as to outlaw what the Amendment's next section approves.

A statute lowering the voting age would raise the expectations of ten million young Americans—expectations likely to be dashed by a judicial determination that the statute is unconstitutional. This lends point to the fact that when heretofore the nation decided upon a fundamental change in the composition of the electorate, the consensus was embodied, in permanent and unchallengable form, in a constitutional amendment: One hundred years ago the 15th Amendment, enfranchising blacks, was added to the Constitution.

Fifty years ago the 19th Amendment, enfranchising women, was added to the Constitution. If, in 1970, the nation is ready to welcome into the political process Americans who have reached the age of 18, Congress should, in fidelity to our constitutional traditions, submit to the states for ratification a new constitutional amendment embodying that new consensus.

Alexander M. Bickel,
Charles L. Black, Jr.,
Robert H. Bork,
John Hart Ely,
Louis H. Pollak,
Eugene V. Rostov,
New Haven, April 1, 1970.

(Note.—The writers are members of the faculty at Yale Law School.)

Text of a Letter From the President to Speaker McCormack, Majority Leader Albert, and Minority Leader Ford

A constitutional issue of great importance is currently before the House. As you know, the Senate has attached to the bill modifying and extending the Voting Rights Act of 1965 a rider that purports to enable Americans between the ages of 18 and 21 to vote in Federal, State and local elections.

I say "purports" because I believe it would not in fact confer the vote. I believe that it represents an unconstitutional assertion of Congressional authority in an area specifically reserved to the States, and that it therefore would not stand the test of challenge in the courts. This belief is shared by many of the Nation's leading constitutional scholars.

I strongly favor the 18-year-old vote. I strongly favor enactment of the Voting Rights Bill. But these are entirely separate issues, each of which deserves consideration on its own merits. More important, each needs to be dealt with in a way that is constitutionally permissible—and therefore, in a way that will work.

Because the issue is now before the House, I wish to invite the urgent attention of the Members to the grave constitutional questions involved in the 18-year-old vote rider, and to the possible consequences of ignoring those questions.

STATUTE VERSUS CONSTITUTIONAL AMENDMENT

The matter immediately at issue is not whether 18-year-olds should be given the vote, but how: by simple statute, or by constitutional amendment.

The argument for attempting it by statute is one of expediency. It appears easier and quicker.

The constitutional amendment route is admittedly more cumbersome, but it does appear that such an amendment could be readily approved. A resolution proposing such an amendment already has been introduced in the Senate, sponsored by two-thirds of the members, the same number required for passage. Sentiment in the House seems strongly in favor. Some contend that ratification would be a long and uncertain process. However, public support for the 18-year-old vote has been growing, and certainly the submission to the States of a constitutional amendment, passed by two-thirds of both Houses and endorsed by the President, would provide powerful additional momentum. An historical footnote is pertinent: when the women's suffrage amendment was proposed in 1919, many said the States would never go along—but ratification was completed in less than 15 months.

If the Senate provision is passed by the Congress, and if it is later declared unconstitutional by the courts, it will have immense and possibly disastrous effects.

At the very least, it will have raised false hopes among millions of young people—led by the Congress to believe they had been given the vote, only to discover later that what the Congress had purported to confer was not in its power to give.

It will have cost valuable time, during which a constitutional amendment could have been submitted to the States and the process of ratification gone forward. It would almost certainly mean that the 18-year-old vote could not be achieved before the 1972 election.

Beyond this, there looms the very real possibility that the outcome of thousands of State and local elections, and possibly even the next national election, could be thrown in doubt: because if those elections took place before the process of judicial review had been completed, no one could know for sure whether the votes of those under 21 had been legally cast. It takes little imagination to realize what this could mean. The Nation could be confronted with a crisis of the first magnitude. The possibility that a Presidential election, under our present system, could be thrown into the House of Representatives is widely regarded as dangerous, but suppose that a probably unconstitutional grant of the 18-year-old vote left the membership of the House unsettled as well?

The Senate measure contains a provision seeking an early test of its constitutionality, but there can be no guarantee that such a test would actually be completed before elections took place. And the risk of chaos, if it were not completed, is real.

THE CONSTITUTIONAL QUESTIONS

On many things the Constitution is ambiguous. On the power to set voting qualifications, however, the Constitution is clear and precise; within certain specified limits, this power belongs to the States. Three separate provisions vest this power with the States: Article I, Section 2 (election of members of the House of Representatives), the Tenth Amendment (reserved powers) and the Seventeenth Amendment (direct election of Senators) all lodge this power with the States. There are four provisions placing limitations on this power: the vote cannot be limited on grounds of race (the Fifteenth Amendment), sex (the Nineteenth Amendment), or failure to pay a poll tax (the Twenty-Fourth Amendment); nor can States impose voting qualifications so arbitrary, invidious or irrational as to constitute a denial of equal protection of the laws (the Fourteenth Amendment).

Advocates of the proposal that passed the Senate rely on the power given Congress under the Fourteenth Amendment to enforce equal protection of the laws, and particularly on the Supreme Court's 1966 decision in the case of Katzenbach v. Morgan. This case upheld Federal legislation enfranchising residents of New York who had attended school in Puerto Rico, and who were literate in Spanish but not in English. However, I do not believe that the Court's decision in Katzenbach v. Morgan authorizes the power now asserted by the Senate to enfranchise young people. Neither do I believe it follows that because Congress has power to suspend literacy tests for voting throughout the Nation, as the new Voting Rights Act would do, it has power also to decide for the entire Nation what the proper age qualification should be.

Where Puerto Ricans were denied the right to vote, the Court could readily conclude that there had been discriminatory treatment of an ethnic minority. This was especially so because of the particular circumstances of those whose rights were at issue: U.S. citizens by birth, literate in Spanish, but not in English because their schools, though under the American flag, had used Spanish as the language of instruction.

Similarly with literacy tests, the Court already has upheld the right of Congress to bar their use where there is presumptive evidence that they have been used in a discriminatory fashion. If Congress now finds that literacy tests everywhere impose a special burden on the poor and on large numbers of black Americans, and for this reason abolishes literacy tests everywhere, it is using the same power which was upheld when the Court sustained the Voting Rights Act of 1965.

To go on, however, and maintain that the 21-year voting age is discriminatory *in a constitutional sense* is a giant leap. This limitation—as I believe—may be no longer justified, but it certainly is neither capricious nor irrational. Even to set the limit at 18 is to recognize that it has to be set somewhere. A 21-year voting age treats all alike, working no invidious distinction among groups or classes. It has been the tradition in this country since the Constitution was adopted, and it was the standard even before, it still is maintained by 46 of the 50 states; and, indeed, it is explicitly recognized by Section 2 of the Fourteenth Amendment itself as the voting age.

If it is unconstitutional for a State to deny the vote to an 18-year-old, it would seem equally unconstitutional to deny it to a 17-year-old or a 16-year-old. As long as the question is simply one of judgment, the Constitution gives Congress no power to substitute its judgment for that of the states in a matter such as age qualification to vote which the Supreme Court has recognized is one which the States may properly take into consideration.

ONE CONSTITUTION

A basic principle of constitutional law is that there are no trivial or less important provisions of the Constitution. There are no constitutional corners that may safely be cut in the service of a good cause. This Constitution is indivisible. It must be read as a whole. No provision of it, not of the great guarantees of the Bill of Rights is secure if we are willing to say that any provision can be dealt with lightly in order to achieve one or another immediate end. Neither high purpose nor expediency is a good excuse. We damage respect for law, we feed cynical attitudes toward law, whenever we ride roughshod over any law, let alone any constitutional provision because we are impatient to achieve our purposes.

To pass a popular measure despite the Constitutional prohibition, and then to throw on the Court the burden of declaring it unconstitutional, is to place a greater strain and burden on the Court than the Founding Fathers intended, or than the Court should have to sustain. To enact the Senate proposal would be to challenge the Court to accept, or to reject, a fateful step in the redistribution of powers and functions, not only between the Federal Government and the states but also between itself and the Congress.

Historically, under the Fourteenth Amendment as well as under many other provisions of the Constitution, it has been the duty of the Court to define and enforce the division of powers between the Federal Government and the States. Section 5 of the Fourteenth Amendment gives Congress power to "enforce" Constitutionally-protected rights against intrusion by the States; but the primary role in defining what those rights are belongs to the Court.

For the most part, the Court has acted with due deference and respect for the views of Congress, and for Congress' assessment of facts and conditions and the needs to which they give rise. But the Court has had the last word.

However, it is difficult to see how the Court could uphold the Senate proposal on the 18-year-vote without conceding that Congress now has the last word.

To Present this challenge to the Court would thus raise equal and opposite dangers: one the one hand, if the Court acquiesced, its own power as the protector of our rights could be irreparably diminished; and on the other, if the Court rebuffed the challenge, the often valuable latitude Congress now has under broad readings of its Fourteenth amendment power might in consequence be severely limited. Neither outcome, in my view, would be desirable.

THE PATH OF REASON

I have recently canvassed many of the Nation's leading constitutional scholars for their views on the Senate proposal. Some feel that, by a brcad reading of Katzenbach v. Morgan, the proposal's constitutionality could be sustained. The great majority, however, regard it as unconstitutional—and they voice serious concern not only for the integrity of the Constitution but also for the authority of the Court, if it should be sustained.

At best, then, it would be enacted under a heavy constitutional cloud, with its validity in serious doubt. Even those who support the legislation most vigorously must concede the existence of a serious constitutional question.

At worst, it would throw the electoral process into turmoil during a protracted period of legal uncertainty, and finally leave our young people frustrated, embittered and voteless.

I therefore urge:

That the 18-year-old vote rider be separated from the bill extending the Voting Rights Act.

That the Voting Rights Bill be approved.

That Congress proceed expeditiously to secure the vote for the Nation's 18-, 19-, and 20-year-olds in the one way that is plainly provided for in the Constitution, and the one way that will leave no doubt as to its validity: by Constitutional amendment.

Sincerely,

RICHARD NIXON.

STATEMENT BY THE PRESIDENT

On Wednesday, Congress completed action on a bill extending and amending the Voting Rights of 1965, and sent it to me for signature. As passed, the bill contained a "rider" which I believe to be unconstitutional: a provision lowering the voting age to 18 in Federal, State and local elections. Although I strongly favor the 18-year-old vote, I believe—along with most of the nation's leading Constitutional scholars—that Congress has no power to enact it by simple statute, but rather it requires a Constitutional amendment.

Despite my misgivings about the Constitutionality of this one provision, I have today signed the bill. I have directed the Attorney General to cooperate fully in expediting a swift court test of the constitutionality of the 18-year-old provision.

An early test is essential because of the confusion and uncertainty surrounding an act of doubtful constitutionality that purports to extend the franchise. Until this uncertainty is resolved, any elections—including primary elections, and even local referenda on such questions as school bond issues—could have their results clouded by legal doubt.

If I were to veto, I would have to veto the entire bill—voting rights and all. If the courts hold the voting-age provisions unconstitutional, however, only that one section of the Act will be affected. Because the basic provisions of this Act are of great importance, therefore, I am giving it my approval and leaving the decision on the disputed provision to what I hope will be a swift resolution by the courts.

The Voting Rights Act of 1965 has opened participation in the political process. Although this bill does not include all of the Administration's recommendations, it does incorporate improvements which extend its reach still further, suspending literacy tests nationwide and also putting an end to the present welter of state residency requirements for voting for President and Vice President. Now, for the first time, citizens who move between elections may vote without long residency requirements.

In the five years since its enactment, close to 1 million Negroes have been registered to vote for the first time and more than 400 Negro officials have been elected to local and state offices. These are more than election statistics; they are statistics of hope, and dramatic evidence that the American system works. They stand as an answer to those who claim that there is no recourse except to the streets.

The time has also come to give 18-year-olds the vote, as I have long urged. The way to do this is by amending the Constitution. Because of the likelihood that the 18-year-old vote provision of this law will not survive its court test, the Constitutional amendment pending before the Congress should go forward to the states for ratification now.

I therefore call upon the Congress to act now upon the Constitutional amendment to avoid undue delay in its approval by the states should this provision of the new law be held unconstitutional.

[From the CONGRESSIONAL RECORD, Dec. 30, 1970]

THE 18-YEAR-OLD VOTE

Mr. ALLEN. Mr. President, in this morning's Washington Post appeared an interesting and most persuasive article by Merlo J. Pusey, entitled "Court's Clouding of the 18-Year-Old Vote." In this article, Mr. Pusey analyzes the decision or decisions and the opinion or opinions of the Court with respect to the constitutionality of the 18-year-old vote provision of the Voting Rights Act amendment. He comments that the effect is to leave the 18-year-old vote law hanging by the flimsiest thread and that the clean and proper way to lower the voting age to 18 was and is a constitutional amendment.

The distinguished senior Senator from West Virginia (Mr. RANDOLPH), who has been sponsoring the 18-year-old vote and fought for it over many years, had Senate Joint Resolution 147 pending in the Senate at the time the 18-year-old vote amendment was added to the voting rights bill of 1965. The junior Senator from Alabama, on several occasions during the debate on that issue, urged that that amendment submitting a constitutional amendment to the States be given attention and that action be taken in the Senate on that measure.

There are some 73 sponsors of the amendment. It would be an easy thing to have gotten action on the amendment. By now it would be out among the States receiving ratification by the States. Instead, the amendment was added and now the Supreme Court has clouded the issue considerably and, as Mr. Pusey has stated:

"The effect is to leave the 18-year-old vote law hanging by the flimsiest thread."

On the 5 to 4 decision, and in the event there should be vacancies on the Supreme Court, it is entirely possible that this decision could be overturned in the years to come. So it still needs a constitutional amendment, not just a constitutional amendment applicable to State and local elections, but a constitutional amendment applicable also to the vote by 18-year-olds in Federal elections, because the matter really has not been decided for all time as would be the case with a constitutional amendment.

Now the distinguished Senator from West Virginia (Mr. RANDOLPH) plans to reintroduce the measure—which is entitled in this Congress Senate Joint Resolution 147—in the 92d Congress. I am proud to state that the junior Senator from Alabama was a cosponsor of Senate Joint Resolution 147 in this Congress, and he is going to be a cosponsor, at the kind invitation of the distinguished Senator from West Virginia, of the amendment which he proposes to offer in the next Congress. It will apply to the vote by 18-year-olds in Federal, State, and local elections, which is what Senate Joint Resolution provided for, and it will be the same measure which he will introduce in the next Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire article by Merlo J. Pusey entitled "Court's Clouding of the 18-Year-Old Vote."

COURT'S CLOUDING OF THE 18-YEAR VOTE

(By Merlo J. Pusey)

Will the Supreme Court's decision in the 18-year-old vote case prove to be another "self-inflicted wound"? That term was originally used by Charles Evans Hughes, later Chief Justice, to describe the consequences of the Dred Scott decision and various others that brought disrepute upon the court. The current decision has proved to be popular, insofar as it permits citizens aged 18 to 21 to vote in national elections, but five wide-ranging opinions from the justices have churned the law on voter qualifications into a chaotic state.

The decision had to be communicated to the public with no one really speaking for the Supreme Court. Justice Black announced the judgment that 18-year-olds could vote in national but not in state and local elections; not one of his colleagues joined him in the opinion he wrote. Justices Brennan, White and Marshall (and Justice Douglas in a separate opinon) argued with considerable force that the equal protection clause of the Fourteenth Amendment is broad enough to allow Congress to override all laws fixing the voting age at 21. Justice Stewart, with the support of Chief Justice Burger and Justice Blackman, accepted the Black thesis that the Constitution obviously leaves voter qualifications in local elections to the states (except in cases of invidious discrimination) but they parted company with Justice Black by insisting that the Constitution means what it says in providing that voter qualifications in congressional elections shall be the same as those for the most numerous branch of the state legislature. Justice Harlan rejected the basic idea of applying the equal protection clause to voter cases.

The effect is to leave the 18-year-old vote law hanging by the flimsiest thread. Justice Black acknowledged that the founding fathers had tied together voter qualifications in congressional elections and in state elections. Then he proceeded to pull them apart. His performance must be regarded as one of the strangest feats in the long history of American jurisprudence.

Where did the justice find authority for this bizarre conclusion? Article I, Section 4, of the Constitution provides—

> The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations. . . .

Justice Black read this as giving Congress sweeping authority over federal elections. But it says nothing whatsoever about any authority for Congress to change the qualifications of voters in defiance of the language in other parts of the Constitution.

Justice Stewart pointed out that the founding fathers were well acquainted with the word "qualifications." They used it in Article I, Section 2, when they said in very specific terms who was entitled to vote in congressional elections. They did not give Congress any authority to alter this section. Madison, Mason and others argued vehemently in the Constitutional Convention against giving Congress power to fix voter qualifications, and the Committee on Detail voted seven to one against a motion to let Congress exercise such power. On the basis of this Hamilton noted in "The Federalist" that the qualifications of voters in congressional elections "are defined and fixed in the Constitution and are unalterable by the legislature."

In the face of this history and the unquestioned language of the Constitution itself, the real question before the court was whether enactment of the Fourteenth Amendment gave Congress power it did not previously have to fix a national and state age limit for voters. Justice Brennan and his supporters did not pretend to find anything specific in the Fourteenth Amendment giving Congress such power. They acknowledged that the authors of the equal protection clause "papered over their differences with . . . broad, elastic language." These justices were willing to let Congress inflate that "elastic language" into a balloon because they believe in the primacy of federal power.

Justice Black, to his credit, was not willing to go that far. But having substantially deflated the balloon fashioned from "elastic language," he turned and seemed to cut the ground from beneath his own position.

As broad as the congressional enforcement power is, it is not unlimited. Specifically, there are at least three limitations upon Congress' power to enforce the guarantees of the Civil War Amendments. First, Congress may not by legislation repeal other provisions of the Constitution.

Congress has, however, with Justice Black's approbation, repealed that portion of Article I, Section 2, which prescribes the qualifications of voters in congressional elections. The whole thrust of Justice Black's lone opinion is to allow Congress to do what he later says that it may not do. He goes on to recognize that "Congress has exceeded its powers in attempting to lower the voting age in state and local elections," without acknowledging that the Constitution puts federal voting qualifications in the same package. It is difficult to avoid the conclusion that he is willing to stretch with the elasticity school in the case of national elections because he regards congressional control over national voter qualifications appropriate in 1970 regardless of what the founding fathers may have written into the Constitution nearly two centuries ago.

In any event, the performance of the Supreme Court is a shabby sequel to a shabby gesture in Congress. The clean and proper way to lower the voting age to 18 was, and is, a constitutional amendment. After all the squirming and twisting and inflation of elastic language, an amendment is still necessary. Much confusion and weakening of constitutional safeguards could have been avoided by approaching this reform in the right way in the first place. The court should have been spared the unquestioned wound it has inflicted upon itself.

STATEMENT RESUMED

Mr. RANDOLPH. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I am happy to yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, it is characteristic of the Senator from Alabama to mention the efforts being made by others in this matter of 18-year-old voting. As has been stated, Senate Joint Resolution 147, on which very thorough hearings were held during the 91st Congress, were reported favorably by the subcommittee chaired by the able Senator from Indiana (Mr. BAYH) to the full Judiciary Committee. There are many persons may I say, who felt that the Senate should have gone ahead and acted on the Senate joint resolution.

Mr. ALLEN. I agree with the distinguished Senator.

Mr. RANDOLPH. I know that the Senator from Alabama felt that that was necessary. We did feel there was a large question mark in reference to the statutory approach to lowering the voting age for Federal, State and local levels elections. As the Senator has indicated tonight, the issue has been split up and down the middle, in a sense. And there is still, perhaps a smaller question mark remaining, not only for voting at the State level by 18 year olds, but even at the Federal levels as well.

It is a complex situation. The Senator from Alabama has been very thoughtful, as he always is, especially to mention that I shall introduce the resolution again on the first day of the 92d Congress. I am grateful that some 75 Members of the Senate have sponsored with me this present and pending Senate Joint Resolution 147. The Senator from Alabama is one of them, and my able colleague from West Virginia (Mr. BYRD) is another. We have the votes to approve the resolution when it is introduced in the first session of the 92d Congress, with perhaps 80 Members as cosponsors. Even though we know there has been some difference of approach, there is a strong feeling in Congress, not only in this body but also in the House, that we must insure permanently the right of 18-year-olds to vote—an element of our population whose voice and vote needs to be heard and needs to be recorded.

I think that we have acted here in debate, as responsible Members of the Senate, in coming to grips with the realization that we must complete the task which has been started.

I feel, sometimes, that we should not indulge in nostalgia. But I mention the time when I brought a southerner from Georgia to Washington, D.C. He came at my invitation. Ellis Arnall, the Governor of that State, who talked about what had been done there in the 18-year-old voting. It has been good for Georgia as it has been good for Kentucky. It has been good for a different figure—20 years, 19 years—Alaska and Hawaii at the different voting age levels of 19 and 20. Alaska has, of course, voted to lower the voting age to 18 now.

I think generally the lower voting age will be good for America because it will insure a contribution by young people, with their reasoning and thinking combined with that of older persons.

It was in 1942 that I introduced that first constitutional amendment, while I was a Member of the House of Representatives from the Second District of West Virginia. I know that my colleague from Alabama would like, tonight, to hope with me, that even though we were unable to accomplish the constitutional amendment approach in the 91st Congress, it will be a matter of major importance and paramount attention by the Senate and the House early—hopefully in January—but not later than February or in March, of 1971.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from West Virginia for his remarks. I want to extend again my sincere appreciation for his efforts over the last three decades to accomplish this most needed reform. It does appear that the time has come for this matter to be resolved in the proper fashion by a constitutional amendment.

I am delighted that the senior Senator from West Virginia is again taking the lead, as he has done for almost 30 years, in pushing a constitutional amendment that will accomplish this most needed reform.

The five opinions of the five Justices of the Supreme Court with respect to this case were printed in the CONGRESSIONAL RECORD on the very day the opinion was handed down by the Supreme Court. I had the interesting pleasure over the holidays of reading those opinions. I was particularly impressed with an opinion of Mr. Justice Harlan. In the humble opinion of the junior Senator from Alabama that opinion should have been the opinion speaking for a majority of the court, because he gives a history of the 14th amendment and shows that under no stretch of the imagination would Congress be authorized to pass an 18-year-old voting provision by statute.

The junior Senator from Alabama, while this matter was under debate, pointed out on several occasions that the Constitution of the United States in several places, at least five, indicates very positively that the States have the right to set the qualifications for electors. And as pointed out by Mr. Justice Harlan, that right has really never been questioned until after the 14th amendment was passed. And he was unable to find anything in the 14th amendment that would have permitted Congress to pass this 18-year-old provision by statute.

Article I, section 2 of the Constitution having to do with the election of Congressmen; article II, section 1 having to do with the Presidential electors; amendment 10; amendment 17, having to do with the United States; and in the 14th amendment itself, it speaks of the States denying the right to vote to citizens 21 years of age or over.

Mr. President, I would like to read for the RECORD article I, section 2 of the Constitution:

"The House of Representatives shall be composed of Members chosen every second year by the People of the several States, and Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

That means that those who are entitled to vote for Congressmen should have the qualifications requisite for electors of the most numerous branch of the State legislature. Yet this 5-to-4 decision would provide separate rules for national elections and for State elections, when article 1, section 2 says that the House of Representatives shall be composed of Members chosen every second year by the people of the several States and the electors of each State for the House of Representatives shall have the qualifications requisite for the electors of the most numerous branch of the State legislature.

So the majority opinion says the States can set the qualifications for voting for the State legislature election. They can set that, but the express wording of the section says that the electors voting for candidates for the House of Representatives shall have the same qualifications.

Yet the Supreme Court in its inimitable fashion of leaving a legal question in greater confusion and greater doubt by its decision has set up two separate rules—one set for the State and local elections, and another set for the Congress for national elections when the article itself says that the electors for Congressmen—that is the people who vote and it is not talking about presidential electors, but electors for Congressmen—shall have the same qualifications as electors for the State legislature. That shows that they should have a uniform plan and not two separate standards. Yet, that is what the Supreme Court has given us.

I favor the principle of 18-year-old voting. I still want to see that accomplished by a constitutional amendment. That is the reason that during the next Congress I am hopeful that the amendment to be proposed by the distinguished senior Senator from West Virginia (Mr. RANDOLPH) providing for 18-year-old voting in national, State, and local elections will be submitted by the Congress and that the States will be given an opportunity to vote on that amendment and that this question can be resolved properly and in a lasting fashion, free from the confusion in which we are left by the decision of the Supreme Court.

Mr. President, I yield the floor.

HOUSE JOINT RESOLUTION No. 66

Memorializing the Virginia members of the Congress to initiate and support the enactment of the legislation to repeal Section 302, of the Voting Rights Act Amendments of 1970 (Public Law, 91-285, 84 Stat. 314) and to support the enactment of an appropriate Joint Resolution by the Congress to place before the states a proposed Constitutional amendment to authorize all persons aged 18 to 20, both inclusive, the right to vote in all federal, state and local elections, for ratification of three-fourths thereof, as required in Article V of the Constitution of the United States.

OFFERED FEBRUARY 11, 1971

Patrons—Messrs. Phillips, Carneal, Largent, Cleaton, Gunn, Anderson, M. G., Dalton, G. W., Philpott, Owens, Smith, R. M. Fidler, Richardson, McMath, Gibb, Parris, Campbell, Ashworth, Roller, Farley, Geisler, Mason, Dudley, Fowler, Putney, Anderson, C. W., Pettus, Green, Reynolds, Davis, Anderson, C. B.

Earman, Anderson, H. P., Dunn, Burnette, McMurran, Anderson, W. M., Shafran, Funkhouser, and Callahan.

REFERRED TO THE COMMITTEE ON PRIVILEGES AND ELECTIONS

Whereas, the Congress by the enactment of Section 302 of the Voting Rights Act Amendments of 1970 (Public Law 91–285, 84 Stat. 314), attempted through legislation, to usurp power not delegated to the Congress by the Constitution but reserved by the Constitution to the States in Article I, Section 2, Article II, Section 1, and by the Tenth and Seventeenth Amendments thereof; and

Whereas, on December twenty-one, nineteen hundred seventy, the Supreme Court in Oregon v. Mitchell, rendered what purported to be a 504 decision in which it held the Congress to be without power to fix voting age qualifications for persons to vote in State and local elections, but on irrational and unsupportable grounds held the Congress possessed of power to establish such qualifications for persons to vote in national elections; and

Whereas, the said usurpatory statutory provision can remain effective only until repealed and the Supreme Court's decision valid only until overridden; and

Whereas, there is pending in the Senate of the United States, Senate Joint Resolution 7, 92d Congress, which has for its purpose the extension of the right to vote to all persons in the United States, aged 18 to 20, both inclusive, in all federal, state and local elections; and

Whereas, as George Washington in his farewell address, as President of the United States, declared "If, in the opinion of the people, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an Amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed"; now, therefore, be it

Resolved, by the House of Delegates, the Senate concurring, That the members of the Congress of the United States from Virginia are hereby memorialized to initiate, and support the enactment of legislation to repeal Section 302 of the Voting Rights Act Amendments of 1970 (Public Law 91–285, 84 Stat. 314); and be it further

Resolved, That the members of the Congress of the United States from Virginia are hereby memorialized to support the enactment of a Joint Resolution of the Congress, placing before the states a proposed Constitutional amendment to authorize all persons aged 18 to 20, both inclusive the right to vote in all federal, state and local elections, for ratification of three-fourths thereof, as required by Article V of the Constitution of the United States; and be it further

Resolved, That the members of the Congress from Virginia are quested to seek the help of their colleagues from other states in their endeavors which are essential for the proper exercise of Constitutional authority, vested in the federal and state governments by the Constitution of the United States, hereinbefore identified, as they had been consistently recognized and applied without interruption, since the adoption of the Constitution, until attempt was made by the Congress to usurp by legislative authority, as hereinbefore stated, which the Congress does not legally possess, under the Constitution; and be it finally

Resolved, That the Clerk of the House of Delegates, be, and hereby is, instructed to send copies of this resolution to both members of the Senate of the United States representing Virginia and to each member of the House of Representatives representing this State and to the presiding officers of the legislative bodies of each of the other forty-nine states of the United States, with request for supporting action.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Pucinski, for 60 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Frenzel) and to revise and extend their remarks and include therein extraneous matter:)

Mr. Railsback, for 15 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

Mr. Mizell, for 5 minutes, today.

Mr. Conable, for 60 minutes, on March 17.

Mr. Quie, for 15 minutes, today.

Mr. Esch, for 20 minutes, today.

(The following Members (at the request of Mr. Cotter) and to revise and extend their remarks and include therein extraneous matter:)

Mr. Hamilton, for 30 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Harrington, for 15 minutes, today.

Mr. Griffin, for 10 minutes, today.

Mr. Patman, for 10 minutes, today.

Mr. Murphy of New York, for 30 minutes, today.

Mr. Edwards of California, for 60 minutes, on March 25.

Mr. Rarick (at the request of Mr. Anderson of California) for 15 minutes, today, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Edmondson in three instances.

(The following Members (at the request of Mr. Frenzel) and to include extraneous matter:)

Mr. Lent.

Mr. Railsback.

Mr. Horton.

Mr. Broomfield in two instances.

Mr. McClory.

Mr. Wyatt.

Mr. Findley.

Mr. Wyman in three instances.

Mr. Kuykendall.

Mr. Harvey.

Mr. Anderson of Illinois in two instances.

Mr. Hosmer in three instances.

Mr. Teague of California.

Mr. Latta.

Mr. Steiger of Wisconsin in two instances.

Mr. Lloyd.

Mr. Schmitz in two instances.

Mr. Rhodes.

Mr. Sebelius.

Mr. Skubitz.

Mr. Winn.

Mr. Hunt.

Mr. Goldwater.

Mr. Clancy.

Mr. Devine.

Mr. Kemp in two instances.

Mr. Esch.

Mr. Talcott in two instances.

Mr. Byrnes of Wisconsin.

Mr. McDonald of Michigan.

Mr. Reid of New York.

Mr. Rousselot.

(The following Members (at the request of Mr. Cotter) and to revise and extend their remarks:)

Mr. Mazzoli in two instances.

Mr. Wolff.

Mr. Begich.

Mr. Edwards of California.

Mr. Hamilton.

Mr. Badillo in five instances.

Mr. Mann in 10 instances.

Mr. Fisher in six instances.

Mr. Murphy of New York in two instances.

Mr. Harrington.

Mr. Evins of Tennessee in five instances.

Mr. Pryor of Arkansas in two instances.

Mr. Hébert in three instances.

Mr. Cabell in three instances.

Mr. Murphy of Illinois in two instances.

Mr. Dow in three instances.

Mr. Metcalf.

Mr. Moorhead in four instances.

Mr. Kluczynski in two instances.

Mr. Fountain in two instances.

Mr. Pickle in five instances.

Mr. James V. Stanton in three instances.

Mr. Chappell in two instances.

Mr. Link.

Mr. Gonzalez in two instances.

Mr. McCormack in two instances.

Mr. Drinan.

Mr. Anderson of California.

Mr. Waldie in two instances.

Mr. Ryan in three instances.

Mr. Bingham in two instances.

Mr. Rarick in three instances.

Mr. Obey in six instances.

Mr. Dorn in two instances.

Mr. Gray in two instances.

(The following Members (at the request of Mr. Hastings) and to include extraneous matter:)

Mr. Fish in two instances.

Mr. Harsha.

(The following Members (at the request of Mr. Anderson of California) and to include extraneous matter:)

Mr. Rodino.

Mr. Nix in two instances.

Mr. Vanik in two instances.

Mr. Brooks.

All Members (at the request of Mr. Anderson of California) to revise and extend their remarks and include extraneous matter on the special order today of Mr. Griffin.

ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to. Accordingly (at 2 o'clock and 44 minutes p.m.) the House adjourned until tomorrow, Wednesday, March 17, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

417. A letter from the Deputy Secretary of Defense, transmitting a report on disbursements during the period July 1–December 31, 1970, from the appropriation for "Contingencies, Defense" as included in the Department of Defense Appropriation Act, fiscal year 1971; to the Committee on Appropriations.

418. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting part I of a report on independent research and development and bid and proposal costs, pursuant to section 203(c) of the 1971 Department of Defense Military Procurement Authorization Act (Public Law 91–441); to the Committee on Armed Services.

419. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting part II of a report on independent research and development and bid and proposal costs, pursuant to section 203 of the 1971 Department of Defense Military Procurement Authorization Act (Public Law 91–441); to the Committee on Armed Services.

420. A letter from the Commander, Naval Facilities Engineering Command, Department of the Navy, transmitting a report covering the period July 1–December 31, 1971, of military construction contracts awarded by the Department of the Navy on other than a competitive bid basis, pursuant to section 604 of Public Law 91–511; to the Committee on Armed Services.

421. A letter from the national quartermaster, Veterans of World War I of the U.S.A. Inc. transmitting the audit of the corporation as of September 30, 1970, and the proceedings of its 1970 national convention, pursuant to sections 15 and 16 of Public Law 85–530; to the Committee on Armed Services.

422. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to amend the Immigration and Nationality Act to facilitate the entry of foreign tourists into the United States, and for other purposes; to the Committee on the Judiciary.

424. A letter from the National Advisory Council on International Monetary and Financial Policies transmitting its special report on the Indonesian debt rescheduling (H. Doc. No. 92–68); to the Committee on Banking and Currency and ordered to be printed.

425. A letter from the assistant secretary, National Institute of Arts and Letters, transmitting the annual report of the institute for 1970, pursuant to section 4 of its charter; to the Committee on House Administration.

Received From the Comptroller General

423. A letter from the Comptroller General of the United States, transmitting a report on the first review of the phasedown of U.S. military activities in Vietnam by the Department of Defense; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLS: Committee of conference. Conference report on H.R. 4690. (Rept. No. 92–42). Ordered to be printed.

Mr. O'NEILL: Committee on Rules. House Resolution 299. Resolution providing for the consideration of House Joint Resolution 223. joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older (Rept. No. 92–43). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 300. Resolution providing for the consideration of House Joint Resolution 468. Joint resolution making certain further continuing appropriations for the fiscal year 1971, and for other purposes (Rept. No. 92–44). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 6110. A bill to limit Federal payments to individual farm producers to $10,000 per crop per farm; to the Committee on Agriculture.

By Mr. ANDERSON of Illinois (for himself, Mr. Udall, Mr. Stafford, Mr. Matsunaga, Mr. Talcott, Mr. Preyer of North Carolina, Mr. Lloyd, Mr. Anderson of California, Mr. Widnall, Mr. Leggett, Mr. Teague of California, Mr. Harrington, Mr. McKinney, Mr. Nedzi, Mr. Esch, Mr. Davis of Georgia, Mr. Rees, Mr. Ichord, Mr. Moorhead, Mr. Begich, Mr. Murphy of Illinois, Mr. Forsythe, Mr. Horton, Mr. Gerald R. Ford, and Mr. Gaydos):

H.R. 6111. A bill to set standards of ethics and financial disclosure in campaigns for election to Federal office; to the Committee on House Administration.

H.R. 6112. A bill to provide certain amounts of television program time for candidates for Federal offices during general elections; to the Committee on Interstate and Foreign Commerce.

H.R. 6113. A bill to provide a reduced rate of postage for a certain amount of campaign literature mailed by congressional candidates; to the Committee on Post Office and Civil Service.

H.R. 6114. A bill: Tax credits for political contributions; to the Committee on Ways and Means.

By Mr. ANDERSON of Illinois (for himself, Mr. Dennis, and Mr. Schmitz):

H.R. 6115. A bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for gifts or contributions made to any institution of higher education, to be cited as, "The Higher Education Gift Incentive Act of 1971"; to the Committee on Ways and Means.

By Mr. ANDREWS of North Dakota:

H.R. 6116. A bill to provide for the enforcement of support orders in certain State and Federal courts, and to make it a crime to move or travel in interstate and foreign commerce to avoid compliance with such orders; to the Committee on the Judiciary.

By Mr. BADILLO:

H.R. 6117. A bill to amend the Older Americans Act of 1965 to authorize a special emphasis transportation research and demonstration project program; to the Committee on Education and Labor.

By Mr. BROYHILL of North Carolina:

H.R. 6118. A bill to amend title 38 of the United States Code to provide an annual clothing allowance to certain veterans who, because of a service-connected disability, wear a prosthetic appliance or use an appliance or device which tends to wear out or tear their clothing; to the Committee on Veterans' Affairs.

By Mr. BROYHILL of Virginia (for himself, Mr. Fuqua, Mr. Blanton, and Mr. Gude):

H.R. 6119. A bill to amend the Healing Arts Practice Act, District of Columbia, 1928, regulating the practice of the healing art in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. CARNEY:

H.R. 6120. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to permit certain recommendations with respect to officers and employees of the Postal Service to be made by Members of Congress on their own initiative or at the request of the Postal Service or any officer, employee, or other person concerned, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 6121. A bill to provide for the issuance of a special postage stamp in honor of William Holmes McGuffey; to the Committee on Post Office and Civil Service.

H.R. 6122. A bill to provide additional protection for the rights of participants in employee pension and profit-sharing-retirement plans, to establish minimum standards for pension and profit-sharing-retirement plan vesting and funding, to establish a pension plan reinsurace program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, and for other purposes; to the Committee on Ways and Means.

By Mr. CLARK:

H.R. 6123. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Georgia (for himself and Mr. Giaimo):

H.R. 6124. A bill to authorize the National Science Foundation to undertake a loan guarantee and interest assistance program to aid unemployed scientists and engineers in the conversion from defense-related to civilian-oriented research, development, and engineering activities; to the Committee on Science and Astronautics.

By Mr. DEVINE:

H.R. 6125. A bill to require the suspension of Federal financial assistance for educational agencies and institutions which are experiencing disorders and fail to take appropriate corrective measures forthwith and to require the suspension of Federal financial assistance to teachers participating in such disorders; to the Committee on Education and Labor.

By Mr. FORSYTHE:

H.R. 6126. A bill to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

By Mr. FRASER:

H.R. 6127. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.R. 6128. A bill to amend title 10 of the United States Code in order to eliminate the requirement that a person must be 60 years of age or older in order to receive retired pay for non-Regular service in the Armed Forces; to the Committee on Armed Services.

H.R. 6129. A bill to amend the act of April 14, 1910, relating to railway safety appliances, to require the Secretary of Transportation to prescribe reflecting devices or materials as a safety measure on all railroad cars, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 6130. A bill to amend chapter 34 of title 38, United States Code, to authorize advance educational assistance allowance payments to eligible veterans at the beginning of any school year to assist such veterans in meeting educational and living expenses during the first 2 months of school, to establish a veterans' work-study program through cancellation of such advance payment repayment obligations under certain circumstances, and to provide for direct payment of educational assistance allowance to educational institutions on an optional basis; to the Committee on Veterans' Affairs.

H.R. 6131. A bill to amend the Internal Revenue Code of 1954 to provide the same tax exemption for servicemen in and around Korea as is presently provided for those in Vietnam; to the Committee on Ways and Means.

By Mr. GALLAGHER:

H.R. 6132. A bill to amend title 5, United States Code, to provide that the entire cost of certain minimum health benefits for employees and their families shall be paid by the United States, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 6133. A bill to amend the Civil Service Retirement Act to authorize the retirement of employees after 25 years of service without reduction in annuity; to the Committee on Post Office and Civil Service.

By Mr. GRIFFIN (for himself, Mr. Pickle, Mr. Abernethy, Mr. Alexander, Mr. Anderson of Tennessee, Mr. Andrews of Alabama, Mr. Baker, Mr. Bevill, Mr. Blanton, Mr. Broyhill of North Carolina, Mr. Don H. Clausen, Mr. Davis of Georgia, Mr. Duncan, Mr. Edwards of Louisiana, Mr. Flowers, Mr. Flynt, Mr. Hagan, and Mr. Hammerschmidt):

H.R. 6134. A bill to authorize the Secretary of Agriculture to establish a program to enable individuals to enter into, and engage in, the production and marketing of farm-raised fish through the extension of credit, technical assistance, marketing assistance and research, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GRIFFIN (for himself, Mr. Pickle, Mr. Hanna, Mr. Henderson, Mr. Hungate, Mr. Johnson of California, Mr. Long of Louisiana, Mr. Montgomery, Mr. Passman, Mr. Perkins, Mr. Preyer of North Carolina, Mr. Pryor of Arkansas, Mr. Sebelius, Mr. Skubitz, Mr. Steed, Mr. Stephens, Mr. Stubblefield, and Mr. Wright:)

H.R. 6135. A bill to authorize the Secretary of Agriculture to establish a program to enable individuals to enter into, and engage in, the production and marketing of farm-raised fish through the extension of credit, technical assistance, marketing assistance and research, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HAMILTON:

H.R. 6136. A bill to amend the Agricultural Adjustment Act of 1938 to authorize the lease or sale of tobacco allotments within a State under certain conditions, and for other purposes; to the Committee on Agriculture.

H.R. 6137. A bill to amend section 620 of the Foreign Assistance Act of 1961 to prohibit foreign assistance from being provided to foreign countries which do not act to prevent narcotics drugs from unlawfully entering the United States; to the Committee on Foreign Affairs.

H.R. 6138. A bill amending title 13 of the United States Code by authorizing the Secretary of Commerce through the Bureau of the Census to undertake a quadrennial enrollment of those persons to vote in elections of the President and Vice President that meet the qualifications of the various States other than residency; to the Committee on House Administration.

H.R. 6139. A bill to regulate the election of Members of Congress by prohibiting the imposition of durational residency requirements as a condition of voting for such officers; to the Committee on House Administration.

H.R. 6140. A bill designating certain election days as legal public holidays; to the Committee on the Judiciary.

By Mr. HARRINGTON (for himself, Mr. Abourezk, Mr. Badillo, Mr. Begich, Mr. Burton, Mr. Carey of New York, Mrs. Chisholm, Mr. Clay, Mr Conte, Mr. Frenzel, Mr. Halpern, Mr. Koch, Mr. Mikva, Mr. Moss, Mr. O'Neill, Mr. Pepper, Mr. Rangel, Mr. Rees, Mr. Riegle, Mr. Rosenthal, Mr. Roy, and Mr. Scheuer):

H.R. 6141. A bill to provide for the District of Columbia an elected mayor, an elected city council, and for other purposes; to the Committee on the District of Columbia.

By Mr. HAYS:

H.R. 6142. A bill to clarify the liability of national banks for certain taxes with respect to personal property; to the Committee on Banking and Currency.

H.R. 6143. A bill to require that certain textile products bear a label containing cleaning instructions; to the Committee on Interstate and Foreign Commerce.

H.R. 6144. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 6145. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 6146. A bill to amend section 8336(c) of title 5, United States Code, to include the position of customs inspector in the category of hazardous occupations; to the Committee on Post Office and Civil Service.

H.R. 6147. A bill to amend the Federal Water Pollution Control Act to ban polyphosphates in detergents and to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

H.R. 6148. A bill to amend title 38 of the United States Code to permit certain active duty for training to be counted as active duty for purposes of entitlement to educational benefits under chapter 34 of such title; to the Committee on Veterans' Affairs.

By Mrs. HICKS of Massachusetts:

H.R. 6149. A bill to increase the annual income limitations applicable to "old law" pensions for World War I and other veterans; to the Committee on Veterans' Affairs.

H.R. 6150. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 to permit Federal sharing of the cost of unemployment benefits which extend for 52 weeks; to the Committee on Ways and Means.

By Mr. HICKS of Washington:

H.R. 6151. A bill to amend the Railroad Retirement Act of 1937 to provide that an individual otherwise eligible may become entitled to a reduced spouse's annuity, or a reduced widow's or widower's annuity, at age 50; to the Committee on Interstate and Foreign Commerce.

H.R. 6152. A bill to amend title II of the Social Security Act to provide that an individual may become entitled to wife's, husband's, widow's, or widower's insurance benefits, subject to the existing actuarial reduction, at age 50 (whether or not disabled), and to provide that the actuarial reduction shall not apply to the old-age or disability insurance benefits of an indivdual with 30 or more years of coverage; to the Committee on Ways and Means.

By Mr. JOHNSON of Pennsylvania:

H.R. 6153. A bill to amend the Housing Amendments of 1955 to extend certain financial assistance for construction of waterworks and sewer facilities to private corporations; to the Committee on Banking and Currency.

H.R. 6154. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 6155. A bill to provide for the payment of losses incurred by growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates in food after extensive inventories of foods containing such substances had been prepared or packed or packaging, labeling, and other materials had been prepared in good faith reliance on the confirmed official listing of cyclamates as generally recognized as safe for use in food under the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on the Judiciary.

By Mr. KEMP:

H.R. 6156. A bill to provide Federal revenues to State and local governments and afford them broad discretion in furnishing training and employment opportunities needed by individuals to qualify for satisfying and self-supporting employment; to the Committee on Education and Labor.

By Mr. LEGGETT:

H.R. 6157. A bill to amend title 10 of the United States Code to authorize commanders of military installations to lease housing at or near such installations in order to provide adequate housing for military personnel, and for other purposes; to the Committee on Armed Services.

By Mr. LINK:

H.R. 6158. A bill to authorize the Secretary of the Army to convey certain lands in the State of North Dakota to the Mountrail County Park Commission, Mountrail County, N. Dak.; to the Committee on Public Works.

By Mr. McCLURE:

H.R. 6159. A bill to improve the financial management of Federal assistance programs, to facilitate the consolidation of such programs, to strengthen further congressional review of Federal grants-in-aid, to provide a catalog of Federal assistance programs, and to extend and amend the law relating to intergovernmental cooperation; to the Committee on Government Operations.

H.R. 6160. A bill to permit a compact or agreement between the several States relating to taxation of multistate taxpayers; to the Committee on the Judiciary.

H.R. 6161. A bill to amend the Social Security Act to extend assistance under the maternal and child health and crippled children's services program to the Trust Territory of the Pacific Islands; to the Committee on Ways and Means.

By Mr. McCORMACK:

H.R. 6162. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 6163. A bill to provide for the payment of losses incurred by growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates in food after extensive inventories of foods containing such substances had been prepared or packed or packaging, labeling, and other materials had been prepared in good faith reliance on the confirmed official listing of cyclamates as generally recognized as safe for use in food under the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on the Judiciary.

H.R. 6164. A bill to amend title II of the Social Security Act to provide that a woman who is otherwise qualified may become entitled to widow's insurance benefits (subject to the existing actuarial reductions) at age 50 whether or not disabled; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 6165. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans; to the Committee on Agriculture.

By Mr. MATSUNAGA (for himself, Mr. Steiger of Wisconsin, and Mr. Moss):

H.R. 6166. A bill to provide for the procurement of voluntary military manpower; to the Committee on Armed Services.

By Mr. Miller of California:

H.R. 6167. A bill to authorize an appropriation for fiscal year 1972 to carry out the metric system study; to the Committee on Science and Astronautics.

By Mrs. MINK:

H.R. 6168. A bill to amend the International Education Act of 1966 to provide for the establishment under that act of an Asian Studies Institute; to the Committee on Education and Labor.

By Mr. MIZELL:

H.R. 6169. A bill to provide for orderly trade in textile articles, articles of leather footwear and electronic articles, and for other purposes; to the Committee on Ways and Means.

By Mr. MORSE:

H.R. 6170. A bill to amend the student loan provisions of the National Defense Education Act of 1958 to provide for cancellation of loans on account of service in Headstart programs; to the Committee on Education and Labor.

H.R. 6171. A bill to provide for annual adjustments in monthly monetary benefits administered by the Veterans' Administration, according to changes in the Consumer Price Index; to the Committee on Veterans' Affairs.

By Mr. MURPHY of New York:

H.R. 6172. A bill to authorize members of the Armed Forces to be discharged from active military service by reason of physical disability when such members are suffering from drug dependency, to authorize the civil commitment of such members after their discharge, and for other purposes; to the Committee on Armed Services.

By Mr. NIX:

H.R. 6173. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. PATMAN:

H.R. 6174. A bill to amend title 38, United States Code, to make non-service-connected disability pension benefits payable from the time the cause of the disability occurs if application for benefits is made within 1 year of the date of such occurrence, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PEPPER:

H.R. 6175. A bill to regulate interstate commerce by strengthening and improving consumer protection under the Federal Food, Drug, and Cosmetic Act with respect to fish and fishery products, including provision for assistance to and cooperation with the States in the administration of their related programs and assistance by them in carrying out the Federal program, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS:

H.R. 6176. A bill to provide that railroad employees may retire on a full annuity at age 60 or after serving 30 years; to provide that such annuity for any month shall be not less than one-half of the individual's average monthly compensation for the 5 years of highest earnings, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 6177. A bill to amend the Railroad Retirement Act of 1937 to provide a 20-percent increase in annuities; to the Committee on Interstate and Foreign Commerce.

By Mr. PRYOR of Arkansas:

H.R. 6178. A bill to amend title 38 of the United States Code so as to provide that monthly social security benefit payments and annuity and pension payments under the Railroad Retirement Act of 1937 shall not be included as income for the purpose of determining eligibility for a veteran's or widow's pension; to the Committee on Veterans' Affairs.

By Mr. PUCINSKI:

H.R. 6179. A bill to authorize assistance to local educational agencies for the financial support of elementary and secondary education, and for other purposes; to the Committee on Education and Labor.

By Mr. PUCINSKI (for himself, Mr. Price of Illinois, Mr. Kluczynski, Mr. Yates, Mr. Gray, Mr. Rostenkowski, Mr. Annunzio, Mr. Mikva, Mr. Metcalf, Mr. Murphy of Illinois, and Mr. Collins of Illinois):

H.R. 6180. A bill to amend the Federal Water Pollution Control Act to ban polyphosphates in detergents and to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

By Mr. QUIE (for himself, Mr. Esch, Mr. Gerald R. Ford, Mr. Steiger of Wisconsin, Mr. Forsythe, Mr. Veysey, Mr. Erlenborn, Mr. Dellenback, Mr. Hansen of Idaho, and Mr. Kemp):

H.R. 6181. A bill to provide Federal revenues to State and local governments and afford them broad discretion in furnishing training and employment opportunities needed by individuals to qualify for satisfying and self-supporting employment; to the Committee on Education and Labor.

By Mr. RAILSBACK (for himself, Mr. Anderson of Illinois, Mr. Andrews of Alabama, Mr. Biester, Mr. Griffin, Mr. Ichord, Mr. Mathias of California, Mr. Mikva, Mr. Nichols, Mr. Quie, Mr. Randall, Mr. Scott, and Mr. Sebelius):

H.R. 6182. A bill to amend title 28, United States Code, to prohibit Federal judges from receiving compensation other than for the performance of their judicial duties, except in certain instances, and to provide for the disclosure of certain financial information; to the Committee on the Judiciary.

By Mr. RYAN (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Bingham, Mrs. Chisholm, Mr. Halpern, Mr. Koch, Mr. Podell, Mr. Rangel, Mr. Rosenthal, and Mr. Scheuer):

H.R. 6183. A bill to amend section 236 of the National Housing Act and section 101 of the Housing and Urban Development Act of 1965 to reduce from 25 to 20 percent of the tenant's income the maximum rent which may be charged for a dwelling unit in a section 236 project or a dwelling unit qualifying for assistance under the rent supplement program; to the Committee on Banking and Currency.

By Mr. RYAN (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Bingham, Mr. Halpern, Mr. Koch, Mr. Podell, Mr. Rangel, Mr. Rosenthal, and Mr. Scheuer):

H.R. 6184. A bill to amend section 236 of the National Housing Act; to the Committee on Banking and Currency.

By Mr. RYAN (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Bingham, Mrs. Chisholm, Mr. Halpern, Mr. Koch, Mr. Podell, Mr. Rangel, Mr. Rosenthal, and Mr. Scheuer):

H.R. 6185. A bill to authorize increases in Federal Housing Administration mortgage ceilings under subsidized multifamily housing programs to meet construction costs; to the Committee on Banking and Currency.

By Mr. ST GERMAIN (for himself and Mr. Tiernan):

H.R. 6186. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 to provide federally financed emergency unemployment compensation for up to 26 weeks in addition to the extended compensation now available under such act; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 6187. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Iowa (for himself, Mr. Edmondson, Mr. Hungate, Mr. Roush, Mr. Jones of Tennessee, Mr. Teague of Texas, Mr. Steiger of Wisconsin, Mr. Burton, Mr. Hamilton, Mr. Griffin, Mr. Burleson of Texas, Mr. Fraser, Mr. Ullman, Mr. Shipley, Mr. Randall, Mr. Price of Illinois, Mr. Burlison of Missouri, and Mr. Kuykendall):

H.R. 6188. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72; to the Committee on Agriculture.

By Mr. STRATTON:

H.R. 6189. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. TAYLOR:

H.R. 6190. A bill to authorize and direct the Administrator of Veterans' Affairs to accept certain land in Buncombe County, N.C., for cemetery purposes; to the Committee on Veterans' Affairs.

By Mr. TERRY:

H.R. 6191. A bill to amend the Truth in Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

H.R. 6192. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. THOMPSON of Georgia:

H.R. 6193. A bill to direct the Interstate Commerce Commission to make regulations that certain railroad vehicles be equipped with reflectors or luminous material so that they can be readily seen at night; to the Committee on Interstate and Foreign Commerce.

H.R. 6194. A bill to consent to the interstate environment compact; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.R. 6195. A bill to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint industry promotion of products in certain instances; to the Committee on Education and Labor.

By Mr. WHALLEY:

H.R. 6196. A bill to provide that the receipts from all Federal gasoline and automotive excise taxes shall be placed in the highway trust fund to be used for road improvement purposes only, to eliminate the State matching requirements in the Federal-aid highway program, and to provide Federal assistance for State and local highway purposes; to the Committee on Ways and Means.

By Mr. BOB WILSON:

H.R. 6197. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 6198. A bill to equalize the retired or retainer pay of members and former members of the Armed Forces now or hereafter placed on the retired lists; to the Committee on Armed Services.

H.R. 6199. A bill to equalize the retired pay of members of the uniformed services retired prior to June 1, 1958, whose retired pay is computed on laws enacted on or after October 1, 1949; to the Committee on Armed Services.

H.R. 6200. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. GARMATZ:

H.J. Res. 469. Joint resolution making a technical correction to a conforming amendment made by Public Law 91–621 (relating to the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration); to the Committee on Merchant Marine and Fisheries.

By Mr. HARRINGTON (for himself, Mr. Abourezk, Mr. Badillo, Mr. Begich, Mr. Burton, Mr. Carey of New York, Mrs. Chisholm, Mr. Clay, Mr. Halpern, Mr. Koch, Mr. Mikva, Mr. Moss, Mr. O'Neill, Mr. Pepper, Mr. Rangel, Mr. Rees, Mr. Riegle, Mr. Rosenthal, Mr. Roy, and Mr. Scheuer):

H.J. Res. 470. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. PRYOR of Arkansas:

H.J. Res. 471. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.J. Res. 472. Joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. BOB WILSON (for himself and Mr. Van Deerlin):

H.J. Res. 473. Joint resolution to establish a national music of the United States; to the Committee on the Judiciary.

By Mr. BLANTON (for himself, Mr. Hungate, and Mr. Steiger of Arizona):

H. Con. Res. 205. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

By Mr. CELLER:

H. Con. Res. 206. Concurrent resolution to reprint brochure entitled "How Our Laws Are Made"; to the Committee on House Administration.

By Mr. HAYS:

H. Res. 301. Resolution to provide funds for the expenses of the expenses of the investigations and studies by the Committee on House Administration; to the Committee on House Administration.

By Mrs. HICKS of Massachusetts:

H. Res. 302. Resolution commending the American serviceman and veteran of Vietnam for his efforts and sacrifices; to the Committee on Armed Services.

By Mr. HOLIFIELD:

H. Res. 303. Resolution to provide funds for the expenses of the investigation and study authorized by rule XI(8); to the Committee on House Administration.

H. Res. 304. Resolution to authorize the Committee on Government Operations to conduct studies and investigations with respect to matters within its jurisdiction, and for other purposes; to the Committee on Rules.

By Mr. HUNGATE (for himself, Mr. Abourezk, Mr. Anderson of Tennessee, Mr. Blanton, Mr. Dingell, Mr. Donohue, Mr. Drinan, Mr. Edmondson, Mr. Evins of Tennessee, Mr. William D. Ford, Mr. Griffin, Mr. Hamilton, Mr. Harrington, Mr. Hathaway, Mr. McCormack, Mr. Mikva, Mr. Pepper, Mr. Rees, Mr. Roberts, Mr. Roe, Mr. Roy, and Mr. Williams):

H. Res. 305. Resolution to express the sense of the House on relationship between legislative and executive branches of the Government; to the Committee on Appropriations.

By Mr. MORSE (for himself and Mr. Riegle):

H. Res. 306. Resolution to amend rules X, XI, and XIII of the Rules of the House of Representatives; to the Committee on Rules.

By Mr. JAMES V. STANTON:

H. Res. 307. Resolution expressing the sense of the House of Representatives that the people of all Ireland should have an opportunity to express their will for union by an election under the auspices of a United Nations commission; to the Committee on Foreign Affairs.

By Mr. VANIK (for himself, Mr. Mosher, Mr. Badillo, Mr. Bingham, Mrs. Dwyer, Mr. Fulton of Tennessee, Mrs. Grasso, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Lent, Mrs. Mink, Mr. Moss, Mr. Podell, Mr. Riegle, Mr. Ryan, Mr. Scheuer, Mr. Tiernan, Mrs. Sullivan, Mr. Koch, and Mr. James V. Stanton):

H. Res. 308. Resolution: Mass transit—A national priority; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRASCO:

H.R. 6201. A bill for the relief of Lesley Earle Bryan; to the Committee on the Judiciary.

H.R. 6202. A bill for the relief of Faro Mazzola; to the Committee on the Judiciary.

H.R. 6203. A bill for the relief of Vincenzo Montanino, Mrs. Lina Siesto Montanino, and their children, Sabato and Pasquale Montanino; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 6204. A bill for the relief of John S. Attinello; to the Committee on the Judiciary.

By Mr. COLLINS of Illinois:

H.R. 6205. A bill for the relief of Michele Biundo; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.R. 6206. A bill authorizing the President to award the Medal of Honor to Harry S. Truman; to the Committee on Armed Services.

By Mr. McCLOSKEY:

H.R. 6207. A bill for the relief of Mrs. Edith Erdi; to the Committee on the Judiciary.

H.R. 6208. A bill for the relief of Paulino Narvios; to the Committee on the Judiciary.

H.R. 6209. A bill for the relief of Andreino Simonetti; to the Committee on the Judiciary.

By Mr. PRYOR of Arkansas:

H.R. 6210. A bill for the relief of Kyong Ok Kim and Mi Shil Choi; to the Committee on the Judiciary.

By Mr. ROE:

H.R 6211. A bill for the relief of Emilie Abbochian; to the Committee on the Judiciary.

H.R. 6212. A bill for the relief of Emanuel Licitra; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 6213. A bill for the relief of Maria Giovanna Loyero; to the Committee on the Judiciary.

H.R. 6214. A bill for the relief of Philip Antoun Morcos; to the Committee on the Judiciary.

By Mr. VEYSEY:

H.R. 6215. A bill for the relief of A. C. Brown; to the Committee on the Judiciary.

By Mr. WARE:

H.R. 6216. A bill for the relief of Giuliano Esposito and his wife, Dehlia Esposito; to the Committee on the Judiciary.

By Mr. THOMPSON of Georgia:

H. Res. 309. Resolution to waive any loss or penalty assesed against Lockhed Aircraft Corp.; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

68. By Mr. LENT: Memorial of the Legislature of the State of New York, memorializing the Congress to take such affirmative action as may be necessary to obtain the release of the American prisoners of war held by the Government of North Vietnam; to the Committee on Foreign Affairs.

69. By the SPEAKER: A memorial of the Legislature of the State of Maine, relative to abolition of futures trading of potatoes on the New York Mercantile Exchange; to the Committee on Agriculture.

70. Also, a memorial of the Legislature of the State of Arkansas, relative to airport development; to the Committee on Interstate and Foreign Commerce.

71. Also, a memorial of the Legislature of the State of Connecticut, relative to amending the Constitution of the United States to lower the voting age to 18; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

44. By the SPEAKER: Petition of the Common Council, Buffalo, N.Y., relative to rehabilitation grants for housing; to the Committee on Banking and Currency.

45. Also, petition of the City Council, New York, N.Y., relative to the prevention of crime in schools; to the Committee on Education and Labor.

EXTENSIONS OF REMARKS

EFFECTS OF MALNUTRITION

HON. ROBERT TAFT, JR.

OF OHIO

IN THE SENATE OF THE UNITED STATES

Tuesday, March 16, 1971

Mr. TAFT. Mr. President, I am a member of the Select Committee on Nutrition and Human Needs which has directed its attention to the problems of hunger and nutrition in this country. The New York Times recently published an article describing the results of a study of the effects of malnutrition on the nerve cells in the brains of rats.

Although the results of these tests are not conclusive at this time, there was evidence of brain damage in the malnourished rats and there is a possibility that these findings may relate to humans.

This study may serve to further emphasize the importance of prenatal and early childhood nutrition. Perhaps a survey of the dietary habits and scholastic performance of young children could shed further light on the relationship between poor nutrition and damage to brain cells.

I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Early Malnutrition Damages Rat Brain

(By Robert Reinhold)

Cambridge, Mass.—Evidence that severe protein malnutrition before and after birth interferes with the ability of nerve cells in the brain to transmit messages to each other has been uncovered in experiments on rats at the Massachusetts Institute of Technology.

While the findings cannot be applied directly to humans, they are believed to constitute some of the first evidence to explain how inadequate nutrition might damage intelligence and learning ability.

Details of the study were published today in the journal Science.

Experiments in many laboratories in recent years have linked early malnutrition and starvation to learning and behavior problems in children and animals. But the chemical events underlying this link have not been well understood.

The new work, carried out by William J. Shoemaker, a graduate student, and Prof. Richard J. Wurtman, suggest that malnutrition affects the brain's ability to produce neurotransmitters, the chemical agents that permit communication between neurons, or nerve cells.

Anything that would tend to slow the interaction between the neurons in the brain could be presumed to impair hearing.

EFFECT OF MALNUTRITION

Scientists found, in particular, that the brains of severely malnourished infant rats contained 25 per cent less norepinephrine than those of control animals that were adequately fed.

Norepinephrine is a neurotransmitter released by neurons that have a role in the control of learning processes, mood, blood pressure and other bodily functions.

The work is based on a number of previous studies that have shown that inadequate protein intake in early life retards brain development. This has suggested to some researchers that the generally low educational achievement of the poor may be the result, at the least in part of inadequate food.

Dr. Myron Winick of Cornell Medical School in New York has found a marked reduction in the number of cells in the brains of undernourished children and rats.

But it has not been determined whether these abnormal reductions were in the neurons, the myelin membranes that insulate the neurons, or the supporting glia cell.

Neurons make up one one-third of brain cells. To test the specific effect of malnutrition on the neurons, the M.I.T. scientists sought to measure the chemical substances found exclusively within those cells.

Nerve signals travel electrically along neurons until they reach the synapse at the end. There the signal causes the release of the chemical neurotransmitter between the nerve cell and its neighboring cell.

The transmitter then triggers the next neuron, and the signal is passed on. Should the supply of neuro-transmitters be inadequate, the signal transmission is interfered with.

In the experiment, pregnant rats were divided into two groups, one getting a high protein diet and the other a low protein one.

When the young were born, some of those born to the deprived mothers were nursed by the well-fed mothers. Similarly, some of the young of the well-nourished mothers were given to the deprived rats for nursing.

Another group of prenatally deprived rats were nursed by deprived mothers. This arrangement allowed the scientists to differentiate between the effects of prenatal, postnatal, and total malnutrition.

After 12 and 24 days of life, the brains of the rats were analyzed chemically. The results showed significantly less norepinephrine content after 24 days in the rats suckling deprived mothers than in the control group, but not in those suckling the control mothers. In all, the results suggested that malnutrition was more dangerous after birth.

In addition, the levels of another neurotransmitter, dopamine, were also found to be depressed in the malnourished rats.

One of the questions that remains to be answered is whether this effect is the result of a reduction in the total number of neutrons, which would be permanent damage since brain cells do not divide for very long after birth, or whether it is the result of a reduction in the output of each cell, which is damage that could be reversed.

In an interview today, Dr. Wurtman said preliminary but inconclusive evidence suggested that the damage was reversible.

These findings have been given added weight by the recent work of another M.I.T. graduate student, Mr. Robert Holdtke, who has been studying victims of kwashiorkor, a disease caused by severe protein starvation.

He has found that the urine of kwashiorkor patients in Guatemala was deficient in metabolites, or end products, or norepinephine and dopamine, but the evidence is not yet conclusive.

The study was supported by the United States Public Health Service.

Dr. Wurtman was reluctant to comment on the widespread controversy over whether learning problems among black children were the results of environment or genetic endowment. He would only say, "Here is a set of evidence that a changed environmental input can cause a change that you would expect to impair learning."

CBS INTERVIEWS THE SECRETARY OF DEFENSE

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. HÉBERT. Mr. Speaker, Secretary of Defense Melvin R. Laird was interviewed on the CBS Morning News program on March 16.

His comments provide the most recent exposé into the CBS program, "The Selling of the Pentagon." The Secretary also had other pertinent statements about our military affairs.

Nothing can be added or taken away from what he had to say, and I insert it at this point in the Record:

Secretary of Defense Melvin R. Laird on CBS Morning News, March 16, 1971

Bernard Kalb. Our guest this morning is Secretary of Defense Melvin Laird. With him here in the Studio is CBS News Pentagon Correspondent Bob Schieffer. I would like to begin in the questioning, Mr. Secretary, by referring to the latest news from Indochina—a report that the South Vietnamese have abandoned the Fire Base Lolo today because it is reported the United States helicopters have not been able to provide support. This is the second base the South Vietnamese have abandoned since last Friday, the first one being Sophia. What does this say in your estimate for the capabilities of the South Vietnamese military?

Secretary Laird. The operation is going according to the plan. The situation is thus: the South Vietnamese are not going to occupy bases or territory in Laos. The purpose of the operation in Laos is to disrupt the logistics supply route and to get the North Vietnamese to mass its forces in attack. The South Vietnamese will move continually in this operation as long as they remain in Laos, and so it will be a moving operation. It will not be a standing operation; it will not be an operation to occupy as far as the South Vietnamese are concerned.

Bob Schieffer. Mr. Secertary, are you ready to say then that this operation is a success already and what the South Vietnamese have done is what they are suppoed to have done?

Secretary Laird. Two or three weeks ago, this is the fifth week that the South Vietnamese have operated in Laos, I indicated at that time that if the operation were to terminate then it had been successful in disrupting the supply routes and making it more difficult for the North Vietnamese to resupply their sanctuary areas in Cambodia and to get the needed arms, ammunition and food to their forces in South Vietnam. I believe that the statement I made two weeks ago is even more true today that it was then.

Mr. Kalb. Mr. Secretary, I'd like to come back to your reply—your first reply to the question. You said that the operation in Laos is going according to plan. The report is that the South Vietnamese gave up the Fire Base Lolo because U.S. choppers could not get in to resupply them. Is the not getting in to resupply them according to plan?

Secretary Laird. No, the weather, we cannot plan the weather. The weather is rather difficult to control. You were in South Vietnam long enough to know that we cannot plan the weather and the weather is a very important limiting factor as far as the use of helicopters is concerned. What I am saying is that the South Vietnamese according to their plans, as I was briefed by General Vinh, and also by President Thieu in January, never planned to occupy bases or occupy territory. It was a hit operation. To hit the supply trails, to hit the supply routes, to disrupt the area and then move, to cause the North Vietnamese to mass their forces, and then use superior airpower when practicable. It is not possible, I'm sure you know, for us or for the South Vietnamese—there's only one force that can control the weather. We in the Department of Defense have claimed many things, but we've never claimed that we can plan the weather.

Mr. HART. Mr. Secretary, there are field reports that the South Vietnamese plan to be out of there by the time the heavy rains come later on this spring. Would you be surprised if they remained in Laos, say, beyond May or June?

Secretary LAIRD. I certainly would. It was never planned in any plan that I was briefed on, and of course this is a South Vietnamese operation, I would not expect them to stay there after the rainy season starts. The rainy season can start about the 1st of May, give or take 10 days or two weeks. As you know, John, the weather is very bad there on many occasions, and the weather is a limiting factor, not only on the use of airpower, the use of helicopters, but it will be a very limiting factor as far as the use of the Ho Chi Minh Trail by the North Vietnamese come about the 1st of May. The real success of this operation will be judged, of course, and can be proven probably in September or October, based upon the difficulties that the North Vietnamese have in Cambodia and the difficulties they have not only in the Cambodian sanctuaries but in operating in South Vietnam because of the lack of supplies.

Mr. HART. Would you expect all the South Vietnamese to be out then by that time, or would some of them remain, and also where would they go?

Secretary LAIRD. You know, I never like to make a positive statement because I'm not going to be over there counting the South Vietnamese operating in Laos. I can assure you that the major portion, all of the Regular Forces, will certainly not plan to be in Laos during the rainy season. Last year was the first year that the North Vietnamese even kept any substantial number of people on the Ho Chi Minh Trail area. In the years prior to that they removed most of their forces from the Ho Chi Minh Trail area because the weather in there and the rain and the mud is something that most Americans can't even imagine.

Mr. HART. Is this the kind of thing that's going to go on, Mr. Secretary? Will they be ready to go back in after the rain stops?

Secretary LAIRD. I would think that the South Vietnamese would give consideration to that. They have the capability, they have a regular force now of well over a million men; they have the largest helicopter force of any nation in the Free World, with the exception of the United States. They're building up their air force, just fourteen months ago they had 23 squadrons; today they have 33; next year they will have 50 squadrons. So they will have the capability, not only to move on the ground but they will have the capability to give adequate air support to various operations, to protect the security of their country. So, I would not rule out the possibility of the South Vietnamese making attacks along this line should the North Vietnamese continue to violate the Accords and occupy this particular territory.

Mr. KALB. These attacks, Mr. Secretary, that you talk about that could be made in the future, would they as well involve U.S. air support?

Secretary LAIRD. As you know, we're going forward with the Vietnamization program. At the time these operations are being carried on, in the last five weeks, 15,000 Americans have come home. We are going forward with the Vietnamization program and we will terminate U.S. involvement in the fighting. The President has made it very evident that we will continue to withdraw at the rate of 3,000 men a week, and this program will continue to go forward. We, of course, will assess the effects of this operation later on in the summer or fall and it may be possible for us to substantially increase the rate of withdrawal, but we are committed, and as the President has said to the current rate of withdrawal according to our Vietnamization plan.

Mr. SCHIEFFER. Mr. Secretary, let me just pin you down on that withdrawal. You're saying we're committed to a withdrawal rate of 3,000 a week, that's 12,500 a month; does that mean that the United States is committed to that withdrawal rate from now on?

Secretary LAIRD. The President has so stated and the President has told the American public that we will continue on that average rate, and the average rate is 3,000 (weekly), or 12,500 a month. Right now, as you know, we have a troop ceiling that comes up on the 1st of May which is 284,000. When I became Secretary of Defense and President Nixon approved the Vietnamization program, we had a total force as far as the troop ceiling was concerned of 549,500. It has been a remarkable withdrawal that we have made, it has been orderly, it has been an effective withdrawal. We will continue that rate. We hope to be able to make increases based upon the success of this operation.

Mr. SCHIEFFER. Let me just do some simple arithmetic here. If we reach 284,000 by May the 1st, then you continue a withdrawal of 12,500 a month until the end of the year, that puts you down to a little less than 200,000 in Vietnam by the end of this year, and a force of a little less than 50,000 by the end of next year. Are you saying that that's the maximum number of people who will be in Vietnam by the end of '72—50,000 people?

Secretary LAIRD. What I'm saying is that if we continue that rate and do not increase the rate—you know, there's one way for a very quick end to this war. The Vietnamization program does not take the place of negotiations in Paris. The President has the most forthright peace proposal on the conference table in Paris ever made by any nation, and this war can end quickly, total and complete withdrawal can take place, complete and total exchange of all prisoners of war held by the North Vietnamese in Laos and Cambodia, in North Vietnam, and in South Vietnam. So, we can certainly hope, and I still have hope, because Vietnamization merely complements negotiations, but we can have a faster, more rapid, end to American involvement than just the Vietnamization program should the North Vietnamese show any interest in peace, in a peaceful settlement in that area. So don't abandon the idea—your question abandons that idea, and I don't believe that America should abandon that because as the President said, we are moving towards an era of negotiation. Not only are we negotiating in Paris, we're conscientiously negotiating there with a 5-point peace proposal; we're negotiating in SALT; we're negotiating in the Middle East, we are entering this era of negotiation and that's an important part of the President's foreign policy position. It's an important part of our new strategy of realistic deterrence that I put before the Congress and will continue to put before the Congress today, before the Armed Forces (Services) Committee today of the United States Senate. So, I believe your question really misses the point of negotiations as the fastest way to end American involvement.

Mr. HART. Mr. Secretary, what one thing has been achieved in Paris?

Mr. KALB. John, may I add to that question—why are you optimistic that the Paris peace talks will produce any peace?

Secretary LAIRD. I'm not optimistic. I'm pessimistic, but I do not believe that we should abandon the idea that the fastest way of reducing American involvement is still the route of negotiations and the President's 5-point comprehensive peace proposal. The question which I was asked completely ignored that route because that's the fastest route to end involvement in Vietnam. I think many people—it seems to me the October 7th 5-points of the President, his plan for peace, really was the most forthright proposal that any nation could possibly make. They say that the North Vietnamese may not move towards the negotiating route until after the elections in South Vietnam. I don't know what the reason is. I cannot read their mind, but I know that that proposal as far as the all-Asian conference; as far as the withdrawal rate; as far as the exchange of prisoners of war, 10 to 1 ratio, all of the provisions of the October 7th proposal still are on the table in Paris.

Mr. SCHIEFFER. Aren't you saying, though, sir, that if all else fails, at the end of 1972, we'll have a maximum force in Vietnam of 50,000 men?

Secretary LAIRD. According to the time schedule which has been announced by the President of the United States, you're a better mathematician than I am, but I think that your figures would check out in accordance with the President's time schedule which he has announced.

Mr. HART. Mr. Secretary, do you mean to indicate then that your time schedule envisions a complete withdrawal within a few years of all Americans from Indochina and that we will not have there the situation we now have in Korea?

Secretary LAIRD. John, I think there's one very important consideration that you overlook and that is something that I've said, it's something that the President of the United States has said—we will maintain a United States presence in South Vietnam just as long as the North Vietnamese hold a single American prisoner, either in Laos, Cambodia, South Vietnam, or in North Vietnam. So, we will maintain a presence in South Vietnam until this POW question is resolved. As Secretary of Defense, I feel I have a special obligation to the wives, the mothers, the fathers, the families of these men, and I can assure you that we will maintain that presence until this question has been negotiated to a successful and final conclusion. The freedom of these men is indeed most important because of what they have given up for all of us and for our country.

Mr. KALB. Mr. Secretary, aren't you on a collision course? The United States saying it will remain in South Vietnam as long as the POWs remain in the hands of the North Vietnamese, the North Vietnamese saying there's nothing that can be done about the POWs unless the United States talks in terms of a total withdrawal from South Vietnam.

Secretary LAIRD. We, of course, are ready to talk about total and complete withdrawal, it's one of the very important points of our October 7th statement. I just believe that it's most important for you to understand that we are on no collision course, but we are not going to forget those men that were ordered to serve in protecting the position of our country. Most of them were taken prisoners prior to the time this Administration took office, but they will not be forgotten by this Administration.

Mr. HART. We're talking in Washington with Defense Secretary Melvin Laird, along with CBS-News Correspondents Bob Schieffer and Bernard Kalb.

Mr. KALB. Mr. Secretary, I'd like to throw at you a figure that Saigon gave us last week about the number of enemy killed in this war in the last 10 years. They estimated 1,700,000 Communists. A two-pointed question: do you believe that and, No. 2, how many civilians have been killed in this war?

Secretary Laird. First, I think you know and Bob knows, that since I've served in the position as Secretary of Defense we have not been dealing in body count figures as far as the Department of Defense. It's something that I've discarded. I question some of these figures and I want to answer your question, but you raised the question, I did not. We're trying to stop the killing in South Vietnam, that's what the President's peace proposal is all about and I don't believe that should be overlooked. I believe that some of the estimates are certainly high. I have asked the South Vietnamese, I've asked our commanders. They insist that they're reasonably close, but I have not engaged in that kind of accounting since I've been Secretary of Defense. What I've been trying to do is to withdraw Americans and stop the killing.

Mr. Kalb. Would you quarrel with that figure that Senator Kennedy gave us this week of 25,000 South Vietnamese civilians killed in a year?

Secretary Laird. I'm not sure just exactly where Senator Kennedy gets his figures but as far as getting into those numbers and projections, I've not engaged in that. If CBS, NBC, AP, UP and others want to engage in that kind of speculation, I do not object, but I do not engage in that. My priority is to withdraw Americans from the conflict, the conflict that was raging very high, Americans were being committed at an ever-increasing rate each of the last few years, and our objective has been to withdraw Americans and to do what we can to see that the killing is stopped. That's what the President's peace proposal was designed to do.

Mr. Kalb. Mr. Secretary, you've mentioned all three networks and I'd like to ask you about the CBS News——

Secretary Laird. I think I missed ABC, and I apologize.

Mr. Kalb. The CBS News documentary "The Selling of the Pentagon." Did you see that by the way?

Secretary Laird. Yes, I did.

Mr. Kalb. We know that Vice President Agnew has called it "disreputable," and Congressman Herbert has called it "un-American." Do you share those reviews of the documentary, sir?

Secretary Laird. I believe that there probably could have been a little more professionalism shown in putting the show together. I think the comments that have been made by the Department of Defense in answering Congressional inquiries are correct, and those comments are available to you, and available to your listeners should they write us. They're very detailed and factual in answer to Congressional questions. Any viewer that would like to have these facts, all they need to do is address me at the Pentagon and I will see that the replies of Assistant Secretary of Defense Dan Henkin are made available to you on the comments in answer to Congressional inquiries about this particular show.

Mr. Schieffer. Do you have any reviews underway within the Department of the public relations activities, Mr. Secretary, as a result of the program?

Secretary Laird. Yes, we do. We do have certain reviews going forward. I wouldn't say they were as a result of the program, however. We've been going forward with this review, and I personally am interested. I've questioned from time to time whether some of the old films, whether they are produced by CBS or by anyone else, whether they're adequate today. I kind of watched them with the long skirts on the girls, and we are supposedly going mod in the Navy, and the Army, and the Air Force, and I don't think those skirts are too attractive to be showing our young men in the Service, we want to really go a little more modern than that.

Mr. Kalb. I suppose we ought to mention that "The Selling of the Pentagon" will be rebroadcast on March 23rd.

Secretary Laird. We've had tremendous response from it and we've had great support, it's increased our support in the Congress many times. We don't look for any close votes this year because this particular program has indeed helped us because of the very unprofessional type of work that was done in quoting a Colonel out of context completely. He was using a quotation and the words were put in his mouth. I believe I have to protect our military men, and I think it was a misuse of certain film clips to use him in that way. I have not gotten into the controversy, but if CBS would like to talk to me at length about this, usually they run out of time—

Mr. Kalb. That's exactly what we've done now. Thank you, Secretary Laird, Bob Schieffer, and Bernard Kalb.

NIXON ADMINISTRATION COMMITTED TO WITHDRAWAL OF U.S. TROOPS FROM VIETNAM

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Tuesday, March 16, 1971

Mr. GRIFFIN. Mr. President, in a television interview this morning, Defense Secretary Laird underscored the determination of the Nixon administration to bring an end to American participation in the Vietnam war.

The Secretary pointed out that American troops are now being withdrawn from Vietnam at the rate of 3,000 a week, or 12,500 a month; and he indicated an expectation that the withdrawal rate will be accelerated.

If withdrawal proceeds even at the present rate, the number of American troops in Vietnam will drop—from 550,000 when President Nixon took office—to 184,000 by the end of this year, and to 34,000 by the end of 1972.

Mr. President, I ask unanimous consent that a news story published in today's Washington Star be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Washington Star, March 16, 1971]

U.S. Withdrawing Vietnam Troops

(By Orr Kelly)

The United States is now committed to withdrawing its troops from Vietnam at the rate of 3,000 men a week or 12,500 a month, and hopes to go even faster, Defense Secretary Melvin R. Laird said today.

At that rate, the number of men remaining in Vietnam would drop to no more than 184,000 by the end of this year and no more than 34,000 by the end of next year.

The troop level now is about 317,000 and is expected to drop to no more than 284,000 by May 1.

President Nixon is scheduled to make an announcement the middle of next month of a further withdrawal.

"HOPE TO ACCELERATE"

"We will terminate U.S. involvement in the fighting," Laird said during an interview on CBS News.

"President has made clear that we will withdraw at the rate of 3,000 men a week. We hope to accelerate that rate later in the year. We are committed to at least the current withdrawal rate."

"This has been a remarkable withdrawal . . . we will continue and hope to increase," Laird said.

Laird said the United States would maintain some troops in South Vietnam as long as the enemy holds a single prisoner.

"We will maintain our presence until this question is resolved," he said. But he did not specify how many troops would remain under those circumstances.

"What I've tried to do is to withdraw Americans and stop the killing," Laird declared.

The withdrawal rate Laird cited is the average that has prevailed since the beginning of the U.S. troop pullout in mid-1969. Although the President has mentioned his plans for continued withdrawal, this is the first time a high administration official has committed the government to those specific numbers.

NOT OPTIMISTIC ON TALKS

The fastest way to get American forces out of Vietnam, Laird said, would be through negotiations in Paris.

Although he said he was not optimistic, Laird said he and the administration still hope successful negotiations can be carried out both to reduce the number of men in Vietnam as rapidly as possible and to arrange for the release of prisoners held by both sides.

Laird also said in the interview that he would not be surprised to see the South Vietnamese go back into the Laotian panhandle during the next dry season if the North Vietnamese continue to use that supply route.

But he implied that such an operation would be carried out with little if any American support because of the withdrawal of large numbers of Americans during the remainder of this year.

SOUTH VIET CAPABILITY

Laird said the South Vietnamese have the capability to go back into Laos on their own.

"They now have the largest helicopter force of any country in the free world except for the United States," he said.

Laird said he would be surprised if any sizeable number of South Vietnamese forces should remain in Laos during the rainy season, which begins about the first of May.

Already, he said, the operation has succeeded in its purposes of disrupting enemy supplies and causing the enemy forces to mass so they can be attacked from the air.

"The real success of the operation can be judged in September or October based on the difficulties the North Vietnamese have in Cambodia and South Vietnam," Laird said.

DEVELOPING RURAL AMERICA

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. ESCH. Mr. Speaker, I like what I see emerging from the special revenue sharing program for rural development just introduced in the Congress. It's a beginning in the direction that will surely lead to the objectives long held in this country, but in recent years never really given a chance for success.

Up to this point the Nation has operated on a theory, in effect at least, that all knowledge and direction could best come from a central government. The people living in 3,000 counties were largely reduced to beggars coming to Washington with hat in hand to convince some agency or series of agencies that a need existed for some particular project.

Now we have started to reverse this theory. We are recognizing that at the source of our Nation's greatness are the energetic people whose private initiative has created and implemented the job-creating industries upon which every other phase of our national life depends.

Although this Congress has attempted by piecement legislation to correct the inequities visited upon our 65 million citizens who are scattered across 50 States and 91 percent of the land area, the vibrant surges that arise in any given section of the country by some particular circumstance could not be felt in far-away Washington. Often, for lack of proper planning and capital, the surges subsided or were only partially implemented.

Under this new measure, we will be turning back to the people what should have been their right and prerogative all along—the actual planning of their own destinies and primary funds to start them.

Rural America has everything to offer millions of people who want to live in this open environment, but who have been forced by lack of opportunity to crush into the cities. Government must take much of the blame for this tragic situation.

Lamenting the past, however, is not a part of my purpose today. I am elated that we can now consider these sorry conditions as history, because through this special revenue sharing program I am sure that the years ahead will reveal we have embarked upon the single most important move of this decade. We are giving initiative back to the people, and returning sufficient taxes to them for an initial start in developing the dormant opportunities so abundantly waiting in rural America.

LIMIT FARM SUBSIDY PAYMENTS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. ANDERSON of California. Mr. Speaker, I am today introducing legislation to limit price support payments under our farm programs. This bill would amend Public Law 91-524 to limit Federal payments to individual farm producers to $10,000 per crop per farm.

The 91st Congress took a step in the direction of the bill I am introducing by providing a $55,000 limitation of payments per crop per farm. But, I do not believe this goes far enough. The law passed last year still allows payments of as much as $165,000 per farm, and the bulk of these Federal funds still continue to end up in the hands of the large farm corporations and absentee landlords.

The purpose of the farm subsidy program is to compensate producers for limiting production. Unlimited production would, allegedly, destroy the entire farm economy. Myself, I would much prefer that the Government—instead of paying farm producers not to grow crops buy the excess farm products and distribute them to needy families. It seems intolerable to me that we have the potential to feed the poor—yet, we pay farmers not to produce.

Yet, while limiting production, the bulk of farm subsidies wind up in the billfolds of the major producers. In 1969, seven farm companies received in excess of $1 million each in farm payments, 14 received between a half million and a million dollars, and 54 received between a quarter-and-a-half million dollars in farm subsidies.

Obviously, these are not small farmers. For example, one company in California collected more than $4 million in farm payments in 1969. This policy is unfair and economically wasteful and can only be broken by imposing payment limitations.

My bill, if enacted, could save as much as $200 million of the taxpayer's money. At a time when inflation continues to threaten our economy, I cannot see justification for this wasteful expenditure of Federal funds.

GREEK INDEPENDENCE

HON. JAMES L. BUCKLEY

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, March 16, 1971

Mr. BUCKLEY. Mr. President, this year marks the 150th anniversary of the 1821 Greek revolt against the Ottoman Empire. The revolt was inspired by those seeking freedom—the inherent right of all people. As a symbol to all those still denied freedom, we must not pass by this anniversary without commemorating it.

For nearly 400 years the Greeks suffered under the Ottoman Empire. They were subjected to heavy taxation and denied justice. Greeks were exploited economically, politically and socially, and were conscripted to fight their masters' wars.

The Ottoman Empire began to weaken in the 17th century and the decline carried into the 18th century. In 1770 insurgent Greeks, aided by Russians, staged a revolt against the Ottoman Empire, only to meet with tragic failure in their first attempt to win freedom.

Conditions for revolt brightened in later years and the struggle for independence gained momentum, and in 1821 the Greeks launched a drive for freedom which finally resulted in The Treaty of Adrianople, signed in September 1829, and the London protocol, signed in February 1830, in which the independence of the Greek Nation was formally declared.

Tyranny is a degradation of the human condition, and the independence by Greece must be seen as a release from this degradation. Let us condemn all such tyranny and grant moral support to peoples who struggle for freedom.

NUCLEAR JARGON—A LAYMAN'S QUANDARY

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. DOW. Mr. Speaker, my constituents have very properly involved me in their alarms about the dangers inherent in nuclear powerplants. I have undertaken to find out the facts and hope to take a stand on this issue. However, I no sooner commenced to look into the matter than I found out that the terms of reference are not uniform, the measures of radiation's intensity in land, sea, and air are not standard and the duration of radioactivity in those elements is unclear.

I began a letter to Commissioner Seaborg of the AEC intending to be utterly positive, but wound it up as a kind of lament about my inability to agree even amongst myself as to what specifically I was talking about.

Mr. Speaker, I quote below the letter to Mr. Seaborg, hoping that its publication will rouse others to join in a call for clarity, for uniformity, and for standardization in the nuclear radiation language. How can we hope to understand one another's dialog about this crucial subject until we agree on the terms? My letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 15, 1971.

Hon. GLENN T. SEABORG,
Commissioner, Atomic Energy Commission, Washington, D.C.

DEAR MR. SEABORG: For a long time now, I have been most concerned about the growth of atomic power plants, particularly construction now underway in populated areas near the 27th Congressional District.

A great deal of study is still needed before we move ahead with these plants. Many constituents have contacted me about these problems and I would appreciate it if you would add my remarks to the record of the hearings now being held on proposed construction of additional atomic power plants at Indian Point, New York.

Laymen deserve a much clearer explanation of radiological danger from nuclear plants.

Dr. George L. Weil, a nuclear expert, says, "Nowhere is the information gap between laymen and scientist more evident than in nuclear energy . . ."

As a thoroughly confused layman, I would want to see radiological danger measured in consistent terms that I can understand.

I am frightened when I read some of the data recently published on this subject. For instance, Senator Gravel last year said in the Senate: "Each 1,000 megawatt nuclear powerplant will produce, every year that it operates at 75 percent capacity, as much radioactivity as the explosion of several hundred Hiroshima-size bombs. That could mean the equivalent of 250,000 bombs every year, if there were 500 plants operating."

Does this mean that so much radioactivity will be contained within the power-plant, will it be released into the air, or will it be captured and deposited somewhere as waste? Can that amount of radioactivity be contained permanently in a burial ground?

A reader is easily confounded by the various, appalling comparisons and diversity of measurements that are offered by authorities who depict the nuclear situation.

Senator Gravel's statement includes the following: "It should be remembered . . . that a single 'hot particle' of radioactive plutonium lodged in the lung is capable of causing a lethal cancer." What is a single "hot particle" of radioactive plutonium like? Is it a cinder that one can see? Is it an invisible atom or molecule floating through the air? Can it penetrate the body unbeknownst to us? How many would be released by a Hiroshima bomb?

Dr. Edward A. Martell, another authority, who is cited in the December 15, 1970 issue of Look magazine, is quoted as saying, "The estimated total plutonium deposited in off-site areas which we have examined so far is in the range from curies to tens of curies." He was speaking of soil samples near the Dow Rocky Flats plant where plutonium triggers are made for hydrogen bombs. So my questions include these: Is a curie a lot or a little? What is its relation by measure to Senator Gravel's "hot particle" of radioactive plutonium? How many curies are lethal? If they are in the soil, how many curies were found in a cubic foot of soil? What would be their life there? Are the curies floating from the Dow Rocky Flats smokestack dangerous when in the air and how many parts are found in a cubic foot of air? Is that number lethal and how is it lethal after the smokestack shuts down for any reason?

The AEC evidently does not measure radioactivity in terms of curies. For we observe them using measures such as the "rem," an acronym for "roentgen equivalent in man." Sometimes the "rad" is used, being another unit of radioactivity.

The Look article speaking about uranium says, ". . . the Animas River below uranium mills in Durango, Colorado contained almost 300 percent of the maximum daily intake for radium." What is the maximum daily intake? What is the measure, that is? Is it stated in curies or rems? How much water would one have to drink from the Animas River in order to equal the maximum daily intake? Could one acquire equal exposure by swimming in the Animas River?

Further along in the Look article it is said, "El Paso Natural Gas Company uranium tailings in Tuba City, Arizona on Navaho land, showed radium radiation levels up to 1,000 times the average background. Gamma radiation was 12 times the level . . . Tailings at the empty A–Z Minerals Corporation mill in Mexican Hat, Utah, in May, 1968, also Navaho land, had radon-gas concentrations around the pile up to five times the maximum level."

This sounds very fearsome, and undoubtedly it is. Yet it has no significance under any scale of cognition that the normal layman is used to—or Congressman, either.

We would like to have some one tell us, in consistent, and I emphasize that word, "consistent," terms just what our exposure is. Then we can judge much better what level of danger is posed by a nuclear plant in our neighborhood.

A 1957 AEC study predicted that an explosion in a nuclear reactor would kill 3,400 people up to 15 miles away, injure 43,000 up to 45 miles, contaminate up to 150,000 square miles—about the size of California—and damage property up to $7 billion. Since I live within 20 miles of the three Indian Point plants that the Consolidated Edison Company of New York is building on the Hudson River—and thousands of my constituents live closer to it than I do—I am opposed to the building and operation of those plants.

However, I would like to reiterate that, as a layman, I have no ready way to sort out all the statistics to understand the magnitudes of radiological exposure in relation to what is safe and what is lethal.

It seems to me, that the AEC owes it to us, first, to reduce the myraid yardsticks of danger to much simpler terms. Then, the citizen in the street can judge better what his hazard truly is. The press, too, should cooperate by using a standard terminology that will be understandable to all readers.

In effect, the standard measure of radioactivity ought to become common parlance. The standard may have to be qualified separately for air, water, and soil as to quantify per cubic feet. It may have to be qualified for a time if, for example, raidoactivity in the air dissipates after awhile. If the exposure is heightened by ingestion, then that should be a qualification also.

Perhaps we will look more kindly on nuclear plants, or even accept them in remote places, if their relative danger is put in simple terms that we all understand, like the Fahrenheit scale or the clock on the mantlepiece.

Meanwhile, everyone should be skeptical of nuclear plants until the AEC can produce, and we can judge, a scale for radiological exposure that is within the frame of reference of ordinary laymen, and their Congressmen.

Sincerely,

JOHN G. DOW,
Member of Congress.

A TIME TO SET VALUES

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. CHAPPELL. Mr. Speaker, about 100 Members of the Congress recently met with some students and staff members of the Odyssey House from New York City, a privately operated nonprofit organization for drug addicts. Most of us were seeking answers as to why a young person would turn to drugs. The answers which these young people had for us were unexpected, but I believe hit right to the heart of the matter. To the amazement of all the Congressmen, they were not asking for funds; they did not seek more legislation; and they did not want contributions for their work.

The drug problem is reaching an epidemic proportion, and it is high time each of us recognizes his individual responsibility about this situation and start now to do something about it.

These young people are crying out for values; they seek from us some guidelines and rules for their lives; they are imploring us to speak the truth with them; and they entreat us for our love. It is for lack of these values and the resulting feeling of unworthiness and frustration that causes the young people to become addicted to drugs.

What the young people from Odyssey House asked us is to carry this message back to every part of the Nation. Mr. Speaker, I feel this is the very least that the Members of the Congress can do to try to help in this very real crisis of drug addiction.

Mr. Speaker, these young people are telling us a simple, but powerful message that we must not ignore. I hope their words will speak to the hearts of our people so that we can attack the drug problem at its root cause. Ministers, teachers, and parents must resolve now to promote values, establish the standards, and enforce the discipline that our young people need and want. Either we win them to a life of hope or drugs will condemn them to a life of despair.

RUGGED WEST TEXAN'S VIEW OF THE BUDGET

HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. CABELL. Mr. Speaker, the Dallas Times Herald on Sunday, February 28, 1971, carried an article by its copublisher and editor, Felix McKnight. Mr. McKnight is one of the finest and most astute newsmen in the country. The article and comment concerns Representative George Mahon, of Texas. Certainly Texas is proud and Congress is proud to have men of the caliber of George Mahon. I thought that the article was of such merit that I would like to insert in the Record its full text:

RUGGED WEST TEXAN'S VIEW OF THE BUDGET

(By Felix R. McKnight)

George Mahon's leathery face, brushed since boyhood by the West Texas winds, just looks honest. It tops the lean and rangy frame of a man who doesn't look near his 70 years. More like an athletic 60.

The genuineness of the original man from Marlboro Country draws instant respect from his colleagues.

So, when George Mahon arises in the U.S. House of Representatives to expound on a full employment budget and revenue sharing, he gets their attention with the opening line:

"Mr. Speaker—now comes the revolution. Something new has been cast into the fiscal arena. I almost said something shocking . . .

"There is new imagery and sloganeering. A new face has been put on some of the harsh realities. The concept of a full employment budget is not new to economists, but it is new as declared foundation for a federal budget."

The chairman of the powerful House Appropriations Committee, a persistent but reasonable watchdog these many years, wonders whether full employment budgets and revenue sharing would lead us out of fiscal and economic woods or run us deeper into the forests.

"The answers are no means clear. And the dangers of such fiscal policies—embodied in today's budget—are potentially great. This nation has been overspending for years—either we have been overspending or else we have been undercollecting revenues to pay the bill. Witness the increase in debt."

Rep. Mahon cites, correctly, the decade of the 1960s, when the federal debt rose about $114 billion. State and local debt rocketed over 600 per cent between 1948 and 1969.

The Colorado City attorney, who has been in the Congress since 1934, cautions his colleagues that "I do not stand here to lambaste the President or George Shultz of the Office of Management and Budget. They have an incredibly difficult job to perform. Our job is likewise incredibly difficult . . ."

But George Mahon's prairie country philosophy is openly honest. He contends that the Congress cannot confine itself just to needs for spending; it must also look at the financial resources available to pay for the spending. It must look to the revenue side of the budget.

"The President must do that. The Congress must do that. The committees must do that. And the country must do that . . ."

At best, Rep. Mahon argues, we are a nation of spenders—adding that "we do not need any undue encouragement in that direction." He fears that the full employment budget concept will add to the spending and thus add to inflationary pressures.

"To us, restraint is as bitter as quinine. We want to talk about the programs we want to see financed; we do not want to talk about raising the money to finance them. It is potentially dangerous to encourage the Congress to embrace a budget concept that tends to make spending virtuous . . ."

The West Texan, whose Defense subcommittee funnels $1 billion per week from the Capitol to the Pentagon, looks with jaundiced eye on a program that affectionately and suddenly "embraces deficits of tremendous proportions with assurance that this is just what the country needs."

The same weather eye severely scans the question of revenue sharing. To Rep. Mahon, the question is elementary:

"There is no revenue to share. There is a deficit to share this year and next year. If the pending proposal (the President's plan) were adopted, we would be sharing not revenues, but borrowed funds.

"Is it logical and is it wise for one legislative body to raise the money and then turn it over to another legislative body, the states or cities, for their expenditure? Is that a practical approach to the problems that confront us? Would it not be better to undertake to find a better solution to the problem?"

George Mahon's highest commitment is to maintain the independence of the nation. Defense must come first, he argues. Without it, non-defense programs would wither and vanish.

Rep. Mahon has respect for the military establishment, but it is tempered by a commitment to civilian control and his insistent demand for proof of the need for mounting military security items.

It is this kind of tough Texan who looks with a non-political eye at escalating costs of government. It is the reason he received the Congressional Distinguished Service Award from the American Political Science Association for:

"Discharging with quiet distinction one of the Congress' most difficult and important tasks."

BETTER TECHNIQUES FOR SOLVING HUMAN PROBLEMS

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. DEVINE. Mr. Speaker, the President's proposal for the new community planning and management program offers an unparalleled opportunity to use new and better techniques for solving human problems. Past urban planning efforts have too often produced only maps—not intelligent choices and decisions.

The community planning and management proposal takes a wholly different approach—developing staff capacity at the State and local levels of government to determine local problems and to effectively allocate and manage local resources that will be augmented by shared Federal revenue.

It has become altogether too clear that many of our public institutions at all levels of government have not been able to develop the capacity to manage present functions, much less new ones. The problem is compounded by their financial crisis—revenues that increase perhaps 5 percent a year while expenditures, mostly nondiscretionary, rise at 10 percent a year.

As a result, it has become increasingly difficult for Government leaders to articulate and make these tough decisions. Hiring another consultant is clearly not the answer.

Clearly the highest level of management talent must be applied to the problems. The community planning and management funds will be used by chief executives to develop this capacity to make decisions and change the traditional ways that public institutions have delivered public services.

In a very real sense, bringing together shared revenue and the return of decisionmaking to State and local officials will be the catalyst for the "new revolution." They will demonstrate this administration's commitment to finding better ways of doing the public business and attracting the attention and talent needed to bring Government up to date.

WHITNEY YOUNG, JR.—A RESPONSIBLE LEADER

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. HARVEY. Mr. Speaker, America has lost a responsible leader with the recent passing of Whitney M. Young, Jr. His death leaves a void that will not be easily filled.

Mr. Young, in a decade of dedicated service as executive director of the National Urban League, labored untiringly for the betterment of all minority groups in this country.

He served with quiet dignity, working through the American system to improve the plight of the Nation's minorities. He believed that social justice and social progress for black Americans and other minorities were closely linked to their economic progress.

Despite the intolerances and injustices Mr. Young saw in America, he never once lost faith in his country. He worked diligently to right these wrongs—at a time when the irrational and the irresponsible had the ears of many. Through his extraordinary efforts and positive leadership he not only calmed these voices of irresponsibility, but also accomplished much for his people.

He opened much needed lines of communication for a continuing dialog between our citizens. He mastered the art of getting things done.

Much to his credit, Whitney Young was not an exhibitionist who constantly sought the national spotlight for himself. He was much more concerned with positive accomplishments for his people.

He once said:

> The only criterion by which I want to be measured is whether I have helped to improve the economic, political, health, and social future of the black people—not on the basis of how many white people I curse out.

Mr. Young came along at a time in America's history when we greatly needed moderation, tolerance, understanding, and responsible leadership.

His voice was one of calm restraint in the midst of turmoil. His record was one of positive accomplishment. He will be sadly missed.

TRANSPORTATION NEEDS OF THE ELDERLY

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. BADILLO. Mr. Speaker, in the last few decades the pattern of our society has changed radically. People tend no longer to accept a job and settle down in a given geographic area. There are frequent transfers. Families tend to be separted by vast distances. They live either in small, single-family dwellings or small apartments. It is no longer the custom for grandparents and other relatives to share a family home. As a consequence, many of our senior citizens are on their own. As far as social life and recreation are concerned, they have to make it without assistance.

In addition, our vast, sprawling metropolitan areas no longer contain within themselves the traditional neighborhood concepts and divisions. No longer does one find doctors' offices, drugstores, shopping centers within easy walking distance of residential areas. In order to shop, to attend a church, visit a physician, our senior citizens often have to cover considerable distances. Many are too infirm to drive—many cannot afford a car. Public transportation has become increasingly expensive and inconvenient. Increasingly, in addition to other ills, our senior citizens suffer the deadening effects of isolation, loneliness and their inescapable consequences—depression.

This is not only needless and cruel—it is a waste. The vast majority of our senior citizens are alert, well informed, and capable. They are used to contributing—the present wealth of our Nation was built largely on their contributions—and there is much that they still could add to our national life. It is in the interest of our society to make it possible for them to participate.

On our list of national priorities our senior citizens have consistently been on the low rung. Per capita allocations for programs beneficial to them are among the lowest in the Nation. For the present fiscal year the grand total of $2.8 million is earmarked for research and development programs for the aging—and this $2.8 million is spread to include employment opportunities, nutrition studies, retirement planning, and various other areas.

Although there is an obvious need to make our older citizens more mobile, only five demonstration projects are at present devoted to this purpose. The total funds allocated to these projects represent only 3 percent of the already meager $2.8 million.

It is high time that a comprehensive study be undertaken that would explore the economic and service aspects of transportation in both rural and urban areas; would probe into the feasibility of establishing special services in target areas having concentrations of senior citizens; would explore the consequences and impact, economic and social, of reduced fares—in other words would conduct a comprehensive evaluation of the transportation field as it relates to our senior citizens.

For this reason I would like to offer an amendment to the Older Americans Act of 1965 to authorize a special emphasis transportation research and demonstration program.

Mr. Speaker, I commend this measure to the attention of my colleagues. For their convenience, I am inserting at this point into the Record the text of the bill:

H.R. —

A bill to amend the Older Americans Act of 1965 to authorize a special emphasis transportation research and demonstration project program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Older Americans Transportation Services Development Act.

Sec. 2. Title IV of the Older Americans Act of 1965 (42 U.S.C. 3031) is hereby amended by adding at the end thereof the following new section:

"SPECIAL EMPHASIS TRANSPORTATION RESEARCH AND DEMONSTRATION PROJECTS

"Sec. 403. (a) The Secretary is authorized to make grants to any public or nonprofit private agency, organization, or institution and to enter into contracts with any agency, organization, or institution, or with any individual—

"(1) to study the economic and service aspects of transportation for older persons living in urban or rural areas;

"(2) to conduct research and demonstration projects regarding the feasibility of special transportation subsystems for use by older persons or similar groups with similar mobility restrictions;

"(3) to conduct research and demonstration projects on portal to portal service and demand actuated services;

"(4) to conduct research and demonstration projects concerning the impact of pricing structures on the comfort, well-being, and morale of older persons;

"(5) to study transportation and social service delivery interface;

"(6) to conduct research and demonstration projects to coordinate and develop better transportation services rendered by social service agencies; or

"(7) to conduct research and demonstration projects concerning other revelant problems affecting the mobility of older persons.

"(b) There are authorized to be appropriated to carry out this section $1,000,000 for the fiscal year ending June 30, 1972; and $2,000,000 for the fiscal year ending June 30, 1973."

THE URBAN COMMUNITY DEVELOPMENT SPECIAL REVENUE SHARING PROGRAM

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. GOLDWATER. Mr. Speaker, the Urban Community Development special revenue sharing program should help restore our faith in our ability to govern ourselves—as citizens living in communities of all sizes, in all kinds of circumstances, with diverse problems.

In effect, the President has said that State and local governments must be returned to their key roles in the Federal system. It is these governments—being close to our people—that must respond to their need for governmental services in the areas of community development and housing. The Federal Government—even if it had a superior wisdom, which it does not—is not in a position to be responsive to our local needs. At the same time it is in the Federal interest to help our local governments—not to call the shots, but to help them develop the capacity to make their own decisions—wisely and effectively.

This, in essence, is the spirit behind this bill.

I would especially call attention to the new program of planning and management assistance grants. The $100 million authorized for this program would help State and local governments strengthen their planning and management capabilities—in the words of the President:

> To enhance their ability to make well-informed policy decisions, to lay intelligent long-range plans, to allocate their budgeting resources wisely, and to coordinate complex development activities in many fields.

"DEATH AIN'T NOTHING BUT A ROBBER"

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, history works its ironies on the innocent and the undeserving, as well as on those whose debt is clear. Last week our Nation, and especially its black community, lost yet another leader—not through violence or bloodshed, but as he played in the Atlantic surf on an African beach. Others have eulogized Whitney Young better than I, and my purpose here is merely to reaffirm the sorrow that I know all of us here in the Congress feel. His passing at this time in our country's history has taken from us a firm and gifted leader whose voice was seldom raised in anger but often heard and never dismissed in the councils of those men, public and private, who must move our country forward toward the still distant goal of equal rights and equal opportunity for all our citizens. In the words of Bayard Rustin, "death ain't nothing but a robber."

Fortunately, Whitney Young left a legacy. His work is not done, but he pointed a way for others to follow, and it would be my hope, and the hope of others here in this Chamber I am sure, that others will heed his quiet but insistent plea for economic participation, for an equal measure of the goods and services produced by our abundant economy, for an equal chance at the kind of education that will allow black businessmen access to "green power." Whitney Young was not a demagog. His pursuit of social justice was tempered with a belief that this was possible under our system. He was tough-minded. He would not be put off. As Philip Geyelin put it in this morning's Washington Post, "his wisdom lay in his acceptance of the realities of what it would take to make his country move."

Mr. Speaker, we have all lost a comrade in Whitney Young's death, for I daresay that every single person in this Chamber, whether or not they may have disagreed with individual goals or statements he expressed, is very deeply committed to his ultimate goal of social justice and economic participation for all Americans, and to the processes of democracy and enterprise through which he sought those goals. In closing, I would like to insert the full text of Mr. Geyelin's essay in the Record.

The Loss of Whitney Young

(By Philip Geyelin)

Among the black leaders in the struggle for racial equality, some brought religion to the movement, some brought the liberals, some brought labor. Whitney Young, more than any man, brought the business community, the men of money and of the power and the influence that comes with money, and in a certain sense this was the hardest part of it although it was not by any means where his contribution ends. Still, it was the role that made him unique because it made him exposed. A black man had to be suspect who dealt with the Rockefellers and the Fords. So Whitney Young was a controversial figure from his first days as the executive director of the National Urban League. His chosen role within the movement was by the nature of things politically precarious. But if this bothered him, it was not in his nature to show it very often; he was too busy getting things done.

Whitney Young had come to the Nigerian capital for a meeting of the African American Institute, as a member of an American delegation which included many of the black leaders he had worked with most closely over the years. As they huddled together in the numbness of their sorrow, after his death, what they remembered best about brother Whitney was not the arguments they may have had over strategy—one rarely does, of course. What they were saying was that "Whitney was always there when you needed him . . . and that somebody had to do what Whitney did . . . and the man could not have done it better . . . and that no man could fill those shoes." And the way they talked and worked together and worried about the future and grabbed for the first signs of leadership by one of their number (the young radical preacher from the Southern Christian Leadership Conference, the Rev. Jesse Jackson) you could not doubt that they meant what they said.

"He was the big man who led the interference around the end," said Bayard Rustin, the veteran from the A. Philip Randolph Institute who had fought the long wars with Young. "And he was also a man you could sing and drink and bull with." So Rustin only spoke briefly at the memorial service in the sweltering Christ Church Cathedral in Lagos on Saturday and then he sang "Death ain't nothing but a robber . . ."

Jesse Jackson led the final prayer and he called him "a father figure in the civil rights movement." To the former Attorney General Ramsey Clark, he was "a giant laughing man" and quoting Sandburg on the one hundred and fiftieth anniversary of Lincoln's birth, he spoke of the "paradox of terrible storm and peace, unspeakable and perfect."

He was the man who cooled things, was what they were saying, who brought every kind of people, rich and poor, together because he could talk to all of them. And yet, to suggest that his death is somehow a setback to the forces of moderation—as the Vice President did—is to miss the point. There was nothing moderate about Whitney Young's devotion to the cause of humanity and to the redressing of the grievances of his race. "He had an impatient patience" is the way one of his American colleagues described him. "He had a tremendously sublimated anger and he turned it into creative acts." His achievements were very practical ones; they can be measured in the work of the Urban League over the years, in its great effort to improve the lot of the black men who had poured into the Northern ghettos from the South. It can perhaps be best illustrated by the street academies in the ghettos which were his special creation—places where young blacks could gather and study and learn and receive counsel because they could do none of these things in overcrowded homes.

Practical solutions born of a profound compassion for people, a restless, driving energy, unending good humor and a love of living—these were his great strengths. Because he was a sociologist before he was a national and international figure in the struggle for human rights, he knew what the problems were in an academic, theoretical way. And he knew them first hand as well; not the least of his contributions was what he did to bring the Urban League itself more actively into the political rough and tumble of the ghettos—into the places where the problems are. That was the key to it: he knew the problems and he knew the right people and if this led some of his black brothers to fault his lack of militancy or his close associations with the rich and powerful, it led none of them to fault him for himself, for none could withstand the warmth and wit and wisdom of the man.

His wisdom lay in his acceptance of the realities of what it would take to make his country move. He knew the value of dedication and hard work and rhetoric and organization and all the rest. He felt deep down the rightness of the cause. But he also knew where the levers of power were and how they worked. "Say something that I can go back and scare America with" he told Africans at the meeting here. "What's going to happen—that's the only basis on which America is going to move." He didn't mean it quite the way it sounded, because he didn't believe in fear. "My father said to me you only hate that which you fear and I don't want you to fear a living soul," he also told his colleagues at another point. What he did believe was that America would only act effectively to increase aid to Africa out of an acute self interest in its own security because that was the way it had always been with foreign aid, and he wanted the Africans to tell what would be the consequences if the United States did not do more for the developing nations and the black people on this continent.

Not fearing and not hating, he dealt with the corporate executives and counselled with President; he consorted, in other words, with men who were looked upon by others in the movement with unrelieved hostility. And the fact is that many who were critical of this approach would be the first to admit that in the practical terms that matter he was right—that the movement had to have such an ambassador.

Jesse Jackson said as much in his booming eulogy. Recalling a time when it appeared that Whitney Young might become a member of the Nixon Cabinet, Jackson said he sent him a telegram urging him to accept. "I felt it didn't matter what you thought of the man," Jackson declared. "I felt that I didn't want twenty million or thirty million Americans disconnected from the man who is making decisions about them every week." Jackson said that later he asked Young why he hadn't taken the job and that "Whitney bowed his head in the dilemma that the black man is trapped in and replied that he wanted the job and that he thought he could have done the job but that he thought the brothers would not have understood."

And so he worked on with that patient impatience to end. "We have to talk to people who are hungry *tonight*," he said at another point while he was in Lagos. "The rats are biting the kids *tonight*."

He relished every part of it. "This is great," he is said to have shouted in the surf of a Nigerian beach just before he died and he would have said the same thing about his life's work. He was in Nigeria for a conference of Africans and Americans dedicated to the causes of black men on two continents, and it will be said many times over that there was something appropriate about the fact that he should have died on an African beach while actively and exuberantly engaged in such an enterprise. Perhaps so. But the grief of all the black brothers of many nations who were working with him when he died, and of other men, white as well as black in this country and abroad, is a measure of how little consolation there is in this for his loss.

LET'S STOP THE ATTACKS ON ONE OF AMERICA'S KEY PARTNERS

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. KUYKENDALL. Mr. Speaker, American business, like many of our national institutions, is today under an all-out attack from various sources seeking to either drastically change the basic concept of private enterprise or to do away with big business all together.

I say, with some pride, that I am one of the few Members of Congress, who came directly from what is known as big business. Because of this, I feel I am able to speak with some authority in behalf of those business enterprises which are currently undergoing continued harassment both by public and private agencies.

I would like to say at the outset that I do not condone all the practices of big business. I believe there should be, and must be, regulation against monopolies and unfair trade practices. I also believe that there must be strong protection for the consumer against shoddy merchandise and some questionable advertising procedures. But I do not believe that the interest of the individual consumer nor the interest of this Nation will be served by destroying business and discouraging business growth.

And I am afraid that this is what will happen if we allow the attacks upon business to go unchecked. It is time we took a look at the activities of the Antitrust Division of the Justice Department as well as the attacks upon business from individuals who have made a career, quite a successful career I might add, out of attacking the private free enterprise system and individual companies and from some members of the press who enthusiastically jump on the bandwagon when any American institution is attacked.

Over the past months we have seen a number of antitrust prosecutions instituted by the Justice Department, and while no corporations to my knowledge have been found guilty of any willful wrongdoing or deliberate violations of antitrust laws, delays in decisions and adverse publicity have resulted in serious damage to corporate images; shareholder returns have been seriously affected, and too often the best interest of the consumer has not been of primary concern.

I believe that the time has come to take a hard and searching look at our antitrust laws to see where they need to be brought up to date. The need to update antitrust laws is made clear when we realize that despite the tremendous changes in the structure of our commerce, the last significant antitrust law was enacted more than 20 years ago. For this reason I have joined with my colleague from the 18th district of Texas, Congressman Bob Price, in cosponsoring a bill to establish a national commission on the revision of Federal antitrust laws. Until such a commission is established and until such a review is made to determine what must be done to preserve the integrity and strength of our private enterprise system and to protect the consumer, I suggest that the Justice Department and others who are responsible by law, or assume responsibility for directing the course of this Nation, cease their relentless efforts to make business the scape-goat for all of the problems we face in this era of change and demand for change.

May I suggest, Mr. Speaker, that in this area of our national life, we should strive to create a partnership of all of our citizens and all of the segments of the economy-business, industry, government, and the general public in creating the best possible climate to strengthen and preserve the fundamental aspects of our society.

We have grown great as a nation and have offered greater opportunity to more people than any other system in the history of mankind under the kind of government and the kind of economy that has welded us into a partnership for the growth and development of all our people and for the common good.

I submit that there is room in this free society for big business as well as small business and that business and industry have made and will continue to make a tremendous contribution to the Nation. I further submit that should we for any reason succeed in destroying our major industries and our major businesses then the freedom of all of us, even down to the individual citizen, will be in jeopardy.

ISRAEL'S BOUNDARIES SHOULD BE BASED ON NEUTRAL BARRIERS

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. THOMPSON of Georgia. Mr. Speaker, according to the press reports over the weekend, the State Department is applying great pressure against Israel to require that they withdraw to the lines as they existed in 1967.

Mr. Speaker, I am interested in a permanent peace in the Middle East, as I am certain are the other Members of this body. History has shown that whenever a country is placed in a position of basically having vulnerable boundaries—

boundaries not along natural lines—that there is more likely to be a conflict ensuing.

Mr. Speaker, I am not a map drawer. I do not suggest what the lines should be, but it certainly appears to me that our State Department is wrong, if this present report is correct, in insisting that the boundaries be redrawn on a basis which history has shown promotes nothing but constant conflict.

Mr. Speaker, I feel that we should support Israel in helping it to achieve boundaries which are defendable and which will promote a lasting peace.

LIBERTY BANK LETTERWRITING CONTEST ON POLLUTION

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. KEMP. Mr. Speaker, the Liberty National Bank and Trust Co., of Buffalo, N.Y., has recently sponsored a letter-writing contest on pollution among fourth, fifth, and sixth grade students in the Buffalo area. Over 4,000 entries were received from young people who are truly concerned about the environmental crisis we are facing. I would like to call to the attention of my colleagues the texts of the three winning letters because I think they point out with clarity what one individual can do to help prevent further pollution of our environment:

ST. MARTIN SCHOOL,
Buffalo, N.Y., February 26, 1971.

DEAR SIRS: I alone can do many little things to stop pollution, but my parents also play a part. They help by not buying lead gas and detergent and nonreturnable bottles. The following is what I can do to prevent pollution.

When I go to the store and I am not buying much I can tell the clerk that I don't need a bag. When I set the table I don't use paper place mats or napkins. If I have to clean the dust mop I can put a paper bag over the head then shake the dust into the bag. This way I'm not shaking the dust into the air. You can buy just returnable bottles and the nonreturnable bottles you have to buy you can save and take them to stores like Penny's where they are going to save them, then send them to Corning Glass. There they will experiment and see how economical it would be to recycle the glass.

These are some of the things I can do. I'm willing to hear other peoples ideas. I'm very much interested in this problem. At times I get very angry with people who laugh off pollution. After all, it's my world, I want to live in it.

ANN SELIG,
Buffalo, N.Y.

ST. JOHN'S SCHOOL,
Kenmore, N.Y., February 19, 1971.

DEAR MR. JONES: If we don't hurry up about cleaning up pollution, it will be so bad, there won't even be a way. I can encourage my parents and other grownups to cut down or cut out smoking completely, because that endangers their lives and adds smoke to the air. At the supermarket I could point out to my mother the pop in the returnable bottles and ask her to buy it so she would be helping clean up pollution. After bread, rolls, or other products in plastic bags are all gone, I can put them aside for future use. Instead of driving the children who are supposed to walk to school, the parents should know that when they drive their children to school they are adding pollution to the air. When I spill something on the floor instead of getting five or six papertowels, I can use a sponge. After we use the products in plastic containers and foil containers, we can save them to put other foods in. At Christmas or other holidays, if the boxes are decorated, we do not have to wrap them, which helps a little. In school and at home I know I waste a lot of paper which could be used again. Instead of REFUSE, we could drop the F and REUSE all we can. Even though I'm ten years old, I can do my part at home and school. If we don't do it, it won't get done!

Sincerely yours,

SANDRA FISHER.

S.S. PETER, PAUL'S SCHOOL,
Hamburg, N.Y.

WHAT I WILL DO TO REDUCE POLLUTION IN MY COMMUNITY

I am going to try very hard to reduce pollution in my community by, buying returnable bottles and using my lunch bag over again. Not littering all my candy wrappers and other things. Eat all my food do not put it down the disposal it makes unnecessary sewage and causes pollution. When in a car when traveling I will not throw things out side. I will tell my dad to get a garbage bag and I'll use it. I'll ride a bike or walk if I can instead of asking my mom or dad to take me in the car and to use low-lead gasoline. The buses and smoke cause air pollution. I'll put all the old used coffee grinds and egg shells to the garden, they make good fertilizer. Remind people I see to use the trash cans that are in public places. Use plastic bags only if necessary. Try to give to the poor people rather than throwing away all old clothes you have. I'll tell my mom not to buy colored toilet paper.

LISA ROBINSON.

URBAN SPECIAL REVENUE SHARING

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. HUNT. Mr. Speaker, for too long Federal programs designed in Washington to supposedly solve critical urban needs have failed to meet the challenges of our complex urban society. These federally devised and federally administered categorical programs have funded a proliferation of independent, unrelated jurisdictions, each with a fragmented interest in the whole problem.

Urban special revenue sharing offers an opportunity to consolidate a variety of fragmented programs into a comprehensive attack on the root causes of urban blight and urban social decay. Equally important, special revenue sharing provides to State and local governments, those jurisdictions best equipped to solve local problems, discretionary revenue to fund locally devised programs to solve special and unique local problems.

This is a departure from what has been traditional over the past third of a century. But it is an innovative and potentially effective way to return traditional powers of longer historical import to local general-purpose government which in the final analysis is held accountable by its citizens. Special revenue sharing is in my opinion the most effective way to strengthen the capacity of local government to deal with acute local problems.

SELF-DETERMINATION OF THE AMERICAN INDIAN

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 16, 1971

Mr. METCALF. Mr. President, last week I received a copy of the keynote address delivered by an old friend and constituent, Barney Old Coyote, at a meeting of American Indians in Kansas City on March 8.

Mr. Old Coyote is a widely known and distinguished Indian leader whose views are respected and sought, both by the members of the Cosmos Club on the subject of acculturization of the American Indian and by his neighbors who elected Barney to be their delegate in the tribal delegation which recently came to Washington to confer with Members of Congress and Bureau of Indian Affairs officials. Barney has a rich background of Government service, at home and away from home, beginning with the BIA at the reservation level and finally as assistant to Secretary Udall in charge of the Interior Department's Job Corps program. At present he is head of the Indian studies program at Montana State University which has recently conferred on him an honorary doctorate degree.

I ask unanimous consent that Mr. Old Coyote's address be printed in the Extensions of Remarks at the conclusion of my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SELF-DETERMINATION OF THE AMERICAN INDIAN

My purpose today in keynoting this historic conference is to share some ideas and concepts with you, and I might even offer a few suggestions. This is the first time that an administration has attempted to come to grips in this fashion toward exploring with Indian leaders what needs to be done with a long-standing problem—the problem of formulating policy of the government toward the American Indian. Formulating policy that will be at once responsive to the needs of the American Indian and still be consistent with the overall policy of the United States.

The theme of your conference is "self-determination" . . . or more to the point . . . "Indian self-determination".

The President, in his historic message of July 8, 1970, talked about this very thing, and many interpretations of that message have been made since. Just what did the President and the administration mean? What does self-determination mean? The word "self" is self-explanatory; in this sense it means that the Indian will do this himself, rather than having it done for him. But the word "determination" has many meanings and interpretations. If I were to speak for the Indian, I believe that he construed self-determination to mean that he would now, at long last, have the opportunity to determine his own future and destiny. This suggests that he prefers to use that particular definition of the word which is "to fix conclusively and authoritatively" and to decide what his future and destiny will be. This eliminates for the Indian that interpretation of the word that suggests determination as "to bring to a close or to terminate". Additionally, I do not believe that the American Indian believed for a moment that "self-determination" in itself was a goal or an objective. I believe that he thought of self-determination as a means or a tool to do some of the things that all Indians have aspired to since the early years of the reservation system and the early beginnings of a federal government relationship with the American Indian.

It seems to me that the message of President Nixon did two things for the American Indian. First, it suggested that the Indian would now decide for himself his own destiny, in effect make decisions for himself, but more importantly that this led to the second point, his relationship with the government. Putting the two together, he saw self-determination as a means of guiding this partnership relationship with the United States Government and to continue and further that relationship at his own choosing.

This is a relationship that he cherishes, with no intent of severing it unless it is on his own terms, his own time-table, and in a fashion that is responsive to his own desires. This is why there has been a concern over whether or not self-determination is a step toward self-termination. So it is that we can characterize self-determination to mean that the Indian will now have the opportunity to guide his own future, more particularly in the area of relating to the United States Government, and how that government will relate to him and work with him in the partnership concept that has now become a byword. This is the concept that has been acclaimed and welcomed by the Indian leaders of this country. At the same time, they have become concerned that self-determination might well be another promise that is destined for that wastecan that can be labeled "broken promises to the Indian". They have become concerned because there has not been any evidence of the consultation that was promised or of the partnership approach that was suggested.

At this conference the Indian leadership wants to hear what the administration meant when it expounded on the principles of self-determination, consultation and partnership. Further, I would say that the Indian leadership no longer wants to hear about these things that they feel have been promised them in one way or another. I hope that I am not too far off the truth when I relate that what the Indian now wants is a demonstration of the principles that have been articulated by the administration.

They want no more rhetoric, they want no more promises, they want no more philosophizing . . . they want action, they want concrete programs, but more importantly, they want a demonstration of good faith that they are going to participate in the process of making decisions involving or affecting them and to do this through the Indian community's own elected leadership. They want to do this in a fashion that recognizes the basic responsibility of the United States Government to the American Indian.

Bill Youpee, a tribal chairman, in his own historic address of February 18, 1970, at Billings, Montana, said that the responsibility of the United States Government is a historic and traditional one dating back to the Constitution and reaffirmed time and again since by the United States. Chairman Youpee reminded all of us at that conference that the responsibility of the government was a shared responsibility. That it was a responsibility shared only with a particular group of people, the elected tribal leaders of federally-established reservations, pueblos and other Indian communities.

His message was clear. He did not minimize the needs and plight of the non-reservation Indian, nor did he encourage the federal government to ignore the non-reservation or urban Indian. What he did say was that for too long, the federal government had established priorities without regard for the feelings and desires of those people for whom this special relationship of the government and the Indian was established . . . the reservation Indian and more particularly his own elected leadership. This is one reason why this conference is historic, although somewhat overdue. It brings together the two communities that have one thing in common . . . that of having the Indian leaders, who have the primary responsibility for the reservations and the leaders of a government that has as its primary responsibility the same reservation Indian situation that these leaders represent.

It is the hope of the elected American leaders that the priorities of the government will now be returned to where they belong through this process. That is to return priority in policy, in programs, and priorities of effort and attention of the government to the reservation situations.

In essence, we are hearing that all of us need to refocus and realign our thinking to where it belongs. . . . to the reservation and its people. We will be hearing that it is the federally established reesrvations and communities that justify federal programs for the American Indian, and this is as it should be. It follows that if there is to be consultation between the government and the Indian, then it should be between government and those Indians that have an undeniable responsibility to represent that community. . . . the elected tribal officials. So we are making progress. We are seeing history being made, because we are seeing the government sitting down with the elected tribal leadership and exploring what self-determination is, what it means and what we can do with it. . . . and to do this is in a partnership approach. It is not the government telling us what it is going to do with Indian policy, in program planning and establishing program priorities.

We are seeing reservation leaders come forth with positive approaches to what they feel needs to be done, and how it should be done. They are not saying that there was not progress before, nor are they saying that everything that was done before is bad. They are saying that what has been done and how it was done can be improved and that we can now make a quantum jump in the direction of revitalizing the government's relationship with the Indian. They are not saying only Indians should be involved in Indian affairs. This is the significance of this meeting. Self-determination is going to be given substance here. It is going to have a function. We will probably find that self-determination is the tool that we need to make things happen without the interminable waiting that used to be the fashion of Indian affairs.

As the government works more closely with the elected tribal officials, they are going to learn one thing in particular. They are going to learn that these tribal officials are sensitive, responsive and resourceful people—not the slow-thinking, unresponsive rubber stamps who are content to sit on the status quo as we have heard so often. But enough of that.

What can we do with self-determination? I don't have all the answers, and perhaps none at all. But it seems to me that when the Vice President of the United States is here to pick up where he left off personally at Albuquerque in October, 1969. . . . that we can now begin to do some of the things that Indians and Indian leaders have talked about since. Let me mention a few. First of all, let us erase once and for all the cloud of termination over everything that we do. As we address ourselves to the task of self-determination and a partnership with the government, let us take on the task, together, of eliminating and expunging House Concurrent Resolution 108 from the nation's records in order that what we do hereafter will not be clouded with the threat of termination. This will give substance and meaning to the administration's expression that it is not pro-termination, and this fear will be removed from the minds of the Indian people and they can positively chart new courses for the future without the fear of such action leading to termination.

Self-determination in itself is also not a one-step process within the context that we are using it here. It means that we are going to determine what needs to be done, but it also means that we need to follow-through on these decisions, and together with the government, see that these things come true in order that self-determination becomes an accomplished fact. Let me mention a few other things that we might put our minds to at this conference.

I think that one of the things that Indians have aspired to for a long time is to reclaim lands that they have lost, through whatever process. They want to protect the lands they now have, because this is little enough and they recognize that they are not ever going to have enough land and land-related resources to meet all their needs. Because of this, they want to reclaim lands for their people and for their homelands, much in the same fashion that Blue Lake was reclaimed for the Taos Pueblo. This is why the Indians applaud the administration for the help that it gave the Taos people. They want to regain the controls over these lands and controls they have lost over the lives of the people.

We hear expressions that Indians are losing control over their lands, non-Indians do not respect their ordinances nor their rules and through the leasing of lands, they no longer control the activity or control the destiny of their people on their own lands and on their own reservations. We should now give consideration to the idea that the administration, from President Nixon on down and all the agencies, *now stand in the corner of the American Indian.*

That the government will be the advocate and the partner to the Indian in his effort to reclaim lands he has lost and regaining controls that the Indian has lost over his lands and the lives of its people. When this is done, then we as Indian people can go to any agency of the government and gain their support to reclaim our lands and regain controls that we have lost without the compromise of principles and conflict of interests that we now face. This is important as we talk about the Legal Trust Authority and other legislative proposals of the President.

Many people felt that the President's message of July 8 fell short on this point. That particular point of the administration being in the Indian's corner to reclaim his land and regain his lost controls should now be made crystal clear, to the Indian people, but more particularly to all agencies of the government and to the Congress.

Water Rights, Fish and Game Issues, Mineral Rights, Taxation of Indian Lands and Income, and the Alaska Land Claims are prime examples of what the White House can do for Indians in the direction of regaining Indian lands and land-related resources, as well as regaining and protecting our controls over lands and the lives of our people. In this connection, we should also be thinking about the government giving equal consideration to the tribes as the government moves in the direction of revenue sharing. This because we already know from experience that local and state programs did not respond to Indian needs as we have seen through the federal programs of 1964 and since.

I want to say something more about self-determination, partnership with the government and more particularly as these apply to the principle of consultation with the Indian community by the United States Government. Why not have a national Council of Elected Reservation Officials at the highest level of government? This would serve in a manner similar to the National Council of Economics Advisors and the National Security Council, which is chaired by the Vice President, but not necessarily as a cabinet or administrative type of function.

This would do two things. It would provide consultation and advise at the highest level of government and give substance to the consultation, self-determination, and partnership concepts that we have been hearing about. It would build in controls for self-determination and for consultation and assure that these are done. It would provide a follow-up and review capability that the government does not now have. It would provide a mechanism to measure the effectiveness of programs and priorities by the same people that are on the receiving end of the government's efforts, the elected reservation tribal officials. This would recognize in no uncertain terms the primary responsibility of the United States to the Indian . . . the reservation situations.

At the Billings meeting of Reservation Council Chairmen a resolution was passed to organize a national organization of elected reservation tribal leaders primarily to provide consultation and input to the government. Why couldn't the administration now take this cue and appoint reservation chairmen to a national council, without requiring them to abdicate their responsibilities as tribal chairmen, and employ them in a fashion similar to other commissions and other offices of the Executive White House. In this way, the Washington community would have real Indian representation to consult in connection with federal programs and Indians.

While we are talking about some things that we might do in partnership with the government, let me mention another thing. To help the economic development of the tribes and reservations, why not put our minds to the idea of extending the principle of the "Buy Indian Act of 1910" to all agencies of government. Then a tribe or a combination of tribes could negotiate for the building of portions of an Inter-state Highway through the Department of Transportation and other like approaches. The OMBE has extended this principle to many agencies for minority enterprises, so why not extend a statutory principle that applies to Indians beyond the Bureau of Indian Affairs to all segments of the federal government.

For too long, we as a government have tried to apply broad and general situations to the reservation Indian, thence to the broad Indian population. For example, it is fine for the poor people of this country to fight City Hall and the power structure through the Community Action programs and Legal Aid. This is necessary to gain needed services.

In the Indian community, however, the tribal councils do not control welfare, the school systems that the poor people need, nor any of the services, so it is difficult to understand why we pit Indian against Indian in these situations, simply because it is the fashion and style to fight the system. Rather, we should be thinking about how to we can bring our too few numbers together in a common effort, and to include our Indian youth in the process. So, it is that self-determination for the Indian promises the only real tool for alleviating those condition that we have often noted in decrying the deprivation of reservation situations and what a government can do for the Indian.

Through self-determination, through the understanding of the government and through a partnership approach with the government, we can now begin the formidable task of changing the direction of Indian affairs in this country. We need to realign our thinking before we realign our efforts and our mechanisms. We, as Indian people, need to be mindful of the trends and tendencies of this country if we are to remain a viable part of the American community. The government needs to recognize our uniqueness and the principles that led to the special relationship between the government and the American Indian. The government needs to return priorities and consultations to where they belong. . . . to the federally established reservations and communities.

We can establish a national executive council of reservation Indian leaders that recognizes the government's primary reason for a special relationship with the Indian people. We can put this council at the highest level of government to assure that self-determination and consultation between government and the Indian becomes a reality.

Through this conference at Kansas City, history can be made in the affairs of government with the Indian. Our task, therefore, is to make this relationship a living history. Through self-determination and a partnership with the government, we can turn over to succeeding generations of Indian leaders a new relationship, a new philosophy and a new direction. This is the opportunity and challenge of self-determination. President Nixon's message of July 8 can become a fact—a fact to make Indian situations better, but it can only be done by pulling together as Indians and working in partnership with the government. This is the task before you, and it can and will be done—and we can begin here and now.

THE AMERICAN INDIAN IS REVIVING HIS SPIRIT

HON. ARTHUR A. LINK

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. LINK. Mr. Speaker, Mary Yellowhammer is an American Indian. She is one of about 60 Indian students from North Dakota's four reservations who is participating in a career opportunities program offered by the U.S. Office of Education. The program is designed to prepare Mary and her colleagues for teacher certification or college diplomas.

Mary gave an address to the Future Indian Teachers Convention at Mary College, Bismarck, N. Dak., held on February 18 and 19, 1971. Her comments indicate that the American Indian is reviving his spirit, viewing his heritage with pride, and looking forward with determination to the challenges and responsibilities ahead. I wish to share her remarks with my colleagues in the House:

Speech by Mary Yellowhammer

I am an American Indian. I am very proud and happy of my heritage.

Viewing from the eyes of my "life's estimation," we have been approached as a defeated people too long, "Killed in Our Spirits." Another word *akin* to that word is Apathy which prevails among our Reservations. Now and then an Indian Spirit is revived and he makes good in name, in money, and is accepted. Too often they become like white men and much of our Indian values are lost and we keep on living a lethargic, hungry, and forgotten life.

After attending these "Ominieyes," (Sioux word for "Council Meeting") I have caught a few glimpses of what may be in store for us as spoken by dedicated Indian men as a cause; some white men are also very sincere.

My friends who are in this program from the Grass Roots level, let us now be reawakened and rededicate our lives, to listen and speak often to the "Great Spirit," for guidance and self-direction that we may walk this profession whereby we are called to walk.

To attain this profession we *chose,* we must walk a narrow and hard walk called Perseverance, Patience, everyday tests of life, open rebuke, evaluations or criticisms, self control, discipline, and sacrifice. Let us be prepared in our hearts for this walk and aim to grow *strongly* and *brave* in our character and bring honor to our communities.

We are again rising up in spirit, mind, and body in this great land of ours known only as "defeat," but glowing before us now with opportunity.

Let us today accept these challenges and responsibilities with an open mind and heart and overcome this *Hurdle of Apathy.*

Let us give our children a chance that they in the future may reap this harvest of *values* that was almost lost.

With a banner of Good Faith let us be sensitive to right from wrong and treat all fellow men—Black, White, Yellow, and Red—justly. Let us also learn to count our blessings.

WHITNEY M. YOUNG, JR.

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Tuesday, March 16, 1971

Mr. MATHIAS. Mr. President, the sudden death of Whitney M. Young, Jr., last week deprived the Nation of one of its most effective and influential voices for justice and peaceful progress. It is a loss we can ill afford.

The outlines of Whitney M. Young's impressive career are well known. From his beginnings in social work to his leadership of the National Urban League, he dedicated his life to the cause of improving race relations and securing truly equal opportunities for black Americans. His steadfast commitment to moderation and to nonviolence never wavered despite the turbulence and pressures of the past decade, and he earned countless honors and national esteem as one of the truly constructive forces in our changing society.

Although this silhouette of his achievements is clear, no single person may ever learn the full breadth and depth of his accomplishments. Much of his most impressive work was done quietly, in the small meetings and closed conferences in which vital decisions were made and strategies were shaped. Whitney Young did not seek headlines; he sought results.

I am sure that across America, there are many thousands of individuals who owe to Whitney Young their jobs, their opportunities, their insights, and even their faith in the American system of peaceful change. These personal debts can never be recounted, much less repaid. Nor can our national, collective thanks be measured by our eulogies. Rather, we should commit ourselves to pursuing the course which he steered, and building on the foundations which he established so patiently and well.

Mr. President, I wish to extend my deepest sympathies to Mrs. Young and the entire Young family in this sad time.

I ask unanimous consent that an article from today's issue of the Washington Post by Philip Geyelin entitled

"The Loss of Whitney Young" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE LOSS OF WHITNEY YOUNG

(By Philip Geyelin)

Among the black leaders in the struggle for racial equality, some brought religion to the movement, some brought the liberals, some brought labor. Whitney Young, more than any man, brought the business community, the men of money and of the power and the influence that comes with money, and in a certain sense this was the hardest part of it although it was not by any means where his contribution ends. Still, it was the role that made him unique because it made him exposed. A black man had to be suspect who dealt with the Rockefellers and the Fords. So Whitney Young was a controversial figure from his first days as the executive director of the National Urban League. His chosen role within the movement was by the nature of things politically precarious. But if this bothered him, it was not in his nature to show it very often; he was too busy getting things done.

Whitney Young had come to the Nigerian capital for a meeting of the African American Institute, as a member of an American delegation which included many of the black leaders he had worked with most closely over the years. As they huddled together in the numbness of their sorrow, after his death, what they remembered best about brother Whitney was not the arguments they may have had over strategy—one rarely does, of course. What they were saying was that "Whitney was always there when you needed him . . . and that somebody had to do what Whitney did . . and the man could not have done it better . . . and that no man could fill those shoes." And the way they talked and worked together and worried about the future and grabbed for the first signs of leadership by one of their number (the young radical preacher from the Southern Christian Leadership Conference, the Rev. Jesse Jackson) you could not doubt that they meant what they said.

"He was the big man who led the interference around the end," said Baynard Rustin, the veteran from the A. Philip Randolph Institute who had fought the long wars with Young. "And he was also a man you could sing and drink and bull with." So Rustin only spoke briefly at the memorial service in the sweltering Christ Church Cathedral in Lagos on Saturday and then he sang "Death ain't nothing but a robber . . ."

Jesse Jackson led the final prayer and he called him "a father figure in the civil rights movement." To the former Attorney General Ramsey Clark, he was "a giant laughing man" and quoting Sandburg on the one hundred and fiftieth anniversary of Lincoln's birth, he spoke of the "paradox of terrible storm and peace, unspeakable and perfect."

He was the man who cooled things, was what they were saying, who brought every kind of people, rich and poor, together because he could talk to all of them. And yet, to suggest that his death is somehow a setback to the forces of moderation—as the Vice President did—is to miss the point. There was nothing moderate about Whitney Young's devotion to the cause of humanity and to the redressing of the grievances of his race. "He had an impatient patience" is the way one of his American colleagues described him. "He had a tremendously sublimated anger and he turned it into creative acts." His achievements were very practical ones; they can be measured in the work of the Urban League over the years, in its great effort to improve the lot of the black men who had poured into the Northern ghettos from the South. It can perhaps be best illustrated by the street academies in the ghettos which were his special creation—places where young blacks could gather and study and learn and receive counsel because they could do none of these things in overcrowded homes.

Practical solutions born of a profound compassion for people, a restless, driving energy, unending good humor and a love of living—these were his great strength. Because he was a sociologist before he was a national and international figure in the struggle for human rights, he knew what the problems were in an academic, theoretical way. And he knew them first hand as well; not the least of his contributions was what he did to bring the Urban League itself more actively into the political rough and tumble of the ghettos—into the places where the problems are. That was the key to it: he knew the problems and he knew the right people and if this led some of his black brothers to fault his lack of militancy or his close associations with the rich and powerful, it led none of them to fault him for himself, for none could withstand the warmth and wit and wisdom of the man.

His wisdom lay in his acceptance of the realities of what it would take to make his country move. He knew the value of dedication and hard work and rhetoric and organization and all the rest. He felt deep down the rightness of the cause. But he also knew where the levers of power were and how they worked. "Say something that I can go back and scare America with" he told Africans at the meeting here. "What's going to happen—that's the only basis on which America is going to move." He didn't mean it quite the way it sounded, because he didn't believe in fear. "My father said to me you only hate that which you fear and I don't want you to fear a living soul," he also told his colleagues at another point. What he did believe was that America would only act effectively to increase aid to Africa out of an acute self interest in its own security because that was the way it had always been with foreign aid, and he wanted the Africans to tell what would be the consequences if the United States did not do more for the developing nations and the black people on this continent.

Not fearing and not hating, he dealt with the corporate executives and counselled with Presidents; he consorted, in other words, with men who were looked upon by others in the movement with unrelieved hostility. And the fact is that many who were critical of this approach would be the first to admit that in the practical terms that matter he was right—that the movement had to have such an ambassador.

Jesse Jackson said as much in his booming eulogy. Recalling a time when it appeared that Whitney Young might become a member of the Nixon Cabinet, Jackson said he sent him a telegram urging him to accept. "I felt it didn't matter what you thought of the man," Jackson declared. "I felt that I didn't want twenty million or thirty million Americans disconnected from the man who is making decisions about them every week." Jackson said that later he asked Young why he hadn't taken the job and that "Whitney bowed his head in the dilemma that the black man is trapped in and replied that he wanted the job and that he thought he could have done the job but that he thought the brothers would not have understood."

And so he worked on with that patient impatience to the end. "We have to talk to people who are hungry *tonight*," he said at another point while he was in Lagos. "The rats are biting the kids *tonight*."

He relished every part of it. "This is great," he is said to have shouted in the surf of a Nigerian beach just before he died and he would have said the same thing about his life's work. He was in Nigeria for a conference of Africans and Americans dedicated to the causes of black men on two continents, and it will be said many times over that there was something appropriate about the fact that he should have died on an African beach while actively and exuberantly engaged in such an enterprise. Perhaps so. But the grief of all the black brothers of many nations who were working with him when he died, and of other men, white as well as black in this country and abroad, is a measure of how little consolation there is in this for his loss.

FREEDOMS FOUNDATION AWARD ESSAY

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 16, 1971

Mr. TALMADGE. Mr. President, there recently came to my attention an essay written for the Freedoms Foundation at Valley Forge by Jon L. Anderson, lieutenant junior grade, U.S. Naval Reserve, that I found especially thoughtful and inspiring.

Lieutenant Anderson, a resident of Atlanta, Ga., was honored at a luncheon here and his essay accorded an award by the Freedoms Foundation. He is to be commended for his insight and perception of the qualities of American life and government that have made our Nation great, and I ask unanimous consent that this essay be printed in the Extensions of Remarks of the Record, at the conclusion of my remarks.

There being no objection, the essay was ordered to be printed in the Record, as follows:

Atlanta, Ga., *October 9, 1970.*

Gentlemen: In the laws of physical science, each action has an equal and opposite reaction. Likewise, in the laws of political science, each privilege has an equal and corresponding obligation. This makes freedom both a privilege and an obligation. The luxury of freedom cannot be enjoyed without the responsibility.

The United States has long been the beacon of freedom to the world. The sight of the Stars and Stripes flying in some foreign country will immediately bring to mind the freedom of America. Our favorite songs sing about "the land of the free." Our election process, the latitude allowed our newspapers and magazines and the rights given our criminally accused persons, privileges which many Americans take almost for granted, are still merely dreams in many parts of the world. Yet our freedoms are as old as our nation. They were insured by our Founding Fathers in the Constitution and Bill of Rights. These men knew that such privileges would make this country both strong and unique. They also understood that attached to each of these privileges was the obligation to use it wisely and prudently. Privileges exercised without responsibility are no longer paths for the common good, but roads to chaos and anarchy.

And yet this very day, nearly 200 years after the birth of this nation, there are still those who do not understand the responsibility required of an American citizen. Our cities have been shaken by those who would abuse the privileges of freedom. Like a cancer, dark and stealthy, they slip from place to place, leaving behind the ruins of their presence. To be sure, they are for some of the privileges of freedom, for those privileges are the very things that enable them to move about and conduct their sordid business. And the words freedom, privilege and rights speckle their speeches and writings like pepper. To advocate a cause or belief is a privilege of the free, and indeed a noble undertaking, but to incite riots and destroy another's property and then hide behind the cover of freedom is a ploy, a shameful abuse of our great system.

One of the reasons the United States grew to become the power it is today was because it did not automatically reject all new ideas. It welcomed discussion and change, and even provided for these changes in its governmental structure. Today there are still laws, institutions and prejudices that need to be changed, and our legislatures and councils are still debating new ideas. But there is nothing, nothing that needs changing so badly that a city must be burned, its buildings blasted, its shops and stores looted and some of its citizens killed. Americans are dying in distant places to protect and preserve the freedoms of this country, and it is a sad commentary for them to see how we abuse the freedom they are protecting.

But these rioters and rabble rousers will never bring America to her knees. Troublesome they may be, supreme they are not. For in the makeup of America lies an innate sense of responsibility. The obligation of freedom will be recognized. In our schools and churches, in civic organizations and patriotic units, and in the state and national governments, the obligations of freedom are still discussed and taught. And this teaching regenerates the essence of freedom, for in teaching we define and explain the reason and beauty of our freedom, while simultaneously instilling a sense of pride and responsibility in protecting its heritage. Thus our children learn that the privilege of swinging your fist in the air includes the obligation to stop short of some other fellow's nose, and this knowledge will keep them free.

Sincerely yours,

JON LEE ANDERSEN.

CATEGORICAL GRANTS-IN-AID PRODUCE SERIOUS PROBLEMS

HON. DONALD D. CLANCY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. CLANCY. Mr. Speaker, the system of category grants-in-aid, without question, has produced a serious problem to State and local governments. The vast number of these narrow programs are poorly coordinated and, more often than not, are in conflict.

These highly restricted forms of Federal assistance have fragmented local initiative and made it difficult for cities to frame a communitywide development strategy. In our passion to meet national problems, we have overcentralized decisionmaking and eroded the authority and responsibility of State and local elected officials.

Lengthy Federal reviews and the imposition of Federal categorical requirements have excessively delayed renewal activities and too often distorted local priorities.

The President—and I heartily concur—proposes that States and localities be allowed the freedom to solve problems in their own way. Special revenue sharing is designed precisely for this purpose.

All of the activities which are eligible for support under present urban development categorical grants would be eligible for support from the new special revenue sharing fund which would take their place. Decisions on the choice of activity to pursue and what proportion of available funds to be channeled into the activity will be made locally. Racial discrimination would be prohibited and the rights of all persons to equitable treatment would be protected.

While many are quick to criticize this administration for proposing a utopian dream, I for one urge your careful consideration of this proposal and ask you to join me in support of this long-needed corrective action to our present system.

HOUSE AND SENATE SHOULD NOT LET THEIR POWER BE ABUSED BY UNJUSTIFIED EXECUTIVE ACTION

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. HUNGATE. Mr. Speaker, I am today introducing a resolution on a matter of extreme importance to the relationship between the legislative and executive branches of our Government. An identical resolution was introduced in the Senate on February 25, 1971.

In the last session of the 91st Congress, construction of public works projects throughout the country was authorized by the Congress for the welfare of the communities affected thereby. Appropriations for these projects have been passed by the Congress after full consideration by the Appropriations Committees of the House and Senate, and then signed by the President.

Prior to the formulation of the fiscal year 1972 budget, the President placed in budgetary reserve funds designated for public works projects in more than 35 States. He included construction projects previously funded but not initiated, projects recommended in the budget as new starts, and all congressional add-ons for planning and construction.

When the President places in budgetary freeze funds already authorized and appropriated by the Congress, it is the distinct responsibility of Congress to speak out immediately when it appears the administration is using an improper sense of priorities in trying this means of alleviating economic pressures.

By signing the public works appropriations bills, and then placing certain funds in budgetary reserve, the President is exercising a change power that only he can do; a partial temporary veto. As far as I am aware there is no constitutional basis for such action.

In my own congressional district in Missouri there are several projects that have been delayed by this Presidential freeze. Mississippi Agricultural Area No. 8—Elsberry Drainage District—is presently a year behind schedule and will not be able to initiate planning until fiscal year 1972 because of the funds now held in budgetary reserve. The Little Chariton River Basin, which now has $350,000 in budgetary reserve and was not even included in the President's budget for fiscal year 1972, may be held until after fiscal year 1972, putting it far behind the schedule originally contemplated by Congress. Union Reservoir with $300,000 now in budgetary reserve was scheduled for completion during fiscal year 1977. This completion date, along with many others, will have to be changed.

Mr. Speaker, the ultimate victim in the game of budgetary impounding is the taxpayer. Once a project has been approved by the Congress and signed into law by the President, it is nearly certain it will be completed. Such delays caused by the President do not bring relief to the taxpayers, but increase his burden as the expense of construction continues to rise each year the project is delayed. These funds should be spent and the projects completed with as much conformity as possible to the schedules set by the Congress. It is bad economy to hold up these projects when we know that they will be built anyway, eventually.

This, Mr. Speaker, is why I question the reasoning used by the President in freezing these funds.

In a few short weeks the snows will melt, spring floods will come bringing the disaster and erosion caused by lack of funds and uncompleted projects, that would have been saved if proper action were taken to ward off erosion and flooding.

High Government officials will soon take to the air to lament and deplore the ravaged countryside.

These protestations will seem more sincere if these same officials can promptly make available the funds necessary for flood prevention projects.

Pending full resolution of all of the constitutional issues involved, I feel that it is the responsibility of the House to stand along with the Senate in support of its legislative power and not let this power be abused by unjustified executive action.

My resolution reads as follows:

Resolved, That it is the sense of the House of Representatives that (1) the President of the United States should provide for the immediate release of funds which were appropriated by Congress for public works under the Public Works for Water, Pollution Control, and Power Development and Atomic Energy Commission Appropriation Act, 1971, and which were placed in budgetary reserve for fiscal, economic and related budgetary reasons at his direction, and (2) construction of such public works, excepting those being reconsidered or delayed for environmental reasons, should proceed according to the schedules set and funds appropriated by the Congress in the exercise of its proper legislative function.

I respectfully request my colleagues' support of this resolution to release funds we have already approved for these urgently needed public works projects.

I include a list of Corps of Engineers civil works funds for fiscal year 1971 now held in budgetary reserve to be printed in the RECORD:

CORPS OF ENGINEERS—CIVIL WORKS, FUNDS IN BUDGETARY RESERVE, FISCAL YEAR 1971

State and project	Amount in reserve
Alabama:	
(FC) Montgomery	[1]$50,000
Alaska:	
(N) Kake Harbor	[1]50,000
(N) King Cove Harbor	[2]100,000
Arizona:	
(FC) Gila River and tributaries downstream from Painted Rock Dam	[2]500,000
Arkansas:	
(FC) Little Rock levee	[2]260,000
(FC) Red River levees and bank stabilization below Denison Dam, Ark., La., and Tex	[2]200,000
California:	
(FC) Buchanan Lake	[2]700,000
(FC) Chester Feather River	[1]50,000
(FC) Cucamonga Creek	[2]190,000
(FC) Hidden Lake	[1]1,050,000
(FC) Lower San Joaquin River	[2]720,000
(FC) Lytle and Warm Creeks	[2]1,000,000
(N) Monterey Harbor	[2]150,000
(N) Oakland Harbor	[3]2,820,000
(N) San Diego Harbor	[1]30,000
(N) Santa Paula Creek	[2]150,000
(FC) Tahquitz Creek	[2]150,000
Colorado:	
(FC) Bear Creek (Mount Carbon) Dam and Lake	[3]390,000
(FC) Boulder	[1]50,000
Connecticut:	
(FC) Park River	[1]$100,000
Florida:	
(FC) Central and Southern Florida	[2]200,000
(N) Cross-Florida Barge Canal	[2]350,000
(N) Gulf Intracoastal Waterway, St. Marks to Tampa Bay (ecological study)	[1]180,000
(N) Miami Harbor	[1]60,000
Georgia:	
(MP) Spewrell Bluff Dam	[3]500,000
(MP) Trotters Shoals Lake, Ga. and S.C	[3]300,000
Hawaii:	
(N) Heeia-Kea Harbor	[1]49,000
(N) Kawaihae Harbor	[2]1,102,000
(BE) Waikiki Beach	[2]200,000
Idaho:	
(FC) Stuart Gulch Dam	[1]75,000
Illinois:	
(FC) Levee District 23 (Dively), Kaskaskia River	[2]60,000
(FC) Lincoln Lake	[2]100,000
(N) Lock and Dam 26, Alton, Ill. and Mo	[1]351,000
(N) Mississippi River between Ohio and Mississippi Rivers, Ill. and Mo.: Regulating works	[2]1,000,000
(N) Mound City Lock and Dam, Ill. and Ky	[2]100,000
Indiana:	
(FC) Big Pine Dam and Lake	[3]50,000
(FC) Clifty Creek Dam and Lake	[3]50,000
(FC) Greenfield Bayou Levee	[1]50,000
(FC) Lafayette Lake	[2]100,000
Iowa:	
(FC) Ames Lake	[2]100,000
(FC) Big Sioux River at Sioux City, Iowa and S. Dak	[1]70,000
(N) Missouri River, Sioux City to mouth, Iowa, Kans., Mo., and Nebr	[1]400,000
(FC) Waterloo	[2]100,000
Kansas:	
(FC) Cedar Point Lake	[1]25,000
(FC) Dodge City	[2]350,000
(FC) El Dorado Lake	[3]300,000
(FC) Grove Lake	[1]150,000
Kentucky:	
(FC) Martin	[2]150,000
(FC) Martins Fork Lake	[2]100,000
(FC) Painsville Lake	[2]330,000
(FC) Taylorsville Lake	[2]150,000
Louisiana:	
(FC) Bayou Bodcau and tributaries	[2]50,000
(FC) Lake Pontchartrain and vicinity	[2]3,000,000
(N) Mermentau River (Lake Arthur bridge)	[2]835,000
(N) Michoud Canal	[2]50,000
(FC) Monroe floodwall	[2]30,000
(FC) New Orleans to Venice hurricane protection	[2]574,000
(FC) Ouachita River Levees	[2]80,000
(N) Red River Waterway, La., Ark., Okla., and Tex. (Mississippi River to Shreveport only)	[1]600,000
Massachusetts:	
(N) Fall River Harbor, Mass., and R.I	[2]25,000
(FC) Saxonville	[1]39,000
Michigan:	
(N) Lexington Harbor	[1]15,000
Minnesota:	
(FC) Roseau River	[2]100,000
(FC) Zumbro River	[2]50,000
Mississippi:	
(FC) Tallahala Creek Dam and Lake	[1]60,000
Missouri:	
(FC) Brookfield Lake	[1]59,000
(FC) Chariton-Little Chariton Basins	[2]350,000
(FC) Dry Fork and East Fork Lakes (fishing river) (restudy)	50,000
(MP) Harry S Truman Reservoir (formerly Kaysinger Bluff Reservoir)	[2]100,000
(FC) Little Blue River Lakes	[2]$1,220,000
(FC) Mercer Lake	[1]140,000
(FC) Mississippi River Agricultural Area No. 8 (Elsberry drainage district)	[1]120,000
(FC) Pattonsburg Lake (town relocation only)	[1]50,000
(FC) Union Lake (advance participation, highway bridge)	[2]300,000
Montana:	
(MP) Libby Dam and Lake	[2]650,000
Nebraska:	
(FC) Papillion Creek and Tributaries	[3]1,310,000
New Mexico:	
(FC) Albuquerque diversion channels	[2]250,000
New York:	
(N) Cattaraugus Harbor	[1]30,000
(BE) Fire Island Inlet to Jones Inlet	[2]50,000
(N) Irondequoit Bay	[2]170,000
(N) Oak Orchard Harbor	[2]150,000
(FC) Yonkers	[1]55,000
North Carolina:	
(FC) Howards Mill Dam and Lake	[1]90,000
(FC) Randleman Dam and Lake	[1]78,000
North Dakota:	
(FC) Minot	[2]100,000
(FC) Pipestream Lake	[3]450,000
Ohio:	
(FC) Alum Creek Lake	[2]620,000
(FC) Chillicothe	[1]75,000
(FC) East Lake Chagrin River	[1]60,000
(FC) Salt Creek Lake	300,000
Oklahoma:	
(FC) Birch Lake	[2]$400,000
(FC) Copan Lake	[2]500,000
(FC) Lukfata Lake	[2]450,000
Pennsylvania:	
(FC) DuBois	[2]100,000
(MP) Tocks Island Lake, Pa., N.J., and N.Y	[2]3,600,000
Tennessee:	
(MP) J. Percy Priest Dam and Reservoir (Nashville Davidson County bridge)	[2]839,000
Texas:	
(FC) Aquilla Dam and Lake	[1]90,000
(FC) Arkansas-Red River chloride control (supplemental studies), Tex., Okla., and Kans	[1]410,000
(FC) Aubrey Lake	[1]115,000
(FC) Big Pine Lake	[1]35,000
(FC) Cooper Lake and channels	[3]300,000
(N) Corpus Christi ship channel	[2]250,000
(N) Gulf Intracoastal Waterway, New Orleans to Houston, 16-foot channel, La. and Tex. (Corpus Christi cutoff only)	[2]200,000
(N) Mouth of Colorado River	[1]95,000
(FC) San Gabriel River tributary to Brazos River	[2]800,000
Utah:	
(FC) Little Dell Dam and Lake	[1]91,000
Virginia:	
(FC) Four Mile Run	[1]170,000
Washington:	
(MP) Little Goose Lock and Dam (additional units)	[1]130,000
(FC) Vancouver Lake	[1]85,000
(FC) Wynoochee River Dam and Lake	[2]1,900,000
West Virginia:	
(FC) Burnsville Lake	[1]120,000
(FC) Leading Creek Lake	[1]150,000
(FC) Rowlesburg Lake	[3]150,000
(FC) Stonewall Jackson Lake	[2]150,000
Subtotal	39,277,000
Miscellaneous:	
(N) Small navigation projects not requiring specific legislation costing up to $1,000,000 (sec. 107)	90,000
(FC) Small projects for flood control and related purposes not requiring specific legislation (sec. 205)	750,000
(FC) Recreation facilities, completed projects	1,000,000
Total construction, general	41,117,000
Flood control, Mississippi River and tributaries:	
Atchafalaya Basin	1,750,000
Cache River	100,000
Channel improvement	732,000
St. Francis Basin	1,150,000
West Kentucky tributaries	100,000
Yazoo Basin:	
Greenwood	200,000
Upper auxiliary channel	200,000
Yazoo backwater (Muddy Bayou)	100,000
Total Mississippi River and tributaries	4,332,000
General investigations:	
Gavins Point Dam and Lewis and Clark Lake, Nebr. and S. Dak. (relocation of Niobrara, Nebr.)	200,000
Grand total	45,649,000

Footnotes at end of table.

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[1] Planning.
[2] Construction.
[3] Land acquisition.

For reference see page 3942, Congressional Record 2-25-71.

A COLLEGE STUDENT'S VIEW OF CIVIL DISOBEDIENCE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. WALDIE. Mr. Speaker, a constituent of mine, Mr. W. T. Teuton, of Orinda, Calif., recently sent me a copy of his son's term paper prepared for a freshman course at St. Mary's College. The paper presents an excellent insight of civil disobedience from a college student's perspective and exhibits understanding achieved through thorough research.

Mr. Speaker, I should like Mr. Teuton's paper, "Civil Disobedience: An Electoral Responsibility" inserted in the CONGRESSIONAL RECORD for the benefit of all the Members of Congress.

The paper follows:

CIVIL DISOBEDIENCE: AN ELECTORAL RESPONSIBILITY

At first glance, the term civil disobedience appears to be self defining. But upon more intimate investigation we find ourselves in fields afar from the original pasture. As Francis Bacon would have put it, it is the relationship between the hand and the mind:

"Neither the naked hand nor the understanding left to itself can effect much change. It is by instruments and helps that the work is done, which as much wanted for the understanding as for the hand. And as the instruments of the hand either give motion or guide it, so the instruments of the mind supply either suggestions for the understanding or cautions." [1]

To reach a thorough understanding of civil disobedience we have to lift the curtain barring it from other forms of human reasoning. To accomplish this we have to examine the commonplace terminology of the day: democracy, morality, legality, liberty, patriotism, and idealism. All of these terms instill in the mind loosely defined concepts and prejudices.

To the casual and most often indifferent reader, civil disobedience is a "foreign importation" into the United States, and most probably inspired by communists. However, this only applies to youthful dissidents on the college campuses and to draft evaders. Civil disobedience is not confined to the rally-protest movement, but stretches to the white and blue collar workers of the suburbs. The use of strikes, especially when in violation of specific court orders, is an equal act of disobedience of civil law. We see strikes today justifiable by auto workers, by policemen and teachers, and sympathize with postal workers. Of course, strikes were not always such an esteemable action. The Pullman strike in 1894 became violent after President Cleveland called out the troops to keep the railroads moving.[2] As late as 1937 the viewpoint of educated people condemned strikes as a means to an end.

In that year, a group of seven Bostonians including the President Emeritus of Harvard University sent a letter to the United States Senate stating "armed insurrection—defiance of law and order and duly elected officials—is spreading like wildfire . . ." The armed insurrection to which these noteworthy gentlemen were referring was a sit-down strike at General Motors in Detroit. Of course there were no prosecutions ensuing from the strike because "political and economic powers outweighed legal considerations."[3] Strikes ensuing from the working class have to do with the fulfillment of pragmatic grievances, such

Footnotes at end of article.

as working conditions and salary disputes; student anti-war movements and draft evasions are of a more philosophical nature. The first instance is condoned, the second condemned. There seems to be a relationship between the public acceptance of the protest, either philosophical or pragmatic, and the public conception of the action. From this a deduction could be made concerning the terminology of pragmatic and philosophical. By this it is meant that public acceptance might be due to the nature of the grievance and the ability to remedy it. Pragmatic protest, such as working conditions, are easier to justify and remedy than philosophical protest, such as the morality of war and involuntary servitude; in short, public acceptance is due to the ability to satisfy the grievance.

The biggest obstacle in the path of the individual who has choosen civil disobedience as a political means to an end is the discrepancy between what is legal and what is moral. Is it morally right to disobey an unjust law, since law, no matter what form, is the foundation of civilized society? Or in some instances the question might read: Is it morally right to disobey a just law in order to eradicate an unjust circumstance? The answer to both of these questions is a resounding yes. The conspiracy question which applies to the accomplice of a robbery applies also to the individual conscience. To act against one's conscience because of the law is as immoral as it is illegal for a man to harbor a criminal. "Must the citizen ever for a moment . . . resign his conscience to the legislator? . . . It is not desirable to cultivate a respect for the law so much as for the right." [4] By lending oneself to an unjust law, by complying with that law, is a moral depreciation; and at the same time allows government to view its action as just, do to conformity. The second question appears to be immoral, but if we move from the general to the specific, understanding follows. If a number of serious traffic accidents occur at a certain intersection, and the city fathers zens to bring attention to the situation. There is at this point, no law that they can protest, what they are doing is protesting the lack of law. In order to attract attention, the citizens have to violate a just law, traffic regulations. However, the action was sparked by the highest morality, concern for the safety of others. Another valid protest would be against the welfare system. Justice Douglas has described it as a socialism for the rich and free enterprise for the poor:

"In one year Texas producers, who constitute .02 per cent of the Texas population, received 250 million dollars in subsidies, while the Texas poor, who constitute 28.8 per cent of the population, received 7 million dollars in food assistance." [5]

There is no law to which action-protest (designed to bring attention to the injustice) could be applied. So in order to get attention, protesters must disobey valid laws.

Both of these questions mankind has wrestled with since the conception of reason: What is morality? What is the scope of the law? These are both questions philosophical in nature and without boundaries of discussion. For the purposes of time and convenience, we will define moral as that which is right or just, and law as pertaining to the insurance of justice in social actions. Morality, or that which is right and just, cannot be legislated; however, the appearance of morality can and ought to be legislated. Ideally, the law would buttress morality, but in fact the law not only wavers from pure morality but also deals with purely non-social acts. Morality cannot be accepted as fact. It requires the conscience of the individual, and not the passage of law, to accept a newly revealed principle. "Every recognition of a truth by man, or rather every deliverance from an error is always attained through a conflict between the awakening conscience and the inertia of the old condition." [6]

It is important to remember that an act of civil disobedience is not spontaneous. In his book, *Man v. The State,* Milton Mayer opens with a statement by Lewis F. Powell, Jr., President of the American Bar Association: "An ordered society cannot exist if every man may determine which laws he will obey . . . that only 'just' laws need be obeyed and that every man is free to determine for himself the question of 'justness'." Mr. Powell seems to believe that an individual picks "just" and "unjust" from a hat. It seems evident that the Gandhis and Kings, among the most well known proponents of disobedience, have an equal right to determine justice as the legislator does. An act of civil disobedience cannot be paralleled to a common theft. The first is the obvious distinction that one is a social motive, the other a selfish motive. The second is that much soul searching and premeditation accompanies civil disobedience, where as the thief acts more pragmatically. To Gandhi, civil disobedience was a non-violent action; satyagraha—love force. Non-violence required complete self-purification. Before one can practice non-violence in relation to others, he must achieve spiritual non-violence with himself.[7] Most of the debate in movements of disobedience in the United States is not whether to commit acts of violence, but whether to expose oneself to violence.[8]

So we see that non-violence is the chief tactic of civil disobedience. Non-violence is not an attempt to seize power, but rather to transform the relationships of power.[9] This is not to say that non-violence is the only means of disobedience. Gandhi, the disciple of non-violence, speaks of violence as well:

"(Injustice must be resisted). No doubt the non-violent way is always the best, but where that does not come naturally the violent way is both necessary and honorable. Inaction here is rank cowardice and unmanly." [10]

Martin Luther King brought the theories of non-violence to the United States. In his book, *Stride Toward Freedom,* he speaks of the six components of non-violence, First, the belief in passive resistance was a belief that battles of the mind promoted more justice than battles of the flesh. Second, non-violence is not a tactic to defeat the opponent, but an attempt of reconciliation, an attempt to win his friendship and understanding. Third, the attack is against the forces of evil and not the agents of evil; "The tension . . . is not between white people and Negro people. The tension is . . . between justice and injustice . . . We are out to defeat injustice and not white people who may be unjust." [11] Fourth, a willingness to accept suffering without retaliation. This is an attempt to stir the consciences of other people. Fifth, an avoidance of spiritual as well as physical violence. Not only does he refuse to maim his opponent, he refuses to hate him as well.[12] Sixth, the believer in non-violence, as all people desiring change, has a faith in the future.[13]

Both Gandhi and King had deep convictions concerning morality, and the realm of God. They held, as others before and since, that man is obedient to God first, and to the state second. Furthermore, they believed, as did St. Thomas Aquinas, that "Human law does not bind a man in conscience . . . (and if it conflicts with man's participation in the Eternal Law) human laws should not be obeyed." [14] The writers of the American Declaration of Independence bottomed their cause on "the Laws of Nature and of Nature's God." It was thus recognized that there was a supreme law higher than that of the state.[15] Again, at the Nuremburg trials the Nazi leaders were convicted of crimes against humanity. Their actions were legal by German law, but apparently there was a universal criminal code which transcended the sovereign laws of Germany.[16]

At this point the conflict between morality and legality takes the turn of a conflict between individual liberty and state authority. In democracies, the power to govern is derived from the will of the people. Moreover, it is the will of the majority of the people. Therefore, there are two intrusions on the individual's liberty; first, the possible intrusion by the state, and second, the tyranny of the society itself. In the first case, the individual has the best ability to safeguard his own liberty. In the second place, it is the role of the state to protect a minority from the opinions and feelings of the majority. John Stuart Mill describes the three parts of liberty. First, the liberty of conscience, to think and hold opinions not subject to an external force. Second, the liberty of tastes and pursuits. Third, from the individual liberty described follows the liberty of combination among individuals.[17] In the first case, the state is the most fervent opponent; for the state to be able to function, it requires a general consensus of opinion. In the second case, society, sometimes acting through the state, is the antecedent to liberty. In the South, it was the opinion of whites, acting through the state, which regulated the lives and subsequent aspirations of the majority Negro population. It was the tyranny of social fashion, which until recently, regulated the aspirations of millions of people. In the final case, it is presently the state which is forbidding this liberty in the name of "conspiracy." The first instance, of freedom of conscience and opinion, is carried into action by Mill.

"The same reasons which show that opinion should be free, prove also that he should be allowed, without molestation, to carry his opinion into action at his own cost." [18]

In the book, *Concerning Dissent and Civil Disobedience,* Justice Fortas speaks of the power of the ballot box as an alternative to violence. But in the case of the civil rights movement, and untill recently, the draft resistance, no access was given to the ballot box. And even with the ballot box, we still became involved in a war which the electors had rejected. Howard Zinn, paraphrasing Thoreau, writes:

"Democracy is not just a counting up of votes; it is a counting up of actions. . . . That is why civil disobedience is not just to be tolerated; if we are to have a truly democratic society, it is a necessity." [19]

The present situation in the United States is so tense that it inspired Jon Van Dyke, a professor of law, to write:

"We live in a country so polarized that our political leaders have chosen to put into jail, force into exile, or kill many Americans solely because they disapprove of the way they live or the ideas they have." [20]

Even after the Presidential Commission on the Causes and Prevention of Violence found that the violence at the 1968 Democratic Convention was caused by the police, seven individuals of the New Left were charged and convicted of crossing state lines to incite a riot. There seems to be a conspiracy in the land, not by the dissident groups, but by the federal government. The Mayor of Seattle revealed that his Chief of Police was asked by the Federal Bureau of Investigation, under the supervision of the Justice Department, to conduct a raid on the local headquarters of the Black Panther Party. There have already been raids in Chicago, Omaha, and Los Angeles, with the police insisting that they were "provoked." The Defense Minister of the B.P.P., Huey Newton, speaks of two choices of the oppressed: Reactionary suicide or revolutionary suicide. The first is caused by an adherence to the present system, and the environment it produces; the

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Footnotes at end of article.

second, dying a noble death by violently opposing the established order.[21] Again, Mr. Van Dyke continues:

"This fear is increased when they note that the federal government continues to maintain large internment camps in various parts of the country. They are unable to find any explanation . . . other than that someone in the federal government is contemplating the possibility of someday putting people in them."[22]

Of the more recent court actions, it is worth noting the conspiracy trials. The government has decided to prosecute individuals who "conspire to commit . . ." At this time we will deal briefly with two such trials, the Oakland Seven and the Boston Five.

The Oakland Seven were acquitted of conspiracy to commit misdemeanors. But it is worthwhile noting the manner the case was put together by the state. Under California law, conspiring to commit a misdemeanor is a felony. The misdemeanors to which the conspiracy charge was made were Trespass and Resisting Arrest. The Seven were prosecuted for planning the demonstration on Tuesday, October 17, 1967 (during Stop the War Week) at the Oakland Induction Center. On that day, there were 2,000 demonstrators and 25 arrests. At 7 A.M., the police code 200 was announced over the public address system, presumably an alert to the undercover agents to clear the area. After the order of dispersal, a police wedge began to march down Clay Street, clubbing and macing indiscriminately. On the following Friday, 10,000 demonstrators shut down the center, putting barricades up and acting more like a spontaneous army than demonstrators. There were no conspiracy charges due to lack of evidence. In the case of the Seven, there was numerous testimony by undercover agents, a typical circumstance in "conspiracy" trials. The language of the police is reminiscent of Pentagon jargon, as Emma Rothschild remarks:

"The language of the police witnesses evoked the rhetorical style of the war in Vietnam . . . In Vietnam the Oakland Police are helped in their pacification endeavors by Revolutionary Development Cadres. At home they have a Tactical Unit . . . "We don't arrest under conditions of Clear the Streets." We don't take prisoners under conditions of Search and Destroy."

In fact, adding to this jargon, the S.F.P.D. had the Tactic Squad, once the Vice Squad, and now the Crime Control Unit!

In the case of the Boston Five, or the Spock trial, the government indictment charged the defendents conspired to (1) counsel, aid, and abet Selective Service registrants to refuse military service, and (2) to interfere with the administration of the Selective Service Act. Due to the rulings of Judge Ford, the government need only show that conspiracy was committed. The fact of the legality or morality of the war or involuntary servitude was ruled inadmissible.[24] In a case of theft the motivation is taken into account, both during the trial and sentencing. But in this case, motivation plays no part. It is obvious that the government's intent was not to prosecute the defendents, but prosecute the movement. It was an attempt to stifle all discussion concerning the war. It was a blind attempt, however, since opposition to the war is raised by the media, the academic instruction, and a generally enlightened public.

There is in America institutionalized violence. It is broader than the police force and internment camps already described. It includes the vicious cycles of poverty and oppression working together glove in hand. We describe the act of one individual knocking out the teeth cf another as violent; but in the same breath disavow that poverty, causing inadequate dental care (and subsequent loss of teeth), is violent. There seems to be a sanction to this form of violence, perhaps caused by the social implications of Darwin's Theory of Evolution. Survival of the fittest applies to the animal kingdom, and thus sanctions the same law in human relations. However, at the same time, we agree that man is a higher form of life than animals because man is guided by reason rather than instinct. So in one instance we use a law governing all animals to sanction our actions, and at another time declare man superior to the animal kingdom, with the logical but disavowed conclusion that he is no longer subject to those laws.

In all societies, there exists polarization, usually figuritive but sometimes actual. Erick Hoffer writes in *The True Believer* that "The conservative doubts that the present can be bettered, and he tries to shape the future in the image of the present . . . The liberal sees the present as the legitimate offspring of the past and as growing and developing toward an improved future . . ."[25] The polarization consists in the exponents of the status quo and of those supporting change. The supporters of the status quo brandish their swords in the form of "law and order." However, the implications of a doctrine of law and order are not doled out in equal proportions to the populous. We see in the auto workers strike of 1937 that there would be political ramifications of enforcing such a doctrine. Today, no doubt, the implications remain the same. To find the dissidents to which this phrase is meant we have to look outside the political and economic power structures. Groups without the formal channels of power are naturally striving to gain access to the power structure. Since the supporters of the status quo do not desire change; and at the same time the formal channels of power are denied to the powerless, more informal sometimes illegal, but not necessarily immoral actions of the powerless are required to gain power. The degree of change necessary for the assimilation of the powerless into the folds of the powerful is regulated by the proponents of the status quo. In *The True Believer*, Erick Hoffer reminds us that if the individual or group is satisfied by the ends, the means to the end is inconsequential. But if a group objects to the ends, the means to the end is attacked. It is interesting to note that the same exponents of law and order would place equal weight on emphasizing what was right with America. But while these words are spoken children learn the familiar maxim of judging a chain by its weakest link. If the pages of history are indeed filled with warning, we should take heed to the fact that "the Greco-Roman civilization is said to have fallen because it preferred 'law to justice'."[26]

Myths are created in order to unite two alienated ideas. In most instances the two alienated ideas are as separate as real and ideal. In America some very well bred myths are in occurrence. The myth of pauper to prince serves to reconcile the feelings of individuals that they are not born into classes. Another myth of reconciliation is that of equality.

A Negro child born in the ghetto is not equal to the son of H. L. Hunt, born into prosperity. Of course scientifically they are equal, but socially and culturally they are unequal. A myth prevalent today is that of peaceful change. America's past is full of incidents in which the only possible manner to fulfill grievances was violent action. This will be taken up later in more detail. Myths are created and used in a manner to exploit people. The myth of pragmatism insures hard and steady work, where the only possible manner of advancement lies in chance circumstance. The myth of equality is particularly devious. It is worthwhile noting that the preponderance of ghetto riots occurred in Northern States. In the South the Negro knows beyond doubt that he is considered inferior, while lip service is payed equality.

In the North, although individuals are treated as equal, the majority are treated as inferior, while lip service is again payed to equality. This lip service creates an atmosphere of rising expectations, while actions serve as frustration. The result of these frustrations still scar American cities. The final myth of exploitation is peaceful change. By creating such an atmosphere the foundation is layed for acceptance of formal channels and formal results; regardless of the outcome, there is no need to result to violence. Americans indeed have short memories. In 1964 President Johnson campaigned as a peace candidate. He was opposed to "supply American boys to do a job that Asian boys should do."[27] But by 1965 we were deeply involved in the longest war in our history.

It is important to realize as we study civil disobedience what Michels has termed the Iron Rule of Oligarchy: "He who speaks of power, speaks of domination, and all dominations presumes the existence of a dominated mass."[28] Once access is given to the power structure, and effort is made to strengthen and solidify the power gained. Democratic institutions have an inherent weakness in organization. Democracy is the delegation of power from the many to the few. As the delegation of power increases, from the elected officials to the committee to the commission, control by the masses becomes less feasible. All organizations must develop leadership. Once an individual assumes the role of leadership due to his superior knowledge of rules and regulations, and the ability to manipulate them, he dominates the channels of communication. Once in power, a myth is fabricated to his indespensability. The leader develops a moral obligation to lead the masses. All of these tendencies are increased due to the nature of the masses, incompetence:

"But the subordination of people to governments will always exist as long as patriotism exists, because all government authority is founded upon patriotism, that is, upon the readiness of people to subordinate themselves to authority in order to defend their nation, country, or state from dangers supposed to threaten."[29]

Society has always tried to rewrite its history in view of idealistic rather than realistic events. America has always tried to suppress from public view the incidents in our history which were unfavorable. Not until the 1950's was anything taught in public schools as to the tragic fate of the Donner Party in their attempt to enter California. Again the same is true concerning civil disobedience. The pages of history are filled with events usually eluded to briefly. The American Revolution is characterized as a revolution, not an act of civil disobedience. But the truth is that only a minority of settlers approved of separation. The characterization of the Indian wars gives support to the actions of the federal government. Books and movies pitted "cowboy" against "Indian" with justice riding in the saddle next to the cowboy. No movie was ever written however, about the diverse manner of wars. In dealing with the Apaches, the government traded blankets infected with small pox for Indian crafts, with the obvious results. In fact however, Indian wars were nothing more than "armed insurrections by domestic groups to which the United States had determined to deny with privileges of citizenship as well as the prerequisites of nationhood."[30]

The Civil War perhaps could have been averted if acts of civil disobedience were allowed. John Brown, acting independently, attempted to begin a slave insurrection.

Footnotes at end of article.

But the federal government prosecuted and hanged John Brown for defying the law. "Having suppressed all acts of civil disobedience involving violations of law and relatively small acts of violence, the national government then found itself engaged in frightfully large acts of violence in order to both unify the country and end the slave system." [31] Perhaps if small acts of disobedience were allowed, slavery could have been ended at a cost far less than 6,000,000 men. The history of violence in America is best paraphrased by Jerome Skolnick, writing in *The Politics of Protest:*

"The Applachian farmer revolts, as well as tumultuous urban demonstrations in sympathy with the French Revolution, were used by Jeffersonians to create a new two-party system over the horrified protests of the Federalists. Northern violence ended Southern slavery, and Southern terrorism ended radical Reconstruction. The transformation of labor-management relations achieved during a wave of bloody strikes, in the midst of a depression and widespread fear of revolution. And black people made their greatest political gains, both in Congress and in the cities, during the racial strife of the 1960's." [32]

Civil disobedience is a defensive, not offensive, movement. The state mounts the offensive by intruding on the liberty of the individual, or by participating in a situation that raises serious questions as to legality and morality, without adequately answers.[33] The citizenry needs the power to check the power of the state. The history of the United States, or of any state, is a history of violence, cruelty, and intrusion. The people are the most dependable defendents of their individual liberty.[34] Civil disobedience must be tolerated in a democratic society:

"That is exactly the point of civil disobedience . . . that it is an attempt to bring about revolutionary social changes without the enormous human toll of suicidal violence or total war which often fall on a society unwilling to go outside accustomed channels." [35]

Perhaps it is best to end this dissertation with an appropriate warning from John Stuart Mill:

"The worth of a State, in the long run, is the worth of the individuals composing it; and a State which postpones the interests of their mental expansion and elevation, to a little more of administrative skill, or of that semblance of it which practice gives, in the details of business; a State which dwarfs its men in order that they may be more docile instruments in its hands even for beneficiary purposes—will find that with small men no great thing can really be accomplished . . ." [36]

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[3] Paul Jacobs, "The Varieties of Violence," The Center magazine, II (Jan., 1969), p. 17.

[4] Henry David Thoreau, *Walden and Civil Disobedience* (Boston: Houghton Mifflin Co., 1957), p. 236.

[5] William O. Douglas, *Points of Rebellion* (New York: Vintage Books, 1968), p. 72.

[6] Leo Tolstoy, *On Civil Disobedience and Non-Violence* (New York: Bergman Publishers, 1967), pp. 15–16.

[7] Mahatma Gandhi, *Gandhi on Non-Violence* (New York: New Directions Publishing Co., 1965), p. 24.

[8] Skolnick, *op. cit.*, p. 68.

[9] Gandhi, *op. cit.*, p. 28.

[10] *Ibid.*, p. 39.

[11] Martin Luther King, *Stride Toward Freedom* (New York: Harper and Row, 1958), p. 84.

[12] *Ibid.*, p. 86.

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[18] *Ibid.*, p. 56.

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[20] Jon Van Dyke, "The Case for a General Amnesty," *The Center Magazine*, IV (Jan./Feb,. 1971), pp. 64–65.

[21] *Ibid.*, p. 66.

[22] *Ibid.*, p. 64.

[23] New York Review, *Trials of the Resistance* (New York: Vintage Books, 1970), p. 118.

[24] *Ibid.*, p. 84.

[25] Erick Hoffer, *The True Believer* (New York: Harper and Row, 1951), pp. 70–71.

[26] "Limits of Dissent," *The Center Magazine*, I (Nov., 1968), p. 5.

[27] Skolnick, *op. cit.*, p. 37.

[28] Robert Michels, *Political Parties* (New York: The Free Press, 1962), p. 346.

[29] Tolstoy, *op. cit.*, p. 80.

[30] Skolnick, *op. cit.*, p. 11.

[31] Zinn, *op. cit.*, p. 103.

[32] Skolnick, *op. cit.*, p. 16.

[33] Raghaven Iyer, "Second Edition/Civil Disobedience," *The Center Magazine*, III (May, 1970), p. 58.

[34] Zinn, *op. cit.*, p. 119.

[35] *Ibid.*, p. 119.

[36] Mill, *op. cit.*, pp. 117–118.

ICAO AND AIRCRAFT HIJACKING: A SUCCESS STORY

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. RAILSBACK. Mr. Speaker, one of the major success stories in our quiet international diplomacy is the work of the U.S. representative to the International Civil Aviation Organization (ICAO). ICAO is headquartered in Montreal and was formed in 1944 to provide a forum for nations to work out their common aviation problems. It is no easy task to forge agreement among the 119 member states of that organization. But the work and leadership exemplified in the outstanding efforts of Charles F. Butler, U.S. representative to ICAO, in helping to make possible a convention for the suppression of unlawful seizure of aircraft is such as to make President Nixon justifiably proud. As a Presidential appointee, Mr. Butler, with the personal rank of Minister, has distinguished himself and his country by his great service in this arena of international diplomacy.

The March 1971 issue of Air Line Pilot—the Magazine of Professional Flight Crews, published by the Air Line Pilots Association, contains an interesting article on Charles F. Butler, ICAO, and the hijacking convention. Edited by Lou Davis and written by Ginny Earnshaw, the article is both interesting and informative.

I include it at this point in the RECORD:

OUR MAN AT ICAO LOOKS AT HIJACKING

CHARLES F. BUTLER ASSESSES THE U.S. ROLE IN INTERNATIONAL CIVIL AVIATION

(By Ginny Earnshaw)

Our man at ICAO is presidential appointee Charles F. Butler, U.S. representative to the International Civil Aviation Organization in Montreal.

He is 37, younger than might be expected since his job is only one rung below a foreign minister on the Foreign Service ladder. He is a graduate of Boston University and has a law degree with honors from George Washington University Law School in Washington. He also has considerable knowledge of international law, acquired from service with CAB's Bureau of International Affairs and with Eastern Air Lines as Washington representative for interntional proceedings. In 1969, he served at the White House on the staff of Harry S. Fleming, presidential assistant. He was appointed to his ICAO post in May 1969.

In Montreal, he lives with his wife and four young children in a quiet suburban section. But, even so, possible kidnapping by French-language-separationist terrorists is an ever-present fear. To protect the Butlers, the Canadian government details a soldier to guard his home and he is driven to work in a police car to his office in the ICAO building in downtown Montreal.

With a staff of one deputy, who is also a member of the Air Navigation Commission of the U.S., and three secretaries, Butler relies frequently on staff support from Washington. Direct Teletype lines are maintained to FAA and the State Department in Washington.

It is Butler's job to represent the U.S. at the 120-member ICAO General Assembly and on the 27-member rulemaking ICAO Council, which is permanently in session in Montreal. ICAO is a specialized agency of the United Nations with all the problems inherent to global rule. On Butler rests the burden of using the weight of the U.S. aviation structure to protect U.S. interests to make sure that whatever is approved for worldwide application is consistent with what the U.S. would like to do and with what it feels the state of the art will permit being done.

Butler emphasizes that when you are on the ICAO Council and dealing with 26 other countries, you don't have total control over the final results. To put it in the pilot's language: It is a negotiated settlement he is trying to reach. He hopes it is one that, because of U.S. expertise in aviation, he can direct along acceptable lines.

He was glad, he said, to answer questions about ICAO and hijacking for the airline pilot. He visited the ALPA Home Office during the January International Air Transportation Security Meeting at the State Department in Washington (*Air Line Pilot*, February).

Mr. Butler, what do you see as the solution to the international problem of hijacking?

"When you finally convince countries it is in their best interest to stop hijacking, then that's when you are finally going to stop it. Until there is no safe haven for political reasons, it will continue. For the past year and a half we have been trying to make inroads on this in the legal area."

Why has it taken ICAO so long to act?

"Actually it has not taken ICAO long to act. You have to realize that ICAO is not supposed to be an emergency body, it is more of a deliberative body. It is just not noted for rapid action. We have been really very successful in building up a head of steam in this international organization with all of its disabilities for lack of action. We have made some good movements in the last 12 to 18 months. . . . Next month the subcommittee will meet in Montreal to consider a resolution adopted by the ICAO Council last October, to prepare a convention on sanctions. This may take a little time because it is a more contentious issue. Sanctions of any kind is a very touchy political issue of great importance to nations. We are going ahead, and we have applied a great deal of pressure in ICAO to try to get this going. This is the legal side of what we are trying to do. It has been keeping us pretty busy."

When you use the word "convention," what exactly do you mean?

"By convention I mean an international agreement. A multilateral treaty is generally called a convention. An assembly, which we have every three years and which meets in June in Vienna, is a meeting at which the whole membership gets together. I belong on the Council, which is like the ALPA Executive Committee. In ICAO it is composed of 27 countries. The Russians, by the way, joined ICAO in December, and they will probably be elected to the Council in June in Vienna."

What happened at the June, 1970, extraordinary session of the General Assembly in Montreal?

"Ninety-one countries showed up out of 119 as well as the USSR and 12 international organizations. That was pretty good representation. They came solely to deal with problems of hijacking, sabotage, and armed attack against aircraft. The Assembly called for early ratification of the treaty on unlawful seizure and preparation of a treaty on sabotage. It also came up with a series of recommendations for improvements in security procedures, on the ground and in the air. The members found loopholes in today's normal security procedures at airports. They made 30 recommendations for use under normal circumstances. For instance: fencing the perimeter of airports, isolation of the air side of the airport, making cargo and passenger areas inaccessible after they have been security processed, and allowing only authorized people on the ramp near the aircraft. The sessions brought out a number of areas where procedures need tightening. ICAO also made an additional 36 recommendations for use during times of high risk, when it is known a route or area has been or is about to be a target. These are costly, but generally regarded as worthwhile if the risk is real."

What has been done with these recommendations?

"ICAO is preparing a manual on security to present to the June General Assembly in Vienna. It will provide a set of rules on how to set up and secure a system in flight and how to handle aircraft, passengers, cargo and mail at airports. It will outline suggestions for preventative measures in flight. It includes a program for small airports as well as large ones. It emphasizes the fact that security has to be considered in the design of an airport. Today, passengers can wander anywhere they want. We can't prevent access to the ramp. There is no real restriction. I repeat, and this will be emphasized in the manual, security must be designed in the airport. After approval, the security manual will be distributed to the member countries of ICAO for adoption."

Have any of the recommendations made last June been implemented?

"The FAA called the Jan. 11–13 International Air Transportation Security Meeting at the State Department in Washington precisely so that the aviation and diplomatic representatives of the member nations could exchange information with each other on how they are implementing what ICAO has recommended, to tell what difficulties they have run into and exchange information on the state of the art of various protection devices. They found, for instance, the magnotometer is no good for explosives in cargo, air freight or baggage when the passenger is not boarding. Dogs do much better. They exchanged information on technical devices being tested now, on medical hazards from radiation and X-ray for instance, on research and development in the detection field and on ways to exchange information. It is most important to open channels, so if one country or company gets information about a potential hijacking he won't keep it to himself. He'll turn to the guy next to him and say, 'We just turned a fellow down who looked suspicious.' That will prevent the suspect from going to the other end of the ticket counter and buying passage on an aircraft of another, less careful airline.

"The conference was outstandingly successful with 83 countries attending, including the USSR, Czechoslovakia, Hungary, Poland and Yugoslavia. They came to talk about hijacking and see what is being done to improve matters and where difficulties have been encountered. Obviously some countries have difficulties with the U.S. sky marshal program that was started in September. Some countries have not been faced with the same problems as the U.S.: the loss of aircraft, frequency of hijackings, the intensity of threat. Many are keeping an open mind. I don't think any exclude it. Most have been extremely cooperative so far as the U.S. program is concerned, and understanding about why the U.S. had to go ahead until there was some acceptable substitute that would provide protection before the hijacker gets on the airplane."

As you see it, what has been the most significant move so far?

"The diplomatic conference at The Hague in December at which 77 countries showed up to negotiate this Convention and 50 signed it before they left. Finland has signed since it was opened for signature in Washington, London and Moscow on Jan. 1. It's a good strong convention. It doesn't have everything the U.S. wants in it, however, not by a long shot.

"The Convention is important because it sets the tone for severe treatment of anyone who commits a hijacking. It calls for the countries to enact legislation 'making it an offense carrying severe penalties.' That is almost the exact wording. It emphasizes extradition, but does leave the possibility of prosecution if the country does not extradite. In that event, the hijacker is turned over for prosecution within the country.

"There is nothing to ensure every country will interpret 'severe penalties' the same way. There is nothing to say every country is going to prosecute the same way. If the country is politically favorable to the individual who commited the hijacking, the penalty meted out will probably not be the same as that meted out to one who has committed an offense against one of its own registered aircraft.

"The tone is set, however. That is important. One has to get off on the right foot. We have, we hope."

What is the next step?

"The Hague Convention must be ratified. After the member nations sign the agreement, they still have to follow through with a ratification procedure. It will require ratification by 10 countries to put the agreement into effect. You have to remember in world government that even if 10 ratifications are set as a minimum to make a treaty law, it is still necessary to get ratifications from the other countries to make it truly effective. In this country we are already drafting legislation making necessary alterations in our laws to submit to the Senate when the President sends The Hague Convention to the Senate for ratification. The Senate is just back in session, and they are ready to go."

And then, after it is ratified?

"The third area in the legal field is the most difficult for ICAO. The U.S. has been putting a great deal of pressure on the international community for joint action on a sanctions convention, calling for suspension of air service to or from a country that protects hijackers for purpose of blackmail. We did get through the Council of ICAO last September a resolution that endorsed the idea of countries getting together for joint action, namely a convention, to agree to suspend service under these circumstances. We were also able to get the Council to agree that the Legal Committee would begin work on drafting a convention to embody the principle of suspending service."

Since it was formed at the Chicago Convention in 1944, ICAO has been busy on a great many projects concerned with the development of international civil aviation. Can you tell the pilots about some of them?

"Promoting the safe and orderly development of civil aviation, as outlined in article 44 of the Chicago Convention, is an admirable objective; but how you go about it is not always agreed upon. The U.S. has the responsibility in ICAO to make sure its civil aviation procedures and standards are well protected in the international forum.

"I would say ICAO's principal responsibility in the technical area is the standardization and uniformity of procedures and equipment internationally. This means a pilot can leave New York and continue to his trip halfway around the world, stopping in a dozen places, and each place he stops he will find the procedures used at the airport and in the air traffic control services, the airport markings, taxiways and lighting so standardized he will not feel he is coming into a strange place."

Is this true today?

"Roughly, yes. For example, ICAO has standardized communication procedures, weather reporting, air traffic control procedures, the language used [it is English], and the use of nautical miles. No matter where the pilot flies among the ICAO nations he finds similar rules accepted for the operation of the airplane. This is not true for instance, of Red China, which is not a member of ICAO."

Where else has ICAO standardized procedures?

"It has attempted to standardize as much as possible the world requirements for training and licensing of airmen. There was an ICAO meeting last fall on the number of hours required for a commercial pilot's license. Nothing significant was changed, however. Not every country lives up to the ICAO standard. Some have difficulty implementing part of the requirements because they don't have the technical wherewithal. We are in the process of providing technical assistance to these people so they will be brought up to the world's standard, and insure that safety and uniformity of requirements for airmen will be the same no matter where you go."

Can a nation require stricter standards than those ICAO proposes?

"It is possible a country could have more stringent requirements than ICAO's. The main point is that ICAO's should be the minimum required. At least ICAO is providing a floor, a minimum, that is reasonable and is accepted worldwide."

Is the viewpoint of pilots represented in the ICAO meetings?

"Definitely. The International Federation of Air Line Pilots Associations represents pilots on many panels or groups of experts and at many meetings, too. The pilots provide input at air navigation meetings all the time. They also participate in the all-weather operations panel, the obstacle clearance panel and the air worthiness panel, to mention a few."

The ASTRA panel, that is the Aeronautical Satellite and Telecommunications group. What is it doing?

"It met in Montreal in January and in Washington in February. It is working now on what use civil aviation will make of a satellite to be put up in 1975. ICAO is hoping to find answers to questions like how many UHF channels will be provided, and what kind of performance can be expected. The preoperational satellite will be up over the Pacific next year. It will be expensive and efficient. That means more use and less cost per unit. Whether it will be used exclusively for aircraft depends on demand. The airlines make so many demands now on commercial channels of VHF over the Atlantic, I would expect the satellite UHF channels would be used mostly for aviation in both the Pacific and the Atlantic. We don't expect to have an operational system until 1980, when all the economic and technical bugs have been ironed out. We have to find out who is to pay for use of commercial channels, how it works with ATC surveillance and many other questions that will be answered, hopefully, between 1973 and 1980.

"Airport noise and sonic boom are two other ICAO research efforts. We have been working on the sonic boom for two years trying to find what it is, how you measure it, and what implications it has for human activities. It is being studied by an international group of experts on sonic boom.

Certification standards for new aircraft are being studied by ICAO experts, as well as operational requirements for the SST with a view toward international standardization of operating procedures for these planes of the future, even though they are not yet in commercial service."

WHAT IS ICAO?

ICAO is the International Civil Aviation Organization. This international governmental organization is one of the specialized agencies associated with the United Nations. ICAO was formed in 1944 under U.S. leadership to provide a way for nations to work out their common aviation problems. These problems range from the collection of reliabe statistics to adoption of international standards to be used in licensing pilots and other airmen. The most recent problem to go before ICAO is that of hijacking. To deal with the rising wave of aircraft piracy, ICAO called an "Extraordinary Assembly" of its members last June in Montreal. Delegates from 91 of its 119 member states attended. In addition, Russia attended as an observer (the USSR has since joined ICAO). By general agreement, ICAO has been the focal point for the various antihijacking plans now being tried by different governments, including the "Sky Marshal" program now being tested by the U.S. Pilot participation takes the form of regular observers provided through the International Federation of Air Line Pilots Associations.

THE BIG FOUR

Two ICAO conventions on hijacking have been signed. Another, on sabotage, is now being drafted for consideration by ICAO delegates. Efforts are under way to begin drafting a fourth convention on sanctions.

TOKYO CONVENTION—1963

Punishment of Offenses Committed on Board Aircraft

The Tokyo Convention provides that the state of registration of the aircraft is competent to exercise jurisdiction of offenses committed on board. It empowers the aircraft commander to prevent the commisson of such acts and disembark the person committing them. In event of unlawful and forcible seizure of an aircraft by a person on board it obliges the states that are parties to it to take all steps to restore control of the aircraft to the lawful commander or preserve his control.

Over 38 countries have ratified the Toyko Convention. Twelve were required to bring it into force. It became effective Dec. 4, 1969.

THE HAGUE CONVENTION—DECEMBER 1970

Suppression of Unlawful Seizure of Aircraft

The Hague Convention calls for the return of the aircraft to control of its commander, assistance to passengers and crew for continuation of their journey, and apprehension and prosecution or extradition of the hijacker. Each contracting state agrees to make the offense punishable by severe penalties. (See text, page 18).

The Hague Convention was adopted 74–0, with two abstentions, and was signed by 50 of the 77 states attending the diplomatic conference. Finland signed after the treaty was open for additional signatures on Jan. 1, 1971. The treaty will enter into force after ratification by at least 10 states. The treaty will be sent by the President to the U.S. Senate for ratification. Legislation is being drafted to insure speedy ratification.

DIPLOMATIC CONFERENCE SCHEDULED FOR SEPTEMBER 1971

Place undesignated

Convention on Suppression of Acts of Unlawful Interference against Civil Aviation (Other Than Hijacking)—i.e. sabotage, bombings, or armed attacks.

This Convention will define various actions (sabotage, bombings or armed attacks) and declare each to be a severely punishable offense—such as armed attacks against the lives of persons on board an aircraft in flight and intentional acts that seriously damage aircraft or endanger safety of flight.

A draft of this Convention was prepared in September 1970 in London by the ICAO Legal Committee. It will be considered at the September diplomatic conference.

CONVENTION ON SANCTIONS

The United States at the September 1970 meeting of the ICAO Legal Committee in London proposed that a convention on sanctions be prepared.

It is expected to provide that states agree to suspend air services to a country harboring a person who hijacks a civil aircraft or kidnaps passengers on a civil aircraft. Canada has proposed that sanctions be provided by bilateral air transport agreements.

The subcommittee of the ICAO Legal Committee will meet in Montreal in April to consider a proposal to draft this convention.

CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT

PREAMBLE

The States parties to this convention

Considering that unlawful acts of seizure or exercise of control of aircraft in flight jeopardize the safety of persons and property, seriously affect the operation of air services, and undermine the confidence of the peoples of the world in the safety of civil aviation;

Considering that the occurrence of such acts is a matter of grace concern;

Considering that, for the purpose of deterring such acts, there is an urgent need to provide appropriate measures for punishment of offenders;

Have agreed as follows:

ARTICLE 1

Any person who on board an aircraft in flight:

(a) unlawfully, by force or threat thereof, or by any other form of intimidation, seizes, or exercises control of, that aircraft, or attempts to perform any such act, or

(b) is an accomplice of a person who performs or attempts to perform any such act commits an offence (hereinafter referred to as "the offence").

ARTICLE 2

Each Contracting State undertakes to make the offence punishable by severe penalties.

ARTICLE 3

1. For the purposes of this Convention, an aircraft is considered to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for persons and property on board.

2. This Convention shall not apply to aircraft used in military, customs or police services.

3. This Convention shall apply only if the place of takeoff or the place of actual landing of the aircraft on board which the offence is committed is situated outside the territory of the State of registration of that aircraft; it shall be immaterial whether the aircraft is engaged in an international or domestic flight.

4. In the cases mentioned in Article 5, this Convention shall not apply if the place of takeoff and the place of actual landing of the aircraft on board which the offence is committed is situated within the territory of the same State where that State is one of those referred to in that Article.

5. Nothwithstanding paragraphs 3 and 4 of this Article, Articles 6, 7, 8 and 10 shall apply whatever the place of takeoff or the place of actual landing of the aircraft, if the offender or the alleged offender is found in the territory of a State other than the State of registration of that aircraft.

ARTICLE 4

1. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction over the offence and any other act of violence against passengers or crew committed by the alleged offender in connection with the offence, in the following cases:

(a) when the offence is committed on board an aircraft registered in that State;

(b) when the aircraft on board which the offence is committed lands in its territory with the alleged offender still on board;

(c) when the offence is committed on board an aircraft leased without crew to a lessee who has his principal place of business or, if the lessee has no such place of business, his permanent residence, in that State.

2. Each Contracting State shall likewise take such measures as may be necessary to establish its jurisdiction over the offence in the case where the alleged offender is present in its territory and it does not extradite him pursuant to Article 8 to any of the States mentioned in paragraph 1 of this Article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

ARTICLE 5

The Contracting States which establish joint air transport operating organizations or international operating agencies, which operate aircraft which are subject to joint or international registration shall, by appropriate means, designate for each aircraft the State among them which shall exercise the jurisdiction and have the attributes of the State of registration for the purpose of this Convention and shall give notice thereof to the International Civil Aviation Organization which shall communicate the notice to all States Parties to this Convention.

ARTICLE 6

1. Upon being satisfied that the circumstances so warrant, any Contracting State in the territory of which the offender or the alleged offender is present, shall take him into custody or take other measures to ensure his presence. The custody and other measures shall be as provided in the law of that State but may only be continued for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary enquiry into the facts.

3. Any person in custody pursuant to paragraph 1 of this Article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national.

4. When a State, pursuant to this Article, has taken a person into custody, it shall immediately notify the State of registration of the aircraft, the State mentioned in Article 4, paragraph 1(*c*), the State of nationality of the detained person and, if it considers it advisable, any other interested States of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary enquiry contemplated in paragraph 2 of this Article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

ARTICLE 7

The Contracting State in the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution.

Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State.

ARTICLE 8

1. The offense shall be deemed to be included as an extraditable offense in any extradition treaty existing between Contracting States. Contracting States undertake to include the offence as an extraditable offence in every extradition treaty to be concluded between them.

2. If a Contracting State which makes extradition conditional on the existence of a treaty receives a request for extradition from another Contracting State with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of the offence. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. Contracting States which do not make extradition conditional on the existence of a treaty shall recognize the offence as an extraditable offence between themselves subject to the conditions provided by the law of the requested State.

4. The offence shall be treated, for the purpose of extradition between Contracting States, as if it had been committed not only in the place in which it occurred but also in the territories of the States required to establish their jurisdiction in accordance with Article 4, paragraph 1.

ARTICLE 9

1. When any of the acts mentioned in Article 1(*a*) has occurred or is about to occur, Contracting States shall take all appropriate measures to restore control of the aircraft to its lawful commander or to preserve his control of the aircraft.

2. In the cases contemplated by the preceding paragraph, any Contracting State in which the aircraft or its passengers or crew are present shall facilitate the continuation of the journey of the passengers and crew as soon as practicable, and shall without delay return the aircraft and its cargo to the persons lawfully entitled to possession.

ARTICLE 10

1. Contracting States shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offence and other acts mentioned in Article 4. The law of the State requested shall apply in all cases.

2. The provisions of paragraph 1 of this Article shall not affect obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters.

ARTICLE 11

Each Contracting State shall in accordance with its national law report to the Council of the International Civil Aviation Organization as promptly as possible any relevant information in its possession concerning:

(*a*) the circumstances of the offence;

(*b*) the action taken pursuant to Article 9;

(*c*) the measures taken in relation to the offender or the alleged offender, and, in particular, the results of any extradition proceedings or other legal proceedings.

ARTICLE 12

1. Any dispute between two or more Contracting States concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by the preceding paragraph. The other Contracting States shall not be bound by the preceding paragraph with respect to any Contracting State having made such a reservation.

3. Any Contracting State having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the Depositary Governments.

ARTICLE 13

1. This Convention shall be open for signature at The Hague on 16 December 1970, by States participating in the International Conference on Air Law held at The Hague from 1 to 16 December 1970 (hereinafter referred to as The Hague Conference). After 31 December 1970, the Convention shall be open to all States for signature in Moscow, London and Washington. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Convention shall be subject to ratification by the signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, which are hereby designated the Depositary Governments.

3. This Convention shall enter into force thirty days following the date of the deposit of instruments of ratification by ten States signatory to this Convention which participated in The Hague Conference.

4. For other States, this Convention shall enter into force on the date of entry into force of this Convention in accordance with paragraph 3 of this Article, or thirty days following the date of deposit of their instruments of ratification or accession, whichever is later.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of entry into force of this Convention, and other notices.

6. As soon as this Convention comes into force, it shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations and pursuant to Article 83 of the Convention on International Civil Aviation (Chicago, 1944).

ARTICLE 14

1. Any Contracting State may denounce this Convention by written notification to the Depositary Governments.

2. Denunciation shall take effect six months following the date on which notification is received by the Depositary Governments.

In witness whereof the undersigned Plenipotentiaries, being duly authorized by their Governments, have signed this Convention.

Done at The Hague, this sixteenth day of December, one thousand nine hundred and seventy, in three originals, each being drawn up in four authentic texts in the English, French, Russian and Spanish languages.

TRIBUTE TO THE LATE WHITNEY YOUNG, JR.

HON. RALPH METCALFE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. METCALFE. Mr. Speaker, the struggle for equality by black Americans has been going on for many years. Many methods have been employed and many leaders have come and gone.

On Thursday, March 11, 1971, black Americans and America as a nation lost a dynamic person in the untimely death of Whitney Young, Jr.

Whitney Young represented a leadership for black people that lacked pomp and flamboyancy. His was one of direct action. He had the ability to sway all people—black and white, rich and poor, businessman and unemployed. He dealt with the reality of the present, not with demagogic promises for the future.

Mr. Speaker, soon after the death of this great American, I received a call from the news media, as did many of my distinguished colleagues, and was asked to make a statement. In tribute to this man of action, Mr. Speaker, I would like my remarks at that time to be inserted now in the CONGRESSIONAL RECORD:

I was deeply saddened when I received the news of the death of Whitney Young—a man whose life was dedicated to correcting the ills of our Nation.

He was a man among men—a distinguished scholar, author, columnist, leader . . . I can go on.

When we lose a man like this, it is time for us to stop and take a good look at where we are headed. We must rededicate ourselves to the fulfillment of his dreams.

His death was a great personal loss to me because I am a strong believer in the programs and principles which he advocated and fought for.

Today, black people lost a great leader, America lost a good friend, and the world lost a dynamic person.

THE SST DESERVES A CHANCE

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. BOW. Mr. Speaker, "The SST Deserves a Chance" is the title of an excellent editorial in the Canton Repository which I include as part of my remarks:

THE SST DESERVES A CHANCE

The time when Congress will decide the fate of the supersonic transport (SST) is close at hand, probably within the next month.

A billion dollars reportedly already has been invested in its development and approximately 18 years of research will have gone into it by the time its first commercial flight is made—provided it gets the green light from Congress.

Most of the publicity about the SST has been created by its critics but proponents are making a determined last-minute effort to convince congressmen and the American public that their impressive list of facts is just that.

Spokesmen for the aerospace industries contend that, having invested a billion dollars already, it simply would not make sense to abandon the SST program now when only an estimated $300 million more is needed to complete development—especially when about that much would be required to cancel it.

Although we are not in favor of throwing good money after bad, it has not been established that the money invested in the SST program falls in the "bad" category. It will take that additional $300 million to determine that conclusively.

Proponents contend that charges to the effect that sonic booms created by the SST will be intolerable are pure fiction as are the claims that SST passengers will suffer from exposure to ultraviolet radiation while flying through the stratosphere.

They also list a number of "facts" of their own to disprove the contention that the upper atmosphere will be polluted by SST operations, causing adverse changes in the climate.

These are the charges which seem to have concerned the American public most and if they can be laid to rest much of the opposition to the SST probably would evaporate.

There is, of course, the financial consideration. Opponents believe the government will not recover its investment in the SST and that it actually is subsidizing the aircraft industry.

SST boosters say this is not true. They contend there is a need for the SST and that its productivity will meet the demands created by the tremendous growth in air travel anticipated in the years ahead. They contend it will operate profitably and generate additional tax revenues.

Having come so far—a billion dollars worth—and with the "pro" arguments at least as strong as the "con," it seems only wise to invest the additional $300 million for final development of the SST. We believe it will pay off.

DEATH OF PHILO T. FARNSWORTH, "THE FATHER OF TELEVISION"

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. LLOYD. Mr. Speaker, one of Utah's most distinguished native sons, Philo T. Farnsworth, died in a Salt Lake City hospital Thursday, March 11, at the age of 64. Mr. Farnsworth was known as the father of television, and held approximately 100 patents on television receivers being produced today.

Mr. Farnsworth began his work on an electronic television system as a high school student in Rigby, Idaho. By the time he was 18, he had already completed 2 years at Brigham Young University in Provo, Utah, and had applied for a patent covering plans for an all-electronic television system.

Mr. Speaker, the obituary of Mr. Farnsworth in the Deseret News of March 12 recounts his career and contribution to our society, and I include it to be in the RECORD for wider dissemination:

PHILO T. FARNSWORTH DIES AT 64, KNOWN AS FATHER OF TELEVISION

Philo T. Farnsworth, 64, "the father of television," died Thursday at 7:51 p.m. in Latter-day Saints Hospital after a short illness.

Doctors indicated he suffered a cardiac arrest minutes after arrival at the hospital Thursday evening, the result of a choking spell brought on by his illness. An autopsy was being performed today to determine exact cause of death.

Farnsworth had been under his family doctor's care at his residence, 5166 Cottonwood Ln., for several months.

The inventor of the dissector tube as a freshman at Rigby High School in Rigby, Idaho, Farnsworth had projected the entire electronics system of television by his sophomore year.

TV receivers produced today carry approximately 100 Farnsworth patents.

At the time of his death, Farnsworth was a member of the Holladay 8th Ward, Church of Jesus Christ of Latter-day Saints.

When Farnsworth was 18 he had already completed two years at Brigham Young University and applied for a patent covering the plans for an all-electronic television system.

In San Francisco a year later, financial backers established Farnsworth in his own TV research company which became the predecessor of the Farnsworth Television and Radio Corp.

After joining the Philco Corporation and moving his work to Philadelphia, Farnsworth and Philco were involved in a suit with RCA, which claimed to have developed the original plans for electronic television.

The case was finally settled on the testimony of Farnsworth's high school chemistry teacher, Justin Tolman, and on the evidence of drawings and notations Farnsworth made in a notebook Feb. 21, 1922.

Farnsworth received his patent and that date went down in history as the birthday of electronic television.

Speaking of electrons whirling with the speed of light around a solid atomic core, Farnsworth told Tolman while still a freshman in high school:

"Control their speed, control their direction, change light—or pictures—into electricity and electricity into pictures at the other end and you'll have television."

Farnsworth was born Aug. 19, 1906, on Indian Creek, near Beaver, Beaver County, a son of Lewis and Serena Bastian Farnsworth. His parents moved to Vernal during his childhood and expected him to take up a career as a concert violinist.

While he played the violin competently during his boyhood, his interests were turning in other directions. At 12, his friends watched while he wound an armature and built an electric motor and attached it to his mother's washing machine. It was the first electric washer his mother had ever owned.

Farnsworth married Elma Gardner May 27, 1926, in Provo, Utah.

The young inventor's Farnsworth Radio and Television Corporation was in operation for 12 years, from 1926 through 1938 under various names.

After his work with Philco in Philadelphia, Farnsworth spent the war years in his own laboratory in Fryeburg, Maine. In 1947, Farnsworth became president of his own subsidiary of International Telephone and Telegraph (ITT), in Fort Wayne, Ind., and continued in that position until recent years.

He returned to Fryeburg, Maine in the 1960s and spent the past three years in Salt Lake City.

Survivors include his widow, Elma Gardner Farnsworth, Salt Lake City; three sons, Philo Taylor Farnsworth, Jr., Bolinas, Calif.; Russell S., Brooklyn, N.Y.; Kent M. Salt Lake City; two sisters and one brother, Mrs. Claude T. (Agnes) Lindsay, Hemet, Calif.; Mrs. L. Lynden (Laura) Player, San Mateo, Calif.; Lincoln B., California; one half-sister, Mrs. John (Vernessa) Cornell, California.

Funeral arrangements will be announced from 260 E. South Temple.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

HANDGUNS NEEDED BY AVERAGE CITIZEN

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. ASHBROOK. Mr. Speaker, the March 6 issue of the Newark (Ohio) Advocate carried some commonsense observations on the restriction of handguns in Ken Gookins' column, "Outdoor Notes," which merit consideration. Citing current trends to limit the law-abiding citizen in his efforts to defend himself and his home, Mr. Gookins suggests that attention be properly directed to those who misuse firearms to help reduce the rising crime rate. He further argues that permissive thinking in effect places the onus of crime on the weapon and not the criminal:

"No gun has ever gone out on a shooting spree by itself."

A further illustration of the ridiculous lengths to which some have gone in this area is cited by the columnist in referring to a cartoon in which a housebreaker is confronted by a homeowner pointing a pistol at the intruder. Says the burglar:

"Buddy, if that gun is not registered, you are in a lot of trouble."

To most Americans the observations of Mr. Gookins make a lot of sense, and for the purpose of further dissemination, the above-cited column, "Hand Guns Needed by Average Citizen," is inserted in the Record at this point.

[From the Newark (Ohio) Advocate, March 6, 1971]

HAND GUNS NEEDED BY AVERAGE CITIZEN

(By Ken Gookins)

If someone were to ask me what would be the best way to weaken America, lay it open to a new wave of terror, unprecedented in the annals of crime, and set the stage for a new round of absurdities against our courts, I would suggest they:

Legalize marijuana, confiscate all hand guns except those in the hands of law enforcement officials and abolish capital punishment.

By legalizing marijuana we lay the groundwork for sending thousands of fine people down the path to depravity through the use of even worse drugs.

By confiscating the handguns of American citizens, all homes will be laid wide open to criminals (who most certainly will not turn in their hand guns and will even manufacture their own if need be). This will make it possible for a sadistic housebreaker with his weapons to terrorize respectable citizens at will.

This already has been done in households which did not believe in having firearms on the premise and the horrible details of the long night of captivity and depravity are sickening.

Then by outlawing capital punishment, the armed housebreaker will not hesitate to use his weapon when confronted by the owner and the fatal trigger will be pulled, the dagger plunged, the skull bashed in with a club. After all, a life sentence (and parole after seven years in jail) mean nothing to someone who has nothing to begin with.

All of the above "ways of lessening the crime problem in America" have been suggested by a hand-picked committee. Be lenient with those possessing marijuana, confiscate hand guns and abolish capital punishment.

Let's hope—and pray—that our lawmakers have better sense than to swallow the recommendations of the committee. Had the "Manson Family" not been permitted to use marijuana and other drugs, had the innocent victims been armed with a handgun when their homes were invaded; had the threat of a certain death penalty been provided by law, the horrible Manson story may never have been.

But it was. And the courts have spent eight months, hundreds of thousands of dollars, hundreds of valuable hours of time and offended the sensibilities of citizens all over the United States.

Such travesties of justice goad those who believe in swift justice and upholding the laws of the land. A committee which advocates disarming American households, being lenient with marijuana users and refusing to extract the extreme penalty for vicious murderers further goad the public.

Murderers know the penalties before they commit the crime, but choose to do it anyway. They should pay the piper and thus deter the next person who is murder-bent. Even J. Edgar Hoover, chief of the FBI, holds to this credo, but who listens to law enforcement officials these days?

I urge every person who reads this column to take five minutes to write President Nixon, urging him to veto any measure submitted to Congress that would take away America's handguns. We cannot lay our homes open to the whims of the criminal and we should not deprive the millions of handgun-using sportsmen of their rights to plink targets because criminals misuse similar guns.

Sen. Edward Kennedy now advocates a ban on handgun manufacture and registration of all other guns owned by Americans. This would demand a greater complex of buildings and people than the Social Security System and cost billions, providing nothing.

Any lawmaker with a high school education and common sense knows that guns do not kill people, but people do. Those who misuse guns of any kind should pay the prescribed penalty for that misuse and the rest of use should not be penalized for another's crime.

If the would-be assassin had succeeded in fatally stabbing the Pope in Manila recently, would lawmakers have suddenly gone berserk and demanded all knives and daggers in the nation be confiscated? No.

Murders have been committed by people using ash trays, baseball bats, iron bars, blackjacks, nylon or silk stockings, clotheslines, butcher knives, forks, pokers, pieces of broken glass, beer bottles, bow and arrows, brickbats, rocks, automobiles, heavy lamps, monkey wrenches, hammers, ice picks, gas jets . . . . etc.

You name it and it has been used.

Strict laws governing the sale of guns and ammunition were imposed on Americans in 1968 and although eased recently, the main core remains. Yet, crime (which confiscation of handguns is supposed to curb) has continued to rise.

And don't let anyone sell you on the idea that "we have to try it before we know if it works." It has been tried. New York State's Sullivan Law, in effect since 1913 and revised and tightened many times since, has left New York home owners unprotected through restriction of firearms ownership and because of this fact the crime rate continues to soar.

Second story men are pretty certain their victim has no weapon to use against him.

The cartoon showing a housebreaker confronted by a homeowner pointing a pistol at the crook comes to mind vividly at this moment. The burglar, holding a bag of loot in his left arm, pointed at the gun and said, "Buddy, if that gun is not registered, you are in a lot of trouble."

And judging by some of the foolishness which has been permitted in our courtrooms recently, it is not unlikely that one caught in a similar situation might just go to jail for protecting his own home and even have to pay damages to the housebreaker for armed assault.

Mainly, the argument is that Americans are guaranteed the right to own firearms and criminals have the right to pay for their crimes, whether committed with or without using a firearm. No gun has ever gone out on a shooting spree by itself. It is as simple as that.

Let's soak those who misuse the gun and protect those who use them properly.

SOCIAL SECURITY

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. ROUSSELOT. Mr. Speaker, there is little wonder that the American public is losing confidence in the Congress of the United States, and especially its duly elected Members, when we consider important pieces of legislation in as abortive and irresponsible a way as we are doing here today. It is a matter of keen regret to me that I was unable to participate in the very fleeting consideration of the conference report on H.R. 4690 which includes the basic legislation to raise the debt limit of the U.S. Government by $35 billion and tacked-on Senate provisions to increase social security benefits. It would be responsible to consider these important matters on a separate basis.

In my opinion, this conference report was scheduled without proper notice. The method used in bringing it to the floor violates the spirit of the Legislative Reorganization Act of 1970. This conference report is being brought to the House for consideration without proper notice to the membership and without the courtesy, I am informed, of appropriate notice to the minority leadership. On the contrary, Members had been officially informed within the last day that final action on this matter would, in all likelihood, not take place until Thursday of this week.

I understand, and am most sensitive to, the plight of those who depend upon social security for their livelihood and their need for a cost-of-living adjustment, and in no way do I wish to delay the consideration of such a matter.

It has not been the House of Representatives that has blatantly played politics with this matter, but the other body, the U.S. Senate. I do not wish to hamper the orderly process of financing our Federal Government, but the fact is, Mr. Speaker, we, as a House of Representatives, have failed to live up to our responsibility to prudently represent the taxpaying and working people of this country by considering this legislation today as one package. How can we show real concern for the elderly people on fixed incomes or the majority of hard-working taxpaying citizens when we continue to allow the Federal Government to live beyond its means by piling more and more debt on the heads of present taxpaying citizens and, even worse, future generations who have no control over what we are doing today.

Many of my colleagues have properly and constantly harped on the subject of establishing priorities. The interest charge that the American taxpayers are already paying on an over-inflated debt is one of the largest single expense items in our Federal budget. In my opinion, we are being totally irresponsible by hastily increasing the existing burden by adding $35 billion of expanded debt to it. As any responsible American housewife can tell you, when you do not have enough money to meet bills, you cut back on expenses. What we should be doing today, is cutting back on expenses, not adding to them by going further into debt. To allow our fellow colleagues in the Senate to add on this extra enticing carrot of long-overdue increases in social security for those who are on retirement incomes is pure blackmail. I will be no part of this irresponsible action. Had the leadership of this House kept its promise to have this vote on Thursday, and the legislation had come to us in this combined form, I would have been forced to vote present for the above reasons.

THE PRICE OF PERMISSIVENESS

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. COLLIER. Mr. Speaker, it has become evident in recent years that we live in an "image" society wherein the actions of a comparative few tend to draw the type of attention from the news media that firms public attitudes and opinion.

Higher education in this country has suffered severely in the late sixties because its image has been tarnished because of freedom without discipline which has even led to violence of intolerable proportions.

Recognizing that this is certainly not the fault of the majority of students who attend college for the purpose of getting a better education, we must still reckon with the fact that higher education is no longer as sacrosanct as it was a decade ago when the infusion of federal money sharply outpaced the increase in enrollment. In 1958, Congress enacted the higher education bill as a result of the Soviet Union sending a metal ball whirling around the world in space. We promptly concluded that it was because our technical training in sciences and engineering was falling short of that being offered in the U.S.S.R. Understandably, our national pride was badly shaken.

The original bill passed by the Congress provided funds to encourage students to enter these fields, and we added a massive loan program to combat the shortage of teachers which existed at that time. The incentive was to forgive half of the loan extended to a student who engaged in the teaching profession for 5 years. Certainly I have no criticism of the N.D.E.A. because it did bring us to a point where we now have more teachers entering this profession than can be absorbed by primary and secondary schools.

There was little opposition from the taxpayers to the increasing sums appropriated by the Congress under this original proposal in the years that followed until massive trouble developed on campuses across the country and certain groups of students engaged in the type of activity which flouted the very principles of higher education. Sadly, many of those charged with the responsibility of conducting tax-supported institutions permitted the type of permissiveness which led to grave public concern with the intellectual establishment.

Today higher education is no longer sacrosanct. A combination of disenchantment with certain aspects of higher education on one hand and the pressing problem of the tax burden on the average citizen is taking its toll. In the past 10 years State income taxes have risen by about 160 percent, and local taxes by 108 percent, while Federal income taxes have increased by approximately 25 percent. Against this background and a host of other demands in the fields of ecology and welfare, higher education is having to compete for its share of tax dollars, as well it should.

And when a college president of one of the great universities of the country tells a student audience that Black Panthers cannot get a fair trial in this country, he does a great disservice to higher education.

An interesting article illustrating this point appeared in the Trib of March 5, 1971, published in the Chicago suburban area which I submit for the edification of my colleagues. Bear in mind that it is based upon the comments of a man who is a dedicated educator and presently head of the social science department at one of the fine suburban high schools in the area.

The article follows:

"PEOPLE HAVE HAD IT"—SAYS UNIVERSITY BUDGETS APPROPRIATE

(By J. O. Schueler)

It was not surprising that Gov. Ogilvie received applause from state legislators when in his budget message Wednesday he announced plans to "stick it to the universities."

That was the analysis of a west suburban legislator who was there, State Rep. Gene L. Hoffman (R-37th, Elmhurst).

Hoffman, head of the social science department at Fenton High School, Bensenville, said persons in the academic community—and he includes teachers as well as students—are getting about what they have been asking for with their unorthodox and sometimes violent behavior.

"Professors with their beards, long hair, and sandals have no idea of their impact on the communities" in which their institutions are located, Hoffman said.

He said legislators, especially those who hail from university and college towns, were reflecting the views of their constituents when they applauded Gov. Ogilvie's intention to "fit university budgets into the available resources of $672 million."

The Board of Higher Education had asked for $859 million.

Hoffman said the "public has had it" with academic types who "run up in their ivory towers and yell invectives at legislators who are trying to put more bricks and mortar in those towers, but apparently not fast enough" to satisfy the academic community.

"The people in the Legislature, all 235 of them, pretty accurately reflect the state population in general," Hoffman said. "We've got crooks, idealists, brilliant people, and some not so bright, in about the proportions you'd find on the street. When you expect the Legislature not to reflect the public attitude, you expect something that representative government is not," Hoffman said. "Representative government is not, and should not be, an elitist group."

Hoffman, who said he has devoted his life to education, said he is "not so sure that in some cases they (higher education) don't have (budget trimming) coming. It may be beneficial to higher education in the long run," he said, because the governor and the Legislature now are serving notice that higher education must begin to consider its public image and "reflect on whether it has oversold its product."

Hoffman, 38, is a member of the House committees on education and elementary and secondary education; vice chairman of the committee on higher education, and a member of the Illinois School Problems Commission.

STABILITY IN THE ANNUAL FUNDING TO THE CITIES

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. RHODES. Mr. Speaker, categorical grant programs have proven not to be the answer to community development problems. As a matter of fact, it has become a monstrosity, wasting time, effort and the tax dollars. It is wasteful any way you look at it.

Under the urban community development special revenue sharing as proposed by the President, the bureaucratic redtape would be eliminated and there would be a stability in the annual funding to the cities. Local government would gain greater latitude in planning for the use of the money, assume responsibility for establishing its own priorities and regain control of community-wide development strategy.

Visualize the hypothetical situation, under our existing categorical system, where a city has pending an urban renewal and a water-sewer grant applica tion. The city's renewal agency, using all of the political persuasion available, is able to get its application approved, while the water-sewer application is voted as low priority. Suddenly, the city realizes that it is faced with a critical sewage problem, but is unable to generate the necessary influence to get the money.

But under the new program, the city could shift the renewal money to the water-sewer problem.

A recent survey in Oakland, Calif., revealed that the mayor and city council could only influence 15 percent of the Federal funds being spent in the city. By permitting the local elected officials to spend these funds on an interrelated basis, we will be returning to the community the control of their own destiny.

No Federal approval would be required for any activity. Neither applications nor matching local shares will be necessary. Insuring that funds would be used for eligible activities, the city would report in advance how they plan to use their funds and report at the end of the year how the funds were expended.

I recommend to you this proposal and urge your consideration and support.